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United States
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Congressional Record

PROCEEDINGS AND DEBATES OF THE 97th CONGRESS, SECOND SESSION

HOUSE OF REPRESENTATIVES—*March 25, 1982*

The House met at 11 a.m.

The Right Reverend Iziaslav Brucky, vicar bishop to Metropolitan Andrew Primate of the Byelorussian Autocephalic Orthodox Church, South Bound Brook, N.J., offered the following prayer:

In the name of the Father, and of the Son, and of the Holy Spirit.

Heavenly Father, our Creator, Teacher, and Judge. We beseech Thee, free us of our human weaknesses and lead us on a righteous path to Your everlasting kingdom.

Eternal God, bless this Honorable House of Representatives of the United States of America.

Endow its Members with wisdom, fortify their hearts with love and compassion, and their deeds with courage and justice.

Merciful God, on this 64th anniversary of the Proclamation of Independence of Byelorussia, have mercy upon her people. Strengthen their faith in Thy infinite goodness, help them in their suffering and restore their freedom.

O God, accept this humble prayer today, bless the United States of America, Byelorussia, and their freedom loving people. Amen.

THE JOURNAL

The SPEAKER. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Sparrow, one of its clerks, announced that the Senate having proceeded to reconsider the bill (S. 1503) entitled "An act to amend the Energy Policy and Conservation Act to authorize the President to allocate crude oil, residual oil, and other petroleum products in the event of a severe petroleum supply shortage, and for other purposes," returned by the President of the United States with his objections, to the Senate, in which it originated.

The message also announces that the said bill do not pass, two-thirds of the Senators present not having voted in the affirmative.

THE RIGHT REVEREND IZIASLAV BRUCKY

(Mr. BIAGGI asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BIAGGI. Mr. Speaker, on this the 64th anniversary of the proclamation of independence of Byelorussia, I am honored to introduce and welcome the Right Reverend Bishop Iziaslav Brucky who delivered today's opening prayer.

The House is indeed honored to have a man of the caliber of Bishop Iziaslav. He is Vicar Bishop to Metropolitan Andrew, Primate of the Byelorussian Autocephalic Orthodox Church in the New York metropolitan area.

The message we should contemplate today on Byelorussian independence day is a simple one. We must stand in solidarity with all those who are denied freedom. The best way for our people never to grown complacent about the freedom we enjoy is to envision what life is like in Byelorussia or the other so-called captive nations of the world.

Let us join with the Byelorussian American community, which today boasts some 200,000 members, in commemorating Byelorussian independence day. Let us particularly lend our moral support to the people of Poland, including some 300,000 Byelorussians within Poland, as they continue their struggle for freedom from martial law.

I welcome Bishop Iziaslav today and those who accompanied him: Irene Brander, Robert Brander, Leon Wojtenko, Mikolaj Wojtenko, Vitaut Liester, and Eugene Liester.

REPEAL OF 1981 TAX CUT CALLED FOR

(Mr. WRIGHT asked and was given permission to address the House for 1 minute.)

Mr. WRIGHT. Mr. Speaker, Treasury Secretary Donald Regan finally admitted yesterday what most of us have known for many weeks. Testifying before the House Budget Committee, the Treasury Secretary publicly acknowledged that the deficits for fiscal 1983 and subsequent years will be quite substantially higher than the figures initially cited by the administration "because the economy has deteriorated" so drastically since the first of the year.

Administration officials are admitting now that, due to the severe economic decline, the budget deficit for fiscal 1983—if Congress were to do everything exactly as President Reagan requested—would be at least $120 billion, not the $91.5 billion originally advertised.

Under the circumstances, there really is only one way in which Congress could have any realistic hope of dramatically reducing the deficit in the coming year and actually balancing the budget in fiscal 1984.

This could be achieved by repealing the 1981 tax cut which halved the share of Federal income taxes paid by corporations from 28 percent down to only 14 percent, while raising the share paid by individuals to 86 percent of all income taxes paid.

That tax cut was aptly described by Senate Republican leader HOWARD BAKER as "a riverboat gamble" and the philosophy behind it described by GEORGE BUSH as "voodoo economics." The gamble has not paid off. Rather than stimulating business investments, it has curtailed them. By projecting huge deficits into the indefinite future, it has frightened Wall Street and has kept interest rates at an unconscionably high level.

By simply repealing that ill-considered act, we could actually have a balanced budget in 1984. Unless the Presi-

☐ This symbol represents the time of day during the House proceedings, e.g., ☐ 1407 is 2:07 p.m.

● This "bullet" symbol identifies statements or insertions which are not spoken by the Member on the floor.

dent is willing to be at least open-minded to some intermediate approach, repeal of that act might be our only effective route to a balanced budget.

DISCHARGE PETITION FILED ON H.R. 5321, TO REPEAL SPECIAL TAX BENEFITS TO MEMBERS OF CONGRESS

(Mrs. SCHROEDER asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. SCHROEDER. Mr. Speaker, this morning I filed a discharge petition on H.R. 5321, Representative TOM LANTOS' bill "to repeal the special tax benefits provided during 1981 to Members of Congress."

The petition is No. 12, and is available at the Clerk's desk to be signed.

I share with many of my colleagues a reluctance to use the discharge petition process. There are four reasons, however, why I believe such an extraordinary move is justified. First, the Ways and Means Committee has indicated "it is unlikely (it) will have the opportunity to review these (tax break repeal) bills at this time."

Second, the passage of the tax break legislation last session was done outside the normal committee process.

Third, there is an acute lack of confidence in the Congress, largely stemming from this issue.

Fourth, in order to avoid complicating Members' tax status even further, we should act quickly, before the April 15, 1982, tax filing deadline.

H.R. 5321 simply restores Federal tax law back to what it was before Congress lifted, retroactive to January 1, 1981, the $3,000 limit on living expense deductions, and instructed, via the black lung benefits bill, the IRS to issue regulations implementing the lifting of the limit. It is similar to S. 2102, the leading Senate bill, introduced by Senator WILLIAM PROXMIRE.

A FREE PRESS IS THE FOUNDATION OF OUR DEMOCRACY

(Mr. WEAVER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WEAVER. Mr. Speaker, America is the greatest country in the history of the Earth. We have a right to be proud of our abilities to produce vast amounts of food and goods, and of our free and open democratic institutions which have withstood unshackled the tests of time.

Among our cherished freedoms, of particular importance is the freedom of the press. Here in the newspapers, the radios and televisions are aired the facts and opinions of our daily lives. Thomas Jefferson said he did not fear lies so long as truth was free to combat them. The very foundation of a free people is their freedom to know what is going on. The very foundation of our democracy where the people choose what course our Nation takes is the right and ability to know all the facts.

In Communist nations it is another story. For example, our Government has imposed sanctions against Poland precisely for such repressive actions as press censorship. We do not like press censorship here or anywhere else.

The attitude of Poland's leader, General Jarouselski, is one of "we know best;" and, news stories running contrary to what the Communist leadership desires, will be suppressed.

I can imagine General Jarouselski saying to the press: "Trust us, put yourselves in our hands, and don't print a story until we have looked it over." Of course, the Communists impose that censorship vigorously. But, in our country it is inconceivable that any political leader would ever say to the press "put yourselves in our hands" and call and say "I have this story."

LEGISLATIVE PROGRAM

(Mr. MICHEL asked and was given permission to address the House for 1 minute.)

Mr. MICHEL. Mr. Speaker, I ask to proceed for 1 minute for the purpose of inquiring of the distinguished majority whip the program for next week.

Mr. FOLEY. Will the distinguished Republican leader yield to me?

Mr. MICHEL. I yield.

Mr. FOLEY. Mr. Speaker, today we shall conclude after the 1-minute statements and special orders. There is no legislative business for today or for tomorrow. The House will not be in session tomorrow.

The House will meet at noon on Monday in pro forma session. On Tuesday, the House will meet at noon. There will be no business under suspension of the rules, but the House will consider, subject to a rule being granted, H.R. 5922, the Urgent Supplemental Appropriations Act of 1982.

On Wednesday, the House will meet at noon, and on Thursday, the House will meet at 11 a.m., to consider a matter relating to the House Chaplain, and asserting the authority of the House of Representatives to appoint a chaplain and to open the sessions of the House with a prayer.

I might say, by way of explanation, that a recent case in the Court of Appeals for the District of Columbia has raised a question as to the right of the House to appoint a chaplain and to begin its sessions with a prayer. This resolution, which is sponsored by the leadership on both sides, is offered to give the House an opportunity to reaffirm its constitutional right in this instance.

The House will also consider a resolution on the funding of the committees, and of course any further program will be announced later.

Mr. MICHEL. I thank the gentleman.

Mr. WALKER. Mr. Speaker, will the gentleman yield?

Mr. MICHEL. Yes.

Mr. WALKER. Could we get some idea as to how much money might be contained in the urgent supplemental bill that is coming up? Does the gentleman know from what is being done what kind of funding will be in that particular bill that will be up on Tuesday?

Mr. FOLEY. I am not advised as to the amount. I am sorry not to be able to advise the gentleman.

Mr. WALKER. I have one other question. Is the funding for the House committees that is due to come up, has that resolution been revised from the resolution that was previously brought to the floor?

Mr. FOLEY. We were bringing up the same resolution by number, but the committee amendment will be offered to that resolution, which will reduce the funding for the committees of the House to slightly below the level that was authorized last year. It actually is at the level of last year, a zero increase. That will be a committee amendment offered on the floor.

Mr. WALKER. And the bill relating to the House Chaplain, did I understand correctly that this is something which is going to assert definitively that we do indeed have the power to allow the Chaplain to continue to deliver a prayer at the opening of each legislative session, and is not in any way going to weaken that particular precedent?

Mr. FOLEY. On the contrary, if the gentleman will permit me to again describe the circumstances, a recent case was brought in the District of Columbia Federal Court, and the district court dismissed the action saying, in effect, that the House had such a right. The court of appeals has reversed and remanded back to the district court, requiring counsel for the House to establish its right to appoint a chaplain and to open sessions of the House with a prayer. Representatives of the House are proceeding legally to contest that case in the district court, but it was felt desirable by the leadership on both sides of the aisle to assert by resolution of the House its strong, unyielding, and firm determination that under the Constitution and the separation of powers, the House of Representatives has a right to appoint a Chaplain and to initiate its proceedings with a prayer, and that interference is beyond the scope and authority of any court in the United States.

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Mr. WALKER. Mr. Speaker, I thank the gentleman for that strong statement and also for the legislation.

May we anticipate that both the matter relating to the House Chaplain and the funding for the House committees will probably be taken care of on Wednesday?

Mr. FOLEY. Well, we are not exactly certain that the program can be completed on Wednesday. That is why we suggested the possibility of carrying it over to Thursday. We assume that if we can proceed expeditiously in the supplemental appropriations matter on Tuesday, we can conclude the other two items on Wednesday.

Mr. WALKER. Mr. Speaker, I thank the gentleman from Washington (Mr. FOLEY).

Mr. MICHEL. Mr. Speaker, I might also make the observations, since the gentleman has raised the question relative to the supplemental, that we are informed it will be in the range of $4.85 billion. That is a significant amount.

Mr. FOLEY. Mr. Speaker, if the gentleman will yield further, I just received that information, and I am glad the minority leader said that because we have been informed now that it will be in the range of $4.4 billion to $4.8 billion.

Mr. WALKER. Mr. Speaker, if the gentleman will yield further, this money, then, that is in the supplemental would be well over and above the fiscal year 1982 budget that this Congress passed; is that correct?

Mr. MICHEL. Mr. Speaker, I am advised that it does exceed the budget resolution, and that, of course, is one of the reasons for our going to the Rules Committee to get a rule to provide for a waiver of the Budget Act.

Mr. WALKER. So the rule that comes out on the House floor will have to contain a budget waiver in order to consider this particular piece of legislation?

Mr. MICHEL. The gentleman is correct.

Mr. WALKER. I thank the minority leader.

DISPENSING WITH CALENDAR WEDNESDAY BUSINESS ON WEDNESDAY NEXT

Mr. FOLEY. Mr. Speaker, I ask unanimous consent that the business in order under the Calendar Wednesday rule be dispensed with on Wednesday next.

The SPEAKER pro tempore (Mr. HOYER). Is there objection to the request of the gentleman from Washington?

There was no objection.

BRADLEY UNIVERSITY'S TEAM WINS THE NIT

(Mr. MICHEL asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. MICHEL. Mr. Speaker, last night the Bradley University basketball team beat Purdue, 67 to 58, to win the National Invitation Tournament.

This title tied Bradley with St. John's University in winning four NIT titles, the most in the tournament's 45-year history.

I tell you this not because Bradley is located in my hometown of Peoria or because I am a proud alumnus of Bradley.

No, I mention it as a contribution of the sum of human knowledge, in the public interest. I simply want to remind you, my colleagues, that there remain places in our great Nation where the pursuit of excellence is a common occurrence. Bradley University is such a place, on and off the court.

Moreover, I want the NCAA to take particular note of Bradley's success.

As the Missouri Valley champs, we felt that we were given the business in the selection process for the NCAA tournament.

It is with sweet irony that we rub it in a bit today.

My congratulations go to the players and coach, Dick Versace, for a great season and a job well done.

Mr. COATS. Mr. Speaker, will the gentleman yield?

Mr. MICHEL. If I have time remaining, I would be happy to yield to the gentleman from Indiana.

The SPEAKER pro tempore. The time of the gentleman from Illinois (Mr. MICHEL) has expired.

The Chair, on behalf of the entire House and the American public, thanks the distinguished minority leader for bringing that information to our attention.

PRESIDENT'S "FAIRNESS" WOULD BEST BE SHOWN BY RESTORING PROGRAM FUNDS

(Mr. MILLER of California asked and was given permission to address the House for 1 minute, and to revise and extend his remarks.)

Mr. MILLER of California. Mr. Speaker, it is with great interest that I noticed that in today's morning newspaper it is reported that the White House is preparing a campaign to redress the President's image. They want to make the President look like he is fair, they want to make him act like he is fair, and they want to make him talk like he is fair.

What the American people want, Mr. Speaker is for the President to be fair. If the President in fact wants to be fair, let him start out by restoring funds for some 300,000 participants in the women's, infants, and children's nutrition program, people who are in that program because they run a severe threat that the child they are about to give birth to will be born either retarded or physically defective.

Let him start out by putting back the 500,000 children under the title I program—low-income children and poor children for which this program is designed to give a fair start, an equal start, in our educational system so they can become productive. Let him put back the thousands of low-income and poor children who need the student loans to go on to higher education so they, too, can become productive in our society.

Let him restore the thousands of children who have been knocked out of the Head Start program, which he so strongly favors but, because of his unfairness, is about to terminate for tens of thousands of those children.

DEPARTMENT OF DEFENSE AUTHORIZATION BILL FOR FISCAL YEAR 1983

(Mr. PRICE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PRICE. Mr. Speaker, today the ranking member of the committee, the gentleman from Alabama (Mr. DICKINSON) has joined me in introducing the annual legislative request of the Department of Defense which would authorize appropriation for fiscal year 1983.

As is our custom, we introduced the bill by request as a courtesy to the Secretary of Defense. To streamline the authorization process, this year we have eliminated from the bill as introduced, the general provisions and requests for permanent changes in law. Otherwise, the request, as introduced, remains intact.

I yield back the balance of my time.

INTRODUCTION OF MORTGAGE INTEREST REDUCTION ACT (MIRA)

(Mr. PICKLE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PICKLE. Mr. Speaker, today I am introducing the Mortgage Interest Reduction Act to make it easier for the first-time home buyer to obtain credit, and to obtain that credit at a more reasonable rate. I believe this could prove to be a major step toward restoring health to the depressed housing market.

This legislation, MIRA for short, is the product of months of research, and I believe that in its approach and administration it holds several advantages over other housing proposals which have been put forward to date.

MIRA will offer lenders a tax incentive in exchange for providing first-time home buyers a minimum 10 percent discount in the prevailing market interest rate. That 10-percent reduction in the interest will attract young buyers and families that otherwise might not be able to afford housing, while the lenders will be drawn back into mortgage commitments by the tax incentive, which allows them to exclude one-fourth of the interest earned on the new low-rate loans from Federal income tax.

This may not cure grandpa, Mr. Speaker, but it will sure get him back up and moving around again. And it is certainly time for us to do something.

It is time for us to act because millions of Americans today have no hope of affording a home of their own.

It is time for us to act because there are some 1.3 million construction workers out of jobs around the country. That averages out to about 3,000 unemployed in every single congressional district from the housing depression alone. The jobless rate in the construction industry was 18.1 percent in December, and the recession continues to deepen.

It is time to act because hard-working, competent small businessmen are being forced out of business every day through no fault of their own. The bankruptcy rate for contractors during the first 9 months of last year was up 50 percent over 1980—no great year itself—to 2,660 failures. Construction subcontractors fared even worse, with business failures in their profession up 127 percent in the last year.

It is time to act because this country cannot fully recover from the recession until the housing market has pulled out of its present depression.

Finally, it is time to act because a dream as old as our first colonies is being shattered. Americans have always believed that hard work and a little luck would buy a stake in the system. But with this deficit and these prices and most especially with these interest rates, young people, new families, the middle class cannot afford to call home where the mortgage is—because they cannot afford a mortgage. We are fast becoming a Nation of tenants whose citizens have been priced out of the American dream.

The MIRA is not a cure-all, and I do not pretend to present it as such. The only real cure is to move toward a balanced budget, erase this $100 billion deficit and bring the psychology of high interest rates under control. But MIRA is a foundation on which we can build a broader economic recovery package for housing and other ailing industries. It is a starting place, a good one, and I welcome your support and help in advancing this program.

Promoting homeownership has been a matter of national tax policy since the inception of the modern Federal income tax. I believe MIRA to be the most consistent and the most efficient way to pursue homeownership as a goal. This is a clean approach.

For years we had passbook savers, regulation Q, and the 40-percent bad debt provision for savings and loans as instruments to encourage easy, cheap credit for homebuyers. Deregulation, the dominance of money market funds and the state of the economy has changed all that. We need to change our thinking, and the specifics of our policy, as well.

This road has fewer potholes, fewer curves, and a lot less trees for bandits to hide behind. It is the road we should take, and I hope my colleagues will consider traveling it with me.

In conclusion, I want to share with my colleagues a short bill summary:

MORTGAGE INTEREST REDUCTION ACT (MIRA)

KEY PROVISIONS

The bill requires lenders to offer first-time homebuyers a minimum 10% reduction in the prevailing conventional interest rate.[1]

The bill provides lenders a 25% income tax exclusion from gross interest earned on home mortgage loans.

The exclusion applies to first-time homebuyers of new or existing homes (single-family residences, duplexes, condos, manufactured homes).

The exclusion applies to notes on mortgages originated by institutional lenders, including mortgage bankers. It does not apply to mortgages originated by individuals.

The exclusion is given to the holder of the note, thus enabling the tax benefit to be passed through the secondary market (i.e., Federal National Mortgage Association, Government National Mortgage Association).

MIRA loans are non-assumable.

Special bad debt reserve provisions of banks and savings and loans do not apply to the new MIRA loans.

A CRISIS IN CONFIDENCE FOR SOCIAL SECURITY RECIPIENTS

(Mr. WILLIAMS of Montana asked and was given permission to address the House for 1 minute, and to revise and extend his remarks.)

Mr. WILLIAMS of Montana. Mr. Speaker, this Congress has made responsible attempts to adjust the social security system in order to preserve its fiscal integrity. In the amendments that we have made to the act, however, we have created a crisis, not a financial crisis but a crisis in confidence.

This Congress and the administration have eliminated social security benefits to every college-bound student whose mother or father, or both, has died.

Now, there are two types of bankruptcy. There is financial bankruptcy, and there is moral bankruptcy. This denial of aid to these students of deceased parents falls with a particularly uneven heaviness on the children of those who served and died in Vietnam.

I have introduced legislation to right this obvious and thoughtless wrong. I am delighted that the chairman of the Select Committee on Aging has joined me as a cosponsor, and I urge my colleagues to join us in our effort.

THE NEED FOR FEDERAL SUPPORT FOR EDUCATION

(Mr. AuCOIN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. AuCOIN. Mr. Speaker, at every opportunity the President tells the American people that he is not really cutting Federal programs. What is being cut, he says over and over, is merely the rate of growth in Federal spending. He did it again just this past weekend when asked about cuts in child nutrition programs.

What is so misleading about the President's statements is that he obscures a central fact: The Federal Government cannot finance aid to education and other essential programs on the revenue base that was left after last year's round of tax cutting designed by the President.

For the current fiscal year, Federal support for education stands at $12.8 billion. That is $1 billion less than the amount provided in the first budget resolution that expired in December. It is $2 billion less that what the Department of Education received last fiscal year.

For public schools in Oregon, this has resulted in a $2.4 million loss—from $12.4 million in 1980-81 to $10 million in 1981-82—in Federal support. Under the administration's proposals, Federal support to education would drop to $7.4 million in 1982-83—a cut of 40 percent in 2 years.

For many States, cuts of this magnitude may be merely difficult to absorb. In Oregon, where we have a depression, they will be impossible to absorb.

So far, a record $35 billion has been cut from education, health, and social programs under this administration. Now the White House is demanding additional cuts totaling $27 billion from these same programs.

Under the Reagan budget:

Programs now under the Department of Education would be slashed another $3 billion, including cuts in title I and education of the handicapped. Vocational and adult education would be folded into yet another block grant in which the whole would be less than the sum of the parts—in this case, 32 percent less, or $240 million. Federal support for college libraries, cooperative education, and educational equity would be zeroed out.

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[1] Federal Home Loan Bank Board's most recent home mortgage interest commitment rate series for 75% loan to price ratio and 25 years term. This index is a moving average of fixed and variable interest rates fully amortized.

The Department of Education itself would be stripped down to Federal foundation and major programs would be scattered around the Government.

College student aid would be slashed by 50 percent, graduate students would be barred from the guaranteed student loan program, and three other programs would be eliminated entirely. New eligibility rules would be imposed for college loans and grants. Cumulatively, these cuts would eliminate 2.4 million loan and grant awards, including more than 34,000 in my own State of Oregon. They will force hundreds of thousands of students out of college.

Tuition tax credit legislation will also be submitted to Congress this year by the administration, according to the proposed budget.

Mr. Speaker, these are only a few of the items in a budget plan the administration is trying to sell to Congress in the name of fiscal responsibility. We are told these cuts are necessary in order to keep next year's Federal budget deficit under $100 billion.

It will not wash.

The soaring Reagan deficit cannot be laid at the feet of education programs. They have already been cut. Education is not the problem. Many of us in Congress who opposed the administration's budget last year understood that. Those who voted for that budget, only to see a projected deficit of $42 rocket to $100 billion, should know it by now.

The problem is a $1.6 trillion military arms buildup that will be financed with borrowed money.

The problem is a tax bill that nullifies all budget savings to date and adds $120 billion to the deficit.

The problem is that the administration will not allow either to be touched, even if its deficits reach the moon.

Mr. Speaker, despite what this administration seems to be telling us, we do not have to choose between a strong defense and a humane Government.

It is not necessary to savage education programs to pay for bombers that will be obsolete before they are off the production line and missiles that will be vulnerable as soon as they are deployed.

As a member of the House Appropriations Committee, I voted for budget cuts $5.2 billion deeper than the President proposed in his last budget, but voted in favor of the Labor-Health-Education appropriations bill. This proves that you can be effective in cutting the budget while providing support for vital programs such as education. If our Nation did not support educational funding, where would our students be today? Where would most of us be today?

There is bipartisan agreement with the President that excessive Federal spending, and the deficit it runs up, must be curbed. In the weeks and months to come, we will be debating how to achieve that shared goal. Because education has already borne more than its share of sacrifices, I believe it is the last place to look for additional savings.

I do not say this defiantly, or out of partisanship. There have been enough lines drawn in the dirt already. I say it, rather, out of the deep conviction that our Nation's security depends not only upon the strength of our Military Establishment, but also upon the strength of our schools.

In my own State, there is simply no way that State government, local government, or the private sector can make up the difference if further cuts in education are carried out.

The victims, with the exception of those few who had the foresight to be born to affluent parents, will be the children.

This is one Member, Mr. Speaker, who will steadfastly resist such deplorable political values.

FREE ELECTIONS IN CENTRAL AMERICAN REPUBLICS

(Mr. ROTH asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. ROTH. Mr. Speaker, these Halls of Congress ring with denunciations of the internal conditions that prevail in several of the Central American republics and our Chambers echo with the call for free elections.

This Sunday there will be a free, democratic election in El Salvador. Where are the voices to support that election process? Why are so many of us here in Congress silent in the face of that war-torn nation's attempt to permit change via the ballot box?

The rebels will not participate in the elections. Why? Because they know they cannot win a free election. So, they are seeking to win through intimidation and bullets what they know that they cannot win with ballots.

We here in Congress cannot continuously serve a double standard. If elections are proper for El Salvador, they should be proper for Nicaragua, too, but Nicaragua says that elections must be postponed until 1985. Why? Because the present junta in Nicaragua is afraid of its own people.

TURMOIL ON THE WEST BANK

(Mr. FINDLEY asked and was given permission to address the House for 1 minute, and to revise and extend his remarks.)

Mr. FINDLEY. Mr. Speaker, little noticed by this body or by the administration have been the terrible events on the West Bank in the past week—turmoil, protests, and gunfire which has caused the deaths of about eight Palestinians, several of them children, the gunfire coming from Israeli soldiers.

I have been waiting hopefully for speeches of anguish in this Chamber and expressions of sorrow to the families of those who have been killed, and, unfortunately, I have heard none. I have been waiting for similar expressions from the administration, and there has been none.

Four days from now will be the Day of the Land, an anniversary occasion celebrating the deaths of eight Palestinians on the West Bank some years ago. It is my fervent hope that there will be no violence, no loss of life, or no injury to any party, Israeli or Palestinian, those living on the West Bank, during that celebration. I hope that tempers can be stayed during the time that must remain until the total evacuation of the Sinai by Israeli troops.

Mr. Speaker, these are stormy times that call for the leadership of the administration to resolve the problems of the West Bank.

DISCHARGE PETITION TO RESCIND SPECIAL TAX BENEFIT FOR MEMBERS OF CONGRESS

(Mr. WYLIE asked and was given permission to address the House for 1 minute, and to revise and extend his remarks.)

Mr. WYLIE. Mr. Speaker, I, too, have filed a discharge petition today, which is at the Clerk's desk and numbered 14, on my bill to rescind the special tax benefits recently approved for Members of Congress.

I learned just before I came to the House floor of the discharge petition of the gentlewoman from Colorado (Mrs. SCHROEDER), which is identical to mine, and also of one which was filed by Congressman MILLER, which is also identical.

Actually my bill was introduced first in the House, but Members are assigned bill numbers according to the alphabet, and since there were several bills introduced, mine has number 5334. But I told the people in my congressional district that I would file this discharge petition today, and I have.

I would say, Mr. Speaker, that in my 15 years in Congress I have known of no legislative action which has incurred the outrage of my constituents as much as this ill-advised action. The people in the district I represent mostly do not like the manner in which the tax changes were made, as a part of a bill to extend the black lung benefits. It gives the impression that Congress is attempting to vote itself a special privilege without public debate at a time when we are asking our constituents to tighten their belts.

Mr. Speaker, I urge the Members to sign discharge petition 14.

CIGARETTE EXPORTS TO JAPAN

(Mr. JOHNSTON asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. JOHNSTON. Mr. Speaker, trade relations between the United States and Japan are growing more tense every day. Some people talk of an impending trade war between us and our Pacific ally. I am not a trade war hawk, but I am concerned that Japan still pursues a policy of rigid protectionism, especially in regard to its nontariff barriers designed to limit the sale and distribution of American-manufactured cigarettes.

The Japanese tobacco and salt monopoly allows the sale of American cigarettes in fewer than 1 of every 12 licensed tobacco retailers in Japan. Those retailers are only allowed to order new stocks of American cigarettes once every month. I wonder how Japanese automobile manufacturers would react if their products could only be sold in 1 out of every 12 car dealerships in this country?

I support the concept of free trade, but the Government of Japan has demonstrated that it has little regard for either free trade or fair trade. Unfortunately, we may have no choice but to rethink our own trade policies with Japan if that nation does not soon alter its import policies. We are willing to be fair, and we should also be willing to insist that Japan be just as fair.

THE PROBLEMS IN RESCINDING TAX CUTS

(Mr. WALKER asked and was given permission to address the House for 1 minute, and to revise and extend his remarks.)

Mr. WALKER. Mr. Speaker, today we have listened to the majority leader call for repeal of the 1981 tax cut bill. Let us be clear on what that would mean.

Based upon past experience with Democratic Party policies, it would mean far higher taxes on the American worker. So once again the Democratic Party has come down on the side of high taxes as an economic cure. It would mean bigger deficits resulting from a decreased amount of economic activity; it would result in far higher interest rates, probably something in at least the range of 20 to 21 percent such as we were experiencing under President Carter; it would mean far more unemployment as the economy declines.

What the majority leader is suggesting is unbelievable in the midst of a recession because he is talking about higher taxes, bigger deficits, higher interest rates, and more unemployment, which is "Hooverism" reincarnated—a very surprising position for the Democratic Party to take.

□ 1130

Ronald Reagan has said he, like Franklin Roosevelt, is trying to save what is best about this country. I think the majority leader has helped today to prove him right.

THE NEW FEDERALISM

(Mr. LUNGREN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. LUNGREN. Mr. Speaker, since the inception of the President's economic recovery program, we have been hearing a number of gloom and doom projections from the spokesmen for many national organizations which deal with urban problems. Usually they predict that the return of government responsibility to the States and localities will result in an overload on the capacities of those governments to administer previously Federal programs. The most pessimistic of the doomsayers predict the outright collapse of local governments under the weight of unanticipated responsibilities.

I might add, Mr. Speaker, that if one relied exclusively on the news media as a source of information, one would be led to believe that the leaders of local and State governments were frantic with worry over their new responsibilties and authority.

But the recent testimony of the chairman of the Los Angeles County Board of Supervisors, Pete Schabarum, before the Public Assistance and Unemployment Compensation Subcommittee of the House Ways and Means Committee certainly tends to dispel both notions.

Mr. Schabarum is a man with no small governmental responsibility. He chairs a governmental body which oversees the basic health, welfare, law enforcement, and community development activities to meet the needs of more than 7.5 million people. Mr. Schabarum deals with an annual budget of $4.7 billion, a budget larger than whose of 40 State governments. Mr. Schabarum's own constituency consists of 1.5 million people with a diversity far greater than that of most of our congressional districts.

While the leaders of national organizations here in Washington and in New York may be seeing visions of gloom and doom—and while the news media may be foreseeing disaster, Mr. Schabarum is highly optimistic about the prospects of government under the New Federalism.

In his testimony, Mr. Schabarum's main concern was not the inability of the county of Los Angeles to absorb new administrative burdens—he was eminently confident of their ability to do that—his main concern was the foot dragging of this Congress in adopting a budget for 1983. That more than anything is thwarting the ability of local governments to plan ahead so as to be able to effectively manage new budgetary realities.

Mr. Schabarum says that his constituents are concerned not with an overload of local administrative capacity, but with bloated interest rates so that contractors can build homes that ordinary people can afford to live in—with expanding industry to create jobs so that ordinary people can make a living—and with controlling inflation so that ordinary people can afford to live.

Some here in Washington have been crying and moaning over what they call an inadequate safety net for those who cannot help themselves. But Mr. Schabarum pointed out that reductions in the AFDC program in Los Angeles County will amount to 7.8 percent of the total caseload. Considering that most of these people have earnings or other income and that AFDC caseload has increased 124 percent since the inception of the program, this county administrator seemed confident that legitimate needs would continue to be met.

He also pointed out that reductions in the food stamp program would effect 2 percent of the caseload. Considering that these people, for the most part, are those with earnings or other income, and that the food stamp caseload has increased almost 600 percent in Los Angeles County since the inception of the program in 1966, with an insignificant concurrent population change, this county administrator seemed confident that legitimate needs would continue to be met.

So I submit, Mr. Speaker, that the concerns of local and State administrators over the New Federalism may have been greatly misstated. Perhaps it is time that we stop worrying so much about the imagined travails of local government officials and start paying a little more attention to the important economic considerations that still warrant our action out here in Washington.

REPEALING SPECIAL TAX BREAKS FOR MEMBERS OF CONGRESS

(Mr. MILLER of Ohio asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. MILLER of Ohio. Mr. Speaker, today I am filing a discharge petition, No. 13, for H.R. 5324. This bill rescinds the tax benefits provided during 1981 to Members of Congress for living expenses. My bill represents a simple repeal of the unjustified tax break which Congress passed last December.

I am using this extraordinary method of a discharge petition for two reasons. First, the Ways and Means Committee informed me that it was unlikely that it would be able to review my bill or any similar legislation in the foreseeable future. Thus, there appears to be little hope that my bill will be able to progress through the regular committee process. Second, I believe that Congress must act quickly to restore the faith of the American people in their Representatives. Members of Congress should be setting an example of fairness and austerity during these difficult economic times. Yet, our citizens are losing confidence in the integrity of their Congressmen because of the unjustified tax break which was passed last December. By repealing this tax windfall, we will show Americans that we are willing to share in our obligations as taxpaying citizens, and, in so doing, we will regain the trust and respect of those we represent.

I, therefore, urge you to sign my discharge petition, No. 13, and join me as a cosponsor of H.R. 5324. You may also wish to sign discharge petitions for similar bills. The gentleman from Ohio, Chalmers Wylie, has petition No. 14 and the gentlewoman from Colorado, Pat Schroeder, has petition No. 12.

REPEALING THE 1981 SPECIAL TAX BREAKS FOR MEMBERS OF CONGRESS

(Mr. ATKINSON asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. ATKINSON. Mr. Speaker, I am pleased to join with my colleagues from California, Illinois, Colorado, New Jersey, and Ohio today as we initiate a bipartisan effort to repeal the tax benefits that were adopted by this body during the last day of the first session of this Congress. I hope that we can resolve this issue quickly.

During the final days of the first session, this Congress approved a measure which was an attempt to bring the black lung disability trust fund back to solvency. However, as it was later discovered by most Members, the Members of Congress received some windfall tax benefits through a clandestine parliamentary maneuver that added on these benefits on the last day of the session. This is the type of thing that causes the American public to mistrust their Government and their elected officials.

The people of America deserve better service from their public officials than what they received in this instance. While we ask those whom we represent to face cutbacks in the Federal budget, we do not appear to have set the same standards for ourselves. It pains me to see this unfairness continue. It is inexcusable for this Congress to tolerate such a situation. Since I first came to Congress, I have voted against any increase for Members of Congress seven times. I do not intend to change my course at this time or in the future.

I know that many of my colleagues have made similar pledges to rollback these special tax benefits. I hope that they will support this bipartisan effort. The American public is properly outraged at Congress actions in passing these advantages for themselves through last minute backdoor proceedings.

Many bills have been introduced since we came back this year to repeal these tax measures. On January 26, the second day of the second session, I became a cosponsor of the bill introduced by my distinguished colleague from New Jersey, Jim Courter. However, it became evident that expeditious action on this matter was not forthcoming. This is why I support the discharge petition route as a way of forcing this body to vote up or down on the matter of increased tax benefits for Members of Congress.

I am proud to be a part of this concerted, bipartisan effort to force a repeal measure from the Ways and Means Committee. Included in this bipartisan effort are the bill's original sponsor, Mr. Lantos of California, and Mr. Findley of Illinois, Mrs. Schroeder of Colorado, Mr. Courter of New Jersey, Mr. Kogovsek of Colorado, as well as myself.

We must repeal these measures as quickly as possible. The people of America whom we serve deserve no less than our utmost consideration and immediate action on this matter.

LEGISLATIVE PROGRAM

(Mr. LEVITAS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. LEVITAS. Mr. Speaker, I take this time in order to engage the majority whip in a colloquy and express my apology for having been presiding at a hearing on the air traffic control system when the program was announced for next week.

The purpose of my inquiry is this: I think everyone knows the other body has passed the regulatory reform bill now and we in the House have the bill on regulatory reform which has been reported out of committee. It is a very important piece of legislation and one on which I know there is a great deal of interest.

I was wondering if the distinguished minority whip could enlighten the Members as to when we might expect the opportunity of having the House do its will on that important piece of legislation.

Mr. FOLEY. Mr. Speaker, will the gentleman yield?

Mr. LEVITAS. I yield to the gentleman from Washington.

Mr. FOLEY. As the majority whip I would like to respond that we are seeking to fill the position on the Judiciary Committee that was vacated by the distinguished gentleman from California, Mr. Danielson, who was appointed to a judicial post in California. The first steps have been taken, and the matter will be completed by the Democratic Caucus and brought to the House for the usual approval.

At that time the committee will organize a subcommittee, a subcommittee chairman will be selected to replace Mr. Danielson, and at that time it is expected that the committee will request a rule from the Rules Committee. It ought to be occurring now within a very short time.

But, at the present time, a vacancy exists on the subcommittee chairmanship because of Mr. Danielson's appointment to the judicial post in California.

Mr. LEVITAS. I want to thank my distinguished friend for that response, and I am very encouraged by it. There have been some reports circulating that have suggested some group of people were trying to hold that bill so it would not come to the floor. That is not the information I have received, and the gentleman's confirmation of that today is most helpful.

I know that he, who is a cosponsor of that bill, along with me, looks forward to its early consideration and passage by the House.

Mr. FOLEY. I thank the gentleman.

THE 25TH ANNIVERSARY OF THE EUROPEAN COMMUNITY

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Wisconsin (Mr. Zablocki) is recognized for 60 minutes.

Mr. ZABLOCKI. Mr. Speaker, 25 years ago today—on March 25, 1957—the heads of state and governments of six European countries: Belgium, France, Germany, Italy, Luxembourg, and the Netherlands, signed the Treaties of Rome and thereby established the European Economic Community (EEC) and the European Atomic Energy Community (EURATOM).

This historic action, which followed the creation of the European Coal and Steel Community in 1951, represents an important milestone in the movement toward European unification—a goal of those eminent and visionary European statesmen who sought to replace centuries of warfare by a process of integration and cooperation among the Western European states.

Today, the European Community is not just a utopian dream—it is a significant reality. Its 10-member states comprise a total population of 270 million people and account for a gross domestic product of $2.8 trillion. It is the world's largest trading bloc and the largest market for U.S. exports. To comprehend what the original Marshall plan investment has wrought, a few brief statistics are illustrative. Recent studies have shown that in any given month, three to five European countries have a higher per capita GNP than either the United States or the Soviet Union. Total industrial production in Western Europe is greater than that of the United States. By any standard of comparison, therefore, Western Europe is an economic and industrial giant—and relations with the European Community take on ever-increasing importance.

In this connection, I would like to point out that 1982 also marks the 10th anniversary of the inauguration of biannual meetings between Members of Congress and of the European Parliament—one of the four institutions which collectively run the European Community. This interparliamentary exchange, which is currently headed by the gentleman from California (Mr. LANTOS) and cochaired by the gentleman from Kansas (Mr. WINN) and the gentleman from Florida (Mr. GIBBONS), has provided a useful mechanism for indepth discussions with our European colleagues on a full range of issues of mutual interest and concern, and I am hopeful that this informal, but very significant, dialog will not only be continued, but strengthened and improved in the years ahead.

Mr. Speaker, as we take note of this historic anniversary occasion, were must recognize that there are both problems and achievements in the transatlantic relationship. Europeans tend to blame high U.S. interest rates for their current economic difficulties and high rates of unemployment. Americans complain about the common agricultural policy, which restricts U.S. agricultural exports to the EC nations. Negotiated positions among the 10 EC member nations on a variety of political and defense issues are not always fully supportive of U.S. foreign policy programs and initiatives.

Nevertheless, as we celebrate this 25th anniversary, we should recall that European unity and cooperation has been, and remains, a fundamental U.S. policy objective; and that differences which clearly do exist, are endemic to the democratic process—a process which this country has been instrumental in fostering and promoting for the past 37 years.

It is in that spirit, that I extend to Ambassador de Kergorlay, the European Communities representative here in Washington, who is an esteemed and valued friend of the Committee on Foreign Affairs, my congratulations and best wishes and ask him to convey these sentiments to the President of the EC Commission and the President of the European Parliament.

We wish the European Community all possible success because we recognize that its destiny is inseparable from our own and because we also recognize that its vitality and progress are essential to the survival of Western civilization.

Mr. Speaker, I would like to insert in the RECORD at this time the text of a statement by Mr. Gaston Thorn, President of the Commission of the European Community, on the occasion of the 25th anniversary of the signing of the Treaty of Rome, which I commend to the attention of my colleagues. The statement follows:

STATEMENT BY GASTON THORN

This month the European Community is celebrating its Silver Jubilee: it is now a quarter of a century since the signing of the Treaties of Rome, the source of Europe's inspiration and strength and a charter for European integration. For those of us committed to the European venture this anniversary provides a golden opportunity to pay tribute to the vision and political courage of the eminent statesmen who conceived and won acceptance for a grand historical design: to replace centuries of warfare by a process of integration and a shared political objective.

Twenty-five years! A mere twinkling of history's eye, according to Jean Cocteau. It has obviously proved impossible, in such a short space of time, to complete the grand design of the founding fathers of the Community. And it is hardly surprising that despite the distance covered the considerable measure of integration achieved is under constant threat.

But, to my mind, no quirk of history can diminish some of our achievements. Firstly, the people of Europe have seen the absurdity and futility of fratricidal strife. Our greatest triumph, surely, is the younger generation's uncomprehending reaction to the suggestion of another Franco-German war.

Secondly, a number of milestones have been passed on the road to economic and political unity. The removal of customs barriers within the Community has meant an unprecedented broadening of businessmen's horizons, an extraordinary expansion of trade and a spectacular rise in standards of living. At the same time the common agricultural policy has laid the spectre of food shortages, guaranteeing secure supplies and providing farmers with fair incomes.

Thirdly, we must not forget that Europe is now the main source of public aid to the Third World, that its unique policy of cooperation with some sixty developing countries sets an example in many respects. Lastly, Europe has its own elected Parliament, supplying the democratic legitimacy which The Six, the original European nucleus, so desperately lacked. Successive enlargements and the Community's attraction for the rest of the world, testifies to the vitality and credibility of what we have built so far.

But the structure is still precarious, vulnerable to storms which damage and destroy. It may be that the Community is traversing the most difficult period in its history, for never have the winds of crisis blown so hard.

What are the clouds threatening the Community's future? First and foremost, there is the unending economic crisis reflected in soaring unemployment. All the indications are that this upward trend will continue for some months. It is partly explained by inadequate investment; we are devoting a diminishing proportion of our resources to investment at a time when we should be investing massively in new, advanced industries to compensate for the irreversible decline of a number of traditional ones.

Our failure to invest means that we are beginning to lag behind the United States and Japan and gravely compromising the competitiveness of our industries and our products for a long time to come.

Our list of priorities would be incomplete if we failed to mention the importance of fighting inflation, striving for greater energy independence, putting our public finances in order, restoring our trade balance and narrowing divergences in economic development.

In these circumstances there are many who advocate a return to protectionism and renationalization of the internal market. It is our business to prove them wrong. A return to egoism and national barriers would be a serious historical error. By undermining our efforts at integration, it would compromise the prospects of the nations of Europe and lead to their irreversible decline.

We cannot hope to rise to the challenges of the eighties unless we are properly equipped. We need to restore Community cohesion, adapt the common agricultural policy to the changed situation, and develop new common policies, notably for industry, energy and research. This was the essence of the mandate the Commission was given on 30 May 1980. As I write, agreement on the Commission's proposals is proving elusive. Although consensus has emerged on a number of important issues, we are still concerned that the deadlock on others could hinder the general revitalization of the Community.

This is a time for action, not empty words. Our first step must be to preserve, consolidate and develop our predecessors' achievements. I cannot believe that those who govern us will allow the European edifice to crumble.

Our second step must be to define new objectives which will fire the imagination of the younger generation, a generation which has no wish to belong to a declining Community as it moves into the 21st century.

The Community *can* find this new lease of life. But it needs to take a decision *now*.

Mr. LANTOS. Mr. Speaker, will the gentleman yield?

Mr. ZABLOCKI. I now yield to my colleague, the very illustrious Member from California (Mr. LANTOS). As I said earlier, he is the chairman of our U.S. delegation.

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Mr. LANTOS. Mr. Speaker, this is a very happy occasion.

In the crises of the day, we so often forget that in the international arena we of the West have made enormous headway in the last quarter century, and no place has this headway been more noticeable and more significant and of greater historic importance than the development of a European Community.

I think is is critical to pay tribute to the early dreamers of a united Europe: Winston Churchill of the United Kingdom; Conrad Adenauer of West Germany; Jean Monet of France; Paul Henri Spaak of Belgium; Alcide de Gasperi of Italy, and so many others.

We have now achieved in the European Community a viable, living, thriving, powerful entity which, when the chips are down, stands with us.

A few months ago I had the pleasure of leading our bipartisan congressional delegation to our meeting with our European colleagues of the European Parliament. And it was indeed gratifying to see that they followed the lead of the United States in condemning Soviet imperialism both in Afghanistan and in Poland, and they stood with us as one, declaring their everlasting commitment to freedom.

I am proud to associate myself with my distinguished chairman of the Foreign Affairs Committee in recognizing the achievements of the European Community and in wishing our friends in Europe another quarter century of progress and success.

Mr. ZABLOCKI. Mr. Speaker, I thank the gentleman from California for his contribution to this particular occasion.

Mr. Speaker, I yield to the gentleman from Ohio (Mr. PEASE) who has very ably led the U.S. delegations to EEC for many years, and I am sure he would still be the chairman of our delegation had he not chosen to leave the Foreign Affairs Committee for greener pastures.

Mr. PEASE. I appreciate the gentleman yielding.

Mr. Speaker, I am happy to join this special order to congratulate our friends and allies in Europe on the 25th anniversary of the signing of the Treaty of Rome which brought into existence the European Economic Community.

This is an auspicious occasion. There has been very, very noteworthy progress made toward European unification in the last 25 years, and I would like to underscore what my distinguished colleague, the gentleman from California (Mr. LANTOS) said a moment ago, and that is that when things are not going as well in the world for the West as we should like, we need to remind ourselves of the progress that has been made in terms of European unification and of the solid front that Europe and the United States so often presents to the Soviet Union and other challengers of our shared values in Western nations.

The European Community began as an economic union, and they have made astounding progress over the years through a common system of tariffs, through a common agricultural policy, and they even have a common economic unit of currency. We should salute them for that progress, keeping in mind, as we must, the divisions which have plagued Europe for many, many centuries.

As the European Community has endured and progressed economically over the years, it has also made progress in other areas, certainly in terms of a more common approach to many of their political problems and many of their foreign policy considerations.

There is no mandate in the Treaty of Rome for that. There is no underpinning for any requirement that the European communities can act in concert on political and diplomatic matters. Indeed, because of that, they have to act unanimously or not at all. And yet even with that handicap, we see time and time again that the European Community nations are able to agree on a common policy and are able to influence the course of diplomacy in the world.

A very noteworthy achievement came about 2½ years ago when, for the first time, the European Parliament, which is the legislative arm of the European Community, was elected directly for the first time, with each member being elected from his own individual district. I did have, as Chairman ZABLOCKI has pointed out, the privilege, thanks to his appointment, of serving as the chairman of the delegation of Members of the Congress that meet with the European Parliament on a twice-yearly basis. My tenure began before those direct elections and extended following the elections, and I must say it has been a thrill and a joy to see how the European parliamentarians have gained in confidence and self-respect as a result of that direct election. That is a phenomenon I believe that each and every one of us, being elected from our own districts and being responsible ultimately to our constituents, would recognize.

One result of that is that the European Parliament is free to operate on the basis of majority votes within the Parliament and is not restricted to acting only when there is a unanimous opinion among the participants. And for that reason, the experience over the last 2 years has been that the European Parliament itself has been increasingly supportive of U.S. positions regarding the Soviet Union and other Eastern bloc countries.

Those of us in the Congress or in the United States who may occasionally chafe at the lack of immediate, full support by European nations for our initiatives—for example, our boycott proposals regarding the Soviet Union—I think need to take into account not only the difference in their situation, the fact that they are Europeans dealing with a fellow European nation, but we also need to take into account the distinction between the Council of Ministers, which must act on a unanimous basis in the Parliament which, as I say, can act on the basis of majority vote. The Parliament has been very, very supportive of U.S. positions over the years.

The European parliamentarians do come to the United States once a year. Members of Congress go to Europe to meet with them once a year. We are fortunate that a number of our colleagues—I think again thanks to the leadership of Chairman ZABLOCKI—have had the opportunity to participate in those exchanges, especially those held here in the United States, and have benefited from them.

But to those of my colleagues who have not had the chance to experience that exchange, I would certainly urge them to do so. It is a very interesting and delightful experience, very educational, and one which I think is crucially important to the Atlantic Alliance. As allies we do have our differences stemming from our differences in national interests, but we have far more in common, far more uniting us than we do dividing us. And rather than risk the chance that not being fully understanding of each other's positions we will fall into fractious debate, we need to maintain our close relations, to talk things out with each other, and find that we really do have so much in common that we ought to downplay those things which we find divide us.

So just in conclusion, I would like to express my appreciation to Chairman ZABLOCKI for the work that he has done in supporting this exchange over the years and to express my appreciation and admiration for the job which my colleague, the gentleman from California, Mr. LANTOS, has done, as the new chairman of that exchange. We had our first meeting under his chairmanship in the Netherlands in January, and he did an absolutely superb job of leading our delegation.

It has been a signal achievement of the Europeans to get through 25 years under the Treaty of Rome, to add new members to the European Community and indeed to add even more yet. I think that the progress over the last 25 years has been outstanding. I think the prospects are excellent that the progress over the next 25 years will be equally impressive.

Mr. ZABLOCKI. I thank the gentleman for his remarks.

Mr. Speaker, I again want to congratulate and commend both chairmen of the delegations, the gentleman from Ohio (Mr. PEASE), and his successor, the gentleman from California (Mr. LANTOS), for leading our delegation so very ably, and I congratulate them for their effort and their accomplishments.

● Mr. WINN. Mr. Speaker, I would like to join my colleagues in commemorating the 25th anniversary of the Treaty of Rome. On March 25, 1952, Belgium, France, the Federal Republic of Germany, Italy, Luxembourg, and the Netherlands, signed the Treaties of Rome creating the European Economic Community and the European Atomic Energy Community.

There have been many outstanding Community achievements during these past 25 years. One indicator of the Community's great success is the fact that four additional states have joined since 1952: Denmark, Ireland, Greece, and the United Kingdom. And others such as Spain and Portugal now seek to become new members.

The common agricultural policy, the common commercial policy, regional and social policies are among the many achievements of the European Economic Community. And in June 1979, the citizens of the then nine EEC nations directly elected, for the first time, 410 members to the European Parliament. This remarkable event was a landmark in the effort to forge greater political cohesion in Europe. Within the Parliament, party groups cross national boundaries and bridge narrow, local concerns. The great issues of Europe are deliberated and considered.

Not that Europeans are without their differences, national or otherwise. There are many strains within the EEC over economic, social, and other policies. During our annual congressional meetings with the delegation from the European Parliament, we are able to observe these differences and understand how they impact on EEC decisionmaking.

However, to date, the commonality of European interests has been greater than the divisions. The bonds of the Community have been great. The EEC has, on the whole, greatly benefited the citizens of Europe and helped that continent to prosper.

And, I would add, that the growing unity of Europe has benefited the United States. What President John Kennedy said in 1962 is true today:

> We do not regard a strong and united Europe as a rival but partner . . . capable of playing a greater role in the common defense, of responding more generously to the needs of poorer nations, of joining with the United States . . . in developing coordinated policies in all economic and diplomatic areas . . .●

● Mr. HAMILTON. Mr. Speaker, I would like to join my colleagues in a word of praise to our European friends on the occasion of the 25th anniversary of the European Community. We should share their pride in the Community's many accomplishments and their confidence in the Community's ability to contribute substantially to continued peace, prosperity, political stability, and economic cooperation in Western Europe.

When the frustrations of some Americans inrease in our dealings with our European friends over Polish sanctions or the Soviet gas pipeline, I find it important to remind myself of the successes of our partnership with Europe. The European Community is one of the institutions of Europe which provides a vital example to the rest of the world of what economic and political democracies can create.

The European Community has become a daily economic reality for 270 million people in the 10-member countries;

The European Community is now the world's largest single trading bloc and the largest market for our exports, taking one-quarter of our agricultural and other exports;

The European Community member states form the world's largest donor of overseas development aid, granting approximately $13 billion last year;

The current president of the Commission of the European Communities and his predecessor have participated in Western economic summits in the past several years;

The European Community, while facing protectionist pressures from its member states, still has the lowest tariffs and fewest obstacles to trade of any major trading bloc;

The European Community attempts to provide joint leadership with our country in trying to keep the world market open and to involve the Third World more in the global economy;

The European Community tries to coordinate its economic policies with us as it grapples with common problems of unemployment and inflation; and

The European Community, although facing serious crises over its budget, contributions from member countries, and discord over its centerpiece, the Common Agricultural Policy, seems to have the institutional framework, experience, and willpower to see itself through such crises.

These few, simple facts about the European Community indicate to me the importance we must place on our relations with the Community.

We need to be alert and responsive to the economic and political developments of the Community so that, despite specific differences and problems, we can maintain positive support for the Community which will strengthen overall Western political cohesion and ultimately Western security.

My congratulations to all our European friends who have worked hard and long to further the ideals and objectives of the Community. Their success is also our success.●

GENERAL LEAVE

Mr. ZABLOCKI. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks, and to include extraneous material, on the subject of my special order on today.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Wisconsin?

There was no objection.

THE PRESIDENT'S TAX CUT PROPOSAL

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California (Mr. LUNGREN) is recognized for 60 minutes.

Mr. LUNGREN. Mr. Speaker, a little earlier today some of us were surprised to hear the words uttered by a distinguished Member of the House, the majority leader of the House, the gentleman from Texas (Mr. WRIGHT) when he said that, basically, the facts are in and it is time for us to repeal the tax cut of last year.

He then went on to criticize some of the elements of the tax cut bill. But nonetheless his statement that we ought to repeal the tax cut bill of last year remains. And I think we finally have what the President asked for several weeks ago when some criticized his budget. At that time he said, "Put up or shut up." And now we have one of the most distinguished Members from the other side of the aisle coming forward with his program, the centerpiece of which is for us to repeal the tax cut of 1 year ago.

I think perhaps this gives us an idea of the difference between those who are Monday morning quarterbacks and those who are actually on the field playing. It is awfully easy, after you have watched a football game on a Sunday and seen whether a linebacker has made a tackle or whether a cornerback has been able to cover a receiver on a particular play, to say that, "I would have played it differently."

But we do not have that luxury. The players on the field do not have that luxury, the quarterback does not have that luxury, the coach does not have that luxury. Second-guessing does nothing except perhaps bolster the egos of those who are involved in it. Those who are really confronted with the play on the field or issues in the Federal Government have to make the decisions at the time they are presented.

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And we did that last year when we passed the most revolutionary tax cut proposal that this Congress had passed in many, many years.

The essential features of that tax proposal were tax relief for the individual citizen in America.

I think we ought to review why we thought that tax relief was necessary and why the tax program was only one part of the overall economic program of this administration.

When this administration came into office they talked about having a tax cut proposal that would give relief to all American citizens who earned, that all American citizens would be given an opportunity, to earn, to save, and invest, and that this would contrast with what we had been doing for many years in the House of Representatives.

President Reagan also came forward with a plan for us to scale back on spending at the Federal level, with a plan to rid ourselves of excessive regulations, and with a dedication to a stable monetary policy.

And sometimes we forget why we wanted those things. I thought it might be good for us to pause and reflect on why we wanted those things.

A couple of facts are in order.

Inflation in 1979 and 1980 was double digit; just think, back-to-back double-digit inflation for the first time in the United States since World War I, and for the first time in the peacetime history of the United States.

The value of the 1960 dollar had shrunk to 36 cents by 1980. A simple example of that is a pound of hamburger that had cost 48 cents in 1960 cost, in 1980, $1.58.

We talk about mortgage rates, interest rates, and where they are today. I think we would all agree that interest rates are too high today, but where were they last year when we embarked on the economic program of this administration? Well, we had a 4-year period of time in which interest rates accelerated at perhaps the fastest rate in the history of the United States. The prime interest rate was hovering around 6 percent when the previous administration took office. What did they do in 4 years? They brought us to a prime interest rate that actually climbed to 21.5 percent before they were through.

Yes; we all agree that interest rates today are too high but 16 or 16½ percent is certainly preferable to 21½ percent. And that is where it was when this administration took office.

We ought to realize that the mortgage interest rates had doubled by the time this administration took office over what they had been in the 1960's. We all must admit a serious problem with unemployment today. Yes; that is one of the stickiest problems we have. But let us not forget how we got here.

The unemployment rate was on an escalating curve when this administration took office.

We had what was known as stagnation, high inflation, and high unemployment at the same time. We can defeat unemployment. But only as we create a healthy, growing, private-sector economy.

Prior to President Reagan's inauguration, what had happened with the average American who has been out there earning a buck? Well, average weekly earnings after inflation and taxes were taken into consideration had dropped by over 14 percent between 1972 and 1980. Yet we hear people come to the floor and talk about how this administration's economic policies are adversely affecting the poor.

Let us see how off were the poor under the previous regime. How well off were the poor under the program we had here in the House during the 1970's of spend and spend and tax and tax, elect and elect?

Just a few figures I think are instructive.

During the high inflation period of the 1970's the average benefit for a family on welfare under AFDC grew from $190 to $271. Sounds like progress, does it not? We were following the prescription that is now being presented to us on the floor by the critics of the administration. Just think, there have been increases in the average benefit from $190 to $271.

But because of the impact of inflation, the purchasing power of the average family receiving welfare under AFDC declined by one-third during that period of time. Is that progress or is that a ripoff? Does that not tell us something about a Congress which claims it wants to help the poor but then refuses to do something about the real underlying problems caused by its own policies in large measure? Shouldn't we question policies supposedly for the benefit of the poor which actually take more from them than we give to them?

During the 1970's the medium black family income fell from $11,978 to $11,648. How does that compare with the sixties? With a higher economic growth of 4.2 percent per year, and inflation of 2.4 percent, black family income grew by 5 percent per year, from $7,259 to $11,878.

In the 1960's, the percentage of families in poverty fell almost 50 percent from 18.9 percent to 9.7 percent. In the 1970's, programs to help the poor grew substantially, but our economy did not. Our economy as a matter of fact in the years of the Carter administration actually contracted and so what happened?

The percentage of families in poverty fell by only 6 percent.

In the 1960's, black unemployment fell from 10.7 percent to 6.4 percent, but it rose again in the 1970's, hitting 11.3 percent by 1979.

Black unemployment fell in the 1960's whereas it rose in the 1970's relative to white unemployment.

During the period of the seventies what did we do? We gave more and more money from the Federal Government to social programs. We dedicated a larger percentage of the Federal programs to social programs. In many ways we created more and more giveaway programs. We did it with sincerity. We did it because we were concerned about individuals who were unable to help themselves. But in the process what we actually did was make more people unable to help themselves. Those that were receiving welfare payments were actually worse off because they actually had less purchasing power.

What happened to the wage earner? The average wage earner in the last couple of years has had less purchasing power at the end of the year than he or she had at the beginning of the year. This is despite the fact that that average wage earner had more dollars in his computed pay. More was going out to taxes, particularly Federal income tax, and more was being taken from him by that indirect tax called inflation. What has happened after a year of the new administration?

Remember the inflation rate had actually blown up under the previous administration, going from a rate of 4.8 percent at its beginning to 2 years of back-to-back double-digit inflation before it was through.

What has happened? Inflation went from an average of 12.4 percent in the last year of the Jimmy Carter administration to 8.9 percent last year, the first year of the Reagan administration.

And what has happened this year? We see that the inflation rate is going down even faster. For the first couple of months of this year, it has gone down somewhere in the neighborhood of 3.8 to 4.5 percent. Why is that important? Is that a figure we just pull out of the air? Or does it mean something to the average American home, who has got a job, or maybe a two-earner family, where both of them have had to work because of the cumulative effect of inflation and taxes over the last several years? Well it translates into some very good news. News have not heard being championed on the floor. I have not heard one Member come forward and talk about the fact that we might have had some positive impact on the average worker out there, even though we talk very much about how we are concerned about the average worker.

The Washington Post reported what happened with inflation this past week. But the New York Times, hardly a bible of supply-side economics, went further and the following just yesterday:

> The inflation rate nationwide has produced a sharp gain in real earnings last month. The American income after accounting for inflation rose 1.9 percent in February, the largest monthly gain since 1964, the Labor Department reported.

Think of that—the largest monthly gain we have had since 1964. And my colleagues will recall that 1964 was one of the first years after we had enacted the Kennedy tax cut—the John Kennedy tax cut which is very similar to the Ronald Reagan tax cut that we brought forward last year and which the majority leader has told us today is such a failure that it needs to be repealed immediately. He evidently cannot wait any longer to see whether it is going to work. He suggests that we ought to repeal it immediately.

Mr. WALKER. Mr. Speaker, will the gentleman yield?

Mr. LUNGREN. I yield to the gentleman from Pennsylvania.

Mr. WALKER. I thank the gentleman for yielding.

I think that the gentleman makes an excellent point about that rise in real earnings for the American people, because that is what the American families in this country are really interested in: What does the economic program that is being implemented in Washington mean to their pocketbook? And I think what the gentleman is saying is in 1 month that went up nearly 2 percent in what it meant to their pocketbook, and that is an amazing turn around in the economic health of this country as it relates to the average family. We can be very concerned about the unemployment rates, about the interest rates. We have to be because those are still real problems in the economy. But when the American family's earnings went up 2 percent in 1 month, in terms of how it affected their pocketbook, that is true economic success of the kind that they are looking for.

The gentleman made an analogy here a little while ago to football games, and I think it is a good analogy.

Mr. LUNGREN. I know that the gentleman is more informed about basketball.

Mr. WALKER. Basketball is more my game. But the football game analogy is a good one because what the American people did was they took a look at the game plan that is being implemented by a group of coaches in 1980 and they fired those coaches for their game plan. They said this is absolutely ridiculous, the direction this economy is headed, and now we have those same coaches coming back to this floor telling us we ought to implement the same game plan again, the game plan which absolutely failed, and they want to replace a game plan which is working with their failed policies of the past, and I think the American people are going to see through that and will say very clearly that failed game plan is no alternative to what this President is doing. This President needs a chance to make certain that his full game plan is implemented so that the economic health of the Nation is restored.

I thank the gentleman for helping bring this to the attention of our colleagues here in the House and the American working people out across the country.

Mr. HILER. Mr. Speaker, will the gentleman yield?

Mr. LUNGREN. I yield to the gentleman from Indiana.

Mr. HILER. Did I hear the gentleman say that the majority leader is advocating a repeal of the tax bill that we passed last year?

Mr. LUNGREN. All I can do is repeat the words that were uttered. I was as surprised as the gentleman apparently was to hear his suggestion that we ought to repeal the tax cut proposal that we enacted last year.

Mr. HILER. If the gentleman will yield further, that tax bill that we enacted last year, that was the tax bill that had an estate tax relief, to benefit farmers and small business people?

Mr. LUNGREN. The very same tax bill.

Mr. HILER. Was that the tax package that had the marriage tax relief to relieve some of the oppressive tax burden on two-wage earner families?

Mr. LUNGREN. That is correct.

Mr. HILER. Is that the same tax bill that had expansion of the IRA accounts so that people could have more incentive to save and invest?

Mr. LUNGREN. That is correct.

Mr. HILER. The same tax bill that had the expansion of the Keogh accounts?

Mr. LUNGREN. That is correct.

Mr. HILER. Is this the same tax package that had the individual tax cuts that cut tax rates for all Americans by 25 percent over a 3-year time period?

Mr. LUNGREN. The very same tax bill.

Mr. HILER. Is this the same tax bill that had the accelerated depreciation in it, that business and everyone was clamoring for, as a way to save more capital and have more capital to invest, to increase productivity and put people back to work?

Mr. LUNGREN. That is the very same tax bill.

Mr. HILER. This is the tax bill that we enacted because last year taxes as a percentage of the gross national product was at its highest level in the peacetime history of this country?

Mr. LUNGREN. Yes, sir. And that fact was undisputed on the floor of this House.

Mr. HILER. Now what we are saying is that last year, with taxes at a peacetime high, as a percentage of the gross national product, we are going to repeal that tax relief for working Americans and instead replace it, I presume, with higher spending?

Mr. LUNGREN. That would seem to me to be the alternative. As I understand it, the suggestion has been made that in view of the budget deficit being too high, the only way that we can work toward a balanced budget is to repeal what we did last year. In effect the suggestion is to increase taxes on the American citizen.

Mr. HILER. The increase in taxes, is that not what we tried through the decade of the seventies to balance the budget and never caught up with it?

Mr. LUNGREN. The gentleman may recall that we nearly doubled taxes on the individual American between the years 1976 and 1980. So we already were engaged in the largest tax increase in the history of the United States over a 4-year period of time. But also during that 4-year period of time we had the largest deficits back to back in the history of the United States.

So we tried the approach of increasing taxes so high that people gave up. In fact, we should not have been surprised that it did not work. But evidently that 4-year trial that we had under President Carter is not enough for some Members of the House of Representatives and they wish us to try again.

We were talking about athletic analogies a while ago. One usually talks about the win/loss record of coaches to see whether you ought to retain them.

How does the present majority leadership stack up as coaches? I mean when you talk about what they did for the American people during the seventies it is clear that they gave the American people less money in their pocket through higher rates of taxation. The figures I have shown the gentleman actually illustrate that the poor were worse off, middle America was worse off, the entire national economy was worse off during their almost unfettered reign. Maybe we ought to try it again. I guess that is the suggestion.

□ 1215

Mr. HILER. Mr. Speaker, will the gentleman yield?

Mr. LUNGREN. I am happy to yield to the gentleman from Indiana.

Mr. HILER. Certainly the gentleman from California knows there is a difference between closing tax loopholes and some of the inequities that may exist in the tax system.

Mr. LUNGREN. The gentleman is correct. I have spoken on the floor saying that one of the first things we ought to do is take a look at the excesses that may have been contained in that bill, such as the leasing of tax credits.

Mr. HILER. But not an outright repeal of the State tax relief and marriage tax relief and IRA expansion and Keogh expansion and the individual tax cuts and accelerated depreciation.

Mr. LUNGREN. No. I would not be in favor of that at all. Indeed, it seems to be rather ironic that we have heard some suggestions on the floor that we ought to keep the business tax relief substantially intact, but we cannot afford to give tax breaks to the average citizen out there—the fellow who is driving a truck, the laborer, the school teacher, the janitor, the police officer. That is why I think it is absolutely essential that we stand steadfast with the President, as he says, "I will not retreat one inch on the third year of my tax year proposal nor on indexing of individual tax rates."

Why? Because that is the signal that is necessary to the average American worker that we are concerned about him and about her. They have not been really in the focus of our attention here in the House for many years. They know it. All they have to do is look at their take-home pay and they realize it.

Now that we have done something for them, although not as much as I would have liked and certainly not as much as the President of the United States wanted, certainly we cannot allow ourselves to be sidetracked now.

The startling thing is that many who are now concerned about the balanced budget are the same people who took the floor and criticized every single veto message that President Ford brought down when he was trying to control spending during those seventies, that we have made reference to.

He was accused of being without compassion, not being adequately concerned about the poor, not being dedicated enough to domestic spending because he would not have higher and higher spending levels for these various progams.

So what happened? President Ford was defeated time and again on this very floor when he attempted to try to bring spending under control.

What occurred? While we had the increased spending for these programs, the net result was that the people they were supposed to affect were not better off. They were, in fact, worse off.

Mr. HILER. Well, I just want to thank the gentleman for bringing this information to light, because many of us have been saying for the last several weeks, we have been waiting for what the Democratic alternative would be to the President's budget. Apparently the Democratic leadership has made a decision that the alternative to the President's budget is to eliminate the tax cuts that were passed last year, to raise taxes and, therefore, not come face to face with the hard decisions in controlling Government spending.

I am thankful that the gentleman has brought this to light.

Mr. LUNGREN. I appreciate the gentleman's comments.

I would not want to tag all Members of the other side of the aisle as agreeing with the comments made by their distinguished majority leader. I think that would be unfair.

In fact, we needed support from many on the other side of the aisle to pass the President's program. As everyone knows, if we had voted 100 percent for the President's proposal on our side of the aisle we would not have been successful. We do not have the total votes needed here. But nonetheless, the Democratic leadership has come out and made those comments, as the gentleman recalls. So now we have had basically two Democratic alternatives presented. In the Senate we have heard from Senator HOLLINGS, the ranking member of the other side on the Budget Committee suggesting that what we ought to do is absolutely freeze all programs, all entitlement programs.

Now, I happen to believe we have to look at entitlement programs, but I do not think we ought to absolutely freeze them. That one alternative that has been presented in response to the President's request would then include a total freeze on social security, on welfare payments, on payments to Federal wage earners, and so forth.

Now we evidently have received another proposal from our very own majority leader. He suggests that we ought to repeal the tax cut bill that we passed last year.

Now, I think we ought to take that seriously as an alternative. We ought to look at it. I, for one, think it ought to be rejected out of hand. Yes, the American people ought to have an opportunity to know what is being articulated here as the Democratic alternative.

We have heard a lot of discussion for the last couple months about how this President has brought forth a budget that will not work. Now, finally, we are receiving some suggestion of an alternative.

So I think it ought to be crystal clear to the American people. The question is, Do you go along with President Reagan trying to bring down spending? In fact, many of us would like to join him in bringing down spending more than he seems to think is possible in this House. And perhaps he is going to be proved right. If you look at every single committee thus far that has presented its proposal, they will bust his budget.

If we follow the evolving House committees trend, we will not be talking about a $91 to $95 billion budget deficit. We will be talking about a $153 billion deficit.

While the President says we have got to rein in our spending, we now have an alternative presented to us suggesting that the way to do it is to repeal the tax cut for the American people.

Between those two alternatives, I think I know where the American people would want us to come down.

Mr. HILER. I thank the gentleman.

Mr. WALKER. Mr. Speaker, would the gentleman yield, please?

Mr. LUNGREN. I would be happy to yield to the gentleman from Pennsylvania.

Mr. WALKER. I thank the gentleman for yielding further, because I think it is also well to point out that the last political party and the last person that we can identify with an economic philosophy of raising taxes in the midst of a recession was the Republican Party at the time of President Hoover. It was President Hoover who suggested in the midst of an economic downturn that we ought to raise taxes and we all know the economic consequences which flowed from that. Thankfully, in the 50 years since, the Republican Party has learned a lesson. We understand that insofar as you help the American working person by lowering taxes during an economic downturn, you help the economy as a whole.

Evidently the majority leader and many people on his side have not learned that lesson and want to take us back to President Hoover's type of economics and say, raise taxes in the midst of a recession, because that is precisely what the suggestion of the majority leader would do. It would raise taxes. Here we are faced with an economic downturn and the majority leader is saying we ought to as a method of coming out of this recession, we ought to go to the American people and tell them we want to tax you more.

I just think that has an historic precedent in it which just cannot be defended.

I certainly am surprised to hear a distinguished member of the Democratic Party proposing to revive President Hoover's economic policy. It just does not make any sense to me.

Mr. LUNGREN. I appreciate the gentleman's statement. I hate to speak ill of the dead and I think poor old President Hoover gets hit a lot of times for a lot of things, but I think the gentleman does make a point.

Another thing that I think is extremely important is that we know what the economic conditions are today, after we have enacted the President's program and after it has been placed into effect, at least in part. But in order to fully analyze whether it is the correct program, you must see where we would be without that program.

On this score, I think some points ought to be made. One is, where was the average American family last year when we were embarking on our efforts to begin the President's program? Well, let us just take a family of four earning $25,000 a year. After you take out Federal income tax and social security tax, a family of four, two wage earners in the family, earning $25,000, had $20,566 left.

Now, what do they do with it? Well, because of double-digit inflation, that family had to pay last year 74 percent or some $15,000 to cover basic needs such as food, shelter, clothing, medical care, and transportation.

Is it any wonder than that last year we found ourselves in a situation where, because of the double whammy of inflation and tax take on the average person, that the rate of savings of the average person had dipped to its lowest level in 30 years?

When that family wanted to buy a home, it was shut out last year. The median cost of a new home was $60,000. Mortgages were running at a rate of 14½ percent.

Now, the point is, where were they going? They were accelerating ever higher in terms of the cost of housing, the per unit cost of housing and the interest rate. It was going up every month. On a yearly basis, it had shot up three times in the 4 years of the Carter administration.

Well, what has happened? We see now there has been a tremendous slump in the housing industry. That is not something of which we can be proud; but nonetheless, I think that is evidence of the fact that we had underlying illnesses in this economy that had to be addressed and they certainly will not be addressed by less savings, rather than more savings, and by higher taxes, rather than lower taxes. In fact, interest rates, on an annual basis, finally topped out.

Now, what would have happened with that family if we had not enacted the program we enacted? In other words, if we had let things go along as they had the previous 4 years as is now being suggested by some, that we try doing again.

Well, by 1984, inflation will have pushed the $25,000 family, if they were just to stay even, into an income level of almost $40,000, $25,000 to $40,000 just to keep up with inflation.

It sounds great. It sounds fine. Any one would rather have $40,000 than $25,000 in real terms. But they would not be the same dollars—if Federal taxes, social security taxes and inflation would have continued along the previous paths, that family's buying power would be less in 1984 than it had been in 1980. As we mentioned, last year that family would have spendable income of $20,566.

In 1984, their buying power, measured in 1980 dollars, would have dropped to $19,376, a loss of almost $1,200. Moreover, we would have accelerated the decline in savings had we done nothing.

So what is the point we are trying to make? The point is very simply this. We are not in a position of absolute happiness with respect to this economy. We do have some very severe problems, particularly with unemployment; but the question is, how do you relieve yourselves of those problems? If anyone can suggest that the unemployment problem would be better today than it is if we had followed the previous administration's program, I would have to ask them a series of questions:

First, how do you create new jobs in a stagnant economy, one in which real growth in the gross national product declined for a full year, as it did in 1980 under President Carter?

Second, how do you create more jobs in an economy where you have had the productivity of the average American less than it was the year before each year for 3 years? In other words, the growth of productivity was less than zero for 3 successive years.

Last, I think you would have to address the question of how you create more jobs with less capital. If you have less capital investment, you cannot create more jobs. Yet we were having less and less total capital investment because of the tax structure that faced this administration when it took office. We were having less and less savings because the average American could no longer afford to save. The net result was we had the lowest rate of savings per individual that we had in 30 years.

Mr. PASHAYAN. Mr. Speaker, will the gentleman yield?

Mr. LUNGREN. I would be happy to yield to the gentleman from California.

Mr. PASHAYAN. I would like to applaud the gentleman for his excellent remarks on the state of the economy and remind the American people that everybody is going to enjoy the second installment of the income tax reductions come July 1.

Mr. LUNGREN. That is correct.

Mr. PASHAYAN. That will be a 10-percent reduction. I hope the gentleman will agree with me when I say that, too, will increase the purchasing power of the general public.

Mr. LUNGREN. Absolutely; virtually every economist of whatever stripe has suggested that we are going to have a stimulative effect upon the economy starting July 1, not in spite of the tax cut——

Mr. PASHAYAN. But because of.

Mr. LUNGREN. Because of.

Mr. PASHAYAN. If anything, the argument could be advanced that the stimulation of the economy has not been as brilliant as it might have been simply because the tax cut might have been too low.

Mr. LUNGREN. Well, I think so.

Mr. PASHAYAN. Originally conceived, it was a 30-percent tax cut and that argument certainly is available.

Mr. LUNGREN. Not only that, but as the gentleman recalls, we postponed the actual implementation of the tax cut beyond what the President had wanted.

Mr. PASHAYAN. That is right.

Mr. LUNGREN. And that is why many of us have thought that if we truly want to create jobs in this economy, we ought to accelerate the tax cut.

Mr. PASHAYAN. When people have greater purchasing power, they demand more goods and somebody has to make those goods and that creates more jobs.

Mr. LUNGREN. Not only would they have greater purchasing power, but the encouragement to produce goods is there.

Mr. PASHAYAN. Because of the purchasing power.

Mr. LUNGREN. Because as the gentleman knows, they are going to be able to take home more to spend for themselves and their families.

□ 1230

They are going to be able to invest. They are going to be able to save. They are going to be willing to work a little longer, work a little harder to produce those goods.

Mr. PASHAYAN. Because it will reward them and their families.

Mr. LUNGREN. Absolutely, it would reward them.

Mr. PASHAYAN. I should hope the gentleman also would agree with me when I say that the percent of the gross national product that is being taken by the Federal Government is going up steadily each year, and is approaching 25 percent, and the bottom line, the question might also be phrased, Is what percent of the national wealth produced yearly by the American people are we going to permit the Federal Government simply to take? I think that is another way to phrase the question that the gentleman was addressing so brilliantly today.

Mr. LUNGREN. The President had a very simple phrase when he was campaigning and during his first year in office. He said he could never understand why it was inflationary for the average American to be able to keep more of his income and spend, invest, and save as he wished but it was not inflationary, as the argument went, to take that money from him or from her and have the Federal Government spend it as they wished. I still have not heard a legitimate answer to that question.

Mr. PASHAYAN. I agree. I thank the gentleman once again for his excellent remarks on the state of the economy.

Mr. LUNGREN. I thank the gentleman.

Let me just say that the bottom line of what the President has been attempting to do, and what we attempted to do when we passed the bill last year, was to get the growth rate of the private economy back where it belongs. In the 1960's our economy was just going forward splendidly. Then, we started in the late 1960's and through the 1970's having the Government take a larger and larger share of the national economy. Should it surprise us therefore that the national economy began to shrink? I do not think it should.

If U.S. productivity had not begun to slacken after 1965-66, the U.S. gross national product today would be about $850 billion larger. What would that mean? That means we could balance the budget. We could cut personal and social security taxes in half, and still provide every single American out there with an extra $2,000 or $2,500 in spending money. So the question is not, what should our goal be? We ought to agree that the goal is to have an economy that is expanding, that is healthy, that is vibrant, in the private sector. The question ought to be, how do we do that? The manner in which we addressed that question last year was to follow the lead of the President in his economic recovery plan, to try to bring down the size of the Federal Government, to try to have some reform of the regulatory system in this country, to try to bring down the tax rate in this country, and together with that, to have a stable monetary policy.

I think the President gave us very good guidance. Until someone comes up with a better suggestion, I think we ought to go forward with what the President suggested. We, of course, must trim here and there, and make some changes in details. The President has suggested that he will actually do that.

Some say he has his feet set in concrete. In California once he made a famous statement on that. He was against withholding taxes in our State when he was Governor. He said that taxes ought to hurt. What he meant by that was that people ought to recognize what they were paying in taxes. He thought by withholding taxes on a regular basis people often did not realize the total amount they were paying. And he said his feet were set in concrete on the issue. When it became evident to him that we were going to have to make a change, he appeared before a press conference in Sacramento, scratched across the microphone with his hand to make some noise, and said to the reporters assembled there, "Do you hear that? That is sound of concrete cracking around my feet. I have changed my mind on that."

But, this President also happened to have some very good training in negotiations. He headed up a labor union in California for six terms and negotiated contracts. I think it makes a lot of sense when he says, "The first thing I learned as a negotiator is that you don't put your proposal on the table, have the other side say, 'we don't like that, bring us something new,' and immediately bring up another proposal. You wait until the other side brings their proposal, and then you start negotiations. Otherwise, you are negotiating against yourself."

I think it makes eminent sense. I think what the President has done is moved us in a direction where we have to go. We are going to have the tough decisions right now. We ought to be absolutely adamant about protecting the essentials of the President's tax cut proposal because if we do not, we will not be just negotiating with ourselves, as the President may put it, but we will basically be in a position of cutting out the average American taxpayers from the relief that they so desperately need and deserve.

THE STATE OF THE LUMBER INDUSTRY IN OREGON

The SPEAKER pro tempore (Mr. ECKART). Under a previous order of the House, the gentleman from Oregon (Mr. WEAVER) is recognized for 30 minutes.

Mr. WEAVER. Mr. Speaker, I would like talk today about what is actually happening in our economy, not some theoretical game plan that is discussed in ivory halls. I would like to discuss and tell the House the plight of the State of Oregon and the devastation to our economy that has been occurring for the past 3 years, and getting worse; the high interest rates that have caused depression in the housing industry, have caused in turn depression in the wood products industry, which is the main industry of Oregon.

Until the interest rates come down significantly, our small business, our wood production industries, our people in Oregon, are going to suffer more and more. We have undergone now depression in Oregon for 3 years in the wood products industry, and this has now branched out and affected the retail stores, the welding shops that weld equipment for our wood products industry, the people who sell insurance to the wood products industry, and all the others. It is permeating through our entire economy until today in my congressional district we have, I estimate, over 25 percent unemployment. Bankruptcies occur in record numbers every week, but I would like to tell my colleagues that what is happening in Oregon is a precursor to what will happen in the rest of the Nation unless we turn our policies around.

There is no question that the sins of the past, that the sins of the past many years and many administrations and all the various wastes and extravagances of our society have brought us to the present pass. We acted, and acted for many years, as if oil were still $1.50 a barrel when oil came up to $32 a barrel, and no people can live long that way.

The Government printed money in order for us to afford buying and wasting the oil and other resources that had gone up in price, and brought on this great inflation that we have had for the past few years. Now, the present administration is putting the quietus on it by bringing about the great depression of the 1980's.

The same tax bill that I heard described as having all kinds of glory in it is the tax bill that is giving us a $100 billion to $200 billion deficit in the years to come, not just this year, not just next year, but in all the succeeding years on through the 1980's. This kind of deficit spending at this time can lead only to higher and higher interest rates and greater depressions in our economy.

The Wall Street Journal has a story today saying that the southern part of the Nation is now experiencing great difficulties, with unemployment going above 10 percent, and as this malaise permeates our entire economy, the huge deficits of this administration keep the interest rates up, our economy will suffer such grave damage that it may not recover for many, many years.

I believe, as I look upon this administration, that almost every single policy could be reversed a full 180 degrees in order to right what we are doing now, but I want to talk specifically about their timber policies which affect the State of Oregon most deeply, and my congressional district, which is the largest timber-producing district in the Nation. Again, just like the huge deficits and the tax cut bill for the wealthy, which have brought on the deficits, the administration's timber policies are exactly wrong.

They have announced this year increased timber sales from our national forests, increased timber sales from our national forests at a time when we have as much as 37 billion board feet of timber that is already sold but unharvested because the timber industry cannot afford to harvest it in the depressed lumber and housing industries today. So, we have all the timber imaginable, enough for 4½ years' worth, already sold. Yet, their response to this problem is to sell more timber when we cannot harvest what we have today and put our loggers and millworkers to work today; their reponse is to sell more timber. It is the most idiotic and ridiculous position, and one that will do us absolutely no good.

Instead of selling more timber right now, we should be putting people to work in other ways, putting people to work with wood utilization, with timber stand improvement, thinning out the forests we have, putting loggers to work doing that; using our wood waste to create energy when oil is still $30 a barrel, and wood waste energy is much cheaper than that. But nothing happens there, there is no money in the budget for that, just billions of dollars for the nuclear industry subsidies that bring us very few jobs.

We could be planting trees. We could be manually clearing brush in our forests, and employing in my area thousands more people, but instead nothing is occurring in this regard, or very little.

In response to the plight of the wood products industry and the plight of Oregon, the administration has brought out new Forest Service regulations. Now, we just had the new regulations under the Forest Management Act of 1976, promulgated just a bare 2 years ago, and what was the first action of the administration? Bring out new regulations again, which they have just printed in the Federal Register, and under which my subcommittee, the Forest Subcommittee, has held hearings.

What do they propose to do to help us in the timber industry and the wood products industry in Oregon and the rest of the Nation? They proposed again to cut timber faster, sell timber faster, to depart from sustained yield—to depart from sustained yield.

That means that we will cut it now if the economy ever permits us, and then do without later on, and the timber industry will move on to other places if there are trees left. There may not be trees left, and this country will be bereft. But that is their answer, to increase the timber harvest and sales, both through putting more sales across that are not needed, and introducing new regulations that say that they will depart from sustained yield policies that not only will fail the present problems but will fail us in the States.

And so, the two main managers of our resource lands in this administration, Assistant Secretary of Agriculture, John Crowell and Secretary of the Interior, James Watt, their policies of exploitation at a time when that is not the answer and these policies are failing, and these frightened little people who do not understand what is happening to our economy are now lashing out at others to cover over their mistaken policies

Mr. Speaker, I was shocked to read in the Albuquerque Journal on March 12, 1982, a statement by the Assistant Secretary of Agriculture, Mr. Crowell, saying, and I quote, and this quote, by the way, was corroborated with Mr. Crowell personally:

> I am sure the organizations of the Sierra Club and the Audubon Society are infiltrated by people who have very strong ideas about socialism and even communism.

He is accusing these great resource protection societies of being infiltrated by Socialists and Communists. Let me tell you, I know these people, and they stand for America and what made America great, and that is the use and prudent use of our resources, not a wholesale waste and an extravagant exploitation of our resources. It is only that I know of in Communist nations where there is no environmental movement, where they exploit the resources. In the Soviet Union, they cut trees down that will never grow again, and there is no environmental movement there to demand a sustained yield forestry, that we see the like.

□ 1245

Our people who are in these resource organizations such as the Sierra Club and the Audubon Society, are true, dedicated Americans wanting to conserve our resources and use them wisely to build a stronger America. But then our Secretary of the Interior, James Watt, has said in an interview—and he corroborated saying this—that the environmentalists are a leftwing cult wanting to do away with our form of government. This is indeed shocking.

Let me say that I am sure that in every organization and any place the environmentalists could have some people who do espouse ideas that probably are not really consistent with the true environmental movement. But these people are not Secretaries of the Interior; these people are not Assistant Secretaries of Agriculture over the Forest Service. The people we put in office, if we hold the Presidency, are outstanding and dignified people like former Secretary of the Interior Cecil Andrus, Secretary Bergland of the Department of Agriculture, and Assistant Secretary Rupert Cutler, who is now a member and an officer of the Audubon Society.

We do not go around calling people names such as this and questioning their patriotism. No, I say that these two administration people whose policies are failing, clearly and perspectively failing, are lashing out at these environmental groups to cover over their mistaken policies because they do not understand what is happening to our economy. We are heading directly and deeply into a depression.

Mr. PASHAYAN. Mr. Speaker, will the gentleman yield?

Mr. WEAVER. Not at this moment.

Mr. Speaker, the depths into which our economy is plunging today are such that the damages will be irrecoverable in the near future. We will not come out of what is going on today because so much damage will be done to our businesses and industries that they just simply will not be able to bounce back.

I want to conclude, Mr. Speaker, by saying that when Assistant Secretary of Agriculture, John Crowell made this horrendous and horrible statement in the Albuquerque Journal, he was there in Albuquerque to speak to the Association of State Foresters. This is all the State foresters of the entire Nation, a very conservative group, including an outstanding person, Mike Miller, the State Forester of Oregon, serving under a Republican Governor, and the assistant secretary-treasurer of Oregon. Lowell Smith is the president of the organization; he is from Nevada. These people are solid conservative citizens.

What did they tell Mr. Crowell? Did they talk about socialists and Communists in the Sierra Club and the Audubon Society? No. They issued a resolution that called the administration's forest policies completely wrong, and I would like to read from the resolution of the Association of State Foresters.

The resolution says this:

> The Executive Committee of the National Association of State Foresters supports the Administration's budget for the Forest Service. However, it recommends a revision of major proportions.

They say they want to increase Forest Service research by $12.5 million to 1980 levels. Research was cut in the administration's budget. They want to increase State and private forestry fire control to the 1981 level and set all others at the 1982 levels by $20 million to $21,500,000. They do not want to bust the budget, though. They say they want to reduce the national forest system's timber sales, administration and management by $13 million and reduce the road construction by $20 million to a total of a $34 million reduction.

I have the honor to be speaking today in the presence of the distinguished chairman of the Committee on Appropriations, who is in the audience, and I want to tell my dear colleague, the chairman of the Appropriations Committee, that the State foresters or the National Association of Foresters have asked in their recommendation to alter the administration's Forest Service budget in exactly the way that I did in the Agriculture Committee's recommendation to the Budget Committee, and that is to increase Forest Service research to 1982 levels, along with fire control, and reduce the national forest system's timber sales and road construction by $34 million. We do not go up a penny; we just make those changes.

Mr. Speaker, I feel strongly that that will put people to work in our wood products industry and will harm nothing because we cannot sell the timber we have now. We have 36 billion board feet on the stump; it is sold and not being harvested in 4½ years.

Mr. WHITTEN. Mr. Speaker, will the gentleman yield?

Mr. WEAVER. Mr. Speaker, I do not get an opportunity like this very often, and I certainly want to invite the gentleman to participate. I am delighted to yield to the distinguished chairman of the Committee on Appropriations.

Mr. WHITTEN. Mr. Speaker, may I say to my colleague, the gentleman from Oregon (Mr. WEAVER), that along with him through the years I have recognized the tremendous value of our forests and the absolute need we have to keep them growing and also the need to cut the timber when it is ripe.

I recall that years ago—and I hope that my colleague will appreciate this—I was asked to provide funds as chairman of the subcommittee for a forestry lab on genetics in our area of the country. They wanted to see why trees with the same heritage and the same background, some will grow big and some little.

I had a little fun out of it. Incidentally, it was not in the budget, but we went along with the money. They showed us 2 cuttings, 1 about a foot wide with 8 rings, 3 years old, and a little one with 16 rings, about 3 inches wide, and I asked him where they came from. I will give you his exact words.

He said, "Well, the little one came from Louisiana, and the big one came from Lowndes County, Miss."

I said, "That may be environment."

So I want to say to the gentleman that we have been working together through the years, and we certainly will be doing our dead level best, with all the ceilings and everything else, to go along with what he advocates and what he has stood for.

Again I repeat that anybody who understands this subject realizes that timber has to be cut when it is ripe. If it is not, you lose money. So we are in agreement about that.

Mr. WEAVER. Mr. Speaker, I thank the distinguished chairman of the committee for his remarks, and I say to him right now that we have 4½ years' supply of timber that is all sold, but it is on the stump. Our industry cannot harvest it because there is no market for it.

So our problem is not additional timber sales, our problem is putting some people to work at these things, the very things the gentleman is talking about—timber stand improvement, wood waste utilization, making energy out of it. That is where we need the money. We should take it out of timber sales and out of road construction and put it in these other places so right now we can employ people.

Mr. WHITTEN. Mr. Speaker, let me say to my colleague that I am going to follow him with a speech right here, and if they will just take our advice, we will correct a lot of the problem.

Mr. WEAVER. I hope so, and I look forward to the leadership of the distinguished gentleman from Mississippi (Mr. WHITTEN).

With that, Mr. Speaker, I conclude my remarks, hoping that we can change the policies, both in the regulations in the Forest Service on their timber sales program and their appropriations, so that we can put some people back to work in Oregon in the wood products industry.

I hope also on a national basis that we can start balancing the budget through all the various ways of deferring tax cuts and cutting further in programs that need cutting, where the subsidies to the wealthy and others are too great already, and get this economy back before the damage becomes so severe that it will not recover at all.

Mr. Speaker, in reference to a speech I made earlier today includes a story in the Washington Post on remarks on the press made by our President.

REAGAN ASSERTS TV TILTS NEWS; ASKS FOR TRUST

RADNOR, PA., March 15.—President Reagan, saying that television reporting has become slanted against U.S. involvement in El Salvador, is calling on reporters to "trust" the administration and "put themselves in our hands."

"There has been a kind of editorial slant that has something, almost, of the Vietnam syndrome, which challenges what we're doing there," Reagan said in an interview to be published in the March 20 issues of TV Guide magazine.

Reagan said he wished reporters would "trust us, and put themselves in our hands, and call and say, 'I have this story'" when dealing with sensitive information.

"I could say to the press, 'Look, I will trust you by telling you what we're trying to accomplish. If you use that story, it will result in harm to our nation, and probably make it impossible to do what we're trying to do.' But they just go with the story," Reagan said.

The administration has tried "to convince the American people that what we're having is an infiltration into the Americas that is really directed by the other superpower," Reagan said. Television news always wants to say "we're intervening" in the Salvador conflict, he added.

The media covered the Vietnam War from the perspective "that the war was wrong," Reagan said. "Had that been done in World War II, in behalf of the enemy that was killing American military men, I think there would have been a revolution in America."

Responding to the president's comments, Alan Raymond, a spokesman for ABC News, said, "We have given very thorough coverage to the situation in Central America, with extensive attention to all sides, including the administration's.

"At any point where they have provided evidence of outside interference we have given that full coverage, without editorial comment," Raymond said.

During the 45-minute interview, Reagan also spoke against news leaks and in favor of boycotts against sponsors of TV shows containing too much sex and violence.

Reagan said administration policies on occasion had been jeopardized by reporters divulging sensitive information.

For example, Reagan said U.S. interests were hurt when the decision to sell jet fighters to Taiwan leaked before the administration could inform the governments of Taiwan and China.

"You might be in the midst of some pretty delicate negotiations, and suddenly a leak or a story has endangered—threatened—what you're trying to do," he said. "If you push another country into a corner openly—on the front pages and on the air—in many cases you make it impossible for that country to accede to what you're trying to get it to agree to."

Reagan said groups trying to persuade sponsors to boycott various television programs were "doing the same thing that caused the motion-picture industry to adopt a code years ago."

"The movies began getting wilder and wilder and coming close to what they are today," he said. "And suddenly the people of America literally rose up and said to the industry, 'We're not going to buy tickets.' Now, television doesn't have tickets—it has sponsors, with products."

On violence that is shown on television news, Reagan said: "There's something inside each one of us that makes us want to stop at an accident and look at the gore, but we also have a guilty feeling while we're doing it. Suddenly, television is doing it for us."

WE MUST REVERSE OUR COURSE

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Mississippi (Mr. WHITTEN) is recognized for 15 minutes.

Mr. WHITTEN. Mr. Speaker, the time has come for something to give or else the whole economy will crack up. The problem I discuss is far bigger than anyone's politics. Here in Congress we have cooperated in reducing Federal spending. Last year on a request by the President for rescissions of approximately $15.1 billion, the Congress rescinded $14.3 billion. In the budget request by the President of March of last year, the Congress went along with further cuts and in the continuing resolution last year, still further cuts were made.

Mr. Speaker, in the process we did save the social security and veterans programs; however, by order of the President's Office of Management and Budget, many recipients are being unnecessarily required to undergo new examinations, and in many ways cause hardships for many veterans and social security recipients, which is beyond our control.

Our Committee on Appropriations, each of its 13 subcommittees, has been holding almost continuous hearings on the President's budget requests which in many cases are unrealistic, in that the requests are made on the assumption that many old laws will be repealed as requested by the President, and new laws passed. So far there is no sign that there will be any significant changes in law.

On Tuesday of this week, our Committee on Appropriations recommended funds to maintain the student loan program for the remainder of the fiscal year. This bill is pending before the Rules Committee and is presently scheduled to come up next Tuesday.

Mr. Speaker, it became more and more apparent that there simply is no way to handle the revenue loss of $91.6 billion in taxes, reductions primarily in the windfall profit tax—where the funds are not being used as hoped in expansion of business to any great extent—and authorizing transfer of tax credits to the major moneymaking corporations—while increasing military spending by $37 billion, much of which is highly questionable—without a breakdown in our economy.

Already we are spending more than $24 billion in unemployment benefits; bankruptcies are becoming common. Mr. Speaker, we must increase production. We must keep the wheels of industry turning with productive jobs, improving and developing our country, which is our real wealth. For 2 years we have not had a single new start in public works, which means we are neglecting our resources.

AGRICULTURE—ON THE ROCKS

Probably the worst area hit is American agriculture, where, because of low prices, high interest rates, prior indebtedness, cost of making a crop, the investment greatly exceeds the likely return.

Mr. Speaker, we have tried everything possible—and have had some degree of success—to open up sources of credit, to keep our farmers farming. In many cases we learned that the Farmers Home Administration itself is subject to day-to-day clearance of its operations by the OMB.

Mr. Speaker, if the farmers (agriculture) go down, all the rest will follow. This history shows. I do not believe the President nor most of the administration leadership has realized that agriculture is basic, is the very foundation upon which our economy rests.

Mr. Speaker, agriculture is bigger than the auto, steel, and housing industries combined. Agriculture is the biggest industry and employer in our country, and the farmer is in the worst trouble since the Great Depression.

Since 1945, after World War II, the farmer's share of the consumer dollar has dropped from 51 percent to 31 percent last year—while, of course, labor and industry's share has increased from 49 percent to 69 percent for the same period.

The farmer's cost, since he buys from industry and labor, has gone up almost 1,100 percent since 1945, his investment has increased almost 1,200 percent, but his price is only up 300 percent.

The sums paid the farmer—which have decreased by 40 percent since 1945—are made necessary because he gets only what is left after the take of industry and labor. In other words, the Government has tried through price supports and deficiency payments to make up what industry and labor have already gotten through tax laws or collective bargaining. These costs are improperly charged to the farmer by those who do not understand, yet he remains industry's and labor's biggest market and the consumers' best and cheapest provider, and even with his payments on loans, the farmer continues to lose money.

After World War II, Congress provided $22 billion in tax benefits to industry to reconvert to peacetime. The farmer received nothing, even though he, too, had gone all out to produce for the war effort.

Since the farmer's cost is up and his price is down, the Secretary recommends he cut his volume—this mistake has been made before and can only mean disaster.

In the last 2 years, farm costs have gone up 22 percent, while prices are down. The farmer has faced embargoes and threats of embargo. Any country you embargo just gives the markets to our competitors.

Most commodities are really controlled by international companies or corporations, who benefit if, through our State Department, they can get us to hold U.S. commodities off world markets. Then we hold the inventory for the world, and hold an umbrella over world prices. They can then make delivery from our competitors.

Embargoes really punish the American farmer for the international companies' benefit, since they then deliver from other countries.

WE MUST SELL

The Commodity Credit Corporation has authority to retain our export markets—by selling in the market what we have and do not need for what it will bring. If we do not offer at competitive prices, we do not sell and our competitors do.

The one thing we must do is keep our products "on the counter" and up for sale. Then, the consumer and trade groups will be trying to help us get our commodities into their country—three-fourths of them now keep us out.

In a hungry world, we are getting credit for keeping our food away from them while we send guns and shells—which many foreign governments want as status symbols—ships and planes so they can have admirals and generals and military forces to impress others.

What the people need is food, not symbols.

FARM DEBT—A NATIONAL PROBLEM

The farmers are in debt today by $200 billion—three-fourths have their land under mortgage. They can never repay a cheap dollar borrowed—unless they maintain volume and get a fair price. The farmer's profit is simply volume times price less cost. Something must be left over for the farmer to live on. Out of his decreasing share of the dollar, you now expect him to plow back an increased share of his small take to take care of the land for future generations. If he does not get an adequate price and volume, he can only wear out his land and then go broke—pulling all of us down with him. So history shows.

Former Secretary of Agriculture Ezra Taft Benson reduced our farm production by holding our products off world markets. Because of that shortsighted policy, much of our business moved to our competitors. We finally got Secretary Benson to use CCC to move our products back into world markets. The facts are shown in our hearings of fiscal year 1976, volume 7.

We must make our offering price or offering terms competitive in world trade, but first we must have farm prices high enough to pay the cost plus a profit—if we are to prevent a continuing breakdown of our standard of living.

Of course, Mr. Speaker, we must work to balance the budget—but we must do it at least shoulder height and not at ankle height where present policies are leading us.

MONEY VERSUS WEALTH

We could leave our children all the money in the world and a wornout land like China and India, and they could never make it.

On the other hand, if we leave them a rich and developed land, with our material wealth protected—our land, our forests, and our rivers and streams, our highways, our schools, and factors in order—they could set up their own financial system.

On Tuesday of this week I presented these facts to the President. I truly hope we have a change before it is too late.

☐ 1300

FORMER MINT DIRECTOR SUPPORTS ANNUNZIO'S COIN BILL

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Illinois (Mr. ANNUNZIO) is recognized for 5 minutes.

● Mr. ANNUNZIO. Mr. Speaker, I recently received a letter from former Mint Director Mary L. Brooks in which she expresses support for my Olympic coin bill, H.R. 3879. By virtue of her considerable expertise in this area, Mrs. Brooks is ideally suited to comment on the issue of striking commemorative coins for the 1984

Summer Olympics to be held in Los Angeles.

Mrs. Brooks was the Director of the Mint from 1969 to 1977. She was appointed to the post by President Nixon in March 1969. In April 1974 she was reappointed for a second term and served until February 1977. Her responsibilities included regulating the country's coin supply and supervising both the manufacture and distribution of special medals and coin sets. During this period, she oversaw the reorganization and modernization of the Mint, and initiated a number of new programs to better serve the needs of the American public. In 1977 she became the first woman to receive the Alexander Hamilton Award, the highest award given by the Secretary of the Treasury for outstanding leadership in the work of that Department.

That the two Olympic coin bills now before this House take radically different approaches to commemorative coinage appears undeniable. My bill, H.R. 3879, calls for the minting of a single silver dollar to be sold directly by the Mint. The other position, embodied in S. 1230 and H.R. 3958, proposes the minting of 25 coins to be sold by a private marketing group consisting of Occidental Petroleum, Lazard-Freres, a multinational investment firm, and the Franklin Mint. Mrs. Brooks' objections to this legislation, as expressed in her letter, are very similar to those I have previously raised.

For example, I have frequently voiced my concern over the number of coins proposed by S. 1230 and H.R. 3958. The cost of owning a complete set of coins under this bill would be prohibitive. Mrs. Brooks shares my concern and points out that multiple issues are confusing and discouraging to the public. Because people like to own complete sets, they are likely to lose interest in an unnecessarily elaborate program. We both agree that the law of diminishing returns is likely to apply should the minting of an excessive number of coins be approved.

Mrs. Brooks vehemently opposes the private marketing of the Olympic commemorative coins as set forth in S. 1230 and H.R. 3958, and states that this provision constitutes a flagrant abuse of our official coinage. She shares my concerns that private marketing could lead to the serious abuses that resulted in the termination of commemorative coinage more than 25 years ago. The former Director of the Mint also objects to a private group reaping profits from the sale of official Government currency. In her mind, all profits should go to the U.S. Treasury and the Olympic Committee without any interference from a middleman. I could not agree more.

Mrs. Brooks and I both wholeheartedly support the minting of an official U.S. coin to commemorate the 1984 summer Olympics and raise money for our athletes. We would like to sanction a realistic program that would successfully achieve these goals without any unnecessary complications. Neither of us can, in good conscience, approve the program outlined in S. 1230 and H.R. 3958. I believe that my bill, H.R. 3879, is a much sounder proposal. I am pleased to note that an acknowledged expert in this field agrees.

The entire test of Mrs. Brooks' letter follows:

Congressman ANNUNZIO,
House Office Building,
Washington, D.C.

DEAR CONGRESSMAN: I want to compliment you on your strong stand against the proposed Olympic Coin Bill, House Bill 3958 and Senate Bill 1230.

This conglomerate formed by Occidental Petroleum Corporation and Lazard-Freres and Company and the Franklin Mint is one of the most powerful lobbying combines that has ever been unleashed on Capitol Hill. The proposal is an outrageous use of our official coinage.

As Director of the Mint during the Bicentennial years I saw some very strong lobbying by selfish interests. I can certainly sympathize with what you have been through. Your counterproposal to mint one coin, 25 million pieces, and sell them at $25 each would be a great solution. This would give the Treasury one-half of the proceeds and the Olympic Committee the other half. It would be audited by the General Accounting Office and would keep the program honest. It would both help the U.S. budget, and the Olympic Committee itself would end up with a sizable contribution. The number of coins proposed in the other bill would be terribly confusing to the buying public. The coins would probably not attract the collectors mainly because of the quantity. In no sense could they be called rarities.

My best wishes to you and your committee. I hope that you all stand fast against this outrageous proposal.

Sincerely,

MARY T. BROOKS,
Director of the U.S. Mint,
1969–77.●

MARGARET BETTENCOURT, CENTRAL LABOR COUNCIL'S LABOR LEADER OF THE YEAR

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California (Mr. COELHO) is recognized for 5 minutes.

● Mr. COELHO. Mr. Speaker, it is my pleasure to call attention to a woman who has done more for American labor than most of us can ever hope to do. Margaret Bettencourt of Fresno, Calif., has been named the Central Labor Council's Labor Leader of the Year. I can think of few people who are more deserving of this honor.

A pianist, Mrs. Bettencourt joined the Fresno Musicians Union, Local No. 210, in 1943 when she ran a dance hall with her late husband Ed. The dance hall operated throughout the war, and the Bettencourts provided employment for many musicians at union scale wages or above.

When Margaret Bettencourt joined the union, few women belonged. She changed this situation and encouraged many female casual musicians to join the union, and thereby, receive union wages.

Most importantly, Mrs. Bettencourt has worked to strengthen the Fresno Musicians Union Local. Attending every union meeting for the last 33 years, she has worked for the union since 1949. Since 1965, she has served as the union's secretary-treasurer. Margaret Bettencourt runs the musicians union office and ventures out into the night to collect "work dues" from traveling musicians, even if the amount due is a mere $5.

Her love of music and unionism is reflected in the following quote:

> Musicians love to play. Some of them love to play so much, they're willing to do it without remuneration. They need their union not only to establish a decent wage level and working conditions but to help collect their money when employers are slow at paying.

Despite all the work Mrs. Bettencourt does for the Fresno Musicians Local, she still finds time to give to other labor groups. She serves as president of the Central Labor Council of Fresno and Madera Counties, AFL-CIO. She is the first woman to hold that position. Additionally, she has served as the secretary-treasurer of the Western Conference of the American Federation of Musicians, the secretary of the West Coast Musicians Business Agents, and the vice president of the Central Labor Council Credit Union. She has recently taken the position of secretary-treasurer of the Central California Traditional Jazz Society simply because of her love of old jazz.

Mr. Speaker, at a time when apathy stops many people from becoming involved, it is a great honor for me to recognize Margaret Bettencourt, a woman who has dedicated her life to the improvement of the working conditions and wages of musicians and of labor in general in California's Central Valley.●

MONETARY POLICY

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Texas (Mr. GONZALEZ) is recognized for 60 minutes.

Mr. GONZALEZ. Mr. Speaker, it is certainly not my intention to consume 1 hour, but my request is consistent with the previous requests hereinbefore made.

The purpose on this occasion is to comply with an indication and a promise I had made with respect to the resolutions and the bills I have introduced concerning the Federal Reserve Board high-interest-rate question and related financial, fiscal, monetary matters that agitate the country and flagellate it so severely.

I said before that when I introduced last year the resolution calling for the impeachment of the Chairman of the Federal Reserve Board, Paul Volcker, and then subsequently, the followup resolution that included the members of the Open Market Committee, so-called, which means the Federal Reserve Board plus five private bankers, I was ridiculed to a certain extent, not too much, but some, and I have gone through this before all through my career, such as it is, in elective public office.

I was ridiculed when I initiated my career on the city council of the city of San Antonio, when singlehandedly I advocated, called for, fought for, and I mean I use the word fight advisedly. I never talk a fight. If I am going to get in a fight, I fight a fight. I try to avoid one. But if I get in one, I am going to fight it. I am not going to pull punches and I am not going to talk it. I am going to fight it.

At that time it had to do with the so-called city water board, water utility. It was structured very much the same as the present light and gas utility is in my area. I had started the fight on that one when I left the city council to seek the position of State senator, and won that, so that the fight still remains unsolved and is, in fact, the main reason why the city of San Antonio continues to be so victimized, in fact robbed in the most vital section of all, which is the indispensable energy, light, and gas to the people today.

But at that time the city water board was structured the same way. It was a closed, self-perpetuating cooperation anchored down in what they considered then as iron, and an indenture that had been entered into in 1925, and here in 1953 with an indenture that had a life of 40 years. People ridiculed me, laughed at me at first, in fact were absolutely insulting, and then later when it aroused the public's attention and the knowledgeable citizen's support, then there was anger toward me and I had everything from threats to actual attempts to try to frame me up, all of which, in effect, and strangely enough, I think contributed to the main reason why I am here today as an elected Congressman from that district.

I do not think that if those fights had not been fought and won, incidentally, eventually, that I would be here today, because I certainly have never had any kind of organized backing of money, or base of any perpetual type, and have had to confront all of those forces.

But what I am saying is that on the local level it was no different, except just the scale, than what I have confronted here on some of the fights that I have found myself engaged in during the last 20 years that I have had the great privilege of serving in this capacity. So when I introduced these resolutions I had some comment and some commentators. In fact, just not too long ago the very prominent magazine, Newsweek, had an extensive article on Paul Volcker specifically and the Federal Reserve generally, and the gentleman who wrote the article made allusion to me and said that I even had a grandstand resolution of impeachment of Paul Volcker. But interestingly enough, the very next line he said, however, it must be admitted there is no other way that a chairman can be removed.

Well, I thought in a way that was a sort of left-handed respectful admission that maybe I did have a serious purpose and that there was a serious and logical reason upon which I based my motivation for introducing the resolution.

But, more importantly, I consider the two bills that I introduced contemporaneously, that have to do with what I consider to be the long overdue congressional oversight and responsibility for seeing in 1913 when the Congress passed the Federal Reserve Act of 1913. But things have become so contrived and so distorted that even Members of the Congress have talked to me in terms of such a nature that the Federal Reserve is considered to be a separate, independent, wholly autonomous institution that they infer sprung from the brow of Job, where as a matter of fact it is a creature, it is a creature of Congress, it is a creature of the people, the Congress being the representatives of the people.

The Federal Reserve Board is, indeed, not an autonomous, self-governing, self-determining body. But it has behaved that way to where it now believes it and in the 20 years that I have been on the Banking Committee in the Congress, 20 years and 3 months, to be exact, I have seen no member of the Federal Reserve Board, I have seen no Chairman of the Federal Reserve Board ever come to the Congress and answer a question having to do with the most responsive and responsible activity of any organization, and that is accountability, accountability as to how, how they arrive at their judgmental decisions that determine whether or not the American people will continue to be robbed by extortionate rates of interest.

Never.

The only agents we have, such as the GAO, as long ago as 18 years ago, told me that they had no jurisdiction to do that, they could not go in, they call it an audit. I was not asking for an audit. I was merely asking to find out what were the procedures in these judgmental decisions. In fact, even as to administration of the entity itself, and who, if anybody, in the Federal Reserve Board's structure itself would be responsible for oversight.

Did they, do they now have such an office as an Office of Inspector General? I do not know. I cannot find out from anybody. Obviously not, from the lack of accountability.

But it has reached such a point that it is ridiculous. Last month the President had a secret meeting with the Chairman of the Federal Reserve Board. Can you imagine, the Chief Executive of our country having to have a secret meeting to reckon with and discuss the question of high interest rates and related matters that have to do with monetary and fiscal policy in secret, and the Chairman of the Board being obsequious to accept and go over and sit down and meet in secret.

They never did come out. You know, it is just as if it were two heads of foreign states having a summit meeting, except that they never have issued a communique. You do not know what they agreed on.

So the speculation in the Wall Street Journal, the speculation in the Washington Post by the official writers and the experts, and the either self-appointed or paid-for-being experts, all have said, and I am sure it is conjecture because even they did not say they have sources, and the only sources would be Paul Volcker or President Ronald Reagan, but they say that there obviously was no understanding as to whether or not Mr. Volcker would yield even a little bit in what is, in the jargon of that world, tight money policy.

The real issue, and I think the one that is attributable directly to the fact that a nation such as ours would have reached that hard-to-believe point where it would not only tolerate but accept without whimper a 21-percent-plus interest rate as a prime rate, mind you, a prime rate and never in the history of any country, never in the written history of mankind, even going back to the time preceding Jesus Christ, even the Jewish elders, even they had laws.

In fact, at one time one of those ancient kings mandated illegal, on penalty of death, any payment of interest. Then subsequent to that, and by the time Jesus Christ appeared on mankind's horizon, it was illegal at a certain rate then, and all through mankind's history. Why? Because, and I have not seen any economists, I have not seen anybody on our level come and define it this way, because interest rate or rates is a mechanism by virtue of which the wealth of a society is transferred. It is that simple.

But now I rise because I promised that if I could I would try to get serious consideration of the first impeachment resolution. Why the impeachment resolution? Is that a showmanship, a gimmick to get publicity?

□ 1315

Well, if I thought so, I would be pretty dumb. I have a lot of other ways that I think I have garnered in 28 years of public elective office that are easier, shorter, and quicker to get publicity. But I do so because it is necessary to have, somehow, an awakening of a responsibility, first on the part of the Congress, my colleagues, as to the absolute need to go back, as we should have done several decades ago, to complete or try to complete the continuing process, really, of the Federal Reserve Act, because things have happened that have canceled out the main reason why the Federal Reserve Act was adopted.

But when we study history and, in fact, to the very beginning of our Government as we understand it, that is, under this Constitution, this has been the central problem. It is, to me, unbelievable that in 1981 and 1982 we would have reached the point that is absolutely the same as the first Congress confronted when it had to originate and found what they called the Bank of North America, then the first bank of the United States, a 20-year charter. They had the same issues.

What is the issue? Let us face it squarely and without any kind of folderol or fancy words. The issue is power. Who is going to exercise the power of control of money over the people? And that means interest rates. And Hamilton himself—you know, when you use labels I dislike labels because they are never accurate—but even by any loose terminology in the abuse of words today, I think Hamilton would have been considered the conservative of the day. Even he and what he is recorded in history as having said, even Jefferson, who was for more vehement, if I were to say about bankers today what Jefferson said, I would be assailed immediately as a bitter antibanker Congressman. But the reason they said it was for that central reason. But they had the honesty, the courage, the intregity to control and not let the control get out of the people's hands.

So the first two banks were successful, even though by the time Andrew Jackson came along, and you had the failure to renew the charter or the bank, other conditions had crept in, naturally, because by then our country was bustling, it was bursting at the seams, it was expanding. But what was the central issue? The same as in the beginning.

Where were the credit allocations going to come from in order to fire the engines of industry and new manufacture?

So then we jumped. We hit the Civil War. And everybody even in the Congress has forgotten the 1865 National Currency Act. That is the one that gave birth to the so-called national banking system. Again, what was the central issue? The same one: Who is going to control? The country now is trying to lick its wounds, forge ahead, the industrial revolution was really bound up exponentially, and the country was again bursting at the seams.

So you had the depression, the depression of the 1870's, and then a refurbishing and a reenactment of the National Act in 1895 or thereabouts. But even then, control was still lost sight of. And so in 1907, the country again had reached the point where it was continuing to expand tremendously, it was going into areas beyond Continental North America and, therefore, the needs for credit and the like were even greater. They were exponential again.

And what happened? That so-called banking system was doing the same thing that the Federal Reserve is trying to do now. And so what happened? You had the calamitous depression of 1907.

And finally, in 1912, the Congress, trying to answer, it could not do it bilaterally. You could not get a joint congressional action. So finally the House of Representatives enacted a resolution and created the Pujo Committee. That was the father of the 1913 Federal Reserve Act. And what was it they came up with? The restructuring, to meet the conditions of 1912 and 1913, of the original central question that confronted George Washington, Alexander Hamilton, Thomas Jefferson, James Madison, and our great, great Founding Fathers and, later, Andrew Jackson, and later Abraham Lincoln and later those Presidents who followed Abraham Lincoln, and then Woodrow Wilson in 1912 and 1913.

And when you read the memoirs of Carter Glass, when you read the memoirs of those who were trying to forge the congressional action that became labeled the Federal Reserve Act of 1913, and you read about the stony silence and the incipient resistance that Woodrow Wilson met when he met privately with the bankers in the White House, and Carter Glass and them, the struggle was the same, the issue was the same, but for the moment, at least, the power was still defined essentially in control of the people. But by 1923 and the creation of such a thing as the Open Market Committee, remember what gives rise to that entity? But what it did was to open the door to the fox to get into the chicken coop at will. And from then on it has been just a matter of what discretionary judgment the fox is going to use as to how many chickens he thinks he has to consume at any given moment. That is exactly what it amounts to today. Because then that has been compounded since 1952 with this gimmickry that postures the United States uniquely. We are the only country in the world, in the industrialized world or any other, where we allow our money to be handled this way, where our tax money handlers for our Government pays interest on its money. No other country does that in the whole world. Yet that has gone unchallenged, not even debated.

So the usurpation, as I charge, of the rightful powers of the Federal Reserve as exercised through the Chairman and the members of the Board on the Open Market Committee is certainly within the definition of impeachable offenses. And so I promised the last time that if I failed to receive any serious consideration by the House Judiciary Committee—and I read into the RECORD the last time the letter I had received from Chairman RODINO, in which he says that he instructed the staff to look over the request—I have not heard the results of that instruction. I do not know. But he said that he did not think that there could be much action because the committee was overloaded, it had a very pressing schedule.

So I said, "Well, within a reasonable amount of time if it looks obvious that it will not receive serious consideration by the responsible committee, then I will proceed to have a de facto Judiciary Committee proceeding of impeachment on the House floor," and I here and now announce that the next time that I am privileged to address the House I will initiate such a proceeding.

In the meanwhile, I think that it is obvious now we have the very same administration and its spokesmen, the money managers, the money regulators of all of these institutions are now coming in, for instance, as of yesterday, and the day before yesterday, the chief regulators, the Chairman of the Federal Deposit Insurance Corporation, the Chairman of the Home Loan Bank Board, who finally admitted yesterday to what we could not get him to admit a year ago and, mind you, I say this not because I want to say I told you so, or he is to blame, or she is to blame, but because if we can trigger action—I am not interested in this gamesmanship of blamesmanship. This is what the President has been doing since he was sworn in. This is what everybody in and out of Congress has been doing—blaming somebody, blaming Carter or blaming this or blaming that—when what we need is to get together to devise an affirmative program to correct the ills, because as finally admitted yesterday, even if interest rates were to fall now, it is too late, the Chairman of the Home Loan Bank Board said. Many of these institutions are gone. They are dead. Some of those, even now, that have been temporarily salvaged through the so-called gimmickry of mergering, they are still not out of the woods. But if this is not reversed, a substantial number will be out before the end of the year.

Now, what kind of business is this in America, in the United States? How far have we gone down the trail of the primrose path of complacency, of trying to whistle as we passed a graveyard? And cannot somebody on the part of our responsible appointed leaders or elected leaders, either executive or congressional, have the fortitude and the courage to say, "OK, even if it means that I will be charged with eating crow, even if it means that I will be charged with having to backpedal on what I said was my program and indispensable to America for its salvation, even if it means that I will lose my seat this next November or at any future time, this is what we must get together on, basically, this is what we must do to solve the problem," not to find the excuses, to try to seek action of an emergency nature that at best is temporary and may save or may not save a few, maybe, maybe not. Maybe not for long. Because a way can be found that will save face.

I think we have already paid an enormous price in blood and money for that kind of policy in the other areas, in international areas. What I am saying today is that the essential problem confronting our Government, our people, our leaders, is basically the same one that has confronted our country since the beginning of this form of government, insofar as fiscal and monetary matters are concerned, but that now because of the nature of the changed world, we have a factor over which we have, up to now, even minimal control, and that is the international that we must take into account, some of which may be amenable to American Government control.

But this is the area that now has escaped the vigilance and the accountability that we ought to demand for the American people. After all, this is what it is all about. The issue is not whether Reaganomics is rigidly right or rigidly wrong. The issue is not whether HENRY GONZALEZ is going to be reelected or should be reelected. The issue is: How are we serving the American people?

And even if the American people can be fooled, as they have, can be lulled, as they have, mostly because they are not informed, mostly because, as on the international level, the issues are not honestly presented to them because leaders are fearful that the American people might be frightened or that their anger will be such that they will be thrown out of office. I have been privileged to travel, especially in the last year, in behalf of the subcommittee that I chair on Housing and Urban Development, from the Eastern Shore to California, and what I see there does not confirm the fear and the lack of confidence that I see reflected in our political leaders. I see courage. I see greatness among the plain, average American, who says, "Just give us the truth. What are you afraid of? Tell us what is the truth. We do not know. We entrusted it to you. We assume that you at least ought to know what are the issues." And this is where I think we have been victimized.

□ 1330

On the international level, as long as we have not found a way to control or at least thwart the enormous power of such entities as OPEC, for example, and/or our overwhelming dependence on the particular power that that entity controls, is a continuing challenge, and it has tremendous impact on monetary and fiscal matters as it does in every other level because of the intractable link between our energy consumption or our need for energy and the basic progress and augmentation, not an economy of scarcity, not an economy of blight, but the proverbial economy of plenty and prosperity and a fair share for every American, not block him out of his share of the American way of life. This is what is at stake. This is what has been at stake.

I take pride in having identified it that way, first locally back home, and then up here, for not 10 years, not 15 years, not when the Republican administration was in power, but when a personal friend was in power—and I was just as critical in some areas then as I am now, for the stated reasons on record—but as I said in the beginning, just as in the case of the local fights, if I am not rebutted, if my questions are not successfully answered, I will not stop persisting, and this is all I believe that one man can do.

But I believe we have reached the point now where for many Americans, individuals, and collective businesses, there is no point of return. This is lamentable because it was inevitable. High interest rates are not God ordained. High interest rates are not an act of God and yet the chairman of the Fed, Presidents of the United States, colleagues of mine in Congress, great industrial leaders and manufacturing firm heads, all have talked to me, all have spoken, all have written as if it is an act of God, as if you cannot do anything. What is the matter with you? Now they are saying, well, you see you have this debt, and you have this deficit, but we have had worse relationships before and we are not flagellated, with 21 percent rates, not even 10 percent.

So, as I initiate what I consider to be the ad hoc substitute de facto impeachment proceedings on the House floor, I will further elaborate and document these statements that I have made today because I think no matter what happens, inescapably the American Government and its leaders will have to confront this issue, they will have to confront the restructuring of the Federal Reserve Act, they will have to consider and bring about and the sooner the better.

Whether it is long range or short range, the Federal Reserve Board will have to yield to accountability. As long as it is not, it cannot have it both ways.

The President himself has admitted that, yes, the Federal Reserve Board has something to do with the reason for high interest rates. The Federal Reserve Board says, "Oh, no, that is not our target. We are not handling monetary or fiscal policy in such a way as to impact on interest rates. Interest rates are due to the lack of confidence or because of deficit or the national debt or something, or inflation."

They were saying inflation. Yet I offer for the RECORD at this point a lead article in the Washington Post, which is—they call it the weekly business advocate newspaper—the chamber of commerce publication, and the title is "Interest Rate Level Puzzles Experts, Too."

Well, the reason it puzzles is they have been making all kinds of outrageous statements and attempting to perpetuate these myths as to who the culprit is. In other words, blame Joe. What I call the present game of blamesmanship, and everybody is indulging in it.

Even now instead of saying, "Wait a while, to this extent it is my baby, and here is what I think I can do about it and here is what I suggest."

Now let us get together. This is what I think I will humbly attempt to do in an individual and perhaps a very small way because it is too late to worry about who is to blame for this, that, and the other. We have a whole history going back to 1789 if we want to find causes and figures to blame and all that, but at this point, we have got to seek the path out of the jungle on our own. We cannot expect Americans who live no longer than 1920, even those that were living in 1950, because we got another world, it is another country, it is another set of horses, but basically, the issue is the same.

Who is going to rule the American people in their most vital way, that is their economic well-being? The bankers or their representatives and their government.

Mr. Speaker, the article I refer to follows:

INTEREST—RATE LEVEL PUZZLES EXPERTS, TOO

(By Mary-Margaret Wantuck)

Why do interest rates remain persistently high in the face of a sharply declining inflation rate?

This question is at the forefront of economic-policy debate today in Washington.

The dilemma is complicated by the experts' inability to agree on a solution to the problem.

Some financial analysts, economists and government officials believe that, regardless of any other economic developments, interest rates will stay high until steps are taken to reduce projected federal deficits and to assure stability in growth of the money supply.

This group includes Federal Reserve Board Chairman Paul Volcker, who says:

"Interest rates not only reflect the current state of the economy and the balance of underlying demand-and-supply forces in the financial markets but also [reflect] expectations of the future."

Another group, however, argues that there is no valid basis for continuing high rates.

Treasury Secretary Donald T. Regan, a key member of that group, told a Wall Street audience recently that psychological not economic, factors were keeping interest rates up.

He said financial markets would not accept the administration's assurance that it will come to grips with the deficit problem.

Volcker holds, however, that rates are being kept up by lenders' expectations in three areas: monetary policy, the inflation outlook and the government's fiscal position.

As Fed chairman, Volcker has steered the country toward monetary restraint. He contends that curbing the nation's money-supply growth will, "over time, act as a powerful influence in bringing down interest rates, particularly in the long term area."

The president has said that the administration supports the Fed's 1982 money-growth target of 5½ percent of lower. That position is shared by the Shadow Open Market Committee, a group of monetary economists.

And most of the banking community believes the Fed should keep stable monetary policy as its goal, opting for a long-term solution instead of a short-term patch.

But there are critics of tight monetary restraint. Henry Kaufman, chief economist at Salomon Brothers, a Wall Street brokerage house, recommends a restructured monetary policy that focuses on controlling the debt.

Wariness over whether the inflation rate, which has fallen in recent months, will achieve long-term stability has also contributed to high interest rates.

George McKinney, a senior vice president with Irving Trust Bank in New York, explained: "The real rate of interest is the excess of interest charged over the expected rate of inflation, not the actual rate. Essentially, people expect what they have experienced over the past several years."

He noted there would be a two- to three-year lag before people would really begin to believe that inflation had stabilized.

On Capitol Hill, key legislators on the Finance and Budget committees say that if interest rates decline sharply in coming weeks, the president will assume his economic program is beginning to work and will reject a compromise on his budget proposals.

However, Alan Greenspan, a former chairman of the Council of Economic Advisers, believes the expectation of high deficits will keep interest rates from falling far enough to reduce the pressure for budget cuts and small deficits.

When and how much will interest rates drop? Credit market analysts cautiously estimate that they may fall to the lower double-digit bracket. But they say that could take several years.

PERSONAL EXPLANATION

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Iowa (Mr. BEDELL) is recognized for 5 minutes.

● Mr. BEDELL. Mr. Speaker, yesterday, because of a death in the family, I was absent during consideration by the House of House Joint Resolution 409, providing further continuing appropriations for fiscal year 1982. Had I been present, I would have voted "aye" on the measure.●

FORECASTS OF A WORSENING ECONOMY SHOULD NOT BE IGNORED

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from South Dakota (Mr. DASCHLE) is recognized for 5 minutes.

● Mr. DASCHLE. Mr. Speaker, in a recent speech to the National Press Club, Secretary of the Treasury Regan predicted our Nation's economy would stage a "roaring" recovery this spring from the present serious recession. Hopefully, Secretary Regan's most recent economic forecast will prove to be correct. In sharp contrast to the rosy optimism being expressed by Secretary Regan are the much less encouraging views being offered by several economists. These views, two of which were reported recently in the Business Diary feature of Business Week magazine, are of a darker economic future for our Nation caused by the high interest rate and excessively restrictive monetary policy being pursued by the Federal Reserve and encouraged by the administration. These forecasts of increasing economic difficulty and distress caused by current economic policies are clearly not reassuring. Secretary Regan and the other economic policy architects of the administration should not simply continue to hope for the best and chose to ignore these forecasts of a further worsening of our already troubled economy.

At this point in the RECORD I include the following:

FEBRUARY 2—DID SOMEONE MENTION (SHH!) A DEPRESSION?

The consensus among economic forecasters is that a weak but palpable recovery has either already arrived or is not far away. Among a small but growing number of economists, however, the word being increasingly mentioned is not "recession" or "recovery" but the ominous term "depression."

Edward Yardeni of E. F. Hutton & Co., for example, believes that the current incipient signs of an upturn "will prove to be a mirage resulting from wishful thinking." Predicting no real growth in the economy at all this year, he thinks there is a "roughly 1-in-3 chance" that the severe recession he sees continuing in the months ahead will turn into a "depression—an extended decline involving serious structural damage to the economy."

Economist Robert H. Parks of Moore & Schley, Cameron & Co. concurs. "We are already in a maxi-recession," he says, "and there is a clear risk that it will turn into a classic depression, which in modern terms would mean an unemployment rate of 13% or 14%."

Yardeni and Parks agree on the main threat: the lethal combination of an excessively restrictive monetary policy and a highly stimulative fiscal policy crowding out the private sector even in a serious recession. "Every major sector of the economy, with the exception of military spending, is being battered by the highest real interest rates in U.S. history," says Parks. "The Administration is attempting to finance huge tax cuts and an armaments buildup out of the flow of private savings that was supposed to fund private investment. This is naive and dangerous, and so is the idea that the economy can continue to bumble along with such high interest rates."

Yardeni and Parks believe that the Administration will have to modify its positions on monetary and fiscal policy if the economy is to avoid disaster. With numerous corporations already stretched to their limits financially, says Yardeni, "the danger is that lenders will refuse to extend credit to their weaker customers, initiating a liquidity crisis and a string of bankruptcies." The result, he fears, could be an economic decline so steep that it would significantly impair the ability of such industries as autos and capital goods to regain their competitive edge in domestic and foreign markets. "The steel industry never fully recovered from the 1974-75 recession," Yardeni warns. "Now other sectors are in jeopardy."

FEBRUARY 3—HOW INTEREST RATES ARE SINKING U.S. TRADE

If you really want to understand the adverse effects—and dangers—of the Administration's fiscal and monetary strategy, look at the trade sector. That is the advice of Kidder, Peabody & Co. economist Sam I. Nakagama, who notes that 77% of the drop in real gross national product from the peak first quarter to the fourth quarter of last year was attributable to a negative shift in the merchandise trade balance. As Nakagama sees it, this makes the current recession unique in the postwar period. "It is primarily the result of extraordinarily high interest rates that have kept the dollar at levels that shrink American exports and encourage imports," he says.

The interest-rate surge resulting from the clash between monetary restraint and fiscal ease is thus dealing a heavy blow to U.S. industry's competitiveness, Nakagama believes. West German exports to the U.S. jumped 48% in October-November, 1981, over the year-earlier period, he notes, while Japanese shipments in November were 34% higher than in November, 1980. And since U.S. car imports were actually down in the fourth quarter of last year from the same quarter of 1980, the deterioration in the trade balance was centered in other items, particularly in capital goods.

With interest rates and the dollar on the upswing once again and industrial and farm commodity prices already at virtually profitless levels, the Kidder Peabody economist believes the economy has now entered an "inflation-depression trap." He adds: "We have already seen as much disinflation as we are likely to see. The Administration and the Fed must now choose whether to reinflate or to risk an alternative worse than inflation."●

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

Mr. GONZALEZ, for 60 minutes, today.

(The following Members (at the request of Mrs. SCHNEIDER) to revise and extend their remarks and include extraneous material:)

Mr. LUNGREN, for 60 minutes, today.

Mr. CORCORAN, for 15 minutes, March 29, 1982.

(The following Members (at the request of Mr. PEASE) to revise and extend their remarks and to include extraneous material:)

Mr. WEAVER, for 30 minutes, today.

Mr. WHITTEN, for 15 minutes, today.

Mr. ANNUNZIO, for 5 minutes, today.

Mr. COELHO, for 5 minutes, today.

(The following Members (at the request of Mr. GONZALEZ) to revise and extend their remarks and include extraneous material:)

Mr. BEDELL, for 5 minutes, today.

Mr. DASCHLE, for 5 minutes, today.

Mr. UDALL, for 60 minutes, March 30, 1982.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

(The following Members (at the request of Mrs. SCHNEIDER) and to include extraneous matter:)

Mr. HYDE in 10 instances.

Mr. MCCLORY.

Mr. RITTER.

Mr. SAWYER.

Mr. FINDLEY.

Mr. DERWINSKI.

Mr. HANSEN of Idaho in four instances.

Mr. GILMAN in three instances.

Mrs. FENWICK.

Mr. BROWN of Ohio.

Mr. MCGRATH.

Mr. LENT, in two instances.

(The following Members (at the request of Mr. PEASE) and to include extraneous matter:)

Mr. MINISH.

Mr. PEASE in two instances.

Mr. BONIOR of Michigan.

Mr. FLORIO.

Mr. RATCHFORD.

Mr. ROSE.

Mr. FUQUA.

Mr. SWIFT.

Mr. HOYER.

(The following Members (at the request of Mr. GONZALEZ) and to include extraneous matter:)

Mr. MARKEY.

Mr. MOFFETT in two instances.

Mr. SCHEUER.

Mr. OTTINGER.

Mr. MOAKLEY.

Mr. HUGHES.

Mr. WALGREN.

Mr. WAXMAN.

Mr. LAFALCE in two instances.

Mr. DASCHLE in five instances.

Mr. DYSON.

Mr. MILLER of California in two instances.

Mr. FORD of Michigan.

Mr. STOKES in three instances.

Mr. DELLUMS.

ADJOURNMENT

Mr. GONZALEZ. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 1 o'clock and 38 minutes p.m.) under its previous order, the House adjourned until Monday, March 29, 1982, at 12 o'clock noon.

CONTRACTUAL ACTIONS, CALENDAR YEAR 1981, TO FACILITATE NATIONAL DEFENSE

The Clerk of the House of Representatives submits the following report for printing in the CONGRESSIONAL RECORD pursuant to section 4(b) of Public Law 85-804:

OFFICE OF THE ASSISTANT
SECRETARY OF DEFENSE,
Washington, D.C., March 22, 1982.

Hon. THOMAS P. O'NEILL, Jr.,
Speaker of the House of Representatives,
Washington, D.C.

DEAR MR. SPEAKER: In compliance with Section 4(a) of Public Law 85-804, the calendar year 1981 report on *Extraordinary Contractual Actions to Facilitate the National Defense* is enclosed.

Section A, Department of Defense Summary, shows that 121 contractual actions were approved and that seven actions were disapproved. Included in the number of actions approved are 77 actions for which a potential Government liability cannot be estimated.

Sections B through E present those actions with an estimated or potential cost of $50,000 or more by the three military departments and Defense Logistics Agency. A list of contingent liability claims is also included. Each section contains a summary table and an abstract of the decision and findings for each qualifying action.

Sincerely,

D. O. COOKE,
Deputy Assistant Secretary of Defense.

EXTRAORDINARY CONTRACTUAL ACTIONS TO FACILITATE THE NATIONAL DEFENSE (PUBLIC LAW 85-804), JANUARY-DECEMBER 1981

SECTION A—DEPARTMENT OF DEFENSE SUMMARY

SUMMARY REPORT OF CONTRACTUAL ACTIONS TAKEN PURSUANT TO PUBLIC LAW 85-804 TO FACILITATE THE NATIONAL DEFENSE, JANUARY TO DECEMBER 1981

Department and type of action	Actions approved			Actions denied	
	Number	Amount requested	Amount approved	Number	Amount
Department of Defense—Total	121	$160,664,282	$19,653,910	7	$3,091,211
Amendments without consideration	3	14,271,150	8,906,249	4	2,666,211
Correction of mistakes	2	151,998	96,998	2	407,590
Formalization of informal commitments	37	961,134	870,663	1	17,410
Contingent liabilities	77				
Residual powers	2	145,280,000	9,780,000		
Army—Total	25	571,451	571,451	5	704,301
Amendments without consideration				3	296,711
Correction of mistakes	1	61,998	61,998	2	407,590
Formalization of informal commitments	23	229,453	229,453		
Contingent liabilities					
Residual powers	1	280,000	280,000		
Navy—Total	73	146,087,061	10,346,689	1	17,410
Amendments without consideration	1	356,150	206,249		
Correction of mistakes					
Formalization of informal commitments	13	730,911	640,440	1	17,410
Contingent liabilities	58				
Residual powers	1	145,000,000	9,500,000		
Air Force—Total	23	14,005,770	8,735,770	1	2,369,500
Amendments without consideration	2	13,915,000	8,700,000	1	2,369,500
Correction of mistakes	1	90,000	35,000		
Formalization of informal commitments	1	770	770		
Contingent liabilities	19				
Residual powers					
DLA—Total [1]					
Amendments without consideration					
Correction of mistakes					
Formalization of informal commitments					

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EXTRAORDINARY CONTRACTUAL ACTIONS TO FACILITATE THE NATIONAL DEFENSE (PUBLIC LAW 85-804), JANUARY-DECEMBER 1981—Continued

Department and type of action	Actions approved			Actions denied	
	Number	Amount requested	Amount approved	Number	Amount
Contingent liabilities					
Residual powers					

[1] Data not received in time to be included in this report. A supplemental report will be issued when the DLA data are received.

SECTION B—U.S. ARMY SUMMARY

DEPARTMENT SUMMARY OF CONTRACTUAL ACTIONS WITH ACTUAL OR POTENTIAL COST OF $50,000 OR MORE TAKEN PURSUANT TO PUBLIC LAW 85-804 TO FACILITATE THE NATIONAL DEFENSE, JANUARY TO DECEMBER 1981

Type of action and contractor	Amount requested	Approved
Correction of mistakes: Gichner Mobile Systems	$61,998	$61,998
Formalization of informal commitments: Bolt Beranek & Newman, Inc	118,503	118,503
Residual powers: Government of Honduras	280,000	280,000
U.S. Army total	460,501	460,501

Contractor: Gichner Mobile Systems.

Type of action: Correction of mistake

Actual or estimated potential cost: $61,998.

Service and activity: U.S. Army—Tank Automotive Material Readiness Command (TACOM).

Description of product or service: Dolly Sets.

Background: Gichner and three other bidders (one later withdrew) responded to an invitation for bid on 117 Dolly Set, Lift Transportable Shelter 5/14 ton, XM 832 plus parts, with a 50% option provision. Of the three bids opened, Gichner's was the lowest, with a unit price of $8,723 without Federal Excise Tax (FET) and $9,129 with FET. The next lowest was $10,178 without FET and $11,165 with FET. Gichner received the award on September 30, 1977 at the bid price. Three months later the Government exercised its 50% option and ordered 25 more XM 832's, for a total contract amount of $1,302,969.

In its request for relief, Gichner contended that it made a significant pricing error in computing the FET by relying on outdated information provided by a commercial tax service reporter. Gichner based its bid on the tax reporter's information that the FET would be reduced from 10% to 5% on October 1, 1977. The proposed excise tax reduction was postponed by Congress and Gichner faced a potential loss of $61,998.

Although Gichner conceded that its mistake was unilateral in nature, it maintained that it was still entitled to relief, because the mistake was so obvious the contracting officer should have discovered it. Even if relief is granted, Gichner's contract price would be lower than the next lowest bidder.

Justification: TACOM cites two reasons why it feels Gichner Mobile Systems should be granted relief. First, it notes the 22.3% disparity between Gichner's unit price with FET and the unit price of the next lowest bidder. Second, it points out that the other two bidders allowed a 10% FET in computing their bids. Gichner allowed only 5%. TACOM concludes that its contracting officer should have noticed Gichner's mistake. However, DARCOM recommended that relief be denied because the mistaken bid resulted solely from Gichner Mobile System's negligence. DARCOM also questions whether Gichner would suffer a loss on the contract.

Decision: TACOM the procuring organization, has taken the position that its contracting officer should have noticed Gichner's mistake. Because of the circumstances set forth by Gichner in its request, the board was reluctant to disagree with TACOM's conclusion. Based on testimony, it appears that Gichner will suffer an actual loss because of its mistaken bid. Accordingly the board determined that extraordinary contractual relief is warranted, and that this action will facilitate the national defense.

Contractor: Bolt Beranek and Newman, Inc. (BBN)

Type of action: Formalization of an informal commitment.

Actual or estimated potential cost: $118,503.

Service and activity: U.S. Army—Defense Advanced Research Project Agency (DARPA).

Description of product or service: Research in packet switching network security.

Background: Since February 1, 1976 Bolt Beranek and Newman, Inc. (BBN) has been conducting work under a CPFF contract let by the Army as agent for DARPA. From the outset of the relationship, BBN expended effort on the project prior to formal execution of the contractual documents. For example, BBN started work on a contract on February 1, 1976, which was to be effective February 20, was awarded on May 20 and received by BBN on June 9, 1976. Similar time spans between performance, effective date, and execution were evident in covering performance from January 1, 1977 to September 30, 1979.

On August 20, 1979, BBN submitted a proposal to continue work under the contract with the condition that performance be authorized as of October 1, 1979 to ensure continuous performance.

On October 1, 1979, BBN chose to continue work in accordance with its proposal, believing that the established pattern of retroactive contract extensions would be continued. BBN was led to believe that a new contract was forthcoming when the Defense Supply Service—Washington (DDS-W) contract specialist indicated that a new contract would be issued. On December 7, 1979 DARPA authorized the funds and work outlined in BBN's proposal. Since no limitation of costs notice had been issued, it was determined that precontract costs between October 1 and December 6, 1979 would not be covered in the new contract. As a result, a special clause was added to the contract which contemplated the submittal of a request for extraordinary contractual relief.

BBN submitted the request in the amount of $118,503, of which $10,483 was fixed fee.

Justification: In supporting BBN's claim, the Director, DSS-W notes that elements for an informal commitment were present in the total historical context of the program, and that the requested amount is proportionate to the negotiated amount of the new twelve month effort, and that it is reasonable.

The Board felt that from the outset of the contractual relationship a pattern developed that work performed by BBN was covered by signed contracts or modifications. Based on this pattern, BBN, in good faith, continued working. Both DARPA and DDS-W were aware that BBN continued working, and at no time did either agency stop BBN's performance or refuse to accept products of the work effort.

Decision: The evidence indicates that BBN and the Government entered into a contract which recognized that a claim for extraordinary contractual relief by BBN was to be submitted.

Equity dictates that relief be granted and a supplemental agreement be made to increase the contract price not to exceed $118,503. The board feels that there is no evidence to indicate that the informal commitment was intended to circumvent or evade military procurement statutory or administrative provisions. This decision will facilitate the national defense.

Contractor: Government of Honduras.

Type of action: Residual Powers.

Actual or estimated potential cost: $280,000.

Service and activity: U.S. Army—Deputy Chief of Staff for Operations and Plans (DCSOPS).

Description of product or service: Repair of Damaged Helicopter UH-1H.

Background: On April 25, 1980 a lease for ten UH-1H helicopters and associated nonexpendable support equipment was signed between the governments of the United States and Honduras. Pilot training and maintenance personnel for performance in Honduras was established at the same time. A foreign military sales (FMS) case was established for repair and refurbishment of the returned helicopters at an estimated cost of $225,000 per helicopter.

One of the helicopters, while operated by a Honduran pilot under supervision by a U.S. Army instructor, crashed on a training exercise. An engine power failure occurred, causing the helicopter to settle to the ground and roll over on its side. No one was injured.

The helicopter was returned to Corpus Christi Army Depot with the estimated cost of repairs to be $216,000 to $280,000.

The Chief of Staff, Honduran Armed Forces, forwarded a request for release from pecuniary liability for the accident to DCSOPS.

Justification: Representatives of the Department of State, Office of the Assistant Secretary of Defense (International Security Affairs), and the Defense Security Assistance Agency advised the board of the foreign policy and national defense significance of the lease and recommended that relief be granted.

Decision: Based on these recommendations, and for reasons stated in a classified memorandum from DCSOPS, the board found that granting the relief requested would facilitate the national defense. The contracting officer is authorized and directed to relieve the Government of Honduras of any liability arising out of the training accident and damage to the helicopter.

SECTION C—U.S. NAVY SUMMARY

DEPARTMENT SUMMARY OF CONTRACTUAL ACTIONS WITH ACTUAL OR POTENTIAL COST OF $50,000 OR MORE TAKEN PURSUANT TO PUBLIC LAW 85-804 TO FACILITATE THE NATIONAL DEFENSE, JANUARY TO DECEMBER 1981

Type of action and contractor	Amount requested	Approved
Amendment without consideration: Exact Electronics, Inc	$356,150	$206,249
Formalization of informal commitments:		
Northrop Corp	281,944	281,944
Gould, Inc	77,957	77,957
Tech-Ex Inc	99,526	99,526
American Nucleonics Corp	260,000	193,642
Residual powers: Todd Shipyards, Inc	145,000,000	9,500,000
U.S. Navy total	146,075,577	10,359,318
Contingent liabilities: 58 contracts		

Contractor: Exact Electronics, Inc., Tillamook, Oregon.

Type of action: Amendment without consideration.

Actual or estimated potential cost: $206,249.

Service and activity: U.S. Navy-U.S. Marine Corps.

Description of product or service: Function Generator (Model 566).

Background: On November 19, 1976 a contract for 1,121 function generators (Model 566), including first article units and spares was awarded to Exact Electronics, Inc., (Exact) for $844,103 by the U.S. Marine Corps. The Government's estimate was $924,825. A function generator is used to calibrate electronic equipment.

Exact has shipped all 1,121 generators, but has apparently suffered an estimated loss of $356,150.

The Marine Corps' objective was to obtain a commercially available function generator which could be modified to meet prescribed salient functional and environmental characteristics, which were specified in the RFP and in the contract. The specifications and testing requirements were set forth in General Specifications MIL-T-2880. These specifications provide alternate methods of testing depending on the model of function generator.

Exact misinterpreted the specifications and accordingly produced a first article unit that could not pass the salt atmosphere test. The Marine Corps so notified the contractor, who submitted an engineering change proposal (ECP) which was approved by the government. The ECP was conditioned on Exact absorbing the extra cost of the change.

Five additional instruments were constructed in accordance with the redesign and were submitted for first article testing. Exact attributes $149,538 of its loss to these changes, which was verified by the DCAA audit.

The contract also called for a "bounce loose cargo test," which consisted of placing the generator in a vibrating container and rotating it for three hours. Of the five instruments tested, all were severely damaged. Hughes Aircraft Co., the first article testing subcontractor stated that no electronic instrument had ever passed this test. Exact's test report indicated that it was "doubtful that Model 566 could pass this test without extensive redesign . . ." The contracting officer gave Exact approval to proceed with production notwithstanding the test results. The contractor asked that the test clause be deleted and offered to refund to the Marine Corps the $1,800 cost of testing. The waiver was granted. In the interim Exact made changes to the instrument in an attempt to increase its resistance to destruction during the bounce loose cargo test. The contractor claimed a $56,711 loss in attempting to comply with the test. DCAA verified this amount.

In order to start the contract and to fulfill its conditions, Exact had gone into debt with its bank and various vendors to the extent of near bankruptcy.

Justification: Exact claims that the Marine Corps' untimely actions and its insistence upon misleading, ambiguous or impossible specifications caused Exact to suffer losses under the contract. Exact specifically alleges that it was wrongly directed to undertake the salt atmosphere test and that the bounce loose cargo test was an impossible test requirement.

Decision: The board concluded that the Marine Corps insistence that Exact comply with its interpretation of the ambiguous salient function requirement was wrong. The board finds that an amendment without consideration is warranted where a contractor has suffered an actual loss resulting from some government action and considerations of fairness make relief appropriate. Therefore the contract should be adjusted by $149,538. In addition, the board disagrees with the Marine Corps contention that the bounce loose cargo test was possible, since the evidence offered by the contractor indicates that no electronic instrument had passed this test. Accordingly, the board finds that placing this impossible requirement on the contractor was unfair, and that this action contributed to the contractor's financial difficulties under the contract. Accordingly, the contract should be further adjusted upwards by $56,711. The total contract adjustment was $206,249.

The board finds that this action will facilitate the national defense.

Contractor: Northrop Corporation, Electronics Division.

Type of action: Formalization of informal commitment.

Actual or estimated potential cost: $281,944.

Service and activity: U.S. Navy-Naval Air Systems Command (NAVAIR).

Description of product or service: OMEGA navigation systems and support.

Background: A few days after the takeover of the American Embassy in Tehran, the Joint Chiefs of Staff, through NAVAIR, requested Northrop to provided OMEGA systems and support services for RH-53D helicopters then deployed in the Indian Ocean. Seven days later two Northrop and five Navy civilian employees had installed four of the systems, and a few days later the fifth system was installed. The two Northrop employees remained to conduct training and to perform maintenance and repair on the systems. Northrop requested relief in the amount of $281,944.

Justification: The board found that this request is a case where a requirement had been fulfilled in the least possible time, and that at the time the commitment was made, it was impracticable to use normal contracting procedures.

Decision: The board decided that the contracting officer should enter into a contract with Northrop at a price not to exceed $281,944 for these supplies and services. This action will facilitate the national defense.

Contractor: Gould, Incorporated, Chesapeake Instruments Division.

Type of action: Formalization of informal commitments.

Actual or estimated potential cost: $77,957.

Service and activity: U.S. Navy—Naval Electronic Systems Command (NAVELEX).

Description of product or service: Towed Array Surveillance Systems, AN/SQR-15.

Background: For the past several years, Gould has performed repair depot maintenance services in support of six (6) AN/SQR-15s installed on operational fleet vessels under contracts with NAVELEX. Although the existing contract expired on September 30, 1979, Gould accepted numerous work orders from AN/SQR-15 field activities as it always had. If Gould had not continued performance without benefit of a contract, the Navy would be denied a critically important sensor. Gould's actions were based on past practice where the gap was bridged by using an anticipatory costs clause in the succeeding contract.

Justification: Gould submitted a proposal for reviewing the contract three months prior to the expiration of the existing contract. It had reason to rely upon a pattern of past Navy conduct that offered no warning of possible difficulties attending toleration of a contractual hiatus.

Decision: The board found that it was impracticable to use normal procurement procedures, since Government personnel did not issue a new contract in a timely fashion. Under the circumstances, the board believed it would be patently unfair to Gould to deny relief. The board directed that the contracting officer formalize this informal commitment in an amount not to exceed $77,957. The granting of this request will facilitate the national defense.

Contractor: Tech-Ex Incorporated.

Type of action: Formalization of informal commitment.

Actual or estimated potential cost: $99,526.

Service and activity: U.S. Navy—Aviation Supply Office (ASO).

Description of product or service: Computerized Reporting System (Uniform Closed Loop Aeronautical Program (UCLAMP)).

Background: On September 27, 1979, Tech-Ex was awarded an ASO contract to perform various tasks associated with the implementation of UCLAMP. During performance, Tech-Ex submitted an unsolicited proposal to ASO/Data Processing Division (DPD) for $167,115 for "maintaining/training/troubleshooting and some redesign of UCLAMP." ASO/DPD rejected the proposal as too costly.

By January 1980, implementation of UCLAMP was overdue, since completion was scheduled for April 1980. A coordination effort of the 200 field sites utilizing the system was in progress. In addition, training of Navy and Tech-Ex personnel had been completed and special hardware had been purchased. Therefore ASO felt that any slippage in the time schedule would cause a costly disruption of operations.

However, ASO/DPD was aware that further contractor support would be necessary to insure successful and timely implementation of UCLAMP. Because this was an ADP associated software procurement it had to be approved by Naval Supply Systems Command (NAVSUP). The matter of negotiating responsibility was discussed between ASO/DPD and NAVSUP staff. However, the conversation resulted in complete confusion and misunderstanding, with each believing the other had the responsibility to negotiate.

On January 23, 1980, a meeting as held between the president of Tech-Ex and the Division Director and staff members of ASO/DPD concerning expiration of the present contract and the need for an additional effort relating to the communications front end processor which was necessary before UCLAMP could become operational. No procurement package was ready at that time and ASO/DPD estimated that the one month needed for preparation and award would cause a further slippage of the April completion date.

The DPD Director conveyed his concern and the urgency of the situation to Tech-Ex and said that he would accept and appreciate their beginning performance in advance of the contract, even though he had no authority for doing so. Tech-Ex expressed their willingness to begin work in exchange for ASO's assurance that they would expedite the award to Tech-Ex. The director assured Tech-Ex he would do his best and on no other authority than that, Tech-Ex began work shortly thereafter. ASO/DPD was fully aware that Tech-Ex was performing the work and encouraged them to continue. All work was completed in June 1980, and ASO judged the work to be satisfactory. The ASO contracting officer and DCAA concluded that the proposed labor and indirect expense rates were reasonable.

Justification: The facts indicate that there was an informal commitment to Tech-Ex that was appropriate to be formalized. The record also shows that the ASO/DPD Director wanted and needed to have the work performed and amply conveyed this to Tech-Ex, by promising to pursue award of a contract, even though he lacked any real authority to actually award a contract. Tech-Ex realized this, but believed that ASO/DPD could exert pressure and on this belief began work. Once the contractor did begin work, the actions of ASO personnel served to condone and encourage his continued performance.

The board must also decide whether, that at the time the commitment was made it was impractical to use normal procurement procedures. The board found that unchecked circumvention and deliberate evasion of the procurement process was not present. Instead the urgent need for full UNCLAMP implementation, the confusion between ASO and NAVSUP as to who would negotiate and award the contract, and ASO/DPS's unawareness of ASO's contracting authority rendered it impractical to utilize normal procurement procedures. In additon, the prerequesite that the request for payment be submitted within six months after performance had been met.

Decision: The board ruled that the ASO contracting officer be authorized to formalize this informal commitment in an amount not to exceed $99,526.

Contractor: American Nucleonics Corporation (ANC).

Type of action: Formalization of an informal commitment.

Actual or estimated potential cost: $193,642.

Service and activity: U.S. Navy—Naval Air Systems Command (NAVAIR).

Description of product or service: Interference Cancellation System (ICS) for AWG-9 Radar.

Background: In the past ANC had subcontracted to Grumman Aerospace Corporation (Grumman) to design, develop, fabricate and test two ICS (System A) to protect the F-14 Countermeasure System from on board interference from the AWG-9 Radar. ANC was also tasked, under another contract, to integrate and demonstrate the ICS (System B) to protect the AWG-9 from off-board jamming.

As a result of the takeover of the Iranian Government, the United States Government learned that the F-14 aircraft and its hardware had been compromised by the new Iranian government. Because of this situation, the Navy ordered the installation of a new off-board suppression system for the AWG-9 Radar and its ARC-182 Voice Communication System (ARC-182) which negated the effects of the compromise. Accordingly, NAVAIR entered into negotiation with ANC for modifications of System B, formulated a Statement of Work, including deliverables, for a price of $130,000. NAVAIR told ANC that they would use Grumman, ANC's prime contractor, as the instrument for payment to ANC for these services to the Navy.

ANC then began work on the modification of System B (System B Mod). NAVAIR representatives attended meetings, arranged for delivery of classified Government furnished Equipment (GFE) to ANC, set up demonstrations of System B model at ANC's facilities, and directed the shipment of additional GFE to ANC needed for the test.

Subsequently, NAVAIR and ANC verbally negotiated another Statement of Work for the development of System C, an ICS to protect the ARC-182 from off-board jamming, for a price of $130,000. NAVAIR again instructed ANC to begin work without a contract, assuring ANC they would be paid through Grumman as in the case of System B Mod. NAVAIR also participated in system C by making periodic visits for updates on the design and construction of the equipment and making arrangements for GFE needed for the demonstration.

NAVIAR merely indentified sufficient funding to cover the efforts. Notwithstanding its intent, Navy's prime contract with Grumman was not modified nor did a new contract by NAVAIR and ANC ever ensue.

All effort contemplated by the parties was completed, and ANC submitted final reports and invoices for System B Mod and System C to Gurmman. Grumman refused payment to ANC because: the work was not within the scope of any contract with Navy; the work was completed and no authorization issued for it; Grumman was concerned that a new subcontract would result in a cost disallowance by Defense Contract Audit Agency (DCAA); Grumman did not endorse the technical approach and results of the ANC effort; and Grumman did not have any obligation, legal or otherwise, to sponser ANC's claim.

ANC has requested payment of $260,000 for this effort. However, NAVAIR and DCAA, in their analysis of the request for contractual relief, discovered discrepancies, inaccuracies and duplications in ANC's computation. Excluding the unallowable costs, ANC's claim totals $193,642.

Justification: In consideration of all the relevant facts, the Board determined that there was an informal commitment to ANC that should be formalized. Because of the Iranian Revolution and the resultant compromise of the F-14 Weapons System, the Navy had an urgent requirement to have the work performed and conveyed this to ANC. NAVAIR directed ANC to perform the work and assured them that they would be compensated; even though ANC knew that the NAVAIR representatives lacked the authority to bind the Government to a contract. The Board found that it is fair to conclude that the contractor would not have performed the work if it believed that the NAVAIR representatives could and would arrange for contractual coverage. Further, NAVAIR gave tacit approval by participating in technical discussions, observations of test, and arranging for GFE, which served to condone and encourage ANC to continue performance. One of the most important factors the board must consider in making its determination, is whether there is any evidence or indications that the informal commitment was used to circumvent or evade the prescribed procurement procedures. The facts indicated the need for new off-board suppression systems to negate the compromise of the F-14 precipitated by events in Iran, rendered it impracticable to utilize normal procurement procedures. As required, ANC submitted a request for payment within six months after completion of work.

Decision: The decision of the Board was that the contracting officer be directed to formalize this informal commitment in an amount not to exceed $193,642. The contract should provide that all GFE provided to ANC and all equipment developed and reports generated should be delivered to the Government.

Contractor: Todd Shipyards Corporation.

Type of action: Residual Powers.

Actual or estimated potential cost: $9,500,000.

Service and activity: U.S. Navy, Military Sealift Command (MSC).

Description of product or service: Four 25,000 Ton Tankers—Build and Charter Program.

Background: The Navy entered into contracts with the Marine Vessel Leasing Corporation (MVLC) and the Marine Ship Leasing Corporation (MSLC) to have built and lease to the MSC, nine (9) 25,000 ton tankers. Todd Shipyards Corporation (Todd) built four tankers and sold them to MVLC, and Bath Iron Works (Bath) built five (5) tankers for sale to MSCL.

In the Build and Charter Program (Program) the Navy entered into no contracts with the shipbuilders, but solely with MVLC and MSLC, the leasors. The parties to the Program recognized that disputes might arise between the shipbuilders and owners, therefore, the contracts called for any such disputes to be settled in arbitration. If the panel found in facor of the shipyards, the award would have to be approved by the Navy. By terms of its contracts with the owners, the Navy must reimburse them in the form of higher charter fees for the amount in excess of the fixed prices originally set with the shipyards.

In 1975, Bath agreed to arbitration of its claim that MSLC was responsible for $16.5 million in excess costs. Five years later the panel awarded Bath $7.3 million including interest, plus $3.5 million in cost. The Navy has yet to accept or reject this award, pending a review by the Department of Justice.

Todd's claims followed a different course, since they have consistently sought to avoid arbitration of its claims against the Navy and MVLC. In 1976, Todd filed a $31.5 million claim with MSC, who rejected it on the basis of lack of privity of contract. Todd filed suit in the Federal district court in

California in 1978 against MVLC and the Navy, for $120 million. The district court dismissed the case. Todd appealed the decision to the 9th Circuit Court of Appeals, but a decision is not expected for at least a year. Todd sought the assistance of the New York State courts in an effort to settle the claim by other means than arbitration. Both the New York Supreme Court and the New York Court of Appeals told Todd to arbitrate.

Justification: During these periods of litigation Todd again brought its claim to the Navy. By then the Navy had had enough experience with the Bath arbitration to know that arbitration of Todd's claim would be long and expensive, with no guarantee of success. Under these circumstances the Secretary of the Navy concluded that the most responsible course of action was through direct negotiations with Todd, which might eliminate the burden, delay and costs of arbitration.

A special Navy team was organized to analyze Todd's claim from a technical and legal standpoint and to make recommendations on its disposition. The team concluded that Todd was required to perform additional work, was disrupted and delayed by MVLC and MSC, and that the outcome of arbitration would expose Navy to a liability of many millions of dollars. An audit by DCAA confirmed that Todd's loss was $34.9 million.

As a result of negotiation ordered by the Secretary, Todd agreed to accept $9.5 million as full payment on its claim.

Decision: Pursuant to the residual powers under P.L. 85-804, the Secretary authorized the appropriate contracting officer to enter into a contract with Todd in settlement of the claims on the terms agreed to by Todd.

U.S. NAVY

Contingent Liabilities: Provisions to indemnify contractors against liabilities because of claims for death, injury, or property damage arising from nuclear radiation, use of high energy propellants, or other risks not covered by the contractor's insurance program were included in 58 contracts (the potential cost of these liabilities cannot be estimated inasmuch as the liability to the Government, if any, will depend upon the occurrence of an incident as described, in the indemnification clause). Items procured are generally those associated with nuclear-powered vessels, nuclear armed guided missiles, experimental work with nuclear energy, handling of explosives, or performance in hazardous areas.

Contractor:	*Number of contracts*
General Dynamics	41
General Electric Co	6
Hughes Aircraft Co	1
Newport News Shipbuilding & Dry Dock Co	3
Raytheon Co	1
Rockwell International Corp	1
Singer Co	1
Westinghouse Electric Corp.	4
Total, Navy	58

SECTION D—U.S. AIR FORCE SUMMARY

DEPARTMENT SUMMARY OF CONTRACTUAL ACTIONS OR POTENTIAL COST OF $50,000 OR MORE TAKEN PURSUANT TO PUBLIC LAW 85-804 TO FACILITATE THE NATIONAL DEFENSE, JANUARY TO DECEMBER 1981

Type of action and contractor	Amount requested	Approved
Amendment without consideration:		
Singer Co	$13,615,000	$8,300,000
Compunetics, Inc	300,000	400,000
U.S. Air Force total	13,915,000	8,700,000
Contingent liabilities 19 contracts		

Contractor: Singer Company.

Type of action: Amendment without consideration.

Actual or estimated potential cost: $8,300,000.

Service and activity: U.S. Air Force—Air Force Systems Command—Aeronautical Systems Division (ASD).

Description of product or service: C-130E Instrument Flight Simulators.

Background: The Air Force Systems Command, Aeronautical Systems Division (ASD) awarded to Singer a competitive negotiated contract calling for the development and delivery of a C-130E Instrument Flight Simulator (IFS) and an option for nine additional IFSs. The option was similarly structured as to price except that target cost and ceiling price were subject to economic price adjustment (EPA). At the time of award the ceiling prices for the prototype production unit (PPU) for IFS was approximately $22.4 million and for the option units, without EPA, $41.8 million.

Singer began developing the PPU immediately following the award. Although several modifications were made, Singer appeared to be making satisfactory progress. However, three months prior to the exercise of the option, ASD was notified that significant cost increases associated with the development of PPU had caused Singer to reevaluate the cost of the option units. In view of its experience in developing the PPU, Singer concluded that performing the option at the established price would result in a loss which was unacceptable to Singer.

At a meeting between ASD and Singer, Singer explained that it had based its price proposal, in part, on presumptions that reflected its experience supplying C-130 type simulators to the Navy and commercial customers. Singer presumed that the Air Force would interpret specifications in the broad, subjective terms as other Singer customers, and that much of the design baseline developed with its other contracts would carry over to the IFS development for the Air Force. Singer did recognize that there were many "unknowns" in the production of a sophisticated high-quality simulator.

Singer's presumptions proved to be incorrect, since the Air Force's interpretation of the specifications required a higher level of performance, and the amount of engineering effort carry-over was less than anticipated. These factors impacted on the PPU program schedule generating delay-related costs which were compounded by the parties inability to reach agreements on contract requirements, specification interpretations and acceptance procedures which resulted in unanticipated cost growth.

Since Singer was convinced that the same type of problems, difficulties and delays would carry over to the option and cause a potentially devastating loss, they requested a meeting with ASD to discover ways to avoid the loss. Singer suggested that the option be restructured, repriced, or not be exercised. These suggestions were unacceptable to the Air Force because the option represented an established Air Force requirement and a vested right of the government that could not be relinquished by the contracting officer without adequate consideration.

As the option date approached, no solution was apparent, and Singer's available alternative to avoid a loss on the option appeared to be refusal to perform. Instead, Singer submitted a request for contractual relief. This request alleges that the cost growth experienced during the development of the PPU was caused by circumstances not reasonably foreseen or foreseeable, beyond its control and in which the Air Force was actively involved. These circumstances would carry over to the option, causing Singer to lose approximately $13.615 million, in addition to its PPU loss. Singer concluded that, in view of these circumstances, the exercise of the option is the type of government action for which fairness compels relief.

Justification: Ordinarily, the board would not consider the exercise of an option the kind of government action for which fairness compels relief, even when the contractor's loss would be compounded during the option performance.

Among the factors which distinguishes Singer's request from the ordinary case is the high degree of subjectivity inherent in this procurement. Evidence from Singer and ASD indicate that the requirements for the IFS, as reflected in this contract, are of necessity not definitive and highly subjective in both interpretation of specifications and the evaluation of contractor performance. Although ASD feels that this subjectivity is necessary to insure receipt of an IFS of the requisite fidelity, Singer is exposed to a risk that the cost of developing and producing the units will be affected by the subsequent definitization of the requirements. The board accepts Singer's explanation that its failure to seek more specificity during negotiations was caused in part of Singer's reliance on the invalid presumption it had drawn from past experience. Singer obviously would not have offered to develop and produce the IFS for the established price if they had known the level of fidelity required by the Air Force. In fact, the contracting officer has estimated that to produce the units under today's conditions the cost, exclusive of profit, would be $56.6 million, exceeding the established ceiling. A decision denying Singer's request would produce a windfall for the Air Force at Singer's expense.

Singer is an acknowledged leader in the field of aircraft simulation. Although aircraft simulation has assumed increasing importance, the number of potential sources has decreased. In view of the magnitude of the anticipated loss, refusal to grant some relief would diminish Singer's capacity to pursue the advancement of this vital technology. Moreover, in view of the high level of risk in this field, Singer, as well as other sources, may be reluctant to contract with the Air Force in the future, if relief is refused.

Contractor: Compunetics, Inc.

Type of action: Amendment without consideration.

Actual or estimated potential cost: $400,000.

Service and activity: U.S. Air Force—Sacramento Air Logistics Center (SMALC).

Description of product or Service: Electronic Code Converters (EECs).

Background: In May 1976, the Sacramento Air Logistics Center (SMALC) awarded a contract to Compunetics, Inc. (Compunetics) to deliver 290 Electronic Code Converters (ECCs), later modified to 264 total, in two stages, at a total of $684,006. This was a two-step procurement and a total small business set-aside.

An ECC is "a simple electrical-mechanical device" which functions as a remote control radio tuner, and is one of the components used in the Titan and Minuteman launch control conversion from vacuum tube to solid state radio systems. Almost immediately after award, progress was delayed because Compunetics encountered difficulties in its first article subcontractor, test equipment breakdown and other component failures. As a result, accelerated testing was 22 months behind the schedule prescribed in the contract. During the period of delay, material and labor costs increased and Compunetics financial situation deteriorated to the point that its vendors required cash in advance for all material orders. As a result Compunetics stopped work on the contract, and the contracting officer issued a "show cause" notice. In response, Compunetics submitted this request estimating that relief in the amount of $300,000 would provide the necessary working capital. Although Compunetics stopped production, it still maintained the needed technical and production facilities and manpower to resume production. Moreover, Compunetics continued to perform on and has built a backlog of other contracts, which provided a cash flow to procure some materials necessary to begin production. However, this would not generate enough working capital to resume full production of ECCs. If relief is approved Compunetics could produce enough ECCs to fulfill the contract. Without relief, they could not resume production.

Justification: The Air Force's Deputy Chief of Staff for Research, Development and Acquisition (DCS/RD) has recommended that the board determine that Compunetics' continued performance to be essential to the national defense. Other concerned Air Force components, including SMALC, support this recommendation. The DCS/RD recommendation is based on their need to complete the installation program as expeditiously as possible, which will significantly improve responsiveness of the Titan and Minuteman missile systems. An extended delay of the installation program would severely impact the overall operation of the UHF communications systems which support the airborne launch control system.

After the Air Force Logistics Command (AFLC/PM) examined the possibility of both producing the ECCs in-house or reprocuring from another commercial source, the DCS/RD concluded that, if relief is granted, Compunetics will be able to deliver the ECCs sooner and at a lower cost than other sources. The AFLC/PM concluded that inhouse production was not a viable alternative because Air Force repair facilities would have to be converted to manufacturing and that personnel were not readily available. AFLC/PM also determined that the overall cost of commercially reprocuring the ECCs would be double the projected $400,000 that would enable Compunetics to complete performance.

Additionally, because of the time required for the reprocurement process, Compunetics could begin delivery of the ECCs no less than nine months sooner than any other commercial source. The cost of maintaining the existing radio system is $30,000 per month and any further delay would exacerbate the adverse cost impact. Accordingly, AFLC/PM concluded that the best means of obtaining the ECCs is through approval of Compunetics' request for relief.

Decision: The importance of completing the conversion to solid state radio systems is readily apparent and the unavailability of ECCs threatens a significant delay. Since Compunetics is currently the only proven source of ECCs and is in a position to begin and complete delivery of the required units sooner and at a lower cost than any other source, the board is satisfied that granting relief will result in completion at the earliest possible time and will facilitate the national defense.

In lieu of Compunetics' original request, the board determined that the contract should be restructed into a cost, no fee contract, with an estimated cost not-to-exceed the current contract price plus $400,000. Compunetics shall be entitled to a lump sum payment for those costs incurred that exceed previous payments made by the Government. In view of the significant cost of maintaining the existing system, the board determined that the restructed contract should include an "early delivery incentive provision," the amount of which shall not exceed the savings associated with accelerated installation of the new system, which will reduce the time the existing system is in operation.

Decision: In view of the circumstances, the board concludes that Singer will suffer a loss as a result of the exercise of the option, that fairness compels relief and that granting relief will facilitate the national defense. The ceiling price for the option items should be increased to $56.6 million, exclusive of profit and without EPA, and the target cost for these items should be increased to $45.28 million. The board also finds that a new extended delivery schedule should be established based on Singer's proposed schedule.

In the opinion of the board this relief is expressly conditioned upon Singer's release of the government from any and all existing or future claims arising from this contract.

U.S. AIR FORCE

Contingent Liabilities: Provisions to indemnify contractors against liabilities because of claims for death, injury, or property damage arising from nuclear radiation, use of high energy propellants, or other risks not covered by the contractor's insurance program were included in 19 contracts (the potential cost of these liabilities cannot be estimated inasmuch as the liability to the Government, if any, will depend upon the occurrence of an incident as described, in the indemnification clause). Items procured are generally those associated with nuclear-powered vessels, nuclear armed guided missiles, experimental work with nuclear energy, handling of explosives, or performance in hazardous areas.

Contractor:	*Number of contracts*
Aerojet Strategic Propulsion Co	2
Martin Marietta Corp	9
Thiokol Corp	2
Boeing Military Airplane Co	1
Hughes Aircraft Co	1
Aerojet Services Co	2
Hercules Aerospace Division	1
General Electric Co	1
Total, Navy	19

SECTION E—U.S. DEFENSE LOGISTICS AGENCY SUMMARY

A report of extraordinary contractual actions from Defense Logistics Agency was not received in time to be included in this report. These actions will be contained in a supplemental report.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

3501. A letter from the Deputy Assistant Secretary of Defense, transmitting the annual report for calendar year 1981 on extraordinary contractual actions to facilitate the national defense, pursuant to section 4(a) of Public Law 85-804; to the Committee on Armed Services.

3502. A letter from the General Counsel of the Department of Defense, transmitting a draft of proposed legislation to amend title 10, United States Code, to revise and standardize the provisions of law relating to the distribution, appointment, and assignment of flag and general officers of the Army, Navy, Air Force, and Marine Corps; to the Committee on Armed Services.

3503. A letter from the District of Columbia Auditor, transmitting a report on the D.C. Public Schools procedures and maintenance contracts for equipment repair, pursuant to Public Law 93-198; to the Committee on the District of Columbia.

3504. A letter from the Director, Office of Management and Budget, transmitting a draft of proposed legislation to discontinue or amend certain requirements for agency reports to Congress; to the Committee on Government Operations.

3505. A letter from the Deputy Assistant Secretary of Defense, transmitting notice of a new record system submitted by the Air Force, pursuant to 5 U.S.C. 552a(o); to the Committee on Government Operations.

3506. A letter from the Secretary of the Interior, transmitting a draft of proposed legislation to insure that all energy and mineral resources originating on the public lands and on the Outer Continental Shelf are properly accounted for under the direction of the Secretary of the Interior, and for other purposes; to the Committee on Interior and Insular Affairs.

3507. A letter from the Secretary, Foundation of the Federal Bar Association, transmitting the Foundation's audit report for the year ended September 30, 1981, pursuant to section 3 of Public Law 88-504; to the Committee on the Judiciary.

3508. A letter from the Assistant Secretary of the Army (Civil Works), transmitting reports on the environmental impact of the Baltimore Harbor and channels deepening project, pursuant to section 404(r) of the Federal Water Pollution Control Act; jointly, to the Committees on Appropriation and Public Works and Transportation.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mrs. SCHROEDER: Committee on Post Office and Civil Service. H.R. 5154. A bill to amend title 5, United States Code, to provide training opportunities for employees under the Office of the Architect of the Capitol and the Botanic Garden, and for other purposes (Rept. No. 97-473). Referred to the Committee of the Whole House on the State of the Union.

PUBLIC BILLS AND RESOLUTIONS

Under clause 5 of rule X and clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows

By Mr. ANDERSON:

H.R. 5958. A bill to rescind the tax benefits provided during 1981 to Members of Congress for living expenses; to the Committee on Ways and Means.

By Mr. PICKLE:

H.R. 5959. A bill to amend the Internal Revenue Code of 1954 to reduce mortage interest rates for first-time home buyers by providing a partial exclusion for interest on certain mortgages, and for other purposes; to the Committee on Ways and Means.

By Mr. WYLIE:

H.R. 5960. A bill to amend the Internal Revenue Code of 1954 to clarify certain requirements which apply to certain mortgage subsidy bonds, and to provide tax credit for first time home buyers for the purchase of a home; to the Committee on Ways and Means.

By Mr. CHAPPELL:

H.R. 5961. A bill to improve the method of verifying the income of individuals and families receiving assistance pursuant to the United States Housing Act of 1937; to the Committee on Banking, Finance and Urban Affairs.

By Mr. DOWNEY (for himself, Mr. Duncan, Mr. Daschle, Mr. Boner of Tennessee, Mr. AuCoin, Mr. Kogovsek, Mr. Gephardt, and Mr. Evans of Delaware):

H.R. 5962. A bill to amend the Internal Revenue Code of 1954 to clarify certain requirements which apply to mortgage subsidy bonds; to the Committee on Ways and Means.

By Mr. ERTEL (for himself, Mr. Walgren, Mr. Edgar, and Mr. Foglietta):

H.R. 5963. A bill to require additional insurance and other financing for the decontamination of nuclear powerplants following accidents; jointly, to the Committees on Interior and Insular Affairs and Energy and Commerce.

By Mr. FINDLEY:

H.R. 5964. A bill to provide for a 5-percent reduction in pay for Members of Congress, Federal officers, and employees covered by the Executive Schedule or the Senior Executive Schedule under title 5, United States Code, and certain other high-level Federal officers and employees; to the Committee on Post Office and Civil Service.

By Mr. GILMAN:

H.R. 5965. A bill to amend the Internal Revenue Code of 1954 to make the credit for dependent care expenses a refundable credit and to allow an additional investment tax credit for dependent care center property; to the Committee on Ways and Means.

By Mr. MITCHELL of New York:

H.R. 5966. A bill to amend the Social Security Act to provide for a more fair and equitable computation of prevailing charge levels for medical services; jointly, to the Committees on Ways and Means and Energy and Commerce.

By Mr. MONTGOMERY (by request):

H.R. 5967. A bill to amend title 38, United States Code, to authorize the Administrator of Veterans' Affairs to guarantee loans to refinance liens on mobile homes and to purchase mobile home lots; to the Committee on Veterans' Affairs.

By Mr. PRICE (for himself and Mr. Dickinson) (by request):

H.R. 5968. A bill to authorize appropriations for fiscal year 1983 for procurement, for research, development, test, and evaluation, and for operation and maintenance for the Armed Forces, to prescribe personnel strengths for the Armed Forces and for civilian personnel of the Department of Defense, and for other purposes; to the Committee on Armed Services.

By Mr. RATCHFORD:

H.R. 5969. A bill to amend the Social Security Act to provide specific standards for interfund borrowing between the social security trust funds, and to provide for authority, if no further relief for the trust funds may be obtained from interfund borrowing under such standards, to borrow from the general fund of the Treasury for transfer to and deposit in the trust funds; to the Committee on Ways and Means.

By Mr. ROSE:

H.R. 5970. A bill to amend the Consolidated Farm and Rural Development Act to provide that the interest rates payable for loans made under such act for essential community facilities for providing firefighting, emergency transportation, or rescue services may not exceed 5 percent per annum; to the Committee on Agriculture.

By Mr. SAWYER (for himself and Mr. Hughes):

H.R. 5971. A bill to modify the exclusionary rule as it pertains to the fourth amendment, to authorize tort actions against the United States and sanctions against investigative and law enforcement officers for certain violations of the fourth amendment, and for other purposes; to the Committee on the Judiciary.

By Mr. WHITTEN:

H.R. 5972. A bill to amend the Internal Revenue Code of 1954 to repeal the tax benefits enacted during 1981 which provided a special deduction for Members of Congress with respect to their living expenses; to the Committee on Ways and Means.

By Mr. WILLIAMS of Montana:

H.R. 5973. A bill to amend the act of August 18, 1970, to require the Secretary of the Interior to submit an annual state of the parks report to the Congress; to the Committee on Interior and Insular Affairs.

By Mr. FLORIO (for himself, Mr. Moffett, Mr. Vento, Mr. Lantos, Mr. Oberstar, Ms. Mikulski, Mr. Williams of Montana, Mr. Brooks, Mr. Santini, Mr. Kogovsek, Mr. Coelho, Mr. Peyser, Mr. Rinaldo, Mr. Pepper, Mr. Addabbo, Ms. Oakar, Mr. Perkins, Mr. Biaggi, Mr. Bevill, and Mr. Frost):

H. Res. 412. Resolution to express the sense of the House of Representatives disapproving the policy of the administration with respect to railroad retirement for fiscal year 1983; to the Committee on Energy and Commerce.

MEMORIALS

Under clause 4 of rule XXII, memorials were presented and referred as follows:

311. By the SPEAKER: Memorial of the Legislature of the State of Michigan, relative to Senate Concurrent Resolution No. 473; to the Committee on Energy and Commerce.

312. Also, memorial of the Legislature of the State of Wyoming, relative to the Clean Water Act; to the Committee on Public Works and Transportation.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. BARNARD:

H.R. 5974. A bill for the relief of Kenny Ray Stroup, U.S. Marine Corps; to the Committe on the Judiciary.

By Mr. NICHOLS:

H.R. 5975. A bill for the relief of Virgil H. Bishop; to the Committee on the Judiciary.

ADDITIONAL SPONSORS

Under clause 4 of rule XXII, sponsors were added to public bills and resolutions as follows:

H.R. 18: Mr. Anderson.

H.R. 1010: Mr. Hamilton, Mr. Regula, and Mr. Weber of Minnesota.

H.R. 1823: Mr. Weber of Ohio.

H.R. 2034: Mr. AuCoin, Mr. Bailey of Missouri, Mr. Benedict, Mr. Bliley, Mr. Boland, Mrs. Bouquard, Mr. Bowen, Mr. Courter, Mr. Daschle, Mr. de la Garza, Mr. DeNardis, Mr. Derrick, Mr. Dorgan of North Dakota, Mr. Dwyer, Mr. Dyson, Mr. Evans of Delaware, Mr. Fazio, Mr. Findley, Mr. Gephardt, Mr. Gramm, Mr. Gray, Mr. Gregg, Mr. Hansen of Idaho, Mr. Hartnett, Mr. Hopkins, Mr. Horton, Mr. Howard, Mr. Hoyer, Mr. Huckaby, Mr. Lee, Mr. Long of Maryland, Mr. McDade, Mr. McEwen, Mr. Marriott, Mr. Miller of California, Mr. Minish, Mr. Molinari, Mr. Morrison, Mr. Nowak, Mr. Oxley, Mr. Rogers, Mr. Rudd, Mr. Shaw, Mr. Shumway, Mr. Siljander, Mr. Smith of Pennsylvania, Mr. Stanton of Ohio, Mr. Staton of West Virginia, Mr. Trible, Mr. Wolf, Mr. Won Pat, and Mr. Young of Alaska.

H.R. 2832: Mr. Clinger and Mr. Nelligan.

H.R. 3752: Mr. Forsythe and Mr. Goodling.

H.R. 4657: Mr. Miller of California, Mr. Kogovsek, and Mr. Bingham.

H.R. 4951: Mr. Foglietta, Mr. Murphy, Mr. LeBoutillier, Mr. Mitchell of Maryland, Mr. Hyde, Mr. Roe, Mr. Walgren, Mr. Bingham, Mr. Molinari, Mrs. Collins of Illinois, and Mr. Forsythe.

H.R. 5006: Mr. Akaka, Mr. Anderson, Mr. Bailey of Pennsylvania, Mr. Bevill, Mrs. Bouquard, Mr. Burgener, Mrs. Collins of Illinois, Mr. Conyers, Mr. Corrada, Mr. Dicks, Mr. Dorgan of North Dakota, Mr. Downey, Mr. Dwyer, Mr. Dymally, Mr. Dyson, Mr. Fazio, Mr. Fish, Mr. Foglietta, Mr. Ford of Tennessee, Mr. Ford of Michigan, Mr. Hefner, Mr. Hertel, Mr. Hightower, Mr. Horton, Mr. Howard, Mr. Hughes, Mr. Jeffords, Mrs. Kennelly, Mr. Kildee, Mr. LaFalce, Mr. Lantos, Mr. Leach of Iowa, Mr. Lee, Mr. Lehman, Mr. Long of Maryland, Mr. Marriott, Mr. Mazzoli, Mr. Mitchell of Maryland, Mr. Murphy, Mr. Neal, Mr. Oberstar, Mr. Ottinger, Mr. Rangel, Mr. Ratchford, Mr. Rinaldo, Mr. Roe, Mr. Rosenthal, Mr. St Germain, Mr. Simon, Mr. Solarz, Mr. Stump, Mr. Sunia, Mr. Udall, Mr. Vento, Mr. Won Pat, Mr. Yates, and Mr. Zeferetti.

H.R. 5055: Mr. Goodling, Mr. Marriott, Mr. Rogers, and Mr. Regula.

H.R. 5177: Mr. Kramer.

H.R. 5272: Mr. Forsythe.

H.R. 5410: Mr. Wolpe.

H.R. 5414: Mr. Fish, Mr. Crockett, Mr. Tauke, Mr. Broyhill, Mr. Dyson, Mr. Hughes, and Mr. Lewis.

H.R. 5469: Mr. Horton.

H.R. 5583: Mr. Railsback, and Mr. Hertel.

H.R. 5593: Mr. Florio, Mr. Stokes, and Mr. Winn.

H.R. 5729: Mr. Williams of Montana.

H.R. 5759: Mr. Forsythe, Mr. Wyden, Mr. Stump, Mr. Rudd, and Mr. Frenzel.

H.R. 5762: Mr. Corrada, Mr. Fauntroy, Mr. Mitchell of Maryland, Mr. Rangel, Mr. Richmond, Mr. Clay, Mr. Ford of Michigan, Mr. Sunia, Mr. Fazio, Mr. Hertel, Mr. Lowry of Washington, Mr. Forsythe, Mr. Duncan, and Mr. Dougherty.

H.R. 5798: Mr. Brown of California.

H.R. 5865: Mr. Brodhead and Mr. Philip M. Crane.

H.J. Res. 363: Mr. Annunzio.

H.J. Res. 403: Mr. Addabbo, Mr. Annunzio, Mr. Anthony, Mr. Barnard, Mr. Benjamin, Mr. Bereuter, Mr. Bevill, Mr. Biaggi, Mr. Blanchard, Mrs. Bouquard, Mr. Brinkley, Mr. Brodhead, Mr. John L. Burton, Mr. Carman, Mrs. Chisholm, Mr. Clinger, Mr. Corcoran, Mr. James K. Coyne, Mr. Daub, Mr. DeNardis, Mr. Dougherty, Mr. Dowdy, Mr. Dwyer, Mr. Dyson, Mr. Emery, Mr. Fascell, Ms. Ferraro, Mr. Findley, Mr. Fithian, Mr. Ford of Tennessee, Mr. Fowler, Mr. Frenzel, Mr. Fuqua, Mr. Gibbons, Mr. Goldwater, Mr. Gradison, Mr. Gramm, Mr. Gray, Mr. Hagedorn, Mr. Ralph M. Hall, Mr. Hamilton, Mr. Hance, Mr. Hertel, Mr. Hoyer, Mr. Hutto, Mr. Jones of Oklahoma, Mr. Jones of North Carolina, Mr. Kazen, Mrs. Kennelly, Mr. LaFalce, Mr. Lee, Mr. Lent, Mr. Lewis, Mr. Lungren, Mr. McCloskey, Mr. McDade, Mr. McEwen, Mr. McGrath, Mr. Markey, Mr. Miller of Ohio, Mr. Minish, Mr. Mitchell of New York, Mr. Mollohan, Mr. Moore, Mr. Mottl, Mr. Neal, Mr. O'Brien, Mr. Oxley, Mr. Parris, Mr. Patman, Mr. Peyser, Mr. Railsback, Mr. Ratchford, Mr. Reuss, Mr. Rinaldo, Mr. Ritter, Mrs. Schroeder, Mr. Seiberling, Mr. Simon, Mr. Smith of Pennsylvania, Mr. Stangeland, Mr. Stark, Mr. Stratton, Mr. Stump, Mr. Sunia, Mr. Synar, Mr. Tauzin, Mr. Thomas, Mr. Udall, Mr. Weiss, Mr. Whittaker, Mr. Wilson, Mr. Wolf, Mr. Won Pat, Mr. Young of Alaska, and Mr. Bolling.

H. Con. Res. 17: Mr. Fields.

H. Con. Res. 271: Mr. Weiss and Mr. Simon.

H. Con. Res. 278: Mr. Swift, Ms. Mikulski, Mr. Leach of Iowa, Mr. Foglietta, Mr. Biaggi, Mr. Long of Maryland, Mr. Moffett, Mr. Udall, Mr. Fish, Mr. Gray, Mr. Dixon, Mr. Mineta, Mr. Dwyer, Mr. Erdahl, Mr. Ford of Tennessee, Mr. Yatron, Ms. Ferraro, Mr. Skelton, Mr. Hutto, Mr. Trible, Mr. Richmond, Mr. Guarini, Mr. Green, Mr. Fauntroy, Mr. McHugh, Mr. Mitchell of New York, Mr. Dymally, Mr. Rinaldo, Mr. Simon, Mr. Wolpe, Mr. Smith of Pennsylvania, Mr. Neal, Mrs. Snowe, Mr. Studds, Mr. Wyden, Mr. Johnston, Mr. Wirth, Mr. Williams of Montana, Mr. Bedell, and Mrs. Bouquard.

H. Res. 265: Mr. Roemer.

H. Res. 268: Mr. Conte, Mr. Bonior of Michigan, Mr. Blanchard, Mr. Ertel, Mr. Traxler, Mr. Yatron, Mr. Kogovsek, Mr. Donnelly, Mr. McHugh, and Mr. Courter.

H. Res. 388: Mr. Brown of California.

H. Res. 389: Mr. Brown of California.

PETITIONS, ETC.

Under clause 1 of rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

381. By the SPEAKER: Petition of Rensselaer County Legislature, State of New York, relative to the senior community services employment program; to the Committee on Education and Labor.

382. Also, petition of Arkansas Legislative Council, relative to the railroad retirement system; to the Committee on Energy and Commerce.

383. Also, petition of the National Conference of Democratic Mayors, New York, relative to the reconciliation process of the Congressional Budget Act; to the Committee on Government Operations.

384. Also, petition of the city of Lathrup Village, Mich., relative to 1982/83 Federal Budget resolution; jointly, to Committes on Government Operations and Ways and Means.

SENATE—*Thursday, March 25, 1982*

(Legislative day of Monday, February 22, 1982)

The Senate met at 12 noon, on the expiration of the recess, and was called to order by the Honorable ALFONSE M. D'AMATO, a Senator from the State of New York.

PRAYER

The Reverend Dr. Karl B. Justus, Executive Director, Emeritus, the Military Chaplains Association of the U.S.A., Washington, D.C. offered, the following prayer:

Almighty and eternal God, whose mercy is from everlasting to everlasting and whose providence hath guided our destiny through all generations, we thank Thee that Thou hast made and preserved us a nation; a nation born to be free!

Through tragedy and triumph, war and peace, Thou hast been our "refuge and our fortress," a never failing help whose truth hath been our shield and buckler, our constant support.

Renew within each of us, and within America, that spirit of undaunted courage that was at the heart of the American Revolution, that spirit that motivated our forebears on the frontiers of this new Nation over two centuries ago. May the heritage of the past cause us to reach out with greater hope as we man the ramparts of future frontiers.

Pardon our shortcomings; forgive our neglect; inspire our hearts; increase our faith and help us to serve Thy kingdom here on Earth.

We invoke Thy grace and blessing on the Senators who help to guide America's destiny from this hallowed Chamber. We ask that the same blessing and benediction may be granted unto our President and to all of our leaders in Government. Grant to each one vision, wisdom, strength, and courage.

As we seek peace and pursue it, may it ever be from a position of strength. Flame our hearts anew with patriotic devotion that we may always be inheritors of liberty in this "land of the free and the home of the brave."

God bless America! Hear this our humble prayer, O Lord.

In Thy Holy Name, we pray. Amen.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. THURMOND).

The bill clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, D.C., March 25, 1982.

To the Senate:

Under the provisions of rule I, section 3, of the Standing Rules of the Senate, I hereby appoint the Honorable ALFONSE M. D'AMATO, a Senator from the State of New York, to perform the duties of the Chair.

STROM THURMOND,
President pro tempore.

Mr. D'AMATO thereupon assumed the chair as Acting President pro tempore.

RECOGNITION OF THE MAJORITY LEADER

The ACTING PRESIDENT pro tempore. Under the previous order, the majority leader is recognized.

Mr. BAKER. I thank the Chair.

THE JOURNAL

Mr. BAKER. Mr. President, I ask unanimous consent that the Journal of the proceedings of the Senate be approved to date.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

ORDER FOR CONTINUING RESOLUTION TO BE HELD AT THE DESK

Mr. BAKER. Mr. President, the request I am about to make has been cleared with the distinguished minority leader, I believe. I ask the confirmation of the distinguished acting minority leader to that effect.

I ask unanimous consent that the continuing resolution, which has been passed by the House and has just been received by the Senate, be held at the desk, pending further disposition by the Senate, and that the majority leader, after consulting with the minority leader, may ask that it be laid before the Senate at any time.

Mr. PROXMIRE. Mr. President, reserving the right to object—and I certainly do not intend to object—I understand that the majority leader intends to lay the measure before the Senate on Monday, at the close of business, so that it will be pending on Tuesday.

Mr. BAKER. What I would really like to do is to call it up on Monday, after we finish the business we may have to transact, and permit opening statements to be made, but transact no business in connection with the resolution prior to Tuesday.

Mr. PROXMIRE. It is my understanding that that is the position of the minority leader.

There is also a further understanding that Senate Resolution 20, the TV resolution, will be interrupted by the continuing resolution. We will finish the continuing resolution before coming back to the TV resolution. Is that correct?

Mr. BAKER. Yes, the Senator is correct.

As I indicated yesterday at the close of business, Senators should be on notice of the possibility of late sessions of the Senate on Monday, Tuesday, and Wednesday, in order to accommodate that purpose—that is to say, to finish consideration of the continuing resolution.

I also announced yesterday, as I now repeat—and in answer to the Senator from Wisconsin—that it is my intention to ask the Senate to finish the continuing resolution before we proceed to consider the TV resolution.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

VISIT TO THE UNITED STATES BY THE PRESIDENT OF ITALY

Mr. BAKER. Mr. President, 2 hours ago, President Reagan welcomed Italian President Sandro Pertini on his first trip to the United States. In a colorful ceremony on the White House lawn, President Reagan reaffirmed the strong ties between Italy and the United States, and looked ahead with promise to meetings between the two leaders.

I am pleased that I will have the opportunity to meet with President Pertini this afternoon, and I am sure that my colleagues in the Senate join with me in extending our best wishes for his stay.

Mr. President, I ask unanimous consent that an editorial which appeared in this morning's New York Times, entitled "The Pertini Spirit," be printed in the RECORD.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

THE PERTINI SPIRIT

Sandro Pertini, the President of Italy, who meets today with President Reagan, is no household word in America. But he is no footnote figure. Few other Italian leaders have broken so many rules, gotten so many votes, shaken so many hands or done so much to demonstrate that parliamentarians are not necessarily boring.

A lifelong Socialist, Mr. Pertini endured jail and exile under Mussolini. A proud outsider, he refuses to live in the presidential palace. A virtuoso politician, he was the first Italian President in 30 years to reach outside the Christian Democratic Party to name a centrist Republican as Prime Minister. He thus gave new life to the movement to broaden Italy's ruling circle without yielding power to the Communists.

The United States has an important interest in that. Without a strong Italian center, there would be zero weight to Mr. Reagan's "zero option" offer to Moscow on theater nuclear weapons. The present Government, at some political risk, agreed to accept its share of cruise missiles to facilitate West Germany's assent. It was equally difficult, politically, for Italy to join the international peacekeeping force in the Sinai Peninsula.

Mr. Pertini has thus stretched the powers of a titular office. And at 85, he shames the young with his anger at oppression. Addressing outrages in Argentina recently, he insisted that "anyone who does not protest against these dictatorships . . . does not have the right to protest what is happening in Poland."

A warm and vigorous man, President Pertini is a welcome visitor. We are lucky to meet him.

SENATOR GOLDWATER SPEAKS TO THE UNITED STATES INDEPENDENT TELEPHONE ASSOCIATION

Mr. BAKER. Mr. President, on Wednesday, March 24, our distinguished colleague Senator BARRY GOLDWATER spoke before the United States Independent Telephone Association. His remarks reflect not only the great interest he has in the survival of this Nation's telecommunications industry in a competitive marketplace, but also the expertise and effort he brings to this subject.

At the request of the Senator from Arizona (Mr. GOLDWATER), I ask unanimous consent that the text of Senator GOLDWATER's speech be printed in the RECORD.

There being no objection, the speech was ordered to be printed in the RECORD, as follows:

SPEECH OF SENATOR BARRY GOLDWATER TO THE U.S. INDEPENDENT TELEPHONE ASSOCIATION

Three years ago, I spoke at your annual meeting. At that time my remarks were directed toward the Senate's efforts to draft amendments to the Communications Act. In preparation for today, I reviewed that speech. As the saying goes, "The more things change, the more they remain the same."

We have come a long way since I first introduced S. 622 in March 1979, but in many respects, the policy established in that legislation is more appropriate for today's environment than it was in 1979.

Despite the FCC's decision in computer II, despite Senate passage of S. 898 by a margin of 90-4, and the settlement between A.T. & T. and the Justice Department of the antitrust suit, the communications industry and the American people are still faced with confusion. Technology continues to advance without adequate policy guidance to insure that the benefits of these technologies are available to all Americans.

All of you are struggling now with the questions presented by the proposed consent decree. But it seems to me that definite judgments are not yet possible on some of those questions. Many of the details are not final. All of the interested parties have just begun to file their comments on the competitive impact of the proposed decree. While A.T. & T. has provided a general outline of the structure of the Bell operating companies, A.T. & T. must still submit a comprehensive plan which will address many of the questions raised by the decree.

Therefore, I can make only preliminary observations of the decree and how it will affect domestic common carrier legislation.

Immediately after Congress reconvened in January, the Senate Commerce Committee held several days of hearings on the decree. We heard from the chairman of the board of A.T. & T., the assistant secretary for communications and information, the director of the defense communications agency, and the assistant attorney general.

Several of these witnesses were not enthusiastic about details of the proposed consent decree. However, all of them testified that they could make it work and that the public interest would ultimately be served by its implementation. I agree with their conclusion.

It is also clear to me, however, that the objectives of S. 622 remain valid. And, it is just as important now, as it was then, for Congress to assert its proper role in establishing this country's telecommunications policy.

Equally as important to recognize is that in this new environment, congressional policy must reduce, rather than increase, Government interference in your business. We can, and must, place greater reliance on the marketplace, rather than pervasive Government regulation.

Unfortunately, A.T. & T.'s competitors who received no support for their demands for splitting up A.T. & T. in the Senate, are not satisfied with the terms of the proposed decree. They are not satisfied that A.T. & T. has agreed to divest itself of 80 percent of its assets. Indeed, they seek further restructuring of A.T. & T. Their objective is not to protect the public interest, but to protect their own markets. They seek to prohibit A.T. & T. from entering new markets even though the company will no longer have a monopoly base to cross-subsidize its competitive offerings and, indeed, has no established position in those markets.

My question to those who advocate these anti-competitive restraints is: Do you really expect Congress to hog-tie A.T. & T. and deprive the American people of the services and innovation that this company has the unique ability to offer? If they think that Congress will agree to those types of restraints, then they are sadly lacking in an understanding of the legislative process.

While A.T. & T.'s competitors may have some success in the House, the Senate is clearly on record as favoring marketplace competition, not marketplace allocation. As far as I am concerned, there is no reason for the Senate to go to any conference with the House on a bill that reflects this philosophy. Unfortunately, the House Communications Subcommittee appears to be moving in a direction that will make it impossible for a bill to ever reach the President's desk.

Furthermore, as my bill in 1979 indicated, the Senate supports deregulation where there is effective competition. That means the deregulation of all companies, not just A.T. & T.'s competitors. This sort of effort will benefit A.T. & T., its competitors, and its customers.

A major goal of any legislation must be preservation of universal telephone service. This is not a new concern to you or our committee.

Although in reading press analysis and comments from some State regulators, it appears that we have gained some new converts to this cause.

Maintenance of universal service was a goal of S. 622, and it is a cornerstone of the policy established in S. 898. That bill provides a specific mechanism to insure that universal service will be preserved at reasonable rates. By imposing an access charge on all inter-exchange carriers that use local distribution systems, revenues would be available to insure that all Americans have access to reasonably priced basic telephone service.

I am pleased that the rural coalition continues to support the provisions of S. 898. They recognize that these provisions would minimize the impact of any significant rate increases.

Another concern of our committee and the Senate is reflected in the provisions affecting our national defense and emergency preparedness. Second, we included a requirement for joint government-industry planning so that all suppliers of services and equipment would be able to respond during times of national emergency. Third, we insured that A.T. & T. and any operating company could provide end-to-end telecommunications service for national security and emergency preparedness requirement. This last provision is essential after divestiture.

Another matter of great consequence to the Nation and your industry's future is the challenge presented by foreign competition. Congress must provide proper incentives for the advancement of telecommunications and related technology or you will face the unpleasant prospect of losing markets to well-financed foreign competitors.

The recent procurement by A.T. & T. for a fiber-optic link in the Northeast corridor clearly demonstrates the nature of our foreign competitors. Our laws and regulations must not give them any advantage over American companies, and in fact, we also must insure that our companies have equal access to foreign markets. You may be assured that I will follow closely all our legislative activities to insure achievement of this objective.

The last point I want to make is a related matter. This is an area of great concern to many of you and that is the ability to offer new technologies and enter new markets. As I said before, the Senate has been reluctant to restrain A.T. & T.'s entry into new technologies, and by the same token, we are equally as reluctant to restrain anybody else's entry.

However, both S. 898, and a bill I introduced earlier this month, S. 2172, prohibit telephone companies from offering cable television services in their operating areas. This ban is not total since the FCC could waive this restriction where it is shown that a telephone company's provision of cable in its operating area will provide significant additional media diversity and/or competition.

If this bill is enacted, Congress intends that the Commission will adopt a liberal waiver policy. Furthermore, any telephone company serving a rural area is completely exempt from this prohibition. As markets develop and become competitive, we expect the Commission to relax any barriers to entry by an individual or company in order that the marketplace is truly open and competitive.

In closing, I urge all of you to make your views known to Members of the House. While you may not have the sophisticated operation that your competitors are using, you do have personal contact with your customers. And personal contact is the most effective way to motivate those who have influence with Members of the House. If you want to preserve the best telephone system in the world, you had better get to work. If you do not, the Nation will be the loser.

ORDER FOR ROUTINE MORNING BUSINESS

Mr. STEVENS. Mr. President, I ask unanimous consent that following the recognition of the two leaders under the standing order and the special orders for Senators PROXMIRE, DANFORTH, EAGLETON, and STENNIS, there be a period for the transaction of routine morning business, not to exceed 30 minutes, with Senators permitted to speak therein for not more than 5 minutes each.

The **ACTING PRESIDENT** pro tempore. Without objection, it is so ordered.

Mr. STEVENS. Mr. President, does the distinguished Senator from Maryland seek time, part of the leadership time, this morning?

Mr. MATHIAS. If the assistant majority leader will yield for just a minute, I have an important announcement which I think will command the attention of the Senate, and I will be very brief.

Mr. STEVENS. I yield to the Senator.

MARYLAND DAY

Mr. MATHIAS. Mr. President, today Marylanders are celebrating with justifiable pride the 348th anniversary of the founding of the great Free State of Maryland. Traditionally, I have used the occasion of Maryland Day to bring to my colleagues' attention some lively or instructive event in Maryland's long and distinguished past in the hope of illuminating contemporary experience in a useful way. Today I will continue that practice.

This year we are observing the 250th anniversary of the birth of George Washington who, although regrettably not a Marylander, had the warmest and closest ties with our State and its people and for whom all Marylanders retain the deepest love and respect. As we celebrate George Washington's 250th anniversary it seems appropriate, on Maryland Day, to call attention to a relatively little-known event in George Washington's career which took place in western Maryland.

Most Americans know that Washington's first military campaign took him to the western frontiers of Pennsylvania and Maryland and that, after a series of vicissitudes, he found himself in command of the garrison at Fort Cumberland. Few people, however, realize that Washington's last military campaign also took him to Cumberland and that there he made his last appearance in full uniform reviewing the troops called out to suppress the Whisky Rebellion.

In a diary entry dated October 16, 1794, George Washington gave this typically laconic account of those events:

> After an early breakfast we set out for Cumberland—and about 11 O'clock arrived there. Three Miles from the Town I was met by a party of Horse under the command of Major Lewis (my Nephew) and by Brigr. Genl. Smith of the Maryland Line, who Escorted me to the Camp; where, finding all the Troops under Arms, I passed along the line of the Army; was conducted to a house the residence of Major Lynn of the Maryland Line (an old Continental Officer) where I was well lodged and civilly entertained.

This event, which Washington recounts in such a low key way, was unique in American history. It was the first and only time a President of the United States took personal command of a fighting force in anticipation of hostilities. In that brief, fleeting moment in Cumberland, history was made and the Commander in Chief in name became the Commander in Chief in fact.

Happily, by the time Washington arrived in Cumberland, the Whisky Rebellion was simmering down and the President was able to return to Philadelphia after several uneventful days. Washington's visit obviously impressed the citizens of Cumberland far more than it did him and that impression remains fresh and vivid to this day. The lessons to be read from the Whisky Rebellion do too. Both are particularly well described in "Allegany County—A History" by Harry Stegmaier, Jr., David Dean, Gordon Kershaw, and John Wiseman, published in 1976. I ask unanimous consent to have several paragraphs from their book printed at this point in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

> Washington's last visit was long remembered in Cumberland. For generations, elders would recount to their children and grandchildren their recollections of what the first president had said, what he had worn, how he had looked. His appearance was commemorated by at least one artist, Frederick Kimmelmeyer of Baltimore, who had made the difficult journey to Cumberland for just that purpose. Kimmelmeyer was a primitive artist, without formal academic training, yet his "Washington Reviewing the Western Army at Fort Cumberland" has a charm and dignity. The general is depicted as an aging man, dressed in blue and buff Continentals, astride a high-stepping, spirited horse. His troops are lined up in the middle ground of the picture, their tents also in military precision behind. In the background lies a long, earthen mound, all that remained of Fort Cumberland in 1794. General Daniel Morgan, a comrade-in-arms of the Revolutionary era who participated in the review that day, bought the painting on the spot. It subsequently passed through several hands and is now on view at the Henry Francis du Pont Winterthur Museum.
>
> Today one tends to recall Washington's review of his forces at Cumberland without remembering the circumstances that brought it about. A rebellion was crushed and the power of the federal government asserted in 1794, but the grievances which caused the revolt were not redressed. The excise tax remained in effect, causing genuine hardship on the frontier, until the inauguration of President Thomas Jefferson in 1801. There must have been those at Cumberland who remembered Washington's final review with bitterness, not nostalgia, but history has not recorded the feelings of those discontents. In any case, a different spirit was in the air in the Allegany County of the late 1790s. Its inhabitants were like Americans everywhere; life seemed full of promise to them. The county's resources seemed inexhaustible and its potential illimitable. The people of Allegany County looked ahead to the nineteenth century with hope and anticipation.

Mr. MATHIAS. Mr. President, it seems to me that those observations contain an urgent message for our time. The grievances that provoked the Whisky Rebellion were left to fester for years without damaging the Nation. In those days, when our world was young, even the worst grievances could be dissolved in the abundant opportunities the new, rich land offered to all comers.

As the authors of this history point out:

> The county's resources seemed inexhaustible and its potential illimitable. The people of Allegany County looked ahead to the nineteenth century with hope and anticipation.

Today, the people of Allegany County are not looking ahead to the 21st century with hope and anticipation. They are discouraged; they are fearful, and they are getting angry. The official unemployment rate in Allegany County is 16.6 percent, almost twice the national average. But the real figure is closer to 20 percent, if you count in all the people whose benefits have run out and those who have stopped looking for jobs because there are not any to be found.

The people of Allegany County are sturdy, hard-working men and women. Some are the descendants of the early settlers who watched with such delight as George Washington reviewed the troops on Cumberland parade ground. All are imbued with the qualities of mind and heart that make a nation great.

If we allow their problems to fester now, when hope is at a low ebb, we will create a situation far more explosive and dangerous than that which confronted President Washington during the Whisky Rebellion.

The urgent task before this Congress and this President is to restore hope to the American people for, as Samuel Johnson pointed out a very long time ago: "Where there is no hope, there can be no endeavor."

Today, hope is a four-letter word spelled J-O-B-S.

ORDER OF BUSINESS

Mr. STEVENS. Mr. President, I wish to get the routine business out of the way before the special orders start, if that is agreeable.

ORDER WITH REFERENCE TO HOUSE JOINT RESOLUTION 409, THE CONTINUING RESOLUTION

Mr. STEVENS. Mr. President, I ask unanimous consent that no call for the regular order serve to displace House Joint Resolution 409, the continuing resolution, during its consideration.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

ORDER HOLDING H.R. 5708, THE NATIONAL HOUSING ACT EXTENSION, AT THE DESK

Mr. STEVENS. Mr. President, I ask unanimous consent that H.R. 5708, the National Housing Act extension, be held at the desk pending further disposition.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

EXCHANGE OF CERTAIN LANDS IN IDAHO

Mr. STEVENS. Mr. President, I ask that the Chair lay before the Senate a message from the House of Representatives on S. 634.

The PRESIDING OFFICER laid before the Senate the following message from the House of Representatives:

Resolved, That the bill from the Senate (S. 634) entitled "An Act to authorize the exchange of certain lands in Idaho and Wyoming," do pass the following amendments:

Page 1, line 5, after "land" insert "and improvements".

Page 2, line 20, strike out "376" and insert "306".

Page 2, line 22, after "Railroad," insert "said point being 100 feet easterly measured at right angles from the centerline of the main track of said railroad,".

Page 2, line 22, after "east," insert "being parallel to and 100 feet easterly from said centerline of main track,".

Page 2, line 25, strike out "by" and insert "x".

Mr. STEVENS. Mr. President, I move that the Senate concur with the House amendments.

The motion was agreed to.

Mr. STEVENS. Mr. President, I move to reconsider the vote by which the motion was agreed to.

Mr. PROXMIRE. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

CERTAIN PENTECOSTAL RUSSIAN FAMILIES

Mr. STEVENS. Mr. President, I ask the Senate proceed to the consideration of House Concurrent Resolution 100 relating to certain Pentecostal Russian families.

The ACTING PRESIDENT pro tempore. The resolution will be stated by title.

The assistant legislative clerk read as follows:

A concurrent resolution (H. Con. Res. 100) expressing the sense of the Congress with respect to the situation of two Russian families who have sought refuge in the United States Embassy in Moscow because of the suppression of their Pentecostal faith by the Government of the Soviet Union.

Mr. STEVENS. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of the concurrent resolution.

The ACTING PRESIDENT pro tempore. Is there objection to the immediate consideration of the concurrent resolution?

There being no objection, the Senate proceeded to consider the concurrent resolution.

Mr. LEVIN. Mr. President, I am pleased the Senate is acting on House Concurrent Resolution 100, which is identical to Senate Concurrent Resolution 76.

Mr. President, the emigration story of the Vashchenkos and Chmykhalovs, two Russian Pentecostalist families, has lingered on for 20 years. Their story is rapidly approaching an important juncture. In a few days, Soviet emigration officials will notify them about their petition to renounce Soviet citizenship—often the first step toward emigrating. At this critical point in their struggle, it is particularly important that we send them a message of our most sincere concern, and at the same time, let the Soviets know that we continue to monitor their case with intense interest.

Accordingly, I hope that this body will approve the resolution before us which calls on the Soviet Government to allow them to emigrate. The measure, which is supported by the State Department, was approved by the House of Representatives on Tuesday of this week.

The families' efforts to emigrate began in 1962 with the realization that they would never be able to freely practice their religion in the Soviet Union. Their struggle has been fraught with dashed hopes, frustrations, and disappointments. But hope, determination, and courage continues to kindle their spirits and keep their efforts alive. They have steadfastly pursued their course despite the harsh and inhumane Soviet response—confinement in a psychiatric hospital, prison, labor camp, and state "reeducation" boarding school.

The Congress and millions of Americans first became acquainted with the Vashchenkos and Chmykhalovs in 1978 when seven of them rushed past Soviet guards into the American Embassy in Moscow. They went seeking emigration advice, but fearing severe punitive measures would be taken by Soviet officials, they remained in the Embassy. Known to the world now as the "Siberian Seven," they have resided in small basement quarters in the Embassy ever since—no closer to their dream of emigration and religious freedom; but they nevertheless hold fast to that dream. While visiting the seven in 1979, Senator BOREN and I were struck by their perseverance despite the hardships they have endured.

Proposals to allow the seven to leave directly from the Embassy for the United States have been rejected by the Soviets. They adamantly insist that in order to emigrate, the seven must return to Chernogorsk, their hometown, and file an application.

To protest Soviet refusal to observe their internationally recognized right to emigrate, late last year Lidiya and Augustina Vashchenko began a hunger strike. Lidiya grew so weak that she had to be removed to Moscow's Botkin hospital. While she was recuperating there, Lidiya wrote me a letter indicating that upon her release from the hospital, she intended to return to Chernogorsk and apply to emigrate.

Lidiya did indeed return to her hometown and filed another application to emigrate. She has met the Soviet demand, now it is incumbent on the Soviets to honor their commitment.

Mr. President, in light of the recent developments of this case and the decision that is expected to come shortly from the Soviets, it is particularly appropriate that we take action now to demonstrate to the Soviets that we are keenly interested in this case and to assure the Vashchenkos and Chmykhalovs that we remain deeply concerned and absolutely supportive of their efforts.

Mr. JEPSEN. Mr. President, it has been almost 4 years since the Vaschenko and Chmykhalov families sought refuge in the American Embassy in Russia. It has been a long confinement, prompted by their desire to emigrate to a country where they would be allowed to worship freely. Their story has focused international attention on the plight of hundreds of thousands of religious dissidents within Soviet-bloc countries who are being persecuted for their faith in a living God.

I commend Senator LEVIN for the concern and the leadership that he has provided in bringing about legislative channels of relief for these families. In particular, I thank Senator LEVIN for introducing Senate Concurrent Resolution 76, which was unanimously passed by the Senate earlier this afternoon and which had earlier been agreed upon by the House of Representatives.

This bill, which would call upon the Soviet Government to allow the two families to emigrate, is extremely timely in light of the fact that the families' 20-year attempt to emigrate is now approaching an important juncture. By the end of the month, it is expected that the Soviet emigration officials will notify the families as to whether or not there will be any action by the Soviet Government to allow the families to emigrate. This resolution also calls attention to the interest of this Congress and this administration in the plight of the Vaschenko and Chmykhalov families.

Mr. President, as the leader of the free world, the United States must publically condemn repression of the most basic of all human rights—the freedom of thought and of worship. I thank my colleagues for the strong stand that they have taken against this type of repression by agreeing to Senate Concurrent Resolution 76.

The ACTING PRESIDENT pro tempore. The question is agreeing to the concurrent resolution.

The concurrent resolution (H. Con. Res. 100) was agreed to.

Mr. STEVENS. Mr. President, I move to reconsider the vote by which the concurrent resolution was agreed to.

Mr. PROXMIRE. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. STEVENS. Mr. President, I ask unanimous consent that the Senate companion bill, Calendar No. 464, Senate Concurrent Resolution 76, be indefinitely postponed.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

EXTENSION AND RENEWAL OF INTERSTATE COMPACT TO CONSERVE OIL AND GAS

Mr. STEVENS. Mr. President, I ask that the Chair lay before the Senate Calendar No. 425, Senate Joint Resolution 111.

The ACTING PRESIDENT pro tempore. The joint resolution will be stated by title.

The assistant legislative clerk read as follows:

> The joint resolution (S.J. Res. 111) consenting to an extension and renewal of the interstate compact to conserve oil and gas.

The ACTING PRESIDENT pro tempore. Is there objection to the immediate consideration of the joint resolution?

There being no objection, the Senate proceeded to the consideration of the joint resolution (S.J. Res. 111).

Mr. McCLURE. Mr. President, I rise in support of Senate Joint Resolution 111, a resolution which gives the consent of Congress to the extension and renewal of the Interstate Compact to Conserve Oil and Gas.

The Interstate Compact to Conserve Oil and Gas was orginated by six member States and consented to by the Congress in 1935. Its membership has now grown to include 30 oil- and gas-producing States and six associate member States. Member States are Alabama, Alaska, Arizona, Arkansas, California, Colorado, Florida, Illinois, Indiana, Kansas, Kentucky, Louisiana, Maryland, Michigan, Mississippi, Montana, Nebraska, Nevada, New Mexico, New York, North Dakota, Ohio, Oklahoma, Pennsylvania, South Dakota, Tennessee, Texas, Utah, West Virginia, and Wyoming. The associate States are Georgia, Idaho, North Carolina, Oregon, South Carolina, and Washington.

When the compact was originally ratified, major oilfield discoveries and the subsequent glut of oil and gas supplies had resulted in substantial loss of oil at the surface, in wholesale flaring of gas, and in oil prices as low as 10 cents a barrel. As a result, there was contamination of the topsoil and contamination of underground water supplies. The oil producing States immediately concerned agreed on the need for some cooperative effort to deal with these problems.

The purpose of the compact is "to conserve oil and gas by the prevention of physical waste thereof from any cause." (Article II.)

The compact expressly states that:

> It is not the purpose of this compact to authorize the States joining herein to limit the production of oil or gas for the purpose of stabilizing or fixing the price thereof, or create or perpetuate monopoly, or to promote regimentation, but is limited to the purpose of conserving oil and gas and preventing the avoidable waste thereof within reasonable limitations. (Article V.)

The compact binds each signatory State to enact laws to accomplish certain specified types of oil or gas waste prevention. It also binds them to enact mesures to deny access to commerce of oil produced in violation of its valid conservation statutes, and to provide stringent penalties for waste of oil or gas. Since most States already had enacted such measures prior to entering the compact, the key substantive provision was that establishing an Interstate Oil Compact Commission composed of one member from each signatory State. Its duty was:

> To make inquiry and ascertain from time to time such methods, practices, circumstances, and conditions as may be disclosed for bringing about conservation and the prevention of physical waste of oil and gas, and at such intervals as said Commission deems beneficial it shall report its findings and recommendations to the several States for adoption or rejection.

Congress has consented to extensions of the compact at approximately 2-year intervals from 1935 to 1976. The most recent congressional consent expired on December 31, 1978.

The IOCC continues to carry on activities which are important to the compact purposes. Besides acting as a forum for exchanging information and ideas and a clearinghouse for data collection and dissemination, the commission performs a useful role as liaison between the States and the Federal Government. Most recently, the IOCC worked with the President's Commission on Fiscal Accountability of the Nation's Energy Resources in an effort to curb abuses in mineral royalty management, particularly related to oil and gas production. The IOCC is expected to have an important role working with the States and Federal Government in implementing the Linowes Commission's recommendations.

Mr. President, the Senate Committee on Energy and Natural Resources held hearings on Senate Joint Resolution 111 on November 12, 1981, and reported the resolution unanimously on December 5, 1981. Besides myself, sponsors include Senators JACKSON, WALLOP, MELCHER, HEINZ, and NICKLES. I urge the rest of my colleagues to join me in supporting this measure.

The joint resolution (S.J. Res. 111) was ordered to be engrossed for a third reading, read the third time, and passed, as follows:

S.J. RES. 111

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the consent of Congress is hereby given to an extension and renewal of the Interstate Compact to Conserve Oil and Gas, as amended, from January 1, 1979, until Congress withdraws its consent; that said compact was signed in its initial form in the city of Dallas, Texas, the sixteenth day of February 1935, by the representatives of Oklahoma, Texas, California, and New Mexico, and at the same time and place was signed by the representatives, as a recommendation for approval to the governors and legislatures of the States of Arkansas, Colorado, Illinois, Kansas, and Michigan, and which, prior to August 27, 1935, was presented to and approved by the legislatures and Governors of the States of New Mexico, Kansas, Oklahoma, Illinois, Colorado, and Texas, and which so approved by the six States last above named was deposited in the Department of State of the United States, and thereafter was consented to by the Congress in Public Resolution Numbered 64, Seventy-fourth Congress, approved August 27, 1935, for a period of two years, and thereafter was extended by the

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representatives of the compacting States and consented to by the Congress for successive periods, without interruption, the last extension being for the period from September 1, 1974, to December 31, 1978, consented to by Congress by Public Law Numbered 94-493, Ninety-fourth Congress, approved October 14, 1976. The agreement to amend, extend, and renew said compact effective September 1, 1971 duly executed by representatives of the States of Alabama, Alaska, Arizona, Arkansas, Colorado, Florida, Illinois, Indiana, Kansas, Kentucky, Louisiana, Maryland, Michigan, Mississippi, Montana, Nebraska, Nevada, New Mexico, New York, North Dakota, Ohio, Oklahoma, Pennsylvania, South Dakota, Tennessee, Texas, Utah, West Virginia, and Wyoming has been deposited in the Department of State of the United States, and reads as follows:

"AN AGREEMENT TO AMEND, EXTEND AND RENEW THE INTERSTATE COMPACT TO CONSERVE OIL AND GAS

"Whereas, on the 16th day of February, 1935, in the City of Dallas, Texas, there was executed 'An Interstate Compact to Conserve Oil and Gas' which was thereafter formally ratified and approved by the States of Oklahoma, Texas, New Mexico, Illinois, Colorado and Kansas, the original of which is now on deposit with the Department of State of the United States.

"Whereas, effect as of September 1, 1971, the several compacting states deem it advisable to amend said compact so as to provide that upon the giving of Congressional consent thereto in its amended form, said Compact will remain in effect until Congress withdraws such consent;

"Whereas the original of said Compact as so amended will, upon execution thereof, be deposited promptly with the Department of State of the United States, a true copy of which follows:

" 'AN INTERSTATE COMPACT TO CONSERVE OIL AND GAS

" 'ARTICLE I

" 'This agreement may become effective within any compacting state at any time as prescribed by that state, and shall become effective within those states ratifying it whenever any three of the States of Texas, Oklahoma, California, Kansas and New Mexico have ratified and Congress has given its consent. Any oil-producing state may become a party hereto as hereinafter provided.

" 'ARTICLE II

" 'The purpose of this compact is to conserve oil and gas by the prevention of physical waste thereof from any cause.

" 'ARTICLE III

" 'Each state bound hereby agrees that within a reasonable time it will enact laws, or if the laws have been enacted, then it agrees to continue the same in force, to accomplish within reasonable limits the prevention of:

" '(a) The operation of any oil well with an inefficent gas-oil ratio.

" '(b) The drowning with water of any stratum capable of producing oil or gas, or both oil and gas, in paying quantities.

" '(c) The avoidable escape into the open air or the wasteful burning of gas from a natural gas well.

" '(d) The creation of unnecessary fire hazards.

" '(e) The drilling, equipping, locating, spacing or operating of a well or wells so as to bring about physical waste of oil or gas or loss in the ultimate recovery thereof.

" '(f) The inefficient, excessive or improper use of the reservoir energy in producing any well.

" 'The enumeration of the foregoing subjects shall not limit the scope of the authority of any state.

" 'ARTICLE IV

" 'Each state bound hereby agrees that it will, within a reasonable time, enact statutes, or if such statutes have been enacted then that it will continue the same in force, providing in effect that oil produced in violation of its valid oil and/or gas conservation statutes or any valid rule, order or regulation promulgated thereunder, shall be denied access to commerce; and providing for stringent penalties for the waste of either oil or gas.

" 'ARTICLE V

" 'It is not the purpose of this compact to authorize the states joining herein to limit the production of oil or gas for the purpose of stabilizing or fixing the price thereof, or create or perpetuate monopoly, or to promote regimentation, but is limited to the purpose of conserving oil and gas and preventing the avoidable waste thereof within reasonable limitations.

" 'ARTICLE VI

" 'Each state joining herein shall appoint one representative to a commission hereby constituted and designated as the Interstate Oil Compact Commission, the duty of which said Commission shall be to make inquiry and ascertain from time to time such methods, practices, circumstances, and conditions as may be disclosed for bringing about conservation and the prevention of physical waste of oil and gas, and at such intervals as said Commission deems beneficial it shall report its findings and recommendations to the several states for adoption or rejection.

" 'The Commission shall have power to recommend the coordination of the exercise of the police powers of the several states within their several jurisdictions to promote the maximum ultimate recovery from the petroleum reserves of said states, and to recommend measures for the maximum ultimate recovery of oil and gas. Said Commission shall organize and adopt suitable rules and regulations for the conduct of its business.

" 'No action shall be taken by the Commission except: (1) By the affirmative votes of the majority of the whole number of the compacting states represented at any meeting, and (2) by a concurring vote of a majority in interest of the compacting states at said meeting, such interest to be determined as follows: Such vote of each state shall be in the decimal proportion fixed by the ratio of its daily average production during the preceding calendar half-year to the daily average production of the compacting states during said period.

" 'ARTICLE VII

" 'No state by joining herein shall become financially obligated to any other state, nor shall the breach of the terms hereof by any state subject such state to financial responsibility to the other states joining herein.

" 'ARTICLE VIII

" 'This compact shall continue in effect until Congress withdraws its consent. But any state joining herein may, upon sixty (60) days' notice, withdraw herefrom.

" 'The representatives of the signatory states have signed this agreement in a single original which shall be deposited in the archives of the Department of State of the United States, and a duly certified copy shall be forwarded to the governor of each of the signatory states.

" 'This compact shall become effective when ratified and approved as provided in Article I. Any oil-producing state may become a party hereto by affixing its signature to a counterpart to be similarly deposited, certified, and ratified.

" 'Done in the City of Dallas, Texas, this sixteenth day of February, 1935.'

"Whereas the said 'Interstate Compact to Conserve Oil and Gas' in its initial form has heretofore been duly renewed and extended with the consent of the Congress to September 1, 1971; and

"Whereas it is desired to amend said 'Interstate Compact to Conserve Oil and Gas' effective September 1, 1971, and to renew and extend said compact as so amended:

"Now, therefore, this writing witnesseth:

"It is hereby agreed that effective September 1, 1971, the Compact entitled 'An Interstate Compact to Conserve Oil and Gas' executed within the City of Dallas, Texas, on the 16th day of February, 1935, and now on deposit with the Department of State of the United States, be and the same is hereby amended by amending the first paragraph of Article VIII thereof to read as follows:

" 'This compact shall continue in effect until Congress withdraws its consent. But any state joining herein may, upon sixty (60) days' notice, withdraw herefrom.'

and that said compact as so amended be, and the same is hereby renewed and extended. This agreement shall become effective when executed, ratified and approved as provided in Article I of said compact as so amended.

"The signatory States have executed this agreement in a single original which shall be deposited in the archives of the Department of State of the United States and a duly certified copy thereof shall be forwarded to the Governor of each of the signatory States. Any oil-producing state may become a party hereto by executing a counterpart of this agreement to be similarly deposited, certified, and ratified.

"Executed by the several undersigned states, at their several state capitols, through their proper officials on the dates as shown, as duly authorized by statutes and resolutions, subject to the limitations and qualifications of the acts of the respective State Legislatures.

"THE STATE OF ALABAMA
By: .... Governor
Dated: ....
Attest: ....
Secretary of State (SEAL)

"THE STATE OF ALASKA
By: .... Governor
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"THE STATE OF ARIZONA
By: .... Governor
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"THE STATE OF ARKANSAS
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Secretary of State (SEAL)

"THE STATE OF COLORADO
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"THE STATE OF FLORIDA
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Secretary of State (SEAL)

"THE STATE OF ILLINOIS
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"THE STATE OF INDIANA
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"THE STATE OF KANSAS
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"THE STATE OF KENTUCKY
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"THE STATE OF LOUISIANA
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"THE STATE OF MARYLAND
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"THE STATE OF MICHIGAN
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"THE STATE OF MISSISSIPPI
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"THE STATE OF MONTANA
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"THE STATE OF NEBRASKA
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"THE STATE OF NEVADA
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"THE STATE OF NEW MEXICO
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Dated: ....
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Secretary of State (SEAL)

"THE STATE OF NEW YORK
By: .... Governor
Dated: ....
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Secretary of State (SEAL)

"THE STATE OF NORTH DAKOTA
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"THE STATE OF OHIO
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Secretary of State (SEAL)

"THE STATE OF OKLAHOMA
By: .... Governor
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Attest: ....
Secretary of State (SEAL)

"THE COMMONWEALTH OF PENNSYLVANIA
By: .... Governor
Dated: ....
Attest: ....
Secretary of State (SEAL)

"THE STATE OF SOUTH DAKOTA
By: .... Governor
Dated: ....
Attest: ....
Secretary of State (SEAL)

"THE STATE OF TENNESSEE
By: .... Governor
Dated: ....
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Secretary of State (SEAL)

"THE STATE OF TEXAS
By: .... Governor
Dated: ....
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Secretary of State (SEAL)

"THE STATE OF UTAH
By: .... Governor
Dated: ....
Attest: ....
Secretary of State (SEAL)

"THE STATE OF WEST VIRGINIA
By: .... Governor
Dated: ....
Attest: ....
Secretary of State (SEAL)

"THE STATE OF WYOMING
By: .... Governor
Dated: ....
Attest: ....
Secretary of State (SEAL)

SEC. 2. The Attorney General of the United States shall make a biennial report to Congress, for the duration of the Interstate Compact to Conserve Oil and Gas, as to whether or not the activities of the Interstate Oil Compact Commission and of the States under the provisions of such compact have been consistent with the purposes as set out in Article V of such compact.

SEC. 3. The right to alter, amend, or repeal the provisions of the first section of this joint resolution is hereby expressly reserved.

Mr. STEVENS. Mr. President, I move to reconsider the vote by which the joint resolution was passed.

Mr. PROXMIRE. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

PROCEDURES FOR INTERCEPTION OF WIRE OR ORAL COMMUNICATIONS

Mr. STEVENS. Mr. President, I ask that the Chair lay before the Senate Calendar No. 450, S. 1640.

The **ACTING PRESIDENT** pro tempore. The bill will be stated by title.

The assistant legislative clerk read as follows:

A bill (S. 1640) to amend certain provisions of title 18, United States Code, relating to the procedures for interception of wire or oral communications.

There being no objection, the Senate proceeded to consider the bill which had been reported from the Committee on the Judiciary with amendments, as follows:

On page 2, strike line 17, through and including line 22, and insert the following:

" '(g) a statement whether surreptitious entries are required to carry out the order.'.";

On page 2, strike line 25, through and including line 11 on page 3;

On page 3, line 12, strike "4.", and insert "3.";

On page 3, strike line 19, through and including line 13 on page 4, and insert the following:

"(f) whether surreptitious entries are authorized or approved to carry out the order, and, if such entries are authorized or approved, the identity of the agency authorized to make the surreptitious entries.".

On page 4, line 18, strike "5.", and insert "4.";

On page 5, line 10, strike "6.", and insert "5.";

On page 5, strike line 13, through and including line 17, and insert the following:

"(f) the fact that surreptitous entries to carry out the order were authorized or approved;"; and

On page 5, line 22, strike "7.", and insert "6.".

So as to make the bill read:

S. 1640

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 2510 of title 18, United States Code, is amended—

(1) in paragraph (10), by striking out "and" at the end thereof;

(2) in paragraph (11), by striking out the period at the end thereof and inserting in lieu thereof a semicolon and "and"; and

(3) by adding at the end thereof the following:

"(12) 'surreptitious entry' means a physical entry upon a private place or premises to install, repair, reposition, replace, or remove any electronic, mechanical, or other device, and includes both covert entry and entry effected by means of a ruse or subterfuge.".

SEC. 2. Section 2518 (1) of that title is amended—

(1) in paragraph (e), by striking out "and"; at the end thereof;

(2) in paragraph (f), by striking out the period at the end thereof and inserting in lieu thereof a semicolon and "and"; and

(3) by adding at the end thereof the following:

"(g) a statement whether surreptitious entries are required to carry out the order.".

SEC. 3. Section 2518(4) of that title is amended—

(1) in paragraph (d), by striking out the "and" at the end thereof;

(2) in paragraph (e), by striking out the period at the end thereof and inserting in lieu thereof a semicolon and "and"; and

(3) by adding at the end thereof the following:

"(f) whether surreptitious entries are authorized or approved to carry out the order, and if such entries are authorized or approved, the identity of the agency authorized to make the surreptitious entries."

SEC. 4. Section 2518(7) of that title is amended—

(1) by amending paragraph (a) to read as follows:

"(a) an emergency situation exists that involves—

"(i) immediate danger of death or serious physical injury to any person,

"(ii) conspiratorial activities threatening the national security interest, or

"(iii) conspiratorial activities characteristic of organized crime,

that requires a wire or oral communication to be intercepted before an order authorizing such interception can, with due diligence, be obtained, and"; and

(2) by inserting a comma and "and may make any surreptitious entry required to effect such interception," immediately before "if an application for an order".

SEC. 5. Section 2519(1) of that title is amended—

(1) by inserting immediately after paragraph (e) the following:

"(f) the fact that surreptitious entries to carry out the order were authorized or approved;"; and

(2) by redesignating paragraphs (f) and (g) as paragraphs (g) and (h), respectively.

SEC. 6. Section 2519(2) of that title is amended in paragraph (a) by striking out "(g)" and by inserting in lieu thereof "(h)".

The **ACTING PRESIDENT** pro tempore. The bill is open to further amendment. If there be no further amendment to be proposed, the question is on agreeing to the committee amendments.

The committee amendments were agreed to.

The bill was ordered to be engrossed for a third reading and was read the third time.

The ACTING PRESIDENT pro tempore. The bill having been read the third time, the question is, Shall it pass?

So the bill (S. 1640), as amended, was passed, as follows:

S. 1640

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 2510 of title 18, United States Code, is amended—

(1) in paragraph (10), by striking out "and" at the end thereof;

(2) in paragraph (11), by striking out the period at the end thereof and inserting in lieu thereof a semicolon and "and"; and

(3) by adding at the end thereof the following:

"(12) 'surreptitious entry' means a physical entry upon a private place or premises to install, repair, reposition, replace, or remove any electronic, mechanical, or other device, and includes both covert entry and entry effected by means of a ruse or subterfuge.".

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(2) in paragraph (f), by striking out the period at the end thereof and inserting in lieu thereof a semicolon and "and"; and

(3) by adding at the end thereof the following:

"(g) a statement whether surreptitious entries are required to carry out the order.".

Sec. 3. Section 2518(4) of that title is amended—

(1) in paragraph (d), by striking out the "and" at the end thereof;

(2) in paragraph (e), by striking out the period at the end thereof and inserting in lieu thereof a semicolon and "and"; and

(3) by adding at the end thereof the following:

"(f) whether surreptitious entries are authorized or approved to carry out the order, and, if such entries are authorized or approved, the identity of the agency authorized to make the surreptitious entries.".

Sec. 4. Section 2518(7) of that title is amended—

(1) by amending paragraph (a) to read as follows:

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"(i) immediate danger of death or serious physical injury to any person,

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that requires a wire or oral communication to be intercepted before an order authorizing such interception can, with due diligence, be obtained, and"; and

(2) by inserting a comma and "and may make any surreptitious entry required to effect such interception," immediately before "if an application for an order".

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"(f) the fact that surreptitious entries to carry out the order were authorized or approved;"; and

(2) by redesignating paragraphs (f) and (g) as paragraphs (g) and (h), respectively.

Sec. 6. Section 2519(2) of that title is amended in paragraph (a) by striking out "(g)" and by inserting in lieu thereof "(h)".

Mr. STEVENS. Mr. President, I move to reconsider the vote by which the bill was passed.

Mr. PROXMIRE. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. STEVENS. Mr. President, I thank the Senator from Wisconsin for his courtesy, and I reserve the remainder of our time until after the special orders that have been entered today.

The ACTING PRESIDENT pro tempore. The Senator from Wisconsin.

Mr. PROXMIRE. Mr. President, it is my understanding that I may proceed on the leader's time before I use my own time under the special order.

PAUL DOUGLAS, GREAT SENATOR, GREAT MAN—AN ECONOMIST AHEAD OF HIS TIME

Mr. PROXMIRE. Mr. President, tomorrow, Friday, March 26, marks the 90th birthday of the late and I think very great Senator Paul Douglas of Illinois. In my judgment, no better Senator has served in this body certainly in this century. And, if somehow we could bring back one of the great Senators of the past to counsel us in our present economic dilemma, the Senator I would choose without hesitation would be that great Senator from Illinois, Paul Douglas. How well I recall—I was not a Member of the Senate then but I was following the Senate very carefully—more than 30 years ago when Senator Douglas entered this body, a liberal Democrat, a man of deep compassion and concern for the needy and the poor and confronting a Federal budget less than one-twentieth the size of the present Federal budget, and yet he called loudly and emphatically for economy. It was Douglas who coined the phrase: "A liberal need not be a wastrel." And Senator Douglas spoke with greater economic expertise than any man who has ever served in this body, and that is no exaggeration.

The other day a newspaper columnist wrote that the typical Senator knew about as much about economics as a typical loudmouth bartender or a college freshman who has just opened his EC One textbook. Douglas swam into this sea of economic ignorance—the U.S. Congress—as one of the world's most renowned economists, a Ph. D. in economics from Columbia University in New York City, for years a great economics professor at the University of Chicago. His economic colleagues recognized his eminence by electing him president of the American Economic Association, a great honor and distinction. No other Senator who has ever served in this body has ever come close to achieving the distinction in economics as this remarkable economic scholar and statesman.

Douglas' economic eminence became so obvious to his Senate colleagues and to President Truman that as a freshman Senator in 1951, Douglas was selected as the point man who negotiated the accord with the Federal Reserve that freed the Federal Reserve from its World War II and postwar submission to the Treasury's debt service problems. And just in time. Without the accord the Fed would have continued under mandate to monetize the debt. And if anyone thinks the present inflation threatens the Republic, imagine the inflation that would have swamped this country if the Fed had monetized the $1 trillion national debt.

After 18 distinguished years, Paul Douglas left this body in 1967. If he were here today, I have no doubt what the Douglas position would be in this economic dilemma we now face. Douglas would have resisted with all his might the immense deficits that we have suffered over the 15 years since he left the Senate. He used to argue that we should balance the budget whenever unemployment falls below 7 percent. Such a policy pursued since 1967 would have given us a Federal debt today of less than one-third its present size and an interest rate of less than one-quarter of its present level because interest rates would have been lower, and we would have been working on a national debt base that would have been considerably lower. As a result the interest on the national debt would have burdened this country to the tune of $15 billion instead of the colossal $100 billion we will suffer next year. That alone would have brought us $85 billion closer to balancing the budget. It would also have greatly improved our economy because the lower interest rates would have permitted the housing industry, the automobile industry, and other credit-sensitive industries to prosper instead of sinking to their lowest levels since the Great Depression.

Paul Douglas led this body in the fight for civil rights. Others got most of the credit. But to those of us who belonged to the Douglas civil rights pack in the Senate, and that included most of those who pushed hard for real civil rights back in the late 1950's and early 1960's, Paul Douglas was undoubtedly our leader.

One of the least known but most significant democracy reforms in this country came from the shift to a one man vote representation for State legislatures, county boards, and city councils in the country. Paul Douglas made me his point man in that fight, but Douglas led the way and deserves the credit for knocking out the system that had kept a majority of our citizens from full representation in their State and local government.

In housing and urban development this Federal Government and our cities have struggled with pathetically little success since Paul Douglas left this body. When Douglas retired to private life he was commissioned by President Johnson to make a study of our cities and of housing in this country. With the help of Howard Shuman, who served Douglas as his administrative assistant and then until a couple of weeks ago served as my administrative assistant, Douglas wrote a great work spelling out just where we should go in reviving our cities and providing housing for all our citizens without excessive Federal spending. That study still provides a kind of thrifty man's guide to two of the most vital and most costly problems that confront this country today.

Senator Douglas served with distinction for years on the Senate Finance Committee. He had to fight like a tiger to win a seat on the committee. It took him long unrelenting years before the Democratic leadership finally gave in. Of course, Douglas was blocked from the committee because he had the peculiar notion that oil companies should pay the same taxes as everyone else, and because he had the revolutionary idea that we should base taxation on ability to pay, and that meant he vigorously opposed the loopholes that made our income tax code look like a swiss cheese. Douglas not only had those convictions, he had the intelligence, the knowlege, and the prestige to do something about them. It is a tribute to the power of those who lobby for the special interests and against the public interest that Senator Douglas was not able to put more of his convictions on tax equity into effect. As one of the country's leading experts, he also brought a deep understanding of our social security system to the Finance Committee. I am sure, having served for 20 years myself on the Joint Economic Committee, that that committee never had a chairman of greater distinction or more relevant ability than Paul.

I had the great honor to serve on both the Banking Committee and the Joint Economic Committee with Senator Douglas. He greatly elevated the level of inquiry and argument on both committees, and made both of them far more attuned to the public interest and to a sophisticated understanding of the limits and potential of government in our economy than they could possibly have been without him.

But, Mr. President, none of this, none of what I have said, begins to bring a taste of the personality and the remarkable human being that Senator Douglas was, his delightful sense of humor, his love of Italian art and French literature, his ability to find an apt classical allusion for the most earthy kind of attacks on a regulatory problem, and his really remarkable spiritual commitment.

Douglas was—let me quote now from an article by Howard Shuman that appeared 2 years ago. Howard, as I say, worked for Paul during the last 25 years of his life, and he said this:

> Douglas was a convert to the Society of Friends and took his responsibilities seriously. He rose early, and routinely he spent the first half hour of the day meditating in the Quaker fashion. Late one afternoon after a tumultuous morning hearing with George Humphrey, the self-made industrialist, ultraconservative, and boorish Secretary of the Treasury under Eisenhower, Douglas said to me in an informal moment, "I hate the Republicans. I hate George Humphrey." It was so casual I forgot it. The next morning, promptly as I arrived he called me into his office. Very seriously he repeated the previous day's comment. "I've been thinking about that," he said. "I apologize, I shouldn't have said it or thought it. I must not have hate in my heart."

Here was a man who was a great patriot and a great soldier. He volunteered for the Marine Corps at the age of 50. He insisted on going through boot camp, he insisted on combat assignment. He served with great distinction in the Far East.

He was badly wounded, had to spend some time in the hospital, several months in the hospital recovering. But he, of course, demonstrated his patriotism on the battlefield. He always had a deep and clear distrust of the Communists and of the Soviet Union and always had the insistence that we have a strong military force.

In debate Senator Douglas was fascinating. I shall never forget a classic debate between Senator Douglas and the late Senator Kerr. Paul called Bob Kerr the uncrowned king of the Senate because of Kerr's success in winning advantages for the oil industry and other special interest groups from Oklahoma in the Finance Committee and on the Senate floor. Both Kerr and Douglas were superb debaters. Both towered over other Senators in sheer physical size. Columnist Mary McGrory once described a Douglas-Dirksen debate as a kind of a dance, a "pas de deux," between two rumpled polar bears.

I remember it was late one night and both these men were so eloquent, so brilliant. But they were both very big physically and it was quite a moment for the Senate.

Then, of course, there is Paul's marvelous wife Emily Douglas, the daughter of the Nation's leading sculptor Laredo Taft, who won election herself in Illinois as Congresswoman-at-large; served as an intelligent, public-interest Member of Congress with distinction, and was really a superb, loving, devoted wife to Senator Douglas.

Mr. President, as I said at the beginning of this tribute, the country could use the great Senator from Illinois today in the peculiar economic circumstances in which we find ourselves more than any person who has served in this body in this century. We should never forget this great and good, and noble man. On the occasion of his 90th birthday, let us salute him.

Mr. President, I ask unanimous consent that an article I have attached and to which I referred here from Challenge Magazine by Howard E. Shuman be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From Challenge, July-August 1979]

PAUL HOWARD DOUGLAS

For anyone who worked with Paul Howard Douglas it is impossible to write about him without indulging in hagiography. To know him and to share in his civic battles was to love him. He invoked from his comrades in conflict and his staff an intensity of work and a depth of loyalty unique in my experience.

The author of *The Theory of Wages* (1934), which he said was ". . . my chief claim to scholarly distinction" and more than a dozen other books, both economic and political, Paul Douglas combined a massive intelligence with great strength of personal character.

On "Paul's Wall" over the couch in his senatorial office hung portraits of his heros—Abraham Lincoln of Illinois, Jane Adams, Old Bob La Follette, George Norris, John Peter Altgeld (Illinois' greatest Governor), and Clarence Darrow who, though less saintly than the others, was there because he was Douglas' friend and a champion of the underdog.

Douglas might have added the portrait of another of their stature who was also his hero. In 1952, the Eastern establishment, who then had a veto over the presidential candidates of both parties, wanted him to run as the Democratic candidate for President and offered him a million-dollar campaign war chest if he would do so. Douglas, who long before had decided the Senate was the zenith of his ambitions, nevertheless went to New York to be interviewed at a gathering of bankers, publishers, and financiers. In answering the question, who was his boyhood hero, he averred with a certain enthusiasm and detail that it was Eugene Victor Debs. That stopped the Douglas bandwagon.

Saintly he was and honest. Before his secretary was permitted to say to phone callers that he was out of the office, he would literally step out into the hallway of the Old Senate Office Building. Because of the oath he had to sign that he knew nothing of the various citizens' campaign funds raised on his behalf, he would leave the room whenever the subject was discussed. When he traveled by plane, he would be the last one on and the last one off, patiently waiting at the end of the line, never misusing his senatorial station to gain special privilege. He loathed the head table at Democratic dinners and made a point of working the crowd while lesser officials sat in splendor above the audience and ate.

He seldom referred to himself as "Senator" and never as "Doctor." He answered the phone with, "This is Mr. Douglas," and his staff always referred to him affectionately as "Mr. D."

As a Senator and politican he may have mellowed in his later years. We were once looking at an old picture taken of him in the 1930s. He was dressed in academic gown, thumbs in his vest, and nose held high at a haughty angle. He looked at himself and proclaimed, "I don't like that fellow."

Often he could not bring himself to tell a white lie even to avoid offending. I was present when the Chairman of the Federal Reserve Board, William McChesney Martin, came to Douglas' office to say that a number of people had reported some uncomplimentary Douglas comments about Martin's monetary policies. Martin said he was certain Douglas had not said them but wanted to hear the denial from the Senator himself. Instead of agreeing politely, Douglas turned to him and said, "I don't remember saying those things. But since I've thought them many times, I probably said them."

On other occasions he was more diplomatic. In 1966 a man who wanted to be appointed a federal judge sent Mr. Douglas an enormous campaign contribution—several thousand dollars. Mr. Douglas returned the check with a note saying that in view of the man's wish to be appointed a judge it would be improper to accept it. The man persisted and sent the check back with a note saying there was no connection between his desire to be a judge and his massive contribution. Mr. Douglas replied again. "I know there is no connection between your candidacy and your generous contribution, but since other people might think so I am returning your check."

Douglas was a convert to the Society of Friends and took his responsibilities seriously. He rose early, and routinely he spent the first half hour of the day meditating in the Quaker fashion. Late one afternoon after a tumultuous morning hearing with George Humphrey, the self made industrialist, ultraconservative, and boorish Secretary of the Treasury under Eisenhower, Douglas said to me in an informal moment, "I hate the Republicans. I hate George Humphrey." It was so casual I forgot it. The next morning, promptly as I arrived, he called me into his office. Very seriously he repeated the previous day's comment. "I've been thinking about that," he said. "I apologize, I shouldn't have said it or thought it. I must not have hate in my heart."

His spirit of selflessness went far beyond these incidents. He joined the Marines as a private at age 50 during the Second World War. He went through basic training at Parris Island and was selected the best "boot" in the camp. He was allowed to go overseas on condition that he not take part in combat. Yet, as adjutant of the First Marine Division he exposed himself to enemy fire daily when his division was in combat and routinely volunteered for stretcher-bearing duty. While the men wondered about that "old grey-headed fellow rushing around like crazy up there," he won the Bronze Star at Peleliu. At the Naha-Shuri line in Okinawa he was wounded while working as a medic for K Company and was brought back to a first aid station located in a cave on the palisades where, covered with dirt and blood, he lay bleeding dangerously from the wound in his left upper arm. According to Chaplain Berman of the Sixth Marine Division, which fought next to the First Division at the Naha-Shuri line, Douglas, badly hit, identified himself as a private, rather than a major, his actual rank. "When I asked Douglas why he had indicated he was a private," wrote Berman, "he told me he didn't want to get any special consideration or treatment."

At Peleliu Douglas survived hand-to-hand combat in a cave with a Japanese sniper who had killed two Marines on successive days. He wrote in his autobiograph, *In the Fullness of Time*, "As I came out, covered with mud and blood, the thought went through my head that perhaps the fellow was a professor of economics at the University of Tokyo. What a world it is that causes each of us to seek the other's life."

Mr. Douglas had a loathing for sham and pretense. As a graduate student at Harvard, he had often been deeply offended by Professor Frank W. Taussig, who routinely tried to put him down, and by the snubs of some of his supercilious student colleagues. Later in life, in a Harvard speech, he took great pleasure in detailing the white collar rogues and thieves Harvard had spawned, and quoted with a certain verve, much to the shock and chagrin of President Conant, the Old English quatrain, "The law locks up both man and woman who steals the goose from off the Common; but lets the greater felon loose, who steals the Common from the goose."

His attitude toward Harvard helps to illuminate an event in his life which he said could have ruined his career.

At one of the Pacific battles where his beloved Marines were under intense fire, he ordered a Navy doctor to the front lines to attend the wounded. The man refused. He said he was a Harvard Medical School graduate with training too valuable to risk his life. Incensed by his refusal, Douglas took out his weapon, pointed it at the doctor's head, and marched him to the front lines. Years later he told me he still shuddered when he thought about it: he had been so outraged that he had been prepared to shoot the man if he refused again.

All this explains why he was offended when some of his political brethren wore their war wounds on their chests. Even in a desperate political situation on the Friday before his defeat in the 1966 election he refused to give a speech drafted by that superb craftsman John Bartlow Martin, in which the repeated punch line was, "Tell that to the Marines." He sent me off to draft a new one only an hour before he addressed a vast throng in Chicago's Loop at the climax of the huge traditional Democratic parade.

He often commented that civic courage called for greater character than military courage. "When I was a Marine," he said, "the Japanese were shooting at my body. In the Senate they are after my soul."

Paul Douglas had many careers. He was first and foremost a teacher and economist. He took great satisfaction when in later life the Cobb-Douglas production function was vindicated after the derision it encountered when it was first published in 1928. As a path-breaking explanation of the relative constancy of the shares of capital and labor in national income, this function is now widely used in theories of income distribution, production, and growth. "The work never received a favorable word from my old colleagues, whose criticism had, indeed, been severe," he wrote. And therein, too, lies a tale.

Whenever I wrote an article for him he would, unlike most politicians, insist not only on putting my name on it but on listing it first. I would demur and tell him the magazine did not want an article by his anonymous administrative assistant but by a United States Senator. Reluctantly he would switch the order of names, but he was always faithful not only in using my name but in giving me the honorarium if had done the work. This practice grew out of the contempt he felt for numerous academic colleagues who plagiarized the work of their graduate students and proffered it as their own. I believe this is why mathematician Cobb's name was placed first on that seminal economic work. With Douglas' generosity of spirit, he would have reasoned that "C" comes before "D" in the alphabet.

Long before he entered the Senate, Paul Douglas was an idealist, citizen reformer, and man of action. He helped write the original Social Security Act. He was in New York at the time of the Triangle fire, a disastrous blaze that broke out in a garment factory in lower Manhattan in 1911. Because of it he joined forces with the International Ladies' Garment Workers' Union in their organizational efforts. He and Arthur Goldberg were the only two outside intellectuals who helped organize the United Steel Workers. The Steel Workers never forgot this. They rewarded Goldberg by hiring him as their attorney, and remained politically loyal to Paul Douglas when lesser men and institutions treated him and his causes as orphans. They backed his fierce fight to save the Indiana Dunes as a National Lakeshore and fought at his side in his 1966 election defeat.

He was a Chicago Alderman (he often noted that that experience was the training ground for political combat with Lyndon Johnson and Robert Kerr), a fighting Marine, and a United States Senator, but fundamentally he remained a teacher. In the Senate, on the political stump, and at Democratic Party rallies, he was the expositor and simplifier. He quoted poetry, had an apt phrase from Bartlett or a classical sally for the occasion, and used clear examples and simple props to make his points.

He illustrated military waste by holding up in the Senate a simple light bulb socket which we bought for 25 cents, but for which the Navy had paid $21.10. Once his staff had to restrain him from taking a meat cleaver and a scalpel onto the Senate floor to illustrate the difference between intelligent and meat-axe efforts to cut the budget. As he spoke he roamed from one side of the Senate chamber to the other, or up and down the aisles at a political meeting, occasionally pressing his point by slapping the thigh of a male member of the audience sitting on the aisle, as he did to his students in his classes at the University of Chicago.

When campaigning in central Illinois he would explain to Democratic street corner crowds and court house lawn rallies in heavily Republican areas that what they were up against was not the G.O.P., but the glaciers. Chicago, Cook County, and the lower third of the state south of the Taylorville moraine were Democratic. North of Springfield it was hardboiled, tough-minded, right-wing, Goldwater Republican country. "When the glaciers receded," he would say, "they left thick black mud. The black mud turned into fertile prairies. The fertile prairies created prosperous farmers. And prosperous farmers are Republicans. It's not your fault we're the minority party here," he would say. "Blame it on the glaciers!"

His phenomenal intelligence was exemplified by almost perfect recall. He could lecture for an hour making sequential points in faultless grammar without a note. In his late seventies he complained that he felt it necessary to have a short outline when he spoke. (Most people half his age would never venture into an important occasion without one.)

His tastes and abilities were catholic. I was with him when, in an effort to get the British to remove their restrictions against our cars and chickens, he quoted Cobden and Bright to the Chancellor of the Exchequer, astounded Swiss newsmen with his knowledge of the history of their cantons, sought out Michelangelo's Madonna of Bruges on the altar of Notre Dame in that medieval city, and in perfect German entreated a spontaneous gathering of several hundred people in the plaza before City Hall in Berlin to stand firm against the Russians at the time of the Berlin Wall in 1961. They cheered.

At one stage in his life he had systematically swatted up American political and constitutional history, chemistry, physics, mathematics, Italian Art, English and American poetry, and a host of other subjects in addition to economics and economic history. He knew the details of the Constitution, the views of the Founding Fathers, and the history of the Supreme Court. He was both scholar and man of action.

Only moments before he was to give his presidential address to the American Economic Association in Chicago in 1947 he was informed by Colonel Jacob Arvey that he had been selected as the Democratic nominee for the Senate. He turned to his wife Emily and quoted the lines from *Othello*, "Oh, now forever/Farewell the tranquil mind." But that was no farewell. His election may have ended the tranquil life but it did not end his intellectual career. In the Senate he applied his professional economic skills to the critical analysis of public works projects, subsidies for lead and zinc, sugar bills, maritime subsidies, fiscal policy, reclamation projects (where he compared the spending of over $2,000 an acre to reclaim land on the Upper Colorado River project on which to grow crops of hay worth $100 an acre, to growing bananas on Pike's Peak), restrictive tariffs, social security, welfare, housing, and medicare issues.

He was the father of the 1951 Federal Reserve-Treasury Accord. In 1960, as Chairman of the Joint Economic Committee of Congress, he oversaw the massive study on employment, growth, and prices and thrust into prominence economists like Otto Eckstein, Warren Smith and Charles Schultze. When canvassing for a staff director, Mr. Douglas called Jacob Viner at Princeton to ask for a recommendation. Douglas wanted a young man—he feared an older, established economist would run out of gas—and asked Viner for his brightest and ablest postdoctoral student. The answer was Eckstein, whom Douglas interviewed, hired, and helped launch on his spectacular career.

Douglas said Paul Samuelson was his most brilliant student and confessed that Samuelson and a small group of contemporaries had kept him on his toes with their questions as no other students had done.

Douglas was an environmentalist and consumer advocate before the words were in common use. He coined the phrase, "A liberal need not be a wastrel," and was critical of those fellow economists so caught up in macroeconomics that they failed to discriminate between good and bad spending. He saved the Indiana Dunes from the ravages of both the steel companies and the Indiana politicians. He not only wrote a book on *Ethics in Government*, but practiced it by returning any gift (except a book) worth more than $2.50. At the same time he was very forgiving of the sins of his colleagues. "A Senator is confronted with more temptations in a year than most people are in the course of a lifetime," he said.

With Bill Proxmire as his floor lieutenant, he blocked the attempt by Everett Dirksen to overthrow the One Man-One Vote decision. Needing one-third plus one to prevent cloture and the desecration of that great decision, in the end Douglas and Proxmire got two-thirds while Dirksen was left with one-third of the votes. While his use of the filibuster may seem inconsistent with his leadership of the fight for majority rule in the Senate, he justified using it to stop bad bills as long as it remained in the rules. "I do not intend to disarm unilaterally," was his view.

Douglas' relationships with Dirksen were generally friendly, if aloof, but this was not the only time they differed on a great issue. While Douglas was one of a handful of Senators with the courage to back Senator Ralph Flanders' early resolution against Joe McCarthy, Dirksen became McCarthy's floor leader and defense lawyer during the McCarthy censure debate.

It says something about the Senate at the time that it memorialized both the defender of Joe McCarthy and the leader of the segregationists in that body (Senator Richard Russell) by naming the two present office buildings for them.

Douglas was the floor leader in 1956, 1957, and 1960 for the civil rights bills to enforce voting rights and the right of minorities under the Fourteenth Amendment to eat in restaurants, stay at hotels and motels, and use public parks. While Douglas and his allies were ignominiously defeated initially—Johnson crushed them with a 76 to 6 vote in 1956—every key provision Douglas proposed finally became law in 1964 and 1965. For example, in 1960 Douglas and Senator Jacob Javits of New York proposed an amendment to the Civil Rights bill to send federal registrars into those states where the right of blacks to vote was denied. Majority Leader Lyndon Johnson moved and Minority Leader Everett Dirksen seconded the successful motion to table and hence kill that amendment. Five years to the day later, Johnson as President sent the identical language to the Senate and Senator Dirksen introduced it. Both then took credit for the bill and publicly preened themselves on the passage of this measure which they had originally opposed.

In 1951, with Joe Pechman as their expert, Paul Douglas and Hubert Humphrey launched the first Senate attempt to reform the tax code. Although success in this area has been slower than in most, ultimately even the hardy depletion allowance succumbed in part to their persistent efforts.

Douglas wrote the first Truth in Lending bill, drafted the Depressed Areas legislation (whose name was changed to Area Redevelopment, since no place was willing to be called depressed), and shepherded the public housing provisions of the landmark 1949 Housing Act through the Senate.

His hearings and research studies on the $1.00 minimum wage led to its passage without a vote. The Eisenhower administration proposed 90 cents. The AFL-CIO had commitments for $1.25 from a large nucleus of liberal Democratic and progressive Republican Senators. Douglas' detailed showing that $1.00 was the right figure persuaded the Republicans, who did not want to offend the administration, and the Democrats, who did not want to go back on their pledge, to allow the $1.00 figure to pass on a voice vote. It was a victory for objectivity over emotion, and at the time a considerable plum for an idealistic professor turned politican.

Paul Douglas' support of the Vietnam War was a mistake. That, along with the civil rights marches in Chicago in the hot summer of 1966 ("We're going to march until every white man in the suburbs votes Republican," was the perverse battle cry of Rev. Mr. James Bevel), and the murder of his opponent's (Charles Percy's) daughter, played a far larger part in Douglas' ultimate defeat in 1966 than his age (74). But his support of the war sprang from no mean or unworthy feeling. Its source was the same fundamental conviction in support of collective security which led Douglas to oppose Hitler and Mussolini in the 1930s. Even when facing defeat Douglas refused to hedge on Vietnam, as he refused to hedge on open housing. His opponent pandered to the prejudices of the bigots by claiming at the penultimate moment of the campaign that Douglas went too far in supporting an open housing bill which candidate Percy himself had actively embraced only a few months before when Douglas introduced it.

Douglas was never short of enemies. Year after year the lead sentence in a *Chicago Tribune* article would read "Senator Paul H. Douglas (D-Ill.), who supported a Socialist candidate for President, said today . . ." and it has recently been revealed that in 1941 the FBI put his name on a list of persons whose arrest and custodial detention might be necessary in time of war and maintained minutely detailed files on his political views until at least 1964.

Actually, Mr. Douglas went to Russia in 1927, interviewed Stalin and Trotsky, and drafted a scathing report on Soviet violations of civil liberties. In the 1930s he fought the Communist Party's attempt to take over numerous progressive domestic groups. He spoke out against the Hitler-Stalin Pact of 1939, the litmus test for an opponent of the party line, and was denounced by a Communist daily in his own 5th Ward.

And although he supported Norman Thomas in 1932 because Hoover's policies were a disaster and Roosevelt was proposing a balanced budget at the depth of the depression, Mr. Douglas never joined the Socialist Party. He told me many times that because he believed in the diffusion of economic power he could not sign the required party pledge to support the ownership and control of the means of production by the state.

Mr. Douglas delighted in showing visitors to his office two pictures on each side of his inner office door. One was a print of Holbein's Erasmus. The other was a drawing of Sir Thomas More. He would point out that like himself, both had been professors. Like himself, Sir Thomas More went into politics, but Erasmus stayed out. He would relate how More's head was chopped off but Erasmus kept his. Then he would ask his guests in mock solemnity, "What is your advice? Should a professor go into politics and lose his head, or stay out?"

When he was defeated he gave each of us a token of remembrance. His personal secretary got the print of Giorgione's *Tempest* which hung over her desk. He gave me the reproduction of Holbein's Erasmus and the drawing of Sir Thomas More.

Paul Douglas' life and career exemplify the standard set by Justice Oliver Wendell Holmes in his Memorial Day speech in 1884: "As life is action and passion it is required of a man that he should share in the passion and action of his time at peril of being judged not to have lived."

LUGAR-JACKSON HOUSING BILLS POSE AGONIZING CHOICE FOR THE CONGRESS AND FEDERAL RESERVE BOARD

Mr. PROXMIRE. Mr. President, earlier this week the Senate Banking Committee held hearings on a housing bill introduced by the senior Senator from Indiana (Mr. LUGAR) and others. That bill and a similar bill to be introduced by the senior Senator from Washington (Mr. JACKSON) for himself and others would both try to provide prompt action by the Congress to put millions of our unemployed to work and begin to lift the housing from its flat-on-its-back posture.

A key feature of both bills is a 4-percent interest rate subsidy to bring the current 17-percent mortgage down to 13 percent for several hundred thousand new home buyers. Both would confine eligibility to families with incomes under $30,000, and both provide payback provisions which would enable the Federal Government to recapture much of the subsidy. The Lugar bill purports to increase housing starts by 400,000, the Jackson bill by 500,000. Both would provide, together with other provisions, for nearly 800,000 additional jobs. The Lugar bill would use about $26 billion in additional credit. The Jackson bill about $25 billion.

Mr. President, what is wrong with these two very appealing proposals? The answer: Nothing, if they work. I repeat, Mr. President, these are both excellent proposals, provided only that they work. But can they?

Whether they work or not depends on the action of the Federal Reserve Board. Here is why: If the FED provides no additional credit, where will the $26 billion come from? It will come from the credit available for the rest of the private sector. Mr. President, a prime reason why interest rates have gone out of sight is that for the past decade the Federal Government has been taking an ever bigger share of the credit market in initiatives of this kind. Back in 1970 to 1972, the Federal Government absorbed about $1 out of every $6 of new credit, to finance its deficits and new off-budget borrowing. By last year the Federal Government was taking $2 out of every $6. Next year it will absorb about $3 out of every $6 of new credit or about half of the new credit. That means the pool of new savings available for the private sector has relatively diminished. And that means all the needs of the private sector to finance housing and the purchase of automobiles, farm implements, as well as business working capital and equipment has suffered a shrinking supply of funds. Result: Even in recession with demand for funds sharply reduced, interest rates have stayed high.

Now what happens if we come along with a new Federal program of subsidized borrowing, a new program which would increase demand for mortgage funds by $26 billion? The answer to that, Mr. President, depends on the Federal Reserve. The Fed can increase or decrease the available supply of credit. It could—if it wished—roughly accommodate this new additional demand by a gradual increase in the supply of credit over the next year of some $26 billion over its present target. But would they?

I wrote Chairman Paul Volcker of the Federal Reserve and I put the question directly to him. Here is the way I put the question:

> The question is whether, in your judgment, the FED would accommodate this additional credit demand on the market to keep interest rates from rising, or whether the FED would not make any accommodation. With no accommodation, the additional $26 billion demand would have to compete in the market with all other fund demands. If that were the case, would interest rates rise, choking off growth in other sectors? Would the additional jobs created by the proposal come about at the expense of others losing jobs in other unsubsidized sectors?

Chairman Volcker responded in effect that we could count on no monetary accommodation of the additional demand for credit created by the Lugar proposal. Volcker put the entire monkey on the back of fiscal policy. He contended, and I quote:

> If appropriate action is not taken in the fiscal area (reducing the deficit) new federal programs to channel credit and economic activity to any one sector will add to financial market pressures and choke off activity elsewhere . . . Jobs generated by the new program are likely to come at the expense of jobs lost in other, non-subsidized parts of the economy.

Volcker concluded:

> I am well aware of the distress that high interest rates are imposing on the housing sector, its suppliers and homebuyers. However, attempts to deal with the problem by encouraging excessive money growth at the expense of a sense of retreat on inflation just as progress has become so visible, would clearly be self-defeating.

Mr. President, I can only conclude that if Chairman Volcker's policies continue at the Fed and the Lugar or Jackson bill becomes law, the $26 billion additional credit used by new subsidized housing would come at the expense of other borrowing especially for homebuilding but also in other areas of the economy such as the auto industry, small business, and agriculture. The additional credit would simply drive interest rates up higher and squeeze others out of the market.

The General Accounting Office, Mr. President, made a study of the Brooks-Cranston provision for a similar so-called shallow subsidy a few years ago and that purported to increase housing starts by a great deal.

The GAO concluded that the increase in housing starts was only 10 percent of the projected amount. Now, if that were applied here, it would mean that instead of the homebuilders getting 400,000 or 500,000 in housing starts, they would get 40,000 or 50,000.

The result would nullify the additional 790,000 job increase in employment promised by the Lugar or Jackson bill. The Volcker letter puts the issue directly and poignantly between inflation and unemployment. With the home building industry operating at less than 50 percent of capacity, and with other credit sensitive sectors of the economy also operating at such low levels of capacity, would a Federal Reserve accommodation of the Lugar proposal in fact push up prices more rapidly or prevent a further improvement in inflation? A case can be made that the accommodation under present circumstances would not raise prices.

At any rate, it is clear that if the Fed does not accommodate the Lugar or Jackson proposal by increasing the availability of credit, the Lugar or Jackson proposal would not work. It would reduce economic activity by increasing the demand for credit raising interest rates and cutting jobs in nonsubsidized housing and other nonsubsidized sectors of the economy. Result: No benefit overall for the economy.

Whatever jobs came from the additional housing subsidy would come at the expense of lost jobs other nonsubsidized housing activity and in the auto and other credit sensitive industries. And by saving some home builders from bankruptcy, we may cause the bankruptcy of other small businessmen by diverting scarce credit into housing.

That does not mean that we should not pass either one or the other of these two bills. In view of the appalling depression in homebuilding, I think they both have merit, in spite of the objections I have indicated here. But I think we ought to pass them with our eyes wide open, recognizing that if we do pass them, there is not going to be this overall increase in jobs of 800,000 people or housing starts of 400,000 or 500,000 housing starts; that the effect, instead, is likely to be a diversion of credit from other credit-sensitive industries. Would it be worthwhile to get a $40,000 to $50,000 increase in homebuilding. Even that is very important to our homebuilders now. That is a desperately needy industry.

But, as I say, I think we ought to be very clear on this. The letter that I have received from Chairman Volcker indicating that he would not—would not—accommodate this increased demand for credit seems to me is something we should all have in mind when we decide what to do on these bills.

Mr. President, I ask unanimous consent that copies of my letter to Chairman Volcker and his response to me be printed in the RECORD.

There being no objection, the letters were ordered to be printed in the RECORD, as follows:

BOARD OF GOVERNORS,
FEDERAL RESERVE SYSTEM,
Washington, D.C., March 17, 1982.

Hon. WILLIAM PROXMIRE,
U.S. Senate,
Washington, D.C.

DEAR SENATOR PROXMIRE: Thank you for your letter of March 9, requesting comment relating to legislation proposed by Senator Lugar that would subsidize the interest rate on mortgage loans for new homes. You have asked whether the Federal Reserve would accommodate additional credit demands expected to be generated by the program and thereby keep interest rates from rising. You have also inquired whether interest rates would rise without such accommodation, tending to choke off growth in other sectors.

As you know, the Federal Reserve sets annual target ranges for growth of the monetary aggregates and bank credit. The growth targets for 1982—announced to the Congress in the Board's February report pursuant to the Full Employment and Balanced Growth Act of 1978—were designed to be consistent with recovery in economic activity accompanied by continued moderation of inflation.

In general terms, specific changes in those targets or the provision of reserves to the banking system simply to "accommodate" particular budgetary or other legislative initiatives that might increase governmental or other credit would be inappropriate in terms of our goals and would impair confidence in cur ability to reach those goals. If the result would be to contribute to greater concern about inflation, the action would be counterproductive in relation to the objective of lower interest rates.

Our monetary and credit targets are, of course, under continuing review. Changes would be appropriate only if the evidence about the relationship between those aggregates and the basic objectives of progress against inflation and economic growth strongly suggested such action. While a Federally-subsidized mortgage program would tend to change the distribution of available credit, it would not in itself be evidence that existing monetary policies are inappropriate.

The effect on interest rates of increased federal outlays for housing, and any stimulus to private credit demands such outlays might generate, depends in no small part on the overall federal budget deficit picture. Prospective huge deficits in coming years—in the absence of strong and early action by the Congress—are, as you know, a major influence on credit markets currently and prospectively. If appropriate action is not taken with regard to the overall fiscal outlook, then pressures on interest rates and financial markets will remain greater than otherwise, with consequent damage to prospects for recovery and growth. Under these circumstances, the chances are increased that new federal programs to channel credit and economic activity to any one sector will add to financial market pressures and choke off activity elsewhere. The impact on other sectors will depend on their sensitivity to higher interest rates. But, under those circumstances, jobs generated by the new program are likely to come at the expense of jobs lost in other, nonsubsidized parts of the economy. While it might be argued that the effect would not be a one-for-one offset and, in any event, could not be precisely identified, the risks of spreading financial strain with adverse effects on the economy generally are real.

I am well aware of the distress that high interest rates are imposing on the housing sector, its suppliers, and homebuyers. However, attempts to deal with the problem by encouraging excessive money growth at the expense of a sense of retreat on inflation just as progress has become so visible, would clearly be self-defeating. In my judgment, the greatest contribution the government can make at present to resolving the interest rate problem, and assisting the housing industry, would be to deal effectively with the prospective deficits, which, apart from the direct financial market implications, contribute unnecessarily to uncertainty regarding government's resolve to reduce inflation.

I believe the question of governmental subsidies to a particular sector, and its potential impact on credit markets, needs to be assessed in this broader perspective. In other words, a major question to be dealt with is whether new programs are consistent with lessening the total impact of government on credit markets.

I hope that my comments will be helpful. Please let me know if I can be of further assistance.

Sincerely,

PAUL A. VOLCKER.

COMMITTEE ON BANKING, HOUSING,
AND URBAN AFFAIRS,
Washington, D.C., March 9, 1982.

Hon. PAUL VOLCKER,
Chairman, Federal Reserve Board,
Washington, D.C.

DEAR MR. CHAIRMAN: Senator Lugar has proposed legislation to subsidize the interest rate on home mortgage loans in order to increase the number of housing units to be built.

The program would reduce the interest rate on the mortgage to the borrower by four percentage points, and has a recapture provision in the future. The total cost of the subsidy could be about $5 billion spread over five years. The proposal projects an increase in employment of 791,000 in construction and related housing jobs, and projects an increase of about 400,000 units with subsidized mortgages of $65,000 each.

The program will, therefore, have a $26 billion impact on the credit markets. The question is whether, in your judgment, the Fed would accommodate this additional credit demand on the market to keep interest rates from rising, or whether the Fed would not make any accommodation. With no accommodation, the additional $26 billion demand would have to compete in the market with all other fund demands. If that were the case, would interest rates rise, choking off growth in other sectors? Would the additional jobs created by the proposal come about at the expense of others losing jobs in other unsubsidized sectors?

As you can appreciate, the housing industry is in dire circumstances, as is farming, the auto indsutry, and small business, in general. Your answers to the questions raised by the proposal are crucial to a complete understanding of all of the ramifications of the proposal.

Sincerely,

WILLIAM PROXMIRE,
U.S. Senate.

RETURN TO AUSCHWITZ

Mr. PROXMIRE. Mr. President, "Return to Auschwitz" is one young woman's story of surviving the Holocaust. It was reviewed in last Sunday's Washington Post.

Until 1939, Kitty Hart lived in a small, picturesque Polish town. Although she was Jewish, Kitty attended a Catholic school, as did other Jewish girls.

Shocked by sudden and unforeseen anti-Semitism, the family moved to the ghettos of Lublin, only to split up several months later. Kitty's brother joined the underground. Arguing that the two women would be better off without him, Kitty's father left them.

Mother and daughter subsequently worked at an I. G. Farben industrial plant in Germany, until their Jewish identity was discovered. Then, along with several other Jewish women, they were put on a train to Auschwitz.

While at Auschwitz Kitty lived near the gas chambers and crematoria, and so was confronted daily with the grim reality of the genocide which ultimately took the lives of 6 million Jews. She writes:

> It was no longer possible to pretend even to yourself that the stories were not really true, could not conceivably be true. All that we heard and guessed was now here before our eyes. Here were the death factories. In daytime I heard the regular thuds coming from that attractive white house into which people were ushered one at a time with the assurance that they were to be disinfected—thuds which marked successive shots into the head as victims filed through. And day in, day out, we watched the procession towards the gas chambers and heard the screams, and day and night smelt the crematoria as they labored to keep up with the increasing tempo of incoming transports.

Kitty Hart is to be commended for writing about this traumatic experience. Her memoir supplements our understanding of this gruesome instance of genocide, and reaffirms our commitment to the prevention of future instances of genocide.

One way to demonstrate this commitment is to ratify the Genocide Treaty; 85 nations, covering the political spectrum, are already parties to the treaty. They are on record as opposing the elimination of a national, racial, ethnical, or religious group. They are also on record as declaring this act to be an international crime. The United States, which first conceived and pushed and achieved unanimous support for the treaty in the United Nations, is alone among developed countries in not having ratified it. I urge my distinguished colleagues to remedy this situation and ratify the Genocide Treaty.

Mr. President, I yield back the remainder of my time.

RECOGNITION OF SENATOR DANFORTH

The ACTING PRESIDENT pro tempore. Under the previous order, the Senator from Missouri (Mr. DANFORTH) is recognized for not to exceed 15 minutes.

EL SALVADOR

Mr. DANFORTH. Mr. President, each day the American people receive fresh reports of the growing tragedy in El Salvador. We ask ourselves what policy our country should pursue as a responsible party in the affairs of our hemisphere. On one hand, we want to assist moderate and democratic elements in that country which are threatened by the militaristic right and the guerrilla left. On the other hand, we want to stop bloodshed which has claimed the lives of so many.

I am increasingly convinced that the best hope for El Salvador lies in a negotiated settlement as proposed by the President of Mexico, together with an accelerated effort to improve economic conditions in the Caribbean Basin. This conclusion is compelled by a review of the limited policy options available to the United States.

Basically, the United States has three alternatives in dealing with the crisis in El Salvador. First, we could opt for direct U.S. military intervention in that country. Second, we could continue our present policy of furnishing both economic and military support for the Duarte government in the hopes that guerrilla activity will subside or be quashed. Finally, we could fashion a new policy approach which would improve the chances for a peaceful settlement of the Salvadoran crisis.

The first of these alternatives, military intervention, has been specifically rejected by the President and the Secretary of State, and would not be supported by either the Congress or the American people. Therefore, it can and should be ruled out summarily and absolutely.

The second approach appears to be heading nowhere. Reports vary as to the number of Salvadorans who have been murdered in the past year, but the magnitude of the continued tragedy is clear—thousands dead and left homeless.

It is equally clear that the present course is one of continued long-term entanglement, continued bloodshed and, at best, a stalemate. There can be no military solution to a political problem born of economic and social inequities. Furthermore, a sustained but limited military resistance to guerrilla activity has not proved to be a successful strategy when attempted elsewhere in the world. Therefore, this approach, too, should be ruled out.

This brings us to the third and, I think, most desirable alternative. America needs a straightforward approach to help resolve the Salvadoran crisis. We must foster a stable political and economic climate in the region that offers real hope of achieving the middle ground.

To this end, I would propose the following. First, the President should call on all parties to observe a cease fire and halt in the flow of arms of at least 90 days, during which time the United States would suspend all military assistance to the Government of El Salvador.

Second, the President should actively pursue the invitation of Mexican President Lopez Portillo to mediate a settlement of the Salvadoran crisis, and further serve as an intermediary in reducing tensions between the United States and Cuba and Nicaragua. In this regard, I am highly encouraged by the recent talks between Secretary of State Haig and Mexican Foreign Minister Castaneda. Finally, the United States should move forward as quickly as possible with the President's Caribbean Basin Initiative designed to increase economic stability in Central America and the Caribbean region.

On this final point, I am firmly convinced that the provision of foreign economic assistance, trade benefits, and investment incentives is a small price to pay for the chance to achieve peace and stability in El Salvador and other countries in the region. In this instance, it is clear that political stability can only be achieved through some measure of economic stability which, in turn, requires an economic and political climate designed to foster growth.

Mr. EAGLETON. Will my colleague yield for a comment on this subject matter?

Mr. DANFORTH. Certainly.

Mr. EAGLETON. Mr. President, I commend my colleague for his remarks. When I arrived in the Chamber, I did not know what subject matter he was about to discuss. I have listened with great attention to his statement. I think it is both statesmanlike and commonsensical. That is a very good combination.

Sometimes, something can be statesmanlike but perhaps lack a bit in commonsense, and vice versa. What Senator DANFORTH has just stated, and stated in a very sensitive way, is both statesmanlike and commonsensical.

Mr. DANFORTH. Mr. President, I very much appreciate the comments of my senior colleague.

Mr. President, that concludes my remarks. I do not know if any Senator would like me to yield the remainder of my time to him. If not, I yield back the remainder of my time.

RECOGNITION OF SENATOR EAGLETON

The PRESIDING OFFICER (Mr. JEPSEN). Under the previous order the Senator from Missouri (Mr. EAGLETON) is recognized for not to exceed 15 minutes.

WE MUST THINK ABOUT THE THINKABLE

Mr. EAGLETON. Mr. President, This week's *TIME* Magazine cover story is entitled "Thinking The *Unthinkable*" and it discussed the consequences of an all-out nuclear war. Even the soon-to-be released lampoon *Off The Wall Street Journal* has an article "Thinking the Unthinkable."

For the moment, I would like to think about the thinkable, namely the deteriorating situation in the Middle East.

I start with these "givens."

1. Israel's immediate security, despite the PLO, has never been more assured. Egypt poses no threat. Nor does Jordan, Syria, Iraq, or Iran. The Arab world is divided and fragmented as it has never been before.

2. Despite its overwhelming military superiority, Israel feels besieged and isolated. This stems from a series of events and situations:

(a) PLO activity in Southern Lebanon;

(b) Unrest in the West Bank; and

(c) The United States "cozying up" to Saudi Arabia and Jordan.

3. Prime Minister Begin, frail and failing, lashes out violently when he feels "cornered" for any reason, good or bad. He will "take out" the nuclear facility in Iraq. He will bomb downtown Beirut. He will annex the Golan Heights. In short, when "cornered" or "caged" he will react with vehemence.

4. United States policy vis-à-vis Israel has been mystifying and uncertain. Secretary of State Haig is soothing and accommodating. Secretary of Defense Weinberger is inciting and alarming. President Reagan practices benign neglect and gives clear and convincing proof of being uninformed or unconcerned or both.

Our current policy seems to be one of escalating armaments on all fronts. We are selling the *enhanced* F-15s and the AWACS to Saudi Arabia. We are contemplating the sale of the mobile Hawk missiles and F-16 fighter aircraft to Jordan. We are going to give additional weapons to Egypt. To "balance" all of this, we are going to increase our armament aid to Israel. When this current armament binge is completed, will any of the nation states in the Middle East be better off? No.

5. Some now believe that the Camp David process is, for all practical purposes, dead.

Some argue that it probably died the day President Carter was defeated, November 4, 1980. Others argue that, at the very least, it became near terminal the day Anwar Sadat was assassinated, October 6, 1981. Still others allege it probably breathed its last gasp the day Prime Minister Begin appointed, in February, 1982, a Camp David antagonist to the United States as Israel's ambassador to our country. I refer to Ambassador Moshe Arens.

President Reagan thought so little of the process that it took him 13 months to replace Sol Linowitz as personal representative of the President of the United States, and when the replacement came, it was in the person of Richard Fairbanks who most people thought was a shortstop with the San Diego Padres.

Let's be honest about it, President Reagan was never all that enthused about the Camp David process. After all, that was Jimmy Carter's "bag" and anything with the Carter label leaves President Reagan a little cold.

Let's be honest about it, President Mubarak ain't all that hot about the Camp David process. After all, that was Anwar Sadat's "bag" and Mubarak realizes that Egypt's days of isolation from the rest of the Arab world are nearing their end.

Let's be honest about it, Prime Minister Begin was less than totally comfortable with Camp David. To him the West Bank is still Judea and Samaria, and "autonomy" to him is just another way of saying "Judea and Samaria." Egypt can never "agree" to the Begin version of "autonomy in Judea and Samaria."

6. The present, aimless policy drift in the Middle East poses great dangers.

Begin will return the Sinai on April 25th. He is a man of honor and will keep his word. However, he will pay a domestic, political price for this with his neurotic political right-wing.

One way of political atonement would be to "clear out" the PLO problem in Southern Lebanon. Begin will be mightily tempted to move in that area and thereby stake out yet another claim for more territory.

7. Begin can't last forever. He can probably call another election, win a convincing mandate, and then await the inevitable transference of power to General Sharon.

No one is going to "out-Judea and Samaria" the General. He, in time, will annex the West Bank.

8. At that point the Middle East becomes unresolvable and we nervously watch the calendar, fearing the date that the first Arab nation acquires, by whatever means, a deliverable nuclear bomb.

Thus, in thinking the thinkable about the Middle East we ultimately are led back to the *TIME* Magazine cover story "Thinking the Unthinkable."

Mr. President, the Reagan policy in the Middle East is a cannonball ricocheting among powder kegs. Ultimately, it will set off a crisis, a crisis which the whole world has cause to dread.

If there is to be a chance for peace in this vital, but dangerous area of the world, I believe President Reagan must move to halt the incendiary actions that pass as policy today. He must return to the only hope for the region—the Camp David peace process. *If* there is life yet left in these accords, we must revive it with positive measures and there is little time to act.

ORDER FOR SPEECH TO BE PRINTED AS DELIVERED

Mr. EAGLETON. Mr. President, I wish to make a unanimous-consent request. I ask unanimous consent that my speech be printed in the RECORD as I have delivered it, not as the Government Printing Office likes to print their version thereof. I should like, when I use Arabic numerals, that the Arabic numerals be printed as Arabic numerals. When I hyphenate words, I would like the words to be hyphenated. When I capitalize letters, such as when I refer to the General with a capital "G", I want the letter capitalized.

In short, Mr. President, I ask unanimous consent that my speech be printed as I have written it, as I have delivered it, and not printed according to what the Government Printing Office prefers to print in their edited version of Senators' speeches.

The PRESIDING OFFICER. Is there objection? The Chair hears none; it is so ordered.

RECOGNITION OF SENATOR STENNIS

The PRESIDING OFFICER. Under the previous order, the Senator from Mississippi (Mr. STENNIS) is recognized for not to exceed 15 minutes.

Mr. STENNIS. I thank the Chair.

A BALANCED BUDGET CONSTITUTIONAL AMENDMENT

Mr. STENNIS. Mr. President, I have detached a note of extreme concern in the tone and the thoughts expressed in so many speeches these days. And this is a time for concern. It is a concern which I share. I am going to comment today on the proposed balanced budget constitutional amendment, which I have favored for a long time.

At the same time, Mr. President, I am encouraged and pleased by the recent upsurge of interest in a constitutional amendment which would eliminate Federal deficit financing and mandate balanced Federal budgets. However I have seen such an upsurge of interest in the past, and it has not had enough sustained power to get a constitutional amendment approved and submitted for ratification.

In 1975 and again in 1977, I joined a number of my colleagues in introducing proposed constitutional amendments which would make balanced budgets mandatory. In 1979, I was the principal sponsor of such an amendment, and March 12, 1979, I appeared before the Subcommittee on the Constitution of the Senate Committee on the Judiciary and discussed my proposed constitutional amendment and related matters. I again introduced this proposed constitutional amendment in 1981 and made a floor statement in support of it as late as December 9, 1981. Over the years I have spoken in favor of such a constitutional amendment on numerous occasions both on and off the floor of the Senate.

While I have long been a strong supporter of such an amendment, the fact that budget deficits have soared over the past 3 years despite strenuous efforts by the Congress to get them under control has convinced me that a balanced budget constitutional amendment is now an absolute must. While this Nation has faced many problems, trials, and crises since I have been in the Senate, few, if any, have been more serious or dangerous than the fiscal crisis now confronting us. We must solve this problem or face the possibility—even probability—of utter financial collapse. I believe that our best hope of financial salvation lies in the adoption of a constitutional amendment which would absolutely prevent the Congress from incurring a deficit except in time of war or other clear national emergency.

I am surprised, Mr. President, that the concept of a constitutional requirement to balance the Federal budget is regarded by some as an unwarranted and undesirable limitation on the flexibility of the Federal Government to use fiscal policy to attain economic goals. Such a reaction is particularly surprising because until well into the 20th century no one in a position of responsibility thought that a balanced budget was anything but desirable. Up until then it was a matter of political faith that expenditures of public funds should be limited by the available revenues. Public debt was regarded as being undesirable, a thing to be avoided if at all possible. The accepted principle was that the Government should make every effort to live within its means.

How times have changed. By the middle of the 20th century spending decisions became increasingly divorced from the availability of revenue. The result since then has been a succession of Federal deficits, an accumulation of massive debt, and rising rates of inflation induced at least in part by rapid monetary growth. This must come to a halt.

Earlier this year Alaska became the 31st State to call for a constitutional convention to balance the budget and limit runaway Federal spending. If three more States take similar action, for a total of 34, the two-thirds requirement will be met and Congress would then have to act on its own proposed constitutional amendment; or call a constitutional convention, in some form. Several States are now considering such action.

What happens when and if the 34th State passes a resolution and sends it to Capitol Hill? The answer is that no one really knows. There are no precedents and few guiding principles. Congress would be off on a voyage into the unknown. The potential of a constitutional convention is so dangerous that every effort should be made to avoid calling one.

There has been only one Constitutional Convention in the history of the Nation. That was in 1787. George Washington was the driving force behind the calling of that Convention. He had no idea, as I understand it, of entirely rewriting the existing Constitution but that is what occurred.

The prospect of a constitutional convention is very disturbing to me, particularly in these unsettled and troubled times. We will be moving into a constitutional no man's land which was uncharted by our Founding Fathers and has not been charted since that time. Many questions will arise. First, do the applications or resolutions of the States have to be identical, or substantially so, for a constitutional convention to be mandated? How will the delegates be chosen? Will the States have equal representation as in the U.S. Senate, or will their votes be weighted in accordance with their population? How long will the convention go on?

Above all, there is the question of whether the convention must restrict itself to the issues for which it is called or is it free to consider other matters as well? As I have mentioned, the first Constitutional Convention was called to amend the Articles of Confederation but ended up by forming a completely new Government. I fear that if we called a constitutional convention now, the entire situation might get away from us, and we would be at the mercy of whatever a majority of the delegates to the convention concluded was its mission, its privileges, its responsibility, and its powers. It is a far sounder procedure for Congress to approve a balanced budget constitutional amendment and submit it to the States for ratification.

However, the fact that 31 States have acted shows almost unanimity of support for something positive being done in this field. It also shows that Congress is dragging its heels and the States are taking positive action.

As I have said, there has been only one actual Constitutional Convention in the history of our Nation. That was in 1787. George Washington was the driving force behind the calling of that Convention. He had gone home to Mt. Vernon to stay, he thought. At least that was his desire. However, the leaders got him back into public affairs and in action. They finally prevailed upon him to take the leadership of calling a group together to consider the then existing Articles of Confederation, and they wound up by totally abolishing that instrument and writing a new Constitution from beginning to end. This illustrates and emphasizes the possible dangers and pitfalls in calling a constitutional convention in these difficult times.

Of course, they did have a provision in the new Constitution that it has to be approved by 9 of the 13 participating States, this was finally done after a good deal of argument and uncertainty, even in George Washington's State of Virginia where the opposition was led by none other than Patrick Henry and another very formidable group of leaders of Revolutionary times.

There has been reported by the Committee on the Judiciary and is now pending on the Senate Calendar (S.J. Res. 58), which proposes an amendment to the Constitution to require a balanced Federal budget and to limit taxation and spending. While this resolution, as it is written, is not my first preference as to the form such a constitutional amendment should take, it certainly has merit. I am prepared to consider it and certainly will support it if I am convinced that it is the best available and most feasible solution.

My basic and strong conviction is that we must have a constitutional amendment that will establish definite and effective limits and restrictions on the money which Congress can legally appropriate. This problem must be approached with the knowledge that it will take several years after the adoption of a constitutional amendment for it to become fully operative and effective. It is also imperative that any balanced budget constitutional amendment contain escape provisions which would permit deficit financing in times of war or other clear national emergencies.

Why has my concern about this matter intensified?

With a national debt of more than $1 trillion and annual interest payments of around $115 billion, it is almost impossible to delay action any longer. The adoption of a balanced budget constitutional amendment will be an unprecedented—even drastic—step. It will mark the beginning of a new era in our governmental and financial history. However, I do not see any other way to get our financial house in order and keep it in order after we have attained a balance between income and expenditures.

The fragility of our fiscal structure and its susceptibility to external events are evidenced by the fact that each additional percentage point in the unemployment rate costs the Federal Government from $25 billion to $29 billion on an annual basis as a result of reduced tax receipts and increased expenditures for unemployment compensation, welfare, and other benefits. This makes it imperative that any constitutional amendment which is adopted be crafted with extreme care. Last month, with 9.5 million people unemployed, the unemployment rate was 8.9 percent. This was up from 7.4 percent a year earlier. The probabilities are that it will go even higher.

There are about 66 million people who are wholly or partially supported by payments, checks, or allowances from the Federal Government. That is almost a third of our total population. The members of this group are naturally and understandably interested in the payments they receive. They do what they can to protect their own interests. This results in added pressure on the Congress to increase payrolls, benefits, and appropriations.

Entitlements or uncontrollable items of the Federal budget are a major problem since they result in automatic expenditures and budget increases. These are expenditures which increase automatically based on increases in the cost of living or some other formula. In fiscal year 1982, they amount to a staggering 62 percent of the Federal budget. They include many unavoidable and worthwhile programs and objects, including interest on the national debt and social security benefits. We must begin now to consider ways to get a handle on these so-called entitlements so that their growth will be slowed in the future.

To put it simply, the time has come for the people to place limits on the power of the Congress to appropriate funds in excess of the available revenue and thus create huge deficits year after year. Complete and utter disaster can occur if we follow the same unsound fiscal course that we have followed in the past and fail to bring Federal spending under control. It is very clear that all of the people of this country, including those who receive benefits and payments, and large and small financial interests as well, should work for the adoption of such a constitutional amendment. This would insure the continued flow of funds to them.

This is not proposed as a solution to the current financial problems we face. These must be solved by eliminating the huge deficits now confronting us. The constraints of the constitutional amendment will take effect over a period of years. Even if we work out of our present tight fiscal situation, we can be sure that we will be faced with the same problem in a few years unless a constitutional amendment requiring a balanced budget has been adopted.

As I have already stated, a constitutional amendment mandating a balanced budget will be the beginning of a new era in Government fiscal policy. It will be a radical departure and a drastic change from existing practices. However, it is made necessary by the enormous growth in our population, the increased complexity of governmental affairs, and other related factors, including specifically the great increase in our national debt.

As I have said, last month there were 9.5 million of our people unemployed, and the unemployment rate was 8.9 percent. This was up from 7.4 percent a year earlier. The probabilities are that it may go even higher. But my point is that with all of our work last year in reducing spending—it came to about $37 billion—the increase in the employment rate of about 1½ percent cost the Federal Treasury as much as we had reduced expenditures for fiscal 1982.

I was almost afraid to use those figures. I thought they might be in error. However, the President later used his and, with the vast resources and information at his command, I now accept them as being accurate.

Congress passed the Congressional Budget Control Act of 1974 in an effort to control and prevent continued Federal deficit spending. However, we also need the added fiscal discipline of a mandatory constitutional convention.

I do not say that the Budget Control Act has been a failure. It has not been a failure. It has done a lot of good. But certainly the events have proven that it alone is not enough; that it cannot solve our financial problems under the existing circumstances. There has to be something done that will prevent the Congress from creating or permitting the creation of budget deficits.

As things are today, Congress has unlimited power to appropriate annually huge sums of money in excess of the estimated income for that year. It also has considerable political incentive to do so. Deficits are almost inevitable in this situation. We of the Congress have that naked, unlimited power now.

My point is—and I have great respect for and faith in the Congress, and in its capacity—but times have changed. Today the demands are so great. The taxpayer must have the protection of this limitation on the power of Congress. It is for the protection of the taxpayer, not for the protection of the Congress by any means. It is for the protection of the taxpayers who have to pay the taxes and have been burdened with these deficits and a Government debt that contributes to the runaway inflation and destroys the value of the property and money the taxpayer has left after paying taxes year after year.

The people must place the limitation where it will be most effective, and that is on the Congress itself. An amendment like this with very carefully drawn language to take care of national emergencies like war and catastrophes, of course, would be effective.

I do not want to fill this speech with a lot of figures, Mr. President, but these entitlements and uncontrollable items under present law have jumped from about 20 percent up to 62 percent in fiscal year 1982. We simply have not paid enough attention to the problem. Twenty years or so ago the threat of inflation was so negligible then it was not even a part of our thinking. I have looked back to when we passed some of these so-called entitlements, and the inflation rate was 1½ percent or 2 percent or less. Let me stress that these entitlements or uncontrollables are a tremendous problem now since they result in automatic expenditure and budget increases.

My point is that we must begin now to consider ways in which to get a handle on these entitlements and all other items that, because of their growth, have to be controlled more closely in the future. Otherwise, we will have financial crises which destroy values, destroy business, destroy the ownership of property, and upset people of all groups. Do not think that anyone will be left out.

Also, it brings about the serious concern with which we are faced now, and that is what is gnawing on the people. They cannot make plans. They do not know what to expect. They do not know what they will have to pay for items in this period of uncertainty and high concern.

I return to what I said earlier, for the sake of emphasis. I propose that the people place limits on the power of the Congress to appropriate funds in excess of the available revenue and thus create huge deficits year after year. That would not limit Congress one bit in making the apportionments and deciding the priorities. I feel certain that Congress would be generous enough, if I may use that word, to see that where funds were absolutely needed, people would not be left out, and there would be adjustments as much as human powers could make adjustments—adjustments between groups—so that people would have a chance, if they tried, to improve their position.

On the other hand, if we permit this situation to continue, with the uncertainty, and the inflationary increases, and the overspending, and the high interest rates, we could have complete and utter disaster. That is what will happen if we follow the same unsound fiscal course we have followed in the past, and fail to bring Federal spending under control.

I recall the inflation of Germany, when I was a young man. Those people, following World War I—fine people, strong, vigorous, active, even though they had been defeated in that war—were put under unusual restraints by the peace terms. They let inflation take over.

I did not realize it then, but I realized later, and I find it confirmed in many ways, that that inflation, more than anything else, opened the door for the hidden regime that brought those people to the brink of ruin again. It absolutely destroyed their values, left them almost penniless, with trunks full of paper money that was not worth the matches it would cost to burn it.

So, if it could happen to them, with all their capacity for work and ingenuity and scientific minds, I know that it could happen to us or any other nation.

I believe I have covered this matter sufficiently for the moment. For my part, this is going to continue to be a part of my thinking, part of my talking, part of whatever influence I might have here in dealing with my colleagues and with my people at home, and trying to stand for the responsible thing in the course of the operation of our Government.

I do have tremendous faith in the future. I am no down-in-the-mouth fellow who believes we are headed for disaster and cannot save ourselves. It is the very opposite. We will get out of the situation we are in now. We can take some remedies here that will avoid our going back into such a situation. I believe we will come out of this and go into a new era of growth if we follow reasonable safeguards. That is what has given America one era of growth after another, that and hard work. That always has been an ingredient. We have softened up somewhat on that, but we have not lost knowledge of its value and its necessity.

I believe we will make the necessary adjustments in connection with energy, even though oil and gas will be used up sometime in the future, according to the estimates. But we have the technical know-how that God has blessed us with, in unlimited amounts, to help us bring forth twice the number of energy units—I believe they are called British thermal units—that are produced now from coal

From the growth in the forests, we can make synthetic materials and convert that into energy. There are many other sources of energy. We have the great possibilities of nuclear power which is still in its infancy. There are many problems to overcome, but it can be done. We will have the power to turn our industrial wheels and those of our allies in the free world.

I can say to the youth of this land who are trying to prepare themselves for something worthwhile that just by using their hands they will have a future in the decades I have been talking about—an opportunity to do things, to get along, to make progress and to prosper. We will be a nation—with proper safeguards to protect our resources, protect our fiscal affairs, and supply the needs—to go further, not just for 100 or 1,000 years, but even more.

If we can get our minds on this problem and pass a constitutional amendment and bring the people in, as reflected by the requests, by the States for the calling of a constitutional convention we can push this matter forward even this year. Any amendment will have to be adopted by three-fourths of the States and this will take time.

This is not an academic matter. It is not a theory that is merely being talked about. It is the foremost problem now on our doorsteps. It involves our own fiscal affairs and the protection of our governmental financial structure.

In closing, Mr. President. I would stress again the fact that our governmental and economic systems cannot endure permanently unless we get our economic house in order, bring expenditures under control, and move toward a balanced budget just as quickly as possible. I do not believe that this can or will be done without the compelling force of a constitutional amendment. It will really be a mandate directly from the people. This will also hold down the overburdensome taxes that people are called on to pay that virtually preclude the average taxpayer from saving and investing money. I believe that such an amendment will be approved by the Congress and submitted to the States for ratification during this session of the Congress. A better step cannot be taken.

ROUTINE MORNING BUSINESS

The PRESIDING OFFICER. Under the previous order, there will now be a period for the transaction of routine morning business, not to exceed 30 minutes, during which Senators may speak for not more than 5 minutes each.

WE MUST ACT TO AVERT NUCLEAR DISASTER

Mr. CRANSTON. Mr. President, it is imperative at this time that we focus on the need for an official evaluation of the consequences of nuclear war—specifically, for an authoritative analysis of apparently wellgrounded statements that nuclear war could devastate life in our country, destroy our civilization, and possibly exterminate the human race.

It is hard to believe there will be a deliberate decision to launch all-out nuclear war by either the United States or the Soviet Union. But nuclear war could erupt at any time through miscalculation, error, escalation of a lesser conflict, or some mad impulse.

I submit that Members of Congress, who share the responsibility for authorizing and appropriating funds for nuclear weapons and for the ultimate success or failure of arms control efforts, cannot properly avoid considering that human extermination is a possible consequence of our actions or inaction.

Nor can we properly avoid considering other possible consequences of nuclear war that may fall short of total human extermination, but which nevertheless are unimaginably horrible and cataclysmic.

I am proposing that Congress hold joint House-Senate Foreign Affairs-Foreign Relations Committee hearings on this subject. Joint hearings of the two committees have not been held since 1952 when, during the Korean War, President Truman sought swift action on international security assistance.

We now face a far more pressing crisis.

I have already met with Senator CHARLES H. PERCY, chairman of the Senate Foreign Relations Committee, and Congressman CLEMENT J. ZABLOCKI, chairman of the House Foreign Affairs Committee.

I am writing to every Member of the Congress to focus their thoughts on the urgency of this issue.

I have written to President Reagan. I told him of my efforts to bring about congressional consideration of the consequences of nuclear war and I said to him, in part:

> There is no one in our country, indeed there is no one in the world, who can have a more profound impact on this matter than you, Mr. President. I urge you to use the great resources at your command to undertake a similar evaluation by the White House.

My purpose is not, of course, to diminish our Nation's commitment to whatever degree of military strength we need for national security. I know of no pacifists in Congress. I think all of us agree that our country must presently possess adequate weapons to deter nuclear war.

This is an issue that transcends all politics, all political parties, all factions, all philosophies.

It also transcends all our other problems, foreign and domestic, governmental and personal.

We, all of us, face many problems—problems with our economy, problems in our international relations, problems in our daily business and family lives.

But unless we solve the problem of the increasing risk of nuclear war and the possible annihilation of mankind, nothing else will matter.

We must solve this problem. I am certain we can solve it. But time may be running out. We must act now.

We have repeatedly been warned that human extermination could be the consequence of nuclear war. That warning has come from, among others, Albert Einstein, President Eisenhower, and most recently, from Dr. Fred Ikle, Director of the Arms Control and Disarmament Agency under Presidents Nixon and Ford and now President Reagan's Under Secretary of Defense for Policy. The Soviet Government, in a publication last year, reached the same conclusion.

I have consulted with a number of leading American scientists on this issue. Here are some of their comments:

> Marvin Goldberger, President, California Institute of Technology: "Full scale war would eliminate humanity to all intents and purposes. Survival itself would be questionable. Surely 90-95% of the people of the U.S. and the Soviet Union would die."
>
> Dr. John Kemeny, President Emeritus, Dartmouth; mathematician; former research assistant to Albert Einstein; Chairman, President's Commission on Three-Mile Island: "I've been concerned for 30 years about the danger that nuclear war could exterminate the human race. With the enormous increase in nuclear warheads, extermination has become a clear and present danger."
>
> Dr. Paul Marks, President and Chief Executive Officer Memorial Sloan Kettering Cancer Center; former Vice President for Health Sciences, Columbia University; member of the President's Three-Mile Island Commission: "Nuclear war would wipe out the race where the war was fought, and it could exterminate the entire race. It would make half the world uninhabitable. I'm not sure of the effect on the other half. It would probably make it uninhabitable, too. It is unthinkable."
>
> Lewis Thomas, Chancellor, Memorial Sloan Kettering Cancer Center, New York University: "Nuclear war would almost surely destroy human society. We would lose all of what we call culture. U.S.-U.S.S.R. conflict would eliminate the Northern Hemisphere for all practical purposes. The Southern Hemisphere might survive. I doubt that all humans would be exterminated."
>
> John Toll, President, University of Maryland; Professor of Physics: "Nuclear war would be a tremendous, unimaginable disaster. It would not be likely to exterminate the human race but extermination cannot be ruled out."

Jerome Wiesner, Engineer and former President of Massachusetts Institute of Technology: "It would destroy civilization if it didn't destroy the entire human race. Extinction is a low probability but no one can prove or disprove the extinction thesis. But is there a measurable difference between wiping out a few hundred million people and destroying our species? We cannot take the chance. We must not make it look like killing a few hundred million people would be insignificant."

Dr. Theodore Taylor, theoretical physicist who served on the Three-Mile Island Commission: "The consequences of nuclear war are unpredictable. The extinction of the species forever cannot be ruled out by any process of scientific investigation. I see two risks for all of us. First, the risk of our being killed and maimed—people we know, our loved ones, being destroyed. Possibly the human race becoming extinct. There is a second risk which has gotten much less attention then it should: the risk that we may actually be participants in what would be the supreme act of barbarism. We must find quickly some way to rid the earth of these instruments of barbarity, of evil."

Dr. Michael F. McElroy, Abbott Lawrence Rotch professor of atmospheric sciences, Harvard University: "Indeed there are the horrors of the local impact (of a nuclear war): many people immediately exposed or eliminated, society destroyed. The more serious threat to humanity as a whole is the global disruption of life as we know it. Society does not have the fabric to respond."

Dr. Edward P. Radford, professor of environmental epidemiology at the Graduate School of Public Health, University of Pittsburgh: "There's very little question that a full scale war would lead to the obliteration of the northern hemisphere. The only question seems to be how much of the southern hemisphere would be left, and whether there would be really significant living forms even in the southern hemisphere."

Dr. Carl Sagan, David Duncan professor of astronomy and space sciences, and director of the laboratory for planetary studies, Cornell University: "In bits and pieces, a doomsday machine is being assembled. It has explosive parts mainly in the United States and the Soviet Union with buttons essentially everywhere. The question is whether such a machine—the weapons and delivery systems which in a full blown exchange could just about kill everybody—is now accumulated or not. No one knows the answer to that question. With the human species at stake, the most serious efforts to prevent any such full nuclear exchange should be the highest priority of everybody on the planet."

A series of three articles written by Jonathan Schell and published in the New Yorker magazine February 1, 8, and 15 spell out, in compelling detail as never before, how a nuclear holocaust could end human life, culminating—as the articles put it:

> An absolute and eternal darkness in which no nation, no society, no ideology will remain; in which never again will a child be born; in which never again will human beings appear on the earth; and there will be no one to remember that they ever did.

Schell's articles run some 90,000 words. At my request, he reduced them to 10,000 words. I have personally boiled it all down to 2,000 words.

Following is the condensation of the article:

THE THREAT THAT NUCLEAR WAR COULD EXTERMINATE THE HUMAN RACE

According to the Bible, when Adam and Eve ate the fruit of the tree of knowledge God punished them by withdrawing from them the privilege of immortality and dooming them and their kind to die. Now our species has eaten more deeply of the fruit of the tree of knowledge, and has brought itself face to face with a second death—the death of mankind.

There are some 50,000 nuclear warheads in the world. They are a pit in which the whole world can fall—a nemesis of all human intentions, actions and hopes—culminating in an absolute and eternal darkness in which no nation, no society, no ideology, no civilization, will remain; in which never again will a child be born; in which never again will human beings appear on the earth, and there will be no one to remember that they ever did.

This threat of self-destruction and planetary destruction is not something that we will face one day in the future, if we fail to take certain precautions; it is here now, hanging over the heads of all of us at every moment. The machinery of destruction is complete, poised on a hair trigger, waiting for the "button" to be "pushed" by some misguided or deranged human being or for some faulty computer chip to send out the instruction to fire.

The most fateful of the possible consequences of a full-scale nuclear holocaust would be the extinction of mankind which could come about not because every human being would be killed by bombs directly but because the holocaust would destroy the global ecosphere on which human and other life depends. We have been warned that this could be the consequence by, among others, Einstein, Eisenhower, Kissinger and, more recently, by Dr. Fred Ikle, Director of the Arms Control and Disarmament Agency under Presidents Nixon and Ford and now Under Secretary of Defense for Policy. A 1981 Soviet government publication reached the same conclusion.

Bearing in mind that the possible consequences of the detonations of thousands of megatons of nuclear explosives include the blinding of insects, birds, and beasts all over the world; the extinction of many ocean species, among them some at the base of the food chain; the temporary or permanent alteration of the climate of the globe, with the outside chance of "dramatic" and "major" alterations in the structure of the atmosphere; the pollution of the whole ecosphere with oxides of nitrogen; the incapacitation in ten minutes of unprotected people who go out into the sunlight; the blinding of people who go out into the sunlight; a significant decrease in photosynthesis in plants around the world; the scalding and killing of many crops; the increase in rates of cancer and mutation around the world, but especially in the targeted zones, and the attendant risk of global epidemics; the possible poisoning of all vertebrates by sharply increased levels of Vitamin D in their skin as a result of increased ultraviolet light; and the outright slaughter on all targeted continents of most human beings and other living things by the initial nuclear radiation, the fireballs, the thermal pulses, the blast waves, the mass fires, and the fallout from the explosions; and, considering that these consequences will all interact with one another in unguessable ways and, furthermore, are in all likelihood an incomplete list, which will be added to as our knowledge of the earth increases, one must conclude that a full-scale nuclear holocaust could lead to the extinction of mankind.

We are uncertain whether or not a holocaust would bring about human extinction, and this uncertainty cannot be remedied.

We cannot run experiments with the earth, because we have only one earth; we are not in possession of any spare earths that we might blow up in some universal laboratory in order to discover their tolerance of nuclear holocausts.

While we cannot know for certain whether or not our species will be extinguished in a holocaust, the mere possibility of it imposes unprecedented obligations on our generation.

The risk of extinction has a significance that is categorically different from, and immeasurably greater than, that of any other risk. Up to now, every risk has been contained within the frame of life; extinction would shatter the frame. It represents not the defeat of some purpose but an abyss in which all human purposes would be drowned for all time.

Once we learn that a holocaust might lead to extinction we have no right to gamble, because if we lose, the game will be over, and neither we nor anyone else will ever get another chance. We have no choice but to address the issue of nuclear weapons as though we knew for a certainty that their use would put an end to our species.

That so much should be balanced on so fine a point—that the fruit of four and a half billion years can be undone in a careless moment—is a fact against which belief rebels.

We have found it much easier to dig our own grave than to think about the fact that we are doing so. Almost everyone has acknowledged on some level that the peril exists, but the knowledge has been without consequences in our feelings and our actions, and the superpowers have proceeded with their nuclear buildups.

The use of nuclear arms was contemplated in past crises and will continue to be contemplated in future ones. The sequence of events once hostilities begin lies open. The state of mind of the decisionmakers might be one of calm rationality, of hatred, of shock, of hysteria, or even of outright insanity.

In the theoretically sophisticated but often humanly deficient world of nuclear strategic theory, it is likely to be overlooked that the outbreak of nuclear hostilities in itself assumes the collapse of every usual restraint of reason and humanity. Once the mass killing of a nuclear holocaust has begun, the scruples, and even the reckonings of self-interest, that normally keep the actions of nations within certain bounds will by definition have been trampled down, and will probably offer little further protection for anybody. In the unimaginable mental and spiritual climate of the world at that point it is hard to imagine what force could be counted on to hold the world back from all-out destruction.

Predictions about the size and form of a nuclear holocaust are really predictions about human decisions, and these are notoriously incalculable in advance—especially when the decisions in question are going to be made in the midst of unimaginable mayhem.

No generation before ours has ever held the life and death of the species in its hands. But if we hardly know how to comprehend the possible deaths in a holocaust of the billions of people who are already in life how are we to comprehend the life or death of the infinite number of possible people who do not yet exist at all? How are we, who are a part of human life, to step back from life and see it whole, in order to assess the meaning of its disappearance? To kill a human being is murder, and there are those who believe that to abort a fetus is also murder, but what crime is it to cancel the numberless multitude of unconceived people? In what court is such a crime to be judged? Against whom is it committed?

What standing should they have among us? How much should their needs count in competition with ours? How far should the living go in trying to secure their advantage, their happiness, their existence?

With the fate of the earth at stake, we are summoned as citizens and as officeholders to fresh thinking and fresh exertions.

We and our adversaries have so far had no better idea than to heap up more and more warheads, apparently in the hope of so thoroughly paralyzing ourselves with terror that we will hold back from taking the final, absurd step. Considering the wealth of our achievements as a species, this response is unworthy of us.

While the events that might trigger a holocaust would probably be political, the consequences would be deeper than any politics or political aims, bringing ruin to the hopes and plans of capitalists and socialists, rightists and leftists, conservatives and liberals alike.

If a lasting political solution seems almost beyond human powers, it may give us confidence to remember that what challenges us is simply our extraordinary success in another field of activity—the scientific.

We have only to learn to live politically in the world in which we already live scientifically.

At present, most of us do nothing. We look away. We remain calm. We are silent. We take refuge in the hope that the holocaust won't happen, and turn back to our individual concerns. We deny the truth that is all around us.

Such imponderables as the sum of human life, the integrity of the terrestrial creation, and the meaning of time, of history, and of the development of life on earth, which were once left to contemplation and spiritual understanding, are now at stake in the political realm and demand a political response from every person. As political actors, we must, like the contemplatives before us, delve to the bottom of the world, and Atlaslike, we must take the world on our shoulders.

ANNOUNCEMENT OF POSITION ON ROLLCALL VOTE NO. 62

Mr. CRANSTON. Mr. President, on rollcall vote No. 62, final passage of S. 1080, the Regulatory Reform Act, the Senator from Louisiana (Mr. Long), who was necessarily absent, wishes the Record to show that had he been present he would have voted "yea."

I ask unanimous consent that the permanent Record be corrected accordingly.

The PRESIDING OFFICER. Without objection, it is so ordered.

ANNIVERSARY OF THE PROCLAMATION OF THE BYELORUSSIAN NATIONAL REPUBLIC

Mr. DIXON. Mr. President, March 25 marks the 64th anniversary of the Proclamation of the Byelorussian National Republic. This is an important occasion in the history of the Byelorussian people, and I am proud to join in this year's commemoration.

Shortly after the March 25, 1918, proclamation in Minsk, Lenin colonized this state and formed the Byelorussian Soviet Socialist Republic.

So, as in previous years, the year's occasion is observed with solemnity for the people of Byelorussia. But, it is also marked with the hope that they will soon be free from the control of Soviet domination.

The Byelorussian Coordinating Committee of Chicago, Ill., will commemorate this event in order to lend support and encouragement to the Byelorussian people, and I am honored to lend my voice to theirs.

Mr. STENNIS. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. BAKER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. Durenberger). Without objection, it is so ordered.

SELECT COMMITTEE TO INVESTIGATE LAW ENFORCEMENT ACTIVITIES OF COMPONENTS OF THE DEPARTMENT OF JUSTICE

Mr. BAKER. Mr. President, I believe Senate Resolution 350 is at the desk. I ask unanimous consent that Senate Resolution 350 be laid before the Senate and made the pending business.

The PRESIDING OFFICER. The resolution will be stated by title.

The legislative clerk read as follows:

> A resolution (S. Res. 350) establishing a select committee to conduct an investigation of the activities of components of the Department of Justice in connection with their law enforcement undercover operations and to recommend such legislation as the committee deems necessary or desirable.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Tennessee?

There being no objection, the Senate proceeded to consider the resolution, which was offered by Mr. Baker, for himself, Mr. Robert C. Byrd, Mr. Stevens, and Mr. Cranston.

Mr. BAKER. Mr. President, this is the so-called Abscam resolution. It provides for the creation of an eight-person committee, consisting of four from the majority side and four from the minority side to constitute such a select committee, and with the proviso that the chairman of the committee from the majority side shall have the power to break any tie votes which may occur. The scope of the jurisdiction of the committee is described in some detail in the resolution.

I believe, Mr. President, it is correct to say that the resolution has been cleared all around. I know on this side it has been examined by the distinguished chairman of the Ethics Committee, by the distinguished chairman of the Rules Committee, by the distinguished majority whip, and by others. I believe the clearance process on this side is complete.

I inquire of the distinguished acting minority leader if he is prepared at this time to go forward with further debate and consideration of this measure.

Mr. MATSUNAGA. Mr. President, I thank the distinguished majority leader.

The minority has no objection whatsoever to the resolution and to its immediate consideration. As a matter of fact, it has unanimous approval on this side of the aisle, and it would be my pleasure to move the adoption of the resolution.

Mr. BAKER. Mr. President, before we do so, I yield to the distinguished chairman of the Ethics Committee.

Mr. WALLOP. Mr President, I thank the majority leader and the acting minority leader.

I have, as the majority leader has suggested, examined this and feel that it is now in a position which will be of some benefit to the Senate and to components of the Justice Department which engage in these kinds of operations. I do not think that the Senate wants it to be the belief that it is all right for the Justice Department to seek crimes among child pornographers or for the Justice Department to seek criminals in the drug world or to seek corruption in small towns or in State legislatures and leave the Members of Congress entirely alone. But what we need to do for the protection of everybody, which is what is set out in here, is to examine the means by which those operations are initiated and to see if there is reason to change laws or, indeed, to see if laws have been broken.

There have been allegations, but there has been no response, and there has been nothing laid before anybody by way of proof. Just as the committee, in the beginning of the affair of Abscam as it related to the Senate, asked all Senators to withhold judgment as to the affair with Senator Williams, I believe that it is prudent for all Senators to withhold judgment on the Justice Department until this committee has made a prudent, measured, and wise appraisal of the events that went on and of the laws and statutes as they now exist that control that.

I believe that the majority leader and the minority leader working together have come up with a resolution which will do just that. It is a measured approach which I think is in the interest of not only the Congress and the separation of powers, which was of concern to people, but I believe it is in the interest of the country and certainly in the interest of the Justice Department that this careful look take place. I believe it will happen. I thank the majority leader.

Mr. MATSUNAGA. Mr. President, I concur with the chairman of the Ethics Committee. As was so pointedly brought out during the debate on the Harrison Williams matter, there is definitely a need for a look into the way, the manner, in which the investigations are conducted, not only relative to Members of Congress but with regard to all matters with which the investigatory section of the Department of Justice is charged.

I join with the majority leader in urging adoption of the resolution.

Mr. BAKER. Mr. President, I thank the distinguished chairman of the Ethics Committee and the distinguished acting minority leader for their remarks. I associate myself with their remarks. I support this resolution.

It might be appropriate, however, for me to say this: I did not start out thinking that we should have a select committee. Maybe that is because of my own experience, having served on a select committee. But I came to that view after consulting with a great number of Senators, including the chairman of the Judiciary Committee, the chairman of the Rules Committee, the chairman of the Governmental Affairs Committee, the distinguished minority leader, the distinguished minority whip, the Senator from Hawaii, the Senator from Pennsylvania (Mr. SPECTER), and with any number of other Members. The general view that I think I found from those conversations, not universally but the general feeling, seemed to be that the Senate would be better served and the inquiry would be better conducted with a select committee that was absolutely and demonstrably impartial from a political standpoint. The composition of this committee is four Republicans and four Democrats.

I think this is the best solution, even though that was not my first impression.

Mr. President, this is not a fishing expedition. This is not a witch hunt. This is not an effort to hang or to whitewash the FBI, the Justice Department, or anybody else. If I have my way, it will be done as carefully and skillfully as the inquiries that were conducted by the Ethics Committee, with fairness and impartiality for everyone, with the single objective that the Senate, the Congress, and the country will be better off after the inquiry has been undertaken.

Mr. President, I am prepared for the Chair to put the question.

The PRESIDING OFFICER. The question is on agreeing to the resolution.

The resoulution (S. Res. 350) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, is as follows:

S. RES. 350

Whereas, law enforcement undercover activities by components of the Department of Justice may fulfill a useful and beneficial purpose in the investigation and prosecution of crimes against the United States;

Whereas, allegations have been raised of improprieties in the formulation and conduct of the so-called Abscam undercover operation by components of the Department of Justice;

Whereas, these allegations specifically include the allegation that in the Abscam operation attempts were made to create improper conduct on the part of certain persons (including Members of Congress), including instances where no adequate basis may have existed for suspecting the person of prior improper activity or a predisposition to commit such activity;

Whereas, these allegations respecting investigative techniques further include questions of possible prosecutorial misconduct in connection with the Abscam operation;

Whereas, these allegations may further indicate a pattern of illegal or improper targeting and investigative techniques utilized by components of the Department of Justice in law enforcement undercover operations; and

Whereas, a thorough and independent investigation by the Senate of the United States is necessary to determine the facts with respect to targeting and investigative techniques utilized in connection with law enforcement undercover operations carried out by components of the Department of Justice generally and in connection with the Abscam operation specifically; Now therefore be it

Resolved, That it is the purpose of this resolution to establish a select committee of the Senate to conduct an investigation and study of the activities of components of the Department of Justice in connection with their law enforcement undercover operations or of any persons, acting individually or in combination with others, in connection with such operations, and to recommend such legislation as the committee deems necessary or desirable.

SEC. 2. (a) There is hereby established a select committee of the Senate, which may be called, for convenience of expression, the Select Committee to Study Law Enforcement Undercover Activities of Components of the Department of Justice (hereinafter referred to as the "select committee"), to conduct an investigation and study of activities of components of the Department of Justice in connection with their law enforcement undercover operations or of any persons acting individually or in combination with others, in connection with such operations, and to recommend such legislation as the select committee deems necessary or desirable.

(b) The select committee shall consist of eight members of the Senate, four majority members of the Senate to be appointed by the President of the Senate upon the recommendation of the Majority Leader of the Senate, and four minority members of the Senate to be appointed by the President of the Senate upon the recommendation of the Minority Leader of the Senate. For the purposes of paragraph 4 of rule XXV of the Standing Rules of the Senate, service of a Senator as a member, chairman, or vice chairman of the select committee shall not be taken into account.

(c) The majority members of the select committee shall select a chairman, and the minority members of the select committee shall select a vice chairman, and the select committee shall adopt rules and procedures, not inconsistent with the rules and procedures of the Senate, to govern its proceedings, and to provide for the security of records, documents, information and other materials in its custody and of its proceedings, and to prevent unauthorized disclosure of information and materials disclosed to it in the course of its investigation and study. The vice chairman shall not assume the functions of Acting Chairman in the absence of the Chairman, but shall preside over meetings of the select committee during the absence of the chairman, and shall discharge such other responsibilities as may be assigned to him by the select committee or the chairman. Vacancies in the membership of the select committee shall not affect the authority of the remaining members to execute the functions of the select committee and shall be filled in the same manner as original appointments to it are made.

(d) A majority of the members of the select committee shall constitute a quorum for the transaction of business, but the select committee may affix a lesser number as a quorum for the purpose of taking testimony before the select committee.

(e) In the event that a tie vote occurs, the pending matter then being voted upon shall be determined in accordance with the vote of the chairman.

SEC. 3. The select committee is authorized and directed to do everything necessary or appropriate to conduct the investigation and study specified in subsection (a) of section 2. Without restricting in any way the authority conferred upon the select committee by the preceding sentence, the Senate further expressly authorizes and directs the select committee to make a complete investigation and study of the activities of components of the Department of Justice or of any or all persons who may have information bearing upon the jurisdiction of the select committee, with respect to the following matters:

(1) The alleged targeting by any component of the Department of Justice of particular individuals for law enforcement undercover activities without justification.

(2) The origin and initiation of such law enforcement undercover activities, including the standards applied in determining whether and with respect to whom such activities should be employed.

(3) Continuation or modification of previously initiated law enforcement undercover activities, including the standards applied in determining whether any such ongoing activities should be employed with respect to additional individuals.

(4) The standards for termination of such law enforcement undercover activities.

(5) The techniques employed in the course of such law enforcement undercover activities, including the standards applied in determining which techniques should be employed.

(6) The management, supervision, and direction of such law enforcement undercover activities and the decision-making process with respect thereto.

(7) The management, direction, supervision, and control of undercover agents employees and informants in such law enforcement undercover activities.

(8) The coordination between or among components of the Department of Justice in connection with such law enforcement undercover activities.

(9) The activities and responsibilities of prosecutors in connection with the investigation and prosecution of cases arising out of such law enforcement undercover activities.

(10) The effectiveness of, and need for further, Executive Branch guidelines in connection with such law enforcement undercover activities.

(11) The need for specific legislation to govern such law enforcement undercover activities.

(12) The possible violation of any state or United States statute or constitutional provision, or the possible violation of any rule or regulation by any component of the Department of Justice, in connection with such law enforcement undercover activities, and the extent to which innocent persons may have been harmed by such possible violations.

(13) The need for improved oversight by the Executive Branch and the Congress of such law enforcement undercover activities.

(14) The issue of whether the existing laws of the United States are adequate, either in their provisions or manner of enforcement, to safeguard the rights of American citizens, to accomplish appropriate Executive Branch and Legislative Branch control of such law enforcement undercover activities, and to give appropriate authorization for components of the Department of Justice to engage in law enforcement undercover activities.

(15) The effectiveness of, and need for further Executive Branch procedures to investigate allegations made concerning illegal, improper or unethical conduct in connection with such law enforcement undercover activities.

(16) Such other related matters as the select committee deems necessary in order to carry out its responsibilities under Section 2.

Sec. 4. (a) To enable the select committee to conduct investigations and studies into any matter within its jurisdiction, the Senate hereby empowers the select committee as an agency of the Senate (1) to employ and fix the compensation of such clerical, investigatory, legal, technical, and other assistants as it deems necessary or appropriate, but it may not exceed the normal Senate salary schedules; (2) to sit and act at any time or place during sessions, recesses, and adjournment periods of the Senate; (3) to hold hearings for taking testimony on oath or to receive documentary or physical evidence relating to the matters and questions it is authorized to investigate or study; (4) to require by subpena or otherwise the attendance as witnesses before the select committee or at depositions of any persons who may have knowledge or information concerning any of the matters the select committee is authorized to investigate and study; (5) to require by subpena or order any department, agency, officer, or employee of the Executive Branch of the United States Government, or any person, firm, corporation, or entity to produce for its consideration or for use as evidence in the Select Committees' investigation and study any books, checks, canceled checks, correspondence, communications documents, papers, physical evidence, records, recordings, tapes, or materials relating to any of the matters it is authorized to investigate and study which they or any of them may have in their custody or under their control; (6) to make to the Senate any recommendations the Select Committee deems appropriate with respect to the failure or refusal of any person to answer questions or give testimony before it or in a deposition or with respect to the failure or refusal of any officer or employee of the Executive Branch of the United States Government or any person, firm, corporation, or entity, to produce before the select committee any books, checks, canceled checks, correspondence, communications, documents, financial records, papers, physical evidence, records, recordings, tapes, or materials in obedience to any subpena or order; (7) to take depositions and other testimony under oaths administered by a member or a person otherwise authorized by law to administer oaths: (8) to procure the temporary or intermittent services of individual consultants, or organizations thereof, in the same manner and under the same conditions as a standing committee of the Senate may procure such services under section 202(i) of the Legislative Reorganization Act of 1946; (9) to use on a reimbursable basis, with the prior consent of the Committee on Rules and Administration, the services of personnel of any department or agency of the United States; (10) to use on a reimbursable basis or otherwise, with the prior consent of the chairman of any committees or of any subcommittee of any committee of the Senate, facilities or services of any members of the staffs of such other Senate committees or subcommittees, whenever the select committee or its chairman deems that such action is necessary or appropriate to enable the select committee to conduct the investigation and study authorized and directed by this resolution: (11) to have direct access through the agency of its members or staff, when and as designated by the select committee, to any data, evidence, information, report, analysis, or document or paper, relating to any of the matters or questions which it is authorized and directed to investigate and study which is in the custody or under the control of any department, agency, officer, or employee of the Executive Branch of the United States Government, without regard to the jurisdiction or authority of any other Senate committee, and which will aid the select committee to prepare for or conduct the investigation and study authorized and directed by this resolution, and (12) to expend to the extent it determines necessary or appropriate any moneys made available to it by the Senate to perform the duties and exercise the powers conferred upon it by this resolution and to conduct the investigation and study authorized and directed by this resolution to conduct.

(b) Subpoenas may be authorized and issued by the select committee acting through the chairman or any other member designated by him; and may be served by any persons designated by such chairman or other member anywhere within the borders of the United States. The chairman of the select committee, or any other member thereof, is hereby authorized to administer oaths to any witnesses appearing before the committee.

(c) In preparing for or conducting the investigation and study authorized and directed by this resolution, the select committee shall be empowered to exercise the powers conferred upon committees of the Senate by section 6002 of title 18, United States Code, or any other Act of Congress regulating the granting of immunity to witnesses.

(d) To assist the select committee in its investigation and study, the Senate legal counsel and deputy counsel are authorized and directed to work with and under the jurisdiction and authority of the select committee chairman and vice chairman.

(e) To assist the select committee in its investigation and study, the chairman shall appoint a committee chief counsel and the vice chairman shall appoint a committee deputy chief counsel. All clerical, investigatory, legal, technical, and other personnel who assist the select committee in its investigation and study shall provide such assistance pursuant to the direction and control of the committee chief counsel and the committee deputy chief counsel.

Sec. 5. The select committee shall have authority to recommend the enactment of any new legislation or the amendment of any existing statute which it considers necessary or desirable in accordance with its findings.

Sec. 6. The select committee shall make a final report of the results of the investigation and study conducted by it pursuant to this resolution, together with its findings and its recommendations as to new congressional legislation or any administrative or other action it deems necessary or desirable, to the Senate at the earliest practicable date, but no later than December 15, 1982. The select committee may also submit to the Senate such interim reports as it considers appropriate. After submission of its final report, the select committee shall have until January 15, 1983, to close its affairs, and on such date shall cease to exist.

Sec. 7. The expenses of the select committee through December 15, 1982, shall not exceed $250,000. Such expenses shall be paid from the contingent fund of the Senate upon vouchers approved by the chairman of the select committee.

Mr. BAKER. Mr. President, I move to reconsider the vote by which the resolution was agreed to.

Mr. MATSUNAGA. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. BAKER. Mr. President, the resolution provides for appointment of the membership by the leadership. I believe the minority leader indicated on yesterday the names of the Members he wished to have designated after the adoption of the resolution. I will yield now to the acting minority leader so he may state those names for the record.

Mr. MATSUNAGA. Mr. President, I thank the Senator for yielding.

DESIGNATION OF DEMOCRATIC COMMITTEE MEMBERSHIP

Mr. President, pursuant to the provisions of the resolution, on behalf of the distinguished minority leader, I recommend that the President appoint the following four Senators to be the minority members of the select committee: the Senator from Hawaii (Mr. INOUYE), the Senator from Kentucky (Mr. HUDDLESTON), the Senator from Arizona (Mr. DECONCINI), and the Senator from Vermont (Mr. LEAHY).

Mr. BAKER. Mr. President, I thank the distinguished Senator from Hawaii. I will be prepared to designate the majority members of the committee in a few days, I hope on next Tuesday. I am not prepared to do that at this moment.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. GARN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMERICAN LEGION—SOURCE OF CAREER EDUCATION INFORMATION

Mr. STEVENS. Mr. President, the American Legion, in its continuing efforts to assist American youth in the pursuance of excellence, has dedicated its 31st edition of "Need a Lift?", the No. 1 scholarship and career handbook on the market today, to all who have benefited from its existence. This book was originally published to assist children of deceased and disabled American veterans, but because of its popularity the American Legion later made it available for general distribution.

Because of the importance of education and due to Federal budget cutbacks in this area, it is imperative that students have as much information of financial assistance as possible. Therefore, I ask unanimous consent that three portions of the 1982 edition of "Need a Lift?", which contains information concerning sources of career information, sources of scholarship and other forms of financial aid available to all students, and sources of educational assistance for veterans and their dependents, be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

NEED A LIFT?

SOURCES OF CAREER INFORMATION

The American Legion believes that many more students will continue their education if they are given the opportunity to learn about careers and to select a field of interest during their first two years in high school. Where students are in doubt about the career they wish to follow, the organizations listed below, which represents over 300 careers, will provide helpful information about where to study, courses to select, job opportunities, pay, etc.

The National Association of Trade and Technical Schools, 2021 K Street, N.W., Washington, DC 20006, has available free upon request, an updated Handbook of over 600 accredited trade and technical shools and the courses being offered. Schools are listed geographically with a career cross-reference.

The National Home Study Council, 1601-18th Street, N.W., Washington, DC 20009, will mail, upon request, a directory of accredited home study schools and the subjects offered by the schools.

The Association of Independent Colleges and Schools has many member schools which offer general work or service, and funded scholarships to eligible students-subject to the controls of the Association. Some member schools also offer work-study programs. For a list of the approximately 500 AICS schools and for further information, please write to the Guidance Department, Association of Independent Colleges and Schools, 1730 M Street, N.W., Washington, DC 20036.

Private school associations have been established in most states to provide information concerning schools, details of course offerings, schedules, tuition and fee payments. For further information and address of your state association, contact your school counselor.

Accounting, Administration, Economics & Statistics—U.S. Department of Agriculture, Economics and Statistics Service, Personnel Division, Room 1459 South Building, 14th & Independence Ave., SW., Washington, D.C. 20250.

Accounting—Amer. Inst. of Certified Public Accountants, Attn: Mrs. Beatrice Sanders, 1211 Avenue of the Americas, New York, N.Y. 10036.

Accounting—Assoc. of Independent Colleges & Schools, 1730 M Street, N.W., Washington, D.C. 20036.

Accounting—National Society of Public Accountants, 1717 Pennsylvania Avenue, NW., Washington, D.C. 20006.

Accounts Receivable Clerk—Hospital Financial Management Assoc., 1900 Spring Road, Suite 500, Oak Brook, Illinois 60521.

Admitting Officer—Hospital Financial Management Assoc., 1900 Spring Road, Suite 500, Oak Brook, Illinois 60521.

Advertising—American Association of Advertising Agencies, 666 Third Avenue, 13th Floor, New York, New York 10017.

Advertising & Communications—Fashion Institute of Technology, 227 West 27th Street, New York, New York 10001.

Advertising Design—Fashion Institute of Technology, 227 West 27th Street, New York, New York 10001.

Aeronautical Technology—Academy of Aeronautics, LaGuardia Airport Station, Flushing, New York 11371.

Aerospace Engineering—American Institute of Aeronautics and Astronautics—Director of Students Programs, 1290 Avenue of the Americas, New York, New York 10104.

Agricultural Engineering—American Society of Agric. Eng., Box 410, St. Joseph, Mich. 49085.

Agricultural Management—Farmers Home Administration, U.S. Department of Agriculture, 14th & Independence Avenue, S.W., Room 6900, South Building, Washington, D.C. 20250.

Agricultural Commodity Grader—U.S. Department of Agriculture, Food Safety and Quality Service, 123 East Grant Street, Minneapolis, Minn. 55403.

Agricultural Marketing Service—U.S. Department of Agriculture, Personnel Division, Room 1726-S, 14th & Independence Avenue, S.W., Washington, D.C. 20250.

Agricultural Stabilization & Conservation Service—U.S. Department of Agriculture, Personnel Division, Room 4752-S, 14th & Independence Avenue, S.W., Washington, D.C. 20250.

Agronomy—The American Society of Agronomy, Inc., 677 South Segoe Road, Madison, Wisconsin 53711.

Air Conditioning, Heating and Solar Energy, Practical Schools, 1650 Babbitt, Anaheim, California 92805.

Air Conditioning, Refrigeration and Heating—Lincoln Technical Institute, Inc., 10 Rooney Circle, West Orange, New Jersey 07052.

Aircraft (A & P) Mechanic, Braniff Education Systems, Inc., P.O. Box 45174, Dallas, Texas 75245.

Air Transport Rating—Branniff Education Systems, Inc., P.O. Box 45174, Dallas, Texas 75245.

Anthropology—American Anthropological Association, 1703 New Hampshire Avenue, N.W., Washington, D.C. 20009.

Animal Biology—The American Society of Zoologists, Box 2739, California Lutheran College, Thousand Oaks, California 91360, (self-addressed, postage-paid envelope).

Apparel Industry—Fashion Institute of Technology, 227 West 27th Street, New York, New York 10001.

Apparel Production Management—Fashion Institute of Technology, 227 West 27th Street, New York, New York 10001.

Appliance Service Technician—Association of Home Appliance Manufacturer, 20 North Wacker Drive, Chicago, Illinois 60606.

Appraisal—American Society of Appraisers, Dulles International Airport, P.O. Box 17265, Washington, D.C. 20041.

Apprentice—Bureau of Apprenticeship and Training, U.S. Department of Labor, 601 D Street, N.W., Room 5000, Washington, D.C. 20213.

Archaeology—Society for American Archaeology, 1703 New Hampshire Avenue, N.W., Washington. D.C. 20009.

Architecture—Careers: American Institute of Architects. Schools: Association of Collegiate, Schools of Architecture. Registration: National Council of Architectural Registration Boards. Accreditation: National Architectural Accrediting Board, 1735 New York Avenue, N.W., Washington, D.C. 20006.

Art Careers—National Art Education Association, 1916 Association Drive, Reston, Virginia 22091.

Artificial Insemination—National Association of Animal Breeders, Inc., 401 Bernadette Drive, P.O. Box 1033, Columbia, Missouri 65205.

Astronomy—American Astronomical Society Education Office, Sharp Laboratory, University of Delaware, Newark, Delaware 19711.

Audiology—American Speech-Language-Hearing Association, 10801 Rockville Pike, Rockville, Maryland 20852.

Audit Clerk—Hospital Financial Management Association, 1900 Spring Road, Suite 500, Oak Brook, Illinois 60521.

Auto Mechanics—Lincoln Technical Institute, Inc., 10 Rooney Circle, West Orange, New Jersey 07052.

Automotive Engineering—the Society of Automotive Engineers, Inc., 400 Commonwealth Drive, Warrendale, Pennsylvania 15096.

Avionics—Academy of Aeronautics, LaGuardia Airport Station, Flushing, New York 11371.

Banking—American Bankers Association, Bank Personnel Division, 1120 Connecticut Avenue, N.W., Washington, D.C. 20036.

Barber—National Association of Barber Schools, Inc., 304 South 11th Street, Lincoln, Nebraska 68508.

Barber—National Barber-Styling Career Center, 3839 White Plains Road, Bronx, New York 10467.

Bookkeeper—Hospital Financial Management Association, 1900 Spring Road, Suite 500, Oak Brook, Illinois 60321.

Boys' Clubs—Recruitment & Placement Service, Boys' Clubs of America, 771 First Avenue, New York, N.Y. 10017.

Bricklaying—Brick Institute of America, 1750 Old Meadow Road, McLean, Virginia 22101.

Business—Lincoln Technical Institute, Inc., 10 Rooney Circle, West Orange, New Jersey 07052.

Business Office Manager—Hospital Financial Management Association, 1900 Spring Road, Suite 500, Oak Brook, Illinois 60521.

Business Schools—Assoc. of Independent Colleges & Schools, 1730 M Street, N.W., Washington, D.C. 20036.

Camp Fire—Camp Fire, Inc., 4601 Madison Avenue, Kansas City, Missouri 64112.

Carpentry—United Brotherhood of Carpenters and Joiners of America, 101 Constitution Avenue, N.W., Washington, D.C. 20001.

Cartography—American Congress on Surveying and Mapping, 210 Little Falls Street, Falls Church, Virginia 22046.

Cartoonists—The Newspaper Comics Council, Inc., 260 Madison Avenue, New York, New York 10016.

Chamber of Commerce Management—American Chamber of Commerce Executives, 1133 15th ST., N.W., Suite 620, Washington, D.C. 20005.

Chemical Industries—Chemical Manufacturers Association Manager of Public Information, 2501 M Street, N.W., Washington, D.C. 20037.

Chemistry—American Chemical Society Educational Activities Department, 1155 Sixteenth Street, N.W., Washington, D.C. 20036.

Chiropractic—American Chiropractic Association, Public Affairs Department, 2200 Grand Avenue, Des Moines, Iowa 50312.

Chiropractic—International Chiropractors Association Education Commission, 1901 L Street, N.W., Suite 800, Washington, D.C. 20036.

Church Occupations—National Council of the Churches of Christ in U.S.A., Professional Church Leadership, 475 Riverside Drive, Room 770, New York, N.Y. 10115.

Serra International—Catholic Priestly and Religious Vocations, 22 W. Monroe Street, Chicago, Illinois 60603.

Clerical—Assoc. of Independent Colleges & Schools, 1730 M Street, N.W., Washington, D.C. 20036.

Clinical Chemist—American Association for Clinical Chemistry, 1725 K Street, N.W., Suite 903, Washington, D.C. 20006.

Club Management—Club Managers Assn. of America, 7615 Winterberry Place, Washington, D.C. 20034.

Coal Industry—Education Division, National Coal Association, Coal Building, 1130 17th St., N.W., Washington, D.C. 20036.

Commerical and Domestic Air Conditioning, Heating and Refrigeration—Education Dynamics Institute, 2635 North Decatur Boulevard, Las Vegas, Nevada 89108.

Commerical Refrigeration—Practical Schools, 1650 Babbitt, Anaheim, California 92805.

Communication Arts and Sciences—Association for Communication Administration, 5105 Backlick Road No. E, Annandale, Virginia 22003 ($0.25 per copy).

Community Organization—United Way of America, 801 North Fairfax Street, Alexandria, Virginia 22314.

Computer Programming—American Federation of Information Processing Societies, Inc., Public Information Department, 1815 North Lynn Street, Suite 800, Arlington, Virginia 22209.

Computer Programming—Empire Technical Schools, Inc., 576 Central Avenue, East Orange, New Jersey 07018.

Computer Programming and Technology—Control Data Institute-HQA02J, Corporate Headquarters, 8100 34th Avenue South, Box O, Minneapolis, Minnesota 55440.

Construction Opportunities—Associated General Contractors of America, Construction Education Services, 1957 E Street, N.W., Washington, D.C. 20006.

Cosmetics Marketing—Fashion Institute of Technology, 227 West 27th Street, New York, New York 10001.

Cosmetology—National Association of Cosmetology Schools, 808 Main Street, Boonton, New Jersey 07005.

Cosmetology—National Beauty Career Center, 3839 White Plains Road, Bronx, New York 10467.

Crop Science—Crop Science Society of America, Inc., 677 South Segoe Road, Madison, Wisconsin 53711.

Customer Engineering for Electric Typewriters—Empire Technical Schools, Inc., 576 Central Avenue, East Orange, New Jersey 07018.

Dairy Industry—Dairy Research, Inc., 6300 North River Road, Rosemont, Illinois 60018.

Data Processing—American Federation of Information Processing Societies, Inc., 1815 North Lynn Street, Suite 800, Arlington, Virginia 22209.

Demography—The Population Association of America, Inc., P.O. Box 14182, Benjamin Franklin Station, Washington, D.C. 20044.

Dental Assistants—American Dental Assistants Assn., 666 North Lake Shore Drive, Suite 1130, Chicago, Illinois 60611.

Dental Hygiene—American Dental Hygienists' Assn., 444 North Michigan Avenue, Suite 3400, Chicago, Illinois 60611.

Dental Laboratory Technology—National Association of Dental Laboratories, 3801 Mt. Vernon Avenue, Alexandria, Virginia 22305.

Dentistry—American Association of Dental Schools, 1625 Massachusetts Avenue, N.W., Washington, D.C. 20036.

Diesel—Lincoln Technical Institute, Inc., 10 Rooney Circle, West Orange, New Jersey 07052.

Dietetics—The American Dietetic Association, 430 N. Michigan Ave., Chicago, Illinois 60611.

Display and Exhibit Design—Fashion Institute of Technology, 227 West 27th Street, New York, New York 10001.

Diving and Salvage—Marine Technology Society, 1730 M Street, N.W., Suite 412, Washington, D.C. 20036.

Drafting and Design—Education Dyunamics Institute, 2635 North Decatur Boulevard, Las Vegas, Nevada 89108.

Draftsman—Lincoln Technical Institute, Inc., 10 Rooney Circle, West Orange, New Jersey 07052.

Driving Occupations—American Trucking Associations, Inc. Educational Services, 1616 P Street, N.W., Washington, D.C. 20036.

Drycleaning and Laundry—The Registrar, International Fabricare Institute, 12251 Tech Road, Montgomery Industrial Park, Silver Spring, Maryland 20904.

Ecology—Ecological Society of America, Department of Botany/Microbiology, Arizona State University, Tempe, Arizona 85281.

Electronic Data Processing—American Federation of Information Processing Societies, Inc., 1815 North Lynn Street, Suite 800, Arlington, Virginia 22209.

Electronic Data Processing Management—Hospital Financial Management Association, 1900 Spring Road, Suite 500, Oak Brook, Illinois 60521.

Electronix—Bell & Howell Education Group, Inc., Administrative Offices, 2201 West Howard Street, Evanston, Illinois 60202.

Electronics—Lincoln Technical Institute, Inc., 10 Rooney Circle, West Orange, New Jersey 07052.

Electronics—United Electronics Institute, Director of Admissions, 3950 Dixie Highway, Louisville, Kentucky 40216.

Electronic Technology—Practical Schools, 1650 Babbitt, Anaheim, California 92805.

Energy—American Gas Association, 1515 Wilson Boulevard, Arlington, Virginia 22209.

Engingeering (Consulting)—American Consulting Engineers Council, 1015 Fifteenth Street, N.W., Washington, D.C. 20005.

Engineering—Accreditation Board for Engineering and Technology, 345 East Forty-Seventh Street, New York, New York 10017.

Engineering—National Society of Professional Engineers, Education Services, 2029 K Street, N.W., Washington, D.C. 20006.

Entomolgy—Entomological Society of America, 4603 Calvert Road, College Park, Maryland 20740.

Fashion Buying & Merchandising—Fashion Institute of Technology, 227 West 27th Street, New York, New York 10001.

Fashion Design—Fashion Institute of Technology, 227 West 27th Street, New York, New York 10001.

Fashion Industry—Fashion Institute of Technology, 227 West 27th Street, New York, New York 10001.

F.B.I.—Federal Bureau of Investigation, Department of Justice, Washington, D.C. 20535.

Federal Civil Service Careers—Job Information Center, Washington Area Office, U.S. Office of Personnel Management, Washington, D.C. 20415.

Fine Arts—Fashion Institute of Technology, 227 West 27th Street, New York, New York 10001.

Fire Protection Engineering—Society of Fire Protection Engineers, 60 Batterymarch Street, Boston, Massachusetts 02110.

Fire Service—National Fire Protection Association, Public Affairs Division, Batterymarch Park, Quincy, Massachusetts 02269.

Flight Engineer—Braniff Education Systems, Inc., P.O. Box 45174, Dallas, Texas 75245.

Floristry—Society of American Florists, 901 North Washington Street, Alexandria, Virginia 22314.

Food and Nutrition Service—U.S. Department of Agriculture, Food and Nutrition Service, Employment and Employee Relations Branch, Room 711, GHI, 14th & Independence Avenue, S.W., Washington, D.C. 20250.

Food Retailing—Food Marketing Institute, 1750 K Street, N.W., Suite 700, Washington, D.C. 20006.

Food Inspection—U.S. Department of Agriculture, Food Safety and Quality Service, Butler Square West, 4th floor, 100 North Sixth Street, Minneapolis, Minnesota 55403.

Food Service Careers, Scholarships, Courses—Natl. Institute for the Foodservice Industry, 20 North Wacker Drive, Suite 2620, Chicago, Illinois 60606.

Food Service Management—Educational Institute of the Hotel and Motel Association, Stephen S. Nisbet Building, 1407 South Harrison Road, Michigan State University, East Lansing, Michigan 48823.

Food Technology—Institute of Food Technologies, Scholarship Center, 221 North LaSalle Street, Chicago, Illinois 60601.

Foreign Agricultural Service—U.S. Department of Agriculture, Personnel Division, Room 5627-S, 14th & Independence Avenue, S.W., Washington, D.C. 20250.

Foreign Service—Foreign Service Officer, Recruitment Branch, Box 9317, Rosslyn Station, Arlington, Virginia 22209.

Forester—Society of American Foresters, Wild Acres, 5400 Grosvenor Lane, Bethesda, Maryland 20014.

Forest Service—U.S. Department of Agriculture, Personnel Division, Room 801 RPE, 14th & Independence Avenue, S.W., Washington, D.C. 20250.

Funeral Directors—National Funeral Directors Association, 135 West Wells Street, Milwaukee, Wisconsin 53203.

Gemology—Gemological Institute of America, 1660 Stewart Street, Santa Monica, California 90406.

Geography—The Association of American Geographers, 1710 Sixteenth Street, N.W., Washington, D.C. 20009.

Geological Sciences—American Geological Institute, 5205 Leesburg Pike, Falls Church, Virginia 22041.

Geophysics—American Geophysical Union, 2000 Florida Avenue, N.W., Washington, D.C. 20009.

Geophysics—Society of Exploration Geophysicists, P.O. Box 3098, Tulsa, Oklahoma 74101.

Girl Scouting—Girl Scouts of the U.S.A. Human Resources Department, 830 Third Avenue, New York, New York 10022.

Grain Inspection and Weighing—U.S. Department of Agriculture, Federal Grain Inspection Service, Personnel Division, Room 1721-S, 14th & Independence Avenue, S.W., Washington, D.C. 20250.

Health Fields—National Health Council, Inc., 70 West 40th Street, New York, New York 10018.

Horticulture—American Association of Nurserymen, 230 Southern Building, Washington, D.C. 20005. (send stamped, self-addressed envelope)

Hospital Account—Hospital Financial Management Association, 1900 Spring Road, Suite 500, Oak Brook, Illinois 60521.

Hospital Administration—American College of Hospital Adm., 840 North Lake Shore Drive, Chicago, Illinois 60611.

Hospital Admitting Clerk—Hospital Financial Management Association, 1900 Spring Road, Suite 500, Oak Brook, Illinois 60521.

Hospital Controller—Hospital Financial Management Association, 1900 Spring Road, Suite 500, Oak Brook, Illinois 60521.

Hospital Financial Management—Hospital Financial Management Association, 1900 Spring Road, Suite 500, Oak Brook, Illinois, 60521.

Hotel and Motel Administration—Educational Institute of the Hotel and Motel Association, Stephen S. Nisbet Building, 1407 South Harrison Road, Michigan State University, East Lansing, Michigan 48823.

Illuminating Engineering—Illuminating Engineering Society of North America, 345 East 47th Street, New York, N.Y. 10017.

Illustration—Fashion Institute of Technology, 227 West 27th Street, New York, New York 10001.

Insurance Clerk—Hospital Financial Management Association, 1900 Spring Road, Suite 500, Oak Brook, Illinois 60521.

Interior Design—Fashion Institute of Technology, 227 West 27th Street, New York, New York 10001.

Internal Revenue—Accounting, Law, Law Enforcement, Treasury Enforcement Agent (Contact local address listed in yellow pages of your telephone book).

Jewelry Design—Fashion Institute of Technology, 227 West 27th Street, New York, New York 10001.

Journalism—The Newspaper Fund, Inc., P.O. Box 300, Princeton, New Jersey 08540.

Landscape Architect—The American Society of Landscape Architects, 1733 Connecticut Avenue, N.W., Washington, D.C. 20009.

Law—American Bar Association, Information Services, 1155 East 60th Street, Chicago, Illinois 60637.

Law Librarian—American Association of Law Libraries, Secretary, 53 West Jackson Boulevard, Chicago, Illinois 60604.

Librarian—American Library Association, Office for Library Personnel Resources, 50 East Huron Street, Chicago, Illinois 60611.

Life & Health Insurance—American Council of Life Insurance, Health Insurance Association of America, 1850 K Street, N.W., Washington, D.C. 20006.

Loss Prevention/Security—Empire Technical Schools, Inc., 576 Central Avenue, East Orange, New Jersey 07018.

Machinist—National Machine Tool Builders Association, 7901 Westpark Drive, McLean, Virginia 22102.

Machinist—National Tooling and Machining Association, 9300 Livingston Road, Washington, D.C. 20022.

Management—Assoc. of Independent Colleges & Schools, 1730 M Street, N.W., Washington, D.C. 20036.

Marine Biology—Marine Technology Society, 1730 M Street, N.W., Suite 412, Washington, D.C. 20036.

Marine Education—Marine Technology Society, 1730 M Street, N.W., Suite 412, Washington, D.C. 20036.

Marine Science and Technology—Marine Technology Society, 1730 M Street, N.W., Washington, D.C. 20036.

Material Handling—The Material Handling Education Foundation, Inc., 1326 Freeport Road, Pittsburgh, Pennsylvania 15238.

Mathematics Teacher—National Council of Teachers of Mathematics, 1906 Association Drive, Reston, Virginia 22091.

Medical Laboratory—Certified Laboratory Assistant; Medical Laboratory Technician; Medical Technologist; Histologic Technician; Histotechnologist; Cytotechnologist; Nuclear Medicine Technologist; Specialist in Blood Banking; Specialist in Chemistry; Specialist in Hematology; Specialist in Immunology; Specialist in Microbiology; Technologist in Chemistry; Technologist in Hematology; Technologist in Immunology; Technologist in Microbiology; Board of Registry, P.O. Box 12270, Chicago, Illinois 60612.

Medical Record Administrator—American Med. Record Association, 875 N. Michigan Ave., Suite 1850, Chicago, Illinois 60611.

Medical Record Technician—American Med. Record Association, 875 N. Michigan Ave., Suite 1850, Chicago, Illinois 60611.

Medical Transcription—American Medical Record Association, 875 N. Michigan Ave., Suite 1850, Chicago, Illinois 60611.

Medical Secretary/Transcription—Empire Technical Schools, Inc, 576 Central Avenue, East Orange, New Jersey 07018.

Medicine—American Medical Association, Health Manpower, 535 N. Dearborn Street, Chicago, Illinois 60610.

Menswear Design and Marketing—Fashion Institute of Technology, 227 West 27th Street, New York, New York 10001.

Metallurgy—American Society for Metals, Metals Park, Ohio 44073.

Microbiology—American Society for Microbiology, 1913 I Street, N.W., Washington, D.C. 20006.

Mold Makers—National Tooling and Machining Association, 9300 Livingston Road, Washington, D.C. 20022.

Mortgage Banking—Mortgage Bankers Association of America, 1125 Fifteenth Street, N.W., Washington, D.C. 20005.

Morticians—National Foundation of Funeral Services, 1614 Central Street, Evanston, Illinois 60201.

Music—Music Educators National Conference, 1902 Association Drive, Reston, Virginia 22091.

Music Therapy—National Association for Music Therapy, Inc., P.O. Box 610, Lawrence, Kansas 66044.

National Park Service—Department of the Interior, Career Employment, National Park Service, 18th & C Streets, N.W., Washington, D.C. 20240.

Naval Architecture and Marine Engineering—The Society of Naval Architects and Marine Engineers, One World Trade Center, Suite 1369, New York, New York 10048.

Nurse Anesthetist—American Assn. of Nurse Anesthetists, 216 Higgins Road, Park Ridge, Illinois 60063.

Nursing—National League for Nursing, Inc., 10 Columbus Circle, New York, New York 10019.

Nursing-Practical—National Association for Practical Nurse Education and Service, Inc., 254 West 31st Street, New York, New York 10001.

Occupational Therapy—American Occupational Therapy Assn., Inc., 1383 Piccard Drive, Rockville, Maryland 20850.

Ocean Engineering—Marine Technology Society, 1730 M Street, N.W., Suite 412, Washington, D.C. 20036.

Oceanography—Marine Technology Society, 1730 M Street, N.W., Washington, D.C. 20036.

Optometric Assistant/Technician—American Optometric Association, Paraoptometric Program, 243 North Lindbergh Boulevard, St. Louis, Missouri 63141.

Optometry—American Optometric Association, Career Guidance, 243 North Lindbergh Boulevard, St. Louis, Missouri 63141.

Osteopathic Medicine—Auxiliary to the American Osteopathic Association, National Osteopathic College Scholarships, 212 East Ohio Street, Chicago, Illinois 60611.

Packinghouse Worker—United Food and Commerical Workers International Union, Office of Education, 1775 K Street, N.W., Washington, D.C. 20006.

Palentology—The Paleontological Society, Attn: Dr. Walter C. Sweet, Department of Geology & Mineralology, Ohio State University, 125 South Oval Mall, Columbus, Ohio 43210.

Paperhanging—United States School of Professional Paperhanging, Inc., 16 Chaplin Avenue, Rutland, Vermont 05701.

Paper Industry—American Paper institute 260 Madison avenue, New York, New York 10016.

Park Police—Department of the Interior National Park Service, National Capital region, 1100 Ohio Drive, S.W., Washington, D.C. 20242.

Pathologist—Intersociety Committee on Pathology Information, 4733 Bethesda Avenue, Suite 735, Bethesda, Maryland 20014.

Pattern Making Technology—Fashion Institue of Technology, 227 West 27th Street, New York, New York 10001.

Payroll Clerk—Hospital Financial Management Association 1900 Spring Road, Suite 500 Oak Brook, Illinois 60521.

Petroleum Engineering—Society of Petroleum Engineers of AIME, 6200 North Central Expressway, Dallas, Texas 75206.

Pharmacology—American Society for Pharmacology and Experimental Therapeutics, Inc., 9650 Rockville Pike, Bethesda, Maryland 20014.

Pharmacy—American Association of Colleges of Pharmacy, Office of Student Affairs, 4630 Montgomery Avenue, Suite 201, Bethesda, Maryland 20014.

Photography—Fashion Institute of Technology, 227 West 27th Street, New York, New York 10001.

Physical Therapist—American Physical Therapy Association, 1156 15th Street, N.W., Washington, D.C. 20005.

Physical Therapist Assistant—American Physical Therapy Association, 1156 15th Street, N.W., Washington, D.C. 20005.

Physics—American Institute of Physics, 335 East 45th Street, New York, New York 10017.

Physiology—The American Physiological Society, 9650 Rockville Pike, Bethesda, Maryland 20014.

Plant Quarantine & Pest Control—U.S. Department of Agriculture, Animal & Plant Health Inspection Service Room, 514 Presidential Building CB-3, Hyattsville, Maryland 20782.

Podiatry—American Podiatry Ass'n., 20 Chevy Chase Circle, N.W., Washington, D.C. 20015.

Power System Engineering—University of Illinois, 1308 West Green Street, Urbana, Illinois 61801.

Printing Industry—Education Council of the Graphic Arts, Inc., 4615 Forbes Ave., Pittsburgh, Pa. 15213.

Process Measurement & Control—Process Measurement & Control section (SAMA), 1101 Sixteenth Street, N.W. Washington, D.C. 20036.

Professional Chefs and Cooks—The Culinary Institute of America, Placement Office, North Road, Hyde Park, N.Y. 12538.

Property and Liability Insurance—Insurance Information Institute, 110 William Street, New York, New York 10038.

Psychiatry—American Psychiatric Association, Professional Affairs, 1700 18th Street, N.W., Washington, D.C. 20009.

Psychology—American Psychological Ass'n., Educational Affairs Office, 1200—17th St., N.W., Washington, D.C. 20036.

Public Accounting—National Society of Public Accountants, 1717 Pennsylvania Avenue, N.W., Washington, D.C. 20006.

Public Health—Commissioned Personnel, Operations Division, Parklawn Building, 5600 Fishers Lane, Room 4-35, Rockville, Maryland 20857.

Public Relations—Public Relations Society of America, Career Information Service, 845 Third Avenue, New York, N.Y. 10022. (Single copies $1.00. Bulk rates available on request.)

Purchasing Management—National Association of Purchasing Management, Inc., 11 Park Place, New York, New York 10007.

Radio Publications Manager—National Assn. of Broadcasters, 1771 N Street, N.W., Washington, D.C. 20036.

Real Estate Principles and Practices—Education Dynamics Institute, 2635 North Decatur Boulevard, Las Vegas, Nevada 89108.

Recreation, Parks & Leisure Services—National Recreation & Park Association, 1601 N. Kent Street, Arlington, Virginia 22209.

Reservations/Ticketing—Braniff Education Systems, P.O. Box 45174, Dallas, Texas 75245.

Respiratory Therapy—American Association for Respiratory Therapy, 1720 Regal Row, P.O. Box 35287, Dallas, Texas 75235.

Retail Meat Cutter—United Food and Commercial Workers International Union, Office of Education, 1775 K Street, N.W., Washington, D.C. 20006.

Roadbuilding—American Road and Transportation Builders Association, 525 School Street, S.W., Washington, D.C. 20024.

Rural Electrification—U.S. Department of Agriculture, Rural Electrification Administration, Personnel Division, room 4072-S, 14th & Independence Avenue, S.W., Washington, D.C. 20250.

Safety Professional—American Society of Safety Engineers, 850 Busse Highway, Park Ridge, Illinois 60068.

Sales and Marketing—Sales and Marketing, Executives-International, Career Education Division, 380 Lexington Avenue, New York, N.Y. 10168.

Science—Scientific Manpower Commission, 1776 Massachusetts Avenue, N.W., Washington, D.C. 20036.

Science and Education Administration—U.S. Department of Agriculture, Science and Education Administration, Personnel Division, Room 560, Center Building No. 1, Hyattsville, Maryland 20784.

Science Teaching—Nat'l. Science Teachers Ass'n., 1742 Connecticut Avenue, N.W., Washington, D.C. 20009.

Secretarial—Lincoln Technical Institute, Inc., 10 Rooney Circle, West Orange, New Jersey 07052.

Secretary—Assoc. of Independent Colleges & Schools, 1730 M Street, N.W., Washington, D.C. 20036.

Shorthand Reporting—National Shorthand Reporters Association, 118 Park Street, S.E., Vienna, Virginia 22180.

Social Security Administration—College Relations Officer, Special Careers and Recruitment Branch, 6401 Security Boulevard Baltimore, Maryland 21235.

Social Work—National Association of Social Workers, Social Work Career Information Service, 1425 H Street, N.W., Suite 600, Washington, D.C. 20005.

Soil Conservation—U.S. Department of Agriculture, Soil Conservation Service, Personnel Division, Room 6219-S, 14th & Independence Avenue, S.W., Washington, D.C. 20250.

Soil Science—Soil Science of America, Inc., 677 South Segoe Road, Madison, Wisconsin 53711.

Speech Language Pathology—American Speech-Language-Hearing Association, 10801 Rockville Pike, Rockville, Maryland 20852.

Statistic—American Statistical Assn., Suite 640, 806 15th St., N.W., Washington, D.C. 20005.

Student Research Participation—U.S. Department of Energy, Oak Ridge Associated Universities, University Programs, P.O. Box 117, Oak Ridge, Tennessee 37830.

Surveying—American Congress on Surveying and Mapping, 210 Little Falls Street, Falls Church, Virginia 22046.

Systems Analyst—Hospital Financial Management Association, 1900 Spring Road, Suite 500 Oak Brook, Illinois 60521.

Teaching Retarded Students—Association for Retarded Citizens, National Headquarters, 2501 Avenue J, P.O. Box 6109, Arlington, Texas 76011.

Television Publications Manager—National Assn. of Broadcasters, 1771 N Street, N.W., Washington, D.C. 20036.

Textile Design—Fashion Institute of Technology, 227 West 27th Street, New York, New York 10001.

Textile Technology—Fashion Institute of Technology, 227 West 27th Street, New York, New York 10001.

Tool and Die—National Tooling and Machining Association, 9300 Livingston Road, Washington, D.C. 20022.

Traffic Management—Academy of Advanced Traffic, Inc., One World Trade Center, Room 5457, New York, New York 10048.

Translators—American Translators Association, 109 Croton Avenue, Ossining, New York 10562.

Travel Agent—Braniff Education Systems, Inc., P.O. Box 45174, Dallas, Texas 75245.

Travel/Airlines—Empire Technical Schools, Inc., 576 Central Avenue, East Orange, New Jersey 07018.

Truck and Bus Mechanics—American Trucking Associations, Inc., Educational Services 1616 P Street N.W., Washington, D.C. 20036.

Truck and Bus Mechanics—Lincoln Technical Institute, Inc., 10 Rooney Circle, West Orange, New Jersey 07052.

Trucking Industry—American Trucking Associations, Inc., Educational Services, 1616 P Street, N.W., Washington, D.C. 20036.

United States Air Force Academy—Director of Admissions Liaison, USAF Academy, Colorado 80840.

U.S. Air Force Careers—Air Force Liaison Representative, Air Force Opportunities Center, Box 800, Valley Forge, Pennsylvania 19481.

U.S. Air Force Community College (CCAF)—Air Force Liaison Representative, Air Force Opportunities Center, Box 800, Valley Forge, Pennsylvania 19481.

U.S. Air Force Nurse—Air Force Liaison Representative, Air Force Opportunities Center, Box 800, Valley Forge, Pennsylvania 19481.

U.S. Air Force ROTC—Air Force ROTC, Office of Public Affairs, Maxwell AFB, Alabama 36112.

U.S. Department of the Army—Commander, U.S. Army Recruiting Command, Attn: USARCASP-MD, Fort Sheridan, Illinois 60037.

U.S. Army ROTC—HQ TRADOC, Attn: ATRO-AM, Fort Monroe, Virgina 23651.

U.S. Army Nurse Corps—U.S. Army Recruiting Command, Attn: USARCRO-N, Fort Sheridan, Illinois 60037.

U.S. Army Medical Corps—Surgeon General's Office, Attn: SGPE-PDO, Washington, D.C. 20324.

U.S. Army Judge Advocate General Corps (Army Law Careers)—Headquarters, Department of the Army, Attn: DAJA-PT, The Pentagon, Washington, D.C. 20310.

United States Coast Guard Officer—United States Coast Guard Academy, Director of Admissions, New London, Connecticut 06320.

United States Marine Corps Officer—Headquarters, Marine Corps (Code MRRO), Washington, D.C. 20380.

United States Merchant Marine Officer—Admissions Officer, U.S.M.M. Academy, Kings Point, N.Y. 11024.

United States Military Academy—Director of Admissions, United States Military Academy, West Point, N.Y. 10996.

United States Naval Academy—Candidate Guidance Office, (SIC-85), U.S. Naval Academy, Annapolis, Maryland 21402.

U.S. Navy Officer—Commander, Navy Recruiting Command; 4015 Wilson Boulevard; Arlington, Virginia 22203; NROTC (Code 314), Medical Programs (Code 315); Officer Candidate School (Code 312); Enlisted Programs (Code 33); Aviation Programs (Code 311); Nuclear Power Programs (Code 312); Judge Advocate Generals Corps (Code 314).

Urban Planner—American Planning Association, 1776 Massachusetts Avenue, N.W., Washington, DC 20036.

Veterans Administration—Personnel Office of any VA Medical Center or Regional Office.

Veterinarian—American Veterinary Medical Association, 930 North Meacham Road, Schaumburg, Illinois 60196 (self-addressed, stamped, business-size envelope).

Veterinarian—U.S. Department of Agriculture, Food Safety and Quality Service, 123 East Grant Street, Minneapolis, Minnesota 55403.

Watch Repairing—American Watchmakers Institute, Box 11011, Cincinnati, Ohio 45211.

Welding—American Welding Society, 2501 N.W. 7th St., Miami, Florida 33125.

Welding and Welding Technology—Hobart School of Welding Technology, Trade Square East, Troy, Ohio 45373.

Word Processing—Lincoln Business Institute, 10 Rooney Circle, West Orange, New Jersey 07052.

Youth Services—Boy Scouts of America, Professional Recruiting, P.O. Box 61030, Irving, Texas 75261.

In addition to the above listed careers, we recommend that each student carefully review the 1980-81 edition of "Occupational Outlook Handbook" compiled by the Bureau of Labor Statistics which contains updated information on about 850 occupations and 30 industries. A copy of this publication should be available in your school or city library, counselors office, or may be purchased for $8.00 paperback, $11.00 clothback by writing to the Bureau of Labor Statistics, 230 South Dearborn Street, Chicago, Illinois 60604.

SOURCES OF SCHOLARSHIPS AND OTHER FORMS OF FINANCIAL AID AVAILABLE TO ALL STUDENTS

For undergraduates only

The basic Pell grant program, (formerly the BEOG Program) makes funds available to eligible students attending approved colleges, community/junior colleges, vocational schools, technical institutes, hospital schools of nursing, correspondence schools and other educational training after high school. In 1981-82 award period (July 1, 1981-June 30, 1982), you may apply for a Basic Grant if you are an undergraduate student and are enrolling on at least a half-time basis. Awards in 1981-82 may range from $150 to $1,750 for a full school year. To appy for a Basic Grant, you may complete the Federal form called "Basic Grant Application Form," or one of several private or State need analysis applications which are used to determine eligibility for other sources of student aid. Check with the Financial Aid Administrator at the school you plan to attend to see if they require the Financial Aid Form (FAF), the Family Financial Statement (FFS), the Pennsylvania Higher Education Assistance Agency (PHEAA) form, or the Student Aid Application for California (SAAC). You do not need to fill out the "Application for Determination of Basic Grant Eligibility" if you will fill out any of these forms. You may obtain copies of the forms that apply to you from postsecondary schools, high schools and public libraries. You may also receive the "Five Federal Financial Aid Programs, 1981-82" by writing to Financial Student Aid, P.O. Box 84, Washington, DC 20044. It is very important that you fill out the form you use as accurately as possible. If you fill out the form carelessly or inaccurately, you will be required to provide more accurate information before the Office of Education will tell you whether you are eligible for a Basic Grant.

The supplemental educational opportunity grant (SEOG) program is for students with financial need. You are eligible to apply if you are enrolled at least half-time as an undergraduate or vocational student in an educational institution participating in the program. Graduate students are not eligible. If you receive an SEOG, it cannot be less than $200 or more than $2,000 a year. Contact the Director of Financial Aid at the institution you wish to attend.

Extension of social security benefits to students attending school after reaching age 18 and up to age 22. The American Legion and its Auxiliary initiated and supported legislation to extend benefits under Title II of the Social Security Act, to unmarried sons and daughters of a deceased, disabled or retired parent and in some instances, grandsons and granddaughters who continue their education on a full-time basis beyond age 18. The legislation adopted by the 89th Congress, 1st Session, provides for the continuance of a child's Social Security benefits beyond the age of 18 if the student is in full-time attendance at an accredited educational institution (including a vocational school). As of the end of January 1981. 772,351 students, age 18-22, received benefit payments at an annual rate of approximately $2 billion. For further information, see your guidance counselor or contact the representative of the Social Security Office serving your community. This source represents nearly as much funds to assist students to further their education as all the public and private scholarships at all colleges and universities in the United States.

Air Force ROTC is conducted at colleges and universities located throughout the United States, Puerto Rico and the District of Columbia. Students may earn a commission by successfully completing either the Air Force ROTC Four-Year Program or the Air Force ROTC Two-Year Program. Air Force ROTC offers Four-, Three-, and Two-Year Scholarships on a competitive basis to both men and women students. The scholarships cover full tuition, certain fees and expenses associated with required courses, cost of curriculum-required textbooks, and a $100 nontaxable allowance each month during the school year. Scholarships are available in several categories to qualified applicants. However, we should inform you that as the needs of the Air Force change, scholarship offerings will be changed accordingly. Applications (DD Form 1893) for the Four-Year Scholarships are contained in the brochure Scholarship Applicant Booklet. Send directly to Air Force ROTC, Selections Division, Maxwell AFB, Alabama 36112. Deadline date for submitting applications for the Four-Year Scholarships is December 15 preceding the Fall term of the school year in which the student plans to enter college. Applicants for Four-Year Scholarships must take either the SAT or the ACT Tests. Deadline date can be no later than the December test cycle. Applications for the Three- and Two-Year Scholarships should be made to the Professor of Aerospace Studies at the hosting institution during the students' freshman or sophomore year of college respectively. Application forms will be furnished by the Professor of Aerospace Studies at the Air Force ROTC detachment. Information can be obtained by contacting the Air Force ROTC detachment on campus or by writing to Air Force ROTC, Office of Public Affairs, Maxwell Air Force Base, Alabama 36112.

Army ROTC offers a college student the opportunity to earn a commission as a second lieutenant in the U.S. Army at the same time he or she earns a baccalaureate degree. Army ROTC is offered at over 250 colleges and universities across the country. Four-year scholarships are awarded competitively to outstanding high school students who enter college as freshmen at any of the institutions hosting Army ROTC. Request for application packets must be submitted to Army ROTC, P.O. Box 9000, Clifton, New Jersey 07015 between April 1 and November 15. Three- and two-year scholarships are awarded competitively to students already enrolled in college and application for these awards are made through the Professor of Military Science. Scholarship cadets receive tuition, textbooks, lab fees and certain other educational expenses, plus a living allowance of up to $1,000 each school year the scholarship is in effect. Nonscholarship cadets in the Advanced Course (final two years) also receive this same living allowance for the last two years in the program. For further information, write Army ROTC, Fort Monroe, VA 23651.

Naval ROTC is conducted at 55 colleges and universities located throughout the United States. Students may earn a commission as Ensign, U.S. Navy or Second Lieutenant, U.S. Marine Corps by successfully completing the NROTC Navy-Marine Corps Scholarship Program. Naval ROTC offers Four- Three- and Two-Year scholarships to both men and women candidates. Scholarships cover full tuition, educational fees, books, uniforms and a $100 non-taxable subsistence allowance per month (maximum 40 months). Applicants for the Four- and Three-Year Scholarship Program must make application during the period March 1-December 1 of the year prior to desired enrollment and take either the SAT or the ACT Tests and arrange with the appropriate testing agency to forward test results to NROTC Scholarship Program (release code 0656) by December 31. Information and applications are available from Navy or Marine Corps recruiting stations, from high school/college counselors, NROTC units and the Commander, Navy Recruiting Command, (Code 314), 4015 Wilson Boulevard, Arlington, Virginia 22203. Two-Year NROTC Scholarship Program applicants must enter one of the 55 NROTC host institutions with junior status at the time of enrollment in the program. Application period is June 1 to April 1 of the year of anticipated enrollment. Information concerning the Two-Year NROTC Scholarship Program may be obtained from Navy recruiting district offices, NROTC units and address above.

The U.S. Coast Guard Academy educates young men and women for careers as commissioned officers in the U.S. Coast Guard. Appointments are made on the basis of an annual nationwide competition. The competitive test consists of the College Board Scholastic Aptitude Tests (SAT) or the American College Testing Assessment (ACT). There are no Congressional appointments and no geographical limitations. Graduates receive a commission as Ensign, U.S. Coast Guard and a Bachelor of Science degree. For detailed information, interested students should write to Director of Admissions, U.S. Coast Guard Academy, New London, Conn. 06320. Applications should be submitted prior to 15 December of the candidate's senior year in high school.

The United States Merchant Marine Academy prepares selected young men and women for positions of leadership in the Maritime industry. Applicants must be high school graduates. A background in Mathematics and the Sciences is important. Graduates receive a Bachelor of Science Degree, a commission as Ensign in the Naval Reserve and a license as a Merchant Marine officer. Entrance requirements are similar to those of the other Federal academies. Information may be obtained by writing to the: Director of Admissions, U.S. Merchant Marine Academy, Kings Point, NY 11024.

The New Mexico Military Institute is now offering $1,000 ($500 per year) scholarships to students that enroll and qualify to NMMI. Scholarships are competitive academically who enroll as full-time students at New Mexico Military Institute. Applications and information can be obtained by writing the Director of Admissions or the Assistant Dean, New Mexico Institute, Roswell, N.M. 88201. Application deadline is April 15. Awards made by May 1.

The Railroad Retirement Act provides monthly benefits for student children of deceased railroaders who were insured under the Act at death. Dependent grandchildren of deceased railroaders may also be eligible if both natural parents are deceased or disabled. To qualify, you must be single and attending a public or private accredited high school, vocational school, college or university on a full-time basis. Benefits continue until age 22 or until the end of the school semester after you attain age 22. If you are not attending school when you reach 18, you can still qualify for some benefits if you become a full-time student before age 22. Student children of retired railroad workers cannot qualify for benefits directly. However, a retired worker's benefits may be increased under a special guarantee provision of the Railroad Retirement Act if he or she has any children age 18-22 who attend school full-time. Further information may be obtained from the nearest Railroad Retirement Board Office. Address can be found in the telephone directory or by asking at any post office.

Bell & Howell Schools Scholarship Program. Sixty full tuition scholarships in Electronics Engineering Technology or Computer Science for Business will be awarded to high school graduates from the United States who wish to attend one of the U.S. Bell & Howell schools. Scholarships are divided among Bell & Howell schools in proportion to the number of scholarship applications submitted to each school. Finalists selected on basis of performance on SAT of ACT programs. Winners determined on basis of an essay and applicant's high school academic record. For application forms and further information, write: Bell & Howell Education Group, Inc., Administrative Offices, 2201 West Howard Street, Evanston, Illinois 60202.

The American College for the Applied Arts, Atlanta and Los Angeles and The American College in London offer two- and four-year programs in the fields of Fashion Merchandising, Fashion Design, Interior Design, Business Administration and Commercial Art. The Emilo Pucci Scholarship provides $1,000 toward tuition at The American Colleges for students selected by their high school.

For application forms and further information write: The American College, 5801 Peachtree Dunwoody Road, N.E., Atlanta, Georgia 30342.

U.S. Department of Education, Bureau of Education for the Handicapped Public Law 91-230, Part D, as amended, authorizes the Secretary of Education to make grants to public or other non-profit institutions of higher learning. State education agencies, and on a discretionary basis, to certain other public or private non-profit agencies for preparing personnel to work with handicapped children. Students committed to a career involving education of the handicapped may, upon acceptance to a preparation program, receive financial support for academic study. Amount of financial support will vary for level of study, and at the discretion of the agency. Grants are made directly to the agencies described above. Students seeking awards under this program, should apply directly to the higher education institution of their choice, or their respective state education agencies. Information regarding these awards may be obtained from the Director, Division of Personnel Preparation, Office of Special Education, U.S. Department of Education, Washington, D.C. 20202.

The Clairol Loving Care Scholarship Program, a $50,000 annual program, is the only nationwide company-sponsored fund for women 30 or over who are continuing on a post-secondary education to achieve career goals. Grants up to $1,000 are awarded for full or part-time study. No restrictions on marital status. Contact Business and Professional Women's Foundation, 2012 Massachusetts Avenue, NW, Washington, DC 20036.

National Achievement Scholarship Program for Outstanding Negro Students, a compensatory activity, created in 1964, is conducted by National Merit Scholarship Corporation (NMSC) which also administers the National Merit Scholarship Program (described in the next entry). All grants to the Achievement Program are specified for the purposes of honoring academically able black students and awarding them college undergraduate scholarships. Currently, over 600 Achievement Scholarships worth $2 million are awarded in each annual competition.

To enter the Achievement Program, black high school students must take the PSAT/NMSQT (which simultaneously makes them participants in the Merit Program), mark a space on their answer sheets requesting consideration in the Achievement Program and meet NMSC eligibility requirements.

About 1,500 of the highest scoring eligible black students are designated Semifinalists in each Achievement Program. To ensure nationwide representation, a number are named in each of several U.S. geographic regions, proportionate to each region's Negro population.

Semifinalists must meet further requirements and advance to Finalist standing in order to continue in the Achievement Scholarship competition. Every Finalist is considered for one of the scholarships, and all winners are chosen from Achievement Program Finalist group. The selection of winners includes an evaluation of each Finalist's academic record and test scores, extracurricular activities and attainments, and the endorsement and recommendation of the student's school.

Three types of Achievement Scholarships are awarded annually: At least 325 are National Achievement $1,000 Scholarships that are single-payment awards allocated to winners on a regional representation basis; about 175 are corporate-sponsored four-year Achievement Scholarships for which winners must meet preferential criteria specified by the grantor organization, and that are worth between $1,000 and $8,000 over the four college years; and about 100 are college-sponsored Achievement Scholarships that provide between $250 and $2,000 during each of the winner's four undergraduate years of attendance at the sponsor college or university.

The PSAT/NMSQT Student Bulletin gives requirements students must meet to be eligible to participate in the Achievement Program and also lists sponsor organizations that currently provide support for Achievement Scholarships. A copy can often be obtained from the student's high school. Questions should be directed to: National Achievement Scholarship Program for Outstanding Negro Students, One American Plaza, Evanston, Illinois 60201 (phone: 312/866-5100).

National Merit Scholarship Program is a nationwide competition for college undergraduate scholarships. The Merit Program is conducted by National Merit Scholarship Corporation (NMSC), an independent nonprofit organization, established in 1955 to administer this annual competition. Over 4,500 Merit Scholarships, valued at over $15 million, have been awarded each year in recent programs.

Secondary school students throughout the U.S. enter the competition by taking the Preliminary Scholastic Aptitude Test/National Merit Scholarship Qualifying Test (PSAT/NMSQT) given by their schools in October. To participate, students must meet published eligibility requirements established by NMSC.

About 15,000 top-scoring students are designated in each Merit Program. The highest scorers in each state are named Semifinalists in numbers proportionate to the state's percentage of the Nation's total of graduating high school seniors.

Semifinalists must meet further requirements and advance to Finalist standing in order to continue in the Merit Scholarship competition. Every Finalist is considered for one of the scholarships, and all Merit Scholars are chosen from the Finalist group. The selection of winners includes an evaluation of each Finalist's test scores, academic and extracurricular achievements, and the endorsement and recommendation of the student's school.

Three types of Merit Scholarships are awarded annually: At least 1,000 are National Merit $1,000 Scholarships that are single-payment awards allocated to winners on a state representational basis; over 1,500 are corporate-sponsored four-year Merit Scholarships for which winners must meet preferential criteria specified by the grantor organization providing funding for the award, and that are worth between $1,000 and $8,000 over the four college years; and about 2,000 are college-sponsored, four-year Merit Scholarships that provide between $250 and $2,000 during each of the winner's four undergraduate years of attendance at the sponsor college or university.

Details concerning eligibility and the Merit Scholarships offered are published annually in the PSAT/NMSQT Student Bulletin, sent to high schools. Questions and requests for additional information should be sent to: National Merit Scholarship Program, One American Plaza, Evanston, Illinois 60201 (phone: 312/866-5100).

National 4-H Council, through some 60 business corporations and foundations, offers more than 270 4-H college scholarships with total value of more than $250,000 and range from $500-$1,000. The majority are open only to current 4-H members who have won state honors in specific 4-H projects. Other college scholarships, ranging in value from $500 to $1,000, are available to present or former 4-H members now enrolled in college. Applicants for the latter should have an interest in one of the following fields: (1) animal science; (2) veterinary medicine; (3) forestry; or, agricultural business, economics and marketing. For further information on eligibility requirements, write to State 4-H Leader at the State Land-Grant University. A list of these leaders may be obtained from the National 4-H Council, 7100 Connecticut Avenue, Washington, DC 20015.

The American Society for Metals Foundation for Education and Research sponsors twenty $500 undergraduate scholarships for students in metallurgy that are attending colleges or universities in and are citizens of the United States, Canada or Mexico. Selection is based on interest in metallurgy, motivation, achievement, potential and scholarship. In addition, some individual A.S.M. chapters sponsor programs on a local or regional basis. ASMFER also supports scholarships through the National Merit Scholarship Program and the National Merit Achievement Scholarship Program for Outstanding Negro Students. For further information write: Career Guidance Coordinator, American Society for Metals, Metals Park, Ohio 44073.

The National Scholarship Service and Fund for Negro Students (NSSFNS) maintains free college counseling and referral service for black and other minority and low-income high school students and also sponsors Student-College Interview Sessions in New Orleans, Louisiana; Detroit, Michigan; Houston, Texas; Atlanta, Georgia; Cleveland, Ohio; Chicago, Illinois; Richmond, Virginia; Boston, Massachusetts; Philadelphia, Pennsylvania; Philadelphia Area Office (PAO), 1616 Walnut Street, Suite 809, Philadelphia, Pennsylvania 19103; New York City for all minority and low-income students with college representatives. Additional cities may be added or deleted each year. Limited scholarship fund for NSSFNS counselees. For further information, write: NSSFNS, 1501 Braodway, New York, New York 10036 or NSSFNS-Sero, 965 Martin Luther King, Jr. Drive, N.W., Atlanta, Georgia 30314.

The National Association of Secondary School Principals and the National Honor Society estimates that they will provide $250,000 in scholarships in the amount of $1,000 each to high school seniors who are members of the National Honor Society. Application is made through local chapters in February. Awards are announced in May. Scholarships may be used in any accredited college, university or school offering a degree. Applications are mailed to chapters in late December. Also available is the Century III Leaders Program which provides 102 $1,500 scholarships and 102 $500 awards (2 each per state or D.C.) and one $10,000 national award to high school seniors who are selected by their schools. For information, contact the school principal in September or write to: The National Association of Secondary School Principals, 1904 Association Drive, Reston, Virginia 22091.

The Association of Independent Colleges and Schools has many member schools which offer general work or service, and funded scholarships to eligible students, subject to the controls of the Association. Some member schools also offer work-study programs. For a list of the approximately 500 AICS schools and for further information, please write to the Guidance Department, Association of Independent Colleges and Schools, 1730 M Street, N.W., Washington, DC 20036.

Science Talent Search, conducted by Science Service, sponsored by Westinghouse Electric Corporation and the Westinghouse Educational Foundation each year, offers scholarships for boys and girls in their last year of high school. Awards are based on high school record and national test scores, recommendations of high school teachers, a thousand-word report on an independent science research project by the student and interviews of forty finalists by judges at the Science Talent Institute in Washington, D.C. Awards include 10 scholarships of one $12,000, two $10,000, three $7,500 and four $5,000. The remaining 30 each receive Westinghouse Science Awards of $500. State Science Talent Searches are conducted currently with the National Competition in 40 states and the District of Columbia. Detailed information is available from Science Service, 1719 N Street, N.W., Washington, D.C. 20036. Entry deadline date December 15, 1981.

Entomological Society of America annually awards two $1,000 undergraduate scholarships sponsored by Bio Quip Corporation and by Chem Sampco, a Division of Albany Corporation. Portions of the award are paid at the beginning of each semester or term. A student from Mexico, Canada or the United States must be an undergraduate pursuing a course of study in Entomology or a related field Biology, Zoology, etc.) and show an interest in the science of Entomology. To apply, send two letters of recommendation at least one of which is from someone acquainted with your scientific qualifications and experience and one who could attend to your need for assistance. Also include, certification of enrollment for the upcoming term from the college registrar or similar official, a copy of the most recent transcript and a written statement indicating your reasons for applying for the scholarhip and career intentions. Application deadline is June 15 each year. To submit an application or for further information write: Entomological Society of America, 4603 Calvert Road, College Park, Maryland 20740.

Amoco Foundation, Inc. establishes scholarships at selected colleges and universities each year for full-time students who plan to study Petroleum, Chemical, Mechanical, or, Geological Engineering, Geophysics, Geology, Computer Science or Accounting. Awards start at $700 for freshmen and progress $100 each year. Further information may be obtained by writing to: Amoco Foundation, Inc., 200 East Randolph Drive, Chicago, Illinois 60801. Students must be enrolled in one of the participating colleges. Final decisions will be made by the college.

The College of Insurance has a cooperative program in business administration/insurance and in actuarial mathematics. Both run on a five year plan of alternating trimesters (four month terms) of work and study, the first leading to a B.B.A. degree, the latter to a B.S. Each undergraduate upon being accepted by a sponsoring organization, will return to that organization every other trimester for paid work experience. While in school, the sponsor subsidizes two-thirds of the tuition and often returns the other third in the form of two annual bonuses if the student elects to stay with the sponsoring firm upon graduation. Cooperating sponsors include over 50 major life and property-liability insurance companies, brokerages, agencies and service organizations. The co-op starts in the freshmen year with students typically rotating through major departments of the sponsoring firm in progressive work periods; total earnings over the five years average at least $17,000. The College is accredited by the New York State Board of Regents and the Middle States Association of Colleges and Secondary Schools. For further information, write to: Dir. of Cooperative Education, The College of Insurance, 123 William Street, New York, N.Y. 10038.

The Elks Foundation Scholarship Awards for 53 years have made it possible for many students to attend college. For the 1981-82 school year, $1,208,750 in scholarships were awarded to 1,291 students ranging from $750 to $5,000. Any student in the graduating class of a high school or its equivalent, who is a citizen of the U.S.A. and resident within the jurisdiction of the Benevolent & Protective Order of Elks, may file an application. Scholarship, leadership, and financial need are the criteria by which applicants will be judged. Application blanks should be obtained from an officer of the local Elk Lodge or the Secretary of the State Elks Association and must be filed on or before February 10th with the Secretary or Lodge Foundation Chairman of the B.P.O. Elks Lodge in the city in which the applicant is a resident.

The Shell Companies Foundation, Incorporated, Two Shell Plaza, P.O. Box 2099, Houston, Texas 77001, supports scholarships through the National Merit Scholarship Program and the National Achievement Scholarship Program for Outstanding Negro Students. Further information on both programs can be obtained by writing the National Merit Scholarship Corporation or by contacting high school guidance counselors or principals.

Western Golf Association, Golf, Illinois, sponsors the Evans Scholars Foundation, which annually awards approximately 200 four-year scholarships to qualifed caddies. Eligibility for Evans Scholarship: (1) Candidates must have completed junior year in high school and rank in upper 25 percent of class; (2) must have caddied for a minimum of two years; and (3) must require financial assistance in order to attend college.

College Work-study Program provides on and off campus employment to students in colleges and eligible post-secondary institutions, to assist in paying college expenses. Special attention to students' major interests or career goals may be given, when possible, in assigning jobs. For further information, students should contact the Director of Financial Aid or Student Employment Office at the school they select.

The Westinghouse Educational Foundation sponsors five merit scholarships annualy.

1. The Westinghouse Family Scholarship—five $10,000 and fifty $1,500 scholarships. Information on the Westinghouse Family Scholarship may be obtained from

the Personnel Relations where the student's parent is or was (if deceased, retired or permanently disabled) employed.

2. The Science Talent Search—forty awards. The student should request his science teacher to write to Science Clubs of America, 1719 N Street, N.W., Washington, DC 20036 to obtain information and application forms.

3. 4-H Electric Program—4-H Club members should contact their local 4-H leader or County Extension Agent for information and application.

4. Bertha Lamme Scholarship—three $1,000 scholarships awarded to young women entering engineering as freshmen. For information write: Society of Women Engineers, United Engineering Center, Room 305, 345 East 47th Street, New York, N.Y. 10017.

5. National Achievement Scholarship Program for Ourstanding Negro Students—five $1,000 scholarships. Information may be obtained through the National Merit Scholarship Corp., One American Plaza, Evanston, Ill. 60201.

Eligibility for each of these scholarships is limited to students residing in the United States. The Family Scholarships, The Science Talent Search, The Bertha Lamme and The National Achievement Scholarship Program require that the applicant be in his or her last year of high school and applications must be submitted during the fall months of their senior year. Students aged 14 through 19 are eligible for the 4-H Electric Program.

The Education Council of the Graphic Arts Industry, Inc., 4615 Forbes Ave., Pittsburgh, Pa 15213 offers upon request a summary of scholarships made available by the Graphic Arts Industry, and an excellent description of the career opportunities in this field. Inquiries should be directed to the address indicated above. The Council's National Scholarship Trust Fund has awarded scholarships during the past 24 years for studies in printing management, printing technology and graphic arts education. For the school year beginning 1981-82, the Council has 35 new scholarships already available in the fields of printing management, engineering and teaching. Applications must be filed by Jan. 31.

Club Managers Association of America maintains undergraduate scholarships for students enrolled at colleges and universities offering courses in Hotel, Restaurant and Institutional Management. These scholarships, normally made available to students who have completed at least one year of undergraduate work, are awarded on the basis of scholastic ability, financial need and interest in private club management. Information on high school, college or university training in preparation for a club industry position can be obtained by writing the Club Managers Association of America, 7615 Winterberry Place, Washington, D.C. 20034.

The Colgate University Alumni Memorial Scholarships offers 30 National four-year scholarships with yearly stipends varying from $100 to $7,500 depending on need. Awarded annually to freshmen entering Colgate University. The deadline filing date is February 1. For additional information write: Director of Admissions, Colgate University, Hamilton, NY 13346.

Aid Association for Lutherans awards at least 200 renewable and 100 non-renewable all college scholarships and 25 competitive nursing scholarships renewable annually. Each applicant must be a high school senior holding an AAL certificate of membership and insurance in his or her own name. The CEEB SAT must be taken no later than December of the high school senior year. The American College Test (ACT) will be accepted under certain circumstances. Individual stipends are from $500-$1,750. The 100 nonrenewable awards are for $500 each. Financial need is not considered until winners have definitely been selected. All-college scholarships are renewable for three additional years or until the requirements for a bachelor's degree are met, whichever is earlier. Competitive Nursing Scholarships are renewable for three additional years or until an RN degree is obtained, whichever is sooner. Renewal is based on satisfactory academic progress, school recommendation and continuing AAL membership. Applications may be secured by writing: Educational Benevolence, Aid Association for Lutherans, Appleton, Wisconsin 54919. Completed AAL applications must be submitted to College Scholarship Service/Sponsored Scholarship Programs by December 1.

National Presbyterian College Scholarships are offered by the United Presbyterian Church U.S.A to qualified Presbyterian young people entering as freshmen any of the participating United Presbyterian church-related colleges in the fall of each year. There are approximately 80 awards ranging from $100 to $1,400. There are honorary awards with no stipend where no need is shown. To qualify, applicants must be members of the United Presbyterian Church U.S.A. Applications and information may be secured by writing: National Presbyterian College Scholarships, Vocation Agency, United Presbyterian Church U.S.A., 475 Riverside Drive, New York, New York 10115, after mid-August, Deadline: December 1.

Student Opportunity Scholarships. For young persons of limited opportunities, members of racial/ethnic groups, related to the United Presbyterian Church in the U.S.A. Must be entering college as an incoming freshman and apply to the college for financial aid. Amount of Award: $100 to $1,400. Those eligible should write between January 15 and March 15 to: Student Opportunity Scholarships, United Presbyterian Church in the U.S.A., 475 Riverside Drive, Room 430, New York, NY 10115, for name of Area Representative who recommends nominees for scholarships.

Samuel Robinson Scholarships. For undergraduate students enrolled in one of the United Presbyterian-related colleges. No one may receive the scholarship more than once. Applicants must successfully recite the answers of the Westminster Shorter Catechism, and write a 2,000-word original essay on an assigned topic related to the Shorter Catechism. Amount of Award: $500. Deadline: April 14. For information, inquire of your financial aid officer at United Presbyterian-related colleges.

Knights of Columbus "Pro Deo and Pro Patria Scholarship Trust" for undergraduate scholarships. The Knights of Columbus has an established trust fund which will provide annually $1000 scholarships to members, to sons and daughters of living or deceased members. The fund will also annually provide two $1000 scholarships to Columbian Squires. Awards will be made on the basis of academic excellence regardless of need, and may be renewed annually subject to satisfactory academic performance. Five of these scholarships, and one for the Columbian Squire, are placed at the Catholic University of America. Students admitted to the freshman class may apply for these scholarships through the Director of Financial Aid, Catholic University of America, Washington, D.C. 20064. Final filing date of applications is February 1. Five of these scholarships, and one for the Columbian Squire, may be used at a Catholic college of student's choice. Applications for these scholarships may be obtained from the Director of Scholarship Aid, Knights of Columbus, Supreme Council, Columbus Plaza, (P.O. Drawer 1670), New Haven, Connecticut 06507. Final filing date for these applications is March 1.

RCA Corporation maintains one or more undergraduate scholarships at over 30 colleges and universities. These scholarships, normally made available to students who have completed at least one year of undergraduate work, are available in the fields of physical science, engineering, broadcast journalism, industrial relations, business economics, telecommunications and Procurement/Materials Management as specified at each institution. The selection of scholars is made by the college or university in each case and students already enrolled should apply to the Scholarship or Financial Aid Officer for further information. Also, up to 25 2-year vocational/technical career scholarships are awarded to children of employees. Graduate fellowships are maintained in journalism, electrical engineering, electronics and physics at seven universities and are open to any qualified graduate student enrolled at the institutions which select the Fellow and administer the grants. RCA also supports scholarships through the National Merit Scholarship Program and the National Achievement Scholarship Program for Outstanding Negro Students.

American Medical Technologists' Scholarship Program offers six scholarships of $250 each to high school graduates interested in pursuing medical technology or medical assisting studies. Awards are based primarily on need, with consideration given to goals, school grades, activities, experience and personal references. Applicants must be enrolled, or contemplate enrolling in a school accredited by the Accrediting Bureau of Health Education Schools (list available by contacting the ABHES, 29089 U.S. 20 West, Elkhart, Indiana 46514), or enrolled or contemplate enrolling in a college, university or junior college medical technology or medical assisting program. May 20 is the filing deadline for applications and supporting documents. For additional information, contact AMT, 710 Higgins Road, Park Ridge, Illinois 60068.

The Nursing Student Scholarship Program. Under this program, Federally-supported scholarships are available through participating schools of professional nursing for students of exceptional financial need to pursue full-time or half-time study leading to a diploma in nursing, an associate degree in nursing, a baccalaureate with a major in nursing, or, a graduate degree in nursing. The amount of the individual scholarship will depend on the general availability of student aid funds and on need as determined by the student's school. No scholarship may exeed $2,000 a year per academic year. Nursing students and potential students may obtain further information and scholarship application forms from the school of their choice.

Professional Nurse Traineeship Program. Professional nurse traineeships are available through participating training institutions to help registered nurses prepare to teach in the various fields of nurse training, to serve in administrative or supervisory capacities, to serve as nurse practitioners, or to serve in other professional nursing specialties requiring advance training. Traineeships provide a living stipend up to $3,900 per annum, and tuition and fees as set by the participating training institution. Trainees are selected by the training institution. Further information and a list of participating institutions are available from the: Division of Nursing, Bureau of Health Manpower, Health Resources Administration, 3700 East-West Highway, Hyattsville, Maryland 20782.

Soroptimist International of the Americas Youth Citizenship Award of $1,000 per Soroptimist region and a finalist award of $1,500 offered to high school seniors demonstrating good citizenship qualities. Citizenship includes integrity, worth and ability, encourages youth to develop highest concept of patriotism and effective cooperation in home and community affairs. Contact Soroptimist International of the Americas, 1616 Walnut Street, Philadelphia, Pennsylvania 19103. Deadline for submission of application, December 15, 1981.

The International Chiropractors Association provides funds directly to student ICA Chapters for their distribution of scholarships and educational assistance to students desiring to pursue chiropractic as a career. Upon request, ICA will send a list of Chiropractic Colleges. Information may be obtained by corresponding with International Chiropractors Association, Commission on Education, 1901 L Street, N.W., Suite 800, Washington, D.C. 20036.

Commissioned officer student training and extern program (COSTEP). College students who have successfully completed a minimum of one year of study in medical, dental or veterinary school prior to assignment, and students who have completed a minimum of two years of a baccalaureate program prior to assignment in dietetics-nutrition, engineering, nursing, pharmacy, therapy, sanitary science or medical record administration are eligible to participate in the COSTEP program. COSTEP assignments fall into two major categories: Medical and Hospital Services, Research and Public Health Practice. Successful candidates are commissioned as reserve officers in the Commissioned Corps of the Public Health Service and called to active duty during vacation periods. Applications must be received (1) not later than October 1 for positions during the period January through April; (2) not later than February 1 for positions during the period May through August; (3) not later than May 1 for positions during the period September through December. For further information, write to COSTEP, Commissioned Personnel Operations Division, OPM/OM/PHS-Room 4-35, 5600 Fishers Lane, Rockville, Maryland 20857.

Educational Communications, Inc. Scholarship Foundation provides a minimum of 50 awards annually of $1,000 each. Approximately 500 semi-finalists are selected on the basis of achievement test scores, grade point averages and leadership activities. Finalists are required to write an essay which is evaluated by committee. Some consideration is given for need for financial aid but this is not a major factor. Application may be obtained in most high school guidance offices or write direct to: Educational Communications Scholarship Foundation, 3105 MacArthur Boulevard, Northbrook, IL 60062. Application must be submitted by June 1st.

Exceptional financial need scholarship program. For students of exceptional financial need. Purpose is to encourage students to pursue careers in medicine, osteopathy, dentistry, optometry, pharmacy, podiatry or veterinary medicine. Citizens or Nationals of the United States may apply as well as lawful permanent residents of Puerto Rico, Virgin Islands, Guam, the trust territory, or the North Mariana Islands. Scholarship will cover cost (1) of tuition for school year and other reasonable educational expenses plus a stipend of $530 per month for 12 consecutive months; (2) no service obligation accompanies the scholarship. Contact the: Director of Student Financial Aid at the school where you intend to apply or where you are enrolled.

FOR GRADUATES ONLY

The Knights of Columbus Bishop Charles P. Greco Graduate Fellowships, established in 1973, for members, their wives, sons and daughters and for the widow and children of a deceased member. These fellowships are for full-time graduate study leading to a Master's degree in a program designed for the preparation of classroom teachers of mentally retarded children. The fellowship is granted to a candidate at the beginning of his program of study and offers financial assistance for the educational costs at the graduate school up to a maximum of $500 a semester. The grant is renewable each succeeding semester of the program to a maximum of four semesters upon evidence of satisfactory performance. Application forms may be obtained from the Committee on Fellowships, Knights of Columbus, P.O. Drawer 1670, New Haven, Connecticut 06507.

Foreign area programs of the Social Science Research Council and the American Council of Learned Societies offer a limited number of fellowships for doctoral dissertation research in social science and humanistic fields related to certain foreign areas. Since the purposes for each of these programs reflect the distinctive needs and character of the area, a general account of terms and conditions cannot be offered here. Inquiries should be directed to Social Science Research Council, Fellowships and Grants, 605 Third Avenue, New York, New York 10158.

The National Easter Seal Society has available the following scholarships for specialized training for work with the physically handicapped: Speech Pathology and Audiology—Graduate Level—co-sponsored with Alpha Chi Omega National Women's Fraternity. Contact department heads at the schools offering this training. Additional information may be secured from the Scholarship Coordinator, National Easter Seal Society, 2023 Ogden Avenue, Chicago, Illinois 60612.

The Institute of International Education offers American college graduates approximately 550 scholarships for study in 50 foreign countries, about 300 of which are provided under the Fulbright Program. Over two hundred of the scholarships are financed by various foreign governments, foreign universities and private donors. In most cases, the scholarships provide travel expenses and partial or complete tuition and maintenance for a full academic year. Further information and application forms are available from the Institute of International Education, Division of Study Abroad Programs, 809 United Nations Plaza, New York, New York 10017, or from any of the Institute's regional offices in Chicago, Denver, Atlanta, Houston, San Francisco and Washington, D.C. Students now enrolled in colleges or universities should first consult with their campus Fulbright Program Advisers. Deadline is October 31, 1981.

The National Wildlife Federation annually awards a limited number of graduate fellowships of up to $4,000 for study at an accredited college or university in the field of natural resources conservation. Research which is carried out as part of a research program, may be considered within this fellowship program. For further information write to: The Executive Vice President, National Wildlife Federation, 1412 Sixteenth St., N.W., Washington, D.C. 20036.

The National Research Council, Fellowship Office, has prepared under contract with the National Science Foundation, a booklet entitled: "A Selected List of Fellowship Opportunities and Aids to Advanced Education—For United States Citizens and Foreign Nationals." Copies are available upon request from: Publications Office, National Science Foundation, 1800 G Street, N.W., Washington, DC 20550.

The Daniel and Florence Guggenheim Foundation offers Fellowships each year to approximately 10 young scientists and engineers for graduate study in energy conversion, transportation, jet propulsion, space flight and flight structures. The fellowships provide stipends ranging up to $5,000 depending on the level of advancement of the student, plus tuition. They are open to qualified science and engineering students who are residents of the United States or Canada. Students graduating in aerodynamics, fluid mechanics, engineering sciences, physics, physical chemistry, applied physics, applied mathematics, or aeronautical, mechanical, chemical or civil engineering are sought. The Fellowships will be used for study at The Daniel and Florence Guggenheim Laboratories at Princeton University, the Daniel and Florence Guggenheim Jet Propulsion Center at California Institute of Technology and the Daniel and Forence Guggenheim Institute of Flight Structures at Columbia University. Applications and additional information should be obtained directly from Princeton, California Institute of Technology or Columbia. The Fellowships are open to women as well as men.

The School of Social Service Administration, the University of Chicago may offer its masters students graduate fellowships and scholarships ranging from $1,000 to $6,180 and up to $7,680 for Ph.D. students. The school offers a two-year program leading to the A.M. degree with concentrations in advanced clinical social work practice, social planning, community work, policy analysis for social welfare and survey methods for policy research. Special learning opportunities are available in the area of child welfare, community mental health, corrections, health and medical care, work with the Spanish speaking community and the aged. The Ph.D. program, designed for students preparing for research or teaching, offers specialized study on an advanced level in two areas of concentration: social treatment and social welfare policy, planning and administration. Application for admission and scholarship may be obtained by writing the Dean of Students, School of Social Service Administration, The University of Chicago, 969 East 60th Street, Chicago, Illinois 60637.

The Center for Safety, New York University offers financial assistance to NYU candidates for the master's and doctor's degrees in occupational safety and health. Grants-in-aid provide full tuition and stipends for full-time students and tuition support for part-time students. Applicants are judged on demonstrated ability, on professional and personal qualifications and on interests exhibited in the field of occupational safety and health. The necessary forms may be obtained from Dr. Lawrence Slote, Director, The Center for Safety, New York University, 715 Broadway, New York, N.Y. 10003, if at all possible before February 15 of any year. Awards are generally made in June for the academic year starting that Fall.

Eisenhower Memorial Scholarship Foundation, Inc. awards several graduate scholarships, ranging from $1,000 to $3,000 at the discretion of the Board of Trustees and upon the recommendation of the Graduate Scholarship Committee. Applicants must be U.S. citizens having an academic degree equivalent to a Bachelor's Degree from an accredited college or university. Students interested should also have a plan of study or research which will advance the applicant's professional competence and have intentions of devoting full-time to graduate study during the scholarship year. Financial need will not be a consideration. Awards will be based on those applicants who appear most likely to make the greatest contribution and of becoming thought leaders in the area of advancing the principles of individual freedom, patriotism, limited government and free-market economics. The award is for one academic year and is not renewable. For further information and application write: Eisenhower Memorial Scholarship Foundation, Inc., P. O. Box 1324, Bloomington, Indiana 47402 or call Mr. E. M. Sears, Executive Director by phone (812)-332-2257.

The American Congress on Surveying and Mapping administers two fellowships for graduate students interested in continuing their education. The awards are: (1) Keuffel and Esser Fellowship in Surveying and Cartography—$2,000; (2) Wild Heerbrugg Geodetic Fellowship—$3,000. Deadline for all applications is January 15. For further information and applications, contact Education Director, American Congress on Surveying and Mapping, 210 Little Falls Street, Falls Church, Virginia 22046.

Dental Teacher Training Fellowship are available through a program established by the American Fund for Dental Health to develop more dental school teachers. The majority of the recipients under this program take a two year course beyond dental school leading to a Master's degree. For complete information regarding eligibility, selection and application forms, direct your correspondence to: American Fund for Dental Health, Attn: John Klyop, Suite 1630, 211 East Chicago Avenue, Chicago, Il 60611 prior to February 1.

Dental scholarships for minority students are available through the American Fund for Dental Health. Students selected under this program may receive up to $2,000 for their first year of dental school. Upon re-application and report of satisfactory progress, a grant for $2,000 may be renewed for the second year of dental studies. A maximum of $4,000 may be paid over a two-year period. To be eligible, students must be U.S. citizens from the following minority groups under-represented in the dental profession—American Indians, Blacks, Mexican-Americans and Puerto Ricans. They must be entering their first year of dental school. Applications are available from the Student Affairs or Financial Aid Office of the dental school they plan to attend. Application deadline is May 1.

Dental laboratory technology scholarships are available on application to the American Fund for Dental Health. These are one-year scholarships, ranging from $500 to $600. Upon reapplication, a scholarship may be renewed for a second year by the Selection Committee if the student satisfactorily completes the first year and funding is available. Deadline date is June 1. For full information, write to: American Fund for Dental Health, Attn.: John Klyop, Suite 1630, 211 East Chicago Avenue, Chicago, Illinois 60611.

Dentistry. Information on curriculum, admission requirements, selection factors, student financial aid and estimated expenses for each of the Nation's 60 dental schools is published annually. Information is published annually in Admission Requirements of United States and Canadian Dental Schools, copies of which are available for $7.50 each ($6.00 each for orders of ten or more) from the American Association of Dental Schools, 1625 Massachusetts Avenue, N.W., Washington, DC 20036. In addition to the above, the American Association of Dental Schools Application Service (AADSAS) offers a fee waiver program. This service allows applicants to 50 of the Nation's dental schools to file a single, standard application rather than multiple forms during the dental school application process. Every AADSAS applicant will receive a description of the fee waiver program as part of the application package.

National Medical Fellowships, Inc., provides financial assistance to black, mainland Puerto Ricans, Mexican American and American Indian students who are citizens of the U.S., for first or second year study in U.S. medical schools. Application and information may be secured by writing to Room 1820, 250 West 57th Street, New York, New York 10019.

The American Osteopathic Association, through the Auxiliary to the American Osteopathic Association, annually awards one National Osteopathic College Scholarship of $4,000 and additional scholarships of $2,000. These scholarships cover freshmen and sophomore years of medical training. Awards are based on scholarship (minimum of three years undergraduate college or university), financial need, good moral character, acceptance to the entering first year class at a college of osteopathic medicine, motivation and aptitude for the osteopathic medical profession and citizenship in the U.S. or Canada. Apply prior to May 1. The National Osteopathic Foundation, individual Colleges of Osteopathic Medicine and other osteopathic state organizations administer loan funds. For application and other information regarding entrance requirements, loans and scholarships, write: National Osteopathic College Scholarship, Auxiliary to the American Osteopathic Association, 212 East Ohio Street, Chicago, Illinois 60611.

Nurses' Educational Funds. An organization which grants scholarships and fellowships to graduate nurses to equip them for advancement in nursing. Men and women who are members of American Nurses Association and who qualify for these awards study in nursing programs accredited by the National League for Nursing in colleges and universities of their choice. Funds are contributed by nurses, business and industrial firms, organizations and individuals. The executive committee determines the amount and number of awards each year on the basis of availability of funds and the nature of applications. Deadline for applications is January 15 preceding the fall for which award is made. Write for application forms or additional information to Nurses' Educational Funds, 555 West 57th Street, New York, N.Y. 10019.

The American Association of University Women educational foundation awards approximately 70 fellowships annually ranging from $3,500 to $7,000 (up to $9,000 for postdoctoral fellowships) to women of the United States who have completed all requirements for the doctorate except the writing of the dissertation. Awards are also made to women for postdoctoral research and for the final year of study in the fields of law, dentistry, medicine, veterinary medicine and architecture. Deadline for application is December 15. For further information, write to: the Director of Educational Foundation Programs, AAUW, 2401 Virginia Avenue, N.W., Washington, DC 20037. Applications are available after August 1 of each year.

The American College of Hospital Administrators, 840 North Lake Shore Drive, Chicago, Ill. 60611, through its educational fund, has a limited number of scholarship loans to assist worthy students to continue their professional education and training towards careers in hospital administration. Loans are available to students, accepted by, or presently enrolled in a graduate program in hospital or health services administration accredited by the Accrediting Commission on Education for Health Services Administration and acceptable to the American College of Hospital Administrators. Applications must be endorsed by the University Program Course Director prior to submission to the College's special Scholarship Committee.

The Allstate Foundation provides nursing education scholarships annually to approximately 300 young persons. Awarded through various schools of nursing and through some constituent leagues for nursing. Consult your constituent league (Addresses are available from Allstate Foundation, Allstate Plaza, Northbrook, Ill. 60062) or the director of the school of nursing where you have been accepted. Scholarships provide funds to meet tuition charges in hospital and college schools of nursing; and nursing scholarships for American Indian students administered by the American Indian Nurses Association, 231 South Peter's, Norman, OK 73070. The Allstate Foundation also provides 15 scholarships annually each with a total value of $3,200 to deserving members of the Chicago Boys Clubs. Winners of these scholarships, valued at $800 a year for each of four years, are chosen by the Chicago Boys Clubs at 304 West Randolph Street, Chicago, Ill. Allstate also provides Human Care Services Awards at George Williams College, 555 31st Street, Downers Grove, Ill. 60515.

Teacher exchange program. Under the Mutual Educational and Cultural Exchange Act of 1961, the Government offers opportunities for qualified American educators to work in elementary and secondary schools abroad and in some instances, institutions of higher education. To be eligible, an applicant must be teaching currently as an elementary or secondary school teacher, college instructor, assistant, associate or full professor. Candidates must have at least a bachelor's degree, be a U.S. citizen at the time of application and have at least three years of successful full-time teaching experience. Two years are required for participation in summer seminars for teachers of Italian, the classics, German and World, Asian or Middle Eastern History and area studies; three years for a summer seminar for social studies supervisors, curriculum directors, teacher educators and school administrators responsible for curriculum development. Evidence of good health and emotional maturity and stability also is required. The Government provides round-trip transportation to some countries for those selected to participate but no transportation is provided for dependents or for teachers going to Canada, Great Britain or Switzerland. A maintenance allowance, paid in the currency of the host country is based upon that country's cost of living. For teachers going to Canada, France, Germany, Great Britain or Switzerland, the successful applicant's U.S. salary is continued by the participant's own school. Seminar grants may include round-trip transportation, tuition costs but for some, the participants are responsible for their own maintenance expenses. Application forms can be obtained from and then submitted to the Teacher Exchange Program, Office of International Education, U.S. Department of Education, Washington, DC 20202. Regional interviewing committees conduct preliminary screening of applicants. Annual recruitment dates are September 1 November 1.

NRA/NIFI teacher work-study grants is open to teachers and administrators of foodservice career programs. Thirty grants in the amount of $1,500 each will be awarded to teachers and administrators on a competitive basis to enable them to obtain work experience in the foodservice industry which will enrich and update their knowledge of the industry and will increase capability to relate their knowledge to students. Application deadline: April 1. For application and further information, contact the National Institute for the Foodservice Industry, 20 North Wacker Drive, Suite 2620, Chicago, Illinois 60606.

FOR GRADUATES AND UNDERGRADUATES

The Harry S Truman Memorial Scholarship program enacted by Public Law 93-642, is authorized to award scholarships, through nationwide competition, to persons who demonstrate outstanding potential for and who plan to pursue a career in public service. Scholarships awarded under this Act shall not exceed four academic years neither shall they exceed the cost of tuition, fees, books, room and board, or $5,000 whichever is less for each year of study. Recipients must be college juniors in the initial year of the award. Each state shall be assured at least one recipient each year and the scholarships may apply to any institution of higher education offering courses of study or training to prepare persons for a career in public service. For further information, contact: Truman Scholarship Foundation, 712 Jackson Place, N.W., Washington, DC 20006.

Federal Government employment for cooperative education students. Federal agencies provide opportunities for over 16,000 college students to alternate periods of paid work with periods of study. To be eligible, a student must be enrolled in a college that has a cooperative education program. He must also meet civil service job requirements. These Government job assignments allow the student to relate studies to career interests and to test occupational choices before graduating. Information is available through your school's Cooperative Education Program office.

The Veterans' Administration, as an agency administers the "GI Bill" for education, training and other benefits which are described elsewhere in NEED A LIFT?. As an employer, it does not sponsor educational grants scholarships or fellowships in the usual sense; however, it is indirectly involved in these programs with similar objectives:

(1) Student employment, in limited numbers, is available at many of its more than 220 field establishments—particularly at VA Medical Centers. Positions available range from the Federally sponsored programs at the high school level where financial need is a prerequisite to undergraduate and graduate students where priority is given to those whose curriculum leads to degrees in fields where the VA is a substantial employer. These include medicine, dietetics, nursing, pharmacy, psychology, social work, the therapies, and biological sciences. This category of employment is greatest during the summer months.

(2) VA Medical Centers are engaged in a variety of university-affiliated training programs—particularly in the health fields. In most cases, the individual or student involved in a part-time or temporary full-time paid employee of the VA; one who is normally enrolled on a concurrent or intermittent basis in a post graduate educational program.

Specific information may be obtained by contacting the Personnel Officer of the nearest VA Medical Center or Regional Office.

The National Board of Civil Air Patrol has authorized scholarships to be awarded to Civil Air Patrol members and cadets each year in the following categories: Undergraduate, Advanced Undergraduate, Graduate and Technical/Vocational Scholarships. Information and forms may be secured from: Civil Air Patrol unit commanders or from National Headquarters, Civil Air Patrol/TT, Maxwell AFB, AL 36112. Deadline date is April 1.

National Health Service Corps scholarship program is a competitive Federal Grant Program of the U.S. Public Health Service for students in doctoral programs of medicine, osteopathy and dentistry. Benefits include a monthly stipend of at least $535 (1981-82 school year), payment of school tuition and fees. For each year of support, recipients are obligated to serve one year in full-time clinical practice of their profession serving populations in areas of the United States with priority shortages of primary care physicians and dentists. The minimum service obligation is 2 years. For the latest information, call toll-free (800)-638-0824 at any time. From Maryland, or outside the 48 states, call collect (301)-436-6453 or write, giving name, address and health discipline being studied. Calls received during office hours (8:30 a.m. to 5:00 p.m., Monday through Friday, Eastern Time) will reach a Scholarship Counselor who can offer further assistance. Address: NHSC Scholarship Program, Center Building, Room G-15, 3700 East-West Highway, Hyattsville, Maryland 20782.

National Institute for the Foodservice Industry administers the following scholarship programs for students who are interested in a management career in the foodservice industry including hotel, restaurant and institutional management:

1. H. J. Heinz Company Scholarship program.

A. Junior/Community College Scholarship Award. For high school graduates enrolled or planning to enroll in a program leading to an associate degree in foodservice management at a junior/community college. Three scholarships at $1,900 each awarded annually. Basic amount of $950 per year is given for two years. Winners are expected to find summer employment related to foodservice management.

B. Senior College Scholarship Award. For students completing their second year in foodservice education in a four-year institution or those in a two-year program who wish to continue at a four-year institution. Seven scholarships at $2,600 each awarded annually. Basic amount of $1,300 is given for two years. Winners are expected to find summer employment related to foodservice management.

C. Graduate Degree Fellowship. One fellowship at $2,000; one fellowship at $1,200; and, five fellowships at $1,000 each are awarded on a competitive basis to teachers and administrators enrolled in academic programs leading to a master's or doctorate degree to improve skills in teaching or administering foodservice career education.

2. Golden Plate scholarship program—Sponsored by International Foodservice Manufacturers Association—offers approximately 100 awards to students enrolled or planning to enroll in a foodservice program in a junior/community, senior college or graduate school. The amount of each scholarship is $600. Awards are for one academic year.

Deadline filing date is April 1. Further information and applications may be obtained from: National Institute for the Foodservice Industry, 20 North Wacker Drive, Suite 2620, Chicago, Illinois 60606.

The Material Handling Education Foundation, Inc. awards scholarships varying in number and amounts, to students enrolled in an accredited program that includes an emphasis in material handling through direct and related courses and through independent study. Also, to be eligible, students must be beyond their second year of a Bachelor's program or beginning graduate study, U.S. citizens and maintaining at least a "B" average. Applications may be secured from the office of The Material Handling Education Foundation, Inc., 1326 Freeport Road, Pittsburgh, PA 15238. Application deadline date is February 1.

The Department of the Interior, Bureau of Indian Affairs, higher education assistance program, administers a higher education assistance program for students who are ¼ or more degree Indian, Eskimo, or Aleut of a tribal group being served by the Bureau and who are enrolled in accredited institutions of their choice in pursuit of a regular or graduate degree. Must have financial need established by institution they are attending or plan to attend. In addition to grants offered by the Bureau, students may also receive assistance from approximately 100 sources, listed in a booklet entitled "Career Development Opportunities for Native Americans," available free from any Bureau of Indian Affairs Field Office or through the Central Office at 1951 Constitution Avenue, N.W., Washington, DC 20245.

The National Science Foundation (NSF), an independent agency of the federal government, supports programs to strengthen education in sciences, engineering and mathematics. Of particular interest, are graduate fellowships for students seeking a master's or Ph.D. degrees, research participation for college undergraduates and summer programs for high school students. NSF does not have scholarship or loan programs. NSF awarded 450 graduate fellowships in March, 1981. Awards were made in all fields of science, including the social sciences, mathematics, engineering and interdisciplinary fields. During the summer, about 1,000 undergraduates participated in the Foundation's Undergraduate Research

Participation Program. Programs for high ability high school students provided about 3,100 opportunities for scientific training during the summer of 1981. For further information, contact: Public Information Branch, National Science Foundation, Washington, DC 20550.

National Congress of parents and teachers does not have a scholarship and loan program at national level. A large number of state congresses have such programs and others are encouraging scholarship grants at council and local levels. Awards are made possible by fees received for honorary state life memberships, memorial gifts and/or voluntary contributions from PTA's. Most are for preteaching education but some are for family life education, guidance and counseling instruction, librarianship, teachers of exceptional children and in-service teachers' summer term work. Special fellowships offered. Inquiries sent to National Office at 700 North Rush Street, Chicago, Illinois 60611 are forwarded to the state congress.

Kappa Kappa Gamma Fraternity annually offers scholarships to female citizens of the United States or Canada who are juniors or seniors in college or graduate students working towards a degree in the field of Rehabilitation. Applicants must have completed two years of study on a campus where there is a chapter or be a graduate student on a campus where there is a chapter. Scholarships for both members and non-members are granted to assist in preparation for work with the mentally retarded, physically handicapped, socially deprived, emotionally disturbed and the aged. Awards are for $300/$750. Graduate fellowships are also offered for members and non-members with high academic standing in fields other than Rehabilitation. The same qualifications are required as with the Rehabilitation scholarships. Details and forms may be obtained from Kappa Kappa Gamma Fraternity Headquarters, P.O. Box 2079, Columbus, OH 43216. Deadline is February 15.

The American Institute of Architects. Scholarships are available to the first professional degree candidate, to a graduate student in architecture, to enable them to pursue an original investigation into human needs and requirements in low-income housing. A fellowship is available for better communications, better research community and the practicing architect. Graduate scholarships available for one academic year to study health facility design. Finally, a scholarship program is available for students from minority or disadvantaged backgrounds. For further information write Dir. Education Programs, The American Institute of Architects, 1735 New York Ave., N.W., Washington, DC 20006.

The Newspaper Fund, Inc. is an organization to encourage talented young people to enter the newspaper profession. The Journalism Career and Scholarship Guide, published by the Fund, provides information on what to study in college, where to study Journalism and communications and where the jobs are and how to find them. It also lists more than $2.2 million in financial aid from universites and colleges, newspapers, professional societies and journalism-related organizations for students who want to study journalism or communications. Single copies of the Guide are available at no charge to interested individuals. The Fund operates two internship programs; the Editing Internship Program for college Juniors, and the Minority Internship Program for college seniors planning to enter graduate school following the internship and graduate students. The internships offer students the opportunity to earn scholarships after successfully completing a summer of paid employment on a daily newspaper. The Fund's Urban Journalism Workshops are designed for inner-city minority high school students and encourage journalistic partication on school newspapers and make students aware of journalism careers. Other programs sponsored by the Fund are fellowships for high school journalism teachers and publications advisers with little or no formal training in the journalism field and a Special Awards Program for high school journalism teachers and publications advisers ending in the naming of the High School Journalism Teacher of the Year. An Editor-in-Residents Program is operated in cooperation with the Association Society of Newspaper Editors to send professional newspeople to college and university campuses. For information on these programs, as well as copies of journalism career information, write: the Newspaper Fund, P.O. Box 300, Princeton, New Jersey 08540.

Institute of Food Technologists administers fellowships and scholarships to students pursuing a program leading to a degree in the general field of Food Technology or Food Science. During the tenure of a scholarship, winners must be enrolled in an IFT approved U.S. or Canadian educational institution. Graduate fellowship winners may be enrolled in any U.S. or Canadian educational institution that is conducting fundamental research in food science or technology. (21 freshman, sophomore; and 34 junior and senior scholarships of $500 to $1,000. 23 graduate Fellowships up to $6,000). Booklet, IFT Scholarship Fellowship Program and applications are available after September 15 from IFT Scholarship Department, 221 N. LaSalle Street, Chicago, Illinois 60601, or, from Department Head of approved institution.

The Cooper Union for the Advancement of Science and Art annually awards approximately 230 free tuition scholarships, each valued at $4,000 per year, to applicants who have successfully competed for admission to its School of Art, The School of Architecture or its School of Engineering. Any resident of the United States who has a superior high school record and obtains a sufficiently high score in the Scholastic Aptitude Test is eligible to apply to the Engineering School. Any student who is highly talented in art design is eligible to apply to the Art and Architecture Schools. Cut-off points in mathematical and verbal SAT scores vary according to the discipline applied for. Selection of students is based on additional competitive tests at The Cooper Union. The free tuition scholarships continue to graduation or as long as the student maintains required academic standards. Living costs are not included and The Cooper Union does not provide dormitory facilities. The School of Art and The School of Architecture offer four and five-year courses leading to the Bachelor of Fine Arts and Bachelor of Architecture degrees and four-year part-time courses leading to a certificate in fine and graphic arts. The School of Engineering offers four-year courses leading to the degree of Bachelor of Engineering (chemical, civil, electrical, mechanical or interdisciplinary). Also a 5-year program leading to the Master of Engineering degree is offered. Full information may be obtained by writing to Dean of Admissions, The Cooper Union, Cooper Square, New York, N.Y. 10003.

The Society of Exploration Geophysicists Foundation offers numerous scholarship opportunities to students who intend to pursue a college course directed toward a career in Geophysics. Scholarships ranging from $750 to $1,000 annually are available to students wishing to enter college, already in college and at the graduate level. Applications and further information may be secured from the Society's Scholarship Committee, P.O. Box 3098, Tulsa, Oklahoma 74101. Applications must be filed prior to March 1.

The Rotary Foundation Scholarships are available to graduate or undergraduate students, journalists or teachers of the handicapped. Vocational scholarships are also available for artisans, technicians and professions who have been employed in a technical or professional field for at least 2 years. Age limit requirements vary with each scholarship. All scholarships are for one academic year in a country other than the recipient's own and they provide for all school fees, room and board, round trip airfare between home city and place of study and expenses for limited travel during the year. Contact your local Rotary Club for details. Applications are due March 1, 1982 for the 1983-84 scholarship year.

The American Dental Hygienists' Association Foundation offers the following scholarships: Certificate Scholarship Program to students who are in a certificate/associate degree or bachelor's degree dental hygiene program, will be entering the final year of the curriculum in the fall and have a minimum grade point average of 2.50 (on a 4.00 scale). Post Certificate Dental Hygiene Scholarship Program to students who are enrolled in the final year of a certificate/associate degree dental hygiene program, or are a graduate of a certificate/associate degree dental hygiene program, have a minimum grade point average of 2.50 (on a 4.00 scale) and can provide evidence of acceptance as a full-time bachelor's degree candidate in an accredited four-year college or university. Post Certificate Dental Hygiene Fellowship Program-masters Degree to students who can provide evidence of a full-time Masters degree candidate in a university program, are a graduate of a certificate/associate dental hygiene program, baccalaureate program and are licensed Dental Hygienists or will receive a bachelor's degree at the end of the current academic year. While being enrolled in a dental hygiene curriculum, must maintain a minimum grade point average of 2.50 (on a 4.00 scale). The scholarships may range from $300 to $1,500, depending on need. Deadline for applications is March 15. Information and application may be obtained by writing: American Dental Hygienists' Association, 444 North Michigan Avenue, Suite 3400, Chicago, IL 60611.

ASMT Education & Research Fund, Inc. Medical technology students enrolled in a medical technology baccalaureate degree college program and who have completed the first semester of their sophomore year, may apply for a $3,000 Fisher Scientific Company Undergraduate scholarship offered, to be paid in equal installments to one recipient for their junior and senior year. Payments will be made for each term of the junior and senior years. Graduate student scholarships are also offered by the Fund, for interested students continuing their education beyond the baccalaureate degree in certain specialty fields. Applications for the Fisher Scholarship and the graduate Specialty Scholarships available from the ASMT Education & Research Fund, 330 Meadow Fern Drive, Houston, Texas 77067. Deadline March 1 of year applying.

The Diuguid (pronounced "do-good") Fellowship Program. Administered by the Council for Southern Universities, this program makes funds available to "mature women" (any woman over 21 may apply) for one year of formal study. Special consideration is given to women whose career and professional goals have been deferred because of marriage, children, etc. Applicants must live in the South and submit application by December 1. Grants range from $3,600 to $8,000. Contact: Executive Dir., Council of Southern Universities, Inc., 795 Peachtree Street, N.E., Suite 484, Atlanta, GA 30308.

The Society of Naval Architects and Marine Engineers annually award both undergraduate and graduate scholarships to encourage study in naval architecture and marine engineering or closely related fields. All applicants must be a citizen of either the United States or Canada.

Undergraduate Awards, normally $1,000 each, are to be applied for by contacting one or more of the following schools directly: University of California (Berkeley); University of Michigan (Ann Arbor); Massachusetts Institute of Technology (Cambridge) and/or State University of New York Maritime College (Fort Schuyler). These are the only four schools where undergraduate awards are available.

Graduate Awards, which usually cover the cost of tuition at the college selected, are to be filed with the Society no later than February 1. Applications for graduate awards and information can be obtained by writing to: Mr. Robert G. Mende, Secretary and Executive Directory, The Society of Naval Architects and Marine Engineers, One World Trade Center, Suite 1369, New York, New York 10048.

United Methodist Scholarships offers between five and six hundred awards to outstanding United Methodist students in more than one hundred accreditied United Methodist institutions. Awards are granted for one year only; but reapplication for a second year is possible. Awarded in amounts up to $500 per year for payment of tuition and general academic fees only. Students may secure loans from the United Methodist Student Loan Fund up to $700-$800 per year. $1,000 may be obtained for Graduate level. The total amount that can be borrowed is $5,000. Qualified United Methodist students may borrow from this fund while attending any institution of higher education which is accredited by its regional accrediting association. For further information, write: United Methodist Church, Office of Loans and Scholarships. P.O. Box 871, Nashville Tennessee 37202.

SOURCES OF EDUCATIONAL ASSISTANCE FOR VETERANS AND THEIR DEPENDENTS

In addition to the educational aids provided by the various state governments—The American Legion itself, the Federal government—private trust funds and many other organizations offer a wide variety of educational benefits. Some of the major sources for veterans and their dependents are outlined on this and the following pages.

EDUCATIONAL OPPORTUNITIES OFFERED MEN AND WOMEN IN MILITARY SERVICE

In addition to training courses in a wide variety of skills, the Armed Forces offer numerous part-time educational opportunities.

Each Military Service has a tuition assistance program which covers up to 90% of tuition costs for courses taken at accredited colleges and universities. Service members on active duty prior to 31 December 1976 may also use their G.I. Bill benefits while still in Service. During Fiscal Year 1981, it is estimated that over 600,000 active duty personnel will take academic courses from civilian institutions during off-duty time.

Service members who enter service after 1 January 1977 have the opportunity to participate in the Veterans' Educational Assistance Act of 1976. This Act is an educational endowment fund. Participation is voluntary. The participant contributes between $25 and $100 a month with a limit of $2,700, with the Veterans Administration matching funds with $2 for each $1 contributed by the participant. Participants may make lump sum contributions.

Each of the Military Services also provides off-duty high school completion programs for enlisted members entering Service before graduating from high school. The Community College of the Air Force now provides Service members with an opportunity to earn an Associate degree while in Service through a combination of technical training and off-duty voluntary educational programs.

High school and college counselors can provide additional information on education in the military. They should have available the education issue of the High School News Service Profile, published annually each October. Service personnel may obtain additional information from their base or unit education officer.

THE ANNE M. GANNETT AWARD FOR VETERANS

An award, presented annually by the National Federation of Music Clubs, carries National recognition of outstanding musical talent and achievement to those veterans whose careers have been delayed or interrupted due to their service in the Armed Forces of the United States. The award also includes a substantial cash prize of $500 which is provided through the NFMC Foundation for the Advancement of Musical Arts.

Entrants must have served in the Armed Forces and are now about to continue their musical careers which have been interrupted through military service.

Evaluation of all applications includes careful screening of talent, educational background and personal recommendations by a distinguished Board of Judges. The winner for 1981 will be announced at a Federation meeting held later in the season.

All applications should be addressed to Mrs. Dwight D. Robinson, Seven Ransom Road, Athens, Ohio 45701. Application deadline is March 15.

NATIONAL GUARD AND RESERVES EDUCATIONAL ASSISTANCE PROGRAM

Up to $4,000 ($1,000 maximum per 12 month period) is being offered by the National Guard and Reserves for high school students and graduates who initially enlist for a total of six years in the Selected Reserve.

The financial assistance program is authorized for new enlistees in Guard or Reserve Components of the Army, Navy, Marine Corps, Air Force or Coast Guard. This assistance provides for up to 100% of the educational expenses incurred for instruction at an accredited institution and includes tuition, fees, books, lab and shop fees and consumable supplies.

This financial assistance is in addition to the pay earned when on full-time training duty and for monthly drills. For the initial periods of full-time training duty a single person earns $501 monthly, plus room, board, medical, etc. The total annual amount paid for the normal 12 weekend drills and two weeks training is about $1,500. This, plus the $1,000 yearly educational assistance will provide a total of slightly more than $2,500 annually.

When one enlists in the Selected Reserve, he/she generally completes 12 weeks or more of full-time training duty (which may be taken in 2 increments in the first 2 years) and then returns to civilian life to attend one drill weekend each month plus two weeks of full-training.

The Selected Reserve consists of units and individuals who, during peacetime, undergo military training and attend drills for which they receive drill pay. Both combat and support units in the Selected Reserve are scheduled to deploy in the early phases of any contingency requiring the call-up of Reserve Forces.

For further information contact your local Armed Forces Recruiting Station.

AMERICAN GRADUATE SCHOOL OF INTERNATIONAL MANAGEMENT

Awards each fall, spring and summer term, a total of three full-tuition assistantships, to honorably discharged veterans from any of the five Armed Services. Qualifications are an acceptable bachelor's degree with an overall average grade of B or better, a satisfactory score on the G.M.A.T., good communication's ability in English, strong motivation for an international career, indications of leadership qualities and financial need. Each award covers the student's first term (three terms are required to complete the Master of International Management degree).

AGSIM also offers each year the Colonel Frank James Morrow Scholarship, in the amount of around $500, to a son or daughter of a United States Military Officer, based on the student's scholastic record at the school.

Further information and applications may be obtained from American Graduate School of International Management, Glendale, Arizona 85306 (Telephone A/C 602-978-7210).

VIETNAM GI BILL—VETERANS READJUSTMENT BENEFITS ACT OF 1966 AS AMENDED

Objective: To provide educational opportunities for over seven million qualified service persons now in civilian life or on active duty in the Armed Forces.

Eligibility: Veterans who served on active duty for more than 180 continuous days, any part of which occurred after January 31, 1955, but before January 1, 1977, and who: (1) were discharged or released under conditions other than dishonorable; (2) were discharged or released for a service-connected disability; or, (3) continue on active duty, are eligible. Also eligible are those persons who contracted with the Armed Forces and were enlisted in or assigned to a reserve component prior to January 1, 1977 and who as a result of this enlistment or assignment, served on active duty for more than 180 days, any part of which began on or after January 1, 1977 and before January 2, 1978 and who are discharged from active duty under conditions other than dishonorable.

Duration and benefits: Benefits will be paid a maximum of 45 months, based on one and one-half months of benefits for each month of active duty. A veteran who has served 18 continuous months or more will be entitled to the full 45 months. Basis for payments are as follows:

BASIS FOR PAYMENTS

	No dependents	1 dependent	2 dependents	Each additional dependent
School full time	$342	$407	$464	$29
¾ time	257	305	348	22
½ time	171	204	232	15
Cooperative	276	323	367	21

Note.—Less than ½ time or active duty: Tuition and fees at a rate not to exceed $342 for a full-time course.

Precollege training: Reimbursement for tuition and fees are available without charge to basic entitlement to aid in the completion of elementary or high school education or for refresher courses needed to qualify for higher education.

Special programs: The VA will pay up to $72 per month (to a maximum of $869) for tutorial assistance for eligible persons who have a need for individual help. A work-study program is also available through the VA. Eligible persons under this program agree to work a certain number of hours for the VA or in VA-related programs in return for pay. A veteran may obtain an interest-bearing education loan when the program of education is pursued in a state. The loan may not exceed $2500 in any one regular academic year.

Time limitation: Veterans have 10 years after release or discharge from service, but not later than December 31, 1989 to complete their education. The basic ten-year period may be extended for veterans who were prevented from beginning or completing their chosen program because of physical or mental disability not the result of their own willful misconduct. Also, veterans who have entitlement remaining when the delimiting date is reached may use this entitlement as eligibility for an education loan, provided certain conditions are met.

Further information: May be obtained from the Veterans Administration, college, high school counselor; or, contact the Education Chairman of The American Legion Post or the American Legion Auxiliary Unit in your community.

SURVIVORS' AND DEPENDENTS' EDUCATION (TITLE 38, U.S. CODE, CHAPTER 35) AS AMENDED

Objective: To provide educational opportunities for the children, spouses and surviving spouses of veterans who died or were permanently and totally disabled in or as the result of service in the Armed Forces of the United States.

Eligibility:[1] Students are eligible whose parents died or are permanently and totally disabled from disease or injury incurred or aggravated in the Armed Forces since the beginning of the Spanish-American War. Students who are children of service personnel Missing in Action or Prisoners of War for more than 90 days also are eligible. Assistance is available to eligible students during the period which begins on the date of the 18th birthday or successful completion of high school, whichever comes first, and ends on reaching the 26th birthday.

Exceptions: If an eligible person suspended his or her program, the time for completing the program may be extended when the VA determines that the reasons for the suspension were beyond the eligible persons' control. Extensions may also be granted under certain other conditions.

Duration and benefits: A maximum of 45 months of training and education may be obtained with payments of $342 per month paid upon completion of each month of full-time training, $257 for ¾ time and $171 for ½ time. For less than ½ time, payment is computed at the rate of the established charges for tuition and fees, not to exceed the rate of $171 for ½ time or less but more than ¼ time; $86 or ¼ time or less. The period of eligibility for a spouse or surviving spouse generally extends to November 30, 1978, or for 10 years from the date the veteran was first found to have service-connected total disability, permanent in nature, or from the veteran's date of death, whichever is or was later, or from the date the serviceperson was listed for a total of more than 90 days as Missing in Action or listed as a Prisoner of War. Benefits to children may be extended under certain conditions (but in no event past age 31.) The basic ten-year period may be extended for spouses and surviving spouses who were prevented from beginning or completing their chosen program because of physical or mental disability not the result of their own willful misconduct. Also, spouses and surviving spouses who have entitlement remaining when their delimiting date is reached, may use this entitlement as eligibility for an education loan, provided certain conditions are met.

Loan program: Eligible spouses and surviving spouses of veterans and children may received direct loans up to $2500 per regular academic year to supplement school costs. The interest bearing loan is based upon financial need.

Availability of training: In approved colleges and junior colleges (public and private), vocational, business schools and other educational institutions. Spouses and surviving spouses may also pursue apprenticeship, on-job or correspondence training.

Special restorative training: The law provides for special restorative training or retraining to restore or improve an eligible child's ability with respect to physical or mental functions in which a students is handicapped and which are essential to the normal pursuit of education (May start at age 14).

Application: Must be filed with the VA by the applicant. In the event the applicant is a minor, application must be filed with the VA by a parent or guardian.

Further information: May be obtained from your high school counselor or contact the Education Chairman of The American Legion Post or the American Legion Auxiliary Unit in your community.

UNITED DAUGHTERS OF THE CONFEDERACY

Scholarship Grants: United Daughters of the Confederacy provides annual scholarship grants which range from $300 to $500. All transferable gift scholarships may be used at any institution approved by the Committee of Education. Washington & Lee Joint Scholarship, Lexington, Virginia—value $500. The Woodrow Wilson Memorial Scholarship, University of Virginia Law School, Charlottesville, Virginia—value $500. Judge William M. Beard Scholarship for graduate study in Medicine or History—value $500.

Qualifications: Applicants must be lineal descendants of worthy Confederate veterans; or, they may be collateral descendants who have established their membership in either UDC or the Children of the Confederacy. All scholarships are for undergraduate work except the above-mentioned Woodrow Wilson and Judge William M. Beard Scholarships. Applications must be processed through Divisions and Chapters in the various states.

Application: For information write: UDC Business Office, Memorial Building, 328 North Boulevard, Richmond, Virginia 23220. Application deadline is February 15, prior to college entrance in the fall.

FINANCIAL ASSISTANCE AVAILABLE TO CHILDREN OF DECEASED OR DISABLED VETERANS OF WW I, II, KOREAN WAR AND THE VIETNAM ERA

Financial assistance is available under the Compensation and Pension programs for eligible children of veterans in the following categories:

Veterans who died of service-connected causes or who at time of death had a 100% service-connected disability.

Veterans who had wartime service during the Mexican Border Period, World War I, World War II, Korean War and the Vietnam Era and who died of nonservice-connected causes.

Generally, those benefits are not paid concurrently with one another or with education assistance. The entitled person has the right to elect the most advantageous benefit.

These benefits are paid to age 18 (to age 23 when the student remains unmarried and attends an approved school) and to certain helpless children.

As the student reaches 18 and plans to continue his or her education, the parent should notify Veterans Administration.

When the death of a veteran occurs, the parent or interested friend should contact the Education Chariman of the local American Legion Post or the American Legion Auxiliary Unit for advice regarding the application procedure if a Veteran Administration official is not available in the community.

PUROLATOR COURIER CORP. SCHOLARSHIP FOR POW/MIA CHILDREN

The Scholarship Program has been created to assist children of servicemen who were POW's or MIA's during U.S. involvement in Southeast Asia. The Program will be presented in honor of a different POW or MIA each year.

The basic factor in determining the recipient each year will be the (SAT) verbal score. The $10,000 cash scholarship award will be for a maximum of four years of undergraduate studies and will be an annual maximum amount of $2,500 to be paid directly to the institution.

For further information and application, contact your school counselor or write to Purolator Courier Corp., 3333 New Hyde Park Road, New Hyde Park, New York 11042. Attn: Scholarships.

DISABLED AMERICAN VETERANS

Disabled American Veterans offers a four-year scholarship to the children of service-connected disabled veterans whose parents are unable to provide them with a college education. This also includes children of deceased parents who had a service-connected disability.

Scholarships may be granted to those presently in college provided, of course, that they meet specific criteria for participation in the program.

A scholarship from the DAV may be used in any accredited college. Recipients of the scholarship are selected by the College Scholarship Service, Princeton, New Jersey. Consideration is given to the verbal and math scores of the S.A.T. test, which is required by all participants. No other tests is accepted. Consideration is also given to rank in class, student's questionnaire and a parent's confidential questionnaire necessary to establish need.

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[1] Surviving spouses and spouses of veterans may also qualify if the veteran spouse is deceased or permanently and totally disabled from service-connected causes, a Prisoner of War or is Missing in Action for more than 90 days.

Scholarship applications should be requested from Denvel D. Adams, Assistant National Adjutant, Disabled American Veterans National Headquarters, Post Office Box 14301, Cincinnati, Ohio 45214. Applications are available each September for the following year and must be completed and returned to DAV National Headquarters no later than November 15th of the same year.

DISABLED AMERICAN VETERANS AUXILIARY

The Disabled American Veterans Auxiliary has established a Student Loan Fund for children whose parents have been members of both the Disabled American Veterans and its Auxiliary for at least one year prior to making application. The loan is also available to members of the Auxiliary.

A maximum of $750.00 per year is allowed, payable to the school. The loan is renewed each year, provided the student maintains his scholastic standing. The loan is repaid after graduation or upon leaving school, in monthly payments. No interest is charged. The type of school is not limited. DEADLINE: May 1st.

Apply to: Mrs. Phyllis Greaney, Director, Education Loan Fund, 14 Pond Circle, Jamaica Plain, Massachusetts 02130.

AMVETS MEMORIAL SCHOLARSHIP

Eligibility: Any second year college student through first year graduate school student attending an accredited four year college and whose parents are deceased or TOTALLY DISABLED. Evidence of total disability must be submitted with the application.

Each scholarship provides: Grants for second year college through first year graduate school study. The grants are for $1,000.00.

How to apply: Obtain an application blank from AMVETS National service Officer, or AMVETS National Headquarters, 4647 Forbes Boulevard, Lanham, Maryland 20801.

Deadline: May 31st of the current year scholarship is being offered.

Selection of winners: The AMVETS National Scholarship Committee will rank the candidates on the basis of the following criteria: (a) Information supplied in application; (b) Two letters of recommendation from current counselors and/or professors; (c) Letter from applicant outlining his goals and aims in life; (d) All forms must be confirmed by a college official; (e) Eligibility is based on the financial status of the applicant's parents.

KNIGHTS OF COLUMBUS EDUCATIONAL TRUST FUND

Objective: The Knights of Columbus has established a $1,000,000 Educational Trust Fund as a memorial to members of the Order.

Eligibility: Scholarships are available from the Educational Trust Fund to the sons and daughters of Knights who were killed or became totally and permanently disabled as the result of (a) military service during world War II, The Korean War or the conflict in Vietnam; or (b) violence in the performance of their duties as full-time law enforcement officers or firemen.

Scholarship Grants: Scholarships are for four years and include allowances for tuition, board and room, books and laboratory fees at a Catholic college or university of the student's choice.

Application: Further details regarding eligibility requirements and application forms may be secured by writing to Knights of Columbus, Director of Scholarship Aid, Drawer 1670, New Haven, Connecticut 06507.

THE RETIRED OFFICERS ASSOCIATION SCHOLARSHIP PROGRAM

The goal of TROA's Scholarship Program is to close the gap between college costs, personal funds and all other available sources of financial aid. Among "other available sources" are all known Federal, State, college and local educational assistance programs, including Government guarantees (insurance) of commercial loans and interest subsidies. After all such sources have been explored by the applicant and there remains a financial requirement, eligible applicants may be considered for interest-free loans from TROA funds.

To be eligible for assistance, an applicant must be an unmarried son, daughter or ward of an active duty or retired member (officer or enlisted) of one of the seven uniformed services. Sponsors must be on the active or retired rolls of such a service, or must have died in such status. Sons, daughters or wards of any TROA member are also eligible. Graduate work and private secondary education are not covered.

Applicants may be accepted for help for up to four years of higher education leading to an associate's or bachelor's degree, or to a certificate of completion at an accredited technical school. Filled out applications must be received not later than April 1st preceding the applicable school year. Inquiries should be sent to The Retired Officers Association, 201 North Washington Street, Alexandria, Virginia 22314, Attention: Secretary, Scholarship Committee.

LEVIN M. POWELL SCHOLARSHIPS

The Levin M. Powell scholarships were established in 1886. They are tuition scholarships available for one year to young persons wishing to prepare for entrance into the United States Naval Academy or the U.S. Merchant Marine Academy. Scholarships are open to incoming freshmen, who are outstanding members of graduating classes of accredited secondary schools.

Applicants must apply for admission to the University and must be accepted before their scholarship applications can be considered. Forms for admission to the University are available at the Office of Admissions, The George Washington University, Washington, D.C. 20052.

The Powell scholarships are awarded for the academic year and are credited in equal parts for each semester. Recipients must carry a full schedule of academic work during the period for which the scholarship is awarded.

Application should be made in writing on or before first February for the following academic year and should be filed in the Office of Student Financial Aid, The George Washington University, Washington, D.C. 20052.

APPOINTMENTS TO THE MILITARY, NAVAL AND AIR FORCE ACADEMIES OF SONS OR DAUGHTERS OF DECEASED OR DISABLED VETERANS OF THE ARMED FORCES OF THE UNITED STATES

Approximately ten sons or daughters of deceased or disabled veterans are appointed annually to each of the major service academies.

Eligibility to compete under this quota is confined to sons or daughters of members of the Armed Forces who were Killed in Action or died of, or have a service-connected disability rated at not less than 100 percentum resulting from wounds or injuries received or diseases contracted in, or pre-existing injury or disease aggravated by active service.

Determination in each case of eligibility to compete under this quota rests with the Veterans Administration. Letters of application under this quota should include the full name and date of birth of the applicant and the full name, rank, service, veteran's claim number and date of death of the deceased parent veteran.

Write letters of application or requests for additional information to: Director of Admissions, United States Military Academy, West Point, New York 10996; Director of Cadet Admissions, The United States Air Force Academy, Colorado 80840; Superintendent, U.S. Naval Academy (Attn: Candidate Guidance), Annapolis, Maryland 21402.

Young people determined eligible to compete under this category, must be between the ages of 17 and 22, age calculated as of July 1, year of admission. Entrance to each service academy is based upon each candidate's order of merit derived from College Board Admissions test scores or American College Tests, academic records and education, character evaluations, physical fitness and medical qualifications.

The service academies use specified administrations of the College Admissions Tests or the American College Tests for examining all nominees. Information concerning these examinations may be obtained from the Catalogues to each of the Service Academies.

Free informational materials, outlining courses of curriculum, standards of admission, etc., may be obtained free of charge by writing the above listed addresses. Apply early. Applications will be accepted after May 1 deadline is December 15 of the year before student expects to enter.

APPOINTMENTS TO THE MILITARY, NAVAL AND AIR FORCE ACADEMIES OF SONS OR DAUGHTERS MEDAL OF HONOR RECIPIENTS

Sons or daughters of Medal of Honor recipients may be appointed to the service academy of their choice provided they are in all respects qualified. No recommendation or endorsement from any source is required.

In this category, the Boards of Admission of the Service Academies are the final authority as to qualification. Young people desiring appointments must be between the ages of 17 and 22, calculated as of July 1, year of admission.

All qualified candidates under this section may be appointed, regardless of number.

Address inquiries or applications for appointment to: Director of Admissions and Registrar, United States Military Academy, West Point, New York 10996; Superintendent, U.S. Naval Academy (Attn. Candidate Guidance), Annapolis, Maryland 21402; Director of Cadet Admission, U.S. Air Force Academy, Colorado 80840.

Applications for appointment to Service Academies under this paragraph should include the full name, service and rank of the parent awarded the Medal of Honor.

APPOINTMENTS TO THE MILITARY, NAVAL AND AIR FORCE ACADEMY OF SONS OR DAUGHTERS OF ACTIVE OR RETIRED MEMBERS OF THE ARMED FORCES OF THE UNITED STATES

There may be appointed annually to each academy one hundred cadets/midshipmen selected from the sons or daughters of members of the Armed Forces who:

(1) are on active duty (other than for training) and who have served continuously on active duty for at least eight years.

(2) are, or who died while they were, retired with pay or granted retired or retainer pay, other than those granted retired pay under Section 1331 Title 10, U.S.C.

Letters of application or requests for additional information concerning these appointments called "Presidentials" should be sent to: Director of Admissions and Registrar, United States Military Academy, West Point, New York 10996; Director of Cadet Admissions, The United States Air Force Academy, Colorado 80840; Superintendent, U.S. Naval Academy (Attn: Candidate Guidance), Annapolis, Maryland 21402.

ARMY EMERGENCY RELIEF EDUCATIONAL ASSISTANCE PROGRAM

The Army Emergency Relief (AER) Educational Assistance Program makes available loans and scholarships for unmarried dependent sons and daughters of Army members, (active, retired, or who died on active duty or in retired status) to pursue undergraduate studies related to vocational training, or preparation for acceptance by service academies and to obtain a college education. Need is the primary criterion for scholarships and is considered for the amount of loans; in all cases, merit and ability apply. Confidential information provided by applicant and parents provide basis for evaluation. Assistance provided as loan, scholarship or combination loan/scholarship. Maximum assistance for school year: $1,000 for scholarship; $2,500 for loan, or combination loan/scholarship. Maximum assistance for 4 school years is $10,000. Eligible students must submit a new application for consideration each academic year; continued assistance depends upon competitive evaluation.

Application forms and additional information are available from any AER Section at most Army installations or from National Headquarters, Army Emergency Relief. Complete application must reach HQ, AER, no later than 1 March for the academic year beginning the following September. For further information, communicate with NATIONAL HEADQUARTERS, ARMY EMERGENCY RELIEF, Department of the Army, 200 Stovall Street, Alexandria, Virginia 22332.

SOCIETY OF THE FIRST DIVISION SCHOLARSHIP PROGRAM

Objective: To make possible an award to the son or daughter of a First Division veteran or to a man serving in the First Infantry Division who upon honorable discharge from service intends to further his education.

Scholarship Awards: Awards of the program will be in the amount of $1,000 payable in four annual installments of $250 each. Number of awards will be determined by the resources available to the fund.

Application: Additional information and procedure for filing an application may be secured from: the Society of the First Division, 5 Montgomery Avenue, Erdenheim, Philadelphia, Pennsylvania 19118.

SONS OF THE FIRST DIVISION SCHOLARSHIP FUND

Description: Funds were raised by officers and enlisted men of The First Infantry Division in Vietnam at Fort Riley, Kansas, and by the Society of The First Division of the United States to assist children of men killed while serving in Vietnam.

Eligibility: All children of men killed while serving in the First Infantry Division in Vietnam and children of men who are killed in duty or training accidents while serving with the First Infantry Division at Fort Riley, Kansas or Germany. (Cost of special education for students under college level will be considered.)

Scholarship Grants: Amounts up to $2,500.

Additional information and application may be secured from: Society of the First Division Foundation, 5 Montgomery Avenue, Philadelphia, Pennsylvania 19118.

FIRST CAVALRY DIVISION ASSOCIATION

The First Cavalry Division Association offers scholarships as follows:

1. To all children of soldiers who died while serving in the First Cavalry Division, during and since the Vietnam War. If the death occurred after 1 March, 1980, the Scholarship is offered only if the deceased parent was a member of the Association and serving with the First Cavalry Division at the time of death.

2. To all children of soldiers who have been declared 100% disabled from injuries incurred while serving with the First Cavalry Division during the Vietnam War.

3. Each potential student must furnish: Proof of relationship and death or disability of parent and evidence of acceptance into a recognized institution of higher education.

The award is currently a maximum of $2,000 paid $500 per year for as many as 4 years. The checks are then mailed to the Registrar of the school, made out jointly to the student and the school, and may be used for whatever need the students choose—tuition, books, clothing, etc. For further information write to: First Cavalry Division Association, 302 North Main, Copperas Cove, Texas 76522.

THE NATIONAL 4TH (IVY) DIVISION ASSOCIATION SCHOLARSHIP TRUST

Description: A trust fund created by contributions of officers and enlisted men of the 4th Infantry Division in Vietnam as a "Living Memorial" to the men of the Division who were Killed in Action or died in line of duty while serving in Vietnam.

Eligibility: The eldest surviving child of any man killed while serving in the 4th Infantry Division in Vietnam during the period August 1, 1966-December 31, 1970 who enroll in a junior college, college or university in the United States. In the event the eldest child cannot accept, another child of the family may be designated by the surviving spouse of guardian to accept the award.

Scholarship Grants: $1,500 payable in a lump sum or in small increments if desired direct to the college for credit to the student's account.

For further information write to: Col. Gerden F. Johnson, AUS Ret, Secretary, The National 4th Infantry (IVY) Division Scholarship Fund, 1327 Myron Street, Schenectady, New York 12309.

SOCIETY, DAUGHTERS, UNITED STATES ARMY

Society, Daughters, United States Army has established a scholarship program for worthy children, step daughters or adopted children of officers of the Army, retired or deceased, who are in need of financial assistance to further their education. Scholarships awarded amount to a maximum of $500 a year paid in two installments of $250 each. Application and additional information regarding the program may be secured from: Mrs. Harold J. Conway, Scholarship Chairman, D.U.S.A., 1718 Forest Lane, McLean, Virginia 22101. (Officer's name, rank and social security number should accompany the inquiry.) Deadline is March 31st.

THE LIEUTENANT GENERAL CLAIRE LEE CHENNAULT MEMORIAL SCHOLARSHIP FUND

The members of the 14th Air Force Association, Inc. are dedicated to a Scholarship program established in memory of LTG Claire Lee Chennault, for the education of qualified, needy and deserving dependents of those who were members of either the American Volunteer Group, the China Air Task Force and of the Fourteenth Air Force, or were attached for duty with any of these organizations and lost their lives while serving with the same between December 20, 1941 and December 15, 1945, or is, at the present time, an active member of the Fourteenth Air Force Association.

Basis of Award: (1) Offer financial assistance to those of our Scholarship students who may desire, and who may qualify for specialized education, above and beyond that now being given. (2) Apply the same standards and procedures as used in the present program to the children of former Association members who died at a place other than in China. (3) Apply the same standards and procedures to the children of members (not more than one year in arrears in payment of dues) who are alive but financially unable to furnish high school or college education to their sons or daughters.

Application: Additional information and applications may be obtained from: Eugene F. Felt, Chairman, Scholarship Committee, 165 Montair Drive, Danville, California 94526.

AIR FORCE AID SOCIETY

The General Henry H. Arnold Student Loan Program is offered to the children of Air Force members to assist them in financing their post-secondary education.

Eligibility: Children (including step-children and legally adopted children) of an Air Force member in any of the following categories: active member of the Air Force; member of the Selected Reserve (Air National Guard; Category A and B Reserve); other U.S. Air Force Reservists on continuous active duty during the school term for which assistance is requested—spanning the entire term; retired because of length of active duty service, disability or attainment of age 60 (Reserve Component); deceased while on active duty or in retired status; U.S. citizen and enrolled and in good standing at, or accepted for admission to, an eligible institution, on a full-time basis.

Nine percent per annum simple interest for first time borrowers who obtain loans for a period of instruction beginning on or after January 1, 1981; 7 percent per annum simple interest for students who have outstanding GSL loans for a period of instruction beginning prior to January 1981. The repayment period of the loan begins after a "grace" period following graduation or discontinuance of studies (6 months for 9 percent loans; 9 months for 7 percent loans).

Applications may be obtained by writing to Arnold Student Loan Program, Air Force Aid Society, National Headquarters, 1735 North Lynn, Pomponio Building, Room 206, Arlington, Virginia 22209.

1ST MARINE DIVISION ASSOCIATION, INC.

Objective: To help surviving dependents to further their education.

Scholarship Grants: Current benefits, based on individual need, in amounts fixed by the Association's Scholarship Trustees. Grants are based on the usual four-year college course, or less as the case may be. No graduate study requests or applications at the high school or prep-school level are acceptable. Awards are paid direct to the college or institution concerned.

Eligibility: Dependents of persons, now deceased from any cause or totally disabled due to wounds received in action, who served in the 1st Marine Division or in a unit attached to the 1st Marine Division. Beneficiaries who marry before completion of the course, or who drop out for reasons other than scholastic, will be required to submit a new application before benefits will be resumed.

Applicants should include full name, service and social security number of deceased or disabled person when applying to the 1st Marine Division Association, Inc., 1704 Florida Avenue, Woodbridge, Virginia 22191.

SECOND MARINE DIVISION ASSOCIATION

Objective: To help students deprived of a parent to further their education.

Medium: A Memorial Scholarship Fund, created and administered by the Association.

Means: Scholarship Grants; current benefits to a student not to exceed $400 per year for not more than four years.

Eligibility: (1) Surviving dependent children of persons who served in the Second Marine Division; or (2) in a unit attached to the Second Marine Division; and (3) while so serving or subsequently, lost their lives in the service of the United States, or as a direct result of such service.

Applications for scholarships or requests for information should be addressed to the: Second Marine Division Association, 8307 Pleasant View, Willow Springs, Illinois 60480.

THIRD MARINE DIVISION ASSOCIATION

Objective: To assist in providing for the undergraduate college education for dependents of military personnel in the Third Marine Division who lost life as a result of enemy action during the Vietnam Conflict.

Medium: Third Marine Division Association Memorial Scholarship Fund (Major General Bruno A. Hochmuth, USMC, Scholarship; General Graves B. Erskine, USMC Scholarship) administered by the Association through a board of trustees.

Grants: $400 to $1200 per scholastic year for each selectee, up to four scholastic years, based on need and performance.

Eligibility: Applicant must be a dependent of a military person (see Objective above), be between the ages of 17 and 26 inclusive as of initial award of benefit, must apply by 15 April of the year of matriculation and shall demonstrate need for benefit.

Applications should be addressed to: Secretary, L. Col. R. E. Jones, USMC (Ret.), Memorial Scholarship Fund, Third Marine Division Association, Inc., P.O. Box 634, Inverness, Florida 32650.

THE GENERAL CLIFTON B. GATES MEMORIAL FOURTH MARINE DIVISION ASSOCIATION SCHOLARSHIP FUND

Objective: To provide for the educational scholarships and benefits for the children of persons who were in the Fourth Marine Division, or in an attached unit.

Scholarship Grants: Funds will be granted in an annual amount of $1,000 and will not exceed a period of four years.

Eligibility: The Fund and any proceeds thereof shall be for the educational scholarships and benefits for the children of persons who served with the Fourth Marine Division or an attached unit, and who, while so serving or subsequently, became deceased or so disabled as to render them incapable of pursuing gainful employment regularly.

Application: Applications or nominations should be forwarded to the Chairman, Scholarship Committee, Frank J. Pokrop, 2854 South 44th Street, Milwaukee, Wisconsin 53219, to arrive not later than June 1st prior to the school year for which consideration is requested. Applications should be accompanied by a transcript of high school records, a handwritten letter from the applicant, two names which may be used for references and the name and service number or VA claim number of the applicant's father.

FIFTH MARINE DIVISION SCHOLARSHIP FUND

Objective: To provide scholarships, annually, to sons an daughters of veterans of the Fifth Marine Division.

Scholarship Grants: Around $300-$600 per year, renewable for total of four years to be used in liberal arts, technical or vocational training. This does not preclude scholarship aid from other sources, provided the Scholarship Committee is kept informed. Average amount granted is $400.

Eligibility: Must be a high school graduate or equivalent, and enrolled in, or eligible for entry into, the institution of his choice. Must be the son or daughter of a man who served with the Fifth Marine Division. Must not be eligible for financial assistance under any of the Federal programs for war orphans, or the children of totally and permanently disabled veterans. Institution chosen must be a liberal arts or technical or vocational school at an appropriate accredited institution. Awards will be determined by the Scholarship Committee.

Application: For further information write to: John Jaqua, Chairman, Scholarship Fund, Box 1089, Portland, Indiana 47371 giving sufficient information about yourself and your father to indicate your eligibility. Completed applications must be submitted no later than May 15 prior to Academic year concerned.

THE WOMEN MARINES ASSOCIATION

This Scholarship Program offers approximately ten $500 scholarships annually to applicants who meet eligibility requirements.

To be eligible, applicants (1) must be sponsored by a member of The Women Marines Association, who has a minimum of one-term (2 years) membership completed; (2) must have maintained at least a B average during the last three years of high school; (3) college applicants must continue to maintain at least a B average (3.0) in each succeeding year of college.

Additionally, one $500 scholarship is offered to a qualified member of the WMA, for graduate and undergraduate courses at the college level. Applicant must have been a member of The WMA for a minimum of one-term (2 years) membership completed, and have a good academic record.

Any WMA member may sponsor one applicant per year for a scholarship.

Request further information and application forms from: Mrs. Nadine Kerlin, Chairman, WMA Scholarship Committee, 400 Falcon Road, Jackson, Mississippi 49202. Completed applications must be postmarked no later than 31 March prior to academic year concerned.

THE EDSON'S RAIDERS ASSOCIATION

The Edson's Raiders, officially, The First Marine Raider Battalion, provides scholarships to dependent children of deceased members of the FMRB. The amount is based upon recommendations of the Merit Scholarship Corporation.

Further inquiry should be addressed to: D. Garvin Lindsey, Chrmn., Scholarship Committee, ERA, P.O. Box 12462, Roanoke, Virginia 24025.

MARINE CORPS SCHOLARSHIP FOUNDATION, INC.

Over 200 undergraduate scholarships are awarded annually to needy and deserving children of Marines, honorably discharged Marines (must have served at least 90 days) and Marine Reservists, to develop their spiritual, intellectual and physical capabilities through a college, vocational or technical education. Awards are made for one year and range from $500 to $1,000. Reapplication is possible, but not automatic. Gross family income may not exceed $24,000. Applications for 1982-83 academic year are available after August 1, 1981 and must be returned by February 1, 1982. For further information and application write to: Marine Corps Scholarship Foundation, Inc., 20 Nassau Street, Room 514, Princeton, New Jersey 08540.

THE NAVY RELIEF SOCIETY

The Navy Relief Society administers a Guaranteed Student Loan (GSL) Program to assist service members of the Navy and Marine Corps to help dependent children with their undergraduate, graduate and vocational education at qualifying schools. Assistance is in the form of a loan from a bank (designated by the Society), for which the student pays no interest while in school, and 9% after leaving school.

Students eligible are unmarried dependent children, stepchildren or legally adopted children of living or deceased officers and men of: (1) the Regular Navy and Marine Corps; (2) the reserve components thereof when on extended active duty; (3) the retired list and Fleet Reserve of the Regular Navy and Marine Corps and reservists who have completed 20 years of active duty. Applicants must not have attained the age of 23 for undergraduate school, or the age of 28 for graduate school.

Also eligible are "fleet-input" students in the NROTC and other Navy-Marine college education programs as well as a limited number of spouses of active duty service members.

Additional information on the (GSL) Program is listed in this handbook.

For further information and application write: Navy Relief Society, Suite 1228, 801 N. Randolph Street, Arlington, VA 22203. Applications are accepted at any time.

THE SOCIETY OF SPONSORS OF THE UNITED STATES NAVY

Awards scholarships to young men for preparatory schools to prepare them for entrance to the United States Naval Academy. Young men eligible are as follows:

Category I: Sons of deceased, retired and active Navy and Marine Corps personnel.

Category II: Sons of personnel of the other military services.

Category III: Sons of civilians.

An applicant must be acceptable to the Scholarship Committee of the Society of Sponsors as to character aptitude for the Naval Service, scholastic standing and physicial fitness. Additional information and application blanks may be obtained from: Naval Academy Foundation, 48 Maryland Ave., Annapolis, Md. 21401.

NAVY MARINE CORPS, COAST GUARD DEPENDENTS' SCHOLARSHIP PROGRAM

General Information: Scholarship funds have been established by various Navy-oriented organizations for the dependent, college-age sons and daughters of Navy, Marine Corps and Coast Guard members and former members. The sponsors of these awards maintain control of their funds, establish eligibility criteria and appoint their own selection committee; however, the Commander, Naval Military Personnel Command acts as a distributing point for information, application forms and a centralized mailing address.

General Eligibility: All of the sponsors in this program follow the Navy definition of a dependent child (including legally adopted and stepchild) as an individual who is unmarried and under age 21, or under 23 if enrolled in a full-time course of study at an approved (accredited) institution of higher learning. Student may compete for as many of these awards as he/she is eligible.

Application Procedures: Application for Dependents' Scholarship Program (NAVPERS 1750/7) is the only form to be used for the awards. Only one completed form is required, regardless of the number of awards applied for. To receive an application form and a pamphlet describing the specific criteria for these awards, write: Commander, Naval Personnel Command (N-641 C/Pers 7311), Navy Department, Washington, D.C. 20370.

Application Deadline: The deadline date for receipt of applications and supporting documents is March 15 of each year.

Scholarship Awards: Awards range from $200 to as much as $4,000.

The following are examples of some of the scholarships available.

NAVAL ACADEMY WOMEN'S CLUB

The Naval Academy Women's Club announces the following scholarship program for 1982 in the amount of $1,000 to $4,000. The recipient must be dependent children of a Navy Academy faculty member; (officer or civilian) or a Regular Navy or Marine Corps officer on active duty or in a retired status, with pay, or deceased. Preference is to be given to the children of deceased personnel. The award will be made on the basis of scholarship, character and need and will be awarded for one to four years of the recipient's college career. These scholarships may be used to supplement other scholarships and their renewal is contingent only on the recipients maintaining scholastic standards as well as on meeting other requirements on which original grant was made.

MARIANAS NAVAL OFFICERS' WIVES' CLUB SCHOLARSHIP

Eligibility: Sons/daughters of officer or enlisted members of Navy, Marine Corps or Coast Guard serving on active duty, retired with pay, or deceased (while on active duty or after retirement). Recipient will be an applicant deemed most worthy on basis of merit, scholastic proficiency and financial need. To be used for academic expenses at an accredited four-year college or university. Applicants must be dependent children of members presently assigned or previously stationed on Guam on PCS orders. Renewable at discretion of the selection committee.

GAMEWARDENS OF VIETNAM ASSOCIATION SCHOLARSHIP FUND

Gamewardens of Vietnam Association will make scholarship awards to sons and daughters of living or deceased U.S. Navy River Patrol Force (TF-116) members or former members who served in Vietnam in "Operation Gamewarden" during any period from 1966 through 1971.

Awards of $100 will be based on scholastic accomplishments and need of the student. High school students expecting to enter college as a full-time student and college freshmen are eligible.

NAVY WIVES CLUB

The Navy Wives Clubs of America will make scholarship awards to sons and daughters to be used in obtaining college educations, vocational, business or other training, which will enable the recipient to make more valuable contributions to society than would otherwise be possible. The applicant for these awards must be dependent children of Regular/Reserve Navy, Marine Corps or Coast Guard enlisted members serving on active duty, retired with pay or one who died in line of duty or after retirement.

Awards shall be out-right grants and shall be paid directly to the school selected by the applicant. One renewal award is made each year to the recipient of the prior year's grants submitting the best record for his/her freshmen year's work. This shall be continued through the succeeding college years.

U.S. SUBMARINE VETERANS OF WORLD WAR II SCHOLARSHIPS

Objective: To make possibie an award to unmarried sons and daughters (blood, step, foster or adopted) of WWII personnel (officer or enlisted) of U.S. Submarines or U.S. Submarine Relief Crews who are regular members in good standing of United States Submarine Veterans of WWII.

Scholarship Awards: Awards in the amount of $520 to the college or vocational/technical training school of the recipient's choice.

Application: Additional information and application forms may also be obtained from: Submarine Veterans of World War II State Commanders.

SEABEE MEMORIAL ASSOCIATION SCHOLARSHIPS

The Seabee Memorial Association makes available awards to the sons/daughters of Regular, Reserve, retired or deceased officers or enlisted members who have or who are now serving with the Naval Construction Force (Seabees), or Naval Civil Engineer Corps. Also eligible are children of those former members who have served with Seabee Units but have since been honorably discharged. Basis of the award will be financial need, character, scholastic record, good citizenship and leadership. May be renewed for four years at the discretion of the Selection Committee.

Other scholarships available in this Program include:

VX-1 Officers' Wives' Club Scholarship.

Dolphin Scholarship Foundation.

Robert Crown Navy Memorial Scholarship.

L. Mendel Rivers Branch 50-Fleet Reserve Association Scholarships.

Ladies Auxiliary of the Fleet Reserve Association (I, II, III).

New York Council Navy League Scholarship Fund.

Captain Stanford F. Zimet Memorial Scholarship.

Navy Supply Corps Officers' Wives' Scholarship Fund.

Judith Hubbard Memorial Scholarship.

Fleet Reserve Association (I and II).

Oceana Officers' Wives' Club Scholarships.

Navy Supply Corps Foundation Scholarships.

Aviation Boatswains Mates Association Scholarship.

Fraternal Order UDT/Seal Educational Grant.

Miramar Associates Scholarship.

Cecil Field Officers' Wives' Club Scholarship.

Miramar Officers' Wives' Club Scholarship Fund.

Mayport Naval Officers' Wives' Club Scholarship.

For application form (NAVPERS 1750/7) and Scholarship Pamphlet (NAVPERS-15003 Series), write to: Commander, Naval Military Personnel Command, Navy Department, Washington, DC 20370. Deadline for all scholarships is March 15th.

DOD RESEARCH, DEVELOPMENT, TEST, AND EVALUATION WORK

Mr. STEVENS. Mr. President, I would like to briefly call attention to a small example of the value of congressional oversight of the Defense Department's research, development, test, and evaluation work. During the past 3 years, the Senate Appropriations Committee has provided the funding for the S-1 advanced computing project at the Lawrence Livermore National Laboratory. We successfully insisted on sustaining this work last fall in the fiscal year 1982 Defense appropriations conference though the total amount in question was only ten-millionths of the total DOD appropriation, and the conference was completed very rapidly.

The executive branch very recently validated the wisdom of the Senate's long-term position on this small but very high leverage defense technology matter when the Secretary of Energy, acting on behalf of the President, presented this year's Ernest O. Lawrence Prize for National Security to the leader of the S-1 effort, citing his contributions to defense computing technology among the major reasons for the award. I hope the Navy, which has sponsored the S-1 since its inception, will put this project on a "high track" in order to realize its full potential and evaluate its possibly very large contribution to national defense capabilities at the earliest practicable date. I ask unanimous consent to insert into the RECORD the remarks of DOE officials upon presenting the Lawrence Prize for National Security to Dr. Lowell Wood last month.

There being no objection, the remarks were ordered to be printed in the RECORD, as follows:

ERNEST O. LAWRENCE MEMOIRS AWARDS CEREMONY, FEBRUARY 24, 1982

EXCERPTS FROM THE REMARKS OF DR. ALVIN W. TRIVELPIECE, DIRECTOR OF THE OFFICE OF ENERGY RESEARCH, DEPARTMENT OF ENERGY

Distinguished guests, ladies and gentlemen: It is a pleasure for me to be here to preside over the 1981 Enrico Fermi and Ernest O. Lawrence Memorial Awards Ceremony. My name is Alvin Trivelpiece, and I am Director of the Office of Energy Research here at the Department of Energy.

The presentation of the Lawrence Awards will be by the Secretary of Energy, Dr. James B. Edwards.

Each generation seems to have certain unique problems and opportunities as well as its own collection of heroes and villains. Today we honor the memory of two of our heroes, whose accomplishments were so unique that they forever changed some of the ways that the human race would go about doing its business. Maybe others coming along later would have accomplished the same things, but that is irrelevant. Lawrence and Fermi were the leaders. Their drive, talent, ambition, skill and vision caused them to be first. As a nation we owe them a debt of gratitude.

I believe that it is important that we remind ourselves of our debts, not only to Lawrence and Fermi, but also to all the others who came before them and created the knowledge base and technology that they built upon. Likewise, I believe that we owe a debt to many of their contemporaries who capitalized on their lead and developed the basis for the formidable science and technology enterprise that now plays such a vital role in our nation's defense and economy. The nuclear industry, the use of radiation and radioisotopes in medicine, the advances in the understanding of atomic and nuclear processes are but a few examples of contemporary activities that find a part of their watershed in the works of Lawrence and Fermi.

It is appropriate that we honor the memory and accomplishments of individuals such as Lawrence and Fermi by recognizing the outstanding contributions of others who have made their own contributions to our base of knowledge through their dedication and hard work.

In the press of business involving programs, projects, budgets, hearings, and reorganization it is easy to forget that many talented individuals are out there doing outstanding work. Today, we pause from some of our routine activities and recognize some of our outstanding citizens.

And now for the presentation of the 1981 E. D. Lawrence Memorial Awards. This Award was first proposed to the President of the United States by the Atomic Energy Commission in 1958. President Eisenhower agreed to the proposal, and said, "Such an award would seem to me to be most fitting, both as a recognition of what he (Dr. Lawrence) has given to our country and to mankind, and as a means of helping to carry forward his work through inspiring others to dedicate their lives and talents to scientific effort." The Atomic Energy Commission then established the Ernest Orlando Lawrence Memorial Award in 1959, and the first awards were granted in 1960.

The Award consists of a gold medal, a citation signed by the Secretary of Energy, and an honorarium of $5,000. It is presented to not more than five outstanding scientists, not more than once a year, in recognition of their especially meritorious contributions to the development, use, or control of atomic energy in all areas of the sciences related to atomic energy, including medicine and engineering. All eligible individuals must be United States citizens, should be early in their chosen careers, and show exceptional promise of future development.

At this point, I wish to ad my own personal congratulations to each of the recipients, and to make the observation that if the calibre of these individuals reflects the overall quality of the sciences in this nation, then we can all have high hopes and expectations for the future.

And now, Dr. James Kane, the Deputy Director of the Office of Energy Research, will provide a summary of the accomplishments of each awardee, and Secretary Edwards will read each citation and make the actual presentations.

Dr. Kane. Dr. Lowell L. Wood:

Dr. Lowell L. Wood was born on August 31, 1941, at Santa Monica, California. He received his B.S. from University of California at Los Angeles in 1962 and a Ph.D. in Astrophysics from that same University in 1965, where he also taught until 1972. He also held positions during this period at the University of California, Davis-Livermore. In 1966 he joined the staff of the Lawrence Livermore National Laboratory, where he is presently Special Studies Group Leader of the Physics Department.

During the 15 years that Lowell Wood has been associated with the Lawrence Livermore National Laboratory (LLNL), he has been a prolific source of new ideas in applied science and technology, many of which have far-reaching implications for national defense. During the same period, he has recruited many of the brightest young scientists in the country to work on these and other defense-related ideas at LLNL. Such major laboratory research programs as inertial confinement fusion, laser-isotope separation, and the S-1 computer project owe many of the pioneering ideas, key personnel and the circumstances of their formation to the efforts of Dr. Wood.

While collaborating with others, Dr. Wood took the lead in the early 1970's in initiating areas of research that were required to develop a particular directed energy approach. This research involved the building of very complex computer codes and the devising of supporting preliminary experiments.

In 1969, John H. Nuckolls and Lowell L. Wood jointly proposed a new method by which energy derived from very high powered lasers could be used to ignite thermonuclear fuel. Their detailed proposal and the supporting calculations showed that it was possible, using very high energy pulsed lasers which were then just appearing on the technological horizon, to produce more energy from fusion than the energy of the incident laser light, thus generating net thermonuclear energy.

Another area in which Dr. Wood has made notable contributions to national security has been the coinvention with J. Marling of ultra-sensitive, isotropic blue-green light detectors now being developed for strategic communication applications.

In the area of computer development, Dr. Wood initiated and directed the S-1 Project with the vision of realizing the rapid, largely automated, hierarchial design of super computers. The success of this approach is exemplified by the S-1 Mark I computer and the completed design of the Mark II-A. These machines, developed in technical collaboration with others, embody the potential of at least an order-of-magnitude improvement in the cost effectiveness of super computers—and should allow a revolutionary advance in computational physics and the military applications of real-time data processing.

Mr. Secretary, would you read the citation, please.

Secretary Edwards. Dr. Wood's citation reads as follows:

"For his outstanding contributions to national security in the areas of directed energy, inertial confinement fusion, underwater communications, nuclear weapon design concepts and computer technology."

SENATOR SARBANES COMMEMORATES GREEK INDEPENDENCE DAY

Mr. SARBANES. Mr. President, today marks the 161st anniversary of the beginning of the Greek War of Independence which led to the overthrow of nearly 400 years of Ottoman rule. This war of independence, in which the Greek freedom fighters battled against tremendous odds, is both a memorable event in Greek history and an inspiring example of the human struggle for dignity and democratic self determination.

As we know, it was the ancient Greeks who first asserted the basic concept of freedom and respect for individual rights. They nurtured and expanded this concept through great sacrifice during the Roman and Byzantine Empires. This commitment to freedom culminated in modern times when the Greeks in a generation rejected totalitarian forces of both facism and communism.

On this important anniversary, we also commemorate the historic friendship between the Greek and American peoples. When Greek Bishop Germanos lit the torch of liberty in 1821, proclaiming the independence movement with the words, "Freedom or Death," it was the youthful American Republic which rallied to Greece's side with moral and material support. Meetings were held throughout America to raise funds and resolutions were passed by bodies at all levels of government in support of the valiant Greeks. This great friendship has grown closer over the years and was further solidified by the thousands of Greek immigrants who came to the United States and enriched America's pluralistic culture as she, in turn, gave them the opportunity to live a better life.

Greek American immigrants have made great strides in this Nation as evidenced by the many leaders of Greek descent who have risen to prominence in business, the arts, education, and government. In a single generation, Greek Americans have made enormous contributions to this Nation and have accomplished this by holding on to some very important values—hard work, education, family and church—which have been passed down through generations of Greek families.

The close friendship established 161 years ago between the resurgent Greek democracy and the young American Republic has served as an inspiring model to all those seeking equality and integrity among nations. Today we see Greece as a vibrant democracy which reflects the traditional values of freedom which originated in this ancient democratic nation. It is the hope of all freedom-loving Americans that this relationship with

Greece will continue for many years to come.

Today, we honor the Greeks for their great sacrifices on behalf of freedom for all peoples. It is that message of democracy that Greeks and Americans share; the idea of freedom and the belief that the individual can, given the opportunity, decide his own destiny.

We are especially mindful of the great sacrifices made by a small band of Greek patriots who, against all odds, struggled to reignite the flame of liberty. We also, on this occasion, commemorate the birth of the modern day kinship between Greece and America, a relationship founded on the highest ideals to which man can aspire and bound together by the friendship and mutual admiration of two freedom-loving peoples.

NATIONAL DAY OF GREEK INDEPENDENCE

Mr. KENNEDY. Mr. President, today, Greeks and the friends of Greece worldwide are celebrating the day their country gained independence from Turkey in 1821.

We are reminded today of the deep and abiding commitment of the Greek nation to freedom, to justice, and to democracy. We are reminded of the strong and continuing ties between Greece and the United States—and of the major contribution Greece has made to America through generations of Greek-Americans and through its great civilization and political and economic traditions.

But we are also reminded of the continuing tragedy in Cyprus, and of the need for a lasting political settlement based on the legitimate rights of both the Greek majority and the Turkish minority. We are reminded of the continuing problems in the Aegean and the eastern Mediterranean, and of the need to pursue a solution of these problems through diplomatic means rather than military pressure. And we are reminded of the continuing failure of the Reagan administration to make solutions to these problems a high and immediate priority for the United States, despite the important interests and violations of elementary justice which are at stake.

Mr. President, I am pleased to take the opportunity of Greek national day to recall the vital ties between our two nations, to commend the strength of Greek democratic institutions and their standards of social and economic justice, and to call for a concerted American effort to help resolve the problems which our two peoples continue to face.

REFLECTIONS—CENTRAL AMERICA

Mr. DODD. Mr. President, on Sunday, March 28, the nation of El Salvador will hold an election. Although no one can predict with any certainty the results of this election, I want to take this opportunity, Mr. President, to share with my Senate colleagues a far more significant question than the electoral outcome on Sunday in El Salvador. Regardless of the result of this contest, the more fundamental question we must face is whether we, the United States, are willing and able to understand that the problems of Central America are first, foremost, and fundamentally of a political nature.

So as important as the March 28 election in El Salvador may be, it can be no more important than what comes after it. It is then that we must understand that all those yesterdays belong as much to the future of Central America as they do to its past.

Hopefully, the election will produce all its supporters claim. However, if the past serves as any guide to the future even cautious optimism becomes something of a high-stakes roll. Yet no matter how you judge it, the Salvadoran election is real diplomatic crapshoot. And for a lot of reasons, some good and some bad, the odds are stacked against us.

To understand how we reached this point, to understand why the odds are stacked against us, two factors should be kept in mind: first, an election does not make a policy and second, in El Salvador, as elsewhere in Central America, the United States must face up to 50 years of bitter neglect.

SETTING COURSE

Mr. President, a wise friend once told me that it is from poets we receive our idealistic bearings, from cartoonists a reflection of ourselves, and from politicians the action necessary to get things done.

Before attempting to sort out the relationship of the United States with Central America, it might be useful to set our compass by reflecting on some well known lines from the Irish poet William Butler Yeats, who might well have had Central America in mind when he penned the following lines:

Turning and turning in the widening gyre
The falcon cannot hear the falconer;
Things fall apart; the center cannot hold;
Mere anarchy is loosed upon the world,
The blood-dimmed tide is loosed, and everywhere
The ceremony of innocence is drowned;

According to the administration's foreign policy experts—Washington's finest—yet another crisis looms large on the international horizon. And this one, we are told, is right here in our own backyard. Suddenly, as if without warning, the winds of change in Central America have developed hurricane strength and now pose a serious threat not only to the rest of the region but to the United States as well. The warning flag is up, and the scene being presented to the American public and to the world brings to mind Yeats' lines: "Things fall apart; the center cannot hold, Mere anarchy is loosed upon the world * * *."

But before the crisis overwhelms us, before the maelstrom distorts our senses and subverts our judgment, before, again, in the words of Yeats, "The blood-dimmed tide is loosed, and everywhere/The ceremony of innocence is drowned * * *." yes, before any or all of this happens, we would be well-advised to take a second look at Central America and to make sure that we fully understand what it is and what it is not.

Let us face it, in the general scheme of things, in the day-to-day world in which we live, in our "global village" as some have labeled it, it is difficult if not impossible to suggest seriously that the nations of Central America count for a great deal. To state the obvious: they are not Western Europe. They are not the Persian Gulf.

Most Americans, even if their lives depended on it, would be hard pressed to identify the nations of this region, let alone pinpoint their principal cities or name their heads of government. Nor, again in the general scheme of things, is there any good reason why they should. Coffee, bananas, and sugar are not vital to our national security. And everybody knows it.

A harsh assessment, perhaps. But a false assessment, no. Clearly, it is not the kind of assessment that our foreign policy experts over at Foggy Bottom are likely to make, at least publicly. But this in itself says more about the State Department than it does about Central America. Historically, as any foreign service officer knows, the region has been a dumping ground for the less than capable or for the political cronies of one administration after another. Denying it is foolhardy; the record is all too clear.

No; it is too late in the game for denials. And it is too late in the game for diplomatic niceties. Rather the time has come to clear the table; to get rid of the tea and petti fours. Now is the time to loosen our ties, roll up our sleeves and say what needs to be said.

It is time to look at the reality of Central America and our relationship to it, warts and all. It is not a very pretty picture, to be sure. But the sooner we face up to it, the sooner we divorce the substance and the reality from the fantasy and the fiction, the better our assessment will be of where we have been, where we are now, and where we are going. We certainly owe such an assessment to ourselves and if our ideals as a nation mean anything to us except on the Fourth of July, we also owe such an assessment to the people of Central America as well.

Such an assessment begins, then, by acknowledging that over the years the popular assessment of the nations of

Central America have been that they really do not amount to much; the public's perception is that they are literally "banana republics"; that they are the stuff of which comic opera is made; and that they are, as O'Henry told us, the land of "Cabbages and Kings."

This assessment is as incomplete as it is misleading. For in a very real sense—in the political sense—the Central American nations count for a great deal, or at least they should. Given their geographical proximity to the United States, if nothing else, they are of necessity politically important, politically significant.

And if we fully recognize and appreciate their importance, their significance, then we have gone a long way toward protecting our basic, fundamental interests in the region, whether we choose to define those interests in economic terms, military terms, strategic terms, or in any other terms.

Let's face it, the Panama Canal is safe today not because of any military deal between us and the Government of Panama; not because of any strategic consensus achieved by our two countries; and not because of any economic arrangement that we have worked out. No, the Panama Canal is safe today because of the mutually respectful political relationship that we have been able to establish. That relationship has paid enormous dividends and will continue to do so because we recognize that Panama is politically important to us. So too are the other nations in the region.

They are important and significant because of our own sense of security and well-being—in strict political terms—require that nations within the region share certain basic values with us and see the world, at least in broad outline, more or less as we do.

This does not mean that the Central American nations must be clones of the United States or must march to the tune of the Washington drummer. But it does mean that they—no less than we—must be prepared to accept the same fundamental points of reference in the search for peace and stability within the region.

Yes; in the sense—the political sense—Central America is important, perhaps critically important. In concrete political terms, the truth of the matter is this: We need a lot more Mexicos, Costa Ricas, and Panamas and a lot fewer Cubas, Guatemalas, and El Salvadors.

But to get from here to there we must be prepared to do our part. We must be prepared to pursue a policy which evidences in no uncertain terms a firm commitment to our own political traditions and values and at the same time, allows for a large measure of political pluralism and diversity. In other words, we must be prepared to pursue a policy toward the Central American nations which places an absolute premium on developing sound and lasting political relationships and engenders on their part a desire to emulate the high political standards we have set for ourselves.

In the absence of such a policy, we can expect more of the same—more turmoil, more unrest, and more confrontation. Yes; the warning flag is up, the hour is late and the time has come to examine carefully the reality of Central America. The social reality. The economic reality. And most importantly, the political reality.

REALITIES

The region of Central America, often described in alluring geographical terms as the "narrow waist" of the Western Hemisphere landmass, houses five relatively small nations: Costa Rica, El Salvador, Guatemala, Honduras, and Nicaragua. The combined area of the five totals approximately 170,000 square miles, slightly larger than the State of California, but about one-third the size of Alaska.

The population of the region comprises some 20 million—less than the total population of California—with Guatemala and El Salvador accounting for well over half the total, which is growing at an annual rate of around 3 percent—or one of the highest in the world. For the most part, the people who live in the area are ill-educated, ill-fed, ill-housed, and ill-treated. Illiteracy is widespread. Infant mortality is relatively commonplace. Malnutrition is virtually endemic. Unemployment is intolerably high. And respect for human rights is frequently nonexistent.

Together the nations of Central America annually produce goods valued at $17.5 billion, or about 15 percent of the total output of goods and services in Mexico. Tropical and semitropical agricultural products still constitute the economic backbone of the region. Coffee, bananas, and sugar remain in first place, followed by cotton and beef.

For the most part, income distribution continues to be highly skewed, with the very few living in isolated splendor and the very many, in *al fresco* squalor. At the risk of overgeneralization, income distribution, or the lack of it, tends to reflect the pattern of land ownership. In Guatemala, for example, over one quarter of all families are landless, despite the fact that about 60 percent of the population is rural. At the other end of the economic spectrum, however, one-half of 1 percent of Guatemala's "family farms" accounts for 42 percent of the total arable land. Unusual? Atypical? Distorted? Not at all. Regrettably, such gross disparities are part and parcel of the Central American scene.

From the political standpoint, too, and with minor exception, the region exhibits a blatantly underdeveloped quality. Collectively, the record shows that despite their repeated efforts since gaining independence from Spain in 1821 to confederate and achieve a measure of political unity, the five nations have consistently failed and failed rather miserably. It is a record replete with national rivalries, jealousies, and deep-seated suspicions interceding and preventing the kind of cooperation that many agree could make a difference. If the past is any guide to the future, confederation is simply not meant to be.

Individually, the political development of the Central American nations show no more promise than their regional experience. With the exception of Costa Rica, the historical charts contain ample evidence to suggest, if not conclude, that the nations of the region have had more than their fair share of demons, devils, and demagogs. Judging from the past, the democratic experience is all but an alien ideology, to be avoided at all cost and discussed only in the presence of the American Ambassador or visiting Congressmen. From this standpoint, the Somozas or the Romeros, or the Aranas of recent vintage represent little more than tradition in Central America—a time-honored tradition.

While we hope this tradition can be broken, we must also admit that the odds do not favor it.

THE U.S. ROLE

The foregoing makes it clear: Socially, politically, and economically the face of Central America is deeply pitted and scarred. While the people of Central America must bear primary responsibility, the historical role played by the United States cannot be readily dismissed.

This role is evident from the policies perused by the United States beginning with the enunciation of the Monroe Doctrine in 1823, the expansion of the doctrine by way of the Roosevelt Corollary in 1904-05 and the declaration of the Good Neighbor Policy in 1933. In each case, the record shows our primary purpose was to protect and defend the basic security interests of the United States, loosely coupled with the secondary purpose to extend the blessings of liberty, freedom, and democracy to our southern neighbors. The distinction between the two is fundamentally important, as the late Prof. Samuel Flagg Bemis, of Yale pointed out in his authoritative study, "The Latin American Policy of the United States." Professor Bemis wrote:

> From the Era of Emancipation to the Second World War, the Latin American policy of the United States has reflected constantly the vital necessities of national security and the idealism of the American

people. Of these two elements, national security has always been uppermost.[1]

Not surprising, the same purposes, the same goals, the same themes have been evident throughout the postwar period as well with the adoption of the Inter-American Treaty of Reciprocal Assistance, better known as the Rio Treaty, in 1947; the declaration of the Alliance for Progress in 1961; and most recently the proposed Caribbean Basin Initiative announced earlier this year by President Reagan.

While it is difficult to argue with the goals set forth in these policy pronouncements, it is obvious to anyone who reads the daily newspaper that in seeking to implement them we have frequently earned, often with justification, the undisguised animosity of the democratic sectors in Central America as well as in the Caribbean and in the Latin American region as a whole. For many of the region's democratic leaders, Bolivar said it all: "The United States appear," he said, "to be destined by Providence to plague America with misery in the name of liberty."[2]

In the broadest sense, what the democratic leaders of Latin America and their followers see is an historical effort by the United States to keep the hemisphere beyond the reach of any outside influence, be it Spanish or British as was the case in the 19th century, or be it German or Russian as has been the case in this century. In undertaking this effort, as they see it, it has never been quite clear whether the U.S. goal was to protect their independence and sovereignty or to extend the power and influence of the United States. And while the rhetoric of the United States has maintained it was the former, the actions of the United States all too frequently suggested it really was the latter. As Latins are quick to point out, these actions include:

War with Mexico, 1845-48 culminating in the annexation of what was then northern Mexico and what is today western and southwestern parts of the United States.

Repeated military intervention in the Caribbean and Central American region throughout the first part of this century, with marines stationed in Cuba, Haiti, the Dominican Republic, and Nicaragua.

The Panama Canal episode and the establishment of permanent military bases in the hemisphere.

Open and strong support for a whole host of antidemocratic regimes including Batista, Trujillo, Ubico, Martinez, and Somoza.

Overthrow of the Arbenz government in Guatemala in 1954.

The Bay of Pigs invasion in 1961 and the continuing effort to topple the Castro government in Cuba.

Sending of marines to the Dominician Republic in 1965.

Clandestine effort to prevent the election of Salvadore Allende in Chile and subsequent effort to overthrow his government, finally leading to Allende's demise in 1973.

And within the last several months, repeated threats of military action and covert operations against Cuba and Nicaragua, plus stepped up U.S. military involvement in Central America.

While some in this country may strenuously object to such a bill of particulars and to the indictment it brings, the Latin response is clear and concise: "Your actions speak louder than your words." To the extent they do, to the extent there is a difference between what we say and what we do—to the extent there is a real difference between what we practice and what we preach—to this extent U.S. policy is ineffective and its credibility seriously impaired. And neither the Green Berets nor a division of marines nor a squadron of F-16's can get it back.

No, the way to reclaim U.S. credibility and effectiveness in Latin America is to close the gap between what we say we stand for and the actions we are prepared to take to prove it, in other words, to close the gap between our ideals and our endeavors. Nowhere in the hemisphere has this gap been wider than in Central America. And El Salvador proves it with little, if any, room for doubt. There the prospect of revolution has been overtaken by the reality. Perhaps, the surprising factor is that it did not come sooner.

THE PROSPECT OF REVOLUTION

For the past several decades, many observers have cautioned Washington about the explosive situation in Latin America. One such observer, writing in 1963, bluntly assessed the situation in these terms:

> There is absolutely no doubt in my mind that revolution is inevitable in Latin America. The people are angry. They are shackled to the past with bonds of ignorance, injustice, and poverty. And they no longer accept as universal or inevitable the oppressive prevailing order which has filled their lives with toil, want and pain. The terrible realization has dawned upon them that the futility of their lives and of their parents' lives need not have been, that it is the bitter fruit of an evil system of injustice. And so they are filled with a fury and a determination to change the future.[3]

A stern warning from Fidel Castro? A call to arms by Che Gueverra? Perhaps an admonition from Salvador Allende? No, these lines were penned by Milton Eisenhower, brother of the former President, and they serve as the opening paragraph in the preface to "The Wine is Bitter," which is widely recognized as a standard treatise on U.S. relations with Latin America. The Eisenhower lines echo the warning issued a year earlier by President Kennedy when he spoke to a White House gathering of the Latin America diplomatic corps. "Those who make peaceful revolution impossible," Kennedy told his distinguished visitors, "will make violent revolution inevitable." The Kennedy-Eisenhower prediction of violent revolution in Latin America has become the reality of Central America today. Yesterday, Nicaragua. Today, El Salvador. And tomorrow, Guatemala. Yes, in Central America "the wine is bitter." Ask the people of El Salvador.

EL SALVADOR

Wedged between Guatemala and Honduras, El Salvador is the smallest Spanish-speaking country in the Central American region. It is also the most densely populated and one of the poorest. Unlike its neighbors, it has no outlet to the Caribbean Sea, but like them it endeavors to eke out a living from its volcanic soil and the primary products procured from it: coffee, cotton, and corn. The wealth of the country, such as it is, has historically been controlled by the land gentry and its offshoots in the industrial sector—some extended "14 families," according to popular legend.

The last time El Salvador celebrated free elections was in 1931. The results were short lived. By the end of the year Gen. Maxmiliano Hernandez had seized the reins of government. He held on to them for the next 14 years. Under his less than enlightened leadership, history tells us the Martinez regime is best remembered for having put down the 1932 peasant revolt in which some 10,000 to 20,000 campesinos were eventually slaughtered because of their demands for land reform.

In the intervening years, little changed. The military ruled, often ruthlessly, and it ruled in league with the economic powers in the country. It was a hand-in-glove relationship. The military and security forces maintained "law and order" and in turn were rewarded by the vested economic interests. To the surprise of no one, this arrangement over time worked to the absolute advantage of the very few and to the absolute disadvantage of the very many.

Simply put, the political, economic, and social structure of El Salvador were out of tune with the 18th century, not to mention the 20th. At best, they were reminiscent of our own "robber baron" era and, at worst, they reflected the "lord and master" mentality of a "distant mirror." At their best or at their worst, they could not endure in the absence of repression and authoritarian rule. The people of El Salvador have had too much of both.

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[1] Samuel F. Bemis, "The Latin American Policy of the United States," copyright 1943 (New York: Norton Library, 1967), p. 384.

[2] Ronald Steel, quoted in "Pax Americana" (Viking Press, 1967), p. 182.

[3] Milton Eisenhower, "The Wine is Bitter" (Johns Hopkins University: Doubleday and Company, 1963), p. xi.

By September 1979, less than a month before the ouster of the military regime headed by General Romero, even the Department of State reached many of the same conclusions. While allowing for a certain amount of diplomatic window dressing, the then Assistant Secretary of State for Inter-American Affairs Viron Vaky described the Salvadoran situation in these terms:

> The export-oriented economy is characterized by a highly skewed distribution of income, wealth and land. In agriculture, for example, two percent of the population owns almost sixty percent of the land. A small oligarchy controls much of industry and agriculture, and has great influence on the quasi-military government. The class structure is one of the most rigid in Latin America. Human rights violations have been serious, as noted in the Department's report on the human rights situation submitted to the Congress last January.
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> Under a constitutional system in place since 1962, military candidates have been regularly elected to the Presidency under the banner of the official Partido de Conciliación Nacional. The political system has not accommodated dissent and demands for change well.
>
> Political, economic and social rigidities under successive regimes have not allowed a sufficient outlet for rising frustration and dissatisfaction. This atmosphere has spawned a dramatic increase in leftist terrorism, and terrorist movements have flourished, their actions accelerating a drift toward revolutionary violence.
>
> The country has thus been caught in a chronic national crisis; antigovernment activity is rampant, often begetting violence, and trust is lacking on all sides. In these circumstances polarization is far advanced, and the prospects for avoiding insurrectional violence are rapidly dimming.[4]

Despite this situation, or as some would say, because of it, the United States throughout the past 50 years has supported one Salvadoran military regime after another. Since the end of the Second World War, Uncle Sam has provided El Salvador with more than $500 million in economic and military assistance, and as we know from the morning newspaper, substantial increases are on the way. Always but always, this assistance, whether economic or military, has been provided in the name of economic development and concern for the growth of democratic institutions. But what the record shows, what the Vaky testimony underscores, is that El Salvador, not unlike some of her neighbors, has had precious little of either one.

Rather it has had stability—a stability built on corruption, repression, and the utter prostitution of the democratic ideal. But nevertheless there was the facade, the figleaf, of stability, and this in the final analysis was always more important to Washington than emphasizing change or reform, let alone the risky business of revolution.

Today the facade of stability in El Salvador has been shattered beyond recognition. The social and political volcano has erupted. Yes; El Salvador is a nation at war—at war with itself. Yes; the Kennedy-Eisenhower prediction has come true. And yes; unfortunately for the United States, we are too closely identified with "Those who make peaceful revolution impossible * * *" We are too closely identified with the corrupt caudillos and the potbellied oligarchs. We may have wished it otherwise, but somehow, somewhere along the way, we were unable to keep faith with our ideals; we were unable to keep faith with ourselves; and we were unable to keep faith with those in Central America who yearned for democracy and for the implementation of democratic standards.

The following observation helps to illustrate the point.

> A year ago (1977), an election was held in El Salvador. The election was rigged. There was violence, and there were mob scenes of the sort I had seen at the soccer game, but this time enacted on the streets of the capital. Students were shot and people imprisoned. And so El Salvador found itself with yet another military dictatorship. This was a particularly brutal one. Politics is a hideous subject, but I will say this: people tell you that dictatorships are sometimes necessary to good order, and that this sort of highly centralized government is stable and dependable. But this is seldom so. It is nearly always bureaucratic and crooked, unstable, fickle and barbarous; and it excites those same qualities in those it governs.[5]

Regrettably, this observation is as accurate a reflection of the situation in El Salvador today as it was 5 years ago, only it is 5 years worse. To be sure, General Romero is gone, but the brutal legacy he helped to nurture and maintain remains largely intact.

And so, too, is the United States. Yes, we are still there. Bigger than life, as the saying goes. American military personnel have been brought in and are busily training their Salvadoran counterparts in how to fight the wily, if not unscrupulous, insurgents. Hundreds of more Salvadorans are being brought to the United States. And in the meantime, we have stepped up the flow of military equipment to El Salvador on the theory that more of the same will do it, that democracy is as much a function of M-16's and helicopter gunships as it is of respect for the wishes of the people and the consent of the governed.

And the justification for all of this is basically the same today as it was 10, 20, or 50 years ago. We are going to protect the national security of the United States and, at the same time, we are going to help the Salvadorans build a true democratic system. And as evidence of its intentions, the administration repeatedly points to Jose Napoleon Duarte, the President, the reformer, the democrat.

While I and a lot of others fully accept Napoleon Duarte's democratic credentials, a word of caution is very much in order. Indeed, before we get too excited about Duarte and decide to put El Salvador in the column of free and democratic nations, we would all be well advised to take a closer, harder look at the actual situation. The fact is that Napoleon Duarte, for all of democratic credentials, has little if any control over much of anything. Even his strongest supporters and allies acknowledge he is regrettably a figurehead. Unfortunately, he is a facade. A respectable, if not tragic, one. But a facade nonetheless. And as he knows better than anyone, he does not control the real political power in the country. That power remains in the hands of others; it remains in the Army, the National Guard, and the Treasury policy. It remains, in ORDEN, in the White Warriors' Union, and in the Anti-Communist Alliance.

It could have been otherwise. President Duarte could have lived up to the legend. But to do that he desperately needed our help. That was the intended purpose of the certification process: Strengthen Duarte; help him to gain real control over the Salvadoran military and security forces; put him in charge of the reform effort; and make the military answerable to him. But it was not meant to be. The Reagan administration responded cynically. Despite the overwhelming evidence to the contrary, it has informed the American people and the world that the Government of El Salvador has made sufficient progress on the human rights front and elsewhere to warrant a continuation of, and, in fact, a marked increase in, U.S. military assistance. The message could not be clearer: U.S. credibility is expendable.

In reality, then, the current Salvadoran situation brings to mind that old refrain about "the more things change, the more they remain the same." El Salvador tends to prove it. Nothing's changed in the last 50 years, with or without President Duarte. Yes, it could have been different. But it has not. During the past 2 years alone, 20,000 to 30,000 people have lost their lives in El Salvador. And more are sure to follow. The ghost of the 1932 massacre yet stalks that unhappy land.

Yes; as night follows day, more lives will be lost in El Salvador, and they will be lost in very large part because the United States, or at least this administration, is determined to view the conflict more as an externally controlled insurrection than as an internally directed one; more as a military confrontation than as a clash between opposing political and social forces; and more as a classic, textbook case of outside Communist intervention than as a popularly supported revolt against injustice, repression, and murder. Seen in these terms, we can inevitably expect the establishment of free-fire zones, the destruction of villages in order to save them and the search for the ever-ellusive light at the end of the tunnel. But to stumble into the military trap in El Salvador is to forget the painful and costly lessons that many of us thought we had learned more than a decade ago in the jungles of Southeast Asia.

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[4] *Central America at the Crossroads.* Hearings before the Subcommittee on Inter-American Affairs, House Committee on Foreign Affairs; 96th Congress, 1st Session. September, 1979. p. 13.

[5] Paul Theroux, "The Old Pentagonian Express: By Train Through the Americas" (Houghton Mifflin Company, 1979), p. 142.

And given the geographical proximity of El Salvador, given the fact, as someone once said, that "it is only 10 days by tank from Texas" we ought to think twice and we ought to reexamine very carefully the lessons learned in I Corps, the Delta, and the Parrot's Beak.

COUNTERINSURGENCY

First, foremost, and fundamentally, those lessons were political in nature, not military as Robert Kennedy belatedly learned. As the United States considers greater military involvement, either directly or indirectly, in El Salvador and Central America, Kennedy's remarks on "counterinsurgency," delivered in 1965, take on a new and deeper meaning. The following excerpts from that speech are particularly appropriate:

> But if these conflicts (referring to wars of national liberation with Soviet or Chinese aid) are called wars and have deep international consequences, they are at the same time not wars—and their outcome is determined by internal factors. For their essence is political—a struggle for the control of government, a contest for the allegiance of men. Allegiance is won as in any political contest—by an idea and a faith, by promise and performance. Governments resist such challenges only by being effective and responsive to the needs of their people.
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> * * * * *
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> Not only is the military approach deficient itself. More dangerously, it tends to obscure and prevent essential political action. In conventional war the aim is to kill the enemy. But the essence of successful counterinsurgency is not to kill but to bring the insurgent back into the national life.
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> * * * * *
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> It has also been said that an insurgency cannot be put down as long as it is supplied from, and can seek sanctuary in, a neighboring country. No matter what assistance they receive from outside, however, insurgents stand or fall on their political success. Without popular support, they become conventional invaders—and can be dealt with by conventional means.
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> * * * * *
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> I think the history of the last twenty years demonstrates beyond doubt that our approach to revolutionary war must be political—political first, political last, political always. Where the needs and grievances of the people begin to be met by the political process insurgency loses its popular character and becomes a police problem.
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> * * * * *
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> But one last word of caution: No less than military action, political action in an unjust cause is lost. It is not enough to stand for anti-communism—or for stability—or for order. We all have a responsibility to stand with the people for justice, for understanding, for progress. If we meet that obligation, we need have no fear for the future, no worry over wars of revolution.[6]

FACING UP TO THE NEED FOR A POLITICAL SOLUTION

The crises in El Salvador and Central America deserve some very careful thought and reflection, rather than a knee-jerk response "to fight fire with fire" which, while emotionally satisfying for the moment, is later proven to be counterproductive. At the heart of the problem is a policy which has been unable to keep pace with events, let alone get ahead of them. Whether we talk about Costa Rica, El Salvador, Guatemala, Honduras, or Nicaragua our policy has been much the same: A day late and a dollar short.

Whether we like it or not, the basic political reality of Central America is that the old order is changing; it is crumbling. And looking down the road we must recognize that the political landscape of the region will never be the same. But regrettably our policy is perceived as opposing change and supporting the status quo. For the people of Central America, this perception has become the accepted reality.

The net result is this: Those who otherwise would be our natural allies in the region have all too frequently become our enemies through the twin evils of the radicalization and the polarization of political forces. We saw it happen in Nicaragua and we are seeing it happen in El Salvador and Guatemala. Plain and simple, we have lost the ability to identify with the downtrodden, the uneducated, and the politically forgotten people of Central America. This constitutes the bulk of the population in the region. From their standpoint, we have nothing to say to them. It is a sad commentary on U.S. policy—but no less true.

Enter Cuba. These are the people the Cubans are talking to, training and supporting. But let us face it, the people of Central America have not suddenly discovered communism. Just the reverse. Communism has discovered the people of Central America and those who espouse that threadbare doctrine are fully prepared to take advantage of the situation, if for no other reason than, for all practical purposes, we have abandoned the field to them. And in the meantime, we continue to perpetuate the mistakes of the past and to cling to the "guardians of the dynasty."

The fundamental error of the Reagan administration's approach to Central America is to confuse cause and effect, essentially the same error the Soviets committed in Afghanistan. Nor is it unlike the Soviet claim that we, the United States, is behind the unrest and turmoil in Poland. But the fact of the matter is this: The people of Poland, like the people of Afghanistan, are seeking nothing more than the elimination of an unjust government and the right to determine their own political future. So too are the people of El Salvador and Guatemala.

We recognize in the case of Poland or Afghanistan that there is no lasting military solution, that the yearning for freedom, liberty, and justice cannot and will not be extinguished by Soviet troops and tanks. We know this. And we know that sooner or later the leaders in the Kremlin will be forced to recognize the need for a political solution in Afghanistan, the same way they are desperately searching for one in Poland. Knowing this, it makes no sense for us to argue for a military solution, let alone support one, in the case of El Salvador. Here, too, a political solution is urgently required. And the way to go about getting it is at the negotiating table, not on the battlefield.

A FINAL COMMENT

As urgent as the need is for a ceasefire and a negotiated political solution to the Salvadoran conflict, there may be some solace in remembering our own revolutionary origins and our own bloody experience with civil conflict. In his first inaugural address, a newly elected but no less resolute Abraham Lincoln spoke to both issues. As the clouds of civil war gathered over the Nation, he clearly and unequivocally stated the case for national unity. But at the same time, Lincoln fully recognized that the ultimate decision rested with the people. And in reminding his countrymen of their "birth by fire" Lincoln told them in March 1861:

> This country, with its institutions, belongs to the people who inhabit it. Whenever they shall grow weary of the existing government, they can exercise their constitutional right of amending it, or of their revolutionary right to dismember or overthrow it.

With these remarks in mind, I end where I began. El Salvador and the nations of Central America are politically important to the United States. And in very large part their political importance ought to be a clear reflection of a renewed determination on our part to maintain our own national values and traditions.

In the final analysis, we really cannot raise a different political standard for the people of El Salvador or for the people of Central America than we are prepared to defend and uphold for ourselves. Lincoln would have been the first to agree.

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[6] Address to the International Police Academy in Washington, D.C., Aug. 15, 1965.

VISIT OF PRESIDENT SANDRO PERTINI OF ITALY

Mr. KENNEDY. Mr. President, earlier today the Members of the Senate and the House of Representatives welcomed the President of Italy, Sandro Pertini, to the Congress during his current visit to the United States. It was a great pleasure for me to join in welcoming a great Italian leader and European statesman, who spoke movingly to us about his commitment to liberty, security, peace, and nuclear disarmament and about the joint commitment of the Western Alliance to these objectives.

Since Sandro Pertini was elected to the Presidency in 1978, Italy has made great political, economic, and social progress, and Italian-American relations have reached an alltime high. Italy has played a major leadership role both within NATO and in the international search for peace and freedom.

Despite great economic challenges, the Government of Italy has remained firm in its commitment to the common defense of the Western Europe and to meaningful and substantial arms control and disarmament. In the face of continued turmoil in the Middle East, Italy assumed a leading role in the establishment of the international force in the Sinai—thereby making possible the reversion of the Sinai from Israel to Egypt under the Camp David accords. Following the Soviet repression by proxy in Poland, Italy once again affirmed its commitment to a collective Western response to seek an end to the repression and a resumption of the process of liberalization in that country.

Most recently, Italy demonstrated its firm commitment to rid terrorism from this planet, and its dedication as a friend and ally of the United States, through the dramatic rescue of Gen. James L. Dozier and the resulting blow dealt the Red Brigades by its law enforcement authorities—all in a manner fully consistent with its commitment to free and democratic national institutions.

Mr. President, this is a proud and longstanding record of leadership and friendship on the part of our great Italian ally. We owe it a debt of gratitude—and it was pleasure and honor for me to cosponsor the Senate resolution of gratitude for the rescue of General Dozier and to introduce the legislation in the Senate in response to the great humanitarian crises caused by the earthquakes in Northern and Southern Italy in the past. Under this legislation, emergency relief and rehabilitation funds were appropriated by the United States to help our friends in need, just as they have responded consistently to our common interests over many years of alliance.

So I am delighted that the President of Italy, Sandro Pertini, is visiting our country, and is offering his American friends and admirers the chance to hear his wise and moving words of advice and counsel at first hand, and is providing the occasion to celebrate the great relationship of friendship and trust and mutual commitment which is the Italian-American alliance.

SENATE JOINT RESOLUTION 174, WORLD FOOD DAY RESOLUTION

Mr. DOLE. Mr. President, because of our own burgeoning economic problems in recent years, Americans have become primarily concerned with domestic issues, like rising interest rates, unemployment, and budget cuts affecting Federal nutrition programs. I am pleased to join Senators LEAHY and HEINZ in introducing a Senate joint resolution designating World Food Day, because, at least 1 day a year, we should generate an awareness of the massive extent of hunger and malnutrition that continues to prevail in the world beyond our own borders.

The capability of feeding the entire world's population seems to exist, and yet we are somehow unable to channel food resources to areas that are most in need—where extreme hunger and malnutrition are a daily reality. We as Americans are very fortunate to have been blessed with an abundance of many things—food, freedom, and the promise of plenty. We have always been a generous Nation, and it is appropriate that we should set aside 1 day a year to think about other people who live in less fortunate circumstances—people who sometimes seem to be beyond the reach of the hands that want to help. My experience as a member of the President's Commission on World Hunger, on which I served along with Senator LEAHY, has expanded my own knowledge of the economic complexities involved in trying to eradicate world hunger.

Mr. President, last year, during harvest time in October, thousands of activities took place across this Nation to commemorate the anniversary of the United Nations' food and agriculture organization, and to recognize the continuing implications of world hunger. It is my hope that this year's resolution will build upon the momentum gained by last year's World Food Day.

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mr. Saunders, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session, the Acting President pro tempore laid before the Senate messages from the President of the United States submitting sundry nominations which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

MESSAGE FROM THE HOUSE

At 12:04 p.m., a message from the House of Representatives, delivered by Mr. Berry, one of its reading clerks, announced that pursuant to the provisions of title 22, United States Code, section 276a-1, as amended by Public Law 95-45, the Speaker appoints as members of the delegation to attend the Conference of the Interparliamentary Union to be held in Lagos, Nigeria, April 12 to 17, 1982, the following Members on the part of the House: Mr. PEPPER, Chairman; Mr. DERWINSKI, Vice Chairman; Mr. FOUNTAIN, Mr. CONYERS, Mr. BOWEN, Mr. LEVITAS, Mr. FAUNTROY, Mr. WON PAT, Mr. BROOMFIELD, Mr. McCLORY, Mr. COUGHLIN, and Mr. BUTLER.

The message also announced that the House has passed the following bills and joint resolution, in which it requests the concurrence of the Senate:

H.R. 2528. An act to amend the Economy Act to provide that all departments and agencies may obtain materials or services from other agencies by contract, and for other purposes;

H.R. 4750. An act to authorize a study of the area of Warm Springs, Ga., historically associated with the life of Franklin D. Roosevelt, as a living memorial, and for other purposes;

H.R. 5014. An act to extend the life of the Gateway National Recreation Area Advisory Commission, which is presently due to expire October 27, 1982;

H.R. 5708. An act to amend section 235 of the National Housing Act; and

H.J. Res. 409. Joint resolution making further continuing appropriations for the fiscal year 1982.

The message further announced that the House has agreed to the following concurrent resolution, in which it requests the concurrence of the Senate:

H. Con. Res. 100. A concurrent resolution expressing the sense of the Congress with respect to the situation of two Russian families who have sought refuge in the United States Embassy in Moscow because of the suppression of their Pentecostal faith by the Government of the Soviet Union.

HOUSE BILLS REFERRED

The following bills were read the first and second times by unanimous consent, and referred as indicated:

H.R. 2528. An act to amend the Economy Act to provide that all departments and agencies may obtain materials or services from other agencies by contract, and for other purposes; to the Committee on Governmental Affairs.

H.R. 4750. An act to authorize a study of the area of Warm Springs, Georgia, historically associated with the life of Franklin D. Roosevelt, as a living memorial, and for other purposes; to the Committee on Energy and Natural Resources.

H.R. 5014. An act to extend the life of the Gateway National Recreation Area Advisory Commission, which is presently due to expire October 27, 1982; to the Committee on Energy and Natural Resources.

HOUSE BILL AND JOINT RESOLUTION HELD AT THE DESK

The following bill and joint resolution were held at the desk by unanimous consent:

H.R. 5708. An act to amend section 235 of the National Housing Act.

H.J. Res. 409. Joint resolution making further continuing appropriations for the fiscal year 1982.

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, which were referred as indicated:

EC-3066. A communication from the Secretary of Agriculture transmitting a draft of proposed legislation to repeal the law providing that 10 percent of all National Forest receipts be used for construction of roads and trails in the National Forests; to the Committee on Agriculture, Nutrition, and Forestry.

EC-3067. A communication from the Secretary of Defense transmitting, pursuant to law, reports on 12 violations of the Anti-Deficiency Act including one which was found willful; to the Committee on Appropriations.

EC-3068. A communication from the Acting Director of the Defense Security Assistance Agency, transmitting, pursuant to law, a confidential report on a proposed foreign military sale to Egypt; to the Committee on Armed Services.

EC-3069. A communication from the Assistant Secretary of Defense, Comptroller, transmitting, pursuant to law, a secret report on 44 selected acquisition reports; to the Committee on Armed Services.

EC-3070. A communication from the Assistant Secretary of the Army for Installations, Logistics, and Financial Management, transmitting, pursuant to law, a report on a decision made to convert the food services activity at Fort Indiantown Gap, Pa., to performance under contract; to the Committee on Armed Services.

EC-3071. A communication from the Acting Director of the Defense Security Assistance Agency, transmitting, pursuant to law, a report on a proposed foreign military sale to Turkey; to the Committee on Armed Services.

EC-3072. A communication from the Acting Director of the Defense Security Assistance Agency, transmitting, pursuant to law, a report on a proposed foreign military sale to Korea; to the Committee on Armed Services.

EC-3073. A communication from the Comptroller General of the United States, transmitting, pursuant to law, a report on the Department of Defense's estimate of the Panama Canal Commission's annual revenues for fiscal year 1983; to the Committee on Armed Services.

EC-3074. A communication from the Chairman of the Federal Deposit Insurance Corporation, transmitting, pursuant to law, the seventh annual report of the Corporation's Office of Consumer Programs; to the Committee on Commerce, Science, and Transportation.

EC-3075. A communication from the Assistant Attorney General of the United States, Office of Legislative Affairs, transmitting, pursuant to law, a report entitled "Rail Carrier Liability Study"; to the Committee on Commerce, Science, and Transportation.

EC-3076. A communication from the Secretary of Health and Human Services, transmitting, pursuant to law, the 1982 report on health consequences of smoking; to the Committee on Commerce, Science, and Transportation.

EC-3077. A communication from the Secretary of Commerce transmitting a draft of proposed legislation to extend the authorization of appropriations in section 406 of the Magnuson Fishery Conservation and Management Act; to the Committee on Commerce, Science, and Transportation.

EC-3078. A communication from the Secretary of Commerce transmitting a draft of proposed legislation to authorize appropriations for the National Telecommunications and Information Administration; to the Committee on Commerce, Science, and Transportation.

PETITIONS AND MEMORIALS

The following petitions and memorials were laid before the Senate and were referred or ordered to lie on the table as indicated:

POM-761. A joint resolution by the legislature of the State of Maine; to the Committee on Foreign Relations.

"Joint Resolution Memorializing Congress to Support a Mutual Freeze on Nuclear Weapons by the United States and the Soviet Union

"We, your Memorialists, the House of Representatives and Senate of the State of Maine, in the Second Regular Session of the One Hundred and Tenth Legislature, now assembled, most respectfully present and petition the Congress of the United States, as follows:

"Whereas, the United States and the Soviet Union between them currently possess 50,000 nuclear warheads and are in the process, over the next 20 years, of building 20,000 more nuclear warheads; and

"Whereas, the destructive power of these weapons can render the planet earth uninhabitable for any form of life; and

"Resolved: That We, your Memorialists, respectfully urge and request the Congress of the United States to take immediate action by calling upon both the United States and the Soviet Union to adopt a mutual freeze on the testing, production and deployment of nuclear weapons, completely verifiable by whatever methods necessary to ensure compliance by both nations; and be it further

"Resolved: That it is recognized that President Ronald W. Reagan has taken a positive step in this direction through his proposal for nondeployment of nuclear weapons in Europe; and be it further

"Resolved: That it is further recognized that a mutual freeze of nuclear weapons is to be followed by the mutual reduction of such weapons and a balance of nuclear forces between these nations; and be it further

"Resolved: That notice be given to government officials of the Soviet Union; that no illusions should be entertained concerning the resolve of the Memorialists to protect the national security of the United States; and that the government officials of the Soviet Union are urged to allow their own citizens free and open support of a mutual verifiable freeze and reduction of nuclear weapons; and be it further

"Resolved: That a duly authenticated copy of this Resolution be immediately submitted by the Secretary of State to the Honorable Ronald W. Reagan, President of the United States, the Honorable George Bush, President of the Senate, and the Honorable Thomas P. O'Neill, Jr., Speaker of the House of Representatives of the Congress of the United States, and each Member of the Senate and House of Representatives in the Congress of the United States from this State."

MAINE'S NUCLEAR FREEZE MEMORIAL

Mr. MITCHELL. Mr. President, on March 11, both houses of the legislature of the State of Maine passed a joint resolution memorializing Congress to support a mutual freeze on nuclear weapons by the United States and the Soviet Union.

I favor such a freeze. I have long considered the need to devise policies to prevent nuclear war to be the single most important issue of our time.

Last summer, when it seemed that this administration would not seek arms negotiations, I expressed my concern on the Senate floor. I subsequently was pleased when President Reagan in November announced the commencement of theater nuclear force negotiations with the Soviet Union. At that time, I was among those who welcomed the President's initiative; I continue to hope that these talks will be productive.

But I believe that talks limited to the single issue of theater deployments in Europe are not enough. The nuclear arms race is escalating rapidly, and threatens to reach a quantitative and qualitative level that will place it beyond control unless both sides begin serious talks to halt the arms race. The President's goal of actual reductions is one that we all share. But we will not have a reduction unless we first stop the increase.

I, therefore, believe that a freeze—one that is mutual, verifiable and which does not lock the United States into a position of inferiority—is the proper starting point from which to consider reductions.

As an original backer of Senate Joint Resolution 163 which calls for such a freeze, I was pleased to receive the Maine Legislature's memorial endorsing the approach embodied in our resolution.

Mr. President, at this time I present to you and the Members of this Senate, the State of Maine memorial. I respectfully request that it be printed, and that it be referred to appropriate committee of the Senate for consideration.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. WARNER, from the Committee on Armed Services, with amendments:

S. 1662. A bill to establish a limited program for Federal storage of spent fuel from civilian nuclear powerplants, to set forth a Federal policy, initiate a program, and establish a national schedule for the disposal of nuclear waste from civilian activities, and for other purposes (with additional views) (Rept. No. 97-327).

EXECUTIVE REPORTS OF COMMITTEES

The following executive reports of committees were submitted:

By Mr. TOWER, from the Committee on Armed Services:

Mr. TOWER. Mr. President, from the Committee on Armed Services, I report favorably the following nominations: Col. Charles S. Bishop, Jr., USMC, to be brigadier general, and in the Naval Reserve 17 permanent promotions to the grade of rear admiral (list begins with Lemuel O. Warfield). I ask that three names be placed on the Executive Calendar.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. TOWER. Mr. President, in addition, in the Navy and Naval Reserve there are 925 temporary/permanent appointments to the grade of ensign and below (list begins with Timothy S. Farwell), in the Army Reserve there are 895 promotions to the grade of colonel (list begins with Gene P. Abel), in the Army there are 49 appointments to the grade of lieutenant colonel and below (list begins with David L. Edwards), in the Army there are 300 permanent promotions to the grade of lieutenant colonel and below (list begins with Jerry W. Adcock), in the Marine Corps there are 50 permanent appointments to the grade of second lieutenant (list begins with Kenneth W. Montgomery), in the Navy there are 156 permanent promotions to the grade of captain (list begins with Sidney M. Blair), in the Navy there are 640 permanent promotions to the grade of lieutenant (list begins with William C. Abbruzzese), in the Army there are 49 appointments to the grade of captain (list begins with Jeffrey F. Addicott), in the Naval Reserve Officers Training Corps there are 50 permanent appointments to the grade of second lieutenant in the Marine Corps (list begins with Emily [illegible]. Baker), and in the Naval Reserve Officers Training Corps there are 50 permanent appointments to the grade of second lieutenant in the Marine Corps (list begins with Louis P. Abraham). Since these names have already appeared in the CONGRESSIONAL RECORD and to save the expense of printing again, I ask unanimous consent that they be ordered to lie on the Secretary's desk for the information of any Senator.

The PRESIDING OFFICER. Without objection, it is so ordered.

(The nominations ordered to lie on the Secretary's desk were printed in the RECORD of March 1, March 4, March 11, and March 17, 1982, at the end of the Senate proceedings.)

EXECUTIVE REPORTS OF COMMITTEES

The following executive report of a committee was submitted:

By Mr. WEICKER, from the Committee on Small Business:

James C. Sanders, of California, to be Administrator of the Small Business Administration, vice Michael Cardenas, resigned.

(The above nomination from the Committee on Small Business was reported with the recommendation that it be confirmed, subject to the nominee's commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.)

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second time by unanimous consent, and referred as indicated:

By Mr. DANFORTH:

S. 2281. A bill to amend the Internal Revenue Code of 1954 to encourage contributions of computers and other sophisticated technological equipment to elementary and secondary schools; to the Committee on Finance.

By Mr. HUMPHREY:

S. 2282. A bill to amend the Federal Election Campaign Act of 1971 to provide for adjustments in campaign contribution limits; to the Committee on Rules and Administration.

By Mr. GLENN:

S. 2283. A bill to authorize negotiations directed toward liberalizing international trade and investment in high technology goods and services, and for other purposes; to the Committee on Finance.

By Mr. GLENN:

S. 2284. A bill to insure adequate protection of workers, the general public, and the environment from harmful radiation exposure, to establish mechanisms for effective coordination among the various Federal agencies involved in radiation protection activities, to develop a coordinated radiation research program, and for other purposes; to the Committee on Governmental Affairs.

By Mr. HEINZ:

S. 2285. A bill to amend title 10, United States Code, to provide that naval vessels of the United States may not be built in foreign shipyards; to the Committee on Armed Services.

By Mr. WARNER (for himself and Mr. JACKSON) (by request):

S. 2286. A bill to authorize appropriations for the Department of Energy for national security programs for fiscal year 1983 and fiscal year 1984, and for other purposes; to the Committee on Armed Services.

By Mr. KASTEN:

S.J. Res. 175. Joint resolution authorizing and requesting the President to proclaim "National Junior Bowling Championship Week"; to the Committee on the Judiciary.

By Mr. BOSCHWITZ (for himself and Mr. MOYNIHAN):

S.J. Res. 176. Joint resolution to designate April 4, 1982, as the "National Day of Reflection"; to the Committee on the Judiciary.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. DANFORTH:

S. 2281. A bill to amend the Internal Revenue Code of 1954 to encourage contributions of computers and other sophisticated technological equipment to elementary and secondary schools; to the Committee on Finance.

TECHNICAL EDUCATION ACT OF 1982

● Mr. DANFORTH. Mr. President, I believe I speak for us all when I say that the health of our economy is our No. 1 priority these days. One of the primary factors affecting the future of our economy is our ability to adapt to and utilize the rapidly expanding pool of computers and other high-technology. Only by doing so will be, as a country, be able to compete successfully in the world market.

The Japanese are well aware of this necessity. With half the population of the United States, Japan now graduates more electrical engineers than we do. The Japanese Government is providing direct aid to that country's leading computer manufacturers for the development of new operating systems for hardware.

If the United States is to remain a leader in technological developments, it is imperative that our schools begin training our children in today's technology, beginning at the earliest feasible age. However, we know that budget restraints are making it harder and harder for local schools to provide even basic teaching facilities, much less expensive technological equipment.

The bill I am introducing today would encourage the donation of computers and other technological equipment to our primary and secondary schools by liberalizing the charitable deduction allowable to a corporation for making such contributions.

The bill would provide that contributions of technological equipment to primary and secondary schools would be treated the same as contributions of scientific equipment for research and experimentation to colleges. The bill would also provide for a temporary raising of the maxium allowable charitable contribution from 10 to 30 percent of a corporation's taxable income.

Mr. President, the inspiration for this bill is a proposal from the Apple Computer Co. to provide, free of charge, a complete computer center to every public elementary, middle, and secondary school in the country—approximately 75,000 schools. But the legislation would affect all U.S. manufacturers of technological equipment and I hope that other high-tech companies would be encouraged by this proposal to make similar donations to our schools.

Mr. President, let me emphasize that I am not proposing a subsidy to the high technology industry. Rather, I am simply proposing that we meet, at least part way, those companies who wish to take the initiative in helping our public schools provide training in today's technology. It is our children, and ultimately our country, which will benefit from this legislation. The donating companies will be in the same position as if they had sold the equipment, paid tax on the income, and donated the after-tax proceeds to the schools. I hope the Congress will see its way clear to enact this proposal into law.

Mr. President, I ask unanimous consent that the bill and an article relating to the subject be printed in full in the RECORD.

There being no objection, the bill and article were ordered to be printed in the RECORD, as follows:

S. 2281

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Technology Education Act of 1982".

SEC. 2. CHARITABLE CONTRIBUTIONS OF TECHNOLOGICAL EQUIPMENT TO PRIMARY AND SECONDARY SCHOOLS.

Subsection (*e*) of section 170 of the Internal Revenue Code of 1954 (relating to certain contributions of ordinary income and capital gain property) is amended by adding at the end thereof the following new paragraph:

"(5) SPECIAL RULE FOR CONTRIBUTIONS OF TECHNOLOGICAL EQUIPMENT TO PRIMARY AND SECONDARY SCHOOLS.—

"(A) LIMIT ON REDUCTION.—In the case of a qualified contribution of technological equipment, the reduction under paragraph (1)(A) shall be no greater than the amount determined under paragraph (3)(B).

"(B) QUALIFIED CONTRIBUTION OF TECHNOLOGICAL EQUIPMENT.) For purposes of this paragraph, the term 'qualified contribution of technological property' means a charitable contribution by a corporation of tangible personal property described in paragraph (1) of section 1221, but only if—

"(i) the contribution is to an educational organization which is described in subsection (b)(1)(A)(ii) of this section and which is not an institution of higher education (as defined in section 3304(f),

"(ii) the contribution is made—

"(I) not later than 2 years after the date the construction of the property is substantially completed, and

"(II) after the date of the enactment of the Technology Education Act of 1982 and before the date 1 year after such date of enactment,

"(iii) the original use of the property is the donee,

"(iv) the property is a computer (or other sophisticated technological equipment or apparatus) all of the use of which by the donee is directly in the education of students in the United States,

"(v) the property is not transferred by the donee in exchange for money, other property, or services; and

"(vi) the taxpayer receives from the donee a written statement representing that its use and disposition of the property will be in accordance with the provisions of clauses (iv) and (v).

"(C) INCREASE IN PERCENTAGE LIMITATION.—The limitation of subsection (b)(2) shall be increased by the aggregate amount (determined after the application of this subsection) of the qualified contributions of technological property made by the taxpayer during the taxable year; except that such limitation shall not be increased to an amount greater than 30 percent of the taxpayer's taxable income (as computed for purposes of subsection (B)(2)).

"(D) CORPORATION.—For purposes of this paragraph, the term 'corporation' shall not include—

"(i) an electing small business corporation (as defined in section 1371(b)),

"(ii) a personal holding company (as defined in section 542), and

"(iii) a service organization (as defined in section 414(m)(3))."

SEC. 3. EFFECTIVE DATE.

The amendment made by section 2 shall apply to taxable years ending after the date of the enactment of this Act.

[From the Wall Street Journal]

APPLE WANTS A BIG TAX BREAK SO IT CAN GIVE ONE OF ITS COMPUTERS TO EVERY PUBLIC SCHOOL

(By Lenard M. Apcar and Marilyn Chase)

WASHINGTON.—If Congress approves, there could be an Apple in every schoolhouse in the country.

Not the kind polished for the teacher, but the sleek, expensive and hot-selling Apple II personal computer that has caught the fancy of high-tech buffs everywhere. Apple Computer Inc., based in Cupertino, Calif., wants to give one to each of the nation's more than 83,000 public elementary and secondary schools.

The idea amounts to a giveaway of at least $200 million on Apple's part, based on the $2,495 retail price of the computer and related equipment, instruction manuals and shipping costs. But Apple wants some compensation from Congress, first, namely a tax break of nearly $20 million. Without it, says Apple's chairman, Steven Jobs, "we'd go broke."

To make the trade-off possible, congress must change the law. A company now can take a deduction for such a donation only if the company gives away carefully defined "scientific equipment" to colleges and universities strictly for research purposes. Computers given to lower-level schools aren't considered deductible.

PITCHING THE IDEA

So Mr. Jobs, Apple's 27-year-old cofounder and a computer-literacy zealot, has been pushing the idea on Capitol Hill and with just about any politician who will listen. By chance, he recently sat next to Rep. Fortney "Pete" Stark, a California Democrat, on a plane ride. The two got to talking, and Mr. Stark gave him his card. Mr. Jobs followed up with a telephone pitch for his idea and a quick lesson on how the law would have to be changed. "He was way ahead of me in terms of what was needed in legislation," Mr. Stark says.

Now Mr. Stark is a sponsor of the "Technology Act of 1982," which would change tax law the way Apple wants. "I think it's a great idea," the Congressman declares. The $20 million or so Apple estimates the government stands to lose in taxes doesn't bother Mr. Stark, despite Washington's big budget deficits. In an era of spending cuts for schools and social programs, he says, "we're getting a lot of bang for our buck."

Of course, Apple would get a lot of bang, too. In one stroke, Mr. Jobs and his colleagues figure there could be Apples in classrooms everywhere. Computer makers are jockeying for position in the potentially lucrative education market, and Apple hopes its ploy would keep it in front of the pack. Sales to schools will more than triple by 1985 from about $150 million last year, estimates Grant S. Bushee, vice president of Dataquest Inc., an A. C. Nielsen unit.

"The idea hasn't escaped us," says Gregory Smith, Apple's educational marketing director, that the giveaway could yield "terrific multiples in future years" that would far exceed the value of the original gift.

For one thing, a school might like its Apple enough to decide to buy more. "Our experience shows that where a school buys one or two coumputers in one budget year, they'll typically buy three or four in the next," Mr. Smith says. In addition, "students influence their parents to buy," he adds. "Maybe Dad was thinking of buying a microcomputer anyway; kids help choose."

Apple's Mr. Jobs doesn't say much about the marketing angle. He makes appeal in terms of a broader problem. "We're undersupplying engineers by a factor of three to one. U.S. kids have to take less math than Japanese or Russian kids. We're really blowing it." He adds: "Computer science is going to be very important for these kids. Human capital is as important to high technology industry as physical capital."

Mr. Stark's bill would allow Apple to make its entire donation in one year by raising temporarily the current ceiling on the size of such a deduction to 30% of a company's taxable income from 10%. The bill also would broaden existing law to include computers and giveaways to schools below the college level. Apple hopes other computer makers will join in once the law is broadened, although a spokesman says whether they do or not, Apple is committed to putting a computer in every public school.

Special-purpose tax bills aren't uncommon. But Apple officials seem a little surprised at how quickly their idea has found support on Captiol Hill. "It's not that hard to do this," says Michael Rashkin, Apple's director of taxes.

Still, politicians frequently get nervous about how others see specially tailored bills. "What's your story going to say?" an assistant to a Senator who is considering introducing a companion measure asked a reporter. Mr. Stark is careful to note that the law already contains certain restrictions so that companies can't inflate the amount of a deduction or "dump junk they can't sell to beat us out of a few bucks."

The bill requires that the donated equipment be unused and in the company's inventory no longer than two years. Moreover, the deduction is calculated by adding the manufacturing cost to one-half the difference between it and Apple II's retail price, and that total can't be more than double the company's cost to make the equipment.

Mr. Stark's bill already has 41 cosponsors, but whether it will pass a Congress preoccupied with the huge budget deficits and the notion of raising taxes isn't clear. "It's a hard time to get something like this passed," concedes Apple's Mr. Rashkin. "I don't think it's impossible, but it would have been easier last year."

RESERVED COMPETITORS

Meanwhile, some of Apple's competitors are reserving their options about joining the computer giveaway.

Charles Phillips, senior vice president of Tandy Corp.'s Radio Shack unit, says: "I think Apple people are honorable people, but it can't be as charitable as it sounds. It's a little incredible that a company doing a half billion dollars in business would try to give away $200 or $300 million." In the fiscal year ended Sept. 25, Apple had earnings of $39.4 million, or 70 cents a share, on sales of $334.8 million.

Mr. Phillips, who contends Radio Shack is No. 1 in the educational market, explains the company already has its own program of grants to schools. Radio Shack hasn't decided whether it would take advantage of the Stark bill, he adds. "The decision is up to our board."

Mr. Jobs believes that Apple's competitors are sure to join in. "It really is something for nothing, and I think the private sector will respond gallantly," he says.

In fact, he reports, "one competitor swears he isn't going to let a generation of kids grow up looking at our logo."●

By Mr. HUMPHREY:

S. 2282. An act to amend the Federal Election Campaign Act of 1971 to provide for adjustments in campaign contribution limits; to the Committee on Rules and Administration.

ADJUSTMENTS IN CAMPAIGN CONTRIBUTION LIMITS

● **Mr. HUMPHREY.** Mr. President, today, I am introducing a bill to amend the Federal Election Campaign Act to provide for reasonable adjustments in campaign contribution limits.

Existing law provides limits on the contributions which individuals and political committees may make to a candidate for Federal office and his authorized political committees, and to other political committees, including those established and maintained by a national political party. In addition, individuals may not contribute more than $25,000 in a calendar year to all Federal office candidates, politicl committees, and other related entities.

The campaign contribution limits referred to above were enacted some years ago; some were set by the Federal Election Campaign Act Amendments of 1974, and the rest by the Federal Election Campaign Act Amendments of 1976. Since then, inflation has eroded the value associated with the original contribution limits.

A January 1982, report by the Institute of Politics at the John F. Kennedy School of Government, Harvard University, specifically noted that the yearly limitation imposed on all individual political contributions has been "eroded by inflation", and recommended that Congress "adjust this ceiling upward in keeping with changes made in the permissible level of contributions to a single political committee, Presidential or otherwise". My bill would simply restore the contribution limits to the dollar values which Congress originally found reasonable and ethical.

In essence, the bill would restore the contribution limits to the purchasing power originally intended by Congress. Instead of the $1,000 per election limit on individual contributions to a candidate for Federal office, the bill provides a limit of $1,800, and thus adjusts for inflation since 1974, the year the $1,000 limit was originally adopted. Similarly, the bill increases the limit on contributions which an individual can make in a calendar year to $46,100. In like fashion, each of the existing campaign contribution limits applicable to individuals or political committees is adjusted for inflation through the end of 1981. I ask unanimous consent that a table comparing the current FECA campaign contribution limits with those provided in the bill be printed in the CONGRESSIONAL RECORD at this point.

There being no objection, the table was ordered printed in the RECORD, as follows:

FECA CAMPAIGN CONTRIBUTION LIMITS

	Current	Year set	Adjusted
Individuals:			
To a Federal office candidate (per election)	$1,000	1974	$1,800
To a political committee (per calendar year)	5,000	1976	8,000
To political committees of a national political party (per calendar year)	20,000	1976	32,000
To all Federal office candidates and political committees (per calendar year)	25,000	1974	46,100
Multicandidate political committees:			
To a Federal office candidate (per election)	5,000	1974	9,200
To a political committee (per calendar year)	5,000	1976	8,000
To political committees of a national political party (per calendar year)	15,000	1976	24,000

Mr. HUMPHREY. Mr. President, political campaigns, like everything else, are more expensive today than they were in 1974 or 1976. Thus, it seems only reasonable that the campaign contribution limits should be adjusted for inflation. While some might prefer to adjust only some of the existing contribution limits, I believe that all should be adjusted in a spirit of fairness. If contribution limits are not adjusted for inflation, running for public office will become more and more the selective pursuit of those having great personal wealth, and such a development would certainly not be in the best interests of the public. I hope that my colleagues will see the reasonableness of this approach, and I look forward to their support.

I repeat, Mr. President, this bill simply restores the purchasing power of the contribution levels to those which Congress originally found to be just and ethical.

I ask unanimous consent that the bill be printed in the CONGRESSIONAL RECORD at the conclusion of my remarks.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 2282

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) section 315(a) of the Federal Election Campaign Act of 1971 is amended in paragraph (1)—

(1) by striking out "$1,000" and inserting in lieu thereof "$1,800" in subparagraph (A);

(2) by striking out "$20,000" and inserting in lieu thereof "$32,000" in subparagraph (B); and

(3) by striking out "$5,000" and inserting in lieu thereof "$8,000" in subparagraph (C).

(b) Section 315(a) of the Federal Election Campaign Act of 1971 is amended in paragraph (2)—

(1) by striking out "$5,000" and inserting in lieu thereof "$9,200" in subparagraph (A);

(2) by striking out "$15,000" and inserting in lieu thereof "$24,000" in subparagraph (B); and

(3) by striking out "$5,000" and inserting in lieu thereof "$8,000" in subparagraph (C).

(C) Section 315(a) of the Federal Election Campaign Act of 1971 is amended in paragraph (3) by striking out "$25,000" and inserting in lieu thereof "$46,100".●

By Mr. GLENN:

S. 2283. A bill to authorize negotiations directed toward liberalizing international trade and investment in high technology goods and services, and for other purposes; to the Committee on Finance.

HIGH TECHNOLOGY TRADE NEGOTIATIONS ACT OF 1982

Mr. GLENN. Mr. President, I am today introducing the High Technology Trade Negotiations Act of 1982. The purpose of this bill is to first, provide the President with a mandate to negotiate the reduction of barriers to trade in high technology goods and services and second, give the President specific authority to reduce U.S. tariffs on high technology products in exchange for equivalent concessions.

My concern is to bring about a global trading system that is increasingly free, as well as increasingly fair. For too long now, other signatories to international trade agreements have honored the principle of comparative advantage in theory, but ignored it in practice. But under the agreements, America has a right to expect adherence to the principle of comparative advantage—and I say that asserting our right is not protectionist. For too long now, our posture in foreign trade has been reactive rather than active. We have reacted to a flood of foreign imports instead of acting to assure fair treatment for American exports. And again I say that asking other countries to play by the same rules we observe is not protectionist.

Our competitive position in the world economy has deteriorated in recent years because we have failed to develop a foreign trade policy responsive to the changing context of international trade. Last year our merchandise balance-of-trade deficit was nearly $40 billion and this years figures are even worse. Now these deficits are not simply the result of our trading partners' practices. In many areas we are not now as competitive as we once were, nor as competitive as we should be. But let me say this—given our system of private enterprise, a proper amount of research and development and enough capital to translate American creativity into products and services—America can still outproduce, outinvent, and outcompete anyone on the face of this planet. Last year Congress acted to improve America's international competitiveness. In the Economic Recovery Act, we passed a number of tax provisions designed to improve capital formation, encourage research and development and facilitate the operation of American firms in overseas markets. Yet today we find growth in our most dynamic and most competitive industries stifled—stifled by barriers to market access overseas, stifled by "rolling infant" industrial policies that target first one and then another foreign industry with Government subsidies and market protection.

Steel and auto workers in my home State of Ohio have borne the brunt of such targeted industrial policies. Today, employees in my State's high technology industries see the same grim pattern unfolding for them. Now is the time to assure fair treatment for competitive American exports. I repeat, the time to act is now—before we are again forced to react to a flood of foreign imports. So let us act now to insure that competitive American firms are guaranteed the same access to foreign markets that we provide to our trading partners.

There are a number of bills before Congress which taken together contain the essential elements necessary to accomplish this. Active enforcement of our trade agreements, effective monitoring of—and authority to offset—trade distorting practices, and expansion of policy to include trade in services and investment are all important steps we must take in response to the international challenge. To these I would add two additional elements. And these are: one, to provide the President with a mandate to negotiate the reduction of barriers to trade in high technology goods and services, and two, give the President specific authority to reduce U.S. tariffs on high technology products in exchange for equivalent concessions.

I believe such a mandate is important because of the unique nature of high technology trade. The pace of change in high technology industries is exceptionally fast and today we stand poised at the edge of dramatic breakthroughs that will revolutionize the way we live. Moreover, innovation in these areas comes largely from small and developing firms. The rapid rate of change, the potential for dramatic breakthroughs and the small size of most firms preclude our consideration of lengthy antidumping for countervailing investigations as a remedy to unfair trade practices. Our high technology industries simply cannot afford the time or money required by these procedures. For these reasons I feel it is important to grant specific authority to move forward vigorously in negotiations on high technology trade—to liberalize access to world markets and reduce tariffs wherever possible. To provide that mandate and that authority I am today introducing the High Technology Trade Negotiations Act of 1982.

Though none of us can predict the future, we do know that the cutting edge of the world's economy lies in knowledge-based industries. Competition among American, Japanese, European, and other foreign companies in high technolgy trade will continue to grow, as will the potential for trade conflicts in these areas. For these reasons it is urgent that we act now to reach international agreements on rules of free trade in high technology.

Just as the current problems in high technology trade pose challenges to the world economy, so do they offer an opportunity to take a positive step forward in the liberalization of global commerce. By removing obstacles to free trade in these areas, we can advance the principle of comparative advantage and minimize the occurence of trade conflicts in future years. We must seize this opportunity to open world markets and establish once and for all international agreements on free and fair trade in high technology goods and services. By acting now, in the formative stages of high technology trade, we can help to shape its evolution in accordance with the principles of free and open markets. In so doing we can realize the growing potential of American creativity and reaffirm the confidence of our people in the good faith of our trading partners and the authority of GATT.

Mr. President, I ask unanimous consent that the bill be printed in the RECORD.

S. 2283

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE

This Act may be cited as the "High Technology Trade Negotiations Act of 1982."

SEC. 2 STATEMENT OF FINDINGS AND PURPOSES

(a) the Congress hereby finds that

(1) the continued development of the United States high technology industries is essential to the economic vitality, international competitiveness and national security of the United States:

(2) the liberalization of trade in high technology goods and services is essential to the future growth and vitality of the United States high technology industries;

(3) international competition in high technology goods and services is increasingly distorted by foreign Government intervention and by unfair foreign trade practices. Such intervention and practices include subsidization, anticompetitive preactices tolerated or fostered by Government policy, tariff and nontariff barriers, investment performance requirements and access to preferential financing, among other measures;

(4) the United States market for high technology goods and services is relatively free from Government intervention and operates largely according to the principle of comparative advantage;

(5) the rapid rate of change in high technology development, the high potential for revolutionary breakthroughs in high technology goods and services, and the small size of many United States firms operating in high technology trade preclude consideration of costly and lengthy antidumping or countervailing duty investigations as remedies to unfair foreign trade practices;

(b) it is the purpose of this Act to:

(1) obtain and preserve the maximum openness of international trade and investment in high technology goods and services by

(A) directing the President to negotiate with foreign Governments and instrumentalities to liberalize trade in high technology goods and services.

(B) Authorizing the President to reduce and eliminate tariffs on, and other barriers to, imports of high technology goods and services,

(C) directing the Secretary of Commerce to monitor, evaluate and report annually to the President and the Congress, the openness of international trade and investment opportunities in high technology goods and services.

SEC. 3. NEGOTIATING MANDATE

(a) The President is hereby directed to negotiate with foreign governments and instrumentalities to achieve the purposes of this Act.

(b) The President is authorized to enter into such bilateral or multilateral agreements as may be necessary or appropriate to achieve the purposes of this Act.

(c) Agreements under this Act may include but need not be limited to the reduction and elimination of tariffs on, and other barriers to, imports of high technology goods and services; specifically

(1) the acceleration to 1982 of the full concession tariff rates on high technology goods and services agreed to during the Tokyo round of trade negotiations; and

(2) the elimination of any tariff which on the date of enactment of this Act is 5 per centum ad valorem or ad valorem equivalent, or less; and

(3) a commitment to provide national treatment and as favorable an environment in the host country for United States high

technology goods and services as would exist under truly open market conditions.

(d) In order to carry out an agreement concluded under this Act, the President is authorized, with respect to goods and services which he determines to be high technology goods and services,

(1) to proclaim, pursuant to the procedures governing tariff agreements in title I of the Trade Act of 1974, such modification of continuance of any existing duty-free or excise treatment, or such additional duties as he determines to be required or appropriate; and,

(2) to utilize the procedures contained in sections 102 and 151 of the Trade Act of 1974, in the event that changes in United States law are required or appropriate.

SEC. 4. MONITORING

(a) The Secretary of Commerce shall establish a mechanism to monitor high technology trade and investment in foreign markets, evaluate the openness of trade and investment opportunities in these markets, and to further the objectives of this Act. He shall prepare and publish annually a report to the President and to the Congress containing the results of his analysis, which shall include, but not be limited to, a description of

(1) United States exports and imports of high technology goods and services;

(2) direct and indirect investment flows in high technology goods and services;

(3) the conditions of competition in foreign markets where United States high technology firms conduct trade, including the nature and extent of intercompany cooperation and coordination in joint research and development and market allocation.

(4) the nature and extent of government intervention, including the financing of research and development, the provision of financial, tax and other incentives, and other measures.

By Mr. GLENN:

S. 2284. A bill to insure adequate protection of workers, the general public, and the environment from harmful radiation exposure, to establish mechanisms for effective coordination among the various Federal agencies involved in radiation protection activities, to develop a coordinated radiation research program, and for other purposes; to the Committee on Governmental Affairs.

FEDERAL RADIATION PROTECTION MANAGEMENT ACT OF 1982

Mr. GLENN. Mr. President, I am pleased to introduce today the Federal Radiation Protection Management Act of 1982.

This bill seeks to bring order to a chaotic situation that cannot be allowed to remain chaotic any longer. More than 20 Federal agencies are currently engaged in activities involving radiation protection and/or research. The demise of the old Federal Radiation Council in 1970, despite the transfer of some of its authorities to EPA, has resulted in a serious erosion of interagency coordination in this area. The lack of focus or leadership of the Federal program places the health and safety of the American people in needless jeopardy. this bill seeks to provide the focus and leadership presently lacking in the Federal program.

While the consciousness of the public to the radiation exposure problem has been raised significantly in recent years, particularly in the aftermath of the Three Mile Island accident, the questions, the problems and the concerns go well beyond Three Mile Island. In fact, the major source of radiation exposure to the general population in the United States is through diagnostic medical procedures. If we look at manmade sources of radiation exposure we find that the average American receives more than 90 percent of such exposure from this source.

It is also important to understand that there is an element of radiation exposure that we can do nothing about. Every person is exposed to a certain level of background radiation from the Earth's atmosphere and its soil. There are wide variations in this exposure from an average yearly dose of about 45 millirems for persons living in the Washington, D.C., area to about 128 millirems a year for persons living in the area of Leadville, Colo.

There is now sufficient evidence in the medical literature to conclude that a concerted effort must be made to eliminate unnecessary exposure of the population to radiation. To do so requires that we increase our attention to issues such as the overuse of medical X-rays, the licensing and inspection of all radiological equipment, the undertraining of radiological personnel, the licensing of institutions providing such training, the use of radioactive materials in consumer products, the validity of current radiation dose limitations for persons in certain occupations and the adequacy of the public education program regarding radiation protection. The latter point cannot be overemphasized.

People in this country want to know what radiation is and what it can do to them. They want to know how well protected they are from the ill-effects of radiation and how they might be better protected. And they have a right to some good answers.

The answers to these questions depend upon thorough research, reasoned findings, and intelligent implementation of policy. Some of the best minds in the United States are working on radiation research and protection. The problem is not a lack of talent in dealing with these questions; the problem is that Federal agency jurisdictions in this area are overlapping and fragmented.

The Environmental Protection Agency, for example, has the responsibility for setting overall exposure standards. But the question of how these standards are to be translated in terms of the licensing and inspection of equipment, as well as the training and licensing of radiologic personnel, is left to other agencies or to the States, as indicated earlier. The National Institutes of Health is the chief health research organization of the U.S. Government, but most of the research in biological effects of ionizing radiation is funded and managed by the Department of Energy.

The question of overlapping and fragmented jurisdiction by Federal agencies was addressed by an interagency task force established in 1978 by President Carter. As a result of the report of that task force, a Presidential Executive order was issued forming coordinating bodies for radiation policy, the Radiation Policy Council, and radiation research. Unfortunately, these bodies were just beginning, their work when the 1980 elections occurred. The Reagan administration chose to zero out the budget for the Radiation Policy Council, thus setting back one of the few gains made in recent years. In addition, if the fiscal year 1983 budget proposed by the President goes through, EPA will lose 10 percent of the employees in the Office of Radiation programs.

These actions vindicate the opinion of those who testified at hearings I chaired 2 years ago to the effect that only a legislated mandate, backed up by adequate funds, would result in effective coordination of regulatory and research activities in the area of radiation protection.

Mr. President, no discussion of this issue would be complete without mentioning and commending the good work of the distinguished Senator from West Virginia, Senator RANDOLPH. Last year, Senator RANDOLPH was instrumental in obtaining enactment of the Consumer-Patient Radiation Health and Safety Act of 1981 as an amendment to the Omnibus Budget Reconciliation Act of 1981. That act requires the Secretary of HHS to set minimum training and certification requirements by August 1982, for certain categories of administrators of radiologic procedures. While this is an important achievement, we must recognize that the promulgated requirements will not be binding on the States. If the States do not comply with the requirements within 3 years, all the Secretary can do is to come back to the Congress with a recommendation for additional legislation to assure compliance.

It is of interest, Mr. President that this provision of the Reconciliation Act requires the Secretary of HHS to promulgate these standards in conjunction or in consultation with the Radiation Policy Council, among others. Since, as I mentioned earlier, the Council if no longer a viable entity, the law cannot even be carried out as Congress intended unless the Council or its equivalent is restored and is functioning.

It is therefore imperative that the Congress create statutorily the needed organizational entities to improve the Federal Government's efforts in radiation protection. The bill I am introducing today will do just that.

Its thrust is simple; it sets up two coordinating bodies, one dealing with radiation protection and the other with radiation research, that bring together the many Federal departments and agencies involved in these matters.

The first, the Federal Radiation Protection Council, would be chaired by the Secretary of HHS or his or her designee. This Council would provide advice and guidance on radiation protection standards, review the various agencies' authorities over radiation-related matters, recommend any necessary changes in those authorities, identify the agencies' research needs, help develop public education programs on radiation health and safety, and review State and local radiation control programs. It would submit periodic reports and recommendations dealing with Federal radiation protection activities. After 5 years of operation the Council would be reorganized out of existence and its functions distributed to other agencies in accordance with a congressionally approved reorganization plan submitted by the President.

The second group, the Federal Conference on Research into the Biological Effects of Radiation, would have as its Chairman the Director of the National Institutes of Health. That organization's mission, more than any other Federal agency's, is health-related research. The Conference would advise on the development of radiation research projects, issue an annual comprehensive Federal agenda on radiation health effects research, make various recommendations regarding the conduct of that research and the dissemination of its results, and assist in the development of public education programs. It would also review agency radiation research requests, according to several criteria, in order to decide whether each proposed project has scientific merit and, if so, whether the requesting agency is the right group to do it. It would also issue a report noting the inadequacies of Federal research and recommending legislative changes.

The problems of agency coordination in this area have been addressed in part by the GAO in a 2-volume report issued on January 2, 1981, entitled "Problems in Assessing the Cancer Risks of Low-Level Ionizing Radiation Exposure." That report contains a recommendation that the Congress enact legislation giving statutory authority to an interagency committee to coordinate Federal research on the health effects of ionizing radiation exposure.

Mr. President, the organizational changes that would follow enactment of this bill would help fill the gap of leadership and coordination that has been missing from the Federal program in radiation protection. The bill presents an opportunity to not only increase Government efficiency in this area, but to provide a mechanism for raising the level of protection for the public against unnecessary radiation exposure.

Mr. President, I ask unanimous consent that the bill and the following materials on the subject of radiation exposure be placed in the RECORD at this point:

First. An article by Victor Cohn of the Washington Post dated July 25, 1979, entitled "Anybody Can Administer X-Rays, Critics Complain."

Second. An editorial from the New York Times dated May 27, 1981, entitled "Reassessing Radiation."

Third. An Article by Jane Brody of the New York Times dated July 1, 1981, entitled "Personal Health: Avoiding Hazards of Unnecessary or Excessive X-Ray Examinations."

Fourth. An article from the McGraw-Hill publication Inside Energy dated September 18, 1981 entitled "The Average Radiation Exposure of Workers at U.S. Nuclear Plants rose by 35 percent From 1979 to 1980."

Fifth. A series of six articles by David Lore and Sylvia Brooks of the Columbus Dispatch that appeared between December 27, 1981, and January 1, 1982, on the subject of radiation protection in the State of Ohio.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S. 2284

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Federal Radiation Protection Management Act of 1982".

STATEMENT OF FINDINGS

SEC. 2. The Congress finds and declares that—

(1) Federal radiation protection efforts must ensure the highest practicable protection against harmful radiation exposure;

(2) the achievement of such efforts requires—

(A) the development of effective public programs designed to control necessary exposure to radiation and to eliminate unnecessary exposure to radiation as well as the implementation of control measures by private industry and other users of radiation;

(B) the coordination of activities by various Federal agencies with radiation protection responsibilities; and

(C) the development of a comprehensive and coordinated agenda for research which is designed to (i) provide risk estimates for radiation-related injuries which are more refined than existing estimates and (ii) improve understanding of radiation injury and biological repair;

(3) Federal programs in radiation research and regulation are not sufficiently coordinated;

(4) Federal radiation protection programs are sometimes marked by wasteful duplication and overlap, uncertainty concerning the extent of radiation risks, and inadequate consideration of potentially serious hazards;

(5) in order to ensure public accountability and effective action, a central focus for Federal radiation protection programs is needed;

(6) adequate public information and education programs must be developed to ensure greater public understanding of radiation and greater public knowledge of and confidence in Federal radiation protection activites; and

(7) Federal decisionmaking procedures in the area of radiation health and safety must, where appropriate, provide meaningful opportunities for public notice and participation.

TITLE I—FEDERAL COUNCIL ON RADIATION PROTECTION ESTABLISHMENT

SEC. 101. (a)(1) There is established a Federal Council on Radiation Protection (hereafter referred to in this title as the "Council"). The Council shall be composed of—

(A) the Secretaries of Defense, Energy, Health and Human Services, Labor, and Transportation, the Administrator of Environmental Protection, the Chairman of the Nuclear Regulatory Commission, or their designees;

(B) the Secretaries of Agriculture, Commerce, and Housing and Urban Development, the Administrator of Veterans' Affairs, and the Director of the Federal Emergency Management Agency, or their designees;

(C) one representative of the Conference of Radiation Control Program Directors; and

(D) two public members.

(2) The Director of the Office of Science and Technology Policy and the Chairman of the Federal Conference on Research into the Biological Effects of Radiation, or their designees, are authorized to attend meetings of the Council and to provide advice to the Council.

(b)(1) The public members of the Council shall be appointed by the President, by and with the advice of the Senate. The President shall appoint members to the Council who, by reason of demonstrated ability, background, training, or experience, are specially qualified to assess the policies and objectives of Federal radiation health and safety protection activities.

(2) Each public member of the Council shall be appointed for a five-year term. A public member may be removed from office by the President only for inefficiency, neglect of duty or malfeasance in office. Any public member appointed to fill a vacancy occurring prior to the expiration of the term for which his predecessor was appointed shall be appointed only for the remainder of such term. A public member may continue to serve after the expiration of his term until his successor has taken office, except that he may not so continue to serve for more than one year after the date on which his term would otherwise expire under this subsection.

(3) Each public member of the Council shall receive compensation at a rate equal to the daily rate prescribed for level II of the Executive Schedule under section 5313 of title 5, United States Code, for each day, including traveltime, he is engaged in the actual performance of his duties as a

member of the Council, and shall be reimbursed for travel, subsistence, and other necessary expenses incurred by him in the performance of his duties.

(c) The Secretary of Health and Human Services or his designee shall be Chairman of the Council (hereafter referred to in this title as the "Chairman"). The Council shall elect a Vice Chairman from among its members. In the absence or disability of the Chairman, the Vice Chairman shall act as Chairman.

(d)(1) The Chairman shall preside at all meetings of the Council. At least six members of the Council shall constitute a quorum, but a lesser number may hold hearings.

(e)(1) Each member of the Council referred to in clauses (A), (C), and (D) of subsection (a)(1), including the Chairman, shall be voting members. Each voting member shall have one vote on any matter before the Council.

(2) If any member of the Council referred to in clause (B) of subsection (a)(1) determines that a matter before the Council is under the jurisdiction of the department or agency represented by such member, such member may request the voting members of the Council to permit such member to vote on such matter. The voting members of the Council shall make a determination with respect to such request by majority vote.

(3) Decisions of the Council shall be determined by a majority vote of the voting members present and members referred to in paragraph (1)(B) of subsection (a) who are present and who are authorized to vote on a matter pursuant to a determination under paragraph (2) of this subsection.

FUNCTIONS OF THE COUNCIL

SEC. 102. (a) The Council shall—

(1) advise the President with respect to radiation matters directly or indirectly affecting health and safety, including regulatory guidance for all Federal agencies in the formulation of radiation standards and in the establishment and execution of programs of cooperation with States;

(2) review the authority of any Federal agency to regulate in areas concerned with—

(A) the control of radioactive materials, or processes which use such materials;

(B) equipment which generates or produces radiation;

(C) radioactive waste;

(D) nuclear powerplants;

(E) activities related to the development and testing of nuclear weapons;

(F) human radiation exposure standards; and

(G) any other activity or material which may produce human radiation exposure:

(3) on the basis of the review required under paragraph (2) of this subsection, make recommendations to the President and Congress concerning any amendments, modifications, or additions to any such authority;

(4) identify the research needed by the Federal agencies in order to effectively meet their regulatory responsibilities, and transmit to the Federal Conference on Research into the Biological Effects of Radiation a list of the research needed in the area of the assessment of human health risks from exposure to radiation;

(5) develop and recommend programs to educate the public concerning radiation health and safety;

(6) review State and local radiation control programs; and

(7) keep the Congress and the appropriate committees thereof fully and currently advised as to the activities of the Council in carrying out the provisions of this title.

(b) In carrying out its functions under this title, the Council shall consult with experts and scientists who are qualified concerning radiation matters.

WORKING GROUP ON REDUCTION AND CONTROL OF OCCUPATIONAL EXPOSURE TO RADIATION

SEC. 103. (a) At the first meeting of the Council, the Chairman shall establish, for a period of at least one year, a Working Group on the Reduction and Control of Occupational Exposure to Radiation, which shall consist of the Secretaries of Health and Human Services and Labor, the Administrator of Environmental Protection, the Chairman of the Nuclear Regulatory Commission, or their representatives and one member of the Council appointed under section 101(b).

(b) The Working Group on the Reduction and Control of Occupational Exposure to Radiation shall—

(1) review the need for reduction or increased control of occupational exposure to radiation, and suggest means for meeting any such need, including—

(A) reductions in any limits or standards for occupational doses of radiation permitted or recommended under any applicable law;

(B) improvements in equipment which emits radiation and which is used in various workplace environments;

(C) improvements in devices and methods for preventing, reducing, or measuring occupational exposure to radiation;

(D) improvements in the training and performance of personnel who monitor, measure, or record occupational exposures to radiation;

(E) improvements in procedures for responding to any incident in which a person receives an occupational dose of radiation exceeding any limit or standard permitted or recommended by law; and

(F) increasing the awareness of employers and employees in various occupations of the benefits, limitations, risks, and precautions related to the use of or exposure to radiation in such occupations; and

(2) study the feasibility of establishing a system for registering, preserving, and controlling records of occupational doses of radiation received by individual workers and other occupational radiation information.

(c) In carrying out its functions, the Working Group on the Reduction and Control of Occupational Exposure to Radiation shall consult with representatives of labor and management in occupations in which radiation exposure occurs or may occur, and with other persons who are qualified concerning occupational exposure to radiation.

WORKING GROUP ON PROTECTION FROM EXPOSURE TO MEDICAL RADIATION

SEC. 104. (a) At the first meeting of the Council, the Chairman shall establish, for a period of at least one year, a Working Group on Protection From Exposure to Medical Radiation, which shall consist of the Secretary of Health and Human Services, the Secretary of Defense, the Administrator of the Environmental Protection Agency, or their representatives, and the two members of the Council appointed pursuant to section 101 (b).

(b) The Working Group on Protection From Exposure to Medical Radiation shall—

(1) review the incidence of unnecessary patient exposure to X-rays, and suggest means of reducing any such unnecessary exposure, including—

(A) high yield criteria for the selection of patients for whom referral for diagnostic X-rays is likely to be particularly appropriate and efficacious and means for promoting the acceptance of such criteria by practitioners;

(B) appropriate performance standards for new and existing electronic equipment and systems which emit radiation to assure that patients are exposed to the minimum exposure necessary to produce the highest quality diagnostic information commensurate with the needs of practitioners;

(C) guidelines for optimum exposures in routine nonspecialty examinations needed to assure lowest patient exposure for diagnostically useful information;

(D) methods of continuously compiling lifetime patient X-ray exposure records; and

(E) quality assurance measures which will promote appropriate and efficacious use of diagnostic X-rays;

(2) suggest means to increase practitioner and patient awareness of the utility, limitations, and risks of diagnostic X-rays and of alternative diagnostic procedures, including—

(A) the development and promulgation of curricula for students of the healing arts to assure increased emphasis on the risks and utility of diagnostic X-rays and their appropriate and efficacious use; and

(B) recommended methods and processes, such as hospital professional standards review organizations and utilization review, to assure the appropriate and efficacious use of diagnostic X-rays; and

(3) study the use of administrative controls and reimbursement incentives to reduce unnecessary exposure to medical X-rays.

(c) The Working Group of Protection From Exposure to Medical Radiation shall be assisted by an advisory group, which shall be appointed by the Chairman of the Council and shall include—

(1) one individual who is a director of State radiation control programs;

(2) two individuals who represent physicians, dentists, nurses, and other health professionals, of which at least one individual shall be a radiologist or health physicist;

(3) one individual who represents the field of nuclear medicine;

(4) one individual who represents the field of radiation therapy;

(5) four individuals who represent allied health professionals;

(6) one individual who represents health care institutions;

(7) one individual who represents health professions schools;

(8) one individual who represents allied health professions schools;

(9) one individual who represents health insurers;

(10) one individual who represents manufacturers of radiologic equipment; and

(11) three individuals who represent consumers, patients, and the general public who are broadly representative of consumers of health care and who are not, and have not been, within the twelve months preceding their appointment, providers of health care.

(d) Within one year after the date on which it is established under subsection (a), the Working Group on Protection From Exposure to Medical Radiation shall prepare and transmit to the Council a report concerning its activities and containing any recommendations it finds appropriate.

TRANSFER OF FUNCTIONS FROM THE ENVIRONMENTAL PROTECTION AGENCY

SEC. 105. There are transferred to the Council all functions of the Administrator of Environmental Protection under section 2(a)(7) of Reorganization Plan No. 3 of 1970.

ADMINISTRATIVE PROVISIONS

SEC. 106. (a) The Chairman is responsible for the executive and administrative operation of the Council in carrying out the provisions of this title. The Chairman is authorized—

(1) to appoint and compensate such personnel as may be necessary in accordance with the provisions of title 5, United States Code;

(2) to employ experts and consultants in accordance with the provisions of section 3109 of such title;

(3) to utilize, with their consent, the services, equipment, personnel, information, and facilities of other Federal departments and agencies and of State, local, and private agencies and instrumentalities, with or without reimbursement therefore;

(4) to enter into agreements with other agencies as may be appropriate; and

(5) to request such information, data, and reports from any Federal agency as the Council may require and as may be produced consistent with law.

(b) Upon request of the Council, the head of each Federal agency shall promptly make the services, equipment, personnel, facilities, and information of the agency (including suggestions, estimates, and statistics) available to the Council to the greatest extent practicable.

(c)(1) The Council or, on the authorization of the Council, any subcommittee or member thereof, may, for the purpose of carrying out the provisions of this title, hold such public hearings and sit and act at such times and places, administer such oaths, and require, by subpena or otherwise, the attendance and testimony of such witnesses and the production of such books, records, correspondence, memoranda, papers, and documents as the Council or such subcommittee or member may deem advisable.

(2)(A) Subpenas shall be issued under the signature of the Chairman or any member of the Council designated by him and shall be served by any person designated by the Chairman or any members. Any member of the Council may administer oaths or affirmation to witnesses appearing before the Council.

(B) The provisions of section 1821 of title 28, United States Code, shall apply to witnesses summoned to appear at any such hearing. The per diem and mileage allowances to witnesses summoned under authority conferred by this section shall be paid from funds appropriated to the Council.

(C) Any person who willfully neglects or refuses to qualify as a witness, or to testify, or to produce any evidence in obedience to any subpena duly issued under the authority of this subsection shall be fined not more than $500, or imprisoned for not more than six months, or both. Upon the certification by the Chairman of the Council of the facts concerning any such willful disobedience by any person to the United States Attorney for any judicial district in which such person resides or is found, such attorney may proceed by information for the prosecution of such person for such offense.

(d) The Council shall promulgate rules, regulations, and procedures to carry out this title.

REPORT TO THE CONGRESS

SEC. 107. Within eighteen months after the date of enactment of this Act, and annually thereafter until the Council terminates under section 108, the Council shall prepare and transmit to the Congress a report that—

(1) identifies any conflicting, overlapping, and inadequate Federal statutes and information programs concerning radiation safety and health, along with recommendations for any necessary legislative action; and

(2) sets forth a plan which—

(A) after taking into consideration the results of the reviews conducted under sections 103(b)(1) and 104(b)(1), provides for the phased reduction, to the maximum extent and within the shortest period practicable, of occupationally related radiation exposure to workers in applicable occupations and of radiation exposure from medical and other sources to the public; and

(B) provides inducements for—

(i) the upgrading of State and local radiation control programs;

(ii) the phasing out, on an expeditious schedule, of inefficient radiologic equipment;

(iii) the establishment of standards and licensing procedures for operators of radiologic equipment; and

(iv) the establishment of standards and procedures for accreditation of institutions to train operators of radiologic equipment.

TERMINATION

SEC. 108. (a) The Council shall terminate on the day on which a reorganization plan transmitted to the Congress under subsection (b) becomes effective.

(b) Not later than July 31, 1988, the President shall prepare and transmit to the Congress a reorganization plan in accordance with the provisions of chapter 9 of title 5, United States Code, which transfers the functions of the Council to other Federal agencies. If a reorganization plan is disapproved in accordance with the provisions of chapter 9 of title 5, United States Code, within thirty days after the date of disapproval of such plan the President shall transmit another reorganization plan to the Congress for the transfer of the functions of the Council. The President shall continue to transmit additional plans for the transfer of such functions until a reorganization plan takes effect in accordance with the provisions of such chapter.

(c)(1) For purposes of the first sentence of section 903(b) of such title, a reorganization plan transmitted to the Congress under this section shall not be counted as one of the three plans pending before the Congress at any one time.

(2) Section 905(b) of such title does not apply to a reorganization plan transmitted to the Congress under this section.

AUTHORIZATION OF APPROPRIATIONS

SEC. 109. To carry out the provisions of this title, there are authorized to be appropriated such sums as may be necessary for fiscal year 1983 and each of the five succeeding fiscal years.

EFFECTIVE DATE

SEC. 110. This title shall take effect on October 1, 1982.

TITLE II—FEDERAL CONFERENCE ON RESEARCH INTO THE BIOLOGICAL EFFECTS OF RADIATION

ESTABLISHMENT

SEC. 201. (a)(1) There is established a Federal Conference on Research into the Biological Effects of Radiation (hereafter referred to in this title as the "Conference"). The Conference shall be composed of—

(A) a representative of each of the Secretaries of Agriculture, Commerce, Defense, Energy, Health and Human Services, Labor, and Transportation, the Administrators of Environmental Protection, Veterans' Affairs, and the National Aeronautics and Space Administration, the Chairmen of the Consumer Product Safety Commission and the Nuclear Regulatory Commission, and the Director of the Federal Emergency Management Agency;

(B) the Director of the National Institutes of Health and the Director of the National Science Foundation, or their representatives; and

(C) two public members.

(2) In selecting a representative for membership on the Conference under clauses (A) or (B) of paragraph (1), the head of each agency shall select an officer or employee of that agency who is involved in radiation research programs in that agency.

(3) The Director of the Office of Science and Technology Policy and a representative of the Federal Council on Radiation Protection are authorized to attend meetings of the Conference and to provide advice to the Conference.

(b)(1) The two public members of the Conference shall be appointed by the President, by and with the advice and consent of the Senate. In appointing such members, the President shall select individuals who, by reason of demonstrated ability, background, training, or experience, are specially qualified to assess the policies and objectives of Federal research programs concerning the biological effects of ionizing radiation.

(2) Each public member of the Conference shall be appointed for a five-year term. A public member may be removed from office by the President only for inefficiency, neglect of duty or malfeasance in office. Any public member appointed to fill a vacancy occuring prior to the expiration of the term for which his predecessor was appointed shall be appointed only for the remainder of such term. A public member may continue to serve after the expiration of his term until his successor has taken office, except that he may not so continue to serve for more than one year after the date on which his term would otherwise expire under this subsection. Each public member of the Conference shall serve without compensation.

(c) The Chairman of the Conference (hereafter referred to in this title as the "Chairman") shall be the Director of the National Institutes of Health or his designee. The Conference shall elect a Vice Chairman from among its members. In the absence or disability of the Chairman, the Vice Chairman shall act as Chairman.

(d) The Chairman shall preside at all meetings of the Conference. At least seven members of the Conference shall constitute a quorum, but a lesser number may hold hearings. Each member of the Conference, including the Chairman, shall have one vote. Decisions of the Conference shall be determined by a majority vote of the members present.

(e) The Director of the National Institutes of Health shall provide such support and staff to the Conference as may be necessary to assist it in carrying out its responsibilities under this title.

FUNCTIONS OF THE CONFERENCE

SEC. 202. (a) The Conference shall—

(1) advise the President with respect to Federal research activities concerned with the biological effects of radiation, including guidance for all Federal agencies in the development of such research programs;

(2) formulate an annual comprehensive Federal agenda for research into the biological effects of radiation, which shall include—

(A) an inventory of ongoing Federal programs of research into the biological effects of radiation;

(B) a review of proposed Federal programs for research into the biological effects of radiation;

(C) a strategy for research programs into the biological effects of low-level radiation, including epidemiologic studies designed to develop more accurate estimates of human risk or boundaries of risk at low-dose levels of radiation;

(D) research priorities based upon the strategy specified pursuant to clause (C) of this paragraph;

(E) recommendations for appropriate locations for the conduct of different types of research and for the allocation of resources for such research, taking into account the results of the review mandated by Congress in section 301(b)(2)(B) of the Public Health Service Act; and

(F) a discussion of data concerning human health effects of exposure to radiation needed by Federal regulatory agencies in order to carry out their mandates;

(3) recommend to the President and to Congress—

(A) uniform standards for all Federal agencies for peer review of research into the biological effects of radiation;

(B) procedures for the dissemination of the results of such research to the public, the Federal agencies, and State and local governments; and

(C) guidelines for public oversight of such research; and

(D) any transfer of research capability, including personnel and resources, between Federal agencies which is needed to implement the agenda prepared pursuant to paragraph (2) of this subsection; and

(4) assist the Federal Council on Radiation Protection in the development of programs to educate the public on radiation health and safety;

(5) keep the Congress and appropriate committees thereof fully and currently advised concerning the status of Federal activities concerned with research into biological effects of radiation.

(b) In carrying out its functions under this title, the Conference shall consult with experts and scientists who are qualified concerning radiation matters.

REVIEW OF RESEARCH REQUESTS

SEC. 203. (a)(1) Each Federal agency which conducts or provides financial assistance for studies on the human health effects of radiation shall review any proposal for such studies to determine if the studies are of sufficient scientific merit to be conducted by the agency or to be eligible for the provision of financial assistance. The agency shall transmit to the Conference any proposal for any such studies which—

(A) the agency determines to be of such merit; and

(B) will result in a total cost to the agency of more than $250,000.

For purposes of clause (B) of this subsection, in determining the total cost of studies for which the agency provides financial assistance, the agency shall include the total amount of financial assistance provided to the person conducting the studies and the cost to the agency of administering the study project.

(2) Any Federal agency may request the Conference to review any proposal for studies on the human health effects of radiation which any agency has determined to be of sufficient scientific merit to be conducted by the agency or to be eligible for the provision of financial assistance.

(b)(1) Within Sixty days after receipt of a proposal transmitted pursuant to subsection (a), the Conference shall review the proposal in accordance with the criteria established under subsection (c) and make recommendations to the agency which transmitted the proposal to the Conference as to whether the proposal should be approved, approved with modifications, or disapproved. The Conference may, upon notice to the agency, extend the period for review of the proposal for an additional thirty days.

(2) If the Conference does not notify the agency of its recommendations concerning a proposal within sixty days after receipt of the proposal, or if it extends the review period pursuant to paragraph (1) and does not notify the agency of its recommendations within ninety days after receipt of the proposal, the agency which transmitted the proposal shall assume that the Conference has recommended the approval of the proposal.

(c) In developing its recommendations under subsection (b), the Conference shall consider—

(1) the scientific merit of the proposed studies;

(2) the qualifications and expertise of the scientists who will conduct the studies;

(3) the resources available or to be committed for the studies;

(4) the degree to which the studies are consistent with the research agenda prepared pursuant to section 202;

(5) whether any law affects the authority of the agency to conduct or provide financial assistance for the type of studies to be performed;

(6) whether the agency conducting or providing financial assistance for the studies would be in a position of apparent conflict of interest; and

(7) any recommendations for the transfer of research capability made by the Conference pursuant to section 202(a)(3)(D).

ADMINISTRATIVE PROVISIONS

SEC. 204. (a) The Chairman is responsible for the executive and administrative operation of the Conference in carrying out the provisions of this title. The Chairman is authorized—

(1) to utilize, with their consent, the services, equipment, personnel, information, and facilities of other Federal departments and agencies and of State, local, and private agencies and instrumentalities, with or without reimbursement therefor;

(2) to enter into agreements with other Federal agencies as may be appropriate; and

(3) to request such information, data, and reports from any Federal agency as the Conference may require and as may be produced consistent with law.

(b) Upon request of the Conference, the head of each Federal agency shall promptly make the services, equipment, personnel, facilities, and information of the agency (including suggestions, estimates, and statistics) available to the Conference to the greatest extent practicable.

(C)(1) The Conference or, on the authorization of the Conference, any subcommittee or member thereof, may, for the purpose of carrying out the provisions of this title, hold such public hearings and sit and act at such times and places, administer such oaths, and require, by subpena or otherwise, the attendance and testimony of such witnesses and the production of such books, records, correspondence, memoranda, papers, and documents as the Conference or such subcommittee or member may deem advisable.

(2)(A) Subpenas shall be issued under the signature of the Chairman or any member of the Conference designated by him and shall be served by any person designated by the Chairman or any members. Any member of the Conference may administer oaths or affirmation to witnesses appearing before the Conference.

(B) The provisions of section 1821 of title 28, United States Code, shall apply to witnesses summoned to appear at any such hearing.

(C) Any person who willfully neglects or refuses to qualify as a witness, or to testify, or to produce any evidence in obedience to any subpena duly issued under the authority of this subsection shall be fined not more than $500, or imprisoned for not more than six months, or both. Upon the certification by the Chairman of the Conference of the facts concerning any such willful disobedience by any person to the United States Attorney for any judicial district in which such person resides or is found, such attorney may proceed by information for the prosecution of such person for such offense.

(d) The Conference shall promulgate rules, regulations, and procedures to carry out this title.

REPORT TO THE CONGRESS

SEC. 205. Within eighteen months after the date of enactment of this Act, and annually thereafter until the Conference terminates under section 206, the Conference shall prepare and transmit to the President and Congress a report on the activities of the Conference. The report shall identify any conflicting, overlapping, and inadequate Federal research programs on radiation safety and health, along with recommendations for any necessary legislative action.

TERMINATION

SEC. 206. (a) The Conference shall terminate on the day on which a reorganization plan transmitted to the Congress under subsection (b) becomes effective.

(b) Not later than July 31, 1988, the President shall prepare and transmit to the Congress a reorganization plan in accordance with the provisions of chapter 9 of title 5, United States Code, which transfers the functions of the Conference to other Federal agencies. If a reorganization plan is disapproved in accordance with the provisions of chapter 9 of title 5, United States Code, within thirty days after the date of disapproval of such plan the President shall transmit another reorganization plan to the Congress for the transfer of the functions of the Conference. The President shall continue to transmit additional plans for the transfer of such functions until a reorganization plan takes effect in accordance with the provisions of such chapter.

(c)(1) For purposes of the first sentence of section 903(b) of such title, a reorganization plan transmitted to the Congress under this section shall not be counted as one of the three plans pending before the Congress at any one time.

(2) Section 905(b) of such title does not apply to a reorganization plan transmitted to the Congress under this section.

EXPENSES

SEC. 207. Expenses of the Conference shall be paid from funds available for administrative expenses of the Office of the Director of the National Institutes of Health.

EFFECTIVE DATE

SEC. 208. This title shall take effect on October 1, 1982.

[From the Washington Post, July 25, 1979]

ANYBODY CAN ADMINISTER X-RAYS, CRITICS COMPLAIN

(By Victor Cohn)

The government's main watchdog over medical X-rays was accused yeserday of "incredible" delay in creating guidelines to control the 130,000 doctors and technicians who give Americans 90 percent of their exposure to radiation.

The accusation was made before a House oversight subcommittee by Eleanor Walters of the Environmental Policy Institute.

Despite the fact that medical and dental X-raying far outweights all other sources of possibly harmful radiation, including radiation from nuclear plants and materials, much of it is administered by untrained or ill-trained persons, the lawmakers were told."

Witnesses, including Dr. Herbert Abrams, Harvard radiology chairman, and Daniel Donohue, president of the American Society of Radiologic Technologists, said:

Between 130,000 and 170,000 men and women operate the nation's 250,000 pieces of medical X-ray equipment, but only 80,000 have shown their competence in voluntary certification or state licensing examinations.

Only 10 states (California, New York, New Jersey, Delaware, Oregon, Hawaii, Arizona, Montana, Kentucky and West Virginia) require licensing of X-ray technicians. Only California requires all persons who give X-rays, whether technicians or doctors, to pass a state examination.

Some 75 percent of all X-rays given by doctors are given by MDs other than radiologists, meaning in virtually all cases that they are untrained in keeping X-ray exposures to a minimum.

In most states any person at all—"anyone who walks off the street," said Walters—may operate an X-ray machine on unsuspecting patients.

The result of all these deficiencies is much unnecessary or excessive radiation, with long-range danger of cancer or genetic damage to the subjects.

John Villforth, director of the Department of Health, Education and Welfare's Bureau of Radiological Health, said early this year that medical radiation could be cut to half its present total without losing any medical benefits.

Villforth's agency has done little to accomplish this, Walters maintained.

In July 1977, she said, HEW Secretary Joseph A. Califano Jr. said the bureau should develop standards for X-ray technicians, so more states could adopt effective licensing laws. Only in March of this year, she said, did the bureau finally publish a "notice of intent" to develop any standards.

This was the first step in a process by which the bureau hopes to publish final standards in December 1980. Walters called the delay "appalling," and said "it is inexcusable for only a handful of states" to require licensing of the persons who administer such a powerful and potentially harmful tool.

James Benson, the bureau's deputy director, agreed in an interview that "we ought to be going faster." He said the agency first tried in 1977 and 1978 to assemble a professional advisory group to write licensing standards, but "all the administrative steps" currently required to do this in the federal government would have taken even longer.

Overall, however, he said the agency has done a great deal to reduce unneeded radiation given the fact that its legal authority is mainly limited to ordering standards for X-ray and related equipment, rather than controlling the way the equipment is used.

The overuse problem, said Harvard's Abrams, is not only a problem of training. The doctor who does his own X-raying has "a profound economic incentive to perform more examinations," he said. "In fact, the nonradiologist physician who owns an X-ray machine uses an average of twice as many X-rays as colleagues who refer patients to radiologists."

[From the New York Times, May 27, 1981]

REASSESSING RADIATION

Thirty-six years after atomic bombs were dropped on Hiroshima and Nagasaki, a quiet debate has erupted over the radiation damage they caused to human beings. The subject is of more than academic interest. Survivors of the blasts form a pool of humans wholly exposed to radiation, and estimates of the effects of radiation on all of us have largely depended on their experience.

It had been assumed for years that much of the cancer suffered by the survivors in Hiroshima, for example, was caused by neutrons, a relatively rare form of radiation to which few people are normally exposed. But a new study by the Lawrence Livermore weapons laboratory in California concludes that the Japanese survivors actually experienced much less exposure to neutrons and much more exposure to gamma rays than was previously thought. Thus gamma rays, which are far more common, seem to have caused most of their cancers.

The implications of these new estimates are not yet clear. One leading expert says that safety standards for workers exposed to radiation will now have to be tightened. But the Livermore scientists say their study requires revision only of the estimates of the amount of gamma radiation generated by the bombs, not of the carcinogenic potency of such radiation. Most experts are withholding judgment until the dispute is aired at a forthcoming scientific meeting.

We don't pretend to judge this controversy. But the dispute provides a healthy reminder of the difficulties of estimating radiation risks. The experts are also still arguing over the explosive power of the Hiroshima bomb and the degree of protection against radiation provided by buildings.

Moreover, since military secrecy impedes scrutiny of the data, the debate provides a strong argument for declassifying more of the work of the Government's nuclear laboratories. And it confirms the wisdom of being conservative in safety standards and allowing for the human tendency to miscalculate.

[From the New York Times, July 1, 1981]

PERSONAL HEALTH: AVOIDING HAZARDS OF UNNECESSARY OR EXCESSIVE X-RAY EXAMINATIONS

People are surrounding themselves with ever-increasing sources of radiation—from such consumer items as CB radios, microwave ovens, smoke detectors and sunlamps to environmental sources like communication towers, high-tension electrical lines and nuclear-power plants.

The public has shown mounting concern over the hazards of exposure to these and other sources of radiation over the years, particularly since they supplement the unavoidable background, or natural, radiation from the earth and the cosmos.

However, lay people seem to have paid little attention to the most common nonnatural source of potentially harmful radiation: medical and dental X-rays, which, together, account for more than 90 percent of the public's exposure to manmade radiation.

In a year, national surveys have found, two-thirds of the population undergo X-ray examination or tretment; the average examination involves five films. For various reasons—among them, patient demand, Medicaid and Medicare reimbursement, the development of new diagnostic tools and doctors' fears that failure to take X-rays will lead to malpractice suits—the number of X-ray examinations undergone by the average American is growing by what some radiation experts consider an alarming rate.

While in most cases the benefits clearly outweigh the hypothetical risks, the studies have shown that many health-related X-ray exposures are inappropriae or unnecessary, and some of those that are needed involve far more radiation than is required for accurate diagnosis. By being alert to the possibility of abuse and by asking a few pointed questions, patients can do much to protect themselves from superfluous risks.

There are two types of radiation—ionizing (X-rays, cosmic rays, radiation from radioactive materials and shortwave ultraviolet radiation from sunlight and sunlamps) and nonionizing (radio waves, microwaves, infrared and longer-wave ultraviolet radiation). Ionizing radiation is the more damaging of the two, capable of disrupting atomic structure by knocking off electrons and causing injury to living cells or to their general material.

Instead of damaging living tissue, nonionizing radiation, which is relatively low in energy, changes their energy level and generates heat—the mechanism by which microwave ovens operate. The potential hazards of prolonged exposure to low levels of nonionizing radiation are not known, and there is considerable dispute among authorities on the subject.

The risks of ionizing radiation have been well-established. It can produce mutations, or inheritable changes in the genetic material and thus can cause birth defects and cancer. Its effects are cumulative; repeated exposure to low doses can add up to the damage wrought by a single large dose.

Large doses of X-rays (such as might be used in therapy) to the reproductive organs can cause sterility or, in less extreme cases, may damage sperm or eggs and result in the birth of malformed children. X-ray exposure during pregnancy may increase the risk of leukemia and other cancers in the offspring. Certain tissues—for example, the thyroid gland and the breasts—are more sensitive to radiation effects than others, and cancers have developed in those tissues many years after radiation treatment to nearby organs.

The much lower radiation doses involved in diagnostic X-rays have not yet been directly linked to an increased cancer risk except in prenatal exposure. Nonetheless, there is no such thing as a "safe" dose of ionizing radiation. It is clearly in your best interests to be sure that exposure is kept to an essential minimum and that in each case the expected benefits justify the possible risks. The following guidelines should help to achieve that goal.

Is this X-ray necessary?

Ask the doctor or dentist what the examination can be expected to show and how it may help in your care. Make sure you understand the explanation well enough to know that the X-ray is not being taken just to protect the doctor. Ask whether there are less hazardous tests that would yield similar information or whether X-rays taken at a previous time can be used. If a repeated examination is medically justifiable, however, resistance can be counterproductive.

Many people, when changing doctors or dentists or seeing specialists as consultants, fail to mention that they have already had X-rays. In many cases the old set is adequate or needs only supplementing rather than replacing. At least make sure your doctor knows of previous X-rays since they may help in evaluating changes.

Routine chest X-rays are no longer considered appropriate or necessary. They, like other X-rays, should be done only when medically justifiable. A chest X-ray is not an essential part of a routine medical examination unless, for example, you are a cigarette smoker or have worrisome respiratory symptoms. Neither are routine dental X-rays recommended at every visit or even every year; they should be done only when there is a clearcut need and no other way to obtain the information.

Do you keep an X-ray record?

Just as you should keep a record of immunizations, you would also do well to record all X-rays: the date and type and the name of the doctor who ordered them. This will help you keep track of exposure as well as avoid repetition. For a small additional fee you may request copies of X-rays.

Free X-ray record cards can be obtained by writing to X-rays, Food and Drug Administration, Rockville, Md. 20857. Take your record with you when seeing a doctor or dentist for the first time and ask that the information about your previous X-rays be included on your chart.

Are you pregnant or think you could be?

Doctors and X-ray technicians often fail to ask this crucial question before exposing a woman of childbearing age to X-rays that could reach the abdomen. If the X-ray is medically necessary, it should be done, pregnant or not, using a protective lead shield over the abdominal area if it does not interfere with the needed picture. An alternative may be an ultrasound examination.

Many X-ray examinations, such as preemployment back X-rays or dental X-rays, are "elective" and could easily be postponed until after childbirth. If you are planning a pregnancy, it might be wise to obtain all needed X-rays such as dental X-rays at least two months before you try to conceive.

To avoid inadvertent radiation exposure of a pregnant woman, many doctors and dentists abide by the "10-day rule" when X-raying a woman of childbearing age. According to this rule, all nonemergency X-rays are done within 10 days of the start of the menstrual cycle, when pregnancy is highly unlikely.

Are you protected against X-ray scatter?

Since the reproductive organs are highly vulnerable to radiation damage, those of children and men and women of childbearing age should always be protected by a lead shield or apron during an X-ray examination, even of the mouth. For men, a gonad shield affords adequate protection.

Is the X-ray dose as low as possible?

You are most likely to keep your radiation dose to a minimum if a medical X-ray examination is done in the office of a full-time radiologist or in a hospital X-ray department rather than in the office of an ordinary physician. One of the major causes of excess radiation exposure is error on the part of the technician necessitating a repetition.

Dentists and dental hygienists are trained in X-ray technique. Make sure your dentist's machine is fitted with a long cylinder through which the X-ray emerge; the old short, pointed cones deliver far more scattered radiation.

Also determine when the equipment was last inspected, which should be posted on or near the machine. If it is more than two years old, you may want to have the X-ray taken elsewhere since the older the equipment, the higher the dose it is likely to deliver. The newest mammography (breast X-ray) machines, for example, use far less radiation.

The average radiation exposure of workers at U.S. nuclear plants rose by 35% from 1979 to 1980, according to an analysis of Nuclear Regulatory Commission (NRC) data by the Washington-based Environmental Policy Institute (EPI).

Although the total number of operating commercial-nuclear power plants increased only from 67 to 68 in the one-year period, the total worker-radiation exposure rose from 39,759 person-rems in 1979 to 53,797 person-rems in 1980. (A person-rem is a radiation-dose measure to describe exposure for large groups. The figure is derived by multiplying the total number of people exposed by their average dose in rems.)

EPI called the data "sobering, given the recent scientific estimates on the risks of low-level radiation exposure." Citing research by the National Academy of Sciences and other experts, EPI said that the 80,200 exposed workers in 1980 could experience up to 350 cancer deaths directly related to their exposure, as well as increased risks of genetic damage to their progeny.

The total radiation exposure of a nuclear plant's work force is not now subject to government regulation, while exposure to an individual is.

EPI laid the increasing exposure of nuclear workers to the repairs required by the premature corrosion and leakage of radioactive steam generators at nuclear plants.

The reactors with the highest workforce radiation-exposure levels, according to the EPI analysis, are:

Plant	Operator	Exposure in person-rems	
		1979	1980
Pressurized water reactors:			
San Onofre	Southern California Edison, San Diego Gas & Electric	150	2,400
Surry	Virginia Electric & Power	1,800	1,950
Robinson	Carolina Power & Light	1,200	1,850
Haddam Neck	Connecticut Yankee Atomic Power	1,150	1,350
Turkey Point	Florida Power & Light	820	830
Boiling water reactors:			
Pilgrim	Boston Edison	1,000	3,650
Quad Cities	Commonwealth Edison, Iowa-Illinois Gas & Electric	1,100	2,400
Millstone	Northeast Utilities	1,800	2,160
James A. Fitzpatrick	Power Authority of the State of New York	850	2,050
Brunswick	Carolina Power & Light	1,300	1,950
Oyster Creek	Jersey Cantral Power & Light	270	1,730

DOE'S NUCLEAR ENERGY DIVISION MOVING TO SET UP PUBLIC INFORMATION PROGRAM

DOE's Nuclear Energy division (NE), in a significant departure from past practice, is preparing to implement a comprehensive, far-reaching public information program on nuclear power, sources confirmed last week. The public information program was listed as one of NE's objectives in a memorandum responding to Energy Secretary James Edwards' broad policy initiatives for the department, administration officials said (Issue of 11 Sept, 1).

During the Carter Administration NE officials restricted public information activities, fearing they would lead to complaints that DOE was advocating the use of nuclear power. NE's low-key approach to public information drew criticism from former Rep. Mike McCormack, D-Wash., who, as chairman of the House Science and Technology subcommittee on energy research and production, urged DOE to do more to promote and defend nuclear power.

Now NE wants to move ahead with a broad information program, while trying to continue to avoid "outright advocacy" of nuclear power, one source said. The program—proposed by staff officials but not yet approved by Assistant Secretary Shelby Brewer—would be "an issue-oriented campaign . . . to dispel some of the myths about nuclear energy," another source said. The NE program would use published materials, films, exhibits, television and radio to get its message about nuclear power to the public, sources said.

LWR focus part of program. Included in the program would be a special effort to inform the public about DOE programs and policies aimed at improving the plight of the light-water reactor (LWR), sources said. This effort, to be carried out with assistance from an LWR task force now being formed, would involve contacting trade.

MEDICAL, INDUSTRIAL X-RAY LEAKS MAY THREATEN NATION'S HEALTH

(By David Lore and Sylvia Brooks)

If America drowns in radiation, the cause could be thousands of little leaks from X-ray machines rather than a dam break at some nuclear power plant.

The files in the Ohio Office of Radiological Health at 246 N. High St. are as chilling as anything associated with the 1979 Three Mile Island plant accident in Pennsylvania. For example:

A worker at a Columbus plant in 1978 ventured too close to an industrial X-ray unit. His thumb was exposed for five seconds to 2,800 to 9,000 rems of X-ray (37 to 118 times the annual safety limit). The result was a partial amputation.

Radium needles, inherited by a Columbus man from his physician father, were kept in a safety deposit box in a Columbus bank for five years, all the while emitting low levels of radiation.

An Ohio hospital was cited by the Nuclear Regulatory Commission because workers stored their lunches in the same refrigerators used for radioactive materials. The citation came more than a year after the hospital warned employees about the danger.

A high school team doctor in central Ohio was cited in October 1980 for using an excessively wide X-ray beam in diagnosis, and for failing to use shields to protect his patients' groin areas. The doctor did not respond to the report for 10 months, despite two follow-up warnings.

A doctor in Crawford County was cited by state radiological inspectors in 1965 for excessive beam size and insufficient beam filtration on his X-ray unit. A re-inspection this month found the problems still unresolved.

Ohio should be keenly aware of the need for radiation safety after an incident at Riverside Hospital.

Briefly, Riverside officials in Columbus discovered in 1976 that nearly 400 cancer patients, including 110 who died, had been exposed to up to 40 percent excess radiation because of an error in dose calculations for a cobalt-60 therapy unit. The result was more than 100 lawsuits and—according to a former deputy coroner—at least 10 deaths directly linked to the overdose.

However, five years after the Riverside incident, Ohio Radiological Health Director Robert Quillin says Ohio's regulation of medical and industrial X-ray machines ranks among the worst in the nation.

"Ohio is about 48th," said Quillin's boss, State Health Director John Ackerman, by way of affirmation. "Arkansas and Mississippi may be worse."

Quillin has registration records for about 16,000 X-ray machines, but admits they may be inspected only every 10 or 12 years. There also may be thousands of unregistered machines which Quillin and his six inspectors are still trying to find.

A year ago, he estimated there were 1,000 unregistered units in Ohio shops, hospitals and offices. He's finding 100 unregistered machines every month, but has boosted his unregistered estimate to between 3,000 and 4,500.

"When you start going through these things, and get out and see how many X-ray units there actually are, you see how big a problem you really have," Quillan said.

"We went into Union County, for example, and found half of the sources not registered. We found two hospitals who never reported. It's embarrassing when you find these things that you don't know about."

The medical/industrial radiation problem is nationwide.

A 1979 U.S. General Accounting Office study in eight states (not including Ohio) concluded that "no comprehensive program exists to protect the public from the hazards radiation presents."

The states, inspected 34,664 of the nation's estimated 138,241 medical X-ray machines during fiscal 1979. The U.S. Bureau of Radiological Health reported that "25 percent (8,617) were found to be not in compliance with state regulations or recommendations.

The X-ray non-compliance rate was 26.7 percent in factories and workplaces, 7.8 percent in dental offices.

Radiation Given Off Naturally, and There Is No Escaping It

(By David Lore and Sylvia Brooks)

Radiation is silent.

You can't see, hear, smell or touch it.

Its effects on the body can show up in a matter of days—or 20 to 30 years in the future.

A high level of radiation exposure to your whole body in a short period of time can kill you.

But, are low-level radiation hazards to the human body being exaggerated by a frightened populace and a sensational press?

Scientists disagree on the answer.

Radiation cannot be escaped. Just by living in Columbus, people receive 114 millirems of radiation each year. This is radiation coming from the ground, atmosphere, building materials and occurring naturally in the environment.

The most common way of measuring radiation in tissue is the rem. A millirem is 1/1000th of a rem. Radiation is also measured in rads and roentgens, which are roughly equivalent to a rem.

How much radiation is too much?

The Nuclear Regulatory Commission sets legal safety limits of 500 millirems a year (.5 rems) for the general public and 5,000 millirems a year (5 rems) for persons working around radiation sources.

These legal limits express the amount of exposure to the entire body over a year's time. However, much higher radiation is used in cancer and other medical treatments, but the body can tolerate enormous amounts of radiation in isolated parts of the body.

Another important factor in the body's response to radiation is the length of time of the exposure. Radiation given over a short span of time is more dangerous than radiation given at longer intervals.

Generally, exposure of 10 to 20 rems is considered low level.

An exposure of 500 rems to the whole body in a short period of time is lethal. Radiation devices used in cancer treatments frequently carry exposures of 6,000 rems, but the radiation is focused on only a part of the body, and the exposure is spread out over a period of time.

It has long been suspected that there is a relationship between radiation exposure and leukemia, cancer and genetic defects, but the nature of those relationships is not always clear.

When the atomic bombs were dropped on Japan at the end of World War II, many people received whole-body radiation levels as high as 50 rems in less than an hour. This caused acute radiation sickness within a few days or weeks. Victims who received even less were observed throughout their lives and had higher incidences of leukemia, cataracts and cancer than normal. Many of the women who were pregnant at the time of the exposure gave birth to defective children.

Headlines continue to appear about the hazards of microwave ovens, television sets, radium-dial watches, smoke detectors and a hundred other items containing low levels of radiation.

But, the accumulated radiation from all these non-medical sources is very small, and far more radiation is absorbed from the natural environment.

Government agencies, however, have usually taken the position that the amount of radiation given to a person should be kept to an absolute minimum—just in case.

Radiation Goofs: Inspection Isn't Always Prevention

(By David Lore and Sylvia Brooks)

A Columbus hospital purchased defective fluoroscopic equipment in July 1980.

On Sept. 11, 1980, the Ohio Department of Health inspected the equipment for the Food and Drug Administration and found that it constituted an "immediate radiation hazard" under FDA laws.

The equipment had a faulty interlock, which could cause excess radiation to both patient and X-ray technician. The unit can be used as both an X-ray unit and fluoroscopic unit. The interlock is supposed to prevent the higher levels of radiation used during fluoroscopic work from escaping during routine X-rays, although both emit comparatively harmless levels of radiation.

The manufacturer was contacted and the equipment repaired.

Ohio's radiological health director, Robert Quillin, says more than 20 federal and state agencies have some responsibility for setting standards for monitoring radiation devices and radiation waste disposal.

But this does not mean that radiation equipment is being consistently checked in major hospitals.

"I could keep my four inspectors busy in just hospitals," Quillin said. "But we have to assume that those hospitals which are accredited by the Joint Commission on Accreditation of Hospitals, and those which have physicists on their staff or as consultants are doing a pretty good job."

But hospitals that hire physicists as consultants don't always listen to the consultants' advice.

In one central Ohio city, a consultant checked a hospital's radiation equipment and filed a report advising some corrections. The hospital ignored the advice, Quillin said.

"The consultants are doing their job, but the hospital may not want to spend the money to correct deficiencies," Quillin said.

During the last fiscal year Quillin's inspectors checked the X-ray equipment in 31 hospitals. They found 11 hospitals not in compliance with state requirements.

The Riverside Hospital experience, in which nearly 400 people received overdoses of radiation during cancer treatment, could happen again, primarily because it was caused by human error.

Most Columbus hospitals have been cited at various times by the NRC for violations or radiation protection regulations.

In November 1979, a Columbus hospital was cited because it had not checked its dose calibrator once a year.

That same hospital had not tested one source of radiation for eight years, and was using a radiation source not authorized by its license. The violations were corrected.

Another Columbus hospital was cited in 1979 because employees in the nuclear medicine laboratory did not check to see if their hands were contaminated with radiation before leaving the lab. This violation was also corrected after the NRC called attention to it.

University Hospital has had a running discussion with the NRC over the issue of food in radiation areas.

In August 1980, the NRC found a coffee maker in use in an area marked "Caution Radioactive Material." It also found a coffee pot on a sink, and a coffee cup and a coffee can in another area where radioactive material was used.

In a May 14, 1980, issue of the OSU Radiation Safety Newsletter, staff members were warned: "No food is to be kept in refrigerators where radioactive materials are stored and . . . no food preparation shall be done in rooms where radioactive materials are used."

Dr. Jerome G. Dare, a radiation physicist and radiation safety officer for the university, says the danger that someone will ingest radioactive material is slight in smaller labs which use small amounts of radiation. He says the university monitors major labs where there are higher levels of radiation, but the NRC does not make the distinction.

The issue came to a head recently, when Dr. Henry G. Cramblett, vice president for health sciences, fired off a memo to supervisory personnel:

"I am deeply concerned about the apparent lack of interest, either inadvertent or willful, in adhering to the safety rules of the Nuclear Regulatory Commission."

Cramblett told The Dispatch he is determined to end these violations.

"I may not agree with all the NRC's regulations, but I am here to enforce them. And, I will enforce them. I take all violations seriously because this is a teaching institution and we have to train students in the proper way, Cramblett said.

Even if some staff member continue to ignore the NRC regulations, it will be harder to ignore Cramblett. He has threatened to remove staffers' access to radiation materials if they don't comply.

Lifesaving Treatment the Silver Lining of Radiation-Use Cloud

Radiation means Geiger counters, bombs and nuclear power plants to most people.

It is seen frequently as a life-destroying force rather than a life-giving one.

But, in the nation's hospitals, radiation is used every day to diagnose and treat illness, both saving and prolonging life.

Unlike some chemicals and gases, radiation does not leave an undesirable residue when used to sterilize medical products.

The radiation can be applied to heat-sensitive materials such as plastic heart valves, ointments, powders and solutions without damaging them.

The X-ray is the most common medical use of radiation.

The fluoroscope, which enables doctors to see the movement of innerparts of the body on a fluorescent screen emits higher radiation than a typical X-ray.

The giants of the medical radiation devices are those used in treatment of cancer. Thousands of rems of radiation are directed to specific body parts by these machines, but because they are concentrated in one area and not on the whole body, humans can usually tolerate the high radiation levels.

Sealed radiation sources can be placed within the body, such as radium implants in the treatment of cervical cancer.

Physicians are beginning to use radiation to treat other diseases. It has been used for arthritis, bursitis, acne, warts and ulcers.

A much-heralded development in radiation devices is the computerized axial tomography (CAT) scanners. More than 2 million persons a year undergo CAT scans, which emit only low levels of radiation.

Hospitals also use radiopharmaceuticals. These are either chemicals or drugs to which radiation has been added. They are given to patients as "tracers," which help doctors evaluate the body's chemistry and physiology.

Low energy lazer beams are being used to treat skin cancer. Surgeons now use high-energy beams almost like scalpels to remove deep tumors.

Many of the newest radiation devices being purchased by hospitals today emit far less radiation than their older counterparts. This reduction in radiation levels in medical devices is expected to continue as even newer technologies unfold.

X-Ray Devices Not Always Handled With Care

(By David Lore and Sylvia Brooks)

When a radiation expert inspecting the X-ray machine at the Ohio Veterans Home in Sandusky, Ohio, turned it on one day in 1980, smoke began pouring from the control panel.

Under the table, the high-voltage cables were beginning to rot, and the X-ray tube had to be braced with sandbags to keep it stable.

"The tube could slip and hit a patient causing serious injury," wrote William A. Spears, the home's administrator, to Robert H. Borders after Spears received the inspector's report.

Borders was the home's superintendent until he resigned last February.

The machine, which was over 20 years old, was emitting an erratic and unstable amount of radiation. The X-ray pictures often were virtually unreadable, causing patients to undergo two or three X-rays just to get one good picture. They were being exposed to three times the amount of radiation necessary.

The X-ray machine, which also was leaking radiation, was so old that it could not be repaired economically, according to Robert Quillin, Ohio radiological health director. Quillin said the machine was taken out of service.

At one state institution for the mentally retarded, residents are receiving several X-rays when only one would do, one radiation inspector says. This is because the film developing tank has been broken for months. The inspector has been told that the state cannot afford to buy a new one.

A doctor in southwestern Ohio was using a fluoroscope so old that Quillin did not recognize the manufacturer's name when he inspected it.

He found that the machine which should expose a patient only to about 10 rem per minute, was giving them 52.

"You could have done the same procedure with a modern unit at three rem per minute," Quillin said.

Quillin sent the doctor a letter pointing out the deficiencies in the equipment. The doctor has not responded. Quillin plans to reinspect.

A rem is a basic unit of radiation measurement. A typical X-ray emits from nine to 875 millirem per examination. Dental X-rays give a patient nine millirem, while a barium enema used in the X-ray of the lower gastrointestinal tract gives 875.

X-ray machines are only one problem. Other sources of radiation also can cause health officials headaches.

A doctor in Youngstown decided to give up his practice. He left in his office a radiation container called a "lead pig" with a radium needle he had used to treat skin cancers.

Another doctor discovered it and called the Ohio Department of Health. Quillin asked the doctor what he was going to do with the radium, and the doctor suggested that he throw it down a well. Quillin strongly advised against that, so the physician picked up the radium and placed it in his basement.

The doctor finally was convinced to let the health department dispose of the radium.

According to federal statistics, in fiscal year 1979 only 17.2 percent of the 183,000 dental X-ray machines in the United States had been inspected. Of those which were inspected. Of those which were inspected, 7.8 percent were found not to be in compliance with state regulations.

In Ohio, there are an estimated 8,200 dental X-ray machines. Only 813 were inspected in 1981. Violations were found in 55 of the dental facilities housing them.

A group of dentists practicing in a department store in a major Ohio city had an X-ray unit in a room seven feet long and three feet wide. Radiation was leaking into the waiting room next door.

The unit was kept in constant use, making 700 films a week. The dentists had planned to install a second unit until the health department found out about it. The dentists have taken the proper safety measures, Quillin says.

Although consumers may not be able to spot defective X-ray equipment, they do have some control over the amount of radiation they receive.

Dr. Martin D. Ecker and Norton J. Bramesco, a science writer, in a consumer guide book called Radiation, say a patient can avoid unnecessary X-rays by:

Refusing to have X-rays taken in mass screening programs.

Avoiding demands that doctors give X-rays as a part of a routine examination.

Telling doctors about previous X-rays.

Advising doctors if a woman is pregnant.

Questioning a physician carefully about the need to X-ray children, who especially are vulnerable to radiation.

Having X-rays taken only where a full-time radiologist is in charge.

Faulty X-Ray Machines Targets of 2 Agencies

(By Sylvia Brooks)

The Ohio Department of Health has agreed to turn over the names of physicians using defective X-ray equipment to the Ohio State Medical Board.

The agreement is the first of its kind between the two state agencies, and came as a result of inquiries by the Dispatch about the medical board's jurisdiction over physicians using out-of-date or defective radiation equipment.

In a recent letter to Dr. John Ackerman, health department director, William J. Lee, medical board administrator, asked for the names of any physicians using defective X-ray equipment so the board can determine if there are any violations of medical practice laws.

Although the health department is responsible for checking X-ray equipment, it has no jurisdiction over the physicians.

Robert Quillin, Ohio's radiological health director, said he was happy to get the letter.

"I intend to use this, if there is some practitioner doing something not covered under our laws," he said.

Quillin gave as an example a doctor who uses fluoroscopic equipment when an X-ray would do the job as well or better.

Fluoroscopic equipment enables a doctor to see moving parts of the body and emits more radiation than an X-ray, which is a flat picture.

"The National Council on Radiation Protection and Measurement says fluoroscopic units should not be used as a substitute for an X-ray.

"We find some older physicians have done this for years and have never changed over to X-rays," Quillin said.

"The younger ones typically do not do this," he added.

"We cannot tell them they cannot do it, We can just suggest it," Quillin said:

However, the medical board has jurisdiction over physicians and may be able to take action against doctors under its general statutes.

These statutes include provisions against failure to employ acceptable scientific methods in selecting proper treatments of diseases.

The medical board laws also permit the board to act when doctors fail to conform to minimal standards of medical care, whether or not a patient is injured, Lee said in his letter to Ackerman.

Ackerman said he feels only a few physicians will be reported to the board.

"But, I think it will be useful in instances where there is gross negligence on the part of the doctor," Ackerman said.

Radium Needles Were Kept in Bank Safety Deposit Box

(By David Lore and Sylvia Brooks)

In July 1980, a receptionist in the safety deposit area of a Columbus bank overheard a woman and her two sons discussing the contents of a deposit box.

She was disturbed by what she heard.

She contacted the bank manager. He contacted the Columbus and Franklin County Disaster Services Agency, which called the Ohio Department of Health.

The next day, Barbara Knapp, a radiological health specialist, went with another inspector to the bank and found that radium needles had been stored in the bank for five years.

Because the owner of the deposit box was not present, the inspectors measured the amount of radiation coming from the deposit box. They found that it was giving off 25 millirems of radiation per hour, which is a low level of radiation.

The bank receptionist had been shielded from the radiation, and no one else was in the area long enough to receive a dangerous dose, Knapp said.

The bank manager wanted the radiation source out of the bank immediately.

On July 30, the inspectors returned to the bank and opened the box in the owner's presence. Inside, they found one empty radiation container called a "lead pig," and another, which was taped shut, containing 40 milligrams of radium.

The exposure rate from the surface of the pig containing the radium was 2,500 millirems, a potential hazard, but at 3 feet the exposure was only 45 millirems.

Knapp said the radium had been inherited by the son of a local doctor. The slender pieces of metal containing radium resemble needles and were used in treating skin cancer by running them across the skin.

"At one time, those radium needles were valuable," Knapp said. "Doctors paid $2,000 to $3,000 for them. I suppose the family thought they were still valuable, but they are not. We are trying to get people to give them up. They are dangerous because they are subject to leakage," Knapp said.

The needles were removed from the bank by the health department and stored until they could be disposed of.

Knapp has had more than one experience with radium needles.

A Cleveland doctor gave up his practice in 1979. He left many of his possessions in his office, which was located in an office building on the same floor where some prostitutes conducted their business.

The problem began when the doctor's office was vandalized in January 1980.

A health clinic worker, who was a specialist in sexually transmitted diseases and a book collector, heard about the vandalism and went into the office to look for old medical books.

While there, he saw an abandoned X-ray machine and decided it would be useful to have it at one of Cleveland's free health clinics.

He also saw a leather, lead-lined object.

It was empty.

He contacted a Cleveland Health Department official, inquiring about the X-ray machine and the leather object.

A health department inspector, carrying a Geiger counter, accompanied the book collector to the office.

When they entered the office, the Geiger counter began to click.

The inspector called the Ohio Department of Health in Columbus, and Knapp and a colleague left immediately for Cleveland.

Knapp found that the vandals had opened the leather, lead-lined pig, scattering 12 radium needles about the office. One of the needles was leaking radiation, which had contaminated a small portion of the examining table, but nothing else.

The needles were confiscated and disposed of.

Radiation Slip-ups Haunt Industry

(By David Lore and Sylvia Brooks)

It took just five seconds.

On an October afternoon three years ago, a 23-year-old industrial radiographer at a Columbus plant held up a plumb bob to line up a weld for radiographic testing.

He exposed his right thumb for only five seconds to the high-intensity X-ray beam, but it was enough to expose the finger to 2,800 to 9,000 rems of radiation.

The state's dose limit for hands and feet is 18.75 rems per 90 days.

State radiological health inspectors subsequently said the man suffered "acute radiation injury" to the thumb.

According to a plant official, the end of the man's thumb had to be amputated.

In a similar accident in 1974, a 24-year-old Lorain, Ohio, technician suffered severe burns to two fingers when he tried to repair a defective X-ray machine.

The exposure—up to 8,000 rems for two or three minutes—resulted in the loss of part of one finger, according to the worker's mother.

Robert Quillin, Ohio radiological health director, says accidents involving industrial X-ray equipment are his biggest problem.

"The workplace is, on the average, where most radiation accidents occur," he said. "I would assume there are potential hazards out there, although I've never seen any statistical evidence of it.

"The problem is that when something like this happens, there's a lawsuit and nobody talks until there's a settlement.

"And with radiation, there's not always an immediate traumatic effect, like you falling over dead. These tend to be long-term, developing situations."

The Ohio Industrial Commission says there were claims for only three industrial X-ray injuries, none fatal, between 1975 and 1980.

There were 30 other claims classified as radiation injuries, most resulting from sunburn, microwaves, welding flashes and ultraviolet radiation.

In addition, there were eight occupational disease claims over the same six-year period tied to the use of radium or radioactive materials.

Such claims would not reflect instances where workers are exposed to excessive but not immediately damaging doses of radiation.

Shortly before Thanksgiving 1980, for example, a Columbus X-ray firm was contracted by Lazarus store officials to X-ray 40,000 teddy bears in a sealed room at a store warehouse.

The inspections came after the U.S. Consumer Product Safety Commission ordered such checks on five million bears nationwide to find wire pins that could be hazardous to children.

Margaret Panico, state radiological health inspector, however, found that teddy bear pins weren't the only safety problem.

The X-ray operators hired by the company to check the thousands of bears were using the machines improperly, exposing their hands and pelvic areas to excessive radiation, she said in her report.

Procedures were corrected before the dosage to workers exceeded annual limits, and no injuries were recorded, she said.

"Luckily, we caught it here, before the testing continued in other states," she said.

Quillen says industrial X-rays are more difficult to control than medical X-rays.

Medical X-ray manufacturers have to file federal and state reports on new installations, but there's no such requirement for new industrial installations, he said.

"We know there's quite a number of firms using this equipment, and they need more help than anybody else.

"In industrial safety, you don't have the nice configuration that you have in medicine. Lots of industrial work is portable work which, from a safety point of view, requires more knowledge and more experience.

"Also, there's more radiation involved (in industrial work) and while a hospital everybody has at least two years of medical training, in industry it's usually OJT (on-the-job training)."

Congress recently passed a law to promote better training of medical and dental X-ray technicians, but the law ignores training requirements for industrial X-ray operators.

The U.S. Occupational Safety and Health Administration, which looks out for other industrial hazards, has neither the interest or the expertise to deal with radiation hazards, Quillin says.

There are hundreds of different technical standards governing plant X-ray work, but the federal agency's emphasis tends to be on signs and sirens, he said.

Unions aren't always aggressive about safety, and neither are the employees, Quillin said.

"Some workers will accept anything if they're paid well enough," he said.

HOSPITALS' COSTS SOAR FOR DISPOSAL OF NUCLEAR WASTES

(By David Lore and Sylvia Brooks)

Eight years ago, a man in Bloom Township near Carroll, Ohio, called Ohio Civil Defense workers to complain about radioactive trash around his newly acquired home.

The debris consisted of almost 100 used containers that had held isotopes and other radioactive materials used at Children's Hospital in Columbus.

The debris, now known as low-level nuclear waste, was collected, analyzed and routinely disposed of by state and federal investigators.

"I have five kids and they used them as playthings," explained Dr. Larry Samuels, former Children's Hospital rediation safety officer and the former owner of the contaminated house.

Samuels said he carted the stuff home.

Eight years later, such disposal practices would be a major scandal, inviting heavy penalties from the U.S. Nuclear Regulatory Commission.

The nation is more sensitive about radiation in the wake of the Three Mile Island nuclear power plant accident and the debate over the storage and disposal of radioactive wastes.

Yet disposal of mildly radioactive wastes continues to be a major headache for hospitals and research centers.

It is a constant battle to get staff workers to observe the strict rules laid down by the Nuclear Regulatory Commission.

"On many occasions we receive calls to pick up radioactive waste of unknown quantity and content abandoned (in university labs) by an individual who has left the university," said an item in Ohio State University's *Radiation Safety Newsletter* last February.

"Please don't leave your fellow employees and students with the onerous task of tracking down information about your abandoned waste," the item said.

In addition, hospitals and research centers are facing skyrocketing disposal costs because of the crush of business at the three commission-approved, low-level radiation disposal sites at Hanford, Wash., Beatty, Nev., and Barnwell, S.C.

Jerome G. Dare, OSU radiation safety officer, says the university's bill for disposal of 582 barrels of such wastes this year was $95,000, not counting the cost of a $5 million indemnification guarantee on each shipment.

"Our costs have gone up by a factor of 10 over the past decade, while the volume of wastes is up only by a factor of two or three," he said.

These are not the high-level wastes from power plants or weapons that have to be buried a mile deep for thousands of years.

Low-level wastes consist of tons of packaging, clothing, rags, machine parts and chemicals that became slightly radioactive because of contact with radioactive materials in power plants, hospitals, laboratories and commercial establishments.

Typically, this material has been buried in 20 to 50-foot deep, clay-bottomed trenches under a cap of dirt only about five feet deep.

Preoccupied with disposal of high-level nuclear wastes, the federal government has told the states to take responsibility, under Nuclear Regulatory Commission supervision, for developing low-level waste disposal sites.

Under the Low-Level Radioactive Waste Policy Act of 1980, the states have until 1986 to provide disposal sites within their borders or to cooperate on providing regional sites.

At the statehouse, legislation (House Bill 797) was introduced by the Rhodes administration on Dec. 11 to create a nine-member Intergovernmental Committee on Low-Level Radioactive Waste.

This body would advise the Ohio General Assembly during 1982 on whether Ohio should develop its own disposal site or cooperate with 12 other states on regional facilities.

The Ohio Environmental Protection Agency is surveying how much low-level nuclear waste is being generated in Ohio.

A 1980 federal study put the figure at 59,462 cubic feet a year, but the state agency hopes to get more accurate figures by April.

Robert Quillin, Ohio's top radiological health officer, says the federal commission's recent decision to allow routine landfill disposal of wastes with a rapid radioactive decay rate should reduce the quantity significantly.

"Procter & Gamble's medical research lab had 300 barrels of waste a year before that ruling," Quillin said. "Now they'll only have one."

Pressure will build on legislators next year to act on low-level radioactive wastes because Ohio institutions do not know how long they can count on using the Washington and South Carolina sites at any price.

In addition, a cooperative agreement will be ready in early 1982, proposing a 13-state compact on construction of burial facilities, incinerators and compaction stations.

Gov. James A. Rhodes has opposed any move towards high-level nuclear waste pits in Ohio, but low-level waste disposal will be harder to avoid.

If Ohio joins the compact, it will be up to an interstate board to decide whether a waste facility is situated in Ohio.

If Ohio proceeds independently, it either must build its own disposal facilities or leave Ohio industry and medical centers in limbo.

TIGHTER CONTROLS ON X-RAY MACHINES, OPERATORS IN PICTURE

(By David Lore and Sylvia Brooks)

Who's authorized to operate an industrial or medical X-ray machine in Ohio?

"Anybody who can push a button," said Dennis Bottorf of Mansfield, Ohio, past president of the Ohio Society of Radiological Technicians.

"You can take anybody off the street, whether they have any medical training or not."

Can a state radiological health inspector order a machine to be turned off if the inspector believes its radiation dosage is a health hazard rather than a health benefit?

No, says Robert Quillin, Ohio's radiological health officer.

Only the director of the Ohio Department of Health in Columbus can take such action when he finds "that an emergency exists requiring immediate action to protect the public health or welfare."

"Those are pretty broad terms, 'emergency' and 'public health,'" Quillin said. "Does one practitioner with a defective X-ray machine constitute an emergency situation affecting the public health?"

Evidentally not, since the health director has never issued such an order.

A 1979 survey of state programs by the U.S. Bureau of Radiological Health found Ohio spending 1.7 cents per capita for radiological health programs, less than any other state.

By comparison, Illinois spent 5.4 cents per capita; Pennsylvania, 6.6 cents; Michigan, 7.9 cents; and New York, 11.1 cents. The U.S. average was 8.5 cents.

A more comprehensive analysis is being prepared by five federal and state experts who, at Quillin's invitation, spent three days in Columbus in December reviewing Ohio's radiation control program.

Quillin said the team found Ohio's program at least 20 years behind the times in terms of legislation, funding, staffing, techniques and equipment.

Despite the current mood for deregulation, the casual approach to regulation of X-ray radiation may be over.

As part of the new federal budget, Congress enacted the Consumer-Patient Radiation Health and Safety Act of 1981 on Aug. 13 to "minimize unnecessary exposure to potentially hazardous radiation due to medical and dental radiologic procedures."

The Radiation Health and Safety Act requires the secretary of the U.S. Department of Health and Human Services, by August 1982, to set minimum training and certification requirements for persons operating X-ray machines. Doctors and dentists, however, are exempt from such requirements.

Dentists already receive more than 300 hours of X-ray training as part of their education, according to David Eberst of the Ohio State Dental Association.

Doctors learn some radiation theory in school, but don't have training on equipment until they're in residency or on the job, according to Dr. Phillip Fulkerson of the Ohio State University College of Medicine.

The federal requirements do not apply to persons operating industrial X-ray equipment, even though this is where operator lapses can cause the most serious injuries.

Bottorf, chief radiation technologist at Mansfield General Hospital, said most doctors in his area have hired registered X-ray technologists, but that most dental X-ray assistants "don't have any medical training at all."

Bottorf, an industrial consultant on X-rays, said operators in manufacturing plants usually are trained on the equipment by service repairmen or outside technical consultants.

The Society of Radiological Technologists in 1982 will be seeking an operator's licensing law for Ohio.

In addition, Quillin said the Department of Health will be pushing for X-ray registration fees to finance an expanded inspection program. Quillin wants state licensure of all persons and facilities using radioactive isotopes in Ohio to ensure control of those isotopes not regulated by the federal government.

No decision has been made on whether to seek greater enforcement powers or more radiological health inspectors in Ohio, although Quillin notes that in some states an inspector who finds a hazardous machine is empowered to shut it down for 24 hours.

By Mr. HEINZ:

S. 2285. A bill to amend title 10, United States Code, to provide that naval vessels of the United States may not be built in foreign shipyards; to the Committee on Armed Services.

CONSTRUCTION OF NAVAL VESSELS

Mr. HEINZ. Mr. President, I am pleased today to introduce legislation to require that the U.S. Government must purchase all of its naval vessels, and their major hull and superstructure components, from domestic shipyards. I believe this legislation is necessary in order to assure the continued existence and viability of a vital sector of our defense industrial base. It is also thereby necessary to assure our national security.

Mr. President, naval shipyards are a crucial portion of our defense industrial base. I have watched with growing concern the continuing decline of our domestic shipbuilding industry. In the last 5 years alone, some 21 U.S. shipyards have closed. Of course, this decline also means unemployment or disruption of careers for thousands of skilled workers. Aside from the personal hardship involved, we can ill afford to lose such workers from our resource pool of skilled personnel in the defense sector.

If the money appropriated for naval construction is allowed to be spent in foreign shipyards, we will rapidly lose the remaining shipyard capacity we have—and the result could be disastrous in time of war when shipyards are needed for repair and overhaul. Defense lies not just in building ships, but in the capacity to repair and refurbish them, through a diversified system of regional shipyard and drydocks.

There is also the issue of national security. We can ill afford the consequences of sabotage and the devulging of classified information that is much more likely to occur in foreign ports than in our domestic yards. Thus it is imperative that the building of our advanced and highly technical systems be done in a secure environment.

Mr. President, this is not a flat prohibition on foreign involvement in the U.S. naval program where really necessary. I stress that this legislation pertains only to the construction of naval vessels and their major components. The legislation would not prohibit repair of naval vessels overseas. It does not pertain to the purchase of standard shipboard equipment, weapons, ammunition, or similar items for naval vessels. The legislation would not prohibit the leasing of foreign built vessels. Finally, the legislation does not address any aspects of the acquisition, supply, or repair of commercial vessels.

That there is a general need for such a requirement as is contained in this bill has been recognized by the Congress for many years. In fact, since 1968, the Congress has annually included such a prohibition in the defense appropriations bill. What this bill does, very simply, is to make that prohibition a part of our permanent statutory law. Given the fact of a major planned naval buildup, I think it is both appropriate and necessary to make this provision permanent.

There is one specific feature of this bill which I would like to discuss briefly. It would permit the prohibition against foreign pruchase to be overridden by the President if he determined that national security so required. Notification to the Congress would then have to take place, and the Congress would have 30 days to legislatively block any such action.

Mr. President, I am not convinced that this provision is absolutely necessary, but I have chosen to give the benefit of the doubt at this time to the argument that some Presidential flexibility is required in this area. However, I do continue to believe that, especially with the economic problems we are currently experiencing, it is necessary that Congress indicate this year via the Appropriations process its judgment that no foreign naval vessel purchases shall be allowed at all, and I will support such an approach in the fiscal year 1983 Department of Defense Appropriations Bill.

In conclusion, I would like to acknowledge the key role played by Representative CLAUDINE SCHNEIDER of Rhode Island in the effort to permanently assure the continued vitality of U.S. shipyards. Representative SCHNEIDER has already moved this legislation through the House Armed Services Committee to passage on the House floor by a vote of 366 to 21. Given this overwhelming supportive sentiment in the House, and the importance of this legislation to our national security, I urge the Senate to promptly consider and approve this legislation.

Mr. President, I ask unanimous consent that the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 2285

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) chapter 633 of title 10, United States Code, is amended by adding at the end thereof the following new section:

"§ 7309. Restriction on construction of naval vessels in foreign shipyards

"(a) Except as provided in subsection (b), no naval vessel, and no major component of the hull or superstructure of a naval vessel, may be constructed in a foreign shipyard.

"(b) The President may authorize exceptions to the prohibition in subsection (a) when he determines that it is in the national security interest of the United States to do so. The President shall transmit notice to Congress of any such determination, and no contract may be made pursuant to the exception authorized until the end of the 30-day period beginning on the date the notice of such determination is received by Congress."

(b) The table of sections at the beginning of such chapter is amended by adding at the end thereof the following new item: "7309. Restriction on construction of naval vessels in foreign shipyards".

By Mr. WARNER (for himself and Mr. JACKSON) (by request):

S. 2286. A bill to authorize appropriations for the Department of Energy for national security programs for fiscal year 1983 and fiscal year 1984, and for other purposes; to the Committee on Armed Services.

NATIONAL SECURITY PROGRAMS AUTHORIZATION ACT FOR FISCAL YEARS 1983 AND 1984

● Mr. WARNER. Mr. President, by request, for myself and the senior Senator from Washington (Mr. JACKSON), I introduce for appropriate reference a bill to authorize appropriations for the Department of Energy for national security programs for fiscal year 1983 and fiscal year 1984, and for other purposes.

I ask unanimous consent that a letter of transmittal requesting consideration of the legislation and explaining its purpose be printed in the RECORD immediately following the listing of the bill.

There being no objection, the bill and letter were ordered to be printed in the RECORD, as follows:

S. 2286

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "National Security Programs Authorization Act for Fiscal Years 1983 and 1984."

TITLE I—NATIONAL SECURITY PROGRAMS OPERATING EXPENSES

SEC. 101. Funds are authorized to be appropriated to the Department of Energy for fiscal year 1983 for operating expenses incurred in carrying out national security programs (including scientific research and development in support of the armed forces, strategic and critical materials necessary for the common defense, and military applications of nuclear energy and related management and support activities) as follows:

(1) For naval reactors development, $326,760,000.

(2) For weapons activities, $2,793,691,000.

(3) For verification and control technology, $52,400,000.

(4) For materials production, $762,900,000.

(5) For defense nuclear waste, $285,929,000.

(6) For nuclear materials security and safeguards development, $43,160,000.

(7) For security investigations, $26,000,000.

PLANT AND CAPITAL EQUIPMENT

SEC. 102. Funds are authorized to be appropriated to the Department of Energy for fiscal year 1983 for plant and capital equipment (including planning, construction, acquisition, and modification of facilities, land acquisition related thereto, and acquisition and fabrication of capital equipment not related to construction) necessary for national security programs as follows:

(1) For naval reactors development:

Project 83-N-101, general plant projects, various locations, $1,500,000.

Project 83-N-102, addition to the radioactive materials laboratory, Knolls Atomic Power Laboratory, Schenectady, New York, $1,500,000.

(2) For weapons activities:

Project 83-D-101, general plant projects, various locations, $15,800,000.

Project 83-D-123, general plant projects, various locations, $16,300,000.

Project 83-D-124, standard missile-2 (SM-2) warhead production facilities, various locations, $7,000,000.

Project 82-D-106, weapons assembly facilities, Pantex Plant, Amarillo, Texas, $[illegible]6,500,000 for a total project authorization of $40,000,000.

Project 82-D-107, utilities and equipment restoration, replacement, and upgrade, Phase III, various locations, $151,800,000, for a total project authorization of $239,300,000.

Project 82-D-108, nuclear weapons stockpile, improvement, various locations, $37,300,000, for a total project authorization of $52,300,000.

Project 82-D-109, 155-millimeter artillery-fired atomic projectile (AFAP) production facilities, various locations, $18,000,000, for a total project authorization of $53,000,000.

Project 82-D-111, interactive graphics system, various locations, $12,000,000, for a total project authorization of $21,000,000.

Project 82-D-146, weapons production and production support facilities, various locations, $50,000,000, for a total project authorization of $58,000,000.

Project 82-D-115, MX warhead production facilities, various locations, $30,000,000, for a total project authorization of $70,000,000.

Project 81-D-133, earthquake damage restoration, Lawrence Livermore National Laboratory, Livermore, California, $1,500,000, for a total project authorization of $5,500,000.

Project 81-D-134, earthquake damage restoration, Sandia National Laboratories, Livermore, California, $1,700,000, for a total project authorization of $3,700,000.

Project 79-7-c, proton storage ring, Los Alamos National Laboratory, Los Alamos, New Mexico, $2,800,000, for a total project authorization of $21,800,000.

Project 78-17-d, steam plant improvements, Y-12 Plant, Oak Ridge, Tennessee, $1,500,000, for a total project authorization of $27,000,000.

(3) For materials production:

Project 83-D-135, general plant projects, various locations, $25,000,000.

Project 83-D-136, plant engineering and design, various locations, $2,000,000.

Project 83-D-138, PUREX canyon and dissolver filter systems improvements, Richland, Washington, $4,250,000.

Project 83-D-142, fuel dissolver off-gas transfer and treatment system, Idaho Fuels Processing Facility, Idaho National Engineering Laboratory, Idaho, $7,600,000.

Project 83-D-147, pollution discharge elimination, Savannah River, South Carolina, $1,000,000.

Project 83-D-148, non-radioactive hazardous waste management, Savannah River, South Carolina, $1,000,000.

Project 82-D-124, restoration of production capabilities, Phases II and III, various locations, $48,500,000, for a total project authorization of $174,500,000.

Project 82-D-126, reactor safety and reliability, various locations, $18,700,000, for a total project authorization of $61,600,000.

Project 82-D-136, fuel processing facilities upgrade, Idaho Fuels Processing Facility, Idaho National Engineering Laboratory, Idaho, $6,000,000, for a total project authorization of $46,000,000.

Project 82-D-201, special plutonium recovery facilities, F-chemical separations area, Savannah River, South Carolina, $10,000,000, for a total project authorization of $12,000,000.

Project 81-D-142, steam transfer header, Savannah River, South Carolina, $10,400,000, for a total project authorization of $18,400,000.

Project 81-D-143, L-reactor upgrade, Savannah River, South Carolina, $19,000,000, for a total project authorization of $134,000,000.

(4) For defense nuclear waste:

Project 83-D-156, general plant projects, interim waste operations, various locations, $19,145,000.

Project 83-D-157, additional radioactive waste storage facilities, Richland, Washington, $19,000,000.

Project 83-D-159, general plant projects, long-term waste management technology, Savannah River, South Carolina, $500,000.

Project 81-T-104, radioactive waste facilities improvements, Oak Ridge National Laboratory, Tennessee, $1,000,000, for a total project authorization of $21,000,000.

Project 81-T-105, defense waste processing facility, Savannah River, South Carolina, $30,000,000, for a total project authorization of $60,000,000.

Project 77-13-f, waste isolation pilot plant, Delaware Basin, Southeast, New Mexico, $110,800,000, for a total project authorization of $268,400,000.

(5) For nuclear materials security and safeguards development:

Project 83-D-175, general plant project, New Brunswick Laboratory, $500,000.

(6) For capital equipment not related to construction—

(A) for naval reactors development, $11,000,000;

(B) for weapons activities, $201,000,000;

(C) for verification and control technology $1,500,000;

(D) for materials production, $87,500,000;

(E) for defense nuclear waste, $31,646,000; and

(F) for nuclear materials security and safeguards development, $3,700,000.

TITLE II—GENERAL PROVISIONS

REPROGRAMMING

SEC. 201. Except as otherwise provided in this Act—

(1) no amount appropriated pursuant to this Act may be used for any program in excess of 105 percent of the amount authorized for that program by this Act of $10,000,000 more than the amount authorized for that program by this Act, whichever is the lesser, and

(2) no amount appropriated pursuant to this Act may be used for any program which has not been presented to, or requested of, the Congress, unless a period of 30 calendar days (not including any day in which either House of Congress is not in session because of adjournment of more than three calendar days to a day certain) has passed after receipt by the appropriate commitees of Congress of notice from the Secretary of the Department of Energy (hereinafter in this title referred to as the "Secretary") containing a full and complete statement of the action proposed to be taken and the facts and circumstances relied upon in support of the proposed action, or unless each committee before the expiration of the period has transmitted to the Secretary written notice to the effect that the committee has no objection to the proposed action.

LIMITS ON GENERAL PLANT PROJECTS

SEC. 202. (a) The Secretary may carry out any construction project under the general plant projects provisions authorized by this Act if the total estimated cost of the construction project does not exceed $1,200,000.

(b) If at any time during the construction of any general plant project authorized by this Act, the estimated cost of the project is revised because of unforeseen cost variations and the revised cost of the project exceeds $1,200,000, the Secretary shall immediately furnish a complete report to the appropriate committees of Congress explaining the reasons for the cost variation.

LIMITS ON CONSTRUCTION PROJECTS

SEC. 203. (a) Whenever the current estimated cost of a construction project which is authorized by section 102 of this Act, or which is in support of national security programs of the Department of Energy and was authorized by any previous Act, exceeds by more than 25 percent the higher of (1) the amount authorized for the project, or (2) the amount of the total estimated cost for the project as shown in the most recent budget justification data submitted to Congress, construction may not be started or additional obligations incurred in connection with the project above the total estimated cost, as the case may be, unless a period of 30 calendar days (not including any day in which either House of Congress is not in session because of adjournment of more than three days to a day certain) has passed after receipt by the appropriate committees of the Congress of written notice from the Secretary containing a full and complete statement of the action proposed to be taken and the facts and circumstances relied upon in support of the action, or unless each committee before the expiration of the period has notified the Secretary it has no objection to the proposed action.

(b) Subsection (a) shall not apply to any construction project which has a current estimated cost of less than $5,000,000.

FUND TRANSFER AUTHORITY

SEC. 204. To the extent specified in appropriation Acts, funds appropriated pursuant to this Act may be transferred to other agencies of the Government for the performance of the work for which the funds were appropriated, and funds so transferred may be merged with the appropriations of the agency to which the funds are transferred.

AUTHORITY FOR CONSTRUCTION DESIGN

SEC. 205. (a) Within the amounts authorized by this Act for plant engineering and design, the Secretary may carry out advance planning and construction designs (including architectural and engineering services) in connection with any proposed construction project.

(b) In any case in which the total estimated cost for such planning and design exceeds $1,000,000, the Secretary shall notify the appropriate committees of Congress in writing of the details of the project at least thirty days before any funds are obligated for design services for the project.

AUTHORITY FOR EMERGENCY CONSTRUCTION DESIGN

SEC. 206. In addition to the advance planning and construction design authorized by section 102, the Secretary may perform planning and design utilizing available funds for any Department of Energy national security program construction project whenever the Secretary determines that the design must proceed expeditiously in order to meet the needs of national defense or to protect property or human life.

FUNDS AVAILABLE FOR ALL NATIONAL SECURITY PROGRAMS OF THE DEPARTMENT OF ENERGY

SEC. 207. Subject to the provisions of appropriation Acts, amounts appropriated pursuant to this Act for management and support activities and for general plant projects are available for use, when necessary, in connection with all national security programs of the Department of Energy.

ADJUSTMENTS FOR PAY INCREASES

SEC. 208. Appropriations authorized by this Act for salary, pay, retirement or other benefits for Federal employees may be increased by such amounts as may be necessary for increases in benefits authorized by law.

AVAILABILITY OF FUNDS

SEC. 209. When so specified in an appropriation Act, amounts appropriated for "Operating Expenses" or for "Plant and Capital Equipment" may remain available until expended.

TITLE III—AUTHORIZATION OF APPROPRIATIONS FOR FISCAL YEAR 1984

SEC. 301. There are authorized to be appropriated to the Department of Energy to be available not earlier than October 1, 1983, such sums as may be necessary for fiscal year 1984 for programs set forth in this Act.

DEPARTMENT OF ENERGY,
Washington, D.C., February 26, 1982.

Hon. GEORGE BUSH,
President of the Senate,
Washington, D.C.

DEAR MR. PRESIDENT: Enclosed is proposed legislation "[t]o authorize appropriations for the Department Energy for national security programs for fiscal year 1983 and fiscal year 1984, and for other purposes." The bill would authorize specific appropriations for fiscal year 1983 and such sums as may be necessary for fiscal year 1984. The total proposed for fiscal year 1983 is $5,326,781,000, of which $4,290,840,000 is for operating expenses, $336,346,000 if for capital equipment, and $699,595,000 is for construction projects.

Consistent with the President's 1983 Budget, and his announced plans to reorganize the Department of Energy, the responsibility for national security programs would be transferred to the Energy Research and Technology Administration, within the Department of Commerce, upon the enactment of appropriate legislation.

The Office of Management and Budget advises that enactment of this legislative proposal would be in accord with the program of the President.

Sincerely,

R. TENNEY JOHNSON,
General Counsel.●

By Mr. BOSCHWITZ (for himself and Mr. MOYNIHAN):

S.J. Res. 176. Joint resolution to designate April 4, 1982, as the "National Day of Reflection"; to the Committee on the Judiciary.

NATIONAL DAY OF REFLECTION

Mr. BOSCHWITZ. Mr. President, today, along with my colleague from New York, Senator MOYNIHAN, I rise to introduce a joint resolution calling on the President to issue a proclamation designating April 4, 1982, as the "National Day of Reflection." This date coincides with the 80th birthday of Rabbi Menachem Mendel Schneerson, revered spiritual leader of the Lubavitch movement, a movement within Judaism devoted to spiritual and moral growth for people of all faiths.

The Lubavitch movement began in the United States in 1940 when the late Rabbi Joseph Isaac Schneerson came to America from Russia to escape Communist persecution. This movement represents the "Habid," the intellectual wing of Hassidism. Rabbi Joseph Isaac Schneerson was succeeded by Rabbi Manachem Mendel Schneerson; who we are honoring in this resolution.

The Lubavitch movement, under the superb leadership of Rabbi Schneerson, is involved in reaching out to individuals in need; countering slackening of Jewish life; and promoting study groups and religious festivals. They have been instrumental in establishing youth centers, schools, camps and retreat houses and spiritual centers worldwide. Through their educational, social, and rehabilitative programs, they have kindled an awareness of and rededication to Biblical values which are so important in today's life.

Mr. President, Rabbi Menachem Mendel Schneerson has ably led the Lubavitch movement for 32 years. His selfless dedication has made him a renowned figure in the spiritual betterment and welfare of mankind.

Let me quote two distinguished former Members of this body, Senator Jacob Javits said of the Lubavitch movement and Rabbi Schneerson:

> This movement has been organized by one of the greatest efforts of self help and mutual cooperation known in this country . . . There is hardly any frontier that we know of in America's social and economic life which has not been encountered and safely and brilliantly formulated by the Lubavitch Movement under the leadership of this venerable sage . . .

The late Senator Hubert H. Humphrey described Rabbi Schneerson as:

> One of the most scholarly, profound spiritual leaders that has graced this country of ours—or indeed has graced any part of the world.

Mr. President, Rabbi Schneerson has demonstrated through his outstanding and diligent leadership a brilliant insight into human experience and world events, as well as his genuine compassion for all mankind. For this reason I urge my colleagues to vote in favor of this joint resolution.

Mr. MOYNIHAN. Mr. President, I am today introducing a joint resolution calling upon President Reagan to designate Sunday, April 4, 1982, as a national day of reflection in honor of the 80th birthday of the revered leader of the world Lubavitch, Rabbi Menachem Mendel Schneerson. Under Rabbi Schneerson's dynamic leadership the Lubavitch movement has become the fastest growing force in the world Jewry today and has exerted a profound influence on the lives of millions of Jews throughout the world. The Lubavitch movement has, since its creation in the late 18th century, stressed the universal ethical and moral values that are the very foundation of our civilization. These moral values, shared by Jews and Christians alike, are enshrined in the Jewish tradition as the Seven Noahide Laws.

It is entirely appropriate that the 80th anniversary of Rabbi Schneerson's birth be designated as a day of national reflection on such ethical values in appreciation of the leading role he has played in stressing these values in contemporary American life. The 85 Lubavitch centers in 33 States are beacons of moral and spiritual strength for many American citizens. We in New York State are particularly honored by the fact that this internationally respected spiritual leader has been a resident of our State since his arrival in this country over 40 years ago. I urge my colleagues to support this joint resolution.

ADDITIONAL COSPONSORS

S. 294

At the request of Mr. GLENN, the Senator from Ohio (Mr. METZENBAUM) was added as a cosponsor of S. 294, a bill to establish an Interagency Committee on Arson Control to coordinate Federal antiarson programs, to amend certain provisions of the law relating to programs for arson investigation, prevention, and detection, and for other purposes.

S. 1215

At the request of Mr. PROXMIRE, the Senator from Iowa (Mr. GRASSLEY) was added as a cosponsor of S. 1215, a bill to clarify the circumstances under which territorial provisions in licenses to distribute and sell trademarked malt beverage products are lawful under the antitrust laws.

S. 1664

At the request of Mr. ROTH, the Senator from Alabama (Mr. HEFLIN), and the Senator from Montana (Mr. MELCHER) were added as cosponsors of S. 1664, a bill to amend title 10, United States Code, to allow supplies under the control of departments and agencies within the Department of Defense to be transferred to the Federal Emergency Management Agency as if it were within the Department of Defense and to amend the Federal Civil Defense Act of 1950 to authorize the Federal Emergency Management Agency to loan to State and local governments property transferred to such agency from other Federal agencies as excess property.

S. 1932

At the request of Mr. BENTSEN, the Senator from Ohio (Mr. METZENBAUM) was added as a cosponsor of S. 1932, a bill to amend the Inspector General Act of 1978 to establish Offices of Inspector General in certain departments and agencies, and for other purposes.

S. 1939

At the request of Mr. GOLDWATER, the Senator from Vermont (Mr. LEAHY), the Senator from North Dakota (Mr. BURDICK), the Senator from South Carolina (Mr. HOLLINGS), and the Senator from Wisconsin (Mr. KASTEN) were added as cosponsors of S. 1939, a bill to amend the Public Health Service Act to establish a National Institute on Arthritis and Musculoskeletal Diseases.

S. 2080

At the request of Mr. KASTEN, the Senator from Georgia (Mr. MATTINGLY), the Senator from Texas (Mr. TOWER), the Senator from Wyoming (Mr. WALLOP), the Senator from New Mexico (Mr. SCHMITT), the Senator from Alabama (Mr. DENTON), the Senator from New Hampshire (Mr. HUMPHREY), and the Senator from New Mexico (Mr. DOMENICI) were added as cosponsors of S. 2080, a bill to amend the Federal Election Campaign Act to provide that all persons must comply with the act.

S. 2155

At the request of Mr. KASTEN, the Senator from New Mexico (Mr. DOMENICI) was added as a cosponsor of S. 2155, a bill to require a foreign country be declared to be in default before payments are made by the U.S. Government for loans owed by such country or credits which have been extended to such country which have been guaranteed or assured by agencies of the U.S. Government.

S. 2176

At the request of Mr. ARMSTRONG, the Senator from Connecticut (Mr. WEICKER) was added as a cosponsor of S. 2176, a bill to amend the Internal Revenue Code of 1954 to require substantiation of the living expenses of Members of Congress which are allowed as a deduction.

S. 2210

At the request of Mr. ROTH, the Senator from Wisconsin (Mr. PROXMIRE) was added as a cosponsor of S. 2210, a bill to amend the Commodity Exchange Act, to reduce fraud and improve the administration of such act, and for other purposes.

SENATE JOINT RESOLUTION 153

At the request of Mr. RIEGLE, the Senator from Arkansas (Mr. PRYOR), the Senator from Delaware (Mr. ROTH), the Senator from Illinois (Mr. DIXON), the Senator from Indiana (Mr. LUGAR), the Senator from Arizona (Mr. GOLDWATER), the Senator from California (Mr. HAYAKAWA), the Senator from Nevada (Mr. CANNON), the Senator from Nebraska (Mr. EXON), the Senator from Connecticut (Mr. DODD), the Senator from Hawaii (Mr. INOUYE), the Senator from New York (Mr. MOYNIHAN), the Senator from South Dakota (Mr. PRESSLER), the Senator from Maryland (Mr. SARBANES), the Senator from New Jersey (Mr. BRADLEY), the Senator from Pennsylvania (Mr. HEINZ), the Senator from Iowa (Mr. GRASSLEY), the Senator from Nebraska (Mr. ZORINSKY), the Senator from Arkansas (Mr. BUMPERS), the Senator from North Dakota (Mr. BURDICK), the Senator from Massachusetts (Mr. TSONGAS), the Senator from South Carolina (Mr. HOLLINGS), the Senator from Oregon (Mr. HATFIELD), the Senator from Alabama (Mr. HEFLIN), the Senator from Alabama (Mr. DENTON), the Senator from Florida (Mrs. HAWKINS), and the Senator from Michigan (Mr. LEVIN) were added as cosponsors of Senate Joint Resolution 153, a joint resolution designating Baltic Freedom Day.

SENATE JOINT RESOLUTION 163

At the request of Mr. KENNEDY, the Senator from West Virginia (Mr. ROBERT C. BYRD) was added as a cosponsor of Senate Joint Resolution 163, a joint resolution on nuclear weapons freeze and reductions.

SENATE JOINT RESOLUTION 169

At the request of Mr. HOLLINGS, the Senator from Hawaii (Mr. INOUYE), the Senator from Minnesota (Mr. DURENBERGER), the Senator from Georgia (Mr. MATTINGLY), the Senator from Alabama (Mr. HEFLIN), the Senator from Illinois (Mr. DIXON), the Senator from Michigan (Mr. RIEGLE), and the Senator from Nevada (Mr. CANNON) were added as cosponsors of Senate Joint Resolution 169, a joint resolution to designate the week of April 18, 1982, as "National Architecture Week."

SENATE CONCURRENT RESOLUTION 60

At the request of Mr. PRESSLER, the Senator from South Carolina (Mr. HOLLINGS), the Senator from Wisconsin (Mr. KASTEN), the Senator from Arkansas (Mr. PRYOR), the Senator from Louisiana (Mr. JOHNSTON), the Senator from North Dakota (Mr. BURDICK), the Senator from North Carolina (Mr. HELMS), the Senator from Nebraska (Mr. ZORINSKY), the Senator from Idaho (Mr. SYMMS), the Senator from Oklahoma (Mr. BOREN), the Senator from Wyoming (Mr. SIMPSON), the Senator from Idaho (Mr. MCCLURE), the Senator from New Mexico (Mr. SCHMITT), the Senator from Oklahoma (Mr. NICKLES), the Senator from Virginia (Mr. HARRY F. BYRD, JR.), the Senator from Alabama (Mr. HEFLIN), the Senator from North Dakota (Mr. ANDREWS), the Senator from Montana (Mr. MELCHER), the Senator from Utah (Mr. HATCH), the Senator from Texas (Mr. TOWER), the Senator from Mississippi (Mr. COCHRAN), the Senator from South Dakota (Mr. ABDNOR), the Senator from Arizona (Mr. DECONCINI), the Senator from Hawaii (Mr. INOUYE), the Senator from Wyoming (Mr. WALLOP), the Senator from Hawaii (Mr. MATSUNAGA), the Senator from North Carolina (Mr. EAST), the Senator from Colorado (Mr. ARMSTRONG), the Senator from Tennessee (Mr. SASSER), the Senator from New York (Mr. D'AMATO), the Senator from Nevada (Mr. CANNON), the Senator from Arizona (Mr. GOLDWATER), the Senator from Iowa (Mr. JEPSEN), the Senator from Nebraska (Mr. EXON), the Senator from Iowa (Mr. GRASSLEY), the Senator from Missouri (Mr. EAGLETON), the Senator from Kentucky (Mr. HUDDLESTON), the Senator from Utah (Mr. GARN), the Senator from Arkansas (Mr. BUMPERS), the Senator from West Virginia (Mr. ROBERT C. BYRD), the Senator from West Virginia (Mr. RANDOLPH), and the Senator from Montana (Mr. BAUCUS) were added as cosponsors of Senate Concurrent Resolution 60, a concurrent resolution disapproving the Federal Trade Commission trade regulation rule relating to the sale of used motor vehicles.

SENATE CONCURRENT RESOLUTION 76

At the request of Mr. LEVIN, the Senator from South Carolina (Mr. HOLLINGS) was added as a cosponsor of Senate Concurrent Resolution 76, a concurrent resolution expressing the sense of the Congress with respect to the situation of two Russian families who have sought refuge in the U.S. Embassy in Moscow because of the suppression of their Pentecostal faith by the Government of the Soviet Union.

SENATE RESOLUTION 348

At the request of Mr. BENTSEN, the Senator from North Dakota (Mr. BURDICK) was added as a cosponsor of Senate Resolution 348, a resolution to request the Secretary of Agriculture to make loans available to farmers under the economic emergency loan programs.

NOTICES OF HEARINGS

COMMITTEE ON SMALL BUSINESS

Mr. WEICKER. Mr. President, I would like to announce that the Senate Small Business Committee will conduct a full committee hearing on, "The State of Small Business: A Report of the President" on March 31, 1982, room 424 of the Russell Senate Office Building, commencing at 10 a.m.

Mr. President, I would like to announce that the Senate Small Business Committee will conduct a field hearing on the enterprise zones on April 5, 1982, room 221, Oakland City Hall, 1421 Washington Street, Oakland, Calif., beginning at 9:30 a.m. Senator HAYAKAWA will chair the hearing.

Mr. President, I would like to announce that the Senate Small Business Committee will conduct a field hearing on the enterprise zones on April 7, 1982, room 2225 of the Dirksen Federal Building, 219 South Dearborn Street, Chicago, Ill., beginning at 10:30 a.m.

AUTHORITY FOR COMMITTEES TO MEET

SUBCOMMITTEE ON THE BUDGET

Mr. BAKER. Mr. President, I ask unanimous consent that the Budget Subcommittee of the Intelligence Committee be authorized to meet during the session of the Senate at 2 p.m. on Thursday, March 25, to hold a markup on the budget for the Intelligence Committee activities.

The PRESIDING OFFICER. Without objection, it is so ordered.

ADDITIONAL STATEMENTS

SITUATION IN EL SALVADOR

● Mr. KENNEDY. Mr. President, on March 28, in El Salvador, the long planned and much heralded elections for a new constituent assembly and interim president will take place. The Government of El Salvador claims that through these elections the people will make known their will. The U.S. Government supports these elections as the route to restore democracy in that war-torn land.

In truth, Conditions in El Salvador are hardly conducive to free and open elections. The entire country is embroiled in civil war. Death and destruction reign in the countryside and in the population centers. The people are haunted by fear and uncertainty. Large sections of the countrry are outside Government authority and even in those parts controlled by the Government, there is no security. Due to these conditions candidates cannot campaign openly and freely and without fear of assassination.

The lack of security in El Salvador was again cruelly demonstrated on March 17, when four Dutch journalists were slain. This incident has once again raised the ugly question of the role which the Salvadoran security forces and military play in creating, not limiting, the violence that prevails in the country. The Government of El Salvador says officially that the four journalists were caught in crossfire between Government forces and guerrillas. Fellow reporters who saw the bodies say the four appear to have been killed at close range, they believe, by Government forces with which they were last seen alive. In his most recent statement on this subject, Salvadoran President Duarte appears to contradict the official version of the deaths when he blames the extreme right.

I deplore such senseless loss of life and the reign of terror that exists in El Salvador. I can only ask yet again if anyone can seriously believe that free and open elections can take place in such an environment?

Any observer following the campaign itself cannot but have further doubts about this election process. On March 17, the Boston Globe published a particularly disturbing article by Katherine Koch about Maj. Roberto D'Aubuisson the leading right wing candidate for President. The article is based on documents in the possession of both the Salvadoran and United States Governments, which were seized in 1980 when D'Abuisson was arrested for plotting a coup against the Salvadoran Government.

The documents link D'Aubuisson with the assassination 2 years ago of Archbishop Oscar Arnulfo Romero. They further tie this rightist contender with the activities of right wing death squads which include high ranking military officials, many of whom are still in positions of authority in El Salvador. According to the Globe article, D'Aubuisson's precarious history includes threatening on television the U.S. Charge d'Affaires and claims that he was involved in a March 1981 shooting attack on the U.S Embassy.

The documents mentioned in the article further cite D'Aubuisson's affiliation with a businessman that AIFLD believes was responsible for the murders of its labor workers, Mark Pearlman and Michael Hammer, in El Salvador last year.

Maj. Roberto D'Aubuisson is one of the strongest contenders in the election process which the Reagan administration is holding up as the only solution to end the violence in this war-torn land. But while the administration stands fast in its support for these elections, many others are having second thoughts.

An article in the Washington Post on March 22 reports on the homily given by Acting Archbishop Arturo Rivera y Damas in San Salvador on March 21. He had previously called on Salvadorans to participate in the elections, but now he says that "the violent propaganda" of the parties involved in the upcoming elections raises serious doubts as to whether the vote can be "peaceful and free." He has called on all sides of the conflict "to look for paths of reason and dialog before continuing with this fratricidal war."

After expressing much doubt about the elections themselves, Archibishop Rivera y Damas then looks to the future.

> The problem that presents itself today is not, then, the elections themselves but what will prevail after the elections. Will there really be a constituent assembly with sufficient power? Will we really return to being a country ruled by law? Only time will tell.

Mr. President, most observers of the situation in El Salvador believe that the elections will not solve the conflict. But there is an alternative and this is the alternative that I believe the United States should pursue and encourage the Government of El Salvador to pursue likewise. On February 21, Mexican President Jose Lopez Portillo made important new proposals aimed at resolving the crises which now face Central America and the Caribbean. He reiterated his fundamental belief that solutions must be found through negotiations and offered himself and the resources of his government to bring together the various parties to the problems.

I welcome and support President Lopez Portillo's initiative and continued bold and determined efforts to find peaceful solutions to the problems of this region. Many governments in the area including most recently the Government of Venezuela have endorsed this approach. The Mexican Foreign Minister has held talks with our Government. The response of the Reagan administration has only been half-hearted; but I urge the administration to pursue seriously this opportunity. It opens a course that can, through peaceful means, lead to a resolution of the conflict in El Salvador, lessen the tensions in the region as a whole, and bring a new period of cooperation to the region.

I firmly believe that the proper role for the United States is to support such peaceful initiatives and not to focus, as does the Reagan administration, solely on military solutions and vague threats. We should not globalize the problems, thereby giving the Soviet Union a new and dangerous role in our hemisphere, a role they have been unable to to obtain through their own efforts. We should join our friends in the area in a combined effort to find a truly comprehensive and meaningful, mediated, and negotiated settlement to the problems in El Salvador.

Mr. President, I ask to include at this point in the RECORD the text of the March 22, Washington Post article entitled "Prelate Questions Freedom of Vote in El Salvador" by Christopher Dickey, the March 17 Boston Globe article by Katherine Koch entitled "Salvador Hopeful Tied to Slayings," and the speech given by Mexican President Jose Lopez Portillo in Nicaragua on February 21.

The material follows:

[From the Washington Post, Mar. 22, 1982]

PRELATE QUESTIONS FREEDOM OF VOTE IN EL SALVADOR

(By Christopher Dickey)

SAN SALVADOR, March 21.—Acting Archbishop Arturo Rivera y Damas said today that "the violent propaganda" of the parties involved in next Sunday's election has raised doubts about whether the vote can be "peaceful and free."

In his weekly homily at San Salvador's battered cathedral, Rivera y Damas condemned both the leftist guerrillas and the government's soldiers for abuses. He urged the rebels, who oppose the election for a constituent assembly, "not to threaten" or attack voters.

As an example of the insecurity and uncertainty affecting everyone in the country, Rivera y Damas cited the killing of four Dutch journalists and the "abuse" of a Brazilian news team fired on by government troops.

"I think this act merits an in-depth investigation," said Rivera y Damas of the journalists' killing even as the ambassador of the Netherlands was reported to be visiting the scene where the four men were killed near the government garrison at El Paraiso. Reporters were not allowed to visit the site while the ambassador was there.

Speaking of the killings, Rivera y Damas said journalists "have the right to be permitted to reach their sources of information and have the right to be respected in the carrying out of their mission even in the risky and narrow context of bellicose actions."

Rivera y Damas suggested that such actions as the killing of the journalist, coming on the eve of the elections, have "caused international pressures to grow stronger daily."

"Everything seems to point to the fact that we are the target of many countries and the guinea pig of many others," the archbishop said.

Rivera y Damas used his carefully balanced homily to call on all sides of the conflict, "to look for the paths of reason and dialogue before continuing with this fratricidal war."

At the same time he asked "the groups who are ideologically opposed to the elections . . . not to threaten or try to do anything against the people who by taking the option of their party or for moral conviction and the desire for peace or also for fear want to go to vote. It is a question of conscience."

The senior clergyman in this intensely Catholic country condemned both the guerrillas and the government's soldiers for the "executions, the indiscriminate attacks as well as the repression through which old men and women or defenseless children and others unconnected with the conflict suffer and perish."

But this theologian, accustomed to dealing in subtly molded phrases, expressed little confidence in the elections as the key to the peaceful political solution that the church and some civilian politicians have sought to the civil war here.

There are doubts and fears, said Rivera y Damas, "because a history of continued fraud has left just suspicions" of the fairness of the election and because of "the violent propaganda of the parties themselves, which has taken the form of insults, accusations and threats, as if reason had given way to machismo, imposition and braggadocio."

The archbishop's homily differed in tone and nuance from a statement signed by him and El Salvador's four other bishops in January that urged Salvadorans to participate in the election, while also asking the government to "create adequate conditions . . . to make possible the participation of all Salvadorans in the electoral contest."

Rivera y Damas' remarks today appeared full of doubts about the electoral process, some of them expressed openly, some only hinted.

"The elections are presented now as a fact in such a way that high exponents of our politics have insisted that they will not be held up for any reason. Many, we hope most, will go to vote out of conviction, others for convenience and even for fear," said Rivera y Damas.

The bishop called on the government's armed forces and the Central Elections Council "to employ all the adequate mechanisms so the people don't see themselves subject to reprisals or 'vendettas,' deceived once again."

Underlining the perils and excesses of the current election campaign, two political rallies in the war-torn department of Chalatenango were held this morning before small, unenthusiastic crowds.

Jose Napoleon Duarte, president of the government junta and leader of the Christian Democratic Party, was expected to show up for the rally at El Paraiso, his home town, but he never did. Meanwhile, retired major Roberto D'Aubuisson, leader of the right-wing National Republican Alliance whom Duarte has publicly accused of murder, did not appear at a campaign rally in the town of Chalatenango after saying yesterday that a Venezuelan assassination teamed had been sent after him by the Christian Democrats.

With such violent friction and so little democratic tradition here, there are widespread doubts about the effectiveness of whatever government emerges from the election next Sunday.

"The problem that presents itself today," as Rivera y Damas put it, "is not, then, the elections themselves but what will prevail after the elections. Will there really be a constituent assembly with sufficient power? Will we really return to being a country ruled by law?" He concluded with the words, "only time will tell."

In what appeared to be a reference to D'Aubuisson's promises to "pacify" the country at whatever cost, Rivera y Damas said, "One can never think of pacification as an exclusively military victory, much less that pacification lies in the total or indiscriminate extermination of one or the other contending force.

[From the Boston Globe, Mar. 17, 1982]

Salvador Hopeful Tied to Slayings

(By Katharine Koch)

WASHINGTON.—The governments of the United States and El Salvador have possessed for nearly two years documents that link the leading right-wing contenders in El Salvador's current election campaign to death squads whose operations are believed to have included the assassination of Salvadoran Archbishop Oscar Arnulfo Romero.

Copies of the documents, seized from former army major Roberto d'Aubuisson in May 1980, have been obtained by The Globe. D'Aubuisson is regarded by most observers as the most powerful of the right-wing contenders in El Salvador's March 28 election for a constituent assembly.

Neither the US nor Salvadoran governments, however, has taken official action on the information, which points to d'Aubuisson as a key figure in an international paramilitary network.

In El Salvador, there has been no vigorous investigation into the Romero murder, no action against the active-duty officers linked to the death squads and no prosecution of d'Aubuisson, the former national guard intelligence officer now emerging as the potential leader of a rightist coalition that may come to power in the elections.

Information in the documents connects d'Aubuisson to the Miami underworld, but a US law-enforcement source said that information was not made available to appropriate investigative authorities.

D'Aubuisson reportedly tried to eat some of the papers when he and a group of civilian and military colleagues were arrested in May 1980 in connection with an alleged coup conspiracy and the documents were seized. Col. Adolfo Arnoldo Majano, a member of the Salvadoran junta at the time, who ordered the arrest of the group, has authenticated The Globe's copies. They also have been examined and authenticated by former US ambassador to El Salvador Robert E. White and US intelligence analysts.

The documents were turned over to the Salvadoran junta and military high command, but the men were released after 72 hours by "lack of evidence." A Salvadoran military source said the matter was not pursued because it implicated members of the high command. D'Aubuisson had been cashiered from the national guard after the former military regime was busted in October 1979.

The papers underscore the reasons for US concern about the unexpectedly strong showing d'Aubuisson is making in the current campaign as head of the Nationalist Republic Alliance (ARENA), which has promised to undo the US-sponsored reforms of El Salvador's civilian-military junta.

But given the Salvadoran failure to prosecute, the documents also raise questions about the Reagan Administration's recent certification that the Salvadoran military is trying to curb human-rights abuses.

D'Aubuisson has said that if elected, he will "exterminate" leftist guerrillas fighting the government within three months and try the president of the US-backed junta, Jose Napoleon Duarte, for treason. D'Aubuisson views Duarte's Christian Democratic Party as "red on the inside." ARENA blamed the Christian Democrats for a shooting in which D'Aubuisson was grazed on the shoulder late last month.

The Christian Democrats, ARENA and the conservative Nationalist Conciliation Party are the main parties in a field of six running in the March 28 elections for a constituent assembly and interim president. Leftists are boycotting the election, arguing that participation would cost them their lives.

The captured documents include propaganda to discredit US policy in El Salvador, a plan for a coup and a daily log of meetings, expenditures, arms lists and the composition of hit teams. Also in the documents is a list of names, addresses and phone numbers of a number of businessmen from El Salvador's oligarchy, some of whom now live in the Miami area and in California. Also listed are expenses for trips to Costa Rica and Guatemala. One US analyst said the organization and materiel mentioned in the papers constituted "the best terrorism that money can buy."

Among the papers is the outline for an "Operation Pina," which US and Salvadoran sources identified as the plan for the murder of Archbishop Romero on March 24, 1980. It calls for a team composed of a driver, a killer and four security guards. The equipment includes a night-sight scope, a .257-caliber Robert's rifle, four automatic pistols and grenades.

According to reports from the Salvadoran Archbishopric, Romero was killed by a single .25-caliber cartridge shot into the heart, fired from the side of a small chapel while he was delivering afternoon Mass. Four men were seen escaping into a waiting red car. The documents contain repeated references to gasoline and repair expenses for a "red car."

A judge initially assigned to investigate the murder fled El Salvador after his life was threatened. Despite repeated requests from church officials, the case has not been pursued by Salvadoran authorities.

The "physical elimination" of Romero and more than 100 other persons is called for in another of the captured papers, signed by the "Secret Anti-Communist Army." The list includes leading members of the Christian Democratic Party as well as then-US Ambassador White. Another document attempts to associate White with Archbishop Romero's murder, saying that "Cuban Communist assassins" killed Romero within days of White's arrival in El Salvador.

White has testified before Congress that the State Department has "compelling if not 100-percent conclusive evidence" that d'Aubuisson ordered the Romero assassination. A State Department official, however, said the d'Aubuisson documents were considered "an internal matter" for El Salvador.

The seized documents contain few explicit references to d'Aubuisson. At one point, he is listed only as "Roberto" with a telephone number. In another document, he is named as "Boby." But investigators say the connections between d'Aubuisson and the activities in the papers are clear.

One of the key documents, for example, is the diary by Capt. Alvaro Rafael Saravia. Saravia is widely considered d'Aubuisson's right-hand man. The diary contains lists of arms purchases that one expert said added up to "a very lethal force." The arsenal ranges from pistols to submachine guns, with such accoutrements as bulletproof vests, telescopic sights and the M10 silencer common to Latin American paramilitary groups based in southern Florida. Daily expenses totaling thousands of dollars are meticulously listed for haircuts, safe houses, meals, "muchachas," flights to Guatemala and payments to bodyguards and members of the El Salvador Treasury Police. The expenses include $280 "to contract 20 men" and $800,000 "to the Nicaraguan," believed to be a hired killer.

Another paper outlines a coup plan that would have put d'Aubuisson and two associates on the junta in place of Col. Majano, a progressive officer later ousted, and two other civilians. The coup was dropped after US officials refused to support it.

The US embassy in San Salvador, White has said, obtained copies of the D'Aubuisson documents and forwarded them to the State Department in both the original Spanish and English translation in May 1980, with the recommendaton that their contents be analyzed and pursued.

At the time of his detention, d'Aubuisson was already a figure of concern to Washington. He had threatened the American charge d'affaires on Salvadoran television and his US visa had been revoked. D'Aubuisson later appeared in Washington illegally and was deported. In March 1981 he claimed credit for a shooting attack on the US embassy in San Salvador.

One of the businessmen associated with d'Aubuisson in the papers is Ricardo Sol Meza, one of the businessmen associated with D'Aubuisson in the documents, was later detained in connection with the January 1981 murder of American labor experts Michael Hammer and Mark Pearlman in San Salvador. Sol Meza was subsequently released on a legal technicality. Another suspect, Hans Christ, is free on bail in Miami.

The American Institute for Free Labor Development (AIFLD), chief advising agency to the Salvadoran and reform program and employer of the two Americans, has conducted a private investigation and said it has evidence showing that, in addition to Sal Meza and Christ, "high-ranking officers in the (Salvadoran) security forces" are directly implicated in the murders.

Under US pressure, a National Guard sergeant and five corporals were arrested last month for the murder of four American church-women in El Salvador in December 1981. However, in congressional testimony, White testified that two of the women "appeared on the death list . . . the military commandant" of Chaletenango Province. The Salvadoran government closed its investigation with the arrest of the six guardsmen.

In its certification last January that an improved human-rights situation in El Salvador justified continued military aid, the Reagan Administration stated that the Salvadoran government was "achieving substantial control over all elements of the armed forces." Assistant Secretary of State for Inter-American Affairs Thomas O. Enders told the House Foreign Affairs Committee that "over 1000 soldiers" had been transferred or otherwise removed "for abuses of authority or their cooperation with the violent right." The Salvadoran government has supplied lists of 218 national police, 59 national guardsmen, 19 treasury police and 35 army soldiers cashiered from active duty to members of Congress. None of the names mentioned in conjunction with the paramilitary organization of d'Aubuisson is on those lists.

A Salvadoran military source said that, besides d'Aubuisson and Saravia, who were already cashiered, none of the some 20 officers named in the seized documents is known to have been removed from active duty. Among those associated with the d'Aubuisson network are Col. Manuel Edmundo (Chele) Palicios, currently commander of the Salvadoran 1st Army Brigade; Maj. Denis Moran, whom AIFLD charges was involved in the murder of the two American land reform advisors, currently military attache in Chile; Maj. Roberto Staben, who was detained with d'Aubuisson and who is today a highranking cavalry officer, listed in the documents beside several payments; Lt. Rodolfo Lopez Sibrian, on active duty in the national guard; and others whose current assignments have not been established.

MEXICAN PRESIDENT LOPEZ PORTILLO

English translation: Nicaraguan Brothers:

I have the honor of being with you today, as I was two years ago, called in the name of Sandino to commemorate that name for what it meant in Sandino's own time of struggle and sacrifice, and for what it now means as a path and paradigm for liberation.

I have come today to commemorate with you the date of February 21—which is carved in the conscience of all Latin Americans who have had to fight either with weapons or ideas to ensure their right to free determination. In remembering Augusto Cesar Sandino's death we must reiterate our commitment to those who lost their lives to ensure for us a future of freedom and justice.

Many fighters and soldiers have arisen in our nations in the long process toward independence. Years ago within a three year period, Mexico and Nicaragua fought against the incursions of fortune-seekers headed by the adventurer William Walker. In 1853, the people of Sonora and Baja, California, headed by a few Mexican soldiers, drove back that pirate and his mercenaries after having decimated their forces. Subsequently, the Central American people rose in arms to fight against and defeat definitively Walker's ambitions. The glorious battle at San Jacinto is an example of the fighting spirit of the Nicaraguan people. This battle was decisive for the Nicaraguan cause.

Our destinies crossed again decades later—this time not against a common enemy, but on the occasion of the presence in Mexico of one of the greatest exponents of Latin America's social conscience.

The ties Sandino established with Mexico and his return to fight foreign occupation in Nicaragua are direct antecedents of the solidarity between the Mexican and Nicaraguan revolutions. November 20, 1910, and July 19, 1979 are important dates in the historical development of Latin America. Even though those dates are far apart in time, they are drawn together by a destiny which will bring about a more dignified, just, and promising way of life for the Nations of the region.

When I learned of the decision undertaken by the Nicaraguan Government and the National Directorate of the Sandinista National Liberation front to award me the General Cesar Augusto Sandino order in the grade of "Battle of San Jacinto," as representative of the Mexican people I felt deeply honored and sincerely moved because it is a decoration which symbolizes the ideals of our peoples. I receive this decoration in all humility, and I view it as homage to the solidarity between Mexico and Nicaragua. Receive through myself, Nicaraguan brothers, the brotherly and sincere appreciation of the Mexican people for such a great honor.

It would be senseless, however, to speak here at the present time of Sandino's history and the meaning of his struggle for Nicaragua and Central America, without making reference to the situation prevailing today in the homeland and neighboring region of that general of free men.

The thing which characterizes today the destiny of the Central American and Caribbean Nations is their struggle to bring about deep changes in the longstanding social, economic and political conditions which have imposed misery, tyranny and oppresion upon them. He who is unable to understand this will not be able to understand the dramatic unrest in the region. In the same manner that entire Nations in Africa and Asia engaged in hard battles during the postwar period to reach their independence and bring about the end of colonialism, today Central America and the Caribbean are struggling to change domestic and foreign structures which very much resemble the colonial order which used to prevail on othe continents. In the same manner that the majority of the struggles in Asia and Africa could not be inserted into the East-West of capitalism-socialism dichotomy, current Central American revolutions resist the same Manichean classification—which are the simplicisms of a policy conceived as a geometry, or of the humiliating concept that whoever is not with me is against me. We all remember how the revolutionaries of those times were accused, slandered and rejected; now they were disgracefully characterized on more than one occasion as totalitarian or as satellites of the superpowers, and all of this simply because they wanted to bring about independence for their homeland and to change the social and economic structures in their countries. We, the Mexicans, know the meaning of a revolution and why people make the revolution. For how long did we suffer from the efforts of those who wanted to impose certain models on us which were not and could not be ours?

Who would dare today to say that the large number of National Liberation Revolutions which took place in the third world during the last 30 years are merely the consequence of the expansionism of one superpower or another?

This why we reiterate today what we have said both in public and in private to both of the superpowers; the Central American and Caribbean revolutions currently taking place are most of all struggles by poor and oppressed peoples to live better and with more freedom. To say that they are something else, and to act as if they were, would be counter productive: one would reach at the end precisely what one wanted to avoid. Hopes must not be annihilated, and the people and their rights must not be pigeonholed.

This analysis is the basis for Mexico's attitude toward the Sandinista revolution. Our support for the Nicaraguan people's struggle against the Somoza tyranny did not come at the last minute. Our support of the national reconstruction junta and the Sandinista front in the similarly difficult struggle to rebuild a destroyed country and to consolidate a young nation took place from the beginning. And I believe I can say with justification that such support has not weakened. Today, as time has gone by, I can say loudly and truthfully, with the agreement of all the Mexican people that Mexico feels proud of its solidarity with the Nicaraguan revolution.

It is for these reasons and because of the authentic solidarity always felt by Mexico for struggles such as this one, that support for Nicaragua has become a true cornerstone of Mexico's foreign policy. It has not experienced, nor will it experience any difficulties as a result of repentance or disillusionment.

Two years ago, when I addressed the Sandinista people, I suggested that the Nicaraguan revolution could constitute the crossroad—the "Historical hinge," I said at that time—of Latin America's modern revolutionary history. I ratify such conviction today. I am aware of the irrevocable determination of the Sandinista junta and front to firmly maintain the pluralistic, democratic and progressive course which was charted on July 19, 1979. Neither foreign pressures and provocations, nor understandable domestic impatience and demands have modified the Nicaraguan leaders' commitment to their people. They have not changed one bit the program they outlined on numerous occasions before the international community. I pay tribute here to such perseverance and honesty in political behavior; to the determination not to stain with blood the post revolution.

I do so because I am also aware of the difficulties, the threats and the traps that this heroic people have had to face, and before which they have been able to remain calm, particularly in the face of the economic and financial barrier which (as a nation of the south) adds to these difficulties. How sad it is that an important portion of the few resources available for development must be deviated to military purposes so that they can defend themselves against the odious attacks by armed gangs which murder with impunity young soldiers and dedicated teachers. I would dare to ask in the face of these and many other problems, how many other nations would have not already given in to the temptation of acting with harshness and suspending individual freedoms, in other words, to the temptation of anti-democracy? To my Sandinista friends I say, Mexico has and always will stand by your side.

Mexico has so stood in times of joy and so stands now in a time of difficulty when the horizon is overcast by clouds of foreign threats, not only in Nicaragua but in the entire region. Based on objectivity, analysis and reason, and without arrogance, I restate today what circumstances, the feeling of responsibility and Mexico's traditional friendship toward the United States moved me to state at the end of last year: Intervention in Central America and the Caribbean would constitute a giant historical mistake. Besides signifying the return to a former era when efforts were made to legitimize force. Intervention would bring about continental unrest and the resurgencs of a deep anti-American feeling among good men throughout Latin America. I can assure my good friends in the United States that what is taking place here in Nicaragua, what is taking place in El Salvador, and what is blowing throughout the whole region, does not constitute an intolerable danger to the basic interests and the national security of the United States. What does constitute a danger (for the U.S.) is the risk of history's condemnation as a result of supressing by force the rights of other nations; rights—which undoubtedly the U.S. wants for itself—, the right to self-determination in independence, and the right to exercise its own sovereignty.

We (Mexico) want to be useful, we want to be the channel, the link, the communication between those who no longer speak to each other or who have never spoken to each other. We have done and will continue to do so in a discreet way which will prevent verbal belligerence by either party—a belligerence that can become an obstacle in itself. However, in the face of the current seriousness of the situation, I have felt it is necessary to make public the general outline of a realistic, responsible and moderate alternative to the confrontation which will inevitably take place if serenity and harmony do not prevail. This is not a global peace plan for the region—which by itself would be unlikely to prosper. It is a matter of outlining, through separate although close and perhaps eventually concurring channels, the mechanisms for negotiation, for exchange of concessions and for the formalization of the latter, so that these channels can lead to an atmosphere of "détente," of peace, of democracy, of stability and of development. Such an alternative implies two things—first each party must make real concessions, and second, no one should be forced to give up fundamental principles or vital interests.

There are three areas of conflict in the region: Nicaragua, El Salvador, and—if things are to be seen in a straightforward manner—the relationship between Cuba and the United States. I feel that if the latter countries follow the path opened by the talks between U.S. Secretary of State and the vice president of Cuba's councils and ministers of state there are strong possibilities for the dialogue to turn into a negotiation. The current easing of tensions in mid-Africa augers well in this regard. I would not want to get into more details; however, we vigorously accept the possibility that Mexico may play a more active role in this matter. We have some useful and productive ideas in this regard, which are focused essentially on the complex but not irresolvable system of mutual concessions by both parties.

With all due respect I would like to speak about El Salvador. It is obvious that war, violence and tragedy have reached extreme levels. Mexico, a nation which advocated some time ago a peaceful negotiated solution to the Salvadoran conflict, is very concerned over the everyday more distant possibilities for negotiation to bring to an end the bloodshed experienced by the Salvadorean people because of unsustained victories or intolerable interventions. There is undoubtedly a constitutional compromise solution between the choice of elections without negotiations and negotiations without elections. I will simply say that such a solution can be outlined and presented to all interested parties for their discussion. At the same time, I feel that the major U.S. concerns over the possible, consequences of a negotiated solution to the Salvadoran crisis can be satisfied. Mexico and other friends and allies of the United States could be in a position of giving assurances in this regard.

Finally—and I would like to be more specific in this case—I would like to put forward a series of measures and ideas regarding Nicaragua's regional situation. There are three essential points for a possible easing of tensions in the region:

First of all, the U.S. Government should abandon every threat or use of force against Nicaragua. It is dangerous, not dignified and unnecessary. On behalf of the close friendship between Mexico and its neighbor to the north, I reiterate here my direct and respectful call to President Reagan, who fortunately has already spoken in this regard.

Second, it is possible and indispensable to start a process for a balanced military reduction in the region. If the bands of Somoza military operating along the Honduran-Nicaraguan border surrender their weapons, and if the training of similar groups within the U.S. is brought to an end, thus doing away with a real threat to Nicaragua's integrity, it is thinkable that the Nicaraguan Government will simultaneously give up both the purchasing of weapons and planes, and the channeling of its scarce resources to the maintenance of military forces whose size is of concern to neighboring nations.

Third and last, I feel it is feasible and desirable to establish a system on non-aggression pacts between Nicaragua and the United States on the one hand, and between Nicaragua and its neighbors on the other. Such instruments would formalize previously reached agreements, and—as they were not directed against any of the parties—they would constitute a significant contribution to the establishment of a lasting peace in the region. I have no doubt that if this system of pacts became a reality, the major points of conflict between Nicaragua and the United States could be . . .●

THE 100TH BIRTHDAY OF PASQUALE PLANTAMURA

● Mr. D'AMATO. Mr. President, I wish to formally extend best wishes to one of my New York constituents, Pasquale "Patsy" Plantamura, who is celebrating his 100th birthday. Mr. Plantamura, a member of the Hewlett, N.Y., Fire Department, is the oldest active volunteer fireman in New York State.

Mr. Plantamura was born on March 26, 1882, in Sante-Ramo-in Colle, Bari, Italy. Mr. Plantamura had 5 years of formal education in Italy, plus an apprenticeship to a local barber in order to learn a trade.

Then he immigrated to the United States in 1905 without his wife and child. But after 4 years of work and sacrifice, "Patsy" was able to bring them to this country. In 1915, he and his family moved to Hewlett, N.Y., where they have lived ever since.

"Patsy" Plantamura is a member of the St. Joseph's Catholic Church, a former member of the local board of trade, and has been a volunteer fireman since 1921, and is a life member of the Firemen's Benevolent Association. At the age of 98 he took up his most recent hobby, baking bread.

I am proud to say that Pasquale Plantamura is a constituent of mine, and I ask my fellow Senators to join me in wishing him a happy and joyous 100th birthday.●

SENATOR BURDICK SUPPORTS ECONOMIC EMERGENCY LOANS

● Mr. BENTSEN. Mr. President, I am pleased to add the distinguished senior Senator from North Dakota as a cosponsor of Senate Resolution 348, calling on the Secretary of Agriculture to immediately implement the Farmers Home Administration economic emergency loan program.

The Senator from North Dakota has long been a major force in shaping, guiding, and directing Farmers Home Administration programs to assist our Nation's farmers. As a senior member of the Agricultural Appropriations Subcommittee and of the Environment and Public Works Committee he has worked tirelessly in support of our Nation's farmers.

Senator BURDICK has an understanding of farm problems born of experience. He knows that farmers must be able to get a fair price for their products in the marketplace, and he has been working to make agriculture the leading edge of our Nation's economic recovery.

Senator BURDICK long ago recognized the crisis which we are now urging the Secretary of Agriculture to address. He has been urging the Secretary to recognize the serious plight of our Nation's farmers and to implement the economic emergency program to help them, just as I have. I know he shares my frustration at the lack of action on the part of the Department of Agriculture in the face of our current farm income problems.

I am pleased to add such a distinguished spokesman for our Nation's farmers as a cosponsor of this resolution and I ask unanimous consent that the distinguished senior Senator from North Dakota be added as a cosponsor of Senate Resolution 348.●

WHY WE NEED MORE "WASTE, FRAUD, AND MISMANAGEMENT" IN THE PENTAGON

● Mr. ARMSTRONG. Mr. President, I want to call the attention of my colleagues and other thoughtful readers of the RECORD to an article of extraordinary importance by Dr. Edward Luttwak. Dr. Luttwak's observations about the status of our defense effort, long-range strategic planning and related subjects is of immense importance through policymakers. I hope every Senator will consider carefully the issues which Dr. Luttwak has raised.

I submit the article to be printed in the RECORD.

The article referred to is as follows:

WHY WE NEED MORE "WASTE, FRAUD AND MISMANAGEMENT" IN THE PENTAGON

(By Edward N. Luttwak)

In its revised budget the Reagan administration requested $214.1 billion for defense in the current (1982) fiscal year. Among those who object, some columnists and many TV personalities, full-time defense critics, disarmers, isolationists, and "concerned" churchmen and academics remain blessedly ignorant of the full dimensions of the Soviet military upsurge and of our own weakness. Others, who do have some fair notion of how the military balance stands, simply believe that the United States should be content with weakness, for that too can insure a kind of peace. And then there is the George F. Kennan school of thought, which still refuses to recognize the profile of a classic military empire in the Soviet Union of our days, and which holds that we should not oppose Soviet aims because they are merely "defensive," as in Afghanistan for instance (Kennan's own chosen example).

Of all the odd spectacles of our intellectual scene none is so dispiriting as the widespread respect still accorded to Kennan's view, for it is the theory of a historian and yet one which can only be persuasive to those who are wholly ignorant of history. All great empires expand "defensively," their last conquest being necessary to shield their penultimate acquisition. That Roman aims were always defensive, from the first conquest of the Latium (to protect Rome itself) until the final sallies into Scotland and eastern Mesopotamia, is a mere commonplace; and it was the same "defensive" necessity that induced the British to expand their Indian empire, with the North-West Frontier being reluctantly occupied to protect the Punjab, just as the Punjab had been regretfully annexed to shield Rajaputana and the Sind, and they in turn had unwillingly been taken earlier, to provide defensive depth for what had been occupied earlier still.

Exactly the same sequence of defensive expansion has brought the Russians to invade Afghanistan—and now the Russians find their latest conquest insecure because of trouble that comes from across the frontier . . . just as, before the invasion, the violent popular resistance to the Russian made Communist government in Kabul was making Soviet Central Asia insecure. This "defensive" expansion of the one great military empire of our days—which also happens to be the largest empire of all history—will quite obviously leave no country in a state of safety, except possibly New Zealand (and perhaps not even it, there being a latent territorial dispute over the Antarctic)

For practical politicians who must seek electoral support and who also oppose a serious level of defense spending, neither an obstinate denial of the need—against all the evidence—nor elegant obfuscation in the Kennan style will do the trick. Unlike many would-be experts, and the "concerned" this-and-that, a net majority of the American voting public understands far too much about the military balance and its consequences to tolerate an overt refusal to restore our strength before it is too late. The electors who replaced Jimmy Carter with Ronald Regan did not do so for the sake of supply-side economics, but rather because having once known an America that was strong, and having seen the bitter consequences of a foreign policy of weakness, they decided that strength was after all far better than weakness.

Few indeed are the voters who can knowledgeable compare the intercontinental nuclear forces of the two sides, or those of continental range for that matter. But many can sense that Soviet conduct nowadays has become much more daring and more dangerous, because our long-standing superiority in those forces had been lost. Only the expert can estimate in detail the implications of a conventinal balance in which the Soviet Union can spare as many as forty divisions for offensive war on a new front—after securing both its European and its Chinese Frontiers—while we for our part would have no more than four of five divisions that could be sent to stop them. But again, the public understands what it must, namely, that the Soviet Union can now change the world map by war, and that we would have great difficulty in doing anything to stop its expansion, even if it happened to be vitally necessary to do so. Similarly, one does not need high skills in operational research to evaluate what the Soviet Navy's 110 nuclear attack submarines and 198 diesel boats could do to our diminished fleet, and what that in turn means for our power—which must reach across the oceans to be effective at all.

Since the public understands so much about our military predicament and its broad meaning, the politicians who still desire to oppose our belated rearmament must now do so in camouflage. Hence their pious insistence that they fully support a strong national defense, and that they merely object to "waste, fraud, and mismanagement" in the Pentagon.

There is no doubt whatever that some defense spending is wasted, and that there is some mismanagement—and it would be astonishing if there were no fraud at all when so many billions change hands for the purchase of a million different things. Nevertheless, when a politician nowadays wants to cut the defense budget on the grounds that it is the waste, fraud, and mismanagement that he really wants to cut, an informed public should see through the deception easily enough.

In the first place, the necessary detail is missing. We are not told where the waste and the rest occur—something that would be of great interest to the Secretary of Defense and his men, to Congress, to the General Accounting Office, and to the Office of Management and Budget.

Secondly, we have every reason to believe that the total amount of money that is wasted, mismanaged, or defrauded is very small—that is to say, it is small by the standards of government.

As numerous investigations have shown, the Defense Department and the armed forces are already subject to much tighter financial controls than the various health and welfare programs that nowadays account for a much larger share of the federal budget. (Defense now accounts for one-fifth of total public spending.) Contractors who sell products or services to the Pentagon are subject to the relentless scrutiny of an army of accountants and investigators, both civilian and military. Even in contracts that run to the billions, each outlay of a few hundred dollars will promptly be investigated if grounds for suspicion arise. Nothing of the dimensions of the various medical aid scandals would be possible, and such cases of fraud as have been uncovered are mostly very minor affairs involving marginalia like PX outlets and sergeants' messes. Thus it is not by accident, as Pravda would put it, that all the loose talk about fraud in defense spending is rarely decorated with any case histories.

Mismanagement, of course, is another matter, a question of opinion rather than law. When is it sensible to call off a development program for a new weapon that will not work? When should a shipyard be written off as unfit to do its work? When should an aircraft project whose cost keeps growing be stopped? In retrospect, to be sure, the answer is easy. A certain project having failed, one can go back a long way in its history to detect the point when the inevitability of failure should have been recognized. But that is not how matters would have looked at the time, when one could easily believe that a little more effort would cure the problem.

If one surveys, for example, the prolonged agonies of the first *Ohio*-class ("Trident") missile submarine which the Electric Boat Division of General Dynamics has finally managed to complete in its Groton, Connecticut shipyard, years behind schedule, it seems obvious that the Navy would have been better off in financing the creation of a whole new shipyard somewhere else, and under different management. But when the "Trident" submarine program was first started, the Electric Boat shipyard at Groton was the obvious, indeed inevitable, candidate for the job, since the only other shipyard with recent nuclear submarine experience was already fully employed. Certainly the Navy could not have anticipated the many problems that were to arise in the future, and all the many technical obstacles that would be encountered in the attempt to build the largest submarine ever, which was also supposed to be the quietest, and very fast too.

What happened at Groton during the years when the *Ohio* was being built has provided material for a number of major investigations by Congress, and for several journalistic exposés. The episode is indeed deserving of much scrutiny because it seems that all the dysfunctions of our society were visited upon the unfortunate shipyard: the overall decline in educational standards, which produced young workers with high-school diplomas but no literacy or numeracy; the influx of inexperienced women and minority workers that federal regulations imposed on the shipyard; the further decline in the quality of our industrial manpower brought about by the "dropping out" syndrome, and the furious quest for "meaningful" jobs; the deindustrialization caused by the inadequacy of savings and investment, and by clean-air and other novel restrictions which have forced hundreds of small casting and forging shops out of business; and finally the fiscal and legal complexities created by a legislative process itself dominated by lawyers and accountants, which favors the large multipurpose conglomerate with its own full staff of lawyers and accountants as opposed to the smaller specialized company with real industrial expertise—for one aspect of the whole sad story was that the Groton Yard passed from the control of shipbuilders (Electric Boat) to that of a conglomerate (General Dynamics) whose managers applied business-school techniques where craft and experience were needed.

The fact remains, however, that as the literature on the affair itself testifies, the Ohio case is more exception than norm in our defense purchasing, the result of a rare conjunction between the most complicated weapon ever built and an exceptionally troubled contractor.

What passes for mismanagement in the common discourse of our press is often nothing more than inflation. Those who indulge their eloquence so greatly in mourning the "cost overruns" that have attended virtually every major weapon procurement of the last decade make great play of the combat aircraft that was supposed to cost $10 million and which comes in at $20, and point to the $2-million battle tank that was originally presented to Congress as an "austere" design for half that price—as if our grocery bills and our houses had not undergone a similar explosion in price over the same span of years.

There is, of course, the entirely distinct complaint that even without any irregularities to add to the bill, our weapons simply cost too much because their design is overambitious (or "gold-plated," as the jargon goes). Some in the "military-reform" movement, a loose gathering of strategic and technical experts as well as a number of Congressmen specializing in defense issues, have a straightforward solution for this problem. They advocate a general return to simplicity on the grounds that in real-life combat, sheer numbers count for more than unit quality, and that in any case the complexity of many weapons has become so great that they will not funciton properly in the harsh conditions of a real war.

Hence these "reformers" call for the production of small, one-seater fighter aircraft without radars or other complicated devices, which might cost $4 million each instead of $20 million; tanks that would be much lighter than the 50-ton M-1 and correspondingly cheaper; 2,000-ton destroyers in lieu of the 8,000-ton ships now being built; smaller non-nuclear carriers for vertical takeoff aircraft instead of the 90,000-ton nuclear-powered supercarriers of the *Nimitz* class that cost more than $2.5 billion apiece; 1,000-ton diesel-electric submarines in place of the very large nuclear submarines now being built at a cost of almost $1 billion each; and so on.

What makes the argument for simplicity so powerful is that the real difference between the simpler weapons that the reformers advocate and the more complicated weapons now being built is very much greater than mere arithmetic would suggest. In the first place, at any one budget level one can obviously buy many more of the simpler weapons; with more units being produced, industry can then have long production runs so that great economies can be achieved in fabrication and assembly; and then in turn, a much higher proportion of the simpler weapons will actually be maintained and available at any one time, and thus ready for combat when they are needed.

For example, a billion dollars spent on a complicated fighter will pay for, say, forty aircraft, and in war one may obtain from them at most, say, eighty combat sorties a day (often fewer). But the same amount spent on a very simple jet fighter might purchase 200 aircraft; with maintenance being correspondingly easier, that second force could provide as many as 800 combat sorties a day. And it is obvious that in equal combat (i.e., in daylight and at close range) the force of complicated fighters would be easily defeated, since it would have to fight under a crushing numerical inferiority of one to ten in actual sorties flown—and then all its advantages would count for nought.

On the other hand, the great weakness of the "simplicity" argument is that against worthy opponents and in demanding circumstances, fighters that are blind in the dark and have only visual-range missiles, tanks that are too lightly armored to withstand the pounding of the enemy's fire, warships that lack electronic brains, eyes, and ears for long-range surveillance and strike, as well as aircraft carriers that cannot launch powerful aircraft and submarines that lack endurance, will all fail to meet the test of combat.

In some war situations, the 800 sorties of the "cheap" fighter force would indeed be much more useful than the 60-80 sorties that the long-range multipurpose fighters could provide. This would be so, for example, in a Battle of Britain setting, featuring the large-scale encounter of hundreds of aircraft all flying from bases nearby, and all fighting in confused daylight mass engagement. In such conditions, the ability of the heavyweight high-cost fighter to make long transits to battle would count for nothing, and equally its ability to fire radar-guided missiles would be useless, since the impossibility of identifying friend and foe would impose the need for visual combat. But as soon as we change the setting and demand long-range transits to the area of combat (as in the case, for example, of a war in the Persian Gulf), or if advanced weapons are needed to shoot down Russian bombers a long way away before they can launch their own missiles, the "cheap" fighter is revealed as almost entirely useless.

The same is true of all other manifestations of the simple weapon in whatever form. There is bound to be much overlap between the abilities of the complicated and costly weapon and those of its simple counterpart. If the specific form of combat corresponds to that area of capability where both kinds of weapons can be used, then the larger numbers of simple weapons will indeed prevail, as the "reformers" claim. But then there are the further areas of capability that only the more complicated weapons can offer. At that point there is no longer a contest to be evaluated at all, since the simple weapon is totally outmatched.

Each year by late January the budget must be presented to both houses of Congress; then the most senior civilian officials and many military officers will have to justify each item in elaborate presentations and argue many points in detail before the two major committees of each house and numerous subcommittees, in a process that continues for months. To prepare that January budget, each service branch and defense agency must sort out its own priorities several months in advance, and then present its budget proposal for detailed review again and again, before a multiplicity of internal authorities culminating in the Secretary of Defense himself. For each item requested, fully detailed justifications have to be prepared complete with the cost figures, the fullest possible exploration of all other possible alternatives, and detailed evaluations of the performance expected from whatever is being bought—and these justifications must themselves be reconciled and amended step by step going up from the branch or department level to the service or agency level, and then through the scrutiny of the Pentagon's "systems analysts," engineers, comptrollers, and lawyers. As this process unfolds, the Secretary of Defense, his deputy, and their staffs will be called upon to intervene at various levels before presiding formally over the final decision—when each major item must be reviewed once again if internal disagreements persist, as they often do.

Since Congress will eventually examine each line of the budget in great detail with its own very large staff of experts, lawyers, analysts, and accountants (with major items being further investigated by the General Accounting Office, the Congressional Budget Office, and even the Office of Technology Assessment), there is a most powerful pressure on the Pentagon to pursue efficiency, and to minimize "waste, fraud, and mismanagement" by the most minute scrutiny of every single item.

Congressional oversight there must be, but as it now operates, Congress offers no rewards whatever for tactical or operational innovation or for the development of a better strategy, while it penalizes most severly any error in micro-management. By the logic of the situation, and also because of the personal inclination of most Congressmen and their staffs, the whole focus of the review to which the Pentagon's budget is subjected in the Armed Services and Appropriations Committees of each house (and their numerous subcommittees) is on the cost-accounting and legal details rather than on the purpose and meaning of our defense decisions. Five minutes of desultory conversation on the role of destroyer-sized warships in the present era of seapower may be followed by hundreds of hours of discussion on the merits of purchasing some weapon or other that is to be aboard a particular class of destroyers.

It is the great peculiarity of strategy that its issues can only be understood as a whole, that is, when matters are viewed in the broadest possible perspective—even if thereby the lesser detail is overlooked. But the nice young men and women who fill the greatly enlarged committee and personal staffs are not strategists, and they have found employment for themselves in arguing chosen points in minute detail and in trying to impose their own pet ideas, so that the Pentagon's senior officials, military officers, and civilian experts must be in attendance at hearings that go on for weeks on end, and sometimes for months. Even so, the Pentagon's decisions are not infrequently rejected, with staffs imposing their own judgments even in matters exceedingly technical.[1] Inevitably, the knowledge that all these courts are waiting to judge its work affects the Pentagon most profoundly, and indeed it has been the decisive impulse in the gradual absorption of all energies in the budget-making routine itself.

The Pentagon's priorities are certainly "distorted," then, just as the critics claim, but not in favor of waging war, preferably nuclear, at the slightest excuse. They are distorted rather in favor of micro-management for the sake of civilian efficiency, as opposed to military effectiveness—a thing altogether different. The great irony is that the defense establishment is under constant pressure to maximize efficiency, and that its own leaders earnestly believe in that goal, when all along they ought to be striving to achieve military effectiveness, a condition usually associated with the deliberate acceptance of inefficiency.

Consider the divergence between efficiency and effectiveness in the employment of military manpower. Efficiency dictates that each individual should serve where his individual skills are most productive. Thus, for example, if we discover three gunners too many in one tank battalion and a shortage of the same kind of gunner in another battalion, we should promptly reassign the three men to the latter. Similarly, if we discover that one company is somewhat overstrength while another is short of men, we should immediately move the bodies around from one to the other to achieve efficiency. Then, too, one-soldier efficiency calls for the frequent removal of men from their units to attend skill-enhancing courses of all kinds. As for the reserves, efficiency prescribes that men be kept in reinforcement "pools" for individual assignment.

But an army's companies and battalions are not production units. Their goal is not to make the most efficient use of their equipment but rather to fight—and men will not fight unless they are motivated in combat by the cohesion built up through the slow growth of comradership and small-group solidarity. Military effectiveness therefore requires us to tolerate all manner of inefficiencies in order to keep the men together for as long as possible.

All who know anything at all about the essential nature of warfare will know that much; and indeed the vital necessity of achieving cohesion by forming fighting men into stable and intimate groups was already old hat by the time of the Romans—and was even given actual statistical proof more than a generation ago. But our "manpower managers" do not seem to know this, even though they are serving officers. Their pursuit of one-soldier efficiency (along with short volunteer enlistments and too many course assignments) has been keeping our forces in a crippling state of turbulence, which means that our soldiers are condemned to live among shifting bands of strangers—an environment that alienates, and which positively encourages violence and outright crime. Moreover, training becomes repetitive and boring for those few who do serve longer in a unit, since the same routines have to be practiced over and again every few months, to train the influx of new arrivals. In combat the price to be paid must be much higher.[2]

Quite recently, the Chief of Staff of the Army, General E. C. Meyer, reinvented this particular wheel, and has instituted daring new practices whose aim is to keep soldiers together for longer, in units that would be more stable—not without encountering much resistance from those who decry the inefficiency that will inevitably result.

The conflict between civilian efficiency and military effectiveness is so pervasive that it even applies to defense production where, one would think, efficiency should indeed be the only true guide. But consider a common case. Two firms are competing for a weapon-production contract on the usual basis, that is, cost plus fee. One firm is highly efficient: its floor-space is just about the right size, and all its machine tools will be fully utilized by working three shifts around the clock. The second firm is just as obviously inefficient: it is burdened by excessive capacity and it would work only one shift on the expensive machinery. Under present efficiency criteria, the first company will undoubtedly get the contract. But what happens if we actually need the equipment, that is to say, if we find ourselves at war? Then, surely, we would wish that we had given the contract to the second, "inefficient" producer, keeping it in business, for the latter would have an inherent industrial-mobilization potential in all that extra floor space and underutilized machinery. As it is, the greatest weakness of our overefficient military-industrial complex is precisely that we lack the ability to expand production quickly enough to meet the needs of a war situation—and even in a very short war we would need to produce such things as torpedoes and tactical missiles, to reload all those expensive submarines, ships, and aircraft. At present our stocks are absurdly small,[3] and our industrial-mobilization potential is minimal.

But the crucial divergence between efficiency and effectiveness is most clearly manifest when we consider the central question of how the armed forces should be structured and equipped. Efficiency demands homogeneity and commonality, as opposed to what Congressmen would decry as wasteful diversity and duplication. Thus in the pursuit of mythical economies of scale and irrelevant efficiencies, our Air Force and Navy have repeatedly been pressed to accept a single standard fighter aircraft, even though the specific effectiveness of both the Air Force and Navy fighters would thereby be lost. In this one case, narrow-minded bureaucratic impulses have served us well (the "common" fighter yet remains to be seen), but the pursuit of standardization in combat units and in equipment has otherwise done much harm, by restricting our combat repertoires (we have no mountain infantry and no arctic infantry, although each is needed), and by depriving us of the safety against technical countermeasures that only a diversity of equipment can provide.

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[1] E.g., for Fiscal 1982 the House Appropriations Committee recommended *inter elia* that the Air Force not proceed with parts replacement for the J57 engine for the KC-133 tanker, instead it proposed that JT3D engines be purchased until GE/SNECMA CM56 engines become available.

[2] In Vietnam, a feckless military leadership was content to treat the fighting units as mere organizational aggregates filled by an endlessly rotating flow of individuals each serving his own twelve months—so that our soldiers were asked to fight and die among strangers. Considering this atrocious practice, what is amazing is that the troops fought at all, not that there were some desertions or acts of violent indiscipline. In the Iranian rescue attempt the fundamental error was willfully repeated. In that parody of a commando operation, men of four different services were involved (Army, Air Force, Navy, and Marine Corps)—when serious planners would have hesitated greatly before even mixing the men of two different companies from the same battalion.

[3] In 1973 the Israelis seeking emergency resupply could not believe how little we had in hand. Since then, underestimated budgets have continued to be balanced during the fiscal year by cuts in the purchase of ordnance and ammunition, and our stocks of such "consumables" remain very small.

Compare, for example, our antiaircraft forces with those of the Soviet Union. We equip all our ground forces with only one type of antiaircraft gun, one type of shoulder-fired antiaircraft missile, and just one type of full-size missile, which is supposed to intercept enemy aircraft in a wide band of altitudes, from the very low to the medium-high. The Russians, by contrast, have a wide variety of antiaircraft guns and missiles, each specialized in some way or other, with the low-altitude SAM-7's, SAM-8's, SAM-9's and SAM-10's, the high-altitude SAM-2's and SAM-5's, and medium altitude SAM-3's, SAM-4's, and SAM-6's. One efficiency-oriented defense establishment, which has been spending vast sums for a decade to develop a truly optimal, all-purpose missile ("Patriot"), would recoil in horror before such wasteful diversity, and our congressional committees would never for a moment tolerate the gross inefficiency of all those different weapons and launchers, each of which requires its own expensive stock of spare parts and its own costly training and maintenance provisions.

But now consider not peacetime efficiency but rather effectiveness in combat. The Russian pilot who has to cope with our one missile may save himself if he has the right package of radar countermeasures, or else if he can fly too low for its specifications, or too high. But the American pilot is faced by a bewildering variety of weapons and has little chance indeed of evading them all. Even with the best of countermeasures he is not safe, since there are just too many different-radar devices working against him, and some of the Russian missiles are guided by heat-seeking sensors, or even by plain visual guidance. And neither can the American pilot hope to fly high enough or low enough to evade the whole array of weapons, since with such diversity the Russians can have a missile specialized for very high altitudes, as well as shoulder-fired Sam-7's, various cannon, and a vast number of simple antiaircraft machine guns, which threaten even the pilot who dares to fly at treetop height.

Bookkeeping is one thing and strategy another—and we have too much of one and too little of the other. For example, "interservice rivalries" have given us three quite different aircraft for the close air-support role: the Army's attack helicopter, the Air Force's A-10 (grossly overdesigned but still useful), and the Marine's vertical takeoff Harrier. Instead of appreciating the value of this diversity for different terrains and different enemies, many in Congress are campaigning against the "wasteful duplication" of the three aircraft.

One could go on in this vein, but it should by now be obvious that the contradiction between civilian efficiency and military effectiveness is truly fundamental. The former belongs to the world of cooperative and constructive things, and is guided by the pursuit of optimality under benign assumptions (design a car that will work off the road, at extreme heights and in extreme weathers, and whatever else it may do it will not be fuel-efficient. The latter, by contrast, belongs to the world of conflict, where things must work under great stress (to go from A to B is easy enough, until one must do so under fire), and where above all there is an active will systematically seeking to undo all that one tries to achieve.

It is only when we fully recognize this central fact that the enormity of the defect built into our system of defense can be recognized. Under the pressure of a vast congregation of external agencies of which Congress itself is only the most important; and under the internal pressure of civilian officials who know not war and think that it is reducible to economics, as well as of "demiltarized" military men who have lost sight of the essentials of their profession, our Defense Department and the armed forces themselves are not merely distracted from the large issues of strategy by the petty questions of micro-management, but they are in addition directed to pursue the wrong goal, namely, civilian efficiency. It is not surprising to find, therefore, that the best of our forces are precisely those which are most obdurately traditional and least "intellectual" (such as the Marine Corps in general and parts of the Army). For they have been the least affected by those pressures, and by the advent of "systems analysis," which in effect institutionalizes the fatal displacement of war-effectiveness by mere efficiency. In the meantime, while so much attention is given to the 5 percent or 10 percent that efficiency issues define (and that wrongly), the core questions that only strategy can answer continue to be neglected—and they of course determine the utility of our entire effort.

II

One need not at this late stage belabor the poverty of our strategy—which after all reflects our beneficial national emphasis on individualism and welfare. Nor can we repudiate our preference for one-thing-at-a-time pragmatism, which indeed works so well for us in most areas of life, with strategy being almost alone in requiring the contrary method. But even if our nation is too constructive to be greatly strategical, even if we are too happy and too safe to devote earnest attention to the uses of force in peace and in war, there is a minimum of strategic competence that we must attain, and unfortunately we have not achieved even that for a long time.

It is, for example, amazing to contemplate the fact that we have not managed to frame a naval strategy worthy of the name now that the Soviet Union is actively challenging our ability to use the oceans in the event of war. In the pronouncements of our naval leaders one finds, to be sure, the odd reference to Mahan's works and to his central theory—fittingly enough a theory long ago refuted. One finds also the frequent reiteration of the obvious: that sea transport remains indispensable for the United States since the American continent is bounded by wide oceans, while air transport can only carry small quantities (the entire 1973 airlift to Israel delivered less than one fair-sized ship could have done). But after that, what passes for "strategy" comes to an end, and there are only long lists of desiderata in the way of men and machines.

None of this can tell us what we urgently need to know: how can the United States recover that genuine naval supremacy which is one of the premises of our entire world policy? Since our chief antagonist on the planet happens to be lodged in the core of Eurasia, and does not strictly need to use the oceans while we must cross them to protect our vital interests, it is a true, outright supremacy that we need: anything less would mean defeat.

But we cannot hope to regain our naval power just by building ships. It is so much easier to deny the use of the sea than to assure safe passage that for each unit of resources the Soviet Navy spends we might have to spend ten or more. It is only by strategy that the unfavorable exchange can be avoided—just as the British so successfully did. Since our naval personalities are fond of evoking the memory of Britain's once decisive naval supremacy, they might usefully begin to learn its real lessons. What Mahan celebrated in his well-wrought prose was not the true mechanism that made Britain supreme at sea but merely its visible result—a superior fleet. Submarines aside, the superior force of battleships could indeed, by definition, keep the enemy's battleships impotent in port or sink them if they ventured out. Thus the enemy's cruisers could not challenge British cruisers for fear of the battleships. And the cruisers could in turn keep the enemy's destroyers from operating, so that finally a few British destroyers actually at sea would easily suffice to impose a stringent blockade on the enemy, even while Britain's own oceanic traffic would continue unmolested.

Until the advent of the submarine, the architecture of naval power that Mahan described was valid, and his work was useful insofar as it explained clearly why the handful of big battleships would actually make all the difference even if they remained in port, totally inactive throughout a conflict. But Mahan missed the fundamental point. How did Britain acquire its superior battle fleet in the first place? Certainly it was not by an economic superiority, for otherwise the era of British naval supremacy would have lasted a mere fraction of its long span, those few years when their early progress in the industrial revolution could actually have allowed the British to outbuild any European coalition ranged against them.

The true source of British naval supremacy, which Mahan missed, holds a lesson that is still valid for us. It was the statecraft that kept the major powers of Europe divided into hostile camps which made Britain supreme at sea, because the high cost of the Europeans' large armies precluded the building of powerful navies too. It was the ceaseless effort of diplomacy, the subsidies, the small but disruptive interventions, the bribes—and the willingness to change sides if their own allies became too powerful—that made the British so powerful at sea, and not the mere building of ships. (There was also a further and long-lived triumph of public relations in the successful advertisement of this policy as the "maintenance of the balance of power"—a phrase with benign connotations of parity and fairness which usefully disguised a policy that amounted to the stimulation of perpetual conflict.)

Needless to say, we cannot directly copy the British method, for neither our NATO allies nor the Chinese (let alone the Japanese) will seriously challenge the Russians on land and in the air to the point where they would have to restrict drastically their naval expenditures to pay for all else. But there is an alternative in our own domain, upon which a serious naval strategy might be soundly based.

Ever since 1945 the understandable Russian emphasis on the protection of the homeland from air attack has been manifest in the willingness to allocate huge resources for strategic air defenses. Our bomber forces of the 1940's, 50's, and 60's were not cheap for us, but it is safe to estimate that for every dollar of resources that went into those forces the Russians spent four or five times as much, for thousands of fighter-interceptors, elaborate radar networks spanning perimeters of thousands of miles, more than 12,000 antiaircraft missiles, and countless guns. But from the mid-1960's our bomber force has continued to decline in numbers, and in 1972, through the ABM treaty, we ourselves precluded a most useful drain on Russian resources. In the futile attempt to build defenses against ballistic missiles, the Russians would undoubtedly have spent vast resources which have gone instead into forces much more threatening to us, and notably their Navy. Acting in a fashion wholly unstrategical, we pursued for two decades the mirage of "strategic parity," losing in the process the very great reciprocal force-building advantage that the Russian propensity to defend their airspace was giving us.

Now that we are building a new bomber at long last, as well as developing the yet more advanced "stealth" aircraft, and also deploying large numbers of cruise missiles, we have an excellent opportunity to rekindle the Russian interest in strategic air defenses—although it is only the abrogation of the ABM treaty that would give us the more powerful benefit of diverting really huge Russian resources into ballistic-missile defenses.

Since even for a Soviet Union that has finally become a military empire there are limits on the proportion of total resources that can be allocated to the armed forces, since the Soviet economy no longer grows at all rapidly; and since strategic defense has the highest priority while the Soviet Navy must have the lowest, there is every reason to believe that an energetic build-up in our own strategic-offensive forces would result in a sharp decline in the resources given over to the Soviet Navy.

What this means for our naval strategy is obvious enough. The key to the restoration of our supermacy is not to outbuild the Russians but to force them to build less altogether, since we must now spend several dollars for every dollar-equivalent spent on the Soviet Navy (whose role of sea-denial is naturally much easier than our role of sea control), while, on the other hand, every dollar spent on bombers and strategic missiles is likely to take away several dollar-equivalents of resources from the Soviet Navy.

Again, it is no accident that the appearance of substantially more ambitious and costly ships in the Soviet Navy (such as the Kiev aircraft carriers, the Kirov nuclear-powered cruiser, and the huge Oscar cruise-missile submarine) followed, with the usual ten-year building lags, our own disastrous renunciation of the competition in strategic-nuclear weapons—the one area of armaments where we have an inherent comparative advantage. And if we now want to recover that naval supremacy which remains indispensable, we have no other way to follow than the British scheme in a modern guise. But that is not the strategy we are offered; there is instead a call for a "600-ship Navy" on the grounds that our present "460-ship" Navy does not suffice. There is no doubt whatever that we need more ships, but to ask for numbers in so vapid a fashion only invites the still more vapid suggestion that we mass-produce large numbers of small ships. That would indeed be appropriate if our purpose were to defend our coasts or even shipping at sea. But it is not by small ships that our naval supremacy can be restored; it is only by forces so clearly dominant that they do not have to defend at all—and that is something that only a reciprocal strategy can achieve.

Those who know our Navy and are familiar with its relentlessly institutional outlook may regard with amusement the implied prescription that our naval leaders should themselves proclaim a strategy under which bombers and strategic missiles would have first priority—if need be at the expense of their very own ships. One may likewise doubt that the admirals of the Royal Navy in its great days ever understood why the Crown's ministers were so generous in offering British gold to foreign kings or even Spanish peasants in revolt, while being so miserly in outfitting their own ships. But then the Way of Strategy is not given to all—and certainly not to those who would approach its truths from the perspective of a narrow-minded bureaucratic interest.

Now that the United States faces a strategic predicament of unprecedented difficulty, partly because of the pervasive effect of our loss of nuclear superiority, and partly because the Soviet Union has leapfrogged the boundaries of containment with its array of long-range intervention forces, and client troops, and with its outposts of aggression in Cuba, South Yemen, Vietnam, and Angola, the time has finally come when we can no longer get by unless we can devise truly strategical solutions, not only for our naval problem but for all our most pressing security problems. The simple, straightforward "logistic" approach followed since 1941, whereby all threats were to be defeated by mustering a sheer superiority in materiel and firepower, can only now guarantee defeat in the face of an opponent that can outgun us in all areas of the world adjacent to its territory.

In the Persian Gulf, for example, the full consequences of being greatly outnumbered are now upon us. By conservative estimates, the Soviet Union could employ twenty-five divisions in a move to the sea across Iran. Assuming ample warning,[4] we could respond with a maximum of four divisions. It will be understood, of course, that the reality of Soviet intentions, whatever that may be, is scarely relevant. Our problem would remain even if it could somehow be shown that not one member of the Politburo has ever suggested any move against the Gulf. For unless we can credibly counter the potential threat, it can all too easily become actual. And should the Soviet Union reach the Gulf it would ipso facto obtain control over the flow of oil from Saudi Arabia, Kuwait, Qatar, and the rest. Those countries are not our allies but only our clients, and just as they look to us for protection now, they would promptly offer their clientship to the Russians, if Soviet power advanced to their doorstep across Iran uncontested by us. Since most nations in Western Europe, as well as Japan, Korea, and Taiwan, cannot do without the oil of Arabia, there would be little point in defending the security perimeters of Europe and East Asia if the Soviet Union were allowed to gain effective control over their oil supplies. In other words, the entire structure of Western security would be subverted by the extension of Soviet power to the Persian Gulf.

In such circumstances, it is essential that we insure that the region is well protected, and we certainly cannot risk our great stake on the presumption that for some reason or other the Soviet Union will refrain from doing what it could now do so easily. To be sure, some insist that the Russians will do nothing in Iran because they already have their hands full in Afghanistan. But one statistic suffices to demolish that theory, with its implied comparison between our own ruinous war in Vietnam and the leisurely imperial pacification now unfolding in Afghanistan: the ground forces now in Afghanistan amount to 2 percent of the Soviet total.

In the event of a Soviet invasion of Iran, the obvious and necessary American response would be to establish coastal lodgements on the Iranian shore of the Gulf, with a forward shield in the long chain of Zagros mountains beyond the coast. But how can we make such a move with any confidence when our maximum of four divisions would have to face an offensive of twenty-five?

Characteristically, there is nothing new about this imbalance of forces. Given the geographic advantage of the Soviet Union and its long-standing possession of an army much larger than our own, the ratio of forces would have been just as adverse ten, twenty, or thirty years ago. The great difference, however, is that we cannot any longer seriously rely on nuclear deterrence—which in the past would alone have sufficed to make a Soviet invasion unthinkable. Moreover, we have lost the further advantages of an uncontested naval supremacy and of a crushing air superiority—which we would certainly have had ten, twenty, and thirty years ago.

True, our surface naval force could still clear the seas of any Soviet forces afloat (thanks to the much-criticized large aircraft carriers). But the Navy's ability to help out on land by giving air support is now prejudiced by the threat of missile attacks launched from Soviet long-range aircraft, and even more by the Soviet submarine fleet—these twin threats making all combat deployment in the region hazardous, and prohibitively so within the Gulf itself. Similarly, our first-line Air Force fighters still retain a wide margin of advantage in air combat, and given adequate bases nearby they could keep Soviet fighter-bombers from harming our ground troops. But again our airpower could not provide prompt, positive help for the ground battle because of the great strength of the Soviet antiaircraft units that would accompany each army formation. Our own ground forces have traditionally relied on powerful air support to make brute-force firepower tactics work, but in fighting the Soviet Army little of it would be forthcoming—unless and until the Soviet air defenses were first suppressed in a preliminary campaign.

Some will argue that we need not worry any further about the imbalance of forces and the resulting strategic and tactical problems. Any combat with the Soviet Army, some will say, would very quickly turn into a nuclear war, eventually intercontinental with weapons launched homeland-to-homeland until terminal destruction.

It is odd that those who dismiss the need to confront this and many other military problems by evoking the inevitability of a global nuclear war if any conflict occurs at all, still think of themselves as fervent advocates of peace and humanity. For in refusing to sanction an adequate effort in conventional defense they are in effect advocating our own immediate resort to nuclear weapons—which may indeed put us on the path to mass destruction.

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[4] Which would only be forthcoming if the Soviet Army chose to recall reserve to fill the ranks of the divisions already deployed nearby, as opposed to leading the advance with full-strength divisions brought in from elsewhere.

Then there are those who believe—or affect to believe—that we need not prepare seriously for non-nuclear war with the Russians because they themselves would begin using nuclear weapons right away. It is certainly true that Soviet forces include nuclear weapons down to rather low echelons. But if it were their intention to fight us by tactical nuclear weapons from the very outset of a war, why do the Russians make the vast effort of updating and expanding their conventional forces?

The strategy that one may properly infer from the current pattern of Soviet force-building does not suggest an "all-nuclear" war scheme but precisely the opposite: the increasingly powerful intercontinential nuclear weapons of the Soviet Union are meant primarily to inhibit any of our own. Similarly the greatly enhanced theater and tractical nuclear weapons are intended to deny us any resort to those weapons in protecting interests overseas. And finally, the Soviet Union's superior ground forces are to fight and win without having to rely on nuclear weapons themselves, while we for our part can no longer defeat them by air power or appeal to the "higher court" of nuclear weapons. Only this aim can explain the rapid (and very costly) upgrading of the Soviet conventional forces with much new equipment in a broad armament effort which has accompanied the equally impressive build-up in nuclear weaponry.[5]

These circumstances obviously call for a novel approach to the whole problem of defending Arabia and the Gulf. Since a conventional U.S. style deployment of Army and Marine divisions would merely guarantee our eventual defeat by the sheer weight of numbers, we must either develop a novel theater-defense strategy based on drastically revised tactics, such as a naval offensive that would altogether remove the contest from a part of the world where the Soviet Union has the great advantage of a direct territorial contiguity.

Either solution calls for much concerned strategic thought and operational planning by senior civilian officials and military officers working in concert. For if one starts with the present tactical repertoire and takes it as the only possible set of tactics, it is impossible to construct a plausible strategy for a land defense. But on the other hand, the military hierarchy will not offer alternative tactics (such as, for example, a light-infantry mountain defense) unless a strategy is first formulated that demands those very tactics.

Conversely, for and indirect naval response (for which the desired tactical repertoire is already in place, it is the strategy of the option that must be fully explored in all ramifications, including for example the response of our allies. How would they react to a defense of their oil supplies, if it required us to launch a worldwide attack on Soviet naval power?

Perhaps such solutions are feasible and desirable and perhaps they are not. But we must find some solution, and that will not happen until we can go beyond the minutiae of micro-management to focus instead on the intricate dialogue between strategy and tactics. It so happens we do have some excellent tacticians in the Army's Training and Doctrine command, but their novel ideas will not be employed in our plans until that dialogue can uncover the new strategies which tactical innovation makes possible.

In theory we already have an institution dedicated entirely to such thinking and planning, the Joint Chiefs of Staff and their multi-service "joint" staff. But this organization embodies all the proclivities that one finds in an alliance of nations, whereby the severe choices that strategy imposes must always be compromised to accommodate a divergence of service interests. Officers detached for a tour in the joint staff from their parent service are under great pressure to take care of service interests in their work. After all, their career and promotion depend not on what they do for the Joint Chiefs, but what their own service thinks of them. Since every plan has some budgetary implications, since every force-decision and command arrangement will affect the bureaucratic interests of each service, obsessive attention is given to the allocation of fair shares for all. This is ruinous for our strategy. It precludes hard choices and all one-service solutions, even when there are most obviously needed.

Thus, for example, there is no reason why the Rapid Deployment Force should consist of units drawn from all four services under a multiservice command, with all the different layers of authority and all the complications thereby entailed—when in fact the Marine Corps alone could do the job, with other service elements attached if required, but under Marine command. That would greatly simplify the conduct of war operations, but it would also of course deprive the Army, Air Force, and Navy of a high-visibility and budget-enhancing role (and of numerous billets for generals and admirals). The "joint" system could never sanction such a thing: regardless of the partriotism of its members, the institutional purpose is not to plan for victory but rather to reconcile interservice rivalries—at any price.

The natural consequence of doing things "jointly" is to degrade everything to the lowest common denominator, for a meeting ground of diverse and competing institutions is no place for subtle strategic discourse or operational originally or tactical innovation. Worse, the "joint" system leads to the outright perversion of military plans and operations to accomodate divergent service interests. In this respect, the Iranian rescue attempt was the very model of what we can expect from the "joint" way of doing things: service interests were very fully safeguarded (only the Coast Guard went unrepresented in the gathering at Desert One), with each being present for its share of eventual glory; there was a luxurious abundance of commanders and command echelons, all set to argue with one another as unplanned events called for decisions; there was plentiful variety in such things as communication procedures, so that the Navy helicopters were under strict radio silence (some talk would have greatly helped in the sandstorm) while the Air Force crews chatted away; and finally the plan itself with its rare combination of unimaginative complexities could only have been formulated by the classic committee, its unique achievement being the violation of every single principle evolved in forty years of commando operations. The different services must of course be coordinated in some way; but there is a perfectly good alternative to the disastrous institution that civilians have built for our forces: it is called a General Staff,[6] and it works.

III

The poverty of our strategy is not, however, entirely unrelieved. Quite recently, the much-publicized decision on the MX intercontinental ballistic missile demonstrated how much can be gained when the relentless progression of bureaucratic decision is interrupted and reversed by solid strategic thinking.

In January 1981, when the new administration arrived on the scene, the engineering bureaucracy in the Air Force and their colleagues in the Defense Research and Engineering Undersecretariat and, of course, the senior Air Force (as Air Force general) were all set to start the so-called "race-track" deployment scheme. Under this scheme each of 200 MX missiles was supposed to be provided with its own ring-road in the desert, each road having 23 shelters among which the one missile could hide. This was the famous MX/MPS scheme chosen by Jimmy Carter. With a new administration known to be strongly "pro-defense" and whose leaders were also reputed to be inexpert, the engineers and bureaucrats and the Air Force chiefs were quite confident that the MX/MPS would be approved in short order.

Naturally the rumor had reached the Pentagon that President Reagan and his Defense Secretary, Caspar Weinberger, were less that euphoric over the MS/MPS scheme, but it was assumed that those gentlemen would soon come around to the view that there really was no alternative. The scheme, to be sure, was rather expensive (estimates floated between $30 and $50 billion, both too low), and it did look rather absurd, with all those costly roads and shelters for only 200 actual missiles.[7]

But even if costly and very intrusive, the MX/MPS was mechanically sound. By moving about between the 22 shelters, each MX missile could be masked by 22 decoys at any one time, which meant that the Russians would need 4,600 accurate warheads on target to destroy the system—and indeed many more, to allow for malfunctioning warheads and those off course.

As far as the bureaucracy was concerned, there was no other way of preserving the American landbased ballistic missile force, with its special virtues of accuracy (as compared to submarine-launched missiles), promptness, and assured penetration (as compared to bombers), and ready controllability (submerged submarines are sometimes hard to reach, and their missiles cannot be retargeted as freely and reliably as in land-based forces). In sum, the bureaucratic process had offered up the MX/MPS and no other alternative was ready, so that an administration that proclaimed the urgency of closing the "window of vulnerability" would have only that one choice.

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[5] In the last ten years alone, we have seen the introduction of a whole new array of armored vehicles, the very expensive conversion of much Soviet artillery from classic towed pieces to self-propelled weapons, and, the substantial (and especially costly) upgrading of antiaircraft forces alrealy very strong. In the air, the mass of cheap day fighters of the 1950's has been replaced by much more capable aircraft with considerable offensive potential.

[6] I.e., a body of officers who have risen high in their respective services to a given entry point; upon joining the General Staff, their future career is entirely within its own ranks and wholly independent of their services of origin. A sentimental affiliation will naturally remain, but soon enough the "non-service" General Staff would develop its own corporate spirit, and thus a substantial independence from service particularism.

[7] These missiles would have provided 2,000 separate warheads, in direct succession to the 2,100 warheads present on the 1,000 Minuteman missiles, now made vulnerable by the inexorable increase in the number of Soviet warheads, and their accuracy.

Actually the MX/MPS was the conjoint product of two great forces, each of which grew ever more powerful during the 1960's and 1970's, usurping the place of strategy itself. The first of these was the quest for arms control in the American style—that is, as an end in itself rather than as a tool of strategy. This great urge was propelled both by the internal pressure of the government's own arms-controllers (many of whom have dedicated their whole professional life to that pursuit) and even more by the external pressure of media and public opinion. Forever seduced by the alluring prospect of breaking the "mad momentum" of the "arms race"--as if it were some physical phenomenon and not the natural symptom of a competition between two systems of power and of values—the public remains insistent in its delusion, even while recognizing that there has been no "arms race" at all for many years, but only a one-sided Soviet military aggrandizement to which we have made a feeble and always belated response.

It was the imminent prospect of an arms-limitation treaty which would limit numbers that determined the size of the MX missile itself, making of it a large weapon with ten warheads, since only a "limited" number would be allowed. And similarly, it was the necessity for "verification" by satellite photography that shaped the specific features of the MPS deployment. In fact, that scheme was designed to cope with two separate Russians. The Good Russian, the sincere arms controller, had to be helped to identify each genuine MX missile, so that he could count them to insure our compliance with the treaty. But then there was the Bad Russian who would also want to identify each genuine MX missile, not to count them but rather to attack them with his own increasingly powerful missile warheads.

The MX missiles would thus have to be both visible and invisible, and the MPS scheme was an attempt to reconcile the irreconcilable: first, by allowing the missile to move between the shelters—but only within a closed-loop road, whose entrance would eventually be blocked by a great mound of earth once the system was assembled; second, by providing 23 shelters and decoy missiles for 22 of them—but then also having a sliding roof for each shelter, so that with prior notification all the roofs could be slid back in one ring-road at a time, thus allowing the Good Russian to "verify" that each 23-shelter site did indeed contain only one true missile.

The other great force that shaped the MX/MPS scheme was the unguided engineering ambition that luxuriates in the absence of sustained strategical discipline, or the serious pursuit of the operational art of war. An Air Force that has abandoned strategy to civilian experts, and which at the senior level has only a pro-forma interest in tactical and operational matters, has naturally become a science-and-engineering organization, devoted to the increase of technical performance for its own sake. As the only long-range ballistic missile in the Air Force's keeping, the MX became the vehicle for all the various innovations that were found to be technically exciting over the years, form carbon-carbon fiber structures to all the latest refinements in propulsion and guidance.

The weapon thus produced by the perverse intercourse of arms controllers and engineers is naturally a very large missile, much too large to be moved about on normal roads by normal vehicles. Although usually described as "mobile," it is merely movable, and then only by means of a huge transporter of special design.

This shortcoming of the MX is of crucial importance because in the presence of a Soviet missile force powerful enough to destroy thousands of targets even if both small and well-protected (and notably our missile "silos"), the simplest response would be precisely to build small and truly mobile missiles. Technically unexciting, but also cheap and reliable, a one-warhead missile (the MX has ten warheads, each separately targetable) could easily be made small enough to be moved about freely by truck, rail, helicopter, or by the common run of transport aircraft as well as by barge, large boats, all ships, or for that matter converted ice-cream vans. Thus the protection of the weapon by mobile concealment could be most easily and cheaply provided.

This path of development, however, was resolutely blocked by the arms controllers. Faithful to the pretense that the Russians would have to "verify" our missile force by satellite photography alone—as if they could not know just exactly how many missiles we were building by reading the Congressional Record, the technical or general press, or merely Pentagon news releases—the arms-control lobby insisted on having a large missile of classic form, which could not be hidden easily in the general flow of civilian traffic, or even moved about freely by ordinary military aircraft. And of course the engineering fraternity in the Air Force would have despised the notion of a missile that would be totally prosaic and entirely simple by the standards of such things (and also of course inefficient, since the ten warheads of the MX make it very "cost-effective"—until one faces the problem of deployment).

Finally, our senior military leaders also opposed the small missile. They recoiled before the public-relations problem of what they described as the "civilian interface," namely, the possibility of protests if nuclear missiles being moved about were involved in road accidents and so on. Since safety devices and arming restraints on our nuclear weapons are so highly reliable that the danger of a detonation is truly negligible, that should have been a manageable difficulty—given a willingness to confront the matter squarely and to educate the public (the very thing that we are now asking European leaders to do for the theater nuclear forces, which would also have to move about in civilian areas).

With the natural solution of small, truly mobile missiles thus long ago closed off, Caspar Weinberger and his advisers were offered the MX/MPS as their only choice, a scheme mechanically sound and bureaucratically desirable but also strategically disastrous.

First, the cost of the 200 ring-roads, 4,600 shelters, and 4,400 decoys would have absorbed a great part of all the added money that the administration could hope to provide to restore our entire military strength across the board. Secondly, the cost-overruns and scandals that 200 separate major construction projects would unfailingly entail would have brought that much nearer the day of the inevitable reaction against higher defense spending.[*]

But the MX/MPS also had a third defect so fundamental that it alone should have sufficed to condemn the scheme. The very first rule of strategy is to evade the major and special strengths of an enemy (and then seek to attack his weaknesses). Yet the MX/MPS would have done precisely the opposite, by erecting an array to stand directly in the path of the greatest Soviet strategic strength. By building the 4,600 shelters, we would have provided the very targets that best suit Soviet landbased ballistic missiles, which are in trun the most powerful element in their strategic-nuclear array.

At present, to be sure, the Soviet missile forces could not yet destroy all the 4,600 separate aiming points of the MPS. But as we know full well, once the rigid industrial structure of the Soviet Union is finally geared up, it does produce very effectively indeed. By starting work on the MX/MPS, we would therefore have invited the Russians to do what they do best: mass-produce weapons of established design. Having thus stacked the deck against ourselves, we were then supposed to cope with the threat by negotiating arms-control limits that would have kept the number of Soviet silo-killing warheads under the danger line—and that, of course, was precisely the great virtue of the MX in the eyes of some. It is often said that the advent of nuclear weapons has invalidated all the old wisdoms of war, but in this case, the most elementary of tactical principles would have served us well. In the presence of massed, accurate firepower, wide dispersal and free mobility are called for (i.e., many small missiles), and not the aggregation of valuable forces into a system of fixed targets.

Finally, the MX/MPS had the well-advertised defect of requiring large amounts of land (or rather several thousand small plots across vast areas). And this land would have been needed in a part of the country where the national defense is held in high regard—but where the preservation of the wilderness is equally valued.

Had Caspar Weinberger walked the path that the defense bureaucracy had marked out for him, and then settled down into the usual routine of micro-management, to seek marginal cost savings in the building of roads and shelters and to insure that no one would steal the odd bag of cement, the nation would have been provided with a solid if short-lived solution to the problem of Minuteman vulnerability. Our strength in landbased ballistic missiles would then have been reliably preserved, at least for several years—but only at ruinous cost. All our other military forces would have been deprived of funds greatly needed, and the loss would eventually have been compounded, since political support for defense in general would have been seriously eroded had the MX/MPS been built. The enormity of spending tens of billions of dollars for the housing of just 200 missiles, and the grotesquerie of all those roads and shelters (and sliding roofs) could not truly have been explained away by skillful public relations because the fundamental idea behind it all was itself strategically unsound. By adding strength in one narrow sector of capability while undermining our military strength across the board, the MX/MPS was in fact a sublime example of a weapon scheme that the engineer might find irresistible, but which the strategist must refuse.

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[*] We do have a clear record in such matters: the five-year surge of World War II, which was followed by a disastrously abrupt abandonment of effort; the three-year Korean war upsurge, which might well have prevented that war had it come sooner, and the Kennedy build-up that was exhausted by 1964—more or less when the Russians began to build their strategic-nuclear forces in earnest.

In the circumstances the crucial move was to reject the MX/MPS, even if no fully satisfactory alternative could be found. The small missile certainly could not be available soon enough: it takes years to engineer such a weapon, even if based entirely on proven technology, while the time of danger is now upon us. As for the other genuine long-term solution, the provision of ballistic-missile defenses, it was ruled out by the 1972 ABM treaty—and even if that unwise agreement is to be repudiated, that could not be done abruptly and so early in the life of the new administration.

Hence the MX itself had to be built, for it was the only new land-based missile actually ready for production; but without the MPS, there was no fully plausible way of basing the new missile. Weinberger attracted much criticism and some ridicule by proposing a bundle of technically dubious solutions, from the super-hardening of missile silos, to the exploration of deep-hole basing, to the "big bird"—a long-endurance aircraft which could keep MX missiles safe from attack, on airborne alert.

None of these schemes was a known quantity, for none had been engineered and studied in detail. None was likely to be cheap, though of course any and all would have to be cheaper than the MPS. None perhaps was seriously meant, but in the meantime even if placed in vulnerable Minuteman silos, the MX would offer some residual strikeback capability. If fifty MX missiles were built, and no more than five would survive a Soviet attack, those five could still launch fifty warheads, and that alone would be a not insignificant force for retaliation.

Eventually, either the small missile or a silo-defense ABM will inevitably be accepted to preserve our land-based missile capability over the long term. But in the interim, Secretary Weinberger's makeshifts will do, just as in wartime the fight against German submarines was waged by converted fishing boats and improvised merchantship carriers, and not by the optimal antisubmarine vessels that the Navy might have desired, and which could not have been ready until long after the war.

Now that the predicament of weakness is upon us, now that we must finally pay the bill for the scientific mismanagement of the McNamara years, for all the bureaucratic follies of our armed forces in Vietnam, and for the carnival of self-hatred and elite irresponsibility that followed, we cannot assure our security by means of large defense budgets alone. Without them nothing can be done at all, but we also need a fundamental reappraisal of our strategy since our plans, our fossilized alliance arrangements, and the very structure of our armed forces are all based on outdated premises—and notably the implicit assumption of superiorities that we will not soon regain. New strategic solutions must therefore be found, and often they will only be suggested by new operational methods and new tactics—which only the active and persistent interest of our most senior officials can elicit.

But this great and urgent task cannot be accomplished unless the Congress in its wisdom drastically redirects its own attention, from the small issues to the large, from micro-management to strategy. The Constitution prescribes that Congress should manifest the will of the people in our defense policy as in all else, but surely the will of the people is more subverted than exercised when it is delegated to staff members who in turn seek to interfere in the most minute matters, upon which no body of electors could possibly hold any opinion at all. No great harm is done when a Congressman intervenes to protect constituency interests, but once the military base back home is well secured, once the contract for the needy producer is duly obtained, let the remaining time be given over to the broad issues that truly count, and not to the petty matters that Congress now belabors, thus compelling the Pentagon to do likewise.

What this republic badly needs in its defense establishment is the wisdom of strategy and certainly not better "management" or yet more "efficiency." That is why we must reject the suspect prescriptions of James Fallows and his ilk, who would launch us on a quest for cheap solutions to problems that admit none, and for more things to cut from the budget (that being the purpose all along). And that is why we must firmly resist those politicians who refuse to fund our greatly overdue rearmament even while proclaiming their new-found enthusiasm for a "strong America," and who resolve the contradiction between true opinion and public stance by claiming that it is the "fat" they want to cut.

If the price of a wise strategy, of better operational methods, and of more ingenious tactics is indeed the neglect of micro-management, then so be it. We would then have good reason to welcome a little more "waste, fraud, and mismanagement" in the Pentagon.●

ENDING THE NUCLEAR MADNESS: REPRESENTATIVE NICHOLAS MAVROULES

● Mr. KENNEDY. Mr. President, in cities and towns all across America, a grassroots movement calling for a United States-Soviet nuclear weapons freeze has given many of us hope that we can finally come to control the nuclear weapons race that threaten all humanity.

I wanted to bring to the attention of my colleagues in the U.S. Senate, the efforts of our colleague in the House of Representatives, Congressman NICK MAVROULES. The Representative from the Sixth District in Massachusetts was one of the first Members of the Congress to support the call for a bilateral nuclear arms freeze and has joined as cosponsor of the joint resolution for a nuclear freeze and reductions introduced in the Senate and the House.

On Thursday, February 25, Representative MAVROULES appeared at a workshop forum on the weapons freeze in Ipswich, Mass. Also present at the workshop was Dr. Helen Caldicott, the leading spokesperson for physicians for social responsibility, and formerly on the staff of Boston's Children Hospital.

Congressman MAVROULES' remarks that day have bearing on our work here in the Senate, and I commend them to all of my Senate colleagues.

On February 25, Congressman MAVROULES also introduced House Concurrent Resolution 277, expressing the sense of the Congress that there be an immediate mutual freeze on the nuclear arms race.

The resolution takes special note of the fact that over 10,000 citizens in the Sixth Congressional District of Massachusetts took the time to sign a petition urging the establishment of the nuclear arms freeze.

Finally, on March 3, Congressman MAVROULES wrote the President, urging him to invite Soviet President Leonid Brezhnev to a summit meeting in Geneva to discuss the arms freeze and nuclear arms reductions.

I am pleased to report these activities to the Senate, and I ask that Congressman MAVROULES' remarks be inserted in the RECORD.

The remarks follow:

SPEECH OF REPRESENTATIVE NICHOLAS MAVROULES AT ST. JOSEPH'S CHURCH IN IPSWICH, MASS., ON FEBRUARY 25, 1982

Tonight, we are going to do something we should have done 36 years ago, after the bomb was dropped on Hiroshima and after a great world war that would pale by comparison to a new global conflict.

Tonight we are going to talk—loud and clear—about a subject a few of us have only whispered about: Nuclear war, its inanity, its inhumanity.

No graver issue confronts humankind today than this one. All of us here tonight understand that, as do tens of thousands across the Nation and may more around the world. And we have acted on our awareness, calling for a bilateral freeze of the nuclear weapons race.

We have come to the inescapable conclusion that should the United States and the Soviet Union continue to develop, test, and deploy new nuclear weapons systems, more is at stake than a system of Government—communism or democracy. Humankind will also be facing a risk far greater than it has ever faced before.

None of us can any longer afford to cultivate our own little gardens of self interest and self absorption, and live a life apart from the reality of nuclear war.

I believe that truth is beginning to dawn on Washington, thanks to the tremendous grass roots movement to which all of you belong, and we have reason to believe that a similar movement, though not as overt as our own, is afoot in the Soviet Union.

Policymakers in both countries, as well, I am sure, have no illusions about the consequences of unleashing a nuclear holocaust.

What is troubling, however, is the incompleteness of the illusions they entertain. Nuclear war would be far more horrible than they would lead us to believe.

There is no such thing as a limited nuclear engagement. If the Soviet Union were to launch what we euphemistically call a surgical strike at our U.S. based strategic forces, there would be enough fall out to kill anywhere from 2 to 22 million Americans. Such a cost would most certainly guarantee an all-out U.S. retaliation.

Survival, indeed, is not an option in a nuclear war. Nor is there any medical response. I am sure that Dr. Caldicott will have more to say on this later.

What I would like to leave you with is some food for thought about our strategic defense policy, as we continue to think about this most unthinkable of all subjects.

This year the defense budget will reach 216 billion in outlays, part of the administration's trillion and a half dollar, 5 year defense program. It's quite a wish list of MX's BLS, nuclear powered aircraft carriers, and so on, all adding up to further over kill.

No one can dispute our need to meet our national security requirements. But there are far better ways to measure this than in billions of dollars and nuclear megatonnage.

Each leg of our highly vaunted Triad—that combination of missile firing subs, bombers, and intercontinental missiles that compose our strategic deterrence—could destroy 75 percent of the Soviet industrial base. With plenty in reserve to escalate the conflict after the first strike.

Needless to say, countless of millions of lives will be forever lost as well.

We, in Congress and within the administration, must finally come to grips with how we have been measuring our defense needs.

Otherwise we run that threat of pushing the nuclear arms race into a state of frenzy, inviting war and world-wide devastation.

Today, thanks to a national—and international—grass roots movement, aimed at confronting the arms race head on, we have our best opportunity to reassess the meaning of national security and reaffirm our commitment to survival.

We must find the way to reduce nuclear weapons on both sides. I am confident that we can.

The grounds for that confidence spring from what I am now hearing and seeing throughout the district and in the Nation's Capitol. There is a new awareness of the shared danger that threatens us all. There is a sense of immediacy that hasn't been felt before. And there is a very human cry that's being expressed for the first time: Individuals demanding the right to be allowed some control over their respective destinies.

Some weeks ago, "freeze" representatives presented to me signed petitions that represented the hopes and aspirations of thousands of people throughout the 6th Congressional District. The many thousands spoke as one.

You have made your "call to halt". And it's being heard. Across this land, and hopefully around the world. And not a moment too soon. For the hour is growing late. According to the bulletin of the atomic scientist's Doomsday Clock, which symbolizes how close humankind is to nuclear war. There are but a few minutes left to midnight.

I like to think that your movement is the start of a world-wide process that will slow to a stop the minute hand of the doomsday clock before it reaches midnight.

H. Con. Res. 277

Whereas the petition signed by ten thousand citizens living in the Sixth District of Massachusetts is indicative of similar popular movements in many other congressional districts;

Whereas people across the Nation are coming together in increasing numbers in an effort to halt the escalating nuclear arms race;

Whereas we now have the capacity to kill every human being on this Earth thirty times over;

Whereas the memories of the aftermath of Hiroshima and Nagasaki are a picture of what our entire world could become within a few seconds;

Whereas now the cost of the ever escalating nuclear arms race is not only measured in hundreds of billions of dollars, but also by the drastic cuts in care for the poor, elderly and disadvantaged of our Nation;

Whereas the United States and the Soviet Union, since they possess nuclear weapons in numbers great enough to completely destroy life as we know it, bear the chief responsibility for the nuclear peril, and the burden for ending it: Now, therefore, be it

Resolved by the House of Representatives (the Senate concurring), That it is the sense of the Congress that the United States and the Soviet Union should immediately and jointly stop the nuclear arms race. Specifically, they should adopt an immediate mutual freeze on all further testing, production, and deployment of nuclear weapons and of the missiles and new aircraft designed to deliver those weapons. After this initial step, further steps could be taken toward creating a more stable, peaceful international environment; the freeze could be extended to other nations; and the nuclear arsenals on all sides could be drastically reduced or eliminated, making the world truly safe from a nuclear holocaust.

Letter of Congressman Nicholas Mavroules to President Ronald Reagan, March 3, 1982

House of Representatives,
Washington, D.C., March 3, 1982.

The President,
The White House,
Washington, D.C.

Dear President Reagan: In a world of hostilities and tensions, it is imperative that the United States do all in its power to prevent the possibility of conflict. No graver issue today confronts mankind than the threat of nuclear war. Now, we must renew the search for the answer which will free our planet from the threat of these weapons.

Despite the best of intentions, the arms limitation talks which began last November in Geneva, have made no apparent progress. I recommend that a new gesture of sincerity and commitment be offered—specifically, that you invite President Brezhnev to a summit meeting in Geneva to personally discuss nuclear arms reductions.

In your foreign policy speech of November 18, 1981 you declared "there is no reason why people in any part of the world should have to live in permanent fear of war or its specter." This expression is one shared by millions in America, Europe and throughout the world. Indeed, there is no alternative. The price of pressing the arms race to its conclusion is disaster for all of humanity.

Last week, President Brezhnev is reported to have renewed his commitment to resume Soviet-American talks to reach accords "not only on the complete termination of all nuclear weapons tests, but also ending their further production."

A Soviet-American summit in Geneva cannot assure an arms limitation agreement. However, it will provide fresh incentive for both the United States and Soviet Union to reduce the threat of nuclear weapons through an arms control agreement. As Commander in Chief, your presence in Geneva would put American and Soviet prestige on the line, and emphasize to all the world that the President of the United States will never fear to negotiate on a matter of such global importance.

In the cities and towns of America, a grass roots movement calling for a bilateral nuclear weapons freeze has captured the imagination of all our countrymen. I am convinced that the Congress, and millions of other Americans, would strongly support you in the bold diplomatic venture of proposing a Soviet-American summit for discussing nuclear arms reductions.

Twenty years ago, in proposing the nuclear test ban treaty, President John F. Kennedy concluded his remarks to the United Nations with the declaration "the decision is ours. Never have the nations of the world had so much to lose, or so much to gain. Together we shall save our planet, or together we shall perish in its flames. Save it we can—and save it we must—and then we shall earn the eternal thanks of mankind and, as peacemakers, the eternal blessings of God."

Very sincerely,
Nicholas Mavroules,
Member of Congress.●

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. The time for morning business has expired.

COMPETITIVE EXPORT FINANCING ACT OF 1981

Mr. GARN. Mr. President, I ask unanimous consent that Calendar No. 262, S. 868, be placed before the Senate for immediate consideration.

Mr. PROXMIRE. Mr. President, reserving the right to object, and I will not object—provided I can obtain proper assurances from the Chair—it is my understanding the distinguished Senator from Utah, the chairman of the Committee on Banking, Housing, and Urban Affairs, is asking unanimous consent to call up S. 868 for the purpose of a discussion with the distinguished Senator from Pennsylvania, the chairman of the subcommittee, at which time, after the discussion is concluded, the bill will be returned by unanimous consent to the calendar.

I ask the Chair: If this is the case, would it then require unanimous consent for the bill to be called up again or a motion, with a majority of the Senate voting to call it up?

The PRESIDING OFFICER. At this point there is nothing in the request that would automatically return the bill to the calendar at the conclusion of the discussion.

Mr. PROXMIRE. Would the status of the bill be affected in any way? That is, would it still be necessary to go through the motion to proceed in order to have a debate or a discussion on the bill at that point?

The PRESIDING OFFICER. The Chair has just stated that nothing in the request before the Senate at this point will automatically put the bill back on the calendar at the conclusion of the discussion.

Mr. PROXMIRE. I ask this of the Chair: On the assumption that the Senator from Utah or the Senator from Pennsylvania has made the commitment, and they have made the commitment, that at the end of their discussion this afternoon they would not act on the bill and not have other action taken on the bill, but would then ask that the bill be put back on the calendar—under those circumstances, would the bill then be able to be called up only under the same circumstances under which it would be called up now?

The PRESIDING OFFICER. The Senator is correct.

Mr. PROXMIRE. I thank the Chair.

I ask this, further: It is my understanding that the Senator from Utah and the Senator from Pennsylvania intend to discuss this bill and not take action on it and return it to the calendar. Is that correct?

Mr. HEINZ. Mr. President, if the Senator will yield, the answer to that is in the affirmative. Yes, the Senator is correct.

The PRESIDING OFFICER. There is a unanimous-consent request before the Senate. Is there objection? The Chair hears none, and it is so ordered.

The bill will be stated by title.

The bill clerk read as follows:

A bill (S. 868) to amend the Export-Import Bank Act of 1945 to authorize the bank to engage in the use of extraordinary measures of export finance to counter and ultimately discourage the use of such measures by other major trading countries.

The Senate proceeded to consider the bill.

Mr. HEINZ. Mr. President, before I yield to Senator GARN for his opening statement, I thank the Senator from Wisconsin for his understanding and cooperation in this matter. I believe that he and I seek exactly the same objective, which is to end export credit subsidies wherever they occur. I thank him for his dedication to that goal, and I thank him for helping further that goal here today. I am deeply grateful.

Mr. GARN. Mr. President, I, too, thank the Senator from Wisconsin for his cooperation. I assure him that, despite his parliamentary request, there is no intention on the part of the Senator from Pennsylvania or the Senator from Utah to bring this bill to a conclusion today.

Mr. President, I also thank the distinguished senior Senator from Pennsylvania for his long work not only on this piece of legislation but also for his continuing battle, ever since he has been in the U.S. Senate and a member of the Senate Banking Committee, to attempt to have fair, competitive financing for U.S. exports. He certainly deserves to be commended highly for his persistence in never giving up on trying to accomplish that task.

Mr. President, there is a war going on today against American industries, and the Export-Import Bank is on the front line of our defenses. The old song about the inefficiency of U.S. industry and the lack of quality in our products is, to my way of thinking, getting very old and has always been inaccurate. In many areas, American products are the very best and the least expensive in the world.

Yet, those very products cannot compete successfully in the world market, because they are being undercut by cutthroat financing offered by America's trade competitors. I am not an advocate of subsidies, but I am an advocate of fair play. Right now, our industries, our businesses, are being unfairly competed against by subsidized financing from abroad, and we in this county are losing, we are all losing, in business, jobs, and in the vitality of American industry.

All I want, Mr. President, is a level playing field. If given an equal chance, U.S. products will compete successfully in world markets. But it does no good to talk about fair play and level playing fields unless we are willing to defend our right to fairness. You can talk all you want to about what is right, about how export subsidies distort the marketplace, but if one guy subsidizing and getting all of the sale while the other is setting an example by not subsidizing, the first guy is going to say "Fine, keep setting your wonderful example while I go ahead and get all of your business."

But if the other wakes up and says, "OK, two can play the same game. You subsidize and I'll subsidize, and we'll both lose and nobody will get anywhere." Pretty soon they are both going to sit down and get away from this crazy practice. That is the purpose of this bill.

What I am saying, Mr. President, is that we cannot allow our trade competitors to make an unfair profit at America's expense. In this economic warfare you have got to fight fire with fire. That is why I cosponsored this bill, to create this warchest to allow Eximbank to meet, dollar-for-dollar, the cutthroat competition with which our exporters are forced to deal.

This will make the playing field level again. It will not provide the best of conditions—export financing will be subsidized—but at least American exporters will have an equal chance. Then we will be able to sit down and negotiate seriously to eliminate those subsidies.

But, Mr. President, only when our competitors recognize that they cannot profit from their subsidies will they be willing to eliminate them.

We have been down the road of negotiations from a position of weakness, and we have had no success. Only when we have shown some determination to back up our words with actions has there been any progress at the negotiating table. That progress has been encouraging, but it is not nearly enough.

Mr. President, we have been negotiating for 19 years within the OECD to try to end this export credit war. All that we have been able to do is regulate that war, not end it, because our competitors have seen little more than occasional saber rattling or token opposition from the United States. We are the richest economy in the world, yet we are one of the most poorly armed in this export credit war.

This bill is necessary to give the United States the weaponry we need to provide American commerce with the fairness that it deserves and requires in world competition. We have waited long enough, we have lost too many sales, we have lost too many jobs, and we have lost too many industries to just throw ourselves once again on the mercy of our competitors.

Negotiations have been going on since 1963 to end this export credit competition, but rather than leading to action the negotiations have more often been a substitute for action. Time after time the Europeans have put off movement toward market rates in export credits with promises of progress in the next round of talks. In the meantime, U.S. resolve and determination is tested. Too often it has been found lacking, and new talks have resulted in little more than promises for more talks.

During the Tokyo Round of the General Agreement on Tariffs and Trade the United States acquiesced in not including the subject of official export credits in the negotiations on nontariff barriers to trade because of promises of progress in the OCED talks. The talks led to the commissioning of a study, that led to a further round of talks, that led to further promises for action in the next round of talks. That cycle has repeated itself for the last few years. The only progress that we have had has been an agreement to limit credit interest rates to no lower than 10 percent, while commercial rates have been at 17 percent or more, and Eximbank has found itself unable to compete with anything lower than its current 12½ percent because of lack of financial resources. So U.S. business has been severely constrained in international trade, not, I repeat, because of lack of quality or competitive prices, but because of an inability to meet the cutthroat financing of other countries. That is why this bill is so necessary.

Mr. President, as my colleagues well know, I am no "born again" fiscal conservative. I have been battling Government spending ever since my first day in the Senate. But I often wonder which is worse, this $1 billion support of Eximbank to defend American commerce, or several billions of dollars in unemployment and welfare payments for those whose jobs are lost due to unfair competition.

I wonder which is worse, a one-time $1 billion support to put an end to this export credit war and to eliminate official export credit subsidies altogether, or to continue slowly funding, but not winning, year after year, an export credit war that we could end whenever we make clear our willingness to do so.

Mr. President, this bill may be a necessary evil, but it is necessary. It will have a positive effect on the Federal budget in the long run as it puts people to work and finally leads to an end to this wasteful export credit war that is currently raging. Sometimes you have to show your willingness to fight and win an export credit war in order to end one.

Mr. HEINZ. Mr. President, first, I wish to pay homage and my respects and give my thanks to Senator GARN, the chairman of the Committee on Banking, Housing, and Urban Affairs, for his support not only on this legislation but also in trying to make sure that when the United States tries to export, when it tries to compete in the world markets, we do not shoot ourselves in the foot and we do not quickly reload and fire again.

Thanks to the help of the Senator from Utah, we have made tremendous progress on some things that have eluded previous administrations, previous Congresses.

We have been able to pass unanimously in this body, by a vote, as I recall, of 96 to 0, the export trading companies bill. As I recall, we passed by voice vote, without dissent, amendments to the Foreign Corrupt Practices Act.

On two occasions, thanks to the able leadership of the Senator from Utah, we have improved the Export Administration Act, and we seek to strengthen and improve it further in the months ahead.

We hope Congress will follow through, with our colleagues in the other body, to complete action on these and other measures.

Today, as we take up S. 868, I thank Senator GARN for his unequalled and unparalleled dedication to the cause of helping in the export credit subsidy war that is taking place. It is a war, as he has mentioned, which we did not start. It is a war, however, that we are in. It is a war in which, unless we get a cease-fire in this export credit subsidy conflagration, the United States will continue to take casualties, at a time we can ill afford them.

So, Mr. President, I am deeply grateful to the Senator from Utah, Senator GARN, for his leadership as chairman of our committee.

He has on occasion after occasion allowed every Senator on the committee, witnesses of all persuasions, to come before our committee. He has exercised tremendous patience, tremendous dedication, and most of all and that which I appreciate above all tremendous commitment to this cause.

Mr. President, I would be remiss if I did not suggest that all of us in this body owe him our deepest debt of gratitude.

Mr. President, I shall make a brief opening statement about S. 868, the Competitive Export Financing Act of 1981.

I wish to begin, however, by bringing my colleagues up to date on the most recent export credit negotiations which took place this Monday in Paris under the auspices of the OECD, the Organization for Economic Cooperation and Development.

Mr. President, I regret that once again, as I have on other occasions, I must report to this body a lack of progress in the export credit negotiations which have been conducted within the OECD since 1978, nearly 4 years ago. Once again we are faced with a situation in which the European Community and Japan have responded to our good faith efforts to negotiate an end to export credit subsidies by delay and vague promises to solve the outstanding problems during the next round of negotiations which are to take place in May.

Our counterparts at the OECD have shown a willingness to accept changes in certain areas. I do not wish to be unfair to them. We seem to be much closer to a sector agreement in nuclear power generating equipment. Our trading partners also seem willing to reclassify some of the countries currently in the category which has the lowest minimum rate of interest, to graduate them into a category which would have a slightly higher minimum rate.

Most importantly, we seem to be moving toward an agreement to eliminate subsidized export credit altogether for sales to the developed countries of the world, a category which would find the Soviet Union graduating into its ranks. Assuming, and it is an assumption because this is not an established reality, that these tentative understandings are ratified in May, one would have to admit that movement has then occurred. However, measuring that movement by the length of time it has taken to gain even tentative agreement, one would also have to conclude that the movement toward solving the overall problem of officially subsidized export credit has been glacial. It has moved with the speed of a glacier.

The basic interest rate problem has not been solved. The minimum rate for the category of countries which receive the majority of officially subsidized credit is still 10 percent. That is ludicrously low at a time when long-term credit rates in the West have been averaging 300 to 500 basis points higher over the past year.

That is the central problem which has been costing the OECD nations billions of dollars, and that problem must be solved with some sort of agreement to go to market rate and market term. It must be done multilaterally within the OECD.

It cannot be done—much as it would be nice to do it this way—it simply is impossible to do it unilaterally, by the United States alone.

Mr. President, I wonder how much patience do the Europeans and the Japanese think we should have? Do they actually think that they can go on playing their negotiating games forever, giving a crumb here and a crumb there, but withholding agreement on the whole loaf until some indeterminant distant future?

Mr. President, I come to the Chamber today and I stand here to warn my friends and they are my friends in Europe and Japan that the patience of the U.S. Congress is not infinite.

I must add that there is a failure on the part of our allies in NATO, and of our friends in the Far East, our trading partners, all together, a failure to negotiate in good faith, and this can only be interpreted as a signal of their intentions to continue to engage in a predatory export credit strategy in the large capital goods sector. Such behavior has no place in an international trading community based on equity and reciprocity—the sort of community which the U.S. Government has striven to work extraordinarily hard to achieve since its first postwar efforts to rebuild Europe and Japan, beginning with Bretton Woods in 1943, carrying through the Marshall Plan and into the present.

The subsidized export credit programs of our trade competitors have been responsible for the loss of significant numbers of U.S. exports, including commercial aircraft, nuclear and conventional power generators, and machine tools, to name three categories in particular. These are big ticket exports. Financing is frequently a more critical factor in securing a sale on these kinds of items than is price or quality.

Mr. President, the loss of those exports translates very directly into the loss of jobs for American workers. The Commerce Department estimates that every $1 billion in exports means an additional 30,000 Americans employed. The complement to that calculation is that every 30,000 unemployed Americans costs the Treasury nearly $1 billion in lost revenue and transfer payments.

Last year the Eximbank supported $18 billion in exports. That is 540,000 man-years of employment, which most likely would not have been generated in the absence of Eximbank support. This year, with unemployment approaching record highs, we can ill-afford to lose this precious job-creating resource from our economy.

Since 1978, as I mentioned at the outset, we have been a participant in an export credit war not of our own making. Our trade competitors within the OECD have decided to use credit subsidies to capture markets for their exports literally at any cost.

I know that the Reagan administration fully shares my opposition to subsidies. I know that the Reagan administration is properly firm in its denunciation of predatory credit practices, and I compliment them for that. But I must also say that to date the Reagan administration, at least in my judgment, has been unwilling to go beyond the stage of tough talk. The stage beyond tough talk is taking tough action. The credit levels of the Eximbank are the most dramatic weapon we have in our arsenal to fight against the cutrate and cutthroat competition we face. But, those credit limits, I am sorry to say, have been curtailed.

That is why, along with Senator GARN, our cosponsors and others, I introduced S. 868, the bill before us today, the Competitive Export Financing Act of 1981, which would authorize the appropriation of a special $1 billion contingency fund to be available for Eximbank's use in matching predatory export credit offers of our trade competitors if—and this is an important "if"—no international agreement barring subsidy financing is reached within 1 year. The effective date could be further postponed another 6 months if the President determines that an effective international agreement is near conclusion.

The past 3 years in particular have been a time of frustration for our negotiating team seeking to revise the arrangement of officially subsidized export credits, as it is called. The arrangement is actually little more than a gentleman's agreement among the members of the OECD not to engage in predatory—or cutrate—export financing practices. But it is one gentleman's agreement which allows members to act like cads. The minimum interest rates of the arrangement are ludicrously low by today's standards. To make matters worse, it has an escape clause which legitimates the most insidious practice of export credit competition, the so-called mixed credits. This technique of mixing export credits with foreign aid has allowed the French—and a few others—to extend export credits at rates even lower than the 10 percent set by the arrangement most recently negotiated.

These practices are part of the official export policy of our trade competitors. They are all the more infuriating because they are market distortions designed to filch business from U.S. exporters. They are sovereign decisions of our allies, if I may use that term, aimed at exporting their unemployment to our shores.

This must not be allowed to happen. The passage of S. 868 would be a dramatic signal that we are dead serious when we say that we want to end predatory financing once and for all. I am afraid that if we continue with the same process of negotiations which we have had to date, if we continue to rely on the logic of our argument to carry the day, we are leaving ourselves open to a strategy of broken promises and repeated delaying tactics for the foreseeable future. It will cost us dearly. It already has.

S. 868 should help our negotiators convince our trade competitors of the logic and advantage of reaching a firm, workable agreement to end wasteful export subsidies. As I have said before, the best way, perhaps the only way, to convince our trading partners of our seriousness is not with more rhetoric but with action—by putting subsidy money into our own export credit program if no agreement is reached. The best way to bring peace to the export credit arena is by making clear our willingness to wage an export credit war as the alternative to an agreement. We do not unilaterally disarm in preparation for an arms control negotiation. Why should we adopt such a strategy for trade negotiations?

Mr. President, I would conclude by saying that S. 868 has been pending before the Senate since last summer. Members of the administration have noted that it has been a valuable negotiating tool. That it has helped them to make the little progress which they have achieved over the past 9 months. That its mere existence has had a sobering effect on other OECD members.

Deputy Assistant Secretary of the Treasury, Robert Cornell, the chief negotiator at the credit talks for the last 2 years, said, at the July 20 hearing on S. 868:

> The Reagan administration very much appreciates this bill as a strong statement of congressional support for our negotiators, and as an important indication of the depth of feeling this issue generates in Congress. We also agree completely with its ultimate objective of reducing officially supported export credit competition. Its very existence is a most useful bargaining tool.

He went on to say:

> Indications of congressional support as manifested by S. 868 are most helpful to use in this process. . . . For the moment, it is of greatest value if it is simply allowed to lie on the table, where its intent and potential are apparent to all.

Which is where I intended to let it lay until after the October OECD export credit talks—last October—which the administration last summer characterized as the last chance for the French and others to reach an agreement. Yet, here we are in March, after still another round of talks just a few weeks ago, and still there is little more than token progress.

It was reported in the Wall Street Journal, on July 22, that the administration is contemplating an even larger war chest. "Give me a war chest of $10 billion to $12 billion and I'll be able to run them into the ground just on the threat," one policy maker said.

This bill is a moderate alternative, designed to demonstrate administration seriousness and congressional impatience. If the administration asks for more, we can consider their request. But I believe that we can no longer afford to just threaten action. Congress must act in some tangible form. That is what is before us today.

Mr. President, S. 868 is designed to send the signal this Congress needs to send. The passage of S. 868 will bring home to our European and Japanese trade competitors the loud and clear message that this Congress is fed up with their delaying tactics, and that this Congress intends to act if there is not significant progress in the OECD export credit negotiations within the very near future.

● Mr. KASTEN. Mr. President, as chairman of the Foreign Operations Appropriations Subcommittee, it is my responsibility to wrestle with the various competing programs in the foreign assistance appropriations legislation. One of the major programs, title IV of our bill, is the Export-Import Bank.

Over the last several years, there has been a rather marked difference of opinion between Congress and the administration—both the Carter and Reagan administrations—over the level of funding for the Export-Import Bank. The congressional support for the Export-Import Bank, I think, is justified, and it has been overwhelming. The problems this has caused me as chairman of the Foreign Operations Appropriations Subcommittee are several, but most importantly this support has tended to squeeze other programs in the foreign assistance bill, programs which the administration believes are vital for the conduct of U.S. foreign policy.

I am, therefore, doubly supportive of the legislation that is now before the Senate. Supportive because I strongly believe it is the measure which is necessary as a bargaining tool to bring about an end to unfair financing practices once and for all. The secondary affect which this will have is to relieve the pressure on the Foreign Assistance Act.

Mr. President, I want to compliment the Senator from Pennsylvania for his strong leadership on this matter. I hope that passage of this legislation will make clear to our trading competitors that we are serious about this issue, and that we intend to vigorously defend U.S. economic interests. Mr. President, I would like to call special attention to the report accompanying this bill, which is one of the best pieces I have seen on this subject.●

● Mr. DODD. Mr. President, S. 868 is critically important in today's international environment where U.S. exporter's find themselves at a competitive disadvantage because of the export financing practices of other major trading companies. Passage of the Competitive Export Financing Act will send a strong message around the world that this Nation recognizes the importance of international trade and is prepared to meet the challenge of foreign competition.

I believe that the U.S. Government and the business community share a common objective—we would all like to see export subsidies brought under control. We want fair and free trade. In order to prevent unfair competition, international trade agreements must be negotiated and followed. The goal of all OECD members should be export financing at market rates and terms. The Eximbanks of the world should ultimately exist only to provide guarantees to support private sector limitations and insurance to cover political and commercial risks. However, until these objectives can be framed within the context of an international agreement, the United States should keep open all of its options with respect to export financing.

S. 868 would be an important negotiating tool for bringing other countries to an equitable agreement. The bill would provide Eximbank with clear authority to meet all forms of predatory financing offered by our competitors. It is not intended to establish Eximbank as a permanent subsidizing agency, but rather to send to our foreign competitors an unconditional signal that we are serious in our desire to end unfair financing practices. Without the dedicated resolve to follow through with this intent, we may face the situation where our actions will be more telling than our words.

We have an opportunity today to let our trading partners abroad know exactly how we feel. I strongly urge my colleagues to join in support of S. 868, the Competitive Export Financing Act.●

Mr. HEINZ. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. Gorton). The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. HEINZ. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. Symms). Without objection, it is so ordered.

Mr. GORTON addressed the Chair.

The PRESIDING OFFICER. The Senator from Washington.

Mr. GORTON. Mr. President, I wish to join in supporting the goal underlying S. 868—the elimination of the unreasonable and predatory official export credit practices used by our trade competitors unfairly to compete with American exporters for international trade.

Our Nation's exporting community has waited patiently as the U.S. Government has worked to negotiate an international agreement to end unreasonably subsidized official export financing. To date, however, the Organization for Economic Cooperation and Development (OECD)—the forum in which these negotiations have occurred—has failed to make any significant progress on a comprehensive new arrangement, primarily because the French have proven unwilling to negotiate seriously. In the meantime, the unreasonable and predatory export financing practices of our competitors have continued unabated.

We can no longer tolerate this situation. If our major trade competitors are unwilling to negotiate seriously, we must act to insure that American exporters are not unfairly disadvantaged in their efforts to compete in world markets, and to underscore the importance we place on the OECD negotiations.

There seems to be widespread agreement that official export credit subsidies tend to distort market forces in trade and investment, and transfer resources from domestic taxpayers to exporters and foreign borrowers. At the same time, however, there can be no doubt about the significant positive impact exporting has on our economy and on employment in this country. If our Nation's economy is going to recover from its current recession as we anticipate it will, the exporting sector will have to be able to compete in international markets in order to aid that recovery.

I hope that a satisfactory resolution of this export financing problem can be achieved through negotiations, thereby making it unncessary to appropriate the funds authorized by the bill. This will only happen, however, if our trade competitors understand that we are willing to meet their export financing practices if an agreement on this subject is not reached in the near future.

For this reason, I join the Senator from Pennsylvania in supporting his Competitive Export Financing Act and in expressing the hope that the Senate will pass it promptly.

(Mr. HEINZ assumed the chair.)

Mr. SYMMS. Will the Senator yield?

Mr. GORTON. I am happy to yield.

Mr. SYMMS. Mr. President, I wish to thank the Senator from Washington for that statement. I, too, join in supporting the distinguished Senator from Pennsylvania Senator Heinz in his efforts in this.

I say to my colleagues here that it is wonderful to talk about free trade and not having any distortions of the market, but the situation that American producers are confronting is one of not fair trade. There is no way that we are going to be able to compete in world markets against subsidized interest rates from the French, the Germans, the British, and the Japanese.

I think that we have to move forward with this approach and to let the world know that we are willing to match them. And then American competitors and American producers in energy generating facilities and other heavy construction industries, where we have been very superior, very good, and very competitive, will be able to go out and get those contracts.

It was very interesting, earlier this year, when the junior Senator from Pennsylvania, Senator Specter, and I had the opportunity to visit with some people in Australia about a power-producing facility at a copper mine in Papua, New Guinea, and how that contract went to the British. Westinghouse, I believe, was the contractor that was competing for it. When they lose the business—and I believe it was $150 million, but I do not remember the exact amount, for the contract—but once they lose it, then for years to come at that plant there will have British involvement in that facility in the production of that copper with the generating of electricity and so forth that went with it.

So it is very important that we match this now to help our trade balance. I believe we have to be very aggressive about it in dealing with foreign competitors, and that is why I compliment the Senator from Washington. I would like to have us be able to negotiate it, but I think, short of our seeing some positive action on the part of the Congress to go in and be a helping hand to American producers instead of an adversary, we are not going to be able to have negotiations. It will be impossible for Ambassador Brock to really make those negotiations if we do not come forth and demonstrate to our trading allies and our competitors that we are willing to match those interest rates. If that would ever happen in this Congress, then I think we could come back and get some negotiations that could be accomplished.

So I certainly support this effort. We cannot be too aggressive for the good of the production of the United States and for the whole free world, in that respect, by going out and competing for this business overseas. This is one way that we can be very helpful. I laud the efforts of my colleagues who are working on this and I would like to see them move forward as fast as possible.

Mr. GORTON. I thank the Senator for his persuasive and decisive statement.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. STEVENS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. GORTON). Without objection, it is so ordered.

ORDER TO RETURN S. 868 TO THE CALENDAR

Mr. STEVENS. Mr. President, I ask unanimous consent that S. 868, the Competitive Export Financing Act of 1981, the pending business, be returned to the calendar.

The PRESIDING OFFICER. Without objection, it is so ordered.

PERMISSION FOR COMMITTEE ON ARMED SERVICES TO HAVE UNTIL 12 MIDNIGHT TONIGHT TO FILE REPORT ON S. 1662

Mr. STEVENS. Mr. President, I ask unanimous consent that the Committee on Armed Services have until 12 o'clock midnight tonight to file a report on S. 1662, the National Nuclear Waste Policy Act of 1981.

The PRESIDING OFFICER. Without objection, it is so ordered.

REPORT TO BE PRINTED AS A SENATE DOCUMENT

Mr. STEVENS. Mr. President, on behalf of the majority leader, I would like to make this statement:

Between January 2 and January 14, the majority leader led a Senate delegation to Panama, Peru, Argentina, Chile, and Mexico. Senator ERNEST HOLLINGS, Senator PAUL LAXALT, and the majority leader comprised the delegation.

Mr. President, I ask unanimous consent that the report of the delegation's findings during this trip be printed as a Senate document.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER FOR STAR PRINT—S. 2252

Mr. STEVENS. Mr. President, I ask unanimous consent that S. 2252 be star printed to reflect the changes that I send to the desk as a correction.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER FOR RECESS UNTIL MONDAY, MARCH 29, 1982

Mr. STEVENS. Mr. President, I ask unanimous consent that, when the Senate completes its business today, it stand in recess until the hour of 12 noon on Monday next.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. STEVENS. Mr. President, the request I made for convening the Senate on Monday makes it clear that the Senate will not be in session on tomorow, Friday.

The PRESIDING OFFICER. The Senator is correct.

RECORD OPEN UNTIL 4 P.M. TODAY

Mr. STEVENS. Mr. President, I ask unanimous consent that the RECORD remain open today until 4 p.m. for the introduction of bills, resolutions, and the insertion of statements

The PRESIDING OFFICER. Without objection, it is so ordered.

PERMISSION FOR THE SMALL BUSINESS COMMITTEE TO HAVE UNTIL 6 P.M. TODAY TO REPORT A NOMINATION

Mr. STEVENS. Mr. President, I ask unanimous consent that the Small Business Committee have until 6 p.m. today, Thursday, March 25, to report the nomination of James C. Sanders, of California, to be the Administrator of the Small Business Administration.

The PRESIDING OFFICER. Without objection, it is so ordered.

RECESS UNTIL MONDAY, MARCH 29, 1982

Mr. STEVENS. Mr. President, is there any further business to come before the Senate? If not, I move, in accordance with the previous order, that the Senate stand in recess until Monday at 12 noon.

The motion was agreed to; and, at 3:02 p.m., the Senate recessed until Monday, March 29, 1982, at 12 noon.

NOMINATIONS

Executive nominations received by the Senate March 25, 1982:

DEPARTMENT OF JUSTICE

James L. Fyke, of Illinois, to be U.S. marshal for the central district of Illinois for the term of 4 years vice Harry H. Marshall, term expired.

FEDERAL LABOR RELATIONS AUTHORITY

Lawrence Y. Goldberg, of Rhode Island, to be General Counsel of the Federal Labor Relations Authority for a term of 5 years, vice H. Stephan Gordon, resigned.

EXECUTIVE OFFICE OF THE PRESIDENT

Joseph Robert Wright, Jr., of New York, to be Deputy Director of the Office of Management and Budget, vice Edwin L. Harper.

EXTENSIONS OF REMARKS

JIM WATT AND BARRIER ISLANDS

HON. THOMAS B. EVANS, JR.

OF DELAWARE

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 25, 1982

● Mr. EVANS of Delaware. Mr. Speaker, I am a firm believer in the old adage about "giving credit where credit is due." In that vein I am pleased to recognize the outstanding contribution of Secretary James Watt and the staff of the Department of the Interior to the formulation of sound Federal policy toward development assistance on storm-prone barrier islands.

As my colleagues know, Senator John Chafee and I are coauthors of the Coastal Barrier Resources Act—H.R. 3252/S. 1018—a bill to prohibit wasteful Federal expenditures and financial assistance on undeveloped coastal barrier islands. This legislation has attracted support from a variety of private organizations—ranging from the National Taxpayers Union to the National Wildlife Federation—as well as Secretary Watt. The Secretary and his staff at the Department are also doing an admirable job of implementing a provision included in the Omnibus Budget Reconciliation Act of 1981 that prohibits the sale of Federal flood insurance on undeveloped coastal barriers as of October 1, 1983. The law requires that the Secretary designate those areas that are to be ineligible for Federal flood insurance by August 1982, and I am very pleased that the Department is on schedule to meet that deadline and is striving hard to complete a difficult task.

Although some groups who have a financial stake in continued Federal development assistance have characterized the flood insurance provision and the Coastal Barrier Resources Act as initiatives that erode private property rights and promote Federal land use planning, I believe these criticisms are best answered by Secretary Watt himself. Incidentally, Secretary Watt should know whereof he speaks, because in 1981 the National Association of Realtors awarded the Secretary their American Eagle Award for his "commitment to private property rights." In testimony before Senator Chafee's Subcommittee on Environmental Pollution, Secrtary Watt made the following statement:

> You (referring to Senator Chafee and me) have recognized that the Federal Government should not dictate what private property owners may or may not do with their property, but also that taxpayers should not shoulder the recurring costs and high risks of private development on coastal barriers. Because we believe it likely that private industry will assess the financial risks far more carefully in the absence of Federal assistance, and exhibit greater sensitivity to the costs, development is likely to take place on only the least hazardous and most stable coastal barriers. This legislation is a balanced and light-handed approach to an environmental concern, one that does not see the stifling of free enterprise as the only means to the desired end.

Mr. Speaker, some people have tried to belittle the Secretary's support for this legislation by attributing his actions to a need to have some "environmental issue" he can support. I do not share that view. The Secretary has shown that he is a man of conviction and that he does not blithely follow the politically easy course of action. The Coastal Barrier Resources Act simply makes good sense from the standpoints of fiscal restraint and environmental protection, and it does so without imposing new restrictions on private property owners and State and local governments. At a time when we are trying to narrow the Federal budget deficit, it simply does not make sense to subsidize development of coastal barriers that are inherently unstable and subject to repeated devastations by storms and hurricanes.

Mr. Speaker, I have three newspaper articles regarding Secretary Watt and the efforts of the Department of the Interior that I would like to have appear in the Record.

[From the Sun, Feb. 14, 1982]

Unlikely Coalition Would Save Beaches

(By Tom Horton)

Washington—A rare meshing of interests between the Reagan administration and the environmental community could check severely the beachfront building boom that now threatens to consume most of the nation's remaining undeveloped coastal barrier islands by 1995.

Federal flood insurance, generally the only insurance a property owner can get on the high-hazard, storm- and erosion-prone ocean coasts, would be denied to most new development under current proposals from James Watt's Department of the Interior.

And a much more far-reaching bill in Congress, endorsed by Mr. Watt and with substantial sponsorship in both House and Senate, would cut off all federal assistance—money for bridges, roads, sewage treatment and jetties—on presently undeveloped barrier islands.

More than 300,000 acres of coastal land—about a thousand miles of oceanfront stretching from Maine to Texas—are potentially affected.

Although environmentalists still are fighting to close what they see as loopholes in the Department of the Interior's flood insurance proposals, "we think they have done a surprisingly good job," said Sharon Newsome, director of the Barrier Islands Project, a national coalition of conservationists.

In the case of barrier island protection, the environmentalists' goals of preserving wildlife habitat and natural areas for human enjoyment coincided with the Reagon administration's desire to cut the federal budget.

In testimony before a Senate subcommittee, Mr. Watt noted that storms, a rising sea level (the rate of the rise appears to have accelerated worldwide recently) and the constantly shifting sands combine to make development of coastal islands "extremely hazardous."

He said if federal policy went unchanged, expenditures of taxpayers' money on infrastructure such as bridges and sewers, and on flood insurance in these coastal hazard zones could cost between $5.5 billion and $11 billion in the next 20 years (depending on the degree of development that occurs).

Additionally, the secretary told Congress that hunters, birdwatchers and others drawn to natural coastal areas spend an estimated $1.1 billion annually.

Sharp attacks on both the Interior Department proposals to withdraw flood insurance and on the bill in Congress to limit other federal subsidies have come from the National Association of Realtors, the National Association of Homebuilders and their members in every affected coastal state.

(Maryland is one of the few coastal states not directly affected, since its barrier islands are either almost totally developed, as in Ocean City, or totally protected, like Assateague, which is designated as state and national seashore).

Tom Franks, of the realtors' association in Washington, said developers advocated raising flood insurance rates to cover risks fully, rather than cutting out the insurance.

"We feel what we have now is a back-door way to federal land use control," he said. "It stomps on the little people. The rich guy will go ahead and build anyway."

Of the unlikely coalition between the Reagan administration and environmentalists, Mr. Franks said, "No administration wants to be perceived as totally anti-environment, so I guess you look for an issue that's not all that bad and you go with it. . . ."

The Interior Department is accepting public comment on its flood insurance proposal until March 15.

The Barrier Island Coalition contends the proposal's definition of what barrier islands are "undeveloped" is not stringent enough; it could open the government to lawsuits demanding flood insurance by a developer who had built on only a portion of an island and merely planned to build later on the rest.

Deborah Lanzone, a planner with the Interior Department, said the definition of "undeveloped" would cover all remaining natural coastlines except for about 2,000 acres.

As for the Chafee-Evans bill, which cuts all federal subsidies to coastal development and is named for Senator John H. Chafee (R, R.I.) and Representative Thomas B.

● This "bullet" symbol identifies statements or insertions which are not spoken by the Member on the floor.

Evans, Jr., (R. Del.), hearings have been held, and so far it has 105 cosponsors in the House and 26 in the Senate.

Neither Maryland senator is a cosponsor so far, Ms. Newsome said. It is co-sponsored in the House by Maryland Representatives Marjorie S. Holt (D, 8th), Beverly B. Byron (D, 6th), Barbara A. Mikulski (D, 3d), Clarence D. Long (D, 2d) and Roy P. Dyson (D, 1st), Ms. Newsome said.

In another move related to development in hazardous areas, the Reagan administration has quietly let stand an executive order of former President Jimmy Carter's, much heralded by environmentalists, that limits federal subsidies for new growth in floodplains and storm-prone areas. Initially, Vice President Bush had targeted the executive order for rescission.

[From the Martinsville (Va.) Bulletin, Mar. 1, 1982]

BARRIER ISLAND DEVELOPMENT

Interior Secretary James G. Watt and environmentalists have finally found an issue on which they can agree. And though their motives differ, their combined efforts have all but assured passage of legislation aimed at protecting undeveloped coastal lands.

The Coastal Barrier Resources Act, sponsored by Sen. John H. Chafee (R-R.I.) and Rep. Thomas B. Evans Jr. (R-Del.), would bar the federal government from funding commercial and residential growth on undeveloped barrier islands and beaches. The bill, which could affect up to 300 barrier islands along the Atlantic and Gulf coasts, would also prohibit federal expenditures for roads, sewers and bridges in those areas.

Conservationists have long argued that government subsidies encourage development that is harmful to many of these ecologically fragile landforms. Watt, emphasizing the Reagan administration's budget-cutting priorities, sees the bill as a way to save the federal government between $200 million and $500 million a year.

Federally financed flood insurance for developers of barrier islands was rescinded by the Budget Reconciliation Act of 1981. Now developers claim that the pending bill will make further construction virtually impossible. The state of Louisiana is concerned about the prospective loss of funds needed to preserve its rapidly eroding shoreline and promote offshore oil and gas drilling.

The Interior Department issued a map Feb. 3 pinpointing which segments of the 3,800 miles of coastline from Maine to Texas would be affected by the Coastal Barrier Resources Act. The map shows 159 undeveloped coastal-barrier sites in 16 states, covering about 680 miles of beach. Florida, Louisiana and Texas had the largest amounts of land delineated by the department, each containing from 120 to 165 miles of undeveloped beach.

At a Senate subcommittee hearing Feb. 3, various experts emphasized the vulnerability of barrier islands to hurricanes and erosion—problems, they said, which make such land unsuitable for development. Dr. Neil Frank, director of the National Hurricane Center, testified that since barrier islands are usually only about five feet above sea level, they are especially prone to hurricane damage.

Most Hurricanes, according to Frank, are accompanied by a "storm surge" or a fast-riding tide of water that can sometimes reach 20 to 25 feet above sea level. Frank's testimony was supported by statements by Secretary Watt and representatives of the National Committee on Oceans and Atmosphere, the American Planning Association, and the Coastal States Organization.

At a hearing last October, Rep. Evans said "It is wasteful and unnecessary, in my opinion, to spend better than half a billion dollars over the years to aid barrier-island development, when we know the inevitability of those areas' being devastated by hurricanes." Backers of the bill Evans is consponsoring say also that its timeliness should be taken into account. In view of the massive spending cutbacks in federal social programs, Sen. Chafee said at the same hearing, "subsidizing development of barrier areas by the federal government is a travesty."

[From the Vero Beach (Fla.) Press Journal Feb. 15, 1982]

BARRIER ISLAND COMES UNDER USEFUL SCRUTINY

The U.S. Department of the Interior has handed 161 coastal communities around the country a stack of maps and documents defining "undeveloped coastal barriers." Indian River County is one of those communities, thanks to two parcels on our north and south barrier island which are tentatively classified as undeveloped coastal territory.

The maps and documents are only preliminary drafts for the communities to review and comment upon. After that, the final documents will become part of a law passed by Congress called the "Omnibus Budget Reconciliation Act of 1981."

One section in this sweeping piece of legislation was an amendment to the National Flood Insurance Act. This is the law which, in 1968, put the federal government in the business of writing all flood insurance. No private companies provide this coverage, except for mobile homes.

The reason private companies don't offer flood insurance is simple: Those who buy it are those who need it. Because the premiums would have been so high, it was easier to shift the financial duty of paying for flood damage to Uncle Sam.

And pay he has. The federal flood insurance program has been operating at a loss for years. It pays out an average of $3 for every $1 in premiums brought in. The amount paid out reaches $9 for every $1 in premiums in some parts of the country.

What the premiums don't cover, the taxpayers do. This is the type of program which has rightfully come under the scrutiny of congressional budget cutters.

The 1981 law states no new federal flood insurance shall be provided after Oct. 1, 1983, for any new construction or substantial improvements of structures on the undeveloped coastal barriers.

The Interior Department was delegated the task of mapping out and defining the undeveloped coastal barrier regions.

Neither the law nor the proposed definitions and guidelines forbid construction on the barrier islands. It just means the federal government won't insure any construction after the 1983 date.

Any building in certain designated undeveloped coastal areas after Oct. 1, 1983, will have to be insured by private companies. It's certain they will not subsidize the costs and claims paid out like Uncle Sam did, which means the cost of flood insurance will increase.

If the cost of insurance increases significantly, the effect may well be to discourage development on the environmentally sensitive portions of the barrier island, which the government has deemed flood-prone.

Another effect is certain to be that those who build and live on the barrier island will pay for the right to do so without being subsidized by taxpayers' money.●

FREEDOM (AT LAST) FOR IDA NUDEL

HON. ANTHONY TOBY MOFFETT

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 25, 1982

● Mr. MOFFETT. Mr. Speaker, I was delighted to learn this morning, via the Union of Councils for Soviet Jews, that Ida Nudel was released today from exile in Siberia, and is on her way back to Moscow.

It is my sincere hope that the Soviets will now honor the provisions of the Helsinki accords, and allow her to join her sister in Israel. This brave woman has clearly suffered enough, through her 10 years as a refusenik and 4 years in internal exile in Siberia.

I urge my colleagues to speak out on behalf of Ida Nudel, now that she has completed her sentence for protesting the treatment of Jews in the Soviet Union. This dedicated woman is more than worthy of our support.●

AMBASSADOR KAMPELMAN'S STATEMENT ON THE BALTIC STATES

HON. CHARLES F. DOUGHERTY

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 25, 1982

● Mr. DOUGHERTY. Mr. Speaker, as many of my colleagues are aware, last month marked the anniversaries of independence for the Baltic States of Lithuania and Estonia. A meeting of the Conference on Security and Cooperation in Europe also took place last month in Madrid. Ironically, the Soviet Union chose that time to denounce the "imperialism" of other nations. Our Ambassador to the Conference, Max Kampelman, noted the irony of the Soviets' statement, and reconfirmed that our country has never accepted the illegal annexation of the Baltic States into the U.S.S.R. I hope that my colleagues take the time to review Ambassador Kampelman's speech to the Conference on Security and Cooperation in Europe.

The speech follows:

AMBASSADOR KAMPELMAN'S REMARKS

Mr. Chairman, on Friday, the head of the Soviet delegation spoke of "imperialism." It is not my purpose today to engage in a fruitless discussion of Marxist ideology. Thinking of his comments, however, I was struck by the fact that he spoke on our last working day in February; and that during the month of February, Estonians and Lithuanians throughout the world were marking their countries' declarations of independence.

The Baltic states of Latvia, Lithuania and Estonia understand the meaning of imperialism and the loss of liberties that follow it. Between 1918 and 1939, these three Baltic states were proud members of the world's community of free nations. In 1940, consistent with the earlier Molotov-Ribbentrop Pact, these nations were forcibly annexed by the Soviet Union. The United States condemned that annexation then, and we reaffirm our opposition to it now. We do not recognize the forcible incorporation of the Baltic states into the Soviet Union. Our commitment to the principles of liberty and self-determination requires no less.

Lenin, in his first decree to the second all-Russia Congress of Soviets, known in the communist world as the "Decree of Peace," said on the first day that he took power:

"If any people is held by force in defiance of its expressed wish . . . is not given the right of decision, free from every duress, by free elections, without the presence of those armed forces of the incorporating state or any more powerful state, of what form of national existence it wishes to have . . . then the incorporation of such a state should be called annexation, an act of seizure and force."

We have here indeed an act of "annexation," an "act of seizure and force" against the Baltic states.

I am well aware that the Soviet Union calls itself a "socialist" state and that by definition, its underscored definition, it can never be guilty of imperialism, regardless of what it may do. There is an American saying: "If it walks like a duck, talks like a duck and looks like a duck—it's a duck." Some may wish to call the duck a goose, or a chicken, Mr. Chairman. But it is still a duck. The acts of aggression against the three Baltic states were acts of imperialism.

I respectfully suggest to the Soviet authorities that those nations of the world which, in the course of their own histories, have experimented with imperialism have learned that there are decided limits to imperial attainments. Those that have abandoned the imperial mode have found relief from its burdens, not regret at their loss. Universal opinion today rejects the right of any power to conquer and subjugate other peoples. Furthermore, former imperial powers have learned that they gain little from their efforts. I suggest that the Soviet Union is now finding that its imperial objectives, its dangerous adventurism have proven to be and will continue to be extemely expensive, an unnecessary burden.

The Helsinki Final Act will have renewed meaning and strength for all of us when that lesson is finally learned and acted upon.●

WELCOME TO PRESIDENT SANDRO PERTINI OF ITALY

HON. JOSEPH G. MINISH

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 25, 1982

● Mr. MINISH. Mr. Speaker, it gives me great pleasure as a person of Italian ancestry to welcome Italy's remarkable leader, President Sandro Pertini. As a remarkable human being and leader of our most supportive ally in Europe, President Pertini is especially valued on our shores. I echo the sentiments so well captured by an editorial in the New York Times, which I would like to share with you:

THE PERTINI SPIRIT

> Sandro Pertini, the President of Italy, who meets today with President Reagan, is no household word in America. But he is no footnote figure. Few other Italian leaders have broken so many rules, gotten so many votes, shaken so many hands or done so much to demonstrate that parliamentarians are not necessarily boring.
>
> A lifelong Socialist, Mr. Pertini endured jail and exile under Mussolini. A proud outsider, he refuses to live in the presidential palace. A virtuoso politician, he was the first Italian President in 30 years to reach outside the Christian Democratic Party to name a centrist Republican as Prime Minister. He thus gave new life to the movement to broaden Italy's ruling circle without yielding power to the Communists.
>
> The United States has an important interest in that. Without a strong Italian center, there would be zero weight to Mr. Reagan's "zero option" offer to Moscow on theater nuclear weapons. The present Government, at some political risk, agreed to accept its share of cruise missiles to facilitate West Germany's assent. It was equally difficult, politically, for Italy to join the international peacekeeping force in the Sinai Peninsula.
>
> Mr. Pertini has thus stretched the powers of a titular office. And at 85, he shames the young with his anger at oppression. Addressing outrages in Argentina recently, he insisted that "anyone who does not protest against these dictatorships . . . does not have the right to protest what is happening in Poland."
>
> A warm and vigorous man, President Pertini is a welcome visitor. We are lucky to meet him.●

PROJECT EAT

HON. CARROLL A. CAMPBELL, JR.

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 25, 1982

● Mr. CAMPBELL. Mr. Speaker, let me take a moment to bring to the attention of my colleagues a community project in my district that shows the real benefits of voluntarism. Since the end of February, over 40 families a day have received 1 week's worth of nutritionally balanced groceries from Project Eat in Spartanburg, S.C. No State or Federal money funds the program. Staffing is purely voluntary with churches, private agencies, and even the unemployed, who just want to help the needy, participating.

A community study group coordinated by a local minister, Rev. Charles Horne, and United Way volunteers saw a crucial need to break the chain of poverty for families who could not be helped by public agencies. Eleven days after their first meeting, Project Eat opened its doors with $20,000 worth of groceries bought at cost from a locally owned grocery chain, Community Cash Stores. The funds came from the United Way and the private sector.

It is a success story of people helping their neighbors out of a labor of love and caring. The help they give is of a higher quality than any public program could provide. Each morning community volunteers serve these families specially packed groceries according to family size and designed to feed them a balanced diet for 1 week.

The families helped are in a temporary crisis and do not receive Federal assistance. Although they are suffering, they can at least count on a week's worth of food twice a month from their concerned neighbors.

Project Eat works. The program already has an additional $5,000 to operate and expects to receive another $5,000 from private supporters. Project Eat organizers are already thinking of other ways to help the needy. They want to establish a permanent food bank. And a pilot program in the works named "Adopt a Family" would have agencies or individuals help a family pull themselves out of poverty.

Let me comment Reverend Horne; George Price, Project Eat chairman; Bettie Carroll, Project Eat finance chairman, and all the other volunteers for their ingenious efforts to help their neighbors. I visited Project Eat earlier this month and have seen firsthand the fruits of their labor. People are being served. People are being treated with respect and care from their neighbors. But most of all, those who were hungry may now eat.●

THE NEW FEDERALISM

HON. JOE MOAKLEY

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 25, 1982

● Mr. MOAKLEY. Mr. Speaker, I wish to offer a few comments on the President's so-called New Federalism. During the past year we have witnessed some radical changes in the scope and direction of the Federal Government. In his state of the Union address, the President proposed additional measures. Most prominent among these was a proposed swap between the Federal Government and the States: The States are to assume responsibility for the aid to families with dependent children and the food stamp programs, in exchange for Federal acquisition of the medicaid program. I wonder where these sweeping changes will lead us, Mr. Speaker. And more importantly, I question whether this new federalism will really work.

To be perfectly candid, I cannot see how the President's program can possibly succeed. The new federalism is nothing more than an old fashioned policy of neglect. The only thing that is new is the packaging. Instead of dealing with the Nation's social problems head on, the President seeks to forget about them by passing them on to the States. The one Department that seems immune to administration cries of "inefficiency" and "bureaucratic excess" is the Department of Defense. Here spending is not done with reluctance but relish—and appropriations for defense are at astronomical highs. Reviewing the New Federalism, one might conclude that the only legitimate concern of the Federal Government is national defense. Certainly defense is a primary concern, but it is not the only concern.

While urgently needed social programs have been slashed indiscriminately, increases in military spending and interest payments on the national debt will more than make up for the savings.

The administration may talk with religious fervor about cutting back in the big Government, but it still presides over a budget growing at the rate of 12 percent per year—slightly higher than the average growth rate from 1971-81. We are not getting a leaner, more efficient Federal Government, but a government which tolerates excess defense appropriations at the expense of necessary social programs.

This is not to say that the President's concern for ever-increasing budgets and bureaucratic waste is without merit. If nothing else, the experiences of the past few years have sobered us all with the realization that more Federal Government is not necessarily better. The problem is not reluctance on the part of Congress to recognize the obvious. After all, it was only last year when—mesmerized by a persuasive barrage of facts, figures and theory from the President's Budget Director—this Congress gave the President nearly all of the economic proposals that he requested.

Since then, we have seen the Budget Director renounce some of the logic behind the program that he so recently sold us on. The immediate surge in business activity that was to accompany adoption of the President's economic program has failed to materialize. And the economy is still in trouble, with unemployment inching toward 9 percent and interest payments remaining unacceptably high. Against this background of failure, disappointment, and internal dissent over the new federalism, one would expect the President to reappraise his program. Instead, we are asked to swallow more of the same medicine—made even more bitter by the demand for further cutbacks in social program funding.

Call it hardheadedness, Mr. Speaker, but when an economic policy fails to work, I am inclined to abandon it for another approach. New federalism is one sinking ship which I do not care to follow to the bottom.

What additional steps are being advanced in the name of this questionable economic doctrine? The most sweeping proposal is the one which assigns the AFDC and food stamp programs to the State in return for Federal takeover of the medicaid program. While the details of this trade are yet to be hammered out, there are some basic flaws with the idea. First of all, there is great disparity among the States and their ability to fund welfare programs. State governments already have the power to set benefit levels for AFDC, even though they only fund a portion of the program—with the Federal Government providing the rest. The result of granting discretionary power over benefit levels to the States is that AFDC payments range from $96 per month for a family of three in Mississippi to $506 for the same family in California.

Food stamps compensate for some of this disparity, since the benefit levels are the same nationwide and they take into account other income sources such as AFDC. But the administration proposes to send the food stamp program to the States too. The result will be a loss of anything resembling a national minimum for welfare assistance. Tailoring welfare to local needs amounts to little more than abandoning the poor to the various abilities and inclinations of the States to take care of the needy.

Add to this the questionable wisdom of other program cutbacks and changes. There is the title V program of the Older Americans Act, for instance. From all accounts this has been an extremely successful way of helping the elderly, who are at 125 percent of the poverty level or below. By paying minimum wage to participants to do community service work, this program allows over 50,000 senior citizens to feel useful at the same time that they perform valuable tasks for their communities. The program is slated for elimination in 1983 despite the universal praise that it draws.

Then there is the President's proposal to cut funding for higher education grants and loans. Graduate students will be disqualified from receiving guaranteed student loans altogether. The earnings ceiling for families wishing to qualify for undergraduate Pell grants will be reduced from $27,000 to $14,000 per year. The relatively meager savings represented by these cutbacks come at the expense of accessibility to higher education—a necessary prerequisite for any future improvements in the economy or the quality of life in this country.

The list of ill-conceived budget cuts goes on and on. While I share the President's concern for an ever-increasing budget, I do not agree with the specifics. New federalism puts the burden of fiscal austerity on social spending alone. I am willing to support legislation to promote a new, leaner, more efficient Federal Government. But that sense of common purpose is being threatened by a stubborn refusal to consider alternative means in the face of repeated failure and contradiction. Economic policies are not written in stone, nor are the ideas behind them immutable. They only become fixed when encased by rhetoric. I submit to you, Mr. Speaker, that the new federalism is born out of unrealistic and unfair ideology. A passionate conviction in 19th century laissez faire economics—whether we call it new federalism or supply-side economics—will not help us cope with 20th century challenges.●

HOLLYWOOD FIRE DEPARTMENT CELEBRATES ITS 25TH ANNIVERSARY

HON. ROY DYSON

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 25, 1982

● Mr. DYSON. Mr. Speaker, the Hollywood Fire Department and the ladies auxiliary will be celebrating their 25th anniversary with an open house on Sunday, March 28, 1982.

The department is a large and active firefighting unit with a highly trained crew. To visit their expansive fire house and to know that they have responded to over 250 calls last year alone, it is hard to believe that 25 years ago the department was merely a plan in a few men's minds.

In March of 1957, 20 Hollywood residents gathered in the local elementary school, concerned that the fire protection from neighboring towns of Leonardtown and Mechanicsville was not meeting their growing needs. Two attempts to form a local company had already failed, but they were determined to try again.

That March a group of Hollywood men began training in Lexington Park. They worked that spring and summer as a fire company in name only until late that year when their first truck was purchased—a used 1947 International 500 for $3,500 from Woodlawn Beach.

The Hollywood Fire Department, under President Otis Wood, was formed and functional by the end of 1957. It still had no official fire house, however, and they parked the truck in a nearby barn until land was donated by Mr. Mervill Dean, and a station was constructed.

The department, like the town it served, grew rapidly. Today it can boast of three pumpers, one tanker truck, and three brush vehicles. Its membership includes 115 men, young and old, and they were kept quite busy last year, when they responded to 78 house fires, 43 commercial fires, 9 trailer fires, 4 shed fires, 8 barn fires, 40 chimney fires, 6 vehicle fires, 15 hurst tool requests, 2 rescues, and 35 woods fires. This year, they expect 300 calls.

But, as the company knows, there is another group of Hollywood citizens responsible for their success. That group, of course, is the ladies auxiliary, which is also celebrating its 25th anniversary this Sunday. The auxiliary has provided the fire department with much needed support, on the fire scene and with department finances. At any lengthy fire, one can find them busy keeping the firemen going with coffee and sandwiches. And every year, they raise a considerable sum to donate to the department, with a food stand at the firemen's carnival and their annual banquet.

Mr. Speaker, I would like to thank the members of the Hollywood Fire Department and the ladies auixiliary for the great service they continue to provide Hollywood residents. Everyone, from President George Thompson and Fire Chief Paul Wible to the youngest members of the junior auxiliary, has a right to be proud of a tough job they have done very well.●

REAGAN'S VETO OF STANDBY PETROLEUM ALLOCATION AUTHORITY

HON. JOHN CONYERS, JR.

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 25, 1982

● Mr. CONYERS. Mr. Speaker, on Tuesday the Senate failed to override the President's veto of the Standby Petroleum Allocation Act. That is an unfortunate state of affairs. The issues involved were big ones.

Last Saturday's veto of the standby authority is yet another example of the administration's quaint and curious notion that government is not needed to protect the public interest, even in times of national emergency. Related to this notion is a second rather curious idea of theirs: Namely, that the private sector has the capacity, disposition, and the responsibility to handle national emergencies such as fuel shortages resulting from oil cutoffs abroad. This latter idea was recently expressed in a letter from the Secretary of Energy to Members:

> We at the Department of Energy are constantly working with a wide range of energy consumers, distributors and producers, on a *voluntary* basis to develop workable energy emergency preparedness planning. Such cooperative activities demonstrate that the free market will work in an emergency . . . (italics mine).

Ironically, most of the industry itself favored the standby bill the President vetoed. The National Petroleum Council of DOE, that includes more than 100 oil firms, recommended only last year a standby allocation measure that was far stricter than the vetoed bill. As a number of industry spokesmen publicly stated, planning for a national fuel emergency can be done more efficiently by the Federal Government, rather than by the States or the private sector. Furthermore, they acknowledged what the Secretary of DOE refuses to recognize: There is, indeed, a public interest involved in emergency planning, that is the proper domain of government.

All of us, of course, have come to know the Reagan administration as pro-free-market. The marketplace and the firms within it are invested with almost mystical powers of public planning for the public good. They also are invested with mystical capacities of self-regulation and self-policing. The latter belief should have been dealt with long ago, since at least from the beginning of this century—the Roosevelt and Wilson administrations—the historical record has shown far more instances of narrow self-interest and greed on the part of business than it has enlightened public interest. As far as the former idea goes, suffice it to say that in the case of standby petroleum allocation, industry itself did not want to undertake the responsibility. After all, the bottom line of the private sector is profit, not the public interest.

The bill the President vetoed last Saturday would have provided only discretionary authority, not mandatory powers. It would not have forced the President to take any action. However, it would have provided an authority and purpose, if he chose to act.

Fuel emergencies have occurred. This was the case with the Arab oil embargo in 1973-74, when American oil supplies overseas were, indeed, cut off without warning. That fuel emergency precipitated the severe recession of 1973-74; resulted in the doubling of retail oil prices; and led to numerous economic dislocations we are still living with, including inflation and the weakening of the U.S. auto industry. Does the President really believe the Middle East is so stable a region that we need not contemplate any future oil disruptions?

For the administration, economic planning is anathema when government engages in it. It is perfectly acceptable, however, when the private sector does it. By vetoing the standby allocation authority, the President is directing the Federal Government to stay out of public planning during a national fuel emergency. Allocation is left up to the private sector. It is not too farfetched to imagine a future fuel emergency in which gasoline stations shut down in order to avoid angry or violent fights among customers, as happened a few years ago when fuel supplies were tight; farmers are forced to pay incredible fuel prices or else stop producing; and certain regions go without adequate supplies because they could not pay the price the marketplace demanded. The President, by vetoing this bill, risks possible anarchy instead of choosing prudent planning and protection of the public interest.

The President's veto points up, once again, the incredibly rigid dogma by which this administration views all actions of government. As we slip further and further behind, economically, as the American standard of living drops further behind other Western industrialized countries, is it not possible that our present fallen economic condition, in significant respects, is the consequence of dogma against public economic planning, the dogma that prevents government from anticipating, rather than merely reacting to, future events?●

IDA NUDEL RETURNS TO MOSCOW

HON. WILLIAM D. FORD

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 25, 1982

● Mr. FORD of Michigan. Mr. Speaker, I was overjoyed to receive the marvelous news just a few moments ago that Ida Nudel is on a plane on her way back to Moscow. The Union of Councils telephoned me with this news and I want to thank them for notifying me so promptly.

I feel sure that Ida knows that she has been on the minds of so many of us during these past years. Her release from exile is important at this time, but we must continue to work on her behalf until she is permitted to leave the Soviet Union and join her family in Israel. I will continue my efforts and I know that I speak for many other Members of Congress today.●

HOSPICE FILLS THE NEEDS OF NORTHERN VIRGINIANS

HON. FRANK R. WOLF

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 25, 1982

● Mr. WOLF. Mr. Speaker, I would like to take this opportunity to bring to the attention of our colleagues the testimony of Dean and Tracy Graves in support of H.R. 5180 which would provide for medicare coverage for patients of hospice programs.

Hospices provide an alternative to the traditional methods of caring for the terminally ill emphasizing home care as the primary means of delivering hospice services, and providing medical and emotional support to immediate family members so that the terminally ill patients may live out the remainder of their days in peace and dignity.

I have witnessed the dedicated team of physicians, nurses, social workers, and volunteers complemented by clergy and other caretakers in an atmosphere of support and acceptance to help the terminally ill patients and their families face the physical, emotional, social, and spiritual aspects of their lives together. The Federal Government must recognize the appropriateness of hospice care as a compassionate and cost-effective way to care for some terminally ill patients.

TESTIMONY BY DEAN AND TRACY GRAVES BEFORE THE SUBCOMMITTEE ON HEALTH, COMMITTEE ON WAYS AND MEANS ON H.R. 5180

Mr. Chairman and Members of the Committee, thank you for the opportunity to testify before the Subcommittee on support of H.R. 5180, legislation which will provide for the coverage of Hospice care through the Medicare program. We represent no organization but feel that our personal experience with Hospice of Northern Virginia, which cared for my mother, Betty Lee Graves, during her illness and death, will provide evidence of the positive benefits which are realized under the Hospice program.

In March of 1977, my mother was diagnosed as having a malignant tumor of the left breast. A radical mastectomy was performed to remove the tumor, and after several weeks in the hospital and several months of recovery, it appeared that she had been cured. She returned to her full time job and resumed normal activities. Then in January 1979, doctors discovered that the cancer had spread to her lungs. The prognosis for long-term recovery was considered slim by the doctors; however, with chemotherapy and her strong will, the cancer went into remission, a development her doctors said was remarkable. Several months later she again returned to work. But a year later, in February 1980, it was discovered that the cancer had spread to her brain. After radiation treatment, the cancer seemed to disappear and my mother again demonstrated her remarkable recovery capabilities. In May of that year, seven months before her death, she was present when Tracy and I were married in Lynchburg, Virginia. But my mother's health was declining rapidly.

In September 1980, she was admitted to Fairfax Hospital. Though the hospital tried to treat her, it was clear that my mother was not going to get better. While she retained her mental capacities, she was very weak physically. She was unhappy in the hospital and wanted very badly to go home.

That was when Tracy and I were introduced by the hospital social worker and by a friend who is a Hospice volunteer to the hospice concept. At first Tracy and I were apprehensive about the Hospice home care program. We were both working full time and I was attending graduate school. However, after seeing how my mother suffered from depression in the hospital, Tracy and I consulted her doctors who agreed with our opinion that she had reached the point where curative treatment was no longer effective.

We faced the option of leaving her in the hospital, which would have provided the proper medical care but would not have given her the constant attention we felt she deserved, or of bringing her home with us and placing her under the care of Hospice. Tracy and I sat down with my mother and together decided that home care under Hospice would be the best thing for my mother and for us.

Hospice policy is to make the patient as comfortable as possible during his or her remaining days. In my mother's case, drugs were prescribed to control the pain while still permitting her to function as normally as possible. But my mother, Tracy, and I soon learned that in addition to the excellent medical care provided by the Hospice doctors and nurses, were equally valuable support services provided by Hospice personnel and volunteers.

Dealing with the death of a family member is not easy. The Hospice staff comfort and support not only the patient but the family as well. My mother was very strong willed and had a great fear of death, as most of us do. Tracy and I had great difficulty dealing with her fear.

The professional staff and volunteers always answered all of our questions and comforted us. We met on several occasions with members of the Hospice staff to discuss our problems, and because of their thorough training, they were able to provide us with the help we desperately needed. With a great deal of skill they encouraged my mother to talk freely about her feelings.

As the inevitable progressed and my mother realized that she was getting weaker every day, she lowered her defenses and tried to be as happy as possible during her remaining days. To the day of her death on December 9, 1980, she never lost her hope that she would live; but with the help of Hospice, she accepted what was happening to her body and mind. At a time when she had every reason to be depressed and withdrawn from the world, she remained cheerful and seemed to enjoy life as she was able to live it. I attribute her bright attitude to the help and sympathetic treatment she received from Hospice. I truly do not feel that she would have been able to deal with her illness and the prospect of death the way she did if she had been in the hospital.

The medical care provided by Hospice of Northern Virginia, in our opinion, was thoroughly professional. My mother was visited at least once or twice weekly by Hospice nurses and every two weeks by Hospice doctors. Both doctors and nurses came to our home whenever Tracy and I felt that she needed medical attention. The Hospice medical staff was supplemented by a social worker, home health aides, and a trained volunteer. Over the course of the two months that she spent with us, the Hospice staff received many late hour calls for help; and they always responded immediately.

I want to reemphasize that if we had not had Hospice care to help Tracy and me, there would have been no alternative but to leave my mother in the hospital. There she would have received care—expensive care—but it would not have been the kind of care which she—and Tracy and I—received from Hospice.

The high-quality care that was provided by Hospice did not end with the death of my mother. Hospice continues to provide care to the family after the patient's death. After my mother died, Tracy and I felt a tremendous void in our lives. Hospice volunteers continue to stay in touch with us and help us with our loss. And we know that we always have someone to talk to if the need arises.

In sum, not only did Hospice of Northern Virginia provide a tremendus service to my mother, they also provided an invaluable service to Tracy and me. As we look back on that time my mother spent with us, we consider it to be the most meaningful and rewarding period of our lives. However as we were going through it, some times were very difficult for us. At times my mother became frustrated when she realized that her mind and body could no longer perform the tasks they once could, and she would vent her anger on Tracy and me. At times we were scared, and the Hospice people were there 24 hours a day, every day, to help us through our crisis.

The least important consideration to Tracy and me at the time was the cost of my mother's care. We wanted to make my mother as happy and comfortable as possible, and decided we would worry about the bills at a later date. As it turned out, the cost of the Hospice home care program was considerably less expensive per day than the cost of a hospital stay. The cost of Hospice home care was approximately $67 per day. The Hospice cost included all doctor and nurse care, the services of a professional social worker, medical supplies, a home health aide eight hours a day while Tracy and I were at work, a trained volunteer who offered support in many ways, and around-the-clock nursing care during my mother's final days.

Although the cost of Hospice care was far less than that of the hospital, ironically for us the out-of-pocket cost was greater for Hospice than for the hospital. Her insurance covered the full cost of her hospital treatment, but would pay only for licensed professional care under Hospice; as a result, Tracy and I paid the cost of the home health aide—amounting to $51 of the $67 per day for Hospice care.

While there was a significant difference in the cost of care at the hospital versus that provided by Hospice, the difference in quality of care should also be emphasized. In the hospital, my mother had access to the best medical care available, but at that stage very little could be done to improve her condition. The individualized care she received from Hospice at home simply was not possible in the hospital. Doctors and nurses at a hospital just cannot sit for hours on end comforting the patient, nor are there trained social workers and volunteers to counsel the families. In short, at a hospital you are paying excessive amounts for intensive care the patient does not need; with Hospice, for less money, you get the exact care the patient and family need.

My mother was too young to qualify for Medicare—which is the subject of this legislation. Yet I think there is an important lesson here in terms of cost for terminally ill patients who are covered by Medicare. We wholeheartedly support HR 5180. Although my mother was not eligible for Medicare, we feel that the Hospice care benefits all of society—and certainly it should be provided under the Medicare program. Hospice provides services that a hospital cannot provide, and at less cost.

In closing, it is clear that without Hospice my mother could not have spent the last two months with us. Instead she would have been forced to spend the last part of her life in the hospital away from those who loved her. The Hospice concept of care for the treminally ill may not be an option that all people would choose, but it should be available to those who can and want to care for their loved ones in their homes. Our experience shows that making Hospice care available under Medicare and private insurance programs could significantly lower the overall cost of health care.

Again, we thank you for the opportunity to testify before this subcommittee in support of HR 5180.●

ACHIEVEMENTS OF MR. HUGH TAYLOR

HON. RONALD V. DELLUMS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 25, 1982

● Mr. DELLUMS. Mr. Speaker, on Friday, February 26, 1982, there was a testimonial dinner in Oakland, Calif., in honor of Mr. Hugh Taylor, Economic Development Representative, Development Administration (EDA), Department of Commerce, for this area.

The people of the city of Oakland, and others from throughout Mr. Taylor's EDA service area in northern California, took this time out to salute a man who exemplifies all that is the very best in our expectations of public officials. The record of EDA in Oakland, with its funding of major facilities and many others; its critical liaison work in seeing to it that the EDA projects provided thousands of jobs to inner city residents; its encouragement of EDA loans to eligible business enterprises, and its support for an affirmative action approach in all of these endeavors, is a record of which all of us, in the entire Nation, can be extremely proud. What is more, we are convinced that none of the projects would have achieved their high degree of success without the personal intervention of a man of Mr. Taylor's unusual high skills and sensitivities.

Hugh Taylor has worked closely with the citizens, the business community and political leadership of this city throughout his years at EDA. We have all marveled at the humane approach he has taken to his work, and we praise him for the knowledge, skill and adroitness with which he has carried out his governmental responsibilities. At a time when projects such as EDA are under attack at the national level, I feel it highly appropriate that we commend to the attention of the Nation this unique public servant, who symbolizes the potential of a government which works closely with local leaders and citizens of local communities to bring about concrete results that benefit all of us. I am very pleased to commend Hugh Taylor on his efforts, and to commend simultaneously the record of previous sessions of this Congress, who made the resources available to improve our local communities.●

SETON HALL UNIVERSITY'S 125TH ANNIVERSARY

HON. JOSEPH G. MINISH

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 25, 1982

● Mr. MINISH. Mr. Speaker, I would like to call to the attention of my colleagues, the 125th anniversary of Seton Hall University in South Orange, N.J. This fine institution presently enrolls more than 10,500 students in 7 component schools offering 35 undergraduate degrees, 22 master degrees, and 4 doctorate programs. With over 35,000 alumni throughout the United States and 49 foreign countries, Seton Hall University has contributed to the education of many outstanding leaders in the church, business, industry, government, and the professions.

On September 1, 1856, Seton Hall College, with only a five-member student body, was dedicated by Bishop James Roosevelt Bayley as the first Catholic institution of higher education in New Jersey. Named in honor of Elizabeth Ann Seton, founder of the First American Community of the Sisters of Charity and the first recognized American-born saint, Seton Hall College was elevated to the status of a university in 1950. Seton Hall University, originally established in Madison, Morris County and later relocated to its present 5 acre campus in South Orange, has for 125 years provided its students with educational services of the highest quality. This 4-year independent Roman Catholic university is comprised of seven component schools including the College of Arts and Sciences, the Stillman College of Business Administration, the College of Continuing Education and Community Service, the School of Education, the School of Law, the Schwartz College of Nursing, and Seton Hall Preparatory School.

Seton Hall University is widely recognized for its laudable commitment to a value-oriented education emphasizing the development of a well-rounded intellect possessing the evaluative skills necessary for the responsible examination of the problems of our contemporary society. The university has consistently been recognized and accredited by the Middle States Association of Colleges and Schools, the National League for Nursing, the National Council for Accreditation of Teacher Education, the American Assembly of Collegiate Schools of Business, and the American Bar Association—all renowned evaluating bodies dedicated to the highest standards of postsecondary education.

In recognizing the high standards and quality of education which this fine university has provided to its students, it is fitting that we congratulate Seton Hall and that we offer our best wishes for the future success, growth, and steadfastness that have characterized 125 years of accomplished university contributions to the benefit of the community, State, and the Nation.●

S. 1503, THE STANDBY PETROLEUM ALLOCATION ACT OF 1982, IS DEAD

HON. TOM CORCORAN

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 25, 1982

● Mr. CORCORAN. Mr. Speaker, last night's vote in the other body to sustain President Reagan's March 20 veto of S. 1503, the Standby Petroleum Allocation Act of 1982, means that the House will not have to consider once again that ill-advised legislation. I welcome last night's action by the other body, and I once again commend the President for his action in vetoing S. 1503. His action signified his resolve to get the Government out of the energy business and recognized the existence of adequate laws already on the books to deal with any potential petroleum shortage. Especially in view of this administration's rapid fill of the strategic petroleum reserve, there was simply no justification for this type of legislation.

There is, however, one remaining piece of unfinished business in connection with this legislation. One section of S. 1503 contained an extension of International Energy Agency antitrust provisions, the one feature of S. 1503 I fully supported. The current authority expires next week, on April 1. S. 1503 provided for an extension to July 1, 1983. I joined our colleagues Mr. BROYHILL and Mr. BROWN of Ohio on March 10 in introducing H.R. 5789, a bill which provides for just such an extension. As mentioned in the President's S. 1503 veto message, the administration supports this legislation, and I urge prompt approval by the Congress of this routine extension bill.●

HUMAN RIGHTS IN LATIN AMERICA

HON. DONALD J. PEASE

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 25, 1982

● Mr. PEASE. Mr. Speaker, as the chairman of the Human Rights Committee of Members of Congress for Peace through Law, I would like to bring to the attention of my colleagues an article on the work of the Inter-American Human Rights Commission of the Organization of American States, which appeared in a recent issue of Latin American Update of the Washington Office on Latin America.

This publication notes that in 1981 the Human Rights Commission produced special reports on Bolivia, Colombia, Guatemala and Nicaragua as well as an annual report on human rights conditions throughout Latin America. These excellent reports have not received much publicity or attention, even within the OAS.

At the December 1981 meeting of the General Assembly of the OAS in St. Lucia, the Guatemalan and Bolivian representatives dismissed the reports on their respective countries as "lacking in objectivity" and unreliable. It is not at all surprising that these representatives would object to an accurate portrayal of the magnitude of human rights abuse in their country, but it is disturbing, at least to this naive observer, that no delegations challenged the statements of the Bolivian and the Guatemalan representatives or even attempted to initiate a discussion on any of the Commission's reports.

From what I read in this publication about the OAS, it appears that the topic of human rights will soon be entirely off limits: the General Assembly's consensus resolution on human rights was considerably weaker than last year's version. With the seeming approval of the United States, such countries as Argentina, Chile, Bolivia, Uruguay, and Guatemala will be able to avoid any mention within the OAS of the distasteful subject of human rights.

The article follows:

OAS: Human Rights Receives Cavalier Treatment at General Assembly

The special reports of the Inter-American Commission on Human Rights (IACHR) on Bolivia, Colombia, Guatemala, and Nicaragua as well as their annual report were considered at the meeting of the General Assembly of the Organization of American States (OAS) in Castries, St. Lucia, in December last year.

The consensus resolution adopted by the General Assembly was considerably weaker than last year's, itself the target of much criticism. The resolution reflected the diminishing desire of such countries as Argentina, Chile, Uruguay, Guatemala, and Bolivia to have the reports discussed at all in the OAS on the stated grounds that they constitute an intervention in internal affairs or because they are allegedly lacking in impartiality and objectivity.

In 1980, some nations threatened to leave the OAS if their names were included in the final resolution. The consensus resolution finally agreed upon then was the result of four days of long and intense discussion. It stated, by way of explanation, that the General Assembly was adopting "new procedures for the examination of reports on human rights in the hemisphere, confident that they will help foster the effective promotion and defense of human rights.

The 1981 draft resolution was proposed by the Argentine delegation and agreement was reached after barely half a day's discussion. When the time came to vote on the draft, twelve countries made a point of recording their continued support for the work of the IACHR. Most of the twelve also registered their dissatisfaction with the resolution. Barbados stressed that unless the human rights situation in Latin America generally had greatly improved by the time of the next General Assembly, they would not be able to agree to a further consensus resolution. The delegate of Trinidad and Tobago called it "watery" and "looking as if we are going to sweep everything under the carpet" and went on to say that when reading some of the reports, he had imagined himself "back in the dark ages."

The United States delegation called it "respectable and meriting the support of all the delegations by acclamation." The US representative went on to congratulate the country that had introduced the draft.

The resolution "takes note" of the annual and special reports as well as their recommendations, and "expresses its appreciation" of the work of the IACHR. It urges governments to ensure the effectiveness of the human rights machinery in their countries, and makes suggestions as to how to go about this. It also commends governments who have invited the Commission to visit their countries, and if they have not already done so, to set a date for a visit as soon as possible.

The new and growing mood in the OAS with respect to human rights was exemplified in the way the special reports on Guatemala and Bolivia were received by those countries. The Guatemalan representative made no effort to respond to any of the serious charges made against his government in the report; instead, he dismissed the report as lacking in objectivity, while he added that the Commission was acting in areas "entirely beyond its competence," and warned that there could be a possible "deterioration" of the OAS in general if the Commission were allowed to continue to produce such reports.

The Bolivian delegate made a brief statement to the effect that this government found the IACHR report unreliable and would reserve judgment on it until the United Nations released the report they were preparing.

No delegations challenged the above attitudes nor attempted to initiate a discussion on these or any other of the special country reports, nor the IACHR annual report.

However, there is general agreement among these member states critical of this and last year's resolutions that the Commission must continue publishing reports for the public record, and must maintain its scrupulous reputation.

The draft convention on torture was also discussed at this General Assembly. It was at the 1978 meeting that the Washington Office on Latin America, supporting the IACHR, asked for the introduction of a convention against torture. This was accepted, and the Inter-American Juridical Committee approved a draft in February 1980 for the consideration of member states at the 1980 General Assembly. It was then decided that countries should submit their comments by April 6, 1981. As only six countries had submitted their comments by the due date, the consideration of the draft convention was postponed in St. Lucia for another year. The Washington Office on Latin America greatly deplores this action, not least because the incidence of torture by the security forces of many member nations of the OAS appears to be on the increase. It is also regretable that no non-governmental organizations have been consulted by the OAS in the preparation of the draft.●

PERSONAL EXPLANATION

HON. NORMAN F. LENT

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 25, 1982

● Mr. LENT. Mr. Speaker, Wednesday, March 23, President Reagan asked me to accompany him on his visit to New York City where he received the Charles Evans Hughes Gold Medal for courageous leadership in government, civic, and humanitarian affairs from the National Conference of Christians and Jews. Congressmen Green and Molinari also accompanied the President on this trip.

As a result, I was absent during the recorded votes on legislation considered Wednesday afternoon. For the record, I want to state how I would have voted on these bills had I been present. On all bills considered under suspension of the rules on March 23—H.R. 5014, H.R. 4750, House Concurrent Resolution 100, S. 2166, H.R. 4709, H.R. 2528, H.R. 3943, H.R. 5708, S. 2254, and S. 146—I would have voted "yea."●

WELCOME PRESIDENT PERTINI OF ITALY

HON. MARIO BIAGGI

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 25, 1982

● Mr. BIAGGI. Mr. Speaker, this morning I had the distinct privilege and high honor to go to the White House for the official welcoming ceremony for President Sandro Pertini of the Republic of Italy. It was a most impressive ceremony and President Reagan was most gracious in his remarks.

Sandro Pertini is truly a remarkable man, who has donated most of his adult life to fighting oppression. His fights against the fascism of Mussolini were legendary including his celebrated refusal to seek parole from Mussolini even though his own mother petitioned for it.

Under the leadership of Sandro Pertini, Italy continues to be one of this Nation's most important and faithful allies. Pertini is a man unafraid of risks but totally committed to the preservation of democracy in Italy and Western Europe.

So my colleagues may have a better appreciation for President Pertini, at this point in the Record I insert two items. The first is a biography of the President as compiled by the School of Advanced International Studies at Johns Hopkins University and an editorial from today's New York Times entitled "The Pertini Spirit":

BIOGRAPHY OF HIS EXCELLENCY SANDRO PERTINI, PRESIDENT OF THE ITALIAN REPUBLIC

Sandro Pertini was born on September 25, 1896 in Stella (Savona). He graduated with a degree in Law, Political and Social Sciences. After participating in World War I as a lieutenant, he joined the bar. In 1918 he joined the Italian Socialist Party. After having published anti-Fascist pamphlets, he was sentenced to eight months in jail. Again, in 1926, he was sentenced to five years of internment but succeeded to escape to Corsica for which he was in turn sentenced to ten months in prison in absentia. From Corsica he went to France where he asked for political asylum.

During the years in France he worked as "taxi washer" in Paris and bricklayer in Nice while setting up a clandestine radio station. For his political activity he was also brought to trial twice in France.

In 1929 he returned to Italy in order to work directly against the Fascist regime, and established a clandestine organization of the Socialist Party. Recognized by an informer of the police, he was arrested and again sentenced to 11 years in prison. After having served seven years, he was sent to an internment camp for eight years. He refused to apply to Mussolini for a pardon although his mother had initiated a petition to this effect.

Freedom came in August of 1943 at the fall of Fascism. He then joined the executive of the Socialist Party, and dedicated himself to the armed struggle against the Nazi-Fascists. On September 8-10, 1943 he fought personally against German troops occupying Rome and was captured by the S.S. and sentenced to death. Fortunately, this sentence was not carried out but he remained in jail. In the spring of 1944 he succeeded in escaping from jail together with Saragat (who later served as Prime Minister of the Italian Republic) and other notable political prisoners, and became the Secretary of the Socialist Party organizing partisan activities in the territories occupied by the Germans. In July of 1944 he was in Florence, contributing personally to the insurrection of that city. He then returned to the north to prepare for the final stages of the partisans' fight which culminated in the liberation on April 25, 1945. During that period he met Carla Voltolina, a very young partisan, who later became his wife. In 1953 he was awarded the Gold Medal for military valor for his participation in the partisans' war of liberation.

After the war he became official Secretary of the Italian Socialist Party; Senator of the Republic and President of the Socialist group in the Senate in 1948. He was editor of Avanti (the Socialist Party's official newspaper) from 1950-52; in 1947 also became editor of the Genoa daily, Il Lavoro. Following the elections of 1955 he became a member of the Chamber of Deputies (the lower house) where he served continuously in all the succeeding legislatures, first as Vice President of the Commission of the Interior; then Vice President of the Commission for Constitutional Affairs, and Vice President of his party's parliamentary group; in 1963 he was elected Vice President of the Chamber of Deputies and in 1968 its President. On July 8, 1976 he was elected President of the Republic with 832 out of 995 votes, a result never achieved before in any presidential election.

THE PERTINI SPIRIT

Sandro Pertini, the President of Italy, who meets today with President Reagan, is no household word in America. But he is no footnote figure. Few other Italian leaders have broken so many rules. gotten so many votes, shaken so many hands or done so much to demonstrate that parliamentarians are not necessarily boring.

A lifelong Socialist, Mr. Pertini endured jail and exile under Mussolini. A proud outsider, he refuses to live in the presidential palace. A virtuoso politican, he was the first Italian President in 30 years to reach outside the Christian Democratic Party to name a centrist Republican as Prime Minister. He thus gave new life to the movement to broaden Italy's ruling circle without yielding power to the Communists.

The United States has an important interest in that. Without a strong Italian center, there would be zero weight to Mr. Reagan's "zero option" offer to Moscow on theater nuclear weapons. The present Government, at some political risk, agreed to accept its share of cruise missiles to facilitate West Germany's assent. It was equally difficult, politically, for Italy to join the international peacekeeping force in the Sinai Peninsular.

Mr. Pertini has thus stretched the powers of a titular office. And at 85, he shames the young with his anger at oppression. Addressing outrages in Argentina recently, he insisted that "anyone who does not protest against these dictatorships . . . does not have the right to protest what is happening in Poland."

A warm and vigorous man, President Pertini is a welcome visitor. We are lucky to meet him.●

PEACEFUL RESOLUTION FOR CYPRUS SITUATION

HON. HAROLD S. SAWYER

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 25, 1982

● Mr. SAWYER. Mr. Speaker, the occupation of Cyprus by Turkish troops for 8 long years is of significant concern to all freedom loving peoples. This year, on March 22, Congressman Broomfield and Congressman Yatron have introduced a special order which will allow us an opportunity to advocate the peaceful resolution of this situation in Cyprus.

Even though the United Nations has been involved in this dispute since 1974, the illegal occupation of Cyprus continues. It is important that we not allow Turkey to believe we have lost our interest in Cyprus, and this special order provides us with an opportunity to telegraph our concern and disappointment that Turkey continues to ignore the basic human rights of Cypriot citizens. We must impress upon the United Nations the need to press harder for the withdrawal of Turkish troops, since negotiations thus far have been unsuccessful. I urge my colleagues to take advantage of the special order Congressmen Broomfield and Yatron have reserved for April 22, and I thank them both for the opportunity they have provided us to increase awareness of the occupation of Cyprus.●

CONSCIENCE VIGIL FOR SOVIET JEWRY: IGOR GUBERMAN

HON. HENRY A. WAXMAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 25, 1982

● Mr. WAXMAN. Mr. Speaker, I wish to express my continued concern over the case of Moscow refusenik Igor Guberman and his family.

Mr. Guberman quit his engineering job to become an editor for the journal Jews in the U.S.S.R., in 1979. As his circle of friends and colleagues was decimated by arrests, exiles, and emigration, Guberman decided to establish a new life for himself and his family in Israel. His request for exit visas was denied, and he was arrested soon thereafter on the pretext that he was trafficking in stolen icons. This was clearly a trumped-up charge. KGB officials had threatened to arrest him if he refused to inform for them about the journal he edited.

Igor Guberman was sentenced to 5 years of labor in 1979. A year later, the sentence was changed to internal exile. This gregarious, gifted man and his family have lived in an agonizing purgatory since then. They are not allowed to work or obviously to participate in the refusenik movement.

Mr. Speaker, I am outraged at the senseless waste the Soviet Union is making of the Gubermans' lives. While even one innocent family is kept hostage in this world, none of us are safe. I urge the Soviet authorities to perform their simple duty—free Igor Guberman to live and work where he chooses.●

LET'S NOT GO TOO FAR

HON. THOMAS A. DASCHLE

OF SOUTH DAKOTA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 25, 1982

● Mr. DASCHLE. Mr. Speaker, the recent action of the Senate in passing legislative language which imposes legislative restrictions on matters Federal courts may handle is an extremely dangerous precedent. It is a precedent which concerns not only those members who are perceived as "liberal," whatever that term means, but also those who are generally considered as "conservative." The arguments against establishing this precedent do not focus on the immediate issue at hand, school busing. They do not center on the substance of other initiatives of this sort, such as school prayer or abortion. The concern instead rightly goes to a very dangerous legislative attempt to destroy the delicate separation of powers mandated in the Constitution.

An excellent summary of this constitutional crisis was provided by Marvin Stone, in the March 22, 1982, edition of U.S. News & World Report. I would urge my colleagues to read the editorial in its entirety.

LET'S NOT GO TOO FAR

(By Marvin Stone)

Congress is considering bills to restrict the federal courts in issues of school busing, school prayer and abortion. These bills are intended to remedy real or perceived abuses, but they could, conceivably, begin the erosion of unique American liberties.

Furthest along in the congressional maze is a measure forbidding a federal court to order transportation of schoolchildren for a distance of more that 5 miles or a time of more that 15 minutes from their homes for racial reasons. This bill has been passed by the Senate and sent to the House of Representatives.

Senator Bennett Johnston, the author of the antibusing bill, has pleaded for it on the basis of what happened in his state of Louisiana. There children have been bused, by court order, 60 to 80 miles a day.

It is easy to sympathize with Senator Johnston, and we have make it clear in the past that we do, but it also is becoming clear that gagging the courts by law is not a safe remedy. Beyond the busing fight, other bills would hem in the judiciary more drastically. Some plans for defense of school prayer, for instance, would forbid the federal bench, including the Supreme Court, to act on the issue at all.

At this point the comment of Senator Arlen Specter of Pennsylvania becomes urgently germane: "If the Congress exercises power to take away . . . jurisdiction in matters involving busing because it is unpopular with the majority, then the precedent is established that whenever the majority disfavors an individual's legal rights, court jurisdiction to enforce such basic rights as freedom of speech, of the press and of religion as well as equal protection, due process and the entire Constitution itself may be removed . . . . Rights that cannot be enforced because resort to the courts has been blocked are really not rights at all."

Senator Barry Goldwater, moreover, who dislikes busing and favors school prayer, also joined in defending the courts from encroachment: "There is no question but that the framers once rejected granting Congress the power to limit federal trial-court jurisdiction of cases arising under the Constitution. . . . In the final weeks of the Constitutional Convention . . . the delegates disagreed to language reading: 'In all other cases before mentioned the judicial power shall be exercised in such manner as the legislature shall direct.' "

Goldwater then quoted Alexander Hamilton, who agrees in The Federalist with a statement by Montesquieu: "There is no liberty if the power of judging be not separated from the legislative and executive powers."

Defense of the federal judges' jurisdiction does not imply that they should be free to do whatever their social theories indicate. Hamilton is not done with the subject at the point where Goldwater left him. Hamilton also writes: "The courts must declare the sense of the law; and if they should be disposed to exercise will instead of judgment, the consequence would . . . be the substitution of their pleasure to that of the legislative body."

After a long period when the courts lay under suspicion of exercising will instead of judgment, the administrative climate that moved them is shifting. Atty. Gen. William French Smith is exhorting the judges to restrain themselves from judicial policymaking lest the courts lose their independence and popular respect.

Terrel Bell, from the start of his tenure as Secretary of Education, has discouraged suits that would lead to busing orders. The Justice Department has not been initiating such suits. Voluntary integration without forced busing is the key to a landmark settlement just worked out with the Chicago schools.

All these are powerful signs that the judicial action can and will be guided into its proper channels without the passage of laws that block those very channels. It must not be forgotten that laws forbidding courts to act also bar citizens' appeals to those courts for their liberties.●

SIXTY-FOURTH ANNIVERSARY OF BYELORUSSIAN INDEPENDENCE

HON. EDWARD J. DERWINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 25, 1982

● Mr. DERWINSKI. Mr. Speaker, today, the Byelorussian-American communities in the United States will commemorate the 64th anniversary of the proclamation of the Byelorussian Democratic Republic. This proclamation of independence by the Byelorussian people was made in Minsk, the capital of Bielarus, the original name of the country, on March 25, 1918. The break from Communist Russia resulted in an invasion by the Soviet Government just 10 months later, thus crushing that spark of freedom by forcibly placing the Byelorussian Soviet Socialist Republic within the iron-fisted grasp of the U.S.S.R.

Near the end of World War II, the All-Byelorussian Congress again convened to approve a second proclamation of independence, but was soon dispersed by the Soviet armies.

However, the fierce desire to be free remains in the hearts and minds of the people of Byelorussia. Despite the continuous oppression imposed upon them by the Moscow Communist regime, the Byelorussians have at every opportunity sought to restore their national identity as a sovereign state, free from the forces of Communist domination and control.

Throughout their history, the Byelorussian people have transmitted from generation to generation their national identity through their cultural achievements, language, and rich heritage. The knowledge of what it is to be free and the determination for this renewed freedom continues to inspire these valiant people in their dreams of reestablishing their homeland as an independent nation.

It is a real tragedy that the Byelorussian people, whose heritage is so rich in the tradition of democracy, live under the oppressive rule of the Soviet Government. It is also unfortunate that these people are not more intensely served by the Voice of America, Radio Free Europe, and Radio Liberty broadcasts. The Byelorussians are not allowed to learn of the nature of Soviet expansionism throughout the world and the vitality of their respective cultural heritages in the United States because for years the Byelorussians in the Soviet Union have not had any VOA broadcasts in their own language.

I have introduced a resolution calling for the extension and improvement of the quality and quantity of programs in foreign languages of the VOA, Radio Liberty, and Radio Free Europe, which will increase their impact and effectiveness. Our broadcasts to the Soviet bloc are the principal communication link between the United States and the more than 330 million people within the area, and these radios are our most important nonlethal weapons in confrontation with the Soviet Government.

As we commemorate this anniversary of Bielarus independence, we highlight this day as a symbol of the national aspirations of the Byelorussian people for their sovereignty and self-determination. We also commend and acknowledge the courage of the Byelorussian people. This anniversary serves as a reminder that the spirit of freedom continues to burn in the hearts of the Byelorussian people despite Communist oppression. I trust that we can reassure those brave people whose human rights and cultural heritage are held captive, that they will continue to receive our encouragement for their ultimate goal of self-determination.●

INSTITUTE OF ELECTRICAL AND ELECTRONICS ENGINEERS ENDORSES THE INNOVATION BILL

HON. JOHN J. LaFALCE

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 25, 1982

● Mr. LAFALCE. Mr. Speaker, I am pleased to submit for the RECORD letters from the Institute of Electrical and Electronics Engineers, Inc., to three of my colleagues expressing their support of H.R. 4326, the Small Business Innovation Development Act. IEEE is the world's largest technical professional engineering society, with over 150,000 members in the United States.

In making this endorsement, IEEE joins the Electronics Association of California as well as many small business associations. IEEE's action in support of H.R. 4326 demonstrates how crucial the innovation bill is to America's high technology community.

IEEE's letters of endorsement follow:

THE INSTITUTE OF ELECTRICAL AND
ELECTRONICS ENGINEERS, INC.,
March 8, 1982.

Hon. DON FUQUA,
Chairman, House Committee on Science and Technology, Washington, D.C.

DEAR MR. CHAIRMAN: IEEE strongly supports the initiatives in the Small Business Innovation Act and endorses the principles set out in the House bill (H.R. 4326). We believe it is important to use the creative forces of small business to meet Federal R. & D. needs and that small business is capable of contributing significantly to technological innovation in the United States. It is even more important at this time, with the economy stagnating, to encourage research directed toward specific ends—toward better processes and products.

The Institute of Electrical and Electronics Engineers, Inc. (IEEE), founded in 1884, is the world's largest technical professional engineering society. Over 150,000 of our members reside in the United States. The members are volunteers with expertise in the engineering aspects of power, energy, communications, transportation and related fields; they are businessmen and entrepreneurs as well. The purposes of the Institute, as defined by the Constitution, are scientific, educational and professional.

Many members of the IEEE are involved in small business enterprises—over one-fifth of the U.S. membership—and are particularly concerned with the effects of Federal policy on innovation and productivity. They are also concerned about patent rights for individual inventors and tax incentives for increased innovation and productivity.

We understand the fears of the academic community that R. & D. set-asides established by statute might fall heavily on basic research performed by universities. IEEE understands the worth of and supports a high level of basic research supported by the Federal Government. We note that the definition of R. & D. contained in section 4(4) creates three categories of R. & D. to which the percentage set-aside would apply. The first category (A) is "systematic, intensive study directed toward greater knowledge and understanding of the subject studied." We suggest that this category could be usefully divided into two parts, "targeted toward specific ends" and "untargeted" and that the guaranteed set-aside leave untargeted research untouched as much as possible.

We share the view of the Office of Science and Technology Policy, the National Science Foundation and some others that the standard should be a 1 percent set-aside, as prescribed in the legislation unanimously passed by the Senate in 1981 (S. 881) rather than the staged level of 3 percent, which the House bill specifies.

Sincerely,

E. J. DOYLE.

THE INSTITUTE OF ELECTRICAL AND
ELECTRONICS ENGINEERS, INC.,
March 8, 1982.

Hon. JOHN D. DINGELL,
Chairman, House Committee on Energy and Commerce, Washington, D.C.

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THE INSTITUTE OF ELECTRICAL AND
ELECTRONICS ENGINEERS, INC.,
March 8, 1982.

Hon. MELVIN PRICE,
Chairman, House Committee on Armed Services, Washington, D.C.

DEAR MR. CHAIRMAN: IEEE strongly supports the initiatives in the Small Business Innovation Act and endorses the principles set out in the House bill (H.R. 4326). We believe it is important to use the creative forces of small business to meet Federal R. & D. needs and that small business is capable of contributing significantly to technological innovation in the United States. It is even more important at this time, with the economy stagnating, to encourage research directed toward specific ends—toward better processes and products.

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Sincerely,

E. J. DOYLE.

CRBR: A BIG MISTAKE

HON. RAYMOND J. McGRATH

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 25, 1982

● Mr. McGRATH. Mr. Speaker, I call to the attention of my colleagues this editorial which was printed in Newsday, the Long Island newspaper, on March 10, 1982. I agree with the sentiments expressed in it.

NO SHORTCUTS ON THE CLINCH RIVER BREEDER

When it comes to the Clinch River Breeder Reactor, the White House seems to think one bad mistake deserves another.

It would cost the government $3.2 billion to build an experimental reactor in Tennessee that would produce more nuclear fuel than it would use—and probably more than anybody else would use, since current supplies are ample and cheap.

That's the first mistake.

Jimmy Carter tried to scrap the Clinch River project, but Congress kept it alive, to the delight of Tennessee's senators and representatives. Now President Reagan not only wants Clinch River to go ahead, but seeks to speed it up by shortcutting the usual environmental and safety reviews.

That's the second mistake.

Whatever merit the project has, it involves an unfamiliar technology that should have as thorough a review for potential hazards as possible—not less than is required for more routine projects.

Fortunately, the Nuclear Regulatory Commission refused last week to agree to a speed-up—but by only a 3-2 vote. Now one commissioner who opposed the shortcut is leaving the NRC, and the White House apparently is hurrying to replace him with Willie J. Nunnery, who presumably would provide the needed affirmative vote.

That could well be a third mistake, and not only because a yea vote would undercut normal safeguards. According to Wisconsin's attorney general, Nunnery violated state law by doing outside work while serving on the state's Public Service Commission.

If the Senate is asked to confirm Nunnery's appointment to the NRC, it must take a hard look at his qualifications and perspectives. Even if his problems in Wisconsin don't rule him out, the public deserves assurances the next NRC member won't vote to undercut public or environmental safety by accelerating a project the nation doesn't need anyway.●

OBSERVANCE OF YURIY SHUKHEVYCH DEFENSE WEEK

HON. MILLICENT FENWICK

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 25, 1982

● Ms. FENWICK. Mr. Speaker, the week of March 22-27, 1982, is being observed by the Ukrainian Student Association of Mykola Michnowsky (TUSM). In consideration of that fact, I would like to say a few words in support of Mr. Shukhevych.

Yuriy Shukhevych has been in prison in the Soviet Union since 1948, when he was arrested as a 15-year-old boy. His crime was that his father had been commander in chief of the Ukrainian Insurgent Army, which fought against both Hitler's Germany and Stalin's Russia in order to try to further the cause of Ukrainian independence. The Soviets have demanded that Mr. Shukhevych renounce his father and his father's struggle for Ukrainian national liberation. As a result, Mr. Shukhevych has been tortured, both physically and psychologically, as he remains in prison for, now, his 34th year.

This torture is in clear violation of the Helsinki accords, which the Soviet Union has signed as a promise to respect human rights. More important than the Helsinki accords is the fact that the behavior of the Soviets in cases such as this violates all the principles of just and civilized behavior. It is our duty to stand in support of people like Mr. Shukhevych as they confront the Soviet menace often alone, without friends or supporters anywhere.

We call on the Government of the Soviet Union to free Mr. Shukhevych and all political prisoners and to stop its torture of those prisoners.●

VIETNAM VETERANS MEMORIAL

HON. HENRY J. HYDE

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 25, 1982

● Mr. HYDE. Mr. Speaker, much has been said and written about the original design of the proposed Vietnam Veterans Memorial to be located in Constitution Gardens. Some of us developed concerns as to whether the memorial appropriately expressed the grateful thanks of our country to the men and women who served in the Vietnam war.

The problem of a memorial to those who served in Vietnam is more than a matter of esthetics. Of course, tastes and artistic judgments differ among reasonable people. Who is to say that one view is more valid than another?

Notwithstanding this, because one of our most beautiful and public locations would be used for this memorial, and because the subject of the memorial involved so much more than granite and grass—emotions, loyalty, duty, patriotism, sacrifice, love of country—and because the period involved such controversy, many of us felt a broader consensus was needed as to the memorial's appropriateness to its important and noble task.

As a Member of Congress, I received many letters from interested parties, some approving, some deploring the memorial's original design. As a veteran of World War II and one who fought in the South Pacific, I have remained keenly sensitive to the vital role our military services have historically played. I felt, as a veteran and a Member of Congress, that I had the right and the duty to express the views of my constituents and myself on this significant issue. I don't think this can fairly be characterized as being meddlesome—but more properly, caring a lot and trying to have my concerns heard.

Some wise person once suggested that politics is too important to leave to the politicians. I would presume to assert that war memorials may be too important to leave simply to artists and architects. After all, the memorial is going to speak for me and my constituents, and keep expressing a message of honor, pride, and a debt of unpayable gratitude for many, many decades to come.

On the contrary, I would have felt guilt and remorse had I declined to express those views to which some took exception. That our differences have been satisfactorily resolved is a tribute to reason, commonsense and, most of all, a large portion of good will on all sides.

I am personally grateful to all those who have worked so hard to resolve this controversy. Their outstanding efforts have made possible the ceremonial ground breaking scheduled for this Friday, March 26 at 10:30 a.m. The ceremonies will take place at the west end of Constitution Gardens near the intersection of 21st Street NW., and Constitution Avenue, and I urge my colleagues to attend, if at all possible.

The design modifications, agreed upon by those personally involved in numerous and lengthy meetings, will culminate in a Vietnam Veterans Memorial to be dedicated this Veterans Day, November 11, that will signal to all that we Americans are proud of our servicemen and servicewomen who served in Vietnam, and that, at long last we recognize their service in a highly visible and truly inspiring memorial.

The newly approved design includes the placement of an American flag at the top of the apex of the two granite V-shaped walls. A statue of a heroic fighting man, symbolizing all who served in Vietnam, will be placed in front of the granite walls. Inscriptions for the base of the flagpole, the statue, and a modification of the inscription on the granite walls have all been approved.

While it would be impossible to name all those who worked so hard to bring about the final design of the Vietnam Veterans Memorial, it is important to recognize some of the key individuals. The distinguished Senator from Virginia, JOHN WARNER, exhibited extreme patience and perseverance in chairing the many meetings which resulted in the compromise. He was joined in his efforts by our colleagues from both the House and Senate, including Congressmen PHIL CRANE and DON BAILEY, and Senators JEREMIAH DENTON and STEVE SYMMS. Mr. Jan Scruggs, president of the Vietnam Veterans Memorial Fund, understood and appreciated our concerns, and proved his willingness to negotiate suitable design changes during the meetings chaired by Senator WARNER. This entire project is the result of Mr. Scruggs' idealism, dedication, and most of all, perseverance. He deserves the highest credit. Vietnam combat veterans James Webb, Thomas Carhart, Milt Copulos and Harris Jordan, to name only a few, personally gave countless hours of their time and emotions to achieve a memorial that will be an impressive monument to all those who served. A special thanks is due Mr. H. Ross Perot of Texas, who provided the initial funds for the memorial, and gave evidence of his continuing concern by traveling from Texas to attend Senator WARNER's meetings.

Last but not least, very special recognition is due Secretary of Interior James Watt, who appreciated the concerns expressed by many, as well as the desire of others to retain the original design. Secretary Watt expedited his review of the design compromise, and as a result of his efforts, the necessary preliminary approvals of the design additions were favorably considered by the National Capital Planning Commission and the Commission on Fine Arts. And, although Secretary Watt has authorized construction to begin, he has indicated that the dedication cannot be held until all components of the memorial are in place—a goal which has been echoed by the Vietnam Veterans Memorial Fund so that the memorial may be dedicated this Veterans Day.

I know my colleagues share my grateful thanks to everyone involved in this matter, and while the controversy was heated at times, the final design concept shows that reasonable people can reach agreement on almost anything, but only if they try.

My sincerest compliments to all. I look forward with anticipation and pride to the dedication of the Vietnam Veterans Memorial on November 11, 1982.●

IDA NUDEL IS RELEASED FROM EXILE

HON. NORMAN F. LENT

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 25, 1982

● Mr. LENT. Mr. Speaker, I rise to convey to my colleagues some heartwarming news. I have just been informed by Lynn Singer, president of the Union of Councils for Soviet Jews, that Ida Nudel, the only woman Jewish prisoner of conscience in the Soviet Union, has been released from her exile in Siberia.

Gratifying as that report is to those of us who have worked for this day, it is not enough. Ida Nudel must be given the permission to go to Israel which she has been seeking for more than a decade.

The Soviet regime which so cruelly sent Ida Nudel into exile has, in the past months, intensified its campaign of oppression and persecution of those Soviet Jews who, like Ida Nudel, seek only the freedom to practice their religion in the land of their choice—Israel.

There are grave concerns that, using whatever trumped-up excuse the Kremlin oligarchy may devise, Ida Nudel may still be kept as a prisoner of conscience in the Soviet Union.

Mr. Speaker, 3 weeks ago, in a special order in which some 40 of my colleagues joined, we demanded that the Soviets give Ida Nudel the exit visa to Israel she has sought for so long.

That message has been sent to Soviet President Leonid Brezhnev and to Ambassador Dobrynin at the Soviet Embassy here in Washington.

Now, Mr. Speaker, we need a still stronger demand for freedom. I have been informed that the New York State Legislature has passed a resolution memorializing the Soviet regime, demanding that it live up to the Helsindi accords, and allow Ida Nudel to join her family in Israel. I wish to urge each of my colleagues from other States to join in renewing their personal demands for Ida's freedom, also to request that their State legislatures do the same. It is imperative that we convey to the heartless Soviet leadership the tremendous concern over Ida Nudel which has been aroused in the United States.

Mr. Speaker, I adopted Ida Nudel as my Fourth Congressional District's prisoner of conscience 3 years ago. In those years, I have sought cooperation from my colleagues in Ida's behalf on several occasions. I am grateful for the tremendous response they gave. But this is the most critical time for Ida Nudel. She needs our help. Please join me in demanding that she be allowed to join her family in Israel.●

VOICE OF DEMOCRACY CONTEST WINNER—1981-82

HON. DAVID F. EMERY

OF MAINE

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 25, 1982

● Mr. EMERY. Mr. Speaker, I would like to take this opportunity to extend my personal congratulations to Miss June Melody Prosser of Cundys Harbor, the 1981-82 winner of the Veterans of Foreign Wars Voice of Democracy scholarship contest for the State of Maine.

Miss Prosser, writing under the national contest theme of "Building America Together," clearly exhibited her high level of interest and aptitude in the American democratic process. She has distinguished herself, her community, and her State. I am pleased and proud to recognize her achievement.

I would also at this time like to express my support and praise for the work of both the Maine and the National Veterans of Foreign Wars organizations. Through their scholarship programs many young people in Maine and across the country have benefited by increased academic opportunity and a greater awareness and appreciation for the ideals upon which our great country was founded.●

JAPAN'S ATTITUDE PARTLY TO BLAME IN TRADE WAR

HON. AL SWIFT

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 25, 1982

● Mr. SWIFT. Mr. Speaker, a recent article in the National Journal by Robert Samuelson, expressed much of the frustration and concern people in my area feel about our trading relationship with Japan. Coming, as I do, from an exporting area—everything from seeds and bulbs to Boeing airplanes—I am not eager for the United States to get into any kind of a protectionist trade war. However, the behavior of the Japanese as described quite accurately, I believe, in the Samuelson article, makes it extremely difficult to maintain a free trade policy. Free trade is a two way street. I do not believe that we have been seeing adequate travel in both directions in our trade relationships with Japan, however.

Mr. Speaker, I include in the RECORD the text of Mr. Samuelson's article. I feel that many Members will recognize the truth of what he says.

JAPAN'S ATTITUDE PARTLY TO BLAME IN TRADE WAR

TOKYO.—It is difficult to leave this country with a good feeling about the prospects for a sensible resolution of the trade conflicts between Japan and the West. The root causes are Japan's phenomenal economic success—and the envy it stirs in the West—and the shortsightedness and insensitivity of the Japanese.

Neither seems likely to disappear soon.

Trade conflicts between the West—particularly the United States—and Japan seem to follow a set script, and the current combat is no exception.

First there are vague rumblings in Congress that "something" must be done. The administration then disavows protectionism, but subtly encourages congressional discontent. Finally, it uses that discontent to wheedle concessions from the Japanese, who resist all the way.

What makes the most recent episode extraordinary is the nature of the redress being demanded. The objective seems nothing less than a dramatic reduction in the size of Japan's trade surplus with the United States ($13.4 billion in 1981 by Japanese statistics) and the European Community ($10.3 billion). This is almost certainly beyond doing, except with severe restrictions on Japan's exports. Significantly, U.S. and European officials simply haven't identified types of Western exports now being excluded in large quantities from Japan.

At one level, it is hard not to take the outbreak of anti-Japanese sentiment as scapegoating. The United States and Europe are both deep in slump and, by comparison, Japan's economy is relatively healthy.

But it is equally difficult to ignore Japan's culpability in the drift toward protectionism. Free trade, like any other international regime, can exist only so long as participating states feel it serves their mutual self-interest. As a state with one of the largest stakes in open trade, Japan ought to have been energetic in its defense. But it hasn't been.

Consider:

Item: U.S. cigarette makers cannot freely sell in Japan. The government's salt and tobacco monopoly allows foreign cigarette sales at only 20,000 of 280,000 outlets, and prices of American cigarettes are kept about a third higher than Japanese.

Item: Severe import quotas remain on beef and oranges—an outrage not only to the United States but also to Australia, a major beef exporter.

Item: Despite a recent reduction, Japan still imposes a high duty (a minimum of 36 percent) on Scotch Whiskey—an affront to the British, who have pressed for steep cuts for years.

The lifting of these restrictions would alter Japan's huge trade surplus only slightly, but the fact that they remain attests to the basic Japanese attitude toward open trade. It is a one-sided affair: an avenue by which Japan can export manufactured goods and import needed raw materials.

In the 1950s and 1960s, when Japan was short of foreign exchange, protectionism was official policy embodied in tariffs, import licenses and other restrictions. But even though most restrictions have disappeared, the state of mind continues.

Japanese politicians and officials leave the distinct impression that everybody but Japan ought to pay the political price of open trade. Although farm families now constitute less than a seventh of Japan's population—and most of those are part-time farmers—the government has regularly resisted lifting the beef and citrus quotas. Likewise, the Ministry of Finance jealously protects the tobacco monopoly, which provides government revenues.

All this has left Japan with virtually no political goodwill with which to defend itself against unreasonable demands. And it is enormously vulnerable, for the overriding reality about Japan's exports—more important than their quality or price competitiveness—is that no one needs them.

Japan needs the wood, coal, oil and grain it imports but the United States does not need the autos and steel that constitute about half of Japan's exports to the United States. American industries would gladly fill the demand. With some exceptions (stereos, video tape recorders, motorcycles), the same is true of most Japanese products.

Much of the Western failure to sell in Japan reflects inadequate effort, but it is also a failure to which the Japanese contributed. Their success in the United States reflects their ability to surmount obstacles of language, marketing and product quality. But they also had ample American help.

In consumer electronics, large U.S. buyers (Sears, Roebuck and Co., Radio Shack Corp.) gave the Japanese their initial foothold by placing huge orders. Even in cars, the Japanese could rely on enthusiastic U.S. dealers.

This is what an open market is all about, but it is not what Japan is about. The biggest barrier to imports today is a state of mind. If changing that is asking too much—as many Japanese think it is—this is precisely what has helped bring Japan and the West to the edge of a mutually destructive trade war.●

A TRIBUTE TO CHARLES BRANDON MASON

HON. WAYNE GRISHAM

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 25, 1982

● Mr. GRISHAM. Mr. Speaker, I am pleased to have this opportunity to make my colleagues aware of the fine work being done by Charles Brandon Mason. Mr. Mason is being honored by the Intercommunity Blind Center at testimonial dinner on April 2.

Charles Mason came to Whittier 31 years ago to work with the Whittier Red Cross chapter as their director. He retired from the position in 1966 and, with the help of the Whittier Exchange Club, started the blind center in 1967.

It is through the untiring efforts of Mr. Mason that the blind center became a reality. His dedication has been a tremendous asset to the work that goes on in the center.

Working closely with his wife Leila, a marriage that has lasted for over 35 years, Charles Mason is an example of the volunteer spirit that President Reagan speaks of so often. As the Intercommunity Blind Center said in their letter of tribute, "Charlie Mason may be legally blind but his vision has helped blind and visually handicapped people throughout the Greater Whittier area, and from the San Gabriel Valley to Long Beach."

I know, Mr. Speaker, you will join me in congratulating this outstanding citizen for all his work to benefit the community. Charles Mason's vision is the Intercommunity Blind Center and that vision continues to help people daily. He has given countless individuals the greatest gift one person can give another—the gift of life. The testimonial dinner is a fitting tribute to a special person and no man deserving than Charles Mason.●

PRESIDENT'S PROPOSED REDUCTION IN EDUCATION SUPPORT

HON. BERKLEY BEDELL

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 25, 1982

● Mr. BEDELL. Mr. Speaker, I am greatly troubled by the President's proposal to reduce Federal support to education by 41 percent over the next 3 years. There is no question that our Federal budget has grown at an alarming rate and that we must reduce spending and balance our budget. However, I am concerned about the effects that substantial budget cuts in Federal postsecondary education assistance will have on the lives of our youth as well as on the future of our country.

To deny a generation of young Americans the opportunity to pursue the best quality education at the school of his or her choice is clearly a shortsighted approach to a difficult and serious economic problem. Education is the foundation of a sound, stable, long-term framework under which skills can be nurtured and research developed, in order that they contribute to the growth, employment, and rising living standards of the entire country. A strong national commitment to education is vital to the national economic recovery as well as to the national economic growth. I contend it is not only the Federal Government's responsibility to maintain a strong partnership with State and local education systems, but it is in the Federal Government's best interest to do so as well. The Federal Government must insure that education programs are adequately prepared and equipped to establish a firm base of technical superiority and to meet the national work force requirements, key factors in the economic success of a nation.

Clearly, higher education plays an integral role in the formation of a broadly knowledgeable, self-reliant populace and their consequent contribution to the economy, national security, and the maintenance of technology. I believe the investment in the intellectual capital of this country must be expanded by continuing to provide the opportunity for higher education. Pell grants, supplemental education opportunity grants, college work study funding, national direct loans, State student incentive grants, guaranteed student loans, graduate fellowships, and countless other federally assisted programs are the backbone of today's postsecondary education and provide the access to higher education. Yet, the administration is now proposing to cut these beneficial and productive programs.

These proposed cuts are not gradual, minor cuts, but rather involve drastic reductions in Federal funding for education, including a 40-percent cut in Pell grants, a 28-percent cut in work study programs, the addition of further restrictions on the graduate student loan program, and the elimination of three major programs—supplemental grants, direct loans, and State student incentive grants. To put these statistics in more real, human terms, these cuts would represent a loss of more than 2.4 million awards, which would force hundreds of thousands of undergraduate students to discontinue or modify their education plans and make graduate school education inaccessible to more than 600,000 students. While I recognize the necessity and the possibility of trimming and consolidating some of these programs in order to balance the Federal budget, I feel that we cannot afford to make unreasonable and hasty changes in the programs that have proven to be so cost-effective, necessary, and helpful.

What alarms me most about the administration's proposals is the abrupt change of commitment from a firm, longstanding Federal support of student aid programs to a counterproductive, shortsighted, almost negligent attitude that clearly represents a halt in the progress of higher education. A Federal withdrawal from education and training, after nearly seven decades of strong Federal support, will implicate that education is of little importance to our Nation, when, in fact, the reverse is true. I am frightened of the devastating effects that these massive cuts will have on our Nation's already troubled economy, and I cannot help but object to such radical changes being instituted in programs that have been so successful in the past.

In conclusion, I am concerned as well by the social implications the proposals present. As a democracy, we pride ourselves on the fact that education is open to all, regardless of family origins or financial background. During the past decade, great strides have been made in the direction of true equality and opportunity in education. However, with the new Federal policy regarding education, this progress is destroyed, and the once dreamed of, then hoped for goal of equal education for all becomes a mere illusion.

Thank you, Mr. Speaker, for the opportunity to express my thoughts.●

ENLISTING THE BACKS OF THE TAX AVOIDERS

HON. THOMAS A. DASCHLE

OF SOUTH DAKOTA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 25, 1982

● Mr. DASCHLE. Mr. Speaker, last November I introduced House Resolution 262 which proposed a 12-percent reduction in tax expenditures as one means of reducing swelling budget deficits. Recently, Alan Binder, a professor of economics at Princeton University, in an article in the Washington Post proposed the same approach I suggested in November.

Calling for a reduction in budget deficits by closing tax loopholes, Professor Binder said:

> Paring tax expenditures seems to be both an efficient and an equitable way to shrink the gaping budget deficits. For one thing, the beneficiaries of these tax expenditures are generally quite well off and have just been given sizable tax cuts. They have much stronger backs than the people who bore the brunt of the fiscal year 1982 budget cuts. For another, cutting tax expenditures would reduce some important tax distortions and promote economic efficiency; it is good "supply-side economics."

A 12-percent reduction in tax expenditure would reduce the budget deficit by $35 billion according to Professor Binder's calculations and this would make an excellent start on reducing the triple-digit deficits which the administration has proposed.

Professor Binder notes the President has declared the budget will not be balanced on the backs of the taxpayers or the Defense Department and backs of the poor alone may not be strong enough to balance the budget. Should not the backs of the tax avoiders be enlisted in the effort to balance the budget as Professor Binder has suggested?●

URBAN AND HISTORIC PARKS ARE A NATIONAL PRIORITY

HON. JOE MOAKLEY

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 25, 1982

● Mr. MOAKLEY. Mr. Speaker, the Reagan-Watt administration believes that urban and historic parks are not a national priority. It appears that they believe that only Lafayette Park, which can be seen from the White House, and the Lee Mansion, which is great for Christmas parties, are urban parks deserving of national attention. Well, I, for one, disagree.

In 1978, with the help of the Interior Committee and our colleague PHIL BURTON, the Congress passed legislation to include Dorchester Heights within the Boston National Historical Park. Dorchester Heights, which is located in the blue-collar neighborhood of south Boston, was the site where "25-year-old Col. Henry Knox and his men hauled, all the way from Fort Ticonderoga, the 59 cannons that intimidated the British to evacuate Boston on March 17, 1776."

Today the National Park Service is bringing good will and revitalization to the south Boston community as the Federal Government restores the decayed park and memorial. South Boston is not an affluent community. Rather it is simply an urban community composed of many ethnic backgrounds, who were unfortunately made the focal point of the racial strife which followed court-ordered busing in Boston. But south Boston is a proud and patriotic community which will cherish the help and assistance which the Federal Government has provided in restoring the park, long after Mr. Watt and Mr. Reagan have left Washington.

Ian Menzies, in an article in the Boston Globe, portrays the remarkable recovery of Dorchester Heights by the Park Service and the tremendous effect which the revitalization has had on my home. I urge my colleagues to read this article and carefully consider the national interest in providing urban and historic parks to the thousands of city residents who will never visit the Grand Canyon or the Smokey Mountains.

ANOTHER VICTORY AT DORCHESTER HEIGHTS—THE RANGERS RESCUE A PARK

(By Ian Menzies)

The tall handsome monument, built of white Georgian marble, glistened in the early sunshine. Two wreaths of simple, mixed flowers lay propped against a nearby commemorative stone.

The park, which embraced this setting, was neat and clean, the paths litter-free, the benches inviting, the trees pruned.

An older woman, walking slowly across the park, stopped for a moment to gaze at two National Park rangers working around the monument. "I love them," she said, "I really do. They've saved our park." The scene wasn't a flashback to Yellowstone, or Bar Harbor or even the Cape Cod National Seashore.

It was Dorchester Heights, South Boston in March 1982.

Yes, although it may be a bit hard to digest Dorchester Heights, in the heart of Southie, is now a national park, a part of what is known as the Boston National Historical Park—a collective grouping of eight urban historic sites within the city administered by the National Park Service.

Why not? It was to Dorchester Heights that 25-year-old Col. Henry Knox and his men hauled, all the way from Fort Ticonderoga, the 59 cannon that intimidated the British to evacuate Boston on March 17, 1776.

The handsome, 117-foot high monument, with its graceful Bulfinch-style steeple, built in 1902, commemorates that feat and the victory it produced, the first of the Revolutionary War.

But rangers in Southie? What about acceptance? Those funny hats? A federal presence in South Boston?

Well, as the Lithuanian lady, who declined further identification, said, "They saved our park."

Before the National Park Service took over Dorchester Heights (South Boston originally was a part of Dorchester), both the park and monument were a total loss, both to Southie and the nation.

The retaining walls were cracked and crumbling, the surrounding iron fence wrecked, the grass knee-high in summer, the ground littered with broken glass, so much so that mothers wouldn't take small children into the park.

Dorchester Heights was more a monument to discarded six-packs than America's first fight for independence.

Because of vandalism, the Boston Parks Department had welded shut the large iron-framed entrance door, and as far back as the mid-1930s had forbidden public admission, for safety reasons, although there is a magnificent view of Boston harbor, the islands and the downtown from the belfry.

Dorchester Heights was not a part of the 1974 agreement that placed seven Boston historic sites within National Park jurisdiction—Faneuil Hall, the Old State House, Paul Revere House, Old South Meeting House, Bunker Hill, part of the Charlestown Navy Yard and the Old North Church—but Rep. Joe Moakley managed to have it added four years later.

Putting the park back in shape hasn't been easy. It could well be called the second battle of Dorchester Heights, but site manager Vince Lombardi, previously a ranger at the National Park's Bunker Hill site, seems to have won.

For starters, 1,500 bags of accumulated trash had to be removed and 4,500 square feet of graffiti wiped off. Park benches were painted constantly for three weeks to outlast the vandals, storm drains were cleared, the fence reinstalled, dead trees, removed, the grass cut.

The park is now clean and patrolled, and the American flag, for the first time in years, flies from the hilltop. At night, floodlights reflect the monument's graceful lines.

Structural repairs will begin on the tower shortly and Lombardi hopes that the public will again be able to climb to the belfry, if not by late this summer, then next, after almost 50 years.

There is more to it. The rangers have had a gentling, positive influence in South Boston. Historian ranger Rebecca Guild, for instance, teaches the history of Dorchester Heights in the local schools as well as bringing children to the site, and there is a growing friendliness between the local community and the rangers quartered on West Fourth street.

The story of Dorchester Heights in these days of neglected parks is a good story, reflective of the new, gowing and enhancing presence of the National Park service in Boston.●

FOCUS ON CYPRUS

HON. BENJAMIN A. GILMAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 25, 1982

● Mr. GILMAN. Mr. Speaker, on April 22, the gentleman from Pennsylvania, Mr. Yatron and the gentleman from Michigan, Mr. Broomfield, have called for a special order to address the need for a prompt, peaceful settlement of the conflict in Cyprus. As a result of the 1971 Turkish army invasion, the people of Cyprus have had to endure 8 years of illegal and unjustified occupation by a foreign power. During that period, some 2,000 Greek Cypriots have disappeared and an additional 200,000 native Cypriots have been forced to flee their homes and villages as some 40 percent of their homeland has been occupied.

Beyond the humanitarian issues at stake, the continuation of this crisis threatens many other political and security interests in the region. As long as Turkish troops remain on Cypriot soil, their security interests are not well served. At the same time our own posture in the Middle East and the Mediterranean is weakened and Soviet interests enhanced.

We must not stand by and allow our two Western partners to continue in dispute indefinitely. Each year that passes only makes the issues more polarized and the participants more determined and further weakens the southern flank of NATO.

By holding this special order on Cyprus on April 22, my colleagues on the Foreign Affairs Committee, Congressman Yatron and Congressman Broomfield, will help provide a needed vehicle to send an unmistakable message to Turkey. A message from the Congress and the entire country, that there is still a strong dissatisfaction with the current stalemate and continued occupation of Cyprus.

I urge a strong bipartisan participation in our effort on April 22. The issues at stake are important not only to Cypriots themselves, but to all our friends and allies in the Aegian region, as well as the United States.●

JIM VINCENT, CITIZEN OF THE YEAR AWARD

HON. WAYNE GRISHAM

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 25, 1982

● Mr. GRISHAM. Mr. Speaker, I would like to take this opportunity to inform my colleagues of the outstanding record of civic service held by Mr. Jim Vincent of Glendora. Earlier today, Mr. Vincent received the Citizen of the Year Award from the Glendora, Calif., Chamber of Commerce. Jim Vincent's record shows that he is most deserving of this distinguished honor.

A city councilman since 1974, Vincent served as Glendora's mayor last year. He has maintained a very busy schedule serving as the incoming Rotary Club president, past president of the Glendora High School Booster Club, past member of the Glendora Jaycees, and was organized and active in the Valley-wide Printing Industries of America.

Vincent was a little league manager for 4 years, an American field service parent to a boy from Thailand, served on the board of directors for the San Gabriel Valley Symphony, and has been very active in the sister city program.

Prior to his service on the city council, Vincent served 4 years as chairman of the Glendora Parks and Recreation Commission, with a total 8 years on the Commission. He also was the owner of Glendora Printers.

Vincent and his lovely wife Midge have two children, Twila Hensel and Tim Vincent. His family has contributed greatly to his many years of service to the community offering understanding and patience.

Jim Vincent is the kind of person that makes a city tick. His untiring efforts have helped to make Glendora a better place to live. I offer my sincerest congratulations to the Vincent family. The chamber of commerce made a terrific choice.●

ARMED ROBBERIES OF DRUGSTORES INCREASE 121.7 PERCENT OVER 1976

HON. HENRY J. HYDE

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 25, 1982

● Mr. HYDE. Mr. Speaker, in the past I have called my colleagues' attention to the alarming increase in armed robbery of pharmacies in the past few years. A Federal response to this problem is long overdue, and I am today filing a list of additional cosponsors of my bill which makes the robbery or attempted robbery of a controlled substance from a pharmacy a Federal offense.

The Justice Department estimates that one out of every five armed robberies that are committed against drug-stores results in either death or injury. In 1981, there were 1,978 armed robberies of drug stores—an increase of 121.7 percent over 1976.

As the Drug Enforcement Administration becomes more effective in controlling the traffic in illicit drugs, the more criminals and junkies turn to readily available sources, such as the local pharmacist. Street crime is moving off the streets and into the drugstores, and our pharmacies are becoming an open battleground for junkies.

There are now 126 cosponsors of H.R. 2034, which calls for a maximum fine up to $5,000 and 20 years imprisonment, or both, with increased penalties for subsequent offenses, assault, use of a dangerous weapon or murder. In addition, H.R. 2034 provides for certain mandatory minimum penalties depending on the nature of the offense.

I believe it is crucial that Congress enact pharmacy protection legislation now.

A complete list of cosponsors of H.R. 2034 follows:

Cosponsors of H.R. 2034—Pharmacy Protection—Sponsored by Representative Henry J. Hyde

ALABAMA

Bill Nichols, 3rd; Tom Bevill, 4th; and Richard Shelby, 7th.

ALASKA

Don Young, AL.

ARIZONA

Eldon Rudd, 4th.

ARKANSAS

John Paul Hammerschmidt, 3rd.

CALIFORNIA

Vic Fazio, 4th; George Miller, 7th; Norman Shumway, 14th; Chip Pashayan, 17th; Robert Lagomarsino, 19th; Carlos Moorhead, 22nd; Robert Dornan, 27th; Wayne Grisham, 33rd; and Jerry Patterson, 38th.

COLORADO

Ray Kogovsek, 3rd.

CONNECTICUT

Lawrence DeNardis, 3rd.

DELAWARE

Tom Evans, AL.

FLORIDA

Bill Chappell, 4th; Bill Young, 6th; Skip Bafalis, 10th; and Clay Shaw, 12th.

GEORGIA

Bo Ginn, 1st; Newt Gingrich, 6th; and Doug Barnard, 10th.

IDAHO

George Hansen, 2nd.

ILLINOIS

Ed Derwinski, 4th; Robert McClory, 13th; Tom Railsback, 19th; Paul Findley, 20th; and Paul Simon, 24th.

INDIANA

David Evans, 6th.

KANSAS

Larry Winn, 3rd.

KENTUCKY

Gene Snyder, 4th; Harold Rogers, 5th; and Larry Hopkins, 6th.

LOUISIANA

Billy Tauzin, 3rd and Jerry Huckaby, 5th.

MARYLAND

Roy Dyson, 1st; Clarence Long, 2nd; and Steny Hoyer, 5th.

MASSACHUSETTS

Silvio Conte, 1st; Edward Boland, 2nd; Barney Frank, 4th; and Brian Donnelly, 11th.

MICHIGAN

Mark Siljander, 4th.

MISSISSIPPI

David Bowen, 2nd; Sonny Montgomery, 3rd; and Trent Lott, 5th.

MISSOURI

Richard Gephardt, 3rd; Wendell Bailey, 8th; and Bill Emerson, 10th.

MONTANA

Ron Marlenee, 2nd.

NEBRASKA

Hal Daub, 2nd and Virginia Smith, 3rd.

NEW HAMPSHIRE

Norman D'Amours, 1st and Judd Gregg, 2nd.

NEW JERSEY

James Florio, 1st; James Howard, 3rd; Chris Smith, 4th; Edwin Forsythe, 6th; Robert Roe, 8th; Joseph Minish, 11th; James Courter, 13th; Frank Guarini, 14th; and Bernard Dwyer, 15th.

NEW YORK

John LeBoutillier, 6th; Joseph Addabbo, 7th; Leo Zeferetti, 15th; Guy Molinari, 17th; Hamilton Fish, 25th; Gerald Solomon, 29th; George Wortley, 32nd; Gary Lee, 33rd; Frank Horton, 34th; John LaFalce, 36th; Henry Nowak, 37th; and Jack Kemp, 38th.

NORTH CAROLINA

Stephen Neal, 5th and Bill Hendon, 11th.

NORTH DAKOTA

Byron Dorgan, AL.

OHIO

Tom Luken, 2nd; Michael Oxley, 4th; Bob McEwen, 6th; Bill Stanton, 11th; and Chalmers Wylie, 15th.

OKLAHOMA

Mike Synar, 2nd.

OREGON

Les AuCoin, 1st and Ron Wyden, 3rd.

PENNSYLVANIA

Bill Gray, 2nd; Joe Smith, 3rd; Charles Dougherty, 4th; Gus Yatron, 6th; James Coyne, 8th; Joe McDade, 10th; John Murtha, 12th; Don Bailey, 21st; and William Clinger, 23rd.

SOUTH CAROLINA

Thomas Hartnett, 1st; Butler Derrick, 3rd; Carroll Campbell, 4th; and John Napier, 6th.

SOUTH DAKOTA

Tom Daschle, 1st.

TENNESSEE

John Duncan, 2nd; Marilyn Bouquard, 3rd; Robin Beard, 6th; and Ed Jones, 7th.

TEXAS

Sam Hall, 1st; Jim Collins, 3rd; Phil Gramm, 6th; Kika de la Garza, 15th; and Mickey Leland, 18th.

UTAH

Dan Marriott, 2nd.

VIRGINIA

Paul Trible, 1st; G. William Whitehurst, 2nd; Tom Bliley, 3rd; and Frank Wolf, 10th.

WASHINGTON

Joel Pritchard, 1st and Sid Morrison, 4th.

WEST VIRGINIA

Robert Mollohan, 1st; Cleve Benedict, 2nd; and Mick Staton, 3rd.

WISCONSIN

Steve Gunderson, 3rd and James Sensenbrenner, 9th.

GUAM

Antonio B. Won Pat.

PUERTO RICO

Baltasar Corrada.●

BYELORUSSIAN INDEPENDENCE DAY

HON. WILLIAM J. HUGHES

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 25, 1982

● Mr. HUGHES. Mr. Speaker, the 64th anniversary of the proclamation of Byelorussia's independence is celebrated today, March 25. The historic event of the birth of the Byelorussian Democratic Republic took place in Miensk, the capital of Byelorussia, on March 25, 1918, after centuries of czarist oppression. After a short span of 3 years, one tyranny was replaced by another; for in 1921, Russian soldiers overran the new nation and seized control. In both the First and Second World Wars, some of the most savage fighting took place on Byelorussian soil. Their stubborn resistance to the Nazi invasion in 1941 and during the 4 years of German occupation, has become legendary.

We remember the Byelorussian people for their courage to speak out as a sovereign state, as in 1906 when the first legal newspaper was printed in Byelorussian: Nasha Dola. Tragically, its activity was shortlived as it was cut off by the Communist police. Today, similar circumstances exist involving the shutdown of the Byelorussian weekly newspaper in Poland: Niva.

The people of Byelorussia feel a close identity with the people of Poland in their historical struggle to be free. In recent months, Byelorussian-Americans have grown profoundly concerned with the situation in Poland. There are about a quarter of a million Byelorussians in Poland who have experienced the anguish of oppression by the harsh new military regime. Yet, Byelorussian people have been subject to the cruel hand of Russian Communist onslaught even longer than the Polish people.

To underscore our support for Byelorussians, let us speak out in favor of the inclusion of Byelorussians in Voice of America (VOA) programing. For years, Byelorussians in the Soviet Union have not heard VOA broadcasts in their own language. To include their language in the VOA would cultivate closer relations between the Byelorussian people and American citizens of Byelorussian origin.

This year, the recognition of the suppression of Byelorussian independence should be amplified by our vocal support for the cultural and civic freedom of Byelorussians in the Soviet Union and in Poland.●

SHCHARANSKY'S FIFTH YEAR OF IMPRISONMENT

HON. BENJAMIN A. GILMAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, March 15, 1982

● Mr. GILMAN. Mr. Speaker, I rise to join my colleagues in this special order marking the fifth anniversary of Anatoly Shcharansky's imprisonment.

Shcharansky submitted his first formal application for a visa to Israel in 1973. At the time, he was 25 years old and a computer programer at the Moscow Research Institute for Oil and Gas. The Soviet authorities rejected Shcharansky's application, on the grounds that he possessed classified information. For participating in a number of demonstrations protesting emigration restrictions, Anatoly was repeatedly detained and arrested, and was placed under constant surveillance.

In 1976, Shcharansky helped found the Soviet Helsinki Watch Committee. Thereafter, there was a sharp increase in Soviet harassment, labeling him a "hooligan" in the Soviet press, and calling him a "soldier of Zionism" in an anti-Semitic television program. In March of 1977, following a slanderous newspaper article accusing him of spying for the CIA, Shcharansky was arrested on charges of treason.

One day after Anatoly Shcharansky's marriage to Avital, on July 4, 1977, the Soviet authorities forced his wife to leave the Soviet Union, with the assurance that her husband would soon be permitted to follow her to Israel. But Anatoly remained in prison for another year, when he was convicted of treason and espionage and anti-Soviet agitation, and sentenced to 3 years in prison, retroactive to his arrest in 1977, and 10 years of hard labor. He was then transferred to a labor camp near Perm in the Ural Mountains in April 1980.

In 1981, Anatoly Shcharansky spent 185 days in labor camp prison and 130 days in solitary confinement. He spent 75 consecutive days in a punishment cell—this is five times more than permitted under the Soviet criminal code. Last summer, Shcharansky was repeatedly accused of violating prison regulations—for his religious observance in lighting Chanukah candles, for owning a prayerbook, and for refusing a job that had been taken from an elderly man. For punishment, the Soviets fed him only every other day. When Anatoly collapsed, the prison authorities revived him, but refused to give him any food, since it was a "no food" day. In September 1981, Shcharansky was diagnosed as dying of malnutrition, and was hospitalized for 33 days.

At the end of October 1981, Anatoly Shcharansky was given a 5-minute trial with no defense permitted. He was sent back to Chistopol prison, which is a much more severe incarceration than the labor camp, for "continuing to consider himself not guilty."

In January of this year, Shcharansky was allowed to receive visitors for the first time in 16 months. His 74-year-old mother, Ida Milgrom, and his brother, Leonid, were allowed to talk to Anatoly through a window for 2 hours, after they had been forced to walk 5 hours along a frozen river at subfreezing temperatures.

Shcharansky's mother reports that Anatoly is weak and frail. Her 34-year-old son continues to suffer from severe headaches and painful eye disorders. Shcharansky is now in an ordinary regime cell, where he is allowed only one letter each month, and, if he fulfills his work quota of knitting one twine sack every 4 hours, he may spend 2 rubles a month at the canteen, in order to supplement his rations. Unfortunatly, Anatoly advised his mother that, due to this physical debilitation, he will probably not be able to fill his work quota.

Mr. Speaker, I know that my colleagues abhor this kind of atrocious, unjust treatment of prisoners and this utter lack of respect for human rights. But we must not confine our indignation and our support for human rights to within the confines of our Nation's boundaries. Anatoly Shcharansky is symbolic of the thousands of others like him behind the Iron Curtain who are forced to suffer for crimes that are not crimes, and to repent for the sin of wanting to live in a free and open society. The Soviet Union continues to demonstrate its lack of concern for human rights, and its failure to honor the international accords which it committed itself to at Helsinki in August of 1975.

I urge my colleagues to join in calling for the immediate release of Anatoly Shcharansky, and of all of the Soviet prisoners of conscience who continue to suffer in their fight for freedom—in calling upon the Soviet Union to respect their human rights, to allow these men and women to be reunited with their families and to live freely, wherever they may choose.●

INNOVATION BILL COSPONSORS

HON. JOHN J. LaFALCE

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 25, 1982

● Mr. LAFALCE. Mr. Speaker, I am pleased to announce that Representatives CARL PURSELL of Michigan and MORRIS UDALL of Arizona have asked to be listed as the 202d and 203d cosponsors, respectively, of H.R. 4326, the Small Business Innovation Development Act. Unfortunately, Mr. PURSELL and Mr. UDALL could not be formally listed as cosponsors because all committees have completed action on the bill. I want to thank them for their support and add their names to the list the bill's supporters are keeping.●

BASIC RESEARCH AND THE SMALL BUSINESS INNOVATION DEVELOPMENT ACT

HON. DON FUQUA

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 25, 1982

● Mr. FUQUA. Mr. Speaker, I know many of our colleagues have been alerted by their constituents about the Small Business Innovation Development Act, H.R. 4326, which has recently been reported by seven of the House committees, including the Committee on Science and Technology.

A major concern which has been voiced by representatives of the university research community involves the effect of a mandatory set-aside on the basic research budgets of the Federal agencies which support research and development.

The Committee on Science and Technology held 3 days of hearings on H.R. 4326 in January, a central focus of which involved the basic research funding issue. The committee's review revealed that concern over the impact of a set-aside on basic research funding is justified.

Science Indicators, 1980, estimates that 70 percent of the funds for basic research are provided by the Federal Government, which has assumed responsibility for supporting basic research as a means of producing the knowledge base for future technological and economic growth and assuring that fundamental research is conducted in areas related to its own as well as to national needs. Through Federal support, the Nation can continue to maintain strong capabilities in critical areas such as national defense and health. Strong Federal involvement also occurs because the economic gains from pure science are frequently long term and do not necessarily benefit the sponsor of the research for many years, if ever. Consequently, because the industrial sector primarily stresses relatively short term returns on its investment, it tends to place less emphasis on basic research and allocates most of its resources in more applied areas and in development. Universities cannot place large amounts of their own funds in basic research because of limited financial resources.

Typically, a large portion of Federal R. & D. funds is committed in advance for continuing large-scale projects, for instance the Space Shuttle. In fact, the major portion of Federal R. & D. is concentrated in the development process. A report of the Federal R. & D. obligations compiled by the National Science Foundation reflects the following concentration of Federal R. & D. dollars in basic, applied, and development activities: Basic research—13.7 percent; applied research—19.7 percent; and development—66.7 percent. Since there is a previous commitment for much of these development funds, the set-aside provision could cause a greater than anticipated share of funding to be taken from the basic research funds in order to fulfill the set-aside requirement.

Mr. Speaker, the Committee on Science and Technology concluded that any benefit to be realized through the federalwide expansion of the small business innovation research program would be short lived if achieved at the expense of the Nation's basic research. Recognizing the vulnerability of agency basic research funds to the set-aside provision, the committee has reported an amendment which will insure the protection of basic research. First, the committee amendment places a limitation of 1 percent on the portion of an agency's basic research funds which can be utilized for the support of any agency's SBIR program. The committee explored the total exemption of basic research funds, but learned that by doing so, definitional problems would limit the complete protection of basic research. As a result, the committee amendment provides that funds reserved for agency SBIR programs be authorized under the normal budget process. Through this process, the Congress can insure that funding of agency SBIR programs is achieved consistent with congressional intent and without detrimental impact on the Nation's basic research effort.

I am also providing for Members' attention a March 23 editorial from the New York Times on this issue. The title of the editorial, "The Raid on Basic Research," speaks for the concern many have on this issue. The editorial follows:

[From the New York Times, Mar. 23, 1982]

THE RAID ON BASIC RESEARCH

The measure seemed harmless enough—so harmless that it passed the Senate last December without dissent. In fact, however, the Small Business Innovation Development Act is a special interest grab that threatens to siphon off hundreds of millions of Federal dollars for basic research.

Hardly anyone is more cherished by Congress than the owners of small businesses. So when New Hampshire's Senator Rudman proposed that 1 percent more of the $40 billion that goes for research and development on Government projects be set aside for companies with fewer than 500 employees, nobody blinked. And when Representative John LaFalce of New York raised the ante to 3 percent, he had no difficulty finding 180 House sponsors.

Supporters note that everything from streptomycin to the zipper was invented by small entrepreneurs. If Washington were willing to look beyond the Fortune 500 when it doles out research funds, they insist, more of the same would emerge. Besides, a 1 (or 3) percent cut in R & D funding would only force the big researchers to look a little harder at their paper-clip bills.

There's no question that in some industries, smaller companies are strikingly innovative. But they already get a fair shake from Washington. Small companies employ 5.5 percent of the scientists and engineers in the private sector, but get 6.8 percent of Government funds for private research.

What difference would an extra few percent make? The fear, expressed by Stanford University's President, Donald Kennedy, is that most of it will come out of the small proportion of Government R & D devoted to basic research. Few agencies would willingly redirect funds tied to specific development projects like new weapons systems. And small businesses simply aren't prepared to do the basic research now mostly performed at the big Government-owned labs.

Actually, the potential loss is still greater. At the Stanford Linear Accelerator much of the budget must be spent on equipment maintenance, whether the machinery is used or not. So a 1 percent cut in funding forces a much larger cut in research operations. The same is true for capital-intensive basic research in fields like biogenetics.

These arguments have made headway in the House, where one committee after another has expressed reservations about the bill. California's Pete McCloskey will lead a floor fight against it, but few other Congressmen seem willing to stick their necks out. The Federal budget office wants no part of the set-aside. But President Reagan is said to have promised neutrality in return for Senator Rudman's support for the Awacs deal last year.

Some believe that the Redman set-aside is unstoppable, that Congress could not bring itself to vote against a program labeled "small business," no matter how wasteful. This may yet prove to be true. But only by resisting such outrages can Government ever hope to control waste—or manage the economy rationally.●

ISRAEL'S 34TH INDEPENDENCE DAY

HON. STENY H. HOYER

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 25, 1982

● Mr. HOYER. Mr. Speaker, I take great pleasure in joining the Jewish Community Council of Greater Washington in saluting the people of Israel on the occasion of the 34th anniversary of the founding of their great nation. It was on May 15, 1948, when David Ben-Gurion, head of the provisional government, proclaimed for all the world that the descendents of the people of Abraham, who had been seeking a homeland since the 18th century B.C., had at last found their sanctuary.

Since that time, the people of Israel have, quite literally, turned the deserted and eroded hillsides, the swamps, the marshes, and the deserts into a verdant garden. It is indicative, I feel, of the power and perseverance of the men and women of the Israeli nation that they now produce three-fourth's of the nation's food within its borders. This has been done, realizing that for thousands of years many nations forbade Jews to own land or to cultivate it. When the nearly 1½ million Jewish immigrants came to Israel, they had to learn a completely new occupation in order to survive. This mastery of agricultural processes, their cooperatives and collective farming projects are examples for all of the nations of the world to follow.

But their prowess and vitality extends far beyond the boundaries of the agricultural sector. They have a fine symphony orchestra, outstanding universities, internationally recognized artists, Nobel Prize winning authors, and their scientific efforts in the area of energy research and development are unparalleled.

Much of this has been accomplished in a climate of turmoil, distrust, and tension, marked by numerous confrontations between the young Israeli state and her Arab neighbors. The courage and initiative of the Israeli soldier, his excellence in the execution of military tactics cannot be denied. We are fortunate, indeed, to maintain strong ties to Israel, and to count this nation as one of our most trusted and valued allies.

The cosmopolitan fusion of European, Middle Eastern, and African cultures and religions and the accompanying diversity of backgrounds have shaped the character and will of the Israeli citizen, who has found a measure of peace and prosperity after so many centuries of adversity and persecution.

For, indeed, the journey has been a long and hard one. For a people politically disenfranchised, socially ostracized, physically persecuted and religiously separated, the creation of the State of Israel is both the fulfillment of a prophecy and the realization of a dream.

The Jewish Community Council of Greater Washington is celebrating Israel's 34th anniversary in a festival of song, film, and verse. I am honored to be a part of this celebration, and I urge all of my fellow colleagues to join me in recognition of this special occasion.●

THE RELEASE OF IDA NUDEL

HON. WILLIAM M. BRODHEAD

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 25, 1982

● Mr. BRODHEAD. Mr. Speaker, I was delighted to learn today from the Union of Councils for Soviet Jews that Ida Nudel, a prominent prisoner of conscience in the Soviet Union, has finally been released after serving a sentence of 4 years of internal exile in Siberia.

Ida Nudel is one of dozens of Soviet Jews who have faced harassment, prosecution, and harsh prison sentences because of her unfaltering desire to emigrate from the Soviet Union to join relatives in Israel. She first applied for exit permission in May 1971 and was repeatedly refused. At that time, she began her efforts to care for and support Jewish prisoners who had been jailed for their beliefs. Her kindness and tireless work earned her the title of "Guardian Angel" of the prisoners of conscience. It also brought her to the attention of the Soviet secret police, the KGB.

After 7 fruitless years of hard work and continued harassment, she finally in desperation hung a banner from her apartment balcony that read: "KGB, Give Me My Visa." Shortly thereafter, she was arrested on charges of malicious hooliganism, tried and sentenced to 4 years of internal exile in Siberia. She has spent these years confined to a small village, forced to live under conditions of extreme loneliness and hardship.

I am pleased that her ordeal has finally come to an end. Ida Nudel has paid dearly for her desire to live a life of freedom and dignity in Israel. I strongly and earnestly urge the leaders of the Soviet Union to permit this remarkable woman to emigrate to Israel at the soonest possible date.●

BYELORUSSIAN OPPRESSION

HON. JOSEPH P. ADDABBO

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 25, 1982

● Mr. ADDABBO. Mr. Speaker, March 25, 1982, marks the 64th anniversary of the declaration of independence of the Republic of Byelorussia. As with so many other nations under Soviet domination, this anniversary will not be celebrated with the joy and freedom it so deserves. The Byelorussians live under constant Soviet oppression; they are denied their basic national and human rights.

At the end of World War I, the czarist Russian Empire collapsed, and many of the captive non-Russian nations restored their national independence. Byelorussia, after 125 years of subjugation and oppression by the Russians, also declared their independence in the capital city of Minsk. This freedom was short lived however; 1 year later the Moscow Government designated the democratic republic of Byelorussia a new fictitious state—the Byelorussia Soviet Socialist Republic. Two years later, the Soviet Army attacked and finally conquered Byelorussia.

One of the biggest problems in Soviet-controlled nations like Byelorussia is the Russification process, by which all cultural and nationalistic activities and expressions are systematically suppressed, and attempts are made to transform individual nations into a homogenous state. This is accomplished through the destruction of national monuments, changing the names of schools, parks, and streets to the names of Soviet military, political, and cultural leaders, and the suppression of national religions. In Byelorussia, the slightest expression of nationalistic spirit in public is immediately eliminated through severe persecution. However, the celebration of independence day continues as an expression of the endurance of the goal of freedom.

I would like, at this time, to raise a point which is very important to Byelorussians in the Soviet Union and American-Byelorussians alike. Currently, in the Voice of America broadcasts overseas, the Byelorussians language is not included. Byelorussians compose the fourth largest ethnic group in the Soviet Union, and one of the oldest groups in the United States. The inclusion of the Byelorussians language in the VOA broadcasts would be beneficial to all those living under Soviet domination, and all those interested in their plight. It is through actions like this that we must continue to show our support for Byelorussia; reaffirming our moral committment to the struggle for freedom.●

COMMEMORATION OF GREEK INDEPENDENCE DAY

HON. JAMES L. NELLIGAN

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 25, 1982

● Mr. NELLIGAN. Mr. Speaker, March 25 commemorates the day the Greeks began their long struggle for independence from the Ottoman Empire, which had ruled Greece for almost 400 years.

Alexander Ypsilanti proclaimed Greece independent in 1821, beginning the wars which stretched over almost a decade before freedom was finally obtained in 1829.

Greeks in the provinces of Moldavia and Walachia rallied to Ypsilanti when, in 1821, he staged a revolt at Jassy, Moldavia's capital, and boldly proclaimed Greek independence from Ottoman rule.

The courageous Greek fighters stirred the imaginations of many poets and writers of the time, one of whom was England's famous Lord Byron. Byron immortalized Greek heroism in his famous work entitled "Don Juan" before his tragic death in 1824 resulting from injuries in the war.

Mr. Speaker, I join with Americans of Greek descent in Pennsylvania's 11th Congressional District, which I am privileged to represent, in recognizing the 161st anniversary of this momentous day in Greek history.●

TWENTY-FIFTH ANNIVERSARY OF THE SEAVIEW JEWISH CENTER

HON. JAMES H. SCHEUER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 25, 1982

● Mr. SCHEUER. Mr. Speaker, I would like to call to the attention of my colleagues the silver anniversary of Yeshiva Torah M'zion also known as the Seaview Jewish Center. I have been invited to join with the congregation on Saturday evening, March 27, at their 25th anniversary dinner/dance by their president, Joseph D. Reiss, and Rabbi Norman J. Strizower at the center. I wanted to give my fellow Members some background on this institution which has served the Canarsie community in the Brooklyn section of my district for a quarter century.

Two old quonset huts abandoned in 1947 as a useless reminder of the postwar housing shortage were bustling for 2 years with the activities of a new Jewish Community Center in Canarsie. The official name at that time was The American Hebrew Center. It was in the middle of a large field at Seaview Avenue and East 105th Street in Brooklyn.

After being padlocked for 10 years, the huts were reopened. A small group of Canarsie residents suggested then to the community services division of Yeshiva University that the buildings might be available as a temporary center to meet the spiritual needs of a rapidly expanding Jewish community.

As a result, the first spiritual leader of the center, Rabbi Karpol Bender, a former South African, who had just completed his rabbinical studies at the university, was given the job of rebuilding and redecorating the huts to make them suitable for religious services.

The huts were smothered by a heavy overgrowth of weeds and brush, and 10 years of weatherbeating had given them a lusterless hue of dull gray. There was no water, no heat, no electricity, and the roof was filled with holes.

For 3 months Rabbi Bender and the congregation worked to get the buildings into shape. A gas heating unit and electricity were installed. The entire buildings were scrubbed and painted. The holes in the roof were patched and by May of 1957, the American Hebrew Center was in operation.

The congregation started with 50 people and had grown to 600, which put a severe strain on the space available, and additional room was needed for the tremendously expanded Hebrew school. Because the community was growing so rapidly, the congregation worked very hard to collect enough funds to buy land on East 99th Street and Seaview Avenue to build a building. Enormous sacrifices were made by all to accomplish this herculean feat. Inside of 4 years the quonset huts were bursting at their seams. In order to keep the place warm, lavatories in working condition, the rain from leaking in, the members worked day and night. In the summer the mosquitoes and yellow jackets knew they had a good meal on the house. But the visions, faith, and determination of the congregants kept the fund-raising functions going. The center was renamed Seaview Jewish Center, and in 1961 the doors to our magnificent, modern building on East 99th Street were officially opened. Our second rabbi was Rabbi Mark I. Brenner, and our present rabbi, for the past 19 years is Rabbi Norman J. Strizower, a well-known figure in Canarsie.

The center boasts of a very fine congregation, sisterhood, men's club, a chevra mishnayos—a talmudic study group, golden age group, Hebrew school, teenage congregation, youth programs, nursery school, daily and Sabbath services, high holiday services, rental of center facilities to organizations. It sets the pace for drives in behalf of the United Jewish Appeal, Bonds for Israel, the Jewish National Fund, and the Jewish Education Committee of New York.

The modern traditional synagogue center serves the needs of the entire family, young and old. There has been a fine caterer on site for the past 20 years.

Twenty-five years have gone by, the children have grown and have families of their own. Many people are still with the center. Seaview Jewish Center has contributed so much to the Jewish community of Canarsie that it has become a legend in its own time.●

THE FOLLY OF CHEMICAL WAR

HON. DAVID E. BONIOR

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 25, 1982

● Mr. BONIOR of Michigan. Mr. Speaker, during this session of the 97th Congress we will be asked to vote on whether our Nation should resume production of lethal nerve gas weapons. Such a dramatic shift in our defense policy warrants a full and complete review by this body.

I commend to the attention of my colleagues an article by Mr. Paul Aaron, a researcher at the Center for Public Service at Brandeis University. Mr. Aaron's article addresses some of the most difficult issues in the chemical weapons decision ahead of us.

THE FOLLY OF CHEMICAL WAR

(By Paul Aaron)

"A rising tide lifts all ships." While many Americans find themselves sinking deeper into the mud, at least for the Pentagon the truth of this supply-side stage has been borne out.

An embarrassment of riches totaling more than $250 billion has pacified interservice rivalry. It is a measure of the surfeit the Pentagon must absorb that toxic agents, culturally stigmatized and militarily suspect, are scheduled to receive funding at unprecedented levels.

In the public mind, killing people by asphyxiating them, attacking their blood cells or nervous systems, or burning out their lungs, evokes the insidious perversion of scientific ingenuity and conjures up the carnage of WW I trench warfare and the mechanized ruthlessness of Hitler's death camps.

For different reasons, the professional military has also taken a dim view of poison gas, relegating it to the fringes of their armamentarium. A field commander struggles to reduce uncertainty. But the effects of chemicals are difficult to predict, and can be confounded by meteorological conditions, the volatile nature of the agent itself, or the possession by the enemy of masks and body suits that thwart lethality. Because of these inherent contingencies, officers understandably want to avoid a "toxic miasma" that only makes the normal log of battle more impenetrable.

The Administration believes that despite civilian opprobrium and military warmness, there exists a compelling need to fill a chemical weapons gap alleged to separate US and Soviet capabilities. However, supporting evidence for such an asymmetry has not been provided, and western intelligence about Russian chemical stockpiles has been notoriously imprecise.

Even experts who agree that the United States must possess a credible chemical deterrent charge that the new program is counterproductive. These critics point out that the "binaries" (a munition mode that forms poison by combining in flight two relatively nontoxic precursors) slated to replace single-shot canisters are logistically complex; consume far more space planning that fewer rounds could be airlifted to a crisis spot; and involve an innovative technology whose performance still is unreliable. Because the binary system has so far been checked out only through the use of simulants and cloud chambers, extensive dynamic testing of live agents in the open air must be undertaken. But in Utah, the memory of 9000 sheep killed by nerve gas still lingers, and the local movement that helped defeat MX last year could easily be mobilized for a new fight.

If the Administration persuades Congress to lavish funds on chemical weapons, supply may well create demand. Rescued from its stepchild status, nerve gas may enjoy a boom, winning converts who stake their military careers on expanding the prowess and utility of these poisons. Rehabilitation is also likely to spur efforts to exploit emerging biotechnologies in the pursuit of superkillers so potent that protective measures are nullified.

The Pentagon, playing on the global fear of atomic holocaust, has suggested that without sophisticated chemicals, escalation agility is undercut and the risk increases that the United States, its menu of attack options impoverished, may be forced to "go nuclear."

Congress must not submit to such moral blackmail. The plan to revamp our chemical armanents is extravagant and unnecessary, devoid of any convincing strategic rationale. At issue is not just money being poured down a rathole. Chemicals, once outcast, may acquire important friends, a web of economic ties and become fully integrated into the military mainstream.

It is by no means self-evident that such assimilation will enhance the security of the United States. To upgrade the status of poison gas, and imply that these weapons are an alternative to nuclear devices, will bewilder our foes, embarrass our friends, and destabilize an already fragile arms-control environment.

Congress should hold open hearings to listen to the Pentagon explain why it wants better poison gas and to hear those skeptics who believe such sinister profligacy is inimical to America's best interests.●

SEAN McBRIDE EXAMINES THE CONFLICT IN NORTHERN IRELAND

HON. RICHARD L. OTTINGER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 25, 1982

● Mr. OTTINGER. Mr. Speaker, I am including in today's RECORD an excellent address by Mr. Sean McBride, the former Irish Foreign Minister, founder of Amnesty International, and the winner of the Nobel Peace Prize in 1974. Mr. McBride gave this important speech at the American Irish Unity Committee's symposium on Northern Ireland on July 22, 1981, in New York.

Mr. McBride provides an excellent analysis of the roots of the tragic conflict in Northern Ireland, and details the continuing human rights violations engaged in by Great Britain. He calls for Britain's unconditional withdrawal from Northern Ireland, noting:

> By agreeing to withdraw from Ireland and by agreeing to a United Ireland, Britain could begin to establish a normal, friendly relationship with Ireland. She could only improve her international image and put an end to a shameful part of her colonial past.

I commend this insightful address to the attention of my colleagues:

POLITICAL EDUCATION COMMITTEE

(By Sean McBride)

Since I ceased to take an active part in politics in Ireland, I have systematically refrained from dealing publicly with Irish affairs when speaking outside the country. I considered that this was the responsibility of those who were actively engaged in politics in Ireland. Furthermore, I did not wish anything that I might say to be construed as an encouragement to those who are engaged in a campaign of violence against the British in Northern Ireland.

I had hoped that persuasion and commonsense would ultimately persuade the British to withdraw gracefully from Ireland without inflicting more suffering on any section of Ireland or further damaging Britain's reputation.

This apparently was an erroneous judgment on my part. I should have known from previous experience that when it comes to dealing with Ireland, the British government and establishment loose all commonsense and all sense of justice.

Before dealing with the present situation, I should outline briefly the history of Anglo-Irish relationships for those who may not be familiar with it.

For over seven centuries Britain has sought to conquer Ireland and to treat it as a colony. Famines, amounting to genocide, confiscation of lands, executions, jails and bribery were the methods used to colonize Ireland.

Because of her overwhelming strength, military and economic, Britain was able to hold on to the whole of the island of Ireland until 1921. The repression which followed the 1916 Rising unified the Irish people behind the Irish Republic. By 1921 the Irish national liberation movement, known as the Irish Republican Army, was able to bring about a situation in which the British government agreed to a truce and to enter into negotiations for an Anglo-Irish Treaty that would recognize the right to Irish self-determination.

The Truce was signed on 11 July 1921 and negotiations for an Anglo-Irish Treaty began in London on 11 October 1921. By December 1921, the British delegation in the Anglo-Irish negotiations had succeeded in dividing the Irish delegation and, on 5 December 1921, the British Prime Minister, David Lloyd George, dramatically issued an ultimatum that unless the Irish delegation signed a draft treaty which had been prepared, there would be "immediate and terrible war". This Treaty and the circumstances under which it had been signed led to a deep division among the Irish people. In turn this division led to Civil War in Ireland which began on 25 June 1922. The British government, having succeeded in splitting the Irish Republican Movement, pressed their advantage home by urging the then provisional government to assert it's authority over the Irish Republican Army. Mr. de Valera and the Republican forces, who refused to accept the Anglo-Irish Treaty, were finally defeated after a bitter Civil War which ended nominally in May 1928, but which continued sporadically for some years to follow.

Three main issues divided the country and led to the Civil War. Firstly, the insistence of the British government that all the elected representatives of the Irish people should swear an Oath of Allegiance to the British Crown, and that provisions to this effect should be embodied in the Irish Constitution. This requirement was embodied in the first Irish Constitution of 1922.

Secondly, provisions for the partition of Ireland into two separate states. One in the North-Eastern part of the island to be known as "Northern Ireland", which would remain under British jurisdiction; the other which would include 26 of the 32 counties of Ireland would form part of the British Commonwealth to be styled "Irish Free State".

Thirdly, under the Treaty imposed by Britain, Ireland was to become and remain a Member-State of the British Commonwealth owing allegiance to the British Crown. Britain was also to retain some military bases in the "Irish Free State".

These provisions had been accepted by a war-weary Ireland under the threat of "immediate and terrible war", but in reality, they were unacceptable to the Irish people. Michael Collins, who had signed the Treaty and led the provisional government of the "Irish Free State" did so on the basis that it was to be a "stepping stone" to achieve an independent Irish Republic for the nation.

After the Civil War, Mr. de Valera set up a political party and became Prime Minister of the Irish Free State consisting of twenty-six counties of the thirty-two counties of Ireland. He promptly did away with the Oath of Allegiance to the British Crown and enacted a new constitution on 1st July 1937, which received the overwhelming support of the Irish people. In this Constitution he rejected the concept of a partitioned Ireland and provided by Article 1 of the Constitution that:

"The National territory consists of the whole island of Ireland, it's islands and the territorial seas."

Later, another Irish Government in 1949 declared the State to be the Republic of Ireland, thus terminating such links as had continued to subsist with the British Crown and the British Commonwealth.

Reluctantly, Britain had to accept the Constitutional changes that had been brought about by Mr. de Valera's and Mr. Costello's governments. It did so with bad grace and each time, announced it's determination to maintain control over the six North-Eastern counties known as "Northern Ireland".

The British argument was that the six North-Eastern counties now formed a separate State entitled to the exercise of self-determination. The Irish argument was that the right of national self-determination applied to the island of Ireland as a whole and not to six out of the thirty-two counties of Ireland.

In "Northern Ireland" itself, the ordinary laws were abrogated and a police-state regime was installed. Because the British authorities and those who supported British rule in "Northern Ireland" feared that the nationalist population, which were then a minority, would increase more rapidly than the pro-British population, which was generally Protestant, a regime of wholesale discrimination was installed. The reasoning for installing a Draconian system of discrimination, based on religious beliefs, was that by preventing Catholics from obtaining employment or housing, their numbers could be kept down. They would not be able to get married and they would not be able to obtain employment. This would force them to leave the area, thus ensuring that the Catholic population would decrease.

Because the discrimination exercised by the British authorities in "Northern Ireland" was based on the religion of the population, the impression was created that the conflict in "Northern Ireland" was a religious conflict and not a political one. While there is some foundation for these allegations, it is a foundation that is based upon the history of the British occupation of Ireland. Until the nineteenth century, British policy had been to eradicate the Catholic religion from Ireland and to dispossess all Catholics of their property. To this end, vast tracts of land and property had been confiscated and given to "planters" or colonists brought over to Ireland by the British who were invariably Protestant. Thus, up to Catholic emancipation at the beginning of the nineteenth century, Catholics were the deprived and impoverished segment of the population. While after 1829 the Catholics were allowed to own property, the planters nevertheless continued to exercise an official asecndancy over the ordinary Irish people insofar as employment, housing, and privileges were concerned. It is by reason of these historic events that the present-day divisions between Catholics and Protestants have survived up until now.

This situation is best described by no less a person than the well-known Anglican Theologian, John Austin Baker, who is the Chaplain to the Speaker of the British House of Commons, and who in a recent sermon preached in Westminster Abbey (1 December 1980) pointed out:

"No British government ought ever to forget that this perilous moment, like many before it, is the outworking of a history for which our country is primarily responsible. England seized Ireland for its own military benefit; it planted Protestant settlers there to make it strategically secure; it humiliated and penalized the native Irish and their Catholic religion. And then, when it could no longer hold on to the whole island, kept back part to be a home for the settlers' descendants, a non-viable solution from which Protestants have suffered as much as anyone.

"Our injustice created the situation; and by constantly repeating that we will maintain it so long as the majority wish it, we actively inhibit Protestant and Catholic from working out a new future together. That is the root of violence, and the reason why the protesters think of themselves as political offenders."

The political parties, North and South, while not accepting the situation, did nothing about it. A new generation of young people however, resented the discrimination that was being implemented to their detriment. They could get neither employment nor housing. All employment and promotion within all services was strictly reserved to non-Catholics. Notices were displayed outside factories proclaiming, "No Catholics employed here".

Gradually, as was inevitable, the rising generation of young people resented a situation in which they were treated as third class citizens and were precluded from obtaining employment or housing. They became dissatisfied and disillusioned with existing political parties in the North as well as in the South, and they started a perfectly legal and constitutional civil rights campaign demanding an end to the discrimination which prevailed and insisting on their civil and political rights. They obtained the support of the majority of the nationalist population in the North, and indeed, the active support and sympathy of the population in the rest of the country. Bernadette Devlin McAliskey became one of their leaders and swept aside the existing, more moderate politicians. The rise of this new Civil Rights Movement was met with violent repression by the British forces and police. Their members were arrested, interned and subjected to systematic police harassment. Their meetings were broken up by the police. This culminated in the killing of thirteen civilians at a perfectly legal public demonstration by British soldiers on 30 January 1972, now known as Bloody Sunday, in Derry City.

These acts of oppression by the British forces had two results. In the first place they solidified and increased the support for the Civil Rights Movement, and on the other hand, they influenced the young people to turn more and more towards the I.R.A. and physical force. The I.R.A. availed themselves of this situation to become the defenders of the Catholic population against the attacks of the police and the British military forces. The methods used by the British forces became more and more indefensible. Prisoners were systematically tortured by means of sophisticated methods imported from England. This was fully exposed and condemned in the course of legal proceedings brought about by the Irish government before the European Commission of Human Rights in Strasbourg, and assurances were given by the British government that these methods would be discontinued. It is claimed by the I.R.A. that these methods have not been discontinued, but are now being applied more secretly.

As the extent and nature of the oppression grew, so did the I.R.A. reaction to it, and we have had a constant escalation in what is now a fullblown guerrilla war, in the course of which some 628 members of the British forces have been killed and 7,496 wounded in the period 1969-June 1981. In the same period, 1,496 civilians were killed and 16,402 wounded. The total number killed in this small area over the last 10 years is 2,124, and the number of wounded is 23,898. There are present in Northern Ireland 1,244 Republican prisoners. These are variously described by the British authorities as terrorists or criminals, by the nationalist population they are regarded as political, or Republican prisoners.

Lest the account I have given be regarded as biased because of my natural sympathy with the aspiration of the Irish people for reunification of Ireland, I should like to quote from the editorial of a well-known English Catholic monthly magazine, "*The New Blackfriars*". While this magazine is published by Dominicans, it is published by English Dominicans in England. The editorial says:

"The squalid pretense that the problems of Ulster flow from the flaring up of mysterious sectarian differences and not from the misery, anger and frustration produced by the sorry mess of 50 years of British rule, the white-washing of the massacre of Bloody Sunday of January 1972, the arbitrariness and brutality concomitant with internment without trial, the hypocritical shunning of the Strasbourg report of 1976, which found Britain guilty of the crime of torture and inhuman treatment in Northern Ireland, the method used to extract "confessions" for the political Diplock trials, the killing of civilians by rubber and plastic bullets and speeding ferretcars: all these and many more are equally if not more responsible for the deaths of the hunger-strikers and all the violence and misery that followed.

So long as those beams in the English eye remain, so long does the English condemnation of hunger-strikers lack moral credibility, even when it is made by those "speaking as English Catholics". We have to pause and reflect on the possibility that Cardinal O'Fiaich and the other Northern Ireland bishops may be able to see more clearly and certainly with more compassion the complexities and subtleties of the sorry problem."

As a result of the situation described there were on 11 June 1981 1,244 male prisoners serving sentences in British prisons in Northern Ireland for what the British describe as terrorist type offenses. In addition, there were on the same date approximately 50 women prisoners also serving sentences. It must be borne in mind that none of these prisoners were convicted after trial in due process of law. They were tried by single-judge courts without any jurys. These courts are known as "Diplock" courts. These are courts which follow procedures that do not conform with those applicable to normal trials under the Rule of Law. Of the some 1,300 prisoners serving sentences in British jails in Northern Ireland, 328 have been receiving what the prison authorities describe as "special status treatment". The balance of some 966 have been denied this "special status treatment" because they were convicted on a date subsequent to the withdrawal by the British authorities of the "special status treatment". In effect, what the hunger-strikers in the H-Blocks at Long Kesh are demanding is that they should receive the special status treatment. This has been spelled out by the hunger strikers and the other prisoners in five specific demands concerning:

1. The right to wear their own clothes at all times.
2. The prisoners requested that they should not be required to do menial prison work; they were prepared to do all the work required for the maintenance and cleaning of the portions of the prison occupied by them. They also desired that study time should be taken into account in determining the amount of work which they were required to do.
3. They requested the right to associate freely at recreation time with other political prisoners.
4. They requested the right to a weekly visit, letter of parcel, as well as the right to organize their own educational and recreational pursuits in the prison.
5. The right to remission of sentences as is normally provided for all other prisoners.

The prisoners believed that the refusal of the British authorities to grant them the "special category status", which obtained in regard to other prisoners, was a political decision taken in order to criminalize their status. Several hundred of them went on what is called "the blanket protest' as from September 1976. This protest consisted of refusing to wear prison clothes and wearing a blanket instead. As from March 1978 they escalated their protest to a "no-wash protest". This continued until 27 October 1980 when they called off the Blanket and No Wash protest, and a number of them went on hunger strike. The hunger strike was ended on 18 December 1980 on the basis of an agreement put forward by Cardinal Tomas O'Fiaich and Bishop Daly. In the course of the negotiations which took place between Cardinal O'Fiaich and Bishop Daly, the British government had agreed substantially to the demands made by the prisoners provided that they were not described as "an acceptance of political status". This proviso was accepted by the prisoners. However, the British government failed to implement the recommendations that had been made by Cardinal O'Fiaich and substantially accepted by the British government. This caused considerable bitterness and distrust among the prisoners. They considered that they had been tricked into giving up the hunger strike by subterfuge in which the British government availed of the good offices of Cardinal O'Fiaich, but then reneged on the agreement they had made with him.

Cardinal O'Fiaich and Bishop Daly also considered that they had been misled by the British government. It is in this atmosphere that the present hunger strike was started on 1st March 1981. However, on this occasion, the prisoners started the hunger strike with the preconceived determination that they were not going to allow the British government to trick them again, or to use intermediaries; they insisted that they would continue the hunger strike until death in relays until such time as the British government gave categorical assurances to them concerning the future treatment of prisoners, and the granting of the five requirements which they had specified.

In the meanwhile, a succession of well-intentioned intermediaries including a number of members of the Irish Parliament, representatives of the European Commission on Human Rights, representatives of the International Committee of the Red Cross sought to mediate, but the attitude of the British government throughout has been:

"We cannot accept that mediation between the government and convicted prisoners, even by international bodies of the highest standing is the right course."

They also refused to negotiate directly with the prisoners. In reality, the attitude of the British government has been to avail of all the intermediaries in an effort to break the determination of the prisoners and to avoid negotiating with the prisoners thus binding themselves to alterations in the prison rules. The prisoners have accused them of playing a cynical game of brinkmanship, waiting for one prisoner after the other to reach the dying point, hoping that this would break the morale of the prisoners. Indeed, in the course of a press interview given by Mr. Michael Alison, British Minister of State for Northern Ireland in the British Embassy in Washington, made the startling but candid admission that negotiations about the hunger strikers was like: "the efforts of authorities to keep plane hijackers occupied while plans are developed to subdue them." (Irish Times 13 July 1981)

In the course of this protest six hunger strikers have now died. They were: Bobby Sands, 5th May 1981, Francis Hughes, 12th May 1981, Raymond McCreesh, 21st May 1981, Patsy O'Hara, 21st May 1981, Joe McDonnell, 8th July 1981, Martin Hurson 13th July 1981.

Now, on the brink of death after 61 days on hunger strike, Kieran Doherty, who was elected to the Irish Parliament after he began the hunger strike, has probably reached the point of no return.

I have sought to outline as objectively as I can the elements of the drama which is unfolding itself in the British Prison known as H-Block in Northern Ireland.

I do not agree with the violence used by the IRA and have refused to countenance their policies. Likewise, I have refused to allow myself to be used for propaganda purposes by the "H-Block Committees" in Ireland. Having said this, I understand fully the reasons which have prompted the H-Block prisoner to undertake this ultimate form of protest; furthermore I cannot remain silent in the face of the duplicity and methods used by the British in their dealings with Ireland and with the hunger striking prisoners.

Britain's attempts to maintain dominion over the six northeastern counties has caused misery and suffering to the whole of Ireland for over half a century. It has been the cause of a Civil War in Ireland; it has divided Irishmen all over the world; it has been responsible for thousands of deaths and untold sufferings; it has prevented the economic and political development of Ireland. In brief, as our last Taoiseach (Prime Minister) put it, it has cast long dark shadows into every aspect of Ireland's life for over half a century. Successive Irish governments, opposed as they are to partition, have been put into the impossible position of having to jail and oppress their own young people in order to protect British rule in the north east corner of our island. A stage has now been reached where this is no longer acceptable to the Irish people.

In their own country and in countries which they do not seek to dominate, the British are reasonable, fair minded and even loveable! It is otherwise in areas which they regard as their preserve. In regard to Ireland, the British government and establishment are just incapable of being objective, fair minded or just. A typical illustration of this was provided only last week.

The British forces in Northern Ireland have been using for the last three years, rubber or plastic bullets indiscriminately. They have argued that they were harmless. Over 50 people—mostly children—have been killed or permanently maimed in Northern Ireland by these plastic or rubber bullets. This was denied by the British who maintained that they were harmless. When extensive riots broke out recently in Britain, the possibility arose of using rubber or plastic bullets for crowd control. An alarmed Conservative British House Secretary said immediately that he would oppose their use "in mainland Britain because they are lethal!" (Irish Times, July 11, 1981) It is all right to use them in Ireland and to kill women and children there—but not "in mainland Britain"!

The British Government likes to portray itself in the role of "the honest broker" who is in Northern Ireland against its will "merely in order to protect the Protestant population". There would be absolutely no persecution of Protestants in Ireland; the Irish Government has a good record in this sphere and would willingly agree to internaional supervision in this area if it was thought necessary. The Convention of Human Rights would provide the necessary safeguards.

Impoverished Britain spends £1,400,000,000 (fourteen hundred million pounds) to subsidize and occupy Northern Ireland. This is equal to approximately double the amount in U.S. dollars, $2,800,000,000. Britain has systematically used and continues to use, its vast military and financial resources to encourage a segment of the population in the North East to support British rule there. With such an expenditure and army of occupation it would be possible to disrupt any country. We have had examples of this external intervention all over the world.

Britain has no right or mandate to be in any part of Ireland. The overwhelming majority of the Irish people want a United Ireland and want the British out of Ireland. It is as simple as that.

By agreeing to withdraw from Ireland and by agreeing to a United Ireland, Britain could begin to establish a normal, friendly relationship with Ireland. She could only improve her international image and put an end to a shameful part of her colonial past.

In the early stages of the last decade, Paul Johnson, one of Great Britain's most distinguished journalists, Editor of the Spectator, and one of Prime Minister Margaret Thatcher's most ardent supporters, wrote in The New Statesman:

"In Ireland over the centuries, we have tried every possible formula: direct rule, indirect rule, genocide, apartheid, puppet parliaments, real parliaments, martial law, civil law, colonization, land reform, partition. Nothing has worked. The only solution we have not tried is absolute and unconditional withdrawal."

Why not try it now? It will happen in any event!●

HEAD START PARENTS APPEAL FOR PROGRAM

HON. GEORGE MILLER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 25, 1982

● Mr. MILLER of California. Mr. Speaker, the Reagan administration has applauded the achievements of the Head Start program and assured us that it will be fully protected from Stockman's budget ax. But these accolades and these promises are camouflaging this administration's serious neglect of Head Start.

Yes, Head Start did receive a substantial funding increase last year, but only because Congress added $92 million to the fiscal year 1982 budget. Even with this increase, however, inflation and the combined cuts in programs like CETA, title XX, and child care food which supply the lifeblood of the Head Start program will nullify whatever improvements might have been made. Head Start directors told the Human Resources Subcommittee just a few weeks ago that the situation will become even more desparate in 1983. Not only are even larger cuts proposed for CETA, title XX, and child care food, but the administration's level funding of Head Start at $912 million translates into a real budget of only $857 million in fiscal year 1983 under optimistic assumptions about the inflation rate.

Head Start works. Head Start is cost effective. And Head Start makes a tangible difference in the lives of the children and families it serves. Study after study has demonstrated Head Start's success in insuring that its graduates are healthy, that they do well in school, and that they acquire self-confidence. And the parents themselves become more involved in the lives of their children, face better job prospects, and become more active members of their communities. The recent report of the President's own blue ribbon panel on Head Start confirmed Head Start's exemplary record and called on us to take whatever steps are necessary to guarantee that Head Start will remain as effective as it is today. Yet current actions by the Reagan administration run completely contrary to the goals and recommendations of this panel.

All the formal studies and blue ribbon panels do not present as moving a testimont to the Head Start program as the comments of the parents of Head Start children. These parents have seen their own lives and those of their children turned around because of the services and opportunities offered them by Head Start. I want to share these comments with the Congress so that we do not make the terrible mistake of betraying their trust and undermining this successful, cost-effective program.

Because of Head Start, my son has learned many educational skills as well as discipline, getting along socially with others, better selfcare and organization. His eating habits are much better, and he is more aware of nutrition and health. I feel he will be much better prepared for public school. Head Start allows us more financial security since we don't have to pay for private day care. My son is less demanding at home, offers more help and feels better about himself as an individual. If Head Start became a half-day program, I would have to take him out of it, because I would have to pay for full time day care and also would be unable to pick him up at noon. Head Start's greatest strength is the organized educational curriculum and its teachers. Also, I like the opportunity as a parent to have an input through the parent meetings.—Head Start Parent, Russellville, Ark.●

ECONOMIC STATESMANSHIP

HON. CHARLES ROSE

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 25, 1982

● Mr. ROSE. Mr. Speaker, I would like to call to the attention of my colleagues in the House of Representatives a recent editorial which appeared in the Fayetteville Times discussing our present economic situation entitled "Economic Statesmanship."

It is my feeling that this editorial correctly captures the need we have to see an end to the rhetoric regarding levels of unacceptable deficits. The suggestion that something needs to be done about the unacceptably high interest rates is one which I, and many of my constituents share. In addition, I think this editorial accurately states the failure we have seen by the tax cuts to spur the business community. The promised effect of the tax cuts has yet to be realized, and I believe the magic solution promised by these tax cuts need some rethinking.

I think this editorial, in addition to explaining some of the fallacies existing regarding the current state of our economy, also has some useful suggestions regarding future actions we might consider.

ECONOMIC STATESMANSHIP

The last thing President Reagan or the country needed to hear just now was that business has no intention of giving us the big economic boom it promised. But there it is, in black and white.

For the first time since 1975, business investment in new plant and equipment is going down. The Great Revival of the American economy, already 11 months overdue, isn't coming this year, either. That is terrible news, far worse than those projected twelve-figure budget deficits.

The business boom was the engine that was to run Mr. Reagan's economic program. The whole selling point of the supply-side tax cut was that it would pay its own way by triggering a sustained, "unprecedented" economic surge that would actually increase federal revenues, balance the budget and finance big increases in military spending.

Now, the central fact of the economy is that the engine refuses to turn over. Not a whine, not a knock, not a growl. Nothing.

Mr. Reagan can fairly point an accusing finger at the private sector. He, after all, has delivered everything he promised, and everything business said it needed: tax cuts, cuts in social programs, regulatory relief.

Where is the evidence of business assuming any responsibility? Who has shown any courage in investment, in new products, in job creation? Where do we hear bold new initiatives from the board rooms?

In fact, the whining continues from nearly every sector of private enterprise. Rather than investing in America's future, the fatcats are spending their money for mergers which maximize shortterm greed and do almost nothing for longterm productive improvement. Meanwhile, business organizations continue to demand more cuts in government programs which at least do a little something to alleviate the terrible tragedy of unemployment and economic stagnation.

Business says it is skittish because of high interest rates. It is worried that the inflation-fighting effort will sputter.

This is a political problem. But it is first and foremost a dangerous economic problem; and the time has come for politicians of both parties and Americans from all walks of life to be a little less partisan and a lot more statesmanlike.

The first order of business, if Mr. Reagan is to hold the essential parts of his program together, is to acknowledge what every shade-tree mechanic already knows: When the engine has died, it is not only useless but counterproductive to hold the gas pedal to the floorboard. To proceed with the second round of tax cuts at a time when business, whether by choice or by circumstance, is manifestly not going to respond is foolish.

It cannot hurt, at least for the time being, to tone down the oratory about unacceptable deficits. Flabby productivity and lack of business boldness are at least as critical as causes of the economic condition as the prospect of government deficits.

Another point on which consensus might be reached: Interest rates are a blunt instrument, guaranteed only to bring about a lull in economic activity, especially in home construction and auto sales. The depth and duration of the lull cannot be precisely controlled. Walter Heller, former White House economic guru, suggests a three-way summit, with President, Congress, and Federal Reserve chairman, working out a temporary detente to ease the Fed's squeeze-money policy as a concomitant to holding off the tax cuts.

Not much to work with, perhaps. But a start. Trends suggest the economy is going to be in wretched health even after the recession ends. There is little hope of improving that prospect if each group's policy consists of attacking the others.●

A TRIBUTE TO JOSEPH A. KOCAB

HON. CLARENCE J. BROWN

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 25, 1982

● Mr. BROWN of Ohio. Mr. Speaker, I rise to pay tribute to the accomplishments and leadership of an Ohioan whose recent 50th birthday is being celebrated on March 27 and 28, 1982.

Joseph A. Kocab has dedicated his life to the promotion of the Czech and Slovak culture and heritage in the Cleveland community and throughout the United States. Therefore, it is most fitting that the Cleveland community present him with the "Good Joe of All Good Joes" Award.

His untiring efforts on behalf of the Czech community have been evident for a quarter of a century. He has served as Secretary of the Karlin Czech Cultural and Social Center for the past 25 years. He has encouraged Czech and Slovak activities every Sunday for nearly 15 years as the Czech Voice of Cleveland."

As a leader in his church, he served as the national vice president for the Czech Catholic Union and as vice president for the District Alliance of Czech Catholics in Cleveland.

Serving the public, Joe Kocab has dedicated himself to educating the leaders of tomorrow. He has a master's degree in education administration from Ohio University and has been a teacher for 27 years. He is presently the assistant principal at South High School in Cleveland.

Mr. Speaker, Joseph A. Kocab epitomizes a man dedicated to his heritage and his Nation. I join his family and friends, in Cleveland and across America, in wishing him a very happy birthday.●

AUBURNS' POLISH MAN OF THE YEAR

HON. GARY A. LEE

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 25, 1982

● Mr. LEE. Mr. Speaker, I wish to share with you today the remarks made during a recent ceremony in my home district, in the community of Auburn, N.Y., by Dr. Joseph Karpinski.

The occasion was a multipurpose gathering which cited Dr. Karpinski as that community's "Polish Man of the Year," as well as the recipient of a notable honor from the Boy Scouts of America. At the same time, however, it served as an opportunity for each patriot in that community to declare his or her commitment to the freedom of family, friends and fellow freedom lovers in the oppressed nation of Poland.

I believe that Dr. Karpinski's remarks will be of interest to you, and will serve to ignite your spirit just as they did ours that night. For your background, you should know that Dr. Karpinski has taken it upon himself often to travel to Poland during these hard times to share medical aid and supplies and to bring the news of overseas support to dedicated Polish citizens.

For this RECORD, I offer Dr. Karpinski's remarks:

> I am proud of the honors that have been bestowed upon me tonight, and I accept these honors with gratitude, with humility, and with a heartfelt thanks to all of you.
>
> Scouting has always been an integral part of my life and always will be. Scouting has instilled in me an awareness for the recognition of brotherhood, importance of developing and following goals and ideals and the necessity for freedom.
>
> I well realize the overriding purpose of this gathering, in that by this dinner we are fulfilling in our own small way, our duty of supporting the principles of freedom for Poland.

We come together, not for personal recognition, nor for glory, but because we understand, and recognize, and accept, the proposition that human dignity can be lived only in freedom.

Your enthusiastic support of the Polish relief fund has set a standard which has been unequaled in the past and will be recognized as a model in the future.

At this time I would like to read to you an excerpt from a letter that passed the censors in Warsaw, Poland and was received by a friend here in Auburn—

I read you the English translation, and I quote:

"Life is already so unbearable and tormenting—we are exhausted—in need of everything. Food is rationed without assurance of supply; there are no shoes or clothing to buy; no light bulbs. Lights are turned off and living quarters are insufficiently heated. Thus, they are tormenting this nation! It's hard to believe how a nation can be so tormented—. Our thoughts won't let us sleep." Unquote.

So tonight I pose to you a question—Will Poland survive?

In partial answer to that question, I am reminded of a poem by Edgar Guest.

No one is beat until he quits
No one is *through* until he stops
No matter how hard adversity hits,
No matter how often he drops—
A fellow is not done 'till he lies
In the dust, and refuses to rise
Fate can slam him and bang him around
And batter his frame till he's sore
But she never can say that he's downed
While he bobs up serenely for more.
A fellow is not dead until he dies
Nor beat 'till no longer he tries.

WILL POLAND SURVIVE?

We are *proud* of our Polish *language*, *proud* of our Polish *faith*, *proud* of our Polish *culture*.

And for those of us with Polish heritage the answer is simple—Of course it will survive—because to us—Poland is eternal—

WILL POLAND SURVIVE?

Of course it will because to us—Poland is in our hearts! And to us who are of Polish descent—the national anthem of Poland says it all—.

WILL POLAND SURVIVE?

Poland is not lost as long as we live.

Thank you.●

MINE SAFETY WAS IGNORED UNDER THE CONTINUING RESOLUTION

HON. NICK JOE RAHALL II

OF WEST VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 25, 1982

● Mr. RAHALL. Mr. Speaker, included in the continuing appropriations for fiscal year 1982 resolution passed yesterday was the retention of a previously adopted provision that excluded all surface stone, sand, gravel, clay, and colloidal phosphate mines and attendant milling operations from the Mine Health and Safety Act and the jurisdiction of the Mine Safety Health Administration.

While this provision purportedly transfers responsibility of health and safety inspections of these mines from MSHA to OSHA, there is some concern whether a legal foundation for such a transfer exists. These mines are certainly no less dangerous than other types of mining activities and even Labor Secretary Donovan has stated OSHA is ill equipped to take on the responsibility of inspecting them. As such, due to this provision in the continuing resolution, today there are some 77,000 surface miners and 45,500 stone-milling workers who are without any effective health and safety protection.

Another impact this provision has had deals with the inspection force at MSHA. It is my understanding that due to this transfer of responsibility, 432 MSHA employees have lost their jobs, nearly 300 others have been downgraded, and more than 200 have been reassigned. In an agency of fewer than 3,000 employees, this is a formula for disaster. MSHA's inspection activities are now being undermined by the chaos and low morale created by the transfer provision.

Regretfully, there was no chance to rectify this situation during yesterday's floor consideration of House Joint Resolution 409 since no amendments were permitted under the rule. While I did not want to see the various departments and agencies funded under this measure left without appropriations, I must detest the retention of the MSHA to OSHA inspection transfer contained in the resolution. ●

STATEMENT OF ALAN CRANSTON IN MEMORY OF ALLARD LOWENSTEIN

HON. DOUG WALGREN

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 25, 1982

● Mr. WALGREN. Mr. Speaker, in opening the recent congressional symposium in memory of Allard Lowenstein, Senator ALAN CRANSTON gave the following address which I would like to share with my colleagues:

There is an ancient Jewish tradition which says that in every age there are 36 just and good men, whose true identities are known only to God.

In Hebrew they are called the "Lamitvov".

Lamitvov, the legend says, are the hearts of the world multiplied, and into them, as into one receptacle, pour all of our pity, all of our grievances against injustices.

The commitment and sacrifice of these few keeps alive for the many humanity's hopes for a just and free world.

According to this tradition, if just one of the 36 were ever lacking, the suffering of the world would multiply.

Allard Lowenstein's life and good deeds causes us to ponder this ancient tale.

Without Allard Lowenstein's contributions to the cause of the poor, the oppressed, the powerless and the heretics, the suffering of mankind would, indeed, have multiplied in our age.

Like those in the legend, Al's great energies served to redeem the self-interested majority.

He put the institutions of America to the test: would the nation live up to its own ideals?

Would the privileges of the majority accommodate demands for equality of opportunity for racial minorities, women and all others?

Allard Lowenstein said: "Yes—the nation will respond."

And it did.

Will a nation at war allow its political processes to be a sounding board for dissent against the war—even for challenging the authority of the nation's leaders?

Allard Lowenstein said, "Yes—the American system will respond."

And it did.

People who opposed the war in Vietnam were made aware of the political strength of their numbers.

An American president stepped down from office and changed the course of the war and of history.

It happened in good part because of political forces mobilized, managed and unleashed by Allard Lowenstein.

It happened because one man's drive and determination overcame inertia and the disillusionment of a multitude.

It happened because Al Lowenstein persuaded a generation of young Americans that they can make change happen in the system.

We sorely miss Allard's dynamic devotion to peace.

Especially at this moment.

Allard—who expended so much of his heart and mind toward getting Americans out of a war in Southeast Asia—would be an invaluable ally for those of us who are trying to keep Americans from getting into a war in Central America.

President Reagan's superficial approach leads him to view naked military power as the simple solution to almost every complicated international power.

We must stand guard to insure that he doesn't seek to solve the issues of oppression and of social and economic injustice in strife-torn El Salvador by sending American troops to that tragic land.

The centerpiece of American policy in Central America must be to avoid sacrificing American lives in another country's civil war.

We made that mistake once before—in Vietnam.

We must not make that mistake again.

Allard was a man in near constant motion, a man capable of cutting a wide swathe in any endeavor he chose.

He chose the path of political activism and the pursuit and performance of public office—and that made all the difference in the world.

It ought to be noted at this Congressional Symposium that Al Lowenstein's contributions in the main were made not as an elected official but as an outsider. He stood at the door of the powerful and the privileged, and he pounded on that door—not for his own admittance, but for the many whose lives are eclipsed by powerlessness and quiet despair.

His career reminds those of us who are elected officials that politics in America is a larger drama than that which is played out in offices in Washington, D.C.

History will not remember Al for his constituent services as a Congressman, for his roll call votes, or his management of staff. He made his indelible mark as an outsider who managed to light fires of idealism and service in the hearts of a vastly under-challenged generation of young Americans—a generation that in many ways is like the young people of our country today.

Allard Lowenstein was a Congressman for just two years. But he was a force for change his entire life.

Someone once described Al as the world's oldest living student leader. It's true that even in his 50's, he was the most dynamic, tireless, respected and beloved leader of young people in the country.

In his own student days at the University of North Carolina, more than 30 years ago, he learned a pattern that stayed for life: how to work from the outside to the inside, making changes for the better along the way through hard work, intelligence and steely refusal to give up on a good cause.

Later, as an associate dean at Stanford, he helped build the National Student Association and began knitting together a far-flung network of student activists.

He recruited a virtual army of bright, energetic, utterly dedicated young American men and women.

They followed him to Mississippi to fight Jim Crow discrimination and to register black voters.

They marched with him in peace against an immoral foreign war, and they canvassed the primary election states in 1968 to get out the vote for candidates who promised to end that war.

They campaigned successfully to elect Al to the House, and they worked hard to return him to Congress in subsequent campaigns.

They joined his fight against all forms of oppression, against government "dirty tricks", against misuse of intelligence agencies and many other Lowenstein causes.

Government "dirty tricks" are still pretty much the stock-in-trade in Washington, as we've learned from new ABSCAM revelations just this week.

Runaway FBI agents manufactured crimes with which to try to compromise Senators with no reasonable cause for believing those Senators had any inclination toward criminal behavior.

Such unchecked abuse of Executive Branch investigative and prosecutorial power poses a real threat to the separation of powers and the checks and balances that the Constitution establishes to protect our system of government and the freedom of all Americans.

If the people entrusted with enforcing the law are permitted to break the law and get away with it, if the lawless are permitted to become the all-powerful, the liberty of every man, woman and child in our country will be in dire danger.

The Senate, acting on my initiative, will be launching a full-scale investigation into the "dirty tricks" of ABSCAM.

I intend to do all in my power to make sure that the investigation aggressively pursues the dirty tracks of those dirty tricks wherever they may lead.

In California and throughout the nation, there are today great numbers of people who never knew they had a date with political destiny until Al Lowenstein burst upon their lives.

These people now are in government, business, the arts, and public service of all kinds. Some are now in Congress. Some are with us today.

These are the "Lowenstein types" or just "friends of Al", older than they used to be but still set apart from others because of what they share.

Decades from now, they still will be serving and testing the highest ideals of the nation—as he taught them.

Because Allard Lowenstein invested his passion for peace and justice in the young, his legacy will be with us for many, many years.

In March of 1968, a few weeks before his own violent death, Robert Kennedy penned a note for his friend:

"For Al, who knew the lesson of Emerson and taught it to the rest of us . . . that if a single man plant himself on his convictions and there abide, the huge world will come round to him."

I think there is still another reason why Allard was so powerfully persuasive in the political arena.

Allard never gave up on people.

In politics some people tend to see those who oppose their views as enemies.

Allard knew no enemies, in his mind no political foe was ever irredeemably lost.

Even while engaged in the dangerous, even deadly, struggle for civil rights in the Deep South 20 years ago, Allard knew he was fighting racism, but not racists. The latter, he always thought, might be converted.

He always allowed for the possibility of redemption.

Because he never closed the door on human possibilities, he was able to discern the elements of common human frailty in friend and adversary alike.

In so doing he achieved an appreciation of all human life as possessing transcendent worth, thereby creating an attitude which mitigates the cruelties of social conflict.

My son Kim, who is now 28 and practicing law in Los Angeles, knew, loved, and followed Al. They met in the Vietnam years.

Shortly after Al's tragic death, I asked Kim to tell me what Al meant to him. This is what he wrote:

"Allard Lowenstein was one of those uncommon people who transcent the boundaries that often keep people apart. He came to my generation at a time when it seemed that many others had decided many of us were traitors. He shared with us his compassion and understanding and showed us how to oppose the evil and madness we saw overtaking the country. He helped us organize and mobilize, so that our opposition to the Vietnam War would be heard, and he helped us to see that the first votes we cast helped stop that insanity. He raised many from despair, and he inspired us to continue working to make the world a saner place to live.

"He lived in a way that served to remind us how meaningful life could be. His spirit and his being enriched the lives of the many he unselfishly shared them with. He touched my life in a way I'll be forever grateful for.

"The memories of the few moments in time I shared with Al will be precious treasures to me forever, as I am sure the experiences others shared with him will brighten their days to come.

"It is hard to believe we won't see him again on another frontline against evil, but his spirit has quickened our resolve to be there."

Allard Lowenstein was my friend. I miss him.

I believe our country—and especially our young people—miss leaders like Al, who work among us and teach us of the power and, ultimately, the peace that is within each of us. A leader like the Lamitvov of Hebrew legend. A leader such as was described more than 2000 years ago by the Chinese poet and philosopher Lao-tsu in these words:

"A leader is best
When people hardly know that he exists.
Less good when they praise and obey him,
Worse when they fear and despise him.
But of a good leader,
When his aim is met, his dreams fulfilled,
They will say: 'We did this ourselves!' "●

A NEW APPROACH TO THE CARIBBEAN BASIN?

HON. ROBERT GARCIA

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 25, 1982

● Mr. GARCIA. Mr. Speaker, events in Central America have been continuing at a hectic pace. The coming elections in El Salvador, the administration's recent endorsement of negotiations after the elections, Nicaragua's protest to U.N. Secretary General Perez de Cuellar over the alleged threat of U.S. support of the overthrow of their government, the rumored meeting between Cuban leaders and special State Department envoy Vernon Walters and, of course, the coup in Guatemala have kept Central America in the consciousness of the American people.

Hearings this week by the Foreign Affairs and Ways and Means Committees on the Caribbean Basin initiative have also kept our relations with the southern part of our hemisphere fluid. But where are our policies in this region headed? Some recent signs show that we may be moving in the right direction in making our policy reflect the reality of the situation in the Caribbean Basin.

First of all, the administration has, in a backhanded way, given the green light for negotiations between a new Salvadoran Government and the left in that country. The administration endorsed negotiations, in a round about manner, by stating that it did not oppose consultations or negotiations between Salvador's next government and the left. Of course, the handwriting is on the wall. Recent polls show that the American public does not support the President's present policy toward El Salvador.

Also, the administration's willingness to listen to Mexico's offer to mediate between Nicaragua, Cuba, and the United States is a positive signal that things are changing. Vernon Walters alleged trip to Cuba, to try and work out an agreement between our two governments over the situation there, is another positive indication that things may be on the upswing.

These are all, as I mentioned, good signs. But right now, I can only express cautious optimism. It is too early to tell just how sincere the efforts of all parties are for achieving a peaceful settlement in El Salvador.

The same is true for the coup in Guatemala. It is too early to pass judgment on what the final results of the coup will be. It is difficult to imagine that any government could be more repressive and brutal than that of Gen. Lucas Garcia. So, I will express hope that the new government will improve the condition of the Guatemalan people, and democratic reforms will be finally implemented. Guatemala has the most potential for success or failure in Central America. Its well being is crucial for the welfare of the entire region.

Overtures made by the Salvadoran left to the Government of Venezuela, to support negotiations, has apparently been received favorably. The role of Venezuela in bringing stability to the region cannot be underestimated. They support Sunday's elections in El Salvador, but they do not look at them as a panacea. They, too, indicate that negotiations are requisite if a lasting peace is to be achieved.

The Venezuelan Government has also complained about the limited nature of the Reagan administration's Caribbean Basin initiative. They feel it does not go far enough. I agree.

I also have two other main concerns with the initiative. I do not think it should be used to replace direct aid to the economies of the region. The private sector in many of the basin countries is not developed well enough to insure that the poor will directly benefit from the initiative.

Second, I know the President said in his speech that Puerto Rico and the U.S. Virgin Islands will in no way be hurt by the initiative. But, one way of guaranteeing this would be to consult with political leaders from those islands before, and as the policy is being implemented. The people of these islands are U.S. citizens and their welfare must come first.

One thing is clear, the nations of the Caribbean Basin will not slide back into economic and political security because of any new policy of the United States or because of any election. There is no final solution to the problems of these nations. They, like all nations, will continue to struggle for their existence.

A final point, we must realize that we cannot decide the fate of these nations. We can help them; we can send them aid; we can try to influence them. The fate of this region is important to us. We must, therefore, safeguard our interests. The best way to do this, however, is to help these people feed themselves, not to arm them, to educate them, not to incite them, and to realize that they are, finally, the masters of their own destiny.●

STATE UNIVERSITY OF NEW YORK AT ALBANY STUDENT ASSOCIATION CONDEMNS THE IMPOSITION OF MARTIAL LAW IN POLAND

HON. SAMUEL S. STRATTON

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 25, 1982

● Mr. STRATTON. Mr. Speaker, the Student Association of the State University of New York at Albany has passed a resolution strongly condemning the imposition of martial law in Poland and expressing the solidarity of its members with the people of Poland in their present struggle. The resolution clearly and succinctly condemns this undisguised act that perpetuates the Communist way of life in Poland.

It shows that students here—in contrast to some students in Europe, recognize who is really responsible for Poland's many sorrows.

I am sure all of my colleagues share the concern as expressed by the State University of New York at Albany Student Association over this problem, and I am glad to include the resolution at this point in the RECORD. I know all of my colleagues will find it of interest.

Mr. Speaker, the full text of this resolution follows:

RESOLUTION BY THE CENTRAL COUNCIL, STATE UNIVERSITY OF NEW YORK AT ALBANY, FEBRUARY 3, 1982

(Introduced by Student Action Committee)

Whereas, the people of Poland are being repressed socially, economically and politically by the martial law imposed by a totalitarian government that does not represent them, and

Whereas, the people of Poland are fighting for many of the freedoms often denied by a non-representative government,

Be it hereby resolved that the Student Association of the State University of New York at Albany supports the efforts of the people of Poland in their quest for denied freedoms, and

Be it further resolved that we do support the fight for man's inalienable rights to life, liberty and the pursuit of happiness wherever these rights may be suppressed by a government hostile to its own citizens, and

Be it further resolved that copies of this resolution be sent to the following: President Ronald Reagan, Senator Daniel Moynihan, Senator Alphonse D'Amato, Congressman Sam Stratton, Governor Hugh Carey, Premier Leonid Brezhnev, General Wojciech Jaruzelski, Lech Walesa, Secretary General Javier Perez de Cuellar, Chancellor Clifton Wharton, President Vincent O'Leary, Dean Neil Brown, Jim Doellefeld, The Associated Press, The New York Times, The Washington Post, The Knickerbocker News, The Times Union, The Albany Student Press, and the United Press International.●

INTRODUCTION OF THE SOCIAL SECURITY TRUST FUND PROTECTION ACT

HON. WILLIAM R. RATCHFORD

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 25, 1982

● Mr. RATCHFORD. Mr. Speaker, as we grapple with the difficult financing issues that confront the social security trust funds for the next 10 years, it is important that we not lose sight of the one critical ingredient which attracted participation some 47 years ago and has sustained the program ever since. That ingredient is confidence—confidence on the part of some 115 million working men and women who contribute each year to the system that supplemental retirement income, disability, or health care benefits will be available to them as promised, when needed. Confidence on the part of some 36 million persons receiving benefits each month that the Government will not abandon its commitment to this vital social compact that for so many means the difference between poverty and financial security, or between forced institutionalization and rehabilitative community-based care.

Social security, Mr. Speaker, is a unique social insurance system that relys on employer and employees' contributions to support the program. Unlike other insurance programs, one's policy cannot be canceled and entitlement rests almost exclusively upon participation in the established contribution scheme through the working years. Congress, in a sense, is this system's Board of Directors. And while there is common recognition of immediate financing problems for the three trust funds that support the system, this Congress acting in its capacity as the Board of Directors and as guardian of this inviolable compact will not and cannot allow the social security system to go bankrupt.

As the National Commission on Social Security Reform and a variety of interested parties in the House continue to explore possible benefit or structural remedies to anticipated shortfalls in trust fund reserves forecast for later this decade, we must take action now to reassure workers and retirees alike that financial collapse of the system will be averted. With public confidence in the solvency of the trust funds at an all-time low, this Congress must act now to insure that any sudden turns in the economy or unanticipated drains on trust fund reserves will not jeopardize the payment of the next month's benefits, or worse still, spell disaster for the system before the Congress could have time to prevent it.

This is why today I introduce the Social Security Trust Fund Protection Act, designed not as a comprehensive long-term solution to the system's ills, but rather as one vital tool necessary to guard against any such calamity that so many Americans now fear. Together with efforts to tighten eligibility for disability benefits, constrain the uncontrolled growth in hospital expenditures and unnecessary institutionalization, and efforts to provide appropriate tax incentives for worker employment beyond age 62 and 65, we can send a clear message to the American people that the system is fiscally sound and that benefits they have worked a lifetime to secure will be there for them when necessary.

Mr. Speaker, I insert the following factsheet which describes the Social Security Trust Fund Protection Act in greater detail in the RECORD:

FACT SHEET—THE SOCIAL SECURITY TRUST FUND PROTECTION ACT

OUTLOOK FOR THE SOCIAL SECURITY SYSTEM

Over the last year debate has intensified over the condition of each of the three trust funds of the Social Security system, and proposed benefit or structural reforms necessary to remedy projected benefit shortfalls in the 1980's. At the heart of the problem is the reserve ratio for each trust fund—or the assets on hand at the beginning of the year expressed as a percentage of anticipated annual expenditures. The condition of the trust fund reserves at the end of 1981 was as follows:

Reserve ratio in billions of dollars

	Amount	Percent
OASI	21.5	18
DI	3.0	21
HI	18.7	45
Total	43.2	23

These figures are dangerously low, with reserve ratios at the lowest point ever maintained by the trust funds. In particular, reserves for the critical OASI (retirement and survivors fund) trust fund as well as the DI (disability insurance fund) represent funds sufficient to meet only two months of benefit obligations. The OASI trust fund reserve ratio has slid dramatically since 1970 when it was 103 percent, since 1975 when it was 66 percent, and since 1980 when it was 18 percent. In fact, outlays have exceeded revenues for each year since 1974 for the OASI trust fund. While last year's budget reconciliation measures and limited interfund borrowing authority will avert serious financial problems until mid-1983, most forecasts indicate the potential for serious cash-flow problems for the remainder of the decade. With projected demographic and economic changes, the period of 1995 to 2020 is one of projected surpluses with reserves rising from 5 percent of 1996 outgo to 132 percent of 2015 outgo.

WHY THE SOCIAL SECURITY TRUST FUND PROTECTION ACT?

In announcing its ill-fated program for Social Security financing reform last May, the Administration presented some rather bleak trust fund projections that sent shock waves through the American workforce and its retirees. Reversing projections that accompanied the Administration's fiscal year 1982 budget program last February, in May it forecast that combined reserves of the three trust funds would fall below 8 percent sometime in 1984, and that reserves would be exhausted by early 1985. The OASDI Trustees' Report which followed in July offered an even more dismal view. For the first time since enactment, there existed a very real danger that benefits would not be paid. Last year at this time confidence in the economic solvency of the trust funds began to plummet, and doubts continue today as to whether the nation's continued economic downturn with its unforeseen high unemployment rates might jeopardize the stability of the trust funds, or whether the next round of projections by the Administration or the Trustees might be cause for further concern about the immediate health of the trust funds. Workers and retirees alike have every right to expect benefits due them when needed. The Social Security Trust Fund Protection Act represents a responsible approach to guarding the trust funds from any unanticipated drain on its reserves that might jeopardize the payment of the next month's benefits.

PRINCIPAL ELEMENTS OF THE LEGISLATION

Extension of interfund borrowing now authorized for only one year under the provisions of the Social Security Amendments of 1981. Borrowing could only commence when the Managing Trustee determines that the reserves of the trust fund in question have fallen below 9 percent of anticipated annual expenditures (generally that level required to meet the next month's obligations). Interest would be required to be paid to the lending trust fund at a rate equal to what otherwise would have been earned through investment.

Should the combined reserves of the trust funds after interfund borrowing dip below 9 percent, authority would be granted to borrow from the general fund of the Treasury to meet benefit obligations. Repayment of the loan would be required to be made as quickly as possible once reserves were restored to a level exceeding 9 percent of anticipated annual expenditures. Interest would accrue on the unrepaid balance at a rate equal to the amount that would be earned if these funds were invested by the Treasury.

It is generally agreed by noted economists such as Alice Rivlin and Robert Meyers that 13 percent reserve levels are sufficient to ensure the payment of benefits projected for one year. Under this legislation, should the reserves of the borrowing trust fund fail to reach this 13 percent reserve level within one year after borrowing was initiated, the Secretary of HHS would be required to report to Congress as to adjustments in the tax rate schedule or other structural changes necessary to restore that trust fund to a stable reserve level. At that time, authority for that trust fund to borrow either among the other trust funds or the general fund of the Treasury would be terminated, thereby forcing the Congress to take some remedial action for what after a years' duration be considered a problem more serious than a temporary shortfall in fund reserves.

All authorities under this act would be terminated at the end of fiscal year 1990, so that Congress could at that time engage in a thorough examination of financing issues.

WHY MUST THIS LEGISLATION BE ENACTED NOW?

Unlike other proposals for interfund borrowing and general revenue financing, initiation of such action is keyed to the need to meet benefit obligations on a month-to-month basis. Thus, there would never be a need for trust fund reserve accumulations until all loans had been paid with interest. Most importantly, though, passage of this legislation would ensure the payment of benefits regardlesss of any unanticipated shortfall or collapse of any of the three trust funds as so many Americans now fear. The bill is intended to serve as an alternative financing scheme in times of emergency reserve shortfalls only, and must secure passage this session lest declining public confidence in the system is further eroded.●

GREEK INDEPENDENCE DAY

HON. FRANK ANNUNZIO

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 25, 1982

● Mr. ANNUNZIO. Mr. Speaker, on March 25, 1821, the Greeks began their long and difficult struggle for independence for it was on that date, which is recognized as Greek Independence Day, that they began a series of uprisings against their Turkish oppressors. They fought courageously and valiantly against the might of the Sultan's Ottoman Empire and, for the victories they were able to obtain, they suffered many losses and endured much tragedy.

Refusing to yield to overwhelming odds, the spirit of the Greek people remained unbowed. Years before their dream of independence was to be realized, the Greeks showed their determination and tenacity of convening a national assembly on January 1, 1822, during which they officially declared their independence and their determination to continue to struggle for freedom.

In the United States feelings ran high in support of the Greeks. In an address to Congress, President Monroe expressed the feelings of the United States when he said:

> Genius and delicacy in the arts, daring and herosim in action, unselfish patriotism, enthusiastic zeal, and devotion to public and private liberty, all these are connected with the name of ancient Greece. It is natural, therefore, that their contest should arouse the sympathy of the entire United States.

On October 20, 1827, at the battle of Navarino, the Turkish fleet was defeated and destroyed by the combined elements of the British, French, and Russian Navies. This victory gave the Greeks additional incentive in their fight against Turkish oppression. Finally, after many years of conflict and struggle, on September 14, 1829, the Turks were forced to recognize Greek sovereignty and independence at a conference in Adrianople.

Approximately 100 years later, the Greeks again took up arms in defense of their liberty, this time against the invasion of Mussolini's armies. On October 28, 1940, Greece rejected the fascist demand for submission. The Greek people and their leaders refused to bow to the enemy's arrogant demands and overwhelmingly said "Okhi" (no). This date became known as Okhi Day and is celebrated every year in cities and villages throughout Greece, and in Greek communities in other countries, as a symbol of their determination to remain free.

Determined though they were, the Greek people could not halt the onslaught of the Nazis and they were forced to surrender. This however, caused the heroic Greek spirit to resurface in the form of freedom fighters in guerrilla action against the brutal occupation of their country. This limited though effective resistance continued until the Nazi invaders were driven from Greek soil.

In 1945, there was, unfortunately, no respite for the war-weary Greeks. Once the menace of fascism has been erased from their land, communism emerged to threaten Greek independence. After more years of warfare, the Greeks were able to overcome the Communist threat with the help of the United States. The spirit in which this assistance was offered is contained in President Truman's statement, "The valor of Greece convinces me that the Greek people are equal to the task."

The contributions made by the Greeks down through the ages are, of course, too numerous to mention. The works of ancient Grecian teachers, philosophers, and scientists are still taught in universities throughout the world. Socrates, Plato, Aristotle, Galen, Hippocrates, Euclid, Archimedes, Nestorious, Aeschylus, Sophocles, Euripides, Demosthenes—all these names continue to have great influence on the people of the world. Western civilization has borrowed much from the ancient Greeks, drawing upon their wisdom and guidance as a firm foundation on which to build.

It is thus a pleasure to extend greetings to Americans of Greek descent in my own city of Chicago and in our Nation, who are commemorating this inspiring event in the history of freedom, and to recall a century and a half of genuine friendship between the people of America and the people of Greece on this, the 161st anniversary of Greek Independence Day.●

IN RECOGNITION OF RITA MASON

HON. JAMES J. FLORIO

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 25, 1982

● Mr. FLORIO. Mr. Speaker, I would like to share with my colleagues my admiration for the important work carried forward by Mrs. Rita R. Mason.

As President of the American Federation of Government Employees Local 1999, serving the New Jersey Fort Dix Army Base, Rita played a critical role in preserving Fort Dix as the principal Army "boot training" facility in the Northeast. My colleagues will recall that the Department of Defense announced a plan in 1979 to phase out Fort Dix as a basic training facility. I and other parties opposed to the DOD plan relied heavily on Rita's expertise, organization and energy in formulating a successful strategy to preserve Fort Dix.

Rita's hard work made a large contribution toward raising serious questions regarding the accuracy of the cost/benefit study upon which the DOD plan was based. Rita's continuing efforts have helped enhance Fort Dix's critical role in the recruitment and training of millions of our service men and women.

Rita's efforts on behalf of her colleagues have earned her the presidency of the New Jersey Council of American Federation of Government Employees Locals, and the vice presidency of the New Jersey State AFL-CIO. In carrying out the wide range of her official duties, Rita has never hesitated to provide me with helpful advice whenever needed. Rita Mason has provided outstanding service to Fort Dix and New Jersey, and I wish to extend to her my good wishes in all of her future endeavors.●

TITLE I BENEFITS THE SOUTH

HON. GEORGE MILLER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 25, 1982

● Mr. MILLER of California. Mr. Speaker, the Education and Labor Committee has held hearings this week to review the President's proposals to cut dramatically the funds for federally assisted compensatory education programs for low-income educationally disadvantaged children. By all accounts, title I of the Elementary and Secondary Education Act—now chapter I of the Education Consolidation and Improvement Act—the centerpiece of our Federal efforts in this area, has been a success. Both the Department of Education in its most recent evaluation, and the Congressional Budget Office in its just released discussion of current issues affecting title I report that title I improves achievement in both reading and math. Children who participate in title I programs not only read and compute better than their peers who do not participate, but they retain those achievement gains longer.

Title I has had a particularly significant impact on low-income educationally disadvantaged children in the South. According to the National Assessment of Educational Progress, among the Nation's 13-year-olds in title I eligible schools, those in the Southeast made the greatest achievement gains in the 1970's.

The Governor of South Carolina, Richard W. Riley, testified before our committee today on the particular importance of title I to his region. Representing his State and the Southern Governors Association, Governor Riley spoke eloquently about the benefits of title I to the children and families in the Southeast, and the long-term costs of cutting back on this program. He cautioned us all "not to confuse hard choices with counterproductive choices." I could not agree with him more. Governor Riley's testimony follows:

TESTIMONY OF GOVERNOR RICHARD W. RILEY OF SOUTH CAROLINA BEFORE THE SUBCOMMITTEE ON ELEMENTARY, SECONDARY AND VOCATIONAL EDUCATION OF THE EDUCATION AND LABOR COMMITTEE, U.S. HOUSE OF REPRESENTATIVES, MARCH 25, 1982

Mr. Chairman and members of the Subcommittee I am Richard Riley, Governor of South Carolina and Chairman of the Southern Governors' Association. I appreciate this opportunity to share with you my views and those of the Southern Governors' Association.

Eighteen years ago the states of the South and the Federal Government entered into a new partnership. At that time change was in the air. Our region knew it had to move into a new era. Southern states were beginning to bring forth a new type of political leadership. More of our citizens were beginning to recognize the need to remedy long standing economic and social problems. Those were difficult times but over a period of less than a decade our people implemented the changes that were necessary. Because our region knew what had to be done, because the Federal Government took a leadership role and because the people of the South worked to bring about change, our region is stronger today than it was eighteen years ago.

Another dimension of this dynamic partnership was Title I of the Elementary and Secondary Education Act. Long before 1965 we recognized that many children in our schools were falling further behind their classmates. We knew the high incidence of low achieving youngsters was closely linked to poverty, poor nutrition, inadequate health care and lack of access of early childhood education. But in 1965 the South could not provide extra assistance to these children because the economic base of the region was inadequate to support a comprehensive system of public education. Indeed, the region's current commitment to public education was only beginning to take form, and much of the South's attention was focused on the struggle to bring about needed social change.

With Title I the Federal Government provided both the wherewithal and the stimulus to focus new attention on the education of low-achieving children. As a result of this leadership, and the commitment of our region's educators, the National Assessment of Educational Progress recently reported that among the nation's thirteen year old students in Title I eligible schools, those in the Southeast made the greatest achievement gains in the 1970's.

As we all know, times are now very different in the South. Our region has entered a new era of hope and vision about which we are all excited. Yet our past is very much with us. We still have much to do to rid our people of the circumstances which prevent them from realizing their full potential.

It is ironic that just at this time when there is the dedication, creativity, and leadership necessary to serve our people better than ever before, we are confronted with diminished resources to carry our progress forward. Less money for services is a fact of life at every level of government and I, and every other Southern Governor, are sympathetic to the tough decisions that must be made to deal with our federal budgetary and deficit problems.

But it is important not to confuse hard choices with counter-productive choices. Let's not produce short-term savings that only result in costs that are long-term and large. It is, after all, the illiterate and the unskilled who will crowd the welfare rolls and unemployment lines. And, the South knows better than any region what happens when the development and potential of whole categories of people are ignored. We know that when we fail to strengthen the weakest link in the chain of human resources we jeopardize that progress of all our people.

It is for these reasons that the Southern Governors' Association is so committed to an adequate level of funding for Title I. It is for these reasons we oppose budget reductions which threaten the effectiveness of Title I funded programs.

Today the Southern Governors' Association is releasing a detailed report which sets forth the stark realities of proposed Title I budget cuts on our region. It shows that if the cuts are adopted a half-million children could be dropped from Title I funded programs next year, and that number would grow to a total of 1.4 million by the 1983-84 school year. It shows that more than 50,000 educators could be laid off or fired if these cuts take place. It spells out the impact of the proposed cuts on each of the states represented in the Southern Governors' Association. But, it also provides impressive achievement data which demonstrates the effectiveness of Title I funded programs in each of the states.

Last year the Economics Tasks Force of the Commission on the Future of the South recommended:

The primary objective of elementary and secondary education in the South should be the impartation of functional literacy of southern children.

The states represented in the Southern Governors' Association have been making great efforts to provide the policy, legislative, and financial base to achieve this objective. Our legislatures have appropriated more money for education; many of the states in the region now provide more than half of the revenue available for education at the local level. In addition, legislatures are initiating kindergarten and other early childhood programs, parent education programs, and basic skills programs.

But frankly we are playing "catch-up." There are more than ten million children in poverty in the South. These children require and deserve more attention than can be provided by state initiatives alone. This is why Title I is so important. It supplements the efforts our states and local communities are making to assure that educationally disadvantaged children receive the extra help they need. This partnership between the Federal Government and our state and local governments is one that has proven beneficial to the children of our region over the past seventeen years.

I would also like to share with you the position of the National Governors' Association adopted unanimously at their Winter Meeting in February. The National Governors' Association strongly supports the sorting out of program responsibilities among the levels of government and the states' primary role in education. But we also believe that the Federal Government has some responsibility to education which are in the national interest. Among those responsibilities identified by the National Governors' Association is education for the disadvantaged and handicapped.

I am convinced that Title I is essential not only to the children of our region and nation, but also to continue efforts towards regional and national self-improvement in productivity. The next two decades will see an unprecedented growth in high technology industry in not only our region, but in the nation as a whole. In my state even the traditional textile industry is at the start of a technological revolution that will soon involve sophisticated microprocessors and new electronics. To assure a level of productivity that enables this country to be competitive with other nations, we must make sure children have a firm educational foundation upon which to learn and master increasingly sophisticated skills. And, the old adage "an ounce of prevention is worth a pound of cure" is as true in education as it is in most areas. Preventing educational problems in early childhood or when a child is in elementary or secondary schools is more effective, more humane, less expensive than addressing the problem later. Title I is essential to enable more children to develop reading and computation skills which will increase their chances of being a productive citizen, as well as contributing to and benefitting from the economic growth of the state, regardless of region.

This Subcommittee has heard much testimony about the effectiveness of Title I. I know that testimony is true. During the past two years I have personally spent time with teachers and children in more than 70 schools in my state. Especially at the elementary level there is strong evidence of teachers' commitment to children and of children's receptivity to learning. Title I funded programs are an important part of this equation. They are working because the Congress has fought to continue to provide a level and consistency of funding that has meant stable programs. Because of that stability, teachers have developed new skills and understanding about how to help disadvantaged children learn. Children have received concentrated attention which assures the retention of newly learned skills. School systems have learned how to administer Title I funds efficiently.

These gains have been hard won. They are now threatened by proposed budget cuts. I would like to tell you that the states in our region are able to pick up the ball if it is dropped by the Federal Government. The economic realities of the nation, and particularly of our region, prevent me from making such a commitment. I can tell you that because of Title I the South has a new sensitivity to the educational needs of disadvantaged children. We are willing and able to play the role of a responsible partner in sharing the costs of meeting these children's needs. The states of the South will continue to do more to strengthen the basic educational program of these youngsters and, as resources permit, to go beyond that commitment. But the Federal Government, through adequate Title I funding, can offer what we cannot—extra assistance targeted to those children who have the most to gain from effective education. I was most gratified when I was informed that your full Committee recommended to the House Budget Committee a budget level which preserves the original intent of Title I and other educational programs, many of which are preventative and rehabilitative.

In South Carolina we have solid bipartisan support from our South Carolina Congressional Delegation to oppose further cuts in Title I. I sincerely hope you too can obtain the same type of bipartisan support. I urge this Subcommittee to continue to champion Title I because it makes good sense for children and because it is the preeminent example of effective intergovernmental relations.●

FIVE PERCENT PAY CUT FOR FEDERAL EMPLOYEES

HON. PAUL FINDLEY

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 25, 1982

● Mr. FINDLEY. Mr. Speaker, to show that Congressmen recognize the gravity of the budget crisis and are willing to cut their own personal income as an example to the rest of the Nation, I am introducing today legislation to cut by 5 percent the pay of top level Federal employees, including Members of the House and Senate.

Certainly passage of this bill could go a long way to encourage others to tighten their belts for the sake of a better tomorrow. I urge you to support and give serious consideration to this legislation.

Joining me as cosponsors are Congressmen ROEMER and CORCORAN.●

COAL EXPORTS MUST BE VIEWED IN THE CONTEXT OF WORLD SECURITY

HON. NICK JOE RAHALL II

OF WEST VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 25, 1982

● Mr. RAHALL. Mr. Speaker, the Subcommittee on Water Resources has just completed a series of hearings on issues relating to commercial navigation on the Nation's deep and shallow draft waterways. After receiving countless hours of testimony from shippers, users, and consumers of commodities transported by water, it is evident that the administration's cost recovery proposals would have a devastating impact on the price of dry-bulk cargo. Under the administration's proposals, there would be economic flight from regions dependent on waterborne commerce, consumers would witness drastic price increases for everything from electricity to steel products and the ability of this Nation to remain competitive on the world coal market would be seriously threatened due to 100 percent cost recovery for port improvements.

The Reagan administration's user charge proposals illuminate the inbalance between its foreign and national security policies and its energy policy, if indeed it can be said this administration has such a policy. Energy is a powerful diplomatic tool in today's world, and a policy governing domestic energy exports cannot be differentiated from this Nation's foreign policy. Yet, while the administration proposes to spend billions of dollars in defense and foreign aid, it refuses to spend a fraction of that amount to facilitate increased coal exports to our European allies by expediting port improvements. The NATO nations are looking to this country to provide them a measure of energy security through coal. However, it has been made crystal clear that unless U.S. ports are improved, our coal will not be competitive on the world market. This point has been reiterated on numerous occasions before various congressional committees:

> Other coal exporting countries today have or are going to have more and better deepwater ports. This means increased competition for your coal industry. And we do not see a better way to beat that competition than to have similar terminal and port facilities * * * You need the French market, we need the American coal industry. Please build a better future.—William Daniels of ATIC, French coal buying agency.
>
> In the long-run, failure to make the necessary decision on dredging the U.S. coal ports will be a great obstruction to the coal exports from this country.—Representative of Danish coal importing agencies.
>
> As there seems to be a dangerous lack of awareness in many countries of how long it will take to have new facilities ready for operation, it is essential that the U.S. Government will make decisions now.—Dr. Theo Schut, Municipality of Rotterdam.

Mr. Speaker, we are now seeing what can occur when the Europeans lose faith in our ability to provide them with energy supplies. Western banks are rushing to underwrite the construction of the Soviet Yamal natural gas pipeline which will transport natural gas from Siberia 3,600 miles to West Germany where it will then be piped to 10 Western European Nations. Once in operation, the Soviet pipeline will supply up to one-third of the Europeans' energy needs. Five of these countries are NATO members, Mr. Speaker, and the possiblity of energy blackmail by the U.S.S.R. will become quite distinct. With the revenues from the sale of this natural gas, the Soviets will be able to continue with their rapid military buildup. And Western banks, saddled with large investments in the pipeline, will not have acquired an asset, but will be held hostage to the whims of the Russians.

American coal is the best alternative to this Soviet natural gas pipeline. So I again urge, let us dispense with rhetoric about making port users pay the full cost of port improvements and look at this issue within a world context. Increased coal exports not only help the Europeans with their energy problems, but contribute toward a favorable balance of trade for this Nation along with creating jobs in the shipyards, steel, coal, and railroad industries. The opportunities offered by coal exports are enormous, and the ramifications of not taking advantage of this opportunity is equally enormous. For the sake of this Nation, and world security, we must formulate a positive port and coal export policy.●

FOOD FOR THOUGHT

HON. ANTHONY TOBY MOFFETT

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 25, 1982

● Mr. MOFFETT. Mr. Speaker, over 15 years ago the Field Foundation sent a team of pediatricians into Appalachia. The physicians examined thousands of children and issued a report that would galvanize the Nation. "Wherever we went and wherever we looked," the report stated, "we saw children in significant numbers who were hungry and sick, children for whom hunger is a daily fact of life, and sickness in many forms, an inevitability." Increased Federal support for food stamps and the many child nutrition initiatives have been instrumental in the battle against hunger. When Field Foundation doctors returned to the Appalachian region in 1977, they reported, "Our first and overwhelming impression is that there are far fewer grossly malnourished people in this country today than there were 10 years ago."

Hunger is still an issue, however, and as the Food Research and Action Center has found, malnutrition may be on the rise. The food advocacy organization issued a report earlier this week which cites findings in Massachusetts of increased malnutrition among poor children. The center's director quoted Dr. William Bithony, medical director of the comprehensive child health program at Children's Hospital in Boston, as saying, "The cases I have seen are a direct result of children being dropped from the WIC program," the special nutrition service for pregnant women and their children.

Are we dooming our children to another cycle of hunger, through shortsighted cuts in Federal nutrition efforts? The New York Times today editorialized:

> The President continues to tell anecdotes about food stamp cheats, (but) Congress has in fact moved against many of those who don't need help. The cost of the program has increased mainly because of higher food prices and unemployment. Congress may not know how to end poverty, but it does know how to reduce hunger. If the pangs return, the people will know who to blame.

Food for thought.●

UNJUSTIFIED MEDIA ATTACKS SHOULD NOT BE EXPLOITED BY THE CONGRESS

HON. ROBERT McCLORY

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 25, 1982

● Mr. McCLORY. Mr. Speaker, We live in the media age. Issues are frequently decided on the basis of what stories appear on the nightly news, or how many column inches of newspaper space are devoted to them. The Congress through some of its Members, all too frequently initiate hearings or inquires on such issues before attempting to explore the underlying facts.

Several months ago an article appeared throughout the country under the byline of a nationally known columnist which repeated allegations that a large and highly respected company in my district—Abbott Laboratories—had, in effect, dumped nearly 5,000 cans of its product "Ensure®" after the date had expired by which it should have been consumed.

Subsequent to that article's appearing, several of our colleagues communicated with Abbott, inquiring about the allegations contained in that article.

Mr. Speaker, after a thorough review of the allegations, Abbott responded to this inquiry and has furnished me with a copy of that response. As Abbott's own investigation reveals, the donation to MAP International, a reputable Christian relief agency, was made a full 9 months before the expiration date.

For reasons over which Abbott had no control the processing of the donation by the warehouse which received it from Abbott Laboratories took over a year to complete.

Mr. Speaker, with this statement, I am including a copy of the response sent by Robert A. Schoellhorn, chairman and chief executive officer of Abbott Laboratories, to each of the six Members of the House who had forwarded a letter to Abbott. In my view, Mr. Schoellhorn's response demonstrates beyond question that Abbott acted responsibly in this matter.

MARCH 11, 1982.

DEAR CONGRESSMAN: This is in response to the letter which you and five other members of Congress sent to our former Chairman, Mr. Ledder, on February 8 regarding the alleged "dumping" of outdated infant formula products in a refugee camp in Honduras last year. The story to which you are referring was generated by the critics of the infant formula industry and was merely repeated by Jack Anderson in his column in "The Washington Post" on October 31, 1981. The sources of this story should have raised at least some skepticism on your part.

At the outset, it should be noted that the product involved, Ensure®, is not an infant formula. Ensure is a nutritional supplement intended for geriatric and hospitalized patients. We assume that the people responsible for this story found it convenient to misidentify the product as an infant formula in order to tie in to their long-standing and well-orchestrated campaign of abuse of our industry.

The specific lot of Ensure in question was donated by Abbott to MAP International, one of the best-known and most reputable Christian relief agencies, on March 5, 1980, and was received by a corresponding agency's warehouse in New Orleans on March 7, 1980, a full nine months before the expiration date. For reasons wholly beyond our control, this material remained in New Orleans for over a year. It was not shipped to Honduras until April 21, 1981, 13 months after the date we delivered it.

False accusations regarding the integrity of industry do more social damage than you can possibly imagine. Many reputable companies are asked every day for charitable product donations desperately needed around the world. Thoughtless exploitation of occasional defects in the delivery system can only inhibit the willingness of the private sector to continue to make these contributions. While no one can claim to be perfect, I believe our record, and that of MAP, in responding to legitimate requests for emergency relief supplies has been exemplary. The misuse of this incident to further prejudice the public against the infant formula industry is most discouraging.

In the light of the issues raised by your letter and the allegations which preceded it, we are sending a copy of this letter to other interested persons, including members of the U.S. House and Senate, who have shown a willingness to look into some of the facts behind the false allegations with which we are often confronted.

Very truly yours,

R. A. SCHOELLHORN.●

VIETNAM VETERANS EDUCATIONAL BENEFITS

HON. HAROLD E. FORD

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 25, 1982

● Mr. FORD of Tennessee. Mr. Speaker, on March 9, 1982, I introduced H.R. 5762, which would repeal the 10-year time period for which a Vietnam-era vet (August 4, 1964 to May 7, 1975) may use educational benefits. Under my bill, the expiration date would be extended from the present 10, to 20 years post discharge. Current law requires veterans to use their educational benefits within 10 years following discharge or by December 31, 1989, whichever is earlier.

As you know, most veterans who served in the Vietnam era have been discharged at least 10 to 15 years or longer from the military and they are cut off from futher school benefits due to the 10 year legislated expiration date. Many of these veterans were not emotionally ready for school, or dropped out of college in the early 1970's after discharge due to readjustment problems—a good portion through time, age, maturity, treatment, et ceteria, and are now very prepared to return to college to finish. Since unemployment is soaring and the job picture gets bleaker, education for these men and women is presently the only viable and practical answer.

According to the recently published five-volume study by the New York based Center for Policy Research,

> While 70 percent of the veterans as a whole went back to school after leaving the service, only 20 percent of those who served in Vietnam completed college. Only 7 percent of black veterans did so.

In addition, the Veterans' Administration reported that one-fifth of the Nation's 4.3 million veterans (900,000) had their eligibility for educational benefits under the GI bill run out at the end of 1981.

Vietnam-era veterans (August 4, 1964 to May 7, 1975) are not asking for more money but for an extension of the expiration date from their discharge from the present 10 to 20 years post discharge. These are educational benefits already earned and owed to them via their military service but not yet taken advantage of. We all know their GI bill is not as comprehensive as the GI bills of World War II and the Korean conflict which paid fully for tuition to any school, book, and subsistence.

I have been in close communication with several Operation Outreach Readjustment Vet Centers across the country, and these centers report that our veterans are begging for a second chance to enter the classroom or training shop and utilize those benefits accrued from their months and years in the military but were not emotionally prepared 10-15 years ago.

An extension of 10 more years time from date of discharge to reenter school—what better way could the Congress and the Senate and the Nation show their gratitude to the veterans of the Vietnam era than quick passage of this legislation. For example, a veteran who was discharged in 1966, would have an extension of time to 1986 to complete his education depending on his months of service.

With this in mind, I hope my colleagues will join me in supporting this bill, and ask that it be printed in the Record at this point.

H.R. 5762

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) subsection (a) of section 1662 of title 38, United States Code, is amended by striking out "10 years" and inserting in lieu thereof "20 years".

(b) Subsections (b), (c), and (d) of such section are amended by striking out "10-year" each place it appears and inserting in lieu thereof "20-year".

Sec. 2. Section 1662(e) of title 38, United States Code, is amended by striking out "December 31, 1989" and inserting in lieu thereof "December 31, 1999".●

THE EXCLUSIONARY RULE

HON. HAROLD S. SAWYER

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 25, 1982

● Mr. SAWYER. Mr. Speaker, during this century, the Federal courts have propounded an adjunct to the fourth amendment which is not specifically spelled out in our Constitution. That principle—more commonly knows as the exclusionary rule—prohibits the introduction of evidence at a criminal trial which was obtained in violation of the fourth amendment's prohibition against unreasonable searches and seizures. As the Supreme Court noted in Elkins against United States, the "basic postulate of the exclusionary rule * * * is * * * deter—to compel respect for the constitutional guaranty in the only effectively available way—by removing the incentive to disregard it." (364 U.S. 206, 217 (1960).)

While the rationale behind the rule is laudable, there is some question as to whether it, in fact, fulfills the stated purpose of deterrence. Case law has developed a rule so complex, and dependent upon so many nuances that, in some situations, even the greatest legal minds will strongly disagree as to its applicability.

It should come as no surprise, then, when the police officer's judgment on the consitutionality of his actions is subsequently overruled by the courts. Where the officer acts with a reasonable, good faith belief that his search or seizure was constitutional, he needs no further incentive to act legally. A subsequent reversal by the courts will serve only to demoralize him, embolden the criminal, and endanger the public.

Mr. Speaker, I am introducing today, on behalf of myself and the distinguished chairman of the Subcommittee on Crime, a bill which would address the problems created by the exclusionary rule, while preserving its originally intended advantages. First, as recommended by the Attorney General's Task Force on Violent Crime, it would prohibit the exclusion of evidence on fourth amendment grounds if the U.S. attorney shows by a preponderance of the evidence that the search or seizure was made by the officer with the "reasonable, good faith belief" that it conformed with the requirements of the fourth amendment. A showing that the evidence was obtained under a warrant would constitute prima facie evidence of such a reasonable, good faith belief. However, that would not be the only evidence of good faith. My proposal is based on a recent finding by the fifth circuit in *United States* v. *Williams* (622 F.2d 830 (5th Cir. 1980), cert. denied, 101 S. Ct. 946 (1981)), and essentially would apply that holding nationwide.

In addition to the fourth amendment remedy, this bill would create a cause of action against the United States where the officer acts without a reasonable, good faith belief that his activity violates the fourth amendment. Furthermore, the bill subjects such an officer, after notice and hearings, to appropriate discipline by the Federal Agency which employs him.

Mr. Speaker, in my view, the panopoly of penalties provided under my bill—exclusion of evidence, tort claims, and disciplinary action—will serve to dissuade unconscientious law enforcement and investigatory officers from violating the fourth amendment. On the other hand, where the officer makes a search or seizure in the reasonable, good faith belief that his actions accord with the complicated dictates of the fourth amendment, my bill will serve to insure that justice and the innocent citizenry are protected as well.●

GREEK INDEPENDENCE DAY

HON. DON RITTER

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 25, 1982

● Mr. RITTER. Mr. Speaker, today I would like to join with many of my colleagues in the U.S. Congress in commemorating the 160th anniversary of Greek independence. It was on

March 25, 1821 that the Greek people rose up in defiance of the Ottoman Empire and began its 7-year war for independence.

For all those who love and cherish freedom, the nation of Greece reflects the classical age of Plato and Aristotle, of the great democratic city-states and the age of Alexander the Great. It was in Greece that the philosophical foundations of democracy were laid. Greece's legacy is one that has stood the test of time.

As Americans, we have always felt a strong reverance for the legacy and culture of Greece. Even as the United States had just wrested control of its destiny from Great Britan and began to flex its young muscles, many Americans made the long vogage to fight and die alongside Greek freedom fighters. The American and Greek blood which mingled together in the fight for freedom 160 years ago has created a bond between our two peoples which has never been broken.

The Lehigh Valley of Pennsylvania is an area which has benefited from the many Greek Americans who live there. Not only have they added their culture and traditions, but they have been active members of our community. The Greek family itself is an institution of stability. It has always been a distinct pleasure for me and my family to share with the Greek community in the celebration of their culture and traditions.

This year many members of the Greek community in the Lehigh Valley will be observing Greek Independence Day at St. Nicholas Greek Orthodox Church in Bethlehem and the Hellenic Orthodox Church of Annunciation in Easton. Greek culture will once again assert itself on this day.

I would also like to use this occasion of Greek Independence Day to reassert our concern with regard to the ongoing Turkish occupation of Cyprus. For the eighth year, many Greek Cypriots are still forced to live under an illegal Turkish occupation which has done nothing to help the economy or restore the areas ravaged during the 1974 war. While the United Nations has stated that negotiations have made some progress, I continue to renew my plea to the State Department to pursue any course which will arrive at a peaceful conclusion to this vexing international problem.

Therefore, on this the 160th anniversary of Greek Independence Day, I salute my Greek friends and pay tribute to the many and varied contributions which they have made to the Lehigh Valley and American society. May the year ahead be filled with peace and prosperity for the Greek community.●

NUCLEAR HOLOCAUST

HON. EDWARD J. MARKEY

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 25, 1982

● Mr. MARKEY. Mr. Speaker, in the past the American public largely dealt with the problem of nuclear war by not thinking about it. The holocaust that would result if the missile silos were emptied was too overwhelming for the human mind to comprehend. But with the massive arms buildup the Reagan administration has proposed and the talk of nuclear war fighting from the White House, more and more people are beginning to think about nuclear war. And they have come to the conclusion that enough is enough.

Across the country grassroots organizations are organizing to demand a halt to the arms race. In response to that message from the grassroots, Congressman SILVIO CONTE and I have introduced a resolution calling on the United States and the Soviet Union to negotiate a mutual freeze on their nuclear arsenals and to begin major reductions. So far, 157 Representatives have signed on as cosponsors.

I am glad to see that the American public is waking up to the fact that we are perilously close to becoming involved in a nuclear war. The following is a news article from the Washington Post that points out that 45 percent of those polled believed that the chance of nuclear war has grown since Ronald Reagan assumed the Presidency. The American public clearly is worried that time is running out.

[From the Washington Post, Mar. 24, 1982]

FORTY-FIVE PERCENT IN POLL SAY CHANCE OF NUCLEAR WAR ON RISE

(By Mary Thornton)

In another reflection of growing U.S. concern about the danger of nuclear war, a new Washington Post/ABC News poll finds that a plurality of the American people believe that the chances for such a conflagration have increased since Ronald Reagan became president.

The poll of 1,218 persons, conducted last Thursday through Sunday, found that 45 percent of all Americans believe the chance of nuclear war has grown since Reagan assumed the presidency, while 18 percent believe the chances of nuclear war have decreased and 30 percent believe it has stayed about the same.

In addition, 46 percent believe Reagan has not done as much as he should "to limit the buildup of nuclear weapons in the United States and the Soviet Union." That compares with 42 percent who said he has done as much as he should, 2 percent who said he's done more than he should and 2 percent who don't think Reagan is trying to limit nuclear weapons.

Yesterday, a bipartisan group of eight senators, including Senate Majority Leader Howard H. Baker Jr. (R-Tenn.) and Democratic Leader Robert C. Byrd (D-W.Va.), began seeking support for a resolution calling for the United States and the Soviet Union to engage in long-term "mutual stablizing arms reductions" with eventual elimination of all nuclear weapons.

"Right or wrong, many of our citizens and many of our friends and allies abroad believe that this nation is unwilling to play a responsible role in the restraint of nuclear arms," the senators said.

In a letter to colleagues. They urged "a long-term mutual and verifiable nuclear forces freeze . . . looking, in time, to the reductions of the world's nuclear weapons to the level of zero."

But that effort was seen by many in Congress as an attempt to save face for the administration and to head off a much stronger nuclear freeze resolution introduced two weeks ago by Sens. Mark O. Hatfield (R-Ore.) and Edward M. Kennedy (D-Mass.). Critics said the new effort would just lead to prolonged talks while nuclear arms production on both sides continued.

The Hatfield-Kennedy resolution, supported by 20 members of the Senate and 154 House members, calls for an immediate freeze in the arms race followed by major reductions on both sides.

It has been opposed by Secretary of State Alexander M. Haig Jr., who argues that it would have the effect of freezing a Soviet advantage in nuclear weapons in Europe that may be as high as 6 to 1 over the West. Haig said a freeze would eliminate any inducement for the Soviets to reduce their level of arms.

Kennedy and Hatfield issued a joint statement attacking the more conservative arms reduction proposal for not seeking a freeze quickly enough, calling it "a setback for the cause of arms control that would only ratify the failure of present policy. It is a call to build now and freeze later.

"The presence of the word 'freeze' . . . is a rhetorical trick since no freeze would come into effect until major additional weapons systems were built on both sides and protracted talks have been held to negotiate a reduction agreement, which could leave us at levels of weaponry higher than the present incredible Soviet-American arsenal," they said.

In recent months, polls have shown increasing concern in this country over the dangers of nuclear war. A Gallup poll last December found that three out of every four people would like to see Reagan propose that the United States and the Soviet Union each reduce their stock of nuclear weapons by 50 percent.

Meanwhile, town meetings in New Hampshire and Vermont have passed resolutions over the past two months endorsing a freeze on nuclear weapons. Freeze resolutions have been approved by the legislatures and assemblies in Connecticut, Massachusetts, Oregon, Wisconsin, Kansas and New York.●

SENATE—*March 29, 1982*

(Legislative day of Monday, February 22, 1982)

The Senate met at 12 noon, on the expiration of the recess, and was called to order by the President pro tempore (Mr. THURMOND).

PRAYER

The Chaplain, the Reverend Richard C. Halverson, LL.D., D.D., offered the following prayer:

Let us pray.

Lord God of light and life, loving Heavenly Father, "who giveth to all life and breath and all things," we thank Thee for spring. We thank Thee for sunshine bringing light and warmth, for the reminder of resurrection and new life all around us. We thank Thee for fragrant air, for light breezes that caress, for budding trees and bursting flowers, for the joyful, harmonious bird songs, for the awakening of earth from its winter slumber.

Forgive us for ever taking for granted such enormous blessing simply because it is so predictable, so dependable, so familiar. Help us never to allow familiarity with common blessings to breed contempt in us. Help us to be grateful and to see in spring the life which Thou dost promise to those who respond, as does nature, to Thy perfect law. Help those who are lawmakers, of all people, to respect the laws by which Thou dost govern the universe. May we never ignore those laws without which there could be no science, no morality, no justice, nothing predictable or dependable in history. Above all may we honor the law of love which comprehends all law. In the name of Him who is Life and Light and Love. Amen.

RECOGNITION OF THE MAJORITY LEADER

The PRESIDENT pro tempore. The majority leader is recognized.

THE JOURNAL

Mr. BAKER. Mr. President, I ask unanimous consent that the Journal of the proceedings of the Senate be approved to date.

The PRESIDENT pro tempore. Without objection, it is so ordered.

THE GIFT OUTRIGHT

Mr. BAKER. Mr. President, this week's poem, "The Gift Outright," has received much attention and praise since it was authored by Robert Frost. I ask unanimous consent that the poem be printed in the RECORD, with a special dedication of the last line to a remarkable young woman who celebrated her 26th birthday last Friday.

There being no objection, the poem was ordered to be printed in the RECORD, as follows:

THE GIFT OUTRIGHT

The land was ours before we were the land's.
She was our land more than a hundred years
Before we were her people. She was ours
In Massachusetts, in Virginia;
But we were England's, still colonials,
Possessing what we still were unpossessed by,
Possessed by what we now no more possessed.
Something we were withholding made us weak
Until we found out that it was ourselves
We were withholding from our land of living,
And forthwith found salvation in surrender.
Such as we were we gave ourselves outright
(The deed of gift was many deeds of war)
To the land vaguely realizing westward,
But still unstoried, artless, unenhanced,
Such as she was, such as she would become.

ORDER FOR PERIOD FOR TRANSACTION OF ROUTINE MORNING BUSINESS

Mr. BAKER. Mr. President, I ask unanimous consent that, following the recognition of the two leaders under the standing order, there be a period for the transaction of routine morning business to extend not more than 1 hour in length, with Senators permitted to speak therein for not more than 10 minutes each.

The PRESIDENT pro tempore. Without objection, it is so ordered.

APPOINTMENT OF MEMBERS TO SELECT COMMITTEE

Mr. BAKER. Mr. President, last week, the Senate adopted a resolution providing for a select committee to inquire into the facts relating to the targeting and investigative techniques utilized in the Abscam operation and undercover law enforcement operations by the Department of Justice. That resolution provides for the nomination of Members by the distinguished minority leader and myself to the Vice President for appointment to that committee. Mr. President, I now nominate as Members to serve on that committee from this side of the aisle the distinguished Senator from Maryland (Mr. MATHIAS), to be chairman; the distinguished Senator from Idaho (Mr. MCCLURE), to be a member; the distinguished Senator from Wyoming (Mr. SIMPSON), to be a member; and the distinguished Senator from New Hampshire (Mr. RUDMAN), to be a member.

Mr. President, I yield to the distinguished minority leader.

The PRESIDING OFFICER (Mr. HATCH). The minority leader is recognized.

Mr. ROBERT C. BYRD. Mr. President, I thank the distinguished majority leader for yielding. There are four Members on this side of the aisle whose names I have presented. They are Senators INOUYE, HUDDLESTON, DECONCINI, and LEAHY.

Mr. BAKER. Mr. President, I hope that, in a moment, the Chair, on behalf of the Vice President, will be in a position to make the appointments on the basis of the nominations submitted.

APPOINTMENT BY THE VICE PRESIDENT

(Later the following occurred:)

The PRESIDING OFFICER. The Chair on behalf of the Vice President appoints Messrs. MATHIAS, SIMPSON, MCCLURE, RUDMAN, INOUYE, LEAHY, DECONCINI, and HUDDLESTON to the select committee established by Senate Resolution 350, the Select Committee to Study Law Enforcement Undercover Activities of Components of the Department of Justice.

ORDER FOR RECESS TODAY UNTIL 9:30 A.M. TOMORROW

Mr. BAKER. Mr. President, I ask unanimous consent that, when the Senate completes its business today, it stand in recess until the hour of 9:30 a.m. tomorrow.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER OF PROCEDURE TODAY

Mr. BAKER. Mr. President, today, it is anticipated that the Senate will begin consideration of the continuing resolution. It is not anticipated that the matter will be finished today. Indeed, I do not expect any work to be done on that measure other than opening statements.

Mr. ROBERT C. BYRD. Mr. President, will the distinguished majority leader yield?

Mr. BAKER. Yes, Mr. President, I yield to the distinguished minority leader.

● This "bullet" symbol identifies statements or insertions which are not spoken by the Member on the floor.

Mr. ROBERT C. BYRD. Mr. President, I believe it was the understanding on this side of the aisle that no amendments would be offered at the desk.

Mr. BAKER. Mr. President, that is the understanding and I do not contemplate that any business will be considered beyond opening statements or general statements Members may wish to make on the resolution itself. If there are amendments to the resolution, and I persist in the hope that there will not be, if there are any to be offered, it is the intent of the leadership to propose that they be considered on tomorrow rather than today.

Mr. ROBERT C. BYRD. Mr. President, it was the understanding that there would be no amendments on this side of the aisle. It is our understanding that there would be no amendments offered today. I join the majority leader in stating that I hope we shall stand by that understanding.

Mr. BAKER. We shall stand by that understanding. That was my understanding and there will be no amendments considered in the Senate today. Today, however, is 1 of the 3 days we have for consideration of the resolution before the resolution presently in effect expires, so I urge that there be not only the opening statements by the managers of the resolution, but also that Senators who have general statements to make may consider doing that today as well. Amendments will not be offered and will not be debated until tomorrow.

ORDER FOR CONSIDERATION OF S. 1207 TOMORROW

Mr. BAKER. Mr. President, under an order previously entered, during the day tomorrow, the Senate will resume consideration of the Nuclear Regulatory Commission Authorization Act, S. 1207. Three amendments will be considered on that measure. Mr. President, I believe there is an order in place dealing with those amendments, is there not?

The PRESIDING OFFICER. The Senator is correct.

Mr. BAKER. Will the Chair please state the provisions of that order?

The PRESIDING OFFICER. There are three amendments in order; one offered by the Senator from Colorado (Mr. HART), on which there shall be 1 hour; one offered by the Senators from New Mexico and Wyoming (Mr. DOMENICI and Mr. SIMPSON), on which there shall be 30 minutes; and one offered by the Senator from Pennsylvania (Mr. HEINZ), on which there shall be 30 minutes.

Mr. BAKER. Mr. President, I previously asked the Senate and the Senate has agreed to convene in the morning at 9:30. I ask unanimous consent that at 10 a.m. on tomorrow, the Senate resume consideration of S. 1207 under the provisions of the order just referred to.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BAKER. Mr. President, it appears that under the order previously entered, the debate on the three amendments which are the only amendments in order can be concluded by noon—no later than 12:30.

Mr. President, it also appears desirable to ask the Senate to consider stacking of votes on those amendments until after 2 p.m.

Mr. ROBERT C. BYRD. Mr. President, I think that probably is desirable. I should like to make sure I have full clearance, and I will get back to the majority leader.

Mr. BAKER. Very well. I will not put the request at this time, but may I advise my friend, the minority leader, that what I am trying to design is to finish the debate on NRC before noon, to recess so that Members may participate in their respective party caucuses off the floor between 12 and 2, to resume consideration of NRC at 2 o'clock, solely for the purpose of voting on any amendments that may have been ordered by rollcall, to have passage, and then to proceed, Mr. President, to resume consideration of the continuing resolution.

Mr. ROBERT C. BYRD. Mr. President, I feel that it will probably be desirable on this side, but I should like to touch another base, and then I will be back in touch with the majority leader.

Mr. BAKER. I will withhold making the request then until I hear from the minority leader, but Senators should be aware that that is the general plan for tomorrow. Assuming that that can be cleared on both sides, I will make that request a little later.

POSSIBILITY OF LATE SESSIONS

Mr. BAKER. Mr. President, as I indicated on Thursday last, it is entirely possible that the Senate will be in session late this week in order to complete consideration of the continuing resolution. I do not anticipate that the Senate will be in late tonight, but I do anticipate, I predict, and I urge Senators to take account of the almost certain prospect of a late session on Tuesday night.

It is the hope of the leadership on this side that we can finish the continuing resolution on Tuesday and not wait until Wednesday, the day on which the resolution expires by its terms.

So Senators should be on notice that while Monday night will not be a late evening, Tuesday and Wednesday night almost surely will be late, if that is necessary, to accomplish passage of these measures.

THE EXECUTIVE CALENDAR

Mr. BAKER. Mr. President, there are certain items on the Executive Calendar which are cleared on this side for consideration, and after conferring informally with the minority leader, I understand there may be nominations that he is in a position to clear as well. Might that be the case?

Mr. ROBERT C. BYRD. Mr. President, the minority is ready to proceed with all the nominations on the Executive Calendar.

I ask unanimous consent that if and when the distinguished majority leader proceeds with the nominations, a statement by Mr. NUNN in connection with the confirmation of James C. Sanders, to be Administrator of the Small Business Administration, be inserted in the RECORD at the time that nomination is voted on or approved under the unanimous-consent request.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BAKER. Mr. President, I thank the minority leader. He puts me in the somewhat awkward position of having cleared more of the President's nominations than I am prepared to clear on this side of the aisle.

Mr. ROBERT C. BYRD. We are trying to help the President all we can.

Mr. BAKER. I know you are, and I am sure the President is grateful for that and is reassured of those prospects in the future on other issues.

Mr. ROBERT C. BYRD. I would not want to look too far into the future.

Mr. BAKER. Does the minority leader feel that I have overstated the case at this point?

Mr. ROBERT C. BYRD. I would not say that.

EXECUTIVE SESSION

Mr. BAKER. Mr. President, I ask unanimous consent that the Senate go into executive session for the purpose of considering the following nominations: Calendar Order No. 680 on page 2 of the Executive Calendar, Calendar Order No. 681 on page 2, Calendar Order No. 684 through 686, inclusive, and all of those nominations placed on the Secretary's desk in the Army, Marine Corps, and Navy.

There being no objection, the Senate proceeded to the consideration of executive business.

The PRESIDING OFFICER. The nominations will be stated.

Mr. BAKER. Mr. President, I ask unanimous consent that the nominations referred to be considered en bloc.

The PRESIDING OFFICER. Without objection, the nominations are considered and confirmed en bloc.

The nominations considered and confirmed en bloc are as follows:

DEPARTMENT OF STATE

Herman W. Nickel, of the District of Columbia, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of South Africa.

U.S. ARMS CONTROL AND DISARMAMENT AGENCY

James L. George, of Maryland, to be an Assistant Director of the U.S. Arms Control and Disarmament Agency, vice Charles N. Van Doren, resigned.

MARINE CORPS

The following named colonel of the Marine Corps Reserve for promotion to the grade of brigadier general, pursuant to title 10, United States Code, section 5902 and 5912, subject to qualification therefor as provided by law:

Charles S. Bishop, Jr.

NAVY

The following named rear admirals of the Reserve of the U.S. Navy for permanent promotion to the grade of rear admiral in the line and staff corps, as indicated, pursuant to the provisions of title 10, United States Code, section 5912:

LINE

Lemuel Owings Warfield.
Russell William Gorman.
Joseph Francis Callo, Jr.
Raymond Roger Couture.
James Burnett Reap.
John Rodney Grubb.
LeRoy Vincent Isaacson.
Vincent Joseph Anzilotti, Jr.
Francis Neale Smith.
George Clark Sayer.

MEDICAL CORPS

John Francis Kurtzke.
John Peter Connelly.

SUPPLY CORPS

Thomas Gerald Lilly.
Delbert Harry Beumer.

CHAPLAIN CORPS

Emmett Owen Floyd.

CIVIL ENGINEER CORPS

Thomas Smothers Maddock.

DENTAL CORPS

William Harris Molle.

SMALL BUSINESS ADMINISTRATION

James C. Sanders, of California to be Administrator of the Small Business Administration, vice Michael Cardenas, resigned.

NOMINATIONS PLACED ON THE SECRETARY'S DESK IN THE ARMY, MARINE CORPS, AND NAVY

Army nominations beginning Gene P. Abel, to be colonel, and ending Harold D. Thompson, to be colonel, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD of March 4, 1982.

Army nominations beginning David L. Edwards, to be lieutenant colonel, and ending Stephen A. Spaulding, to be first lieutenant, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD of March 4, 1982.

Army nominations beginning Jerry W Adcock, to be lieutenant colonel, and ending Michael T. Baksic, to be captain, which nominations were receivd by the Senate and appeared in the CONGRESSIONAL RECORD of March 4, 1982.

Army nominations beginning Jeffery F. Addicott, to be captain, and ending Daniel V. Wright, to be captain, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD of March 17, 1982.

Marine Corps nominations beginning Kenneth W. Montgomery, to be second lieutenant, and ending Stanley S. Steinbach, to be second lieutenant, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD of March 4, 1982.

Marine Corps nominations beginning Emily L. Baker, to be second lieutenant, and ending Derle G. Hagwood, Jr., to be second lieutenant, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD of March 17, 1982.

Marine Corps nominations beginning Louis P. Abraham, to be second lieutenant, and ending Robert J. Cox, to be second lieutenant, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD of March 17, 1982.

Navy nominations beginning Timothy S. Farwell, to be ensign, and ending Don Sherman, to be commander, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD of March 1, 1982.

Navy nominations beginning Sidney Martin Blair, to be captain, and ending Jacquelyn Sue Wills, to be captain, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD of March 11, 1982.

Navy nominations beginning William Charles Abbruzzese, to be lieutenant, and ending Samuel Sidney Williams, to be lieutenant, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD of March 11, 1982.

Mr. BAKER. Mr. President, I move to reconsider the vote by which the nominations were considered and confirmed en bloc.

Mr. ROBERT C. BYRD. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. BAKER. Mr. President, I ask unanimous consent that the President be immediately notified that the Senate has given its consent in these matters.

The PRESIDING OFFICER. Without objection, it is so ordered.

THE CONFIRMATION OF JAMES SANDERS TO BE ADMINISTRATOR OF THE SMALL BUSINESS ADMINISTRATION

● Mr. NUNN. Mr. President, I am pleased to support the nomination of James Sanders to be Administrator of the Small Business Administration. I have reviewed his financial disclosure forms and the background security checks. Both of these appear to be in order. I have had several occasions to discuss his views on the roles and responsibilities of the agency and his intentions for it.

His background and experience in managing a large insurance firm are positive attributes that he brings to the difficult job of Administrator. In addition, his testimony before the Senate Small Business Committee during his confirmation hearings indicates that the time he has served as Associate Administrator for Management Assistance in SBA will serve him well as Administrator, should he be confirmed.

Mr. President, the Small Business Administration is again at a crossroads. There are increasing rumors of administration interests in substantially trimming the agency's programmatic functions; budget reductions have been proposed and projected which, if sustained, could seriously undermine the capability of the agency to respond to legitimate needs of the small business community.

As a focal point for many in the small business community, the Senate Small Business Committee has a responsibility to insure that the Administrator of SBA is of the highest caliber. I believe Jim Sanders is such an individual.●

CONFIRMATION OF THE NOMINATION OF JAMES C. SANDERS, TO BE ADMINISTRATOR OF THE SBA

● Mr. WEICKER. Mr. President, as chairman of the Senate Small Business Committee, I offer my strong support and endorsement of James C. Sanders, whose nomination as Administrator of the Small Business Administration has been confirmed by the Senate.

On March 9, 1982, the full committee held a hearing on Mr. Sanders' nomination. After a full and complete hearing and a careful review of the nominee's financial disclosure statements and the investigative report on his background, the full committee again met on March 25 and unanimously voted to report the nomination to the Senate.

Let me say at the outset that these are hard times for small business. Money is scarce, credit is scarce, and the cost of just about everything is up. The result is that we are now seeing bankruptcies among businesses at their highest level in 40 years.

Now more than ever, small business needs a strong, effective advocate in this administration; someone who can bring the small business viewpoint to the fore of the policymaking process in this country. In my opinion, that advocate can and should be the Administrator of the Small Business Administration.

It is unfortunate that the Small Business Administration has also come on hard times of late. Since late January, with budget cuts looming and the economic situation growing worse by the day, the agency has gone without a permanent Administrator.

The fact is that in the past, the agency—and indeed the small business community which it serves—has simply had a caretaker, when what it needs is a fighter.

The agency is in need of reform. The Small Business Committee over the last year and a half has made oversight of SBA a top priority. While the committee has often been critical of the agency, it has been constructive criticism.

Yes, frustration has been expressed. But it is frustration caused by the realization that the agency's potential and goals are not being realized. It is frustration caused by the fact that this agency is needed now more than ever—to assist this vital sector of the economy which symbolizes the American experience.

The job Mr. Sanders is being asked to do is not an easy one.

Certainly, the challenges for the new Administrator will be great. But, after meeting with Mr. Sanders and reviewing his qualifications and background, and listening carefully to his testimony at the committee's hearing to consider his nomination, I am confident that he will be able to meet those challenges.

In testimony before the Senate Small Business Committee, Mr. Sanders expressed many of the same concerns about SBA and the needs of the small business community that I have just outlined. As cofounder of his own small insurance agency which later merged with a nationally known insurance brokerage firm of which he became the chief executive officer, Mr. Sanders brings to the agency a wealth of firsthand knowledge about business in general and small business problems in particular.

In our hearing, Mr. Sanders expressed his commitment to maintaining an independent SBA that effectively serves the needs of the small business community. He pledged his energies to insuring that the voice of small business will be heard through his advocacy and leadership in the halls of the administration's policymakers.

In our hearing, Mr. Sanders also expressed a desire and a willingness to work closely with the Small Business Committee in an effort to jointly address the many problems facing our Nation's small businesses. He has pledged to remain accessible to us, and to assist us wherever he can when questions concerning his agency arise. I welcome this cooperation and regard it as an encouraging sign for the small business community.

As the present Associate Administrator for Management Assistance of the Small Business Administration, Mr. Sanders is already familiar with many of the programs at the agency. This agency background should prove extremely helpful in providing a smooth and rapid transition period with a minimum disruption in agency operations. In addition, Mr. Sanders' private sector management experience along with his recent Government tenure, will be invaluable in understanding the problems and needs of the small business community.

I look forward to working with Mr. Sanders in reshaping the Small Business Administration. I am pleased that the Senate has acted quickly and affirmatively on his nomination.●

LEGISLATIVE BUSINESS

Mr. BAKER. Mr. President, I ask now that the Senate return to legislative session.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER OF PROCEDURE

Mr. BAKER. Mr. President, I advise my friend, the distinguished acting minority leader, that I am prepared to yield the remainder of my time, if any, under the standing order.

I am advised as well that the distinguished minority leader may wish to reserve his time under the order until later in the day.

Mr. MELCHER. That is correct, I might say to the distinguished majority leader.

Mr. BAKER. Mr. President, I thank the acting minority leader. I ask unanimous consent that any time I have remaining under the standing order and the time of the minority leader under the standing order may be aggregated and reserved for his use at any time during the course of this calendar day.

The PRESIDING OFFICER. Without objection, it is so ordered.

ROUTINE MORNING BUSINESS

The PRESIDING OFFICER. Under the previous order, there will now be a period for morning business.

Mr. BAKER. I suggest the absence of a quorum, Mr. President.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. SPECTER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

LIMITATION ON JURISDICTION OF THE SUPREME COURT

Mr. SPECTER. Mr. President, today I wish to address the current efforts being made to limit the jurisdiction of the Supreme Court of the United States.

On March 2, by a vote of 57 to 37, the Senate passed legislation which limits the jurisdiction of the Supreme Court of the United States to deal with the issue of busing. While I concur that busing has been a failure in the United States, it is my view that the underlying issue of limitation of jurisdiction of the Supreme Court of the United States poses a clear and present danger to constitutional government in this country.

If the jurisdiction of the Supreme Court can be limited on busing, then the jurisdiction of the Court can equally be limited on fundamental first amendment rights, such as freedom of speech, freedom of religion, and freedom of the press.

It is my belief that if the American people understand the challenge to constitutional government in the United States, the people of this country will reject any effort to limit the jurisdiction of the courts, no matter how strongly they may feel on any single issue or combination of issues.

On Friday of last week, March 26, 1982, I received a letter, as I believe other members of the Judiciary Committee did, from four former Attorneys General and three former Solicitors General addressing this issue in very cogent terms. I ask unanimous consent that the text of that letter be printed in the Record.

There being no objection, the letter was ordered to be printed the Record, as follows:

Senator Arlen Specter,
Russell Senate Office Building,
Washington, D.C.

Dear Senator Specter: We hold varying views on the Supreme Court's decisions in many areas of constitutional law, but on two matters we are unanimous. The first of these is that the Supreme Court was wholly correct in deciding in *Brown* v. *Board of Education* that "in the field of public education the doctrine of 'separate but equal' has no place. Separate educational facilities are inherently unequal" 347 U.S. 483, 495. The second view which we all share is that Congress is not empowered by the Constitution selectively to restrict the jurisdiction of the federal courts to prevent them from enforcing *Brown* in full measure.

Because we hold these beliefs in common, we oppose S. 1760 and S. 1647. Both of those bills deprive the inferior federal courts of jurisdiction to issue orders essential to the carrying out of the *Brown* mandate, namely, orders requiring the assignment or transportation of public school students. Not only do they do so prospectively but by causing the reopening and truncating of orders in long-concluded lawsuits they would truly reverse the course on which *Brown* set this Nation. These bills would exercise power which we believe the Congress does not possess.

Sincerely yours,

Nicholas deB Katzenbach,
Attorney General (1965-66).
Ramsey Clark,
Attorney General (1967-69).
Elliot L. Richardson,
Attorney General (1973).
Benjamin R. Civiletti,
Attorney General (1979-81).
J. Lee Rankin,
Solicitor General (1956-61).
Erwin N. Griswold,
Solicitor General (1967-73).
Wade McCree,
Solicitor General (1977-81).

Mr. SPECTER. Mr. President, earlier this month, I received a letter from the distinguished chancellor of the Philadelphia Bar Association, Robert C. Daniels, enclosing a resolution of the Philadelphia Bar Association, passed by its board of governors on February 25, 1982, declaring its opposition to and condemning any efforts on the part of the U.S. Congress to curtail the jurisdiction of the Supreme Court or lower Federal courts for the purpose of effecting changes in constitutional law.

I ask unanimous consent that the text of that resolution be printed in the RECORD.

There being no objection, the resolution was ordered to be printed in the RECORD, as follows:

RESOLUTION OF THE PHILADELPHIA BAR ASSOCIATION

Whereas, there are presently in Congress more than 30 bills which would limit the jurisdiction of the Federal courts or retrict their power to grant relief in certain types of cases; and

Whereas, the passage of such legislation would interfere with the fundamental responsibility of the federal judiciary to interpret and enforce the provisions of the United States Constitution and would effectively circumvent the amendment procedures in the Constitution;

Now therefore, it is hereby resolved as follows:

1. The Philadelphia Bar Association hereby declares its opposition to and condemns any efforts on the part of the United States Congress to curtail the jurisdiction of the Supreme Court or the lower federal courts for the purpose of affecting changes in constitutional law.
2. The Philadelphia Bar Association hereby declares its opposition to and condemns any efforts on the part of the United States Congress, for the purpose of affecting changes in constitutional law, to limit the remedies available to the Supreme Court or the lower federal courts.
3. The Philadelphia Bar Association hereby declares its opposition to and condemns any efforts on the part of the United States Congress to circumvent the constitutional safeguards provided by the amendment procedures set forth in the United States Constitution.

Mr. SPECTER. Mr. President, I make these comments and offer the letter from the former Attorneys General and Solicitors General, together with the resolution from the Philadelphia Bar Association, because of my view that it is important to focus public attention on current efforts to limit the jurisdiction of the Supreme Court of the United States, so that the matter may be debated fully and openly when further legislative initiatives are presented to this body, as I believe they will be in the course of the current session.

QUORUM CALL

Mr. SPECTER. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. MOYNIHAN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

HENRY KISSINGER

Mr. MOYNIHAN. Mr. President, many Americans—indeed, I cannot but think all Americans—were delighted and surprised to find on the front pages of their papers last Wednesday morning a beaming and resilient and, indeed, thriving Henry Kissinger presenting the Charles Evans Hughes Gold Medal Award to President Reagan at a reception of the National Conference of Christians and Jews the preceding evening.

Many of us have been concerned for Dr. Kissinger's rapid recovery to his incomparable levels of energy and achievement following his recent heart bypass operation. None of us had the least doubt that he would recover, but the speed with which he has done so is overachievement, even for Henry Kissinger. As his friend and one of his Senators, I can only express a very deep personal satisfaction.

Happily, Henry Kissinger's return to good health comes at a time when the second volume of his extraordinary memoirs has appeared. Only this morning, in the Washington Post, the distinguished columnist, Mr. Philip Geyelin, called attention to the passage describing the events of the Yom Kippur war. It occurred of course, in 1973, when the American Presidency was in a state of unprecedented crisis.

It fell to Henry Kissinger to guide the Nation through a moment of intense peril. The prospect of a Soviet invasion of the Middle East was real, and Dr. Kissinger saw that our own forces were put on nuclear alert. He did do all this with no greater formal authority than that of his position as a member of the Cabinet, a position which does not carry with it any power other than that which is exercised on behalf of the President, who was at the time not capable of exercising it.

I have written before and would repeat now that in the history of the American Nation there has not been an act of such courage and selflessness and success. The Nation and the world owes him a debt. Though we will not repay it, we surely can acknowledge it, as we welcome him back to health and await volume three.

Mr. President, I ask unanimous consent that the article from the front page of the New York Times of Wednesday, March 24, 1982, and Mr. Geyelin's article from the Washington Post of March 29, 1982, be printed in the RECORD.

There being no objection, the articles were ordered to be printed in the RECORD, as follows:

[From the New York Times, Mar. 24, 1982]

REAGAN SAYS "FACTS PROVE" HE CARES ABOUT NEEDY

(By Michael Oreskes)

President Reagan, accepting an award for humanitarianism that some protesters said he did not deserve, declared in a speech in New York City last night that "the facts prove" that he really does care about the needy.

"Today I'm accused by some of trying to destroy government's commitment to compassion and to the needy," Mr. Reagan said. "Does this bother me? Yes. Like F.D.R., may I say I'm not trying to destroy what is best in our system of humane, free government—I'm doing everything I can to save it: to slow down the destructive rate of growth in taxes and spending; to prune nonessential programs so that enough resources will be left to meet the requirements of the truly needy."

The President delivered the defense of his cuts in social programs in an address at a $250-a-plate fund-raising dinner of the National Conference of Christians and Jews, which gave Mr. Reagan its annual Charles Evans Hughes Gold Medal for "courageous leadership in government, civic and humanitarian affairs." The dinner was at the New York Hilton Hotel.

It was the latest in a series of appearances around the country in which the President, according to his aides, has sought to counteract the image that he lacks compassion for those who may be hurt by budget cutbacks.

The President also used the appearance to fulfill a commitment he made last November to leaders of major American Jewish organizations that he would speak out against anti-Semitism, which the Jewish leaders warned had tainted the debate over sale of AWACS surveillance planes to Saudi Arabia.

"The obscenity of anit-Semitism and racism must have no part in the national diaolgue," Mr. Reagan declared last night.

He said that the United States commitment to Israel "remains unshakable."

Howard Squadron, president of the American Jewish Congress and leader of last November's delegation to the White House, said he had recently reminded the White House of the President's promise that he would speak out against anti-Semitism.

"I'm pleased he's making the statement," Mr. Squadron said of last night's speech. "I wish it had been sooner."

In the speech, which seemed designed almost point by point to answer critics head on, Mr. Reagan also defended his proposed military buildup, saying: "Though not small, the cost of our program represents a historically reasonable share of our resources and is far less than the potential disaster a weakened America could face at the hands of a ruthless, powerful foe."

DISSENSION OVER AWARD

The choice of Mr. Reagan as the 30th recipient of the Hughes award stirred dissension both within the National Conference, and among many liberal and radical groups, which planned to join forces to picket outside the Hilton and staged other protests during the day.

Several senior officials of the conference disassociated themselves from the award. The Pittsburg chapter of the conference sent a letter calling the honor to the President "an unfortunate gesture."

Donald W. McEvoy, the conference's senior vice president, was a featured speaker at an "alternative awards dinner" mocking the black-tie event at the Hilton. He expressed "sorrow and disappointment" over the award to Mr. Reagan.

Guests at the alternative dinner, held at the Lincoln Center campus of Fordham University, were treated to a menu of cheese and ketchup to draw attention to the surplus cheese the Administration has distributed to the poor and the suggestion—later withdrawn—that ketchup was an appropriate vegetable for school lunches.

Eleanor Guggenheimer, a former New York City Consumer Affairs Commissioner, and Rabbi Arnold J. Wolf of KAM-Isaiah Israel Temple in Chicago, both returned brotherhood awards they had received from the conference.

"If President Reagan is a humanitarian," said Rabbi Wolf, "I'm not."

Harry A. Robinson, vice president of the conference, said the award was "nonpolitical" and that the process of selection had begun nine months ago before some of the current outcry against Mr. Reagan's policies.

Larry Speakes, deputy White House press secretary, said Mr. Reagan would have no comment on the controversy over the award. "They honored him with the award and he's honored to accept it," Mr. Speakes said.

The President did depart from his prepared text to acknowledge the demonstrators outside.

"Just as those outside this hall spoke with such passionate convictions earlier this evening—yes, there will at times be disagreement over the path that we should take," he said. "But can't such a dialogue be carried out with decency and understanding without a tone of hatred?"

In his address, President Reagan cited "facts" that he said demonstrated his Administration's concern for the needy. Most of these were statistics about the Federal budget, such as: that 28 percent of Federal spending in the 1983 budget would go to the elderly; that the Federal Government subsidized 95 million meals a day, 14 percent of all the meals served in the United States, and that the Federal Government would provide medical care for 20 percent of the population, including 99 percent of those over 65.

"The list goes on and on," the President said. "I simply want to point out that we do care and the facts prove it."

The award is named for the late Chief Justice of the United States Supreme Court, who helped found the National Conference of Christians and Jews in 1929 to combat bigotry, particularly anti-Roman Catholic feelings stirred during Al Smith's 1928 Presidential campaign.

President Reagan landed at Newark International Airport aboard Air Force One with Senator Alfonse M. D'Amato and Representatives S. William Green of Manhattan, Norman Lent of Long Island and Guy Molinari of Staten Island.

Deputy Police Commissioner Alice McGillion put the crowd of protesters outside the hotel on the Avenue of the Americas, between 54th and 55th Streets, at "more than 10,000." By the time the President started to speak, the demonstrators, who seemed in a good-natured mood, dispersed.

[From the New York Times, Mar. 24, 1982]

Excerpts From President's Address

(Following are excerpts from President Reagan's speech to the National Conference of Christians and Jews)

It is a deep personal honor to be the fourth President and 30th American to receive the Charles Evans Hughes Gold Medal of the National Conference of Christians and Jews.

The purpose of the Hughes Medal is to provide recognition for "courageous leadership in governmental, civic and human affairs." One can only accept it with a heartfelt sense of humility. And I do so in that spirit. One thing is certain, for more than half a century now, the conference itself has lived up to that ideal, striving with courage, dedication and humanity to promote the ideals of brotherhood and tolerance our nation was founded upon.

Hatred, envy and bigotry are as old as the human race itself, as too many tragic passages in the history of the world bear witness. What is new and daring and encouraging about the American experiment is that, from the beginning, men and women strove mightily to undo these evils and to overcome the prejudice and injustice of the old world in the virgin soil of the new.

The way has never been easy, and even our best efforts have left us far short of Utopia. But generation by generation, year by year, we have come a long way down the road to a just society.

It took a bloody, tragic, civil war to end the abomination of slavery. But it was undone, and the descendants of slave owners and slaves alike today enjoy the same standing under law as free citizens of a free republic.

The battle against discrimination still goes on and much remains to be done, but in a single generation, an entire nation recommitted itself to the cause of equal rights and used the full force of the law to ban for once and for all racial bias in public education, in hiring and in the voting booth.

Nowhere does history offer a parallel to this vast undertaking.

The struggle goes on. To be alive and to be human is to struggle for what is right and against what is not. Our nation today is engaged in a serious and, at times, even acrimonious, debate over what policies will best serve the interests of America and a troubled world.

Today I'm accused by some of trying to destroy government's commitment to compassion and to the needy. Does this bother me? Yes. Like F.D.R., may I say I'm not trying to destroy what is best in our system of humane, free government—I'm doing everything I can to save it: to slow down the destructive rate of growth in taxes and spending; to prune nonessential programs so that enough resources will be left to meet the requirements of the truly needy.

But there is more to brotherhood than government-inspired and administered charity. In recent years too many of us have tended to forget that government can't properly substitute for the helping hand of neighbor to neighbor. And in trying to do so government has to a great extent brought on the economic distress that mires us down in recession.

Out of this economic distress, however, can come opportunity—the opportunity to remember our heritage of brotherhood, our responsibility to care for each other not through impersonal government programs alone but through the giving of ourselves with love and compassion.

For this reason I have asked William Verity, head of Armco, to head up a nationwide effort to recall to all of us our capacity for great and unselfish deeds.

In the field of foreign policy, right now there are differences of opinion about how best to restore America's power and status in the world, and how best to meet the threat of totalitarian aggression. And there is disagreement over how best to deal with volatile, challenging problems in Latin America and the Middle East.

But while we may disagree over tactics in all these areas, we stand united as Americans in our underlying commitment to basic principles—economic stability and growth at home, peace, freedom and a better life for peoples everywhere.

Restoring both our strength and our credibility is a major objective of this administration.

DEFENSE COST IS REASONABLE

I am keenly aware of the costs of our defense program and will in the weeks, months, and years ahead seek true savings and efficiences. But we must refute the misguided belief that our defense program can be arbitrarily reduced and still guarantee our national security.

The Soviet Union has built up a military machine unequaled in all man's history and that arms buildup gives every indication of continuing. When I took office the Soviet quest for military supremacy, combined with our own unwillingness to maintain American defenses, had produced a very dangerous momentum in their favor.

Though not small, the cost of our program represents a historically reasonable share of our resources that must be devoted to this, and is far less than the potential disaster a weakened America could face at the hands of a ruthless, powerful foe.

The question before us is whether we have the will to make the relatively small sacrifices necessary to preserve our freedom today and our children's freedom tomorrow and for generations to come.

[From the Washington Post, Mar. 29, 1982]

Was Nixon in Command?

(By Philip Geyelin)

Not even the Pentagon's most inventive war-game players could think it up: war has been raging for three weeks in a vital area between a close American ally and a Soviet client; Moscow and Washington have brokered a cease-fire, but it is breaking down. The Soviets deliver a rough ultimatum: either both sides intervene with peacekeeping forces, or they will move in on their own.

The National Security Council is rushed to the White House "situation room" to plot a quick counter-strategy. But the NSC's statutory chairman, the president is not in the chair. He is incapacitated upstairs in the living quarters; a "paralyzing" domestic crisis has left him "too distraught to participate." The 25th Amendment makes provision for transfer of authority to the vice president when the president is unable to function—but there is no vice president.

Besides, only the secretary of state and the White House chief of staff are aware of the president's condition. A majority of the "principal officers" of the executive branch will have to make the decision.

Not possible? But of course it did happen—on the night of Oct. 24, 1973. By now you may have recognized the occasion, the so-called Yom Kippur War between Israel and Egypt (plus Syria), and the leading figures: Richard Nixon as president, Henry Kissinger as secretary of state; Alexander Haig as chief of staff. The "missing" vice president was Gerald Ford, designated by Nixon but not yet confirmed by Congress to replace Spiro T. Agnew.

What you may not have recognized, in this version of the famous night when the United States went on nuclear "alert," is the characterization of the role of the president (not, that is, if you remember the official line at the time). Yet that is pretty much the way it comes across in a revealing account in the second volume of Henry Kissinger's memoirs, "Years of Upheaval."

At a time when government and the media are once again in a slanging match over who's telling the truth—about El Salvador or the economy—the Kissinger version of the October War is timely reminder that almost never is either side blameless in these matters. The argument is essentially unwinnable. And anything as absolute as truth is unattainable, even with the passage of time.

Kissinger's 162-page account adds enormously, and meticuloulsy, to the record of one of the most controversial and crissladen three weeks in American political and diplomatic history. In the period between Oct. 6 (when the war broke out) and Oct. 28 (when the Egyptians and Israelis met to negotiate a disengagement of forces), Agnew resigned in disgrace and Nixon's Watergate fate was sealed by the Saturday Night Massacre and an appeals court ruling that he would have to surrender the Oval Office tapes.

But such is Kissinger's artful ambivalence that it is impossible to determine from one episode to another whether he thinks Nixon, under terrible pressure, was unfit for duty or was in command.

One day, Oct. 24, captures the perils as well as emotions, frustrations, suspicions and generally rancid atmosphere. The cease-fire had collapsed. The Egyptians were calling for intervention by American and Soviet troops. Kissinger was meeting with Dobrynin when Nixon, "as agitated and emotional as I had ever heard him," phoned. His enemies, Nixon told Kissinger, "are doing it because of their desire to kill the president. And they may succeed. I may physically die."

Nixon went on: "What they care about is destruction. . . . The real tragedy is if I move our, everything we have done will crumble. . . . They just don't realize they are throwing everything out the window. I don't know what in the name of God . . ."

This was enough for Kissinger to decide to take Haig's advice—when three hours later the Soviets threatened to intervene unilaterally—and not "wake up the president," who had apparently "retired for the night." There is no evidence that Nixon talked with anybody (other than Haig) while the decision was being made in the early hours of the following morning to put American forces on alert and put the United States at risk of nuclear war.

That the crisis was real, Kissinger leaves little doubt—though suspicions ran high at the time. That Nixon sought repeatedly to exploit it to demonstrate his "indispensability" (as impeachment loomed) Kissinger amply documents. The Nixon was repeatedly "out touch," "obsessed," "preoccupied," "on the verge" (as Haig cryptically put it), "in the paralysis of an approaching nightmare"—all this Kissinger makes plain. On that score, his account gives the lie to White House accounts at the time.

But as to a clear judgment, Kissinger speaks ambiguously of a Nixon overwhelmed by this "presecutors," of Watergate as "extralegal" activities, of a "nation consuming its authority." The insights and information are spellbinding. But in a matter of historic interest, we are left not all that much closer to the "truth" than we were at the time.

FRANKLIN DEFEATS JACKSON FOR TITLE

Mr. MOYNIHAN. Mr. President, it was with a great deal of pride and a touch of sadness that I read of Benjamin Franklin High School's victory in the New York City Public Schools Athletic League basketball championship game last week.

As a Franklin graduate (class of 1943), I was heartened to see that my East Harlem alma mater still excels in matters athletic. Benjamin Franklin High School will close its doors forever this June. It shall be sorely missed.

These young men have certainly given a glorious farewell gift to this marvelous school, and I should like to commend each of them, along with Coach Stanley Vinner and Principal Albert Vazquez, for this splendid achievement. Mr. President, I ask unanimous consent that an article from the March 14 New York Times describing Benjamin Franklin's victory be printed in the Record.

There being no objection, the article was ordered to be printed in the Record, as follows:

[From the New York Times, Mar. 14, 1982]

Franklin Defeats Jackson for Title

(By Al Harvin)

Walter Berry scored a game-high 21 points to lead Benjamin Franklin High School to a 52-48 victory over Andrew Jackson yesterday and its first Public Schools Athletic League basketball championship since 1946.

The title will also be the last one for Franklin, the East Harlem school that is closing in June.

The victory at St. John's University in Queens made Franklin's won-lost record 25-2, kept its slate clean against New York City schools and advanced it to the New York State championship at Glens Falls in two weeks.

Kenny Hutchinson scored 15 points for Franklin, but it was Andre Britton and Eric Singleton who sank one of two free throws apiece with 9 seconds and 4 seconds left, respectively, that finally sealed the victory.

Greg (Boo) Harvey, one of the two freshman guards, led Jackson with 14 points. John Hughley, the senior center, and Ron Edwards, the other freshman guard, had 12 apiece for the Hickories.

The defeat dropped Jackson's record to 20-5. Jackson, which has not won a city championship since 1943-44, was runner-up to Alexander Hamilton last season.

In the boys' B division final, Norman Thomas of Manhattan won for the second straight year, and the third time in the last four years, knocking off Murry Bergtraum, 53-35.

Fred Burgess, 6-foot-5-inch senior center scored a team high of 15 points for Thomas, 24-4.

The high-scorer in the game, however, was Clarence Gordon with 16 points for Murry Bergtraum, which interrupted Thomas's reign as P.S.A.L. B champion two years ago and finished with a 17-6 record.

Phyllis Wright, a reserve, left the bench with 15 seconds to play and scored her only 3 points in the final two seconds to lift undefeated James Madison, 26-0, to a 66-63 victory over John F. Kennedy, the defending champion in the girls final.

Miss Wright made a layup, was fouled by Rhonda Windham and calmly completed the 3-point play to win it.

MEMBERSHIP IN THE U.N. GENERAL ASSEMBLY

ADDITIONAL COSPONSORS, SENATE CONCURRENT RESOLUTION 68

Mr. MOYNIHAN. Mr. President, I ask unanimous consent that the following Senators be listed as cosponsors of Senate Concurrent Resolution 68, regarding membership in the United Nations General Assembly: Mr. Jackson, Mr. Riegle, Mr. Kennedy, Mrs. Hawkins, Mr. Weicker, Mr. Quayle, Mr. Specter, Mr. Tsongas, Mr. Mitchell, Mr. Sasser, Mr. Packwood, Mr. Nickles, Mr. Danforth, and Mr. Melcher.

The PRESIDING OFFICER (Mr. Warner). Without objection, it is so ordered.

Mr. MOYNIHAN. Mr. President, I would take this opportunity to note that there are now 54 cosponsors of Senate Concurrent Resolution 68 which asks the Secretary of State to put the members of the United Nations on notice, that should Israel be denied its right to participate, the United States will withdraw from any further activity or participation in the United Nations General Assembly, or any U.N. body which expels or suspends Israel, and will suspend payments of our assessed contributions to the U.N. It was introduced following adoption by the General Assembly on February 5 of a resolution declaring Israel "not to be a peace-loving state." The choice of words is significant, for article 4 of the U.N. Charter states that membership in the U.N. is open to all "peace-loving states." The resolution, known in the language of the international bureaucracy as resolution ES-9/1, thus called formally into question Israel's right to remain a member of the United Nations.

Mr. President, there is a precedent for the American response Senate Concurrent Resolution 68 urges the administration to embrace.

By 1975, a pattern had emerged in the International Labor Organization which, in effect, excluded Israel from its activities, from its regional groupings, and such like. There was also a high degree of politicized resolutions having to do with matters in no sense germane to the International Labor Organization's charter.

This was important in many respects, for the ILO is a place of special concern to us. The United States joined only one international organization associated with the League of Nations, and that was the ILO. When Franklin D. Roosevelt was President, in 1934, the charter for the ILO was drafted in Paris by a committee headed by Samuel Gompers, of the American Federation of Labor.

Ever since we have kept the closest of ties, by business and labor and our Government, to the ILO. We were thus dismayed with what had become of the ILO by 1975, and we felt that we had to do something about it. It was not because we did not much care about the ILO, but, rather, precisely because we very much cared. Its charter was our charter, and those were matters of deepest concern to the United States.

It happened that in 1975 I was our Ambassador to the United Nations. I proposed to Secretary Kissinger, who fully agreed, that there was no other way to bring about a change than to exercise our rights under the charter; we gave notice that we were leaving the ILO.

We gave that notice. A letter was sent saying that if things were not changed we would, in fact, leave within 2 years.

Two years came and went and the ILO had not changed, and we left. We simply left the ILO, an event no one believed was possible, that no one thought we ever would do or could do.

A budgetary crisis immediately followed. The very fact of the American withdrawal made many nations realize that they were not just losing the participation of the United States in the proceedings of the ILO, but they were losing the role that the ILO does play in the legitimate concerns of working people around the world, while the organization was taken over by a small group of countries and politicized for narrow purposes that had no real bearing on the ILO charter.

As this double loss was realized by those nations that continued to be members, they judged they had indeed been proceeding in a very wrong headed and unproductive, indeed counterproductive, manner. And they changed. They resolved to do exactly what we had asked them to do. But nothing short of our leaving could have persuaded them we were seriously opposed to what they had been doing.

When these changes were made, when the basic question of adhering to the charter of the ILO happened, the United States returned, in 1980.

I should say, about Senate Concurrent Resolution 68, that its 54 cosponsors are not hostile to the U.N. as originally and properly constituted. We have no intention of leaving the United Nations, which is to say the Security Council. We would never do that. Our resolution does not even suggest that. But suspending our activity in the General Assembly until the General Assembly learns to abide by the Charter of the United Nations is something we can do, and should do, if the present efforts to expel a democratic nation are successful. And unless we make absolutely clear what will be the consequences of Israel's expulsion, it is very likely to happen.

We care about the United Nations which can accomplish worthwhile things in the world. We care about the conduct of the General Assembly. And it is in that spirit that a majority of the Members of the Senate have cosponsored this resolution. I very much hope that the leadership will find it possible to bring the matter to the floor in very short order. There ought to be nothing impeding that.

I would point out that this is a bipartisan resolution. It was originally introduced by myself and Mr. ROBERT C. BYRD in the company of the distinguished occupant of the chair, the Senator from Virginia (Mr. WARNER). In the House of Representatives, it has been introduced by another distinguished bipartisan group led by Representative JACK KEMP, of New York, and Representative JOHN BINGHAM, of New York, who was once our Ambassador to the U.N. Economic and Social Council (ECOSOC).

AMERICAN POLICY TOWARD THE UNITED NATIONS

Mr. MOYNIHAN. Mr. President, it happened that I was U.S. permanent representative to the United Nations in 1975, when American dismay with the United Nations was most acute. During the General Assembly session that autumn, America watched in uncomprehending horror as the murderous dictator, Idi Amin, then at the height of his brutal reign in Uganda, was welcomed to New York by the international diplomatic community as a distingushed head of state. In November, the General Assembly adopted a cruelly absurd resolution declaring Zionism to be "a form of racism and racial discrimination."

While a great many persons in the upper reaches of the U.S Government counseled a studied indifference to these and other disquieting developments at the United Nations, a number of individuals in private life realize that something seriously wrong was happening there and that to ignore this fact was to forsake American interests. A number of distinguished Americans came together then, under private auspices, to study American policy toward the world body.

Under the leadership of Mr. Morris B. Abram, a highly respected lawyer long prominent in the civil rights struggle in this country, more recently distinguished for his service as U.S. Representative to the U.N. Commission on Human Rights, the Ad Hoc Group on U.S. Policy Toward the United Nations was organized. Shortly thereafter, in 1976, the group's first report was issued. Its numerous recommendations were offered in the hope that they might help the United Nations to "become again an environment for useful dialog and constructive action."

The report, however, was not treated very seriously at the Department of State. It is not entirely coincidental that the years since 1976 have seen American influence at the United Nations decline to unprecedented depths.

A few days ago, the Ad Hoc Group on U.S. Policy Toward the United Nations issued another report. It is entitled "The U.S. and the U.N.—A Policy for Today." One hopes it will be received with greater attention than was its predecessor by the Department of State. It is a remarkably insightful document, suggesting broad concepts that should guide our thinking about the utility and the purpose of the United Nations, and offering specific ideas about particular initiatives.

As the report so correctly states at the outset:

> What is needed is careful, realistic analysis of where the U.S. can cooperate most constructively and where it must be prepared to act unilaterally or in concert with like-minded nations outside the U.N.

The Ad Hoc Group's report, whose authors include three former Secretaries of State and distinguished Americans such as Leonard Sussman, executive director of Freedom House, provides this much needed analysis.

Mr. Abram and his colleagues discuss the role the United Nations can play in solving the major problems of our era—restricting the spread of nuclear weapons, halting the ever more dangerous strategic arms race, mediating conflict among the nations of the Third World. At the same time, the group warns, we should not expect the United Nations to solve all the problems the world faces. As the report puts it:

> Reassessment of policy demands a realistic view of the U.N.: it is not a supergovernment; it cannot make nations behave better than they want to.

The Ad Hoc Group on U.S. policy toward the United Nations also endorses several congressional initiatives with which I have been pleased to be associated during the 97th Congress.

One is Senate Resolution 44, relating to international sanctions against countries which participate in the taking of diplomatic hostages, which I introduced on January 29, 1981. That resolution, Senators will recall, urges the President to convene an international conference that would negotiate automatic diplomatic sanctions against any nation which participated in or condoned the seizing of diplomatic hostages—such as was done in Tehran between November 1979 and January 1981.

Another congressional initiative the Ad Hoc Group endorsed addresses the continuing effort in the United Nations Educational Scientific and Cultural Organization to inhibit the free flow of information and ideas through the device of a "New World Information Order." Last June, the Senate adopted, by a vote of 99 to 0, an amendment I had offered to the State Department authorization bill which called for a reduction in American funding to UNESCO should any part of the order be implemented. The report issued last week by the Ad Hoc Group on U.S. policy toward the United Nations commends "this congressional stand * * * which emphasized that press freedom is a basic human right."

Under the able direction of the current American Ambassador to the United Nations, Mrs. Jeane Kirkpatrick, the United States can yet reassert its authority and regain its influence at the United Nations. And the Congress can continue to play a constructive role in this process, through the timely adoption of amendments and resolutions that effectively state the views and intentions of the American Legislature.

For the information of Senators and staffs, I ask unanimous consent that the full text of "The United States and the United Nations * * * A Policy for Today" be printed at this point in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

THE UNITED STATES AND THE UNITED NATIONS—A POLICY FOR TODAY

FOREWORD

This report was prepared by an Ad Hoc Group on United States Policy Toward the United Nations, which is made up of scholars concerned with international affairs, former U.S. representatives to the UN, and leaders of nongovernmental organizations. The Group met for the first time in 1975 in response to several disquieting developments which had deepened the American people's disenchantment with the UN. Its report, issued in 1976, attributed this situation to the "politicized behavior which had undermined the institutional capacity of the [UN] system to deal in an impartial and effective manner with questions of world concern," and posed the question of "whether it is possible to turn around political behavior so that the institution will become again an environment for useful dialogue and constructive action." We saw the appointment of a new U.S. Ambassador to the UN as "an opportunity to define the U.S. relationship to the world organization," and we offered recommendations for a national policy toward it.

Five year later, the dangers to world stability and U.S. security are more acutely perceived. Our apprehensions of 1976 concerning the UN, somewhat allayed about some issues, persist. This report, like its predecessor, is offered in the hope that it will stimulate reexamination and definition of U.S. policy in this important area. Once again, recognizing that our nation is part of an inevitably interdependent world society, we begin with the premise that—

". . . a central task of U.S. foreign policy in the crucial last quarter of the twentieth century is the building of effective world institutions to help solve critical world problems of vital importance to the American people and to all peoples and nations. These problems include the danger of the spread of local conflicts, the proliferation of nuclear and conventional weapons, the increasing financial burden of the arms race, the population explosion, the deterioration of the environment, food and energy shortages, underdevelopment, unemployment and mass poverty."

Our troubled interdependent world needs the UN, and the principles enunciated in its Charter. Our purpose here is to identify the tendencies threatening them, and to suggest ways to reverse these trends. We want a UN willing and able to function consistently with the Charter purposes: to maintain international peace and security, to develop friendly relations among nations, to foster international cooperation in solving economic and social problems, to preserve and extend human rights, to serve as a center for harmonizing the actions of nations toward these ends.

The conclusions and recommendations in this report have been endorsed generally by the individuals listed below, who associate themselves, in the main, with the analysis as well, though not necessarily with every specific point or wording.

Morris B. Abram
Abraham Bargman
Thomas E. Bird
Thomas Buergenthal
John Carey
Benjamin B. Ferencz
Seymour M. Finger
Richard N. Gardner
Rita E. Hauser
Louis Henkin
Philip E. Hoffman
Sidney Liskofsky
Henry Cabot Lodge
Richard Maass
Edmund S. Muskie
Leo Nevas
Matthew Nimetz
Nathan A. Pelcovits
Ogden Reid
Howard T. Rosen
Dean Rusk
Bayard Rustin
Oscar Schachter
Frederick Seitz
Jerome J. Shestack
Louis B. Sohn
David Squire
William J. Stibravy
Leonard Sussman
Cyrus Vance

THE UN AFTER 35 YEARS: REALISTIC EXPECTATIONS

In 1961 the newly elected President John F. Kennedy, speaking before the General Assembly, proposed a UN Development Decade. This proposal signaled the beginning of a major increase in the operational activities of the world organization and symbolized the position and attitude of the United States, then sure of its economic and military power. The American people were sympathetic toward the goals of Third World countries, and we heartily supported the UN.

In 1981 the picture is starkly different. Militarily, the U.S. is seriously challenged by the Soviet Union, whose armed strength and reach have been extended by a seven-ocean navy, conventional superiority in the European theater, an increasingly powerful nuclear arsenal, a capacity to project its power into volatile Third World areas, the use of Cuban armed forces and other proxies, and so on. The U.S. economy is still far stronger and more stable than any other, but it is nonetheless plagued by persistent inflation, stagnating productivity, huge budget deficits.

In 1961, the then-emerging Third World countries, like India, seemed to lean in the direction of democracy and the West. Today, much of the Third World appears to lean towards authoritarianism and to show an ideological tilt away from the West.

Over the years, Americans have been disappointed by the unwillingness of many UN members to use or permit use of the Security Council to restrain and help contain local conflicts before they get out of hand. They object to the double-standard applied to some political crises and human rights problems. They hold that political crises have been distorted and the whole fabric of international cooperation weakened by the injection of biased—often irrelevant—politics into the General Assembly and into a number of specialized agencies and functional conferences. They see how rapidly expenditures throughout the UN system have grown for which American taxpayers provide the largest share. While they know that the decline of the dollar and inflation account for most of this increase, they feel that UN members and the secretariat are not trying hard enough to spend resources wisely.

At the same time that American power in the world has declined relatively—although it remains formidable—world issues have grown more complex, and global institutions have not found responses to them. This new situation requires that the U.S. reassess its policy toward the UN as part of its overall foreign-policy goals. Hard choices need to be made about which international organizations and programs can best advance these purposes. Certainly our overriding concern must be with national security, but security must be conceived in the context of the American people's national ideals and our traditional commitments to peace and global survival measures, to economic and social improvement, and to human rights for all people.

Reassessment of policy demands a realistic view of the UN: It is not a supergovernment; it cannot make nations behave better than they want to; it cannot compel member states to respect their Charter commitment to renounce the use of force against the sovereignty and territorial integrity of neighbors. And yet, the UN has been a useful instrument for containing, then policing, several local conflicts in Asia, Africa and the Middle East, which had threatened to bring the Soviet Union and the U.S. into dangerous confrontation. Undoubtedly such situations will arise again, so it is in the interest of all nations to join in engaging the UN, where feasible, in coping with them. (It is noted, however, that these UN interventions are not always without cost. Aside from the financial implications, UN peace or truce forces may "freeze" unsatisfactory conditions while creating a tolerable, but unstable, status quo.)

At the same time, in view of the dangerous international environment and the UN's inability to prevent the use of force, especially when superpower interests are involved, the U.S. must rely primarily on its own strength and that of its allies for defense. Collective and regional self-defense (as, for example, through NATO and the Rio Pact) is, of course, legitimate under the UN Charter.

Another feature of the situation at the UN is the Third World countries' more-than-two-thirds majority in the General Assembly and specialized agencies and in the functional conferences sponsored by them, which they have frequently used to dominate the agenda and impose grossly biased resolutions. Some Assembly resolutions, passed with the support of the Third World, have been damaging, even sinister. For example, the equation of Zionism with racism has provided an ostensibly respectable basis for efforts to delegitimate the State of Israel—and in the case of some governments, an excuse for thinly-veiled anti-Semitism. There have been resolutions supporting a restrictive "new world information order," others giving moral and political encouragement—and legitimacy—to the use of violent means by national liberation movements, selectively defined as such.

On the other hand, Third World countries have joined with the West to uphold some of the basic principles on which the UN is constructed. For example, over strong opposition from the Soviet Union and its satellites, the Third World provided an overwhelming majority for such sound General Assembly resolutions as condemning the invasion of Afghanistan and calling for withdrawal of Soviet troops. It was with the help of Third World states that Cuba's efforts in 1980 to win a seat on the Security Council were checkmated, that Soviet attempts to win acceptance of the Cambodian regime installed by the Vietnamese invaders were rejected, and that Iran was asked by the international community to release the American hostages. Some Assembly resolutions have launched major constructive enterprises, such as the UN Development Program, the Intergovernmental Maritime Consultative Organization, the UN Environment Program and UNICEF. Most General Assembly resolutions are adopted without vote, by consensus or unanimously, reflecting general agreement on many subjects of common concern to all groups of nations. Although these and many other General Assembly's resolutions have been constructive, unfortunately others have assaulted some of the very principles on which the UN is based.

Assembly votes are obviously not an accurate measure of real national power or influence. Furthermore, in some instances, they obfuscate rather than reveal a country's real policies. Except on budget items and elections, Assembly resolutions are nonbinding, so that powers like the U.S., its Western European allies and Japan can ignore them—and do so often on economic issues. And although Security Council decisions are binding, the U.S. and other permanent members can use their veto to block proposed actions. In the absence of workable machinery for compulsory settlement of disputes, the UN system can, at best, provide forums and mechanisms for negotiated consensus-building and cooperation. In sum, when the members cooperate, it works well, but when they are in conflict, it does not.

International cooperation toward international peace and security, economic betterment, global survival and extension of human rights is clearly in the U.S. interest. If we demonstrate consistently that we are willing to cooperate without dominating provided that other nations do their share, we can go far toward inhibiting the dangerous partisanship that has aggravated so many genuinely complex disputes. What is needed is careful, realistic analysis of where the U.S. can cooperate most constructively, and where it must be prepared to act unilaterally or in concert with like-minded nations outside the UN.

UN activities and programs are so numerous, and so vast in scope and reach, that this report can deal only with the most important, and merely skim the surface of the questions they raise. We did not set out to produce a comprehensive survey, but only to highlight major issues and concerns and sensitize U.S. policymakers and other readers to them.

This report is loosely divided into two main parts: The first consists of the Ad Hoc Group's observations on major substantive areas of UN concern and activity: international peace and security, arms control and disarmament, the Israel-Arab dispute, Namibia and South Africa, the North-South "dialogue," global issues, human rights and international terrorism. The second part comments on two disquieting tendencies in the UN system: "politicization" and the "tyranny of the majority." The report also examines the relationship between multilateralism and bilateralism in U.S. foreign policy and practice. And a final section consists of conclusions and recommendations.

1. International peace and security

The 1980s will be a dangerous decade. A direct Soviet military attack on Western Europe is unlikely. Greater threats to American security appear to lie in instability, which the Soviets can exploit, in the Persian Gulf and other parts of the Third World. The Soviet invasion of Afghanistan and its armed intervention, in concert with its Cuban and East German allies, in South Yemen, Angola and Ethiopia (the latter two by helping the "governments" in a civil war) testify to the lengthened reach of its coercive diplomacy and its growing power to exploit opportunities in the Third World to the detriment of the West.

There is no simple way to counter these threats. Of course, America's strength, its resolve and dependability, are essential, but our unilateral intervention in every unstable situation would be unwise. Concerted action with other nations is desirable, but difficult to achieve with Third World countries because their interests and outlook often do not coincide with ours. Where we can and should unite with both allies and willing Third World countries, is in a renewed dedication to the prohibition of Article 2(4) of the UN Charter against "the threat or use of force against the territorial integrity or political independence of any state. . . ." That states violate this provision is serious enough; it is more serious that the Security Council has repeatedly failed to act against, condemn or even consider many such violations, let alone deal with their underlying causes. The Iraqi invasion of Iran, the Somali invasion of Ethiopia, Libya's foray into Chad and Uganda's attack on Tanzania are only the most recent examples of this failure. If the Security Council's condemnation of Israel's raid that eliminated Iraq's Osirak reactor was understandable, a selective standard has prevented the UN's dealing with the tensions rooted in the deep-seated causes of the raid, namely, Iraq's continued state of war with Israel and the nuclear insecurity of the Middle East region.

We strongly urge that the U.S. as a general rule bring to the Security Council, in cooperation with other countries or alone if necessary, all significant acts which violate Article 2(4). Although the veto may be used to block any proposed response, the Security Council is a forum where world opinion can be focused on such violations, as indeed it was when the Soviets invaded Afghanistan and again when Iran seized U.S. diplomatic personnel and held them hostage. At the least, the world should know where each Great Power stands with respect to Charter violations.

Along with other UN members, the U.S. should examine other possible means to strengthen the role of the Security Council in settling disputes, such as holding private meetings annually at the Foreign Ministers level, sending fact-finding missions to trouble spots, or asking the Secretary-General to make an inquiry and report. In general, the U.S. should support and encourage the Secretary-General's initiatives to submit conflicts to the Security Council under Article 99, which authorizes him to "bring to [its] attention . . . any matter which in his opinion may threaten the maintenance of international peace and security." It might also request that the Secretary-General be mandated to issue particularized annual reports—modeled on his reports on economic and social issues—on the world political and security situation. These reports might include the world arms buildup, the numbers of killed and wounded—and refugees created—in local wars.

The U.N. has been effective on occasion in dealing with Third World conflicts that threatened to involve the superpowers. In the Congo (Zaire) in 1960-64, and again in the Sinai in 1973, UN peacekeeping operations staved off Soviet-U.S. confrontations and paved the way for arrangements acceptable to the American people and to most of the rest of the world.

It is true that a UN peacekeeping role is possible only when the contending parties and the superpowers accept it. When it is feasible, and when we can be sure a peacekeeping force will be constituted and used impartially, it is decidedly in the interests of the U.S. and of the world to set one up. Therefore, it is essential that the U.S. support measures to strengthen the UN's capacity in this area by establishing a roster of available national contingents trained in peacekeeping functions, arranging for airlifts, and providing for reliable funding. If a constructive proposal for such a force is vetoed in the Security Council, the U.S. should pursue it in the General Assembly.

However, so long as the Security Council's ability to deal with specific threats to peace is limited, and when UN channels have been otherwise obstructed, the U.S. must be willing and able to act outside the UN when it is essential to the national interest—in the case of the proposed Sinai peacekeeping force, for example.

2. Arms control

Disenchantment with the arms-control effort is widespread among both governments and their peoples. Step-by-step progress in the 1960s brought neither the anticipated build-up of East-West confidence nor the disarmament measures expected to follow it. Regrettably, advocates of arms build-up in each nation used each agreement as an excuse to press for new weapons systems which, in turn, increased mutual fears of surprise attack.

The SALT II treaty has been reduced to an informal set of rules which cannot long be sustained; the hoped-for measures to minimize fears of attack have not been forthcoming. Instead, we see competition for technological innovation and a new round in the superpowers' arms race, which add to the sense of insecurity of peoples and governments throughout the world. It is against this background that many governments today hope the UN and its Commission on Disarmament will persuade the U.S. and the USSR to take steps to restore faith in the ability of mankind to stop, or at least limit, the ever-more-dangerous and costly arms race.

The Reagan Administration has declared its preference for strategic arms reduction as the immediate goal of arms control negotiations with the USSR. Conditions are ripe for the U.S. to come forward in the UN with the outline of an arms reduction plan. If, as is likely, the USSR offers its own plan, the U.S. would do well to be ready with a constructive response; otherwise another opportunity for forward movement in this critical area will have been missed and the international reaction will be one of cynicism and antagonism toward us.

Israel's recent destruction of Iraq's nuclear installation has highlighted the role the UN should try to play with respect to the proliferation of nuclear capability, which is a new source of international dispute. Since these are the kinds of disputes that, if continued, will constitute threats to international peace and security, they are most likely to occupy the Security Council in the future, especially since they necessarily affect the interests of the superpowers.

We recommend that the U.S. consider the desirability of creating, within the framework of the Security Council, a Nuclear Security Planning Committee, in which all nuclear-capable states—the declared nuclear powers, states capable of producing nuclear weapons (Canada, Sweden, India), and states whose advanced technology would make them eligible—would participate. Among other things it would function as an expert fact-finder, provide good offices and mediation services, and cooperate with local parties in planning nuclear-free zones and other arms control measures to defuse threats to the peace. The Committee would work with the expert staff of the International Atomic Energy Agency (IAEA), especially on measures to improve on-site inspections; and a small group of specialists and scientists might be attached to the UN Secretariat and assigned to facilitate this cooperation. Such a staff might also devise simulation exercises dealing with worst-case situations in which hostilities between nuclear-capable states might threaten to unleash widespread harmful radiation.

By encouraging continuing dialogue on nuclear issues, such a standing mechanism could help develop an awareness of their responsibilities among actual and potential nuclear-capable states. It could anticipate and try to head off the further dissemination of nuclear weapons, especially in connection with disputes that threaten international peace and security.

The Ad Hoc Group is aware of and strongly endorses our country's longstanding commitment to non-proliferation and to strengthening the mechanisms to achieve it, such as the IAEA inspection system. Although we recognize that yet another mechanism will not be itself solve the problem, the ever-mounting danger of nuclear disaster demands that no possible preventative measure be overlooked.

One of the most useful measures to prevent the further proliferation of nuclear weapons would be the conclusion of a comprehensive nuclear test ban treaty. Such a treaty is regarded by many non-nuclear states as a test of the seriousness of intention of the nuclear weapons states to slow down the nuclear arms race. Consequently, we urge our government immediately to resume the tripartite negotiations on a comprehensive nuclear test ban which began in 1977 and were suspended last year.

3. Middle East

The U.S. will no doubt continue to resist efforts to undermine the Camp David agreement, the most significant step to date toward settlement of a festering conflict. The failure of the UN to endorse this agreement, which brought peace to two countries after decades of war, is at least strange for an organization whose Charter calls for peaceful settlement of disputes.

The Camp David agreement incorporates the principles of Security Council Resolutions 242 and 338, accepted by Israel and its Arab neighbor states, which affirm the right of Israel to live in peace within secure and recognized boundaries and the principle that territory shall not be acquired by conquest. Still to be negotiated are the status of the Palestinian Arabs on the West Bank and in Gaza, and the establishment of Israel's boundaries on the West Bank and Golan Heights. These issues are difficult enough, and should not be made more so by undermining the principlies in these resolutions, the only agreed-upon basis for the negotiations.

The U.S. should continue to support UN peacekeeping forces on the Golan Heights and in southern Lebanon for as long as security considerations require, and to buy time for arduous peace negotiations by restraining violence. These peacekeeping operations should be administered impartially.

Moreover, the continuation of the peacekeeping operations should not be allowed to be seen as a favor the world is doing the U.S. These operations are at least as beneficial to the affected Arab states as to the Israelis and the burden of maintaining them should not be assumed solely, or even primarily, by us.

Because it is a basic UN principle that membership and participation be open to all states, the U.S. must resist any attempt to expel or suspend any country from full participation in the General Assembly, the specialized agencies and functional conferences. Specifically, it must continue to make it clear that if Israel is denied participation, pressure from the Congress and the public may impel the U.S. to reduce its financial support of the UN, perhaps even suspend its participation.

The maintenance of peace and security in the Persian Gulf area will depend less on the UN than on the ability and readiness of the U.S. and its allies, along with governments in the region, to deter Soviet encroachment; but even an ancillary role for the UN could be helpful. Should any country in the region fail to report an act of aggression or threat to peace to the Security Council, the U.S. should do so, alone or in concert with like-minded nations. Where the parties involved are prepared to use UN peacekeeping or peacekeeping instruments, the U.S. should give its full support.

4. North-South Dialogue

The Third World has been pressing in UN forums for "new international economic order." The claims and goals embraced in this concept pose a difficult challenge for the U.S. and other Western countries. Though little headway has been made in negotiations on the economic issues involved, the U.S. must be deeply concerned with the UN discussion of them, even when it decides not to negotiate there.

Clashing perceptions of equity have to be taken into account for any effective bargaining on such issues. Some developing countries contend that existing international economic relationships are illegitimate in their origins and inequitable in their effects, and that they impede the growth of poorer nations. They demand as a matter of right massive transfers of wealth from the industrial nations, including direct aid, trade concessions and higher prices for their commodities, as well as a more influential, if not a commanding voice in decisionmaking in the international financial institutions. Although the industrialized countries acknowledge the need for some fundamental changes in the existing pattern of economic relationships and in the management of the financial institutions, they point out that these factors are not the only obstructions to growth in developing nations; inadequate domestic policies and institutions as well as corruption and mismanagement by local elites, often defeat the good works of international institutions, and no "new international economic order" can remedy those ills.

As our 1976 report stated, the best response of the U.S. and its Western allies to the demands of the developing countries is to combine realistic diplomacy with a readiness to accommodate honest grievances and to take into account their real economic needs. Too often the developing countries' positions are determined by the most radical members of the Group of 77 (now more than 120), who block consensus or compromise short of their extreme demands. Negotiators must recognize mutual interests in a healthy world economy, which benefits rich and poor alike. Inflation and recession in the industrialized world impede economic development and increase the debts of the developing countries; and if these countries do not grow, the trade and investments of the industrialized countries are hurt as well.

Robert McNamara, in his valedictory address (September 30, 1980) as president of the World Bank, called attention to the decline in the average annual growth of the developing countries from 3.1 percent in the 1960s to 2.7 percent in the 1970s with the prospect of a decline to 1.8 percent in the coming decade. He cited the especially severe effects of the current global economic situation on the poorest countries, and deplored the "shockingly small" allocation to them of Official Development Assistance.

In a meaningful North-South dialogue, three interacting situations urgently need international attention: (a) the increasing balance-of-payments deficits imposed on oil-importing developing countries by soaring oil prices; (b) the international debt accumulated by some developing countries which borrow in order to maintain their growth rates, and (c) the lag of agricultural production behind rapidly growing domestic demand.

If anything is to come of negotiations on monetary issues, trade and aid, they must concentrate on specifics and avoid becoming enmeshed in grand-design schemes based on ideology and the hyperbole of blame; furthermore, they should be conducted principally through the competent international agencies, i.e., the International Monetary Fund (IMF), the World Bank and its soft-loan affiliate, the International Development Association (IDA), and the General Agreement on Trade and Tariffs (GATT). Where conditions and governmental attitudes warrant, regional approaches, as in the Caribbean-Central American region, can be fruitful.

The U.S. must resist efforts to undermine these major international institutions, which are demonstrably more expert then they are political, and which have voting and negotiating processes that can assure that U.S. concerns will be fairly protected. These institutions have a commendable record in assisting the developing countries. The World Bank and IDA have increased development assistance ten-fold in the past decade and have emphasized aid to the poorest countries and the most needy people. The IMF has increased its assistance to Third World countries substantially and has adopted a more flexible code on the use of currencies to help poorer nations with balance-of-payments difficulties.

It is vitally important that we maintain our financial support of the World Bank, the IDA and the IMF. Any reduction in U.S. funding of these agencies, which originated in U.S. initiatives and are the major development institutions of the UN system, would diminish the flow of resources to the poorer countries. In addition to considerations of humaneness and equity, reducing the U.S. contribution would impede the recycling of balance of payment surpluses and reduce world demand for American products. It would bring a proportionate loss of U.S. voting power and influence and consequent damage to our national interest.

There must be no question that we will oppose, whether in the General Assembly or at special conferences, any attempt to "legislate" such unrealistic majority "decisions" as those demanding automatic transfer of resources.

The U.S. should resist domestic protectionist pressures, whose success would make it more difficult for developing countries to pay their way, jeopardize the ability of many to serve their debts, and aggravate our one inflation problems.

The U.S., once the world leader in foreign aid, now ranks among the least generous of the industrialized nations. As of 1979, our official development assistance had fallen to 0.20 percent of gross national product, whereas several Western countries were contributing to the UN target amount of 0.70 percent or more. Unpopular as foreign aid is in periods of inflation and budgetary strain, we should resist pressures to reduce it further. Such reductions could hamper the developing countries' economic growth and thus aggravate political instability, as well as damage U.S. markets in the Third World, which now buys about 37 percent of our exports. While we recognize that official assistance is not the sole measure of America's contribution to development (some argue that the U.S. assists more substantially by helping develop the private sector), we believe our official assistance should be increased to compare favorably with that of France and the Federal Republic of Germany, which in 1979 were providing .59 percent and .44 percent of GNP, respectively. (France recently revised its contribution to deduct the amount of aid given to overseas territories considered part of Metropolitan France). At the same time, the U.S. and other Western countries should continue and expand efforts to transfer to the developing countries important resources of capital and technology through private investment.

Any discussion of North-South economic relations must take into account that while the more than tenfold increase in oil prices since 1973 has exacerbated worldwide inflation, inhibited economic growth and drastrically underlined Western vulnerability, it was the poorer Third World nations which suffered most. All the nations of the Group of 77, including OPEC, stand together in setting guidelines for North-South negotiations, but there is no such solidarity in sharing burdens, so that the rising debts of the poorer countries—largely attributed to OPEC's price increases—threaten to overwhelm their struggling economics. While aid by OPEC members to these countries (most of them Moslem) now surpasses that of the Organization for Economic Cooperation and Development (OECD), the price of their old cancels the assistance, a fact which has elicited no real protest or criticism from the UN. Surely, the OPEC countries should cooperate with the North to ensure adequate oil supplies to the less fortunate countries in the South, even help them solve their debt problems.

In the current critical period of transition toward a new energy era, the economic well-being of most of the world is still dependent on the stability of oil supply and prices. Energy is obviously not only a domestic concern but also an important and integral element of U.S. foreign policy.

With about 5 percent of the world's population, Americans manage to consume about 30 percent of the world's energy production, or almost twice the per capita consumption in the developed European countries. Obviously, then, the U.S. has the greatest potential for conservation, and an equally great responsibility to lead in the development of alternative sources of energy. We have made a good deal of progress toward this end in recent years, but much remains to be done.

Satisfactory arrangements between the oil importing and oil exporting states can only be achieved if the importing states continue to strengthen their bargaining position vis-a-vis OPEC. In addition to continuing to work seriously to reduce its own oil dependence, the U.S. should seek further cooperation with the other importing states on research and development for conservation and alternative forms of energy. To diversify the oil and other energy sources, it should assist developing countries in energy exploration and production through facilitating private U.S. investments as well as by participating in the multilateral financial institutions and in mutually beneficial bilateral government agreements.

OTHER GLOBAL ISSUES

Availability of sufficient and affordable energy is only the most immediate of a number of important issues that concern all or most countries. Other issues are the pressure of growing demand on various finite non-renewable resources, the sharing of resources of the seas, seabeds and outer-space, the race between rapidly growing population and food production, the control of epidemic diseases, the safety of international air travel, the allocation of radio frequencies, and the protection of the environment. As technology has generated political and legal problems, these and other global issues have blanketed the agenda of the UN system. International cooperation in dealing with them is vital to assuring a livable world in the decades ahead.

Complete agreement on at least one of these major issues, sharing the uses and resources of the seas, appeared very close as 1981 opened. Six years of hard bargaining had brought nations close to agreement on over 300 articles of a draft treaty. We urge that the U.S. continue to seek agreement on a comprehensive Law of the Sea treaty in the interest of all nations that would fully protect navigational freedom and assured access to seabed minerals.

5. Namibia and South Africa

In Namibia, which presents the last significant problem of decolonization, the U.S. should continue, as it has done in recent years, to take into account long-term trends in Africa, as well as the aspirations of the Africans. Such an approach led to the majority-supported solution in Zimbabwe, which was endorsed by the African frontline states, the United Kingdom and the U.S.

For Namibia, the Security Council has approved a plan worked out by the U.S., the United Kingdom, France, West Germany and Canada after consultations with the concerned parties. In essence, the plan provides for UN-supervised elections to determine what kind of government should rule an independent Namibia. The plan has been accepted by SWAPO at the urging of the African states; and because SWAPO expects to win such an election, South Africa, while giving signs of accepting the plan in principle, has raised various objections to its implementation. In particular, it argues that the General Assembly's endorsement of SWAPO, which is dominated by the Ovambos, casts doubts on the impartiality of the UN.

We believe the U.S. should continue to support the basic principles of the plan and press South Africa to resume negotiations in good faith. The U.S. might also invite the Black African states and South Africa to work out constitutional guarantees to protect Namibia's minority ethnic groups, black, white and mixed.

Apartheid in South Africa proper is a different and more difficult problem. The UN has condemned apartheid as a crime against humanity and virtually all countries have called for its abolition. There has also been great pressure by African countries and others for economic and military sanctions against South Africa through the Security Council. Apartheid is an abomination and we urge that the U.S. cooperate in efforts toward its speedy elimination. But we do not believe that it constitutes the kind of threat to international peace and security which, under Chapter VII of the UN Charter, would justify military action. Nor do we believe the anti-apartheid cause is advanced within the country by refusing South Africa participation in the General Assembly. However, we support selective UN and bilateral pressures, such as the continuation of the arms embargo and the discouragement of new investments.

To equate the problems of the Palestinians with that of the apartheid imposed on the black majority in South Africa is a gross distortion, one more example of bias which damages UN credibility. Privately, the U.S. should make it clear to the Africans and others promoting this distortion, that it harms their interests; publicly we should always take a firm stand against this deplorable equation. One way to counteract it is for the U.S. to participate in special conferences on South Africa, racism and apartheid on the basis of a "gentlemen's agreement" with the sub-Sahara African states that they will oppose resolutely any effort to intrude the irrelevant subject of Zionism.

6. Human rights; international terrorism

At the UN founding conference in 1945 in San Francisco, it was the U.S. which took the lead in launching the post-war international human rights movement. The Nazi experience had demonstrated the close connection between repression of human rights at home and international aggression abroad; and the UN Charter postulated that observance of human rights and "the creation of conditions of stability and well-being" were organically linked to the prerequisites for peace (Article 55).

The human rights principles of the UN Charter and the constitutions of the UN specialized agencies as well as the moral-political declarations and binding conventions emanating from them, have been endorsed by a majority of member states, notwithstanding that most pay them only lip-service. The principles of the Universal Declaration of Human Rights and the Covenant on Civil and Political Rights place high value on rights rooted in our American tradition such as the rights to freedom of speech, press, assembly and association, fair trial, and other rights and freedoms of individuals. The U.S., in recent years, has been a leading advocate of these principles in the UN bodies and should continue in that role.

Andrei Sakharov has said that "defense of human rights has become a worldwide ideology, uniting on a humane basis peoples of all nationalities and with the most diverse convictions." The U.S. must face the challenge of how to relate to this "worldwide ideology." We believe that America should be identified, for both moral and prudential reasons, with promoting an international rule of law that encompasses human rights values. It would be contrary to our interests to let the human rights mantle be appropriated by political and ideological forces which are in fact inimical to human rights.

The Ad Hoc Group reaffirms its commitment to the human rights ideal and urges the U.S. to work toward its advancement both through international institutions and processes and through bilateral relationships. Because human rights are such an important international issue today, their defense should be a prominent part of the U.S. foreign policy agenda. Further, a strong American policy on human rights would be a powerful counterforce to the ideological appeal of communism in the battle for the hearts and minds of mankind.

International law obligates all governments, notwithstanding the regrettable absence of an international judicial system and enforcing authority, to respect and promote their citizens' basic rights and freedoms. It has established that the way a government treats its people is a legitimate concern of the international community, so that assertions or complaints by one country that another is violating its citizens' human rights are unquestionably legitimate. President Reagan recognized this fact in his remarks at the "Day of Remembrance" ceremony for the victims of the Holocaust, on April 30, 1981 at the White House: "Never shall it be forgotten for a moment," he affirmed, "that wherever it is taking place in the world, the persecution of a people, for whatever reason . . . is a matter to be on [the] negotiating table or the United States does not belong at that table."

Neither authoritarian nor totalitarian regimes should be permitted to subscribe formally to international human rights standards while violating them in practice. When their practices violate the internationally recognized norms to which they claim to adhere, governments should not be allowed to demand "noninterference" in their internal affairs, or to claim that state security dictates the violation; they must be called to account.

While cooperating in promoting the enjoyment of economic and social rights which are also integral to American values (one of Franklin D. Roosevelt's Four Freedoms was Freedom from Want), the U.S. should resist the thesis advanced by some Third World countries that economic and so[illegible]ds must be met before a state can [illegible] the "luxury" of civil and political free[illegible] the poor and even hungry can also unde[illegible]nd the importance of freedom to speak and organize, of freedom of emigration and of fairness in the criminal justice process. The General Assembly itself has declared (res. 32/130, December 16, 1977): "All human rights and fundamental freedoms are indivisible and interdependent; equal attention and urgent consideration should be given to the implementation, promotion and protection of both civil and political, and economic, social and cultural rights."

The Administration has recently affirmed that "the protection and enhancement of human rights is a principal goal of [its] foreign policy" and not "a mere afterthought in the foreign policy process;" that "while private diplomacy will be the preferred approach [it] will continue to use . . . [public diplomacy] where it is needed;" that it "opposes the violation of human rights whether by ally or adversary, friend or foe" and will not pursue a policy of "selective indignation."

What Senator Daniel P. Moynihan said of the UN's selective morality applies also to us: "Unless standards or human rights are seen to be applied uniformly and neutrally to all nations, regardless of the nature of their regime or the size of their armaments . . . it will quickly be seen that it is not human rights at all which is invoked when selective applications are called for, but simply arbitrary political standards dressed up in the guise of human rights. From this perception it is no great distance to the conclusion that in truth there are no human rights recognized by the international community."

Of course, our own leverage varies with different nations and, therefore, our effectiveness necessarily varies. Still, to be effective, the U.S. stance on human rights must be coherent and even-handed. Only in highly exceptional circumstances, when overriding security interests are at stake, should there be any exceptions, and these should be justified and explained to the American people.

We commend the Human Rights Commission's recent extension of its concern to patterns of gross violations in parts of the world hitherto insulated from international scrutiny; but the Commission and other UN bodies still have a long way to go toward correcting the prevailing double standard. U.S. representatives in these bodies should vigorously oppose the kind of selective morality which concentrates on violations in a few countries while important violations in Eastern Europe, Africa, Asia and Latin America are ignored or barely noticed. But neither should these representatives condone violations simply because the UN has been selective. They should condemn all violations, whether by leftist or rightist governments.

The U.S. must be a committed participant in the UN's setting of human rights norms, not only in drafting but also by ratifying adopted conventions, with only essential reservations. It is inexcusable that we have not yet ratified the pricnipal human rights convenants and conventions, in particular, the Genocide Convention and the Covenant on Civil and Political Rights, both of which are reflective of our own values. If we ratified at least this Covenant—including the Optional Protocol on the individual's right to petition—and the Convention on the Elimination of All Forms of Racial Discrimination, the U.S. could participate in their implementing bodies and thereby influence their practice and evolving jurisprudence.

Further, the U.S. should participate in UN efforts to adopt new norm-setting principles on, among other things, the ban on torture or other maltreatment of prisoners, the elimination of religious discrimination, the protection of ethnic minorities, the safeguarding of human rights advocates, and the right to emigrate. The Universal Declaration and the Covenant on Civil and Political Rights recognize the right to leave one's country and return to it as a basic freedom; it is nearly 20 years sine the UN Sub-Commission on Discrimination and Minorities proposed a set of principles spelling out this freedom, to be adopted as a declaration or convention. Follow-up action by the Human Rights Commission is long past due.

The U.S. should continue to press for observance of due process in UN fact-finding on human rights. Such standards must exclude preconceived standards and condemnations; and require that fact-finding missions be composed of independent persons respected for impartiality and integrity. These and other proposals for the model rules of procedures adopted at the August 1980 Belgrade conference of the International Law Association merit U.S. supported advocacy.

We should support other efforts to strengthen the UN's implementing capacity, both by improving existing mechanisms and by establishing such new institutions as the proposed office of UN High Commissioner for Human Rights. It would also be helpful, among other improvements, to allow complainants under the Human Rights Commission's confidential Resolution 1503 procedure, access to governmental responses to their allegations, and generally to relax these secrecy restrictions; to preserve and strengthen the mandate of the Commission's working group on disappearances; to empower the Commission to convene emergency sessions on reports of "mass and flagrant violations of human rights of an urgent nature," and to upgrade the status of the UN's Human Rights Division to a Human Rights Center.

Complex modern societies are increasingly vulnerable to international terrorist acts, which not only can, indeed are intended to, damage and destabilize societies, but can dangerously unbalance international relations. Secretary of State Alexander Haig has condemned the human rights violations of "rampant international terrorism." Whether perpetrated by individuals, political groups or governments, terrorism affects basic human rights not only because hostage-taking, bombings and other violent acts inflict death and suffering on innocent victims, but also because it may force both governments and political groups to take countermeasures that often victimize the innocent. And the fact that terrorist groups often wrap themselves in the cloak of human rights complicates countermeasures.

Both a comprehensive strategy and ways to deal with its particular manifestations are needed to combat international terrorism. No form of terror by individuals or counter-terror by governments, for whatever "righteous" reason—as a protest against poverty or political tyranny, in the cause of national liberation, for national security—should be exempt from condemnation. The U.S. must make it clear that every UN failure to speak out and to act against any manifestation of terrorism endangers the entire structure of human rights.

Effective international action against terrorism depends on general agreement that certain acts are crimes, regardless of their alleged motivation. As Yugoslavia declared in a 1972 letter to the UN: "Grave offenses and serious crimes should not be treated as political acts even in cases where the motives for committing such acts are of a political nature." These and other crimes and offenses have been defined in the International Civil Aviation Organization's conventions against hijacking and other dangerous interferences with civil aviation, in the UN's 1972 convention on the protection of diplomats and other internationally protected persons, and in its 1979 convention against the taking of hostages. Unfortunately, such conventions are undermined by the failure of some countries to ratify them or to comply with them when they have been ratified—for example, when Iran held American hostages for more than a year.

The U.S. should work in the UN and elsewhere to increase the number of ratifications and to develop mandatory procedures for punishing or extraditing offenders and penalizing non-ratifying governments. For example, it should join other nations at the UN, or outside it, to work out an international agreement whereby all nations would promptly and automatically cut off diplomatic and economic relations with any government that takes diplomats as hostages, or fails to protect diplomats on its territory, or fails to try to extradite persons who commit such offenses and seek their sanctuary.

Among other terrorist crimes that could be the subject of new international agreements are the export of violence to countries which are not parties to a conflict and the international mailing of letter bombs and other explosive devices. The U.S. might consider supporting the American Bar Association's proposal to create an international criminal tribunal to try terrorists.

7. Politicization of specialized agencies, functional conferences and secretariats

U.S. leadership in sponsoring international mechanisms to deal with special economic and social problems long antedates the UN, a prime example being the creation of the International Labor Organization in 1919. It was thought then and in the early years of the UN that clearly defined programs for the general welfare could be insulated from the members' "high politics" and that agreements could be reached on monetary policy, investment, trade, agriculture, labor, health, education, science, culture, communications, nuclear energy, civil aviation, merchant shipping, and other important issues. It was hoped, too, that habits of cooperation in these specialized areas would spill over into such politically sensitive areas as security.

In fact, the opposite has too often happened: The politics of the General Assembly and the Security Council have been replicated in various specialized agencies and functional conferences. Undeniably, many of the specialized agencies have made important contributions to the general welfare. They have contributed greatly to the development of Third World countries and the growth of the international economy. The Food and Agriculture Organization, the World Health Organization and other specialized agencies have contributed enormously in their respective spheres and have largely maintained their specialized and professional character. The Stockholm Conference (1972) sensitized governments around the world to increasingly serious environmental problems and led to the establishment of the UN Environment Program.

Unhappily, the efforts of some of the agencies—UNESCO, ILO, World Health Organization and others—have been threatened by the injection of extraneous political issues ("politicization") that provokes friction and confrontation and hinders cooperation. Two closely related patterns are involved in this regrettable development: taking action on matters outside the specific functional domain of a given specialized agency or conference, and reaching decisions on matters within their functions competence on the basis of political considerations irrelevant to the technical or scientific problems at issue.

A glaring example was the World Conference on Women, held in Copenhagen in 1980, whose purpose was to analyze the problems and to promote the economic, social, educational, health and other interests of women. Because special resolutions introducing extraneous and divisive political issues were adopted—notably calling for the "elimination" of Zionism, providing for specific UN aid programs to be carried out only for Palestinian women with no specific provision for Somali, Eritrean or the needy women of other countries, citing the predicament of women in El Salvador and Chile but not of those in Afghanistan, Cambodia, Uganda or Saudi Arabia—26 governments, including virtually all the western governments, refused to support the conference's overall Program of Action.

Since the resolutions at such conferences are non-binding recommendations and meaningful only to the extent that they influence government attitudes, it is doubtful that they should be voted on at all. Indeed, voting procedures at such conferences actually encourage the introduction of divisive political issues. When governments whose cooperation is important, or even critical, are outvoted, the consequences can only be counter-productive. We believe the U.S. should seek when feasible to have decisions at specialized conferences made by consensus. In any case, when irrelevant political issues are likely to jeopardize the goals of a conference, the U.S. should consider seriously refusing to attend and share its costs. Obviously, such a policy would be effective to the degree that it is espoused by other governments as well.

Of all the specialized agencies, UNESCO presents perhaps the most troubling case of intrusion of retrogressive ideology and biased politics, with inevitable damage to its reputation and constructive programs. A conspicuous example has been the effort of the Soviet Union and some Third World governments to legitimize, under the rubric of a "New International Information Order," government controls over the collection, transmission and publication of news by the press and other mass media. While calling for a "free and balanced flow of information and news" internationally, these governments maintain a discreet silence about its absence in their own countries, where news usually means government propaganda.

While offering to help Third World countries improve their communications capacity, the Western democracies have stood firm agains the insidious assault on freedom of information and expression. The U.S. Senate, by a vote of 99-0, rejected the concept of a "new information order" and called for prohibiting any U.S. funding toward "projects to license journalist or their publications, to censor or otherwide restrict the free flow of information within or between countries, or to impose mandatory codes of journalistic practice or ethics." The House of Representatives approved overwhelmingly resolutions holding that the establishment under UNESCO aegis of a new information order would restrict freedom of the press, and calling on it to cease efforts to regulate the flow of news and information around the world.

We endorse this Congressional stand as well as the Administration's intent to pursue at the UN the principles of the Declaration of Talloires (adopted by a Conference of Independent News Media, May 15-17, 1981 at Talloires, France), which emphasized that press freedom is a basic human right.

Like many other UN bodies and agencies, UNESCO has succumbed to the Arab-Soviet strategy of maligning Israel and undermining the Camp David process. In disregard of findings of UNESCO's own experts, every UNESCO General Conference since 1974 has condemned Israel's archaelogical projects in Jerusalem, and its educational and cultural practices in the West Bank and Gaza.

We believe the time has come to reassess the capacity of UNESCO, and certain other UN agencies, to function compatibly with their declared ideals and purposes. Where politicization, or gross inefficiency, has seriously impaired this capacity, and remedial efforts fail, the U.S. should consider alternative institutions or mechanisms to provide their intended services. Our preference is that the U.S. stay in UNESCO and aggressively affirm our own interests and ideals, and work to restore the agency to its proper role; but if these efforts fail, we should not exclude the possibility of withholding financial support or even withdrawing from the agency.

In the secretariats of the UN and its specialized agencies, hiring and promotion have been influenced increasingly by political pressure rather than by merit. This has brought many poorly qualified officials to important positions and, as a consequence, eroded confidence in the integrity of international officials in general. The U.S. should take the lead, in cooperation with other governments, in seeking to reverse this damaging trend, for in the decade ahead, it will be crucial that international secretariats be competent and objective. Able Americans and qualified people from other nations should be encouraged to join these secretariats.

8. Voting and decisionmaking: "The tyranny of the majority"

Every international organization needs a decision-making procedure suited to its objectives. Weighted voting is appropriate for the World Bank, the IDA and the IMF, for without it, the major contributors are not likely to provide the hugh resources required. The same principle has been applied to regional development banks. In the International Fund for Agricultural Development, based on a similar principle, the OECD and OPEC jointly provide most of the resources and have one-third of the votes each, with the remaining one-third distributed among all other members. In commodity agreements, it has been accepted as reasonable that producer and consumer countries have equal voting rights subdivided according to relative market shares. In short, some form of weighted voting, with variations, is essential in organizations where some nations contribute most of the resources.

The Law of the Sea Conference has functioned by consensus rather than voting and thus achieved near agreement on more than 300 articles of a draft treaty. Although the consensus procedure is slow and laborious, it is reasonable to apply it in negotiating a treaty whose effectiveness depends on ratification by governments. For this reason, we would recommend its adoption for treaty-drafting and generally at functional conferences. The UN Institute for Training and Research is appropriately about to publish a study with this same thesis. It should be taken up by our government.

Since the Security Council can make binding decisions to impose economic, political and military sanctions—which could not be effective in the face of determined opposition by a superpower—the veto is indispensable.

The General Assembly has been somewhat grandly called the "Parliament of Man," but in reality it is much less than that. It can give directions to the UN Secretariat and set the budget, but aside from these binding powers it cannot legislate by majority vote, even when it designates a document a "Declaration" or "Charter." (On the other hand, international law may be developed by consensus if the text is carefully and meaningfully worked out. Initiating international law in areas ripe for it is in fact one of the Assembly's important roles.) Nevertheless, although not binding, Assembly resolutions can significantly influence the views of governments, which alone have the power and the resources to make them effective.

More and more frequently, resolutions by the General Assembly and by the assemblies of such specialized agencies as UNESCO and functional conferences like the one at Copenhagen have disturbed the U.S. and other governments, as well as public opinion, with harmful impact on programs of international cooperation. This is because the true value of an Assembly or conferences is not measured by the number of resolutions it adopts, nor by the decibels of oratory, but by the success or failure to win the members' cooperation.

It is probably unwise, and certainly difficult, to lay down hard and fast rules for U.S. voting in the assemblies and conferences of the UN system. When we favor a proposal, obviously there is no problem. When we are opposed, the first step should be consultation with other friendly delegations on what to do: Shall we try for an amendment? Call for separate votes on objectionable features? Vote no? Abstain? Not vote at all? Any one of these negative postures should be accomplished by a trenchant explanation. Moreover, the U.S. should not fear to stand alone, if necessary, especially if an important principle is 77involved. In such cases, we should grasp every opportunity to make our objections known, especially in bilateral communications with the member governments.

Given the importance of Congressional and public acceptance of U.S. cooperation in international programs, Third World countries could help toward this end if they avoided actions that are not in their essential interest but which needlessly offend American public opinion. U.S. representatives ought to explain to them the possible consequences, including curtailment of funding, of flagrant instances of politicization.

9. Synchronizing mutilateral and bilateral action

In the course of world events, matters that were traditionally dealt with by bilateral diplomacy or by small groupings of nations have become part of the multilateral agenda. Conversely, it is estimated that mutilateral issues now constitute about 70 percent of the content of bilateral diplomacy. Thus, not just prudence but necessity dictates that the people engaged in bilateral policy in Washington and the U.S. embassies be knowledgeable about multilateral preoccupations and programs, and seek opportunities to advance our objectives through the UN and other multilateral institutions.

Many countries, especially the smaller ones, do not even coordinate their own positions at different multilateral forums. They take sharply different positions, for example, at the annual meetings of the World Bank and IMF and in the General Assembly. The U.S. should watch closely the positions these countries take in various forums and make it clear to them that their multilateral policies are matters we will take seriously into account in our bilateral relationships. We recognize that there can be honest differences between us, but it is another matter when a country takes anti-American positions irresponsibly or demagogically, or under the influence of bloc pressure, even when its real interests are not at stake. Gratuitous attacks on the U.S. should not be cost-free.

Obviously, the U.S. must first coordinate positions within and among its own departments and agencies, not only in the State Department but also the Treasury, the Agency for International Development and the others concerned.

Any viable policy toward the UN has to be solidly grounded in Congressional and public acceptance, particularly when costly international programs are involved. The essence of a prudent, realistic and effective policy is a balance between our domestic and foreign interests, and the building of a consensus on the sacrifices it demands. It is precisely because Congress has no substantial constituency that is interested in international affairs that the U.S. Mission to the UN has the responsibility to inform both the legislative and the executive branches what the rest of the world is concerned about. Though the U.S. must reserve the right to act alone to safeguard its interests where no other course is available, American leaders and officials need to be aware of the advantages that can accrue from collaboration in multilateral institutions. It may be useful to this end to attach to our General Assembly delegations not only occasional members of Congress, as we do now, but also some senior international relations staff attached to key Committees and members.

Any strategy for dealing with the Group of 77 requires consultation with the other OECD countries, but that does not mean the positions must be uniform, as the Soviet bloc demands of its members. Differences and flexibility are not necessarily to our disadvantage, if we want to encourage developing countries to pursue their real interests rather than take rigid bloc positions. Examples of industralized countries' flexibility should be there to follow! Though the U.S. should not fear to stand alone on fundamental principles, wherever possible we should try hard to enlist support from our allies and friends. Too often, friendly nations have made opportunistic concessions—which they did not really favor—on important issues, because they felt safe in the knowledge that the U.S. would take care of their interest by defending the principle at stake. In trying to work out in advance joint positions with friendly countries, we may be able to give them the courage to express and vote their real convictions.

CONCLUSIONS AND RECOMMENDATIONS

In 1981 the UN system, with some good works in the cause of peace, economic and social betterment and human rights, also reflects—and occasionally aggravates—the dangerous international environment in which the U.S. finds itself. In our 1976 report, we attributed the deterioration of the UN's institutional capacity to deal impartially and effectively with important world issues to the opportunistic behavior of some members. Unfortunately, we must ask again "whether it is possible to turn around political behavior so that the institution will again become an environment for useful dialogue and constructive action."

We still believe it is in the American interest to use the UN as a forum for carrying out our country's foreign policy, a long-term goal of which should be active cooperation in working out measures for global survival, economic and social improvement, and human rights for all people. We should cooperate toward these ends when matters of interdependence are involved, but also be prepared to go to other multilateral institutions or combinations, or act alone, when necessary.

The U.S. should be receptive and attentive to the concerns and claims of Third World countries and be ready to cooperate with them in achieving peaceful change. Many of these countries are increasingly important to the U.S. economy and geo-political strategy, and indispensable in cooperative efforts to assure a livable world. Yet even as we cooperate in the quest for economic and social betterment, and even as we reconsider some of our positions, we should make it clear that on occasion the U.S. will be obliged to disregard recommendations voted by a numerical majority rather than arrived at by a process more reflective of the sentiments of the world community. So long as the UN system, other than the Secuiryt Council with its veto power, does not have effective means of protecting the interests of minorities, one cannot expect states to accept automatically principles and measures voted by transient majorities, ofter arrived at in the heat of passionate political debate without due consideration of all the interests at stake.

We should make it plain to UN member states that the Organization's moral integrity is its most precious resource, and that its strength lies in a reputation for fairness, objectivity and effectiveness. Only through a world organization that commands respect will governments be able to solve the complex and threatening problems that lie ahead.

The U.S., in cooperation with like-minded states, should strive to make the UN a stronger and a better mechanism for building a more peaceful and just world. In order to help it serve both international cooperation and our own national interests, we recommend that the U.S.:

Join the UN member nations, indeed offer leadership, in a rededication to cooperation in maintaining international peace and security through the peaceful management of violent conflicts and the balanced reduction of armaments. While we prefer to share responsibility toward this end, we reserve, of course, our right under Article 51 of the UN Charter to act in individual or collective self-defense.

Continue work with other nations to strengthen the UN's peacekeeping capacity to prevent or stop local wars and avoid superpower confrontations.

As a general rule, should bring to the Security Council, in cooperation with other countries but alone if necessary, all significant threats or uses of force against the territorial integrity or political independence of any state. Even if blocked by veto, such initiatives can raise the political cost to violators by exposing them to the pressures of world opinion.

Explore, in cooperation with other UN members, opportunities and means to strengthen the role of the Security Council in the peaceful settlement of disputes. We should encourage the Secretary-General to use more frequently and less selectively his Charter authority to bring to the Council's attention matters threatening international peace and security.

Consider the feasibility of creating, within the Security Council, a Nuclear Security Planning Committee whose functions would be fact-finding, good offices and mediation, devising plans for nuclear-free zones and other arms control measures, and generally encouraging awareness of their responsibilities among actual and potential nuclear-capable states.

Take greater initiatives in seeking verifiable agreements for balanced and mutual reductions of armaments which would increase American security, enhance world peace and release resources and manpower for constructive purposes.

Resist efforts by any party to undermine Security Council Resolutions 242 and 338—the only agreed-upon basis to date for a comprehensive peace in the Middle East—and the peacemaking process initiated in the Camp David Accords. Concomitantly, we should oppose all attempts to deny any member state full participation in the General Assembly, the specialized agencies and functional conferences.

Continue to support an active UN role on behalf of Namibian self-determination and the abolition of apartheid in South Africa.

Strive toward the early conclusion of an equitable and workable treaty on the Law of the Sea.

Continue its strong support of the IMF, World Bank and IDA, including provision of a fair share of the required funding.

Consider the legitimate and realistic economic and social concerns of Third World countries, while making it clear that we will not sacrifice important national interests to the exhortations of majority-voted resolutions in the General Assembly, specialized agencies, or in functional conferences. One cannot expect states to accept automatically recommendations adopted by one-nation, one-vote majorities, often arrived at in the heat of passionate political debate without due consideration of all the interests at stake.

Carry out, in accordance with the ethical values and historical traditions of the American people, a principled policy of promoting and protecting human rights and fundamental freedoms. To this end, we should,

(a) promptly ratify major human rights treaties;

(b) participate energetically, consistently with and in defense of our principles, in the Human Rights Commission and other UN bodies and agencies engaged in human rights programs;

(c) oppose attempts to restrict UN discussion of human rights to a few countries while ignoring violations elsewhere, and take the initiative in broadening the discussion;

(d) insist that all states ratify and fulfill their obligations under existing conventions against hijacking, hostage-taking and other terrorist outrages, and work for additional international instruments against particularly grievous manifestations of terrorism, including nuclear terrorism. We should insist that states adhere to the spirit of the agreements, which aim to deter offenses regardless of motive.

Seek in UN conferences devoted to various functional problems to replace so far as possible adversarial voting by decision-making through consensus.

Consider not attending or withholding financial support from specialized agencies or functional conferences whose purposes we have found—after careful examination, explanation and warning—to be seriously compromised by the injection of extraneous political issues.

Call on the UN member states and on the Secretary-General to restore "meritocracy" in Secretariat appointments and promotions throughout the UN system, and to ensure efficiency and integrity in staff performance in accordance with the principles in Articles 100 and 101 of the UN Chapter.

Intensify efforts and improve procedures in the State Department and other government departments and agencies to utilize bilateral diplomacy more effectively in the service of our national objectives and interests in UN and other multilateral forums. We should coordinate more effectively our bilateral and multilateral diplomacy.

Develop closer cooperation in international matters among the Administration, Congressional committees involved in international affairs, transnational corporations and American nongovernmental organizations active in the international area, in order to ensure coordinated action in matters of common interest.

Mr. MOYNIHAN. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. PROXMIRE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

ARMY SAVES TAX DOLLARS

Mr. PROXMIRE. Mr. President, I wish to praise the U.S. Army for management efficiencies which will result in a saving of over $4 million to the U.S. taxpayer. At a time of record high military budgets and horror stories, it is good to hear that the Army is showing some old-fashioned frugality and efficiency.

The U.S. Army Finance and Accounting Center, in Indianapolis, Ind., has put into effect three programs which eventually will save over $4 million.

The first involves matching Army computer files of military retirees receiving retirement checks with computer files from the Veterans' Administration of recently deceased veterans.

Lo and behold, the Army found 159 cases of dead retirees still receiving, and cashing, their checks at a total of $570,000. Whoever said, "You cannot take it with you?" The Army cracked down and has collected more than one-third of these funds with more expected soon.

Second, they used the computer to match payments to individuals receiving two different types of Government financial assistance—survivor benefit plan annuities from the Army and dependency and indemnity compensation funds from the Veterans' Administration.

U.S. law requires that the Army's payment must be reduced by the total of the Veterans' Administration payment. But nobody had been checking one against the other. When the finance center ran its computer, it found 262 cases of overpayments going back to 1974 totaling over $3.7 million. The Army is trying to recover these excess payments, and the computer now weeds out these double payments annually so the situation cannot recur.

Third, the finance center has listened to the advertising that mailgrams have the "impact of a telegram at a fraction of the price."

Instead of using computer letters to collect debts owed the Army, they started using mailgrams. Initial figures indicate that debt collection will be up 7 percent with a potential saving of $234,000 annually.

Mr. President, these savings project out to over $4 million and in some cases they will be made year after year.

We are not going to balance the budget with these cost savings nor are we going to reduce the huge increase in defense spending. But they are a fine example for the rest of Government to follow.

If every finance center, base, department, office, and bureau in Government had the same management record, maybe we could put a dent in that deficit.

THE REWARDS OF PERSEVERANCE

Mr. PROXMIRE. Mr. President, another book on the Holocaust appeared recently. This one, entitled "The Black Book," attempts to convey the emotions of Soviet Jews during the Nazi invasion of the Soviet Union. It is a compendium of stories recounted by survivors of the Hitler extermination campaign.

One of the most vivid and morose accounts is about a man who hid for 26 months in the cellar of his house, unable to lie down or stand up, and then died 2 days before the Red army arrived.

The "Black Book" was compiled 30 years ago but was only published recently. Its release had been blocked in deference to the East Germans. Only after three decades of struggle did the editors gain permission for its release.

Mr. President, this work is laudatory not only because of its literary merit, but also because it calls to our attention the horrors of genocide. Without frequent reminders of the atrocities that transpired under Hitler and others who have committed genocide, lessons may quickly be forgotten. "The Black Book," in its anecdotal style, carries on the instructive tradition in a powerful way.

A book with startling and vivid tales such as "The Black Book" can jar a segment of the population for a period of time. As with any book, however, the effects are neither national in scope nor permanent.

Like the editors of "The Black Book," I have spent much time and great energy attempting to expose the crime of genocide and to see that our Nation goes firmly on record as opposing this heinous crime. It took over 30 years of persistence to have this fine new work published. The fight for ratification has taken as long. It must not take another year. Mr. President, I call on the Senate to ratify the Genocide Treaty at the earliest possible date.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. GORTON. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

DEATH OF AUDLEY F. MAHAFFEY

Mr. GORTON. Mr. President, I should like to bring to the attention of the Senate the recent death of Audley F. Mahaffey, a longtime educator and legislator from Washington State.

Mr. Mahaffey and I served many years together in the State house of representatives as members for the same district. In fact, he began an interrupted career in that body in the same year that I started my first term as a State representative. I benefited from his wise counsel and his friendship. He was my close friend and good neighbor.

Mr. Mahaffey's many contributions to State government and to numerous civic organizations will long be remembered, both by those who knew him and by those who will benefit in the future from the acts of his dedicated service.

I ask that each Member of the Senate extend his or her sympathy to his widow, Frances Mahaffey, and to the family.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. BAKER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

Mr. LONG. Mr. President, reserving the right to object, can the Senator tell me what he had in mind doing? If he is not going to do anything, why do we not go home?

Mr. BAKER. Mr. President, the Senator from Lousiana had his hopes up there for a minute, but I am going to dash them and tell him I am very hopeful that we will indeed get started on the continuing resolution making appropriations for three departments of the Government.

Mr. LONG. I have no objection.

Mr. BAKER. Mr. President, before the Chair considers my request, I may say that I understand there may be another Senator or so who has need for time to conduct morning business. I intend to extend that time, assuming the Senate will consent, and then at the close of the time for morning business or as soon as the principals arrive to deal with the continuing resolution we will go on to that.

Mr. LONG. I thank the Senator.

Mr. BAKER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

EXTENSION OF ROUTINE MORNING BUSINESS

Mr. BAKER. Mr. President, I ask unanimous consent that the time for transaction of routine morning business be extended for not longer than 30 minutes additional time under the same terms and conditions as the request entered this morning.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BAKER. I thank the Chair.

Mr. President, while we await the arrival of any Senator who may have need for time to transact routine morning business, once again I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. BAKER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

UNANIMOUS CONSENT AGREEMENT—H.J. RES. 409 AND S. 1207

Mr. BAKER. Mr. President, the distinguished minority leader is necessarily absent from the floor, but I have communicated with him and have his approval, I believe, for the request I am about to put. We consulted during the opening moments of the session today, and then our staffs have consulted since that time and appear to have this arrangement worked out to the mutual satisfaction of both sides of the aisle.

Mr. President, I ask unanimous consent that the majority leader, after first consulting with the minority leader, may proceed to the consideration of House Joint Resolution 409, the continuing resolution, for the purpose of making opening statements and general debate, and at that time S. 1207, the NRC authorization bill, may be temporarily laid aside.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER OF BUSINESS

Mr. BAKER. Mr. President, I observe that the distinguished chairman of the Appropriations Committee is in the Chamber, as is the distinguished ranking minority member, and I assume that they are prepared now to proceed with the consideration of the continuing resolution.

Before they do so, however, may I announce that we have now an order for the Senate to convene tomorrow at 9:30 a.m., and that it is the intention of the leadership to ask the Senate to resume consideration of the NRC authorization bill at 10 o'clock. We do not now have an order for that, but I will attempt to gain consent for that procedure a little later. But in any event, Senators should be on notice that at approximately 10 o'clock the leadership will ask the Senate to resume consideration of S. 1207, the NRC authorization bill.

I also intend, as soon as we can clear this request, to ask unanimous consent that any rollcall votes on any amendments that may be ordered prior to 2 o'clock will be stacked and occur at 2:10 p.m., providing 10 minutes, to be divided in an appropriate way, for an explanation of the ensuing procedure, and then for final disposition on the vote on any amendments that may be ordered and on passage if the same is required.

After the disposition of the NRC bill and after the intervening technical moves in the nature of the consideration of the House bill or postponing other measures indefinitely, the Senate will resume consideration of the continuing resolution.

With that general overview, Mr. President, of how the leadership hopes that the Senate will proceed with this matter, I wish to express my appreciation to the Senator from Oregon for his willingness to proceed with the continuing resolution at this point, and my appreciation as well to the Senator from Wisconsin.

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Morning business is now closed.

FURTHER CONTINUING APPROPRIATIONS, 1982

Mr. BAKER. Mr. President, under the order entered, I ask that the Chair lay before the Senate House Joint Resolution 409, the continuing resolution.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

> A joint resolution (H.J. Res. 409), making further continuing appropriations for the fiscal year 1982.

The PRESIDING OFFICER. The Senator from Oregon is recognized.

Mr. HATFIELD. Mr. President, the measure now before the Senate simply extends the date of the existing continuing resolution to September 30, 1982, into this fiscal year.

When we took final action on the existing continuing resolution in December 10, appropriation bills had yet to be signed into law and had to be covered by that measure.

The resolution that we have before us today will extend funding for only three: Commerce-Justice-State-Judiciary (H.R. 4169), Treasury-Postal Service (H.R. 4121), and Labor-Health and Human Resources-Education (H.R. 4560). All three of these bills, as I say, will be covered by this particular extension.

Mr. President, I am not happy that I have the duty to recommend to the Senate that we again pass a continuing resolution, but we must do so, having failed to enact these regular appropriation bills. I would much rather have the Senate consider the three bills which this continuing resolution covers, but because of the problems of Senate scheduling, threat of legislative riders and our inability to make final budgetary decisions for decisions for fiscal year 1982, this goal seems less and less likely. We then must act on this continuing resolution, and act by Wednesday of this week, or else again hazard massive interruptions of the Federal Government, needlessly costing tens of millions of taxpayers' dollars. For this reason, I strongly urge my colleagues to refrain from offering any amendments to this measure. This will avoid unnecessarily prolonged debate of this simple measure; and, furthermore, will not preclude any Senator from seeking action on their proposals or their amendments or their riders when we take up the urgent supplemental appropriations bill.

I expect that that measure will come before the Senate either later this week or certainly very soon after the recess.

Mr. President, I want to put the Senate on due notice that I shall probably move to table any amendment regardless of the amendment's merits or anything concerning the amendment as to its substance.

I do not believe that we can risk the opening of Pandora's box with the acceptance of any amendment on the continuing resolution, because once we do that, all Senators have equal rights and we will be getting into abortion, school prayer, busing, and all the other things that have traditionally been loaded onto the continuing resolution or the appropriations bill.

Mr. LONG. Will the Senator yield for a question at that point?

Mr. HATFIELD. Yes, I yield.

Mr. LONG. Is the Senator speaking of tabling all nongermane amendments or is he speaking of tabling all amendments, period?

I should think that a Senator who would want to change a figure in the bill with a germane amendment——

Mr. HATFIELD. I draw a distinction with respect to any amendment which is necessary to deal with the bill technically; but any amendment that, in effect, seeks to piggyback, in a sense, on this vehicle is the kind of amendment I will resist strenuously.

Mr. LONG. I am speaking now of germane amendments. I am not talking about adding an appropriation amendment to the bill. I am talking about an amendment that is clearly within the rules and the usual tradition, to make a change in the appropriation, to add or subtract some money for a given function. Is the Senator planning to move to table such amendments that are clearly germane and within the usual practice?

Mr. HATFIELD. I say to the Senator that I will move to table any amendment that will require us to go to conference with the House before Wednesday night and report back to the respective bodies. I think we can handle technical amendments, but I shall resist any amendment of substance that would require us to go to conference.

I say to the Senator that, again, this does not foreclose amendments being offered to the urgent supplemental; and the urgent supplemental appropriations bill is not without its own timeframe as well.

I must be very forthright with the Senator. We have added the word "urgent" to it because there are dates of expiration that it covers in terms of certain programs. So it is not as if we were just going to take up this supplemental and let it drag on and on. Whatever urgency there is to amendments can be added to another vehicle—namely, the urgent supplemental appropriation.

If we get this extension, we will not go to conference, and we can put it on the President's desk; and we will not get into one of these midnight sessions or a situation in which we have to stop the hands on the clock, which I do not think is sound legislative procedure.

Mr. LONG. The Senator from Louisiana merely wants to obtain the understanding of the manager of the bill, the chairman of the committee, that the other 98 Senators in this body should not be precluded from offering amendments to legislation and that proper legislative procedure is that at some point we have the opportunity to offer whatever amendments we wish to offer.

I hope that is what the Senator has in mind; because if they cooperate in this, I hope there will be a bill some time not too far in the future on which we will have the opportunity to offer any amendments we want to offer.

Mr. HATFIELD. The Senator is correct. We have an opportunity down the road. I am saying that this vehicle, considering the time constraints we are under—having to act before midnight on Wednesday—is not one we can reasonably be expected to handle once we open that Pandora's box to amendments.

Every Senator has an equal right to offer an amendment. Therefore, I shall resist the first one and any others that come along thereafter, because we have another vehicle coming down the track very soon on which we can consider those amendments by any Senator.

This in no way precludes a Senator from offering an amendment to this continuing resolution. I merely put the Senate on notice that, as chairman of the Appropriations Committee, I have a responsibility to try to get this measure acted upon within the time frame that has been created not by my design or by the committee's design; but here we are, and that is the situation we are in, and I have to deal with the reality of this situation.

Mr. LONG. Can the Senator tell us when we will have the opportunity to offer amendments to an appropriations bill, if we go along with the procedure he has recommended to us?

Mr. HATFIELD. The House will have the urgent supplemental on the floor this week. Our committee is ready to meet at any moment we can get it over to this side and deal with the urgent supplemental and get it back to the floor, to be acted upon and be subject to amendments.

As I indicated in my opening remarks, I expect that that could happen before the recess, but I want to leave the caveat that we do not know how many amendments will be discussed in the committee. So if it is not before the recess, it will be immediately thereafter.

I want to add one further matter. I have a letter of March 29 from Mr. David Stockman, in which he says:

> The administration supports a simple extension of the continuing resolution to the end of this fiscal year and would oppose any amendment.

In other words, this has been coordinated as well with the executive branch and the other House. Representative WHITTEN, of Mississippi, who is the chairman of the House Appropriations Committee, devised the two-track system, so to speak, or this two-vehicle system, so that he could send to us, as the House has done, a clean, simple extension, with the timing that the committee reported both of them at the same time to the floor, and assuring me that he will have the other vehicle over here probably next week, so that we will then have the second vehicle.

So this was devised by the House leadership, it has the administration's support, and I believe it is a very reasonable approach. Therefore, it has my support.

Mr. LONG. I thank the Senator. I just feel that those of us who are not on the committee should be accorded the opportunity of having amendments considered on their merits.

I will hold with the understanding that the chairman does intend, at some point in the not-too-distant future, to offer us an opportunity to offer whatever amendments we have.

Mr. HATFIELD. Surely. I appreciate the colloquy with the Senator. As one who has sought to amend legislation, I would not want to preclude that in any way. In fact, I would have no way to preclude any Senator from offering an amendment.

I wanted to put the Senate on notice as to the recommendation I am making, in the hope that we can expedite the matter within the restrictions of time. We have been criticized frequently—and I think rightfully so—that the Senate is put in a position of having to be under a time constraint when many Senators wish to offer amendments. But I say to the Senator from Louisiana again that this is not of our creation. Yet, we have to deal with this as circumstances beyond our control create the situation.

I believe this is the only logical and reasonable way to deal with it and at the same time preserve the opportunity to offer amendments on a vehicle that will be with us very shortly following action on this continuing resolution.

Mr. President, I yield to my colleague, the distinguished ranking minority member of the Committee on Appropriations, the Senator from Wisconsin (Mr. PROXMIRE).

Mr. PROXMIRE. Mr. President, as the distinguished chairman of the Senate Appropriations Committee has said, the continuing resolution before us today would extend funding for the Departments and agencies included in the State-Justice-Commerce, Labor-HHS-Education, and Treasury-Postal Service appropriations bills.

Without the extension, funding for a number of key Government departments and agencies will expire at midnight on Wednesday, a little over 43 hours from now.

The resolution consists of a simple date change to provide funding for the entities in question through September 30 of this year—in other words, through the end of fiscal year 1982.

I join the distinguished Senator from Oregon in his regret that we have to have a continuing resolution. It is a shame that we do. There was no way we could obtain action on these appropriation bills individually, and it is unfortunate that we have to provide for them in this continuing resolution for the remainder of the year. It means that Senators will not be able to vote up or down on these bills on their merits, and they are very important bills. The Labor-HHS-Education bill is by far the biggest nonmilitary bill that comes before us, and it is absolutely critical for millions of Americans. We certainly should be able to act on that legislation on its merits. We should have been able to act on it before last October 1, but we all recognize how difficult that would have been.

Mr. President, the second budget resolution for fiscal year 1982 provides sufficient leeway to support the full year costs of Public Law 97-92, the continuing resolution passed last December.

In fact extending the continuing resolution until September 30 does not affect the current level provided for under this budget resolution or change the amount remaining under the resolution.

The current level and amount remaining are as follows:

The second budget resolution provides $770.9 billion in budget authority and $695.45 billion in outlays.

The current level is $757.1 billion in budget authority and $694.65 billion in outlays, respectively.

So the budget authority provided by the resolution before us is well within the ceiling set by the second budget resolution and the outlays are barely within it.

Mr. President, I have great respect, of course, for both the distinguished Senator from Louisiana and the Senator from Oregon.

As I understand the Senator from Oregon, he will move to table any amendment that comes up that is not strictly technical in nature, although, of course, we have every right to bring up amendments and to argue for them, and he has assured us, as I understand it, that there will be an urgent supplemental that will be available, hopefully this week, and if not, probably the week after we return, certainly very shortly thereafter, on which we will have an opportunity to add amendments that we would ordinarily place on this particular resolution.

Mr. HATFIELD. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. HEFLIN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. ANDREWS). Without objection, it is so ordered.

TRIBUTE TO ALICE FINCH LEE

Mr. HEFLIN. Mr. President, today I pay tribute to a very special Alabamian, a fine attorney, and an even finer person, Miss Alice Finch Lee of Monroeville, Ala.

Alice Lee comes from a very distinguished family there in Monroeville. Her father, Amasa Coleman Lee, was an outstanding lawyer, and a long-time partner in the law firm of Barnett, Bugg & Lee. Her sister, Nell Harper Lee, is better known to the public as Harper Lee, author of the great literary classic, "To Kill a Mockingbird."

Still, as a part of this very distinguished family, Alice Lee has more than held her own, and earned her own measure of distinction. After attending Huntingdon College in Montgomery, she came home to work for the Monroe Journal, a family-owned newspaper. After 8 years of work on the newspaper, Alice moved to Birmingham where she worked for the Internal Revenue Service while going to school at night. After attending the University of Alabama Extension Center and the Birmingham School of Law, Alice passed the bar, and returned to Monroeville to practice with her father's firm.

Alice Lee built her own reputation as an attorney in Monroeville, although it would have been easy to merely rest on the laurels her father had earned. Her reputation, however, has not been built entirely in matters of the law, although she has been a true credit to the legal profession. Much of her life has been and still is, spent in work for the Methodist Church. She was the first woman to lead the administrative board of her hometown church, and the first woman chairman of the Alabama-West Florida Council on Ministries of the Methodist Church. Alice was the leader of the lay delegation to the Methodist General Conference in Indianapolis in 1980, and now heads one district committee while serving on the board of pensions.

I have had the honor of being a friend of Alice's for many years, and I hope that there are still many years to go in our friendship. Alice has led a very dedicated, fulfilling life, and remains a true joy to all who know her.

Mr. President, I ask unanimous consent that an article from the Birmingham News about Alice Finch Lee be reprinted in the CONGRESSIONAL RECORD.

Thank you, Mr. President.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the Birmingham News, Feb. 5, 1982]

ALICE LEE'S LIFE IN LAW HAS GIVEN HER SATISFACTION AKIN TO HER NOTED SISTER'S

(By Clarke Stallworth)

This woman came to me and said she wanted a divorce. Now I get divorces for people, but I don't much believe in divorce.

I knew that her husband drank a lot and I knew she had put up with him for a long time. I asked the lady to let it ride for a few days and she wouldn't agree, she wanted that divorce right then.

So I asked her to send him in to see me. And he came in and said: Miss Alice, I love my family. I love my wife. I love my children. I know I have promised in the past to quit drinking and I know I've let her down every time. But this time, I'm going to quit.

I told him I didn't know if I could talk his wife into staying with him or not, but would he promise to take his wife and go into the church? He said he would do anything in the world to keep his family together.

His wife came back to see me, and I asked her to give him one more chance. She didn't want to. She said it would be just like the other times. Well I said, let's set a deadline. If things are no better by then, come back and see me and I'll get your divorce.

Well, things rocked on, and she didn't come back to see me. A year went by, and they built another house. He joined her church, the whole family worshipped together, and they helped him.

One chilly afternoon during the Christmas holidays, I was out walking and I passed by their house. The door flew open and the man walked out. He said: I want to thank you for something. We have a good family life now and our children are gowing up in a good family, and I owe it to you. If you hadn't talked my wife into giving me one more chance, we wouldn't be where we are today.

I told him I didn't do it, that he had done it himself. But I told him if he thought I had helped him, I was glad, it made me feel good all over. I was much more proud of him and his family than any fee for a divorce.

The gray-haired woman sat in her law office and talked about her life in Monroeville.

Alice Finch Lee graduated from high school in 1929 and went to college at Huntingdon in Montgomery. But the depression hit hard, and she came home to work.

She and her father and his nephew bought into The Monroe Journal, a weekly newspaper in Monroeville.

Her father, who was a lawyer, edited the newspaper and young Alice Lee wrote stories and read proof and helped out with the job printing.

"Life was not filled with interesting stories, it was filled with where was your next meal coming from," she said, sitting in her law office over the bank. "Banks were closing, times were tough."

She worked on the newspaper until 1937, when she came to Birmingham and went to work with the Internal Revenue Service. At night she went to the University of Alabama Extension Center. And then she decided to become a lawyer, attending classes in the Birmingham School of Law in the courtrooms at the Jefferson County Courthouse.

She finished law school, passed the bar, and her father—Amasa Coleman Lee—invited her back to Monroeville to practice with him.

I had to answer two questions. If you grow up in a little town, you're always Mr. Lee's little girl. Would I have an identity as Alice Lee, or would I be Mr. Lee's little girl? My father felt I had been gone long enough for people to accept me for myself when I came back.

And the second question was: How would people in a rural area react to a woman in the law? My father was a very gentle person and a wise person. He smiled when I voiced this question and said: You'll never know until you try it.

I came home in January of 1944 and have been here since, and I have never felt any degree of discrimination in my profession. Not from the judges who sat here, or the lawyers who practiced here.

They accepted me as another lawyer, and I think that says something about the community and the people here. But my father was a beloved person here, and the fact that I was his daughter . . . Well, his reputation probably made it easier for me.

Amasa Coleman Lee. As a lawyer, he entered the firm of Barnett, Bugg and Lee and remained a partner in the firm until his death in April of 1962.

When he died, there was a front page article in The New York Times. The article said that Nell Harper Lee (Harper Lee, author of To Kill a Mockingbird) had said the qualities she put into the character of Atticus Finch were qualities she had known and admired in her father.

But except for that, there was no biographical material there. It's difficult to make people accept the fact that the book was not literal. We had a change of ministry in our church, and the minister came to my office.

He wanted me to tell him the year of the trial (in the novel). He said he wanted to go down to the newspaper office and read about it. And I had to say there was no trial. He really was upset. How could anyone write so convincingly about something that never happened? Well, I told him, my sister's an author and we're not.

One lady came to my office and said: I'm so glad Nell Harper put so and so in the book. I asked her which character she was talking about. She told me which one, and I asked her: What makes you think she was the model for that character?

Because, she told me, that character used an expression my aunt used all the time. I had to tell her that Nell Harper never knew her aunt, and therefore could not have used her as a model.

People have to understand that eveything about the book belongs to Nell Harper, and none of it belongs to Alice Lee. I am extremely proud of my sister, and we are not competitive.

Even after 20 years, there are still telephone calls through the day and the evening when I'm at home . . . people wanting information about her, wanting to get in touch with her. There's been some invasion of privacy of my whole family, but I guess that's just a by-product of what happened.

My sister spends a great deal of time in Alabama. She was here at Christmas time and spent a couple of months with my other sister. We are very close as three sisters. I guess you just go about your business and try to detach yourself from anything not part of your life.

Much of Alice Lee's life is spent in work for the Methodist church. She was the first woman to be head of the administrative board of her hometown Methodist church, and the first woman to chair the Alabama-West Florida Council on Ministries of the Methodist Church.

She led the lay Methodist delegation to the general conference in Indianapolis in 1980. She now heads the district committee on superintendency, and serves as a member of the board of pensions.

Last year, she spent about three months on church work, and she's already scheduling her church work for next year.

"I was reared in a home where the church was part of the way of life in that home," she said. "It's a very satisfying thing, personally, to make that kind of commitment to the church."

She said she has given up handling cases on a court calendar. "I cannot conform the court calendar to my church calendar."

So now she is handling things like loan closings, land bank loans, title searches, and other civil matters.

She handled one criminal case, long ago, and she remembers that her client was found guilty and sent to jail.

"He and this man had an argument, and my client went home and got his gun and came back and shot him," she said. "I really didn't have much to work with. But I felt that he deserved the best defense he could have. If you know a client is guilty, there still might be mitigating circumstances that might alter the degree of guilt."

She is the only member of Barnett, Bugg and Lee right now. But the grandson of J. B. Barnett, the original member of the firm, probably is coming back to the firm. John Barnett III is in Cumberland Law School and should graduate in 1983, she said.

"I have told him: John here it is, all waiting for you. It's part of the history of this county, and I love history."

And retirement?

"I'm not worried about retirement. I can't knit, I can't sew, I can't do handwork. I have worked all my life and never had time to do these things. But there are lots of unread things that must just be marvelous. If my sight holds out, I'm going to read some of those books I never got around to.

"I'm just going to have a great time. I've enjoyed all aspects of life, and retirement will just be another aspect, and I expect to enjoy it.

"I've had a great life. It hasn't been an exciting life, from the viewpoint of those who like action, but it's been a fulfilling experience. If I did it over again, it probably wouldn't be a bit different."

AGRICULTURE—AMERICA'S ACE IN THE HOLE

Mr. HEFLIN. Mr. President, Goodwin Myrick, president of the Alabama Farm Bureau Federation has prepared a statement in the form of a speech entitled "Agriculture—America's Ace in the Hole" which represents the views of the members of the Alabama Farm Bureau relative to the plight of agriculture and related issues today. I ask unanimous consent that this statement by Hon. Goodwin Myrick be printed in the CONGRESSIONAL RECORD.

There being no objection, the statement was ordered to be printed in the Record, as follows:

Agriculture—America's Ace in the Hole

When the United States is described as a world superpower, the reference is typically to military superiority. Actually, the superpower label could just as accurately be applied to agriculture.

Last year, for example, U.S. farmers harvested almost twice as much grain from half the number of acres harvested in the Soviet Union.

In other words, the U.S. gathered 81 million more tons of grain on 138 million fewer acres. But what is most incredible about this comparison is the fact that Soviet production was achieved with a work force of 27 million, while the superior U.S. production required a scant 3.7 million workers.

Achievements like this demonstrate the truly remarkable production efficiency of the American farmer—an efficiency that is unparalleled in the world. And the amazing performance is magnified many times over when you consider the minute size of the farmer population. Agriculture is America's Ace in the Hole.

Farm population in the U.S. stands now at just over 6 million—a mere 2.7 percent of the total population.

In fact, since 1976, over 500,000 have given up farming for a living. Alabama alone has lost over 5,000 farms in just the last three years.

Why the great exodus from America's most vital industry? Well, simply expressed, it's become extremely difficult to realize a profit in farming. And as we all know, you must have a profit to stay in business.

Generally, the prices the farmer receives for his products hardly compensate for his skyrocketing production costs. Why, just from 1979 to 1980, farmers were dealt a 21 percent rise in energy costs, a 20 percent rise in interest expenses, a 10 percent rise in farm services and a 12 percent rise in feed outlays.

All told, the Consumer Price Index for the 11 month period ending May, 1980, revealed that prices paid by farmers were up 10.4 percent, while prices received by farmers were down 7 percent.

Let's zero in closer on the current farm economic situation. In 1980—for the first time in history—total production expenses exceeded total cash receipts in Alabama. Average income per farm climbed to nearly $10,000 in 1979 but dropped over 50 percent in 1980 to less than $4,500. This is the lowest average since 1972, and lower than any year in the last two decades after adjusting for inflation.

Let's consider for a moment the cost of getting into farming, and you will see that it is prohibitive. There aren't many folks replacing those going out of business. Inheriting the land and equipment is virtually the only way a young person today can begin tilling the soil. The U.S. Department of Agriculture estimates the average investment per farm including land, machinery, crop and livestock inventory is $355,000. At today's terms, interest rates are about triple the investment rate of return to the farm.

Finally, during the past four years, total farm indebtedness in Alabama increased 60 percent from $1.1 billion to $1.8 billion.

But what does all of this mean? For one thing, it means that despite these adverse economic conditions, the 2.7 percent of the population that farms is still feeding and clothing the remaining 97.3 percent in America, as well as millions of others around the world. Just since 1960, the number of persons fed by each farm worker has increased from 26 to 68.

The bottom line . . . while U.S. and world food consumption ever increases, and farm population ever decreases, today's farmer has had to become a much better manager and much more efficient than his predecessors.

The American farmer is definitely up to the task. Let's explore the farmer's incredible efficiency further.

In the years 1975-1979, productivity growth in the farm sector registered at 6.3 percent—almost five times greater than the productivity growth for non-farm business.

Our six million farmers supply 45 percent of the wheat, 70 percent of the feed grains and over 60 percent of the soybeans in world markets.

Certainly we're all aware that food prices have been on the increase in recent years. What hasn't? But when you consider the facts, food is still a good buy in this country.

Americans spend only 16 percent of their disposable income for food while in China, 60 percent goes for food and in Russia it's 34 percent of disposable income and 23 percent in Japan.

The Consumer Price Index for the 12 month period ending May 31, 1980, which showed an overall 14.4 percent rise in consumer expenses, revealed that grocery prices rose only 5.6 percent, while energy costs were up 39.3 percent, home financing, taxes and insurance, 34.5 percent, and medical care, 11.5 percent.

On the average, the farmer will receive approximately 5.7 cents of the dollar for producing all of the raw material in the food you buy. The rest of what you spend will go to labor, transportation, processing, storing, brokering, inspecting, selling, taxes and the profits to each of these links in the chain. So you can see where your grocery money goes.

Because a wide variety of high quality food is available in the U.S. at reasonable prices, a large part of our income is left to buy other necessities . . . as well as luxuries. Thus agriculture makes a major contribution to the nation's affluence.

It's important to note that a healthy, viable agriculture benefits all Americans—not just farmers. Its contributions to the progress and economic well-being of this nation are many.

Consider, for example:

U.S. agricultural exports totaled over $40 billion in 1980, providing a record $18 billion food trade surplus to help offset an overall balance of trade that would otherwise be billions of dollars in the red. Japan—another leading industrial nation—suffered a negative $13 billion food trade balance, and the Soviet Union had an $8 billion deficit. Alabama's agricultural exports for 1980 totaled $480 million.

Twenty-three million people, one-fifth of the nation's labor force, are employed as a direct result of agriculture which accounts for a full 20 percent of the nation's gross national product.

In conclusion, let me say that farmers accept with great pride the responsibility to feed and clothe the people of this nation and millions of others around the world.

As I have pointed out to you in the past few minutes, America's farmers have overcome devastating economic conditions to attain a level of efficiency that has made America an agricultural superpower.

But how long can the farmer continue at this level when it's becoming more and more difficult to realize a profit? Not forever. That's for sure. Farmers, like any other businessmen, must realize a reasonable profit to survive.

And if the American farmer doesn't survive, where does that leave us? We certainly can't depend on other countries to supply our food because it is they who depend on us.

But I am an optimist when it comes to agriculture. We've had some tough years in Alabama with drought, high energy costs, embargoes, and interest rates, but the years ahead look good for agriculture as we strive to realize our full potential. America's agricultural strength is just as mighty as the sword. Agriculture is truly America's Ace in the Hole. And I believe the farmer holds that ace.

With consumer support and understanding of the farmer's needs, we can keep farmers farming.

Now, with this situation in mind we would like to make some specific recommendations which we believe will contribute substantially to improved net farm income. They are as follows:

INTEREST RATES AND THE FEDERAL DEFICIT

Farmers are suffering even more than other sectors of the economy from high interest rates. By the very nature of the farm economy we are credit dependent and have no recourse except to pay high interest rates from meager profits. Today even last resort "low cost" government loans cost us 14.875% interest under new government policies. It is critical that interest rates be brought down to avoid widespread economic disaster.

Today 13¢ of every Federal budget dollar is paid in interest (almost half as much as the share that goes to national defense). This is an appalling and frightening situation. As long as the government is competing on a large scale with private borrowers for a fixed supply of money, interest will remain high.

The Administration is anticipating a big drop in interest rates during the next frew months. If this fails to materialize, Congress will be under mounting pressure to take action, probably by raising taxes to reduce the Federal deficit.

We urge the Administration and the Congress to give the Federal deficit top priority and to make every effort to bring it under control. The requirement that the Federal government borrow heavily from the existing money supply coupled with the tight money policies of the Federal Reserve Board has resulted in a protracted period of high interest rates which exceed any anticipated or potential profit for agriculture. We recognize the economic realities and consequences of continued large money supplies and unlimited Federal borrowing. However, we also view the consequences of economic stagnation caused by high interest rates as equally dangerous and disruptive to the normal commerce of the nation. We therefore recommend a long term policy of gradual and moderate reductions in the money supply. Reduction in unnecessary Federal spending in all areas of the budget and an immediate reduction in interest rates to a point where ordinary businesses can again begin to generate profits, create employment and pay reasonable taxes.

FARM DEBT

In 1981, total farm debt in the U.S. stood at $175 billion, an increase of 329% since 1970. It is projected to reach $194.5 billion in 1982.

Skyrocketing production costs and deflating land values have led to a deterioration of the equity position of the farm sector forcing more farmers into government loan programs, where they now find their position further jeopardized by tight fiscal policy and high interest rates. It is anticipated that many farmers may he squeezed out of business as they are no longer able to borrow sufficiently to stay in production, even if they were able to pay the current high interest rates. With farm income at the lowest level since the Depression, many farmers are having great difficulty meeting their current obligations.

Budget control initiatives are producing pressure on FmHA to hold delinquency rates down, by foreclosure if necessary. We commend the Alabama FmHA office for its insistence on evaluating each distressed farmer's case individually.

Administration officials are resisting the release of $600 million in authorized Economic Emergency funds.

We urge FmHA to carry out its stated intention to stand by the farmers of this nation during the current economic crisis. We insist that all reasonable measures, including delays in repayment of loans if necessary, be taken to avoid foreclosure or forced liquidation of farmers in difficulty due to economic factors beyond their control. We are relying on FmHA and the Administration to act in good faith toward the farm community during this difficult period to insure that viable producers have an opportunity to remain in business.

We strongly advocate release of the Economic Emergency funds to avert potential economic disaster.

FLEXIBLE SUPPLY MANAGEMENT

We have seen the formation of large surpluses and exorbitant carryover stocks of wheat, feed grains, cotton, rice and soybeans which have resulted in almost total deterioration of world prices for these products.

World prices are a major factor determining domestic farm prices. American farmers export over half their production of wheat, soybeans and cotton and are the largest suppliers of food and fiber in the world market.

The Administration has exercised its authority for set-asides as provided in the Food and Agriculture Act of 1981. However, we question the net effect of the program as currently applied. It appears that the major effect of the present set-asides will be to obviate budgetary exposure rather than a real effort to control supply.

We believe the ultimate solutions to the continued economic crisis in agriculture is improved prices discovered in the marketplace. USDA should establish as its primary goal improved markets and profitable domestic and world prices for American agricultural commodities.

We urge the Administration to pursue a bold policy of flexible supply management as part of its program to improve the economic situation of the farm economy and that of the nation. Two specific requirements must be met before such a policy can be implemented: (1) More accurate estimates of supply and realistic estimate for domestic and world demand must be compiled; and (2) Supply management policy must aim to achieve significant adjustment of actual production, rather than in acreage alone. Producers should be provided economic incentives to implement supply management options to achieve the national supply reduction goals.

National production should be established at a level that will have a significant impact on world markets. We believe these policies would help to end the depression of world prices caused by past cheap food policies and allow world market forces to establish stronger prices—a true free market. The long run effect of this policy would be to benefit the world economy and help alleviate the problems of hunger by discouraging Western nations from subsidizing their farmers and thus creating artificial trade barriers, and by providing a stimulus to agricultural development in Third World nations.

FUNDING CCC REVOLVING FUND—PL 9298, TITLE XII, SECTION 1201

The 1981 Food and Agriculture Act authorized formation of a revolving export credit fund to boost export sales of U.S. farm products. No appropriation has been authorized for the fund. Once funded, it would not require additional appropriations since loan and interest repayments would replace the initial capital.

Budgetary considerations make funding politically difficult. New appropriations for new programs will have little success in the 1982 sessions.

EMBARGO PROTECTION

We commend the Congress for recognizing the necessity to protect farmers from the threat of agricultural embargoes and for including this provision in the Food and Agriculture Act of 1981. Experience has shown that agricultural embargoes do not achieve the intended policy goals and serve only to damage American farmers.

Current policy regarding Poland and the Soviet Union has had the effect of a defacto embargo on agriculture. Each statement of the Secretary of State or another responsible official sends deep shock waves into the agricultural markets.

There is a great political temptation as well as pressure from many quarters to use agricultural embargoes, despite their demonstrated ineffectiveness, as a punitive measure against aggressor nations or repressive regimes. We have seen this year that even the hint of an embargo can have the effect of dampening prices while achieving nothing in terms of policy initiatives.

We are unequivocally opposed to any further moves to embargo American products in any foreign markets so long as farmers are encouraged to produce at maximum levels. We are further opposed to any inadvertant manipulation of agricultural markets by statements issued by officials of our government. All statements should be weighed for this effect.

We are opposed to opening American markets to foreign agricultural products for foreign policy reasons until all adverse impacts upon American producers are weighed and proper protections applied.

USER FEES

The Administration is proposing "user fees" to cover the costs of construction, maintenance, and operation of the nation's rivers for transportation purposes, under the fallacious assumption that the fees would be paid by importing nations, not by the actual user.

Senator Abdnor of South Dakota and Rep. Richard Roe, Democrat from New Jersey, are holding hearings into various formulas for collecting fees at the present time. James Tolar and John Sharp have testified on behalf of Farm Bureau before a subcommittee field hearing held by Senators Abdnor and Denton. Proposals are also being made to assess user fees to CFTC transactions, and in other programs in agriculture.

The pressure to find some equitable method of charging user fees will be an issue in this session of Congress. There will be some compromise on the "full recovery" objective of the Administration.

We oppose user fees which will increase the cost of producing and marketing our products. We contend that under present economic conditions the farmers would pay the fees not only to ship his products on the rivers, but also the fees for fertilizer, fuel and chemicals shipped on the system, resulting in double taxation.

INLAND WATERWAY AND PORT DEVELOPMENT

Southwestern agriculture needs improved access to river transport and port facilities in order to take full advantage of domestic and foreign market opportunities. When completed, the Tennessee-Tombigbee Waterway will shorten by several hundred miles the barge distance between Mobile and numerous inland trading centers, linking the Tennessee River system with the Mississippi system. It will significantly improve access by farmers in the Southeast to export markets and reduce regional transportation costs for farm products. The benefits to be realized by the region in new revenue, new industries, and new jobs are enormous.

The Tennessee-Tombigbee is now nearly 70% complete and additional study is underway of other waterway development opportunities. Funding for the Tenn-Tom and other existing projects as well as for further feasibility studies is in jeopardy.

Support for funding waterway and port development does not constitute pork barrel politics. The development of critical elements in the nation's navigable waterway system and of its important commercial ports has been delayed by a wide variety of parochial interests represented by environmentalists, railroads, and sectional and regional legislative coalitions. In particular the Tennessee-Tombigbee River system and the Port of Mobile have been a target for these unwarranted attacks.

The development of these systems and adequate modern port facilities in Southern ports is not favored by some. This, coupled with budget considerations cited earlier, makes funding for these projects a delicate and uncertain matter.

We urge approval of the appropriations to complete the Tennessee-Tombigbee Waterway. To deny funds for its completion at this point would be short-sighted and economically unjustifiable.

We favor opening the Coosa-Alabama waterway to barge traffic north of Montgomery through dredging and construction of locks on existing dams in the system for the reasons sited above. We favor development of the Chattahoochee-Flint-Appalachicola (Tri-Rivers) system to provide year-round access to river transport for farm products.

We support passage of Senate Bill 828 which would expedite development in Norfolk, Mobile and New Orleans of deep draft (55 ft.) channels.

RESEARCH AND EXTENSION—TITLE XIV—EFFORTS TO REDUCE BUDGETS FOR AGRICULTURAL EXTENSION

Over the past decade funding for agricultural research and extension has been severely cut in terms of real dollars. We commend the Administration for recognizing the importance of research and extension and recommending increased funding.

There are the same budgetary combinations in this issue as in all other areas where funding is involved. Urge your congressmen to stand firm on proposed research and extension budgets.

Agricultural research provides the foundation for the support and advancement of the science of crop and livestock production in this nation. Government involvement in expanded agricultural research represents the best investment in the future prosperity of this nation. We support the efforts of the Administration to direct additional funding into research. The extension of basic research findings to the practitioners of production agriculture represents an integral part of the total research effort and must be maintained. We urge full funding for research and extension.

RESOURCE CONSERVATION

We recognize the dire necessity for protecting the integrity of this nations greatest resource, its soil. Alabama has some of the most friable, erodable soil in the nation, some of which is also among the nation's most fertile. We believe all of this vulnerable resource must be protected to insure productivity adequate to meet future food needs.

The Administration is proposing cuts in funding for soil and water conservation and directing remaining resources at "priority areas," those most severely eroded. This proposal does not adequately address preventive measures to maintain the future productivity of America's soil resource.

We advocate full funding for soil and water conservation as passed in the 1981 Food and Agriculture Act. We believe it is unwise to remove emphasis and effort from areas of need not designated as "priority."

We advocate local control of soil and water conservation projects with incentives for good stewardship. Government programs may cite regions or areas of concern but planning and implementation should be the responsibility of the individual.

FEDERAL INSECTICIDE FUNGICIDE RODENTICIDE ACT (FIFRA) REAUTHORIZATION

Administration of this legislation has been inept and has not accomplished many of the stated purposes of the Act. Valuable agricultural chemicals have been removed from use based upon unreliable and unscientific data. Research and development of new and effective pesticides has been impeded by unrealistic regulations, reporting procedures, and exorbitant costs imposed by the labeling process. Yet the systematic scientific screening of basic pesticide ingredients is so far behind schedule that there is no reasonable prospect for completion.

Public fear over pesticides and their effect on the environment has been exaggerated but has the effect of developing large popular support for rigid controls. A shift in these opinions is not easily achieved.

Reauthorization and revision of FIFRA should shift the basic responsibility for preliminary screening, establishment of effectiveness and designation of uses to the scientists in the Department of Agriculture. The Secretary of Agriculture should then be empowered to label the formulation.

Simultaneously, the Administrator of the Environmental Protection Agency should develop information relative to the environmental and health aspects of the compound and the portion of the label issued from this agency should evaluate only these considerations.

Final approval and labeling of pesticides should be the responsibility of the Secretary of Agriculture. Enforcement of the conditions on pesticide labels and certification of applicators should be the responsibility of the states with oversite by EPA.

No pesticide should be suspended or banned without adequate scientific evidence. If substantive scientific evidence offered in the process of suspending or banning is subsequently disproved the pesticide should be automatically re-labeled and placed back on the market.

FORESTRY INCENTIVE PROGRAM

We oppose the elimination of funding for the Forestry Incentive Program. The U.S. is now a net importer of forest products, but we have the biological potential to become a net exporter. The Forestry Incentive Program has been effective in achieving its goals; in 1980 in Alabama, FIP was reponsible for 62% of all regeneration on non-industrial private forest lands. This kind of incentive is necessary to counteract declining wood supplies in order to meet demand 20 to 30 years in the future and to achieve potential production levels.

CLEAN AIR AND CLEAN WATER

We favor a reasonable, streamlined approach to clean air and clean water legislation with due consideration to cost/benefit analysis of regulations.

INTERNATIONAL EXPORT CONTRACTS

We urge the U.S. government to adopt a policy of honoring all preapproved contracts for commodity sales to a foreign nation in the event an embargo is imposed. This action would reassure foreign buyers that American contracts will be honored and would dispel the image of the U.S. as an unreliable supplier.

STAND-BY AUTHORITY FOR PETROLEUM ALLOCATION

We strongly urge passage of legislation to guarantee priority for agriculture in allocation of fuel in the event of future shortages.

NATURAL GAS DEREGULATION

We are opposed to accelerated decontrol of gas prices since it will result in as much as a 40% increase in the price of fertilizer in the next three years. That increase would add another 15¢ per bushel to production costs of corn and an additional 19¢ per bushel of wheat according to USDA estimates.

TRIBUTE TO EUNICE JENKINS MERRILL

Mr. HEFLIN. Mr. President, today I am honored to rise in recognition of a very special lady from Huntsville, Ala., Mrs. Eunice Jenkins Merrill.

Eunice is a legend of sorts around Huntsville, and her reputation is certainly well-deserved. The reputation grows out of a little restaurant in the old mill section of Huntsville that's known as Eunice's Country Kitchen.

Eunice opened her country kitchen in 1954 and she has been right in the very same location ever since—and she has always done a landslide business. The restaurant is only open for breakfast, from 4:30 in the morning until 1 in the afternoon. There are only 10 tables, and there is often a long wait—but Eunice has no plans for expansion and her customers never seem to mind the wait.

There is another, almost unbelieveable, fact about Eunice's—the restaurant has never advertised. The booming business has been built on word of mouth, not to mention the incomparable biscuits, country ham, sausage and bacon, red eye gravy, grits, honey and sorghum molasses.

I will freely admit that I eat at Eunice's every time I possibly can when I am visiting in Huntsville, and I am certainly not alone. Congressmen, Governors, and just about every possible office seeker in Alabama for the last 28 years has been seen eating biscuits at Eunice's at one time or another. After the first trip almost all of them wind up returning—and most end up with Eunice as a friend.

Not only is her restaurant unique, so is Eunice herself. Her father, Joseph Frank Jenkins, was a minister of the Church of Christ for over 50 years in Madison County. Eunice is 1 of 12 children, each of whom was named for a Biblical character. She has stayed busy through the years, not only with working in her restaurant, but by raising three children—Joseph Donald Merrill of Atlanta, Doris Swain of Huntsville, and Linda Sledge of Athens, Ala.

I am not sure exactly what it was that has made Eunice's Country Kitchen so tremendously popular. The good food is certainly a large part of it. The jars of molasses and honey, the kerosene lamps, the oil cloths on the tables—all contribute to an "at home" country atmosphere.

And there is one other part of Eunice's that might serve to attract certain groups. There is one table for six that Eunice calls the "Liar's Table." The sign over the table invites politicians and other barefaced liars to pull up a chair and sit a spell.

I am sure that each of the Members of this body has their own "Eunice's Country Kitchen" in their home State, but I also know that my visits to Huntsville would not be the same without the biscuits, and, more importantly, the friendship that Eunice dishes out at her "Country Kitcken."

Mr. President, I ask unanimous consent that articles on Eunice and her restaurant from the Birmingham News, the Huntsville News, and the Madison County Record be reprinted in the CONGRESSIONAL RECORD, as well as a copy of Eunice's Liar's License.

Thank you, Mr. President.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the Birmingham News, Nov. 4, 1980]

EUNICE'S, WHERE THE PLAIN AND POWERFUL MEET TO EAT COUNTRY HAM AND BISCUITS

(By Pat Houtz)

HUNTSVILLE—It's where the elite, and the plain hard-working people, (and also politicans) meet to eat down-home country cookin'.

BEST COPY AVAILABLE

It won't be described in "Corden Bleu and Barbecue" and it won't be recommended by James Beard.

However, U.S. senators, representatives, governors, farmers, fishermen, housewives and every possible office seeker in the state of Alabama can be seen at one time or another eating country ham and biscuits at Eunice's in the old mill section of Huntsville.

Eunice opened her country kitchen in 1954 and has done a landslide business ever since. There are only 10 tables, and if you want to eat there you often have a long wait—but she has no idea of expanding.

The only thing you can order at Eunice's is breakfast and she starts serving that at 4:30 every morning. She closes shop at 1 p.m.

Officially the restaurant is open every day except Tuesday, but if Eunice wants to see her grandchildren to take a few days off she does not hesitate to put the "Closed" sign up and take off. She knows the customers will be there when she gets back.

"We get lots of politicians and we have a lot of fun with them. Gov. James has been here and U.S. Sen. Howell Heflin comes here every time he is in Huntsville—Ronnie Flippo does too.

"Chip Carter comes when he is here and Sen. Don Stewart and little Jim Folsom have been here lots," Eunice (Mrs Eunice Merrill) says.

"When Mrs. Jeremiah Denton came to Huntsville, this was the only place she stopped as far as I know," the smiling, ever-cheerful hostess said.

Local politicians and news reporters are steady customers at the old-time restaurant.

"Joe Davis (mayor of Huntsville), most of the City Council members and Jimmy Record (chairman of the Madison County Commission) are in here on a weekly basis. We have a lot of fun with them," she says.

Eunice pretends to be neutral as far as politics goes. She seems to be in favor of voting for whatever candidate is on the premises at the time.

"Last week all of those big wheels in the Carter campaign from Washington came to town and they were all in here for breakfast. The local Democrats came in early and put Carter and Mondale signs all over the walls to cheer those people up," she said recently.

"When they were here, in came the head of the Republican Women of Madison County. She told me the signs were OK but that the Republicans were coming to breakfast later in the week, and she wanted those Democrat signs down. They took them down and we had Reagan signs everywhere.

"That was lucky because the next morning I got a call that Mrs. Denton planned to come here and we left the signs up till after she left."

Last week there were no signs up as the election got closer.

Eunice does have an unusual sign, made by a customer, hanging over what she calls the "Liar's Table." The table seats six and is covered with a plastic tablecloth, campaign literature from assorted politicians, bottles of sorghum molasses and honey.

The sign reads, "Wimmen, biznesfolk and preechers welcome, Iffen you don't lie, yur welcom anyways." The other side of the sign reads "Politishins, fisherfolk and nary other barefaced liars, pull up a chere and set a spell."

The Liar's Table is always occupied.

Breakfast at Eunice's is the same every day—and never seems to bore the faithful customers.

She serves eggs any style, biscuits that have no equal, country ham, sausages, bacon, red eye gravy, milk gravy, grits, honey and sorghum molasses.

There are two distinct types of customers.

From Monday at 4:30 a.m. until she closes on Friday afternoon the crowd is about 95 percent local Huntsville people. Most of them longtime residents of the city. The restaurant has never advertised.

On weekends the newcomers to Huntsville, people who work at NASA and Redstone Arsenal, line up for hours to get a sample of the country cooking. And they bring their friends and relatives from every part of the country.

Another interesting guest recently was the last member (by name) of the "Jim Beam" whiskey-producing family of Kentucky.

"There were eight of the Jim Beam group. They were visiting people in Huntsville who wanted them to see this place. They called ahead but I don't take reservations and they had to stand awhile, but they didn't seem to mind—and they seemed to really enjoy the ham and biscuits," Eunice said.

No need to dress up to eat breakfast at the restaurant. A coat, tie or vest will make you look, and feel, out of place. It's a spot for jeans and a comfortable old shirt.

"We know people like the ham and biscuits, but I think the best thing they like is the fact that we have a lot of fun here," Eunice says.

One of her faithful customers agrees. "I eat so much when I go to Eunice's that I am dizzy for two days—but I'll never stop going there. If I did, I wouldn't know what was going on in Huntsville," she said.

[From the Huntsville News, Nov. 15, 1976]

EUNICE AND THE SIMPLE LIFE

(By Billy Joe Cooley)

There's no place like Eunice's Restaurant out on Andrew Jackson Way when it comes to keeping up with whatever one wants to keep up with. Politicians, public workers, fishermen and other liars swap yarns and generally impress each other daily while sipping coffee and eating fine Tennessee ham at the establishment.

And there's Eunice herself, a legend in Huntsville for the last 20 or 30 years.

"Hey, hi, how y'all," she greets customers as they enter. Then comes a barrage of questions about the wife and kids, crops, water levels and anything else she is interested in learing from the clientele.

We made one of our irregular visits to Eunice's the other morning and it was as though we'd never missed a day. When the hot biscuits, sorghum molasses, honey and butter are plunked down as complements to the breakfast, Eunice swooshes over in her dress, proud as a peacock and just as colorful.

"Look here at the sack of pecans one of my customers brought in," she coos, holding up a handful of tinier-than-ordinary pecans. "They ain't very big, but they sure are flavorful." Her commentary is interrupted by three men entering, dressed in work clothes.

"Hello, Pepsi Cola boys," she greets. "Grab a seat and don't miss your messages under the ash tray there. Y'all have a bunch of orders today."

A couple of city detectives and three health department officers look up to nod to the new arrivals.

Eunice opens her restaurant at 4:30 a.m. every day and closes "around 1 or 2. I don't open at all on Wednesday, but I do on Saturdays and Sundays." She doesn't particularly care to bother with dinners.

"Breakfasts and lunch is all I serve," the genial Eunice says, giving the listener the feeling that evening meals are a waste of time.

Eunice, by virtue of her restaurant being the gathering spot for such a wide variety of people whose business it is to stay on top of things around town, possesses a wealth of knowledge on just about any subject.

"There's this one lady who comes in here about once a week, just to sit back there, drink coffee and observe the different characters that come by," she laughs.

A taste of Huntsville, history is likely to accompany breakfast, especially if Eunice has time to sit and chat a spell. She loves to brag on her hams and biscuits while dropping names of some of her favorite customers as they come through the doors.

Eunice's Restaurant is home . . . and an experience.

[From the Madison County Record, June 17, 1981]

AUNT EUNICE IS A LEGEND HERE

(By Betty Smith)

Aunt Eunice, famous for her country style breakfast, greets guest of her country kitchen with a cheerful smile and often a hug.

Aunt Eunice, as she is fondly called by the guests who frequent her establishment, has been in the restaurant business in Huntsville probably longer than any other restaurant in Huntsville.

Eunice's has been open in the same location, 1004 Andrew Jackson Way, for 29 years.

It is a spot where the elite as well as the hard working laborer gather for breakfast. The ditch-digger gets the same warm greeting as the Governor when he walks through the door at Aunt Eunice's.

Seldom does a politician come to this area that he doesn't eat breakfast at Aunt Eunices.

Such notables as Chip Carter, son of our former President, Gov. Fob James, U.S. Senator Howell Heflin, Donald Stewart, Little Jim Folsom and Mrs. Jeremiah Denton frequent the restaurant when in our area. They often sit at the table in the center of the room, designated as the "liar's table" to indulge in the breakfast of country ham, homemade biscuits and sorghum molasses.

A sign hanging over the "liar's table" reads: "Liar's Table, Wimmens, Biznezfolk and Preechers welcome, Iffen U don't li you welcum ennyways. A turn of the sign and the table is ready for another class of liars. It reads, "Liar's Table, Politichins, Fisherfolk 'n ary other barefaced liars, Pull up a chere 'n set a spell." Incidentally Aunt Eunice declares the fish caught this spring have been bigger and better than any year she can recall and it has got to be fact, she got it straight from "the liar's table."

Another plaque adorning the walls of the small restaurant proclaims, "Our country has the best Politicians money can buy. (a Will Rogers quote).

AUNT EUNICE

Aunt Eunice operates on a philosophy that "tomorrow will be better than today," and it always has been she says. There have been some lean times in Aunt Eunice's life, but the Lord has looked out for this hardworking woman.

Aunt Eunice has reared 3 children as well as working full-time in a business she loves.

The biscuits are made by a recipe she learned from her own mother. Eunice grew up in a family of 12 children in the New Hope community in Madison County.

Eunice teaches the girls that work for her how to make biscuits and they take turns making the delicious concoctions.

She tells of the time when 3 men from Nashville were having breakfast with her. They inquired if there was anyway they could get the recipe for the biscuits. Aunt Eunice told them the only way to get the biscuits was "We have 3 biscuit makers here, just take your pick." The men left without the biscuit recipe or biscuit maker.

I couldn't help but ask Aunt Eunice if she believed the old adage, "The way to a man's heart is through his stomach." She answered, "Very definitely, but now the man will have to have a back strong enough to carry the hams before he will qualify for consideration."

The small restuarant does a landslide business, and Aunt Eunice has no intention of expanding. The decor of the place is strictly country. The ten tables in the establishment are covered in oil cloth. The Sand Mountain molasses and honey are served from the jars right on the table. A kerosene lamp hangs from the wall. It is a real at home feeling.

Mayor Davis, County Commission Chairman Mike Gillespie and members of the Commission are frequent guests.

Customers mingle, discussing politics, fishing, grandchildren, etc. When a customer's coffee cup gets low, it is not uncommon for him to go to the pot to serve himself more coffee and then to walk around the room, warming the cups of the other customers.

Eunice Merrill is the mother of: Mrs. Ray (Doris) Swaim of Harvest; Mrs. Larry (Linda) Sledge of Athens; and a son, Donald Merrill of Montgomery. She has six grandchildren.

EUNICE'S COUNTRY KITCHEN LIAR'S LICENSE

This is to Certify That having by reputation and long practice, coupled with a vivid imagination exhibited all the proper requirements therefor, is hereby empowered to Lie, Prevaricate, and to show every other recklessness with the Truth, considered expedient by him in connection with all matters for current year, subject however to conditions and the state he is in. Lies may be told at any time or place without notice.

In Witness Hereof is attached the Grand Signature of Eunice.

Eunice.

1006 Andrew Jackson Way NE., Huntsville, Ala. 35801

"YEAR OF THE BIBLE"—SENATE JOINT RESOLUTION 165

Mr. HEFLIN. Mr. President, it is my pleasure to join with Senator Armstrong and several more of my distinguished colleagues in cosponsoring a joint resolution authorizing the President to designate 1983 as a national "Year of the Bible."

I am, indeed, very pleased to have the opportunity to cosponsor this resolution. I have long had very strong and deep personal religious beliefs, and hold a special affection for the Bible. Throughout my life, I have often looked to the Bible for advice, influence, and comfort in times of stress and confusion.

More than 200 years ago, our Nation was begun with a great deal of the foundation laid upon the personal religious convictions of the settlers and pioneers of this country. Those early Americans believed religion to be a very necessary undergirding for a successful societal structure, so much so, in fact, that John Adams could say:

> Statesmen may plan and speculate liberty, but it is religion and morality alone upon which freedom can securely stand.

This belief, in large part, led to many of the decisions of consequence made in the formative period of the United States of America. Indeed, the very concept of our form of civil government, the checks and balances system together with the doctrine of enumerated powers, was founded upon the Biblical teaching that man is fallible and capable of doing wrong. Such Biblical relationships are staggering in number, filling the history of our Nation.

As the son of a Methodist minister, I was raised in a very religious atmosphere and quite naturally came to believe in the power and wisdom of the Bible. Throughout my life, I have always tried to organize my schedule to allow time for reading and reflecting upon this magnificent book, the leading bestseller of all time.

I believe, as we face the trying times that await our country, and answer the challenges at home and abroad, economically, defensively, and morally, that it is of the most absolute importance for us to stand and say of the strengthening influence the Bible has had on us as a people and as a nation, "Let this continue." I believe that it is of the utmost inportance that we all recognize the vast and varied contributions that the Bible has made in molding and shaping the United States as we now know it. Lastly, I believe it very important that we send a signal of these recognizations through the speedy approval of this resolution proclaiming 1983 as the national "Year of the Bible," and echo the words of President Andrew Jackson, so many years ago, saying that the Bible "is the rock on which our Republic sits."

THE TRUE BELIEVER, STILL

Mr. HEFLIN. Mr. President, clearly, the most urgent issue today is shaping a Federal budget that offers realistic hope for economic recovery, with cuts that are distributed equitably.

Since the administration proposed fiscal year 1983 budget was presented to the Congress, a number of alternatives have been offered. A New York Times editorial of February 28, 1982, and the Mobil advertisement to which the editorial refers offer suggestions that I am sure will be discussed during the debate on this critical issue.

I ask unanimous consent to insert these items into the Record.

There being no objection, the material was ordered to be printed in the Record, as follows:

[Editorial]

The True Believer, Still

Every day, it seems, the President loses another ally in his budget battle with Congress. He alone remains a true believer, unshakable in his faith that a healthy recovery can occur and be sustained for years despite huge and unyielding Federal deficits.

Inflation has come down dramatically and the President believes interest rates will follow. If only the nation will trust Reaganomics long enough to work, it will celebrate the vital new era promised a year ago.

Never mind that the knowledgeable Senator Ernest Hollings greeted the President's 1983 budget with a radical alternative. The South Carolinian is a Democrat. But then came the defection of Senator Howard Baker, the majority leader, and he in turn urged the nation's corporate leaders to confront Mr. Reagan with their alarm about his deficits.

That is what the hardly radical Mobil Oil Corporation did last week, paying us good money for space on the opposite page. It pleaded for a reduction of the deficits because they contain "the seeds for renewed excessive inflation, retarded economic growth, and continued high interest rates." And now comes Senator Pete Domenici, the Republican star who skillfully shepherded the President's budget to passage last year, insisting on a rewrite this year—with or without the President's help.

It is thus inevitable that the Reagan budget will be drastically revised. But it is by no means certain that Congress by itself will come up with the best remedies.

Virtually all the suggestions heard so far are improvements. All would shrink deficits more decisively and fairly than the President's plans. But by concentrating on a delay or reduction in the income tax benefits due this July and next, they not only offend the President's proudest achievement but overlook more promising sources of revenue.

There is available a "supply-side" strategy that might yet appeal to Mr. Reagan. It would let stand the incentives provided by the multi-year reduction in tax rates, which are expected to encourage some taxpayers to be more productive.

The revenues that Congress draws from the economy should be in the form of taxes that discourage consumption, not production. A Federal tax on gasoline or a fee on imported oil, for example, would yield both revenue and beneficial energy savings. A value added tax—basically a Federal sales tax—could be imposed as the recession ends to raise revenue and discourage consumption directly Some tax subsidies, like the deductions allowed for interest on consumer loans, should be withdrawn.

Why does the President stand so rigid against the clamor? Perhaps he is a secret Keynesian, wanting huge deficits to stimulate fast recovery from recession. Perhaps he thinks the recession gives him time to change course next year, after he is through squeezing expenditures on programs he resents.

But in considering tax increases, the country ought to be alert to a crucial difference between urgency and immediacy. There is indeed no need to raise taxes immediately.

No one urges a course that would only prolong and deepen the recession.

There is, however, a need to act against future deficits urgently, to demonstrate that they will be declining, not rising, in the years of recovery. Until that is clear and credible, the financial markets will continue to roll in uncertainty, interest rates will stay high and even the recovery may be aborted.

Does the President really intend to stand idly by while economic policy is reconstructed all around him? His rigidity, or strategy of delay, is now an enemy of recovery and also of the most prudent repair of his budget. A useful economic strategy needs more than a single true believer.

[Mobil advertisement]

REFOCUSING THE DEBATE

Along with most of the American public, we have been following the current debate over President Reagan's proposed federal budget and the impact and implications of a projected deficit in excess of $90 billion. With a desire to be constructive we would suggest a change in the focus of that debate.

(A second debate is taking place regarding the propriety and equity of many of the non-defense budget items. Lower interest rates and accelerated economic growth will benefit all including those adversely affected by these changes. Nevertheless, it may well be that some adjustments will be needed; this can be done without disturbing the integrity of the budget.)

There seems to be reasonable agreement regarding four objectives.

First, that it is desirable to reduce income taxes for individuals and corporations.

Second, that the United States needs to regularly and proportionately strengthen its defense capability.

Third, while it may not be as wholeheartedly accepted as the above two propositions, we think there is majority support amongst the public and economic analysts in favor of a free market energy system.

Fourth, that the current budget deficit in excess of $90 billion needs to be reduced because it contains the seeds for renewed excessive inflation, retarded economic growth, and continued high interest rates.

With substantial majority support for these four concepts, the debate should now focus on the narrower issues of whether current timetables for tax cuts, defense expenditures, and energy price deregulation can be modified in order to reduce the projected deficit.

It is not unusual to adjust timetables as a result of changed economic forecasts without abandoning the long-term achievement of these objectives. Surely, interest rates, unemployment, and the recession have changed the outlook from the time when the President's timetable was first announced. It is both possible and in view of the projected deficit, desirable to adjust the timetables and the rates of expenditures and tax collections in a way that would significantly reduce the deficit and strengthen the economy but at the same time maintain the long-term objectives.

These adjustments would set the stage for eventual achievement of the objectives we all seek. Specifically, we would suggest the following:

1. That the tax rate reductions for individuals and perhaps corporations scheduled to take effect this year be postponed to not earlier than January 1, 1983, thereby causing 1982 income to be treated as it was in 1981.

2. That the extent of increased defense expenditures for this fiscal year be reduced. Increased defense expenditures on a year-by-year basis are desirable and should be at a level in excess of inflation to insure a continuing net improvement in our defense capability. With that criteria in mind we would suggest that the proposed increases in defense expenditures in the current fiscal year, while perhaps desirable from a defense point of view, are simply too large in terms of the projected deficit. Our conclusion is that defense expenditures should be reduced to a level below that projected but in excess of projected 1982 inflation.

3. That all price controls on natural gas be phased out and part of the revenue used to reduce the deficit. We understand and accept the view that the immediate decontrol of natural gas could also have a counterproductive impact on the general economy. Indeed, we have always believed that phased decontrol of natural gas would probably be preferable. This is consistent with our earlier views (as far back as 1975) in favor of phased rather than immediate decontrol of crude oil because of its possible adverse impact on the economy (a view which made us rather unpopular with some of our friends in the oil industry). Again we are not suggesting that the objective of free market pricing of natural gas should be delayed for one day longer than necessary. what ought to be debated is a timetable for achieving that objective.

In our view, natural gas pricing and taxation should contain these ingredients:

First, gas yet to be discovered should not carry any price control mechanism nor any special excise tax which would operate as a disincentive to find such resources.

Second, gas currently flowing and under price controls should have such price controls phased out perhaps over a 36-month period.

Third, a special excise tax, not to exceed 50%, should be enacted on the difference between the controlled price of current production and the decontrolled price, with such tax taking effect at each step of phased decontrol. (This feature probably will also not make us popular with some of our friends in the oil industry.) This tax would contribute substantial new revenues to help close the budget deficit.

Clearly the impact caused by decontrol of natural gas is minimized when, as is now the case, more than adequate supplies of crude oil are yielding declines in the price of petroleum products.

In summary, what we are proposing is a rededication to the objectives of lower taxes, a stronger military, a strengthened free market, and a program which would bring lower interest rates.

At the same time, we are suggesting that the timetables and levels of expenditures and tax collections be reviewed in light of a projected budget deficit and interest rates which could jeopardize the achievement of these objectives and cause politicans interested in short-term gain to propose programs that would set back the achievement of these objecties for many years.

We hope that these suggestions will be viewed in a constructive light.

SUPPORT THE OLYMPIC COIN ACT

Mr. KENNEDY. Mr. President, I am pleased to give my strong support to S. 1230, the Olympic Coin Act, which authorizes the Department of the Treasury to mint a series of commemorative coins to honor and support the 1984 Olympic games in Los Angeles.

The Olympics are a forum for recognition of the finest amateur athletic talent in the world. They are the oldest and most truly international of all sports competition, and all Americans take pride that Los Angeles will be the site of the Olympics in 1984. The extraordinary efforts now underway by the U.S. Olympic Committee and the Los Angeles Olympic Organizing Committee to prepare for the games deserve the strongest possible support from all citizens and all sections of the United States.

All too often, American athletes are obliged to enter Olympic competition at a substantial disadvantage because of the blatant financial support that governments of other nations routinely—and often clandestinely—provide their athletes. Sadly, Olympic races sometimes go not to the swiftest or the finest athletes, but to those most heavily subsidized by their governments. That is a path of professionalization down which the Olympic games should not have gone and down which the United States must never go.

In fact, the dramatic achievements of America's amateur athletes in Olympic competition are all the more remarkable because the U.S. Government provides no direct financial support for the enormous costs of training for the games. The independence of our athletes makes voluntary private support all the more essential as a means to ease this financial burden.

The minting of commemorative coins by host nations for the Olympic games is an ancient and honored Olympic tradition that was revived in the postwar era. Under the imaginative legislation now before Congress, that tradition will be carried forward in a way that also seeks to defray the very substantial cost of hosting the games.

The Olympic Coin Act will help to redress the existing unfair financial balance in Olympic competition by providing a reasonable and ethical way for American citizens—at no cost to the Federal Treasury—to support the U.S. Olympic Committee and the city of Los Angeles in their preparations for the 1984 games.

Even now, athletes all across America are giving their personal best as they hone their skills to the limit of endurance for the high honor of representing the United States at Los Angeles in 1984. We cannot and we must not let them down.

For a fortunate and talented few, the impossible dream of an Olympic gold medal will come true at Los Angeles in 1984. And for millions of other young Americans in communities and on playing fields across this land, the

Olympic games will be an event of unparalleled inspiration, teaching qualities of courage and commitment, dedication and discipline, sportsmanship and citizenship that reflect not only the Olympic ideal but the greatest strengths of the American character.

Amid the widespread global tensions on issues ranging from the nuclear arms race to human rights, the Olympic games shine through as a beacon of peaceful international competition and cooperation. None of us will ever forget the enormous lift to America's national spirit when the American hockey team performed its miracle on ice and scored one of the greatest upsets in Olympic history, by defeating the Soviet players to win the gold medal at Lake Placid in 1980.

I hope, therefore, that the Olympic Coin Act, which passed the Senate last December, will receive the prompt approval of the House of Representatives. Preparations for the 1984 games are already well underway in many nations, and the wise support that will become available under this legislation should begin to flow immediately.

In spirit, Chariots of Fire are already bearing the athletes of the world toward Los Angeles in 1984, and America's best must not be left behind.

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mr. Saunders, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session, the Acting President pro tempore laid before the Senate messages from the President of the United States submitting sundry nominations and a withdrawal which were referred to the appropriate committees.

(The nominations and withdrawal received today are printed at the end of the Senate proceedings.)

PRESIDENTIAL APPROVALS

A message from the President of the United States notified the Senate that he had approved and signed the following bills:

On March 24, 1982:

S. 2166. An act to provide for the distribution within the United States of the International Communication Agency slide show entitled "Montana: The People Speak."

On March 26, 1982:

S. 2254. An act to temporarily extend the authority to conduct experiments in flexible schedules and compressed under the Federal Employees Flexible and Compressed Work Schedules Act of 1978.

MESSAGES FROM THE HOUSE

ENROLLED BILL SIGNED

At 12:32 p.m., a message from the House of Representatives, delivered by Mr. Gregory, one of its reading clerks, announced that the Speaker has signed the following enrolled bill:

S. 634 An act to authorize the exchange of certain lands in Idaho and Wyoming.

The enrolled bill was subsequently signed by the President pro tempore (Mr. THURMOND).

At 2:57 p.m., a message from the House of Representatives, delivered by Mr. Gregory, announced that the House has passed the following bill, with amendments:

S. 1131. An act to require the Federal Government to pay interest on overdue payments and to take early payment discounts only when payment is timely made, and for other purposes.

ENROLLED BILL PRESENTED

The Secretary reported that on today, March 29, 1982, he had presented to the President of the United States the following enrolled bill:

S. 634. An act to authorize the exchange of certain lands in Idaho and Wyoming.

PETITIONS AND MEMORIALS

APPLICATION

POM-706. A joint resolution adopted by the Legislature of the State of Alaska:

"RESOLUTION

"Be it resolved by the Legislature of the State of Alaska:

"Whereas annually the United States moves more deeply into debt as its expenditures exceed its available revenues and the public debt now exceeds hundreds of billions of dollars; and

"Whereas annually the federal budget demonstrates the unwillingness or inability of the federal government to spend in conformity with available revenues; and

"Whereas proper planning, fiscal prudence, and plain good sense require that the federal budget be in balance absent national emergency; and

"Whereas a continuously unbalanced federal budget except in a national emergency causes continuous and damaging inflation and consequently a severe threat to the political and economic stability of the United States; and

"Whereas, under Article V of the Constitution of the United States, amendments to the Constitution may be proposed by Congress or, on the application of the legislatures of two-thirds of the states, Congress shall call a constitutional convention for the purpose of proposing amendments;

"Be it resolved by the Alaska State Legislature that the Congress of the United States is requested to propose and submit to the states an amendment to the Constitution of the United States which would require that within four years after its ratification by the various states, in the absence of a national emergency, the total of all appropriations made by Congress for a fiscal year shall not exceed the total of all estimated federal revenues for that fiscal year; and be it

"Further resolved that, alternatively, this body makes application and requests that the Congress of the United States call a convention for the sole and exclusive purpose of proposing an amendment to the Constitution of the United States which would require that, in the absence of a national emergency, the total of all appropriations made by Congress for a fiscal year shall not exceed the total of all estimated federal revenues for that fiscal year; and be it

"Further resolved that if Congress proposes such an amendment to the Constitution this application shall no longer be of any force or effect; and be it

"Further resolved that this application and request shall no longer be of any force or effect if the convention is not limited to the exclusive purpose specified by this resolution."

(The foregoing resolution was received in the Senate of February 24, 1982, and was referred to the Committee on the Judiciary on that day.)

EXECUTIVE REPORTS OF COMMITTEES

The following executive reports of committees were submitted:

By Mr. PACKWOOD, from the Committee on Commerce, Science, and Transportation:

James Eugene Burnett, Jr., of Arkansas, to be Chairman of the National Transportation Safety Board;

Rear Adm. Wayne E. Caldwell, U.S. Coast Guard, to be the Commander, U.S. Coast Guard, Atlantic Area with the grade of vice admiral while so serving; and

Rear Adm. Charles E. Larkin, U.S. Coast Guard, to be the Commander, U.S. Coast Guard, Pacific Area with the grade of vice admiral while so serving.

(The above nominations were reported from the Committee on Commerce, Science, and Transportation with the recommendation that they be confirmed, subject to the nominees' commitment to appear and testify before any duly constituted committee of the Senate.)

By Mr. GARN, from the Committee on Banking, Housing, and Urban Affairs:

Preston Martin, of California, to be a member of the Board of Governors of the Federal Reserve System for a term of 14 years from February 1, 1982;

Preston Martin, of California, to be Vice Chairman of the Board of Governors of the Federal Reserve System for a term of 4 years.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second time by unanimous consent, and referred as indicated:

By Mr. MELCHER:

S. 2287. A bill to amend the Poultry Products Inspection Act to increase the number of turkeys which may be slaughtered and processed without inspection under such act, and for other purposes; to the Committee on Agriculture, Nutrition, and Forestry.

S. 2288. A bill entitled "The Emergency Agriculture Act of 1982"; to the Committee on Agriculture, Nutrition, and Forestry.

S. 2289. A bill to provide for the future productivity of the National Forest System; to the Committee on Agriculture, Nutrition, and Forestry.

By Mr. PERCY (by request):

S. 2290. A bill to amend the International Communication Agency Authorization Act, fiscal years 1982 and 1983 (Public Law 97- —; — Stat. —), to authorize additional appropriations for fiscal year 1983, and for other purposes; to the Committee on Foreign Relations.

By Mr. DIXON (for himself, Mr. HUDDLESTON, Mr. LEAHY, Mr. ZORINSKY, Mr. PRYOR, Mr. MELCHER, Mr. BOREN, Mr. HEFLIN, and Mr. EXON):

S. 2291. A bill to require the Secretary of Agriculture to disseminate farm income estimates; to the Committee on Agriculture, Nutrition, and Forestry.

By Mr. METZENBAUM:

S. 2292. A bill to amend section 205 of the Federal Power Act (16 U.S.C. 824d) relating to inclusion of construction work in progress in the wholesale rate base of public utilities; to the Committee on Energy and Natural Resources.

By Mr. HEFLIN:

S. 2293. A bill to amend the Internal Revenue Code of 1954 to exclude from gross income subsistence payments to certain law enforcement officers; to the Committee on Finance.

By Mr. JOHNSTON (for himself and Mr. LONG):

S. 2294. A bill to provide for the settlement of the land claims of the Chitimacha Tribe of Louisiana, and for other purposes; to the Select Committee on Indian Affairs.

By Mr. HEFLIN:

S. 2295. A bill for the relief of Elinor Dean Jones; to the Committee on the Judiciary.

S. 2296. A bill to provide that district courts have jurisdiction in Department of Labor Employees' Compensation Appeals Board actions; to the Committee on the Judiciary.

By Mr. HATCH (for himself and Mr. DECONCINI):

S. 2297. A bill to amend title 11, United States Code, to improve the protection for shopping centers and their tenants under the Bankruptcy Code; to the Committee on the Judiciary.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. MELCHER:

S. 2288. A bill entitled the "Emergency Agriculture Act of 1982"; to the Committee on Agriculture, Nutrition, and Forestry.

EMERGENCY AGRICULTURAL ACT OF 1982

Mr. MELCHER. Mr. President, I am today introducing the Emergency Agriculture Act of 1982.

On March 18, we celebrated National Agriculture Day, a day when politicians say nice things about farmers and ranchers.

But I can assure everyone that farmers and ranchers are not saying many nice things about Congress. They have good reason to question the commonsense of Congress, the Department of Agriculture and the whole Federal Government.

The Government has given agriculture a farm bill that is no good.

The Federal Government has given farmers and ranchers both inflation that raised the price of their costs, and high interest rates that mean they cannot pay their bills.

The Government has embargoed the export of our grain overseas, thereby depressing farm prices, and undermining the confidence of foreign customers that America can deliver the goods.

Just a refresher course on grain embargoes—there was an embargo under President Carter. I would remind everyone that there was an embargo in 1973 under President Nixon; one in 1974 by President Ford; two more in 1975 by President Ford. So that makes it bipartisan, and bipartisan wrong.

President Reagan took his own sweet time in eliminating the Carter embargo, and then within days of doing that he embargoed the shipment of butter to the Russians. And even today there is a shadow embargo on shipment of food to Poland and Russia.

Farmers and ranchers are going broke. The market price for virtually every commodity is less than the cost to produce them.

Let us look at wheat. The parity price for a bushel of wheat these days is $7.18. The Department of Agriculture says the cost of producing that bushel is $5.32. The current average national price being received by farmers for that wheat is $3.67, for a net loss of $1.65. There is no way the farmers and ranchers can continue to produce with prices below cost of production.

Loan delinquencies and defaults by farmers and ranchers have increased sharply and are getting worse. Bankers are already telling my office that many borrowers will be curtailed on credit and many will have to be turned down.

Farmers and ranchers have been told that they ought to rely on the free market, rather than on Government programs. They surely want to rely on the free market. Only it is not free.

As long as the European Community and others cut the price of their goods for export with subsidies, there is no free market. As long as Japan, the European Community and others refuse to accept our agriculture products there is no free market.

The pricing system for agriculture is not working when producers have to borrow their money from the banks, instead of getting it from the marketplace.

Because of export subsidies by other governments, the United States is a residual supplier of the world's agricultural products. In other words, buyers come to us as a last resort.

Despite this, our country supplies 57 percent of all agricultural products in international trade. That means that sooner of later, the Russians and other purchasers have to come to us.

Under these circumstances, there is no reason that the United States should not set a price for its commodities that will provide farmers and ranchers with a fair return.

To do less is to court disaster.

This legislation will do just that for grain producers and which I believe will stabilize beef, pork, milk, and poultry at fair prices.

And when I hear from the nervous Nellies who claim that such an approach will cost too much, or might upset our customers, I will take them to see the Alabama cottongrower who last fall could not find a buyer for his cotton at any price, or cattle growers or feeders who lose $50 per head or more.

I will take them to a couple of shutdown feed lots and packing plants.

I will take them to see the Montana wheat growers who write to me and ask why they should keep producing at a loss.

I will take them to see one of the hundreds of farm and ranch auctions and foreclosures that are occurring right now in rural America.

We have all heard about how the current economic situation is hurting autos, steel, home building, small business, and the timber industry, and it is.

But American agriculture is in a depression, and the sad thing is that the Government does not seem to care.

Finally, the best indication of how bad things are in agriculture comes from USDA. I defy anyone to get a straight story on what the Department expects net farm income to be this year. Two weeks ago I heard they thought it would be $14.5 billion. Now the rumor is that they expect it to be $13.2 billion.

If this last figure is right, that is half of what farm income was in 1978. The last time farm income was that low was 1968.

In terms of uninflated, real dollars, it has never been that low since the Department has been keeping track of net farm income.

This bill does four simple things:

It sets the Commodity Credit Corporation loan rate for wheat at $4.20 and for corn at $2.90 a bushel. The marketplace will respond to this loan level, establishing a cash grain price 55 to 75 cents a bushel above the federally established loan rate. This will assure that grain farmers do not go broke, and it will tell the world that the United States is prepared to set a fair price for its grain. To do so would improve our trade balance by billions of dollars.

I predict that if these actions are taken, the world price for wheat and feed grains will suddenly become the price established by the United States. The Canadians and the Australians have told us that they are anxious to join us in setting a fair world price for wheat.

Second, the bill directs the Secretary of Agriculture, immediately upon enactment of the bill, to make loans available to farmers and ranchers under the already authorized economic emergency loan program of the Farmers Home Administration.

It makes no sense whatever that the Department of Agriculture is not acting aggressively to implement this vital program at a time when farmers and ranchers are going broke.

Third, the bill increases the food for peace assistance that will be made available to nonprofit and voluntary agencies for international food distribution. This increase can be used in large measure to make certain that the Catholic Church and the International Red Cross can get needed food aid to the hungry people of Poland. But it can also be used to assist those in nations such as Tanzania, where there is currently famine.

This needed food distribution will help those abroad, while helping American farmers and ranchers at the same time.

Finally, there is a soil conservation component in the bill. The draft program developed by the Department does not call for a policy that would aim its soil and water conservation efforts toward a national nondegradation policy for our soils. The draft program says that to do so would cost too much money.

Maybe that is right, and maybe it is not. But whether it is or not, it seems pretty cynical to me to set out on a course where we know at the outset that more soil is going to be lost than what we save through conservation efforts.

It seems to me that at a bare minimum we have to establish nondegradation as a goal.

There is another problem associated with new Department policies to target technical and financial assistance to the most heavily eroding areas. Its effect is going to be the elimination of a minimum base, conservation program in some areas of the country. I do not think that is what Congress had in mind when it enacted the critical areas conservation program in last year's farm bill. Instead the critical areas program was passed so that the Secretary would have additional authority to target the worst areas.

Further, I think is will be necessary for the Department to take special care in its targeting effort to take into consideration the long-term productivity of land as well as gross erosion in determining which areas to target.

While it is proper to be concerned about large soil losses in Iowa, the top soil in that State is 40-feet deep in places, and soil losses under these circumstances might not be as bad as it is in areas where losses are less, but where the depth of the top soil is only inches deep. This bill takes care of this problem.

Mr. President, I believe this bill represents a good first step toward moving American agriculture from its current depressed state. I commend it to the Senate, and ask unanimous consent that S. 2288 be printed in the RECORD at this point.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 107(a) of the Agricultural Act of 1949 (7 U.S.C. 1445b-1(a)), as added effective for the 1982 through 1985 crops of wheat by the Agriculture and Food Act of 1981, is amended by striking out "$3.55" and inserting in lieu thereof "$4.20".

SEC. 2 Section 105B(a)(1) of the Agricultural Act of 1949 (7 U.S.C. 1444d(a)(1)), as added effective for the 1982 through 1985 crops of feed grains by the Agriculture and Food Act of 1982, is amended by striking out "$2.55" and inserting in lieu thereof "$2.90".

SEC. 3 That Section 102 of the Food and Agriculture Act of 1977 is amended to add a new subsection (c) as follows:

(c) In order to protect and preserve the family farm, the Secretary of Agriculture shall, upon enactment of this subsection, immediately exercise his authority under Section 1605 of Public Law 97-98 to make loans available under the Economic Emergency loan program under terms and conditions which will meet the needs of farm and ranch borrowers.

SEC. 4. Section 201 of the Agricultural Trade Development and Assistance Act of 1954 is amended by striking subsection "(b)" and inserting in lieu thereof:

"For fiscal year 1982 and each fiscal year thereafter, the minimum quantity of agricultural commodities distributed under this title shall be 2,000,000 metric tons of which not less that 1,700,000 metric tons shall be distributed through nonprofit voluntary agencies and the World Food Program. *Provided,* That such minimum quantity shall not exceed the total quantity of commodities determined to be available for disposition under this Act pursuant to section 401, less the quantity of commodities required to meet famine or other urgent or extraordinary relief requirements".

SEC. 5. (a) Congress finds and declares that it shall be the policy of the United States that it be the goal of all of those programs of the Department of Agriculture pertaining to soil and water conservation to prevent soil degradation insofar as possible.

(b) Congress further finds and declares that efforts by the Secretary of Agriculture to areas where there is the most serious soil erosion in the Nation has had the effect of reducing the amount of technical and financial assistance available to landowners in other areas where erosion from wind and water threatens the long-term productivity of the land.

(c) Therefore, be it enacted that prior to determining to use federal technical and financial assistance in targeted areas, the Secretary shall first determine that at least a minimum, essential technical and financial assistance program is available in all areas of the Nation to meet the requirements expressed in statewide conservation programs developed by and for the States.

(d) Section 1504(b) of P.L. 97-98 is amended by adding after the first sentence the following. "In making such determinations, the Secretary shall consider the protection of the long-term productivity of the land, in addition to the reduction of gross soil erosion rates.

By Mr. Melcher:

S. 2289. A bill to provide for the future productivity of the National Forest System; to the Committee on Agriculture, Nutrition, and Forestry.

EMERGENCY NATIONAL FOREST PRODUCTIVITY ACT OF 1982

Mr. MELCHER. Mr. President, I am today introducing S. 2289, the Emergency National Forest Productivity Act of 1982.

I do not think there is any secret that the housing industry in the United States is near total collapse, and the prospects that markets will improve are not good.

The National Association of Home Builders projects that there will be fewer housing starts in 1982 than there were in 1981, and last year was the lowest production year for housing since 1946.

It is not difficult to understand why the housing market is depressed, even though the United States has a vast reservoir of potential home buyers, the average mortgate rate as of February 26 was 17.52 percent. People cannot afford to buy houses because the cost of the money they need to borrow is too expensive.

As a result of the poor market for building materials, a total of 51 plywood mills were not operating on February 20, and another 56 mills were operating on curtailed schedules. This means that 58 percent of the plywood industry was affected by closures and curtailments, resulting in 10,194 employees being laid off, or having their workweek reduced.

Among western mills manufacturing lumber, 163 were not operating and another 322 were working reduced schedules. These mills represent 64 percent of all those in the western sawmill industry, and the reductions have led to 65,267 employees being laid off, or working fewer hours.

In the South, 31,240 employees of softwood mills are either laid off or working less than full time.

The Association of American Railroads reports that carloadings of lumber and wood products are down 36 percent from the corresponding week in 1981, and down 50 percent from 1980."

None of these dreary figures take into account closures and curtailments in logging, millwork, particleboard, hardboard, and other segments of the wood products industry.

The deep unemployment in this vital and productive American industry ripples out in tidal wave force into the small communities that are totally reliant on timber to maintain their tax bases and economies. There is an emergency!

My bill attempts to focus on this problem through the employment of out-of-work loggers and mill employees to do work on the National Forest System that will contribute to the future productivity of these lands.

The purpose of the program will be to make these lands more productive through reforestation and timber stand improvement, roadbuilding and the removal of dead trees. The benefit of this work will be to reduce the hazards of wildfire through the removal of fuels, to improve the National Forest System's transportation system, to accomplish more extensive yarding of undesirable materials, to provide employment, and to improve the productivity of the forests, and to provide easier public access to firewood.

When we consider that people employed in this manner will not be drawing unemployment compensation, and when we consider the real dollar value in the improved forest productivity, I believe that this program will not be a high cost factor to the Government, but instead it will be profitable.

We need only look at the proposed budget of the Forest Service to see that the opportunities are there for useful projects that are not make-work.

The budget shows that the Forest Service ought to be spending $371.4 million for road construction. The budget calls for $100 million less.

Using Resources Planning Act projections the Forest Service ought to be spending $20.3 million for trail construction, but the budget calls for $4.8 million.

The Forest Service ought to be spending $50.5 million for recreation construction, but the budget calls for $4.5 million.

The Forest Service ought to be spending $62.5 million for construction for fire administration and other purposes, but the budget calls for $16.1 million.

The Forest Service ought to be spending $49.7 million for land management activities, but the budget only calls for $17.9 million.

The Forest Service ought to be spending $25.6 million for maintenance of facilities, but the budget asks for $13.6 million.

The Forest Service ought to be spending $119.7 million for forest road maintenance, but the budget calls for $61.6 million.

The Forest Service ought to be spending $21.6 million for forest trail maintenance, but the budget calls for $7.7 million.

The Forest Service ought to be spending $141.8 million for reforstation and timber stand improvement, but the budget calls for $100 million.

These are but a few examples of work that ought to be done to improve the productivity and safety of the National Forest System. Each year the Congress has failed to make the proper investements in these areas, and it is for this reason that the Forest Service has been accused of accomplishing only custodial management of the forests.

With thousands upon thousands of woodworkers unemployed, we should look on the current situation as an opportunity to improve the public lands.

Mr. President, I commend this good bill to the Senate, and I ask unanimous consent that a copy of S. 2289 be included in the RECORD at this point.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 2289

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the Emergency National Forest Productivity Act of 1982.

SEC. 2. The Secretary of Agriculture shall establish a special program to remove dead, dying, diseased and downed timber on National Forest System lands. The purpose of this program shall be to make these lands more productive, through reforestation and other forms of enhancement, including road construction; to accomplish additional thinning and other forms of timber stand improvement; to reduce the hazards of wildfire to accomplish more extensive yarding of undesirable materials; to provide employment in and around communities that are dependent on timber production; and to provide easier public access to firewood supplies.

SEC. 3. (a) The Secretary, in carrying out the purpose of this Act, may enter into contracts or other types of agreements with owners of private forest lands or other persons, or may conduct the work himself, if no contractors are available.

(b) The program to be carried out under the authority of this Act shall be judged by its contribution to the long-term productivity and environmental protection of the National Forest System.

(c) Projects and other efforts established under the program authorized by the Act may be carried out in conjunction with projects, contracts or agreements entered into under any authority which the Secretary may possess: *Provided,* That nothing contained in this Act shall abrogate or modify provisions of existing contracts or agreements, including contracts or agreements for the sale of National Forest timber, except to the extent such changes are mutually agreed to by the parties to such contracts or agreements.

SEC. 4. The Secretary may carry out the special program through to procedure under which purchasers of National Forest System timber under contracts awarded prior to October 1, 1986, may be required to remove residues and yard undesirable materials, not purchased by them, to point of prospective use, in return for compensation in the form of residue removal credits. The residue removal credits shall be applied against the amount payable for the timber purchased, and shall represent the anticipated cost of removal. The following guidelines shall apply to projects carried out under this section:

(1) After the material removed from the forest is taken to points of prospective use, it shall be offered for sale at not less than its appraised value for commercial timber uses, such as lumber or pulp. Any wood material that is not sold for commercial purposes shall be offered for public use as firewood.

(2) Except in cases where wood is determined to be necessary for fire prevention, site preparation for regeneration, wildlife habitat improvement or other land management purposes, the Secretary may not provide for removal of wood material in instances where the anticipated cost of removal would exceed the anticipated value, including the estimated long term value of improved management of the National Forest System.

(3) The residue removal credits authorized by this section shall not exceed the amount payable by the purchasers for timber after the application of all other charges and credits.

(4) Wood and wood residues shall be collected from a site so as to avoid soil depletion, erosion and watershed damage, giving full consideration to the protection of wildlife habitat.

(5) For the purposes of the sixth undesignated paragraph under the heading "Forest Service" in the Act of May 23, 1908 (35 Stat. 260; 16 U.S.C. 500) and section 13 or the Act of March 1, 1911 (36 Stat. 963; 16 U.S.C. 500) (A) any residue removal credit applied under this section shall be considered as "money received" or "moneys received", respectively, and (B) the "money received" or "moneys received", respectively, from the sales of wood residues removed to points of prospective use shall be the proceeds of the sales less the sum of any residue removal credit applied with respect to such residues plus any costs incurred by the Federal Service in processing and storing such residues.

SEC. 5. The Secretary shall make annual reports to the Congress on the programs authorized by this Act. These reports shall be submitted with the reports required under section 8(c) of the Forest and Rangeland Renewable Resources Planning Act of 1974.

SEC. 6. The Secretary shall issue such regulations as the Secretary deems necessary to implement the provisions of this Act, within 30 days after enactment.

SEC. 7. There is hereby authorized to be appropriated not to exceed $150,000,000 for each of the fiscal years, 1983, 1984, 1985, and 1986 to (a) carry out the progams authorized under section 3 of this Act, (b) provide for the residue removal credits authorized by section 4 of this Act and (c) carry out the other provisions of this Act. For the current fiscal year, the Secretary is authorized to transfer funds from other National Forest System Accounts to carry out the provisions of this Act.

SEC. 8. This Act shall become effective immediately.

By Mr. PERCY (by request):

S. 2290. A bill to amend the "International Communication Agency Authorization Act, Fiscal Years 1982 and 1983" (Public Law 97- ; Stat.), to authorize additional appropriations for fiscal year 1983, and for other purposes; to the Committee on Foreign Relations.

LEGISLATION TO AMEND INTERNATIONAL COMMUNICATION AGENCY AUTHORIZATION

● Mr. **PERCY**. Mr. President, by request, I introduce for appropriate reference a bill to amend the International Communication Agency Authorization Act, Fiscal Years 1982 and 1983, to authorize additional appropriations for fiscal year 1983.

This legislation has been requested by ICA and I am introducing the proposed legislation in order that there may be a specific bill to which Members of the Senate and the public may direct their attention and comments.

I reserve my right to support or oppose this bill, as well as any suggested amendments to it, when the matter is considered by the Committee on Foreign Relations.

I ask unanimous consent that the bill be printed in the RECORD at this point, together with a section-by-section analysis of the bill and the letter from the Director of the International Communication Agency to the President of the Senate dated March 18, 1982.

S. 2290

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

AUTHORIZATION OF ADDITIONAL APPROPRIATIONS

That section 202 of the "International Communication Agency Authorization Act, Fiscal Years 1982 and 1983" (Public Law 97- ; Stat.) is amended by striking out "$482,340,000" and inserting in lieu thereof "$640,000,000".

CHANGES IN ADMINISTRATIVE AUTHORITIES

SEC. 2. Section 804(l) of the United States Information and Educational Exchange Act of 1948 (22 U.S.C. 1474(l)) is amended by striking out the word "suitably" and replacing it with words "equally or better."

SEC. 807. Notwithstanding the provisions of 31 U.S.C. 484 or any other law or limitation of authority, tuition fees or other payments received by or for the use of the International Communication Agency from or in connection with English-teaching programs conducted by or on behalf of the Agency under the authority of this Act or the Mutual Educational and Cultural Exchange Act of 1961 may be credited to the Agency's applicable appropriation."

SECTION-BY-SECTION ANALYSIS—AUTHORIZATION OF ADDITIONAL APPROPRIATIONS

This proposed amendment to the "International Communication Agency Authorization Act, Fiscal Years 1982 and 1983" increases the authorization of appropriations for the International Communication Agency in fiscal year 1983 from $482,340,000 to $640,000,000. The amended amount is included in the President's budget for fiscal year 1983.

The increase is requested primarily to cover added requirements for construction of new Voice of America relay stations overseas, international education and foreign language activities to be transferred from the Department of Education and added costs of Agency operations attributable mainly to overseas wage cost increases.

SECTION 2 (EMPLOYMENT OF FOREIGN NATIONALS)

Public Law 96-60, passed in August of 1979, amended Section 804(l) of the United States Information and Educational Exchange Act of 1948 (22 U.S.C. 1474(l)) by broadening considerably the Agency's authority to employ foreign nationals to meet its various programming responsibilities. In addition to translation and narration, the law now allows the use of foreign nationals for preparation and production of programs "where suitably qualified U.S. citizens are not available." The principal advocate and beneficiary of this change was the Voice of America.

The presently proposed amendment to Section 804(l) would delete the word "suitably" and replace it with the words "equally or better" so that the section would read in pertinent part "employ, without regard to the civil service and classification laws, aliens within the United States and abroad for service in the United States . . . when *equally or better* qualified United States citizens are not available. . . . " (Emphasis supplied.)

As the law is now written and interpreted, minimally qualified U.S. citizens must be given preference for jobs over highly qualified and experienced foreign national employees. This frequently has resulted in hiring less than the best qualified candidates for language programming and has led to language broadcasts of a poorer quality than is needed. In the highly competitive international broadcasting environment in which the VOA operates, language and journalistic skill must be of the highest quality when judged by the foreign listener.

SECTION 2 (ENGLISH TEACHING PROCEEDS)

The Agency is seeking authority to use the proceeds from its English teaching programs abroad. We anticipate the following beneficial results:

(1) Greater quality control of educational aspects of these programs since they would be removed from local educational requirements such as teaching host country history and culture in addition to the English language, and local labor law requirements, such as the need to hire a certain percentage of host country nationals as teachers, rather than the pedogocially preferred native speakers of English.

(2) Greater administrative control of programs, such as uniform bookkeeping requirements, the ability to recycle funds received into ELT program enrichment, the option to dismiss employees who are not maintaining academic standards or who have been found to siphon off funds for improper use.

(3) Greater continuity of programs since oversight would not be left in the hands of constantly changing volunteer members of Boards of Directors of umbrella organizations.

(4) Greater flexibility for posts as to the most effective ways to enhance each program in light of the academic and socio-cultural needs of the local population should income exceed expenditures, such as subsidizing highly desirable seminars for secondary-school teachers associations such as local chapters of TESOL.

(5) The ability to get ELT materials which contain a substantial amount of "Americana" into national school systems and local institutions willing to pay modest costs for these materials, since this would eliminate the current drain on posts' DSA accounts, a factor inhibiting the size of current posts orders.

INTERNATIONAL COMMUNICATION AGENCY,
Washington, D.C., March 18, 1982.

DEAR MR. PRESIDENT: There is transmitted herewith proposed legislation to authorize appropriations for the International Communication Agency to carry out in Fiscal Year 1983 international communication and educational and cultural exchange programs. These activities are mandated by the United States Information and Education Exchange Act of 1948, as amended; the Mutual Education and Cultural Exchange Act of 1961, as amended, and Reorganization Plan No. 2 of 1977. The authorization of our appropriations is required by Section 701(a) of the United States Information and Educational Exchange Act of 1948, as amended (22 U.S.C. 1476(a)).

The legislation also proposes to amend some of the provisions of the Agency's basic enabling authorities. An analysis explaining the proposed legislation is enclosed.

It should be noted further that the proposed legislation would amend the request submitted last year for Fiscal Year 1982 *and* 1983. This legislation has passed both the House and Senate, but has not yet been agreed upon in conference.

The Office of Management and Budget has informed us that there is no objection to the presentation of this proposed legislation and that its enactment would be in accord with the program of the President.

Sincerely,

CHARLES Z. WICK,
Director.●

By Mr. **DIXON** (for himself, Mr. HUDDLESTON, Mr. LEAHY, Mr. ZORINSKY, Mr. MELCHER, Mr. PRYOR, Mr. BOREN, Mr. HEFLIN, and Mr. EXON.):

S. 2291. A bill to require the Secretary of Agriculture to disseminate farm income estimates; to the Committee on Agriculture, Nutrition, and Forestry.

FARM INCOME ESTIMATES

Mr. **DIXON**. Mr. President, the bill I am introducing today will correct what appears to be an inappropriate policy decision of the Department of Agriculture to embargo the release of information on farm income.

The income statistics have virtually disappeared from the Department's publications in recent weeks. Policy officials of the Department decline to answer questions related to the 1982 farm income forecast.

By failing to publish, or even talk about, the farm income outlook, the Department has generated fears among farmers that the income outlook is so bad that the administration is reluctant to give an estimate.

My bill will require the Secretary of Agriculture to publish each month his Department's estimate of gross farm receipts, agricultural production expenses, and net farm income.

Mr. President, I am concerned that this is yet another step by this administration to politicize vital functions of the Department of Agriculture that should be left to professionals. Certain activities of the Department simply must be left outside the political arena; otherwise the people of this Nation will suffer.

I would like to quote O. V. Wells, who was Chief of the Bureau of Agricultural Economics in the Department from 1946 to 1953, and served in the Department of Agriculture from 1929 to 1961. Mr. Wells delivered a bicentennial lecture at the Department of Agriculture on September 24, 1976, in which he said:

> Over the years that I was with the Department (1929-61), my standard argument was that the best contribution that we could make was to see that the several farm groups, the agribusiness and consumer interests, the action agencies and their administrators, the White House advisers (including the Council of Economic Advisers and the Budget Bureau), and the Congressional leaders and committees all started their arguments from the same basic facts and analyses. I assume that this is still a guiding principle within the Department.

I agree with Mr. Wells argument. All the parties concerned must have some basic agreement on economic situation for agriculture in order for discussion of agricultural policy to be informed and productive. Because the Department of Agriculture will not provide its analysis of farm income in 1982, nor will even discuss the farm income outlook for 1982, we have no agreement on the basic facts as a starting point for discussion.

Mr. President, I would also like to quote from the bicentennial lecture delivered by M. L. Upchurch, who was Administrator of the Economic Research Service from 1965 to 1971. Mr. Upchurch notes that the Economic Research Service, the agency charged with producing the farm income estimates and forecasts, has "a venerable history of accomplishment * * * its integrity in developing the publishing economic intelligence for agriculure has always been unassailable. I am sure it will remain so."

The recent actions, or more appropriately the inaction of the Department, brings Mr. Upchurch's conclusion into question.

Monthly publication of current economic statistics is hardly an unusual occurrence. Most major indicators of the state of the economy are published monthly. We receive labor statistics, such as the unemployment rate and estimates of the number of people employed. We receive price statistics, such as the consumer price index and the producer price index. We receive national income statistics, such as gross national product and personal income statistics. Why should we not have knowledge of the current status of the farm income?

In fact, the Department, until January of this year, routinely published farm income statistics, including forecasts. These statistics have been published most prominently in the Department's Agricultural Outlook magazine.

USDA now claims that it is too early to be able to estimate farm income for 1982 accurately. Yet every other administration has faced the same uncertainties and still published a forecast prepared using the best professional expertise available within the Department. Their forecasts have been of great value to Congress in overseeing the operations of the Department and in evaluating legislative proposals.

The professionals at the Department and the users of the farm income estimates are aware of the uncertainty inherent in forecasts. As long as the inaccuracies are the result only of statistical estimating procedure, the public interest is served.

Mr. President, the level of farm income is an important indicator of the health of rural America. The level of farm income helps Congress to evaluate whether or not legislative action is required to preserve our vital food and fiber producing industry, an industry that contributes more to our balance of payments than any other. It is intolerable that we in Congress should be denied the information available to the Secretary of Agriculture.

Mr. President, I ask unanimous consent that the text of my bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 2291

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 526 of the Revised Statutes (7 U.S.C. 2204) is amended by adding at the end thereof a new subsection (c) as follows:

"(c) The Secretary of Agriculture shall, by the fifteenth day of each month, make and disseminate estimates of gross farm receipts, production expenses of farmers, and net farm income for the past calendar year, the current calendar year, and, in the months of October through December, the forthcoming calendar year, based on the most recent data available to the Secretary.".

By Mr. METZENBAUM:

S. 2292. A bill to amend section 205 of the Federal Power Act (16 U.S.C. 824d) relating to inclusion of construction work in progress in the wholesale rate base of public utilities; to the Committee on Energy and Natural Resources.

WHOLESALE RATE BASE OF PUBLIC UTILITIES

Mr. METZENBAUM. Mr. President, this administration is rapidly developing a policy of requiring consumers to pay for the cost of energy, years before they receive any service. The first evidence of this policy came last year, when President Reagan proposed a series of waivers for the Alaska natural gas pipeline. Those waivers require consumers to pay for the principal and interest on $32 billion of debt capital for the pipeline before they receive any gas, and even though the project might never be completed.

Now this administration is seeking to bring this outrageous new policy to the electric utility industry through a highly technical accounting regulation known as construction work in progress, or CWIP. The Federal Energy Regulatory Commission presently is considering a regulation to allow utilities to include CWIP in their regulated rate base. If put into effect, this regulation would create a major new loophole that will permit utilities to require their customers to begin paying—with profit—for new electric generating plants before such plants are providing service.

Mr. President, the legislation I am introducing today is designed to prevent the adoption of this outrageous regulation that would force the Nation's consumers to massively subsidize the electric utility industry.

Utilities subject to Federal regulation were not permitted to use CWIP until 1975, when the Federal Power Commission, FERC's predecessor agency, issued order 555. That order permitted a utility to place CWIP in its rate base only in three situations:

First, to cover the cost of installing pollution control equipment;

Second, to cover the cost of converting an existing oil- or gas-fired generator to burn a more plentiful fuel, such as coal; and

Third, to cover the cost of constructing new generating facilities for utilities in severe financial difficulty.

I believe that the first two exceptions—pollution control and fuel conversion—are entirely reasonable. My legislation would retain them. But, Mr. President, this bill will definitely close the door on any inclination that may exist at FERC to substantially expand the ability of utilities to pass on CWIP charges to their customers. Specifically this legislation amends the Federal Power Act to prohibit FERC from allowing, except for purposes of pollution control or fuel conversion, the inclusion of CWIP in the rate base of any utility subject to Federal regulation.

There is ample reason to believe that unless the Congress intervenes, FERC will, in fact, take a permissive approach to CWIP.

On July 27, 1981, for example, FERC issued a notice of proposed rulemaking that would broaden the "severe financial difficulty" exception to permit a utility to use CWIP whenever its first mortgage bond rating for Moody's is Baa or lower or BBB or lower under Standard and Poor's, and when CWIP makes up at least 40 percent of the dollar amount of its rate base.

But FERC did not stop there. When the proposed rulemaking was noticed in the Federal Register, FERC also solicited additional comments on a number of issues designed to further expand the use of CWIP. It should surprise no one that dozens of private utilities, as well as Edison Electric Institute (EEI) asked that the final regulations allow CWIP in a utility's rate base regardless of circumstance. Speaking for the administration, the Department of Energy endorsed that position.

FERC appears eager to accommodate the request of the industry and the administration. Speaking before a utility conference sponsored by EEI on October 27, 1981, FERC Chairman C. M. Butler III, told utility executives that the proposed rule did not go far enough. According to Mr. Butler, consumers, not utilities, should bear the burden of demonstrating that CWIP should not be included in any given rate base.

It is clear, Mr. President, that what began as a narrow exception for CWIP is rapidly becoming a floodgate through which utilities will be permitted to take consumers' money now in exchange for providing them with new service in 8 to 10 years. The American Public Power Association, which represents municipal electric systems that purchase electricity at wholesale rates from private utilities, points out that a broadened CWIP regulation at FERC will add at least $1.17 billion to the electric bills of consumers each year.

But $1.17 billion a year is only part of the story. FERC regulates only wholesale sales, which account for approximately 10 percent of all the electricity generated each year in the United States. State public service commissions, which regulate the remaining 90 percent of sales, look to FERC for guidance in many instances. Were a broad CWIP rule adopted by the States, consumers would pay an additional $12 billion annually without receiving any additional service.

The utility industry has argued that CWIP is needed in order to counter severe financial difficulties. But is that true?

According to Standard and Poor's, over two-thirds of the Nation's utilities have a bond rating of A or better.

George Anders, writing in the November 12, 1981, Wall Street Journal stated that, "electric utility stocks have become one of this year's star performers."

Analysts for Smith Barney Harris Upham recently concluded, "overall, electric stocks for the past year have substantially outperformed the market and fixed income securities. . . ."

Argus Research predicts that "many electric utility stocks will prove attractive vehicles in the period ahead" and "warrant the favorable attention of investors today."

The Washington Post of January 31, 1982, quotes a market forecast by Bache Halsey Stuart Shields, Inc. as saying, "As the year 1982 unfurls, we are optimistic that a favorable market climate for electric utilities will evolve." Bache predicted that utility stock investors will earn a profit "of close to 18 percent per annum."

Even if, for the sake of argument, we accept the industry's claims of poor financial health, there is still no evidence that allowing CWIP in rate base would improve their condition. The American Public Power Association points out that many utilities have bond ratings of AA in States that do not allow CWIP. Conversely, States that allow CWIP have utilities with bond ratings of BBB. Standard and Poor's lists the quality of utility management and State regulation, not CWIP, as the two most important factors in rating a utility's bonds.

Allowing a utility to place CWIP in its rate base would only heighten the opportunity for bad management decisions. CWIP would increase a utility's rates without consideration being given to whether a utility's management made a prudent investment in going forward with the construction of a new generating facility. If a utility can immediately recoup its costs and earn a profit on new construction, there is no incentive to hold down costs or to explore less costly alternatives, such as increased power pooling and wheeling, as well as innovative load management and conservation programs.

It is time, Mr. President, to put an end to this ever widening loophole through which consumers will be forced to pour billions of dollars each year. It is time to return to the "used and useful" principle established by the Supreme Court almost 100 years ago by making certain that consumers are not required to pay for the cost of a new facility until it is complete and service is being provided.

I urge my colleagues to join me in support of this legislation.

By Mr. HEFLIN:

S. 2293. A bill to amend the Internal Revenue Code of 1954 to exclude from gross income subsistence payments to certain law enforcement officers; to the Committee on Finance.

SUBSISTENCE PAYMENTS TO CERTAIN LAW ENFORCEMENT OFFICERS

Mr. HEFLIN. Mr. President, I am pleased today to introduce legislation which would allow State troopers, and other State law enforcement officers, to exclude from gross income subsistence allowances paid to them by the State.

For many years now, in Alabama, our State troopers and other State law enforcement officers have been given a subsistence allowance provided by statute of $5 per day. This cash allowance, which is generally used for meals, is not viewed by the State as compensation. It is considered a reimbursement for work-related expenses which are vital to the performance of the troopers' duties.

Section 119 of the Internal Revenue Code, which was enacted in 1954, excludes from an employee's gross income the value of employer-furnished meals if they are provided for the employer's convenience, on its business premises, and for substantially noncompensatory reasons. For several years, this provision was interpreted to include subsistence allowances paid to State troopers.

In 1972, the Internal Revenue Service ruled that subsistence allowances provided to State troopers do not fall within this statute and, therefore, may not be excluded from gross income for taxable purposes. The U.S. Tax Court reviewed the Service's decision and, with six members dissenting, also held against the troopers. While the Tax Court conceded that the meal allowances were furnished because it was more convenient to provide a meal allowance than to provide meals for the troopers, the court interpreted section 119 as excluding from tax meals received in kind, and not meal allowances. The case was then taken before the U.S. Court of Appeals for the Third Circuit. The appeals court agreed with the troopers' contention that such meal allowances are not taxable income. However, the Supreme Court, in Commissioner against Kowalski, reversed the appeals court ruling and declared that meal allowances paid to State troopers are taxable income and do not fall within section 119 of the code.

The Internal Revenue Service applied the Kowalski decision retroactively and held State troopers liable for taxes on their meal allowances back through 1971. The retroactive enforcement of that decision would have resulted in severe financial hardships for State troopers had it not been for the efforts of the late Senator Jim Allen of Alabama. Senator Allen sought to alleviate this financial burden, which would have proved disastrous to most troopers, by introducing legislation to exclude from taxable income the statutory subsistence allowance paid to State law enforcement officers. Through his efforts, legislation was passed amending section 119 of the Internal Revenue Code stating that Kowalski could not be applied retroactively by the Internal Revenue Service. However, the provisions of Senator Allen's bill which dealt with the prospective application of Kowalski were not adopted.

Mr. President, I do not believe it was the intent of Congress to exclude subsistence allowances to State troopers from section 119. The purpose behind this section is to allow an employer to provide meals to employees for substantially noncompensatory employment related reasons. The regulations for this section state that a noncompensatory purpose exists where employees must be present to deal with emergencies during work hours. It is unfair and unjust to exclude a State trooper's subsistence allowance from the benefits of this important provision of the Tax Code simply because meals are not provided on official premises and are in the form of an allowance.

Alabama, and many other States, instituted the cash allowance system in order to permit troopers to remain on call in their assigned patrol areas during their break. Often, the troopers' law enforcement duties carry them far from home. Since these officers are assigned on a countywide basis, many cannot return to their offices or homes for meals because of their responsibilities. An officer cannot call for relief at mealtime if his duties demand his presence. In fact, it is not uncommon for a trooper to order a meal and then be called away for an emergency before the meal is even set before him. He must remain at accident scenes, at scenes of disorder, at traffic congestion, at crime scenes, often eating a sandwich as he runs to an emergency call.

There can be little question that our State troopers perform one of the most difficult and demanding jobs imaginable. Our citizens' safety and well-being depend on their swift action in enforcing the law. State troopers take their meals only when and where the time allows because of the nature of their jobs. In essence, these officers must serve their State's needs before then can serve their own. I see no reason why this allowance for meals should not be excluded from their taxable income.

The bill I am introducing today would simply amend section 119 to specifically provide that subsistence allowances to State troopers are not taxable. I feel strongly that there is every need for this legislation, which will aid the State law enforcement officers of our Nation. Let me stress that this bill will benefit not only the State troopers in Alabama, but also those law enforcement officers of every State who receive subsistence allowances.

In conclusion, Mr. President, I urge the support of my colleagues for this legislation, and ask for its timely consideration, and I ask unanimous consent that the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 2293

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) subsection (b) of section 119 of the Internal Revenue Code of 1954 (relating to special rules with respect to meals and lodging furnished for the convenience of the employer) is amended by adding at the end thereof the following new paragraph:

"(4) SUBSISTENCE PAYMENTS TO CERTAIN LAW ENFORCEMENT OFFICERS.—

"(A) IN GENERAL.—There shall be excluded from the gross income of a law enforcement officer an amount equal to the amount paid to such officer by his employer for meals if such payment is—

"(i) required or authorized by the laws governing the employment of such officer, or

"(ii) required by a contract negotiated in accordance with such laws.

"(B) $5 PER DAY LIMITATION.—The amount excludable from gross income under subparagragh (A) shall not exceed five dollars per day.

"(C) LAW ENFORCEMENT OFFICER.—The term 'law enforcement officer' means an individual who—

"(i) is an elected or appointed, full-time employee of a State, a political subdivision of a State, or a territory or possession of the United States,

"(ii) has the power of arrest, and

"(ii) is required by the terms of his employment to investigate, apprehend, or detain individuals suspected or convicted of criminal offenses.".

"(b) The amendment made by subsection (a) shall apply to taxable years beginning after December 31, 1981.

By Mr. JOHNSTON (for himself and Mr. LONG):

S. 2294. A bill to provide for the settlement of the land claims of the Chitimacha Tribe of Louisiana, and for other purposes; to the Select Committee on Indian Affairs.

CHITIMACHA CLAIMS SETTLEMENT ACT

Mr. JOHNSTON. Mr. President, I am pleased to introduce today with the senior Senator from Louisiana companion legislation to H.R. 5358 introduced earlier this year by Congressman TAUZIN to settle the Chitimacha land claim.

A federally recognized tribe, the Chitimachas have, since time immemorial, owned and occupied parts of the present State of Louisiana and were one of the larger aboriginal groups in Louisiana at the beginning of the European settlements. Both French and Spanish sovereigns recognized the Chitimachas and their right to the lands they occupied. Moreover, this sovereign protection was carried forth in the Louisiana Purchase Treaty and the Indian Nonintercourse Act (25 U.S.C. sec. 177).

Since 1977, seven class action suits were initiated by the tribe in the eastern, middle and western Federal district courts to recover recognized and aboriginal title to over 1 million acres of land in St. Mary, Iberville, Ascension, St. Martin, Iberia, and Assumption Parishes. Unlike other eastern land claims, these claims are based on the loss of property to individuals, rather than on a taking by the State. These suits are being held in abeyance pending the outcome of legislation pending in the House and the bill I am introducing today.

The compromise contained in this measure provides for a Federal appropriation of $7.5 million to be used by the tribe to purchase additional land for the present 250-acre reservation and for tribal development. The legislation will also extinguish all Chitimacha land claims and provide clear title to the defendant landowners.

All parties—the Chitimacha Tribal Council, the various defendants, the State of Louisiana, and the landowners associations—support this compromise. I believe this is a fair settlement and I urge the Senate to act on it as quickly as possible.

By Mr. HATCH (for himself and Mr. DECONCINI):

S. 2297. A bill to amend title 11, United States Code, to improve the protection for shopping centers and their tenants under the Bankruptcy Code; to the Committee on the Judiciary.

SHOPPING CENTER TENANTS IMPROVEMENTS ACT OF 1982

Mr. HATCH. Mr. President, I rise today to introduce the Shopping Center Protection Improvements Act of 1982, a bill which is designed to implement needed changes in the Bankruptcy Reform Act of 1978.

REASONS FOR THE BILL

Mr. President, in 1978, Congress enacted the Bankruptcy Reform Act, which included the Bankruptcy Code. The new code makes numerous substantive changes in the law of bankruptcy and in the administration of debtor's estates.

One of these changes adversely affected the ability of shopping centers to protect their interests and the interests of their nonbankrupt tenants in the event of the bankruptcy of any tenant. Prior to the enactment of the code, in the case of the bankruptcy of a tenant, a shopping center was able to protect these interests by enforcing lease clauses permitting the lessor to regain control of the lease. This was done by terminating the lease, changing it to a month-to-month tenancy, waiving or terminating an option to renew the lease, or terminating the lease if the debtor was unable to maintain a certain sales volume or net worth. Such provisions enabled the shopping center to avoid the adverse consequences of vacancies, curtailed operations, or assignment to tenants with inappropriate uses.

Under the Bankruptcy Code, such clauses were made unenforceable. However, Congress recognized the unique nature of the relationship between the shopping center and its tenants, and among the tenants of the shopping center. In order to protect the shopping center and its nonbankrupt tenants regarding the assumption or assignment by a trustee or debtor in possession of an unexpired lease, Congress included in the code requirements that the trustee makes certain specified assurances of future performance under the lease.

Unfortunately, however, in practice, these assurances have not proved adequate to provide the protections which Congress intended. This situation has only recently come to light because significant numbers of tenant bankruptcies were not filed until last year and because it was not apparent until several months after these bankruptcy petitions were filed that the protections of the code were not working. Therefore, it is appropriate to amend the code to strengthen those provisions and thereby provide the protections which Congress intended in 1978. This would be accomplished by amending sections 365 and 362 of the code.

The amendment to section 365 would accomplish the following:

First, impose a 60-day limit on a trustee's acceptance or rejection of an unexpired lease in all bankruptcy cases, with the right to request additional time for cause. If the premises are not vacated within 30 days after a court order, the trustee will be required to perform all of the obligations under the lease currently.

Second, require the trustee to perform all of the obligations of the tenant under the lease, including payment of rent and other charges specified in the lease, until the lease is assumed or rejected.

Third, delete the word "substantially" from the provisions requiring that an assignment of a shopping center lease would not breach other agreements and would not disrupt tenant mix.

Fourth, require the trustee to find that an assignee of a shopping center lease would have a financial standing similar to that of the original tenant.

Fifth, allow the lessor, in the event of a lease assignment, to require his customary security deposit from the new tenant.

Sixth, clarify that any assignment of a lease is subject to all of the provisions of the lease being assigned as well as assuring no breach in any other relevant document.

Seventh, provide that the special provisions for assignment of shopping center leases apply whether or not there has been a default under the lease.

Eighth, clarify that leases that have been terminated under State law will not be treated as property of the debtor subject to bankruptcy.

The amendment to section 362 would delete from the automatic stay provisions of that section, a proceeding to obtain possession of property subject to a lease which has expired by its own terms without regard to the bankruptcy proceedings.

Mr. President, I ask unanimous consent that the bill be printed in the Record.

There being no objection, the bill was ordered to be printed in the Record, as follows:

S. 2297

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Shopping Center Protections Improvements Act of 1982."

Sec. 2. Section 365 of title 11, United States Code, is amended to read as follows:

"(a) Except as provided in sections 765 and 766 of this title and in subsections (b), (c), and (d) of this section, the trustee, subject to the court's approval, may assume or reject any executory contract or unexpired lease of the debtor. The trustee shall timely perform all the obligations of the tenant arising from and after the date of the order for relief, under an unexpired lease (including payment of the rent and other charges specified in such lease) until such lease is assumed or rejected, notwithstanding the provisions of § 503.

"(b)(1) If there has been a default in an executory contract or unexpired lease of the debtor, the trustee may not assume such contract or lease unless, at the time of assumption of such contract or lease, the trustee—

"(A) cures, or provides adequate assurance that the trustee will prompty cure, such default;

"(B) compensates, or provides adequate assurance that the trustee will promptly compensate, a party other than the debtor to such contract or lease, for any actual pecuniary loss to such party resulting from such default; and

"(C) provides adequate assurance of future performance under such contract or lease.

"(2) Paragraph (1) of this subsection does not apply to a default that is a breach of a provision relating to—

"(A) the insolvency or financial condition of the debtor at any time before the closing of the case;

"(B) the commencement of a case under this title; or

"(C) the appointment of or taking possession by a trustee in a case under this title or a custodian before such commencement.

"(3) For the purposes of paragraph (1) of this section and paragraph (2)(B) of section f, adequate assurance of future performance of a lease of real property in a shopping center includes adequate assurance—

"(A) of the source of rent and other consideration due under such lease with a financial standing, including guarantors, similar to that of the original tenant when the lease was executed;

"(B) that any percentage rent due under such lease will not decline substantially;

"(C) that assumption or assignment of such lease is subject to all the provisions thereof, including (but not limited to) provisions such as a radius, location, use, or exclusivity provision, and will not breach any such provision contained in any other lease, financing agreement, or master agreement relating to such shopping center; and

"(D) that assumption or assignment of such lease will not disrupt any tenant mix or balance in such shopping center.

"(4) Notwithstanding any other provision of this section, if there has been a default in an unexpired lease of the debtor, other than a default of a kind specified in paragraph (2) of this subsection, the trustee may not require a lessor to provide services or supplies incidental to such lease before assumption of such lease unless the lessor is compensated under the terms of such lease for any services and supplies provided under such lease before assumption of such lease.

"(C) The trustee may not assume or assign any executory contract or unexpired lease of the debtor, whether or not such contract or lease prohibits or restricts assignment of rights or delegation of duties, if—

"(1)(A) applicable law excuses a party, other than the debtor, to such contract or lease from accepting performance from or rendering performance to the trustee or an assignee of such contract or lease, whether or not such contract or lease prohibits or restricts assignment of rights or delegation of duties; and

"(B) such party does not consent to such assumption or assignment; or

"(2) such contract is a contract to make a loan, or extend other debt financing or financial accommodations, to or for the benefit of the debtor, or to issue a security of the debtor.

"(3) such contract or lease has been terminated under state law prior to the order for relief.

"(d) In all cases under this title, if the trustee does not assume or reject an executory contract or unexpired lease of the debtor within 60 days after the order for relief, or within such additional time as the court, for cause, within such 60-day period, fixes, then such contract or lease is deemed rejected, and in the case of a lease, the court shall order the premises to be vacated immediately. If the premises are not vacated within 30 days after such order, the trustee shall perform all of the obligations under such lease currently. Acceptance of such performance shall not constitute a waiver or relinquishment of the lessor's rights under the lease or Bankruptcy Code.

"(1) If an unexpired lease is assigned pursuant to this section, the lessor of the property may require a deposit or other security for the performance of the obligations under the lease substantially the same as would have been required by the landlord upon the initial leasing to a similar tenant."

Sec. 3. Section 362(b) is amended by adding a new paragraph (9) to read as follows—

"(9) under subsection (a) of this section, of a proceeding to obtain possession of property subject to a lease which has expired by virtue of its own terms without regard to the bankruptcy proceedings.

ADDITIONAL COSPONSORS

S. 1698

At the request of Mr. Denton, the Senator from Massachusetts (Mr. Tsongas), and the Senator from Washington (Mr. Jackson) were added as cosponsors of S. 1698, a bill to amend the Immigration and Nationality Act to provide preferential treatment in the admission of certain children of U.S. Armed Forces personnel.

S. 2000

At the request of Mr. Dole, the Senator from Nevada (Mr. Laxalt) was added as a cosponsor of S. 2000, a bill to amend title 11, United States Code, to establish an improved basis for providing relief under chapter 7, and for other purposes.

S. 2155

At the request of Mr. **Kasten**, the Senator from Wyoming (Mr. **Wallop**) was added as a cosponsor of S. 2155, a bill to require a foreign country be declared to be in default before payments are made by the U.S. Government for loans owed by such country or credits which have been extended to such country which have been guaranteed or assured by agencies of the U.S. Government.

S. 2158

At the request of Mr. **Danforth**, the Senator from Alabama (Mr. **Heflin**), the Senator from Georgia (Mr. **Nunn**), and the Senator from Kansas (Mrs. **Kassebaum**) were added as cosponsors of S. 2158, a bill to amend title 23, United States Code, to authorize and direct the payment of an incentive grant for highway safety programs to any State in any fiscal year during which the statutes of the State include certain provisions relating to driving while intoxicated; to establish a national driver register, and for other purposes.

S. 2159

At the request of Mr. **Danforth**, the Senator from Alabama (Mr. **Heflin**), the Senator from Georgia (Mr. **Nunn**), and the Senator from Kansas (Mrs. **Kassebaum**) were added as cosponsors of S. 2159, a bill to amend the Bankruptcy Act to provide that judgment debts resulting from a liability which is based on driving while intoxicated shall not be discharged.

S. 2174

At the request of Mr. **Thurmond**, the Senator from California (Mr. **Cranston**), the Senator from South Carolina (Mr. **Hollings**), the Senator from Illinois (Mr. **Dixon**), the Senator from Pennsylvania (Mr. **Specter**), the Senator from Delaware (Mr. **Biden**), and the Senator from Massachusetts (Mr. **Tsongas**) were added as cosponsors of S. 2174, a bill to recognize the organization known as American Ex-Prisoners of War.

S. 2226

At the request of Mr. **Lugar**, the Senator from South Dakota (Mr. **Abdnor**), the Senator from South Carolina (Mr. **Thurmond**), the Senator from Mississippi (Mr. **Cochran**), the Senator from Pennsylvania (Mr. **Specter**), the Senator from North Dakota (Mr. **Burdick**), and the Senator from Iowa (Mr. **Jepsen**) were added as cosponsors of S. 2226, a bill to amend the National Housing Act to provide for emergency interest reduction payments and for other purposes.

S. 2270

At the request of Mr. **Lugar**, the Senator from New Hampshire (Mr. **Humphrey**) was added as a cosponsor of S. 2270, a bill to amend section II of the Social Security Act to provide generally that benefits thereunder may be paid to aliens only after they have been lawfully admitted to the United States for permanent residence, and to impose further restriction on the right of any alien in a foreign country to receive such benefits.

SENATE JOINT RESOLUTION 161

At the request of Mr. **Thurmond**, the Senator from Georgia (Mr. **Mattingly**), the Senator from North Dakota (Mr. **Burdick**), and the Senator from Minnesota (Mr. **Durenberger**) were added as cosponsors of Senate Joint Resolution 161, a joint resolution to designate the week commencing with the fourth Monday in June of 1982 as "National NCO/Petty Officer Week."

SENATE JOINT RESOLUTION 163

At the request of Mr. **Kennedy**, the Senator from Montana (Mr. **Melcher**) was added as a cosponsor of Senate Joint Resolution 163, a joint resolution on Nuclear Weapons Freeze and Reductions.

SENATE JOINT RESOLUTION 169

At the request of Mr. **Hollings**, the Senator from Arizona (Mr. **DeConcini**), the Senator from Mississippi (Mr. **Stennis**), the Senator from Mississippi (Mr. **Cochran**), the Senator from Arkansas (Mr. **Bumpers**), the Senator from Missouri (Mr. **Eagleton**), the Senator from Georgia (Mr. **Nunn**), the Senator from Kentucky (Mr. **Huddleston**), the Senator from Louisiana (Mr. **Johnston**), the Senator from Florida (Mr. **Chiles**), the Senator from North Dakota (Mr. **Burdick**), the Senator from North Dakota (Mr. **Andrews**), the Senator from Michigan (Mr. **Levin**), the Senator from Tennessee (Mr. **Sasser**), the Senator from Connecticut (Mr. **Weicker**), the Senator from Indiana (Mr. **Lugar**), the Senator from Alaska (Mr. **Stevens**), the Senator from South Dakota (Mr. **Abdnor**), the Senator from South Carolina (Mr. **Thurmond**) were added as cosponsors of Senate Joint Resolution 169, a joint resolution to designate the week of April 18, 1982, as "National Architecture Week."

SENATE CONCURRENT RESOLUTION 68

At the request of Mr. **Moynihan**, the Senator from Tennessee (Mr. **Sasser**), the Senator from Oregon (Mr. **Packwood**), the Senator from Oklahoma (Mr. **Nickles**), the Senator from Missouri (Mr. **Danforth**), the Senator from Montana (Mr. **Melcher**), the Senator from Washington (Mr. **Jackson**), the Senator from Michigan (Mr. **Riegle**), the Senator from Massachusetts (Mr. **Kennedy**), the Senator from Florida (Mrs. **Hawkins**), the Senator from Connecticut (Mr. **Weicker**), the Senator from Indiana (Mr. **Quayle**), the Senator from Pennsylvania (Mr. **Specter**), the Senator from Massachusetts (Mr. **Tsongas**), and the Senator from Maine (Mr. **Mitchell**) were added as cosponsors of Senate Concurrent Resolution 68, a concurrent resolution regarding membership in the United Nations General Assembly.

SENATE RESOLUTION 299

At the request of Mr. **Weicker**, the Senator from Texas (Mr. **Tower**), the Senator from Illinois (Mr. **Dixon**), the Senator from Ohio (Mr. **Metzenbaum**), the Senator from Nebraska (Mr. **Exon**), and the Senator from South Dakota (Mr. **Pressler**) were added as cosponsors of Senate Resolution 299, a resolution to designate May 4, 1982, as "International Franchise Day."

SENATE RESOLUTION 325

At the request of Mr. **Dixon**, the Senator from Louisiana (Mr. **Long**), the Senator from Washington (Mr. **Jackson**), and the Senator from North Dakota (Mr. **Burdick**) were added as cosponsors of Senate Resolution 325, a resolution expressing the sense of the Senate that a supplemental appropriation should be enacted to restore full funding of the WIN program.

SENATE RESOLUTION 340

At the request of Mr. **Robert C. Byrd**, the Senator from Maryland (Mr. **Sarbanes**) was added as a cosponsor of Senate Resolution 340, a resolution to express the sense of the Senate that no action be taken to terminate or otherwise weaken the Community Service Employment Program under title V of the Older Americans Act of 1965.

AMENDMENTS SUBMITTED FOR PRINTING

AMENDMENT NO. 1343

(Ordered to be printed and to lie on the table.)

Mr. PRESSLER submitted an amendment intended to be proposed by him relating to budget outlays for Pell grant, guaranteed student loan, and campus-based aid programs.

● Mr. PRESSLER. Mr. President, I am today submitting an amendment which is designed to insure adequate funding for student financial aid programs. The number of letters and phone calls I have received in response to the President's proposals for these programs has been overwhelming. Eighty percent of the postsecondary students in my State of South Dakota received some from of financial assistance during the 1980-81 school year. The message from them has been clear: They could not afford to go to college if the President's proposals were enacted.

Much has been said about waste and abuse in these programs, and I think that in cases in which the student and his or her family can afford to pay for a college education, they should do so. There may be measures which we can undertake to tighten up eligibility standards in some of these programs. Across-the-board cuts such as those that have been proposed, however, do not solve this problem.

Low- and middle-income students will be unjustly penalized if this Congress approves the administration's proposals for student financial aid. It has been estimated that in South Dakota alone, the number of students receiving Pell grants would drop from over 13,000 to some 8,000. Nationally, over 1 million students would be eliminated from this program. In addition, severe cuts in the guaranteed student loan and campus based aid programs would destroy all hope of a college education for many more students. I do not think that we in Congress wish to send the message to our constituents that we no longer care about the education of this country's youth. I firmly believe that these programs are some of the best investments that we can make in the future, and I will do all that is within my power to see that they are restored to adequate funding levels.●

AUTHORITY FOR COMMITTEES TO MEET

PERMANENT SUBCOMMITTEE ON INVESTIGATIONS

Mr. BAKER. Mr. President, I ask unanimous consent that the Permanent Subcommittee on Investigations, of the Governmental Affairs Committee, be authorized to meet during the session of the Senate at 10 a.m., on Wednesday, March 31, to discuss the Federal Employees Compensation Act.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON AGRICULTURE, NUTRITION, AND FORESTRY

Mr. BAKER. Mr. President, I ask unanimous consent that the Committee on Agriculture, Nutrition, and Forestry be authorized to meet during the session of the Senate on Monday, March 29, at 10 a.m., to hold a hearing on the food stamp reauthorization program for fiscal year 1983.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BAKER. Mr. President, I ask unanimous consent that the Committee on Agriculture, Nutrition, and Forestry be authorized to meet during the session of the Senate on Wednesday, March 31, at 10 a.m., to hold a markup of S. 2109, a bill reauthorizing the Commodity Futures Trading Commission, and other pending legislation.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON SOIL AND WATER CONSERVATION

Mr. BAKER. Mr. President, I ask unanimous consent that the Subcommittee on Soil and Water Conservation, of the Committee on Agriculture, Nutrition, and Forestry, be authorized to meet during the session of the Senate on Tuesday, March 30, at 10:30 a.m., to hold a hearing to review the administration's proposed soil and water conservation program.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON REGIONAL AND ECONOMIC DEVELOPMENT

Mr. BAKER. Mr. President, I ask unanimous consent that the Subcommittee on Regional and Economic Development of the Committee on Environment and Public Works be authorized to meet during the session of the Senate on Monday, March 29, at 1 p.m., to hold a hearing on the status of the Appalachian Regional Commission.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON ENERGY CONSERVATION AND SUPPLY

Mr. BAKER. Mr. President, I ask unanimous consent that the Subcommittee on Energy Conservation and Supply of the Committee on Energy and Natural Resources be authorized to meet during the session of the Senate on Tuesday, March 30, at 9 a.m., to hold an oversight hearing to discuss the budget for energy conservation and related programs within the jurisdiction of the subcommittee.

The PRESIDING OFFICER. Without objection, it is so ordered.

ADDITIONAL STATEMENTS

A STRONG STEP IN THE RIGHT DIRECTION

● Mr. PELL. Mr. President, the Senate Commerce Committee today unanimously reported S. 2158, a bill I have sponsored with Senator DANFORTH to encourage the States to mount a comprehensive attack against the Nation's No. 1 highway safety problem—drunk driving. No State or region is spared the loss of life and crippling injury brought about by drunk drivers, who are responsible for at least half of the 50,000 to 55,000 deaths that occur on our highways each year.

The legislation adopted by the Commerce Committee is a major step in the direction of improved highway safety for all Americans. It provides the incentive for each State—through modest highway safety grants—to enact stronger laws and establish comprehensive programs dealing with this problem. In order to obtain the additional highway safety grant, each State must meet several minimal—but absolutely essential—alcohol safety standards, specifically:

First. Provide for the automatic, administrative suspension of the license of any driver found operating a vehicle while under the influence of alcohol, as determined by a breath or blood test. The mandatory suspension must be for a 90-day period for the first incident, and at least 1 year for the second and subsequent offenses.

Second. Provide for the administrative impoundment of any vehicle operated by a person whose driving privilege has been suspended for drunk driving.

Third. Provide for a minimum, 48-consecutive-hour jail sentence, which cannot be suspended or probated, for any person convicted of drunk driving for a second time within a 5-year period.

Fourth. Provide for the enactment of comprehensive alcohol safety programs, including programs designed to achieve better enforcement of drunk driver laws, alcohol treatment programs for problem drinkers, and improved State record systems capable of identifying repeat offender drunk drivers.

Fifth. Establish a blood alcohol content of 0.10 percent as conclusive, per se proof of intoxication.

These minimum standards are the essential elements of a comprehensive attack on the drunk driving problem in each State. They provide the police, prosecutors, and judges with the weapons they need to keep drunk drivers off our highways.

The supplement these provisions, title II of S. 2158 brings about the long-overdue computerization of the National Driver Register. This now dormant system allows motor vehicle registrars to identify new license applicants whose driving privilege has been suspended or revoked in other States. Replacing the archaic mail system currently in use with constantly updated computer records will allow State motor vehicle registrars to identify drivers with bad records in other jurisdictions—and prevent them from obtaining a new license simply by crossing State lines.

Mr. President, I commend Senator DANFORTH for his able leadership of this legislation in the Commerce Committee, which adopted the bill unanimously less than 4 weeks after Senator DANFORTH introduced S. 2158 on March 2. This bill has been cosponsored by Senators BOSCHWITZ, PACKWOOD, PRESSLER, GLENN, GOLDWATER, MOYNIHAN, FORD, HEFLIN, and HOLLINGS. I would urge all of my colleagues to join with us in sponsoring this legislation, and seeking prompt Senate passage of this very reasonable approach to reducing the decades of needless slaughter on our highways caused by the actions of drunk drivers.●

VIETNAM VETERAN MEMORIAL

● Mr. CHAFEE. Mr. President, on Friday, March 26, groundbreaking ceremonies for the memorial to Vietnam War veterans took place here in Washington. Such a memorial is long overdue, and I am happy to see that construction has finally begun.

The design of this memorial, as we all know, had created some controversy, but those controversies are behind us now. We should not let some minor differences over the design obscure the fundamental significance and importance of this memorial, which is to honor those who served—and especially those who gave their lives—in the war in Southeast Asia.

Mr. President, the State of Rhode Island was represented at the groundbreaking by Mr. Thomas Suprock, a Vietnam veteran who is partially disabled as a result of a shrapnel wound received in Vietnam. His thoughts on being selected for this task were published in the Providence Journal on March 25, 1982. I believe his ideas are a profound statement on this matter and are worthy of the attention of the Senate. I ask that his statement be reprinted in the RECORD at this point.

The statement follows:

[From the Providence Journal, Mar. 25, 1982]

VIETNAM VETERAN MEMORIAL

(By Thomas G. Suprock)

I have had the great honor of being asked to represent Rhode Island at the groundbreaking ceremony for the Vietnam Memorial in Washington, D.C. Of course, I accepted the offer made by the gentleman acting as the regional coordinator of this event by the Vietnam Veterans Memorial Commission. I realized the responsibility of representing a state with the highest veteran per capita ratio in the country.

My intent is to represent the Vietnam Veterans of Rhode Island with the greatest dignity and respect possible. There has been much said, pro and con, about the design and location of the memorial. By now further arguments are meaningless. The official groundbreaking will be held tomorrow and construction will begin immediately thereafter.

The memorial will bring honor and respect to more than 58,000 who did not return from Southeast Asia. As a 40 percent disabled combat helicopter pilot, I don't need a memorial to remember their sacrifices, as I am sure no other Vietnam vets or their families need to be reminded. But certainly the people of this country do, now and 300 years from now.

For myself, this dedication has a singular meaning; for all those who served, dead and alive. There is no political statement involved. I will represent Rhode Island with the greatest pride and solemn humility benefitting the event.●

ST. PATRICK'S DAY IN SOUTH BOSTON

● Mr. TSONGAS. Mr. President, on St. Patrick's Day in South Boston there is an event that deserves recognition. It is the annual breakfast of corned beef and cabbage, beer and barbs presided over by the Honorable William M. Bulger, president of the Massachusetts Senate.

This 3-hour marathon of hot food, cold beer, and jokes in between was recently featured in the Boston Globe. I believe that Chris Black, the Globe writer, did an admirable job of capturing the spirit of this unique happening and the spirit of Billy Bulger—who is a Massachusetts institution himself. Mr. President, I ask that this article be printed in the RECORD.

The article follows:

[From the Boston Globe, Mar. 15, 1982]

BULGER HAS HIS WAY IN SOUTHIE

WHITE, THE GLOBE TARGETS (ALONG WITH OTHERS) AT TRADITIONAL BREAKFAST

(By Chris Black)

The Senate President looked incredulous; the mayor looked pained.

"We in South Boston are so honored. He is here in person," said Senate President William M. Bulger. Sarcasm wrapped every syllable. Boston Mayor Kevin H. White smiled wanly.

"Mr. Mayor, you're as popular as scarlet fever," Bulger said. He began to warm to the subject. "My wife Mary is here. She never had a mayor for breakfast before."

Bulger served up Mayor Kevin H. White with the traditional corned beef and cabbage at his annual St. Patrick's Day celebration of beer and barbs at the Bayside Club in South Boston. When he finished with White, Bulger roasted the three Democratic gubernatorial candidates: Gov. Edward J. King, former governor Michael, S. Dukakis and Lt. Gov. Thomas P. O'Neill 3d; The Boston Globe, and any legislator, judge, political candidate or civil servant unlucky enough to catch his eye. For those in the overcrowded function hall, it was three hours of nonstop one-liners, Irish songs and Irish stories.

Bulger seemed delighted to see the mayor. "You are like a delicious hors d'oeuvre," he said. White rarely attends political functions other than his own. Unlike nearly every other prominent Democratic politician in Massachusetts, he never attends Bulger's annual St. Patrick's Day party.

"I cannot believe it," marveled Bulger. He looked at White again to make sure his eyes weren't playing tricks on him. "You know, you're crazy coming over here. Are you smoking or what?"

"Tell us what is ahead for Bawston," asked Bulger in an exact mimicry of White's accent.

"Would you like to sing a song, Mr. Mayor, so you can remember when you were Irish?" asked Bulger before launching into a rousing chorus of "Rising of the Moon."

"Enjoy your meal, Mr. Mayor," he said as the waitresses began to pass out plates of corned beef. "It's your last."

White sensed trouble right away. He said he left his wife, Kathryn, and Children at home, "saying the rosary so I'll return alive."

Then the mayor decided to dish out a few lines of his own. "I think Billy is nervous that I might run one of my guys against him," he suggested alluding to the plethora of mayoral-backed legislative candidates of previous election years. All of White's candidates have lost. Bulger feigned great concern.

Of the state Legislature, White said, "How could you not like a lot of guys whose motto is Live Free or Die."

He had an answer for critics who complain about Deputy Mayor Katherine Kane's free lunches, "She can't help it, she's a former rep."

"Actually," conceded White, "Billy is being pretty easy on me."

"So far," interjected House Speaker Thomas W. McGee, who looked like an Irish leprechaun in a Kelly green hat, tie, sweater, jacket and white trousers with green shamrocks.

If White was the hors d'oeuvre, The Globe was the main course. "Have you read The Globe today?" asked Bulger, parroting the Globe's advertising jingle. "Then why do you look confused?"

He used White, who has been endorsed by The Globe on occasion, as his straight man. "They were with you, weren't they," he accused White. "Own up to it."

"They don't like nepotism at the Globe. Ask any of them, John Taylor, Davis Taylor, William Taylor, the June Taylor dancers," he added. [The Taylor family owns The Globe.]

He mentioned the $100 contribution made to the Dukakis campaign by Elizabeth Winship, the author of The Globe's Ask Beth column and wife of The Globe's editor. [Saying she wanted to avoid embarrassing the paper, Mrs. Winship requested that the donation be returned. It was.]

After describing her as a "sex consultant at The Globe" he noted, "She must be quite a woman because she got the $100 back. Anybody who gets a C note from Dukakis is good. I'd find it easier to touch the third rail."

A mock front page of The Globe featuring a huge photograph of Mrs. Winship was presented to King, who is suing the newspaper, two of its columnists, and its editorial cartoonist. The headlines read: Probe Started on Winship Campaign Gift. Winship Fails to Return Phone Calls. Beth Winship Declines Interview. Beth Winship says—Don't Ask Me.

Then Bulger spotted Martin F. Nolan, editor of The Globe's editorial page. He invited him to the microphone. Nolan looked as though he would rather be somewhere else. But he valiantly offered a few quips of his own.

"Pretty tough without Szep, isn't it," asked Bulger with a leer. [Szep is The Globe's editorial cartoonist.]

Nolan looked down at former California Sen. George Murphy, a special guest yesterday, and sighed, "I wish I worked for the LA Times."

"This bum went to BC now he's got an accent," Bulger called out. Nolan gave up. As a St. Patrick's Day present," he said, "The Globe will endorse Bill Bulger for anything he wants."

Others destroyed by a deft one-liner were:

John Winthrop Sears, the former Boston city councilman and current Republican candidate for governor. "I never met a Protestant this early in the morning."

Secretary of State Michael J. Connolly who "landed on the roof." "Don't worry. I'll hold your hand so you won't blow away."

Lt. Gov. O'Neill who is "mooching along on the good name of his father, Dapper O'Neill . . . I told Tip, if Tommy makes it, it will be further proof of the power of prayer. Tip said to me, 'Look, if anything happens to me, tuck him away in the Boston Housing Court.' "

O'Neill rejoined, "I don't mind being the fire hydrant to Billy's kennel."

"If you were my boy you'd get a good spanking," scolded Bulger. "Lucky thing for you, O'Neill, your father never had a lap. You could end up on the Housing Court, kid." O'Neill's father is House Speaker Thomas P. O'Neill Jr.

Impressed by Bulger's performance, Murphy, the former movie actor and Senator, said, "If Billy had got to Hollywood ahead of Jimmy Cagney. Jimmy never would have made it."●

MORE VISION NEEDED IN PUBLIC POLICY

● Mr. BAUCUS. Mr. President, I insert today two articles from yesterday's Washington Post highlighting a growing lack of vision by our Nation's policymakers.

The first article, written by Haynes Johnson, focuses on the plight of a senior civil servant in the U.S. Department of Labor who was recently "riffed."

The second article, from the Sunday Post's business section, discusses recent cutbacks in a high technology firm in Bethesda, Md.

Allow me to describe briefly both articles and to explain why they should be looked at together.

Mr. Johnson's article presents a brief analysis of the growing political movement against Federal civil service servants. He is correct when he says that the last two Presidents ran effective campaigns against the Washington bureaucracy. And these campaigns were not run in isolation. Indeed, outside of the Washington, D.C., metropolitan area, it is a rare political candidate who can successfully run supporting Federal employees. But just because it may be good politics to run against the Federal bureaucracy, it certainly does not mean it is good public policy.

Quite frankly, I am alarmed at the number of first-rate civil servants who are electing for early retirement. I recently saw figures indicating that the percentage of civil servants who elected early retirement has risen over the past 10 years from a relatively small percentage to nearly 100 percent.

When I came to Washington, I expected to see a lot of lazy, uninformed, unimaginative, unresourceful, and unresponsive civil servants. Not suprisingly, I did see some. What did surprise me was that stereotype of the lazy, wasteful Federal employee was the exception and not the rule.

Over the past 50 years our Nation's universities have produced some of the top public policy analysts in the world. Public service in the 1930's, 1940's, 1950's, and even the 1960's was not a dirty word. However, beginning with the antiwar movement in the late 1960's and continuing on through the Watergate revelations and then to the Presidential campaigns of 1976 and 1980 there has emerged a very strong negative bias against public service. If that bias succeeds in keeping the best of our Nation's young policy analysts from entering Government, and if the trend continues where our best managers now in public service opt for early retirement, we will have seen laid to waste an extraordinarily effective Federal bureaucracy.

There is an old saying that a chain is only as strong as its weakest link, and I am concerned that the ability of the Federal Government to respond to crises may be filled with weak links unless there is a change of attitudes toward the value of public service.

Many residents of Fort Wayne, Ind., responded favorably in earlier campaigns to political promises to "get government off their backs." However, I suspect today that many of these same residents are grateful that the Federal Government and its employees have responded so quickly to the ravaging damage caused by recent floods.

I would be the last to say that the Federal Government is without its faults. However, I will be among the first to say that we need a Federal Government, and we need to have the best people—the most honest, the best educated, the most responsive and efficient—working for the Federal Government. If present trends continue, we will fall far short of that goal.

HIGH TECHNOLOGY

The second article, which deals with the recent reorganization of a genetic engineering firm, dramatically reveals how the "bottom line" stock market mentality of investment analysts requires visionary business executives to limit the scope of their operations. While I know almost nothing about the operation of genetic engineering companies, it would seem to me that the research done by such companies is essential to keep the United States on the worldwide "cutting edge" of technological innovations. Yet, this article seems to applaud the recent decision to lay off more than one-third of a company's employees and to cancel most of its long-term research projects. To me, that does not sound like a decision that will improve America's position in high technology research.

I do not mean to suggest that it is not a good thing to have profits. I do mean to suggest that something must be wrong when a society encourages behavior that avoids effective planning for the future.

And that is what the two articles have in common. They both highlight the potential problems that decisionmaking for the short term—for the politically expedient, for the financially expedient—will have on our Nation's long-term capacity to compete in international commerce.

Mr. President, at this point I include both articles in the RECORD.

The articles follow:

WASTE IN THE U.S. GOVERNMENT: WASTING THE CIVIL SERVANTS

(By Haynes Johnson)

Burke Walsh is a friend of long-standing, and, as always with true friends, it doesn't really matter whether you continue seeing each other. In the nature of our busy lives, years have passed without contact. Still we find ourselves easily picking up the threads of the old friendship when thrown together again.

I say this up front to acknowledge that what I write about Burke here is colored by that personal relationship.

We first met, as members of the same platoon, falling out of the same barracks during infantry basic training at Indiantown Gap, Pa., more years ago than I care to recall. Aside from being new draftees just out of college, we had other things in common, among them an interest in history and writing. I much appreciated his wry and humorous, yet thoughtful, cast of mind. We became close. Then, in the way of the Army, we separated. Burke stayed in the infantry. While I made a bypass for further artillery training, he went directly to the front lines in Korea. Some years and many experiences later we found ourselves in Washington, both married, starting families, and in different lines of work. Occasionally our paths would cross; more often they would not.

I recite this background only because I have known him well enough to be able to persuade him to talk openly about the painful situation in which he now finds himself. He agreed to do so, at my urging, because he knows his case is far from uncommon and believes useful lessons may be drawn from it. Typically, he speaks with remarkably little bitterness and anger, considering his circumstances, and from a broad perspective.

His story deserves telling for other compelling reasons.

Aside from the personal anguish he and his family are experiencing, the example of Burke Walsh illuminates a critical public question: the working of the federal government. It underscores one of the Reagan administration's blackest marks, the mindless wholesale destruction of the career public service, one I believe will cause damage to the country for years to come.

Two weeks before Christmas, Burke was informed he would be dismissed from his federal government job, effective New Year's Eve.

He was a victim of a sweeping government reduction in force—or RIF, in Washington parlance—sharply cutting back the Labor Department's Employment and Training Administration, the so-called CETA program. In particular, the information office in which he was working was being drastically reduced in size. He, and others, were out.

The dismissal meant more than the loss of his $50,000, Grade 15 government job, with all the obvious hardship for his family, the children's education, the mortgage payments and the rest. It meant the end of a government career for which he had been recruited, and in which he had performed well.

And, Burke quickly found out, it also meant a severe problem he had not anticipated. Including his Army time, he has 17 years of government service, three years shy of qualifying for a pension. Yet, under the present system, he will not be eligible for any pension payments for nine more years when he reaches the age of 62.

What's more, he has found the government is singularly unconcerned about what happens to the career people it is dismissing, for no fault of their own.

"To my knowledge," he says, "there is absolutely no real asssistance that you get once you are dismissed. No official representative of the government has ever contacted me. There has never been any official prescription of jobs or availabilities afforded me from the government for placement. There is no effort by the government to help me find jobs in private industry or in government. There's no government-wide policy to help someone in my circumstance, and that is the truth.

"As far as my department is concerned, there was no review of my situation taking into consideration of the length and effectiveness of my service. No one ever really reviewed to see what kind of work I had done. I fitted into a slot that was official and I was dismissed. I had no recourse as far as that dismissal was concerned. There was no consideration of the fact that I was what in the government is called a five-point veteran. My wartime service in Korea did me no service at all. There was no panel that I could go to and say, 'Look, I've been here for 17 years counting my service time. Maybe you'd like to take a look at this thing and ask whether you really intend to dismiss senior officials in their fifties.' But this was not done for me, and it was not done for anyone as far as I know."

Recently, a number of news stories have recounted the obvious personal anguish of people suddenly riffed from government service. Burke's is no less severe. Perhaps, though, he expresses the hurt more eloquently than some. He always was good at putting feelings into words.

"There's perhaps an unnecessary but pervading embarrassment that attends this situation," he says. "There's an embarrassment that you personally feel. There's an embarrassment that you feel with your peers and your family. You know they're feeling an embarrassment for you that you try to avoid as far as your dealings with them are concerned.

"You're embarrassed for yourself, and you're embarrassed for them. You can't avoid the feeling that the people around you have the feeling that there was some inadequacy on your part that led to your dismissal. You failed somehow. You failed them, and you failed yourself. All at a point in your career when you can't expect to have to come to grips with failure. You've done all the right things, made all the right moves. You've driven yourself to this point in a career—a career, not a job—and someone comes along and says you've done nothing wrong, but now you're out. And people look at you and they're embarrassed for you, and you are for yourself. It's a two-way street, and it's the damnedest two-way street you've ever been on.

"I've talked to people on the phone about this. I've talked to them face to face and, Haynes, this is the God's honest truth, I've had at least three or four people say, to me, 'I could not take it.' They come just short of saying, 'Burke, I don't know how you haven't put a bullet in your head.'"

Burke is a proud man, and he remains proud of what the government has been and should be.

"I come from a family that's been in Washington for 135 years," he says. "They came here from Ireland, through Philadelphia. My great-grandfather was the maitre d' in the Willard Hotel during the Civil War. He was a Confederate, friend of Jubal Early. Used to go out in the weeds and talk to him. That's the last time that we had a subversive in the family that I know of. All of our family have been—well, we've got our military heroes. My grandfather and his group of Emmett guardsmen charged up San Juan Hill with Teddy Roosevelt. Literally did. One of the few people that actually got to shoot a Spaniard during the Spanish-American War. He went on to the Philippines. My father was in naval intelligence, so I have all kinds of Washington credentials, and rather honorable ones, I would think.

"I have a background that gives a sense of government. I didn't work for Ronald Reagan or Jimmy Carter or anyone else. From the day I came in, I felt that I had an obligation to the United States government. And if you want to know the truth, I feel the United States government has let me down, because I never broke faith with them. I was encouraged to come in. They asked me. I joined the government as a career station in life, not to get rich. I must confess I joined it for the security of government, plus the fact I was told my talents would enhance government.

"As I've said to you before, there is waste in government. There's no question about it. But the way waste has been addressed is abysmal. It's ridiculous. Two administrations in a row have run against the government worker. What they've done is contribute to what they're trying to undo. The danger is that the kind of milieu we're developing now in the government could be translated into a much larger hurt for this nation.

"We've got to stop picking on the government. First of all, we created the government service. This nation created it. It's like the separation of church and state. It's an abiding thing there. It's part of the United States. It's like the Army and the Defense Department which are held in such reverence. It's there. It's part of what makes this whole thing go. Yet we've attacked it like it's a bastard child. If we don't stop this we'll be killing ourselves."

I would not air Burke's story, nor would he want me to, in this space if it were seen only as one more personal account of hardship, valuable though such renderings may be. The larger point involves the damage now being done the government service.

A day will come, if it isn't already here, when the United States will need its most capable citizens to serve. How can the government possibly expect to attract such people when it, and its highest leaders, treat them so miserably?

To ask the question is to answer it.

Weak Genes: BRL Sees Recovery—But Company Says Its Close Call Should Be Warning to Industry

(By Peter Behr)

Until December, Bethesda Research Laboratories Inc. had been one of the wonders of the biotechnology field, its sales multiplying like the busy cells in its genetic experiments.

Then the recession caught up the company and abruptly it began dying. "It could all have been lost," said Stephen Turner, the founder and president of BRL.

The company that Turner and two other employes started in 1976 had sold more than $10 million in products for genetic research last year, but at year's end it was losing money and becoming dependent on greater and greater infusions of outside financing—a demand that Turner says he couldn't keep up with.

Last month came the amputation. BRL laid off 180 of 460 employes—one-third of its work force—and canceled most of its long-term research projects. It was a devastating blow to a staff that had been expanding rapidly and riding on the highest hopes. "There were a lot of unhapply people," Turner said.

BRL, which operates out of about a dozen locations in Gaithersburg and Rockville, stopped construction on a $7 million headquarters building in Frederick Research Park and has put its 22-acre site up for sale.

These cutbacks and $7.5 million in new financing obtained recently have put BRL back on its feet, Turner says. By eliminating speculative research projects whose payoffs were three or more years in the future and concentrating instead on research materials that have an immediate market, BRL is no longer in jeopardy, he adds.

"We did $1.1 million in sales in February, and that clearly represents growth from January," he said. By June, the company should be profitable again.

But is has had a close call that should be a warning for the 200 other firms in the biotechnology field, he says. "The door is closed for exciting new companies that don't have a fundamental operating history," Turner predicts.

The market for the research materials BRL sells has cooled off because the rapid increase in research labs has slowed down, Turner said. At the same time, the sources of investment funds for new biotechnology ventures are drying up. The publicly owned companies traded on stock exchanges performed below the averages for all stocks last year, ruling out that path for most companies looking for capital. Turner said.

Large corporations are not as interested in taking speculative stakes in biotechnology firms now, when high interest rates make conventional investments so rewarding.

That leaves the vast majority of the biotechnology companies dependent on the specialized venture capital groups that lend money in return for shares of private stock.

In the first blush of enthusiasm for the biotechnology business, companies like BRL could get such equity financing from venture groups that were prepared to wait years for research breakthroughs. Because of the recession, however, this source of equity financing is also disappearing, at least for the foreseeable future, he said.

Turner found himself in a losing race to raise enough money to close the gap between BRL's expanding research costs and its sales revenue. Most of the money BRL raised last year wound up financing operating losses. "It was painfully evident to me at Christmas time that the longer I stayed in the equity markets, the more potentially dangerous it was becoming.

"I was chasing something that was receding from me," Turner said.

With that realization came the conclusion that BRL had tried to grow too fast, he says. "We were trying too many different ways of becoming a large company. We were committed in too many areas."

The biotechnology field was set for a fall because of reckless expansion, says Thomas J. Perkins, chairman of Genentech and a general partner of Kleiner, Perkins, Caulfield & Byers, a venture capital firm. "This crazy, mindless stampede to get into the technology ignored business and patent realities," he told the Wall Street Journal recently.

The cutbacks eliminated much of BRL's research work in genetic engineering, pharmaceuticals and animal products.

BRL maintained its medical diagnostics research, and some genetic and immunology work that is expected to lead to products soon. And it is also continuing to develop materials that will separate the protein products that result from cloning.

"BRL will not be the company that makes interferon," Turner said. "But we will make the separation materials that permits companies to purify interferon."

And BRL will manufacture its newly designed machine that analyzes genetic materials, the first of its kind in the industry, says Turner. The company hopes to sell 300 of them this year at $11,000 each.

In obtaining $7.5 million in new private financing, BRL added two members to its board of directors—William H. Janeway of the investment banking firm F. Eberstadt & Co., representing European investors, and Frederick R. Adler, an investor in high technology firms—who will provide aid in BRL's financial management, said Turner.

"Over $20 million has been put into BRL over the last three years," Turner said. These investors do not have majority of BRL's board, but they have a significant voice in the company's future.

Turner said the new investors did not insist on the sharp reductions in research and personnel, but he was convinced it was necessary to make those steps to demonstrate the company's credibility. "People were impressed the company was able to exercise that kind of discipline and move that fast," he said. Before making the reductions, he consulted BRL's outside scientific advisers, who evaluated the company's research programs, he said. "You can't just fire every third person." The reductions had to follow a plan, or else the remaining employes could not have pulled together.●

UNANIMOUS-CONSENT AGREEMENT

Mr. BAKER. Mr. President, I am prepared in a few moments to ask the Senate to recess over until tomorrow. Before I do that, I have some few housekeeping chores to attend to, so any Senators who may have further business to transact today may be on notice of the fact that shortly the Senate will recess for the day and will resume its deliberations tomorrow at 9:30 a.m.

Mr. President, I have submitted the request I am about to make for the consideration of the minority leader. I believe it is satisfactory on his side to him and to his side of the aisle. It has been cleared on our side. I will now put the request for the consideration of the Senate.

RESUME CONSIDERATION OF S. 1207 AT 10 A.M. TOMORROW

Mr. President, I ask unanimous consent that after the Senate reconvenes tomorrow at 9:30 a.m. it resume consideration of S. 1207, the Nuclear Regulatory Commission authorization bill, at 10 a.m., and that the Chair lay S. 1207 before the Senate at that time.

Any rollcall votes ordered before the hour of 12 noon on tomorrow be deferred to begin at 2:10 p.m., with the time between 2 and 2:10 p.m. to be equally divided between the Senator from Colorado (Mr. HART) and the Senator from Texas (Mr. TOWER).

At 2:10 any votes ordered shall occur back to back without further debate, point of order, appeal or motion except for a motion to reconsider on which there shall be no time for debate on any such vote and a motion to table any such motion to reconsider.

RECESS BETWEEN 12 NOON AND 2 P.M. TOMORROW

I further ask unanimous consent that between the hours of 12 noon and 2 p.m. on tomorrow that the Senate stand in recess.

SENATE TO PROCEED TO THE CONSIDERATION OF H.R. 2330

I further ask unanimous consent that after third reading of S. 1207 the Senate proceed without debate to the consideration of the House companion bill, H.R. 2330; that the text of S. 1207, as amended, be substituted without debate for that of H.R. 2330, and that third reading of H.R. 2330 and final passage of the bill follow immediately thereafter without debate, and that the Senate insist on its amendments.

Mr. President, I further ask unanimous consent that in connection with H.R. 2330 no debate, no further amendment, motion, point of order, or appeal shall be in order.

SENATE TO RESUME CONSIDERATION OF HOUSE JOINT RESOLUTION 409

Finally, Mr. President, I ask unanimous consent that when H.R. 2330 is disposed of, S. 1207 be indefinitely postponed, and the Senate without further action resume consideration of the continuing resolution, House Joint Resolution 409, and that no call for the regular order serve to take any of these measures off the floor.

Mr. LONG. Mr. President, reserving the right to object, would the Senator please identify those bills?

Mr. BAKER. Mr. President, S. 1207 is the Nuclear Regulatory Commission Authorization Act, which will be up tomorrow for the consideration of three amendments that remain which could not be disposed of when the matter was addressed last week. House Joint Resolution 409, as the distinguished Senator from Louisiana knows, is the continuing resolution. The bill, H.R. 2330, is the House-passed companion measure to the NRC authorization bill, which is at the desk. These are the measures that were referred to.

Mr. President, I ask unanimous consent that paragraph 4 of rule XII be waived in connection with this rule.

The PRESIDING OFFICER. Without objection, the several requests of the majority leader are granted.

Mr. BAKER. Mr. President, I must say it is almost anticlimactic after putting all those requests. But I am grateful to the Chair and I am grateful particularly to the minority leader and the managers of these measures on both sides of the aisle.

ORDER OF PROCEDURE

Mr. BAKER. Mr. President, for a variety of reasons, it is not possible to finish the continuing resolution today and it is not possible to complete action on the three amendments remaining on the NRC authorization bill. This unanimous-consent request has placed us in a position, I believe, to do, certainly, one of those two bills, and I hope both of those bills, before the close of business tomorrow.

I have indicated on two previous occasions that there is a strong probability that the Senate will be in session late tomorrow. I reiterate now my hope that we can finish the continuing resolution tomorrow, even though we may have to stay late in the evening to do so.

Mr. President, on tomorrow, I will be prepared to initiate and to offer an adjournment resolution, but I do not propose to do that until we have a clearer idea about the outcome of the continuing resolution. I think our responsibility is so clear and our duty is so high in respect to the continuing resolution that I would be reluctant to offer the adjournment resolution until that matter is disposed of. No Member of the Senate, I am sure, will take that as a threat nor intimidation, but rather simply stated as a fact.

(Later the following occurred:)

Mr. BAKER. Mr. President, in connection with the request that I made a few moments ago arranging the sequence of events for the consideration of the NRC authorization bill and the continuing resolution, I would like to add to that request, and I now ask unanimous consent that after third reading of H.R. 2330 and final passage of the bill, the Senate insist on its amendments, request a conference with the House of Representatives on the disagreeing votes of the two houses, and the Chair be authorized to appoint conferees.

The PRESIDING OFFICER. Without objection, it is so ordered.

(Conclusion of later proceedings.)

Mr. BAKER. There is one other matter, Mr. President, that I believe has been cleared by the distinguished minority leader. I refer to a House message on H.R. 5708. Could I inquire of the minority leader if he is prepared for the Senate to proceed to the consideration of that measure?

Mr. ROBERT C. BYRD. Yes, Mr. President, that matter has been cleared on this side.

Mr. BAKER. I thank the minority leader.

NATIONAL HOUSING ACT AMENDMENT

Mr. BAKER. Mr. President, I ask unanimous consent that the Chair lay before the Senate a message from the House on H.R. 5708, a bill to amend section 235 of the National Housing Act.

The **PRESIDING OFFICER**. The bill will be stated by title.

The legislative clerk read as follows:

A bill (H.R. 5708) to amend section 235 of the National Housing Act.

The **PRESIDING OFFICER**. Without objection, the bill will be considered to have been read twice, and the Senate will proceed to the consideration of the bill.

The Senate proceeded to consider the bill.

UP AMENDMENT NO. 856

Mr. **BAKER**. Mr. President, on behalf of the Senator from Indiana (Mr. LUGAR) and the Senator from California (Mr. CRANSTON), I ask that the clerk report an unprinted amendment which is at the desk.

The **PRESIDING OFFICER**. The clerk will report the amendment.

The legislative clerk read as follows:

The Senator from Tennessee (Mr. BAKER), on behalf of the Senator from Indiana (Mr. LUGAR), for himself, Mr. CRANSTON, Mr. GARN, Mr. TSONGAS, Mr. RIEGLE, Mr. DIXON, Mr. PROXMIRE, Mr. KENNEDY, Mr. HOLLINGS, Mr. LEVIN, Mr. BRADLEY, Mr. ROTH, Mr. HEINZ, Mr. PERCY, Mr. HATFIELD, and Mr. WEICKER, proposes an unprinted amendment numbered 856.

Mr. **BAKER**. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The **PRESIDING OFFICER**. Without objection, it is so ordered.

The amendment is as follows:

Strike out all after the enacting clause and insert in lieu:

TITLE I—SECTION 235 AMENDMENTS

EXTENSION AND AMENDMENT TO SECTION 235

SEC. 101. (a) The fourth sentence of section 235(h)(1) of the National Housing Act is amended by striking out "March 31, 1982" each place it appears and inserting in lieu thereof "September 30, 1982".

(b) Section 235 of such Act is amended by adding at the end thereof the following:

"(r)(1) Except as provided in the fourth sentence of subsection (h)(1), any commitment (other than a firm commitment) to make and to contract to make assistance payments under this section which is in effect on March 31, 1982, shall—

"(A) in the case of a commitment (other than a firm commitment) issued prior to October 1, 1981, remain available for a firm commitment until May 1, 1982; or

"(r) in the case of a commitment (other than a firm commitment) issued on or after October 1, 1981, remain available for a firm commitment until June 1, 1982, or until July 15, 1982, in the case of a commitment (other than a firm commitment) relating to a unit in a condominium.

"(2) Any authority described in paragraph (1)(A) which is not made subject to a firm commitment within the period specified by paragraph (1)(A) shall be available for new commitments by the same area office of the Department of Housing and Urban Development which made the prior terminated commitment until June 1, 1982.

"(3) Any authority referred to in paragraph (1) which is not subject to a firm commitment issued pursuant to paragraph (1) or (2) as of the close of the applicable period specified in such paragraph shall be reallocated by the Secretary among the States on the basis of—

"(A) population;

"(B) the relative decline in the number of one- to four-family housing starts since 1978; and

"(C) the relative ability of the States to make use of such authority in an expeditious manner; taking into account the achievement of regional equity.

"(4) Any authority reallocated pursuant to paragraph (3) which is not subject to a firm commitment on August 1, 1982, shall be reallocated again by the Secretary in such manner as will result in the full utilization of the remaining authority.".

TITLE II—OLYMPIC COINS

SHORT TITLE

SEC. 201. This title may be cited as the "Olympic Coin Act of 1982".

STATEMENT OF PURPOSES

SEC. 202. The purposes of this title are—

(1) to provide for the minting of commemorative coins to honor and commemorate the 1984 Los Angeles Olympic Games; and

(2) to help finance those games and amateur athletics without the use of tax revenues in recognition of the importance and national significance of the Olympics and of amateur athletics.

AUTHORIZATION FOR MINTING

SEC. 203. (a) Notwithstanding any other provision of law, the Secretary of the Treasury shall mint—

(1) not more than 25,000,000 one dollar coins comprised of two identical outer layers of an alloy of 75 per centum copper and 25 per centum nickel which shall constitute at least 30 per centum of the weight of the coins, metallurgically bonded to an inner layer of copper, a total weight of 22.68 grams, and a diameter of 38.1 millimeters;

(2) not more than 15,000,000 ten dollar coins with a weight of 33.625 grams, and a diameter of 38.1 millimeters and consisting of an alloy of 92.5 per centum silver and 7.5 per centum copper;

(3) not more than 1,000,000 fifty dollar coins with a weight of 4.937 grams, and a diameter of 19.0 millimeters and consisting of an alloy which shall contain 90 per centum gold, and 10 per centum silver and copper in such proportions as shall be determined by the Secretary of the Treasury; and

(4) not more than 1,000,000 one hundred dollar coins with a weight of 9.874 grams, and a diameter of 23 millimeters and consisting of an alloy which shall contain 90 per centum gold, and 10 per centum silver and copper in such proportions as shall be determined by the Secretary of the Treasury.

(b) The coins minted pursuant to subsection (a) shall have an aggregate face value which is not more than $325,000,000.

(c) The coins authorized by this title shall bear—

(1) a designation of the value of the coin;

(2) an inscription of the year the coin was minted or issued; and

(3) an inscription of the words "Liberty", "In God We Trust", "United States of America", and "E Pluribus Unum".

(d) The designs of coins authorized by this title shall be determined by the Secretary of the Treasury, in consultation with the Los Angeles Olympic Organizing Committee, and shall be emblematic of the Olympics, United States participation in the Olympics, United States athletes, and other symbols consistent with the purposes of this title. All coins minted under this title shall have a common reverse design.

(e) All coins minted pursuant to this title shall be legal tender as provided in section 102 of the Coinage Act of 1965 (31 U.S.C. 392).

(f) No coins shall be minted or issued pursuant to this title after December 31, 1984.

MINTING SPECIFICATIONS

SEC. 204. (a)(1) The one dollar coins authorized by this title shall be issued in a single design and shall be of brilliant-uncirculated quality.

(2) The ten dollar coins authorized by this title shall be issued in three series with four designs for each series and shall be of brilliant-uncirculated and proof qualities.

(3) The fifty dollar coins authorized by this title shall be issued in two series with a different design for each series and shall be of brilliant-uncirculated and proof qualities.

(4) The one hundred dollar coins authorized by this title shall be issued in two series with a different design for each series and shall be of brilliant-uncirculated and proof qualities.

(b) The Secretary of the Treasury may reduce the number of designs for each series of coins specified in subsection (a) if such reduction will not reduce—

(1) the estimated net proceeds to the Los Angeles Olympic Organizing Committee of the sale of such coins; and

(2) below $30,000,000 the net proceeds of such sale guaranteed to the Los Angeles Olympic Organizing Committee;

except that this subsection shall not apply if the coins are marketed pursuant to the existing marketing agreement, as defined in section 208(a), and if the existing marketing agreement has not been modified pursuant to section 208(e).

(c) The Secretary of the Treasury shall obtain gold and silver for the coins authorized by this title pursuant to his authority under law.

SALE AND DELIVERY

SEC. 205. (a) All coins minted pursuant to this title shall be delivered as requested by the Los Angeles Olympic Organizing Committee for distribution and sale to the public in accordance with the terms of the implementation agreement provided for by section 209 of this title.

(b) The Secretary of the Treasury shall begin delivery of the one dollar coins authorized by this title not later than January 1, 1984. The Secretary of the Treasury shall begin delivery of the three series of ten dollar coins authorized by this title not later than January 1, 1983, for the first series; not later than July 1, 1983, for the second series; and not later than January 1, 1984, for the third series. The Secretary of the Treasury shall begin delivery of the two series of fifty and one hundred dollar coins authorized by this title not later than January 1, 1983, for the first series of each such coin and not later than January 1, 1984, for the second series of each such coin.

PRICE

SEC. 206. The Secretary of the Treasury shall furnish the coins authorized by this title to the Los Angeles Olympic Organizing Committee at a price agreed to pursuant to the implementation agreement provided for by section 209, which price shall be equal to the greater of—

(1) the face value plus manufacturing and engraving costs; or

(2) the market price of the metal plus strip and blank fabrication charges, plus manufacturing and engraving costs including a 15 per centum surcharge.

The cost of metals and strip and blank fabrication charges shall be excluded from the cost for the purpose of calculating the surcharge. Amounts received pursuant to this section shall be deposited into the Treasury after reimbursements have been made for the Mint's appropriation and bullion fund costs.

PROCEEDS

SEC. 207. All of the proceeds received by the Los Angeles Olympic Organizing Committee from the commercial sale of the coins authorized by this title shall be used for the purpose of staging and promoting the 1984 Los Angeles Olympic Games and assisting the United States Olympic Committee and amateur athletics.

MARKETING AGREEMENT

SEC. 208. (a) As used in this section—

(1) the term "coins" means all the coins minted under this title;

(2) the term "marketing organization" means a firm or joint venture which proposes to purchase coins from the Los Angeles Olympic Organizing Committee and resell such coins to the public;

(3) the term "marketing agreement" means a contract for the marketing of coins;

(4) the term "existing marketing agreement" means a marketing agreement between the Los Angeles Olympic Organizing Committee and a marketing organization which is in existence on the effective date of this title; and

(5) the term "existing marketing organization" means the marketing organization which is a party to the existing marketing agreement.

(b) As promptly as practicable after the effective date of this title, the Los Angeles Olympic Organizing Committee shall invite, in accordance with procedures specified by the Secretary of the Treasury, proposals from marketing organizations for an exclusive, worldwide marketing agreement.

(c) Within forty-five days after the effective date of this title, the Los Angeles Olympic Organizing Committee shall (1) consider all proposals received from marketing organizations pursuant to subsection (b) of this section, (2) compare such proposals to the existing marketing agreement, and (3) initially select, subject to the provisions of subsection (e) of this section, a marketing organization (which may be the existing marketing organization under its existing marketing agreement) for the marketing of the coins.

(d) In selecting a marketing organization pursuant to subsection (c) of this section, the Los Angeles Olympic Organizing Committee, in consultation with the Secretary of the Treasury, shall select the marketing organization which offers the most favorable terms for the marketing of the coins, considering factors including, but not limited to, the following:

(1) the financial resources and coin marketing experience of the marketing organization;

(2) the estimated proceeds to the Los Angeles Olympic Organizing Committee from sale of the coins;

(3) the commitment of the marketing organization to guarantee to the Los Angeles Olympic Organizing Committee proceeds from the sale of the coins in an amount not less than $30,000,000;

(4) the terms and conditions for the marketing of the coins, including, but not limited to (A) proper and equitable distribution of the coins, (B) accurate and otherwise appropriate advertising materials to be used in promoting the coins, and (C) wholesale and retail price ranges of the coins; and

(5) the commitment of the marketing organization to provide to the Los Angeles Olympic Organizing Committee, upon execution and delivery of a marketing agreement, a sum equal to the advance royalty fee paid to the Los Angeles Olympic Organizing Committee by the existing marketing organization, the amount of such sum to be certified to the Secretary of the Treasury by the Los Angeles Olympic Organizing Committee.

(e) If the marketing organization initially selected by the Los Angeles Olympic Organizing Committee under subsection (c) of this section is not the existing marketing organization, then such existing marketing organization shall have not more than ten days after notice of such initial selection to agree to modify the existing marketing agreement. If within such ten-day period, the Los Angeles Olympic Organizing Committee, in consultation with the Secretary of the Treasury, concludes that the existing marketing agreement, as so modified, offers terms to the Los Angeles Olympic Organizing Committee more favorable than those offered by the marketing organization initially selected, then the existing marketing organization shall be selected to market the coins.

(f) No provisions of law of the United States Government governing procurement or public contracts shall be applicable to the selection of a marketing organization under this title.

IMPLEMENTATION AGREEMENT

SEC. 209. (a) The Secretary of the Treasury shall enter into an agreement with the Los Angeles Olympic Organizing Committee which shall provide for the implementation of the purposes of this title and which shall include, but not be limited to, agreement on—

(1) the amounts to be advanced pursuant to section 210 of this title;

(2) the price and schedule of payments for the coins;

(3) the number of each type of coin to be minted, and schedules and other provisions for the delivery of the coins;

(4) the quality and tolerance of the coins; and

(5) the proportions of proof and brilliant-uncirculated ten, fifty, and one hundred dollar coins.

(b) The agreement between the Secretary of the Treasury and the Los Angeles Olympic Organizing Committee shall identify the designs of the coins as determined pursuant to section 203 (d).

(c) The agreement between the Secretary of the Treasury and the Los Angeles Olympic Organizing Committee shall insure that the minting of coins authorized by this title shall result in no net cost to the United States Government.

(d) The agreement between the Secretary of the Treasury and the Los Angeles Olympic Organizing Committee shall be concluded within ninety days of the date of enactment of this title.

(e) The Secretary of the Treasury may not enter into an implementation agreement with the Los Angeles Olympic Organizing Committee unless the selection of a marketing organization has been made pursuant to section 208.

(f) If the Secretary of the Treasury finds that such action is necessary or appropriate and in the best interests of the United States, the Secretary may terminate the implementation agreement and cease minting and delivery of the coins authorized by this title, upon the occurrence of either of the following events:

(1) the Los Angeles Olympic Organizing Committee materially breaches the terms of the implementation agreement, or

(2) any person or organization which enters into a contract or agreement with the Los Angeles Olympic Organizing Committee providing for the marketing or distribution of the coins authorized by this title materially breaches the terms of such contract or agreement.

FUNDING

SEC. 210. The Secretary of the Treasury is authorized to receive from the Los Angeles Olympic Organizing Committee and disburse such sums as are necessary to carry out the provisions of this title. Such funds are to be deposited in a trust fund which shall be subject to and administered in accordance with the provisions of section 20 of the Permanent Appropriations Repeal Act, as amended (31 U.S.C. 727s), to be used solely for the purpose of carrying out the provisions of this title. Any sums advanced pursuant to this section shall be deducted from the amount the Los Angeles Olympic Organizing Committee is required to pay the Secretary of the Treasury for the coins authorized by this title.

REPORTS TO THE CONGRESS

SEC. 211. The Secretary of the Treasury shall prepare and submit to the Congress within forty-five days of the end of each calendar quarter a report concerning the sale of the coins authorized by this title. The Los Angeles Olympic Organizing Committee and the marketing organization shall furnish to the Secretary of the Treasury in a timely manner such information as the Secretary may request which is necessary in order to submit the reports hereunder. No report need be submitted for any quarter beginning after June 30, 1985.

AUDITS

SEC. 212. The Comptroller General of the United States shall have the right to examine all books, records, documents, and other data relating to the use of coins or funds made available pursuant to the title of (1) the Los Angeles Olympic Organizing Committee, (2) the United States Olympic Committee, and (3) any person or organization with which the Los Angeles Olympic Organizing Committee enters into a contract for the marketing or distribution of coins minted under this title.

RELATION TO OTHER LAWS

SEC. 213. In carrying out the provisions of this title, the Secretary of the Treasury shall not be subject to any provision of law of the United States governing procurement or public contracts.

TITLE III—GOLD MEDALLIONS

GOLD MEDALLION ACT AMENDMENT

SEC. 301. Section 406 of the American Arts Gold Medallion Act is amended by adding at the end thereof the following:

"(d) Not later than sixty days after the date of enactment of this subsection, the Secretary of the Treasury shall provide for bulk sales of gold medallions struck under the authority of this title to be made to the general public through dealers, and if appropriate, through the Department of the Treasury. The Secretary shall make such bulk sales at a reasonable discount to reflect the lower handling costs of such sales, at a price to be determined by the Secretary.".

Mr. LUGAR. Mr. President, today, I rise to introduce legislation with Senator CRANSTON and many of my colleagues to extend the HUD section 235 program for 6 months. This program which assists low- and moderate-income families purchase a home will expire at the end of March. If the program does expire at the end of March, 3,000 to 5,000 families will lose the opportunity to purchase a home under this program. We have already appropriated the funds and the budget assumes full expenditure of the funds. Thus, we will not worsen the budget situation by extending this program for 6 months and allow these families to purchase a home.

Moreover, by passing the legislation we will provide a small amount of stimulus to the depressed housing industry. The remaining funds will be used to build new houses and thus will help create a few new jobs in the Nation. We have tried to improve the ability of this program to provide some stimulus by changing the allocation formula to reflect the percentage decline in housing starts from 1978 to 1981 from State to State and the ability of States to use the funds promptly. The current formula reflects housing need rather than the ability of a State to use the funds or the economic condition of the State.

Our new formula gives builders a minimum of 60 days to find a qualified buyer and then reallocates the funds to other builders if the original builder has been unable to find a buyer. In this way we will be able to fully utilize the remaining funds in the shortest amount of time.

Title II of this bill authorizes the Secretary of the Treasury to mint gold, silver, and copper-nickel coins designed to commemorate the 1984 Olympic games. The Senate last year passed S. 1230 to accomplish this purpose, and to help finance amateur athletic activities and the staging of the Los Angeles Olympic games. Title II of this bill is a very similar version of S. 1230, which reduces the number of coin designs to 17, and modifies S. 1230 in some very minor ways which Senator CRANSTON will describe.

I want to point out that this legislation enjoys the support of the administration, and many Members in both Houses, on both sides of the aisle. I hope that Congress would act expeditiously on this matter so that the objectives of the legislation can be accomplished.

(By request of Mr. ROBERT C. BYRD, the following statement was ordered to be printed in the RECORD:)

● Mr. CRANSTON. Mr. President, this amendment, that I am offering for myself and others, provides for a 6-month extension of authority for HUD to make commitments under the section 235 homeownership assistance program. Also included in this measure is a revision of the Olympic Coin Act of 1981.

235 EXTENSION

Title I of this amendment provides for an extension of a housing assistance program that is due to terminate as of March 31, 1982. The extension of the program is necessary so that funds already appropriated and available for this program will not lapse during one of the worst housing recessions since World War II.

The section 235 program subsidizes mortgage interest to as low as 8 percent on moderate-priced, FHA-insured homes. Eligible buyers may earn no more than 95 percent of the median income for their area, and must pay at least 20 percent of their income toward their mortgage. Typically, section 235 buyers move off the subsidy within a 5-year period as their income rises. In 1980, the law was changed so that the Federal Government could recapture the subsidy upon sale of the home.

At last count, about $30 million in previously appropriated funds is currently available, sufficient to aid about 8,000 home buyers. However, these funds will lapse by March 31, 1982, under the Housing and Community Development Amendments of 1981, which prohibit the Secretary of Housing and Urban Development from entering into new contracts for section 235 assistance except pursuant to a firm commitment for FHA insurance issued to a prospective buyer on or before that date. There are two additional but minor exceptions to the March 31 deadline. The money has not been used for several reasons. In some cases, the money was originally reserved on behalf of buyers who have lost their jobs and now cannot purchase a new home. In other cases, builders received preliminary reservations for units in late fall, 1981, after others had surrendered their reservations, and because of the particularly harsh winter have been unable to move to construction within the 6 months allowed for preliminary reservations. The unused money has been recaptured and redistributed to HUD field offices, but in the several days remaining before the March 31 deadline it is unlikely that more than a few home buyers will receive assistance from these redistributed funds.

Title I of the legislation I am offering will extend to September 30, 1982, the Secretary's authority to enter into contracts pursuant to firm commitments issued after March 31 to allow more time for the money to be used. The period of extension coincides with the normal building season. The 8,000 units that could be assisted under this legislation are only a small fraction of the number needed for general stimulus of the housing industry. But for many builders struggling to keep their businesses open and their construction crews together, these units can mean the difference between economic survival and bankruptcy.

Included in title I, at the request of the able chairman of the Housing Subcommittee, Senator LUGAR, is a new formula that will change the allocation of the 235 funds. Population, the relative decline of housing starts since 1978, and the relative ability of the State to make use of the funds, are to be among the factors that HUD must use in reallocating these funds. Additionally, a scheme designed to encourage full use of the funds after allocation is also included. This plan sets forth specific dates upon which funds that have been firmly committed must be recaptured and recycled.

I want to reemphasize that this legislation does not involve new appropriations. It only extends the deadline so that badly needed appropriations already available can be put to use. With the housing industry in desperate straits, it would be a serious mistake if these funds were lost.

OLYMPIC COIN ACT

Titles II and III of this measure contain a revision of the Olympic Coin Act of 1981. Another version of this legislation, S. 1230, passed the Senate by voice vote on December 9, 1981. Last week, Congressman JERRY PATTERSON introduced a companion bill in the House with over 40 cosponsors. Time is growing short. If Congress wishes to maximize the profit that the Olympics will receive from a commemorative coin program, it must act swiftly but thoughtfully on this legislation.

Title II alters the Senate passed Olympic Coin Act in several ways. This version, endorsed by the Department of the Treasury, incorporates the following changes from the Senate passed version:

First, the number of coins is reduced from 25 to 17;

Second, sales will begin in 1983, rather than in 1982;

Third, the amount guaranteed to the Los Angeles Olympic Organizing Committee by the marketing organization, regardless of sales levels, is reduced from $50 to $30 million;

Fourth, the maximum number of coins is reduced from 50.4 to 42 million;

Fifth, the maximum aggregate face value of the coins is reduced from $425 to $325 million;

Sixth, the price that the Los Angeles Olympic Organizing Committee must pay for the coins is changed, at Treasury's request, so that at minimum the price must be equal to the face value of the coins plus manufacturing and engraving costs. Previously, the cost was the greater of the face value of the coins or the manufacturing cost plus a 15-percent surcharge.

I recently received a resolution from the Association of National Olympic Committees calling for the expeditious enactment of a coin program to commemorate the XXIII Olympiad. I ask that it be printed in the RECORD.

The resolution follows:

RESOLUTION

Whereas it is highly desirable that a coin program be implemented commemorating the XXIII Olympic Games,

Whereas coin programs commemorating the Olympic Games have become a long standing tradition and a valued source of income to the 149 NOCs of the world,

Whereas revenue generated from the coin programs provide a much needed source of funds which assists many countries in sending representatives to the Olympic Games thus assuming maximum participation of the NOCs of the world,

Whereas ANOC recognizes the great financial assistance a coin program will be to the U.S. Olympic Committee and LAOOC in fulfilling their commitments to stage the Games.

Therefore ANOC respectfully request the assistance of all persons and entities in the expeditious, implementation of the coin program in commemoration of the XXIII Olympiad.

I hereby certify that above stated resolution is a true and verbatim copy of the one unanimously approved by the Executive commission of the Association of ANOC at its meeting of March 22, 1982, in Paris, France, with the attendance of 19 members representing Africa, America, Asia, Europe and Oceania.

Mr. CRANSTON. Mr. President, I sincerely hope that for the good of the Olympics, our American athletes and the beleaguered housing industry that the House acts expeditiously on this measure.●

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment (UP No. 856) was agreed to.

The PRESIDING OFFICER. The question is on the engrossment of the amendment and third reading of the bill.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read a third time and passed.

Mr. BAKER. Mr. President, I move to reconsider the vote by which the bill was passed.

Mr. ROBERT C. BYRD. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. BAKER. Mr. President, I move that the Senate insist in its amendment, request a conference with the House on the disagreeing votes of the two Houses, and the Chair be authorized to appoint conferees on the part of the Senate.

The motion as agreed to, and the Presiding Officer (Mr. ANDREWS) appointed Mr. GARN, Mr. TOWER, Mr. LUGAR, Mr. RIEGLE, and Mr. CRANSTON conferees on the part of the Senate.

ORDER FOR RECOGNITION OF SENATOR CHAFEE ON TOMORROW

Mr. BAKER. Mr. President, I ask unanimous consent that on tomorrow, after the recognition of the two leaders under the standing order, the distinguished Senator from Rhode Island (Mr. CHAFEE) be recognized on a special order not to exceed 15 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER FOR RECOGNITION OF SENATOR SYMMS ON WEDNESDAY

Mr. BAKER. Mr. President, I ask unanimous consent that on Wednesday, after the recognition of the two leaders under the standing order, the distinguished Senator from Idaho (Mr. SYMMS) be recognized on a special order not to exceed 15 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER FOR RECORD TO BE HELD OPEN UNTIL 5 P.M. TODAY

Mr. BAKER. Mr. President, I ask unanimous consent that the RECORD remain open until 5 p.m. today for RECORD inserts, introduction of bills, amendments, and resolutions.

The PRESIDING OFFICER. Without objection, it is so ordered.

EXTENSION OF TIME FOR ROUTINE MORNING BUSINESS

Mr. BAKER. Mr. President, I am prepared to ask the Senate to create additional time for the transaction of routine morning business. I ask unanimous consent, Mr. President, that there now be a brief period for the transaction of routine morning business to extend not past the hour of 2:30 p.m., in which Senators may speak under the same terms and conditions as earlier today.

The PRESIDING OFFICER. Without objection, it is so ordered.

NEEDLESS GOVERNMENT SPENDING

Mr. NICKLES. Mr. President. Many of us agree with President Reagan that we no longer can afford the luxury of needless Government spending. We must attack waste wherever we find it. Who among us doubts that we could literally save the taxpayers billions of dollars if we seriously set out to run the Government the way we run our own households? We should look for opportunities to save. If everybody in Government made it a point to ferret out wasteful spending—even where the savings seem trivial—the results could be astounding.

I would like to bring to the attention of my colleagues just one example of what I am talking about. Some time back, Secretary of Labor Raymond Donovan called for a survey in his Department to determine if the number of newspapers, magazines, and other publications being purchased with Department funds had not grown to the point of abuse. Each agency in the Department was asked to continue only those publications essential to their operations and cancel all others. The savings were gratifying: $391,094 all told. But Raymond Donovan went further. He ordered contracts with newspaper clipping services canceled (this function would now be performed by regional offices), directed that news releases be singlespaced and printed on both sides of a page to save paper, eliminated a duplicative wire service printer, and set in motion a move to consolidate three audiovisual studios. These economies will result in a one-time savings of about $1.2 million.

Secretary Donovan says:

> While these may seem like inconsequential savings in a multi-billion-dollar budget, I can assure you that every conscientious taxpayer will understand what we are doing.

I know most of you are aware that Secretary Donovan is no newcomer to the field of trying to reduce Government spending. In fact, he has helped spearhead such actions. Last year, when President Reagan called for his first $35 billion in budget cuts, $10 billion of those cuts came from the Labor Department. And that represented one-third of the Department's overall budget of $33 billion.

In announcing the results of these cost-saving programs Secretary Donovan commented:

> What we have done here is simply take a hard look at some relatively innocuous budget items only to find that they had spiraled out of control.

I am convinced that if every department of Government took the same kind of hard look at its spending practices we could further ease the burdens of the taxpayers of this country.

I urge my colleagues to read these three newspaper accounts of Secretary Donovan's accomplishments, and ask unanimous consent that they be printed in the RECORD.

There being no objection, the articles were ordered to be printed in the RECORD, as follows:

[From the Sacramento Bee, Feb. 11, 1982]

LABOR SECRETARY CANCELS SUBSCRIPTIONS

WASHINGTON.—A costcutting order by Labor Secretary Raymond Donovan to eliminate "unnecessary and duplicative" newspapers, periodicals and specialty magazines has resulted in cancellation of $391,094 in subscriptions, it was revealed Wednesday.

Those who implemented the move estimated that "tens of millions of dollars" could be saved on a government-wide basis.

"A few extra newspapers here, and another magazine or two there, and before you know it, you're looking at thousands of dollars," Donovan said.

He said while the savings may seem inconsequential in a multibillion-dollar budget, "I can assure you that every conscientious taxpayer will understand what we are doing."

"There will be some grumbling," said Earl Cox, the department's director of public affairs, but "those thousands of people that got these papers didn't necessarily need them."

Cox said the cancellations are part of $591,000 in savings already achieved by the department in measures ranging from eliminating news clipping services to printing news releases on both sides of a page.

Information supplied by the department indicated the Bureau of National Affairs, an independent firm that publishes the Daily Labor Report and other specialty magazines, received a massive number of subscription cancellations.

Many cancellations were also ordered for the Official Airline Guide, a publication with all airline flight information.

One of two United Press International printers in Labor Department headquarters was taken out. The sole Associated Press machine was not affected.

The largest reduction in subscriptions came in the Occupational Safety and Health Administration, where Assistant Labor Secretary Thorne Auchter said 1,200 subscriptions were cancelled.

Auchter said the $279,290 cost for subscriptions in 1981 would drop to $65,810 in 1982.

OSHA spokesman James Foster said subscriptions to the weekly Occupational Safety and Health Reporter, which cost about $300 each, were cut from 300 to 25.

"We distinguished need to have from nice to have," he said.

Donovan's Dec. 17 order, said expenditures for newspaper and periodical subscriptions should be reduced "to the absolute minimum."

[From the Washington Post, Feb. 16, 1982]

DONOVAN STRIKES AT SUBSCRIPTIONS

(By Warren Brown)

Labor Secretary Raymond J. Donovan has canceled government-paid newspaper and magazine subscriptions for all agency officials below the assistant secretary level in a round of cost-cutting he says will save the department $391,184 a year.

Donovan also plans to clip the department's clipping service, consolidate its three television production studios into one unit, and take away most executive television sets to achieve a total cost saving of more than $1.2 million annually.

"In typical Washington fashion, some spending molehills had grown to hillock size and were on their way to becoming small mountains. A few extra newspapers here and another magazine or two there, and before you know it, you're looking at thousand of dollars," the secretary said.

None of the canceled publications is expected to suffer irreparable harm from Donovan's economies. The Washington Post, for example, will lose 36 subscriptions, The New Yorks Times will lose 58, and the Wall Street Journal 78.

But costly periodicals specializing in government regulations, such as the weekly Occupational Safety and Health Reporter published by the Bureau of National Affairs Inc., will be stung. The department is knocking off 275 of its 300 yearly subscriptions to the BNA publication, which costs $300 for a year's subscription.

"That's a hell of a hunk of change to lose," a BNA official said last week. "We certainly don't like losing that many subscriptions at once. But we won't be crippled."

Cancellation of newspaper and magazine subscriptions won't hurt the department's public relations functions or the intellectual growth of its executives, departmental spokesman Earl Cox said.

"We have in no way cut back on the tools that are essential to the job. But there's no reason why government should have to pay for subscriptions" to help officials "satisfy their curiosity," Cox said.

He said some officials already have grumbled about elimination of the perks. "But they can buy their own newspapers," he said.

[From the Salt Lake Tribune, Feb. 11, 1982]

LABOR CANCELS SUBSCRIPTIONS

WASHINGTON.—A costcutting order by Labor Secretary Raymond Donovan to eliminate "unnecessary and duplicative" newspapers, periodicals and specialty magazines has resulted in the cancellation of $301,004 in subscriptions, it was revealed Wednesday.

Those who implemented the move estimated that "tens of millions of dollars" could be saved on a government-wide basis.

"A few extra newspapers here, and another magazine or two there, and before you know it, you're looking at thousands of dollars," Donovan said.

BILLION DOLLAR BUDGET

He said while the savings may seem inconsequential in a multibillion dollar budget, "I can assure you that every conscientious taxpayer will understand what we are doing."

"There will be some grumbling," said Earl Cox, the department's director of public affairs, but "those thousands of people that got these papers didn't necessarily need them."

Cox said the cancellations are part of $591,000 in savings already achieved by the department in measures ranging from eliminating news clipping services to printing news releases on both sides of a page.

CANCELLATIONS MASSIVE

Information supplied by the department indicated the Bureau of National Affairs, an independent firm that publishes the Daily Labor Report and other specialty magazines, received a massive number of subscription cancellations.

Many cancellations were also ordered for the official airline guide, a publication containing information on all airline flights.

United Press International was not spared from Donovan's order. One of two UPI printers in Labor Department headquarters was taken out. That sole Associated Press machine was not affected.

CONCLUSION OF MORNING BUSINESS

The **PRESIDING OFFICER.** Is there further morning business?

Mr. **BAKER.** Mr. President, there does not appear to be further morning business. I see no Senators seeking recognition.

RECESS UNTIL 9:30 A.M. TOMORROW

Mr. **BAKER.** Mr. President, in accordance with the order previously entered, I move that the Senate stand in recess until the hour of 9:30 a.m. on tomorrow.

The motion was agreed to; and, at 3:19 p.m., the Senate recessed until Tuesday, March 30, 1982, at 9:30 a.m.

NOMINATIONS

Executive nominations received by the Senate March 29, 1982:

DEPARTMENT OF JUSTICE

Francis M. Mullen, Jr., of Virginia, to be Administrator of Drug Enforcement, vice Peter B. Bensinger, resigned.

Gary Loy Richardson, of Oklahoma, to be U.S. attorney for the eastern district of Oklahoma for the term of 4 years vice Julian K. Fite, resigned.

INTERNATIONAL COMMUNICATION AGENCY

Ronald L. Trowbridge, of Michigan, to be an Associate Director of the International Communication Agency, vice Alice Stone Ilchman.

DEPARTMENT OF DEFENSE

Richard L. Wagner, Jr., of California, to be Chairman of the Military Liaison Committee to the Department of Energy, vice James Paul Wade, Jr., resigned.

IN THE AIR FORCE

The following-named officers for permanent promotion in the United States Air Force, under the appropriate provisions of chapter 36, title 10, United States Code, as amended, with dates of rank to be determined by the Secretary of the Air Force.

LINE OF THE AIR FORCE

To be lieutenant colonel

Adams, George L., 232-62-2794
Allerheiligen, James E., 515-36-4701
Arnsdorff, Alton G., Jr., 254-54-3108
Baertl, Charles E., 466-48-2387
Bennett, William G., 534-38-5303
Bigelow, James N., 150-30-5784
Buckenmyer, David W., 298-32-3879
Childress, Guy P., Jr., 233-62-9029
Cullen, James A., Jr., 030-28-2272
Cunningham, Robert G., 428-72-0369
Fisher, Robert W., 014-30-1937
Harden, William D., III, 256-56-9621
Harris, Robert E., 455-52-0782
Hauschild, Wallace D., Jr., 497-40-3536
Idehara, George M., 575-36-4599
Johnson, David C., 141-30-9183
Johnson, Laurie R., 473-38-1903
Kaiser, Lyman L., 490-42-9974
King, Henry A., III, 439-54-5092
Mark, John W., 472-32-6570
Marsh, Melvin E., Jr., 540-38-8418
McCannon, Jerry D., 574-12-3363
Myers, David J., 551-52-2462
Okane, John, Jr., 052-30-9604
O'Neal, Donald O., 277-32-1187
Payne, Edwin R., Sr., 352-30-3363
Potter, John R., 316-34-6049
Ransom, William R. P., Jr., 296-28-7939
Reiling, Frederick A., 543-40-5929
Russell, John F., 164-32-2309
Sharp, Jimmy F., 361-28-4050
Smedley, Gerald F., 040-30-4698
Spencer, Jimmie L., 249-56-9179
Vanore, Armand R., 117-28-4821
Ward, James F., III, 288-32-0059

CHAPLAIN CORPS

Dabrowski, George J., 048-46-0736
Elliott, Harold, 157-18-3977
Fuemmeler, James R., 499-30-6103
Hartsell, Franklin D., 251-46-6431
Wilson, Theodore J., 026-24-0025

NURSE CORPS

Kepner, Sheila A., 161-32-2816

MEDICAL SERVICE CCRPS

Rhode, John F., 347-30-7265

LINE OF THE AIR FORCE

To be major

Aanstad, William L., 560-70-4910
Anderson, Ronald A., 476-48-5065
Austin, James R., 243-62-7978
Ball, David K., 422-58-9588
Barrett, Donald E., 507-56-7654
Barrett, Ewing D., Jr., 410-66-7936
Bates, Francis C., 086-36-8571
Baxa, Jon E., 389-42-1336
Christian, Bobby G., 497-46-9440
Coman, Robert L., 368-46-2726
Criscuolo, John A., 043-34-8598
Cummings, James H., 376-46-9474
Eyler, Jimmie T., Jr., 497-46-5903
Folsom, Charles P., 230-54-4774
Fujimoto, Thomas K., 575-48-7945
Giacomazza, Robert, 526-66-3581
Hobbie, Richard H., 447-46-8176
Holmes, David R., Jr., 439-64-1477
Houtkooper, Jon C., 501-46-5140
Huff, Jimmy L., 297-38-0430
Johnson, James R., 419-60-9819
Jorgenson, Loren W., 510-50-3185
Knobler, Harry A., 158-34-5342
Luisi, Thomas, 070-36-8152
McCoy, Brian R., 212-44-3366
Osborn, Harold L., 267-64-0266
Shrote, Roy L., 313-44-8967
Shulhan, Ilko P., 022-30-1695
Snyder, William M., 340-36-6647
Sotak, Michael A., 193-32-9416
Swiech, Francis A., 026-34-4010
Thompson, Kenneth R., 273-38-3724
Vandyke, Thomas J., 514-30-5418
Wenrick, Steven C., 306-44-8400
Wiley, Jerold W., 354-34-1141

NURSE CORPS

Israel, Nyland R., 512-46-7779

BIOMEDICAL SCIENCES CORPS

Hiatt, Victor E., 474-56-0300

The following officers for appointment in the Regular Air Force under the provisions of section 531, title 10, United States Code, with dates of rank to be determined by the Secretary of the Air Force.

LINE OF THE AIR FORCE

Gifford, David L., 532-48-7921
Whitlow, Mark D., 498-50-2783

IN THE NAVY

The following-named Naval Reserve Officers Training Corps candidates to be appointed permanent ensign in the line or staff corps of the U.S. Navy, subject to qualification therefor as provided by law:

Abbott, Christopher L.
Abraham, Louis P.
Abrahamson, David D.
Adams, Robert S.
Adams, William
Adams, William L.
Addison, Vernon J.
Afong, Danford S.
Albert, Michael R.
Aldridge, Ron E.
Alexander, Scott H.
Alley, Charles G.
Allred, John M.
Alsheimer, Lance W.
Alvick, Robert A.
Amarello, Joseph M.
Ames, Gregory H.
Amicangioli, Frederick M.
Anderson, Emile R.
Anderson, Jeffrey C.
Anderson, Kenneth J.
Anderson, Richard T.
Anderson, Scott D.
Andrews, Duane C.
Andrews, Michael T.
Andrews, Peter J.
Angel, Kenneth T.
Angel, Roger D.
Angelini, Phillip T.
Ansley, Keith G.
Antonellis, James A.
Apgar, Charles K.
Araki, Robert M.
Archer, Billy J.
Ard, Henry G.
Ariel, Alan D.
Armstrong, John T.
Arnold, David R.
Artis, Jeffrey L.
Askey, Charles F.
Atkinson, Timothy
Auestad, Craig A.
Avery, Kenneth E.
Bacheller, John S.
Bacon, Bartholomew P.
Bahler, Carol D.
Bailey, Lindley A.
Ball, Jeffrey R.
Bancroft, Richard A.
Baranek, Thomas
Barber, Christopher J.
Barge, Thomas H.
Barker, Bradley
Barnaby, Steven L.
Barnes, James W.
Barnes, Roy T.
Barrett, Robert B.
Barrett, Sean P.
Barthalow, Henry D.
Bass, Cullen
Bates, Thomas M.
Batsel, Brian D.
Battles, Jeffrey W.
Baucom, David F.
Bauman, Robert A.
Baxter, James D.
Beach, Fred C.
Beachy, Phillip L.
Bebb, Bryan T.
Beck, Richard R.
Beernink, Kathleen A.
Beers, David F.
Beintema, Daniel D.
Belcourt, Llewellyn
Belote, Monte E.
Bender, James B.
Benn, David P.
Bennett, William J.
Benson, Gregory G.
Bernard, David J.
Berry, Jerald L.
Betts, Kenneth S.
Biamonte, Brian N.
Bianchi, Robert J.
Bigot, Patrick C.
Billeter, Peter J.
Bird, James F.
Bittlingmaier, Steven W.
Blair, James L.
Blais, John A.
Blanchette, Bryan M.
Blanton, Kathleen M.
Bleyer, Peter M.
Bloom, Stuart, B.
Blount, Edward
Blount, Phillip A.
Bobola, Matthew E.
Boehl, Robert F.
Boggs, Craig L.
Bookwalter, Richard E.
Born, Robert B.
Boronkay, Peter H.
Bose, David V.
Bourgeois, Brian S.
Bousquet, Rick L.
Bowden, Anita M.
Bowdish, Randall G.
Bowers, Mark D.
Bowlin, Sean M.
Boyajian, Charles A.
Boyd, Frank W.
Boyd, John M.
Boyda, David J.
Boyle, James S.
Boyle, Patrick K.
Bradley, William J.
Branch, Gary W.
Brandenburg, Eric H.
Brantley, Sheila L.
Brauchler, David A.
Braunsdorf, Robert
Brenstuhl, Thomas K.
Brey, David P.
Briggs, Robert P.
Brintzenhofe, Kurt
Broadaway, Ronny T., Jr.
Browder, Stephen E.
Brower, Jeffrey O.
Brown, Albert H.
Brown, Daniel P.
Brown, Lyle C.
Brown, Peter P.
Browne, Christopher E.
Browne, Peter R.
Bruce, David S.
Buchiarelli, Philip A.
Budler, Helen R.
Buelow, Douglas J.
Buoni, Frederick B.
Burke, Edmond J.
Burke, Kevin P.
Burnett, William N.
Burton, Richard T.
Butchkovitz, Mary L.
Butler, Albert G.
Butler, Frank H.
Butler, Matt L.
Butler, Scott, R.
Buziak, John P.
Byrd, Stuart E.
Byrne, James J., Jr.
Cahill, Mark D.
Caldwell, Robert K.
Camara, Frank R.
Camarato, Carmeline M.
Cameron, Robert R.
Campbell, Hugh T.
Campbell, Lamar
Cann, David W.
Cantrell, Mark E.
Carew, Kevin J.
Carlitti, Justin P.
Carpenetti, Ben W.
Carr, Ray E.
Carr, Timothy M.
Carroll, Mary F.
Carver, Christopher, J.
Casas, Julio C.
Casciato, Gregory S.
Casey, James V.
Cashin, David F.
Castleberry, Charles K.
Chamberlain, Christopher J.
Chamberlin, James M.
Chandler, Kathryn L.
Chase, Stephen L.
Childs, James L.
Childs, Rickie L.
Chin, Calvin A.
Chin, David R.
Christie, Neil M.
Christophersen, Eric R.
Chung, David Y.
Churchman, Daniel L.
Ciccateri, James L.
Cizmar, Michael A.
Clark, Kathleen C.
Clark, Robert P.
Clarke, Grant P.
Clarke, Robert S.
Clarkson, Edward M.
Clay, Louis C.
Clement, Joseph A.
Clements, Joseph A.
Cleveland, Ronald L.
Close, David L.
Cobb, Gary D.
Cobb, Michale D.
Cochrane, John C.
Cockrell, Jeffrey B.
Cody, Mark T.
Coffman, Russell L.
Cogdell, Wayne E.
Cohen, Robert B.
Colabatistto, Gennaro
Cole, Robert J.
Coleman, William D.
College, Dean K.
Collins, Dwight T.
Coming, Michael W.
Compere, Kenneth J.
Conde, Dominick A.
Cook, Eugene W.
Cook, Thomas V.
Cooke, Vincent E., Jr.
Cooper, Joseph A.
Copeland, Gregory K.
Coray, John P.
Corbett, Michael J.
Corey, Patrick J.
Corso, Joseph A.
Council, Willis A.
Coutley, Raymond L.
Cowden, Anthony T.
Cowden, Cole V.
Cowden, Craig A.
Cox, George A.
Crittenden, Dianne K.
Crow, John L.
Crowley, William M.
Cruz, James G.
Cuchetto, Ricardo F.
Cunningham, Thomas M.
Curran, Thomas P.
Currie, Iain A.
Curry, James T.
Curtin, Lawrence M.
Curtis, Frederick G.
Cutter, David M.
Daniel, Edward D.
Dantonio, Paul A.
Dart, Steven G.
Dash, William R.
Daus, William B.
Davenport, Charles R., Jr.
Davidson, John C.
Davidson, Charles N., Jr.
Davis, Marsden S.
Davis, Norman C.
Davison, James D.
Davy, Bradley K.
Dees, Robert C.
Deitch, Andrew S.
DeJesus, Carlos J.
Dendinger, James D.
Dennis, Robert S.
Deridder, Larry A.
Desmon, David L.
Detwiler, Leslie D.
Devlin, Peter H.
Dickson, William J.
Didio, David J.
Diestler, Daniel D.
Dillenbeck, Peter A.
Dillon, Corrinne T
Dinobile, Steven J.
Dobler, Stephen P.
Dockins, Harold L.
Doherty, Daniel A.
Donnely, Mark J.
Donovan, George D.
Dougherty, Patrick J.
Douglass, Michael W.
Dow, Randall P.
Dowling, Hampton H.
Downing, George R.
Doyle, John R.
Doyle, Philip G.
Dreves, Martin P.
Drew, Alex D.
Dreyfus, Patrick D.
Dubois, Richard W.
Duepner, Gregory D.
Duffy, John F.
Dumas, Richard A.
Dunn, Bruce E.
Dunn, Francis M.
Dunn, Katherine M.
Dunne, Elizabeth G.
Dunning, Robert L.
Durey, Thane D.
Durkin, John P.
Eager, Rose M.
Ebert, Brian V.
Eccles, Paul D.
Edgren, Denis H.
Edwards, Michael
Elder, Dwaine C.
Elie, Thomas E.
Ellefsen, Eric R.
Elliott, James W.
Elliott, Joseph M.
Ellrich, Christopher R.
Emerson, Michael B.
Emerson, Sylvia
Emery, Stephen J.
Engen, Marvin R.
Engleman, Eric E.
Erickson, Lawrence D.
Ernst, Kevin M.
Eskew, Mitchell A.
Etheridge, Robert J.
Evanoff, Michael J.
Evans, Douglas J.
Evans, Troy C.
Ewell, Allen E.
Ewing, Michael R.
Fairburn, Thomas S.
Faith, David C.
Faley, Timothy P.
Fanshaw, Charles W.
Farmer, Jay A.
Farmer, Thomas E.
Farris, Kevin L.
Farris, Samuel H.
Farwell, Timothy S.
Fawcett, William P.
Fennell, Jack E.
Fenton, April M.
Ferguson, Paul L.
Fermin, Robert J.
Fernandez, Elizabeth M.
Ferris, Peter G.
Fields, Curtis L.
Fila, Brian D.
Filipowski, Sean R.
Finch, John T.
Fink, Edward C.
Finlayson, Robert K.
Fiorini, Michael J.
Fish, Cameron H.
Fisher, Paul D.
Fitch, Osa E.
Fitzmorris, Alan J.
Fitzwater, Kevin L.
Fitzwater, Patricia A.
Flemming, Paul M.
Flint, Neil K.

Foggan, John
Foley, Thomas A.
Folk, Gary L.
Forristall, Michelle J.
Forsberg, Roy W.
Fox, William A.
Frailey, Lisa E.
Franklin, Randall B.
Frazier, Jeanne E.
Frazier, Jerry W.
Fredette, Steven R.
Freedman, David M.
Freeman, Brian D.
French, Timothy F.
Fuligni, Paul T.
Fuller, Brian J.
Furbush, Angela S.
Forrows, Clive
Furtado, Charles C.
Gaines, Leonard
Gallagher, Christopher J.
Gallagher, Thomas M.
Gallagher, William P.
Gallimore, Richard H.
Galluzzo, Mark R.
Garant, Pierre C.
Garcia, Joel T.
Garfield, G. G.
Garner, Harold J.
Garvey, Paul G.
Gast, William A.
Gastler, Laura F.
Gearhard, Glenn E.
Gehin-Scott, Charles E.
Gehring, George G.
Geisen, David C.
Gentzler, David B.
Gerichten, Glenn
Germany, Karen P.
Gierhart, Michael L.
Giertz, Andrew E.
Gilbert, Christopher G.
Gilbert, John B.
Gill, Thomas L.
Ginnetti, Raymond B.
Glass, Richard E.
Gleason, James J.
Glenn, Daniel E.
Glenn, John M.
Glodosky, John P.
Godfrey, William J.
Goebel, Thomas E.
Golden, James E.
Goldfinger, Jeffrey S.
Goldstein, Al R.
Gomez, Richard M.
Goodsell, Anthony J.
Goodsell, Paul B.
Goodwin, Jeffrey A.
Gordon, Nelie
Gosnell, Ralph E.
Goudreau, Robert R.
Goudsward, Douglas P.
Grace, William R.
Graczyk, Donald A.
Grady, Thomas S.
Graft, Patrick W.
Graham, Scott A.
Grause, Peter F.
Gray, Robert P.
Greenlee, Raymond V.
Greer, Daniel S.
Greiner, Carl F.
Gridley, Stanley T.
Griffin, Leroy A.
Griffin, Thomas P.
Grimes, Nathan M.
Grip, William G.
Gromme, Michele
Gross, Michael R.
Gross, Steven J.
Grumney, Wayne N.
Grzybowski, Edward P.
Gubanc, Paul F.
Gunhus, James L.
Guptill, Murray T.
Guzik, Dennis M.
Gwinner, John D.
Haase, William H.
Haberbosch, Curtis E.
Hack, Steven J.
Hagan, Timothy P.
Hagwood, Derle G.
Haigh, Patrick J.
Hale, Rodney M.
Halferty, James P.
Hall, John A.
Hall, Mark W.
Hall, Michael D.
Hall, Patrick D.
Hamilton, Paul E.
Hamilton, Robert V.
Hanley, Jean M.
Hanson, Craig D.
Hanson, Michael A.
Hardgrave, Stephen W.
Harding, Kenneth L.
Hargis, Gregory R.
Harned, Robert L.
Harper, Jeffrey M.
Harrahy, David P.
Harris, Mark A.
Harrison, Grady A.
Hart, Garrett J.
Harvey, Mark D.
Hawkins, William H.
Hawley, Jeffery W.
Hayes, Mark
Hayes, Timothy R.
Heft, Stephen M.
Heidenthal, Dennis P.
Heineman, Stephen P.
Hemstreet, Hugh R.
Henderson, Donald L.
Heneghan, William J.
Henk, David R.
Henn, Terence
Henery, Laura A.
Hensel, Craig E.
Herbert, Ronald G.
Herzog, Bradley F.
Hess, William J., III
Heysel, Harrison F.
Hickey, William J.
Hicks, Gary F.
Hicks, John D.
Hicks, John N.
Higman, Kevin N.
Hildebrand, Stephen F.
Hildebrandt, David A.
Hileman, Randall K.
Hill, Charles R.
Hill, Paul L.
Hill, Roger L.
Hillenbrand, Paul G.
Hinckley, Scott P.
Hinger, Eric R.
Hitchner, Kennety W., III
Hoener, William J.
Hofmeister, Francis J.
Hogan, John G.
Hogan, Thomas R.
Hogan, Ronald R., Jr.
Hogenkamp, Harry P.
Holden, Kevin T.
Holder, Nicholas P.
Hollenbeck, Alan J.
Hollman, William J.
Holly, Mairead E.
Holman, Nicholas H.
Holman, Scott D.
Holstrom, Steven J.
Horan, Kevin J.
House, Michael L.
Howard, Eugene S.
Hoyt, Jennith S.
Hoyt, Roger B.
Hubbs, Dean M.
Huckabee, Arthur G.
Huff, Michael D.
Hughes, George L.
Hughes, Michael W.
Hughes, Robert E.
Hulcher, Michael E.
Hull, Clarence G.
Hull, Daniel V.
Hulse, David C.
Ingersoll, Alvah E.
Irey, Donald F.
Isgrig, Katherine A.
Jackson, Richard T.
Jacobs, Herbert G.
Jagusch, Thomas D.
James, Darryl W.
Jenista, James M.
Jensen, Patrick T.
Jensen, Steven C.
Jicka, Mark R.
Joe, Henry J.
Johnson, Blake M.
Johnson, Chris A.
Johnson, Gary
Johnson, Gary L.
Johnson, Gordon A.
Johnson, Richard T.
Johnson, Scott D.
Johnson, Thomas J.
Johnson, William A.
Johnston, Marc L.
Jones, Evan S.
Jones, Mark J.
Jonson, William R.
Jordan, Douglas J.
Jovanovic, Nickolas S.
Joyner, John A.
Juergens, Jurgen E.
Kaemmerer, Glen E., Jr.
Kahan, Steven M.
Kain, William W.
Kaiser, James W.
Kaish, Terri
Kammerer, Keith A.
Kane, William
Kaneb, Peter M.
Kanegae, Timothy T.
Kaplan, Bruce J.
Karell, Eric J.
Karl, Gregory S.
Karner, Alan L.
Karten, Luke V.
Kasiski, Eric J.
Kause, Charles W.
Keenan, Patrick J.
Kellegrew, John A.
Kellenher, Patrick S.
Keller, Raymond J.
Kelly, Daniel B.
Kelly, Linus J.
Kelly, Steven J.
Kennedy, Charles B.
Kenyon, Victoria L.
Kerat, Dieter A.
Keutmann, Kevin M.
Kidd, Michael E.
Kiester, Richard F.
Kilian, Joseph K.
Kimbell, Reed A.
King, Donald A.
King, Joel D.
Kiseia, John C.
Kitchen, Rocky R.
Klenke, Robet H.
Klinge, Wayne D.
Klooster, Alan T.
Kneemiller, Jeffrey, A.
Koch, Karl J.
Koenig, John A.
Koenig, Robert A.
Kogge, Chris S.
Kohanowich, Karen M.
Koppel, Peter J.
Korycinski, Paul M.
Koval, Jeffrey R.
Krams, Michael C.
Kratovil, John B.
Krochmal, Dana F.
Krusemark, Edward E.
Kuldell, Randall B.
Kuprenas, Michael A.
Kuth, George P.
Kuziak, Richard O.
Lagay, Christopher P.
Landis, Scott J.
Landrum, Bruce D.
Lang, James T.
Latas, John B.
Latorre, John P.
Lauer, David S.
Lausten, Perry R.
Laverty, Michael J.
Lawson, Donald W.
Lear, Lynnette M.
Leary, Michael P.
Legaspi, Albert K.
Legore, Gregory S.
Leingang, David W.
Lemon, Anthony L.
Leslie, Stephen W.
Lester, Mark A.
Levis, John F.
Lewandowski, Steven E.
Lewis, Gerard M.
Lewis, Kenneth A.
Lewis, Patrick K.
Lewis, Robert G.
Lilly, Mark F., Jr.
Lindsay, John J.
Lindsey, Kevin A.
Lioy, Daniel T.
Lissner, Kenneth X.
Litherland, John J.
Little, Daniel K.
Little, John D.
Litz, James S.
Lloyd, David R.
Locke, Thomas T.
Lockler, John L.
Lohr, Peter J.
Londergan, Richard J.
Looney, Brian T.
Lotz, W. G.
Loukides, Timothy A.
Lucas, Larry E.
Lucas, Steve A.
Lucy, Dan F.
Lund, Rolf G.
Lundgren, Keven M.
Luthiger, Walter E.
Lutz, Edward J.
Lynch, Daniel J.
Lynn, Stephen C.
Lyons, Thomas S.
Lysek, Kraig M.
Maass, Peggy A.
Macaulay, Bruce A.
Machut, Roger R.
Mackie, Steven C.
MacMurray, Jane
Madsen, Karen J.
Magner, Lawrence R.
Malloy, Steven A.
Maloney, Thomas C., Jr.
Manigo, Johnathan J.
Marboe, Richard C.
Markiewitz, Martin A.
Marks, Michael J.
Markunas, Dennis J.
Marrow, Bruce E.
Martin, Michael
Martinez, Javier F.
Martinez, Paul R.
Martini, Robert E.
Martino, Patricia A.
Mason, Bradley
Mason, Cynthia M.
Massa, William R.
Masterson, Richard K.
Matich, Nicholas T., III
Matlow, Jaron B.
Mattes, Victor R.
Matthews, Barry G.
Mau, Robert J.
Maxwell, Richard L.
May, James J.
Mayger, Jeffery M.
Mazelsky, Jonathan J.
Mazza, Ralph C.
McAllister, Raymond J.
McAvoy, John W.
McBreaty, John J.
McBroom, Joel S.
McBryant, John C., Jr.
McCarthy, Laura J.
McCarthy, Michael F.
McCathern, William W.
McClave, Patrick D.
McCollom, Kyle L.
McConnell, Theresa A.
McCracken, Teresa L.
McCrary, James K.
McCreight, Michael S.
McCullough, Jeffrey R.
McDermott, Elysa J.
McDermott, Michael R.
McDonald, Kevin W.
McDonell, Michael S.
McGarry, John D.
McGhee, Deborah A.
McGinnis, Edward K.
McGrath, John F.
McGuckin, Sean A.
McGuinn, Phillip B.
McHale, Peter
McKenzie, Garrett J.
McKewen, Bonnie G.
McKinney, William E.
McLaughlin, James J.
McLean, David S.
McMahon, Michael J.
McManus, Dennis A.
McNulty, Rock E.
McPeek, Roger M.
McShea, Peter J.
McSheery, Tracy D.
McVey, Mark A.
Meiser, Ford D.
Melin, Peter B.
Melton, William G.
Mercer, Stephen T.
Michaels, William N.
Mickelson, James J.
Miller, Brad C.
Miller, Bryan J.
Miller, Douglas P.
Miller, William
Milowic, Christopher Y.
Minnick, Michael E.
Mitchell, Ellen C.
Mitchell, John S.
Mobilia, Ross F.
Mock, Frederick C.
Moebius, William F.
Moertl, Harald A.
Monaghan, Mark E.
Monos, Dean G.
Montgomery, Kenneth W.
Mooney, James B.
Moore, Daniel E.
Moreland, Mark A.
Morgan, Michelle A.
Morgan, William
Morowski, Peter J.
Morrison, Donald M.
Morrison, Robert B.
Morrissey, Desmond
Morro, Robert H.
Morsch, Jeffrey J.
Morton, Ulysses L.
Morua, Michael L.
Moseley, Tim G.
Mosher, John M.
Mosley, Kenneth D.
Moyer, William J., Jr.
Moynihan, Patrick J.
Mueller, Harold E.
Mueller, Stephen T.
Mule, Paul, III
Mulkin, Richard S.
Mullan, Martin W.
Mullen, Jeffrey A.
Mulloy, Stephen P.
Murdock, Gary L.
Murphy, James C.
Murphy John F.
Murphy, Patrick J.
Murphy, Robert F.
Murray, William G.
Mustelier, Roy H.
Myers, Brian D.
Myran, Jon K.
Nadeau, Stephen E.
Naeckel, Arno T.
Nash, Francine B.
Naugle, Kenneth A.
Needham, David J.
Neely, Jeffrey C.
Nelson, Edward J.
Nelson, Percy M.
Nelson, Richard A.
Nelson, Todd L.
Nerino, Alfred R.
Neve, Douglas A.
Neve, Laurence J.
Newlin, Marcia M.
Newport, Bruce A.

Ney, Mark D.
Nichols, Jamon M.
Nichols, William C.
Nickens, Patrick D.
Nicoli, Kathryn L.
Nivison, William
Nixon, Timothy D.
Noonan, Patrick D.
Nordstrom, Neal C.
Norris, Paul D.
Novack, James H.
Nuss, Gary M.
Nuttall, Frederick L.
Nuzzaco, Jeffrey T.
O'Sullivan, John P.
Obenza, Edmar Y.
Oberholtzer, Vincent J.
Oblenes, Scott T.
O'Connell, Joseph M.
Odderstol, Eric S.
Officer, Lyn R.
O'Hara, Carolyn J.
Olaes, Eric S.
Olson, Allen S.
O'Mera, Francis X.
Orawczyk, Maria E.
Oregan, Gerard
Oshirak, Alan
Ossman, William J.
Osterhout, Karol E.
Osterman, Joseph L.
Ostmann, Kenneth G.
Oukrop, Kenneth J.
Owen, Donald F.
Owens, Vickie L.
Pace, Charles C.
Pachankis, Richard W.
Painter William C.
Palanzuela, Paul F.
Palmer, Brian D.
Palmer, Jon C.
Parker, Douglas F.
Parlier, Terry L.
Parlin, Joseph D.
Parrish, Darrell B.
Paskvan, Joseph K.
Patterson, Shawn R.
Paul, Michael S.
Paulmann, Russell D.
Pauloski, Thomas J.
Pearl, Daniel R.
Pearson, William C.
Peck, John A.
Pedro, Elizabeth Y.
Pegg, David N.
Pensak, Christopher J.
Perkins, George W.
Perry, Noel C.
Petrie, William S.
Pflederer, Raymond F.
Phillips, William G.
Pickerall, Brian M.
Pierson, Gregory J.
Pinckney, Michael E.
Pippins, Martin L.
Plude, John R.
Portnoy, Richard R.
Post, Michael V.
Postera, Richard J.
Poulter, Thomas A.
Powe, Carl M.
Powell, Ross C.
Powers, Jeffrey T.
Powers, William J., Jr.
Pressey, Tim E.
Pride, Marionette D.
Pritchett, David F.
Proudfoot, Christopher
Purdy, Joan T.
Quarterman, John W.
Rabinovitz, Michael
Rafferty, Paul J.
Rand, Wayne H.
Randazzo, Marco S.
Ranum, James T.
Ranzau, Richard H.
Ratliff, Daniel M.
Rau, Ronald C.
Rebholz, Joel L.
Reddick, Charles A.
Reese, John E.
Reeve, Charles K.
Regan, Mark J.
Reiff, Gregory S.
Reiling, Christopher D.
Rein, Scott D.
Reina, Gerard J.
Reisch, Richard A.
Reisenfeld, Jeffrey
Ren, Stephen J.
Renaud, Thomas M.
Reneau, Barry W.
Rich, Markham K.
Richard, Mark R.
Richards, Jeffrey H.
Richards, Ricky V.
Richards, Robert J.
Richardson, Diana
Richardson, John G.
Richardson, Samuel B.
Righi, Dino W.
Riley, Timothy G.
Rimkus, Andrew J.
Risinger, Jeffrey C.
Ritenour, John E.
Rizzi, John A.
Roberts, Fred
Roberts, Lawrence J.
Roberts, Russell W.
Robins, Derek A.
Robinson, Fredrick P.
Robinson, Harry M.
Robinson, John R.
Robinson, Robert C.
Robinson, Scott A.
Robinson, Scott E.
Robson, Alan J.
Rockwell, Mark E.
Rodenbeck, Neil H.
Rodgers, Philip D.
Rogers, Michael A.
Rolaf, Eric L.
Rollinger, Martin G.
Ronald, Meachle A.
Ronan, Christopher J.
Rooney, John J.
Rosato, Michael R.
Rose, James W.
Ross, John R.
Ross, Warren R.
Rothwall, Vincent E.
Rousseau, Stephen H.
Rowe, Donald E.
Rozier, Elena
Rozul, Alex V.
Rucinski, Fred C.
Ruehlin, Richard J.
Rule, Randol D.
Rusk, Richard R.
Rutherford, Gordon B.
Rutland, Kirk A.
Ryan, Bernard T.
Ryan, Michael D.
Ryans, Dwayne L.
Sadler, John C.
Sadorf, Kurt R.
Sage, Scott E.
Sahm, David R.
Salmons, James D.
Salvino, George N.
Sampsel, Kirby L.
Sanders, Robert D.
Sandlin, Mark J.
Sanfratello, Michael G.
Santora, Frank
Sarbou, Gregory P.
Sawanobori, Thomas K.
Scanlan, Steven R.
Scarski, Kevin L.
Scavone, Michael D.
Schaefer, Craig W.
Scheidegger, Michael F.
Scheller, Rennie J.
Schiele, Charles C.
Schifani, Joseph G.
Schleicher, Joel A.
Schmidt, Eric J.
Schmidt, Timothy E.
Schneider, Mark K.
Schouten, Dennis M.
Schrenk, Jeffery L.
Schroeder, Douglas S.
Schubert, Dean M.
Schubert, Ronald P.
Schwartz, James S.
Schwartz, Karen E.
Seaton, James B., III
Seeley, Larry F.
Seerden, James A.
Segal, Mark B.
Seita, Gregory J.
Seitz, Stephen G.
Selby, Vernice B.
Sellers, James K.
Semple, Norah A.
Serrano, Denise A.
Severin, Frederick M.
Shadwell, Damian E.
Shanle, Leland C.
Shannon, Laron D.
Shannon, Thomas K.
Sharp, Kevin F.
Sharp, Louis J.
Shea, Michael G.
Sheall, Ivan L.
Shelton, Lloyd O.
Shen, Abbie J.
Sherbak, Michael J.
Sherman, Kevin B.
Sherrod, Barry H.
Shifflette, Mark J.
Shogren, Charles E.
Shue, Jeffrey P.
Sigman, Mack A.
Silver, Ann C.
Simek, Paul R.
Simpson, Steven S.
Singer, Karl W.
Skafidas, Christopher
Skardon, Taylor W.
Skinner, Albert W.
Slagle, William H.
Slivka, Pamela A.
Sliwa, David J.
Smellow, Joseph A.
Smith, Clayton R.
Smith, David D.
Smith, Douglas W.
Smith, Douglas E.
Smith, Gerald L.
Smith, Irene M.
Smith, Jeffrey R.
Smith, Judy G.
Smith, Neil S.
Smith, Robert E.
Smith, Rodger M.
Smith, Johnnie, III
Smith, Kenneth E., Jr.
Snider, Stephen D.
Snider, Steven J.
Snyder, Brian P.
Snyder, Murray R.
Snyder, Scott A.
Snyder, Timothy R.
Sohl, James D.
Soltis, John T.
Solum, Janice M.
Sommerfield, Mark R.
Sorensen, Eric H.
Soriano, James C.
Spangler, Steven R.
Spears, Joseph M.
Speer, David W.
Spencer, Albert E.
Sperbeck, James D.
Spikes, Arnetta
Spitz, Joseph D.
Spitznagel, Christina F.
Sproule, Stuart M.
St. Clair, Albert L.
Stadnik, Andrew G.
Stanberry, Thomas W.
Stanczak, Dennis C.
Steeley, Glen D.
Steenson, Wayne R.
Stegeman, Brian R.
Stein, David P.
Stein, James C.
Steinbach, Stanley S.
Sterling, John C.
Stevens, Curtis R.
Stevenson, Keith C.
Stewart, Kevin D.
St. Germain, Richard E.
Stokes, Kirby A.
Stone, Jennifer
Stouffer, Bruce B.
Stover, Terrance L.
Stowe, Michael L.
Strachan, Jeffrey D.
Strickland, Mark R.
Stroh, Joseph C.
Studds, Gregory A.
Stuebe, John A.
Suarez, Jose J.
Sullivan, Craig L.
Sullivan, James R.
Sullivan, Linda D.
Sullivan, Michael T.
Sullivan, Patrick B.
Sullivan, Sean T.
Suttle, Perry M.
Swartz, Peter B.
Sweeney, James J.
Sweeney, James P.
Sweeney, Michael J.
Swenson, David. W.
Swoboda, David M.
Tabenken, Lee M.
Taborsky, Lawrence E.
Taggart, Christopher S.
Tarabochia, Lydia M.
Taylor, Chester A.
Taylor, David C.
Terhorst, Philip M.
Terry, Kelly S.
Tharp, John J.
Thayer, George D.
Thomas, Delbert D.
Thomas, Joseph G.
Thomas, Mark C.
Thomas, Scott A.
Thomas, Scott E.
Thomas, William F.
Thomas, William R.
Thompson, David C.
Thompson, William H.
Thorsen, Timothy J.
Thrasher, James R.
Thrower, Thomas R.
Tinker, Frank J.
Tittle, Matthew D.
Tompkins, Bruce A.
Toole, Shawn A.
Townley, Richard W.
Townsend, Charles D.
Townsend, Schuyler J.
Traaen, Thomas C.
Tracey, Douglas A.
Treadwell, Mark B.
Trombetta, Christopher J.
Trumpoldt, David W.
Tucker, Brian J.
Tucker, Timothy T.
Tullai, Jason S.
Turner, Andrea
Turnley, Andrew J.
Tutt, Valerie L.
Tyminski, William B.
Uphoff, Kurt T.
Urbanek, Richard A.
Urzi, Russell E.
Utz, Michael J.
Valentine, Michael
VanBuer, Michael G.
VanCleve, David S.
Vaughner, George
Vavoso, Thomas G.
Vendrasco, Robert A.
Vergara, Isaac S.
Verrochi, Mark
Viloudaki, William S.
Vitali, Henry R.
Volkert, Richard E.
Waddell, Theodore J.
Wade, James P.
Waine, Seth A.
Wait, Marcus P.
Walden, Robert P.
Walker, Stephen B.
Walker, William B.
Wallace, Kurt A.
Walters, Tony L.
Walton, Gordon T.
Waring, Gary K.
Warren, Dwayne C.
Warriner, Victor G.
Was, Joseph E.
Washington, Barbara D.
Wasiak, Joseph M.
Waugh, Max J.
Weatherby, Gerald C.
Weed, Daniel L.
Wegmann, David G.
Wells, David C.
Welsh, Mark S.
Wenner, David A.
Wereszczvnski, James M.
West, Lloyd D.
Westropp, Christopher
Wheeler, Charles L.
White, David D.
White, Deborah L.
White, Peter S.
White, Richard S., IV
Whitman, Gary D.
Whittaker, Scott E.
Willard, Thomas J.
Willey, Dale F.
Williams, Dudley C.
Williams, John D.
Williams, Michael D.
Williams, Michael C.
Williams, Richard R.
Willstatter, Kurt
Wilson, David S.
Wilson, James A.
Wilson, Mark C.
Wimberly, Branson L.
Winfield, D'Juannia D.
Winn, Michael C.
Witek, Kyle M.
Witt, Linda S.
Wojt, Jerry J.
Wolf, Suzanne M.
Woltman, Clyde M.
Wood, Christopher M.
Wood, Mark S.
Wright, Vincent T.
Wyant, Marvin, Jr.
Wyka, Theodore A., Jr.
Wylly, Robert P.
Yackle, Timothy R.
Yaple, Steven A.
Yarborough, Jerry L.
Yee, John J.
Yetka, Brian C.
Yodzis, Joseph B.
Young, Eddie D.
Young, Jack W.
Young, Jeffrey A.
Young, Patrick W.
Zabarsky, David M.
Zaccone, Michael
Zatt, David K.
Zavala, David C.
Zeleznik, Brian A.
Ziegler, Ralph C.
Zietz, Carl E.
Zimmerman, David O.
Zini, Stephen E.
Zolkowski, John A.
Zotto, Clement J.
Zrioka, Joseph A.

Linda J. DeLoach, U.S. Naval Reserve Officer, to be appointed a permanent lieutenant in the Medical Corps of the U.S. Navy, subject to qualification therefor as provided by law.

The following named Navy enlisted candidates to be appointed permanent chief warrant officer, W-2, in the U.S. Navy, subject to qualification therefor as provided by law:

Clarence R. Evans

Joseph C. Visco

Harold J. Alfert, medical college graduate, to be appointed a permanent commander in the Medical Corps in the Reserve of the

U.S. Navy, subject to qualification therefor as provided by law.

The following named U.S. Navy officers to be appointed permanent commander in the Medical Corps in the Reserve of the U.S. Navy, subject to qualification therefor as provided by law:

William J. Lewis
Robert P. Randolph

WITHDRAWAL

The nomination of F. Keith Adkinson, of West Virginia, to be a Federal Trade Commissioner for the unexpired term of 7 years from September 26, 1975, vice Robert Pitofsky, resigned, which was sent to the Senate on February 8, 1982.

CONFIRMATIONS

Executive nominations confirmed by the Senate March 29, 1982:

U.S. ARMS CONTROL AND DISARMAMENT AGENCY

James L. George, of Maryland, to be an Assistant Director of the United States Arms Control and Disarmament Agency.

DEPARTMENT OF STATE

Herman W. Nickel, of the District of Columbia, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of South Africa.

The above nominations were approved subject to the nominees' commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.

IN THE MARINE CORPS

The following named colonel of the Marine Corps Reserve for promotion to the grade of brigadier general, pursuant to title 10, United States Code, section 5902 and 5912, subject to qualification therefor as provided by law:

Charles S. Bishop, Jr.

SMALL BUSINESS ADMINISTRATION

James C. Sanders, of California, to be Administrator of the Small Business Administration.

IN THE NAVY

The following named rear admirals of the Reserve of the U.S. Navy for permanent promotion to the grade of rear admiral in the line and staff corps, as indicated, pursuant to the provisions of title 10, United States Code, section 5912:

LINE

Lemuel Owings Warfield
Russell William Gorman
Joseph Francis Callo, Jr.
Raymond Roger Couture
James Burnett Reap
John Rodney Grubb
LeRoy Vincent Isaacson
Vincent Joseph Anzilotti, Jr.
Francis Neale Smith
George Clark Sayer

MEDICAL CORPS

John Francis Kurtzke
John Peter Connelly

SUPPLY CORPS

Thomas Gerald Lilly
Delbert Harry Beumer

CHAPLIN CORPS

Emmett Owen Floyd

CIVIL ENGINEER CORPS

Thomas Smothers Maddock

DENTAL CORPS

William Harris Molle

IN THE ARMY

Army nominations beginning Gene P. Abel, to be colonel, and ending Harold D. Thompson, to be colonel, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD of March 4, 1982.

Army nominations beginning David L. Edwards, to be lieutenant colonel, and ending Stephen A. Spaulding, to be first lieutenant, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD of March 4, 1982.

Army nominations beginning Jerry W. Adcock, to be lieutenant colonel, and ending Michael T. Baksic, to be captain, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD of March 4, 1982.

Army nominations beginning Jeffrey F. Addicott, to be captain, and ending Daniel V. Wright, to be captain, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD of March 17, 1982.

IN THE MARINE CORPS

Marine Corps nominations beginning Kenneth W. Montgomery, to be second lieutenant, and ending Stanley S. Steinbach, to be second lieutenant, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD of March 4, 1982.

Marine Corps nominations beginning Emily L. Baker, to be second lieutenant, and ending Derle G. Hagwood, Jr., to be second lieutenant, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD of March 17, 1982.

Marine Corps nominations beginning Louis P. Abraham, to be second lieutenant, and ending Robert J. Cox, to be second lieutenant, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD of March 17, 1982.

IN THE NAVY

Navy nominations beginning Timothy S. Farwell, to be ensign, and ending Don Sherman, to be commander, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD of March 1, 1982.

Navy nominations beginning Sidney Martin Blair, to be captain, and ending Jacquelyn Sue Wills, to be captain, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD of March 11, 1982.

Navy nominations beginning William Charles Abbruzzese, to be lieutenant, and ending Samuel Sidney Williams, to be lieutenant, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD of March 11, 1982.

HOUSE OF REPRESENTATIVES—*Monday, March 29, 1982*

The House met at 12 o'clock noon.

The Chaplain, Rev. James David Ford, D.D., offered the following prayer:

Amid the hours and days of deliberation ahead, cause us, O Lord, to see those issues that touch people in the depths of their souls, that we may respond with wisdom and concern. In spite of the intense activity that surrounds those who labor in this place, may we keep before us the human needs that cry for solution—that war will be put aside as a vehicle for solving dispute, that we will cling to the goal of justice between individuals and nations. We pray that Your creation will know Your peace in their hearts, in their homes, and in the world—that peace that passes all human understanding. In Your holy name, we pray. Amen.

THE JOURNAL

The SPEAKER. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Sparrow, one of its clerks, announced that the Senate had passed without amendment a concurrent resolution of the House of the following title:

H. Con. Res. 100. Concurrent resolution expressing the sense of the Congress with respect to the situation of two Russian families who have sought refuge in the U.S. Embassy in Moscow because of the suppression of their Pentecostal faith by the Government of the Soviet Union.

The message also announced that the Senate agrees to the amendments of the House to a bill of the Senate of the following title:

S. 634. An act to authorize the exchange of certain lands in Idaho and Wyoming.

The message also announced that the Senate had passed bills and a joint resolution of the following titles, in which the concurrence of the House is requested:

S. 1080. An act to amend the Administrative Procedure Act to require Federal agencies to analyze the effects of rules to improve their effectiveness and to decrease their compliance costs; to provide for a periodic review of regulations, and for other purposes;

S. 1640. An act to amend certain provisions of title 18, United States Code, relating to the procedures for interception of wire or oral communications; and

S.J. Res. 111. Joint resolution consenting to an extension and renewal of the interstate compact to conserve oil and gas.

PEOPLE OF EL SALVADOR DEMONSTRATE THEIR LOVE OF FREEDOM

(Mr. WRIGHT asked and was given permission to address the House for 1 minute.)

Mr. WRIGHT. Mr. Speaker, yesterday the people of El Salvador gave a convincing demonstration that they love freedom, value the democratic process, and yearn for a chance to govern their country's affairs by ballots rather than by bullets.

Literally hundreds of thousands of Salvadoran citizens braved gunfire and threats of violent death to walk many miles by little-used roads and country trails, avoiding terrorist roadblocks and ambushes. Many stood in long lines for periods of hours in towns and villages throughout that violence-wracked country to demonstrate their thirst for liberty and their disdain for the threats of the violent minority who had boycotted the elections and had vowed death to any who participated.

The unprecedented numbers participating in yesterday's election surely must prove beyond any doubt that the terrorists and guerrillas do not speak for the people of that nation, and that democracy can be made to work if given half a chance.

While the outcome of the voting is uncertain, our own Government stands committed to support and work peacefully with the people of that war-ravaged country and with the government of their choice to be created by the constituent assembly whom the people have chosen.

We should call upon the terrorists to lay down their arms and join the brave people of El Salvador in the peaceful search for a better future under the orderly processes of constitutional democracy, and we should call upon the Government to encourage that resolution of the conflict by offering amnesty to all who will lay arms aside and join together in good faith to build a peaceful democratic future for the people to whom it has been so long denied and who obviously wish for it so strongly.

LEGISLATION INTRODUCED TO REINSTATE LOW INTEREST DISASTER RELIEF PROGRAM LOANS

(Mr. FITHIAN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. FITHIAN. Mr. Speaker, I have introduced legislation to alter the disaster relief program and to change it back to where it was prior to last year's legislation that we handled here in the House.

There are people in four counties in Indiana now who need a helping hand from our country to get back on their feet. The four counties include Marshall, LaPorte, Allen, and DeKalb. The recent floods which were highlighted on national television brought disaster to small businesses in the area and to individuals and homeowners. The change we made in the law last year will force those people to obtain as much as 15.5 percent interest rate money for the homeowners, and as much as 16 percent for small businesses.

I have introduced a bill to lower the interest rates on disaster loans back to a level where they will help citizens in those counties and in other States. I point out, however, that this is applicable to States in which we have depression-like numbers of unemployment, that is, unemployment rates of 10 percent or more. It would restore back to the pre-1981 level, so for homeowners it would mean that their interest rates would be 3 percent. For small businesses who could establish the fact that because of the economic conditions they would not be able to attain credit elsewhere, that they would then qualify for a 5-percent interest rate.

This was the law prior to the 1981 budget passage. It should be the law today. I urge my colleagues to carefully consider this legislation, to take a long and close look at the change and the difficulties that change is bringing about, and to consider this legislation for the relief of those persons, wherever they are, in States where unemployment remains that high, which is a clear indication that the economy of those communities cannot stand to undergo the increased interest rates on repairing and restoring their lives and their businesses.

☐ This symbol represents the time of day during the House proceedings, e.g., ☐ 1407 is 2:07 p.m.

● This "bullet" symbol identifies statements or insertions which are not spoken by the Member on the floor.

LEVITAS VETO

(Mr. ALEXANDER asked and was given permission to address the House for 1 minute and to revise and extend his remarks and to include extraneous material.)

Mr. ALEXANDER. Mr. Speaker, most Members of Congress work very hard, averaging 12 hours each day in Washington, traveling to their home districts over the weekends for more work and most receive little credit outside their own constituencies for laboring in the vineyard of the people—Congress.

Thus, I was pleased to read the article by Steven Roberts published in the New York Times, Sunday, March 28, 1982, giving credit to my colleague from Georgia, Representative Elliott H. Levitas, for his outstanding work over the last several years to institute a "legislative veto" for Congress over proposed regulations by the executive branch.

Few things are more frustrating to a Congressman than to helplessly witness the intent of Congress craftily circumvented by an unelected public servant unaccountable at the ballot box. As a rule, the voters hold the Members of Congress accountable for abuses of power by the bureaucracy.

Right on, Elliott! You have rendered the Nation an invaluable service for which you deserve the praise of your colleagues.

I enclose a copy of the article for the Record.

[From the New York Times, Mar. 28, 1982]

Congressmen Seeking Turf the Executive Calls its Own

(By Steven V. Roberts)

Washington.—Soon after Representative Elliott H. Levitas came to Congress, he was visited by a group of Atlanta businessmen who objected to a new regulation issued by the Federal Trade Commission. They had tried to argue their case with a commission official, they told their Congressman, and the bureaucrat, has told them to get lost. "They were enraged," the Georgia Democrat recalled. "They had no means of holding that man accountable, and they came to me angry and frustrated."

Encounters of this sort had helped spur a movement on Capitol Hill to enact legislative vetoes, laws that give Congress the power to review and reject regulations adopted by independent agencies such as the trade commission, and executive branch departments. Mr. Levitas, a leading exponent of the veto, summed up the issue: "The question is who is going to run the country—the guys you elect or the guys you don't elect."

The movement may have reached a high point last week as the Senate voted, 69 to 25, to make almost all regulations issued by Government agencies subject to a veto by both chambers of Congress. Despite such decisive margins, the legislative veto remains a highly controversial idea. Several Federal courts have ruled the device unconstitutional; the Supreme Court has heard arguments on one case but hasn't yet issued a decision.

Opponents say that the veto provision would swamp Congress with extra work, increase the power of staff members and provide a field day for special interests that would try to reverse regulations through political contributions and pressure.

No matter how lawmakers feel about the legislative veto, most agree that it is a significant development in the continuing struggle for power between the legislative and executive branches. It also reflects the frustrations with Big Government often expressed by citizens who feel their lives are controlled by "faceless decisionmakers" in Washington, as Senator Carl Levin, Democrat of Michigan, described them.

The first legislative veto was adopted in 1932, but of the 200 or so vetoes now on the books more than half have been adopted since 1970, and more than one-third have passed in the last five years. In Mr. Levitas's view, the device became more popular as the growing complexity of issues coming before Congress forced the lawmakers to delegate more responsibility to bureaucratic rulewriters. It also became a handy device for legislative compromise, as contending sides could paper over sticky issued by assuring themselves that they would always have another shot after the regulations were drafted.

But the main motivation was probably experience. Senator Levin recalled last week his days on the Detroit City Council, when Federal rule-writers "ignored local conditions" in implementing a program to deal with mortgage foreclosures and "made a mockery" of Congress's intent, in the Senator's view. "We created a class of people," the Michigan Democrat argued, "who were insulated from the political process and then we turned over to them the most important and sensitive of political issues involving the implementation of our laws."

Some of the arguments over the legislative veto are legalistic. Opponents contend that the device violates the separation of powers. Advocates retort that "rule-making is intrinsically a legislative power," as Representative Levitas put it, and that executive agencies are only carrying out functions delegated to them by Congress.

Moreover, many lawyers feel that the veto violates the "presentment" clause of the Constitution, the section of Article I that says that all laws must be "presented" to the President for his approval. The counterargument holds that the presentment clause does not apply, because no new law is being made when a veto is exercised. Only an interpretation of the original law is being changed, not the underlying statute.

Many lawmakers share the concern of Senator Howard W. Cannon, Democrat of Nevada, that if every rule became subject to a veto, the lawmakers would be "swamped with proposed regulations and would not be able to give them the deliberation they require."

The basic issue is political power. Ronald Reagan, for instance, championed the legislative veto as a candidate, and then changed course when, once in the White House, he saw his authority threatened.

When Jimmy Carter scattered consumer activists throughout the regulatory agencies, the legislative veto became a favorite device of outraged businessmen who suddenly found themselves faced with stiffer rules and regulations. To take one example, when the Federal Trade Commission made the funeral industry provide an itemized list of services to its clients, the industry mounted a lobbying campaign on Capitol Hill and succeeded in jettisoning the rule.

The issue has dimmed a bit when Mr. Reagan's appointees now in place, but the experience of recent years led Senator John C. Danforth, a Democrat from Missouri, to argue that a widespread use of the veto would vastly increase the "special pleading" that deluges Capitol Hill.

Representative Thomas P. O'Neill Jr., the Speaker of the House, is a long-time foe of the legislative veto but he promises to allow the issue to come to the floor when the House takes up its own version of the regulatory reform bill, probably later this spring. But what bothers many lawmakers the most is the possibility that the Supreme Court will throw out the whole concept, no matter what Congress does. That could lead to "total chaos" on Capitol Hill, warned Senator Charles McC. Mathias, Republican of Maryland, since about 200 laws would have to be redrafted.

TRIBUTE TO UDC CHAMPION BASKETBALL TEAM

(Mr. FAUNTROY asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous matter.)

Mr. FAUNTROY. Mr. Speaker, Members of the House of Representatives: I have the proud honor today of paying tribute to the Nation's No. 1 National Collegiate Athletic Association Division II basketball team—the University of the District of Columbia Firebirds.

On March 20, 1982, the UDC team reached the pinnacle of college athletics by winning a national championship defeating Florida Southern College 73 to 63.

The victory gives the District of Columbia the enviable distinction of being the national college basketball capital of our Nation.

I want to commend and congratulate the UDC players and coaches for their commitment to excellence. The teamwork UDC developed and utilized with impeccable skill and intelligence is a model for success in athletic achievement.

I am especially proud of the UDC team's accomplishments because many of the players come from the neighborhoods in the shadow of the U.S. Capitol Building. I hope their success at UDC will inspire young people throughout Washington, D.C., to renew faith in themselves and their ability to reach the heights of greatness.

The success of the UDC Firebirds is a great joy to me because the team's Coach, Wil Jones, is a graduate of my high school alma mater in the District—Dunbar.

Coach Jones is a skilled technician who has molded an uncomparable fine-tuned athletic machine which is at once precise in its workings, awesome in its size and beautiful in action.

I want to further share with you some of the background of the coach and team of the UDC Firebirds, NCAA Division II basketball champions and submit herewith a description of the team and its players for inclusion in the RECORD.

COACH WIL JONES AND THE UNIVERSITY OF THE DISTRICT OF COLUMBIA FIREBIRDS

Wil Jones is a native of the Capital City, and a product of Dunbar High School, where he was an All-Metropolitan player in both basketball and baseball. He led the city of Washington, D.C. in scoring during his senior year of high school. From Dunbar, he matriculated to American University where he gained All-American honors in both basketball and baseball. He set all scoring and offensive records at American, while in attendance, scoring over 1,900 points in 3 years of play. He is presently in the Hall of Fame at American University. After graduation from American, Wil Jones was the second draft choice of the Lakers of the NBA—behind Jerry West—but he played the majority of his pro career for the Washington Tapers—Eastern League—and the Virginia Squires—American Basketball Association.

Jones began his coaching career at Robinson High School in Fairfax, Va. in 1970, taking over a problemed program that some said was sure to fail. But Wil Jones proved them wrong, as he guided the team to a 17-6 record his first year, and a District championship. After five seasons, Wil Jones' record stood at 98-21, and included five District championships. From Robinson High School, Jones moved to the University of Maryland as an assistant coach to Charles "Lefty" Driesell in 1975. While at Maryland, in his capacity as a scout and recruiter, Wil Jones showed his talent for recruiting by bringing such players as Jo Jo Hunter, Albert King, Ernest Graham, Greg Manning, Buck Williams, Reggie Jackson, and others to the Maryland basketball program.

Jones accepted the position of head coach of the University of the District of Columbia basketball program in 1979, a program only 2 years old, with no tradition of winning, and began building his own program from the ground up. He started in motion what he called a 5-year plan to "Build a firm foundation for future basketball greatness." The first block in his firm foundation was the signing of 6'7" forward Michael Britt of Suffolk, Va., 6'3" guard Greg Carson of Washington's Spingarn High School, and 5'10" guard Mike Daniels of Cardozo High School. With these three new players and the returning veterans, Wil Jones' 1979-80 squad finished with a respectable 16-11 record.

Following that initial season, Wil Jones shocked the basketball world with the second block in his building foundation, the 6'10" center Earl Jones, the top high school prospect in the Nation. The Earl Jones signing was all the more astounding in that the University of the District of Columbia had no gymnasium of its own and the team had played its games in area high schools. But after the addition of Earl Jones, the Firebirds played their home contests in the municipal arena known as the D.C. Starplex-Armory.

During Wil Jones' second season (1980-81) at the University of the District of Columbia, his team played 17 of its 26 games on the road, but still managed to finish the season with an 18-8 record. The Firebirds, however, were disappointed when they were not extended a bid for post-season play.

In this, Wil Jones' third season, UDC set out with a goal of winning 20 games, and the aspiration of attaining a bid to NCAA post-season play. An attractive new gymnasium was completed on the University of the District of Columbia's new Van Ness campus and the Firebirds opened the new facility by going undefeated (16-0) on their home floor. The team finished the regular season with a 20-5 record, a No. 3 national ranking, and a bid to the NCAA South Atlantic Regional Tournament in which they were seeded as the No. 1 team. This was the first year any UDC squad has participated in post-season competition, and the first time the All-American tandem of Earl Jones and Michael Britt have had national exposure together.

The University of the District of Columbia Firebirds are now the NCAA Division II National Basketball Champions, having defeatd defending champion Florida Southern College, 73-63, in Springfield, Mass., this past March 20, 1982. The team finished the season with a record of 25-5, and had both Earl Jones and Michael Britt named as All-Americans. The University of the District of Columbia is the only team in the Nation to have two of its players named to All-American status in division II.

In 3 short years, Wil Jones has coached himself to a 59-24 record (.710 percent), won a national championship, nabbed the top high school prospect in the Nation, and coached two All-Americans. His basketball program has enhanced the identity of a new university and given a city that prides itself on basketball, its first national college basketball championship.

1982 MEN'S BASKETBALL TEAM NCAA NATIONAL CHAMPIONS

Wil Jones, head coach, William Robinson, assistant coach, Cheryl Roberts, assistant coach, Linwood Wellington, trainer, Wallace Dooley, sports information director, George Gibb, student coach, Anthony Stewart, student manager, Orby Moss, Jr., director of athletics, Lisle C. Carter, Jr., president.

ALPHABETICAL ROSTER

44, Weaver Blondin, guard, 6'4", 200 lbs., Woodstock, Va.

21, Michael, Britt, forward, 6'7", 185 lbs., Suffolk, Va.

13, Cedric Caldwell, forward center, 6'9", 225 lbs., Washington, D.C.

24, Greg Carson, guard, 6'4", 180 lbs., Washington, D.C.

11, Jeff Carmichael, forward, 6'7", 180 lbs., Southern Pines, N.C.

10, Mike Daniels, guard, 5'10", 155 lbs., Washington, D.C.

30, Al Holland, center, 6'11", 210 lbs., Suffolk, Va.

31, Earl Jones, center forward, 7'0", 210 lbs., Washington, D.C.

15, Phillip Morgan, guard, 5'10", 170 lbs., Washington, D.C.

25, James Neal, forward, 6'6", 195 lbs., Washington, D.C.

12, Kenny Payne, guard, 6'1", 175 lbs., Washington, D.C.

NUCLEAR ARMS DEBATE SCHEDULED FOR TUESDAY, MARCH 30

(Mr. McHUGH asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. McHUGH. Mr. Speaker, tomorrow during the time set aside for special orders, there will be an extended discussion on the subject of nuclear arms control, including the advisability of a nuclear arms freeze. Regardless of one's particular approach, there can be little doubt that this is the overriding issue of our time, and I would certainly urge all of our colleagues to attend and participate in this discussion.

I also want to thank you, Mr. Speaker, for arranging to show the film, "The Last Epidemic," over our House Broadcasting System. It can be seen tomorrow at 10 a.m. on channel 6. The film was produced by Physicians for Social Responsibility, and it is well worth the Members' time to see.

Mr. Speaker, our activities tomorrow will be an effort to foster national debate on the critical issue of arms control. In recent months, hundreds of thousands of Americans have signed petitions and voted in town meetings for a bilateral freeze on all United States and Soviet nuclear weapons. Similarly, special opinion polls have demonstrated overwhelming support for renewed arms control negotiations and a growing concern over the prospect of nuclear war.

All of this reflects the growing sense among Americans and others that we must control nuclear weapons. I share that view, and thus urge all of my colleagues to join with us tomorrow in debating solutions to the nuclear arms race.

VIETNAM VETERANS RECEIVE OVERDUE RECOGNITION

(Mr. WON PAT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WON PAT. Mr. Speaker, I was privileged to attend the groundbreaking ceremonies on March 26 for the Vietnam Memorial ceremony here in Washington, D.C.

As a member of the House Armed Services Committee and the House Veterans' Affairs Committee, I have long urged that this Nation establish a memorial to those who fought, and all too often died serving the United States in Vietnam. These brave men and women have in many respects become the forgotten soldiers of America. In our efforts to forget that terrible and undecided war we tend to forget the heroic deeds of those who went into combat for their country.

One of the most remarkable aspects of the Vietnam veterans is that they served without question in a war that was widely questioned at home. This was particularly true of the hundreds of veterans from Guam who gave of themselves unselfishly in Vietnam. The fame of Guam's soldiers is justly widespread, but few know that more Guamanians died in combat in Vietnam based on total population figures than did the residents of any other American State or territory.

Those from Guam who died in Vietnam will have their names engraved on the memorial along with the names of over 50,000 other Americans who died in that tragic war.

The time has come for this Nation to stand up and honor our Vietnam veterans. They deserve our appreciation no less than the veterans of other conflicts. I am proud of their love for this Nation and am pleased to salute the veterans of Guam and every State and territory. Thank you.

CONGRESS MUST MATCH PUBLIC INTEREST IN NUCLEAR ARMS FREEZE

(Mr. SEIBERLING asked and was given permission to address the House for 1 minute and to revise and extend his remarks and to include extraneous material.)

Mr. SEIBERLING. Mr. Speaker, following the close of the regular business tomorrow, various Members are joining under the leadership of Congressman LEACH of Iowa to discuss the issue of the nuclear arms race and what we can do about it. There are various resolutions pending; the so-called nuclear freeze resolution, and others that we will be discussing at that time, as well as the nature of the terrible threat hanging over mankind.

I think the Members of the House might be interested to know that I have just completed tabulating 7,000 individual returns from my annual questionnaire to the voters of my district, and the number who support a nuclear arms freeze is 80 percent. This is an amazing development.

This survey is, if anything, biased in a conservative direction, since those who cannot afford or do not wish to spend 20 cents on a stamp or are not particularly interested in public issues do not bother to fill out the form. I believe this reflects a tremendous interest throughout the country, on this issue, and I hope it will be met by a similar interest here in the House.

Mr. Speaker, the Washington Post for Sunday, March 21, contained an outstanding article by Roger Molander, a former nuclear strategist on the staff of the National Security Council. Mr. Molander, after years of working on nuclear strategy, concluded that nuclear war could occur far more easily than people in the White House, in Congress, and in the country seemed to realize.

I offer the full text of Mr. Molander's article following these remarks.

[From the Washington Post, Mar. 21, 1982]

HOW I LEARNED TO START WORRYING AND HATE THE BOMB

(By Roger Molander)

I was introduced to nuclear war in the mid-1950's, hiding under my school desk during civil defense drills, hoping the Russian bombers would never come. It never crossed my mind then that I would someday be working on nuclear strategy at the White House, hoping still that nuclear war would never come—and realizing how easily it might.

I came to Washington in the 1960's to work for a defense think tank, and within a few months I found myself at an Albuquerque conference, sitting in a Holiday Inn bar listening to war stories. Nuclear war stories. That's part of the nuclear trade—making fun of yourselves, trying to find ways not to take yourself too seriously, even having a good time now and then.

My favorite tale that night was about Rarotonga, a dreamy island in the South Pacific. For several months in the early 1960's it was an outpost for a two-man crew manning a radar that observed atmospheric weapons tests, clearly a hardship assignment. The men's only contact with civilization was a weekly supply plane, which kept breaking down on the island.

In fact, it broke down so often that the regional military commander sent a special mission force to find out what was up. The special mission discovered that Rarotonga was a Polynesian paradise with lush tropical fruits and affectionate maidens straight out of a Gauguin painting. Rarotonga was taken off the hardship duty list.

Within a year or so, my think-tank studies of weapons effects gave way to studies of the weapons themselves and to communications systems and missile warning systems. Then came nuclear "exchange" calculations: our missiles against their missiles, their missiles against our bombers, their subs against our bombers—endless combinations.

There were no people involved in these "exchanges," only calculations. It was a curious fiction, never discussing the humans at the military installations or the industries or the cities. I guess that made it easier on the targeters in Omaha, the people there in charge of launching the missiles or the bombers, and the analysts like me.

I recall one Saturday a colleague came into the think tank office with his wife to find me sticking different-colored pins—representing different-sized weapons—into a map of the Soviet Union. Add a pink pin for Minsk—another 200,000 dead. My colleague's wife was horrified. But when the pin went into Minsk or Moscow, I didn't see people working or children playing. I assumed that someone above me in the system thought about those things. I just stuck in the pins.

In 1969, the Strategic Arms Limitation Talks (SALT) began, and I found myself trying to find the combinations of weapons limitations and verification provisions that would be acceptable to us and our allies as well as to the places where the pins were being stuck. At first blush the problem looked easy to me. But an older colleague told me I had a lot to learn. He was, of course, correct.

Within a month I had met the first of a small but not uninfluential community of people who violently opposed SALT for a simple reason: It might keep America from developing a first-strike capability against the Soviet Union. I'll never forget being lectured by an Air Force colonel about how we should have "nuked" the Soviets in the late 1940s before they got The Bomb. I was told that if SALT would go away, we'd soon have the capability to nuke them again—and this time we'd use it.

As the SALT negotiations began in earnest, I dug into studies at the think tank for the Pentagon—and immediately came face to face with the ultimate questions of the nuclear war trade: How much is enough? What is the "threshold of pain" for the Soviet decision-makers? What level of destruction will deter Soviet attack? Is it measured in industrial capacity? In war machines? In Soviet citizenry? In some arcane combination of these and other factors which a careful reading of Russian history and of recent articles in Red Star would divine?

My rite of passage was complete. The scientist—whose main interest in graduate school was trying to obtain commercially useful energy from controlled fusion—had become the policy analyst playing nuclear war. The policy analyst went to the White House.

I was at the White House's National Security Council only a few months when it was time for a SALT negotiating session to begin in Geneva. One of Secretary of State Kissinger's division heads asked me to draft a set of instructions for the American delegation. I asked what to put in the instructions—and was told just to do a draft on my own, with one cover memo to Kissinger and another from Kissinger to the president.

Three days later I got the package and the instructions back. The person who had asked for the draft had not changed a word. Nor had Kissinger. Nor had the president. The instructions were on their way to Geneva. I swallowed hard.

Those people above me who were supposed to be thinking about the Big Questions were relying on me to think about those things. I was to make decisions in the nuclear war trade, not just stick in pins. So I began to think about many things.

I thought about the fact that nobody else around the White House seemed to understand nuclear war issues better than I did; knowing my limitations, that did not reassure me. I thought about the organizational chaos at the White House, the haphazard way decisions often were reached. I thought about the minimum amount of time the president had to spend on nuclear war issues, his ultimate responsibility. I thought about the former presidential science adviser, similarly struck by the way major decisions are made, who asked, "Where are the grown-ups?"

His comment is apt. There is a good deal of childish behavior in the White House, including temper tantrums. The last place I expected to find adults losing control of themselves was in White House rooms with nuclear war planners. But there the tantrums were—directed at officials of other countries, at briefing books, at staff, at other high U.S. officials, at almost anything you can think of. I had hoped that the White House's nuclear war business was in the hands of people who were rational and calm under pressure. I was learning.

In time I learned to live with all of this. But to friends—who asked questions like "Not going to get blown up soon, are we?"—I confided that I was the ultimate example of "in the land of the blind, the one-eyed man is king." Many thought I was joking. I wasn't.

As the shock of these experiences wore off, I joined with some of the most dedicated people I have ever met in trying to help the president perform the hardest job in the world. I watched three presidents who were deeply concerned about the problem of preventing nuclear war leave the White House with a sense of frustration. Each sought to leave the American people with a legacy of security with respect to nuclear war, a confidence that nuclear war would not happen. Each failed.

I felt that same sense of frustration and failure, especially in early 1980, when the struggle to save SALT II and the work of three administrations ended with the Soviet invasion of Afghanistan. I had expected to spend the first few months of 1980 carrying the case for the treaty—"modest, but useful," in the words of the Joint Chiefs of Staff—to the Senate floor. I knew it would be a real challenge: I had discovered that most of the senators on the Armed Services and Foreign Relations committees—those making critical decisions, to say nothing of endless speeches—lacked even a rudimentary understanding of the nuclear war business.

When SALT II was defeated, I had some time to ponder how we had gotten ourselves into the awful mess we were in.

The factor that stood out in my mind was the seeming lack of understanding of just how great the chance of nuclear war really was.

I had seen how the White House and the so-called chain of command operated—and assumed the Russians were probably worse. I knew how poorly we understood the Russians—and how poorly they understood us. I could see the rising problem of nuclear proliferation vastly increasing the risk of superpower confrontation.

Adding it all up was unsettling. There was altogether too much opportunity for machine error, for human error, for errors in judgment. Nuclear war could occur far more easily than people in the White House, in Congress and in the country at large seemed to realize.

In Thomas Pynchon's prize-winning novel "Gravity's Rainbow," two of the major figures, a statistician and a Pavlovian psychologist, debate the driving force behind human events. The statistician claims it's mostly random and unpredictable—a lot of balls bouncing off each other governed primarily by the laws of probability. The Pavlovian argues for a world dominated by cause and effect, stimulus and response. I vote with the statistician.

If nuclear war comes and any historians survive, they will marvel at the role of chance in its genesis, its escalation, its grim conclusion.

Some chance events—which have taken us closer to the brink than is realized—have of course already occurred. There was the mid-1960s incident in which U.S. radar mistook the rising of the moon for a missile attack. There was the 1979 mishap in which a computer with a practice Soviet missile attack tape on it was accidentally introduced into an operating missile warning system. There was the 1980 accident in which a microchip failed in a computer at Strategic Air Command headquarters in Omaha and the B52s almost took off.

These unintended happenings can be multiplied by presumed mishaps on the Soviet side and by additional mistakes in other nations which have acquired, or are in the process of acquiring, nuclear weapons. It is by no means inconceivable that next time, rather than on a calm day when we and the Soviets are merely at our normal levels of enmity, a false alarm will occur in an atmosphere of crisis, with somebody suddenly heading for the Hot Line and trying to explain that it was just a mistake.

Ah, yes, the Hot Line. How many people know that it's a slow teletype machine, and that its use suffers from the usual problem of getting a good translation? I had witnessed two incidents in the SALT negotiations in which the United States and the Soviet Union had profoundly misunderstood each other in this fashion.

The first was at Vladivostok in 1974, when President Ford and Secretary Kissinger had come home in triumph with an agreement that was found to be no agreement at all when the sides tried to write it down in agreed language. A similar incident took place in the early months of the Carter administration, when an agreement on limiting new types of ICBMs evaporated into thin air over a language disagreement.

What if one of these "misunderstandings" took place in a crisis as the sides tried to control further escalation, rather than in the midst of a seven-year negotiation? In the nuclear war business, we cannot afford to lose anything in the translation.

It was also chance that these thoughts coincided with the birth of my second child.

There's something in the birth of a child—or the death of a loved one—that is a reminder of both the miracle and the fragility of life. Now there she was, a new person, a new being, demanding the right to live, to find out "why she came." And here I was, thinking of the risks of nuclear war.

I held forth on all this to a friend late one night when most sensible people have gone home or to bed. I railed away at the absurdity of the situation we Americans found ourselves in—living in an imperfect world with imperfect machines and imperfect people making decisions on subjects they only partially understood. Something had to be done.

Clearly, at the root of the problem is that the public has scarcely any reliable information with which to develop thoughtful opinions about American nuclear policy. Policymakers, therfore, have little serious sense of public opinion to guide them.

Sure, there are polls on the nuclear questions. But nowhere do these polls tell us about the difficult decisions and trade-offs involved. We know from polls, for example, that two-thirds of the nation wants to pursue arms control with the Soviet Union—and that at the same time two-thirds doesn't trust the Russians to adhere to such accords. Do Americans, therefore, want arms control negotiations or not? The polls, in their simplicity, have been part of the problem.

A larger part of the problem is that no effort has been made by the government to maintain public concern and understanding about the fundamental questions of nuclear war. Perhaps this is understandable. What president is going to send a message to the nation that he and his colleagues are losing their grip on the nuclear war issue? Public interest groups have made some effort, but they are small, uncoordinated, often suspected of being "softheaded lefties," and expend most of their energy in Washington.

It was clear that something was wrong, that the link between policymakers in Washington and the people we served was far too weak. We didn't understand their fears and frustrations; they didn't understand the complicated bases of our decisions. Only by providing careful and thorough information to public and to officials can we avoid the hysteria we often find on both the extreme left and right.

My interest in doing something about all this waned as daily life took over again—until chance intervened once more in the form of the abortive attempt to rescue the American hostages held in Iran in April 1980.

The day after the raid, as we waited to see how the Iranians would react and what fate held in store for the hostages, I encountered a friend, a general, in the halls of the Old Executive Office Building. We both knew all too well that the favorite Pentagon war game scenario for the start of World War III was a crisis in Iran. Now we had one. What if the Iranians killed the hostages? What would the Russians do if we retaliated?

We talked about the uncertainties, and as the conversation drew to a close, he said, "You know, I called my kids last night." He hesitated and then continued. "I never call my kids." His kids were grown up, and I knew what he was saying: Was this it?

The final chance event that confirmed my determination to help correct our flaws involved another military officer. It happened at a meeting in the Pentagon when a Navy captain offered the view that people in this country and Europe were getting much too excited about the consequences of nuclear war. He argued that people were "talking as if nuclear war would be the end of the world when, in fact, only 500 million people would be killed."

Only 500 million people. I remember repeating it to myself: Only 500 million people.

Then he went on to argue that within a generation, genetic engineering would make people immune to radiation. I reached for my hat, suddenly knowing how Woody Allen felt in "Annie Hall" when he excused himself from a conversation with the plea that he had "an appointment back on planet Earth."

□ 1215

SOVIET ESPIONAGE ON CAPITOL HILL

(Mr. BROOMFIELD asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BROOMFIELD. Mr. Speaker, I want to note for my colleagues' attention the article which appeared in last Sunday's Washington Post by Howie Kurtz concerning Soviet espionage activities on Capitol Hill. I am outraged that Soviet agents are permitted to roam through offices and meeting rooms of this body without so much as notifying a central office in the Congress, the Attorney General, and the State Department. This article reminds me of an episode presented on "60 Minutes" on January 28, 1980, which described, in detail, Soviet espionage activities in the United Nations. Those activities, including the infiltration of the U.N. Secretariat, subsidized by the U.S. taxpayer, are a disgrace.

Regarding Soviet attempts to gather information in Congress, I will be sending letters to the appropriate Federal Government authorities demanding a tightening up of our security procedures on Capitol Hill and calling for an enhanced monitoring of Soviet activities. Security is far too lax in the Congress. Members and staff alike do not fully appreciate the complete scope of Soviet operations against this body.

At a time when our own legitimate diplomats are denied normal access to policymakers in Moscow, I find it outrageous that Soviet spies are allowed to infiltrate the Congress of the United States.

A TRIUMPH FOR DEMOCRACY

(Mr. MICHEL asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. MICHEL. Mr. Speaker, It would appear that the voter turnout in El Salvador has exeeded the expectations of even the most optimistic observers.

The only ones who are disappointed by this turnout are those who have been trying to hand over El Salvador to the Marxist-Leninist terrorists and those who demanded that these same terrorists be included in a government before elections were held.

No one can say with certainty what will happen next in El Salvador. But history will record that for one brief, shining moment amidst the darkness of war, the people of El Salvador spoke.

They spoke of their faith in democracy over violence they spoke of faith in themselves rather than in totalitarians who would rule by force.

We have heard it said that it is contradictory or hypocritical for the United States to support Duarte's government while we condemn the Government of Poland.

To that I say: Let the current Government of Poland hold such elections as we have seen in El Salvador, and it will have this gentleman's support tomorrow.

PARITY FIRST, THEN NUCLEAR FREEZE

(Mr. CARNEY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. CARNEY. Mr. Speaker, there is a growing frustration throughout this country about the nuclear arms competition between the superpowers.

We in Congress share that frustration and are deeply concerned about its dangerous implications.

A nuclear war would cause incomprehensible destruction and human misery. The prevention of such a catastrophe is one of the greatest challenges facing our planet.

During the past 15 years, the Soviet Union has undertaken the largest military buildup in the history of the world. As a result, there exists an imbalance in the nuclear forces of the United States and Soviet Union which is destabilizing and could increase the likelihood of nuclear war.

The imbalance is even more pronounced in the areas of conventional weaponry, where the Soviet Union's historical edge is ever expanding.

This current imbalance is dangerous and unacceptable. Therefore, I am introducing a bipartisan concurrent resolution calling for a long-term mutual and verifiable nuclear weapons freeze at equal and sharply reduced levels of forces.

A freeze at current levels would perpetuate the current instability. This is not enough. A mutual and verifiable freeze must occur at equal and substantially lower levels of forces, if it is to contribute to peace and stability.

It is important to note that I share the concern of those members who have sponsored or signed other resolutions. My difference with them is not in our ultimate goal of a more stable and peaceful world, but in the means toward achieving that goal.

This resolution has been introduced in the Senate by Senators JACKSON, WARNER, BYRD, NUNN, LUGAR, BENTSEN, and COHEN, and it has attracted better than 30 cosponsors.

I urge my colleagues to join myself, Mr. MICHEL, Mr. LOTT, Mr. MURTHA, Mr. STRATTON, Mr. CHENEY, Mr. EMERY, Mr. RINALDO, Mr. GILMAN, Mr. DICKINSON, and Mr. MADIGAN in cosponsoring this resolution.

AN OPPORTUNITY FOR REASSESSMENT OF AMERICA'S POLICY

(Mr. LEACH of Iowa asked and was given permission to address the House for 1 minute, and to revise and extend his remarks.)

Mr. LEACH of Iowa. Mr. Speaker, yesterday's election in El Salvador, with its stunningly high voter turnout, provides the administration a momentous opportunity to reassess American policy in Central America.

Now is the time to remove our advisers, to rule out U.S. military or paramilitary intervention, and to endorse forthrightly President Lopez Portillo's offer to negotiate a political solution to regional differences. As the El Salvador election proved, even in revolutionary settings people prefer the ballot box to decisions based on resorting to the use of force.

Tomorrow, Mr. Speaker, a series of special orders has been taken out to discuss the arms race and conflict resolution in general. It is designed to provide an opportunity for wide-ranging perspectives to be reflected, and I hope as many Members of the House as possible will participate.

PRESIDENT SIGNS FLEXITIME EXTENSION

(Mr. PARRIS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PARRIS. Mr. Speaker, on last Friday, March 26, the President signed into law an extension of the flexible and compressed workweek program which was set to expire today. This was an important victory for Federal employees and the extension will give us 120 days to finalize the details of a permanent program.

While I am elated that we adopted this extension, I am concerned that some Federal agencies may decide to drop out of the flexitime program. I urge agency officials to continue their participation in this very beneficial program. The Federal Government benefits from the program because of increased morale and productivity. The general public benefits from flexible work schedules because increased operational hours has meant greater accessibility to services being offered by the various agencies.

Although a permanent agreement on flexitime has not yet been finalized, this was an important first step and I am optimistic and confident that a permanent solution will be found within the extension period if OPM, the employee unions, and leaders in Congress continue their negotiations in good faith.

INTRODUCTION OF THE ENERGY EQUITY ACT OF 1982

The SPEAKER pro tempore (Mrs. SCHROEDER). Under a previous order of the House, the gentleman from Illinois (Mr. CORCORAN) is recognized for 15 minutes.

Mr. CORCORAN. Madam Speaker, I am pleased today to introduce the Energy Equity Act of 1982. This legislation is the result of extraordinary cooperation among the members of the Energy and Commerce Committee and the Banking Committee, and joining me as original cosponsors are my colleagues, Mr. EVANS of Delaware, the ranking Republican on the International Institutions Subcommittee of the Banking Committee; Mr. BROYHILL, the ranking Republican on the Energy and Commerce Committee; Mr. RINALDO, the ranking Republican on the Select Committee on Aging; and Mr. MADIGAN, the ranking Republican on the Health and Environment Subcommittee of the Energy and Commerce Committee.

I would also like to mention a few of the numerous organizations which have been involved in the drafting or have been asked to review this important bill: The National Oil Jobbers Council, the National Association of Homebuilders, the Environmental Policy Center, the Northeast Coalition for Energy Equity, the National Association of Realtors, the National Consumer Law Center, and the National Council of State Housing Agencies, among others.

The Energy Equity Act is a break from the past. I might remind my colleagues on the other side of the aisle who are born-again budget balancers—it was President Carter in 1979 who first told the American people the windfall profits tax revenues would not go to help the poor pay fuel bills but would instead go to pay for the $88 billion Synthetic Fuels Corporation.

I remind my colleagues it was the Democratic leadership of this House—in particular, my friend and distinguished colleague, the majority leader from Texas—who in 1980 asked us to agree with the Carter administration's request and increase Federal synfuels subsidies from a $3 billion demonstration program to a massive $88 billion Government corporation. Under pressure from President Carter and the majority leader, the House passed the Energy Security Act in June 1980.

I remind my colleagues that it was the Democratic leadership again which, in early 1981 when the Reagan administration was considering abolishing the Synthetic Fuels Corporation, wrote the President and asked him to spare synfuels from the slash of OMB.

As our former colleague, Bob Eckhardt, wrote at the time:

> If the House Democrats do not wish merely to win a few battles and badly lose the war which is now being waged against the poor, they had better choose their priorities more carefully. * * * it will be hard enough to save programs essential to a humane and developing society without taking on the burden of defending programs which guarantee profitable sale of even unprofitably produced synthetic fuel.

In 1980 the synfuels bulls were on stampede, but today it appears the Synfuels Corporation has been put out to pasture as a sacred cow.

The Energy Equity Act will not let that happen.

The Energy Equity Act will not let synfuels developers get high on the hog at the public trough while Congress continues to cut social programs. The Energy Equity Act will not let the Synfuels Corporation subsidize multinational companies and the Governments of Kuwait and Japan while our Nation's homebuilders and realtors face catastrophe and the needy get no help with their fuel bills. The time has come to abolish the Synthetic Fuels Corporation and allocate our whole resources to the critical problems at hand.

For this reason, we have written the House leadership asking that the Energy Equity Act be given the same accelerated consideration that Congress gave the Synthetic Fuels Corporation legislation in 1979. The emergencies we face in 1982 in social programs and in the housing industry are every bit as critical as the gaslines in 1979—especially since gaslines were caused by Government regulation in the first place, not lack of synfuels.

The purpose of the Energy Equity Act is simple: It will do three things:

No. 1, the Energy Equity Act will once and for all restore the promise and repair the breach of faith between Congress and the American People which occurred in 1980 when President Carter and the Democratic Congress—including the Democratic leadership of this House—created an $88 billion synfuels boondoggle and then took the money to fund it from the windfall profits tax revenues which they had promised to the poor.

Our bill will impose an "energy equity fee" on all sponsors of synfuels projects who receive Federal subsidies from the U.S. Synthetic Fuels Corporation prior to September 30, 1982. The "energy equity fee" will be 20 percent of the amount of Federal financial assistance awarded each project. The proceeds will be deposited in an "energy equity account" in the Treasury and made available only for low-income home energy assistance, weatherization assistance, and an emergency program of aid to our Nation's housing industry.

In other words, we are saying the Federal trough is off limits to the energy greedy unless they aid the energy needy.

We estimate, if $5 billion in synfuels subsidies are awarded before September 30, 1982, our "energy equity fee" will raise $1 billion in extra funds to help the needy pay fuel bills next winter and help pull our Nation's housing industry out of its catastrophic slump by the end of the year.

No. 2, the Energy Equity Act will reduce the Federal budget deficit by reducing Federal subsidies to big corporations to build uneconomic synthetic fuels plants. Our bill will immediately repeal $68 billion in funding authorized for the U.S. Synthetic Fuels Corporation in the Energy Security Act and terminate all other funding authority for Federal synfuels subsidies by September 30, 1982. This will reduce the immense intrusion of the Corporation into credit markets, and thus will assure that more private capital is made available this year for currently economic and energy-efficient activities, rather than for uneconomic synfuels projects. We estimate abolishing Federal credit assistance to synfuels boondoggles will this year alone free millions of dollars into the economy which otherwise would be tied up in the lines of credit set aside for these huge projects.

Synfuels were a pig-in-a-poke in 1980, and they are a pig in the taxpayers' pockets now. When interest rates are high and we are trying to control Federal spending, it is absolutely outrageous, preposterous, and idiotic that the Federal Government is making $15 billion available to subsidize synfuels follies.

No. 3, the Energy Equity Act will automatically transfer to the energy equity account 50 percent of synfuels funds uncommitted to synfuels projects by September 30, 1982. These uncommitted funds—which could total as much as $5 billion by September 30, 1982—would then be available for loans and loan guarantees to States and local governments for fuel assistance, low-income weatherization, and even an emergency program of mortgage interest subsidies to help American home buyers.

The other 50 percent of uncommitted funds would be returned to the Treasury as miscellaneous receipts and thus help reduce Federal borrowing. I am pleased that Mr. EVANS of the Banking Committee has joined with me on the Energy Equity Act, and it was with his sound advice that we included this set-aside of Federal credit for housing assistance as an integral element of the legislation.

I would like to remind my colleagues that by itself abolishing the Synthetic Fuels Corporation will have a positive effect on the economy, on jobs creation, and on the Federal budget deficit. The big companies which have applied for Federal synfuels subsidies are right this minute asking the U.S. Treasury to guarantee that up to $15 billion in commercial credit will be set aside for uneconomic synfuels projects—when that $15 billion would otherwise be available for home mortgages, credit to home heating customers, new businesses, car loans, plant modernization, or to finance the Federal budget deficit without crowding out private borrowing.

For this reason, I have cosponsored H.R. 5404 introduced by Mr. BROWN of Colorado 2 months ago to abolish the Synthetic Fuels Corporation. The Energy Equity Act recognizes that abolishing the corporation is the ultimate goal, by including a section stating that the Energy Equity Act will not be effective if the corporation is repealed by prior enactment. I commend my colleague, Mr. BROWN, for his leadership on this issue.

The Energy Equity Act, however, is designed to immediately address the short-term mischief the Synthetic Fuels Corporation is causing in the credit markets. If this Congress does not enact the Energy Equity Act in the next few months, we will witness nearly $5 billion in synfuels subsidies awarded to turkey projects at the same time this Congress is struggling to reduce the budget deficit and maintain critical social programs. And if we in Congress sit still for this outrageous boondoggle 1 minute, I would say we should get what we deserve: a posse of 200 million strong to descend on Capitol Hill to "throw the rascals out."

I commend the Energy Equity Act to my colleagues as a start toward fiscal integrity.

I include herewith a copy of the Energy Equity Act and a section-by-section analysis, as follows:

H.R. 5977

A bill to amend the Energy Security Act to finance low-income home energy assistance and weatherization through an additional fee on awards of financial assistance provided by the Synthetic Fuels Corporation, to terminate activities of the Corporation by September 30, 1984, and for other purposes

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SHORT TITLE

Section 1. This Act may be cited as the "Energy Equity Act of 1982".

FINDINGS AND PURPOSES

Sec. 2. (a) The Congress finds—

(1) that, in enacting the Windfall Profit Tax Act of 1980, Congress entered into an understanding with the American people that at least one-quarter of the Federal tax revenues from the windfall profit tax would be allocated for aid to low-income households, including a program of emergency energy assistance;

(2) that, in establishing the Synthetic Fuels Corporation in title I of the Energy Security Act, Congress provided for authorizations of $88 billion in Federal tax revenues for financial assistance to corporations and individuals for the development of a domestic synthetic fuels industry;

(3) that reductions in the Federal budget deficit and in Federal borrowing are in the vital national interest at a time of high interest rates;

(4) that expenditure of $88 billion in Federal revenues for aid to the synthetic fuels industry would constitute a breach of the understanding the American people have with Congress concerning the allocation of revenues from the Federal windfall profit tax for aid to low-income households; and

(5) that such Federal expenditure of $88 billion for aid to the synthetic fuels industry would also increase the budget deficit, raise interest rates to the average American family, and unfairly subsidize currently uneconomic energy sources at the expense of low-income fuel aid and weatherization assistance.

(b) The purposes of this Act are to—

(1) assure emergency energy assistance and weatherization assistance consistent with the commitment of Congress under the Windfall Profit Tax Act of 1980, and to provide funds for housing assistance;

(2) reduce the Federal budget deficit, Federal borrowing, and Federal intrusion in the credit markets;

(3) require recipients of Federal synthetic fuels subsidies to contribute private earnest money as a condition precedent to obtaining Federal financial assistance;

(4) require private earnest money collected by the Synthetic Fuels Corporation under this Act to be deposited in an Energy Equity Account in the Treasury and made available for low-income energy assistance and weatherization assistance and for housing assistance; and

(5) repeal congressional authorization for $68 billion in additional Federal synthetic fuels subsidies under section 126 of the Energy Security Act and terminate the Synthetic Fuels Corporation by September 30, 1984.

ENERGY EQUITY FEE

Sec. 3. Section 139(b) of the Energy Security Act (42 U.S.C. 8739(b)) is amended by inserting "(1)" after "(b)" and by adding at the end thereof the following new paragraphs:

"(2) The Corporation shall also prescribe and collect a fee prior to the awarding of any financial assistance pursuant to this part equal to 20 per centum of the amount of such financial assistance, as computed in accordance with section 152. Sums realized shall be deposited in the Energy Equity Account and shall be used solely for low-income home energy assistance and weatherization and for housing assistance, as provided in section 5 of the Energy Equity Act of 1982.

"(3) Any fee under paragraph (2) shall not be considered under this title as a cost for purposes of determining the total cost of any synthetic fuel project or otherwise taken into account in determining the amount of financial assistance which may be provided.".

SYNTHETIC FUEL FUNDS UNOBLIGATED AT END OF FISCAL YEAR 1982

Sec. 4. Section 195 of the Energy Security Act (42 U.S.C. 8795) is amended by adding at the end therof the following new subsection:

"(d)(1) Amounts appropriated under this section may be used only to purchase notes and other obligations of the Corporation necessary for awards and commitments for financial assistance made on or before September 30, 1982.

"(2)(A) 50 percent of all other amounts appropriated under this section, including amounts allocable to awards and commitments made on or before such date but which are nullified or voided after such date and before September 30, 1983, shall be deposited as miscellaneous receipts of the Treasury.

"(B) The remaining 50 percent of such amounts shall be deposited in the Energy Equity Account and shall be used solely for low-income home energy assistance and weatherization and for housing assistance, as provided in section 5 of the Energy Equity Act of 1982.".

ENERGY EQUITY ACCOUNT

Sec. 5. (a) The Secretary of Treasury shall establish in the Treasury of the United States an account to be known as the "Energy Equity Account" (hereinafter in this subsection referred to as the "Account"), which shall consist of—

(1) amounts transferred to the Account under section 139(b) of the Energy Security Act (relating to the energy equity fee), and

(2) amounts transferred to the Account under section 195(d) of such Act (relating to amounts unobligated by the Synthetic Fuels Corporation).

(b) Subject to subsection (c) and any applicable authorization of appropriations and as provided in advance in appropriation Acts—

(1) two-thirds of the receipts of the Account shall be available—

(A) for low-income home energy assistance under the Low-Income Home Energy Assistance Act of 1981 (95 Stat. 893 and following), and

(B) to the Secretary of Treasury to provide grants to States for residential weatherization or other energy-related home repairs for low-income households in accordance with regulations prescribed by the Secretary of Treasury (after consultation with the Secretary of Health and Human Services and the Secretary of Energy); and

(2) one-third of the receipts of the Account shall be available for providing assistance (either directly or as offsets for revenue reductions) to encourage the production and sales of housing (including mortgage revenue bond programs) in accordance with regulations which the Secretary of Treasury shall prescribe (after consultation with the Secretary of Housing and Urban Development).

(c) Amounts in the Account referred to in subsection (a)(2) may be used for assistance under subsection (b) only in the form of loans or loan guarantees.

SYNTHETIC FUELS CORPORATION TO TERMINATE AFFAIRS SEPTEMBER 30, 1984; NO FURTHER APPROPRIATIONS AUTHORIZED

Sec. 6. (a) Section 191 of the Energy Security Act (42 U.S.C. 8791) is amendd to read as follows:

"DATE OF TERMINATION

"Sec. 191. Notwithstanding any other provision of law—

"(1) the Corporation shall make no new awards or commitments for financial assistance under subtitle D for synthetic fuel projects after September 30, 1982;

"(2) the Corporation shall terminate on September 30, 1984: *Provided, however,* That the President, on recommendation of the Board of Directors, may by Executive order terminate the Corporation at an earlier date; and

"(3) no funds are authorized to be appropriated after the date of the enactment of the Energy Equity Act of 1982.".

(b) Section 126 of the Energy Security Act (42 U.S.C. 8722) is amended—

(1) in subsection (b), by striking out paragraph (4);

(2) in subsection (c)(5), by striking out "and ——— dollars are hereby authorized to be appropriated" and all that follows down through " Corporation", and by striking out ", and the second blank space therein being filled with the appropriate dollar figure";

(3) in subsection (c)(9)(A), by striking out all that follows "(A)" and inserting in lieu thereof "No amendments except pro forma amendments shall be in order."; and

(4) in subsection (c), by striking out paragraphs (10) and (11).

DISTRIBUTION EFFICIENCY IN LOW-INCOME HOME ENERGY ASSISTANCE PROGRAM

Sec. 7. (a) Section 2605(b) of the Low-Income Home Energy Assistance Act of 1981 (95 Stat. 898) is amended by striking out "and" at the end of paragraph (12), by striking out the period at the end of paragraph (13) and inserting "; and" in lieu thereof, and by inserting after paragraph (13) the following new paragraph:

"(14) consider, and utilize to the extent feasible, a system under which vouchers are distributed to participating households and used by such households to obtain home energy from home energy suppliers."

(b) The amendment made by subsection (a) shall apply with respect to allotments for assistance under such Act for fiscal years beginning after September 30, 1982.

EFFECTIVE DATE

Sec. 8. (a) Subject to subsection (b), this Act (including the amendments made by this Act) shall take effect on the date of the enactment of this Act.

(b) This Act shall not take effect if part B of title I of the Energy Security Act (establishing the Synthetic Fuels Corporation) is repealed before such date of enactment.

FACT SHEET—HOW THE ENERGY EQUITY ACT WILL WORK

The Energy Equity Act will abolish the Synthetic Fuels Corporation and make $3-$7.5 billion available for low-income energy assistance, weatherization, and an emergency program of aid to the Nation's housing industry. Here is how it will work:

The Energy Security Act of 1980 established the Synthetic Fuels Corporation ("SFC") and authorized it to provide up to $88 billion in financial assistance to synthetic fuels projects.

The Fiscal 1980 Interior-Related Agencies appropriations bill appropriated $20 billion which was deposited in the Treasury and made available for financial assistance to synfuels projects by the Synthetic Fuels Corporation.

The Synthetic Fuels Corporation currently has $14.6 billion in unobligated and uncommitted funds available to it for assistance to synfuels projects. The Corporation is currently considering awarding $4.5 billion in financial assistance by September 30, 1982 to projects whose sponsors have applied under the Corporation's first solicitation. The Corporation has published a second solicitation for projects; however, awards under the second solicitation are unlikely before the end of 1982.

The Energy Equity Act would do 5 things:

Immediately repeal $68 billion in funding authorized for the SFC in the Energy Security Act and terminate all other financial authority of the SFC by September 30, 1982. The SFC itself would be repealed effective September 30, 1984. This would reduce the immense intrusion of the Synfuels Corporation on credit markets and thus would assure that more private capital is made available for currently economic and energy efficient activities, rather than for uneconomic synfuels projects.

Impose an "energy equity fee" on all sponsors of synfuels projects who receive financial assistance from the SFC prior to September 30, 1982. The "energy equity fee" will be 20% of the amount of Federal financial assistance awarded each project, and in effect would increase the minimum private participation required of each project sponsor from 25% of the total costs of the project to 37.5%.

The proceeds of the "energy equity fee" will be *deposited in an "Energy Equity Account" in the Treasury.*

If all $15 billion in uncommitted SFC financial assistance were awarded by September 30, 1982, the "energy equity fee" would raise $3 billion.

50% of all SFC funds which have not been committed to synfuels projects by September 30, 1982 will automatically transfer to the Energy Equity Account as authority for loans and loan guarantees. The remaining 50% of uncommitted SFC funds will be returned to the Treasury to reduce Federal borrowing.

For example, if $8 billion in synfuels funds remained uncommitted as of September 30, 1982, $4 billion would be transferred to the Energy Equity Account and $4 billion would be returned to the general Treasury.

Two-thirds of the funds deposited in the Energy Equity Account will be available for low-income home energy assistance and for weatherization assistance to low-income families.

As an example, if the "energy equity fees" and transferred SFC funds deposited in the Energy Equity Account totaled $6 billion as of September 30, 1982, $4 billion would be available for low-income home energy assistance and weatherization assistance in Fiscal 1983.

One-third of the funds deposited in the Energy Equity Account will be available for emergency assistance to the American housing industry, including revenues to off-set revenue losses under any mortgage revenue bond program for low and moderate income home buyers.

As an example, if the funds in the Energy Equity Account total $6 billion as of September 30, 1982, $2 billion will be available for assistance to the American housing industry, homebuilders, and home buyers in Fiscal 1983.

The Energy Equity Act will not bust President Reagan's budget since all funding under the Act will come from private sources or from uncommitted SFC funds which were authorized and appropriated in Fiscal Year 1980.

In fact, the Energy Equity Act will reduce the Federal budget deficit by imposing "energy equity fees" on synfuel project sponsors and reduce Federal borrowing by repealing $68 billion in Synthetic Fuels Corporation budget authority.

THE SYNTHETIC FUELS CORPORATION: HIGH INCOME ASSISTANCE FOR ENERGY, MAYBE

On Friday, March 26, the Synthetic Fuels Corporation announced which of ten candidates will advance to the Phase Two consideration for possible funding assistance. If these ten projects represent the best that synthetic fuels can offer, it is time to take a new look at the value of this whole program.

Information collected by the Environmental Policy Institute on five of the original eleven candidates selected in January raises serious questions with respect to each one. Not surprisingly, one of those projects, Wycoal, Inc., has now been scrapped.

1. NORTHERN ALABAMA

This venture was first known as the Murphy Hill project. In that incarnation, it has received $125 million in federal appropriations since 1980. Currently the project is sponsored by Santa Fe International (the company recently acquired by the Kuwaiti national energy company), Kidder Peabody, and Air Products & Chemicals. Loan guarantees $197 million and price guarantees of $1 billion are sought for the purpose of turning coal into methanol.

The large price guarantee sought reflects the sponsors' understanding that even if this perennial federal supplicant is actually completed, there will be no market for its output. Should the American people be asked to subsidize a product market for Corporate Kuwait, Kidder Peabody and Air Products Corporation?

2. PARAHO

This oil shale project in Utah is also no stranger to federal assistance. More than fifty-five percent of Paraho's technology development has been funded by the Federal Government. The sponsors now seek a $1.83 billion loan guarantee and a price guarantee of $200 million. Consistent with the cosmopolitan nature of many project sponsors, the sole equity participant in this project is now Davy McKee, a subsidiary of Davy Corporation, Ltd., London, England. Judging from the federal assistance already required for this project, the question appears to be not whether support should be given to develop new technologies which appear to offer promise but whether good money should be thrown after bad.

3. HAMPSHIRE

Located in Gillette, Wyoming, the key problem with this project is that it has not yet obtained any of the necessary water permits or, according to the Environmental Policy Institute, even come up with a plausible plan to provide the water supply which will be necessary for this coal gasification and gasoline project. Standard Oil of Ohio is one of the participants in this project, but has requested no federal assistance. Those who have requested SFC aid (amounts not revealed) are Kaneb Services, Inc.; Koppers Co., Inc.; and Northwestern Mutual Life Insurance Co. Since water rights is one of the key maturity criteria by which the SFC evaluates applicants for assistance, it is not clear why this project is still being considered.

4. TSA—OAK RIDGE, TENNESSEE

Citgo Synfuels withdrew from this project in February leaving Koppers Synfuels as the only sponsor. In addition, the location of this project so close to the Clinch River Breeder Reactor raises serious environmental concerns which thus far have not been addressed by the project sponsors.

OTHER PROJECTS

These four cases are not atypical of all the current synthetic fuel program candidates. Other applicants include "Coolwater" sponsored by Texaco, Southern California Edison, General Electric, a consortium of Japanese companies and others; and "Breckinridge" sponsored by Ashland and Bechtel Petroleum companies.

Paraho has been put forth by many as one of the best projects currently before the Corporation, much the same as the Tosco-Exxon Colony project has been praised. After the disclosures on Wednesday that Colony may run as much as $1.8 billion over original cost estimates, there remains no Synfuel star untarnished.

SECTION-BY-SECTION ANALYSIS OF "THE ENERGY EQUITY ACT OF 1982"

Section 1 states the short title as the "Energy Equity Act of 1982".

Section 2 sets forth the Congressional findings and purposes for the Act.

Section 3 requires the Synthetic Fuels Corporation to collect a fee from an applicant prior to awarding financial assistance to any synthetic fuels project. The fee must equal 20 percent of the amount of the financial assistance awarded to the project. The proceeds from the fee shall be deposited in an "Energy Equity Account" in the Treasury and used solely for low-income home energy assistance, weatherization, and housing assistance.

Section 4 requires that 50% of all budget authority under Phase I of the Synthetic Fuels Corporation (50% of $15 billion) which remains uncommitted as of September 30, 1982, or which becomes uncommitted before September 30, 1983 due to termination of a project receiving financial assistance, shall be deposited in the Energy Equity Account and available for loans and loan guarantees for the same purposes stated in Section 5. The remaining 50% of budget authority shall be rescinded.

Example: If $10 billion in Synthetic Fuels Corporation Phase I budget authority remains uncommitted as of September 30, 1982, this Section would make available $5 billion in loans and loan guarantee authority for fuel assistance, weatherization and housing assistance in FY 1983.

Section 5 establishes the Energy Equity Account in the Treasury. Subject to applicable authorization and appropriations, two-thirds of the receipts in the Energy Equity Account shall be available for grants to States for low-income home energy assistance and weatherization assistance, and one-third shall be available for housing assistance, including revenues to off-set revenue losses to the Treasury due to mortgage revenue bonds.

Example: If the Corporation awards $15 billion in assistance in FY 1983, the "Energy Equity" fees would raise a total of $3 billion—$2 billion for fuel assistance and weatherization and $1 billion for housing assistance.

Example: If the Corporation has $10 billion in uncommitted and unobligated funds as of September 30, 1982, $5 billion would be transferred to the Energy Equity Account and $5 billion returned to the Treasury. Of the $5 billion transferred to the Energy Equity Account, two-thirds would be available for loans or loan guarantees for fuel assistance and weatherization, and one-third available for loans or loan guarantees for housing assistance.

Section 6 terminates the authority of the Synthetic Fuels Corporation to make awards or financial commitments to synthetic fuels projects beyond September 30, 1982, and terminates the Corporation altogether on September 30, 1984. Section 6 also repeals contingent authority contained in the Energy Security Act for the Synthetic Fuels Corporation to make an additional $68 billion in Federal synfuels subsidies available. However, the mandate for the Corporation to prepare a comprehensive synthetic fuels strategy is retained.

Section 7 amends the Low-Income Home Energy Assistance Act of 1981 to require State fuel assistance plans to consider and use to the extent feasible a voucher system for distributing home energy assistance. Voucher systems reduce waste and fraud in the distribution of fuel assistance.

Section 8 establishes the effective date of the Act as upon enactment unless the Synthetic Fuels Corporation is repealed by prior enactment, such as by H.R. 5404 introduced by Representative Hank Brown (R-Colo.) and six co-sponsors on February 2, 1982.

THE FOUR COSTS OF THE FEDERAL SYNTHETIC FUELS PROGRAM

A. DIRECT OUTLAYS

1. Administrative Expenditures—Projected Outlays:

FY 1982—$24.5 million.

FY 1983—$35.5 million.

Authorized Expenditures:

FY 1982—$41.6 million.

FY 1983—$44.9 million.

CBO estimates up to $186 million in administrative costs alone can be saved—FY '83 through FY '87—by abolishing the SFC.

B. LOAN GUARANTEES

FY 1982—$469.8 million will be outlayed through Federal Financing Bank for Tosco and Great Plains.

FY 1983—$915.1 million.

Employing FFB to finance these large obligations has same impact on the federal debt as direct loans issued by on-budget agencies.

This is only the beginning. In addition to cost overruns, current developments in the world oil market push back to the date when the products of these subsidized projects will be cost competitive, and the billions of dollars of price guarantee assistance to be awarded by the corporation encourage construction of uneconomic projects.

C. INCREASED PRESSURES ON FINANCIAL MARKETS

The $17.5 billion available to the SFC for obligation FY '81-'83 represents 14.2% of the total net increase in federal primary loan guarantees during the same period. Meanwhile, FY '83 budget proposes a $5 billion cut in FHA loan guarantees and a reduction of $2.379 billion in the Rural Housing Insurance Fund.

D. CAPITAL DIVERSION AND PRODUCTIVITY DECREASES

SFC is a distortion of the market's assessment of risk and return causing a misdirection of investment and a decline in future growth and productivity.

□ 1230

THE IRS AND THE INSTITUTE OF AMERICAN RELATIONS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New York (Mr. BINGHAM) is recognized for 15 minutes.

Mr. BINGHAM. Madam Speaker, 3 years ago, in 1979, I contacted the Internal Revenue Service to protest the granting of tax-exempt status to the Institute of American Relations, a rightwing foundation that is run by two staffers of a member of the other body. At that time, I sent the commissioner of the IRS evidence that the Institute of American Relations was actively involved in lobbying for the defeat of the SALT II Treaty. I questioned whether the institute was entitled to hold its tax-exempt status while lobbying Congress on SALT and other matters. It was my understanding that an organization would lose its tax-exempt standing if it engaged in a substantial amount of lobbying activity.

On October 4, 1979, I received a response from IRS. I was reminded that section 501(c)(3) of the Tax Code, that section which governs tax exempt foundations, states that "no substantial part of an organization's activities may be devoted to carrying on propaganda or attempting to influence legislation. If an organization is involved in a substantial amount of legislative activity, its tax-exempt status could be revoked." I was assured that the IRS "maintains an examination program to review the activities of exempt organizations, and if we find that an entity is not operating within the provisions of the tax laws, we take appropriate action to modify or revoke its exempt status."

In the case of the Institute of American Relations, the IRS appears to have taken no action. In fact, thanks to a probing report by the ABC news magazine 20-20, we have learned that the Institute of American Relations has continued its lobbying activities while, at the same time flatly denying to IRS that it does any lobbying whatsoever. 20-20's investigation shows that in 1978 the institute asked for contributions to "Help the Institute in the vital work of making a case against the disastrous SALT treaty * * *." In 1979, the institute urged the public to "demand that the United States proceed with development of the B-1 bomber, the cruise missile, and the neutron bomb." In 1981 the institute appealed for help "against the Kennedy and O'Neill forces" and, in a "thank you" letter to contributors said, "You have helped our efforts to win public support for President Reagan's military budget."

In short, the Institute of American Relations is a lobbying organization despite its affidavits to the contrary. On 20-20, two of the institute's three directors, John Carbaugh and James Lucier, denied that the institute is engaged in lobbying on the grounds that its letters do not cite specific bill numbers. That is an absurd argument. Lobbyists pressuring Members of Congress on amendments to the Clean Air Act or natural gas deregulation frequently do not refer to specific bills by number. Likewise lobbyists attempting to influence Members of Congress to vote for or against SALT, the Panama Canal Treaty, or the B-1 bombers do not refer to specific bill numbers but to substantive programs. They are lobbying all the same. So is the Institute of American Relations.

Madam Speaker, I call upon the Internal Revenue Service promptly to examine the activities of the Institute of American Relations. This is not a minor issue. It may be true, as Mr. Carbaugh claims, that the average tax deductible contribution to the institute is only $14 per family. But, it is also reported that billionaire Nelson Bunker Hunt gave the institute $90,000 tax deductible dollars. The IRS should not sit by and allow the creation and proliferation of what Common Cause's director calls "a modern day slush fund." I intend to continue my efforts, which began in 1979, to see that the Institute of American Relations is examined and audited by the IRS.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. PETRI) to revise and extend their remarks and include extraneous material:)

Mr. MARKS, for 60 minutes, March 31, 1982.

Mr. JEFFORDS, for 60 minutes, March 30, 1982.

Mr. COLLINS of Texas, for 60 minutes, March 30, 1982.

Mr. GREGG, for 60 minutes, March 30, 1982.

Mr. PARRIS, for 60 minutes, today.

Mr. HILER, for 60 minutes, March 30, 1982.

(The following Members (at the request of Mr. MINETA) and to include extraneous matter:)

Mr. BINGHAM, for 15 minutes, today.

Mr. FAUNTROY, for 10 minutes, today.

Mr. GONZALEZ, for 15 minutes, today.

Mr. ANNUNZIO, for 5 minutes, today.

Mr. COELHO, for 5 minutes, today.

Mr. MAVROULES, for 60 minutes, March 30, 1982.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

(The following Members (at the request of Mr. PETRI) to revise and extend their remarks and include extraneous material:)

Mr. GINGRICH in four instances.

Mr. NELLIGAN.

Mr. PHILIP M. CRANE in two instances.

Mr. MICHEL.

Mr. LOWERY of California.

Mr. GOODLING.

(The following Members (at the request of Mr. MINETA) and to include extraneous matter:)

Mr. RODINO.

Mr. STOKES in two instances.

Mr. MAZZOLI.

Mr. BARNES in three instances.

Mr. EDWARDS of California in two instances.

Mr. PEPPER.

Mr. SKELTON in two instances.

Mr. LAFALCE.

Mr. ANDERSON in 10 instances.

Mr. GONZALEZ in 10 instances.

Mr. BROWN of California in 10 instances.

Mr. ANNUNZIO in six instances.

Mr. JONES of Tennessee in 10 instances.

Mr. BONER of Tennessee in five instances.

Mr. FASCELL in five instances.

Mr. JONES of Oklahoma.

Mr. YATRON.

Mr. MILLER of California.

SENATE BILL AND A JOINT RESOLUTION REFERRED

A bill and joint resolution of the Senate of the following titles were taken from the Speaker's table and, under the rule, referred as follows:

S. 1640. An act to amend certain provisions of title 18, United States Code, relating to the procedures for interception of wire or oral communications; to the Committee on the Judiciary.

S.J. Res. 111. Joint resolution consenting to an extension and renewal of the interstate compact to conserve oil and gas; to the Committee on Energy and Commerce.

ENROLLED BILL SIGNED

Mr. HAWKINS, from the Committee on House Administration, reported that that committee had examined and found truly enrolled a bill of the House of the following title, which was thereupon signed by the Speaker:

H.R. 4482. An act to establish a U.S. Court of Appeals for the Federal circuit, to establish a U.S. Claims Court, and for other purposes.

SENATE ENROLLED BILL SIGNED

The SPEAKER announced his signature to an enrolled bill of the Senate of the following title:

S. 634. An act to authorize the exchange of certain lands in Idaho and Wyoming.

ADJOURNMENT

Mr. BINGHAM. Madam Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 12 o'clock and 35 minutes p.m.) the House adjourned until tomorrow, Tuesday, March 30, 1982, at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

3509. A communication from the President of the United States, transmitting proposed supplemental appropriations for fiscal year 1982 for the International Security Assistance Agency (H. Doc. No. 97-161); to the Committee on Appropriations and ordered to be printed.

3510. A letter from the Secretary of Defense, transmitting 12 reports of violations of the Anti-Deficiency Act, pursuant to section 3679(i)(2) of the Revised Statutes, as amended; to the Committee on Appropriations.

3511. A letter from the Comptroller General of the United States, transmitting a special message on deferral of budget authority for the Coast Guard's acquisition, construction, and improvement account, pursuant to section 1015(a) of Public Law 93-344 (H. Doc. No. 97-160); to the Committee on Appropriations, and ordered to be printed.

3512. A letter from the Secretary of Commerce, transmitting a draft of proposed legislation to extend the authorization for appropriations under the International Travel Act of 1961 through fiscal year 1984; to the Committee on Energy and Commerce.

3513. A communication from the President of the United States, transmitting a report on progress toward conclusion of a negotiated solution of the Cyprus problem, pursuant to section 620(c) of the Foreign Assistance Act of 1961, as amended (H. Doc. No. 97-159); to the Committee on Foreign Affairs, and ordered to be printed.

3514. A letter from the Chairman of the Commission on Security and Cooperation in Europe, transmitting the annual report for 1981, pursuant to section 6 of Public Law 94-304; to the Committee on Foreign Affairs.

3515. A letter from the Director, Office of Legislative Affairs, U.S. International Development Cooperation Agency, transmitting the executive branch's 1982 report on economic conditions in Egypt and the ability of that country to meet its debt service obligations, pursuant to section 723 of Public Law 97-113; to the Committee on Foreign Affairs.

3516. A letter from the Acting Assistant Secretary of the Interior for Indian Affairs, transmitting a proposed plan for the use and distribution of the judgment funds awarded to the Gros Ventre Tribe of the Fort Belknap Reservation, Mont., by the U.S. Court of Claims in docket 649-80L, pursuant to sections 2(a) and 4 of Public Law 93-134; to the Committee on Interior and Insular Affairs.

3517. A letter from the Administrator, Veterans' Administration, transmitting a draft of proposed legislation to amend title 38, United States Code, to remove the bar against payment of servicemen's group life insurance and veteran's group life insurance proceeds in the event the claim is filed late and to clarify that such proceeds may not escheat to a State; to the Committee on Veterans' Affairs.

3518. A letter from the Administrator, Veterans' Administration, transmitting a draft of proposed legislation to amend chapter 19, of title 38, United States Code, to permit the unrestricted assignment of a beneficiary's interest in the proceeds of a Government life insurance policy in cases involving contested claims; to the Committee on Veterans' Affairs.

3519. A letter from the Secretary of Health and Human Services, transmitting a report on the aid to families with dependent children (AFDC) homemaker/home health aide demonstration project, pursuant to section 2156 of Public Law 97-35 and section 5 of Public Law 97-123; to the Committee on Ways and Means.

3520. A letter from the Assistant Secretary for Congressional Relations, Department of State, transmitting a draft of proposed legislative authority to raise the salary level of the Counselor of the Department to Executive Level III from Executive Level IV; jointly, to the Committees on Foreign Affairs and Post Office and Civil Service.

PUBLIC BILLS AND RESOLUTIONS

Under clause 5 of rule X and clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. BEREUTER:

H.R. 5976. A bill to provide for the development of a comprehensive program for the evaluation and management of the natural and cultural resources of the national park system; to the Committee on Interior and Insular Affairs.

By Mr. CORCORAN (for himself, Mr. EVANS of Delaware, Mr. BROYHILL, Mr. RINALDO, and Mr. MADIGAN):

H.R. 5977. A bill to amend the Energy Security Act to finance low-income home energy assistance and weatherization through an additional fee on awards of financial assistance provided by the Synthetic Fuels Corporation, to terminate activities of the Corporation by September 30, 1984, and for other purposes; jointly to the Committees on Banking, Finance and Urban Affairs and Energy and Commerce.

By Mr. FITHIAN:

H.R. 5978. A bill to amend the Small Business Act to provide that prior law provisions relating to interest rates on disaster loans shall continue to apply to disasters occurring in States with high unemployment; to the Committee on Small Business.

By Mr. KEMP (for himself, Mr. Rosenthal, Mr. Addabbo, Mr. Albosta, Mr. Andrews, Mr. Annunzio, Mr. Archer, Mr. Ashbrook, Mr. Aspin, Mr. Atkinson, Mr. AuCoin, Mr. Bailey of Pennsylvania, Mr. Bailey of Missouri, Mr. Barnes, Mr. Beard, Mr. Bedell, Mr. Beilenson, Mr. Benedict, Mr. Benjamin, Mr. Burgener, Mr. Biaggi, Mr. Blanchard, Mr. Bliley, Mr. Boland, Mr. Boner of Tennessee, Mr. Bonior of Michigan, Mr. Brodhead, Mr. Brown of Ohio, Mr. Brown of California, Mr. Chappell, Mr. Chappie, Mr. Clay, Mr. Clinger, Mr. Coats, Mr. Conte, Mr. Conyers, Mr. Corcoran, Mr. Coughlin, Mr. James K. Coyne, Mr. William J. Coyne, Mr. Philip M. Crane, Mr. Robert W. Daniel, Jr., Mr. Dannemeyer, Mr. Daschle, Mr. Davis, Mr. Daub, Mr. Deckard, Mr. de la Garza, Mr. Dellums, Mr. DeNardis, Mr. Derwinski, Mr. Dixon, Mr. Donnelly, Mr. Dornan of California, Mr. Dougherty, Mr. Dowdy, Mr. Dwyer, Mr. Dunn, Mr. Dymally, Mr. Early, Mr. Edgar, Mr. Erdahl, Mr. Evans of Georgia, Mr. Fascell, Mr. Fazio, Mrs. Fenwick, Mr. Fields, Mr. Fish, Mr. Florio, Mr. Foglietta, Mr. Foley, Mr. Ford of Michigan, Mr. Forsythe, Mr. Frank, Mr. Frenzel, Mr. Frost, Mr. Gejdenson, Mr. Gibbons, Mr. Gingrich, Mr. Gilman, Mr. Ginn, Mr. Goldwater, Mr. Gradison, Mr. Green, Mr. Guarini, Mr. Hagedorn, Mr. Hall of Ohio, Mr. Hamilton, Mrs. Heckler, Mr. Hendon, Mr. Hertel, Mr. Hillis, Mr. Hollenbeck, Mrs. Holt, Mr. Horton, Mr. Howard, Mr. Hoyer, Mr. Hughes, Mr. Jeffries, Mr. Jones of North Carolina, Mrs. Kennelly, Mr. Kildee, Mr. Kramer, Mr. LaFalce, Mr. Lagomarsino, Mr. Lantos, Mr. LeBoutillier, Mr. Lee, Mr. Lehman, Mr. Lent, Mr. Levitas, Mr. Lewis, Mr. Long of Louisiana, Mr. Lowery of California, Mr. Lowry of Washington, Mr. Lujan, Mr. Lungren, Mr. Markey, Mr. Martin of North Carolina, Mr. Mavroules, Mr. McDade, Mr. McDonald, Mr. McEwen, Mr. McGrath, Mr. McHugh, Mr. McKinney, Mr. Miller of Ohio, Mr. Mineta, Mr. Moakley, Mr. Moffett, Mr. Molinari, Mr. Mottl, Mr. Murphy, Mr. Nowak, Mr. Oberstar, Mr. O'Brien, Mr. Ottinger, Mr. Pepper, Mr. Peyser, Mr. Pickle, Mr. Porter, Mr. Pritchard, Mr. Pursell, Mr. Railsback, Mr. Rangel, Mr. Reuss, Mr. Rhodes, Mr. Richmond, Mr. Ritter, Mr. Rodino, Mr. Roe, Mr. Roemer, Mr. Rousselot, Mr. Rudd, Mr. Russo, Mr. Sabo, Mr. St Germain, Mr. Sawyer, Mrs. Schneider, Mr. Scheuer, Mr. Schumer, Mr. Seiberling, Mr. Shamansky, Mr. Shannon, Mr. Sharp, Mr. Siljander, Mr. Simon, Mr. Skelton, Mr. Smith of New Jersey, Mr. Smith of Pennsylvania, Mr. Smith of Iowa, Mr. Solarz, Mr. Solomon, Mr. Stratton, Mr. Studds, Mr. Sunia, Mr. Swift, Mr. Taylor, Mr. Traxler, Mr. Trible, Mr. Udall, Mr. Vento, Mr. Walgren, Mr. Walker, Mr. Waxman, Mr. Weber of Ohio, Mr. Weber of Minnesota, Mr. Whittaker, Mr. Whitehurst, Mr. Wilson, Mr. Winn, Mr. Wirth, Mr. Wolpe, Mr. Wortley, Mr. Wylie, Mr. Yates, Mr. Yatron, and Mr. Young of Missouri):

H.J. Res 447. Joint resolution to authorize and request the President to issue a proclamation designating April 4, 1982, as the "National Day of Reflection"; to the Committee on Post Office and Civil Service.

By Mr. CARNEY (for himself, Mr. Michel, Mr. Lott, Mr. Cheney, Mr. Dickinson, Mr. Emery, Mr. Gilman, Mr. Madigan, Mr. Murtha, Mr. Rinaldo, Mr. Stratton, and Mr. Walker):

H. Con. Res. 297. Concurrent resolution to express the sense of the Congress that the United States and the Soviet Union should engage in substantial, equitable, and verifiable reductions of their nuclear weapons in a manner which would contribute to peace and stability; to the Committee on Foreign Affairs.

By Mr. OTTINGER:

H. Con. Res. 298. Concurrent resolution expressing the sense of the Congress that the cost-of-living adjustments in social security benefits which are provided for under existing law should be allowed to occur as scheduled; to the Committee on Ways and Means.

ADDITIONAL SPONSORS

Under clause 4 of rule XXII, sponsors were added to public bills and resolutions as follows:

H.R. 835: Mr. Mazzoli.

H.R. 846: Mr. Sabo, Mr. Erdahl, and Mr. Stangeland.

H.R. 1968: Mr. Blanchard, Mr. John L. Burton, Mr. Phillip Burton, Mr. Duncan, Mr. Dwyer, Mr. Edgar, Mr. Fazio, Mr. Fish, Mr. Hertel, Mr. Hoyer, Mr. Minish, Mr. Moakley, Mr. Ottinger, Mr. Pepper, Mr. Schumer, and Mr. Washington.

H.R. 3364: Mr. Williams of Ohio.

H.R. 4895: Mr. Evans of Georgia.

H.R. 4896: Mr. Mitchell of Maryland, Mr. Schumer, and Mr. Garcia.

H.R. 5147: Mr. Bailey of Missouri.

H.R. 5160: Mr. Gingrich.

H.R. 5329: Mr. Pursell, Mr. James K. Coyne, Mr. Whitehurst, Mr. Bonior of Michigan, and Mr. Kramer.

H.R. 5507: Mr. Bevill, Mrs. Bouquard, Mrs. Kennelly, Mr. Duncan, Mr. Dwyer, Mr. Fauntroy, Mr. Hutto, Mr. Jeffries, Ms. Mikulski, Mr. Mineta, Mr. Winn, Mr. Wolpe, Mr. Dickinson, Mr. Findley, Mr. Ford of Michigan, Mr. Gray, Mr. Kildee, Mr. Leach of Iowa, Mr. Miller of California, Mr. Minish, and Mr. Williams of Montana.

H.R. 5535: Mr. Ratchford.

H.R. 5552: Mr. Murphy, Mr. Won Pat, Mr. Markey, Mr. Vento, Mr. Foglietta, Mr. Rodino, Mr. Kildee, Mr. Fazio, Mr. Fauntroy, Mr. Mitchell of Maryland, Mr. Frank, Mr. Howard, Mr. Corrada, Mr. Schumer, Mr. Ratchford, Mr. Long of Maryland, Mr. Hoyer, Mr. Gray, Mr. Lowry of Washington, Ms. Mikulski, Mr. Weaver, Mr. Lehman, Mr. Phillip Burton, and Mr. Kastenmeier.

H.R. 5629: Mr. Mitchell of Maryland, Mr. Gibbons, Mr. Fauntroy, Mr. Goodling, Mr. Beilenson, Mrs. Schneider, Mr. Erdahl, Mr. Crockett, and Mr. Waxman.

H.R. 5682: Mr. Mitchell of Maryland.

H.R. 5800: Mr. Railsback, Mr. Butler, Mr. Hertel, and Mr. Hagedorn.

H.R. 5834: Mr. Rahall, Mr. Whitley, Mr. Oberstar, Mr. Mollohan, Mr. Broomfield, Mr. Volkmer, Mr. Natcher, Mr. Hatcher, Mr. Brooks, Mr. Daschle, Mr. Beard, Mr. Pritchard, Mr. Fazio, Mr. Harkin, Mr. Evans of Indiana, Mr. Quillen, Mr. Coelho, Mr. Blanchard, Mr. Skelton, and Mr. Lehman.

H.R. 5900: Mr. Clinger, Mrs. Holt, Mr. McClory, Mr. Fish, Mr. Stanton of Ohio, Mr. Porter, Mr. Lee, Mr. Madigan, Mr. Daub, Mr. McKinney, Mr. Edwards of Oklahoma, Mr. Rhodes, Mr. Lowery of California, Mr. Regula, Mr. Lungren, and Mr. Whittaker.

H.R. 5932: Mr. Matsui, Mr. Moakley, Mr. Oberstar, Mr. Stark, Mr. John L. Burton, Mrs. Chisholm, Mr. Fauntroy, Mr. Rangel, Mr. Dellums, Mr. Weiss, Mr. Bonior of Michigan, Mr. Seiberling, Mr. Clay, Mr. Ford of Michigan, Mrs. Schneider, Mr. Kastenmeier, Mr. Rahall, Mr. Mineta, Mr. Coelho, Mr. Mitchell of Maryland, Mr. Richmond, Mr. Fazio, Mr. Ratchford, Mr. Edgar, Mr. Patterson, Mr. Frost, Mr. Bingham, Mr. Schumer, Mr. Dymally, and Mr. Edwards of California.

H.R. 5933: Mr. Grisham, Mr. Fazio, Mr. Waxman, Mr. Sabo, Mr. Evans of Indiana. Mr. Hertel, and Mr. Lee.

H.J. Res. 151: Mr. Dougherty, Mr. Wyden, Mr. Jacobs, Mr. McDade, Mr. Dreier, Mr. Annunzio, Mr. Robert W. Daniel, Jr., Mr. Weber of Ohio, Mr. Chappie, Mr. Ireland, Mr. Spencer, Mr. Roberts of Kansas, Mr. O'Brien, Mr. McCollum, Mr. Beard, and Mr. Lowery of California.

H.J. Res. 172: Mr. Fish.

H.J. Res. 294: Mr. Evans of Georgia, Mr. McDade, Mr. Coughlin, Mr. Sam B. Hall, Jr., and Mr. Moorhead.

H.J. Res. 316: Mr. Luken, Mr. Dunn, Mr. William J. Coyne, Mr. Applegate, Mr. Stangeland, Mrs. Schroeder, Mr. Craig, and Mrs. Heckler.

H.J. Res. 385: Mr. Dwyer, Mr. Davis, Mr. Shuster, Mr. Railsback, and Mr. DeNardis.

H.J. Res. 410: Mr. Winn, Mr. Rosenthal, Mr. Anthony, Mr. Lantos, Mr. Panetta, Mr. Wirth, Mr. Kogovsek, Mr. Hutto, Mr. Rostenkowski, Ms. Mikulski, Mr. Pepper, Mr. Roemer, Mr. Leland, Mr. Brown of Ohio, Mr. Donnelly, Mr. Bonior of Michigan, Mr. Gephardt, Mr. Dorgan of North Dakota, Ms. Oakar, Mr. Daschle, Mr. Frost, Mr. Foley, Mr. Horton, Mr. Badham, Mr. Corcoran, Mr. Vander Jagt, Mr. Daub, Mr. Derwinski, Mr. Dornan of California, Mr. Hansen of Idaho, Mr. Hunter, Mrs. Holt, Mr. Lee, Mr. Lent, Mrs. Fenwick, Mr. Hopkins, Mr. Hughes, Mr. Dwyer, Mr. Fish, Mr. Andrews, Mr. Roe, Mr. Waxman, Mr. D'Amours, Mr. Annunzio, Mr. Coelho, Mr. Hoyer, Mr. Mineta, Mr. Forsythe, Mr. Fauntroy, Mr. McHugh, Mr. Hughes, and Mr. Lungren.

H.J. Res. 442: Mr. Grisham.

H. Con. Res. 275: Mr. Green, Mr. Broomfield, Mr. Hughes, Mr. Fish, Mr. Lent, Mr. Dwyer, Mr. Shuster, Mr. Railsback, and Mr. DeNardis.

H. Res. 319: Mr. Pursell.

H. Res. 374: Mr. Gray, Mr. Lewis, Mr. Ritter, Mr. Rose, and Mr. Winn.

EXTENSIONS OF REMARKS

THE IMPACT OF STUDENT AID CUTS

HON. JOHN J. LaFALCE

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, March 29, 1982

● Mr. LAFALCE. Mr. Speaker, by now, most of our colleagues have met with students, parents, and administrators of colleges and universities to discuss the impact of the President's proposed budget cuts for higher education programs. The message we have been hearing "loud and clear" is that these proposed cuts would be devastating to students and schools—particularly the private, independent institutions which tend to have higher student tuition costs.

Among the many college administrators I have met with recently, I want to take special note of a recent visit by the Reverend John G. Nugent and Judith A. Skurski, president and director of financial aid, respectively, of Niagara University which is located in my congressional district. They told a compelling story about the impact of the President's budget on their university—a school where 90 percent of the students receive some type of financial aid.

Mr. Speaker, I would like to insert for the record three items which I feel describe the fundamental lack of wisdom in the administration's proposed deep budget cuts for student aid. First, I want to share with our colleagues a very insightful editorial which appeared in the Niagara Gazette, in Niagara County, N.Y. Second, a very thoughtful letter which Ms. Skurski wrote me describing the impact of the proposed student aid cuts on Niagara University and offering the school's suggested alternatives for the administration to consider in trying to find budget savings in Federal student aid costs. Third, a column which I wrote and which was carried in several local newspapers in my congressional district in which I evaluate the reversal of national policy which the President's education budget cuts signify.

I wish to insert these items in the RECORD at this time and urge our colleagues to consider them carefully.

[From the Niagara Gazette, Mar. 16, 1982]

THE IMPACT AT NU SHOWS EXTENT OF EDUCATION CUTS

Treasury Secretary Donald Regan can't quite understand all the fuss being made about cuts in student financial aid. After all, he recalls proudly, he worked his way through college. If he could do it, why can't everyone else?

Donald Regan, however, was in college 40 years ago. An education then cost a fraction of what it costs today. Opportunities for a job were also better.

Regan's comments, however, are typical of the defenders of Reaganomics—the glib expression of how things ought to be rather than an acknowledgement of the way things actually are.

College students 40 years ago, 30 years ago, 20 years ago, or even 10 years ago didn't face the huge tuition costs that confront collegians today. Tuition at private colleges and universities can run from $5,000 to $10,000 a year, and even higher at more prestigious schools. Costs at state universities also continue to rise, although on a less dramatic scale.

Except for students from the wealthiest homes, financing a college education is extremely difficult. The effort can involve part-time work, the help of family and relatives, and also the assistance of Uncle Sam. With all that, many students still leave college saddled with debt, and facing a job market that will make paying that debt difficult.

The need to cut government spending is obvious and so Reaganomics gets high marks conceptually. It is in translating concept to reality that the theory breaks down. Consider, for example, the impact of cuts in student loan programs in one institution—Niagara University. Under the Reagan economic program, Pell grants, formerly called basic grants, will be cut by 40 percent nationwide. At Niagara, where 90 percent of the student body receives some sort of financial assistance, 75 percent of the students presently eligible for Pell grants would fail to quality for them because of stricter requirements.

Also under Reagan's budget, the Work-Study Program would be cut by almost 30 percent and two other loan programs would be eliminated. The result of those cuts would be a 62 percent reduction in federal aid to Niagara students. "The impact is clear," the Rev. John G. Nugent, NU president, says in a letter being sent to the school's alumni, "a great many students could no longer continue their education at Niagara University if these cuts were passed."

If that is true at Niagara, it is also true at many other private colleges and universities. Lack of funding will narrow the choice of schools for many current and prospective college students, damaging the diversity of the educational system. Other students may simply be denied the opportunity for an education, a further loss for the nation.

Congress, which first embraced Reaganomics but has since grown leary of its consequences, will likely redefine some priorities in ongoing budget deliberations. The impact of the budget on education is an area that deserves close scrutiny. As the example of Niagara University indicates, a less drastic approach to educational aid is in order.

NIAGARA UNIVERSITY,
February 26, 1982.

DEAR JOHN: It was so good to see you again. I appreciated the time you gave us to discuss the financial aid proposals with you last week.

The following information is a summary of that discussion:

1. *For Fiscal Year 1982*, decisions need to be made very soon on federal aid programs. Schools have begun notifying incoming students of their eligibility for aid for 1982-83.

We support the levels agreed upon in the Omnibus Reconciliation Act last August. Those figures reflect a 15.6% cut. We do not support the Continuing Resolution figures which have even deeper cuts.

2. *For Fiscal Year 1983:*

(a) *Guaranteed Loans:*

(1) We support the President in the concept of basing the amount of the loan on the unmet need. This would eliminate the present $30,000 cutoff under which students do not have to demonstrate need. We believe this is a very positive cost-saving device, while insuring that the students who really need the loans will be able to receive them.

(2) The elimination of graduate students from the Guaranteed Student Loan Program will prove disastrous to our nation's graduate students. The President's proposal to substitute ALAS (Auxiliary Loans to Assist Students) would force full-time graduate students to pay 14 percent interest while they are in school and part-time graduate students to repay principal and 14 percent interest while they are in school. Both of these proposals would make it almost impossible for these students to attend graduate school.

(3) The present 5 percent origination fee creates an additional need for further financial aid. Increasing this to 10 percent would impose an impossible burden on schools to come up with this aid. We would support keeping this at 5 percent.

(4) We support the concept of incentives for early repayment of guaranteed student loans. The President's proposal to accomplish this by beginning to charge market interest two years into the repayment period places a hardship on the students who needed to borrow large amounts of loans. For example, the two-year period at 7 and 9 percent would be sufficient for a loan of $2,000, but would not be enough time for a student who borrowed $10,000. Might we suggest a five year delay in charging market interest for students who borrowed large amounts.

(b) *Pell Grant Program:*

The net effect of the proposed 40% cut will be about a 75% cut for students attending Niagara University and similar institutions. The average income of our students is in the low $20,000 range and it is these students, many of whom come from large families, who need the Pell Grant in order to attend a private college. The President's proposal would make only the very low income students eligible for this grant.

We would suggest that the delivery and eligibility for this program be looked at in order to save funds. One suggestion would be to limit the Pell Grant to one-half of tuition instead of one-half of total cost which is used currently. Another suggestion would be to rely on the financial aid administrators of the colleges more heavily in the de-

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● This "bullet" symbol identifies statements or insertions which are not spoken by the Member on the floor.

termination of eligibility and the accounting for individual student awards. Presently the Department of Education staffs and prepares the function of individual students eligibility forms and continues to monitor student's eligibility for the whole country. This would be a savings to the government by eliminating the people involved in the Department of Education. Campuses would be audited on their handling of this procedure in the biannual audits that are already required by the federal government.

(c) College Work-Study Program has been one of the most successful federal programs to assist students pay their expenses. The proposed 30% cut would mean a reduction at Niagara University from 600 students currently employed to about 400. Students would lose this valuable work experience in addition to losing the dollars that they need to meet their expenses.

(d) The President's budget calls for the elimination of Supplemental Educational Grant. This program especially at the private schools is used to help those students who have exhausted eligibility in all of the other programs and who still need additional dollars to meet their expenses. This program is very important to us at Niagara University as it provides some additional gift aid to help students who were not eligible for a Pell Grant and who have already borrowed many thousands of dollars to meet their need.

(e) The National Direct Student Loan Program also, in combination with Supplemental Education Grant, helps those students to meet that additonal amount that is still needed to attend college. While we would be receiving repayments for past borrowers that we could continue to relend, this amount would not be sufficient in funding our students to attend Niagara.

Ninety percent of the 2900 full-time students at Niagara University receive some type of financial aid. In examining President Reagan's proposed cuts, we believe that between one-third and two-thirds of our total enrollment would no longer be able to attend Niagara. We believe we are not unique among private colleges in our estimates.

I have enclosed copies of information on projected funding levels at Niagara and case studies on individual students similar to the ones I gave to you during our meeting.

We are very thankful that you support the continuation and funding of these five federal aid programs. We do believe that there are ways to save money in these programs by tightening eligibility requirements, verifying income information and fighting fraud and abuse in every way possible. We hope that we can effect savings to the government through these measures, rather than curtailing aid to only a very few students.

I sincerely thank you for your support of higher education and specifically private education.

Sincerely,

JUDITH A. SKURSKI,
Director, Financial Aid.

"IF YOU THINK EDUCATION IS EXPENSIVE, TRY IGNORANCE"

In 1958, Congress enacted the National Defense Education Act at President Eisenhower's request. The Act said: ". . . the security of the nation requires the fullest developments of the mental resources and technical skills of its young men and women."

In 1965, President Johnson insisted that: "Ever child must be encouraged to get as much education as he has the ability to take. We want this not only for his sake, but for the nation's sake. Nothing matters more for the future of our country: not our military preparedness—for armed might is worthless if we lack the brainpower to build a world of peace; not our productive economy—for we cannot substain growth without trained manpower; not our democratic system of government—of freedom is fragile if citizens are ignorant."

In 1970, President Nixon continued that commitment to making education available to our youth, stating: "No qualified student who wants to go to college should be barred by lack of money. That has long been a great American goal . . .".

In 1980, President Carter echoed those thoughts by saying: ". . . We've brought college within reach of every student in this nation who's qualified for higher education. The idea that lack of money should be no barrier to a college education is no longer a dream, it's a reality . . .".

Yet, despite the articulation of this necessary American goal by his predecessors, despite his commitment to the largest military buildup in our nation's history, and despite his pledge to work toward economic recovery, President Reagan has turned a blind eye to the vital relationship between education and both national security and a prospering economy. By mercilessly slashing student aid programs, the President has proposed to effectively shut the door on the opportunity for higher education for millions of lower and middle income students. He has also, unwittingly perhaps, made it virtually impossible for this country to have the kind of military posture and robust economy which he asserts he is supporting.

The President's 1983 Fiscal Year budget request for loans and grants to college and graduate students totals $4.3 billion. That is a tremendous cut from the $7.3 billion 1981 Fiscal Year budget President Reagan inherited when he took office. Among this year's proposed changes are the elimination of federal funding for National Direct Student Loans, Supplemental Educational Opportunity Grants, and State Student Incentive Grants. Funding would be drastically cut for Pell Grants (the basic grant program) and College Work-Study. Eligibility for guaranteed student loans would be greatly curtailed for college students and entirely eliminated for graduate students.

There can be no doubt that these cuts will hurt! Higher education will become something primarily affordable for children from wealthy families. This would be contrary to the national philosophy enunciated by all recent Presidents that individual merit, not financial status, should dictate one's opportunity for higher education.

The cuts could also spell disaster for private institutions. More and more students would be forced to turn to public institutions to obtain their higher education. Many would not even be able to afford the cost of public education. The trend away from private schools could lead not only to the demise of many of those schools, but also to the demise of the educational diversity they provide and to extreme additional pressure on the public institutions. For example, Canisius College estimates that the budget cuts, if passed, would force 1,450 students to leave their school. That is one third of the current student body.

The great disparities between the cuts in education and the increases in defense spending is another example of why I find the student aid cuts.

Further, commentators in the education community have bemoaned the fact that our military services have been forced to rewrite many training manuals from the 11th grade level to the 8th grade level. That is a worrisome commentary on the true state of our military preparedness, and it ought to be a major concern of every general, and our Commander-in-Chief, for the most sophisticated weaponry we have to protect our nation will be little good if we lack the trained men and women to operate that weaponry.

The President's student aid cuts are not only deep, but they are inequitable in the way they affect our state and our community. Under the President's proposal, New York State, which boasts 8.3 percent of all the nation's college students, would be hit harder than any other state in the union. All told, 227,000 student awards in our state would be totally eliminated.

I have been meeting with many students and educators in recent weeks and I have tabulated some statistics which I think make a very compelling argument for preserving these programs. This year at Erie Community College, Canisius, the University of Buffalo, Niagara County Community College, D'Youville and Niagara University, there are over 13,400 students receiving more than $7.6 million in Pell Grants alone. Imagine the impact on these area educational institutions if this program is cut 40 percent as proposed.

For our national defense, for our economic productivity, for socioeconomic justice, and, of course, for millions of young people in this country, we must continue to make a necessary investment in our nation's future by resisting the deep cuts in student aid programs. For as wise scholars have observed, "If you think education is expensive, try ignorance."●

CONGRESS SHOULD SUPPORT NASA'S COMET MISSION

HON. NEWT GINGRICH

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Monday, March 29, 1982

● Mr. GINGRICH. Mr. Speaker, last year American scientists and citizens alike were shocked to learn that the United States would not be sending a probe to investigate Halley's comet during its once-in-a-lifetime swing through the inner part of the solar system in 1986. While the Soviet Union, Japan, and the European Space Agency were all touting their flyby mission plans, we were abandoning ours.

Today, I am introducing an article into the RECORD from Aviation Week and Space Technology on a second chance for a U.S. cometary mission this decade. Proposed by researchers at NASA's Godard Space Flight Center, the mission would use an existing satellite to rendezvous with a different comet, known as Giacobini-Zinner. We could encounter this comet 6 months before the Soviet, European, and Japanese spacecraft reach Halley.

Not only would this proposed mission provide us with a chance to beat the other nations to a cometary encounter, but in fact it would give us important data that would be of great assistance to the other nations during their spacecrafts' meetings with Halley.

I strongly support NASA's current efforts to quickly determine the feasibility of the proposal, and if it is sound, I urge that the space agency allocate the small amount of funds necessary to carry it out.

I comment this most interesting article to my colleagues and hope they will quickly voice their support for taking advantage of this unique opportunity.

The article follows:

[From the Aviation Week & Space Technology, Mar. 22, 1982]

NASA To Study Diverting Satellite To Meet Comet

(By Craig Covault)

Washington.—National Aeronautics and Space Administration officials will meet this week to discuss looping an existing orbiting satellite by the Moon for a lunar gravity assist that would hurtle the spacecraft to intercept the comet Giacobini-Zinner six months before Soviet, European and Japanese spacecraft reach Halley's Comet.

The mission would enable data to be gathered directly from a comet in order to assist the later Halley flybys and also enable the U.S. to beat the Soviets, Europeans and Japanese to a spacecraft encounter with a comet.

NASA earlier believed budget constraints had ended all hope of sending a U.S. spacecraft to an comet in the mid-1980s, leaving the Soviet, European and Japanese programs free to reap the benefits of cometary exploration without any U.S. competition or significant participation. Goddard Space Flight Center researchers then began pressing the concept of using the International Sun-Earth Explorer (ISEE 3) spacecraft for a lunar gravity assist to Giacobini-Zinner.

COMET'S NUCLEUS

Trajectory data show that the lunar swingby maneuver could position ISEE 3 within 186 mi. of the comet's nucleus on Sept. 11, 1985. The spacecraft would gather particle and fields data from the comet, then be retargeted to a position well in front of Halley's Comet, where the satellite would be able to monitor the solar wind for alterations that could create observable changes in Halley's appearance.

Researchers had not given the scientific benefits of intercepting Giacobini-Zinner much thought until surveying comet mission literature. That effort resulted in discovery of a picture in Aviation Week & Space Technology showing the comet with a 1.2-million-mi. tail (AW&ST Sept. 3, 1973, p. 45). The image, taken by Elizabeth Roemer of the University of Arizona, previously had gone undiscovered by researchers and now credit its publication with stimulating interest in flying the ISEE 3 spacecraft to the body.

Roemer said Biacobini-Zinner is "an unusually dusty comet for the short-period ones and may be more active than is typical for short-period comets." She said it has about a 6.5-year period.

"Furthermore, it is associated with the Draconid Meteor Shower, so you have some information on the material definitely associated with this comet," she said. Roemer said images she took of the comet using a naval observatory facility at Flagstaff, Ariz., show differences in the comet's tail features in the yellow and blue wave lengths. She characterized it as one of the more interesting short-period comets for a spacecraft visit.

A key to the ability to perform the mission is the maneuvering propellant capability of the ISEE 3 spacecraft, now about 1 million mi. from Earth circling 93,000 mi. above and below the ecliptic plane every six months. The Goddard/Fairchild Industries spacecraft was launched Aug. 12, 1978, from Cape Canaveral by a McDonnell Douglas Delta (AW&ST Aug. 21, 1978, p. 17).

ISEE 3 is the first spacecraft ever to be parked in a so-called halo orbit that circles above and below the ecliptic plane at a liberation point where gravitational equilibrium exists between the Sun, the Earth and the Moon (AW&ST Oct. 3, 1977, p. 38)

From this position it has been returning solar wind data used in conjunction with two other ISEE spacecraft operating closer to Earth. The U.S. Air Force also makes use of the ISEE 3 data to provide warning of changes in the solar wind affecting USAF satellites.

A particular advantage of the comet mission is that the spacecraft has already been launched, paid for and provided much data for its original mission. The addition of the comet mission would require minimal additional cost. Most researchers involved in overall ISEE project believe it would be useful to allow the spacecraft to undertake the new comet mission, although only about half of the spacecraft's instrument payload would return useful cometary data.

One issue to be addressed is the preference of researchers whose instruments on the vehicle would be turned off because the comet mission would be unsuitable for their data acquisition.

ISEE 3 carries no imaging capability but would be able to characterize the comet from a particles and fields standpoint. Plasma densities and flow speeds could be obtained, as could some temperature information. In addition, the identification of some heavy ions could be made and the magnetic field strength and direction in the vicinity of the comet measured. Six instruments on the spacecraft could provide such data on the comet.

SPACECRAFT INTERCEPT

Experience in targeting an actual spacecraft intercept of a comet could be obtained and data gathered on the dust hazards associated with approach close to a comet.

As part of normal ISEE 3 scientific operations, tentative plans are being made to move the spacecraft from its current position into the tail of the Earth starting in June to help characterize this unexplored region. The Earth's tail is expected to have unusual particles and fields characteristics that will be sensed by ISEE 3 at altitudes varying from 80-250 Earth radii.

The spacecraft will be returning data on Earth's tail by late 1982 if the move is begun in June.

An initial lunar swingby maneuver to better position the spacecraft for Earthtail data acquisition is set for about Mar. 30, 1983, and would help further to set it up for an additional lunar swingby about Jan. 1, 1984, that would hurtle the vehicle away from Earth toward an intercept with the comet. During the lunar swingby maneuvers the spacecraft would approach to within about 12,420 mi. of the lunar surface.

The spacecraft then would be flung about 1.9 million mi. from Earth with timing that would enable the comet to dive down upon the vehicle on Sept. 11, 1985.

Modifications to tracking facilities are foreseen as the most serious cost aspects of the mission. Only minimal station modifications should be required to obtain the best data acquisition from the intercept.

NASA's Australian deep space tracking antenna would lose contact with the spacecraft because of the Earth's tilt during that time of year, but the intercept would take place essentially directly over the giant Arecibo radio telescope in Puerto Rico. The Arecibo facility is planning to make radar scans of the comet anyway. Researchers also hope they also will be able to monitor the intercept from German and Japanese facilities.

Following the intercept with Giacobini-Zinner, the spacecraft would loop back toward Earth and fly a trajectory within 1 deg. of the Sun line to Halley's Comet. This would occur while Halley was still nearing its closest approach to the Sun.

Halley would be too far away from ISEE 3 for the spacecraft to obtain data on the comet itself, but it would be able to monitor the solar wind for changes that could later affect the comet. Similar data also could be collected after Halley's closest approach to the Sun. Although it does not provide imagery, the ISEE 3 mission would be useful in providing some basic characterization of a short-period comet, scientists believe. Eventually they want to receive spacecraft high-resolution data on both short-period comets and large, active comets like Halley.

ISEE 3 would not accomplish major cometary scientific objectives as identified by groups such as the Solar System Exploration Committee of the National Academy of Sciences, but it would provide a low-cost start to U.S. comet flyby missions. NASA has been trying without success to formulate and launch a mission to a comet.

The chairman of the Solar System Exploration Committee, Noel W. Hinners, director of the National Air and Space Museum, has not been briefed on the mission but believes the concept is a good one. "It's clearly not going to accomplish major cometary science objectives, yet it's another thing that could bear on the formulations and refinements of comet objectives after the other spacecraft gather data at Halley's," Hinners said. "It's a way to get more mileage out of the spacecraft."●

BAHA'IS IN IRAN

HON. DANTE B. FASCELL

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Monday, March 29, 1982

● Mr. FASCELL. Mr. Speaker, on Saturday, March 27, the Baha'i communities in Dade County, Fla., and throughout the United States, gathered to pray for the Baha'is in Iran, who are being denied the right to practice their religion and systematically persecuted for their beliefs. The prayer vigil of these faithful American people is a laudable reminder of our obligation to continue denouncing publicly such flagrant violations of basic human rights and internationally recognized standards of decency.

The United States is not and will not be silent on the plight of the Baha'is in Iran. During the past 2 years, we supported repeated action by the United Nations Human Rights Commission (UNHRC) expressing concern for the safety of the Baha'is and requesting the Secretary General to make representations regarding their rights to the Iranian authorities. Through the press and in international fora we called attention to the torture, murder, and kidnaping of members of the Baha'i Spritual Assembly in Iran and made it known that such attempts to eradicate this faith are despicable and unacceptable.

We will persist in speaking out against the oppression of the Baha'is in Iran, not only as individuals expressing their anguish in prayer, but as a nation supporting renewed action by the UNHRC and bringing international attention to these outrageous acts in Iran.●

SPIRALING NUCLEAR ARSENALS

HON. EDWARD J. MARKEY

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Monday, March 29, 1982

● Mr. MARKEY. Mr. Speaker, tomorrow the House will have a unique opportunity to debate the nuclear arms race and the consequences of a nuclear war. A number of Members have reserved special orders for the purpose of discussing the spiraling nuclear arsenals of the superpowers. Nuclear weapons and nuclear war are rarely subjects of a comprehensive and focused debate by Members of Congress. As Jonathon Schell wrote in his recent series of articles in the New Yorker:

> Yet in spite of the immeasurable importance of nuclear weapons, the world has declined on the whole to think about them very much. * * * Only very recently have there been signs in Europe and the United States that public opinion has been stirring awake, and that ordinary people may be beginning to ask themselves how they should respond to the nuclear peril.

It is crucial that Members of Congress respond to the growing public concern about the seemingly endless buildup of nuclear arms by the Soviet Union and the United States. This afternoon's and evening's special orders will be a historic and timely session for Members to speak on the vital issue of nuclear weapons and nuclear war.

In addition, Mr. Speaker, I would like to introduce into the RECORD a letter from Mr. Herbert Scoville, Jr., former Assistant Director of the U.S. Arms Control and Disarmament Agency and former Deputy Director of the Central Intelligence Agency for Research (Science and Technology) to the Washington Post. Mr. Scoville expertly rebuts the erroneous arguments of George Will that a nuclear weapons freeze is not in the national security interest of the United States.

THE FREEZE

(By Herbert Scoville, Jr.)

I would normally not bother to take issue with George Will, but his March 18 column "Forget the Freeze" is so filled with factual errors that I believe The Post's readers are entitled to be warned of its unreliability and "Forget George Will." Just a few examples:

In laying the basis for all his conclusions, Mr. Will says that in the 1970s America "deployed not a single new ICBM." Just not true. We replaced the old Minuteman I missiles with 550 new Minuteman IIIs. Between 1970 and 1980, the United States increased the number of its strategic missile warheads from 1,706 to about 7,200.

He also said, "America deployed not a single new submarine-launched ballistic missile (SLBM) in the 1970s." Not true! We deployed 496 new Poseidon missiles to replace Polaris, all in the 1970s.

He postulates that the "freeze" would freeze U.S. SLBMs and not stop Soviet deployment of new attack submarines, which could destroy the U.S. sea-based deterrent. He ignores that it would also freeze Soviet SLBM submarines, which are noisy and much more vulnerable than our present Poseidons. Furthermore, U.S. anti-submarine warfare capabilities are superior to those of the U.S.S.R. Thus the "freeze" would keep the United States with a more survivable deterrent.

Einstein would turn over in his grave if he knew that he was being quoted to support such incompetent analyses on a subject so dear to his heart—the prevention of nuclear war.●

WASHINGTON HIGH SCHOOL RESTORATION PROJECT

HON. DON EDWARDS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, March 29, 1982

● Mr. EDWARDS of California. Mr. Speaker, an innovative project is underway in my 10th Congressional District in California. A group of citizens in Fremont from divergent interests have combined efforts to preserve and restore one of the area's most historic sites.

The Ad Hoc Committee for the Fremont Community Events Center, under the honorary guidance of Pop Goold, and the active leadership of Carl Hentschke and Judy Box, has laid the foundation for a community project destined for success.

The impetus for the preservation of Washington High School's auditorium has been Fremont's lack of a community facility for use by both public and private groups. This project's development is original as it combines efforts and contributions from both civic and private organizations. To avoid costly construction of a new facility, commitments have been made by the city government, fraternal, service, ethnic and cultural arts associations to assist with the comparably modest cost of restoring and preserving a valuable community building.

The ad hoc committee has worked dilegently to achieve recognition for its efforts. In reward the Washington High School restoration project received certification from the State of California as an historical site. I am pleased to have contributed to the committee's most recent and most significant acknowledgement, the placement of Washington High School on the National Register of Historic Places.

I commend the contributions of all those involved with the Washington High School restoration project. The work done today will benefit generations to come, not only as a community events center for use by countless citizens, but as a piece of Fremont's history preserved.●

PROOF OF BENEFIT FROM FEDERAL STUDENT AID

HON. IKE SKELTON

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Monday, March 29, 1982

● Mr. SKELTON. Mr. Speaker, I recently received an important thank you letter from one of my constituents, Kathryn M. Phillips of Independence, Mo. Ms. Phillips is attending Park College in Parkville, Mo. She is an excellent student and a credit to her classmates. Her letter is important because Kathy is evidence that there is a real benefit derived from Federal student aid. What kind of future can this student, or any other capable, needy student expect without some sort of help? By cutting student aid, the administration is saying education is not important. There are two sides to every problem, Mr. Speaker. Kathryn Phillips is the other side to the administration's reasoning for ending educational assistance. I hope my colleagues will find time to read this important letter.

DEAR CONGRESSMAN SKELTON: Each year I write you to tell you of my gratitude for the Federal student aid which I have received, specifically, the Pell Grant, NDSL and Work/Study. This year I must also tell you of the dreams made into reality accomplished through the student aid which I have received, along with the Missouri Grant and various academic scholarships.

I will be completing my third year at Park College in May. This year both my sister and I are going to Park and we love it! Next year my brother will be here too. Having three children in college is difficult enough with the financial aid program as it is, but it would be even more difficult if there were no aid. My parents are unable to help us in our efforts to obtain a degree and continue to support my other brothers and sister at home (I am the oldest of six). But, I work hard to go to school. I am a AmText operator, through the work/study program, a mathematics teaching assistant, and president of the student body. In addition to these responsibilities, I also work hard to keep my grades up to earn academic scholarships. Last semester I received all A's. I am a mathematics major minoring in English, business and computer science. I am an above average student with a cumulative grade point average of 3.67 as testimony. My grades are important to me because I also hope to continue my studies in mathematics at graduate school. Hopefully, with the help of futher financial aid, I will be able to graduate from Park in May 1983 and continue my studies. I pray that my brother and sisters will be as fortunate as I to receive similar opportunites.

KATHRYN M. PHILLIPS.●

THREE MILE ISLAND REVISITED

HON. ANTHONY TOBY MOFFETT

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Monday, March 29, 1982

● Mr. MOFFETT. Mr. Speaker, 3 years ago yesterday, the nuclear industry suffered its most publicized and most costly accident; the partial meltdown at Three Mile Island in Pennsylvania. March 28, 1979, was a benchmark in public awareness and concern about the dangers of nuclear power and the start of Federal Government efforts to effectively regulate the nuclear power industry.

In these 3 years, the nuclear industry has not fared well. Accidents have occurred at numerous other plants. Revelations of embarrassing design errors and poor quality construction have severely undermined the industry's image of competence. And the economic viability of the nuclear industry is now questioned even by some utility executives themselves.

Cancellations of the Bailly plant in Indiana, the Black Fox plant in Oklahoma, the two plants in the extraordinarily troubled Washington State power system and the Tennessee Valley Authority's review of its whole nuclear program are a few of the many indications that utilities today are rethinking their commitment to additional nuclear plants.

A number of factors are prompting this rethinking. The cost of building these plants has burgeoned to the multibillion dollar mark. At the same time, the hope that these plants would be perpetual energy-producing machines has not been achieved. Capacity factors have been below the industry's expectations because accidents and needed repairs cause recurrent outages.

And a number of recent incidents such as the one at Ginna in New York have brought to light a disturbing fact; a number of nuclear plants are not likely to last the full 30 to 40 years they were supposed to last. Problems of steam generator tube degradation and embrittlement of reactor vessels will certainly curtail the useful life of some, and perhaps many, nuclear reactors. That will substantially reduce the return on those billion-dollar investments.

While the problem of steam generator degradation is but one of many generic safety issues plaguing the industry, it is an extremely widespread one; 49 of the 72 plants currently operating are susceptible to failing steam generators. Of those 49 plants, 34 have experienced problems. Repair costs—like plant construction costs—are frequently staggering. Replacement of the steam generator at the Turkey Point plant in Florida will cost some $498 million—more than double the original price tag for building the facility.

Finally, the utilities abandoning nuclear power know one of the more disturbing facts about the industry which few members of the public have yet understood. These plants, once they are finished generating electricity after 40 years or even less, must be decommissioned. They must be dismantled and the site cleared of the radioactive wastes produced.

The cost of decommissioning each of the Nation's 72 operating nuclear plants is not known. But it certainly will range into the billions of dollars. And that money is money the utilities do not have today. In most cases, no money is being set aside for that very rainy day when the decommissioning bills will have to be paid. And as we all know, if and when already-troubled utilities actually face bills they cannot pay, suggestions of a Federal bailout with taxpayer dollars will be heard. The TMI bailout plan could be just the first of many. In fact, suggestions have already been made for a $50 billion bailout in the form of low-interest loans for the industry.

Regrettably, the Reagan administration appears oblivious to these strong marketplace signals. The administration has committed itself to a nuclear policy which is largely that of boosterism. The administration appears to believe that the only thing ailing the nuclear industry is too much regulation—and not enough Federal taxpayer subsidy.

Consequently, the hallmarks of the administration nuclear policy are loosening regulatory restraints and bolstering subsidies for the industry--at Clinch River and elsewhere.

During the 3 years since the Three Mile Island accident, the Subcommittee on Environment, Energy and Natural Resources which I chair has conducted a series of exhaustive investigations into the problems in the nuclear industry and the shortcomings of the Nuclear Regulatory Commission in addressing those problems. The evidence garnered from those bipartisan investigations has resulted in four NRC oversight reports which the committee has issued—reports which in most cases received the unanimous support of the members of the full Government Operations Committee.

That evidence and those reports simply do not square with any claim that regulatory burdens are the source of the nuclear industry's problems. And they certainly do not lead to the conclusion that increased Federal subsidies are the answer, especially in a time of fiscal austerity. Instead, they suggest that public health and safety, and the integrity of the environment, require a much stronger NRC performance than we have seen so far.

Over the last 3 years my subcommittee's investigations have found serious deficiencies in the NRC's enforcement and inspection programs. Most recently, the NRC's response to the "licensing delay" which has now virtually evaporated has been to deemphasize safety programs at a time when much of the TMI action plan remains uncompleted and far behind schedule. During the last year the Commission met 25 times on the "licensing delay" question. This total is far greater than any single safety issue and is, in fact, greater than the sum of all safety issue meetings during the period. In addition, while staffing for licensing programs has more than doubled, staff resources for safety programs has been cut almost 25 percent.

Emergency planning programs—the need for which was dramatized by the TMI accident—are still not fully in place. Utilities have been slow to implement these important programs and the NRC response to the industry's failure has been minimal. The February 1, 1982 deadline for the installation of sirens to alert area residents in case of a plant emergency passed with many sites not having those alarms in place. And what is equally disturbing is that while most utilities have now installed the systems, we are finding that many of them don't work. So, 3 years after the Three Mile Island accident citizens are still not fully protected through an effective warning system in case of an accident.

I strongly urge my colleagues to reconsider current policies regarding nuclear power. Nuclear power simply may not prove to be economically viable over the long term. Alternative energy sources and conservation programs—which by the way have proven to be so effective in reducing our energy consumption—must receive a larger share of scarce Federal dollars. We should heed the clear signals from the marketplace and assure full funding for such programs and not devote scarce Federal dollars to bailing out the troubled nuclear power industry.●

WHAT'S BECOME OF VIETNAM?

HON. ROBERT H. MICHEL

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Monday, March 29, 1982

● Mr. MICHEL. Mr. Speaker, those in this country, in and out of Government, who told us that the former Governments of South Vietnam were corrupt and dictatorial did everything they could to see those Governments fail. Eventually North Vietnam invaded the South with tanks and the critics got what they wanted.

What has happened to the Vietnamese people under communism? What has happened to the National Liberation Front? We were told by idealistic but misinformed critics of South Vietnam that the NLF would rule the country but it is the North Vietnamese who rule.

Anyone seeking to discover the dreadful, inhuman conditions of Vietnam under its new Communist masters will want to read the piece I insert into the RECORD at this point: "What's Become of Vietnam?" by Doan Van Toai, from the Wall Street Journal, March 24, 1982.

WHAT'S BECOME OF VIETNAM?

Current economic conditions in Vietnam are much worse than seven years ago when the United States ended its involvement. Soviet aid to Vietnam, between $3 million and $6 million a day, has been inadequate because of the high cost of the Cambodian invasion, the occupation of Laos and the need to counter the permanent threat from China. Now, after giving many different excuses for the disastrous economy, Communist Party leaders have admitted mismanagement and corruption in industrial administration and in the party system itself.

The Vietnamese Communist Party's daily newspaper, Nhan Dan, reported on May 12, 1981, that 2,563 national and collective enterprises of 15 provinces lost $121 million in the last trimester of 1980 alone through mismanagement and corruption. The Vietnamese have reluctantly had to order the end of the collective production program in some Delta areas and postpone full socialization in many South Vietnamese cities. Some small private businesses are to be left alone rather than nationalized.

Morale among party leaders is so bad that the Fifth Party Congress, supposed to convene last summer, will be delayed until next summer. In the meantime, the leadership intends to carry out all measures possible to earn foreign currency, regardless of economic principles or human consequences. In this regard, the Vietnamese government's entrepreneurial ingenuity has come up with several innovative expedients.

First, there was the "boat people business." It has already brought the party and the government about $4 billion. Each boat person had to pay an unofficial fee in gold to government officials for a place in one of the thousands of refugee boats leaving the country. Though this business was supposed to have been organized for the ethnic Chinese, many Vietnamese got places for themselves and their families by paying higher rates. Houses, property and money left behind in Vietnam were confiscated by the government.

Le-Duc Tho, a politburo member (and chief negotiator with Henry Kissinger at the Paris Peace Conference) is said to be the manager of this business with the help of his two powerful brothers, Gen. Mai chi Tho, mayor of Ho Chi Minh City and chief of the security forces, and Gen. Dinh Duc Thien, the new minister of transportation. One may only conjecture about the amount of bribery and corruption that accompanied this human-export business.

ONE RATION COSTS $50

The second major business is the transport of gifts from overseas Vietnamese to relatives in Vietnam. A number of special companies located in Los Angeles, Paris and Toronto have announced they can deliver gifts from abroad to Vietnam. One company accepts dollars from the senders and in return delivers food rations to relatives in Vietnam. One ration, for example, costs $50 in the U.S. and provides the relatives in Vietnam with 50 kilos of rice and 20 kilos of sugar. Since the official ration for each family in Vietnam is one kilo of sugar and 10 kilos of rice a month, the recipient can resell this merchandise on the black market for a profit to survive.

Despite these efforts, Hanoi does not earn enough foreign currency to pay its debt to the Soviet Union, and to import the materials needed to support the factories left behind by the former Saigon regime. The Soviet debt amounts to some $3 billion. This aid was made available during the war years in the form of loans rather than gifts.

Almost all the major industrial factories have been closed or have cut back production severely. Even such showpieces as the paper factory at Baibang have been affected. This huge plant was donated in 1980 by Sweden, the major Western contributor to Vietnam. After long delays due to mismanagement and theft, it is due to open this year, but production is expected to fall far short of initial projections. Meanwhile, newspapers and stationery sent from Vietnam represent a quality of paper as poor as that produced centuries ago. A Swedish engineer involved in the Baibang project commented in an article in Der Spiegel, the West German magazine, that the money given to build the factory could have bought enough paper for all Vietnam for 25 years.

But of all the expedients to raise foreign capital, by far the most ambitious and emotion-laden has been the government's reported decision to export to the Soviet Union 500,000 Vietnamese workers for Siberian labor between now and 1985. This development was reported extensively in Europe (The Economist's Foreign Report, Sept. 17, 1981; Aspect de la France, Dec. 24, 1981; L'Express Dec. 16, 1981, and in Le Figaro). Hanoi also 15,000 "invited workers" to Bulgaria last November; the Vietnamese government took 60% of the workers' salaries to pay off the Soviet debts. To many Vietnamese this forced levy of workers bears a horrible similarity to the export of African slave labor to North America in the 18th and 19th Centuries.

One clear fact is that the Hanoi regime is using one stone to kill two birds: It saves itself the cost of feeding half a million mouths, and it eliminates the remnants of what it considers reactionary elements. Vietnamese dissidents, including former Hanoi Congressman Nguyen cong Hoan, have told me that most of these 500,000 workers are being chosen from among those suspected of political opposition, including the stubborn, independent elements of the former National Liberation Front (NLF) or party members suspected of pro-China sympathies.

One former NLF leader told me that much as the Hanoi leaders used the Tet offensive in 1968 to largely eliminate the fighting force of the NLF, they are today using this "worker-export" plan to eliminate the considerable number of the independent minded and non-Communist revolutionaries among the South Vietnamese people. The Vietnamese government has failed to make public any official contract between Hanoi and Moscow for this program or to state publicly the duties, rights or working conditions of the Vietnamese laborers. Since last summer, most of Vietnamese youth between 18 and 35 have been drafted into Vietnam's army. Thus, the majority of the Vietnamese in the worker plan are over 35.

During World War II, the French recruited thousands of Vietnamese to fight in the French army or to work on farms in the jungles of Indochina. But this service was optional. Today the Vietnamese Communist government forces its people to work in Soviet territory regardless of their wishes. People in Vietnam today often quip that the manpower export program is "proletariat for sale." For its part, the Soviet Union achieves two goals: military bases at Danang and Camranh Bay for its Pacific presence and the employment of a half million laborers at a cheap price.

TRYING TO USE POW ISSUE

The economic crisis has also led Hanoi to consider means of cultivating the West and in particular its largest potential source of aid, the U.S. Until recently North Vietnamese leaders have unsuccessfully attempted to use the POW issue to bargain with the American government, linking release of POWs with normalized relations and aid. Then last Dec. 20, Robert Muller, executive director of the Vietnam Veterans of America, and four other Vietnam veterans visited Hanoi. The visit was described by the Americans as having for its main objective the search for missing servicemen. It was portrayed differently, however, for Vietnamese home consumption. The party daily, Nhan Dan (Dec. 20, 1981), said the visitors were in Vietnam seeking proof of American war crimes involving the use of toxins.

The Soviet-Vietnam link is virtually unbreakable. Vietnam's age-old enmity with China requires an alliance with some counterbalancing force. Moreover, the Vietnamese Communists have always been tutelaries of the Russians; in the 1930s the Vietnamese Communist Party platform stated that "under the leadership of the Soviet Union, the Vietnamese revolution is growing firmly. . . ." On Jan. 20 this year, when Brezhnev awarded the Lenin medal to Le-Daun, leader of the party, and to Truong-Chinh, the president of the state, Nhan Dan editorialized: "The brotherly and comradely sentiment between the two countries has never been breakable and is becoming ever firmer as internationalist obligations and duties are fulfilled." Ironically, the French Socialist government recently gave Vietnam $40 million in the illusory hope that its gift would help Hanoi separate from the Soviet Union.

In fact, the only way for the West to separate Hanoi and Moscow would be to replace the $3 million to $6 million per day of Soviet aid and to accept the Vietnamese occupation of Cambodia. But even such an unlikely reshuffling of relationships would not significantly affect the deprivation and the absence of human rights that characterize this regime, or the warfare that has always, it seems, plagued Indochina's history.

Hoang Tung, editor-in-chief of Nhan Dan and spokesman for the party, recently wrote that "in wartime we had enough to eat and we were successful; in peace we are hungry and failing." His statement constitutes an implicit but stark indictment of the role Communism has played in the continuation of war and the perpetuation of hunger in Vietnam.

U.S. LOSING TECHNOLOGICAL LEAD

HON. NEWT GINGRICH

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Monday, March 29, 1982

● Mr. GINGRICH. Mr. Speaker, the United States once had a massive lead over the rest of the world in space-related technologies. This techological advantage created thousands of jobs for Americans.

Now, the United States has only a significant lead in these technologies, and that lead is decaying. If we let our advantage continue to slide, one day we will import rockets like we import cars; and once again we will lose ground to Japan and Europe in another industry.

Robert Cowen, of the Christian Science Monitor,[1] wrote an interesting article on the Western European effort in the satellite-launching business. I am sharing it with my colleagues in hopes Congress will recommit itself maintaining the U.S. edge in space-related technologies.

NEW ORBITS FOR EUROPE—WEST EUROPEANS NUDGE U.S./SOVIET MONOPOLY

(By Robert C. Cowen)

As technicians make final preparations for the third test flight of the United States space shuttle Columbia later this month, Europe is beginning to compete strongly for a share of the lucrative satellite launching business.

Last week, Arianespace announced the signing of a $50 million contract to orbit a communications satellite for Canada by 1986. Arianespace is the company that eventually will manage commercial launching business for the 12-nation European Space Agency (ESA).

Some 14 missions are already scheduled the ESA's Ariane launching vehicle over the next three years. They include a few payloads double-booked with the National Aeronautics and Space Administration (NASA)—a practice some customers follow to ensure their satellites are launched on time. They also include payloads won away from NASA, such as a General Telephone-GTE G-star and the Southern Pacific Corporation Spacenet communications satellites.

Signing of the Canadian contract follows the announcement by ESA, on Jan. 25, that its Ariane launching vehicle can be certified to be "qualified and thus fully operational" after the success of three of four test flights. This is at a time when the U.S. shuttle is far from similar certification.

At its meeting Jan. 25 and 26, ESA also decided to go ahead with development of a new Ariane launcher—Ariane 4. It is to be powerful enough to boost satellites of 4.3 metric-ton (9,479 pounds) mass into geosynchronous orbit. That's twice the mass that the present Ariane can put into this important orbit.

Geosynchronous orbit means that the satellite moves around its orbit at the same rate at which the Earth turns. Hence it remains over a given spot on the planet's surface. This makes it the preferred orbit for many communications and weather observing satellites.

ESA has already taken other steps to enhance its commercial launch capabilities. In 1980, even before the present Ariane was well into its test series, ESA authorized minor changes that will boost the system's launching power. These enhanced launchers—Ariane 2 and 3—are expected to be flying next year. Also, last year, ESA decided to build a second Ariane launch site to increase its ability to fulfill launch commitments and to allow more launches in a given time.

Thus it is that those ESA members participating in the Ariane project are well positioned to challenge the US space shuttle. Only 10 of the 12 members take part—Belgium, Denmark, France, Germany, Italy, Netherlands, Spain, Sweden, Switzerland, and Britain. Associate members Ireland and Norway do not.

NASA, which already is feeling the competition, is considering easing some of its commercial terms—such as the requirement that customers decide whether to use the shuttle or a Delta launching rocket 30 months before launch date. It may also have to modify its price structure. Right now, Delta launches are the only type of launches for which customers must pay full cost.

Both shuttle and Ariane launches are being subsidized to attract business over the next few years. However, the shuttle is handicapped by uncertainties both as to when it will be operational and to what extent it will be able to meet commercial commitments. Budget cuts have already forced NASA to reduce the shuttle schedule from the 48 missions originally planned through mid-1985 to 32 flights.

For its part, ESA will ease into commercial operation. It calls its first seven launches a "promotional series." Three are scheduled this year, beginning in late April, and four next year. Then commercial responsibility will be handed over fully to Arianespace, which is a private company. Meanwhile, the powerful Ariane 4 is expected to be demonstrated in 1985 and to become operational in 1986.

ESA is thinking in terms of cooperation, as well as competition, with the US. It is involved in the shuttle program by supplying Spacelab—a laboratory that goes in the shuttle equipment bay and in which technicians can work. Both it and the US talk hopefully of further cooperative projects in space exploration that will share the costs of the research.

However, ESA has been badly burned when the US has unilaterally withdrawn or reduced its participation in such joint projects in the past. The most serious of such actions was cancellation of the US spacecraft in the Solar Polar Mission to send twin spacecraft to explore the north and south polar regions of the sun.

Thus, in spite of some friction in the past, ESA is inclined to seek continued US cooperation. But ESA officials are making it clear they expect to be treated with equal respect in any future joint projects.●

COMMEMORATION OF THE TENTH ANNIVERSARY OF THE PASSAGE OF THE EQUAL RIGHTS AMENDMENT BY CONGRESS

HON. THOMAS M. FOGLIETTA

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Monday, March 29, 1982

● Mr. FOGLIETTA. Mr. Speaker, we commemorate the 10th anniversary of the passage of the equal rights amendment with pride and trepidation. The approval of the amendment by both Houses of Congress 10 years ago certainly represented a landmark in the struggle for recognition of women's rights. Yet, 10 years later, we find ourselves within 3 months of the ratification deadline, with a hard struggle still ahead. It is still my fervent hope that the amendment will be ratified within that deadline. But even apart from ratification, the most significant goal, we must acknowledge that much has been gained in the campaign for equal rights in the last 10 years.

The women's movement has awakened the conscience of the Nation to the legal and social inequities suffered by over half of our population, merely because they were born female. The case for equal opportunity becomes clearer as women continue to test barriers which previous generations took for granted. Even those who oppose ratification of the equal rights amendment, like President Reagan, pay lip service to the principal of equal rights, claiming that they are in favor of the "E" and the "R," but not the "A."

In spite of this overall progress, we do now find ourselves facing tough and well-organized opposition from the "new rights." Notwithstanding its rhetoric, the present administration has an abysmal record in recognizing women's talents through appointments to public policymaking positions. There are no women in the President's Cabinet, none are included in his inner circle of advisers, and few hold other major offices. Women considered for Federal court appointments are exposed to right wing litmus tests which are not applied to men. While Justice O'Connor was able to survive this "new right" assault, the nomination of Judith Whittaker was blocked merely because she was suspected of harboring prochoice sentiments with regard to abortion. This administration has also entrusted the enforcement of equal opportunity laws to unsympathetic political appointees, and advocated selective budget cutting to undermine important programs such as the Women's Bureau of the Department of Labor.

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In short, what we have experienced over the last 10 years is an extensive broadening of the base of the women's movement, and acceptance of its values by an overwhelming majority of the American people. At the same time, that well-organized minority which has arisen in opposition to progressive change is temporarily in ascendancy. Fortunately, we live in a democracy, in which the values of the majority will find expression through the political process, if those who are concerned are willing to work and make it happen. Let us all take this day to rededicate ourselves to that effort.●

TRIBUTE TO FOUR BOY SCOUTS

HON. JAMES L. NELLIGAN

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Monday, March 29, 1982

● Mr. NELLIGAN. Mr. Speaker, I join my colleagues today in honoring four Boy Scouts from Luzerne County in the 11th District of Pennsylvania, which I am privileged to represent. These four scouts will receive or have recently received the highest scouting award, the coveted Eagle Scout Award.

Michael K. Burns, 17, the son of Robert P. and Bernadette Burns, is a senior at Bishop Hafey High School. In addition to receiving the Scout of the Year Award from his troop, he has lettered in both soccer and wrestling. Michael received his Eagle Scout Award on January 26.

Corey Wetzel, 15, the son of Jacques and John Wetzel, is a sophomore at West Hazelton High School, is a member of the high school band and also is a junior fireman for the Conyngham Fire Department. Corey received his Eagle Scout Award on February 6.

Christopher J. Turant, 17, the son of Bernard and Lorraine Turant, is a student at Wyoming Area High School, where he is a member of the ski club and bowling club. Christopher will receive his Eagle Scout Award on April 4.

Mark D. Bertocci, 16, the son of Roy and Beverly Bertocci, is also a student at Wyoming Area High School, where he is a member of the swim team. He participates in church activities as well. Mark will receive his Eagle Scout Award on April 4.

I join parents, friends, and members of their communities in congratulating these young men and wishing them equal success in their future endeavors.●

VIEWS OF PAST PRESIDENTS OF THE LATIN AMERICAN STUDIES ASSOCIATION ON EL SALVADOR

HON. MICHAEL D. BARNES

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Monday, March 29, 1982

● Mr. BARNES. Mr. Speaker, one of the things that concerns me most about the Reagan administration's policy in El Salvador is that it rests on a view of the situation in that country that is shared by almost none of the people who follow Latin American affairs as a profession. Recently, most of the past presidents of the Latin American Studies Association, who represent a distinguished group of Latin Americanists, signed a letter to President Reagan expressing their disagreement with U.S. policy toward El Salvador. I wish to share the letter with my colleagues:

MARCH 3, 1982.

MR. RONALD REAGAN,
President of the United States, The White House, Washington, D.C.

DEAR MR. PRESIDENT: We, the undersigned past-presidents of the Latin American Studies Association since its founding, feel it important and appropriate to inform you of our disagreement with current United States policy toward El Salvador.

The assumptions on which the Administration's policy are based are regarded as questionable not only by us, but by the preponderance of groups knowledgeable about Latin America both in the United States and abroad. Above all, we believe that resistance to the government of El Salvador is primarily due to conditions in that country, and is only secondarily influenced by such support as it receives from Nicaragua, Cuba or the Soviet Union. Resistance to the present government appears to us as fundamentally a protest against extreme social and economic injustice; the tactics of the Salvadorean armed forces, and related paramilitary groups; and the absence of political democracy and freedom.

Our analysis of the situation in El Salvador leads us to the same conclusions as those arrived at by the majority of experts both in this country and in Western Europe (1) the overwhelming majority of the hundreds of persons killed every month in El Salvador are killed by government forces or those linked to them; (2) the present government is not capable of controlling its armed forces and the para-military groups on the extreme right; (3) the official agricultural reform program is, and is likely to continue to be, ineffective; and (4) honest, competitive elections are not possible under present conditions.

Under these circumstances, we believe it to be highly inappropriate that the U.S. government should provide military support to the armed forces of El Salvador. Moreover, we believe that while such aid continues, this country loses credibility as a defender of human rights and democracy in other parts of the world.

We therefore urge that the Administration: (1) cease immediately all military support of the present regime (we support the continuation of supervised emergency food aid), (2) exert all the influence we have to achieve that the most extreme military elements leave El Salvador, as did senior officials of the Somoza regime; and (3) join West European and Mexican efforts to bring the two sides to the negotiating table.

We deem current U.S. policy toward El Salvador as not well founded, and as damaging to our stature in the world. We would urge you to change that policy with the utmost rapidity.

Sincerely,

Tom E. Davis *(1966), Chairman of the Organizing Committee, Freida Silvert (1967), widow of Kalman H. Silvert first president and cofounder), Richard N. Adams (1968), John Augelli (1969), Federico G. Gill (1971), Thomas Skidmore (1972), Henry A. Landsberger (1973), Paul L. Doughty (1974), Richard R. Fagen (1975, Joseph Grunwald (1976), Evelyn Stevens (1977), Riordan Roett (1978), Peter H. Smith (1981).●

FIRST HOUSE ACTION ON EXPORT TRADING COMPANY LEGISLATION

HON. DON BONKER

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Monday, March 29, 1982

● Mr. BONKER. Mr. Speaker, today the House Foreign Affairs Subcommittee on International Economic Policy and Trade held a markup session on H.R. 1799, a legislation to foster the creation of export trading companies.

This was the first House action this session on this important legislation, and I want to commend Chairman JONATHAN BINGHAM for moving ahead. The subcommittee adopted three amendments to H.R. 1799 during markup:

First, title I was amended to limit bank participation in export trading companies to bank holding companies and Edge Act corporations. Bank holding companies would be permitted to invest up to 5 percent of their consolidated capital and surplus, and Edge Act corporations up to 25 percent of their capital and surplus in export trading companies. All investments in export trading companies would be subject to prior approval by the Federal Reserve. This amendment would provide greater protection for bank deposits and reflects a number of concerns currently expressed by Banking Committee Chairman FERNAND ST GERMAIN.

Second, the subcommittee adopted an amendment offered by Mr. BOB SHAMANSKY of Ohio that clarifies the entent of Congress that the limited antitrust immunity offered by the legislation does not extend to domestic commerce. This was a worthwhile amendment that clarified an ambiguity in the bill and I was happy to support it.

Third, the subcommittee deleted the provision in H.R. 1799 dealing with the DISC tax provision, in order to facilitate passage of the bill through the House.

Mr. Chairman, I believe the action we took today addresses many of the concerns that have been expressed by other House committees with jurisdiction over H.R. 1799, and I believe it was an important first step in seeing this legislation through the Congress this session at a time when the United States inches closer each day to a trade war with Japan.

There are nearly a dozen "reciprocity" bills circulating in Congress; they represent the frustration that many Members feel with the often impenetrable trade barriers the Japanese have thrown up to American products.

The House Export Task Force, which I chair, recently held a meeting with Deputy U.S. Trade Representative Dave Macdonald on the issue of nontariff barriers to trade. The Members who attended made it clear that these bills are intended to send a "message" to those nations that treat our exports unfairly, and to our trade representatives and congressional leaders who need to know that the reduction of foreign quotas and other nontariff barriers must have a high priority.

These reciprocity bills take many forms, from the imposition of a parity tax, to a quota system or local content requirements. They are borne of the fact that domestic manufacturers of dairy and meat products, citrus and other fresh fruit, finished wood products, and high technology are running into a stone wall in their attempts to penetrate the Japanese market.

As one who represents the Northwest, with its high dependence on the wood products industry, I have long battled the Japanese over their addiction to our unprocessed logs. For too long, we have been a colony of that nation as regards our wood products; we send them the raw resource to support their domestic manufacturing industry. As a result, we fail to realize the full economic potential of the resource.

Just recently, a special negotiating committee has been formed to convince and persuade the Japanese that they must accept more of our finished products. I am happy to report that they are making progress. But it is slow progress—and at a time when our domestic economy is in a tailspin, there is a growing feeling of impatience.

For their part, the Japanese claim that much of the fault is our own, that if we were more sophisticated in the ways of international trade, that if we better "played the game" we would have greater success in exporting. There is much truth to this.

That is why passage of the export trading company bill, H.R. 1799, is of such importance. Aside from the large multinationals, our small and medium-sized companies simply do not export. They find the process confusing and frightening. They lack the expertise in language and law, the capital and the knowledge of overseas markets to be successful in export trading.

The ETC bill would allow the United States to generate this expertise. It would assist our domestic companies in finding their way through the thicket of regulations that may bar the door. In effect, this is a positive, aggressive approach to the problem of nontariff barriers, one that steers clear off protectionist legislation which carries the danger of retaliation and a full-scale trade war.

We need to move expeditiously on the creation of trading companies. A private study conducted by Chase Econometrics estimated that by 1985, export trading companies could increase GNP by $27 to $55 billion, increase employment by 320,000 to 640,000 workers, and reduce the Federal deficit by $11 to $22 billion.

We cannot afford to ignore legislation which has the potential for creating jobs and helping the country towards true economic recovery.●

CONCERN FOR SOVIET JEWS

HON. DANTE B. FASCELL

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Monday, March 29, 1982

● Mr. FASCELL. Mr. Speaker, as Chairman of the Commission on Security and Cooperation in Europe, I am constantly made aware of the plight of many Soviet Jews who are being denied their right to emigrate from the Soviet Union to the country of their choice. In 1981, the level of Jewish emigration from the Soviet Union reached a 10-year low, a disturbing indication of the Soviets' disregard for the doctrines of human rights so clearly established by the Helsinki Final Act.

Despite this pessimistic outlook for many Soviet Jews, there is no doubt that concern for these individuals remains strong throughout the United States and the world. I am proud to note that one of my constituents, Dr. Joel M. Levin of Miami, serves as an outstanding example of this active concern. Dr. Levin has taken up the cause of a 28-year old Jewish activist, Yakov Mesh, who is being harassed and threatened by Soviet officials as a result of his protests against the Soviet Government for the right of his family and other Jews to emigrate.

Although Dr. Levin has never met Yakov Mesh, his selfless efforts to secure the release of the Mesh family from the Soviet Union deserve the highest praise and recognition. I am pleased to bring to your attention an article published in the March/April issue of Boxing Today which unfolds the story behind these two remarkable men. It is my sincere hope that, through recognizing the commitment of Dr. Levin and others in helping to secure basic human rights of all individuals, this goal will some day be realized.

RUSSIANS DECLARE JEWISH BOXER SECURITY RISK!

(By Bob Rubin)

Bill Medei's left was a blur as it hissed through the air and landed on the nose of Dr. Joel Levin, breaking it. Had it been a legitimate fight, the ref would have stopped it right there in the first round. No, had it been a legitimate fight, the ref would have stopped it before it began.

Medei is a tough, 25-year-old professional middleweight who trains in Miami's famed Fifth Street Gym. Levin is a 40-year-old Miami plastic surgeon with no previous boxing experience. They met in the ring at the Sheraton Beach Hotel on Miami Beach for a three-round exhibition last summer.

It was a mismatch with a cause. Levin wasn't fighting Medei. He was fighting a far bigger, tougher and more dangerous foe, for extremely high stakes. Levin was fighting the Soviet Union on behalf of a man and his family he has never met. He was fighting to publicize the plight of Yakov Mesh, a 28-year-old Soviet Jew in Odessa, who wants to emigrate to Israel with his wife Marina and their five-year-old son Marat.

Mesh and other "refusnik" Jews with the courage to challenge the Soviets' iron grip on their lives, are thorns in the paw of the Russian bear. Levin thinks his efforts, and the efforts of others to make the world aware of Mesh, are probably all that stand between Mesh and a Siberian prison—or perhaps death. That's why Levin considers his broken nose a badge of honor. "I'm very proud of it," he said.

And Medei, nicknamed "the Italian hammer," was proud to do something to help a man half a world away he will probably never meet. After his own vigorous workouts at the Fifth Street Gym, he and his trainer Dave Clark would travel over to Tropical Park, the old closed-down racetrack, to work with Levin to prepare him for their "fight." Every day for nearly two months, this odd couple would spar for the cause of three strangers.

"I've never had a chance to help people," Medei said. "I've had a lot of help in boxing, but I've never been able to give some back until now . . . The more I got involved in it, the more I wanted to help. The good feeling I have inside I can't explain." "I'm a Bill Medei fan for life," Levin said. "A neat guy, absolutely neat."

The Medei-Levin-Mesh saga began in 1977 when Levin and his wife took a trip to the Soviet Union and met some Jewish activists in the flesh for the first time. The Levins had been members of the South Florida Conference on Soviet Jewry, but the personal contact with people Levin terms "modern-day heroes" turned a cause into a deep commitment.

"Everyone of these so-called refusniks know that, as soon as they apply for emigration to Israel, they're going to lose their professional status and probably wind up serving several jail terms," Levin said. "They're going to be harassed by neighbors and perhaps physically intimidated. It starts a whole cycle where their lives become miserable. They've seen it happen to their fellow activists, yet they do it anyway. To me, that's a hero, someone who puts it all on the line for a cause."

"You know, under Soviet law, they are allowed to go to the homeland. According to the Helsinki accords, that's their right. But the Soviets make up all these excuses why they can't leave—'The reason you can't go is because you were in the Army six years ago and therefore you know security secrets.' That's a lot of bull. One man got out told us in Israel, 'I was a shoe clerk in the Army. What secrets did I know?'"

Why don't the Soviets let them go? "That's a good question," Levin said. "The theory is that the Russians want to have an image in the world of the worker's state, where life is wonderful. But when you have millions of people who want to get out—not just Jews—it destroys that image."

The Levins became aware of Mesh through Lev Roitburd, a Jewish emigre from Odessa who got out after several years of effort on his behalf by various American Jewish organizations, including the Levins'. Roitburd told the Levins and other members of their temple that Mesh was a tailor working as a night watchman who had been arrested for several short periods and repeatedly called by the KGB. Mesh's mother, father and brother had been permitted to leave nearly three years earlier. So had his wife's mother, father, sister and grandmother. In all, some 20 family members departed on the same flight. Only Mesh, his wife and son were refused permission to leave. Why? Mesh was told it was not "the right time" for him to go.

Roitburd gave the Levins a short printed biography of Mesh, which included a note that he had been a boxer while serving in the Army. That caught the eye and lingered in the mind of Levin, who enjoyed the sport as a spectator.

Later, in an unsuccessful plea to a representative of light heavyweight Mike ("The Jewish Bomber") Rossman for Rossman to make a statement on behalf of Mesh, Levin said he'd even be willing to step into the ring to publicize Mesh's struggle. "It just popped into my head as I was talking," Levin recalled. Rossman's man said no, but the idea stuck in Levin's mind. Enter Bill Medei.

A little after midnight on the evening of April 21, Medei entered Baptist Hospital in the southwest Miami suburb of Kendall. He had fought that night and suffered a deep gash over his left eye. The surgeon on duty who stitched him up happened to be Dr. Joel Levin.

The conversation got around to Mesh, and Levin mentioned his nutty notion of fighting to call attention to the Russian's struggle for freedom. Medei's humanitarian instincts inspired him to participate, but his boxing instincts and the sight of Levin's flabby 40-year-old body left him dubious. "I couldn't see how we could do it," he admitted.

But he couldn't know then how much effort Levin was willing to put into the project. Levin went at his conditioning program with a dedication that startled Medei. "He's cramming six years of work into a month," the fighter observed.

Levin shed 20 pounds to get down to a fighting weight of 151 pounds. He couldn't master the art of skipping rope ("one skip and his legs were all tied up," Dave Clark said with a laugh), so he did jumping jacks instead. He ran wind sprints and took daily jogs of two-to-three miles. Most important, he sparred with Medei to learn the rudiments of the trade. "I didn't want to go up there and make a fool of myself because that wouldn't have helped Yakov," Levin said.

Both Medei and Levin had to overcome basic instincts when they sparred. Medei had to restrain the natural urge to belt the good doctor into Never-Never Land. Levin had to overcome his fear.

"I was scared every time I got in the ring with Bill," Levin said. "We fought eight preliminary three-rounders in training. On certain days, Dave Clark would say, 'Okay, Bill, go to work on his midsection,' and he'd start to hit me in the gut. Very rapidly, I learned to handle defense there. Other days, Dave would say, 'Okay, work on his head,' and I'd have to learn to defend myself there."

As fight night approached, others pitched in to help. Veteran promoter Chris Dundee agreed to donate a percentage of the gate to a foundation to be set up in Mesh's behalf. Local newspapers and TV and radio stations publicized the fight to help hype attendance. A near-sellout of 850 packed the hotel.

The two men were wearing oversized 14-ounce gloves and protective headgear, but as he climbed through the ropes, Levin's heart was pounding as if he were about to fight for the world championship. "I was very excited. I haven't felt such a high in a long time," he recalls.

Then Medei said welcome to my world with that stiff left to Levin's nose. Ouch. "After the fight, I asked him, 'What about the left in the first round. That really hurt,'" Levin said. "He said, 'Well, I wanted to get you mad because I knew we'd get a little more action.' In training, he'd stick me and I'd really open up."

Opening up, Levin style, means a flurry of awkward shoves and slaps, but no matter. He accomplished his goal. Newspapers and TV reported the fight and, far more important, the reason for it. Clips of articles were sent to Jewish organizations throughout the United States and Canada. From there, they were mailed to top Soviet officials—President Leonid Brezhnev, Ambassador Anatoly Dobrynin and Konstantin Zotov, head of emigration. The idea was to show the Soviets the width and depth of concern for Yakov Mesh and his family.

There was great urgency to get that message across. "We're pretty sure there have already been two attempts on his life by unmarked cars that tried to run him down," Levin said. "He's fairly active politically, both in his own cause and in the cause of others. This makes him dangerous to the Soviets.

"You know, the Iron Curtain is a very effective barrier as long as the Soviets inside don't know what's going on in the West, and the West doesn't know what's going on inside the Soviet Union. That's why it's so important to publicize Mesh's name. If the Soviets are aware that we in the West know about Yakov Mesh, they can't just go ahead and do what they want to him."

Levin says Mesh is probably unaware of the efforts being made on his behalf in the United States. Though everything written about him is mailed to him, Levin is almost certain the Soviets intercept the mail. They've sent hundreds of letters to other refusniks, only to later learn that perhaps only two or three ever got through.

Levin calls Mesh and his fellow activists "heroes." If he were aware of them, Mesh would probably use the same word to describe Levin and the others who work so hard and unselfishly for people they have not met, and perhaps never will meet. But Levin changes the subject when it turns to him.

"I don't want to pat myself on the back because there are so many others doing just as much or more," he says. "And selfishly, I get a hell of a lot of fun out of some of the adventures this work leads to. This boxing thing was really neat. My nose looks a little rugged but I don't mind a bit. I'm very proud of it."

He should be.●

KNIGHTS OF COLUMBUS CELEBRATING THEIR 100TH ANNIVERSARY

HON. CHRISTOPHER H. SMITH

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Monday, March 29, 1982

● Mr. SMITH of New Jersey. Mr. Speaker, the Knights of Columbus, a fraternal order of Catholic men, are today, celebrating their 100th anniversary. I would like to take this opportunity to recognize, what I believe is one of our Nation's finest service organizations.

The Knights of Columbus was founded a century ago by Father Michael J. McGivney in New Haven, Conn. Reverend McGivney organized a group of Catholic men in his parish in New Haven, in response to their exclusion from other groups. Father McGivney, along with many religious colleagues established the first group of their organization, and named it after the first American, a Catholic, Christopher Columbus.

The Knights of Columbus has grown considerably in the 100 years that have passed, and today their Supreme Knight, Virgil C. Dechant presides over more than 7,100 local councils worldwide. These councils, the foundation on which the order is built and runs, are in the United States, and eight foreign countries. In New Jersey, one of the larger jurisdictions, their membership exceeds 63,500 men, and worldwide the membership total is nearing 1,360,000.

The Knights of Columbus has as its fundamental tenet, charity. They give of themselves, whether it is helping earthquake victims in Italy, or providing programs for the handicapped, or promoting family and civic virtues.

The dedication of this fine service organization is evident in their work with the mentally retarded. It is their greatest cause, and each year, a great portion of the money they raise is given to help the retarded. The fundraising is done by each council in their community and can range from car washes and charity balls to their annual Tootsie Roll drive. In 1980, the Knights of Columbus raised $31.7 million, all of which was donated to charity.

The Knights of Columbus allows each of its 7,100 councils to establish and maintain programs suited to their communities. The value of this approach is reflected in the diversity and uniqueness of the council programs. The K of C also has national programs, such as their insurance program which has 437,903 members and their student loan program. The K of C student loan program, makes more than $50 million available to members and their families. New Jersey members and families receive the second largest number of these loans, and Seton Hall University in South Orange, N.J. has the largest number of students receiving these loans in the country.

The Knights have provided 100 years of outstanding service in communities throughout the world. During times when man's humanity toward man has been severely tested, the Knights of Columbus have stood firm.

I would like to congratulate the Knights of Columbus for a century of service. I know the next 100 years will find a growing strength for this fine organization.●

TRIBUTE TO ALEXANDER L. HUBER

HON. GUS YATRON

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Monday, March 29, 1982

● Mr. YATRON. Mr. Speaker, I rise today to pay tribute to one of Berks County and Pennsylvania's most distinguished citizens, Mr. Alexander L. Huber, district manager of the Reading/Pottstown district of the ILGWU.

This week, Al Huber is retiring after 34 years of service to our Nation's labor movement. He was born in Mauch Chunk, Pa., to Vincent and Emma (Dierkes) Huber. The oldest of eight children, his first work was as a farmhand. Mr. Huber graduated from high school in 1938 and began full time work on a WPA project. He served with the WPA and CCC for the next 3 years where he worked as a tree climber on a Maryland forest crew and was promoted as chief clerk to the superintendent in charge of the project.

Al Huber enlisted in the U.S. Army Air Corps in 1941 and was assigned to Mitchell Field in New York. During this time he attended Hofstra College while discharging his military duties. After the attack on Pearl Harbor, Mr. Huber was sent to North Africa, attached to a P-40 fighter squadron which later joined with the British Eighth Desert Army. His unit participated in missions over enemy occupied Sicily.

In 1943, Al was promoted to the rank of master sergeant and later that year was returned to the United States for officer's training. He received his intensive training at the Harvard Graduate School and was commissioned a second lieutenant. In 1945, he returned to the combat zone, this time to Okinawa where he served with an A-26 Attack Bomber Group.

In 1945, Al Huber returned home and resumed his education at Muhlenberg College where he met and married his wife, Marilyn (Bisbing). He received a B.A. in business administration and began his career with the ILGWU as office manager of local 111. In 1956, Al was appointed to the position of business agent in the Allentown district. In 1959, he became assistant manager. In 1973, Mr. Huber was elected district manager of local 93, Reading-Pottstown district.

Along with his duties as district manager, Al is a delegate to the United Labor Council and is an active member of the Knights of Columbus and the Guthsville Rod and Gun Club. He has four children: James T., an attorney who has served 4 years as a public defender, Daniel D., a member of the ILGWU local 111; Phillip Lee, an artist; and Lisa Ann, an executive secretary for Pyror Coated Metals in Allentown.

Al Huber is an outstanding example of one who has given untiringly of his talents for the benefit of his union and his community. I am proud to know him and to count him a friend. We can all look at Al's accomplishments as an inspiration on how we can contribute to making this world of ours a better place in which to live and grow. I know my colleagues will join me in wishing Al Huber a most rewarding and fruitful retirement. His compassion, coupled with his strong sense of responsibility have enriched the lives of all who have worked with him. It is a privilege to bring his accomplishments to the attention of the U.S. Congress.●

TAX CUT? WHAT TAX CUT?

HON. NEWT GINGRICH

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Monday, March 29, 1982

● Mr. GINGRICH. Mr. Speaker, we continue to hear people speak of a so-called huge tax cut passed by Congress last year. That bill, the Economic Recovery Tax Act of 1981, is blamed for the big budget deficits we are facing.

But last year's tax cut was a cut in tax rates, not in tax revenues. Tax revenues in aggregate terms will continue to rise year by year. Last year's reduction in business and personal income taxes only offsets tax increases set in motion before we passed the 1981 tax bill.

In other words, the composition of the Federal tax take has been altered, but Washington will still take in more dollars this year than last. There is now more stress on consumption taxes and less on income taxes, which is good for work incentives, productivity, and the effort to end inflation.

But the combined impact of the last several years' worth of tax decisions and nondecisions means: First, the average family is feeling no net decrease in its tax burden, and second, Federal revenues in aggregate terms will continue to go up, even as Federal spending rises much faster and results in more red ink.

The 1981 tax bill had relatively little impact on deficits, compared to the momentum of undisciplined Federal spending and recession-associated revenue losses. That tax bill has also had relatively little immediate impact on the tax burdens of working Americans, because it has been pitted against tax hikes and inflation set in motion before 1981.

All that means last year's tax cut was a mixed success. It was good because it canceled out bad. But the people in 1982 who want to dilute or repeal the 1981 tax bill are saying, in effect, that it was too generous and we should go back to allowing tax burdens to increase sharply every year. They would have us undo a tax cut that merely offsets a tax increase. They are saying that a total failure to fight growing taxloads for American families is preferable to a well-fought standoff. That position cannot be allowed to prevail as we discuss and vote on the fiscal 1983 budget.

I am inserting into the RECORD an editorial from the March 19, 1982, edition of National Review. It methodically explains where the tax situation really stands. We have won a partial victory by halting a 15-year increase in average family tax burdens. Let us make that victory total, by continuing to slow down inflation, add purchasing power, and passing a constitutional amendment to increase the likelihood of balanced Federal budgets.

The editorial follows:

CANCEL WHAT TAX CUT?

Long before the Administration unveiled its 1983 budget, it was clear what line of attack the critics would take: the "radical," "irresponsible" nature of the Reagan tax policy. And sure enough, a campaign is currently in full swing to get Congress to roll back, delay, or cancel entirely the individual tax cuts enacted last year (almost none of which have actually gone into effect yet).

Now the Federal Reserve Bank of Philadelphia has come out with a startling study showing that, despite last year's tax cut, marginal federal tax rates for many earners are going up, not down. For many taxpayers, the tax cuts were not big enough to make up for the marginal effects of bracket creep and a rising Social Security tax base.

Congress has in fact canceled most of the Reagan tax cut; it just did the canceling before passing it.

The authors of this new study, Stephen Meyer, senior economist at the Bank's research department, and Robert Rossana, a Penn State economist, conclude that "few taxpayers will face lower tax rates in 1983 than they did in 1980. . . . Most taxpayers will find that the trend of rising taxes will continue." Meyer and Rossana's study, aptly entitled "Did the Tax Cut Really Cut Taxes?" appeared in the November/December issue of the Philadelphia Fed's Business Review; revised and corrected figures appeared in the January/February issue.

Take a family of four that files a joint return using the standard deduction and that has an adjusted gross income that rises in step with inflation. If the family's adjusted gross income is $17,000 a year (in 1978 dollars) it faced a tax rate of 30 per cent on the marginal dollar it earned in 1980 and in 1981. This rate is dropping slightly—to 29 per cent—this year, but then will rise back to 30 per cent in 1983, according to Meyer and Rossana. A less well-off family, with adjusted gross income of $13,000 (1978) will send 24 per cent of its marginal earnings to Washington in 1983, the same share as in 1980. Up at the $40,000 level, the marginal rate will drop, but only by a little, from 43 per cent in 1980 to 40 per cent in 1983.

The really devastating news concerns the broad sector of the middle class around the $18,000-$25,000 level. The huge rise in the Social Security tax base, from $17,700 in 1978 to a slated $35,700 in 1983, has been slicing through this group like a machete, and its marginal effects much more than cancel out the tax cut. At the $22,500 level, for example, the marginal rate leapt from 28 per cent in 1980 to 38 per cent the next year, and by 1983 will drop only to 37 per cent.

Marginal rates are crucially important because they are the rates that directly discourage people from working, saving, and investing. If a tax cut is to give any supply-side stimulus, it must reduce marginal rates, not just the average tax bill. In any event, average tax rates have been rising sharply too—for most levels, they went up by about 4 per cent of adjusted gross income from 1978 to 1981.

There is no tax cut to roll back, no tax cut to delay, and no tax cut to cancel entirely. All there is, is a great treadmill on which panting taxpayers continue to jog and puff, a treadmill that President Reagan has barely managed to slow, and that congressional liberals propose to speed up by hiking taxes to new and unheard-of heights.●

THE ELECTIONS IN EL SALVADOR

HON. WILLIAM F. GOODLING

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Monday, March 29, 1982

● Mr. GOODLING. Mr. Speaker, a year ago in January, the revolutionary guerrillas in El Salvador mounted what they termed their "final offensive"; calling upon the people of El Salvador to take to the streets against the junta, the guerrillas hoped to sweep the Duarte government from power. What happened was quite the reverse: the people for whom the guerrillas claim to be fighting stayed at home and the guerrillas' final offensive ended ignominiously, totally counter to the guerrillas' claim to popular support.

Yesterday, we saw the same people which the guerrillas claim to represent turn out en masse to vote in the elections which the guerrillas steadfastly refused to take part in. Despite threats by the guerrillas to kill or cut off the fingers of anyone who participated in the election, the turnout at the polls was far greater than had been expected or hoped for. Many Salvadorans literally risked their lives, braving guerrilla snipers, to get to the polls and vote. To use the words of President Duarte: "The people voted for peace." Once again, the people of El Salvador have shown that their support does not lie with the guerrillas.

We must now hope and pray that the people of El Salvador have not misplaced their faith in casting their vote for peace through democracy. The newly elected government—whichever party it is—must take positive steps to end the violence and bloodshed that has torn El Salvador apart for so many years now. I do not believe that a military solution is a viable one: whichever faction would win, guerrilla or government, the victory would be Pyrrhic.

It is my contention that the administration, with bipartisan support from Congress, should press strongly for a peaceful resolution of the conflict, no matter which party takes power in El Salvador. All assistance to that country should be contingent on the efforts the new Salvadoran Government makes to bring an end to the killing and bloodshed that have endured far too long in that unfortunate country. The people of El Salvador have voted for peace, and we cannot let them down.●

THE 25TH ANNIVERSARY OF THE EUROPEAN COMMUNITY

HON. DANTE B. FASCELL

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 25, 1982

● Mr. FASCELL. Mr. Speaker, I have in the past had the great pleasure to serve as a member of the U.S. delegation which meets biannually with the delegation of the European Parliament. This experience has given me the opportunity to discover something of the spirit of the Community and to realize the gains that have been made since its inception in 1957.

In the last 25 years, the Community has developed from a Common Market with 6 member states to a true Community of 10 which strives to reflect a unified posture on a wide range of issues. The EC has progressed from a solely economic system to one which carries economic, social, and political clout. It is an entity which fosters peace among its members and initiates peacekeeping activities among nonmember nations. It is an area of economic integration which espouses free trade ideals, and it is a major force to be reckoned with in world trade. The EC is now, and promises to be, an important political force which deserves our vigilant attention. The Treaty of Rome has given the world economic community a new player which constitutes the largest single market in the world. For 25 years, progress toward Europe's goal of successful integration has been borne out by business statistics and the strengthening of the institutions which help to hold the Community together.

This anniversary of the birth of the EC also gives us the opportunity to examine the effects which the European Community has had on our own Nation and the great potential that exists for U.S.-EC relations. The United States at one time envisioned a strong, united Europe. We now depend on it as an ally in peace and in matters of mutual defense. Some of the interdependence among neighboring nations that fostered the development of the European Community in 1957 may be seen in the interdependence among the world's nation states in 1982. We are unable to function in isolation. Negotiation and cooperation are keys to the world's social and political survival and prosperity just as they are to the members of the EC.

During times of economic recession, now suffered virtually worldwide, feelings of nationalism and protectionism tend to take root. Our own economic problems now occupy domestic politics. Internationally, our attention has turned to our own hemisphere due to recent violence and unrest. Instability at close quarters can hardly be taken lightly. But let this 25th anniversary of the European Community be an occasion to remind us of our commitment to our allies and of the constant need to reinforce that commitment. I commend the EC on its own successful efforts to avoid turning inward to concentrate on national problems to the exclusion of community goals. Above all, I congratulate the architects of the Community, those who have nurtured it, and the people of Europe on these 25 years of progress.●

ANATOLY SHCHARANSKY—HUMAN RIGHTS IN THE SOVIET UNION

HON. DON BONKER

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Monday, March 15, 1982

● Mr. BONKER. Mr. Speaker, this month marks the fifth anniversary of the imprisonment of Anatoly Shcharansky. I would like to take this opportunity to again express my concern about his deteriorating physical condition and urge the Soviet Union to release him from his detention so that he can be united with his family in Israel.

Last July 28, the Foreign Affairs Subcommittee on Human Rights and International Organizations unanimously agreed to House Resolution 152, sponsored by our distinguished colleague from New Jersey, Representative RINALDO. This resolution, which was adopted in September by the full Congress, expresses the sense of the House of Representatives to urge the President to continue to express the opposition of the United States to the imprisonment of Anatoly Shcharansky by the Soviet Union. The Subcommittee on Human Rights and International Organizations continues to monitor his case, and makes regular appeals on his behalf to the Soviet Union.

Mr. Shcharansky's continued detention is a living testimony to the injustice and brutality which characterized the Government of the Soviet Union. His fate is the fate of many thousands of other, less well-known Soviet Jews, Pentecostal Christians, Refusenicks, dissidents, scientists, and human rights advocates who languish in the Gulag. In highlighting his case today, I wish also to express my solidarity with his nameless fellow prisoners, who languish in labor camps, psychiatric hospitals, and prisons.●

VOICE OF DEMOCRACY IN DELAWARE

HON. THOMAS B. EVANS, JR.

OF DELAWARE

IN THE HOUSE OF REPRESENTATIVES

Monday, March 29, 1982

● Mr. EVANS of Delaware. Mr. Speaker, each year the Veterans of Foreign Wars of the United States and its Ladies Auxiliary conduct a Voice of Democracy contest. The winning contestant from my home State of Delaware is Josh W. McDonald, of Wilmington.

Josh's speech touches on some points that all of us in this Chamber, and across the Nation, would be wise to consider. Sometimes we tend to take for granted the many benefits of living in the United States. But, as long as there are young people like Josh McDonald, we will never lose sight of what it is that makes America great.

In order to share Josh McDonald's speech with my colleagues, I include it at this point in the RECORD.

BUILDING AMERICA TOGETHER

(By Josh W. McDonald)

Two weeks of my summer vacation were spent in the northern part of our country climbing mountains. On a particualar day, the forest ranger assigned me to a group of climbers, among the several older people. We became acquainted as the day wore on, and as I listened to the cheerful banter going back and forth I noticed an older man with a heavy accent. I was curious and asked the man where he was from. Poland, he told me. Then he added that he and his older brother had come to America in 1947, and had started a small business which has prospered. He looked at me as we climbed, and said, "I hope, young fellow, you now what you have here in this great country." He questioned me about my hopes and plans for my future, saying he felt all young people had to repay this country, America, in some way for what it had given them.

"Let me tell you what I have done to repay America for the opportunities it has given to me", he said. So we sat down on a boulder, and the old man began his history.

He had been left an old house, quite dilapidated that had been owned by his brother, who had just died. The house had been used as rental property, but the brother, busy with work commitments, did not keep up with the needed repairs. During the four years before his death, the house had sat empty.

"Now, young man", he said to me, what was I to do with a rundown house? But after some thought I came up with a plan."

"The town I live in," he continued, "is very community minded, and monthly meetings are held to decide what is good for our town. At one of the meetings, I shared with the people plans to renovate the old place. The structure had a strong foundation and good internal beams, but much work needed to be done.

"I needed electricians to fix the faulty wiring. I needed a roofer, for the aged roof was leaking. I needed painters, plasterers, and plumbers. But the old house had a strong foundation, and our work was a success.

"I found that because of its age, the house qualified as a historic site. Imagine," he told me, "this house had been standing before I was born in Europe and it was still a worthy structure! Anyway," he went on with pride, "I paid the workers as they proceeded with the repairs. The project became a real point of civic pride.

"Because of my love of the country, I donated the house to the town to be used for community purposes. This was my way of saying 'Thank you, America, for taking me in.'"●

FUTURE BUSINESS LEADERS OF AMERICA—PHI BETA LAMBDA BIRTHDAY

HON. BILL LOWERY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, March 29, 1982

● Mr. LOWERY of California. Mr. Speaker, I would like to call to your attention a vocational student organization, the Future Business Leaders of America—Phi Beta Lambda. This past February was designated as FBLA-PBL month, and specifically, the week of February 7 through 13 as FBLA-PBL week throughout the Nation.

The Future Business Leaders of America—Phi Beta Lambda was founded February 3, 1942. Since that time, it has grown into a 200,000 member international body, united for the purpose of seeking cooperation between the educational and business communities. Through the FBLA-PBL program, which is recognized by the U.S. Department of Education as a cocurricular activity, high school and college student members learn about private enterprise through direct involvement with the business community. Activities are developed by the students with the help of local advisers and chapter advisory councils. The theme adopted by the Future Business Leaders of America-Phi Beta Lambda is "in touch with the Business of America." Nearly 10,000 chapters of FBLA-PBl effectively make that idea a working reality.

As chairman of the congressional advisory board for the FBLA-PBl I wish to congratulate this fine organization on its 40th birthday this year and promote its ideals for young people for many years to come.●

RETIREMENT OF HON. RICHARD BOLLING

HON. RICHARD L. OTTINGER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, March 29, 1982

● Mr. OTTINGER. Mr. Speaker, the retirement of the gentleman from Missouri (Mr. BOLLING) will represent a tremendous loss of knowledge and talent to this body. The many of us who have worked with (and sometimes against) him in the past, will miss a good and respected friend.

DICK BOLLING has been for many years the leading scholar on the House, its traditions, its centers of power, its strengths and weaknesses. His books, "Power in the House" and "America's Competitive Edge" are must reading for every new Member and every old one, too, who is truly interested in the operations of this fantastic institution.

In recent years as chairman of the Rules Committee, DICK BOLLING has been the crafter of ingenious and fair rules for handling some of the most complex controversies to come before the House, assuring that all sides on heated matters get a fair turn at bat on the House floor.

While the gentleman from Missouri has lost several races for the House leadership, possibly because he always lets people know where he stands, sometimes with brutal candor, he has always emerged with enormous respect from his supporters and opponents alike. Today he is a virtual elder statesman, and all of his colleagues enjoy drawing on his fountain of accumulated knowledge and wisdom. The Speaker has seen fit to make him most recently the coordinator of efforts to reach a Democratic consensus on alternative policies for the Party.

Perhaps DICK BOLLING's most important crusade was his effort several years ago to reorganize the committee structure of the House. While his plan was not adopted, his initiative resulted in the Hansen Committee Report which did adopt many of his recommendations. He was also of instrumental help in the fight I helped to lead in the 94th Congress to end the baronial powers of committee chairpeople, to open up House procedures to public scrutiny and to distribute power more broadly to subcommittee chairs.

Indeed, in so many ways, Bolling ideas and initiatives have helped to shape the House and its procedures in ways of lasting benefit to the institution and its Members.

I join in wishing DICK and his family the greatest of happiness in his retirement.●

ECONOMIC INNOVATION

HON. JONATHAN BINGHAM

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, March 29, 1982

● Mr. BINGHAM. Mr. Speaker, supply-side economics is a disaster. President's Reagan's program of tax cuts, budget cuts, huge defense expenditures, and tight monetary policy has led us into one of the deepest recessions since World War II.

Prof. Walt W. Rostow of the University of Texas, a former top aide to Presidents Kennedy and Johnson, has come forward with an interesting proposal for a way to bring business, labor, and Government into a constructive partnership to address the problem of controlling inflation without impeding growth. Professor Rostow's column from the New York Times of February 26, 1982, follows:

ECONOMIC INNOVATION

(By W. W. Rostow)

AUSTIN, TEX.—The time has come for a wage-price freeze, to be immediately followed by a new, long-term system for negotiating wage norms on a national rather than industry-by-industry basis.

The Administration's attempt to use monetary policy as the sole instrument for reducing the inflation rate has lifted interest rates, caused a deep recession, reduced productivity, denied us $200 billion in foregone production, added $50 billion to the Federal deficit, destabilized the world economy, and weakened our strategic position.

Monetarists acknowledge that it will take 5 to 10 years of protracted recession to wring inflation out of the economy, and some doubt that the democratic political process will permit the experiment to be made. They are right: It will not, and should not, be made. We should stop trying to sit on a "one-legged stool."

The decline in oil, agricultural, and raw-material prices, in part responding to the global recession, has reduced the inflation rate in recent months. But these transient forces cannot provide the foundation for national policy. What is required is a direct, cooperative, prompt effort by business, labor, and Government to rid our economic system of its approximately 8 percent basic inflation rate—that is, the average rate of wage increases minus the average rate of productivity increases.

We must invent a system like those used in democratic countries with low inflation rates: Japan, West Germany, Austria, and Switzerland. Japan's wage-setting system, for example, is based on four elements, none of which is peculiar to Japanese culture:

1. Every spring, business, major labor unions, and the Government negotiate to establish a norm for wage increases. The norm is based on all the key factors affecting the national economy: the expected rate of increase in productivity, the balance-of-payments position, unemployment, etc. The norm does not hold for all wage increases. Flexibility is allowed for more-or-less dynamic industries and firms within them, as in any system of wage guideposts.

2. During the year, regular meetings are held by business and labor and Government officials to review the economy's position and problems. Thus, when spring negotiations arrive, there is a common, realistic view of the scope for noninflationary wage increases.

3. A part of workers' income takes the form of an annual bonus geared to each firm's profits.

4. Against the background of wage payments linked to the average rate of increase in productivity, fiscal and monetary policy are freed to do jobs they can do: They help the economy avoid overheating, and they stimulate the economy when unemployment rises.

Thus, the Japanese and others who have dealt successfully with inflation operate with a "three-legged stool": wage increases linked to productivity, fiscal policy, and monetary policy.

Capitalizing on experience that is more familiar to us, I propose a combination, with certain essential improvements, of Richard M. Nixon's 1971-72 wage-and-price control policy and John F. Kennedy's wage-and-price guideposts that remained effective into 1966. If we look directly at the changes in prices, interest rates, productivity, and economic growth produced in both cases, these experiments emerge as quite impressive, if imperfect.

The flaw in Mr. Nixon's policy is that it was announced as temporary. It did not end inflationary expectations. Business and labor jockeyed for position in anticipation (correctly) of the lifting of controls after the 1972 election. The basic flaws in Mr. Kennedy's program was that it did not provide for responsible annual negotiation of a wage norm, the arrangement had no Congressional sanction, and Mr. Kennedy did not fully explain it to the public.

The place to start is by promptly reviving the 1970 amendment to the Defense Production Act of 1950 that granted the President power to set prices and wages. No doubt President Reagan would announce, as Mr. Nixon did, that he doesn't want the power and doesn't intend to use it. Never mind. The national interest requires that the option be available. If a freeze were set in motion, such a legislative base would be required to adjust equitably existing mortgages and wage contracts to noninflationary conditions.

In the end, a system of this kind would reflect an underlying decision by the whole nation to rid our society of inflation. The will to do so exists, as public-opinion polls regularly attest. It is up to President Reagan and other political leaders to galvanize this will, promote the necessary partnership on a bipartisan basis, and thus permit the United States to enjoy the noninflationary growth it so badly needs.●

HEAD START PARENTS APPEAL FOR PROGRAM

HON. GEORGE MILLER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, March 29, 1982

● Mr. MILLER of California. Mr. Speaker, I continue to get letters from Head Start parents who both testify to the ways in which this program had dramatically improved their lives and those of their children, and express their concerns about Head Start's future. We know that Head Start works; that Head Start is cost effective. And yet, even today, it serves only 25 percent of the eligible children, and faces substantial erosion from inflation and cutbacks in supportive services (CETA, title XX, child care, food, medicaid). We need to listen to the parents of Head Start children and keep this exemplary program working. Another letter from a Head Start parent follows:

My child is learning good motor skills, about his body, his surroundings, to participate in group activities. He is more confident. Head Start has made me more comfortable leaving my child so I can work. I know he is well cared for and happy. He enjoys the work and tells me about his experiences each day. Without Head Start, the money hardship is evident, but mainly I would not feel as if my child was receiving as good care. Babysitters tend to turn on TV. A half day program would put an extreme hardship on us. I would have to arrange to pick up my child and take him to a babysitter for the other half day. In my work, my lunch hour varies with the work load, so I could not get off at the same time every day. The entire program is excellent. I like the idea of my child learning, painting, being read to, exploring his surroundings plus the love this Head Start program's teachers provide. The only problem with Head Start is the uncertainty of its future because of budget cuts. Of all the government-funded programs, this one does the most good. People who leave their children here are working. Trying to make a living and support themselves. So many programs reward not working. This one provides loving, caring child care for parents who are trying to "make it" in this working world.

HEAD START PARENT,
Russellville, Ark.●

DOCTOR HULTGREN SERVES TULSA FOR 25 YEARS

HON. JAMES R. JONES

OF OKLAHOMA

IN THE HOUSE OF REPRESENTATIVES

Monday, March 29, 1982

● Mr. JONES of Oklahoma. Mr. Speaker, Dr. Warren Hultgren, pastor of the First Baptist Church in Tulsa, Okla., celebrated his 25th year of service to the people of Tulsa this past weekend.

I have had the honor and pleasure to call Dr. Hultgren a friend for the past decade, and to work with him on a number of projects in behalf of our community. I have been constantly impressed by his leadership, intelligence, and compassion. He has compiled a record of public service to be envied by many of the Members of this distinguished body.

Dr. Hultgren has also ministered to the individual needs of his congregation, never flagging in his passion to bring the love and the instruction of Christianity to those in need. He has been an inspiration to many and a true friend to all.

Tulsa has been a city blessed by good fortune for the past quarter of a century. Our economy has prospered; our city has grown; and our futures have become brighter with each passing year. One of our greatest blessings, however, is that we have had Dr. Hultgren among us. He has cheered our victories and he has consoled us in our defeats. He has worked side by side with us to build our community. I can only hope and pray that Dr. Hultgren will be with us for many more years because persons of his substance and stature are rare indeed.●

ON THE FIRST ANNIVERSARY OF JURI KUKK'S DEATH

HON. DANTE B. FASCELL

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Monday, March 29, 1982

● Mr. FASCELL. Mr. Speaker, March 27 marks a sad date in the history of Estonia: The first anniversary of the death of noted Estonian human activist, 41-year-old chemist, Juri Kukk. One year ago, on March 27, Silvi Kukk received a laconic telegram from Vologda prison hospital informing her that her husband had died. Silvi Kukk and five Estonian friends flew to Vologda for the brief funeral; there they learned that he had been suddenly sent to the investigatory prison in Vologda and then to the hospital where he died. The official cause of death was noted: "Stomach enlargement, dilation of the chest and asphyxiation."

Behind those medical phrases lies a story of Soviet brutality: Kukk, who had been on a lengthy hunger strike, was force fed by the hospital personnel and died of suffocation as a result. Either this inept treatment was purposely ordered by the authorities, or the level of standard medical treatment in Soviet prison hospitals leaves much to be desired.

How did Juri Kukk start on the road which led to his tragic early death? In 6 years, Kukk went from being a scientist who was trusted enough by the Soviet authorities to be permitted to go on a year-long scientific visit to France in 1975-76 (although of course his wife and children stayed behind in Estonia) to his leading role in Estonian human rights activities for which he was penalized so brutally by the Soviet authorities. Arrested in March 1980 for, among other things, protesting the Soviet invasion of Afghanistan and for contacts with Westen journalists, Kukk was sentenced for "anti-Soviet slander" to 2 years of ordinary regimen labor camp. In January 1981 Kukk was tried with Mart Niklus, an ornithologist who had already been in the camp for political crimes, and who received a 15-year term of imprisonment in camp and exile. Niklus, who had been one of the signers of the famous Baltic Appeal, has also suffered brutal treatment in camp—for a long time no one knew where he was—but the latest informantion is better about his health.

Encouraged by the bravery of these two men, Juri Kukk and Mart Niklus, there has been a continued high level of activism in Estonia: Unofficial publications appear; there have been popular protests at the official policies of russification of the Estonian population; the youth of Estonia has been motivated to defend its rights both as Estonians and on the socioeconomic front. Estonians know that many of the difficulties they face is due to the unwanted presence of Soviet troops and Russian settlers on their land. They know that the continuing decline of living standards, particularly the food supply, is due to the inefficient Soviet economic system. Let us hope that these brave efforts of the Estonian and other Baltic peoples will be successful in finally regaining their right to determine their own future.●

HOMEBUILDING HURT BY HIGH INTEREST RATES

HON. IKE SKELTON

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Monday, March 29, 1982

● Mr. SKELTON. Mr. Speaker, this body is well aware of the effect of recession and high interest rates on a cross-section of American businesses and citizens. One of the hardest hit segments of our economy is the homebuilders and those industries which produce products used in construction. For the time being, it appears that the American dream is out of reach for many Americans who are unable to find reasonable, long-term credit to finance the purchase of a home for their families.

Mr. Speaker, one solution to our current high mortgage rates would be to eliminate needless restriction on pools of money which would otherwise be available to relieve interest rate pressures on home mortgages. One such pool is pension funds which, under ERISA can not be used for residential mortgages. I urge my colleagues to give consideration to the bills which have been introduced which would open up these funds for use by homeowners. I call their attention to an editorial written by Mr. Robert John, for the Retail Lumberman magazine published this month. Mr John's thoughts on the subject are just commonsense and I insert his editorial in the CONGRESSIONAL RECORD:

SCHOOL TEACHERS, POLICEMEN AND HIGHWAY WORKERS COULD SAVE OUR INDUSTRY

If the days of the long-term, fixed rate, low interest loans are gone forever, then where are we going to get the capital needed for the recovery of the homebuilding industry? Hopefully from the largest non-governmental source of capital—pension funds!

Retirement fund assets are the nation's single greatest source of investment capital. An estimated $700 billion could become available for home financing in the 80's if various State and Federal laws would be changed and new investment attitudes were developed. At the present time 36 states have some sort of limited mortgage financing programs using public pension money, but we need more. The move into the home mortgage market would do two things for these funds—they would receive a good return on investment plus it would serve as a good economy builder in each state. As money is made available, homes are built and sold creating a ripple effect on a state's economy; tax revenues go up without increasing taxes, a State could pay employees more so they could put more into their pension program.

Resistance to using pension funds comes largely from the fund managers themselves. Their main concern seems not to be how secure mortgage investments are but rather they are saying they just don't want to be told how they should invest the money.

Few times in our history has the need to talk to our Senators and Representatives been more critical and now we have something positive to talk about. We need to demand action on this issue from those we elected to represent us—after all, they are the ones who got us in this mess. And then maybe we can thank the teachers, police and highway people for helping us out of it.●

VIGIL FOR ABBA TARATUTA

HON. CLAUDE PEPPER

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Monday, March 29, 1982

● Mr. PEPPER. Mr. Speaker, distinguished colleagues, and all who read this RECORD, you know how painful it is for me to once again bring to your attention the sad and inhumane plight of Soviet "refusenik" Abba Taratuta. Since 1973, when this brave man and his family first applied to emigrate, they have continuously been harassed by Soviet authorities and have had many of their personal belongings confiscated. As you know, Abba Taratuta and his family have been denied their right to emigrate on the grounds of "State Security."

Abba Taratuta, my adopted "refusenik", has suffered enough. It is now for too long a period of time that we address the plight of this individual, who, due to his desire to seek happiness, has been refused even the most basic of his rights. As we continue with this year's Congressional Call To Conscience Vigil, let us hope that soon in the future he and his family will be allowed to emigrate.●

THE DISASTER LOAN PROGRAM

HON. FLOYD J. FITHIAN

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Monday, March 29, 1982

● Mr. FITHIAN. Mr. Speaker, I am today introducing legislation designed to assist communities throughout the country suffering from both the terrible burden of high unemployment and the added suffering of a natural disaster.

The bill is based on the belief that a community suffering from high unemployment and from a major natural disaster should not have to suffer the consequences of budget cuts in the Government's disaster loan program. I am confident that most Americans share this belief.

When Congress passed the Budget Reconciliation Act last year, it did not seriously consider nor did it debate the merits of that legislation's sweeping cuts in the Small Business Administration's disaster loan program. As a result of that legislation, the victims of a natural disaster will face dramatic increases in interest rates under the SBA disaster loan program. In addition, small businessmen will be prevented from borrowing to cover the full extent of their business losses. The bill limits small businessmen from borrowing more than 85 percent of their disaster-related loss under the program.

The seriousness of the impact of these cuts can no longer be ignored.

States throughout the midwest, already facing unemployment rates far in excess of the national average, are now being swept by devastating floods. Other depressed areas of the country may soon face similar disasters.

The loans my legislation would provide are just that—loans which will be repaid to the Treasury as victims of the disasters rebuild their homes, factories, shops, and shattered lives. Experience has shown that an investment by our Government in helping speed this effort is one of the soundest investments possible.

The text of my legislation follows:

H.R. 5978

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) subsection (c) of section 7 of the Small Business Act is amended by adding at the end thereof the following new paragraph:

"(5)(A) Notwithstanding paragraph (4), the interest rate on the Federal share of any loan made under subsection (b) shall be determined under paragraph (3) and not under paragraph (4) if the loan is made with respect to a disaster occurring in a State with high unemployment.

"(B) For purposes of subparagraph (A), a disaster shall be treated as occurring in a State with high unemployment if the average rate of unemployment for the State for the 3-month period preceding the month in which the disaster occurred is at least 10 percent.

"(C) For purposes of this paragraph, the rate of unemployment is the rate of unemployment determined by the Bureau of Labor Statistics."

(b) Paragraph (3) of section 7(c) of the Small Business Act is amended by striking out "and prior to the effective date of this Act" and inserting in lieu thereof "and, except as provided in paragraph (5), prior to August 13, 1981".

(c) The amendments made by this Act shall apply to disasters occurring after August 12, 1981.●

IDA NUDEL WAITS

HON. MICHAEL D. BARNES

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Monday, March 29, 1982

● Mr. BARNES. Mr. Speaker, I received the news Thursday that Ida Nudel, the "Guardian Angel" who has endured the wrongful punishment of internal exile in the Soviet Union, has been released from Siberia and flown to Moscow.

I know that we are all pleased that the Soviet Government took this action and I believe that it is certainly a positive development. However, the fact still remains that Ida Nudel has yet to gain her freedom. I hope that the Soviet Government will continue in a truly humanitarian course and allow Ida to emigrate to the free world. Neither we nor Ida will be swayed from this ultimate and only goal, and we will continue to persist in our demand that the Soviet Government do what is right.

Those of us in Congress, and Ida's friends throughout this country and the world will not relent. I am particularly grateful for the tremendous hard work and effort of the Union of Councils of Soviet Jews, which has from the beginning, taken up the cause of this brave woman.

Mr. Speaker, the protest for Ida Nudel continues with renewed hope, but with increased vigor and commitment. There is no stopping us now.●

THE WRONG DEFENSE

HON. PHILIP M. CRANE

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Monday, March 29, 1982

● Mr. PHILIP M. CRANE. Mr. Speaker, a hue and cry has gone up in the land indicating that the cure for our economic woes is to cut defense spending. If that is the case what then is to be the cure for our sorry state of military preparedness. The following editorial in the Wall Street Journal, March 25, 1982, indicates that savings can be obtained in defense spending but cuts or corrections in the budget should not occur at the expense of the Nation's Armed Forces. I commend the article to the attention of my colleagues.

REVIEW AND OUTLOOK—THE WRONG DEFENSE

President Reagan's huge defense budget is getting plenty of attention in the current political struggle over budget cuts, and we can see no reason at all why it should be overlooked. Our fear is not that someone might cut the defense budget but that the cuts will be made in ways that have in the past insured that we would receive the least, rather than the most, bang for a buck. The politics of putting defense spending on a rational basis are themselves formidable, but that is where the focus on defense spending should be directed.

Disinvestment was the watchword of the military budget in the 1970s. The Nixon and Ford administrations hoped to use the mislabeled "peace dividend" after the Vietnam war to offset the rising costs of social service programs. Just before leaving office, President Ford chucked that position and proposed an ambitious plan to upgrade our arsenal and our readiness. Jimmy Carter quickly scotched those proposals, and for almost his entire term, he left the military to languish as entitlements spending raced out of control.

During the decade of the '70s, military preparedness grossly deteriorated. Because of a dearth of spare parts, repair chiefs cannibalized aircraft and vehicles in order to keep at least some planes flying and some tanks rolling. Skilled troops left in droves due to poor pay and benefits. Even ammunition was in short supply. Strategic programs, such as the new nuclear bomber, were scrapped, or as with the Trident submarine and cruise missile, stretched out. In the meantime, the Soviet Union was embarked on the most massive military buildup in world history, and now is superior to the U.S. in almost every category of strategic and conventional force.

Those calling for major defense cuts—the figures run as high as $30 billion for fiscal 1983—would have us repeat the mistakes of the past decade. Readiness would remain impaired; procurement contracts would be so stretched out as to cost more over the long run; the troops' morale might again ebb.

As opposed to popular impression, most of the defense budget will be spent on manpower and conventional readiness. Strategic forces will consume less than 10% of the Total Obligational Authority in next year's budget. Spending on general purpose forces will amount to $106.5 billion out of total budget authority of $258 billion. The next largest expenditure item is training, medical and other general personnel activities, which will total $44.2 billion. That compares with $23.1 billion that will be spent on strategic weapons such as the MX missile, Trident submarine and the B1 bomber.

There are few quick ways of making large savings in the defense budget without sacrificing readiness. For instance, the Office of Management and Budget calculates that if every defense procurement program costing $500 million or more were killed, it would save $49 billion in obligational authority—but only $6.5 billion in outlays next year. Of the $216 billion that actually will be spent next year on defense, more than a quarter comes from money provided in the fiscal 1982 budget and earlier years on long-term procurements.

This situation, of course, leads to the temptations to which previous administrations and Congresses succumbed—reducing readiness by cutting funds for maintenance, munitions and manpower, or stretching out long-term procurement contracts even though that just increases the costs of these programs in future years. It's these practices that have gotten us into the defense jam we're in today.

There are ways of trimming military spending. Cutting unnecessary expenditures to maintain obsolete bases, killing pet programs of some services and consolidation of procurement programs among the branches of the military make economic sense but always face political obstacles. The most efficient way is the one most often avoided in the past—to fund long-term procurement projects fully in order to optimize the Pentagon's bargaining leverage with contractors. To a large degree, the administration's proposals aim to do that.

However, this policy trades large apparent costs now for large savings in the future, whereas the instinct in Congress is to do exactly the opposite. It has been that instinct that has ballooned our present costs. The best defense for the Reagan defense budget is not that it is sacrosanct but that it attempts to remedy some of those past sins. By all means the defense budget should be looked at carefully. But controlling defense costs is a long-term effort. Attempts to trim a single year's budget can lead, indeed most typically have led, to shortsighted cuts that over time only make an adequate defense more costly.●

SANDRO PERTINI'S VISIT TO AMERICA

HON. PETER W. RODINO, JR.

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Monday, March 29, 1982

● Mr. RODINO. Mr. Speaker, last Thursday I had the pleasure of joining many of our colleagues in welcoming Italian President Sandro Pertini to America. First at our congressional luncheon and then at the White House state dinner, I was touched by the strength and truth of Sandro Pertini's message—one of friendship and commitment to democratic freedoms.

Mr. Speaker, I believe that all of us can benefit from reflecting on the words of this inspired world leader, and I insert his remarks at the White House dinner in the RECORD.

Following Sandro Pertini's statement, I ask that the RECORD include an editorial in the New York Times on March 25 which nicely sums up the special qualities of Sandro Pertini.

REMARKS BY HIS EXCELLENCY SANDRO PERTINI, PRESIDENT OF THE ITALIAN REPUBLIC

Mr. President, I am particularly grateful to you and the people of the United States for the extreme warmth and friendship with which I have been received on American soil and for the very pleasant atmosphere in which this meeting of ours takes place.

Nor could it be otherwise, given the traditionally very close ties which unite our peoples, ties which by now stretch back far in time. I do not in fact bring with me the quick-growing maize and other seeds from Tuscany which Filippo Mazzei recalls in his memoirs he gave to Thomas Jefferson to sow on his farm. However, I too bring a symbolic gift for I bear fresh witness to the friendship of the Italian people with the people of the United States. It is a friendship deepened and enriched by the innumerable joyous and sorrowful circumstances of our common history and by the blood ties which bind Italy to that group of Americans who are of Italian origin. Despite the enormous problems of transmigration, this is a group recognized for its industriousness and its attachment to its adopted country, but without ever forgetting its ancient far-off motherland. No man, Mr. President, who is forced to take the bitter path of exile to escape political persecution—just as the present speaker was—or to escape from the enslavement of misery and hunger, no such man ever forgets his mother country.

Deep-rooted therefore are the ties which unite our two peoples, stretching back into time to that fellow countryman of mine, who first opened the frontiers of the Old World to the New. It has been a long history of men and ideas which the great ocean could not hold back.

I think of the influence that the American Revolution had on the movement for Italian Unity and independence and I think also of the reciprocal political and cultural influence which took place between Italy and the United States in the first half of the Nineteenth Century. This was followed by the first great emigration of Italian labour to the United States, particularly from the most depressed areas of the Italian South.

Moreover, we Italians can never forget that at the darkest hour of our nation's history—and not ours alone—there came from the United States that decisive intervention against Facism and Nazism, the moral encouragement and economic aid which permitted our helpless and devastated country to work for reconstruction and our re-admittance to the international community.

Thinking back to that struggle of ours, I cannot but recall the noble message that Franklin Delano Roosevelt delivered to the U.S. Congress in the wartime winter of 1944.

His conception of Liberty was the same for which we were fighting, we Italian patriots in the mountains and the cities, and the same Liberty for which the European Resistance and the Allied Armies fought. Roosevelt's conception was of a total Liberty, both political and social, which is still today the fundamental value for which we and you, Mr. President, are yet contending. I want to quote two extracts from that speech of Roosevelt on which all should meditate:

"This Republic had its beginning, and grew to its present strength, under the protection of certain inalienable political rights—among them the right of free speech, free press, free worship, trial by jury, freedom from unreasonable searches and seizures. They were our rights to life and liberty."

But the great President rounded off this thought in these terms:

"We have come to a clear realization of the fact that true individual freedom cannot exist without economic security and independence. 'Necessitous men are not free men'. People who are hungry and out of job are the stuff of which dictatorships are made. In our day these economic truths have become accepted as self-evident. We have accepted, so to speak, a second Bill of Rights under which a new basis of security and prosperity can be established for all—regardless of station, race or creed."

This conception of liberty, Mr. President, is to be consistently championed and defended in the international order also, in relations between all peoples, with the developing countries and with the Third World which has such a great need for help from the industrialized nations in the resolution of the often life-and-death alternatives which overshadow them.

While I speak, millions of human beings are fighting against hunger and dying of malnutrition. This Slaughter of the Innocents is a condemnation weighing heavily on the conscience of every Statesman and thus on mine also.

To resolve these agonizing problems means to confirm that Liberty upheld in the noble words of President Roosevelt.

To keep this Liberty whole and indivisible, the United States came to the Old Continent on two momentous occasions, which I myself vividly recall during the First and Second World Wars. The everlasting monument remains in the white gravestones which are a testament to the American soldiers who gave their lives for the Liberty of Europe. And this is the right phrase, for the United States were not brought to our continent by the desire for conquest but only by the firm purpose of preventing domination by authoritarian regimes. They came—as I said—to defend our Liberty.

Mr. President, Italy pursues a policy of dialogue and detente in awareness of the need for contracts which can lead her to understand the positions taken by others and to lead them to appreciate her own positions. This Italy does in the conviction that detente is the only possible path away from what is dangerous and inward-turned spiral.

Hence the value of reinforcing still further our own solidarity through contracts between the leaders of the Allied Nations which are as intense and deep-rooted as they are frank and direct.

This very day marks the 25th anniversary of an act of peace and solidarity of fundamental importance in post-war history, namely the signing at the Capitol of the Treaty of Rome establishing the European Communities.

I wish to celebrate here in Washington that event which was welcomed in America and in Europe as a symbol of hope.

That hope has not failed to live up to expectations, despite the gradual implementation which every great historical process requires.

The Committee today, in its dialogue with the United States in its opening to the peoples of all continents, is a major reality working for the peace and progress of mankind.

We are also convinced—and have on various occasions stated—that it is precisely at this difficult period in international affairs that the dialogue must be kept open and its principles staunchly upheld. This must be done in the clear understanding that this is the only navigable channel away from the shoals of a dangerous downturn in international relations. But we maintain at the same time that the detente process must amount to more that a simple dialogue between States. For detente can only be conducted within a general climate which can contribute to the maintenance of friendly and trustful relations based on uniform standards of behaviour and respect for the fundamental freedoms of the individual. These need to be universally understood on a plane which transcends all ideological allegiances.

For this reason, Italy and the United States have been inevitably forced to voice their condemnation of the regression forced upon a noble nation such as Poland, as promoted also by unjust and massive external interference. This nation at the heart of Europe, which has contributed so generously to the common culture of both West and East and indeed to the whole civilized world, now seeks only to advance autonomously along the path of her own.

Poland needs to be restored to her full dignity before international collaboration and the East-West dialogue in particular can regain their just course as is absolutely essential for global equilibrium. The noble Polish people need to be left master of their own destiny. An end also needs to be made to the tragedy of the Afghan people. As a free man and an ex-partisan who fought against the foreigner for his country's independence, I would express my fraternal solidarity with the Afghan partisans, who are courageously fighting for the liberation of their country from foreign domination.

Nor can we forget all those countries where a struggle is in progress for the defence or reinstation of violated human rights, countries where human and civil rights have been outraged, where human life is not respected and innocent and defenceless beings are vilely slaughtered. We must stand with these countries in all our fraternal and human solidarity. If this solidarity is not offered in a positive form, we would be denying our conscience as free men and also repudiating our past.

Permit me in this regard, Mr. President, to urge the free people of the United States and all those who respect human life and have peace in their hearts, not to regard with indifference the terrorism which criminally afflicts my country. This criminal activity began with the heartless slaying of a political figure of exceptional ability and pure heart, to whom I was bound in brotherly friendship: Aldo Moro. Since then, cruel acts of terrorism have disrupted and continue to disrupt Italian life. But recognition needs to be given to the steadfastness and courage with which my people—rising above their political allegiances—are unremittingly combatting terrorims. One day we will know who is behind this movement, who it is who seeks in this way to destabilize Italy and destroy that democratic bridge linking Europe to Africa and the Middle East. If, in the unthinkable hypothesis, terrorism should succeed in its purpose, not only would peace be overthrown in the Mediterranean basin but in the whole world.

We are not here to beg aid but to reaffirm our stubborn will to oppose terrorism with all our strength. In doing this, we know that we are working not only in the interests of our democracy—which rose out of the Resistance—but also in the interest of world peace.

Allow me, Mr. President, to recall to yourself and all those present the immediate, generous and human solidarity which my people—all without exception—shared with the family of the United States General—James Lee Dozier. I would also recall the anxiousness with which my people followed the destiny of this courageous soldier and General who steadfastly and unwaveringly faced up squarely to the terrorists. I myself, Mr. President, had the honour of receiving at the Quirinale General Dozier, his children and Mrs. Dozier—a proud and courageous woman so worthy to be his companion in life. I will never forget those hours spent at the Quirinale with General Dozier. Speaking openly, as though we were old friends, I felt again that I was one partisan for Liberty standing side-by-side with a comrade. The American people should indeed be proud to have such soldiers to defend their nation and world peace.

Mr. President, Italy's natural alignment within the Atlantic Alliance and her commitment to western solidarity form part and parcel of a conviction very deeply held in my country. We are convinced that it is vital to proceed with the reinforcement of that other pole of stability and security for the international situation—the political union of the Old Continent.

To this Union, Republican and Democratic Italy has dedicated more than thirty years of her most vital and far-sighted political and intellectual energies. Conceived as a means of overcoming deeply-ingrained, sterile and bloody differences, the Union today enjoys the staunch consensus of all political and democratic forces within my country. The European Community, its strengthening and progressive extension to new sectors, as proposed by the governments of Italy and the Federal Republic of Germany, is a gesture of peace and responsibility within the field of global equilibria. It is also a gesture of solidarity towards those countries which have yet to achieve the dramatic goals of civil and social development.

Mr. President, generation upon generation from every part of the world have found their country and homeland in the United States. They came as men and women persecuted for political or religious motives or driven by age-old deprivation or the impossibility of self-realization in their native land. Thus in the history of America are found constant references to man in all his full dignity, in pursuit of happiness under the law which preserves and regulates human coexistence. America's profound humanity and generosity, whose most popular symbolic representation is the Statue of Liberty in New York harbour, constitute more than military or economic power the *true* authentic greatness of the United States.

That statue shone through the gloom over the arrival with tear-filled of anti-fascist exiles and opponents to Nazism, the persecuted Jews, the poor but courageous and industrious peasants who gave the United States loyal intellect and strong manpower. That statue—and this is my most affectionate hope—should remain also in future centuries the symbol of the liberty and generosity of America—the enemy of dictators, of the intolerant and of the state-worshippers. She is all these things because she is ruled by a government of the people which governs with and for the people.

Walt Whitman was therefore right when in "The Song of the Redwood-Tree" he prophetically wrote the immortal lines:

"I see the genius of the modern, child of the real and ideal, clearing the ground for broad humanity, the true America, heir of the past so grand, to build a grander future."

Mr. President, you yourself as a citizen, then as a politician and now as the head of this great nation, with great conviction and commitment, have worked and continue to work that the values safeguarded within your country may be promoted ever more widely throughout the world.

And it is with this wish that I propose this toast to your health, Mr. President, and that of your charming wife, as well as the health of our long-standing friend—the people of the United States—and the distinguished guests gathered here this evening.

[From the New York Times, Mar. 25, 1982]

THE PERTINI SPIRIT

Sandro Pertini, the President of Italy, who meets today with President Reagan, is no household word in America. But he is no footnote figure. Few other Italian leaders have broken so many rules, gotten so many votes, shaken so many hands or done so much to demonstrate that parliamentarians are not necessarily boring.

A lifelong Socialist, Mr. Pertini endured jail and exile under Mussolini. A proud outsider, he refuses to live in the presidential palace. A virtuoso politican, he was the first Italian President in 30 years to reach outside the Christian Democratic Party to name a centrist Republican as Prime Minister. He thus gave new life to the movement to broaden Italy's ruling circle without yielding power to the Communists.

The United States has an important interest in that. Without a strong Italian center, there would be zero weight to Mr. Reagan's "zero option" offer to Moscow on theater nuclear weapons. The present Government, at some political risk, agreed to accept its share of cruise missiles to facilitate West Germany's assent. It was equally difficult, politically, for Italy to join the international peacekeeping force in the Sinai Peninsula.

Mr. Pertini has thus stretched the powers of a titular office. And at 85, he shames the young with his anger at oppression. Addressing outrages in Argentina recently, he insisted that "anyone who does not protest against these dictatorships . . . does not have the right to protest what is happening in Poland."

A warm and vigorous man, President Pertini is a welcome visitor. We are lucky to meet him.●

GETTING TOUGH ON REPEAT OFFENDERS

HON. ROMANO L. MAZZOLI

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Monday, March 29, 1982

● Mr. MAZZOLI. Mr. Speaker, I would like to direct my colleague's attention to the following article reporting the new stiffer regulations adopted by the District of Columbia Parole Board respecting treatment of parolees who commit felony offenses while on release.

All I can say, Mr. Speaker, is: It is about time we crack down on repeat offenders. They deserve stern treatment.

The article follows:

[From the Washington Post, Mar. 19, 1982]

D.C. BOARD TOUGHENS RULES—CRACKDOWN ON PAROLEE CRIME

(By Ed Bruske)

The D.C. Board of Parole has approved new rules that in some cases will more than double the amount of prison time it can require parole violators to serve as a penalty for committing a felony crime while on release.

The new regulations are designed to send a message of tougher enforcement to parolees who contemplate new crimes after release from prison, according to parole board sources. Many law enforcement officials contend that chronic repeat offenders are responsible for a significant share of crime in the city.

While lowering penalties for parolees who commit minor parole violations, the new regulations mean that parolees convicted of a felony such as armed robbery while on the streets can be returned to prison to serve a minimum two-year penalty before the parole board will consider allowing them to begin serving time on any new sentences. Under previous regulation, the minimum penalty was about one year.

Officials in the D.C. Department of Corrections and the Public Defender Service complained that the regulations will exacerbate overcrowding problems in the city's prison system.

"This is certain to worsen conditions at prisons that are already overcroweded," Francis D. Carter, director of the Public Defender Service, which provides legal assistance in some criminal cases for people who cannot afford their own lawyers.

George Holland, the city's acting director of correction, said the move may tax the city's detention facilities. "We've got to look at where we've got space, how to shuffle things around a little bit," Holland said. "The community obviously doesn't want inmates out there committing crimes."

The new rules address in a sweeping fashion the extent to which unserved portions of prison sentences can be used as penalties to deter a convict's criminal activity during parole.

At issue is what is commonly referred to as backup time—that portion of a prison sentence not served behind bars but for which a convict can be held accountable while he is outside the prison on parole.

For example, a person sentenced to 18 years in prison for armed robbery might be paroled after serving a minimum six years. The 12 remaining years are the backup time during which he must observe several conditions of release.

If the parolee fails to meet those conditions—by committing another robbery, for instance—the board can revoke his parole and return him to prison, where he would have 12 years of backup time facing him in addition to whatever sentence was imposed for the felony committed while on parole.

Under the old rules, the board could require the parolee to serve a minimum one year of the 12 years backup time before it would permit him to start his sentence for the second robbery. Under the new penalty structure, the parolee would be required to serve as much as two of the 12 years as a minimum penalty.

Only a small percentage of criminals serve their full prison sentences before being released on parole. Of the city's approximately 3,000 parolees in 1980, the most recent year for which parole figures are available, the parole board issued arrest warrants against 581 for parole violations.

Of those, 215 involved technical violations, such as failing to report to a parole officer. The other 366 were for new crimes. The board acted on the warrants by revoking parole—meaning that backup time could have been imposed—in 349 cases, almost 12 percent of all parolees.

Previously, parolees with less than five years backup time faced a minimum six-month penalty—or return to prison—for all violations, ranging from technical violations to committing a felony crime.

Under the new regulations, the penalty remains the same for technical violations, but the minimum for committing a misdemeanor crime, such as shoplifting, has been raised to 6 to 9 months. For a felony crime, such as armed robbery, the new minimum is 9 to 15 months.

Previously, parolees with more than five years backup time faced a minimum 12-month penalty for all violations. Under the new regulations, the minimum penalty for technical violations has been lowered to 6 to 9 months. The new penalty for misdemeanor crimes is 9 to 15 months and for felony convictions, the minimum has been raised to 15 to 24 months.

"What we are trying to do is be more equitable," said parole board chairman Bernice Just, "to match the severity of the penalty to the severity of the parole violation."

The parole board has discretionary powers to set longer penalties, up to the full length of remaining backup time, but rarely does so. In most cases, parolees still have backup time remaining on old convictions when they begin to serve time for new convictions.

This old backup time does not disappear while new sentences are being served. Rather, it accrues with each new conviction and subsequent parole. When parole is revoked, the time a parolee spent on release automatically is erased, meaning he is accountable for all his original backup time.

"We've seen guys who spent 15 years on a five-year sentence," said parole board executive director Barney Shapiro.

While this threat exists, and is stiffened under the new regulations, law enforcement officials acknowledged that in the past it rarely has been more than a threat.

The system did not work, they said, because judges and prosecutors were unaware of parole board procedures and because of inefficient administration and lack of cooperation between law enforcement agencies.

"If you want to know the truth," said one official in D.C. Superior Court, "There wasn't a judge around here who understood what the parole board was doing."

"I gather that the prosecutors were not advising the courts as to what the policy of the parole board was," said Superior Court Associate Judge Fred B. Ugast.

"If you want to know the truth," added a parole board source, "there weren't many prosecutors who knew how it worked either," an assessment that several prosecutors in the U.S. attorney's office who were interviewed did not dispute.

In practice, authorities said, it seemed the only ones who knew how to work the system were defense lawyers, many of whom would use lengthy backup time as an argument for reduced sentences in criminal cases involving parolees.

Judges granted the reduced sentences, apparently unaware that backup time was seldom imposed.

In order for backup time to be effective when a parolee is involved in a new crime, moreover, the parole board must revoke parole before sentencing for the new crime takes place. In most instances, that was not being done, and as a result the backup time and the new sentence were being served concurrently.

According to court sources, judges and prosecutors alike were shocked to learn in March last year that the backup time they had presumed was keeping repeat offenders behind bars was, in fact, virtually meaningless.

Said Ugast: "The judges assumed that the parole board could determine how much time [a parolee] would have to serve," whether or not parole was revoked before sentencing.

Last year, several meetings were held by judges, parole officials and the U.S. attorney to discuss backup time, Authorities said the situation since has improve dramatically with more efficient use of computer facilities and more aggressive efforts to coordinate activities among court officials, prosecutors and the parole board.

Now, lawyers in the U.S. attorney's office have been directed to attempt to ensure that parole violation warrants are executed before sentencing. In those instances where parole warrants have not been executed, judges now compensate by setting longer sentences in cases involving parolees, assuming the sentences will run concurrently with any penalties the parole board later decides to impose.

The net effect of the new regulations is expected to be an estimated 100 to 200 additional inmates at Lorton prison, where the central facility, which holds about half the 2,500 inmates at the complex, already is 140 over capacity.●

MISER II

HON. SAM GEJDENSON

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Monday, March 29, 1982

● Mr. GEJDENSON. Mr. Speaker, I would like to bring the Members' attention to a very unique undertaking. Five successful public-private partnerships to increase energy conservation were displayed here Wednesday, March 24, as part of the United Way of America-sponsored conference on community energy projects. One of those communities showcased resides in my district, Middletown, Conn. I would like to offer my congratulations to the mayor's office and all the terrific volunteers of Miser, Middletowners Saving Energy Resources.

Assisted originally by ACTION, the Federal volunteer service agency, and then by United Way of America through a $25,000 grant from the John A. Hartford Foundation, the Middletown community created successful approaches to promoting more efficient energy use with maximum resources and voluntary citizen participation.

I would like to submit a description of the Miser program. This program can serve as a model for all communities to adopt.

MIDDLETOWN, CONN., MISER II (MIDDLETOWNERS SAVING ENERGY RESOURCES)—Lead Agency: Mayor's Office

Miser I, a six-month campaign in 1980, reached 10% of Middletown's housing stock. The campaign attracted many volunteers, principally from local colleges and community groups, to help in canvassing, publicity, workshops, and office tasks.

Substantial support was drawn from a range of local groups. Through an *ad hoc* Advisory Committee, small donations were obtained from private businesses and media. In addition, the City appropriated part of its HUD block grant monies and State conservation funds to supplement funding from the U.S. Department of Energy. These funds allowed the program to offer conservation materials for free or at a discount to participants.

Working out of an abandoned school, Miser I staff and volunteers formed a headquarters where hands-on workshops were offered daily. Depending on their income, over 1,000 citizens received for free, or purchased on a sliding scale basis, specially assembled kits of materials.

Miser II was designed as an opportunity to increase significantly the number of residents applying self-help weatherization. Other objectives included a target effort for rental housing and the exploration of longer-term, self-sustaining strategies for reducing the city's overall energy consumption.

A broader-based Advisory Board was founded for Miser, comprised of community leaders representing churches, schools, local industry, foreign language groups, and social service agencies. The city of Middletown was expecially generous. Office space, furniture, and use of copy machines all were provided for the program.

In the second phase, tangible resources given from within the local community increased dramatically. For example, Northeast Utilities printed many thousands of brochures, workbooks, and information tailored for school children. Banks and churches underwrote the costs of newspaper advertising. Local merchants offered discounts on the promoted conservation materials.

The various student populations were the most important sources of volunteers. Students of Wesleyan University, local high schools, and Middlesex Community College gave varying amounts of time; one communications class of the community college made Miser II a course project and produced a video presentation on the program.

While citizen response increased rapidly as the weather got colder, the total number of participants was well below the original goal of 1,000 people. Insufficient advertising, weather, possible "over-saturation" of energy conservation information, and misconception that Miser was only for low-income people all are cited as reasons. Constant creativity and enthusiasm were applied to publicize the program including efforts such as: (1) targeted mailings to schools, businesses, and churches; (2) cable television and radio spots in different languages; (3) a "November Crash" when 8,000 brochures were "bagged" in supermarket shopping bags; (4) hands-on workshops at fraternity meetings; (5) an "Energy Conservation Day" when the Mayor proclaimed school children as "Miser Marshalls;" (6) phone canvassing.

The leadership of Miser II point out the visible "spill-over" effect of the city's year and a half, active effort to promote energy efficiency. Examples of efforts underway include the City's decision to develop a Solid Waste Energy Recovery Program including recycling. Also, Northeast Utilities has initiated a new program based on Miser to serve other parts of Central Connecticut. An impressive spinoff of Miser is subsidized housing's greater attention to energy conservation. As paraphrased from a final report, "During Miser I, one of the major landlords for subsidized housing in Middletown applied for a rent increase to cover increased energy costs. The increase was a sore issue for the tenants, especially since that landlord owned the oil company supplying the buildings. Citizens of Middletown fought the increase. Through the Mayor's initiative that required the landlord to install Miser kits, the Department of Housing and Urban Development now requires landlords to prove that certain energy conservation measures are taken before permission will be granted for a rent increase due to a rise in energy costs." With the on-going visible commitment of the Mayor and the active support from a broad base of local public and private leaders, Miser has become a model for achieving results in addressing energy both within the community and throughout the State.●

MILITARY REFORM BEGINS IN CONGRESS

HON. NEWT GINGRICH

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Monday, March 29, 1982

● Mr. GINGRICH. Mr. Speaker, this year's defense budget will be combed for possible savings as never before. Many will argue that the budget should be reduced, that savings should be achieved.

The crusade against waste is a noble one. There is no justification for waste in the defense budget, especially given our economic problems. But as the article from Newsweek clearly spells out much of the waste in the Defense Department is caused by congressional action.

If the Congress is serious about removing waste it should begin with those wasteful procedures it has created. The article from Newsweek shows us where we can begin to put our own house in order before we begin to put other departments straight.

The article follows:

[From Newsweek, Mar. 22, 1982]

WASTE IN THE DEFENSE BUDGET

Almost every member of Congress is calling for cuts in Ronald Reagan's proposed $258 billion defense budget for next year, but making them will not be easy—in part, because of the legislators. The Office of Management and Budget says the Pentagon could save at least $2 billion, for instance, by closing or realigning outmoded military facilities. But, says one Administration official, "if you make cuts in some congressman's district, you've made a lifetime enemy . . . It's a perennial problem—and a no-win kind of game."

The budget process has a built-in bias for higher spending—what one frustrated Reagan hand calls *"political* waste, fraud and abuse." The prickly politics of closing military bases are just part of the problem. Many defense decisions are made behind the scenes, where the conspiracy among congressmen, Pentagon officers and military contractors often results in "something for everyone" solutions. And, budget watchers lament, there is little incentive to find savings. Here is a guide to defense-budget games—and how they are played:

MY DISTRICT—RIGHT OR WRONG

Legislators on key subcommittees sometimes maneuver ingeniously to protect the folks back home—no matter how great the cost or how trivial the reason. The chief asset of Vint Hill Farms, a small intelligence station in Virginia's Shenandoah Valley, for example, is its top-flight commissary. When the Pentagon tried to close the station and move its staff to Maryland's Fort Meade, for a savings of several million dollars, the district's Republican representative, Kenneth Robinson, used his post on the House defense appropriation subcommittee to block funds for tne new quarters at Fort Meade. Robinson vows he'd do it again. If the commissary closed, he says, "all the people who do business there would be on their congressman by the thousands."

THE BOMBER BACKFIRE AND OTHER TRAPS

Once the military brass has pushed a new toy on Congress, it often is stuck with it. To replace the obsolete A-7 bomber, the Navy demanded a new aircraft of its own. When costs of the new F-18 skyrocketed toward $32 million per copy the Navy considered dropping it. But the Massachusetts delegation battled to save it; its engines are built in Lynn, Mass., next to House Speaker Thomas P. (Tip) O'Neill's district. The A-7 also is still in production, though the Pentagon no longer wants it. The LTV Corp., which builds the plane, is in House Majority Leader James Wright's district.

To help win approval of its Trident nuclear-sub program, the Pentagon chose Kings Bay, Ga. (home of House military construction appropriations chairman Bo Ginn), for the Trident's East Coast support station. But while the Trident program has been delayed three years, Ginn's subcommittee has rebuffed all the Pentagon's efforts to stretch out construction of the $156 million base.

BUDGET BLACKMAIL

Defense officials sometimes use a local base or project to win lawmakers' support on larger issues. Earlier this month, Navy Secretary John Lehman toured the strapped Baltimore shipyards with the Maryland Congressional delegation, hinting that its $48 million request to build two floating dry docks there was contingent on Congressional support for Reagan's entire defense budget. "Every billion dollars we cut from the budget means 40,000 fewer jobs in the industrial base," Lehman said. "He's holding the dry dock hostage," complained Rep. Clarence Long.

THE BIG BUY-IN

To win approval of major weapons systems, insiders charge, the Pentagon routinely underestimates costs, knowing that Congress won't kill a half-finished program. A classic case may be the B-1 bomber. Initially, the Pentagon put the price of 100 planes at $19.7 billion. But according to the Congressional Budget Office, that estimate didn't include such critical items as testing and adjustments to carry cruise missiles, which would add $9.9 billion more to the total. When a realistic inflation estimate was calculated, the CBO said, the true cost would be closer to $40 billion. Other critics say that if Rockwell International, the B-1 chief builder, repeats the usual pattern of cost over-runs and delays, the B-1 program could cost $100 billion in the out-years. (If pressed to make a major cost cut, Pentagon planners—and lawmakers alike—sometimes resort to "The Washington Monument Syndrome," named for the National Park Service's offer to trim its budget by closing the famed tourist attraction, knowing Congress would never approve.)

THE PIZZA PERPLEX

As if the battalions of contending lawmakers and Pentagon planners were not enough, each pending defense decision also brings legions of lobbyists to Capitol Hill. During last year's B-1 bomber debate, Rockwell made it clear that some 5,000 subcontractors, vendors and suppliers in 40 states stood to gain from the program, and even urged employees to write their legislators, hinting that jobs were on the line. Frequently, local civic and business leaders also come calling. In the months-long battle before an outdated early-warning radar station in Duluth, Minn., was closed, even Jeno Paulucci, owner of a frozen-pizza company based in Duluth, led a delegation to dispute the Pentagon's military analyses.

THE WAR BETWEEN THE STATES

Partisan politics can frustrate even the simplest proposal. Last fall, when the Pentagon proposed closing the military air command at New Jersey's McGuire Air Force Base and contracting its operations to Newark International Airport, the Pennsylvania Congressional delegation demanded a piece of the $1 million-a-year contract for Philadelphia's Muncipal Airport. Newark is far more convenient to a military facility in Bayonne, N.J., where servicemen flying overseas can park or ship their cars. But Pennsylvania's two GOP senators, John Heinz and Arlen Specter, feel that this Administration should give the pork barrel to the good Republican state, not New Jersey, where Democrat Bill Bradley is the lone senator as of this week.

THE WAR BETWEEN THE SERVICES

Battles between the individual services can be even more ferocious. For example: the byzantine "traffic command." Currently, transporting cargo from the West Coast, say, to Germany, can require separate approval, contracts and personnel from the Army, the Navy and the Air Force. But when the Reagan Administration proposed a unified traffic command that might save $2.6 million annually, 24 admirals protested to Congress. Subcommittee hearings are set for this week to air the Navy's objections to the new proposal. Even though their beefs may be irrational, O'Neill says, "The admirals are the most powerful lobby on Capitol Hill."

WHODUNIT?

Sometimes, decisions become so embroiled in inter-service rivalries and partisan politics that it is impossible to trace just what happened to a cost-cutting measure. For years the Pentagon tried to close the Navy's helicopter training school at Pensacola, Fla., and combine it with the Army's school at Fort Rucker, Ala., for a savings of more than $100 million over five years. The Navy brass opposed the move, and during the Carter Administration Florida's Democratic senators helped block it. Now, the Reagan Administration has scotched the idea. Florida's freshman GOP Sen. Paula Hawkins claims credit. But some insiders suspect that Alabama Republican Jeremiah Denton, an old Navy man, helped argue the Navy's position, even though his own state lost out on the deal. Denton, for his own part, denies taking a position on the matter.

THE CASE OF THE MISPLACED SAC BASE

It is to be hoped that the Pentagon's bombers are more accurate than its analyses—since politicians make the most of errors. In 1976, when the Air Force proposed moving Strategic Air Command bombers out of Loring Air Force Base in northern Maine on the ground that its coastal location made the jets vulnerable to Soviet sub attacks, Maine's powerful Democratic Sen. Edmund Muskie demolished the plan in a three-year-long battle. A Pentagon study on the move's potential impact had placed Loring in the wrong part of the state, and its plan to transfer Loring B-52s to other coastal bases didn't help the argument. Air Force strategists still think Loring vulnerable, but the proposed 1983 budget includes $50 million to beef up the base.

THE CONSOLATION PRIZE

When a community loses a military plum, it is sometimes compensated with another project that eases the pain—one that costs taxpayers extra for years. During the Carter Administration, when Vice President Walter Mondale'e efforts to save Philadelphia's Frankford arsenal failed, he arranged for the city's shipyards to overhaul six Forrestal-class aircraft carriers, a job the Newport News, Va., shipyard had had. . . .●

SUPPORT FOR VOTING RIGHTS

HON. DON EDWARDS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, March 29, 1982

● Mr. EDWARDS of California. Mr. Speaker, I insert in the CONGRESSIONAL RECORD the statement of David A. Brody, director of the Washington office of the Anti-Defamation League of B'nai B'rith, in support of H.R. 3112, which was overwhelmingly approved by this body on October 5, 1981, to extend the Voting Rights Act of 1965. This strong statement of support was submitted to the Committee on the Judiciary on August 10, 1981. Erroneously, it was not made a part of the hearing record at that time; its inclusion at this time will assure it becomes a part of the permanent legislative history of the 97th Congress extension effort.

ANTI-DEFAMATION LEAGUE
OF B'NAI B'RITH,
Washington, D.C., August 10, 1981.

Hon. DON EDWARDS,
Chairman, Subcommittee on Civil and Constitutional Rights, Committee on the Judiciary, House of Representatives, Washington, D.C.

DEAR MR. CHAIRMAN: The Anti-Defamation League of B'nai B'rith welcomes this opportunity to express its support for and to urge early action by the House of Representatives on H.R. 3112, the bill introduced by the Chairman of the Judiciary Committee, Mr. Rodino, to extend the special provisions of the Voting Rights Act, specifically the Section 5 preclearance requirement, for an additional ten years through August 6, 1992.

The bill would also require the bi-lingual election assistance provisions first included in the 1975 extension legislation and due to expire in 1985, for an additional seven years so that they, too, will expire at the same time as the other provisions of the Act, on August 6, 1992.

Finally, the bill would amend Section 2 of the Act to undo the confusion created by the Supreme Court's decision in *Mobile* v. *Bolden* by clarifying the burden of proof which plaintiffs must sustain in voting discrimination cases and to restore the law as it stood before that decision.

The Anti-Defamation League (ADL) is the educational arm of the B'nai B'rith which was founded over 135 years ago in 1843 and is America's oldest and largest Jewish service organization. It seeks to improve relations among the diverse groups in our nation and to translate into greater effectiveness the principles of freedom, equality and democracy. It is dedicated to securing fair treatment and equal rights for all Americans regardless of race, religion, color, sex or national origin.

The ADL is one of the more than 150 constituent organizations of the Leadership Conference on Civil Rights and the undersigned serves on its Executive Committee. The Leadership Conference has already testified in support of the extension legislation but because we believe that the right to vote is so fundamental to our democratic society, and that racial discrimination in voting must be completely eradicated from the American fabric that we feel compelled to make this statement in our own name an expression of our deep-seated belief that extension of the Act is imperative if the progress which that law has made possible since its original enactment in 1965 is not to be undone.

As the Supreme Court has pointed out, the Voting Rights Act "was designed by Congress to banish the blight of racial discrimination in voting, which has infected the electoral process in parts of our country for nearly a century." *South Carolina* v. *Katzenback*, 383 U.S. 301, 308 (1966). If that objective is to be realized, the provisions of the Act must be continued for an additional ten years.

At our recently concluded annual meeting, the ADL adopted a resolution as follows calling for the extension of the legislation:

"Whereas the Voting Rights Act of 1965, last extended in 1975, is scheduled to expire in August 1982 and the Congress is now considering legislation to extend the Act for an additional ten years, and

"Whereas the Voting Rights Act of 1965 is one of the most effective pieces of civil rights legislation ever passed, having enfranchised millions of Americans since its enactment, and

"Whereas, in February 1965, prior to the passage of the 1965 Act, the National Executive Committee adopted a resolution urging the federal government to make every effort to secure voting rights for all Americans,

"Now, therefore, be it resolved, That ADL reaffirms its support for the existing legislation and further supports the passage of the extension legislation without any amendments which would diminish the effectiveness of this landmark legislation."

It is not our intention in this brief statement to review the evidence submitted to your subcommittee during your eighteen days of hearings on the extension legislation. While that testimony cited the impressive gains made both in minority voter participation and in the election of blacks to public office, it also documented, as you, Mr. Chairman, stated, "the continuing discriminatory electoral practices or procedures" which in our opinion mandate the renewal of the basic law.

The rise of black voter registration and the increase in the number of black elected officials in the years since the enactment of the original legislation, when compared with the minimal progress made under the earlier civil rights laws with their piecemeal case by case approach has clearly demonstrated the wisdom of Congress in passing the original legislation. Nevertheless, despite the progress made there is still a widespread disparity between white and nonwhite voter registration. Black registration, while much higher now than before passage of the 1965 Act, still lags behind white registration in the areas affected by the Act. As the testimony has also shown, obstacles still continue to be placed in the way of the black voter.

Passage of the original Act represented a commitment on the part of the Congress to the American citizens who have been disenfranchised by discriminatory practices. It was an expression by Congress of its determination finally to bring to an end 100 years of indifference to the plain command of the Fifteenth Amendment. The Act became law with overwhelming bipartisan support after extended hearings and debate in both the House and the Senate and the subsequent extensions have likewise received strong bi-partisan support. Dramatic strides have been made under the law in increasing black voter registration and the bilingual provisions of the law have brought out the non-English speaking citizen to the polls. If that progress is to continue—and indeed not be reversed—it is essential that the Act be extended without any amendments which would impair its effectiveness.

We respectfully request that this statement be included in the printed record of the hearings.

Sincerely,

DAVID A. BRODY,
Director, Washington Office.●

THE POVERTY WAR: GREAT SOCIETY VERSUS TRICKLE-DOWN

HON. PHILIP M. CRANE

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Monday, March 29, 1982

● Mr. PHILIP M. CRANE. Mr. Speaker, much has been said over the past several decades about the need to help the poor of America. Further, a great deal of money has been appropriated and spent by this Congress believing that such action would improve the conditions of the poor. The following is an article by Charles A. Murray from the Wall Street Journal March 25, 1982, indicating that it is indeed possible that such action has not proven effective. According to the statistics Mr. Murray cities, improved free market conditions and not handouts are what history has proven to be effective in helping the poor. I commend the article to the attention of my colleagues:

THE POVERTY WAR: GREAT SOCIETY VERSUS TRICKLE-DOWN

(By Charles A. Murray)

Of David Stockman's many indiscretions in the Atlantic Monthly interview, none was more damning than his acknowledgment that the Reagan economic package was a warmed-over version of trickle-down economics. It seems nobody wants to be associated with that old tag, not even conservatives. To say flat out that one favors fighting poverty by creating wealth at the top and letting it trickle down is not acceptable. The consensus is that trickle-down economics does not work.

The evidence of the consensus draws on a widely shared view of history. That view has it that the U.S. entered the 1960s with a large population of poor people who had been bypassed by the prosperity of the Eisenhower years. The rich and the middle class had gained; the poor had not. Then after fits and starts during the Kennedy years, came the explosion of anti-poverty programs under Johnson. The programs were perhaps too ambitious, concede those making this argument, and perhaps the efforts were too helter-skelter, but at least they put a big dent in the poverty problem, as borne out by the large reduction in poverty that occurred during LBJ's administration and thereafter.

Liberals use this achievement as LBJ's redemption for Vietnam. Conservatives argue that the progress created more problems than it solved. But a remarkably broad spectrum of people accept that, worth it or not, LBJ's approach got results that trickle-down economics had not.

The agreement is all the more remarkable in view of the fact that the clearest, most persuasive explanation of what happened to poverty during the last three decades is: The trickle-down theory works—and the Great Society's main claim to success is mostly artifact. The evidence is a matter of historical record, which apologists for the Great Society continue to ignore.

It is widely believed, for example, that poverty decreased during the War on Poverty and had not been decreasing as rapidly before the War on Poverty. Poverty did fall during the five Johnson years—from 18 percent of the population in 1964 to 12.8 percent in 1968 (throughout, I use the officially defined "poverty line" as the measure, and official government statistics as the data). Yet this was scarcely a breathtaking achievement. During the preceding five years (1959-63), the percentage had dropped from 22.4 to 19.5. In 1954-58, it had dropped from 27.9 to 23.1. And from 1949-53, it had dropped from 32.7 to 26.2. In short, the size of the officially defined impoverished population in the U.S. dropped by 19.9 percentage points in 20 years—one percentage point per year—of which the five Johnson years accounted for almost precisely their five-point share.

Then things got worse. After two decades of reasonably steady progress, the percentages froze during the 1970s. There are problems, of course, with such a broad statement—the poverty statistics do not reflect the massive increases of in-kind assistance, such as food stamps and public housing. But in terms of cash income, there were more American poor in 1980 than in 1968. The 12.8 percent of LBJ's last year never dipped below 11.1 percent (in 1973), and stood at 13 percent in 1980.

How could this be? Even ignoring the increases in in-kind expenditures, we spent twice as much on direct cash income transfers in 1980 as in 1970 and 14 times as much as in 1950—in constant, uninflated dollars, after taking population increases into account, and using a consistent definition of poverty. Furthermore, the huge sums were being focused—or were supposed to be—on a much smaller proportion of the population: about 12 percent in the 1970s, compared with more than a quarter of the population during most of the 1950s. By all logic, the fewer the poor, the easier it should be to lift them above the poverty level. It only takes money, doesn't it? But it hasn't worked this way.

The evidence is straightforward: (1) Poverty dropped during the 1950s, with relatively low social welfare expenditures; (2) poverty dropped during the 1960s, with relatively large social welfare expenditures; (3) poverty did not drop during the 1970s, with extremely large social welfare expenditures.

The lesson is that changes in social welfare expenditures have not been related to changes in the number of people getting less than a poverty income. What has been related to changes in poverty? That old favorite of the trickle-down Eisenhowerites, changes in GNP.

To illustrate this, we may take a closer look at the unproductive 1970s when, over the whole period, the poverty population did not decrease. In three of those years—1970, 1974 and 1975—GNP went down (as always, in constant dollars). During those same three years, and only in those years, the percentage of people below the poverty level increased. In the other years, poverty did decrease. Similarly in the 1950s, with its radically lower levels of social welfare spending, GNP dropped in two years (1954 and 1958), and those were the years—the only years—that poverty increased. During the 1960s, GNP rose every year, helped along in the last half of the decade by the Vietnam war budgets—and poverty dropped every year as well.

The relationships among changes in GNP, social welfare spending and poverty are even more at odds with the conventional wisdom when they are subject to statistical analysis in combination. It is not just that increases in GNP are associated with decreases in poverty; it turns out that poverty has actually gotten worse as social welfare expenditures have increased, when the effects of GNP are factored out of the calculation.

The experience of the 32 years for which all the data are available (1947-78) leads to the statistical prediction that if GNP increases by 100 billion 1980 dollars we can expect that the percentage of people living beneath the poverty level will go down by 1.9 points (holding social welfare spending constant). If social welfare expenditures go up by $100 billion, we can expect that the percentage of people living beneath the poverty level will increase—yes, increase—by about 1.2 points, when the effects of GNP are held constant.

Statistical results of this sort are not true predictions. Social welfare expenditures do not inherently, inescapably increase poverty. Nor can we rely on a growing GNP to drive poverty to zero on its own. The point is not prediction, but understanding what has been happening during the last 30 years. And during that period, the relationships of GNP and social welfare expenditures to poverty have been revealing. They also resist challenges. They survive varying definitions of social welfare expenditures; they survive when expenditures pegged to downturns in the economy (for example, unemployment compensation) are taken into account; they survive when time lags in effects are hypothesized; they survive whether the changes are defined in absolute terms (changes in percentage points) or as a proportion of the pervious year's record.

The direct relationship of increases in GNP and decreases in poverty is robust. Since 1947, it has been our consistent experience that increases in GNP produce reductions in poverty, under very different political and social conditions. It has been our experience that increases in social welfare expenditures are not associated with this effect. In the dialogue about how to really help the poor, Mr. Stockman can stop apologizing for trickle-down economics. It works.

(NOTE.—Mr. Murray is former chief scientist at the American Institutes for Research. This essay is based on a coming book on postwar social welfare policy, to be published by the Heritage Foundation.)●

SENATE COMMITTEE MEETINGS

Title IV of Senate Resolution 4, agreed to by the Senate on February 4, 1977, calls for establishment of a system for a computerized schedule of all meetings and hearings of Senate committees, subcommittees, joint committees, and committees of conference. This title requires all such committees to notify the Office of the Senate Daily Digest—designated by the Rules Committee—of the time, place, and purpose of the meetings, when scheduled, and any cancellations or changes in the meetings as they occur.

As an additional procedure along with the computerization of this information, the Office of the Senate Daily Digest will prepare this information for printing in the Extensions of Remarks section of the CONGRESSIONAL RECORD on Monday and Wednesday of each week.

Any changes in committee scheduling will be indicated by placement of an asterisk to the left of the name of the unit conducting such meetings.

Meetings scheduled for Tuesday, March 30, 1982, may be found in the Daily Digest of today's RECORD.

MEETINGS SCHEDULED

MARCH 31

8:00 a.m.
*Appropriations
Interior and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1983 for the Strategic Petroleum Reserve and Naval Petroleum Reserves, Department of Energy.
1114 Dirksen Building

9:00 a.m.
Appropriations
Defense Subcommittee
To resume hearings on proposed budget estimates for fiscal year 1983 for the defense establishment, focusing on the MX program.
1224 Dirksen Building

Select on Indian Affairs
To hold hearings on S. 2114 and H.R. 5118, bills providing for the settlement of Papago Indian water rights claims in portions of the Papago Indian Reservation of Arizona; to be followed by a business meeting, to consider pending calendar business.
S-205, Capitol

9:30 a.m.
Banking, Housing, and Urban Affairs
Securities Subcommittee
To hold hearings on S. 2260, clarifying the jurisdictional boundaries between the Securities and Exchange Commission and the Commodity Futures Trading Commission.
5302 Dirksen Building

Commerce, Science, and Transportation
Surface Transportation Subcommittee
To hold oversight hearings on activities of the National Highway Traffic Safety Administration, Department of Transportation.
235 Russell Building

Judiciary
Agency Administration Subcommittee
To resume hearings on S. 1775, making the Federal Government liable for constitutional torts and generally the exclusive defendent in all tort suits involving Government employees acting within the scope of their employment.
5110 Dirksen Building

Judiciary
Security and Terrorism Subcommittee
To resume hearings on the alleged role of the Soviet Union, East Germany, and Cuba in fomenting terrorism in South Africa.
2228 Dirksen Building

*Labor and Human Resources
To hold hearings on proposed authorizations for certain health programs of the Department of Health and Human Services; and on the nomination of Clarence Thomas, of Maryland, to be a Member of the Equal Employment Opportunity Commission.
4232 Dirksen Building

10:00 a.m.
Budget
Business meeting, to continue markup of the first concurrent resolution on the budget for fiscal year 1983, setting forth recommended levels of total budget outlays, Federal revenues, and new budget authority.
6202 Dirksen Building

Energy and Natural Resources
Business meeting, to consider pending calendar business.
3110 Dirksen Building

Foreign Relations
To resume hearings on the President's proposed Caribbean Basin Initiative.
4221 Dirksen Building

Governmental Affairs
Permanent Subcommittee on Investigations
To resume oversight hearings on the administration of the Federal Employees Compensation Act.
3302 Dirksen Building

Small Business
To hold hearings to review the President's report on the state of small business.
424 Russell Building

Select on Intelligence
Closed business meeting, to mark up proposed legislation authorizing funds for fiscal year 1983 for the intelligence community.
S-407, Capitol

2:00 p.m.
Appropriations
Energy and Water Development Subcommittee
To continue hearings on proposed budget estimates for fiscal year 1983 for energy and water development programs.
1318 Dirksen Building

Foreign Relations
Arms Control, Oceans, International Operations, and Environment Subcommittee
To resume hearings on United States and Soviet civil defense programs.
4221 Dirksen Building

Judiciary
To hold hearings on the nominations of Michael A Telesca, to be U. S. district judge for the western district of New York, John A Nordberg, to be U.S. district judge for the northern district of

Illinois, William T. Hart, to be U.S. district judge for the northern district of Illinois, and Walter E. Black, Jr., to be U.S. district judge for the district of Maryland.
2228 Dirksen Building

APRIL 1

9:00 a.m.
Appropriations
Defense Subcommittee
To continue hearings on proposed budget estimates for fiscal year 1983 for the defense establishment, focusing on airlift requirements.
1224 Dirksen Building

Energy and Natural Resources
Public Lands and Reserved Water Subcommittee
To hold hearings on S. 1138 and S. 1633, bills prohibiting the issuance of phosphate mining leases on the Osceola National Forest in Florida, and H.R. 9 and S. 1873, bills prohibiting the issuance of phosphate mining leases on the Osceola National Forest in Florida, and designating certain wilderness and national forest lands in Florida.
3110 Dirksen Building

Labor and Human Resources
Aging, Family and Human Services Subcommittee
To hold hearings on expanding employment opportunities for older workers in the private sector.
4232 Dirksen Building

9:30 a.m.
Appropriations
Agriculture, Rural Development and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1983 for the Commodity Futures Trading Commission, to review budget proposals for the Department of Agriculture's Inspector General, and agricultural aspects of the General Accounting Office.
1318 Dirksen Building

Banking, Housing, and Urban Affairs
Business meeting, to mark up S. 2226, authorizing funds through fiscal year 1986 to reduce mortgage interest rates on home mortgages for qualifying individuals and provide for employment in the private sector.
5302 Dirksen Building

Commerce, Science, and Transportation
Science, Technology, and Space Subcommittee
To resume hearings on proposed legislation authorizing funds for the National Aeronautics and Space Administration.
235 Russell Building

Finance
Health Subcommittee
To hold hearings on S. 1250, proposed Professional Standards Review Amendments of 1981, and S. 2142, proposed Peer Review Improvement Act.
2221 Dirksen Building

Judiciary
Juvenile Justice Subcommittee
To hold hearings on S. 1701, maintaining a nationwide computer system for information on missing children, and on deceased individuals whose next of kin cannot be identified or located; and to discuss the exploitation of children.
412 Russell Building

Select on Indian Affairs
To hold oversight hearings on the statute of limitations relating to Indian claims.
6226 Dirksen Building

10:00 a.m.
Appropriations
Energy and Water Development Subcommittee
To continue hearings on proposed budget estimates for fiscal year 1983 for energy and water development programs.
1114 Dirksen Building

Appropriations
Transportation and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1983 for the U.S. Railway Association, and Conrail.
S-128, Capitol

Budget
Business meeting, to continue markup of the first concurrent resolution on the budget for fiscal year 1983, setting forth recommended levels of total budget outlays, Federal revenues, and new budget authority.
6202 Dirksen Building

Foreign Relations
To hold hearings on Senate Joint Resolution 144, encouraging unconditional negotiations for the purpose of achieving a ceasefire and a political settlement in El Salvador.
4221 Dirksen Building

Governmental Affairs
To hold hearings on S. 1780, proposed Program Fraud Civil Penalties Act of 1981.
3302 Dirksen Building

Judiciary
To hold hearings on S. 2216, reforming the habeas corpus procedures of the United States.
2228 Dirksen Building

2:00 p.m.
Appropriations
Energy and Water Development Subcommittee
To continue hearings on proposed budget estimates for fiscal year 1983 for energy and water development programs.
1114 Dirksen Building

Governmental Affairs
Federal Expenditures, Research and Rules Subcommittee
To hold oversight hearings on the implementation of the Paperwork Reduction Act (Public Law 96-511).
3302 Dirksen Building

2:30 p.m.
*Appropriations
HUD-Independent Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1983 for the Federal Emergency Management Agency and the Selective Service System.
1224 Dirksen Building

3:00 p.m.
Select on Ethics
Closed business meeting, to discuss pending committee business.
235 Russell Building

APRIL 2

9:00 a.m.
*Labor and Human Resources
Employment and Productivity Subcommittee
To resume hearings on productivity in the American economy.
4232 Dirksen Building

10:00 a.m.
Joint Economic
To hold hearings on the employment/unemployment situation for March.
2128 Rayburn Building

11:00 a.m.
*Budget
Business meeting, to continue markup of the first concurrent resolution on the budget for fiscal year 1983, setting forth recommended levels of total budget outlays, Federal revenues, and new budget authority.
6202 Dirksen Building

APRIL 13

9:30 a.m.
Commerce, Science, and Transportation
Surface Transportation Subcommittee
To hold hearings on proposed legislation authorizing funds for the railroad safety program, Department of Transportation.
235 Russell Building

10:00 a.m.
Environment and Public Works
Water Resources Subcommittee
To resume hearings on S. 810, prescribing a system of user fees to be levied on commercial transportation on inland waterway projects, amendment No. 32 thereto, expediting the construction of inland waterway projects, and assuring that the users of such projects repay a fair percentage of the cost of such works, amendment No. 637, clarifying the intent of the bill, and related measures.
4200 Dirksen Building

APRIL 14

9:00 a.m.
Energy and Natural Resources
Public Lands and Reserved Water Subcommittee
To hold hearings on S. 1777, establishing the permanent boundary of Acadia National Park on Isle au Haut off the coast of Maine; S. 1872, extending the period for grazing privileges afforded to privately owned lands within the Capitol Reef National Park in Utah; and S. 2218, providing for the development and improvement of the recreation facilities of Gateway National Recreation Area, New York City, and for utilization of its energy resources.
3110 Dirksen Building

10:00 a.m.
Appropriations
Labor, HHS, Education, and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1983 for activities of the Secretary of Health and Human Services.
1114 Dirksen Building

Environment and Public Works
Environmental Pollution Subcommittee
To hold hearings on proposed legislation authorizing funds for the endangered species program.
4200 Dirksen Building

2:00 p.m.

Appropriations

Labor, HHS, Education, and Related Agencies Subcommittee

To continue hearings on proposed budget estimates for fiscal year 1983 for activities of the Secretary of Health and Human Services.

1114 Dirksen Building

APRIL 15

9:00 a.m.

Appropriations

Interior and Related Agencies Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1983 for the Land and Water Conservation Fund, and to receive testimony from congressional witnesses.

1318 Dirksen Building

9:30 a.m.

Finance

Savings, Pensions and Investment Policy Subcommittee

To hold hearings on proposed legislation establishing an enterprise zone program for dealing with the problems of economically depressed areas in the United States.

2221 Dirksen Building

Labor and Human Resources

To hold hearings on proposed authorizations for the National Science Foundation.

4232 Dirksen Building

10:00 a.m.

Appropriations

HUD-Independent Agencies Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1983 for the Office of Science and Technology Policy and the Council on Environmental Quality.

1224 Dirksen Building

Appropriations

Labor, HHS, Education, and Related Agencies Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1983 for activities of the Secretary of Education.

1114 Dirksen Building

Energy and Natural Resources

Public Lands and Reserved Water Subcommittee

To hold hearings on S. 1999, providing for the establishment of the Wolf Trap Farm Park in Virginia; and S. 1540, revising the boundaries of the Saratoga National Historical Park in New York.

3110 Dirksen Building

Select on Indian Affairs

To hold oversight hearings on the tribally controlled community college program.

6226 Dirksen Building

2:00 p.m.

Appropriations

Labor, HHS, Education, and Related Agencies Subcommittee

To continue hearings on proposed budget estimates for fiscal year 1983 for activities of the Secretary of Education.

1114 Dirksen Building

APRIL 16

9:00 a.m.

*Labor and Human Resources

Employment and Productivity Subcommittee

To resume hearings on productivity in the American economy.

4232 Dirksen Building

9:30 a.m.

Finance

Savings, Pensions and Investment Policy Subcommittee

To continue hearings on proposed legislation establishing an enterprise zone program for dealing with the problems of economically depressed areas in the United States.

2221 Dirksen Building

APRIL 19

9:30 a.m.

Labor and Human Resources

Aging, Family and Human Services Subcommittee

To hold oversight hearings on title X of the Public Health Service Act relating to health aspects of teenage sexual activity.

4232 Dirksen Building

10:00 a.m.

Energy and Natural Resources

Energy Regulation Subcommittee

To hold hearings on S. 1885, to place electric utilities, including members of registered holding company systems, on the same basis as nonutilities to encourage their investment in cogeneration and small power production facilities.

3110 Dirksen Building

Environment and Public Works

Environmental Pollution Subcommittee

To resume hearings on proposed legislation authorizing funds for the endangered species program.

4200 Dirksen Building

9:00 a.m.

Appropriations

Interior and Related Agencies Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1983 for certain functions of the Indian Health Service, Department of Health and Human Services, and the Geological Survey, Department of the Interior.

1318 Dirksen Building

9:30 a.m.

Appropriations

State, Justice, Commerce, the Judiciary and Related Agencies Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1983 for the Department of State, focusing on the Office of the Secretary and administration of foreign affairs.

S-146, Capitol

Labor and Human Resources

Business meeting, to consider proposed legislation authorizing funds for health programs and the National Science Foundation.

4232 Dirksen Building

10:00 a.m.

Appropriations

HUD-Independent Agencies Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1983 for the Environmental Protection Agency.

1224 Dirksen Building

Energy and Natural Resources

Business meeting, to consider pending calendar business.

3110 Dirksen Building

Environment and Public Works

Business meeting, to consider pending calendar business.

4200 Dirksen Building

1:00 p.m.

Judiciary

*Immigration and Refugee Policy Subcommittee

To hold joint hearings with the House Subcommittee on Immigration, Refugees, and International Law of the Committee on the Judiciary on S. 2222, revising and reforming U.S. immigration laws.

2228 Dirksen Building

2:00 p.m.

Appropriations

Foreign Operations Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1983 for foreign assistance activities of the Department of the Treasury.

1318 Dirksen Building

Appropriations

Labor, HHS, Education, and Related Agencies Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1983 for activities of the Secretary of Labor.

1114 Dirksen Building

APRIL 21

9:30 a.m.

Appropriations

State, Justice, Commerce, the Judiciary and Related Agencies Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1983 for the Small Business Administration, Federal Communications Commission, Equal Employment Opportunity Commission, and the Maritime Administration.

S-146, Capitol

Environment and Public Works

Transportation Subcommittee

To hold hearings on proposed legislation authorizing funds for the Federal aid highway program.

4200 Dirksen Building

10:00 a.m.

Appropriations

Labor, HHS, Education, and Related Agencies Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1983 for the Employment and Training Administration, Department of Labor.

1114 Dirksen Building

Appropriations

Transportation and Related Agencies Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1983 for the Federal Railroad Administration of the Department of Transportation, and Amtrak.

1318 Dirksen Building

Energy and Natural Resources

Business meeting, to consider pending calendar business.

3110 Dirksen Building

Labor and Human Resources

Education, Arts, and Humanities Subcommittee

To hold hearings on S. 1889, authorizing funds for fiscal year 1983 and 1984 for the establishment of a national institution to promote international peace and resolution of international conflict.

4232 Dirksen Building

2:00 p.m.
Environment and Public Works
Transportation Subcommittee
To continue hearings on proposed legislation authorizing funds for the Federal aid highway program.
4200 Dirksen Building

APRIL 22

9:00 a.m.
Appropriations
Interior and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1983 for certain functions of the Forest Service, Department of Agriculture.
1318 Dirksen Building

9:30 a.m.
Appropriations
State, Justice, Commerce, the Judiciary and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1983 for certain programs which fall within the jurisdiction of the subcommittee, receiving testimony from public witnesses.
S-146, Capitol

Labor and Human Resources
Aging, Family and Human Services Subcommittee
To hold hearings on promoting volunteerism in America.
4232 Dirksen Building

10:00 a.m.
Appropriations
Labor, HHS, Education, and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1983 for the Labor-Management Services Administration, Pension Benefit Guaranty Corporation, and the Employment Standards Administration, Department of Labor.
1114 Dirksen Building

Environment and Public Works
Environmental Pollution Subcommittee
Business meeting, to mark up S. 1018, prohibiting the Federal Government from funding commercial and residential growth on undeveloped barrier beaches and islands.
4200 Dirksen Building

2:00 p.m.
Appropriations
Labor, HHS, Education, and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1983 for the Occupational Safety and Health Administration (OSHA), and the Mine Safety and Health Administration, Department of Labor.
1114 Dirksen Building

APRIL 23

9:30 a.m.
Banking, Housing, and Urban Affairs
Consumer Affairs Subcommittee
To hold hearings on the role of the Federal Reserve Board in the operation of automated clearinghouse services.
5302 Dirksen Building

10:00 a.m.
Appropriations
Labor, HHS, Education, and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1983 for Bureau of Labor Statistics, departmental management services, and the President's Committee on Employment of the Handicapped, Department of Labor.
1114 Dirksen Building

Appropriations
Transportation and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1983 for the Urban Mass Transportation Administration, Department of Transportation.
1318 Dirksen Building

Labor and Human Resources
Education, Arts, and Humanities Subcommittee
To hold hearings on S. 2002, proposed Bilingual Education Amendments of 1981, and other related proposals.
4232 Dirksen Building

APRIL 26

10:00 a.m.
Appropriations
Transporation and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1983 for the Federal Aviation Administration of the Department of Transportation.
1318 Dirksen Building

Energy and Natural Resources
Energy Regulation Subcommittee
To hold oversight hearings to review programs administered by the Office of Federal Inspector, Alaska Natural Gas Transportation System, and the Economic Regulatory Administration and Federal Energy Regulatory Commission, Department of Energy.
3110 Dirksen Building

Environment and Public Works
Environmental Pollution Subcommittee
To hold hearings on proposed authorizations for programs of the Resource Conservation and Recovery Act.
4200 Dirksen Building

Labor and Human Resources
Education, Arts, and Humanities Subcommittee
To resume hearings on S. 2002, proposed Bilingual Education Amendments of 1981, and other related proposals.
4232 Dirksen Building

APRIL 27

9:00 a.m.
Appropriations
Interior and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1983 for the Office of the Federal Inspector, Alaska Natural Gas Transportation System, Bureau of Mines of the Department of the Interior, and the National Endowment for the Arts.
1318 Dirksen Building

9:30 a.m.
Banking, Housing, and Urban Affairs
Securities Subcommittee
To hold hearings on S. 1869, S. 1870, S. 1871, and S. 1977, bills revising or repealing certain provisions of the Public Utility Holding Company Act of 1935.
5302 Dirksen Building

Labor and Human Resources
Labor Subcommittee
Business meeting, to mark up S. 1785, increasing the penalties for violations of the Taft-Hartley Act, requiring immediate removal of certain individuals convicted of crimes relating to his official position, broadening the definition of the types of positions an individual is barred from upon conviction, increasing the time of disbarment from 5 to 10 years, escrowing a convicted official's salary for the duration of his appeal, and clarifying the jurisdiction of the Department of Labor relating to detection and investigating criminal violations relating to ERISA.
4232 Dirksen Building

10:00 a.m.
Appropriations
HUD-Independent Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1983 for the National Science Foundation.
1224 Dirksen Building

Appropriations
Labor, HHS, Education, and Related Agencies Subcommittee
To hold oversight hearings on programs of the Departments of Labor, Health and Human Services, Education, and related agencies.
1114 Dirksen Building

Energy and Natural Resources
Business meeting, to consider pending calendar business.
3110 Dirksen Building

Environment and Public Works
Business meeting, to consider proposed legislation authorizing funds for programs which fall under its legislative jurisdiction.
4200 Dirksen Building

2:00 p.m.
Appropriations
Labor, HHS, Education, and Related Agencies Subcommittee
To continue oversight hearings on programs of the Departments of Labor, Health and Human Services, Education, and related agencies.
1114 Dirksen Building

APRIL 28

9:30 a.m.
Appropriations
State, Justice, Commerce, the Judiciary and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1983 for certain programs which fall within the jurisdiction of the subcommittee, receiving testimony from public witnesses.
S-146, Capitol

10:00 a.m.
Appropriations
Labor, HHS, Education, and Related Agencies Subcommittee
To continue oversight hearings on programs of the Departments of Labor, Health and Human Services, Education, and related agencies.
1114 Dirksen Building

Appropriations
Transportation and Related Agencies Subcommittee
To hold hearings to receive testimony from congressional and public witnesses on proposed budget estimates for fiscal year 1983 for certain transportation programs.
1318 Dirksen Building

Energy and Natural Resources
Business meeting, to consider pending calendar business.
3110 Dirksen Building

Labor and Human Resources
Education, Arts, and Humanities Subcommittee
To hold oversight hearings on the implementation of guidance and counseling

programs of the Department of Education.
4232 Dirksen Building

1:30 p.m.
Conferees
On S. 1193, authorizing funds for fiscal years 1982 and 1983 for the Department of State, authorizing funds for fiscal year 1982 for the Arms Control and Disarmament Agency, authorizing funds for fiscal years 1982 and 1983 for the International Communications Agency, and authorizing funds for fiscal years 1982 and 1983 for the Board for International Broadcasting.
S-116, Capitol

2:00 p.m.
Appropriations
Labor, HHS, Education, and Related Agencies Subcommittee
To continue oversight hearings on programs of the Departments of Labor, Health and Human Services, Education, and related agencies.
1114 Dirksen Building

APRIL 29

9:00 a.m.
Appropriations
Interior and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1983 for fossil research and development and fossil construction programs of the Department of Energy.
1318 Dirksen Building

9:30 a.m.
Appropriations
State, Justice, Commerce, the Judiciary and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1983 for international organizations, Securities and Exchange Commission, and the Federal Trade Commission.
S-146, Capitol

Judiciary
Criminal Law Subcommittee
To resume hearings on proposals providing for a ban on the manufacture or sale of nonsporting handguns, mandatory sentences for the use of a firearm in committing a felony, and a preclearance procedure for the sale or transfer of any handgun.
Room to be announced

10:00 a.m.
Appropriations
Labor, HHS, Education, and Related Agencies Subcommittee
To continue oversight hearings on programs of the Departments of Labor, Health and Human Services, Education, and related agencies.
1114 Dirksen Building

Appropriations
Transportation and Related Agencies Subcommittee
To hold hearings to receive testimony from congressional and public witnesses on proposed budget estimates for fiscal year 1983 on certain transportation programs.
1224 Dirksen Building

Environment and Public Works
Business meeting, to mark up S. 1018, prohibiting the Federal Government from funding commercial and residential growth on undeveloped barrier beaches and islands.
4200 Dirksen Building

10:30 a.m.
Veterans' Affairs
To hold hearings to receive AMVETS legislative recommendations for fiscal year 1983.
Room to be announced

1:30 p.m.
Conferees
On S. 1193, authorizing funds for fiscal years 1982 and 1983 for the Department of State, authorizing funds for fiscal year 1982 for the Arms Control and Disarmament Agency, authorizing funds for fiscal years 1982 and 1983 for the International Communications Agency, and authorizing funds for fiscal years 1982 and 1983 for the Board for International Broadcasting.
S-116, Capitol

2:00 p.m.
Appropriations
Labor, HHS, Education, and Related Agencies Subcommittee
To continue oversight hearings on programs of the Departments of Labor, Health and Human Services, Education, and related agencies.
1114 Dirksen Building

APRIL 30

9:30 a.m.
Environment and Public Works
Transportation Subcommittee
Business meeting, to mark up proposed legislation authorizing funds for the Federal Aid Highway program.
4200 Dirksen Building

10:00 a.m.
Appropriations
Transportation and Related Agencies Subcommittee
To hold hearings to receive testimony from congressional and public witnesses on proposed budget estimates for fiscal year 1983 for certain transportation programs.
1318 Dirksen Building

MAY 3

2:00 p.m.
Appropriations
Labor, HHS, Education, and Related Agencies Subcommittee
To hold hearings to receive testimony from public witnesses on proposed budget estimates for fiscal year 1983 for certain programs under the subcommittee's jurisdiction.
1114 Dirksen Building

MAY 4

9:00 a.m.
Appropriations
Interior and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1983 for the Smithsonian Institution, Woodrow Wilson International Center for Scholars, and the Advisory Council on Historic Preservation.
1318 Dirksen Building

9:30 a.m.
*Labor and Human Resources
To hold oversight hearings on the Office of Federal Contract Compliance Programs, Department of Labor.
4232 Dirksen Building

10:00 a.m.
Appropriations
Labor, HHS, Education, and Related Agencies Subcommittee
To hold hearings to receive testimony from public witnesses on proposed budget estimates for fiscal year 1983 for certain programs under the subcommittee's jurisdiction.
1114 Dirksen Building

Energy and Natural Resources
Business meeting, to consider pending calendar business.
3110 Dirksen Building

Environment and Public Works
Business meeting, to resume consideration of proposed legislation authorizing funds for programs which fall under its legislative jurisdiction.
4200 Dirksen Building

2:00 p.m.
Appropriations
Labor, HHS, Education, and Related Agencies Subcommittee
To hold hearings to receive testimony from public witnesses on proposed budget estimates for fiscal year 1983 for certain programs under the subcommittee's jurisdiction.
1114 Dirksen building

MAY 5

9:30 a.m.
Commerce, Science, and Transportation
To hold hearings on the nominations of Vice Admiral James S. Gracey, U.S. Coast Guard, to be Commandant, and Rear Admiral Benedict L. Stabile, U.S. Coast Guard, to be Vice Commandant, each for the U.S. Coast Guard.
235 Russell Building

Labor and Human Resources
Business meeting, to consider pending calendar business.
4232 Dirksen Building

10:00 a.m.
Appropriations
HUD-Independent Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1983 for the National Aeronautics and Space Administration.
1224 Dirksen Building

Appropriations
Labor, HHS, Education, and Related Agencies Subcommittee
To hold hearings to receive testimony from public witnesses on proposed budget estimates for fiscal year 1983 for certain programs under the subcommittee's jurisdiction.
1114 Dirksen Building.

Energy and Natural Resources
Business meeting, to consider pending calendar business.
3110 Dirksen Building

Environment and Public Works
Environmental Pollution Subcommittee
Business meeting, to consider proposed legislation authorizing funds for programs of the Resource Conservation and Recovery Act, Marine Protection, Research and Sanctuaries Act, and the Federal Water Pollution Control Act.
4200 Dirksen Building

2:00 p.m.
Appropriations
Labor, HHS, Education, and Related Agencies Subcommittee
To hold hearings to receive testimony from public witnesses on proposed budget estimates for fiscal year 1983 for certain programs under the subcommittee's jurisdiction.
1114 Dirksen Building

Environment and Public Works
Environmental Pollution Subcommittee
Business meeting, to mark up proposed legislation authorizing funds for the Endangered Species Act.
4200 Dirksen Building

MAY 6

9:00 a.m.
Appropriations
Interior and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1983 for the U.S. Fish and Wildlife Service, Department of the Interior, and the National Capital Planning Commission.
1318 Dirksen Building

Commerce, Science, and Transportation
Communications Subcommittee
To hold hearings on S. 604, requiring all new telephone receivers to be equipped with hearing aids for the handicapped.
235 Russell Building

9:30 a.m.
Appropriations
State, Justice, Commerce, the Judiciary and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1983 for the care of the U.S. Supreme Court Building by the Architect of the Capitol, U.S. International Trade Commission, Federal Maritime Commission, and the Marine Mammal Commission.
S-146, Capitol

Labor and Human Resources
Business meeting, to consider pending calendar business.
4232 Dirksen Building

10:00 a.m.
Appropriations
Labor, HHS, Education, and Related Agencies Subcommittee
To hold hearings to receive testimony from public witnesses on proposed budget estimates for fiscal year 1983 for certain programs under the subcommittee's jurisdiction.
1114 Dirksen Building

Environment and Public Works
Business meeting, to resume consideration of proposed legislation authorizing funds for programs which fall under its legislative jurisdiction.
4200 Dirksen Building

2:00 p.m.
Appropriations
Labor, HHS, Education, and Related Agencies Subcommittee
To hold hearings to receive testimony from public witnesses on proposed budget estimates for fiscal year 1983 for certain programs under the subcommittee's jurisdiction.
1114 Dirksen Building

MAY 7

10:00 a.m.
Appropriations
Labor, HHS, Education, and Related Agencies Subcommittee
To hold hearings to receive testimony from congressional witnesses on proposed budget estimates for fiscal year 1983 for certain programs under the subcommittee's jurisdiction.
1114 Dirksen Building

MAY 10

9:00 a.m.
Commerce, Science, and Transportation
To hold hearings on S. 1929, establishing an Interagency Committee on Smoking and Health to coordinate Federal and private activities to educate the public about the health hazards of smoking.
235 Russell Building

MAY 11

9:00 a.m.
Appropriations
Interior and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1983 for the National Endowment for the Humanities, Institute of Museum Services, and the Office of Surface Mining, Department of the Interior.
1114 Dirksen Building

9:30 a.m.
Appropriations
State, Justice, Commerce, the Judiciary, and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1983 for the Judiciary.
S-146, Capitol

Labor and Human Resources
Aging, Family and Human Services Subcommittee
To hold hearings on the extended family.
4232 Dirksen Building

10:00 a.m.
Appropriations
HUD-Independent Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1983 for the National Institute of Building Sciences, Federal Home Loan Bank Board, and National Credit Union Administration.
1224 Dirksen Building

Energy and Natural Resources
Business meeting, to consider pending calendar business.
3110 Dirksen Building

Environment and Public Works
Business Meeting, to resume consideration of proposed legislation authorizing funds for programs which fall under its legislative jurisdiction.
4200 Dirksen Building

MAY 12

10:00 a.m.
Energy and Natural Resources
Business meeting, to consider pending calendar business.
3110 Dirksen Building

MAY 13

9:00 a.m.
Appropriations
Interior and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1983 for territorial affairs of the Department of the Interior.
1114 Dirksen Building

10:00 a.m.
Environment and Public Works
Business meeting, to resume consideration of proposed legislation authorizing funds for programs which fall under its legislative jurisdiction.
4200 Dirksen Building

1:30 p.m.
Appropriations
Interior and Related Agencies Subcommittee
To continue hearings on proposed budget estimates for fiscal year 1983 for territorial affairs of the Department of the Interior.
1114 Dirksen Building

MAY 14

9:30 a.m.
Labor and Human Resources
To hold hearings on the nominations of William L. Earl, of Florida, Harold R. DeMoss, Jr., of Texas, Clarence V. McKee, of the District of Columbia, Marc Sandstrom, of California, Howard H. Dana, Jr., of Maine, William F. Harvey, of Indiana, William J. Olson, of Virginia, George E. Paras, of California, and Robert S. Stubbs II, of Georgia, each to be a member of the Board of Directors of the Legal Services Corporation.
4232 Dirksen Building

MAY 18

10:00 a.m.
Appropriations
HUD-Independent Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1983 for the Department of Housing and Urban Development.
1224 Dirksen Building

Environment and Public Works
Business meeting, to consider pending calendar business.
4200 Dirksen Building

Select on Indian Affairs
To hold oversight hearings on the implementation of Indian education programs.
6226 Dirksen Building

MAY 19

10:00 a.m.
Appropriations
HUD-Independent Agencies Subcommittee
To continue hearings on proposed budget estimates for fiscal year 1983 for the Department of Housing and Urban Development, and the Neighborhood Reinvestment Corporation.
1224 Dirksen Building

Select on Indian Affairs
To continue oversight hearings on the implementation of Indian education programs.
6226 Dirksen Building

MAY 24

10:00 a.m.
Appropriations
HUD-Independent Agencies Subcommittee
To receive testimony from public witnesses on proposed budget estimates for fiscal year 1983 for certain programs under the subcommittee's jurisdiction.
1224 Dirksen Building

MAY 25

10:00 a.m.

Appropriations

HUD-Independent Agencies Subcommittee

To receive testimony from public witnesses on proposed budget estimates for fiscal year 1983 for certain programs under the subcommittee's jurisdiction.

1224 Dirksen Building

Environment and Public Works

Business meeting, to consider pending calendar business.

4200 Dirksen Building

JUNE 9

9:30 a.m.

Select on Indian Affairs

To hold hearings on law enforcement problems on Indian reservations including the authority and effectiveness of the Bureau of Indian Affairs police, tribal police, and the Federal Bureau of Investigation, and the quality of U.S. prosecution of criminal offenses.

6226 Dirksen Building

SEPTEMBER 21

10:30 a.m.

Veterans' Affairs

To hold hearings to receive American Legion legislative recommendations for fiscal year 1983.

318 Russell Building

MARCH 31

10:00 a.m.

Environment and Public Works

Toxic Substances and Environmental Oversight Subcommittee

To continue hearings to review proposed authorizations for the safe drinking water program.

4200 Dirksen Building

APRIL 2

Foreign Relations

To hold hearings to review U.S. policy in Central America.

1202 Dirksen Building

SENATE—*Tuesday, March 30, 1982*

(Legislative day of Monday, February 22, 1982)

The Senate met at 9:30 a.m., on the expiration of the recess, and was called to order by the President pro tempore (Mr. THURMOND).

PRAYER

The Chaplain, the Reverend Richard C. Halverson, LL.D., D.D., offered the following prayer:

Father in heaven, I pray this morning for the personal lives of the Senators whom I have come to admire and love very much. Many expect them to be superhuman, many others assume they are inhuman. Many expect them to be exemplary in their public lives and paragons of virtue in their private lives. Many others assume they are prodigal in their public lives and reprobate in their private lives. They are flattered and exploited, stereotyped and caricatured, envied and despised, adulated and censored. They are expected to be all thing to all people and do everything for everybody.

Gracious God, they are very human, with all the virtures and vices of the people they represent. They are as strong and as weak, as proud and as humble, as courageous and as cowardly, as wise and as foolish as the people they serve. They are patriots with profound concern for the world, the Nation, their States, and all peoples. They struggle with enormous issues, sometimes crucial to survival; they work hard, sacrifice much, and face the loneliness of decision often. Brace them, Lord, against the cynicism of their detractors, strengthen them in their daily resolve, deepen their love for family and home, unite them in the high purpose of the common good, and bless them as they pursue, to the best of their ability, the mandate which brought them to this place. Forgive their sins, make real to them the love of God in Christ and work Thy will through them. I pray this in the name of Jesus who knew the scorn, hatred, and abuse of those He loved and for whom He died. Amen.

RECOGNITION OF THE ACTING MAJORITY LEADER

The PRESIDENT pro tempore. The acting majority leader is recognized.

THE JOURNAL

Mr. STEVENS. Mr. President, I ask unanimous consent that the Journal of the proceedings of the Senate be approved to date.

The PRESIDENT pro tempore. Without objection, it is so ordered.

ORDER FOR PERIOD FOR TRANSACTION OF ROUTINE MORNING BUSINESS

Mr. STEVENS. Mr. President, I ask unanimous consent that following the time for the two leaders under the standing order and the special order entered for Senator CHAFEE, there be a period for the transaction of routine morning business, not to extend beyond the hour of 10 a.m., with Senators being permitted to speak therein.

The PRESIDENT pro tempore. Without objection, it is so ordered.

SENATE SCHEDULE

Mr. STEVENS. Mr. President, today the schedule of the Senate will be quite full. In addition to the final disposition of S. 1207, the Nuclear Regulatory Commission authorization bill, the Senate will continue consideration of House Joint Resolution 409, the continuing resolution.

It is the hope of the leadership that S. 1207 can be disposed of today. The Senate may be required to remain in session late into the evening in order to fully discuss matters associated with the continuing resolution.

Senators are advised that it is the intention of the leadership to keep this schedule.

Senators are encouraged to participate in the discussion of this resolution as early as possible, if they intend to do so.

It should remain clear, however, that the leadership is in full support of the statements made during the session yesterday by the distinguished chairman of the Appropriations Committee, Senator HATFIELD, with respect to amendments to the continuing resolution.

We respect the right of any Senator to offer amendments to this resolution, and understand there are amendments which may be offered. But, the need to pass this time-sensitive appropriations bill hopefully will dissuade Members from approving amendments offered to this bill.

The leadership intends to support the chairman of the Appropriations Committee in his effort to move to table any amendment offered to House Joint Resolution 409.

We would like to call the attention of the Senate to the fact that there is another bill, the supplemental appropriations bill, which will be before this body in the very near future. We invite Members who have amendments they might offer to the time sensitive continuing resolution to look at the supplemental appropriations bill for that purpose.

There are several Senators who have amendments. I have a very important amendment which I had originally intended to offer to the continuing resolution, but I will not do so for the reason I earlier described. I will withhold it and offer it instead to the supplemental appropriations bill. The amendment to which I refer pertains to industrial development bonds, which I believe is time sensitive. I wish it were the proper time to offer the amendment but I do respect the decision which has been made that this continuing resolution should be, if at all possible, sent to the President without further delay.

We will have additional work to do after the continuing resolution and S. 1207 pass the Senate this week. This is the last week prior to a recess.

Again, the leadership places Senators on notice that it is possible there will be a late night tonight, a late night tomorrow, and a late night Thursday.

EXECUTIVE SESSION

Mr. STEVENS. Mr. President, I ask unanimous consent that the Senate go into executive session for the purpose of considering the nominations commencing with Calendar No. 687 on page 3 of the Executive Calendar.

The PRESIDING OFFICER. Is there objection?

Mr. ROBERT C. BYRD. Mr. President, there is no objection from this side of the aisle.

There being no objection, the Senate proceeded to the consideration of executive business.

Mr. STEVENS. Mr. President, I ask unanimous consent that it be in order to consider all of the nominees en bloc: Executive Calendar Nos. 687, 688, 689, 690, and 691, and that it be in order to have a motion to reconsider those nominations en bloc and to consider the motion to lay on the table en bloc.

The PRESIDING OFFICER. Without objection, it is so ordered.

The nominations will be stated.

Mr. STEVENS. Mr. President, I ask unanimous consent that the nominations referred to be considered and confirmed en bloc.

The PRESIDING OFFICER. Without objection, the nominations are considered and confirmed en bloc.

● This "bullet" symbol identifies statements or insertions which are not spoken by the Member on the floor.

Mr. STEVENS. Mr. President, I move to reconsider the vote by which the nominations were considered and confirmed en bloc.

Mr. ROBERT C. BYRD. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The nominations considered and confirmed en bloc are as follows:

NATIONAL TRANSPORTATION SAFETY BOARD

James Eugene Burnett, Jr., of Arkansas, to be Chairman of the National Transportation Safety Board.

COAST GUARD

Rear Admiral Wayne E. Caldwell, U.S. Coast Guard, to be the Commander, U.S. Coast Guard Atlantic Area.

Rear Admiral Charles E. Larkin, U.S. Coast Guard, to be the Commander, U.S. Coast Guard Pacific Area.

FEDERAL RESERVE SYSTEM

Preston Martin, of California, to be a member of the Board of Governors of the Federal Reserve System.

Preston Martin, of California, to be Vice Chairman of the Board of Governors of the Federal Reserve System.

Mr. STEVENS. Mr. President, I ask unanimous consent that the President be immediately notified of the confirmation of these nominations.

The PRESIDING OFFICER. Without objection, it is so ordered.

LEGISLATIVE SESSION

Mr. STEVENS. Mr. President, I ask unanimous consent that the Senate return to legislative session.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. STEVENS. I reserve the remainder of my time.

RECOGNITION OF THE MINORITY LEADER

The PRESIDING OFFICER (Mr. Warner). The minority leader is recognized.

Mr. ROBERT C. BYRD. Mr. President, I would suggest to the distinguished acting majority leader that we have our cloakrooms inform Senators that this may indeed be a late night. I would much prefer to have the Senate run late today than to have it run late tomorrow. I will have the cloakroom on my side of the aisle notify Members that tonight will be a late night.

Mr. STEVENS. Will the Senator yield?

Mr. ROBERT C. BYRD. I yield.

Mr. STEVENS. I do thank the distinguished minority leader for his suggestion. We will join in sending out the message.

We must reserve a late night tomorrow night in the event an amendment does pass and we are compelled to go to conference with the House. It would be a late night before we were able to bring such a bill out of conference, I am certain.

I am entirely in accord with the distinguished minority leader that this continuing resolution, if at all possible, must pass today.

THE CHILDREN

Mr. ROBERT C. BYRD. Mr. President, last spring Senate Democrats, under the leadership of the distinguished Senator from Arkansas, Senator Bumpers, offered an amendment to the budget reconciliation resolution to restore $6 million for childhood immunization programs in fiscal years 1982 and 1983. The administration's budget called for a 25-percent cut in immunization for children, and the Bumpers amendment would have restored assistance to full funding, minus the toll of inflation.

The Bumpers amendment, like other Democratic amendments offered to the budget—supporting adequate health care for veterans, child nutrition programs, and elementary and secondary education, to name a few—was defeated by a party line vote. As with these other measures, the amendment was not intended to be part of any partisan plan. It proposed to meet real human needs, to alleviate human suffering, and reduce our Nation's future medical bills.

Immunization for children represents one of the most cost-effective, efficient, and humane actions that the Federal Government has ever undertaken. Moreover, all evidence indicates that substantial cutbacks in immunization will jeopardize, and could possibly reverse, some of the most important and dramatic accomplishments the Nation has ever made in preventing severe illness.

Many of the most serious of childhood diseases are preventable, including rubella, red measles, mumps, chicken pox, whooping cough, and polio. Measles can leave children blind and with impaired hearing. We do not have the resources to treat children for disabling conditions that could have been avoided in the first place. Moreover, none of us wants to see a child suffer or die from a disease we have the technology to eradicate at a relatively low cost.

The National Journal recently carried an article describing the beginnings of the effects of the first round of budgetary cutbacks in immunization funding. The article suggests that perhaps States can make up for the loss of immunization dollars, by tapping into the preventive care block grant or the maternal and child health care block grant. But, funding for programs under these block grants was severely reduced last year. These cutbacks will have similar long-term impacts: Without screening and nutrition services during pregnancy, the chances of having a crippled child greatly rise, thereby increasing future costs. Ironically, Senate Democrats fought deep cuts in these programs as well, but were again defeated by party line votes.

I ask unanimous consent that the text of the March 13, 1982, Journal article be printed in the Record in full.

There being no objection, the article was ordered to be printed in the Record, as follows:

BUDGET CUTS HIT CHIEF WEAPON IN WAR ON CHILDHOOD DISEASES, SAY CRITICS

(By Jane Stein)

A few million dollars seems rather insignificant in the context of President Reagan's $758 billion budget.

But in the case of the federal child immunization program, that relatively trivial sum could determine whether nearly three million children are protected against the ravages of polio, measles, mumps, tetanus, whooping cough and rubella—and whether the U.S. public health community continues to win the battle against these crippling diseases.

Health officials consider immunization a bargain, a rare case of a medical intervention that both relieves suffering and saves money. With a budget of only $30.9 million in fiscal 1981, for example, the federal program immunized 6.3 million children—about 40 percent of those receiving the shots that year—and undoubtedly protected them against conditions that would have required billions of dollars worth of medical care.

The immunization budget fell to $28.3 million in this fiscal year, and for fiscal 1983, Reagan has asked for $29 million. Public health officials say that's $5 million less than would be needed to immunize the same number of children as in 1981 because the cost of vaccines has increased. Reagan's fiscal 1983 request, according to estimates from the Centers for Disease Control in Atlanta, would cover the cost of immunizing only 3.3 million children—and perhaps as few as 3.4 million.

Reagan Administration officials argue that increased dollars are not needed because, as a result of the government's immunization drive of the past 20 years, most of the nation's children have already received the vaccinations. But that is an assumption, say critics of the Administration's policy, that the economics of the vaccine market do not support.

At the heart of the cost issue is the problem of the hard core of low-income children who don't receive immunizations. Although every state requires that children be fully immunized before they enter kindergarten or the first grade, an estimated 4 to 6 per cent slip through the immunization net every year. These children are difficult and expensive to reach because they require tracking down by school nurses and public health authorities (Some children are exempted from immunization for religious reasons.)

Public health officials expressed their concerns over the federal immunization program during February hearings of the House Energy and Commerce Subcommittee on Health and the Environment. They have an ally in chairman Henry A. Waxman, D-Calif., who says he is "appalled" by the trend toward providing immunizations to fewer children.

"We cannot allow children to die of diseases that should never occur, and we cannot afford to treat children for crippling conditions that we can prevent," he said.

Supporters of a strong immunization program like to point to polio as a disease that has been nearly wiped out in the United States by immunization. In 1952, three years before the polio vaccine was introduced, there were 21,000 cases of the disease in the country. Last year, there were six.

It is that kind of success that public health officials don't want to see jeopardized in the interest of holding down federal spending.

FEDERAL ROLE

The federal government has traditionally played a pivotal role in the success—and failure—of immunization programs.

In 1962, the government entered the immunization business with the Vaccination Assistance Act, which provided protection for low-income people who were not paying their own way. The law furnished financial assistance to state and local health agencies to prevent polio, diphtheria, whooping cough and tetanus and allowed health agencies to buy government-procured vaccines at a discount of as much as two-thirds.

The incidence of the four diseases soon began to decrease because of vaccine use. In 1965, after a measles vaccine was developed, that disease was added to the list of those covered by the law.

Measles offers a particularly good illustration of the importance of the federal role in immunization. From 1966 through 1968, the government spent $21 million for measles vaccinations alone. The number of reported cases a year fell from 160,000 to 22,000.

When a vaccine for rubella, or German measles, was licensed in 1969, federal health officials decided to put all their eggs in one basket; during 1969 and 1970, immunization funds were earmarked only for the new rubella vaccine. With the public coffers bare, immunity against measles fell and the number of cases rose to 70,000 by 1971.

The 1970 and 1972 Communicable Disease Control Amendments distributed the federal immunization funds more equitably among the six diseases, and mumps was added to the list later.

With measles vaccinations once again receiving federal support, the number of cases fell in 1972 to 30,000. According to H. David Banta, assistant director for health and life sciences of the congressional Office of Technology Assessment, the incidence of any disease rises when the doses of vaccine drop. "When federal investment in vaccines falls," he added, "the doses administered in this country fall."

In the mid-1970s, officials at the Centers for Disease Control in Atlanta became alarmed when they noticed that vaccination levels were declining. While 90 percent of the population had once been immunized against polio, records showed that in the mid-1970s only 65 to 75 percent were protected. The federal government was then providing about $6 million a year for immunizations.

In 1977, the old Health, Education and Welfare Department launched an immunization drive with the goal of full immunization for at least 90 percent of the nation's children. Appropriations rose to $17 million in 1977 and to $35 million in 1979. With this infusion of federal money, immunization levels soared.

PROBLEMS

It was easy for the immunization program to show such impressive gains as long as it was dealing with a backlog of untreated children. Now the issue before the public health community—and eventually Congress—is how to maintain immunization levels and reach the hard core of unimmunized youngsters.

Health and Human Services Secretary Richard S. Schweiker insists that more money is not the answer. The program needs less money now that about 96 percent of the population is immunized, Schweiker says, than it did when only 75 percent had been treated.

But it doesn't work that way, partly because the overhead for the manufacturers continues to increase.

The cost of vaccines has been rising steadily. Since 1977, the cost of rubella vaccine has risen 140 percent, and the cost of a combined measles-rubella vaccine has increased by 104 percent. Last year, the cost of vaccines for all childhood diseases now controlled by immunizations increased by 30 percent, and it is estimated that it will rise another 15 to 20 percent this year.

In addition, the federal immunization program does not just provide vaccines. Only half of the money that the government gives to state and local health agencies goes for that purpose. The rest finances public education programs and efforts to track down cases of diseases.

And not all the money appropriated for immunization goes directly to state local health agencies. About $6 million is used by the Centers for Disease Control to monitor immunization efforts nationwide and to assist states in designing programs. It is widely believed that without the centers' strong leadership role, the national momentum to immunize could not be maintained.

But however the federal money is distributed, the public health community believes that more vigilance is needed on the immunization front. "We ran from the 50 yard line at the height of the [immunization] initiative," said James Chin, chief of the infectious disease section of California's Health Services Department, "Now we are at the 20 yard line. The work from here on requires a costlier maintenance program or else we'll be thrown back a few yards."

Chin believes the government must carefully monitor school immunization levels. "Without health department and immunization staff to keep pressure on the schools, routine compliance at schools will slip," he said.

Other costly work that needs to be done involves immunizing children before they are ready to start school. Doctors prefer that children be immunized during the first year or two of life. Alan Hinman, director of the Centers for Disease Control's immunization division, said public health officials are "trying to develop a system in the clinic or private office setting that would raise a flag if a kid didn't come back for the next round of vaccinations."

Chin pointed out that "you just can't blow a whistle and line up the kids if they are not in a licensed day care center or preschool." As a result, the preventable childhood diseases are taking a heavy toll among preschoolers.

Part of the problem is complacency. "Most parents and physicians have never seen the diseases the vaccines prevent and have not experienced the fear of crippling from polio," said Frederick C. Robbins, president of the Institute of Medicine, part of the National Academy of Sciences, and also a Nobel Prize winner for his work on the polio virus. "There isn't the sense of urgency that we used to have."

Robbins points out that most of the childhood disease agents are still present in the population, waiting only for the number of susceptible children to become large enough that a wave of disease can sweep through them. Smallpox is the only disease for which this is no longer a danger. In a massive effort, it was eliminated from the United States by 1949 and from the rest of the world by 1977, and vaccination against the disease is no longer necessary.

Robbins says it is feasible that measles could be eradicated as well. In fact, Chin says the prospects look good for eliminating the disease in California. But he adds that eliminating measles would be possible only if his department's current prevention efforts could be improved or at least maintained.

SQUEEZE ON THE STATES

Looking at his budget, Chin is not optimistic. His federal money, $2.7 million in fiscal 1981, has shrunk to $1.9 million this year and a projected $1.4 million in fiscal 1983. He says he needs "half a million more" than last year just to keep up with inflation, but there is no state money to offset the federal cuts. "This leaves our health department no alternative but to drasitically cut back on [immunization] activities," he said.

Some state health departments, in a similar budget bind, are beginning to charge a $3 fee for immunizations given in clinics. "This is poor public health practices," said Chin, and it likely won't work. "We've had difficulty getting people to come in for immunizations when we're giving them away for free," he said.

The Centers for Disease Control reports that the reduction in immunization funds "will reduce the possibility of eliminating indigenous measles" by next October unless the states can tap into block grants or other funds for this purpose. The preventive care block grant and the maternal and child health block grant are the two most likely sources of additional federal money.

Health officials note that state vary considerably in their efforts to control childhood diseases. North Dakota, for example, claims a 100 per cent immunization level for all children entering school, while Oregon has only a 70 per cent compliance record.

"It makes you think about the New Federalism," said Waxman, "when you condemn a child to a risk of a greater chance of getting a devastating illness because of where he or she lives."

"The states have the management ability to handle their own immunization programs," said Hinman. "But the issue is one of resources, and that's what we're concerned about."

It does not seem likely that there will be massive outbreaks of childhood diseases because of the reduction in federal financing. "We've gone too far and have been too effective for that," Chin said.

But, warned Hinman, the trend toward fewer incidences of the classic childhood diseases can "rebound quickly."

Mr. ROBERT C. BYRD. Mr. President, I yield my remaining time to the distinguished Senator from Wisconsin.

Mr. STEVENS. Mr. President, will the Senator yield to me for a procedural matter?

Mr. ROBERT C. BYRD. I yield.

Mr. STEVENS. Mr. President, I yield the remainder of my time to Senator CHAFEE, the time to be added to his special order.

The **PRESIDING OFFICER.** Without objection, it is so ordered.

The Senator from Wisconsin is recognized.

GENOCIDE

Mr. **PROXMIRE.** Mr. President, a book entitled "Genocide", authored by Leo Kuper, was reviewed last Sunday in the New York Times by Telford Taylor. The book discusses mass murder, and according to Mr. Taylor, provides a devastating history and analysis of its occurrence.

Although the crime of extermination is ancient, the label describing it is relatively new. The term "genocide" came into existence during World War II to signify the intentional "destruction of a nation or of an ethnic group." It became a significant part of our vocabulary as the true extent of Nazi atrocities was revealed.

Unfortunately, the study of genocide is as new as the word itself. For a phenomenon which has claimed so many lives, genocide has been vastly understudied. Leo Kuper's book gives us an indepth look at the genocidal massacres that have occured during this century, a look which ranges from the near extermination of Armenians during World War I to the recent slaughter of tribesmen in Africa.

According to Telford Taylor, the book's particular strength rests in its psychological explanations for genocidal behavior. The book describes political and social conditions which can cause genocide, and it discusses mental processes which those who commit genocide use to justify their actions. In doing this, Kuper's book adds much to our knowledge of why genocide is committed.

Yet the most important part of the book is its sheer comprehensiveness. By giving us a full and extensive account of the history of genocide, it tells the sad story of the many millions who have fallen its victims.

This story, the tale of so much hardship and death, is the truly compelling argument for Senate ratification of the Genocide Convention.

Mr. President, I ask unanimous consent that the review by Telford Taylor of Leo Kuper's book be printed in the Record.

There being no objection, the review was ordered to be printed in the Record, as follows:

When People Kill a People

(By Telford Taylor)

In 1943, in the course of his monumental study "Axis Rule in Occupied Europe," the late Raphael Lemkin coined the word genocide—from the Greek genos (race or tribe) and the Latin cide (killing)—to describe the deliberate "destruction of a nation or of an ethnic group." The concept was catching, and in December 1946 the General Assembly of the United Nations adopted a resolution recognizing genocide as a "crime under international law" consisting of the "denial of the right of existence of entire human groups." After much debate in the United Nations committees, the General Assembly approved the text of a "Genocide Convention," to become effective upon ratification by 20 member nations. By the end of 1978, the Convention had been ratified by 84 nations. But the United States has not done so, largely because of fears that its enforcement might lead to encroachments on national sovereignty.

Now Leo Kuper, professor emeritus at the University of Southern California, has published a useful study of the subject, with extensive historical detail in an analytical framework. The structure of the book is a bit loose, but it is apparent that the first five of the ten chapters deal with the background and drafting of the Convention, with theories that may explain the genocide phenomenon and with social and ideological "justifications" for its perpetration; the next three chapters are devoted to "The Turkish Genocide Against Armenians" (about which there is a paucity of recent literature), "The German Genocide Against Jews" and "Related Atrocities," including African and Asian episodes and the Soviet slaughters and deportations during the Stalin years.

The author is a specialist in African studies, and his accounts of "genocidal massacres" in Rwanda, Burundi, Nigeria and the Sudan are vivid and apparently authentic. For other lands, however, he has relied heavily on secondary sources. The analytical portions are more impressive from a psychological than a legal standpoint, especially in discussing the social and political situations that stimulate genocidal behavior (colonization, decolonization, change of governments, racial and religious "pluralism") and the mental processes by which perpetrators of genocide justify their conduct to themselves. These include "shaping a dehumanized image of the victims" of analogizing the victimized group to a cancer or bacillus that must be eradicated in order to preserve the dominant social group.

The Genocide Convention declares that genocide is "a crime against international law," and that declaration raises legal problems, in the handling of which Professor Kuper is insecure. For example, he labels as genocide "the atomic bombing of the Japanese cities of Hiroshima and Nagasaki by the U.S.A. and . . . the pattern bombing by the Allies of such cities as Hamburg and Dresden." These were wartime actions, and (with the possible exception of Nagasaki and Dresden, where the bombings were arguably unnecessary for any military purpose) it is difficult to perceive the bombings of World War II as violations of the laws of war. But however that question might be resolved, they were certainly not "genocidal" within the meaning of the Convention, which limits genocide to "acts committed with intent to destroy . . . a national, ethnical, racial or religious group, as such." Berlin, London and Tokyo were not bombed because their inhabitants were German, English or Japanese, but because they were enemy strongholds. Accordingly, the killing ceased when the war ended and there was no longer any enemy.

Professor Kuper blames the many genocidal massacres of recent years on the failure of the United Nations and the major powers to enforce the Convention, and he has little difficulty in showing the record to be shabby. But his comparative inattention to genocide as a newly established crime renders his work susceptible to the criticism that it is "Hamlet" with Hamlet.

Considering both the course of events since World War II and our own Government's continuing reluctance to ratify the Convention, one would hope that a new book on genocide would include an assessment of the concept's value. Was it a good move to take Lemkin's label and use it as the basis for defining an international crime? How workable are the operational provisions of the Convention? What steps have been taken, by the United Nations or by signatories of the convention, to give its provisions practical effect?

In such an analysis, it should be noted that, as far as wartime actions against enemy nationals are concerned, the Genocide Convention added virtually nothing to what was already covered (and had been since the Hague Convention of 1899) by the internationally accepted laws of land warfare, which require an occupying power to respect "family honors and rights, individual lives and private property, as well as religious convictions and liberty" of the enemy nationals. But the laws of war do not cover, in time of either war or peace, a government's actions against it own nationals (such as Nazi Germany's persecution of German Jews). And at the Nuremberg war crimes trials, the tribunals rebuffed several efforts by the prosecution to bring such "domestic" atrocities within the scope of international law as "crimes against humanity."

It is primarily in the area of "domestic" atrocities that the Genocide Convention seeks to expand pre-existing international penal law. Furthermore, under its Article V, signatory nations are required to enact "the necessary legislation to give effect to" the Convention. How many of the 84 signatories have done so, and in what form? In any of those countries, have there been any actual criminal proceedings to enforce the Convention? This book does not tell us.

Article VI of the Convention provides that trials for its violation may be conducted "by a competent tribunal of the State in the territory of which the act was committed, or any such international penal tribunal as may have jurisdiction." Apart from the European Human Rights Court at Strasbourg (with severely limited jurisdiction), no such international tribunal has been established, and courts of the states where such acts are committed are hardly likely to conduct such proceedings against the state itself or state officials.

These factors account in part for the Convention's apparent ineffectiveness, but the dismal record does not, of course, prove that things would have been no worse had the Convention not been adopted. Symbolism has its force, and American failure to ratify the Convention has certainly detracted from its influence.

Mr. President, I yield the floor.

ORDER OF BUSINESS

The **PRESIDING OFFICER.** The Chair inquires, Does the minority leader wish to use his time?

Mr. **ROBERT C. BYRD.** Mr. President, I see no other Senator asking for time on my side. I shall be glad to yield my time also to the distinguished Senator from Rhode Island.

Mr. **CHAFEE.** Mr. President, I thank the distinguished minority leader for the granting of this time.

S. 2298—THE ENTERPRISE ZONE TAX ACT OF 1982

(Introduced by Mr. CHAFEE, for himself, Mr. BOSCHWITZ, Mr. INOUYE, Mr. HEINZ, Mr. BURDICK, Mr. GORTON, Mr. HATCH, Mr. HAYAKAWA, Mr. JEPSEN, Mr. PERCY, Mr. QUAYLE, Mr. KASTEN, Mr. D'AMATO, Mr. GRASSLEY, Mr. GARN, Mrs. HAWKINS, Mr. MATTINGLY, Mr. MATSUNAGA, Mr. RUDMAN, Mr. SIMPSON, Mr. ANDREWS, Mr. JOHNSTON, and Mr. TOWER.)

Mr. CHAFEE. Mr. President, for nearly 2 years, I have been working on legislation to create an enterprise zone program for reversing economic decline in our inner cities and rural towns. Its objectives are to create jobs in those places, particularly for disadvantaged workers, and to revitalize the geographic areas of the zones themselves.

Representative JACK KEMP and Representative BOB GARCIA, both of New York State, and Senator RUDY BOSCHWITZ of Minnesota and Senator JOHN HEINZ of Pennsylvania have contributed enormously to this legislative project. We are all pleased that President Reagan has endorsed this concept and has used many of our ideas in proposing his own Enterprise Zone Tax Act of 1982. Today, with a bipartisan group of 21 Senate sponsors, we are introducing the administration's bill.

The concept underlying this experimental program is to encourage job-creating investments and entrepreneurial activity in the zones by the private sector. This would be accomplished by providing relief from Federal, State, and local taxes, and from Federal, State, and local regulations, while improving local services. The combination of all these elements—the municipality, the State, and the Federal Government—can, we hope, create the environment necessary to revive rundown urban areas. Because the revitalization program is based on the idea of removing government burdens rather than providing government grants, it will involve no Federal appropriations.

The enterprise zone concept provides a much-needed focus on economic problems in specifically targeted areas. In transmitting this legislation to Congress last week, the President stressed the importance of the Federal-State-local government partnership in enterprise zone formula. He said when he signed this measure for transmission to Congress for its introduction:

> Enterprise Zones must be more than just a Federal initiative. State and local contributions to these zones will be critically important in the selection of the zones, and probably determine whether individual zones succeed or fail. In the spirit of our new policy of Federalism, State and local governments will have broad flexibility to develop the contributions to their zones most suitable to local conditions and preferences.

Eligibility of an area to be declared an enterprise zone will be based on criteria of poverty, unemployment, and economic distress. However, this will not be an automatic entitlement. Rather, an eligible area will have to be nominated by both the city and State government, and those two governments would then apply to HUD to have the area designated as an enterprise zone.

The Federal designation process will be competitive, with no more than 75 zones to be selected over 3 years.

The purpose of this is to move ahead slowly, to get some experience, to see whether we are embarking down the right road before we start on a full-blown program with zones all across the Nation. I think this restriction of 25 per year for 3 years makes sense.

The nature, quality, and strength of the State and local incentives—tax relief, regulatory relief, service improvements, and possibly other contributions we have not thought of—will be the primary criteria for selection. No particular package of State and local contributions will be required.

We do not have a formula set forth: Do this, this, or that. We say, "Come in with your proposals, cities and States; you know best what you need to do to make an enterprise zone succeed in your particular area."

Federal contributions to an approved zone would consist of possible exemption from Federal regulations and a variety of tax incentives to stimulate both capital formation and job creation. These would include:

A 3- or 5-percent investment tax credit for capital investments in personal property in an enterprise zone;

A 10-percent tax credit for the construction or rehabilitation of commercial, industrial, or rental housing structures within a zone;

These, mind you, are on top of existing credits. Already, there is a 10-percent tax credit that is permissible under our code. These are in addition.

There will be a 10-percent tax credit to employers for payroll paid to zone employees in excess of payroll paid in the year prior to zone designation, with a maximum credit of $1,500 per worker; a special, strengthened tax credit to employers for wages paid to zone employees who were disadvantaged individuals when hired, with the credit equal to 50 percent of wages in each of the first 3 years of employment, and declining by 10 percentage points in each year after that; a 5-percent tax credit, up to $450 per worker to zone employees for wages earned in zone employment; the elimination of capital gains taxes for qualified property within enterprise zones; the designation of suitable enterprise zone areas as foreign trade zones, providing relief from tariffs and import duties for goods subsequently exported to other countries; the continued availability of industrial development bonds to small business in enterprise zones, even if the availability of such bonds is terminated elsewhere.

There will be an extension of the operating loss carryover period for enterprise zone businesses, and permission for enterprise zone tax credits to be carried over for this period as well.

It is estimated that these tax incentives, which are targeted to both increased employment and capital formation would reduce the tax liability of the average zone corporation by 75 percent. The administration estimates that the cost to the Federal Government of the typical zone having 10,000 employees will be $12.4 million per year.

With regard to deregulation, Federal regulatory bodies would be given discretionary authority to relax or eliminate regulatory requirements within enterprise zones, in accordance with standards promulgated by Congress, but only if they do not affect public health, safety, civil rights protections or the minimum wage for zone workers, and only upon the request of the State and local governments.

Admittedly, substantive as well as procedural aspects of these regulatory provisions will be controversial. My Finance Subcommittee on Investment Policy will begin hearings on all features of the President's bill on April 15 and 16. Our goal, and that of the administration, will be to enact zone legislation this year.

With the active support of the administration and the 21 Senate cosponsors already on board, we are confident this goal can be met.

Mr. President, I ask unanimous consent that the Enterprise Zone Tax Act be printed in the RECORD at this point, along with a descriptive fact sheet which I have sent to the desk.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S. 2298

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE; AMENDMENT OF 1954 CODE.

(a) SHORT TITLE.—This Act may be cited as the "Enterprise Zone Tax Act of 1982".

(b) AMENDMENT OF 1954 CODE.—Except as otherwise expressly provided, whenever in this Act an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of the Internal Revenue Code of 1954.

TITLE I—DESIGNATION OF ENTERPRISE ZONES

SEC. 101. DESIGNATION OF ZONES.

(a) GENERAL RULE.—Chapter 80 (relating to general rules) is amended by adding at the end thereof the following new subchapter:

"Subchapter C—Designation of Enterprise Zones

"Sec. 7871. Designation.

"(a) Designation of Zones.—

"(1) Enterprise zones defined.—For purposes of this title, the term 'enterprise zones' means—

"(A) any area in the United States which is nominated by one or more local governments and the State in which it is located,

"(B) which the Secretary of Housing and Urban Development, after consultation with the Secretaries of Agriculture, Commerce, Labor and the Treasury, the Director of the Office of Management and Budget, and the Administrator of the Small Business Administration, and, in the case of an enterprise zone on an Indian reservation, the Secretary of the Interior, designates to be an enterprise zone.

"(2) Limitations on designation.—

"(A) Publication of regulations.—Prior to designating any area as an enterprise zone, the Secretary of Housing and Urban Development shall prescribe by regulation after consultation with the officials described in paragraph (1)(B)—

"(i) the procedures for nomination,

"(ii) the parameters relating to the size and population characteristics of an enterprise zone,

"(iii) other standards which a nominated area must meet to be designated as an enterprise zone, and

"(iv) the manner in which nominated areas will be compared based on the criteria specified in subsection (d) and the other factors specified in subsection (e).

"(B) Time limitations.—The Secretary of Housing and Urban Development may designate areas as enterprise zones only during the period beginning on the effective date of the regulations described in paragraph (2)(A), but not later than January 1, 1983, and ending on the final day of the 36th full calendar month following such date.

"(C) Number of designations.—During each of the 12-month periods following the effective date of such regulations, the Secretary of Housing and Urban Development shall designate not more than 25 nominated areas as enterprise zones.

"(D) Procedural rules.—The Secretary of Housing and Urban Development shall not make any designation under paragraph (1)—

"(i) unless the local government and the State in which the nominated area is located have the statutory authority to nominate such area for designation as an enterprise zone and to make the State and local commitments under subsection (d), and provide assurances satisfactory to the Secretary of Housing and Urban Development that such commitments will be fulfilled,

"(ii) unless a nomination therefor is submitted in such manner and in such form, and contains such information, as the Secretary of Housing and Urban Development shall by regulations prescribe,

"(iii) unless the Secretary of Housing and Urban Development determines that such information is reasonably accurate, and

"(iv) unless the Secretary determines that no portion of the area nominated is already included in an enterprise zone or in an area nominated as an enterprise zone.

"(3) Nomination process.—

"(A) State and local nomination.—A nomination under this subsection shall be made first by a local government, followed by confirming nomination by the State government, or first by the State government, followed by confirming nomination by the local government.

"(B) Indian reservations.—In the case of a nominated enterprise zone on an Indian reservation, the reservation governing body as determined by the Secretary of the Interior shall be deemed to be both the State and local government for such reservation.

"(b) Period for Which Designation Is in Effect.—

"(1) In general.—Any designation of an area as an enterprise zone shall remain in effect during the period beginning on the date of the designation and ending on the earlier of—

"(A) December 31 of the 24th year after such date,

"(B) the date designated by the approving State and local governments as set forth in their nomination application, or

"(C) the date the Secretary of Housing and Urban Development revokes such designation under paragraph (2).

"(2) Revocation of designation.—The Secretary of Housing and Urban Development, after consultation with the officials described in subsection (a)(1)(B), may revoke the designation of an area if the Secretary of Housing and Urban Development determines that the local government or the State in which it is located is not complying substantially with the State and local commitments described in subsection (d).

"(c) Area Requirements.—

"(1) In general.—The Secretary of Housing and Urban Development may make a designation of any area under subsection (a)(1) only if—

"(A) the area is within the jurisdiction of the local government,

"(B) the boundary of the area is continuous,

"(C) the area—

"(i) has a population, as determined under the most recent census, of at least—

"(I) 4,000 if any portion of such area is located within a metropolitan statistical area (within the meaning of section 103A (1)(4)(B)) with a population of 50,000 or greater, or

"(II) 2,500 in any other case, or

"(ii) is entirely within an Indian reservation (as determined by the Secretary of the Interior), and

"(D) the area meets the requirements of paragraphs (2) and (3).

"(2) Eligibility requirements.—For purposes of paragraph (1), an area meets the requirements of this paragraph if the Secretary of Housing and Urban Development determines that—

"(A) the area is one of pervasive poverty, unemployment, and general distress, and

"(B) the area is located wholly within an area which meets the requirements for Federal assistance under section 119 of the Housing and Community Development Act of 1974, as in effect on the date of enactment.

"(3) Unemployment, poverty, etc. requirements.—An area meets the requirements of this paragraph if—

"(A) the annual average unemployment, as determined by the most recently available data from the Bureau of Labor Statistics, was at least 1½ times the national average for that period,

"(B) the area has a poverty rate of 20 percent or more for each census tract, minor civil division or census county division as determined by the most recently available census data,

"(C) at least 70 percent of the households living in the area have incomes below 80 percent of the median income of households of the local government (determined in the same manner as under section 119(b)(2) of the Housing and Community Development Act of 1974); or

"(D) the population of such area decreased by 20 percent or more between 1970 and 1980, as derived from census data.

"(d) Required State and Local Commitments.—

"(1) In general.—No area shall be designated as an enterprise zone unless the local government and the State in which it is located agree in writing that during any period during which the area is an enterprise zone, such governments will follow a course of action designed to reduce the various burdens borne by employers or employees in such area.

"(2) Course of action.—A course of action under paragraph (1) may be implemented by both such governments and private nongovernmental entities, may be funded from proceeds of any Federal program, and may include, but is not limited to—

"(A) a reduction of tax rates or fees applying within the enterprise zone,

"(B) an increase in the level or efficiency of local services within the enterprise zone (particularly through experimentation with providing such services by nongovernmental entities),

"(C) actions to reduce, remove, simplify, or streamline governmental requirements applying within the enterprise zone, and

"(D) involvement in the program by private entities, organizations, neighborhood associations, and community groups, particularly those within the nominated zone area, including a commitment from such private entities to provide jobs and job training for, and technical, financial, or other assistance to, employers, employees, and residents of the nominated zone area.

"(e) Priority of Designation.—In choosing nominated zones for designation, the Secretary of Housing and Urban Development shall give special preference to those zones with respect to which the strongest and highest quality contributions described in subsection (d) have been promised as part of the course of action, taking into consideration the fiscal ability of the nominating State and local governments to provide tax relief. The Secretary shall also give preference to—

"(1) those nominated zones with respect to which the strongest and highest quality contributions other than those described in subsection (d) have been promised as part of the course of action,

"(2) those nominated zones with respect to which the most effective and enforceable guarantees have been provided by the nominating State and local governments that their proposed course of action will actually be carried out for the duration of the enterprise zone designation,

"(3) those nominated zones with high levels of poverty, unemployment, and general distress, particularly those in proximity to concentrations of disadvantaged workers or long-term unemployed individuals and with strong likelihood that zone residents who satisfy these criteria will receive jobs in the zone,

"(4) those nominated zones whose size and location will stimulate primarily new economic activity and minimize unnecessary tax losses to the Federal Government,

"(5) those nominated zones with respect to which private entities have made the most substantial commitments in additional sources and contributions, including the creation of new or expanded business activities, and

"(6) those nominated zones which best exhibit such other factors to be determined by the Secretary of Housing and Urban Development, as are—

"(A) consistent with the intent of the enterprise zone program, and

"(B) important to minimizing the unnecessary loss of tax revenues to the Federal Government.

"(f) Definitions and Special Rule.—For purposes of this section—

"(1) Governments.—If more than one government seeks to nominate an area as an enterprise zone, any reference to, or requirement of this section shall apply to all such governments.

"(2) States.—For purposes of this section, the term 'State' shall include the District of Columbia, Puerto Rico, the Virgin Islands, Guam, American Samoa, the Northern Mariana Islands and the possessions of the United States.

"(3) Local government.—For purposes of this section, the term 'local government' shall include the city, town, township, parish, village, or other form of municipal government when the nominated zone is within an incorporated area, and the county government when the nominated zone is within an unincorporated area."

(b) Conforming Amendment.—The table of subchapters for chapter 80 is amended by adding at the end thereof the following new item:

"Subchapter C—Designation of Enterprise Zones".

SEC. 102. INTERACTION WITH OTHER FEDERAL PROGRAMS.

(a) Property Tax Reductions.—Any reduction of taxes under any required program of local commitment under section 7871(d) of the Internal Revenue Code of 1954 shall be disregarded in determining the eligibility of a State or local government for, or the amount or extent of, any assistance or benefits under any law of the United States.

(b) Designation of an enterprise zone under section 7871 shall not constitute approval of a Federal or federally assisted program or project as those terms are used in the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 (42 U.S.C. 4601), and no person displaced from real property located in an enterprise zone designated under such section shall have any rights or be entitled to any benefit pursuant to the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 as a result of such designation.

TITLE II—FEDERAL INCOME TAX INCENTIVES

Subtitle A—Credits for Employers and Employees

SEC. 201. CREDITS FOR ENTERPRISE ZONE EMPLOYERS.

(a) Credit for Increased Enterprise Zone Employment.—Subpart A of part IV of subchapter A of chapter 1 (relating to credits allowable) is amended by inserting immediately before section 45 the following new sections:

"SEC. 44H. CREDIT FOR INCREASED ENTERPRISE ZONE EMPLOYMENT.

"(a) In General.—There shall be allowed as a credit against the tax imposed by this chapter for the taxable year an amount equal to 10 percent of the qualified increased employment expenditures of the taxpayer for the taxable year.

"(b) Qualified Increased Employment Expenditures Defined.—For purposes of this section, the term 'qualified increased employment expenditures' means the amount by which qualified wages paid or incurred by the employer during the taxable year to qualified employees exceeds the base period wages.

"(c) Qualified Wages Defined.—For purposes of this section—

"(1) In general.—Except as otherwise provided in this subsection, the term 'qualified wages' has the meaning given to the term 'wages' by subsection (b) of section 3306, in an amount which does not exceed 2½ times the dollar limitation contained in such section for any employee.

"(2) Reduction for certain amounts.—For purposes of this section, the wages paid or incurred by an employer shall not include—

"(A) the amount of any federally funded payments the employer receives or is entitled to receive for on-the-job training of such individual for such period, or

"(B) any amount claimed as a credit under section 44I with respect to such period.

"(d) Qualified Employee Defined.—

"(1) In general.—For purposes of this section, the term 'qualified employee' means an individual—

"(A) at least 90 percent of whose services for the taxpayer during the taxable year are directly related to the conduct of the taxpayer's trade or business located in an enterprise zone, and

"(B) who performs at least 50 percent of his services for the taxpayer during the taxable year in an enterprise zone.

"(2) Exceptions.—The term 'qualified employee' shall not include an individual with respect to whom the employer claims any credit under section 40 (relating to expenses of work incentives programs) or 44B (relating to credit for employment of certain new employees) for such period.

"(e) Base Period Wages Defined.—For purposes of this section, the term 'base period wages' means wages paid during the 12-calendar month period ending prior to the enterprise zone designation under section 7871, which would have been qualified wages had such designation been in effect for such period. Base period wages will be zero for any employer not engaged in an active trade or business in such area at any time during such 12-month period.

"(f) Limitations.—

"(1) Subchapter s corporations.—In case of an electing small business corporation (as defined in section 1371)—

"(A) the qualified wages for each taxable year shall be apportioned pro rata among the persons who are shareholders of such corporation on the last day of such taxable year, and

"(B) any person to whom any qualified wages have been apportioned under subparagraph (A) shall be treated (for purposes of this subpart) as the employer with respect to such expenses.

"(2) Estates and trusts.—In the case of an estate or trust—

"(A) the qualified wages for any taxable year shall be apportioned between the estate or trust and the beneficiaries on the basis of the income of the estate or trust allocable to each, and

"(B) any beneficiary to whom any qualified wages have been apportioned under subparagraph (A) shall be treated (for purposes of this subpart) as the employer with respect to such wages.

"(3) Limitations with respect to certain persons.—In the case of—

"(A) an organization to which section 593 applies,

"(B) a regulated investment company or a real estate investment trust subject to taxation under subchapter M (section 851 and following), and

"(C) a cooperative organization described in section 1381(a),

rules similar to the rules provided in subsections (e) and (h) of section 46 shall apply under regulations prescribed by the Secretary.

"(g) Phaseout of Credit.—The credit specified in subsection (a) will be reduced to 7½ percent in the taxable year of the taxpayer in which the 21st anniversary of the enterprise zone designation under section 7871 falls, 5 percent in the next subsequent taxable year, 2½ percent in the second subsequent taxable year, and zero thereafter.

"(h) Adjustments for Certain Acquisitions, Etc.—Under regulations prescribed by the Secretary—

"(1) Acquisitions.—If an employer acquires the major portion of a trade or business of another person (hereinafter in this paragraph referred to as the 'predecessor') or the major portion of a separate unit of a trade or business of a predecessor, then, for purposes of applying this subpart for any calendar year ending after such acquisition, the amount of qualified wages and base period wages deemed paid by the employer during periods before such acquisition shall be increased by so much of such wages paid by the predecessor with respect to the acquired trade or business as is attributable to the portion of such trade or business acquired by the employer.

"(2) Dispositions.—

"(A) If an employer disposes of the major portion of any trade or business of the employer or the major portion of a separate unit of a trade or business of the employer in a transaction to which paragraph (1) applies, and

"(B) the employer furnishes the acquiring person such information as is necessary for the application of paragraph (1),

then, for purposes of applying this subpart for any calendar year ending after such disposition, the amount of qualified wages or base period wages deemed paid by the employer during periods before such disposition shall be decreased by so much of such wages as is attributable to such trade or business or separate unit.

"(i) Special Rules for Controlled Groups.—

"(1) Controlled group of corporations.—For purposes of this section, all employees of all corporations which are members of the same controlled group of corporations shall be treated as employed by a single employer. In any such case, the credit (if any) allowable by section 44H to each such member shall be determined by reference to its proportionate share of the qualified wages giving rise to such credit. For purposes of this subsection, the term 'controlled group of corporations' has the meaning given to such term by section 1563(a), except that—

"(A) 'more than 50 percent' shall be substituted for 'at least 80 percent' each place it appears in section 1563(a)(1), and

"(B) the determination shall be made without regard to subsections (a)(4) and (e)(3)(C) of section 1563.

"(2) Employees of partnerships, proprietorships, etc., which are under common control.—For purposes of this section, under regulations prescribed by the Secretary—

"(A) all employees of trades or businesses (whether or not incorporated) which are under common control shall be treated as employed by a single employer, and

"(B) the credit (if any) allowable by section 44H with respect to each trade or business shall be determined by reference to its proportionate share of the qualified wages giving rise to such credit.

The regulations prescribed under this paragraph shall be based on principles similar to the principles which apply in the case of paragraph (1).

"(j) Periods of Less Than a Year.—If designation of an area as an enterprise zone under section 7871 occurs, expires, or is revoked on a date other than the first or last day of the taxable year of the taxpayer, or in the case of a short taxable year—

"(1) the limitation specified in subsection (c)(1), and the base period wages determined under subsection (e), shall be adjusted on a pro rata basis (based upon the number of days), and

"(2) the reduction specified in subsection (c)(2) and the 50 percent test set forth in subsection (d)(1), shall be determined by reference to the portion of the taxable year during which the designation of the area as an enterprise zone is effective.

"(k) Application With Other Credits.—The credit allowed by subsection (a) for a taxable year shall not exceed the tax imposed by this chapter for such taxable year, reduced by the sum of the credits allowable under section 44I or any section of this subpart having a lower number or letter designation than this section, other than the credits allowable by sections 31, 39, and 43. For purposes of the preceding sentence, the term 'tax imposed by this chapter' shall not include any tax treated as not imposed by this chapter under the last sentence of section 53(a).

"(l) Enterprise Zone.—The term 'enterprise zone' means an area for which designation as an enterprise zone is in effect under section 7871.

"SEC. 44I.—CREDIT FOR EMPLOYMENT OF CERTAIN DISADVANTAGED INDIVIDUALS IN AN ENTERPRISE ZONES.

"(a) In General.—There shall be allowed as a credit against the tax imposed by this chapter for the taxable year an amount equal to the sum of—

"(1) 50 percent of qualified years one-three wages,

"(2) 40 percent of qualified year four wages,

"(3) 30 percent of qualified year five wages,

"(4) 20 percent of qualified year six wages, and

"(5) 10 percent of qualified year seven wages.

"(b) Qualified Wages Defined.—

"(1) In general.—For purposes of this section, the term 'qualified wages' means the wages paid or incurred by the employer during taxable year to qualified disadvantaged individuals reduced by the amount of any federally funded payments the employer receives or is entitled to receive for on-the-job training of such individuals for such period.

"(2) Qualified years one-three wages.—The term 'qualified years one-three wages' means, with respect to any individual, qualified wages received during the 36-month period beginning with the day the individual begins work for the employer within an enterprise zone (or, in the case of a vocational rehabilitation referral, the day the individual begins work for an employer within an enterprise zone on or after the beginning of such individual's rehabilitation plan).

"(3) Qualified year four wages.—The term 'qualified year four wages' means, with respect to any individual, the qualified wages attributable to services rendered during the 12-month period beginning on the day after the last day of the period with respect to such individual determined under paragraph (2).

"(4) Qualified year five wages.—The term 'qualified year five wages' means, with respect to any individual, the qualified wages attributable to services rendered during the 12-month period beginning on the day after the last day of the period with respect to such individual determined under paragraph (3).

"(5) Qualified year six wages.—The term 'qualified year six wages' means, with respect to any individual, the qualified wages attributable to services rendered during the 12-month period beginning on the day after the last day of the period with respect to such individual determined under paragraph (4).

"(6) Qualified year seven wages.—The term 'qualified year seven wages' means, with respect to any individual, the qualified wages attributable to services rendered during the 12-month period beginning on the day after the last day of the period with respect to such individual determined under paragraph (5).

"(7) Breaks in service.—With respect to any individual, the time periods described in paragraphs (3) through (6) will not take into account any period of time during which such individual is unemployed.

"(c) Qualified Disadvantaged Individual.—

"(1) In general.—For purposes of this section, the term 'qualified disadvantaged individual' means an individual—

"(A) who is a qualified employee within the meaning of section 44H(d),

"(B) who is hired by the employer after the designation of the area in which services were performed as an enterprise zone (under section 7871), and

"(C) who is described in paragraph (2).

"(2) Categories of disadvantaged individuals.—For purposes of paragraph (1), the following individuals are treated as disadvantaged individuals:

"(A) a vocational rehabilitation referral,

"(B) an economically disadvantaged individual,

"(C) an eligible foster child,

"(D) an SSI recipient,

"(E) a general assistance recipient,

"(F) an eligible handicapped individual, or

"(G) an eligible AFDC recipient.

"(3) Vocational rehabilitation referral.—The term 'vocational rehabilitation referral' means any individual who is certified by the designated local agency as—

"(A) having a physical or mental disability which, for such individual, constitutes or results in a substantial handicap to employment, and

"(B) having been referred to the employer upon completion of (or while receiving) rehabilitative services pursuant to—

"(i) an individualized written rehabilitation plan under a State plan for vocational rehabilitation services approved under the Rehabilitation Act of 1973, or

"(ii) a program of vocational rehabilitation carried out under chapter 31 of title 38, United States Code.

"(4) Economically disadvantaged individual.—The term 'economically disadvantaged individual' means any individual who is certified by the designated local agency as being a member of a family that had an income during the 6 months preceding the month in which such determination occurs that, on an annual basis, was equal to or less than that which an eligible family with no income would have received in food stamps plus AFDC benefits. Any such determination shall be valid for the 45-day period beginning on the date such determination is made.

"(5) Foster children.—The term 'eligible foster child' means any individual who is certified by the designated local agency as receiving State or local government benefits under a program to assist foster children.

"(6) SSI recipients.—The term 'SSI recipient' means any individual who is certified by the designated local agency as receiving supplemental security income benefits under title XVI of the Social Security Act (including supplemental security income benefits of the type described in section 1616 of such Act or section 212 of Public Law 93-66) for any month ending in the preemployment period, or who would have qualified to receive such benefits had such individual applied for them.

"(7) General assistance recipients.—

"(A) In general.—The term 'general assistance recipient' means any individual who is certified by the designated local agency as receiving assistance under a qualified general assistance program for any period of not less than 30 days ending within the preemployment period, or who would have qualified to receive such assistance had such individual applied for it.

"(B) Qualified general assistance program.—The term 'qualified general assistance program' means any program of a State or a political subdivision of a State—

"(i) which provides general assistance or similar assistance which—

"(I) is based on need, and

"(II) consists of money payments, and

"(ii) which is designated by the Secretary (after consultation with the Secretary of Health and Human Services) as meeting the requirements of clause (i).

"(8) Handicapped individuals.—In cases permitted by regulations prescribed by the Secretary, the term 'eligible handicapped individual' means any individual who is certified by the designated local agency—

"(A) as disabled and living at home, or

"(B) who is institutionalized or receiving services in, or is a client of, a sheltered workshop, prison, hospital or similar institution, or in community care.

"(9) Eligible AFDC recipients.—The term 'eligible AFDC recipient' means an individual who has been certified by the designated local agency as being eligible for financial assistance under part A of title IV of the Social Security Act and as having continually received such financial assistance during the 90-day period which immediately precedes the date on which such individual is hired by the employer, or who would have received such assistance had such individual applied for it.

"(10) Preemployment period.—The term 'preemployment period' means the 60-day period ending on the hiring date.

"(11) Hiring date.—The term 'hiring date' means the day the individual is hired by the employer.

"(12) Designated local agency.—The term 'designated local agency' means a State employment security agency established in accordance with the Act of June 6, 1933, as amended (29 U.S.C. 49-49n).

"(13) Special rules for certifications.—

"(A) In general.—An individual shall not be treated as a qualified disadvantaged individual unless, on or before the day on which such individual begins work for the employer, the employer—

"(i) has received a certification from a designated local agency that such individual is a qualified disadvantaged individual, or

"(ii) has requested in writing such certification from the designated local agency.

"(B) Incorrect certifications.—If—

"(i) an individual has been certified as a qualified disadvantaged individual, and

"(ii) such certification is incorrect because it was based on false information provided by such individual, the certification shall be revoked and wages paid by the employer after the date on which notice of revocation is received by the employer shall not be treated as qualified wages.

"(d) Special Rules.—

"(1) Controlled group of corporations.—For purposes of this section, all employees of all corporations which are members of the same controlled group of corporations shall be treated as employed by a single employer. In any such case, the credit (if any) allowable by section 44I to each such member shall be determined by reference to its proportionate share of the qualified wages giving rise to such credit. For purposes of this subsection, the term 'controlled group of corporations' has the meaning given to such term by section 1563(a), except that—

"(A) 'more than 50 percent' shall be substituted for 'at least 80 percent' each place it appears in section 1563(a)(1), and

"(B) the determination shall be made without regard to subsections (a)(4) and (e)(3)(C) of section 1563.

"(2) Employees of partnerships, proprietorships, etc., which are under common control.—For purposes of this section, under regulations prescribed by the Secretary—

"(A) all employees of trades or businesses (whether or not incorporated) which are under common control shall be treated as employed by a single employer, and

"(B) the credit (if any) allowable by section 44I with respect to each trade or business shall be determined by reference to its proportionate share of the qualified wages giving rise to such credit.

The regulations prescribed under this paragraph shall be based on principles similar to the principles which apply in the case of paragraph (1).

"(3) Acquisitions.—Under regulations prescribed by the Secretary, if an employer acquires of the major portion of a trade or business of another employer (hereinafter in this paragraph referred to as the 'predecessor') or the major portion of a separate unit of a trade or business of a predecessor, then, for purposes of applying this section (other than subsection (e)) for any calendar year ending after such acquisition, the employment relationship between an employee and an employer shall not be treated as terminated if the employee continues to be employed in such trade or business.

"(e) Early Termination of Employment by Employer, Etc.—

"(1) General rule.—Under regulations prescribed by the Secretary, if the employment of any employee with respect to whom qualified wages are taken into account under subsection (a) is terminated by the taxpayer at any time during the first 270 days of such employment (whether or not consecutive) or before the close of the 270th calendar day after the day in which such employee completes 90 days of employment with the taxpayer, the tax under this chapter for the taxable year in which such employment is terminated shall be increased by an amount (determined under such regulations) equal to the credit allowed under subsection (a) for such taxable year and all prior taxable years attributable to qualified wages paid or incurred with respect to such employee.

"(2) Subsection not to apply in certain cases.—

"(A) In general.—Paragraph (1) shall not apply to—

"(i) a termination of employment of an employee who voluntarily leaves the employment of the taxpayer,

"(ii) a termination of employment of an individual who, before the close of the period referred to in paragraph (1), becomes disabled to perform the services of such employment, unless such disability is removed before the close of such period and the taxpayer fails to offer reemployment to such individual,

"(iii) a termination of employment of an individual, if it is determined under the applicable State unemployment compensation law that the termination was due to the misconduct of such individual, or

"(iv) a termination of employment of an individual due to a substantial reduction in the trade or business operations of the taxpayer.

"(B) Change in form of business, etc.—For purposes of paragraph (1), the employment relationship between the taxpayer and an employee shall not be treated as terminated—

"(i) by a transaction to which section 381(a) applies, if the employee continues to be employed by the acquiring corporation, or

"(ii) by reason of a mere change in the form of conducting the trade or business of the taxpayer, if the employee continues to be employed in such trade or business and the taxpayer retains a substantial interest in such trade or business.

"(3) Special rule.—Any increase in tax under paragraph (1) shall not be treated as tax imposed by this chapter for purposes of determining the amount of any credit allowable under subpart A.

"(f) Limitations.—

"(1) Subchapter s corporations.—In the case of an electing small business corporation (as defined in section 1371)—

"(A) the qualified wages for each taxable year shall be apportioned pro rata among the persons who are shareholders of such corporation on the last day of such taxable year, and

"(B) any person to whom any qualified wages have been apportioned under subparagraph (A) shall be treated (for purposes of this subpart) as the employer with respect to such expenses.

"(2) Estates and trusts.—In the case of an estate or trust—

"(A) the qualified wages for any taxable year shall be apportioned between the estate or trust and the beneficiaries on the basis of the income of the estate or trust allocable to each, and

"(B) any beneficiary to whom any qualified wages have been apportioned under subparagraph (A) shall be treated (for purposes of this subpart) as the employer with respect to such wages.

"(3) Limitations with respect to certain persons.—In the case of—

"(A) an organization to which section 593 applies,

"(B) a regulated investment company or a real estate investment trust subject to taxation under subchapter M (section 851 and following), and

"(C) a cooperative organization described in section 1381(a),

rules similar to the rules provided in subsections (e) and (h) of section 46 shall apply under regulations prescribed by the Secretary.

"(g) Phaseout of Credit.—The credit specified in subsection (a) will be reduced by 25 percent in the taxable year of the taxpayer in which the 21st anniversary of the enterprise zone designation under section 7871 falls, 50 percent in the next subsequent taxable year, 75 percent in the second subsequent taxable year, and 100 percent thereafter.

"(h) Application With Other Credits.—The credit allowed by subsection (a) for a taxable year shall not exceed the tax imposed by this chapter for such taxable year, reduced by the sum of the credits allowable under a section of this subpart having a lower number or letter designation than this section, other than the credits allowable by sections 31, 39, 43, and 44H. For purposes of the preceding sentence, the term 'tax imposed by this chapter' shall not include any tax treated as not imposed by this chapter under the last sentence of section 53(a).

"(i) Enterprise Zone.—The term 'enterprise zone' means an area for which designation as an enterprise zone is in effect under section 7871.".

(b) No Deduction Allowed.—

(1) In general.—Section 280C (relating to disallowance of deductions for that portion of wages for which credit is claimed under section 40 or 44B) is amended—

(A) by adding at the end thereof the following new subsection:

"(c) Rule for Section 44H and 44I Credits.—No deduction shall be allowed for that portion of the wages or salaries paid or incurred for the taxable year which is equal to the amount of the credit allowable under section 44H (relating to the employment credit for enterprise zone businesses) and section 44I (relating to the credit for employment of certain disadvantaged individuals in enterprise zones). This subsection shall be applied under a rule similar to the rule under the last sentence of subsection (b)."; and

(B) by striking out "or 44B" in the heading and inserting in lieu thereof ", 44B, 44H or 44I".

(2) Conforming amendment.—The table of sections for part IX of subchapter B of chapter 1 is amended by striking out "or 44B." in the item relating to section 280C and inserting in lieu thereof ", 44B, 44H, or 44I".

(c) Conforming Amendment.—The table of sections for subpart A of part IV of subchapter A of chapter 1 is amended by inserting before the item relating to section 45 the following new items:

"Sec. 44H. Credit for increased enterprise zone employment.

"Sec. 44I. Credit for employment of certain disadvantaged individuals in enterprise zones."

(d)(1) Reporting Requirements.—Subpart C of part III of subchapter A of chapter 61 (relating to information regarding wages paid employees) is amended by adding at the end thereof the following new section:

"Sec. 6054. Reporting of Enterprise Zone Employee Credits.—If any individual is a qualified employee of an employer within the meaning of section 44H(d)(1), the employer shall furnish to each such employee a written statement showing the amount of wages paid to such employee. The statement required to be furnished pursuant to this section shall be furnished at such time, shall contain such other information, and shall be in such form as the Secretary may by regulations prescribe. When required by such regulations, a duplicate of any such statement shall be filed with the Secretary.".

(2) Section 6652(d) (relating to failure to file information returns) is amended by inserting after "respect to tips)," the following: "section 6054 (relating to reporting of enterprise zone employee credits),".

(3) Section 6674 (relating to fraudulent statement or failure to furnish statement to employee) is amended by striking "or 6053(b)" each place it appears and inserting in lieu thereof ", 6053(b) or 6054".

(4) The table of sections for such subpart C is amended by adding at the end thereof the following:

"Sec. 6054. Reporting of enterprise zone employee credits.".

(e) **Effective Date.**—The amendments made by this section shall apply to wages paid after the date of the enactment of this Act in taxable years ending after such date.

SEC. 202. CREDIT FOR ENTERPRISE ZONE EMPLOYEES.

(a) **In General.**—Subpart A of part IV of subchapter A of chapter 1 (relating to credits allowable), as amended by section 201, is amended by inserting immediately before section 45 the following new section:

"SEC. 44J. CREDIT FOR ENTERPRISE ZONE EMPLOYEES.

"(a) **In General.**—In the case of a qualified employee, there is allowed as a credit against the tax imposed by this chapter for the taxable year an amount equal to 5 percent of the qualified wages for the taxable year.

"(b) **Definitions.**—For purposes of this section—

"(1) **Qualified employee.**—The term 'qualified employee' means an individual—

"(A) who is described in section 44H(d)(1), and

"(B) who is not the employee of the Federal Government or any State or subdivision of a State.

"(2) **Qualified wages.**—

"(A) **In general.**—The term 'qualified wages' has the meaning given to the term 'wages' under subsection (b) of section 3306, attributable to services performed for an employer with respect to whom the employee is a qualified employee, in an amount which does not exceed 1½ times the dollar limitation specified in such subsection.

"(B) **Exception.**—The term 'qualified wages' does not include any compensation received from the Federal Government or any State or subdivision of a State.

"(3) **Enterprise zone.**—The term 'enterprise zone' means any area with respect to which a designation as an enterprise zone is in effect under section 7871.

"(c) **Phaseout of Credit.**—The credit specified in subsection (a) will be reduced to 3¾ percent in the taxable year in which the 21st anniversary of enterprise zone designation under section 7871 falls, 2½ percent in the next subsequent taxable year, 1¼ percent in the second subsequent taxable year, and zero thereafter.

"(d) **Application With Other Credits.**—The credit allowed by subsection (a) for a taxable year shall not exceed the tax imposed by this chapter for such taxable year, reduced by the sum of the credits allowable under a section of this subpart having a lower number or letter designation than this section, other than the credits allowable by sections 31, 39, and 43. For purposes of the preceding sentence, the term 'tax imposed by this chapter' shall not include any tax treated as not imposed by this chapter under the last sentence of section 53(a).".

(b) **Conforming Amendment.**—The table of sections for subpart A of part IV of subchapter A of chapter 1 is amended by inserting immediately before the item relating to section 45 the following new item:

"Sec. 44J. Credit for enterprise zone employees.".

(c) **Effective Date.**—The amendments made by this section shall apply to taxable years ending after the date of the enactment of this Act.

Subtitle B—Credits for Investment in Tangible Property in Enterprise Zones

SEC. 211. INVESTMENT TAX CREDIT FOR ENTERPRISE ZONE PROPERTY.

(a) **Section 38 Property.**—Paragraph (1) of section 48(a) (defining section 38 property) is amended by striking out the period at the end of subparagraph (G) and by inserting in lieu thereof "; or" and the following new subparagraph:

"(H) in the case of enterprise zone property, that portion of the basis which is attributable to qualified enterprise zone expenditures (within the meaning of subsection (q)).".

(b) **Amount of Credit.**—

(1) **In general.**—Subparagraph (A) of section 46(a)(2) (relating to amount of investment tax credit) is amended by striking out "and" at the end of clause (iii), by striking out the period at the end of clause (iv), by inserting in lieu thereof ", and", and by adding at the end thereof the following new clause:

"(v) in the case of qualified enterprise zone property, the enterprise zone percentage.".

(2) **Enterprise zone percentage defined.**—Paragraph (2) of section 46(a) is amended by adding at the end thereof the following new subparagraph:

"(G) **Enterprise Zone Percentage.**—For purposes of this paragaph—

"In the case of qualified enterprise zone expenditures with respect to:	The enterprise zone percentage is:
Zone Personal Property (within the meaning of section 48(q)(2))	5
New Zone Construction Property (within the meaning of section 48(q)(3))	10.".

(3) **Ordering rules.**—That portion of paragraph (9) of section 46(a)(9) (relating to special rules in the case of energy property) which precedes subparagraph (B) is amended to read as follows:

"(9) **Special rules in the case of energy property or enterprise zone property.**—Under regulations prescribed by the Secretary—

"(A) **In general.**—This subsection and subsection (b) shall be applied separately—

"(i) first with respect to so much of the credit allowed by section 38 as is not attributable to the energy percentage or the enterprise zone percentage,

"(ii) second with respect to so much of the credit allowed by section 38 as is attributable to the application of the energy percentage to energy property, and

"(iii) third with respect to so much of the credit allowed by section 38 as is attributable to the application of the enterprise zone percentage to enterprise zone property.".

(4) **Conforming amendment.**—Section 48(o) (defining certain credits) is amended by adding at the end thereof the following new paragraph:

"(9) **Enterprise zone credit.**—The term 'enterprise zone credit' means that portion of the credit allowable by section 38 which is attributable to the enterprise zone percentage.".

(c) **Definitions and Transitional Rules.**—Section 48 (relating to definitions and special rules) is amended by redesignating subsection (q) as (r) and inserting after subsection (p) the following new subsection:

"(q) **Enterprise Zone Property.**—

"(1) The term 'enterprise zone property' means property which is—

"(A)(i) zone personal property, or

"(ii) new zone construction property,

"(B) not acquired (directly or indirectly) by the taxpayer from a person who is related to the taxpayer (within the meaning of section 267(b) or 318), and

"(C) acquired and first placed in service by the taxpayer in an enterprise zone after the designation under section 7871.

"(2) **Zone personal property defined.**—The term 'zone personal property' means section 38 property which is—

"(A) 3-year property, within the meaning of section 168(c)(2)(A);

"(B) 5-year property, within the meaning of section 168(c)(2)(B);

"(C) 10-year property, within the meaning of section 168(c)(2)(C); and

"(D) 15-year public utility property, within the meaning of section 168(c)(2)(E), which is used by the taxpayer predominantly in the active conduct of a trade or business within an enterprise zone. Property shall not be treated as 'zone personal property' if it is used or located outside the enterprise zone on any regular basis.

"(3) **New zone construction property defined.**—The term 'new zone construction property' means 15-year property described in section 168(c)(2)(D), which is—

"(A) located in an enterprise zone,

"(B) used by the taxpayer predominantly in the active conduct of a trade or business within an enterprise zone, and

"(C) either—

"(i) the construction, reconstruction, rehabilitation, renovation, expansion, or erection of which is completed by the taxpayer after the designation under section 7871, or

"(ii) acquired after such designation if the original use of such property commences with the taxpayer and commences after such date.

In applying section 46(c)(1)(A) in the case of property described in clause (i), there shall be taken into account only that portion of the basis which is properly attributable to construction or erection after designation.

"(4) **Adjustment to basis.**—

"(A) **In general.**—For purposes of this subtitle, if an enterprise zone credit is allowable under this section for any qualified enterprise zone expenditure in connection with property described in paragraph (3), the increase in basis of such property which would (but for this paragraph) result from such expenditure shall be reduced by the amount of the credit so allowable.

"(B) **Certain dispositions.**—If during any taxable year there is a recapture amount determined with respect to any enterprise zone property the basis of which was reduced under subparagraph (A), the basis of such building (immediately before the event resulting in such recapture) shall be increased by an amount equal to such recapture amount. For purposes of the preceding sentence, the term 'recapture amount' means any increase in tax (or adjustment in carrybacks or carryovers) determined under section 47(a)(2)(A)(v).

"(5) QUALIFIED ENTERPRISE ZONE EXPENDITURES DEFINED.—The term 'qualified enterprise zone expenditures' means any amount properly chargeable to capital account for enterprise zone property.

"(6) REAL ESTATE RENTAL.—For purposes of this section, ownership of residential, commercial or industrial real property within an enterprise zone for rental shall be treated as the active conduct of a trade or business in an enterprise zone.

"(7) ENTERPRISE ZONE.—The 'enterprise zone' means an area for which designation as an enterprise zone is in effect under section 7871.".

"(d) LODGING TO QUALIFY.—Paragraph (3) of section 48(a) (relating to property used for lodging) is amended—

(1) by striking out "and" at the end of subparagraph (C),

(2) by striking out the period at the end of subparagraph (D) and inserting in lieu thereof "and", and

(3) by adding at the end thereof the following new subparagraph:

"(E) new zone construction property.".

(e) RECAPTURE.—Subsection (a) of section 47 (relating to certain dispositions, etc., of section 38 property) is amended by adding at the end thereof the following new paragraph:

"(9) SPECIAL RULES FOR ENTERPRISE ZONE PROPERTY.—

"(A) If, during any taxable year, property with respect to which the taxpayer claimed an enterprise zone credit is disposed of, or in the case of zone personal property otherwise ceases to be section 38 property with respect to the taxpayer, or is removed from the enterprise zone, converted or otherwise ceases to be enterprise zone property (other than by the expiration or revocation of the designation as an enterprise zone), the tax under this chapter for such taxable year shall be increased by the amount described in subparagraph (ii).

"(B) The increase in tax under subparagraph (A) shall equal the aggregate decrease in the credits allowed under section 38 by reason of section 46(a)(2)(A)(v) for all prior taxable years which would have resulted solely from reducing the qualified enterprise zone expenditures taken into account with respect to the property by an amount which bears the same ratio to the qualified enterprise zone expenditures as the number of taxable years that the property was held by the taxpayer bears to the applicable recovery period for earnings and profits as set forth in section 312(k).".

(f) EFFECTIVE DATE.—The amendments made by this section shall apply to expenditures made or incurred after enactment, in taxable years ending after such date, with respect to property acquired and placed in service in an area designated as an enterprise zone under section 7871.

SUBTITLE C—REDUCTION IN CAPITAL GAIN TAX RATES

SEC. 221. CORPORATIONS.

(a) GENERAL RULE.—Subsection (a) of section 1201 (relating to alternative tax for corporations) is amended by striking out paragraph (2) and inserting in lieu thereof the following:

"(2) a tax of 28 percent of the excess (if any) of—

"(A) the net capital gain for the taxable year, over

"(B) the qualified enterprise zone capital gain.".

(b) DEFINITION OF QUALIFIED ENTERPRISE ZONE CAPITAL GAIN.—Section 1201 is amended by redesignating subsections (b) and (c) as subsections (c) and (d) and by inserting after subsection (a) the following new subsection:

"(b) QUALIFIED ENTERPRISE ZONE CAPITAL GAIN.—For purposes of this section—

"(1) IN GENERAL.—The term 'qualified enterprise zone capital gain' means—

"(A) gain described in section 1222(3),

"(B) attributable to the sale or exchange of qualified property.

"(2) LIMITATIONS.—The term 'qualified enterprise zone capital gain' does not include any gain attributable to the sale or exchange of an interest in a qualified business to the extent attributable to—

"(A) any property contributed to the qualified business within the previous 12 months,

"(B) any interest in any business which is not a qualified business, or

"(C) any other intangible property not created as part of an active trade or business within an enterprise zone.

"(3) DEFINITIONS.—

"(A) The term 'qualified property' means—

"(i) any tangible personal property used by the taxpayer predominantly (within the meaning of section 48(q)(7)) in an enterprise zone in the active conduct of a trade or business in an enterprise zone,

"(ii) any real property located in an enterprise zone used by the taxpayer predominantly in the active conduct of a trade or business in an enterprise zone, and

"(iii) any interest in a corporation, partnership, or other entity if, for the three most recent taxable years of such entity ending before the date of disposition of such interest (or for such part of such period as the entity has been in existence or the zone has been designated), such entity was a qualified business.

"(B) QUALIFIED BUSINESS.—The term 'qualified business' means any person—

"(i) which is actively engaged in the conduct of a trade or business within an enterprise zone during the period described in subparagraph (A)(iii),

"(ii) with respect to which at least 80 percent of such person's gross receipts for the taxable year are attributable to the active conduct of a trade or business within an enterprise zone, and

"(iii) with substantially all of its tangible assets located within an enterprise zone.

"(C) REAL ESTATE RENTAL.—For purposes of this section, ownership of residential, commercial or industrial real property within an enterprise zone for rental shall be treated as the active conduct of a trade or business in an enterprise zone.

"(D) PROPERTY REMAINS QUALIFIED AFTER ZONE DESIGNATION CEASES TO APPLY.—

"(i) IN GENERAL.—The treatment of property as qualified property under subparagraph (A) shall not terminate when on the designation of the enterprise zone in which the property is located or used expires or is revoked.

"(ii) EXCEPTIONS.—Clause (i) shall not apply after the first sale or exchange of property occurring after the designation expires or is revoked.

"(E) ENTERPRISE ZONE.—The term 'enterprise zone' means an area with respect to which a designation as an enterprise zone is in effect under section 7871.".

SEC. 222. TAXPAYERS OTHER THAN CORPORATIONS.

Subsection (a) of section 1202 (relating to deduction for capital gains) is amended to read as follows:

"(a) DEDUCTION ALLOWED.—

"(1) IN GENERAL.—If for any taxable year a taxpayer other than a corporation has a net capital gain, there shall be allowed as a deduction from gross income an amount equal to the sum of—

"(A) 100 percent of the lesser of—

"(i) the net capital gain, or

"(ii) the qualified enterprise zone capital gain (as defined in section 1201(b), plus

"(B) 60 percent of the excess (if any) of—

"(i) the net capital gain, over

"(ii) the amount of the net capital gain taken into account under subparagraph (A).".

SEC. 223. MINIMUM TAX.

(a) Paragraph (9) of section 57(a) (relating to tax preference for capital gains) is amended by adding at the end thereof the following new subparagraph:

"(E) For purposes of this paragraph, gain attributable to qualified enterprise zone capital gain (within the meaning of section 1201(b)) shall not be taken into account.".

(b) It is the sense of the Congress that if the minimum tax is modified or replaced, enterprise zone capital gain will be excluded in computing the minimum taxable income.

SEC. 224. EFFECTIVE DATE.

The amendments made by this subtitle shall apply to sales or exchanges after the date of enactment of this Act.

SUBTITLE D—EXTENSION OF CARRYOVER PERIODS

SEC. 241. EXTENSION OF NET OPERATING LOSS CARRYOVER PERIOD.

(a) IN GENERAL.—Paragraph (1) of section 172(b) (relating to net operating loss carrybacks and carryovers) is amended by adding at the end thereof the following new subparagraph:

"(J) In the case of any taxpayer engaged in the conduct of an active trade or business within an enterprise zone for any taxable year, any net operating loss for such taxable year attributable to such business shall be a net operating loss carryover to each following taxable year that ends before the expiration or revocation of the designation of the area as an enterprise zone under section 7871 (or to each of the 15 years following the taxable year of loss, if longer).".

(b) TECHNICAL AMENDMENT.—Subparagraph (B) of section 172(b)(1) is amended by striking out "and (I)" and inserting in lieu thereof "(I), and (J)".

SEC. 242. EXTENSION OF CREDIT CARRYOVER PERIOD.

(a) IN GENERAL.—Paragraph (1) of section 46(b) (relating to carryback and carryover of unused credits) is amended by adding at the end thereof the following new subparagraph:

"(E) In the case of an unused credit which is a credit attributable to the enterprise zone percentage, section 44H (relating to the credit for increased enterprise zone employment) or section 44I (relating to the credit for employment of certain disadvantaged individuals in an enterprise zone), this paragraph shall be applied by substituting 'until the designation as an enterprise zone under section 7871 expires or is revoked (or 15 years, if longer)' for '15'.".

SUBTITLE E—RULES RELATING TO INDUSTRIAL DEVELOPMENT BONDS

SEC. 251. SMALL ISSUE INDUSTRIAL DEVELOPMENT BONDS.

Notwithstanding any subsequent amendments affecting obligations described in section 103(b)(6) of the Internal Revenue Code of 1954 (other than amendments to section 103(c) relating to arbitrage, or amendments relating to registration of such obligations), section 103(b)(6) as in effect on January 1, 1982, shall apply to obligations all or the major portion of the proceeds of which are to be used directly for any land or depreciable property which is located in an enterprise zone (within the meaning of section 7871 of the Internal Revenue Code of 1954). This section shall apply only with respect to obligations which are issued after the date an area is designated as an enterprise zone and before such designation terminates, provided the proceeds are used prior to the date the area ceases to be an enterprise zone.

SUBTITLE F—SENSE OF THE CONGRESS WITH RESPECT TO TAX SIMPLIFICATION

SEC. 261. TAX SIMPLIFICATION.

It is the sense of the Congress that the Secretary of the Treasury should in every way possible simplify the administration and enforcement of any provision of the Internal Revenue Code of 1954 added to, or amended by, this Act.

TITLE III—REGULATORY FLEXIBILITY

SEC. 301. DEFINITION OF SMALL ENTITIES IN ENTERPRISE ZONES FOR PURPOSES OF ANALYSIS OF REGULATORY FUNCTIONS.

Section 601 of title 5, United States Code, is amended by—

(1) striking out "and" at the end of paragraph (5); and

(2) striking out paragraph (6) and inserting in lieu thereof the following:

"(6) the term 'small entity' means—

"(A) a small business, small organization or small governmental jurisdiction within the meaning of paragraphs (3), (4), and (5) of this section, respectively; and

"(B) any qualified business; any governments which designated and approved an area which has been designated as an enterprise zone (within the meaning of section 7871 of the Internal Revenue Code) to the extent any rule pertains to the carrying out of projects, activities or undertakings within such zone; and any not-for-profit enterprise carrying out a significant portion of its activities within such a zone; and

"(7) the term 'qualified business' means any person, corporation or other entity—

"(A) which is engaged in the active conduct of a trade or business within an enterprise zone (within the meaning of section 7871 of the Internal Revenue Code of 1954); and

"(B) for whom at least 50 percent of its employees are qualified employees (within the meaning of section 44H(d) of such Code).".

SEC. 302. WAIVER OR MODIFICATION OF AGENCY RULES IN ENTERPRISE ZONES.

(a) Chapter 6 of title 5, United States Code, is amended by redesignating sections 611 and 612 as sections 612 and 613, respectively, and inserting the following new section immediately after section 610:

"SEC. 611. WAIVER OR MODIFICATION OF AGENCY RULES IN ENTERPRISE ZONES.

"(a) Upon the written request of the governments which designated and approved an area which has been designated as an enterprise zone under section 7871 of the Internal Revenue Code of 1954, an agency is authorized, in order to further the job creation, community development, or economic revitalization objectives of the zone, to waive or modify all or part of any rule which it has authority to promulgate, as such rule pertains to the carrying out of projects, activities or undertakings within the zone.

"(b) Nothing in this section shall authorize an agency to waive or modify any rule adopted to carry out a statute or Executive order which prohibits, or the purpose of which is to protect, persons against discrimination on the basis of race, color, religion, sex, marital status, national origin, age, or handicap.

"(c) A request under subsection (a) shall specify the rule or rules to be waived or modified and the change proposed, and shall briefly describe why the change would promote the achievement of the job creation, community development or economic revitalization objectives of the enterprise zone. If a request is made to an agency other than the Department of Housing and Urban Development, the requesting governments shall send a copy of the request to the Secretary of Housing and Urban Development at the time the request is made.

"(d) In considering a request, the agency shall weigh the extent to which the proposed change is likely to further job creation, community development or economic revitalization within the enterprise zone against the affect the change is likely to have on the underlying purposes of applicable statutes in the geographic area which would be affected by the change. The agency shall approve the request whenever it finds, in its discretion, that the public interest which the proposed change would serve in furthering such job creation, community development or economic revitalization outweighs the public interest which continuation of the rule unchanged would serve in furthering such underlying purposes. The agency shall not approve any request to waive or modify a rule if that waiver or modification would—

"(1) directly violate a statutory requirement (including any requirement of the Act of March 3, 1931, 46 Stat. 1494, 40 U.S.C. § 276a-5, (commonly known as the "Davis-Bacon Act") or of the Fair Labor Standards Act of 1938, 52 Stat. 1060, 29 U.S.C. § 201 et seq.);

"(2) be likely to present a significant risk to the public health, including environmental health or safety, such as a rule with respect to occupational safety or health, or environmental pollution.

"(e) If a request is disapproved, the agency shall inform the requesting governments in writing of the reasons therefor and shall, to the maximum extent possible, work with such governments to develop an alternative, consistent with the standards contained in subsection (d).

"(f) Agencies shall discharge their responsibilities under this section in an expeditious manner, and shall make a determination on requests not later than 90 days after their receipt.

"(g) A waiver or modification of a rule under subsection (a) shall not be considered to be a rule, rulemaking, or regulation under chapter 5 of this title. To facilitate reaching its decision on any requested waiver or modification, the agency may seek the views of interested parties and, if these views are to be sought, determine how they should be obtained and to what extent, if any, they should be taken into account in considering the request. The agency shall publish a notice in the Federal Register stating any waiver or modification of a rule under this section.

"(h) In the event that an agency proposes to amend a rule for which a waiver or modification under this section is in effect, the agency shall not change the waiver or modification to impose additional requirements unless it determines, consistent with standards contained in subsection (d), that such action is necessary.

"(i) No waiver or modification of a rule under this section shall remain in effect for a longer period than the period for which the enterprise zone designation remains in effect for the area in which the waiver or modification applies.

"(j) For purposes of this section, the term 'rule' means (1) any rule as defined in section 511(4) of this title or (2) any rulemaking conducted on the record after opportunity for an agency hearing pursuant to sections 556 and 557 of this title.".

(b) The table of sections for such chapter is amended by redesignating "Sec. 611." and "Sec. 612." as "Sec. 612." and "Sec. 613.", respectively, and inserting the following new item immediately after "Sec. 610.":

"Sec. 611. Waiver or modification of agency rules in enterprise zones.".

(c) Section 601(2) of such title is amended by inserting "(except for purposes of section 611)" immediately before "means".

(d) Section 613 of such title as redesignated by subsection (a) of this section is amended by—

(1) inserting "(except section 611)" immediately after "chapter" in subsection (a); and

(2) inserting "as defined in section 601(2)" immediately before the period at the end of the first sentence of subsection (b).

COORDINATION OF HOUSING AND URBAN DEPARTMENT PROGRAMS IN ENTERPRISE ZONES

SEC. 303. Section 3 of the Department of Housing and Urban Development Act is amended by adding at the end thereof the following new subsection:

"(d) The Secretary of Housing and Urban Development shall—

"(1) promote the coordination of all programs under his jurisdiction which are carried on within an enterprise zone designated pursuant to section 7871 of the Internal Revenue Code of 1954;

"(2) expedite, to the greatest extent possible, the consideration of applications for programs referred to in paragraph (1) through the consolidation of forms or otherwise, and

"(3) provide, whenever possible, for the consolidation of periodic reports required under programs referred to in paragraph (1) into one summary report submitted at such intervals as may be designated by the Secretary".

TITLE IV—ESTABLISHMENT OF FOREIGN-TRADE ZONES IN ENTERPRISE ZONES

SEC. 401. (a) In processing applications for the establishment of foreign-trade zones pursuant to an Act entitled "To provide for the establishment, operation, and maintenance of foreign-trade zones in ports of entry of the United States, to expedite and encourage foreign commerce, and for other purposes", approved June 18, 1934, the Foreign-Trade Zone Board shall consider on a priority basis and expedite, to the maximum extent possible, the processing of any application involving the establishment of a foreign-trade zone within an enterprise zone designated pursuant to section 7871 of the Internal Revenue Code of 1954.

(b) In processing applications for the establishment of ports of entry pursuant to an Act entitled "An Act making appropriations for sundry civil expenses of the Government for the fiscal year ending June thirtieth, nineteen hundred and fifteen, and for other purposes", approved August 1, 1914, the Secretary of the Treasury shall consider on a priority basis and expedite, to the maximum extent possible, the processing of any application involving the establishment of a port of entry which is necessary to permit the establishment of a foreign-trade zone within an enterprise zone.

(c) In evaluating applications for the establishment of foreign-trade zones and ports of entry in connection with enterprise zones, the Foreign-Trade Zone Board and the Secretary of the Treasury shall approve the applications to the maximum extent practicable, consistent with their respective statutory responsibilities.

ENTERPRISE ZONE TAX ACT OF 1982

ELIGIBILITY

To be eligible for designation as an Enterprise Zone, areas must satisfy the following criteria:

Have a continuous boundary and, if located within a SMSA, have a minimum population of 4,000; 2,500 in all other cases; or be an Indian reservation,

Be UDAG eligible,

Be of pervasive poverty, unemployment, and general distress manifested by at least one of the following:

a. average annual unemployment is at least 1½ times the national average, or

b. poverty rate of 20 percent or more for all census tracts, or

c. at least 70 percent of the area residents have income levels below 80 percent of the median income of the residents of the nominating jurisdiction, or

d. a 1970 to 1980 population decrease of at least 20 percent.

DESIGNATION

Areas that meet the eligibility criteria must be nominated by the local government, followed by a confirming nomination by the state or vice-versa, for designation.

Application for designation is made to the Secretary of HUD who evaluates the nomination by balancing such factors as the degree of poverty and economic distress in the area; the fiscal ability of the local jurisdiction to provide sufficient local relief; investment commitments; and the overall strength of the local commitment package, including tax relief, deregulation, and community involvement.

A maximum of 25 Zones would be designated for each of the first three years of the program. Designations remain in effect for the period requested with Federal participation ending after 20 years plus a four year phase-out.

TAX INCENTIVES

A nonrefundable investment tax credit for capital investments in the Zone;

A nonrefundable, 10% income tax credit to employers for new payroll paid to Zone employees in excess of payroll paid to such employees during the year prior to designation;

A nonrefundable 50% income tax credit to employers for wages paid to zone employees who were classified as disadvantaged when hired;

A nonrefundable, 5% income tax credit, up to $450 per worker, to qualified zone employees for wages earned in Zone employment;

Elimination of capital gains taxes for qualified property within the Zone;

Designation of suitable Zone areas as Foreign Trade Zones, providing relief from tariffs and import duties;

Continued availability of Industrial Development Bonds to small businesses within the Zone even if the availability of such bonds is terminated elsewhere;

Extension of loss carryover for Zone life or 15 years, whichever is longer; and

Carryover of unused employment tax credits for Zone life or 15 years, whichever is longer.

REGULATORY RELIEF

Federal regulatory agencies would be given the discretion to relax or eliminate their nonstatutory regulatory requirements within the Zone upon specific request by both the state and local jurisdictions. Regulations affecting civil rights, the minimum wage or whose relaxation would harm the public health or safety could not be waived.

Mr. CHAFEE. Mr. President, I ask unanimous consent that the RECORD remain open today for additional cosponsors.

The PRESIDING OFFICER. Without objection, it is so ordered.

THE ENTERPRISE ZONES ACT OF 1982

Mr. BOSCHWITZ. Mr. President, today I am pleased to join in introducing the Enterprise Zones Act of 1982, legislation which I believe responsibly deals with the problems of joblessness by enlisting the help of the private sector.

Since I first introduced this bill in the Senate nearly 2 years ago, the response has been excellent. Of course, not everyone has supported each and every provision, but most have eagerly welcomed the concept.

Each year we have refined the bill with the help of business groups, local governments, and urban groups. And each year the bill has improved. I believe the Enterprise Zones Act of 1982 to be excellent.

In simple terms, the supporters of enterprise zones view the problem of joblessness like this: There are no jobs because there are not enough opportunities in the areas that need them most. Enterprise zones would encourage job creation through a Federal/local package of tax breaks and other incentives for businesses which locate in a designated zone.

This legislation is aimed primarily at small businesses because they create the vast majority of new jobs. In the past 10 years, nearly 20 percent of new private sector employment has come from businesses with 20 or fewer employees. Eighty percent of new jobs have been created by businesses with less than 100 employees.

My faith in small business goes deeper than statistics. My experience as a businessman has shown me that small businesses offer an increased opportunity for rapid advancement when compared with larger corporations. People at the lower end of the wage scale are not so easily lost in the shuffle. The small businessman is far more involved with the lives of his employees. A worker's qualities, problems, family, and ambitions do not easily escape the boss' notice.

Getting in on the ground floor of a small business is a very effective method of advancement, but most importantly, it is a stark contrast from welfare.

We have also considered the problems of the small businessman. Such problems as crime, weak infrastructure support, and city taxes remain a barrier to business development in a potential enterprise zone. These serve as a double whammy when you consider that a prospective business already faces the usual problems of tax burdens, the lack of capital, and the lack of technical expertise.

We have tackled this problem by combining incentives provided not only by the Federal Government but local bodies as well. That an area shows signs of high unemployment, poverty, or outmigration is not enough to qualify it for an enterprise zones designation. The local government must also assemble a package of tax and other incentives at that level that more expressly meet the particular problems of the area. The award of an enterprise zone will be granted on a competitive basis to test local commitment. That could include any number of things, including improved infrastructure support, reduction of local taxes, relaxation of local regulations, managerial assistance, or technical help.

Those local contributions are then matched by Federal tax breaks, such as the elimination of capital gains taxes for business investment in the area, significant reductions in income taxes, and a tax credit for wages paid to previously unemployed workers. This local/Federal package addresses the problems that all small businesses face, as well as the particular problems of a business located in a depressed area.

Clearly, we need a new approach in assisting our poor and jobless. The current antipoverty programs do provide crucial services but do not, on their own, appear to achieve any lasting good. They are for the most part stopgap policies that address the symptoms but not the causes of poverty. They have failed to provide any meaningful opportunity for advancement.

In fact, the present system has trapped many of our poor in a self-perpetuating cycle of poverty. Instead of offering the poor a chance to pull themselves and their families out of poverty, the present programs unwittingly trap recipients in a self-perpetuating quagmire of poverty, from which even the most enterprising have trouble emerging.

The answer is not spending more Government money. The answer is jobs; jobs in the private sector. As you can see, this is not just another program that throws money at a problem and hopes it goes away. More spending is not the solution. Given the cost-cutting conscience of the Reagan administration, more spending is not even an option.

Enterprise zones are a step in the right direction. I see it as a cost-effective program that cuts to the root of the problems of our Nation's poor by using the strongest economic ally our country has—free enterprise.

I ask unanimous consent, Mr. President, to have printed in the RECORD a factsheet detailing the enterprise zone bill, and a more detailed analysis of the bill and accompanying charts.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

FACTSHEET—ENTERPRISE ZONE ACT

A. AREA REQUIREMENTS

1. State and local government jointly must request designation of the area.

2. Area's population must be at least 4,000 if located within Standard Metropolitan Statistical Area of at least 50,000; area population must be 2,500 for other areas; Indian reservations are exempt from population requirements.

3. Area must be UDAG (including pockets-of-poverty) eligible.

4. Area must meet one of the following criteria—

a. unemployment over past year of at least ½ times the national average.

b. at least 20 percent of the population at or below the poverty level.

c. 70 percent of residents have income below 80 percent of the area median income.

d. population decline of at least 20 percent between 1970 and 1980.

5. Must submit a plan to HUD detailing local and state efforts to reduce various burdens borne by employers and employees.

B. DESIGNATION BY HUD

1. up to 25 zones per year for 3 years.

2. preference will be given to areas showing the greatest distress, which have the greatest community support and which submit the best plans (including economic incentives given by state, county and local governments).

C. BENEFITS AVAILABLE TO BUSINESS AND INVESTORS IN IT

1. 10 percent tax credit for the increase in wages paid to all zone employees each year, up to a wage of $15,000 (full amount for new employees).

2. additional 50 percent tax credit for all wages paid to disadvantaged employees who work in zone.

3. elimination of the capital gains tax for all the new businesses and investors in them.

4. a package of local and state benefits as designed by each area when they bid to get Enterprise Zone designation.

5. extension of loss carryover to life of the zone designation (24 years).

D. BENEFITS AVAILABLE TO ZONE EMPLOYEES

1. tax credit for the first $9,000 in wages earned.

E. REDUCED REGULATORY BURDEN

1. at the request of state and local government, a federal agency may waive or modify non-statutory regulations.

2. does not apply to regulations which protect civil rights or the health or safety of employees.

BACKGROUND ON THE ENTERPRISE ZONE ACT OF 1982

I. DESIGNATION

Designation must be requested by both local and state governments, approved by HUD in consultation with Agriculture, Commerce, Labor, Treasury, OMB, SBA, and in the case of Indian reservations, Interior.

Designation "period" begins January 1, 1983 and goes for 3 years, maximum of 25 approved per year.

HUD by regulations will prescribe what is in the plan.

Once approved, the EZ designation is in effect for 24 years (most of the tax provisions phase out in years 21-24).

Areas must have 4,000 population if in SMSA, 2,500 otherwise and be UDAG eligible.

Area must have one of the following:

1. Average unemployment 1½ times the national average in the previous 12 months;

2. 20 percent or more of the population at or below the poverty level;

3. 70 percent or more of the population have income below 80 percent of the area median income;

4. Population decline of at least 20 percent between 1970 and 1980.

Preference will be given to plans with the strongest and highest quality contributions (taking into account the area's and state's fiscal situation), to plans which stimulate primarily new economic activity and minimize unnecessary tax losses, to plans with substantial private commitments (such as for job training) and those which best exhibit other factors to be determined by the Secretary of HUD to be consistent with the intent of EZs and important to minimizing unnecessary loss of tax revenues.

II. TEN PERCENT TAX CREDIT FOR EMPLOYERS

Employers can take a 10 percent tax credit on wages paid to employees.

Wages are defined as the amount in excess of what was paid to the individual employee in the 12 months prior to zone designation (so that if an employee earned $10,000 in the previous year and earned $12,000 in the first year of zone designation, the credit to the employer will be 10 percent of $2,000. For new employees, the credit can be applied to the full wages, up to the maximum).

The maximum wage to which the credit can be applied is 2½ times the FUTA wage base (2.5 × $6,000 = $15,000).

Employee is defined as [illegible]0% of their work is directly related to the EZ business and 50% of their work is physically within the zone.

Employers cannot take the credit for employees already under the Targeted Jobs Tax Credit or Work Incentive program.

Wages to which the credit is applied are reduced by the amount of other tax credits taken (such as the 50 percent tax credit described below, if applicable to that employee).

The employers deduction for wages is reduced by the amount of credit taken.

The credit is available throughout the zone designation period and phases out in years 21-24 (7½ percent in year 21, 5 percent in year 22, 2½ percent year 23, 0 in 24th year).

III. EMPLOYERS' 50 PERCENT TAX CREDIT ON WAGES PAID TO DISADVANTAGED EMPLOYEES

Employers can take a 50 percent tax credit on wages paid to certain employees.

Employees are defined as individuals hired after the date of EZ designation and one of the following:

Vocational rehabilitation referrals;

Economically disadvantaged (income in previous 6 months equal to or less than the dollar amount of AFDC plus Food Stamps available to unemployed persons in that state);

AFDC, SSI, General Assistance recipients and persons who would have been eligible for those benefits had they applied; and

Handicapped and eligible foster children.

Employees must be certified as being one of the above by Employment Service agencies.

The employer must have the certificate or request the certificate on or before the date the individual is hired.

The credit applies to the full wage paid the employee each year, no maximum on wages.

The credit is 50 percent for the first 3 years the employee works, 40 percent for the 4th year, 30 percent for the 5th year, 20 percent for the 6th year, 10 percent for the 7th year, then 0.

The employer must pay back all of the credit taken if the employee is "terminated" within the first 270 days the employee worked (whether or not consecutive) or within the first 270 calendar days after the day in which the employee completes 90 days of work.

The employer does not have to pay back the credit if termination is due to misconduct (as determined by the State Unemployment Compensation law) or a substantial reduction in the trade or business of the employer, or if employee quits or becomes disabled.

The available credit is reduced by 25 percent in the 21st year of zone designation, 50 percent in the 22nd, 75 percent in the 23rd, 100 percent thereafter.

IV. EMPLOYEES' FIVE PERCENT TAX CREDIT

Employees (as defined under 10 percent tax credit section) can take a 5 percent tax credit for the first $9,000 they earn (1½ times the FUTA wage base) each year the EZ is in effect.

The credit is not available for people receiving compensation from Federal, State or local governments.

The credit is reduced to 3¾ percent in the 21st year of EZ designation, 2½ percent in year 22, 1¼ percent in year 23, 0 thereafter.

V. ADDITIONAL INVESTMENT TAX CREDIT (ITC)

An EZ business gets an additional 5 percent ITC for investing in Zone personal property (3-year and 5-year property under ACRS) and an additional 10 percent for New Zone Construction (newly constructed or rehabilitated buildings, including rental property).

The additional ITC is available only if the property is (1) predominantly used in the Zone; (2) purchased after designation as a Zone; and (3) is not acquired from relatives or related corporations.

The amount of additional ITC reduces the basis in the asset thus increasing the gain when sold. A portion of the ITC is recaptured if the property is sold before the end of its "useful life"—like other ITC law.

VI. CAPITAL GAINS TAX ELIMINATION

No capital gains tax on property acquired after the EZ designation and used in EZ business.

Property defined as:

1. tangible personal property used predominately in EZ business;
2. real property located in the EZ and used predominately in active conduct of EZ business; or
3. any interest in a business that has been an EZ business for at least 3 years, or for such part of 3 years as the business has been in existence or the zone has been designated. (This section is meant to discourage businesses in other areas from moving to EZs—they couldn't take advantage of capital gains tax elimination for 3 years, but new businesses could).

EZ business is one with substantially all tangible assets in the zone and 80% of gross receipts attributable to active conduct of trade or business.

This provision remains in effect until 1st sale of property after EZ ceases to exist.

VII. MINIMUM TAX EXCLUSION

Minimum tax shall not apply to capital gains income for EZ property.

VIII. CARRYFORWARD PERIOD

Extended to life of the zone or 15 years, whichever is longer (would apply to businesses that start up in year 10 or beyond).

IX. SMALL ISSUE INDUSTRIAL DEVELOPMENT BONDS

The IDB law as it now is in effect shall apply to IDBs used for EZ property, even if the law is subsequently changed.

Only applies to IDBs if proceeds are used prior to date the area ceases to be an EZ.

X. TAX SIMPLIFICATION

Sense of Congress that IRS should in every way possible simplify the administration and enforcement.

XI. REGULATORY FLEXIBILITY

For purposes of the Reg Flex Act (relating to simplifying regs for small businesses) an EZ business is a small business.

XII. WAIVER OR MODIFICATION OF REGS

Upon written request of local and state governments, an agency (federal) may waive or modify their regs.

Agency shall weigh the extent to which the proposed change is likely to further job creation, community development or economic revitalization within the zone against the effect the change is likely to have on the underlying purposes of the applicable statutes, and approve the waiver or modification whenever the first consideration (job creation, etc.) outweighs the second.

The agency shall not approve the waiver or modification if it constitutes a violation of explicit, applicable statutory requirements or is likely to endanger the public health or safety including (but not limited to) subjecting any employee to dangerous or oppressive working conditions.

Cannot waive or modify any rule designed to protect any person or group against discrimination because of race, color, religion, sex or marital status, national origin, age or handicap.

Agencies will decide whether to approve the requested change within 90 days.

Agencies may request public comment on proposed change, but are not required to (they must under current law) but do have to publish the final change in the federal register.

XIII. FOREIGN TRADE ZONES

EZ applications as FTZs will be on a priority basis and processing will be expedited.

COMPARISON BETWEEN BOSCHWITZ-CHAFEE AND ADMINISTRATION ENTERPRISE ZONE PROPOSALS

	Boschwitz	Administration
Eligibility and designation.	UDAG eligible, and poverty, unemployment, etc.	Very similar.
No. of zones.	10 to 25, 1st 3 yr, thereafter unlimited.	Up to 25 1st 3 yr, thereafter none.
Tax breaks for employers.	(1) Refundable tax credit of 5 percent of wages paid to CETA-eligible employees, no maximum on wages.	(1a) Nonrefundable tax credit of 10 percent of increase in payroll for all employees, maximum $15,000 wage/employee. (1b) Nonrefundable tax credit of 50 percent of wages paid to disadvantaged workers for 1st 3 yr, no maximum on wages. Beginning in 4th yr, credit phases out at 10 percent/yr.
	(2) No capital gains tax.	(2) Same.
	(3) 50 percent of business income earned in zone is tax exempt.	(3) Additional investment tax credit. (3a) 3 percent for 3-yr. (3b) 5 percent for 5-yr property. (3c) 10 percent on commercial and rental housing, construction or substantial rehabilitation.
Tax break for employees.	5 percent refundable tax credit for wages earned by employee of a qualified business (1 which has 40 percent CETA-eligible workers). Maximum wage is $30,000 ($1,500 credit).	5 percent nonrefundable tax credit for wages earned by employee of any zone business. Maximum wage is $9,000 ($450 credit).
Cash accounting.	Small business (less than $2m gross receipts) may elect to use cash accounting.	Not included.
Loss carryover.	Carryover is extended to 20 yr (15 yr is current law).	Carryover extended for longer of life of zone designation or 15 yr.
Regulatory.	Encourages simplification (general language, places qualified businesses under provisions of the Regulatory Flexibility Act of 1980 which allows agencies to rewrite regs for small businesses).	Stronger language which allows Federal bureaucracy to waive regulations which are not mandated by statute.
Free trade zones.	Encourages designation of EZ as foreign trade zone.	Same.

IN SUPPORT OF ENTERPRISE ZONES

Mr. PERCY. Mr. President, it is an honor indeed to be an original cosponsor of President Reagan's proposed legislation, the Enterprise Zone Tax Act of 1982. This experimental program, if enacted, promises exciting possibilities in the effort to redevelop depressed urban and rural areas.

The purpose of the legislation introduced by the distinguished Senator from Rhode Island (Mr. CHAFEE), Senators BOSCHWITZ, HEINZ, myself, and others is to encourage job-creating investments and intrepreneurial activity by the private sector in carefully defined enterprise zones. After years of struggling with countless proposals and programs that emphasize Federal control of economic development, we have finally arrived at the logical conclusion that, if new business activity in an urban or rural area is the desired goal, then business must be a full partner in the effort from its inception and the direct participation and support of State and local governments as well are keys to its success.

The new economic activity in the enterprise zones would be accomplished by providing relief from Federal, State, and local taxes and regulation, while improving local services. Eligibility would be based on criteria of poverty, unemployment, and economic distress and designation as an enterprise zone would be achieved through a competitive process, with the nature, quality, and strength of the State and local incentives as the primary criteria for selection.

Federal contributions to an approved zone will include a variety of tax incentives to stimulate both investment and job creation, such as: A tax credit for capital investment; an income tax credit to employers for wages paid to employees in the zone; a special income tax credit for wages paid to zone employees who were disadvantaged individuals when hired; an income tax credit to zone employees for wages earned in zone employment; and the elimination of capital gains taxes within the zone.

In the area of deregulation, Federal departments and agencies would be given discretionary authority to relax or eliminate regulatory, but not statutory, requirements within the enterprise zones, but only if they did not affect public health, safety or civil rights, and only upon the joint request of the State and local government within whose jurisdictions the zone lies.

Our legislation authorizes the creation of up to 75 zones over a 3-year period, and the designation of a zone can last for up to 20 years.

Mr. President, I feel very strongly that this proposal is worth a try. Without any need for substantial, direct Federal expenditures, we are presenting for congressional consideration an innovative program to create the economic opportunities so urgently needed in many depressed areas around the country.

My own State of Illinois is suffering right now from the fourth highest unemployment rate in the country and from some of the other problems that have plagued the industrial States of the Northeast and Midwest for the last several years. My highest priority is to do all I can here in Washington to allow the ingenuity, creativity, and skills of Illinois business, industry, agriculture, and labor to flower once more. I pledge my own efforts to bring this imaginative legislation to enactment this year.

Mr. MATTINGLY. Mr. President, earlier in the Congress, I joined as an original cosponsor of S. 1310, the Urban Jobs and Enterprise Zone Act of 1981, introduced by Senators BOSCHWITZ and CHAFEE.

Mr. President, today I am pleased to add my name to the list of original cosponsors of S. 2298, the Enterprise Zone Tax of 1982, a measure submitted by the administration to aid economically depressed areas.

As a member of the Joint Economic Committee, I chaired a field hearing in January of this year in Atlanta, Ga., on the enterprise zone concept. Panelists at the hearing included individuals from academia, government, and business. From this hearing, I can say that the people in the State of Georgia are interested in and have a favorable impression of the enterprise zone concept, a new solution to an old problem.

Urban and rural decay is not a new problem. The vast array of government spending programs to revitalize inner core areas, including urban renewal in the 1950's, model cities in the 1960's, and urban development action grants most recently, reflect public concern over the crisis in blighted areas in American cities. Similar efforts have also been tested in faltering rural areas. Despite the billions of dollars appropriated for combating crime, poverty, and homelessness in these distressed areas, however, the problems remain unsolved.

Representative JACK KEMP (R-N.Y.) who sponsored with Representative ROBERT GARCIA (D-N.Y.) a Federal urban enterprise zone bill, summed up the problem this way in testimony before the House Committee on Banking, Finance and Urban Affairs:

> Though social welfare expenditures have more than quadrupled since 1965, there are more poor people—both absolutely and relatively—in America's central cities today than there were two decades ago, and the unemployment rate is well over twice the national average, while for minority youths in the inner city, the unemployment rate is nearing 50 percent.

Recognizing the failure of past public efforts to combat inner city and rural town decay, many now believe, including the administration and myself that the key to revitalizing these areas lies in improving the opportunities for commercial expansion in distressed areas. Such is the goal of the enterprise zone concept by offering both tax incentives and regulatory belief within designated zones plagued by depressed economic activity.

The enterprise zone concept addresses two interrelated effects of urban and rural decay. The zones seek to alleviate the financial burdens to big cities caused by the outmigration of businesses and homeowners from core areas. Obviously, outmigration lowers the tax base; however, cities must continue to provide services to areas which contribute ever-decreasing revenues to municipal coffers. Raising the property tax rates in an effort to make up for such revenue losses compounds the problem by causing still more businesses and homeowners to relocate. Faced with this vicious cycle of declining revenues and increased demands for services, such as increased demands for police protection, social welfare programs, and other expenditures, cities are forced into a "financial corner." In addition to the financial burden associated with urban decay, there is also the human tragedy of unemployment and poverty which accompanies the decline in economic activity in the inner city.

Enterprise zones seek to bring prosperity and hope back to the inner city and rural town by creating an atmosphere conducive to investment and business activity. Advocates of enterprise zones claim, and I firmly believe, that implementation would bring jobs and dignity back to the inhabitants of blighted areas. By relaxation of government constraints on commerce in depressed areas, enterprise zones will encourage and lure business investment back into the inner cities and rural towns.

I point out that the concept of enterprise zones is in no way to be considered as an alternative to current efforts. The enterprise zone concept will complement and work hand-in-hand with existing urban and rural programs.

In addition to this proposal introduced by the administration to create enterprise zones, a number of other proposals have been introduced in the U.S. Congress. While contents of these enterprise zone measures may differ, they generally agree on three issues. First, major public sector programs to combat urban decay have not only proven unsuccessful, they may have led to even worse deterioration. Second, small business must play a major role in inner city recovery, but core entrepreneurs in the past have been hampered by government and the reluctance of commercial lenders to extend credit to them. While restricted in the past by these impediments, great numbers of businessmen can be expected to seek the special tax concessions to be offered in the enterprise zones. The small businesses they form will be essential, for small business generates 66 percent of all new jobs created nationally. Third, Federal, State and local governments, in conjunction with the private sector, must be involved in the planning and implementation in order to guarantee success in such a program.

The enterprise zone concept has drawn support from a wide range of individuals and organizations. Fiscal conservatives applaud the approach because it is not just another bureaucratic program designed to throw tax dollars at the inner cities. The idea is fundamentally antibureaucratic, for it is designed to eliminate guidelines and regulations rather than creating them.

The enterprise zone concept is also attractive to those who have advocated increased Government spending for central city projects, many of whom have grown frustrated and disillusioned by the ineffectiveness of large Government projects. The enterprise zone concept in contrast seeks to stimulate local projects and commercial risk-taking by removing financial and regulatory obstacles. It aims to provide a climate that will make it more likely that community initiatives and businesses will succeed.

In other words, the enterprise zone concept is attractive to a wide range of individuals and organizations because its approach is neither conservative nor liberal, but overwhelmingly pragmatic.

Mr. President, I applaud the administration's effort to deal with the problem of urban and rural decay, a problem which is not new, but one with which we are all concerned. Because of the urgency to deal with the problems associated with urban and rural decay, I would like to see the effective date of the program accelerated, shifted from January 1, 1983, to October 1, 1982. I anxiously await expeditious consideration and approval of the Enterprise Zone Tax Act of 1982 by the U.S. Congress.

● Mr. HEINZ. Mr. President I have introduced, along with Senator Chafee and several other of my distinguished colleagues, the administration's "Enterprise Zone" legislation. As the author of the first "Zone" legislation to be introduced in this Congress, I am pleased and proud that President Reagan has joined our efforts to enact this historic legislation.

What this country needs right now is more people gainfuly employed, producing goods and services, contributing to their communities, and paying taxes instead of being reduced to a reliance on unemployment benefits and welfare. That is what enterprise zone legislation is all about. That is what the able Senator from Rhode Island, John Chafee, myself, and other Members of the Congress are laboring for the greenlining of America's economically distressed regions.

While a fiscal plan of spending and tax cuts may indeed generate "a rising tide that lifts all boats" as is hoped, we should also be concerned about the people who do not have boats to begin with, the unemployed and the poor.

There is general agreement that despite the steps that have been taken to help distressed areas, including the model cities program, the urban development action grants, the Economic Development Administration, and the Appalachian Regional Commission, to name just a few, there still remains serious pockets of unemployment, poverty, and economic decay spread throughout all States in the country. Sadly, every State has places that are suffering from economic paralysis.

In California it might be Watts, in New York it might be the South Bronx, while in Illinois, it is the South Side of Chicago. In my home State of Pennsylvania, these same problems can be found in places as diverse as North Philadelphia and the southern Alleghanies. This bill proposes to treat this illness by involving all levels of government—Federal, State, and local—in the cure.

Under the act, partnerships between these governments are created to identify distressed urban and rural areas and also ways to improve the economic lot of those who live there. As part of the plan, State and local governments which have jurisdiction over revitalization areas will tell the Secretary of Housing and Urban Development exactly what steps they will take to revitalize the areas, in conjunction with the tax and regulatory relief provided by the Federal Government. The actual type of assistance will be left up to State and local governments that are most aware of the problems and potentials of each distinct area.

I am greatly pleased that the administration chose to borrow liberally from my enterprise zone legislation. Frankly, I would have been pleased if they had seen fit to borrow even more. I do have my reservations as to whether the administration's proposal adequately addresses the obstacles to sustained capital generation within a zone, a matter which is a critical factor in the area's ability to sustain growth, revitalization, and job creation.

I am also concerned that the administration's decision to limit the number of zones designated over the next 3 years to 75 will deprive many areas of the opportunity to reawaken the dormant potential of their communities. Lastly, I see a great necessity to coordinate the creation of enterprise zones with existing Federal programs like employment training.

Nonetheless, I cannot overstate the importance that must be attached to the introduction of the administration's proposal. This event marks a major step forward toward the enactment of enterprise zone legislation and the ability of economically distressed regions of the country to benefit, along with other regions, from future economic growth.

It is my most sincere hope that the Congress will act quickly to approve this measure, which will provide many communities an opportunity they would otherwise not have—a chance to share in the American dream of economic growth and self-sufficiency.●

Mr. STEVENS. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. WARNER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. Stevens). Without objection, it is so ordered.

ROUTINE MORNING BUSINESS

The PRESIDING OFFICER. There will now be a period for the transaction of routine morning business, not to extend beyond 10 a.m., during which Senators may speak therein.

(The remarks of Mr. Warner and Mr. Jackson at this point in connection with the submission of a resolution relating to nuclear arms reduction are printed in today's Record under statements on resolutions submitted.)

A POSITION PAPER CRITICAL OF S. 1018, THE COASTAL BARRIER RESOURCES ACT

Mr. THURMOND. Mr. President, almost a year ago, my colleague and good friend from Rhode Island, Mr. Chafee, introduced legislation which effectively debars new development on our coastal barrier islands. This bill, S. 1018, is currently pending in the Committee on Environment and Public Works.

One of the asserted justifications for this measure is that these areas are inherently unstable and subject to extreme wind and wave erosion. This judgment, I am informed, was based in large part upon a position paper prepared and submitted by a group of coastal geologists.

It has come to my attention that Mr. Murrough P. O'Brien, president of the American Shore and Beach Preservation Association, prepared a thoughtful and incisive response to this position paper, refuting many of the assertions made by its authors. I believe the observations made by Mr. O'Brien are sound and deserve to be considered carefully by the Members of this body before they pass judgment on this issue. Accordingly, I ask unanimous consent that the comments offered by Mr. O'Brien appear in the Record following these remarks.

There being no objection, the comments were ordered to be printed in the Record, as follows:

American Shore and Beach
Preservation Association,
December 7, 1981.

Hon. Ronald Reagan,
The White House
Washington, D.C.

Dear Mr. President: You have received recently a document entitled, "Saving the American Beach: A Position Paper by Concerned Coastal Geologists." I believe that many of the assertions made in this document are either questionable or invalid and that application of the policies advocated would deny to the American people the potential benefits of a major resource, the sandy shores of the United States.

I should first explain the background for my remarks. The American Shore and Beach Preservation Association (ASBPA) was founded in 1926 "in recognition of the fact that our coasts and shores of our lakes and rivers constitute important assets for promoting the health and physical well-being of the people of this nation; and that their contiguity to our great centers of population affords an opportunity for wholesome and necessary rest and recreation not equally available in any other form." In short, this Association has advocated the development of the coastal zone for beneficial use by people.

It is my understanding that Congress and your Administration are beginning the formulation and implementation of shore management policies which are reported to be based upon the views addressed in the geologists' Position Paper, which, in essence, brands all beach stabilization works as failures and advocates allowing the shorelines to return to a natural state. In my opinion, it would be imprudent to proceed on this course without resolving the points at issue.

In the memorandum accompanying this letter, I have commented on a few of the specific issues stressed in the geologists' Position Paper, but I have not attempted a critical appraisal of their specific examples and recommended policies. These issues need to be addressed collectively by the Federal and State policymakers, professional groups, and other concerned publics. Some of these issues are scientifically debatable and others are public policy considerations.

The American Shore and Beach Preservation Association will host a national workshop at which these issues will be discussed in early 1982. This meeting will be held in Washington, D.C., to make it easily accessible to the national policy decision-makers.

Very truly yours,

MORROUGH P. O'BRIEN,
President.

MEMORANDUM COVERING A DOCUMENT ENTITLED "SAVING THE AMERICAN BEACH: A POSITION PAPER BY CONCERNED COASTAL GEOLOGISTS"

My interest regarding the geologists' Position Paper is best explained by quoting the objectives of the American Shore and Beach Preservation Association, as formulated when the Association was founded in 1926;

"This Association is formed in recognition of the fact that our coasts and shores of our lakes and rivers constitute important assets for promoting the health and physical wellbeing of the people of this nation; and that their contiguity to our great centers of population affords an opportunity for wholesome and necessary rest and recreation not equally available in any other form. The purpose of the Association is to bring together for cooperation and mutual helpfulness the many agencies, interests and individuals concerned with the protection and proper utilization of these lands, and in all legitimate ways to foster that sound, farsighted and economical development and preservation of the lands which will aid in placing their benefits within the reach of the largest possible number of our people in accordance with the ideals of a democratic nation."

In short, this Association is dedicated to preserving the shorelines of the Nation for beneficial use by people.

Whatever form this use may take, accommodation of large numbers of people for day visits, vacations, or retirement requires that permanent facilities for lodging, recreation, transportation, sanitation and other services be constructed at locations convenient to the shore. Vulnerability to severe storms and to progressive erosion should be major factors in the location and design of such facilities. Policies which forbid or strongly inhibit stabilization measures, including even sand replenishment, will discourage the construciton of needed facilities of a permanent type.

Enclosed is a copy of a recent editorial in "Shore and Beach", the journal of this Association, which comments on some broader aspects of existing policies regarding the coastal zone.

The appeal of the open coast is so pervasive and the opportunities to enjoy this environment have become so generally available because of leisure time and convenient transportation that the demand for additional developments on the coast will be irresistible. Government at all levels should guide these developments by reasonable policies which recognize regional differences in usage, economic conditions, and vulnerability to the environment. The drastic change in policy advocated by the geologists' Position Paper seems unwise and contrary to the public interest.

CHANGES IN MEAN SEA LEVEL

The primary hypothesis underlying the policies advocated in the geologists' Position Paper is that mean sea level is rising and will continue to rise in the future, by implication, for at least the next century. The evidence supporting this prediction is not sufficiently clear and unequivocal to support the drastic change in public policy they propose. Some of the pertinent considerations are:

During the past 2000 years, geological, biological and archaeological studies indicate that mean sea level has remained within about one meter of its present elevation; cycles of rising or falling levels have occurred in this period.

The reading of a tide gage is affected by the hydraulic characteristics of the connection between the gage location and the ocean. In 1926 Professor Douglas Johnson of Columbia University, a well known coastal geologist and author of the classic work "Shore Processes and Shoreline Development," studied this effect and found mean sea level at inlets, estuaries, and protected waters generally, to lie above that in the open ocean and that this difference could change with time due to natural or manmade changes in the hydrography. Apparently, tide gage locations have not been analyzed to determine the magnitude of this effect.

Professor Johnson also showed that no appreciable change in mean sea level had occured in the thirty-five years prior to 1926.

The preponderance of evidence in recent years indicates that sea level is now rising, but there are a substantial number of gaging stations, particularly those on the open coast, which show mean sea level as constant or declining.

The number and geographic distribution of tide gages and the duration of existing records are inadequate for projecting, from these data alone, the trend of mean sea level over the next century.

It appears that the only valid basis for predicting the probable change in mean sea level over the next century is to evaluate the contributions of the several underlying causes of change at each gage location, including melting of the polar ice caps, tectonic movement, isostatic loading, removal of underlying fluids, local compaction, water temperature, and others.

The geologists' Position Paper mentions the possible catastrophic rise in sea level because of the "greenhouse effect" due to increased carbon dioxide in the atmosphere and implies that this threat presents an emergency situation. Not mentioned, however, is recent news from scientists in Antarctica who have found that, in an early warming trend, the ice pack increased in thickness. A possible explanation is that the warming trend due to the "greenhouse effect" was in a range of temperature which increased snow formation and movement to the ice pack.

COASTAL ENGINEERING PROJECTS

Regarding the effectiveness of coastal engineering projects, an appraisal should not overlook two important considerations. Until very recent times, under Federal policy supported by court decisions, the needs of navigation were paramount, and damage to adjacent shores by Federal navigation structures was not redressed. Over the years, Congress did grant funds to correct a few such situations, but the policy was not changed until 1968 when the River and Harbor Authorization contained Section 111 for this purpose. The second point is that the systematic study in the United States of shore processes and of the design of coastal structures was inaugurated in 1929 by the Corps of Engineers. Congress recognized the importance of this work by establishing the Beach Erosion Board (BEB), and its successor the Coastal Engineering Research Board (CERB). Following this lead, a number of universities and private organizations, in the United States and abroad, have engaged in research and development in coastal engineering.

In the last fifty years, the scientific and technical base available for design has been tremendously expanded and the record of designs which utilized this base is believed to be excellent. However, judgment about local conditions will always be a factor in the design of coastal structures.

It is noteworthy that nearly all of the coastal projects, cited in the geologists' Position Paper as examples of the harmful effects of structures, are in areas where navigation works have been a major influence in modifying the shore line.

Sand replenishment of eroded shores is generally preferred by engineers to structural solutions, if economically justified. This method has been applied extensively. However, the geologists' Position Paper dismisses it with the statement that it "bears with it the seeds of its own destruction" because "geologic studies indicate that removal of offshore sand (from a depth of 10 meters) will simply cause sand to move offshore more rapidly." In the first place, the limiting depth showing appreciable bottom sand movement depends upon the intensity of the local wave climate; this subject is being studies as a guide to acceptable sand nourishment sources. Furthermore, monitoring by surveys and samplings of properly located offshore sources of suitable sand does not show that sand is moving from the nourished beach back to the source area. At Redondo Beach, California, where the sand was dredged from depths of 45 feet or more, sampling of the bottom showed no motion from shore but did show movement into the trench from seaward. The 23-mile-long beach fill at Harrison County, Mississippi, is intact after thirty years. This material was dredged from a trench 1500 feet offshore in a depth of 3 feet below MLW; the trench, still evident, was 10 feet deep. Recent sampling of sediment in the trench showed that it was not derived from the nourished beach. In effect, nourishing an eroded beach restores it to an earlier condition, permitting it to repeat approximately the earlier sequence or erosion; whether to do so is a question of cost and benefit to the public.

That shore erosion as occurred at many locations and that some of this erosion is due to engineering works are valid observations. However, the implication of the geologists' Position Paper that coastal works have been uniformly ineffective or harmful is denied by the large number of successful projects which have been in place for many years.

COASTAL ENGINEERS AND GEOLOGISTS

Coastal engineers and geologists are both concerned with coastal processes, but they work under vastly different circumstance. Coastal geologists deal with evidence of the physical processes which have altered coastal areas over long periods of time; their projections of the future course of change are characteristically long-term. The designs of the coastal engineer will be exposed to the same physical environment as that studied by the geologist, but the time scale he considers is commensurate with human life rather than that of major goelogic change. Futhermore, the engineer is restrained by costs and by the need for appraising costs and benefits. Despite these differences, the exisiting degree of collaboration between coastal engineers and geologists, not only through exchange of results but in active participation in projects, is truly remarkable. Growth of this collaboration over the years deserves note.

By 1929, the Corps of Engineers recognized the deficiency in knowledge of shore processes, and the Chief of Engineers asked Professor Douglas W. Johnson to prepare a program of field investigation for the pupose of relating the dynamic effects of waves, winds, tides, and currents to the changes observed on sandy shores. This initial program, carried out at stations in New Jersey, lead to the establishment by Congress of the Beach Erosion Board, now the Coastal Engineering Research Board. References cited in geological publications to the studies performed by, or supported by, these Boards attest the importance and substance of this work. In 1950, the Engineering Foundation and the University of California initiated a series of biennial International conferences on Coastal Engineering. Coastal geologists participate and the proceedings are referred to frequently in the geological literature; engineering project reports and publications, almost without exception, refer to these and other geological studies. The schism between coastal engineers and geologists implied in the geologists' Position Paper does not seem to exist.

ECONOMIC CONSIDERATIONS

The contention that shore protection works bring public costs and only private benefits is erroneous. Federal beach protection and coastal flood protection projects have been authorized by congress only on determination that they provide a public benefit, and Federal support has been proportioned to such benefits. Some exceptions to the application of this principle may exist but such inequities as that of the "Nebraska farmer who is helping protect an Atlantic beach house" are probably balanced by the situation of a resident of Seabright-Monmouth whose taxes help compensate flood damage to farms along the Mississippi River. Some states and public agencies may follow policies more generous toward private owners than the Federal government, but the situation generally is that public money is appropriated for protection only to achieve a perceived public benefit.

Many small coastal communities derive most of their income from taxes on shore property, and these small communities occupy a major portion of all the developed shorelines. Since the present value of the first tier of structures on the shores ranges from 50 million per mile for single-family units to 300 million and more for multistory buildings, the effect of storm damage on tax income is immediate and complex. If only a short section of the shore is severely damaged, the value of all property in the area will be depressed with a proportionate decrease in property taxes. Equitable assessment of costs of shore protection is difficult and a perfect solution will not soon be derived.

Prudent planning of coastal developments should consider the probability of progressive erosion and storm damage and engineering designs should include reasonable safeguards against such damage. Most of the problems of coastal projects have been the consequence of incomplete or erroneous information regarding the ocean environment and its effects at the particular site chosen. Waves, winds, tides and currents are the active agents which have determined the configuration of a sandy shore. A designer should know the recent history, both of these variables and of the changes which they have produced in the sandy shorelines over a number of years, in order to analyze the processes at work and to forecast probable changes in the future. Unfortunately, programs to obtain these data on the coasts of the United States have not been comprehensive and have not been in effect long enough to permit accurate forecasts.

The cost of a comprehensive program to obtain adequate data on the coastal environment, particularly on the wave climate, would be trivial as compared with the present value of the shore property. These data would have a substantial economic effect through refinements in design, improved accuracy of estimated costs of construction and maintenance, and the elimination of some projects which otherwise might have been undertaken. Spain, Denmark, Egypt, Holland, Germany, South Africa, Australia, and Japan are collecting these data to support current operations and future projects.

Coastal engineers deal with the question of "what can be done." They define feasible alternative designs, estimate costs and benefits, collaborate with geologists, biologists and other scientists in appraising possible side effects of these designs and, in general, prepare project proposals for review and decision by those with the responsibility and authority for "What should be done." It is my impression that, in this two-step process, decisions on policy are being influenced unduly by confusion and misinformation regarding the basic physical facts.

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Morning business is now closed.

NUCLEAR REGULATORY COMMISSION AUTHORIZATIONS

The PRESIDING OFFICER. The Senate will proceed to the consideration of S. 1207, which will be stated by title.

The assistant legislative clerk read as follows:

A bill (S. 1207) to authorize appropriations to the Nuclear Regulatory Commission in accordance with Section 261 of the Atomic Energy Act of 1954, as amended, and Section 305 of the Energy Reorganization Act of 1974, as amended, and for other purposes.

Mr. WARNER. Mr. President, I ask unanimous consent that the time expended during the call of the quorum not be charged to either side.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. WARNER. Mr. President, at this time I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. SIMPSON. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. ARMSTRONG). Without objection, it is so ordered.

Mr. SIMPSON. Mr. President, I ask then that under the regular order of business S. 1207 be laid once again before the body.

The PRESIDING OFFICER. The Chair advises the Senator that the bill is the pending business before the Senate.

Mr. SIMPSON. Mr. President, I shall also ask unanimous consent that as we proceed on this amendment when Senator DOMENICI returns to the Chamber, we might set aside the business momentarily to consider the mill tailings amendment of Senator DOMENICI. He is limited here today because of budget matters.

I believe that has the support of my good colleague from Colorado.

Mr. President, I ask unanimous consent that that be so ordered.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Wyoming, that when the Senator from New Mexico (Mr. DOMENICI) returns to the Chamber he be recognized for presentation of his amendment and what is then the pending business be set aside for that purpose?

Without objection, it is so ordered.

Mr. SIMPSON. Mr. President, I now yield to my colleague from Colorado on an amendment which he and I are cosponsoring.

The PRESIDING OFFICER. The Senator from Colorado is recognized.

UP AMENDMENT NO. 857

(Purpose: To prohibit the transfer, use, or reprocessing of special nuclear material from commercial nuclear powerplants for weapons purposes)

Mr. HART. Mr President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The amendment will be stated.

The bill clerk read as follows:

The Senator from Colorado (Mr. HART), for himself, Mr. SIMPSON, MR. MITCHELL, Mr. TSONGAS, and Mr. CRANSTON proposes an unprinted amendment numbered 857.

Mr. HART. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

Add a new subsection 57(e) to the Atomic Energy Act, as amended, as follows: "Special nuclear material, as defined in Section 11, produced in facilities licensed under Section 103 or 104 may not be transferred, reprocessed, used or otherwise made available by any instrumentality of the United States or any other person for nuclear explosive purposes.".

Mr. HART. Mr. President, on behalf of myself and my colleague from Wyoming, Senator SIMPSON, I offer an amendment to the Nuclear Regulatory Commission authorizations bill that would prohibit the transfer, reprocessing, or use of spent fuel from commercial nuclear powerplants to make nuclear weapons.

This same amendment was unanimously accepted by the Committee on Environment and Public Works for inclusion in the reported version of its nuclear waste bill, S. 1662. In addition, the full Senate several weeks ago by voice vote accepted a similar amendment to the energy and water development appropriations bill for fiscal year 1982. The provision was later dropped in conference apparently because the Department of Energy does not plan to spend funds this year to obtain commercial spent reactor fuel to build weapons.

This amendment responds to reports that the Department of Energy is considering, as one of several options, using plutonium from commercial spent reactor fuel in nuclear weapons.

I believe Congress should reject this ill-considered idea for three reasons.

First, this option would, in effect, turn commercial nuclear powerplants into bomb-making factories. It would seriously undermine U.S. efforts to halt the spread of nuclear weapons to countries that do not now have them. No longer would the United States have the credibility necessary to persuade current nonnuclear weapons countries not to use their ostensibly peaceful nuclear power programs to build atomic bombs.

How could the United States expect other countries not to divert plutonium from their civilian nuclear programs to make bombs when we are diverting plutonium on a grand scale?

The U.S. nuclear nonproliferation policy would become "Do as we say, but not as we do." The Department of Energy option would render ludicrous the historic basic assumption underlying current nonproliferation policy—that a clear distinction exists between atoms for peace and atoms for war.

Second, this option would have extremely adverse consequences for the future of the U.S. commercial nuclear power program. As a spokesman for the American Nuclear Energy Council commented when the DOE plan was first reported:

> This (plan) could be a public relations disaster. We've spent years reassuring the public that nuclear power is separate from the weapons program.

This Senator has long believed the debate over the future of commercial nuclear power should focus on such issues as economics, reactor safety, and waste disposal. However, this proposal, if adopted, would unnecessarily inject an extremely volatile, potentially polarizing issue into that debate. It would give the opponents of nuclear power the enormous advantage of arguing that every time we flip on a light switch or turn on the television, we help build a nuclear weapon.

Finally, this option would tend to "militarize" the back end of the commercial nuclear fuel cycle. If commercial spent fuel becomes the raw material for nuclear weapons, the Department of Energy could avoid Nuclear Regulatory Commission licensing reviews for the transportation and storage of the resulting radioactive wastes. Moreover, the DOE could attempt to justify, on national security grounds, restricting public access to information on utility management of commercial powerplants and the rest of the nuclear fuel cycle. We could even see an increase in police surveillance of opponents of nuclear power and powerplant workers, as well as infringements on civil liberties.

Mr. President, this amendment would not in any way interfere with the administration's plans to expand this Nation's nuclear weapons arsenal, if it is agreed by Senators that that is desirable in terms of this country's overall policy. In a briefing for members of the Subcommittee on Nuclear Regulation, a DOE representative said that current DOE efforts to increase the production of plutonium will satisfy current U.S. nuclear weapons production plans. Moreover, if extraordinary circumstances should arise in which the United States required additional plutonium beyond the amounts currently projected, the DOE has several options for supplying that need other than extracting the plutonium in commercial spent reactor fuel.

The more detailed information provided by DOE in the classified portion of the briefing failed to persuade this Senator that the DOE needed to use commercial spent reactor fuel in order to obtain the necessary plutonium for nuclear weapons. Consequently, I have concluded that the risks of using commercial spent fuel to make nuclear weapons far outweigh even the speculative benefit that DOE might claim.

This amendment, if accepted, will send an urgently needed signal to the DOE and the rest of the world that under no circumstances will the United States undermine international efforts to halt the spread of atomic bombs by diverting plutonium from its own commercial nuclear power program to build nuclear weapons. If the Senate—and Congress—do not send that message today, the Department of Energy will begin to base its contingency planning on the availability of this seriously flawed option. Therefore, together with my colleague from Wyoming, I urge the Senate to accept this amendment.

I yield to my colleague from Wyoming.

Mr. SIMPSON. Mr. President, I appreciate the yielding of time.

Mr. President, after careful consideration and based upon an extensive briefing by the Department of Energy on this subject, I do cosponsor this amendment.

The task of insuring an adequate supply of material for this Nation's weapons program is a responsibility of the highest priority. I have no objection to that. At a time when this Nation embarks upon a major strengthening of its defenses, I think it is imperative that all reasonable steps be taken to prevent any shortfall in the supply of the critical materials which are essential to the construction of such weapons systems.

At the same time, I view the prospect of utilizing spent nuclear fuel from commercial power reactors in the atomic energy defense program as a matter of significant concern, really as an option to be pursued only after the most careful consideration of the full implications of such a decision for the commercial nuclear power industry, the atomic energy defense program, and this Nation's nonproliferation policies.

As a result of those concerns that the distinguished Senator from Colorado, Senator HART, has given and my own thoughts, I have requested a Department of Energy briefing of the Subcommittee on Nuclear Regulation on all aspects of the department's activities in this area.

That briefing was held in early December, and I extend my appreciation to the department for what indeed was an extremely candid and informative briefing.

Based upon that briefing, Mr. President, I wish to emphasize three points that, in my view, prove to be decisive. First, in discussing projected materials requirements and production capabilities for the atomic energy defense program, it became quite apparent that, based upon presently identified stockpile needs, the Department's materials requirements can be met without having to resort to spent fuel from commercial power reactors as a source of plutonium.

Second, in recognition of this fact, no proposal has been made by the Department, nor is one anticipated, to turn attention to spent fuel as a source of plutonium for the weapons program.

And finally, Mr. President, I must emphasize what I view to be the most significant factor in my support for this amendment: The potential implications of such a decision for the Nation's nonproliferation policies and for the commercial nuclear industry in this country are imperiled by this procedure. As you know, Mr. President, this country's civilian and military nuclear programs have, from the outset of the atomic age, proceeded along parallel, but separate tracks. The historical separation that has been apparent in these two programs has, in my view, contributed significantly to the development of the commercial nuclear power industry, not only in this country, but others as well. Indeed, the notion of a civilian nuclear power program—separate and apart from an atomic energy defense program—is the underlying rationale of the "Atoms for Peace" program.

I think it virtually goes without saying, Mr. President, that the use of spent fuel from commerical power reactors for the production of weapons in the atomic energy defense program strikes at the very heart of the historical distinction between these two programs that many have worked so hard to preserve. A most regrettable departure it would be.

Eliminating that distinction would impose a new, unnecessary, and unwarranted burden on the commerical nuclear power industry at a time when that industry is already heavily burdened. Moreover, I find it most difficult to conceive how this country could retain credibility in its efforts to convince other nations not to use their civilian nuclear programs for nuclear explosive purposes if we are doing just the opposite.

One of the things the amendment does not do—and I would inquire of my colleague from Colorado so that it might be clear upon the RECORD—this amendment would in no way limit the continued development of laser isotope separation technology which is independently justified for other purposes. I understand—and would my colleague from Colorado enlighten me—that the amendment would only prevent the DOE, unless the law is changed, from using commercial spent fuel by means of this technology or otherwise for nuclear explosive purposes. Is that understanding correct?

Mr. HART. The Senator from Wyoming is absolutely correct. This would not in any way impede the effort going forward in research and development of the laser technology.

Mr. SIMPSON. With that clarification, Mr. President, it seems to me this amendment serves as a policy direction to DOE to proceed with planning to meet our weapons material production needs by all other available means. That is a policy directive I fully support. If any unforeseen shortage should come in weapons material production, if that should arise after all other supply alternatives have been exhausted, Congress at that time could then appropriately consider an alteration of this provision.

In my experience on this subcommittee, Mr. President, I know enough of the problems of licensing and public hearings within the nuclear commercial process—and surely if we were to add this dimension to it they would be a Gordian knot of extraordinary dimensions—so I hope Congress will make this decision at this time, and after a full and searching examination of all implications of utilizing spent fuel from commercial reactors, I would certainly hope that this amendment would receive the support of our colleagues. I thank the Chair.

The PRESIDING OFFICER. Who yields time?

Mr. SIMPSON. I yield 5 minutes to the Senator from Virginia.

The PRESIDING OFFICER. The Senator is recognized for 5 minutes.

Mr. SIMPSON. On the other side. I am handling the time on the side of the amendment, and even though I am a cosponsor of the original proposal——

The PRESIDING OFFICER. Would the Senator care to restate that proposition?

Mr. SIMPSON. The Chair would like a rerun on that, I see.

Mr. President, I am a cosponsor of the amendment and yet I am controlling the time on the other side and, therefore, will yield 5 minutes of time to the Senator from Virginia on this amendment.

Mr. WARNER. Mr. President, to clarify matters, since the two floor leaders here today are proponents of the amendment, and I propose to introduce a substitute amendment, it seems to me that the distinguished Senator from Washington (Mr. JACKSON) and I should control the time.

Mr. SIMPSON. Mr. President, I will certainly defer to that decision. The Senator from Virginia and the Senator from Washington may control the half-hour time on this amendment.

The PRESIDING OFFICER. The Senator from Virginia will then be recognized to control the time of the opponents of the pending amendment, and the Senator is recognized.

Mr. WARNER. I thank the Chair.

Mr. President, I would like to initiate my discussion with a series of questions to the proponents of the amendment. First, what is the position of the administration on your amendment, Mr. SIMPSON?

Mr. HART. If I may respond to the Senator from Virginia, the administration does not support the amendment.

Mr. WARNER. Mr. President, I ask unanimous consent at this point in the RECORD that letters from the Secretaries of Energy and Defense be included in the RECORD. These letters both state quite explicitly that the administration is opposed to the amendment.

There being no objection, the letters were ordered to be printed in the RECORD, as follows:

THE DEPUTY SECRETARY OF DEFENSE,
Washington, D.C., March 29, 1982.
Hon. JOHN G. TOWER,
Chairman, Committee on Armed Services, U.S. Senate, Washington, D.C.

DEAR MR. CHAIRMAN: S. 1662, the National Nuclear Waste Policy Act of 1981, was amended to include Section 203, that prohibits the transfer, processing, or use of spent fuel from civilian nuclear power plants for the purpose of providing nuclear material for nuclear explosive purposes. I have been advised that the identical amendment will be offered to S. 1207, the FY 82 Nuclear Regulatory Commission Authorization Bill. The Department of Defense opposes such an amendment.

As you are well aware, special nuclear material has been provided to the nuclear weapons program by a dedicated government-owned fuel cycle complex. Because of the national security implications of the nuclear weapons plutonium requirements, I believe that the material for weapons should continue to be provided by facilities dedicated to the weapons needs.

Plans for the future nuclear weapons stockpile are incorporated in a joint Department of Defense/Department of Energy documents, which is approved by the President. Although the document authorizes production for a five year period, it includes projections for an additional ten years. Present planning to meet these plutonium demands over the full fifteen year period requires many initiatives to increase production, but does not include the use of special nuclear materials produced in NRC licensed facilities. No proposals to take such a step are under active consideration. However, the option to use civilian plutonium in the weapons program should not be foreclosed, because we may need to provide for a sudden unforeseeable increase in need resulting from an overriding national security requirement or from a calamitous interruption in the plutonium production complex. I note that this option remains open to all other nuclear weapons states.

I urge your support in opposing this amendment.

Sincerely,

FRANK C. CARLUCCI.

THE SECRETARY OF ENERGY,
Washington, D.C., March 29, 1982.
Hon. JOHN G. TOWER,
Chairman, Committee on Armed Services, United States Senate, Washington, D.C.

DEAR SENATOR TOWER: It is my understanding that Senator Hart is planning to propose an amendment to the Fiscal Year 1982 Nuclear Regulatory Commission Authorization Bill (S. 1207) which would preclude the use of plutonium contained in civilian reactor spent fuel for national defense programs. It is also my understanding that this proposed amendment is similar to Section 203 of Senate Bill 1662, "The National Nuclear Waste Policy Act of 1981."

The purpose of my letter to you is to advise that the Department of Energy is opposed to the provisions of the amendment proposed by Senator Hart. My Deputy, Mr. W. Kenneth Davis, appeared before your Committee this past March 18, where he testified that, "the provisions of Section 203 [of S. 1662] impose an unnecessary restriction on potential options that could be needed in the future." The Administration has developed a policy which will maintain a clear distinction between civilian and defense nuclear energy programs. However, under existing international nuclear materials safeguards agreements, the President may determine that civilian facilities or materials are "of direct national security significance" and remove them from international safeguards requirements. A shift of these facilities or materials to defense purposes would have to be approved at the highest levels of Government and the views of Congress would be sought and carefully weighed in the decisionmaking process. All other nuclear weapons states with safeguards agreements (for example, the United Kingdom) have preserved similar flexibility as has the USSR.

The historic separation of civilian and military nuclear programs has had little or no effect on nuclear proliferation. It appears that economic, military, and other considerations have had a much more adverse effect on potential nuclear weapon states developing a nuclear weapons capability than has any self-imposed restraint by the United States.

Further, this proposed legislation would, in fact, foreclose defense options that are available not only to the United States and its allies, but also to its potential adversaries and would therefore not be a prudent course for the United States to follow.

Therefore, I recommend you oppose this proposed amendment to the Nuclear Regulatory Commission Authorization Bill as I have recommended that you oppose similar language in Section 203 of Senate Bill 1662, "The National Nuclear Waste Policy Act of 1981."

Sincerely,

JAMES B. EDWARDS.

Mr. WARNER. The second question: To the best of your knowledge has the United States ever used special nuclear material produced in the commercial sector for nuclear explosive purposes?

Mr. SIMPSON. Mr. President, to our knowledge the United States has never done so.

Mr. WARNER. The third question: Does the administration have any intention to use special nuclear material produced in the commercial sector for nuclear explosive purposes?

Mr. HART. So far as we are able to tell the answer is presumably no. On the other hand, having the authority, there would be nothing to prevent them from so doing.

Mr. McCLURE. Mr. President, will the Senator yield on that matter?

Mr. HART. I yield.

Mr. McCLURE. I might just note that while I know of no plans on their part to use such material, such a plan was at one point advanced by Mr. Ken Davis, of the Department of Energy. While that proposal was very short lived, nevertheless it was made at one point.

Mr. WARNER. I thank the distinguished Senator from Idaho. During the course of the hearings we put that question to the administration witnesses and received the assurance that the administration has no plans to utilize spent nuclear fuel from civilian power reactors as a source of plutonium for nuclear weapons. There is no proposal to take such a step under any active consideration at this time.

A further question: Do the proponents realize that this amendment contradicts existing law, namely, section 55 of the Atomic Energy Act? I will repeat the question. Do the proponents realize that this amendment contradicts existing law, namely, section 55 of the Atomic Energy Act?

Mr. SIMPSON. Mr. President, section 55 allows the gathering of this material but also provides for the restriction upon it.

What the Senator from Idaho has said is what causes this Senator the concern that he has, and that is there was an indication that this plan was proposed at one point. We are making certain by this amendment that by statute we prohibit this particular use and that we require specifically the exhaustion of every single option before this final option is used, which is to convert commercial fuel into atomic weaponry.

Mr. WARNER. As I understand the Senator, his answer is in the affirmative, that section 55 of the Atomic Energy Act is contradicted.

Mr. SIMPSON. The amendment would simply impose the restriction on the use of this material, and that is not at odds in that sense with section 55.

Mr. WARNER. Do the proponents recognize that this amendment contradicts the agreement between the Government of the United States and the International Atomic Energy Agency?

Mr. HART. In what respect?

Mr. WARNER. Article 1, section (c), which I quote:

> The United States may, in accordance with the procedures set forth in this agreement, withdraw nuclear material from activities in facilities included in the list referred to in article 1(b).

Mr. HART. No. If I understand the question correctly, this amendment would not contradict that agreement. It would merely state that materials may be withdrawn, whatever that may mean. It just says that without congressional, explicit congressional, authorization they cannot be converted for military purposes.

Mr. WARNER. It would seem that the amendment permits the transfer period.

Mr. HART. Permits the transfer of what between whom?

Mr. WARNER. My understanding of article 1, section (c), is that:

> The United States may, in accordance with the procedures set forth in this Agreement, withdraw nuclear material from activities in facilities included in the list referred to in Article 1(b).

It seems to me that your amendment contradicts the agreement between the Government of the United States of America and the International Atomic Energy Agency.

Mr. HART. As one of the sponsors of the amendment, that is not my interpretation of what the effect of the amendment would be. It says nothing about withdrawal. It says nothing about any international agreement. It merely says that without explicit congressional authorization, the administration cannot go forward to convert spent nuclear domestic fuel for military purposes.

Mr. WARNER. But the amendment precludes withdrawal.

Mr. HART. The amendment says nothing about withdrawal. I am having difficulty understanding what the term "withdrawal" has to do with anything.

Mr. WARNER. It would seem to me by precluding the transfer affects the same as precluding withdrawal.

Mr. HART. All I can say is all this amendment would do is restrict what steps we will take unilaterally under that agreement that relates only to us and I suppose an interpretation can be made that this is in furtherance of the agreement.

Mr. WARNER. I respectfully differ from the Senator's position and interpretation.

The proponents argue that if this amendment is passed, it would force the administration to come to Congress for a repeal if there was any intention to use commercial material for defense purposes, thereby insuring congressional oversight. Is that an accurate interpretation?

Mr. SIMPSON, Mr. President, I did not comment on the previous colloquy. Let me do so now and then I will respond to the Senator from Virginia.

Under the article which he cited a few moments ago, it was simply an allowance that the United States would have the ability to ship materials within that area under the language of the proposal. But at no time was there ever a prohibition of transfer or a provision that would require the placing of restrictions on that transfer or use by the United States. So there is no derogation. We have not deviated from that in any way.

The question, then, of the Senator from Virginia in regard to the repeal was, was it not, in the event of national emergency? Was that the question of the Senator from Virginia?

Mr. WARNER. That is correct.

Mr. SIMPSON. And his inquiry with regard to that repeal was what?

Mr. WARNER. I will repeat the question. Do the proponents realize that this amendment contradicts the agreement between the Government of the United States of America and the International Atomic Energy Agency?

Mr. SIMPSON. Mr. President, I think it is quite clear that in the event of national energency that, indeed, would be the case.

Mr. HART. If I may respond further, I think we are ships passing in the night here. We are not communicating. The agreement specifies on our part that if we chose under the agreement to withdraw materials for some presumed military purpose we would have the right to do that. This amendment merely says we will not do that, so it does not contradict the agreement. It is a unilateral decision on our part not to exercise a right that we have under the treaty.

Mr. WARNER. As I understand the interpretation of both the amendment and the act, it would preclude us from exercising the option that we have for many years.

Mr. HART. Unless Congress gave specific authorization.

Mr. WARNER. I think that is an accurate framing of the issue.

Mr. President, at this time, I send to the desk a substitute amendment on behalf of Senator JACKSON and myself.

Mr. HART. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. HART. Is it not correct, under the time agreement, that substitute amendments are not in order?

The PRESIDING OFFICER. Yes; the Senator is correct. The amendment would not be in order, except by unanimous consent, until the time has expired.

Mr. WARNER addressed the Chair.

The PRESIDING OFFICER. Will the Senator suspend?

To pick up where we left off a moment ago, the Chair was mistaken in stating that the amendment of the Senator from Virginia would be in order at the expiration of the controlled time. I am advised that a previous order of the Senate has made only three amendments in order, of which, I am advised, the amendment of the Senator from Virginia is not one and, therefore, the Senator may only offer the amendment by unanimous consent.

Mr. WARNER. Mr. President, I now ask unanimous consent to be able to submit the substitute amendment and that the substitute amendment be in order.

The PRESIDING OFFICER. Is there objection to the request?

Mr. HART. Mr. President, reserving the right to object, I, as one sponsor of the amendment, cannot agree with that request without knowing what the amendment is. Further, it impedes an understanding that the sponsors of our amendment had, that we would fully debate our amendment and have an up or down vote on it.

The PRESIDING OFFICER. Does the Senator object?

Mr. HART. I object.

The PRESIDING OFFICER. Objection is heard.

Mr. JACKSON. Will the Senator yield?

Mr. WARNER. Yes.

Mr. JACKSON. Mr. President, I personally do not believe that we should ever start down the path of using spent nuclear fuel from civilian reactors for military purposes. I believe this would send totally the wrong signal to the rest of the world in light of our stated policy of preventing the proliferation of nuclear weapons.

The United States has, since the inception of the Manhattan Project, used production reactors dedicated to the military requirements. The advent of the nuclear energy era in the 1950's arose out of the military programs, but our policy since that time has been to keep the nuclear weapons and nuclear energy programs totally separated. The atoms for peace program initiated by President Eisenhower was predicated on the principle of making the benefits of nuclear energy available without the fear of the use of these civilian nuclear reactors for military purposes throughout the world. President Carter made nonproliferation one of the cornerstones of his administration to prevent the use of the civilian nuclear fuel cycle as a means for nonweapon states to acquire nuclear weapons.

I believe that we should go to great lengths to avoid the use of civilian spent fuel for military purposes. At my urging, the Senate Armed Services Committee in its report on S. 1662 made it clear that the administration should plan and budget for construction and operation of new production reactors to meet any additional requirement or to replace existing reactors as they come to the end of their useful lives. The use of spent fuel from civilian reactors should only occur as an absolute last resort in order to meet the vital national security interests of the United States. We should not arrive at that need by failure to act to construct and operate necessary defense production reactors.

I think it is important to point out that it is not clear, based upon existing information, that the use of civilian-spent nuclear fuel could result in special nuclear materials suitable for nuclear weapons. While that possibility may exist in the future, the economics of doing so, as well as technical feasibility, need further classification. Thus, we are talking about a prospective problem rather than one that is clearly at hand.

Mr. President, I favor the amendment proposed by my distinguished colleague from Virginia (Mr. WARNER) which requires a Presidential certification as to the need for purchasing or acquiring special nuclear materials from commercial sources on the sole ground of vital national security reasons. I am reluctant to statutorily prohibit the use of such sources of special nuclear materials because a President's ability to conduct foreign policy and military policy might be impaired. In the event of some incident, such as a natural occurrence rendering some of our production reactors inoperable for a period of time, the need for such authority as currently exists under section 55 of the Atomic Energy Act may arise.

I want to be very clear that I do not believe that failure to adopt the Hart amendment would limit the Congress control over this type of decision. The Congress will be involved through the authorization and appropriation of funds to the Department of Energy to fund the sources of special nuclear materials. The President or the DOE could not act precipitously to follow the course of acquiring special nuclear materials from civilian sources without congressional approval. I for one stand ready to disapprove the use of funds for such purposes unless the national security interests of our country present an overwhelming case for this course of action.

Because of possible implications for the conduct of foreign policy and military readiness, I prefer the amendment in the nature of a substitute proposed by Senator WARNER. However, because of the parliamentary procedures established under the time agreement for considering the Hart amendment, the Warner substitute can not be considered. Therefore, when the vote is taken on the Hart amendment I will vote in the affirmative. To do otherwise might be misconstrued as a congressional endorsement of the ready use of civilian-spent nuclear fuel for military purposes. I believe that the Congress would support such action only in an instance of dire emergency affecting the vital national security interests of this country.

Mr. WARNER addressed the Chair.

The PRESIDING OFFICER. The Senator from Virginia.

Mr. WARNER. Mr. President, I regret that, because of parliamentary reasons, the Senate cannot consider the amendment I am prepared to offer, a substitute amendment to be offered jointly with the Senator from Washington.

I should like to read that amendment and represent to the Senate that I shall continue from time to time to offer this amendment and hope that it will eventually be adopted by the Senate.

For that reason, I urge my colleagues not to support the amendment offered by the distinguished Senators from Colorado and Wyoming.

My amendment reads as follows:

> At the end of section 55 of the Atomic Energy Act of 1954, add the following sentence: "Before any action is taken under this section to purchase, take, requisition, condemn, or acquire special nuclear material from the commercial sector for use for defense purposes, the President shall certify to the Congress that such action is vital to the national security interests of the United States."

At the present time, this amendment is part of S. 1662, the civilian nuclear waste bill. It was submitted by me to the Senate Armed Services Committee last week and, by a vote of 13 to 2, was adopted. I suggest this is a more orderly way to achieve the commendable goal which is sought by the sponsors of the pending amendment.

Mr. President, might I inquire as to the time remaining under the agreement?

The **PRESIDING OFFICER.** The Senator has 12 minutes 34 seconds remaining under the agreement.

Mr. **WARNER.** Mr. President, I reserve the remainder of my time.

Mr. **HART.** Mr. President, I will respond very briefly to say that the amendment the Senator from Virginia just read was part of the package adopted by the Armed Services Committee. It was never voted on standing by itself.

Mr. President, I yield 5 minutes to the Senator from Maine.

Mr. **MITCHELL.** Mr. President, I rise as a cosponsor to the Hart-Simpson amendment that would prohibit the use of plutonium in commercial spent fuel to build nuclear weapons.

In testimony before the Nuclear Regulation Subcommittee, officials of the Department of Energy made clear their desire to retain the option of using spent nuclear fuel from commercial power reactors for making weapons grade plutonium. No explicit policy decision has yet been announced by the administration. But the administration has refused to foreclose this option. It has argued that the plan may be so essential as to be an acceptable American policy.

I believe this option must be foreclosed immediately.

I believe that at no time in the foreseeable future will this plan be acceptable; at no time in the foreseeable future will this plan's advantages outweigh its striking disadvantages.

The implications of the DOE plan are many. Its disadvantages are serious. No one can doubt that the plan would permanently alter the way this Nation conducts its nuclear business both abroad, among our international friends and foes, and here at home, among the friends and foes of America's nuclear industry.

Significantly, the DOE plan would reverse what has been our national policy for three decades. Every American President from Truman to Carter has refused to use the waste from civilian nuclear powerplants to make nuclear bombs. Every American President from Truman to Carter has maintained the historic distinction between atoms for peace and atoms for war. In the passage of three decades, under the leadership of seven Presidents, four Democrats and three Republicans, the United States has developed a nonproliferation policy that is consistent with the aims of the international nonproliferation regime, the basis of which is this fundamental separation between the peaceful and military applications of the atom.

In the process, the United States has emerged as a world leader whose policy has set a credible example against proliferation. As President Johnson stated in 1967, "We in the United States are not asking any country to accept safeguards that we are unwilling to accept ourselves."

But the DOE's plan would ask precisely that: We would be asking other countries to do as we say, not as we do. If we do that, we will find our credibility eroded, our entire nonproliferation policy undermined. By blurring the distinction between the peaceful and military uses of the atom, the administration would be in effect turning the founding principle of our nonproliferation policy on its head. Ultimately, the DOE plan would make a mockery out of any further nonproliferation efforts made by the United States.

In September 1981, the Director of the International Atomic Energy Agency, Sigvard Eklund, was reported in the publication Energy Daily to have stated that the use of civilian reactor wastes by the United States for nuclear weapons "could unleash a new wave of European hostility towards nuclear energy." Indeed, the DOE plan could also have the effect of unleashing a new wave of protest against nuclear energy in America.

Under the DOE plan, commercial nuclear plants would be capable of producing large quantities of weapons grade plutonium. Department of Energy officials testified last week that spent fuel currently being stored in civilian reactors around the country would yield approximately 60 tons of plutonium. In a thorough study of weapons potential at U.S. reactor sites, the Environmental Policy Institute estimated that current civilian spent reactor fuel could be used in the manufacture of 7,632 warheads.

The use of electricity generated by nuclear powerplants would be directly linked to the production of nuclear warheads. Even the most simple use of electricity would contribute to the most complex form of weaponry.

In their new dual role under this plan, powerplants would become militarily significant. The 153 nuclear powerplants located in 36 States, including those which are in existence and those which are still under construction, would become prime military targets.

The DOE could invoke national security interests to curtail public access to information about these plants.

Security at these plants would be greatly increased; employees at these plants would be monitored and carefully scrutinized. As a result, civil liberties may be seriously endangered.

Moreover, the Nuclear Regulatory Commission would be denied authority over some activities of commercial nuclear plants, specifically the right to license the transportation and storage of commercial spent reactor fuel intended for the development of nuclear weapons. The total percentage of wastes that fall under DOE's jurisdiction, and are exempt from NRC controls, would be greatly increased.

Ultimately, both the public's right to know about the nuclear power, and the NRC's responsibility to protect the public from its dangers, would be severely diminished.

Injecting this new and volatile issue into the highly charged and rancorous debate over nuclear power in this country would inevitably constitute yet another setback to the nuclear industry. It is little wonder, therefore, that industry representatives have voiced their opposition to the plan. As one industry trade publication stated:

> If the administration is indeed trying to take the nation's pulse on the idea, civilian nuclear professionals should object to it loudly and firmly. In so doing, they might help support the public perception of separate civilian and military nuclear sectors—which should stay separate.

The average nuclear power utility owner surely realizes that he does not need the controversy which the DOE plan would stir, nor does he want civilian and military nuclear programs merged.

With such grave disadvantages to the plan, one would expect from the Department of Energy a strong, forceful case in favor of the plan, one that would include verification of its need.

That case has yet to be made.

In December 1981, DOE officials testified at length on the plan before the Senate Nuclear Regulation Subcommittee, on which I serve with the Senators from Wyoming and Colorado. In response to questions I posed, it was made clear that: First, there is no present need to reprocess commercial spent fuel to produce plutonium to meet currently authorized weapons programs; second, the plan to use plutonium from commercial waste reprocessing is only one of many options being considered to meet potential needs; and third, it is a plan which would only be used "in extreme situations some years hence."

On March 18, in testimony before the Senate Armed Services Committee, DOE Deputy Secretary W. Kenneth Davis stated:

> Given the importance of maintaining a clear distinction between peaceful and defense uses of nuclear energy, as well as the serious domestic and nonproliferation implications, the option of using civilian plutonium for defense purposes would only be considered if clearly essential for national security.

Based upon these facts, Mr. President, it is clear the administration has failed to demonstrate a present need for a plan which would result in immediate and irreparable harm to our nuclear policies. The administration has failed to convince me that the DOE plan represents nothing more than an ill-advised solution to fill a potential military need which does not now exist, has not yet been defined, and may never occur.

I urge my colleagues to adopt this important amendment.

Mr. WARNER. Mr. President, I reiterate that this amendment is unnecessary and a damaging restriction on the President, whoever he may be, now or in the future, to carry out national defense and foreign policy responsibilities. The amendment parallels the situation with respect to the so-called nuclear freeze resolution circulating America today. At first blush, a nuclear freeze sounds very much in our interest, but with a little study, many of the nuclear freeze proposals today, in the absence of substantial reductions in the verifiable arms control agreement, would be disastrous to the United States.

At first blush, the amendment of the distinguished Senators from Colorado and Wyoming sounds in the interest of the United States, but I urge my colleagues to look behind the words at the potential damage that might accrue to our national interest.

Mr. President, I ask for the yeas and nays on the amendment.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

Mr. WARNER. Mr. President, I yield back my time.

Mr. MITCHELL. Mr. President, may I comment just with a very brief statement on the Senator's remarks about the need of Presidents to have this for national security?

Mr. HART. I yield to the Senator for that purpose.

Mr. MITCHELL. Mr. President, I merely point out that every President since 1945 has not felt this need. No President has asked for this type of plan even to be considered. I do not think there is any basis whatsoever for suggesting that this President or any President in the foreseeable future needs to consider this plan. Truman, Eisenhower, Kennedy, Johnson, Carter, Ford, Nixon—none of them felt the need and I do not think any President has the need now.

I thank the Chair.

Mr. HART. Mr. President, I only add to those remarks, before yielding to the Senator from Ohio, that I see no parallel whatsoever between this amendment and the freeze resolution. However one feels about that resolution, and I happen to think it may be a step in the direction we ought to be going, I say with all due respect to my friend and colleague from Virginia, I think it is a red herring dragged across the trail of the totally separate nuclear weapons problem.

With that comment, I yield 6 minutes to the Senator from Ohio.

Mr. GLENN. Mr. President. I wish to begin with a little bit of history. In the early 1960's, the United States detonated a nuclear device using plutonium separated from a commercial nuclear power reactor. Some time later, the French confirmed the results of that test for themselves. It has, therefore, been known for over 15 years that plutonium coming out of a commercial power reactor can be used to make a nuclear bomb. For various reasons, there are quite a few people who, over a period of years have attempted to either deny, ignore, or obfuscate this fact. Obfuscation in this case, has consisted of insisting that it would take an unusually high degree of bomb-designing and bomb-making expertise to go the commercial spent fuel route since commercial fuel rods are employed at high burnup rates, thereby creating the undesirable isotopes of plutonium that can cause preignition problems in a nuclear weapon.

It was thus argued that no country wanting to make nuclear weapons would use a commercial nuclear reactor or its spent fuel for such a purpose, but would, instead, build a small production reactor to obtain the plutonium needed for such weapons. On that basis, some people argued that there was a clear division between nuclear technology used for peaceful purposes and nuclear technology used for weapons. The absolute speciousness of that conclusion became widely recognized once the information about the U.S. nuclear test experiment in the 1960's became public.

Moreover, in response to the claim that it would take a highly talented group of bomb designers and bomb makers in order to make a reliable explosive, starting with commercial spent fuel, one need only note that a commercial power reactor can be operated in a mode that while inefficient for the production of heat and electricity, might be quite efficient for the production of relatively pure plutonium 239 in the spent fuel. Thus, the aphorism of the Nobel laureate, Hanes Alfven that, "atoms for peace and atoms for war are siamese twins," has a technological basis which is undeniable.

The Reagan administration has made much of the so-called, window of vulnerability. It is not my intention to argue the issue of whether the window of vulnerability is real, or is a gross exaggeration in order to obtain support for the buildup of unneeded weapons systems such as the MX, which in any case, would do nothing to reduce any vulnerability we might have. Mr. President, I will show that even if we accept the notion that we must considerably increase our plutonium and tritium production for new weapons systems over the next decade, we can do so in a way that does not require us to use any commercial spent fuel.

Mr. President, there are three operating reactors at our Savannah River nuclear weapons facility and a fourth reactor, the so-called L reactor which is scheduled to be restarted in October 1983. There is also a production reactor called the N-reactor at the Hanford nuclear facility in Washington which has produced weapons-grade plutonium in the past, has more recently been used to produce so-called fuel-grade plutonium for the breeder program, and can be converted again to the production of weapons-grade plutonium with the restart of the Purex reprocessing facility in April 1984. In all cases, significant increases in plutonium productivity can be obtained by doing two things. First, raising the operating temperature of the reactors by about 15 percent; and second, in the case of the N-reactor, by cutting down on outages through shortening the fuel loading time.

In addition to this, it turns out to be possible to increase the amount of plutonium production from the Savannah River reactors by 25 percent through a more efficient fuel loading regime. The latter consists of replacing the normal fuel core of intermingled 50 percent enriched uranium and 50 percent depleted U-238 targets with 1.1 percent uniformly enriched uranium. Finally, the Savannah River reactors are capable of producing so-called "super weapons-grade" plutonium. This is plutonium which has only 3 percent of the undesired isotope Pu-240. Normal weapons-grade plutonium contains 6 percent of the undesired isotope, and fuel-grade plutonium for the breeder contains 12 percent Pu-240. Thus, if we have fuel-grade plutonium available, we can blend it with super weapons-grade plutonium in a 1-to-2 ratio to produce normal weapons-grade plutonium.

Now, it turns out that we have about 16 tons of fuel-grade plutonium in various places; 8 tons of this material is contained in the spent fuel of the fast flux test facility at Hanford, Wash., and in the ZPPR reactor at the Idaho National Engineering Laboratory. An additional 8 tons is free-standing with 4 of those tons contained in unprocessed spent fuel in the N-reactor spent fuel basin and an additional 4 tons in separated form, ready for use. We thus have a significant amount of fuel-grade plutonium available for blending with super-weapons-grade plutonium to produce material for our weapons program. And, of course, if the laser isotope separation process is available to us later on in the decade, then that process can be used to directly upgrade fuel-grade plutonium into weapons-grade plutonium.

If all these actions were taken, we would more than double our current production of plutonium by the middle of 1984 with an even bigger jump later on if the laser isotope separation process is applied to the stockpile of fuel-grade plutonium. During all this time it should be no problem to continue to maintain the tritium stockpile through occasional dedicated tritium runs in our production reactors as well as through the production of tritium in lithium control rods inserted in the reactors during plutonium runs.

It is, therefore, apparent, Mr. President, that there is no need for the use of commercial spent fuel for the weapons program. Indeed, using commercial spent fuel, whose plutonium content consists of about 20-percent plutonium 240, would require the development of laser isotope separation on a large-scale basis in order for the direct transformation to weapons-grade material to be made. This process is at least 5 years away from application on this scale, and the cost is unknown, but considerable, with a figure of at least $1 billion mentioned for its development. In addition to this, there would be the cost of refurbishing two reprocessing canyons at the Savannah River facility. No one has been in these canyons for 25 years. The cost of doing this is also unknown but might be as much as $1 to $2 billion.

When one adds up these figures and looks at the probable time frame in which these facilities would be available for use, it appears that in the worst case possibility, we may be much better off building a new production reactor, if necessary, rather than going the commercial spent fuel route. In that case where, indeed, is the interest in using commercial spent fuel for weapons? Dr. Charles Gilbert, Acting Deputy Assistant Secretary for Nuclear Materials in the Division of Defense Programs of DOE said before the Subcommittee on Energy and Nuclear Proliferation, on November 19, 1981, that as far as using laser isotope separation to upgrade commercial reactor fuel to weapons specifications, "No such decision has been proposed, much less made."

In the light of Dr. Gilbert's statement, why is this amendment before us? The answer is that, despite the official assurances of the Department of Energy, there have been a number of statements made by high-level appointees at DOE, including the Secretary himself, to the effect that DOE may propose converting commerical-spent fuel into weapons material in the future. Indeed, the Secretary has gone even further and recently said that the Department of Energy was considering purchasing two partially built, but recently canceled nuclear powerplants owned by the Washington Public Power Supply System and converting them into production reactors for producing weapons-grade plutonium.

Now, I can understand the motivation of some who may be advocating the use of commercial-spent fuel for military purposes. In their eyes, it not only is a good use for commercial-spent fuel, but coincidentally, it might relieve the spent fuel congestion in spent fuel pools at our nuclear reactors which, until most recently, were designed with very small pool capacity—5 to 10 years worth of storage for a reactor whose design life is approximately 40 years. Moreover, the President has announced that it is his policy to encourage reprocessing in the United States, and converting the commercial-spent fuel into weapons would, indeed, require reprocessing.

Unfortunately, the proponents of this proposal have failed to take a number of things into account. They have not taken account of the cost, which, in addition to the billions of dollars I outlined before, would also include the cost of buying and completing the Barnwell plant in South Carolina, which remains unfinished after an expenditure of $250 million of private funds and which would require at least triple that amount in order to complete it.

They have also not taken into account the fact that the general public might not appreciate having all this reprocessing going on when a permanent solution to the nuclear waste problem has, as yet, not been established. In addition, they have not taken account of the reasons why the back end of the fuel cycle has not been closed at this time. The answer is that President Ford and then President Carter both decided that reprocessing spent fuel and separating plutonium, either for use in a breeder or in a light water reactor, was a momentous step for the United States that could conceivably provide significant impetus for the creation of plutonium stockpiles in other countries around the world.

The IAEA is in no position to provide effective safeguards today for large-scale plants that separate plutonium or fabricate it into fuel. It was the fear of proliferation of nuclear weapons that caused the monkey wrench to be tossed into previous plans for closing the nuclear fuel cycle, and it is that fear plus the unfavorable economics of such closure that hampers the effort today.

So, on balance, if additional plutonium is needed for our weapons program it appears that there are many more effective and more economic ways of obtaining this material than by using commercial spent fuel. This conclusion was indicated at the previously mentioned November 1981 hearing of the Senate Subcommittee on Energy, Nuclear Proliferation, and Government Processes, through an exchange between myself and Dr. Charles Gilbert of DOE. I ask unanimous consent that this exchange from the transcript of that hearing be reproduced in the RECORD at this point.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

Senator GLENN. . . . let me get back to Dr. Gilbert. I would like to ask you, the reason some of this has come up is because of the reports of our need, or plutonium requirement needs, by the year 1990, our so-called window of vulnerability. And we don't want to get into numbers on some of these things which are classified obviously. But it has been suggested by some Administration spokesmen that we will be either forced to do one of two things. We either reprocess commerical spent fuel or we buy plutonium from Great Britain or France. Aren't there some alternative things we could do? Is that our decision, or aren't there some things we can do other than those?

Dr. GILBERT. Yes, Senator Glenn, as was mentioned earlier, there are a variety of alternatives that we have been looking at for obtaining additional material for the weapons program, if it should be so required. Among those would be some further steps we can take to increase the efficiency of our existing reactors, both the Savannah River Reactors and the DOE reactor.

Senator GLENN. Let me ask some questions along that line, because I have been told that we could increase our plutonium at the three Savannah River reactors by some 25 percent. Is that a reasonably accurate figure?

Dr. GILBERT. That number, we think is a little high, but we think partly because all of those reactors could not necessarily be devoted to plutonium production. But we do think we could increase our plutonium production by expansion of that by converting them to a more efficient fuel utilization, instead of highly enriched uranium using low uranium, which for any reactor could give 25 percent increase.

Senator GLENN. The method I have been told about is we could use more efficient fuel loading, using 1.1 enriched fuel rods instead of the present ones used.

Dr. GILBERT. That is exactly right.

Senator GLENN. Is it true we could also increase our output of plutonium by some 15 or 20 percent by operating the Savannah River reactors and the Hanford reactor by using higher thermal ratings than we are doing now?

Dr. GILBERT. Yes. I am not sure about the 10 or 15 percent, but we could get higher efficiencies by operating somewhat higher. They are designed and built to take a little bit higher powers, and we could, by increasing water flows through those reactors, operate them a little higher. We would obviously not want to push that very far.

Senator GLENN. Also, I understand that we have some eight tons of fuel-grade plutonium that could be used in conjunction with the laser isotope separation that is at the N reactor, that we could use that to produce weapons-grade plutonium; is that correct?

Dr. GILBERT. That is correct, approximately. The number is about right. Actually, DOE owns about 16 tons total of fuel-grade plutonium, most of which came from the N reactor in the past. Some of the eight tons you are talking about there is still unprocessed in the basin at the N reactor. However, we are preparing the Purex reprocessing facility there so in the future we would be able to process that fuel and obtain that plutonium. We could use it for weapons purposes, yes, sir.

Senator Glenn. Also, as another one, if we just simply postponed the Clinch River Breeder Reactor and ran the fast fuel facility at a reduced duty cycle, the additional plutonium that would have been consumed by these projects, if put into weapons programs, would produce the plutonium so that we could meet the number that is contained in the plutonium stockpile memorandum; is that correct?

Dr. Gilbert. Well, first of all, the stockpile memorandum that is approved was signed by President Carter in the fall of 1980. We can meet the weapons requirements of that particular stockpile memorandum if all of our production capabilities hold up, and in addition we can meet the breeder requirements for fuel at least through the year 1991.

Now, I think what you are referring to is a potential new stockpile memorandum. It has not been approved. We have been looking at various options for that, possibilities for that stockpile memorandum. The ones that we have been recently looking at are such that we could meet the weapon requirements by utilizing this fuel-grade plutonium at Hanford, that you referred to earlier, for weapons purposes, either using isotope separation to clean it up or some of it, not a lot of it, but some of it could be blended with some of our existing plutonium to increase the amount of weapons-grade plutonium. Then, though, we would lack the fuel-grade plutonium for the breeder reactor. We feel we could obtain that plutonium perhaps from other sources, as you mentioned earlier.

Mr. GLENN. Mr. President, I must confess that I find a certain amount of honesty in the position of the Secretary and his cohorts at the Department of Energy who have been making statements on this issue. At least they have not been denying the obvious, which is that nuclear technology for peaceful purposes can also be used for military purposes. That is the central fact that we must face in dealing with nuclear policy in the United States and around the world. It is the reason why stringent export control is needed in the United States and elsewhere. There is, indeed, a certain amount of artifice in the notion that one can have a peaceful nuclear program on the one hand and a military nuclear program on the other hand and keep them sufficiently far apart so that one can pretend that somehow the technologies of the two are really quite different. And yet, this artifice is what has lain behind the entire philosophy of Atoms-for-Peace and all that has followed in the development of nuclear technology around the world. I hope that humanity can learn to live with this technology without using it for military purposes. I, for one, am optimistic that we can develop the institutions that will allow that to happen. The development of such institutions requires the participation of the United States in a substantive way because we are the technological nuclear leader in the world. If our entire program becomes viewed as only a military program, we forfeit our ability to help develop those institutions through efforts within this country and we lose our credibility with other countries who are looking to us for leadership in the seeking of ways to preserve atoms for peace while we stamp out atoms for war.

Thus, I shall vote for the amendment of the distinguished Senator from Colorado with confidence that our national security will not be endangered if commercial spent fuel is not used for weapons. I urge my colleagues who may still have doubts about this claim to recognize that we are talking about an issue on which a decision, need not be made for at least 5 years. If our national security became endangered in the future, the Congress could always change its mind. In the meantime, would it not be better for us to have taken the position that we tried to separate atoms for peace and atoms for war as long as was humanly possible?

Mr. President, I shall summarize with a few remarks with my general position on this matter.

Mr. President, there may be a time sometime in the future when we will want to go back and look at commercial spent fuel as a source, perhaps, of plutonium for weapons use. That day is not now. We do not need that source now. In fact, it is better, easier, cheaper to go directly to production of plutonium for weapons purposes without the interim step of trying to use commercial fuel.

I say we want to keep them separate now for another very basic reason. That is that much of our nuclear nonproliferation policy around the world has been based on the nonproliferation treaty, has been based on IAEA inspections, and has been, even more basically, based on keeping the peaceful uses of nuclear energy and weapons development as separate, as cleanly separated, as fully separated, as we can possibly make them.

I think, right now, we are at a very critical point in our nuclear nonproliferation program around the world. We are seeing, perhaps some of the weapons development, in countries around the world that have not previously had nuclear weapons, beginning to run away from us; we are beginning to see the spread of reprocessing and enriching equipment, which can possibly mean the spread of nuclear weapons to more and more nations, even as we try at this point to convince the administration rapidly to get into strategic arms limitation talks, strategic arms reduction talks, to get those talks going so we can, we hope, make progress in scaling down the weapons stockpiles around the world.

My feeling, Mr. President, is that we basically do not need to go into the commercial reserves for weapons production that some people would have us go into now.

In other words, we can, at this stage, at least, keep atoms for peace and atoms for war separate.

The PRESIDING OFFICER. Who yields time?

Mr. HART. Mr. President, I think the proponents of this amendment, the Senator from Wyoming and the Senator from Colorado, have laid out in direct straightforward terms the fundamental logic of this case. It is desirable, we believe, that our colleagues understand and adhere to that logic, and appreciate the extremely important and powerful reasons for taking this step today. To do other otherwise, we believe, creates a potentially hazardous situation whereby the President, without the full participation of the Congress in a fundamental decision of this sort, could take the country in a fundamentally wrong direction, jeopardize the future of the domestic nuclear power industry in this country and set off a reaction politically worldwide that would be extremely unfavorable to us and further threaten world security.

So, I, as a sponsor of this amendment, am extremely concerned that the Senate adopt it here today as the policy of our Government.

I yield to the Senator from Wyoming.

Mr. SIMPSON. Mr. President, in these very brief moments let me say that I am very pleased to cosponsor this amendment with the Senator from Colorado. The Department does not need this option at this time in our history, and it is totally, I think, inappropriate to refer to this in the same breath as the nuclear freeze situation which is springing up around the world. Many months and many years have gone into this discussion since the time of atoms for peace. It is the utterances of the DOE that cause me the most concern. That is why we are at this point. The leaders of this Nation should be required to come back to receive congressional approval, making it then the true last option, the true last option, as all seem to indicate. Certainly in a true national emergency this Congress will respond.

I guess I end up as being pronuclear, but I am more prohuman. It just adds that terrible burden, in nonproliferation urging it adds another grievous burden to the licensing process. The weaponry debate is part of that issue, and the permit process will overwhelm that industry.

Presidential approval may be a better step than what is present now, and that is certainly what is presented by Senator Warner, but the best step I think is this one because it demands congressional involvement. This does it. I think it is important. Thank you, Mr. President.

Mr. HART. Mr. President, with the understanding that under the order the proponents of the amendment, or both sides on the amendment have a small amount of time before the vote is taken, I am prepared to yield back whatever time remains at this point.

The PRESIDING OFFICER. Does the Senator yield back his time?

Mr. HART. I yield back the time.

The PRESIDING OFFICER. Under the order, the rollcall vote will be deferred until 2:10 this afternoon.

Who yields time?

Mr. DOMENICI. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. DOMENICI. Is there not an agreement that the Senator from New Mexico had an amendment which would be offered this morning?

The PRESIDING OFFICER. The Senator is correct. The order provides that the Senator from New Mexico be recognized for the presentation of his amendment.

UP AMENDMENT NO. 858

Mr. DOMENICI. Mr. President, I send to the desk an unprinted amendment on behalf of myself, Senator Wallop, Senator Schmitt, and Senator Simpson and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report the amendment.

The legislative clerk read as follows:

The Senator from New Mexico (Mr. Domenici), for himself, Mr. Wallop, Mr. Schmitt, and Mr. Simpson, proposes an unprinted amendment numbered 858.

Mr. DOMENICI. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 12, after line 19, add a new section 204 to read as follows:

Sec. 204. (a) Section 275 of the Atomic Energy Act of 1954, as amended, is amended:

(1) by striking in subsection a. "one year after the date of enactment of this section" and inserting in lieu thereof "April 1, 1982";

(2) by striking in subsection a. "to the maximum extent practicable, be consistent with" and inserting in lieu thereof "to the extent practicable, take into consideration";

(3) by adding in subsection a. after the phrase "Act, as amended." the following: "The Administrator shall consider, in establishing the standards, all relevant factors, including the risk to the public health, safety and the environment and the economic cost of applying applicable Federal standards or requirements.";

(4) by striking in subsection b. "eighteen months after the enactment of this section, the Administrator shall, by rule, promulgate" and inserting in lieu thereof the following: "October 1, 1982, the Administrator shall, by rule, propose, and within six months thereafter promulgate in final form,";

(5)(A) by deleting in paragraph (2) of subsection b. the word "consistent" and inserting in lieu thereof "and, to the extent possible, take into consideration"; and (B) by inserting the following after the final sentence in paragraph (1) of subsection b.: "The Administrator shall consider, in establishing the standards, all relevant factors, including the risk to the public, health, safety and the environment and the economic cost of applying applicable Federal standards or requirements."; and

(6) by adding at the end of subsection d. the following: "Not later than ninety days after the Administrator has promulgated final standards pursuant to subsection b. of this section, the Commission shall initiate rulemaking proceedings for the purpose of adopting technical requirements, in accordance with sections 81, 84, 161 b. and 161 x. of this Act, relating to the management of byproduct material, as defined in section 11e.(2) of this Act. Such Commission requirements shall conform to the final standards promulgated by the Administrator under subsection b. of this section. Until the Administrator has promulgated final standards pursuant to subsection b. of this section, and until the Commission has promulgated final regulations conforming to the Administrator's standards, in accordance with sections 81, 84, 161 b. and 161 x. of this Act, relating to the management of byproduct material, as defined in section 11e.(2) of this Act, the Commission shall not implement or enforce any portion of the Uranium Mill Licensing Requirements published as final rules at 45 Federal Register 65521 to 65538 on October 3, 1980: *Provided, however*, That until such promulgations, the Commission may continue to regulate such byproduct material in the manner and to the extent permitted prior to October 3, 1980, in accordance with sections 81, 84 and 161 x. of this Act.".

(b) Of the funds authorized to be appropriated to the Environmental Protection Agency for fiscal years 1981 and 1982, the Administrator, notwithstanding any other provision of law, shall use such sums as may be necessary to assure that the standards required by section 275 of the Atomic Energy Act of 1954, as amended, are promulgated within the time periods specified in such section.

(c) Subparagraph (2) (A) of subsection 161 x. of the Atomic Energy Act of 1954, as amended, is amended by striking the word "maximum".

(d) Section 84 of the Atomic Energy Act of 1954, as amended, is amended:

(1) by adding the following to paragraph (1) of subsection a. after the word "material": ", taking into account all relevant factors, including the risk to the public health, safety and the environment and the economic cost of applying applicable Federal standards or requirements,";

(2) by striking in paragraph (3) of subsection a. "which are, to the maximum extent practicable, at least comparable to", and inserting in lieu thereof "which, to the extent practicable, take into consideration the"; and

(3) by renumbering the paragraphs in subsection b. and inserting a new paragraph (1) as follows:

"(1) consider, in establishing standards, requirements, or license conditions for the management of such byproduct material at any site for which a license for such byproduct material is in effect on November 1, 1981: the risk to the public health, safety and the environmental from such byproduct material; the economic and environment cost of applying applicable Federal standards or requirements at such sites; local or regional conditions affecting such sites, including geology, topography, hydrology and meteorology, and alternate means for assuring adequate protection of the public health, safety and the environment at such sites;".

(e) Section 62 of the Atomic Energy Act of 1954, as amended, is amended by designating the existing section 62 as subsection 62 a., and by adding a new subsection 62 b. to read as follows:

"b. Reporting requirements for importing source and special nuclear material—

"(1) The Commission shall establish, by rule, criteria for the issuance of specific or general licenses for importing source material, and specific or general licenses for importing special nuclear material, that will provide for essential security interests of the United States by ensuring sufficient domestic mining and milling capacity to supply long-term domestic source material requirements. The criteria shall include such reporting requirements as the Commission deems necessary to ensure compliance with the criteria established pursuant to this subsection. The criteria shall also provide for such essential security interests by establishing restrictions on importing source material and special nuclear material from foreign sources sufficient to ensure that no less than 80 per centum of the future fuel needs of any facility licensed, or required to be licensed, under sections 103 or 104 b. of this Act, other than a facility licensed for purely research purposes or a facility described in paragraph (1) or (2) of section 202 of Public Law 93-438, are supplied only by source material mined and milled in the United States. Existing contracts for foreign source material consummated prior to the date of enactment of this subsection shall be excluded from this restriction to the extent that contracted supplies from foreign sources exceed the permitted levels.

"(2) The Commission shall submit to the Congress on an annual basis a report on licensee compliance with the criteria required by paragraph (1) of this subsection. In particular, the report shall identify for each facility licensed, or required to be licensed, under sections 103 or 104 b. of this Act, other than a facility licensed for purely research purposes or a facility described in paragraph (1) or (2) of section 202 of Public Law 93-438: (i) the amount of source material required to meet the fuel needs of the facility for each of the succeeding five years; (ii) the amount of foreign source material and special nuclear material imported to the United States and intended to be used to meet such fuel needs; and (iii) the percentage of total fuel needs of the facility for each of the succeeding five years that are intended to be supplied by foreign source material and special nuclear material imported to the United States."

(f) Subsection 274 o. of the Atomic Energy Act of 1954, as amended, is amended by adding the following at the end thereof:

"In adopting standards for the protection of the public health, safety and the environment pursuant to paragraph (2) of this subsection, the State may determine whether the pertinent Federal requirements adopted and enforced by the Commission for the same purpose are practicable for application by the State. In making this determination, the State shall consider the risk to the public health, safety and the environment from byproduct material, as defined in section 11 e. (2) of this Act, generated at sites within the State; the economic and environmental cost of applying such Federal requirements to sites within the State, and local or regional conditions, including geology, topography, hydrology and meteorology. If the State determines that any such Federal requirement is not practicable for application by the State, the State may develop alternate requirements, including where appropriate, site-specific requirements, that are practicable for application by the State."

(g) Subsection 274 d. of the Atomic Energy Act of 1954, as amended, is amended by adding the following at the end of paragraph (2):

"If the State determines, pursuant to subsection o. of this section, that any Federal requirement for the protection of the public health, safety and the environment from hazards associated with byproduct material, as defined in section 11 e. (2) of this Act, is not practicable for application by the State, the Commission shall accept such State determination, and the alternate requirement developed by the State, for the purpose of making the findings required by this paragraph unless the Commission makes a finding, after reasonable notice and an opportunity for hearing (as provided in subsection j. of this section), that the State determination is unsupported by substantial evidence in the record or that the State alternate requirement will not provide adequate protection to the public health, safety, and the environment: *Provided, however,* That the Commission shall accept the State alternate requirement if the Commission finds that the State alternate requirement will provide adequate protection to the public health, safety and the environment.".

(h) Subsection 204. (h) of the Uranium Mill Tailings Radiation Control Act of 1978, as amended, is amended:

(1) by striking in paragraph (1) "During the three-year period beginning on the date of the enactment of this Act", and inserting in lieu thereof "Until six months after the date of promulgation by the Commission of final regulations pursuant to subsection 275 d. of the Atomic Energy Act of 1954, as amended,";

(2) by striking in paragraph (1) "during the three-year period beginning on the date of the enactment of this Act", and inserting in lieu thereof "until six months after the date of promulgation by the Commission of final regulations pursuant to subsection 275 d. of the Atomic Energy Act of 1954, as amended"; and

(3)(A) by striking in paragraph (3) "the end of the three-year period beginning on the date of enactment of this Act", and inserting in lieu thereof "six months after the date of promulgation by the Commission of final regulations pursuant to subsection 275 d. of the Atomic Energy Act of 1954, as amended"; (B) by striking the last sentence of that paragraph; (C) by changing the period at the end of the preceding sentence to a colon; and (D) by adding the following after the colon: "*Provided, however,* That where a State has acted to exercise any authority under State law respecting byproduct material, as defined in section 11 e. (2) of the Atomic Energy Act of 1954, as amended, as provided in paragraph (1) of this subsection, State authority over such byproduct material may be terminated, and Commission authority over such byproduct material may be exercised, only through the procedures specified in subsection 274 j. of the Atomic Energy Act of 1954, as amended.".

(i) Section 81 of the Atomic Energy Act of 1954, as amended, is amended by striking the period at the end of the first sentence and adding the following: "or as required pending implementation of remedial action under Title I of the Uranium Mill Tailings Radiation Control Act of 1978.".

(j) Subsection 274 c. of the Atomic Energy Act of 1954, as amended, is amended by adding "adopted by the State pursuant to subsection o. of this section " after the work "requirements" in the second sentence thereof.

(k) Subsection 83 b. of the Atomic Energy Act of 1954, as amended, is amended by adding the following new sentence at the end of paragraph (2): "The Commission, by rule or otherwise, may exempt from all or a portion of the requirements of this section the transfer of land in which byproduct material, as defined in section 11 e. (2) of this Act, has been used as backfill in underground mines.".

Mr. DOMENICI. Mr. President, this amendment has obviously been circulated. The chairman of the subcommittee is a cosponsor, and it is my understanding that the ranking minority member and his staff have seen it.

Mr. President, the amendment I am offering to the Nuclear Regulatory Commission authorization today is an attempt to clarify the intent and procedures of the Uranium Mill Tailings Radiation Control Act of 1978. The amendment sets deadlines for the promulgation of health and safety standards for the cleanup of active and inactive uranium mill tailings sites by the Environmental Protection Agency. It also requires that the Nuclear Regulatory Commission conform its technical requirements for cleanup to the EPA's final standards. The amendment also clarifies the relationship between the NRC and the agreement States which regulate their own mill tailings.

The background and need for this amendment is quite simple, Mr. President. Under the Uranium Mill Tailings Radiation Control Act, the Environmental Protection Agency was required to promulgate standards for the protection of the public health, safety, and environment for the cleanup of mill tailings sites. Those standards were called for within 1 year after the date of enactment of the act in the case of inactive mill tailings sites and in the case of active mill tailings sites within 18 months of the date of enactment. The NRC would then promulgate its regulations and technical requirements for the cleanup based on those standards. To date, the EPA has failed to promulgate their standards. In the absence of those standards, the NRC has proceeded toward implementation of their technical criteria and regulations. The NRC regulations are proving to be at least controversial, if not in some cases completely impracticable. The result has been confusion and consternation on the part of agreement States seeking to implement their own regulatory programs. Not only has the NRC moved ahead in the absence of EPA standards, but in reviewing agreement State proposed standards, they have insisted that agreement States adopt the NRC requirements as absolute minimum standards regardless of practicability. On November 8, agreement States formally lost jurisdiction over their mill tailings programs. This statutory deadline for the approval of agreement State programs has since been effectively modified by amendments to the Energy and Water Development Appropriations Act which suspended implementation of the NRC regulations.

The amendment I offer today sets new deadlines for the EPA to promulgate their health and safety standards and clarifies that the NRC may not issue regulations in advance of the EPA standards. The amendment also provides authorization for the EPA to expend such funds as necessary to meet these new deadlines. The amendment further makes clear that both agencies must consider the relevant factors, including costs, in devising their regulatory requirements. It specifically authorizes NRC to take into account various site-specific factors in applying requirements to existing facilities, and allows both EPA and NRC necessary flexibility in establishing nonradiological requirements. Finally, it clarifies that agreement States need not adopt impracticable Federal requirements and, moreover, the agreement States mill tailings programs are not subject to any automatic termination. This last point is important in my view because the NRC has taken the stance that it may reassert jurisdiction in a State regulating Atomic Energy Act activities in the absence of public notice and an opportunity for a hearing. I believe this position is inconsistent with subsection 274(j) of the Atomic Energy Act.

Mr. President, I must stress that my amendment reaffirms the basic principles which are the foundation of the agreement State program. First, it makes clear that there is no automatic termination of an existing agreement State regulatory program without the express request of a Governor or Commission notice and opportunity for hearing. Second, it provides that a State's findings in promulgating its own mill tailings standards must be accepted by the Commission if they are supported by substantial evidence in the record. The ability of a State to develop alternate requirements including where appropriate, site-specific requirements, or requirements that may involve a different approach in the format or nature of the requirements, is essential for the proper operation of the agreement States program. In arriving at alternate requirements, my amendment would require a State to consider the economic and environmental costs of applying Federal requirements to sites within the State, and local or regional conditions, including geology, topography, hydrology, and meteorology.

Mr. President, because of its complexities, the Uranium Mill Tailings Act has repeatedly required amendment in the past. My amendment today is intended to correct deficiencies which have been identified in the act and to allow the Federal agencies, agreement States, and industry to get on with the job of uranium mill tailings cleanup.

Mr. President, my amendment also requires a new reporting activity for the NRC. It provides that an annual report be submitted from the Commission to the Congress which identifies the amount of source material needed by nuclear licensees, under sections 103 and 104(b) of the Atomic Energy Act, for each of the succeeding 5 years. That report must also include the amount of foreign source material or foreign special nuclear material imported or intended to be imported to meet those needs. This provision is necessary because existing information-gathering systems are inadequate to properly assess the role of imported uranium in our domestic utility scene. In a draft report prepared for me by the Energy Information Administration, it is concluded that while existing systems can determine the ultimate destination of imported uranium in this country, they cannot do so until after that uranium has reached its final destination. The need for timely and accurate assessments of the import levels is necessary because, to quote the Energy Information Administration, "we may be at a crossroad in the Nation's choice of uranium suppliers—with no clear decision being necessary because of current low demand." Trends in utility attitudes toward the procurement of non-U.S. uranium are not clear at this time, but if they tip too far in favor of imports, an import dependence on uranium is a real possibility. The analogy has been made between the uranium industry and the oil industry insofar as the possibility that this Nation might become import dependent because of the attraction of less expensive uranium in foreign countries. This analogy would not appear to be very alarming at the present time because nuclear only supplies 11 percent of our electrical energy supply. However, when one looks to the future, as I believe we must when we discuss energy policy, and nuclear power is projected to supply 30 percent of our electrical energy needs, I believe the analogy is one we cannot ignore. The Energy Information Administration has projected that if foreign governments take an aggressive stand toward our domestic market, imports could capture 80 percent of the domestic market by the late 1980's.

This brings me to the broader issues addressed in this amendment, namely, a requirement that the Nuclear Regulatory Commission establish, by rule, criteria for the issuance of importation licenses and that these criteria provide for essential security interests of the United States by insuring sufficient domestic mining and milling capacity to supply long-term domestic source material requirements. My amendment would require that these criteria include restrictions on the importation of source material and special nuclear material from foreign sources sufficient to insure that no less than 80 percent of the future fuel needs of any facility licensed under sections 103 or 104(b) of the Atomic Energy Act are supplied by source material mined and milled in the United States. Existing contracts for foreign source material consummated prior to the enactment of this amendment would be excluded from such restrictions.

Mr. President, let me address the issue of why this provision on this bill and at this time. The Department of Energy is charged with the responsibility of maintaining a viable domestic uranium industry through its policies relating to the enrichment of foreign uranium for domestic end-use. I have questioned the present policy which removes all restrictions of the enrichment of imported uranium for domestic use. Current policy would permit, starting in 1984, domestic utilities to enrich unlimited amounts of imported uranium for their own use. The Department of Energy has provided me with a report on the current status of the domestic uranium industry and assessed the need for taking actions to discourage the importation of foreign uranium. The Energy Information Administration has also provided me with an analysis of different policy options which might be undertaken to discourage foreign imports. At a hearing in September of this past year the Department of Energy reviewed its findings and recommended that no actions be taken to discourage imports at that time. The Department urged continued monitoring of the level of imports and the effect of imports on the domestic industry. I believe the Department of Energy analysis was seriously flawed in that it did not look to the prospective problems of imports, only their role in the present market situation. Furthermore, I must question the seriousness with which the Department of Energy is carrying out its mandate to monitor and maintain the viability of the domestic industry when it sends forward, as it has, a budget request for fiscal year 1983 which would wipe out the functions in the Department that monitor this industry. I ask unanimous consent that a table summarizing those activities which will no longer be performed under the present budget request be placed in the RECORD. Obviously, Mr. President, the administration does not consider the uranium industry to be in a critical state nor does it believe that the issue of import dependence for uranium is a critical issue. This latter issue is clearly a key one.

When the Congress charged the Atomic Energy Commission (now the DOE) with maintaining a viable domestic uranium mining and milling industry, it was clearly acting to protect the essential security interests of the United States. Certainly they recognized the necessity of having an industry which could supply both the weapons needs of this Nation and nuclear fuel needs for our armed services, but they also recognized the security interests involved in having a secure source of fuel for our domestic utilities. If anyone has any doubts that this aspect is a legitimate national security issue, I would only refer them to the policies of our neighbor, Canada. In referring to the uranium mining and milling industry, the Minister of Energy stated:

> To provide an orderly growth of the industry while protecting the needs of domestic nuclear programmes, it has been concluded that protection of Canadian uranium consumers should be twofold:
>
> (a) Always to ensure a long-term reserve of nuclear fuel for existing and committed reactors as well as for reactors which are planned for operation in Canada for a 10-year period into the future;
>
> (b) To ensure that sufficient uranium production capacity is available for the Canadian domestic nuclear power programme to reach its full potential.

In referring to the uranium purchasing policies of Canadian utilities, he further stated:

> Domestic utilities purchasing uranium should share with uranium producers the responsibility for ensuring adequate and continuous supplies of uranium to meet domestic requirements. Therefore, the Atomic Energy Control Board will require a utility to demonstrate that it is maintaining a contracted forward supply of nuclear fuel to enable each operating reactor to be operated at an annual capacity factor of 80 percent for at least 15 years, or for reactors committed but not yet operating for 15 years from their in-service dates. However, the Government would encourage commitments to be made for periods of more than 15 years.

Clearly, the Canadians understand the essential security interests involved in maintaining a viable domestic industry.

Let me review for my colleagues the status of the domestic uranium mining and milling industry. I must say at the outset that it is not simply because the present status is so poor that I am offering this amendment, but because I believe that without some action now, the domestic industry will not recover nor will it be able to meet our future needs. The most obvious statistics are that over 8,000 of the estimated 22,000 uranium industry workers have been laid off since January 1980. Uranium prices have dropped substantially since early 1979 from approximately $43 to $23 in March of 1982. Since 1980, 29 milling operations have announced their closure, 7 uranium mills have been shut down, and 10 uranium projects in construction have been scrapped. The Department of Energy, in its report to the Subcommittee on Energy Research and Development, stated that this situation which I have just described is "principally caused by reactor delays and cancellations, and the lack of new reactor orders, rather than loss of market to foreign uranium." I cannot disagree with that statement. What I can disagree with is the DOE position that no actions need to be taken in order to insure a viable domestic industry for the future. How can we expect an industry which is on its knees at this time to compete with foreign competitors whose costs of production are substantially lower? I might add that we are not talking about losing a relatively insignificant portion of the market to foreign competition. As I have stated, the Energy Information Administration has estimated that as much as 80 percent of our domestic demand could be lost to aggressive foreign competitors.

A better parameter to measure the status of the domestic industry which includes an element of the industry's future plans is to look at their rate of exploration at this time and compare it to the past. At the height of the industry's activity in 1978, 28.95 million feet of exploratory drilling was done. The Department of Energy estimates that, in 1981, 14 million feet of exploration drilling was done. That is a 50 percent decrease in exploratory activity. The importance of this figure has been stated by the Department of Energy time and again. In its assessment report on uranium for 1980, the Department stated:

> It is clear that the continued exploration and development of low-cost reserves over the near term are essential toward maintaining a viable domestic uranium industry. Even the Energy Information Administration, in citing the potential use of non-U.S. uranium in the United States, said that, "Domestic producers could become more cost-competitive with potential import supplies if the Department of Energy's estimates of probable potential resources are accurate and if the domestic uranium industry were to carry out a vigorous exploration program to discover these resources."

Clearly, we cannot look at our domestic mining and milling industry in isolation. We must ask if foreign competitors have the capacity to be a major supplier for domestic needs in the near-term. The Energy Information Administration estimates that in 1980, foreign production capability was about 38,100 tons of U_3O_8. It estimates that in 1985, that capacity could increase to 74,000 tons and 84,000 tons in 1990. While our domestic industry is cutting back on planned future development, foreign competitors certainly are not.

We cannot ignore the intentions of our domestic utilities with regard to their future purchasing plans either. In testimony before my subcommittee, the Edison Electric Institute testified that, through voluntary restraint, we could be assured that there would be a limit on the use of non-U.S. uranium. They cited a recent survey done for the Department of Energy that said that utilities in general do not wish to contract for more than 30 to 40 percent of their uranium needs from foreign sources. On that point alone, it is important to note in a followup survey done just 1 year later, that 7 of the 60 utilities surveyed had registered changes in their policies. And, in fact, these changes were mostly upward in their own self-imposed limits. The same survey uncovered another startling fact. Of those unfilled utility requirements for uranium for the remainder of this decade, U.S. utilities were prepared to buy 46 percent of their needs from foreign sources. So while an overall average of 30 to 40 percent foreign uranium might be the average utilities expect to hold, in the final analysis, they are prepared to close out their buying in this decade by seeking almost 50 percent foreign uranium. This situation is further complicated when one considers that with market demand for uranium being at its lowest point in years inventories of uranium are at their highest point in years. The EIA estimated that if no further commitments to purchase uranium were made in this decade, by brokering existing stockpiles, utilities in the United States would be able to meet their needs for this decade.

Mr. President, I have pointed out that our domestic uranium industry is on its knees; that it is in the essential security interest of the United States to maintain a viable domestic industry, and that the future of that industry is clouded, to say the very least. In view of these facts, and the fact that in a time of need, it could take upwards of 10 years to rebuild our domestic uranium producing capacity, I believe we must send a signal to foreign producers. That signal must clearly state that the United States is not willing to see its uranium market dominated by foreign producers. If we fail to send that signal, we will be doing ourselves a disservice and those foreign producers a disservice, also.

Mr. President, for these reasons and for the need to clarify intent and procedures of the Uranium Mill Tailings Radiation Control Act, I offer this amendment, urge its adoption and its enactment into law as soon as possible. I ask unanimous consent that a section-by-section analysis of the amendment be printed in the RECORD, together with other pertinent material.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

SECTION-BY-SECTION ANALYSIS

Subsection 204(a) amends section 275 of the Atomic Energy Act, 42 U.S.C. § 2021, in several respects. First, EPA has missed the existing statutory deadlines of November 8, 1979 and May 8, 1980 for issuing inactive and active uranium processing site standards respectively. The amendment provides EPA shall have until April 1, 1982 to issue final inactive site standards and until October 1, 1982 to issue proposed active site standards with final active site standards to follow six months thereafter. In order to assure that EPA meets these deadlines, subsection 204(b) requires the agency to expend such funds as are necessary to issue regulations in the specified timeframes. Second, the language provides EPA with necessary flexibility in formulating non-radiological standards. Existing law requires that EPA non-radiological standards be essentially equivalent to those adopted under the Solid Waste Disposal Act. This requirement restricts the agency's ability to take into consideration numerous special circumstances associated with uranium mill tailings, and may result in the imposition of requirements which conflict with requirements desirable for radiological purposes. Third, in order to assure that EPA strikes the proper balance in setting both non-radiological and radiological standards, the amendment provides that the agency must consider all the relevant factors in developing its standards. This clarifies EPA's duty to consider impact on the public health and safety and the environment as well as the Nation's important interests in the resource involved here. Fourth, NRC has issued regulations, known as the Uranium Mill Licensing Requirements, in advance of EPA standards. This action by NRC violates the careful division of responsibility specified by Congress in section 275 of the Atomic Energy Act. In addition, other government agencies, including the Department of Energy and the New Mexico Environmental Improvement Board, have criticized specific aspects of NRC's Uranium Mill Licensing Requirements as excessive, in terms of necessary protection to the public health, safety and the environment, and as unduly costly. For these and related reasons, the NRC regulations have recently been suspended by Congress. The language in the amendment reiterates this suspension. It further clarifies NRC's role, and assures prompt NRC action to carry out EPA standards, by providing that NRC must initiate rulemaking proceedings to conform its regulations to EPA standards within 90 days of the issuance of EPA standards under the Act.

Subsection 204(c) amends subsection 161(x) of the Atomic Energy Act, 42 U.S.C. § 2201(x), by deleting the word "maximum." This word is redundant to the purpose expressed in the section and is confusing because it may result in undue weight being placed upon questions and maintenance given the many other relevant factors.

Subsection 204(d) amends section 84 of the Act, 42 U.S.C. § 2114, to clarify that NRC, in a fashion consistent with EPA, must consider all relevant factors in setting its more detailed requirements. The amendment also affords NRC flexibility in regulating non-radiological hazards in a fashion consistent with the flexibility provided EPA. Finally, in the case of all existing uranium mills, the amendment specifically authorizes NRC also to consider certain site-specific conditions in imposing requirements on existing mills.

Subsection 204(e) amends section 62 of the Act, 42 U.S.C. sec. 2092, by adding a new subsection, expressly to establish, by rule, criteria for the issuance of specific or general licenses for the importation of both source and special nuclear material. The criteria are to provide for the essential security interests of the United States by ensuring sufficient domestic mining and milling capacity to supply the long-term domestic demand for source material. The language provides that an annual report be submitted to the Congress from the Commission which will identify the amount of source material needed by licensees, under sections 103 and 104b of the Atomic Energy Act, for each of the succeeding five years and the amount of foreign source material or foreign special nuclear material imported and intended to meet those needs.

Subsections 204 (f) and (g) amend section 274 of the Act, U.S.C. § 2022, to address certain problems which have arisen with respect to Agreement States. First, the amendments clarify that Agreement States have the authority to adopt alternatives to federal requirements if the State finds that the federal requirements are not practicable under local conditions. The Commission now admits that Agreement States have authority to diverge where federal requirements are not practicable. This amendment will eliminate confusion occasioned by NRC's original position that federal requirements were absolute minimum standards. Second, the amendments clarify that NRC may not reject an alternative developed by a State without complying with the notice and hearing provisions specified in subsection 274(j) of the Act. In order to assure a full and fair hearing of the State's alternative, the language provides that the Commission may not reject State findings which are supported by substantial evidence in the record unless the Commission finds that the State alternative fails to provide adequate protection to the public health, safety and the environment. It is the intent of the amendment to preclude the Commission, or a court upon judicial review, from lightly rejecting a State regulation emanating from a State proceeding responsive to the Mill Tailings Act.

Subsection 204(h) amends transitional provisions contained in subsection 204(h) of the Uranium Mill Tailings Radiation Control Act of 1978, as amended (codified at 42 U.S.C.A. § 2021 note), to conform to the revised schedule for EPA standards and NRC regulations. In particular, Agreement States are given six months following final adopting of pertinent federal standards and requirements to issue such amended State requirements as may be necessary. The language also clarifies that there is to be no automatic termination of the regulatory program of any Agreement State which is acting to exercise authority over mill tailings. NRC, however, may terminate a State's authority by following the procedures specified in subsection 274(j) of the Act, as amended. This language will prevent questions of dual jurisdiction from arising in the future as they have in the past.

Subsection 204(i) amends Section 81 of the Atomic Energy Act, 42 U.S.C. § 2111, to make clear that inactive sites covered by Title I of the Uranium Mill Tailings Radiation Control Act are to be regulated only under the provisions of Title I and not under other authority. This clarifies Congress' earlier intent that such sites not be regulated under the Title II program and resolves questions which have been raised concerning the applicability of the Title II provisions based on an overly technical reading of the Act.

Subsection 204(j) amends subsection 274(c) of the Act, 42 U.S.C. § 2021(c), to clarify that NRC retains authority in Agreement States to evaluate compliance with Agreement State requirements, but not to impose additional requirements. Unless this point is clarified, Agreement State licensees will be confronted with undue uncertainty as to the regulatory requirements with which they must comply.

Subsection 204(k) amends subsection 83b of the Act, 42 U.S.C. § 2113(b), expressly to authorize NRC to exempt by rule land in which tailings have been employed as backfill in underground mines from the ownership transfer provisions of the Act. In view of the deep disposal involved, public intrusion is unlikely, so the rationale for land transfer may be inapplicable to the land in question. An individual hearing for each such site is for this reason likely to be unnecessary and wasteful.

URANIUM RESOURCE ASSESSMENT PROGRAM CHANGES

Things that would be done if the program were continued	Things that will be done under the current fiscal year 1983 budget	Things that will not be done under the current fiscal year 1983 budget
Estimate uranium reserves		Estimate uranium reserves.
Estimate potential uranium resources		Estimate potential uranium resources.
Analyze long-term uranium supply, production capability and the economics of supply and production		Analyze long-term uranium supply, production capability and the economics of supply and production.
Monitor uranium market activities	Done by EIA	
Monitor the enrichment of foreign uranium for use in domestic reactors	Done by Oak Ridge Operations	
Based on all the above, assess the viability of the uranium industry		Assess the viability of the uranium industry.
Participate in cooperative international projects		Participate in cooperative international projects.
Operate calibration facilities to calibrate domestic and foreign geophysical instruments		Operate calibration facilities to calibrate domestic and foreign geophysical instruments.
Conduct the annual Uranium Industry Seminar		Conduct the annual Uranium Industry Seminar
Administer the uranium leasing program on DOE-controlled lands	Probably done by Department of the Interior	
	OTHER PROGRAMS AT GRAND JUNCTION	
Participate in the Remedial Action Program on uranium mill tailings	Probably done at Albuquerque Operations	Some of the expertise will not be available.
Provide expertise to the National Terminal Waste Storage Program		The expertise will not be available.

STATE OF NEW MEXICO,
ENVIRONMENTAL IMPROVEMENT BOARD,
Santa Fe, N. Mex., August 19, 1981.

Hon. PETE V. DOMENICI,
Dirksen Senate Office Building,
Washington, D.C.

DEAR SENATOR DOMENICI: This letter, submitted on behalf of the Environmental Improvement Board (EIB) of the State of New Mexico, relates to a number of amendments which if made to the Uranium Mill Tailings Radiation Control Act (Mill Tailings Act) will clarify certain ambiguities and difficulties which have cropped up in its administration. We have attached draft amendments which we believe address these issues.

As you know, New Mexico is a party to a "dicontinuance agreement" under which it, rather than the federal government, regulates uranium mills and mill tailings in the State. Under the Uranium Mill Tailings Radiation Control Act, New Mexico and other "Agreement States" must implement state requirements pertaining to mill tailings "which are equivalent, to the extent practicable, or more stringent than" the Federal standards. 42 U.S.C. § 2021(o)(2). The New Mexico Environmental Improvement Board, which is responsible for issuing regulations relating to uranium mills and mill tailings within the State, recently completed three lengthy days of hearings concerning adopting a set of regulations essentially identical to NRC's Uranium Mill Licensing Requirements, published at 45 Fed. Reg. 65521 to 65538 (October 3, 1980). Very serious questions concerning the practicability of the NRC regulations for implementation in New Mexico were raised. The EIB is in the process of determining whether to adopt these regulations. This creates a number of serious uncertainties because NRC has taken the position elsewhere that New Mexico and other Agreement States lack authority to consider the practicability of NRC's regulations pertaining to mill tailings. Indeed, NRC has branded as "unreasonable" the exercise of such authority on the part of the states. NRC's "Opposition" in *Kerr-McGee Nuclear Corporation, et al.* v. *NRC*, No. 80-2043 at p. 27 (10th Circuit, May 15, 1981). Equally troublesome, NRC has further indicated that New Mexico's regulatory jurisdiction over mill tailings will automatically terminate on November 8 of this year unless the State adopts mill tailings regulations acceptable to NRC before that date. Thus, if New Mexico adopted regulations different from NRC's requirements because NRC requirements were not practicable in New Mexico, the federal agency may attempt to terminate New Mexico's regulatory authority automatically. We believe that this is unfair, unreasonable, contrary to Congress' intent, and contrary to the interests of the people of New Mexico.

We understand that on July 24, the House of Representatives adopted an amendment to the NRC appropriations bill barring NRC from enforcing or implementing its mill tailings regulations because they were adopted in advance of EPA standards and on the ground that they are "arbitrary, capricious, and expensive-to-apply. . . . " CONGRESSIONAL RECORD at p. 17227.

The enclosed draft clarifies that Agreement States may consider the practicability of federal mill tailings requirements and that they may adopt appropriate alternatives. Moreover, it clarifies that state authority over mill tailings does not automatically terminate if the state had adopted regulations which it has determined are practicable unless NRC demonstrates, at a hearing, that the state's determination is unsupported, arbitrary and capricious. The appended draft legislation is designed to accomplish these ends. It has been suggested that Congress should amend the statute to take into account NRC having acted before EPA issued standards. On the assumption that the House amendment will be enacted into law, it may not be necessary to address this issue. However, the deadlines for EPA action should be extended in view of that agency's default and the transitional provisions to the Mill Tailings Act should be modified to allow the states at least twelve months from the new date by which EPA must act to adopt such additional regulations as may be practicable and required. The appended draft is designed to address these concerns. Finally we have been informed that NRC is considering applying its Uranium Mill Licensing Requirements to current owners of inactive uranium processing sites (including sites in New Mexico) covered by the remedial action program of Title I of the Mill Tailings Act. This would be forestalled by the clarification provided in the draft.

New Mexico vigorously regulates uranium mills and mill tailings now, and plans to continue to do so in the future. This Board's radiation regulations now run to some 206 pages, many relating to milling. We were the leader in the nation in requiring a Continued Care Fund of up to $1,000,000 per mill for the preventing and remedying hazards at tailings sites after operations cease. In 1979, we adopted regulations providing for the stabilization of tailings when operations cease.

Our legislature has provided funding for a large radiation protection bureau at the Environmental Improvement Division. A great part of the bureau's time is spent on uranium mills. I understand this bureau regulates more tons of milling than does NRC.

The State of New Mexico has a very considerable investment in regulation of milling, and has developed a staff with considerable experience and a great deal of dedication. It hopes it will have the opportunity to continue and improve its program. The enclosed draft is submitted in that spirit.

Respectfully submitted,

GEORGE HENSLEY,
Chairman,
Environmental Improvement Board.

STATE OF NEW MEXICO,
OFFICE OF THE GOVERNOR,
Santa Fe, July 1, 1981.

NUNZIO J. PALLADINO, Ph. D.,
Chairman, U.S. Nuclear Regulatory Commission, Washington, D.C.

DEAR DR. PALLADINO: This refers to Dr. Hendrie's letter of June 10, 1981, expressing his belief that there are no major problems in arriving at an amended agreement to allow Agreement States to regulate uranium mill tailings after November 8, 1981.

Unfortunately, Dr. Hendrie's optimism does not reflect the facts in New Mexico. These were summarized in Mr. Cubia L. Clayton's testimony (copy enclosed) before the Senate Subcommittee on Nuclear Regulations on June 16, 1981, in which New Mexico asked for legislative relief by extending the deadline by two years.

Our Environmental Improvement Board (EIB) heard testimony on the proposed regulations during the period June 11 through June 13. While we appreciate the effort of your staff at the EIB hearing in defense of the proposed regulations, it remains to be determined whether the proposed regulations are adopted in New Mexico. The earliest date the EIB can be expected to act is October or November since the hearing record will be held open until September 15, 1981.

It is New Mexico's intent to accomplish an amended agreement and we are actively preparing the necessary documentation. However, I must inform you that meeting the November 8, 1981 deadline is doubtful. Therefore, I shall continue to seek legislative relief.

Sincerely,

BRUCE KING, *Governor.*

THE URANIUM MILL TAILINGS RADIATION CONTROL ACT OF 1978

Mr. Chairman and members of the committee: My name is Cubia Clayton. I am Assistant Director in the Environmental Improvement Division of the New Mexico Health and Environment Department. I am very appreciative of the opportunity to appear today and discuss with you some of the problems we are having with the implementation of Public Law 95-604, the Uranium Mill Tailings Radiation Control Act of 1978.

New Mexico has made substantial progress towards implementing the requirements of the Uranium Mill Tailings Radiation Control Act. We believe it extremely difficult if not impossible to fully comply by November 8, of this year. It is our opinion that a two-year delay in final implementation would be desirable and most likely essential if we are to be in position to negotiate an amended agreement.

Our difficulties spring from a multitude of causes. These include the failure of the Environmental Protection Agency to develop the mandated standards in a timely fashion given the time constraints in the Act. There are also problems in our opinion with the practicability in New Mexico of some of the regulations promulgated by the Nuclear Regulatory Commission. There is a problem of uncertainty as to what the final regulatory requirements will be considering that the present regulations are under adjudication. Finally, there is the problem of complying with New Mexico's statutory requirements and regulatory philosophy within the time remaining.

The New Mexico Environmental Improvement Act (74-1-1 through 74-1-10 NMSA 1978) and Radiation Protection Act (74-3-1 through 74-3-16 NMSA 1978) establish the procedures by which Environmental Protection Regulations are to be adopted in New Mexico. Under the authority of these statutes there has been created a five member board, the Environmental Improvement Board who are appointed by the Governor, and a seven member group, the Radiation Technical Advisory Council composed of technical experts from industry, national laboratories and private consultants who are also appointed by the Governor.

For purposes of radiation protection, regulations are adopted by the Environmental Improvement Board with the advice and consent of the Radiation Technical Advisory Council. Before adopting regulations, the Board must hold a public hearing advertised at least thirty days in advance. At the hearing anyone who wishes may testify and anyone who wishes may cross-examine. The Board then adopts its regulations based on the record giving the weight it deems appropriate to all facts and circumstances including but not limited to:

1. Character and degree of injury to, or interference with health, welfare, animal and plant life, property and the environment;

2. The public interest, including the social, economic and cultural value of the regulated activity and the social, economic and cultural effects of environmental degradation; and

3. Technical practicability, necessity for an economic reasonableness of reducing, eliminating or otherwise taking action with respect to environmental degradation.

I apologize for the amount of time I have taken to explain the procedures used in New Mexico, but it is necessary to a full understanding of some of the problems. I would hope that the Committee will perceive that adopting federal requirements in our state is not merely a rubber stamp process. Even though a federal agency may feel it has adequately considered all issues and developed good regulations and standards nationally, they must still be justified through the states' processes.

For the past ten years or so we have been able to justify minimum national standards for the complete range of environmental protection programs. In most cases, we have gone far beyond minimum federal requirements by justifying the need and desire to fully address our specific problems. In a few instances we have relied on the fact that a minimum standard must be adopted in order to retain state authority. Despite the unpalability of this approach, the Board has usually accepted the fact as compelling when weighed against all other facts and has adopted the standard.

There is some reluctance to do so with the new requirements for regulating uranium mill tailings. This reluctance is based in part on the federal failure to follow a sound regulatory approach. It is based in part on the failure of the Nuclear Regulatory Commission to adopt realistic minimum national standards particularly in relation to mills which have been generating tailings for a period of twenty or so years, and the reluctance is based in part on the uncertainty created by the litigation of the Nuclear Regulatory Commission regulations and the perception in New Mexico that the litigation will be or should be at least partially successful.

This is not to say that we have done nothing towards complying with the requirements of the Act. We were already working on extensive revisions of our Radiation Protection Regulations in 1978 prior to the adoption of the Uranium Mill Tailings Radiation Control Act. Following adoption of the Act, we found some further revisions were necessary. Those revisions included such issues as performance objectives, surety bonding, stabilization, land ownership and buffer zones around tailings piles.

The regulations were taken to hearing in May, 1979. The hearing lasted six days and resulted in approximately 3,000 transcript pages of testimony. The Environmental Improvement Board adopted and filed on April 21, 1980 regulations which included all but a few of the requirements finally adopted by the Nuclear Regulatory Commission in the fall of 1980. Significantly, some of the requirements which the Board considered but did not adopt have become issues which are presently the focus of litigation.

Efforts to improve our program have not been limited to regulatory reform. We have also recognized the need for additional manpower. Our technical staff for uranium licensing in 1977 consisted of one person. At present there are seven which include two with Ph. D. degrees, four with Master degrees and one B.S. degree. These seven include a total of 163 man-years of professional experience with nearly 100 years of professional experience in radiologically related fields.

We believe this evidence is ample to demonstrate our interest in retaining state regulatory authority over uranium mill tailings, and further that there has been a good faith effort on our part to comply with requirements of the Uranium Mill Tailings Radiation Control Act. The fact that this much progress could be made and still leave the state in the position of not being able to fully comply by November, 1981, should serve as a warning that some adjustment is necessary.

Let me then turn to a consideration of some of the specific difficulties which have occurred to date beginning with the impropriety of the regulatory approach. A sound approach to regulation consists of first establishing standards based on limitations necessary to protect public health and welfare. One then implements those standards by regulations designed to insure the standards are not exceeded. Unfortunately, the Environmental Protection Agency has not yet established its standards, but the Nuclear Regulatory Commission has promulgated regulations which in the absence of a specific standard appears to be based on the use of the A.L.A.R.A. principle in lieu of such standard. This approach may be feasible for new mills and in fact there is some evidence that it will work; however, it seems disastrous when applied to existing mills in New Mexico.

For instances, assume that one knew in advance that below grade disposal with long-term stabilization of tailings was the requirement to be met. A plan could be formulated at the outset to accomplish this in the most cost effective manner. Thus, one would select a site whose geology was most amendable to natural protection from seepage, runoff, erosional potential and a myriad of other considerations. This is far different from dealing with a pile some eighty feet high, covering over 200 acres in area which was located initially because of proximity to a mill and ease of tailings deposition.

I do not mean by my comments to be totally disparaging of my fellow bureaucrats. By and large the individuals in both the Environmental Protection Agency and the Nuclear Regulatory Commission whom I have known are conscientious and dedicated public servants. A large part of the problem, in my opinion, lies in the fact that regulations for a particular complex and difficult area have been required in a very limited amount of time. To respond to the three-year Congressional requirement with rational and well-considered regulations was probably never really possible.

This is not to say that efforts to date have not resulted in significant progress. As I have previously indicated the final Nuclear Regulatory Commission Regulations with but a few exceptions appear feasible for new uranium milling operations. They have been applied in New Mexico, again with but a few exceptions, in the last two mill licenses issued by the Environmental Improvement Division. Both of these licenses reflect real improvements in the technology of tailings management as well as improved regulatory control.

What is needed now is time—time for the Environmental Protection Agency to develop a legitimate standard, time for the Nuclear Regulatory Commission to reflect on necessary refinement and better balance in its regulations; time to adjudicate those issues which may not be resolved otherwise, and time for the whole process to work so that agreement states can know what the requirements shall be.

I would suggest that the last sentence of Section 204(h)(3) of the Uranium Mill Tailings Radiation Control Act of 1978, as amended, be further amended to provide a five-year period rather than three years as it does presently. This, in my opinion, is the least possible but absolutely essential adjustment.

Mr. DOMENICI. Mr. President, I will quickly state that there are some detailed provisions which we think will clarify a very unfortunate situation that has arisen with reference to the health and safety standards for mill tailing residue in this country of low level nuclear waste.

We have a situation now where the Environmental Protection Agency is to promote national health and safety standards, and the Nuclear Regulatory Commission is thereafter to promulgate requirements with reference to the active sites.

We have got it somewhat out of focus because EPA has not promoted or promulgated the health and safety standards. This will force those to be done quickly, and then set in motion an orderly way for the respective States to attempt, after the Nuclear Regulatory Commission promotes its needs, to get into the program in a reasonable period of time with their own plan of meeting these national standards, so that we can proceed to not only ultimately take care of these inactive sites but, in a very orderly way, have the uranium companies of the country take care of the active sites in a better way.

The second portion of the amendment deals with a problem that has been haunting us, the very fragile nature of the uranium industry in the United States, and a seeming lack of concern in the Department of Energy about the viability of the American uranium industry.

We provide in this amendment that criteria be established by the Nuclear Regulatory Commission with reference to a need for our light water reactor industry in this country, and ultimately they will have to promote criteria which will establish an appropriate ratio between imports and exports so that we can always have a uranium industry in this country.

Mr. President, I want to thank my distinguished colleagues on the committee and subcommittee for their assistance and for their understanding of the very serious problem we have with a fragile industry and the mill tailing stabilization programs that are needed, that we want in place, that we want accomplished, but we want in an orderly way. We want to preserve the rights of our States to accomplish these within the agreements situation that now exists as a matter of national law.

I thank them all for their assistance and move the adoption of the amendment.

Mr. SIMPSON. Mr. President, I support the amendment, and I am pleased to be a cosponsor of the amendment.

Mr. President, the Nuclear Regulation Subcommittee has given considerable attention to the implementation of the Uranium Mill Tailings Radiation Control Act of 1978. On June 16, 1981, the subcommittee held a hearing to review certain problems that have developed in the implementation of the Mill Tailings Act. I believe that the hearing record discloses a number of serious problems, including the following:

First. The Environmental Protection Agency has failed to adopt final environmental standards for uranium mill tailings at active sites even though the act imposed a statutory deadline of May 8, 1980, for such standards. These environmental standards were an essential element in the integrated regulatory program involving EPA and NRC established by the act, and were to serve as the basis for NRC's subsequent development of specific technical requirements for mill tailings disposal at active mill sites.

Second. NRC has proceeded to adopt its final technical requirements for uranium mill licensing without the benefit of the EPA standards. These NRC regulations, which became effective on August 5, 1981, include general environmental standards such as specified reductions in radon releases from mill tailings disposal sites, and technical requirements for earth and rock cover to achieve these standards. The issuance of these NRC regulations violates the careful division of regulatory responsibilities for mill tailings in the act and creates the potential for future shifts and conflicts in regulatory requirements affecting present and new uranium milling operations.

Third. There appears to be substantial disagreement within the scientific community regarding the basis for certain of the technical requirements adopted by NRC. In particular, there appears to be considerable disagreement over whether the NRC's stringent radon release limits, and the cover requirements to achieve these limits, are actually needed to protect the public health, safety and the environment. This is one of the questions the EPA environmental standards were intended to resolve.

Fourth. Certain of the technical requirements adopted by NRC—most notably, the radon release limits, and the cover requirements to achieve these limits—are cast as absolute requirements, and NRC has provided no flexibility in applying these requirements at existing sites where large quantities of mill tailings already exist. In adopting these absolute requirements, particularly for existing sites, NRC does not appear to have given sufficient attention to considerations of practicability such as the economic and environmental cost of meeting the requirements.

Finally, from the date of enactment of the Mill Tailings Act until the hearing held by the Nuclear Regulation Subcommittee on June 16, the NRC appears to have insisted that all agreement States must adopt the NRC regulations as an absolute minimum without regard to differing local or regional conditions, if the State is to retain its authority for uranium mill licensing. Absurd. This position, which was modified in testimony before the subcommittee, stands in marked contrast to the words of the act, which provide that a State must adopt standards that are "equivalent, to the extent practicable, or more stringent than," the NRC standards. This position may also have denied some agreement States the opportunity until recently to develop and propose alternatives to those NRC requirements that the State believes are not practicable.

Mr. President, this amendment makes a number of clarifying changes to the Mill Tailings Act to correct these problems and to restore a rational and workable regulatory program for uranium mills and mill tailings. There are five principal elements in the amendment. First, the amendment sets new deadlines for EPA's standards-setting responsibilities. Inactive sites standards would be required, and proposed active sites standards would be required by October 1982. These proposed standards for active sites must be finalized within 6 months thereafter. Based upon the information we have, we believe these to be realistic and workable deadlines, and we expect them to be met by EPA. In fact, the amendment requires that EPA devote the resources needed to meet these new deadlines.

Second, the amendment reestablishes the necessary coordination between the EPA standards-setting role and NRC's role in setting detailed, site-specific requirements. To accomplish this, the amendment continues the present suspension of the NRC mill licensing regulations until EPA issues its final active sites standards. At that point, NRC is required to propose its technical regulations, consistent with the final EPA standards. Mr. President, I believe that this is an essential step in restoring the respective regulatory roles of EPA and NRC in this process. At the same time, until EPA issues its final standards and NRC revises its regulations, NRC retains the authority to impose requirements on uranium mills on a case-by-case basis.

Third, the amendment would make several changes to the Mill Tailings Act to give EPA and NRC greater flexibility to consider all relevant factors in developing and implementing requirements for mill tailings disposal. These changes include the authority to consider designated site-specific factors in the case of existings uranium mills.

Fourth, the amendment provides a clarification of the authority of agreement States to determine whether Federal requirements for mill tailings management are practicable for application by the State. This element of the amendment spells out the State's authority to consider the practicability question and how that authority relates to NRC's responsibility to approve or disapprove the State program. Under the amendment, the State would make the initial determination on the practicability of the Federal requirement. NRC would be required to follow the State's determination unless, after an opportunity for a hearing, the Commission finds that the State determination is not supported by substantial evidence in the record or that the State alternative does not provide adequate protection to the public health, safety and the environment. NRC would be required, however, to accept any State alternative that NRC finds does provide adequate protection to the public health, safety and the environment.

Finally, the amendment establishes new deadlines for the agreement States to develop their upgraded mill tailings regulations, consistent with the new deadlines established by the amendment for EPA's active sites standards and NRC's final regulations.

Mr. President, I believe that these changes are consistent with the original intent of the Congress when it enacted the Mill Tailings Act, and are needed to restore in effective and reasonable uranium milling regulatory program as soon as possible. I urge the adoption of the amendment.

Mr. HART. Mr. President, after long deliberation, and with serious reservations, I have decided to accept this amendment. More than anything else, I am dismayed that 3 years after enactment of the Uranium Mill Tailings Radiation Control Act we are still debating the issue of how best to protect public health and safety from the hazards of uranium mill tailings.

It is a frustrating experience, as the Senator for New Mexico knows, to think that you have laid down the legislative framework and that things are going forward and problems are going to be solved, and then years drag by and they do not get solved. So I am more frustrated by that than anything else, but I do reluctantly support the amendment offered by the Senator from New Mexico.

The passage of the Uranium Mill Tailings Act in 1978 capped almost a decade of congressional concern over the health, safety, and environmental risks posed by the vast amounts of tailings generated by both active and inactive uranium milling operations, primarily in the West. The General Accounting Office, the Environmental Protection Agency, and various State officials noted the particularly serious hazards of unstabilized tailings at over two dozen abandoned uranium mill sites in Western States and Pennsylvania. Indeed, because of the improper management and control of uranium mill tailings in the area, numerous homes and public buildings in Grand Junction, Colo., were constructed from this radioactive material.

The Congress recognized, however, that a remedial action program for cleaning up the inactive mill sites would solve only half the uranium mill tailings problem. Further, it decided that the inadequate regulation of uranium milling activities that gave rise to the expensive remedial action program under the Uranium Mill Tailings Act and to the cleanup of Grand Junction should not continue. Consequently, in the Uranium Mill Tailings Act, the Congress included a title II, which fundamentally altered the Nuclear Regulatory Commission's authority for regulating active uranium milling operations. By requiring minimum Federal standards for agreement State regulation of uranium milling activities, title II sought to prevent the recurrence of improper management and control of uranium mill tailings that had plagued the uranium milling industry.

Both the Uranium Mill Tailings Act and the NRC regulations promulgated under it recognize that uranium mill tailings constitute a long-term hazard to the public health and safety and the environment. Uranium mill wastes retain approximately 85 percent of the radiation in the original uranium ore, as well as significant concentrations of toxic heavy metals, acids, and leachates. As early as 1975, a report by the Midwest Research Institute concluded that "wastes produced and land disposal by the uranium mining industry * * * have the highest toxic rating of the industries studied."

Because of the long-term hazards of uranium mill tailings, the NRC regulations promulgated under title II of the Uranium Mill Tailings Act emphasize disposal of the tailings in such a way as to minimize both the release of radiation and the need for monitoring and maintenance during the thousands of years it may take for the radiation in the tailings to decay to harmless levels.

I recognize that the uranium mining industry has fallen onto hard economic times, like several other segements of the economy. I am sympathetic to the problems of the uranium industry, since their economic well-being has direct affect upon the well-being of my own State of Colorado. I also recognize that proper cleanup of existing tailings piles at active uranium milling sites will cost money. Everyone who supported the Uranium Mill Tailings Act in 1978 knew that. Yet, as I understand it, the question of the costs of regulation does not really arise with respect to new milling operations. Rather, it arises when the NRC regulations are applied to existing mills with large, established tailings piles, many of which are commingled with tailings from activities under contract with the old Atomic Energy Commission.

As far as I am aware, the assertion of the uranium industry that the final NRC regulations, promulgated in October 1980, would impose intolerable financial burdens on existing uranium milling operations has not been confirmed or tested by an objective authority. Mr. President, we must not allow the other factors which have combined to depress the uranium industry to also compromise efforts to reduce the hazards of uranium mill tailings. Against the costs of cleaning up and properly managing uranium mill tailings, we must balance the risk to the public health and safety and the environment of improperly controlling and disposing of these tailings.

Uranium mills have been shown to cause severe and long-lasting ground water pollution in several areas. A report in a journal called Ground water in 1976 concluded that from 1969 to 1973 "waste disposal practices of the Kerr-McGee & Anaconda Co. mills (in the Grants Mineral Belt) introduced an estimated 200,000 kilograms of dissolved uranium to the subsurface via seepage and direct injection." Moreover, at another site, selenium was present in the ground water at 340 times the recommended maximum amount for drinking water.

The Mining Congress has said it was unaware of elevated radon levels ever having been detected more than half a mile away from a tailings pile. The U.S. Geological Survey, however, noted: "Windblown tailings from inactive, unstabilized piles in the Western States are responsible for dose rates greater than 25 millirems per year of distances up to 1 mile from the pile." (U.S.G.S Circular 814, "Isolation of Uranium Mill Tailings and Their Component Radionuclides from the Biosphere—Some Earth Perspectives)". This 25 millirem dose equals the amount of radiation the EPA permits each person to receive annually from the entire nuclear fuel cycle.

These facts demonstrate that the hazards of uranium mill tailings should concern us as much today as they did 3 years ago when Congress passed the Uranium Mill Tailings Act.

Mr. President, I am pleased that this amendment includes a provision that I viewed as a precondition of my acceptance. This provision, in effect, leaves with the NRC ultimate authority to determine whether alternative requirements, proposed by an agreement State, provide adequate protection to public health and safety and the environment. Thus, the amendment does not seem to alter the primary intent of the Uranium Mill Tailings Act: To recognize a Federal responsibility for the protection of public health and safety from the hazards of uranium mill tailings, even as agreement States establish their own regulatory programs.

Mr. DOMENICI. I thank my good friend from Colorado. I think he has adequately expressed my concerns also.

We had the EPA involved and NRC, and we clearly thought we would get some health standards and then NRC would enforce our intent, but it just has not worked out. Hopefully, this is a much more orderly and mandatory approach and will preserve some of the significant State involvement that we all wanted rather than just destroy it without first having national standards.

Mr. SIMPSON. Mr. President, I certainly share the concern of Senator DOMENICI and Senator HART. It is hoped that this amendment, which I do support, will do what we intended when we tried to set up a mill tailings program. This will require the EPA to move, which has been most frustrating for me as ranking minority member and now as chairman. Their standard setting must be accomplished, and this provides that, so that the NRC can enter into the regulatory field.

I deeply appreciate the efforts of Senator DOMENICI and Senator HART in their signal and singular efforts at times to do what has been spread upon the statute books and to see that it is carried out.

Mr. HART. Mr. President, I reluctantly accept this amendment because it may help resolve some of the apparent ambiguities and conflicts in the Uranium Mill Tailings Radiation Control Act and will allow the cleanup of inactive tailings sites and the establishment of regulations for active uranium mills to proceed.

At the same time, however, this amendment has the potential for disrupting ongoing efforts to upgrade the programs of both the Federal Government and agreement States for regulating uranium mill tailings to protect public health and safety. All of the four agreement States regulating mill tailings—Washington, Texas, Colorado, and New Mexico—have submitted to the NRC for approval their plans for complying with the requirements of the Uranium Mill Tailings Act, although none of these has yet received an approval from NRC.

Because of the potential disruption in the regulatory regime this amendment could cause, I would appreciate receiving from the distinguished Senator from Wyoming clarification of several issues relating to this amendment.

First, is my understanding correct that this amendment, in effect, establishes two categories of active uranium millsites under title II of the Uranium Mill Tailings Radiation Control Act—those existing before November 1, 1981, and those coming into existence subsequently? I ask this question to make clear that while providing additional flexibility within the regulatory structure established under the Uranium Mill Tailings Act for mills in existence prior to November 1, 1981, this amendment would still require new millsites to comply with requirements based upon the factors specified in section 84 of the Atomic Energy Act, as amended, other than as provided in subsection 84(b)(1).

Mr. SIMPSON. That is essentially correct. However, I wish to clarify that under the Mill Tailings Act, as under this amendment, EPA is to issue standards taking into account all relevant factors. NRC and, to the extent practicable, agreement States, must conform to those standards. More directly responsive to your question, the amendment provides, as under existing law, that NRC has greater flexibility in developing and applying requirements to uranium mills in existence prior to November 1, 1981, taking into account the additional factors specified in subsection 84(b)(1). New NRC licensees would be subject to the factors specified in section 84, except that the site-specific factors in subsection 84(b)(1) would no be applicable.

Mr. HART. I thank the Senator.

I also understand that those uranium mills that have come into existence after enactment of the Uranium Mill Tailings Radiation Control Act on November 7, 1978, have agreed to comply with certain criteria similar to the suspended NRC mill tailings criteria. I am concerned that by suspending the NRC criteria and requiring a new rulemaking based on the EPA's final standards, this amendment may encourage a relaxation of efforts to protect public health and safety from the hazards of these sites. Is it the Senator's intention for these mill sites to continue to be subject to individual elements that were contained in the suspended NRC criteria, as appropriate on a case-by-case basis?

Mr. SIMPSON. I would expect the NRC to exercise its authority to regulate mill sites on a case-by-case basis. The amendment permits NRC to impose requirements on such a basis which are equivalent to, or the same as, individual elements in the criteria, to the extent that they comply with the provisons of the Mill Tailings Act and are supported in the particular case.

In addition, the goal, embodied in section 161(x) of the Atomic Energy Act, for minimizing the long-term maintenance and monitoring of mill tailings sites to the extent practicable, taking into consideration all of the relevant factors, remains intact.

Mr. HART. I thank the Senator.

The discovery of radioactive pollution of the Animas River in my own State of Colorado in the midfifties and the more recent break in the tailings dam at United Nuclear's Church Rock Mill, make it clear that the hazards of mill tailings transcend State boundaries. Thus, to be successful, efforts to protect the public from these hazards must include an effective national regulatory regime. Is my understanding correct that this amendment would not alter the purpose of the Uranium Mill Tailings Radiation Control Act of 1978 to create a uniform national program for regulating mill tailings?

Mr. SIMPSON. The amendment is certainly consistent with the uniform, national scheme for regulating mill tailings envisioned in the Mill Tailings Act. The pertinent Federal standards and Mill Tailings Act provisions are applicable even in agreement States to the extent that this is practicable. This amendment does reaffirm, however, the intent in the original act that a State may depart from Federal requirements that are not practicable for application by the State given local conditions.

Mr. HART. I understand the amendment would suspend the NRC's final uranium mill tailings regulations, promulgated in October 1980. I am concerned that some persons might view this amendment as a statement by Congress upon the merits of the NRC regulations.

Am I correct in my understanding that this amendment is not intended to reflect such a judgment by Congress?

Mr. SIMPSON. My own view is that adoption of this amendment in itself does not represent a judgment by Congress that the now-suspended NRC regulations are adequate or inadequate. I think it is fair to say, based upon our hearings, that there is substantial technical disagreement on whether certain of the suspended NRC criteria are necessary to protect the public health, safety, and the environment, or are consistent with the requirements of the act. By restoring the orderly system for developing regulatory requirements that was established by the act, we intend that these issues will be fully considered before NRC finalizes its technical criteria. Under this system, EPA must act first to set the appropriate overall level of protection. NRC then follows with detailed, site-specific requirements to meet that level. We do not intend to prevent those agreement States, such as Colorado, that have adopted new regulations substantially consistent with the now-suspended NRC regulations, from doing so. Further, this amendment, although it continues the suspension of the NRC regulations, does not limit the authority of the NRC to regulate uranium mills on a case-by-case basis to insure adequate protection of public health and safety and the environment, so long as that case-by-case regulation is consistent with the requirements of the act.

Mr. HART. I recognize that a great deal of confusion has arisen over the degree of flexibility the Uranium Mill Tailings Act accords to agreement States in developing their own uranium mill tailings regulations. Subsection 274(o) requires agreement States to adopt standards "which are equivalent, to the extent practicable, or more stringent than, standards adopted and enforced by the Commission for the same purpose * * *." Is my understanding correct that the amendment is intended not to affect the NRC's current authority to determine whether an agreement State's requirements provide an adequate level of protection of public health and safety and the environment, but rather to allow an agreement State to use alternative control technologies or practices best suited to the unique characteristics of a uranium mill site while providing an adequate level of protection of public health and safety and the environment?

Mr. SIMPSON. The Senator is correct. The amendment does not seek to weaken the basic principle in the Uranium Mill Tailings Act that requirements and standards adopted by an agreement State provide an adequate level of protection or be equivalent, to the extent practicable, or more stringent than, those adopted by EPA and NRC. Instead, the amendment is intended to give an agreement State the flexibility of determining by what means it will achieve an adequate level of protection in any instance in which it determines that a Federal requirement is not practicable for application by the State. Moreover, the amendment is consistent with the principle that the Federal Government will not reject agreement State regulations and requirements except in those cases where rejection is necessary to protect the public health and safety.

Mr. HART. Finally, the Senator and I have repeatedly expressed concern over the EPA's failure to meet statutory deadlines for issuing final standards for both inactive and active uranium mill sites. This amendment recognizes that problem and directs the EPA to use such funds "as may be necessary to assure" that it will promulgate its standards by the deadlines set in this amendment. Given current plans to reduce drastically the EPA's budget in the future, I seriously doubt whether EPA will even be able to meet these new deadlines. EPA's failure to meet these deadlines will only further disrupt efforts to regulate uranium mill tailings. To avoid a recurrence of the present confused situation, I urge my friend, the distinguished Senator from Wyoming, to seriously consider legislation that would discharge the EPA from further responsibility under the Uranium Mill Tailings Act at such time as it becomes clear that the EPA would not meet the new deadlines established by this amendment.

Mr. SIMPSON. I share the concern of the Senator from Colorado over EPA's inability to meet its statutory deadlines for issuing uranium mill tailing standards. I will consider a proposal to discharge the EPA of further responsibility under the Uranium Mill Tailings Act if it becomes clear that the EPA will not meet these new deadlines. I believe, however, that these are realistic and workable deadlines, and I expect them to be met. I also believe that the Congress was correct in its judgment in 1978, as reflected in the Mill Tailings Act, that EPA should have the responsibility to establish at the outset the level of protection to the public health safety and the environment, and that NRC should then develop its detailed, site-specific requirements to assure that this level of protection is met. I believe that this division of responsibility serves numerous important purposes which should not lightly be discarded. EPA has authority, for example, to take into account factors such as impact on defense and security and the Nation's energy supply which NRC reportedly has taken the position that it lacks. Accordingly, EPA standards setting has significant advantages. Although EPA, like other agencies, may face future budget reductions, we received assurances from the Agency at our hearings that the mill tailings standards would receive a high priority. I do not believe that we should abandon this careful delineation of regulatory responsibilities in the Mill Tailings Act unless it is very clear that this system will not work.

Mr. HART. I thank the Senator for his responses to my questions and his willingness to accommodate my concerns over this amendment.

Mr. ABDNOR. Mr. President, I should like to obtain a clarification from the sponsors of this amendment concerning the impact of the amendment on the cleanup of an inactive mill tailings site within my State—the Edgemont, S. Dak., site. As Senators know, the Edgemont site is unique in several respects.

First, although it is an inactive site, it is not covered by the remedial action program of the Mill Tailings Act because the Tennessee Valley Authority holds a current NRC license for the site. At the same time, the tailings at the Edgemont site, like those at the inactive sites covered by the Mill Tailings Act, were generated as a result of defense programs.

Second, TVA has expressed its willingness to move forward promptly with a sound cleanup plan for the site, which includes the voluntary commitment to move the tailings, that appears to have the support of the State and local communities. Substantial progress has been made with NRC in developing the details of the onsite cleanup plan, and an NRC approval of TVA's cleanup proposal is expected this spring, thus permitting cleanup to begin with the next construction season. I ask the sponsors of this amendment, given these unique aspects of the Edgemont situation, if the amendment is intended to postpone the present plans for reviewing and approving the TVA cleanup plan for the site?

Mr. DOMENICI. Given the unique situation at the Edgemont site, including the licensee's voluntary proposal to move the tailings and other factors supporting the licensee's cleanup proposal, this amendment is not intended to postpone the expected actions on the Edgemont cleanup. This is the case even though the NRC has indicated that uranium mill tailings can be disposed of at existing uranium mill sites without risk to the public health, safety, and the environment. At the same time, these factors are sufficiently unique that the Edgemont cleanup plan should not be viewed as a precedent for cleanup of the inactive sites under the remedial action program or for requirements for active mill sites. Nor should action on the Edgemont cleanup be viewed as an endorsement of the now-suspended NRC uranium mill licensing regulations and criteria.

Mr. SIMPSON. The Senator is correct. We would expect the Commission to proceed on its present schedule in its action on the Edgemont onsite cleanup.

● Mr. WALLOP. Mr. President, the Uranium Mill Tailings Radiation Control Act of 1978 provided for imposition of reasonable regulatory requirements for protection against significant radiological and nonradiological hazards from uranium mills and uranium mill tailings. As a result of that act and the new regulations promulgated pursuant to the act, however, many problems have arisen.

The Environmental Protection Agency has failed to issue standards for inactive and active uranium sites throughout the country. Even though the 1978 Mill Tailings Act specifically set forth a program by which the EPA would first establish reasonable criteria based on the EPA standards, this has not been done and numerous problems have arisen. NRC, in the absence of EPA standards, has issued its own standards, coupled with more detailed requirements. These NRC regulations impose stringent new obligations on the uranium industry and the Department of Energy and other Government agencies have specifically criticized the regulations as scientifically and technically unjustified. In addition, DOE has testified that compliance with comparable standards will cost the taxpayer $500 million—before inflation—at inactive sites alone. NRC, moreover, has admitted that its regulations will cost $1 billion or more at active sites. This is an enormous expense in view of NRC's admission that the "risks" involved are purely hypothetical, that they may be zero, and that in any event they are only about 1 in 70,000,000 to the average person.

Clearly, it is time for the Congress to take appropriate action to solve the problems arising from the 1978 Mill Tailings Act. I believe we should now amend the act in order to continue to protect the public health and safety, while at the same time requiring a Federal uranium regulatory program that does not impose unnecessary costs on the critically depressed domestic uranium industry.

The amendment currently pending to the NRC Authorization Act will do just that.

The amendment establishes new deadlines for the Environmental Protection Agency to establish standards for active and inactive sites. It will formally suspend NRC's uranium mill licensing requirements pending adoption of EPA standards and conformance of the NRC regulations to those standards. In addition, the amendment will clarify the role of the agreement States and the NRC to adopt regulations which may differ from Federal requirements.

The amendment, if enacted, will reduce uranium regulatory burdens while at the same time protecting the public health and safety. In the State of Wyoming where the uranium industry is presently in a very critical condition, this amendment is a crucial step in helping revitalize the industry in order to meet long-term U.S. energy needs.●

● Mr. SCHMITT. Mr. President, because of my concern about the legal, scientific, and economic justification for NRC's uranium mill tailings regulations, I sponsored an amendment to the Energy and Water Appropriations Act of 1982 which prohibited the implementation of those questionable regulations. Due to my continuing interest and concern I am pleased to support the uranium mill tailings amendment proposed for incorporation into the DOE/NRC authorization bill. I strongly believe that nuclear energy serves, and will continue to serve, as an important source for our Nation's defense efforts. It is vital to the country's interests that nuclear energy not be saddled with unreasonably stringent restrictions in a misguided effort to eliminate remote and hypothetical risks without regard to the enormous costs involved. There is no such thing as a risk-free environment. To insist that all risks be eliminated is to demand that we forego the benefits of a modern society and accept a lower standard of living.

Unfortunately, the last decade has witnessed an unwarranted impulse to impose new, burdensome, and duplicative burdens and delays on nuclear power development without taking into account the costs of such action and weighing them against the benefits. This tendency is totally unwarranted and wholly unrealistic given the safety record associated with the peaceful use of nuclear energy. Additional burdens on nuclear power have contributed to the higher energy costs in this country, as well as the Nation's current inflation and unemployment problems.

The uranium mill tailings amendment offers an opportunity to introduce some realism into the picture. It makes clear that in formulating standards and other requirements, both EPA and NRC must take into account all relevant factors including not only the public health and safety but also the economic costs involved. Balancing these factors is particularly important here because the risks posed by uranium mill tailings are conjectural and vanishingly small. As NRC admits, there is no evidence establishing that exposure to low levels of radon from mill tailings will result in any harm at all. It is obviously highly questionable to invest hundreds of millions of dollars to further decrease a risk which is already slight and moreover is only hypothetical in the first place.

This amendment also suspends NRC's uranium mill licensing requirements. It thus reaffirms the result Congress reached in the language in the Energy and Water Appropriations Act of 1982 which I sponsored. The NRC regulations are subject to numerous criticisms. First, they were unlawfully issued in advance of EPA standards contrary to section 275 of the Atomic Energy Act. Second, their technical basis and rationale has not been established.

The regulations, if enforced, may well result in greater risks than they avoid. For one thing, complying with them will require movement of large masses of soil, with the resulting risks to construction workers and to the public, not to mention the disruption to the environment. Moreover, the regulations will drive up energy costs.

Well-informed authorities have critized the basis for the regulations insofar as they focus on radon. For example, Dr. David Rosenbaum, the former head of the EPA's Office of Radiation Programs recently explained that:

> EPA has estimated (under the linear non-threshold assumption) that (naturally occuring) indoor radon causes 10,000 lung cancer deaths each year in the United States. . . . If the money spent cleaning up residual thorium or uranium from past operations were spent lowering the indoor radon levels, far more lives would be saved. Instead, the federal government is actively urging citizens to seal up their houses; indeed, it is heavily subsidizing their sealing up, even though sealing up American homes will greatly increase the number of cancer deaths due to indoor radon (under the government's assumptions). . . . It makes little sense for the NRC to require its licensees to spend large amounts of money to protect a few people from the risk of lung cancer induced by breathing in alpha-emitters, while the federal government is subsidizing tens of millions of people to take actions which will raise the already much larger risk of a large part of our population to lung cancer cause(d) by breathing alpha-emmitters."

The amendment also clarifies that agreement States may adopt regulations which diverge from impracticable Federal requirements. My State, New Mexico, regulates more tons of mill tailings than NRC. Its regulatory agencies are at least as experienced as the Commisson in addressing tailings problems. After lengthy hearings, New Mexico determined that numerous NRC requirements were unreasonable, unnecessary, and impracticable for implementation in the State. The State accordingly adopted better-suited alternatives. NRC staff have in the past taken the position that such divergence is impermissible.

This amendment also provides that the State alternatives must be accepted by the Commission unless that body finds, after a hearing before five Commissions themselves, that the State requirements are not supported by substantial evidence. Finally, the amendment reiterates that NRC has not properly construed the statute in taking the position that agreement States which are actively regulating mill tailings nevertheless automatically lost their regulatory authority in November because they had not yet entered into "amended agreements" with NRC. The only means by which the Commission may reassert authority in agreement States which already have jurisdiction over tailings is by means of notice and a hearing as provided in subsection 274(j).

Mr. President, I am confident that the Mill Tailings Act, as amended by this legislation, will fully and completely protect the public health, safety and the environment, while at the same time preventing an irrational crusade by regulatory agencies against all remote and hypothetical risks. Given the thousands of unemployed uranium miners in New Mexico, Colorado, Wyoming, and other States, as well as the Nation's vital interest in this important strategic mineral, it is imperative that further unnecessary burdens on the uranium industry be avoided and that the amendment be adopted.●

Mr. SIMPSON. Mr. President, I yield back the remainder of my time to the time certain of 2 o'clock this afternoon, at which time there will be a rollcall vote on the previous amendment, together with an additional 5 minutes on each side for concluding remarks. With that understanding, under the regular order and the time agreement, I yield back the remainder of my time.

The PRESIDING OFFICER. All time having been yielded back, the question is on agreeing to the amendment.

The amendment (UP No. 858) was agreed to.

Mr. SIMPSON. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. DOMENICI. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. Who yields time?

Mr. SIMPSON. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. How does the Senator propose that the time be charged?

Mr. SIMPSON. I ask unanimous consent that the time for the quorum call not be charged to either side.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. BAKER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BAKER. Mr. President, I am advised that the three amendments which were authorized under the previous unanimous-consent order have been dealt with in the manner contemplated. One of them has been disposed of and a rollcall vote has been ordered on the second. Under the order previously entered that vote cannot occur until 2:10 p.m., this afternoon. The third amendment, an amendment of the Senator from Pennsylvania (Mr. HEINZ), which was in order under the unanimous-consent agreement, was not and will not be offered.

ROUTINE MORNING BUSINESS

Mr. BAKER. Mr. President, in view of those circumstances, I ask unanimous consent that there now be a brief period for the transaction of routine morning business, to extend not past the hour of 12 noon in which Senators may speak for not more than 10 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

SCHEDULE OF BUSINESS

Mr. BAKER. Mr. President, I remind Members that at 12 noon under the order entered on yesterday the Senate will stand in recess until 2 p.m. in order that Members on both sides of the aisle may participate in their party caucuses which will occur off the floor of the Senate.

At 2 o'clock there will be 10 minutes of debate, equally divided, as provided for in the order on the votes that have previously been ordered and at 2:10 p.m. the votes will occur on the Hart-Simpson amendment, and perhaps on final passage if a rollcall vote is ordered on final passage.

At the conclusion of the time for the rollcall vote or votes, as the case may be, the Senate will resume consideration then of the continuing resolution, House Joint Resolution 409.

Once again it is expected that the Senate will work late if necessary today in order to try to complete that measure.

I am aware of the fact that there are other engagements in the city in which Members feel an obligation to participate. But, Mr. President, there is also the inexorable marching of time and the end of this month will extinguish the operation and efficacy of the continuing resolution in place, and I do not think we should wait until tomorrow to try to finish this matter.

Therefore, we will be in late as and if it is necessary to do so to make good progress or perhaps, I hope to complete action on the continuing resolution.

Mr. President, later today I will ask the Senate to consider the adjournment resolution for the Easter recess, and I may say to Members at this time it is my present intention to ask that that adjournment resolution provide that the Senate may adjourn on Thursday, Friday, Saturday, Sunday, Monday, or Tuesday, depending on the workload that we have before us.

I regret to say that, but it is necessary that we complete action on the continuing resolution and I do not feel inclined to ask the Senate to stand in adjournment for the Easter recess until we have completed action on the continuing resolution, meaning action by both the House of Representatives and the Senate and the transmission of that message to the President.

Mr. President, I suggest the absence of a quorum.

The **PRESIDING OFFICER**. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. **GARN**. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The **PRESIDING OFFICER**. Without objection, it is so ordered.

RECESS UNTIL 2 P.M.

Mr. **GARN**. Mr. President, I ask unanimous consent that the Senate now stand in recess until 2 p.m.

There being no objection, the Senate, at 11:41 a.m., recessed until 2 p.m.; whereupon, the Senate reassembled when called to order by the Presiding Officer (Mr. LUGAR).

NUCLEAR REGULATORY COMMISSION AUTHORIZATIONS

The Senate continued with the consideration of the bill.

The **PRESIDING OFFICER**. The Senator from Illinois is recognized.

Mr. **PERCY**. I ask unanimous consent that I be added as a cosponsor to the amendment offered by Senator HART and Senator MITCHELL.

The **PRESIDING OFFICER**. Without objection, it is so ordered.

Mr. **PERCY**. Mr. President, I support and cosponsor the amendment offered by Senators HART and MITCHELL. It is very similar to a bill I authored now pending before the Committee on Foreign Relations. We must clarify our policy on the use of commercial nuclear fuel for nuclear weapons sooner rather than later. All too often in the nuclear area, we have let technology develop, only to be confronted with its political implications at the eleventh hour. Today, we can consider the implications of one new technology, plutonium-laser-isotope separation, well before it is put into use. Even though this process is still being developed, we are already feeling its political effects. Therefore, we must address the questions posed by this new technology today.

Plutonium-laser-isotope separation, is a process for refining plutonium from reactor grade to a purity suitable for nuclear weapons. The Department of Energy has had the process under development for several years now, and I understand it may be ready for use by 1987. The stated use of this technology today is to clean up some reactor grade plutonium produced in DOE's Hanford reactor for use in the weapons program. The President's strategic modernization program has increased demand for plutonium for nuclear warheads which this present supply of DOE owned and produced plutonium could help meet. In addition, this new refining process could purify plutonium in existing nuclear warheads, which would lower the radiation exposure levels of those who must work around nuclear weapons.

I have no problem with these legitimate uses of plutonium-laser-isotope separation, Mr. President. What troubles me, and what the Senate must consider today, is the possibility that this process will be used to refine plutonium produced in our commercial power reactors for use in nuclear weapons. While I understand that the administration has no plans to divert spent power reactor fuel to the weapons program, there have been several statements by high administration officials indicating that this might be a good idea. As an example, I ask unanimous consent to have printed in the RECORD, Secretary Edwards' comments before the Energy Research Advisory Board. The active development of this technology combined with statements like this that indicate a willingness to use it on commercial fuel means that we could suffer the damage to our nonproliferation policy of mixing peaceful and military atoms well before we divert the first commercial fuel rod to the weapons program.

The **PRESIDING OFFICER**. Without objection it is so ordered.

(See exhibit I.)

Mr. **PERCY**. While the development of this technology would not make it any easier for a nation to build its first nuclear bomb, Mr. President, it would weaken American diplomatic efforts to discourage or prevent other nations from developing atomic weapons. The main objective of our nonproliferation efforts is to prevent peaceful nuclear power facilities from being turned to military ends. If we go ahead with this possibility of diverting our spent commercial nuclear fuel to nuclear weapons—or just ambiguously keep the option open—we shall undercut our nonproliferation efforts. We shall become hypocrites, insisting that other nations avoid the temptation of using their commercial nuclear powerplants for a weapons program, while going right ahead with it ourselves.

To my knowledge, all of the non-Communist nations that have signed the Non-Proliferation Treaty have kept civilian and military fuel cycles separate. I do not believe we should be the first to break this consensus. While it is unclear what the Soviet Union does, I argue that Soviet practice is irrelevant for this debate. Nuclear proliferation will make the world a very dangerous place—for us and the Soviets. We owe it to the world to do nothing that would speed the proliferation of nuclear weapons. And that means doing nothing that would harm our efforts to stem proliferation, which using commercial nuclear fuel for nuclear weapons would certainly do. We can provide for the national defense without mixing peaceful and military atoms.

Mr. President, in addition to the serious nonproliferation implications to mixing commercial and military fuel cycles, I think we should carefully consider several other aspects of relying on this plutonium laser process for our nuclear weapons material. First, is it really in the interest of national security to base our planning on an experimental process? We must make decisions now on how to obtain materials for the weapons program over the next 10 years. While the Department of Energy is quite sure this technology will be ready by 1987, I am sure that anybody with experience in research and development will look at that date—and the cost estimates that accompany it—with a jaundiced eye. Delays and cost overruns are too common in any untried experimental program for us to take these figures at face value. We have always obtained our weapons material through specifically dedicated production reactors. While these are getting old and may have to be replaced at some time, we know that they work well and on schedule. Our nuclear programs are vital to this Nation's security. Let us stick to the tried and true route for materials production.

Second, I think we should weigh very carefully the implications of using commercial nuclear powerplants for nuclear power in this country. There is a broad based and popular campaign for a nuclear freeze sweeping the Nation. This movement should make it clear to every Member of Congress the tremendous interest around the country in nuclear arms reductions. Illinois has more nuclear-generated power than any other State. I can just imagine the problems that Commonwealth Edison, our largest utility, would have with popular acceptance of its powerplants if their spent fuel was being used to make nuclear weapons. Nuclear power must stand or fall on the basis of economics and safety. Using nuclear powerplants to make atomic bombs would saddle this industry with a political problem it just does not need.

Mr. President, I hope that my colleagues will agree with me that the political disadvantages of using commercial nuclear fuel for weapons far outweigh its potentially illusory financial benefits. Keeping the option open of using it on commercial fuel would bring on most of the disadvantages to our nonproliferation policy well before we receive any of the supposed benefits. We must restrict this technology to military use only. If we do not, we are sending a very clear signal to the rest of the world that we may break with the foundations of the international nonproliferation regime. The political damage that could result from that would carry a price tag far higher than any cost we pay to keep our commercial nuclear power reactors from becoming bomb factories.

EXHIBIT I

TRANSCRIPT OF PROCEEDINGS

Secretary Edwards. There are many advantages to reprocessing.

One of the advantages, for example, is that we are going to be needing some more plutonium for our weapons programs, and the best way I can see to get that plutonium is to solve your waste problem. Reprocess it, pull out the plutonium and you may have to upgrade that.

Many of you know more about that than I do, but I understand that we have to upgrade the plutonium to weapons grade. It makes sense to me that if you are short of plutonium, let's reprocess some of the fuel rods and get the uranium out to be used in a light water reactor.

We could also use the plutonium in the breeder reactor and get that technology proven and move ahead in that area, and we would solve two problems at one time. It just makes a lot of sense to me to go that route.

Mr. TOWER. Mr. President, I yield myself 5 minutes.

Mr. President, I strongly oppose the amendment offered by Senator Hart and others to prohibit the use of commercial special nuclear material for nuclear explosive purposes.

I can see absolutely no justification for legislatively foregoing an important national security option that has been carefully preserved in the Atomic Energy Act and the Nuclear Nonproliferation Treaty.

I frankly do not understand what the amendment is supposed to accomplish. As I understand it, this is supposed to do something for U.S. nuclear nonproliferation objectives. For some reason, I have difficulty imaging Colonel Qadhafi or any other national leader foregoing the pursuit of nuclear weapons just because the United States has had the audacity to prohibit legislatively the use of commercial plutonium for weapons use. The logic escapes me. On the other hand, I suspect the Kremlin would be delighted with this amendment—here we go again, giving up an important national security option unilaterally and unnecessarily.

Mr. President, I seriously considered offering an amendment to the Hart amendment to require the use of commercial special nuclear material for defense purposes if such use can be shown to be cost effective. It is not at all clear to me that it makes any sense to build one or more new defense reactors—at a cost of several billion dollars each—when today there are 70 tons of plutonium in spent commercial fuel now stored at reactor sites around the country. We could solve much of the commercial nuclear waste problem by this approach if the Government would simply take the spent commercial fuel for reprocessing in defense facilities. But I shall not offer my amendment because the whole question needs further study and the economics are not formulated at this point. I know the authors of the amendment cannot answer the question of the cost of their amendment. Actually, perhaps they want the taxpayers to ignore the cost implications. I, for one, cannot.

History will condemn the United States for its handling of atomic energy. At a point not too many years ago, we could have become the free world's credible supplier of nuclear fuel for peaceful purposes, and by so doing, we would have kept a monopoly on nuclear technology needed to develop nuclear weapons. All that other nations wanted was the benefit of nuclear power—clean, safe, efficient, electrical power. They would have paid the United States for powerplants and let us retain complete control of the nuclear fuel—as long as we were reliable. But we have made stupid decisions—many in the name of nuclear nonproliferation—and we have literally forced dozens of nations to develop their own nuclear technology. The decision to ban reprocessing of spent commercial fuel is the classic example. This administration is seeking to restore the position of the United States in the international atomic energy arena; I hope it is not too late. Clearly, this amendment is a step in the wrong direction.

Mr. President, the Armed Services Committee considered this same provision last week when S. 1662, the National Nuclear Waste Policy Act, was marked up. The committee overwhelmingly rejected this provision and I ask unanimous consent that the language from the committee report on this matter be printed in the Record at the conclusion of my remarks.

I urge my colleagues to reject this amendment.

There being no objection, the language was ordered to be printed in the Record, as follows:

Section 203 of the bill, as reported by the Committee on Environment and Public Works, adds a new subsection (e) to Section 57 of the Atomic Energy Act that would prohibit special nuclear material produced in the commercial sector from being used for nuclear explosive purposes. The Committee supports the Administration in opposition to this section.

Since the first commercial power reactor began producing electricity in 1957, the United States has carefully and deliberately maintained a clear distinction between its commercial and its military nuclear programs. This has been done as a matter of national policy without the necessity for a legislative mandate to do so. There are no plans at this time to use any commercial nuclear products in any defense program. However, the United States has always kept available the option to use commercial nuclear facilities and products for military purposes, should our national security interests so dictate. This option was carefully preserved when the United States signed the Nuclear Nonproliferation Treaty. In view of the foregoing, the Committee can see no reason to enact this legislation at this point in time; to the contrary, the perception of this legislation by our allies, our potential adversaries and the Third World may well be that the United States is foregoing yet another vital national security option—unilaterally and unnecessarily.

There is serious question as to what impact, if any, that this historic separation has had on the proliferation question. Of the nuclear weapons' states that signed the Nuclear Nonproliferation Treaty, only the United States and the United Kingdom have totally separate military and civilian nuclear programs. Emerging nuclear weapons' states appear driven by economic and other considerations to combine their military and commercial nuclear programs.

In opposing this provision, the Committee is not supporting, endorsing or encouraging the use of commercial nuclear facilities and products for military purposes. The Committee respects the historical separation of civilian and military nuclear programs. The Committee believes that the use of commercial nuclear facilities or products should be used for defense purposes only as a last resort and that the Administration should make plans to continue to supply necessary special nuclear materials for defense purposes from reactors and processing facilities dedicated to that purpose.

To reinforce its view that commercial nuclear facilities or products should not be used except in the interest of national security, the Committee recommends that Section 55 of the Atomic Energy Act of 1954, which is the authority for the Energy Department to use commercial nuclear facilities or products for any purpose, be amended to require Presidential certification as to the national security need before such use is made.

Mr. TOWER. Mr. President, I yield back the remainder of my time.

The PRESIDING OFFICER. Who yields time?

The Senator from Colorado.

Mr. HART. Mr. President, how much time remains in support of the amendment?

The PRESIDING OFFICER. The Senator has 2 minutes and 50 seconds.

Mr. HART. I yield 1½ minutes to my colleague from Wyoming.

The PRESIDING OFFICER. The Senator from Wyoming.

Mr. SIMPSON. Mr. President, I want to make a few summary comments on this amendment. At the outset, I believe that it is important to keep in mind what this amendment does. By prohibiting the use of commercial spent fuel as a source of material for the weapons program, the amendment essentially does two things. First, provides a much-needed statement of national policy that the United States will exhaust all other available options for meeting fully the needs of the weapons program before it considers using spent fuel from commercial powerplants. The need for this statement of national policy has arisen as a result of statements by DOE officials that this option might be used at some point in the future.

Second, the amendment assures that, if an emergency or some other unforseen problem arises such that this is the only available option for meeting the needs of the weapons program, the administration must come to the Congress and obtain its approval, through a change in the law, before it proceeds with this option. In essence, the amendment does no more than what DOE has already testified it is prepared to do—to only use this option as a last resort after all other options have been exhausted; and to consult with the Congress before proceeding with this option.

Mr. President, there are several sound reasons for this amendment. The most persuasive of these for me is the inappropriate and heavy burden that the use of commercial spent fuel for weapons purposes would place on the nuclear industry. I simply believe that this would be the final blow to the nuclear power program—particularly if the issue of using nuclear powerplants as weapons factories is injected as an issue in the already complex maze of the NRC licensing process. In fact, press accounts of the DOE's proposal to use commercial spent fuel for weapons purposes have included the serious concerns in this regard of representatives of the nuclear industry. In that regard, then, Mr. President, this to me is a pronuclear amendment in that it assures that DOE will only use this option as a last resort and after obtaining express congressional approval.

An additional reason for the amendment is to prevent the serious damage to our nonproliferation objectives that would result through the unnecessary and ill-advised use of commercial spent fuel for weapons purposes. This concern was addressed fully in the debate this morning.

Those who argue against the amendment allege that the amendment would contradict provisions in the International Atomic Energy Agency treaty and in the Atomic Energy Act that would otherwise permit the United States to use commercial spent fuel for weapons purposes. There is simply no conflict here. Certainly, nothing in the Atomic Energy Act or the treaty in any way prohibits the United States from adopting the restriction contained in the amendment as a matter of national law. Nor is this amendment in any way like the nuclear freeze resolution.

It is worth noting in that regard, Mr. President, that DOE has repeatedly stated that it does not expect to rely on the use of commercial spent fuel to meet fully all presently projected weapons needs. DOE has also acknowledged that the technology needed to make use of commercial spent fuel for this purpose is not even available at this time. Therefore, prudence alone would argue in favor of insuring that this remains a last-resort option—as this amendment would do. If a true national emergency arises that requires the use of this option, then I would certainly support its use. This amendment does not in any way prohibit prompt action by the Congress to allow the option to be used in such a situation, but it does provide essential safeguards to guarantee that the use of the option occurs only as a last resort, after careful consideration, and with the express approval of Congress.

For the foregoing reasons, Mr. President, I strongly support the amendment and urge its adoption.

Mr. President, I believe it is so important to keep in mind simply what this amendment does. We are simply prohibiting the use of commercial spent fuel as a source of material for the weapons program. I think that is critically important. I think that as I have said, having served for 3 years on the Nuclear Regulatory Commission Subcommittee, I simply believe that the most persuasive reason for me to support this amendment, from my background on the subcommittee, is that I think it is going to put such an inappropriate and totally heavy burden upon the use of commercial spent fuel if we do this for weapons purposes. It is going to put a tremendous burden on the nuclear industry. I simply believe it could well be the final blow to the nuclear power program, particularly if this issue of using nuclear powerplants as weapons factories is injected as an issue at every stage of the proceedings in the already complex maze of the NRC licensing process. That is what we are doing here.

This could be the death knell for commercial nuclear power in the United States, and I speak as one who is pronuclear and believes that is a critically important part of the mix in our energy-objective resources.

Another argument is that this use I have spoken of will have repercussions throughout the international community and how we have stepped back on our commitment. These are the two important reasons why I support this amendment.

I yield back to my colleague from Colorado.

Mr. HART. Mr. President, the Senate is going to vote in a moment on what is a potentially monumental question, whether the administration should use its own discretion on whether to use the spent nuclear commercial fuel as a source of material for the production of nuclear weapons. That would be crossing a threshold this country has not crossed in the last 30 years; that is, in the history of the American nuclear industry. Starting with President Eisenhower, through all administrations since, every President and every Congress has drawn a straight and, I think, clearly defined wall between the domestic and peaceful use of nuclear energy and the military or defense use of nuclear energy. If this amendment fails, we shall be breaching that wall in a very, very serious way. The result will be to throw into very serious questions the future of domestic nuclear energy in this country because, as I say, the opponents will allege, and with some degree of propriety, that every domestic nuclear powerplant is potentially the manufacturer of nuclear weapons.

Finally, we shall be sending the wrong signal to the rest of the world that we are in the business of substituting the peaceful use of the atom by the destructive use of the atom.

The PRESIDING OFFICER. All time has been used or yielded back. The question is on agreeing to the amendment of the Senator from Colorado. The yeas and nays have been ordered on this amendment. The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. STEVENS. I announce that the Senator from New Mexico (Mr. SCHMITT) is necessarily absent.

Mr. CRANSTON. I announce that the Senator from Texas (Mr. BENTSEN) is absent because of illness in the family.

The PRESIDING OFFICER. Are there any other Senators in the Chamber wishing to vote?

The result was announced—yeas 88, nays 9, as follows:

[Rollcall Vote No. 64 Leg.]

YEAS—88

Abdnor
Andrews
Armstrong
Baker
Baucus
Biden
Boren
Boschwitz
Bradley
Bumpers
Burdick
Byrd, Harry F., Jr.
Byrd, Robert C.
Cannon
Chafee
Chiles
Cochran
Cohen
Cranston
D'Amato
Danforth
DeConcini
Dixon
Dodd
Dole
Domenici
Durenberger
Eagleton
Exon
Ford
Glenn
Gorton
Grassley
Hart
Hatch
Hatfield
Hawkins
Hayakawa
Heinz
Hollings
Huddleston
Humphrey
Inouye
Jackson
Jepsen
Johnston
Kassebaum
Kasten
Kennedy
Laxalt
Leahy
Levin
Long
Lugar
Mathias
Matsunaga
Mattingly
McClure
Melcher
Metzenbaum
Mitchell
Moynihan
Murkowski
Nunn
Packwood
Pell
Percy
Pressler
Proxmire
Pryor
Quayle
Randolph
Riegle
Roth
Rudman
Sarbanes
Sasser
Simpson
Specter
Stafford
Stennis
Stevens
Symms
Tsongas
Wallop
Warner
Weicker
Zorinsky

NAYS—9

Denton
East
Garn
Goldwater
Heflin
Helms
Nickles
Thurmond
Tower

NOT VOTING—2

Bentsen Schmitt

So the amendment (UP No. 857) was agreed to.

Mr. HART. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. SIMPSON. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. CRANSTON. Mr. President, I intend to vote for this fiscal year 1982-83 Nuclear Regulatory Commission authorization bill. But I do have some reservations about the provisions in section 201 authorizing the NRC to issue interim operation licenses for nuclear powerplants prior to the completion of all hearings required for a final operating license.

I believe these provisions are unnecessary. I hope they will not also prove harmful.

This extraordinary interim licensing authority was requested by the NRC—then modified and incorporated into this authorization—to deal with a very specific problem: As of April 1, 1981, the NRC anticipated that each of 11 nuclear powerplants seeking operating licenses would sit completed and idle for periods ranging from 1 to 13 months before these licenses could be granted. Failure to complete licensing procedures at the time the plants were ready to operate would needlessly deprive utility owners and ratepayers of the capacity the plant could provide, while large carrying costs for the facility would be incurred. The slippage in the licensing period occurred because the NRC was forced to reallocate its staff to study the Three Mile Island accident, evaluate its lessons, and develop new safety regulations

While the Commission sought limited authority to license interim operations at up to a 5-percent level, the bill authorizes licensing beyond this "low-power" level in order to eliminate any delay between completion of construction and operation of these 11 plants.

While the situation last April might justify such procedures, those special circumstances no longer exist. The latest NRC status report to the House Appropriations Energy and Water Development Subcommittee dated February 26, 1982, now projects a delay of only 1 month each, for two powerplants.

Interim licensing may be justifiable under circumstances where delay is caused by factors unrelated to the plant seeking licensing.

It should not be used as a device for watering down the licensing procedures with respect to a particular plant.

My concern is that, with this authority on the books, the NRC may come under strong pressure to allow operations to proceed even while significant health and safety issues remain unresolved. If this authority is misused—if interim licensing makes the hearing process meaningless—it will erode public confidence in the NRC's role of protecting public health and safety.

I am relieved, however, that the committee did include in the bill important safeguards which greatly reduce this risk. The bill requires filing of the Advisory Committee on Reactor Safeguards and the NRC staff safety and environmental reports, as well as an emergency plan, before the submission of an interim license petition. Most importantly, only the Commission itself—not the staff—may decide on the interim license at low power and any successive power level, and only after determining that: First, all requirements of law are met other than completion of hearings; second, interim licensing will not jeopardize public health and safety or the environment; and third, interim licensing is truly necessary to eliminate unwarranted delays between the time of plant completion and final licensing.

I hope these significant safety provisos and clear needs test will insure only the most limited and cautious application by the NRC of this discretionary authority.

Mr. BAKER. Mr. President, I would like to take this opportunity to thank the distinguished Senator from Wyoming, Senator SIMPSON, and the distinguished Senator from Colorado, Senator HART, for their work on the NRC authorization bill. Their efforts in managing the bill through the Senate are to be commended. The bill that the Senate has just passed provides the framework for essential improvement throughout the nuclear regulatory process.

This bill is the first to provide a multiyear authorization for the Nuclear Regulatory Commission enabling the agency to plan more effectively and efficiently on a longer term basis for the implementation of its regulatory function.

The bill looks to the future in specifying research into the licensing requirements of new generations of reactors, further strengthening the Commission's role in securing safe nuclear energy in the years ahead. Such research will enable the Commission to establish the regulatory framework we shall need as fast breeder reactors and high temperature gas-cooled reactors are developed in this country.

It also contains provisions to alleviate the present constraints imposed upon the Commission after the incident at Three Mile Island. It contains amendments to the Atomic Energy Act which facilitate the issuance of interim operating licenses to utilities, at all times specifying that there shall be no compromise in health and safety concerns. These provisions should be of benefit to the industry in assisting the more even flow of plant construction and operation.

A third amendment, the Atomic Energy Act, was of particular interest to me. It provides that persons guilty of willfully interrupting the operation of a powerplant, be subject to criminal penalties. This redresses the situation which existed prior to consideration of the NRC authorization bill for 1981 (S. 6358) in which I offered a similar amendment after an incident at a TVA plant. Because the bill was not enacted, the amendment did not become law. Interference, whether through physical damage, or by improper use, has serious implications for the plant, the utility, and customers, and may even endanger public health and safety. I am personally most satisfied to see that this provision has again been included in the current bill, and I thank my distinguished colleagues for incorporating it into this measure.

Another major amendment to the bill authorizes the Commission to pursue the establishment of a safety goal; the quantitative assessment of comparative levels of risk in power production, in the definition of new regulatory requirements for existing and new nuclear powerplants. The objective in safety philosophy will enable the nuclear industry to plan more readily to meet coherent safety standards.

Funds to facilitate the deployment of resident nuclear inspectors at every nuclear site are also incorporated in the bill and the Commission is mandated to review and develop its quality control and assurance methods and techniques, to secure the improvement and maintenance of proper safety standards.

In addition to such positive contributions toward the greater efficacy of the Commission's operations, discussion of the bill raised other significant issues. Fundamental policies of concern to us all, not only in this country but overseas, have been considered today.

Mr. President, I wish to thank all my colleagues who have made valuable contributions to the debate, and I pledge my continued cooperation in structuring legislation imperative to safety and progress in the nuclear industry.

The PRESIDING OFFICER. Senators will please take their seats. May we have order in the Senate.

Under the previous order, we will now move to third reading. The question is on the engrossment and third reading of the bill.

The bill was ordered to be read a third time, and the bill was read the third time.

Mr. SIMPSON. Mr. President, in accordance with the current order, I ask that the Senate proceed without debate to the consideration of House companion bill H.R. 2330; that the text of S. 1207, as amended, be substituted without debate for that of H.R. 2330; and that third reading of H.R. 2330 and final passage of the bill, follow immediately thereafter without debate. And I ask unanimous consent that it be in order for the yeas and nays.

The **PRESIDING OFFICER.** Is there objection to ordering the yeas and nays? The Chair hears none, and it is so ordered.

Mr. **SIMPSON.** I ask for the yeas and nays.

The **PRESIDING OFFICER.** Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

The **PRESIDING OFFICER.** The clerk will state the House bill by title.

The bill clerk read as follows:

A bill (H.R. 2330) to authorize appropriations to the Nuclear Regulatory Commission in accordance with section 261 of the Atomic Energy Act of 1954, as amended, and section 305 of the Energy Reorganization Act of 1974, as amended, and for other purposes.

The **PRESIDING OFFICER.** The question is on the engrossment of the amendment and third reading of the bill.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read a third time.

The **PRESIDING OFFICER.** The question is, Shall the bill, as amended, pass? The yeas and nays have been ordered, and the clerk will call the roll.

The bill clerk called the roll.

Mr. **STEVENS.** I announce that the Senator from New Mexico (Mr. SCHMITT) is necessarily absent.

I further announce that, if present and voting, the Senator from New Mexico (Mr. SCHMITT) would vote "yea."

Mr. **CRANSTON.** I announce that the Senator from Texas, (Mr. BENTSEN) is absent because of illness in the family.

The **PRESIDING OFFICER.** Are there any other Senators in the Chamber wishing to vote?

The result was announced—yeas 97, nays 0, as follows:

[Rollcall Vote No. 65 Leg.]

YEAS—97

Abdnor
Andrews
Armstrong
Baker
Baucus
Biden
Boren
Boschwitz
Bradley
Bumpers
Burdick
Byrd,
  Harry F., Jr.
Byrd, Robert C.
Cannon
Chafee
Chiles
Cochran
Cohen
Cranston
D'Amato
Danforth
DeConcini
Denton
Dixon
Dodd
Dole
Domenici
Durenberger
Eagleton
East
Exon
Ford
Garn
Glenn
Goldwater
Gorton
Grassley
Hart
Hatch
Hatfield
Hawkins
Hayakawa
Heflin
Heinz
Helms
Hollings
Huddleston
Humphrey
Inouye
Jackson
Jepsen
Johnston
Kassebaum
Kasten
Kennedy
Laxalt
Leahy
Levin
Long
Lugar
Mathias
Matsunaga
Mattingly
McClure
Melcher
Metzenbaum
Mitchell
Moynihan
Murkowski
Nickles
Nunn
Packwood
Pell
Percy
Pressler
Proxmire
Pryor
Quayle
Randolph
Riegle
Roth
Rudman
Sarbanes
Sasser
Simpson
Specter
Stafford
Stennis
Stevens
Symms
Thurmond
Tower
Tsongas
Wallop
Warner
Weicker
Zorinsky

NOT VOTING—2

Bentsen
Schmitt

So the bill (H.R. 2330), as amended, was passed, as follows:

Resolved, That the bill from the House of Representatives (H.R. 2330) entitled "An Act to authorize appropriations to the Nuclear Regulatory Commission in accordance with section 261 of the Atomic Energy Act of 1954, as amended, and section 305 of the Energy Reorganization Act of 1974, as amended, and for other purposes", do pass with the following amendment:

Strike out all after the enacting clause and insert:

TITLE I—AUTHORIZATION OF APPROPRIATIONS FOR FISCAL YEARS 1982 AND 1983

SEC. 101. (a) There is hereby authorized to be appropriated to the Nuclear Regulatory Commission in accordance with the provisions of section 261 of the Atomic Energy Act of 1954 (42 U.S.C. 2017) and section 305 of the Energy Reorganization Act of 1974 (42 U.S.C. 5875), for the fiscal years 1982 and 1983 to remain available until expended $485,200,000 for fiscal year 1982 and $530,000,000 for fiscal year 1983 to be allocated as follows:

(1) not more than $85,100,000 for fiscal year 1982 and $78,280,000 for fiscal year 1983, may be used for "Nuclear Reactor Regulation," of which amount, an amount not to exceed $6,500,000 is authorized each such fiscal year to be used for licensing review work for a fast breeder reactor plant project, and an amount not to exceed $1,000,000 is authorized each such fiscal year to be used to accelerate the effort in gas-cooled thermal reactor preapplication review;

(2) not more than $62,900,000 for fiscal year 1982 and $70,270,000 for fiscal year 1983, may be used for "Inspection and Enforcement," of which amount, an amount not to exceed $5,013,000 for fiscal year 1982 and an amount not to exceed $6,300,000 for fiscal year 1983 is authorized to be used for the Nuclear Data Link System: *Provided, however,* That not more than $1,000,000, to establish a prototype Nuclear Data Link System for the purpose of evaluating the costs and benefits of alternative systems that could be used to acquire significant nuclear powerplant data, and to transmit and distribute these data to the Nuclear Regulatory Commission's Operations Center personnel, shall be used in fiscal years 1982 and 1983 until such time as the Commission submits a report to the Congress assessing the results of the prototype Nuclear Data Link System and discussing the specific role or roles of the Nuclear Regulatory Commission's Operations Center personnel in responding to nuclear powerplant accidents, the information needs of such personnel to carry out each such role, the costs and benefits of alternative systems for satisfying such information needs, and a Commission recommendation on implementing a specific system for all operating nuclear powerplants;

(3) not more than $38,500,000 for fiscal year 1982 and $48,020,000 for fiscal year 1983, may be used for "Nuclear Material Safety and Safeguards";

(4) not more than $240,300,000 for fiscal year 1982 and $270,170,000 for fiscal year 1983, may be used for "Nuclear Regulatory Research"; of which amount, an amount not to exceed $20,400,000 is authorized each such fiscal year to be used for fast breeder reactor safety research, an amount not to exceed $3,500,000 for fiscal year 1982 and an amount not to exceed $4,500,000 for fiscal year 1983 is authorized to be used to accelerate the effort in gas-cooled thermal reactor safety research, and an amount not to exceed $45,500,000 is authorized each such fiscal year to be used for the Loss of Fluid Test Facility research program;

(5) not more than $21,900,000 for fiscal year 1982 and $20,610,000 for fiscal year 1983, may be used for "Program Technical Support";

(6) not more than $37,000,000 for fiscal year 1982 and $42,650,000 for fiscal year 1983, may be used for "Program Direction and Administration".

(b) The Commission may use not more than 1 per centum of the amounts authorized to be appropriated under paragraph (4) of subsection (a) to exercise its authority under section 31 a. of the Atomic Energy Act of 1954, as amended, to enter into grants and cooperative agreements with universities pursuant to that section. Grants made by the Commission shall be made in accordance with the Federal Grants and Cooperative Agreements Act of 1977 and other applicable law.

(c) No amount appropriated to the Nuclear Regulatory Commission pursuant to subsection (a) may be used for any purpose in excess of the amount expressly authorized to be appropriated therefore by paragraphs (1) through (6) of such subsection if such excess amount is greater than $500,000, nor may the amount available from any appropriation for any purpose specified in such paragraphs be reduced by more than $500,000 unless—

(1) a period of thirty calendar days (not including any day in which either House of Congress is not in session because of an adjournment of more than three calendar days to a day certain or an adjournment sine die) has passed after the receipt by the Committee on Energy and Commerce and the Committee on Interior and Insular Affairs of the House of Representatives and the Committee on Environment and Public Works of the Senate of notice given by the Commission containing a full and complete statement of the action proposed to be taken and the facts and circumstances relied upon in support of such proposed action, or

(2) each such committee has, before the expiration of such period, transmitted to the Commission a written notification that there is no objection to the proposed action.

SEC. 102. Moneys received by the Commission for the cooperative nuclear research program and the material access authorization program may be retained and used for salaries and expenses associated with those programs, notwithstanding the provisions of section 3617 of the Revised Statutes (31 U.S.C. 484), and shall remain available until expended.

SEC. 103. From appropriations to the Nuclear Regulatory Commission under section

101(a), the Commission may transfer to other agencies of the Government sums for salaries and expenses for the performance by such agencies of activities for which such appropriations of the Commission were made. The sums so transferred may be merged with the appropriation of the agency to which the sums transferred.

Sec. 104. Notwithstanding any other provision of this Act, no authority to make payments hereunder shall be effective except to such extent or in such amounts as are provided in advance in appropriation Acts.

Sec. 105. Of the amounts authorized to be used for the Loss of Fluid Test Facility in accordance with section 101(a)(4) of this Act, for fiscal years 1982 and 1983, the Commission shall provide funding through contract with the organization responsible for the Loss of Fluid Test operations for a detailed technical review and analysis of research results obtained from the Loss of Fluid Test Facility research program. The technical review and analysis shall be for the purpose of developing and recommending to the Commission appropriate revisions to appendix K to part 50 of the Commission's regulations in accordance with the Loss of Fluid Test research results. The contract shall provide funding for not less than twenty man-years in each of fiscal years 1982 and 1983 to conduct the technical review and analysis.

Sec. 106. Funds authorized to be appropriated under this Act shall be used by the Commission to expedite the establishment of safety goals for nuclear reactor regulation. The development of safety goals and accompanying methodologies for their application should be expedited to the maximum extent practicable and shall precede, unless the Commission decides otherwise, the issuance of other regulations contemplated by the Commission that could affect engineered safety features, siting requirements, or emergency planning.

TITLE II—AMENDMENTS TO THE ATOMIC ENERGY ACT OF 1954

Sec. 201. Section 192 of the Atomic Energy Act of 1954, as amended, is amended to read as follows:

"Sec. 192. Interim Operating License.—

"a. In any proceeding upon an application for an operating license for a utilization facility required to be licensed under section 103 or 104 b. of this Act, in which a hearing is otherwise required pursuant to section 189 a., the applicant may petition the Commission for an interim operating license for such facility authorizing fuel loading, testing, and operation at a specific power level to be determined by the Commission, pending final action by the Commission on the application. The initial petition for an interim operating license for each such facility, and any interim operating license issued for such facility based upon the initial petition, shall be limited initially to power levels not to exceed 5 per centum of rated full thermal power. Following issuance by the Commission of the interim operating license for each such facility, the licensee may file petitions with the Commission to amend the license to allow facility operation in staged increases at specific power levels, to be determined by the Commission, exceeding 5 per centum of rated full thermal power. The initial petition for an interim operating license for each such facility may be filed at any time after the filing of: (1) the report of the Advisory Committee on Reactor Safeguards required by subsection 182 b.; (2) the filing of the initial Safety Evaluation Report by the Nuclear Regulatory Commission staff and the Nuclear Regulatory Commission staff's first supplement to the report prepared in response to the report of the Advisory Committee on Reactor Safeguards for the facility; (3) the Nuclear Regulatory Commission staff's final detailed statement on the environmental impact of the facility prepared pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969 (83 Stat. 853); and (4) a State, local, or utility emergency preparedness plan for the facility. Petitions for the issuance of an interim operating license, or for an amendment to such a license allowing operation at a specific power level greater than that authorized in the initial interim operating license, shall be accompanied by an affidavit or affidavits setting forth the specific facts upon which the petitioner relies to justify issuance of the interim operating license or the amendment thereto. The Commission shall publish notice of each such petition in the Federal Register and in such trade or news publications as the Commission deems appropriate to give reasonable notice to persons who might have a potential interest in the grant of such interim operating license or amendment thereto. Any person may file affidavits in support of, or in opposition to, the petition within thirty days after the publication of such notice in the Federal Register.

"b. With respect to any petition filed pursuant to subsection a. of this section, the Commission may issue an interim operating license, or amend the license to authorize interim operation at each specific power level greater than that authorized in the initial interim operating license, as determined by the Commission, upon finding that—

"(1) in all respects other than the conduct or completion of any required hearing, the requirements of law are met;

"(2) in accordance with such requirements, there is reasonable assurance that operation of the facility during the period of the interim operating license in accordance with its terms and conditions will provide adequate protection to the public health and safety and the environment during the period of interim operation; and

"(3) denial of such interim operating license will result in delay between the date on which construction of the facility is sufficiently completed, in the judgment of the Commission, to permit issuance of the interim operating license, and the date when such facility would otherwise begin full power operation.

The interim operating license shall become effective upon issuance and shall contain such terms and conditions as the Commission may deem necessary, including the duration of the license and any provision for the extension thereof. Any final order authorizing the issuance of any interim operating license pursuant to this section shall recite with specificity the reasons justifying the findings under this subsection, and shall be transmitted upon such issuance to the Committees on Interior and Insular Affairs and Energy and Commerce of the House of Representatives and the Committee on Environment and Public Works of the Senate. The final order of the Commission with respect to the issuance of an interim operating license shall be subject to judicial review pursuant to the Act of December 29, 1950, as amended (ch. 1189, 64 Stat. 1129). The requirements of section 189 a. of this Act with respect to the issuance or amendment of facility licenses shall not apply to the issuance or amendment of an interim operating license under this section.

"c. Any hearing on the application for the final operating license for a facility required pursuant to section 189 a. shall be concluded as promptly as practicable. The Commission shall suspend the interim operating license if it finds that the applicant is not prosecuting the application for the final operating license with due diligence. Issuance of an interim operating license under subsection b. of this section shall be without prejudice to the right of any party to raise any issue in a hearing required pursuant to section 189 a.; and failure to assert any ground for denial or limitation of an interim operating license shall not bar the assertion of such ground in connection with the issuance of a subsequent final operating license. Any party to a hearing required pursuant to section 189 a. on the final operating license for a facility for which an interim operating license has been issued under subsection b., and any member of the Atomic Safety and Licensing Board conducting such hearing, shall promptly notify the Commission of any information made available as part of such hearing that the terms and conditions of the interim operating license are not being met, or that such terms and conditions are not sufficient to comply with the provisions of paragraph (2) of subsection b.

"d. The Commission is authorized and directed to adopt such administrative remedies as the Commission deems appropriate to minimize the need for issuance of interim operating licenses pursuant to this section.

"e. The authority to issue new interim operating licenses under this section shall expire on December 31, 1983.".

Sec. 202. Section 189 of the Atomic Energy Act of 1954, as amended, is amended by adding the following at the end of subsection a. thereof: "The Commission is authorized to issue and to make immediately effective an amendment to a facility license upon a determination by the Commission that the amendment involves no significant hazards consideration, notwithstanding the pendency before it of a request for a hearing from any person. In determining under this subsection whether an amendment involves no significant hazards consideration, the Commission shall consult with the State in which the facility is located. The authority under this subsection to issue and to make immediately effective an amendment to a facility license shall take effect upon the promulgation by the Commission of standards for determining whether an amendment to a facility license involves no significant hazards consideration.".

Sec. 203. Section 236 of the Atomic Energy Act of 1954, as amended, is amended to read as follows:

"Sec. 236. Sabotage of Nuclear Facilities or Fuel.—

"a. Any person who intentionally and willfully destroys or causes physical damage to, or who intentionally and willfully attempts to destroy or cause physical damage to—

"(1) any production facility or utilization facility licensed under this Act,

"(2) any nuclear waste storage facility licensed under this Act, or

"(3) any nuclear fuel for such a utilization facility, or any spent nuclear fuel from such a facility;

shall be fined no more than $10,000 or imprisoned for not more than ten years, or both."

"b. Any person who intentionally and willfully causes or attempts to cause an interruption of normal operation of any such facility through the unauthorized use of or tampering with the machinery, components or controls of any such facility, shall be fined not more than $10,000 or imprisoned for not more than ten years, or both.".

Sec. 204. (a) Section 148 a. (1) of the Atomic Energy Act of 1954, as amended, is amended by inserting immediately after "'Secretary')" a comma and the following: "with respect to atomic energy defense programs,".

(b) Section 148 of the Atomic Energy Act of 1954, as amended, is amended by adding at the end thereof the following new subsections:

"d. Any determination by the Secretary concerning the applicability of this section shall be subject to judicial review pursuant to subsection (a)(4)(B) of section 552 of title 5 of the United States Code.

"e. The Secretary shall prepare on a quarterly basis a report to be made available upon the request of any interested person, detailing the Secretary's application during that period of every regulation or order prescribed or issued under this section. In particular, the report shall:

"(1) identify any information protected from disclosure pursuant to such regulation or order;

"(2) specifically state the Secretary's justification for determining that unauthorized dissemination of the information protected from disclosure under such regulation or order could reasonably be expected to have a significant adverse effect on the health and safety of the public or the common defense and security by significantly increasing the likelihood of illegal production of nuclear weapons or theft, diversion, or sabotage of nuclear materials, equipment, or facilities, as specified under subsection a. of this section; and

"(3) provide justification that the Secretary has applied such regulation or order so as to protect from disclosure only the minimum amount of information necessary to protect the health and safety of the public or the common defense and security.".

Sec. 205. (a) The Atomic Energy Act of 1954, as amended, is amended by adding a new section 237 to read as follows:

"Sec. 237. Resident Inspectors.—

"a. Notwithstanding any regulations promulgated by the President pursuant to section 5724(a) of title 5, United States Code, appropriations or other funds available to the Nuclear Regulatory Commission for administrative expenses are available, under such regulations as the Commission may prescribe and to the extent considered necessary and appropriate, for reimbursement of all or part of the following expenses of a resident inspector of the Commission, relocating between two Nuclear Regulatory Commission duty stations, for whom the Government pays expenses of travel and transportation under section 5724(a) of title 5, United States Code: (1) points or mortgage loan origination fees charged by mortgage lender to resident inspector on sale or purchase of a residence, not to exceed the lesser of $8,000 or 8 per centum of the sale price of the residence (8 points); (2) interest on, and other expenses of, a 'bridge' or 'swing' loan, limited to one hundred and eighty days of interest, taken by the resident inspector on currently owned property to provide an equity advance to purchase a second property prior to the sale of the first property; (3) the cost of an owner's title insurance policy paid for by the the resident inspector on a residence purchased by him.

"b. The Commission is authorized to enter into contracts for the provision of relocation services to assist employee resident inspectors for whom the Government pays expenses of travel and transportation under section 5724(a) of title 5, United States Code, in relocating between duty stations, including assisting in the sale of employees' residences.

"c. Notwithstanding the provisions of section 638a of title 31, United States Code, the Nuclear Regulatory Commission may authorize the Executive Director for Operations to approve the use of Government-owned or leased vehicles located at resident inspection offices for transportation of resident inspectors between their domiciles and official duty stations, when public transportation is unavailable or impractical.".

(b) Of the amounts authorized to be appropriated by this Act, the Commission may use up to $1,162,000 in fiscal year 1982 and up to $1,129,000 in fiscal year 1983 pursuant to the authority contained in subsection (a) of this section.

Sec. 206. (a) Section 275 of the Atomic Energy Act of 1954, as amended, is amended:

(1) by striking in subsection a. "one year after the date of enactment of this section" and inserting in lieu thereof "April 1, 1982"; (2) by striking in subsection a. "to the maximum extent practicable, be consistent with" and inserting in lieu thereof "to the extent practicable, take into consideration";

(3) by adding in subsection a. after the phrase "Act, as amended." the following: "The Administrator shall consider, in establishing the standards, all relevant factors, including the risk to the public health, safety and the environment and the economic cost of applying applicable Federal standards or requirements.";

(4) by striking in subsection b. "eighteen months after the enactment of this section, the administrator shall, by rule, promulgate" and inserting in lieu thereof the following: "October 1, 1982, the Administrator shall, by rule, propose, and within six months thereafter promulgate in final form,";

(5)(A) by deleting in paragraph (2) of subsection b. the word "consistent" and inserting in lieu thereof "and, to the extent practicable, take into consideration"; and (B) by inserting subsection b.: "The Administrator shall consider, in establishing the standards, all relevant factors, including the risk to the public, health, safety and the environment and the economic cost of applying applicable Federal standards or requirements."; and

(6) by adding at the end of subsection d. the following: "Not later than ninety days after the Administrator has promulgated final standards pursuant to subsection b. of this section, the Commission shall initiate rulemaking proceedings for the purpose of adopting technical requirements, in accordance with sections 81, 84, 161 b. and 161 x. of this Act, relating to the management of byproduct material, as defined in section 11 e.(2) of this Act. Such Commission requirements shall conform to the final standards promulgated by the Administrator under subsection b. of this section. Until the Administrator has promulgated final standards pursuant to subsection b. of this section, and until the Commission has promulgated final regulations conforming to the Administrator's standards, in accordance with sections 81, 84, 161 b. and 161 x. of this Act, relating to the management of byproduct material, as defined in section 11 e.(2) of this Act, the Commission shall not implement or enforce any portion of the Uranium Mill Licensing Requirements published as final rules at 45 Federal Register 65521 to 65538 on October 3, 1980: *Provided, however*, That until such promulgations, the Commission may continue to regulate such byproduct material in the manner and to the extent permitted prior to October 3, 1980, in accordance with sections 81, 84 and 161 x. of this Act.".

(b) Of the funds authorized to be appropriated to the Environmental Protection Agency for fiscal years 1981 and 1982, the Administrator, notwithstanding any other provision of law, shall use such sums as may be necessary to assure that the standards required by section 275 of the Atomic Energy Act of 1954, as amended, are promulgated within the time periods specified in such section.

(c) Subparagraph (2)(A) of subsection 161 x. of the Atomic Energy Act of 1954, as amended, is amended by striking the word "maximum".

(d) Section 84 of the Atomic Energy Act of 1954, as amended, is amended:

(1) by adding the following to paragraph (1) of subsection a. after the word "material": ", taking into account all relevant factors, including the risk to the public health, safety and the environment and the economic cost of applying applicable Federal standards or requirements;";

(2) by striking in paragraph (3) of subsection a. "which are, to the maximum extent practicable, at least comparable to", and inserting in lieu thereof "which, to the extent practicable, take into consideration the"; and

(3) by renumbering the paragraphs in subsection b. and inserting a new paragraph (1) as follows:

"(1) consider, in establishing standards, requirements, or license conditions for the management of such byproduct material at any site for which a license for such byproduct material is in effect on November 1, 1981: the risk to the public health, safety and the environment from such byproduct material; the economic and environmental cost of applying applicable Federal standards or requirements at such sites; local or regional conditions affecting such sites, including geology, topography, hydrology and meterology, and alternate means for assuring adequate protection of the public health, safety and the environment at such sites;".

(e) Section 62 of the Atomic Energy Act of 1954, as amended, is amended by designating the existing section 62 as subsection 62 a., and by adding a new subsection 62 b. to read as follows:

"b. Reporting requirements for importing source and special nuclear material—

"(1) The Commission shall establish, by rule, criteria for the issuance of specific or general licenses for importing source material, and specific or general licenses for importing special nuclear material, that will provide for essential security interests of the United states by ensuring sufficient domestic mining and milling capacity to supply long-term domestic source material requirements. The criteria shall include such reporting requirements as the Commission deems necessary to ensure compliance with the criteria established pursuant to this subsection. The criteria shall also provide for such essential security interests by establishing restrictions on importing source material and special nuclear material from foreign sources sufficient to ensure that no less than eighty percent of the future fuel needs of any facility licensed, or required to be licensed, under section 103 or 104 b. of this Act, other than a facility licensed for purely research purposes or a facility described in paragraph (1) or (2) of section 202 of Public Law 93-438, are supplied only by source material mined and milled in the United States. Existing contracts for foreign source material consummated prior to the date of enactment of this subsection shall be excluded from this restriction to the extent that contracted supplies from foreign sources exceed the permitted levels.

"(2) The Commission shall submit to the Congress on an annual basis a report on licensee compliance with the criteria required by paragraph (1) of this subsection. In particular, the report shall identify for each facility licensed, or required to be licensed, under sections 103 or 104 b. of this Act, other than a facility licensed for purely research purposes or a facility described in paragraph (1) or (2) of section 202 of Public Law 93-438: (i) the amount of source material required to meet the fuel needs of the facility for each of the succeeding five years; (ii) the amount of foreign source material and special nuclear material imported to the United States and intended to be used to meet such fuel needs; and (iii) the percentage of total fuel needs of the facility for each of the succeeding five years that are intended to be supplied by foreign source material and special nuclear material imported to the United States.".

(f) Subsection 274 o. of the Atomic Energy Act of 1954, as amended, is amended by adding the following at the end thereof: "In adopting standards for the protection of the public health, safety and the environment pursuant to paragraph (2) of this subsection, the State may determine whether the pertinent Federal requirements adopted and enforced by the Commission for the same purpose are practicable for application by the State. In making this determination, the State shall consider the risk to the public health, safety and the environment from byproduct material, as defined in section 11 e.(2) of this Act, generated at sites within the State; the economic and environmental cost of applying such Federal requirements to sites within the State, and local or regional conditions, including geology, topography, hydrology and meterology. If the State determines that any such Federal requirement is not practicable for application by the State, the State may develop alternate requirements, including where appropriate, site-specific requirements, that are practicable for application by the State.".

(g) Subsection 274 d. of the Atomic Energy Act of 1954, as amended, is amended by adding the following at the end of paragraph (2): "If the State determines, pursuant to subsection o. of this section, that any Federal requirement for the protection of the public health, safety and the environment from hazards associated with byproduct material, as defined in section 11 e. (2) of this Act, is not practicable for application by the State, the Commission shall accept such State determination, and the alternative requirement developed by the State, for the purpose of making the findings required by this paragraph unless the Commission makes a finding, after reasonable notice and an opportunity for hearing (as provided in subsection j. of this section), that the State determination is unsupported by substantial evidence in the record or that the State alternate requirement will not provide adequate protection to the public health, safety, and the environment: *Provided, however,* That the Commission shall accept the State alternate requirement if the Commission finds that the State alternate requirement will provide adequate protection to the public health, safety and the environment.".

(h) Subsection 204.(h) of the Uranium Mill Tailings Radiation Control Act of 1978, as amended, is amended:

(1) by striking in paragraph (1) "During the three-year period beginning on the date of the enactment of this Act", and inserting in lieu thereof "Until six months after the date of promulgation by the Commission of final regulations pursuant to subsection 275 d. of the Atomic Energy Act of 1954, as amended,";

(2) by striking in paragraph (1) "during the three-year period beginning on the date of the enactment of this Act", and inserting in lieu thereof "until six months after the date of promulgation by the Commission of final regulations pursuant to subsection 275 d. of the Atomic Energy Act of 1954, as amended"; and

(3)(A) by striking in paragraph (3) "the end of the three-year period beginning on the date of enactment of this Act", and inserting in lieu thereof "six months after the date of promulgation by the Commission of final regulations pursuant to subsection 275 d. of the Atomic Energy Act of 1954, as amended"; (B) by striking the last sentence of that paragraph; (C) by changing the period at the end of the preceding sentence to a colon; and (D) by adding the following after the colon: "*Provided, however,* That where a State has acted to exercise any authority under State law respecting byproduct material, as defined in section 11 e.(2) of the Atomic Energy Act of 1954, as amended, as provided in paragraph (1) of this subsection, State authority over such byproduct material may be terminated, and Commission authority over such byproduct material may be exercised, only through the procedures specified in subsection 274 j. of the Atomic Energy Act of 1954, as amended.".

(i) Section 81 of the Atomic Energy Act of 1954, as amended, is amended by striking the period at the end of the first sentence and adding the following: "or as required pending implementation of remedial action under Title I of the Uranium Mill Tailings Radiation Control Act of 1978.".

(j) Subsection 274 c. of the Atomic Energy Act of 1954, as amended, is amended by adding "adopted by the State pursuant to subsection o. of this section" after the word "requirements" in the second sentence thereof.

(k) Subsection 83 b. of the Atomic Energy Act of 1954, as amended, is amended by adding the following new sentence at the end of paragraph (2): "The Commission, by rule or otherwise, may exempt from all or a portion of the requirements of this section the transfer of land in which byproduct material, as defined in section 11 e.(2) of this Act, has been used as backfill in underground mines."

SEC. 207. The Atomic Energy Act of 1954, as amended, is amended by adding a new subsection 57 e. as follows:

"e. Special nuclear material, as defined in section 11, produced in facilities licensed under section 103 or 104 may not be transferred, reprocessed, used or otherwise made available by any instrumentality of the United States or any other person for nuclear explosive purposes."

TITLE III—MISCELLANEOUS PROVISIONS

SEC. 301. For the purpose of implementing the amendment to section 189 a. of the Atomic Energy Act of 1954 contained in section 202 of this Act, the Nuclear Regulatory Commission, within ninety days of enactment of this Act, shall promulgate regulations establishing standards for determining whether an amendment to a license involves no significant hazards consideration, criteria for providing or dispensing with prior notice and public comment on such deteriminations, and procedures for consultation on such determinations with the State in which the facility is located.

SEC. 302. In the absence of a State or local emergency preparedness plan which has been approved by the Federal Emergency Management Agency, the Nuclear Regulatory Commission may issue an operating license on an interim operating license for a utilization facility required to be licensed under section 103 or 104 b. of the Atomic Energy Act of 1954, if it determines that there exists a State, local, or utility plan which provides reasonable assurance that public health and safety is not endangered by operation of the facility concerned. The Commission's regulations shall be interpreted in accordance with this section.

SEC. 303. (a) The Commission, in consultation with the Environmental Protection Agency, the Department of Housing and Urban Development, the Department of Energy, the Tennessee Valley Authority, and the State of South Dakota, is authorized and directed to establish and coordinate a monitoring, engineering assessment and remedial action program for the management of byproduct material, as defined in section 11 e. (2) of the Atomic Energy Act of 1954, at offsite locations in the vicinity of the Edgemont, South Dakota, uranium mill site. Such program shall provide for necessary monitoring and engineering assessments at such locations and the establishment and performance of requirements for the management, including remedial action, of such byproduct material.

(b) In carrying out the monitoring, engineering assessment and remedial action program established by subsection (a), the Commission shall have lead responsibility for coordinating the monitoring, engineering assessment and remedial action program established by subsection (a) and, in consultation with the State of South Dakota, shall—

(1) establish general objectives and priorities for the program;

(2) review and approve a monitoring, engineering assessment and remedial action program for the locations described in subsection (a);

(3) assure that an approved monitoring, engineering assessment and remedial action program complies with the requirements of section 84 of the Atomic Energy Act of 1954, as amended, and conforms to the standards of general application for the protection of the public health, safety and the environment from radiological and nonradiological hazards associated with residual radioactive materials located at inactive uranium mill tailings sites and depository sites promulgated by the Administrator of the Environmental Protection Agency pursuant to section 275 a. of the Atomic Energy Act of 1954, as amended; and

(4) provide funding through contract for an approved monitoring and engineering as-

sessment program at the locations described in subsection (a).

(c) Section 102(e) of the Uranium Mill Tailings Radiation Control Act of 1978 (92 Stat. 3025) is amended by adding a new paragraph (3) to read as follows:

"(3) Notwithstanding the one-year limitation contained in this section, the secretary shall designate for remedial action any real property, or improvements thereon, in Edgemont, South Dakota that—

"(A) is in the vicinity of the tennessee Valley Authority uranium mill site in Edgemont, and

"(B) is determined by the Commission to be contaminated with residual radioactive materials derived from that site

In making the designations under this paragraph, the Secretary shall consult with the Administrator, the Commission and the State of South Dakota. The provisions of title I of this Act shall apply to the remedial action at property designated under this paragraph, except that notwithstanding any other provision of this Act, the Secretary shall pay the full cost of such remedial action.".

SEC. 304. (a) The Nuclear Regulatory Commission is authorized and directed to implement and accelerate the resident inspector program so as to assure the assignment of at least one resident inspector by the end of fiscal year 1982 at each site at which a commercial nuclear powerplant is under construction and construction is more than 15 percent complete.

(b) The Commission shall conduct a study of alternate concepts and existing programs for improving quality assurance and quality control performance in the construction of commercial nuclear powerplants. In conducting the study, the Commission shall obtain the comments of the public, licensees holding construction permits and operating licenses for nuclear powerplants, and the Advisory Committee on Reactor Safeguards. The study shall include, but not be limited to. the following alternative concepts for improving quality assurance and quality control:

(1) adopting a more prescriptive approach to defining principal architectural and engineering criteria for the construction of commercial nuclear powerplants that would serve as a basis for quality assurance and quality control, inspection, and enforcement actions;

(2) requiring, as a condition of the issuance of construction permits for commercial nuclear powerplants, that the licensee demonstrate the capability of independently managing the effective performance of all quality assurance and quality control responsibilities for the plant;

(3) encouraging and obtaining more effective evaluations, inspections or audits of commercial nuclear powerplant construction by independent industry or institutional organizations, based upon best experience and practices;

(4) reexamining the Commission's organization and method for quality assurance development, review and inspection, with the objective of deriving improvements in the agency's program; and

(5) requiring, as a condition of the issuance of construction permits for commercial nuclear powerplants, that the licensee contract or make other arrangements with an independent inspector for auditing quality assurance responsibilities for the purpose of verifying quality assurance performance. An independent inspector is a third party who has no responsibilities for the design or construction of the plant.

The study shall also include a survey of representative sites at which quality assurance and quality control programs are operating satisfactorily, and an assessment of the reasons therefor.

(c) The Commission shall undertake a pilot program to review and evaluate programs underway that include one or more of the alternative concepts identified in subsection (b) for the purposes of assessing the feasibility and benefits of their implementation; *Provided*, That the pilot program shall include programs underway that use independent inspectors for auditing quality assurance responsibilities of the licensee for the construction of commercial nuclear powerplants, as described in paragraph (5) of subsection (2). The pilot program shall include at least three sites at which commercial nuclear powerplants are under construction. The Commission shall select at least one site at which quality assurance and quality control programs have operated satisfactorily, and at least two sites with remedial programs underway at which construction, quality assurance and quality control deficiencies have been identified in the past. The Commission may require any changes in existing quality assurance and quality control organizations and relationships that may be necessary at the selected sites to implement this pilot program.

(d) Not later than eighteen months after the date of enactment of this Act, the Commission shall submit a report to the Senate and the House of Representatives on the results of the study and the pilot program required by this section. The report shall include the recommendations of the Commission, including any necessary legislative changes, and a description of any administrative actions that the Commission has undertaken or intends to undertake, for improving quality assurance and quality control performance in the construction of nuclear powerplants.

Mr. SIMPSON. Mr. President, I move to reconsider the vote by which the bill was passed.

Mr. McCLURE. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. SIMPSON. Mr. President, I move that the Senate insist on its amendments, request a conference with the House of Representatives on the disagreeing votes of the two Houses, and that the Chair be authorized to appoint conferees.

The motion was agreed to and the Chair appointed Mr. SIMPSON, Mr. DOMENICI, Mr. SYMMS, Mr. STAFFORD, Mr. HART, Mr. MITCHELL, and Mr. RANDOLPH conferees on the part of the Senate.

Mr. SIMPSON. Mr. President, in conclusion, I commend my distinguished colleagues from Colorado (Mr. HART), the ranking minority member of the Nuclear Regulation Subcommittee, for his fine work and effort on this bill. Many issues have been resolved in this bill and amendments.

I also commend Senator STAFFORD, our most able chairman of the Environment and Public Works Committee, who has always been more than supportive, and also the Senator from West Virginia, Senator RANDOLPH, the very able and capable ranking minority member of the full committee.

I thank the Chair.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. BAKER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

FURTHER CONTINUING APPROPRIATIONS, 1982

The PRESIDING OFFICER. Under the previous order, the Senate will now resume consideration of House Joint Resolution 409 which the clerk will state by title.

The legislative clerk read as follows:

A joint resolution (H.J. Res. 409) making further continuing appropriations for the fiscal year 1982.

The Senate resumed consideration of the joint resolution.

Mr. BAKER. Mr. President, this is the continuing resolution. The present continuing resolution expires at midnight tomorrow night.

As I have previously advised, Senators should be on notice of the possibility of a late evening tonight in order to try to pass this measure. If we have not passed it tonight, most assuredly there will be a late evening tomorrow night. It is essential that we pass this measure.

Mr. President, if we have not finished consideration of this measure in the Senate by 6:30 this evening, it will be the intention of the leadership to proceed to continue to debate the measure and to try to obtain unanimous consent to stack votes, if votes are ordered, for a reasonable period of time, say from 6:30 until 8 o'clock.

I repeat, the Senate will be in session and debate will continue. The purpose of the request, when it is made, will be to protect Senators for a brief time during that portion of the evening. Mr. President, I hope we can finish this bill well in advance of 6 o'clock.

As I indicated earlier, I hope that the continuing resolution will not be amended. It is my intention to work with the distinguished chairman of the Appropriations Committee, Senator HATFIELD. It is not my usual practice to move to table amendments offered by Senators on this side of the aisle, but it will be my intention in this case to do so. I will depend upon the good judgment of the distinguished chairman of the Appropriations Committee to advise whether he will do that or whether he wishes me to do that, and when that motion should come.

Of course, I have no desire to abbreviate the debate on any measure beyond a reasonable length of time. I will wait until debate is exhausted or has reached intolerable limits.

I hope Senators will support me in this effort to prevent the joint resolution from being amended. If it is amended at all, then it must go back to the House of Representatives. I think it would be essential then that we defer the adjournment of the Senate for the Easter recess until we finally dispose of this matter in both the House and the Senate, which will almost assuredly be next week.

Mr. BUMPERS. Mr. President, will the distinguished majority leader yield for a question?

Mr. BAKER. I yield.

Mr. BUMPERS. Does the majority leader know of any amendments that will be proposed on that side of the aisle other than the one by the Senator from Colorado?

Mr. BAKER. Not with certainty. Originally, I had understood that there might be three amendments offered. I understand now one of those will not be offered. There is even some possibility, I suppose, that one of the others might not be offered. Unless I can change the attitude of the Senator from Colorado, he will offer his amendment.

Mr. BUMPERS. Is it safe to assume that there will be motions to table either or both of the proposed amendments?

Mr. BAKER. Yes. The Senator is correct.

Mr. President, I understand the Senator from Arkansas has a resolution he wishes to introduce.

I ask unanimous consent that it may be in order for the Senator from Arkansas to be recognized as in morning business for that purpose.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. ARMSTRONG. Mr. President, prior to that, will the majority leader yield for a moment?

Mr. BAKER. I yield.

Mr. ARMSTRONG. I did not hear the majority leader's discussion of stacking votes. Does that apply only to amendments to be voted on after 6:30?

Mr. BAKER. Yes.

Mr. ARMSTRONG. Any votes ordered now would not await that time?

Mr. BAKER. No. Any votes ordered now would occur in sequence and in order. Any votes ordered which would occur between 6:30 and 8 o'clock I will seek unanimous consent to stack until after 8 o'clock.

Mr. ARMSTRONG. In other words, votes on amendments submitted between now and 6 or 6:30 will occur when the debate is concluded.

Mr. BAKER. Yes, that is correct.

Mr. ARMSTRONG. I thank the majority leader.

(Mr. HUMPHREY assumed the chair.)

Mr. HATFIELD. Mr. President, in my opening remarks when we laid the continuing resolution down yesterday, I commented that we had worked diligently to try to respond to the very justifiable criticisms that have been leveled against procedures, most frequently under the leadership of the Appropriations Committee, that pushed the Senate into midnight deadlines when we were not really in a position to think as clearly as we might, and embarrassing situations that arose from such circumstances, and the denial oftentimes of Senators to be able to offer amendments or to make any changes.

The Appropriations Committee has very diligently tried to pursue a course of action in cooperation with the House Appropriations Committee whereby we would not push the Senate, we would not find ourselves in those very unfortunate circumstances.

We recognize that there are a lot of unfinished items that come in at this time during a fiscal year, and so in this particular situation today we not only have brought and laid down before the Senate a continuing resolution, even though the Appropriations Committee had completed the work on the three bills that are incorporated within the continuing resolution—and those bills are here at the desk and have been debated, some of them—but we find ourselves in this situation because we have not been able to act upon these three bills duly passed by the Appropriations Committee and recommended to the floor of the Senate.

Therefore, we are trying to deal with this situation by meeting a deadline which is midnight on Wednesday, tomorrow night.

We laid this bill down within a period of 3 days before that deadline on the basis that we worked out with the House of Representatives, and that was that they would present us with two vehicles to deal with the obvious circumstances that we would expect to normally arise.

One would be a simple continuing resolution extending the date from March 30 to September 30, and they would in tandem present us within a reasonable period of time with an urgent supplemental, a resolution dealing with those questions that have to be dealt with during this period remaining in the fiscal year.

The House of Representatives expects to have that urgent supplemental over here it is hoped, by tomorrow or before the recess at least, probably tomorrow, and then the Appropriations Committee will take very quick action, as quickly as we can do it properly, to have that bill here on the floor of the Senate as a vehicle to handle any of these measures or problems or issues that may concern Senators.

I might also underscore the fact that I have a letter from Mr. Stockman, Director of OMB, who has subscribed to this procedure and said in effect that the administration does not support any amendments to the continuing resolution because of the exigencies of the time in which we are operating.

Now, this in no way—I want this understood clearly—addresses the merits of the amendment. I am in no way commenting now or indicating that the actions that I may take after reasonable debate time for those amendments that are offered has anything to do with the merits of the amendment. I hope Senators will understand that, at the appropriate time, as I indicated yesterday when I put the Senate on due notice, in order to keep the resolution clean, I will move to table. I extend that to other options that would be parliamentarily appropriate, such as raising a question of a point of order, whatever the options may be; that I will move to at least try to stop the action at the pass, only on the procedure of being able to get this continuing resolution through without amendments, in order that we might move on to other business of the Senate.

I want to emphasize that I think our leader a while ago, when he was responding to a question put to him, was perhaps a little overly optimistic about the minimum number of amendments that he thought might be offered.

I really have a very strong feeling that once Pandora's box, as I called it yesterday, is opened, we will find amendments coming at us from many directions and dealing with many issues we may not even be aware of today, because I think every Senator realizes that we have been urging the whole Senate to refrain from offering amendments; when any amendments are offered, then all Senators certainly feel less restraint, at least put it that way, less restraint upon them to offer an amendment, to get into the action and to present the amendment which happens to concern them deeply.

I know that probably most of the Senators here have some kind of an issue that deeply concerns them, and legitimately so.

The leader has also indicated that the resolution for adjournment for the Easter recess will be presented later, and it will be to recess on Thursday, Friday, Saturday, Sunday, Monday, or Tuesday. Why we are doing that, or why the leadership is doing that has been very clearly explained, that we cannot just take the action here on the Senate side and expect, if we amend the continuing resolution, that that concludes our responsibility. We have to then go to conference with the House of Representatives and get that conference report back to the respective houses to be finalized. That means that it is not a matter of completing the resolution on this side by, say,

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midnight Wednesday might if we have amended it. It means we have to stay here until we go to conference and come back to our respective Chambers.

So I want to make sure that everyone understands that we are not positioning ourselves into a timeframe that may be longer and may fall over into next week rather than completing the action by midnight tomorrow night. We cannot go on recess until this matter is completed.

Let me add one final word. That is that when this urgent supplemental is sent to us from the House, that the Appropriations Committee must act—even beyond our will to act, we must act in order to meet certain deadlines that are included in the urgent supplemental. There is an expiration date on the education issue in that supplemental that has to be acted upon, so there will be no unnecessary delay in the Appropriations Committee in order to get that matter back to the Senate floor and acted upon in the necessary timeframe to meet those deadlines that we are now trying to meet with the continuing resolution.

I do not want anyone to think that once we get that urgent supplemental there will be undue delay in holding that supplemental in the Appropriations Committee.

We are under a timeframe even there to act expeditiously and return it to the floor.

So I just wanted to underscore those important points before we begin further procedure on the continuing resolution.

Mr. PROXMIRE. Mr. President, will the chairman yield?

Mr. HATFIELD. I yield to the distinguished ranking minority member of the committee.

Mr. PROXMIRE. Mr. President, I would like to support my chairman, and I will do all I can to try to do so. However, I am in a very difficult position here.

I understand that the distinguished Senator from Colorado will offer an amendment shortly which would repeal the so-called tax break that Members gave themselves last year. I believe this amendment is very similar—perhaps identical with—an amendment I indicated for a long time that I intended to offer, for which I have 20 cosponsors. I decided not to offer it on this bill because of the very reasons the distinguished Senator from Oregon has told the Senate about—that this bill must be a clean bill; that it has to be passed by tomorrow night or the Government will be in chaos.

To complicate the bill by adding this amendment would mean that we would go to conference and it would be a very difficult conference, because the House has indicated that they want no amendments at all, and I am sure they would be very much opposed to this amendment.

So I wish I could tell my good friend from Oregon that I will stand with him. Unfortunately, in view of the fact that this is the amendment I have submitted and the amendment I have spoken strongly in favor of, I would be constrained to vote against tabling and to vote in favor of the Armstrong amendment, and I will do that. I will do it with reluctance, because I think this is the wrong vehicle, the wrong time. It would delay the conference. I think it is likely to reduce the chances of this particular amendment being adopted, because the leadership has indicated that they are opposed procedurally, and, on both sides of the aisle, we follow our leaders in most instances.

The President of the United States has indicated that he does not want any amendment on this continuing resolution. His spokesmen have indicated that that is the case. The House has indicated that they do not want any amendment. So it puts this amendment, which I think is a vital and very important amendment, at an extraordinary disadvantage.

However, in spite of that, I do not see that I have any option, in good conscience, except to vote against tabling the amendment. I apologize to the Senator from Oregon for coming to that conclusion, but I do not see how I could do anything else.

Mr. HATFIELD. Mr. President, I thank the Senator for his candid remarks. It reminds me of a similar situation I found myself in on the floor of the Senate with the Senator from South Carolina.

We went through the whole matter of legislating on an appropriation bill, on which he and I voted very much the same and felt very strongly. I found myself in the position of having to vote against an antiabortion amendment because of the principle of trying to keep a measure clean. I was trying to distinguish between a procedural matter and a substantive issue, which is not easy to do.

I think we all have found ourselves in the situation described by the Senator from Wisconsin, in which we can see the distinction. However, often, our constituents do not see the difference between procedural issues and substantive issues.

Be that as it may, I think the inevitable has arrived, and I yield the floor to the Senator from Colorado.

The PRESIDING OFFICER. The inevitable Senator from Colorado is recognized.

Mr. ARMSTRONG. Mr. President, I thank the Senator from Oregon for expressing eloquently the distinction between that which is procedural and that which is substantive. I accept that, and I regret that my call of duty this afternoon is to add to his already large workload and, if my amendment prevails, to impose on him the task of carrying this amendment, if it be the will of the Senate, to conference.

One reason I am here to offer this amendment to this bill is the knowledge that once it is in the bill, no one can speak more eloquently, forcefully, or persuasively to our colleagues in the House than the Senator from Oregon.

UP AMENDMENT NO. 859

Purpose: To amend the Internal Revenue Code of 1954 to limit the deduction of living expenses by Members of Congress and to eliminate the provision which allows such deduction without substantiation of such expenses.

Mr. ARMSTRONG. Mr. President, I send to the desk an unprinted amendment on behalf of myself and Senators HELMS, DECONCINI, EXON, ZORINSKY, and DURENBERGER, and I ask for its immediate consideration.

The PRESIDING OFFICER. The amendment will be stated.

The legislative clerk read as follows:

The Senator from Colorado (Mr. ARMSTRONG), for himself and others, proposes an unprinted amendment numbered 859.

Mr. ARMSTRONG. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with, and I will endeavor to explain its intent.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

At the appropriate place in the joint resolution, insert the following:

SEC. . (a) The last sentence of section 162(a) of the Internal Revenue Code of 1954 (relating to trade or business expenses) is amended by inserting ", but amounts expended by such members within each taxable year for living expenses shall not be deductible for income tax purposes in excess of $3,000" after "home".

(b) Paragraph (4) of section 282A(i) of such code (relating to coordination with section 162(a)(2)) is amended to read as follows:

"(4) Coordination with section 162(a)(2).—Nothing in this section shall be construed to disallow any reduction allowable under section 162(a)(2) (or any deduction which meets the tests of section 162(a)(2) but is allowable under another provision of this title) by reason of the taxpayer's being away from home in the pursuit of a trade or business (other than the trade or business of renting dwelling units).".

(c) Subsection (a) of section 139 of the Act of October 1, 1981 (95 Stat. 967) is hereby repealed.

(d)(1) The amendment made by subsection (a) shall apply to taxable years beginning after December 31, 1982.

(2) The amendment made by subsection (b) shall apply to taxable years beginning after December 31, 1975.

Mr. ARMSTRONG. Mr. President, during the closing days of last year's session, Congress adopted three amendments which affect the taxation of Members of Congress.

The first amendment, adopted as a part of the continuing resolution on

September 24, repealed the $3,000 annual limit on the amount Members of Congress may deduct from their income for tax purposes for away-from-home living expenses in the Washington, D.C., area. This amendment took effect for tax years beginning after December 31, 1981—that is, for tax years starting in 1982.

The second amendment, adopted as a part of the continuing resolution on December 15, changed the first amendment so that the annual limitation was effectively repealed for tax years beginning after December 31, 1980. In other words, it simply backspaced the earlier repealer by 1 year.

The third amendment, adopted as a part of the black lung bill on December 16, directed the Secretary of the Treasury to set guidelines for such deductions by Members of Congress who do not itemize or substantiate their deductions. Subsequently, the Treasury set a rule of thumb of $50 per day or, for those Members who do not take interest deductions, $75 per day.

There was some confusion about the content, purpose and effect of these amendments. Certainly there was reason for Senators to believe the end result would be merely to put Members of Congress on the same footing as other taxpayers. Indeed, the September 24 amendment contained the following declaration:

> It is the sense of the Congress that the dollar limits on tax deductions for living expenses of Members of Congress while away from home shall be the same as such limits for businessmen and other private citizens.

Without arguing the point, I associate myself with this idea. It seems proper to me that Senators and Representatives should be treated in exactly the same manner as other taxpayers, no better, no worse.

Unfortunately, however, it has not worked out that way. The result of the amendments and regulations is to permit Members of Congress a tax deduction which is basically unlike that permitted for most other taxpayers. The outcome is, therefore, unfair and is widely perceived to be unfair.

To correct this situation, I first believed all that would be necessary would be to repeal the December 15 amendment which gave discretion to the Treasury Department. I reasoned that if deductions were fully substantiated, Members of Congress would, thereby, be placed on the same basis as other taxpayers. I introduced legislation to this effect. It was S. 2176. Upon further study and advice of counsel, it now appears this would not put Members of Congress and other taxpayers on an equal basis because of still another provision of the law which for many years has statutorily designated the home State or district of Members as their tax home. In consideration of this provision, merely repealing the unsubstantiated deduction provision does not seem to go far enough.

It appears to me that the whole subject of amendments which may be necessary to put Members of Congress on a footing of equality with other taxpayers is a proper subject for consideration of the Finance Committee and, in due course, of the entire Senate. In the meantime, however, we ought to repeal the ill-advised amendments of last year which have resulted in the unusual tax advantages for Members of Congress. It is for this reason that my colleagues and I have presented this amendment.

Before I yield to the Senator from Nebraska, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

Mr. ARMSTRONG. Mr. President, I yield to the Senator from Nebraska for his observations about this matter.

Mr. EXON. Mr. President, I thank the Chair and I thank my friend from Colorado.

I support the amendment just offered by my colleague from Colorado. Indeed, Mr. President, I came to the floor with the identical amendment to initiate on my own. But I have joined as an original cosponsor of the amendment by the Senator from Colorado to expedite our efforts.

I was aware of the original amendment that was going to be offered by the Senator from Colorado, but I did not think it went far enough. I am, therefore, pleased to join him in what has been his final product, the unprinted amendment he has just sent to the desk.

Indeed, Mr. President, the amendment is very simple and it is very straightforward. The amendment would repeal the unwise and unwarranted special congressional tax deduction provision which was adopted by Congress at the close of the 1981 session. The amendment would reinstate the previous $3,000 cap on deductions for living expenses by Members of Congress. In other words, we would be right back exactly where we were before we took the action at the end of last year which I thought was unnecessary.

Mr. President, I recognize at the outset that the leadership is strongly opposed to any amendments on the continuing resolution in order to effect its swift passage. Normally I would be supportive of these efforts and would agree that the appropriations process should be given a chance to work and we should defer to the appropriations process in such instances.

However, this is not a normal situation, and I could not feel stronger, Mr. President, that the congressional tax deduction which was passed last year is one of the most devastating blots on the credibility of Congress under present economic circumstances. It will be virtually impossible for Congress to exercise any type of leadership calling upon the American people to sacrifice for the good of the country unless we eliminate this abomination.

Unfortunately, this is our only vehicle before the April 15 deadline to correct what I believe was a mistake.

I also recognize that the amendment will possibly be made subject to a point of order that it is legislation on an appropriations bill. I will not attempt to argue that it is not.

But neither, Mr. President, was the original action by this body on September 24, 1981, when we originally eliminated the $3,000 cap by amending the continuing resolution before our body at that time. In order for us to start down this road to a backhanded pay raise, we had to overrule a ruling of the Chair that our action at that time was "legislation on an appropriations bill." So it seems to me that it will be somewhat hypocritical for us to hide behind the veil of inviolate Senate procedure in this amendment to repeal our "sweetheart" tax deduction when we conveniently ignored those procedures to establish it in the first place. Maybe that is why we have not heard yet on the Senate floor in this regard that we should challenge it on the basis of it not being germane but rather we may be going to a great tabling move.

There is no need, Mr. President, for this measure to cause any delay in the consideration of the continuing appropriations or its final adoption and delivery to the President. Simple fairness should dictate to the Members of this body and to the Members of the House of Representatives that this backdoor pay raise is unwise, unwarranted, unfair and must be repealed under the circumstances that confront our Nation today.

This action can be taken quickly. It is in the best interests of our country; it is in the best interests of our work to improve the economy; and it is in the overwhelming best interests of the integrity of the Congress.

Extended debate is not necessary, Mr. President. We all know the issue. Let us put this embarrassing indiscretion behind us and get on with the important work of the Congress.

Mr. President, I thank my friend from Colorado who yielded, and I yield back to him.

Several Senators addressed the Chair.

The PRESIDING OFFICER. Does the Senator from Colorado wish the floor?

Mr. ARMSTRONG. No, Mr. President. I have yielded the floor.

The PRESIDING OFFICER. The Senator from North Carolina.

Mr. HELMS. Mr. President, I daresay that the Senator from Colorado and those of us who are joining him in consponsorship of this amendment will win very few popularity awards today in the Senate. However, that is not the question nor is it a question of whether this amendment is germane or subject to a point of order.

Back in December the amendment that created this problem began with a continuing appropriations resolution, and I recall that the Chair ruled on that and there was a Senate vote. But that is not important.

What is at issue here, Mr. President, is the credibility of the U.S. Senate in terms of the people of this country who are disconcerted or worse about their own personal problems with respect to the economy.

Somewhere, Mr. President, we must distinguish between the urgent and the important. Of course, this continuing resolution is urgent. It is true that the funding will run out on March 31 at midnight. But I think it is a little exaggerated to suggest that there will be chaos if the Senate does not act by then or if Congress does not act by then, because we have run beyond the cutoff date before.

There is a great hue and cry, and I hear on this floor all the time that, "This is so urgent." But again I say we must distinguish between the urgent and the important, and the important thing today is to restore to the best of our ability the credibility of the U.S. Senate.

As for shutting down the Government, I will say parenthetically to my friend from Colorado that I was in Atlanta not long ago, and I mentioned the kind of problems that arise in the Senate with the expiration of appropriations, and that there have been suggestions that the Government might be shut down. I got the biggest round of applause of the morning, which shows the degree of cynicism, not unfounded, on the part of the American people concerning their Government, and this is precisely what we must remedy.

I do not argue with the suggestion that the $3,000 deduction that was adopted in 1952 is today unreasonable in terms of the inflation which has occurred since that time. But neither can those who disagree with Senator ARMSTRONG and me and others argue that the people do not have a right to expect us to do a little sacrificing.

Moreover, there may be a Member of the Senate who, when he or she ran for election to this body, did not know what the compensation was and the deduction was. But I cannot think of one who did not know.

So the message that Senator ARMSTRONG, with his very appropriate amendment, is sending to the people is that we do care about the credibility of this Congress and this Government. And I commend him for offering the amendment. As Senator EXON has said, I, too, had an amendment drafted, but when I heard that the distinguished Senator from Colorado was intending to offer his amendment, I decided that I would support him and ask him for the privilege of being a cosponsor of his amendment.

Now, the distinguished leadership of this Senate—and I hold them in the highest regard, and they know it—have used the carrot and the stick approach, in saying, "Now, fellows, if you will table this amendment, we will get out of here Thursday night and we will have x number of days for Easter."

Now, that may be urgent to a lot of Senators, but I daresay that it is not very important to the American people whether we have what may be an inordinate number of days of adjournment during the Easter holiday.

Mr. HATFIELD. Will the Senator yield for a moment at this point?

Mr. HELMS. I certainly yield to my friend.

Mr. HATFIELD. In my opening remarks yesterday I wanted to overcome what seems to be a prevailing view that we are only interested in getting a recess for Easter. In that opening statememt, I did indicate that if we do not meet the deadline of the 30th of March, we face the situation of actually having to close down or send home or furlough, as we did last time, which could involve literally tens of millions of dollars. So that I recognize that the recess may be a pressure point, but that was not the fundamental basis of my argument. I was really on the question of how much turmoil we would find ourselves in, as we did last time when we did not meet that deadline.

I think the Senator raises a valid objection to making that the paramount or preeminent issues of getting it passed. As the chairman of the Appropriations Committee, I want it very clearly understood that mine is not the question of a recess, mine is the question of facing the funding problems that occur in Government after the deadline has been reached and not met.

Mr. HELMS. I would emphasize what the distinguished chairman of the Appropriations Committee has said. At no time has he held it to me of paramount importance in terms of the number of days of adjournment.

One final note, Mr. President, and I will be finished. What we really have here is a confrontation between TIP O'NEILL and the U.S. Senate. Now I hold Mr. O'NEILL in the highest regard, but he and one or two others over in the House are in the position of virtually dictating to the Senate what they will take and what we must do.

Now a little later on, there is going to be another amendment with respect to the matter of forced busing. Senators will recall that on the authorization bill for the Justice Department this Senate overwhelmingly approved an amendment, cosponsored by the distinguished Senator from Louisiana (Mr. JOHNSTON) and the Senator from North Carolina, with respect to the unconscionable practice of forced busing.

We sent that bill over to the House and Mr. O'NEILL sat on it. And when Mr. O'NEILL sits on a bill that is a lot of coverage. [Laughter.]

Now, true enough, it has gone, as I understand it, to the House Judiciary Committee, of which Mr. PETER RODINO is chairman. And now he is sitting on it. So Mr. RODINO and Mr. O'NEILL are, in effect, saying to the Senate, "We are not even going to let the House vote on the amendment passed by the Senate by a wide margin."

Now I do not know how other Senators feel, but I am getting a little bit sick and tired of all of this "take it or leave it" business from the House of Representatives, particularly in light of the fact, Mr. President, that Mr. O'NEILL and Mr. RODINO do not represent the majority of the House Members. If they think they are right, why do they not let the House vote on it? So it is not those of us who offered the amendment who are being troublesome. We are simply trying to distinguish between what is urgent and what is important.

It is, yes, urgent that a continuing appropriation bill be approved by the Senate. But it is important, Mr. President, that we stand up for some principles.

I yield the floor.

Mr. SPECTER addressed the Chair.

The PRESIDING OFFICER. The Senator from Pennsylvania.

UP AMENDMENT NO. 860

(Purposes: To amend the Internal Revenue Code of 1954 to eliminate the provision which allows Members of Congress deduction of living expenses without substantiation of such expenses)

Mr. SPECTER. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Pennsylvania (Mr. SPECTER) for himself and Mr. MATTINGLY, proposes an unprinted amendment numbered 860 to the Armstrong unprinted amendment No. 859.

Mr. SPECTER. I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

Page 1, strike out line 3 and all that follows down through line 21 and insert in lieu thereof:

(a) Subparagraph (B) of Section 280A(f)(4) of the Internal Revenue Code of

1954 (relating to substantiation of living expenses) is hereby repealed.

Page 2, redesignate subsection (d)(1) as subsection (b).

Page 2, strike out subsection (d)(2).

Mr. SPECTER. Mr. President, the amendment which I have just submitted is designed to place Congressmen, Members of the U.S. Senate, in precisely the same position as any other taxpayer, in that it would allow a Congressman to deduct expenses away from home in Washington, D.C., which can be appropriately itemized as ordinary and necessary business expenses just as any other taxpayer could do.

Under this amendment, and under existing law, our homes are our residences, and expenses incurred in Washington, D.C., would be expenses incurred away from home. It is my view that the provision which allows a deduction without substantiation is not appropriate, that there was a great deal of confusion when that measure was attached to the black lung bill, and that this amendment would put Congressmen in precisely the same position as any other taxpayer.

I yield the floor.

Mr. ARMSTRONG addressed the Chair.

The PRESIDING OFFICER. The Senator from Colorado.

Mr. ARMSTRONG. Mr. President, the amendment which is proposed by the Senator from Pennsylvania is a reasonable one and in many ways it is a tempting resolution of the concerns which a lot of us feel.

I regret that my attention was occupied when he sent the amendment to the desk and I did not hear the form in which it had been proposed. Is it as a substitute to my amendment or is it as a perfecting amendment?

The PRESIDINGFICER. It is a perfecting amendment.

Mr. ARMSTRONG. It is a perfecting amendment. Mr. President, I would like to make several observations about it. First, the thought process which the Senator from Pennsylvania has gone through is not unlike my own. In fact, I introduced legislation, S. 2176, which is very similar to the proposal which now comes before us as a perfecting amendment from the Senator from Pennsylvania. My notion was that by doing away with the unsubstantiated deductions that we would put Senators and Representatives on the same tax footing as other taxpayers.

But upon deeper study and advice of counsel, I discovered that was not exactly the case. I will explain why in a moment. Nonetheless, I will acknowledge that if this amendment is adopted, and I do not intend to support it, it will do away with the worst of the abuse of the three amendments which were adopted last year. At least it will require that every deduction taken by Members of Congress will be a real and a substantiated deduction rather than a rule of thumb of $50 or $75 a day.

I compliment the Senator for the amendment, even though I think it does not go far enough for a reason I will explain now or after the Senator completes his statement. I sensed the Senator wanted to comment.

Mr. SPECTER. Will the Senator yield?

Mr. ARMSTRONG. Yes.

Mr. SPECTER. On the question as to the difference which continues to exist, I know from our prior conversations the distinguished Senator from Colorado refers to the factor that, as Congressmen, since our statutory home is the place of residence from which we were elected, we have the opportunity to make deductions in Washington, D.C. I will ask the distinguished Senator from Colorado if that is the distinction.

Mr. ARMSTRONG. The Senator is correct. If Members of Congress were treated as other taxpayers our tax laws would be determined according to criteria used by all other taxpayers. For all other taxpayers, the criteria includes the following: Where the principal place of business occurs, whether the business activity is permanent or temporary, and whether or not the family members are present at the home which is sought to be made a tax home.

Let me give a rough example. A businessman might live with his family at a second home for 2 years while he sets up a home in a second city away from company headquarters from where his first home is located. In that instance he cannot deduct the expenses incurred in the second home because the second home would qualify as his tax home and, therefore, expenses incurred at the second home, since they are not "away from home," would not be deducted.

But for a Member of Congress, the tax home is statutorily established as the State or district he represents, and expenses incurred in living away from home would be fully deductible up to either $50 or $75 a day without being itemized, without the Senator's amendment, or in unlimited amount with substantiation whether the Senator's amendment passes or not.

The point is that what I was seeking to get to with my amendment is to put Members of Congress on the same tax footing as all other taxpayers.

Mr. SPECTER. will the Senator yield?

Mr. ARMSTRONG. In just a moment I will.

I could not see a direct, clean, simple way to do so in a floor amendment. As a consequence, it was my judgment that the wisest course was to reset to exactly where we were prior to October 1 of last year. Then if someone wants to come forward with an amendment and it will have to be, I regret to say, a complex one, to put us on exactly the same footing as other taxpayers, then that would be a reasonable proposition. But it was my judgment that the best thing was to reset to zero, in effect, and take another run at it. That is all I have sought to do.

The Senator's amendment is reasonable. In my opinion, it does not go far enough. For that reason, I must oppose it.

Mr. SPECTER. Will the Senator yield for a question?

Mr. ARMSTRONG. Yes; I will.

Mr. SPECTER. Is it not true that under the amendment proposed by the Senator from Colorado that a Congressman is not on an equal footing with any other citizen because of the fact that a Congressman cannot take expenses for one of his homes? It would be perfectly acceptable to me if an effort is made to cover the issue which the Senator from Colorado has raised which would then permit a Congressman to make a deduction for his other home, depending upon which was applicable under the rules in effect for other taxpayers.

The amendment which I have offered really comes as close as we can now to placing Congressmen on the same level as any other taxpayer without becoming inordinately involved in enormous revisions of the code. There is significant inequity under the proposal which the distinguished Senator from Colorado has made; namely, that there would be no deductions allowed a Congressman for either home should his amendment prevail. So, in a recorded way and in an open way the amendment which I have offered places the Congressman in the same position as any other taxpayer to the maximum extent we can, in a practical sense.

Mr. ARMSTRONG. I think the Senator inadvertently misspoke. I believe I heard him say that if my amendment prevails Members of Congress would not be permitted to deduct for either a home in Washington, D.C., or in their home State. That is really not quite correct. It would be correct to say that such away from home living expenses would, under my amendment, be limited to $3,000 a year, which is the historic limitation, while other taxpayers would be permitted to deduct amounts in excess of that under certain circumstances.

Mr. PROXMIRE. Will the Senator yield further on that?

Mr. SPECTER. If I may finish my question, it is true that there was a statutory limitation of $3,000 but that prevented a Congressman from deducting his real expenses which were obviously significantly in excess of $3,000.

Mr. ARMSTRONG. In many instances that is true.

May I also comment on one additional point the Senator has made?

He has correctly, I think, summed up that what is at stake—in the two amendments, his amendment and my own—is an attempt to do the best we can as a practical matter in a kind of a complicated situation in the setting of a floor amendment. While I do not agree with his final conclusion, I think his framing of the issue is exactly right.

My belief is that the best thing we can do, achieving rough justice and getting back on the track, is just to eliminate the three amendments which were hastily passed last year. His amendment would repeal only the December amendment for unsubstantiated expenses, that is, for claiming expenses which are not substantiated.

Mr. PROXMIRE. Will the Senator yield for a question?

Mr. ARMSTRONG. Yes.

Mr. PROXMIRE. Is it not true that under the amendment by the Senator from Colorado we would have the same situation as we have now? In other words, a Senator or a Member of the House can deduct the mortgage interest on his home in Washington from his income, the taxes he pays on his house from income, in addition to that $3,000 of expenses, which is exactly what we do at the present time.

What the distinguished Senator from Pennsylvania would do would be to permit, in addition to that, for example, that a Senator then would be able to deduct depreciation to a certain extent on his home. If a Senator had a very expensive home, he can deduct enough, perhaps, to wipe out most of his tax liability on his congressional income.

Mr. SPECTER. If I may reply to the distinguished Senator from Wisconsin, the issue as to deductibility of interest and of taxes does not relate to a business expense. The fact is that an expense may be deductible on schedule B whether or not it is a business expense. At the present time, a Congressman is a second-class citizen to the extent that his expenses are capped at $3,000, which is obviously totally unrealistic compared to what his expenses are in 1982. So the issues of taxes and mortgages are really not relevant as they relate to the logic of a business deduction.

Mr. PROXMIRE. When a Member of Congress goes back to his State, we have our travel paid, our hotels paid, our meals paid, every expense we have being paid for by the Federal Government while back in our States. That is an advantage. I would like to ask the distinguished Senator, what does he have in mind in addition to the mortgage interest deduction and the taxes on his home and the expenses he incurs back in his State when he travels, when he goes back there and he has travel expenses? What other expenses does he have?

Mr. SPECTER. When the Senator from Wisconsin refers to expenses back in the home State I think it is probably more general than those expenses that are claimed. That is a comment I have heard many of my colleagues state.

Mr. PROXMIRE. I did not mean that the expenses were paid. I meant that we were reimbursed for our expenditures. This Senator has always been reimbursed. I have checked it out very carefully with the disbursing office and they say they reimburse all Senators for their travel back to their State, for their meals back in their State, for the motels, and so forth. All expenses back in the State are reimbursed.

Mr. SPECTER. Is the Senator suggesting that if he returns to his home in Wisconsin, that he is reimbursed for the meals there? If he is suggesting that, I think he is wrong in whatever advice he has received.

Mr. PROXMIRE. No; of course not. You return to your home city and, during the recess, you are not reimbursed whether you stay in your home or not. You certainly are not to be reimbursed if you stay in your home.

Mr. SPECTER. But for the meals he has in Wisconsin, he is reimbursed?

Mr. PROXMIRE. I am reimbursed for whatever meals I have outside my home city at all times, and also reimbursed for any other expenses I incur.

Mr. SPECTER. Mr. President, I think, with all due respect, that it must be that the majority practice is not to claim such reimbursement.

Mr. STEVENS addressed the Chair.

Mr. SPECTER. Mr. President, I have said I would yield to the Senator from Georgia.

The PRESIDING OFFICER. The Senator from Georgia is recognized.

Mr. MATTINGLY. Mr. President, I wish to speak in support of the Specter amendment. I also have done the work that Senator SPECTER has done in trying to come up with something that has some fairness and equity in it. The modification that he is making to the Internal Revenue Code is the one that would treat the Congress the same as any other taxpayer. I think a good example, which I just got, would be my own taxes. To clarify in Senators' minds exactly what it amounts to, for this past year, my taxable income is $63,000. Using the old figure of $3,000 in deductions that we had, I would pay approximately $19,983 in Federal taxes. Under the black lung deduction that we passed in late December, my taxable income would be $47,000 and my total Federal tax would be approximately $13,134.

In this Specter amendment, which I worked on and he has worked on and which I think is the correct legislation, my taxable income would $55,000. When I take the actual substantial living expenses—just rent and utilities for myself and my family—I would pay a total tax of $16,729. That is the same as all other business people would have in this country.

So, Mr. President, in the interest of fairness and equity, this is really the correct method to use. Whether this is the day we can do it, I do not know. I would rather take on the entitlement programs than our own entitlement program.

Mr. President, I stop right here and say I do support the Specter amendment and will vote for it.

The PRESIDING OFFICER (Mr. HAYAKAWA). The Senator from Alaska.

Mr. STEVENS. Mr. President, I do think it is unfortunate that, in spite of the problem we face, we are discussing this today, because we are going to be discussing it again and again. It has been the announced desire of the leadership to have a continuing resolution go to the President without any amendments. That was not the announced intention of the leadership in the last Congress when these amendments were offered. As a matter of fact, the committee had made several amendments to the continuing resolution so that, when it was brought to the floor, we knew it was going back to the other body and to conference and that it would have further consideration in the legislative process.

Mr. President, I am saddened to see this presented, because the circumstances are different. The committee did not even make any amendments to this continuing resolution. Having said that, Mr. President, it is before us and I think it is important for Members to keep in mind what is at stake. I have been involved in this, as Members of the Senate know, for a long time. One of the reports that is very interesting, concerning the question of congressional salaries and how their expenses should be treated from the point of view of taxation, came from the legislative reorganization report of 1946. In the reorganization of the Congress, there was a Joint Committee on the Organization of Congress. I wish every Member of the Senate would take some time to read it to see how those who studied how Congress ought to be reformed immediately after the war came to their conclusion.

Parenthetically, let me point out that there was some indication at that time that perhaps Members of Congress salaries should not be taxed at all. It was a question of maintaining a lower salary on the basis that, since the Federal Government is the employer—this was the prevailing thought at the time—all Government employees should not be taxed, because, really, the Government, in effect, pays the employees and the employees turn around and pay a portion of it back to the Federal Treasury. It was explored as to whether or not it would be less expensive for the Federal Government to have all Federal salaries nontaxable. That was rejected.

It was recommended that salaries of Members of Congress be taxable and that the impact of the salary be such that the normal expense deductions, properly itemized—I am quoting now from the report of the Joint Committee on Organization that accompanied House Concurrent Resolution 180, March 4, 1946—

> We further recommend that the full . . . salary be taxable at regular rates, but that normal expense deductions, properly itemized, and allowable to business and professional men, be recognized. Specifically, this would include permission for a reasonable deduction for duplicated rents actually paid in the performance of congressional duties. Where Members are required to maintain two homes, one in their district and the other in Washington, occupancy costs for one should be deductible as a legitimate expense item.

That was a recommendation following the complete study of the reorganization of Congress. Soon thereafter, there was, in fact, a debate. Former Senator Ellender engaged in that debate in connection with an amendment which, incidentally, is the amendment that put into effect the $3,000 limitation. Let me quote what Senator Ellender said at that time.

> Mr. ELLENDER. The reason we are providing a limited exemption in this way is to put Members of the Congress on the basis of a businessman who leaves his home and comes to Washington on business. He is permitted to deduct all his expenses. He may deduct his expenses for meals, lodging, and everything else.
>
> There is another point involved. I studied some sample tax cases in deliberating upon this subject.
>
> Under a ruling of the Bureau of Internal Revenue, an individual appointed—not elected, but appointed—and spends three-quarters of his time in the city of Washington attending to business, is permitted to deduct his expenses including living costs, travel, and everything else. However, with respect to elected officials, a change has been made. Under a ruling of the Bureau of Internal Revenue, and sustained by the courts, a Representative or Senator has two homes, one in his State, and one in Washington. Under the ruling we cannot claim deductions for living expenses while in Washington. All the committee amendment seeks to do is declare that, for income tax-purposes, the home of a Representative or Senator is in his home State.

Mr. President, that was, in fact, the resolution that followed the decision of the old Bureau of Internal Revenue, which held that a Member of Congress could deduct expenses on neither end of his business life. It refused to acknowledge where a Member of Congress had his or her home. Congress, in 1952, legislated—and I think correctly, and I think all our constituents assume this—that our home is in our State or district. That is where our home is.

Some Members of Congress do not maintain two homes. This Senator does. I do not know about anybody else, but I know I do. I know that the net result of what we did last year is not what I am hearing on the floor. It is the same old demagoguery we heard before. I do not understand why people seek publicity at the expense of those people who are trying to find a way to assure that nonmillionaires can serve in the Senate. To me, that is the issue and has always been the issue.

The issue, Mr. President, is not whether we should have some special privilege, I say to the Senator from Colorado. It is not a special privilege. I have before me form 1040. Form 1040 has on it, "Employee business expense."

If Senators read the form that goes along with it, form 2106, they will find that any employee—and I am an employee—any employee is allowed to deduct the expenses when he is away from home for food and lodging, car expenses, and other expenses, to the extent they are not reimbursed. We are not talking about some super wealthy businessmen and making ourselves equivalent to the multimillionaires. We are talking about putting ourselves in the same position as every employee in this country. All he or she has to do is take the 1040 and look at it. The 1040 form gives an employee the right to deduct the nonreimbursed expenses when he is away from home.

Now, God forbid that anyone will ever tell me that the city of Washington is my home; it is not. I detest it. I really do. I cannot think of another place to have a nation's capital in the world that is a worse place to live. The air compared to my State is abominable. We shorten our life spans by coming to this town. As far as I am concerned, I know of no town—no town—that has a worse crime standard, a worse set of schools, a worse circumstance to live in and work in than the city of Washington.

I do not care who knows it. I will tell everyone.

Mr. DOLE. The Senator already did.

Mr. STEVENS. I will tell it again and again and again.

To say that this amendment which I authored somehow or other puts us in a position contrary to that of every other employee in the United States is absolutely not true.

I wish Senators would be more specific. If they do not like the idea that some of us do not believe this is our home, they are entitled to that position. If they do not want to maintain a home in their home States, that is their position, and they will have to in their own conscience decide whether to use the effect of this amendment.

But if they do maintain two homes, and if they have a family as I have—my family is spread all over the country. I have a son in Las Cruces, another son in San Diego, I have a son going to school in Washington, I have two daughters in Alaska, and I have a family and a daughter here. I have a home up home in Alaska—who in the world, looking at the record, would say that my circumstance should be different from anyone else who is employed and as a result of his employment is forced to be away from his home?

That is all that amendment stated, that we would be treated the same.

The distinguished Senator from Kansas, responding to requests of people, said, "But, look, wait a minute. We ought to have some reasonable standards. If we sit here and we make up our mind that we should take deduction of *x* dollars and someone else does not have the same style home, someone else rents and does not buy a home, someone else does not live the same lifestyle, we take a deduction and it is disclosed, and we are compared, Senator A to Senator B, what is going to happen? We are going to be beat to death, we are going to be beaten to death by the publicity that comes from demagogs on the floor of either House of the Congress seeking to make publicity that they would like to cut, somehow or other cut the cost of Government."

This has nothing to do with the cost of Government. The amendment of the Senator from Kansas said to the Treasury, "Draw up a series of regulations that say what is reasonable in terms of deductions, and if a Member uses that formula that you adopt, then he is not subject to the attack of taking unreasonably high deductions from his income tax."

The Senator from Kansas spoke to me about it, and I welcomed it. I thought it was a good idea. I still maintain it is a good idea for those people who have a home and do in fact have the deduction for their interest, incidentally, under another section of the law. It has nothing to do with the fact that you are a Member of Congress, that you have got that right. Then the Treasury Department said they should be treated one way. If you rent here and you do not have deductions of your interest, you should be treated in a different way. But both of them set a limit.

Do you know what the limit was? Did you ever look at what the limit was? It is the per diem that is paid to other Government employees who come to this town.

They come to this town and they are paid per diem. We are not. The limit of our deduction is the amount that would be paid to another Government employee who came to this town and did receive reimbursement for his expenses.

We come to this town and we receive no reimbursement.

I say to my friend from Wisconsin, I never heard of anyone getting the expenses while they are at home. While they are away from home, they are entitled to reimbursement for expenses, strangely enough, except when they are away from home in this city. For some reason or other, contrary to the recommendation that was made in 1946, there was never an action taken which established that one of the sets of expenses were deductible.

Instead, they just took the arbitrary limit of $3,000 and said that a Member of Congress can deduct up to $3,000 for all expenses away from home. That includes the expenses when you are away from home in your own State, when you are away from home in another State, or when you are away from home in the District of Columbia. There was a $3,000 limitation—totally unfair. My amendment eliminated that.

When my amendment eliminated that, the Senator from Kansas came along with the other amendment and said to the Treasury Department, "set a reasonable limitation."

What we have now is a reasonable limitation. I will debate on this floor until my last breath anyone who wants to say that we are treated differently from any other employee.

Let us stop talking about businessmen, professional men or women. We are talking about employees. The only difference is that we do not get per diem. We get to deduct the expenses, but we do not get per diem.

When they come into town, other Government employees, they get per diem and they can deduct their expenses. As a matter of fact, the law says, as you know, if they get more per diem than they have expenses, they have to pay income tax on that. If they have more expenses and they get per diem, they can, using 1040—right there—without using the long form, they can deduct the excess over their per diem when they come to this town.

There is no discrimination in this at all. The impact of what we are doing, to me, is we are once again asking the public, "Are we worth the equal treatment under the law?"

I want Senators to know that I do not know of any other Member of the Congress that has had to defend this action more than I. It was my amendment. I have gone on talk shows. I have just finished two talk shows within the last 2 weeks of an hour apiece. On each one of them I spent at least a third of the time discussing these amendments.

The people who were questioning me thought, "Ah ha, man, here is the time when we get a Senator at his weak point." They asked me about this amendment.

I have defended it, and I have had nothing but positive mail coming in to me from all over the country saying, "You are right. You are right. You should not be discriminated against. Don't take special privileges but don't let anyone else attack you for the proposition that you should be treated differently because you are a Member of Congress."

Mr. PROXMIRE. Will the Senator from Alaska yield?

Mr. STEVENS. I yield, but I am not going to yield the floor yet. I will be happy to answer a question.

Mr. PROXMIRE. Will the Senator tell me: When was it that the Congress by law declared that they were not living in Washington but living at home? What year was that?

Mr. STEVENS. 1946.

Mr. PROXMIRE. 1946.

Mr. STEVENS. 1952 was the final action, my staff tells me; 1946 was the report which said we should make that declaration.

Mr. PROXMIRE. 1952.

Mr. STEVENS. In 1952 we declared that a Member's residence is in his home State.

Mr. PROXMIRE. We made that declaration, as a matter of fact. Is it not true that late last year it was determined by the Treasury Department, or I guess by people who were working for the Senate and the House, that we had 256 congressional days, something of that kind?

Mr. STEVENS. We were in session 256 congressional days. I can assure the Senator I was not here 256 days.

Mr. PROXMIRE. Nevertheless, from the standpoint of the law, the finding is that we are living away from home 256 days out of the year or 70 percent of the year.

Mr. STEVENS. So what? I remember when the Alaska lands bill was here, as I told some other people today, for 4 years running. There were Alaskans in this town on both sides of that issue for almost 10 months, 9 to 10 months. They lived here just as I lived here. They were away from home a lot more than I was because, as a matter of fact, I am home often. I do not make a fetish out of being here. I think a Senator ought to be where his business is, and at times it is more important to me to be home consulting with people about what ought to be going on than here answering congressional quorum calls.

Mr. PROXMIRE. I could not agree with the Senator more.

Mr. STEVENS. 256 days was the maximum amount that Senators could take. I will tell the Senator I went through that, and I deducted every day that I got an honorarium.

I deducted every day I was away from this town on personal business, and I deducted every day I was involved in some fashion and got a per diem and accepted it.

There are some times when you travel on committee business, as the Senator knows, and you get per diem. I deducted all those from this limitation that the Secretary of the Senate gave me, and then I multiplied that by 50, because I do own a home.

Incidentally, I will be glad to tell the Senator or anyone else as to selling it. We have to sell it. It costs too much money to live in this town at 16¾ percent interest.

Mr. PROXMIRE. The Senator is saying that he did not spend 256 days in Washington last year?

Mr. STEVENS. And I am not claiming them in my tax form, either.

The amendment of the Senator from Kansas set up a procedure for determining the maximum number, not the number everybody is going to take by rote. It is the maximum number.

Mr. PROXMIRE. Is the Senator telling me that you have to substantiate the fact that you were in Washington?

Mr. STEVENS. No; I am telling the Senator that I presume he is an honest man and is not going to take credit for days he is not here.

Mr. PROXMIRE. The fact is that under the present law—and Members of the Senate and the House have told me they are doing this—they have spent the full congressional days here, in effect, and they can deduct $75 a day, $90 if they also take their taxes and their mortgage interest, and that is a pattern that is expected. That is what we have done.

Mr. STEVENS. I am tired of being besieged because I pay a mortgage in this town at the ungodly rate they charge me.

Mr. PROXMIRE. I am not saying that.

Mr. STEVENS. Anybody can take that deduction in this town. Why should we be in this debate at all?

Mr. PROXMIRE. Because we are not here.

Mr. STEVENS. The house is here, whether I am or not. It has nothing to do with it.

Mr. PROXMIRE. It has everything to do with it. We deduct that $19,000 even though we are not in Washington. When I am in the State of Wisconsin, I can deduct for being in Washington, with no substantiation, no documentation.

Mr. STEVENS. The Senator deducted expenses while he was at home.

Mr. PROXMIRE. I did not say that. I said you could. I did not deduct it at all.

Mr. STEVENS. As a practical matter, it is not so. There is no such thing as $19,000. That is the maximum amount that might be claimed by someone who rented. I happen to own a place.

The Senator from Wisconsin on one hand mentions $19,000, and on the other hand he mentions paying interest on a mortgage. The Senator is showing, if he will pardon me, his unawareness of the figures he is talking about, because you cannot get $19,000 except by multiplying by 75, and you cannot get interest if you are multiplying by 75.

Mr. PROXMIRE. The Senator is correct. The fact is that the Senator and I know that the expectation of Members of Congress is that they can deduct for congressional days times 50 or 75, depending on which one you are eligible for.

Mr. STEVENS. The Senator now presumes that Members of Congress do not read.

As the distinguished presiding officer, the Senator from California (Mr. HAYAKAWA) knows, there are times we may not understand what we read, but we do read.

It is a limitation. It is not an automatic deduction as the old $3,000 was. Under the old law, when you filled out your income tax return the limitation on your deductions for expenses away from home was $3,000. I found very few Members of Congress who understood it. They thought it meant they still could deduct their automobile expenses, their expenses while they were at home, their business expenses in excess of the number of times when they are out of the city of Washington and away from home.

None of them realized that it said that was a limitation on the deduction for Members of Congress for expenses away from home, and the law said your home was in your home State. Mine is in Anchorage. It said I could take only up to $3,000, no matter how much I paid for travel, whether it was in the city of Washington or elsewhere, on business purposes. That was the limitation on a Member of Congress.

My amendment knocked that off. I thought it was unreasonable, and I still think it is unreasonable.

The Specter amendment restores my first amendment. The Armstrong amendment destroys the reasonable approach of the Senator from Kansas, who brought in the Treasury Department and said, "Make a study and find out what would be a reasonable rule of thumb to tell these people, so that they will not be attacked in campaigns or by demagogs, in terms of people trying to say throughout the press that, somehow or other, we are giving ourselves something special."

I actually saw the Senator from Wisconsin quoted—and I will be happy to dig that out; I am sure he never said this—that by virtue of the Stevens amendment, a Member of Congress never had to pay any income tax. I am certain that the Senator from Wisconsin did not say that, because the effect of this, as I understand it, is in the range of $5,000 to $7,000 maximum, in terms of exposure, so far as the effect on income tax is concerned.

Mr. PROXMIRE. There are two options, as the Senator knows. The Senator knows this better than anybody else in the Senate, except perhaps the Senator from Kansas.

You have two options. You can deduct the $50 or $75 a day on one hand, or you can document your deductions and take much more than that.

Under those circumstances, it was conceiveable that you could have enough deductions so that you would not pay any income tax.

Mr. STEVENS. I know of no one who would buy a house in this Godforsaken town just to reduce his taxes by $50 or $75 a day. That is a decision that is made because of your lifestyle.

Mr. PROXMIRE. A Senator also has the option of documenting his options and taking more than $50 or $75 a day. Is that right?

Mr. STEVENS. I beg the Senator's pardon.

Mr. PROXMIRE. Is it not right that a Senator also has the option of documenting his deductions and taking more than $50 or $75 a day?

Mr. STEVENS. A Senator can do that, and that is exactly what is permitted by the procedure spelled out to the Treasury Department by the Senator from Kansas. Any Senator who wishes to do so may treat himself as any other employee in this country and take a deduction for all the expenses he incurred, in a business sense, in excess of the reimbursement he received, and be prepared to defend that on an audit.

Mr. PROXMIRE. That is right. And it is possible that he may be able to take as much as $60,000, in which case he would not pay any income tax on his Senate salary.

Mr. STEVENS. It is possible that he could be a damn fool, too, but I do not think he would be. I do not see any way you can justify taking that kind of expense.

Mr. PROXMIRE. Is it not true, as the Senator has explained this, that many Members of Congress apparently do not understand this and feel that they would be able to take 256 days times 50 or 75, and that they do, that there is no disciplining, no policing, no enforcement, no challenge, no way in which that particular Member of Congress is going to be corrected, because he has a right to submit that deduction, and it is not challengeable?

Mr. STEVENS. The Senator is not quite correct. I will be happy to explain that, but I think the Senator from Kansas has a timeframe and wants to make a statement. I should like to come back, if I may, and answer that question of the Senator from Wisconsin. He is partially correct, but he is not totally correct, and I will be glad to explain my reasons for that statement.

The PRESIDING OFFICER. The Senator from Kansas.

Mr. DOLE. Mr. President, I am not too anxious to get into this debate, but since I am in town I might as well. [Laughter.] I am not certain where to start. I have the facts, but I do not think that is going to make any difference. The press is not interested in the facts. The millionaires are not interested in the facts. Only the Members are interested in the facts, and some of them are confused.

So we have got the press out trying to do in Members. I have heard all kinds of reports on CBS, ABC, and the Washington Post on how we are getting a $30,000 a year pay raise and all kinds of misinformation. But the press loves this.

We have a good crowd in the galleries, better than for most debates, because we are doing in Members, and that makes good headlines. Anybody who is going to do in a Member can make the nightly news. I can already pick the players.

I am not so certain that discussing this on a factual basis will contribute anything to the debate. I have not heard any facts yet, except I am not going to endorse TED STEVENS for mayor. [Laughter.]

Mr. STEVENS. Of Washington?

Mr. DOLE. If he runs. He has a new approach if he runs, I will tell you. [Laughter.] But I did want to set the record straight at least for those people who may read the record. We will put all this in the RECORD.

Some say they are opposed to the new rules because they want us to raise our pay instead. I have stood on this floor and argued with TED STEVENS for years, voting against every pay raise, hoping in the back row it would pass. I think a lot of Members are going to vote not to table this hoping the same way that it will be tabled. You know, those who vote not to table it are going to say, "Well, I hope there are enough votes to table it so we can still take our deductions." In fact, many Members have filed their 1981 returns. If, in fact, we adopt this and you have filed your return you will have to file an amended return. I held off, knowing this, until April 15, so I am in good shape. [Laughter.]

I would just like to point out that we have been allowing per diem deductions for State legislators since 1975, and I can assure you, if this amendment is not tabled, I am going to offer an amendment to this amendment to make certain that we are treated like State legislators. So we will take away their deductions as well. They do not argue about it, and they can take a maximum of 110 percent of the Federal per diem, which can be as much as

$82.50 per day in certain States, and they have been doing it since 1975.

We passed an amendment to the Economic Recovery Tax Act of 1981 that made it even better for State legislators. Maybe we should not pick on State legislators, but I want to point out that there is precedent for what we have done.

There is more precedent. As has been pointed out by the Senator from Wisconsin and other taxpayers generally must substantiate, by adequate records, or other sufficient evidence, the amount of and business purpose of travel expenses that are otherwise deductible under section 162. However, in certain cases, administrative rules have been adopted which provide that the taxpayer does not have to substantiate travel expenses to the IRS.

Under revenue rule 80-62, substantiation by records is not required for expenses incurred by an employee for the benefit of the employer if the employee is reimbursed under a qualifying per diem arrangement. To be eligible for the exceptions, amounts charged or reimbursed generally must equal actual business expenses.

A per diem arrangement in lieu of subsistence qualifies for an exception from substantiation if the amount does not exceed the greater of $44 per day or the maximum Federal per diem rate authorized for the locality in which the travel is performed, for example, $75 in Washington, D.C. In addition, the employer's travel allowance practices must be based on reasonably accurate estimates of travel costs, including variances in different localities. If these requirements for a per diem arrangement are met, the employee is not required to account to the employer or the Internal Revenue Service for expenses.

Mr. President, I ask unanimous consent to have printed in the RECORD the laws covering the matter.

There being no objection, the matter was ordered to be printed in the RECORD, as follows:

SECTION 274.—DISALLOWANCE OF CERTAIN ENTERTAINMENT, ETC., EXPENSES

26 CFR 1.274-5: Substantiation requirements.

(Also Section 162; 1.162-17.)

Travel expenses; reimbursements or per diem and mileage allowances. For taxable years beginning after 1978, reimbursement arrangements or per diem allowances for travel away from home not exceeding the greater of $44 per day, or the maximum authorized to be paid by the Federal Government in the locality in which the travel is performed, and a mileage allowance not exceeding 18.5 cents per mile for transportation paid by employers to employees will be regarded as satisfying the substantiation and adequate accounting requirements of sections 1.162-17(b) and 1.274-5 of the regulations; Rev. Ruls. 74-433 and 77-410 superseded.

REV. RUL. 80-62

The purpose of this revenue ruling is to update Rev. Rul. 74-433, 1974-2 C.B. 92, as modified by Rev. Rul. 77-410, 1977-2 C.B. 85, to provide rules for the substantiation of expenditures for ordinary and necessary business expenses for subsistence of an employee traveling away from home and ordinary and necessary expenses of transportation whether or not traveling away from home that most nearly represent present reasonable limits in light of current costs.

Section 274(d) of the Internal Revenue Code and section 1.274-5 of the Income Tax Regulations, provide rules for the substantiation of business expenditures for travel, and for reimbursement arrangements or per diem allowances for ordinary and necessary expenses of an employee traveling away from home (exclusive of transportation costs to and from destination), and mileage allowances for similar transportation expenses. Under the authority granted to the Commissioner by section 1.274-5(f) of the regulations, such arrangements or allowances that are in accordance with reasonable business practices may be regarded (1) as equivalent to substantiation by adequate records or other sufficient evidence of the amount of such traveling expenses for purposes of section 1.274-5(c), and (2) as satisfying the requirements of an adequate accounting to an employer with respect to such amounts for purposes of section 1.274-5(e).

Pursuant to such authority, it is held as follows:

If, in the case of expenses for travel away from home (exclusive of costs of transportation to and from destination), an employer reimburses employees for subsistence or provides the employees with a per diem allowance in lieu of subsistence in an amount that does not exceed the greater of (1) $44 per day or (2) the maximum per diem rate authorized to be paid by the Federal Government in the locality in which the travel is performed, such reimbursements and allowances shall be deemed substantiated within the meaning of section 1.274-5(c) of the regulations if (1) the employer reasonably limits payment of such travel expenses to those that are ordinary and necessary in the conduct of the trade or business and (2) the elements of time, place, and business purposes of travel are substantiated in accordance with paragraphs (b)(2) and (c) (other than subparagraph (2)(iii)(a) thereof) of section 1.274-5.

The district director will determine whether an employer reasonably limits the payment of expenses for travel away from home to such expenses as are ordinary and necessary in the conduct of trade or business by (1) in the case of reimbursements for actual subsistence expenses, determining whether the employer maintains adequate internal audit controls, such as requiring an employee's expense account to be verified and approved by a responsible person other than the employee incurring the expense, and (2) in the case of per diem allowances in lieu of subsistence, determining whether the employer's travel allowance practices are based on reasonably accurate estimates of travel costs, including recognition of cost variances encountered in different localities. If the amount of traveling expenses away from home is deemed substantiated for purposes of section 1.274-5(c) of the regulations, the adequate accounting requirements of section 1.274-5(e) shall be deemed satisfied.

As used in this revenue ruling, the term "subsistence" includes, but is not limited to, reasonable travel expenses for meals and lodging, laundry, cleaning and pressing of clothing, and fees and tips for services, such as for waiters and baggage handlers. The term "subsistence" does not include taxicab fares or the costs of telegrams or telephone calls.

If a fixed mileage allowance not exceeding 18.5 cents per mile is used by an employer in payment of an employee's ordinary and necessary expenses of transportation while traveling away from home and the elements of time, place, and business purpose of the travel are substantiated in accordance with paragraphs (b)(2) and (c) (other than subparagraph (2)(iii)(a) thereof) of section 1.274-5 of the regulations, such an allowance shall be deemed as satisfying, with respect to such travel amounts, the substantiation requirements of section 1.274-5(c) and the adequate accounting requirements of section 1.274-5(e). Also, if an employer grants an allowance not exceeding 18.5 cents per mile to an employee for ordinary and necessary transportation expenses not involving travel away from home, such an arrangement shall be considered to be an accounting to the employer within the meaning of section 1.162-17(b). However, an employer may grant an additional allowance for parking fees and tolls attributable to the traveling and transportation expenses as separate items.

Pursuant to section 1.274-5(e)(2) of the regulations if an employee, under a travel expense arrangement or allowance practice discussed above, receives an amount from an employer equal to the deductible business expenses (that do not include personal, living, or family expenses or travel expenses disallowed by section 274(c) of the Code), the employee need not report such reimbursement in gross income.

If an employee, under a travel expense arrangement or allowance practice discussed above, receives an amount from an employer in excess of the deductible business expenses (that is, expenses which do not include personal, living, or family expenses or travel expenses disallowed by section 274(c) of the Code), the employee must report such excess amount in gross income.

If an employee, under a travel expense arrangement or allowance practice discussed above, receives an amount from an employer less than the deductible business expenses (that do not include personal, living, or family expenses or travel expenses disallowed by section 274(c) of the Code), and the employee wants to claim a deduction for such excess expenses, the employee must report the reimbursements in gross income and claim deductions for all the ordinary and necessary business expenses.

The provisions of this revenue ruling relating to reimbursement arrangements or per diem allowances will not apply in any case when an employer and an employee are related within the meaning of section 267(b) of the Code, but for this purpose the percentage of ownership interest referred to in section 267(b)(2) shall be 10 percent.

With respect to expenses paid or incurred after December 31, 1978, this Revenue Ruling supersedes Rev. Rul. 74-433 and Rev. Rul. 77-410.

Mr. DOLE. In addition, I want to put in the RECORD, again, the letter from Don Regan, the Secretary of the Treasury, dated January 12, 1982, which states and backs up what the Senator from Alaska said. It says:

1. The Member may deduct actual living expenses if substantiated by proper records.

2. The Member may elect to deduct an amount equal to $75 times the number of "Congressional days" in the year.

3. If the Member owns a residence in the Washington, D.C. area, he or she may either deduct the $75 prescribed in the preceding paragraph or $50 plus interest and taxes on the home.

The word "may" is in every paragraph, and I think that is important. The Senator from Alaska has indicated how he is proceeding. He is not counting any day when he is not here or where he may have received an honorarium out of town or whatever, and others may approach that differently. I think most Members of Congress are honest people and are not going to abuse that particular privilege.

I ask unanimous consent that this letter as well as certain other material be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

THE SECRETARY OF THE TREASURY,
Washington, D.C., January 12, 1982.

DEAR MEMBER: As you know, Congress recently enacted an amendment to the Internal Revenue Code which directs the Secretary of the Treasury to specify rules for determining an appropriate amount deductible by Members of Congress for expenses incurred in the Washington, D.C. area while they are away from their home districts or states. The Internal Revenue Service will submit regulations specifying these rules to the Federal Register tomorrow. A copy of these regulations and a brief fact sheet explaining these rules are enclosed for your information.

In summary, the new rules will provide that a Member away from home in Washington, D.C. discharging his or her duties may deduct living expenses in one of three ways:

1. The Member may deduct actual living expenses if substantiated by proper records.

2. The Member may elect to deduct an amount equal to $75 times the number of "Congressional days" in the year.

3. If the Member owns a residence in the Washington, D.C. area, he or she may either deduct the $75 prescribed in the preceding paragraph or $50 plus interest and taxes on the home.

The enclosed materials set forth the detailed rules applicable to these options.

Sincerely,

DONALD T. REGAN.

FACT SHEET

Taxpayers generally are permitted a deduction for living expenses they incur while away from home in pursuit of business as long as they can adequately substantiate such expenses. For this purpose, the residence of a Member of Congress within the district of State which he or she represents is considered to be his or her home. Therefore, most Members are entitled to deduct their living expenses, while discharging their Congressional duties in Washington, D.C.

THE REGULATIONS

In order to simplify recordkeeping and avoid audit discussion with the Internal Revenue Service, Congress recently enacted section 280A(f)(4)(B) of the Internal Revenue Code. This section provides that the Secretary of the Treasury shall prescribe appropriate amounts which may be deductible by Members as living expenses in the Washington, D.C. area. Pursuant to this mandate, Treasury will issue regulations tomorrow which will permit a Member to elect to deduct an amount without substantiation. Alternatively, Members are entitled to keep records and deduct the exact amount of their living expenses.

DEDUCTIBLE AMOUNT

The deductible amount is equal to the product of the number of "Congressional days" during the taxable year times either of two designated amounts.

Generally, the designated amount is the maximum amount allowable to employees of the Executive Branch of the Federal Government for travel in Washington, D.C. The maximum amount is currently $75 per day.

In the case of a Member who lives in a residence owned by him or her in the Washington, D.C. area, the Member may choose to use two-thirds of the maximum amount as the designated amount (currently $50 a day) and, in addition, deduct the interest and taxes on the Member's home.

The number of "Congressional days" is equal to the number of days during the year, less periods Congress is not in session for five or more days, and is determined without regard to the presence of the individual Member in the Washington, D.C. area.

The deductible amount will be in lieu of: deductions for amounts actually paid or incurred for meals, lodging and other incidental expenses.

The deductible amount does not preclude the deduction of otherwise allowable deductions for traveling expenses incurred while away from Washington, D.C., long distance telephone calls, and interest and taxes on personal property.

If the deductible amount is used, a Member who owns a home will be required to reduce the basis in the residence (but not below zero) by an amount equal to the product of 20 percent of the maximum amount (this product is currently $15) times the number of Congressional days during the year. This will be the only basis adjustment required.

SUMMARY

A Member who is away from home discharging congressional duties in Washington, D.C. may deduct living expenses in one of three ways:

The Member may deduct all of his or her actual living expenses while in Washington, D.C. area attributable to discharging Congressional duties. These expenses will be subject to the substantiation requirements of section 274(d).

The Member may elect to deduct an amount equal to the product of the number of "Congressional days" times the appropriate designated amount. The Member would be entitled to this deduction without the necessity of substantiating expenses.

If the Member owns and lives in a residence in the Washington, D.C. area, the Member may either deduct the amount described immediately above, or determine the deductible amount based on two-thirds the maximum amount and, in addition, deduct interest and taxes on the home.

[4830.01]

[Final Draft of 1-12-82]

TITLE 26—INTERNAL REVENUE

Chapter I—INTERNAL REVENUE SERVICE, DEPARTMENT OF TREASURY

Subchapter A—Income Tax

(T.D.)

PART 5e—TRAVEL EXPENSES OF MEMBERS OF CONGRESS

TRAVEL EXPENSE OF MEMBERS OF CONGRESS

Agency: Internal Revenue Service, Treasury.

Action: Temporary Regulations.

Summary: This document contains temporary regulations relating to deductions for Members of Congress for travel expenses in Washington, D.C. allowed without substantiation. Changes to the applicable law were made by the Black Lung Benefits Amendments of 1981. The regulations would provide Members of Congress with guidance as to the amount they may deduct without substantiation for amounts relating to travel away from home in Washington, D.C.

Dates: The regulations are effective for taxable years beginning after December 31, 1980.

For further information contact: Jason R. Felton of the Legislation and Regulations Division, Office of the Chief Counsel, Internal Revenue Service, 1111 Constitution Avenue, N.W., Washington, D.C. 20224 Attention: CC:LR:T, (202) 566-3318, not a toll-free call.

Supplementary information:

BACKGROUND

Second 162 allows a taxpayer a deduction for all ordinary and necessary expenses paid or incurred during the taxable year in carrying on a trade or business including traveling expenses while away from home. For this purpose, the residence of a Member of Congress within the District or State which he represents is to be considered his home. Therefore, most Members will be entitled to deduct all their living expenses including meals and lodging while discharging their Congressional duties in Washington, D.C. Under section 274, traveling expenses while away from home must be substantiated.

Until recently, a Member's deduction for these expenses was limited to $3,000. Section 139(a) of Pub. L. 97-51 as amended by section 133(a) of Pub. L. 97-92 eliminated this $3,000 limitation for taxable years beginning December 31, 1980. Section 113(b) of the Black Lung Benefits Revenue Act of 1981 amended subsection (f) of section 280A to require the Secretary or his delegate to prescribe amounts that would be deductible by Members of Congress in Washington, D.C. as travel expenses without substantiation.

The regulations provide that Members of Congress may deduct a designated amount for each Ccongressional day in the year. The designated amount is determined by reference to the maximum amount of reimbursement available to a government employee traveling in Washington, D.C. Congressional days are determined by reducing the number of days in the year by periods in which Congress is not in session for 5 or more consecutive days. The number of Congressional days may be different for the House of Representatives and the Senate.

A Member of Congress may elect to deduct the amounts prescribed by this section without substantiating such amounts. In such a case, no other deductions will be allowed for meals, lodging, or other incidental travel expenses. However, travel expenses incurred away from the Washington, D.C. area will continue to be deductible in addition to the amounts prescribed by the new regulation.

DRAFTING INFORMATION

The principal author of these temporary regulations is Jason R. Felton of the Legislation and Regulations Division of the Office of Chief Counsel, Internal Revenue Service. However, personnel from other offices of the Internal Revenue Service and Treasury Department participated in developing the regulations, on matters of both substance and style.

ADOPTION OF AMENDMENTS TO THE REGULATIONS

Accordingly, a new Part 5e Temporary Income Tax Regulations Travel Expenses of Members of Congress is added to Title 26 of the Code of Federal Regulations. Part 5e reads as follows:

PART 5e—TEMPORARY INCOME TAX REGULATIONS, TRAVEL EXPENSES OF MEMBERS OF CONGRESS

SEC. 5e.274-8. TRAVEL EXPENSES OF MEMBERS OF CONGRESS

AUTHORITY: Secs. 280A(f)(4)(B) and 7805 Internal Revenue Code of 1954 (95 Stat. 1641, 26 U.S.C. 280A(f)(4)(B); 68A Stat. 917, 26 U.S.C. 7805).

§5e.274-8 Travel Expenses of Members of Congress.

(a) *In general.* Members of Congress (including any Delegate and Resident Commissioner) who are away from home within the meaning of section 162(a), in the Washington, D.C. area, may elect in accordance with paragraph (f) to deduct an amount described in paragraph (c) as living expenses, without substantiation. A Member who elects under this section may not deduct any money for the living expenses described in paragraph (b). A Member who does not make an election under this section must substantiate his expenses for living in Washington, D.C. in accordance with section 274 and §1.274-5.

(b) *Living expenses covered.* The amount allowed to be deducted without substantiation, pursuant to this section, for costs incurred for living in the Washington, D.C. area represents amounts expended for meals, lodging, and other incidental expenses. Meals include the actual cost of the food and expenses incident to the preparation and serving thereof. Lodging includes amounts paid for rent, care of premises, utilities, insurance and depreciation of household furnishings owned by the Member. In the case of a Member who lives in a residence owned by him in the Washington, D.C. area, the cost of lodging also includes depreciation on such residence. Other incidental expenses include laundry, cleaning, and local transportation. Local transportation includes travel within a 50 mile radius of Washington, D.C., whether by private automobile, taxi cab or other transportation for hire. Interest and taxes on personal property will not be considered expenses to be included within this paragraph.

(c)(1) *Amounts allowed without substantiation.* The amount that may be deducted pursuant to section 162 and these regulations is an amount equal to the product of the number of Congressional days in the taxable year, multiplied by the designated amount. The designated amount is—

(i) In the case of a Member who deducts interest and taxes attributable to the ownership of a personal residence in the Washington, D.C. area, two-thirds of the maximum amount of actual subsistence for Washington, D.C. payable pursuant to 5 U.S.C. 5707(c), or

(ii) In the case of Member not described in paragraph (c)(1)(i), the maximum amount of actual subsistence for Washington, D.C. payable pursuant to 5 U.S.C. 5707(c).

A Member who incurs interest and taxes on his residence in the Washington, D.C. area may forego the deduction of such amounts and use the designated amount prescribed by paragraph (c)(1)(ii).

(2) If a Member, who lives in a residence owned by him in the Washington, D.C. area, chooses to deduct amounts prescribed in paragraph (c)(1), the Member must treat as an adjustment to the basis of such residence an amount equal to 20 percent of the maximum amount of actual subsistence multiplied by the number of Congressional days. Such adjustments will be considered a proper adjustment for exhaustion, wear, and tear under this subtitle.

(d) *Congressional days.* The number of Congressional days with respect to a Member is the number of days in the taxable year less the number of days in periods in which the Member's Congressional chamber was not in session for 5 consecutive days or more (including Saturday and Sunday). The number of days with respect to a Member is determined without regard to whether or not the Member was in the Washington, D.C. areas on such days.

(e) *Other deductible amounts.* This section does not preclude the deduction of otherwise allowable expenses for travel fares (other than local travel in the Washington, D.C.), long distance telephone and telegraph, and travel expenses incurred other than in the Washington, D.C. area. However, such expenses are subject to the substantiation requirements of section 274.

(f) *Election.* To elect to deduct the amounts prescribed by this section, a Member must attach to his return for the taxable year a statement indicating, (1) that the deduction for travel expenses while living in the Washington, D.C. area are computed pursuant to §5e.274-8, and (2) whether a separate deduction is being taken for interest and taxes paid or incurred with respect to the personal residence of the Member if in the Washington, D.C. area.

(g) *Effective date.* This section is effective for taxable year beginning after December 31, 1980.

(h) *Examples.* The following examples are based on a calendar from a Final Edition of the Calendar of the United States, House of Representatives and History of Legislation. The marked days indicate days the House of Representatives was in session.

198X

January—3, 7, 10, 14, 17, 22, 23, 24, 28, 29, 30, 31.

February—4, 5, 6, 7, 11, 12, 13, 19, 20, 21, 22, 25, 26, 27, 28.

March—3, 4, 5, 6, 10, 11, 12, 13, 17, 18, 19, 20, 24, 25, 26, 27, 28, 31.

April—1, 2, 15, 16, 17, 21, 22, 23, 24, 28, 29, 30.

May—1, 5, 6, 7, 8, 12, 13, 14, 15, 19, 20, 21, 22, 28, 29, 30.

June—3, 4, 5, 9, 10, 11, 12, 13, 16, 17, 18, 19, 20, 23, 24, 25, 26, 27, 30.

July—1, 2, 21, 22, 23, 24, 25, 28, 29, 30, 31.

August—1, 18, 19, 20, 21, 22, 25, 26, 27, 28.

September—3, 4, 5, 8, 9, 10, 11, 15, 16, 17, 18, 19, 22, 23, 24, 25, 29, 30.

October—1, 2.

November—12, 13, 14, 17, 18, 19, 20, 21.

December—1, 2, 3, 4, 5, 9, 10, 11, 12, 13, 15, 16.

Example (1). In determining the number of Congressional days for 198X for which the designated amount may be computed, the number of days in such year is reduced by 125 days determined as follows:

	Days
Feb. 14 to 18	5
Apr. 3 to 14	12
May 23 to 27	45
July 3 to 20	18
Aug. 2 to 17	16
Aug. 29 to Sept. 2	5
Oct. 3 to Nov. 11	40
Nov. 22 to 30	9
Dec. 17 to 31	15
Total	125

Thus for 198X (a leap year) a typical Member of the House of Representatives will have 241 (366-125) Congressional days.

Example (2). On August 1, Z, a calendar year taxpayer is elected to the Congress to fill the unexpired term of Member Y. In determining the number of Congressional days, Z may only consider the number of days during the year for which he was a Member of Congress. For Z the number of Congressional days is 68.

Example (3). Member X, a calendar year taxpayer, owns his own home in Washington, D.C., where he lives with his family. While in Washington, D.C. Member X is away from home within the meaning of section 162(a). X maintains no records attributable to his expenses in Washington, D.C. X has been a Member of Congress for the entire year. The maximum amount of subsistance for Washington, D.C. for 198X is $75. X may deduct for 198X $18,075 (241 days X $75) attributable to expenses while away from home in Washington, D.C. Even if X maintained records as to living expenses in Washington, D.C., X may choose to deduct $18,075 as the total amount attributable to living expenses in Washington, D.C. If X deducts $18,075 X may not deduct any interest and taxes under section 163 or 164 attributable to the residence in Washington, D.C.

Example (4). Member C, a calendar year taxpayer owns his own home in Washington, D.C., where he lives with his family. While in Washington, D.C., Member C is away from home within the meaning of section 162(a). C can establish that he paid $12,000 as interest on a mortgage and $3,000 in local real estate taxes. C may choose to deduct $12,050 (241 days X [⅔ × $75]) attributable to expenses in Washington, D.C. Further, C may deduct under sections 163 and 164 the $12,000 of interest and $3,000 of taxes respectively.

Example (5). Assume the same facts as in Example (4). In addition, on March 15, 16, and 17, Member C travels to New York City to deliver a speech for which he receives an honorarium which he includes in income. C receives no additional amounts for travel reimbursement. While in New York City C incurs $350 for 3 nights lodging at a hotel and $150 for meals. In addition to the amounts deductible pursuant to this section, C may deduct the $500 as travel expenses. Such deduction is subject to the substantiation rules of section 274.

Example (6). Assume the same fact as example (5). Member C receives, in addition to the honorarium, $600 reimbursement for travel expenses. C must include the $600 in income and may deduct the travel expenses he incurred.

There is a need for immediate guidance with respect to the provisions contained in this Treasury decision. For this reason, it is found impractical to issue it with notice and public procedure under subsection (b) of section 553 of title 5 of the United States Code or subject to the effective date limitation of subsection (d) of that section.

This Treasury decision is issued under the authority contained in sections 280A(F)(4)(B) and 7805 of the Internal Revenue Code of 1954 (95 Stat. 1641; 26 U.S.C. 7805, 68A Stat. 917; 26 U.S.C. 7805).

Commissioner of Internal Revenue.

Approved: Assistant Secretary of the Treasury.

Mr. DOLE. Finally, I think I would indicate again my approach to this issue, although I do not expect to change any minds. I am not quarreling with those who want to repeal this. That is their privilege and that is their right. It is not going to make that much difference. But I do get a little offended at being accused of getting a $30,000 pay raise when, for most Members, the tax benefits of these deductions will be between $3,000 and $5,000.

Maybe if we had a vote on the pay raise, we would have the same debate and probably the same vote. I want to applaud the Senator from Alaska for his persistent efforts in that area, even though I have not supported him.

I want to applaud him and I hope he wins, and I may even vote with him the next time. But I want to shed a little light on the issue that has been generated without much light. Let me tell you very quickly what has happened.

Mr. President, much attention has been given to the tax change made last year, affecting the deductibility of travel expenses for Members of Congress. Several proposals that are under active consideration would reverse some, or all, of the changes made last year in the October 1 continuing resolution and the Black Lung Revenue Act, which was enacted in December.

Mr. President, the Senator from Kansas opposes these proposals to change current law in one fashion or another. Nevertheless, this Senator is well aware of the controversy surrounding deductions for Members' expenses. Some Members may be strongly committed to repealing the tax changes made last year. I would hope that every Member taking a position on this issue would be fully apprised of the background, and relevant facts surrounding the issues. In that spirit, Mr. President, I offer the following comments.

I sincerely hope that I can help shed some light on an issue that has already generated some heat that, in my view, is truly unwarranted.

TWO CHANGES WERE MADE LAST YEAR

A brief explanation of what actually happened last autumn may be helpful. First, on October 1, Congress removed a $3,000 ceiling on allowable deductions for Members' living expenses while away from home in the Nation's Capital. That $3,000 limitation, by the way, had not been changed since it was first imposed in 1953. At that time, Members' salaries were only $15,000, and the $3,000 ceiling represented 20 percent of a Member's salary.

Second, in December, Congress asked the Treasury to issue regulations that would establish a per diem amount that would be deductible, in lieu of substantiated expenses, for Members' living costs away from home in the Nation's Capital.

Under the authority of this provision, the Treasury issued temporary regulations in January allowing a $50 per diem deduction, in lieu of all substantiated expenses for Washington living expenses other than mortgage interest and taxes.

In the Black Lung Act we tried, after meeting with Roscoe Egger, the IRS Commissioner, and Members from the House and Members from the Senate, to figure out some way we could make it fair and in some way limit what might happen because allowing all deductions that could be substantiated would, as the Senator from Wisconsin would point out, would make it possible for somebody with a lot of deductions to zero out his tax.

I might say if that ever happened, we are thinking of including such deductions in the calculation of the "minimum tax" so at least they would pay something to the Government. But there are some Members who might be able to, in effect, zero out their tax.

Under the Treasury regulations that were issued in January, for a Member not separately deducting interest and taxes, the per diem amount was set at $75, the same amount allowed as cash reimbursement for a Federal employee traveling in Washington on official business.

The Black Lung Act, of course, did not require any specific amount of per diem tax deduction. That was left to the Treasury's discretion. Nevertheless, the regulations sensibly adopted a per diem rule based on the per diem allowed to Federal employees, since Congress had enacted a similar per diem deduction rule for State legislators earlier last year as part of the Economic Recovery Tax Act.

THE $3,000 CAP SHOULD NOT BE RESTORED

Two separate changes were enacted last year, and there are really two separate issues involved in the proposals to reverse these changes. In considering the $3,000 ceiling on Members' deductions, the fundamental issue is whether Members should be disallowed legitimate business expense deductions that are allowable to all other business and professional people who are required to travel away from home on business. No other taxpayers are subject to an arbitrary limit on the amount of business expenses that can be deducted. Moreover, all other businessmen can deduct reasonable living costs while away from home overnight.

The $3,000 cap may have made some sense in 1953, but it is completely unrealistic in 1982. Since 1953 Members' salaries have increased fourfold, and the Consumer Price Index has increased by 320 percent. Housing costs in Washington have increased even more over the same period.

Of course, some Members may feel that any favorable change for Members of Congress cannot be justified in a period of economic austerity, even if the provision makes sense in theory. Some Members feel that the status quo should have been retained, even if it was unfair or unreasonable. I would respond by stressing that an arbitrary limitation on the deduction of legitimate business expenses can be viewed as tantamount to an actual reduction of the Member's salary while in office, rather than a mere preservation of the status quo. Some criticism has been levied at the Congress for becoming a "club," open only to the rich. Part of this criticism is related to the heavy costs of seeking public office, but part is related to the refusal of Congress to raise its own salaries in recent years. Some critics claim that this seemingly selfless action is really a vain and hollow pretense, since such actions simply do not affect Members with independent sources of income.

I am not here advocating an increase in congressional pay. But, surely, an arbitrary limitation on the deduction of legitimate business expenses is a tax measure likely only to further increase the representation of the wealthy in Congress: for with measures like this, increasingly only the wealthy will be able to afford the economic cost of holding public office.

THE PER DIEM RULES SHOULD BE RETAINED AS A REASONABLE ADMINISTRATIVE PROCEDURE

The second issue involved in the allowance of Members' deductions for Washington living expenses relates to the problem of properly substantiating, and allocating, the expenses of a Member living in the Nation's Capital. The Black Lung Act tried to solve some of the administrative problems that would be associated with those issues by authorizing the Treasury to issue regulations establishing a proper level of deductions without substantiation or allocation.

The temporary Treasury regulations issued in January are, of course, not carved in granite. Indeed, the statute we enacted in December does not require any specific amount of per diem deduction. The principle of authorizing such regulations is sound, however. In fact, last year we enacted a permanent per diem rule for State legislators representing districts more than 50 miles from their State capital. The statutory rule for State legislators is, in some ways, more generous than the new Treasury regulations, since State legislators can in some cases claim a higher per diem deduction.

It is not hard to demonstrate the need for a per diem rule for lawmakers traveling away from home for long periods—in the State capital or in the Nation's Capital. Like all businessmen, lawmakers are only permitted to deduct as a business expense their own living expenses when away from their district. They cannot deduct the expenses of their families. Without a simple rule of thumb, Members would be required to make complex allocations between their business expenses and the personal expenses of the Member's family. For example, an allocation would have to be made for each item of furniture, all groceries, and heating and other utility expenses. Members would also be required to determine what portion of their homes are used by them and what portion is used by their family. The same allocation would have to be made for the family car and for anything else used by the Members and his family.

The flat amount that the Treasury set is similar in nature to the IRS optional State sales tax tables and other standardized deductions that eliminate recordkeeping complexity.

Of course, the per diem rule of thumb allowing Members to deduct either $75 a day or $50 a day plus interest and taxes on their Washington residence will, in fact, limit the amount of deductible expenses. For instance, in 1981 a Member who uses the $50 rule will be able to deduct $12,750. This amount could easily be exceeded if a Member kept the intricate records required even if he owned a very modest home in Washington.

Contrary to press reports, a Member using this rule could not come close to eliminating his Federal tax liability. The $12,750 deduction produced by the rule of thumb is less than $10,000 over the $3,000 limit of prior law. This deduction would reduce Members' taxes somewhere between $3,000 and $5,000.

Finally, the Members' expense substantiation rule is similar to business expense rules applicable to other businessmen. Under current law, the IRS does not require any other businessman to substantiate reimbursed expenses up to the amount of the Federal per diem if the employer limits the reimbursement to ordinary and necessary expenses.

I am always amused when I hear millionaire network newscasters decrying provisions like this. They get hundreds of thousands of dollars a year to announce to the taxpayers that somehow we are walking away with the Treasury.

I would say, as has been said before, that it is very difficult to fix the pay of any Member of Congress or any State legislator or anyone in public life.

Some have said that if you took a poll most Americans would say we are overpaid. Most Americans might suggest that we ought to cut our pay in half or not be paid at all. But, again, that is not the issue here.

I hope we might table the amendment, both amendments, offered. We can properly address the matters that need to be addressed at another time. I am not quarreling with putting amendments on a continuing resolution. I am not quarreling with the efforts of the distinguished Senator from Colorado. But I do believe that we really are dealing here with a very delicate and sensitive area precisely because it deals with Members of Congress.

Nobody is raising any complaint, that I know of, with regard to the per diem deduction rules for State legislators. I did, when I was managing that bill. I questioned the provision that made the 1981 changes for State legislators retroactive. I do not think that should have happened, but it happened. But I do not recall any big debate just because it involved State legislators.

I hope that if, in fact, the motion to table fails, the Senator from Kansas will offer an amendment to make certain that State legislators are treated the same as Members of Congress.

Several Senators addressed the Chair.

The PRESIDING OFFICER. The Senator from Arizona.

Mr. DECONCINI. Mr. President, I rise in support of the Armstrong amendment. The debate is always interesting when we are talking about dealing with ourselves as Members of Congress. Indeed that is what we are doing.

In my judgment, I think we are different from the ordinary business person. The people have elected us, and I think they have entrusted with us the duties of attempting to run this Government, this Federal Government, and to do it as fairly as we can and as conscientiously as we can, and that we have an obligation to set an example and not an example to provide, whether it is correct or not, that that is interpreted, in my judgment, not only by the media but I think by the people of this country. They get a lot of their facts not just from the media but by reading the RECORD and by listening to their friends and neighbors, by listening to Members of Congress when they make speeches, and they see what has happened.

What has happened is simply this: Shall the Congress of the United States give itself a substantial increase in effective compensation while, at the same time, we are talking about substantial cuts, in many, many programs in this country?

You can kid around with this all you want to, you can talk about "Well, we are only making it equal," that "This is a lousy place to live." and "We are on business here." But every Member knows that when he comes to Washington in an elected capacity, he does move here and it is more than just a simple business trip that you might make if you were a businessman in Phoenix, Ariz. to Washington, D.C., to argue a case before an agency or to attempt to get a loan or to handle some problem for your particular business.

You are here, and most Members move here. Now, their hearts are still in their States. They probably still own property, still pay taxes, they obviously vote there, and they are representing their State. But they have physically moved here, and, in fact, they have settled here.

If you do not want to call it your home, fine, because that makes you unpopular back in your State, but if in fact, you have children, the chances are they are going to school here, unless they are in college. If you entertain people, you do it at what you call your home; you do not say, "Come over to my business office, we are going to have a little dinner party tonight." You ask them over to what you would term as your home here.

We are charged, and I think our forefathers that created this body and the laws and the Constitution that surround it had an idea that we would attempt to set an example when we passed the laws that we passed last year, in all due respect to the good Senator from Alaska and his intentions to equalize everyone in this body. In fact, I think we are in a different position. We are here to set that example, and that example is not to provide that DENNIS DECONCINI, the junior Senator from Arizona, can take a $75 per diem for the 241 days that the Congress is in session.

Now, I do not want to do that, and I am not going to do that regardless of what happens, because I think it is improper. I think it sends the wrong message and the wrong examples to the people of this country.

The word "demagoguery" was used here, that those of us who would like to see this repealed and not given this particular benefit are doing it for demagoguery purposes. I like to think that people serve in this party because they like to do something constructive for the country; they would like to project what they believe the views are of their citizens at home.

I do not think the views of the citizens in Arizona, and I daresay if people took a poll in their State, and I have asked the question in my State, whether or not Members of Congress should be able to deduct $75 a day for business expenses for 241 days, whatever the days are that the Congress was in session, I daresay that any Member of this body who would ask that question in their home State will indeed find 70 percent who would disapprove of that action.

Now, are we to ignore what our constituents and what the people expect of us? Are we to ignore what I think the forefathers expected of us, to set an example in this body? I submit we should not; that we ought to reverse the rescission that was made.

I think the Senator from Colorado has presented a very good argument and a sound amendment. I think the process now is to vote on that amendment. I truly hope that the majority leader and the managers of the bill will not move to table this amendment so that, indeed, everybody would have an opportunity to just see how popular it is, to vote up or down on whether or not you are going to have $16,000 or $6,000 or $3,000 or $30,000 or no income tax, depending on which option you use, and see just how much the people in the State that you come from and our other colleagues come from will appreciate that.

I submit to you that they will not appreciate it at all. It is not the right thing to do at this time. Maybe sometime in the future, if we ever do get our tax system where it is equitable, maybe there could be some adjustments made. But to do it now, in light of the budget restraints we are under, when we are asked continuously to cut school lunches, to cut immunizations, to cut health, to cut social security COLA increases and, in fact, end up with more dollars in our pockets at the end of the taxable year is improper. I hope the amendment of the Senator from Colorado will have an opportunity to be voted on up or down.

I thank the Chair.

Mr. MATTINGLY addressed the Chair.

The PRESIDING OFFICER. The Senator from Georgia.

Mr. MATTINGLY. Mr. President, one last comment. I will not debate whether we are underpaid or overpaid. I do not think that is the issue.

The issue is what we allow ourselves as deductions, whether we are going to be treated the way the tax code treats everyone else. That is the meaning of the Specter amendment. Regardless, if Senator STEVENS' and Senator DOLE's views prevail, Senator DOLE made the comment that by using "may deduct," that would be up to the conscience of the people who return their own taxes. I am not saying I am any different from anybody else, but I would choose to use the Specter amendment because it is the right and correct and honest and straightforward approach that we should be using on our deductions.

So I would just lay aside the rest of the rhetoric. If everyone would have the time to look and see what we did last year, the way it used to be, the way we did do it versus the Specter amendment, you would see the Specter amendment is the correct position for the Congress. With that, Mr. President, I ask for the yeas and nays on the Specter amendment.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

Mr. STEVENS addressed the Chair.

The PRESIDING OFFICER. The Senator from Alaska.

Mr. STEVENS. Mr. President, I wish to go back and answer a question of my good friend from Wisconsin—and he is my good friend. People say I raise my voice once in awhile. That is, I am sure, inadvertent. It comes from trying cases as district attorney in Alaska. With too many other things that might divert a jury's attention, you just constantly had to have that increasing decibel, I guess, in the voice to get attention. I am sure that is not the case with my friend from Wisconsin.

I do want to tell him my qualified answer was based upon the word that the Senator from Kansas pointed out, and that is "may." A Senator "may" use the formula adopted by the Treasury. If he does not, he may use—the Specter amendment is already in the Treasury bulletin. It is not necessary to have the amendment of the Senator from Pennsylvania to use the approach that the Senator from Pennsylvania and the Senator from Georgia champion, which I think makes some sense. It should, because it is the amendment I offered first. But the Treasury bulletin says that you may use several different options. One of them is the $75 option, one is the $50 option, and one is the total expense justification.

But it is this Senator's understanding that no matter which option you use, you must still be able to defend, if you are audited, the basis for your using it. That is why I have gone through the procedure of keeping track of where I have been each day and whether or not it is business or not.

It is like the old $3,000 automatic thing, is the point I am trying to make. Under the old law, a Senator or a Congressman could deduct $3,000 for expenses away from home, whether he was ever away from home at all, whether in fact he stayed here. And I have known some Senators who have stayed here in the city of Washington for year upon year and never went back to their home State. That is their business.

But, as a practical matter, the decision was made for the days that your House was in session you are presumed to be here and you make those deductions, but you have to be able to meet that presumption.

Mr. PROXMIRE. Will the Senator yield for a question?

Mr. STEVENS. Yes.

Mr. PROXMIRE. Is the Senator arguing, then, if you elect the $50 or $75 a day deduction, you have to document it, you have to be able to prove that you incurred expenses of that amount or even prove that you were in Washington at that time?

Mr. STEVENS. No. The expense is the rule of thumb concept of the $50 to $75. It depends on a number of days that you are actually claiming. You may take that, but you have to justify the days.

Mr. PROXMIRE. You have to justify the days? You have to prove that you were in Washington?

Mr. STEVENS. I believe you should, you would have to.

Mr. PROXMIRE. I believe you should, too, but the law does not require that.

Mr. STEVENS. Yes, it does. It says you "may" take it. And, therefore, I do not think there is any presumption that you are here during those days, at least this Senator is prepared to defend any IRS audit.

Mr. PROXMIRE. I am sure the Senator is prepared to defend it. But it is my understanding, on the basis of having talked to a number of people who explored this very deeply—perhaps not as deeply as the Senator from Alaska has explored some elements of this—but if a Senator wishes to do so, he can take $75 of $50 a day for 256 days without any substantiation.

Mr. STEVENS. Staff tells me that the Senator from Wisconsin may be right. I think I am right. I do not know how many other people have, but I do not think they will take credit for it. I remember one Senator who was in the hospital, as the Senator will recall, for a substantial period of time, out of the city, and I do not believe that that Senator could have taken a deduction for the time that the world knew he was not in the city, that he was not here on business. I think there is a rule of reason in an IRS audit of any individual, and it would not be presumed that you were here. I think you have to show that you were here. I think somebody could do it by going back and taking the rollcalls, but, as the Senator knows, we do not have rollcalls every day. I keep a calendar and I can say how many days I am here and how many days I am not.

Mr. PROXMIRE. I agree wholeheartedly with the Senator on what makes sense here, but the fact is that we have given ourselves the right to take 256 days times $50 or $75 with no opportunities for the IRS to challenge it. We have put ourselves in a unique position unlike other taxpayers.

Mr. STEVENS. On the contrary, any other employee of the U.S. Government who came to this town would receive $75 a day for every day that they were here and to itemize their expenses and be able to deduct their expenses over $75 a day. We do not get the $75 a day. I do not see how this is being treated differently, to be able to deduct the nonreimbursable expenses because by definition we get zero, Mr. President. Under those circumstances, we would be treated exactly the same as every other Government employee who comes to this town.

I do regret one thing, that my good friend from Arizona is not on the floor because he implies that we are doing something new today, that the time is wrong, that we should not do this today.

We did it last year. As a matter of fact, if I had the time I would be glad to take the Senate through a history of my own about what has happened to these items of consideration since the war, since the Reorganization Act of 1946. I can show the peregrinations of the strange bird known as a Member of Congress when it comes to dealing with anything that affects his or her compensation.

As a result of that, I put in a constitutional amendment, as I hope some Senators have seen, that entirely would take away from the Congress the right to set their own salary or any tax aspects of their treatment under the tax laws and would turn it over to the eight wise men and the lady who are across the street. Let them set it. I do not think this body is constitutionally qualified to judge on what is a fair compensation for Members of the Congress. The record is replete with the peregrinations of Members of the Congress doing something one year, running into publicity, doing something worse the next year, running into publicity, trying to cover up what they did the year before, and doing something entirely different. The maze looks like a spider web.

All I can tell you is last year we did away with the spider web and said, "Treat Members of Congress just like everybody else." Now we are being criticized for it.

Mr. BAKER. Mr. President, I understand the distinguished Senator from Colorado has another statement he wishes to make. If there is no other Senator seeking to speak on this issue I am prepared, after he finishes, to make a motion to table the Armstrong amendment.

Mr. MATTINGLY. May I be heard?

Mr. BAKER. I yield to the Senator from Georgia.

Mr. MATTINGLY. I want to clarify the position of the Senator from Wisconsin.

On the question he asked a while ago, the Senator is correct. When the law was passed we did not have the substantiated expenses. The Specter amendment specifically amended sections 280 and 262 and does make that substantiation a must.

Mr. BAKER. I yield to the Senator from Colorado.

Mr. ARMSTRONG. I thank the majority leader for yielding.

I ask unanimous consent that Senators DURENBERGER, RANDOLPH, and GRASSLEY be added as cosponsors to my amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. ARMSTRONG. Mr. President, I think we have had a good, full debate on the merits of the issue. I think it is well understood. It is my understanding that the majority leader's motion will be to table the underlying amendment which would carry with it both the Armstrong amendment and the Specter amendment. Of course, I am hopeful that when the majority leader makes that motion it will be defeated and we will then proceed to pass the amendment.

Mr. DECONCINI. Will the Senator yield?

Mr. BAKER. I yield.

Mr. DECONCINI. Mr. President, there is a very interesting study by the Congressional Research Service of the Library of Congress, "An Analysis of the Effects of Changes in the Tax Treatment of Living Expenses on the Tax Liability of Members of Congress," dated February 6, 1982. I ask unanimous consent that this study be printed in the RECORD.

There being no objection, the analysis was ordered to be printed in the RECORD, as follows:

AN ANALYSIS OF THE EFFECTS OF CHANGES IN THE TAX TREATMENT OF LIVING EXPENSES ON THE TAX LIABILITIES OF MEMBERS OF CONGRESS

Under the Internal Revenue Code of 1954, a taxpayer is allowed to deduct, as business expenses, those expenses incurred while he is away from home in the pursuit of a trade or business. For tax purposes, a taxpayer's home is normally defined as being located at the taxpayer's regular place of business. For a Member of Congress, "home" is considered to be located in the district that he represents. Since Members are, technically, not at "home" when working in Washington, D.C., one would assume that they would be allowed to deduct, as business expenses, their living expenses while in Washington, D.C. Until recently, however, Members were allowed to deduct only a small portion of the actual expenses they incurred while living in Washington, D.C.

Since 1952, Members of Congress have been limited to a deduction, as business expenses, of no more than $3,000 a year for living expenses incurred while in the Washington, D.C. area to serve their term in office. In order to rectify what many Members of Congress viewed as an inequity in the tax system, that is, that Members were not treated like other taxpayers when it came to deducting necessary business expenses, Congress enacted several measures during the first session of the 97th Congress which would affect the tax treatment of Members' living expenses while in the Washington, D.C. area. This report provides a brief overview of these measures and analyzes the probable effect that they will have on the tax liabilities of Members of Congress.[1]

I. CHANGES IN THE TAX TREATMENT OF MEMBERS' OF CONGRESS LIVING EXPENSES

As a result of legislation passed during the 1st session of the 97th Congress, the $3,000 annual limitation on the deductibility of a Member of Congress living expenses while in the Washington, D.C. area was repealed. For all taxable years beginning after December 31, 1980, a Member of Congress will be allowed to deduct, as business expenses, all living expenses incurred while in Washington, D.C. to serve his term in office. Under the new tax provisions, Members of Congress are permitted to choose among three alternative methods of calculating these living expenses.

Under the first method, a Member is allowed to deduct all of his actual living expenses while in Washington. These expenses include expenditures for lodging and meals, and any incidental expenses. Under this method, there is no statutory limit on the amount of living expenses that a Member may deduct. The only requirement is that a Member keep a complete record of all expenditures.

The second method allows Members to deduct a fixed amount of expenses plus any interest and taxes on their Washington area homes. This fixed amount is equal to two-thirds of per diem allowance for Federal employees on business in the D.C. area multiplied by the number of congressional days per year. The current Federal per diem is $75 and two-thirds of the per diem is $50. A congressional day is defined as any day in the taxable year except for days in periods when the Member's Chamber was not in session for five consecutive days or more (including weekends). Under this alternative, the only required documentation is for the taxes and interest paid on the Member's Washington home.

The third method allows a fixed deduction equal to the maximum per diem allowance for Federal employees in D.C. on business ($75) multiplied by the number of congressional days. No documentation is required under this alternative. However, Members electing to use this method are not permitted to deduct interest and taxes on their Washington area homes.[2]

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[1] For a more detailed discussion of the legal/technical details and legislative history of these measures see U.S. Library of Congress. Congressional Research Service. Recent Changes in the Taxation of Members' of Congress Living Expenses. Typed Report, by David Culp and Marie Morris, January 22, 1982.

[2] Additionally, under either method requiring no documentation for daily expenses, Members who own homes in the Washington area are required to adjust (depreciate) the basis (purchase price) of their home by 20 percent of the maximum Federal per diem. Normally, the basis adjustment is of no significance until the home is sold; at that time, it results in a higher captial gain on the home than would otherwise be the case.

The remainder of this report deals with the effects that these changes in the tax treatment of living expenses will have on the tax liabilities of Members of Congress. Specifically, attention was focused on calculating the Federal income tax liabilities of hypothetical Members of Congress who are assumed to have various levels of outside income ($0 to $100,000) and who selected to either (1) fully document their Washington living expenses (with documented expense averaging $100 per congressional day), or (2) take the $75 per diem deduction. This information was then compared to the tax liabilities of these same Members under the prior law treatment of living expenses. Through this comparison several conclusions were reached concerning both the magnitude and the distribution of the effects that the change in the tax treatment of their living expenses would have on the tax liabilities of Members of Congress.

II. ASSUMPTIONS AND METHODOLOGY

To calculate the difference in tax liabilities of a hypothetical Member of Congress under the prior law method and the new law method of treating living expenses several assumptions were made which require explanation. First, it was assumed that all of the hypothetical Members of Congress filed joint returns and claimed four personal exemptions. Second, it was assumed that all of the hypothetical Members itemized their deductions and that itemized deductions were equal to 23 percent of gross income.[3] Third, it was assumed that Members rent their Washington area homes.[4]

In calculating the tax liabilities under the prior law tax treatment of living expenses, $3,000 was deducted from gross income. The calculation of tax liabilities under the new tax law was done using two different methods. The first method assumed that the hypothetical Member of Congress opted to deduct the $75 per diem that required no supporting documentation. The $75 was then multiplied by 241 congressional days to arrive at $18,075, the total deduction for living expenses in 1982.[5] The $18,075 was then deducted from gross income in lieu of the $3,000 deducted under prior law.

The second method assumed that the hypothetical Member had full documentation for his living expenses and that the documented expenses averaged $100 per congressional day. Under this method $24,100 ($100 average expense per congressional day times 241 congressional days) was deducted from gross income in lieu of the $3,000 deducted under prior law. Table 1 provides an example of the methodology used to calculate the tax liability, under prior law and new law, of a hypothetical Member of Congress with $10,000 of outside income.

TABLE 1. *Calculation of the Federal income tax liability of a hypothetical Member of Congress with $10,000 of outside income*

Under Prior Law:	
Base congressional salary	$60,663
Outside income	10,000
Total income	70,663
Percent of income assumed as itemized deductions	23
Itemized deductions	16,252
Zero bracket amount	3,400
Excess itemized deductions	12,852
Deduction for living expenses in District of Columbia	3,000
Personal exemptions	4,000
Total deductions	19,852
Total income	70,663
Total deductions	19,852
Taxable income	50,811
Tax on $50,811 in 1982 is $13,662.	
Under New Law (assuming a $75 per diem deduction):	
Base congressional salary	$60,663
Outside income	10,000
Total income	70,663
Percent of income assumed as itemized deductions	23
Itemized deductions	16,252
Zero bracket amount	3,400
Excess itemized deductions	12,852
Deduction for living expense in District of Columbia ($75 X 241 congressional days)	18,075
Personal exemptions	4,000
Total deductions	34,927
Total income	70,663
Total deductions	34,927
Taxable income	35,736
Tax on $35,736 in 1982 is $7,532.	

As can be seen in Table 1, three basic steps were used in calculating the tax liabilities of hypothetical Members of Congress under both the prior and new law treatment of living expenses. First, the amount of total allowable deductions was determined. Second, taxable income was calculated by subtracting total allowable deductions from gross income. Third, the amount of income taxes owed was calculated based on the level of taxable income. Under prior law, the hypothetical Member of Congress would owe $13,662 in Federal income taxes in 1982 and have an after-tax income of $57,001. Under new law, the same hypothetical Member of Congress would owe $7,532 in Federal income taxes and have an after-tax income of $63,131. A comparison of the tax liability under prior law with the tax liability under the law provides a measure of the tax savings that Members will realize as a result of the change in the tax treatment of living expenses.

An alternative method of measuring the tax benefits derived through the change in the tax treatment of Members' living expenses is to calculate the increase in congressional pay that, under the prior law treatment of living expenses, would produce the same level of after-tax income as under the new law treatment of living expenses. Under the prior law treatment of living expenses, a hypothetical Member with $10,000 of outside income would require a congressional salary of $71,781 to have the same after-tax income that results from the change in the tax treatment of living expenses.

The procedures outlined in Table 1 were repeated in calculating the tax liabilities of hypothetical Members of Congress with other levels of outside income. The following section provides a summary and analysis of the results of these calculations.

III. CHANGE IN TAX LIABILITIES OF HYPOTHETICAL MEMBERS OF CONGRESS

Table 2 and Table 3 provide a comparison of the tax liabilities of hypothetical Members of Congress under the prior law and current law treatment of living expenses. Several conclusions can be drawn from an analysis of the data in these two tables.

First, the tax savings that result from the change in the treatment of living expenses are substantial. Regardless of the method used to account for living expenses, an average Member of Congress can expect to experience a large reduction in his total Federal income tax liability as a result of the change in tax law. Under the assumptions and outside income levels used in this study, the reduction in tax liability ranges from a minimum of $5,375 to a maximum of $10,550.[6]

Second, the distribution of the potential tax savings is skewed toward the upper-income Members of Congress. That is, Members who have large amounts of outside income will experience reductions in their Federal tax liability that will be proportionally as well as absolutely larger than those experienced by their lower-income colleagues. This is a result of the progressive nature of the tax code. A deduction of $1.00 is relatively more valuable to a person in the 50-percent tax bracket, where a $1.00 deduction will generate $.50 in tax savings, than it is to a person in a 39-percent tax bracket, where a $1.00 deduction generates only a $.39 tax saving.

TABLE 2.—TAX LIABILITIES OF HYPOTHETICAL MEMBERS OF CONGRESS UNDER OLD AND NEW TAX LAW ($75 PER DIEM DEDUCTION), 1982[1]

Base pay	Outside income	Tax under old law ($3,000 cost-of-living deduction)	Tax under new law	Increase in base pay that would provide under old tax law the same after-tax income as under new tax law	
				Amount	Percent
$60,663	0	$10,408	$5,033	$9,358	15.4
$60,663	$5,000	11,968	6,229	10,252	16.9
$60,663	10,000	13,662	7,532	11,118	18.3
$60,663	25,000	18,862	12,111	13,237	21.8
$60,663	50,000	28,294	20,907	14,693	24.2
$60,663	100,000	47,505	39,967	15,075	24.9

[1] The following assumptions were used in the calculation of tax liabilities: (a) Members filed joint returns; (b) Members rent their Washington area homes; (c) Members claimed 4 personal exemptions; (d) Members itemized their non-Washington related deductions and therse deductions equaled 23 percent of gross income; and (e) there are 241 congressional days in 1982.

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[3] The 23 percent of gross income that constitutes itemized deductions is assumed to be unrelated to any living expenses incurred in Washington, D.C.

[4] This assumption alleviates the need to readjust Members' itemized deductions to reflect the exclusion of interest and taxes on their Washington area homes if they choose to take the $75 per diem deduction.

[5] In 1980, an election year, there were 241 congressional days in the House of Representatives. For comparative purposes it was assumed that in 1982, also an election year, there would be 241 congressional days for Members of both the House and Senate.

[6] This figure does not necessarily represent the absolute maximum tax savings that might be realized. Under certain circumstances (i.e., a sufficient amount of outside income and documented living expenses that exceed the $100 per day average used in this study), a Member of Congress could hypothetically achieve a larger total tax saving.

TABLE 3.—TAX LIABILITIES OF HYPOTHETICAL MEMBERS OF CONGRESS UNDER OLD AND NEW TAX LAW (FULLY DOCUMENTED $100 PER DIEM DEDUCTION), 1982[1]

Base pay	Outside income	Tax under old law ($3,000 cost-of-living deduction)	Tax under new law	Increase in base pay that would provide under old tax law same after-tax income as under new tax law	
				Amount	Percent
$60,663	0	$10,408	$3,390	$12,293	20.3
$60,663	$5,000	11,968	4,403	13,555	22.3
$60,663	10,000	13,662	5,519	15,065	24.8
$60,663	25,000	18,862	9,687	17,990	29.7
$60,663	50,000	28,294	17,955	20,599	33.9
$60,663	100,000	47,505	36,955	21,099	34.8

[1] Same as footnote 1 in table 2.

Finally, it should be noted that although this study concentrates on the effects that changes in the tax treatment of living expenses will have on the tax liabilities of hypothetical Members of Congress in 1982, the changes are effective for all tax years beginning after December 31, 1980. In fact, the benefits derived from this change in the tax treatment of living expenses will be relatively greater in 1981 than in 1982. There are two reasons for this difference.

First, income tax rates were higher in 1981 than they are in 1982. For 1981, a Member of Congress in the $45,800 to $60,000 tax bracket receives a tax saving of approximately $.49 for a deduction of $1.00 in living expenses. In 1982, however, due to the reduction in marginal tax rates a Member of Congress in the same $45,800 to $60,000 tax bracket gains only $.44 tax savings for each $1.00 of living expenses deducted.

Second, in 1981 there was a difference in the tax treatment of earned (wage and salary) income and unearned (interest, dividends, etc.) income. The highest marginal tax rate for earned income in 1981 was 50 percent while the highest marginal tax rate for unearned income was 70 percent. Therefore, if a Member had a sufficient amount of outside unearned income in 1981, every dollar deducted for living expenses could conceivably result in a tax saving of approximately $.70. In 1982, on the other hand, the differential tax treatment of earned and unearned income was eliminated and the highest marginal tax rate applicable in all types of income is only 50 percent. Hence, in 1982 an extra $1.00 of deductions could produce at most $.50 in tax savings.

For these two reasons—higher marginal tax rates and the difference in the treatment of unearned and earned income—the benefits derived from the change in the tax treatment of living expenses will be greater for the 1981 tax year than they will be for any of the following tax years. While it would be interesting to analyze the effect that the change in the tax treatment of living expenses would have in 1981, the number of additional assumptions that would have to be made (i.e., the amount of outside income that should receive treatment as unearned income versus the amount of outside income to receive treatment as earned income) would result in findings that are less representative of average Members of Congress. Since all income receives the same tax treatment in 1982 the problem of allocating outside income into earned and unearned income categories was not a factor.

Mr. BAKER. I yield to the Senator from Minnesota.

Mr. DURENBERGER. I will be very brief, Mr. President. I got up at 5:30 this morning to get to the Governmental Affairs Committee for a markup. I ran into the Senator from Alaska. He said he had looked over the four items that were on the agenda this morning and he said, "For the first time that you have been here we have nothing to argue about and I will not be raising my voice today in the committee."

Well, it is unfortunate that that did not last more than a few hours. We do have something to disagree on.

I have listened to the debate today. Let me say, Mr. President, that perhaps this is not the appropriate place to engage in this debate but the Senator from Colorado has chosen this time to do it. I feel that I have to support him in his position.

I was a demagog once, by the definition I guess of both the Senator from Alaska and the Senator from Kansas. In the first year I voted against an increase from $57,000 to $60,000, as I recall, just hoping that events would overtake my negativism and I would be rewarded, and I was. But when I got home, my wife said:

> You know how much we need that money. You know we are trying to put four kids through college and all this sort of thing. The next time something like that comes up, have the guts to stand up and do what you think is right.

So I learned that she and the kids and everything else are a lot more important in my life than my so-called political future. So I decided not to be a demagog.

Last fall we had several opportunities to address these various issues. I took the opportunity on the honorarium vote to say that there are a lot of people around here who do not have to work very hard for some of the money they earn above $60,000 a year. I think there is nothing wrong with asking my wife to share me with some other folks at $1,000 a speech, or whatever the incredible fees we are paid, because she has to make a little sacrifice and the kids have to make a little sacrifice, like when I went to Milwaukee last night to make a little speech.

But when it comes to this particular issue I do not think it boils down to whether or not we are overpaid or underpaid or any of those sorts of things because I think we are all to a degree underpaid or overpaid, depending upon the skills we bring to this job. I do not know who should make that measure. We all get compensated the same salary and yet we know how much harder a lot of people work at their job than others.

That is really not the point that brings me to cosponsor this amendment. The point is simply last year, when we voted late last fall, when we knew things were not going to work out with the tax cut, the spending cut, and all that sort of thing, whether we voted last fall to add to our disposable income, to have a little more money to put our kids into college, and a little more money to clothe ourselves or take that extra trip, or whatever, it is. Did we or did we not? Of course, we did. We did.

We added to the capacity of our disposable income by that vote at a time when we had not finished the job of protecting the income of millions of Americans. I think that is the point of the Senator from Arizona.

That is the basis on which we are judged—not whether we are worth $60,000 or whether it was under the table or any of those other things. It really is, basically, a question of timing, and whether it is a "may"—you may take it or you may not—I do not think makes any difference. Some people gave to charity the difference between $57,000 and $60,000. I am not taking the 1981 deduction, because it said "may" and, therefore, I am not going to take it. But, again, the fact is that we can.

It is on that basis, Mr. President, that I come to support this amendment. I trust the majority of my colleagues will, too.

Mr. BAKER. Mr. President, I yield to the distinguished Senator from Oklahoma.

Mr. NICKLES. I thank the majority leader.

Mr. President, I have always had the belief and the conviction that Members of Congress should be entitled to the same tax deductions as all other Americans, no more, no less. I have been in business and I have filled out expenses reports. I have also had employees who filled out expense reports. To my knowlege, in our business and other businesses that I am aware of, no one was allowed to receive a deduction or a per diem allowance without substantiating those business expenses.

I certainly congratulate Senator SPECTER and Senator ARMSTRONG for trying to rectify this problem. I think it would be wrong for Members of Congress to take these deductions without substantiating them. I think we have to live under the same tax laws as all other Americans.

Under present law, the deductions that we could take, Mr. President, would certainly be left up to the individual Senators. However, before the clarifying regulations came out from Treasury, I was not aware that we would be allowed such excessive deductions. According to the regulations, we could deduct depreciation on our houses. I think this is an example of an excessive deduction.

The regulations further stated that we could deduct meals. We are going to eat anyway, whether we eat here or in Oklahoma or in Pennsylvania.

I even read that Members can deduct their expense for gardeners. I do not know how many Senators have gardeners, but I think that is excessive.

I recommended to the chairman of the Committee on Finance, Mr. DOLE, whom I found receptive, that we need to review a lot of these so-called legitimate business expenses and deductions. Presently individuals can deduct depreciation on their second home, even if that home is in Vail, Colo., used primarily for recreation. I question whether or not that is a legitimate deduction.

Mr. President, I congratulate the Senator from Colorado and also the Senator from Pennsylvania. I ask unanimous consent that I be added as a cosponsor of the Armstrong amendment.

The PRESIDING OFFICER (Mr. WALLOP). Without objection, it is so ordered.

Mr. SASSER. Mr. President, I rise in support of the amendment by the Senator from Colorado.

The Congress made a mistake last year by approving these additional tax deductions for Members of Congress. I opposed these provisions when they came up in the House-Senate conference committee last year. I voted against the continuing resolution last year when it contained the tax deductions. I voted against the black lung benefits bill when the congressional tax benefits were added to the bill.

Mr. President, the people of this Nation do not support these provisions. There was little debate in the Senate and in the House when these provisions were first approved.

This Nation is in a severe recession. Millions of people are jobless. And millions more American families are having a tough time making ends meet. This is simply not the time to provide additional tax deductions for Members of Congress.

The American people want this great body to spend its time finding an answer to the massive budget deficits, high interest rates, and growing unemployment problems we are now encountering. We should repeal these new tax deductions and go forward with the other legislative business at hand.

So I support the amendment of the Senator from Colorado. We must repeal the tax break for Congress.

● **Mr. GRASSLEY.** Mr. President, I rise in support of the Armstrong amendment to undo some very inequitable and unfair legislation. Congress lifted the $3,000 limit on the amount of deductions a Member of Congress can take away from their district "tax home" on September 24, 1981. I did not support this action then and I strongly endorse Senator ARMSTRONG's efforts to correct this wrong now. Senator ARMSTRONG's amendment has the added benefit of repealing our order to the Department of Treasury to formulate guidelines establishing a fixed amount Members of Congress could deduct each day for expenses away from home if each Member choses not to substantiate those expenses. Furthermore, Senator ARMSTRONG's amendment repeals the retroactive effect of these changes.

Senator ARMSTRONG is to be applauded for his political courage. It is not easy to offer an amendment which will deny substantial tax advantages to our fellow colleagues. Without question, this is an act of bravery which deserves our respect. I think Senator ARMSTRONG's choice in returning the deductability of our Washington expenses to prior law is the only honorable way to resolve this unfortunate state of affairs.

My State has the sad distinction of having the 14th highest unemployment rate in the Nation. Iowa has just survived one of the worst winters in her history, and my constituents have faced record high heating bills. Farmers are facing rising interest rates, small business bankruptcies have broken all records, and budget deficits are billowing out of control. Is it any wonder that our action in permitting Treasury to issue regulations to allow us to claim deductions worth almost $20,000 has caused a national public outcry?

I did not support this backdoor method of increasing our pay at the time it was enacted and I now support its repeal. If we are to restore the people's confidence that we are serious about cutting Federal spending, we must act to repeal this provision. If we are serious about shortening the painful sacrifices each citizen is making for a healthy economy, we must act to repeal this provision. If we are serious about being statesmen and not self-serving figureheads, we must act to repeal this provision. This cannot be done quickly enough.●

(By request of Mr. HEINZ, his name was added as a cosponsor of UP Amendment No. 859.)

Mr. BAKER. Mr. President, we are close to the place where I told our distinguished chairman of the Committee on Appropriations I would make a motion to table the Armstrong amendment. I genuinely hope for a favorable vote on the tabling motion.

It may be, Mr. President, that we have not tried the very best scheme for compensation of Members of Congress that the mind of man can develop. It may even be that some of my colleagues remember that, for more than 15 years now, I have stood at my place in the Senate Chamber and said we are going about this all wrong. Any time we create a situation where Members of Congress must depend solely on their checks from the Treasury, we have converted ourselves into elected bureaucrats. In my view, we ought to return to the era when we had citizen legislators who were protected from out-of-pocket expenses for serving the Congress and were paid on a per diem basis.

Mr. President, I believe that the Congress of the United States is presently incapable of setting its own salary. I have supported and cosponsored a constitutional amendment by the distinguished Senator from Alaska (Mr. STEVENS) that would provide a unique and different and special way for Congress to have its salary set without having to go through this fundamentally structured conflict of interest. That constitutional amendment would provide that the Supreme Court of the United States, at periodic intervals, would conduct an ex parte proceeding, including the hearing of proof, and enter a judgment setting the salary of Members of Congress. Mr. President, I do not relish that thought, but I am convinced that we will never get a handle on this problem of setting our own salaries.

I have stood here now for years and seen all of us go through this ritual of political self-immolation as we go about the business of suffering through the question of our own compensation.

This is not the best way to do it, Mr. President, but this is the way that has been set up to do it and it is better than it was. It ought to be kept until we can act on something fundamentally important such as the proposal made by the Senator from Alaska. I believe Congress is not supposed to be an aggregation of elected bureaucrats. I do not believe we should be full-time legislators. I think we should be paid on a per diem basis. I think we should fully disclose our income and resources, and I think we should have strong conflict-of-interest laws. But I do not think we should be required to depend solely on the Treasury for our subsistence and livelihood. Until that happy day arrives, and I do not see the prospect during my political career in this body, we have to do the best we can.

The best we can in this case, Mr. President, is to acknowledge that this is not the right place for the Armstrong amendment or for the Specter amendment. If we put these amendments on this continuing resolution, it will go back to the House of Representatives and I cannot tell you when we are going to dispose of this issue. I almost certainly can assure you that the continuing resolution will not be enacted in time to meet the Wednesday midnight deadline.

Mr. President, we play Russian roulette every time we get a chance. It used to be that we did it by accident. Now, we do it by design. I really think it is a temptation we should all resist, this business of finding some "must" piece of legislation that has a time limitation that is going to shut down the poor old FTC one more time, to the enormous gratification of the press and television cameras. They will find someone coming out of the doors once again and say, "What do you think of that?" And they will say they think that is too bad. And it is.

And, Mr. President, we will have looked foolish once again to the people of the United States, that we are not capable of arranging the affairs of this Government because we cannot pass a simple continuing resolution because we cannot resist the temptation to tie everything on it that looks like it has something to do with our own political future.

Mr. President, I have no illusions about changing anybody's mind on this subject, but I say to my colleagues right now that if we adopt either one of these amendments, it is going to be a long time before we get a handle back on the continuing resolution. I do not know what the House of Representatives will do if we return this resolution to them with this amendment on it, but every conjecture and surmise I can "gin" up is bad.

Mr. President, I move to table unprinted amendment No. 859. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The question is on agreeing to the motion to lay the amendment on the table. The yeas and nays have been ordered. The clerk will call the roll.

The legislative clerk called the roll.

Mr. STEVENS. I announced that the Senator from New Mexico (Mr. SCHMITT) is necessarily absent.

Mr. CRANSTON. I announce that the Senator from Michigan (Mr. RIEGLE) is necessarily absent.

I further announce that, if present and voting, the Senator from Michigan (Mr. RIEGLE) would vote "nay".

The PRESIDING OFFICER. Are there any other Senators in the Chamber wishing to vote?

The result was announced—yeas 20, nays 77, as follows:

[Rollcall Vote No. 66 Leg.]

YEAS—20

Baker
Cranston
Dodd
Dole
Garn
Goldwater
Gorton
Hatfield
Hayakawa
Hollings
Inouye
Laxalt
McClure
Packwood
Rudman
Stevens
Symms
Tower
Tsongas
Wallop

NAYS—77

Abdnor
Andrews
Armstrong
Baucus
Bentsen
Biden
Boren
Boschwitz
Bradley
Bumpers
Burdick
Byrd,
Harry F., Jr.
Byrd, Robert C.
Cannon
Chafee
Chiles
Cochran
Cohen
D'Amato
Danforth
DeConcini
Denton
Dixon
Domenici
Durenberger
Eagleton
East
Exon
Ford
Glenn
Grassley
Hart
Hatch
Hawkins
Heflin
Heinz
Helms
Huddleston
Humphrey
Jackson
Jepsen
Johnston
Kassebaum
Kasten
Kennedy
Leahy
Levin
Long
Lugar
Mathias
Matsunaga
Mattingly
Melcher
Metzenbaum
Mitchell
Moynihan
Murkowski
Nickles
Nunn
Pell
Percy
Pressler
Proxmire
Pryor
Quayle
Randolph
Roth
Sarbanes
Sasser
Simpson
Specter
Stafford
Stennis
Thurmond
Warner
Weicker
Zorinsky

NOT VOTING—2

Riegle
Schmitt

So the motion to lay on the table was rejected.

UP AMENDMENT NO. 860

Mr. BAKER. Mr. President, does the vote now recur on the Specter amendment?

The PRESIDING OFFICER. The Senator is correct.

Mr. BAKER. I thank the Chair.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

Mr. SPECTER addressed the Chair.

The PRESIDING OFFICER. The Senator from Pennsylvania is recognized.

Mr. SPECTER. Mr. President, with the defeat of the motion to table, the next issue before the Senate is my amendment to Senator ARMSTRONG's amendment.

The essence of the amendment, which I have proposed and which is worth restating now that there are a substantial number of Senators on the floor, would place Members of Congress in precisely the same position as any other taxpayer. That is, this amendment would allow Members of Congress to deduct expenses which are ordinary and necessary and which can be verified. It would eliminate the $75 per diem which has been subject, and I think properly so, to the criticism that it covers days for which Members of Congress might not be present and it permits the deduction of expenses which cannot be verified and authenticated.

The amendment which I have proposed would leave Members of Congress in precisely the same position as any other taxpayer and each Member could deduct expenses in Washington, D.C., as any other taxpayer could when he is away from home.

Senator ARMSTRONG has raised another consideration as to the status of the home where Members of Congress have statutory homes where they reside. I, for example, reside in Philadelphia.

Mr. DOMENICI. Mr. President, could we have order?

The PRESIDING OFFICER. The Senator is correct. The Senate is not showing the Senator from Pennsylvania the courtesy of paying attention to his remarks whether they are important or not important. The Senator has the floor and it is important that he have the attention due him.

Mr. SPECTER. Mr. President, reluctant as I am to disagree with the Presiding Officer, I thought the attention was not too bad given the general noise level.

The PRESIDING OFFICER. The Chair asks the Sergeant at Arms to clear the floor of staff if staff members cannot find it in their hearts to cease conversation. The Senator is entitled to order on the floor and the attention that is due him and any Senator who wishes to speak.

Mr. GOLDWATER. Amen.

The PRESIDING OFFICER. The Senator may proceed.

Mr. SPECTER. For those who might not have heard what I said, in essence, my amendment places each Member of Congress in the same position as any other taxpayer who is entitled to deduct expenses which are ordinary and necessary when he is away from home and when they can be verified.

Mr. GOLDWATER. Mr. President, will the Senator yield for a question?

Mr. SPECTER. I yield.

Mr. GOLDWATER. Who would determine what could be deducted, the Internal Revenue Service?

Mr. SPECTER. Yes; the Internal Revenue Service makes that determination under regulations which exist for all other taxpayers who have business expenses and that is defined as an expense away from home.

Mr. GOLDWATER. I think the Senator's amendment makes sense up to the point where he allows the Internal Revenue Service to get into the act. I do not say that humorously. I mean maybe we should prescribe some items that should be included, like our lunches, taking constituents out for dinner or lunch, the purchases of liquids used for entertainment, the purchase of tickets for different plays and so on. I am very serious about this because I am getting sick and tired of the American people thinking we are living a life of Riley back here and I can draw a graph for Senators that will show them the day I put all my retirement money into taxes for my home and I am going to follow any course that makes living a little better for Senators.

Mr. SPECTER. As usual the distinguished Senator from Arizona raises very cogent considerations, but I would disagree because there is an established body of law as to what is an ordinary and necessary expense away from home. I think it is important that as Members of Congress, who establish the laws, we not create any separate classes or expenses which would apply to us which would not apply to anyone else.

Mr. MATTINGLY. Mr. President, will the Senator from Pennsylvania yield?

Mr. SPECTER. Wait just a moment. When the Senator raises the issue as to having the Internal Revenue Service in the middle of this issue, that certainly is a very meritorious consideration, but we have the Internal Revenue Service in the middle of every other tax issue and the answer may be to take the Internal Revenue Service out of this issue, which is perhaps a broader subject than we wish to tackle on this continuing resolution.

Mr. MATTINGLY. Mr. President, will the Senator yield?

Mr. SPECTER. I yield.

Mr. MATTINGLY. I say to the Senator from Arizona that the conscience of the conservative will prevail on what he can deduct. I think I read that book one time.

Mr. GOLDWATER. I pray the Senator is right.

Mr. MATTINGLY. To repeat what the Senator from Pennsylvania has said, he is precisely correct in that his amendment, which really goes to the heart of the Tax Code, really just makes the U.S. Congress have the same Tax Code as the other working Americans of the United States and the same application will prevail.

I think it would be the answer to the question from the Senator from Arizona that it does, in fact, treat us all the same taxpayer as those in the private sector.

Mr. SPECTER. In response to that question, we would be treated precisely the same as other taxpayers.

Mr. MATTINGLY. I thank the Senator for yielding for the question.

Mr. JEPSEN. Mr. President, will the Senator yield?

Mr. SPECTER. I yield.

Mr. JEPSEN. The Senator said that Senators should be treated as all other businessmen. Businessmen are required by their occupation to be out of their hometown and therefore they can make their business deductions and take their expenses as a business deduction.

The same rules also say that in effect if your wife should live with you for over 2 weeks of the year you are not allowed that deduction. Does that mean we all have to leave our wives and families at home?

Mr. SPECTER. It does not. There was a clarification of that issue which is under the general category of vacation homes, and that would not be applicable in this situation.

Mr. JEPSEN. Does the Senator have that in writing? I have been advised that the rules of the IRS say that if a wife lives with her husband here in Washington, D.C., for over 2 weeks in the year, then he is not allowed the deductions for an out-of-town expense. I wish that clarified.

Mr. SPECTER. To repeat, that is the general tax law and it comes under the doctrine of vacation homes, if someone had a vacation home which he deducts but used for more than 2 weeks. That issue was checked into by the distinguished Senator from Kansas (Mr. DOLE) when the original matter was passed in the continuing resolution in December. The language voided that pitfall because there are those of us who necessarily have people with us for more than 2 weeks. So the pitfall which the Senator has raised would not be present under my amendment.

Mr. JEPSEN. Then we are not treated as all other businessmen.

Mr. SPECTER. Yes, we are. The vacation home concept really is not applicable to our situation. The vacation home concept arose where someone had what was essentially a vacation home and sought to rent it out and to claim it was a business and income producing venture, and to solve that problem IRS took the position that if the taxpayer used that home for 2 weeks or more it was really a vacation home for his own personal uses and was not realitically an item which he held for the production of income. But we are not saying that our homes are vacation homes or rented out for business purposes and that by using them for more than 2 weeks we take them out of the business category.

We are saying in a forthright manner that this is a business operation away from our homes and that as any other taxpayer can deduct it so can we.

Mr. JEPSEN. So if we have someone here in this body, as we probably do, who has a home that is a $500,000 home, complete with staff and so on, they deduct those expenses, and those of us who do not have outside incomes or independent means, who are renting, have no deductions; is that correct?

Mr. SPECTER. I think if somebody had that $500,000 home complete with staff, that might well fall outside of reasonable and necessary business expenses.

Mr. JEPSEN. Who determines that that is their manner of living? I found in my tax work that that would be allowed.

Mr. SPECTER. Who determines that? As Senator GOLDWATER would say, that is determined preliminarily by the Internal Revenue Service, and beyond that is subject to challenge in the courts, the Tax Court and U.S. district court.

Mr. JEPSEN. Under this proposed amendment—and I am asking for a personal opinion here in a personal situation—my wife works full time in my office at no expense, she is not paid. Under the present laws and ethics, and so on, I am not allowed to deduct one cup of coffee or anything else. She, however, contributes full time and full effort, and those of you who know, know she does a reasonably good job. Under the Senator's amendment would I be allowed to write off expenses that are incurred for the grooming, the clothes, the transportation, and other added expenses that come from the loss of being at home full time, and so on, that I incurred, do you think, your personal opinion?

Mr. SPECTER. You are talking about the expenses for your wife?

Mr. JEPSEN. I am talking about the expenses for my wife. They are indirectly an expense to me—in fact, not indirectly, very directly, and I cannot deduct them now. Under the Senator's amendment, can I?

Mr. SPECTER. I believe you cannot deduct expenses for your wife as they relate to her working for you. I think you could deduct the expenses for your wife as they relate to the same status that any other taxpayer would have when he takes his wife along for something that is related to his business enterprise.

For example, if a corporate executive takes his wife to a convention, and part of his business activities is socializing with others similarly situated corporate executives that business executive is permitted to deduct the expenses for his wife incidental to that convention.

If, when you take your wife to the Republican senatorial meeting, she had expenses incidental to a comparable business executive, you could take a deduction.

Mr. JEPSEN. I thank the distinguished Senator.

Mr. EXON. Mr. President, I rise in opposition to the amendment being offered by my colleague from Pennsylvania. I think it should not go unsaid that I believe those who speak on the floor of the U.S. Senate and say we would simply be treated as any other businessman lack a great deal of accuracy.

In the first place, if we were being treated like every other businessman then we would not have passed a law sometime ago that said that the home of a U.S. Senator was back in Nebraska or back wherever we come from. A businessman does not have the authority to make that kind of a law and, therefore, I would also say, Mr. President, in all due respect to those who have a differing point of view on this matter that it is not fair to say that if we accept the amendment offered by the Senator from Pennsylvania that we are being treated like any other businessman.

I would ask the rhetorical question of how many businessmen from somewhere in Nebraska could live for 250 days a year with their wives in New York City and write off the amount that it would allow us to write off if this amendment prevailed? Certainly that would not be accepted by the Internal Revenue Service and, therefore, it is unfair.

The facts of the matter are, Mr. President, that I think it is quite clear——

Mr. SPECTER. Mr. President, will the Senator yield for a question?

Mr. EXON. I will yield the floor in just a moment.

I think it is quite clear, Mr. President, from the rather dramatic change in the vote of less than 60 or 90 days ago that we have indeed awakened here the U.S. Senate which has decided that it made a mistake back then, and I think, if we are going to correct the mistake, we should go all the way in correcting it and go back to the basic amendment that was offered by the Senator from Colorado, of which I was an original cosponsor.

Mr. President, the issue here is simply whether we are going to maintain the credibility that I think we need to have, especially in the times when we are asking Americans in all walks of life to make sacrifices.

We are considering, for example, Mr. President, putting some kind of a change on the cost-of-living increases to those receiving social security benefits.

It seems to me that we look very poor indeed in the eyes of the people across this Nation when we are talking about something to someone who is receiving $356 a month from social security by cutting them back, and doing something here that would be an actual increase in salary or net income for those of us who have the privilege to serve our citizens in the U.S. Senate.

Mr. STEVENS. Mr. President, will the Senator yield for a moment?

Mr. EXON. The Senator will yield as soon as he finishes his statement, and then he will be glad to have the Senator from Alaska say anything he would like to say.

I am simply saying the amendment offered by my friend from Pennsylvania begs the question. The facts of the matter are that the $50 or $75 per day that we all seem concerned about is a fair arrangement, fairer than the amendment being offered by the Senator from Pennsylvania because what his amendment would do is to simply say the more money that you spend, the higher you live in Washington, D.C., the bigger tax break you get.

I think that is wrong, I think it is unfair, and I think it makes the Senate look pretty foolish with what we are trying to do today in cutting back the overall expenditures of the Federal Government.

Therefore, Mr. President, I hope we will defeat the amendment that has been offered by the Senator from Pennsylvania and get on with the business of passing the amendment offered by the Senator from Colorado.

I yield the floor.

Mr. SPECTER. Mr. President, when the Senator from Nebraska asserts that the amendment which I have proposed is less than the $75 a day deduction, it is apparent that the Senator from Nebraska is unaware that the option which I have suggested is currently in the law. At the moment, the law provides an alternative for Members of Congress to take ordinary and necessary expenses as any other taxpayers could, and it provides an alternative to that to authorize the Internal Revenue Service to establish a per diem allowance. The Internal Revenue Service procedures list one alternative which is consistent with our own enactment that Members of Congress can deduct ordinary and necessary business expenses which are verifiable.

When the Senator from Nebraska asserts that someone from Nebraska could not go to New York City and live 250 days a year and claim that as a deduction, it was at that point I asked the Senator to yield, because an executive from Nebraska might well have an apartment in New York City which he would use occasionally for business purposes and it could be much less than 250 days a year and such an apartment, if it were ordinary and necessary, consistent with his level of entertaining with the position he held, with the people he socialized with, might well be precisely within the realm of ordinary and necessary and totally justifiable.

When the Senator from Nebraska raises the issue that Members of Congress have established their residence and home as their residence for tax purposes, that is true. But that was not done in the context of the proposal which was enacted in December. It was not done in any way to facilitate any advantage.

If the amendment offered by Senator ARMSTRONG, and endorsed by the Senator from Nebraska, is adopted, then Members of Congress will be in the disadvantageous position of not being able to deduct expenses from the second home. Senator ARMSTRONG has asserted earlier that the issue of the home for tax purposes might give some advantage to a Member of Congress. We discussed that informally between the point he made that assertion and this moment, and, without researching that issue, it is not possible to state with definiteness what the law is on that subject.

My own sense is that it is a flexible standard to be determined by a variety of circumstances. Senator ARMSTRONG said to me in that discussion that it depended on the totality of circumstances, only one factor of which was where the person spent most of his time. I think that it may well be that the same factors which would enable, say, the Senator from Colorado to have Colorado as his principal home would be equally applicable to make Colorado his principal home for tax purposes, even under the facts which he has or the facts which any of us have.

But the essence of it is, if there is no recognition given to the factor that we do have two homes, then there is second-class status for Members of Congress. And it may be that in a more refined way our home for tax purposes ought to follow the same rules as any other citizen. I would not be adverse to that. But as I say I have a strong sense that that is probably the case in any event. But rather than being totally oblivious to the realities of expenses, it is my judgment that the amendment which I have offered is a much fairer and more equitable method than simply turning back the clock totally.

Mr. PROXMIRE addressed the Chair.

The PRESIDING OFFICER. The Senator from Wisconsin.

Mr. PROXMIRE. Mr. President, I support the distinguished Senator from Nebraska in what he said in supporting the amendment by the Senator from Colorado.

Mr. President, first we have to recognize that Congress made a finding of law. Congress made it. We made it for ourselves. It gave us an advantage. But there was a tradeoff.

The tradeoff was that we would not deduct more than $3,000.

Now what we are doing here is true. We have taken care of the $50 and $75 options. We have left the one option that enables a Member of Congress to avoid paying a tax under some circumstances. The distinguished Senator from Kansas conceded that. He agreed that there were circumstances under which some Members of Congress, if we keep this Specter proposal in the law, if we adopt that, would be able to subtract from his congressional income as much as $60,000 if he lived in a big house. This takes care of the people with big incomes in a big way.

I cannot think of anything that the public is more likely to reject more emphatically than that. They just will not accept that, I say to the Senator.

It seems to me, if we want to put some kind of a limit, even if it is a $75 or $50 limit, which I of course oppose because I do not think we ought to change the law at all, but that would make more sense than saying that there is no limit at all. And that is the option. That is the option that is available, really, to the wealthy Senators and wealthy Congressmen which is what we are doing if we adopt this particular amendment.

So I support the Senator from Colorado and the Senator from Nebraska in their opposition to the Specter amendment.

Mr. STEVENS addressed the Chair.

The **PRESIDING OFFICER**. The Senator from Alaska.

Mr. **STEVENS**. I hope that Members of the Senate will realize that the Specter amendment does repeal the Dole amendment accepted by the last two actions of the Congress. As I understand the effect of it, it takes off the $3,000 limitation, which was the arbitrary limitation imposed in the past, and leaves each Member of Congress to take the deductions that he or she wishes to justify as being reasonable business expenses for expenses away from home.

Again, I would call attention of the Senate to the fact that the original limitation was not understood and it does, in fact, bar Members of the Senate from taking expenses even in their own home or another State if they are away from their actual residence as business expenses. Incidentally, that is the limitation on the deductions for that purpose. And even if they were reimbursed, I would call attention to the Senator from Wisconsin he would be exceeding the limitation. Even if he were reimbursed, he could not take in excess of $3,000 in terms of deductions.

It is a very, very strange, archaic law that just was not part of a current taxable tax level and concepts of taxation. It came out of the 1946 Reorganization Act, as I said. It was finally passed in 1952 and became law in 1953.

Senator SPECTER's amendment has the one justification of taking that out of the law and it does, however, meet the Armstrong amendment part way.

But I want to serve notice on Members of the Senate that I have listened to the Senator from Nebraska. I understand that we have been forced to curtail Federal expenditures. We have been forced to look at all sorts of conditions and circumstances that Federal money has been used in the past and reduce that. So before the evening is over, I intend to offer as a substitute to the Armstrong amendment an amendment to reduce all congressional salaries by 10 percent. This amendment will be a substitute to the Armstrong amendment and you can justify this amendment to your constituents if you want to vote against it. Voting against reducing our pay would be understood by our constituents.

I believe the Senate and the Congress have so confused this by people who do not understand it, who have refused to read the Treasury bulletin which I have in front of me. I would be happy to have anyone read it. I have heard statements on the floor today by Senators I am positive could not have read it. If they did, I think Senator HAYAKAWA ought to start a new class in semantics, because they certainly have not understood it.

They have not understood what we did before. Reversal of what we did before is worse than the law that the Specter amendment attempts to remove. At least the Specter amendment goes to the extent of taking out of the law a very arbitrary and harsh limitation of $3,000.

But I perceive that certain Senators want to send a message to the country. And I perceive what they really want to say is that we should not have taken a pay raise. Some have all called my amendment last year a pay raise.

So this evening I shall give you the opportunity to vote for a pay cut. You may vote to table it if you wish and go home and justify that, as I have had to justify what I tried to do when I tried to make the law make sense. And if you vote that one down I have another one. You are going to vote here this evening two or three times against cutting your own pay. Because you are going to be forced to cut entitlements, that is true; and you are going to be forced to cut defense costs, that is true; and you are going to be forced to cut programs we have all supported, that is true, and go home and see if you can support refusing to cut your own pay.

Mr. GARN addressed the Chair.

The **PRESIDING OFFICER**. The Senator from Utah.

Mr. **GARN**. Mr. President, unfortunately, I was attending to other Senate business before the tabling motion. I am sorry I was not here at that time, but I do want to speak briefly on why I voted to table the amendment.

I think anybody who would like to check in the 7 years I have been here, as far as voting on fiscal matters, you will not find too many Senators who have voted more conservatively than this one has. I have returned more money from my office allowance—far more than I have ever been paid by the taxpayers—and I have cut the Banking Committee budget by less than we were operating it for in actual dollars in fiscal year 1980. I do not have anything to be ashamed of as far as my practicing what I preach in this body.

But the press has had its victory here today. They can be very proud of themselves in intimidating all of our colleagues to run for cover and vote this way. Because when this issue was first raised and all of the flak came out, it came primarily because—I saw it on TV and read it in the newspapers—the press reported that we had voted for ourselves a tax break that would excuse us from paying any income tax on our basic salary. And that is where this groundswell we have heard about came from.

Well, believe me, I say to my colleagues, this Senator would not have voted for that kind of amendment for two reasons. First of all, it would not be fair.

Of all of the people who should feel the pain of income taxes, it is Congress which has caused the problem of the inflation and the deficits. I certainly would never have voted for what the press reported we did. It would be totally and completely unfair and unconscionable.

Second, I am not politically stupid enough to have voted for that. I just would not. I am not that dumb to go home and tell my constituents, "Ha, ha, ha, you pay taxes but I am not going to."

Well, this Senator filed his income tax return. Maybe I will send my accountant back my bill and have him redo it if this passes. I do not have to speculate about what this tax break did to my taxes. It hardly eliminated me from paying income taxes. It saved $4,000, or about $350 a month. Since 1952 we have been allowed to deduct $3,000.

I realize there are some people in this body who are rich or who have no children at home. I recognize that my seven children are my fault, I do not blame them on anybody else [laughter] but you ought to try supporting three of them in college at the same time and three of them still at home. Well, I do not quite have seven. The seventh one is not due until June [laughter], but that will recoup $1,000 in deduction. Next January I can claim another child.

In any event, I voted for something that Senator STEVENS was talking about that is quite different than what was protrayed on this floor or in the press, and I am not the least bit ashamed of voting for the actual language—not one bit. I do not apologize for it. I do not detract from it. What we have in fact voted against today is not what the press reported, or the impressions that have been fostered among the American people and shaped our colleagues' attitude. We have voted against a myth. I did not vote for that myth last year—none of us did. And I do not vote today to rescind what we did. I do not apologize for a $4,000 tax saving, $375 a month, when I have a home in Utah which I pay to maintain and my utilities alone here in Washington average about $350 a month. So I plainly admit that I have $25 more benefit out of this than my utilities cost to live back here. But that does not take into account the rest of the additional cost of living.

I just want to make it clear why I did vote to table. I am not ashamed of what I voted for, as factually presented. But this body has turned tail in the face of public opinion today. It has not had the guts to read that language and stand up and say what we really voted for and talk about an actual $4,000 saving, as in this Senator's case, hardly $18,000 or $20,000, or paying no taxes as the press reported. I still paid over $15,000 in income taxes. But I can do it over again. My accountant will love it. He will love the amended return. We will start over.

I do not expect to change anybody's mind. The tide ran and everybody ran with it. But you ought to feel sorry for the new Senators who come in. I do not know how they will do after this next election, how they will buy a house. Thank goodness I bought mine 7 years ago. I do not know how they will live here, bringing their families with them, on what has transpired. My house is worth a lot of money back here now. I could not buy it today. I could not qualify for the loan now. I could not buy my own house. Most of us who have been here a few years could not either.

Forgetting those of us who are here, think about those new ones who will come in. You will either get those who are not competent enough to make more than $10,000, and for whom 60 grand is a great deal, or you will get people who are ultra rich. I do not know how middle-income people will be able to afford to run in future elections if we participate in this kind of demagoguery, voting against something that never existed in the first place.

Mr. STEVENS. Will the Senator yield for one point?

Mr. GARN. I am delighted to yield. I am through.

Mr. STEVENS. I am delighted the Senator mentioned those of us who are trying to handle expenses. This Senator has turned back allowances that were available to me as a Senator to spend of $145,786, in 1981. That comes from management.

If you want to look at what is costing the taxpayers money, it sure is not people taking deductions for legitimate expenses of being away from home. What is costing taxpayers money is people who waste money, which is available in terms of allowances, and spend more money than necessary for operation of their Senate and House offices. I wish we would get down to talking about some facts and I wish some of our friends up in the gallery would get interested in some facts.

The Senator from Utah is exactly right. Somehow or other this is perceived as to raise our pay. Just to make sure everybody understands I want to clarify that issue tonight. We are going to vote, as the distinguished Senator said, again and again and again on amendments to cut Senate and congressional pay tonight.

Until you table this amendment and send a clean resolution downtown, so far as I know there is no way for this Senate to prevent me from continuing to offer amendments that would cut senatorial and House pay. I think it should be a clean resolution. We should face this amendment some other day. So long as I can continue to offer an amendment, and I think that is quite a long time, you are going to see what it is to offer amendments. You are going to see and have the opportunity to do what many of you have accused me of doing, offering amendments to raise pay.

My amendment repealing the limitation on reasonable deductions was not an attempt to raise pay. I do not think the Senator from Utah intended it to be construed as such. We tried to have some fairness in dealing with people who were away from home and legitimately felt they were away from home. Those of you who have made Washington your home can be perfectly happy with what has happened so far. But I am not so sure you are going to be happy with what is going to happen the rest of the night and on into tomorrow.

Mr. BAKER. Will the Senator yield?

Mr. GARN. I yield.

Mr. BAKER. I have esteemed respect and affection for the majority whip, but I recognized the phrase that we would vote again and again and again but not right now. Let me make an announcement, if I may. I hope we can get a rollcall vote, and I believe a rollcall vote has been ordered, on the Specter amendment before 6:30, and at 6:30 I wish to announce there will be no record votes before the hour of 8 p.m. That does not mean the Senate will be in recess. Indeed, I hope Members will continue with debate on the pending amendment, which would be the Armstrong amendment, and other matters. But I had announced early this morning that there would be a window or no votes between the hour of 6:30 p.m. and 8 p.m.

May I urge that we go ahead and vote on the Specter amendment, if we may do that, and I expect that will get us close enough to 6:30.

Mr. JOHNSTON. Will the majority leader yield?

Mr. BAKER. I yield.

Mr. JOHNSTON. How late will the Senate be in session tonight?

Mr. BAKER. Mr. President, until we finish this measure, but if we cannot finish it by 11 or 12 o'clock tonight we will go over until tomorrow.

Mr. JOHNSTON. I thank the Senator.

Mr. GARN. Mr. President, I will conclude in just 1 minute. I want to follow up on what the Senator from Alaska said. I think it might be good if the press checked into the voting record of some of our colleagues. There are fiscal conservatives on this issue. I will submit in the 7 years I have been here I have returned over $700,000 of the staff allowance I could have spent. Last year I cut the Banking Committee budget by $400,000 in costs. We are operating in 1982 at less than the actual level, forgetting inflated dollars, than we did in 1980.

I had a constituent call me a couple of months ago who was mad about this, and I asked, "How much are some of us worth who have voted as fiscal conservatives all our lives?"

He said, "What do you mean?"

I said, "Are you willing to pay me one-tenth of what I saved last year?"

He said, "Yes."

I said, "Okay, I want $20 million as my 10 percent of the money my appropriations subcommittee saved last year. I will work free for the rest of my term."

I think we ought to compare some of these things and match voting records on big money compared to $375 a month.

The PRESIDING OFFICER. The Senator from Nebraska.

Mr. EXON. Mr. President, I want to be brief because I know we want to close this.

The Senator from Pennsylvania indicated we were not able to make deductions for a second home that we own here in Washington, D.C. We cannot take off as much as a businessman might under the scenario that has been developed here, but I suspect most of us take off on our income tax the legitimate deduction for the interest that we pay on our home, if we do not have enough money to buy it outright, and I would suspect that most of us take off the rather high real estate taxes that we owe on any home that we own here in the Washington, D.C., area.

So, Mr. President, we do have some advantages, of course, to charge off some of those legitimate, established expenses that any businessman or any other person can take off under the scrutiny of and rules enforced by the Internal Revenue Service.

With regard to the pay cut of 10 percent that is going to be offered, as I understand it, by my friend from Alaska—amen, hallelujah. Give me, Mr. President, the advantages that I could claim under the amendment being proposed by the Senator from Pennsylvania, and I shall be glad to take a 10-percent tax cut. That is what was so ridiculous about a statement that was made in the newspaper recently that, supposedly, we were going to cut our salaries 5 percent.

For the record, I want to submit a table from the Congressional Research staff showing that, based on a typical family of four, were we to go up to $75 per diem or possibly up to $75 under the amendment offered by the Senator from Pennsylvania, we would, indeed, have a net increase in our salaries of between 15 and 24 percent, depending on our incomes, based on $60,663 that we made in salary, plus a graduated scale here on outside earnings.

I ask unanimous consent to have that table printed.

There being no objection, the table was ordered to be printed in the RECORD, as follows:

TABLE 2.—TAX LIABILITIES OF HYPOTHETICAL MEMBERS OF CONGRESS UNDER OLD AND NEW TAX LAW ($75 PER DIEM DEDUCTION), 1982 [1]

Base pay	Outside income	Tax under old law ($3,000 cost-of-living deduction)	Tax under new law	Increase in base pay that would provide under old tax law the same after-tax income as under new tax law	
				Amount	Percent
$60,663	0	$10,408	$5,033	$9,358	15.4
$60,663	$5,000	11,968	6,229	10,252	16.9
$60,663	10,000	13,662	7,532	11,118	18.3
$60,663	25,000	18,862	12,111	13,237	21.8
$60,663	50,000	28,294	20,907	14,693	24.2
$60,663	100,000	47,505	39,967	15,075	24.9

[1] The following assumptions were used in the calculation of tax liabilities: (a) Members filed joint returns; (b) Members rent their Washington area homes; (c) Members claimed 4 personal exemptions; (d) Members itemized their non-Washington related deductions and these deductions equaled 23 percent of gross income; and (e) there are 241 congressional days in 1982.

Mr. EXON. I also say to my friend from Alaska, Mr. President, that if he is going to offer to cut our income by 10 percent, which I probably shall support, would he also include a limitation on honoraria? We had a rather extensive debate on that in this body a short time ago. As the Senator from Alaska knows, there are some of us who do have some extra income from honoraria, primarily because we happen to be Members of this body.

Mr. STEVENS. I say to my friends——

Mr. EXON. Mr. President, I shall yield to my friend in just a moment. Then I shall sit down.

Mr. President, I simply say that while I recognize that the cost of living is very high here, I recognize that that is not generally understood back home, and I recognize and realize that no one who establishes two homes today—one back home and one here—is getting rich, if even making ends meet with the salary he is paid in the U. S. Senate. In that regard, Mr. President, I would say that in these times, when we have a serious recession on our hands—indeed, in some areas, we have a depression on our hands—when we have unemployment in certain sectors of our economy higher than it has ever been before in history, and when I see the farmers and small businessmen of my home State, that grand old State of Nebraska, going broke, I think it is a bad time indeed.

The timing is wrong, Mr. President, the thoughts are wrong, and I think that we do not look good when we try to do something like this in the U.S. Senate.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Rhode Island.

Mr. CHAFEE. Mr. President, I support the amendment offered by the Senator from Pennsylvania.

Mr. President, on February 9 I introduced a bill similar to the Specter amendment we are considering at this moment; that is, legislation to repeal the authority of the Internal Revenue Service to grant Members of Congress a per diem tax deduction for unsubstantiated business expenses. My bill, like the amendment of the Senator from Pennsylvania, will require Members of Congress to deduct expenses on exactly the same basis as other taxpayers.

Over the past 7 months, the Senate has changed the rules for deducting congressional business expenses on two occasions, once during debate on the first continuing resolution in September and again just before we adjourned sine die in December. Let me briefly review the legislative history.

In 1954, Congress passed a law allowing each Member of Congress to deduct a maximum of $3,000 from his or her salary to offset the cost of maintaining a second residence in the Washington area. In September 1981 Congress voted to remove the $3,000 deduction limitation, thereby requiring Members to itemize their legitimate business expenses, just as any other taxpayer would do.

I supported this action because I do not believe Members of Congress should be treated differently from other taxpayers. Enacting special tax laws just for Senators and Congressmen is wrong in principle and creates public distrust of elected representatives. They should itemize business expenses under the rules applicable to every other citizen and be subject to the same IRS scrutiny as every other taxpayer.

In December 1981, however, Congress legislated once again on this subject. An amendment passed, which 43 Senators and I voted against, requiring the IRS to draft special regulations establishing an amount that Members of Congress can deduct for expenses without proving the expenses were actually made. The IRS has set that amount at $75 for every day, and many weekends in between days, that Congress is in session. No other American is blessed with such privilege.

Mr. President, this new provision is a direct contradiction to the principle we sought to establish in September by removing the $3,000 limit. In these times of fiscal austerity, when Congress has voted to cut sharply in many important domestic spending areas, we are creating a double standard: benefits for Congressmen and Senators, on the one hand, and benefit cuts for everyone else. These legislative actions have not escaped public notice.

There has been no issue in Congress during the past year that I can think of that has so offended the sensibilities of my constituents in Rhode Island as this special congressional tax law.

Mr. President, the law on the subject of business tax deductions should be neutral. Members of Congress should enjoy no special tax privileges nor bear any added burden. I shall vote for Senator SPECTER's amendment because, as my own proposal, it puts Members of Congress on the same footing as every other American taxpayer who has to substantiate business expenses.

Should it fail, I feel compelled to vote for the Armstrong amendment, which restores the standard $3,000 deduction for congressional business expenses. Clearly, this is not the best solution to the problem at hand, but it is preferable to the present situation, which permits unsubstantiated deductions of up to $75 a day for each Member of Congress.

Mr. HATFIELD. Vote.

Mr. ARMSTRONG addressed the Chair.

The PRESIDING OFFICER. The Senator from Colorado.

Mr. ARMSTRONG. Mr. President, it appears to me that we are about ready for the vote, so I am not going to take more than a moment to express my own point of view regarding the Specter amendment.

The amendment which the Senator from Pennsylvania has offered does provide a reasonable and plausible approach to the taxation of Members of Congress. However, in my opinion, it falls short of a truly desirable solution in that it neither puts us on an equal footing with other taxpaying citizens nor does it restore us to the condition we were in prior to the series of amendments last fall. Let me be specific, because this is an important distinction we need to understand.

If Members of Congress were treated as other taxpayers, our tax homes would be determined according to criteria used for other taxpayers. For other taxpayers, the criteria for establishing their tax home include where the principal place of business occurs, whether the business activity is permanent or temporary, and where family members are present. That is not the case at the present time, in the past, or, under the Specter amendment, in the future for Members of Congress. For a Member of Congress, his tax home is statutorily established as the State or district which he represents. Therefore, expenses incurred in living away from home will be fully deductible under the Specter amendment.

Mr. President, I do not suggest that that is wholly unreasonable. I have never thought that it is wholly unreasonable. But neither does it meet the standard of taxing Members of Congress in the same way that other persons are taxed. For that reason, and for the reasons so eloquently stated by my colleague from Nebraska and others, I shall vote against the Specter amendment and then urge adoption of my own amendment.

Mr. HATFIELD. May we have the vote, Mr. President?

The PRESIDING OFFICER (Mr. QUAYLE). Is there further debate?

Mr. ARMSTRONG. I ask for the yeas and nays.

The PRESIDING OFFICER. The yeas and nays have been ordered.

The question is on agreeing to the amendment of the Senator from Pennsylvania to the amendment of the Senator from Colorado. The yeas and nays have been ordered. The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. STEVENS. I announce that the Senator from New Mexico (Mr. SCHMITT) is necessarily absent.

Mr. CRANSTON. I announce that the Senator from Michigan (Mr. RIEGLE) is necessarily absent.

I further announce that, if present and voting, the Senator from Michigan (Mr. RIEGLE) would vote "nay."

The PRESIDING OFFICER. Are there any other Senators in the Chamber wishing to vote?

The result was announced—yeas 37, nays 60—as follows:

[Rollcall Vote No. 67 Leg.]

YEAS—37

Andrews
Baker
Baucus
Boschwitz
Chafee
Cochran
Cranston
D'Amato
Denton
Dodd
Dole
Garn
Gorton
Hayakawa
Hollings
Huddleston
Humphrey
Inouye
Laxalt
Leahy
Lugar
Matsunaga
Mattingly
McClure
Murkowski
Packwood
Quayle
Rudman
Simpson
Specter
Stafford
Stevens
Symms
Tower
Tsongas
Wallop
Weicker

NAYS—60

Abdnor
Armstrong
Bentsen
Biden
Boren
Bradley
Bumpers
Burdick
Byrd, Harry F., Jr.
Byrd, Robert C.
Cannon
Chiles
Cohen
Danforth
DeConcini
Dixon
Domenici
Durenberger
Eagleton
East
Exon
Ford
Glenn
Goldwater
Grassley
Hart
Hatch
Hatfield
Hawkins
Heflin
Heinz
Helms
Jackson
Jepsen
Johnston
Kassebaum
Kasten
Kennedy
Levin
Long
Mathias
Melcher
Metzenbaum
Mitchell
Moynihan
Nickles
Nunn
Pell
Percy
Pressler
Proxmire
Pryor
Randolph
Roth
Sarbanes
Sasser
Stennis
Thurmond
Warner
Zorinsky

NOT VOTING—2

Riegle
Schmitt

So the amendment (UP No. 860) was rejected.

UP AMENDMENT NO. 359

Mr. HATFIELD. Mr. President, I make a parliamentary inquiry as to what is now the pending matter before the Senate.

The PRESIDING OFFICER. The pending amendment before the Senate is the amendment by the Senator from Colorado.

Mr. HATFIELD. The Armstrong amendment is now the pending business?

The PRESIDING OFFICER. The Armstrong amendment is now the pending business. The Senator from Oregon is correct.

Mr. HATFIELD. Mr. President, we have no votes scheduled until 8 o'clock, so the bill is subject to further amendment, and the amendment is subject to further perfecting amendments or amendments in the second degree. Is that correct?

The PRESIDING OFFICER. The amendment is subject to second-degree amendments at this time.

Mr. HATFIELD. Mr. President, the amendment is also subject to a substitute amendment?

The PRESIDING OFFICER. The Senator is correct.

The Senate will be in order.

Mr. STEVENS addressed the Chair.

The PRESIDING OFFICER. Does the Senator from Oregon yield?

Mr. HATFIELD. I yield the floor.

The PRESIDING OFFICER. The Senator from Alaska.

UP AMENDMENT NO. 861

Purpose: To repeal the amendment to the Internal Revenue Code of 1954 relating to State legislators' travel expenses away from home which was made by the Economic Recovery Tax Act of 1981.

Mr. STEVENS. Mr. President, there is an amendment at the desk which I offer on behalf of the Senator from Kansas (Mr. DOLE).

The PRESIDING OFFICER. The amendment will be stated.

The bill clerk read as follows:

The Senator from Alaska (Mr. STEVENS), for the Senator from Kansas (Mr. DOLE), proposes an unprinted amendment numbered 861:

At the end of the matter proposed to be inserted, add the following:

SEC. . (a) Subsection (i) of section 162 of the Internal Revenue Code of 1954 (relating to State legislators' travel expenses away from home) as added by section 127(a) of the Economic Recovery Tax Act of 1981 and redesignated by section 2146(b) of the Omnibus Budget Reconciliation Act of 1981, is hereby repealed.

(b) The amendment made by this section shall apply to taxable years beginning after December 31, 1981.

The PRESIDING OFFICER. Before the Senator from Alaska continues, the Chair will try to obtain order. Will Senators please cease conversation? Those desiring to converse will please retire from the Chamber.

The Senator from Alaska is recognized.

Mr. STEVENS. I thank the Chair.

Mr. President, the background of this amendment has been stated previously by the Senator from Kansas.

I am offering the amendment at his request because of a scheduled appearance by him at a function which I believe other Members are also attending, and the comments I make will be primarily those he would have made in support of his amendment.

The basis of it, however—before I get to Senator DOLE's language—is that if the Armstrong amendment is adopted, there will be a basic inequity in the Federal law concerning the deductibility of expenses away from home if one compared the provisions of the Federal law that apply to Members of Congress on the one hand with those that apply to Members of State legislatures on the other.

The position of the Senator from Kansas is that if congressional tax deduction provisions are to be repealed, the provisions allowing State legislators deductions should also be repealed.

The background of this is that in 1981, Congress enacted two changes in the tax law that affected the deductions for congressional expenses. Those are the ones we have been discussing here today.

First in October, in the continuing resolution, Congress repealed the $3,000 arbitrary ceiling on the deductibility of expenses away from home for Members of Congress. This $3,000 ceiling, as has been stated previously today, was originally imposed by an act passed in 1952, effective in 1953, when Members of Congress were paid $15,000 a year.

Second, in the Black Lung Benefits Revenue Act, Congress asked the Treasury to issue regulations establishing a per diem reduction for Washington living expenses to avoid the difficult allocation problems that would otherwise have resulted from the October repeal of the $3,000 ceiling.

Parenthetically, in Senator DOLE's comments let me add that I have heard many Members today on the floor talk about the deductibility of the expenses that they have incurred and those of their family.

There was nothing in my amendment and nothing in Senator DOLE's amendment that dealt with the deductibility of the expenses of a family member here in Washington.

The reason for the Dole amendment to instruct the Treasury Department to promulgate a regulation was because of a complicated allocation problem. A Member, who is here with his family, has a home, whether it is rented or one that is being purchased, has an automobile that is shared in terms of business as opposed to personal use by the family, and has medical expenses that involve not only the Member but members of the family. All of those involved a very complicated allocation problem to determine whether or not any portion of the expenses incurred were actually expenses of the Member away from home.

We did not seek and we did not pass a law which permitted a Member of Congress to deduct the expenses of any member or his family or her family while away from home. What we did pass was a specific piece of legislation that allowed Members the same deductibility as every other employee of expenses incurred away from home by that Member for that Member and exclusively for that Member.

Therefore, the Dole amendment actually clarified the procedure and established a procedure of basic fairness so that a Member would not be accused of having taken deductions for expenses incurred by his family as opposed to his own expenses while away from home.

The allocation problems that would have otherwise arisen were addressed by the Dole amendment to the Black Lung Benefits Revenue Act that was enacted by Congress last year.

Prior to that, however, in the Economic Recovery Act of 1981 relief was granted to State legislators representing districts more than 50 miles from their State capital.

The Internal Revenue Code now allows such legislators to take a per diem deduction for living expenses incurred while at the State capital and away from their home during legislative periods. The provisions adopted by ERTA modified and made permanent similar temporary rules that Congress had placed into effect in 1976.

Again, parenthetically, it was in fact those rules that we looked to as we tried to review the whole question of what should be the treatment given to the expenses of Members of Congress while they were away from home. Many State legislators are in their State capital for literally months at a time. As a matter of fact, I think the members of my State legislature are in Juneau as much as I am in the Nation's capital, and the provisions of law that we passed that applied to Members of Congress were quite similar to those that we had already passed and Congress had placed in effect as early as 1976.

The rules adopted by statute for the State legislators and the regulations promulgated for Members of Congress are also similar. Both are based, in part, on the per diem amount allowed for Federal employees traveling at Government expense.

As I said, in addition, both changes essentially served to simplify the computation of deductions which are allowable under general tax rules which are applicable to other employees, business people, and professional people traveling away from home on business.

If the rules are changed for Members of Congress then the State legislators should revert to the pre-1981 rules. Mind you, that would mean they would still have a preferential treatment as compared to Members of Congress, but they would not be treated as we treated them in the 1981 rules.

And it is the position of the chairman of the Finance Committee in fairness that both of these changes must be viewed as being cut from the same cloth. They both were made to adjust prior provisions of the law which were not totally equitable. Their purpose was primarily to permit lawmakers the same deductions for legitimate business expenses generally allowed to business and professional people required to travel away from home on business.

Both rules allow lawmakers a per diem deduction for expenses incurred on legislative days in lieu of deductions that would be substantiated with receipts for rent, food, gasoline, and other such expenses.

The Dole amendment that I have offered in his behalf would restore the tax treatment for State legislators' expenses prior to the treatment that would have been afforded without changes made by ERTA in 1981. State legislators would still be free to establish the deductibility of their State capital living expenses on a case-by-case basis under the rules generally applicable to all business and professional people.

Even with this amendment, if the $3,000 ceiling for Members of Congress is restored, and that I understand is the purpose of the amendment offered by the Senator from Colorado, State legislators will still enjoy a preferential treatment.

The amendment that I am offering for Senator DOLE would repeal only the special per diem rules applicable to the State legislators under ERTA.

In effect, this amendment is similar to the amendment of the distinguished Senator From Pennsylvania, the Specter amendment, because it would permit State legislators to deduct the reasonable and necessary expenses of their being away from home. There would not be a $3,000 ceiling as I understand the Armstrong amendment would restore for Members of Congress.

If the $3,000 ceiling is not restored, this amendment would place all lawmakers on an equal footing. That means if we could get back to the Specter version of the treatment of deductibility of expenses by Members of the Federal Congress, the Black Lung Revenue Act amendment would put us on an equivalent basis and that would mean, of course, that Members would be required to substantiate each and every expense incurred in Washington and subtract any portion attributable to the expenses of any other family member.

This amendment for State legislators would place lawmakers on that same basis where they were prior to the time we passed the 1981 law and clarified it for them to make it a uniform rule for legislators throughout the country.

All legislators would then be allowed the deduction that any business or professional person or employee could deduct so long as the expenses were substantiated and satisfied the rules generally applicable to businessmen traveling away on business.

The provisions of the current law, from the viewpoint of the distinguished chairman of the Committee on Finance, are neither abusive nor unfair. But if there are perceived matters of unfairness it is his position, and I share that position, that we must now act fairly in eliminating all such rules either for State legislators or Members of Congress. I will be pleased to answer any questions that anyone might have.

It is my feeling that this is a logical amendment to be offered to the amendment of the Senator from Colorado.

It is a strange thing for us to consider an amendment which would say that a legislator who lives in Juneau, the capital of my State, for 6, 7, or 8 months a year is entitled to deduct his expenses while there, but a Senator who is in Washington, D.C., and according to the figures we have, for 256 days would not be entitled to the same type of treatment.

But basically again we think we should answer the question that has been raised as to whether we, in fact, granted a salary increase by what we did. If we did that, Mr. President, for ourselves in the amendments that were offered by myself and the Senator from Kansas, then we did it for State legislators. We did it. They did not do it, we did it. We put them in a position where they are going to have to answer the attacks that are being made on us, and we should assist them.

If the standard is going to be changed by Congress, it is going to be changed as suggested by the Senator from Colorado, then we should make the same standard apply to State legislators because we should not burden them with some baggage that some people here think is too heavy to carry. This is, I think, a legitimate amendment and one that deserves the attention of the Senate.

I am certainly not being facetious because we are all politicians, and if it is determined by Members of this body that what we did last year was wrong and should not apply to us, then we should not saddle members of the State legislatures with those provisions, and that is what we did. We did that in a sense of fairness and equity. We provided the same type of treatment for them that we provided for ourselves, namely the per diem computation method of treating expenses away from home as a legislator, and that is what the Dole amendment addresses.

I do hope the Senate will give its consideration to this amendment. Following that I will have a series of amendments that deal with some questions of the amendment offered by the Senator from Colorado. I have one that is being prepared that deals with the question of the level of the salaries of Members of Congress. I have another one being prepared that deals with, if the Senator from Colorado's amendment is adopted, the limitation on the deductibility of expenses; in other words, if he now takes the position we went at it the wrong way then, perhaps, we should adjust the $3,000 limit, and who knows what limit the Senate may want to adopt. It was $3,000. I think the Senate agreed once that that was arbitrary and unreasonable. Certainly it needs to be better drafted, and I hope my staff understands that as they draft this amendment for me.

But I also believe that if the amendment of the Senator from Colorado is to pass and our amendments are to be eliminated, then we should put something back in the code. It certainly should not be the 1952 limit, and we will see. Maybe the Senator from Nebraska would like to tell me, does he want it to be $10,000 or $9,000 or $8,500 or $7,800?

I mean there are all kinds of numbers between $3,000 and infinity, and I think the Senate is going to have the time to vote on it, quite a few, because it is still my position that this whole continuing resolution should go to the President without amendment at all. So the record is clear, that is what I must do. I want to get this amendment in the position where finally the Senate will come to its senses and vote to table the amendment and everything else concerned with it, and come down to the point of voting on a clean continuing resolution which we will send to the President, a resolution of continuing appropriations for those areas of our Government that we have not completed.

We have a unique situation. We have an agreement with the House. The House sent us a clean bill. There it is. It is the bill, one page. They sent it without dispute. Last year I was part of a conference that argued for 2 days over the date that should go into the continuing resolution. This year we are in agreement. This year we could send a continuing resolution and have no problem at all with regard to the payments for the programs involved in the departments that are involved in the continuing resolution.

There is an agreement with the House. They sent us the date of September 30, which is what we sought last year. Here Members of the Senate want to send it back to the House, to go to conference with members of the Appropriations Committees on matters that have little relevance—have no relevance, as a matter of fact—to this bill. This bill itself is so limited that none of the amendments that are being considered by the Senate, including mine, is such that it would be immune to a point of order if any Member wanted to make a point of order. I hope at some time points of order will start to be made, and I hope the point of order may well be made against the amendment of the distinguished Senator from Colorado at some time because it certainly is still subject to a point of order because it is not germane to the basic bill, and it ought not to prevent us from sending to the President a clean continuing resolution.

So as I offer these amendments tonight and on into the morning, as long as the majority leader wants to stay, I hope every Member realizes that my goal is to send just that, that one piece of paper.

I would be very happy to vote, if the Senate will just vote, on that continuing resolution, send it to the President of the United States, and then this Senator would consider that he has done his job because that is what the programs of the country depend on, and any amendment we pass, any amendment, sends this back to the House, to a House that is unwilling to consider the amendments we are considering now.

They said they are not going to consider them this week and they are going to be in session until next week, and I perceive that the Senate will be in session until next week if we adopt any of these amendments.

So I think no one should underestimate the equal determination of the people involved. I am equally determined that until the Senate finds some way to stop me from offering amendments—and I know of none short of a cloture motion—the amendment of the Senator from Colorado is not going to be voted on. I think there are others who will join with me in that because the continuing resolution should not be amended.

We have gotten ourselves into the question of talking about the substance of the original amendment that I offered or the amendment of Senator DOLE or the amendment of Senator ARMSTRONG, and they are immaterial. The issue before the Senate is, Should the Senate send, as the House proposed to do, a continuing resolution to the President of the United States removing any question about the continuation of the basic programs of the Departments that were not subject to appropriations bills completely adopted by this Congress prior to October 1, 1981? Those include Health and Human Services, Treasury, Post Office, all the appropriations bills that were stopped by the social issues.

Let us face it, they are the bills we could not get passed because of the filibusters against particular portions of those bills that dealt with social issues. They did not deal with appropriations. They dealt with busing, prayer in schools, abortion, and those issues stopped appropriations bills that dealt with specific programs.

We have now agreed, in effect, to continue the provisions of 1981 through September 30 of 1982—at least the House did—and since the House in the past originated most of those riders, the Hyde amendment on abortions, and various busing amendments and the various amendments dealing with prayer in school—and they have recognized that for the purpose of this year the continuing resolution is the best vehicle to eliminate the question about the stability of Federal programing and to get the allocation out so these programs can continue and face the social issues on the supplemental bills, Mr. President. They are coming to us starting tomorrow when we will get the supplemental, and I think that is where these issues should be raised.

Under those circumstances, Mr. President, I am happy to present the Senator from Kansas' amendment. Again I am prepared to answer any questions anyone might have about the amendment. It cannot be voted on under the agreement prior to the hour of 8 o'clock, after which I shall have some other amendments.

Mr. EXON addressed the Chair.

The **PRESIDING OFFICER**. The Senator from Nebraska.

Mr. EXON. Mr. President, my friend from Alaska sort of asked me a question during his dissertation, and I am not sure that I technically have any quarrel with him on this amendment that he wants to offer. But the more I listen to him the more I realize that it might be that he is not as sincere in offering this amendment and that rather it might be a case of a filibuster.

So I guess maybe we better lay it on the line now that the Senator from Alaska is indeed so upset about the action that was taken that he is going to start filibustering. We should know that and lay it out.

There are those of us who feel very strongly about the Armstrong amendment that was offered. I suspect that if we have to file cloture motions, we will have to file cloture motions. I note the votes that have been taken on this particular Armstrong measure and amendments attached thereto to change it, and it looks as if we have all the necessary votes to invoke cloture if necessary.

Of course, we have been through filibusters before on the floor of the U.S.

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Senate. Even after that, I suspect that my talented friend, the Senator from Alaska, would go through the role that we went through after we invoked cloture on the Department of Justice amendment. And that would indicate, if the Senator from Alaska proceeds as he has indicated that he might, that we might be here for a long, long, long time. And it might also be that many of our less fortunate citizens, including those who draw social security, those in dire need and straits, might be placed in some degree of jeopardy.

I am sure that my friend from Alaska would say: "That is because Senators joined with Senator ARMSTRONG with regard to an amendment that I do not agree with."

Well, I am not certain it is the right thing to do, to use the filibuster tactics on a measure such as this. But I have the highest respect for not only the integrity of my friend from Alaska but his great talent. I suspect that he will, indeed, continue on that course, not, I suspect, from what he has said, to correct the rights or wrongs on the whole series of amendments that he intends to offer in his filibuster, or minifilibuster mode, but rather to take up the time that he feels is necessary to try and force the efforts of the vast majority of the U.S. Senate with regard to the Armstrong amendment presently before us.

I simply say that I do not know whether the particular amendment that has been offered is particularly important or not. I say to the Senator, specifically addressing that point, that the members of the Nebraska legislature make the grand, grand salary of $4,800 a year. They are in the State Capital in Lincoln approximately 6 or 7 months one year and about 4 or 5 months the next. So someone on that kind of a salary is somewhat different than those of us here who do make $60,000-plus, even though it is quite obvious that we have high expenses, also.

So I am going to have to study the amendment a little bit more that the Senator has offered in this case to know whether or not it would be fair to the members of the Nebraska legislature.

Now, I suspect that in many of the other States of the Union they do indeed compensate the members of their State legislatures at much higher salaries. But that is a particular concern to my State of Nebraska.

Once again, when we are talking about matters like this, it is not one State so much as it is what is basically fair across the board. So I would simply say that I am prepared, as I think most of my colleagues are, to push ahead on what we think is correct. I am sorry that my friend from Alaska feels so definite about this matter that he has chosen this course, but we all know the rules of the Senate. We know that is his right. If he feels that strongly about it, I admire him for his stand, but I think he is wrong.

Mr. STEVENS. I think the Senator from Nebraska does not perceive my objective. I will make him an offer which I am sure the majority leader would adopt immediately. That is, if those who propose the Armstrong amendment will agree to remove the Armstrong amendment from the continuing resolution, the Armstrong amendment, as a separate bill, will be the next order of business and would be voted upon on a time agreement basis for debate of less than an hour, with no filibuster against it at all. All we are trying to do is remove it from this continuing resolution.

Contrary to what the Senator from Nebraska implies might be the result of my attempt to prevent the Armstrong amendment from being put on the continuing resolution, the effect of the Armstrong amendment on the continuing resolution is the delay that the Senator from Nebraska is talking about. Because we know that the House is not going to consider that amendment in any short timeframe. They do not have to. They will be in session until next week. The time runs out tomorrow night. We have already been informed there is no way they are going to take that amendment.

Now, if the Senator from Nebraska and the Senator from Colorado want to raise the issue and send to the House a separate bill with the Armstrong amendment, I will be most pleased to be part of the arrangements to arrange a time agreement. I can take a licking. I do not mind taking a licking. I just hate to see us go into a procedure that denies us the opportunity to end the uncertainty here about these programs that are covered by the continuing resolution.

The Armstrong amendment can be offered by a separate bill within 5 minutes after this joint resolution passes. I will be agreeable to a time limit of 20 minutes. I have made my case time and time again, and I am going to lose. Take the Armstrong amendment and send it to the House, but do not send the Armstrong amendment back with the continuing resolution with the uncertainty that is involved and put us into conference.

The amazing thing is that everybody has these ideas about going to this conference and not one of them is a member of the Appropriations Committee that has to go to the House to argue about the amendment. Not one of them. And the Appropriations Committee, by and large, voted against the amendment. Yet we are going to send it into the conference in the House trying to defend the Senate.

What strange and complicated cobwebs we spin for ourselves in an attempt to seemingly seize on some kind of time problem to aid an issue.

I do not care if we lose the deductibility. I really do not. I can take that decision.

The question is, should we be able to, as a leadership, be able to sit down—and both sides did it, by the way, with the House—and say, "You send us a continuing resolution that is clean and we will send it to the President clean and we will not be involved in this ping-pong game over continuing resolutions in terms of a date."

We negotiated out September 30. They agreed. They carried out their part of the bargain. And here we are, those of us who are charged as representing the Senate in those negotiations, we have to go back with our hats in our hands saying, "Well, we didn't quite understand, because we have this amendment."

And, believe me, if this amendment passes, we will have more. This is not the last amendment, if this passes. There are others coming, and I am sure the distinguished Senator from Nebraska knows that.

Is it not unique that we would have to go and argue to get the House to adopt the amendments that we oppose?

If you want the Armstrong amendment to pass, I will commit to you—I am sure I understand the point of view of the majority leader and I think anyone else involved in this—if you just agree with us that you will pass this, we will give you a time agreement on that tonight, right after this passes, we will pass the Armstrong amendment and send that clean bill to the House and let them work their will on it. That, I think, ought to be an offer that cannot be refused, if they are sincere.

But I think there are a lot of Senators here voting for this knowing full well that the House will never take it, Mr. President. Many Senators cast their votes tonight knowing the House would never take it, but that they could go home and campaign and say, "We voted against that pernicious amendment that would have increased deductions and would allow Members of Congress to have all these unfortunate tax advantages, those that are not justified."

I have heard those all before. I have read so many editorials about the amendment that Senator DOLE and I offered that sometimes I really think that we ought to have a course in comprehension of the English language taught, again, by our good friend, the Senator from California.

I say to my friend, again, that is an offer I am sure that I can assure him that I can carry out.

If you can get the Senator from Colorado and those who voted for this amendment to agree to it and we will pass the continuing resolution, I do not care, 5 minutes later, without debate, we will pass the Armstrong amendment, send it to the House, and let the House work its will on that.

But you are the ones who are holding it up. The ones who voted for the Armstrong amendment will hold up the social security checks. Frankly, the House will not take the Armstrong amendment. We know that and everybody know that. It will take time to put it into their Rules Committee. It will take a motion to recommit with instructions. They have all kinds of procedures over there, and they are certainly not going to do them in 1 day.

It is not this Senator who is holding up the continuing resolution. I am perfectly willing to lose the fight over the issue of the deductibility of those expenses and have any provision that the majority of the Senate wants to write on it. After all, it affects you people more than it does me. It really does. The majority of the people who voted the way they did, and I will be glad to show it, are millionaires, and those deductions mean something to them. As they compute them, they say they mean $16,000 or $20,000. Do you know why? Because they are in the 50-percent bracket. The people who are in the 20-percent bracket, the ones who have been talking about it here, say, "No, it only means $5,000."

So the question is really how you perceive your own problem. I know mine. I do not care whether you change that law. It really does not affect me that much. I do not think it affects these other people that much. It is going to affect the new Members of Congress and I think it is a sad day.

One of the amendments I will offer tonight will be what we call the leveler amendment. It would say that, as a substitute for the amendment of the Senator from Colorado, no Member shall receive a reduction in Federal income tax of more than $5,000 as a result of the amendments we passed last year. Let us see how the millionaires want to vote on that one. That is just one that my fertile brain is working on. There will be many more, Mr. President.

I assure you I mean what I say, this bill should go to the President without amendment. I do not care what goes back to the House in terms of the amendment we passed last year. Take a separate bill and send it to them. I will be more than happy to work with the Senator on doing that.

Mr. EXON. Mr. President, I appreciate very much the kind and thoughtful offer which has been made by my friend from Alaska. I certainly do not have the proxy of my friend from Colorado, but I suspect that he would not be overjoyed with the most generous offer that has been made by my friend from Alaska. My friend from Alaska knows full well, since he said a few moments ago that the House is not going to accept this, that if we would agree to the scenario that he outlined we would simply be going through an exercise in futility that would indeed allow us to go back home and say, "Yes, we passed a bill in the Senate." But, my friend from Alaska knows that the people on the other side of the Capitol will have to come up and will have to be counted on this issue. That is one of the reasons that, of course, it is on the continuing appropriations resolution.

I would think that if we would agree to the offer that has been made by the Senator from Alaska we would be doing a disservice to our firmly held beliefs in this particular area.

I have been quite interested in the fact that the Senator from Alaska has been waving House Joint Resolution 409 around like it was a sacred document of some kind.

I would first say to my friend that I am not a millionaire, so I do not fall into that category. I suspect I never will be a millionaire. It has not been one of my major goals in life.

I would also say to my friend that I opposed, as he knows very well, the initiation of this action on the floor of the Senate. Whether it came as part of some bill that came over from the House I know not.

I remind him if he is as concerned as he seems to be about amendments on a continuing appropriation measure, I would simply say that if my recollection is correct it was last September 14 when indeed the Senator from Alaska, I believe, or at least he was a leader, amended a continuing resolution at that time that began the whole process that we reversed a few moments ago with voting down the amendments that were offered, and I expect that we will totally reverse that if we ever have a chance to vote on it.

So this is not the first time, I would say to my friend from Alaska——

Mr. STEVENS. Will the Senator yield?

Mr. EXON. Yes.

Mr. STEVENS. The Senator is primarily right, but that was vetoed. That bill was amended substantially—if the Senator has a recollection of his statements—was amended in great detail, before it came to the floor. We all know it was a very controversial bill. We were working on several controversial subjects, including pay. The amendments that I had at the time had the legislative pay in them. They were germane to the provision that came from the committee. In the committee I notified them that I was going to raise the amendments. They asked me to raise them on the floor rather than in the committee because they did not want it to look like we sneaked them into the bill. We did it right here in front of God and everybody. I offered the amendments and they were adopted by a majority vote on the floor. It was announced in advance that they were going to be offered. There was nothing in that bill that was like this one, a single page bill. That was a most comprehensive bill in terms of the appropriations process that we have seen in many years.

I think the Senator is correct in pointing out that I did offer an amendment to a continuing resolution, but it was not a continuing resolution like this one. It was a continuing resolution of a very complex character and was one that we knew would take some time to work out between the House and the Senate.

On this one we attempted to convince the House that if they sent us a clean bill we would send it to the President, and we would not have that kind of fight this year. We would have the fights over individual supplemental appropriations bills.

If the Senator is unwilling to take the offer of a separate bill, offer it to the supplemental appropriations bill rather than this one. The supplemental is coming tomorrow from the other body.

Mr. EXON. Will the Senator yield?

Mr. STEVENS. Yes.

Mr. EXON. Will we be taking up the supplemental tomorrow?

Mr. STEVENS. No; we could, but we are not. We are not intending to do it tomorrow. The House will pass it tomorrow, I understand, but there is no time frame on that. Everybody understands, since the continuing resolution expires tomorrow night, there is a sense of urgency in getting this bill to the President before tomorrow night.

The Senator is absolutely right that the House has indicated it is unwilling to accept the amendment we are talking about. It may ultimately do so. But the question is as to March 31 in the last continuing resolution, a date which I fought, by the way. I wanted September 30 at the time. I perceived we would have this problem in the middle of the year. It is the timeframe that is involved in the continuing resolution this time. The last time the problem was we were coming to the end of the fiscal year without having passed the new appropriations bills for the fiscal year 1982. It was not quite the same thing as this.

We then had the second go-round which the Senator will recall, when we had a very short continuing resolution. Then we passed the continuing resolution that came to March 31. The Senator will remember that we took it from the end of November or early December and passed it to March 31. The supplemental, however, is not time sensitive. I do not know of any other bill that is coming that has a timeframe involved, other than the debt ceiling. I assure you I know there will be many amendments offered to it.

I tell my friend again that those of us who supported the original amendment dealing with the deductibility of expenses are not concerned about losing the fight. We are concerned about it being put on this resolution and sent back to the House because it means a lot of things. Among other things, it means the adjournment resolution for the Senate, which is before the Senate now, which says we can adjourn on Thursday, Friday, Monday, Tuesday, or Wednesday of next week.

We do not know what day we will be able to finish, because we do not know how long it will take to get the House to agree.

The supplemental which is coming through, incidentally, is an urgent supplemental. It does contain the pay for the Department of Defense and I can assure my colleagues, that is an urgent supplemental. It is one that has a timeframe attached to it. There could be amendments attached to either of those. So far as I know, there is no policy being taken that they should be clean—in other words, that we should pass them exactly as they come from the House. I doubt that that will be the case; but I cannot speak for the leadership as a whole on that matter.

I can speak for the leadership as a whole on this one. It was my understanding that we made a joint determination that this would not be amended and it would be sent to the President. I understood that to be a bipartisan decision. The vote that has just taken place leaves that slightly in doubt, Mr. President.

Mr. EXON. Mr. President, the Senator from Alaska has hit upon the term "timeframe," and I think that is critically important to this whole measure. There is a time of April 15, a date that is 15 or 16 days away. Certainly, the Senator from Alaska knows and understands that unless, somehow, we can force the action of not only the Senate but the Members of the House of Representatives, if we let this go by the April 15 timeframe—which is very important to those of us who support the Armstrong amendment—we likely would give up any chance of reasonably changing what we thought was wrong on the action that we took, through a series of votes, last fall and winter in the U.S. Senate.

I am a little curious to know on what basis the Senator from Alaska says that everyone knows that the House is not going to accept this. I do not know that. Does the Senator know something that I do not know?

Mr. STEVENS. Yes.

Mr. EXON. Well, for the RECORD, could the Senator advise his colleagues in the Senate as to what that understanding, written or secret, is?

Mr. STEVENS. This Senator has not followed that policy of repeating for the RECORD anywhere discussions with Members of the House concerning the possible treatment of legislation that might be sent to it. I must respectfully decline to answer that, but I do know that there is a decided feeling in the House that this is going to be looked at with great disfavor.

I am sure the Senator would realize that, Mr. President.

Mr. EXON. Yes, I do, Mr. President. And I realize also——

Mr. STEVENS. This provision did not mean much to Members of the Senate. If the Senator wants to go back and look at what was done last year, I was seeking to take the pay cap off. That is how I got into all this, you know. As we sought to take off the pay cap, we found that there were problems that Members of Congress on both sides had that they thought ought to be addressed at the same time.

In a series of—a lot of people like to call them deals. They were not deals. They were in terms of a lot of meetings——

Mr. EXON. Understandings?

Mr. STEVENS. No, meetings and conferences. We discovered there were things bothering some Members of Congress. On this side, there were quite a few Members bothered by the limitation on honoraria. On that side, there were a lot who were bothered not with honoraria but the problem of maintaining two homes. They are elected every 2 years, not 6. They face a problem of commuting to their homes much more frequently than Members of the Senate. They really have a higher cost of being away from home then we do. Their expenses are much greater than ours in terms of being Members of Congress. As such, this amendment meant a great deal, in my perception, more to the Members of the House than it did to the Members of the Senate.

So, Mr. President, my statement to the Senator about knowing how this is going to be viewed over there comes to a great extent from conversations I had, and they were myriad, over the period of 1961 and since that time. I do not think this is going to be viewed with any great enthusiasm, an amendment that would change a provision that, as I said, means a great deal more to Members of the House.

It means, in most instances, whether or not they can bring their families to Washington. The majority of them do not, by the way, which I think is an abominable situation, to have a tax law that encourages that. We have found that several Members of the House were actually living in their offices. With their income and their cost of travel and the expenses they had in keeping their families at home, they determined not to have a home or apartment here at all. They lived in their offices.

We are trying to address a real difficult problem last year, not one that is as frivolous as some people seem to think this one was.

Mr. PROXMIRE. Will the Senator yield?

Mr. STEVENS. Yes.

Mr. PROXMIRE. As the Senator may know, I submitted the Armstrong amendment last year as a bill. There were 20-some sponsors on it. A number of Members of the House have taken up the identical proposal, put it in as a bill and indicated their very strong support for and their determination to do everything they can to have a vote up or down on it.

As the Senator knows, the House Members never had a chance to vote on this. They did not vote on it, we did.

Mr. STEVENS. Mr. President, I just made an offer to make certain that the Armstrong amendment becomes a separate bill, the Proxmire-Armstrong bill, and we vote on it right after we vote on the continuing resolution and send it over there and let them work their will on it. To put it on this bill means we cannot send the continuing resolution to the President by the end of tomorrow.

The House is not going to get through this in 1 day. If the Senator thinks they are, believe me, I say from my perception, they are not.

Mr. PROXMIRE. As the Senator may know, earlier today, I asked the Senator from Colorado not to put it on this bill. I said there were other vehicles we could put it on. We could put it on the urgent supplemental and the leadership would not have any procedural objection. They would object on the basis of substance, but not on the basis of procedure. I thought they would have a stronger case. However, the vote showed me wrong. There was an overwhelming affirmation of the Senate to change this law, 72 to 20; terrific.

Mr. STEVENS. Why burden this resolution down? I am surprised at my good friend from Wisconsin, Mr. President, that he does not realize the commitment we made to send this joint resolution to the President without amendment.

Mr. PROXMIRE. I do, Mr. President. It was my bill, but it was not my amendment, and I asked Senator ARMSTRONG not to put it in. His having put it in, of course, I am for the principle, so I voted for it.

Mr. EXON. If the Senator would yield, I would like to correct what the Senator said. I believe he said that Members of the House did not have a chance to vote on this?

Mr. PROXMIRE. Yes. In fact, some of them did not have any idea that this was put through until it was accomplished. They had a chance to vote for or against the black lung bill. When they voted for or against the black lung, they did not know this was on it. A number did not. They complained, they were bitter about that.

Mr. **EXON.** Mr. President, that may be in some cases, and I am sure that is true, but one of the best kept secrets in America has been that vote that was cast in the House of Representatives with regard to the black lung bill.

Mr. **PROXMIRE.** Nevertheless, Mr. President, even if some of them knew that, it is one thing to vote against this up or down; it is something else to vote against black lung. After all, that puts the Member into a very painful, difficult position because black lung is something that affects not just a few hundred people. It affects thousands of people, a terribly sad and serious illness, and it is something people felt we had to provide funds for.

Mr. **EXON.** Mr. President, I simply say to my friend that in the debate and discussion that seems to be going on here, it seems that everything is fair in love and war and passing black lung bills or continuing appropriations if some people want to do it that way, but it is not on the other side of the scale.

May I ask a question?

Mr. **PROXMIRE.** Let me just say to the Senator from Nebraska that the Senator knows I agree with him on this whole thing. Now they are going to have an opportunity to vote, I hope, up or down. If they do, I am convinced they will vote to support the Armstrong amendment.

Mr. **EXON.** Mr. President, while the Senator from Wisconsin was off the floor, we heard from the Senator from Alaska, who announced that he was going to conduct a minifilibuster, with a whole series of amendments he has. He made the statement that he is going to do everything he can to see that this piece of paper as it is written goes clean to the House of Representatives and he will keep us in session long enough to do that. So the situation has changed from half an hour ago.

Maybe you can enlighten me. I could not get the information from my friend from Alaska, but the Senator just referred to it, something about a commitment being made that this bill would go over clean. Commitment to whom and under what circumstances?

Mr. **PROXMIRE.** As the Senator knows, it is not possible for the leadership or anybody else to make a commitment that involves anybody except themselves.

The chairman of the Appropriations Committee and the majority leader both indicated their hope, their hope, that other Senators would not add an amendment.

As the Senator knows—I do not think it is wrong for me to say—in our caucus today our leader indicated that there was some expectation that Senators would not offer any amendment to this and it would go through clean.

There was not any commitment. Senators are free to offer any amendment they want to. It is perfectly proper for them to do it, but there was just a hope.

Mr. **EXON.** Will the Senator yield?

Mr. **PROXMIRE.** This was just a hope on that.

Mr. **EXON.** Is it fair, to make it clear, that this Senator did not go along with that?

Mr. **PROXMIRE.** It certainly is. The Senator from Nebraska spoke out in the caucus and indicated he reserved his right to offer an amendment.

Mr. **EXON.** Since the Senator has been in on this, my friend from Wisconsin, from the beginning, does he agree with the statements that have been made by the Senator from Alaska that there is no way that the House of Representatives will accept the Armstrong amendment? There is no way, he says, and I cannot find out why.

Mr. **PROXMIRE.** I do not think that anybody can speak for any Member of either body. Of course, there is a way, and I think that it is a matter of difference of opinion. The Senator from Alaska may be correct; they may not want to accept this. On the other hand, I am convinced that if there is a vote up and down in the House, it will go through and go through big, very big.

Mr. **EXON.** I think the Senator is right.

Mr. **PROXMIRE.** As it did here.

Mr. **EXON.** I think the Senator is right, and I agree. I yield the floor.

Mr. President, I suggest the absence of a quorum.

The **PRESIDING OFFICER** (Mr. BOSCHWITZ). The clerk will call the roll.

The legislative clerk proceeded to call the roll.

RECESS UNTIL 8 P.M.

Mr. **STEVENS.** Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The **PRESIDING OFFICER.** Without objection, it is so ordered.

Mr. **STEVENS.** I ask unanimous consent that the Senate stand in recess until 8 p.m.

There being no objection, the Senate, at 7:32 p.m., recessed until 8 p.m.; whereupon, the Senate reassembled when called to order by the Presiding Officer (Mr. BOSCHWITZ).

PRIVILEGE OF THE FLOOR

The **PRESIDING OFFICER.** The Senator from Colorado.

Mr. **ARMSTRONG.** Mr. President, I ask unanimous consent that two members of my staff, Bob Potts and Lee Stillwell, be granted access to the Senate floor during the remainder of today's session.

The **PRESIDING OFFICER.** Without objection, it is so ordered.

Mr. **STEVENS.** Mr. President, I do want to call the attention of the Senate to the fact that the amendment of the Senator from Kansas is not a facetious one. There is a problem in the existing law pertaining to State legislators. They are permitted to deduct 110 percent of the Federal per diem that is paid to Federal employees in the State capital, if they live more than 50 miles from the Capitol, and there has been some objection raised to the manner in which that amendment was worked out with regard to those people who live less than 50 miles from the Capitol but do have expenses while they are away from home as members of State legislatures. So it is not a facetious amendment. It is an amendment that, as I indicated, would put State legislators on the same footing that the Specter amendment would have put Members of Congress. It is a change in the procedure that was established. It does away with the per diem type of computation of their entitled expenses while away from home.

I suggest the absence of a quorum, Mr. President.

The **PRESIDING OFFICER.** The Clerk will call the roll. The bill clerk proceeded to call the roll.

Mr. **STEVENS.** Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The **PRESIDING OFFICER.** Without objection, it is so ordered.

Mr. **STEVENS.** Mr. President, again I want to make the offer—I see the distinguished Senator from Colorado is here now—that if this amendment is taken down and a separate bill is introduced, we will commit that it will be voted on this evening with not more than a 10-minute time agreement. It will go to the House. The House will have a chance to work its will on the change in the basic law that the Senator from Colorado and others seek.

Our basic objection is to the fact that it is being added to this continuing resolution at a time when we are attempting to keep the resolution free of all amendments. If this amendment passes, I am confident there are other amendments. I have already been informed there are other amendments not only on this side of the aisle but on the other side of the aisle which will be offered tonight. This will become a Christmas tree before it goes back to the House. Eastertime is just not the time for a Christmas tree, Mr. President.

We are getting ready to go back to our States for the Easter holiday. The Senate is prepared to recess on Friday and the House will recess next week. If this bill goes back to the House in amended form, I am confident the Senate will not recess this week, and the Senate should be advised of that. The majority leader has made that statement already in connection with the adjournment resolution.

But I would like to call to the attention of Members of the Senate who think they are being conservative that last year, when we got in the battle over a continuing resolution and there was, in fact, a delay in getting the continuing resolution approved by the time of the expiration of the preceding resolution, the cost to the Federal Government was $80 million a day for the delay that was involved. There is no way, by any stretch of the imagination, that the amendment that is before the Senate now could have an impact of $80 million if it were in effect for 80 years. This is just not an amendment that affects money in any great sense like other actions of the Congress does, particularly in a continuing resolution dealing with so many subjects, as it does. So those people who profess that this is an act of conservation ought to look at their hole card, because this amendment really does not save the Treasury money.

It may be a gesture. If the Senate wants to make a gesture to the public about cutting expenses of the Senate, I am prepared to give them that opportunity tonight.

I am prepared to vote now. The distinguished majority leader indicates that he is prepared to vote. I am prepared to vote at this time.

Mr. BAKER. Mr. President, is there further debate on this motion?

The PRESIDING OFFICER. The question is on the amendment of the Senator from Alaska.

Mr. STEVENS. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

Mr. STEVENS. Mr. President, this is the amendment of the Senator from Kansas. He is most serious about it. I have offered it on his behalf because he was at an appointment which was a very important one. But he is very serious about this, about the inequality that will exist of our having made a political decision to adopt the Armstrong amendment and to leave the State legislators in a position of having to explain the amendments that were adopted, that the Senator's amendment would eliminate, is a most unfair position. This is basically a fairness amendment. I hope that Members of the Senate will view it from that point of view. I am most sincere. This is not an amendment to just destroy the Armstrong amendment. It is an amendment to make State legislators be treated the same way as the national legislators would be if the Armstrong amendment passes. We are not for the Armstrong amendment, but this amendment is a basic amendment if fairness and it ought to be adopted.

The PRESIDING OFFICER. The question is on the amendment. The yeas and nays have been ordered.

Mr. DOLE. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

Mr. DOLE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DOLE. Mr. President, it was my thought that I would ask that the yeas and nays be vitiated, but I understand there would be an objection to that. So I will just take 1 minute on this amendment, and then we can proceed to a vote, if that is satisfactory.

Mr. STEVENS. Will the Senator yield?

Mr. DOLE. Yes.

Mr. STEVENS. Does the Senator not agree that this is basically an equity amendment that we are not attempting to destroy the Armstrong amendment by this amendment, and that this amendment will treat State legislators the same way we would be treated if the Armstrong amendment passed? Without this amendment, the State legislators have to defend the very thing that some people here do not want to defend at home. Why should we leave them in the position of having to defend the actions that we are unwilling to defend for ourselves?

I think it is a basic fairness amendment, and that is why I agreed to offer it for the Senator from Kansas. I hope he agrees with that. It is not possible to get it adopted by voice vote.

Mr. DOLE. Mr. President, it just seems to me that those who voted and made great speeches on the Senate floor—some of them I heard; some of them I could not tolerate, but I listened to some. [Laughter.]

I heard all the anguish, posturing, and everything else about how we just cannot do this. State legislators have been doing it for the last 4 years, only their deductions can be as high as $82.50 a day, depending on what city they are in. Certainly, in a matter of fairness I would not want them to be subjected to the same media attacks and to the same attacks by our colleagues that we have been subjected to.

I think in fairness, I want to protect my colleagues in the Kansas Legislature, in the Wisconsin Legislature, in the Colorado Legislature, in the Louisiana Legislature, and in all the other legislatures where millionaire members come from. We ought to make certain we are going to treat everybody alike.

I contacted the National Council of State Legislators about a month ago and said, "You fellows better get busy." So far as I know, they have not done anything. They will be busy tomorrow if this amendment should pass.

I like State legislators. I was a State legislator once at $2 a day. Fantastic. The press complained about that.

I want to try to be fair. I really think this is the kind of amendment that ought to be adopted on a voice vote, but I am willing to have a rollcall.

I would say to those who were so anxious to deny this deduction to the Members of Congress, they certainly ought to want to treat State legislators fairly. I think it is a fairness amendment, equal rights, civil rights, however you want to characterize it. It is an opportunity that we have tonight to indicate to the American people that we are not going to have a double standard—not one standard for Members of Congress who live under the glow of the press, and another standard for every other State legislator in this country.

Mr. PROXMIRE. Will the Senator from Kansas yield?

Mr. DOLE. Yes.

Mr. PROXMIRE. Does the Senator argue that the State legislators are in exactly the same position as Members of Congress?

Mr. DOLE. They are in a better position than Members of Congress. They do not have to fly back and forth to Wisconsin or drive from one county to the next.

Mr. PROXMIRE. Is it not true that, No. 1, a State legislator's pay, as the Senator indicated, is far less than ours?

Mr. DOLE. I know of State legislators who are paid $47,000 to $50,000 a year.

Mr. PROXMIRE. Wisconsin is one of the highest in pay for State legislators at $22,000 per year, and Nebraska, I understand, is $4,800 a year. New Hampshire is less than that.

Mr. DOLE. We are just saying they should not deduct unsubstantiated travel expenses. That is the argument here, as I understand it. It is argued that we should not be entitled to deductions unless they are substantiated. Well, we lost that one, too. Now we are back to $3,000 enacted in 1952 when the pay was $15,000 per Member.

Mr. STEVENS. The impact of this is to take the guaranteed per diem deduction from State legislators. They may deduct 110 percent of the applicable Federal per diem rate for their State capital city if they live more than 50 miles away from the capital, that amount multiplied by the number of days they are in session. In the Treasury bulletin, it is the same thing.

Mr. PROXMIRE. May I say to the Senator from Alaska there is a tremendous difference. In most States, and certainly in my State, and I am sure it must be true in most States, the State legislatures are not in session nearly as long as the Congress is. The fact is that they do spend almost all the time in a particular county or city when they are away from the State capital. When they visit the State capital, they visit away from home.

Mr. STEVENS. This amendment will allow them to deduct 100 percent of their actual expenses away from home without the standards set by the Treasury Department of 110 percent of the Federal per diem rate. It was the Specter amendment that this would restore them. They can still deduct all of their expenses away from home.

Mr. DOLE. The legislature in New York was in session last year 330 days. They needed this amendment.

Mr. PROXMIRE. There are exceptions, of course.

Mr. DOLE. State legislators can deduct up to $82.50 a day.

Mr. PROXMIRE. But the Senator is not saying that the other 49 States are all like New York. A great majority of State legislatures are in session far less than the Congress.

Mr. STEVENS. But this amendment would give them the right to deduct 110 percent of their expenses away from home without regard to the limitation imposed by the amendment of the Senator from Colorado. We are taking the baggage off of them. Some seem to think it is baggage. We do not. Why put them in the position of having to defend an arbitrary 110 percent of the Federal per diem concept which was the same basis which led to this Treasury bulletin that affects us?

Mr. PROXMIRE. We can act on our own problems here as far as taxation is concerned. We know them. We have debated this over and over again. When it comes to a State legislature, however, we do not have a committee report. Were there hearings on this repealer?

Mr. DOLE. There were no hearings when the State legislator provision was adopted last year. It was part of the Economic Recovery Tax Act. In some States, State legislatures have permission to meet almost year round. Moreover to get a deduction, the legislature does not have to be in session so long as the legislator is physically present at a committee meeting.

I want to emphasize what the Senator from Alaska emphasized. We are only going to repeal the special per diem rule that was enacted for State legislators under the Economic Recovery Tax Act. Even with this change, the State legislators would still be given preferable treatment relative to the proposed rule for Members of Congress. This is because State legislators would not be limited by the $3,000 ceiling now being proposed for Members of Congress.

Mr. PROXMIRE. Have we any indication on the part of State legislatures how they feel about this?

Mr. DOLE. They do not want it to happen any more than we wanted to have the treatment for Congress to change.

Mr. PROXMIRE. We voted 72 to 22 or something like that in favor of changing this. The State legislators have not had an opportunity to indicate their position.

Mr. DOLE. We did not have hearings on the provision when we adopted it last year. I say in fairness we ought to apply the rule applied to Members of Congress to the State legislators. I heard all this talk about how we were going to claim these deductions without substantiation. Why should State legislators claim unsubstantiated deductions. If it is wrong for the Members of Congress, is it right for the State legislators? Is it right for the State legislators not to have to substantiate up to $82.50 a day?

Mr. PROXMIRE. My problem is the Senator from Kansas has a big advantage, being the chairman of the committee and he knows the record here. But most of us do not have that advantage. We have not had the benefit of the hearings by the Finance Committee. We do not have a recommendation by the committee before us. We do not have a committee report. We do not have any of that before us.

We do have the word of the Senator from Kansas, which is very important and very helpful to us. But if we are dealing with other people, not with ourselves, if we are dealing with other legislators, it seems to me in all fairness we at least should have some notion of where they stand on it. The Senator has indicated they are against it, and the Senate has indicated they favor the Armstrong amendment. They favor going back to the situation we had before last September.

We are acting on their position without our knowing what their position is except on the assumption they will not like what we are doing to them.

Mr. DOLE. I am just getting down to where it ought to be. I do not want to offend anybody. Is it all right to say it is not fair for Members of Congress? I suggest that if we are really concerned about fairness, the fair thing to do is to make certain that this travesty is not inflicted on anybody else.

The reason the State-legislator provision was included in the Economic Recovery Tax Act was that the threat that if we did not enact it, the California delegation would make everybody in the House run at large in the State of California. I wish that would happen. We apparently will lose about five seats out there after the plan was adopted.

I think we have adequate debate on it. If Members of Congress want a double standard, if they want a lower standard for themselves rather than equal treatment, they should reject this amendment. The Senator understands parity. I think there ought to be parity between the Members of Congress and the State legislators.

We can be fair and we can give the State legislators what we deny ourselves. That is a judgment we have to make in this body.

It does not make that much difference to any of us because it is a tax benefit we are not going to have.

Mr. STEVENS. I say this beyond that, Mr. President. I have been contacted by members of several State legislatures——

Mr. DOLE. The 50-mile limit is very offensive to them.

Mr. STEVENS. They live within the 50-mile limit and the amendment we adopted last year prevents them from claiming their expenses. They are very disturbed about it. They want to have it restored so that everyone justifies their expenses when they are away from home at State legislatures.

Mr. President, I do not think that is an unfair position. So again, I say it is not a facetious amendment as far as I am concerned.

Mr. DOLE. To say it is not facetious; there have been those complaints. I have heard from a legislator in my State who lives within that limit. But that is a special case.

I say most State legislators like this little benefit. I do not suggest that they do not like it. I think some would file any returns in this body. They would like that.

Mr. TSONGAS. Mr. President, I say to the Senator from Kansas that I supported Senator BAKER in his motion and also that of the Senator from Pennsylvania, but I shall not be supportive of the Senator from Kansas, for the very simple reason that in my State, we have lost some of our best legislators this year because they simply cannot afford it.

Mr. DOLE. That could happen here, also, I might add.

Mr. TSONGAS. If I may continue, Mr. President, I find that if anyone had doubted that there are giants in the Senate, they should come to this debate and listen to those who argue the other side. It seems to me, Mr. President, that we should have some kind of rule around here where people are not allowed to run unless they come from wealthy situations. In that case, nobody has to take salary, we do not have to go through this charade all the time.

One of the mottoes in the House when I was there was, "Vote 'No', Take the Dough." I am sure we have all heard that. I thought when I came to the Senate that this was a body of higher esteem. I guess I shall just have to wait until the next life to go beyond that.

To make the argument, Mr. President, that this is not the appropriate time is a solid refrain. I have heard it ever since I have been here. It would be interesting, would it not, to go back and look at the voting records of some of those who are arguing so vehemently and see how they voted back through the years on the issues of pay raises, et cetera. Then ask yourself the very simple question: Did they take the money? Many of them were the first people at the teller's cage when the checks came due.

Mr. President, when I was in the House, I used to vote against pay raises and I did so consistently and, frankly, in retrospect, I did it for reasons that are very hard to explain to myself now. At least here, I should like, for my own sake, to acknowledge that. This is the Senate, there are expenses, there are obligations. I did not happen to be born into a wealthy family. I apologize. Next time, I shall do better.

It sickens me, Mr. President, to have people who have outside income get up here and perform the holier-than-thou routine. So what are we going to become, a body of wealthy people? Do you think you vote any better than we do?

You know, Mr. President, when one's career is over, one can stand up and say, "I stopped the tax deduction." Big deal. What are the issues out there? Arms control. Do you give a damn about arms control? Foreign policy in Central America. People are starving in some of the places I have lived in my life. Where is the passion on those issues?

Mr. President, in my political career, I have gone from the Lowell City Council, to 'the Middlesex County Commission, to the House of Representatives, to the U.S. Senate. At each step, I figured that, at the next step, I would find statesmen. There is no functional difference between the U.S. Senate and the Lowell City Council when it comes to issues like this. No functional difference. We are just better paid.

The prospect of my children dying in a nuclear war exists and I went home today to spend an hour with them, took my middle child, put her on my shoulders, and walked around the block. We ought to be here debating the issues that guarantee their survival. What time did we begin this nonsense?

Mr. President, it seems to me that people, at some point, should recognize that maybe it is better not to be in the Senate to have to go through all this. You go home, you look in the mirror, and say, "I stood up." Big deal. There are great issues out there that I think deserve better. If we are going to engage in this kind of thing, let us do it and eventually, the body will be filled by those who were born correctly.

My father was an immigrant and all he gave us was affection and a desire to be educated. Frankly, I think that is enough. I hope that when my career is over, when people look back to what I have done, they will find that I have tried to expend my efforts on those things that really counted and I did not participate in the kind of grandstanding that these issues lend themselves to.

Anybody can do it. We all could do these things—go back and look great back home. What do you do to the institution if the same thing exists at the State level?

One of the best people we have in the Massachusetts Legislature is Jerry Cohen of Andover, Mass. He is quitting. A lot of other people are leaving this year, too, in a massive drain of intellect from our State legislature because of this kind of issue.

I was thinking, given the vote that took place earlier—where the hell did the votes come from before? If it was wrong, why was it wrong before? It is now wrong? Why? Because people are upset? Is that the test?

Maybe, in the larger sense, Mr. President, that vote really reflects what we deserve. if that is what the Members think of this body, so be it. I say that I am going to vote against the amendment, though I share strongly the feelings of the Senator from Kansas, because what he said about my State legislature is wrong, but I commend him and the Senator from Tennessee and the Senator from Alaska. You get no plaudits back home for doing this, but I frankly feel a hell of a lot better being identified with you and voting with you. As I said, next time around, I shall try to come back wealthy and I apologize for not having done that in the first round.

Mr. LEAHY. Will the Senator from Massachusetts yield?

Mr. TSONGAS. I yield.

The PRESIDING OFFICER. The Senator from Vermont.

Mr. LEAHY. Mr. President, I shall be very brief. I commend the Senator from Massachusetts for pointing out that we are members of what has been called by some the world's most deliberative body and by others, with varying degrees of affection or lack thereof, the world's most exclusive club, and by others various terms which I shall not repeat here because they probably violate one of the Senate rules.

Mr. President, I point out, as the distinguished Senator from Massachusetts has, that irrespective of how one might feel on this whole pay issue or anything else, I know, since I have been a Member of this Senate, we have spent more time on the floor, going back and forth debating pay issues, sometimes debating a $1,000 or $2,000 pay raise. By so doing, we have spent more money on overtime and CONGRESSIONAL RECORD prints and so forth than that pay raise would have been.

We have had times, for example, when, because we have discussed a $1,000 or $2,000 item like this, we have gone into the next fiscal year and given automatically every member of the Federal judiciary a substantial pay raise, while we talked that extra 20 minutes or half hour or 45 minutes. It makes us all look bad.

Mr. President, I share with the Senator from Massachusetts the joy of having young children. My children will live most of their lives in the next century if there is a next century—if there is a next century. Yet, we face the risk of nuclear war in this century. If we go with the next generation or quite possibly the next generation after that of nuclear weapons, weapons on a hair-trigger readiness, we shall have a nuclear war in this century. We will—it becomes a probability, not a possibility. Yet I have heard more discussion on the floor of the U.S. Senate, in the 7 years I have been here, on whether we will go $1,000 more or $2,000 more or whether we shall take three elevator operators off somewhere because, after all, a couple of them were studying for an exam at 1 o'clock in the morning when someone did not need the elevator.

We have spent more time discussing that on the floor of the U.S. Senate than the fact that we might end up incinerating the whole world in a nuclear holocaust.

Mr. President, I am not going to take up more time on this issue, but I hope we vote one way or the other, complete this matter and then maybe, maybe some can take time out to send in a press release saying they stood for or stood against it and settle down to the one life-and-death issue facing this Nation, that of nuclear holocaust.

Mr. DOLE. I say to the Senator from Massachusetts I do not disagree with his concerns about the State legislature. If we are ever going to have any opportunity to resolve this question, I think my proposal might be one way to proceed, if we believe in parity and fairness. I do not have any quarrel with my State legislators. I talked to the president of my State senate yesterday, and I said this may happen. It will not happen to them because they are not here. If they were in this body, it already would have happened to them. But I share the views expressed by the Senator from Massachusetts.

I am prepared to vote for the very reasons already expressed. I think we started this debate at 3 o'clock. It is now quarter to 9. I think it is probably time that we did move on to something that may not be newsworthy, but may be something important.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Alaska. The yeas and nays have been ordered. The clerk will call the roll.

Mr. STEVENS. I announce that the Senator from Arizona (Mr. Goldwater) and the Senator from New Mexico (Mr. Schmitt) are necessarily absent.

Mr. CRANSTON. I announce that the Senator from Michigan (Mr. Riegle) is necessarily absent.

The PRESIDING OFFICER (Mr. Warner). Are there any other Senators in the Chamber who desire to vote?

The result was announced—yeas 17, nays 79, as follows:

[Rollcall Vote No. 68 Leg.]

YEAS—17

Andrews
Baker
Biden
D'Amato
Dodd
Dole
Domenici
Garn
Hawkins
Hayakawa
Helms
Laxalt
Nickles
Packwood
Roth
Stevens
Wallop

NAYS—79

Abdnor
Armstrong
Baucus
Bentsen
Boren
Boschwitz
Bradley
Bumpers
Burdick
Byrd, Harry F., Jr.
Byrd, Robert C.
Cannon
Chafee
Chiles
Cochran
Cohen
Cranston
Danforth
DeConcini
Denton
Dixon
Durenberger
Eagleton
East
Exon
Ford
Glenn
Gorton
Grassley
Hart
Hatch
Hatfield
Heflin
Heinz
Hollings
Huddleston
Humphrey
Inouye
Jackson
Jepsen
Johnston
Kassebaum
Kasten
Kennedy
Leahy
Levin
Long
Lugar
Mathias
Matsunaga
Mattingly
McClure
Melcher
Metzenbaum
Mitchell
Moynihan
Murkowski
Nunn
Pell
Percy
Pressler
Proxmire
Pryor
Quayle
Randolph
Rudman
Sarbanes
Sasser
Simpson
Specter
Stafford
Stennis
Symms
Thurmond
Tower
Tsongas
Warner
Weicker
Zorinsky

NOT VOTING—3

Goldwater
Riegle
Schmitt

So Mr. Dole's amendment (UP No. 861) was rejected.

The PRESIDING OFFICER. The Senator from Alaska is recognized.

UP AMENDMENT NO. 862

Mr. STEVENS. Mr. President, I have an amendment at the desk and I ask for its immediate consideration.

The PRESIDING OFFICER. The amendment will be stated.

The legislative clerk read as follows:

The Senator from Alaska (Mr. Stevens) proposes an unprinted amendment numbered 862.

In lieu of the language proposed to be inserted, insert the following:

The last sentence of section 162(a) of the Internal Revenue Code of 1954 (relating to trade or business expenses) is amended by inserting ", but the amounts deducted by any Member for living expenses with respect to any taxable year shall not exceed an amount which results in a reduction of Federal income tax of more than $5,000 for that Member."

Mr. STEVENS. Mr. President, without losing my right to the floor I yield to the Senator from Kansas for a remark about the previous amendment.

Mr. DOLE. Mr. President, I think the vote on the last amendment indicates that there is a double standard but the difference is that those who benefit from the amendment that was just rejected are voters in everyone's State, and I understand that.

Mr. STEVENS. Mr. President, this amendment which is intended and is offered as a substitute for the Armstrong amendment would limit the impact of the amendments that were adopted last year for expenses away from home to a maximum of $5,000 per year per Member.

The claim was made that we had a salary increase as a result of what we did and that somehow or other we sought some special advantage.

To put that aside, just look at this proposition of what we did last year. I have offered this amendment in the nature of a substitute to the Armstrong amendment so that we can discuss what we are doing.

Last year when we delayed, as I told the Senate before, in getting the continuing resolution through it cost us an average of $82 million for each day we delayed.

As to the impact of what we are discussing tonight, about $5,000, which is about the average those amendments we adopted last year will have for the average Member of Congress anyway, it will take 32 years for those deductions to equal 1 day's delay. The cost of the delay last year was $82 million each day we were delayed.

Somehow or other we are going to have to try to get the Members of the Senate to understand that sending this bill back to the House of Representatives amended is going to mean delay in getting a continuing resolution through by March 31.

In the absence of some Members of the Senate we made the offer, and I wish to make it again, that if the Senator from Colorado will withdraw his amendment and offer it as a separate bill immediately after the passage of the joint resolution as a clean bill tonight we will take up the bill of the Senator from Colorado, the amendment that was not tabled by the vote we had before, and pass it immediately with a time agreement of 10 minutes. We will send it to the House of Representatives and let the House of Representatives work its will on that bill.

But the Senator from Colorado, and it is his right, wishes to use the leverage of the continuing resolution to try and force the House of Representatives to accept an amendment it does not want.

I have tried to explain before that the expenses away from home provision means more to any Member of the House of Representatives than it does to any Member of the Senate. They are elected for 2 years. They spend a great deal more time traveling back and forth to their districts. They have a more difficult time than we do in justifying the expense of trying to buy a home when they are only here for just 2 years. Many of them do not bring their families here. They do in fact have different kind of expenses than we do. As I indicated, we found that some Members of the House of Representatives were actually living in their office because of the problem of trying to meet the expenses that they had to face of traveling back and forth to their home and maintaining the family at home and trying to be here at the same time.

I think that the expenses away from home provision means more to the House of Representatives than it does to the Senate and I can assure the Senate it is not going to be accepted over there very quickly.

As a consequence, I do predict a rather severe delay in passing the continuing resolution if this amendment is adopted as part of this continuing resolution, and I am doing my best to try and convince the Senate not to pass the Armstrong amendment but to pass a clean bill and send it to the President tonight.

I will do anything, even though I disagree with it I will do anything, that is necessary to see to it that the Senator's amendment is passed and sent to the House and let them work their will on it.

The impact of this amendment would be to eliminate the advantage of those who are very, very wealthy in this body with regard to what we did last year, because we constantly face arguments about what was the impact of what we did last year, and it did not dawn on me for a while that some people were looking at their income tax returns in a 50-percent bracket and I am looking at mine and the Senator from Massachusetts is looking at his, and we are not in that bracket, have never been, do not intend to be, have no real opportunity to be.

As a practical matter, the impact of the amendment we passed last year, the average in Congress of about $5,000 is the maximum amount that is going to impact on the income tax returns that you file this year. You will have to wait to look at them yourselves to know that, but those of us who have gone through it so far—and I have not filed mine yet, by the way, as I anticipated this little battle, and I thought we might as well fight it out first—I can assure you if you look at your tax return that the maximum amount you are going to achieve in terms of any savings as a result of what we did last year is $5,000.

So I think we ought to just face right up to it. If people think it is more than that, and they are really voting to do away with what we did last year because they are listening to some of these people who say it could mean $15,000, $20,000, $30,000, or as I told the Senator from Wisconsin one comment was made that no Member of Congress would have to pay any taxes any more as a result of the amendment last year, I read that report, I want to assure you that this amendment would limit it. It would mean no Senator, no Member of Congress, regardless of his financial position, could benefit more than $5,000 as a result of the expenses-away-from-home provisions of last year.

Mr. ARMSTRONG. Mr. President, the amendment of the Senator from Alaska has much to recommend it. Certainly if we wish to adopt the amendment and, in fact, it were enacted into law, it would be a great improvement over the present law which, as I have previously pointed out, is unfair and is widely perceived to be unfair.

I also think the Senator from Alaska is correct in pointing out that his amendment would represent only a modest increase in the allowable deductions over those which were permitted prior to October 1 of last year. So I am not prepared to say that the amendment is without merit.

But I do suggest this: That the right place for us to draw the line tonight is for us to set the clock back to where we were before a series of floor amendments on two continuing resolutions and the black lung bill resulted in some tax consequences which were really not understood or foreseen by most Members and which did, in fact, result in Members of Congress being taxed on a different basis from other similarly situated taxpayers.

Now, the principle that I want to uphold is this: In the end, not just after tonight but after we get all done with this issue, whenever that is, Senators and Representatives ought to be taxed on a basis of equality, on an equal footing with all other taxpayers. That was my goal at the outset, that was the principle which, in fact, many believed was inherent in the amendment which we adopted last fall.

I will remind you that the very text of an amendment which was adopted on September 24 of last year contained the following declaration, and I quote:

> It is the sense of Congress that the dollar limits on tax deductions for living expenses of Members of Congress while away from home shall be the same as such limits for businessmen and other private citizens.

That is the right concept, that is where we ought to end up, in my opinion.

I do not want to cover again the ground that I plowed in the opening minutes of the debate about 6 or 7 hours ago. I have not attempted to discuss this issue at any great length. But that is my ultimate goal, to see to it that taxpayers in the Senate are treated just like taxpayers anyplace else.

Frankly, I doubt that it is possible for us to accomplish that in this setting and, therefore, believing that that was not possible or likely outcome, it seems to me that the wisest course was for us to simply repeal the ill-advised amendment which we adopted under quite similar circumstances last fall, that is twice on continuing resolutions and once on a black lung bill, with little notice, with little time for careful study. We took up and we debated it in quite a hurried sort of setting in the sort of context in which it was difficult if not impossible for Members to fully understand the ramifications of it, and we are dealing with rather a complex area of the tax law, and we did adopt some amendment. I think that was a mistake.

The reason I give you this much background for this amendment, which I am going to vote against, is I think it has some merit but I do not think it really solves the problem, and I do not think it puts us where we ought to be.

The reason I wanted to give you that additional word of background is this: That I have approached this thing with an inquiry as to how I would personally feel if I were one of the sponsors of the amendment and drafted an amendment which would put Members of Congress on a basis which was equal to other similarly situated taxpayers.

What I said was if they have such an amendment, I would be glad to look at it. I tried to draft such an amendment prior to the amendment which I did offer, and it was a very elusive task, and with the resources available to me and the counsel available to me, I could not come up with something that I would certify to this body would have that effect.

I am skeptical that we would be able to do anything like that tonight. In fact, I am going to be skeptical of any substantive amendment, if it comes up this evening, when we are all tired, when none of us has had time to study or read the tax code or seek advice. In the interest of disclosure that has been the direction I am ultimately moving in I would say to the Senator from Alaska and others ultimately concerned.

So while I am going to vote against the Senator's amendment, I want to make it clear that in the event my amendment should prevail and be sent to the House, if it were possible for the conferees to work out something which would certifiably truly without doubt put us on a footing of equality with other taxpayers I would not resist that. I do not think tonight is the night to do it. I do not think the Stevens amendment now pending really solves our problem but actually compounds it. So I am going to vote against it for that reason.

Mr. EXON addressed the Chair.

The PRESIDING OFFICER. The Senator from Nebraska.

Mr. EXON. Mr. President, will the Senator from Alaska yield for a question? Could I ask him a question on this so that I could verify something in my own mind?

Mr. STEVENS. I would be happy to answer.

Mr. EXON. Assume that the amendment that you have at the desk would indeed be acted upon favorably by the body. Then that would be attached to the continuing resolution that would go back to the House; is that correct?

Mr. STEVENS. Yes; that is correct.

Mr. EXON. You have made the point over and over again in debate on this measure that you want that bill to go back there clean and without any amendments on it whatsoever, but you are willing to accept this amendment?

Mr. STEVENS. I am of the opinion that the vast majority of the House amendments that were adopted last year do not give that much tax advantage, and I have every confidence that the House would accept this amendment as being a clarifying amendment of what we did in the past.

Despite the claim of people here on the floor and elsewhere, particularly in the in the printed media, that we passed an amendment that eliminated the tax liability of Members of Congress, that is the maximum that we can compute as being the amount that on an average throughout Congress would be the advantage of the amendment we passed last year. Therefore, I think the House will take that amendment without any question.

Mr. EXON. Let us assume the House did not take the amendment after we sent it over there. If the House turned down the amendment then I presume that the present advantages that we have would then become law.

Let me put it another way. If it went to the House and it were turned down, we would be back essentially to claim the deductions we can claim right now; is that correct?

Mr. STEVENS. The Senator is correct. The impact of claiming those deductions would be not to exceed the $5,000 per Member.

What I am telling you is the adoption of the amendment in effect preserves the existing circumstance with the assurance to those who oppose what we did last year, which was neither ill conceived nor ill advised nor undebated, despite comments on the floor to the contrary. This would say that no Member would benefit more than $5,000 in the utilization of the deductions that were authorized on the basis of being away from home, and that, in my opinion, is the net effect of what has happened already, what will happen, and you will see that when you fill out your tax return.

Mr. EXON. In other words, if this amendment were adopted, passed here and accepted by the House, we would, in essence, have made the change by raising our old $3,000 to $5,000; is that correct?

Mr. STEVENS. No; the $3,000 limit is a deduction and this is a $5,000 limit of tax paid. This is a reduction of Federal income tax of $5,000. For a person in the 50-percent bracket, this would be like having a $10,000 figure to replace the $3,000. For a person in the 20-percent bracket, it would increase it by about $2,500.

Mr. PROXMIRE. $25,000.

Mr. STEVENS. Mr. President, I am talking about the deduction of $3,000 as opposed to $10,000.

Mr. EXON. Mr. President, to state what my understanding of the Senator's amendment is, it is that he has simply said that the average Member of the House and the Senate would have been entitled to approximately $5,000 of deductions as opposed to not paying any tax at all, as reported in the press, and that would be the basic affect of his amendment.

Mr. STEVENS. The basic impact of this would be to put a limit on the impact of the deductions that would be taken for being away from home under the amendment we passed last year. It would say that no Member could reduce his tax liability by more than $5,000.

As I said, that is the maximum we can conceive it coming out to if that formula is properly applied under the existing circumstances that exist with about half of the Members of Congress owning houses and half not doing so, and the impact of the $50 and $75 limit.

Mr. EXON. Mr. President, I certainly agree with my colleague from Colorado by saying that certainly this amendment offered by the Senator from Alaska has some merit.

Now, let me go back, though, to a previous debate on another amendment. The Senator from Alaska told me that he could almost assure me that the Members of the House of Representatives would not accept the amendment offered by the Senator from Colorado. That is correct; is it not?

Mr. STEVENS. I believe that to be the case; yes.

Mr. EXON. Now, the Senator tells us that he is equally convinced that they would accept his amendment.

Mr. STEVENS. Yes.

Mr. EXON. Can the Senator explain to us how? Has he consulted with them on this?

Mr. STEVENS. I know the impact of the amendments that we passed last year on Members of the Congress. For the vast majority of the Congress, it does not mean more than $5,000 in maximum impact. For those people who are in the 50-percent bracket, it may. And this to my good friends who happen to be fortunate and be in that bracket—I guess that is the ceiling now. It cannot be above it anymore. But for those people, this will say that you cannot have any more than those who are roughly in the 25-percent bracket. But this is an assurance that there is not going to be any vast escape from taxes under the amendments that were passed last year.

As I say, for the Members of the House, they would be lucky to have the $5,000 deduction, as I understand it.

Mr. TSONGAS. Will the Senator yield?

Mr. EXON. I will yield to the Senator in just a minute. Would they not be better off with the law as it now stands?

Mr. STEVENS. You mean you would rather have a $3,000 deduction than a $5,000 deduction from your tax liability?

Mr. EXON. Would the House of Representatives not be better off with the law as it now stands?

Mr. STEVENS. It depends on their gross income after other deductions, adjusted gross. Let me correct that. It depends on the adjusted gross income tax. As a practical matter, if you look at that level, most of them are not going to get $5,000 out of those amendments that we passed last year.

Mr. EXON. If the amendment passes here and goes back to the House of Representatives and they do not follow what the Senator from Alaska believes they would do and they would, indeed, turn it down, then the present law, as it exists, would prevail; is that right?

Mr. STEVENS. It would have to come back here.

Mr. EXON. Yes.

Mr. STEVENS. One House cannot pass it. We would be in no worse position than we would be in if we send the Armstrong amendment over there, I will tell you that. I would be willing to stake my life that you have a 1,000-to-1 better chance with this amendment in the House than you would with the Armstrong amendment.

Mr. EXON. I yield to my friend from Massachusetts.

Mr. TSONGAS. Mr. President, one of the joys I have every April 15 is that I reveal my income tax returns. I have done that going back to 1971. Anybody who wants to find out what I am about in a public forum can. It is all there—the net worth statement, tax returns for 1971, 1972, 1973, 1974, 1975, 1976, 1977, et cetera.

I am going to give everybody an opportunity to have the same thrill that I have every April. We talk about people paying no taxes. Let us call them on it. I am going to introduce an amendment at some point tonight, probably after this one, requiring every Member of the Senate to spill it all out; let every one of your constituents find out what you pay on your income tax.

Mr. STEVENS. I would be happy to support the Senator's amendment.

Mr. TSONGAS. That is open Government and it will remove any question whether anybody is going to abuse it. I think we will be fascinated by the silver spoon set in this body who derive such great joy in this little process to go back to your constituents and say, "This is what I live on. This is the income taxes that I pay."

I think they would be intrigued to see how you do it. I would be intrigued, and I suspect that I am in a rather large majority in this country.

So I just want to put you on notice that you will have an opportunity to really vote on open Government, let the people know about our finances, and we will have that opportunity sometime tonight.

I thank the Senator from Alaska for his cosponsorship.

Mr. STEVENS. I would be happy to join the Senator. I would like to respond to the Senator from Nebraska and just take it through for the RECORD. Under the figures of the Secretary of the Senate for last year, we were entitled to claim as a maximum 256 days. I happen to own a house here at the present time. So I could deduct $50 a day, if I chose to do so. As I have noted, I am not going to do that because I am not going to take the full amount because I had some days off for honorariums.

But if you multiply 50 times 256, I am certain that my friend will know that you get $12,800. Now, if you multiply that by 25 percent, which is the maximum tax liability this Senator can conceive being exposed to, the impact is $3,200. That is what you are talking about in terms of most people in the Congress, somewhere around $3,200 to $4,000 as a result of what we did.

Now, if you do not like that, then vote for Senator ARMSTRONG's amendment. What this amendment says is that no one can get more than $5,000. No one can achieve a savings of income tax of more than $5,000 from what we did last year.

I happen to believe that 90 percent of the House will not achieve $5,000 as a result of the application of the amendment that we offered last year. For that reason, I am trying to simplify these proceedings by saying, let us face up to the issue. Are those who are very rich trying to penalize those who are not, in order to show they are not going to take deductions that are excessive? Is that what is going on here on the floor of the Senate?

No one can claim, on the basis of my income, that the deductions that would be authorized would come anywhere near the figures I have heard Members of the Senate give to the press. Sheer demagoguery; sheer demagoguery in the past on this amendment.

I have a little computer here and I would be happy to share it with you. It says $3,200 maximum for this Senator if he took every day he was entitled to. But I am not going to take those, because I am not going to take them any day I was away from here on personal business, or on any day I was on per diem for committee business, or any day I was on an honorarium.

Mr. LEAHY. Will the Senator yield?

Mr. STEVENS. Yes.

Mr. LEAHY. The Senator makes a good point. I am willing to bet, however, that should his amendment pass—and there is a lot to be said for his amendment putting the cap in there—that some of the same places, whether it is the form letters that are sent to us from various groups or some of the news accounts, some of the same ones that last year were jumping on the Senator from Alaska and saying that everybody has gotten a $20,000 pay raise out of his bill, within a week, if this passes, will have someone saying look at this horrible thing. They just suddenly raised the pay raise from $3,000 to $5,000.

I mention this to the Senator from Alaska because I am sure he feels as I do, that it will be a no-win proposition. I, too, when I went through my taxes, was amazed to find that the difference between what I could deduct last year and what I could deduct this year was a matter of, as I recall, well under $2,000. I kept pulling out the slips about the $20,000 raise I received. I have asked my accountant over and over again, and he tells me from his hourly rate if he keeps doing it over and over again there will not even be that.

Mr. STEVENS. I think some people expect us to spend all that money, some people have said we were earning by what we said last year. They confuse it. You ought to see how they confuse allowances for running your office, to pay people who work for the Government under your supervision, or the allowances that you get for stationery, or the allowances you get to pay telephone bills, with money that you have to spend for you and your family here in Washington.

I have seen some of the most confusing reports indicating that some of us are compensated well over $1 million because some of our allowances for some Members add up to over $1 million. It is the confusion that comes from this and I think from some of these discussions that mislead the public.

There could not be anyone misled by this because it would say that there is a cap on the maximum benefit on what we did last year. I think it is fair and I think it should be accepted by the Senate.

The next amendment I will now send to the desk. This is an amendment that would reduce the salary of a Member of Congress by 10 percent in lieu of what the Senator from Colorado proposes.

The difference would be some $6,000 loss in income. That is about $5,000 average tax difference in liability and it is about awash. You might as well think about what you are doing.

That is the next amendment.

I yield to my friend from Massachusetts.

Mr. TSONGAS. Mr. President, I have an amendment on the disclosure form. If it is agreeable to the Senator from Alaska I could offer that now. It is a perfecting amendment. I am sure we will agree without equivocation on that issue. It would strengthen the hands of the Senator from Alaska if I could offer it now.

Mr. STEVENS. Mr. President, the yeas and nays have not been ordered. I can modify my amendment, can I not?

The PRESIDING OFFICER. The Senator is correct.

Mr. STEVENS. Mr. President, I modify my amendment and I send the amendment of the Senator from Massachusetts requiring the disclosure of all income tax returns.

The PRESIDING OFFICER. The amendment is so modified.

The amendment, as modified, is as follows:

In lieu of the language proposed to be inserted, insert the following:

The last sentence of section 162(a) of the Internal Revenue Code of 1954 (relating to trade or business expenses) is amended by inserting ", but the amounts deducted by any Member for living expenses with respect to any taxable year shall not exceed an amount which results in a reduction of Federal income tax of more than $5,000 for that Member."

No later than May 15 of each calendar year each Member of Congress including non-voting delegates shall cause to appear in the Congressional Record a copy of any and all Federal tax returns filed by himself or herself either separately or jointly filed.

Mr. STEVENS. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

Mr. CANNON. A parliamentary inquiry, Mr. President.

The PRESIDING OFFICER. The Senator will state it.

Mr. CANNON. Mr. President, is an amendment in order now to the amendment in the second degree?

Mr. President, I withdraw the inquiry.

Mr. DECONCINI. A parliamentary inquiry.

Is the amendment as now modified, the amendment of the Senator from Alaska modified by the Senator from Massachusetts, divisible?

The PRESIDING OFFICER. It is an amendment to strike and it is not divisible.

The yeas and nays have been ordered.

The Senator from Nebraska.

Mr. EXON. Mr. President, it seems like we are going through a stage of show and tell. Some of the Members might be interested in knowing, since we are talking about how old we are and how long we have been around, in the years that I was Governor of my State I made my income tax returns available. Since I have been here the people of Nebraska know how much I have made and from what sources, and how much income tax I paid. So I am not particularly embarrassed by the amendment being offered here. I question the motive somewhat of the people who are doing what they are doing here. I think the real motive is that they are somewhat upset by the resounding vote in this body on the amendment offered by the Senator from Colorado. But this Senator is not fearful of disclosing my source of income, and I suspect that most of us in this body are not. I am prepared to vote.

Mr. TSONGAS. Let me say to the Senator from Nebraska, he is not my problem.

Mr. STEVENS. Mr. President, I might say I notified the press that my tax returns were available the last time I ran for reelection. I found that there was so much interest in them that no one came to look. I am not too worried about this amendment. I do not think anybody should be. Those returns are returns of people in public life and at least during the election years they ought to be available. I am not opposed to having them available every year. One Member of the Senate from Alaska published all of his in the CONGRESSIONAL RECORD at one time.

Mr. BURDICK. Will the Senator yield?

Mr. STEVENS. Yes.

Mr. BURDICK. Would this amendment include the separate income of your wife?

Mr. TSONGAS. It may make sense to have the clerk read the amendment.

The PRESIDING OFFICER. The clerk will report.

Mr. TSONGAS. A short answer would be a joint return or if filed separately, but I think if the clerk would read the modification it would be better.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

No later than May 15 of each calendar year each Member of Congress including nonvoting Delegates shall cause to appear in the Congressional Record a copy of any and all Federal tax returns filed by himself or herself either separately or jointly filed.

Mr. JEPSEN. Will the Senator yield?

Mr. TSONGAS. I yield.

Mr. JEPSEN. This would mean if you had some extenuating circumstances and you were not able to file on April 15 you would have violated the law, as might occur this year after all this Mickey Mouse gets through? If this amendment goes through, the amendment clearly states that it must be done by the 15th.

Mr. TSONGAS. Of May.

Mr. JEPSEN. I would ask that it be changed to June 15.

Mr. TSONGAS. Mr. President, I ask unanimous consent that it be changed to June 15 so no one would be subject to criminal prosecution.

Mr. JEPSEN. At least, it would not interfere with any rights we have left as individual citizens of this country.

Mr. TSONGAS. I think the Senator from Wisconsin pointed out very clearly that there might be an abuse of privilege. You might end up with a Senator who puts it all in his will and on his demise it is all published. That does not solve anything.

I want it to be done every year so that any unscrupulous Member of the Senate, and clearly there may have been some who have been so described today, would not be tempted to avoid the law. So I think this would be more convenient. We could also have the privilege of looking at each other's return.

Mr. JEPSEN. So it would be full disclosure?

Mr. TSONGAS. Yes.

Mr. JEPSEN. It would be in the full disclosure form?

Mr. TSONGAS. I have done it every year for 10 years. My constituents appreciate it, though they are rather amazed by it. The first time I had my net worth statement, I had to increase the worth of my wife's rings.

The PRESIDING OFFICER. There was a unanimous-consent request by the Senator from Massachusetts to modify the pending amendment by changing the date from May 15 to June 15.

Mr. EXON. I object.

The PRESIDING OFFICER. Objection is heard.

Mr. DOLE. Mr. President, the Senator from Kansas missed part of this debate and I apologize for that.

Would this also require those who list their net worth, if they can calculate it—some in this body probably cannot calculate it—for those who can, would the net worth be calculated?

Mr. TSONGAS. Not unless there were provisions for computers. That is not in the amendment, so I do not think we should force them to do it; although, as the evening goes along, who knows?

Mr. HUDDLESTON. Mr. President, will the Senator yield for one other question?

Mr. TSONGAS. Yes.

Mr. HUDDLESTON. Has he calculated the cost of publishing in the Record 535 tax returns? Mine is about 20 or 30 pages long.

Mr. TSONGAS. Mr. President, I think it turns out to be something like 87 percent of the time we have taken up since 3 o'clock this afternoon on this issue.

Mr. HUDDLESTON. That figures about what it ought to be.

The PRESIDING OFFICER. The question now occurs on agreeing to the amendment offered by the Senator from Alaska as modified by the Senator from Massachusetts. The yeas and nays have been ordered. The clerk will call the roll.

The legislative clerk called the roll.

Mr. STEVENS. I announce that the Senator from Arizona (Mr. Goldwater) is necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber wishing to vote?

The result was announced—yeas 24, nays 74, as follows:

[Rollcall Vote No. 69 Leg.]

YEAS—24

Abdnor
Baker
Baucus
Cannon
Cranston
D'Amato
Dodd
Dole
Garn
Gorton
Hayakawa
Huddleston
Humphrey
Inouye
Laxalt
Mattingly
Moynihan
Murkowski
Rudman
Simpson
Stevens
Tower
Tsongas
Wallop

NAYS—74

Andrews
Armstrong
Bentsen
Biden
Boren
Boschwitz
Bradley
Bumpers
Burdick
Byrd,
  Harry F., Jr.
Byrd, Robert C.
Chafee
Chiles
Cochran
Cohen
Danforth
DeConcini
Denton
Dixon
Domenici
Durenberger
Eagleton
East
Exon
Ford
Glenn
Grassley
Hart
Hatch
Hatfield
Hawkins
Heflin
Heinz
Helms
Hollings
Jackson
Jepsen
Johnston
Kassebaum
Kasten
Kennedy
Leahy
Levin
Long
Lugar
Mathias
Matsunaga
McClure
Melcher
Metzenbaum
Mitchell
Nickles
Nunn
Packwood
Pell
Percy
Pressler
Proxmire
Pryor
Quayle
Randolph
Riegle
Roth
Sarbanes
Sasser
Schmitt
Specter
Stafford
Stennis
Symms
Thurmond
Warner
Weicker
Zorinsky

NOT VOTING—1

Goldwater

So Mr. Stevens' amendment (UP 862), as modified was rejected.

UP AMENDMENT NO. 863

Mr. TSONGAS. Mr. President, I have an amendment at the desk, and I ask that it be reported.

The PRESIDING OFFICER. The amendment will be stated.

The assistant legislative clerk read as follows:

The Senator from Massachusetts (Mr. Tsongas) proposes an unprinted amendment numbered 863:

At the end add the following:

No later than June 15 of each calendar year each Member of Congress, including nonvoting delegates, shall cause to appear in the Congressional Record a copy of any and all Federal tax returns filed by himself or herself, either separately or jointly filed.

Mr. TSONGAS. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

Mr. DOLE addressed the Chair.

The PRESIDING OFFICER. The Senator from Kansas.

Mr. DOLE. Will the Senator from Massachusetts yield for a question?

Mr. TSONGAS. I yield.

Mr. DOLE. The Senator from Kansas is curious: Had we authorized television in the Senate earlier this year, would all this be on television?

Mr. TSONGAS. I say to the Senator that it would be, but we would be dressed differently. There would be more red ties and blue shirts than is now the case.

Mr. DOLE. If ever a case is made for no television in the Senate, we have done it today. [Laughter.]

Mr. STEVENS. Is the Senator talking about my tie?

Mr. TSONGAS. Mr. President, this amendment needs no explanation. It is very simple. We would just reveal our tax returns to our constituents.

I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

Mr. RANDOLPH. Mr. President, will the Senator add my name as a cosponsor of the amendment?

Mr. TSONGAS. Mr. President, I ask unanimous consent that the name of the senior Senator from West Virginia be added as a cosponsor of the amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. STEVENS. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator from Alaska will state it.

Mr. STEVENS. Is this an amendment to the Armstrong amendment or a substitute for the Armstrong amendment?

Mr. TSONGAS. It is an amendment to.

The PRESIDING OFFICER. It is an amendment in the first degree to the Armstrong amendment.

Mr. BAKER. In the first degree?

The PRESIDING OFFICER. In the second degree.

Several Senators. Vote! Vote!

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Massachusetts. On this question the yeas and nays have been ordered, and the clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. STEVENS. I announce that the Senator from Arizona (Mr. GOLDWATER) is necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber who desire to vote?

The result was announced—yeas 55, nays 43, as follows:

[Rollcall Vote No. 70 Leg.]

YEAS—55

Abdnor
Baker
Baucus
Biden
Boren
Burdick
Byrd, Robert C.
Cannon
Chiles
Cohen
Cranston
DeConcini
Denton
Dixon
Dodd
Dole
Domenici
Garn
Hart
Hayakawa
Heinz
Huddleston
Humphrey
Inouye
Jackson
Johnston
Kassebaum
Kasten
Kennedy
Leahy
Levin
Lugar
Mattingly
Melcher
Metzenbaum
Mitchell
Moynihan
Murkowski
Nunn
Pressler
Proxmire
Pryor
Randolph
Riegle
Rudman
Sarbanes
Sasser
Schmitt
Simpson
Stafford
Stevens
Tsongas
Wallop
Warner
Weicker

NAYS—43

Andrews
Armstrong
Bentsen
Boschwitz
Bradley
Bumpers
Byrd, Harry F., Jr.
Chafee
Cochran
D'Amato
Danforth
Durenberger
Eagleton
East
Exon
Ford
Glenn
Gorton
Grassley
Hatch
Hatfield
Hawkins
Heflin
Helms
Hollings
Jepsen
Laxalt
Long
Mathias
Matsunaga
McClure
Nickles
Packwood
Pell
Percy
Quayle
Roth
Specter
Stennis
Symms
Thurmond
Tower
Zorinsky

NOT VOTING—1

Goldwater

So Mr. TSONGAS' amendment (UP No. 863) was agreed to.

Mr. PROXMIRE. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. TSONGAS. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

UP AMENDMENT NO. 864

(Subsequently numbered amendment No. 1345.)

Mr. STEVENS. Mr. President, I have an amendment at the desk.

The PRESIDING OFFICER. The clerk will report.

The bill clerk read as follows:

The Senator from Alaska (Mr. STEVENS) proposes an unprinted amendment numbered 864:

In lieu of the language proposed to be inserted by UP 859, insert the following:

"Notwithstanding any other provision of law, the salary for a Member of Congress in effect on March 30, 1982, shall be reduced by 10 percent to be effective on April 1, 1982."

Mr. STEVENS addressed the Chair.

The PRESIDING OFFICER. The Senator from Alaska.

Mr. SCHMITT. Mr. President, could we have order?

The PRESIDING OFFICER. The Chair respectfully requests that order be restored to the Chamber.

Mr. STEVENS. Mr. President, the distinguished Senator from North Carolina (Mr. HELMS) would like to be a cosponsor of this amendment and I so ask unanimous consent that he be a cosponsor.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. STEVENS. I want to explain that I am deadly serious about it. I now have defended the amendment I offered last year, as I have mentioned, in every media and throughout the country against the charges which were not true, that what we did was to raise the salary of Members of Congress.

We did give them the opportunity to claim expenses that they were not able to deduct because of an antiquated provision of the law that limited the expense away from home to $3,000.

This is a substitute for the Armstrong amendment. The effect of the Armstrong amendment, as I mentioned before, is to bring about a reduction of about $5,000 in the amount of taxes a Senator or a Member of the House would pay.

The effect of my amendment is to just do it cleanly. You know, if we are talking about who is raising and who is cutting salaries, my amendment cuts salaries by 10 percent and leaves in place the amendment we had before, the maximum of which would be about $5,000 impact on tax liability.

If you want to talk about who has done this or who has not done that I think this makes it black and white. I am willing to reduce my salary 10 percent, if that is what the Senate wants to do, because that is the effect of what the Senator from Colorado's amendment does in effect by reducing the amount that an individual Member of Congress has in terms of cash flow, you might say, from the impact of the tax laws as they affect a Member of Congress.

Now, this is an amendment—we are wandering all over the place, but that amendment that was originally presented to us wandered far afield from this original joint resolution. Look at it. I would ask each Member of the Senate to look at it, one page, very plain, clean, a continuing resolution that would have sent to the President the act of the House of Representatives continuing the appropriations available for several important departments of this Government.

If the Armstrong amendment is adopted the amendment is going back to the House and it is going back to the House in a way that is going to leave the thing confused, leave the situation confused. No one really understands what we meant to do. We are going to restore what? The $3,000 limit of before? What is the impact of that? I do not know what the press will say that we really do or did. They will probably say that what we decided to do last year was wrong and so we reversed it. Some will ask what does that mean now? What is the situation that exists? The situation that exists will be that a Member of Congress has the unlimited right to deduct $3,000 without regard to whether he has any expenses away from home or not. But he does not have the right to deduct those expenses which other employees have a right to deduct when they are away from home.

I think my amendment is the clean way to do it. Let us just cut the pay by 10 percent effective April 1. Incidentally, your pay, in case you forgot it, is $60,662.50. The effect of this amendment is to cut that by $6,066.25. I think it is clean and I would like to see any Member of the Senate accuse me of doing anything duplicitous on this one.

Mr. BIDEN. Mr. President, will the Senator accept a perfecting amendment that provides that a 10-percent pay cut apply only to those who have outside income of in excess of $50,000? [Laughter.]

Mr. STEVENS. I do not have any conflict of interest on that one.

Mr. BIDEN. I knew the Senator did not.

I wonder if the Senator from Colorado would be willing to comment on that course? I have a better one. How about if we have a perfecting amendment to suggest that for every dollar over $60,000 that someone has in outside income that their salary be reduced by that dollar amount so that if you have an income, outside income, of $63,000 you get no pay from the Federal Government at all, you get zero, you do not receive anything. We will not do that. It just gets cut out completely.

Anybody who does not have outside income, like the Senator from Colorado is a wealthy man, the Senator from Delaware is not, and I want equity here and I do not want a conflict of interest, and I do not want all of those things happening.

So what I would like to do, since I own no stock or bonds or anything on the outside, I would like the Senator from Colorado, who is so noble this evening in starting all of this, to be, in fact, on the same level with me and everybody else who is like me, assuming there is anyone else like me in the Senate. I mean not dressed like me. So I am serious. I would like to hear the Senator from Colorado comment on whether or not he would be willing to support an amendment that would reduce the salary of the Senator by every dollar amount that he has in outside income that exceeds the allocation that he gets from the Federal Government. Will the Senator from Colorado be willing to support that? Include everything. I guess the Senator from Colorado cannot hear me, so I will sit down.

Mr. ARMSTRONG. Mr. President, if the Senator wishes to propose such an amendment seriously I would be happy to speak to it. I would oppose such an amendment and I expect it would be defeated quite handily because it is fundamentally unsound and unfair, and I think the Senator knows that. I think the proposal the Senator has made has no bearing on anything.

Mr. BIDEN. I think the whole thing has no bearing on anything. I think this is an absolute total embarrassment to the institution. It is a further denigration of this body by the Members of this body when this body is already held in ill repute. We wonder why the press makes fun of us. We wonder why they do what they do. They are enjoying this, and I cannot say I blame them. This is an absolute travesty on the part of all of us who are engaged in this stupid debate which we go through like a ritual, like lemmings once a year when we run off a cliff just for the exercise. I wish we would just get on with it.

If we do not want this tax cut that we have, let us just vote "no" on it and get on with it. If we want it, let us keep it. But what in God's name do we keep doing this for? They do not have any respect for us.

Mr. DOLE. Mr. President, will the Senator yield?

Mr. BIDEN. Yes.

Mr. DOLE. Has the Senator been to a party, or do you have a part-time job? [Laughter.]

Mr. BIDEN. Mr. President, I believe I have the floor and I am happy to answer the question.

After we get finished with these amendments, I am going to need this uniform so that I get a job as a headwaiter in order to be able to make it.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Chair will, momentarily, recognize the majority leader. The Chair will instruct the Sergeant at Arms to maintain order in the galleries. [Laughter.]

Mr. BAKER. Mr. President, I have heard it observed by those on the floor that the disorder is here and not the galleries.

Mr. President, I do not think we are going to accomplish much more tonight. I would like very much to finish this bill tonight, but, in all candor, I think we have reached about the end of our rope.

COLLEGE HOUSING LOANS

Mr. EAGLETON. Mr. President, this continuing resolution simply changes the date of expiration of the existing continuing resolution. Everything that is in the existing resolution is carried forward in this resolution, including the priority of the Congress, as stated in the second continuing resolution, that the college housing program is intended to function at a level of $75 million for direct loan commitments in fiscal year 1982. In effect, extension of this priority rejects the administration's proposal which would not permit new college housing loans in fiscal year 1982.

Despite projections of declining enrollments, student demand for oncampus housing is increasing because of skyrocketing inflation, conversion of rental units to condominiums, escalating commuting costs, and unsafe off-campus living conditions. In many areas of the country, oncampus housing facilities do not exist to meet this growing demand. In addition, Federal law regarding access for the handicapped requires that institutions substantially renovate existing student housing. Rising energy costs and uncertain energy supplies have forced many institutions to convert from oil and natural gas to coal as a primary energy source.

All of these factors have led to increasingly heavy demand for loans under the college housing program. Over the past 5 years, over 1,500 applications, requesting a total of more than $2.7 billion have been submitted. Only 372 applications were funded, totaling just under $500 million.

These new loan commitments do not require an annual appropriation of funds. Payments of principal and interest on outstanding loans comprise the revolving account from which new loans are issued.

At a time when college and university budgets are faced with extraordinary pressures, continuation of the college housing loan program is of extreme importance, and deserves our support.

ORDER FOR RECESS UNTIL 10 A.M. TOMORROW

Mr. BAKER. Mr. President, I ask unanimous consent that when the Senate completes its business tonight, it stand in recess until the hour of 10 o'clock tomorrow.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BAKER. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. BAKER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

ROUTINE MORNING BUSINESS

Mr. BAKER. Mr. President, I ask unanimous consent that there now be a brief period for the transaction of routine morning business not to extend past the hour of 10:45 p.m., in which Senators may speak.

The PRESIDING OFFICER (Mr. GRASSLEY). Is there objection? Without objection, it is so ordered.

APPOINTMENT BY THE VICE PRESIDENT

The PRESIDING OFFICER (Mr. BOSCHWITZ). The Chair, on behalf of the Vice President, and upon the recommendation of the minority leader, appoints the Senator from North Dakota (Mr. BURDICK) to act as vice chairman of the Senate Delegation to the Interparliamentary Union Conference to be held in Lagos, Nigeria, April 12-17, 1982.

CHAIRMAN WILLIAM HARVEY OF THE LEGAL SERVICES CORPORATION

Mr. HATCH. Mr. President, I shall submit for the RECORD Mr. William Harvey's thoughtful acceptance speech as Chairman of the Legal Services Corporation Board on March 5, 1982. I especially encourage my colleages to read Mr. Harvey's speech because he sets forth some basic principles reminding us of our responsibility and that of the legal profession in assuring that all citizens have access to the judicial system. I was especially pleased to see him emphasize the solemn responsibility we share with the legal profession in providing legal services to individuals of inadequate economic means.

The appointment of Mr. Harvey as Chairman of the Legal Services Corporation is a clear indication of President Reagan's interest in providing legal services to economically disadvantaged citizens in a manner which stimulates and encourages private initiative rather than stifling it. Mr. Harvey's comments should be helpful to us in the future as we deliberate the future of the Legal Services Corporation.

Mr. President, I ask unanimous consent to have printed in the RECORD Mr. Harvey's acceptance speech.

There being no objection, the speech was ordered to be printed in the RECORD, as follows:

ACCEPTANCE ADDRESS

OPENING PUBLIC STATEMENT BY CHAIRMAN OF THE BOARD

Mr. Interim Chairman Olson, members of the board, President Bradley, members of the corporation staff, and ladies and gentlemen.

It is a very great honor to be with you this morning, and to be a member of the board of directors of the Legal Services Corporation. I have been twice honored in that my colleagues on the board have selected me as their chairman. I hope to repay their expressed trust by performance, and I do, of course, accept the position with my thanks to each board member. I extend a special note of recognition and appreciation to Ms. Josephine Worthy. She is plainly the senior person in experience and wisdom on this board. Each of us looks forward to receiving her advice and counsel, and I feel certain that there is much we shall learn from her.

Appointment to this corporation board is, in my judgment, the highest recognition which can be extended to a member of the legal profession, because the corporation and its concept represent the highest ideal, and the finest moral standard, which the legal profession has refined: Those who need legal assistance, and who require access to the courts for the protection of their rights shall receive it and that it shall be provided to a person if he is not able to provide for it, or obtain it from his own available funds. This great tradition, in the United States, of providing legal assistance commenced with the private practitioners: It was a great and noble charity, and it is still that. This corporation and its grantee programs were built on that foundation and that spirit, and they should not and cannot replace it.

Accordingly, we observe the great contribution which the legal profession has made to the American social order, and in each of our States and communities. It continues on: It is the very essence of required social service and required social contribution; it is the envy of all other social agencies, and all social agencies are in fact subordinate to it.

The provision of legal assistance has an extraordinarily important philosophical foundation. It is not one which stems from fault, or from confrontation; it does not come from financial affluence, or from utilitarian results which might be achieved in a particular legal setting. It is much different than all of those. The basis of our meeting today, and of this corporation, and of the programs of legal assistance, is in a first principle. That principle is access to the judicial system. It is referred to as petitioning one's government for the redress of grievances. This is the first principle which is the protection of all other rights, and it is a principle of creation and definition—and thus of limitation too.

It requires that access to the judicial system shall involve a high professional quality of representation, which will assure that the ends of justice and the administration of law for the protection of legal rights are achieved.

Access to the judicial system must be totally free of all political and ideological bias and prejudgment, because the ultimate enforcement power for substantive legal rights is, of course, a State monopoly. It must be available to all persons who have reason to seek its use.

This much is implicit in great works of the past, such as the teaching of Mr. Lincoln in his debates with Senator Douglas.

And this brings me to a few comments which are addressed to about 10,000 persons who work, and persons who have worked over the years in the delivery of legal services to the poor, and to persons who do not have access to the judicial system for the enforcement of their rights.

Many of you I have known very well over the years, and especially in the 1970's and earlier. I have viewed your efforts with great pride and a mutual satisfaction, and at times with concern or sadness. Pride because your achievements are many. Concern or sadness because it seemed to me that you sought to accomplish a great task but from a philosophical foundation which was fractured.

I remember reading, years ago, that great book, The God That Failed. In it, one of the authors, perhaps it was Richard Wright, said that the critical question was and is: How to live a human life?

I suggest that perhaps the answer to that question is found in the proposition that progress and human worth is not measured in direction: It is not up or down, this way or that. It is not measured by economic criteria, and certainly not by a system of wealth distribution. It is not determined by victory or defeat in a court; all of those criteria are temporary.

I recommend that you contemplate the idea that there is no finality, and no predetermined arrangement, and that the only lasting and creative social orders is the spontaneous social order, which is affected by the highest principles of human conduct. Further, each generation must rediscover those principles, and it is in that constant rediscovery of transcendental principles that one learns how to live a human life, or at least one can approach Richard Wright's question.

Today you should attempt to examine the works of T. S. Eliot, and Thomas Sowell and ask why each informs us that there are no solutions, and only issues which are fought out again and again. Please permit yourselves to consider the ideas of Edmund Burke or Russell Kirk or Friedrich A. Hayek's great trilogy on law and justice. Try to understand what Hayek meant when he said, "The ideal of equality of the law is aimed at equally improving the chances of yet unknown people but incompatible with benefiting or harming known persons in a predictable manner." There and with those persons you may find better ideas for the noble cause you have served than the explanations you have contemplated in the past; and with them you may become even more effective in the future.

The express purpose of the legal services corporation is to provide financial support for competent legal assistance in noncriminal matters and proceedings, for persons who are financially unable to afford it. The primary duties of the members of this board is to see that that purpose is executed; that is our duty, and we shall perform it, in full accord with all applicable laws, the code of professional responsibility, the canons of ethics and the highest standards of the legal profession. And those professional standards guide all law schools and centers for legal education, as well as post-graduate and continuing professsional educational programs.

This means that it is the province of the Congress and the President to establish the program in which Federal assistance for legal services is to be provided. Our board shall administer the program in strict compliance with the statutory requirements which govern it; and we shall, of course, seek those funds which will assure the delivery of legal assistance which in turn assures access to the enforcement of legal rights and claims of legal right.

We do this as members of the legal profession and as client representatives. We do this reflecting professional and personal obligations and duties to recognize the need to provide legal assistance to individuals of inadequate economic means.

We of the corporation have an obligation and a duty to provide leadership and direction—and to encourage and develop new incentives for the provision of such legal assistance. We welcome the views and judgments of all persons, and in particular the former members of this board.

Canon 2, ethical consideration 2-25, states that the basic responsibility for providing legal services for those unable to pay, rests, ultimately, upon the individual attorney. It also identifies additional program, other than individuals, to assist in the effort of providing legal services.

This corporation and its independent grantees are examples of those programs. They are not, of course, the only programs which are or might become available.

This program is the Federal Government's provision for legal assistance for poor persons. It does not, however, remove or alter a duty which rests on each of the approximately 550,000 attorneys in the United States.

It is a governmental program to assist those many attorneys who carry the duty to guarantee access to courts for the enforcement of legal rights. But, fundamentally, it is a governmental program which must carefully protect, as the statute tells us, recognition of persons as persons, individuals as individuals. Recognition of human beings as the supreme value in our society—independently valuable apart from the wealth they possess or the power they might assert or acquire—is the source of American freedoms.

I express my profound thanks to the President of the United States for my appointment to this board, and I join with my colleagues on the board of directors in declaring our commitment to meet the statutory, moral and ethical duties which our appointments demand.

HOFFMAN'S ANTIPAPERWORK CAMPAIGN

Mr. HATCH. Mr. President, the Reagan administration has made a public commitment to reducing the excessive paperwork and unnecessary redtape that businesses must confront in their dealings with Federal agencies. I think these actions are welcomed by the American public who are tired of accepting regulatory actions that do not achieve desired results. President Reagan's goal of making Government a more responsible servant—and not the master—of the people is one that we are all committed to achieving. There are some individuals in the private sector who have taken their own initiative and are contributing to this goal. One such individual is Mr. Alvin L. Hoffman, publisher of Construction Economics, a Washington-based publication.

Mr. President, I ask unanimous consent to have printed in the RECORD an editorial describing Mr. Hoffman's efforts as one individual who has fought over the years to reduce the growing amount of paperwork on businesses.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

[From the Indianapolis News, Feb. 20, 1982]

A MAN WHO FIGHTS BACK

(By Lou Hiner, Jr.)

Not all the troops in the battle against the overabundance of Federal paperwork and red tape are drawn from the ranks of government bureaucrats themselves.

There are some independent efforts being made to reduce the Federal requirements on the private sector. Complying with those paperwork regulations only adds to productivity costs and keeps inflation on the rise, those outside the government point out.

Alvin L. Hoffman, publisher of Construction Economics, a Washington-based publication, has been writing for several years that "salvation" from the often unnecessary Federal paperwork imposed on businesses and industries will have to come from non-government sources.

Hoffman has organized several paperwork reduction and regulatory reform conferences and now is thinking of another one in a few months to assess just what the Reagan administration is doing to solve the problem.

He has pointed out that one of President Reagan's campaign promises to Americans was "to get the government off your backs." It's time for an evaluation, the publisher says.

In getting persons outside government interested in reducing red tape, he says:

"Few association executives, chairman or elected officers need to be reminded of the burden that a growing blizzard of government inspired paperwork is placing not only on their associations but on their members. Few executives and few members haven't had occasion to complain about this paperwork burden over the past few years. Some of the complaints have been extremely bitter, some have been factual, some have reached few ears outside of the associations."

He believes more businessmen should take their paperwork headaches directly to the heads of government agencies that require the compliance rather than just moaning among themselves about the expense and often unnecessary red tape.

But don't gripe, he advises business and labor leaders, just for the sake of griping. He adds:

"In order (1) to be heard, and (2) to get something done, the complaints can't be simply complaints. They must be backed by solid facts, real examples of problems, estimates of costs that can be supported * * * It is not enough to just 'view with alarm.'"

Hoffman believes associations that represent businesses and industries would be well advised to carry the ball on reporting paperwork excesses to officials of various Federal agencies.

"They are in daily contact with their own industries and are certainly aware of the problems posed for their members by the excessive paperwork demands of all levels of governments, able to arrive at logical answers and suggestions," he suggests.

How serious is this "blizzard" of Federal paperwork and over-regulation? Hoffman answers:

"The problem is enormous. It is costly. It is probably a major contributor to the inflationary spiral all businesses and all taxpaying citizens are facing today. Answers and reductions can make a tremendous difference."

He quotes figures from various economists who estimate the annual cost to general industry for compliance with these paperwork requirements runs somewhere between $28 billion and $100 billion a year.

Hoffman's campaign against paperwork and regulation is on a rather modest scale in his Construction Economics and the seminars he's organized on the subject.

Some business and labor leaders remember him, though, as one of the first men outside the oil industry who was predicting back in 1972 that this nation was facing a critical oil shortage and eventual energy crisis.

WE MUST ACT TO AVERT NUCLEAR DISASTER

Mr. CRANSTON. Mr. President, we have been warned over the years, in a number of apparently well-grounded statements, that nuclear war could devastate our country, destroy our civilization, and possibly exterminate the human race.

A series of three articles written by Jonathan Schell and published in the New Yorker magazine on February 1, 8, and 15 spell out, in compelling detail as never before, how a nuclear holocaust could indeed end all human life forever. They should be read by every American citizen—and every Soviet citizen.

I have personally excerpted the following from Schell's articles summarizing his thesis that all of us, and our very species, are threatened with annihilation, and I ask unanimous consent that the excerpts be printed in the RECORD.

There being no objection, the excerpts were ordered to be printed in the RECORD, as follows:

THE THREAT THAT NUCLEAR WAR COULD EXTERMINATE THE HUMAN RACE

According to the Bible, when Adam and Eve ate the fruit of the tree of knowledge God punished them by withdrawing from them the privilege of immortality and dooming them and their kind to die. Now our species has eaten more deeply of the fruit of the tree of knowledge, and has brought itself face to face with a second death—the death of mankind.

There are some 50,000 nuclear warheads in the world. They are a pit in which the whole world can fall—a nemesis of all human intentions, actions and hopes. We must bend our efforts toward ridding the world of them. The alternative is to risk surrendering ourselves to absolute and eternal darkness: a darkness in which no nation, no society, no ideology, no civilization, will remain; in which never again will a child be born; in which never again will human beings appear on the earth, and there will be no one to remember that they ever did.

This threat of self-destruction and planetary destruction is not something that we will face one day in the future, if we fail to take certain precautions; it is here now, hanging over the heads of all of us at every moment. The machinery of destruction is complete, poised on a hair trigger, waiting for the "button" to be "pushed" by some misguided or deranged human being or for some faulty computer chip to send out the instruction to fire.

The most fateful of the possible consequences of a full-scale nuclear holocaust would be the extinction of mankind which could come about not because every human being would be killed by bombs directly but because the holocaust would destroy the global ecosphere on which human and other life depends. We have been warned that this could be the consequence by, among others, Einstein, Eisenhower, Kissinger and, more recently, by Dr. Fred Ikle, Director of the Arms Control and Disarmament Agency under Presidents Nixon and Ford and now Under Secretary of Defense for Policy. A 1981 Soviet government publication reached the same conclusion.

Bearing in mind that the possible consequences of the detonations of thousands of megatons of nuclear explosives include the blinding of insects, birds, and beasts all over the world; the extinction of many ocean species, among them some at the base of the food chain; the temporary or permanent alteration of the climate of the globe, with the outside chance of "dramatic" and "major" alterations in the structure of the atmosphere; the pollution of the whole ecosphere with oxides of nitrogen; the incapacitation in ten minutes of unprotected people who go out into the sunlight; the blinding of people who go out into the sunlight; a significant decrease in photosynthesis in plants around the world; the scalding and killing of many crops; the increase in rates of cancer and mutation around the world, but especially in the targeted zones, and the attendant risk of global epidemics; the possible poisoning of all vertebrates by sharply increased levels of Vitamin D in their skin as a result of increased ultraviolet light; and the outright slaughter on all targeted continents of most human beings and other living things by the initial nuclear radiation, the fireballs, the thermal pulses, the blast waves, the mass fires, and the fallout from the explosions; and, considering that these consequences will all interact with one another in unguessable ways and, furthermore, are in all likelihood an incomplete list, which will be added to as our knowledge of the earth increases, one must conclude that a full-scale nuclear holocaust could lead to the extinction of mankind.

We are uncertain whether or not a holocaust would bring about human extinction, and this uncertainty cannot be remedied.

We cannot run experiments with the earth, because we have only one earth; we are not in possession of any spare earths that we might blow up in some universal laboratory in order to discover their tolerance of nuclear holocausts.

While we cannot know for certain whether or not our species will be extinguished in a holocaust, the mere possibility of it imposes unprecedented obligations on our generation.

The risk of extinction has a significance that is categorically different from, and immeasurably greater than, that of any other risk. Up to now, every risk has been contained within the frame of life; extinction would shatter the frame. It represents not the defeat of some purpose but an abyss in which all human purposes would be drowned for all time.

Once we learn that a holocaust might lead to extinction we have no right to gamble, because if we lose, the game will be over, and neither we nor anyone else will ever get another chance. We have no choice but to address the issue of nuclear weapons as though we knew for a certainty that their use would put an end to our species.

That so much should be balanced on so fine a point—that the fruit of four and a half billion years can be undone in a careless moment—is a fact against which belief rebels.

We have found it much easier to dig our own grave than to think about the fact that we are doing so. Almost everyone has acknowledged on some level that the peril exists, but the knowledge has been without consequences in our feelings and our actions, and the superpowers have proceeded with their nuclear buildups.

The use of nuclear arms was contemplated in past crises and will continue to be contemplated in future ones. The sequence of events once hostilities begin lies open. The state of mind of the decision-makers might be one of calm rationality, of hatred, of shock, of hysteria, or even of outright insanity.

In the theoretically sophisticated but often humanly deficient world of nuclear strategic theory, it is likely to be overlooked that the outbreak of nuclear hostilities in itself assumes the collapse of every usual restraint of reason and humanity. Once the mass killing of a nuclear holocaust has begun, the scruples, and even the reckonings of self-interest, that normally keep the actions of nations within certain bounds will by definition have been trampled down, and will probably offer little further protection for anybody. In the unimaginable mental and spiritual climate of the world at that point it is hard to imagine what force could be counted on to hold the world back from all-out destruction.

Predictions about the size and form of a nuclear holocaust are really predictions about human decisions, and these are notoriously incalculable in advance—especially when the decisions in question are going to be made in the midst of unimaginable mayhem.

No generation before ours has ever held the life and death of the species in its hands. But if we hardly know how to comprehend the possible deaths in a holocaust of the billions of people who are already in life how are we to comprehend the life or death of the infinite number of possible people who do not yet exist at all? How are we, who are a part of human life, to step back from life and see it whole, in order to assess the meaning of its disappearance? To kill a human being is murder, and there are those who believe that to abort a fetus is also murder, but what crime is it to cancel the numberless multitude of unconceived people? In what court is such a crime to be judged? Against whom is it committed?

What standing should they have among us? How much should their needs count in competition with ours? How far should the living go in trying to secure their advantage, their happiness, their existence?

With the fate of the earth at stake, we are summoned as citizens and as officeholders to fresh thinking and fresh exertions.

We and our adversaries have so far had no better idea than to heap up more and more warheads, apparently in the hope of so thoroughly paralyzing ourselves with terror that we will hold back from taking the final, absurd step. Considering the wealth of our achievements as a species, this response is unworthy of us.

While the events that might trigger a holocaust would probably be political, the consequences would be deeper than any politics or political aims, bringing ruin to the hopes and plans of capitalists and socialists, rightists and leftists, conservatives and liberals alike.

If a lasting political solution seems almost beyond human powers, it may give us confidence to remember that what challenges us is simply our extraordinary success in another field of activity—the scientific.

We have only to learn to live politically in the world in which we already live scientifically.

At present, most of us do nothing. We look away. We remain calm. We are silent. We take refuge in the hope that the holocaust won't happen, and turn back to our individual concerns. We deny the truth that is all around us.

Such imponderables as the sum of human life, the integrity of the terrestrial creation, and the meaning of time, of history, and of the development of life on earth, which were once left to contemplation and spiritual understanding, are now at stake in the political realm and demand a political response from every person. As political actors, we must, like the contemplatives before us, delve to the bottom of the world, and Atlaslike, we must take the world on our shoulders.

PACIFIC PROFESSIONAL STANDARDS REVIEW ORGANIZATION ENDS 6 YEARS OF INVALUABLE SERVICE

Mr. MATSUNAGA. Mr. President, I was saddened and disappointed to learn recently of the Pacific Professional Standards Review Organization's (PacPSRO), decision to cease its operations voluntarily because of inadequate Federal funding. PacPSRO has admirably overseen the cost and quality of medicare and medicaid services in Hawaii, Guam, American Samoa, the Trust Territory, and Northern Marianas for the past 6 years. The loss of PacPSRO and other similar PSRO's throughout this country, I am sure, concerns all of us who believe in improving health services and cutting waste in medicare and medicaid programs.

As my colleagues will recall, the PSRO program was an ambitious and novel experiment set up by Congress in the early 1970's. The idea was to cut soaring medicare and medicaid costs while improving the quality of health services. Instead of Federal regulation, a system of physician peer review organizations (PSRO's) was created. In 1980, there were 189 PSRO's thoughout the Nation. Armed with the power to withhold payments to hospitals and doctors, found guilty of fraud or providing shabby medical care, PSRO's began to have an impact on reducing costs and improving health services.

Unfortunately, funds for this worthwhile program were slashed dramatically last year and the present administration has proposed to eliminate the funds for the program entirely this year. Why? Well, the administration says that PSRO's are not cost-effective and are an unnecessary regulation of private industry by the Federal Government.

Nothing could be further from the truth. PSRO's have clearly proven themselves to be effective and in the public interest. Consider these facts:

A 1979 Department of Health, Education and Welfare study showed that medicare beneficiaries in areas with PSRO's spent fewer days in the hospital than medicare beneficiaries in areas without PSRO's. Another study of the New York County Health Services Review Organization showed that this PSRO, with a $2.5 million budget, cut billings by $6 million annually.

Last year, PSRO's review 11 million cases—65 percent of all federally funded hospital discharges—at a lower cost per case than in previous years. Another measure of success is that 51 percent of all practicing physicians in PSRO areas, 160,000 doctors in all, are members of the PSRO system.

What some might consider the most beneficial function of a PSRO is not measured in dollars and cents but in improved health care. While reviewing medical cases for fraud, PSRO's also collect data on the quality of medical care. PSRO's are in a position to identify trends and areas of improvement and to conduct programs to seek solutions and correct problems.

In one instance, a PSRO suspected that a heart-related problem was inappropriately being diagnosed as myocardial infarctions. The PSRO conducted a study, identified the problem and conducted an educational program to correct the misconception.

In another instance, a statewide PSRO used patient data to identify overusers of habituating drugs who were receiving drugs from a number of providers. The PSRO was able to curtail this abuse by informing doctors of the patient's patterns.

The number of positive contributions to our health care delivery system for which PSRO's are responsible are, indeed, legion.

However, the budget cuts last year have put many PSRO's in a position where they can no longer perform credible medical review. They may have the funds to identify problems, but they lack the funds to correct them. Instead of continuing at an inadequate level, these PSRO's are being forced to make a difficult decision, and many are going out of operation.

Because of budget cuts, an estimated 120 PSRO's will cease their operations. Unfortunately for Hawaii and the Pacific Basin, PacPSRO is one of the 120. Since PacPSRO commenced its activities in 1976, the organization has grown to include 66 percent of the physicians in its area. The average length of stay per patient at the 24 hospitals reviewed by PacPSRO has been decreased by 4.7 days, since its installation 6 years ago.

I personally became involved in PacPSRO's plight last year when the Health Care Finance Administration (HCFA) erroneously recommended PacPSRO for termination. I assisted in the appeals process and was deeply gratified when HCFA corrected itself and declared PacPSRO to be effective and worthy of further funding.

However, in approving the President's budget, Congress did not provide the needed funds, and last month the PacPSRO Board of Directors sadly informed me that PacPSRO was terminating its valuable services.

PacPSRO's demise is cause for great concern and reflection. The experiences of PacPSRO and the whole PSRO program present irrefutable evidence that wholesale budget cuts may not be the best way to reduce Federal spending. PSRO's have shown that they have saved the Federal Government more money than it has spent on them. Increases in PSRO funding has resulted in a decrease in medicaid and medicare expenditures, and even more importantly, PSRO's have saved lives and alleviated human suffering by improving the quality of patient care.

Mr. President, in our zeal to reduce Federal spending we must not continue to take an ax and blindly hack away at any and all programs. Selective pruning needs to be the order of the day. And while it may be too late to save PacPSRO, it is not too late to recognize that PacPSRO, under the direction of its President, Dr. Winfred Y. Lee, and a distinguished and dedicated Board of Directors, has made a significant contribution to cost-effective, quality medical care. The members and supporters of PacPSRO have demonstrated a sincere commitment to improving health care and making it more affordable. While PacPSRO may be disbanding, it is my fervent hope that that commitment will persist, despite the errors of Government, and that someday soon our health providers will achieve the goal of low-cost, high-quality medical care for all Americans.

MESSAGES FROM THE HOUSE

At 5:47 p.m., a message from the House of Representatives, delivered by Mr. Gregory, announced that the House has passed the following bill:

H.R. 4468. An act to amend chapter 84, section 1752 of title 18, United States Code, to authorize the Secretary of the Treasury to establish zones of protection for certain persons protected by the United States Secret Service. (This bill was received in the Senate on March 22, 1982.)

The message also announced that the House has agreed to the following concurrent resolution, in which it requests the concurrence of the Senate:

H. Con. Res. 299. A concurrent resolution commemoration of days of remembrance of victims of the Holocaust.

At 7:09 p.m., a message from the House of Representatives, delivered by Mr. Gregory, announced that the House has passed the following joint resolution, in which it requests the concurrence of the Senate:

H.J. Res. 447. Joint resolution to authorize and request the President to issue a proclamation designating April 4, 1982, as the "National Day of Reflection".

HOUSE BILL AND JOINT RESOLUTION REFERRED

The following bill and joint resolution were read the first and second times by unanimous consent, and referred as follows:

H.R. 4468. An act to amend chapter 84, section 1752 of title 18, United States Code, to authorize the Secretary of the Treasury to establish zones of protection for certain persons protected by the United States Secret Service; to the Committee on the Judiciary.

H.J. Res. 447. Joint resolution to authorize and request the President to issue a proclamation designating April 4, 1982, as the "National Day of Reflection", to the Committee on the Judiciary.

HOUSE CONCURRENT RESOLUTION HELD AT THE DESK

The following concurrent resolution was ordered held at the desk until the close of business on March 31, 1982:

H. Con. Res. 299. Concurrent resolution commemoration of days of rememberance of victims of the Holocaust.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. ROTH, from the Committee on Governmental Affairs, without amendment:

S. 854. A bill to promote the orderly conduct of international relations by facilitating the operation of foreign missions in the United States, thereby promoting the secure and efficient operation of United States missions abroad.

By Mr. THURMOND, from the Committee on the Judiciary, without amendment:

S.J. Res. 165. Joint resolution authorizing and requesting the President to proclaim 1983 as the "Year of the Bible";

S.J. Res. 166. Joint resolution designating April 28, 1982, as "National Nursing Home Residents Day";

S.J. Res. 169. Joint resolution to designate the week of April 18 as "National Architecture Week"; and

S.J. Res. 170. Joint resolution to designate the week of November 7, 1982, as "National Hospice Week".

EXECUTIVE REPORTS OF COMMITTEES

The following executive reports of committees were submitted:

By Mr. THURMOND, from the Committee on the Judiciary:

Robert E. Coyle, of California, to be United States District Judge for the Eastern District of California;

W. Asa Hutchison, of Arkansas, to be United States Attorney for the Western District of Arkansas for the term of four years;

Frederick J. Hess, of Illinois, to be United States Attorney for the Southern District of Illinois for the term of four years;

Charles H. Turner, of Oregon, to be United States Attorney for the District of Oregon for the term of four years;

Earl L. Rife, of Ohio, to be United States Marshal for the Northern District of Ohio for the term of four years; and

Charles H. Gray, of Arkansas, to be United States Marshal for the Eastern District of Arkansas.

By Mr. HATCH, from the Committee on Labor and Human Resources:

James N. Broder, of Maryland, to be a Member of the Federal Council on the Aging for a term expiring June 5, 1983;

Jay Vern Beck, of Utah, to be a Member of the National Science Board, National Science Foundation, for a term expiring May 10, 1986;

Adelaide Attard, of New York, to be a Member of the Federal Council on the Aging for a term expiring June 5, 1982;

Charlotte W. Conable, of New York, to be a Member of the Federal Council on the Aging for a term expiring June 5, 1982;

Nelda Ann Lambert Barton, of Kentucky, to be a Member of the Federal Council on the Aging for a term expiring June 5, 1983;

Edna Bogosian, of Massachusetts, to be a Member of the Federal Council on the Aging for a term expiring June 5, 1983;

Frances Lamont, of South Dakota, to be a Member of the Federal Council on the Aging for a term expiring June 5, 1983;

Margaret Long Arnold, of the District of Columbia, to be a Member of the Federal Council on the Aging for a term expiring June 5, 1984;

Syd Captain, of Florida, to be a Member of the Federal Council on the Aging for a term expiring June 5, 1984;

Katie Dusenberry, of Arizona, to be a Member of the Federal Council on the Aging for a term expiring June 5, 1984;

Josephine K. Oblinger, of Illinois to be a member of the Federal Council on the Aging for a term expiring June 5, 1984; and

Edna Bonn Russell, of California, to be a member of the Federal Council on the Aging for a term expiring June 5, 1984.

(The above nominations were reported from the Committee on Labor and Human Resources with the recommendation that they be confirmed, subject to the nominees' commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.)

By Mr. PERCY, from the Committee on Foreign Relations:

Paul H. Nitze, of Maryland, for the rank of Ambassador while serving as Head of the United States Delegation to the Intermediate Range Nuclear Force Negotiations:

Nominee: Paul Henry Nitze.

Post: Head of the Delegation to the Long Range Theater Nuclear Force Negotiations.

Contributions, amount, date, donee.

1. Self, $100, April 1981, Moynihan 1982; $100, April 1981, Citizens for Congresswomen O. Snow; $750, February 1981, 1981 GOP Victory Fund; $100, February 1981, Connally for President Committee; $750, October 1980, 1980 GOP Victory Fund; $100, October 1980, Hank Brown for Congress; $200, September 1980, Committee for Tim Wirth; $50, September 1980, Ravenel for Congress Committee; $100, September 1980, Marylanders for Mathias; $250, April 1980, Reagan for President Committee; $50, March 1980, Anderson for President; $50, April 1980, Marylanders for Mathias; $125, June 1979, Marylanders for Mathias; $100, February 1978, DuVall for Senate; $100, August 1978, Ravenel for Senate; $50, September 1978, Committee for Tim Wirth; and $50, November 1977, Committee for Tim Wirth.

2. Spouse, none.

3. Sister, Mrs. Walter Paepcke $1,000, 1980, Anderson for President. She also made small contributions to several senatorial

compaigns; Senator Percy is the only one whose name she recalled.

4. Children and Spouses, William A. Nitze, $250, 1979-80, Republicans Abroad; $100, 1981, Republicans Abroad International; $100, 1980, Republican Congressional Campaign Committee; Ann K. Nitze, $100, 1978, Dan Manion for State Senator, Indiana; Heidi Nitze, no significant contributions; Peter P. Nitze, no significant contributions; Susan Nitze, no significant contributions; Phyllis N. Thompson, none; W. Scott Thompson, $150, 1980, Americans for an Effective Presidency; $500,[1] 1980, Democrats and Independents for a New Presidency; $25, 1980, Committee for George Bush; and $25, 1979, Senator Baker.

Thomas A. Bolan, of New York, to be a Member of the Board of Directors of the Overseas Private Investment Corporation for a term expiring December 17, 1982.

(The above nominations were reported from the Committee on Foreign Relations with the recommendation that they be confirmed, subject to the nominees' commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.)

By Mr. STAFFORD, from the Committee on Environment and Public Works:

Rita M. Lavelle, of California, to be an Assistant Administrator of the Environmental Protection Agency.

FOREIGN CURRENCY REPORTS

In accordance with the appropriate provisions of law, the Secretary of the Senate herewith submits the following report(s) of standing committees of the Senate, certain joint committees of the Congress, delegations and groups, and select and special committees of the Senate, relating to expenses incurred in the performance of authorized foreign travel:

CONSOLIDATED REPORT OF EXPENDITURE OF FOREIGN CURRENCIES AND APPROPRIATED FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE, UNDER AUTHORITY OF SEC. 22, P.L. 95-384—22 U.S.C. 1754(B), CODEL BAKER, EXPENDED BETWEEN APR. 9 AND APR. 18, 1981

Name and country	Name of currency	Per diem		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
Senator Howard H. Baker, Jr.:									
Spain	Peseta	13,760	$160.00					13,760	$160.00
Saudi Arabia	Riyal	335	100.00					335	100.00
Israel	Shekel	1,652.40	180.00					1,652.40	180.00
Egypt	Pound	66.99	95.71					66.99	95.71
Portugal	Peseta	5,104	88.00					5,104	88.00
Senator Max Baucus:									
Spain	Peseta	13,760	160.00					13,760	160.00
Saudi Arabia	Riyal	335	100.00					335	100.00
Israel	Shekel	2,478.60	270.00					2,478.60	270.00
Egypt	Pound	52.60	75.00					52.50	75.00
Portugal	Peseta	5,104	88.00					5,104	88.00
Senator David L. Boren:									
Spain	Peseta	13,760	160.00					13,760	160.00
Saudi Arabia	Riyal	335	100.00					335	100.00
Israel	Shekel	1,652.40	180.00					1,652.40	180.00
Egypt	Pound	99.25	141.75					99.25	141.79
Portugal	Peseta	5,104	88.00					5,104	88.00
Senator Mark O. Hatfield:									
Spain	Peseta	13,760	160.00					13,760	160.00
Saudi Arabia	Riyal	335	100.00					335	100.00
Portugal	Peseta	5,140	88.00					5,104	88.00
Senator Jake Garn:									
Spain	Peseta	13,760	160.00					13,760	160.00
Saudi Arabia	Riyal	335	100.00					335	100.00
Israel	Shekel	1,652.40	180.00					1,652.40	180.00
Egypt	Pound	131.25	187.50					131.25	187.50
Portugal	Peseta	5,104	88.00					5,104	88.00
Senator James A. McClure:									
Spain	Peseta	13,760	160.00					13,760	160.00
Saudi Arabia	Riyal	335	100.00					335	100.00
Portugal	Peseta	5,104	88.00					5,104	88.00
Senator Alan K. Simpson:									
Spain	Peseta	13,760	160.00					13,760	160.00
Saudi Arabia	Riyal	335	100.00					335	100.00
Israel	Shekel	1,652.40	180.00					1,652.40	180.00
Egypt	Pound	131.25	187.50					131.25	187.50
Portugal	Peseta	5,104	88.00					5,104	88.00
Senator David Pryor:									
Spain	Peseta	13,760	160.60					13,760	160.00
Saudi Arabia	Riyal	335	100.00					335	100.00
Israel	Shekel	1,652.40	180.00					1,652.40	180.00
Egypt	Pound	131.25	187.50					131.25	187.50
Portugal	Peseta	5,104	88.00					5,104	88.00
William Hildenbrand:									
Spain	Peseta	13,760	160.00					13,760	160.00
Saudi Arabia	Riyal	335	100.00					335	100.00
Israel	Shekel	1,652.40	180.00					1,652.40	180.00
Egypt	Pound	112	160.00					112	160.00
Portugal	Peseta	4,454	76.79					4,454	76.79
Howard Liebengood:									
Spain	Peseta	13,760	160.00					13,760	160.00
Saudi Arabia	Riyal	335	100.00					335	100.00
Israel	Shekel	1,652.40	180.00					1,652.40	180.00
Egypt	Pound	94.24	134.64					94.24	134.64
Portugal	Peseta	5,104	88.00					5,104	88.00
Tom Griscom:									
Spain	Peseta	13,760	160.00					13,760	160.00
Saudi Arabia	Riyal	335	100.00					335	100.00
Israel	Shekel	1,652.40	180.00					1,652.40	180.00
Egypt	Pound	131.25	187.50					131.25	187.50
Portugal	Peseta	5,104	88.00					5,104	88.00
Michael D. Hathaway:									
Spain	Peseta	13,760	160.00					13,760	160.00
Saudi Arabia	Riyal	335	100.00					335	100.00
Portugal	Peseta	5,104	88.00					5,104	88.00
Yvonne Hopkins:									
Spain	Peseta	13,760	160.00					13,760	160.00
Saudi Arabia	Riyal	335	100.00					335	100.00

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[1] Contribution in the form of supplies and secretarial service.

CONSOLIDATED REPORT OF EXPENDITURE OF FOREIGN CURRENCIES AND APPROPRIATED FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE, UNDER AUTHORITY OF SEC. 22, P.L. 95-384—22 U.S.C. 1754(B), CODEL BAKER, EXPENDED BETWEEN APR. 9 AND APR. 18, 1981—Continued

Name and country	Name of currency	Per diem		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
Israel	Shekel	1,652.40	$180.00					1,652.40	$180.00
Egypt	Pound	131.25	187.50					131.25	187.50
Portugal	Peseta	5,104	88.00					5,104	88.00
Cranwell Montgomery:									
Spain	Peseta	13,760	160.00					13,760	160.00
Saudi Arabia	Riyal	335	100.00					335	100.00
Israel	Shekel	1,652.40	180.00					1,652.40	180.00
Egypt	Pound	131.25	187.50					131.25	187.50
Portugal	Peseta	5,104	88.00					5,104	88.00
Jan Novins:									
Spain	Peseta	13,760	160.00					13,760	160.00
Saudi Arabia	Riyal	335	100.00					335	100.00
Portugal	Peseta	5,104	88.00					5,104	88.00
Delegation expenses:									
Spain							$3,534.93		3,534.93
Saudi Arabia							872.50		872.50
Israel							2,668.60		2,668.60
Egypt							3,193.02		3,193.02
Portugal							2,065.44		2,065.44
Iceland							64.96		64.96
Total									21,410.38

Note.—Delegation expenses include direct payments and reimbursements to State Department and Defense Department under authority of sec. 502(b) or the Mutual Security Act of 1954, as amended by sec. 22 of Public Law 95-384, and S. Res. 179, agreed to May 25, 1977. (Senator Bill Bradley joined Codel Baker in Saudi Arabia only under the authority of the Committee on Energy and Natural Resources.)

HOWARD H. BAKER, Jr.,
Majority leader, Dec. 15, 1982.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second time by unanimous consent, and referred as indicated:

By Mr. CHAFEE (for himself, Mr. BOSCHWITZ, Mr. INOUYE, Mr. HEINZ, Mr. BURDICK, Mr. GORTON, Mr. HATCH, Mr. HAYAKAWA, Mr. JEPSEN, Mr. PERCY, Mr. QUAYLE, Mr. KASTEN, Mr. D'AMATO, Mr. GRASSLEY, Mr. GARN, Mrs. HAWKINS, Mr. MATTINGLY, Mr. MATSUNAGA, Mr. RUDMAN, Mr. SIMPSON, Mr. TOWER, Mr. ANDREWS, and Mr. JOHNSTON):

S. 2298. A bill entitled "The Enterprise Zone Tax Act of 1982."; to the Committee on Finance.

By Mr. WEICKER (for himself, Mr. HEINZ, Mr. SPECTER, Mr. MOYNIHAN, and Mr. D'AMATO):

S. 2299. A bill to provide for the issuance of a commemorative postage stamp to honor Roberto Clemente; to the Committee on Government Affairs.

By Mr. FORD (for himself, Mr. LEVIN, Mr. RIEGLE, Mr. MELCHER, Mr. LUGAR, Mr. HUDDLESTON, Mr. METZENBAUM, Mr. EAGLETON, and Mr. KENNEDY):

S. 2300. A bill to establish domestic content requirements for motor vehicles sold in the United States, and for other purposes; to the Committee on Commerce, Science, and Transportation.

By Mr. PACKWOOD (for himself and Mr. DANFORTH) (by request):

S. 2301. A bill to amend the Federal Railroad Safety Act of 1970 and other rail safety acts; to the Committee on Commerce, Science, and Transportation.

By Mr. HELMS:

S. 2302. A bill to amend the Internal Revenue Code of 1954 to allow a credit under section 38 with respect to certain depreciable property used by hospitals owned and operated by governmental units; to the Committee on Finance.

By Mr. ROTH (by request):

S. 2303. A bill to amend the Federal Property and Administrative Services Act of 1949, as amended, relating to the disposal of foreign excess property and for other purposes; to the Committee on Govenmental Affairs.

By Mr. DECONCINI (for himself, Mr. HATCH, and Mr. THURMOND):

S. 2304. A bill to amend title 18 to limit the application of the exclusionary rule; to the Committee on the Judiciary.

By Mr. McCLURE (by request):

S. 2305. A bill to ensure that all energy and mineral resources originating on the public lands and on the Outer Continental Shelf are properly accounted for under the direction of the Secretary of the Interior, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. ROTH (by request):

S. 2306. A bill to transfer the functions of the Secretary of Commerce set forth in sections 111 (f) and (g) of the Federal Property and Administrative Services Act of 1949 (79 Stat. 1128-29; 40 U.S.C. 759 (f) and (g) to the Administrator of General Services; to the Committee on Governmental Affairs.

By Mr. RIEGLE (for himself and Mr. LEVIN):

S. 2307. A bill to amend title 11 of the Clean Air Act with respect to the mobile sources; to the Committee on Environment and Public Works.

By Mr. DECONCINI:

S. 2308. A bill to direct the Secretary of Agriculture to convey certain property to the City of Show Low, Arizona; to the Committee on Energy and Natural Resources.

By Mr. CHAFEE (for himself, Mr. MITCHELL and Mr. GORTON):

S. 2309. A bill to amend the Endangered Species Act of 1973, to authorize funds for fiscal year 1983, and for other purposes; to the Committee on Environment and Public Works.

By Mr. CHAFEE (by request):

S. 2310. A bill to amend the Endangered Species Act of 1973 and authorize appropriations for fiscal years 1983 and 1984, and for other purposes; to the Committee on Environment and Public Works.

By Mr. HATCH:

S. 2311. A bill to revise and extend programs relating to biomedical research, research training, medical library assistance, health information and promotion, and research ethics; to the Committee on Labor and Human Resources.

By Mr. BAUCUS (for himself, Mr. GRASSLEY, and Mr. MOYNIHAN):

S. 2312. A bill to amend the Internal Revenue Code of 1954 to include a barter exchange as a third-party recordkeeper for purposes of the special procedures for third-party summons; to the Committee on Finance.

By Mr. BENTSEN:

S. 2313. A bill to allow certain employees of the U.S. Department of Agriculture charged with the enforcement of animal quarantine laws to carry firearms for self-protection; to the Committee on Agriculture, Nutrition, and Forestry.

By Mrs. HAWKINS (by request):

S. 2314. A bill to amend the Consolidated Farm and Rural Development Act; to the Committee on Agriculture, Nutrition, and Forestry.

By Mr. JACKSON (for himself, Mr. WARNER, Mr. BAKER, Mr. ROBERT C. BYRD, Mr. LUGAR, Mr. NUNN, Mr. COHEN, Mr. BENTSEN, Mr. ABDNOR, Mr. ANDREWS, Mr. BOREN, Mr. BOSCHWITZ, Mr. BUMPERS, Mr. BURDICK, Mr. HARRY F. BYRD, JR., Mr. CANNON, Mr. CHILES, Mr. COCHRAN, Mr. CRANSTON, Mr. D'AMATO, Mr. DECONCINI, Mr. DIXON, Mr. DOLE, Mr. EXON, Mr. FORD, Mr. GARN, Mr. GOLDWATER, Mr. GRASSLEY, Mr. HATCH, Mr. HAYAKAWA, Mr. HEFLIN, Mr. HUMPHREY, Mr. HOLLINGS, Mr. INOUYE, Mr. JEPSEN, Mr. JOHNSTON, Mr. KASTEN, Mr. LONG, Mr. MATTINGLY, Mr. MELCHER, Mr. MOYNIHAN, Mr. MURKOWSKI, Mr. NICKLES, Mr. PROXMIRE, Mr. PRYOR, Mr. QUAYLE, Mr. RUDMAN, Mr. SASSER, Mr. SPECTER, Mr. STENNIS, Mr. STEVENS, Mr. THURMOND, Mr. TOWER, Mrs. HAWKINS, Mr. ROTH, Mr. McCLURE, Mr. SIMPSON, and Mr. ARMSTRONG):

S.J. Res. 177. Joint resolution to express the sense of the Congress that the United States and the Soviet Union should engage in substantial, equitable, and verifiable reductions of their nuclear weapons in a manner which would contribute to peace and stability; to the Committee on Foreign Relations.

By Mr. HATCH (for himself and Mr. KENNEDY):

S.J. Res. 178. Joint resolution to authorize and request the President to proclaim the second week in April as "National Medical Laboratory Week"; to the Committee on the Judiciary.

By Mr. JOHNSTON (for himself, Mr. LONG, Mr. HOLLINGS, Mr. HEFLIN, Mr. BENTSEN, Mr. BAUCUS, Mr. BURDICK, Mr. KASTEN, Mr. DIXON, Mr. LEVIN, Mr. MATSUNAGA, Mr. JACKSON, Mr. THURMOND, and Mr. MATHIAS):

S.J. Res. 179. Joint resolution to authorize and request the President to designate the week of April 19, 1982, through April 25, 1982, as "National Get High on Life Week"; to the Committee on the Judiciary.

By Mr. WEICKER (for himself, Mr. NUNN, Mr. ABDNOR, Mr. BAUCUS, Mr. BOSCHWITZ, Mr. BRADLEY, Mr. BUMPERS, Mr. CHILES, Mr. COHEN, Mr. D'AMATO, Mr. FORD, Mr. DIXON, Mr. DOMENICI, Mr. GLENN, Mr. GORTON, Mr. HATCH, Mr. HAYAKAWA, Mr. LEVIN, Mr. MELCHER, Mr. METZENBAUM, Mr. MITCHELL, Mr. NICKLES, Mr. PELL, Mr. QUAYLE, Mr. RUDMAN, Mr. SASSER, Mr. SARBANES, Mr. STAFFORD, Mr. SPECTER, Mr. TSONGAS, Mr. WALLOP, and Mr. BURDICK):

S.J. Res. 180. Joint resolution to authorize and request the President to issue a proclamation designating the week beginning May 9, 1982, as "National Small Business Week"; to the Committee on the Judiciary.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. METZENBAUM (for himself, Mr. DECONCINI, Mr. KENNEDY, Mr. MATSUNAGA, Mr. MELCHER, Mr. MOYNIHAN, Mr. MITCHELL, Mr. RIEGLE, Mr. SARBANES, Mr. ZORINSKY, Mr. BAUCUS, Mr. CRANSTON, Mr. DIXON, Mr. HART, Mr. PROXMIRE, Mr. RANDOLPH, Mr. TSONGAS, Mr. BURDICK, Mr. JACKSON, Mr. FORD, Mr. GLENN, and Mr. SASSER):

S. Res. 352. Resolution to oppose the elimination of or reduction in the cost-of-living adjustments (COLA's) in Social Security benefits prior to the time that the National Commission on Social Security Reform has reported its findings and recommendations; to the Committee on Finance.

By Mr. BUMPERS (for himself, Mr. LEVIN, Mr. DECONCINI, Mr. BOREN, Mr. EXON, Mr. GLENN, Mr. BIDEN, Mr. PRYOR, Mr. EAGLETON, Mr. INOUYE, Mr. HOLLINGS, Mr. HEFLIN, Mr. BAUCUS, Mr. MITCHELL, Mr. TSONGAS, Mr. CHILES, Mr. KENNEDY, Mr. PELL, Mr. FORD, Mr. MOYNIHAN, and Mr. ROBERT C. BYRD):

S. Res. 353. Resolution expressing support for preventive health programs; to the Committee on Labor and Human Resources.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. CHAFEE (for himself, Mr. BOSCHWITZ, Mr. INOUYE, Mr. HEINZ, Mr. BURDICK, Mr. GORTON, Mr. HATCH, Mr. HAYAKAWA, Mr. JEPSEN, Mr. PERCY, Mr. QUAYLE, Mr. KASTEN, Mr. D'AMATO, Mr. GRASSLEY, Mr. GARN, Mrs. HAWKINS, Mr. MATTINGLY, Mr. MATSUNAGA, Mr. RUDMAN, and Mr. SIMPSON):

S. 2298. A bill entitled "The Enterprise Zone Tax Act of 1982"; to the Committee on Finance.

(The remarks of Mr. CHAFEE, and Mr. SIMPSON, and the text of the bill, appear earlier in today's RECORD.)

By Mr. WEICKER (for himself, Mr. HEINZ, Mr. SPECTER, Mr. MOYNIHAN, and Mr. D'AMATO):

S. 2299. A bill to provide for the issuance of a commemorative postage stamp to honor Roberto Clemente; to the Committee on Governmental Affairs.

ROBERTO CLEMENTE COMMEMORATIVE STAMP

● Mr. WEICKER. Mr. President, today I am introducing legislation to provide for the issuance of a commemorative postage stamp to honor the late Roberto Clemente. I am pleased to be joined in this endeavor by Senators HEINZ, SPECTER, MOYNIHAN, and D'AMATO. Representative GARCIA, of New York, has introduced a companion bill, H.R. 3532, in the House of Representatives.

Roberto Clemente was one of the greatest baseball players of his time. The son of a sugarcane worker, Clemente rose from Puerto Rico's dusty sandlots to the green grass and cheering stadiums of the major leagues. He helped the Pittsburgh Pirates to World Series crowns in 1960 and 1971. He won the National League batting championship four times and the league's Most Valuable Player Award in 1966. He had a lifetime batting average of .317 and collected 3,000 hits, something only 10 players had ever achieved. In 1973, he was the first Latin ever elected to the National Baseball Hall of Fame.

Clemente was a proud, graceful athlete—a marvel to watch. People spoke of him easily in the same breath with Mantle, Mays, and Aaron. He could hit with consistency and power—a hard single through the box, a sharp triple down the line, a deep drive over everything in left. With his speed he could turn a single into a double, a tie game into a victory. His fielding was incomparable. He made diving and sliding catches. He could leap, catch a ball, whirl and throw all in one motion, without even seeming to touch the earth. His teammate, Manny Sanguillen, said of him, "He is the inspiration." To the children of Puerto Rico and to other American children who loved the game, he became known as "Roberto—The Great One."

Mr. President, Roberto Clemente was more than just a baseball star; he was a great humanitarian. For all his success in sport, he never forgot his roots and what is was like to grow up in the barrios. He devoted much of his time to working with the children of Puerto Rico. His dream was to build them a sports complex—a project that was completed after his death and is now used by thousands of young people.

In December 1972, when Nicaragua was devastated by an earthquake, Clemente took charge of Puerto Rico's relief efforts. He went on TV and on the radio to plead for help. On New Year's Eve, as the last plane was being loaded with medicine, food, and relief supplies, Clemente decided to go along to insure that the supplies found their way to the neediest. Later that night the plane was reported missing. When the morning sun rose on an empty sea, all hope was lost.

John Kennedy once said:

> A nation reveals itself not only by the men it produces but also by the men it honors, the men it remembers.

Today, as we are faced with troubled times and difficult questions not only at home, but abroad, particularly in places like El Salvador and Nicaragua, it will do us well to remember Clemente. In death, as in life, Clemente offered the world a shining example of the best that humans have to offer. Whether sprinting across the outfield to catch a distant ball or flying through the night to aid the unfortunate—he upheld our hopes with his deeds.

Mr. President, it would be a fitting tribute to issue a commemorative stamp in honor of Roberto Clemente. Let it serve as an affirmation of the spirit of "Roberto—The Great One" and a reminder of the decency and heights we, as individuals and as a Nation, are capable, and to which, we should aspire.●

By Mr. FORD (for himself, Mr. LEVIN, Mr. RIEGLE, Mr. MELCHER, Mr. LUGAR, Mr. HUDDLESTON, Mr. METZENBAUM, Mr. EAGLETON and Mr. KENNEDY):

S. 2300. A bill to establish domestic content requirements for motor vehicles sold in the United States, and for other purposes; to the Committee on Commerce, Science, and Transportation.

FAIR PRACTICES IN AUTOMOTIVE PRODUCTS ACT

Mr. FORD. Mr. President, today I am introducing the Fair Practices in Automotive Products Act. This bill will impose a local production requirement on every auto company that sells over 100,000 vehicles in the United States. It is only fair that foreign automobile companies create auto production and jobs in the United States since they enjoy a high volume of sales in this country.

American citizens are increasingly frustrated with the current trade imbalance with Japan due to automobile imports. They feel that this imbalance has created an unnecessary hardship for the American—and indeed unemployment in the domestic auto industry is at an alltime high.

It is time for the Federal Government to act. There have been various proposals before the Congress to solve the auto industry problems, but I believe the bill that I am introducing today is the most fair and thorough. It will simply require foreign auto companies to produce where they sell.

Let me repeat that, Mr. President. It will simply require foreign auto companies to produce where they sell.

Many other governments now require auto companies to produce locally. Australia, Brazil, Mexico, South Korea, and Spain have already acted to counter foreign automobile trade. The U.S. Congress must also act to maintain domestic jobs and restrain the foreign parts imports.

This bill will generate new investment and employment in the United States by foreign companies with large sales here, insure that U.S. companies do not make a wholesale shift to foreign production to supply the domestic market, increase U.S. automotive exports, and open up the replacement parts market for foreign-built cars to American suppliers.

In 1978, the last healthy year for the domestic auto industry, the United States had automotive production of $132 billion and non-Canadian imports of $15 billion. In 1980, production had fallen to $106 billion while imports had risen to $20 billion.

Three separate trends have caused the displacement of U.S. production by imports. First and most widely known, the import share of new vehicle sales has risen from 15 percent in 1973 to 26 percent in 1980. Second, U.S. companies are obtaining a larger portion of their parts from foreign sources. Finally, as the number of foreign-built cars here has expanded, so has the market for their replacement parts. It is my hope that passage of this bill will reverse the trend and put Americans back to work in the auto industry.

The bill that I am introducing today will impose local production requirements on every multinational auto company that sells over 100,000 vehicles in the United States. By the 1985 model year, a company with over 100,000 vehicle sales will have to produce or buy domestic production worth 25 percent of its automotive sales in this country. A sliding scale will mandate 50 percent for those with sales over 150,000, 75 percent for those over 200,000, and 90 percent for those over 500,000. The requirement will be phased in beginning with the 1983 model year.

Mr. President, I ask unanimous consent to include a summary of the Fair Practices in Automotive Products Act in the Record.

There being no objection, the summary was ordered to be printed in the Record, as follows:

Summary of Fair Practices in Automotive Products Act

DEFINITIONS

The term "automotive products" encompasses all passenger cars and light trucks, as well as all parts and materials used in their production.

A company may count as its "added domestic value" the cost of labor it hires in the United States and the U.S. parts it uses in the production of automotive products.

The "domestic content ratio" for a company is calculated by dividing its added domestic value by its sales of automotive products in the United States. If, in its trade with the world and with Canada, a company's U.S. operations builds or buys automotive exports in an amount equal to its automotive imports, that company would have a domestic content ratio of 100 percent.

A "model year" can be either a company's annual production period or a calendar year. In either case, it bears the number of the year in which January 1 falls.

The term "vehicle manufacturer" counts as one entity all affiliated corporations worldwide which are commonly controlled. In the case of minority-holdings or joint ventures, the Secretary of Transportation would determine whether to consolidate the operations into one vehicle manufacturer or to prorate production among different vehicle manufacturers.

TITLE I—DOMESTIC CONTENT REQUIREMENTS

This title ensures that the multinational auto companies create automotive production and jobs in the United States when they enjoy high volume sales here. Vehicle manufacturers must comply with a schedule of minimum domestic content ratios based on their sales volume. By model year 1985 and beyond, manufacturers must achieve a domestic content ratio of 90 percent when they sell more than 500,000 vehicles a year in the United States; 75 percent with sales above 200,000; 50 percent if over 150,000; and 25 percent above 100,000. Those minimum ratios begin to be phased in during the 1983 model year.

The Secretary of Transportation is charged with overseeing compliance with Title I. All companies with U.S. sales above 50,000 in any year must provide the Secretary with all necessary information. That information will be kept confidential, except that the Secretary must publish each manufacturer's domestic content ratio as soon as practicable after its model year.

When a company does not fulfill its minimum domestic content ratio in a model year the Secretary imposes sanctions that are applied in the next model year. During the year of sanctions, the errant company can import no more than 75 percent of the motor vehicles imported during the year of violation nor more than 75 percent of the parts brought in during the year of violation.

TITLE II—UNFAIR AND DECEPTIVE PRACTICES

This title is designed to provide U.S. parts manufacturers with better access to the market for replacement parts, particularly those sold by the service departments at imported car dealerships. The title imposes obligations on vehicle manufacturers by defining two practices as unfair and subject to sanctions by the Federal Trade Commission. Both obligations are triggered by the request of U.S. parts manufacturer. First, the vehicle manufacturer must promptly determine whether U.S.-made parts satisfy reasonable standards as replacement parts; if so, its dealers must promptly be notified. Second, the vehicle manufacturer must provide the parts manufacturer with a letter that explains the legal rule: the parts manufacturer has liability for damages when it has made defective replacement parts. Such a letter may sound trivial, yet parts companies use a letter of the type to persuade car dealers to consider buying replacement parts from them, particularly when they compete with parts distributed by the vehicle manufacturer.

Mr. METZENBAUM. Mr. President, I join the Senator from Kentucky in introducing legislation that will require a gradual phase-in of local content requirements for motor vehicles sold in the United States.

We know all too well the sorry state of the American automotive industry. For 3 years now, this industry has suffered record losses and massive job layoffs. Last year's sales were the lowest in more than 20 years. Today, a quarter of a million autoworkers are on indefinite layoff. Add to that number the jobs lost in the manufacture of materials, parts, and assemblies, and the unemployment line swells to well over three-quarters of a million.

While the administration's foolhardy policy of tight money and high interest rates continues to contribute to the industry's nightmare, the crisis is also being aggravated by skyrocketing foreign imports, particularly from Japan.

In 1981, foreign-made cars captured 27 percent of the shrunken U.S. market. Japanese-made cars accounted for more than 21 percent of this number. Foreign-made auto parts are also making tremendous inroads into the domestic market. By 1985, the imported content of domestically assembled vehicles could be as high as 30 percent.

This is especially unfair when we consider how our trading partners ignore the U.S. policy of free and open trade. Japan in particular continues to enjoy relatively free access to our market while limiting U.S. access to its own.

This must stop. As a nation we can no longer tolerate a crippled U.S. auto industry. Livelihoods are at stake. And so is a very basic question of fairness and equity between this country and its major trading partners.

The bill we are introducing today will not only stem the loss of current jobs, it will create thousands of new ones. By requiring all automobile manufacturers to use an increasing percentage of domestically produced automobile parts—90 percent by 1985—the bill will encourage more foreign companies to set up production here. In addition, companies already based here will be dissuaded from the growing practice of looking abroad for component parts. Instead they will build those parts here. Finally, U.S. parts makers will enjoy better access to the fast-growing replacement parts market at imported car dealerships.

Mr. President, this is sound and fair legislation. I urge my colleagues to give it their careful and favorable attention.

Mr. RIEGLE. Mr. President, I am pleased to join as an original cosponsor of this important bill to establish domestic content requirements for motor vehicles sold in the United States.

During the past 3 years, Americans have had a painful lesson in the importance of auto manufacturing to our economy. U.S. carmakers create demand that makes the difference between profit and loss for many basic industries including steel, aluminum, rubber, glass, textiles, and increasingly electronics.

The current crisis in the domestic auto industry has caused the layoff of over one-quarter million autoworkers and another half million more workers in related industries. The auto crisis contributes in large measure to the deepening recession throughout our economy.

But long-term trends are even more disturbing. Unless the United States takes firm action, we could suffer a huge, permanent and debilitating loss in our employment base.

All of the evidence suggests that Americans will continue to rely basically on personal vehicles to transport people and goods. The University of Michigan and Arthur Anderson & Co. recently completed a delphi forecast of the U.S. automotive market and estimates that domestic demand for new cars and light trucks will grow to a level of 15 to 17 million vehicles by 1990.

For as long as we can see into the future, Americans will be buying cars in large numbers. The open questions are: Who will be building them? Who will be making the parts? Who will be producing the raw materials?

By enacting the bill we introduce today, Congress would give the only acceptable answer to these questions by saying that American workers should have the bulk of the jobs that are created by American demand for automobiles.

The bill would establish the principle that companies who sell cars in the United States should create auto manufacturing jobs in the United States. Every multinational auto company that sells over 100,000 vehicles in the United States would by 1985 be required to produce or buy domestic production worth 25 percent of its U.S. sales.

A sliding scale would mandate 50 percent for those with sales over 100,000, 75 percent for those over 200,000, and 90 percent for those selling over 500,000. The requirement would be phased in beginning in the 1983 model year.

Companies that do not achieve the required local content level would have their imports sharply reduced in the following year.

The bill would also give American manufacturers the chance to supply replacement parts to all auto dealerships. All auto manufacturers would have to notify its dealers of available U.S.-manufactured parts.

Mr. President, I ask unanimous consent to have the text of the bill printed in the RECORD at the conclusion of my remarks.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SEC. 1. SHORT TITLE.

This Act may be cited as the "Fair Practices in Automotive Products Act".

SEC. 2. DEFINITIONS.

As used in this Act—

(1) The term "automotive products" means motor vehicles and parts for motor vehicles.

(2) The term "domestic part" means any material or part used in manufacture of a motor vehicle if such material or part is produced in the United States.

(3) The term "added domestic value" means—

(A) the value of the labor and of the domestic parts used by a vehicle manufacturer in the production of automotive products in the United States that are during a model year, either sold by that manufacturer in the United States or exported by that manufacturer to foreign countries other than Canada; plus

(B) the lesser of—

(i) the value of the labor and of the domestic parts used by that manufacturer in the production of automotive products in Canada that are sold by that manufacturer during such model year in the United States, or

(ii) the value of the labor and of the domestic parts used by that manufacturer in the production of automotive products in the United States that are exported by that manufacturer to Canada during such model year.

(4) The term "domestic content ratio" means, with respect to a vehicle manufacturer for any model year, the percentage determined by multiplying by one hundred the factor obtained by dividing the added domestic value determined for that manufacturer for that model year under paragraph (3) by the aggregate of the production costs of all automotive products sold by that manufacturer in the United States during that model year. For purposes of the preceding sentence, the production cost of an automotive product is the wholesale price to dealers in the United States for that product as set forth in the vehicle manufacturer's official dealer price list that is in effect at the time the product is sold at wholesale.

(5) The term "model year" means a vehicle manufacturer's annual production period (as determined by the Secretary) which includes January 1 of a calendar year, or if a vehicle manufacturer does not have an annual production period, the calendar year. A model year shall be designated by the year in which January 1 occurs.

(6) The term "motor vehicle" means—

(A) any on-the-highway, four-wheeled or three-wheeled, passenger automobile; and

(B) any automobile truck having a gross vehicle weight of less than ten thousand pounds.

(7) The term "parts manufacturer" means a person engaged in the business of producing parts for motor vehicles.

(8) The term "Secretary" means the Secretary of Transportation.

(9) The term "vehicle manufacturer" means any person engaged in the business of producing motor vehicles for ultimate retail sale in the United States and includes as one entity all persons who control, are controlled by, or are in common control with, such person. The Secretary shall prescribe rules for determining, in such case in which—

(A) more than one person is the manufacturer of a make of motor vehicle, which person is to be treated as the vehicle manufacturer of such make for purposes of Title I; and

(B) two vehicle manufacturers in joint venture produce motor vehicles in the United States, the allocation of such vehicles among those manufacturers for the purposes of Title I.

Such term also includes any predecessor or successor of such a vehicle manufacturer to the extent provided under rules which the Secretary shall prescribe.

TITLE I—DOMESTIC CONTENT REQUIREMENTS FOR MOTOR VEHICLES

SEC. 101. CONTENT RATIOS FOR MODEL YEAR 1982 AND THEREAFTER.

For each model year beginning after June 30, 1982, the minimum domestic content ratio for a vehicle manufacturer shall not be less than that specified in the following tables:

MODEL YEAR 1983

Number of motor vehicles sold by manufacturer in the United States during such year:	Minimum domestic content ratio (percent):
Not over 100,000	0
Over 100,000 but not over 150,000	8.3
Over 150,000 but not over 200,000	16.7
Over 200,000 but not over 500,000	25
Over 500,000	30

MODEL YEAR 1984

Number of motor vehicles sold by manufacturer in the United States during such year:	Minimum domestic content ratio (percent):
Not over 100,000	0
Over 100,000 but not over 150,000	16.7
Over 150,000 but not over 200,000	33.3
Over 200,000 but not over 500,000	50
Over 500,000	60

EACH MODEL YEAR AFTER MODEL YEAR 1984

Number of motor vehicles sold by manufacturer in the United States during such year:	Minimum domestic content ratio (percent):
Not over 100,000	0
Over 100,000 but not over 150,000	25
Over 150,000 but not over 200,000	50
Over 200,000 but not over 500,000	75
Over 500,000	90

SEC. 102. REPORTING REQUIREMENTS.

(a) IN GENERAL.—Each vehicle manufacturer that produces more than fifty thousand motor vehicles for sale in the United States during any model year after model year 1981 must provide such information to the Secretary regarding the production and sale of motor vehicles and automotive parts as the Secretary shall require for the purpose of administering this title.

(b) Confidentiality of Information.—All information submitted to the Secretary by a vehicle manufacturer in compliance with subsection (a) shall be confidential and shall not be disclosed except when required under court order. The Secretary shall, by regulation, prescribe such confidentiality, except that—

(1) the Secretary may release or make public any such information in any aggregate or summary statistical form which does not directly or indirectly disclose the identity or business operations of the manufacturer who submitted the information; and

(2) the Secretary shall release upon request any such information to the Congress or any committee thereof.

(c) Annual Report.—As soon as practicable after the close of each model year after June 30, 1982, the Secretary shall prepare and make available to the public a report setting forth the domestic content ratio achieved by each vehicle manufacturer during such model year.

SEC. 103. RULES AND REGULATIONS.

The Secretary shall prescribe such rules and regulations as are necessary or appropriate to carry out the provisions of this title.

SEC. 104. PROHIBITED ACTS AND SANCTIONS.

(a) Prohibited Acts.—It is unlawful for any vehicle manufacturer to violate any provision of this title or any rule or regulation issued pursuant to this title.

(b) Sanctions.—(1) If the Secretary finds, after notice and an opportunity for a hearing in accordance with section 554 of title 5, United States Code, that a vehicle manufacturer has knowingly committed an act prohibited by subsection (a)—

(A) the number of motor vehicles that may, during the model year after the model year in which such violation occurred, be entered by, or on behalf of, the manufacturer concerned may not exceed 75 per centum of the number of motor vehicles that were entered by, or on behalf of, that manufacturer during the model year in which such violation occurred; and

(B) the parts for motor vehicles that may be entered by, or on behalf of, the manufacturer concerned during the model year after the model year in which such violation occurred may not exceed in aggregate dutiable value an amount equal to 75 per centum of the aggregate dutiable value of parts for motor vehicles that were entered by, or on behalf of, that manufacturer during the model year in which such violation occurred.

(2) The Secretary shall determine, and certify to the Commissioner of Customs, the number of motor vehicles and the aggregate dutiable value of parts that may be entered during any year by, or on behalf of, a vehicle manufacturer to which paragraph (1) applies.

(3) For purposes of paragraphs (1) and (2), the term "entered" means entered, or withdrawn from warehouse for consumption, in the customs territory of the United States.

(4) Any vehicle manufacturer against whom import restrictions are imposed under paragraph (1) may obtain review thereof in the appropriate court of the United States by filing a notice of appeal in such court within thirty days from the date of such order and by simultaneously sending a copy of such notice by certified mail to the Secretary. The Secretary shall promptly file in such court a certified copy of the record upon which such violation or import restriction was found, as provided in section 2112 of title 28, United States Code. The findings and order of the Secretary shall be set aside by such court if they are not found to be supported by substantial evidence, as provided in section 706(2) of title 5, United States Code.

TITLE II—UNFAIR ACTIONS AFFECTING DOMESTIC PARTS MANUFACTURERS

SEC. 201. UNFAIR ACTIONS AFFECTING DOMESTIC PARTS MANUFACTURERS.

(a) Prohibited Acts.—It is unlawful for a vehicle manufacturer to fail to carry out the following actions:

(1) To undertake prompt action, after requested to do so by a parts manufacturer—

(A) to determine whether parts produced in the United States by the parts manufacturer satisfy reasonable standards established by the vehicle manufacturer for use as replacement parts for motor vehicles produced by that vehicle manufacturer, and

(B) if the determination described in subparagraph (A) is affimative, to motify its affiliated dealers of the determination.

(2) To furnish a letter, after requested to do so by such parts manufacturer, stating that the parts manufacturer shall assume liability for all damages that may result from the use by consumers of parts made by the parts manufacturer as replacement parts in motor vehicles produced by that vehicle manufacturer.

(b) Civil penalty.—(1) Any manufacturer who is found by the Secretary, after notice and an opportunity for a hearing in accordance with Section 554 of Title 5, United States Code, to have committed an act prohibited by subsection (a) shall be liable to the United States for a civil penalty. The amount of the civil penalty shall not exceed $5,000 for each violation. Each day of a continuing violation shall constitute a separate offense. The amount of such civil penalty shall be assessed by the Secretary, or his designee, by written notice. In determining the amount of such penalty, the Secretary shall take into account the nature, circumstances, extent, and gravity of the prohibited acts committed and, with respect to the violator, the degree of culpability, any history of prior offenses, and such other matters as justice may require.

(2) Any manufacturer against whom a civil penalty is assessed under paragrah (1) may obtain review thereof in the appropriate court of the United States by filing a notice of appeal in such court within thirty days from the date of such order and by simultaneously sending a copy of such notice by certified mail to the Secretary. The Secretary shall promptly file in such court a certified copy of the record upon which such violation was found or such penalty imposed, as provided in Section 2112 of Title 28, United States Code. The findings and order of the Secretary shall be set aside by such court if they are not found to be supported by substantial evidence, as provided in Section 706(2) of Title 5, United States Code.

(3) If any manufacturer fails to pay an assessment of a civil penalty after it has become a final and unappealable order, or after the appropriate court has enterred final judgment in favor of the Secretary, the Secretary shall refer the matter to the Attorney General of the United States, who shall recover the amount assessed in any appropriate district court of the United States. In such action, the validity and appropriateness of the final order imposing the civil penalty shall not be subject to review.

(4) The Secretary may compromise, modify, or remit, with or without conditions, any civil penalty which is subject to imposition or which has been imposed under this subsection.

● Mr. LEVIN. Mr. President, I am delighted to cosponsor this important piece of legislation. And I congratulate Senator Ford for his willingness to take on this issue and move this bill along.

Mr. President, in essence this bill simply requires that all firms which sell cars in this country produce or purchase a certain percentage of the parts and labor that go into them here in America. That is precisely the policy now in effect in dozens of countries, either through above-board legislation of the kind proposed here or sub-rosa nontariff barriers which prevent foreign-made cars from achieving reasonable levels of sales.

The rationale for local content is both simple and compelling: as the auto industry shifts to a world car scenario, economic forces will compel firms to locate production facilities throughout the globe rather than concentrating their efforts in any given region or even any given country. Because other nations do not enjoy the standard of living we have achieved and have not been able to build into their economic systems the kinds of social policies that we have, they will enjoy an obvious advantage over us in terms of direct production costs. These will result in one of two outcomes: either we will lose production and employment to other countries or we will find that wage and regulatory decisions will be determined by the policies and practices of foreign countries rather than by American needs and interests—a trend which is already becoming all too real.

We need, then, to establish policies which give the American economy more control over what ought to be our own internal decisions. That cannot be done as long as producers who build abroad can sell here in such great quantities. For example, foreign producers pay no social security taxes, do not contribute to unemployment funds and have no obligation to meet domestic environmental regulations in their production procedures. Similarly, our wages are higher than theirs; not as a function of union greed but rather as a result of a higher standard of living and the historical prosperity which the industry enjoyed. We cannot realistically be expected to modify all of those costs without making unacceptable changes in the quality of American life. Since we cannot, and should not, meet the competition in these areas, what we should do is make sure that the competition meets us. That can be done by requiring them to produce a given percentage of their product in this country under our competitive conditions. That is precisely what Volkswagen of America has done and is doing with its American production facilities. And it is what other foreign producers should do—either through voluntary action or as a result of a legislative requirement.

Local content, Mr. President, is a solution to the problems of the American economy which is rooted in equity. We do not foreclose the consumer's right to purchase any kind of car they might wish; we simply insure the right of American workers to compete for jobs. We have talked a great deal about reindustrializing this country. This legislation would help us do just that. We have talked a great deal about increasing employment. This legislation would help us do just that.

Mr. President, the time for talk has long since passed. Now it is time to act. The hundreds of thousands of unemployed auto workers, the hundreds of thousands of unemployed workers in the supplier industries deserve nothing less.●

By Mr. HELMS:

S. 2302. A bill to amend the Internal Revenue Code of 1954 to allow a credit under section 38 with respect to certain depreciable property used by hospitals owned and operated by government units; to the Committee on Finance.

TAX BENEFITS FOR HOSPITAL EQUIPMENT

● Mr. HELMS. Mr. President, a little known section of the Internal Revenue Code has been brought to my attention by an attorney in North Carolina, Robert H. Merritt, Jr. His research, in conjunction with William Andrews and Roy Clark of the Wake County hospital system, makes clear that revision of section 48(a)(5) of the Internal Revenue Code would help many financially distressed hospitals owned or run by local government units.

Therefore, Mr. President, I am today offering legislation to remedy a situation that truly needs attention. I am encouraged that we may be able to achieve speedy consideration of my bill, Mr. President, as I have discussed this proposal with a number of my colleagues who agree that it has great merit.

In addition, a letter from the Chief of the Corporation Branch of the Internal Revenue Service indicates that he has urged the IRS to "act favorably upon" Mr. Merritt's recommendation.

Section 48(a)(5) of the Internal Revenue Code prohibits a taxpayer from taking the investment tax credit on property leased to a "governmental unit." The same property leased by the taxpayer to a nongovernmental unit would qualify for the investment tax credit. This disparity makes little sense in today's economy. Correction of the disparity would create a new source of capital for "governmental units" and contribute to the reduction of the costs of government.

CURRENT LAW

The provisions of the Internal Revenue Code and the Treasury regulations applying in this area clearly state that no taxpayer may take advantage of the investment tax credit if he leases property to a "governmental unit." Code section 48(a)(5) reads as follows;

> Property used by governmental units.—Property used by the United States, any State or political subdivision thereof, any international organization, or any agency or instrumentality of any of the foregoing shall not be treated as Section 38 property. For purposes of the preceding sentence, the International Telecommunications Satellite Consortium, the International Maritime Satellite Organization, and any successor organization of such Consortium or Organization shall not be treated as an international organization. If any qualified rehabilitated building is used by the governmental unit pursuant to a lease, this paragraph shall not apply to that portion of the basis of such building which is attributable to qualified rehabilitation expenditures.

The Treasury regulation section 1.48-1(k) amplifying the Code section reads as follows:

> Property used by governmental units.—The term "section 38 property" does not include property used by the United States, any State (including the District of Columbia) or political subdivision thereof, any international organization (as defined in Section 7701(a)(18)) other than the International Telecommunications Satellite Consortium or any successor organization, or any agency or instrumentality of the United States, of any state or political subdivision thereof or of any such international organization. The term "property used by the United States, etc." means (1) property owned by any such governmental unit (whether or not leased to another person), and (2) property leased to any such governmental unit. Thus, for example, a data processing or copying machine which is leased to any such governmental unit would be considered as property used by such governmental unit. Property leased by another person to any such governmental unit or leased by such governmental unit to another person is not section 38 property to either the lessor or the lessee, and in either case, the lessor may not elect under Section 1.48-4 to treat the lessee of such property as having purchased such property for purposes of the credit allowed by Section 38. This paragraph shall not apply to property leased on a casual or short-term basis to any such governmental unit.

It is important to note that the term "governmental unit" includes not only the United States and the several States, but also the political subdivisions thereof. Political subdivisions include all cities, counties, municipalities, and each and every arm, branch, or ancillary function associated with the respective city, county, or municipality. Included in that definition, therefore, would be any county-run hospitals. While a change in section 48(a)(5) would affect other entities covered by the "governmental unit" definition, the principal purpose of this document is to demonstrate the benefit of repeal of section 48(a)(5) for county-run hospitals.

ADVERSE EFFECT OF CURRENT LAW

Disallowing the investment tax credit for property leased to "governmental units" hampers the ability of a "governmental unit" to raise needed capital. The law essentially prohibits "governmental units" from tapping private capital sources. It also places a "governmental unit" at a disadvantage where leasing transactions are concerned. Investors who might otherwise be encouraged to provide needed capital to a "governmental unit," would be well advised—and indeed are advised—to invest elsewhere.

Take for example hospital equipment. Certainly, a taxpayer would rather purchase and provide medical equipment to a private hospital where he can obtain the benefits of the investment tax credit, than purchase and provide the same equipment to a county-run hospital where no such benefit is available. Accordingly, section 48(a)(5) has the effect of discouraging individual taxpayers from providing equipment to county-run hospitals. There is no rational basis for this result since county-run hospitals need medical equipment just as much as private hospitals. Indeed, the county-run hospital may have an even greater need for the equipment since the county-run hospital is required by law to provide medical care for indigent patients and the private hospital is not.

ORIGINAL PURPOSE OF INVESTMENT TAX CREDIT

The original purpose of the investment tax credit was to stimulate investment in depreciable machinery and equipment. This is evident from the committee report to the Revenue Act of 1962. The idea was to provide taxpayers with an incentive to purchase new plant and equipment since, by reason of the investment tax credit, the plant and equipment would cost less. (House of Representatives Rept. No. 1447, 87th Congress, 2d session (1962), 1962-3 C.B. 412). This same committee report states that the governmental unit exception was placed in the law in 1962 because allowing the investment tax credit in a lease to a "governmental unit" would not result in the increased use of such property by "governmental units." Obviously, the use of equipment by "governmental units" has increased substantially since 1962 and these "governmental units" have had to bear the entire burden of the cost of the equipment.

Section 48(a)(5) has discouraged outside funding for this equipment.

Ironically, the rationale for allowing the investment tax credit in the first place is an even more appropriate rationale for allowing the investment tax credit for uses by a "governmental unit." The rationale, as stated by the committee report, was that by reason of the investment tax credit, the equipment would cost less. If the investment tax credit would reduce the cost of equipment used in the private sector, it should also reduce the cost of equipment to the public sector. What better reason is there to allow the investment tax credit for equipment used by a "governmental unit."

EFFECT ON COUNTY-RUN HOSPITALS

While the repeal of section 48(a)(5) would be beneficial to other "government units," its repeal, or at least its revision to exclude county-run hospitals will significantly benefit county-run hospitals. Repeal of section 48(a)(5) could substantially reduce the capital requirements of county-run hospitals since much of the needed capital could be supplied by private individuals at cheaper cost.

Currently, if a county-run hospital wishes to make a capital expenditure it must, first, raise rates, second, go to the open bond market, and third, lease equipment. If the county-run hospital opts to raise its rates, it must do so well in advance of the anticipated expenditure in order to accumulate sufficient funds to purchase the equipment at a later date. This method automatically and prematurely raises hospital costs. If the county-run hospital opts to go directly to the bond market, it becomes a direct competitor with the private sector and may well be incurring unnecessary additional marketing costs. If the county-run hospital leases equipment, it must do so without benefit of the investment tax credit to its lessors. Consequently, the costs of leasing to the county-run hospital will necessarily be greater.

ALTERNATIVE FINANCING METHOD AVAILABLE IF SECTION 48(a)(5) WERE REPEALED

If section 48(a)(5) were repealed, county-run hospitals could look to private individuals to furnish much of their equipment costs. In many cases, the physicians practicing at these hospitals would provide the capital for the equipment. Lower cost could be obtained since the primary investment motives of the physicians would be the obtaining of the investment tax credit while providing modern equipment at the location of their practice. The profit motive to the physicians would be secondary since the physicians' income is being generated by the use of the equipment in their medical practice.

Under these circumstances, the hospital can negotiate a favorable lease with the physicians for reduced cost. After the expiration of the lease, the hospital would be in a position to negotiate an even more favorable lease since, in most cases, the equipment subject to the lease would be paid off. Indeed, there would be nothing to prevent the physicians from giving the equipment to the hospital at the end of the lease; in which case a hospital could ultimately obtain high-technology equipment free of charge.

While the investment scenario described above could be characterized as a tax shelter for doctors, such a characterization ignores practical reality. First, the physicians do have the capital and the credit worthiness to finance the equipment. The capital is there, waiting to be utilized. Second, the scenario keeps the dollars made by the physician at the place of his practice; that is, the hospital. The scenario creates a sort of reinvestment program for the physicians.

Third, the physicians already invest heavily in tax-sheltered investments and the scenario merely gives the physicians a reason to invest right there in the hospital rather in some other tax shelter. Revenue loss therefore would be minimal. Fourth, the burden of equipping the hospital could be borne, at least in part, by someone other than the hospital. Fifth, the ability of the hospital to have modern equipment on hand would not be limited by its own financial position. Lenders could look to the credit worthiness of the physicians.

Sixth, county-run hospitals would not have to raise their rates prematurely in order to accumulate funds for equipment. This factor is perhaps the most important and has an immediate impact on reduction or stabilization of hospital costs. If all these factors are considered, the major benefit is to the taxpayer who will get better medical care at less cost.

CONCLUSION

Economic conditions in the country in 1962 were substantially different from economic conditions today. Currently, the United States, the several States, the counties, the cities, the municipalities, and any and all other "governmental units" are struggling to provide services that they can ill afford to provide. While the taxpayers have, up to now, been able to foot the bill for these services there are clear indications that the cost of many of these services is beginning to reach beyond the financial capabilities of the taxpayers.

Thus it is that better and cheaper ways to provide these services must be found or "governmental units" such as hospitals will be forced to curtail services. The repeal, or at least the substantial revision, of section 48(a)(5) will help in developing less expensive ways by which "governmental units" may provide their services and will open up sources of capital heretofore unavailable to them. Under current economic conditions there is no rational basis for section 48(a)(5). Its repeal could well help solve some nagging budget problems faced by "governmental units."

The total revenue loss as a result of present tax advantages for certain types of investment would not increase, but would be slightly redistributed to assist "government units" such as county-run hospitals.

If the Senate Finance Committee considers any tax legislation this year, I urge my colleagues on that panel to give every consideration to this worthy bill.

Mr. President, I ask unanimous consent that a letter to the President from Mr. Robert H. Merritt, Jr., of Raleigh, N.C., and the response he received from the Internal Revenue Service be printed in the Record at the conclusion of my remarks. I also ask that the text of my bill be printed in the Record as well.

There being no objection, the bill and letters were ordered to be printed in the Record, as follows:

S. 2302

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) section 48(a)(5) of the Internal Revenue Code of 1954 is amended by adding at the end thereof the following new sentence: "This paragraph shall not apply to property used by a hospital owned and operated by a governmental unit.".

(b) The amendment made by subsection (a) shall apply to taxable years beginning after December 31, 1981.

Robert H. Merritt, Jr.,
Raleigh, N.C., December 3, 1981.

President Ronald R. Reagan,
The White House,
Washington, D.C.

Dear President Reagan: I am writing to suggest a possible means by which medical care costs and governmental borrowing to finance medical costs could be reduced. In particular, I am suggesting the repeal or redrafting of Section 48(a)(5) of the Internal Revenue Code. As presently written, Section 48(a)(5) eliminates the availability of the Investment Tax Credit with respect to property which is used by a governmental unit.

A governmental unit includes a county-run hospital. Currently, such hospitals must utilize their own credit worthiness to borrow funds for purchasing and/or leasing equipment for use in their facilities. This practice places a county-run hospital in competition with private individuals and corporations for capital funds at traditional lending institutions. Ultimately, this competition leads to inflation, higher costs to the hospital, higher costs to the patient, and higher costs to the taxpayer who is financing medical costs through governmentally-sponsored medical insurance plans.

Capital funding for hospital equipment is abundantly available from physicians practicing at these hospitals. Unfortunately, current tax laws discourage these physicians from investing their capital funds in their hospitals and instead, these physicians search out questionable tax shelters to obtain the very benefit that Section 48(a)(5) denies. If the Investment Tax Credit were available to these physicians in the context of an equipment lease to a governmentally-run hospital, an attractive investment opportunity would be provided. The hospital, through arms-length negotiations with the physicians, could obtain necessary equipment at substantially reduced costs generating a corresponding reduction in medical care costs. Further incentive for the physicians' investment would be the mere fact that they would be providing the availability of modern medical equipment at the very hospital where they are practicing. The impact on revenue would be insubstantial in that the physicans are currently obtaining similar tax benefits in other tax shelters.

Section 48(a)(5) was place in the Internal Revenue Code in different economic times. It is my belief that a reversal of this rule would be appropriate, beneficial, and politically justifiable under current economic conditions. I believe that repeal of Section 48(a)(5) could unlock a storehouse of capital which is currently being used for less productive projects and generate savings to governmentally-run hospitals.

I appreciate your time in looking at this matter and I would be happy to elaborate on this concept if you should so desire.

Sincerely,

Robert H. Merritt, Jr.

Internal Revenue Service,
Washington, D.C. January 21, 1982.

Mr. Robert H. Merritt, Jr.,
Raleigh, N.C.

Dear Mr. Merritt: This is in reply to your letter to President Reagan dated December 3, 1981, regarding the availability of investment credit with respect to property used by a governmental unit. You believe that Section 48(a)(5) of the Internal Revenue Code should be repealed, and the White House has referred your letter to us for our consideration.

Section 48(a)(5) of the Code provides that any property used by a governmental unit generally does not qualify for the investment credit. Section 1.48-1(k) of the Income Tax Regulations provides that property "used by a governmental unit" includes property owned by the governmental unit as well as property leased to the governmental unit. The same regulation defines "governmental unit" to include any State or political subdivision thereof.

The investment credit provisions were passed by Congress in 1962 in order to stimulate investment in depreciable machinery and equipment. In this regard, the Committee Report to the Revenue Act of 1962 provides that, "The investment credit will stimulate investment because—as a direct offset against the tax otherwise payable—it will reduce the cost of acquiring depreciable assets. This reduced cost will stimulate additional investment since it increases the expected profit from their use. The investment credit will also encourage investment because it increases the funds available for investment." See House of Representatives Reports: H.R. Rep. No. 1447, 87th Cong., 2nd Sess. (1962), 1962-3 C.B. 412.

With respect to Section 48(a)(5) of the Code, the Committee Report explains why property used by governmental units cannot qualify for the investment credit: "Property leased to governmental units is omitted since allowing the lessor in such cases an investment credit would not be expected to increase the use of such property by the governmental units." House of Representatives Reports: H.R. Rep. No. 1447, 87th Cong., 2nd Sess. (1962), 1962-3 C.B. 416.

As you have indicated, county-run hospitals must compete with private individuals and corporations for capital funds at lending institutions. The change you have suggested would make a new source of capital available to these hospitals from which they could obtain necessary equipment at a lower cost. Thus, it appears that, in light of current economic conditions, a governmental unit, such as a county-run hospital, would increase its use of depreciable property if the tax laws encouraged physicians to invest capital funds in their hospitals.

We appreciate you taking the time to bring this matter to our attention. We will forward a copy of your letter to the Legislation and Regulations Division of the Office of Chief Counsel with our recommendation that they act favorably upon it.

Sincerely yours,

John L. Crawford,
Chief, Corporation Tax Branch. ●

By Mr. ROTH (by request):

S. 2303. A bill to amend the Federal Property and Administrative Services Act of 1949, as amended, relating to the disposal of foreign excess property, and for other purposes; to the Committee on Governmental Affairs.

DISPOSAL OF FOREIGN EXCESS PROPERTY

● Mr. ROTH. Mr. President, I am introducing by request a bill to amend the Federal Property and Administrative Services Act of 1949 as amended, relating to the disposal of foreign excess property and for other purposes. This legislation was proposed in executive communication No. 2172, dated October 22, 1981, and referred to the Governmental Affairs Committee on November 4, 1981. I am introducing this measure so that the public may have a legislative proposal upon which to comment.

Mr. President, I ask unanimous consent that a copy of the letter sent by Secretary Malcolm Baldrige of the Department of Commerce, dated October 22, 1981, a copy of the section-by-section analysis describing the legislation, and the text of the bill be printed in full in the Record.

S. 2303

Be it enacted by the Senate and the House of Representatives of the United States of America in Congress assembled,

Section 1. (a) Subsection (a) of Section 402 of the Federal Property and Administrative Services Act of 1949, as amended (40 U.S.C. 512 (a)) is hereby further amended to read as follows:

"(a) Authority of Executive Agency.—Foreign excess property not disposed of under subsections (b) and (c) of this section may be disposed of (1) by sale, exchange, lease, or transfer, for cash, credit or other property, with or without warranty and upon such other terms and conditions as the head of the executive agency concerned deems proper; or (2) for foreign currencies or credits, or substantial benefits or the discharge of claims resulting from the compromise or settlement of such claims by any executive agency in accordance with the law, whenever the head of the executive agency concerned determines that it is in the interest of the United States to do so, but in no event shall any property be disposed of without notice having been given that its importation into the United States is prohibited unless the Secretary of Commerce makes the determination required by subsection (d) of this section. Such property may be disposed of without advertising when the head of the executive agency concerned finds so doing to be most practicable and to be advantageous to the Government. The head of each executive agency responsible for the disposal of foreign excess property may execute such documents for the transfer of title or other interest in property and take such other action as he deems necessary or proper to dispose of such property; and may authorize the abandonment, destruction, or donation of foreign excess property under his control which has no commercial value or the estimated cost of care and handling of which would exceed the estimated proceeds from its sale."

(b) Section 402 of the Federal Property and Administrative Services Act of 1949, as amended (40 U.S.C. 512) is further amended by adding a new subsection (d) as follows:

"(d) Restriction on Import Into the Customs Territory of the United States.—No foreign excess property disposed of pursuant to subsection (a) of this section nor property originally exported by grant under chapter 2 of part II of the Foreign Assistance Act of 1961, as amended, by sale under chapter 2 of the Arms Export Control Act, or by commercial export licensed under chapter 3 of that Act, if such property is of United States manufacture, shall be imported into the customs territory of the United States unless the Secretary of Commerce has determined that the importation of such property would not have an adverse impact upon markets in the United States. No determination shall be required, however, for any such property imported by any agency of the United States Government or upon certification by a cognizant Federal agency that the property will be reexported. Any military surplus property of U.S. manufacture which cannot be demonstrated to lie outside the scope of this prohibition shall also be subject to this prohibition."

Sec 2. (a) Subsection (b) of Section 404 of the Federal Property and Administrative Services Act of 1949, as amended (40 U.S.C. 514(b)) is further amended by adding the following sentences at the end thereof: "The head of any agency performing functions authorized by this title may prescribe such rules and regulations as may be necessary to perform such functions. Such rules and regulations may include a requirement to maintain records relating to the sale, transfer and importation of property disposed of under this title for a period not to exceed three years following the date of importation into the customs territory of the United States."

(b) Section 404 of the Federal Property and Administrative Services Act of 1949, as amended (40 U.S.C. 514) is further amended by adding a new subsection (f) as follows:

"(f) Violation of any provision of this title or any regulation or order issued thereunder may result in the suspension or revocation of authority to import property subject to the provisions of this title for a period of not more than three years, in addition to other penalties provided by law."

Sec. 3. This Act shall become effective on the 90th day following the date of its enactment.

There being no objection, the material was ordered to be printed in the Record as follows:

STATEMENT OF PURPOSE AND NEED

The proposed legislation would authorize the importation of foreign excess property, if the Secretary of Commerce found that the importation of such property would not have an adverse impact upon markets in the United States, would include certain categories of foreign surplus property heretofore not subject to review procedures, would make the proposed review procedures applicable only to foreign excess or similar surplus property which is of United States manufacture, and would eliminate the requirement that the Secretary of Agriculture review the return of foreign surpluses of agricultural commodities, food, or cotton or woolen goods.

In the years since the enactment of the Federal Property and Administrative Services Act of 1949, as amended, the volume of requests of the importation of foreign excess property (FEP) has decreasd significantly from post-World War II levels, with a consequent decrease in their potential for adverse impact upon the Nation's economy. Moreover, a more exacting economic criterion has been applied to the importation of FEP than has been applied to the disposal of domestic surplus property, which later category has comprised more than 80 percent of all Federal surplus disposals since 1964.

This proposal would change the more stringent economic criterion applicable to the importation of foreign excess property currently requiring the Secretary of Commerce to make an affirmative finding that the importation of such property, regardless of the value and/or volume of the property, would relieve a domestic shortage or otherwise benefit the economy, to a test of whether such imports would or would not have an adverse impact on the economy. The no-adverse-impact economic criterion proposed herein would substantially reduce the burdens on both the Government and importers of FEP by (1) allowing greater reliance on import authorization by published general determinations for certain property categories, (2) eliminating in most cases individual application and pre-import review, and (3) substituting a declaration-type entry procedure in lieu of the case-by-case review and determination. Case-by-case review procedures would thereafter be required only for import-sensitive kinds of property or importations of a quantity of property beyond that authorized in a published general determination.

Current law, in addition, has yielded inconsistent results in that it does not subject to the import review procedures certain property excessed overseas by foreign government agencies, originally shipped abroad pursuant to U.S. military assistance (MAP) or foreign military sales (FMS) programs, and physically and commercially indistinguishable from foreign excess property subject to the Act. Because the law currently does not apply to such categories of property it is necessary to document the source of surplus property proposed for import and determine whether each specific shipment is or is not PHP as defined by the Act. When the source of the property cannot be documented, as frequently happens, the practical effect is the exclusion of the property from importation, regardless of (1) whether the property is in fact FEP and (2) whether its entry would be found to satisfy the economic criterion set by law. This situation has been a substantial burden on importers and has resulted in additional administrative costs to the Government. The proposed legislation would adjust this policy anomaly by subjecting MAP and FMS property to the proposed amended procedures. Imports of such property by a U.S. Government agency, or its contractor, as well as temporary imports for repair and rehabilitation, either by the U.S. Government or by a foreign government in cooperation with a U.S. agency, would, of course, not be subject to the import restriction.

The proposed amendment would make the proposed review procedures applicable only to foreign excess or similar surplus property which is of United States manufacture. Presently, FEP manufactured overseas is subject to the review procedures, and because the importation of such materiel is already subject to applicable tariff laws, the additional review procedures are unnecessary.

Imports of foreign excess food and other agricultural products, currently subject to control by the Department of Agriculture, have been rare. Formal application and review mechanisms have never been established, and the enactment of the proposed no-adverse-impact criterion would effectively eliminate the need for any control. Historically, in consultation with the Department of Agriculture, the Department of Commerce has exercised jurisdiction over finished products with agricultural content, such as C-rations, wool blankets and cotton shirts. It is expected that Department of Commerce jurisdiction over such processed food and products would be maintained under the present proposal.

In addition to the principal changes discussed above, the proposed amendment of Subsection (b) of Section 404 will provide the Secretary of Commerce specific authority to issue rules and regulations necessary to administer the provisions of the Act. The statute currently does not expressly provide for rule-making authority, although regulations have been issued on the basis of implied authority.

Administrative sanctions, including suspension or revocation of the authority to import property in the covered categories, for violations of the statute or implementing regulations are also specifically provided. Criminal penalties already exist for fraudulent misrepresentations (18 U.S.C. 1001) and willful violations of laws administered by the U.S. Department of the Treasury. A record-keeping requirement is also proposed in order to facilitate the enforcement of administrative sanctions. Because such record-keeping requirement is consistent with normal business practices, it is not expected to increase burdens on most importers.

A 90-day delay in the effect of the amendments is proposed in order to provide both sufficient prior notice to all parties intending to import property and opportunity for the development of new regulations and procedures appropriate to the amended Act.

THE SECRETARY OF COMMERCE,
Washington, D.C., October 22, 1981.

Hon. GEORGE BUSH,
President of the Senate,
Washington, D.C.

DEAR MR. PRESIDENT: Enclosed are six copies of a draft bill "To amend the Federal Property and Administrative Services Act of 1949, as amended, relating to the disposal of foreign excess property, and for other purposes.", together with a supporting statement of purpose and need.

We have been advised by the Office of Management and Budget that there is no objection to the presentation of this legislative proposal to the Congress.

Sincerely,

MALCOLM BALDRIGE,
Secretary of Commerce.●

By Mr. DECONCINI (for himself, Mr. HATCH, and Mr. THURMOND):

S. 2304. A bill to amend title 18 to limit the application of the exclusionary rule; to the Committee on the Judiciary.

LIMITING APPLICATION OF THE EXCLUSIONARY RULE

Mr. DECONCINI. Mr. President, I am introducing today a bill to amend title 18 of the United States Code by adding a new section 3505, to chapter 223 to limit the application of the fourth amendment exclusionary rule in Federal court proceedings. The bill will provide that evidence obtained as a result of a search and seizure and which is otherwise admissible shall not be excluded in a proceeding in a court of the United States if the search and seizure was undertaken in a reasonable, good faith belief that it was in conformity with the fourth amendment or, if to exclude such evidence would constitute a grave miscarriage of justice. This bill is very similar to the bill modifying the exclusionary rule offered by Senator THURMOND, differing only from Senator THURMOND's bill, S. 2231, by adding the additional clause preventing the exclusion of evidence if a grave miscarriage of justice would result from its exclusion. I am pleased that Senator HATCH and Senator THURMOND, the authors of the other bills specifically dealing with modifying the exclusionary rule, have joined me in cosponsoring this bill.

The exclusionary rule is a judicially created rule under which evidence is barred from introduction at a proceeding such as a criminal trial if the evidence is determined to have been obtained as a result of a search or seizure that violated the first clause of the fourth amendment. The rule is of comparatively recent vintage and was not even applied by the Supreme Court in the context of the fourth amendment until 1914, 123 years after the fourth amendment was adopted; it has only been held applicable to State criminal proceedings for the past 20 years.

There are no constitutional or statutory provisions which specifically set limits on what is meant by an "unreasonable" search or seizure. Instead the law in this area is an amalgam of cases dealing with a vast range of issues relating to the undertaking of searches and seizures. Yet courts continue to apply the rule even as they continue to develop the law of search and seizures. The heart of the present problem in application of the rule is that it has been expanded gradually by the courts to apply in situations in which the rule cannot possibly serve its primary purpose of deterring police misconduct. In my experience as a former prosecutor, I have seen this distortion of the rule's purpose result in grave injustice as well as a substantial cost to our society as law enforcement officers and private citizens alike have lost faith in our criminal justice system. I have seen, as the Supreme Court has stated, that the rule "deflects the truthfinding process and often frees the guilty."

This bill is intended to enhance the operation of the Federal criminal justice system by allowing courts greater access to all reliable evidence relevant in determining the guilt or innocence of the defendant, and to promote renewed respect for that system as a search for the truth in the minds of our citizens. It is intended to aid the courts in that search for the truth and in criminal cases, where the police have reasonably tried to apply the complex law of search and seizure, insure that the guilty are convicted and the innocent are acquitted.

This bill will not eliminate the exclusionary rule. Rather it will eliminate the disproportionate application of the rule, and the disrespect for the law that that application engenders. We must allow the courts to grant a remedy for the violation of fourth amendment rights which matches the seriousness of the violation. I therefore ask my distinguished colleagues to grant their full support for this important measure.

I ask unanimous consent that the text of the bill be printed at this point in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 2304

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) chapter 223 of title 18, United States Code, is amended by adding at the end thereof the following new section:

"§3505. Limitation of the Exclusionary Rule

"Except as specifically provided by statute, evidence which is obtained as a result of a search or seizure and which is otherwise admissible shall not be excluded in a proceeding in a court of the United States if the search or seizure was undertaken in a reasonable, good faith belief that it was in conformity with the Fourth Amendment to the Constitution of the United States or if to exclude such evidence would constitute a grave miscarriage of justice. A showing that evidence was obtained pursuant to and within the scope of a warrant constitutes prima facie evidence of such a reasonable good faith belief, unless the warrant was obtained through intentional and material misrepresentation.".

(b) The table of sections of chapter 223 of title 18 is amended by adding at the end thereof the following item:

"3505. Limitation of the Exclusionary Rule.".

Mr. HATCH. Mr. President, I am pleased today to introduce a bill designed to correct many of the injustices imposed on our criminal justice system by the judge-made exclusionary rule.

Our system of justice was established with the determination of truth as its primary goal. Under this system the State has the burden of proving the guilt or innocence of the accused. The assumption is that through the examination of all of the evidence gathered by the State the court will be led to a decision which is as close to the truth as humanly possible. These basic principles of justice were greatly conmpromised with the adoption of the exclusionary rule. The Supreme Court first suggested possible judicial action as a means to curtail continued abuses of authority by law enforcement agencies 96 years ago in *Boyd* v. *United States*, 116 U.S. 616 (1886). This resulted in the Court later instituting the so-called exclusionary rule, in lieu of any constitutional sanction, in *Weeks* v. *United States*, 232 U.S. 383 (1914). This judicially mandated doctrine was intended to serve as a deterrent to abusive Federal law enforcement practices. The rule, also referred to as the Weeks Doctrine or the Suppression Doctrine, was subsequently extended to encompass the States in *Mapp* v. *Ohio*, 367 U.S. 643 (1961).

Let me again emphasize that the exclusionary rule is a concept of judicial origin, created supposedly to protect the rights guaranteed by the 4th, 5th, 6th, and 14th amendments to the Constitution of the United States. The exclusionary rule is not an obligatory element of the fourth amendment, but merely the means which the Court in Weeks chose to adopt to enforce the guarantees of the fourth amendment. The Court reasoned that exclusion was the only sanction or remedy that would effectively compel respect for and secure police compliance with the rights guaranteed by the fourth amendment. An analysis of recent Court decisions clearly indicates that this is not the view held by the majority of Justices on the current Court. As stated in a past decision of the Court with respect to the exclusionary rule, "The rule is calculated to prevent, not repair. Its purpose is to deter—to compel respect for the constitutional guaranty in the only effectively available way—by removing the incentive to disregard it." *Elkins* v. *United States* 364 U.S. at 217 (1960).

From its inception, the exclusionary rule has drawn extensive criticism for the flaws in logic and operation inherent in the premise on which the rule is based: deterrence. The logic of this deterrence theory was severely questioned nearly 30 years ago, when Justice Jackson noted:

> That the rule of exclusion and the reversal results in the escape of a guilty person is more capable of demonstration than that it deters invasions of right by the police. The case made, so far as the police are concerned, when they announce that they have arrested their man. Rejection of the evidence does nothing to punish the wrongdoing official, while it may, and likely will, remedy against one lawbreaker because he has been pursued by another. It protects one against whom incriminating evidence is discovered, but does nothing to protect innocent persons who are the victims of illegal but fruitless searches. The disciplinary or educational effect of the court's releasing the defendant for police misbehavior is so indirect as to be no more than a mild deterrent at best. *Irvine* v. *California*, 347 U.S. 128, 135 (1954).

Later, 10 years after the rule had been applied to the States, Dallin Oaks did an exhaustive study in search of the so-called deterrent effect. His conclusion is just as valid another 12 years later—

> Today, more than fifty years after the exclusionary rule was adopted for the federal courts and almost a decade after it was imposed upon the state courts, there is still no convincing evidence to verify the factual premise of deterrence upon which the rule is based or to determine the limits of its effectiveness. 37 Univ. of Chicago L. Rev. 665, 672 (1970).

The Attorney General's Task Force on Violent Crime recently faulted the exclusionary rule with "barring evidence of the truth, however important, if there is any investigative error, however unintended or trivial." Task Force Final Report, page 55.

Many of the cases to which the rule is applied involve unintentional violations of the fourth amendment protections, such as technical errors in the filing or serving of the search warrant. It is impossible to deter actions which are either unintentional or performed with the belief that they are in compliance with the standards required by the fourth amendment. Justice Cardozo summarized the rule's flaws in authoring a unanimous opinion for the New York Court of Appeals, in *People* v. *Defore*, 244 U.S. 13 (1926).

> The criminal is to go free because the constable has blundered.

Rather than subsiding, the criticisms of the exclusionary rule have augmented in recent years, particularly since the 1961 decision in Mapp. This is perhaps a reflection of Justice Holmes' statement that "The life of the law is not logic; it is experience."

Efforts to repeal the rule have been thwarted in the past by the widely held misconception that the rule is constitutionally mandated and that its repeal is somehow tantamount to a repeal of the fourth amendment. However, the Court itself recognizes that:

> The rule is a judicially created remedy designed to safeguard Fourth Amendment rights generally through its deterrent effect, rather than a personal constitutional right of the party aggrieved. (*U.S.* v. *Colandra*, 414 U.S. at 348 (1974).)

The costs of the exclusionary rule were recognized in *Stone* v. *Powell*, 49 L.Ed. 2d 1067 (1976):

> (1) The focus of the trial, and the attention of the participants therein, is diverted from the ultimate question of guilt or innocence that should be the central concern in a criminal proceeding (i.e., it deflects the truthfinding process and often frees the guilty).
>
> (2) The evidence excluded is typically reliable and extremely probative.
>
> (3) The concept of proportionality is often offended. "The disparity in particular cases between the error committed by the police officer and the windfall afforded a guilty defendant by application of the rule is contrary to the idea of proportionality that is essential to the concept of justice." This in turn may generate disrespect for the law and the administration of justice.

The list of critics and criticisms grows steadily and becomes increasingly more persuasive with every assertion that the rule releases "countless guilty criminals" (Chief Justice Burger, 403 U.S. at 416).

The bill which I join my colleagues in introducing today will solve many of the problems created by the exclusionary rule by assuring that evidence will not be excluded when the officers were acting in the good faith belief that they were adhering to constitutional standards in their investigation. Moreover the bill includes a provision explicitly stating that evidence will not be suppressed if the result would be a "grave miscarriage of justice." This provision is similar to the Scottish doctrines on this subject which have worked admirably. Accordingly, I encourage my colleagues to join this effort to correct many of the injustices of the suppression doctrine.

By Mr. McCLURE (by request):

S. 2305. A bill to insure that all energy and mineral resources originating on the public lands and on the Outer Continental Shelf are properly accounted for under the direction of the Secretary of the Interior, and for other purposes; to the Committee on Energy and Natural Resources.

FEDERAL ENERGY AND MINERAL RESOURCES ACT OF 1982

Mr. McCLURE. Mr. President, at the request of the administration, I send to the desk for appropriate reference a bill to insure that all energy and mineral resources originating on the public lands and on the Outer Continental Shelf are properly accounted for under the direction of the Secretary of the Interior, and for other purposes.

Mr. President, this draft legislation was submitted and recommended by the Department of the Interior, and I ask unanimous consent that the bill and the transmittal letter that accompanied the proposal from the Secretary of the Interior be printed in the RECORD.

Mr. President, the Department of the Interior derives its authority to lease lands for minerals production and to collect royalties from the production of those minerals through the Mineral Leasing Act of 1920, the Indian Mineral Leasing Act of 1938, the Outer Continental Shelf Lands Act of 1953, and similar statutes. Verification, collection, and distribution of these royalty revenues have been a source of controversy for a number of years. As early as 1959, the General Accounting Office found that the U.S. Geological Survey was not adequately managing the royalty accounting function. Similar findings were made in a series of successive GAO reports, the most recent of which was released last October. However, despite these 21 years of consistent criticism, little or nothing was done under the six Presidents and their seven Secretaries of the Interior who served between the first GAO report and President Reagan's inauguration.

This legislation which I introduce today is testimony to the hard work done by Secretary Watt, Mr. David F. Linowes, Chairman of the Commission on Fiscal Accountability of the Nation's Energy Resources, Commission members and staff, and many others including members and staff of the Senate Energy and Natural Resources Committee.

Mr. President, I asked that this legislation be transmittal promptly to Congress in order that we be allowed the time for consideration of this important matter. The Nation's accounting of revenue from its energy resources must be above reproach. I will move promptly to schedule legislative hearings in full committee on this bill. I wish to compliment Secretary Watt, the Linowes Commission, and Senators WALLOP, WARNER, and MELCHER for their efforts to correct this longstanding problem.

Mr. President, I ask unanimous consent that the bill and the transmittal letter from Secretary Watt be printed in the RECORD.

There being no objection, the bill and letter were ordered to be printed in the RECORD, as follows:

S. 2305

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SHORT TITLE

SECTION 1. This Act may be cited as the "Federal Energy and Mineral Resources Act of 1982."

PURPOSE

SEC. 2. It is the purpose of this Act—

(1) to improve provisions of the mineral leasing laws related to obligations of lessees in the production of energy and mineral resources from the public lands and the Outer Continental Shelf,

(2) to clarify and reaffirm the authorities of the Secretary of the Interior to maintain properly a system of information regarding Federal energy and mineral resources in order for him to carry out effectively his duties under the mineral leasing laws, and

(3) to permit and encourage the development of enforcement practices to ensure prompt and proper collection of all mineral resources revenues owed to the United States and Indian lessors and those due to States in view of the significant Federal interest in assuring prompt and full collections of such royalties.

DEFINITIONS

SEC. 3. For the purposes of this Act, the term—

(1) "Federal land" means all land and interests in land owned by the United States which are subject to the mineral leasing laws, including mineral resources of mineral estates reserved to the United States in the conveyance of a surface or non-mineral estate.

(2) "Indian allottee" means any Indian for whom land is held in trust by the United States or who holds title subject to Federal restriction against alienation.

(3) "Indian lands" means any lands of an Indian Tribe or individual Indian held in trust by the United States or which is subject to Federal restriction against alienation, but does not include any lands subject to the provisions of section 3 of the Act of June 28, 1906 (34 Stat. 539).

(4) "Indian Tribe" means any Indian tribe, band, nation, pueblo, community, rancheria, colony, or other group of Indians, including the Metlakatla Indian Community of Annettee Island Reserve, for which land is held by its United States in trust or which is subject to Federal restriction against alienation.

(5) "interest holder" means any person who holds any interest in a lease or who owes any royalty or other payment under any lease on the Outer Continental Shelf, Federal or Indian lands.

(6) "lease" means any contract, profit share arrangement, joint venture, or other agreement issued or approved by the United States under a mineral leasing law that authorizes exploration for and extraction and removal of a mineral resource.

(7) "lease site" means any lands or submerged lands on which exploration for and extraction and removal of a mineral resource are authorized pursuant to a lease.

(8) "lessee" means the person to whom the United States, an Indian tribe, or an Indian allottee issues a lease, or with whom the United States, Indian tribe, or Indian allottee enters into a contract, or, in the case of a lease or contract held by co-lessees, the one co-lessee designated prior to Secretarial approval of operations involving production by the co-lessees to be the "lessee" for the purposes of this Act.

(9) "mineral leasing law" means any Federal law or provision of Federal law authorizing the disposition under lease of mineral resources, including, but not limited to, the Mineral Lands Leasing Act of 1920, the Outer Continental Shelf Lands Act of 1953, as amended, the Indian Leasing Act of 1938, Reorganization Plan No. 3 of 1946, and the Surplus Property and Administrative Services Act of 1949.

(10) "mineral resource" means any mineral that is in or on the Outer Continental Shelf, Federal, or Indian lands where it is sought or found, subject to disposition under lease under any mineral leasing law.

(11) "Outer Continental Shelf" means all submerged lands lying seaward and outside of the area of lands beneath navigable waters as defined in section 2 of the Submerged Lands Act (Public Law 83-31) and of which the subsoil and seabed appertain to

the United States and are subject to its jurisdiction and control.

(12) "operator" means any person, including a lessee, who is responsible for the operations conducted on a lease.

(13) "production" means those activities which take place for the removal of minerals, including such removal, field operations, transfer of minerals off the lease, operation monitoring, maintenance, and work-over drilling.

(14) "royalty" means any payment based on the value or volume of production which is due to the United States or an Indian lessor on production of minerals from the Outer Continental Shelf, Federal, or Indian lands.

(15) "Secretary" means Secretary of the Interior or his designee.

(16) "State" means any State of the United States, the Commonwealth of Puerto Rico, the Virgin Islands, Guam, American Samoa, the Commonwealth of the Northern Mariana Islands, or the Trust Territory of the Pacific Islands.

SECRETARIAL AUTHORITIES

SEC. 4. (a) The Secretary may prescribe such rules and regulations as may be necessary or proper for the determination and collection of royalties on the production of mineral resources, the preparation and retention of records, the filing of reports, the conduct and frequency of audits, the enforcement of security at production sites and during the process of transporting mineral resources from such sites, and the imposition of penalties for failure to conduct properly such activities.

(b) Rules issued to implement this Act shall be issued in conformity with section 553 of Title 5 of the United States Code, notwithstanding section 553(a)(2) of that title.

(c) In carrying out his functions under subsection (a) of this section, the Secretary may also—

(1) apply to any existing leases, permits, or applications for leases or permits issued under the mineral leasing laws such rules and regulations as may be promulgated under the authorities granted by this Act; and

(2) contract with such non-Federal Government inspectors, auditors, enforcement officials, and other persons as he deems necessary to aid in the implementation of this Act in addition to entering into cooperative agreements as authorized under section 18 of this Act.

DUTIES OF INTEREST HOLDERS, LESSEES, OPERATORS, AND MOTOR VEHICLE TRANSPORTERS

SEC. 5. (a) Any interest holder of any lease on the Outer Continental Shelf, Federal, or Indian lands shall—

(1) make any royalty or other payments required under such lease, as specified by statute, regulation, order, or the terms of the lease, by the date specified in same, or within such time and manner as may be specified by the Secretary; and

(2) notify the Secretary, within such time and in such manner as the Secretary may specify, of any assignments he may have made of any interest in a lease, of his obligations and responsibilities for royalty payments under a lease, and of any recordkeeping or other obligation as may be imposed by the Secretary under the authorities granted by this Act or any other mineral leasing law.

(b) Any lessee carrying out production on the Outer Continental Shelf, Federal, or Indian lands shall develop and comply with a site security plan, in conformance with such minimum standards as the Secretary may prescribe, which will insure full accountability for mineral resources produced or stored on the lease site.

(c) Any operator carrying out operations on any lease site on the Outer Continental Shelf, Federal, or Indian lands shall—

(1) notify the Secretary on the first business day after any new well begins production anywhere on a lease site by such means as the Secretary may prescribe;

(2) prepare and maintain all records and, upon request by the Secretary, submit any such records to the Secretary, on the exact quantities of any mineral resource that is produced, stored, or removed from the lease site and the method by which such resource is removed; and

(3) provide the Secretary with any information the operator has concerning the selling or distributing of any mineral resource produced from the lease site.

(d) Any person engaged in transporting by motor vehicle any mineral resource from any lease site on Federal or Indian lands shall carry, on his person or in his vehicle, documentation showing from whom such mineral resource was obtained and from which lease site or unit it was produced.

HEARINGS AND INVESTIGATIONS

SEC. 6. (a) The Secretary may conduct any hearing, investigation, audit, inspection, or other inquiry necessary or appropriate to his royalty and other lease management functions. In connection with such hearing, investigation, audit, inspection, or inquiry, the Secretary shall also have the power—

(1) to require, by special or general orders, any person to submit in writing such affidavits, reports, and answers to questions as the Secretary may prescribe, which submission shall be made within such reasonable period and under oath or otherwise, as the Secretary may determine;

(2) to administer oaths;

(3) to require by subpoena the attendance and testimony of witnesses and the production of all books, papers, production and financial records, documents, matter, and materials, as the Secretary may request;

(4) to order testimony to be taken by deposition before any person who is designated by the Secretary and who has the power to administer oaths, and to compel testimony and the production of evidence in the same manner as authorized under paragraph (3) of this subsection; and

(5) to pay witnesses the same fees and mileage as are paid in like circumstances in the courts of the United States.

(b) The Attorney General or his designee, or a State or Indian Tribe acting pursuant to a cooperative agreement, may, in addition to any other remedies provided for in this Act, in any court of competent jurisdiction, initiate an action against any lessee, operator, or interest holder for an injunction to restrain any interference with the exercise of the right to enter or to conduct any activity authorized by this Act, or, in the case of a State or an Indian Tribe, authorized pursuant to such agreement.

(c)(1) On any lease site of Federal or Indian lands, any authorized representatives of the Secretary, including any State or tribal law enforcement agency acting pursuant to a cooperative agreement, may stop or inspect any motor vehicle that they have probable cause to believe to be carrying a mineral resource and to lack the documentation required by this Act for the purpose of determining whether the driver has any such documentation.

(2) In any jurisdiction where there is in effect a valid State or tribal requirement that the driver of any vehicle carrying any mineral resource have documentation showing from whom the mineral resource was purchased and from which lease site it was produced, any authorized representative of the Secretary, including any State or tribal law enforcement agency acting pursuant to a cooperative agreement, may stop or inspect any vehicle that they have probable cause to believe to be carrying a mineral resource and to lack the documentation required by this Act for the purpose of determining whether the driver has any such documentation.

(d)(1) Authorized representatives of the Secretary, including any State or Tribal enforcement official acting pursuant to a cooperative agreement, may inspect lease sites for the purpose of determining whether there is compliance with the requirements of this Act; site security plans, regulations, and standards developed pursuant to this Act; or with any citation, order, or decision issued under this Act. The right of inspection under this subsection shall be independent of, and supplementary to, any rights of inspection or entry possessed by the Secretary under existing or future leases.

(2) In carrying out the requirements of this subsection, no advance notice of an inspection must be provided to any person: *Provided*, That the Secretary shall develop guidelines setting forth the coverage and the frequency of inspections conducted pursuant to the inspection program which shall apply to all authorized representatives of the Secretary, including State and tribal enforcement officials acting pursuant to a cooperative agreement.

(3) For the purpose of making any inspection or investigation under this Act, the Secretary shall have the same right to enter upon or travel across any lease site as the lessee or operator has acquired by purchase, condemnation, or otherwise.

(e) In case of refusal to obey a subpoena served upon any person under this section, the district court of the United States for any district in which such person is found, resides, or transacts business, upon application by the Attorney General at the request of the Secretary and after notice to such person, shall have jurisdiction to issue an order requiring such person to appear and give testimony before the Secretary or to appear and produce documents before the Secretary. Any failure to obey such order of the court as a contempt thereof and subject to a penalty of $10,000 a day.

INJUNCTION AND SPECIFIC ENFORCEMENT AUTHORITY

SEC. 7. (a) In addition to any other remedy under this Act or any other mineral leasing law, the Attorney General or his designee may bring a civil action in the district courts of the United States, which shall have jurisdiction over such actions—

(1) to restrain any violation of section 14 of this Act; or

(2) to compel the taking of any action required by or under this Act or any other mineral leasing law of the United States.

(b) A civil action described in subsection (a) may be brought in the United States District Court for the District of Columbia or for the judicial district wherein the act, omission or transaction constituting a violation under this Act or any other mineral leasing law occurred, or wherein the defendant is found or transacts business.

REQUIRED RECORDKEEPING

SEC. 8. In addition to the provisions of sections 5(c)(2) and 5(c)(3) of this Act, every person who is a mineral resource interest holder, lessee, or operator on the Outer Continental Shelf, Federal, or Indian lands, or is otherwise engaged in the business of developing, producing, transporting, marketing, or refining mineral resources produced on the Outer Continental Shelf, Federal, or Indian lands shall establish and maintain any records, make any reports, and provide any information as the Secretary may, by rule, require for the purposes of implementing this Act or determining compliance with rules or orders prescribed under this Act. Upon request of any officer or employee duly designated by the Secretary every such interest holder, lessee, operator, or other person shall permit the inspection of appropriate books, papers, financial records, production records, documents, matters, and materials.

OFFSHORE REFUNDS

SEC. 9. (a) Section 9 of the Outer Continental Shelf Lands Act, as amended (43 U.S.C. 1338), is amended by striking out section 9 and inserting in lieu thereof the following:

SEC. 9. "All sums paid to the Secretary under this Act shall be deposited in the Treasury of the United States and credited to miscellaneous receipts. This section shall not apply, however, to sums paid into the funds created by sections 302 and 402 of the Outer Continental Shelf Lands Act Amendments of 1978 (43 U.S.C. 1812 and 1842).".

(b) Section 10 of the Outer Continental Shelf Lands Act, as amended (43 U.S.C. 1339), is amended by striking out subsections (a) and (b), and inserting in lieu thereof the following:

"The Secretary is authorized to refund or credit any overpayments deposited in the Treasury under section 9 of this Act. When the Secretary is satisfied that any person has paid more than he was lawfully required to pay, he shall refund or credit the excess, without interest, to the person or his legal representative. There are hereby appropriated to the Secretary out of any funds in the Treasury not otherwise appropriated such sums as are necessary for the refunds authorized by this section. To receive a refund or credit, a person must file a request with the Secretary within three years after making the payment.".

ROYALTY INTEREST, PENALTIES AND PAYMENTS

SEC. 10. The first sentence of section 35 of the Act of February 25, 1920, as amended (30 U.S.C. 191), is amended by inserting "including interest charges, and any other monies, except civil penalty monies, collected under the Federal Energy and Mineral Resources Act of 1982, collected because of nonpayment, late payment or underpayment of royalties," between "royalties" and "and" and by deleting "as soon as possible" and inserting in lieu thereof "as often as administratively convenient but at least".

VALUE OF PRODUCTION FOR ROYALTY PURPOSES

SEC. 11. (a) The secretary shall include gross proceeds received from the sale of production of any mineral resource from any lease on the Outer Continental Shelf, Federal, or Indian lands in valuing production for royalty purposes, notwithstanding any incentives or regulated price relief heretofore or hereafter granted to the producer by a regulatory agency.

(b) In valuing production for computing royalty, the Secretary shall not be bound by a prior valuation.

SECRETARY'S INDEPENDENT AUTHORITY TO COLLECT ROYALTY

SEC. 12. Notwithstanding any other provision of law, no provision of the Emergency Petroleum Allocation Act of 1973 or regulation by the Department of Energy thereunder concerning crude oil certification or pricing shall be deemed to apply to the Department of the Interior with respect to crude oil taken by the Department of the Interior in kind as royalty. No action shall lie against the United States or an official thereof arising out of any alleged failure of the Secretary to have properly certified or priced, under the Emergency Petroleum Allocation Act of 1973 or regulations thereunder, oil taken in kind as royalty by the Department of the Interior. No claim for a refund of alleged overcharges pertaining to the certification or pricing under the Emergency Petroleum Allocation Act of 1973 or regulations thereunder of oil taken by the Department of the Interior in kind as royalty shall give any right of action against the United States or any official thereof under Section 210 of the Economic Stabilization Act, or any other provision of law.

EXPENDED ROYALTY OBLIGATIONS

SEC. 13. (a)(1) Section 8 of the Outer Continental Shelf Act, as amended (43 U.S.C. 1337), is amended by inserting between the second and third sentence of subsection (a)(1) a new sentence to read:

"Royalty and net profit share payment shall be due in amount or value of all production saved, removed, sold, used for exploration or production purposes, or lost or wasted from a lease: *Provided*, That no royalty shall be due on gas which is flared with prior approval from the Secretary.".

(2) Section 8 is further amended by deleting the words "saved, removed, or sold" in subsections (a)(1)(A), (a)(1)(B), (a)(1)(C), (a)(1)(F), and (a)(1)(G).

(b)(1) Section 17 of the Act of February 25, 1920, as amended (30 U.S.C. 226), is amended by adding a new sentence to the beginning of subsection (d) to read:

"Royalty on all leases issued under this section shall be due on amount or value of all production saved, removed, sold, used for exploration or production purposes, or lost or wasted from a lease; *Provided*, That no royalty shall be due on gas which is flared with prior approval of the Secretary.".

(2) Section 17 is further amended by deleting the words "removed or sold" in subsections (b)(1), (b)(2), (c), (l) and (k)(1)(C).

PROHIBITED ACTS

SEC. 14. It shall be unlawful for any person to—

(1) fail or refuse to comply with any requirement prescribed by section 5 of this Act, any rule or regulation promulgated under section 4 of this Act, or any citation or order issued under this Act;

(2) prepare, maintain, or submit false, inaccurate, or misleading reports, notices, affidavits, records, data, or other information required by this Act;

(3) fail or refuse to permit entry, inspection, or audit, as required by section 6 of this Act;

(4) take, remove, or divert any mineral resource from any lease site on the Outer Continental Shelf, Federal, or Indian lands without having valid legal authority to do so or without paying full and proper royalty therefor;

(5) purchase, accept, sell, transport, or convey to another any mineral resource from any lease site on the Outer Continental Shelf, Federal, or Indian land, knowing or having reason to know that such mineral resource was stolen or unlawfully removed or diverted from such lease site; or

(6) misrepresent the nature or quality of any mineral resource transported by any means from any lease site on the Outer Continental Shelf, Federal, or Indian lands in any documents required by law or to any official charged with the enforcement of this Act which results in, or could result in, the underpayment of royalties.

CIVIL PENALTIES

SEC. 15. (a)(1) Any person who fails to comply with any provision of this Act or commits an act prohibited under section 14 shall be liable for a civil penalty of not more than $10,000 for each day such noncompliance continues.

(2) No penalty shall be collected until the person charged with a violation has been given an opportunity for a hearing. The Secretary may allow the person charged a reasonable opportunity to correct the violation.

(3) In determining the amount of such penalty or whether it should be remitted or reduced and in what amount, the Secretary may consider the nature, mitigating or aggravating circumstances, extent and seriousness of the violation or violations and, with respect to the violator, the size of the business, the person's ability to pay, the effect on the person's ability to continue to do business, the person's history of previous violations, the degree of culpability, the person's demonstrated good faith in attempting to achieve rapid compliance after notification, if any, of the violation, and such other matters as the Secretary may deem appropriate.

(4) Upon administrative appeal or on his own initiative, the Secretary may compromise, reduce, increase, or otherwise modify, or remit, with or without conditions, any civil penalty which may be imposed under this section. The amount of such penalty, as finally determined, or the amount agreed to on compromise, may be deducted from any sums owing by the United States to the person charged. The Secretary in compromising, adjusting, or remitting any penalty under this section, may rely upon a summary review of the information available to him and shall not be required to make findings of fact concerning the factors listed in paragraph (3) of this section.

(5) Any person who has requested a hearing in accordance with paragraph (2) of this subsection within the time the Secretary has prescribed for such a hearing and who is aggrieved by a final order of the Secretary under this section may seek review of such order in the district court of the United States of the judicial district wherein the violation took place or in the District Court for the District of Columbia: *Provided*, That review by the district court shall be only on the administrative record and not *de novo*. Such an action shall be filed within 60 days of the Secretary's final order.

(6) If any person or, in the case of a corporation or other entity, any officer or agent fails to pay an assessment of a civil penalty—

(A) after the order making the assessment has become a final order and if such person does not file a petition for judicial review of the order in accordance with paragraph (5), or

(B) after a court in an action brought under paragraph (5) has entered a final judgment in favor of the Secretary, the court shall have jurisdiction to award the amount assessed plus interest from the date of the expiration of the 60-day period referred to in paragraph (5) or the date of such final judgment, as the case may be. Judgment by the court shall include an order to pay.

(b) In addition to the penalty provisions above, the Secretary—

(1) may subject any lessee or interest holder to a penalty in the amount of three (3) times the royalty due but not paid after demand for royalty payment has been made; and

(2) may subject any operator who fails to comply with section 5(c)(1) of this Act to a penalty equal to the value of the total production between the date of required notification of the start of the new production and the date of actual notification.

(c) The Secretary shall charge interest on late royalty payments at a rate not less than the rate determined annually by the Secretary of the Treasury to be equal to the current average market yield on outstanding marketable obligations of the United States with periods of maturity of thirteen weeks, and adjusted to the nearest one-eighth of one percent. This charge shall not be considered a penalty for purposes of this section.

CRIMINAL PENALTIES

SEC. 16. (a) Any individual or, in the case of a corporation or other entity, any officer or agent who knowingly or willfully violates any provision of section 14 of this Act shall be subject, upon conviction, to a fine of not more than $25,000 for each day of violation, or to imprisonment for not more than one year for each violation, or both, in addition to or in lieu of any civil penalty which may be imposed for such violation under section 15 of this Act.

(b) Any individual who knowingly and willfully authorizes or orders any of the acts or practices constituting, in whole or in part, a violation of section 14 of this Act, shall be subject to penalties under this section, personally and in addition to any penalties to which any corporation or other entity may be subject under section 15 of this Act.

(c) Any individual who has obtained possession of, or has access to, material the disclosure of which is prohibited by section 17 of this section, and who, knowing that disclosure of such material is prohibited, willfully discloses the material in any manner to any person not entitled to receive it, shall be guilty of a misdemeanor and fined not more than $25,000 or imprisoned for not more than one year, or both. Section 1905 of title 18, United States Code, does not apply with respect to the publishing, divulging, disclosing, or making available information reported or otherwise obtained under this Act.

PROPRIETARY AND TRADE SECRET INFORMATION

SEC. 17. Trade secret, proprietary, or other privileged information obtained by the Secretary pursuant to this Act shall be exempt from disclosure under the provisions of section 552 of title 5, United States Code. The Secretary shall, by regulation, prescribe standards for identifying information as trade secret, privileged, or proprietary.

COOPERATIVE AGREEMENTS

SEC. 18. (a) The Secretary is authorized to enter into a cooperative agreement with any State to share minerals royalty management information in a timely manner and on a regular basis, to secure information for the cross checking of company submitted data, to carry out inspection and auditing activities in cooperation with, and under delegated authorities from, the Department, and to carry out any other activity described in subsection (b), (c), and (d) of section 6 of this Act. The Secretary shall not enter into any such cooperative agreement with respect to any such activities on Indian lands, except with the permission of the Indian Tribe involved.

(b) The Secretary is authorized to enter into a cooperative agreement with any Indian tribe to share minerals royalty management information, in a timely manner and on a regular basis, to secure information from Tribes for cross-checking company submitted data, to carry out certain inspection and auditing activities in cooperation with and, under delegated authority from, the Department.

(c) Any cooperative agreement entered into pursuant to this section shall be in accordance with the provisions of the Federal Grant and Cooperative Agreement Act of 1977, and shall contain such terms and conditions as the Secretary deems appropriate and consistent with the purposes of this Act, including, but not limited to, a limitation on the use of Federal assistance to those costs which are directly required to carry out the agreed upon activities.

(d) The United States shall not be liable for the wrongful disclosure by any State or Indian Tribe of any information provided to such State or Indian Tribe pursuant to any cooperative agreement authorized by this section.

RELATION TO OTHER LAWS

SEC. 19. (a) The authority to regulate and supervise mineral resources lease operations vested in the Secretary by this Act shall supplement any authority otherwise vested in the Secretary by the specific mineral leasing law under which specific leases are issued and maintained. In case of conflict between the provisions of this Act and any mineral leasing law, the provisions of this Act control. The civil and criminal penalty provisions of this Act do not affect the Secretary's authority to assess penalties under any mineral leasing law, or to enforce the regulations or terms of leases or contracts by cancellation, specific performance, or other remedy authorized by law.

(b) No provision of this Act shall be construed to mean that the authority of the Secretary mentioned in such provision did not exist before the enactment of this Act.

FUNDING

SEC. 20. Effective October 1, 1982, and notwithstanding any other provision of law, there shall be deducted from royalty collections an amount not to exceed one percent of royalties estimated to be collected by the United States pursuant to the mineral leasing laws, after payments of windfall profit taxes. A proportionate amount of the total royalty collected from each royalty source shall be deducted prior to any division and distribution of such royalties to the States, Indian tribes, and individual Indian allottees, or the Treasury, and the sums so deducted shall be deposited in the Treasury as miscellaneous receipts. The amount of the deductions shall be calculated to equal the amount appropriated for royalty management activities, adjusted to compensate for prior year differences between appropriated amounts and amounts deducted.

For purposes of this section, the following activities shall be considered royalty management activities: accounting, auditing, product valuation, data collection, regulation writing, enforcement, and engineering technical support.

U.S. DEPARTMENT OF THE INTERIOR,
OFFICE OF THE SECRETARY,
Washington, D.C., March 24, 1982.

Hon. GEORGE BUSH,
President of the Senate,
Washington, D.C.

DEAR MR. PRESIDENT: There is enclosed the Administration's proposed "Federal Energy and Mineral Resources Act of 1982."

We recommend that this proposal be introduced, referred to the appropriate committee for consideration and enacted.

The Commission on Fiscal Accountability of the Nation's Energy Resources was appointed by me last July to examine allegations of waste and fraud in the royalty program, to investigate allegations of theft of oil from Federal and Indian lands, and to make recommendations for improving fiscal accountability of the Nations's energy resources. On January 21 of this year, the Commission completed its report and transmitted it to the White House. The Commission found that the past system of royalty management has resulted in a substantial loss of revenues to the U.S. Government, States, and Indian Tribes. Due to inadequate recordkeeping and lack of enforcement authority, there have been many instances of gross underpayment and nonpayment of royalties. Physical security of many leases is inadequate and often provides the opportunity for theft.

The Administration stands in strong support of the Commission's efforts to find solutions for these problems. The recommendations of the Commission were intensively reviewed in the course of the development of this proposed legislation. Many of the recommendations of the Commission have already been implemented administratively by this Department. Others will be the subject of future administrative action. The purpose of the enclosed legislative proposal is to implement those recommendations that require legislation.

Our proposed legislation would reaffirm the Secretary's rulemaking authority in the area of royalty management and collection. It would also impose specific duties on interest holders, lessees, operators, and motor vehicle transporters. It would provide for a system of civil and criminal penalties for violations of these new rules and duties. Our draft bill would strengthen the Secretary's audit and investigation functions and provide authority to enter into cooperative agreements with States to carry out many of the responsibilities of the Secretary. Finally, it would include a number of technical amendments that would make the valuation and distribution of royalties easier.

We urge that this legislation be considered as one of the highest priorities of the 97th Congress. We believe that the American people deserve to get a fair return on the sale of the mineral resources from their public lands.

The Office of Management and Budget has advised that enactment of this legislation would be in accord with the program of the President.

Sincerely,

JAMES WATT,
Secretary.

Mr. WALLOP. Mr. President, with projections of $4 billion in royalties from Federal and Indian mineral leases in 1981 and $16 billion by 1990, I believe that the procedures for accounting, auditing, and distribution of these funds should be accurate and not subject to questions of fraud or mismanagement.

During the past year serious concern has emerged over the accuracy and completeness of the present mineral royalty management and collection system within the Department of the Interior. Charges of "inefficient, inaccurate, and incomplete accounting procedures" along with accusations and convictions for theft resulted in Secretary Watt taking the bull by the horns, and recognizing a 20-year history of mismanagement, courageously established an independent Commission on the Fiscal Accountability of the Nation's Energy Resources. The "Linowes Commission," as it is popularly called, was to review ongoing activities, evaluate the royalty accounting system, recommend improvements in controls relating to royalty collection and review actions to guard against oil thefts. The Commission made recommendations to the Secretary of the Interior and the President in January of this year.

The Senate Energy and Natural Resources Committee began a parallel inquiry with an oversight hearing in Casper, Wyo., August 11, 1981, on the collection, accounting, and distribution of mineral royalties. The committee held a second hearing to receive the Linowes Commission report on January 28, 1982.

The following issues have surfaced in the course of these hearings with respect to the management of royalty collections.

First, there is a need for closer coordination with the States, Indian tribes, and others in developing an improved royalty management system. One of the specific suggestions made at the Casper hearing was the need for joint audits and cooperation between the USGS—now the Minerals Management Service—and the States. Joint audits are occurring. As a result of these joint efforts other questions have surfaced such as sharing of the interest on delinquent royalties. The Department of the Interior is currently working with the Interstate Oil Compact Commission to develop a basis for cooperative effort with States to solve both the royalty management and oil theft problems.

Second, royalty management. The principal issue here is to what extent royalty underpayment is a function of errors in measuring and recording production, or is the problem basically one of accounting? If the former, related questions include: At what point in the process would production be measured—the refinery or the wellhead? What is the value of the product being measured? With respect to accounting functions, there is general agreement that the accounting function clearly stands in need of considerable improvement. One of the problems in this area appears to be the current procedures used for oil valuation. The Inspector General's Office, Department of the Interior, and the Commission believes the major problem is undercollection and not in theft. Since the Casper hearing DOI has let a contract for design and implementation of a production accounting system. This system will be fully on-line in 1984.

Third, auditing functions. Until recently the DOI has maintained a minimal audit function. Clearly, there is a need for shoring up of this activity as well. In that regard, the DOI has established four regional audit centers—Metairie, Albuquerque, N. Mexico Tulsa, Okla., and Lakewood, Colo. In addition, two contracts for lookback audits have been issued to the CPA firms of Elmer Fox and Alexander Grant to review Exxon and Texaco.

Fourth, collection. Approximately 25 companies yield 80 percent of the revenues collected. To facilitate collection of the royalties. DOI has centralized the collection function in Denver. Other areas suggested for investigation include single payments per lease and organizational restructuring. Questions have been raised as to why DOI could not require joint lessees of a single lease to jointly report all production and to jointly pay royalties as is done in the offshore program. Opinions issued in 1979 by the Department of Justice, Antitrust Division, and the Federal Trade Commission, General Counsel's Office, conclude that requiring joint reporting would raise potential anticompetitive effects. A review of these opinions suggest this issue merits further examination.

Again, it was Jim Watt who moved quickly to establish the Minerals Management Service to administer royalty collection and management following the Commission's recommendation.

Finally, there may be other options available to facilitate the payment process, such as using local banks as a central depository to handle checks in an area. Fifth, penalties. DOI instituted a penalty system for delinquent payment of royalties in July 1981. The penalty is in the form of interest applied to the delinquent amount; it does not penalize the original violation. The penalties are at a lower rate than the current market interest rate. This may simply encourage delinquent payment thus allowing the payee to take advantage of a temporary "float". What is needed is a penalty system which discourages violations and if possible, payment avoidance. Such system would require an enforcement attitude on the part of the collection agency, similar to the attitude the IRS has with respect to collection delinquent income taxes. Knowing that an adequate penalty system exists and that it is enforced can create positive incentives to not violate. The new system warrants closer examination to insure its adequacy.

A related issue is whether or not there is a need for a reward and if so, does the Mineral Management Service have the athority to pay out under such a system.

Sixth, theft. This is a totally separate issue from the royalty collection and management issue. Currently 32 active oil theft investigations are underway by the Inspector General's Office, Department of the Interior, in cooperation with the FBI. This is a result of a July, 1980, Grand Jury investigation. Five of these investigations have resulted in convictions before a Federal district court in Cheyenne, Wyo. These investigations are looking at buyers of stolen oil as well as the volume of crude which is being removed by reprocessors in collection sludge.

There is the broad policy issue of who, in fact, would be in charge of determining theft. Is this a proper function for the Federal Government? Should the responsibility be shared with State governments and private industry. If the Federal Government is the responsible party, then what is the best way to deal with the problem of monitoring and enforcement.

Mr. President, this is a partial list of the issues the Senate Energy and Natural Resources Committee is addressing. Continued close coordination and cooperation between the Commission, the Department and the committee should insure a complete and thorough assessment of all the relevant issues and the subsequent implementation of an improved royalty collection and management system. To this end, I will request the committee hold hearings on the administration's legislative recommendations and to allow for all Senators to participate.

The legislation that is presented to us today reflects the majority of the changes suggested by the "Linowes Commission." I would encourage my distinguished colleagues to join this bipartisan effort to improve the Nation's royalty collection and management system.

By Mr. ROTH (by request):

S. 2306. A bill to transfer the functions of the Secretary of Commerce set forth in sections 111 (f) and (g) of the Federal Property and Administrative Services Act of 1949 (79 Stat. 1128-29; 40 U.S.C. 759 (f) and (g)) to the Administrator of General Services; to the Committee on Governmental Affairs.

TRANSFER OF CERTAIN AUTHORITY

● Mr. ROTH. Mr. President, I am introducing by request a bill to amend the Federal Property and Administrative Services Act of 1949 as amended, to transfer the functions of the Secretary of Commerce set forth in sections 111 (f) and (g) of that act (79 Stat. 1128-29; 40 U.S.C. 759 (f) and (g)) to the Administrator of General Services. This legislation was proposed in Executive Communication No. 2998, dated March 5, 1982, and referred to the Governmental Affairs Committee on March 22, 1982. I am introducing this measure so that the public may have a legislative proposal upon which to comment.

Mr. President, I ask unanimous consent that a copy of the letter sent by Administrator Gerald P. Carmen of the General Services Administration and Secretary Malcolm Baldrige of the Department of Commerce, dated March 5, 1982, a copy of the section-by-section analysis describing the legislation, and the text of the bill be printed in full in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S. 2306

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 111(f) of the Federal Property and Administrative Services Act of 1949 (79 Stat. 1128; 40 U.S.C 759(f)) is amended by (1) striking the words "Secretary of Commerce" wherever they appear and inserting in lieu thereof the word "Administrator" and (2) striking the words ", and the Administrator of General Services in the exercise of the authority delegated in this section,".

SEC. 2. Section 111(g) of the Federal Property and Administrative Services Act of 1949 (79 Stat., 1128-29; 40 U.S.C. 759(g)) is amended by striking the words "and the Secretary of Commerce" in the first sentence thereof.

STATEMENT OF PURPOSE AND NEED

Section 111 of the Federal Property and Administrative Services Act of 1949 authorizes and directs the Administrator of General Services to coordinate and provide for the economic and efficient purchase, lease and maintenance of automatic data processing equipment by Federal agencies. The Secretary of Commerce is authorized to provide related scientific and technological advisory services to the Federal agencies, to make recommendations relating to the establishment of uniform Federal automatic data processing standards, and to undertake such research in the sciences and technologies of automatic data processing and related systems as my be necessary to implement these functions. The authorities conferred are subject to fiscal and policy control exercised by the Office of Management and Budget.

Because section 111 splits responsibilities between the Administrator of General Services and the Secretary of Commerce, the management structure for the Federal Government's automatic data processing program has not been as cohesive as it could be. To rectify this, the Administration desires to integrate and consolidate the functional elements of the Federal Government's automatic data processing program now spread between the General Services Administration and the Department of Commerce in the General Services Administration. This requires an amendment to section 111.

The proposed bill would amend sections 111 (f) and (g) of the Federal Property and Administrative Services Act of 1949 (79 Stat. 1128-29; 40 U.S.C. 759 (f) and (g)) to place all responsibilities contained in these sections with the Administrator of General Services. Specifically, the automatic data processing scientific and technological advisory services, standards recommendations, and research authorities of the Secretary of Commerce would be transferred to the Administrator of General Services.

Enactment of this proposed bill would significantly contribute to the establishment of a more cohesive, more efficient, and less costly management structure for the Federal Government's automatic data processing program.

Enactment will permit the administration to transfer the Department of Commerce's Institute for Computer Sciences and Technology, which is now located within the National Bureau of Standards, to the General Services Administration.

Section 205(f) of the Federal Property and Administrative Services Act of 1949 (63 Stat. 789; 40 U.S.C. 486(f)) and Section 202(b) of the Budget and Accounting Procedures Act of 1950 (64 Stat. 838; 31 U.S.C. 581c(b)) provide authority for the transfer from the Secretary to the Administrator of appropriate resources.

Resources determined to relate directly to the functions transferred will be transferred in accordance with a memorandum of understanding that will be entered into by the Department of Commerce and the General Services Administration. The memorandum will set forth the resources to be transferred, including personnel directly employed in performing the transferred functions, equipment, liabilities, contracts and agreements to perform and receive services, records, unexpended balances from appropriations, and unexpended balances of advances from other agencies and the public. Additionally, the agreement will set forth the necessary adjustments for repayment of undepreciated equipment, unreimbursed costs and advances at time of transfer, and collections for annual leave liability for transferred employees. Under section 205(f) the transfer and details thereof must be approved by the Director of the Office of Management and Budget who will issue an appropriate Determination Order.

While appropriations for activities of the National Bureau of Standards under section 111(g) require periodic reauthorization, appropriations for the General Services Administration under that section would not require periodic reauthorization since section 603(a) of the Federal Property and Administrative Services Act of 1949 (64 Stat. 590; 40 U.S.C. 475(a)) provides a continuing authorization of appropriations for General Services Administration activities under the entire Act, including section 111.

Sections 1 and 2 of this proposed bill make appropriate changes to sections 111 (f) and (g) to vest the responsibilities of the Secretary of Commerce enumerated above with the Administrator of General Services.

THE SECRETARY OF COMMERCE,
Washington, D.C., March 5, 1982.

Hon. GEORGE BUSH,
President of the Senate,
Washington, D.C.

DEAR MR. PRESIDENT: Enclosed are six copies of a draft bill "To transfer the functions of the Secretary of Commerce set forth in sections 111 (f) and (g) of the Federal Property and Administrative Services Act of 1949 (79 Stat. 1128-29; 40 U.S.C. 759 (f) and (g)) to the Administrator of General Services," together with a statement of purpose and need in support thereof for consideration by the Senate.

We have been advised by the Office of Management and Budget that there is no objection to the submission of this legislation to the Congress from the standpoint of the Administration's program and that enactment of this legislation would be in accord with the program of the President.

Sincerely,

MALCOLM BALDRIGE,
Secretary of Commerce.
GERALD P. CARMEN,
Administrator of General Services.●

By Mr. RIEGLE (for himself and Mr. LEVIN):

S. 2307. A bill to amend title II of the Clean Air Act with respect to mobile sources; to the Committee on Environment and Public Works.

MOBILE SOURCE AIR QUALITY STANDARDS

Mr. RIEGLE. Mr. President, I am introducing today, with Senator LEVIN, a bill that would amend the Clean Air Act to provide mobile source air quality standards that maintain the Nation's steady progress in reducing air pollution and also avoid unnecessary damage to the hard pressed U.S. auto industry.

The reauthorization of the Clean Air Act has been under review in Congress for over a year. Nevertheless, a bill has still not been reported from committee for action by the full Senate.

With each day that passes without modifications to the present standards, severe pressure builds on the domestic auto industry. The automobile industry requires very long lead times for its engineering, production and marketing. Each significant product change requires the investment of millions of dollars. Those resources will be very scarce for the domestic auto industry over the next few years.

The U.S. auto industry has been devastated by powerful forces, many of which are beyond its control. The primary causes of its current decline are the continuing levels of high-interest rates, the persistent recession and shifts in energy prices and policy. These factors have combined to depress demand and reduce available capital precisely when the industry must invest tens of billions of dollars to redesign its products, modernize its plants, and regain its competitive position against foreign manufacturers.

The need to conform to emissions standards has added significantly to the investment burden of the U.S. industry.

Congressional delay in modifying future automobile air emission standards is creating great uncertainty in product and financial planning of U.S. auto companies. If that uncertainty continues or if standards are changed after model year planning is well underway, the result will be a waste of scarce industry resources and higher consumer prices.

Historic efforts by auto industry management and workers are now underway to reduce the cost of manufacturing automobiles within the United States and thus make possible reductions in auto prices that will spur sales, production, and employment in this critical industry. The bill I offer today would significantly help reduce automobile costs and prices over the next few years. According to the best estimates, the amendments I propose would save an additional $300 in cost per vehicle. However, if those savings are to realized, Congress must act quickly or industry will be forced to make large investments that will ultimately prove to be unnecessary.

This bill would establish new auto and light duty truck emission standards for carbon monoxide and nitrogen oxides at levels that were in effect in model year 1980. It also authorizes EPA to set new, more stringent standards that would be effective after model year 1986 if they are necessary to protect public health or welfare.

The bill also requires EPA to set heavy duty truck emission standards for carbon monoxide, nitrogen oxide, hydrocarbon, and particulate matter within 1 year after the bill becomes law.

Mr. President, I ask unanimous consent to have the text of the bill and a section-by-section analysis printed in the Record at the conclusion of my remarks.

Mr. President, the Nation has already experienced a substantial reduction in air pollution under the emission control standards that would be retained by enactment of this bill. This legislation does not seek to trade off air quality against economic benefits. In fact, by substantially reducing the cost of new cars that meet the current standards, the bill would help accelerate the retirement of older vehicles that contribute most to pollution. These amendments would therefore help improve the emissions of the Nation's total vehicle fleet.

I urge my colleagues to join me in insuring that this legislation is enacted promptly by the Senate.

Mr. President, I ask unanimous consent that a section-by-section analysis of the bill be printed in the Record.

There being no objection, the section-by-section analysis was ordered to be printed in the Record, as follows:

Section-by-Section Analysis

Section 2(a) would modify Section 202(a)(2) of the Act, which presently provides that a regulation prescribing standards applicable to the emission of any air pollutant from any class or classes of new motor vehicles or engines take effect after such period as the Administrator finds necessary to permit the development and application of the requisite technology, giving appropriate consideration to the cost of compliance within such period. Section 201(a) would add to Section 202(a)(2) a new paragraph B providing that, whenever the Administrator prescribes a new standard more stringent than the standard otherwise applicable, the new standard not take effect for at least forty-eight months (in the case of heavy-duty vehicles or engines) or thirty-six months (in the case of other new motor vehicles or engines) from the date the new standard is prescribed.

Section 2(a) would also add to Section 202(a)(2) a new paragraph C stating that any new standard more stringent than the standard otherwise applicable shall reflect the degree of emission reduction which the Administrator determines to be reasonably achievable through the application of technology which has been adequately demonstrated to be available for the model year to which such standard applies. In making such determination, the Administrator would be required to give appropriate consideration to cost, the applicability of such technology to gasoline- or diesel-fueled vehicles or engines, the impact on fuel economy, the effect on the level of all emissions from such vehicles or engines, safety, and such other factors as the Administrator deems appropriate.

Section 2(a) would also add to Section 202(a)(2) permitting the Administrator to make appropriate arrangements with the National Academy of Sciences to review the technical feasibility of any proposed new standard and to submit to the Administrator a written report. Any such report would be available to the public and would be considered by the Administrator in prescribing any new standard.

Section 2(b) would amend Section 202(a)(3) of the Act, which presently establishes requirements for regulations applicable to emissions from heavy-duty vehicles or engines manufactured during and after model year 1979 (including presumptively applicable percentage reduction requirements). Section 201(b) would strike out the present provisions of section 202(a)(3) relating to such requirements and would mandate the Administrator, within one year of the date of enactment of the proposed amendments, to prescribe regulations applicable to emissions from classes or categories of heavy-duty vehicles or engines. Any standards contained in such regulations would be required to apply for at least four model years unless less stringent standards are prescribed for any model year. Standards applicable to emissions of oxides of nitrogen and particulate matter would be required to be prescribed simultaneously. Nothing in Section 201(b) would be construed to affect the Administrator's authority to revise or to enforce any regulations prescribed for heavy-duty vehicles or engines prior to the enactment of these proposed amendments.

Section 2(c) would amend Section 202(a)(3)(B) of the Act, which presently grants the Administrator the power to waive the presumptively applicable percentage reduction requirements contained in present Section 202(a)(3) of the Act. Section 201(c) would strike the present provision and insert in lieu thereof a requirement that, with respect to any proposed standard for particulate matter to be prescribed for heavy-duty engines or vehicles, the Administrator make arrangements for study by the National Academy of Sciences within 180 days after the date of enactment of the proposed amendments. Section 201(c) would also amend Section 202(a)(3) to strike out the present criteria for waiver of the presumptively applicable percentage reduction requirements contained in present Section 202(a)(3) of the Act and to strike out the requirement for a report to Congress with respect to any standard modified under the waiver authority. Section 201(c) would further amend Section 202(a)(3) to require that the Administrator's continuing study concerning the effects of air pollutants relate to emissions from light-duty and heavy-duty vehicles, rather than solely from heavy-duty vehicles as is presently provided. Such study would be required to concern the effects of such emissions on achieving the applicable national ambient air quality standards. New dates would be inserted for the receipt of the reports to Congress of such study and the Administrator would be required, after considering the results of such study, to revise the standards prescribed for heavy-duty engines or publish a determination that no such revision is necessary.

Section 2(d) would amend Section 202(a)(3)(F) of the Act (relating to standards for motorcycles and motorcycle engines) to strike the parenthetical reference to Section 206(f)(1) of the Act. Section 201(d) would also amend Section 202(a)(4)(A) of the Act to require the Administrator to provide notice and opportunity for comment prior to determining that an emission control device, system or element of design will cause or contribute to an unreasonable risk to public health, welfare or safety. Section 201(d) would also amend Section 202(a)(B) of the Act to require the Administrator, in determining whether such an unreasonable risk exists, to take into account information obtained from a manufacturer pursuant to section 206(a)(3)(B) of the Act (which relates to information provided in connection with an application for a certificate of conformity to the standards prescribed pursuant to Section 201).

Section 2(e) would revise Section 202(b)(1)(A) of the Act, which prescribes requirements for regulations applicable to emissions from light-duty vehicles and engines. Section 201(e) would delete the provisions of Section 202(b)(1)(A) relating to regulations for emissions of carbon monoxide and hydrocarbons from light-duty vehicles and engines manufactured during model years 1977 through 1980, relating to regulations for emissions of carbon monoxide from light-duty vehicles and engines manufactured during model year 1980, relating to regulations for emissions of carbon monoxide from light-duty vehicles and engines manufactured during and after model year 1980, and relating to regulations for emissions of carbon monoxide from light-duty vehicles and engines manufactured during and after model year 1981.

Section 2(e) would substitute in Section 202(b)(1)(A) of the Act a new text requiring that regulations applicable to emissions from light-duty vehicles and engines manufactured during and after model year 1982 contain standards providing that emissions from such vehicles and engines may not exceed .41 grams per vehicle mile of hydrocarbons, 7.0 grams per vehicle mile of carbon monoxide and 2.0 grams per vehicle mile of oxides of nitrogen. The Administrator would be empowered to revise these standards for any model year after model year 1986. Such revised standards would not be permitted to be any less stringent than the standards applicable to 1982 vehicles and engines established by this Section, nor to be any more stringent than the standards applicable in model year 1981 (without regard to any waiver) of .41 grams per vehicle mile of hydrocarbons, 3.4 grams per vehicle mile of carbon monoxide and 1.0 grams per vehicle mile of oxides of nitrogen.

Section 2(f) would repeal provisions of Section 202(b)(1)(B) of the Act establishing requirements for regulations applicable to emissions of oxides of nitrogen from light-duty vehicles and engines manufactured during model years 1977 through 1980, and applicable to emissions of oxides of nitrogen from such vehicles and engines manufactured during and after model year 1981. A conforming change would be made in the existing provision of Section 202(b)(1)(B) of the Act permitting waivers of the oxides of nitrogen standard for certain vehicles and engines manufactured during model years 1981 and 1982. Section 201(f) would also repeal Section 202(b)(5) of the Act, which relates to waivers of the carbon monoxide standard for certain vehicles and engines manufactured during model years 1981 and 1982.

Section 2(g) would alter Section 202(b)(6) of the Act, which authorizes waivers to permit the use of innovative technologies. Section 202(b)(6) would be altered (i) to mandate that the Administrator grant a waiver when the requisite statutory criteria are met; (ii) to allow waivers of any emission standards rather than solely the oxides of nitrogen; (iii) to allow waivers for vehicles other than light-duty vehicles; (iv) to authorize such waivers to allow the use of an alternative fuel (other than a fuel or fuel additive registered pursuant to Section 211 of this Act prior to the enactment date of these proposed amendments); (v) to allow a waiver granted pursuant to this paragraph to apply to a maximum of two hundred thousand vehicles or engines per manufacturer for each year of the waiver (except that no manufacturer may be granted waivers for a total of more than five hundred thousand vehicles or engines), rather than restrict such waiver to no more than the greater of five per cent of a manufacturer's production or fifty thousand vehicles or engines; (vi) to prohibit the renewal of such waiver beyond an initial period of up to four model years; (vii) to delete the requirement that the innovative technology or system not have been used by more than 1 per cent of the light-duty vehicles sold in the United States in the 1975 model year; (viii) to delete the present limitation that any such waiver extend only to waivers of the light-duty oxides of nitrogen standard to a maximum of 1.5 grams per vehicle mile. Section 201(g) would amend Section 202(b)(6)(B) of the Act to provide that emission standards established in any waiver ensure, in the judgment of the Administrator, no significant adverse impact on overall achievement, or rate of achieving, applicable ambient air quality standards. Such standards and the waiver period would also be required to encourage the development and production of such model. Section 201(g) would also repeal existing Section 202(b)(6)(B) of the Act permitting a waiver of the light-duty oxides of nitrogen standard for the four year model period beginning in 1981 for diesel-fueled vehicles.

Section 2(h) would amend Section 202(d)(2) of the Act to provide that the useful life established by the Administrator for classes of vehicles (other than light duty vehicles and engines, and other than motorcycles or motorcycle engines) may be no longer than one-half the average original actual life for each such class.

Section 2(i) would amend Section 202(f)(1) of the Act to require that any regulation prescribed by the Administrator affecting the manufacture, distribution or sale of motor vehicles or engines for high altitude areas include the exemptions provided in regulations prescribed by the Administrator for model year 1982. Such regulation would be permitted to provide for performance adjustments pursuant to Section 215 of the Act.

Section 2(j) would amend Section 202(f)(2) of the Act to require that regulations establishing standards applicable to vehicles or engines (i) not require a percentage reduction in the emissions of such vehicles or engines which is greater than the percentage reduction in emissions from non-high altitude vehicles or engines; (ii) provide for a percentage reduction in emissions for such high altitude vehicles or engines determined by comparing any proposed high altitude emission standard to high altitude emissions from vehicles or engines manufactured during model year 1970 (except that such regulations may not provide a less stringent standard than 11.0 grams per vehicle mile of emissions of carbon monoxide from light-duty high altitude vehicles and engines manufactured during or after model year 1982; and (iii) not establish a numerical standard more stringent than that applicable to vehicles certified under non-high altitude conditions. The Administrator would be permitted to revise regulations establishing standards for high altitude vehicles and emissions when the standards applicable to non-high altitude vehicles and engines are revised. The Administrator would be barred from requiring the installation of any emission control device or element of design needed to meet the applicable high altitude standard on vehicles or engines intended for principal use in non-high altitude locations.

SECTION 3: AMENDMENTS TO SECTION 203

Section 202 would amend Section 203(a)(2) of the Act to prohibit any manufacturer to fail or refuse to comply with proposed subparagraph (B) of section 313(b)(2) (which relates to information in connection with a high altitude study).

SECTION 4: AMENDMENTS TO SECTION 206

Section 203(a) would amend Section 206(a)(1) of the Act. Section 206(a)(1) presently requires that the Administrator test, or require to be tested any new motor vehicle or motor vehicle engine submitted by a manufacturer to determine whether such vehicle or engine conforms with the regulations prescribed under Section 202 of the Act. Section 203(a) would permit the Administrator, in lieu of testing such vehicle or engine or requiring it to be tested, to otherwise reliably evaluate it for conformity with the standards (in accordance with regulations prescribed by the Administrator setting forth criteria consistent with the purposes of this part for such evaluation to be followed by the Administrator or the manufacturer, as appropriate. Section 203(a) would also amend Section 206(a)(1) to permit a certificate of conformity to be issued for a period in excess of one year.

Section 4(b) would amend Section 206(b) of the Act to add a new paragraph (3). Section 206(b) presently authorizes the Administrator to test (or require the manufacturer to test) new motor vehicles or new motor vehicle engines to ensure that such vehicles or engines in fact conform to the standards for which a certificate of conformity has been granted. If, under present Section 206(b), the Administrator determines that all or part of the vehicles or engines so covered do not in fact conform, the Administrator may suspend or revoke the certificate of conformity. New paragraph (3) would require the Administrator, in carrying out Section 206(b), to establish an acceptable quality level for all new motor vehicles and new motor vehicles engines equivalent to the level established for 1981 model year light-duty vehicles.

Section 4(c) would repeal Section 206(f) of the Act, which requires that all light duty vehicles and engines manufactured during and after model year 1984 comply with the requirements of Section 202 regardless of the altitude at which they are sold, and which requires a report from the Administrator on the economic impact and technological feasibility of this requirement.

Section 4(d) would amend Section 206(a) of the Act to add a new paragraph (4). As amended, Section 206(a) would prohibit the Administrator from requiring a manufacturer to test or assume the cost of testing a motor vehicle if the projected sales of the vehicle during the model year do not exceed five hundred and if the motor vehicle incorporates an engine and emission control system which have been used in a motor vehicle for which a certificate of conformity has been granted.

SECTION 5: AMENDMENTS TO SECTION 207

Section 204(a) would amend the provisions of Section 207(c)(1) of the Act, which provide for the recall of vehicles not in conformity with the regulations prescribed under Section 202. Under present Section 207(c)(1), the Administrator must require a remedial plan from the manufacturer upon a finding that a substantial number of any class or category of vehicles or engines, although properly maintained and used, do not conform to the regulations prescribed under Section 202, when in actual use throughout their useful life. Section 204(a) would mandate the Administrator to require a remedial plan from the manufacturer upon a determination, based on a representative sample of vehicles or engines, that a substantial number of vehicles or engines in a class or category (although properly maintained and used) do not conform to regulations, and that the vehicles in the sample do not on average conform to the regulations, when in actual use during their useful life and when adjusted to the manufacturer's specifications.

Section 5(a) would also amend the provisions of Section 207(c)(1) relating to the contents of the remedial plan required from the manufacturer. Under present Section 207(c)(1), the remedial plan must provide that the nonconformity of any vehicles or engines which are properly maintained or used will be remedied at the expense of the manufacturer. Section 204(a) would allow the Administrator to elect, subject to the approval of the Administrator, to either remedy the nonconformity of the vehicles or engines with respect to which notice of nonconformity was given, or to take other actions, consistent with the purposes of this title over a reasonable period as specified by the Administrator, with respect to those or other vehicles or engines. Such other actions could not include together gasoline- and diesel-fueled vehicles or engines, or include together light and heavy-duty vehicles or engines (unless certified as light duty trucks) and the Administrator would be required to consider the effects of such other actions on competition.

Section 5(b) would repeal Section 207(h)(1) of the Act, which requires a dealer selling a new light-duty motor vehicle to furnish to the purchaser a certificate that stating that the vehicle conforms to the applicable regulations under Section 202 and notifying the purchaser of certain warranty rights under present Section 207(h)(2) of the Act.

SECTION 6: AMENDMENTS TO SECTION 209

Section 6 would amend Section 209(b)(3) of the Act. Section 209(b)(3) presently provides that, in the case of any new motor vehicle or motor vehicle engine to which State standards apply pursuant to waiver under Section 209(b)(1) of Section 209(a), compliance with such State standards shall be treated as compliance with applicable Federal standards for purposes of this title. Section 205 would extend the treatment provided in Section 209(b)(3) to vehicles designed to conform to such State Standards and which comply with such standards.

SECTION 7: AMENDMENTS TO SECTION 215

Section 7(a) would amend Section 215(b) of the Act to require that instructions respecting each class or category of vehicles or engines to which this title applies that provide for necessary vehicle and engine adjustment and modifications at different altitudes be submitted by the manufacturer to the Administrator pursuant to regulations promulgated by the Administration. Under current law, Section 215(b) requires the submittal of such instructions to the extent such instructions provide for engine adjustments and modifications necessary to insure emission control performance at different altitudes.

Section 7(b) would repeal, effective on the date of enactment of the proposed amendments, Section 215(d) of the Act, which permits, under specified circumstances, a high altitude State to avail itself of the authority provided in Section 215.

SECTION 8: EFFECTIVE DATE

Section 8 would provide that the amendments made by Sections 2 through 7 of this title (other than the amendments made by Sections 2(e), 2(f) and 7(b)) take effect with respect to vehicles or engines manufactured in model years beginning more than sixty days after the date of enactment of the proposed amendments.

SECTION 2: 9 OTHER AMENDMENTS TO PART A

Section 9 would add a new Section 217 to the Act, entitled "Study and Development of Alternative Emissions Control." Section 217(a) would require the Administrator to initiate a study and related proceedings for the purposes of developing effective and practicable approaches to the control of emissions from new motor vehicles or new motor vehicle engines, and evaluating the efficacy of the existing control program. Section 217(a) would also limit the Administrator's discretion in establishing classes or categories of vehicles or engines under this Section. Section 217(a) would also establish the desired objectives for alternative approaches, and would enumerate factors to be taken into account by the Administrator in developing such approaches. Section 217(b) would require a report, together with appropriate recommendations of the study to be submitted within one year after the effective date of the Section, and to make a draft of such report available to the public, manufacturers and employees of manufacturers at least sixty days prior to submission and invite written comments. Section 217(c) would authorize the Administrator, upon the satisfaction of enumerated criteria, to include in the report or submit within one year thereafter proposed regulations meeting specified requirements. Such proposed regulations could be promulgated only after final rulemaking and only pursuant to legislation reported from committee and enacted by Congress after the date of submission of the required report, or the date of submission of the regulations. Section 217(d) would provide that this Section does not affect the authority of the Administrator under any other provision of the Act.

SECTION 10: AMENDMENTS TO SECTIONS 207 AND 209

Section 10(a) would modify the warranty required by Section 207(a)(1) of the Act to be provided by manufacturers of new motor vehicles and new motor vehicle engines to the ultimate purchaser. Such warranty presently provides that the vehicle or engine is (i) designed, built, and equipped so as to conform at the time of sale with applicable regulations under Section 202, and (ii) free from defects in materials and workmanship which cause such vehicle or engine to fail to conform with applicable regulations for its useful life. Section 209(a) would require the warranty to provide that the vehicle or engine is equipped with emission control components designed to enable such vehicle to conform at the time of sale with applicable regulations under section 202, and free from defects in materials and workmanship which cause such vehicle or engine to fail to conform with applicable regulations, for the first twenty-four months, or the first twenty-four thousand miles, whichever first occurs. Section 209(a) would also repeal Section 207(a)(2) of the Act, which requires the Administrator to establish a program for the voluntary certification by manufacturers of vehicle or engine parts that use of such part will not result in a failure of the vehicle or engine to comply with emission standards promulgated under Section 202. Section 209(a) would also amend present Section 207(a)(3) to exclude from the application of the section any part installed for any purpose other than reducing vehicle emissions.

Section 10(b) would modify the warranty required by Section 207(b) of the Clean Air Act. Such warranty presently extends to the emission control device or system of certain motor vehicles or vehicle engines. Section 209(b) would provide that the warranty covers emission control components, defined as the catalytic converter, thermal reactor or other component installed on or in a vehicle for the sole purpose of reducing vehicle emissions, but not vehicle components which were in general use prior to model year 1968. Such warranty presently applies for the useful life of the vehicle (except that after the first two years or twenty-four thousand miles, whichever first occurs, the warranty covers only the catalytic converter, thermal reactor, or other component installed for the sole or primary purpose of reducing vehicle emissions, but not components in general use prior to model year 1968. Section 209(b) would set the warranty period at two years or twenty-four thousand miles, whichever first occurs. Section 209(b) would also strike from Section 207(b) of the Act the provision forbidding the warranty from being held invalid on the basis of the use of a part certified under Section 207(a)(2) in the repair or maintenance of such vehicle.

Section 10(c) would repeal the requirement contained in Section 207(c)(3)(A) of the Act that manufacturer's instructions concerning proper maintenance and use correspond to regulations promulgated by the Administrator and would delete the reference to the parts certification program. Section 209(c) would also amend Section 207(c)(3)(B) of the Act to repeal the provision allowing the Administrator, under certain circumstances, to waive the prohibition against manufacturer instructions relating to the use by the ultimate purchaser of parts or service provided by an establishment with which the manufacturer has a commercial relationship.

Section 10(d) would amend Section 209(b) of the Act to prohibit any State from establishing or enforcing a warranty or prescribed maintenance requirement for new motor vehicles or new motor vehicle engines that is not identical to the corresponding Federal requirement. This prohibition would replace present Section 209(c) of the Act, which prohibits any State or political subdivision thereof from adopting or attempting to enforce any standard with respect to certification of parts.

Section 10(e) would amend Section 203(a)(3) of the Act to permit a person to remove, disconnect, alter or render inoperative a part or component installed for the purpose of controlling emissions when such part is removed and replaced with a new or rebuilt part or component which performs the same or similar function, or when such removal is temporarily necessarily for the repair or routine maintenance of such part or component or such vehicle or engine. Section 209(e) would further amend Section 203(a)(3) to prohibit any person from selling or offering to sell any part or component intended for use with, or as part of such motor vehicle, where such person knows or reasonably should have known, that the principal use of such part or component will be to render inoperative or alter so as to cause an exceedance of applicable emission standards a part or component placed on or in a motor vehicle or motor vehicle engine for the purpose of controlling emissions in compliance with the regulations under this Act. Section 209(e) would further express the intent of Congress that the Administrator not rely on letters and internal memoranda for guidance to those affected by Section 203(a)(3) and that the Administrator as promptly as practicable promulgate regulations or a general policy statement under such section. This provision would not be construed as affecting the enforcement of the prohibition of such section by the Administrator pending such promulgation. Section 209(e) would also conform Section 203(a)(4)(C) to the amendment to Section 207(c)(3) proposed by Section 209(c).

Section 10(f) would amend Section 177 of the Act to prohibit any state from including in its implementation plan any provision similar to Sections 207(a) or 207(b) of the Act.

SECTION 11: MARINE VESSELS

Section 11(a) would add a new Section 302(q) to the Act defining a vessel as a mobile source subject to the provisions of Part C of Title II and prohibiting any vessel from being treated for any purpose as a stationary source or as part of any stationary source.

Section 11(b) would add to Title II of the Clean Air Act a new Part C, titled "Marine Vessel Emissions." Part C would consist of Sections 241 through 244. Section 241 would be titled "Establishment of Standards." Section 241(a) would require the Administrator, within ninety days after the enactment of the proposed part, to commence, in consultation with other enumerated officials, a study and investigation of emissions of air pollutants from vessels to determine the extent to which such emissions affect air quality and the technological feasibility of controlling such emissions. Section 241(a) would require that the study be published within one year after enactment of the proposed part, and be available for public comment at least ninety days prior to final publication. Section 241(a) would also require the Administrator, from time to time, to issue proposed emission standards applicable to the emission of any air pollutant from any class or classes of vehicles which in his judgment causes or contributes to air pollution which may reasonably be anticipated to endanger public health or welfare. Public hearings on such proposed standards would be required, and would be held, to the extent practicable, in regions most seriously affected by such emissions. The Administrator would be required to promulgate final regulations within a reasonable time after the issuance of proposed standards. Section 241(b) would provide that such regulations, or any revision, would take effect after such period as is necessary to permit the development and application of the requisite technology, giving appropriate consideration to the cost of compliance within such period. Section 241(c) would permit the President to disapprove any regulations with respect to vessels on the basis of a finding by the Secretary of the Department in which the Coast Guard is operating that any such regulation would create a hazard to vessel safety.

Section 11(b) would also add to the Act a new Section 242, titled "Enforcement of Standards." Section 242 would require the Secretary of the Department in which the Coast Guard is operating to prescribe regulations, consistent with the Ports and Waterways Safety Act, to insure compliance with standards developed under proposed Section 241. The Secretary would be further required to insure that all necessary inspections are accomplished and would be permitted to execute any power or duty vested in him by any other provision of law in executing powers and duties vested under this Section.

Section 11(b) would also add to the Act a new Section 243, titled "State standards and Controls." Section 243 would prohibit any state or political subdivision thereof from adopting or attempting to enforce any standard respecting emissions from any vessel or engine or equipment, including emissions resulting from the transfer of any material to or from a vessel, that is not identical to a standard applicable under this part.

Section 210(b) would also add to the Act a new Section 244, titled "Definitions." This Section defines the term "vessel."

SECTION 12: HIGH ALTITUDE STUDY

Section 301 would add a new Section 313(b) to the Act. Section 313(b) would require the Administrator, under specified circumstances, to compile certain data relating to the availability of models of new light duty motor vehicles to motor vehicle dealers located at high altitudes. The Administrator would be permitted, in compiling the required data, to utilize specified kinds of information and to request certain data from certain manufacturers of light duty motor vehicles. The Administrator would be mandated to submit, within six months of the required initiation of the report, a report to Congress containing enumerated data.

SECTION 13 LOW-EMISSIONS FUEL STUDY

Section 302 would require a study by the Administrator of low-emission fuels.

By Mr. DECONCINI:

S. 2308. A bill to direct the Secretary of Agriculture to convey certain property to the city of Show Low, Ariz.; to the Committee on Energy and Natural Resources.

TRANSFER OF CERTAIN PROPERTY

Mr. DECONCINI. Mr. President, the bill I am introducing today is a fairly simple one, and one that addresses a situation which is unique and which requires individual attention.

The city of Show Low, Ariz., is a small community nestled in the shadow of the Mogollon Rim and surrounded by the Apache-Sitgreaves National Forest. For many years, the city has occupied certain parcels of national forest land for use as the Show Low city park and the Show Low airport. This legislation would transfer title from the U.S. Forest Service to the city.

Mr. President, I am aware that there are at least two statutes under which the Forest Service can make land adjustments of this type: The National Forests Townsite Act of 1958, as amended, and the General Exchange Act of 1922, as amended. However, both authorities require compensation, by land or by cash, at fair market value. Although this requirement is eminently fair and necessary in some circumstances, I believe there are certain conditions that deserve consideration by the Congress. For example, it is obvious the Show Low parcels of land have no current value as national forest lands and will continue to be used only as park and as an airport.

Also, the city does not have sufficient capital resources to make a land purchase of that size and the possibility of land exchanges are apparently very limited.

The park and airport facilities serve a lot of residents in the surrounding unincorporated area, and the residents of other small communities. Added to this traffic is that of the out-of-State tourists who arrive to enjoy the national forest resources.

Mr. President, I believe the mayor of Show Low, Hon. Ellis B. Qualls, and the other city fathers will welcome a chance to present their concerns directly to the committee members and I would hope that hearings will be held, and action be taken on this bill as expeditiously as possible.

I ask unanimous consent that the text of the bill be printed in its entirety.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 2308

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled. That the Secretary of Agriculture is authorized and directed to convey, by quitclaim deed and without consideration, to the city of Show Low, Arizona, all right, title, and interest of the United States in and to parcels 1 and 2.

(1) A tract of land, together with improvements thereon known as the David C. Porter Park: That certain part of section 19, T. 10N., R. 22 E., and also section 24, T. 10 N., R. 21 E., of the G. & S. R. B. & M., Show Low, Navajo County, Arizona. Said parcel being described as follows: The southwest quarter of the southwest quarter; and the southeast quarter of the southwest quarter of said section 19, T. 10 N., R. 22 E.; and also the northeast quarter of the northwest quarter of the southeast quarter of the southeast quarter; and the northeast quarter of the southeast quarter of the southeast quarter; and the north one-half of the southeast quarter of the southeast quarter of the southeast quarter; and the southeast quarter of the southeast quarter of the southeast quarter of the southeast quarter of said section 24, T. 10 N., R. 21 E., G. & S. R. B. & M., Show Low, Navajo County, Arizona.

Excepting therefrom the following: A parcel of land situated in Section 19 of T. 10 N., R. 22 E. of the G. & S. R. B. & M., Navajo County, Arizona, lying north of U.S. Highway 60—State Highway 260; and being more particularly bounded and described as follows: Beginning at the south quarter corner of Section 19; thence N 02°03'03" W., along the midsection line of said Section 19 for a distance of 1049.38 feet to a point, said point being a ADOT Highway Department marking cap at "POT 179 + 80.36, 277.06 ft. Rt. of Survey Centerline"; thence S 88°49'00" W., for a distance of 56.12 feet to a point, said point being ADOT marking cap at "POT 178 + 29.39, 245.41 ft. Rt. of Survey Centerline"; thence N 33°01'00" W., for a distance of 145.41 feet to a point, said point being ADOT marking cap at "POT 178 + 29.39, 100 ft. Rt. of Survey Centerline", and the south R/W line U.S. Highway 60—State Highway 260; thence S 56°59'00" W., along the south R/W line of U.S. Highway 60—State Highway 260 for a distance of 354.39 feet to a point; thence N 33°01'00" W., for a distance of 200.00 feet to the north R/W line of U.S. Highway 60—State Highway 260 and to a point, said point being ADOT marking cap at "POT 174 + 75.00, 100 ft. Lt. of Survey Centerline," and TRUE POINT OF BEGINNING FOR THIS SURVEY; thence S 56°59'00" W., along the north R/W line of U.S. Highway 60—State Highway 260 for a distance of 210.50 feet to a point, said point being the point of tangent (P.T.) of a curve concave to the southeast; said curve having a degree of curvature of 0.4956384, a central angle of 2°49'12", a radius of 11,560 feet, a chord distance of 568.73 feet and for a distance along said curve of 568.96 feet to a point; thence N. for a distance of 522.66 feet more or less to a point on the south R/W line of West Owens Street; thence N 87°00'00" E., along said south line of West Owens Street for a distance of 516.30 feet to a point, said point being ADOT marking cap at "POT 174 + 28.96, 264.37 ft. Left of Survey Centerline"; thence S 83°09'49" E., for a distance of 59.98 feet to a point, said point being ADOT marking cap at "POT 174 + 75.00, 225.94 feet Left of Survey Centerline"; thence S 33°01'00" E., for a distance of 125.94 feet to the TRUE POINT OF BEGINNING. Said Parcel contains 199,093 square feet or 4.57 acres more or less.

And also excepting therefrom the rights-of-way for U.S. Highway 60 (Arizona State Route 260) and all properties lying south of U.S. Highway 60; and also excepting therefrom the rights-of-way for Arizona State Route 260.

Said parcel contains 48 acres more or less.

(2) A tract of land, together with improvements theron known as the Show Low Municipal Airport: That part of Sections 15 and 16 of Township 10 North, Range 22 East, Gila and Salt River Base and Meridian, Show Low, Navajo County, Arizona, more particularly bounded and described as follows: That part of said Sections 15 and 16 which lie north of the north right-of-way line of U.S. Highway 60 and east of the east right-of-way line of Arizona State Route 77. Said parcel contains 897 acres more or less.

By Mr. CHAFEE (for himself, Mr. MITCHELL, and Mr. GORTON):

S. 2309. A bill to amend the Endangered Species Act of 1973, to authorize funds for fiscal year 1983, and for other purposes; to the Committee on Environment and Public Works.

By Mr. CHAFEE (by request):

S. 2310. A bill to amend the Endangered Species Act of 1973 and authorize appropriations for fiscal years 1983 and 1984, and for other purposes; to the Committee on Environment and Public Works.

AUTHORIZATION OF APPROPRIATIONS UNDER THE ENDANGERED SPECIES ACT OF 1973

Mr. CHAFEE. Mr. President, today I am introducing on behalf of myself, Senator MITCHELL, and Senator GORTON, a bill to reauthorize appropriations for the Endangered Species Act of 1973. The current authorization will expire on September 30, 1982.

As a result of this act's passage nearly a decade ago, the United States is noted internationally as the world leader in the area of wildlife conservation. Based upon a recognition of the interdependent nature of man and his environment, the 1973 act is crucial to the future well-being of mankind. Although some people may argue that this is overly strong praise for a law that seeks to protect a few obscure species of plants and animals, I disagree. Let us consider why we are seeking to preserve the diversity of life and slow the accelerating rate of species loss.

Many people argue that man should not be allowed to destroy other species of life because he has no right to do so. The rights of other life forms, the esthetics of diversity, and the psychological well-being that man derives from a natural diverse environment are, for some people, sufficient reasons to protect species that are threatened with extinction. The most compelling rationale for the Endangered Species Act that I have ever heard, however, was presented by a panel of distinguished scientists at oversight hearings held last December by the Senate Subcommittee on Environmental Pollution.

Dr. Thomas Eisner, the Jacob Gould Schurmen Professor of Biology at Cornell University, is a research biologist in the field of chemical ecology. In his testimony, Dr. Eisner addressed the practial consequences of species extinction. Such extinction means a diminution of biological diversity and such diminution means a loss of some of "the chemical treasure of nature." Our enormous dependence on this treasure is exemplified by the fact that "[a] large proportion of the chemicals in use in our present-day civilization were 'invented' by nature, not by the chemist in the laboratory." Dr. Eisner illustrated this point with an example from just one field of research: medical chemistry.

> It has been estimated that fully 40 percent of all prescriptions written in the United States contain as their chief ingredients compounds derived from plants, including lower plants. It was through exploration of nature that these drugs were discovered. And such exploration has a long history of paying off. The Incas already knew of the antimalarial properties of the bark of the cinchona tree, from which quinine was later isolated, and the foxglove plant, the well-known source of the heart drug digitalis, was already in medicinal use in medieval times. But many of the most important plant drugs in current use were only recently discovered, including, for example, some of the antileukemic compounds and anticancer drugs such as vincristine, derived from the periwinkle plant and used in the treatment of Hodgkin's disease. There is no end to the potential for discovery of this sort in nature, because we have only begun the chemical exploration of nature.

The consequences of species extinction are only now beginning to be appreciated by biologists and they in turn must teach the rest of us to appreciate those consequences. Dr. Eisner began that process by noting that, as a result of recent breakthroughs in genetic engineering, "a species must now be viewed as more than just a unique conglomeration of genes. It must be viewed also as a depository of genes that are potentially transferrable. The technology of gene transfer, nonexistent only a few years ago, is now beyond the state of infancy." Genes can be transferred between micro-organisms and they are beginning to be transferred between animals. Plants cannot be far behind. The preservation of species may mean the preservation of opportunities for selective transfer and modification of other species. The implications for agriculture, in general, and the improvement of plant resistence to pests, in particular, were addressed by Dr. Eisner.

> Current research in chemical ecology has shown that many plants protect themselves against insects, worms and micro-organisms by use of chemicals that they themselves produce. Many of these compounds have been identified and synthesized, and their effectiveness demonstrated in actual tests. Some, such as certain simple terpenes, are unusually effective. Can such compounds be sprayed on plants as substitutes to conventional pesticides? Usually not, since they tend to evaporate or degrade too quickly. The reason they work for plants is that the plants produce them continuously, in the small amounts they need. Production of these defensive chemicals is under genetic control. Suppose that one were able to transfer the controlling genes from a protected species of plant to one that isn't, thereby conveying upon the recipient the ability to produce its own defenses. Imagine being able to endow the cotton plant with the genetic capacity to produce its own repellent against the boll weevil.

Another witness, Dr. Peter Raven, director of the Missouri Botanical Garden, made the point that the Endangered Species Act provides a mechanism by which human beings can preserve some of their options for the future. He cautioned that:

> Half a century after our great early conservationist Aldo Leopold pointed out that the first rule of intelligent tinkering was to save all the cogs and wheels, some of us still have not come to appreciate the lesson. If we ignore their individual importance to us, we may regard species simply as dispensible impediments to whatever actions might seem to be called for by the demands of the moment, instead of as unique, and therefore priceless, elements in the world's array of living things.

A succinct statement of the problem and a summary of the four major reasons for preserving natural diversity are set forth in an article by Dr. G. Jon. Roush that appeared in the January 1982 issue of the Nature Conservancy News. Mr. President, I have attached a copy of that article to my statement and ask that it be included in the RECORD.

Rarely have I received as much mail on an issue from people in my home State of Rhode Island, in States throughout this country, and even from people in other countries. The volume of mail urging this Congress to reauthorize the Endangered Species Act with no weakening amendments is staggering. Such support, coupled with the evidence on how well the act is working that was presented at the December hearings, is compelling. This is an issue that people care about deeply. It is an issue that goes beyond narrow special interests. It is an issue, the importance of which is beyond dispute. At the November 16, 1981, Strategy Conference on Biological Diversity convened by the State Department, it was noted by James L. Buckley, Under Secretary of State for Security Assistance, Science, and Technology that the needless extinction of a single species can be an act of recklessness. By permitting high rates of extinction to continue, we are limiting the potential growth of biological knowledge. In essence, he said, "the process is tantamount to book burning; but it is even worse in that it involves books yet to be deciphered and read." In his opening speech to the conference, Buckley also argued that "we need to impress upon public consciousness that extinction is an act of awesome finality." I believe that the public is painfully aware of this and that it is incumbent upon this body to never forget it.

To insure a timely reauthorization, the bill being introduced today is offered as a vehicle for discussion. Hearings on the bill are scheduled for April 14 and 19, 1982, and I encourage witnesses to present construction criticism and specific suggestions at those hearings. Committee markup will be completed by May 15 and, hopefully, the full Senate will act shortly thereafter.

Many specific issues were discussed at the December oversight hearings. We have written a bill that addresses most of the concerns that were expressed and maintains the integrity of the act. Treatment of several issues, such as: how to achieve greater cooperation between project sponsors and the Federal Government, both prior to and during the consultation process; and how to encourage greater cooperation between State and Federal management authorities may be expanded after further analysis. Similarly, treatment of the other issues may be modified in response to persuasive statements of reasonable concerns and problems. As I stated in December, it is time we raised the level of debate about this law to the arena of facts and intellectually honest discussion. Too often the debate has centered around arguments based on emotionalism and undocumented fear.

On February 8, 1982, I received a letter from Secretary Watt in which he agreed with my position that no major changes are needed in the act this year. He suggested that the Assistant Secretary for Fish and Wildlife and Parks be made available to assist us in drafting a reauthorization bill. We accepted that offer of assistance and I would like to thank the Secretary, Assistant Secretary Ray Arnett, Deputy Assistant Secretary Craig Potter, Bob Jantzen, Ron Lambertson, and the many other dedicated professionals within the Department of the Interior for their cooperation and valuable advice.

Mr. President, I ask unanimous consent that the text of the bill be printed in the Record.

Mr. President, in addition to the bill I have just introduced, I am introducing another reauthorization bill by request and ask unanimous consent that the text of the administration's bill also be printed in the Record. It is my intention to address both of these bills at the April hearings.

There being no objection, the bills and article were ordered to be printed in the Record, as follows:

S. 2309

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Endangered Species Act Amendments of 1982".

Sec. 2. Experimental Populations.—(a) Section 3 of the Endangered Species Act of 1973 is amended by—

(1) inserting before paragraph (7) thereof the following new paragraph:

"(7) The term experimental population means any population (including eggs, propagules or individuals) of an endangered or threatened species, including offspring arising solely from such population, that—

"(A) any person authorized by the Secretary has transported and released outside of the current range of the species to further its conservation pursuant to the Act; and

"(B) is wholly separate geographically from nonexperimental populations of the species: *Provided, however,* That a population transported and released outside of the current range of the species by any person authorized by the Secretary to further its conservation pursuant to the Act that is not wholly separate geographically from nonexperimental populations shall be treated as an experimental population in those areas where, and at those times when, it is wholly separate geographically from nonexperimental populations."; and

(2) redesignating paragraphs (7) through (21) as paragraphs (8) through (22), respectively.

(b) Section 10(a) of the Endangered Species Act of 1973 is amended by—

(1) striking out "." following "Permits" and inserting in lieu thereof the following: "and Experimental Populations.—(1)";

(2) inserting ", including, but not limited to, acts associated with the establishment of experimental populations" immediately after "species"; and

(3) adding at the end thereof the following new paragraphs:

"(2) Any experimental population shall be treated as a threatened species and, as provided in section 4(d), the Secretary shall issue such regulations as he deems necessary and advisable to provide for the conservation of such species: *Provided, however,* That if the Secretary determines, on the basis of the best available biological information, that an experimental population, other than an experimental population occurring on a National Wildlife Refuge, is not essential to the continued existence of an endangered or threatened species, he shall by regulation, specify that, solely for the purposes of subsections 7(a)(2), 7(a)(3) and 7(c), such experimental population shall be treated as a species proposed to be listed under section 4: *Provided, further,* That no critical habitat shall be designated for such nonessential populations.

Sec. 3. Cooperation With the States.—Section 6 of the Endangered Species Act of 1973 is amended by—

(1) striking out "66⅔ per centum" in subsection (d)(2)(i) thereof and inserting in lieu thereof "75 per centum"; and

(2) striking out "75 per centum" in subsection (d)(2)(ii) thereof and inserting in lieu thereof "90 percentum".

Sec. 4. Listing Process.—Section 4 of the Endangered Species Act is amended by—

(1) amending subsection (a)(1) by—

(A) amending that part of subsection (a)(1) which precedes clause (1) by inserting "promulgated in accordance with subsection (b) of this section" immediately after "shall by regulation";

(B) redesignating clauses (1) through (5) as clauses (A) through (E), respectively; and

(C) striking out the last two sentences thereof.

(2) amending subsection (a)(2)(A) by—

(A) striking out "or" in subclause (i);

(B) inserting "or" immediately after "endangered species," in subclause (ii);

(C) adding immediately after subclause (ii) the following new subclause:

"(iii) be subject to more restrictive regulations, in the case of threatened species,"; and

(D) striking out "list such species in accordance with this section" and inserting in lieu thereof "implement such action";

(3) amending subsection (a)(2)(B) by—

(A) striking out "or" in subclause (i);

(B) inserting "or" immediately after "threatened species," in subclause (ii); and

(C) adding immediately after subclause (ii) the following new subclause:

"(iii) be subject to less restrictive regulations, in the case of threatened species,".

(4) amending subsection (a)(2)(C) by—

(A) striking out "and may not" immediately after "species,"; and

(B) inserting "or make less restrictive the regulations applicable to any such species listed as threatened species," immediately after "which are listed,".

(5) amending subsection (a) by adding at the end thereof the following new paragraph:

"(3) The Secretary shall, concurrent with the determination of the status and the listing of endangered or threatened species, to the maximum extent prudent and determinable, designate the critical habitat of any endangered or threatened species and promulgate appropriate protective regulations for threatened species as provided in subsection (d) of this section. The procedures that govern the designation of critical habitats and the promulgation of appropriate protective regulations for threatened species shall be the same as those that pertain to the listing of species under paragraph (5) of subsection (b) of this section, except that in determining the critical habitat of any endangered or threatened species, the Secretary shall consider the economic impact, and any other relevant impacts, of specifying any particular area as critical habitat, and he may exclude any such area from critical habitat if he determines that the benefits of such exclusion outweigh the benefits of specifying the area as part of the critical habitat, unless he determines, based on the best scientific and commercial data available, that the failure to designate such area as critical habitat will result in the extinction of the species.".

(6) striking out subsection (b) and inserting in lieu thereof the following:

(b) Basis for Determinations.—(1) The Secretary shall make determinations required by subsection (a) of this section on the basis of the best scientific and commercial data available to him, taking into account those efforts, if any, being made by any state or foreign nation, or any political subdivision thereof, to protect such species, whether by predator control, protection of habitat and food supply, or other conservation practices, within any area under its jurisdiction, or on the high seas.

"(2) The Secretary shall regularly review the status of all species which have been identified as in danger of extinction or likely to become so within the foreseeable future by any professional scientific organization, or subdivision thereof, or by any agency of a state or of a foreign nation responsible for the conservation of fish or wildlife or plants and shall determine whether there is substantial scientific information that such species may be endangered or threatened and, within 12 months of such determination, determine whether to propose for listing, pursuant to paragraph 5 of this subsection, any such species and publish such determination and his reasons therefore in the Federal Register.

"(3) The Secretary shall, within 90 days of the receipt of a petition of an interested person under subsection 553(e) of title 5, United States Code, to add any species to or remove any species from either of the lists published pursuant to subsection (c) of this section, determine and publish a finding whether such petition presents substantial scientific information that such addition or removal may be warranted. If the Secretary determines that the petition presents such substantial scientific information, he shall, within 12 months of the receipt of such petition, determine whether to propose such addition or removal pursuant to paragraph (5) of this subsection and publish such determination and his reasons therefore in the Federal Register.

"(4) Except as provided in paragraphs (5) and (6) of this subsection, the provisions of section 553 of title 5, United States Code (relating to rulemaking procedures), shall apply to any regulations promulgated to carry out the purposes of this Act.

"(5) In the case of any regulation proposed by the Secretary to carry out the purposes of this section with respect to the determination of the status and the listing of endangered or threatened species, the Secretary—

"(A) shall not less than 90 days before the effective date of the regulation—

"(i) publish a general notice and the complete text of the proposed regulation in the Federal Register; and

"(ii) give actual notice of the proposed regulation (including the complete text of the regulation) to the state agency responsible for the conservation of fish or wildlife or plants in each state in which the species is believed to occur, and invite the comment of such agency thereon;

"(B) shall, insofar as practical, in cooperation with the Secretary of State, give notice of the regulation to each foreign nation in which the species is believed to occur or whose citizens harvest the species on the high seas and invite the comment of such nation thereon;

"(C) shall give notice of the regulation to such professional scientific organizations as he deems appropriate;

"(D) shall publish a summary of the regulation in newspapers of general circulation in the areas in which the species is believed to occur;

"(E) shall, if any person files a request for a public hearing within 45 days after the date of publication of general notice, hold a public hearing thereon; and

(F) shall, within two years after the date of publication of general notice, publish a final determination with respect to such listing, with such determination based solely upon the factors set forth in paragraph (1) of subsection (a) of this section. If the Secretary determines that a proposal to add a species to any list published pursuant to subsection (c) of this section shall not be published as a final regulation, he shall not again propose a regulation to add such species to such list unless he determines that sufficent new information is available to warrant the proposal of a regulation.

"(6) Neither paragraph (4) or (5) of this subsection nor section 553 of title 5, United States Code, shall apply to any regulation (including any regulation implementing section 6(g)(2)(B)(ii) of this Act, issued by the Secretary in regard to any emergency posing a significant risk to the well-being of any species of fish or wildlife or plants, but only if (I) at the time of publication of the regulation in the Federal Register the Secretary publishes therein detailed reasons why such regulation is necessary, and (II) in the case such regulation applies to resident species of fish, wildlife, and plants, the Secretary gives actual notice of such regulation to the agency responsible for conservation of fish or wildlife or plants in each state in which such species is believed to occur. Such regulation shall, at the discretion of the Secretary, take effect immediately upon publication of the regulation in the Federal Register. Any regulation promulgated under the authority of this paragraph shall cease to have force and effect at the close of the 240-day period following the date of publication unless, during such 240-day period, the rulemaking procedures which would apply to such regulation without regard to this paragraph are complied with. If at any time after issuing an emergency regulation the Secretary determines, on the basis of the best scientific and commercial data available to him, that substantial evidence does not exist to warrant such regulation, he shall withdraw it.

"(7) The publication in the Federal Register of any proposed or final regulation which is necessary or appropriate to carry out the purposes of this Act shall include a summary by the Secretary of the data on which such regulation is based and shall show the relationship of such data to such regulations.

"(8) Any proposed or final regulation which specifies any critical habitat of any endangered species or threatened species shall be based on the best scientific data available, and the publication in the Federal Register of any such regulation shall, to the maximum extent practicable, be accompanied by a brief description and evaluation of those activities (whether public or private) which, in the opinion of the Secretary, if undertaken may adversely modify such habitat, or may be affected by such designation.".

(7) amending subsection (c) by—

(A) striking out paragraphs (2) and (3) thereof and inserting in lieu thereof the following:

"(2) Any list in effect on the day before the date of the enactment of the Endangered Species Act Amendments of 1982 of species of fish or wildlife or plants determined by the Secretary to be threatened or endangered shall remain in effect unless and until changed in accordance with paragraph (5) of subsection (b) of this section."; and

(B) redesignating paragraph (4) thereof as paragraph (3).

(8) amending subsection (d) by striking out "section 6(a)" and inserting in lieu thereof "section 6(c)".

(9) striking out subsection (f) thereof.

(10) amending subsection (h) by—

(A) striking out "subsection (c)(2)" in paragraph (1) and inserting in lieu thereof "subsection (b)(3)"; and

(B) striking out "subsection (g)" in paragraph (4) and inserting in lieu thereof "subsection (h)".

(11) redesignating subsections (g) and (h) as subsections (f) and (g), respectively.

SEC. 5. EXEMPTION PROCESS.—(a) Section 7(e)(10) of the Endangered Species Act of 1973 is amended by striking out the first sentence thereof.

(b) Section 7(g) of the Endangered Species Act of 1973 is amended by—

(1) striking out "CONSIDERATION BY REVIEW BOARD" immediately after "APPLICATION FOR EXEMPTION AND" and inserting in lieu thereof "REPORT TO THE COMMITTEE";

(2) amending paragraph (1) by—

(A) inserting "(A)" immediately after "(1)";

(B) striking out "a review board in the manner provided in this subsection," immediately after "shall be considered initially by" and inserting in lieu thereof "the Secretary";

(C) striking out "the review board." immediately after "a report is made by" and inserting in lieu thereof "the Secretary pursuant to paragraph (5) of this subsection. Such report shall be made by the Secretary of the Interior, in consultation with the other members of the Committee: *Provided, however,* That if the application for an exemption is filed with respect to an agency action for which a biological opinion of the Secretary of the Interior indicated that such agency action would violate subsection (a)(2) of this section such report shall be made by the Secretary of Commerce, in consultation with the members of the Committee."; and

(D) adding at the end thereof the following:

"(B) If biological opinions of both the Secretary of the Interior and the Secretary of Commerce indicate that an agency action would violate subsection (a)(2) of this section, such Secretaries shall jointly make a report, pursuant to paragraph (5), on any application for exemption filed with respect to such agency action.".

(3) amending paragraph (2)(A) by—

(A) striking out "; or" immediately after "consultation process" and inserting in lieu thereof "; except that"; and

(B) striking out "," immediately after "license applicant" and inserting in lieu thereof "such application shall be submitted".

(4) amending paragraph (2)(B) by—

(A) inserting "(i)" immediately after "promptly";

(B) striking out "to the review board to be established under paragraph (3) and"; and

(C) inserting "; and (ii) publish notice of receipt of the application in the Federal Register, including a summary of the information contained in the application and a description of the agency action with respect to which the application for exemption has been filed.".

(5) Striking out paragraphs (3), (4) and (5) thereof and inserting in lieu thereof the following:

"(3) The Secretary shall within 20 days of the receipt of an application for exemption—

"(A) determine that the Federal agency concerned and the exemption applicant have—

"(i) carried out the consultation responsibilities as described in subsection (a) of this section in good faith and made a reasonable and responsible effort to develop and fairly consider modifications or resonable and prudent alternatives to the proposed agency action which would not violate subsection (a)(2) of this section; and

"(ii) conducted any biological assessment required by subsection (c); or

"(B) deny the application for exemption because the Federal agency concerned or the exemption applicant have not met the threshold requirements set forth in subclauses (i) and (ii) of this paragraph. Such a denial shall be considered final agency action for purposes of chapter 7 of title 5 of the United States Code.".

(6) striking out paragraph (6) thereof and inserting in lieu thereof the following:

"(4) If the Secretary determines that the Federal agency concerned and the exemption applicant have met the threshold requirements set forth in subclauses (i) and (ii) of paragraph (3), he shall, in consultation with the Members of the Committee, proceed to conduct hearings and prepare the report to be submitted pursuant to paragraph (5).".

(7) amending paragraph (7) thereof by—

(A) striking out that part of paragraph (7) which precedes clause (A) and inserting in lieu thereof "Within 150 days after making the determination under paragraph (3) or within such other period of time as is agreeable to the Federal agency concerned, the exemption applicant and the Secretary, the Secretary shall submit to the Committee a report discussing—";

(B) striking out "." immediately after "by the Committee" in clause (C) and inserting in lieu thereof "; and";

(C) adding at the end thereof the following:

"(D) whether the Federal agency concerned and the exemption applicant refrained from making any irreversible or irretrievable commitment of resources prohibited by subsection (d)."; and

(D) redesignating paragraph (7) as paragraph (5).

(8) redesignating paragraph (8) as paragraph (6).

(9) amending paragraph (9) thereof by—

(A) striking out that part of paragraph (9) which precedes clause (A) and inserting in lieu thereof "In carrying out his duties under this subsection, the Secretary may—";

(B) striking out "review board" in clause (A) and inserting in lieu thereof "Secretary";

(C) striking out "it" immediately after "necessary to enable" in clause (B) and inserting in lieu thereof "him";

(D) striking out "review board" in clause (B) and inserting in lieu thereof "Secretary"; and

(E) redesignating paragraph (9) as paragraph (7).

(10) amending paragraph (10) thereof by—

(A) striking out "a review board" immediately after "Upon request of" and inserting in lieu thereof "the Secretary"; and

(B) striking out "review board to assist it in carrying out its" immediately after "such agency to the" and inserting in lieu thereof "Secretary to assist him in carrying out his"; and

(C) redesignating paragraph (10) as paragraph (8).

(11) amending paragraph (11) by—

(A) striking out "a review board" immediately after "shall provide to" and inserting in lieu thereof" the Secretary";

(B) striking out "review board" immediately after "services as the" and inserting in lieu thereof "Secretary"; and

(C) redesignating paragraph (11) as paragraph (9).

(12) amending paragraph (12) thereof by—

(A) striking out "of review boards" and inserting in lieu thereof "resulting from activities pursuant to this subsection"; and

(B) redesignating paragraph (12) as paragraph (10).

(c) Section 7(h)(1) of the Endangered Species Act of 1973 is amended by—

(1) striking out "90 days of receiving the report of the review board under subsection (g)(7)" immediately after "exemption within" and inserting in lieu thereof" 30 days of receiving the report of the Secretary pursuant to subsection (g)(5)"; and

(2) striking out "review board" immediately after "the report of the" in clause (A) and inserting in lieu thereof "Secretary"; and

(3) inserting immediately after "habitat concerned." in paragraph (B) the following new paragraph:

"(C) The Committee shall not grant an exemption from the requirements of subsection (a)(2) for an agency action if the Secretary's report, submitted to the Committee pursuant to subsection (g)(5), concludes that the Federal agency concerned or the exemption applicant made any irreversible or irretrievable commitment of resources prohibited by subsection (d) and the Committee concurs with that conclusion.".

Sec. 6. Consultation Process.—Section 7(b) of the Endangered Species Act of 1973 is amended by striking out "mutually agreeable to the Federal agency and the Secretary." and inserting in lieu thereof "agreeable to the Federal agency, the permit or license applicant, if any, and the Secretary. When the consultation period is extended by agreement, the Secretary shall specify the information required to complete the consultation and the date on which the biological opinion will be completed.".

Sec. 7. Section 7 of the Endangered Species Act of 1973 is amended by striking out subsection (o) thereof and inserting in lieu thereof the following:

"(o) Exception on taking.—Notwithstanding sections 4(d) and 9(a) of this Act or any regulations promulgated pursuant to such sections, any activity that is within the scope of the action and situation—

"(1) addressed in a biological opinion which was rendered pursuant to subsection (b) of this section and which concludes that such action—

"(A) will promote the conservation of listed species or critical habitat; or

"(B) is not likely to jeopardize the continued existence of a listed species or result in the destruction or adverse modification of critical habitat;

"(2) recommended by the Secretary pursuant to subsection (b) of this section as a reasonable and prudent alternative; or

"(3) for which an exemption is granted pursuant to subsection (h) of this section shall not be considered a taking of any endangered or threatened species.".

Sec. 8. Convention Implementation.—Section 8A of the Endangered Species Act of 1973 is amended by—

(1) inserting "(1)" immediately after "Scientific Authority Functions.—", in subsection (c);

(2) adding at the end of subsection (c) the following new paragraph:

"(2) In accordance with Article IV of the Convention, the Secretary shall determine and advise whether the export or introduction of any specimen of a species included in Appendix II of the Convention will not be detrimental to the survival of that species and whether the export of such specimens should be limited. Such determination and advice shall be based upon the best available biological information derived from reliable wildlife management practices. The Secretary shall not be required to use estimates of population size in advising that export or introduction will not be detrimental to the survival of a species or determining that export should be limited when such estimates are not the best available biological information derived from reliable wildlife management practices.";

(3) striking out subsection (d); and

(4) redesignating subsection (e) as subsection (d).

Sec. 9. Enforcement.—Section 11(e) of the Endangered Species Act of 1973 is amended by adding at the end thereof the following new paragraph:

"(6) The Attorney General of the United States may seek to enjoin any person who is alleged to be in violation of any provision of this Act or regulation issued under authority thereof.".

Sec. 10. Miscellaneous.—Section 10 of the Endangered Species Act of 1973 is amended by striking out subsection (i) thereof.

Sec. 11. Authorizations.—(a) Section 15 of the Endangered Species Act of 1973 is amended to read as follows:

"AUTHORIZATION OF APPROPRIATIONS

"Sec. 15. Except as authorized in Sections 6 and 7 of this Act, there are authorized to be appropriated—

"(1) not to exceed $27,000,000 for each of Fiscal Years 1983, 1984, and 1985 to enable the Department of the Interior to carry out such functions and responsibilities as it may have been given under this Act;

"(2) not to exceed $3,500,000 for each of Fiscal Years 1983, 1984, and 1985 to enable the Department of Commerce to carry out such functions and responsibilities as it may have been given under this Act; and

"(3) not to exceed $1,850,000 for each of Fiscal Years 1983, 1984, and 1985 to enable the Department of Agriculture to carry out its functions and responsibilities with respect to the enforcement of this Act and the Convention which pertain to the importation of terrestrial plants.".

(b) Section 6 of the Endangered Species Act of 1973 is amended by striking out subsection (i) thereof and inserting in lieu thereof the following:

"(i) Appropriations.—For the purposes of this section, there are authorized to be appropriated not to exceed $6,000,000 for each of Fiscal Years 1983, 1984, and 1985.".

(c) Section 7 of the Endangered Species Act of 1973 is amended by striking out subsection (q) thereof and inserting in lieu thereof the following:

"(q) There are authorized to be appropriated to the Secretary to assist him and the Committee in carrying out their functions under subsections (e), (f), (g), and (h) of this section not to exceed $600,000 for each of Fiscal Years 1983, 1984, and 1985. The Chairman of the Committee shall report to the Congress before the end of fiscal year 1983 with respect to the adequacy of the budget authority contained in this subsection.".

Sec. 12. Effective Date.—This Act shall take effect on the date of its enactment.

To authorize appropriations to carry out the Endangered Species Act of 1973, as amended, through fiscal year 1984.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled. That section 15(2) of the Endangered Species Act of 1973, as amended (16 U.S.C. 1542(2)), is further amended by deleting the "and" after "1981" and inserting the following language after the date "1982": ", and not to exceed $2,179,000 for fiscal year 1983, and such sums as may be necessary for fiscal year 1984.".

On Saving Diversity

(By G. Jon Roush)

We have only a rough idea of how many species inhabit the earth, perhaps as many as 10 million. But we do know that they are vanishing at an alarming rate. Normally, existing species become extinct at approximately the same rate as new species evolve, but since the year 1600 that equation has grown increasingly lopsided. Informed estimates put the present extinction rate at 40 to 400 times normal. One estimate says 25,000 species are in danger right now.

Another says that 1 million could disappear from South America alone in the next two decades. If current trends continue, some 20 percent of the species now on earth will be extinct by the year 2000. Current trends will probably continue.

This awesome rate of extinction is apparently unprecedented in our planet's history. Many experts say it represents our most alarming ecological crisis. Yet where are the headlines, the congressional hearings, the calls to action? Does no one care? Do we expect someone else to solve the problem, or does it seem so immense as to defy solution? It is time to take stock of our own attitudes and possibilities for change.

To begin, we need to understand the problem. What difference does it really make if we hasten the process of extinction and lose some species of clam, or if we plow the last remaining example of some prairie type? The reasons for protecting natural diversity are complex, but they boil down to four arguments. Each argument stands on its own. If you accept one of them, you have accepted the urgent need to preserve the current spectrum of species and ecosystems.

First, reducing diversity can weaken whole natural systems. For example, what's the use of alligators? For ages, alligators have snoozed, bred, and fed in "gator holes," large depressions scooped out of the ground by the alligator. These holes fill with water to form permanent pools, and each pool houses it own world of algae, ferns and other plants, fish and amphibians. In fact, some them are fed by droppings and bits of food left by the alligator. In dry years these gator holes and the trails between them form the only sanctuary for many of the creatures of the Florida Everglades. Then when the rains return, the sheltered creatures can move out to repopulate the area.

Near the gator hole itself, the female alligator makes a large nest of sticks and mud. Each year she adds new material. Over the years, these nests grow to form dry islands, supporting trees that provide nesting places for herons and other birds. Although the alligator at the bottom of the tree may eat an occasional chick, it is also an unwitting sentinel, keeping tree-climbing predators away from the birds' nests.

When the alligators themselves fell prey to man's whim to have shoes and handbags made from their hides, this ancient arrangement was upset. Throughout the Everglades, gator holes filled in and dried up, no longer serving as centers of life. The area's hydrology suffered, and the whole system was weakened. Meanwhile fishermen complained that the fishing in the Everglades was not what it used to be. Bass and other sport fish were being devoured by spotted gar fish, whose numbers were increasing every year. What had been keeping the gar in check? The natural predators, the alligators.

Remove any element of a natural system like the Everglades and the system may be weakened. But maintain a system's natural diversity, and it can withstand severe strains. Diversified, healthy ecosystems tend to have many overlapping systems of checks and balances. Such redundancy buffers the system against the impact of any particular change or stress. When American farmers replaced diverse native prairies with vast monocultures of single species of corn and grain, they helped set the stage for the dust bowl of the 1930's. In parts of the Midwest it was only the remnant areas of natural prairies that kept the soil intact during that terrible drought.

Indeed, the reduction of diversity is almost always expensive. When we spray a neighborhood for mosquitoes, for example, we kill or drive away many of the mosquitoes' natural predators. Meanwhile we breed a race of mosquitoes resistant to insecticide. Then we have set ourselves up as the perpetual guardians of that area, expending time, money, and ingenuity to keep the mosquitoes down and the system going. Otherwise, with natural controls reduced, the mosquitoes will return ten-fold and more savage than ever.

The second argument for diversity hinges on the unpredictable benefits we derive from single species. For example, France's finest grapes grow on root stocks imported from America. Because these root stocks produced a grape that was inferior for eating or wine-making, Americans were rapidly eradicating it. Then a virulent insect infested the roots of European vines—and because the American roots resisted the insect, fine European vines were grafted onto them, saving the European wine industry.

Such ecological rescues happen often. American wheat farmers, for example, need new varieties of wheat every 5 to 15 years to adapt to changing conditions, including new pests and diseases. Hardy *wild* strains are important genetic reservoirs for those new varieties. In fact, most modern agriculture is balanced precariously on very few varieties of plants—one kind of soybean, four varieties of potato, two rices, two peas, one coffee tree, and so forth. All these crops are vulnerable to decimation by a single pest, disease, or climatic change. If a modern crop does not have its wild relatives to rejuvenate or replace it, the ensuing disaster could cause the demise of large populations of the human race.

In addition to food resources, the potential pharmaceutical usefulness of wild plants, animals, and micro-organisms is immense. For example, some species of the Ethiopian plant genus *Maytenus* produce substances called maytensines, which show promise for the treatment of cancer. Unfortunately the Ethiopian plants produce this substance in such minute quantities that researchers originally had trouble collecting enough for experimentation. They searched for another species that might produce maytensines in more quantity. They found it in Kenya, in a rare plant that had been protected by chance in a forest reserve. Results of new tests were more promising than ever, and researchers needed a still more productive source of maytensines. Once again a forest reserve yielded the right plant, this time in South Africa. This species, which the world would never have known if it had become extinct earlier, is now a major target for conservation.

Almost half of our medical prescriptions contain drugs of organic origin. Some of those organic compounds cannot be synthesized. Most of those that we can synthesize are still obtained more cheaply from their natural sources. And since many of the most important plant sources have not been successfully domesticated, we have to find them in the wild to get their benefits. Despite the rich rewards, we have investigated only some five percent of the world's plant species for pharmaceutical products. Meanwhile another species vanishes every day, and we are none the wiser. The unpredictable yet undeniable utility of living species is sufficient reason for caring about such things, for a species is truly useless only when it is extinct.

The third argument for diversity might not seem as practical as the first two. Yet it illuminates problems every bit as real and as far-reaching in their consequences. Human beings seem to have an innate need for natural diversity, and to be deprived of it pains even the staunchest lover of cities, consciously or unconsciously. Early man evolved in a diversified savanna-forest habitat. Our ancestors were especially fit for the diversified environment at the edge between forest and grassland. That predisposition lives on in modern man. Any natural place that people call beautiful is almost certain to be a diversified, healthy ecosystem, whether it be a marsh, a prairie, a desert, or an alpine meadow. Variety *does* seem to be the spice of life.

Even if we could substitute a totally artificial environment for the natural one, something would be missing. What would it be like to adapt totally to the products of other human minds? For most of us it would be a nightmare, because we need to perceive an autonomous reality that includes us but is outside us. As one of Bertolt Brecht's characters put it, "We city-dwellers get dazed from never seeing anything but use-objects; . . . trees, at any rate, have something independent about them outside myself." Anyone who has felt a mountain's indifference to human events will understand those words. We need to be reassured that something is firm and permanent. Such reassurance depends on the presence of natural diversity, which manifests the complexity and mystery of natural reality.

When people talk about going to "the country" for a vacation, they do not mean simply getting out of town. They mean finding some version of diversity. A corn field may be natural, but it is also monotonous, and hardly anyone vacations there. For reasons of their own sanity and well-being, people need a holistic, organic perception of their milieu and their place in it. Prolonged monotony of any sort produces neurosis, for which cultural and natural diversity are the only effective defenses.

The final argument for diversity was developed most eloquently by Aldo Leopold in his classic essay "The Land Ethic." Homo sapiens lives under the same ecological constraints as any other species. If we ignore the ecological facts of life and act as if we really had conquered nature, sooner or later nature will get even. Our best strategy is to adopt an attitude of humility and respect. That attitude allows us both to be true to ourselves as natural creatures and to exercise human, rational choice in the most prudent way. "In short," Leopold wrote, "a land ethic changes the role of Homo sapiens from conqueror of the land-community to plain member and citizen of it. It implies respect for his fellow members, and also respect for the community as such." A workable land ethic requires that we understand the consequences of our actions on other species. It further requires that we acknowledge the right of other species to continue their existence and to do so in a natural state.

Of course one could argue that ethics apply only to people. Nevertheless, because the web of diversity connects us all, the ethical problems persist. If a farmer drains a marsh in order to replace its abundant diversity with a monocultural empire of soybeans, then quite possibly he has done me some ecological harm. I am entitled to ask by what right he does so and why his rights should supersede mine. If, in addition, the soybean industry happens to extinguish a species or two, it has denied the rest of us an irreplaceable genetic resource. The eradication of an element of diversity can be a violation of the rights of a great many people.

The remedy, as Leopold summarized it, is to "quit thinking about decent land-use as solely an economic problems. Examine each question in terms of what is ethically and esthetically right, as well as what is economically expedient. A thing is right when it tends to preserve the integrity, stability, and beauty of the biotic community. It is wrong when it tends otherwise."

Each of these four arguments makes a good case for preserving genetic diversity. Each has convinced many people. Yet cogent arguments alone may not be enough. These arguments have been around for decades, but the rate of species extinction continues to grow exponentially.

In the final reckoning, the preservation or loss of natural diversity may depend on impulses stronger than reason. The nonrational forces destroying diversity are familiar to us. In some cases, people who have power also happen to be greedy, stupid, or malevolent. In other cases, genuine humanitarianism can lead people to sacrifice natural diversity to immediate needs for food shelter, and energy, no matter how unnecessarily or shortsightedly. Yet not all our impulses are destructive. We do have within us the will to save natural diversity. The trick is to find ways to act on that will.

To illustrate, I offer an example that might seem far-fetched. Yet its very remoteness is what makes this example pertinent. It shows how deep and pervasive is our impulse to save diversity.

In the early 17th century, a brillant Englishman named Sir Robert Cotton amassed a great collection of ancient books and manuscripts. Unfortunately most of them were written in half-forgotten early English. Since neither he nor any of his contemporaries could understand the books very well, Cotton needed an unusual classification system. It happened that busts of Roman emperors stood at intervals on top of his library shelves, and so he named his manuscripts according to the busts they sat beneath, numbering each book according to its shelf and its place on the shelf. One of those books sat beneath the Emperor Vitellius and is still known as Cotton Vitellius A XV. It later became one of the most famous single volumes in the Western world, the only known text of the great Old English saga *Beowulf*.

By the time Cotton got his hands on it, Vitellius A XV already had a long history. We now know from its language that the manuscript was written around 1000 A.D., but it contains words from the 8th century and refers to at least one historical event in the 6th century. The saga has all the earmarks of an oral poem like Homer's *Iliad*. Such poems are kept in people's memories, passing from generation to generation, changing gradually to accommodate social and political changes. By the time our scribe wrote it down, parts of the poem were already centuries old. The scribe himself must have been a monk. No one else could write, or could command so much parchment. Nevertheless, the poem is blatantly pagan, despite some passages of Christian sugar-coating. God only knows why some anonymous monk wrote the 32,000 lines or how he justified his labor to his abbot. Yet we are lucky that he did. A couple of generations later, in 1066, the Normans invaded England and changed history. Under French rule, Old English language and literature withered away. A century after the Conquest hardly anyone would have been able to read *Beowulf*, let alone memorize it.

For the next 500 years the unintelligible manuscript lay in English monasteries, escaping fire, theft, flood, worms, and mold. Then Henry VIII celebrated his break from the Church of Rome by burning English monasteries to the ground and their libraries with them. Someone, perhaps a certain Lawrence Nowell, Dean of Lichfield, rescued Vitellius A XV from the flames, for reasons we will never know.

When the manuscript showed up in Cotton's library a century later, its travels and troubles were not over. The entire library was moved to Westminster College where, in 1731, a fire destroyed or damaged much of the Cottonian collection. The fire only scorched Vitellius A XV, but its charred edges became brittle and started to flake away. No one yet understood the manuscript very well, but some thought that it was an old Danish epic. With that in mind, an Icelander named Thorkelin made two copies of the poem in 1787, thinking he was preserving part of his Danish heritage, reconstructing words at the edges of the pages as best he could. It is well he did, because much more of the manuscript has disintegrated since then. Finally the first printed text appeared in 1815. Many new editions have followed, like flowers from a single, ancient seed.

Why do we save things? The *Beowulf* text was rescued from extinction by several people at various times: the scribe, the careful monks, the person who snatched it from the burning monastery, Robert Cotton, Thorkelin. I would like to know what reasons they would have given for their efforts. I am sure of two things: their answer would have differed greatly, and not one of them would have known he was saving the poem for my enjoyment. Except for the original bards and the monk who wrote the manuscript, none of them even knew *what* he was saving. But each had his sufficient reasons.

We who try to save species are the descendents of Sir Robert Cotton. In his time it was vitally important to save rare and endangered elements of intellectual and cultural history. In our time, it is our natural heritage that is in jeopardy. Like Cotton, we do not have a very clear idea of what is in our library. What is the genetic message in the long-toed salamander that is so important to save for future generations? We do not have the faintest idea. In fact, even if the salamander were vitally and specifically important to us now, we could not say what its importance will be to people of 2082 (to say nothing of the people of 3082, which would be closer to the *Beowulf* time-scale). We are trying to save as complete a library as possible. It is important to ask constantly why we do so. But beyond reason, the question is unanswerable. Saving diversity is important to us because it is important to us. It satisfies a need to be firmly rooted in the future.

Reduce diversity today, and you have reduced the range of information and choices available to our grandchildren. It is not easy to describe the extent of our obligation to posterity, and the question can get buried under a mountain of "what ifs." What should we save? What will future generations need or want? What would they miss? How much will they want it, so that we know how much we should be willing to sacrifice in order to save it? Against such uncertainties, the best we can do is hedge with diversity. Like Aldo Leopold's tinker, who does not understand the machine he is trying to fix, we save all the pieces. We save the full spectrum of present possibilities.

We have inherited a world of extraordinary variety and complexity in which people have survived and flourished for eons. No wonder we try to save its best and rarest parts. The impulse to safeguard one's heritage, and to pass it on, is common to people in all cultures. But today, as in the past, not everyone acts on that impulse. We may always depend on those whom Carl Sandburg called "the saving minority." By preserving what is precious and essential they save the rest of us. Even so, they cannot do their work unaided; they need institutions that support them and protect what they have saved. The Church once filled that role for ancient texts, as university libraries did later. We now face the difficult job of building new institutions that can shelter our diverse natural environment against ourselves.

Private organizations like The Nature Conservancy, federal agencies, statewide native plant societies, global organizations, and public and private agencies in other countries have the collective potential to institutionalize the preservation of natural diversity. Realizing that potential is our greatest challenge. If we succeed, we will not only keep alive other species and living systems; we will also keep alive what is best in ourselves. It is, after all, the human thing to do.

Mr. MITCHELL. Mr. President, I am pleased to join Senator CHAFEE in sponsoring the Endangered Species Act Amendments of 1982. I believe these amendments will provide a constructive basis for discussions during the process of reauthorizing appropriations for the act. Most importantly, they continue to provide strong protection for endangered and threatened species of plants and animals.

The danger of extinction is very real. About 75 mammal and bird species are known to have become extinct between 1600 and 1900. Since the beginning of the 20th century the extinction rate for mammals and birds has quadrupled and biologists estimate that the world is now losing one to three species per day. By the end of the century it is thought that the world will have lost as many as 1 million species.

The tragedy of extinction which the Endangered Species Act is meant to guard against is not a tragedy which will occur with fanfare, with warning. Rather, it is the tragedy of small, incremental and irreversible losses in our world's genetic heritage that we may not notice until it is too late. As prudent stewards of our world, we must maintain and strengthen the ability of this law to prevent this loss. That is the nature of the reauthorization to which I am committed this year.

Appropriations for the Endangered Species Act must be reauthorized by October 1, 1982. In this context the Environmental Pollution Subcommittee, of which I am a member, held oversight hearings on December 8 and 10. A number of important concerns regarding the act were identified by the hearings and the amendments I am proposing today are directed to many of those issues.

For example, witnesses testified that in the last year the process of listing species as endangered or threatened has come to a virtual halt. In fact, of the 20 outstanding proposals for listings made in the previous 4 years, only one species has been listed. It is instructive of the present lack of commitment to listings that the species, a tiny crustacean, is located in the middle of the National Zoo. If the act is to be anything but a sham, then certainly species that are on the brink of extinction should be placed on the endangered species list.

In addition, the need for meeting our treaty obligations under the Convention on International Trade in Endangered Species (CITES) while recognizing States responsibilities for managing nonendangered resident species of wildlife has emerged as a major issue in the reauthorization process. The bobcat decision has focused attention on this conflict.

Witnesses suggested that the statutory conflict between sections 7 and 9 of the act posed a possible additional and unfair obstacle to development activities. Although prosecutions are unlikely, it is technically possible that an activity that has received a no jeopardy opinion under section 7 of the act could still be enjoined from proceeding on the chance that it might result in the taking of an individual member of an endangered species under section 9 of the act.

States argued that they are reluctant to have new or experimental populations of endangered species established within their boundaries, as are individuals on private land, for fear that the area will be designated critical habitat or that the act's section 7 jeopardy standard and section 9 taking prohibition will be applied. Experimental populations are important for the propagation and recovery of an endangered species and should be encouraged by the act.

Witnesses testified that the consultation process under section 7 of the act is working well. In over 9,000 consultations that have been initiated, less than 2 percent of these have resulted in jeopardy opinions. However, in those few cases in which an irresolvable conflict might arise under section 7, it was suggested that the exemption process should be make less cumbersome and time consuming.

The measure we are introducing today would address these problems in the following ways:

Listings of species as endangered or threatened would be encouraged by requiring that the Secretary of the Interior decide within 2 years whether or not to list a species.

States' responsibilities for managing nonendangered resident species of wildlife is recognized by clarifying that the Secretary, when making no detriment decisions in accordance with CITES, shall not be required to use population estimates when these are not the best available biological information.

Possible conflict between section 7 and section 9 of the act is eliminated by exempting taking violations that are made in the course of activities addressed by a biological opinion under section 7.

New populations of endangered species are encouraged by treating nonessential experimental populations, to the extent that they are not on national wildlife refuges, as proposed species. This would exclude them from critical habitat designation, the section 7 jeopardy standard and the section 9 taking prohibition.

The section 7 exemption process is streamlined by substituting the Secretary of Interior or Commerce, as appropriate, for the Review Board and shortening the process from 360 to 200 days.

The amendments would also reauthorize the act for 4 years at current levels: $27 million for DOT, $3.5 million for Department of Commerce, $1.85 million for Department of Agriculture, $6 million for States under section 6.

The Federal share of matching grants to the States is changed from 66⅔ percent to 75 percent.

The Attorney General is given injunctive authority.

It has been suggested that the existing law contains language that implies that "sport hunting is an endangerment to wildlife." I am concerned about this because such language does not reflect the purpose or intent of the law. I intend to actively pursue a clarification during markups on this legislation, in response to this concern expressed by sportsmen.

This legislation is not intended to be the final definitive word in response to these or other concerns with the act. I expect that the Congress, the administration, the State agencies, sportsmen and conservationists, and all others interested in the issue will continue to meet the work together to find solutions to address the specific needs of those involved.

Mr. GORTON. Mr. President, the Endangered Species Act is one of the key pieces of environmental legislation in existence today. Its passage established the United States as a world leader in the international effort to rescue hundreds of invaluable forms of plant and animal life from the threat of extinction. In the 10 years since passage of the act, the protections it provides have become even more urgently needed. Estimates by the Council on Environmental Quality suggest that as many as a million additional species—15 to 20 percent of all species on Earth—may become extinct by the year 2000. The value of such a loss is incalculable. As Dr. Wilson of Harvard University testified at the recent Senate oversight hearings on the act in response to the question of what he considered to be the most serious problem of the eighties:

> The worst thing that can happen—will happen—is not energy depletion, economic collapse, limited nuclear war, or conquest by a totalitarian government. As terrible as these catastrophes would be for us, they can be repaired within a few generations. The one process ongoing in the 1980s that will take millions of years to correct is the loss of genetic and species diversity by the destruction of natural habitats. This is the folly our descendants are least likely to forgive us.

The Endangered Species Act provides comprehensive species protection through four key provisions. Section 4 of the act calls for the listing of endangered and threatened species. Section 6 of the act provides for cooperative State-Federal management of endangered and threatened species. Section 7 of the act prohibits Federal agencies from jeopardizing endangered and threatened species and their habitat, and provides a vital consultation mechanism whereby neither desirable projects nor species survival need be sacrificed. Section 9 of the act restricts the taking of individual members of endangered and threatened species.

The American people support a strong Endangered Species Act. I am proud to be from a State where abundant wildlife is one of our most cherished treasures. Few States in our Union contain the diversity of species of which Washington State can boast, from the peregrine falcon to the black bear. Yet the pressures on wildlife are intense.

This year, authorization for the Endangered Species Act will expire at the end of the fiscal year. Reauthorization legislation must be reported out by the Committee on Environment and Public Works by May 15. Accordingly, the Subcommittee on Environmental Pollution has scheduled hearings on reauthorization for April 14 and 19. Many issues have been brought to the subcommittee's attention already, including the need to provide incentives for experimental populations as a means of private resource recovery efforts, to the need to streamline the process of listing species, and removing species from lists.

In order to provide a vehicle for these discussions, I am cosponsoring today with Senator CHAFEE and Senator MITCHELL a reauthorization bill for the Endangered Species Act. The bill contains several amendments. I want to emphasize that this bill is by no means cut in stone. Rather, it is a working document that will enable us to focus on the key issues in reauthorization. The bill addresses, among other issues, establishment of experimental populations, listing and delisting of species, implementation of the Convention on International Trade, industry uncertainty created by section 7 conflicts with section 9, and streamlining of the exemptions process. While I do not necessarily support all provisions of this bill, I believe that it will provide a sound starting basis for discussion.

I hope that in the next few weeks as the Endangered Species Act is considered in committee, this bill will receive careful thought and constructive criticism. It is only through a thorough discussion of the issues that the committee can arrive at the reauthorization bill that addresses the legitimate concerns that have been raised, while at the same time holding tough to one of this country's most farsighted environmental protection laws.

By Mr. HATCH:

S. 2311. A bill to revise and extend programs relating to biomedical research, research training, medical library assistance, health information and promotion, and research ethics; to the Committee on Labor and Human Resources.

BIOMEDICAL RESEARCH, TRAINING, AND MEDICAL LIBRARY ASSISTANCE AMENDMENTS OF 1982

Mr. HATCH. Mr. President, today I am pleased to introduce the Biomedical Research, Training, and Medical Library Assistance Amendments of 1982.

This bill reauthorizes the National Cancer Institute; the National Heart, Lung, and Blood Institute; the National Library of Medicine Assistance Act; the health information and health promotion activities in the Office of the Secretary of the Department of Health and Human Services; and the President's Commission for the Study of Ethical Problems in Medicine and Biomedical and Behavioral Research. Over the past three decades, the Federal Government has invested heavily in basic research in biomedical sciences by funding an increasing array of programs sponsored by the National Institutes of Health (NIH).

The NIH campus has become recognized as the premier research institution in the world, and provides a haven for some of our most capable and creative scientific minds to conduct research. But the great majority of NIH research is conducted at universities and nonprofit institutions throughout the Nation which apply for competitive grants and contracts through the NIH extramural program. In fact, this financial support, both direct to researcher and indirect to universities, has become essential to most institutions of higher learning, and benefits all students of health sciences as well as the Nation as a whole.

For this reason, I am hopeful that, at least for the immediate framework of fiscal year 1983, the administration will reconsider its proposal to cut indirect cost support by 10 percent. I would prefer to see instead an administration reexamination of how we can assure adequate institutional capability to support research while meeting necessary cost containment objectives.

Everyone, even critics of our national health policy, agree that our Government's commitment to fund basic biomedical research has paid off handsomely. The results have been translated to improved health and medical care not only for our citizens, but also for people throughout the world. The effectiveness of their work is illustrated by the fact that 76 Nobel Prizes have been awarded to scientists for research funded by NIH.

Ongoing Federal support of NIH activities is important—in fact, essential. The Federal Government does not compete with the private sector in this effort, and the momentum gained from our support needs to be sustained. Indeed, I am told that our scientists are on the verge of many important health breakthroughs. We now have an opportunity to reap the rewards of our previous investment.

Therefore, this bill proposes a relatively simple reauthorization of the NCI and NHLBI, the two largest NIH Institutes. The budget authority I have proposed in my bill assumes in fiscal year 1983 a 6-percent increase in NIH support over fiscal year 1982, reflecting the level of financial commitment essential to maintain these programs.

I recognize there are a number of problems and concerns about NIH. These are inevitable with such a major effort. I have confidence in the NIH that these can be solved. This committee will continue its oversight responsibilities to monitor this process. This reflects my belief that we cannot legislate solutions to NIH's problems. Efficient and effective actions must be carried out by those so charged at the NIH. Consequently, this bill makes very few legislative changes, but requires reports to Congress insuring attention to problems in peer review, granting, contracting procedures, and efforts in preventive medicine and disease promotion. To insure the focus on prevention is maintained, the Office of Disease Prevention and Health Promotion in the Office of the Assistant Secretary of the Department of Health and Human Services is also reauthorized, with the charge to continue their important work in health promotion and collaboration with the private sector.

Last year, testimony before the Senate Labor and Human Resources Committee raised the issue of the full cost recovery for the National Library of Medicine's products. On the one hand, I am strongly opposed to those activities of the Federal Government which compete with work that could better be accomplished in the private sector. Yet I also recognize the need for those who deliver health care to be as thoroughly informed as possible. For these reasons, I asked for a careful study of the pricing policies of the National Library of Medicine by both the Office of Technology Assessment and the General Accounting Office. These reports will be submitted to the Congress in the very near future. I expect that these reports will provide important information on this subject so that the Members of this Congress can reach a consensus on this important issue.

I am holding full Labor and Human Resources Committee hearings on this important legislation on Wednesday, March 31, 1982. We will hear from witnesses representing the administration: from Dr. Armand Hammer, the Chairman of the President's Cancer Panel, and from Dr. G. Richard Lee, dean of the University of Utah College of Medicine, representing our Nation's medical schools. I urge my fellow Senators to join me in cosponsoring this bill, which is important to the future health of all mankind.

Mr. President I ask unanimous consent that a summary of the bill be printed in the RECORD.

SUMMARY—BIOMEDICAL RESEARCH, TRAINING, AND MEDICAL LIBRARY ASSISTANCE AMENDMENTS, 1982

(1) Reauthorizes the National Cancer Institute, and National Heart, Lung and Blood Institute, and the National Library of Medicine Assistance Act for three years, through fiscal year 1985.

(2) Amends the National Cancer Institute legislation by:

a. Requiring Cancer Research and Cancer Control programs to include support for projects related to "continuing care of the cancer patient and the patient's family." This addresses concern that an increasing number of cancer victims suffer tremendous psychological, economic and social problems related to their illness. Many of them seek unconventional treatments, at great cost. More understanding is needed related to how optimal care might be provided for the cancer patient during prolonged phases of illness, and terminal stages. Research is also needed regarding psychosocial support of families, medical staffs, and patients.

b. Cancer Control programs are authorized to conduct *"developmental research,"* in addition to current programs. This will facilitate identification, field testing, and evaluation of cancer control methods and techniques.

(3) Repeal of the Presidential bypass for the National Cancer Institute.

(4) Increases the ceiling of direct costs from $35,000 to $50,000 of grants which may be approved by the N.C.I. and N.H.L.B.I., without recommendation for approval by the national advisory board.

(5) Establishes in statute a National Kidney Disease Advisory Board.

(6) Technical amendment to eliminate references to the Surgeon General which have been obsolete since 1966.

(7) Repeal of payback requirement for National Research Service Awards.

(8) Health information and health promotion activities authorized in title XVII of the P.H.S. Act is amended to reauthorize and provide greater focus to the Office of Disease Prevention and Health Promotion. Sports Medicine and Physical Fitness programs are repealed.

(9) The President's Ethic Commission, title XVIII of the P.H.S. Act, is renewed for one year.

(10) Two annual reports are required:

a. Activities undertaken to improve grant, contracting, accountability and peer review procedures at N.I.H.

b. All activities relating to preventive medicine and health promotion, including number and type of personnel involved.

By Mr. BAUCUS (for himself, Mr. GRASSLEY, and Mr. MOYNIHAN):

S. 2312. A bill to amend the Internal Revenue Code of 1954 to include a barter exchange as a third-party recordkeeper for purposes of the special procedures for third-party summons; to the Committee on Finance.

BARTER EXCHANGE

● Mr. BAUCUS. Mr. President, today I am introducing, on behalf of Senator GRASSLEY, Senator MOYNIHAN, and myself, legislation to amend the Internal Revenue Code to provide that a barter exchange shall be a third-party recordkeeper under the Internal Revenue laws.

The Tax Reform Act of 1976 (Public Law 94-455) established procedures by which the Internal Revenue Service may, in the course of a legitimate tax investigation, summon the records of a taxpayer held by a third party. These procedures are contained in section 7609 of the Code. However, the enumeration of third-party recordkeepers in the law does not include barter exchanges, though such exchanges do maintain records bearing upon the tax liability of their members.

The legislation we are introducing would amend section 7609 to add barter exchanges to the list of third-party recordkeepers. This action would extend the protections of the law to an estimated 100,000 small businesses who engage in commercial barter through organized trade exchanges.

These protections are twofold. When the IRS summons the records of an identified taxpayer in the possession of a third party, it must give notice to the taxpayer whose records are sought. The taxpayer may thereupon instruct the third-party recordkeeper not to deliver the documents. If this is done within the 2-week period stipulated in the law, the IRS must go into Federal court and show why it requires the documents, and the taxpayer may appear and contest this action.

The right to notice and the right to a hearing before a Federal judge are two significant protections established by Congress to insure that taxpayers' rights of privacy are respected by preventing the IRS from obtaining records without their knowledge and opportunity to assert appropriate defenses. At the same time, the public interest in tax compliance is preserved by allowing the IRS to use the third-party summons as an investigative tool and to have such summonses enforced by a Federal court.

As a member of the Finance Subcommittee on Oversight of the Internal Revenue Service, I have taken an interest in the matter of barter tax compliance. I have encouraged IRS and industry representatives to cooperate in developing an information reporting system for barter transactions.

I am pleased to note that this initiative has met with some success. The industry announced in 1980 that it would support information reporting. IRS also announced in the Federal Register last October 15 that it was in the process of developing an information reporting regulation and had assigned this project a high priority.

As a result of the cooperative efforts of the industry and the Federal Government, barter tax compliance is being firmly established on the basis of information reporting. Moreover, it is apparent that organized barter exchanges are a positive force for tax compliance. By maintaining records and providing an audit trail, they bring barter transactions into the open and allow barter income to be taxed. On this point, results of 2 years of IRS audits of nearly 1,300 barter exchanges and their clients are instructive. The total additional taxes and penalties assessed against these taxpayers was $961,807, or $750 per return. This compares to $2,570 per return for the average taxpayer who filed an individual business return in 1980.

Many barter exchanges publish directories of their members. Under IRS interpretation of current law, the IRS may obtain copies of such directories and issue a summons to a barter exchange for taxpayers' records without their knowledge. Our bill would require the taxpayer to be notified and would afford him an opportunity to bar IRS access to the records until a court hearing. At the same time, no legitimate tax investigation would be jeopardized because the summons would still be enforceable by the Federal courts. Moreover, current law provides for suspension of the statute of limitations with respect to both civil and criminal tax liability when a taxpayer invokes the provisions of section 7609 in an investigation of his own tax liability.

CONGRESSIONAL INTENT IN ENACTING SECTION 7609

The legislative history of section 7609 discloses that Congress intent in enacting these provisions was to allow the IRS to use the third-party summons as an investigative tool, while assuring that taxpayers' rights to privacy were not violated by making them a target of a summons of which they were unaware. In its report on Public Law 94-455, the Senate Finance Committee demonstrated its sensitivity to the needs to balance investigative power with taxpayers' rights of privacy. I would like to quote from the committee's report:

> The use of the administrative summons, including the third-party summons, is a necessary tool for the IRS in conducting many legitimate investigations concerning the proper determination of tax. The administration of the tax laws requires that the Service be entitled to obtain records, etc., without an advance showing of probable cause or other standards which usually are involved in the issuance of a search warrant. On the other hand, the use of this important investigative tool should not unreasonably infringe on the civil rights of taxpayers, including the right to privacy. . . .
>
> The committee believes that many of the problems in this area would be cured if the parties to whom the records pertain were advised of the service of a third-party summons, and were afforded a reasonable and speedy means to challenge the summons where appropriate.

To further emphasize this point, the Finance Committee stated:

> It should be made clear that the purpose of this procedure is to facilitate the opportunity of the noticee to raise defenses which are already available under the law (either to the noticee or to the third-party witness) and that these provisions are not intended to expand the substantive rights of the parties.

The courts have made a similar interpretation. The Third Circuit Court of Appeals stated, in United States against Pittsburgh Trade Exchange:

> The thrust of section 7609, taken as a whole, was to require that the target taxpayer be given notice, so that he would be able to assert appropriate defenses.

Quite clearly, in enacting the Tax Reform Act of 1976, Congress was seeking to allow taxpayers to assert legal rights which they possessed, but which they might not be able to raise if they were unaware of the existence of a summons. Congress therefore required that, when the identity of the taxpayer is known, he should be notified by IRS and given the opportunity to stay compliance with a third-party summons until such time as the summons may be enforced by a court of law.

Where the identities of the taxpayers are not known, making it impossible for notice to be given, Congress provided that a Federal court may authorize the issuance of a "John Doe" summons to the third-party recordkeeper, but only after an ex parte hearing in which the IRS establishes that a reasonable basis exists for believing that the internal revenue laws may have been violated, and that it has no other practicable means of obtaining the desired information.

The logic of these provisions is as sound today as it was when the Tax Reform Act of 1976 was enacted. Unfortunately, there was an omission in the bill that was enacted. Instead of the rights that I have described applying to all taxpayers whose records are held by a third party, these rights were limited to taxpayers whose records were held by certain specifically enumerated categories of third-party recordkeepers.

To quote the conference report on the bill:

> The [conference] agreement clarifies the definition of a third-party recordkeeper, limiting this category to attorneys, accountants, banks, trust companies, credit unions, savings and loan institutions, credit reporting agencies, issuers of credit cards, and brokers in stock or other securities.

The effect of this provision was to extend the right to notice and to a court hearing to taxpayers whose records were held by one of the charmed circle of third-party recordkeepers, and to leave other taxpayers out in the cold insofar as notice and ability to assert legal defenses is concerned.

However, I believe it is a proper inference that Congress envisioned that, as circumstances warranted, other categories of third-party recordkeepers would be added to the list. By specifically designating precisely who are, and who are not, to be third-party recordkeepers, Congress reserved to itself the right to judge the merits of other claimants to this status who may emerge in light of changing economic conditions and experience.

The modern commercial barter industry is just such a claimant.

COMMERCIAL BARTER INDUSTRY

Mr. President, let me describe briefly the nature of the modern commercial barter industry. We are dealing here with an ancient concept which is experiencing a rebirth as a result of 20th century technology. It was Edmund Burke who said in 1775 that:

> All government—indeed every other human benefit and enjoyment, every virtue and every prudent act—is founded on compromise and barter.

In the early days of our country, when specie was rare in the Colonies, merchants used ledgers to record the barter of such commodities of furs, wheat, and rum. Even students of Harvard College at one time paid their term bills by barter. History tells us that one such student, later president of the college, settled his bill in 1649 with an old cow.

Before the American Revolution, a Boston bookseller named Thomas Hancock made his living through a bartering system. He moved such goods as hogs, whale oil, and sermons from one market to another, making minimal use of cash. What John Hancock's uncle accomplished with quills and ledgers, today's barter exchanges are achieving through use of the modern computer.

The pioneers who settled my own State of Montana were fur traders and miners who bartered for many of the necessities of life. Today, the bartering tradition of the Old West lives on in the form of trade exchanges in Helena, Bozeman, Billings, Miles City, and Great Falls.

The virtues of this old way of doing business have been rediscovered by thousands of American small businesses. By belonging to an organized barter exchange, they contract to buy and sell each other's products and take payment in kind rather than in money. Units of account, called trade credits, are used to record purchases and sales. When a member sells his product or service he earns trade credits, which he may then spend with other members of the barter system. The modern computer, which does the bookkeeping, makes it possible for thousands of businesses from New York to California, Louisiana to Canada, to trade reciprocally. At the present time, almost all of these are small businesses and professional people. The barter or trade exchange, which makes the market between these buyers and sellers, receives for its services an annual fee and a commission on each transaction.

Organized barter is significant in the lodging, restaurant, printing, real estate, and advertising industries. Doctors, dentists, lawyers, accountants, mechanics, and numerous other service providers have found it advantageous. Computers, copiers, and other business machines have been marketed on trade. Overall, it is estimated that the industry accounted for $300 million in total volume of transactions during 1981.

The economic advantages of barter, and its appeal as a means of doing business in today's economy, stem from the fact that almost every business has underutilized capacity and an ability to expand output over and above the value of its cash business. This is particularly true in times of high inflation, when tight money is used to repress demand, with the consequent effect of reducing sales and output. Tight money also raises interest rates and places a premium on cash conservation. Hence, as long as a firm has unutilized capacity and can expand output at a revenue that covers its incremental costs, it can profit from commercial barter, first, by making additional sales, and second, by purchasing, with the revenues from its additional sales, products it would otherwise have paid cash for.

Today, there are approximately 300 trade exchanges in the United States, and these exchanges handled $300 million in barter transactions during 1981. These same sources indicate that the commercial barter industry has been growing at the rate of about 20 percent a year for the past 6 or 7 years, and will probably sustain a 15 percent growth in the immediate future. Obviously, if these data are correct, commercial barter is growing at a significant rate and will double in size every 4 to 5 years. We are witnessing the emergence of a potentially significant development in the Nation's economy.

As barter exchanges grow in capacity and financial stability, as the industry succeeds in introducing a scheme of insuring trade credits and undertakes effective self-regulation in the public interest, it is likely that commercial barter will be the source of significant benefits to the economy in the years ahead.

Let me outline what these benefits are.

First, commercial barter is proving advantageous to the development of small business, which is the source of most new jobs in the economy and the underpinning of prosperity in many communities. Today, an estimated 100,000 small businesses belong to commercial barter exchanges and this number is growing. To the small business man or woman, commercial barter provides a means of marketing a product or service without significantly increasing selling expense, while increasing output through more efficient use of available capacity.

While barter is not a substitute for cash sales, it can account for as much as 15 to 25 percent of the sales of a small firm—an important margin for a small business. Spreading overhead costs over larger output results in lower unit costs on all sales, including cash sales, and thus improves the small business' competitiveness.

Equally important is the fact that a small business is able to use the additional revenues, in the form of trade credits, from its barter sales to finance the purchase of advertising, equipment, maintenance, and other products and services needed in the business, and thus conserve cash. With the prime rate hovering at 18 percent today, the cost of borrowing for a small firm is enormous and often prohibitive. The ability to conserve cash is vital.

These benefits can be the margin of survival for a small business in today's economy. Anything that can help small business survive these difficult times is a definite plus, and I believe that barter exchanges are performing a useful service in this regard.

Looking at this same phenomenon from the standpoint of the economy at large, productivity is improved through the fuller utilization of capacity that barter sales make possible. The lowering of costs helps counter inflation. Larger output helps sustain employment, and the benefits to small business helps create new jobs.

Also significant is the fact that extra sales income generated by barter leads to additonal tax revenues for the Treasury. Even though the additional sales are paid for in trade credits, they are taxable as ordinary business income under IRS rulings. Moreover, even though a business may have earned part of its income in kind, its entire tax bill is payable in cash.

I will return to the question of barter taxation in a moment. But let me now take up the subject at hand: Should barter exchanges be recognized as third-party recordkeepers? I want to first consider the IRS position on this question, and then give the reasons why I believe barter exchanges should be accorded third-party recordkeeper status.

IRS POSITION

IRS' position on the recognition of barter exchanges as third-party recordkeepers is contained in a letter, dated December 1, 1980, from Chief Counsel N. Jerold Cohen to the International Association of Trade Exchanges (IATE) which represents many members of the commercial barter industry in the United States and Canada.

In substance, because the law does not explicitly list barter exchanges as third-party recordkeepers, the IATE contended that exchanges were persons "extending credit through the use of credit cards or similar devices," one of the categories recognized in the law. In reply, IRS stated that the credit extension practices of the barter industry were too diverse to permit generalization on whether all could be considered third-party recordkeepers, thus each exchange would have to be judged on a case-by-case basis.

I think it is fair to say that what we have here is a good-faith effort by the industry to seek an administrative solution to its problem by basing the case for third-party recordkeeper status on the best ground they could find in the law.

However, from the standpoint of the industry and its clients, the IRS' case-by-case approach would obviously be unworkable. An exchange could only present its case for third-party treatment at the hearing for judicial enforcement of the summons. Thus, whether a taxpayer would be entitled to notice would be dependent upon the outcome of a hearing in which the concerned taxpayer was not a participant and of which he might be unaware. Yet the law requires that the taxpayer, if entitled to notice, be given it within 3 days of the issuance of the summons.

It is evident that IRS is not prepared to grant third-party recordkeeper status to barter exchanges. This being the case, Congress must act if taxpayers who are clients of a barter exchange are to be entitled to their right to be notified if the IRS summons their records from the exchange.

REASONS FOR THE PROPOSED LEGISLATION

Mr. President, our bill would simply add barter exchanges to the list of third-party recordkeepers enumerated in the law.

Let me state the reasons why I think this bill should be enacted.

First, who will benefit if it becomes law? Clearly, the thousands of small business men and women who belong to barter exchanges will benefit. These persons are engaged in a legitimate form of commerce, sanctioned by the Uniform Commercial Code.

If this bill is enacted, what we would be granting these small business men and women is the right to be notified and to have a court hearing if their records should be summoned from a barter exchange. Conversely, we would be imposing upon the IRS the duty of notifying the taxpayer concerned within 3 days of issuing the summons, in order that records not be obtained without his knowledge in clear violation of his rights of privacy.

I do not believe it was the intent of Congress that any significant number of citizens be left without the important rights enacted in 1976. It is not equitable that an individual can be entitled to certain safeguards if his records are held by a bank, an accountant or attorney, and not be entitled to those safeguards if the records are held by a commercial barter exchange.

Respecting these rights would also have a salutary effect upon enforcement of the internal revenue laws. Citizens must perceive that the laws are being enforced fairly. Moreover, the IRS must not be tempted to seek records from a third party because they might be relevant to a tax investigation, and not because they are in fact relevant. The third party does not have as strong an interest in protecting the records as does the taxpayer himself. The requirement to notify the taxpayer, and to justify the need for the documents in court, keeps the IRS from overstepping this boundary.

BARTER TAX COMPLIANCE

I am aware that some of my colleagues are concerned because of the delay occasioned by the taxpayer's right, under section 7609, to stay compliance with a summons issued to a third-party recordkeeper, until a court hearing into the validity of enforcing the summons. If this bill becomes law, this right to stay compliance could be exercised by taxpayers who are members of commercial barter exchanges.

It is obvious that this procedure could have the effect of delaying the IRS' acquisition of records required in the pursuit of a legitimate tax investigation.

However, it is equally obvious that a stay of compliance is necessary if the taxpayer is to have the opportunity to exercise his rights. It would be useless for a taxpayer to have the right to challenge a summons, if the IRS had already obtained possession of the documents.

Moreover, the law provides that a taxpayer who exercises his right to stay compliance with a third-party summons, also suspends the statute of limitations with respect to his civil and criminal tax liability. As a result, no tax investigation is jeopardized by giving the taxpayer the opportunity to challenge the summons.

Some of my colleagues make the point, which I believe to be valid, that the automatic stay allowed by section 7609 has been used by drug traffickers and organized criminals to delay action against them, during which time they have continued their illegal activities. They have consequently proposed remedial legislation.

I do not believe, however, that this is an argument that can be used against granting third-party recordkeeper status to a commercial barter exchange. The taxpayers in this case are not drug pushers or members of organized crime, but small business men and women engaged in a legitimate business activity.

Ultimately, the IRS will be able to obtain the records of barter taxpayers if it has a legitimate reason for access to them. The delay occasioned is necessary for the taxpayer to exercise his rights.

I would now like to turn to the IRS barter project, and whether the results of that project give any cause for concern over the tax compliance status of the commercial barter industry.

The barter project is a program to audit the organized barter exchanges and their members. In the IRS' words, barter transactions "represent a potentially significant area of noncompliance" (Manual Supplement 45G-324, March 11, 1980, reprinted at the end of this statement).

I do not fault the IRS for undertaking this project. It is charged with enforcing the tax laws, and has the duty and responsibility to investigate noncompliance wherever it may exist.

I also believe that we must be fair. The commercial barter industry has been undergoing intensive audits during the past 30 months. Nearly 1,300 barter exchanges and their members were audited during the first 2 years of the project.

What do the results show? According to IRS reports obtained under the Freedom of Information Act by the International Association of Trade Exchanges, a total of 1,282 barter exchanges and their clients were audited during the period October 1, 1979, to September 30, 1981. The total additional taxes and penalties assessed against these taxpayers was $961,807, or $750 per return. This compares to a national average of $2,570 per return for all taxpayers filing individual business returns during 1980, according to the annual report of the Commissioner of Internal Revenue.

Moreover, the percentage of barter taxpayers who came through their audit with no change in their tax liability was 26 percent. The comparable percentage for all taxpayers filing individual business returns in 1980 was 12 percent.

I believe that any fairminded person would agree that these results do not suggest any extraordinary degree of noncompliance in the commercial barter industry.

Rather, they suggest just the opposite. The small business men and women who mainly comprise the commerical barter industry have a better-then-average record of tax compliance.

As a matter of fact, barter exchanges have a positive impact on tax compliance. They record all transactions and issue monthly statements to their members, thereby providing an audit trail which is itself an incentive to report. IATE members maintain copies of these records for a minimum of 5 years. Commercial trade exchanges bring barter transactions into the open and allow this income to be taxed. Thus, their existence is actually beneficial to IRS.

The IRS 1979 report, "Estimates of Income Unreported on Individual Income Tax Returns," recognized this point. It stated:

> In the absence of "informational pooling" advantages of a centralized barter exchange, it should typically be much simpler and more advantageous for individuals to seek cash payments for their goods and services than to undertake the costs of searching for other traders with whom to barter. Thus, in the future, it may be feasible to gather reliable data on barter since it is barter in highly visible centralized exchanges which may be expected to play a growing part in any trend toward increased reliance on barter.

I would hope that the IRS would agree that the growth of "highly visible centralized exchanges" is a positive development.

I personally believe that we are dealing here with a legitimate industry, which is doing its best to insure tax compliance. The industry has an active tax information program, has assisted in disseminating IRS revenue rulings on barter, provided IRS with information on the operations of the industry, and cooperated in the development of an information reporting system for barter transactions.

Information reporting, which IRS is in the process of implementing, will be a major step toward improved tax compliance in the barter industry. Under this system, barter exchanges will submit an annual information return stating the barter income received by each of their clients. These returns can be matched by IRS computers with the returns filed by taxpayers in order to assure reporting of barter income.

Given these facts and developments, I urge my colleagues to join Senator GRASSLEY and myself in support of this legislation.

Mr. President, I ask unanimous consent that the text of the bill be reprinted in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 2312

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) paragraph (3) of section 7609(a) of the Internal Revenue Code of 1954 (defining third-party recordkeeper) is amended—

(1) by striking out "and" at the end of subparagraph (E),

(2) by striking out the period at the end of subparagraph (F) and inserting in lieu thereof "; and", and

(3) by inserting after subparagraph (F) the following new subparagraph:

"(G) any barter exchange composed of persons providing products or services in the conduct of a trade or business who jointly contract to trade or barter such products and services within the exchange.".

(b) The amendment made by subsection (a) shall apply with respect to any summons issued on or after the date of the enactment of this Act.●

By Mr. BENTSEN:

S. 2313. A bill to authorize certain employees of the U.S. Department of Agriculture charged with the enforcement of animal quarantine laws to carry firearms for self-protection; to the Committee on Agriculture, Nutrition, and Forestry.

AUTHORITY FOR CERTAIN DEPARTMENT OF AGRICULTURE EMPLOYEES TO CARRY FIREARMS

● Mr. BENTSEN. Mr. President, today I am introducing legislation to authorize the executive branch to provide badly needed protection to Government employees who face danger every day in the course of their jobs.

This bill will authorize employees of the Department of Agriculture who enforce our Nation's animal quarantine laws to carry firearms for self-protection.

The need for this authority, and the danger which these men face, is graphically illustrated by the case of Mark Smith. Mark Smith testified before the House of Representatives on the need for this legislation, presenting as evidence his saddle containing a hole from a bullet which was meant for him. Two weeks later a second bullet did not miss. Inspector Smith was shot in the back while on patrol alone. He rode horseback about 3 miles back to his pickup and then had to drive himself out after he could not reach anyone on his truck radio. Thankfully, he is doing well today. His uncle, however, was not so lucky. In 1976 he was murdered while on duty—a murder which has never been solved.

A small band of USDA Animal and Plant Health Inspection Service employees patrols the United States-Mexico border along the Rio Grande River in Texas. Commonly known as tick inspectors, these men are our first line of defense against the introduction of livestock diseases from Mexico. Their primary concern is tick fever, a disease which could spread throughout the Southern United States at a potential cost of $1 billion per year in livestock losses. This disease is transmitted by a certain species of tick, which in turn is spread by strayed or smuggled cattle and other animals.

These tick inspectors now have no authority to carry firearms, even though they patrol alone and on horseback through an area which is a smuggler's paradise and has a very heavy flow of illegal traffic in a wide variety of commodities, including illegal aliens and drugs as well as livestock.

The so-called "Kelly Report" prepared in 1978 for the Department of Agriculture recommended that tick inspectors be allowed to carry firearms, noting that their work environment "would be considered combat conditions for a police department operating in a heavily populated urban center."

The administration has asked that these inspectors be authorized to carry weapons for self-protection. This legislation, which was introduced in the House by the distinguished and able Congressman from Texas, Mr. KAZEN, has been reported by the House Committee on Agriculture.

These tick inspectors, whose timely reports on encounters with lawbreakers have led to many arrests and confiscations of drugs, are making a major contribution to the law enforcement efforts of other Federal and State law enforcement agencies. At the very least they should be given adequate support and protection, including portable two-way radios for emergency communications and firearms for self-protection.

As the Kelly report on this issue put it, "These inspectors should be recognized for what they are, law enforcement officers." Mr. President, officers enforcing animal quarantine laws should be entitled to the same right of self-protection as other peace officers.

I urge the adoption of this legislation.●

By Mrs. HAWKINS (by request):

S. 2314. A bill to amend the Consolidated Farm and Rural Development Act; to the Committee on Agriculture, Nutrition, and Forestry.

FARMERS HOME ADMINISTRATION

● Mrs. HAWKINS. Mr. President, as chairman of the Senate Agriculture Subcommittee on Agricultural Credit and Rural Electrification, I am today introducing legislation prepared by the administration reauthorizing the Farmers Home Administration for fiscal years 1983, 1984, and 1985. I plan to schedule the first hearing on this important bill for April 15, 1982, and a second day of hearings for April 21, 1982.

Under the administration's bill, several changes are proposed in the loan and loan guarantee programs run by the Farmers Home Administration to benefit farmers, ranchers, and rural residents who, in most cases, are unable to obtain adequate credit elsewhere. Since 11.5 percent of all farmers borrow from the Farmers Home Administration, which supplies 12 percent of the credit needs of the agricultural community, it is clear that this reauthorization bill represents one of the most important pieces of legislation that will affect farmers in the next few years.

For that reason, I intend to carefully review the administration's bill before arriving at conclusions on its merits.

Mr. President, farmers face some of the most difficult conditions in many years. Farm income has dropped for the third straight year, production costs are rising, and interest rates are terribly high.

In ordinary times, these factors would cause the Congress to expand programs administered by the Farmers Home Administration. However, the times are not ordinary. Congress will consider these programs at a time of record budget deficits and intense pressure to reduce Government spending and borrowing. We, therefore, have the difficult task of balancing the needs of agricultural producers and rural residents against the need for fiscal restraint.

I believe we rose to the occasion during consideration of the 1981 farm bill by establishing agricultural support programs with fiscal restraint. In the same vein, I am optimistic that we will reauthorize Farmers Home Administration programs in a manner which assures adequate credit for farmers and rural communities.●

By Mr. JACKSON (for himself, Mr. Warner, Mr. Baker, Mr. Robert C. Byrd, Mr. Lugar, Mr. Nunn, Mr. Cohen, Mr. Bentsen, Mr. Abdnor, Mr. Andrews, Mr. Boren, Mr. Boschwitz, Mr. Bumpers, Mr. Burdick, Mr. Harry F. Byrd, Jr., Mr. Cannon, Mr. Chiles, Mr. Cochran, Mr. Cranston, Mr. D'Amato, Mr. DeConcini, Mr. Dixon, Mr. Dole, Mr. Exon, Mr. Ford, Mr. Garn, Mr. Goldwater, Mr. Grassley, Mr. Hatch, Mr. Hayakawa, Mr. Heflin, Mr. Hollings, Mr. Humphrey, Mr. Inouye, Mr. Jepsen, Mr. Johnston, Mr. Kasten, Mr. Long, Mr. Mattingly, Mr. Melcher, Mr. Moynihan, Mr. Murkowski, Mr. Nickles, Mr. Proxmire, Mr. Pryor, Mr. Quayle, Mr. Rudman, Mr. Sasser, Mr. Specter, Mr. Stennis, Mr. Stevens, Mr. Thurmond, Mr. Tower, Mrs. Hawkins, Mr. Roth, Mr. McClure, Mr. Simpson, and Mr. Armstrong):

S.J. Res. 177. Joint resolution to express the sense of the Congress that the United States and the Soviet Union should engage in substantial, equitable, and verifiable reductions of their nuclear weapons in a manner which would contribute to peace and stability; to the Committee on Foreign Relations.

NUCLEAR ARMS REDUCTION

Mr. WARNER. Mr. President, I am honored this morning to be joined by the distinguished senior Senator from Washington for the purposes of introducing a joint resolution drafting a framework for future nuclear policy of the United States of America.

I yield the floor now to the Senator from Washington.

Mr. JACKSON. Mr. President, on behalf of the distinguished Senator from Virginia (Mr. Warner) and myself, I send to the desk a joint resolution with a total cosponsorship of 58 Senators.

The PRESIDING OFFICER (Mr. Chafee). The joint resolution will be received and appropriately referred.

Mr. JACKSON. Mr. President, it is an honor for me to join with my good friend and colleague, Senator Warner, in introducing a nuclear arms reduction resolution on behalf of a majority of the Members of the Senate totaling 58.

Our joint resolution calls upon the United States to propose to the Soviet Union a long-term mutual and verifiable nuclear forces freeze at equal and sharply reduced levels of forces, looking, in time, to the elimination of all nuclear weapons from the world's arsenals.

The resolution's sponsors come from both sides of the aisle and they represent a broad spectrum of views on national issues. A nuclear-tipped missile arching its way toward a target in our homeland would not care about the political affiliation of its prospective victims. Nor would it matter whether they were supply-siders or Keynesians.

And the States that our sponsors represent range from Maine to Hawaii, from Alaska to Florida, from the Frost Belt to the Sun Belt. The dimensions of America's desire for lasting peace with freedom are as long and as wide as America itself.

Our country can be proud of its past efforts to gain Soviet agreement to arms control and reduction measures that would make nuclear war less probable. These efforts began almost four decades ago. Speaking on behalf of President Truman, Mr. Bernard Baruch offered the world an atomic arms control plan of unparalleled selflessness. At a time when we alone possessed nuclear armaments, we said we would be willing to turn over our weapons stockpile to an international authority. But though of unprecedented generosity, our proposal foundered on the rock of Soviet objections.

All six of our Nation's Presidents who followed Mr. Truman—three from one party, and three from the other—advanced arms control proposals to reduce the danger of nuclear conflagration. And now President Reagan fully shares his predecessors' commitments to seek agreement with Moscow on measures that would contribute to this end.

You and I know, Mr. President, that only two words are needed to describe what the basic problem has been—Soviet intransigence.

But there are many who do not agree with us. In Western Europe particularly and here at home as well, the idea is too widespread that our country is unwilling to play a responsible role in the restraint of nuclear arms. And, let us be honest about it, this country has not done all it should be doing to correct such false notions and to set the record straight.

Those of us sponsoring this joint resolution believe that the time is ripe, if indeed not overdue, when this Nation should again take the initiative on the issue of peace. We believe the hour has come to reaffirm again our country's historic commitment to the cause of peace with freedom. And we believe that our resolution will do much to help our country seize and hold the high ground in such a campaign.

Let me briefly summarize the resolution's contents:

We recognize that a nuclear war would cause devastation on a truly incomprehensible scale—indeed, threaten the survival of all mankind; that there is no assurance that a nuclear war, once started, would remain limited; and that the risk is ever present that nuclear weapons might be used through accident or miscalculation.

We affirm that the American people are a people of peace, that our Nation maintains nuclear armaments only in the defense of freedom and that our people yearn for world conditions in which they could do far more to lift the burdens of human privation and despair.

We emphasize that today's imbalance in nuclear forces, which advantages the Soviet Union, is full of grave risks to the future of freedom and the maintenance of peace, and that what is needed are sizable and verifiable mutual reductions of both Soviet and United States nuclear forces to an equal and far lower level.

We draw attention to President Reagan's pledge to "seek to negotiate substantial reductions in nuclear arms which would result in levels that are equal and verifiable."

Then we come to the heart of the resolution. We call upon our Government to propose to the Soviet Union a long-term mutual and verifiable nuclear forces freeze at equal and sharply reduced levels of forces.

We further ask our Government to propose to the Soviet Union practical measures to reduce the danger of nuclear war through accident or miscalculation, and to prevent the use of nuclear weapons by third parties, including terrorists.

Then, in addition, we advise that the United States should offer its proposals as a dramatic, affirmative challenge to Moscow to channel the genius of our two peoples away from the amassing of nuclear armaments and to focus the energy and resources of both nations on attacking the ancient enemies of mankind—poverty, hunger and disease.

Finally, we stress the importance of perseverance and of pressing our efforts month after month, year after year, looking, in time, to the reduction of the world's nuclear weapons to the level of zero.

Mr. President, no fair-minded person could conclude that the actions proposed in our resolution would profit our country at Soviet expense. It asks of Moscow only what we ourselves would be willing to do. If our two nations did what the resolution invites them to do, both would emerge as winners.

It could indeed be argued that Moscow has an even greater economic stake in serious arms reductions than we do. Their gross national product lags far behind ours, and a much larger fraction of it goes toward arms spending than in our case. Burdensome though they are to us, military outlays weigh far more heavily on Soviet shoulders.

Picture, Mr. President, the great and good uses—like more food for the hungry and better care for the afflicted—to which both sides could put the billions of dollars and rubles that would be saved by reduced spending on nuclear armaments. And picture also the easing of tensions that could well come about if the threat of nuclear holocaust diminished. In truth, an agreement of the kind called for in our resolution could mark a turning point of momentous proportions in the relations between our two nations.

But despite the splendid prospects that serious arms reductions could open for both our peoples, those sponsoring the joint resolution believe that the road to an agreement with the Soviets will almost certainly be long and arduous. We know of no magic formula that will catapult us toward the goal which has so far eluded us. It will take extraordinary patience, hard bargaining and time.

Permit me, Mr. President, some personal remarks before closing. Both while serving in the House and as a Member of this body, I was an observer at nuclear weapons tests then being conducted in Nevada and in the Central Pacific. I saw the radiation-laden mushroom clouds that boiled their way upward into the sky. And I felt the Earth shudder when the shock waves from the explosions passed our observation points.

I formed at the time a conviction from which I have never once wavered. I concluded I had no more important legislative responsibilities than trying to help insure that these engines of destruction would never be propelled against our country and, at the same time, trying to do whatever I could to help reduce the possibility of nuclear war.

Toward this end, I have advanced many initiatives for peace-serving types of arms agreements. In 1951, for example, I introduced into the House a counterpart of the landmark resolution of Senator Brien McMahon that sought to place the Congress on record as favoring nuclear disarmament under effective international controls. In 1953, I reintroduced an identical resolution in the Senate.

In 1972, I authored the Jackson amendment which put the Congress on record for mutuality and equality in levels of United States and Soviet strategic forces. A year later, I championed proposals that would have reduced the combined intercontinental strategic weapons forces of the Soviet Union and our Nation by about one-third. A few months later, I outlined a detailed mutual arms reduction proposal to stabilize the strategic balance on the basis of parity through substantial reductions on both sides. In mid-February 1977, I advised President Carter to seek a balanced, equal SALT II agreement, and made recommendations for specific mutual force reductions. And a year ago, on March 24, I urged President Reagan to launch a far-reaching, innovative drive on behalf of serious mutual arms reductions.

In addition, after trying in many instances to improve them, I have voted for every arms control agreement that has been submitted to the Senate.

In conclusion, let me just say this: I am confident that coming generations of Americans will be generous in their judgments of us if, despite our having done our very best, we still find ourselves not moving as rapidly as we would wish along the road to a lasting peace with freedom. But I am just as confident that those coming after us will judge us harshly if we now do less than our best.

Mr. President, I ask unanimous consent to have printed in the RECORD a letter that I sent to President Reagan in March a year ago urging a dramatic sustained peace offensive on his part.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

MARCH 24, 1981.

The PRESIDENT,
The White House,
Washington, D.C.

DEAR MR. PRESIDENT: Following up on my recent talk with you, I want to underscore the importance of your launching a dramatic, sustained American peace offensive at a very early opportunity.

I welcome the emphasis you have put on the goal of East-West arms reduction. I am persuaded the time is ripe for you to put forward a bold and imaginative proposal for serious arms reductions—a proposal challenging the Soviets to join with us in concluding an arms reduction agreement in a manner that enhances stability in the nuclear balance at sharply reduced levels of strategic forces.

We should not allow the Soviets to preempt the issue of peace. Right or wrong, our allies—particularly in Western Europe—are of the view that our country and the new Administration are unwilling to play a responsible role in the restraint of nuclear arms. You and I know this is not true, but it is a bad perception which the Soviet leaders exploit.

The fact is the Soviets are making headway with their peace propaganda among our allies in Europe; they are getting a free ride with their depiction of you and the United States as war-loving. Certain circles in West Europe, especially left-wing elements, have fallen under Moscow's spell, and are having an influence on the leadership of parties and governments out of all proportion to their numbers.

What is missing is a relentless drive on our part to shift to our side the initiative for peace—for real peace and stabilizing arms reductions. Let the Soviets respond and react to U.S. proposals—repeated, repeated and repeated. Make Moscow at least show its true colors.

This country is determined, under your leadership, to revitalize its defenses and enhance deterrence. But we do this because the defense of freedom leaves us no alternative. We are a people of peace. We take no satisfaction in channeling the genius of this nation into the building of armaments. We would far rather participate in programs for enhancing the quality of life and ending poverty and disease for decent people everywhere.

This is the down-to-earth truth that President Eisenhower sought to convey to the world in his famous address of April 16, 1953. It is the truth that I believe you should now emphasize—by a far-reaching, innovative drive on behalf of serious mutual arms reductions.

The point is that strategic forces on both sides are larger than they need to be, provided that we can negotiate with the Soviets toward a common ceiling at a sharply lower level.

The urgent task of your Administration is to fashion a plan and strategy that would provide for the mutual reduction of Soviet and American strategic nuclear forces in a stabilizing manner. Some of our friends and allies believe that any smaller number of nuclear weapons is better than a bigger number. Obviously this is not so; what counts are matters of size, deliverability, accuracy, vulnerability, mix, balance and the like. I am confident it is not beyond the capacity of your Administration to develop a responsible proposal that if agreed to by the Soviets would provide a long-term stabilization of the strategic balance on the basis of equality at a reduced level of deterrence.

I do not foresee the Soviet leaders initially welcoming such an effort. In 1974 I outlined and urged a SALT proposal to stabilize the strategic balance through substantial reductions in U.S. and USSR strategic forces. In mid-February 1977, after meeting with President Carter and at his request, I supplied him with a detailed analysis of the severely flawed nature of the then current SALT II draft text, advising a fresh start based on salvaging a more balanced, equal agreement to avoid winding up with a disastrous, unacceptable result that would widen and deepen the Soviet strategic margin still more. In March 1977, President Carter proposed in the SALT talks certain mutual force reductions and a ban on the deployment of new ICBM's. While I had no responsibility for his specific proposals, once they were offered, I strongly supported them. But the Administration retreated at the first Soviet objection: it did not even try to convince the Russians. And the SALT II treaty turned out to be an unequal charter for a massive Soviet Strategic buildup. Far from putting a damper on the arms competition, it added fuel to the fire.

I am under no illusion about the difficulty of negotiating a fair and balanced arms reduction treaty with the Soviets. It will take hard bargaining, patience and time. Cetainly, one speech won't do it—that is just the kickoff. The campaign must be pressed month after month, year after year if necessary. But our nation should not be deterred from championing a noble cause only because our adversaries may continue to act ignobly.

Such a genuine peace offensive on our part is an honorable counter to the shabby Kremlin slogans of peace and plenty. It will clarify to our friends and allies our dedication to stabilizing nuclear arms reduction negotiations. As a minimum, it will put Moscow on the propaganda defensive. It keeps open the possibility of achieving over time real and significant steps in the direction of such a stabilizing disarmament.

At a time when the Soviet economy is in deep difficulty, we can make a convincing case that a redirection of their emphasis away from the military sector is the best way to improve their economic well-being.

If our initiative proved successful, it would permit both sides to shift resources from the buildup of nuclear arsenals to the building up of their economies. It could mean billions of dollars in savings on strategic weapons systems. It could alleviate the atmosphere of mistrust and fear that has for so long clouded East-West relations. The energy of our peoples could be devoted to purposes more constructive and more enduring than the amassing of nuclear weapons—to the struggle against hunger and disease and human squalor, to the provision of houses instead of silos, tractors instead of ICBM's, and medicines instead of nuclear explosives. It would be a turning point in East-West relations of historic proportions.

I am taking the liberty of enclosing a speech I delivered on the Senate Floor on May 1, 1953 in support of President Eisenhower's plan for "real disarmament." I am also including on April 22, 1974 address which was my effort at that time to articulate the American vision of a peaceful world, and to assure our bargaining position for stabilizing, mutual arms reduction.

With best regards.

Sincerely yours,

Henry M. Jackson,
U.S. Senator.

Mr. JACKSON. Finally, Mr. President, I want to commend my colleague from Virginia for the tremendous job he has done in this effort, as part of a joint venture, bipartisan in every sense. He is to be commended most highly for his leadership and dedication.

Mr. WARNER. Mr. President, I thank the distinguished Senator from Washington.

It is a great privilege for me to join with my colleague, Senator Jackson from Washington, to introduce this resolution.

Senator Jackson has been recognized for decades as one of the most knowledgeable persons in the world on the subject of nuclear policy. While my experience in this field dates back to 1969, when I went to the Department of Defense, Senator Jackson is preeminent in this field.

We are joined in our endeavor by 56 other Members of the U.S. Senate.

This is a moment unlike any in the history of the people of the Earth.

Never before has such an arsenal of explosive power been at the command of so few.

Never before have the lives of so many millions of people been subject to the will of so few.

Never before has the cost for such an arsenal of death taken away so many of the resources needed for the basic needs of mankind.

Never before have the political differences of only two nations controlled the destiny of all other nations.

This subject is critical to the survival of all mankind.

We are indebted to those growing numbers of Americans who are beginning to study the complexity of the issues surrounding international nuclear policy, and who are speaking out urging that the leadership of this Nation take affirmative steps now to reduce tensions and to eliminate—as nearly as humanly possible—the risk of even a single nuclear detonation as an act of aggression.

America has looked upon nuclear weapons as a deterrent to war since the concluding days of World War II. It is conceded by many that nuclear weapons may well have been the principal factor in preserving the peace on the European continent.

However, since the signing of the SALT I Treaty, a decade ago next May, the Soviets have gained a greater momentum in their nuclear capabilities, both theater and strategic, than the United States which has fallen behind in its modernization programs. This instability is of increasing danger to world peace.

President Reagan has taken essential steps, some of which were initiated by his predecessors, to restore the balance of strategic nuclear capability between the United States and the Soviet Union.

He forthrightly informed the world, in his speech of November 1981, of his intention not only to restore the nuclear balance of power, but to work toward meaningful reduction by means of an agreement which provides for equality, verification and, hopefully, reductions in warheads, launchers, and megatonnage.

Inequality, lack of verification, and continued growth of the world's nuclear arsenal breed temptation. Temptation is as dangerous as nuclear weapons themselves. Temptation could ignite the first fuse leading to a holocaust.

We in the Senate hail the goals of many Americans to achieve reductions in the number of nuclear weapons systems. The threshold question, however, is how best to achieve these goals and, at the same time, maintain peace and stability until they are reached.

This, in a sense, is the issue here.

A "nuclear freeze" proposal has vast appeal—vast emotional and psychological appeal. It seems to provide a simple answer to a complex problem. In the words of a recent editorial, "* * * a noble instinct, the love of peace, (is) beginning to be diverted into full page ads, petitions and ballot resolutions." The freeze proposal "* * * would supplant less dramatic but more workmanlike and more effective efforts."

The resolution which Senator Jackson and I introduced today is an effort to endorse the less dramatic, but more workmanlike and more effective, approach.

We in Congress have an obligation to avoid supporting the easiest, simplest, and most attractive approach. We have an obligation to do what is best—what is most likely to achieve results.

Senator Jackson and I have introduced a resolution which establishes a framework to place our Nation in a leadership role toward the common goal of all mankind which will avoid the danger of temptation. It strives to preserve the strategic balance, and to do so at lower and lower levels of nuclear capability—levels that are equal and verifiable.

In general, our resolution is consistent with the commitments President Reagan has made to date, and the commitments we anticipate he will be making in the very near future; seeking meaningful nuclear weapons reductions to levels that are equal and verifiable.

The Jackson-Warner resolution calls on the administration to pursue with the Soviet Union the strategic arms reduction talks (START) President Reagan has proposed. It challenges the Soviet Union to join in turning the genius, energy, and resources of our two peoples away from amassing nuclear armaments to attacking the ancient enemies of mankind—poverty, hunger, and disease.

We are under no illusion about the difficulty of the task this resolution proposes—namely, genuine nuclear arms reduction. But the time to begin is now. The survival of mankind demands nothing less.

Mr. President, I ask unanimous consent that the text of the joint resolution be printed in the Record.

There being no objection, the text was ordered to be printed in the Record, as follows:

S.J. Res. 177

Whereas, a nuclear war would kill or injure millions and millions of people and threaten the survival of the human race;

Whereas, there can be no assurance that a nuclear war, once initiated, would remain limited in scope;

Whereas, there exists the ever-present risk that nuclear weapons might be employed through accident or miscalculation;

Whereas, the American people who are a people of peace, maintain nuclear armaments only in the defense of freedom and yearn for world conditions in which they could do far more to lift the burdens of human privation and despair;

Whereas, the current nuclear force imbalance is destabilizing and could increase the likelihood of nuclear war;

Whereas, sizeable and verifiable mutual reductions of Soviet and United States nuclear forces to an equal and far-lower level would enhance stability and the maintenance of peace; and

Whereas, President Reagan, on November 18, 1981, stated that the United States "will seek to negotiate substantial reductions in nuclear arms which would result in levels that are equal and verifiable":

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That

(1) The United States should propose to the Soviet Union a long-term, mutual and verifiable nuclear forces freeze at equal and sharply reduced levels of forces;

(2) The United States should propose to the Soviet Union practical measures to reduce the danger of nuclear war through accident or miscalculation and to prevent the use of nuclear weapons by third parties, including terrorists;

(3) The United States should challenge the Soviet Union to join in this historic effort to channel the genius of our two peoples away from the amassing of nuclear armaments and to focus the energy and resources of both nations on attacking the ancient enemies of mankind—poverty, hunger and disease; and

(4) The United States should continue to press month after month, year after year, to achieve balanced, stabilizing arms reductions, looking, in time, to the elimination of all nuclear weapons from the world's arsenals.

● Mr. DOLE. Mr. President, the apprehension of the American people about the possibility of nuclear warfare has grown dramatically sharper in recent weeks. Today their fears are at a peak that has not been matched since the era of the Cuban missile crisis two decades ago.

Many of the local and State assemblies across America—including the House of Representatives of the State of Kansas—have voiced their anguish about the grave risk of nuclear war that seems suspended over us as a result of the continuing nuclear arms competition between the United States and the Soviet Union.

And many of these groups and others—including some of our most esteemed religious leaders—have called urgently for a nuclear weapons freeze between the two superpowers, as a first step toward reducing, and in the end, many hope, eliminating the prospect of a nuclear conflict that would mean the end of civilization as we know it.

These profound concerns—like those of many of our NATO Allies in Europe—have a justification in reality. The American and Soviet nuclear arsenals, confronting each other both on the continent of Europe and across the face of the Earth, have no equal in any military force ever assembled before this time and no equal, in their potential destructive impact, in even the most dreadful imaginings of which the human spirit is capable.

Because of the immense danger they pose, these weapons by their very existence compel an answer to the appeals for arms restraint that so many of the American people have expressed. And these weapons compel a serious and sustained effort on the part of the administration to try to strengthen the Nation's security by negotiating with the Soviet Union to achieve substantial cuts, if possible, in the levels of nuclear armaments possessed by both sides.

I also believe that our obligation to pursue whatever opportunities we can find—or create—for meaningful negotiations with the Soviets on these most grave issues is an obligation that exists over and above our profound objection to Soviet behavior generally.

Without doubt we deeply deplore the actions of the Soviet Government—in Afghanistan, toward Poland, and against their own people—but at the same time we must recognize that arms control talks are not a "favor" that we grant to the Soviets or withhold from them depending on Soviet policies in other areas. Rather, arms control discussions are a compelling security interest of the United States even when tensions between ourselves and the Soviets run high, precisely because the Soviets commit political crimes under the very protection of the political clout their nuclear weapons help provide.

This administration has already demonstrated quite clearly that it takes seriously the need for nuclear arms control. It is preparing to modernize intermediate range nuclear weapons in Europe, in order to counter the Soviet SS-20's targeted on our allies there. But at the same time, President Reagan has proposed the "zero option"; that is, that we will refrain from deploying these new weapons provided that the Soviets remove all of their medium-range nuclear forces that can strike Western Europe. Talks with the Soviets on eliminating these nuclear weapons from Europe are already underway.

On the strategic side, arms control efforts should also move forward soon. The administration plans to have its negotiating position for strategic arms reduction talks (START talks) ready by May, and I encourage an opening of the talks as soon as possible after that time.

As those talks go forward, it is possible that a mutual freeze of the nuclear arsenals of the two superpowers may prove an appropriate objective, if such a freeze could be achieved at truly balanced and far lower levels of nuclear forces on both sides than presently exist.

But whatever the specific formulas or objectives of such talks, as long as they are conducted with full seriousness of purpose, they will serve our national security interest as well as serving to demonstrate—here and abroad—that we are dedicated to peace and to establishing the conditions both at home and throughout the world in which our children and our civilization itself can flourish with full confidence in the future.●

By Mr. HATCH (for himself and Mr. Kennedy):

S.J. Res. 178. Joint resolution to authorize and request the President to proclaim the second week in April as "National Medical Laboratory Week"; to the Committee on the Judiciary.

NATIONAL MEDICAL LABORATORY WEEK

Mr. HATCH. Mr. President, today I am pleased to introduce this joint resolution designating the week of April 10-16, 1982, as National Medical Laboratory Week in recognition of the vital work performed by professional laboratory personnel. These 200,000 professionals include pathologists; clinical laboratory scientists, technicians, and assistants; medical technologists; and specialists in the other equally critical scientific areas.

These health professionals analyze blood, body fluids, and tissue samples for evidence of disease or infection. In small laboratories, one individual may perform tests in all areas. In large institutions, they often become specialists in areas such as hematology, chemistry, nuclear medicine, microbiology, and histology.

They often receive their education and training in America's colleges and universities, junior colleges, military programs, or technical and hospital schools. These dedicated individuals continuously expand their technical skills through a wide range of continuing education programs offered by professional societies.

Unfortunately, their dedication to providing a vital health service often goes unnoticed by the public because the laboratory is generally removed from direct patient access. That is why I am introducing this bill. National Medical Laboratory Week is a way to publicly honor medical laboratory personnel, as well as to help us learn more about their work. With the many billions of tests they perform each year in hospitals and independent laboratories, they deserve recognition for their contribution to quality health care.

We should also look upon National Medical Laboratory Week as an opportunity to increase public awareness of the costs of medical laboratory tests. The personnel performing and interpreting tests advise physicians and patients on constructive areas for cost containment such as eliminating duplicate, obsolete, or unnecessary testing, and more efficient use of preadmission testing.

Observance of National Medical Laboratory Week will provide a way for us to show our appreciation for medical laboratory personnel, and for them to have an opportunity to tell us more about what they do.

By Mr. JOHNSTON (for himself, Mr. LONG, Mr. HOLLINGS, Mr. HEFLIN, Mr. BENTSEN, Mr. BAUCUS, Mr. BURDICK, Mr. KASTEN, Mr. DIXON, Mr. LEVIN, Mr. MATSUNAGA, Mr. JACKSON, Mr. THURMOND, and Mr. MATHIAS):

S.J. Res. 179. Joint resolution to authorize and request the President to designate the week of April 19, 1982, through April 25, 1982, as "National Get High on Life Week"; to the Committee on Judiciary.

NATIONAL GET HIGH ON LIFE WEEK

● Mr. JOHNSTON. Mr. President, Justice Oliver Wendell Holmes once said that life is action:

> The joy of life is to put out one's power in some natural and useful or harmless way. There is no other. And the real misery is not to do this.

What he was saying is what we are saying here today to our young people: Live your life. Do not drug it away. Your Nation, your family, your friends and neighbors cannot afford to waste your joy, your strength, and your conscious participation in society.

Drug and alcohol abuse damages both individuals and society as a whole. Even if we are aware of the statistics that, for instance in 1980, there were 650,000 alcohol-related traffic injuries and 25,000 deaths, what may escape us is the cost in human terms.

Each of those 675,000 people suffered fear, pain, and economic loss. Their friends, families, and fellow workers were frightened and inconvenienced. Their insurance companies paid the bills for vehicle damage, personal injury and medical expenses. Society—the taxpayers—was forced to assume the burden of caring for those left disabled, handicapped, or jobless as a result of an alcohol-related accident—an avoidable, unnecessary accident.

The human and economic costs of drug abuse are even more appalling. Drug use, particularly by adolescents and young adults, increased tenfold to thirtyfold during the 1960's and 1970's. One study indicates that an individual using narcotics 3 days a week or more is involved in criminal activity 246 out 365 days a year. A gigantic criminal empire is built on untaxed profits from the traffic in illegal drugs. These criminals have every incentive to recruit new and even younger users. The crime, fear, and violence generated by illegal drugs has grayed the fabric of urban life.

Prevention of these abuses must be a national priority, and we must address this problem on all levels—Federal, State, and local. Medical science is making progress in the areas of alcohol and drug research and the treatment and prevention of alcoholism and addiction. A National Get High on Life Week will focus attention on the magnitude of the problem and inspire our citizens to work in concert toward solutions.

For the United States, 1982 is a year of economic awakening. We have lived beyond our means, and massive budget deficits threaten to swamp us unless we relearn frugality. No society can afford the senseless, wasteful squandering of its resources. The citizens of America, particularly its young men and women, are our principal resource. We must encourage them to get high on life and use their powers joyfully as Justice Holmes urged: "to use them to their height * * * it is the one end that justifies itself." Otherwise, uncontrolled drug and alcohol abuse could rob the Nation of its future.●

By Mr. WEICKER (for himself, Mr. NUNN, Mr. ABDNOR, Mr. BAUCUS, Mr. BOSCHWITZ, Mr. BRADLEY, Mr. BUMPERS, Mr. CHILES, Mr. COHEN, Mr. D'AMATO, Mr. FORD, Mr. DIXON, Mr. DOMENICI, Mr. GLENN, Mr. GORTON, Mr. HATCH, Mr. HAYAKAWA, Mr. HEINZ, Mr. HOLLINGS, Mr. HUDDLESTON, Mr. JOHNSTON, Mr. KENNEDY, Mr. LEVIN, Mr. MELCHER, Mr. METZENBAUM, Mr. MITCHELL, Mr. NICKLES, Mr. PELL, Mr. QUAYLE, Mr. RUDMAN, Mr. SASSER, Mr. SARBANES, Mr. STAFFORD, Mr. SPECTER, Mr. TSONGAS, Mr. WALLOP, and Mr. BURDICK):

S.J. Res. 180. Joint resolution to authorize and request the President to issue a proclamation designating the week beginning May 9, 1982, as "National Small Business Week"; to the Committee on the Judiciary.

NATIONAL SMALL BUSINESS WEEK

● Mr. WEICKER. Mr. President, I am today introducing along with the members of the Senate Small Business Committee and others a Senate joint resolution asking the President to proclaim the week of May 9-15 "National Small Business Week."

Our Nation is now struggling to reestablish a course of economic recovery. This effort requires the participation and contribution of all our people. Small businesses, though burdened by excessive regulations, racked by inflation and prohibitively high interest rates, are doing their part to lead us out of this economic malaise.

The goals of any successful economic recovery program must be to improve productivity, encourage innovation, and generate employment. In spite of the economic problems they face, small businesses have consistently been the leaders in those areas. Small business accounts for approximately 40 percent of total U.S. output, 90 percent of new jobs, and nearly half of all major innovations.

American small entrepreneurs are the embodiment of the spirit that has made our free market system grow. There is every indication that this spirit and tradition of contribution will continue to thrive. Given the proper incentives and relieved of existing economic roadblocks, small business has the greatest potential for reaching the desired objectives of our economic recovery.

The small business gas station owner, the local realtor, the grocer or druggist, the high-tech firm working out solutions to tomorrow's problems, may, taken alone, seem an insignificant piece of our Nation's economic recovery. Taken together, as the small business economy, they are the key to our economic future. Indeed, the health of our economy depends on the health of small business.

I think it is important that we as a nation demonstrate our recognition and appreciation, not only of the contributions small business has made in the past, but of those it will make in the crucial years ahead. By proclaiming the week of May 9-15, "National Small Business Week," we can focus our attention on those contributions, and recognize the even more outstanding accomplishments of small business men and women to our economy, to our communities and to our lives.

Mr. President, I ask unanimous consent that the full text of the joint resolution be printed at this point in the RECORD.

There being no objection, the joint resolution was ordered to be printed in the RECORD, as follows:

S.J. RES. 180

Whereas small and independent businesses represent 97 percent of all business in this country and are the driving force of the American economy and the mainstay of our free enterprise system;

Whereas small business creates almost 90 percent of all new employment and accounts for approximately 40 percent of the gross national product;

Whereas small business originates 50 percent of all major innovations and new technologies;

Whereas the Congress of the United States, the Senate Committee on Small Business, and the House Small Business Committee firmly believe that these significant contributions must be recognized and further contributions encouraged through the development of economic policies and programs designed to foster growth of the small business economy: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the President is authorized and requested to issue a proclamation designating the week beginning May 9, 1982 as "National Small Business Week", and calling on the people of the United States and interested groups and organizations to observe such week with appropriate ceremonies and activities, in recognition of the achievements and contributions which small business men and women have made to American society.●

● Mr. NUNN. Mr. President, as the ranking minority member of the Senate Small Business Committee, I am pleased to join Senator WEICKER in introducing this joint resolution calling on the President to designate the week beginning May 9, 1982, as "National Small Business Week."

Mr. President, this year is a particularly critical year for the small business community. The current economic climate, and the high interest rates, place an incredible burden on the small business sector. More bankruptcies are being reported today than at any time in almost the last 50 years.

We need to address the question of small and independent enterprise because of their enormous importance to the Nation. We know free enterprise will thrive in a favorable environment, as it always has, because it provides a virtually unlimited outlet for the energies and creativity of those millions of people who start and run their own businesses. Our task is to provide that conducive environment.

We in Congress, and, in fact, all who participate in policymaking at every level, recognize the contributions small business makes to our society. But we must go beyond the statistical statements of small business and job creation, or their contributions to the GNP. Our concerns for them must become an integral part of our daily deliberations.

We on the Senate Small Business Committee are willing to assist in that process and provide some expertise where it can be useful. Our Nation frequently tends to overlook the special roles and requirements of small business because they are so imbedded in every phase of the Nation's economy. It is time now, while time still exists, to take the steps necessary to revitalize the economy and increase the chances for success by the small business sector.

This joint resolution and the proclamation that it calls on the President to make will focus attention on the small business community. Hopefully, it will help create an opportunity for improving the economic and business climate for them as well.

I join my colleagues in urging the passage of this joint resolution. I look forward to the upcoming activities of the 1982 "Small Business Week."●

ADDITIONAL COSPONSORS

S. 1407

At the request of Mr. PRYOR, the Senator from Georgia (Mr. NUNN) was added as a cosponsor of S. 1407, a bill to amend title 39, United States Code, by strengthening the investigatory and enforcement powers of the Postal Service by authorizing inspection authority and by providing for civil penalties for violations of orders under section 3005 of such title (pertaining to schemes for obtaining money by false representations or lotteries), and for other purposes.

S. 1444

At the request of Mr. THURMOND, the Senator from Mississippi (Mr. COCHRAN) was added as a cosponsor of S. 1444, a bill to authorize the Administrator of General Services to donate to State and local governments certain Federal personal property loaned to them for civil defense use, and for other purposes.

S. 1448

At the request of Mr. MATHIAS, the Senator from Rhode Island (Mr. PELL), and the Senator from South Carolina (Mr. THURMOND) were added as cosponsors of S. 1448, a bill to provide for the issuance of a postage stamp to commemorate the 70th anniversary of the founding of the Girl Scouts of the United States of America.

S. 1664

At the request of Mr. ROTH, the Senator from Mississippi (Mr. COCHRAN) was added as a cosponsor of S. 1664, a bill to amend title 10, United States Code, to allow supplies under the control of departments and agencies within the Department of Defense to be transferred to the Federal Emergency Management Agency as if it were within the Department of Defense and to amend the Federal Civil Defense Act of 1950 to authorize the Federal Emergency Management Agency to loan to State and local governments property transferred to such agency from other Federal agencies as excess property.

S. 1688

At the request of Mr. SPECTER, the Senator from Kentucky (Mr. HUDDLESTON) was added as a cosponsor of S. 1688, a bill to combat violent and major crime by establishing a Federal offense for continuing a career of robberies or burglaries while armed and providing a mandatory sentence of life imprisonment.

S. 1698

At the request of Mr. DENTON, the Senator from Connecticut (Mr. DODD) was added as a cosponsor of S. 1698, a bill to amend the Immigration and Nationality Act to provide preferential treatment in the admission of certain children of U.S. Armed Forces personnel.

S. 1782

At the request of Mr. WEICKER, the Senator from Alaska (Mr. MURKOWSKI), and the Senator from North Dakota (Mr. BURDICK) were added as cosponsors of S. 1782, a bill to amend section 305 of the Federal Property and Administrative Services Act of 1949 pertaining to contract progress payments made by agencies of the Federal Government, providing for the elimination of retainage in certain instances, and for other purposes.

S. 1817

At the request of Mr. MOYNIHAN, the Senator from Maryland (Mr. SARBANES), the Senator from New Jersey (Mr. BRADLEY), and the Senator from Hawaii (Mr. MATSUNAGA) were added as cosponsors of S. 1817, a bill to further the national security of the United States and the Nation's economy by providing grants for foreign language programs to improve foreign language study for elementary and secondary school students and to provide for per capita grants to reimburse institutions of higher education for part of the costs of providing foreign language instruction.

S. 1852

At the request of Mr. JEPSEN, the Senator from South Dakota (Mr. ABDNOR) was added as a cosponsor of S. 1852, a bill to amend the Export-Import Bank Act of 1945 to provide for the extension of credit for agricultural commodities.

S. 1929

At the request of Mr. HATCH, the Senator from Missouri (Mr. DANFORTH), the Senator from New Jersey (Mr. BRADLEY), and the Senator from Montana (Mr. BAUCUS) were added as cosponsors of S. 1929, a bill to amend the Public Health Service Act and the Federal Cigarette Labeling and Advertising Act to increase the availability to the American public of information on the health consequences of smoking and thereby improve informed choice, and for other purposes.

S. 1939

At the request of Mr. GOLDWATER, the Senator from New Hampshire (Mr. RUDMAN) was added as a cosponsor of S. 1939, a bill to amend the Public Health Service Act to establish a National Institute on Arthritis and Musculoskeletal Diseases.

S. 2053

At the request of Mr. DECONCINI, the Senator from Iowa (Mr. GRASSLEY) was added as a cosponsor of S. 2053, a bill to amend the Internal Revenue Code of 1954 to increase and make permanent the exclusion from gross income of interest on all-savers certificates.

S. 2058

At the request of Mr. ROTH, the Senator from Mississippi (Mr. COCHRAN) was added as a cosponsor of S. 2058, a bill to promote foreign trade in services, and for other purposes.

S. 2061

At the request of Mr. MOYNIHAN, the Senator from Rhode Island (Mr. PELL) was added as a cosponsor of S. 2061, a bill to provide for the conservation, rehabilitation, and improvement of natural and cultural resources located on public and Indian lands, and for other purposes.

S. 2151

At the request of Mr. ROBERT C. BYRD, the Senator from Louisiana (Mr. JOHNSTON) was added as a cosponsor of S. 2151, a bill to amend the Internal Revenue Code of 1954 to include modifications to chlor-alkali electrolytic cells in credit for investment in certain depreciable property.

S. 2172

At the request of Mr. GOLDWATER, the Senator from New Mexico (Mr. SCHMITT) was added as a cosponsor of S. 2172, a bill to amend the Communications Act of 1934.

S. 2214

At the request of Mr. SCHMITT, the Senator from Wyoming (Mr. WALLOP) was added as a cosponsor of S. 2214, a bill to amend the Internal Revenue Code of 1954 to provide a partial exclusion for dividends and interest received and to eliminate the deduction for consumer interest paid or accrued.

S. 2215

At the request of Mr. THURMOND, the Senator from Arkansas (Mr. PRYOR), the Senator from Montana (Mr. BAUCUS), the Senator from Alabama (Mr. HEFLIN), the Senator from Mississippi (Mr. COCHRAN), the Senator from Maryland (Mr. MATHIAS), the Senator from Indiana (Mr. LUGAR), the Senator from South Carolina (Mr. HOLLINGS), the Senator from Massachusetts (Mr. KENNEDY), the Senator from Michigan (Mr. LEVIN), the Senator from Florida (Mr. CHILES), the Senator from Maine (Mr. COHEN), the Senator from Louisiana (Mr. JOHNSTON), and the Senator from Massachusetts (Mr. TSONGAS) were added as cosponsors of S. 2215, a bill to recognize the organization known as the National Association of State Directors of Veterans Affairs, Inc.

S. 2270

At the request of Mr. LUGAR, the Senator from Minnesota (Mr. DURENBERGER) was added as a cosponsor of S. 2270, a bill to amend section II of the Social Security Act to provide generally that benefits thereunder may be paid to aliens only after they have been lawfully admitted to the United States for permanent residence, and to impose further restriction on the right of any alien in a foreign country to receive such benefits.

S. 2277

At the request of Mr. MITCHELL, the Senator from Michigan (Mr. RIEGLE) was added as a cosponsor of S. 2277, a bill to amend the Internal Revenue Code of 1954 to make certain changes to stimulate the housing industry.

S. 2278

At the request of Mr. EAST, the Senator from North Dakota (Mr. ANDREWS) was added as a cosponsor of S. 2278, a bill to provide a policy of promoting public sector procurement of goods and services from profitmaking business concerns, and for other purposes.

SENATE JOINT RESOLUTION 158

At the request of Mr. SYMMS, the Senator from Nevada (Mr. LAXALT), the Senator from Utah (Mr. GARN), the Senator from Utah (Mr. HATCH), the Senator from Pennsylvania (Mr. HEINZ), the Senator from Wisconsin (Mr. KASTEN), the Senator from Wyoming (Mr. WALLOP), the Senator from Oklahoma (Mr. NICKLES), and the Senator from Texas (Mr. TOWER) were added as cosponsors of Senate Joint Resolution 158, a joint resolution expressing the policy of the Government of the United States of America with respect to the Government of Cuba.

SENATE JOINT RESOLUTION 159

At the request of Mr. ROTH, the Senator from West Virginia (Mr. RANDOLPH), and the Senator from Illinois (Mr. DIXON) were added as cosponsors of Senate Joint Resolution 159, a joint resolution entitled the "White House Conference on Productivity Act."

SENATE JOINT RESOLUTION 162

At the request of Mr. ROTH, the Senator from Minnesota (Mr. DURENBERGER), and the Senator from Delaware (Mr. BIDEN) were added as cosponsors of Senate Joint Resolution 162, a joint resolution to authorize and request the President to designate the week of June 20, 1982, through June 27, 1982, as "National Safety in the Workplace Week."

SENATE JOINT RESOLUTION 166

At the request of Mr. PRYOR, the Senator from South Carolina (Mr. THURMOND), and the Senator from Maryland (Mr. SARBANES) were added as cosponsors of Senate Joint Resolution 166, a joint resolution designating April 28, 1982, as "National Nursing Home Residents Day."

SENATE JOINT RESOLUTION 170

At the request of Mr. RANDOLPH, the Senator from Ohio (Mr. GLENN) was added as a cosponsor of Senate Joint Resolution 170, a joint resolution to designate the week of November 7, 1982, through November 14, 1982, as "National Hospice Week."

SENATE JOINT RESOLUTION 172

At the request of Mr. HELMS, the Senator from Georgia (Mr. NUNN), the Senator from Montana (Mr. BAUCUS), the Senator from Tennessee (Mr. SASSER), the Senator from South Carolina (Mr. THURMOND), the Senator from North Carolina (Mr. EAST), the Senator from Idaho (Mr. SYMMS), the Senator from South Dakota (Mr. PRESSLER), and the Senator from New York (Mr. MOYNIHAN) were added as cosponsors of Senate Joint Resolution 172, a joint resolution designating Baltic Freedom Day.

SENATE CONCURRENT RESOLUTION 52

At the request of Mr. GARN, the Senator from West Virginia (Mr. RANDOLPH), the Senator from Massachusetts (Mr. TSONGAS), the Senator from South Carolina (Mr. HOLLINGS), and the Senator from Vermont (Mr. LEAHY) were added as cosponsors of Senate Concurrent Resolution 52, a concurrent resolution expressing the sense of the Congress that members of the National Guard of the United States and the Reserve Forces of the Armed Forces of the United States deserve public recognition for their vital contribution to our national defense and that members of these forces need the support and cooperation of their civilian employers in order to train and remain ready to respond to national emergencies.

SENATE CONCURRENT RESOLUTION 62

At the request of Mr. HATCH, the Senator from Illinois (Mr. PERCY) was added as a cosponsor of Senate Concurrent Resolution 62, a concurrent resolution to congratulate Hadassah, the Women's Zionist Organization of

America, on the celebration of its 70th anniversary.

SENATE RESOLUTION 299

At the request of Mr. WEICKER, the Senator from Minnesota (Mr. DURENBERGER), the Senator from Arizona (Mr. DECONCINI), the Senator from Ohio (Mr. GLENN), the Senator from Nevada (Mr. LAXALT), the Senator from Oregon (Mr. PACKWOOD), the Senator from Minnesota (Mr. BOSCHWITZ), and the Senator from North Dakota (Mr. BURDICK) were added as cosponsors of Senate Resolution 299, a resolution to designate May 4, 1982, as "International Franchise Day."

SENATE RESOLUTION 323

At the request of Mr. HART, the Senator from South Carolina (Mr. HOLLINGS) was added as a cosponsor of Senate Resolution 323, a resolution concerning STOP talks.

SENATE RESOLUTION 334

At the request of Mr. METZENBAUM, the Senator from Maryland (Mr. MATHIAS), the Senator from New Jersey (Mr. BRADLEY), the Senator from Pennsylvania (Mr. SPECTER), the Senator from New York (Mr. MOYNIHAN), the Senator from South Dakota (Mr. PRESSLER), the Senator from North Dakota (Mr. ANDREWS), and the Senator from Nevada (Mr. CANNON) were added as cosponsors of Senate Resolution 334, a resolution to express the sense of the Senate disapproving the policy of the administration with respect to railroad retirement for fiscal year 1983.

SENATE RESOLUTION 336

At the request of Mr. DECONCINI, the Senator from New York (Mr. MOYNIHAN) was added as a cosponsor of Senate Resolution 336, a resolution expressing the sense of the Senate that extended voluntary departure status should be granted to El Salvadorans in the United States whose safety would be endangered if they were required to return to El Salvador.

SENATE RESOLUTION 352—RESOLUTION RELATING TO COST-OF-LIVING ADJUSTMENTS IN SOCIAL SECURITY

Mr. METZENBAUM (for himself, Mr. DECONCINI, Mr. KENNEDY, Mr. MATSUNAGA, Mr. MELCHER, Mr. MOYNIHAN, Mr. MITCHELL, Mr. RIEGLE, Mr. SARBANES, Mr. ZORINSKY, Mr. BAUCUS, Mr. CRANSTON, Mr. DIXON, Mr. HART, Mr. PROXMIRE, Mr. RANDOLPH, Mr. TSONGAS, Mr. BURDICK, Mr. JACKSON, Mr. FORD, Mr. GLENN, AND Mr. SASSER) submitted the following resolution; which was referred to the Committee on Finance:

S. RES. 352

Whereas the social security program is a social insurance compact between the Federal Government and America's elderly citizens to provide some measure of economic security for those persons who have worked to build a better society;

Whereas social security retirement benefits are paid out of social security Trust Funds, not General Revenues;

Whereas 90 percent of all elderly Americans rely upon social security benefits for all or part of their income;

Whereas for millions of older persons the cost-of-living increase in social security benefits is the only income that stands between them and poverty;

Whereas in 1980, over 50 percent of persons age 65 and above (more than 13 million elderly) had incomes below $5,000;

Whereas the poverty rate among the elderly is the highest for any adult age group and is escalating dramatically from 13.9 percent in 1978 to 15.1 percent in 1979 to 15.7 percent in 1980;

Whereas the average social security benefit for a retired worker is $385 per month ($4,620 per year), only $260 above the official 1981 poverty level;

Whereas the average social security benefit for a retired couple is $643 per month ($7,716 per year);

Whereas the average social security benefit for single women 72 years or older is $220 per month ($2,619 per year) and represents approximately 84 percent of this group's total average income of $3,103 per year;

Whereas since 1970 the cost-of-living for the elderly has risen faster than the cost-of-living for younger consumers because the elderly spend a larger proportion of their income for food at home, fuel and utilities, and out-of-pocket medical expenses which have risen at a rate much higher than the rise in the entire Consumer Price Index;

Whereas since 1975 social security recipients have experienced a 3.4 percent decline in real benefit levels due to the lengthy time lag in adjusting benefits during this period of accelerating inflation;

Whereas the President of the United States has formed a National Commission on Social Security Reform to seek solutions to the financial problems of the social security program and to report its findings and recommendations by December 1982; and

Whereas the Administration has stated its opposition to changes in the social security program, including changes in the social security cost-of-living adjustment, until that Commission has made its recommendations: Now, therefore, be it

Revolved, That it is the sense of the Senate that cost-of-living adjustments in social security benefits should not be eliminated or reduced prior to the time that the findings and recommendations of the National Commission on Social Security Reform have been fully considered by the President and the Congress.

● Mr. METZENBAUM. Mr. President, today I am submitting a sense of the Senate resolution on behalf of myself and 22 of my Democratic colleagues. That resolution says simply that we are opposed to considering any cut in social security cost-of-living benefits until the National Commission on Social Security Reform, appointed last year by President Reagan, completes its report at the end of this calendar year.

I initiated and circulated this resolution because I believe there is a growing perception that the social security cost-of-living adjustment is a quick and easy way to find the dollars to balance the budget.

In the Senate Budget Committee, 6 Senators have each offered separate proposals that would drastically cut back on social security benefits over the next 3 years by eliminating, postponing, and reducing the cost-of-living adjustments for social security. Those proposals assume that approximately $60 billion can be saved by that approach over the next 3 years.

I, and I believe many of the cosponsors of this resolution, are submitting this resolution to alert members of the Budget Committee at the outset that we believe that such proposals are unfair and inequitable and, further, to alert the Senate as a whole that any proposal to cut COLA during this round of the budget will face a stiff fight when it comes to the floor.

We are opposed to cutting social security benefits, including COLA, for a number of reasons.

First, social security trust funds should not be used to balance the budget. The Government has made a compact with the people. They have paid social security taxes into the social security trust fund. Now the various proposals suggest that we can balance the budget by reducing the benefits paid from those trust funds, to which they are entitled. I believe this violates the letter and the spirit of the social security trust fund program and I am strongly opposed to this move.

I am not saying that we may not have to make some modifications to the social security fund in order to keep it solvent. But that is why the Social Security Reform Commission was established last year—to come up with recommendations in that area. We should wait until those recommendations are made to the President and the Congress and we should not allow social security benefits to be cut just because these dollars are enticing.

Second, proposals to balance the budget by cutting social security benefits, such as COLA, would take money away from some of the poorest people in our society. The average social security recipient receives only $385 per month in benefits, or $4,620 per year. That is only $260 per year higher than the official level of poverty. The average couple on social security gets only $643 per month from social security benefits, $7,716 per year.

For these people, cutting the cost-of-living benefits would have a devastating impact. According to a study recently completed by the Data Resources, Inc., under contract to the American Association of Retired Persons, up to 1.2 million elderly people would be pushed below the Government's official poverty line by 1985 and 2.1 million by 1990 if Congress approves these proposals to cut COLA for social security.

According to that study: In 1980 there were 4.1 million persons 62 and over who were below the offical poverty line. If there were no change in the COLA and it continued to be paid at 100 percent of the CPI increase, the number of elderly people in poverty would remain close to that level in 1985 and would gradually drop to 3.6 millin by 1990.

But under the Domenici proposal, which cut COLA benefits, the number of elderly living in poverty would be 5.3 million in 1985. By 1990, that number would be 5.7 million.

There are two major reasons for this effect. One, many of the people who receive social security checks are clustered just above the poverty line. Any reduction in benefits—and COLA is a reduction in benefits—would put them into poverty.

Second, two-thirds of the elderly get at least half of their income from social security and over a quarter of the recipients rely on those social security checks for over 90 percent of their income.

I believe it is grossly unfair and unjust to ask those people who have paid into the program and who need the money so badly to give up their cost-of-living increase in a time of still rising inflation.

Third, by subcommitting this resolution we are supporting the position announced by the administration. Time and again the administration spokesmen have told congressional committees that the administration does not endorse a COLA freeze or a COLA cut. The adminstration says it will wait until the National Commision on Social Security Reform has made its final recommendations, which are due at the end of this year. I believe that is a prudent policy, and I am glad to see the administration has not wavered.

Mr. President, I am strongly opposed to these proposed cuts in social security, including the cost-of-living adjustment, for all of these reasons. We are subcommitting this resolution because we believe there is a need to express that position and to send that signal to the Budget Committee before the committee moves too far down the path. I, too, support efforts to reduce the overall deficit. I have proposed closing tax loopholes, cutting funds for such things as western water projects and for the Clinch River breeder reactor, and a lower rate of growth for defense spending. Each Member will have his or her own budget proposals. But I and my colleagues are saying with this resolution here and now that we will oppose efforts to reduce the social security benefits—benefits paid out of the social security trust fund—during this budget round.●

● Mr. MOYNIHAN. Mr. President, I rise to join the distinguished Senator from Ohio (Mr. Metzenbaum) in introducing a resolution to refrain from altering the social security cost-of-living adjustment (COLA) mechanism until the National Commission on Social Security has issued its report and Congress has considered the recommendations.

There has been much discussion of late of "reforming" the social security COLA mechanism in order to find budget savings. The savings could of course be used only for social security, but, because social security is part of the unified budget, that savings would on paper be used to offset an equivalent portion of the overall Federal budget deficit.

On May 20 of last year, I had the privilege of leading this body in its decisive rejection of the administration's proposal to cut social security benefits for the purpose of balancing the budget. By a vote of 96 to 0 the Senate sent notice that social security's finances would be considered only in the context of social security's needs, not the overall condition of the Federal budget.

That principle should be as inviolate today as a year ago. The needs of the social security system are not necessarily coincident with the needs of the Federal budget. The commitment to social security is in the strongest sense a contract with the American people. To change social security arrangements for the sake of reducing a budget deficit would be to break that contract. This was true of the administration's proposal to subject benefits of those who retire at age 62 to a 40-percent cut. It is true of efforts to change the COLA.

Social security does face a financing problem for the remainder of this decade, and we shall have to solve it. We will solve it. That is why the National Commission on Social Security Reform was established. I have the honor to serve as a member of that Commission, and I assure you that we are proceding seriously and carefully about our task. By law we must issue our recommendations by December 31, 1982. Only then should Congress undertake to consider changes in social security, and I caution that changes which seem attractive today may come to be viewed as unnecessary in light of the Commission's report. To await the report would only be prudent.●

SENATE RESOLUTION 353—RESOLUTION RELATING TO PREVENTIVE HEALTH PROGRAMS

Mr. BUMPERS (for himself, Mr. Levin, Mr. DeConcini, Mr. Boren, Mr. Exon, Mr. Glenn, Mr. Biden, Mr. Pryor, Mr. Eagleton, Mr. Inouye, Mr. Hollings, Mr. Heflin, Mr. Baucus, Mr. Robert C. Byrd, Mr. Mitchell, Mr. Tsongas, Mr. Chiles, Mr. Kennedy, Mr. Pell, Mr. Ford, and Mr. Moynihan) submitted the following resolution; which was referred to the Committee on Labor and Human Resources:

S. Res. 353

Whereas, the health of the citizens of this country, particularly children, should be one of the highest priorities of any administration; and

Whereas, programs for the prevention and treatment of childhood diseases have been very cost-effective; and

Whereas, the continued existence of strong, effective preventive health programs is in the national interest; and

Whereas, even before changes made in preventive health care programs by the Omnibus Reconciliation Act of 1981, one in seven children received virtually no health care, and despite the universally-recognized success of the Immunization Program, still two of five children were not fully immunized against one or more of the major childhood diseases we know how to prevent; and

Whereas, Maternal and Child Health programs have been cut by 29% from FY 1981 levels, and Preventive Health Programs and Immunization by 24% and 14% respectively, over the same period; and

Whereas, these preventive health programs, particularly those providing health care to pregnant women and young children, have been reduced to levels which are insufficient to meet the health-care needs of millions of Americans; and

Whereas, short-term budget savings in preventive health programs will result in larger federal expenditures for health care in future years; and

Whereas, adequate funding for preventive health programs is an investment in our nation's future; and

Whereas, further reductions would jeopardize the health and well-being of millions of children: Now, therefore, be it

Resolved, That it is the Sense of the Senate that preventive health care programs should be adequately funded to ensure that their continued effectiveness shall not be the jeopardized.

PREVENTIVE HEALTH PROGRAMS

Mr. BUMPERS. Mr. President, I am submitting today a resolution on behalf of myself and Senators Levin, DeConcini, Boren, Exon, Glenn, Biden, Pryor, Eagleton, Inouye, Hollings, Heflin, Baucus, Robert C. Byrd, Mitchell, Tsongas, Chiles, Kennedy, Pell, Ford, and Moynihan.

It is a sense-of-the-Senate resolution expressing support for preventive health programs, particularly those dealing with maternal and child health and immunization. This resolution states that:

> It is the Sense of the Senate that preventive health care programs should be adequately funded to insure that their continued effectiveness shall not be jeopardized.

I know of no more cost-effective way to spend money than on preventive health programs, Mr. President, and I urge the Members of this body to go on record in support of them.

Preventive health programs have been cut to the point where they are not going to be nearly as effective as they once were. For example, last year during the omnibus reconciliation bill, seven programs were consolidated into a maternal and child health block grant. These programs included maternal and child health, crippled children, sudden infant death syndrome, and lead-based paint poisoning prevention, among others. Prior to the reconciliation bill, these programs were individually authorized at a total level of $497 million. In the reconciliation bill, however, they were put into a block grant and the authorization level was cut to $373 million, a reduction of 25 percent. This $373 million figure was an 18.3 percent cut from the fiscal year 1981 appropriation level. Although the 25 percent reduction in the authorization is bad enough, the appropriation for fiscal year 1982 is even worse. Under the continuing resolution, passed last December, the maternal and child health block grant received $347.5 million, $25.5 million below the authorized level, and $109.2 million below the fiscal year 1981 appropriation.

Another preventive health program which has been reduced is the immunization program. This program has been very effective, but has not cost a great deal of money. I ask unanimous consent that a table I have prepared concerning the number of cases of childhood diseases reported between 1975 and 1981 be printed in the RECORD at this point. A quick look at the chart shows how effective the immunization program has been. Measles have dropped from 24,374 cases in 1975 to 3,032 cases last year, and Rubella has declined from 16,652 cases in 1975 to 2,060 cases in 1981.

There being no objection, the table was ordered to be printed in the RECORD, as follows:

NUMBER OF CASES OF CHILDHOOD DISEASES FROM 1975 to 1981

	1975	1976	1977	1978	1979	1980	1981[1]
Rubella	16,652	12,491	20,395	18,269	11,795	3,837	2,060
Measles	24,374	41,126	57,345	26,871	13,597	13,430	3,032
Tetanus	102	75	87	86	81	74	60
Mumps	59,647	38,492	21,436	16,817	14,225	8,531	4,729
Pertussis	1,738	1,010	2,177	2,063	1,623	1,651	1,181
Diptheria	307	128	84	76	59	5	4
Polio	8	14	18	15	34	9	6

[1] The figures for 1981 are provisional and might change. However, they are the best estimates at this time for the entire year.

Source: Center for Disease Control, Atlanta, Ga., Mar. 29, 1982.

Mr. BUMPERS. Mr. President, even though this program has been so effective, the current administration is not going to provide adequate funding to carry on this important program. In fiscal year 1981, we spent a total of $30.8 million on immunization, which included State grants and money to operate the program. The fiscal year 1982 budget of former President Carter contained $37.1 million for immunization, a figure which represented a clear recognition of the importance of this program. After President Reagan took office, however, this program took a nosedive. The President's March budget had $24.8 million, and in September of last year, he wanted to cut this program even further, to $21.9 million. Thankfully, the Congress did not go along with the President, but the $28.3 million we put in the continuing resolution was still far short of what was needed. The President's fiscal year 1983 budget, which contains a figure of $28.8 million, merely continues the program at basically the same level we currently have, but does not recognize the need to increase funding for this small, but cost-effective program.

Mr. President, if there were ever cases of budget cuts which were pennywise and pound foolish, we have them here. These programs have been effective. They have saved us a great deal of money in medical costs. A report by the General Accounting Office in 1977 found that the cost of screening at birth plus early treatment of seven common disorders was less than one-eighth the projected cost of caring for an impaired child over a lifetime. Studies in Mississippi and Alabama have found that maternal and child health programs save anywhere from $5 to $11 for each $1 spent. Finally, the Office of Technology Assessment has performed a study on the cost-effectiveness of these programs, and recently the Assistant Director of OTA, Dr. David Banta, told the House Committee on Energy and Commerce:

> * * * immunization against childhood diseases has been shown to be cost effective as well as cost saving in well-designed analyses. It is rare to find a medical intervention that actually saves money in addition to relieving suffering—these childhood immunizations are that rare case. Failing to provide the vaccine will not only result in increased disease but also cost the society more in treatment than the vaccination program would have cost.

Therefore, Mr. President, it is very clear that to cut these programs is only going to cost considerably more down the road. If we are really serious about holding the line on Government spending and getting the most bang for the buck, these programs should be increased, not reduced. The resolution I am introducing today, however, does not call for any increase in spending for these preventive health programs. Rather, it only affirms the importance of these programs and urges that further cuts not be made that will jeopardize the health and well-being of literally millions of Americans, most young children.

I would like to make a few additional points, Mr. President: This administration has the wholehearted cooperation, in my opinion, of virtually everybody in the Senate when it comes to scrutinizing the budget with a view toward reducing all the spending we can when balanced out against the benefits that those cost reductions have.

However, there are no more cost-effective programs than preventive health measures, such as immunization and maternal and child health care. In the last 2 years, the cost of vaccine has gone up 44 percent. To cut or even to try to continue the immunization program at its present level in the face of those increased costs of vaccine is simply not reasonable or practical. There is a real chance that we will lose all the ground we have gained since 1977. All we have to do is underfund the immunization program and there will soon be cesspools of susceptible areas and we lose the dynamic, dramatic results that we are just on the threshold of accomplishing.

Mr. President, I repeat two or three statistics from the table just to dramatize what I am talking about. In 1977, there were 57,345 cases of indigenous measles in this country. In 1981, there were 3,000 cases. So far, in 1982, we have had 200 cases. We are on the verge of eradicating measles in this country.

In the case of mumps, in 1975 we had 59,000 cases of mumps in this country and in 1981 we had 4,729 cases. That incidence is down dramatically in 1982 for the first 2½ months.

Mr. President, in 1979, we reached the level of 90 percent immunization of all the children in this country against preventable childhood diseases. At that time, Secretary Califano said it was his best guess that the immunization program, which cost $32 million a year for 3 years, saved this country $15 billion and saved man-hours and health care costs, to say nothing of the trauma that parents and relatives experience when their children have these diseases.

Mr. President, let me close by saying that 8 percent of all the people who are institutionalized in this country are institutionalized because of some syndrome developed as a result of a preventable childhood disease.

Mr. President, I hope all my colleagues in the Senate will join me in cosponsoring this resolution. It is the one program that every Senator can point to with a great deal of pride as extremely cost effective.

AMENDMENTS SUBMITTED FOR PRINTING

CONTINUING APPROPRIATIONS FOR FISCAL YEAR 1982

AMENDMENT NO. 1344

(Ordered to be printed.)

Mr. ARMSTRONG (for himself, Mr. HELMS, Mr. DECONCINI, Mr. EXON, Mr. ZORINSKY, Mr. DURENBERGER, Mr. RANDOLPH, Mr. GRASSLEY, Mr. NICKLES, and Mr. HEINZ) proposed an amendment to the joint resolution (H.J. Res. 409) making further continuing appropriations for the fiscal year 1982.

AMENDMENT NO. 1345

(Ordered to be printed.)

Mr. STEVENS (for himself and Mr. HELMS) proposed an amendment to the joint resolution (H.J. Res. 409) supra.

AMENDMENT NO. 1346

(Ordered to be printed and lie on the table.)

Mr. METZENBAUM submitted an amendment intended to be proposed by him to the joint resolution (H.J. Res. 409) supra.

AMENDMENT NO. 1347

(Ordered to be printed and lie on the table.)

Mr. DENTON submitted an amendment intended to be proposed by him to the joint resolution (H.J. Res. 409) supra.

NOTICES OF HEARINGS

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. McCLURE. Mr. President, I would like to announce for the information of the Senate and the public the scheduling of a public hearing before the Committee on Energy and Natural Resources to consider the world petroleum outlook. The hearing will be held on Friday, April 23, beginning at 10 a.m. in room 3110 of the Dirksen Senate Office Building.

Those wishing to testify or who wish to submit written statements for the hearing record should write to the Committee on Energy and Natural Resources, room 3104 Dirksen Senate Office Building, Washington, D.C. 20510.

For further information regarding this hearing you may wish to contact Mr. Howard Useem of the committee staff at 224-5205.

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. WARNER. Mr. President, I would like to announce for the information of the Senate and the public the scheduling of a public hearing before the Subcommittee on Energy and Mineral Resources to consider S. 1877, S. 1908, S. 1909, and S. 1941, providing for the reinstatement and validation of various U.S. oil and gas leases; S. 2095, directing the Secretary of the Interior to issue a certain oil and gas lease; and S. 2146, extending the lease terms of various Federal oil and gas leases.

The hearing will be held on Friday, May 7, beginning at 9:30 a.m. in room 3110 of the Dirksen Senate Office Building.

Those wishing to testify or who wish to submit written statements for the hearing record should write to the Subcommittee on Energy and Mineral Resources, room 3104 Dirksen Senate Office Building, Washington, D.C. 20510.

Witnesses should submit 75 copies of their testimony 24 hours in advance of the hearing, as required by the rules of the committee.

For further information regarding this hearing you may wish to contact Mr. Roger Sindelar of the subcommittee staff at 224-4236.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON THE JUDICIARY

Mr. WAPNER. Mr. President, I ask unanimous consent that the Committee on the Judiciary be authorized to meet during the session of the Senate on Tuesday, March 30, at 2 p.m., to hold a hearing on the public integrity investigations.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON THE JUDICIARY

Mr. WARNER. Mr. President, I ask unanimous consent that the Committee on the Judiciary be authorized to meet on Wednesday, March 31, at 2 p.m., to hold a hearing on the nominations of the following: Michael Telesca to be a U.S. district judge for the Western District of New York; John Nordberg to be a U.S. district judge for the Northern District of Illinois; William Hart to be a U.S. district judge for the Northern District of Illinois; and Walter Black, Jr., to be a U.S. district judge for the District of Maryland.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON GOVERNMENTAL AFFAIRS

Mr. WARNER. Mr. President, I ask unanimous consent that the Governmental Affairs Committee be authorized to meet during the session of the Senate at 1:45 p.m. on Tuesday, March 30, to hold a nomination hearing to discuss the nomination of Joseph Wright, of the District of Columbia, to be Deputy Director at OMB.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON GOVERNMENTAL AFFAIRS

Mr. WARNER. Mr. President, I ask unanimous consent that the Governmental Affairs Committee be authorized to meet during the session of the Senate at 10 a.m. on Thursday, April 1, to discuss S. 1780, the Program Fraud Civil Penalties Act.

The PRESIDING OFFICER. Withoug objection, it is so ordered.

COMMITTEE ON FOREIGN RELATIONS

Mr. McCLURE. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on Tuesday, March 30, at 11, to hold a business meeting to discuss nominations, legislation, and committee business.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON ARMS CONTROL, OCEANS AND INTERNATIONAL OPERATIONS, AND ENVIRONMENT

Mr. McCLURE. Mr. President, I ask unanimous consent that the Subcommittee on Arms Control, Oceans and International Operations, and Environment, of the Committee on Foreign Relations, be authorized to meet during the session of the Senate on Wednesday, March 31, at 2 p.m., to discuss United States and Soviet civil defense.

The PRESIDING OFFICER. Without objection, it is so ordered.

SELECT COMMITTEE ON INTELLIGENCE

Mr. BAKER. Mr. President, I ask unanimous consent that the Intelligence Committee be authorized to meet during the session of the Senate at 10 a.m. on Wednesday, March 31, to hold a full committee markup on the fiscal year 1983 intelligence budget.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. BAKER. Mr. President, I ask unanimous consent that the Committee on Energy and Natural Resources be authorized to meet during the session of the Senate on Wednesday, March 31, at 10 a.m. to hold a business meeting to discuss pending calendar business.

The PRESIDING OFFICER. Without objection, it is so ordered.

ADDITIONAL STATEMENTS

OIL IMPORT FEES: A BAD TIME FOR A BAD IDEA

● Mr. JACKSON. Mr. President, there has been much talk recently on both sides of the aisle about the possiblity of reducing the massive projected budget deficits resulting from the President's program through imposition of a fee on imported crude oil. This is a bad idea. An oil import fee would: First, operate as a highly regressive tax on the consumer; second, create yet another windfall for domestic oil producers, which is only partially captured by the windfall profits tax; and third reverse the one favorable economic trend we have seen in the last year—falling oil prices.

Before my colleagues decide to jump on the oil import fee bandwagon they should know there is some other baggage that comes on the trip. Once my colleagues are fully aware of what is involved, they may decide not to make the trip at all.

First of all, the President already has the authority under section 232(b) of the Trade Expansion Act to impose an import fee on imported petroleum and he can do so with a simple proclamation that the national security requires it. Treasury Secretary Malcolm

Baldrige in a memorandum to the President of March 8, 1982, has already made the requisite investigation and concluded:

> The United States continues to be too reliant on imports of crude oil and such reliance, which includes a risk of supply interruption, poses a substantial threat to the national security.

The Trade Expansion Act and this memorandum formed the basis under which the President imposed an embargo on Libyan oil several days ago. No congressional assent is required. In fact, in the case of the Libyan embargo the President did not even consult with the Committee on Energy and Natural Resources prior to announcing the embargo. The President need only make the finding that because the price of oil is declining it will encourage the importation of more oil, making the United States more dependent on foreign oil and therefore less secure. This is precisely the argument used by past Presidents to impose import tariffs on crude oil under this provision of law. I would ask my colleagues, why should we use what is certain to be a cumbersome legislative process to do what President Reagan himself can accomplish overnight?

Second, there is a more practical problem to consider. If the Congress were to enact new legislation imposing a substantial fee on imported petroleum, such an act would almost certainly include administrative flexibility for the President in his discretion to reduce the fee as circumstances require it. Such administrative flexibility has always been provided in the past under section 232(b) of the Trade Expansion Act. Without such flexibility the President would have to seek additional legislation to adjust the fee. Let us assume that the Congress approves and the President signs a legislative package containing a fee on imported petroleum with provision for the President to adjust the fee in his discretion. What if, promptly after such legislation is enacted, the President calls a press conference to announce that, consistent with his opposition to tax increases, he is exercising his administrative discretion under the act and abolishing, or at least reducing, the import fee. What will the Congress have achieved?

Third, imposition of a tariff on crude would necessitate a similar tariff on imported petroleum products, unless the Congress wanted to send our independent refining sector into immediate bankruptcy. In fact there would be enormous pressure on the President to impose even a higher tariff on petroleum products than on crude oil so as to provide some protection for our domestic refiners from foreign competition. The President could use his authority under the Trade Expansion Act to achieve this, even if the law imposing the fees does not provide for it.

Fourth, how will the President's proposed Caribbean free trade policy mesh with this system of import fees on crude oil and petroleum products? Would the Caribbean refiners be exempt from the tariffs? If so, what would that do to U.S. refiners who pay the import fee on crude oil? What would that do to competition in petroleum marketing on the east coast?

Fifth, how would the burden of the import fee be distributed across the industrial sector? Clearly, those industries which are associated with energy-intensive activities such as the automobile industry, housing, the airlines, and steel would be denied the benefits of reduced petroleum costs, if this import fee is adopted. Those particular industries are, of course, already in a state of economic depression, not in small part because of the past abrupt increases in the price of petroleum. The import fee would extinguish the one glimmering ray of hope they see on the horizon.

Sixth, there are many advocates of natural gas decontrol among proponents of an oil import fee. Such a fee would create an even greater disparity between the price of natural gas and petroleum than would otherwise be the case.

Seventh, anyone familiar with the oil industry knows that independent refiners are operating on the slimmest of margins. Many are buying crude oil, refining it, and selling the product at a loss. These refiners cannot absorb the import fee as well as the integrated refiners can who would reap a windfall in their domestic production because of the import fee. The import fee would only accelerate the demise of the independent refiners.

Eighth, and finally, what would such an import fee do to the economy, specifically what would be the effect on the gross national product, inflation, and unemployment? The answer requires a complex analysis of the economy, petroleum consumption, and the windfall profits tax. I would note that in June 1978 the Congressional Budget Office prepared an analysis at my request entitled, "Direct Federal Action on Oil Imports: an Analysis of Import Fees and Quotas." While I do not suggest that this analysis is predictive of the effect of an import fee on today's economy, the CBO found then that a $5 per barrel import fee phased in over 3 years would have the following consequence:

> As can be seen, the imposition of the import fee (Scenario I) decreases real GNP by 0.5 percent in 1979, and 1.2 percent in 1980, and raises the price level by about 0.5 percent in 1979 and 1980. Unemployment would rise by 0.2 percent in 1979 and 0.4 percent in 1980, a final difference of 380,000 jobs.

Unfortunately, no comprehensive, up-to-date analysis of this subject is available. I believe that it would be inappropriate for the Congress to take any action on an oil import fee until they have a complete analysis of the likely economic effects, including effects on the GNP, inflation, unemployment, Federal revenues and expenditures. Therefore, I am today formally requesting that the Congressional Budget Office undertake such a study for submission as soon as possible to the Congress.●

EL SALVADOR ELECTIONS

● Mr. DOLE. Mr. President, the elections we have just witnessed in El Salvador are an extraordinary tribute to the spirit of democracy and the desire for peace and freedom that have animated the people of that country, despite a bitter civil war that has left 30,000 dead in the past 3 years and despite intimidation and sabotage by guerrilla forces against people who dared to excerise their right to vote.

The people of El Salvador thronged to polling places Sunday, many of them walking for miles to cast their ballot and some of them waiting in line to vote with blood still red in the dust from guerrilla attacks earlier in the day. In these conditions of extreme duress, the citizens of El Salvador demonstrated a bravery and dedication to democratic processes that we in the United States sometimes fall short of—forgetting how much our own freedom once cost us and taking too much for granted our own right to choose the leaders who will govern us.

Mr. President, it is not only those who voted in El Salvador who showed courage and endurance, but also those who were willing to undertake a most dangerous responsibility by agreeing to serve as observers to the elections. I pay special tribute, among them, to Senator **Kassebaum**, my colleague from Kansas, who has shown not only deep concern for the future and the freedom of the people of El Salvador but also great personal courage, traveling into a countryside still wracked by warfare—under the gravest risks—to verify that those who voted were free from coercion or intimidation by the government in making their political choices. Senator **Kassebaum** has done honor to us all by the task she undertook.

Mr. President, beyond the impressive numbers of people who voted for a constituent assembly in El Salvador and beyond the apparent good order and legitimacy of the election process there—so far as we now can assess it—another remarkable outcome of the vote yesterday is the high level of support now by the moderate Christian Democracts of President Duarte. Whatever coalition may be put together in order to gain a majority in El Salvador's constituent assembly, it is clear today that those political forces in the center on whom our own Government has relied to guide that country back to stability and peace have far more substantial popular support than many of our "experts" on Central America and many recent visitors to that region have acknowledged.

For now, our own sometimes badly shaken faith in the future of democracy and freedom throughout Central America has been in great measure restored. We wish the people of El Salvador well, and offer them our full support, in establishing a democractic constitution, an elected government responsible to the people, and a new reign of peace in their land.●

A MODEL LEGISLATOR

● Mr. DECONCINI. Mr. President, of the many tasks legislators are called upon to perform these days, the one that really touches the lives of the friends and neighbors we represent is constituent service.

Too often, we tend to overlook this dimension of our job because it does not appear sufficiently glamorous compared to the exercise of power, but there is little that is more rewarding in life than to help someone in need.

Earl Wilcox is a legislator in Phoenix. He is a man who is proud to be of service to the people he represents, and their lives are richer for it. In my judgment, Mr. President, Earl Wilcox is a model legislator in this age of overpowering bureaucracies and individual alienation. The men and women like Earl make State government—indeed, every level of government—work the way it should.

I ask that an article about his activities appear in the RECORD at this point.

The article follows:

[From the Arizona Republic and Gazette, Mar. 19, 1982]

YOUNG LEGISLATOR FAVORS CONSTITUENTS OVER CLOUT

Earl Wilcox grew up in a tough part of town—the Grant Park barrio of Phoenix.

Now, as a third term state legislator, he is still more comfortable moving his gangling 6-foot-5 frame around the streets of South Phoenix than in the lobbies of the Capitol.

"I don't get involved in tax programs in the Legislature," he admitted in an interview, recognizing the meager clout he swings as one of 17 Democrats in a chamber that also counts 42 Republicans.

Instead, he tends to his constituents' problems.

On any given day, he may be visiting an old teacher, Ray Baca, now the principal at Lowell Elementary, or his grandmother, Antonia Perea, who has stayed in the Marcos de Niza projects, preferring to remain close to friends and St. Anthony's Parish.

Or stopping to chat with his friends at Chicanos por la Causa on East Buckeye or Valle del Sol, the drug abuse, education and cultural program.

Or driving through the half-abandoned Golden Gate barrio east of Sky Harbor Airport and checking out the area's settlement and community center where he used to play and coach basketball and help out its director, the gravel-voiced Floyd Hughes.

His friends tell him what projects they are working on and what problems they have encountered.

This summer, the former Grand Canyon College basketball guard took on city hall and fought against proposed inner city swimming pool closures, keeping more than a few open.

A child of the '60s, he is familiar with confrontation politics.

Now, in a position of authority in the community, Wilcox serves as an unofficial ombudsman in South and West Phoenix.

He has more than a few heroes.

He is almost reverential when discussing the accomplishments of Adam Diaz, the first Mexican-American on the Phoenix City Council; Frank "Pipas" Fuentes, one of the key organizers of the Hispanic American Legion Post, and Ruben Parra, a businessman.

Wilcox is the political protege of Alfredo Gutierrez, the man for whom he registered hundreds of Chicano families as voters in 1972 and the successful political operative who pushed him to run for the state House in 1976.

Married and the father of one daughter, he and his wife, Mary Rose, have survived some hard times, including his near fatal fight with throat cancer in 1974.

He is active among youth groups, trying to cool gang violence through a variety of commuinity-based organizations.

A supporter of the Valle del Sol drug abuse programs, Wilcox makes the prevention of drug use and violence his top priorities.

Every year, he teams with Mesa teetotaler Jim Cooper to sponsor legislation raising the drinking age to 21, a proposal which annually falls victim to liberal and moderate opposition.

"I don't apologize for that," he explained. "Other liberals understand how I feel on that issue. Drugs and alcohol do more damage to the youth of the inner city than anything else."

For his efforts, he has been honored numerous times by city and social service organizations.

In 1978, he was the recipient of the City of Phoenix Public Servant Award.

Gene Brassard, director of Friendly House, is lavish in his praise for Wilcox.

In a discussion of Hispanic leadership at this year's Arizona Town Hall assembly in Rio Rico, Brassard noted: "Earl Wilcox is not known or identified as a Mexican-American leader by the Anglo community, but I don't think there is anyone more active or respected in Phoenix . . . at least by Chicanos."●

U.S. ISTHMIAN CANAL POLICY

● Mr. HELMS. Mr. President, in an address to the Nation on February 24, 1982, before the Organization of American States, President Reagan summarized crucial elements in the current situations in the Caribbean and Central American danger zones and outlined plans of action to meet these challenges.

In recognition of the strategic aspects of those areas, he stated that—

Nearly half of U.S. trade, two-thirds of our imported oil, and over half of our imported strategic minerals pass through the Panama Canal or the Gulf of Mexico. (Washington Post, February 25, 1982, p. A12).

But apparently, for reasons of limited time and space, he did not go into any details concerning the question of trans-Isthmian transit.

Having made a study of both the history and problems of interoceanic transportation over a period of years, I believe it appropriate for me to comment at some length on these matters as well as to quote later as parts of my remarks two recent resolutions by important national civic organizations, one by the American Legion and the other by the Friends of the Earth.

Mr. President, the history of the U.S. Isthmian Canal policy is long and complicated, often beset with bewildering confusions over its two most crucial issues: First, that of site; and second, that of type. The solution, as decided in the early part of the 20th century, after extensive Army and Navy explorations and prolonged debates in the Congress, was for a canal at the Panama site of the high-level lake and lock type.

Although the wisdom of those decisions is completely established, the questions of site and type are still with us. Moreover, the ill-advised 1977 Panama Canal Treaty provided for a joint United States-Panamanian feasibility study now underway for the construction of a canal of the sea-level design in Panama—a vast project that would necessarily require some form of tidal locks or controls and would not be as safe and convenient either operationally or environmentally as the existing canal. Thus it seems that the stage is being set for more scorching debates in the Congress in another "battle of the routes" and another "battle of the levels," both at the same time.

For proper understanding, the following facts should be known about Panama Canal history:

First, in 1931, the U.S. Army Interoceanic Canal Board, when recommending the construction of a third set of locks for the Panama Canal, contemplated the converting of the existing lake-lock canal to one of sea-level design (House Document No. 139, 72d Congress, pp. 32-44.)

Second, in 1939, the Congress, on administrative recommendations, authorized the construction of the third locks project at a cost not to exceed $277,000,000. An undisclosed objective in that undertaking was conversion of the present high-level lake-lock canal to one of the so-called sea-level type—and objective not specifically authorized by the Congress (Public Law 391, 76th Congress.)

Third, construction on the third locks project started in 1940 but was suspended in May 1942 because of more urgent war needs for shipping, manpower, and materials after the expenditure of more than $76,000,000 mainly on two huge lock-site excavations at Gatun and Miraflores, a bed for relocating the Panama Railroad near Gatun, and a rail-vehicular bridge across the Miraflores Locks.

Fourth, during 1942-43, there was developed in the Panama Canal organization after extensive studies of marine operations in both peace and war what is known as the terminal lake-third locks plan for the future canal, which received the approval of President Franklin D. Roosevelt as a postwar project and was later approved in principle by two experienced Governors of the Panama Canal as the preferred modification for the authorized third locks project. Moreover, it became the subject of an extensive literature in professional and lay publications winning wide support.

Fifth, in 1945, after the advent of the atomic bomb, the Congress, again on administrative recommendations, authorized the Governor of the Panama Canal to make a comprehensive investigation of the means for increasing the capacity and security of the canal to meet future needs of interoceanic commerce and national defense, the first time the terms "security" and "national" defense were used in an important canal law (Public Law 280, 79th Congress.) In the investigation that followed these two terms, "security" and "national defense," were interpreted as "paramount and controlling," and even as "dictating" the sea-level type—a far more serious interpretation than was intended by the Congress that enacted the statute.

Sixth, in 1947, the Governor of the Panama Canal in his report recommended only the construction of a canal of sea-level design in the Canal Zone (Report of the Governor of the Panama Canal under Public Law 280, 79th Congress) but this recommendation failed to receive Presidential approval and the Congress took no action.

Seventh, in 1960, the report by an independent inquiry of the House Committee on Merchant Marine and Fisheries, opposed the 1947 recommendation for constructing a sea-level type of canal in the Canal Zone (House Report No. 1960, 86th Congress, 1960, p. 5.)

Eighth, in 1964, the Congress, on administrative recommendations, authorized another investigation, this time only for a canal of sea-level design. (Public Law 88-609, 88th Congress, approved Sept. 22, 1964, as amended.)

Ninth, in 1970, the report of the last investigation recommended the construction of a canal of the sea-level tidal-control type 10 miles west of the existing canal at a cost of $2.88 billion at 1970 price levels (Report of the Atlantic-Pacific Interoceanic Canal Study Commission, Dec. 1, 1970.)

Tenth, also in 1970, the enlargement of Gaillard Cut was completed at a cost of $95,000,000 making a total of $171,000,000 already expended toward major modernization of the existing canal—$76,000,000 plus $95,000,000—which is too large a sum to be swept under the rug.

As is well known, there are many questions involved in the problems of Trans-Isthmian transit, among them an oil pipeline in the western part of Panama scheduled for completion in early 1983, the matter of a modernized Tehuantepec Railway in Mexico to transport container ship cargoes between the oceans, and the environmental dangers of any saltwater sea-level canal anywhere on the Central American Isthmus.

In spite of the official reports recommending the old predetermined objective of a small professional group for a sea-level design at Panama, there have long been many experienced independent engineers, geologists, economists, navigators including Panama Canal pilots, and other competent experts strongly opposed to such construction. Instead, they have urged the major modernization of the existing Panama Canal under the well-known terminal lake-third lock plan, which proposal cuts through current perplexing confusions like an infrared ray through a fog.

This plan to provide for a third lane of large locks is authorized not only under the maintenance factor in the 1903 treaty but also under the 1977 treaty. In addition to increased lock capacity, it would provide a high-level terminal lake at the Pacific end of the canal similar to the lock-dam arrangement at the Atlantic end to serve as a long-needed expansion chamber for traffic. This is not only the proper and economic solution but in addition would provide for the world the best canal for marine operations practicable of achievement at least cost with complete assurance of success and bring great distinction to those responsible for its authorization.

Mr. President, in these general connections it must be recognized that the Central American Isthmus is not only strategic as regards its advantageous geographical location but also a region of endemic revolution and endless political intrigue that recent events in Central America have repeatedly dramatized. For these and many other reasons most of the experienced authorities referred to have stressed that the proposed major modernization of the Panama Canal be undertaken only at no risk to the U.S. taxpayers and investors and only under the undiluted sovereign control of the United States over both the canal and its indispensable protective territorial frame.

Another important angle in the problem that has been the subject of an extensive literature, including congressional hearings, is the environmental question with practically all of the major national and international conservation and environmental organizations opposing the mixing of the Atlantic and Pacific Oceans by means of a saltwater channel anywhere on the Central American Isthmus as the challenge of the century.

The Panama Canal, opened for traffic in 1914, was constructed not only for interoceanic commerce but also for national defense, the last angle having been dramatized in 1898 by the dash of the U.S.S. *Oregon* from the Pacific coast of the United States around Cape Horn to join the Atlantic Fleet just in time to participate in the Battle of Santiago.

The recent charge of policy as regards the deployment of the U.S. Armed Forces calling for U.S. naval world superiority again emphasizes the vital importance of the Panama Canal not only to the United States but also to the entire free world (Washington Post, Dec. 14, 1981, p. 1), and raises serious questions as to why U.S. sovereign control over that key transportation center should ever have been surrendered.

Mr. President, two major organizations, the American Legion at its 1981 annual convention in Honolulu and the Friends of the Earth International at its October 2-4, 1981, meeting in Washington, D.C., adopted highly significant resolutions on the interoceanic canal problem. Because these two resolutions should be of unusual interest to the Congress as well as the Nation at large and other countries that could be adversely affected by what many fear would be the colossal error of any sea-level undertaking, I ask that they be printed in the RECORD.

The resolutions follow:

THE AMERICAN LEGION RESOLUTION 84.—PANAMA CANAL

Whereas, the Panama Canal and the security of transit are, and will remain, vital to U.S. and Free World interests as long as ships sail the seas; and

Whereas, oceangoing traffic through the Panama Canal continues to increase, involving periodic long delays in transits on peak days, reaching a high backlog of 116 vessels in mid-April 1981 and involving huge costs to commercial shipping interests using the Canal; and

Whereas, experienced Panama Canal engineering and operational officials long ago foresaw the present situation and urged an increase of canal capacity for 1990; and

Whereas, as the result of World War II experience a valid plan for such major increase of capacity coupled with operational improvement was developed in the Panama Canal organization and received the approval of President Franklin D. Roosevelt as a post-war project; and

Whereas, in the sweep of history such notable naval authorities as admirals Alfred

Thayer Mahan and Thomas H. Moorer have repeatedly called the Panama Canal the strategic center of the Americas, as well as the center for the Monroe Doctrine; and

Whereas, Panamanian officials, including Panama's President Aristides Royo, have issued statements expressing Panama's displeasure and taking exception to the two Panama Canal Treaties as modified and approved by the U.S. Senate in 1979; and

Whereas, the Panama Canal, under the post treaty management, has been wrongly used for the transit of illicit drugs contrary to the national interest of the United States and other nations; and

Whereas, the Republic of Panama has been used as a staging area for arms and men supporting left wing terrorists in Central America; now, therefore, be it

Resolved, by The American Legion in National Convention assembled in Honolulu, Hawaii, September 1, 2, 3, 1981, that the U.S. Congress be urged to maintain the closest vigil on Panama Canal operations with a view to preserving and protecting U.S. national interests; and, be it further

Resolved, That urgently needed major modernization of the existing lake-lock Panama Canal for its major increase of capacity and operational improvement be resumed at the earliest practicable date; and, be it finally

Resolved, That such major modernization be authorized only when it can be achieved at no risk to U.S. investors and taxpayers and under undiluted U.S. sovereign control of both the Canal and its protective frame.

Friends of the Earth International Resolution on Panama Sea-Level Canal Project

Whereas, for four centuries, like a hardy perennial, the idea of a sea-level canal through the isthmus of Panama has been proposed; and

Whereas, the French, who began construction in Panama actually attempted a sea-level canal design, but the American engineers who took over the work in the early 1900's switched over to the locks and lakes system in existence today; and

Whereas, the fresh water Lake Gatun provides a biological barrier preventing any significant mixing of now separate species in the Atlantic and Pacific; and

Whereas, a sea-level canal would provide access on a continuing basis for several known predator Pacific species, including the crown-of-thorns starfish and the sea snake, as well as a host of unknown species; and

Whereas, the Panama Canal Treaties, ratified by Congress during the Carter Administration, committed the U.S. and Panama to study jointly the feasibility of a sea-level canal at some point during the life of the treaties; and

Whereas, because of the U.S. political climate in the U.S., there is reluctance by Congress to fund such a study with the result that Panama and other mega-project supporters have entered into negotiations with Japan to help finance such a study; and

Whereas, Friends of the Earth U.S., along with nearly every other major national and international environmental and conservation organization is on record opposing the construction of such a project; and

Whereas, Friends of the Earth International, assembled in Washington D.C., October 2-4, 1981, now on 4 October 1981, therefore be it

Resolved, That Friends of the Earth International opposes the construction of a sea-level canal in Central America; and, be it further

Resolved, That Friends of the Earth International opposes any attempts to study nuclear construction of such a project; and, be it further

Resolved, That Friends of the Earth International supports the widest possible involvement of international environmental and conservation NGO's in preparation of and the actual carrying out of any sea-level canal study produced pursuant to the Panama Canal Treaties.●

LET US NOT EMASCULATE EPA

● Mr. JACKSON. Mr. President, I would like to express my growing concern that the Reagan administration lacks a firm commitment to the protection of our environment. In particular, I must object to the administration's proposed budget cuts for the Environmental Protection Agency.

As the original sponsor of the National Environmental Policy Act in the Senate, I am deeply concerned that the budget cuts proposed for the EPA would render it incapable of carrying out its responsibilities under our Nation's environmental protection laws. The EPA operating budget proposed by the administration for fiscal year 1983 would be 32 percent less than EPA's operating budget for fiscal year 1981. When one considers inflation, this budget reduction approaches a 50-percent cut in actual purchasing power.

These cuts are proposed despite the fact that EPA's workload has approximately doubled as a result of the environmental laws passed by Congress in the last 5 years, particuarly those laws directed at cleaning up and controlling hazardous chemical substances. Clearly, the proposed cuts would damage the vital role that the EPA plays in our efforts toward achieving a cleaner, healthier environment.

I was pleased that the Environment and Public Works Committee, on a broad bipartisan basis, has recommended to the Budget Committee that the funding levels for the EPA be increased over those proposed by the administration. The committee recommended that funding be maintained at fiscal year 1982 levels for EPA research and development, the abatement and compliance programs, salaries, and other operational expenses. The committee also recommended increased funding for the new superfund that is designed to aid cleanup of toxic chemical spills and dumps.

I believe that the recommendations of the Environmental and Public Works Committee are a vast improvement over the administration's proposal. The committee exercised fiscal restraint without abandoning our Nation's commitment to a consistent, comprehensive approach to environmental protection.

I intend to support the recommendations of the Environment and Public Works Committee, and I urge my colleagues to do the same.●

RULES OF THE COMMITTEE ON THE BUDGET

● Mr. DOMENICI. Mr. President, in accordance with the requirement of Senate rule XXVI, paragraph 2, to publish the rules of each Senate committee in the RECORD each year, I submit the procedural rules of the Committee on the Budget. There have been no changes in these rules from last year.

The rules follow:

Rules of the Committee on the Budget
97th Congress

I. MEETINGS

(1) The committee shall hold its regular meeting on the first Thursday of each month. Additional meetings may be called by the chairman as he deems necessary to expedite committee business.

(2) Each meeting of the Committee on the Budget of the Senate, including meetings to conduct hearings, shall be open to the public, except that a portion or portions of any such meeting may be closed to the public if the committee determines by record vote in open session of a majority of the members of the committee present that the matters to be discussed or the testimony to be taken at such portion or portions—

(a) will disclose matters necessary to be kept secret in the interests of national defense or the confidential conduct of the foreign relations of the United States;

(b) will relate solely to matters of the committee staff personnel or internal staff management or procedure;

(c) will tend to charge an individual with crime or misconduct, to disgrace or injure the professional standing of an individual, or otherwise to expose an individual to public contempt or obloquy, or will represent a clearly unwarranted invasion of the privacy of an individual;

(d) will disclose the indentity of any informer or law enforcement agent or will disclose any information relating to the investigation or prosecution of a criminal offense that is required to be kept secret in the interests of effective law enforcement; or

(e) will disclose information relating to the trade secrets or financial or commercial information pertaining specifically to a given person if—

(1) an act of Congress requires the information to be kept confidential by Government officers and employees; or

(2) the information has been obtained by the Government on a confidential basis, other than through an application by such person for a specific Government financial or other benefit, and is required to be kept secret in order to prevent undue injury to the competitive position of such person.

II. QUORUMS

(1) Except as provided in paragraphs (2) and (3) of this section, a quorum for the transaction of committee business shall consist of not less than one third of the membership of the entire committee: *Provided*, That proxies shall not be counted in making a quorum.

(2) A majority of the committee shall constitute a quorum for reporting budget resolutions, legislative measures or recommen-

dations: Provided, That proxies shall not be counted in making a quorum.

(3) For the purpose of taking sworn or unsworn testimony, a quorum of the committee shall consist of one Senator.

III. PROXIES

When a record vote is taken in the committee on any bill, resolution, amendment, or any other question, a quorum being present, a member who is unable to attend the meeting may vote by proxy if the absent member has been informed of the matter on which the vote is being recorded and has affirmatively requested to be so recorded: except that no member may vote by proxy during the deliberations on Budget Resolutions.

IV. HEARINGS AND HEARING PROCEDURES

(1) The committee shall make public announcement of the date, place, time, and subject matter of any hearing to be conducted on any measure or matter at least 1 week in advance of such hearing, unless the chairman and ranking minority member determine that there is good cause to begin such hearing at an earlier date.

(2) A witness appearing before the committee shall file a written statement of his proposed testimony at least 1 day prior to his appearance, unless the requirement is waived by the chairman and the ranking minority member, following their determination that there is good cause for the failure of compliance.

V. COMMITTEE REPORTS

(1) When the committee has ordered a measure or recommendation reported, following final action, the report thereon shall be filed in the Senate at the earliest practicable time.

(2) A member of the committee who gives notice of his intention to file supplemental, minority, or additional views at the time of final committee approval of a measure or matter, shall be entitled to not less than [illegible] calendar days in which to file such views, in writing, with the chief clerk of the committee. Such views shall then be included in the committee report and printed in the same volume, as a part thereof, and their inclusion shall be noted on the cover of the report. In the absence of timely notice, the committee report may be filed and printed immediately without such views.●

RECLAMATION PROJECTS MAKE DESERTS BLOOM

● Mr. ARMSTRONG. Mr. President, on February 19, the Washington Post published an editorial entitled "Reclamation Ripoffs." It was remarkable for the way it typified the thoroughly misinformed opinions of many people outside the West. Their imaginations cannot grasp the fact that reclamation projects have made the western deserts bloom and, in the process, have created an economic powerhouse that generates many billions of dollars annually.

Bureau of Reclamation Commissioner Robert N. Broadbent responded at length, but his letter was substantially abbreviated when it appeared in the March 13 edition of the Post. I want to call the attention of my colleagues, and other thoughtful readers of the RECORD, to the full text of his response. His views are enlightening and very interesting, and I hope every Senator will give them careful consideration.

The letter follows:

U.S. DEPARTMENT OF THE INTERIOR,
BUREAU OF RECLAMATION,
Washington, D.C., February 24, 1982.

LETTERS TO THE EDITOR,
The Washington Post,
Washington, D.C.

I take strong issue with your February 19 editorial, "Reclamation Ripoffs." You expressed your views previously in a September 30 editorial, to which I replied in a Letter to the Editor. My reply was never printed.

I must admit you are consistent in your position. Neither editorial made any attempt to present or consider the other side's viewpoint. Moreover, it appears you are lumping together all water projects, good or bad. I would have hoped for a fair and objective investigation of the Reclamation program on your part before proceeding with more one-sided lambasting. Not only is your editorial position uninformed, it borders on the negligent. Obviously, you have remained closed except to those voices you want to hear.

The Reclamation program has been a lifesaver for the West in every sense of the word and it remains that to this day. The absolute constant throughout the arid West is the need for water . . . not less but more. Moreover, the demands for good quality water continue to increase. The migration to the West continues unabated, and more people means the need for more water for homes and cities. Where will this water come from? The level of precipitation over the western States has remained virtually unchanged, and the underground supplies are being depleted at an alarming rate. As a partial solution, we have been and will continue to be actively engaged in promoting conservation. But let me make it clear that regardless of how effective the conservation techniques are, they will fall far short of meeting the growing demand. The only remaining solution is the creation of additional shortage and distribution systems.

Another consideration is our ever-increasing population. More people means more mouths to feed, and there are fewer farmers than ever before attempting to feed not only our growing population but that of the world. It will take innovative measures, including more effective irrigated farming, to provide the food necessary to prevent widespread starvation.

The Nation also is looking to the West for energy development. In efforts to develop, convert or distribute a source of energy, large quantities of water are vital. Where will this water come from?

Finally, the benefits of the Reclamation program are extremely far-reaching and are enjoyed by literally millions of people. You seem to be intentionally overlooking such benefits and deliberately limiting your view to that portion of water project costs (nearly $2 billion) that has been repaid to the U.S. Treasury by direct users. You fail to recognize the vast sums that have been repaid over the years by indirect beneficiaries of the program, an amount in excess of $98 billion.

It is no secret that irrigation farmers alone cannot pay back the Federal dollars invested in project facilities. However, revenues derived from the sale of hydropower, municipal and industrial water supplies, and water for purposes other than farming account for an average of 85 percent of the construction costs being repaid to the U.S. Treasury. Moreover, an increasingly stiff pricing policy is now being developed, without violating existing contracts, to increase the Government's return on its investment.

Another point to be considered in this argument is that Congress says the costs allocated to flood control, recreation opportunities, and fish and wildlife enhancement shall be treated as benefits for the general public and are not to be charged to the direct beneficiaries.

I hope you are beginning to see the whole picture rather than a very narrow misconception perpetrated by those who profess to know the situation but do not.

Let me now move from these obvious, common sense realities to several other measures being worked on to address some of the problems facing us.

First of all, President Reagan, Secretary Watt, Assistant Secretary Carruthers, and I—among others—have been promoting a cost-sharing approach to water development for the West. Knowing that Federal funds can no longer support the Reclamation program as they have in the past, this Administration and the western States have acknowledged that other financing procedures must be adopted. We have stated time and time again that the States must accept increased responsibility for their own needs and that with that responsibility goes paying more of the costs.

Several of the western States now have funds set aside for water development. But funding is not the only criterion. It has always been true that the people of a State must first want to develop their water resources and then request Federal assistance before such aid is even considered. Now, not only must the States recognize the need for water resource development and determine which projects are most feasible, they also must have the means to finance a large portion of the project before the Federal government steps in. Even though cost sharing has always been part of the Reclamation program, it will now receive a much greater emphasis. Moreover, we recognize that not all States are equally affluent. Therefore, the program will be designed so as to make water development possible for all the States, not just the rich.

Secondly, your editorial leans once again on the "corporate farms" versus the "mom and pop" farms. This situation came about over many years for many reasons. You have again displayed your rigid, walled-off position by using that argument. The Department of the Interior, the Bureau of Reclamation, many western, and I might add eastern, Congressmen and Senators have come forth with reform bills to update the Reclamation Act of 1902 which pointedly address this issue. There is a groundswell of support to develop a new Reclamation law that will be acceptable to the majority of those involved or interested in the Reclamation program. To sit back and rehash old arguments does not do service to your newspaper, to the people of the Nation, nor to the people's representatives here in Washington. We are working together to right the wrongs and prepare for the future.

The original concept of the Reclamation Act of 1902 was, as you pointed out, to open the West for development. Aren't you glad it did. But the lure of the West today is not due to the Reclamation program. You will find it's because of many other factors, such as climate, philosophy, a way of life. Reclamation people see, however, that the migration continues and that there is only so much water available. Would the Post run a story suggesting that nobody else can move West? The Reclamation program has responsibly met the water needs of the expanding western population and, with the changes we are now working on, will continue to do so.

Thirdly, the Reagan Administration has proposed an increased budget for the Bureau of Reclamation. The Carter Administration, like a bull in a china shop, virtually cut off the West from any water development; the area continued to grow but the development of water resources was halted. The West was immediate in its response. The loss of the West in the Carter reelection effort in 1980 was instrumental to his defeat. The Reagan Administration is now sensibly addressing the vital need of water for the arid western States. With the costs of constructing or buying anything constantly rising, the budget will naturally reflect this trend.

Now allow me to give you a few statistics for 1980 which reflect the size and variety of the Reclamation program and the number of people served:

Population served was a record high of 22.1 million. Of the total, 19 million people received municipal and industrial water, of which 100 percent of the cost is fully reimbursed.

The gross value of all crops produced totaled $7.4 billion, an amount nearly equal to the Navy's fiscal year 1981 shipbuilding budget.

Food, fiber and forage production totaled 57 million tons. This would meet the annual food requirements of 39 million people, or roughly the combined populations of the Nation's 30 largest cities.

Electricity generated by the Bureau's 50 hydroelectric plants amounted to 46 billion kilowatt hours, enough energy to supply the cities of Pittsburgh and Baltimore or Dallas and Houston for a year.

On an annual basis, the Reclamation program results in over $17 billion in business activity, enough money to buy 170,000 single-family homes selling for $100,000 apiece.

One final statistic is worthy of noting. On an annual basis, Reclamation activity generates over $1 billion in State and local taxes and nearly $3 billion in Federal revenues, quite an accomplishment for an agency with a budget of less than $1 billion. The 23 percent increase in the Reclamation budget, which apparently prompted your editorial, will increase State and Federal revenues by the same 4:1 ratio. I don't see how anyone, especially a responsible national newspaper, can call that "pork barrel."

The Reclamation program, even with its flaws, has contributed, and continues to contribute, substantially to the economic foundation of the entire West. However, it is not only the West which benefits. A healthy western economy supports the Nation's economy; the power generated by Reclamation projects contributes to our energy independence; the food and fiber produced are a constant, year-round supply for the Nation and the world. Much of the fresh produce you buy at the supermarket in the Washington, D.C., area most likely came from one of the western States using water provided by a Reclamation project.

Attacks on the Reclamation program, such as your editorials, have a divisive ring to them. Lashing out at the West for what you believe to be "favored treatment" is contradictory to your support of a subsidized program here in your own backyard which is a one-way drain of Federal funds. That is the Metro Subway system.

As Leonard Larsen of the Denver Post so aptly pointed out in his response a few months ago to your ringing endorsement of Metro, "The general rule of thumb here (in Washington) is that federal project spending in remote places . . . the States of the reclamation west, for example . . . is wasteful boondoggling and contemptible pork-barreling. Spending for Washington is quite another matter and a certain nobility of purpose emerges in printed and spoken accounts of the millions and billions of dollars splashed into the federal funding of projects for the Federal City."

Your editorial to which Larsen was referring blithely stated that the eventual total capital cost of the Metro system, once estimated at $2.5 billion, will be "$6 billion, $8 billion, whatever . . ." As Larsen also noted, it enthusiastically reported that Metro was doing a superb job in the "game" of getting "somebody else to pay for your ride . . . We have a splendid rail system, practically a free gift from the American taxpayer."

Senator William Armstrong of Colorado recently discussed the water issue and Reclamation's contributions in the CONGRESSIONAL RECORD (December 15, 1981, page S. 15319). I have enclosed a copy of his remarks and I would hope, as you make an honest effort to become fully informed on this issue, that you read the material in full. However, I make note of one particular paragraph which states:

"The $10 billion that has been invested in Western reclamation projects over a period of 80 years has created a productive giant that not only pays back the initial investment with interest, but also generates untold billions in profits and tax revenues. In 1980 alone, this $10 billion was repaid in the form of direct benefits. Since 1902, a total of $100 billion has been repaid [by both direct and indirect beneficiaries], 10 times the original investment."

As a great newspaper which prides itself on its national perspective, your views on water appear to be quite parochial. Water is fast becoming a national issue upon which a newspaper like the Washington Post could begin a crucial national dialogue. As you are evidently not aware, virtually all water resource experts predict that our Nation faces major water shortages in the 1990's. The Post may be far removed from the West and presently can afford an ill-informed and cavalier point of view. But what will your position be when the crisis comes to Washington?

In closing, I hope you will reassess your editorial stance after carefully and fairly reviewing the facts. I also would welcome the opportunity to meet with you or a member of your staff to continue this discussion.

Sincerely,

ROBERT N. BROADBENT,
Commissioner. ●

NORTH CAROLINA CHURCHES FEED THE HUNGRY

● Mr. HELMS. Mr. President, in my State of North Carolina—and, I am sure, every other State in the Nation—many churches are opening their doors to help feed those unable to provide for themselves. Volunteers are donating their time, churches are donating money and space, and the Department of Agriculture is donating surplus commodities to provide meals for the most needy in society.

Last August I had the opportunity to visit St. Philips community kitchen in Durham, N.C. Don and Betsy Rollins, who run the program, have organized a volunteer service that works. They saw a need and they have committed themselves to meeting it. They have not asked Government or anyone else to do it for them. They responded to the call of their faith to feed and care for the poor and the hungry.

Such work is a shining example of what concerned individuals can do in cooperation with churches, businesses and Government to band together to feed the needy. More of this needs to be done. It is my hope that the work of St. Philips in Durham, the Church of the Good Shepherd in Rocky Mount, and many others, can be built upon and multiplied many times over throughout the Nation to help people through these difficult economic times.

Mr. President, I ask unanimous consent that the text of a recent Department of Agriculture news feature on the work of the North Carolina churches be printed in the RECORD.

The article follows:

NORTH CAROLINA CHURCHES FEED THE HUNGRY

DURHAM, N.C.—They silently straggle in the side door one by one. Hungry, sometimes cold and always down on their luck, they seek out the church for a hot meal. And every Monday through Friday, cups of soup, sandwiches and milk or coffee await them, thanks to volunteers who care.

Volunteers gave 4,300 hours of their time in 1981 to prepare and serve meals at Saint Philip's community here. Retirees, housewives, Boy Scouts and Duke University students worked together preparing sandwiches, chopping vegetables for soup and pouring cups of coffee since the kitchen in Saint Philip's Episcopal Church opened its doors two and a half years ago.

The volunteers range in age from 13 to over 80.

Food for the meals comes from a variety of sources. Summertime brings gifts of fresh produce from parishioners' gardens. Local businesses donate some food items, and other food is picked up at a food bank in Raleigh. In addition, the U.S. Department of Agriculture through its food distribution program provides commodity foods that are in abundant supply.

As a nonprofit charitable organization, the kitchen qualifies for USDA-donated foods like butter, cheese, dry milk, flour and rice. Sandwiches of USDA-donated cheese are a popular menu item.

"Many of the people who come here prefer to remain anonymous, and we make no attempt to find out their identities," says Betsy Rollins, director of the community kitchen and its only paid staff member. "To be served they only have to ask. And they do ask."

When the community kitchen started, it attracted 30 or 40 persons a day. Now the kitchen's volunteers regularly serve over 100—and sometimes 200—persons each day."

Saint Philip's not only provides food. A friendly, informal atmosphere pervades the dining area where visitors eat, play ping pong, or listen to piano music.

In nearby Rocky Mount, N.C., a line starts forming by the side door of another Episcopalian church, the Church of the Good Shepherd, shortly after 10 a.m. every weekday. Standing in a street which separates the church from a warehouse and leads to a railyard at the rear of the building, the people wait patiently for the church's kitchen to open at 10:30.

"A lot of folks would go hungry if it wasn't for this place," says one, a middle-aged black man. "There just aren't any jobs around here now. We look for jobs but we can't find them."

The Rev. David Lovelace, assistant rector of the Church of the Good Shepherd, agrees. He explains that the kitchen's clients include many unskilled workers unable to find jobs. They often are not willing to apply for public assistance or are ineligible for assistance because they have no permanent street addresses.

"Poor people don't exist," Lovelace says he has been told by citizens.

He knows better. Before the kitchen was started, the church had a small emergency fund and a food pantry to help the needy, but the assistance wasn't enough.

"The line outside my office kept getting longer. The hall was constantly filled with applicants," he said.

That's when he proposed setting up a community kitchen in the church's old parish hall and kitchen, which were unused at the time.

In September 1980, an all-volunteer staff began dishing up soup there. Like Saint Philip's, this kitchen obtains its food from a variety of sources, including donations from individuals, businesses, food banks, and the U.S. Department of Agriculture.

Although the Durham and Rocky Mount kitchens each began as one church's project, both have evolved into community endeavors. Saint Philip's operation receives part of its funds from Durham Congregations in Action, an organization of Catholic, Protestant, and Jewish congregations from all over the city.

Other funds come from the community at large. In Rocky Mount, chruches of other denominations supply lists of volunteers and donate funds for the Church of the Good Shepherd's kitchen.

As a result of their feeding operations, both churches' staffs have observed a number of interesting side effects. Before Saint Philip's started its kitchen, it had two or more break-ins a month; but in the last 2 years, the total number of break-ins at the church has dwindled to six. In another vein, the Church of the Good Shepherd's staff noticed that many older citizens were volunteering to work in the soup kitchen.

Other community kitchens are operating in Charlotte, Winston-Salem, Raleigh and Goldsboro, N.C. Even more are expected to open in the state.

Betsy Rollins, director of Saint Philip's community kitchen, routinely makes appearances before groups to tell them about her group's experience in organizing and operating a soup kitchen.

She always tells them.

"Cooperative efforts of businesses, religious organizations, citizens and government agencies can and do provide solutions to community problems."●

LITTON INDUSTRIES AND TECHNOLOGY TRANSFER

● Mr. GARN. Mr. President, I recently submitted to the RECORD an article written by Dr. Juliana Geran Pilon concerning the issue of strategic trade. The article reflected many of the basic concerns I have had with our handling of strategic trade policy with the Soviets and its allies since the heyday of détente. I have, however, been contacted by Litton Industries which believes that a reference to Litton with respect to the reported sale of technology to the Soviets is inaccurate. I would, therefore, ask that the March 5, 1982, letter from Mr. Walter P. Lukens, vice president at Litton Industries, be printed in the RECORD for clarification of this point.

The letter follows:

LITTON INDUSTRIES,
Washington, D.C., March 5, 1982.

Hon. JAKE GARN,
U.S. Senate,
Washington, D.C.

DEAR SENATOR GARN: On March 1, 1982, you included in the Congressional Record a reprint of an article written by Dr. Juliana Geran Pilon of the Heritage Foundation which Litton believes contains a factual error concerning our company. This has a long history which we would like to review for you to prevent further dissemination of erroneous information.

In the February 6, 1980, Washington Post Jack Anderson column, the following paragraph appeared:

"Submarine detection devices that make our Trident submarine vulnerable were developed with the help of equipment the Russians bought from Geospace Corporation and Litton Industries."

As a consequence, we conducted an in-house search to determine the veracity of that quote and could not find any information to support the quotation.

On March 17, 1980, U.S. News & World Report had the following two-sentence remark:

"Two years ago, the Soviets bought navigation and electronic orientation devices from a U.S. firm, Litton Industries. The technology that came with that equipment is now being used the help Russian planes and ships track American submarines."

Having already performed an in-house check, Litton Industries filed a request under the Freedom of Information Act with the U.S. Department of Commerce to determine whether the U.S. Government could verify this information. In response to Litton's March 25, 1980, request, the Department of Commerce sent a letter dated June 13, 1980, enclosing several documents which in essence could not confirm the accuracy of U.S. News & World Report's comments.

In January of 1982, the Heritage Foundation published an article which in part stated ". . . technology sold by Litton Industries now being used to help Soviet planes and ships track American submarines . . ."

We contacted the author of that article who said that she believes she used the U.S. News & World Report article for her comments but did not footnote it. She also said that she had two officials from the Departments of Commerce and State review her article for accuracy. We contacted these two officials and they stated that they had only reviewed the article for general commentary and had no knowledge themselves of the accuracy of the quote given above.

We at Litton Industries believe that the remarks made concerning us have no validity whatsoever and request that note be made of this disclaimer in the CONGRESSIONAL RECORD so that the article in question will not be quoted from the RECORD for accuracy.

Sincerely,

WALTER P. LUKENS,
Vice President.●

NATIONAL OCEAN POLICY

● Mr. PELL. Mr. President, recently Capt. Gilven M. Slonim, president of the Oceanic Educational Foundation, spoke at the Center of Strategic and International Studies at Georgetown University on the need for development of comprehensive national oceans policy.

In his address, Captain Slonim emphasized the basic point that development of a long-term cohesive national policy on our Nation's use of the oceans and their resources requires broad public understanding of the importance of the oceans and their resources to the future of the United States.

As a member of the Oceanic Educational Foundation's board of directors, I am particularly aware of Gil Slonim's persistent efforts on behalf of marine education, and I ask that the text of his address be printed at this point in the RECORD.

The address follows:

NATIONAL OCEANIC POLICY: COUNTER TO CONFRONTATION AND CRISES

(By Gilven M. Slonim)

"Our plans miscarry, because we have no aim. When a man does not know what harbor he is making for, no wind is the right wind."—Seneca.

Edmund A. Walsh, the Jesuit priest who established the Foreign Service School here at Georgetown, observed nearly a half century ago:

In major policy it is not speed but direction that counts.

The year was 1934, when he published his catechism of Oceanic Policy, a 64 page treatise titled: "Ships and the National Safety." No longer in print, his work is now a collectors' item. I suggest it must be dusted off and brought into the emerging dialogue on national policy. The Vinson-Trammel Act which laid the keel for the "Two Ocean Navy" was enacted that same year. Two years later Roosevelt's "Magna Charta of the American Merchant Marine," the 1936 Act, became law. With this maritime philosophy, and these legislative actions to forge oceanic policy, policy at the national level should have been well on its way. As a matter of fact, in their wake, the United States, as we know, did become the greatest maritime power the world had ever beheld by war's end. The policy lesson is evident: there was policy provision, more significantly policy incentives in advance of the crisis!

Unfortunately, from this pinnacle of maritime preeminence, the United States has plummeted to eleventh place as a world trade carrying nation; today, the U.S. Fleet encounters a mounting confrontation on the seas as the Soviets drive with relentless determination to control the world ocean. But despite the burgeoning oceanic challenge, most Americans remain oblivious to the disparity in policy vitality of the two superpowers. Yet, the disconcerting fact remains: the force levels in both U.S. Fleets, naval and mercantile, have dwindled to below pre-Pearl Harbor posture. This symptom reflects how frustratingly elusive oceanic policy has proven over the 40 years since the Japanese struck to challenge American supremacy in the Pacific. Despite the demands of the post war world for the wisdom of policy, even today, policy remains foreign to the Amerian way; historically, we have been conditioned to reaction to crisis. Yet, there are daily reminders stressing that, 'seat of the jeans' reaction is a luxury we can no longer afford.

The modern world had become too compressed strategically; 21st Century weapons are too long-range—too accurate—too powerful; world events move too swiftly—the stakes too high; the power struggle too pervasive to permit moving after the fact. In a world of instantaneous communications no longer is there time to think through our countering moves after the fact. We continue to pay the price for hesitancy, for uncertainty in power moves in the Indian Ocean where the need for an insertion of fleet forces was foreseen thirty years ago. The premium must be placed on a long-glass policy process which dictates competence in futuristic planning with well considered courses of action to meet the crises likely to be encountered. This Nation requires a process which provides direction toward realization of the future national objectives it establishes. Nor can we look to international policy arrangements to crystallize our National Policy thinking; our actions. For to do so merely curtails our capabilities, forecloses our options, and the national interest is hardly served thereby. Look to the Law of the Sea, and how without substantive decision by any of the parties, through creeping jurisdiction, freedom of global oceanic research has been curtailed should you require further convincing.

Hardly a week passes without serious incident spelling new logic for reorientation to a policy mode in the conduct of national affairs, in the provision for a secure, a prosperous, a well respected future. Whether upon the high seas or in Sweden, in Namibia or Taiwan, Poland, Saudi Arabia or Cambodia, the staccato of world events dictates a global wisdom, and even beyond sheer strength, a prime requirement for vision in the international arena. Viewing the Camp David Accord, as it served to antagonize most of the Arab World, the Ball Mission to Iran, untempered by considerations of leadership alternatives as it finally affected U.S. vital interest, one is given pause to question how this Nation has been handling issues central to its future.

At the outset of the Decade of the 80's Derek Bok, President of Harvard University expressed these concerns as he asked were we, indeed, educating our children for the world of the future.

In the United States we are becoming isolated and separated from one another, just when we are losing our control of essential resources and our economic and military dominance, and therefore need a new spirit of national cooperation, national purpose and unity.

With his plea, the evident quest is seen as one unifying policy. Here the stress becomes one of constituency, enlightened citizens as participants with the Congress, and with the Executive in the formulation of far reaching policy.

Policy capable of dealing with the recurrent challenges and crises, which continue to plague the Nation, reenforce the requirement for the cultural enrichment to Americans to where they gain a grasp of the world beyond their shores. For we as a nation require bonafide understanding of the people of the world. Our citizens must comprehend global oceanic geography as it accentuates the role of the world ocean, the matrix to bind the modern world. This knowledge must be reenforced by far wider linguistic ability, to truly communicate the essence of American leadership to peoples throughout the world. The stimulation of world trade and trade carrying encourages this competence. Through the cooperation in direct working relationships between trading partners, there is also seen a significant peace preserving spin off found in the carrying of world commerce. Development of these major factors of oceanic contribution to the long-range welfare of the Nation will flow within the national policy projected. They must be part of the future plans of global reach mandated by a viable policy process.

Observing this swiftly moving world scene, a tantalizing fact emerges: The seeds of this new national policy can best be sown and nurtured on the world ocean. Beyond the vast physical dimensions of oceanic space affording room for maneuver and attenuation, the thinking of the seafarer offers a pattern of precious policy thought. Man's thought in sailing the sea is disciplined to global perspective. He deals with the sea as a global entity as it provides his weather, as it poses threats to his safety, as it affords world-wide opportunity for productive, profitable enterprise. There upon the seas comprehensive, conceptual, creative thought is central to survival. Anticipatory planning becomes a way of maritime life in this unnatural, hostile environment. When Buckminster Fuller suggests that an individual, just as a people, must think at least 25 years ahead to accomplish anything really worthwhile, his eye is searching to seaward. For the Navy, he emphasizes, thinks in a characteristically different manner from the landed majority. What he stressed is here on the vast ocean, where man projects as a tiny dot, it is mind not muscle that can manage this powerful environment. And it's here, he goes on to say, "the foundations of a creative future can be forged" in the long-term national interest. To confirm his thesis, he looks back to the tremendous contribution that has come out of the sea, through the "more with less" philosophy of the seafarer which "has changed our world!"

If, as Toffler contends, the American future is being stolen, dribbled and bumbled away by a government that does not plan for the long range, does not know how to plan, and is therefore outplanned at every step by major corporations who are staking out pieces of the future for themselves, as well as by foreign nations who are doing the same on a global scale; if, as he suggests, failure to look at America's current economic and political crisis in terms of the next 25-30 years is costing us unmeasurable billions in lost economic and social opportunities then the U.S. must begin now to develop very long-range strategies—and must invent wholly new forms of planning that involve not merely a handful of technocratic experts, but millions of ordinary citizens; to accomplish this, we must turn to the seas with unprecedented vigor both intellectually and operationally. The United States must learn to ride the Fourth Policy Wave toward regaining productivity and competitive global drives; for it is within our understanding of the seas, our uses of the global ocean that the policy process the Nation needs desperately at this point in its third historic century can be found.

We are obliged to understand national policy; we must gain competence in the policy process. Above all, we as a people, must grasp the criticality of the reorientation dictated.

Now there is policy, and there is policy. Everybody has a different perception as to what constitutes policy. No two citizens see policy in the same light, not at the same level. I don't know whether this is merely a matter of convenience, sheer indolence, or our failure to think through what national policy must mean. But, generally we are prone to place the entire burden of national policy on one man's shoulders. Obviously, the wisdom of Solomon, the strength of Atlas, the vision of Pericles is rarely combined within one human. Few, if any, can be found, therefore, with the competence to entrust the future of the Nation for the centuries which lie ahead. Yet, offhandishly we continue to state, "It is Jimmy Carter's Middle East Policy" that failed, "Al Haig's Foreign Policy" which is too hard on the Soviets, "Cap Weinberger's Defense Policy" which is too costly, or Elliot Richardson's "Law of the Sea Policy" which requires rethinking. Patently, where national policy should serve to integrate all of the functions and functioning, all enterprise which affects the national interest, we continue to accept fragmented concepts of policy.

Whereas all of the resources of the United States should be brought to bear within a well defined, and well directed policy process which musters the concerted action necessary to the attainment of the long-term national objectives policy establishes, our oceanic assets remain disquietingly fragmented. We play musical chairs organizationally within the government, and call the process: "Policy." This was seen at NOAA several years ago. Strangely the New York Times bold-faced its headline "NEW NATIONAL OCEANIC POLICY" while the article merely reported organizational changes made by the new Administrator of NOAA, for he too claimed he was instituting new policy. And there we are with little sense of purpose, and no direction because our concept of policy does not deal directly with the *potential*, the promise, the prospect to be realized. I suggest these symptoms show why some are led to accept the nonsense of the United States being a 'wounded giant' incapable of realizing its full measure of power. I contend policy must deal with more than the immediate solution of short term problems, day to day crises, however perplexing; the central thrust of policy perforce is toward realization of long-term potential.

Having said this, the first order of policy business is to think through what the process must provide in the context of the long term welfare, the future well being of the Nation—to discern what major elements of contribution must be spliced. To accomplish this end, certain glaring deficiencies within the American educational process require rectification. First, there must be emphasis accorded to students, as well as educators gaining competence in conceptual thought. Ambassador Harlan Cleveland makes this point with convincing clarity in his "What's

Higher About Higher Education?" presentation. Nowhere within our hundreds of billion dollar education system is this emphasis to be found. Of equal significance, education within the United States must be brought into balance, at all levels, between land and sea.

Once having established the broad conceptual framework for policy at the national level, the next step becomes one of making the determination as to "wherein the national interest reposes." This sounds simple; in reality, it becomes intensely complex. Some suggest this can never be done. You can never get there from here. But you must fix "the national interest" if policy is to gain the direction Father Walsh emphasizes. Here a consensus of all major elements of American enterprise, every segment of our complex society, must be forged. For how is the "direction" of policy stressed to be gained, if there are no clear-cut criteria as to the direction of the Nation's interest? The fact is, to date none of the false starts in oceanic policy formulation first endeavored to fix its departure point in the national interest. This oversight, in itself, may well account for the failure to structure national policy. For lacking this point, there has never been a national commitment calling for:

> ". . . fuller, comprehensive, and enlightened utilization of the world ocean to reinforce the national economy, encourage investment, stimulate U.S. productivity, competitive drives in the world market, and elevate the American standard of life."

To make Lane Kirkland responsible to what is perceived as the consensus-held view as to "wherein this elusive national interest reposes" in the long range he must serve as a participant, a contributor in the formulation of this critical departure point of policy. Otherwise, what will happen is what has been happening. Everybody in and out of government interprets the national interest in the image of his own self-enlightened-interest. "What's good for General Motors, is good for the country" as Charlie Wilson put it when he was Secretary of Defense. But is it? The American Petroleum Institute, and the multi-national corporations, CBS and the farmers, the yachtsmen and educators, just as Sailorman Kirkland must participate in the process. Kirkland as a matter of fact, as an ex-sea captain understands this better than most. For the thought pattern which he gained in sailing the seas adheres to the policy pattern: this as he knows must evolve within a conceptual framework which derives its substance and drive from the leaders of the major segments of American endeavour.

In America's technological turn to the sea in the 1960's, the national policy thrust was recognized as central to the realization of the potential of the world ocean. And Lyndon Johnson reported to the Congress in this vein:

> In preparing for the coming decades, we must turn our attention seaward in the quest for fuels, minerals, and food—and for the natural beauty of the seashore to refresh the spirit. Yet, the sea will yield its bounty only in proportion to our vision, our boldness, our determination, and our knowledge.

What the President failed to provide, unfortunately, was the twin oceanic imperative: Public education and national policy. Both are critical to the attainment of his lofty oceanic aim. The thrust of the '60s, instead, was narrowly confined to the oceanographic-scientific-resource segment of oceanic potential through legislative action. Nonetheless, a fleeting moment of maritime euphoria was gained with the passage of the Marine Resource & Engineering Development Act of 1966. Conceivably, a consensus about the national scene considered that comprehensive national oceanic policy had been formulated. Some still cling to that illusion. But the regrettable fact remains that the United States, to this day, remains rudderless, without the guidance of national policy.

We continue to talk of policy as though each of the elements were a policy unto itself. I recall during the last administration, the President would allocate either a Monday or a Tuesday for the purpose of preparing his "water policy." The next week he was busy on his energy policy. A month later he got around to his defense policy according to the White House press. We had a "policy" for everything in those days, and Meg Greenfield blasted the President for his inability to bring them all into confluence in her perceptive profile title, "Jimmy the Engineer." I daresay had she analyzed Carter's predecessors along the same lines she would have pinpointed the same critical deficiency in their policy functioning, or absence thereof. For the concept of policy held, generally, has been one of fragmentation, rather than concerted action by government, and in turn the Nation; the integrative function of bringing all of the Nation's strength together in a well orchestrated concerted national effort is lost. At the same time, we equate governmental policy to national policy. As a consequence all elements of our government are dancing to different tunes—each jockeying for position, power and prestige. Athelstan Spilhaus, father of the Sea Grant College Program, quips, "As to Law of the Sea, our U.S. position is closer to that of the Soviet Union, than that of the Department of State is to Commerce." As humorous as this may sound, the overtones are sorrowful, since there is more than a modicum of truth in what the jolly oceanographer has to say.

Kissinger made the more serious point in his White House Years, in reporting his first interview for assignment as National Security Advisor. Asked "what direction should our diplomacy take?" Kissinger was quick to reply, "Our policy should be freed of its violent fluctuations from euphoria to profound despair dependent upon the emotions of the policy makers. And it must extend beyond the changing of Presidents." The genius of policy obviously reposes in its ability to bring all of its elements within a synergistic interplay with central purpose providing the dynamics and direction of drive.

How clearly this policy point has been confirmed throughout the continuing crisis in the Middle East. At no point of time in American history has the compelling need for policy, and continuity of policy been driven home with more dramatic directness than in the aftermath of the abdication of the Shah of Iran. This critical need for national policy to guide our reaction to crises, better still to forestall crises, was seen with comparable intensity at the time of Sadat's assassination. Ad hoc actions, after the fact, remain singularly unconvincing. Whether they result in an over-reaction or an under-reaction, such tend to convey weakness and anything but resolution; credibility just as leadership is inevitably lost. From the seething turmoil in the Middle East another major lesson is gleaned. In focusing upon American vital interests within the Persian Gulf, one readily observes the inseparability of the major elements of comprehensive policy in the real world. At no time from the outset, could defense policy, the strategic measures to be taken, disregard the implication of maritime policy. The flow had to be direct, for the criticality of sea lift proved the achilles heel in any reinforcement of the U.S. Fleet presence. This relationship, in turn, brought implications vis-a-vis economic and energy policy to the fore as all elements required splicing to so-called foreign policy. Cultural policy overtones remain inherent requiring concurrent emphasis upon both educational and scientific policy if a mastery of world affairs is to be realized through the orchestration of the Nation's global oceanic policy.

This brings us to Senate Resolution 222 of February 1974. With its unanimous passage the U.S. Senate clearly signaled its policy concern. More significant, perhaps than its unanimous passage, was the fact that 60 senators of every political stripe representing every geographical sector co-sponsored the resolution. This called for a complete investigation and study incident to the formulation of "National Oceanic Policy." This would include analysis of all the elements of national interest incident to forging the policy seen as a critical national need. Beyond this first step, the comprehension and support of the administration, industry, academia and the public would be required to formulate and guide its implementation. The study was assigned a core staff which has since disappeared. A number of publications were printed by the National Ocean Policy Study (NOPS), one which concluded that ocean policy was adequate, based upon the legislation passed. But the fact remains that NOPS failed to initiate action toward a determination of wherein the national interest resided as a departure point and policy failed to flow. Actually the focus of their thrust finally was at the level of governmental policy. Frankly, I was not surprised to learn from the Secretary of the Navy that seven years after the Senate's original initiative, this Administration was revitalizing NOPS under the chairmanship of Senator Bob Packwood.

What then, is the policy that has remained elusive to the American view through these many years? American citizens must answer this question in moving to chart the future of the Nation. Simply stated, policy may be defined as the process whereby a nation establishes long-term goals and provides incentives to accomplish those aims, seeking what it perceives as long-term potential moving toward what it envisions as its national objectives formed in the public interest. The formulation and implementation of national oceanic policy entails an orchestrated effort of the executive, congressional, and public sectors. This becomes the iron triangle which fosters the dynamics of the entire process.

The major elements of long-term policy span the full spectrum of oceanic endeavour:

MARITIME—COMPETITIVE POSTURE ON THE SEAS

This cardinal element requires regaining a competitive grade carrying posture on the global sea to spearhead a vibrant seafaring industry, as well as U.S. foreign policy, with fleet built and manned by competent able-bodied American citizens—an ongoing shipbuilding industry to stimulate the economy to promote productivity and job opportunities.

STRATEGIC—WORLD STABILITY AND PRESERVATION OF PEACE

A strategic posture (nuclear & non-nuclear) and doctrine is needed to meet the variety of threats to U.S. interests and citizens' safety, worldwide within the mounting confrontation developing upon the seas. The U.S. must exploit the strategic potential of oceanic space toward attainment of international stability, and the preservation of world peace.

GEO-ECONOMIC—THE TOTAL WORLD OCEAN POTENTIAL

U.S. must probe the total "geo-economic" potential of the world ocean to stimulate the economy, to stabilize the dollar, to reverse a critical trade imbalance, to provide long-term prosperity in a revitalization of its competitive drives in the world market. This encompasses the full range of global oceanic use, and the resources reposing within the sea.

OCEANIC EDUCATION—TO UNDERGIRD POLICY

U.S. should launch a multidisciplinary public oceanic education program throughout U.S. schools, at all levels, to achieve citizen comprehension of the vast human stake in oceanic advancement, thus providing for the enlightenment of Americans as constituents to participate within the policy process, to support the magnitude of oceanic program in the national interest dictates.

OCEANIC RESEARCH—21ST CENTURY TECHNOLOGY TO SEA

Only through resolute oceanic research can the Nation ensure gaining fullest portent of the oceanic frontier of the future, while gaining the means for solving crucial national and international problems, the incidents and crises arising on the seas.

ENERGY—OCEANIC SOURCES TO ATTAIN SUFFICIENCY

U.S. policy provision which moves to tap the full energy-power sources prospectively held within the sea can enable the U.S. to realize a posture of self-sufficiency. Beyond meeting fossil fuel requirements, exotic fuel development and innovative propulsion will enable American forces and fleets to sustain the preeminence operationally which nuclear power now affords.

LAW OF THE SEA—THE TEST OF SEAFARING—THE NATIONAL INTEREST

Policy provision is essential if U.S. is to assume a role of leadership to ensure negotiations are conducted on the basic principles established within national policy, and through adhering to the seafaring requirement of optimum utilization of the global sea—both commercially and strategically.

SEACREATION—WAVE OF THE FUTURE

The dominant portion of the American people are engaged enjoyably in water-based recreation highlighting the economic and societal significance of seacreation. Small boats are big business—8 billion dollars each year. National policy should encourage the activity—for here the prospect for major constituency is to be created through education of the sea, and what the uses of the sea mean to mankind.

Comprehensive knowledge and policy provision for fuller uses of the global sea afford new oceanic solutions to problems and crises just as to the fulfillment of mounting human needs; water for human use, energy from sources invulnerable to arbitrary interruption and price manipulation, medicine, food and oceanic space. Dynamic policy can counter a burgeoning adverse balance of trade, mounting welfare rolls and reinforce a faltering inflated economy.

The concept of an American assumption of oceanic leadership entails first and foremost a public educational imperative; for the seas remain distant to the thinking of most people. The finest American minds, honed through the centuries-long vigil of seafaring experience, must mold this enlightened policy. The United States future will be inextricably tied to the oceanic world. How well the Nation rises to this challenge of the sea will depend ultimately upon the enlightenment, the determination, the direction of its policy drive, and thus is a function of how well its people understand the sea . . . every single substantive aspect of the global sea's influence on the human condition . . . For the United States must invest its energies, and ingenuities, as well as additional educative resources in multicultural multidisciplinary oceanic education to sharpen its citizens' understanding of the world ocean . . . Their new knowledge will enrich their sense of the future destiny of this Nation, which manifestly remains oceanic.

And, if the U.S. is to meet, to counter, to control the crises, the confrontations inevitably to arise in the foreseeable future, then the Nation requires mature responsible far-sighted policy—the wisdom, the resolve, the direction of policy to guide its actions. What can readily be foreseen is that the sea is the place to start moving in this policy direction. But we, as landed people, require oceanic education within our schools, our colleges, our universities toward this realization—toward attainment of the full potential of this still great Nation whose heritage is of the sea.●

THE USED CAR RULE—MORE IS AT STAKE THAN PAPERWORK

● Mr. DANFORTH. Mr. President, on March 5, NBC Magazine broadcast a report concerning the treachery that sometimes is found in the sale of used cars. They told the story of Nathaniel Kinny, a custodian, father of two children, going to school to learn how to be a medical technician. Mr. Kinny bought a used car, not knowing that the car had a broken steering mechanism that was held together with baling wire. On Mother's Day in 1977, the baling wire snapped, the car went out of control—and Mr. Kinny was seriously injured. He has been in a coma ever since—5 years. He is likely to be in a coma for the rest of his life.

The Senate will soon be called upon to veto a rule, promulgated by the Federal Trade Commission, which would require used car dealers to disclose known defects in the cars they sell. Dealers who deceive their customers face stiff penalties.

I support the used car rule. I oppose the veto. But it is no secret that those of us who support the rule are likely to lose. It is said that the rule is too burdensome, too hard to understand, too much paperwork. I have studied the rule closely. I have looked for reasons to find it burdensome. I cannot find them.

It is a simple rule. A simple form. And yet it provides a tool for the Federal Trade Commission to prosecute dealers who cheat their customers. It is not a perfect tool. But it does provide some help.

I do not know what the particulars are in Mr. Kinny's case. I do not know if the dealer who sold him his badly used car knew it was defective when he sold it to him. But I do know this. If the dealer did know the car was defective—there is nothing the Federal Government can do today to prevent that dealer from cheating future customers, even if the dealer's stock in trade is cheating people.

In studying the rules and regulations that govern the marketplace it is sometimes too easy to get caught up in concerns over paperwork and to forget why we bother to regulate the marketplace at all. Mr. Kinny's tragic accident reminds us that sometimes concern over paperwork can be misplaced.

As we approach the debate on the used car rule, I hope that my colleagues will give some thought to the concerns which led Congress to direct the FTC to write a rule to govern the sale of used cars. I hope that they will take some time to reflect on Mr. Kinny's story—and other stories like it. There is more at stake in this debate than paperwork.

Mr. President, I ask that excerpts from a transcript of the NBC Magazine program for March 5 be printed at this point in the RECORD.

The excerpts follow:

NBC MAGAZINE EXCERPTS

ANNOUNCER. From NBC News, correspondents Garrick Utley; Betsy Aaron; Douglas Kiker and Jack Perkins, reporting on the NBC Magazine.

PERKINS. Good evening. In your life—if you're in the market for a car—the odds are it's going to be a used car: the way the economy is 4 out of 5 cars bought these days are used cars.

So how to know the car you're buying is good? Trust. Trust the dealer?

If there's something wrong with the car you're considering, even something dangerous, will he tell you? Watch!

MAN. Generally, the car is in rough condition: it's got body damage on the right side; passenger door doesn't close properly; it has a cracked exhaust manifold; the engine does not idle smooth.

PERKINS. Fortunately, these women had taken the used car to an independent mechanic, who told them many things wrong with it. The used-car dealer, trying to sell it to them, had admitted none of those things.

WOMAN. The Car is a hunk of junk.

PERKINS. In Atlanta, Mrs. Ray had not had such foresight: She had bought a used Camaro for her son: the dealer had said it was in fine shape. He had never told her that. In fact, that car had been wrecked, totaled and rebuilt with other car pieces . . . not once but twice. She was stuck.

And, in San Diego, the wreck of a used car, which has left a terrible legacy.

MRS. KINNY. What I would like to say is that the next time they—you know—sell someone a car is to make sure, check—you know—the car properly where there won't be another accident the way my husband is right now today.

PERKINS. Her husband, Nathaniel Kinny. They live in San Diego, married 7 years, 2 children. Mr. Kinny working as a custodian, but going to school to become a medical technician. He needed a car; could only afford $700; bought a used-car: badly used.

On Mother's Day of 1977, Nathaniel Kinny was driving along here on the freeway near San Diego, coming home. And he did not know, because he had never been told, that the steering mechanism of his car had been broken and was held together with bailing wire. Well, that day, a drizzly Sunday afternoon, the bailing wire snapped and his car was thrown violently off the side of the road into the guard rail; careened back into the center of the freeway. He was taken to a hospital unconscious.

He has been unconscious ever since; in a coma almost 5 years: his wife, children and mother-in-law gathering when they can at his bedside to pray with him, but he is not with them.

WOMAN. It's up to the Lord if He takes him or if He don't. I don't have no choice.

PERKINS. The dealer, who sold her husband the car with its steering bound together with bailing wire, has since gone out of business, filed bankruptcy and probably can't be touched.

The Kinny's have medical bills over two hundred thousand dollars and Nathaniel is expected to live comatose for decades.

It's ironic, but also back in 1977, at about the same time Mr. Kinny was buying that car and having that accident, the Federal Government was having a survey done in the San Diego area among used-car dealers. The survey showed that even when salesmen and used-car dealerships knew there was something wrong with the cars they were trying to sell—in 75% of the cases they did not tell the customers.

MAN. The used-car manager, Lloyd Satler mentioned that it had a new paint job, that it may have been in a collision but nothing major; it was like a brand new car.

PERKINS. In Atlanta, Georgia, the O'Connors were not told the truth about the used car they paid $11,000 for . . . but they learned, after a minor accident, when Ray Purette, at a body shop, looked at it.

RAY PURETTE. And during our inspection we found the car had been clipped: cut across the floor.

PERKINS. Clipped—let's define that: literally, the front half of one car welded onto the back half of another to make one whole car out of the halves of two wrecks.

RAY PURETTE. When this is clipped in this way, it's eventually going to break and come loose, which this, with this many holes in it, just over wear and tear it would start out by rusting and then actually just deteriorate the metal and then the car would come apart.

PERKINS. Purette says it wouldn't be safe to fix the car. The O'Connors, of course, had not known it was a clipped car and their insurance company won't pay to fix it because it was a clipped car.

Mr. O'CONNOR. We had to rent a car for 4 or 5 weeks. That got too costly; we couldn't afford it.

PERKINS. And what has that done for you?

O'CONNOR. It's put us in quite a bind: I lost my job. We lost our power for 3 months: we were without power, no electricity at all; due to the fact that we had to put out so much money for this rented car that we couldn't afford to pay our other bills.

PERKINS. So your car is sitting in the body shop and you're still making the payments on it.

O'CONNOR. Right. $365 a month.

PERKINS. Which don't come easy.

O'CONNOR. It doesn't come easy at all.

PERKINS. Authorities say they are finding more and more clipped cars on the road: cars welded together from wrecks; and more and more customers who buy such cars without knowing it.

Another case: New Port Richie, Florida. Three years ago a man, who was driving a Toyota which he had rented from National Car Rental, and he got right along about here and was involved in a 4 car collision. Well, the Toyota was totalled: National Car Rental had to tow it away and sell it off for salvage—which you might think would be the end of that car's history, but no sir. A couple of months later the car showed up again . . . in Atlanta, Georgia.

TERRI CAMPBELL. I looked around the car. He told me that it was automatic; it had all the options that I was looking for on it.

PERKINS. Terri Campbell had gone to Marietta Toyota to buy a used car.

T. CAMPBELL. He said that it had been a new car of theirs and that they had loaned it to a gentleman who had ordered a Supra. And it had been late in coming and they had allowed him to drive it for a few months until it came in, and therefore they had put it over on the other side of their lot and were now selling it as a used car.

MAN. She came to us from an alignment shop, where she had gone to have some work done on the front end, because the automobile apparently wasn't handling properly or whatever.

PERKINS. It was shimmying when she drove fast so she took it into a body shop and asked them to look at it.

MAN (in body shop). After we took a little bit closer look at the car we found that it had been clipped.

PERKINS. Indeed, it was only the front half of the old National Rental Car she had bought; the back half of something else. Well, she got a lawyer and forced Marietta Toyota to take the clipped car back. Whereupon, they just found another customer for it.

MIKE RESONO. I asked him, I said has this car ever been in a wreck; I specifically asked him? He said absolutely not.

PERKINS. Mike Resono, an assistant school principal, bought the car for his wife, who was driving it when one day by coincidence along came Terri Campbell.

T. CAMPBELL. I was over shopping one day and I'd noticed the car in front of me and I recognized the tag number. So I waved the lady down and when she got out of the car I said do you know about this car? And she looked very shocked and she said no, I don't know what you're talking about. And I said well, when they sold it to you, did they tell you what was wrong with it? And she said no, we bought it from Marietta Toyota and they told us nothing about it except it was a good little car.

PERKINS. Resono's wife went home and broke the bad news.

M. RESONO. Well, I had my head in the oven when she came in, because it had just blown up. And I said no, no, we can't have two runs of bad luck in one day, and I said it can't be the same car. I said the car that she's describing was completely torn up, and I said our car, you know, it's just a cute little car, you know, there's nothing wrong with it.

PERKINS. But of course there was. So he took the car back.

Well, meet Bill Sparks, the used car manager from Marietta Toyota: when Resono brought the car back, Sparks said they hadn't known there was anything wrong with it. But they had . . . Terri Campbell had told them.

T. CAMPBELL. They had reports and copies of all the estimates as to what was wrong with the car. They had copies of what I had had fixed on the car to work; just enough to make it driveable, which it wasn't when I took it off the lot. And there should be no doubt, whatsoever, that they knew that the car was a potentially dangerous thing to be driving.

PERKINS. And yet they had sold it again to Mike Resono . . . without telling him. WHY? Well, we asked Bill Sparks and tape recorded his answer.

BILL SPARKS. Well, as far as I know, there's no law requiring that you do tell . . . even if you know.

PERKINS. Isn't there? Tim Reills, Consumer Affairs Director State of Georgia.

TIM REILLS. Well, those actions, if proven in a court of law, of course, would be violations of the State's Fair Business Practices Act and could subject the dealer to some very serious civil penalities.

PERKINS. Well, Mike Resono got himself a lawyer and they forced Marietta Toyota to take the car back again. Whereupon, the dealer wholesaled the car to another . . . who sold it to a woman up in Rome, Georgia named Claudia McClain . . . who had it up again for sale in her front yard when we visited. Bringing Terri Campbell along to identify the car and to tell Claudia what she apparently had not known either.

TERRI CAMPBELL. It has been completely totalled once before. The back end has been clipped and welded from another car.

C. MCCLAIN. My word!

PERKINS. Claudia found it hard to believe, but then . . . who wouldn't.

T. CAMPBELL. It's welded completely across through here.

C. MCCLAIN. I've heard about this recently, but I didn't believe it could be done.

T. CAMPBELL. You'll find your weld right across there.

PERKINS. Claudia had been asking 4,000 for the car. It's worth 1,500, at the most, as salvage.

And we went back to the body shop with photos. The welds on the clipped car have started gapping.

B. SPARKS. I just get chills, thinking about somebody fixing a car like that for me and I had to drive it down the road: I'd be scared to death.

C. MCCLAIN. This sounds stupid, but I kept thinking I'm going to get killed in that car. I kept thinking over and over. I kept saying I'm going to sell it and I'm going to get me a big car. But it's not for sale . . . not anymore.

PERKINS. And finally, back to Marietta Toyota: this time to find the owner, an angry Harvey Struther. My name is Jack Perkins, I'm with NBC News.

H. STRUTHER. My name's Harvey Struther, Mr. Perkins.

PERKINS. Yes, sir. Would you like to get your hand off our camera, please.

H. STRUTHER. Would you get off my property!

PERKINS. Do you like to discuss the sale of a car, a clipped car.

H. STRUTHER. No, sir. I have no comment.

PERKINS. That your place here sold twice to people, never telling them it was a clipped car.

H. STRUTHER. I have no comment.

MAN. Just wait a minute . . . I believe you're trespassing.

H. STRUTHER. Will you get off my property!

Perkins. Sure. Of course we will.

H. Struther. All right.

Perkins. If you ask us, we will of course, sir.

H. Struther. All right.

Perkins. But you don't want to discuss this clipped car that you sold to 2 people, never telling them the truth about this.

H. Struther. No, sir, I have no comment.

Perkins. Never telling them the truth.

H. Struthers. I have no comment.

Man. I believe you're trespassing. Please leave!

Perkins. We're leaving.

Man. All right, good.

Perkins. Nice to meet you, Mr. Struthers.

Harvey Struthers. It's not nice to meet you, Mr. Perkins.

Perkins. Whenever a survey is done, showing that among the people least trusted in our society are politicians and used car dealers, used car dealers say they're getting a bum rap. . . . So do politicians.●

TRIBUTE TO THE NATIONAL FEDERATION OF PARENTS FOR DRUG FREE YOUTH

● Mrs. HAWKINS. Mr. President, as chairman of the Senate Drug Enforcement Caucus, I want to join with my Senate colleagues to praise the efforts and leadership of the National Federation of Parents for Drug Free Youth—a broad based, nonpartisan, tax-exempt organization—formed to combat the devastating impact of drug abuse on our children.

Established only 2 years ago, the National Federation of Parents for Drug Free Youth (NFP) now has over 3,000 affiliated groups and offers help in starting new chapters. The success of the NFP gives hope to millions of young people across our land. Through the generous leadership of William Barton of Naples, Fla., the NFP is now established as one of the most effective organizations fighting drug use among adolescents.

I urge my Senate colleagues to join the National Federation of Parents for Drug Free Youth in their attack, through education and prevention, on youth drug abuse. I ask that Suzanne Garment's Wall Street Journal article of March 26, describing the efforts of William Barton and the success of the NFP be printed in the Record.

The article follows:

[From the Wall Street Journal, Mar. 26, 1982]

The Middle Class Starts to Reclaim the Drug Issue

(By Suzanne Garment)

The big public do at the White House this week was not some opulent state dinner but an event called the White House Briefing on Drug Use and the Family. ACTION, the government's agency in charge of volunteerism, put it on the spread the idea of doing more about drug use among kids. The cast of characters included parents' group representatives, business executives and foundation heads, with participation by Mrs. Ronald Reagan. At first blush, it looked like an exercise in worthy futility. It turned out to be something quite different.

The topic of drugs and children is fairly absorbing to large parts of this country. But few issues would seem to be worse targets for a bigger federal policy initiative, or indeed for any initiatives at all. First no one knows exactly what to do about the problem. More important, we have gone through some 15 years of increasing disagreement over just what the problem is. The confusion began, of course, with the counterculture, which tried to legitimize the use of drugs other than alcohol. The counterculture phenomenon itself was as short-lived as such fashions usually are, but by the time it faded it had left our disapproval of drugs in a seriously weakened state.

We were all still against heroin, of course, and drug-related muggings in the streets, but the rest of the lines had been blurred. We had been taught the difference between hard drugs and soft drugs and had learned that using a drug for occasional recreation is different from being a junkie. Everyone had heard how pot was less hazardous to the health of the rest of us than alcohol or tobacco. And parents were told that they should see to it that their little ones learned to use their drugs of choice in a responsible manner.

This new sophistication informs many of the drug education programs run by professionals in schools and other community institutions. But meanwhile, in the past few years, something largely unheralded has arisen in respsonse to the situation: parents' self-help groups.

These groups appear to be a truly spontaneous phenomenon. But they now have a peak organization, the National Federation of Parents for Drug Free Youth, which claims some 3,000 affilitate groups and offers help in starting new ones. And the most definite message its members delivered at the White House briefing was that they do not like the language in which many of the professionals and enlightened opinion leaders have been talking about the children's drug problem.

William Barton, the group's president, is at pains to emphasize that it is not a bunch of Moral Majoritarians sitting around condemning this generation's sin while condoning its own. "We adopt a 'noblame' attitude toward the situation," he states repeatedly. They fully accept the seriousness of the alcohol abuse problem, and they are less concerned with the theoretical evils of drugs than with concrete effects on the emotional development of adolescents. But they won't go for the idea that parents who like their beer with the Sunday afternoon football game give up the right to raise the roof about marijuana. And the group is hardly retiring in its policy ambitions.

Its members encourage anti-drug education in the schools. They push legislative acts like the current moves among states to ban the sale of drug paraphernalia and raise drinking ages. They round up medical and other experts to shore up their anti-drug case. They aim to put on the pressure to reduce what they call the "do drugs" message spread by cultural media from rock songs to advertising.

Parents' group representatives at the briefing described these activities in consistent phrases. "We had thought that our children used drugs because of our neglect," said one. "We were told that marijuana was harmless, that we shouldn't hassle our kids, that we were hypocrites if we drank alcohol."

"The government policymakers who thought drug use was here to stay," ran a complaint, "said we had to teach kids how to 'use them responsibly.' This was part of the drug education programs. Parents seeking help from the established drug counselors got this—and the message that 'it's your fault.'"

"We have moved from a position of helplessness," one woman summed up, "to a position of strength." "There has been a change," ran another version, "from a feeling of impotence to one of control over our lives."

These people are moved, of course, by the concrete reality of their kids' drug problem. But they seem moved as much by a sense that for a long time, opinion leaders have deprived them of the moral right to deal with it. They are resentful at having been told that what they perceived as a momentous threat was not such a big deal, and that the anger they felt must be directed against themselves. This meeting was not a group of workers from the helping professions telling the middle class what is good and bad for it; it was the middle class trying to take back this piece of their lives from those professionals who told them they were helpless to control it.

The techniques they propose—the education efforts, the pressure on legislators, the moral suasion—may of course be only marginal in their effect on teen-age drug use. What may be more significant is that these people are organizing in a mode Tocqueville would have recognized to address their problem through common action and mutual encouragement. It is a small sign. But after decades of the unraveling of the many pieces that make up national will, it is something to see people try to take a step toward knitting it up again.●

RULES OF THE COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION

● Mr. PACKWOOD. Mr. President, pursuant to the requirements of Senate rule XXVI, I am herewith submitting, for publication in the Congressonal Record, a copy of the rules of the Committee on Commerce, Science, and Transportation.

The rules follow:

Rules of the Committee on Commerce, Science, and Transportation

I. MEETINGS OF THE COMMITTEE

1. The regular meeting dates of the Committee shall be the first and third Tuesdays of each month. Additional meetings may be called by the Chairman as he may deem necessary or pursuant to the provisions of paragraph 3 of rule XXVI of the Standing Rules of the Senate.

2. Meetings of the Committee, or any subcommittee, including meetings to conduct hearings, shall be open to the public, except that a meeting or series of meetings by the Committee, or any subcommittee, on the same subject for a period of no more than 14 calendar days may be closed to the public on a motion made and seconded to go into closed session to discuss only whether the matters enumerated in subparagraphs (A) through (F) would require the meeting to be closed followed immediately by a record vote in open session by a majority of the members of the Committee, or any subcommittee, when it is determined that the matters to be discussed or the testimony to be taken at such meeting or meetings—

(A) will disclose matters necessary to be kept secret in the interests of national defense or the confidential conduct of the foreign relations of the United States;

(B) will relate solely to matters of Committee staff personnel or internal staff management or procedure;

(C) will tend to charge an individual with crime or misconduct, to disgrace or injure the professional standing of an individual, or otherwise to expose an individual to the public contempt or obloquy, or will represent a clearly unwarranted invasion of the privacy of an individual;

(D) will disclose the identity of any informer or law enforcement agent or will disclose any information relating to the investigation or prosecution of a criminal offense that is required to be kept secret in the interests of effective law enforcement;

(E) will disclose information relating to trade secrets of finanical or commercial information pertaining specifically to a given person if—

(1) an Act of Congress requires the information to be kept confidential by Government officers and employees; or

(2) the information has been obtained by the Government on a confidential basis, other than through an application by such person for a specific Government financial or other benefit, and is required to be kept secret in order to prevent undue injury to the competitive position of such person; or

(F) may divulge matters required to be kept confidential under other provisions of law or Government regulations.

3. Each witness who is to appear before the Committee or any subcommittee shall file with the Committee, at least 24 hours in advance of the hearing, a written statement of his testimony in as many copies as the Chairman of the Committee or Subcommittee prescribes.

4. Field hearings of the full Committee, and any subcommittee thereof, shall be scheduled only when authorized by the Chairman and ranking minority member of the full Committee.

II. QUORUMS

1. Nine members shall constitute a quorum for official action of the Committee when reporting a bill or nomination; provided that proxies shall not be counted in making a quorum.

2. Six members shall constitute a quorum for the transaction of all business as may be considered by the Committee, except for the reporting of a bill or nomination; provided that proxies shall not be counted in making a quorum.

3. For the purpose of taking sworn testimony a quorum of the Committee and each subcommittee thereof, now or hereafter appointed, shall consist of one Senator.

III. PROXIES

When a record vote is taken in the Committee on any bill, resolution, amendment, or any other question, a majority of the members being present, a member who is unable to attend the meetings may submit his vote by proxy, in writing or by telephone, or through personal instructions.

IV. BROADCASTING OF HEARINGS

Public hearings of the full Committee, or any subcommittee thereof, shall be televised or broadcast only when authorized by the Chairman and the ranking minority member of the full Committee.

V. SUBCOMMITTEES

1. Any member of the Committee may sit with any subcommittee during its hearings or any other meeting but shall not have the authority to vote on any matter before the subcommittee unless he is a Member of such subcommittee.

2. Subcommittees shall be considered de novo whenever there is a change in the chairmanship, and seniority on the particular subcommittee shall not necessarily apply.●

HIGH TECHNOLOGY TRADE

● Mr. GLENN. Mr. President, on March 25, I introduced S. 2283, the High Technology Trade Negotiations Act of 1982. The purpose of that bill is to provide the President with a mandate to move forward vigorously in negotiations on high technology trade.

Today, I want to call the attention of my colleagues and other thoughtful readers of the CONGRESSIONAL RECORD to an article in this morning's Washington Post by Robert Samuelson. Mr. Samuelson outlines clearly the impact of technological change on international trade. The rapid rate of such change and its swift diffusion throughout world markets pose problems for our international trading system that we must immediately address. For the sake of the continued vitality of our high technology industries and our future international competitiveness we must act now to reach international agreements on rules of free trade in high technology.

I ask that the full text of Mr. Samuelson's article be printed in the RECORD.

The article follows:

TECHNOLOGY'S PROGRESS CAUSING TRADE SHIFTS

(By Robert J. Samuelson)

The Perkin-Elmer Corp. of Norwalk, Conn., makes machines that make small electronic "chips." It sells a lot of these machines to Japanese companies. With the Perkin-Elmer machines, the Japanese then export to the United States and wallop American chip firms.

American disillusionment with free trade is that simple. It reflects a growing realization that U.S. technological superiority is fast waning. Even where it still exists, the superiority sometimes leads (as with Perkin-Elmer) to perverse results. And it clearly no longer shields the United States from trade injuries by minimizing import threats.

It is difficult to overstate the importance of this technological change. The postwar trading system, devised mainly by the Americans and the British, rested on two political pillars: first, relatively full employment to dampen protectionist pressures and, second, strong leadership of a large nation (the United States). Both are now disintegrating.

To see the United States as a technological laggard is, of course, nonsense. The U.S. labor force still contains the largest proportion of scientist and engineers of any non-Communist country. But the share is declining, and both West Germany and Japan spend more of their gross national product—2.2 percent and 1.9 percent respectively—on civilian research and development than does the United States (1.7 percent).

More important, Americans have only recently recognized such changes. Until at least the mid-1970s, the prevailing complacency about the permanence of U.S. superiority promoted an expansiveness about the international uses of technology. Said a trade analyst, "You had a group of people who thought they could build a better world."

The consequences were not entirely selfless. U.S. multinational companies spread around the globe—a trend that was seen as spurring economic growth and friendship with the United States. Foreign students and executives could freely attend American universities; in 1980, 15,000 foreign students studied mathematics and computer sciences in U.S. schools.

All this reflected a general willingness to share technology. Perhaps the most dramatic episode involved Bell Laboratories' invention of the transistor in the late 1940s. For a modest $25,000 fee, anyone who was interested could attend an eight-day symposium describing what the transistor could do and how it was manufactured. Twenty-five U.S. and 10 foreign firms showed up.

The upshot is a world in which technology knows few national borders. A new process or product can spread quickly to almost any place with the technological know-how and economic resources to put it to use. This occurs through countless mechanisms, including outright theft, multinational companies, the cross licensing of patents and joint ventures.

A more significant channel for technology transmission involves multinational firms. In their early years, U.S. multinationals tended to keep their best products and technologies home, setting up foreign plants for older products. Now, Harvard researcher Raymond Vernon finds that transfers occur much faster. By the early 1970s, overseas production started within a year of U.S. introduction on nearly two-fifths of innovations studied by Vernon.

Only dilemmas flow from this mobility of technology. The example of Perkin-Elmer is hardly unique. High-technology exports still buttress the U.S. trade balance, but they sometimes invite more imports. In 1981, the trade surplus on capital investment goods totaled $45 billion; a third of American textile machinery went abroad, a fourth of farm equipment and a fifth of welding equipment. Meanwhile, the deficit on consumer goods and autos was $34 billion.

Bottling up U.S. technology is nearly impossible. In many high-technology industries, executives have concluded that patents provide little protection. Separate patents must be secured in each country, and defending them is costly, time-consuming and sometimes futile. The only penalty imposed on offending firms is often a requirement to pay licensing fees.

Even if practical, restrictions might do more harm than good. The spread of technological competence means that U.S. firms can often benefit by developments elsewhere . . . The Xerox Corp. now regularly exchanges patent licenses with Japanese rivals.

The political repercussions of the shifting technological advantage are clear. When the United States reigned supreme, American firms and workers existed comfortably in a sellers' market. Now, their success depends more on their cost-competitiveness, salesmanship and ingenuity. The rivalry is as much cultural and political as economic. Americans see themselves as having to conform to the wage levels, work habits and institutional peculiarities of other nations—and they don't like it.

Japan is the first example of this new competition, but it probably won't be the last. Besieged American firms and workers increasingly indentify the causes of their own difficulties in the unfamiliar practices they find in other countries economic or political systems. These differences are then labeled as "unfair" advantages and offered as justification for retaliation.

Differences are plentiful, but their significance is unclear. Japan has protected many key industries, including chip manufacturers. Imports and foreign investments were restricted until domestic firms were competitive, making import penetration by U.S. firms more difficult. But defense and space contracts gave U.S. chip firms a head start not enjoyed by the Japanese.

The real source of trouble lies in changed technological realities. If this is plain, what the United States will do about it is not. Figuring out what's wrong with the status quo is a lot easier than finding something better to replace it.●

FCC'S NOTICE OF PROPOSED RULEMAKING

● Mr. GOLDWATER. Mr. President, in the Congressional Record of March 17, 1982, Congressman Timothy Wirth, chairman of the House Subcommittee on Telecommunications, Consumer Protection, and Finance, added to the legislative history of S. 271, the Record Carrier Competition Act of 1981 (Public Law 97-130), by including a portion of the floor debate that had been inadvertently omitted from the Record. In the course of inserting the full colloquy, Mr. Wirth also commented on a notice of proposed rulemaking that has been issued by the Federal Communications Commission (FCC) in the course of implementing that statute. On the important issue of the financial arrangements for interconnected traffic, Public Law 97-130 requires the equitable allocation of revenues for the provision of joint and through service. I am concerned that Congressman Wirth's remarks may have effects that were never intended by me, nor any of my Senate colleagues when this bill was enacted.

Mr. Wirth criticizes the FCC for concluding in its notice of proposed rulemaking that no discount should be employed for connecting carriers. Congressman Wirth goes on to say that:

> It was the clear intent of Congress that some appropriate discount should be given to connecting carriers, because recognition of the cost savings associated with providing connecting service, and of the particular rate structure of the dominant domestic record carrier is necessary to implement the procompetitive mandate given the Commission as part of the legislation.

I believe that the legislative history of this bill clearly indicates congressional intent to leave such a determination to the FCC and its expert judgment. Neither the Senate nor the House took any evidence on this point, and as far as I am concerned, neither body intended nor was in a position to make a binding judgment as to whether there are any cost savings to form the necessary basis for a discount, or how much those cost savings amount to. In fact, at the time of the deliberations on this bill, I was aware of the existence of a pending investigation at the FCC on this discount issue, and would have declined to take a position on it. I understand that an administrative law judge at the FCC has recently made a finding in that case. These are issues the FCC must resolve—not Congress.

I do not mean to imply that the FCC's notice of proposed rulemaking, referred to by Congressman Wirth, is "right," any more than Congressman Wirth or I would be in an informed position to call it "wrong." What I can say with certainty is that this is a matter that we entrusted to the expert judgment of the FCC, and the FCC should call this one as it sees it.●

WASTE IN THE U.S. GOVERNMENT: WASTING THE CIVIL SERVANTS

● Mr. MATHIAS. Mr. President, "reductions in force," RIF's, are sweeping across this Nation like brush fire that sweeps through a rain starved forest. And in their wake, they are leaving just as much damage and devastation.

I would guess that just about every one of my colleagues has a personal tale to tell about a constituent who has been RIF'd. On Sunday, Haynes Johnson told a tale of his own in the Washington Post. Mr. Johnson's tale was about a friend of his, about that friend's RIF, and about the RIF's effects on that friend and his family. But most importantly, the tale got into the real heart of the problem with RIF's—especially the kind we have been seeing lately. Mr. Johnson quoted his friend, who explained it so well:

> As I've said to you before, there is waste in government. There's no question about it. But the way waste has been addressed is abysmal. It's ridiculous. Two administrations in a row have run against the government worker. What they've done is contribute to what they're trying to undo. The danger is that the kind of milieu we're developing now in the government could be translated into a much larger hurt for this nation.

Mr. President, that hits the nail squarely on its head. Federal spending reductions—bringing the economy under control—are a priority of the administration and the Congress, and rightfully so. There can be arguments as to how much to cut, where to cut, when to cut. But there can be no argument that the burdens of sacrifice resulting from those cuts must be shared equally. Additionally, there can be no argument that inefficient cuts should be tolerated.

There is a certain air of bitterness around Washington and its suburbs. Government employees feel that they are being singled out to bear the brunt of spending reductions. To me, that does not spell equality of sacrifice. And, it does not make sense. If you RIF'd the entire Federal civilian work force, you would only be reducing the Federal budget by about 6 percent. That is only a few drops in a leaky budget bucket.

More telling, however, is the cloud gathering in the air about Federal employment. Public service is no longer a thing to strive for; in fact, it is fast becoming something to avoid at all costs. As Mr. Johnson's article so eloquently expresses, this is the one result that we, as a nation, cannot afford. This is the ultimate in inefficiency. It must stop now, before we reach the point of no return.

Mr. President, I believe that all of us would greatly benefit from reading and taking to heart the Haynes Johnson column of this past Sunday. I, therefore, ask that it be printed in the Record.

[From the Washington Post, Mar. 28, 1982]

WASTE IN THE U.S. GOVERNMENT: WASTING THE CIVIL SERVANTS

(By Haynes Johnson)

Burke Walsh is a friend of long-standing, and, as always with true friends, it doesn't really matter whether you continue seeing each other. In the nature of our busy lives, years have passed without contact. Still we find ourselves easily picking up the threads of the old friendship when thrown together again.

I say this up front to acknowledge that what I write about Burke here is colored by that personal relationship.

We first met, as members of the same platoon, falling out of the same barracks during infantry basic training at Indiantown Gap, Pa., more years ago than I care to recall. Aside from being new draftees just out of college, we had other things in common, among them an interest in history and writing. I much appreciated his wry and humorous, yet thoughtful, cast of mind. We became close. Then, in the way of the Army, we separated. Burke stayed in the infantry. While I made a bypass for further artillery training, he went directly to the front lines in Korea. Some years and many experiences later we found ourselves in Washington, both married, starting families, and in different lines of work. Occasionally our paths would cross; more often they would not.

I recite this background only because I have known him well enough to be able to persuade him to talk openly about the painful situation in which he now finds himself. He agreed to do so, at my urging, because he knows his case is far from uncommon and believes useful lessons may be drawn from it. Typically, he speaks with remarkably little bitterness and anger, considering his circumstances, and from a broad perspective.

His story deserves telling for other compelling reasons.

Aside from the personal anguish he and his family are experiencing, the example of Burke Walsh illuminates a critical public question: the working of the Federal government. It underscores one of the Reagan administration's blackest marks, the mindless wholesale destruction of the career public service, one I believe will cause damage to the country for years to come.

Two weeks before Christmas, Burke was informed he would be dismissed from his federal government job, effective New Year's Eve.

He was a victim of a sweeping government reduction in force—or RIF, in Washington parlance—sharply cutting back the Labor Department's Employment and Training Administration, the so-called CETA program. In particular, the information office in which he was working was being drastically reduced in size. He, and others, were out.

The dismissal meant more than the loss of his $50,000, Grade 15 government job, with all the obvious hardship for his family, the children's education, the mortgage payments and the rest. It meant the end of a government career for which he had been recruited, and in which he had performed well.

And, Burke quickly found out, it also meant a severe problem he had not anticipated. Including his Army time, he has 17 years of government service, three years shy of qualifying for a pension. Yet, under the present system, he will not be eligible for any pension payments for nine more years when he reaches the age of 62.

What's more, he has found the government is singularly unconcerned about what happens to the career people it is dismissing, for no fault of their own.

"To my knowledge," he says, "there is absolutely no real assistance that you get once you are dismissed. No official representative of the government has ever contacted me. There has never been any official prescription of jobs or availabilities afforded me from the government for placement. There is no effort by the government to help me find jobs in private industry or in government. There's no government-wide policy to help someone in my circumstance, and that is the truth.

"As far as my department is concerned, there was no review of my situation taking into consideration the length and effectiveness of my service. No one ever really reviewed to see what kind of work I had done. I fitted into a slot that was official and I was dismissed. I had no recourse as far as that dismissal was concerned. There was no consideration of the fact that I was what in the government is called a five-point veteran. My wartime service in Korea did me no service at all. There was no panel that I could go to and say, 'Look, I've been here for 17 years counting my service time. Maybe you'd like to take a look at this thing and ask whether you really intend to dismiss senior officials in their fifties. But this was not done for me, and it was not done for anyone as far as I know.' "

Recently, a number of news stories have recounted the obvious personal anguish of people suddenly riffed from government service. Burke's is no less severe. Perhaps, though, he expresses the hurt more eloquently than some. He always was good at putting feelings into words.

"There's a perhaps unnecessary but pervading embarrassment that attends this situation," he says. "There's an embarrassment that you personally feel. There's an embarrassment that you feel with your peers and your family. You know they're feeling an embarrassment for you that you try to avoid as far as your dealings with them are concerned.

"You're embarrassed for yourself, and you're embarrassed for them. You can't avoid the feeling that the people around you have the feeling that there was some inadequacy on your part that led to your dismissal. You failed somehow. You failed them, and you failed yourself. All at a point in your career when you can't expect to have to come to grips with failure. You've done all the right things, made all the right moves. You've driven yourself to this point in a career—a career, not a job—and someone comes along and says you've done nothing wrong, but now you're out. And people look at you and they're embarrassed for you, and you are for yourself. It's a two-way street, and it's the damnedest two-way street you've ever been on.

"I've talked to people on the phone about this. I've talked to them face to face and, Haynes, this is the God's honest truth, I've had at least three or four people say to me, 'I could not take it.' They come just short of saying, 'Burke, I don't know how you haven't put a bullet in your head.' "

Burke is a proud man, and he remains proud of what the government has been and should be.

"I come from a family that's been in Washington for 135 years," he says. "They came here from Ireland, through Philadelphia. My great-grandfather was maitre d' in the Willard Hotel during the Civil War. He was a Confederate, friend of Jubal Early. Used to go out in the weeds and talk to him. That's the last time that we had a subversive in the family that I know of. All of our family have been—well, we've got our military heroes. My grandfather and his group of Emmett guardsmen charged up San Juan Hill with Teddy Roosevelt. Literally did. One of the few people that actually got to shoot a Spaniard during the Spanish-American War. He went on to the Philippines. My father was in naval intelligence, so I have all kinds of Washington credentials, and rather honorable ones, I would think.

"I have a background that gives a sense of government. I didn't work for Ronald Reagan or Jimmy Carter or anyone else. From the day I came in, I felt that I had an obligation to the United States government. And if you want to know the truth, I feel the United States government has let me down, because I never broke faith with them. I was encouraged to come in. They asked me. I joined the government as a career station in life, not to get rich. I must confess, I joined it for the security of government, plus the fact I was told my talents would enhance government.

"As I've said to you before, there is waste in government. There's no question about it. But the way waste has been addressed is abysmal. It's ridiculous. Two administrations in a row have run against the government worker. What they've done is contributed to what they're trying to undo. The danger is that the kind of milieu we're developing now in the government could be translated into a much larger hurt for this nation.

"We've got to stop picking on the government. First of all, *we* created the government service. This nation created it. It's like the separation of church and state. It's an abiding thing there. It's part of the United States. It's like the Army and the Defense Department which are held in such reverence. It's there. It's part of what makes this whole thing go. Yet we've attacked it like it's a bastard child. If we don't stop this we'll be killing ourselves."

I would not air Burke's story, nor would he want me to, in this space if it were seen only as one more personal account of hardship, valuable though such renderings may be. The larger point involves the damage now being done the government service.

A day will come, if it isn't already here, when the United States will need its most capable citizens to serve. How can the government possibly expect to attract such people when it, and its highest leaders, treat them so miserably?

To ask the question is to answer it.●

SYMBOLS OF FAITH

● Mr. MATHIAS. Mr. President, today, everywhere we look, we see evidence of the destructive forces that work to divide men and nations from each other. We have constantly before us some new example of man's inhumanity to man. And it is no wonder spirits flag.

In such times, the appearance of an exhibit like "Symbols of Faith" can have a breathtaking effect. This unique and beautiful exhibit, now on display at the National Geographic Society's Explorers Hall, reminds us of the common heritage of the world's three great monotheistic religions: Judaism, Christianity, and Islam. And it recalls us to what is surely the most fundamental duty of mankind: To search for the common bonds that are capable of sustaining our common future.

In the "Symbols of Faith" exhibit, each faith is represented by an item of artistic and cultural significance: The Jewish Hanukah menorah, the Christian icon, and the Muslim prayer rug. An orientation room explores the common roots of the three religions and some of the symbols they share, including light, the Tree of Life, and the hands.

Since its opening on December 10, hundreds of visitors have been fascinated by the elements of art, history, and religion which are so effectively combined in "Symbols of Faith." The exhibit has not only refreshed the spirits of its visitors, but it has been instrumental in strengthening ties among the three religious communities of the greater Washington area.

Organized by the National Committee: Islam Centennial Fourteen in conjunction with the National Geographic Society, the exhibit contains objects lent by a variety of organizations including B'nai B'rith International, the Textile Museum, the Jewish Community Center of Greater Washington, the National Cathedral, the Smithsonian Institution's Museum of Natural History, and last, but certainly not least from the point of view of a Senator of Maryland, the Walter's Art Gallery of Baltimore.

Separately, each object is lovely and inspiring. Collectively, they provide impressive documentation of the rich heritage shared by all three faiths. It is a heritage capable of sustaining the peaceable kingdom. It is up to us to build that kingdom.

The "Symbols of Faith" exhibit will close on April 18. I commend it to the attention of my colleagues and to all of those who feel, as I do, the need to restore the soul in these dispiriting times.●

SOIL EROSION PREVENTION

● Mr. ARMSTRONG. Mr. President, on November 9, 1981, I introduced S. 1825, a soil erosion prevention bill designed to end Government subsidies on crops grown on newly plowed fragile grasslands.

Since the introduction of this important measure, a great deal of press coverage has focused public attention on this debate. Among the various editorials on the subject, Colorado Farm Bureau President Keith Propst's monthly column rings especially true. The Propst family has been farming in eastern Colorado for over a century and his column lends a perspective to the issue that cannot be overemphasized. That is, that the plowing of these fragile grasslands in such massive proportions is destroying our farmland.

In the immediate future, it is the farmer in these areas that will suffer from the destruction of the lands around him, but in the long run, the suffering will be worldwide, among all people who depend on the American agricultural system for their food.

I ask that Mr. Propst's excellent commentary be printed in the RECORD and I commend it to the attention of my colleagues.

The commentary follows:

STRAIGHT TALK

(By Keith Propst)

A recent survey reveals that over 390,000 acres of fragile grasslands on the eastern plains of Colorado have been plowed in the last three years.

This is a startling statistic when coupled with the fact that, in the same period, there has been an oversupply of wheat and prices have been marginal, to say the least.

Why would sandy pasture that is highly susceptible to wind erosion be plowed now? Much of this land just recently had recovered from the ravages of the dust bowl of the '30s.

Millions of dollars in soil conservation payments and years of tender, loving care had finally re-established a native grass cover to this soil that was nearly destroyed by wind and drought a half century ago.

Now those farmers who have learned to farm the government much more skillfully than the soil are at it again, destroying in a few hours what has taken a half century to establish.

These farmers have found there is little discipline built into government farm programs. The irresponsible usually are rewarded at the expense of the responsible who are trying to make the programs work right.

The thinking goes something like this: Raise the wheat. If there is a surplus, the government will support the price. If there is a disaster, they will pay disaster payments. Next year, if they require set aside, I'll set-aside the blowouts because they don't raise anything anyway. If all else fails, they will pay conservation payments to reseed it to grass.

If I get a good crop going, I'll sell to some unsuspecting Canadian, German or Arab and let him worry about it. Besides, I'll get capital gains from the sale of the land.

Too often in the past, that has been scenario.

There is a bill being introduced in Congress by Senator William Armstrong that would change all of that. It simply states that if fragile grasslands that have not been farmed in the last 10 years are plowed, they are ineligible for all government prices supports and disaster payments.

The Colorado Farm Bureau, at its convention in Colorado Springs in December, took action which supports this position. As a result of our recommendation, the American Farm Bureau Federation adopted a similar position.

We defend to the end the rights of private property. If a man owns a piece of land, he should be able to do what he wants. However, if as a result of his bad management he destroys other people's property by dust and land erosion, he should be responsible for the damage done. Our first responsibility as farmers is to be good stewards of the land and to pass it on to future generations in at least as good condition as it was passed to us.

Government farm programs that encourage irresponsibility must be changed.

As one crusty old rancher on the eastern plains put it, "it is time to take away the cookies."●

U.S. SALES OF SOPHISTICATED WEAPONS

● Mr. HART. Mr. President, 5 weeks ago, 33 of my colleagues from both sides of the aisle joined me in sending a letter to President Reagan expressing our deep concern about the possibility of U.S. sales of sophisticated weapons to Jordan, and calling upon the President to declare immediately and publicly that any such proposal would not be developed until after the administration had had thorough, comprehensive consultations with Congress.

Nothing that has happened in the past 5 weeks has diminished that concern. On the contrary—I have received letters from two administration officials which confuse, rather than clarify, the administration's position on the issue. In his carefully worded letter to me of March 23, the Assistant Secretary of State for Congressional Relations wrote that—

> There has been no change in our military supply relationship with Jordan and that Secretary Weinberger returned from Jordan with no new arms requests.

That is not the same as saying there are no plans afoot to sell sophisticated arms to Jordan, and not at all the same as making an unequivocal statement that the administration agrees to involve itself in the widest range of congressional consultation and public discussion before proceeding with a proposal that will, without doubt, provoke an unnecessary and divisive confrontation with Congress.

In a March 26 Washington Post article, Georgetown University Prof. William V. O'Brien lists a number of reasons not to proceed with the development of this proposed sale—not the least of which is what Professor O'Brien calls "the perpetuation and acceleration of a technological arms spiral in the Middle East."

In an equally articulate criticism of another ill-defined and hastily thought-through piece of the administration's Middle East policy puzzle, Thomas Dine and Aaron Rosenbaum forcefully condemn the recent decision to remove Iraq from the list of nations supporting international terrorism—apparently to pave the way for sales of militarily useful equipment which does not require prior congressional approval. As Mr. Dine and Mr. Rosenbaum accurately point out, nothing the Saddam Hussein regime has done in the past 12 months has diminished its unwavering opposition to Israel's very existence or its support for the Iraqi proxy in the Palestine Liberation Organization, the terrorist Arab Liberation Front. Indeed, as Senator BOSCHWITZ pointed out last Wednesday, the Congressional Research Service undertook a study which listed at least a dozen acts of terrorism claimed by Iraq-backed terrorist groups in the past 2 years.

I commend these two articles to my colleagues and ask they be printed in the RECORD.

The articles follow:

TWO MISTAKES: BEFRIENDING IRAQ . . .

(By Thomas A. Dine and Aaron D. Rosenbaum)

Suddenly, like the footprint Robinson Crusoe discovered, the tracks of a policy begin to appear. First came word of the victories Iranian suicide squads had achieved over Iraqi army units. Then reports of a rapprochement between the Soviets and the mullahs in Iran. Leaks to the press recounted the weapons and spare parts Iran has been able to purchase from a variety of countries. They also documented Iran's renewed campaign to destabilize the conservative sheikdoms and kingdoms of the Persian Gulf. Then came the announcement that the United States had removed Iraq from the list of nations supporting international terrorism. Within days, a trial balloon was floated speculating on what arms and supplies the United States might now be able to provide to Iraq.

It appears that the Reagan administration is attempting to woo Iraq and to take its side in the war with Iran—a conflict that Iraq started.

Three approaches are converging: the administration's anti-Soviet drive, its move to stabilize the Persian Gulf and its approach to Arab-Israeli peace. But a tilt toward Iraq will much more likely hurt U.S. interests in these areas than promote them.

Iraq is doomed to lose its war with Iran. This is not just because the Iraqi strongman, Saddam Hussein, calculated incorrectly that the Iranian regime would collapse when he struck in September 1980. It is not just because Iraq's army has proved to be no more competent against Persians than it was against Kurds or Israelis. Rather, Iraq must lose because the Iranians have a clear purpose verging on fanaticism: even when they were losing, the ayatollahs showed none of the pragmatism and "good sense" that are the indispensable precursors of an admission of defeat.

The current war of attrition is an empirical win, for the Iranians know that the longer Saddam Hussein is bled in his war, the surer are the chances that the Iraqi army will overthrow him.

America's siding with Iraq, then, will not change the political outcome of the war. It will certainly not send a message to the mullahs, who demonstrated with the seizure of the American hostages their utter contempt for the United States. Favoring Iraq will give a powerful argument to Iranians favoring closer ties to the one-time Soviet "Satan," and to Soviet diplomats now offering blandishments to suspicious mullahs. It will also give Iran a public justification for increasing its subversion of the Gulf sheikdoms.

The administration is moving toward the incredible point of rapprochement with Iraq because Washington's petrodiplomatic complex of Arabists, oil executives, international contractors and bankers has succeeded in establishing an image of Iraq as "moving away from the Soviets" and "not all that radical."

Curiously, this was an early Carter administration fantasy, beginning in 1977, when the rulers in Baghdad began to make major industrial purchases in Western Europe. They also moved to replace Egypt as the leader of the Arab world—this after having led the campaign to suspend Egypt from the Arab League at the two Baghdad conferences. With the demise of the shah and the Soviet invasion of Afghanistan (an event in which the U.S.S.R. used Iraqi facilities), Saddam Hussein began to publicly condemn the presence of any superpower in South Asia and the Persian Gulf.

Iraq's promoters in the United States, such as national security adviser Zbigniew Brzezinski, drastically misread Saddam Hussein's intentions. Iraq opposed a Soviet presence in the Persian Gulf because Iraq itself wanted to fill the vacuum left by the shah. Iraq's opposition to America's own policies in the area was undiminished. Iraq accepted the slightly less maximalist Arab-Israel "peace" plank at the Baghdad conferences because it was by this means that Iraq could co-opt leadership of the Arab mainstream. In his remarks to the second conference, Saddam Hussein specifically reserved Iraq's right to oppose Israel's very existence. What he pledged was to suspend efforts to overthrow Arab regimes that publicly disagreed. This was hardly genuine moderation.

Iraq today may appear less visibly supportive of terrorism and less outspoken against Israel. This is, however, solely the product of the regime's preoccupation with both the war with Iran and Iran's renewed effort to stir up Iraq's Shi'ite majority against the secular-but-Sunni Moslem ruling group of Saddam Hussein. Iraq still supports its proxy in the PLO, the terrorist Arab Liberation Front, as well as the Arab Organization of the 15th of May. Moreover, Iraq remains a violent and paranoid place. Saddam Hussein rules through terror.

In essence, Iraq represents as bad a political investment as the United States could make. Iraq cannot, will not, help us. Likely, it cannot even help itself.

(Thomas A. Dine is executive director of the American Israel Public Affairs Committee. Aaron D. Rosenbaum is president of a Washington consulting firm.)

. . . ARMING JORDAN

(By William V. O'Brien)

Supporters of Israel are concerned over possible U.S. arms aid to Jordan in the form of mobile Hawk surface-to-air missiles and F16 fighters. Adnan Abu Odeh, Jordan's minister of information, derides Israel's apprehensions and charges that they are a diversion to mask her "provocative" policies ["Israel's 'Fear' of Jordan," op-ed, March 7]. The issues in this debate reach far beyond the implications of any particular case of U.S. arms assistance to an Arab nation.

The debate began with speculation by Defense Secretary Caspar Weinberger and his aides that mobile Hawk missiles and F16 fighters might be offered to Jordan as part of a policy of strengthening our "moderate" Arab friends and discouraging their flirtations with the Soviet Union. On Feb. 15, Prime Minister Menachem Begin and the Israeli Knesset registered their strong disapproval of these suggestions. President Reagan then assured the Israelis that their "qualitative edge" would always be maintained and that, in any event, Washington was not currently considering any new requests from Jordan for arms.

Nevertheless, the debate continues, and Jordan apparently does in fact want these arms. In this debate several points should be kept in mind by those committed to a lasting U.S.-Israeli security relationship.

First, assurances and guarantees easily become "scraps of paper." The U.S. assurance that Israel will retain a "qualitative edge" is judged continuously in the light of U.S. actions. The trends are disturbing for Israel, e.g., the 1978 Israel-Egyptian-Saudi jet "package" deal, the conditions of which have already been broken with the enhancement of the Saudi F15s; and the 1981 AWACS deal with Saudi Arabia. What may be only a gleam in the eyes of a Pentagon planner today may lead to another reduction in Israel's "edge" in the not-too-distant future.

Second, mere "defensive" weapons systems may have offensive uses, depending on the strategic context. "Defensive" mobile Hawks provide anti-aircraft protection for ground forces that may attack under their cover, as in the Egyptian attacks in the Yom Kippur War. It is particularly ominous that the "defensive" Hawk missiles contemplated for Jordan would permit it to cover one-third of the total airspace over Israel. F16s, of course, are offensive as well as defensive weapons.

Third, a self-styled Arab "moderate" state may be a "confrontation" state, as Jordan is. Jordan would not be in its present predicament had it not foolishly attacked Israel in 1967. It is, moreover, questionable just how "moderate" Jordan's behavior would have been had it defeated Israel then.

Fourth, Arab moderate states that threaten to take their arms business to the Soviets should be viewed as less than moderate by Americans. In any event, one strives to recall what Jordan has done lately that would elicit our admiration and expanded military support. Jordan's most noteworthy policies have been subversion of the Camp David peace process and active support of a murderous Iraqi regime in its war of agression against Iran.

Fifth, Jordan's charge that Israeli protests camouflage its hegemonic policies does not stand examination. Israel's actions, which Arabs term aggressive and expansionist, have consistently been taken in reaction to clear and present threats to its security, notably in 1956, 1967, 1973 and in the incursions into Lebanon.

Jordan accuses Begin of weakening Arab moderation and encouraging Arab radicalism. However, from Jerusalem's standpoint there is often little difference between moderate and radical Arab policies towards Israel. It is as appropriate for Begin to recall that the forces of Jordan, Iraq, Syria and Saudi Arabia may confront Israel with 9,000 tanks, 1,400 first-line aircraft and 6,000 heavy artillery pieces as it is for Reagan to fomulate U.S.-NATO security requirements in terms of dealing with the total order of battle of the Warsaw Pact forces.

Sixth, Jordan's charge that the furor over the arms to Arabs issue is simply a cover-up for a long-predicted Israeli offensive in Lebanon is unpersuasive for a very good reason. Israel does not require any diversions to mask actions that, if taken, would be justified on their merits. The PLO buildup with Soviet heavy artillery, mobile missile launchers, SAMs, tanks and armored personnel carriers, dating back to early 1981, provides ample reason for Israel to contemplate defensive measures in Lebanon against terrorists with an increasing conventional war capability. Israeli restraint since the July 24, 1981, cease-fire, following the devastating attacks by the PLO with this Soviet weaponry on northern Israeli population centers, is proof that no new move will be made unless it is truly necessary for Israel's basic security.

Finally, the most crucial point in this matter is that the United States, by its ad hoc, incremental, ultimately mindless, dangling of military aid before the Arab "moderates," contributes to the perpetuation and acceleration of a technological spiral in Middle East arms races. The very continuation of this spiral, irrespective of U.S. intentions and, certainly, of U.S. assurances and guarantees to Israel, cuts steadily into Israel's "qualitative edge."

If the process continues, plucky little Arab "moderates" may become encouraged to join forces and try their luck again at defeating the "Zionist entity." It is not Israeli propaganda but the most obvious fact of the Arab-Israeli conflict that one defeat for Israel will remove the "problem" forever.●

CANADIAN DIVERSION OF U.S. CARGO AND THE MILWAUKEE RAILROAD

● **Mr. BAUCUS.** Mr. President, when I came to the Senate, one of the first issues I dealt with was the bankruptcy of the Milwaukee Railroad. It was a very important issue for Montana, since its demise had a negative effect on transportation facilities and costs in Montana. It left Montana served by only one railroad, the Burlington Northern, and resulted in the isolation of many small communities which had relied on the Milwaukee to export Montana wheat and other products.

But, the matter is not over yet; the struggle over the Milwaukee continues. I want to take this occasion to insert in the RECORD an article which recently appeared in Forbes magazine which was most interesting. It reports that the Canadian National Railroad is apparently maneuvering to gain control of the Milwaukee. This effort is supported by some, opposed by others. Those in opposition are traditional U.S. port authorities which are threatened by the competition of possibly lower shipping rates, and by speculators who want to make a quick dollar by selling off the Milwaukee's assets regardless of the harm this might do to Montana and other Northwestern and Midwestern consumers and users.

It is my view that in today's very competitive world market, U.S. producers and shippers must always seek the best, lowest cost service available. Whenever possible, these should be U.S. owned and operated facilities. However, when such U.S. preference results in what some claim is as much as a 50-percent increase in costs, a denial of rational geographic trading patterns, and presumably a reduction of our competitiveness, I believe we must be reasonable. In any event, I plan to watch very closely these developments, and if I see a way which will substantially reduce costs for Montana shippers, I will be ready to help in whatever way I can to assure that a fair arrangement is worked out. After all, a quick look at a map will confirm that ostensibly at least, Canada and the Great Lakes are a more rational port and shipping route for the Northern Tier States than many other ports or waterways.

It, therefore, would appear, on the surface at least, that bills such as H.R. 3637 would not be in the interest of Northern Tier States seeking ways to reduce already exorbitant shipping costs for their products. To make ourselves competitive, we do not increase regulation and bureaucracy; indeed, perhaps instead we should investigate the Federal Maritime Commission and its operations. It would be interesting to see how much its decisions are made in response to eastern port interests rather than to national or noncoastal State transportation needs.

Mr. President, I ask to have the article from Forbes magazine printed in the RECORD.

The article follows:

CLOSING THE RING

(By Lisa Gross)

Smokestack America: Its very heart is the Great Lakes, over which great quantities of ore, grain, coal, petroleum and steel are shipped. To some, the heartland is dying. Canadians see it otherwise. State-owned Canadian National Corp., with $4.2 billion (Canadian) 1981 sales, through its subsidiaries—Canadian National Railway and Detroit-based Grand Trunk Corp.—and its 18% investment in the CAST container group, has been building up its traffic from the U.S. Midwest and Northeast via the Great Lakes. Now, with the proposed merger of Grand Trunk with the bankrupt Chicago & Milwaukee Railroad, the Canadians seem about to place an armlock on Great Lakes traffic.

The rail-sea network today comprises an arc of rails and containerized shipping round the northern and eastern ends of the Great Lakes. CN Rail covers the Canadian territory, and Grand Trunk covers the eastern lakes via three of its railroads: the Grand Trunk Western; Detroit, Toledo & Ironton; and Duluth, Winnipeg and Pacific. CAST North America Ltd., which moves containerized freight from the U.S. Midwest and Northeast to Europe via the Port of Montreal, is a key part of this setup.

Thus, if CN can bring off the pairing of Grand Trunk Western with the Milwaukee Road, it would slip a noose around northern import/export shipping. Incredible? Consider this: Exports through Canadian ports were up to $1.3 billion (U.S.) in 1979, from $460 million in 1974. According to the Federal Maritime Commission, in 1979 Canadian ports diverted $3.4 billion in containerized cargo, bound to and from northern Europe, from U.S. points. The Port of Montreal reported moving 238,000 20-foot equivalency containers in 1980, up from 128,000 in 1977. Meanwhile, cargo for Europe that formerly was shipped from the Port of Baltimore is down 25.7%, from 1.47 million tons to 1.09 million, costing the port some $33 million last year. Says Richard Lidinsky, director of tariffs for the port: "Most of the decrease is attributable to Canadian diversion and CAST operations."

Why would U.S. companies ship through Montreal? Because rates can be as much as 50% cheaper. Intermodal freight haulers (moving via truck, rail and ship) like CN have to abide by Interstate Commerce Commission rates on their U.S. leg, but they can adjust their door-to-door intermodal rates to shippers on the oceangoing end. Since CAST's cargoes exit North America from a Canadian port, regulated U.S. maritime rates don't apply.

Naturally, CAST's American competitors are upset. Organizations like the North Atlantic Ports Association are lobbying for legislation in Congress that would force CAST and other Canadian freight haulers to charge American rates on U.S.-originated shipments. But the big Canadians have powerful U.S. allies: GM and DuPont are against the bill, as is the State Department, which worries about angering the Canadians.

CN seems unworried about angering the Americans. "I don't know why the American railways have never been as active in the import/export container business as Canadian railways," says CEO Robert Bandeen, 51, in his brisk, Ontario-Scots burr. "We could take traffic into Chicago and beat the pants off American railways coming out of New York or Boston." He paid $10.2 million in 1976 for 18% of CAST, which has earned $8.5 million in dividends for CN.

What CAST gave CN on intermodal shipping the Milwaukee Road could contribute on interstate shipping. With the Milwaukee as a partner, Grand Trunk's maximum east-west haul would increase from 334 miles to 800, its longest north-south haul from 175 miles to 1,000. And it would no longer have to hand over freight from its Duluth, Winnipeg and Pacific to the Soo Line (owned by CN's privately held rival, Canadian Pacific), the Burlington Northern or the Chicago & North Western. Last year DWP's interchange traffic revenues at Duluth were $37.5 million.

Bandeen is a man remarkable for having brought profitable operations to a state-owned railroad that hadn't seen black ink in 52 years. He became president in 1974, promising then to put CN into the black and to resign within eight years. He did it: CN was profitable by 1976, and Bandeen gave his resignation to the board January 25. Earlier, he had straightened out the Grand Trunk while serving as its president and made it profitable after 20 years of losses.

A tough-minded businessman, Bandeen first got the politicians in Ottawa to take over CN's moneylosing intercity passenger service. Then he straightened out CN's finances and won a recapitalization of the company from the Canadian Parliament. He will leave a multibillion-dollar ten-year expansion program and a request that the government allow CN to sell public shares up to his successor, probably Vice President R. R. Latimer.

If the Canadian National is to acquire the Milwaukee Road for its expanding U.S. rail network, it will have to come to terms with Wall Street's Oppenheimer & Co. A group including current Oppenheimer Chairman Jack Nash, former Chairman Leon Levy, and resident railroad expert and Vice President Patrick Cestaro controls 36.8% of Chicago Milwaukee Corp. common stock, worth some $46 million. Last month Levy and Nash took seats on the holding company board.

Bandeen says he resigned for personal reasons, but word in Canada's financial circles is that a publicly held U.S. company will lure him to the States beginning April 1. With him gone, perhaps, U.S. railroad men competing for shipping in the Great Lakes region can breathe a little easier. A tough competitor has left the field.

Having purchased Milwaukee stock since 1979, the Oppenheimer group stepped up its buying last year, paying as much as $69.75 a share in December for the bankrupt railroad. What does Oppenheimer see? First, there is the liquidation value of the railroad's assets, put conservatively by competing railroads at $700 million—$285 per share. Second, Oppenheimer would like the Milwaukee corporate shell and its more than $400 million in tax credits to shelter the earnings of six public companies the brokerage firm has acquired since 1977. These include Havatampa Corp. of Tampa, Fla., a wholesale distributor of tobacco products, and Checker Motors Corp. of Kalamazoo, Mich.

But the Chicago Milwaukee trustee—former Illinois Governor Richard Ogilvie—is fighting to keep the railroad operating. He filed a second reorganization plan for the Milwaukee with federal bankruptcy court last September 15. The stock market reacted immediately by dropping Chicago Milwaukee's price from 66⅝ to 43⅞.

Would a sale of the railroad to CN's Grand Trunk subsidiary provide a compromise? Possibly, but no price has been publicly offered and the Oppenheimer board members continue to see their best return in a breakup. That might be overlooking the fact that in a liquidation Milwaukee's 6,750 employees would have first rights to the assets for their severance pay. The bill could come to $169 million.

"If Grand Trunk bought the Milwaukee, that wouldn't be a problem, since it will be an ongoing company," says GT Assistant Vice President Robert Walker helpfully. "They can have the holding company. We just want the railroad." Oppenheimer, presumably, knows that and is waiting for its price.●

OUTYEAR TAX INDEXING

● **Mr. ARMSTRONG.** Mr. President, two recent editorials underscore why outyear tax indexing is perhaps the single most important tax reform included in last year's major tax bill.

Written into the 1981 tax cut bill was a provision that, starting in 1985, three key items—tax brackets, personal exemptions, and the standard deductions—would be adjusted each year, in the taxpayer's favor, to reflect the inflation rate. This is tax indexing.

Columnist Louis Rukeyser said:

> While it got considerably less attention than President Reagan's plan for three-year, across-the-board tax cuts, the tax indexing provision was potentially of much greater value to the typical taxpayer, particularly those in lower and middle income groups. * * * Indexation promised that the income-tax system would, for once in our lives, be on the level, ending the present system whereby the government's own inflation annually pushes its citizens into ever-higher tax brackets, with ever-lower buying power.

The Dallas Morning News echoes that line:

> Indexing was one of those pleasant surprises * * * that emerged from the welter of tax-cut proposals in 1981. * * * Whether out of conviction or in a fit of absence of mind, Congress did just what needed doing and therefore, in these critical days, merits strong support from those it benefited—all 200 million of them.

Tax indexing is clearly an idea whose time has come. I urge my colleagues to read the editorials which I submit for the RECORD.

The editorials follow:

[From the Denver Post, Mar. 16, 1982]

LAWMAKERS READY TO RENEGE ON FUTURE TAX BENEFIT

(By Louis Rukeyser)

Don't look now, but Washington is quietly getting ready to take away the best tax benefit you never got.

That benefit is so-called tax indexing, a fancy name for a simple idea; the government should have to ask for a tax increase when it wants one, and not be able to let inflation do its dirty work for it.

Written into the 1981 tax bill was a provision that, starting in 1985, three key items—tax brackets, personal exemptions and the standard deduction—would be adjusted each year, in the taxpayer's favor, to reflect the inflation rate.

While it got considerably less attention than President Reagan's plan for three year, across-the-board tax cuts, the indexing provision was potentially of much greater value to the typical taxpayer, particularly those in lower and middle income groups. The tax "cuts," indeed, could turn out to be very much less than that, by the time you've factored in inflation, dramatically rising Social Security taxes and the assorted excise increases to which concern over the federal deficit may lead us. But indexation promised that the income-tax system would, for once in our lives, be on the level, ending the present system whereby the government's own inflation annually pushes its citizens into ever-higher tax brackets, with ever-lower buying power.

Don't count on it. Signs are mounting ominously that, because of lack of public understanding of the importance of this change, it is likely to be an early victim of Washington's preoccupation with budget balancing through tax increases, rather than spending cuts. (Indeed, Treasury Secretary Donald Regan openly conceded the other day that "indexing we'd discuss," adding pointedly that it "wasn't part of the President's original package" and neglecting to mention that Reagan nonetheless proudly took credit for the indexing provision.)

What's going on? First, just what would indexing cost? The Treasury last year estimated that indexing would lower federal tax receipts by $8.6 billion in fiscal 1985 and $22.7 billion the following year; if the inflation rate remains below what it was last summer, however, those estimates are far too high. Whom would indexing benefit? Everybody, essentially, because the tax system would be fairer and more honest (legislators would have to call a tax increase a tax increase—and not take it under the table, as an automatic inflation bonus). But, most of all, indexing would help lower-income people; inflation-induced "bracket creep" is more common with them because tax brackets are closer together at the bottom end of the scale, and personal exemptions are proportionally more important.

With all the talk, largely fraudulent though it may have been, about how most of last year's tax cuts amounted to "welfare for the rich," you might think there would be more media outcry about the threat to welsh on indexing, which, according to a 1980 study by the Advisory Commission on Intergovernmental Relations, would have twice as much impact, on taxpayers making $10,000 as on those making $50,000. But, unless the public wakes up soon, an almost-unnoticed throat cutting seems in prospect.

I talked about this with one of the country's top experts on indexing, and was disturbed to find that he shared my concern that the average taxpayer was about to be betrayed. Francis M. Gaffney, national tax director of the Main Hurdman accounting firm and a member of the indexation task force of the American Institute of Certified Public Accountants, told me that although he was "firmly convinced" that the present system "can be inequitable and repressive on low and middle income taxpayers," it will be "difficult" to keep the promised relief "since indexing will stop making available to our federal government the continuation of increasing amounts of tax revenue without the necessity of passing specific laws to raise that revenue."

"It will only be maintained," Gaffney warned, "if there is a greater understanding on the part of the American voters of indexing and the impact it will have on the tax burden borne by them."

Are you mad enough to let your Congressman know that you, at least, are aware of what indexing could mean--and determined to get it, as promised, at last?

[From the Dallas Morning News, Mar. 16, 1982]

TAX INDEXING: HOLD THAT LINE

Business columnist Louis Rukeyser calls it "the best tax benefit you never got." Which may prove no very far-fetched notion, because the born-again budget balancers are zeroing in on tax indexing.

Ted Kennedy mentioned it on television the other day, and the Reagan administration—which originally saw indexing as something to do later, rather than in the first inning of play—gives hints of being open to the closing of this large "tax expenditure."

Before Congress' Indian givers start whooping around the fire, it is well to reflect on what we're talking about. Indexing means that, beginning in 1985, individual income taxes will be adjusted to prevent "bracket creep."

If you're a taxpayer, you hardly need more explanation. Up goes inflation; up go salaries; up go federal taxes, but even faster: Such is the dismal and costly progression.

It all gets down to this: The federal government is *rewarding* itself for its inability or unwillingness to cure inflation. The more inflation the more taxes. And it's automatic. The pusillanimous politician need not go to the hustings to explain how he voted in the national interest to increase taxes. If this is not taxation without representation, then how, pray, may the definition realistically be formulated?

The wrong will be righted shortly (unless Sen. Kennedy's tongue proves more persuasive than his personal example as a balancer of budgets). For instance, suppose in fiscal 1984 inflation rises 10 percent. Then the lowest tax bracket, now $3,400 to $5,500, would rise from $3,740 to $6,050.

The way Republican Sen. John Chafee explained this, in opposing indexation last year, was: "What this measure does is create a whole new class of citizens who can shrug at inflation." The fatuity of the senator's remark needs time to sink in. "Class of citizens"? He is talking of everybody. "Shrug at inflation"? That is Congress' specialty, not the public's.

Indexing kills the goose that lays Congress' golden eggs. Small wonder that the business-as-usual set on Capitol Hill wants indexing killed instead.

Indexing was one of those pleasant surprises—like the liberalization of eligibility for Individual Retirement Accounts—that emerged from the welter of tax-cut proposals in 1981. Here were injustices that needed righting; but the general supposition was that Congress wouldn't have the courage.

Whether out of conviction or in a fit of absence of mind, Congress did just what needed doing and therefore, in these critical days, merits strong support from those it benefited—all 200 million of them.●

FELIX MORLEY

● **Mr. MATHIAS.** Mr. President, Felix Morley and I arrived on the campus of Haverford College in the fall of 1939. Although the time of our arrival was the same, the circumstances were different. He was returning to his alma mater as president and I was entering as a freshman in the class of 1944. It was my first acquaintance with him, but we had a long history of family association. His father, a professor at the Johns Hopkins University, brought his gifted sons to the "Crows Nest" in the Catoctin Mountains in Frederick County. The Morleys were friends of my grandparents and shared many interests with them in addition to the cool mountain air. Thus my introduction to Felix Morley had an aura of continuity about it, so we soon attained a warm level of friendship and communication that survived for over 40 years.

Even so, it was not until I read his memoir "For the Record" that I truly appreciated the depth and breadth of his interests and his experience. Since his death, I have reread some of the passages that seem pertinent and timely, and I thought other Senators would find them interesting and useful.

He writes:

> I found it disturbing when ardent admirers of Ayn Rand argued that economics should be wholly concerned with the accumulation of profits and not at all with questions of social morality. . . .

That sentence surely contains a lesson for our times. And these paragraphs contain a sermon:

> At Haverford, and inquiry showed the same at many other institutions, one could graduate without understanding the principles of balance and restraint on which this republic was based.
>
> It was insufficiently emphasized that the American system of government is fundamentally dependent on individual and official morality for its operation. "Virtue", in the memorable words of John Adams, "is the sine qua non of the republic." Without virtue, in the old Roman sense of civil courage and sincerity, this noble experiment would gradually fall into the hands of the complacent and corrupt, with the former too materialistic and indifferent to restrain the latter. The trend toward really "democratic" government, regarded by most of the Founding Fathers with undisguised apprehension, could only hasten this deterioration and decay. Remove the sense of individual responsibility from American life and the republic would soon lose all its fragile distinction in world history.

Mr. President, the Nation lost an extraordinary citizen with the death of Felix Morley. His observations about our society and its future are a solid legacy to be preserved with care.●

THE RECORD CARRIER COMPETITION ACT OF 1981

● Mr. GOLDWATER. Mr. President, on March 17, 1982, Congressman TIMOTHY WIRTH, chairman of the House Subcommittee on Telecommunications, Consumer Protection, and Finance, inserted a statement in the CONGRESSIONAL RECORD 4591, stating that he had inadvertently omitted a portion of the floor debate on S. 271.

In his statement, Mr. WIRTH also criticized the Federal Communications Commission's (FCC) proposed implementation of the statute. Specifically, Congressman WIRTH argued that—

> It was the clear intent of Congress that some appropriate discount should be given to connecting carriers, because recognition of the cost savings associated with providing connecting service, and of the particular rate structure of the dominant domestic record carrier is necessary to implement the procompetitive mandate given the Commission as part of the legislation.

Mr. President, Public Law 97-130 requires the equitable allocation of revenues for the provision of joint and through service. Implementation of that provision was left to the expert judgment of the FCC. Neither the Senate nor the House took any testimony on this issue, and as far as I am concerned, as the original authority of this legislation, neither body intended—nor was in a position—to make a binding judgment as to whether there are any cost savings on which to base a discount or the amount of such savings. In fact, at the time of the deliberations on S. 271, I was aware of the existence of a pending investigation by the FCC of this discount issue, and specifically declined to take a position on it. This is an issue that the Commission must resolve, not the Congress.

I do not mean to imply that the FCC's actions referred to by Congressman WIRTH, are right, any more than Congressman WIRTH or I would be in an informed position to call it wrong. What I can say with certainty is that this is a matter that Congress entrusted to the expert judgment of the FCC, and the FCC should exercise its judgment accordingly.●

REFORM OF THE JOINT CHIEFS OF STAFF

● Mr. GOLDWATER. Mr. President, recently the Chairman of the Joint Chiefs of Staff, General David Jones, commented that the Joint Chiefs needed a lot of changing in the way the organization was run, in what they were supposed to do, in what they were accomplishing and not accomplishing. It took a lot of courage for General Jones to say this and now it is going to take a lot of courage, a lot of brains, and a lot of ingenuity for people interested in this subject to come up with answers that this country must have if we are to have a Joint Chiefs of Staff that really amounts to something in our efforts to keep the country prepared.

General Meyers, Chief of the Army, has written articles in the Armed Forces Journal that are, I believe, the first to have been written on this subject by men high in command of their particular military organizations. I hope and pray that many other commanders and people interested in this problem will put down on paper exactly what they think should be done for the Joint Chiefs because the time will come when the Armed Services Committees of both Houses will have to act on this subject and I want to see us prepared.

I ask that these articles be printed in the RECORD.

The articles follow:

THE JCS—HOW MUCH REFORM IS NEEDED?

(By General Edward C. Meyer, Chief of Staff, United States Army)

An excellent case for strengthening the authority of the Joint Chiefs of Staff has been made by General David C. Jones. His recommendations echo a well-established pattern, as the accompanying boxes make clear. His is but the latest expression of a frustration long felt by senior military officers—for all the reasons cited by General Jones—that there must be a better way to shape alternatives and to provide the best possible military advice. Virtually every serious student and practitioner has recommended that the JCS be strengthened. The near unanimity of their views can no longer be ignored, particularly in the light of grave new dimensions to the problem of national security.

The Soviets understand full well that the United States no longer enjoys clear nuclear superiority. Their new nuclear prowess, combined with other radically improved Soviet military capabilities, lends them new confidence in their ability to mount and sustain a rapid offensive, nuclear or conventional. Indeed, after two decades of sustained build-up, the Soviets may now believe they can conduct simultaneous and sustained offensive military operations in several theaters.

The West has not responded firmly and in a united fashion to this challenge. A carefully nurtured and sophisticated Soviet political offensive and growing Western revulsion to a defense build-up, particularly among the youth, have considerably weakened the old consensus based on traditional notions of how to defend against Soviet aggression.

Overshadowing these factors is the sharp change that has occurred in the pace of warfare:

> A revolution . . . [changing] the whole scale and tempo
>
> Warning times are vanishing . . . making timely reaction difficult.

These words of President Eisenhower, true in 1958 when the sequencing of conventional operational phases was measured in weeks and months, are even more compelling today when some scenarios allow only days, perhaps hours, for decision and reaction.

Domestically, the explosion of lawmaking and regulation-writing in the '70s has greatly complicated the development of a coherent defense posture. Additionally, the increasing demands of the appointed and elected leadership and the growth in Congressional staffs have had an impact on the time available for the individual Chief to direct his Service. The Chiefs have even less time for strategic reflection or attention to the responsiveness of the JCS system.

Fortunately, we now appear to be beginning a serious reexamination of the role, organization, and functioning of the JCS. In the process, we should examine the even broader issue of whether the nation's civilian leaders receive the best possible advice from their military experts. The challenges our nation faces today and the prospects for more demanding challenges in the critical years ahead require that the reforms we finally adopt cure the ills of the system. Strong medicine is needed. Various inadequacies in the National Security Act of 1947 have been addressed but were not fully corrected by a series of amendments over subsequent years. We now have a 35-year patchwork of law, custom, and shibboleth.

My own professional judgment is that the changes urged by General Jones, while headed in the right direction, do not go far enough to correct what ails the JCS. I believe that we must consider the feasibility of changes beyond the ones proposed by General Jones creating a stronger Chairman and Joint Staff. We must find a way to provide better balanced, sounder, and more timely advice from senior Service professionals in addition to strengthening the Chairman and the Joint Staff.

THE EXPERIENCE OF WAR

The historical context of the problem goes back much further than 1947, to the Civil War when President Lincoln brought into being the "unified command" which eventually won the war. Since then reformers have tried every 20 or 30 years to institutionalize a better mechanism for planning and directing the military establishment, but none fully succeeded. What is notable is that each wave of reform followed the trauma of war and each sought to prevent in the future the troubles—sometimes disasters—encountered in devising and executing national strategy. Thus, the turn of the century reforms were the product of the planning debacle of the Spanish-American War; the 1920 reforms reflected our World War I experience.

Today, war is too devastating, the cost of war-making machinery too expensive, the likely warning time too short for us to await another lesson. We must not delay until after World War III to create the command structure needed to fight it, nor can we defer any longer those reforms which if in existence today are likely to help prevent war.

The Joint Chiefs of Staff dates back to the committee of heads of Services we adopted in 1942, emulating the British. The bureaucratic latticework of the '20s and '30s erected a facade of cooperation over well-protected Service prerogatives, which quickly gave way under pressures of wartime reality. With all-out war facing the President, he began to pay close attention to the committee of Chiefs. The continuous dialogue between the White House and the Chiefs resulted in sound military directives from on high so indispensable to victory. The key to this system was frequent access by the military to the decisionmaking bodies of government, both executive and legislative. That access was a matter of necessity, for the experience of war demonstrated anew the need for combined cross-Service planning. There is little doubt that the Chiefs established their credibility as trusted military advisors in World War II.

It is important to remember, however, that the times and the circumstances of the '40s are not those of the '80s. The geographical separability and remoteness of the combat theaters, coupled with limited overlap in the technologies employed by each Service, allowed the national leadership to parcel out theater responsibilities using traditional Service roles. Resources constraints such as we face today were of minimal consideration at the national level. American industry concentrated on war production; conscription provided manpower for 90 Army and six Marine divisions, an 8,200-ship Navy (Including 98 carriers), and 79,000 aircraft (roughly equivalent to 1,097 tactical wings today). Defense was alloted more than one-third of the Gross National Product. Such abundance obviated the kind of inter-Service competition for scarce resources we know today, with the draft on stand-by, with defense allocations one-twentieth of the GNP, and with many disincentives for industry's participation in defense.

POSTWAR CHALLENGES AND LEGISLATION

After World War II, the urgencies which had supported wholehearted joint prosecution of the war at the top disappeared. What remained were underlying sources of wartime inter-theater, intra-theater, and inter-Service disputes; Nimitz vs. MacArthur, Navy vs. Army, Pacific vs. Europe. Additionally, our postwar alliances generated new requirements for starkly different environments of threat and geography. New technological developments offered weapons systems whose capabilities blurred the accepted boundaries among Service roles and missions. Renewed interest in domestic programs greatly reduced defense resources. It was hardly an environment supportive of inter-Service harmony. President Eisenhower's message to Congress in 1958 pointed out the path to pursue:

> . . . Separate ground, sea, and air warfare is gone forever. If ever again we should be involved in war, we will fight it in all elements, with all Services, as one single concentrated effort. Peacetime preparation and organizational activity must conform to this fact.

AN IMPERFECT LAW

The first effort toward a more integrated defense establishment was the creation of the Department of Defense in the National Security Act of 1947.

That act also formally established the Joint Chiefs of Staff as a council of advisors to the President and the Secretary of Defense on military policy, organization, strategy, and plans.

At the same time, members of that council, the Service Chiefs, were told to retain their departmental responsibilities to organize, equip, and train their forces. Foremost of these, for the Chief of Staff of the Army, is his direct responsibility ". . . to the Secretary of the Army for the efficiency of the Army, its preparedness for military operations, and plans. . . ."

It should not therefore be surprising that the four Service Chiefs found it somewhat difficult to sit down three times a week and act as a corporate body against some of the very remedies they individually were seeking to apply within their respective Services, nor were the oft made criticisms of their deliberations without a strong element of unfairness. Given budgets which provide for less than minimum defense needs, the Chiefs often found themselves unable to act responsibly in their joint role except to the detriment of legitimate Service requirements. This "dual-hatting," dictated by law, confers real power with the Service Chief hat and little ability to influence policy, programming, and budget issues with the joint hat. This is the root cause of the ills which so many distinguished officers have addressed these past 35 years.

The Act of 1947 has been successively amended to grant increased authority to the Secretary of Defense and to build up the Joint Staff and the Chairman of the JCS. But while centralized civilian control over the process of determining defense resources materialized, structural changes for the JCS were minor, largely cosmetic. The JCS, while charged with the responsibility to conceive, plan, and organize a defense founded on a unified command structure, has never been provided the means to realize these plans. In particular, they continue to lack real linkages with the resource allocation process.

The 1947 legislation as amended in 1958 might have worked if the only threat to our national values was a Soviet invasion of Europe. The planning world, however, is far more complex: in conjunction with our allies we must be able to respond to legitimate national interests in many regions of the world. The central problem for a coherent defense program is funding the right balance of mutually supporting Service forces to meet the full array of likely contingencies. As currently worked in the resource allocation process today, we do not make a true horizontal examination. Rather, we focus on single Services or on functions—vertical slices—which in aggregate yield less than what might otherwise be attainable. Solid linkages must be forged between likely contingencies and resources if we are to minimize risk in the future.

All of this accounts for a long thread of continuity in the critiques of Generals Bradley, Gavin, Taylor, and Jones. They are not alone. Almost from its inception the JCS has been a magnet for critical studies. There have been at least nine such efforts during the past 12 years alone. As General Jones notes, each new Administration customarily revisits the national security apparatus and its decision-making process. Unfortunately, only evolutionary adjustments occurred in the wake of these efforts, and change targeted at fundamental shortcomings of the JCS has been absent.

On the other hand, the resource management process within DoD has been a favorite area for structural change: as in the case of the Planning, Programming, and Budgeting System (PPBS), Zero Base Budgeting; and the current Defense Resources Board. Evidently the motivation has been stronger toward efficient management rather than the development of effective military planning. The latter could only result from much greater interplay between the joint military and civilian leadership. Simply put, the basic issue of aligning Service programming and expenditures to the requirements of unified command planning has been inadequately treated.

CRITERIA FOR CHANGE

The key to the effectiveness of the current JCS structure, or any other we might examine, lies in how well it serves the President, the Defense establishment, and the Congress with timely and thoughtful advice on issues regarding:

Policy: objectives, goals, restraints, and insights;

Strategy: concepts, global interrelationships, direction, and warnings;

Planning: force development, options, and range of realistic alternatives together with risks;

Assessments: key national security issues, arms control, security assistance, regional defense policies, and the like;

Priorities: based on operational needs: discipline the PPBS; and

Resources: money, men, and material of war in a joint or unified context.

Against these criteria, how is the current system judged? Criticism from civilian *within Defense* comes from many directions:

> We badly need, and have not had, a coherent overall military view about such matters as strategy and forces. Partly as a result, a gaggle of kibitzers has formed throughout government on these questions. . . . The individual military Services have clear stands on many of these issues, but an overall coherent military view has been conspicuous by its absence.
>
> For years the only central voice in defense has been provided by the civilian staff of the Secretary of Defense. Lacking military expertise it has, largely, failed.
>
> —James Woolsey, 1982

There is certainly a lot of commentary available from people who have been involved . . . who say that the plans are not what they want them to be. . . . The Chiefs and the Joint Staff can rightfully respond that frequently they get no guidance at all in the preparation of plans, that the key decisions in formulating plans for various contingencies are often political decisions. . . ."

—John Kester, April 1980

Criticism comes from civilians *outside Defense* as well. It takes this tone:

In fact, during the last decade the Chiefs have gradually lost influence both in the Pentagon and in wider interagency debates. In part, their declining clout reflects the rise of the civilian defense intellectuals . . . who entered the Pentagon as experts in the arcane world of nuclear weapons and arms control and challenged the traditional notion that 'wars should be left to the generals.'

—Richard Burt, June 1979

If the Congress perceives shortcomings in the work of the Chiefs, it is perhaps because their present organizational structure forces them to wear two hats simultaneously.

What we in Congress desperately need from the Joint Chiefs are military judgments and recommendations . . . free from Service bias. Then we can make informed judgments about cutting or adding to a budget.

—Senator John Culver, 1978

The thrust of these statements is clear: when advice on joint military issues is required, sources other than JCS are increasingly sought. What verdict is rendered about the credibility of the system when it becomes desirable to create a new cell embedded within the National Defense University to provide alternative military strategies?

WHAT KIND OF FIX IS NEEDED?

It is surprising that the system works at all in light of its serious organizational, conceptual, and functional flaws. When it does work, it is principally due to the exceptional officers assigned to the Joint Staff who labor mightily to make the creaking machinery turn. It is their diligence and dedication which get us through operational crises and find paths through planning and staffing obstacles.

It is possible, of course, to jury-rig an unofficial arrangement to answer at least some criticism of the current organization. But we are in a time when that solution is increasingly unattractive. Today, the Services are working to implant at their operational and tactical levels—a military command structure capable of reacting faster than any opponent. The rapid pace of global change and the need for competent advice on short notice argue instead for a comparable capability at the strategic level. Though the pace of decision making in peacetime may not routinely demand this, most contingencies we face in the future will require us to go to war with whatever peacetime military structure is in place. Ad hocracy is not the answer.

THE JONES PROPOSAL

General Jones' proposal is intended to make the joint system more responsive and effective than it is now. As a first priority he urges development of a stronger Chairman, an essential ingredient of any reform. The JCS would still be composed of the Chiefs of Service, but the joint role of the latter in operational planning and risk assessment of the individual Service programs and budgets would decrease appreciably and would remain to be defined. As a consequence, their role in the policy aspects of joint military planning would be changed. The Chairman's role would be stronger in the development of contingency plans, in directing the unified and specified commanders in conducting military operations, and in providing an independent assessment of the operational risks associated with consolidated Service programs.

Additionally, the Jones proposal would establish a new position of Vice Chairman to provide continuity in directing the joint process in the absence of the Chairman. The creation of this position could result in more effective coordination between the JCS and the National Security Council, the President, and the unified and specified commands on a routine basis because one of the same two men would be at all the key meetings. However, the addition of this Vice Chairman would degrade the position of the Service Chiefs and change their role in still undetermined ways.

Accompanying these policy and structural changes would be an important procedural change. The Joint Staff would work for the Chairman, not the JCS corporately. The extent of Service staff participation in the development of joint positions and papers would be limited to providing factual inputs and advice on fewer issues selected by the Chairman. The Joint Chiefs would meet to consider proposals from an improved Joint Staff.

Unchanged, or as yet unclarified in the Jones proposal, are the relationships between the various agencies within the Defense Department most affected by changes in military structure. Will some functions of OSD be subsumed by an invigorated Joint Staff? Will an enhanced voice for the Chairman affect the ability of the Services to make Service views known to the Secretary of Defense and Congress? These and other relationships need to be laid out clearly before the full impact of the Chairman's proposal can be understood.

IS THERE A BETTER WAY TO GO?

General Jones' proposal clearly moves us beyond the current system and well along the path of reform. Yet, even with adoption—a process which will require some legislative action—an opportunity for further building exists. Three major problems still need to be solved.

First is the divided loyalty we currently demand of the Service Chiefs. Dual-hatting, however refined, will continue to impair the ability of these top military authorities to provide sound, usable, and timely military advice to our civilian leadership.

Second, while the Chairman's proposal clearly promises to improve the Joint Staff's performance in peacetime, there may be a better way to provide a structure which can transition rapidly to war.

It is likely the process of joint strategic direction in wartime will totally consume the Chiefs' time. Simultaneously, immense issues of internal Service prioritization and direction will erupt, making equally large demands. Some will say that two relatively major wars have been fought satisfactorily with the current system. But today we face the most formidable force ever assembled in the history of the world, an opponent with the means to seize the initiative globally, in unanticipated ways, using an arsenal of great variety. Additionally, we must be prepared to respond to lesser yet equally critical contingencies which if not quickly contained could provide the flash point for World War III. The pace of future war is key, and having the right structure in place to keep up with that pace is vital.

The other aspect of transitioning to war involves the creation of solid relationships in peace which do not have to be abruptly (perhaps chaotically) rewickered in crisis. I believe that the driving factor in war is the ability to sustain effective theater operations which are fully responsive to the grand design of national political objectives. Similarly, the driving element in wartime resource distribution is the operationally derived requirements of the theater commanders. However, we operate in a peacetime mode which accords highest priority to cost effectiveness: the best defense at or under cost. This is a worthy objective. But we should arrive at it by a process which at the outset subordinates cost with acceptable risk to intended capability of the commanders-in-chief (CinCs). Resource allocation must be tied to operational planning directly, not ex post facto. This requires not only a strengthening of the Joint Staff, but redirection as well.

Third, we need to increase the role of the CinCs even more than General Jones has proposed in order to involve them more fully in the defense decision-making process.

These fundamental problems of the joint system lead me to believe that we have a situation in which major surgery may be necessary.

A COUNCIL

One clear option is the creation of a body of full-time military advisors to the President and Secretary of Defense, thus ending the dual-hatting which has proved so troublesome.

The new body would logically consist of distinguished four-star rank officers, not charged with any Service responsibilities, who would never return to their respective Services. Each member would possess a varied background with extensive joint Service experience. Additionally, individual members would be sought who had particular expertise in areas of special importance to the joint arena; e.g., strategic nuclear policy; unconventional as well as conventional warfare; and command, control, and communications. One of the Council members could be appointed Vice Chairman for continuity purposes.

Based on guidance from the Secretary of Defense, this body of military advisors would examine military alternatives and recommend strategic scenarios to govern how the military departments are to organize, equip, and prepare their forces for war. The group might be called the National Military Advisory Council (NMAC), as Senator Symington suggested in 1960.

THE CHAIRMAN

The Chairman's position would remain in the new Council but with a greatly enhanced role and increased influence. He would no longer be the first among equals, dependent upon consensus to shape his advise. Instead he would direct planning and operations and be able to speak his own mind as well as disagree with the opinion of the Council. Thus, more than one view and well-conceived strategic alternatives would emerge. The real or perceived obsession with unanimity, with an accompanying tendency for a lowest common denominator solution would end.

The Chairman alone would direct the Joint Staff. He would determine the issues for study and initiate staff actions through the director of the Joint Staff. Throughout, he would remain sensitive to the concerns of the Council. To fulfill the enhanced responsibilities of the Chairman and the Council, the staff would be strengthened. One particular area of emphasis would be the development of an effective programming and budgeting capability. Other technical and administrative support would be increased to permit the Joint Staff to support the proposed role of the Chairman and the Council.

The Council's method of operation would be somewhat akin to that of a judicial body, its members sitting as an experienced body of military professionals to decide matters of joint military importance. The authenticity and credibility of their judgments would be based not only on decades of firsthand experience, but also by the continuous opportunity to review requirements of the unified commands and their reported readiness. The Councilors would be able to arrive at recommendations in a reflective atmosphere, focused on how best to flesh out the means to achieve the national objectives. Opinions would be freely given by all members and presented as majority and minority views. The recommendations would be timely and objective, and as the developers of the prime military input to the President and Secretary of Defense, their views would be hard to dismiss.

Experience clearly shows that the more trusted and professional the advice, the more willing civilian authorities are to seek it. Simply eliminating the dual hats raises the expectation of heightened objectivity in the profferred advice of this body. Over time, its credibility verified, the Council could assume an increasingly influential voice in formulating defense policy. Additionally, and of equal importance, the direct formal link between the Secretary of Defense and the Council would serve to encourage a greater degree of civil-military interaction and dialogue which in turn could strengthen the bond between the Secretary and his military advisors. The dangers of today's world and the new dimensions to the national security problem clearly require full-time point military advisors. Greater interactions and dialogue would provide the civilian leadership with a deeper understanding of the complexities involved in military planning and operations. Clearly, a better civilian perspective would be invaluable in unexpected crises which demand sound and rapid policy decisions.

ADVANTAGES OF FULL-SCALE REFORM

The Council would remove the conflicting dual-hat roles of the Service Chiefs. In peacetime the clear division between military authorities responsible for providing advice on Service and joint matters should result in a major improvement in the timeliness and value of military advice. In wartime, the division of responsibilities between the Council and the Chiefs should permit both bodies to better engage the greatly increased decision making demanded during a crisis.

Removal of direct Service involvement in the relationship of the Chairman and the Council to the CinCs would free the latter to become more visible participants in the development of defense policy and joint programs. The CinCs would give the Council their views on the development of feasible and affordable military courses of action for the near term, as well as the near-term fixes which would improve their force capabilities. Coupled with an improved Joint Staff, the CinC input would influence the "front end" formulation of military strategy instead of the CinCs remaining in a reactive mode to established policy in the Defense Guidance.

RELATIONSHIPS

The manner in which these improvement would operate is summarized by viewing how relationships and lines of authority would shift in the several proposals. (See box, pp. 84-85.) In the Defense decision-making hierarchy, the Council, led by the Chairman, would be directly responsible for translating top-down policy guidance from the Secretary of Defense and the President into strategic and cross-Service programming direction to the Services. The Council might best fulfill its responsibilities to the Secretary of Defense by analyzing strategic alternatives for cost and risk implications. As part of its role, the Council would suggest allocations among the Services as well as a distribution of major combat forces designed to meet strategic objectives.

Unlike some similar proposals of past years, the Services would be closely involved with the Council in the development of strategic alternatives, and would help a strengthened Joint Staff provide the individual land, sea, and air perspectives necessary for effective joint planning and analysis. Periodically throughout the analytic process, the Services, represented by the Service Secretaries and Chiefs, would meet as a collective "board of directors" to comment on, or to disagree with, the Council's position on key issues.

Armed with the Council's recommended strategies and programs, together with any dissenting views from the Services, the Secretary of defense and the President would be equipped to make fundamental decisions on the specfic course of defense planning and programming.

The close Service affiliation with the Council might at first glance appear to focus the Council too narrowly on tactical and administrative detail and not enough on what the President needs. However, past experience has shown that continuous Service involvement is essential in the development of grand strategy to ensure that the product reflects the latest, most imaginative, and dynamic aspects of individual Service doctrine and technological development, as well as a clear appreciation of what is feasible.

For this process to be successful, the Service Chiefs would undertake to sponsor visits by the Council to the commands, and to update the members on doctrinal developments, new weapons systems, and readiness of the forces. Indeed, it ought to be easier for a four-star to learn about the joint system and study in depth developments taking place in other Services once he is freed from the daily pressures of a high-level Service assignment.

Once approved by the Secretary of Defense, the strategic recommendations of the Council would become directive in nature and would shape the general outline of each Service program. Consequently, the Services would have less of a voice than at present in resolving cross-cutting resource issues and determining the composition of their major forces. However, by narrowing the focus to internal Service concerns, the Chiefs and the Service Secretaries would be given more freedom to concentrate on long range Service planning and the discrete Service aspects of doctrinal, tactical, and technological innovation.

The streamlined relationship between the CinCs, the Council and the Secretary of Defense would have a beneficial effect on how we plan for war. The new relationship between the Secretary and his military advisors would lead to more clearly defined "top-down" guidance from civilian leaders. The Council, now fully committed to joint matters and familiar with requirements from the CinCs would then translate that policy into strategic guidance for the field commanders.

Last the CinCs, in turn, would send more useful feedback from the field to civilian policy makers, thus completing the repetitive dialogue so essential for solid contingency planning. The Council would also decentralize the planning process by focusing primarily on the larger issues of global intergration of strategies and regional planning guidance. As a result, the CinCs would be freed to determine details of force composition, force employment, deployment, and support.

The Council would also better assist Congress in discharging its important role. At present, Congressional committees debate at length the specifics of Service programs without full insight into how these programs fit into an overall strategic context. Because of its cross-Service perspective, the Council would be able to provide Congress with a much-needed horizontal appraisal of individual Service programs divorced from Service advocacy of weapons systems. The Council view would present the Administration's program to Congress.

The format would be cast in terms of the capabilities provided by the combined budgets of the Services to the operating forces in relation to the near- and long-term threat. Congress would thus have an opportunity to probe for the genuine goals of military policy and would be better able to isolate less essential and redundant programs. The position of the Council in relation to the Services would give them a central role in the Congressional budget review.

THE ARGUMENTS AGAINST

No solution which seeks fundamental reform is without potential drawbacks. At first glance it might appear that the influence of the Service Chiefs might be severely diminished by the loss of their JCS responsibilities. It is true that the role of the Chiefs would change. My belief is that the additional time available to the heads of Services by being relieved of time-consuming JCS duties would permit them to concentrate on the more meaningful aspects of Service roles in joint and combined operations. Relinquishing of routine JCS duties would be a small price to pay to achieve this end. The Council would also relieve the Chiefs of the need to continually justify and defend to Congress the size of Service budgets and the composition of major Service forces to meet the national strategy. These issues would be developed and explained to Congress and the President by the Council.

A particularly emotional issue might be the creation of four new general officers. Why add another layer of military bureaucracy when other government agencies are being pared to the bone? It is important to observe that the Council would not be another staff layer but would, in fact, consist of four-stars who, because of their backgrounds and seniority, would otherwise continue to be influential in national security affairs regardless of their official positions.

Since they would in effect be merely extended on active duty before final retirement, the members would not disturb internal Service command arrangements. Moreover, the efficiency with which the advisors could provide advice and make decisions would greatly diminish the need for the redundant joint and Service staff work now necessary with the Service Chief wearing two hats. While the Joint Staff would grow moderately, the total number of officers now engaged directly or indirectly in joint work either on the Joint Staff or in the Service would decrease.

Another criticism might be that such senior officers would be unable to rise above their Service biases. I believe this to be unwarranted since the officers would have had past joint experience, and therefore access to the experience of other Services. Moreover, the officers would be representing joint interests and would not be returning to their Services upon completion of their appointment to the Council.

Reform as sweeping as this would require legislative change to the National Security Act of 1947. New relationships as outlined above would have to be fully defined, understood, and accepted by Congress—a process complicated by a historical reluctance to accept any change which might suggest creation of a "General Staff" from which a military elite might emerge. This has been a recurring theme in opposition to reform of our highest military body since first suggested during World War II. It is important to emphasize that all reforms suggested since the war have clearly accepted military subordination to civilian authority. Contrary to popular belief, the German General Staff was an army staff; not a joint staff. In fact, it was Germany's lack of an effective joint staff apparatus and a corresponding failure in both World Wars to establish a unified control over three separate Services that contributed significantly to final defeat. One of the most telling indictments of this lack of coordination was made by General Zimmerman of the German army:

It is a matter of irony that Eisenhower, the servant of the great democracies, was given full powers of command over an armed force consisting of all three Services. With us, living under a dictatorship where unity of command might have been taken for granted, each of the services fought its own battle. Neither Rundstedt nor Rommel, try though they might, succeeded in changing this state of affairs in creating a unified command. The result was that the German army fought singlehanded against all the armed forces of the Allies.

CONCLUSION

Since the end of World War II the correlation of forces has shifted dramatically. The shift demands that our national security policy be buttressed by better and faster planning mechanisms. It also demands that the roles of the civilian and military leaders charged with this vital responsibility be clearly defined so that we provide our citizens the defense posture necessary to ensure their freedoms.

The prerequisites for organizational changes include:

First and Foremost: to ensure for civilian leaders the best and most usable military advice possible. Above all, this advice must be relevant and timely.

Second: to ensure that the organization will work in wartime; and, where possible, that it focuses in peacetime on the same issues with which it will be seized in wartime.

Third: to ensure that the CinCs are given sufficient guidance and resources to do meaningful planning, are permitted to do such planning, and remain intimately involved in near-term issues relating to the capabilities and readiness of their forces.

If these three prerequisites are used as the basis for evaluating organizational changes we should be able to come up with an organization which:

provides clear, concise, and timely military advice;

permits the Chairman to shape internal discussions;

gives CinCs the ability to influence in peacetime what they are expected to implement in wartime;

focuses the Service Secretaries and Chiefs on the current readiness and the future of their Services;

directs the OSD staff toward implementation of the Defense Department's critical functions in peace and war; and

provides to the President, the Congress, and the American people a clear indication of how much more secure they are as a result of the dollars spent on defense.

Reform of the mechanism which provides military advice and counsel to our civilian leadership is long overdue. Tinkering with the mechanisms will not suffice. Only by addressing the issues which have been considered to be too tough to cope with in the past do we have a chance of instituting the reforms necessary to develop the smooth-running machinery required to see our nation through to the 21st Century with our freedoms and national values intact.

EACH WAR HAS DRIVEN HOME THE NEED FOR A MORE RATIONAL DECISIONMAKING PROCESS

Civil War: "it has been said that one bad general is better than two good ones; and the saying is true if taken to mean no more than that an army is better directed by a single mind, though inferior, than by two superior ones at variance, and cross-purposes with each other."—Abraham Lincoln, 1861.

Spanish-American War: "Everyone knows that when an exigency has come, confusion has come. The confusion comes from the fact that our organization is weak at the top. It does not make adequate provision for a directing and coordinating control."—Elihu Root, 1916.

World War I: "Immediately following the termination of war, the public mind centers on the tragedies involved. All are thinking of the recent sacrifices of life which always have been due in a serious measure to a lack of methodical preparation. Therefore, the legislators are in a frame of mind to recognize our military necessities and they draft their laws accordingly. . . .—Maj. George C. Marshall, 1923.

World War II Led to the National Security Act of 1947 creating the JCS . . . which since its inception has been . . . A System long overdue for reform.

In 1957, Rockefeller Committee—excessive workload . . . difficult mix of functions and loyalties . . . the difficulty is caused by the system and not the members.

In 1953, General Bradley cited: compromise rather than integrated policy;—too great a focus on short run and superficial rather than long-range fundamental issues.

In 1958, President Eisenhower: ". . . had I allowed my . . . staffs to be similarly organized in the theaters I commanded during WWII, the delays and decisions would not have been acceptable to my superiors . . ."

In 1958, General Gavin: ". . . The fundamental shortcoming: the Chiefs wear two hats . . . in a larger sense they should keep the national interest paramount. The record will show that [Service] interest usually prevails, though entirely in a patriotic sense . . . the responsibilities must be separated."

In 1958, General Taylor: ". . . A committee cannot operate a headquarters in the ballistic missile age. . . ."

In 1960, Senator Symington: ". . . Defense represents at best a series of compromised positions among the military Services."

In 1965, Secretary McNamara—wanted to name it the Programming, Budgeting and Accounting System (PBAS), but to assuage the JCS, stuck in the "small" p (for planning), yielding PPBS. Did not affect the linkage. The program was the plan.

In 1979, Steadman Report—". . . disappointment with the joint military advice . . . inherent tensions in the dual hatting of members."

In 1982, General Jones: ". . . we need to spend more time on our warfighting capabilities and less on intramural squabbles for resources."

BRITAIN'S CHIEF OF DEFENSE STAFF JUST GIVEN MORE AUTHORITY, PLUS VOTE ON ALL SERVICES' SENIOR PROMOTIONS

(By Benjamin F. Schemmer)

The British Government notified Parliament in mid-February that its joint staff system has been changed to give Britain's Chief of Defense Staff far more authority, including for the first time a significant vote on senior promotions in all of the armed services. Until now, Britain's joint staff system was very similar to the U.S. Joint Chiefs of Staff arrangement: its senior military officer, the Chief of Defense Staff, heads a Chiefs of Staff Committee which functioned much like the U.S. Joint Chiefs of Staff, a system in which the Chairman has had much influence, but little power. The changes just put into effect give the Chief of Britain's Defense Staff much of the authority which JCS Chairman General David C. Jones has recently urged be given to his successors (Mar AFJ), and, AFJ is told, pave the way for even greater centralization of authority within Britain's senior military councils.

Britain's new system has received very little press notice, even in England, and virtually no details about it have been made public. The new system was outlined for the House of Commons Select Committee on Defense on February 11th in a government paper entitled, "Certain Changes in the Responsibility of the Chief of Defense Staff Designed to Enhance His Authority." Even the title of that paper has been closely held information and was not made public. It detailed six main points, some of which involved significant changes, while others represent little that is new on the surface but pave the way for still greater centralization of authority under the Chief of Defense Staff:

The Chief of Defense Staff is to be the principal military advisor to the government. (This is not new, but is a strong reaffirmation of his role. The Service chiefs who serve with him on the Chiefs of Staff Committee, equivalent to the U.S. Joint Chiefs of Staff, will retain their right of access to the Secretary of State for Defense and to Britain's Prime Minister.)

The Chiefs of Staff Committee serve as the Chief of Defense Staff's principal advisor.

The Chiefs of Staff retain their positions as heads of their respective Services.

The Central Staff (about 70 in number and equivalent to the U.S. Joint Staff) will report to the Chief of Defense Staff.

Freedom of access between the Central Staff will continue at all levels.

The Chiefs of Staff will meet under the Chief of Defense Staff on all senior appointments as the Senior Appointments Committee. (This represents the most significant change, giving the Chief of Defense Staff a voice on all three- and four-star appointments within all the Services, and on all personnel posted to the Central Staff. Senior promotions used to be a prerogative of each Service Chief independent of the Chief of Defense Staff, and officers could be sent to the Central Staff rather than be selected for it:)

The first five points are intended, AFJ is told, to strengthen the role of the Central Staff to provide more considered, balanced advice on inter-Service issues, giving the Chief of Defense Staff a much stronger voice in resolving often conflicting or parochial positions developed independently along Service lines.

The British initiatives, parallel many of the recommendations for changing the U.S. Joint Chiefs of Staff system voiced last month by General Jones. In Britain, however, the government can announce such changes, whereas some of Jones' will require Congressional action to change present laws.

MAJOR STUDIES ON REORGANIZATION OF THE JOINT CHIEFS OF STAFF

Inevitably, there will be some impetus to turn the proposals by General Jones and General Meyer over to a group for study. If done, the exercise should be a very brief one, for as the following list of 20 studies over 38 years reveals, the need to restructure the JCS has been studied to death. We don't need any more studies, we need action.

Apr 1944—McNarney Plan.

Mar 1945—Richardson Committee Majority Report.

Sep 1945—Eberstadt Plan.

Oct 1945—Collins Plan.

Jan 1947—Army-Navy Compromise Plan (Norstad-Sherman Plan).

Nov 1948—Eberstadt Committee (of the Hoover Commission) Report.

Feb 1949—Commission on Organization of the Executive Branch of the Government (Hoover Commission) Report.

Apr 1953—Rockefeller Committee Report.

Apr 1953—President Eisenhower's Reorganization Plan.

Jan 1958—Wheeler Committee Report (prepared at the request of the Joint Chiefs of Staff).

Apr 1958—President Eisenhower's Reorganization Plan.

Dec 1960—Symington Study on Reorganization of the Department of Defense (prepared for President-elect Kennedy).

Jul 1970—Blue Ribbon Defense Panel (Fitzhugh) Report.

Jun 1978—Ignatius Report on Defense Reorganization.

Jul 1978—Steadman Committee Report on National Military Command Structure.

Feb 1979—Defense Resource Management (Rice) Report.

Sep 1979—National Security Policy Integration (Odeen) Report.

Dec 1981—Joint Planning and Executive Steering Committee Report.

Feb 1982—Two Separate Reports of the Chairman's Special Study Group.

Feb 1982—Jones' Reorganization Proposal.

WHY THE JOINT CHIEFS OF STAFF MUST CHANGE

(By General David C. Jones)

The Joint Chiefs of Staff, if viewed as the military board of a government corporation, would provide some striking contrasts to organization and management principles followed in the private sector: [the] Board consists of five directors, all insiders, four of whom simultaneously head line divisions . . . reports to the chief executive and a cabinet member . . . [and is] supported by a corporate staff which draws all its officers from line divisions and turns over every two years. . . . Line divisions control officer assignments and advancement; there is no transfer of officers among line divisions. . . . Board meets three times a week to address operational as well as policy matters, which normally are first reviewed by a four-layered committee system involving full participation of division staffs from the start. . . . At 75% of the Board meetings, one or more of the directors are represented by substitutes. . . . If the Board can't reach unanimous agreement on an issue, it must—by law—inform its superiors. . . . At least the four top leadership and management levels within the corporation receive the same basic compensation, set by two committees consisting of a total of 535 members . . . and any personnel changes in the top three levels (about 150 positions) must be approved in advance by one of the committees.

I have been a member of this "Board" for nearly eight years and its Chairman for most of the past four years, and have thus served as a member of the Joint chiefs under four Presidents and four Secretaries of defense. During this time, and before, many good men have struggled very hard to make the best of the joint system, and most, if not all, have experienced a great sense of frustration in dealing with both large and small problems.

Much of this frustration comes from having to cope with legislative and organizational constraints which reflect concerns of the past, inhibit attempts to meet the rapidly changing demands of today's world, and violate basic leadership and management principles. Yet, despite many studies that have periodically documented problems with this military committee system and made cogent recommendations for improvements, the system has been remarkably resistant to change. Committees can serve a useful purpose in providing a wide range of advice to a chief executive or even in making some key policy decisions, but they are notoriously poor agents for running anything—let alone everything.

Although I recognize the very strong and persistent headwinds, I could not leave office in good conscience this summer without making a major effort to illuminate the real issues once more and hopefully wrest some substantial changes. Most of the problems and some of the approaches I will address have been discovered—then reburied—many times in the past 35 years. The difference this time is that the proposals for improvement are coming from someone inside the system, who for many years has been in the best position to understand the causes and consequences of its shortcomings. In formulating my approach, I have been helped by a group of senior retired officers who are in a better position than those now serving to step aside from longstanding Service positions and objectively assess the joint system.

ROOTS OF THE PROBLEM

The roots of enforced diffusion of miliatry authority can be traced to a period which precedes the founding of the republic. The Continental Congress distrusted standing armies and military heroes, and even with George Washington in command, established multiple checks on his authority. The principles of the separation of powers and civilian control over the military have appropriately become deeply imbedded in our culture, both in law and in custom as well as in the attitudes of our military professionals.

In many cases, however, the mechanisms erected to exercise such controls have had the unintended effect of permitting—and often promoting—serious organizational deficiencies. As our military institutions evolved, the various military subbureaucracies attempted to establish as much independence as possible. As a result, by the end of the 19th Century, both military departments—War and Navy—were riddled with semi-autonomous, often intractable fiefdoms: branches, corps, departments, bureaus, and so forth.

By the time we went to war with Spain in 1898, conditions were ripe for reform, but as is so often the case it took near military disaster in the conduct of the war to provide the impetus within the Army and Navy to move toward better integration within the Services. The Army, despite much opposition, created a Chief of Staff position in 1903; after several intermediate steps, the Navy created the position of Chief of Naval Operations in 1915. Institutional resistance was still great, however, and it would take decades before centralized authority had shifted to the Chiefs of the Services.

Both the Army and the Navy began World War II with authority and responsibility diffused. The Army still had a large number of semi-autonomous agencies with little effective coordination below the Chief of Staff level. Immediately after Pearl Harbor, General Marshall streamlined the Army by reducing the number of officers reporting directly to him from 61 to six. In December of 1941, the Navy had split responsibility in Washington with Admiral Stark as Chief of Naval Operations and Admiral King as Commander-in-Chief of the U.S. Fleet. A few months later much of that problem was solved when Admiral King assumed both jobs.

Inter-Service cooperation developed even more slowly. Before technological developments began to blur the boundaries between sea and land warfare, the Services had evolved independently into distinctly different organizations with separate policies and traditions. Competition rather than cooperation was the standard. This evolution resulted in four organizations which even today gravitate quite naturally to two groups of shared traditions and experiences: a maritime grouping (Navy and Marine Corps), and primarily a land warfare grouping (Army and later the Air Force).

However, circumstances surrounding defense in the 20th Century created needs and motives for unified action. The first United States experience in deploying and supplying large expeditionary forces occurred in 1898, and it was not until World War I that the airplane emerged to blur historical distinctions between ground and sea warfare. These sorts of changes spurred the military into developing embryonic arrangements in the early part of the century for coordinating strategic and logistic plans and for conducting joint maneuvers. Until World War II, however, such arrangements remained rather exceptional and clearly did not work well.

The watershed for development of a permanent inter-Service system was the crisis atmosphere surrounding our entry into World War II. The British had established a committee of the heads of their military services in 1923. When intensive military consultation with the British commenced after Pearl Harbor, it soon become apparent that we too needed some such system, not only to assure smoother dealings with the British but also to coordinate our own national war effort.

The Joint Chiefs of Staff was established informally by President Roosevelt in February 1942. The White House appointments calendar suggests that the President met with the Chiefs as a body frequently during 1942, but primarily with the Chief of Staff to the President in the remaining three years of the war. For the most part, the Chiefs, along with their British counterparts, directed largely separate wars through three geographic commands which were essentially divided by Service. General Eisenhower commanded Europe while Admiral Nimitz and General MacArthur commanded separate theaters in the Pacific. Strategic planning was conducted on the basis of direct guidance: put first priority on Europe; use the nation's full resources to support coalition efforts to defeat the enemy forces; and compel the Axis governments to surrender unconditionally. In many ways, it was a simpler world. But as the biographies of many World War II leaders reveal, the joint system established then did not work very well: Service partisanship and inadequate coordination resulted in innumerable delays on many critical issues.

As the war drew to a close, an exhaustive debate ensued on how to organize the postwar military: the Army favored, but the Navy opposed, a highly integrated system. Many at that time believed that the Army would dominate any integrated system. The Air Force, then still part of the Army, supported integration, but was primarily interested in becoming a separate Service.

After nearly two years of studies, committee reports, and Presidential interventions, the National Security Act of 1947 emerged as a compromise between those who favored full Service integration and those who feared centralization of military authority. The act created a loose confederation among the military Services and a Secretary of Defense who initially had little authority. Amendments in 1949, 1953, and 1958 served to strengthen the Secretary's authority and to expand the size and purview of his staff, but as far as the joint system was concerned, the changes were much more marginal. The role of the chairman was formalized, the Joint Staff was expanded, and the chain of command from the President and Secretary of Defense to the Combatant Commands was clarified.

Even modest changes, however, created great controversy. During part of the period the amendments were being addressed, I was aide to General Curtis LeMay, then Commander of the Strategic Air Command, and I had many opportunities to observe the intense debates which took place not only in Washington but throughout much of the military. Only from such a vantage point was it clear how strong the pressures for preserving Service autonomy remained.

President Eisenhower, writing in 1965, said he had reminded his associates on signing the Defense Reorganization Bill of 1958 that it was just another step toward what was necessary. I believe he would be disappointed that further steps have not been taken.

Since 1958, there have been many recommendations for fundamental revisions of the system—but few changes in its statutory framework. In 1978 the Commandant of the Marine Corps was made a full member of the Joint Chiefs by law, but this primarily codified what had already become practice. Essentially, despite major changes in the world (on which I will comment later), we have had 24 years—and in many ways 35 years—without fundamental revisions of the joint system, a system which in effect represents arrangements developed in a patchwork way during World War II.

HOW WE OPERATE

At the top of that system are the Joint Chiefs, appointed by the President and confirmed by the Senate. By law, we are the principal military advisors to the President, the Secretary of Defense, and the National Security Council.

As a body, we are responsible for reviewing and developing ways to improve the state of military readiness, assessing threats to our security interests, and identifying the forces required to meet those threats. We supervise but do not command the senior Combatant Commanders,* and maintain an elaborate command, control, and communications system which provides the links to and within our combat forces worldwide. We also consult with foreign military leaders and provide military representation to arms control negotiations teams.

Four of the members of the Joint Chiefs are the military heads of their individual Services, who, except in time of war, are restricted to a single four-year term. Since 1947, nearly 50 officers have held the office of Chief of one of the four Services. A Service Chief is not only a full member of the Joint Chiefs of Staff but also is the leader of his uniformed Service. As its principal military spokesman, the Service considers him the guardian of its professional interests, standards, and traditions.

The fifth member of the Joint Chiefs, the Chairman, is the only one to devote all of his time to joint affairs. Although outranking all other military officers, the Chairman does not exercise command over the Joint Chiefs or the armed forces but acts as an advisor, a moderator, an implementor, and an integrating influence whenever possible. A Chairman is appointed for a two-year term and may be reappointed once, except during time of war when unlimited two-year reappointments are allowed.

After four years as Service Chief and now on my fourth year as the Chairman, I have found that a Chairman generally has more influence but less control than a Service Chief. Whereas a Service Chief can draw on significant institutional sources of formal authority, the Chairman's influence must be derived primarily from his effectiveness in personal relationships. His position provides the opportunity to meet with the leadership of the nation, but it is his professional competence, his ability to present well thought-out and broad-based arguments, and his performance as a team player grappling with difficult questions of national priorities that determine his degree of influence. The Chairman's only institutional advantage is his status as the one senior military official whose sole responsibility encompasses the entire spectrum of defense.

The Joint Chiefs are supported by a Joint Staff which is significantly limited by law in terms of size—it is dwarfed by the Service and Secretary of Defense staffs—and the tenure of officer assignments. Except for urgent matters, a joint action is traditionally handled by assigning the issue to a Joint Staff action officer who meets with comparable level representatives from the four Service staffs. The pressures at this point create a greater drive for agreement than for quality: the process usually results in extensive discussion and carefully draftsmanship of a paper designed to accommodate the views of each Service—at least to the extent of not goring anyone's ox.

The paper then works its way up through a series of such committees to a group composed of the Service Operations Deputies (three-star positions on each Service staff) and the three-star Director of the Joint Staff. These individuals—who normally attend the meetings of the Joint Chiefs—can approve a routine paper, but refer any substantive issue or unagreed matter to the Chiefs. As would be expected, papers produced by such a multiple committee process are often watered down or well waffled, although not as badly as Dean Acheson judged when in his 1969 memoirs he wrote of the Joint Chiefs organization: "Since it is a committee and its views are the result of votes on formal papers prepared for it, it quite literally is like my favorite old lady who could not say what she thought until she heard what she said."

When there is not time for this elaborate staff process or even to convene the Joint Chiefs, I must take action and consult with my colleagues later. The most extreme example would be that of direct attack on the United States. The Soviets have a number of submarines on alert off our Atlantic and Pacific coasts which could deliver nuclear warheads on Washington and other targets in a very few minutes. If an attack were made, our warning sensors would pick up the launches within seconds, and reports would reach Washington and other key points almost immediately. The general or admiral on 24-hour duty in the National Military Command Center would at once notify me as well as others. I then would recommend a course of action to the President and Secretary of Defense, and would implement the Presidential decision without delay.

At the other end of the spectrum are incidents such as the one last year when a Libyan pilot fired a missile at our Navy fighters over the Gulf of Sidra and our pilots responded by downing two of the Libyan planes. I was notified immediately and in turn informed the Secretary of Defense. I then proceeded to the National Military Command Center in the Pentagon to determine what further action, if any, was required. The need to respond to crises and incidents such as this one requires that I be immediately available, a requirement to which I have long been accustomed.

The more routine actions are considered each week in three regularly scheduled Joint Chiefs meetings, in which operational as well as policy issues are addressed. When in Washington, the first responsibility of a member of the Joint Chiefs of Staff is to attend all of these meetings, but because of our worldwide responsibilities we must be gone a considerable amount of the time. The Vice Chief of Staff substitutes when a Service Chief is absent, but since the Chairman is not allowed a deputy (a major weakness which I will address later), the senior Service Chief in attendance chairs the meeting when I am away. My experience has been that one or more substitutes attend about three-quarters of the meetings, a situation that results in a lack of continuity.

By law, if we cannot reach unanimous agreement on an issue, we must inform the Secretary of Defense. Such splits are referred to the Secretary a few times a year, but we are understandably reluctant to forward disagreements, so we invest much time and effort to accommodate differing views of the Chiefs.

The Joint Chiefs must maintain many constructive external relationships, the most important of which derives from their role as the senior military advisors to the civilian leadership, particularly the Secretary of Defense and the President. The Chiefs meet with the Secretary and Deputy Secretary of Defense each Tuesday to discuss joint matters as well as attend other meetings with them during the week. As Chairman I meet privately with the Secretary and his Deputy each day and participate with them in interagency discussions.

Traditionally, Presidents have met with the Chiefs as a body only on a few occasions. More often we send memoranda to the Secretary of Defense and request that they be forwarded to the President. Any Chief has the right to ask for an individual appointment or correspond directly with the President, but this right has also been exercised very rarely. To the best of my knowledge, it was last used in 1974 by Admiral Elmo Zumwalt, then Chief of Naval Operations, who wrote directly to President Nixon to urge a stronger negotiating stance during the SALT II negotiations.

The main contact with the President comes when I participate as the Joint Chiefs' representative in National Security Council meetings. Such meetings are scheduled frequently by President Reagan, who has used the National Security Council forum more than any President since Eisenhower. I have the full opportunity at these meetings to express to the President the corporate views of the Chiefs as well as my personal views on any matters, regardless of whether the Chiefs have addressed them. I also have the opportunity to express such views below the Presidential level as a member of various interagency and Defense working groups, such as the Military Manpower Task Force, the Defense Resources Board, and the Armed Forces Policy Council.

Next to advising the President and the Secretary of Defense, the Joint Chiefs' most important responsibility is the requirement to oversee the combatant Commands. In meeting this responsibility, it is essential to nurture a close relationship with the commanders through longstanding personal contacts and frequent communications as well as visits to the field. The Service Chiefs are also responsible to their Secretaries for organizing, equipping, and training the forces assigned to the Combatant Commands.

Responsiveness to Congress is another important responsibility of the Joint Chiefs. The Secretary of Defense and I normally appear together before eight Congressional committees—many times each year before some. Service Chiefs also have hearings before several committees, particularly those concerned with Service budget matters. And the Joint Chiefs occasionally will appear as a body, as we did during various arms control hearings. Extensive questioning of every action of the Defense Department is the norm during hearings as well as in detailed written questions addressed to us throughout the year.

Whenever military officers appear at a Congressional hearing, we are expected to respond fully to questioning, even when asked for personal views about matters on which we may disagree with the position of the Administration. I have responded to unsolicited questions with personal views at variance with the decisions of the civilian leadership on a number of occasions, the most recent of which concerned my reservations on the basing decision for the M-X intercontinental ballistic missile. I believe our system is unique among the nations of the world in airing such disagreements. A number of years ago, when I explained this aspect of US military-Congressional relations to a head of government of one of our Allies, he responded that one of his military officers would be fired if he gave a view other than the official position to his Parliament. The US civilian leadership throughout the years has understood and even supported the military's responsiveness to Congressional questions so long as our comments have been made in good faith and neither solicited nor intended to circumvent a decision. I have found that senior officers have generally been sensitive to this responsibility.

Since it is essential to maintain the American people's confidence and support for our defense programs, the Joint Chiefs consider public relations, including speeches and other public appearances, another important function.

Finally, it is important for the Joint Chiefs to work very closely with our friends and allies, since we simply cannot go it alone in today's world. I meet with my NATO counterparts on at least four occasions each year, and with officials from many other countries somewhat less frequently. Since almost every aspect of our job has international implications, foreign travel is an indispensable aid to understanding key issues and establishing good relations with foreign leaders.

These important external relationships take a great deal of time, but it is the cumbersomeness of the committee processes that constrains our ability to produce the best joint military advice. One of the Presidentially directed studies of the joint system, the 1978 Steadman Report, concluded that the advice provided personally (usually orally) by the Chairman and the Service Chiefs was of high quality, but that the institutional products (the formal position papers) were not found very useful.

SOME PROGRESS . . .

Despite the institutional constraints, however, we have managed to make some joint program improvements over the last few years. Much of the credit for whatever progress has been made must go to my colleagues on the Joint Chiefs. The nation has been, and continues to be, well served by these competent, hard-working officers. Some of the improvements are:

Development of a broader joint exercise program, to include mobilization practice;

Establishment of a Joint Deployment Agency to integrate deployment plans and activities;

Integration of our land and sea transportation systems; Redirection of the Industrial College of the Armed Forces to achieve better understanding of mobilization;

Revamping of our joint education system, to include establishment, in conjunction with the Secretary of Defense, of research centers at the National Defense University to help us take fresh looks at defense problems;

Organizational adjustments for better integration of the joint command, control and communications system;

Establishment of the Rapid Deployment Joint Task Force to improve our capability to deploy and operate forces in Southwest Asia and as a mechanism to develop and exercise integrated operations by elements of all four Services;

Increasing the Combatant Commanders' opportunity to influence resource decisions, to include appearing before the Defense Resources Board; and

Involving the Service Chiefs in specific joint issues when visiting the field in order to report findings and recommendations at a Joint Chiefs meeting.

. . . BUT PERSISTENT SHORTCOMINGS

While the above represents some important and helpful changes in inter-Service programs, such progress has been limited primarily to issues which only marginally affect important Service interests. However, unless the basic long-term shortcomings of the system are corrected, the severity of their consequences will continue to increase as the national security environment becomes ever more complex. We need to spend more time on our war fighting capabilities and less on an intramural scramble for resources.

In my view, the basic causes of our most serious deficiencies can be divided into two categories: personnel and organization.

Personnel. There is inadequate cross-Service and joint experience in our military, from the top down. The incentives and rewards for seeking such experience are virtually nonexistent. And the problem is compounded by the high degree of turbulence in key positions.

We do not prepare officers to assume the responsibilities of membership on the Joint Chiefs as well as we should. I include myself in this judgment even though I was fortunate in having an unusually diversified background before becoming a member of the Joint Chiefs. In my many years in the Air Force, I had been assigned to bombers and fighters, command and staff, Washington and field tours. I had attended the National War College, an institution designed to prepare military officers and foreign policy civilians for joint and interagency duty. I had been an aide to an unusually competent commander, General LeMay, and he taught me much—his initial guidance to me was, "You are in this job to learn first and serve second, and do not mix those priorities." I had 10 years' duty overseas in Japan, Vietnam, and Europe, including direct involvement in two wars. And in my last overseas assignment I had two jobs—as US air commander with geographic responsibility stretching from Norway to Iran, and concurrently, as a NATO air commander with coalition responsibility for the air forces of a number of nations.

However, I still lacked two major ingredients of a fully rounded experience when I was appointed Chief of Staff of the Air Force. I had begun service in the Army and had maintained close contact with that Service even after the Air Force became independent. But my contact with the maritime forces—the Navy and Marines—was limited. I had visited and had participated in joint exercises with maritime forces, but still did not have as deep an understanding of their strengths and weaknesses, their doctrines and traditions, as I would have liked. Unfortunately, my experience in this regard is far from unique: few Navy or Marine officers have substantial experience with the Army of Air Force, and vice versa.

The second gap in my experience is also too common among officers who assume key positions in the joint system (both on the Joint Chiefs and as Combatant Commanders): I had never served on the Joint Staff or in the headquarters of a Unified Command. And, frankly, I have found from my own experience that serving on the Joint Chiefs as head of a Service does not necessarily make an individual a truly joint officer. My perspective changed when I became Chairman and was immersed every hour in joint problems. But I must confess that as Air Force Chief, while I prided myself on my joint attitude and believed that some fundamental changes were needed, I was reluctant—as were the other Service Chiefs—to accept any infringement on Service autonomy on individual issues.

Most newly assigned officers arrive on the Joint Staff or a Unified Command staff from a Service-oriented career with little inter-Service experience and inadequate preparation for joint duty. In the case of the Joint Staff, the problem is compounded by statutory limits—restrictions which do not apply to the Service and Secretary of Defense staffs. For example, public law (10 USC 143) states that:

"The tenure of members of the Joint Staff . . . except in time of war . . . may [not] be more than three years."

"Except in time of war . . . officers may not be reassigned to the Joint Staff [in] less than three years . . . except . . . with the approval of the Secretary of Defense" who may waive this restriction for no more than 30 officers.

Furthermore, officers come from and return to their Services which control their assignments and promotions. The strong Service string thus attached to a Joint officer (and to those assigned to the Unified Commands as well) provides little incentive—and often considerable disincentive—for officers to seek joint duty or to differ with their Service position in joint deliberations. Indeed, it is hard to argue that Joint Staff duty is a path to the top. With the exception of Army General Earle Wheeler, not a single Director of the Joint Staff or one of its major components has ever become Chief of his Service or Chairman of the Joint Chiefs of Staff.

We have many outstanding officers on the Joint Staff who work very hard under very difficult conditions with few rewards. It is no wonder that many retire while on—or soon after leaving—the Joint Staff, or seek early release for a more rewarding job. The three-year limit on assignments—when coupled with our reluctance to stand in the way of good people attempting to move to Service jobs that may further their careers—results in a turnover of the Joint Staff in a little more than two years. Better continuity is required.

Organization. In the joint system we not only have the advantages and all the disadvantages typical of committees, but our problems are further compounded by the "spokesman-statesman" dilemma that a Service Chief encounters. This is especially true when the issue of distribution—of resources or of missions—is raised. Time after time during my years as a member of the Joint Chiefs, the extraordinary difficulty of addressing—let alone gaining the Chiefs' agreement on—the distribution of constrained resources has been driven home to me. A Service Chief finds himself in a very tough position when asked to give up or forego significant resources or important roles and missions, both because his priorities have been shaped by his Service experience and because he must be the loyal and trusted leader of a Service whose members sincerely believe their Service deserves a greater share of constrained resources and of military missions—and the control thereof.

Service Chiefs do differ with the position of their Service staffs on occasion, but to do so too often and particularly on fundamental issues is to risk losing the support essential for carrying out Service responsibilities. One former Chief relates that during a joint meeting, a Service action officer (a major) handed him a note which said, "General, under no condition can you agree to the third paragraph." This incident is representative of a phenomenon which has often been called "the tyranny of the action officer." However, that phrase tends to obscure a significant point: the major was expressing the viewpoint of a large and often unforgiving bureaucracy.

We in the defense business share the problem which afflicts most of corporate America—the difficulties inherent in long-range planning. Today's business leaders are of course well aware of the problems of accurately predicting the future and developing successful strategies to improve long-range profitability—and creating incentives within constituencies to address the long term. Those of us responsible for defense planning must contend with the same problems as well as further complications stemming from the lack of a readily calculable "bottom line," the buffetings of political and social disturbances anywhere on the globe, and a high degree of resistance to change.

Any institution that imbues its members with traditions, doctrines, and discipline is likely to find it quite difficult to assess changes in its environment with a high degree of objectivity. Deep-seated Service traditions are important in fostering a fighting spirit, Service pride, and heroism, but they may also engender a tendency to look inward and to perpetuate doctrines and thought patterns that do not keep pace with changing requirements. Since fresh approaches to strategy tend to threaten an institution's interests and self-image, it is often more comfortable to look to the past than to seek new ways to meet the challenges of the future. When coupled with a system that keeps Service leadership bound up in a continuous struggle for resources, such inclinations can lead to a preoccupation with weapon systems, techniques, and tactics at the expense of sound planning.

Despite valiant efforts to improve strategic planning in the Pentagon, we are often faced with intense pressures to spend most of our time addressing immediate issues. Those pressures are particularly great with regard to budget actions: sometimes we are addressing three budget documents at a time. For example, in the fall of 1981 we were working with Congress on the Fiscal Year 1982 budget (well after the fiscal year had started), preparing the 1983 budget for submission to Congress in January 1982, and doing long-range planning for the following five-year budget period (1984-1988). The work with the Congress obviously took budgetary precedence, and at the same time, big and small crises (Poland, El Salvador, Libya, Middle East, etc.) were rippling through Washington with increased frequency. Under such conditions, it takes strong discipline to avoid being a total captive of the urgent.

NEEDED CHANGES

The shortcomings outlined above have been with the joint system for too long and the need for correction is more urgent now than at any time. Since we live in an era when conflicts could erupt regionally or globally much more quickly than in the past, we must build our military strength without delay—and we must be able to integrate our military forces with great efficiency.

It is clear to me that the fundamental problems is not with individuals but is an organizational one. I have been a close observer or a direct participant in joint activities for more than 20 years. During that time there have been six Chairman and dozens of Service Chiefs and the basic problems have continued regardless of who has been in a specific chair.

As a minimum, we need changes in three specific areas:

(1) Strengthen the role of the Chairman.

Many areas cannot be addressed effectively by committee action, particularly when four out of five committee members have institutional stakes in the issues and the pressure is on to achieve unanimity in order to act. It is unreasonable to expect the Service Chiefs to take one position as Service advocates when dealing in Service channels, and a totally different position in the joint arena. Such matters should therefore be removed from addressal by the Joint Chiefs as a body.

To the extent that an inter-Service perspective is needed on distribution issues, that perspective could be better provided by the Chairman in consultation with the Combatant Commanders. This in turn would require strengthening of the Unified Commander's role with respect to his Service Component Commanders, who command the forces and report both to the Unified Commander and the Service Chief. Under the current system the Service Component Commander's attention is often drawn more to Service issues than to inter-Service coordination problems. In other areas—such as joint operational and long-range planning, crisis management, and a number of routine matters—neither the Service Chiefs nor the Service staffs need participate at the level of detail in which they are involved today.

Furthermore, the Chairman should be authorized a deputy. It is an anomaly that the military officer with the most complex job is virtually the only senior—and in many cases not so senior—officer who does not have a deputy. This causes substantial problems of continuity when individual Service Chiefs, who spend only a fraction of their time on joint activities, stand in for the Chairman in his absence. Secondly, the Chairman needs assistance, particularly in ensuring the readiness, improving the war planning, and managing the joint exercising of the combatant forces. I would also recommend that, at least until there is far more cross-experience and education among all four Services, the Chairman and the Deputy Chairman should come from the two different groupings (one to be a Navy or Marine officer and the other an Army or Air Force officer).

I am convinced that without some such revised role for the Chairman and less reliance on the cumbersome committee processes, the very great demands on the time of a Service Chief will continue and perhaps even worsen. President Eisenhower recognized this problem and when he transmitted his final reorganization plan to Congress in 1958, he stated: "This situation is produced by their having the dual responsibilities of chief of the military services and members of the Joint Chiefs of Staff. The problem is not new but has not yielded to past efforts to solve it." Unfortunately, the approach Eisenhower then advocated—having a Chief delegate major portions of his Service responsibilities to his Vice Chief (with the hope that this would overcome many of the joint problems)—has not worked either, as the subsequent 24 years of experience have shown. I, for one, would also like to see the Service Chiefs be able to spend more time as the leaders of their Service in improving the capabilities of their units and in managing the spending of the billions of dollars in the Service budgets.

There is great wisdom in having the Joint Chiefs of Staff act as senior military advisors to the President and Secretary of Defense on certain key issues. But without a stronger role and better support for the Chairman, the work of the Joint Chiefs is likely to remain to dispersed, diluted, and diffused to provide the best possible military advice or to ensure the full capability of our combatant forces.

(2) Limit Service staff involvement in the joint process.

As mentioned before, the Service staffs dwarf the Joint Staff with many of the Service officers duplicating the work of the Joint Staff. There are two basic problems. First, the Service staff involvement is a cumbersome staffing process and, second, the Service Chiefs receive their advice on joint matters from their Service staffs.

There are some advantages of having Service staffs involved in the joint process, but we should abolish the current system in which each Service has almost a de facto veto on every issue at every stage of the routine staffing process. President Eisenhower noted 23 years ago that "these laborious processes exist because each military department feels obliged to judge independently each work product of the Joint Staff." The situation has not changed. The role of Service staffs can and should be reduced to providing informational imputs—the result would be a better product and fewer officers needed on the Service staffs.

When a Service Chief acts on a Service matter he should receive advice from his Service staff and when he acts on a joint matter he should receive his advice from the Joint Staff; however, since the beginning of the joint process, Service Chiefs have relied almost exclusively on their Service staffs in preparing for joint meetings. It is unrealistic to expect truly inter-Service advice from a staff comprised of officers from only one Service. The Joint Staff can and should provide such advice.

(3) Broaden the training, experience, and rewards for joint duty.

Finally, more officers should have more truly joint experiences at more points in their careers—and should be rewarded for doing so. There should be more interchange among Services at the junior ranks, as Eisenhower strongly advocated, and preparation for joint assignments should be significantly upgraded. The joint educational system should also be expanded and improved. (Along these lines, one innovative idea that is being addressed is to have all newly appointed generals and admirals attend a common course of joint education.) An assignment to the Joint Staff or to a Unified Command headquarters should be part of an upward mobility pattern, rather than a diversion or end of a career, as has been the case so often in the past. It is difficult to see how present patterns can be changed, however, without some influence by the Chairman on the selection and promotion of officers. Also, the statutory restrictions on service on the Joint Staff should be removed.

Despite the magnitude of the task, I am encouraged by the willingness of my colleagues to address the issues and by the support of the Secretary of Defense and others in the Administration on the need for change. Furthermore, I sense a different mood in Congress than that shown in the '40s and '50s, when large and powerful elements strongly protected Service autonomy. I am working hard in my final months as Chairman to bring about the necessary changes. More specifically, I have underway a course of action which addresses, first, recommendations to my colleagues on changes which are within the authority of the Chiefs, and, second, recommendations to the Secretary of Defense and the President on other changes, to include specific proposals for legislative action.

Such change never comes easily. As the Navy approached its major reorganizations at the start of the century, US naval historian Alfred Mahan concluded that no Service could agree to give up sovereignty, but would have to have reorganization forced upon it from outside the organization. Six months before Pearl Harbor, a farsighted Chairman of the General Board of the Navy proposed a truly integrated joint system to the Secretary of the Navy. Like many innovative proposals before and since, the idea was referred to a committee for study and overtaken by events. It is interesting to note, however, that then-Brigadier General Dwight D. Eisenhower supported this proposal with the judgment that "coordination by cooperation is ineffective."

The Services have an understandable desire to protect organizational interests, to preserve their sovereignty, and to conserve hard-won prerogatives. Nevertheless, we cannot escape the fact that our national security today requires the integration of Service efforts more than at any time in our history. To attempt to achieve meaningful integration only through the existing committee system is to leave it at the mercy of well-proven institutional counterpressures. I believe we can find a middle ground which draws on the stengths of the separate Services and of having Service Chiefs as members of the Joint Chiefs, while at the same time making the changes necessary to strengthen our joint system. If not, major surgery will be required.●

INSTITUTIONAL ROLES UNDER 3 OPTIONS

	Today's system	General Jones' proposal	A major institutional change
Congress	Focuses on services for answers	Will have a stronger chairman, but uncertain impact on service chiefs' roles and views.	Can investigate policies (through the Council) separately from programs (via the services).
Secretary of Defense	Receives advice on military matters from many sources. Relies on OSD staff for policy and program initiatives.	No change	No change. Relies on CJCS for policy and program initiatives.
OSD staff	Recommends cross-service trade-offs. Drives policy formulation	Will conform to minor shift of the policy formulation role to a strengthened joint staff. Remains the preeminent staff for policy and program initiatives.	Relinquishes the leading role in policy and program development, but adjusts to major role in policy and program implementation, which is more consistent with wartime role.
Service Secretaries	Influence policy/strategy	No apparent change	Lose some voice in policy formulation, but have a firmer position in developing current and future force capabilities.
National Military Advisory Council			Gives credible, uninhibited cross-service advice to CJCS and civilian decisionmakers.
CJCS	Is the first among equals. Influence rests on role as JCS spokesman.	Enjoys an enhanced role, staffed to more capably present independent views.	Is supported fully to fill role as trusted adviser to Secretary of Defense, President, and Congress. Plays a major part in shaping the internal DOD debate/policy and program initiatives.
Service chiefs	Have major responsibilities in both joint and service arena	Will no longer have override authority on joint issues. Remain dual-hatted.	Are able to focus more clearly on near- and long-term service improvements.
CinC's	Possess little influence on programs	Gain a strengthened voice in matching resources to operational plans.	Present needs in a continuous dialog to the Council, which is now much more capable of initiating change. Exercise considerable influence on near-term programs.

PHASED DEREGULATION OF NATURAL GAS

● Mr. HART. Mr. President, although a proponent of the phased deregulation of natural gas prices, I strongly oppose suggestions that Federal Energy Regulatory Commission (FERC) should raise the price of all categories of natural gas, particularly supplies of "old gas." "Backdoor decontrol" violates the intent of the Natural Gas Policy Act of 1978 (NGPA). The NGPA gave FERC the authority to raise the price ceiling for price-controlled categories of "high-cost, high-risk" gas. This authority clearly does not include the power to deregulate all categories of natural gas. Natural gas deregulation is a legislative responsibility, not an administrative one. Therefore, I am joining Senator JOHN CHAFEE and many other colleagues in offering a Senate resolution expressing our opposition to the accelerated "decontrol" of natural gas prices by FERC.

The eventual deregulation of natural gas markets should remain a national goal. Price controls distort markets. They encourage excessive consumption and reduce the incentive to develop new supplies. In the long term, they usually result in shortages, like those plaguing natural gas markets in the late 1970's.

Congress, however, not FERC, must establish the schedule for an orderly

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and gradual deregulation of natural gas prices, with special attention to the needs of poor and middle-class consumers. The short-term economic costs of deregulation are highly uncertain. Phasing out controls will minimize these costs. In addition, it is imperative that Congress impose a tax on the windfall profit accruing to domestic producers of natural gas and reserve the revenues of this tax to finance programs helping poor and middle-class Americans weatherize their homes and pay their fuel bills.●

FINALLY: AN EDITOR WHO IS WILLING TO SAY WATT IS RIGHT

● Mr. HELMS. Mr. President, sometime back, I noted with interest an editorial in the Greensboro, N.C., Record regarding a position taken by Secretary of the Interior Jim Watt on mining and drilling in wilderness areas.

The editorial is particularly worthy of note, Mr. President, because unlike the vitriolic criticism that Secretary Watt has endured, this comment is complimentary.

Entitled "Hounding Watt," the editorial points out that the predictable response of the self-styled environmentalists is to criticize Secretary Watt—no matter what action he takes. Secretary Watt recently declared his intention to ask Congress to forbid mining and drilling in wilderness areas until the end of the century. The critics howled.

As the editorial states:

> The idea of opening up any lands to exploration is enough to set off his critics. It leaves us to wonder if some groups critical of Mr. Watt are willing to listen at all.

Mr. President, despite the harsh and frequently unfair criticism, Secretary Watt is doing a commendable job of trying to balance the competing interests of those who wish to develop our national resources versus those who would lock them up for eternity. I applaud him for his efforts, and I ask that this editorial be printed in the RECORD.

The editorial follows:

[From the Greensboro N.C., Record, Feb. 23, 1982]

HOUNDING WATT

Conservationists are reacting predictably to Interior James G. Watt's latest pronouncement. He said Sunday that he will ask Congress to forbid mining and drilling in wilderness areas until the end of the century.

His suggestion left environmental zealots gasping at what they saw as a dramatic reversal of Reagan Administration policies. But they caught their breath and immediately went looking for a "Trojan horse."

By Monday, some environmentalists announced they had found it. They called Mr. Watt's proposal a "duplicitous hoax" that actually would abolish the wilderness system by the end of the century.

Secretary Watt says his announcement represents a change in approach, but not in ultimate goals. "Our goal," he says, "always has been to have wilderness drilled or mined last."

The secretary's past statements tend to support that contention. He seems sincere in wanting to pursue a middle-of-the-road course on use of federal lands.

Yet the idea of opening up any lands to exploration is enough to set off his critics. It leaves us to wonder if some groups critical of Mr. Watt are willing to listen at all.

Secretary Watt consistently has said the 72 million acres of national park land is secure from development, and that good stewardship of our natural resources means management to benefit both present and future generations. He has emphasized he feels the Interior Department should acquire no more park lands until it can better maintain the parks it now owns, and that he will vigorously pursue development of natural resources in certain federal lands.

He told a Chamber of Commerce dinner in Asheville last July just those things. "We need to take care of our land, but I also think that jobs are important and the land needs to be managed for everybody," he said. He pointed out that 40 percent of the known oil lands of the country lie in 341 million acres of federal property.

He reiterated the same points at a meeting of Associated Press managing editors in Toronto.

"What we seek is to move the pendulum from the far extreme of preservationism to the center where we can protect the environment, build our economy and strengthen our national security. We seek to restore America to greatness," he said.

All of this is not to say Secretary Watt hasn't sparked some controversy. For instance, he swiftly removed department heads when he took office so as to weed out in-house critics; he relaxed controls on strip-mining and opened up additional off-shore drilling areas, especially in California; and so on.

He quite clearly acted to dilute the conservation ethic that had held sway in his department for a long time. That was no crime; it was a simple manifestation of the changing of the guard. Some environmentalists are eager to ascribe baser motives to mere political reality.

There is nothing in the record of Mr. Watt to indicate he is hastening the doomsday that some environmentalists claim is not far off thanks to his stewardship. The sooner they admit to their own prejudices, the sooner they will regain some creditability they badly need as guardians of the environment.●

NUCLEAR WEAPONS FREEZE

● Mr. HART. Mr. President, I want to call to the attention of my Senate colleagues this Sunday's Washington Post commentary by former Secretary of Defense Harold Brown on the issues of a nuclear weapons freeze and the prevention of the use of nuclear weapons. In his analysis, Secretary Brown welcomes the appearance of a powerful grassroots movement in this country in support of a nuclear weapons freeze and lauds the objectives of those who call for an immediate halt to the testing, production, and deployment of nuclear weapons. At the same time, he notes that the imposition of a freeze would represent, at best, a partial answer to a problem of enormous complexity. In this regard, Secretary Brown writes, "Stopping the competition at its present level will not by itself reduce either the likelihood or the lethality of nuclear war." Secretary Brown calls for the resumption of United States-Soviet negotiations to limit nuclear weapons and for a special bilateral effort to prevent the use of such weapons.

Mr. President, I ask that the full text of Secretary Brown's Washington Post commentary be printed in the RECORD.

The article follows:

[From the Washington Post, Mar. 28, 1982]

A NUCLEAR FREEZE? NO. IT'S DIVERSION FROM THE MAIN EVENT

(By Harold Brown)

Renewed attention has been focused on the nuclear arms balance and nuclear arms control by the resolution introduced by Sens. Kennedy and Hatfield, along with 15 Senators and over 100 House colleagues. It calls for the United States and the Soviet Union to pursue a complete halt to the nuclear arms race as an immediate strategic arms control objective. It urges that they then decide when and how to achieve a mutual and verifiable freeze on the testing, production and further deployment of nuclear warheads, missiles and other delivery systems. This is to be followed by major, mutual and verifiable reductions in nuclear warheads, missiles and other delivery systems in a manner that enhances stability.

As objectives these are laudable. The proposal itself derives from very legitimate concerns. As written, it contains suitable references to mutuality, verifiability and stability. But the effect of introducing it is almost entirely symbolic. A congressional endorsement would carry some major risks. Its effect is to put pressure on the United States, but not on the Soviet Union. It would displace or draw attention away from more specific and effective arms control proposals and from actions needed to stabilize the strategic balance. Inevitably, the idea of a freeze will crowd out the fine print.

The concerns that prompt the resolution indeed call for immediate attention. One is a growing fear that a nuclear war might actually take place. There is no question that such a war, fought with nuclear arsenals frozen at their present levels, would be an unparalleled and unimaginable catastrophe. Europeans (including the middle-aged, the middle-class and the conservatives, as well as the usual demonstrators) have been motivated in part from a sense that whether nuclear war occurs in Europe is out of the hands of European governments as well as citizens, and depends principally on the United States and the Soviet Union. Americans, who lately displayed their ability to change government direction on foreign and military policy, have come somewhat more slowly to a realization that they may not feel safe about the direction in which they have changed it. The strategic arms competition continues, a reminder of the possibility of nuclear war. Fears mount that, unlimited and unreversed, strategic arms competition will make nuclear war more likely. It is less well understood that stopping the competition at its present level will not by itself reduce either the likelihood or the lethality of nuclear war. But the absence of limitations on the competition may raise the probability of nuclear war by inducing or increasing instabilities, or by contributing to a psychology of enmity between the superpowers, whose relations are already worse than they have been since the Cuban missile crisis at least.

There is, moreover, a perception that the administration has failed to take nuclear arms limitation and reduction seriously as important components of national security policy. An example is its opposition to SALT II during the 1980 campaign, joined in then and now by some of the sponsors of the freeze. The unforthcoming way in which it has backed into an admission of tacit mutual observance of the SALT II limits heightens that perception. So does the failure to resume strategic arms negotiations; statements implying that martial law in Poland must be lifted as a condition of such negotiations will produce neither result. Concerns about administration attitudes have been amplified by frequent loose talk about how feasible or even easy it might be to limit nuclear war, and discussions about the survivability or even winnability of an all-out thermonuclear conflict, by several senior officials.

The administration was forced to resume negotiations on limitation of intermediate-range nuclear forces in Europe at the edge of the precipice, when not only nuclear modernization but the alliance itself was endangered by European perceptions of U.S. intransigence. President Reagan rescued the situation by forceful and effective presentation of a position ("zero-option") that could well get the alliance into trouble later, but is a reasonable and fair approach. Negotiations seem stalled, but they have staved off, for a time, political disaster in the alliance.

As to a freeze itself, some argue that it would be very disadvantageous to the United States, even if immediately and fully implemented and completely verified. The United States, they claim, is now inferior in nuclear weapons, and needs to catch up. Such arguments are not persuasive. It is true that the alliance remains behind in intermediate-range nuclear forces in Europe (though not in shorter-range tactical nuclear weapons), and that the Soviets could destroy the bulk of our intercontinental ballistic missiles in hardened silos by an ICBM attack of their own, while we have no corresponding capability. It is also true that an immediate freeze would abort U.S. strategic programs that would otherwise, over the next five years, probably produce a relative gain in U.S. strategic capabilities relative to those projected for the Soviet Union. But the United States is ahead in numbers of strategic warheads, in the overall capabilities of ballistic missile submarines and the missiles that they launch, and in the capabilities of our heavy strategic bombers. Strategic parity is a band, not a point, and though our position in that band is relatively worse off with respect to the Soviet Union than it was 10 years ago, we remain in that band. Attempts to improve its position in the relative balance is a legitimate objective of each side. But these attempts are also a principal stumbling block in the way of agreements that help advance the prospects of peace and the security of both sides, which is a more important goal.

But does the freeze proposal help that goal? In the first place, it should be noted that its language is not that of an agreement—it is more nearly a set of principles. Second, though it mentions stability as a goal, it does not specifically address the stability of a strategic balance through the survivability and diversity of forces. Unconstrained development and deployment of new strategic systems can either enhance or degrade the stability of the balance; in the past, it has had each effect at various times. Agreements on strategic arms should improve, and have improved, stability. The arms control imperative is to reopen strategic arms discussions between the United States and the Soviet Union. The ongoing talks on intermediate-range nuclear forces should proceed in a SALT context, even though separately. We need also to make a start on discussions on limitations of short-range tactical nuclear forces. At the same time, to the extent that we hope to rely less on nuclear forces, the alliance needs both to improve its conventional forces and to attend to its political disarray.

The freeze proposal is not likely to help accomplish any of these goals. If one of its goals is stability, it also raises the question of completeness. For example, what about anti-submarine warfare (ASW), an arena in which, incidentally, the United States has an advantage? If a freeze is to keep U.S. ICBMs vulnerable, will the Soviet Union be free to pursue (nonnuclear) ASW technology, in an attempt to make our ballistic missile submarines vulnerable as well?

Soviet acceptance in principle of such a congressional resolution could well derail an administration strategic weapons modernization program whose support is already shaky (and, for some of its parts, with good reason), leaving nothing coherent in its place, while the Soviets could continue their own programs even while announcing acceptance in principle of the freeze. Or, as President Brezhnev did on March 16, they can unilaterally announce a freeze in Europe-based intermediate-range nuclear systems where they are ahead. Such a course of events could well also provide the allies with even more reasons to postpone (and thus to kill) modernization of intermediate-range nuclear forces on the NATO side with no corresponding Soviet concessions. Hatfield's statement in support of the resolution might be interpreted as indicating support for a unilateral U.S. moratorium. The resolution itself is clear on calling for mutual and verifiable action after negotiation by the United States and the Soviet Union, but it also speaks of unilateral restraint on destabilizing systems. Practically every U.S. strategic system ever developed has been characterized by one or another critic as falling into that category.

The freeze resolution's sponsors have worked hard to make it a reasonable one. Though its provisions are no solution to the problems of preventing nuclear warfare (which has to be approached by stable deterrence and disarmament), debate on it could provide a push toward the specific actions needed both in military programs and in arms control and disarmament as two of the many elements of a national security policy. But passage would probably, and unfortunately, divert attention from and erode unity behind more important steps. These include a U.S. position (still undecided 14 months into the new administration) on strategic arms limitation and reduction, and such promising new initiatives as Sen. Hart's proposal for further efforts to prevent the use of nuclear weapons—through, for example, stronger measures to prevent accident or miscalculation, and through the reduction of vulnerability of nuclear retaliatory forces to preemptive attack.

A debate on the freeze can thus be useful in educating the public, in pushing the administration toward resumption of negotiations on limiting and reducing strategic arms, and in initiating a drive for negotiations on preventing nuclear war at whatever level of nuclear armament exists. But the freeze proposal is no substitute for, and I fear it will detract from, those other specific negotiations and steps. And it is no substitute for U.S. and allied military strength, nuclear and conventional.●

PUBLIC PRINTER ANNOUNCES FURLOUGH PLAN FOR U.S. GOVERNMENT PRINTING OFFICE

● Mr. HELMS. Mr. President, the Public Printer of the United States, Danford L. Sawyer, Jr., announced on March 25, 1982, that about half of the 6,300 employees of the U.S. Government Printing Office will be furloughed 1 day every other week for 6 months beginning in mid-May. Mr. Sawyer is taking this action as an alternative to layoffs or reductions in force.

This action is necessary because of decreased volume and heavy losses at GPO amounting to approximately $5 million for printing and binding during the first 5 months of fiscal year 1982.

Mr. Sawyer has also announced that he will voluntarily return 5 percent of his salary to the U.S. Treasury during the furlough period. This is an extraordinary act on the part of Mr. Sawyer, and I applaud him for it.

In concert with the furlough, the GPO will roll back its recent 16-percent increase in printing and binding prices. This rollback will be especially beneficial to Congress, the largest consumer of GPO's printing and binding services; but also will be reflected in lower Federal agency printing costs and the continuation of low prices to the public for Government publications.

Mr. President, I support this action by Public Printer Sawyer. The GPO is chartered to operate on a self-sustaining basis. Mr. Sawyer has brought businesslike efficiency to the GPO. His furlough program will reduce the cost of Government printing while preserving jobs and increasing productivity. His decision to donate 5 percent of his own salary back to the U.S. Treasury during the furlough period demonstrates his remarkable commitment. I hope his action will set a Government-wide trend.●

THE LEGISLATIVE VETO AMENDMENT: THE EXTENT OF ITS COVERAGE

● Mr. SCHMITT. Mr. President, in the aftermath of the Senate's action on March 24, 1982, on the legislative veto amendment to S. 1080, the Regulatory Reform Act, several questions have arisen with regard to the applicability of the veto provision.

The legislative veto is applicable to all notice and comment rulemakings under the authority of section 553(b) of the Administrative Procedures Act. Among the rules exempted from the legislative veto are rules of particular applicability which apply to rates, wages, prices, services, corporate or financial structures, reorganizations, mergers or accounting practices relating thereto. A rule of particular applicability is one which applies to a single individual or case, as opposed to a rule of general applicability, which has a much broader application to whole classes or categories of individuals or organizations.

Other rules which are exempted from coverage from the legislative review process include the following list which is taken directly from the text of S. 1080.

> (1) A matter pertaining to a military or foreign affairs function of the United States;
>
> (2) A matter relating to the management and personnel practices of an agency;
>
> (3) An interpretive rule, general statement of policy, or rule of agency organization, procedure, or practice, unless such rule or statement has general applicability and substantially alters or creates rights or obligations of persons outside the agency; or
>
> (4) A rule relating to the acquisition, management, or disposal by an agency of real or personal property or of services that is promulgated in compliance with criteria and procedures established by the Administrator for Federal Procurement Policy or the Administrator of General Services.

In addition to these rules, in the case where an agency finds that the impact of a rule is insignificant, then the rule is also exempted from the legislative review process.

Finally, there has been a question raised with regard to the impact of the legislative veto on the conduct of monetary policy by the Federal Reserve Board. The answer to this question is simply that there is no impact whatsoever. Monetary policy is not conducted through rulemaking but through the decisionmaking processes of the Open Market Committee of the Fed. Because the legislative veto mechanism applies only to rulemaking, the traditional independence of the Federal Reserve Board in the conduct of monetary policy will not be compromised in any way.

With the exception of the exemptions I have listed, the legislative veto procedures will apply to all the rulemaking activities of both the executive branch departments, such as the Department of Housing and Urban Development and the Environmental Protection Agency, and the so-called independent agencies like the Federal Communications Commission and the Securities and Exchange Commission.

I hope these remarks are helpful to those of my colleagues and their staffs who have had questions with regard to the coverage of the legislative veto amendment agreed to by the Senate.●

WILLIAM SCOTT BAKER WINS VFW VOICE OF DEMOCRACY SCHOLARSHIP PROGRAM

● **Mr. MATHIAS.** Mr. President, as the Senate debate continues into the evening we should be aware that the Senate floor is not the only place in Washington that is ringing with eloquent oratory. The annual Veterans of Foreign Wars dinner in honor of the Congress is now in full swing and one of its features is the Voice of Democracy contest. The competition, engaging a half million young Americans, requires the composition and delivery of a theme under the title "Building America Together."

This year's winner is a Maryland high school senior who will carry home to Mitchellville this evening the first place honors and a scholarship worth $14,000.

He is William "Scott" Baker, the 17-year-old son of Mr. and Mrs. William T. Baker of Mitchellville, Md.

His essay is thoughtful and original and will be of interest to all Senators. I ask that the text be included in the RECORD.

The text follows:

1981-82 VFW VOICE OF DEMOCRACY SCHOLARSHIP PROGRAM

I have five minutes. Five minutes to lay down what I believe is the way for us to build America together. Impossible? Well not really, because I see the principles as being very basic. Principles that have been there all along. One philosopher of our day said this, "The more complex the question, the more basic the answer, not simple just basic."

So, how do we build America? Well, first I think we need to understand where America's strength lies. Is it in our National Security or in our Economic System? While these may be some of the foundation blocks of our country, the mortar that holds them together, is the people. The building of America will take place in her people.

While considering this, I came across the work of a very perceptive writer. In his story, a young girl with unusual insight, was helping a friend who was having some personal problems. The girl saw through the surface symptoms to the root causes and confronted her friend: "Do you know your whole problem Charlie Brown? You're wishy-washy. You're going to grow up, marry a wishy-washy girl, and have a whole flock of wishy-washy kids. Charlie Brown you've reached new heights of wishy-washydom." Charles Schultz's simple comic strip has taught a great lesson; the importance and the influence of a person's character.

It was the values of the people that brought this nation into existence and established her on a solid foundation. It was in that atmosphere and with those values that a few God-fearing men worked so diligently to outline the Constitution of the United States. It will be those same values that will enable us to keep on building; to keep on making a stronger country. A Frenchman who was in our country during those early years, said this: "America is great, because America is good. When America ceases to be good, America will cease to be great."

With the qualities of honesty, respect, diligence, responsibility, mercy, purity, a desire for peace and a love and fear of God, we will dream. And therein lies our power. "Where there is no vision, the people perish," we read in the book of Proverbs, but it goes on to say, "When desire cometh, it is a tree of life."

Think back two years. Do you remember the Winter Olympics? I can see the television in my mind as I watched the United States hockey team shock the world and win a gold medal. I mean to tell you, I was excited; the whole country was excited. We had good reason to be proud of those young men. They were men of vision. They had a dream.

Do you remember that August afternoon in 1963 when Martin Luther King stood in Washington before a crowd of thousands as millions watched by television. He raised his head and spoke those immortal words, "I have a dream!"

But dreaming wasn't the end, their actions made their dreams realities. Thomas Carlyle wrote, "Conviction is worthless unless it is translated into conduct." Many people will dream, but it will be those that work and sacrifice to make their dreams realities that will build this nation.

I believe in the "Law of the Harvest: What you plant you grow; what you sow you reap." We must plant our dream of a stronger, better America into the hearts of every individual in this country. And then we must be willing to do something about it. It is then that the United States will flourish like never before.

What better example do we have than the signers of the Declaration of Independence? They had a vision; a dream so strong that when it came to great personal risk, they counted the cost and supported it anyway.

Dreams will lift this nation. Dreams that come from people of character and integrity. With people who remember the values we started with, we can build America. I believe that.

An anonymous author wrote.

If there is virtue in the heart;
  There will be beauty in the character.
If there is beauty in the character.
  There will be harmony in the home.
If there is harmony in the home;
  There will be strength in the nation,
And if there is strength in the nation,
  There will be peace in the world.

Carry the Dream.●

ORDER OF PROCEDURE

Mr. BAKER. Mr. President, there are certain items that are cleared on this side that I am prepared to do if they are cleared by the distinguished minority leader.

Mr. President, first I address my attention to Calendar Order No. 465, S. 1936, and inquire of the minority leader if he is prepared at this time to proceed to the consideration of that matter.

Mr. ROBERT C. BYRD. Mr. President, that matter has been cleared on this side.

REQUIREMENTS FOR MEMBERS OF NATIONAL TRANSPORTATION SAFETY BOARD

The **PRESIDING OFFICER.** The bill will be stated by title.

The assistant legislative clerk read as follows:

A bill (S. 1936) to require members of the National Transportation Safety Board to be chosen from individuals with expertise in the fields of accident reconstruction, safety engineering, transportation safety, or transportation regulation.

The **PRESIDING OFFICER.** Without objection, the Senate will proceed to its immediate consideration.

The Senate proceeded to consider the bill which had been reported from the Committee on Commerce, Science, and Transportation with an amendment to strike out all after the enacting clause, and insert the following:

That the last sentence of section 303(b)(1) of the Independent Safety Board Act of 1974 (19 U.S.C. 1902(b)(1)) is amended to read as follows: "The President shall appoint individuals to be members of the Board upon the basis of technical qualification, professional standing, and demonstrated knowledge in the fields of accident reconstruction, safety engineering, human factors, transportation safety, or transportation regulation."

SEC. 2. Section 306 of the Independent Safety Board Act of 1974 (48 U.S.C. 1905) is amended in subsection (a) by striking "pursuant to subsection (b)" and substituting "pursuant to subsection (b) or (c)" and by adding at the end thereof the following new subsection:

"(c) COCKPIT VOICE RECORDER.—Notwithstanding any other provision of law, the Board shall withhold from public disclosure cockpit voice recorder recordings and transcriptions, in whole or in part, of oral communications by and between flight crew members and ground stations, that are associated with accidents or incidents investigated by the Board: Provided, That portions of a transcription of such oral communications which the Board deems relevant and pertinent to the accident or incident shall be made available to the public by the Board at the time of the Board's public hearing, and in no event later than 60 days following the accident or incidents: And provided further, That nothing in this section shall restrict the Board at any time from referring to cockpit voice recorder information in making safety recommendations.

SEC. 3. Section 1312 of the Federal Aviation Act of 1958, as amended (49 U.S.C. 1542), is amended by striking "1982" and inserting in lieu thereof "1987".

The amendment was agreed to.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended so as to read:

A bill to require members of the National Transportation Safety Board to be chosen from individuals with expertise in the fields of accident reconstruction, safety engineering, transportation safety, or transportation regulation, and for other purposes.

Mr. **BAKER.** Mr. President, I move to reconsider the vote by which the bill, as amended, was passed.

Mr. **ROBERT C. BYRD.** Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

ORDER TO PRINT REPORT OF SENATE DELEGATION AS SENATE DOCUMENT

Mr. **BAKER.** Mr. President, during the period January 3-19, 1982, Senator THAD COCHRAN led a Senate delegation comprised of Senator ARLEN SPECTER and Senator STEVEN SYMMS to New Zealand, Australia, Hong Kong, and Japan.

Mr. President, I ask unanimous consent that the report of the delegation's findings be printed as a Senate document.

Mr. **ROBERT C. BYRD.** Mr. President, reserving the right to object. I have no objection.

The **PRESIDING OFFICER.** Without objection, it is so ordered.

MISCELLANEOUS REVENUE ACT OF 1982

Mr. **BAKER.** Mr. President, I ask that the Chair lay before the Senate a message from the House of Representatives on H.R. 4717.

The **PRESIDING OFFICER** laid before the Senate the following message from the House of Representatives:

Resolved, That the House insist upon its amendment to the amendment of the Senate to the bill (H.R. 4717) entitled "An Act to delay for one year the effective date of certain provisions recognizing gain on certain dispositions of LIFO inventories, to make adjustments in the net operating loss carryback and carryforward rules for the Federal National Mortgage Association, and to require information returns with respect to safe harbor leases", and ask a conference with the Senate on the disagreeing votes of the two Houses thereon.

Ordered, That Mr. ROSTENKOWSKI, Mr. GIBBONS, Mr. RANGEL, Mr. STARK, Mr. FORD of Tennessee, Mr. CONABLE, Mr. DUNCAN, and Mr. FRENZEL be the managers of the conference on the part of the House.

Mr. **BAKER.** Mr. President, I move that the Senate disagree to the House amendment to the Senate amendment and agree to the request of the House for a conference and the Chair be authorized to appoint conferees on the part of the Senate.

The motion was agreed to; and the Presiding Officer appointed Mr. DOLE, Mr. PACKWOOD, Mr. WALLOP, Mr. LONG, and Mr. HARRY F. BYRD, JR. conferees on the part of the Senate.

NATIONAL MEDIC ALERT WEEK

Mr. **BAKER.** Mr. President, I move that the Committee on the Judiciary be discharged from further consideration of House Joint Resolution 272, a joint resolution to authorize and request the President to issue a proclamation designating April 4 through 10, 1982, "National Medic Alert Week," and I ask for its immediate consideration.

The **PRESIDING OFFICER.** Without objection, it is so ordered. Is there objection to the request of the Senator from Tennessee for its immediate consideration?

There being no objection, the Senate proceeded to consider the joint resolution.

Mr. **CRANSTON.** Mr. President, I am pleased to add my support for House Joint Resolution 272 designating April 4 through April 10, 1982, "National Medic Alert Week."

Mr. President, each year thousands of people are injured or die during an emergency medical situation because their hidden medical problems—such as diabetes, heart conditions, epilepsy, allergies, or other medical problems, the symptoms of which are difficult to detect or not readily associated with such medical problems—are improperly diagnosed or not treated appropriately. Many such injuries and deaths could be avoided.

The Medic Alert Foundation, International, a private, nonprofit charitable organization located in Turlock, Calif., has for 25 years been serving persons with hidden medical conditions. Medic Alert's emergency medical identification system has been credited with saving the lives of thousands of people each year. The way the system works is very simple and I believe that most Senators have come across it at one time or another.

Through a modest donation, an individual is entitled to use the Medic Alert system, which uses a red medical symbol on a bracelet or necklace to alert medical personnel, law enforcement officers, firefighters, and other emergency personnel to a person's hidden medical problem or problems. Information engraved on the reverse side contains a member's identification number, a 24-hour hotline telephone number to Medic Alert in California, and a listing of the patient's hidden medical problem or problems. In the event that a person is unable to communicate, emergency personnel can call the telephone number collect from any location in the world and within seconds receive from the computerized data bank information that might save that person's life.

Mr. President, the services of Medic Alert deserve special recognition, and, as a Senator from Medic Alert's headquarters State, I am especially proud of the outstanding work being done by this organization. I hope that this occasion, National Medic Alert Week, will help create a greater awareness of the availability of this unique service among persons with hidden medical conditions so that more and more lives can be saved each year.

I therefore urge my colleagues both to support this measure and to lend appropriate assistance to the conduct of this important week in their home States.

The **PRESIDING OFFICER**. The question is on the third reading and passage of the joint resolution.

The joint resolution (H.J. Res. 272) was ordered to a third reading, was read the third time, and passed.

Mr. **BAKER**. Mr. President, I move to reconsider the vote by which the joint resolution was passed.

Mr. **ROBERT C. BYRD**. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

ORDER TO HOLD HOUSE CONCURRENT RESOLUTION 299 AT THE DESK

Mr. **BAKER**. Mr. President, I believe this request has been cleared with the minority. I ask unanimous consent that House Concurrent Resolution 299, commemoration of days of remembrance of victims of the Holocaust, be held at the desk until the close of business on tomorrow.

The **PRESIDING OFFICER**. Without objection, it is so ordered.

ORDER FOR STAR PRINT OF S. 60

Mr. **ROBERT C. BYRD**. Mr. President, on behalf of Mr. BUMPERS, I ask unanimous consent that there be a star print of Senate Resolution 60, and I send a corrected copy to the desk.

The **PRESIDING OFFICER**. Without objection, it is so ordered.

Mr. **BAKER**. Mr. President, I yield the floor.

The **PRESIDING OFFICER**. The Senator from California.

THE REAGAN ADMINISTRATION'S ENTERPRISE ZONE LEGISLATION

Mr. **HAYAKAWA**. Mr. President, I am pleased to join Senators BOSCHWITZ and CHAFEE as an original cosponsor of the Reagan administration's enterprise zone legislation. I have been very interested in this concept of providing special incentives to individuals and businesses to create jobs and revitalize depressed areas. The concept is new and refreshing—a substantial departure from the policies pursued for the last 20 years. It could be the forerunner of a new and different urban policy, with results that may produce rejuvenated cities instead of urban decay.

Currently, our cities are in deplorable condition, with massive areas that better resemble bomb sites than neighborhoods. The housing in these depressed areas is inadequate at best—boarded-up buildings infested by rats are a common sight, with many of them being inhabited by families. Businesses are almost nonexistent, with unemployment in these areas significantly higher than the national average. Adding to these conditions are, generally, poor local services and rampant crime and drug use. The quality of life in these devastated inner city areas is bleak; the inhabitants are as depressed as the areas in which they live.

If we are to change these conditions, we have to understand them and how they developed. Most of the currently depressed areas did not start out as ghettos; they were built in an era of expansion and vibrant economic activity, when the hope for prosperity motivated neighborhood residents. Obviously, something interfered with that hope.

I contend that much of the urban decay our cities are confronted with is the result of Government activity. Federal housing policies encouraging new home construction over rehabilitation fostered the creation of vast suburbs that lured city dwellers away to new communities. At the same time, the escalation of property taxes paying for an ever increasing number of local services forced many businesses, and still more families, out of the city. What was left were those unemployed who could not afford to move, and other low-income families that took advantage of dropping home values. Recognizing that poverty in our cities was becoming a startling problem, the Federal Government instituted programs to provide the poor with housing and financial assistance. Now, 10 to 20 years later, there is still a poverty problem in our cities. What the poor need is not financial assistance; they need jobs.

That is exactly what the enterprise zone concept is all about: Providing jobs to depressed inner-city residents. Since it is clear that the policies of the last 20 years have done little to mitigate the poverty, and have in fact added to it, a new approach is required. If we reverse the series of events that drove the productive sector of the economy out of the cities, there may be hope for economic revival; there may be jobs for the depressed; there may be pride in working and paying for daily expenses with the rewards of toil; there may be hope for prosperity again.

The Reagan administration's enterprise zone proposal provides many of the incentives needed to encourage economic revitalization in depressed areas. Tax credits for capital investments in an enterprise zone would include machinery and equipment, and both construction or rehabilitation of housing. There is a payroll tax credit of 10 percent to employers who increase their work force, with a 50-percent tax credit available to employers for wages paid to zone employees who are disadvantaged individuals. There is, further, a 5-percent tax credit available to the zone employees. Finally, in the tax area, capital gains taxes on zone property and the interest in zone businesses are eliminated.

The other major element of the proposal is the mandate for State and local participation in making the zone work. With only the Federal incentives, the success of an enterprise zone would not be insured; with a combined and dedicated effort by Federal, State, and local governments, conditions can be made very favorable for economic revitalization in our depressed areas. It will be up to the businesses and their employees to make the area come alive again—that is the key to the concept.

I am, therefore, pleased to cosponsor this proposal, as an effort in the right direction to get our cities back on track. As far as it goes, it is an exciting proposal. As a member of the Senate Committee on Small Business, however, I am very concerned that there be sufficient incentive for small businesses to develop and grow. Because the tax credits are nonrefundable, there is little help for a business before it becomes profitable, which may be a significant period of time in a depressed area. Some kind of assistance should be made available for businesses to raise seed capital, and remain in business prior to becoming profitable. Another omission is a cost-reduction element; one which would reduce payroll is a beginner's wage paid at a somewhat lower rate to those seeking work for the first time, or those changing careers, to compensate for the costs of training these employees.

Specific reservations aside, enterprise zone legislation must be pursued as a means to revive our depressed areas.

RECESS UNTIL TOMORROW AT 10 A.M.

Mr. **BAKER**. Mr. President, I see no other Senator seeking recognition. I have no further business to transact. Could I inquire of the minority leader if he has any other matter that he wishes the Senate to address?

Mr. **ROBERT C. BYRD**. I have nothing.

Mr. **BAKER**. In that case, I move, in accordance with the order previously entered, that the Senate stand in recess until the hour of 10 a.m. tomorrow.

The motion was agreed to; and the Senate, at 10:44 p.m., recessed until Wednesday, March 31, 1982, at 10 a.m.

CONFIRMATIONS

Executive nominations confirmed by the Senate March 30, 1982:

NATIONAL TRANSPORTATION SAFETY BOARD

James Eugene Burnett, Jr., of Arkansas, to be chairman of the National Transportation Safety Board for a term of 2 years.

IN THE COAST GUARD

Rear Adm. Wayne E. Caldwell, U.S. Coast Guard, to be the Commander, U.S. Coast Guard Atlantic Area with the grade of vice admiral while so serving.

Rear Adm. Charles E. Larkin, U.S. Coast Guard, to be the Commander, U.S. Coast Guard Pacific Area with the grade of vice admiral while so serving.

The above nominations were approved subject to the nominees' commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.

FEDERAL RESERVE SYSTEM

Preston Martin, of California, to be a member of the board of governors of the Federal Reserve System for a term of 14 years from February 1, 1982.

Preston Martin, of California, to be vice chairman of the board of governors of the Federal Reserve System for a term of 4 years.

HOUSE OF REPRESENTATIVES—*Tuesday, March 30, 1982*

The House met at 12 o'clock noon.

The SPEAKER. Today we have a guest chaplain from Peoria, Ill. He is the guest of the Republican minority leader. Mr. MICHEL. Our honored guest is Rabbi Louis Tuchman.

Rabbi Louis M. Tuchman, Congregation Agudas Achim, Peoria, Ill., offered the following prayer:

Avinu shebashamayim tzur Yisrael vegoalo.

Our Heavenly Father, Supreme Architect of the Universe, vouchsafe Thy benign blessings upon the Members of this House of Representatives, who have been assigned the responsibility of guiding our great Nation. Grant them, O Lord, the wisdom and understanding to labor for the well-being of the United States of America with zeal and with determination.

Today, amidst darkened skies, may the glorious light of Thy countenance shine forth brightly. May we soon witness the day when the ominous clouds of evil and hatred shall no longer flash athwart the skies, and hope and loving kindness will pierce the darkness of fear and despair.

As we approach the month of freedom, may the spirit of that day, more than 200 years ago, imbue this body and Nation to continue to strive for mankind's beneficence, well-being, freedom, and security. Amen.

THE JOURNAL

The SPEAKER. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

Mr. EDWARDS of California. Mr. Speaker, pursuant to clause 1, rule I, I demand a vote on agreeing to the Chair's approval of the Journal.

The SPEAKER. The question is on the Chair's approval of the Journal.

The question was taken; and the Speaker announced that the ayes appeared to have it.

Mr. EDWARDS of California. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 332, nays 22, answered "present" 1, not voting 78, as follows:

[Roll No. 42]

YEAS—332

Addabbo
Akaka
Albosta
Alexander
Anderson
Anthony
Applegate
Archer
Aspin
Atkinson
Bafalis
Bailey (MO)
Bailey (PA)
Barnard
Beard
Bedell
Beilenson
Benedict
Benjamin
Bennett
Bereuter
Bethune
Bevill
Bingham
Bliley
Boggs
Bolling
Bonior
Bouquard
Bowen
Breaux
Brinkley
Brodhead
Brooks
Broomfield
Brown (CO)
Broyhill
Byron
Campbell
Carman
Carney
Chappell
Chappie
Cheney
Chisholm
Clausen
Clinger
Coats
Coelho
Coleman
Collins (IL)
Collins (TX)
Conable
Conte
Corcoran
Courter
Coyne, James
Coyne, William
Craig
Crane, Daniel
D'Amours
Daniel, Dan
Daniel, R. W.
Dannemeyer
Daschle
Daub
Davis
de la Garza
Deckard
DeNardis
Dickinson
Dicks
Dixon
Dorgan
Dornan
Dougherty
Dowdy
Downey
Dreier
Duncan
Dwyer
Dymally
Dyson
Early
Eckart
Edgar
Edwards (AL)
Edwards (CA)
Emery
English
Erdahl
Erlenborn
Ertel
Evans (DE)
Evans (GA)
Fary
Fascell
Fazio
Ferraro
Fiedler
Findley
Fish
Fithian
Florio
Foley
Ford (MI)
Ford (TN)
Fountain
Fowler
Frank
Frenzel
Frost
Gaydos
Gephardt
Gibbons
Gingrich
Glickman
Gonzalez
Gore
Gradison
Gramm
Gray
Green
Gregg
Grisham
Guarini
Gunderson
Hagedorn
Hall, Ralph
Hall, Sam
Hamilton
Hammerschmidt
Hansen (ID)
Hartnett
Hatcher
Hawkins
Heckler
Heftel
Hendon
Hertel
Hightower
Hillis
Hopkins
Horton
Howard
Hoyer
Hubbard
Huckaby
Hughes
Hunter
Hutto
Hyde
Ireland
Jeffries
Jones (NC)
Jones (OK)
Kazen
Kemp
Kennelly
Kildee
Kindness
Kogovsek
Kramer
LaFalce
Lagomarsino
Lantos
Latta
Leach
Lee
Lent
Levitas
Lewis
Loeffler
Long (LA)
Long (MD)
Lott
Lowry (WA)
Luken
Lungren
Madigan
Markey
Marlenee
Marriott
Martin (IL)
Martin (NC)
Martin (NY)
Matsui
Mazzoli
McClory
McCollum
McDonald
McEwen
McGrath
McKinney
Mica
Michel
Mikulski
Miller (CA)
Mineta
Minish
Mitchell (NY)
Moakley
Molinari
Mollohan
Montgomery
Moore
Moorhead
Morrison
Mottl
Murphy
Myers
Napier
Natcher
Neal
Nelligan
Nichols
O'Brien
Oakar
Oberstar
Obey
Oxley
Panetta
Pashayan
Patman
Patterson
Paul
Pease
Perkins
Petri
Peyser
Pickle
Porter
Price
Pritchard
Quillen
Rahall
Railsback
Rangel
Ratchford
Regula
Reuss
Rhodes
Richmond
Rinaldo
Ritter
Roberts (KS)
Roberts (SD)
Robinson
Rodino
Roe
Rogers
Rosenthal
Rostenkowski
Roth
Roukema
Roybal
Rudd
Russo
Santini
Sawyer
Scheuer
Schneider
Schulze
Schumer
Seiberling
Sensenbrenner
Shamansky
Shannon
Shaw
Shelby
Shumway
Shuster
Siljander
Simon
Skelton
Smith (AL)
Smith (IA)
Smith (NE)
Smith (NJ)
Smith (PA)
Snowe
Snyder
Solarz
Solomon
Spence
Stangeland
Stanton
Stark
Staton
Stenholm
Stratton
Studds
Stump
Swift
Synar
Tauke
Tauzin
Taylor
Thomas
Traxler
Trible
Udall
Vander Jagt
Vento
Volkmer
Walgren
Wampler
Washington
Waxman
Weaver
Weber (OH)
Weiss
White
Whitehurst
Whitley
Whittaker
Whitten
Williams (OH)
Winn
Wirth
Wolf
Wolpe
Wortley
Wright
Wyden
Wylie
Yates
Yatron
Young (FL)
Young (MO)
Zablocki
Zeferetti

NAYS—22

AuCoin
Barnes
Clay
Coughlin
Edwards (OK)
Emerson
Evans (IA)
Forsythe
Gejdenson
Harkin
Holt
Jacobs
Johnston
Miller (OH)
Mitchell (MD)
Roemer
Sabo
Schroeder
Sharp
Walker
Weber (MN)
Young (AK)

ANSWERED "PRESENT"—1

Ottinger

NOT VOTING—78

Andrews
Annunzio
Ashbrook
Badham
Biaggi
Blanchard
Boland
Boner
Bonker
Brown (CA)
Brown (OH)
Burgener
Burton, John
Burton, Phillip
Butler
Conyers
Crane, Philip
Crockett
Dellums
Derrick
Derwinski
Dingell
Donnelly
Dunn
Evans (IN)
Fenwick
Fields
Flippo
Foglietta
Fuqua
Garcia
Gilman
Ginn
Goldwater
Goodling
Hall (OH)
Hance
Hansen (UT)
Hefner
Hiler
Holland
Hollenbeck
Jeffords
Jenkins
Jones (TN)
Kastenmeier
Leath
LeBoutillier
Lehman
Leland
Livingston
Lowery (CA)
Lujan
Lundine
Marks
Mattox
Mavroules
McCloskey
McCurdy
McDade
McHugh
Moffett
Murtha
Nelson
Nowak
Parris
Pepper
Pursell
Rose
Rousselot
Savage
Skeen
Smith (OR)
St Germain
Stokes
Watkins
Williams (MT)
Wilson

□ 1215

So the Journal was approved.

The result of the vote was announced as above recorded.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Sparrow, one of its clerks, announced that the Senate had passed with an amendment in which the concurrence of the House is requested, a bill of the House of the following title:

H.R. 5708. An act to amend section 235 of the National Housing Act.

The message also announced that the Senate insists upon its amendment to the bill (H.R. 5708) entitled "An act to amend section 235 of the National Housing Act," requests a conference with the House on the disagreeing votes of the two Houses thereon, and appoints Mr. GARN, Mr. TOWER, Mr. LUGAR, Mr. RIEGLE, and Mr. CRANSTON to be the conferees on the part of the Senate.

RABBI LOUIS M. TUCHMAN

(Mr. MICHEL asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. MICHEL. Mr. Speaker, we are honored today to have the opening prayer delivered by Rabbi Louis M. Tuchman currently rabbi of Agudas Achim Congregation in Peoria.

While it would be impossible for me, in this short time, to list all his accomplishments, a capsule summary of his illustrious career in service to God and his fellow man would surely be appropriate.

A magna cum laude graduate of Yeshiva University, Rabbi Tuchman was ordained at the Rabbi Isaac Eichanan Theological Seminary of Yeshiva University.

He is assistant editor of Tradition, published by the Rabbinical Council of America and associate editor of the Rabbinical Council Manual as well as editor of the Rabbinical Council's Proceedings.

In 1960, 1964, 1973, and 1977 he was chaplain and kashruth supervisor at the National Boy Scout Jamboree.

He is the recipient of the Shofar Award, the highest national award, in recognition of outstanding service in behalf of Jewish youth in the Boy Scouts of America.

His articles have appeared in many magazines, including Jewish Life and he has lectured at Duke University, Monmouth College, and at San Francisco State College.

Mr. Speaker, as I said, this brief list only begins to touch upon Rabbi Tuchman's contributions to our national life. I am very proud to have this chance to introduce him to our colleagues.

PERMISSION FOR COMMITTEE ON RULES TO FILE PRIVILEGED REPORT

Mr. BOLLING. Mr. Speaker, I ask unanimous consent that the Committee on Rules may have until midnight tonight to file a privileged report.

The SPEAKER pro tempore (Mr. DAN DANIEL). Is there objection to the request of the gentleman from Missouri?

Mr. WALKER. Mr. Speaker, reserving the right to object, could the gentleman from Missouri (Mr. BOLLING) tell us on which bill it is that the request is made?

Mr. BOLLING. Mr. Speaker, will the gentleman yield?

Mr. WALKER. I am glad to yield to the gentleman from Missouri.

Mr. BOLLING. Mr. Speaker, this request is on the urgent supplemental.

Mr. WALKER. Is this the rule which I understand had sections in it that were going to amend the Budget Act by allowing a section-by-section waiver rather than a waiver of the entire bill?

Mr. Speaker, I will yield to the gentleman for an answer.

Mr. BOLLING. Mr. Speaker, I thank the gentleman for yielding.

The gentleman, I must say, has loaded the question in such a way that I do not know whether he really wants me to answer in full or just say no, because it does not amend the Budget Act but it does grant waivers that do deal with specific items. Ordinarily where a bill exceeds the overall ceiling a waiver would be granted against consideration of the entire bill. In order to identify the individual items, it may be necessary to grant specific waivers rather than giving the whole bill a waiver.

We are talking about a technicality within a technicality within a technicality, and we are not amending the Budget Act; I think we are following the spirit of it by doing it in this fashion, particularly since we are giving the individual Member a great deal more information than he would have if we gave a general waiver.

Mr. WALKER. Further reserving the right to object, Mr. Speaker, may I assume that the controversy in the Rules Committee is over the gentleman's interpretation of the Budget Act?

Mr. BOLLING. Well, I am not really aware of a controversy within the Rules Committee. There is a controversy brought to the Rules Committee by other committees that are in controversy, but we do not think there is any difficulty within the committee.

Mr. WALKER. Further reserving the right to object, Mr. Speaker, I thank the gentleman for correcting my language. That was my understanding, that there were some Members whose interpretation of section 311 of the Budget Act would differ from the one that the gentleman just used.

Mr. BOLLING. I do not really know that it is a real difference. I think it is a difference in a piece rather than in the whole. I think I am being quite accurate and uncontroversial about the overall, but I think it is easier to pick out a part of the act and discuss that than it would be to get into a great deal of controversy about it.

Mr. WALKER. Mr. Speaker, further reserving the right to object, do I understand the gentleman's unanimous-consent request here is simply to have time to file the report so that we could take up the rule and the supplemental tomorrow?

Mr. BOLLING. The gentleman is correct.

Mr. WALKER. Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER. Is there objection to the request of the gentleman from Missouri?

There was no objection.

CHARTING THE ECONOMIC DECLINE

(Mr. WRIGHT asked and was given permission to address the House for 1 minute.)

Mr. WRIGHT. Mr. Speaker, today we are presenting a chart which will be updated from time to time. The purpose of this chart is to give Members a graphic pictorial representation of the continuing and cumulative effect of the business decline that set in last August and has accelerated, stimulated primarily by high interest rates.

During the past week, 13 industrial plants went out of business. This makes a cumulative total of 99 industrial plants which have closed their doors just since January 1 of this year. Their locations are depicted on the map by yellow dots.

Total business failures of all kinds, suffered by businesses of every type in the United States since January 1, come to 4,846. This many commercial enterprises have gone out of business in the past 12 weeks.

The purpose of calling this to the attention of the Members is to demonstrate the continuing cumulative effect of the economic decline and to call not only upon the Members of this body but upon the President and the members of the administration to recognize the truly devastating effect that high interest rates are having upon this economy. It is time to ask for some yielding, some commonsense spirit of conciliation on the part of the administration in order that we may bring down those high deficits, bring down those high interest rates, put an end to this sickening procession of business failures, and put Americans back to work.

RECORD UNEMPLOYMENT IN ARKANSAS

(Mr. ALEXANDER asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous matter.)

Mr. ALEXANDER. Mr. Speaker, while Michigan records the highest unemployment in the Nation, the Wall Street Journal reports that layoffs in Arkansas surpass layoffs in Detroit.

In one city in my district an industrial manufacturing plant last week had 10 job openings for which 900 people applied.

Arkansas is dependent upon agriculture, housing, and the automobile industry. These are the sickest parts of the economy because they are susceptible to high interest rates. In January we recorded 12.6 percent unemployment, the highest ever recorded in the history of our State. In one county in my State unemployment was almost 25 percent. Nearly a fourth of the residents were out of jobs.

High interest rates and subsequent unemployment, the administration tells us, is the price we pay for lower inflation. I submit that the people of my State have paid a high price for lower inflation, for an economic plan that cannot work and will not work.

Recent accounts from the media tell us, however, that the President is tired of hearing that his economic plan will not work. He still thinks that it is sound and that the economy will pick up, but the advisers to the President are saying that interest rates will not come down until the deficits have gotten under control.

Congress has rejected the President's high deficits for 1983 and has demonstrated a willingness to compromise. Mr. Reagan must show some willingness to lower his disastrously high deficit, which is predicted to range upwards to $170 billion, if we expect to experience lower interest rates, economic recovery, and a solution to this disastrous unemployment problem that grips our Nation.

Wall Street Journal article to follow:

[From the Wall Street Journal, Mar. 25, 1982]

SUN BELT SHADOWS: UNEMPLOYMENT HITS AREAS ONCE THOUGHT TO BE RECESSION PROOF

IN PARTS OF ARKANSAS, LAYOFFS PASS LEVELS IN DETROIT; CAUGHT IN A TRANSITION; NO LUCK IN HOUSTON, EITHER

(By Neil Maxwell)

MALVERN, ARK.—When Tom Clark was laid off a General Motors Corp. assembly line because of the energy crunch in 1974, he never even looked for another job in his native Michigan. "I could see it was time to get out of there," he says. So he left for the Sun Belt.

Soon Mr. Clark landed a $20,000-a-year job here with Reynolds Metals Co. "It's been just great," says the 37-year-old Mr. Clark, who now enjoys hunting and fishing in his adopted state. "You can't beat living and working here."

That may sound like just another Sun Belt success story—and it was until last September, when Mr. Clark was one of several hundred workers laid off by Reynolds. Now his unemployment payments are about to run out, and, despite six months of looking he hasn't found a job.

PARADISE LOST

Mr. Clark has learned the hard way that the Sun Belt isn't recession-proof. Though its economy is still probably in better shape than most of the country's, the Sun Belt isn't any longer the job seeker's paradise it was a year ago or for much of the 1970s. Unemployment rates in some areas are the highest in years. And even in relatively prosperous areas buoyed by the Energy industry, such as Oklahoma and much of Texas, fewer jobs are being created.

Shadows across Sun Belt employment show up clearly here in Arkansas. Though it calls itself the "Land of Opportunity," the state posted in January the highest unemployment rate since it began keeping records in 1950: 12.6%. The rate fell somewhat in February because of better weather—to 11.4%—but that is still far higher than the national rate of 8.8%.

Some parts of the state are suffering even more than many Northern cities that have become well-known symbols of unemployment. Detroit, battered by the auto slump, had 15% of its workers jobless in December. Nearby Flint, Mich., had 16.5%. But here in Malvern, in central Arkansas, the January jobless rate was almost 25%. In Trumann, in the northwest, the rate was almost 19%.

"We're surrounded on three sides by energy states, but we aren't one," explains Ken Coon, the administrator of the Arkansas Employment Security Division. "And our economy is tied to agriculture, housing and automobiles—the three sickest parts of the economy."

LOOKING FOR WORK

But unemployment has spread elsewhere, too—a fact illustrated by the growing number of Sun Belt states qualifying for extended federal unemployment benefits. These supplement normal jobless payments and are granted only in the most drastic cases. Since Jan. 1, Nevada, California, Mississippi, Alabama, Tennessee, both Carolinas and Arkansas have joined 17 other states qualifying for the aid.

So even people willing to travel are having trouble finding jobs. Mr. Clark, for example, headed in mid-February for Corpus Christi, Texas, to look for work on an offshore oil rig. Rig employes earn some $450 a week and have alternate weeks off, so Mr. Clark figured he could work there and still commute the 12 hours back to Malvern. He thus wouldn't have to sell his home and move his wife and young son.

"They (offshore companies) said they hadn't hired in three weeks, but they would consider me," he says. He is still waiting—and a spokesman for an offshore company says such jobs are in short supply.

Roy Witherall had the same bad luck in Louisiana and south Texas. Traveling with two friends in a camper, he spent $700 on gasoline and food as he looked for work. "Every place we tried, we stood in line with 100 people to get told no," says Mr. Witherall, whose wife has been forced to work (selling Avon products) for the first time since he was in Vietnam in 1972.

Openings have dried up even in Houston, long thought to be a mecca for job seekers. The Texas Employment Commission says its Houston office has about 1,600 job listings in early March, down from 4,000 a year earlier. And most of those openings are for skilled workers, such as machinists, or for jobs requiring heavy labor.

Back in Arkansas, Malvern is suffering through one of its worst spells of unemployment in years. "We're getting a quarter of the jobs we normally get," says Clarence Copeland, the manager of the Employment Security Office here. Most of those are illpaying and short-term jobs, he adds, such as raking yards or spading gardens.

The layoffs have an especially severe effect on former workers at Reynolds Metals, because they can't find jobs that will pay the same high wages of $20,000 to $30,000 a year. Some laid-off workers now are earning $4 an hour at odd jobs, Mr. Copeland says. And many employers are reluctant to hire Reynolds's castoffs, adds Mr. Witherall, because they know that if the company recalls workers, most will return for the higher pay. "People resent you because you made so much," Mr. Witherall adds.

But a recall isn't in sight now. In 1980, Reynolds employed almost 3,500 workers in this section of Arkansas; it has since laid off about 1,300. Nor is Reynolds the town's only employment problem.

Sitting in his City Hall office, Mayor Bill Scrimshire ticks off a list of local layoffs: Acme Brick Co., with about one-half of its 230 workers on layoff and 70 more set to go April 3; Consolidated American Window Cos., down to 15 employes from 25; Hoover Universal Inc.'s die-casting plant, down to 80 workers from 120; and several failing sawmill and lumber operations. "Add them all up, that's the problem," the mayor says.

The effect ripples through nearly every business in this town of 10,163. At the Malvern Daily Record, publisher Gene Chambers says display advertising in January fell 10% from a year earlier. Classified ads have stagnated, too. Last month, the paper ran free ads for people who couldn't afford the fee of $4 or so but "need to raise cash by selling a cow or a milk-goat or a bicyle" says Mr. Chambers.

At a hamburger stand owned by Mayor Scrimshire, January sales dropped about 17% to $10,000 from a year earlier. "We knew we were in trouble on Christmas Eve," the mayor says. "Usually we are making hamburgers until midnight, but this time we could have closed at sundown."

Laborers suffer, too. On a drive through town, Michael Ray Gatlin, a 20-year-old brick, and cement layer, points out a rare house under construction. "Pouring the footing for that was the last job I had, and that was over a month ago," says Mr. Gatlin, who lives with his parents. "There ain't no work around here, man. . . . I'm getting out."

There is similar sentiment in Trumann, where the jobless rate was already about 19 percent when Singer Sewing Machine Co. recently decided to close its plant, idling the last 600 workers it had employed there. (The plant once employed 2,000.) Trumann and its surrounding county will lose $100,000 a year in taxes from Singer. T. R. McKinnon, an economics professor at the University of Arkansas at Fayetteville, says Trumann (population 6,405) is one of several small Arkansas communities that may become ghost towns as jobs leave and people follow.

When will employment rebound here? Experts say the state's economy will surge again as the nation's does, perhaps with some lag because of Arkansas's dependence on autos and farming. "There will be a recovery," says Mr. McKinnon, the economist, but he adds that one important factor in its strength and timing is the "transition" that is taking place in Arkansas industry.

CAUGHT IN THE MIDDLE

In the 1950s and 1960s, he says, the state lured labor-intensive industries such as clothing manufacturers and shoemakers. Now those industries are moving to havens of cheaper labor in Asia and Mexico. To compensate, he says, the state must now attract more capital-intensive industries such as electronics. "But right now we're caught in a transition period that is hurting," Mr. McKinnon says.

To speed the pace of that transition, Gov. Frank White has begun a program to bring new businesses to the state. One tactic: give the state's vocational- and technical-training program cabinet-level status, in order to improve skills among Arkansas workers. Energy companies are high on the governor's search list. "We're right in the middle of the 'OPEC nations': Texas, Oklahoma and Louisiana," he says.

IN OREGON, WE CALL IT DEPRESSION

(Mr. WYDEN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WYDEN. Mr. Speaker, the United States may be in the grip of a recession, but many parts of Oregon find themselves in the hold of an old-fashioned depression.

Overall unemployment in Oregon is almost 12 percent, but in many rural counties it has reached as high as 25 percent. And that is just the people who are left. More than a third of all Oregon counties have lost population since last year.

Right now, 130 of Oregon's timber mills are closed or under curtailed schedules. Almost 12,000 lumber and wood-products workers have lost jobs since 1980.

Construction trades have lost another 6,100. Finance, insurance, and real estate interests have lost 4,700 jobs.

Mortgage volume in Oregon is the lowest since 1974. Car sales are not rebounding. Retail sales are off. Manufacturing continues to slide downward.

Maybe the best indicator of how bad conditions are came last Christmas. The Portland Fire Bureau annually gives needy kids donated toys. Usually, the fire bureau is swamped with toys.

This year, the bureau ran out of toys—1 week before Christmas.

What we need are more than prayers to some economic theology. We need the administration to agree to a program that will produce jobs.

□ 1320

INDUSTRIAL PLANT CLOSINGS

(Ms. OAKAR asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. OAKAR. Mr. Speaker, if we look at this map we see a chart that shows the closings, but what we do not really see are the flesh and blood of our people who are suffering. I could add some dots to this map.

Over the last few weeks we have had GM in Euclid, Ohio, which has closed its plant for good, putting 1,400 people out of work. At the GM Lordstown plant near Youngstown, 7,000 of the 10,000 workers remain on an indefinite layoff. Republic Steel in the city of Cleveland laid off 3,400 workers. And Halle's Department Stores, with locations in downtown Cleveland and some of the suburbs, closed its doors for good after almost a century of being in our area.

Mr. Speaker, besides the actual loss of a job I think we have to look at the effect that it has on people. In northeast Ohio alone 300 people experienced a foreclosure on their homes. Some of these people had paid on their homes for 10, 12, and 15 years. We also see the loss of health benefits that their children and their families will not experience. Yes, ultimately we have seen an increase in suicide, up 200 percent from the year before.

Mr. Speaker, I ask that the President address this problem and we in Congress will certainly assist.

SOCIAL SECURITY TRUST FUNDS IMPROVEMENT ACT OF 1982

(Mr. SHAMANSKY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SHAMANSKY. Mr. Speaker, today I rise to introduce a revised bill to improve the investment practices and increase the rate of return of the social security trust funds. This measure builds upon legislation I introduced last September.

The three social security trust funds earned a scandalously low rate of return in fiscal year 1980. To insure that the trust funds earn a yield that is consistent with that of comparable funds, several changes must be made.

The bill I am introducing will do two things: First, the bill will create an "account" for each trust fund much like a savings account with interest compounded quarterly; and second, the bill will provide that the interest paid to each account will be the higher of two formulas: One weighted toward long-term rates and the other weighted toward short-term rates.

An important first step toward improving the financial position of the social security system is to reform its investment practices which have cost it billions in low yields.

ELECTIONS IN EL SALVADOR

(Mr. DONNELLY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DONNELLY. Mr. Speaker, the people of El Salvador demonstrated immense courage by voting on Sunday.

No election in recent history has required greater determination and strength of character from the voter. Men and women by the hundreds of thousands openly and fearlessly defied the cowardly guerrillas in order to proclaim their belief in peace-free elections and self-government.

Each single vote was an act repudiating the extremists and their efforts to impose their will by force of terrorism.

After Sunday's election, it is no mystery why the guerrillas were so afraid of free and open elections, and sought to sabotage them.

The United States holds sacred our right to choose our own government through free and fair elections, without fear of coercion or reprisal.

Historically, the United States has judged the political freedom of other countries by their willingness to govern themselves in similar fashion.

The people of El Salvador have demonstrated that they see open elections as the best way to bring peace to their troubled land.

We have a moral obligation to nurture that democratic instinct.

DOUBLE-STANDARD IMMIGRATION POLICIES

(Mrs. CHISHOLM asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. CHISHOLM. Mr. Speaker, I continue to be concerned and upset by the immigration policies of the Reagan administration. There appears to be a double-standard attitude toward people escaping from persecution—when those people happen to have dark skin.

For Ethiopians and Haitians, the administration is ignoring the accepted international definition of political refugee: Those who flee because of a "well founded fear of persecution."

Ethiopia is Communist controlled. That fact alone would seem capable of dropping our immigration barriers, if we note how our doors have swung wide open for Soviet dissidents, Hungarian freedom fighters, and those who were unhappy with life in Castro's Cuba. Why not Ethiopians? Could it be, Mr. Speaker, because they are dark skinned?

The administration stubbornly insists that Haitian refugees are merely leaving economic hardship, despite findings of harsh repression under Baby Doc's regime. How different, in principle, is the poverty and persecution in Haiti from that found in Poland? Can it not be claimed that the Polish people are also fleeing economic conditions, because they can no longer be members of a trade union dedicated to improving their living standards? Why are Haitians singled out—unfairly and inaccurately—as economic refugees? Could it again be, Mr. Speaker, because they are black?

In the case of Haitian and Ethiopian refugees, I believe we can see the ugly face of racism.

THE M-1 TANK

(Mr. DAN DANIEL asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DAN DANIEL. Mr. Speaker, a current Central American leader said the other day that he was losing his battle on the pages of the Washington Post and the New York Times. That had a familiar tone because they are the same publications along with the national television networks which in large measure denied us victory in Vietnam. On a larger scale, the national and international media are creating a climate in which we could lose it all. A recent article on the M-1 tank is a case in point. Let me say at the outset that I am distressed with the manner in which this system has been developed and deployed. But, that is not an acceptable excuse for printing and projecting false and misleading information.

Allegation: "The most serious problem is the tank's 'power train durability.' The Army requires a 0.5 probability of no major power train component replacement within 4,000 miles. Test results have indicated a rate of 0.19 per 4,000 miles."

Response: The drive train has met the 0.5 requirement since last August.

Allegation: "The hydraulic fluid is extremely flammable."

Response: This too is untrue. The M-1 was designed to use the newer and improved fire retardant fluid and the lines and connectors have been strengthened as well.

Allegation: "The M-1 tank is a gas guzzler, getting only 3.85 gallons per mile."

Response: All tanks are fuel guzzlers. However, this mileage is equivalent to that achievable by an automobile weighing 120,000 pounds being driven at 55 mph. Although the turbine engine in the M-1 does require more fuel, it has twice the horsepower of the M-60, is much faster, and can go places the M-60 cannot.

Allegation: "The turbine engine emits a very strong infrared signature."

Response: All tanks are readily detectable. Visually, the M-1 turbine exhaust is not detectable at all while the M-60 and all other diesel powered tanks have a visible exhaust especially when accelerating.

Allegation: "The hot turbine engine prevents operations in dry woods due to fire danger."

Response: In over 200,000 miles of testing, the M-1 has not started a fire.

Allegation: "The new armor is not very resistant to certain types of kinetically charged antitank rounds. Moreover, the side and rear armor is thinner than that of the M-60."

Response: The M-1 special armor is totally different and vastly superior to M-60 armor.

Allegation: "The M-1 tank is prone to throwing tracks and the track has to be changed every 1,000 miles against an Army requirement of 2,000 miles."

Response: Here again, with twice the power of the M-60 tank and use at much higher speeds, the M-1 wears out 400 to 500 miles sooner than the M-60. That's only half the story. There is another point to be made. This is strictly a peacetime problem. The M-1 tracks are rubber-coated to protect road surfaces; in a combat situation, this would not be a factor and the steel tracks would continue to be serviceable.

Allegation: "The M-1 needs an armored combat earthmover (ACE) to dig it in."

Response: There is a blade currently mounted on the M-60 tanks which is only useful for clearing light rubble and other minor obstacles. To dig in fighting positions, the M-60 made use of a commercial-type bulldozer transported by a tractor-trailer truck. The M-1 will also be mounted with a blade. The ACE will replace the bulldozer and truck. Simply putting a blade on a tank does not makes it a bulldozer any more than putting a cannon on a bulldozer make it a tank. Additionally, the ACE has sufficient speed to accompany the armored force as well as all important armored protection for the operator.

Allegation: "The M-1 is a turkey!"

Response: There are numerous responses to this charge, not the least of which is the reaction of those service personnel who operate the vehicles. They have found the M-1 is easier to maintain; it shoots better at night than the M-60 does in the daytime; it is twice as fast as the M-60; it requires far less special tools—all features which increase its survivability, the highest priority consideration.

To repeat, I am not happy with the history of the M-1 tank but it is not a turkey; it is a pheasant without the glass.

WITHHOLDING OF FUNDS FOR LIBRARY SERVICES AND CONSTRUCTION ACT

(Mr. WEISS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WEISS. Mr. Speaker, the Reagan administration continues to flout congressional intent by withholding a large portion of the 1982 appropriations for the Library Services and Construction Act. The General Accounting Office has issued two rulings, the second accompanied by a detailed analysis, declaring this action to be illegal. The State of New York, joined by six other States, has filed suit in U.S. district court, seeking a court order to end this illegal impoundment.

Yet the administration has released only $51.8 million of the $71.5 million that Congress has approved. According to the General Accounting Office, this action is illegal because the Library Act is a mandatory spending program. The administration cannot withhold appropriations for such programs during the 45 days that Congress has to consider the rescission request.

In an effort to explore the administration's rationale, a House Budget Committee task force invited OMB Director David Stockman to testify at a hearing held Monday, March 29. Mr. Stockman failed to keep the appointment.

Meanwhile, library budgets, staffing, and services to users are being disrupted. The amount of funding involved is relatively minor but the impact on library services is significant. The users most directly affected are the disadvantaged, the handicapped, senior citizens, and minorities, since the funds are being withheld primarily from the title I programs that serve these groups. The programs include literacy centers to help school dropouts learn to read, language services for new immigrants, job information centers for the unemployed, and services for readers who are isolated by geography or physical handicap.

These are the bootstrap programs that help people improve their lives and work toward self-sufficiency. Some of them, like the literacy centers in New York City, make heavy use of volunteers. These services are particularly valuable in difficult economic times like the present. They are exactly the kind of programs that the administration claims to be supporting.

It is imperative that the administration comply with congressional intent and immediately release these funds to avoid any further damage to our public library system and to the constitutional prerogatives of the Congress.

CONGRESSIONAL TAX BENEFITS

(Mr. WALGREN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WALGREN. Mr. Speaker, in 1776 our country was founded on the principle of no taxation without representation. We have come a long way since that time and now, I am sorry to say, our public is asked to accept representatives who have substantially excused themselves from taxation. As the public is gradually becoming aware through Herblock cartoons and editorials in our major papers, the Congress engaged in an underhanded process with the consent of the leadership of both parties, Republican and Democrat, that left most Members in the dark.

By hiding the tax deduction from Members of Congress among a group of Senate amendments reducing taxes paid by the public for black lung benefits, and bringing these amendments up for a vote as a group without notice, the Congress violated both the public and its Members, many of whom still do not realize that they themselves voted "aye" on a record vote in support of this special tax treatment. Because of the parliamentary procedure involved in approving a measure already passed by the Senate, there was no prior notice printed in the CONGRESSIONAL RECORD or available to Members on the floor.

The loss of public confidence in the sincerity of Members of Congress cannot come at a worse time. Our country is reeling from the effect of an administration program that was essentially "substituted" for congressional judgment. Economic recovery requires a Federal budget that reflects appreciation of the importance of many interests in our economy that have been arbitrarily disregarded by the Reagan administration operating through the blinders of the Office of Management and Budget.

And yet, by their actions on this measure alone, the leadership of both parties in the Congress, Democratic and Republican, have presently disqualified themselves in the public's viewpoint at the very time public confidence in the Congress is most important.

There are two ways to reestablish public confidence in our legislature.

One is to prevail on the IRS to reconsider their regulation setting the amount of unaudited deductions available to Members of Congress.

The second is for each of us to sign the discharge petition which would provide a clear vote on this issue in the House of Representatives.

I would urge my colleagues to consider the impact on the national interest of the obvious loss of confidence in elected officials reflected by the following editorial by John Troan in the Pittsburgh Press of Sunday last:

WILL APRIL 15 BE A DAY OF INFAMY?

(By John Troan)

April 15 is just around the corner, and indications are Congress is not going to give up those income-tax goodies it gave itself last December.

In all 46 bills have been introduced in Congress to repeal the extra-special deductions our lawmakers in Washington can claim on their 1981 federal income-tax returns.

These bills carry the names of 147 House members and 26 senators. But they will achieve nothing, except some nice publicity for their sponsors, unless one gets to the floor of Congress to be voted on.

And right now chances of this happening don't look very good.

The two big reasons are named Dole and Rostenkowski.

Bob Dole, a Kansas Republican, is chairman of the Senate Finance Committee, to which the five repeal measures in that chamber have been referred. And he has no intention of releasing any of them.

Not only was he the chief architect of this tax rip-off but he has since distributed to all lawmakers a 6-page "fact sheet" in defense of the congressional tax-chiseling scheme.

By the way, some lawmakers are sending copies of this to constituents who have written them to protest the rip-off. And all I can say is: If you fall for its clever sales pitch, I'd like to sell you the Brooklyn Bridge. Or the East Street Expressway.

Dan Rostenkowski, an Illinois Democrat (as you can see, tax chiseling is a bipartisan skill), heads the House Ways and Means Committee. And like Sen. Dole, he's not about to free any of the 41 bills he's sitting on.

Indeed, he managed to whip the tax bonanza through the House so deceptively in December that many congressman are protesting they didn't realize what they were doing.

So the only way any of the repeal proposals can be pried out of committee is via a "discharge petition."

As of late Friday (when our Washington correspondent, Kathy Kiely, checked on this), three such petitions had been filed with the House clerk. But none will accomplish anything unless signed by at least 218 representatives.

Among the first signers of discharge petitions are three congressman from Western Pennsylvania—Eugene Atkinson of Aliquippa, Joseph M. Gaydos of McKeesport and Doug Walgren of Mt. Lebanon.

Mr. Atkinson also has joined in a letter-writing appeal to all House members to get behind the discharge move—which would, if successful, give every lawmaker a clear-cut chance to vote for or against the tax rip-off.

In announcing his support of a discharge petition, Mr. Gaydos put more of the blame for the "overgenerous" tax break on the Internal Revenue Service than on Congress. Nevertheless, he said, "the only way Congress can dispell the doubt, suspicion, misunderstanding and confusion surrounding this issue" is to rescind the whole caboodle.

Meanwhile, Mr. Walgren—who really is pushing harder than any other lawmaker in Pennsylvania to erase the tax break—resorted to the Congressional Record to urge support for the discharge drive.

"I recognize that a discharge petition is a highly unusual procedure," he said, "but the extraordinary manner in which this outrageous tax break was legislated by Congress and implemented by the Internal Revenue Service requires extraordinary measures."

Added Mr. Walgren: "On April 15, millions of over-taxed Americans will file their income-tax returns. That will be a day of infamy if certain members of the House of Representatives claim a deduction not available to all citizens. I urge each of my colleagues to join me in killing the congressional tax rip-off."

Now we shall see how many of our lawmakers have the decency to wipe out this unwarranted windfall—and how many opt to bank their bounty and turn April 15 into a day of congressional infamy.

FUNDING FOR THE MOST CRITICAL TERRITORIAL PROBLEMS IN ANY BUDGET COMPROMISE

(Mr. WON PAT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WON PAT. Mr. Speaker, now that it appears that there may be a compromise on the budget I want to remind and urge my colleagues involved in the negotiations not to overlook the needs of the territories.

They were overlooked by the administration's budget which requested a 36-percent decrease in funding from last year. That is insufficient for the fundamental objective of encouraging self-determined development.

The territories are largely dependent upon the Federal Government and severe budgetary cuts will be devastating to these areas. In these times of economic hardship and severe constraint, assistance must be provided to:

Develop and maintain the basic capital infrastructure needed to assure a decent quality of life and allow commercial development activity;

Remove inappropriate Federal constraints which inhibit economic growth;

Alleviate crippling local budgetary pressures inadvertently caused by Federal policy changes; and

Provide technical assistance to improve insular management capabilities.

The alternative territories budget recommended by the Committee on Interior and Insular Affairs does so to the limited extent permitted by the fiscal situation and I urge that it be incorporated into any compromise.

NORTH CAROLINA TARHEELS ARE NO. 1

(Mr. JOHNSTON asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. JOHNSTON. Mr. Speaker, it is rare in these days of mediocrity, uniformity, and underachievement that we can point to anything and say this is the best.

Last week North Carolina's pork barbeque was declared the best in a hard-fought contest judged by a group of gustatory giants—certain Members of this body.

Once again superlatives rain on my fair State. I take immense pride in declaring here today that, without question, the University of North Carolina tarheels are the best college basketball team in the land, that Dean Smith is the shrewdest coach, that James Worthy is the most powerful player, Michael Jordan the deadliest shooter, Jimmy Black the quickest guard, Sam Perkins the smoothest center, and the other tarheels the best bunch of basketballers that ever ran through a national tournament.

The entire State of North Carolina is proud of this great team. They are No. 1.

Mr. HYDE. Mr. Speaker, will the gentleman yield?

Mr. JOHNSTON. I yield to the gentleman from Illinois.

Mr. HYDE. Would the gentleman join me in asking unanimous consent that the two teams play just 1 more minute?

Mr. JOHNSTON. Unequivocally "No."

□ 1245

VIETNAM VETERANS DAY RESOLUTION

(Mrs. HECKLER asked and was given permission to address the House for 1 minute and to revise and extend her remarks and include extraneous matter.)

Mrs. HECKLER. Mr. Speaker, I invite the attention to an event which occurred at the Massachusetts State House yesterday. There, under a statue of George Washington, a statutory proclamation declaring March 29 as Vietnam Veterans Day in the Commonwealth was signed into law. As the only Member of the Massachusetts delegation serving on the Veterans Committee, I would like to read the following from the proclamation.

> Whereas, veterans of the Vietnam war continue as victims of undying controversy surrounding that war,
>
> Whereas, the American public has largely ignored the Vietnam veterans,
>
> Whereas, March 29 is the anniversary of withdrawal of American forces from Vietnam,
>
> . . . the sacrifices of all these men and women deserve our constant recognition.

Mr. Speaker, only 3 days ago, ground was broken here in Washington for a memorial in stone and marble to those who served and suffered in Vietnam. But, Mr. Speaker, there is a need for another kind of memorial of Vietnam, one carved not out of marble of stone, but etched in the hearts and minds of the American people.

Mr. Speaker, March 29, 1983—1 scant year from now—will mark the 10th anniversary of the date Vietnam veterans' organizations have chosen to mark American service in Vietnam. I suggest to you that day be recognized as Vietnam Veterans Day not only in the Commonwealth of Massachusetts but everywhere in this great land.

Mr. Speaker, it has been said, too often said that Vietnam veterans are the only ones in our history who have not been given parades. The opportunity is now upon us to put that to the lie. Let there be a parade next March 29 in Washington, and let us put to an end our own conflicts over that period in our history.

A life-size picture of Abraham Lincoln hangs near the statue of George Washington in Doric Hall where a Vietnam veterans proclamation was signed yesterday. In the picture, Lincoln's face is averted. In another time, a simpler, less cynical day, some would suggest his face was averted to hide the tears.

Mr. Speaker, we cannot rewrite history or undo the past. But we can still cry a little—and honor our own.

THE OFFICE OF CHAPLAIN OF THE HOUSE OF REPRESENTATIVES

(Mr. CARNEY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. CARNEY. Mr. Speaker, America's Judaeo-Christian heritage is one of the cornerstones of our system of government. We should scarcely wonder, therefore, that the Continental Congress elected its first Chaplain in 1776. Since that time, Congress has traditionally set aside a moment at the opening of each day's session to reflect upon the need for divine wisdom and direction in the affairs of our Nation.

Opposition to the office of Chaplain arose even at the time of the Continental Congress, and in 1854, the House and Senate Judiciary Committees heard a number of appeals requesting the abolition of the office on grounds of unconstitutionality. The committees rejected these appeals. Twenty years later, however, the same committees also rejected amendments to the Constitution which sought for a specific establishment of religion. Thus Congress upheld the chaplaincy as a general religious symbol but dismissed sectarianism.

Today we have before us a resolution which asks the House to reaffirm its authority to choose such an officer as a Chaplain. I suggest that the authority lies in nothing less than the precedent and tradition of this distinguished body, and in the great numbers of the American people who affirm faith in God, whatever particulars that faith may take on.

Mr. BEREUTER. Mr. Speaker, will the gentleman yield?

Mr. CARNEY. I yield to the gentleman from Nebraska.

Mr. BEREUTER. Mr. Speaker, I thank the gentleman for yielding, and I want to commend him for his remarks and associate myself with them.

PRESIDENT URGED TO VETO SALARY INCREASES OF OFFICERS OF BOARD OF SYNTHETIC FUELS CORPORATION

(Mr. DAUB asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DAUB. Mr. Speaker, last Friday the Board of Synthetic Fuels Corporation voted to raise the salaries of two top officers of the Corporation from the current level equivalent to that of a Cabinet officer to a figure almost twice that high. Specifically, the Vice President and Chief Operating Officer of the Corporation will receive $139,000 per year and the Vice President and Chief Technical Officer will receive $108,000.

These raises will become effective in 30 days unless the President acts to veto the decision of the Board. In fact last year when similar efforts were made the President did just that. I submit that the Synfuels Corporation has done nothing in the last year to commend itself in such a fashion to justify these raises.

Recently I joined with Mr. BROWN of Colorado in proposing that the multibillion-dollar Synfuels Corporation be abolished. Recent news reports detail an increasing number of instances where major corporations are calling a halt to these projects because the economics of the situation have made impractical. This morning's Washington Post brings news of a $2 billion cost overrun in one project.

Mr. Speaker, each Member of this body shares a desire to reduce the Federal deficit. We may each differ on just where reductions need to be made but I am confident that many of you would agree that a good place to start would be the Synthetic Fuels Corporation.

In any event, I call upon the President to act quickly to veto these outrageous salary increases. The American people have made clear that they believe that we have spent too much money in the past and have often spent it unwisely. If nothing is done with regard to this doubling of salaries that complaint will have even more credence.

DEMOCRATIC LEADERSHIP IS CHALLENGED TO DO SOMETHING ABOUT HIGH INTEREST RATES, NOT JUST TALK ABOUT THEM

(Mr. GINGRICH asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GINGRICH. Mr. Speaker, the majority leader's remarks about business failures were interesting but very misleading as to the Democratic leadership's intentions.

As a defender of the liberal welfare state, he has been avoiding the actions necessary to bring down interest rates. We have had no budget from the Democratic leadership in 3 months. In fact, the liberal welfare state defenders cry crocodile tears for the poor, but they refuse to act. Even while the majority leader spoke on this floor, his aides were negotiating to press for an early Easter recess.

It is a sad and cynical performance for the liberal Democrats to sympathize with the unemployed, the bankrupt, and the other victims of high interest rates and then to vote to recess without action. The challenge to them is to stay here for the next 3 weeks and to do something about interest rates, not just to talk about them.

ECONOMIC POLICIES OF DEMOCRATS HAVE BEEN REPUDIATED BY AMERICAN PEOPLE

(Mr. WALKER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WALKER. Mr. Speaker, not only was the majority leader's chart a misrepresentation of the process around here and a misrepresentation of economic policy, but it also showed just what kind of phoney statistics that they are willing to deal in on the other side.

In 1979, in the first quarter, there were 919 business failures. In 1981, there were 3,454 business failures in the first quarter. In other words, under their economic policies in a 2-year period, we had a 275-percent increase in business failures in this country—under their economic policies. Yet they come to this floor and criticize the economic policies that are trying to turn the country around.

I submit that their economic policies are what got us where we are and it is their economic policies that have been repudiated by the American people. We have to stop this rate of business failure. New economic directions will do that. Just remember that: A 275-percent increase in business failures in the last 2 years of the Carter administration. That is the Democrat's record of failure. How can they criticize anyone?

GYPSY MOTH BUDGET PROPOSAL: EQUITY AND BALANCE IN FEDERAL BUDGET POLICY

(Mr. DeNARDIS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DeNARDIS. Mr. Speaker, the Steering Committee of Gypsy Moths presented testimony on the fiscal year 1983 budget to the House Budget Committee today. The presentation made by Mr. PURSELL, Mr. GREEN, Mr. DeNARDIS, Mr. HORTON, Mrs. SCHNEIDER, and Mr. TAUKE follows:

Mr. Chairman and Members of the Committee, we thank you for the opportunity to testify in behalf of our group of Republicans from the northeast and midwest, known informally as the "Gypsy Moths." The program we will present today has been approved by our Steering Committee Members, who have put in countless hours trying to fashion budget proposals which will be fair to our region and which can attract significant support in the Congress. We on the Steering Committee have talked individually with Members of our full group and have their backing here today. Never in our memory have the difficulties in putting together a federal budget been greater than they are this year. More than ever, the process requires an atmosphere of close cooperation, careful deliberation, and meaningful compromise. Yet, the longer it takes, the more difficult that task becomes.

We recognize that the President and his Administration have taken on some very tough questions and have produced a bold set of proposals. We want to commend you, Mr. Chairman, and others of your colleagues on this Committee who have reached out in the spirit of conciliation and compromise in an effort to make the changes in the proposed budget that are necessary for its approval and effective implementation.

Our primary message can be summed up easily with the words "equity" and "balance." If the fiscal year 1983 budget is to address our nation's problems effectively, it must demonstrate equity and balance in at least three ways: (1) by region, (2) by program, and (3) by its effects on individuals and groups. Let us look at each of these areas in a bit more detail.

Regional Implications.—No area of the country has a monopoly on economic distress; however, there seems to be no question that a major portion of the current economic downturn is centered in the older industrial states of the Northeast and Midwest. Unemployment rates in January ranged from 16 percent in Michigan and 11.8 percent in Pennsylvania to just 4.6 percent in Wyoming and 5.9 percent in Texas. Experts predict that this trend will continue even while other regions of the country are expected to recover more quickly if the economy picks up later this year.

We strongly believe that it is in the nation's best interest to take advantage of our region's vast infrastructure and industrial base, including its array of skilled workers, research facilities and educational institutions. Common sense dictates that rather than allowing continued deterioration of these valuable resources, to be accompanied by higher and higher unemployment costs and welfare benefits, we should take determined, targeted actions to preserve and improve them in a manner that will result in meaningful and productive jobs in the private sector—jobs that will provide goods and services to a weak economy; revenues to strapped state and local governments; and hope to weary workers and their families.

The first step would be to maximize use and improve implementation of existing programs such as tax credits for rehabilitation of existing structures, hiring the chronically unemployed, and introducing new research and development activities. Next, we must seriously tackle the tough questions involved in developing a truly effective, jobs oriented federal policy for education, training and retraining. Finally, the private and public sectors must work together in a quest for more creative efforts than past programs have provided. We should look at such steps as modernizing the St. Lawrence Seaway, developing coal ports on the eastern seaboard, using pension funds for investments in housing and community development, providing incentives to develop goods for export, and freeing small businesses from unreasonable constraints.

America's strength stems in no small part from the fact that its various regions are parts of a single, economic whole. They are dependent on one another, each offering unique contributions and special resources the others lack. Federal policy works best when it encourages this positive relationship, while remaining sensitive to the varying fiscal and economic considerations of different states and localities.

For decades, the federal government has invested billions of dollars in laying the foundations for economic revival in the south and development of the west. Enormous outlays have been made for water and energy projects, such as the Tennessee Valley Authority, military bases, rural electrification, port construction, the space program and scores of others. However, as economic decline accelerates in the northeast and midwest, federal policy not only remains tilted toward development interests of the south and west, but changes are being made that actually exacerbate the situation. For example, the 18 states of the northeast and midwest receive only about 84 cents in value for every dollar they send to Washington through taxes. Meanwhile, the cuts being made in domestic programs fall most heavily on our region, while the increase in defenses are headed more toward the south and west.

Programmatic Relationships.—While approximately $40 billion in domestic programs were cut last year, the same degree of scrutiny has not been given to military spending. The General Accounting Office, Republican and Democratic study committees, and many others have outlined billions of dollars in specific savings that could be made without adversely affecting national security. Looking for savings in this way can work only to focus greater attention on the best methods for achieving a truly effective defense, while at the same time enhancing the strength of the nation through an equally strong economy.

Another programmatic relationship about which we are deeply concerned involves that between financial investment and investment in people (what many have called "human capital"). 1981 was the year of expanding financial capital so as to assist business in providing the structures, machinery and other hardware needed for economic recovery. This year should be the year of expanding our commitment to the needs of developing the economic skills of people—development of "human capital." To do this we need to ensure an adequate number of qualified people to operate the machinery and provide efficient management, administration of other needed services. This can be done only through meaningful education, training and retraining at the elementary, secondary and postsecondary levels in close cooperation with the private sector. Congress has already pared education and training programs to their minimum, and we need to give greater attention to this issue during the balance of the 97th Congress.

Effects on Individuals and Groups.—Meanwhile, we should not allow any single types of individual or group to bear a disproportionate share of the burden. For example, we cannot forget the special needs of senior citizens, minorities, women and the poor. Our group continues to be committed to such programs as Medicaid, Social Security, Supplemental Educational Opportunity Grants, and others, as well as to their more effective management.

At the same time, states, localities and private enterprise do not have the capabilities to take over federal responsibilities instantly, without commensurate sources of new revenues. It is especially true in our region, where tax efforts are at their limits and businesses are struggling to survive. This can be examplified by such actions as cutting back on Medicare or Medicaid without ensuring alternative steps to see that health care costs are met or reduced.

We recognize that the role of your Committee is not one of deciding either the structure or funding level of specific programs, and we do not intend to delve into a level of detail which would mire us in debate over line item numbers. That is not the purpose of a budget resolution, and it would be inappropriate for us to address programs in that degree of specificity at this time or in this forum. We will be working within the various authorization committees and appropriations subcommittees during the weeks ahead with that intent. Indeed, we will shortly be releasing a package of more specific program recommendations which we will take to the various authorizing committees. Rather, at this time we would like to present for your consideration a broader outlook on the budget and give you a number of recommendations relating to three major components of the First Budget Resolution you are trying to fashion: (1) savings in defense, water projects, agricultural subsidies and international affairs, (2) domestic discretionary programs, and (3) revenues.

Defense.—Last year our group proposed a $9 billion reduction in the President's fiscal year 1982 defense proposal and voted for the Roukema amendment for an across-the-board reduction. We simply are unwilling to exempt defense from the same scrutiny Congress is giving other programs. Members as diverse as the Chairman of the Senate Armed Services Committee and the Chairman of the House Appropriations Defense panel have agreed that the 20 percent increase in defense budget authority called for by the Administration for fiscal year 1983 must be pared. In addition to looking for the waste and abuse we mentioned earlier, hard decisions should be made on specific programs, so as to help deal with the serious deficits projected for future years.

We suggest that the current request could undermine our long-term defense both economically and politically. We must assess realistically the threat we face from the Soviets (and we have no doubt that it is real) and balance that against the threat we face from inflation, interest rates and unemployment. High interest rates could damage the defense industry by drying up credit for plant modernization and by making it nearly impossible for skilled workers to move to new jobs.

We also warn this Committee and the Administration that insisting on this surge of military spending now undermines political support for a reasonable improvement of our defense posture over the long run.

Consequently, we recommend to this Committee a reduction of the President's defense proposal of at least $12-15 billion in outlays from what the President projects. We would also like Congress to give serious consideration to placing a maximum cap of 5% real growth in defense for 1983 over the current year. We recognize that the resulting reduction in budget authority is not necessarily going to result in huge reductions in outlays in 1983, but it will have a significant impact on future outlays, and we emphasize the importance of addressing the enormous deficits projected for the out years. We have let our manpower and readiness fall into disrepair in recent years and, thus, we will be recommending that these areas of operations and Maintenance take priority over exotic hardware within defense budget planning.

Water Projects.—We are not naive about the political problems inherent in our traditional approach to legislation dealing with water projects. However, our group feels strongly that Congress is long overdue in showing the political courage necessary to attack water projects which are very expensive, have grossly inaccurate cost/benefit ratios, and in all too many instances threaten the environment. We think it is reasonable for this Committee to reduce the President's request for Function 300 by $450 million to reflect reductions in these projects. Again, we will be going to the Public Works and Appropriations Committees with detailed recommendations about which specific programs we are slating for elimination.

Agricultural subsidies.—Gypsy Moths are also concerned about the level of government subsidy to certain agricultural producers. While we recognize the significant merit of some agricultural programs, we do seriously question the reasonableness of others. Many of these subsidies are inflationary, they hurt the consumer, and they run counter to current efforts generally in the government to rely more heavily on private enterprise and the market system. We are especially concerned about government programs for tobacco, sugar, and peanuts.

International Affairs.—We are willing to go along with the Administration on most international financial programs and economic assistance. However, we would cut the increase in concessional foreign military sales by $500 million, which would still leave a 60-percent increase. This is sufficent to continue funding of concessional sales to Israel and Egypt and to provide $339 million for discretionary use in support of foreign policy.

Domestic Discretionary Programs.—This is an area where most of the cuts were made last year. We cannot go back to the well here again, because there simply is not enough water. It comprises less than 6 percent of the total budget—somewhat over $40 billion—less than half of the most optimistic deficit projection for fiscal year 1983.

Yet, some of our most vital programs fall into this category. In addition to the "human capital" programs mentioned earlier, we would like to stress our commitment to energy, economic development, education, Medicaid, transportation, and several other areas vital to our region.

When it comes to energy, our region receives a "double whammy." While our long winters and cold temperatures require us to pay out billions of dollars in fuel costs, the producing states are reaping windfalls from both profits and taxes. With decontrol of oil prices, our region was promised adequate low income energy assistance, along with weatherization and other conservation programs to cut further fuel needs and costs. Now these programs are being cut, while increased severance taxes and the specter of natural gas decontrol lie on the horizon.

As we stressed earlier, effective economic development programs are clearly both a national and regional need. While our greatest number of jobless workers are in states such as Michigan, Indiana and Ohio, by the end of last year significant areas of unemployment were outside our region. Now is not the time to cut back, but to maintain efforts aimed at job creation and retention.

Revenues.—Finally, in order to address the deficit effectively, we recommend revenue increases of at least $25 to $30 billion. Our group is perfectly willing to look at the President's proposals and give them serious consideration, but we also have an extensive additional list of options that we have developed and about which we will be talking to the Leadership and the Ways and Means Committee at the appropriate time.

We can indicate now, however, that we will recommend repealing the "mistakes" made during the "bidding war" on the landmark tax bill last year, plugging "loopholes," and considering other changes that meet our criteria of equity and balance. For example, we would revoke the special advantages given the oil industry in the 1981 tax bill, repeal expensing of intangible drilling costs and accelerate elimination of depletion allowances. We would substitute a negative investment tax credit for the present practice of "selling" credits, tighten up the minimum tax for corporations and consider a number of excise tax changes.

During consideration of any of the difficult decisions we face in the weeks ahead, we feel it is essential to proceed in a bipartisan manner and to avoid pitting one region of the country against another. Although all of us, of course, must be concerned for the well-being of our regions, we must face our national responsibilities. In that connection, we share the concern of others at the proposed size of the deficit and its implications as to inflation and the crowding out of private sector access to financing. We want to take this opportunity to express our willingness to work with others to address these issues, even as we work to address the needs of our region.

Accordingly, we make these recommendations in the spirit of cooperation, deliberation and compromise that is needed to meet effectively our many problems. We pledge our time and best efforts in helping shape a budget that reflects that spirit.

REESTABLISHING APPROPRIATE PENALTIES FOR MURDER OF PRESIDENT AND VICE PRESIDENT

(Mr. LUNGREN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. LUNGREN. Mr. Speaker, few of us can forget the shock that was felt in this city and throughout the Nation on that cold rainy afternoon, 1 year ago today, when a would-be assassin fired upon and struck the President of the United States. By the grace of God, President Reagan survived and was soon back in the White House carrying out the duties he was elected to perform. The fate of his press secretary, Jim Brady, was a less happy one as he hovered near the brink of death for weeks on end and only gradually moved in the direction of recovery.

This demented act rightfully moved many of us to reassess the magnitude of this sort of crime. An attempt on the life of the Chief Executive of this Nation has a special gravity, since it is not merely an act directed at one man, but rather is an act which can threaten and tear apart the very fabric of this Republic.

Our Nation is uniquely characterized by the smooth transitions of power that take place between the men who are called upon to lead us. But those transaction periods are times when the strength of our democracy and political consensus are taxed to the maximum. When an assassin strikes down a President, the Nation heads into a time of uncertainty that despite our strengths, is fraught with peril. This is one reason why this act is so heinous.

A political assassin, whatever his motives, in one swift second can negate the freely made decisions of millions of American voters. This is another reason why this act is unusually serious.

Many of us would be startled to hear, that while the body of Federal law mandates the death penalty for one who hijacks an airplane, it does not do so for one who assassinates or attempts to assassinate the President or Vice President of the United States. To provide not only a greater deterrent to such crimes, but also a more reasonable standard of justice, I have proposed House Resolution 5448. The bill would establish the alternate penalty of death for murder in the first degree of the President, President-elect, Vice President, or Vice-President-elect.

In keeping with the principles set forth by the Supreme Court in Furman against Georgia, it prescribes certain procedures as a prerequisite to the death penalty. Procedurally, this should satisfy past Court objections.

In light of the overriding seriousness of such a criminal act, I urge my colleagues to join me in reestablishing appropriate penalties for the crime. As we reflect on the events of 1 year ago today, the importance of this should be paramount in our minds.

THE BUDGET

(Mr. LOTT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. LOTT. Mr. Speaker, there are those here who say that we should have a bipartisan compromise on the budget, that the President should start making concessions. And yet those who suggest that have made no movement on their own toward such a compromise.

If we are going to have real bipartisan cooperation around here, we are going to have to have some alternative suggestions and we are going to have to cut down on some of the partisan rhetoric that we are all perhaps guilty of to some degree today.

But when I heard the majority leader speaking a few moments ago, I thought it was important to talk a little bit about the positive impact that we have been seeing in the last year under the Reagan program. I think it is very interesting to note that in October of 1981 there were 47,947 new incorporations of businesses in America. In November of 1981 there were 49,413 new business incorporations in America.

There is some positive statistical information that we could give out. But instead of engaging in that type of partisan potshots, we should be trying to work out a budget that will control the deficit for all who are genuinely interested in doing that.

REMOVAL OF NAME OF MEMBER AS COSPONSOR OF H.R. 4808

Mr. EDGAR. Mr. Speaker, I ask unanimous consent that my name be removed as cosponsor of H.R. 4808.

The **SPEAKER** pro tempore (Mr. Alexander). Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

PRIVILEGES OF THE HOUSE—RELATING TO THE HOUSE CHAPLAIN

Mr. FOLEY. Mr. Speaker, I rise to a question of the privileges of the House, and I send to the desk a privileged resolution (H. Res. 413) and ask for its immediate consideration.

The Clerk will report the resolution.

The Clerk read the resolution, as follows:

H. Res. 413

Whereas, the Constitution of the United States provides that each House shall select its officers (article I, section 2, clause 5) and shall determine the rules of its proceedings (article I, section 5, clause 2); and

Whereas, Rules II and VII of the House of Representatives, enacted pursuant to that constitutional authority, provide for the election of a chaplain and provide that the Chaplain shall open the sessions of the House with prayer; and

Whereas, the Constitution provides that the House shall publish its proceedings, except such parts as may in its judgment require secrecy (article I, section 5, clause 3); and

Whereas, pursuant to that authority, the prayers offered by the Chaplain at the sessions of the House are printed in the Congressional Record; and

Whereas, the speech or debate clause of the Constitution (article 1, section 6, clause 1) provides that Members of the House shall not be questioned in any other place for actions said or done in the legislative sphere; and

Whereas, there is pending in the United States Court of Appeals for the District of Columbia Circuit a suit, (Jon Garth Murray et al. v. Angela Marie Buchanan, et al., Appeal No. 81-1301) alleging that the exercise by the House of the aforesaid provisions of the Constitution and House rules contravene the establishment clause of the first amendment to the Constitution; and

Whereas, the Speaker and Chaplain are named in the complaint as defendants; and

Whereas, on March 9, 1982, a panel of the court of appeals issued a judgment in favor of the appellants in the above-referenced case in which the court determined that neither the Consitutional provisions explicitly conferring authority on the House to select its officers, make its rules or publish its proceedings, not the proper exercise by the House of the power conferred thereby through its rules preclude judicial determination of the claims alleged by the plaintiffs in the suit that congressional chaplaincies contravene the Constitution; and

Whereas, the desision of the court of appeals raises the most serious concerns for the doctrine of separation of powers provided in the Constitution by the aforesaid provisions and for the ancient and historic rights and privileges of the House with respect to the control of its internal affairs; and

Whereas, the decision of the court of appeals implies a lack of respect due a coordinate branch concerning matters committed to it by the Constitution: Therefore, be it

Resolved, That the House of Representatives considers its historic establishment of a chaplaincy to be an appropriate and constitutional exercise of exclusively conferred powers; and be it further

Resolved, That the House views with deep concern the decision of the panel of the United States Court of Appeals for the District of Columbia Circuit in the case of Jon Garth Murray et al. v. Angela Marie Buchanan et al. because of its impact on the constitutional doctrine of separation of powers and on the constitutional power of the House to determine the rules of its proceedings, to select officers, and otherwise to control its internal affairs; and be it further

Resolved, That counsel representing the Speaker and the Chaplain of the House of Representatives in these proceedings be authorized and directed to urge these concerns on the said court in petitioning for a hearing en banc before the full Court of Appeals, in moving for a dismissal of the suit and in any other proceedings relating to this matter; and be it further

Resolved, That the Clerk of the House shall forthwith transmit a certified copy of this resolution to the said court.

The **SPEAKER** pro tempore. (Mr. Alexander). The Chair has had an opportunity to examine the resolution offered by the gentleman from Washington (Mr. Foley) and finds that under the precedents and under rule IX the resolution raises a question of the privileges of the House.

□ 1300

The gentleman from Washington (Mr. Foley) is recognized for 1 hour.

Mr. FOLEY. Mr. Speaker, I yield myself 5 minutes.

Mr. Speaker, this privileged resolution is offered on my own behalf and that of the distinguished majority leader, the gentleman from Texas (Mr. Wright); the distinguished Republican leader, the gentleman from Illinois (Mr. Michel); the distinguished Republican whip, the gentleman from Mississippi (Mr. Lott); and the distinguished Member from Massachusetts (Mr. Shannon).

Many Members have inquired of the leadership on both sides of the aisle as to whether it would be possible for them to cosponsor the resolution.

Because the resolution is in fact a privileged resolution, under the rules of the House it cannot be cosponsored. So that it will be understood, I am satisfied that if it were possible for this resolution to actually carry the names of additional Members, that the vast majority of the House would be adding their names to the resolution.

The resolution is fully supported, as I have said, by the leadership on both sides of the aisle as it is necessary to reaffirm the right of the House to its traditional prerogative of appointing the Chaplain and opening the daily session of the House with a prayer.

Indeed, it is our legal contention that this is beyond any court's right of interference, that it is part of the essential separation of the powers inherent in the Constitution, and that appointment of a Chaplain is an unbroken precedent.

Mr. Speaker, one, need not dwell upon the religious tradition of our country or the fact that, as Justice Goldberg observed in one case, that "the separation of church and State is a principle of our country that does not require the hostility of the Nation toward religious tradition," to say that the House tradition has been unbroken, that the House insistence on this right has never varied, and that the resolution is designed to reaffirm and restate that unbroken tradition and assertion.

The resolution is made necessary by a case filed in the District Court for the District of Columbia, a case involving Mrs. Madalyn Murray O'Hair, and other plaintiffs, including the Society of Separationists, who have challenged the right of the House to appoint a Chaplain, to provide for the Chaplain's office, to allow the opening of the session of the House with a prayer, and to print the prayer in the CONGRESSIONAL RECORD.

That case was dismissed by the district court on what we believe to be appropriate and proper constitutional grounds, but appeal was taken to a panel of the court of appeals which in effect remanded the case for trial in the district court, and this resolution, among other things, further authorizes and directs the counsel for the Speaker and the Chaplain to proceed with a defense of this right of the House.

The prospect that the courts, if they were successful in this instance, might interfere with and intrude into the internal affairs and management of the House is a very serious one and has significance—the consequences of this lawsuit. Members should realize that by intruding or attempting to intrude by judicial review and judicial oversight into the appointment of the Chaplain, a precedent would be established, if not corrected by subsequent court action, that would imperil the independence of the legislative body and would place before the courts the most internal and traditional activities of the legislative branch.

The particular "political question" rulings of the court of appeals are broad and expansive, with harsh ramifications for the Congress in other areas of its internal management. In the face of not one, but four textual provisions reserving internal matters for the Congress, that is, article I, section 2, clause 5 (selection of officers), section 3, clause 5 (each House may determine its rules); section 5, clause 3 (each House shall publish its proceedings) and section 6, clause 1 (speech or debate), the court found nothing to preclude it from deciding whether the expenditure of public money under article I, section 8 for chaplains violated the establishment clause. In a classic example of "more is less," the court of appeals trivialized and eviscerated great powers devolved upon Congress and reduced them to nothing more than "assign[ment to] Congress [of] a prerogative."

It implies a clear "lack of respect due coordinate branches of government" as the Supreme Court has said in Powell against McCormack, but more importantly confines the political question doctrine to mere "assignment of prerogatives."

The transparent fiction constructed by the court of appeals that it was merely reviewing a congressional enactment—here a statute establishing the rate of pay of the Chaplain and annual appropriations—and therefore has not intruded into the congressional preserve means the annihilation of the ability to execute any express or implied power vested in Congress, even those "textually committed." Under this theory, for example, the subpenas issued in Eastland against United States Servicemen's Fund, to third parties outside the Congress, which were found to impinge the first amendment rights of respondent but which were beyond judicial interference, could be enjoined because they necessarily entailed extra-legislative conduct which could be reviewed by the courts—printing of subpena forms by GPO, service of the subpena by U.S. Marshals, and so forth, all of which are supported by congressional enactments. The theory that the courts can examine any internal House matter upon the allegation of a litigant knows no limits because the House necessarily must invoke its other article I powers to execute matters committed to it. Finally on this point, the court of appeals ducked the most troublesome issue in a case of this kind—how to enter "coercive relief" against the legislature. The court of appeals wrongly determined that "there are other defendants against whom relief can be obtained," because as indicated above it is legislative branch officers who control and disburse the funds.

I suppose there is an irony in the fact that those who have visited the Supreme Court and who note the sessions of the opening of the Supreme Court would note that the crier traditionally in announcing the opening of the court session ends the announcement with the prayer, "God save the United States and this Honorable Court."

It is certainly the right of a legislative body, and of the House of Representatives, a right and a privilege and a prerogative unaffected by any variance over 200 years, that we should have the right to appoint a chaplain and to begin our sessions with the request for guidance and enlightenment.

Mr. Speaker, I yield such time as he may consume to the distinguished Republican leader of the House, the gentleman from Illinois (Mr. MICHEL).

Mr. MICHEL. Mr. Speaker, I thank the gentleman for yielding.

I might say that I think there are several other Members on our side who would like to be heard on the resolution, too.

Mr. Speaker, I rise in support of the resolution. This resolution simply reaffirms the traditional and long-standing right established by our Constitution to elect a House Chaplain.

The purpose of the resolution is to help the House of the Representatives in the further judicial review of a case called Jon Garth Murray, et al, against Angela Marie Buchanan et al.

In a case decided on March 9, 1982, the U.S. Circuit Court of Appeals for the District of Columbia circuit held in a 2-to-1 split decision that an action brought in the U.S. Dictrict Court for the District of Columbia by Federal taxpayers who are atheists and who seek to prevent the Treasurer of the United States and other Federal officials from expending funds for salaries and expenses for the salaries of the House and Senate Chaplains should be remanded to the lower court for further proceedings.

Now, as the gentleman from Washington said, the case features the well-known atheist, Madalyn Murray O'Hair and her son, Jon Garth Murray. Mrs. O'Hair and her son have brought a series of lawsuits over the past two decades challenging what they view as breaches in the "high and impenetrable wall that separates church and state."

Their line of attach on the Chaplain has been to challenge the payment of his salary and expenses rather than directly challenging the constitutional prerogatives of this House in engaging his services.

Now I might say that in times past I have had my difference of opinion as to the salary level to be paid the Chaplain of the House and the other body, but this is not the question here.

It comes down and resolves itself down to the question of the prerogative of this House in engaging the services of a Chaplain period, whether we want to pay him or have him volunteer his services. The lower court rejected the contention of the atheist-plaintiffs on two grounds. First, it said they had no legal standing, that is to say, their stake in the expenditure of public funds for the Chaplain's salary and expenses were so small as to render their alleged damage inconsequential.

The second basis for dismissal, the lower court said, was that the employment of a Chaplain was indeed a political question, under the Constitution, and thus was beyond the perview of the Federal courts.

The court of appeals majority however, disagreed on both these counts and remanded the case to a lower court for trial.

I commend to all Members the study of this decision, especially the dissenting views of Circuit Judge MacKinnon.

As we engage in the debate on the resolution and prepare for the eventual appeal to, and decision of, the Supreme Court, I believe we should keep a couple of historical facts in mind.

First, I would like to recall an excerpt from a book by Dr. Francis A. Schaeffer entitled "A Christian Manifesto."

Dr. Schaeffer makes this point:

> Most people do not realize that there was a paid chaplain in Congress even before the Revolutionary War ended. Also we find that prior to the funding of the national Congress all the early provincial congresses in all Thirteen Colonies always opened with prayer. And from the very beginning, prayer opened the national Congress. These men truly understood what they were doing. They know they were building on the Supreme Being who was the Creator, the final reality. And they knew that without that foundation everything in the Declaration of Independence and all that followed would be sheer unadulterated nonsense. These were brilliant men who understood exactly what was involved.

Now, in conclusion I would say, Mr. Speaker, I would like to share maybe with my colleagues the words from a House report on this subject written 126 years ago and cited in Judge MacKinnon's dessent:

I will extend the entire quotation in the body of my remarks, but I think one sentence might be appropriate.

> If there be a God, who hears prayer * * * we submit that there never was a deliberative body that so eminently needed the fervent prayers of righteous men as the Congress of the United States.

In conclusion:

> If there be a God, who hears prayer—as we believe there is—we submit, that there never was a deliberative body that so eminently needed the fervent prayers of righteous men as the Congress of the United States. There never was another representative assembly that had so many and so widely different interests to protect and to harmonize, and so many local passions to subdue. One member feels charged to defend the rights of the Atlantic, another of the Pacific coast; one urges the claims of constituents on the borders of the torrid, another on the borders of the frigid zone; while hundreds have the defence of local varied interests stretching across an entire continent. If personal selfishness or ambition, if party or sectional views alone, bear rule, all attempts at legislation will be fruitless, or bear only bitter fruit. If wisdom from above, that is profitable to direct, be given in answer to the prayers of the pious, then Congress need those devotions, as they surely need to have their views of personal importance daily chastened by the reflection that they are under the government of a Supreme Power, that rules not for one locality or one time, but governs a world by general laws, subjecting all motives and acts to an omniscient scrutiny, and holds all agents to their just awards by an irresistible power.

I think we all have to agree with that.

I would urge the House to adopt this resolution today in order to help all of us Christians, Jews, and atheists live together as one nation under God, indivisible with liberty and justice for all.

Mr. FOLEY. Mr. Speaker, I yield, for purposes of debate only, such time as he may consume to the distinguished gentleman from Mississippi (Mr. LOTT).

Mr. LOTT. Mr. Speaker, I rise certainly in support of this resolution.

Mr. Speaker, I regard this issue as a matter of the highest privilege of this House. The time-honored tradition of opening each legislative day with a prayer continues a practice that was instituted by the forefathers of our Nation, some of whom were not only former Members of this body, but also participated in the framing of the Constitution.

But it is more than a question of privilege. The Constitution clearly provides that the ordinary rights and functions of the House shall be exercised in accordance with the rules which the House itself establishes. Questions of constitutional privilege have been considered in accordance with those rules, and it is under the Rules of the House that we have established a general order of business which includes, first, a prayer by the House Chaplain.

Mr. Speaker, the Framers of the Constitution viewed the three branches of Government as separate yet equal to limit the infringement of one on the others. In very few instances has one branch of our Government attempted to infringe upon the rights and duties of the others.

Therefore, it is our constitutional right and our duty to resist attempts to dictate the rules and procedures of this body.

I have pointed out the privilege question and the constitutional question.

Aside from that, of course, I think it is most appropriate that this august body begin its sessions with prayer and I view with great alarm the tactics that have been used in the judicial processes to try to terminate that practice.

I urge all Members to support this resolution.

Mr. FOLEY. Mr. Speaker, I yield such time as he may consume, for purposes of debate only, to the gentleman from Texas (Mr. SAM B. HALL, JR.).

Mr. SAM. B. HALL, JR. Mr. Speaker, I would like to take this moment to certainly add my credos to what has been said.

I think this privileged motion should receive the unanimous consent of every Member of this body.

I think it is a terrible thing to have to be faced with a creature like Madalyn Murray O'Hair who believes in neither hell nor heaven, but I would like, with all of the force that I can command, if it be within the province of my being able to say that on the floor of this body, earnestly request that Mrs. O'Hair, since she does not believe in hell, that she immediately go straight to hell and make what determination that she can to determine whether or not what she believes in is true or false.

Mr. FOLEY. Mr. Speaker, I yield such time as he may consume, for purposes of debate only, to the gentleman from Illinois (Mr. HYDE).

Mr. HYDE. Mr. Speaker, I think this is a sad and curious commentary on judicial activism that this dispute even rises to the level of a justiciable controversy before the U.S. Court of Appeals.

Doing a little research in history, I found a book of the history of Congress called "On the Hill," by Mr. Josephy, and it points out that in the very first day, the first day that this Congress ever met, back in 1789, under the Constitution, as soon as the President took the oath of office, President Washington, the Congress did not have a chaplain come in, they went down to the chaplain.

What they did, on page 48, it says at the conclusion of the address the Members on Congress joined the new President and others in a solemn and dignified procession to St. Paul's Chapel on Broadway where Bishop Samual Provoost conducted a special prayer service, and the history books tell us that in the very earliest days of this Congress, Chaplains were appointed of different denominations to serve alternately in both Chambers. And so the history of this Congress, which is the history of the American people, is inextricably bound with the tradition of having a Chaplain in these Houses aid the deliberations through prayer.

☐ 1315

It just seems to me that if this question is ever resolved in favor of the atheist plaintiffs, what they are really attacking is the chaplains in the military, and if we cannot have chaplains in the military and if we cannot decide to compensate them for those services, then the wounded and dying on the battlefields or in the military hospitals will be denied the benefits of spiritual sustenance and support and prayer at that moment of ultimate anguish.

If this claim ever is sustained by the courts, it seems to me a triumph of inhumanity, not to say stupidity over history, tradition, and commonsense.

I hope that this Congress will send a ringing message to those activists who sit over there in the U.S. Court of Appeals that they should stick to adjudicating and let us run the affairs of this House.

Mr. ROUSSELOT. Mr. Speaker, will the gentleman yield?

Mr. HYDE. I would be pleased to yield to my friend, the gentleman from California.

Mr. ROUSSELOT. I appreciate my colleague yielding. I know the gentleman is a member of the Judiciary Committee and follows with great interest the activities of our Federal courts.

I thought it was just amazing that the appeals court has remanded the case for a trial on the merits of the claim of the chaplaincy "somehow" violates the first amendment is establishment clause. That was the reason the court gave for remanding it back to the district court. Does the gentleman understand that distorted reasoning of the appellate court.

Mr. HYDE. Do I understand their claim?

Mr. ROUSSELOT. That is my question to my colleague who serves on the Judiciary Committee.

Mr. HYDE. Well, I understand that their view and version of the first amendment; is one that erects an unbreachable wall of separation between the church and state in their interpretation, which is totally unhistorical.

Mr. ROUSSELOT. That is what I wondered.

Mr. HYDE. Oh, it tears up the history books and ignores the tradition and history of this country and the meaning of that amendment when it was adopted and ratified by the States.

Mr. ROUSSELOT. So the effect of the appellate court's decision is to tear up the history books, or in effect participate in another form of book burning?

Mr. HYDE. Well, no, sir. They are deciding on a procedural question as to whether or not these plaintiffs, atheists in persuasion, have standing before the courts; so they have not quite reached the merits yet, but I think they are giving credence and substance to an issue that ought to be summarily dismissed.

Mr. ROUSSELOT. Well, I certainly agree with my colleague and urge my good friends in the House to support this resolution. I rise in strong support of this resolution the Foley-Michael bill (H. Res. 413).

Mr. HYDE. Mr. Speaker, I thank the gentleman.

I would just say that if the plaintiff's had their way, not only in this suit, but in their philosophical commitment to eradicating all vestiges of religious thought in our history, they would have a picnic over at the Archives erasing the words say from the Declaration of Independence, erasing and tearing up Washington's farewell address, the Northwest Ordinance, and perhaps the Mayflower Compact, which made the egregious error of opening up in the name of God, amen.

Mr. FOLEY. Mr. Speaker, I yield such time as he may consume to the distiguished majority leader of the House, the gentleman from Texas (Mr. WRIGHT), who has joined in presenting this resolution to the House.

Mr. WRIGHT. Mr. Speaker, I thank the distinguished majority whip for yielding.

I hope that Members on both sides of the aisle will join in a unanimous endorsement of this position. From the very beginning of our Republic, it has been considered that this country had a special relationship with the Almighty.

Freedom of religion was never supposed to be misinterpreted as freedom from religion or restriction of religious expression in public places or prohibition of religion for that manifestly would not be freedom of religion.

The very first sentence in our Declaration of Independence says, "We hold these truths to be self-evident, that all men are created equal and that they are endowed by their Creator with certain inalienable rights," not by sociology, not by chance, not by reason or logic, but by their Creator with certain inalienable rights. That document ends with a supplication to divine providence and a pronouncement of our reliance upon divine providence.

We read that in the debates when the Continental Congress broke apart upon disagreement and those who came to the Constitutional Convention were attempting to put together a cohesive document under which this Nation might live, they came to an impasse and there was an occasion in which Benjamin Franklin, perhaps the wisest among our Founding Fathers, called for a cessation of debate in order that prayer might be had.

We read, of course, of George Washington kneeling in the snow at Valley Forge. All through our history runs this single theme. Freedom of religion is freedom to express one's religion without restraint. Surely any rule that has been made with respect to the expression of religious conviction inside a public facility relates only to the holding that there may not be an official right religion against which all others are considered to be wrong. That, of course, was born from the checkered experience of the past in which Jews have persecuted Christians, Christians have persecuted Jews, Catholics have persecuted Protestants, Protestants have persecuted Catholics. Here in this country we were going to have a land free from persecutions, free from the presumption that the state was on the side of any one form of religious expression, and we have had that; but that did not imply and never was intended to imply a prohibition against the expression of one's religious face in this land of ours.

Our very coinage bears the words. "In God We Trust," and has from the beginning. The Supreme Court opens its daily sessions with the bailiff intoning these words, "God save the United States and this honorable Court."

So not only are we fully within our rights in the separation of powers to determine exactly what officers we may or may not have for the House of Representatives, and not only is that right and the exercise of that right inviolate under the Constitution from the heavy hand of any other department of Government, the executive or the judicial, what we do in calling daily upon the Chaplain to ask divine help and guidance for this country of ours, is something that originated in the very beginning of this country and without which we would have abandoned an essential integral part of the most fundamental belief by which we have decided that men and women should be free.

Why? Because they were endowed by their Creator with certain inalienable rights, created in the image of God they are entitled to freedom and human dignity and nothing less than that is worthy of them as God's creatures. That is really what we believed as a people, as a nation, and while that does not impose upon any of us the right or the privilege to dictate how others might express their worship, why surely the right must be upheld and defended, and I hope will be upheld and defended, not by a mere majority, but by a unanimity on both sides of the aisle in the passage of this resolution.

Mr. FOLEY. Mr. Speaker, I yield such time as he may consume to another of the Members of the House who have brought this resolution forward, the gentleman from Massachusetts (Mr. SHANNON).

Mr. SHANNON. Mr. Speaker, I thank the gentleman from Washington for yielding to me.

We have heard throughout the course of this debate from better parliamentarians than I am and better historians than I am and better constitutional lawyers than I am and certainly from many more religious people than I am; but I just approach this problem from a very practical perspective. I think it would be worth while to focus not only for the sake of our colleagues, but for the sake of those in the country who might be paying some attention to this debate, what this issue is all about.

The issue is about whether or not in this Chamber we can designate a person to be a chaplain and begin every day with a little prayer.

Now, does that mean that we have designated a formal religion to be the religion of the House of Representatives? Not at all, because every day we begin with a prayer from someone different. We have had Protestant ministers, Catholic priests, Greek Orthodox priests, and rabbis, and if we want to designate as our Chaplain a Buddhist monk or anybody from any particular religious background we want, we should have the ability to do that and I think the Constitution guarantees us the right to do that.

There will be those who say that this is a fundamental issue of the separation of church and state; but the separation of church and state was never supposed to mean the separation of religious values from the lives of public servants.

I think a confrontation with the courts is something that we should try to avoid, but I think that this is one of those occasions in which we have a responsibility to enter into confrontation with the court, to interpret article I of the Constitution which sets out our prerogatives and to say that the separation of church and state does not mean that we can never mention God in a public place. It does not mean that we cannot have, "In God We Trust" over the chair of the Speaker of the House of Representatives, that we cannot express our religious values, whatever they may be, as we carry out our official functions. This was never intended by the Founding Fathers, and this Congress has a right to express its prerogatives. Out expression of religious beliefs at the opening of our session, our designation of our Chaplain, is in accord with the history of this country and the history of the Constitution and is something that is not at all in violation of the constitution.

So that while this might seem a trivial resolution to some, I think it is an important resolution. I think that the Congress should not shy away from interpreting the Constitution in those areas where it is best suited to interpret the Constitution.

Article I is one of those areas. This case calls for our action.

I want to commend the leadership on both sides for bringing this resolution before this Chamber.

Mr. FOLEY. Mr. Speaker, I yield 2 minutes to the gentleman from California (Mr. DANNEMEYER).

Mr. DANNEMEYER. Mr. Speaker, I thank the gentleman for yielding. It is with pleasure that I see the House taking up this resolution this afternoon.

□ 1330

I would hope that we would, as a part of this exercise, understand and appreciate that in this subject we are talking about today that there is a broader question of public policy that this Congress should address as a part of the overall picture; specifically, we have a decision of a U.S. Supreme Court which says that an opening day prayer in a public school is unconstitutional in that in authorizing such a prayer on a voluntary basis it is a violation of the first amendment, which precludes the establishment of a religion.

Today we are concerned about how we conduct our affairs in this Chamber, how we spend our money in hiring a Chaplain for the conduct of a prayer. I am in support of this resolution, but I would also say that we have a broader concern as to how our public schools are functioning in this country, and I would hope that this institution would take up seriously the debate as to whether or not we should tell our brethern in the U.S. Supreme Court that they have gone too far in announcing as a social policy for this country that an opening day prayer in the public school is unconstitutional. It is my personal feeling that we should amend the appellate jurisdiction of our U.S. Supreme Court to preclude the Court from intervening in that area of social policy in this Nation.

I would hope that after we have concluded with this resolution, we can take up the broader question as well.

Mr. FOLEY. Mr. Speaker, I yield 2 minutes to the gentleman from Pennsylvania (Mr. WALKER) for purposes of debate only.

Mr. WALKER. I thank the gentleman for yielding.

Mr. Speaker, we meet in this Chamber with the words over the Speaker's head "In God We Trust." We acknowledge that motto prayerfully each day as we begin our sessions. That is a tradition that goes back to the Continental Congresses and has come all the way up to the present. It is certainly something we would not want to see done away with by some action taking place in the court, particularly brought by Madalyn O'Hair, who has caused so much mischief on this subject in the past.

I think it is well that the leadership of this House, both sides, has taken this matter seriously and has decided to bring forth this resolution, and hopefully it will receive unanimous support in this body, because we know the mischief that Mrs. Madalyn O'Hair caused in the case of school prayer, which the gentleman from California has just articulated. We certainly would not want to see the kind of religious tradition which is represented by public prayer, particularly in the House of Representatives, further undermined by Mrs. O'Hair.

So I thank the gentleman from Washington (Mr. FOLEY) and the rest of the gentlemen who have brought forth this resolution, and would hope that the House will unanimously approve it.

● Mrs. HOLT. Mr. Speaker, a very fiber of our moral core is beign challenged today by a militant, albeit relatively small, group of atheists who are determined to bankrupt our society and Nation of moral values and religious freedom. First, no prayer in schools; then no religious meditation in the concourse of the Pentagon; and now, no salaried Chaplain in Congress.

Mr. Speaker, when and at what point are the atheistic zealots going to stop?

If any institution should set the exemplary tone and pace for our Nation, certainly this body has that intrinsic responsibility—to begin our day in this Chamber in somber communion with God and to seek His blessing and devine guidance as we address tough and challenging legislative decisions affecting our citizens, the peoples of the world, and all generations to follow.

Mr. Speaker, I commend the bipartisan leadership of this House for bringing this resolution to the floor today and I urge my colleagues to support it.●

● Mr. FRENZEL. Mr. Speaker, one would hardly think a resolution like House Resolution 413 would be necessary in this day and age. But, in light of the O'Hair legal challenge, it is, and I shall, therefore, support it strongly.

The resolution merely reaffirms the constitutional authority of the House to establish and use the Office of Chaplain. It also reaffirms the history and traditions of the House, and the values of our country.

It is perhaps superfluous to note that our current, working Chaplain is a native Minnesotan, much respected and beloved by all Members. It is bad enough to challenge the institution of the Office of Chaplain. It is unthinkable to challenge the incumbent Chaplain.

It is my hope that the Court will dismiss this essentially frivilous suit, and the House and the country may continue to enjoy the services of their Chaplain.●

● Mr. DAUB. Mr. Speaker, "Congress shall make no law respecting an establishment of religion * * *." These words from the first amendment to the Constitution are the words on which Madalyn Murray O'Hair bases her suit against the Government to stop payment of congressional Chaplain salaries.

Her interpretation of these words is severely distorted and dangerous, and the precedent that she seeks to establish would radically upset the balance of powers carefully tailored by our Founding Fathers.

When the Constitution was adopted and the First Congress convened in April 1789, among the first officers elected in the Senate and the House of Representatives were the Chaplains. These Chaplains were elected by the same men who had adopted the Constitution and its provisions regarding the establishment of religion. Those who drafted, debated, amended, and adopted the Constitution would not have undermined that document in their first official elections.

On the contrary, the men of the First Congress—by electing their Chaplains—were recognizing that faith in the transcendent, sovereign God was a vital part of the American experience and the American consensus.

That consensus continues today. We remain "one nation under God." Madalyn Murray O'Hair's case cannot change that fact, but we must defend—in the strongest possible terms—the constitutional prerogative of this body to appoint a Chaplain and to begin our day with a prayer for spiritual guidance in our work.●

● Mr. CORRADA. Mr. Speaker, I feel a great sense of responsibility in joining with my colleagues today in reaffirming our commitment to the right of the House of Representatives to have a Chaplain and to open its daily sessions with a prayer.

This tradition not only goes back a long time but it is particularly fitting that, as a legislative body, we begin each session with a prayer for guidance from the Lord.

It is unfortunate that the right vested in the Congress by the Constitution to govern its internal affairs has been challenged in court as a violation of the first amendment.

The establishment clause of the first amendment is not violated by this practice nor is there a violation of the constitutional mandate for separation of church and state.

While this issue is still pending before the courts, it is important that we reaffirm our commitment to the right of the Congress to choose to open its legislative debates with a prayer by its Chaplain, an officer of the Congress.

In these times of trouble and concerns in our Nation and throughout the world, we should take particular comfort in the realization that we are not alone and that prayer can help to calm our fears and guide us as we seek to enact responsible legislation for the betterment of our people.

I urge all my colleagues to join unanimously in approving this resolution.●

Mr. FOLEY. Mr. Speaker, I am not aware of any other Members who wish to be heard at this time. If not, I move the previous question on the resolution.

The previous question was ordered.

The **SPEAKER** pro tempore. The question is on the resolution.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. FOLEY. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The **SPEAKER** pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 388, nays 0, answered "present" 1, not voting 44, as follows:

[Roll No. 43]

YEAS—388

Addabbo
Akaka
Albosta
Alexander
Anderson
Anthony
Applegate
Archer
Aspin
Atkinson
AuCoin
Bafalis
Bailey (MO)
Bailey (PA)
Barnard
Barnes
Beard
Bedell
Beilenson
Benedict
Benjamin
Bennett
Bereuter
Bethune
Bevill
Biaggi
Bingham
Blanchard
Bliley
Boggs
Bolling
Bonior
Bonker
Bouquard
Bowen
Breaux
Brinkley
Brodhead
Brooks
Broomfield
Brown (CA)
Brown (CO)
Broyhill
Byron
Campbell

Carman
Carney
Chappell
Chappie
Cheney
Chisholm
Clausen
Clay
Clinger
Coats
Coelho
Coleman
Collins (IL)
Collins (TX)
Conable
Conte
Corcoran
Coughlin
Courter
Coyne, James
Coyne, William
Craig
Crane, Daniel
D'Amours
Daniel, Dan
Daniel, R. W.
Dannemeyer
Daschle
Daub
Davis
de la Garza
Deckard
Dellums
DeNardis
Derrick
Derwinski
Dickinson
Dicks
Dingell
Dixon
Donnelly
Dorgan
Dornan
Dougherty
Dowdy

Downey
Dreier
Duncan
Dunn
Dymally
Dyson
Early
Eckart
Edgar
Edwards (AL)
Edwards (CA)
Edwards (OK)
Emerson
Emery
English
Erdahl
Erlenborn
Ertel
Evans (DE)
Evans (GA)
Evans (IA)
Fary
Fascell
Fazio
Fenwick
Ferraro
Fiedler
Fields
Findley
Fish
Fithian
Florio
Foglietta
Foley
Ford (MI)
Ford (TN)
Forsythe
Fountain
Fowler
Frank
Frenzel
Frost
Gaydos
Gejdenson
Gephardt

Gibbons
Gingrich
Glickman
Gonzalez
Gore
Gradison
Gramm
Gray
Green
Gregg
Grisham
Guarini
Gunderson
Hagedorn
Hall (OH)
Hall, Ralph
Hall, Sam
Hamilton
Hammerschmidt
Hance
Hansen (ID)
Hansen (UT)
Harkin
Hartnett
Hatcher
Hawkins
Heckler
Heftel
Hendon
Hertel
Hightower
Hiler
Hillis
Hollenbeck
Holt
Hopkins
Horton
Howard
Hoyer
Hubbard
Huckaby
Hughes
Hunter
Hutto
Hyde
Ireland
Jacobs
Jeffries
Jenkins
Johnston
Jones (NC)
Jones (OK)
Jones (TN)
Kastenmeier
Kazen
Kemp
Kennelly
Kildee
Kindness
Kogovsek
Kramer
LaFalce
Lagomarsino
Lantos
Latta
Leach
Leath
Lee
Lehman
Lent
Levitas
Lewis
Loeffler
Long (LA)
Long (MD)
Lott
Lowry (WA)
Luken
Lundine
Lungren
Markey
Marlenee
Marriott
Martin (IL)
Martin (NC)

Martin (NY)
Matsui
Mavroules
Mazzoli
McClory
McCloskey
McCollum
McDonald
McEwen
McGrath
McHugh
Mica
Michel
Mikulski
Miller (CA)
Miller (OH)
Mineta
Minish
Mitchell (MD)
Mitchell (NY)
Moakley
Moffett
Molinari
Montgomery
Moore
Moorhead
Morrison
Mottl
Murphy
Myers
Napier
Natcher
Neal
Nelligan
Nichols
Nowak
O'Brien
Oakar
Oberstar
Obey
Ottinger
Oxley
Panetta
Parris
Pashayan
Patman
Patterson
Paul
Pease
Pepper
Perkins
Petri
Peyser
Porter
Price
Pritchard
Pursell
Quillen
Rahall
Railsback
Rangel
Ratchford
Regula
Reuss
Rhodes
Richmond
Rinaldo
Ritter
Roberts (KS)
Roberts (SD)
Robinson
Rodino
Roe
Roemer
Rogers
Rose
Rosenthal
Rostenkowski
Roth
Roukema
Rousselot
Roybal
Rudd
Russo
Sabo

Santini
Savage
Sawyer
Scheuer
Schneider
Schroeder
Schulze
Schumer
Seiberling
Sensenbrenner
Shamansky
Shannon
Sharp
Shaw
Shelby
Shumway
Shuster
Siljander
Simon
Skelton
Smith (AL)
Smith (IA)
Smith (NE)
Smith (NJ)
Smith (PA)
Snowe
Snyder
Solarz
Solomon
Spence
St Germain
Stangeland
Stanton
Stark
Staton
Stenholm
Stokes
Stratton
Studds
Stump
Swift
Synar
Tauke
Tauzin
Taylor
Thomas
Traxler
Trible
Udall
Vander Jagt
Vento
Volkmer
Walgren
Walker
Wampler
Washington
Waxman
Weaver
Weber (MN)
Weber (OH)
Weiss
White
Whitehurst
Whitley
Whittaker
Whitten
Williams (MT)
Williams (OH)
Winn
Wirth
Wolf
Wolpe
Wortley
Wright
Wyden
Wylie
Yates
Yatron
Young (AK)
Young (FL)
Young (MO)
Zablocki
Zeferetti

ANSWERED "PRESENT"—1

Conyers

NOT VOTING—44

Andrews
Annunzio
Ashbrook
Badham
Boland

Boner
Brown (OH)
Burgener
Burton, John
Burton, Phillip

Butler
Crane, Philip
Crockett
Dwyer
Evans (IN)

Flippo
Fuqua
Garcia
Gilman
Ginn
Goldwater
Goodling
Hefner
Holland
Jeffords
LeBoutillier
Leland
Livingston
Lowery (CA)
Lujan
Madigan
Marks
Mattox
McCurdy
McDade
McKinney
Mollohan
Murtha
Nelson
Pickle
Skeen
Smith (OR)
Watkins
Wilson

☐ 1345

So the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. FOLEY. Mr. Speaker, I ask unanimous consent that I may revise and extend my remarks during the course of the debate on the resolution just agreed to, and that all Members may have 5 legislative days within which to revise and extend their remarks in the RECORD on the same subject.

The SPEAKER pro tempore (Mr. PEYSER). Is there objection to the request of the gentleman from Washington?

There was no objection.

PERSONAL EXPLANATION

Mr. PEPPER. Mr. Speaker, this morning, due to my presiding over a hearing of the House Select Committee on Aging, I missed the vote on rollcall 42, involving the approval of the Journal.

Had I been present, I would have voted "yea."

DUTCH-AMERICAN FRIENDSHIP DAY

Mr. FORD of Michigan. Mr. Speaker, I ask unanimous consent that the Committee on Post Office and Civil Service be discharged from further consideration of the joint resolution (H.J. Res. 410) to designate April 19, 1982, as "Dutch-American Friendship Day," and ask for its immediate consideration in the House.

The Clerk read the title of the joint resolution.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Michigan?

Mr. VANDER JAGT. Mr. Speaker, reserving the right to object, and I will not object, I take this opportunity to commend the distinguished chairman for bringing this joint resolution to the floor. It singles out April 19 as a day to observe 200 years of consecutive friendship between the Netherlands and the United States, the longest continuous diplomatic relationship that the United States has with any country.

I thank the gentleman for bringing this joint resolution to the floor, and I urge my colleagues to pass it overwhelmingly.

Mr. Speaker, I withdraw my reservation of objection.

Mr. FORD of Michigan. I thank the gentleman.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Michigan?

There was no objection.

The Clerk read the joint resolution, as follows:

H.J. RES. 410

Whereas on April 19, 1782, in The Hague, the Netherlands, Prince William V of Orange and the States-General offically recognized the ambassadorial credentials of John Adams, thereby establishing formal diplomatic relations between the new government of the United States and the Netherlands;

Whereas the diplomatic relationship between the United States and the Netherlands is the longest such relationship between the United States and any foreign country;

Whereas the historical relationship between the American and Dutch peoples began approximately four hundred years ago, when the Pilgrims resided in the Netherlands for ten years before sailing to the New World;

Whereas Americans of Dutch descent, including Presidents Martin Van Buren, Theodore Roosevelt, and Franklin Delano Roosevelt, have made significant contributions to the United States; and

Whereas the bond of friendship between the American and Dutch peoples serves as a model for the good relations that should exist among all peoples of the world: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That April 19, 1982, hereby is designated "Dutch-American Friendship Day", and the President of the United States is authorized and requested to issue a proclamation calling upon the people of the United States to observe such day with appropriate ceremonies and activities.

The SPEAKER pro tempore. The gentleman from Michigan (Mr. FORD) is recognized for 1 hour.

Mr. FORD of Michigan. Mr. Speaker, I yield such time as he may consume to the gentleman from Arkansas (Mr. ALEXANDER).

Mr. ALEXANDER. Mr. Speaker, this resolution (H.J. Res. 410), introduced by myself and the distinguished gentleman from New York, Mr. GILMAN, will commemorate a historic event: The 200th anniversary of the establishment of diplomatic ties between the United States and the Netherlands. This is the longest such relationship between our country and any foreign country.

On April 19, 1782, Prince William V of Orange recognized the ambassadorial credentials of our representative, John Adams. This action cemented a friendship begun 200 years earlier when the Pilgrims resided in the Netherlands for 10 years before sailing to the New World.

Thus, it is fitting on this April 19 for the United States to celebrate its friendship with one of its oldest friends and allies. The United States has been enriched by this friendship and by its citizens of Dutch descent, such as Presidents Martin Van Buren, Theodore Roosevelt, and Franklin Delano Roosevelt.

I urge all my colleagues to vote for this bipartisan resolution to declare April 19, 1982, as "Dutch-American Friendship Day."

● Mr. DERWINSKI. Mr. Speaker, I rise in support of House Joint Resolution 410 to designate April 19, 1982, as "Dutch-American Friendship Day."

By designating April 19, 1982, as Dutch-American Day, we as Americans can prove we appreciate and want to expand on two centuries of friendship which have benefited the Netherlands and the United States.

April 19, 1982, also marks the bicentennial of diplomatic relations between the United States and the Netherlands.

The Dutch-American bicentennial also gives an opportunity to reflect on the contributions of the Dutch-Americans. Three Presidents—Martin Van Buren, Theodore Roosevelt, and Franklin Roosevelt—had Dutch ancestors. William Penn, another major political figure in American history, had family links to the Netherlands. The people of the Netherlands are a proud and hard-working people and were among the most progressive settlers in our country. I feel it only fitting that the peoples representatives continue to expand on the 200 years of diplomatic and trade relations which have benefited our respective countries so greatly.

I urge my colleagues to support this measure.●

● Mr. GILMAN. Mr. Speaker, I rise in support of House Joint Resolution 410 which I have cosponsored establishing April 19, 1982, as Dutch-American Friendship Day.

Mr. Speaker, the purpose of noting this particular day as Dutch-American Friendship Day is to commemorate the establishment of friendly relations between the Netherlands and the United States which occurred 200 years ago on April 19, 1782. This era of unprecedented friendship between our two governments and two peoples formally began when John Adams presented his diplomatic credentials to the Dutch Crown. Our close relations with the Netherlands actually began some 400 years ago when the Pilgrims resided in the Netherlands before setting forth for their new homes in the New World. Those friendly relations have continued to this very day.

I am pleased therefor to be able to join with the Gentleman from Arkansas (Mr. ALEXANDER) and with many of my colleagues who have graciously cosponsored this resolution, in urging the passage of this legislation honoring our "Dutch-American Friendship."●

GENERAL LEAVE

Mr. FORD of Michigan. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks in the Record on House Joint Resolution 410.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Michigan?

There was no objection.

Mr. FORD of Michigan. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. Speaker, I move the previous question on the joint resolution.

The previous question was ordered.

The SPEAKER pro tempore. The question is on the engrossment and third reading of the joint resolution.

The joint resolution was ordered to be engrossed and read a third time, and was read the third time.

The SPEAKER pro tempore. The question is on the passage of the joint resolution.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. GREGG. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 379, nays 1, not voting 53, as follows:

[Roll No. 44]

YEAS—379

Addabbo
Akaka
Albosta
Alexander
Anderson
Anthony
Archer
Aspin
Atkinson
AuCoin
Bafalis
Bailey (MO)
Bailey (PA)
Barnard
Barnes
Beard
Bedell
Beilenson
Benjamin
Bennett
Bereuter
Bethune
Bevill
Biaggi
Bingham
Blanchard
Bliley
Boggs
Bonior
Bonker
Bouquard
Bowen
Breaux
Brinkley
Brodhead
Brooks
Broomfield
Brown (CA)
Brown (CO)
Broyhill
Byron
Campbell
Carman
Carney
Chappell
Chappie
Cheney
Chisholm
Clausen
Clay
Clinger
Coats
Coelho
Coleman
Collins (IL)
Collins (TX)
Conable
Conte
Conyers
Corcoran
Coughlin
Courter
Coyne, James
Coyne, William
Craig
Crane, Daniel
D'Amours
Daniel, Dan
Daniel, R. W.
Dannemeyer
Daschle
Daub
Davis
de la Garza
Deckard
Dellums
DeNardis
Derrick
Derwinski
Dickinson
Dicks
Dingell
Donnelly
Dorgan
Dornan
Dougherty
Dowdy
Downey
Dreier
Duncan
Dunn
Dwyer
Dymally
Dyson
Early
Eckart
Edgar
Edwards (AL)
Edwards (CA)
Edwards (OK)
Emerson
Emery
English
Erdahl
Erlenborn
Ertel
Evans (DE)
Evans (GA)
Evans (IA)
Fary
Fascell
Fazio
Fenwick
Ferraro
Fiedler
Fields
Findley
Fithian
Florio
Foglietta
Foley
Ford (MI)
Ford (TN)
Forsythe
Fountain
Fowler
Frank
Frenzel
Frost
Gaydos
Gejdenson
Gibbons
Gilman
Gingrich
Glickman
Gonzalez
Gore
Gradison
Gramm
Gray
Green
Gregg
Grisham
Guarini
Gunderson
Hagedorn
Hall, Ralph
Hall, Sam
Hamilton
Hance
Hansen (ID)
Hansen (UT)
Harkin
Hartnett
Hatcher
Heckler
Heftel
Hendon
Hertel
Hightower
Hiler
Hillis
Hollenbeck
Holt
Hopkins
Horton
Howard
Hoyer
Hubbard
Huckaby
Hughes
Hunter
Hutto
Hyde
Ireland
Jacobs
Jeffries
Jenkins
Johnston
Jones (OK)
Jones (TN)
Kastenmeier
Kazen
Kemp
Kennelly
Kildee
Kindness
Kramer
Lagomarsino
Lantos
Latta
Leach
Leath
Lee
Lehman
Lent
Levitas
Lewis
Loeffler
Long (LA)
Long (MD)
Lott
Lowry (WA)
Luken
Lundine
Lungren
Madigan
Markey
Marlenee
Marriott
Martin (IL)
Martin (NC)
Martin (NY)
Matsui
Mavroules
Mazzoli
McClory
McCloskey
McCollum
McDonald
McEwen
McGrath
McHugh
McKinney
Mica
Michel
Mikulski
Miller (CA)
Miller (OH)
Mineta
Minish
Mitchell (MD)
Mitchell (NY)
Moakley
Moffett
Molinari
Mollohan
Montgomery
Moore
Moorhead
Morrison
Mottl
Murphy
Myers
Napier
Natcher
Neal
Nelligan
Nichols
Nowak
O'Brien
Oakar
Oberstar
Ottinger
Oxley
Panetta
Parris
Pashayan
Patman
Patterson
Paul
Pease
Pepper
Perkins
Petri
Peyser
Pickle
Porter
Price
Pritchard
Pursell
Quillen
Rahall
Rangel
Ratchford
Regula
Reuss
Rhodes
Richmond
Rinaldo
Ritter
Roberts (KS)
Roberts (SD)
Robinson
Rodino
Roe
Roemer
Rogers
Rose
Rosenthal
Rostenkowski
Roth
Roukema
Rousselot
Roybal
Rudd
Sabo
Savage
Sawyer
Scheuer
Schneider
Schroeder
Schulze
Schumer
Seiberling
Sensenbrenner
Shamansky
Shannon
Sharp
Shaw
Shelby
Shumway
Shuster
Siljander
Simon
Skeen
Skelton
Smith (AL)
Smith (IA)
Smith (NE)
Smith (NJ)
Smith (PA)
Snowe
Snyder
Solarz
Solomon
Spence
St Germain
Stangeland
Stanton
Stark
Staton
Stenholm
Stokes
Stratton
Studds
Stump
Swift
Synar
Tauke
Tauzin
Taylor
Thomas
Traxler
Trible
Udall
Vander Jagt
Vento
Volkmer
Walgren
Walker
Wampler
Washington
Weaver
Weber (MN)
Weber (OH)
Weiss
White
Whitehurst
Whitley
Whittaker
Whitten
Williams (MT)
Williams (OH)
Winn
Wirth
Wolf
Wolpe
Wortley
Wright
Wyden
Wylie
Yates
Yatron
Young (AK)
Young (FL)
Young (MO)
Zablocki
Zeferetti

NAYS—1

Obey

NOT VOTING—53

Andrews
Annunzio
Applegate
Ashbrook
Badham
Benedict
Boland
Bolling
Boner
Brown (OH)
Burgener
Burton, John
Burton, Phillip
Butler
Crane, Philip
Crockett
Dixon
Evans (IN)
Fish
Flippo
Fuqua
Garcia
Gephardt
Ginn
Goldwater
Goodling
Hall (OH)
Hammerschmidt
Hawkins
Hefner
Holland
Jeffords
Jones (NC)
Kogovsek
LaFalce
LeBoutillier
Leland
Livingston
Lowery (CA)
Lujan
Marks
Mattox
McCurdy
McDade
Murtha
Nelson
Railsback
Russo
Santini
Smith (OR)
Watkins
Waxman
Wilson

□ 1400

So the joint resolution was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

NATIONAL DAY OF REFLECTION

Mr. FORD of Michigan. Mr. Speaker, I ask unanimous consent that the Committee on Post Office and Civil Service be discharged from further consideration of the joint resolution (H.J. Res. 447) to authorize and request the President to issue a proclamation designating April 4, 1982, as the "National Day of Reflection," and ask for its immediate consideration.

The Clerk read the title of the joint resolution.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Michigan?

□ 1415

Mr. KEMP. Reserving the right to object, I thank the gentleman from Michigan who has helped bring this resolution to the floor. Of course, I do not object. But I simply take this time to suggest, Mr. Speaker, that more than 215 Members of the Congress on both sides of the political aisle have joined in cosponsoring this resolution to designate April 4, 1982, as a National Day of Reflection.

Congressman ROSENTHAL, of New York, and myself, as I say, and the other 215 or so Members have designated this date to emphasize the importance that our society places upon those basic root premises of Judaeo-Christian society.

Second, Mr. Speaker, this date would coincide with the 80th birthday of truly one of the great spiritual leaders in the world, Rabbi Menachem Mendel Schneerson, revered spiritual leader of the Lubavitch movement, whose goal it is to promote educational programs throughout the country and the world.

It is important for all of us to take the time to think about the basic tenets on which our Judaeo-Christian society is based, the principles and values which are the foundation of all civilized societies, without which there would be no order, and no rule of law among people.

These values are encoded in the Seven Noahide Laws, found in the Book of Genesis, and are also found in the Ten Commandments, and are so basic, and so fundamental, that is why it is important to have a day set aside to focus attention on them in an official way.

This year, the proposed day set aside for the Day of Reflection coincides with the 80th birthday of Rabbi Menachem Mendel Schneerson, who has for many years provided such great guidance for the Lubavitch movement in furthering its goal of promoting educational opportunities throughout the world. Rabbi Schneerson embodies Jewish ideals and is a leading authority on the Hallaschi court of law.

I ask my colleagues to join me in passing unanimously this National Day of Reflection for April 14.

Mr. HYDE. Mr. Speaker, will the gentleman yield?

Mr. KEMP. I yield to the gentleman from Illinois.

Mr. HYDE. I thank my friend for yielding. I intend to vote for this resolution, but a National Day of Reflection, I would certainly prefer a National Day of Prayer. A National Day of Reflection seems innocuous to me.

Mr. KEMP. Let me explain to my friend, who sees a distinction between reflection and prayer, that very frankly I think if the gentleman would look back far enough in any dictionary he will find that the word reflection is but another word for prayer. It is the intent of both sides of the aisle and the number of Members who have sponsored this legislation to suggest that the leadership of Rabbi Schneerson and the Seven Noahide Laws, the essence of the Judeo-Christian society of which we are members richly deserve this recognition.

I ask the gentleman to join me since he is a cosponsor.

Mr. HYDE. I am not a cosponsor.

Will the gentleman yield further?

Mr. KEMP. I am glad to yield to my friend from Illinois and I am sorry he is not a cosponsor.

Mr. HYDE. If we were to pray on this National Day of Reflection in the spirit of the resolution we would not then be violating the precept of this resolution?

Mr. KEMP. No more, I would say to my friend, than when we bow our heads for a moment of silence in listening to the Chaplain lead the Congress in the opening prayer.

Mr. HYDE. I feel much better about this resolution.

Mr. MITCHELL of Maryland. Mr. Speaker, will the gentleman yield?

Mr. KEMP. I am glad to yield to my friend from Maryland.

Mr. MITCHELL of Maryland. I would say to the gentleman there is nothing that delights me more than reflecting on things. But I wonder, I ask the gentleman, is this the sort of reflection on historical things, historical values, and so forth?

My problem is it seems to me we ought be reflecting on the present immoral things that are being done to large segments of this society. That is basically the question.

Mr. KEMP. I will take my time back long enough to only say I hope the gentleman recognizes that this basic resolution is only focusing attention on this very important day of recognition for a great world leader and these laws.

Mr. MITCHELL of Maryland. If we could have order, Mr. Speaker, because this is a very important response.

Mr. KEMP. Mr. Speaker, I simply am taking the time back to explain to my dear friend from Maryland that it is not the intent of the 215 or 220 cosponsors to try to focus attention away from anything but to focus attention on April 4, on those basic ethical values upon which our Western civilization is based, our Judeo-Christian society, and the leadership of Rabbi Schneerson.

I deeply appreciate the concern of my friend from Maryland.

Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Michigan?

There was no objection.

The Clerk read the joint resolution, as follows:

H.J. RES. 447

Whereas the Congress recognizes the historical tradition of ethical values and principles which are the basis of civilized society and upon which our great Nation was founded;

Whereas these ethical values and principles which, from the dawn of civilization when they were known as the Seven Noahide Laws, have been the bedrock of society without which the edifice of civilization stands in serious peril of returning to chaos;

Whereas society is presently profoundly concerned with the weakening of these principles that has resulted in crises that beleaguer and threaten the fabric of civilized society; and

Whereas the justified preoccupation with these crises must not let the citizens of this Nation lose sight of their responsibility of transmitting these historical ethical values from our distinguished past to the generations of the future, and need occasional reminder of this duty and privilege: Now, therefore be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the President is authorized to issue a proclamation designating April 4, 1982, which this year coincides with the eightieth birthday of Rabbi Menachem Mendel Schneerson, universally respected and revered leader and head of the worldwide Lubavitch movement, who has done so much to foster and promote these ethical values and principles, as the "National Day of Reflection".

The SPEAKER pro tempore. The gentleman from Michigan (Mr. FORD) is recognized for 1 hour.

Mr. FORD of Michigan. Mr. Speaker, I yield myself such time as I may consume.

I would simply like to say that this resolution was introduced by the Honorable BENJAMIN ROSENTHAL of New York and the Honorable JACK KEMP of New York and approximately 220 cosponsors. It has been before our committee and is brought here today by unanimous consent so it may be disposed of in a timely manner to meet the date that is set forth in the resolution.

I thank the gentleman from New York (Mr. KEMP) for his full and complete explanation of the resolution.

GENERAL LEAVE

Mr. FORD of Michigan. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the joint resolution now being considered.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Michigan?

There was no objection.

Mr. FORD of Michigan. Mr. Speaker, I yield such time as he may consume to the gentleman from Maryland (Mr. MITCHELL).

Mr. MITCHELL of Maryland. Mr. Speaker, I have asked the chairman to yield to me because my colleague seemed to take umbrage at my line of questioning. I am not a cosponsor of this legislation. I intend to vote for it.

But I wanted to be clear in my own mind whether the basic principles of the Judeo-Christian ethics as we reflect on them, are we going to reflect on them in terms of the hurt that is in our society right now, in terms of the current problems? Are we going to reflect in terms of the current rash of cross burnings, for example, going on around the country? Are we going to reflect on them in terms of the massive unemployment that is gripping the black community? That was the only reason for my questioning.

Mr. KEMP. Mr. Speaker, will the gentleman yield?

Mr. MITCHELL of Maryland. I would be delighted to yield.

Mr. KEMP. I certainly did not take umbrage at my friend's comments, he was talking about something else. I am glad to hear that he is going to vote for it. I was simply trying to suggest that Rabbi Schneerson and the seven Noahide laws are basic to our society and that they transcend some of the existential debates we have here in the body of the House. This should be passed overwhelmingly and I am glad to hear that the gentleman is going to support it and look forward to working with him to finding solutions to the very real problems we face in this country.

Mr. **MITCHELL** of Maryland. Mine was not an exercise in existentialism at all. Rather, it was an exercise in terms of pragmatism, whether or not we can apply certain sound philosophic doctrines to current problems and reflect on them.

Mr. **FORD** of Michigan. Mr. Speaker, I have no further requests for time, I yield back the balance of my time, and I move the previous question on the joint resolution.

The previous question was ordered.

The **SPEAKER** pro tempore. The question is on the engrossment and third reading of the joint resolution.

The joint resolution was ordered to be engrossed and read a third time, and was read the third time.

The **SPEAKER** pro tempore. The question is on the joint resolution.

The question was taken; and on a division (demanded by Mr. GREGG) there were—yeas 89, nays 3.

Mr. **CONTE**. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The **SPEAKER** pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 387, nays 3, not voting 43, as follows:

[Roll No. 45]

YEAS—387

Addabbo
Akaka
Albosta
Alexander
Anderson
Anthony
Archer
Aspin
Atkinson
AuCoin
Bafalis
Bailey (MO)
Bailey (PA)
Barnard
Barnes
Beard
Bedell
Beilenson
Benedict
Benjamin
Bennett
Bereuter
Bethune
Bevill
Biaggi
Bingham
Blanchard
Bliley
Boggs
Bonior
Bonker
Bouquard
Bowen
Breaux
Brinkley
Brodhead
Brooks
Broomfield
Brown (CA)
Brown (CO)
Broyhill
Byron
Campbell
Carman
Carney
Chappell
Chappie
Cheney
Chisholm
Clausen
Clay
Clinger
Coats
Coelho
Coleman
Collins (IL)
Collins (TX)
Conable
Conte
Corcoran
Coughlin
Courter
Coyne, James
Coyne, William
Craig
Crane, Daniel
Crockett
D'Amours
Daniel, Dan
Daniel, R. W.
Dannemeyer
Daschle
Daub
Davis
de la Garza
Deckard
Dellums
DeNardis
Derrick
Derwinski
Dickinson
Dicks
Dingell
Dixon
Donnelly
Dorgan
Dornan
Dougherty
Dowdy
Downey
Dreier
Duncan
Dunn
Dwyer
Dymally
Dyson
Early
Eckart
Edgar
Edwards (AL)
Edwards (CA)
Edwards (OK)
Emerson
Emery
English
Erdahl
Erlenborn
Ertel
Evans (DE)
Evans (GA)
Evans (IA)
Fary
Fascell
Fazio
Fenwick
Ferraro
Fiedler
Fields
Findley
Fithian
Florio
Foglietta
Foley
Ford (MI)
Ford (TN)
Forsythe
Fountain
Fowler
Frank
Frenzel
Frost
Gaydos
Gejdenson
Gephardt
Gibbons
Gilman
Gingrich
Glickman
Gonzalez
Gore
Gradison
Gramm
Gray
Green
Gregg
Grisham
Guarini
Gunderson
Hagedorn
Hall (OH)
Hall, Ralph
Hall, Sam
Hamilton
Hammerschmidt
Hance
Hansen (ID)
Hansen (UT)
Harkin
Hartnett
Hatcher
Hawkins
Heckler
Heftel
Hendon
Hertel
Hightower
Hiler
Hillis
Hollenbeck
Holt
Hopkins
Horton
Howard
Hoyer
Hubbard
Huckaby
Hughes
Hunter
Hutto
Hyde
Jacobs
Jeffords
Jeffries
Jenkins
Johnston
Jones (OK)
Jones (TN)
Kastenmeier
Kazen
Kemp
Kennelly
Kildee
Kindness
Kogovsek
Kramer
LaFalce
Lagomarsino
Lantos
Latta
Leach
Leath
Lee
Lehman
Lent
Levitas
Lewis
Loeffler
Long (LA)
Long (MD)
Lott
Lowry (WA)
Luken
Lungren
Madigan
Markey
Marlenee
Marriott
Martin (IL)
Martin (NC)
Martin (NY)
Matsui
Mavroules
Mazzoli
McClory
McCloskey
McCollum
McCurdy
McDonald
McEwen
McGrath
McHugh
McKinney
Mica
Michel
Mikulski
Miller (CA)
Miller (OH)
Mineta
Minish
Mitchell (MD)
Mitchell (NY)
Moakley
Moffett
Molinari
Mollohan
Montgomery
Moore
Moorhead
Morrison
Mottl
Murphy
Myers
Napier
Natcher
Neal
Nelligan
Nichols
Nowak
O'Brien
Oakar
Oberstar
Ottinger
Oxley
Panetta
Parris
Pashayan
Patman
Patterson
Paul
Pease
Pepper
Perkins
Petri
Peyser
Pickle
Porter
Price
Pritchard
Pursell
Quillen
Rahall
Rangel
Ratchford
Regula
Reuss
Rhodes
Richmond
Rinaldo
Ritter
Roberts (KS)
Roberts (SD)
Robinson
Rodino
Roe
Roemer
Rogers
Rose
Rosenthal
Rostenkowski
Roth
Roukema
Rousselot
Roybal
Rudd
Sabo
Savage
Sawyer
Scheuer
Schneider
Schroeder
Schulze
Schumer
Seiberling
Sensenbrenner
Shamansky
Shannon
Sharp
Shaw
Shelby
Shuster
Siljander
Simon
Skeen
Skelton
Smith (AL)
Smith (IA)
Smith (NE)
Smith (NJ)
Smith (PA)
Snowe
Snyder
Solarz
Solomon
Spence
St Germain
Stangeland
Stanton
Stark
Staton
Stenholm
Stokes
Stratton
Studds
Stump
Swift
Synar
Tauke
Tauzin
Taylor
Thomas
Traxler
Trible
Udall
Vander Jagt
Vento
Volkmer
Walgren
Walker
Wampler
Washington
Waxman
Weaver
Weber (MN)
Weber (OH)
Weiss
White
Whitehurst
Whitley
Whittaker
Whitten
Williams (OH)
Wilson
Winn
Wirth
Wolf
Wolpe
Wortley
Wright
Wyden
Wylie
Yates
Yatron
Young (AK)
Young (FL)
Young (MO)
Zablocki
Zeferetti

NAYS—3

Conyers
Obey
Shumway

NOT VOTING—43

Andrews
Annunzio
Applegate
Ashbrook
Badham
Boland
Bolling
Boner
Brown (OH)
Burgener
Burton, John
Burton, Phillip
Butler
Crane, Philip
Evans (IN)
Fish
Flippo
Fuqua
Garcia
Ginn
Goldwater
Goodling
Hefner
Holland
Ireland
Jones (NC)
LeBoutillier
Leland
Livingston
Lowery (CA)
Lujan
Lundine
Marks
Mattox
McDade
Murtha
Nelson
Railsback
Russo
Santini
Smith (OR)
Watkins
Williams (MT)

☐ 1430

Mr. **LATTA** changed his vote from "nay" to "yea."

So the joint resolution was passed.

The result of the vote was announced as above record.

A motion to reconsider was laid on the table.

☐ 1445

DESIGNATING APRIL 18 THROUGH APRIL 25, 1982, AS "DAYS OF REMEMBRANCE OF VICTIMS OF THE HOLOCAUST"

Mr. **YATES**. Mr. Speaker, I send to the desk a concurrent resolution (H. Con. Res. 299) commemorating days of remembrance of victims of the Holocaust, and asked unanimous consent for its immediate consideration.

The Clerk read the title of the concurrent resolution.

The **SPEAKER** pro tempore. Is there objection to the request of the gentleman from Illinois?

Mr. **WALKER**. Reserving the right to object, Mr. Speaker, could the gentleman tell me what the date is that is in this resolution?

Mr. **YATES**. Mr. Speaker, will the gentleman yield?

Mr. **WALKER**. I yield to the gentleman from Illinois.

Mr. **YATES**. The date is April 20. The purpose of the resolution is to permit the celebration of Day of Remembrance of the Victims of the Holocaust in the rotunda of the Capitol, and it reserves the rotunda of the Capitol for that ceremony between the hours of 10 and 3.

Mr. **WALKER**. Further reserving the right to object, I certainly have no problem with the substance of the resolution that the gentleman has before us, but one thing does concern me. I am wondering if the gentleman is aware of this, that the date we are setting aside in the Capitol Building for this observance happens to be Adolf Hitler's birthday?

Is this something that was considered given the subject matter of what we are doing?

Mr. **YATES**. Well, as it happens, April 20 has been designated internationally as the Day of Remembrance of Victims of the Holocaust and throughout the world that remembrance will take place.

I was not aware it was Adolf Hitler's birthday. Certainly it is not in celebration of it except perhaps to indicate that the victims of the Holocaust triumphed over Adolf Hitler.

Mr. WALKER. Further reserving the right to object, I thank the gentleman for that explanation. I just was concerned that perhaps it was something that would be a problem to some people and I thank the gentleman for his explanation.

Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Illinois?

There was no objection.

The Clerk read the concurrent resolution, as follows:

H. CON. RES. 299

Whereas, pursuant to Public Law 96-388, the United States Holocaust Memorial Council shall provide for appropriate ways for the Nation to commemorate the Days of Remembrance, as an annual, national, civic commemoration of the Holocaust, and to encourage and sponsor appropriate observance of such Days of Remembrance throughout the United States;

Whereas, the United States Holocaust Memorial Council, pursuant to Public Law 96-388, has designated April 18 through April 25, 1982, as "Days of Remembrance of Victims of the Holocaust";

Whereas, April 20 has been designated internationally as a day of remembrance of victims of the Holocaust, known as Yom Hashoah;

Whereas, the United States Holocaust Memorial Council has recommended that a one-hour ceremony be held in the Capitol Rotunda at noon on April 20, consisting of speeches, readings and musical presentations as part of the Days of Remembrance activities;

Whereas, the United States Holocaust Memorial Council has recommended that the United States Senate and the United States House of Representatives should stand in recess during the ceremony: Now, therefore, be it

Resolved by the House of Representatives (the Senate concurring), That from 10 a.m. on April 20, 1982, the Capitol Rotunda shall be available until 3 p.m. for a ceremony as part of the commemoration of the Days of Remembrance of Victims of the Holocaust.

The concurrent resolution was agreed to.

A motion to reconsider was laid on the table.

SAM STRATTON TO RECEIVE 19TH ANNUAL CONGRESSIONAL AWARD FOR OUTSTANDING SERVICE TO THE NATION

(Mr. McEWEN asked and was given permission to address the House for 1 minute.)

Mr. McEWEN. Mr. Speaker, the Veterans of Foreign Wars annual congressional banquet will be honoring tonight the Honorable SAM STRATTON of the 28th District of New York who will receive the 19th Annual Congressional Award for Outstanding Service to the Nation.

Mr. STRATTON is the third ranking member of the House Armed Services Committee, chairman of its Procurement and Military Nuclear Systems Subcommittee, and recognized as the leading congressional spokesman on defense matters. In addition, he serves as chairman of the New York State congressional delegation.

Mr. Speaker, this Member greatly appreciates the leadership which the Congressman from the 28th District of New York gives to this House. I have learned in my short term in the Congress that the positions which Congressman SAM STRATTON takes on issues of the day are in the best interests of America. He is a Member who I hold in the highest esteem and I wanted to take this moment to commend the Veterans of Foreign Wars for wisely honoring the Honorable SAM STRATTON as an outstanding American.

COMMUNICATION FROM THE CLERK OF THE HOUSE

The SPEAKER pro tempore laid before the House the following communication from the Clerk of the House of Representatives:

WASHINGTON, D.C., *March 29, 1982.*

Hon. THOMAS P. O'NEILL, Jr.,
Speaker, House of Representatives, Washington, D.C.

DEAR MR. SPEAKER: On March 22, 1982 a deposition subpoena to testify and produce documents and things was delivered to my office. The subpoena, issued by the United States District Court for the District of Maryland in *Benford* v. *American Broadcasting Company,* Civ. Action No. N-79-2386, directs me as Clerk of the House, or my duly authorized representative, to appear at a Holiday Inn in Chevy Chase, Maryland and to bring with me certain documents and communications.

Sincerely,
EDMUND L. HENSHAW, Jr.,
Clerk, House of Representatives.

LABOR-MANAGEMENT COOPERATION: A SURE WAY TO IMPROVE PRODUCTIVITY

(Mr. SEIBERLING asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous matter.)

Mr. SEIBERLING. Mr. Speaker, a great deal of emphasis has been placed on union "givebacks" in the United Auto Workers' negotiations with automakers, but not enough on the very significant gains for workers in job security, profit sharing, and greater participation in corporate decisions. Intense international business competition is not only forcing organized labor to reexamine its position, it is also forcing corporate managers to reexamine their attitude toward production line workers and to recognize that these workers represent one of the company's most valuable untapped resources.

The March 19 Washington Post, editorializing on the implications of labor "givebacks," commented that—

> With many basic industries under severe stress, both labor and management need to reassess their positions. In the last few months major unions have agreed to "givebacks" of wages and benefits affecting hundreds of thousands of workers. An important feature of most of these deals, however, was a recognition by management that concessions—including more participation for workers in management decisions—were called for on their side of the table as well. * * * Better management may require abandoning, or at least modifying the adversarial tradition in U.S. labor-management relations.

In a March 15 editorial, Crain's Cleveland Business, which covers one of our country's major industrial centers, remarked that—

> Labor, in making economic concessions which would have been viewed unthinkable only a few years ago, has made a giant stride in bringing an element of democracy to the workplace in the institution of plant closing restrictions on the company. * * * Underlying this blurring of labor-management division is the recognition that all of a company's resources have to be used efficiently if it—and its work force—is going to prosper.

In a February 22 commentary in the Akron Beacon Journal, Hobart Rowen quotes Peter Pestillo, Ford's vice president for labor relations, as saying that—

> The wave of the future * * * is greater participation by our work force in the business process. Indifference is being scrapped.

Rowen cites as one of the most important features of the UAW-Ford agreement—

> The acceptance by Ford of the worker as a human being, one who might even be given a voice in the management.

I have introduced a bill (H.R. 5682) to stimulate the reexamination of labor management relations in our country by encouraging workers and management to consider adopting the predominant Japanese compensation system. The employees of a typical Japanese corporation receive only part of their pay in the form of a regular wage or salary. The rest—as much as a third of the worker's annual pay—is paid in a semiannual or annual bonus, based on the company's profits. This gives the Japanese worker an incentive to be more cost and profit-conscious, since his pay depends on the company's performance. Equally important, this system gives the Japanese company a way to reduce its labor costs in bad business conditions without cutting a worker's weekly pay or laying workers off. The feeling of job security which Japanese workers have reduces labor-management conflicts.

In the United States, the wage a worker gets usually has little direct relation to his company's business performance. U.S. companies which encounter rough times usually have to layoff some employees while keeping others on at full pay. As a result, workers at these companies are likely to feel they have little stake in the company's performance and little incentive to help the company become more profitable by cutting costs and increasing productivity. The result is a sense of insecurity and unnecessary bad feelings between workers and business owners.

My bill would encourage employers to offer their employees something like the Japanese two-tier wage structure: A base wage and a bonus determined by company profits or cost savings, with the bonus amounting to up to one-third of an employee's annual pay. To help pay for setting up this new system, employers would receive a tax credit under my bill equal to 5 percent of the bonuses they pay in a given year. Of course, union approval would be needed in any company whose employees are covered by a collective bargaining agreement.

I believe that many American workers would welcome such a pay system. The United Auto Workers' agreement with Ford provides evidence of this willingness: In exchange for concessions on future pay increases and paid personal holidays, workers won greater job security and a chance to share in future profits. And I have already heard from the head of one major union expressing an interest in the bill.

Mr. Speaker, I am enclosing the articles mentioned above, as well as an article from the UAW magazine Solidarity describing its new contract with Ford:

[From the Washington Post, Mar. 19, 1982]

THE KELLOGG STORY

Which should come first among a labor union's priorities—jobs or wages? A majority of workers at a mining and smelting plant in Kellogg, Idaho, thought that saving their jobs was more important. They voted to accept a 25 percent cut in pay and other benefit reductions demanded by a group of investors as the condition for reopening the recently closed plant. When steelworkers' union leaders failed to ratify the agreement and the jobs vanished, many of the workers felt betrayed.

The anger of the laid-off workers is easy to understand. But so is the position of the union leaders. The investors offered a no-negotiation deal with a one-week deadline for acceptance. The local union members' vote to accept the proposal caught union leaders by surprise on the eve of the offer's expiration. It would not be surprising if national union leaders were loath to accept a stiff take-it-or-leave-it deal that might have set a precedent for major steelworkers' negotiations elsewhere in progress.

One of the major reasons why nationwide unions were formed, after all, was to protect workers in one-industry towns like Kellogg from being browbeaten by local employers into accepting bad deals. In the decades of prosperity after World War II, strong unions were able to deliver a steadily rising standard of living to their members by focusing on wages and benefits first and employment impacts second, if at all. Concessions were sometimes agreed to when plant closings were at risk, but these were usually minor and confined to special situations—and frequently, as union leaders remember, the plants closed anyway.

When an industry is thriving, propping up marginal producers is no more in the long-run interest of labor than it is of management. Now, however, with many basic industries under severe stress, both labor and management need to reassess their positions. In the last few months major unions have agreed to "give-backs" of wages and benefits affecting hundreds of thousands of workers. An important feature of most of these deals, however, was a recognition by management that concessions—including more participation for workers in management decisions—were called for on their side of the table as well.

Reviving the nation's industrial strength will require more than bringing the compensation of over-favored workers back into line with the prevailing norms of American industry or its strongest international competitors. Improving productivity may depend far more on better management than on speeding up or streamlining current methods of operation. And better management may require abandoning, or at least modifying, the adversarial tradition in U.S. labor-management relations.

[From Crain's Cleveland Business, Mar. 15, 1982]

LABOR GIVEBACKS: A PAINFUL GROWTH

The theme at the Firestone Tire & Rubber Co. union negotiations which began here last week is certain to be the same as in other industries: How much is the union willing to give back and what will the company have to promise in order to win these concessions?

There's considerable bitterness in labor circles, as unions relinquish the hard-won gains of former contracts. But it can be argued that recent re-negotiations—which generally trade off some labor costs in return for greater job security—represent more a transformation for the labor movement than a retreat.

Witness the recent Ford contract. Labor, in making economic concessions which would have been viewed unthinkable only a few years ago, has made a giant stride in bringing an element of democracy to the work place in the institution of plant closing restrictions on the company.

And work place democracy is gaining on other, non-union related fronts. For example, management has learned within many companies that through quality circles, work teams and other employee interaction processes workers can contribute much beyond brawn to their jobs, and thereby improve the overall quality and productivity of the business.

Workers who once just put in their time and let management worry about the problems are finding that active participation is necessary to keep any job viable.

As union members contribute to company policy, they will also find themselves more the captains of their own fate, with all the uncertainty that entails.

That could turn out to be a blessing in disguise. For assembly line unions like the rubber workers, greater job security will become a more precious contract guarantee as robots creep to the fore in factories.

Underlying this blurring of labor-management division is the recognition that all of a company's resources have to be used efficiently if it—and its work force—is going to prosper.

[From the Akron Beacon Journal, Feb. 22, 1982]

HARD LESSON TO LEARN FOR AMERICAN INDUSTRY

(By Hobart Rowen)

WASHINGTON.—Last September, going through a modern Japanese auto plant near Tokyo, I asked a worker about the Japanese Auto Workers Union, of which he is a member. Then, after answering my question, he said:

"You must know, I am also a member of the company."

This, for me, encapsulates the unique spirit of Japanese labor-management cooperation that above all other considerations accounts for the striking Japanese success in penetrating world markets. "In Japan," JAW president Ichiro Shioji told me, "in order to improve productivity and product quality, the labor side and the management side cooperate with each other."

One shouldn't expect the United Auto Workers and the American auto industry to embrace the Japanese system overnight, if ever. The Japanese system focuses on group rather than individual accomplishment, an inner feeling developed over centuries of a unique culture.

Ours is different, but—as the Japanese have done—our culture can borrow from theirs, especially in industrial management. Therefore, I think one of the most exciting, and potentially productive, economic events of recent years is the decision of the UAW to give back some wage and benefit concessions already won from Ford for some assurance of increased job security and an experiment with lifetime employment.

Beyond the specific dollars-and-cents impact of the agreement—which by saving Ford perhaps $1 billion in the next two years may keep it intact—is the acceptance by Ford of the worker as a human being, one who might even be given a voice in the management.

Peter Pestillo, Ford's vice president for labor relations told reporters that "the wave of the future . . . is greater participation by our work force in the business process. Indifference is being scrapped." That's an enormous step. It comes late in the game for Ford. It hasn't come yet for General Motors, which missed a great opportunity to reach out for a similar agreement.

Donald Ephlin, a UAW vice president who made an exploratory trip with Pestillo to Japan last summer, points out that "one of the problems we've always had is that we make the blue-collar worker appear to be a failure. In Europe and Japan, they glorify him. But in our society, we seem to say, 'If all you can do is blue-collar work, you're a failure to start'." Ephlin feels that Ford is beginning to recognize workers.

In an interview, Pestillo said that by giving some attention to "quality of life complaints" in its inefficient Cleveland stamping plant, where production was 1,100 pieces in a given time frame against a standard of 1,500, the company got 2,000 pieces with no problem. "We turned the problems over to the people on the shop floor," Pestillo said.

That's a very Japanese approach: In a Japanese assembly plant, it's accepted practice that a worker can push a red "STOP" button on the assembly line if he has to. The knowledge that the human being, not the machine, is in ultimate control is a strong plus.

American managers have had a hard time in getting a simple lesson like that through their skulls. Martin Douglas, a sander laid off by General Motors, wrote a brilliant and poignant piece in the New York Times on Feb. 15, in which he said: "General Motors expects two things of a worker: Come to work and do what you are told. There is no sense of teamwork or working together to solve common problems."

There has been no halo around Ford, either. Pestillo admits that until this successful negotiation with the UAW, "plant managers were told not to speak to workers while bargaining was going on. It wasn't considered good practice. But they showed up (on the floor) this time."

The payoff, Ford hopes, will be motivated workers who care about the quality of cars they produce. A company survey showed Ford management that 85 percent of American customers put quality ahead of price when they walk into a showroom, and Ford has placed a big bet on its future by guaranteeing virtually cost-free normal maintenance on Escort and Lynx subcompacts.

Ford and the UAW have taken a gutsy step. It's not easy to ask workers to give back pay concessions that they've won, but the recession is extremely useful to concentrate the mind.

The Japanese make a high-quality product, but as Pestillo says, they are not invincible. On the other hand, they've been a lot smarter, and it's good to see one company begin to wise up. So kudos to Pestillo and Ephlin. Maybe General Motors is just too big for its own good.

[From Solidarity, March 1982]

MAKING HISTORY AT FORD

It was a round a bargaining to which no one in the union looked forward, conducted under the pressure of a severe economic recession. Rising unemployment, declining sales, a two-year $2.5-billion loss by Ford Motor Co., and the belief that the bargaining climate would be worse this fall had led UAW bargainers to the table seven months early. To many union members it seemed that the UAW-Ford talks which began Jan. 12 could lead only to a downsized contract stripped of key components.

But when the month-long talks ended Saturday night, Feb. 13, negotiators had assembled a new contract model which, like a car equipped with the latest safety devices, may help cushion 160,000 UAW Ford workers against the rough road of Reaganomics ahead.

In what UAW President Douglas A. Fraser and Vice-President Donald Ephlin, head of the union's Ford Dept., describe as a historic gain, Ford committed itself to efforts to curb the sourcing of parts and components from outside and pledged, for the next two years, not to close any plants because of such outsourcing.

The company also agreed—in an unprecedented development in UAW bargaining—to guarantee an income to age 62 or retirement, whichever comes first, for each working UAW Ford employee with 15 or more years seniority who may suffer future layoffs. Meanwhile, workers now laid off will see the Supplemental Unemployment Benefit (SUB) plan strengthened.

Finally, there was a guarantee that once Ford returns to profitability, eligible UAW members will be able to get a chunk of the profits through a new profit-sharing plan.

These gains—and others including job-retraining programs, a pilot experiment on lifetime job security, and new employee input into corporate decisionmaking—led union leaders to call the new, 30½-month contract historic.

"This is just the beginning of what hopefully will be real job security for Ford workers," Fraser told a meeting of the UAW's National Ford Council in Chicago Feb. 17. With 144 Council delegates attending from all over the U.S., the new agreement was approved with only 12 dissenting votes. In nationwide secret balloting which ended Feb. 28, UAW Ford members ratified the document by a 73 percent to 27 percent majority, with 44,298 votes in favor and 16,334 against.

While UAW members made some sacrifices in the new agreement, there were no cuts in wages or most economic beneifts. Some insurance coverage, in fact, was improved. UAW members did vote for a contract without the traditional annual improvement factor (AIF) pay increases (now at 3 percent), and for deferring three cost-of-living allowance (COLA) increases due in March, June, and September of this year. But all three increases, amounting to an estimated 47 cents an hour based on anticipated 7.5 percent inflation, will be recovered in three consecutive quarterly payments starting in September, 1983. UAW members also voted to give up an annual extra day of holiday pay each December, and to sacrifice the Paid Personal Holiday (PPH) plan.

"Nobody wants concessions," said John Fischer, a Local 182 member at the Ford Transmission Plant in Livonia, Mich., as he prepared to vote on the contract. "But I know folks out there on the streets. Maybe by making some of these sacrifices, we'll get them back to work; at least, we've been able to restore SUB payments to a lot of them, and that's important."

It was precisely that growing specter of unemployment that led UAW's International Executive Board last December to authorize individual bargaining councils to consider reopening contracts if they wished. Meeting in Chicago on Jan. 8, delegates to the UAW Ford Council considered whether or not to go to the bargaining table, even though the contract then in force was not due to expire until next Sept. 14. It voted overwhelmingly to meet with company negotiators.

"The thing that came through loud and clear," said Ephlin, later, "was our members' concern for job security and their desire for protection from loss of jobs."

"They recognized that by entering negotiations early, our bargaining power would be stronger than by waiting until next September," when bargaining conditions could be worse, the company's unsold-car stockpiles higher, and either an inferior contract or a long, bitter strike the union's only recourses.

"Well, we went into negotiations not to bargain concessions, but to solve the problems of Ford workers," added Ephlin. "And we've come away with no pay cuts, no reductions in pensions, no reductions in health care—all the things the doubting Thomases said we were going to give away, and which we didn't.

"We came away with provisions that will protect the security of our members' jobs through a contract that was better than most people thought we could win.

"I've never worked with a better bargaining team," added Ephlin, "and they've brought home a contract which will be a milestone for UAW members."

Ephlin also said the new agreement represents a step away from traditional union-management confrontation.

The total agreement and such things as the Employee Involvement program at Ford, he said, can improve collective bargaining "in the sense that when people learn how to talk to one another, how to work together, they're able to solve problems that might have become collective-bargaining problems in years gone by."

UAW President Fraser, like Ephlin, hailed the new agreement, but acknowledged that "as in any negotiations, you have disappointments as well as achievements.

"I feel badly that we weren't able to get specific assurances for people in plants that already have been closed," he said, "but maybe the improvements in early retirement will help some of them. We tried hard to bring the 15-year seniority date for guaranteed income down to 14 or 13 years, but the company wouldn't budge. But we negotiated a new principle, one that will help the 60,000 Ford workers with 15 or more years seniority—and the day will come when we bring down the qualification years. We're not going to stay at 15 forever."

Fraser also was candid about so-called "fishhooks" in some of the job-security contract language, but he assured Ford workers that the union would hold the company to the intent of each contract provision. And while conceding that the loss of Paid Personal Holidays—which had first been bargained in 1976 as a step toward the four-day workweek—could cost some jobs, he said that on balance, there likely would be a net gain, and he pledged that the union would be back fighting for the four-day week at the appropriate time.

Quoting the late UAW President Walter Reuther, Fraser compared the struggle for economic justice to climbing a mountain "Sometimes," he said, "you climb straight upward, other times you may move laterally for a while, and once in a while you have to take a step or two down to get your footing." But in the final analysis, he said, the Ford contract will advance the cause of workers. The unity of the rank and file and shop leadership, he predicted, would insure that "we're going to survive, and continue to be a great union."

The union, he noted, won a commitment that salaried personnel will share in economic sacrifices, and that if any conceded wage and benefit item covering both UAW and salaried employees are restored to the salary side, they'll be given back to hourly workers, too. Should the UAW have concerns about excessive numbers of supervisors at any facility during periods of layoff, they can be negotiated all the way up to the national levels.

Ford also agreed to the union's demand that the contract be reopened if business picks up as measured by new car and truck deliveries to dealers. The reopener clause, which includes the right to strike, can be invoked when retail deliveries in the U.S. of new cars and trucks produced or imported by Ford exceed 1,925,000 units in any consecutive six months. That's roughly the same level of deliveries during six-month averages in the "good" years of 1977-79.

Among the specific provisions to help strengthen job security at Ford are these—

Guaranteed income stream (GIS): In the event of future layoffs, eligible workers will get an income guarantee from Ford until age 62 or retirement, whichever comes first. Any employee working on or after March 1, 1982 with 15 years or more seniority, who is laid off and has exhausted SUB, and maintains registration with the state employment service when laid off, and who accepts "reasonable employment" arranged by the company or state, will qualify. The minimum guaranteed payment is 50 percent of the employee's last hourly rate, rising by 1 percent for each additional year of seniority, to a maximum of either 75 percent of the weekly wage or 95 percent of weekly base pay minus $12.50, whichever is less. For example, the formula could permit a worker with 15 years' seniority and a $10 hourly rate at the time of layoff to draw $200 a week. In addition, hospital, medical, and surgical health coverage would be maintained, and a $10,000 life-insurance policy would be provided. Upon retirement, GIS employees will receive pension and other retirement benefits even if the employee had lost seniority due to length of layoff. Benefits will be reduced by other contractual or government benefit payments, income-replacement benefits, and/or 80 percent of earnings from other employment.

Stronger SUB: Workers eligible for Supplemental Unemployment Benefits who aren't getting them because SUB fund assets have fallen below minimum levels, will resume getting SUB payments. The company will increase its contribution to the fund by 3¢ for each hour of compensation paid, and will provide an advance $70 million credit to the fund to be recovered later. Workers with 10 or more years seniority will be able to earn credit units for up to 104 weeks of SUB pay, double the old 52.

Plant-closing curbs: The union won a 24-month moratorium on outsourcing-related plant closings, beyond those for which announcements already had been made. Closings would be permitted only for volume-related reasons attributable to market conditions or internal company consolidations within UAW-represented units.

Outsourcing: The company agreed to consider the feasibility of insourcing any components now produced by non-Ford companies in the U.S. and Canada, or any facility outside the U.S. or Canada, whenever the UAW believes that such components could be produced competitively within the company. And it agreed, when practicable, to give the union at least 60 days notice prior to making final major outsourcing decisions when such decisions are due to financial considerations and significant numbers of employees with five years or more seniority would be laid off as a result.

"Lifetime job security": A pilot project will be established at two Ford facilities, under which the most senior 80 percent of the workforce will win "lifetime job security" guarantees. Any workforce reductions at the two sites will be based on attrition or alternative work assignment.

Training and retraining: The union won establishment of a joint Employee Development and Training Program which will be staffed and budgeted in order to be able to help in such projects as "training, retraining, and development assistance for employees displaced by new technologies, new production techniques," and so on: Similar efforts could be slated for employees displaced by facility closings. This provision, which also will help current workers learn new skills, is above and beyond established programs and won't replace any current training or apprenticeship program.

Local content: The union won a pledge from Ford that it will join the UAW in encouraging governmental acceptance of the principle that manufactures who sell products here should provide jobs, pay taxes, and support their domestic economy.

Job placement: Workers laid off on or after Oct. 22, 1979 from a Ford location where there's no reasonable likelihood of recall, will get preference for placement on other available work, or the chance to "bump" probationary workers at another location. Currently eligible laid-off employees have until May 1, 1982 to apply; future laid-off employees will have 30 days from eligibility to apply. There are certain qualification standards.

Seniority: The union won extended recall rights periods for laid-off workers who haven't broken seniority as of March 1, 1982, ranging from 18 months for workers with less than a year's seniority to 60 months for workers with between 3 and 4 years seniority, and up to 132 months for workers with 10 but less than 11 years seniority. Laid-off workers who've broken seniority can recoup the company seniority accrued prior to layoff, when rehired.

Advance notice & workforce reductions: Whenever possible, Ford promised to give at least six months advance notice of full, permanent closings of any facility, to discuss alternatives, and, if the closing can't be averted, to provide assistance in finding alternative employment. The company is pledged to strive to manage indefinite workforce reductions (other than those related to volume consideration) by attrition, such as through voluntary retirements or quits.

Mutual growth forums: At both national and local levels, new joint committees will give the union a vehicle for "advance discussion of certain business developments of material interest and significance to the union, the employees, and the company." The Director of the UAW's National Ford Dept. can address the Ford Motor Co.'s board of directors twice yearly.

UAW officials acknowledge that while the language in all of the job-security provisions isn't as strong as they'd like it to be, the overall effect of the contract will be to make it more difficult and expensive for Ford to shut down facilities and outsource components.

"It puts financial restraints on Ford," said Ephlin. "It will have to consider the costs, not just the morality, of plant shutdowns and layoffs. It will have to balance those against the $45 million commitment in expenditures for a Guaranteed Income Stream, the cost of retraining programs, and other provisions. And Ford will have to adhere to the 24-month moratorium on outsourcing-related closures."

On the economic front, the new contract protects wages and preserves the COLA principle and formula. Even though the traditional Annual Improvement Factor is gone for the duration of the agreement negotiated wage gains will add over $3,700 to the earnings of a typical Ford assembler should inflation occur at an average 7.5% rate after March 1, 1982. An assembler now earning $11.67 would receive $13.66 by June, 1984, and a toolmaker now earning $13.84 would receive $15.83. All health, surgical, medical, drug, dental, vision, hearing, and other benefits programs are untouched for current employees; life insurance that is tied to inflation will rise just as if COLA was being folded into the wage rate; and future laid-off workers will be covered for health and group insurance for 24 months, instead of 12, if they have 10 or more years seniority.

Another economic advance, won for the first time at Ford, is profit-sharing for employees with a year or more seniority at the end of any profit-sharing plan year, except for those who quit or are discharged during that year. The first plan year starts next Jan. 1, and those participating will benefit whenever before-tax profits exceed 2.3% of total sales by U.S. Ford operations (excluding Ford Aerospace and Ford Motor Land Development Corp.). The program is based on a sliding formula; if, for example, it had been in effect in 1978, a typical worker would have gotten a $223 check.

The new contract retains 28 paid holidays over the life of the pact, as well as all vacations and Excused Absence Allowance days. Vacation shutdowns are limited to two weeks unless the local union grants exceptions. The agreement provides a mechanism for correcting seniority imbalances, increases benefits to help pay Medicare Part B premiums, pledges a joint study of possible group legal service benefits, and retains Rouge Steel Co. employees as part of the national bargaining unit.

For retirees, pension benefit levels are maintained, and an increase due Aug. 1, 1982, will be paid as stipulated in the previous agreement. Retirees' earning limitations will rise to $6,000 in 1983 and $6,600 in 1984.

In a move to help current laid-off workers, eligible workers will have five, instead of two, years to decide whether to take early retirement. Future laid-off workers with 10 or more years seniority at the time of layoff will be able to accrue one additional year of credited service. A worker choosing special early retirement now can receive temporary benefits for up to 30 years instead of the old 25.

The union agreed to some adjustments for new employees, who now will hire in at 85 percent of the going rate, achieving 100 percent in three steps over 18 months. Benefits also will be phased in over 18 months.

Future SUB payments can be reduced by up to 50 percent (or a maximum of $100) to workers owing the SUB fund due to overpaying resulting from receiving both SUB and TRA benefits covering the same week.

For Ford workers who overwhelmingly approved the new agreement, it was a case of voting for what many considered the best possible shot at preserving their jobs, given the current economic climate. A number of workers interviewed by Solidarity also saw national political action as important as collective bargaining in solving workers' problems.

Such were the thoughts, for example, of Dave Schultz, a 41-year-old pipefitter who went through an eight-week-long layoff at Ford's Livonia (Mich.) transmission plant two years ago, and for whom job security is especially important because he's recently gotten married.

"My wife and I want to start a family, and anything we can do to guarantee some protection against layoffs is important to us," he said. Thus, for Schultz, who has 17 years' seniority, the Guaranteed Income Stream which would cover him in case of future layoff is extremely attractive.

And, as someone who's visited Japan twice, so is the promise of more employee input into corporate decision-making. Schultz sees the Mutual Growth Forums as akin to some of the processes in employer-employee relationships he's observed in Japan. He also believes that local content legislation, to require domestic production of cars and parts sold in the U.S. is essential to job security.

But like most UAW members, Schultz retains a healthy skepticism toward management.

"If supervision wants to go for the same sort of relationship as in Japan," he told Solidarity, "then it's got to change its attitude, start being more honest with us, and not continue to put production ahead of people.

"It's important to me that we have a strong union. If the company starts to slip out of the language it's agreed to in this contract, then I know we can count on the UAW to act. Our union is our best protection."

NATIONAL CAPITAL BUDGET

(Mr. EDGAR asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous matter.)

Mr. EDGAR. Mr. Speaker, I would like to again call to the attention of my colleagues the concept of a national capital budget. Last December many of us joined in sending a letter to the President indicating our interest in the capital budget idea and asking that the administration examine this concept. Specifically, we asked that the Office of Management and Budget submit a special analysis of a capital budget version of the Federal budget and explore the implications of this device. The White House refused this request, pointing out the opposition of OMB and the administration to the capital budget idea.

My colleague, Representative Clinger, and I have now responded to the President, asking that the administration continue discussions with Members of Congress to explore the capital budget and other infrastructure issues. We believe that it is important to assess new ways to deal with the critical problem of disinvestment in public infrastructure. In the interest of furthering these discussions I would like to share with my colleagues copies of our correspondence with the White House on the capital budget issue.

Congress of the United States,
House of Representatives,
Washington, D.C., December 16, 1981.

President Ronald Reagan,
The White House,
Washington, D.C.

Dear Mr. President: Because of recent indications that the federal government may face budget deficits of alarming magnitude over the coming years, many of us in Congress feel that the time may now be right to explore some new options on fundamental changes in budget policy. Specifically, several Members have advanced the idea of a federal capital budget.

As you know, American businesses and most local and state governments set aside from their current-accounts budgets funding for major capital investments. Yet, the massive investments of the federal government—in roads, bridges, buildings, public transit, water systems, and all other items of basic infrastructure—are treated as cash expenditures by the federal government. For example, a Veterans' Administration hospital may be effectively used over 30 years, yet the federal government pays the total cost over the few years it takes to build the hospital. An American homebuyer will rarely buy his house outright but rather will finance the purchase over the years that the home is used.

The idea of a capital budget makes sense intuitively to many people who have examined it. Moreover, the use of a federal capital budget would seem to have tremendous potential implications for fiscal policy and the federal deficit. We believe that the idea deserves careful study in view of the economic difficulties we now face.

Agencies of the Congress, such as the General Accounting Office, are currently studying the federal capital budget concept. The purpose of this letter is to request that your Administration, in making its FY 1983 budget submissions to Congress, examine the capital budget concept. We would like to request that you direct the Office of Management and Budget to explore the implications of a federal capital budget, what would be involved in the transition to such a budget, and to submit, as part of the Special Analyses Section of your budget, a capital budget version of the federal budget for FY 1983.

In the interest of sound policy and economic recovery, which is the paramount concern we all share, we would like to offer our full cooperation in such considerations.

Sincerely,

Thomas P. O'Neill, Jack Kemp, Bob Edgar, Les Aspin, James L. Oberstar, Thomas S. Foley, Stan Lundine, Bill Green, Howard Wolpe, Carl Pursell, Bill Clinger, Leon Panetta, Richard Gephardt, Floyd Fithian, Norman Mineta, William H. Gray, Jim Leach, Parren J. Mitchell, Richard Ottinger, Timothy E. Wirth.

The White House,
Washington, February 16, 1982.

Hon. Bob Edgar,
House of Representatives,
Washington, D.C.

Dear Bob: This is in further response to your December 16 letter to the President, cosigned by 19 of your colleagues, suggesting that a capital budget for the Federal government might be useful in light of budget deficits.

Capital budgeting has received scrutiny in the past and will continue to do so. In fact, data that array the Federal budget in terms of captial budgeting concepts are published annually at the time the budget is submitted to the Congress, so the statistical data needed ot support ongoing consideration of this concept are available.

The 1967 report of the President's Commission on Budget Concepts, on which current practices are largely based, analyzed the capital budget issue in some depth and recommended against one. There is a general consensus that the Commission's recommendation remains valid. From both a policy and a technical point of view the disadvantages of a capital budget for the Federal government appear significantly to outweigh the advantages. Some of the major concerns are:

Most non-defense captial investment is carried out by the States and localities through Federal grants. It would be difficult to integrate the State and local investment and depreciation data into the Federal budget.

Our large but essential investment in defense has no equivalent in private sector capital budgeting. It is difficult to see how outlays for defense could be accounted for in a capital budget.

Many important Federal programs finance less tangible investments in the future that are often not classified as "capital" in the usual sense. These include research and development and, some have argued, investment in human capital through health care and training programs for the disadvantaged. A capital budget could bias decisionmaking against such programs in favor of public works.

In all probability, a Federal capital budget would increase the Federal government's demands on the financial market. Restraint in those demands is absolutely essential if adequate funds are to be available to finance much needed private investment at affordable interest rates.

We appreciate the concern of you and your colleagues over the problem of continuing deficits. However, for the present, expenditure restraint of all kinds is the only basic solution to this problem. I am enclosing a somewhat more detailed discussion of the capital budget issue that was prepared by the Office of Management and Budget.

With best wishes,

Sincerely,

Kenneth M. Duberstein,
Assistant to the President.

Attachment

The idea of a capital budget has been discussed in the past, most notably in 1967 by the President's Commission on Budget Concepts. The Commission concluded that a capital budget for the Federal Government is not an appropriate method for presenting the budget as a whole. This conclusion is still applicable today. In supporting their position, the Commission made the following arguments:

By utilizing a capital budget, the Government's current demand on the economic resources of the private sector would be seriously understated.

Government borrowing or the repayment of debt should not be based on the amount of capital assets that the Government wants to acquire, but rather on broader budgetary policy requirements. During periods of high inflation, a balanced current expenditure account might well be used to rationalize excessive spending or borrowing.

The definition of what should be included in the capital account could be inappropriately altered simply to reduce the figure presented as the current account budget deficit. This would effectively hide certain Federal programs and further understate the Government's demand for private sector resources.

Another major argument presented by the Commission is that a capital budget may affect the relative allocation of capital resources. Unlike the private sector, where most capital investment is for physical assets that generate measurable returns over time, a major portion of Federal investment is for nonphysical assets providing less tangible, but still important, benefits. Federal research and development, and human resource programs for health and training, especially for the disadvantaged, all provide benefits where the return is not easily calculated. Under a capital budget, they would be more difficult to justify and would be overshadowed by more obvious public works or other "bricks and mortar" projects, whatever the relative merits of the two.

In addition, a capital budget would pose nearly insurmountable accounting problems. For example, estimating depreciation on Government property would be very difficult, particularly for defense assets. If adoption of a capital budget were justified on the basis of analogies to private business accounting and State and local financing, it is a short step to justifying the adoption of accrual accounting for social insurance programs on the same basis. In the case of accrual accounting the argument would call for taxes drastically higher than spending.

Shifting from a cash budget to a capital budget could be used to justify a certain sustained level of long term Federal borrowing. Indeed, this is probably the rationale underlying the exclusion of a number of Federal spending programs (off-budget Federal entities) from the budget—a practice that has contributed to the rapid explosion of Federal credit operations. Although the use of borrowing to finance capital investment is a necessary private sector practice, it is undesirable to increase the Federal Government's absorption of the Nation's credit resources.

The use of a capital budget would not reduce the size of the total budget deficit, but only alter the way in which the deficit is presented. In fact, to the extent that projects are initiated as a result of being budgeted for in a capital budget when they could not be justified in a unified budget, the total deficit of the Federal Government would be increased. A capital budget should not be adopted as a method for disguising deficits.

A capital budget can provide certain benefits. However, most of them can be derived from applying the analytical concepts generally associated with capital budgeting to particular programs and not from a capital budget itself.

WASHINGTON, D.C.,
March 22, 1982.

President RONALD REAGAN,
The White House,
Washington, D.C.

DEAR MR. PRESIDENT: This is in response to Ken Duberstein's letter on your behalf dated February 16, 1982 which addressed the idea raised by a number of House members that the Administration should examine the concept of a national capital budget.

Although Mr. Duberstein's response raised a number of important arguments on this issue, we do not feel that the capital budget concept has been thoroughly examined. The 1967 President's Budget Concepts Commission report referred to in the letter did recommend against a capital budget; however, circumstances have changed considerably in fifteen years. Many of use believe that this concept deserves a fresh look. Among the most significant changes in our national economy is the appearance in recent years of large federal budget deficits which have resulted in severe pressure to reduce all types of domestic spending. As a result of this situation we have witnessed a shift of spending away from long-term investment in order to cover more urgent or expedient operating needs. The result of this disinvestment threatens to be a further deterioration of the national infrastructure on which economic recovery and growth are critically dependent.

The existence of a capital budget, in itself, would not solve this problem. Rather, it would be a means of recognizing and coping efficiently with the disinvestment problem. Many of us also feel that the move to a capital budget could address many of the historic problems associated with government investment. In examining the capital investment practices of several government agencies the General Accounting Office has determined that these practices are "haphazard", inefficient, and wasteful in many cases (GAO report: "Federal Capital Budgeting—A Collection of Haphazard Practices, Feb. 1981). A primary goal of the creation of a national capital budget would be a consolidation of information to induce consistency across the different agencies involved in making capital investments. There is a need for a tool to address capital investment needs and clearly weigh investment choices. Ideally, this would be the antidote for the "pork-barrel" ills which have plagued Congress and the executive branch.

The most controversial aspect of the capital budget concept is its potential effect on perceptions of the federal budget as a whole. We realize that it would be extraordinarily difficult to address the accounting issues involved in transferring to the use of a capital budget and to determine the proper nature, worth, and priority of different types of investment. My point is that, in a time of severely limited government resources, this is precisely the type of activity we ought to be undertaking. Perhaps the elimination of the unified budget would be unwarranted or unwise. However, some movement toward a coherent investment policy is clearly and desperately needed. The 1967 Budget Commission report, which recommended against a national capital budget, went on to say: "Use of capital budgeting, rate of return, and other decision techniques for government agencies promotes efficiency. Therefore, the Commission supports including in the financial statements of government agencies the net gain or loss from the enterprise computed on a depreciation, imputed interest basis." And further: "For the government as a whole, estimates of the value of government physical assets and the depreciation of those assets would be useful for studying economic growth. Such calculations might well be made by the social accountants as part of regular, periodic statements on national income and wealth." Apparently, these recommendations of the Commission have been ignored to this day, while the arguments the Commission used against the capital budget are cited as gospel.

Recognizing that the macroeconomic effects of the federal budget are a vital concern, we must also recognize that fiscal constraints must not be allowed to choke off investments that government at all levels must make to provide adequate infrastructure for economic stability and growth. In our view, this is quite consistent with the administration's general emphasis on "supply-side" investment in those areas where the government is the historic and necessary agent of public investment.

In summary, we believe that all aspects of the capital budget and capital investment ideas have not been examined. We ought to continue to explore this area in order to develop the proper tools and policies to deal with the growing infrastructure crisis we potentially face in the coming years. In this regard, we believe the administration should examine these capital investment issues more closely and continue a dialogue with members of Congress who have expressed a desire to work with you on this issue.

Cordially,

WILLIAM. F. CLINGER, Jr.,
BOB EDGAR,
Members of Congress.

NATIONWIDE MOVEMENT TO CALL HALT TO NUCLEAR ARMS RACE

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Iowa (Mr. LEACH) is recognized for 60 minutes.

Mr. LEACH of Iowa. Mr. Speaker, in rather unusual proceedings, it is the intent of the gentleman from New York (Mr. McHUGH) and I too share the first 2 hours of debate and to alternate the control of the allocation of time.

After the first two special orders, the gentlewoman from Rhode Island (Mrs. SCHNEIDER) and the gentleman from New York (Mr. BINGHAM) will share the time. Afterward the gentleman from Washington (Mr. PRITCHARD) and the gentleman from Illinois (Mr. SIMON) will share the time.

Mr. Speaker, the nationwide movement to call a halt to the nuclear arms race is one of the most encouraging developments of our generation. Hundreds of thousands of people have recently signed petitions and voted in town meetings to call for a bilateral freeze on all nuclear weapons by the United States and the Soviet Union. Professional groups of doctors, teachers, business executives as well as students and housewives have rallied to voice their concerns about the arms race. Public opinion polls show overwhelming support for renewed arms control negotiations and indicate that citizens in all walks of life believe the prospect of nuclear war has increased. The American people are now thinking hard about the unthinkable. They are demanding leadership from their leaders.

The significance of this new recognition of the perils that more than three decades of nuclear weapons competition have brought us cannot be overstated. Only by recognizing the disease can we begin to devise a cure. Americans have awakened to the fact that the central illness of our time is rooted in the ever-increasing stockpiles of instruments of mass destruction. There can be no doubt that controlling the weapons wrought by 20th century science is the most pressing problem facing mankind.

The very fate of humanity is at stake. The fundamental distinction between this generation of citizens of the world and all previous ones is that we have the capacity to destroy ourselves. Because the nuclear peril is rooted in basic scientific knowledge, which is likely to last as long as mankind does, it is a permanent problem. In the face of the ultimate human peril—extension—we have two basic choices. We can decline to face reality and go on piling up instruments of doom until, by accident or design, they are used. Or we can recognize the peril, begin to dismantle the weapons, and proceed to make political arrangements so that they will not be used again.

History shows that no weapon ever created by mankind has forever gone unused. History also provides no examples where armed forces have been built on a massive scale by rival powers without ultimately leading to an outbreak of hostilities. Governments have not yet learned how to build great military establishments without becoming the servants rather than the masters of what they have created. What is needed is for citizens of the Earth to insist that these establishments be the servant, not the master of political action. In the nuclear age the quest for superiority brings no security. Only the reduction, not the multiplication, of nuclear arsenals can bring true security for any nation.

The United States, as the leader of the free world and the center of technological innovation, has a special responsibility to lead in arms control endeavors. The administration properly views the Soviet challenge, militarily and philosophically, as our most immediate security challenge. But just as reality dictates a clear-headed recognition of the need for preparedness, so prudence dictates a thoughtful understanding of the Russian psyche. Soviet society can change, but it is unlikely to move in more responsible directions if American policy at every turn appears unnecessarily confrontational.

As a student of Soviet history, I have often been struck by the warmth the Russian people, as contrasted with their government, project toward Americans and by the searing impact of World War II on Russian life. While U.S. military preparedness must be based on the assumption of Soviet antagonism, U.S. diplomacy must recognize that the future of mankind may rest upon the kinds of incentives the West provides Soviet society to change in a positive direction. Our overall strategic approach must be to expand rather than contract areas where the United States and the Soviet Union have a mutual self-interest.

Arms control is clearly one such area. President Reagan's foreign policy address of November 18, in which he proposed a four-point agenda for renewed arms control negotiations, reflected recognition that a mutual reduction of armaments is the overriding issue of our age. In calling for a fundamental change in United States-Soviet relations, the President took what could prove to be the most important initiative of his presidency or that of any modern President. His call for the reduction of intermediate-range nuclear weapons in Europe and for the opening of strategic arms limitation talks aimed at substantially reducing the numbers of long-range nuclear weapons on both sides would not only meet but actually exceed the immediate aims of the nuclear weapons freeze movement.

Unfortunately, however, neither the scope nor the tone of the President's address has been echoed in the rhetoric of other administration spokesmen or in some actions undertaken or contemplated by our Government in Central America and elsewhere. Apart from the President's promising proclamation of intent, there has continued to be a disturbing emphasis on arms buildups and arms sales rather than arms restraint. Amid disquieting suggestions that nuclear war is somehow winnable, Congress has been asked to approve massive expenditures for new strategic weapons whose effectiveness and purpose are far from clear. Arms transfers to potentially unstable governments in volatile regions have increased enormously. While the administration appears to view international problems as largely rooted in the East-West struggle, a clear and comprehensive strategy for reducing those tensions has yet to emerge.

The rapid emergence of the nationwide nuclear weapons freeze movement and the overwhelmingly negative reaction to the possibility of military intervention in Central America are powerful indications that the American public wants a change of direction. Instead of treating developing countries as pawns in the East-West struggle, the United States should be mature enough to employ more sophisticated and humane means of resolving the fundamental problems of the Third World. Developing countries need bread, not lead. The introduction of modern weapons into a Third World emerging from decades of poverty, illiteracy, and disease increases instability and decreases the prospect of economic advancement. It also offers prize opportunities for the Soviet Union and its surrogates to exploit the problems of others for their own political and military gain. The true needs of the developing world will be satisfied not by arms merchants but by the bearers of food, school supplies, medical aid, and appropriate technology. It is the Peace Corps rather than the Green Berets, arms control negotiators rather than the generals in the Pentagon, who hold the key to U.S. security and world survival.

On the surface, however, prospects for fruitful United States-Soviet arms limitation discussions appear as low now as at any time since Dwight Eisenhower first suggested the need. The brutal Soviet repression of Afghanistan and developments in Poland cast a shadow over the ongoing intermediate-range nuclear weapons talks in Geneva and threaten the inauguration of strategic weapons talks. Meanwhile, mounting evidence of the use of biochemical weapons by the Soviet Union and its surrogates in Laos, Kampuchea and Afghanistan has led some to question whether we can in good faith negotiate further arms control agreements with a nation that is flagrantly violating two existing agreements—the Geneva Protocol of 1925 and the Biological Weapons Convention of 1972. At the same time, by proposing to produce new chemical weapons for the first time since 1969, the administration has indicated its intention to upgrade significantly our chemical weapons stockpiles.

The renewed use of biochemical weapons is indeed one of the profoundest tragedies of the 20th century. The laboratory-like experiments the Soviets have cynically conducted on some of the poorest and most defenseless people in the world raise the possibility that without new international sanctions another enormously expensive and awesomely dangerous arms race may be in the making. If legitimized through production, stockpiling and use, chemical and mycotoxin weapons could all too easily become the poor man's weapons of mass destruction. Nuclear arms are beyond the financial and technical capabilities of most nations. But countries or terrorist groups unable or unwilling to produce nuclear weapons can easily produce or obtain some types of deadly biochemical agents. If the Soviet Union and its surrogates get away with using such weapons, the list of other countries willing and able to do so will almost certainly grow.

For strategic as well as survival reasons concerned citizens of what Father Hesburgh calls "spaceship Earth" cannot afford to allow governments to embark upon a new biochemical arms race that as definitely as nuclear weapons threatens the very existence of mankind.

T. S. Eliot once suggested the world would end "not with a bang but a whimper." Concern for controlling nuclear weapons should not leave the impression that containing the split atom is enough. Maddened science jeopardizes the survival of mankind as much with test tube plagues as exploding matter. Humanity, indeed, may be in danger of death brought by a biological "whimper" than a nuclear "bang."

The time is now to press for the conclusion of a new convention definitively banning the development, production, and stockpiling of all biochemical weapons. The lesson to be drawn from violations and existing agreements is not that no further arms control agreements are possible but rather that strong verfication and compliance procedures must be central elements in any future agreements. Arms control, to be effective, cannot be unilateral. The Soviet Union must recognize that mutuality of interest can only be arrived at through mutuality of trust, and trust is impossible without a consonance of verifiable restraint.

It should be clear, however, that arms control is not exclusively the responsibility of the major powers. In fact, from an economic perspective, the tragedy of misused resources is much greater in the developing world where a higher percentage of the gross national product is devoted to military expenditures than occurs in Western Europe and North America. A reduction of military budgets, perhaps through GNP-related treaty limits, must not only be a goal of the major powers, but of developing nations as well. Likewise, non-nuclear countries have an obligation to develop nuclear free zones in areas of likely conflict. The Middle East stands out in this regard and the Treaty of Tlatelolco serves as a useful model.

Above all, the wanton development and limited use of the weapons of 20th century science demands a new approach to international law and new respect for international institutions. Americans must recognize that the United States will never again hold as great a percentage of the world's economic and military might as it did at the end of World War II. Hence, in a very practical sense our national security demands that greater emphasis and sensitivity be applied to relations between states and to the major international institutions such as the United Nations. Responsible governments have an obligation to seek to strengthen rather than deprecate the U.N. and its sister institutions. World government may not be practical in the immediate future, but international organizations can, if prudently supported, help deter aggression and advance social justice. They can also serve as focal points for negotiation of arms reductions as well as other conventions, such as those pertaining to the Law of the Sea, which are designed to remove potential sources of international friction.

Those liberals like Mayor Koch who have recently turned their back on the U.N. because of its attitude toward Israel must understand that the survival of Israel more than any other sovereign state depends upon the strengthening of international institutions. If another holocaust were to occur in this century, the odds are great that it would be in the Mideast rather than a more massive exchange between the superpowers. Israel's survival depends on arms control and the growth of international law rather than international anarchy.

As for those conservatives who demand that the United States get out of the U.N., they must realize that going it alone may be psychologically satisfying, but strategically it is a prescription for disaster. Security in the 20th century is not self-willed; it is collective.

It is therefore deeply disturbing that the administration appears to be squandering the reserves of leverage and influence it inherited from three and a half decades of U.N. leadership. Rhetorical confrontation in New York has been backed up by increasingly isolated stands in support of the interests of pariah states like South Africa and U.S. corporate rather than public interests as in the Law of the Sea negotiations and the infant formula case. Not surprisingly, developing nations increasingly view the United States, rightly or wrongly, as projecting a policy of almost exclusive paranoia against the Soviet Union with no complementary compassion toward the needs and aspirations of the less advantaged peoples of the world.

A realistic view of the world demands that the administration not perceive every action in the Third World as part of a strategic checkerboard where East-West forces are the primary actors. Countries, like people, must be respected for what they are rather than for their usefulness to others.

Here it should be clear that the United States has erred profoundly by sending military advisers to El Salvador. Interventionism is an idea whose time on the clock of history has passed. American military intervention is exactly what the leftists in Latin America want. Their cause will no longer just be Marxist, but anticolonial. It is also exactly what the Soviets want. Their problems in Afghanistan and Poland will be overshadowed, if we let them, by ours in El Salvador and Cuba.

Now is the time to recognize that just as modern weapons make all-out war suicidal, so the desire of modern man to make his own decisions makes the tactic of great power interventionism ineffectual. Occupation forces may capture capitals and control for a time the machinery of government, but guns alone cannot conquer the human spirit. As the "Mujahidin" in Afghanistan are proving, ancient rifles in the hands of patriots will not be awed into submission by machineguns controlled by despots.

Even where abstract justice may be on the side of the intervenor, great power intervention in the affairs of small states all too frequently makes martyrs out of villains. Generally it ensconces rather than curtails the authority of petty potentates. Secretary Haig's oblique warning of the possibility that the administration may "go to the source" and commence significant moves against Cuba is therefore deeply disturbing, as is the Bay of Pigs mentality reflected in the leaked news that our CIA is considering staging guerrilla attacks on Nicaragua. Interventionism has not served us well in the immediate past. It is not likely to in the immediate future. Now is the time to deescalate rhetoric and seek responsible arms control discussions on a worldwide basis. Another confrontation with Russia over Cuba has all the "deja vu" earmarkings of man's pride jeopardizing man's fate.

The challenge for all of us is to learn from the mistakes of others as well as ourselves. Yet, the repetitive nature of mistake-making seems to be a constant of history. The Russians are having their "Vietnam" in Afghanistan. The United States is increasingly being drawn into civil wars in Central America. The Hmong of Laos are reenacting 40 years later the plight of the Polish Jews. The world is spending increasing amounts on armaments in a paradoxical desire for more security.

Under these circumstances, arms control would seem to be the ultimate human life amendment. What is at stake is not just that of potential life associated with pregnancy, but the ending of the possibility of human pregnancy. As scientists probe further the secrets of genetics, it is not inconceivable that unless new restraints on the development and use of arms are established the only way to insure survivial of the species is to develop a test tube baby to be put on a shelf to be popped open in a later century.

More logically, but not necessarily more likely, the new science of weapons demands a new science of government. If the species is to survive, new institutions must be developed and older ones strengthened. It is not enough to be concerned cop-outs. Institutions of restraint must be established where conflicts can be understood and resolved. A tentative first step might be the establishment by our Government of a Peace Corps Academy where the means of resolving conflicts without resorting to force can be studied for application to a world in turmoil.

There is nothing more revolutionary than the doctrine of nonviolence, and it is this revolution so deeply rooted in Christian philosophy, the Bhagavad Gita, Thoreau and Gandhi, Martin Luther King and Adolfo Perez Esquivel that demands attention today. Marxists talk of economic determinism; democrats more properly of civil liberties, but fundamentally the revolutionary creed that modern science has caused to underpin all politics today is the creed of nonviolence. Unless the futility of reliance on weapons of mass destruction is burned into the human conscience, human consciousness itself will cease.

It has sometimes been observed that the history of warfare has been hallmarked by a vacillation of periods in which the forces of offense and then those of defense held sway. The castle, for instance, is said in the Middle Ages to have made nation-states impossible. The intervention of gunpowder made sovereignty to a higher lord inevitable. So, 20th century science points to a new global responsibility.

President Reagan, for his part, is in a unique position to lead the United States to new breakthroughs in the arms control field. He may not be as quick to endorse certain arms control positions as his predecessor, but he has the leadership to get any treaty that he might sanction ratified. The fact that a reluctant Reagan has the potential to be a more effective arms controller that a too-eager Carter has more than strategic significance. There would be no single announcement more apt to turn the stock market around—if not cause the biggest rally in history—than that of successful negotiation of a meaningful strategic arms reduction treaty.

However, the President's leadership position can only be weakened if he fails to convince the American public and our allies that he is prepared vigorously to pursue a reduction in nuclear armaments, as promised in his November 18 speech.

One of the best means of alleviating international apprehension about the arms race would be for the President himself to endorse the aims of the bilateral nuclear freeze movement. Such a gesture should not be difficult, since there would appear to be little contradiction between a nuclear freeze and pursuit of the more ambitious aims enunciated by the President on November 18. There is simply no responsible way of reducing nuclear armaments without first halting further production of these instruments of doom.

It has long been clear that both the United States and the Soviet Union have far more nuclear weapons than it would take to destroy each other and the rest of the world. To refuse to halt the senseless spiral of ever-increasing overkill and redundancy is to give up on the concept of reduction as well. The freeze is not an end in itself but a means to launch a process of mutual and balanced reductions. In fact, the desire to maintain a freeze and to make it work would be an important new pressure to secure new reductions.

An important opportunity is before us. We can go on like lemmings, producing instruments of mass destruction until some day they destroy us, or we can begin to pull back from the brink of mass suicide to which modern science has brought us. let us recognize that the nuclear bomb is not an instrument of defense but one of sheer destruction. Nuclear war is not winnable, and it is time to begin to extract ourselves from the terror of nuclear deterrence. Now that we have at last begun to think about the unthinkable, it is time to take action on a full agenda of arms control issues. We owe as much to our children as to our forebears.

What is at stake in the conduct of diplomacy is whether reasonable people can govern reasonably, and whether pragmatism or narrow ideology will govern relations between man and state, and state and state. Commonsense demands a common concern for our common destiny. It is time that the ideologues at home and in the U.N. give way to pragmatists and for a historical perspective to take firm root over those who compulsively swim with the tide of political expediency. President Reagan himself acknowledged the dangers in his letter of April 1981 to President Brezhnev when he asked, "Is it possible that we have permitted ideology, political and economic philosophies and governmental politics to keep us from considering the very real, everyday problems of our peoples?" We simply must, as Dwight Eisenhower observed, "meet at the conference table with the understanding that the era of armaments has ended, and the human race must conform its actions to this truth or die."

In a recent volume of recollections by survivors of the Hiroshima bombing, a young girl recalls how she was at first knocked unconscious by the blast. "Terribly frightened," she wrote, "I thought I was alone in a world of death and groped for any light."

We, too, as survivors of the experiments of modern science must grope for light—before darkness falls on humanity.

□ 1500

Mr. McDONALD. Mr. Speaker, will the gentleman yield?

Mr. LEACH of Iowa. I yield to the gentleman from Georgia.

Mr. McDONALD. Mr. Speaker, to Americans and those in the Free World who in general support the Western moral and ethical heritage, the concept of peace can be defined as including tranquility, friendship, cooperation, mutual help, and a lack of hostile intent.

This is the antithesis of what the Soviet Union and the Communist world at large means by peace.

Any serious study of Marxist-Leninist semantics shows that to them, "peace" means a lack of resistance to Communist forces or Communist operations short of violent armed military action. In certain other contexts, the word "peace" for the Marxist-Leninists signifies preparations for battle and war.

Since the end of World War II, we have seen nearly four decades of aggrandisement and expansion of the Soviet empire. Much of this aggressive expansion has been cloaked in the words "liberation" and "peace."

"Peace" for the Soviet Union has meant training, supplying, financing, and supporting terrorist organizations in Europe, the Middle East, Africa, Asia, and the Americas in order to undermine non-Communist governments allied with America.

"Peace" for the Soviet Union has meant the most comprehensive "peacetime" arms race in world history.

"Peace" for the Soviet Union has meant the conquest of Indochina and the establishment of military bases in Vietnam.

"Peace" for the Soviet Union has meant the invasion and conquest of Afghanistan, directing the crushing of the Polish Solidarity movement, setting up Communist dictatorships in Angola, Mozambique, Zimbabwe, Grenada, and Nicaragua.

"Peace" for the Soviet Union has meant marshaling its covert action assets in order to utilizing European and American aspirations for peace to promote what is fact are concessions toward unilateral disarmament by the United States and the NATO powers, which form the only effective resistance to Soviet world hegemony.

As has become evident, the primary vehicle for covert action through which to influence public opinion, the media, and political action in America and Europe is the World Peace Council (WPC). The World Peace Council was accurately described by President Reagan recently as "bought and paid for by the Soviet Union."

In this country, the WPC works through several groups, including the U.S. Peace Council, the Mobilization for Survival, SANE, and many others.

The use of internationally active front organizations, cover groups, and peace slogans has been a standard tactic of the Communist Party of the Soviet Union (CPSU) since 1921 when Lenin developed the idea of using trade unions, youth groups, social and cooperative organizations as "transmission belts" to spread communism. The development of "popular front" organization to attract support from non-Communists Comintern in 1943, as a sop to Stalin's Western allies, responsibility for control of fronts and foreign Communist parties was transferred to the International Department of the Central Committee of the Communist Party of the Soviet Union.

Front groups attempt to conceal the U.S.S.R.'s role in their programs. They are vehicles for Soviet covert action and have become key in developing among both the industrialized West and emerging Third World nations support for the U.S.S.R., its interests and policies much greater than could have been achieved by the local Communist parties compaigning opening for the same issues.

A Soviet Politburo directive issued in 1949 by Mikhail Suslov, the director of the Kremlin's ideological warfare and propaganda campaigns from the

Stalin period until his death from a stroke on January 25, 1982, established the prime targets for recruitment into the "fronts" which appears to still obtain in 1981:

> Particular attention should be devoted to drawing into the peace movement trade unions, women's, youth, cooperative, sport, cultural, education, religious, and other organizations, and also scientists, writers journalists, cultural workers, parliamentary, and other political and public leaders.

Since 1950, when it launched the Stockholm peace appeal, the World Peace Council (WPC) has been the Soviet Union's single most important international front organization. The WPC's first Stockholm peace appeal sought an absolute ban on the atomic bomb at a time when the Soviet Union's nuclear capability lagged far behind the United States.

The 1950 Stockholm appeal declared that "the first government to use the atomic weapon against any country whatsoever would be committing a crime against humanity and should be dealt with as a war criminal." This theme is still being promoted by leaders of the U.S. disarmament drive.

Soviet preparations for the launching of the present disarmament drive can be traced to 1973, when it became clear that the U.S. withdrawal from South Vietnam would insure North Vietnamese, Pathet Lao, and Khmer Rouge success.

Meeting in Sofia, Bulgaria, in February 1974, the World Peace Council set up a new body, the Conference of Representatives of National Peace Movements, to meet annually and coordinate building up local WPC affiliates, particularly in the non-Communist countries. The December 1974 meeting in Prague, Czechoslovakia, of this WPC body, chaired by Romesh Chandra, discussed implementation of the WPC's 1974 program and action that included "special efforts * * * to draw new forces into their ranks." (Peace Courier, January 1975, p. 2.)

The Prague WPC meeting issued an appeal entitled "Make Détente Irreversible," which considered disarmament and United States-Soviet arms control agreements the key to "reducing tensions." But the WPC's Prague appeal also demonstrated that their goal was to reduce American and NATO military strength which was "provoking tension," and that in its view détente would not be "irreversible" until the West got rid of its nuclear and conventional forces. The WPC appeal explained that détente was necessary because "détente creates more favorable conditions for the waging of the people's struggles * * *. The context of détente loosens the grip of imperialism on oppressed nations and on newly independent states dominated by multinational corporations."

Omitting the rhetoric, it means that if the democratic countries of the Free World can be persuaded to give up the weapons that comprise their means of resistance to armed aggression, the Communist aggressors will have won.

Before reviewing the WPC's activities in the United States I would like to emphasize that although the WPC enjoys a measure of "credibility" particularly in Africa and other Third World countries, an examination of the WPC's ostensible support for "peace" shows that its efforts coincide without deviation from support of Soviet international policies and goals, through backing revolutionary terrorist "national liberation movements" to supporting sweeping Soviet disarmament initiatives that provide neither for international controls nor inspections. Thus the WPC defends Soviet and Warsaw Pact military manevuers as "peacekeeping" exercises, but denounces U.S. military exercises, such as the summer 1981 U.S. naval exercises in Mediterranean waters near Libya, as "criminal actions."

For example, when two Libyan aircraft that opened fire on U.S. Navy jets were shot down, the WPC declared September 1, 1981, "International Day of Solidarity with the People of the Libyan Arab Jamahiriya" and issued a statement that said in part:

> U.S. imperialism has committed yet another blatant crime using its war machinery and tremendous military build-up thousands of miles away from the U.S.A. in an attempt to intimidate and force into submission those who defend their independence and sovereignty.

Operating under the direction of the CPSU international department headed by Boris Ponomarev, a secretary of the CPSU Central Committee and candidate member—nonvoting—of the Politburo who worked under Suslov's direction for more than 30 years, the WPC increasingly has taken an expanding role in Soviet agitational and propanda operations.

Since its last major congress, the World Parliament of Peoples for Peace held in Sofia, Bulgaria, in September 1980, the WPC's leadership role in mobilizing disarmament protests has expanded both in the United States and in other NATO countries.

The WPC's stated goal is to mobilize public pressure to block U.S. plans to modernize NATO's theater nuclear forces (TNF) with medium-range Pershing II and cruise missiles, and to upgrade NATO's antitank capability with enhanced radiation warheads—neutron bombs. Also targeted are U.S. plans to upgrade strategic nuclear forces with MX mobile missiles and the B-1 bomber, the shelving of the unratified SALT II arms treaty, and U.S. Rapid Deployment Force and naval forces in the Indian Ocean and Persian Gulf area.

WPC "peace" campaigns carried out during 1981 and which are continuing into 1982 include promotion and organization of anti-NATO protests in Western Europe, support for making Europe, the Indian Ocean and other areas "nuclear free zones," and the generation of propaganda against U.S. foreign policies and in favor of Soviet initiatives toward Central America, Indochina, southern Africa, and the Middle East.

Organizationally, the WPC is salted with members of the pro-Soviet Communist parties and with reliable pro-Soviet leftists. The WPC's president is Romesh Chandra, 65, who in the 1960's was a member of the central committee of the Communist Party of India. In 1978, at the request of Representative JOHN ASHBROOK, Republican of Ohio, during hearings of the House Intelligence Committee, the Central Intelligence Agency (CIA) prepared a nonclassified study of Soviet propaganda operations which the House Intelligence Committee published as part of its hearing, "The CIA and the Media." That report said in part:

> Yet the Kremlin does not rely on Chandra alone to carry out its policies in the WPC. A representative of the Soviet Communist Party has for years sat at Chandra's side, in a background WPC role, but holding ultimate control. This position was held for a number of years by Aleksandr Berkov, but the job was taken over in early 1977 by Igor Belyayev. Berkov and later Belyayev were listed only as one of a number of secretaries in the Secretariat, but they were recognized within the organization as the final authority, including the power of veto. Berkov, for example, was known to have overruled Chandra on certain decisions involving meetings or other activities and relayed the party line concerning WPC causes and operations.

The study continued:

> Two other Russians playing key roles in the WPC are Vitally Shaposhnikov, who is listed as a Soviet member of the WPC Presidential Committee, and Oleg Kharkhardin who is executive of the Moscow-based Continuing Liaison Committee (CLC) of the World Council of Peace Forces and also vice-chairman of the WPC-affiliated Soviet Peace Committee. Both are officials of the International Department of the Soviet CP Central Committee.

The study said that the international department "is responsible for major clandestine political activities abroad including the front organizations, foreign Communist parties and activities such as strikes and demonstrations designed to destabilize foreign governments."

In terms of power in Moscow, the report stated that the International Department "stands firmly over the KGB for clandestine political activities," and that in these matters, the KGB may act only on the direction of the international department.

Most of the WPC leaders are active in the Communist parties of their own countries and also lead the local WPC affiliate. These WPC "national peace committees" in turn are run as fronts of the local Moscow-line Communist parties which, like the WPC, are directed by the international department of the CPSU. This provides two mechanisms for insuring that the resolutions and statements of the local WPC affiliates do not deviate from the line set by the Soviet Communist Party.

I would like to point out that through the World Peace Council, the Soviet Union controlled the Communist-dominated anti-Vietnam coalitions of the late sixties and seventies including the New Mobilization Committee to End the War in Vietnam and the People's Coalition for Peace and Justice.

Hearings by the former House Committee on Internal Security provided detailed documentation from the records of these groups that under Soviet direction, the WPC was responsible for the worldwide coordination of political and material support for the North Vietnamese.

A detailed summary of the evidence of WPC direction of the anti-Vietnam movement has been compiled in a new report entitled "The Soviet Peace Offensive" published by the Western Goals Foundation of 309A Cameron Street, Alexandria, Va. I strongly recommend this report to all my colleagues because Soviet covert action—the clandestine efforts to manipulate events in America and allied countries—is a serious threat to our national security, and I believe that as members of this body we must become aware of it.

Just as American voters expect responsible elected officials to be aware of the backgrounds and motivation of the scores of lobbyists who try to get a hearing, it is also part of our responsibility to look into the origins and motivations of political groups and movements seeking to affect national policy and national security.

There are some who mistakenly think that the World Peace Council is a pacifist organization.

However, real pacifists understand that the World Peace Council is merely a creature of Soviet policy; yet few of these have been willing to expose WPC activists when they appear in disguise, so to speak, as members of other "peace" organizations.

An outstanding recent example of this was a letter to the New York Times, January 30, 1982, by Homer A. Jack, the elderly head of the World Conference on Religion and Peace, in which he correctly admitted that the WPC was an "instigator" of the antimissile demonstrations in Western Europe. He wrote:

> The World Peace Council has for more than 30 years faithfully transmitted Soviet foreign policy. Its leaders have regularly been awarded the Lenin Peace Prize * * *.

He continued:

> Within the past year, the W.P.C. requested higher status as a "nongovernmental organization" with the United Nations Economic and Social Council. The latter's committee discovered such close programmatic and financial ties between the World Peace Council and Moscow and the W.P.C. itself, in embarrassment, withdrew its request.

Yet Homer Jack was taken in by the false idea that no one who offers criticisms of the Soviet Union could be doing Moscow's work. The falseness of this idea is seen easily in the exposures in Europe that the "Euro-Communist" parties that have offered criticisms of Soviet policy in Afghanistan and Poland are financed through Soviet-owned banks; and the fact that individuals closely associated with the WPC, the Communist Party, U.S.A., and its publications have urged the U.S. disarmament groups to include soft "criticisms" of the Soviets in order to gain a counterfeit credibility with the American media.

Despite its strong appeals to religious pacifist and Christian socialist organizations in Europe and America, one of the WPC's primary functions is to provide propaganda and other logistical support to the Soviet-backed armed revolutionary movements, many of which utilize terrorism—violent attacks on the noncombatant segment of the community in order to achieve their political or military goals.

No true pacifist could countenance such activities.

The individuals who are giving their support to WPC initiatives on these issues are largely unchanged from the disarmament campaigns of earlier years. A number of them are known or admitted Communists; others are prestigious non-Communist figures who lend their names to providing a facade of independence and nonalinement. But most of those playing leadership roles with the WPC's various affiliates have public records showing involvement in Communist fronts and in support of Communist-approved causes.

At this time, to the WPC and its U.S. domestic supporters, the interests of the U.S.S.R. in blocking U.S. defense modernization so that the Soviets can maintain their new strategic lead and continue their arms programs are paramount.

The focus of the anti-NATO disarmament demonstrations in Europe are the planned deployments of Pershing II and cruise missiles. The focus of the American disarmament campaign is a "nuclear freeze."

Although proposals for a "nuclear freeze" or "nuclear moratorium" have been circulated in the past, the major U.S. disarmament organizations which have been collaborating with the WPC for many years got behind the proposal only in March 1981, shortly after it was given the imprimatur of Leonid Brezhnev in his speech to the 26th CPSU Party Congress.

The reason why the U.S.S.R. at this point would support a "nuclear freeze"—especially in Europe, is simple. It would preserve the Soviet advantage in strategic and theater nuclear forces.

Activists with short memories are crediting Miss Randall Forsberg, founder of the Brookline, Mass., Institute for Defense and Disarmament Studies, as the prime mover of the nuclear freeze through having drafted the document entitled "Call for a Bilateral Nuclear Freeze." The fact is that the prime backers of the campaign are groups long associated with the WPC's efforts including the Women's International League for Peace and Freedom, Women Strike for Peace, American Friends Service Committee, Clergy and Laity Concerned, War Resisters League and the Fellowship of Reconciliation.

Endorsers of the "Call" include not only Michael Meyerson, a Communist Party, U.S.A. functionary who directs the World Peace Council's American affiliate, but also such apologists for terrorism and Soviet aggression as Richard Barnet of the Institute for Policy Studies; and Richard Falk; and veteran supporters of unilateral American disarmament and appeasement of the U.S.S.R. such as George Kistiakowski, Bernard Feld, Jerome Grossman, George Rathjens and John Kenneth Galbraith.

Activists in the disarmament campaigns had their marching orders confirmed on December 12, 1981, by Boris Ponomarev, the 30-year veteran chief of the CPSU International Department and de facto commander of the Soviet "peace" offensive, in a speech to Soviet and foreign scientists, stating:

> The anti-war movement in Western Europe * * * and in the United States * * * has reached an unprecedented scale. * * * However, the interests of preserving peace calls for further development of the antiwar movement, since no one has cancelled the U.S. giant military programs or Reagan's decision to manufacture neutron weapons * * *.

The "further development" demanded by Ponomarev has resulted in frenetic organizing in Europe and the United States. As an article, "New Peace Offensive" in the March 24, 1982, issue of the Review of the News by John Rees noted, the disarmament campaign has been launched using a wide range of Soviet covert assets. As the article noted:

> These include the World Peace Council, other fronts, the various Communist parties, and secret 'agents of influence' in government, academia and the media. Their intention is to block Reagan Administration efforts to rebuild U.S. national defenses and strengthen the N.A.T.O. alliance. At the same time they are laboring to demand foreign policies favorable to Soviet expansion in Central America, Africa and the Middle East.

As a member of the Armed Services Committee, I find it especially noteworthy that in the disarmament drive, the World Peace Council and the Soviet media are making heavy use of statements by several former NATO military officers who, following their retirements which ended their ability to influence policy and their access to secret information, have become highly useful "assets" for the Soviet disarmament propaganda machine.

Particularly active have been Gen. Nino Pasti, a former NATO vice commander elected in 1976 to the Italian Senate as an "independent" on the Communist Party ticket; Maj. Gen. Gert Bastian, formerly commander of the 12th Armored Division of the West German Army; and two retired U.S. rear admirals who play leading roles at an antidefense organization, the Center for Defense Information [CDI], CDI director Gene LaRocque, and his deputy, Eugene Carroll.

Several of these retired military officers including Bastian, Pasti, Johan Kristi of Norway, Francisco da Costa Gomes of Portugal—a WPC vice president—Georgios Kumanakos of Greece, Von Meyenfeld of the Netherlands and French Adm. Antoine Sanguinetti, signed a memorandum last November addressed to the NATO foreign and defense ministers, the commanders of NATO forces and staff officers attacking the military upgrading agreements, calling for arms negotiations with the U.S.S.R. and asking European NATO members to break away from alliance with the United States and develop better relations with the Warsaw Pact countries.

At a November 1981 press conference in The Hague, Pasti charged that the idea of a "strategic superiority of the Soviet Union and its military buildup" was, as the Soviet press agency Tass reported, a "lie fabricated by the CIA and spread by NATO propaganda." Pasti said, "I can give the assurance that the most convinced opponent of war is the Soviet Union, who in the last war suffered the gravest trials. This cannot be said of the United States where the idea of war is linked with the profits of certain circles."

Both Nino Pasti and Gert Bastian have made trips to the United States during 1981 which have included Capitol Hill speeches to congressional audiences sponsored by the SANE Educational Fund—Pasti on May 2 and Bastian on December 2. Both these meetings are fully reported and documented in the Western Goals Foundation report that I have previously cited.

General Bastian was a leading participant in a disarmament conference held in Groningen, Holland, cosponsored by Adm. Gene LaRocque's Center for Defense Information last April.

The CDI is of course crucial to the WPC's disinformation campaign in the United States as is shown by a recent WPC pamphlet, "The Global Military Build-Up Threatens All Humanity," that commences with a statement by LaRocque whose former military rank is used to give his extreme statements an aura of credibility.

According to a report for the Fund for Peace written by Ann Zill on February 22, 1982, the CDI is planning to host a conference of "retired military officers from NATO and Warsaw Pact [sic] countries * * * a first time ever event. Hyman Rickover will be approached about participating."

Which brings up the question, what is the Center for Defense Information?

The Center for Defense Information, a project under the tax-exempt sponsorship for the Fund for Peace [FFP] whose president, Nicholas Nyary, participated in the WPC's 1976 disarmament conference, is one of three sister projects which are spinoffs from the Institute for Policy Studies.

These other projects are the Center for National Security Studies [CNSS] which has taken the leading role in lobbying for the total destruction of the capacity of the Central Intelligence Agency for covert action and covert intelligence collection; and the Center for International Policy [CIP] which promotes U.S. policies of "nonintervention" against Soviet-backed aggression. CNSS's founding director, Robert Borosage, has returned to the Institute for Policy Studies, which has been described as the "perfect intellectual front for Soviet activities which would be resisted if they were to originate openly from the KGB." IPS fellow Orlando Letelier, director of the IPS Transnational Institute [TNI] which has offices in Amsterdam, London, and Washington, D.C., who also was a leader of the Center for International Policy, was revealed after his death in September 1976 to have been an "agent of influence" for the Soviet KGB working under a Cuban "case officer."

CDI is directed by Rear Adm. (Ret.) Gene R. LaRocque. It recently moved from the townhouse it shared with CNSS and CIP to larger offices near Capitol Hill.

CDI's staff is reported as currently including Rear Adm. (Ret.) Eugene Carroll, deputy director; Maj. Gen. William T. Fairbourn, USMC (Ret.), associate director; David T. Johnson, research director; Arthur K. Kanegis, media director; Lt. Col. John H. Buchanan, USMC (Ret.); Dr. Robert S. Norris; Stephen D. Goose; Evelyn S. Labriola; Pamela G. Anderson; Richard Fieldhouse; Thomas K. Longstreth; Charlotte Goodwin; Goldia Shaw and Gary Mummert, senior staff; James K. Treires and Sidney R. Katz, consultants; and research interns Thomas Greenberg, Steven Hirsch (Kentucky), Joshua Hornick (UCSC) and Sandy Scott (Yale).

The publications of the CDI and statements of its leaders consistently have opposed each major upgrading in U.S. defense forces, and have opposed U.S. overseas bases and defense treaties with non-Communist allies. CDI leaders and publications have been praised and quoted by the Soviet media on those and related issues since CDI's inauguration in 1973.

In the fall of 1975, after causing a crisis in United States-Japanese relations by telling a subcommittee of the Congressional Joint Committee on Atomic Energy that the United States did not honor its agreements to offload atomic weapons from U.S. warships before they entered Japanese harbors, LaRocque went to Moscow as a guest of the Institute of the U.S.A. and Canada. Defectors from the institute have stated that half the staff members are KGB officers. LaRocque later altered his statements on U.S. nuclear weapons and admitted he had no knowledge that the United States had ever violated its agreements with Japan in a Moscow interview with the correspondent for the Japanese Communist Party [JCP] newspaper Akahata. (Oct. 26, 1975).

Currently, LaRocque's statement, "If you dummies let us, we'll fight World War III in Europe," is being widely used by the organizers of demonstrations against "Euromissiles" in the NATO countries. (WIN magazine, Jan. 1, 1982).

LaRocque's deputy at CDI, Eugene J. Carroll, another retired U.S. rear admiral, recently was praised on the Moscow Radio Domestic Service program, "International Observers Roundtable" (Nov. 15, 1981). Gennady Gerasimov commented:

> When I was in Washington quite recently, I happened to be at the Center for Defense Information where I talked with Rear Adm. Eugene Carroll, retired, codirector of this center. He confirmed again, he stressed that all their calculations show that a nuclear war would inevitably and ineluctably become universal and that a limited nuclear war is impossible and unrealistic. For this reason, incidentally, the rear admiral expressed his support for Leonid Ilich Brezhnev's appeal to the U.S. Administration to give up dreams of attaining military superiority over the Soviet Union. Each of the sides today possesses sufficient potential to destroy each other, even several times over. Thus attempts to secure military advantages are senseless. This was the opinion of this retired rear admiral.

Again, according to the Zill report, "Admiral LaRocque just released his Defense Monitor on where the nuclear weapons are located and delivery systems are located around the country with a press conference and "Today" show appearance."

With an apparatus like CDI operating in the United States, Soviet GRU and KGB officers need not work to develop any additional mechanisms for dissemination of disinformation or the collection of information on U.S. national defense.

It is noted that according to an article in the journal Kommunist (October 1981) the theoretical organ of the CPSU Central Committee, other disarmament enthusiasts from the ranks of the West German defense and military structure include Dr. D. Lutz of Hamburg University, retired minister E. Eppler, and retired generals F. Birnstiehl and W. von Baudissin, currently director of the Hamburg University Institute for Peace Research and Security Policy. Their views recently were published in the FRG in a pamphlet entitled "Generals for Peace."

It is also noted that the disarmament lobby continues to use the services of Brig. Gen. Hugh B. Hester, who retired from the U.S. Army in 1951, and was highly vocal with disarmament and anti-Vietnam groups during the sixties and seventies. In September 1981, General Hester circulated to Members of Congress a copy of Leonid Brezhnev's "Peace Program for the 80's" with a letter terming Reagan administration defense policies "sinister." Hester's effort was sponsored by Promoting Enduring Peace [PEP].

Since last August, major conferences in the disarmament offensive have included a WPC-controlled United Nations Nongovernmental Organizations Conference on Disarmament (Aug. 5-6, 1981); formation of the Special Session on Disarmament Working Group (Oct. 6, 1981); the World Congress of Women held by the Women's International Democratic Federation [WIDF] in Prague, Czechoslovakia (Oct. 8-13, 1981); the Conference of the Mobilization for Survival's Nuclear Weapons Task Force (Oct. 23-25, 1981); the launching of the Campaign for the Special Session on Disarmament (Oct. 31, 1981); the Convocations on the Threat of Nuclear War sponsored by the Union of Concerned Scientists and related groups on Veterans Day (Nov. 11, 1981); the Second National Conference of the U.S. Peace Council in New York (Nov. 13-15, 1981); the Riverside Church disarmament program's annual conference in New York (Nov. 25-26, 1981); and the Mobilization for Survival's 5th National Conference in Milwaukee (Dec. 4-6, 1981).

The United Nations Second Special Session on Disarmament [SSD-II] to be held in New York June 7 to July 9, 1982, will be the primary organizing focus and international podium for the Soviet-directed disarmament offensive during the first half of this year.

Taking part in SSD-II will be the 156 U.N. Member states, "observer" delegations from non-U.N. members and from U.N.-backed "national liberation" movements, representatives from a variety of U.N. agencies and intergovernmental organizations, and many of the U.N.-affiliated nongovernmental organizations (NGOs).

Sidney Peck has been appointed Director of International Relations for the United Nations NGO organization. Peck is responsible for coordination of the demonstrations targeted on SSD-II that are designed to affect public opinion in America and Western Europe, and it is the WPC, which holds the vice presidency of the U.N. NGO organization, that will provide the bodies for those demonstrations.

Peck, a former Wisconsin CPUSA functionary, was a leader of the Chicago Peace Council, a CPUSA-controlled local WPC affiliate, before moving to Boston in the midseventies. He has been active with the WPC and was a cofounder of the Mobilization for Survival which was formed to generate support for the first SSD.

Peck's superior in his new U.N. NGO post is Sean MacBride, the Lenin Peace Prize winner who is a vice president of the Moscow-based Continuing Liaison Committee of the World Congress of Peace Forces.

At this time a 78-nation Preparatory Committee chaired by Ambassador Oluyemi Adeniji of Nigeria has drawn up a 14-point agenda which includes discussion of a "World Disarmament Campaign" and a "World Disarmament Conference." Prior to SSD's convening, the Preparatory Committee will meet in New York (Apr. 26-May 14) as will a Disarmament Commission (May 17-June 4).

With these U.N. activities as focal points, U.S. disarmament groups, many of them associated with the World Peace Council (WPC) and its U.S. affiliate, the U.S. Peace Council (USPC), are developing their organizing plans that will culminate with a mass rally in New York on Saturday, June 12, 1982. As a report on the November USPC conference in New York and its workshop on "Disarmament and Detente" in the WPC newsletter Peace Courier (December 1981) noted:

> As a target for activities during the next six months, the workshop projected massive activities by peace forces in support of the United Nations Special Session on Disarmament to be held next June.
>
> "There is need to impose pressure on Washington to return to policies of detente," it was emphasized.

The WPC reported that the USPC was making progress with programs including the Jobs for Peace Campaign, the California Statewide Peace Electoral Action Campaign (SPEAC), and "in collecting signatures on petitions for a nuclear freeze."

It will be recalled that WPC president Romesh Chandra attended the USPC conference. During his New York visit Chandra met with leaders of the Communist Party, U.S.A. [CPUSA], assorted U.S. "peace activists," and high-level U.N. officials. The WPC delegation met with the President of the U.N. General Assembly, Ambassador Issmat Kittani; U.N. Secretary General Kurt Waldheim; the Chairman of the U.N. Special Committee Against Apartheid, Ambassador Alhaji Yusuf Maitama-Sule; and Chandra spoke before a meeting of the Special Committee Against Apartheid.

The WPC reported on the delegation as a successful part of its "framework of increased cooperation with the United Nations," and made no mention of its failure to obtain higher status with the U.N. Economic and Social Council. Regarding SSD-II, the WPC reported:

> The preparations for the Special Second Session of the United Nations on Disarmament * * * were of special interest to the delegation. Meetings were held with Mr. Csillag, officer responsible for the SSD II preparatory committee and Mr. Martenson of the U.N. Disarmament Centre, as well as with Mr. Virginia Saurweim [sic], no NGO officer. Discussions centered around the preparations for the SSD II, the role of the non-governmental organizations and the contribution of the World Peace Council."

The plans for demonstrations targeting SSD-II have been written up in detail in American Opinion (February 1982), in an article entitled "How Moscow is Directing All of That Phoney Peace Propaganda," by John Rees. The article summarizes the evidence and concludes "that through the World Peace Council and other organizations under Soviet control, the Soviet Union is conducting a major covert action offensive in Europe and America to prevent or delay implementation of U.S. and NATO defense policies."

The history of the Marxist-Leninist movement directed by the Soviet Union shows clearly that the Soviets have not deviated or repudiated Lenin's strategy which he formulated in a speech to the Eighth Congress of the Russian Communist Party in 1919. he said:

> We are living not merely in a state, but in a system of states and it is inconceivable for the Soviet Republic to exist alongside of the imperialist states for any length of time. One or the other must triumph in the end. And before that end comes, there will have to be a series of frightful collisions between the Soviet Republic and the bourgeois states. (Lenin, Collected Works, vol. 29, p. 153, Progress Publishers, Moscow (1965)).

While the neutralization of President Reagan's defense policies and efforts to rebuild NATO are presently the paramount Soviet goal, other items on the Soviet agenda in which the WPC plays a key role include the destabilization of Namibia and South Africa, the lifting of the U.S. economic blockade of Cuba; the destabilization of Central America; and support for Puerto Rican revolutionaries.

These are being very actively promoted by domestic special interest groups working openly in close collaboration and coordination with revolutionary and terrorist movements backed by the U.S.S.R., its satellites and client states.

Furthermore, as in the sixties and seventies, efforts are being made by WPC-related U.S. groups to generate support for these various causes that further Soviet policy goals among the economically and socially disadvantaged, suggesting that "militarism," "interventionism," and "colonialism" removes funds that otherwise would be spent to expand social welfare programs.

Additionally, WPC leaders with the appropriate credentials are making appeals to "opinionmakers" in the U.S. labor movement and the academic, scientific and religious communities seeking to exploit any and all sentiments against U.S. policies and direct them into the disarmament campaign.

As the chief of the Soviet disarmament offensive recently remarked, the European response to the disarmament campaign has been "unprecedented."

The response appears to be a result of a combination of factors including the genuine hopes of citizens of the Western nations for peace, the ignorance of the general public about the security implications of Soviet "peace" proposals, the decade of "detente" policies in which Western political leaders and public opinionmakers emphasized appeasement of the U.S.S.R. to the virtual exclusion of security issues, traditional European anti-Americanism, fear of the U.S.S.R. leading to appeasement sentiment, and a lack of initiative, planning and effective public outreach for many years on the part of NATO governments.

The engine driving the movement is a massive Soviet "covert action" apparatus which includes the use of influential Western "assets" developed by the Soviet KGB and GRU intelligence services, and manipulation of public opinion through the activities of the network of international front groups and local Communist parties.

In Europe, evidence clearly indicates direct covert Soviet assistance to the disarmament campaign against NATO in terms of financing, theme content and logistical assistance. In the United States, known Soviet involvement in the disarmament campaign ranges from the activities of key Soviet officials like Yury Kapralov through the flow of delegations of WPC activists who often use identifications other than the WPC to strong Soviet surrogate and client assistance to U.S. groups carrying out propaganda and agitational activities.

The anti-Vietnam movement of the sixties was able to use the military draft as an issue to attract considerable support from college students—some of whom, 15 years later, remain active dissendents and sympathizers. The 1981-82 disarmament drive is focusing on utilization of currents among the religious community's supporters of "liberation theology" including "Christian socialism" and utopian pacifism to recruit religious leaders, religious organizations and congregations into the disarmament campaign where they can provide the numbers at demonstrations to influence public opinion and U.S. policy.

Mr. Speaker, our responsibility to the American people requires that we recognize false and misleading campaigns and demands which would endanger our security if made public policy. We must heed not the loudest argument, but the one that enhances our national interest.

Mr. LEACH of Iowa. Mr. Speaker, I yield to the gentleman from New York (Mr. McHUGH).

Mr. McHUGH. Mr. Speaker, I thank the gentleman from Iowa for yielding and for his cooperation and initiative in working to arrange this very unusual special order period to discuss this most important question.

Mr. Speaker, I am pleased that those of us who have the privilege of serving in the House of Representatives are today beginning to debate the critical issue of arms control, and more particularly the need for a bilateral freeze on the testing, production and deployment of nuclear weapons as a first step toward mutual and verifiable reductions in the existing stockpiles of such weapons.

To be sure, we have come to this endeavor late. For more than 36 years, ever since the first weapons of mass destruction were detonated over Japan, political leaders have generally failed to deal effectively with the dangers posed by our decision to harness "the basic power of the universe," as President Truman put it when he announced that the United States had dropped an atomic bomb on Hiroshima.

To be honest, it is questionable whether this discussion would have taken place at all were it not for the efforts of hundreds of thousands of ordinary Americans.

They have been the leaders in this effort, recognizing that this problem could no longer be ignored and gathering signatures on petitions from one end of this country to another. They have been the organizers of this national debate, putting forward a proposal for a bilateral freeze and arranging for its discussion through town meetings in Vermont, New Hampshire, and other communities across the Nation. They have been the conscience of America, asking their representatives in Congress to finally come to grips with the stark reality posed by nuclear weapons.

And now their voices are being heard within Congress, here today and hopefully for months and years to come, however long it takes for us to finally affirm that humanity will indeed survive and prosper.

Although we have come to this endeavor late, Mr. Speaker, I believe that we can perform a valuable service to the American people and to humanity by what we say and do here today, by fostering and encouraging recognition of the fact that nuclear arms control is indeed the central issue of our time and that we are finally resolved to address it.

A number of resolutions have been introduced to address this issue. For example, there is House Joint Resolution 433, a joint resolution calling for a mutual and verifiable freeze and reduction in nuclear weapons that has been cosponsored by over 150 Members of the House, with a similar resolution having been cosponsored by 20 Members of the Senate. I am sure some of our colleagues will be discussing the merits of other resolutions, as well as a variety of issues not immediately related to any specific resolution. The significance of this discussion is not that it promotes any particular resolution, but that we have finally recognized that time is growing short and that new initiatives are required.

Having said this, I would like to focus for illustrative purposes on House Joint Resolution 433. The wording of this resolution is very simple and makes only two basic points. The first is that, as an immediate strategic arms control objective, the United States and the Soviet Union should:

First, pursue a complete halt to the nuclear arms race;

Second, decide when and how to achieve a mutual and verifiable freeze on the testing, production and further deployment of nuclear warheads, missiles, and other delivery systems; and

Third, give special attention to destabilizing weapons whose deployment would make such a freeze more difficult to achieve.

The second point is equally straightforward. Proceeding from this freeze, the United States and the Soviet Union should pursue major, mutual, and verifiable reductions in nuclear warheads, missiles, and other delivery systems, through annual percentages or equally effective means, in a manner that enhances stability.

Those of us who have cosponsored this resolution believe that there are numerous advantages to a bilateral freeze and reduction in nuclear weapons.

First, passage of such a resolution would restore U.S. credibility with the public in both Western Europe and the United States, thereby strengthening the Western Alliance and thus our position in any future negotiations with the Soviet Union.

At the present time, neither our own people nor those in Western Europe believe that the United States is seriously attempting to meet the challenges posed by the existence and growth of nuclear weapons. They have recognized what those in leadership positions have too long ignored—that a continuation of the arms race between the United States and the Soviet Union will inevitably lead to a confrontation in which life itself is threatened.

Because of their recognition of this fundamental reality, and their perception that our governments have been doing little to solve the problem, people in the United States and Western Europe are losing faith in the capacity of their elected representatives to deal with this issue. They recognize that there is a fundamental contradiction between what we say and what we do, that we speak of bringing the arms race under control even as we continue to spend billions of dollars on new, more sophisticated and more lethal forms of weaponry, especially nuclear weaponry.

One of the immediate consequences of this has been a growing strain in our relations with our allies in Western Europe, and the growing support, especially in Europe, for unilateral disarmament, a phenomenon which of course does not serve Western interests.

This erosion of public confidence must be reversed, and we believe that passage of a nuclear freeze resolution would help to restore public confidence in U.S. leadership. It would also help us to regain the initiative from the Soviet Union on arms control.

Second, passage of such a resolution could help to break the current stalemate on arms controls.

It has been 10 years since the U.S. Senate last ratified a strategic arms agreement. SALT I has expired. SALT II remains unratified. No date has been set for the beginning of the START talks, and no substantial progress appears to have been made on the TNF negotiations. Discussion of a chemical weapons treaty has been broken off, and other relevant negotiations terminated.

In short, the forward momentum of efforts to stop and then reverse the arms race has in effect come to a halt, and we have reached a point where we must now choose whether to renew negotiations or continue our current inexorable drift toward a nuclear holocaust.

Because a resolution such as House Joint Resolution 433 recommends a new approach to the problem of arms control, we believe that its passage would help to break the current stalemate and thus provide hope to those who inhabit our planet that these problems can be overcome.

Third, passage of such a resolution and the successful conclusion of negotiations to achieve a bilateral freeze would reduce tensions between the United States and the Soviet Union.

None of us who serves in this Chamber is a pacifist. None of us can deny that under present circumstances a strong defense is required as a means of preserving the balance of power. At the same time, none of us can deny that the United States and the Soviet Union are on a dangerous collision course. As more nuclear weapons are produced, weapons that embody ever increasing levels of sophistication, the prospects for a nuclear exchange grow stronger, whether by miscalculation, design or other human folly.

Today, the two superpowers are barely talking to one another, and tensions are mounting. Yet, many persist in the belief that time is not of the essence, that we have not reached that dangerous threshold that all rational people fear.

This is not the case. As Jonathan Schell has pointed out in compelling detail in his recent series of articles in the New Yorker:

> This threat of self-destruction and planetary destruction is not something that we will face one day in the future if we fail to take certain precautions; it is here now, hanging over the heads of all of us at every moment. The machinery of destruction is complete, poised on a hair trigger, waiting for the "button" to be "pushed" by some misguided or deranged human being or for some faulty computer chip to send out the instruction to fire.

Mr. Speaker, time is of the essence. Negotiations to reach an agreement on a bilateral freeze would be a major step toward reducing tensions and the resulting prospects for conflict.

Fourth, passage of such a resolution and the successful conclusion of negotiations to achieve a bilateral freeze would enhance the security of the United States.

At the present time, most analysts seem to agree that the strategic power of the United States and the Soviet Union is in approximate parity. Over the course of the next decade, however, each side may very well achieve the capability to initiate a successful first strike unless the momentum of the arms race is brought to a halt.

Such a capability would further endanger both sides, for it would increase the likelihood that one side or the other would be tempted to launch a first strike. This risk would be eased by a bilateral freeze on the testing, production and deployment of nuclear warheads, missiles and other delivery systems.

For too long we have been deluded by the thought that security is solely a function of firepower. As Jonathan Schell has said, we should be conscious of the stark consequences if we continue down this road which we have been following since 1945:

> Bearing in mind that the possible consequences of the detonations of thousands of megatons of nuclear explosives include the blinding of insects, birds, and beasts all over the world; the extinction of many ocean species, among them some at the base of the food chain; the temporary or permanent alteration of the climate of the globe, with the outside chance of "dramatic" and "major" alterations in the structure of the atmosphere; the pollution of the whole ecosphere with oxides of nitrogen; the incapacitation in ten minutes of unprotected people who go out into the sunlight; the blinding of people who go out into sunlight; a significant decrease in photosynthesis in plants around the world; the scalding and killing of many crops; the increase in rates of cancer and mutation around the world, but especially in the targeted zones, and the attendant risk of global epidemics; the possible poisoning of all vertebrates by sharply increased levels of Vitamin D in their skin as a result of increased ultraviolet light; and the outright slaughter on all targeted continents of most human beings and other living things by the initial nuclear radiation, the fireballs, the thermal pulses, the blast waves, the mass fires, and the fallout from the explosions; and, considering that these consequences will all interact with one another in unguessable ways and, furthermore, are in all likelihood an incomplete list, which will be added to as our knowledge of the earth increases, one must conclude that a full-scale nuclear holocaust could lead to the extinction of mankind.

In the end, then, as Schell points out, a full scale nuclear exchange will culminate "in an absolute and eternal darkness in which no nation, no society, no ideology, no civilization, will remain; in which never again will a child be born; in which never again will human beings appear on the Earth, and there will be no one to remember that they ever did."

In citing Schell's words here, Mr. Speaker, I do not wish to be overly dramatic or appeal to the emotions. To the contrary, I believe that a rational consideration of this question requires that we understand the probable consequences of failure. It is in that context that our efforts to promote a bilateral freeze should be considered.

We believe that negotiations designed to achieve a bilateral freeze would be a significant step toward enhancing the security of our Nation.

Fifth, passage of a resolution such as 433 and the successful conclusion of negotiations to achieve a bilateral freeze would release resources which could be used to meet other needs.

Among other things, a bilateral freeze would eliminate the need for a complex and expensive MX missile system, which would save the United States at least $50 billion. Additional cost savings would run into the tens of billions of dollars.

These resources could be used to strengthen our conventional military forces, which in some respects need to be improved; to reduce projected Federal budget deficits; and to meet the very real and pressing human needs of the American people.

The continuation of the arms race imposes heavy burdens, particularly on the most vulnerable among us. Today we are reducing funds for programs to immunize children so as to finance the weapons that may eventually kill them. Every dollar spent to shelter a missile means fewer homes for our families. Every dollar spent to finance guidance systems capable of reading enemy defenses means fewer schools where children can learn to read.

In short, passage of a freeze resolution and the successful conclusion of negotiations would allow this Nation to redirect its resources and energies in more positive ways.

Sixth, passage of such a resolution and the successful conclusion of negotiations to achieve a bilateral freeze would increase the credibility of our efforts to persuade other nations to forego nuclear weapons.

We have been told that more than 30 developing nations now have the capability to produce nuclear weapons, and we know that some of those nations are moving forward rapidly toward this objective. As the nuclear club expands, the dangers to the survival of the human race increase. That is why the United States has placed a high priority on curbing nuclear proliferation in recent years.

Unfortunately, those efforts have been less than successful, and one of the primary reasons for that lack of success has been the perception that neither the United States nor the Soviet Union is very serious about this issue. Instead, many developing nations have concluded that the superpowers are merely interested in advancing their own positions.

I believe that the combined pressure of the United States and the Soviet Union is critical in persuading those nations to forego nuclear weapons. We can be successful, however, only if we can credibly establish that we have taken meaningful steps to freeze and then reduce our own arsenals.

Seventh, passage of such a resolution and the successful conclusion of negotiations to achieve a bilateral freeze could help to improve prospects for arms control in other critical areas, such as in the field of chemical weapons.

Nothing succeeds like success, Mr. Speaker. While we would be foolish to believe that the conclusion of negotiations on a bilateral freeze would usher in a millenium in world affairs, a freeze would be a vital first step in a long process. As a resolution such as 433 makes clear, a nuclear freeze must be followed by efforts to reduce and then eliminate nuclear weapons altogether.

Yet, even if we were successful in this objective, the arms race would continue in many other areas. There are other forms of warfare that could prove equally destructive to the human race, especially chemical and biological warfare.

That is where the confidence gained by success in this immediate endeavor could prove helpful, and thus I believe that other possibilities would be opened up if this effort did prove successful.

Finally, passage of a nuclear freeze resolution would constitute a rejection of the notion that it is possible to fight and win a nuclear war.

One of the most dangerous developments in contemporary strategic thinking is the suggestion by some that it may be possible to fight and win a nuclear war.

For example, in the fiscal year 1983 budget proposal submitted to Congress earlier this year, we are told that "U.S. defense policies insure our preparedness to respond to and, if necessary, successfully fight either conventional or nuclear war." The Vice President of the United States has recently put forward similar views, and the revival of the notion of civil defense is predicated on the same assumption.

This is a dangerous notion, Mr. Speaker. It attempts to give reassurance that the nuclear arms race is not so bad, that nuclear arms might be used successfully, and that our interests might actually be served by a nuclear exchange. That is the height of folly. As Jonathan Schell has pointed out in his recent series of articles in the New Yorker, and as other thoughtful and responsible experts have said before, the very notion of a successful nuclear exchange is absurd. Schell puts it this way:

> In the theoretically sophisticated but often humanly deficient world of nuclear strategic theory, it is likely to be overlooked that the outbreak of nuclear hostilities in itself assumes the collapse of every usual restraint of reason and humanity. Once the mass killing of a nuclear holocaust has begun, the scruples, and even the reckonings of self-interest, that normally keep the actions of nations within certain bounds will by definition have been trampled down, and will probably offer little further protection for anyone. In the unimaginable mental and spiritual climate of the world at that point it is hard to imagine what force could be counted on to hold the world back from all-out destruction.

MISDIRECTED CRITICISMS

Mr. Speaker, these are the principal advantages that we see to passage of a resolution such as House Joint Resolution 433. Perhaps we are wrong. However, we would ask those who would have us continue down the path we have been treading to show us why we are wrong, and why it is in our advantage to continue piling these weapons of death one upon another.

Having discussed what we perceive to be the advantages of a bilateral freeze, it is equally important to emphasize what our proposal would not entail.

Our proposal does not mean a blind pursuit of détente, or a willingness to accept Soviet actions which are contrary to our interests and a stable world. We must be prepared to challenge Soviet misconduct in Poland, Afghanistan, or any other region of the world, and there are a variety of instruments through which we can do that. Thus, we do not endorse a freeze and reduction in nuclear arms as a concession to the Soviets, or because we like them. We do so because it is so clearly in our mutual interest to do so.

The United States and the Soviet Union are likely to remain in competition for the foreseeable future, and this will bring risks. Our Nation will continue to bear the primary responsibility for providing Western leadership in this competitive context. However, we believe that it is preferable to do so under conditions where the very existence of mankind is not at stake.

Furthermore, our proposal for a bilateral freeze and reduction in nuclear weapons is not to be based on blind trust in the good intentions of the Soviets. Verification must be required at every stage of the process, and verification is possible. As Dr. Herbert Scoville, former Deputy Director of the Central Intelligence Agency, recently put it: "Verification can no longer be legitimately used as an excuse for not proceeding with a freeze and reduction agreement." Dr. Scoville went on to assert that—

> A freeze on the testing, production and deployment of strategic weapons systems can be verified so that we can be confident that any violation that would significantly affect our security would have a high probability of being detected.

Ours is not a proposal for unilateral disarmament. The freeze itself is a matter of negotiation between the United States and the Soviet Union, and the reductions that it seeks must be mutual and balanced. They cannot and should not be designed to freeze either the United States or the Soviet Union into a position of permanent inferiority.

The fact is that the Soviet Union does not currently hold any clear advantage over the United States in nuclear forces at this time. Indeed, most experts tell us that the current forces of both sides are in better balance now than at any other time in history. Some may lament our lost superiority, but the clock cannot be turned back.

Any attempt by the United States to obtain the kind of superiority that it enjoyed over the Soviet Union in the immediate postwar world will surely be immediately responded to by the Soviets, which in turn will provoke a response from us. Of course, this is what the arms race is all about, the illusory belief that in a world with tens of thousands of nuclear weapons that one side or the other can achieve a decisive advantage with a few hundred or a few thousand more.

Finally, our proposal is neither naive nor unrealistic. We recognize that enormous difficulties will attend the negotiating process. We do not expect instantaneous results. However, we believe that we have reached a crossroads where we must move either toward the elimination of nuclear weapons or toward the holocaust that their use will entail. What we are affirming today is that we are prepared to choose the path of negotiations, and that we reject the thinking of those who would have us believe that a nuclear war is thinkable, containable, and survivable.

CONCLUSION

Mr. Speaker, assuming that we succeed in controlling the nuclear arms race and avoid a catastrophe, a future historian may well question how we allowed ourselves to come to this point in history, a point where the fruits of 4½ billion years could be undone in a matter of a single hour.

That is the question that I would like to address in my concluding remarks. For if we do not understand how we allowed ourselves to come so far toward the final holocaust, we will not be able to summon the vision, the energy, and the discipline to turn back from the path that we have been so dangerously treading.

In his recent series of articles in the New Yorker, Jonathan Schell has drawn a profile that seems especially relevant in describing the behavior of this generation of Americans and their leaders:

> At present, most of us do nothing. We look away. We remain calm. We are silent. We take refuge in the hope that the holocaust won't happen, and turn back to our individual concerns. We deny the truth that is all around us.

Mr. Speaker, we must face the truth. We have had all kinds of reasons for not doing so before now. For example, we have said that we can negotiate only from a position of superiority, as though the power to destroy on a parity basis is not enough. Of course, this has only served to sustain and perpetuate the arms race.

In many ways we have become blinded to our real interests by the language of technology. We have become victims of the tyranny of numbers, not recognizing that at some point the difference between 300 and 3,000 megatons is largely irrelevant.

We have become victims of the tyranny of the experts, not recognizing that we have abdicated the most fundamental questions of life and death to a handful of strategic theoreticians who at times seem completely out of touch with the concerns of ordinary Americans.

I am not an expert in the metaphysics of death, Mr. Speaker. And thus perhaps my impressions seem naive and unrealistic. However, I think that George Kennan was on to something in his address accepting the Albert Einstein Peace Prize in Washington on May 19, 1981. This is what Kennan said:

> We are confronted here, my friends, with two courses. At the end of one lies hope—faint hope, if you will—uncertain hope, hope surrounded with dangers, if you insist. At the end of the other lies, so far as I am able to see, no hope at all.

Kennan concluded that address by reminding us that Albert Einstein had signed an appeal in the final week of his life against the development of nuclear weapons. One sentence in the final paragraph of that appeal summed it all up. It read:

> We appeal, as human beings to human beings: Remember your humanity, and forget the rest.

□ 1530

Mr. LEACH of Iowa. Mr. Speaker, I now yield to the distinguished Speaker of the House, the gentleman from Massachusetts (Mr. O'NEILL).

Mr. O'NEILL. Mr. Speaker, I recall that it was October 14, 1969; it was late in the evening and this Chamber was crowded. The galleries were packed. We were talking about the Vietnam situation at that time. As I look back in history, I think that was the start of the day in which the war started to wind down. The American press covered it. The American people showed care and concern. There was a great change in the attitude of the American people at that particular day and hour. Much of it, I believe, was the result of our meeting that evening.

I am more than happy to be here this afternoon. Mr. Speaker, I rise to add my voice to those who are concerned that the fate of mankind is threatened by a nuclear arms race. When I came to Washington 30 years ago, President Eisenhower was President in those days. He observed the nuclear arms race, and wrote I quote:

> As of now, the world is racing towards a catastrophe. Something must be done to put that brake on.

Since he wrote that, the United States and the Soviet Union have amassed 50,000 nuclear warheads. It is said by those who have the knowledge that 4,000 nuclear warheads could destroy the world.

What is happening to us? Where are we going? What is the cause of this madness, I have to ask myself. Today, nations have the capacity to build the bomb. Today, we are closer to the finish of that "race to catastrophe" that Eisenhower warned us about.

I am happy to see many Congressmen here; I am happy to see Congressman LEACH here. I know in Massachusetts we look at this as the Markey-Conte resolution. If we are to do something about the arms race, then the thought and the concern that we express here today will help put the brakes on.

I am happy to see the minority leader here, the Republican leader, BOB MICHEL. It is time that all of us as national officials stopped and thought about the consequences of a nuclear conflict and dedicate ourselves to taking those steps necessary to reduce and eventually eliminate the possibility of a nuclear war.

It has to be about 8 months ago, I would say, that the Cambridge City Council, the city in which I live, and one of the prominent cities in my district, the city council passed a resolution similar to this. They came in to see me at that time. As it is now, I was concerned with the welfare of the economy, and they asked me if I would come out with straightforward statements on the nuclear war issue. I said to them:

> Truly, you are the first group that has talked to me. I have not had anybody talk to me about this nuclear problem.

So, it started in my own backyard, and I see it sweeping across the Nation; town hall after town hall meetings, in which we have the purest and the truest form of democratic government that there is in the world; little communities in New Hampshire and Vermont and Massachusetts; yes, and I see down here in Virginia, have met expressing the voice of the people at the ground level, their concern and their fear of a nuclear race and the possibility of a nuclear war.

I see AL GORE here, an able, talented young Congressman, whom I admire and respect. I know the work he has done on his own proposal to translate a freeze into a concrete approach, with arms limitation discussions with the Soviet Union. His approach will place initial emphasis on reduction of those weapons that pose the greatest immediate threat to peace.

I know that in my heart and in my mind and my judgment and my years of experience, I think that that, too, is an excellent idea.

I had Dr. Helen Calderscot in my office the other day, a woman who has dedicated her life to medicine and the field of children in this country of ours. She has been associated with the Children's Hospital in Boston for so many years, and she has taken time off from her position and put together the film, "The Last Epidemic." Today, we showed that film on the House television system, and today a special order raises the issue of nuclear war in the House of Representatives in a graphic and in a somber way. This issue should be raised and will continue to be raised because it is truly a deeply felt concern of millions of Americans, and this program is now sweeping across America. Why? Because Americans want something to make more secure their lives and the lives of their children. The President and the Congress bear no more solemn responsibility than protecting the lives of the citizens of this Nation. Their lives and the lives of all mankind are at stake. Unless the nuclear arms race is stopped, we will not be meeting the responsibility that is ours.

I hope and pray that the Markey-Conte resolution will provide the vehicle to stop this arms race, and that by adopting it we will be choosing the path of life, not the path of catastrophe and annihilation.

And so, I am delighted to see fellow Members on the floor. This is an issue of great concern to this Nation of which every one of us has a responsibility for.

I thank the gentleman for yielding.

Mr. LEACH of Iowa. Mr. Speaker, I thank the gentleman for his very profound remarks, and I yield at this time to the distinguished Republican leader, the gentleman from Illinois (Mr. MICHEL).

Mr. MICHEL. Mr. Speaker, I thank the gentleman from Iowa for yielding to permit me to join with the rest of our colleagues in making my contribution to the current public debate on nuclear arms freeze.

Allow me, then, to list what I feel are the five major principles that should be at the heart of any proposal for nuclear arms freeze.

First, it must be clearly understood the major issue confronting the world today is not the possession of nuclear arms by the United States, but the defense and preservation of freedom. If freedom cannot be defended through any other means but the possession of a nuclear deterrent by the United States, the possession of such a deterrent is a political and moral imperative on our part.

The current debate, as I see it, is between those who think freedom can be protected without a credible nuclear deterrent on our part, and those who believe—and I am one among them—that such a deterrent is necessary unless and until the Soviet Union poses no nuclear threat.

Any freeze proposal that would place the United States in a position in which our deterrent capability would not be credible is in itself a direct threat to peace.

Second, any nuclear freeze must be truly verifiable. Mere adherence to pro forma "verification" is not enough. The verification procedure has to be one that can actually do the job of verifying a freeze on arms reduction.

Third, any freeze that would, as a part of its inherent structure, deny us the right to build a B-1 or the MX or the Trident is not acceptable. The Hatfield-Kennedy freeze proposals clearly fall into this category.

Fourth, any freeze that does not either directly or indirectly confront the problems of the imbalance of conventional forces now in favor of the Soviet Union is worthless.

Fifth, any freeze proposal based on the false idea that the United States is currently engaged in something termed an "arms race" is worthless, because it is not dealing with reality.

The Soviet Union has for 10 years or more been outbuilding, outspending us in the strategic nuclear field. What kind of "race" is it, I ask, when one contestant stops or even moves backward while the other races ahead at full speed? I do not call that a race. I call that a rout.

American possession of nuclear weapons, far from being the scourge of mankind, has for a generation been the only thing that has stood between us and those bent on world domination.

Yes, I would like to see the potential of nuclear war reduced. I think that equal reductions and proper verification over a period of time could at least address one danger we face. But to say that our possession of nuclear arms is in itself a threat is uninformed and dangerous.

If we were to eliminate every nuclear weapon on the face of the Earth tomorrow morning, Soviet tanks could easily overrun Europe within a couple of days. Let us face it, as it is something we cannot ignore.

Possession of nuclear weapons by the United States at this moment in history is the only means of preventing nuclear war. This means that if we are going to proceed with nuclear arms reduction, such reductions have to be very, very carefully considered. The kind of freeze I favor would have to require strict equality and irrefutable verification procedures.

A nuclear freeze proposal for the sake of a freeze is not acceptable. We are not engaging in some social fad or ideological fashion. We are dealing with the future of freedom.

A nuclear freeze proposal based on hysteria, cowardice, fear, pacifist dogma, misguided enthusiasm, or geopolitical ignorance is unacceptable.

Not all of those who cry, "peace, peace, peace," know how to bring it about. I see signs of unreality and dangerous hysteria and fear among some of the advocates of a freeze, and that road can only lead to war.

Making certain that the Soviet Union realizes we have a credible nuclear and conventional deterrent to its warmaking power is the only way to avoid war. Any freeze proposal that keeps that principle in mind in one I can accept and one the American people, in my judgment, will also accept.

Let me conclude with the words of a man whose love of freedom and peace cannot be doubted. This is what he said about the need for a deterrent:

> I have always held the view that the maintenance of peace depends upon the accumulations of deterrents against the aggressor, coupled with a sincere effort to redress grievances.

So said Winston Churchill in the House of Commons on October 5, 1938. Unfortunately, those remarks and comments were not heeded by his countrymen at the time. Will those in the United States who are caught up in the same hysteria that blinded England during the thirties force us to make the same dreadful mistake?

Those who will not learn from history are condemned to relive it.

Those are the thoughts I felt I had to give as my contribution here, recognizing full well that they may be at odds with many of the statements that will be made during the course of this debate. But this is a very, very serious matter. I believe that statements from both sides and inbetween have got to be adequately expressed, because this is a matter of grave, grave concern.

Lest there be any mistake about it, I think we ought to let the American people know there are many sides to this equation before we can find the right solution.

□ 1545

Mr. McCLOSKEY. Mr. Speaker, will the gentleman yield?

Mr. LEACH of Iowa. I am happy to yield to my friend, the gentleman from California.

Mr. McCLOSKEY. Mr. Speaker, I listened to the distinguished minority leader with great attention because I have not made up my mind whether or not to join in this Resolution 434 that is the subject of the debate, and I agree with what the minority leader has said. But I would like to ask the question as to whether or not this language in the resolution would meet with the gentleman's approval:

The resolution states: "As an immediate strategic arms control objective, the United States and the Soviet Union should:

"(a) pursue a complete halt to the nuclear arms race;"

I take it there would be no objection to that part of the language?

Mr. MICHEL. Right.

Mr. McCLOSKEY. The second one, though, refers to the freeze, and it states: "Decide when and how to achieve a mutual verifiable freeze on the testing, production and further deployment of nuclear warheads, missiles and other delivery systems;"

Now, as I read that language, that would not inhibit the United States from deploying the intermediate system that NATO has pending obtaining a commitment from the Soviets to start a freeze. Would the gentleman disagree with that interpretation of this language?

Mr. MICHEL. No. I think that I could characterize it as such. I think the gentleman has put his finger on the question.

Mr. McCLOSKEY. So that if the resolution means only to decide when and how to achieve a mutual verifiable freeze and does not inhibit this temporary step the administration is considering, then this resolution itself would not inhibit the administration from proceeding as it is seeking to do today?

Mr. MICHEL. I would surely think not.

Mr. McCLOSKEY. Mr. Speaker, I thank the gentleman from Illinois (Mr. MICHEL).

Mr. LEACH of Iowa. Mr. Speaker, I yield now to the gentleman from Iowa (Mr. HARKIN).

Mr. HARKIN. Mr. Speaker, President Eisenhower once said that "people in the long run are going to do more to promote peace than are governments. Indeed, I think that people want peace so much that one of these days governments had better get out of their way and let them have it." In the growing, active popular support for a nuclear weapons freeze, I believe we are seeing Ike's prediction come to pass—and that the choice for us here in Congress is either to get out of the way, or to help the movement along by making its program our own.

The debates we are having over the freeze are, in large part, technical ones—as they have to be. But as we discuss the freeze, we need to understand that our deliberations, and the positions we take on the nuclear arms race, will be seen for what they are by the public. The public may not follow in detail all the ins and outs of debates about counterforce weapons and instability in the arms race, but people do have a gut level understanding of what the issues are all about—they understand, even if some of us will not face it, that the nuclear arms race is growing more irrational and dangerous day by day, and that our Government's efforts to halt the obscene escalation of new weaponry have not succeeded, and may not even be designed to succeed.

Even though people may not be able to lay out in detail all capabilities of the new generation of weapons which we are about to develop—the MX, the Trident II missile, the Pershing II missile—people do understand that we are not made more secure by building these weapons designed for nuclear war fighting. They understand that something is amiss when we continue to rush ahead in developing weapons which everyone acknowledges it would be better not to deploy at all. It is the great virtue of the nuclear weapons freeze proposal that it deals seriously with the threat posed by the new stage of the arms race—the race in destabilizing, counterforce weapons. And it does so, not only by prohibiting the deployment of new weapons, but also by prohibiting further flight testing of weapons already deployed. If we are concerned about the "window of vulnerability" in which the Soviets are theoretically able to wipe out our land based missiles, we should embrace the freeze, because the halt to flight-testing means that the accuracy of Soviet missiles, and the confidence which Soviet military planners may have in them, will decline progressively, year by year.

The administration's criticisms of the freeze ring very hollow in light of this standard of achievement set by the freeze proposal. To derogate the freeze for failing to achieve reductions in the first step, while willfully ignoring the advantage to be gained by a halt is simply not to be taken seriously. The administration's approach rings especially hollow when its own strategy of building up first and freezing later is compared. One of the main motives for the freeze campaign is the well-founded impression that the President's "two-track" strategy of building up while seeking reductions is more than a little imbalanced—that the buildup track is a superhighway while the negotiating track is a cowpath.

In fact, it is difficult to avoid the view that the administration feels so threatened by the freeze proposal, precisely because it has little hope that its own approach to arms control will succeed. In its public pronouncements, the administration seems unfortunately more concerned to shift the onus for the likely failure of arms control onto the Soviets than it does to seek out the grounds for a feasible and useful agreement. And in criticizing the freeze, as well as other arms control agreements, the administration only multiplies the widespread distrust of its intentions by presenting distorted assessments of the nuclear balance which prevails today—when it claims, groundlessly, that the Soviets are far ahead in "hard-target kill" capability, or that the Eurostrategic balance is 900 to nothing.

The administration has to understand the immense credibility gap which is rapidly beginning to open up before it on this issue. No one is going to swallow arguments which take pieces of the nuclear balance entirely out of context, which grossly understate the capabilities of our own current forces, and which ignore the greater vulnerability of the Soviets to preemptive attack from our own accurate, counterforce missiles. To say that we must go ahead with our entire, $200 billion strategic building program before we are in a position to negotiate a freeze with the Soviets at a level of parity is simply nonsense. The administration's approach on this issue simply confirms our worst fears—that this administration is committed to the development of a nuclear war fighting capability, and does not want arms control to get in the way—that, as Art Buchwald put it, too many people in this administration "treat nuclear war as if it were the World Series."

Other criticisms of the freeze, from other quarters, deserve to be taken more seriously—those, for example, by James Woolsey and by Harold Brown. Ultimately, when thinking through their comments on the freeze, however, one is left with the impression that they remain wed to the strategic program of the Carter administration, and cannot break away from a need to justify that program, even though its time is past. Mr. Woolsey, for example, criticizes the freeze because it fails to allow us, and also the Soviets, to deploy a new "survivable" land based missile system; that it prevents us from making improvements to our bomber force or to our submarines in order to overcome a possible large investment by the Soviets in strategic air defense or in antisubmarine warfare; and that the Soviets would have little incentive to reduce weaponry once our strategic programs are frozen in place. It is clear from Mr. Woolsey's inventory of objections to the freeze what he has in mind in its place: Air-launched cruise missiles on bombers to foil Soviet air defenses, more Trident submarines to make antisubmarine warfare efforts more difficult, continued development of our own "first strike" weapons, to give the Soviets an incentive to reduce their own, and, the centerpiece of the program, the MX missile deployed on giant missile drag strips in Utah and Nevada. Arms control is reduced to an aid in "managing" the nuclear balance—it becomes a way of preserving our investment in the MX in the face of relatively easy Soviet measures to overwhelm it.

Now, this approach is a serious one, and in many ways, it is laudable. It has a logic to it, and it is not the all too common bumper-sticker logic that can be written on a napkin, or even on a 3-by-5 card. Instead, it is the kind of logic which is reducible to a series of briefing slides for presentation to a President like Jimmy Carter—it is an elegant technical solution to a complex political problem. In short it is unrealistic. It is unrealistic because we are not going to dig up the southwestern deserts for the sake of a Rube Goldberg missile deployment scheme; it is unrealistic because we cannot generate active public support for arms control when arms control is reduced to an "MX preservation treaty"; and it is unrealistic, finally, because in the name of creating incentives for arms control, it goes full speed ahead with development of the very destabilizing weapons which we are most concerned to avoid deploying. Those of us who are genuinely committed to an end to the madness of this new stage of the arms race need to do better, and we need to be more realistic politically as well as technically.

Mr. Woolsey's specific objections to the freeze do not, I believe, stand up. The freeze makes our existing land-based missiles more survivable, by banning missile testing and degrading the accuracy of the Soviet force. It does not prevent the Soviets from investing more in air defense systems, or in antisubmarine warfare efforts, but I don't believe either of those paths would pay off for them. Soviet air defenses would be the first target of our missiles in a war, so that bombers would be flying in against a system badly damaged and of at best uncertain effectiveness. No one claims that the Soviets are on the verge of the kind of breakthrough in antisubmarine warfare technology which they would need in order to threaten our existing, longer range submarine-launched missile force. The Soviet incentive for reductions would be the same as our own—the insanity of maintaining a balance of terror from which neither side can possibly gain any advantage.

I believe that those of us committed to progress in limiting nuclear weapons should forget the prescriptions which, unfortunately, have failed us in the past, and instead, join in endorsing the nuclear weapons freeze proposal.

The SPEAKER pro tempore (Mr. Brown of California). The time of the gentleman from Iowa (Mr. Leach) has expired.

THE NUCLEAR ARMS RACE

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New York (Mr. McHugh) is recognized for 60 minutes.

Mr. McHUGH. I thank the Chair.

Mr. Speaker, at this point I yield to the gentleman from Massachusetts (Mr. Markey).

Mr. MARKEY. Mr. Speaker, I thank the gentleman for yielding.

Mr. Speaker, this is truly a historic debate we are conducting today in the U.S. House of Representatives. Not since 1969, when the country was going through the agony of the war in Vietnam, has the House conducted a debate such as the one we are engaged in today.

Thirteen years ago this House talked about a war in a small country in Southeast Asia. Today we talk about global war—a war that would end civilization as we know it.

The subject we are addressing today is the ultimate subject.

We can debate in this Chamber the condition of the economy. But if the silos are emptied, there will be no economy.

We can argue for this social program and that social program. But after nuclear war, there will be no society.

We can have one foreign policy initiative after another. But if the warheads explode the entire international order and structure will be dismembered.

I commend Representatives Jim Leach and Matthew McHugh and the staff of Members of Congress for Peace Through Law for organizing this debate. It is long overdue.

Representatives Conte, Bingham, and I have introduced a resolution in the House calling on the superpowers to freeze their nuclear arsenals and begin cutting back.

So far, 160 Members of the House have cosponsored this resolution. A similar resolution, introduced in the Senate by Senators Kennedy and Hatfield, has attracted more than 20 cosponsors in that Chamber.

But this discussion today is not the result of this resolution. No, this measure is part of a much larger movement gaining strength in the country. That movement has a clear and simple message: Enough is enough. The arms race must be halted before we blow ourselves off the face of the Earth. The nuclear arsenals of both superpowers must be reduced, and reduced drastically.

Why has the public suddenly turned itself toward nuclear arms control and disarmament? Because the public is afraid.

The American people want a strong defense, but they are afraid that the $1.7 trillion arms buildup of the Reagan administration heats up an arms race where nobody wins.

They do not want nuclear war, but they hear talk of nuclear warning shots from their Secretary of State and limited nuclear war in Europe from their President.

They do not want other countries to acquire nuclear bombs but they see nuclear trade policies from the administration that show that proliferation will be none of its business.

All across the country, religious leaders, business executives, lawyers, doctors, college students, and local legislators, to name a few, are organizing to demand a halt to the nuclear arms race.

The one initiative gaining momentum nationwide is the proposal for the United States and the Soviet Union to freeze their nuclear arsenals.

So far, more than a million people have signed freeze petitions.

In California, a compaign is under way to place a referendum on the November State ballot calling for a freeze. The campaign has collected about a half million signatures.

Nuclear freeze groups have sprung up in 43 States and 279 congressional districts. The Massachusetts, Oregon, and New York legislatures have passed freeze resolutions. More than 160 Vermont towns have voted to support the freeze.

These are not people who want the United States to lay down its arms. They are not advocating unilateral disarmament.

They are people with commonsense. They are people who want both sides to stop the arms race.

The Conte-Markey-Bingham resolution is a response to that commonsense appeal.

The resolution calls on the superpowers to halt the arms race.

It calls on the United States and the Soviet Union to sit down and negotiate a mutual and verifiable freeze on the testing, production and further deployment of nuclear warheads, missiles and other delivery systems.

It calls on the superpowers to then begin major, mutual and verifiable reductions in their nuclear arsenals.

Yes, there will have to be some give and take at the negotiating table. Because of differences in both sides' deployment cycles, deciding on how to draw the line on testing, production and deployment and figuring out how to cut back on the weapons will certainly keep the negotiators busy.

Yes, the process of implementing a freeze will be arduous and detailed. But we have no choice but to begin that process. For time is running out. The arms race is getting out of control.

The overkill the two superpowers have amassed defies any rational justification. The weapons States now have more than 50,000 nuclear weapons with a total explosive power equal to 1 million Hiroshima bombs. One Poseidon submarine has enough warheads to cause 30 million fatalities in the Soviet Union, more than it suffered in all of World War II. In Europe alone, the United States has one nuclear weapon for every 50 soldiers. Just 200 of the some 9,000 strategic warheads in the U.S. arsenal would destroy every major city in the Soviet Union.

But now the American public is being told this overkill is not enough. The administration wants to build 17,000 more bombs over the next 15 years.

Both the United States and the Soviet Union are in the process of deploying or producing a new generation of weapons * * * deadly weapons like the Soviet SS-18 and the American MX missile that improve each sides' ability to knock out the other's missiles in a nuclear exchange and will put a hair trigger on nuclear deterrence.

Both sides are taking technological leaps in the research and development of nuclear weapons that will make it more difficult to negotiate arms control treaties.

George Kennan once said that "the nuclear bomb is the most useless weapon ever invented. It can be employed to no rational purpose."

But now we hear dangerous talk from the White House, the State Department and the Pentagon about using nuclear weapons.

We hear talk of waging a nuclear war rationally, of employing nuclear weapons as instruments of foreign policy.

We hear this laughable statement from Mr. T. K. Jones, a Deputy Undersecretary over at DOD, who says that, "Everybody's going to make it if there are enough shovels to go around." His plan is for each American to "dig a hole, throw 3 feet of dirt on top." So "it's the dirt," we are told, "that does it."

We read in the paper today that President Reagan plans to spend $4.2 billion on a program to relocate two-thirds of the American public in case of a threat of nuclear war. Not only would this be a waste of money, such a program would dangerously delude the public into thinking it can survive a nuclear holocaust and win. When the bombs explode, there will be no winners.

While the administration professes that it wants to deter nuclear war, it is pursuing policies and developing weapons that could push us into a nuclear war.

We must now realize that spending more money on more nuclear weapons merely buys us more trouble.

Our resolution has received quite a bit of criticism recently.

That criticism reached a low point with this ad from the College Republican National Committee which is an auxiliary of the Republican National Committee. The ad says, "The Soviet Union Needs You! Support a U.S. Nuclear Freeze."

To imply, as this ad does, that the 160 Representatives who have cosponsored our resolution—22 of whom are Republicans—to imply that they are preaching Moscow's line is an affront to their integrity and intelligence.

To imply that Rev. Billy Graham and Averell Harriman and the more than 300 prominent individuals and organizations across the country who have endorsed this resolution are Communist sympathizers does a monumental disservice to people who are committed to the security of America.

I also wish the administration would expend as much energy stopping the arms race as it has attacking our resolution.

The administration claims that our resolution would freeze the United States into a disadvantaged position with the Soviets.

That is not true.

Each side has advantages over the other in certain weapons systems. But overall, there exists a balance of imbalances between the two superpowers.

When administration critics talk about a disadvantaged position, I would ask them which position they would rather have:

The Soviets? They have no bomber fleet to speak of. Their subs are noisy and easy to detect. And more than three-fourths of their missiles sit in vulnerable land-based silos.

Or would they rather be in the American position? Half our missiles are in invulnerable submarines. More than one-fourth are on intercontinental bombers. And we lead the Soviets in warheads: 9,000 to 7,000.

The Russians are not 10 feet tall. We do a great disservice to our defense posture when we claim we are weaker than the Soviets. The fact is we have more than enough firepower to reduce the Soviet Union to rubble. They know it. We know it. The American public knows it. And it is about time the administration knows it.

The administration claims that our resolution cannot be verified.

That is not true.

A freeze and reduction in both sides' nuclear armaments can be verified so each side be confident that violations affecting our national security would be detected. In fact, verification would be much easier if we freeze now and reduce the stockpiles than if we heat up the arms race and try to negotiate reductions, as the administration proposes. If we have a massive arms buildup, as the administration advocates, we will end up with more nuclear weapons that will be harder to verify when we go to the negotiating table.

The administration claims that our resolution undercuts the negotiations in Europe.

That is not true.

Both the Soviet Union and the United States have been playing to the gallery in their negotiations over a few thousand nuclear weapons in Europe. Meanwhile the question of how we cut back on the 50,000 warheads stockpile worldwide remains ignored. Obviously, the Brezhnev proposal for a freeze in intermediate-range missiles in Europe is inadequate. But instead of rejecting that proposal out of hand, as the Reagan administration has done, we should challenge the Soviets to freeze and reduce all nuclear arms.

Finally, we now hear that the President plans to endorse a so-called freeze resolution in the Senate sponsored by Senators JACKSON and WARNER.

That is not good enough, Mr. President.

The Jackson-Warner resolution calls for a long-term freeze. In other words, it says:

> Let us build just a few thousand more weapons, then let's talk about freezing the arsenals. Let us deploy the MX, the B-1 bomber and ground-launched and sea-launched cruise missiles, then we'll stop.

It is the same old tired line the American public has been hearing from its leaders for the last three decades. Just let us complete the arms race and then we will talk about disarmament.

It will not wash.

The arms race can never be completed. When we build more, they build more. When we MIRV, they MIRV. When we build the cruise missile, they will build the cruise missile. And the arms race will never end.

The American people are tired of excuses. They are tired of being fed this baloney that we must arm to disarm. They are afraid of all this talk from the Reagan administration about nuclear waring shots, about nuclear proliferation being none of our business, and about a limited nuclear war in Europe.

They want the arms race to stop.

□ 1600

Mr. McHUGH. First Mr. Speaker, I want to congratulate and thank the gentleman from Massachusetts (Mr. MARKEY), who has been one of the key initiators and leaders in this effort and who is really doing the country a great service.

I yield briefly to the gentleman from New York (Mr. DOWNEY).

Mr. DOWNEY. Mr. Speaker, I want to commend the gentleman as well. I think for all of the technical arguments that one hears against the freeze, they are far overwhelmed by the initiative to begin a process of discussion and to recognize, as the gentleman pointed out, the pace of technology is far surpassing negotiation, and that we are entering a period where we will have dangerous weapons systems that will put us in a position with the Soviets where they will have to use their nuclear arsenal or lose it in a period of a crisis. That is something that is unconscionable and unacceptable.

I want to add one other point to what the gentleman has mentioned. We have an agreement, the SALT agreement, that limits the number of warheads, that limits the number of launchers. That has been negotiated for 7 years. This is what we should be talking about in conjunction with the freeze.

If we were to ratify SALT and to put it in full force and effect as a treaty, the Soviet Union would be required to reduce by 250 the number of nuclear delivery vehicles that it has. They are aging vehicles, but without SALT, ratification of SALT, they do not have to do that.

I commend the gentleman and the Members who have asked for this special order. It is timely; it is necessary, and the process must begin.

Mr. Speaker, let us not beat around the bush.

If the Reagan administration has its way, there will be no arms control.

Mr. Reagan and his fellow advocates of arms decontrol have been in office for more than a year, and have produced nothing more than hollow hypocritical hype.

Their one purported arms control "effort"—the intermediate-range zero option of last November—was not serious arms control; it was a Madison Avenue propaganda gesture designed for the exclusive purpose of one-upping the Russians.

If the administration produces a fake strategic arms limitation position to go with its fake intermediate arms limitation position, this too will be purely puerile pusillanimous propaganda.

The astounding thing is that everything I have just said is openly confessed by high administration officials. All we have to do is read the newspapers. Here, for example, is the front page of yesterday's Washington Post.

We read there that Ronald Reagan will endorse gradual reductions in nuclear weapons "in an apparent move to ease growing concern about the danger of nuclear war."

We read that administration officials privately told the Post that their main aim is to prevent Brezhnev from scoring a propaganda coup. We read that Reagan wants to counter the polls showing how the American people regard him as insensitive to the dangers of nuclear war.

Mr. Speaker, nothing I can say could condemn this administration more than its own words.

Here we have the most serious problem humanity has faced at any time in its history—the problem of survival in the face of the increasing threat of nuclear war. Here we have the American people finally waking up to the gravity and urgency of the problem. Here we have the American people demanding real substantive arms control to reduce the danger of nuclear war.

And what does Ronald Reagan do? He treats nuclear war as a Hollywood image problem. His openly declared objective is not to achieve arms control, but to con the American people into thinking he is doing it.

Are he and his people concerned that they produce a good arms control plan, one that can lead to an agreement that will promote peace?

No, they are not. They are concerned only that they treat the image of the problem. They are trying to devise a sugar pill so sweet it will fool the patient into thinking it is curing his cancer.

Mr. President, if you are listening, I tell you it will not work. The American people are not stupid. You are about to find out you cannot fool all of the people all of the time, and you are losing your ability to fool a majority of the people any of the time.

Mr. Speaker, let us recognize reality. We have a President who has never supported any arms control agreement. He opposed the test ban treaty, he opposed SALT I and SALT II. He has filled all relevant policy positions with men of similar views. The freeze is a good idea, and I will have more to say about it in a moment. But it requires Mr. Reagan's cooperation to negotiate it and get the Russians to sign it. It requires the cooperation of Caspar Weinberger, Alexander Haig, Eugene Rostow, Richard Prele, and Richard Burt. We have as much chance of getting real arms control out of this bunch as we do of teaching relativity theory to a chimpanzee. If we have to rely on this bunch to negotiate and sign a treaty, there will be no arms control until 1985.

SALT II

Let us look at the price we are paying already.

Let us look at what Mr. Reagan has accomplished by refusing to ratify SALT II.

First. He has given the Soviet Union 250 additional strategic weapons. 250 ICBM's, SLBM's, and bombers. All armed with nuclear warheads. Free.

If it were not for Mr. Reagan, the Soviet Union would by now have blown up 250 ICBM silos, cut up missile submarines carrying a total of 250 missile tubes, cut up 250 strategic bombers, or some combination of the 3.

If Mr. Reagan were serious about arms reduction, he would ratify SALT II. Granted, 250 is not a very large reduction, but it is 250 better than he has been able to get on his own.

Second. Mr. Reagan has thrown away the Nation's hopes for a survivable ICBM. By failing to ratify SALT II, he has given the Soviets license to deploy as many ICBM warheads against us as they like. He has thereby doomed to failure any ICBM basing mode relying on numbers of shelters, and nobody seriously expects him to come up with an alternative. Superhard silos have already been abandoned, the airborne system is a laughingstock, ABM is inherently low confidence, and deep basing is too slow for the current counterforce plans. So Mr. Reagan has no MX basing that will work. He may not know it—he may not even know what MX is—but the Air Force knows it, you and I know it, and the Russians know it.

Third. He has enabled the Soviets to develop and test all the new missiles they want.

Fourth. He has permitted them to develop and deploy equipment for rapid reload of cold-launch ICBM silos. SALT II would have prevented this. Frankly, rapid reload probably would not work in any case, but he has denied us the insurance SALT II would have provided.

I could go on about Mr. Reagan's national security deficiencies, but now I want to say something nice about him.

By failing to ratify SALT II, by seeking arms without end, by talking blithely of limited war, by filling his top slots with dilettantes, he has done the world a great favor.

He has scared the American people. He has scared them strongly and deeply. He has scared the people of Western Europe as well. People who never thought much about the specter of nuclear war are now staring it in the face. They do not like what they see. They are demanding action, real substantive arms control.

I do not think for a minute that Mr. Reagan is going to give them the action they demand, and I suspect this will be his political undoing. Nevertheless, he will have performed a valuable public service by scaring the people into their wits. I suspect history will thank him for it. In any case, I certainly thank him.

THE FREEZE

Now let us discuss the freeze.

Today I am endorsing a bilateral negotiated freeze on the testing, production, and deployment of nuclear weapons.

Since this is not a decision I have made lightly or without considerable thought, I am going to take a few moments to review the arguments for and against and why I have concluded that, on balance, the freeze should have the support of every American who cares about the survival of his country.

Let us begin by considering the positive aspects of the freeze; how it will help national security.

First and most importantly, a testing freeze would lower confidence in the reliability of existing weapons on both sides. This would have only a negligible impact on the ability of either side to deter aggression by threat of countervalue retaliation, but it would devastate the ability of either side to conduct a high-confidence disabling counterforce first strike. Therefore, it would radically decrease the incentive for either side to resort to strategic nuclear weapons in a crisis. This is, or should be, the fundamental objective of all our strategic forces.

I recognize that the stabilizing effect of weapon unreliability is not the most obvious thing in the world, and may run counter to the intuitive assumptions held by many of us. Nevertheless, as a result of my calculations and my discussion with various experts, I am convinced beyond any doubt that low confidence in weapon reliability is stabilizing, and that a freeze on testing would in time produce this low confidence.

Second, a testing freeze would prevent destabilizing new technologies from being brought to the point at which they would be militarily useful. These include depressed-trajectory ballistic missiles, highly accurate submarine-launched ballistic missiles, terminally-guided or satellite-guided reentry vehicles, and highly fractionated MIRV missiles, as well as future destabilizing technologies which cannot yet be predicted.

These two advantages alone make the freeze a strategic planner's dream. Their benefits are so immense they simply wash away any criticism that can be made. Among other things, they enable the freeze to close the window of theoretical ICBM vulnerability, and to do it at zero cost. The Reagan administration, in contrast, plans to spend tens of billions of dollars on ludicrous schemes which in the end will not save the ICBM's and will be abandoned.

Thus, when administration official talk describes the freeze as locking the United States into a position of inferiority, they are simply demonstrating the shallowness of their own grasp of the strategic equation.

Third, a deployment freeze would save considerable sums of money for both sides, particularly in the mid and late 1980's.

Fourth, a freeze would permit more survivable basing modes, including quieter submarines for example, if these become necessary.

DISADVANTAGES OF THE FREEZE

At the same time, the freeze has certain problems we should not ignore. It is these problems which have prevented my earlier endorsement of the freeze.

First, there is verification of a freeze on production. I am dubious that this can be done, particularly in the case of small items including cruise missiles and nuclear warheads.

Second, there is the fact that some new types of weapons, barred by the freeze, are stabilizing. For example, new generation tactical nuclear bombs, which will self-destruct without exploding if a terrorist or other unauthorized person attempts to use them or extract the nuclear material, are preferable to the present weapons which can be used by any technically competent person who gains possession of one. My study of the issues has also convinced me that a small number of other nuclear weapons, including the Trident I missile, the air-launched cruise missile, and the enhanced-radiation/reduced-blast warhead, are stabilizing in that they deter war more than they incite it. All other things being equal, it would be better if these weapons were built to replace older, less stabilizing weapons.

Third, some aspects of the testing freeze may be unworkable and unverifiable. I do not think, for example, that we are going to be able to prohibit flight testing—that is, training flights—of manned bombers. And I am dubious of the verifiability of cruise missile testing.

THE BALANCE

I am not entirely comfortable with the prospect of supporting a proposition with which I am not in total agreement.

I have learned from experience that, while a weapon or a military strategy may be bristling with defects and still survive, an arms control proposal must be perfect to have any hope at all.

I am also afraid that the freeze movement can be co-opted and defused. It is possible, for example, for the Reagan administration to pretend to take up the freeze, and to throw it on the negotiating table intact. When the Russians find some particular aspect of it troublesome, as no doubt they will, Mr. Reagan could then come back to us, say "See, I tried," and happily proceed with his plan of unfettered arms buildup. At this point, however, I must admit that this is unlikely to happen. Mr. Reagan and company are not that subtle. Their response to date has been crude and politically incompetent.

Mr. Reagan has attempted to accuse the freeze sponsors of taking their cue from Moscow. Mr. Weinberger has sought to associate them with gay rights. The fact that our adversaries are driven to such gutter politics should encourage us all. With enemies like this, we have to be doing something right. If you are flying with the eagles, you can expect the chickens to cluck.

If this were the extent of the administration's response, we could simply shrug it off. But Mr. Reagan has gone further. He has rejected the freeze because, he says, it does not go far enough. He says he wants reductions, not just a freeze.

It is tempting to dismiss this argument on the grounds that the total number of people who believe it would fit into a telephone booth. But suppose we take Mr. Reagan at his word. Suppose we say he sincerely wants a reduction. In this case his course is clear:

He can ratify SALT II.

Since he will not do this, we can conclude, without much surprise, that his professed interest in arms reduction is a sham.

We need a freeze. It would do more for the life expectancy of everyone in this room than any other act any nation could take.

We want a freeze. The polls show three out of four Americans favor it. But Congress cannot negotiate a treaty; it has to be done by the President. If we have a President who refuses to do what survival requires, our only recourse is to replace him. We will have to wait 2½ years before this can be done, and I am not sure we will have that long. Perhaps I have something in common with James Watt here, although the big event I have on my mind is somewhat less joyous than the one he contemplates.

In any case, real action on arms control will not begin until 1985, and we have a long hard road between here and there.

But today we have made a good start.

Mr. McHUGH. Mr. Speaker, I yield to the gentleman from Iowa (Mr. LEACH).

Mr. LEACH of Iowa. Before yielding to the gentleman from New York (Mr. KEMP) I would like to make one quick comment and that relates to the quotation of the gentleman from Massachusetts of a newspaper advertisement placed by the Republican College Committee. I would like to stress that this Member and many Members on this side of the aisle do not associate with the particular point of view taken by the Republican College Committee. The freeze issue, as well as arms control in general, is a bipartisan concern.

I yield to the gentleman from New York (Mr. KEMP).

Mr. KEMP. Mr. Speaker, I appreciate my friend from Iowa yielding and also appreciate my friend from New York yielding. I agree with previous statements to the effect that this is a healthy discussion and should not be approached on the basis of either partisanship or hostility.

Mr. BROOMFIELD. Mr. Speaker, will the gentleman yield?

Mr. KEMP. I yield to the gentleman from Michigan.

Mr. BROOMFIELD. Nuclear arms control is the single most important issue facing the world today. The question before us is not whether it is advisable to reduce our nuclear arsenals in a mutual, balanced, and verifiable manner with the Soviet Union, but rather how best can this goal be accomplished. The Reagan administration has started off on the right foot. Their zero option for intermediate range missiles is a solid move toward peace and stability.

Nuclear arms control talks are the most complicated of negotiations. The weapons are highly sophisticated, as are the means of verification. But the negotiations are not a thing unto themselves. In other words, it is not merely a question of balancing Soviet nuclear forces with NATO's nuclear forces. The reasons for possessing various types of nuclear weapons must be considered. For example, it's well and good to generally propose a significant reduction in our arsenals. But how does such a proposal fit in with our overall defensive commitments.

Specifically, would not complete elimination of tactical nuclear weapons in Europe leave our forces vulnerable to the overwhelming numerical superiority of Warsaw Pact conventional forces? Those forces presently outnumber NATO forces by several times in troops, tanks, aircraft, and artillery. Surely a decision to reduce our tactical nuclear forces would require some type of conventional offsetting action by the Warsaw Pact beyond reduction of their own tactical nuclear weapons.

In the strategic weapons area, we must again understand that solutions are not as simple as merely agreeing to a freeze followed by reductions. For example, we now know that our land-based ICBM's are extremely vulnerable to a Soviet first strike. It is this fact that motivated both the Carter and Reagan administrations to find an alternative solution such as the MX missile. We also know that our B-52's are unlikely to penetrate Soviet airspace and deliver their nuclear bombs on their designated targets. The Soviet air defense has improved dramatically in the last decade and is capable of shooting down our subsonic bombers of 1950's vintage. That leaves us with our nuclear submarine forces—the highly effective third leg of the triad.

Now, suppose a freeze were put in place tomorrow. First, that would mean no B-1 bomber to replace the ineffective B-52. Let us not forget that the B-52 suffered great losses trying to penetrate Hanoi airspace 10 years ago. Today, against the Soviets, they would be a joke.

Second, the cruise missile could not be deployed on B-52's since their deployment would be inconsistent with a freeze agreement. Third, I already mentioned that the land-based system is vulnerable. But not to worry, we still have a safe submarine force. Right? Not necessarily. Improved Soviet antisubmarine warfare and electronics may negate our advantage within a few years. If such a breakthrough occurs in this area, which is clearly outside of the nuclear arms negotiations, then our entire triad would be in jeopardy. So, rather than creating a more stable environment in which the prospect of nuclear war is diminished, negotiations could become highly destabilizing if they are not carefully addressed.

The point is that the Congress, while approaching nuclear weapons talks with a commendable objective in mind, has underestimated the complexity of the negotiations. I fully endorse the efforts of my colleagues who wish to reduce nuclear arsenals and lessen the possiblity of war. The problem is that congressional efforts to force a freeze on present systems eliminate the President's flexibility which is needed to address a host of intricate issues and interrelated concerns. To quote a few lines from an article by former Defense Secretary Harold Brown, which appeared in last Sunday's Washington Post, "A congressional endorsement (of a freeze) would carry some major risks. Its effect is to put pressure on the United States, but not on the Soviet Union. It would displace or draw attention away from more specific and effective arms control proposals."

I believe it is not so much a question of which country is marginally ahead by a few nuclear warheads, but how much leverage can the President exert to force the Soviets to make meaningful long-term reductions in a balanced and verifiable manner that will contribute to our longrun security.

In concluding, let me say that such congressional discussions on nuclear weapons reductions are healthy and represent the deep concerns of every responsible American. We must realize, however, that Congress cannot successfully negotiate an arms control agreement with the Soviet Union. Only the executive branch is authorized under the Constitution to do so, and only that branch is in a position to evaluate all of the possible alternatives involved in such an endeavor. By telling the administration what it should and should not do, the Congress would be tying the administration's hands in dealing with the Soviets and wrongfully assuming that 435 Members of the House and 100 Senators, looking at the issues occasionally, are somehow in a better position to assess precisely what the Soviet Union is prepared to accept. Mind you, there is nothing wrong with expressing our general concern over the issue, but it would be wholly inappropriate for the Congress to set forth specific negotiating proposals.

The administration's proposal of a zero option for intermediate range nuclear missiles is a solid move toward peace and stability.

Of course the Soviets have initially rejected it. Since they already have destabilized the balance of power in Europe by targeting 300 S-20's on Western Europe, it is only natural that they would call for a freeze that preserves their advantage. The closer NATO gets to deploying our Pershing II and cruise missiles, the more reasonable the Soviets will become in negotiating real reductions in their SS-20's. A freeze at this time would remove the incentive for the Soviets to make concessions.

One need only observe recent history to understand that the Soviets do not make concessions unless they are forced into it. In the 1960's we proposed that neither side deploy an ABM system. The Soviets scoffed at our proposal and immediately started deploying their own system. Only when President Nixon approved an American ABM system as a counterweight did the Soviets come to the negotiating table. Later, during the 1970's, the Soviets developed and deployed the backfire bomber, several new generations of fighter-bombers, they greatly expanded their nuclear submarine fleet, deployed 300 SS-20 intermediate range nuclear missiles, and deployed a new generate of ICBM's. Clearly the unilateral freeze which the United States imposed upon itself during the 1970's was not reciprocated by the Soviet Union. History demonstrates that unless challenged with offsetting systems in the West, the Soviet Union will seek to obtain overwhelming superiority.

If I can leave my colleagues with one thought, let it be this. The 535 Congressmen and Senators concerned with this issue cannot possibly negotiate an effective arms control agreement with the Soviet Union. While we do have an obligation to the American people to represent their concerns to the President on this matter, we also have an obligation to let our country's negotiators have the maximum opportunity to achieve the best possible agreement they can. To do that they need flexibility.

Finally, I would like to call to the attention of my colleagues the House concurrent resolution I introduced along with Congressman LAGOMARSINO on March 24. The text of the resolution follows. I invite other colleagues in the House to join in cosponsoring House Concurrent Resolution 295.

H. CON. RES. 295

Concurrent resolution, expressing the sense of the Congress that the United States and the Soviet Union should engage in substantial, equitable, and verifiable reductions of their nuclear weapons in a manner which would contribute to peace and stability.

Whereas President Reagan, on November 18, 1981, stated that the United States "will seek to negotiate substantial reductions in nuclear arms which would result in levels that are equal and verifiable";

Whereas the Congress also urged the President to seek at the earliest practicable moment reductions in strategic arms;

Whereas the United States has already proposed to the Soviet Union in Geneva a Treaty embodying dramatic reductions in nuclear forces: Now, therefore, be it

Resolved by the House of Representatives (the Senate concurring), That (a) it is the sense of the Congress that the United States should seek substantial reductions in strategic nuclear arms that will result in lower levels of forces that are equal, verifiable, and stabilizing. To achieve this goal the United States should begin the strategic arms reduction talks with the Soviet Union at the earliest practicable date.

(b) It is further the sense of the Congress that the United States should continue its efforts in the ongoing negotiations in Geneva to seek Soviet agreement to the mutual elimination of longer range, land-based, intermediate-range nuclear missiles.

Mr. KEMP. I thank the gentleman for his comments and agree with the gentleman's comments thoughtfully made.

Mr. MOFFETT. Mr. Speaker, will the gentleman yield?

Mr. KEMP. I yield to the gentleman from Connecticut.

Mr. MOFFETT. Mr. Speaker, this is an important discussion. It is, in fact, the most important kind of discussion that any of us ever have as Representatives.

It was incredible to read in this morning's paper that there are actually people downtown at the Federal Emergency Management Agency that are busily putting together a plan to move up to two-thirds of the American public, in the event of a nuclear war.

In a sense, it is good to have people thinking about the possibility of nuclear war. George Kennan has reminded us that we do not like to think about it, we invent all sorts of rationalizations to avoid dealing with the possibility of destruction because it makes us sick to think about it. But he also points out that not thinking about it is a much more serious kind of sickness.

So while those people downtown may be actually mulling over the possibility of a nuclear war, the astounding thing is that they actually think we can survive it as a people.

It is good to have this discussion, to talk about how close we actually might be to blowing ourselves up.

We must also note, however, that there are just a handful of Members here today. We must admit that this is not unusual in a debate about arms.

How many people take part in actual debates on defense budgets in this body? How many people are usually in the Chamber when we talk about weaponry that is so destructive that it boggles our minds? How many of the 435 Members of the House and the 100 people in the other body actually take a serious interest in learning about the arms budget?

We all know the answer. Most of our colleagues run for cover when a defense budget reaches the House floor. We leave our fate—and worse, the fate of the people we represent—in the hands of what Roszak called the regime of experts, the people who invent weapons and promote them as instruments of peace.

What the millions of people in support of the nuclear freeze are saying is, enough is enough. They are not saying that they all want to be in the negotiating room to hammer out a treaty. They are not saying that arms reduction can be accomplished solely through the freeze campaign. They are not denying that arms reduction is a tricky business, a complicated effort. They are not even saying that we should not in some ways defer to experts in these areas.

But they are saying that for too long the voice of sanity has been muffled. Sometimes you can make this issue too complicated, you can suggest that the average person has no useful ideas about it.

The nuclear freeze campaign is so important because it allows the voice of reason to enter the arms debate. It is also crucial as a confidence-builder for citizens across our country. So many people are turned off, so many people are cynical, even alienated from the system. So many people are saying it is impossible to accomplish anything in the political arena.

The nuclear freeze movement shows that it is possible to get things done. Look at the impact this effort has had already, even on people like Ronald Reagan, who have made a career out of talking tough on this issue, of preaching superiority rather than parity and bilateral arms reduction.

The concern about the arms race is now beginning to overshadow the cold war view that elevates the Soviets to the position of invincibility. It is a foolish, paranoid approach that suggests that the Soviets have such a marvelous machine, that they build things better than we do, that they have built a better war machine than we have. The irony of the hardliners' position is that it pays such deference to the Soviets, it bows down to their technology.

What we are saying, on the contrary, is that the entire world community is losing the arms race. Look at the numbers. In the fiscal year 1983 budget alone. The numbers for the MX, for additional nuclear warheads, for the B-1 bomber.

Our friends who continue to push any and every kind of weapons system should be aware that some of us are not simply going to abstain from debates on arms in this Chamber. Some of us are not going to accept a 43-percent increase in spending on nuclear forces, as we see in the 1983 budget, without fighting it. Some of us are not prepared to sit silently by while a 6-year, $222 billion program to enhance our nuclear war fighting capability is rammed through this Congress.

This is not something that represents stability. This is not something that can be called hope for the future. But we will not win our battle to get the superpowers into serious arms reduction talks unless we move on all fronts.

It is nice that a few of our colleagues are here today talking about this issue. But it is my hope that they will also be here when defense budgets are considered. We need to get the defense debate on the level, get it to where it is on the merits, not based on some hysterical view of what the Soviets are or are not doing. We need to push the Armed Services Committee and the Appropriations Committee to face the issue of arms squarely, not to suggest to us that we are threatened on every front, by every weapon that is developed, by every move the Soviets make.

There is much to be done to avoid destruction of the planet. This might be a good beginning. It is an enlightening and useful discussion. Or it might just be another late afternoon colloquy among well-meaning Members of this body that results in no policy changes.

Mr. KEMP. Mr. Speaker, as I said a bit earlier, I think this is a healthy dialog. It is important to debate this issue. There are many sincere and honest people who are deeply concerned about the risks of nuclear war, who share the concern of the gentleman from Iowa (Mr. LEACH) and the gentleman from New York (Mr. McHUGH), and who want to participate in this debate and dialog. It need not be hostile and it can be, I think, helpful to the American people.

To that end I would like to take part in the debate. I appreciate so much the courtesy of the gentleman from Iowa in alerting me to what is happening today, his personal call to me, and his deep and abiding concern about peace and mutual and verifiable reductions of arms.

I have and share that same goal for this country and for the world, and it is to that end that I address myself briefly in this debate.

Let me say as I begin that I have sat here on the floor throughout the whole discussion so far. I listened to our distinguished minority leader, BOB MICHEL, talk about this issue. He made same rather strong and cogent statements, with which I generally agree. He said in calling me a little bit earlier, that he wanted to make it very clear that he has endorsed the resolution that was introduced by Mr. CARNEY of New York, which I think in the other body is called the Nunn-Warner-Jackson resolution. As the gentleman from California (Mr. McCLOSKEY) pointed out a little bit earlier, there are different approaches under consideration, and it is important to distinguish among them.

So BOB asked me if I would for the record make sure that the record reflects that he endorses the language of the gentleman from New York (Mr. CARNEY) and Nunn-Warner-Jackson. He does not endorse the language of the Conte-Markey resolution.

But he, as do I, appreciates the efforts made by the Members on the floor in bringing this to a debate.

Mr. McCLOSKEY. Mr. Speaker, will the gentleman yield at that point for a question?

Mr. KEMP. I will be glad to yield.

Mr. McCLOSKEY. I value the gentleman's approach because it seems to me the subject is so important that we would benefit if we could tone down the antagonism between the administration and perhaps some of the remarks made by the gentleman from Massachusetts (Mr. MARKEY).

As I understand this resolution, it does not seek to intrude on the administration's current negotiations with the Soviet Union with respect to either the emplacement of missiles in NATO or forgoing that replacement.

Before I try to interpret the remarks of our minority leader, Mr. MICHEL, to that point, let me ask the sponsors of the resolution, if I may, because it could very materially affect my own views: Is it not correct, if the gentleman will yield for a question to the sponsors, is it not correct that this resolution seeks to do no more than to "decide when and how to achieve a mutually verifiable freeze on the testing, production, and further deployment of nuclear warheads?"

Is that not the plain language of the resolution?

This does not seek to inhibit the administration's negotiations at the present time, does it?

Mr. McHUGH. Will the gentleman yield?

Mr. KEMP. I yield to the gentleman from New York.

Mr. McHUGH. No, it certainly does not.

Mr. McCLOSKEY. I thank the gentleman.

Mr. McHUGH. We all support negotiations. The real question I think is, is there a meaningful commitment, and we certainly hope there is. But certainly this effort is not designed in any sense to inhibit negotiations.

Mr. McCLOSKEY. I thank the gentleman.

I will not take any further part of the gentleman's time. But in that context, it seems to me the House today is performing at the very highest of our obligations to the American people in that we are not waiting for specific votes to react to; we are discussing a long-range effort on the part of the Congress and the entire Government of the United States to move toward a mutually verifiable freeze.

As I understand the resolution, there is no need for recriminations on either side on this point about the administration's goals.

Mr. KEMP. The gentleman from California and I agree on that. I appreciate the gentleman's comments. But it is my impression that House Joint Resolution 433 does intrude somewhat on the President's efforts, and it is to that end that I intend to make some remarks.

The President said on March 16, 1982, that—

> To preserve peace, to insure it for the future, we must not just freeze the production of nuclear arms, we must reduce the exorbitant level that already exists.

My problem with the resolution is that it implies that the first goal should be to immediately freeze forces at existing levels, rather than to immediately begin negotiation toward a reduction in armaments. If we were to pass this resolution, we would be ordering our strategic arms control priorities to seek a freeze first, and only then seek reductions. I believe that such a course, far from making us more secure, would endanger peace.

The resolution also calls for a halt to the nuclear arms race. I agree with this objective. We want to halt the race. But, as has been pointed out by the minority leader, that race has been rather one-sided for the last 10 years. The United States has stopped racing while the Soviets have pressed on. Some of what this President is attempting to do is to repair the damage that has been done to our negotiation posture by allowing this one-sided arms race take place over the past 10 years. I remember President Kennedy saying one thing pertinent to this debate.

□ 1615

He said there is one thing worse than an arms race, and that is losing it.

That is not just a cliche.

While we, virtually froze our weapons buildup in the 1970's, the Soviet Union did not freeze, they did not match the unilateral restraint of the United States. They built and expanded and deployed and produced and did the technological research and development that, frankly, puts this country in somewhat of a precarious position, an imbalance that would be perpetrated by a weapons freeze today.

It is to that concern that I would speak today, again absent, hopefully, the rhetoric of inflammatory statements. And I again want to state that I appreciate what is being done here today.

Let me make one other general historical reference. It was in 1949 when Mr. Winston Churchill spoke at MIT. He pointed out that, in the face of the Nazi onslaught and in the face of the growing threat from the Soviet Union, which had consolidated its military occupation of Eastern Europe in violation of the agreements after the war, it was only the deterrent effect of the United States possessing an atomic bomb that kept the Soviet Union from moving throughout the length and breadth of Western Europe.

The fact is that the United States has built nuclear weapons for one reason only: to deter war and preserve the peace. Hopefully, they will sit on their launchers ad infinitum, because the measurement of the utility of a nuclear deterrent is that it is never used.

It seems to me that we have a responsibility to put this debate in perspective, and not tell the American people or especially the young people in this country that their peace has been won simply out of the munificence of the Soviet Union over the past 35 years. I think you could safely say that despite all of the mistakes we might have made in foreign policy, and despite the gap that exists between the promise of this country and the performance of us frail, human, political leaders on both sides of the aisle the strength of this country has been responsible for the peace and freedom we have known. And in this effort, our country has set a remarkable record of trying to hold out a hand of negotiation and a hand of friendship, if you will, to all those who are interested in joining us to work toward those goals.

To the extent that this debate contributes toward that end as well, I welcome it most warmly. But all that some of us are trying to suggest is that we ought to slow the rhetoric down a little bit, and look at specific proposals in more measured terms. To the extent that I am not measured in my comments, I will now yield to my friend, the gentleman from Massachusetts (Mr. MARKEY) to remind me of some of my hyperboles.

Mr. MARKEY. Well, I think that nothing is more inflammatory than to leave the impression on the minds of the American people that in any way the Americans are weaker than the Russians. I think there is a misconception among many in this country, and it has been only because of misrepresentations that have been made over the past 10 years that we, in some way or another, are seriously disadvantaged by our signing of SALT I. In fact, that is not true at all.

In the 1970's we outproduced the Soviets in numbers of warheads by 1,000. In the decade of the 1970's, we modernized each leg of our triad significantly, including the Poseidon and the Trident SLBM's; we added SRAMS to our B-52's, plus we made other major improvements in our B-52's. We introduced the Minuteman III's. We added the new Minuteman III warhead and the MK-12. We also put 3,000 more warheads on submarines than the Soviets did. In addition, the real problem here is that the weapons we are building now have a destabilizing effect, not the stabilizing effect that the nuclear arms race might have had in the past suggested.

Mr. KEMP. From the gentleman's perspective that might have been the case. The gentleman is a decent, patriotic, able proponent of the freeze. Since I just have a few minutes—and I do not want to trespass any further on the time of the gentleman from Iowa—let me just state my case and then the gentleman can answer it in due course. But I listened to the gentleman from Massachusetts. And, frankly, I would disagree. The only production line of an existing free world land-based ICBM was the Minuteman III, and that was unilaterally stopped in 1977 or 1978, while the Soviets went ahead and continued five full production lines of land-based ICBM's.

The Soviets are currently producing Backfire bombers at the rate of 30 per year, while our present bomber force consists of B-52's of 1950's vintage technology. The only bomber modernization program we developed was canceled by the previous administration—and fortunately revived by President Reagan. Moreover, according to the most recent DIA assessments, the Soviet Union over the past decade outproduced the United States in almost every category of weapons, strategic and tactical, by a 3-to-1 margin. While the U.S. defense budget over the decade of the seventies steadily declined as a percentage of GNP, the Soviet Union has been pushing military spending to the limit, forcing major sacrifices in the domestic sector to accommodate their unprecedented buildup.

The gentleman has also argued that we seem to be roughly at parity today in strategic terms so that maybe the freeze could be afforded. I think the facts are otherwise.

A study commissioned by the Defense Nuclear Agency in 1978 showed that at the time of the Cuban missile crisis, of the 41 indices measuring relative strategic force strength, the United States was ahead in every single index, and in most by a wide margin. By the time of the study, the United States was behind in 33 of those 41 indices, and the study projected that, given current trends, the United States would be behind in every index by the early to mid-1980's. That is a remarkable reversal of strength over a relatively short time period.

These analyses have been confirmed by numerous independent studies. The one index where the United States is still regarded as in the lead, as the gentleman rightly pointed out, is in numbers of warheads although even here the trends are against us. But here we are in the lead only if we follow SALT II guidelines in counting warheads; that is, if we omit from our calculations Soviet warheads carried by Backfire bombers, and all Soviet ICBM reloads. If these weapons are added in, the totals would favor the Soviet Union.

Moreover, we should recognize that total warheads as an indicator of relative strength is highly misleading, in large part because while we have concentrated on developing many small warheads, the Soviets have concentrated on producing fewer numbers of very large ones. If instead we look to more revealing measures, such as equivalent megatonnage or total destructive power, the Soviet lead is clear.

I have heard it argued that it is acceptable for the Soviet Union to possess more powerful ICBM's or submarine-launched ballistic missiles than we do because of our advantage in the numbers of warheads and accuracy that we have.

Well, 10 years ago that argument may have had some credence, but not necessarily today. The Soviet throw weight advantage has grown proportionately greater over the last decade while the U.S. advantage of 10 years ago has almost evaporated.

A freeze, it seems to me, would amount to relegating the United States to a position of inferiority.

There can be no doubt, at least in my mind, that the Soviet Union might exploit the passage of a freeze resolution as a sign of our willingness to take steps unilaterally right now that might undercut the negotiations that I believe that the President wants to conclude. I am willing to discuss this point and, to that end, I yield to my very good friend and distinguished colleague, the gentleman from Iowa (Mr. LEACH).

Mr. LEACH of Iowa. Mr. Speaker, first I would like to congratulate the gentleman for his extensive review of both history and perspective. But I would caution about the usage of the term "position of inferiority." If we were considered inferior at this time, it would be the equivalent of two people locked in a room engaged in a duel to the death, one having 50 pistols and one having 5,000 pistols. It does not matter. Someone is going to be killed with one pistol. You do not need 5,000.

But the fact of the matter is, we are at the point of such significant overkill and redundancy that this world can well afford a freeze.

Now, with regard to the freeze, I think the gentleman makes an excellent point and a point that the President of the United States makes, that he is not only willing to consider arms control, but actual arms reductions as in the interest of the United States and the world community at large, and for that he is to be definitively congratulated.

With regard to the freeze, however, it should be stressed that this movement for a freeze is a very restrained movement.

Mr. KEMP. It is.

Mr. LEACH of Iowa. I happen to believe very firmly that Mr. Kennan may well be right, that what we ought to be talking about is a 50-percent reduction in nuclear arsenals.

Mr. KEMP. Well, I too am for reductions, but reductions to equal, not unequal, levels.

Let me get my time back. The gentleman has really touched a raw nerve. Why are we not talking about supporting the START talks? Why are we not talking about reducing nuclear weapons, as the President has, and give him a chance?

Now, the statement was made a little bit earlier that we want to make sure that the President is sincere in approaching strategic arms control. But it seems to me that sincerity might also be measured in this resolution. I think the President is attempting to bring about a series of talks and negotiations at Geneva which will eventually move toward the goal that the gentleman and I share for this country; less risk of nuclear war, a more peaceful solution of our differences and a reduction of those armaments.

But I would suggest that the history of negotiations with the Soviet Union provides enough empirical, historical data to at least caution us to be very careful in assessing the prospects for Soviet reciprocity in arms control efforts.

I know it is not the intent of the gentleman from Massachusetts or the gentleman from New York or the gentleman from Iowa to do anything unilaterally, because they have very carefully defined the fact that they want this undertaking to be mutual and balanced and verifiable. Those are the three operative words with which I agree. My problem with the resolution, as I said in the beginning of my remarks, is that it seeks as its very first goal the arms control objective of a total halt.

If we were to arrest at this point the attempt by the United States to repair what I perceive, along with many others including the distinguished minority leader, to be a destabilizing weakness in our strategic force posture that have developed over the last 10 years, then I would hold out no hope for arms negotiations with the Soviets to be forceful.

For instance, one example, quickly, is the ABM Treaty. I do not think there is any Member in the Congress today who does not recognize that the ABM Treaty was a result of the willingness of this country to sacrifice real capability in the hopes of promoting arms limitations and that one-vote Senate victory back in 1971 gave the President an ability to negotiate an ABM Treaty. But if you look at what has happened in the Soviet Union, they have stretched the ambiguities in the ABM Treaty to its limit, to a point where today I think you could say the breakout capability of the Soviet Union for a ballistic missile defense system, vis-a-vis what we have done in our country, which is literally holding the population of the American people hostage to the first strike capability of the Soviet Union, is a very dangerous asymmetry that is not yet addressed in this resolution.

One other problem I have, JIM, with this resolution: It does not address a very serious asymmetry that exists with regard to conventional forces.

I said to my friend, the gentleman from California (Mr. MCCLOSKEY): "What would we do if there were absolutely no way of offsetting the huge number of tanks, the huge number of Warsaw Pact country armies poised on the border of Western Europe? What would we offset it with?" What do we offset the SS-20 with in Europe? The Soviet Union has displayed 315 SS-20 missile launchers, with at least one reload per launcher, and three warheads per missile, aimed at our allies and friends in Western Europe. What are we going to do? Are we going to freeze that in place? I am not suggesting that this automatically discounts the effort that the gentleman from Iowa is making, but I think they are questions that should be raised.

Mr. LEACH of Iowa. If the gentleman will yield, there is one other minor point. The gentleman makes a number of very valid observations. And I would only stress that the nuclear freeze proposal of Mr. MARKEY and Mr. CONTE is only one of a number of resolutions. The gentleman from Tennessee (Mr. GORE) has a very instructive approach, and the gentleman from Iowa (Mr. BEDELL) has an approach that I think is worthy of serious attention by this body. It is our effort today to address a wide sweeping number of proposals, some of which may have more appeal to the gentleman from New York.

Mr. KEMP. Well, let me say to my friend, the gentleman from Iowa, I talked to Mr. GORE—and I realize there is impatience with this colloquy—I talked with the gentleman from Iowa, I talked with the administration, I talked with our minority leader and, frankly, I will say again that I think that this is a healthy debate we are pursuing.

Let me just make a couple of comments and then I will stop.

□ 1630

The concept of a freeze is not necessarily new. The United States actively tried to get the Soviet Union to agree to a freeze during SALT I when the U.S. and Soviet Force levels were roughly equal. At that time, the Soviets refused to agree to a freeze. They chose instead to pursue an enormous, very costly arms buildup in the 1970's.

Over the same period of time, the U.S. defense efforts—as I mentioned a little earlier—by any index, lagged badly. In the last decade, according to the Secretary of Defense, the Soviet Union outspent the United States by $450 billion in military investment alone. The improvement that they made in their strategic weapon delivery capability now jeopardizes the survivablity of strategic systems we once thought were secure.

Now that President Reagan has proposed a strategic modernization effort to redress the deficiencies, now that the Soviets have had a decade of massive military buildup behind them, now that they are ahead, frankly, in many areas of nuclear and conventional capability, Leonid Brezhnev says that now the Soviet Union is prepared to accept a nuclear weapon freeze. Let me say, I am not suggesting that the gentleman from Iowa or the gentleman from New York is buying the Brezhnev line. Sorry to even bring it up. But he has suggested that a weapon freeze would be good for his country at this point. I think that we must first make sure that our good intentions do not lure this country into a position of inferiority thereby precluding us ultimately from reaching the goal that the gentleman from Iowa would like to see, which is to reduce armaments and to bring about a more stable nuclear balance in the world.

I know that there are many in the United States who believe that the Soviet Union is genuinely interested in fair and equitable arms control agreements. We have had about a decade of negotiating with them and, frankly, as a past congressional representative at the SALT talks—not that I am an expert, but I have sat in several sessions in Geneva—I have never found a more disingenuous set of negotiators than those from the Soviet Union.

We should not gamble away the defense of the United States and the attempt by this country to prevent a nuclear war on the good intentions of the Soviet Union.

The gentleman from Illinois (Mr. MICHEL) pointed out that if we were to freeze weapon production now, we would end up canceling our MX, B-1 Trident, Trident D-5 missile, and the C-3I modernization programs, among others. We would we perpetuating some of the vulnerabilities in our forces and conceding strategic dominance to the Soviet Union, all in the hope that sometime in the future, they would be willing to join with us in arms reductions.

Twenty years ago this month, President Kennedy warned against trusting the Soviet commitment to arms control, saying to us, "We know enough now about broken negotiations by the Soviet Union—secret preparations and the advantages that they gain from a long test series—never to offer again an uninspected moratorium."

It seems to me that the events in Afghanistan and Poland and Ethiopia and Angola and Soviet involvement in Central America and elsewhere in the world, should be telling us something about with whom we are negotiating, and should instill in us a sense of caution.

As I have said in the beginning of my remarks, the President wants, I believe, to preserve peace, to insure it for the future, and says that we should not just freeze the production of nuclear arms—we should be reducing them.

I agree with him. I believe that rather than freezing existing inequities, we should concentrate all of our efforts in achieving strategic arms reductions to equal verifiable levels. We should seek an agreement that will reduce the nuclear arsenals on both sides to equal levels in a manner that would promote stability and reduce the risk of nuclear war, and to the extent that this debate may contribute to that goal, I commend my friend from Iowa and my friend from New York and thank them for their indulgence.

Mr. McHUGH. Mr. Speaker, I yield to the gentlewoman from Maryland (Ms. MIKULSKI).

Ms. MIKULSKI. I thank the gentleman from New York and the gentleman from Iowa for conducting this special order.

I support a nuclear freeze and the concomitant verification demands that are implicit in it.

However, my comments today are limited very briefly to certain points. My concern about the whole discussion of a nuclear arms race and nuclear weapons as a deterrent is that implicit in that, as the administration has framed the debate, we now believe that a nuclear war is not only thinkable, but that it is manageable. That is erroneous and dangerous.

A nuclear war is grim, grizzly, and ghoulish, and I do not believe that we have the so-called management plans in place to deal with any kind of nuclear incineration of this planet.

To that end, I call upon my colleagues in the Congress—those chieftains of the Congress who chair full committees and subcommittees—to conduct hearings appropriately on what are the implications of nuclear war for their respective areas.

I call upon the gentleman who chairs the Agriculture Committee to hold hearings on where would the food come from, who would have the food, and who would distribute it?

I call upon my colleague who chairs the Health Committee to hold a hearing on the nuclear implications or the medical implications of nuclear war, how would we treat the sick, how would we treat the wounded, where would the doctors come from?

I would call upon my chieftain, the gentleman from New Jersey (Mr. RODINO), who chairs the Judiciary Committee, to in effect say, who will provide the law, who will provide the order in such terrible chaos? And I think this Congress needs to hold an enormous multi-committee teach-in to show that there is no way that we could manage to survive in the event of a nuclear war.

To that end, I support the freeze because I do not want to die, I do not want my nieces and nephews to die, I do not want anybody in this country or on this planet to die, and that is the direction we are heading in.

Mr. McHUGH. I thank the gentlewoman for her remarks and suggestions.

Mr. Speaker, I yield at this point to the gentleman from Tennessee (Mr. GORE), who has presented the House with his own thoughtful proposal.

● Mr. UDALL. Mr. Speaker, I join today with my colleagues in this special order. I do so because I think we are drifting without direction in the area of arms control. The Markey-Conte resolution in the House, comparable to the Kennedy-Hatfield resolution in the Senate, seeks to give national direction to our arms control policy.

The Markey-Conte resolution can foster the kind of climate necessary for successful negotiations. It does not bind the President's hands. It just gets the process moving.

A bilateral freeze reins in the arms race until we can see what we and the Russians can agree to farther down the road. Simply having more of everything is senseless, and it is dangerous.

This administration's cold-war rhetoric jeopardizes many shared goals in the NATO alliance—cost-sharing, modernization, troop level reductions, and so forth—goals that can reduce the burden on *our* taxpayers and *our* economy.

I support the Zablocki resolution for the same reason. A halt to the arms race can help our defense in two ways. First, it restrains our Soviet rivals, allowing us to reduce tension and manage the arms race. Second, an arms limitation treaty reduces the burden of nuclear programs on our budget and our economy.

A former colleague, Stuart Symington, was the first Secretary of the Air Force and a great advocate of arms control in the Senate for many years. He said that a strong national defense comprised three things: A capable military, a strong dollar (that is, a strong economy), and the faith of the people in their leaders. Military strength, alone, is not enough.

The people of Arizona are fairly conservative, Mr. Speaker, and they have written in large numbers all year long, calling for balanced leadership and a more effective defense, not just a more expensive one. I share that view. The people of this country are not sure whether this administration is serious about arms control, or in peace in El Salvador, for that matter. Most people feel we are racing uncontrollably toward an Armageddon, a showdown, and they do not want that.

From Thomas Jefferson to John Kennedy, our leaders have believed that our human problems can be solved by our best efforts. It is time for this administration to give its best efforts for peace. Such efforts require courage and self-confidence, but I believe the American people have such courage and self-confidence.

Let us get on with the business of limiting an arms race that no one can win. The arms race is not a race to be won, but a race to be ended.●

Mr. GORE. Mr. Speaker, I would like to commend the gentleman from New York and the gentleman from Iowa for their foresight and thoughtfulness in arranging this discussion tonight.

Mr. Speaker, I would also call to the attention of my colleagues another in a series of breakfast sessions by the Library of Congress Congressional Research Service this Thursday morning to discuss initiatives in arms control, including the freeze proposal. This Thursday morning at 8 o'clock.

General Rowney, chief negotiator for the administration, and Spurgeon Keeney, an expert from the last administration, will both be present.

Mr. Speaker, a week ago yesterday, I engaged in a special order on this subject to present a proposal that I have tried hard to perfect and have advanced after 14 months of work as a member of the Intelligence Committee and as a concerned Member of this body in trying to learn more about the Nation's dilemma and our options.

I have listened to the debate thus far and I found it very interesting, and I would just express the hope that we not get bogged down in a symbolic battle over resolutions that contain words of art and nuances that some people hear and others do not, because really I think Members on both sides of the aisle, on all points along the ideological spectrum, share the belief that humanity is moving toward an unacceptable situation and that those in the nuclear freeze movement—I think 80 percent of them, 90 percent of them—are saying very simply, please, let us get moving on some meaningful arms control talks; let us not do anything that is going to put this country at a crazy disadvantage and enhance the prospect of war, but let us have some meaningful discussions on arms control.

I really think that is the spirit in which this special order is engaged in and let us elevate the sense of urgency, let us heighten the sense of urgency about this problem.

Mr. Speaker, it is clear that we have reached a critical juncture in the nuclear arms race because of the fact that millions of Americans have joined this movement, because of special orders that our colleagues have asked for this evening, and there are other indications as well.

Just this week, the Armed Services Committee in the other body has decided to indefinitely defer production and deployment of the MX missile due to lingering confusion over its survivability and its strategic role.

I think that these events are all related. The dangers of nuclear war, the apprehension of our people and the complexity of our next move in the arms race have all been increased dramatically because of the introduction of a new kind of weapon, the counterforce weapon, highly accurate ICBM's with multiwarheads, independently targetable, that are theoretically capable of a first strike against the nuclear forces of an adversary.

The ill-fated racetrack plan, to hide the MX missile, on moving railroad cars, was the first concrete indication that average citizens were in fact correct in perceiving that the arms race had reached a new plateau of insanity.

Having rejected that scheme, however, the new administration is evidently at a loss on how to proceed either with a new counterforce weapon that is survivable, or with a proposal at the START negotiations.

I have proposed a course of action which attempts to address simultaneously the counterforce dilemma of our country and the goals of the nuclear freeze movement.

I proposed a modified freeze followed by selective and synchronized reductions designed to close the window of vulnerability through arms control.

Specifically, in my opinion, we should first propose a modified moratorium on anything that can increase the threat to land-based ICBM's of either country. Primarily this would mean no more land-based MIRV's or multi independently targetable reentry vehicles, and no special efforts to increase the accuracy of those already in existence.

Today, the Soviet Union already has so many warheads on their MIRV'd ICBM force and the accuracy of these systems is such that they are theoretically in a position to destroy a large proportion of the U.S. ICBM force as well as our bomber bases while using only a fraction of the Soviet ICBM inventory to do so.

Of course, our submarine force is invulnerable for the time being. It may not always remain so, however.

As of now, the United States is not in an equivalent position insofar as the counterforce threat to the ICBM's of the Soviet Union, but the Soviets know full well that we soon will be.

The MX, when and if deployed, would be a counterforce weapon, a "silo-buster," so to speak. But even if the MX was never deployed, the Trident II or D-5 missile to be placed aboard the new *Ohio* class submarines would pose an identical problem.

The Soviets, who unlike us, have 80 percent of their warheads on ICBM's would then be faced, will then be faced, with a threat to almost all of their strategic forces.

That gives them an incentive to engage in this kind of agreement that I am proposing.

Mr. Speaker, unless we act, the situation we are heading toward is one in which each side will have so much to lose, if it hesitates, that both will be forced to keep their nuclear forces on a hair trigger alert.

Of course, one false move in a crisis could be our last.

During this proposed moratorium, in my opinion, we would need to have a hedge against the failure of subsequent negotiations which should begin immediately. In my judgment, development and testing of the MX and D-5 missiles should continue, although with the intent that their deployment should be rendered unnecessary by means of United States and Soviet reductions.

In other words, the MX would remain on the shelf where the Senate committee has just put it. Then reductions should aim straight at the vulnerability problem.

□ 1645

We should seek the step-by-step dismantling of the MIRV'd ICBM's of both sides. Assuming that ICBM's, in some form might remain a necessary evil, however, we should arrange to convert to a new, less destabilizing type: Specifically, an ICBM with just one warhead. At the same time, overall totals of strategic launchers, that is, ICBM's, SLBM's, and heavy bombers, must be held down. A reasonable number, in my judgment, would be the lowest level agreed to in SALT II, 2,250 systems. Reductions would have to be carefully synchronized and take place in an agreement of extended duration so as to remove the arms control process as much as possible from the turbulence caused by our Presidential politics.

There are many different ways to accomplish such reductions and to adjust strategic systems on both sides. I have published in the CONGRESSIONAL RECORD of March 22, a detailed illustration of one such approach. It is carefully synchronized. It gives neither side an advantage. It gives advantages to both sides. The calculations that are included in that statement, and I invite the guidance of my colleagues, if you agree, I would like to place these calculations in the RECORD at the conclusion of this statement.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Tennessee?

There was no objection.

Mr. GORE. These calculations prove to me, first of all, that the United States and the Soviet Union can make this transition without increasing the risk of surprise attack.

Second, that once completed, the deadly arithmetic of a "first strike" no longer works out for either side.

Third, that although the number of nuclear warheads remaining on each side would be substantial, they would be less than half the number that were anticipated under SALT II.

Now, I say to my colleagues, and particularly my colleague, the gentleman from New York, who spoke a moment ago, that this would accomplish a 50-percent reduction, not from present levels, but a 50-percent reduction below the levels contemplated in the SALT II agreement.

Also, this approach deliberately leaves great flexibility for each side to redesign its overall nuclear force if it wishes to do so. The familiar "Triad" of land, sea- and air-based systems could be maintained, or there could be a shift to new forms of launchers with characteristics that protect us against the reappearance of the vulnerability problem; and, of course, both sides would be in a better position to continue the arms control process.

Mr. Speaker, for many years, the arms control issue was the domain of specialists. Its confirmation into a popular issue is creating a new challenge for political leadership; but the old responsibility for careful deliberation remains. We should focus the growing mandate for arms control on an achievable result that would do the most to diminish the chances of nuclear war and create the stability and momentum necessary for greater progress later on.

In my judgment, we have entered a "window of opportunity" that will close if we do not act.

Mr. Speaker, I would like to insert additional comments at the conclusion of my remarks.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Tennessee?

There was no objection.

Mr. GORE. Mr. Speaker, the failure of the SALT process has often been attributed to extraneous events. For example, many now say the Soviet Union's invasion of Afghanistan made it impossible for the Carter administration to submit the treaty to the Senate.

But in a larger sense, the SALT process may be said to have failed even without help from the outside. It was clear that the treaty, whatever its merits or demerits, had no broad constituency in our country. True, it had a number of lukewarm supporters, who were prepared to argue that it was better than nothing, but it had very few who were really willing to go to the mat for it. Certainly the people who have always distrusted arms control and who want to try to buy and deploy our way to safety did not like it, and even the arms controllers themselves were unenthusiastic.

The treaty we and the Soviets had devised certainly would have limited strategic arms, but only at enormously higher numbers of weapons. By the time we and the Soviets would have reached levels of deployed strategic warheads, as permitted by the treaty, the United States would have gone from about 8,946 in 1980, to approximately 13,438 in 1989, and the Soviets from about 7,273 in 1980, to approximately 15,560 in 1989.

Now we have a new administration which wishes to greatly accelerate the rate at which the United States deploys new strategic weapons, which is manifestly doubtful about the value of arms control for national security, and which appears to want to dangle prospects of arms control mainly for purposes of linkage and leverage against the Soviets.

As a result people all across this country are becoming alarmed. They see on the one hand rhetoric about arms control, and on the other hand, massive real resources going into programs for new weapons. They are concerned that the direction in which we are headed is only too clear; an unlimited, ungovernable competition with the Soviet Union to build new strategic weapons; vast sums expended for what would in fact turn out to be diminished safety in the world.

This foreboding is the stuff of which grassroots movements are made. From the vantage point of the Congress, we can already see that arms control is in fact moving fast into the political arena. The conventions and concerns of "academic" or "professional" arms controllers—their appreciation for the niceties and nuances—are not likely to make much of an impression on the kind of debate we seem to be heading into.

There are calls for dramatic and allegedly simple solutions—total freezes, drastic reductions on fixed timetables, and the like—which have become the program of an emerging political coalition in this country. To an extent, this is a positive development: The people are telling their Government to get moving with meaningful arms control discussions. But there is also a danger that reasoned consideration of this country's real security needs will be impatiently overlooked and that important factors about how the real world operates will be blithely ignored.

Recently, numerous Members of the House and Senate sponsored a rather carefully worded resolution, which calls for a lot of changes in our approach to arms control. That resolution apparently means quite different things to different people; to Members who supported it, and to the public at large.

We owe the people an effort on our part to think carefully and deeply about the implications of such proposals, to advance suggestions as to how, in detail and in practice, we might actually shape a new program for strategic arms control.

For the past 14 months, since being assigned to the Intelligence Committee, I have worked hard to develop an understanding of our dilemma and our options. In a long series of briefings with arms control experts and in a series of breakfast seminars on this issue which I have sponsored with the Library of Congress, I have developed the conviction that this problem is not a Gordian knot. It can be solved with patience and understanding and commitment. And of course, it must be solved.

What I am submitting has been developed with the assistance of individuals at the Congressional Research Service and other experts in and out of government. I wanted to know whether it was possible to get at the single most important strategic problem we have—the vulnerability of land-based ICBM's—by means of a vigorous and innovative arms control concept. I wondered if we could somehow focus our efforts on this problem, and I stipulated the conditions to be respected in the detailed analysis.

The objective would not be reductions per se, although this was an important consideration—but reductions of those systems which contribute the most to strategic instability, and to the risk of nuclear war by reflex, rather than on purpose. This meant doing something drastic about one particular system: land-based, MIRV'd ICBM's. My suggestion was to explore what would happen if both sides agreed to get rid of such ICMB's, replacing them with new single warhead ICBM's on both sides. If this could be done, without at the same time disturbing the strategic balance at some other point, we might emerge with more stable and secure arrangements—but not at the cost of deploying enormously costly mobile systems, or an ABM system to defend them.

I am now convinced that we could indeed accomplish these objectives, and that we could do so with a modified "moratorium" in selected areas and actual reductions in other areas. Here is the outline of the proposal:

First, a moratorium for 4 to 5 years, during which each side would agree to do nothing that would add to the number of deployed, MIRV'd ICBM's, or to increase their accuracy. During this time, however, both sides would be able to continue research and development of certain new kinds of weapons: a step which we have to take as a hedge against the collapse of efforts to negotiate the vital second phase of reduction with the Soviets.

Second, an agreement which would begin a prolonged readjustment of strategic forces on both sides. At the end of this period: first, neither side would have MIRV'd ICBM's, though they would have deployed new single RV ICBM's in equal numbers; second, no other system—such as the SLBM—would have been deployed with hard target characteristics; third, overall numbers of deployed launchers and weapons would have declined substantially; fourth, the process of adjustment for both sides would be prolonged so as to be realistically in tune with replacement cycles for existing weapons—allowing each side time to amortize their expenses in deploying those weapons, and to make the necessary changes in the shape of their overall strategic deterrents.

As a direct consequence of this approach, the window of vulnerability would have been closed through arms control, and strategic stability enhanced. As an enormously important byproduct of this approach, the total destructiveness of weapons in the hands of either side would also have been cut to a fraction of the numbers that SALT II would have allowed.

Arms control goes beyond the technical questions of who shall reduce what. When we and the Soviets sit down to talk about strategic arms control, we are affirming a basic—even a transcendant—fact: That nuclear weapons are indeed different. We and the Soviets must make clear to ourselves and to each other that we recognize what nuclear weapons really mean; that they could bring to an end both the values and the people that both sides are seeking to promote and protect.

The grassroots movement we are experiencing in this country is based on the fear that neither side truly appreciates the odds, that specialists and ideologists on both sides are thinking that a nuclear war would somehow be winnable. The people are demanding that their political leaders show that they understand what the specialists may not, and that these leaders will reach out and grasp their responsibilities.

We can do so, Mr. Speaker, and we must.

Mr. McHUGH. Mr. Speaker, I thank the gentleman for his very thoughtful statement.

Mr. Speaker, I yield back the balance of my time.

A NUCLEAR ALTERNATIVE

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Rhode Island (Mrs. SCHNEIDER) is recognized for 60 minutes.

Mrs. SCHNEIDER. Mr. Speaker, it was our great General-President, Dwight D. Eisenhower, who warned us clearly of the disastrous cost of choosing an inappropriate path to the legitimate goal of national security, and I would like to leave you with a quote:

> There is no way in which a country can satisfy the craving for absolute security—but it can easily bankrupt itself morally and economically, in attempting to reach that illusory goal through arms alone. The Military Establishment, not productive of itself, necessarily must feed on the energy, productivity, and brainpower of the country, and if it takes too much, our total strength declines.

His words haunt me as I study the proposed defense budget for my work with the alternative budget. The questions arise, are we building the right defense systems or are they too complex? Are we recruiting the right people and training them properly? Are we asking the right questions or searching down blind alleys.

We must provide for the defense and security of America. A healthy and productive economy is also essential to our security. It is illogical that an uncontrolled nuclear arms race can guarantee us security or a healthy economy, and I am seeking these alternative policies.

One cannot dispute that the more nuclear weapons one side builds, the other side will also build. The result guarantees less security in the world. In fact, nuclear superiority is not only a meaningless term in this age of multiple overkill, it is a hindrance at the bargaining table, and by the end of this century it is estimated that 60 nations will have the bomb.

We as the decisionmakers must wake up and realize that we are laying the groundwork to ultimate destruction of this planet. This is no light matter. The town governments, churches, students, doctors, and the American people overall are crying out to their elected officials to provide the backbone, to provide the trust and the faith necessary to take that first step toward a bilateral arms freeze.

A Gallup poll that was taken last December clearly indicates that three out of four people would like to see the nuclear arms freeze take place and reduce by 50 percent on both sides. Town meetings in New Hampshire and Vermont have passed resolutions calling for a freeze and resolutions have passed in the State legislatures and assemblies in Connecticut, Massachusetts, Oregon, Wisconsin, Kansas, and New York.

Whether we follow our constituents or we lead them, we must act now.

In addition, we can no longer afford to let our rhetoric and our actions further antagonize distrust of the United States in the world arena. We must join with our allies to reignite a sense of faith in America's dedication to world peace. We and our allies must join hands in a sense of community and bring together pressure to bear on the Soviets to comply with efforts toward world peace. America cannot stand alone.

I, as an elected official, refuse to sit idly by as the rhetoric and the actions escalate. This body is all too often too inclined toward crisis management. I an not willing to accept that approach. I see the road that lies ahead and there is no question in my mind that our nuclear arms course must be reversed.

The time to implement a bilateral nuclear arms freeze is now.

I would like to close with just another statement by one of our military leaders of the past. What is regrettable is that today many of my colleagues have quoted from previous military leaders. It seems most unfortunate that it is all too late that they come to reason and pass on to us their wisdom of maintaining world peace. These comments are by General MacArthur:

> . . . with restless hands we work feverishly in dark laboratories to find the means to destroy all at one blow. But this very triumph of scientific annihilation has destroyed the possibility of war's being a medium for the practical settlement of international differences . . . The great question is: can global war now be outlawed from the world? If so, it would mark the greatest advance in civilization since the Sermon on the Mount . . . It would not only remove fear and bring security—it would produce an economic wave of prosperity that would raise the world's standard of living beyond anything ever dreamed by man . . .—General MacArthur, 1961

There is no question in my mind that this is the alternative that I as an elected leader am seeking and I am willing to provide that enthusiasm, that energy and that leadership to work closely with my colleagues and to join with other nations so that we might bring pressure to bear on our leading governments to reduce the nuclear arms race.

Mr. Speaker, I yield to the gentleman from Massachusetts (Mr. CONTE).

Mr. CONTE. Mr. Speaker, it is most interesting to note that one of the featured excerpts from the life of Gen. Douglas MacArthur shown on NBC's "Sunday Night at the Movies" this week was the speech he gave regarding the devastating prospects of nuclear war just after the defeat of Japan. He stated, then, that if we did not take the necessary steps to prevent it, the next major war would lead to Armageddon.

Certainly, no one could accuse Douglas MacArthur of fearing a fight or being soft on communism. But, he had seen firsthand the awful destruction of Hiroshima and Nagasaki and he recognized that nuclear warfare would not serve as a viable instrument of national policy. The possibility of worldwide annihilation would become very real.

That was nearly 40 years ago. There were only a few bombs then. Now the Soviet Union and the United States possess collectively nearly 17,000 warheads, each vastly more powerful than the Hiroshima-Nagasaki bombs. Only a very small percentage of these 17,000 warheads are required to accomplish the destruction of civilization in the Northern Hemisphere. The winner of a general nuclear exchange between the Sovet Union and the United States could well be Chile or Brazil, but most certainly not one of the two superpowers. General MacArthur's fears have been realized far beyond what he could have imagined.

Coincidentially, CBS's "60 Minutes" on this same Sunday devoted a portion of that broadcast to the testimony of Adm. Hyman Rickover before the Joint Economic Committee in January of this year upon the eve of his retirement from the Navy. Rickover, the father of our nuclear Navy, and certainly no dove, stated that he believed that we would, in fact, blow ourselves up in a nuclear war.

No matter how you feel about Admiral Rickover's statements—be they self-serving or self-sacrificing—you must grant that he is both a one-of-a-kind expert in nuclear arms as well as a dedicated naval officer concerned about our national security. He stated categorically that in analyzing advantages in nuclear weapons as they exist now, numbers do not mean a thing. "What difference does it make whether we have 100 or 200 submarines," he said, "If 100 is enough to do the job." He affirmed over and over again in his testimony that we have enough to do the job of destroying Russia many times over.

I think the statements of these two seasoned, extremely experienced, flag officers are aimed at the heart of our debate today. Namely, that:

First, we are headed toward nuclear annihilation.

Second, that the numbers and advantages which accrue to one side or the other simply will not matter in terms of who wins or loses.

These are the same conclusions that our constituents are reaching all over the country. It is not just the fringe, or the peaceniks, or the fuzzies, or the "no-nukes" groups that are proposing this freeze. It is the people who support a strong defense, it is the middle ground, it is the solid citizens who are now clearly seeing that the ideas of nuclear superiority or stockpiling or gaining advantage no longer have any meaning in a world where adversaries possess the means to retaliate with surety to any attack.

Opponents of the freeze resolution which I introduced say we must not freeze an advantage in favor of the Russians. I will not answer that argument in terms of nuclear weapons "bean-counting." There are many reputable national security proponents who will state that no advantage exists now to either side and that in many areas, the United States still has an edge. Others will violently disagree about who is or is not No. 1. But I will state in the same manner as Admiral Rickover—"So what anyway?"

There is no advantage to be gained by making the rubble of an already devastated city bounce higher and higher. There is no addition to our national security from the stockpiling of more and more weapons to the point that the Strategic Air Command staff officer turns to his commander and says, "Sir, we have run out of Soviet targets. What do I do with the rest of these warheads?" I am here to declare to the opponents of a freeze that stockpiling is wasteful silliness which would have some humor attached to it if it were not so dangerous and so expensive.

Still, the opponents will say that if we freeze, then we will not be able to field all of the new nuclear systems that we have coming down the pike that will make the Soviets more vulnerable and give us advantages—such things as the MX, the B-1, the Pershing II, and so forth.

My answer is simple. Even if we are behind in some supposed race, a verifiable mutual freeze, which my resolution calls for, will leave us no worse off than we are now. If there are major violations and we cannot stop them, then we can start again from that point. However, if our ultimate aim is the eventual drawdown and elimination of these weapons and the freeze does work, we will have benefitted from not having fielded these new, extremely expensive systems. As long as we maintain the capability to deter the start of a nuclear war with surety, then we can feel safe pursuing and participating in such a freeze. We can do that now and well into the future.

But, you might ask, what about all this recent belief that nuclear war is fightable and winnable. And what about the limited nuclear war. Does not a freeze put us in tremendous jeopardy? As I stated earlier, no general nuclear war is winnable, at least not in the sense of a surviving winner. You can go through the body count and the destruction count if you wish to keep score and declare a winner based on the lowest score. But, I know of no reputable strategist who believes that an effective exchange by both sides will result in what could be truly defined as a victor. Yet, there are those who believe that a limited or special kind of strike is possible that would cause the other side to quit. For instance, many say it is possible to make a limited, surgical strike on our ICBM's, kill only 22 million people and blacken only a small portion of our land. As a result, we would have to surrender because we would risk annihilation if we did not. If we follow that logic, we might as well surrender now and avoid the losses. But, that is not now and never has been our national policy. To think otherwise is to reject our national policy.

We have all manner of ways to retaliate, but our ability to retaliate to some fanciful, "Strangelove-type," limited scenario is not the real question. The real question is how to keep it limited. If we can not, then we come right back to the general exchange and we all know who the winners and losers are in such a fracas—no one.

The bottom line is the same for all parties. Nuclear weapons are only weapons of deterrence. It is utter nonsense to talk about advantages of employment of nuclear weapons in an all-out war. The conclusion that MacArthur reached is the same that I have reached and that millions of our citizens are reaching all over this country—nuclear war has no meaning other than destruction and thus it is futile to pursue building up more of these weapons.

I will grant all of the opponents of this freeze that a technological breakthrough could change things. There is nothing in a nuclear freeze resolution that prohibits the Soviet Union or the United States from developing other weapons outside the nuclear sphere. We are not proposing a freeze on research and development of new weapons or new ideas which are non-nuclear. What we are proposing is to stop the development, testing and deployment of nuclear weapons in a verifiable and mutually agreed upon mode. Believe me, I would like to ban all weapons of war, but that is naive. The pressing issue and the one we want to get at as soon as possible is the continuous buildup of nukes. Proceeding down the nuclear road any further has little prospect for either side.

Once upon a time we had an advantage. We were the sole possessor of the bomb. It was a cheap way to go because we needed less men in uniform under the umbrella of the bomb. Now, there is no way we could have that kind of advantage again. We may pine for those good old days of the cold war when we could literally "Bomb 'em back to the Stone Age" or, we may postulate that we can cause the collapse of the Soviet economy with an all-out nuclear arms race. But, even in times of great prosperity that would be a foolish approach, not to mention attempting such an undertaking when there are difficult economic times. However, if we do not act now, we are certain, as Admiral Rickover predicted, to keep going down the path to oblivion. This is not a prediction based on cowardice nor is it throwing in the towel to communism. It is simply a fact of life—or death if you would so have it.

There is no question that we must be strong—very strong—in light of the way the Soviet Union conducts itself in the world. Our way, the free way, is the correct way—certainly not the suppressive, repressive totalitarianism which is the way of the Soviet Union. But there is no way for anyone to stand up to nukes, not for us, not for the Russians. The result of an accident or a miscalculation is megadeath and megadestruction, not to mention the effects on the total environment of our world. There will be no escape. Heroism and the will to stand and fight will be that of a mutual suicide.

Admiral Rickover said that after the great nuclear holocaust that is sure to come, there will probably be a new species to develop: One that would be smarter than we were. I am not enamored by the thought that my future world will be inhabited and governed by a bunch of intelligent cockroaches.

If we are truly serious about stopping, reducing, and eliminating nuclear weapons, then we must take a serious look at the freeze proposal. The people want it, we want it, the Soviets say they want it. We may never know if we do not make the offer. And, it just may be the best opportunity we will ever have.

□ 1700

Mrs. SCHNEIDER. Mr. Speaker, I yield back the balance of my time.

NUCLEAR DISARMAMENT

The SPEAKER pro tempore (Mr. MILLER of California). Under a previous order of the House, the gentleman from New York (Mr. BINGHAM) is recognized for 60 minutes.

Mr. BINGHAM. Mr. Speaker, I yield to the gentleman from Wisconsin (Mr. ASPIN).

Mr. ASPIN. I thank the gentleman for yielding to me, and thank him for the opportunity to join in this very, very interesting and rather educational discussion that we are having here this afternoon.

I think it is very, very interesting, the swings that we have seen on public opinion on this issue. It is quite remarkable, when you stop to think of it, that we started out last year with a SALT agreement. We had worked out in 1979 a very, very complicated and perhaps too complicated, but a very complicated SALT agreement. That agreement was very carefully looked at by all of the experts. It was looked at by generals, examined by experts in the academic world, looked at by public officials, examined from all angles, and when it was presented to the public, the public's reaction was generally very blah.

Now here we are a couple of years later, and scribbled on the back of an envelope is the idea to freeze everything where it is now, and like one, the American public is rising up and saying, "Let's charge."

□ 1710

It is an interesting comment, and I think it is an interesting comment on arms control and an interesting comment on the state of public opinion about the question. I think that what we have seen here is that the American public has suddenly become very concerned about nuclear weapons, and the reaction of not being involved with nuclear weapons to being hyperly involved with nuclear weapons is not such a complete break as you might think.

Basically speaking, I think that most peoples' reaction to nuclear weapons is that nuclear weapons are so horrible and nuclear war so difficult to comprehend that the first reaction of people is to block it out entirely, to not want to think about it at all, and to ignore it, and to hope that somehow it is all going to go away. If something breaks through that shell and forces people to confront the issue of nuclear weapons and the horror of nuclear weapons, the reaction is likely to be a jump over completely to very much active involvement in the issue, meaning getting involved in petition drives, in meetings and protests, organizations, teach-ins, and other things. People can jump from one state to the other with hardly a pause in between. I think that is what has happened, and I think what has happened is that that protective shell under which a lot of people were able to ignore nuclear weapons for so long has been broken through, and I think that the current administration deserves a great deal of the credit or blame for having done that, with casual discussion about nuclear weapons, visibility of nuclear weapons, civil defense. As a result, people have been forced to confront it, and when they confront the issue they are very much involved with it and want to do something about it. The result is the freeze.

I think that the freeze has a lot of good political value for trying to get a constituency going in favor of arms control, and I think from that standpoint it is very, very good. Personally, I would have a different approach than a freeze as an opening negotiating position with the Soviet Union. I think as a negotiating position it has some problems, but as a political movement I think it has a great deal of merit.

Let me just state some of the problems that I see with it in terms as a negotiating position, not to say that I do not think that the freeze movement is a good idea, but the question about whether in fact we would want to start from a freeze.

First, I think that you start with a very, very difficult position if you want to change our negotiating position in regards to the Soviets. Under President Ford we had negotiated something called the Vladivostok accords. Everybody will remember signing the Vladivostok accords. They were all set, they were worked out with President Ford and Secretary Kissinger, worked it all out, and came a change. The election changed the administration, and the Carter administration came into office. In retrospect, the Carter administration should have signed the Vladivostok accords and proceeded to negotiate SALT II from that position, but they did not. They said the Vladivostok accords set the limits too high, and that what we want is something brand new. So, they came in with what has become known as the March 1977 proposals, and dramatically cut—dramatic arms proposals rejected by the Soviet Union.

It was enormously complicated, years later, took a long time to negotiate. Finally, at the end of the Carter term in office, SALT II was negotiated, signed by the administration, negotiated by the Secretary of State, and again we have a change in administrations. Now, what the freeze seems to be saying is that we want to ignore SALT and go to something new again, that what we want to do is set what we have negotiated in SALT aside and come up with something simpler and more dramatic, which is the freeze.

I think we are rewriting the record we made at Vladivostok. We should have signed Vladivostok and proceeded to negotiate from there. What we should do now is to sign SALT II and proceed to negotiate from there, rather than coming in with something brand new and in the way of a freeze.

The second problem I see with a freeze is that you really do need in negotiations to be able to have something that the other side wants to have taken away. In order to negotiate, you have to have something that the other side would like to accomplish in a negotiation, something that you are doing that they want to stop, something that you might do that they want to stop. Ultimately, the freeze wants to move to reductions. The difficulty is that the freeze by itself would accomplish most of the objectives that the Soviet Union would have in a negotiation, and they would be under very little pressure to negotiate the further step, which is the reduction.

What we have or what we are going to have in our arsenal that the Soviets are fearful of, as best we can tell, is a new Trident missile which makes the land-based missiles vulnerable, the D-5.

We have a land-based missile, the MX, which also makes their land-based missile vulnerable. A third thing is the sea-launched cruise missiles. Those are the three things that the Soviets are now concerned about in terms of what we have, and if we are going to get reduction on the Soviet side, clearly the Soviets would want us first to have to reduce something in those areas, but the freeze would stop all of those. The freeze would stop each of those systems and would not allow us to proceed.

On the other hand, the thing that we are most concerned about on the Soviet side, and the thing we would like to get out of a negotiation is a reduction in the vulnerability of Minuteman missiles, which is a reduction either on the MIRV warheads or in the number of very large missiles that they have on their side that can threaten our land based ICBM's. A freeze would leave them with their large missiles and their warheads on those large missiles.

So, I see a little bit of inequity in the next step. I am not saying the people who are for the freeze are not right. I mean, when you have so many missiles on both sides, what difference does it make? That is a valid point. The gentleman from Iowa said it. There is something to be said for that, but if you are going to the next step, the reduction, the question is, what do you have that the other side wants, and what does the other side have that you want?

What I am worried about is that the freeze would by itself stop what they want to stop, and there would be very little incentive for the Soviets to go the next step, which is the reduction.

The final point which I think is important as a negotiating position is that I think it is very, very difficult, once a freeze is in effect, for a democracy ever to say that the thing is not working and we are going to have to go back. It is like the bombing pause in Vietnam. It is like other kinds of halts in activity. In a democracy, I think it is very hard, if you decide that the freeze is not working and is not going to lead to the next step, to actually turn it around and say, "We tried it and we are going to go ahead."

So, for those three reasons, I really have had some question about whether a freeze is the best negotiating position that we can lead with. As I say, I am so happy to see some political interest in the arms control area and some political interest in reducing nuclear weapons, that I think that there is a lot of good to be said for the freeze, and the people who are interested in the freeze. It is just as a negotiating position I would prefer to see us go with SALT II.

Here we are with SALT II. What in the name of God is wrong with SALT II? It is looking better and better everyday. At the time SALT II was rejected, it was rejected because something better was held out as being possible. The people that did not like SALT II said it allowed the Soviets to have 308 large ICBM's, and we should have the same, or they should not have them at all. The people who objected to the provision on the Backfire bomber said that there was not enough of a provision on the Backfire bomber.

□ 1720

We did not have enough assurances that the Backfire could not be used for intercontinental weaponry. They objected to the provision on the telemetry. They objected to lots of things. And the problem was that we were looking at SALT II versus some idealized treaty that was held up as being possible, and under those circumstances SALT II did not look so good. But now the question is SALT II versus nothing because we have voted down or have not ratified SALT II. We have not voted it up, and we have not voted it down; it was not voted on at all.

So we have not ratified SALT II. SALT II is sitting out there as an alternative, but the alternative to SALT II is now nothing, and SALT II looks pretty good.

The interesting thing about SALT II is that we have been following everything in SALT II. If we look at the Reagan defense budget, big as it is, if we look at the Reagan budget in 1981 or the Reagan budget in 1982, big as it is, there is no one single weapon that we are proposing or have started or anything that is inconsistent with SALT II. Everything that Ronald Reagan wants to do and the Pentagon wants to do we could have done under SALT II.

We are following SALT II; we are following it precisely. So why not ratify it? The only difficulty with the situation is that the only thing that we are not getting out of SALT II is that if we did ratify SALT II, the Soviets would have to follow SALT II, and under SALT II they would have to dismantle 10 percent of their missiles.

So we are following it, but instead of following it and getting them to reduce by 10 percent, which we could have done if we had ratified SALT II, they are following it but now they do not have to reduce by 10 percent. So it makes no sense. The Soviets are following SALT II except for defense production. Every time they get a new submarine, SALT II said they have to dismantle an old submarine. They are doing it. Every time we get a new submarine, we have to dismantle an old one; we are doing it. We are all following it. The only thing is that we are not getting the 10-percent reduction.

Why not ratify it and make the Soviets reduce by 10 percent? Because there is nothing that we are doing or that the Reagan administration is planning to do or that they have in the back of their beady little minds, any gleam in their eyes or anything they want to do, which is inconsistent with SALT II. So why do we not ratify SALT II?

It seems to me that is the thing to do. We ought to go ahead and start with SALT II. In this process, we should have ratified Vladivostok and then proceeded with negotiations, and now we should ratify SALT II and proceed with negotiations. It seems to me that is an area of making some kind of sense.

Let me make one other point, and then I will quit. That is the question about the reduction of weapons. The question of the reduction of weapons, a lot of people have said, is a very, very important movement. And it is a very important movement. As we look at it, what is arms control all about? What are we trying to do with arms control?

The classic definition of "arms control" comes from Tom Shelling, who is a professor at Harvard, and he said that arms control is really three different things. It is, first of all, reducing the cost of preparing for war; second, it is reducing the probability of war breaking out; and, third, it is reducing the damage should war break out.

Now, reflecting on those three areas, that is what arms control is all about. There are in essence now, I think, on the left of the political spectrum—or maybe it is now engulfed and so complicated that the left and the right are all mixed up in this instance together in it—two different groups forming that are interested in the nuclear issue. One I think we would define as the "peace group," and the peace group is interested essentially in the first and third of those three things. They are mostly interested in reducing the cost of preparing for war and reducing the damage should war break out. They are talking about reducing numbers of warheads, reducing numbers of nuclear weapons, and reducing the amount of nuclear damage and the amount of money being spent on it.

The arms control people the other group, the people other than the peace group, the second group, is made up of people that we might call the arms control community. They tend to be kind of professionals who are in the business. They are in academics, they are in think tanks around the country, they are in arms control and disarmament agencies, and they spent a lot of time studying this issue and analyzing it. They are not the citizen soldiers we find in the peace movement; they are people who are professionals, people who have spent their lives studying the subject, who have degrees in arms control and who are teaching in universities and all that kind of thing.

Their interest is in arms control, and they have always and consistently focused on the second issue, which is preventing nuclear war from breaking out, reducing the probability of nuclear war breaking out. And that is a real split. There is a real split in the ranks because there are things that we can do that will help achieve one of those goals which is inconsistent with the others, and in a sense reducing the number of nuclear weapons is one of those.

The real arms control community is not so interested in reducing the number of weapons. What they are interested in is stability of the system so that if there is trouble somewhere, a crisis somewhere, people's fingers do not start itching toward that button, and they are trying to determine how to get agreements that prevent that. That is why the centerpiece of the ABM system was to reduce the vulnerability, the susceptibility, and the likelihood of war breaking out.

But what we have now, I think, is a real split between the peace group and the arms control community, and there is a danger here that this thing might cause some kind of a rift in the antinuclear movement, because what we have on the one side is the peace groups who are very much interested in reducing the number of warheads, and I guess what they would say is this: You go to their rallies and you go to their meetings and you hear them say that the whole thing has been a farce, that arms control is just arms management; it does not reduce anything and we have not reduced anything.

We have not reduced it. We have gone on for years and nothing has happened. What we need is something simple like a freeze followed by a reduction, something that everybody can understand.

The arms control people would say that it has not been a farce and that it has not done that. They say, look at the ABM. Arms control has contributed to the ABM, and, yes, the numbers of warheads have contributed on all sides. The cost of weapons has increased on all sides, but we have had 30 or 40 years since nuclear weapons were used in Japan in World War II, and they have not been used since; and that is not a small achievement.

The real central purpose of all this is to reduce the probability of nuclear war breaking out. I think at some point this whole thing may come down to a choice between which way we are going to go. Are we going to go in the direction of reducing cost and reducing damage by reducing numbers of warheads, or are we going to go in another direction, that of increasing stability and reducing the probability of nuclear war breaking out?

I think that really that might be the way this concern and this interest and this debate eventually evolves when it comes down to some kind of actual vote and when we actually look at some proposals. But I think that the purpose of what we are trying to accomplish in the education value of having the discussion is that the people who are promoting the freeze, the people who involved in something called "ground zero," and the other organizations, the citizen groups that have started educating the people, are talking about the fact that it is a very, very important thing, and I think that from that we will be able to have an electorate which is a lot more interested in the subject and a lot more concerned about the issue.

Mr. Speaker, whichever way we go I think is going to be a good thing.

Mr. BINGHAM. Mr. Speaker, I thank the gentleman from Wisconsin (Mr. ASPIN) for an extremely thoughtful and well informed statement.

In view of the numbers of Members who desire to speak, I will not comment on the statement at length. I would just like to say that I do differ with a good many of the points, and I hope we will have an opportunity in hearing in the Committee on Foreign Affairs to hear further from the gentleman from Wisconsin.

I do quarrel quite seriously with his last point, and that is that the peace groups are primarily concerned with reducing the cost of weapons and with reducing the amount of damage. I think that is really quite wrong. I think the peace groups, as represented, for instance, by the enormous ground swell in favor of the freeze resolution, are primarily interested in reducing the chances of a nuclear war, and I think that is why we are here today.

It is primarily against that threat that we exchange ideas as to how to achieve it, and we do have differences on that score. But I think it is unfair to say that the peace groups are less interested in reducing the chances of nuclear war than they are in something else. I think that is their primary concern.

Mr. Speaker, I yield now to the gentleman from Ohio (Mr. REGULA).

Mr. REGULA. Mr. Speaker, I thank the gentleman for yielding.

Mr. Speaker, I wish to commend my colleagues for their initiative in helping this body focus on the serious issue of the nuclear arms race.

I am an original cosponsor of House Resolution 433, which calls for a bilateral nuclear weapons freeze by the United States and the Soviet Union, followed by reductions in nuclear warheads, missiles, and other delivery systems.

There is no question in my mind that this is the most serious issue facing our world today. The risk of a nuclear holocaust has caused people from all over the globe and from all walks of life to unite in removing this danger. Public concern over the prevention of nuclear warfare is rapidly increasing worldwide.

Gen. Douglas MacArthur, at the signing of the peace treaty with Japan on the deck of the *Missouri*, Tokyo Bay, September 2, 1945, said:

> Military alliances, balances of power, leagues of nations, all in turn failed, leaving the only path to be by way of the crucible of war. The utter destructiveness of war now blocks out this alternative. We have had our last chance. If we will not devise some greater and more equitable system, Armageddon will be at our door.

These prophetic words are even more germane in 1982.

The stage for a meaningful arms limitation is well set. The Soviets face pressures from within. The realities of the chances for survival of humanity's final war are becoming as apparent to them as they are to us. The time is now to enter serious and honest SALT negotiations in order to carry out the aims of this resolution—to decide when and how to achieve a mutual verifiable freeze on the testing, production, and further deployment of nuclear warheads, missiles, and other delivery systems, and to give special attention to destabilizing weapons whose deployment would make such a freeze more difficult to achieve.

We should enter into these talks with the spirit and hope and, yes, the prayer that they will be the last round, that both sides will finally grasp the significance of the commitments they will make there, and that we can remove forever the threat of intolerable global destruction in the hands of humanity.

☐ 1730

Mr. BINGHAM. Mr. Speaker, I yield to the gentleman from Iowa (Mr. BEDELL).

Mr. BEDELL. I thank the gentleman for yielding. I am deeply grateful for the number of people who have come forward to start to better articulate the great concern that so many of us have over our present escalation of nuclear arms.

Perhaps Einstein said it best: "The unleashed power of the atom has changed everything except our way of thinking." Weapons originally justified as necessary deterrents to attack now far exceed the number required to deter any rational leader from ordering their use. The sheer awesomeness of these weapons makes their use impossible unless we are committed to a path of self-destruction and global suicide.

Today's special order addresses the most important issue of our time, the nuclear arms race and various alternatives by which we might curb its unabated growth. The purpose of today's debate is to initiate a change in our way of thinking about these weapons, to acknowledge the futility of the arms race and, finally, to forge a new consensus that better identifies our defense needs to insure out security into the 1980's and beyond.

For 37 years we have lived with nuclear weapons in our midst and every year the global stockpiles and nations capable of developing these weapons continue to expand. And, while these weapons threaten us with virtual extinction, we seem comfortable in not thinking about their existence. Sadly, the two nations that could exert the most leadership in blunting the upward spiral on nuclear weapons production, the United States and the Soviet Union, do little to reinforce the efforts of meaningful area control.

Currently the military arsenals of the United States and the Soviet Union contain more than 16,000 strategic nuclear warheads, the smallest of which is several times larger than the bombs dropped on Hiroshima or Nagasaki, and both sides are engaged in significant modernization programs that will introduce thousands more warheads into their inventories by the end of this decade.

Our mutual penchant to maintain overkill capacity over one another has only served to increase the risk and likelihood of nuclear war before the end of this century.

Of those 16,000 nuclear warheads, 7,200 are in the Soviet Union. The Members should realize that for each congressional district that means there are 16 nuclear warheads that could be targeted at their district, the smallest of those warheads being 16 times as large as the one that was dropped on Hiroshima and the largest one is 1,920 times as large as that bomb that we have heard so much about.

The history of the arms race is fraught with one side responding to the perceived, or real, advantage of the other. Each deadly action initiated by one side sets off an equally more lethal reaction by the other side and the upward pressures on the arms race continue unchecked.

We have lived with bomber gaps, missile gaps, MIRV gaps, and throw-weight gaps. None of our mutual responses to these disparities has served to enhance our security or better the prospects for world peace.

Today the so-called window of vulnerability fuels American fears over theoretical vulnerability of our ICBM forces. We use this fear as an excuse to justify the unprecedented acceleration of each element of our strategic modernization program. A new and more threatening round of the arms race is about to begin.

Each side is now hell-bent on attaining a first strike capability that will only serve to place a hair trigger on nuclear armaments. Time is running out and the hour is late. Each technological improvement in these weapons of mass destruction serves to lessen our abilities to control them. The time for a serious arms control initiative is now and today's effort represents a starting point.

Since July 1980 the United States has been moving consistently and ominously away from the theory of nuclear deterrence as established in the concept of mutually assured destruction, properly named MAD, that was the basis of our strategic policy during the 1960's and 1970's.

President Carter's announcement in PRM-59 that the United States would rely on nuclear weapons in some limited context to protect vital American interests abroad served to reduce allied confidence in United States leadership of the free world.

President Reagan's echoing of this concept of "limited nuclear war" has exacerbated this situation.

Today the United States is on the defensive. We are perceived as being reckless and irresponsible. The Soviet Union has seized arms control as a means of driving a wedge into the Atlantic Alliance.

We must reverse this dangerous trend. We must begin to respond to the legitimate fears and concerns of our allies by offering American arms control and reduction proposals that clearly demonstrate our resolve and commitment to world peace and stability.

If the administration persists in not providing the Arms Control and Disarmament Agency with an agenda for real and meaningful arms control negotiations, Congress must assume some degree of responsibility and establish an alternative path away from our apparent attempt to achieve nuclear superiority over the Soviets and negotiate from our present strength; for us to believe that the Soviets will sit still and allow us to achieve nuclear superiority before negotiating seems to me to be wishful thinking at best.

There are several alternatives before us. The nuclear arms freeze is one approach. As a cosponsor of this initiative I recognize its overall value in first curbing the arms race until both sides can agree upon equitable and verifiable reductions in their strategic forces.

My colleague from Tennessee (Mr. GORE) has offered a proposal that would place a moratorium on the deployment of those systems that contribute most to strategic destabilization—first strike weapons.

I have offered yet another alternative, House Concurrent Resolution 280, that each side reduce its strategic arsenal by a factor of 50 percent. My proposal also includes bans on the testing and deployment of certain technologies.

For example, it would ban the testing and deployment of intercontinental and medium, intermediate range ballistic missiles with new lightweight reentry vehicles than those with which the system is currently armed.

It would also place a ban on the testing and deployment of Cruise missiles armed with multiple nuclear warheads. It would reduce the theater nuclear weapons in Europe to zero by 1994 through a series of reductions.

In my mind none of these proposals offers the complete answer to the dilemma of the nuclear arms race. For 37 years an unbridled competition between the United States and the Soviet Union has been permitted to go on. Each side persists in their relentless pursuit to obtain some mystical edge that would render the other forces completely useless.

We know this is a costly and counterproductive race without end. Nonetheless, we cannot expect to reverse the trends of three decades of the strategic arms race in one afternoon.

□ 1740

The value of today's proceedings cannot be discounted, however. It shows that the United States has resumed the initiative in the arms control process between the superpowers. We have taken the first and most important step in changing our way of thinking. We have demonstrated to our allies and adversaries alike our resolve to insure our security while at the same time our commitment to an end to the nuclear arms race. And now we have an obligation to go on. We must work with the administration in better articulating our national security policies and in choosing weapons which enhance or diminish global security. We must induce the leadership of this country and the Soviet Union to resume the long delayed negotiations on strategic arms control and reduction.

I thank you very much for the time, Mr. Speaker.

Mr. BINGHAM. Mr. Speaker, I thank the gentleman for a very thoughtful statement and for his leadership in many areas of building a better world.

Mr. Speaker, I yield now to the gentleman from California (Mr. McCLOSKEY).

Mr. McCLOSKEY. I will not take but a minute. I wanted to say to the gentleman from New York, who has led in this forum for many years in the peace movement, I think the emphasis on the arms reduction with the Soviets is praiseworthy and I intend to support this Resolution 434 after hearing the debate on both sides today. But there are existing mechanisms for controlling the proliferation of nuclear arms, and one of them is the Nonproliferation Treaty. I want to ask the distinguished gentleman from New York, who serves on the Foreign Affairs Committee, why we have not in the past made it a condition of military and economic assistance to our allies and other countries that they sign the Nuclear Nonproliferation Treaty.

I have particularly in mind our assistance to countries like Jordan, Egypt, and Israel.

Would we not be taking a practical step to end proliferation of nuclear arms by requiring as a condition of foreign aid that none of our aid go to a country unless they have signed the Nuclear Nonproliferation Treaty?

Mr. BINGHAM. Well, responding to the gentleman, I would say that I think, as a practical matter, that it is simply not a possibility today.

Mr. McCLOSKEY. Why?

Mr. BINGHAM. Some of our very close friends are not in a position to sign the Nuclear Nonproliferation Treaty.

Mr. McCLOSKEY. But then are not our words meaningless if we talk about nonproliferation but are unwilling to impose it as a condition of our friendship?

Mr. BINGHAM. So far as nuclear cooperation is concerned, we require adherence to the NPT and we require adherence to full-scope safeguards.

I think we should distinguish between what we are talking about here today, which is arms control, and the question of nonproliferation.

It is true that nonproliferation, or proliferation, if you will, presents an enormous threat to the world. But there are situations where it simply is not a practical possibility. I think we would be blind if we tried to insist that it were.

You have a situation in the Middle East where countries on both sides have not signed the NPT and it is a tragic situation. But I do not think the gentleman's suggestion is practical.

Mr. Speaker, I yield to the gentleman from Alabama (Mr. DICKINSON).

Mr. DICKINSON. Mr. Speaker, I think the debate here is healthy, it is meaningful. I think it, hopefully, will clear the air, and I think it will help us focus on what it is that we are trying to do, as well as what we should be doing.

There is nobody here that has spoken whom I have heard that is not sincere, well meaning, attempting to do what, in his light, is the best thing to do for this country and the world. But we have some genuine differences as to how this can be accomplished, and I am concerned that we might be taking the wrong direction.

There is not a person who serves in this House, I do not believe, that is not for the reduction of arms, the banning of nuclear weapons, the abolishing of chemical and biological warfare. I think we all want this. The question is: How can this best be acomplished?

One of the previous speakers commented, "What good have the bombs done anyway, the nuclear weapons?" Well, let me answer this with a question: If only the Soviet Union had nuclear weapons and we had none, what would you imagine would be the shape of the world today? Do you really think that the European community would have gone 30 years without being invaded, or that we would be in control of our own destiny?

When Richard Helms was head of the CIA, he came before our committee and he told of an anecdote dating back to the Cuban missile crisis. And at that time we had almost a nuclear monopoly. We were negotiating with the removal of the missiles from Cuba. Our Ambassador was named McCloy, and his home was in Connecticut, and their special Ambassador was named Kuznetsov, representing Khrushchev. According to the story, after they had negotiated and had a tremendous confrontation, and because we had them so outnumbered, the Soviets said, "All right"—speaking through Mr. Kuznetsov—"Mr. McCloy, we will remove our IL-28's"—the missiles that were there—"and we will keep our word. But we want you to know that this is the last time that the United States of America will ever be in a position to dictate to us our foreign policy."

And from that time forward, according to our intelligence community, the Soviets have gone all-out in nuclear and conventional weapons, to the point where they have not only caught up with us, they have far surpassed us.

Now, I was for 2 or 3 years a delegate to the Disarmament Convention in Geneva, and we talked about the mutual and balanced reduction of forces. And this was something that we generally want, and I would generally support, but when it got down to the bottom line—and, after all, the Soviets do use diplomacy and negotiation as a way of waging war or winning their way—when it comes down to it, the Soviets had 250,000 troops in Warsaw Pact nations and we had 150,000. And they said, "Yes, we will agree to a reduction. We will both reduce 100,000 troops." That would put us down to 50,000 and they would have 150,000. That is what they were insisting upon.

We unilaterally said we would not have biological warfare. We signed the treaty. I was there in Geneva when it was signed. The Soviets, so far as I know, have not signed such a treaty. All of the nations of the world, the civilized nations of the world, have signed an agreement not to use chemical warfare, but we know that the Soviets used it in Afghanistan, they used it in Laos, and they have used it in Cambodia, in abrogation of world law.

The Soviets have averaged putting one SS-20 in place in Warsaw Pact nations for about the last 5 years, one per week. Now, this is a weapon that is very accurate, 5,000-kilometer range, three nuclear warheads. They have over 300 of these missiles in place, each with three warheads. That is 900 targets in Europe. And now they say, "Hey, let's freeze."

The United States has not placed a nuclear weapon in over 20 years, and that is the Pershing I, with limited range, limited accuracy, one warhead. This is looking at an array of 20 SS-20's with three warheads each, and now that they have them in place, they say, "let's call a freeze. You don't put any more in place; we won't put any more in place." And we have not put one in place in 20 years.

□ 1750

We have threatened to. We say we are going to. So the point is the freeze does not accomplish anything. As one of the previous speakers, the gentleman from Wisconsin (Mr. ASPIN), said, if you are going to negotiate, each side has to give something, each side has to have something the other one wants, and if you freeze the status quo there will be absolutely no inducement of the Soviets to come to the table with a mutual and balanced force reduction, a mutual arms reduction. They have got a gun at our heads.

So if we are to have something to trade, when you get to the table, at least reserve the option if they will not reduce their forces as to what we might do.

It is a commonsense thing. I think any other way is foolhearty. I do not think you can deal with the Soviets and expect them to deal in good faith.

Mr. BINGHAM. Mr. Speaker, I yield to the gentlewoman from Colorado (Mrs. SCHROEDER).

Mrs. SCHROEDER. Mr. Speaker, I want to join everybody in thanking them for putting this together. It has been really remarkable. The gentleman from New York has worked very hard on this and I thank him very much.

What do I think is really going on here? We can talk and talk and talk and talk about whether people are really insisting that we freeze and only freeze, or whether they are just talking about negotiating or what have you. But I think the really remarkable thing that has occurred is that the American people have taken up this debate and we are now following them, and I find that really amazing.

This has been a debate we have not had for a long time, and why? What is there in our American society that makes us repress this kind of discussion?

First of all, I think none of us wants to talk about unpleasant things. None of us. If you go back and read T. S. Elliot, he said man cannot bear very much reality. I think Americans of this Pepsi generation really specialize in that. That we tend to dig our own graves without thinking about the fact that we are doing it. And that one of the ironies of human nature is that as we do it, we really increase the danger and we just suppress it.

Second, I think our numbness to our nuclear fate in the past has been an error of fatalism, it has been too vast, it has been too complex. The Government seemed unresponsive, even got paranoid and it was just too easy to feel powerless.

I have heard many people say, well, everybody has to die, anyway, so given the political alternatives, it may as well be in a nuclear holocaust. Think about that for a moment. That is really what the American people have done. That is really why we are debating. They have suddenly said, wait a second, we somehow confused our own death with the death of a city or a whole civilization, and maybe that was the ultimate suppression of the "me" decade, where we became so self-centered, and put ourselves in the center of the universe, that we really thought our own death was the only important death.

Now our society has really turned the corner. The eighties are different and we are understanding that together and say we have mutual assured destruction and that is the answer. We are not willing to accept that answer anymore.

We are now picking up the challenge and trying to look for some other answers because people want to go on. And people can now talk about those things and not be declared a radical or an extremist.

Third, I think that in many areas, especially in our civilization—and I find that I have a lot of this in me—and that is you always somehow think the world is going to muddle through. Do not think about the bad things. The world is going to muddle through and that only the extremists get shrill and come up with overreactions.

Something turns up, it always will, and so forth.

The gentleman from Iowa before me cited Albert Einstein, who said we have unleashed the power of the atom and we have not been able to change our way of thinking; and I think that is a reflection of what we are talking about when we see that.

What do most of us traditionally see when we think of nuclear attack? I think if we shut our eyes and imagine what we see, we see a single city flattened by a single bomb. We do not think of tens of thousands of acres that are turned into an inferno. We try and make ourselves comfortable by thinking we are just going to use small little tactical nukes and we do not think those small little tactical nukes are bigger than even the one that obliterated Hiroshima.

So we have done all sorts of wonderful things to suppress what is going on.

My State has been remarkable in the grassroots support for all of this, and I am going to put many statements in the record that come from there. Maybe later on I will read them into the record, too.

I think some of it started with a play going on in my State at the Repertory Theater. It was Ibsen's "Enemy of the People." We have to go back and read it because it is right where we are today. It is about a doctor, and the doctor lived in a Norwegian town where they had a health spa and he finds that the waters are polluted. And by going around and trying to do the right thing and say the waters are polluted, he becomes opposed by everyone. They do not want to discuss whether or not the waters are polluted, they say this is radical, you have ruined life, we are not supposed to think about such things, and on and on.

I do think that is where we were as a society in the seventies, I think it is tremendously exciting to see that we have burst out of that and there is tremendous grassroots support for saying we are not going to do that in the eighties, we are going to deal with this issue, we are going at it head on and we are going to try and come to terms with it. We want a future.

The different groups that have come up in Colorado, which is 2,000 miles from here, you have the Loretta Disarmament and Economic Conversion Committee; Physicians for Social Responsibility growing at a phenomenal pace, Colorado Peace Council, Health Workers for Social Responsibility, the Alliance for Basic Human Needs, Colorado Campaign for Nuclear Freeze, the lawyers for a freeze, all sorts of different church groups, all sorts of exciting grassroots support are coming around. And they are saying, look, we want to begin: stop throwing paper missiles back and forth across the Atlantic Ocean and discrediting each other; just cancel your calendars, go somewhere, sit down and talk, the two leaders of these superpowers, make the world safer, do something.

So I think we can talk about whether the freeze is perfect, we can talk whether we should go back to SALT II, all those things should be laid out there. No one is mandating that this and only this can be the document from which we talk about. They are just saying we have overcome that suppression, we have overcome that "me" decade, we want to survive, and I cannot commend the different Members for doing this and bringing it, but I think it is marvelous that the people got there first.

Mr. BINGHAM. Would the gentlewoman respond to a question as to why she thinks all these groups are suddenly in the last year and a half becoming activated? Would you say that that is mainly a result of two things: The call for huge increases in our military budget, and perhaps even more important, the talk about nuclear war being winable?

Mrs. SCHROEDER. I think that is right. As I said, I think originally we thought of one bomb going over one city and all of a sudden we became much more informed. We have also become much more informed about the chances of human error, that we are really playing chicken with minutes in the potential of human error, just blowing it all up, whether it is a computer going haywire or what you have. The momentary response.

I think we have also grown out of the Pepsi generation, the "me" decade, live for today type of thing, and people now want to talk about a future and where we are going and will we survive, and this seems to be a large baricade in front of our really assured survival.

So, I find it very optimistic that people say, wait a minute, we are not totally locked in to mutual assured destruction as the only response. I find that the most refreshing thing that has happened, and I am sure the gentleman from New York finds that, too, rather than just saying the only thing we can do is buy in to more and more and more powder in the keg.

Mr. BINGHAM. I thank the gentlewoman for not only her statement today, but for her consistent work in this field.

Mr. Speaker, I yield to the gentleman from Colorado (Mr. KRAMER).

Mr. KRAMER. I thank the gentleman from New York for yielding and let me say that I appreciate the opportunity to participate in this meaningful debate.

I, too, share the views that have been expressed to the extent that the doctrine of mutual assured destruction is one, as the name implies, from the synonym associated with it, mad. It is indeed assured madness for the United States to be postured as a gigantic sponge to soak up Soviet attack and then to proceed on the theory that we will then have enough nuclear capability remaining to inflict a retaliatory blow on the adversary that will prevent them from ever striking us in the first place.

I might add that I speak today as not only just a Member of Congress, and one who is privileged to be a Member of this body, but perhaps a Member of Congress who represents that district which is the number one Soviet targeting priority in all of the world.

The reason for that is the location of the North American Air Defense Command aerodefense space command in our district, which is basically the command responsible for detecting a Soviet attack and advising the appropriate other commands and agencies of the impending nature of that attack, which is obviously the first line of our defense and, unfortunately, as we are assembled here today, also the last line of our defense, because the truth of the matter is that we simply have no defense today to speak of.

□ 1800

We have no capability to protect ourselves against a Soviet attack, either from missiles or from bombers; so the idea of a mutual freeze on both Soviet and American arsenals is an attractive idea with considerable appeal, but I raise the question as to whether or not such a freeze would work and then would offer an alternative approach that I think would as we work through the negotiation process perhaps in the long run serve us far better than simply a freeze in and of itself.

When we negotiated SALT I, really the concept of a freeze was inherent in that document in both the development and deployment of strategic nuclear weapons, yet 10 years later what is apparent is that the Soviet strategic programs that were under way in the 1969 to 1972 time frame when the SALT talks were being undertaken were sharply accelerated after the signing of that agreement which was in theory supposed to freeze the deployments of both nations, and not only during the SALT I talks but subsequent, the Soviet strategic effort has run at a massive pace.

Let us just consider a few meaningful statistics that will demonstrate this fact. The Soviets in the last decade have deployed five entirely new ICBM's. Several more ICBM generations are also under development.

They also tested, as speakers have pointed out here today, high accuracy MIRVed ICBM's. Although Congress was told in the 1972 hearings that the United States would view such Soviet efforts as contrary to the intent of SALT I and a cause for U.S. withdrawal from those agreements, they have also employed two entirely new classes of missile submarines, three bombers, at least two cruise missiles, four sub-launched ballistic missiles and at least one operational antisatellite system; this in an era of a so-called freeze that was induced by SALT I.

In fact, they have developed, deployed, or have underway a total of at least 20 separate strategic systems, of which 11 are operational today.

Now, compare that to what the United States has done. We have deployed only two new systems and have developed eight.

What is disturbing is that most of the systems that we have developed will not even be operational until the mid-1980's, by the time the Soviets, indeed, have probably deployed more than the 20 operational systems that they already have to date.

So I say, in short, there is a fundamental disparity between Soviet and American efforts. The arms race has in fact been largely a Soviet arms race during the past decade. The disparity in military effort between our nations extends to naval, ground, air, and projection forces as well, so that their effort is one that is not only massive and sustained, but across the board, and as other speakers have pointed out, it includes not only nuclear and conventional weaponry, but chemical and biological weapons as well.

If we were to freeze our military postures where they are today, the Soviets would be in a commanding position in virtually every index of strategic and conventional military power.

Then the further question, I guess, as part of the question about whether or not a freeze is the best approach to take, at least the only approach to take, is whether or not we can trust the Soviets to keep such a freeze if one were, in fact, negotiated.

We have confirmed and recent disclosures have I think documented this well that the Soviets have massively violated the oldest most enduring arms control convention in this century, the 1925 Geneva Convention. They have used these weapons, chemical, biological warfare, against men and women and children in Afghanistan and Southeast Asia. In fact, the U.S. State Department now estimates that 10,000 civilians have been slaughtered by Soviet biological and chemical weapons.

Let us again raise the issue which we have looked at a few minutes ago about the viability of the so-called doctrine of mutual assured destruction. I would suggest that it is time to raise the question of morality. Is it not fundamentally immoral and a violation of every tenet of traditional restraint in war for us to threaten to attack innocent Soviet citizens and to make our own citizens at the same time hostages to a Soviet attack, when we could if we pursued it with enough dedication and commitment, defend our people directly, instead of simply relying on an outdated retaliatory strategy.

Is it not the most fundamental moral convenant between a government and its people for a government to protect those citizens, rather than again holding them out as hostages?

What I am suggesting and recommending is a different way of dealing with nuclear weapons, perhaps in the context with a freeze, but certainly one that should be pursued with or without such a freeze.

What I suggest is that we develop and deploy with the greatest possible haste nonnuclear strategic defenses in space as well as on the ground. These nonnuclear defenses would signal a U.S. willingness to make a transition from nuclear weapons used basically for retaliatory strikes to nonnuclear defensive weapons designed to defend Americans, instead of killing Soviet noncombatants.

I think the political, the moral, and the strategic signals this kind of transition would send are, indeed, considerable. Such a move would serve to encourage a rapid transition to arms control arrangements in which both sides would have little incentives to continue racing in an offensive nuclear weapons strategy and, indeed, in addition to this, I think it opens up a wide possibility of additional agreements, particularly where we would not have to simply rely on total trust of Soviet intentions, but would be able to back such a trust up with a defensive backstop.

This may sound impossible to some of you, yet 20 years ago the U.S. developed a considerable body of expertise in orbital strategic defenses. In fact, a great deal of work was done in so-called far-out space defenses that could stop missile attacks, work that was underway in 1958. In fact, this work progressed to the point where prototype nonnuclear warheads and sensors were actually tested in laboratory conditions and according to many industry specialists with whom I have spoken, the real problem with deploying such defenses 20 years ago was not the technology involving the interceptors themselves, but instead the poor communication and control technologies that we had at that time, which have now been improved to the point where such defenses can, indeed, not only be developed, but deployed within this decade to free us, I think, and obtain our utlimate objective, which I think is the objective of everyone in this room today.

The **SPEAKER** pro tempore (Mr. MILLER of California). The time of the gentleman from New York (Mr. BINGHAM) has expired.

THE NUCLEAR FREEZE

The **SPEAKER** pro tempore. Under a previous order of the House, the gentleman from Washington (Mr. PRITCHARD) is recognized for 60 minutes.

Mr. **KRAMER**. Mr. Speaker, will the gentleman yield?

□ 1810

Mr. **PRITCHARD**. Mr. Speaker, I would be delighted to yield to the gentleman from Colorado (Mr. KRAMER).

Mr. **KRAMER**. In fact, as we are assembled in this room this afternoon, we all realize that the threat of nuclear war, whatever our political persuasion, whatever our ideology, hangs over us like the sword of Damocles.

While I commend the effort toward reducing this great mass of arms buildup, and certainly welcome new initiatives, I think that one initiative that cannot be overlooked and should not be overlooked is the opportunity to protect ourselves.

High Frontier, an effort that some of my colleagues may have heard of, a project of the Heritage Foundation, recently announced its proposals. An industry source from the Boeing Aerospace Co., has pretty much confirmed what the High Frontier found in its conclusions. And even the Army's Ballistic Missile Defense Command in Alabama is a third voice which echoes the sentiment that within a relatively reasonable time, for a relatively modest investment compared to what we are spending on offensive armament today, we can have in place a defense that will be 90-percent effective against a Soviet attack, not only against ICBM's, but against soft targets, not only military targets but population centers as well.

I would suggest that the really, truly moral thing to do would be to turn away from this doctrine of mutual assured destruction and substitute it with a doctrine of assured survival. Let the Soviets also have such defenses. And at the same time as we move down on our offensive armament, let us move forward with a defense that can protect the world against nuclear catastrophe.

Mr. **LEACH** of Iowa. Mr. Speaker, will the gentleman yield?

Mr. **KRAMER**. I yield to the gentleman from Iowa.

Mr. **LEACH** of Iowa. Mr. Speaker, I appreciate the perspective of the gentleman from Colorado, but I would indicate certain differences.

First of all, the doctrine that you have just enunciated, the possibility that we might want to develop the capacity to destroy 90 percent of the Soviet invading missiles, is one that allows 10 percent to come in. That means 1.6 nuclear warheads per congressional district, averaging 16 times, at a minimum, the throw weight that occurred in Hiroshima and Nagasaki.

I might also stress that the gentleman has just proposed, in essence, an escalation of the arms race by the placement of conventional weapons in outer space. Actually, it is with regard to outer space, it is with regard to areas of the world like Antarctica, that we have moved cautiously as a government to try to say, "Let's limit weapons being placed in these environments for the simple reason that it is easier to limit weaponry being placed in areas where there have never been weapons placed."

I would caution the gentleman from believing that in this modern world we have the capacity to defend ourselves against nuclear strike.

I must say that if you look at the history of warfare, it has been a history of the vacillation in which at times the forces of offense, at times the forces of defense, prevail. Scholars have pointed out in the Middle Ages the castle made nation-states impossible. With the invention of gunpowder, the inevitability of nation-states emerged.

But in this nuclear age, and in this biochemical age—and I might stress that biochemical weapons are not touched upon in your theory of being able to defend against a Soviet or enemy attack—there is no way whatsoever that we can defend against the ultimate—that is, extinction of the species. We have to make the assumption of that possibility, and making that assumption, it makes far more sense to try to come up with new political arrangements that will actually reduce, not escalate, the arms race.

The gentleman's descriptions, I think, are thoughtfully presented, but I would argue quite vehemently that the fact of the matter is 90-percent deterrence of incoming missiles is insufficient. In addition, the placement of weapons in outer space would represent a substantial breach of efforts that this Government and other governments have been proceeding with for a long time.

Mr. **KRAMER**. I ask the gentleman to yield for a very brief response.

I know I have been here a long time. I know there are other speakers who have also been waiting patiently. I don't intend to try to monopolize the podium, but I would like just an opportunity to briefly respond, if I might.

You are absolutely correct that there is no such thing as a perfect defense. But I would suggest that if we are trying to deter a potential attack from some adversary, probably, I suspect, for purposes of our discussion here today, most likely the Soviet Union, it is only when that differential between us becomes so great that a strategic imbalance results that I think the temptation to exploit that difference becomes a very viable alternative for the other side.

So I would suggest that a 90-percent defense that can, yes, not save every American life in a Soviet first strike, but can reduce our losses by a factor of 10 from where they presently are today, is a policy that is worth pursuing—not necessarily in isolation.

I do not reject limitations on offensive armaments or freezes. But if we are trying to accomplish what you are suggesting, and that is what we are all aiming for, and that is to remove the threat of nuclear holocaust from the world, would it not be far better to have not only a reduction in offensive armaments, because that offensive armament remaining still can do potentially great damage, but also an increase on the defensive as well?

Second, if I might point out, whether we like it or not, the Soviets are moving quickly in space, viewing it as an operational theater of war, where we have not. And we cannot unilaterally afford to give them that ultimate high ground which, in my judgment, will shift the balance of power irrevocably in their favor, and thus I think, therefore, maximize the potential that they as a potential adversary might have in exploiting that differential.

And lastly, let me suggest, as some other speakers have, we have not been very successful in limiting nuclear proliferation. Whether we like it or not, probably in the not too distant future we are speaking of other nations, other than simply the United States or the Soviet Union, that could trigger this kind of cataclysmic event that we are all trying to avoid.

How many ICBM's would it take in the hands of a Libya or some other unfriendly Third World country to totally destabilize a world situation that would potentially put the superpowers in a nuclear confrontation?

The only way that we can assuredly avoid allowing such a Third World blackmail, not only with respect to us but with respect to the Soviet Union as well, is to have in place a viable defense, at least of a magnitude that it could handle such a threat, because today we simply would be held out for total and outright blackmail in the face of some threat from some Third World country some day in the not too distant future, whoever gets two or three such weapons.

I appreciate the opportunity to respond.

Mr. LEACH of Iowa. Mr. Speaker, would the gentleman yield further very briefly?

I would just like to stress two points.

No one is proposing a unilateral loss of high ground. Arms control in space is a subject for mutual negotiation.

Second, and I stress this more than any other point—I question seriously your mathematics. When you say that only 10 percent of the Soviet missiles will reach America, that does not mean that 90 percent of the American population is saved. It means that if 10 percent of the Soviet missiles strike the United States of America, only two-thirds of the American population would be eliminated.

Mr. KRAMER. No. What I am suggesting is that from the conclusions of both—well, basically three sources, that is, the High Frontier project, an independent study done by the Boeing Aerospace Co., and the Army's own studies with a system known as LOAD's, virtually the potential exists to save 90 percent of what we would view as potential targets.

Mr. SEIBERLING. Mr. Speaker, will the gentleman yield?

Mr. PRITCHARD. I yield to the gentleman from Ohio. I am going to yield to the gentleman's side for the next speaker.

Mr. SEIBERLING. Will the gentleman yield so I can ask a question of the gentleman from Colorado?

Mr. PRITCHARD. Certainly.

Mr. SEIBERLING. Mr. Speaker, the gentleman is proposing an ABM system, or the equivalent, as a means of assuring each side would have maximum protection for their population. Assuming that it would work, I would like to ask the gentleman this question:

Is there not a much cheaper, simpler way to go about this, and that is to reduce the number of warheads on each side so that there is no greater threat to the existing population on each side than what exists if one had the whole panoply of weapons plus ABM? Why go through all this terrible expense if there is a cheaper, simpler way to do it. Just get the levels of warheads and missiles down to a low level.

□ 1820

Just get the levels of warheads and missiles down to a lower level.

Mr. KRAMER. I think the gentleman raises a very worthwhile question, and let me respond in this way: The problem with what I see in a freeze, and I am not opposed to the concept of a freeze nor to the concept of reducing weaponry, but I think there can be valid debate that what we freeze, if we were to have an outright freeze today, if a very unequal posture between us and the Soviet Union. We have talked about the window of vulnerability being the greatest in the early 1980's. We have talked about potential of a Soviet first strike being able to come in and destory 95 percent of our ICBM's on the ground and take out half of our bomber forces, take out half of our submarines; not knowing whether or not we would ever be able to penetrate Soviet airspace with the remaining bomber force, not knowing whether or not we would be able to communicate with our remaining submarines that effectively. In other words, what I am discussing in terms of a window of vulnerability, the strategic balance has shifted so far in favor of the Soviets that the question might arise in their minds, perhaps not in the present generation, perhaps not in an atmosphere of calm, but under a crisis situation, should they exploit that strategic advantage in a way that makes that first strike attractive?

So, what we are talking about is a freeze where each of us have nuclear capability and deliverability of an equal magnitude, I would be the first person to support that, but simply to support a freeze, as the gentleman from Alabama has pointed out, they have already deployed the weapons that the marchers in Europe are against in terms of GLCM's and Pershing II's to counterbalance what the Soviets have already done; the MX, if it ever does get deployed, will only counterbalance what the Soviets have already established with their SS-18's. So, basically we are talking about freezing strategic inferiority on the part of the United States, which I suggest is very, very destabilizing.

Mr. SEIBERLING. If the gentleman will yield further, my question was not directed toward a freeze, but the desirability of nuclear arms reduction to the point where the total number of missiles and warheads on each side would achieve the same degree of protection as this elaborate ABM and other protective systems the gentleman is proposing would achieve at far, far lower cost and far, far less risk to the total environment, because when you set off an ABM, particularly a nuclear one, you are still running the risk of huge numbers of nuclear explosions with the fallout, with the impact on the ionosphere and the bands of ozone that protect us from ultraviolet radiation from the Sun, and so forth and so on.

So, the mere fact that you prevent the enemy's missiles from going off at about ground level does not solve the problem of the deadly effects if they go off at any level. I suggest that from a safety standpoint as well as a cost standpoint, there is only one solution: Get rid of the numbers, get them down to where they are very low, and hopefully they will go out of existence.

Mr. KRAMER. I have absolutely no objection to what the gentleman is suggesting. In fact, if we can negotiate and verify roughly equivalent nuclear arsenals between us and the Soviet Union, I would not disagree with what the gentleman is advocating, but it does take two sides to play successfully at that undertaking. Also, we have to simply face the reality of nuclear proliferation in the Third World as well, but I do not quarrel one iota with what the gentleman is suggesting as cheaper and perhaps even a preferable solution if it is a possible one.

Mr. PRITCHARD. Mr. Speaker, I now yield to the gentleman from California (Mr. DELLUMS).

Mr. DELLUMS. Mr. Speaker, I thank the gentleman for yielding.

Mr. Speaker, I would like to begin my brief presentation by attempting to address the question raised by my distinguished colleague from New York, (Mr. BINGHAM) when he questioned why now this evolution of the nuclear freeze movement in the country? My colleague from Colorado suggested that there were two reasons. I would suggest that there are three, and I would like to amplify them.

I think the reason why millions of American people on an increasing basis are raising the question of the insanity of nuclear war and the absurdity of the arms race is, first, because of the European peace movement; second, because of the arrogance and the bizarre comments emanating from this administration and the policies that flow therefrom; and finally, to the rather obscene nature of the increases in America's military budget.

First, the European peace movement. I am very thankful that there are European allies with tens of thousands of human beings in those countries who have the audacity, the courage, the sensitivity and the will to challenge the madness of nuclear arms, to challenge the absurdity of the deployment of American nuclear missiles in Europe; the fact that hundreds of thousands of people assembled in virtually every major capital in Europe challenging this insanity is the reason why we are here, because millions of American people began to sense that the Europeans knew something that we in America ought to be dealing with.

The people in Europe live under the shadow of the nuclear mushroom. We in America continue to view the problems of Europe as if we are watching a 1940 movie or something that happens at some other place. That is why, Mr. Speaker, I would like to hope that this Congress in its wisdom, would follow the recommendation of the woman from New England, Dr. Helen Calderscot, who suggests that the entire delegation, the entire membership of Congress assemble in the Chambers and view the movie, "The Last Epidemic," so that we can get it into our heads what the madness of nuclear war really is; so that we can close this imaginary gap; so that we stand in solidarity with our European brothers and sisters challenging the madness of nuclear war. That is one reason why the nuclear freeze is building and why some of my colleagues are here.

The second reason, as I stated earlier, is because of the arrogance and bizarre comments emanating from this administration. The administration's view that a nuclear confrontation could be contained in Europe is, at a minimum, arrogant and absurd.

Mr. Speaker, the fact that our Secretary of State Haig's statement that the United States could detonate and demonstrate nuclear devices at a time of diplomatic crisis is, at best, bizarre. But beyond that, any American citizen, any American citizen reading the posture statement of this administration that acts as a justification for fiscal year 1983 military budget, states almost verbatim that one of the major objectives of this administration is to fight, survive, and win a nuclear war.

Now, any rational mind that believes in this country that we can indeed fight, survive, and win a nuclear war is, by definition, Mr. Speaker, psychotic.

The American people and the world need to be defended from this kind of madness. The point I make is that this budget goes far beyond the notion of deterrents. We are now talking about a war-fighting strategy, a war-fighting capability, that is frightening, dangerous, and as is said, psychotic.

Back in 1979 Lord Mountbatten, a brilliant British military person, said before he died that:

> I have come to realization that nuclear weapons are not military weapons. They can never be used, and that the danger that imperils human kind is the illusion that they can be used.

That to me, is a powerful, extraordinary, eloquent statement. It speaks to the notion that nuclear weapons should never ever be used, and are never designed to be used, and anyone that sits here thinking that we can use nuclear weapons for some military purpose as we fire an M-16 or conventional weapon on a tank is living in a crazy world. Nuclear weapons cannot be used.

I have asked on the floor of this Congress on numerous occasions, what is the role of nuclear weapons in modern society?

□ 1830

Is it to use them? If it is, I would suggest, Mr. Speaker, that we are all dead, it is just a matter of time.

If the answer to that question, "What is the role of nuclear weapons in our lives?" is "deterrence," I would suggest that we should really have deterrence. Back when McNamara was Secretary of Defense, he defined deterrence as when you achieve the nuclear capacity to destroy 30 percent of another nation's population. If that was 30 percent of our population, that would exceed 60 million human beings. My mind cannot comprehend that level of disaster.

He said that if you can kill 30 percent of another nation's population and destroy 70 percent of its economic infrastructure, you will have indeed achieved deterrence, because if you throw that level of destruction at another country, they could never emerge as a civilized society in modern times. Back in that day McNamara said we could achieve that capacity with roughly 400 strategic nuclear weapons.

Mr. Speaker, I say to the Members of the House that we have 10,000 strategic nuclear weapons at this moment. We have far exceeded the notion of nuclear deterrence. We have taken that far beyond comprehension, and this administration in this budget and future budgets into the eighties is asking the American people to again provide resources above and beyond the 10,000 strategic warheads, to say nothing of the tens of thousands of tactical nuclear warheads that can be used to wreak such havoc on all human kind on the face of this Earth.

And so for the second reason, the arrogance and the bizarre comments that emanate from this administration and the policies that flow therefrom, that is the second reason why the American people are standing up. The bottom line is that they think these people are crazy. They say, "Look, we are talking about engulfing ourselves in a nuclear war for ourselves and our children and their children and other children to follow." The people of this country have a profound obligation to stand up and be heard.

The third reason is that people are beginning to sense the obscene nature of the increases in America's military budget as we proceed down this road building more sophisticated technology in a way that is reducing our ability to communicate and our ability to react in a time of crisis down to a matter of minutes.

When I came to Congress in 1971, we were trying to pursue peace as we were bombing and killing and maiming people in Vietnam, and our military budget was $80 billion. In fiscal year 1981, our military budget was $173 billion. I am now using budget authority. For fiscal year 1982 our military budget was $226 billion, and in fiscal year 1983 this administration is asking for $258 billion. Using only a 7-percent increase over and above inflation, this administration would be asking, if it were still in office—and I hope it is not—that by fiscal year 1987 the military budget would exceed $422 billion per annum.

By the end of this decade, Mr. Speaker, our military budget then could exceed over one-half of a trillion dollars per year. This is an obscenity.

Stated a different way, in the decade of the seventies we spent $1 trillion on the military function. We have been holding ad hoc hearings for the past several days, Mr. Speaker, and a number of witnesses indicate that by the end of the eighties our military budget expenditure, given the present policy assumptions, could exceed $4 trillion.

If that does not shock the Members of the House, Mr. Speaker, I will give them these figures in one more obscene fashion. If we aggregate the amount of money we anticipate spending in the next 5 years in this military budget, we would spend approximately $1 billion per day 7 days a week, 365 days a year, for the next 5 years on the military function alone.

Mr. Speaker, it is for these three reasons that the American people are saying, "Bring some sanity to this madness. Stop the nuclear arms race."

There will be a number of my colleagues who will proceed into the well over the next several months with their own personal stylized approach to how we disarm, but the American people are beginning to see through the rhetoric. They are saying, "Stop the madness."

They have been posturing for years, and every year we develop some new weapons system that brings us closer to the brink of nuclear disaster.

We talk about SALT II or the freeze or whatever, but the important factor is that the American people are waking up. The American people at this moment realize that there are not enough Members of Congress to turn around this madness, and they in their wisdom and in their intelligence realize the only factor that can be inserted into the equation to bring some sanity is not the few of us here who are debating this matter, but when they stand up in powerful numbers and in activist numbers and say, "We challenge this madness," that is when my colleagues who have been voting for these massive arms buildups will be running like hell, Mr. Speaker, to get in front of the peace movement.

Finally, Mr. Speaker, I intend to read an important article into the RECORD, but before I do that, I will just make two comments. One or two of our previous speakers spoke to the question of nuclear superiority as if in some way a handful of strategic nuclear weapons on one side or the other could bring nuclear superiority. We in this country tend to accept that because we propagandize people with this superbowl hype around all issues. Who has the most and who has the least? Who has the biggest and who has the smallest? Who has the fattest and who has the skinniest? Who has the most accurate and who has the least accurate?

The point is, Mr. Speaker, that in 1982 the whole concept of nuclear superiority has no intellectual or scientific basis. What is superiority in 1982? In 1950, when we had the only bomb, we could say, "I'm superior." When we only had a few hundred strategic nuclear weapons, the only ones on the face of the Earth, we could talk about superiority. But in 1982, when we have 10,000, they have 7,000, we have thousands and thousands of strategic tactical nuclear weapons, cruise missiles, and what have you, and they have several thousand also, what is superiority?

Finally, if the Members agree with many thoughtful people in this country that the whole notion of limited nuclear war is absurd, that there is no way to contain a nuclear war, and that it would escalate into global strategic nuclear war, thermonuclear war, and then the whole concept of nuclear war is absurd, I would suggest that they take the next intellectual step and recognize that the whole concept of superiority is absurd. So stopping this madness, it seems to me, makes some sense.

But I would like to go beyond the freeze. There are a number of people who would like to do that as well. One of them is Prof. Seymour Melman, who in my estimation is a brilliant advocate of challenging the madness of the arms race, and I would like at this point to read into the RECORD an article that appeared in today's Los Angeles Times entitled "Beyond the Freeze, an Empty Victory?" by Seymour Melman.

> The mushrooming campaign for a bilateral United States-Soviet nuclear weapons freeze has raised public consciousness about this issue to perhaps the highest level since the beginning of the Atomic Age. Americans of all political persuasions increasingly want to freeze the production of nuclear weapons, hoping that it would be a first step toward general reversal of the arms race.
>
> But, given the present terms of the freeze campaign and the ambiguous record of American political leaders, this otherwise laudable "first step" could become the last step of a doomed march against Armageddon. Unless this proposed first step mandates and guarantees that the second, third and following steps will be taken, the objective of reversing the arms race could be made a mockery.

Mr. Speaker, I go further with the article:

> Taking lessons from the past, we can speculate on what could result from the freeze campaign as it is now formulated.
>
> Take today as Time Zero, the beginning of the movement aimed at a bilateral freeze in the production of nuclear warheads. Assume that the issue grows to such proportions that many candidates for public office get on the bandwagon.
>
> As the presidential primaries draw near, the top Democratic contenders vie for this burgeoning "freeze vote," which ultimately sweeps an Edward M. Kennedy or a Walter F. Mondale or an Alan Cranston into the White House in January, 1985, Year 3 of the freeze campaign.
>
> The new President, being true to his campaign pledge, immediately begins retooling the machinery of government to advance the cause. Eventually, a new arms-control staff is assembled and put to work to draft a plan and negotiate with the Soviets. By the end of the year, the call goes out to the Kremlin for high-level talks. We are now in Year 4.
>
> Let us assume, generously, that the Soviets have done their own homework and are ready and willing to sit down and talk. Given the endless array of issues to be resolved—timing, megatonnage, numbers, configurations, locations, mutual inspection—these talks drag on for at least six months. But sometime in the summer or fall of 1986, the leaders of the United States and the Soviet Union agree to cease the production of nuclear weapons.
>
> Naturally, given the way in which weapons production works, the agreement is scheduled to take effect in, say, six months to allow the pipelines to empty and plants to shut down without disruption. This is roughly the end of Year 5. A formal objective has been met. Nuclear weapons production is frozen.

□ 1840

But what have we actually frozen? Mr. Speaker, Seymour Melman attempts to answer.

> Certainly not the 25,000 to 30,000 nuclear warheads in the U.S. arsenal in 1982, when the freeze campaign began. In that year, President Reagan already had set in motion plans to increase the nuclear arsenal by about 17,000 warheads—which, allowing for the retirement of some older warheads, would bring the total up to 40,000 to 45,000. Thus we would be freezing the arsenal at a level roughly 50% to 60% higher than what prevailed in 1982—

The year that you and I stand here and debate—

> Naturally, the commissars in Moscow have not been sitting on their hands during this period, either. We may safely assume that they will have matched or exceeded the U.S. buildup.
>
> So what have we frozen? Upwards of 100,000 nuclear warheads. What have we not frozen? Delivery systems, for one. New missiles and "invisible bombers" and ever-more-silent submarines will guarantee that the nuclear arms race will proceed apace. Nor will we have frozen the "defensive" weapons of nuclear warfare, such as new anti-ballistic missile systems, which make the possibility of a nuclear strike all the more real, and, of course, we will not have given a thought to new and powerful conventional non-nuclear weapons.
>
> Indeed, it is a safe assumption that the Pentagon and the weapon scientists will be rewarded, or bought off, for their acceptance of the nuclear warhead freeze by carte blanche approval of a monumental increase in every aspect of the arms race except warheads. That's what happened after the nuclear test ban treaty of 1963.
>
> Our victory will taste of ashes.
>
> The lesson that we have learned is that there is no such thing as a "first step" unless it is part of a succession of steps. The period estimated above for the formulation and negotiation of the freeze proposal is adequate to allow parallel formulation and negotiation of a plan for comprehensive reduction of the arms race, both nuclear and conventional.
>
> There is a second lesson. The terms of the agreement—the step-by-step reversal of the arms race—must be formulated for the government, not by it. This means that private parties and organizations committed to the goal must take the lead, draft the program and present it to the government for negotiation with the Soviet Union.

It seems to me that means the American people have not only the right but the responsibility to be involved. It is too important to leave to the generals and perhaps to the politicians, Mr. Speaker.

> Third, the Administration that negotiates the agreement must be one that by its nature is committed to taking each of the successive steps toward reversal of the arms race. This means that no presidential candidate will get the "reversal vote" unless he is unquestionably so committed.
>
> Finally the comprehensive agenda must include planned steps for conversion of the permanent war economy to a permanent, productive peace economy. This is the necessary and desirable alternative to "buying off" the military-industrial complex.
>
> To date, the nuclear-freeze campaign has played a useful role in raising public consciousness on this vital issue. Now it is time to begin the programing that is the next step for peace.

Mr. Speaker, I thank my distinguished colleague for yielding to me and I join in the effort to eradicate the insanity of the nuclear arms race. I join with that clergy who indicated that challenging the nuclear arms race is the moral issue of our decade; everything else is a footnote.

Mr. PRITCHARD. Mr. Speaker, I yield to the gentleman from New York (Mr. CARNEY).

Mr. CARNEY. Mr. Speaker, we are assembled here today to address the growing concern in this country about the nuclear arms competition of the superpowers. The various "nuclear freeze" resolutions being considered across our Nation reflect the degree of concern among the people. We in Congress share their concern as evidenced by this debate and the numerous resolutions circulating in this body. We all seek circumstances that would result in a more stable and peaceful world. Let there be no mistake, every member of this distinguished body seeks to prevent the incomprehensible death and destruction that would result from a nuclear war. There is, however, disagreement over the best means of preventing such a catastrophe.

No discussion of this issue should ignore current historical realities. The world in which we live today is more dangerous and unstable than that in which we lived 5, even 10 years ago. This must be a sobering thought for those who would blame the current instability on U.S. military might. During the past decade the United States has demonstrated unilateral restraint in the production of nuclear weapons. Some suggested at the time that this restraint would encourage similar restraint on the part of the Soviet Union. However, the statistics from this period tell the real story. Between 1974 and 1980 the Soviet Union produced 2,000 ICBM's compared to just 300 on the part of the United States during the same period the U.S.S.R. produced 4,000 theater nuclear missiles compared to just 1,300 on the part of the United States, and they produced 5,000 tactical combat aircraft compared to just 2,000 on our part. In recognition of these figures Harold Brown was forced to conclude, "When we build, they build. When we don't build, they build."

As a result of our unilateral restraint, the Soviet Union now enjoys military advantage in virtually all categories. While some might argue with static comparisons in specific weapons categories, it is more difficult to deny the foreign policy implications of growing Soviet military might. Their military advantage has been demonstrated all too clearly in Afghanistan, Poland, Southeast Asia, Latin America and Africa. With each advance on their part, the sphere of freedom shrinks. I would like to return to the thoughtful remarks of the distinguished minority leader. U.S. military strength, be it conventional or strategic, is a means toward peace. U.S. deterrent forces are designed to maintain peace and defend freedom. For this reason, the maintenance of an adequate deterrent capability on the part of the United States is a moral undertaking. The implications of the absence of deterrence are grave indeed. It is in this context that we must frame any discussion of nuclear weapons freeze proposals.

Many of my colleagues have cosponsored the Markey-Conte resolution calling for a nuclear weapons freeze at current levels. While I share the concerns that they are attempting to address, I do not agree with their approach. The Soviet Union currently enjoys numerical superiority in all strategic nuclear systems except bombers where the U.S. advantage is steadily being eroded by continued deployment of Soviet Backfires. This Soviet superiority is destablizing and constitutes a serious threat to world peace. A freeze at current levels would perpetuate this instability. This is an adequate response to a serious problem. On November 18, 1981, President Reagan outlined his strategy for arms reductions. He did not propose to accept the current arsenals of both superpowers, nor the imbalance between those arsenals. Instead he proposed "to negotiate substantial reductions in nuclear arms which would result in levels that are equal and verifiable." A freeze at current levels would not include reductions, and thus would not go far enough.

There are other flaws in the notion of a freeze at current levels of forces. Although "freeze" proponents do not so specifically state, a freeze would have the effect of canceling the President's strategic force modernization program. This would present a grave threat to the security of this Nation. The modernization of U.S. strategic forces after years of neglect is absolutely essential. As I mentioned earlier, nuclear weapons in the arsenal of the United States serve as a deterrent to war and protector of peace. An inadequate deterrent invites aggression by our enemies. The United States will not drift into war because it is too strong. Nations find themselves at war because their weakness invites the aggression of its adversaries. We must be willing to restore U.S. military strength if we are to continue in our role as defender of freedom and guarantor of peace. I doubt that anyone in this body would recommend that we renege on that responsibility.

The cancellation of the strategic force modernization would also destroy any chances President Reagan has of negotiating major reductions in the arsenals of the Soviet Union and the United States at the upcoming strategic arms reductions talks. Those who have been involved in negotiating with the Soviets recognize the importance of bargaining from a position of strength. If we were to abandon our strategic and theater nuclear force modernization programs, the Soviet Union would have no incentive what so ever to agree to reductions in their forces. For these reasons I would suggest that a freeze at current levels is not in the best interests of the United States.

However, I am not standing before you arguing against one proposal without offering an alternative. Yesterday, I introduced a bipartisan concurrent resolution with 13 cosponsors that calls for, "a long-term, mutual and verifiable nuclear forces freeze at equal and sharply reduced levels of forces." A companion resolution was introduced today in the Senate by Senators JACKSON and WARNER with 56 cosponsors. Certain individuals have accused us of playing with language in introducing this resolution. This is not the case. We feel that our resolution addresses the flaws of a freeze at current levels. Most importantly, it recognizes the current force imbalance and its dangerous implications. This imbalance is the essence of today's problem. It is the weakness of our deterrent forces that threatens peace, not the possession of nuclear weapons by the United States. The nature of U.S. deterrent forces was demonstrated after World War II when the United States used its military strength to insure conditions in which the war-torn countries could be rebuilt. Our resolution does not threaten to undermine the administration's strategic force modernization program. It emphasizes the importance of this modernization as a means of encouraging reductions on the part of the Soviet Union.

Those who have cosponsored my resolution feel that it addresses the concerns of the American people in a reasoned and responsible manner. To freeze the current imbalance and instability in the hope of establishing a balance at some time in the future does not answer these concerns.

□ 1850

Peace and strength, you would have to say, are relative. When we deal with equal strength, we can move forward in the area of reductions. We can mutually and verifiably reduce our arsenals because neither of the superpowers would have an exposure to an aggressive act.

I am not up here indicating that I believe that the United States would ever be involved in first fire of nuclear forces, but I am saying that we cannot totally understand why the Soviet Union has had this compulsion to build their nuclear forces to the condition that they are in today.

It is my firm belief, and it is the firm belief of those who have cosponsored this resolution, that when we do reach a parity, we can reduce. But until we do reach that parity, it would be immoral, almost, for us to drop our guard as the defender of peace. I would hope that, whatever resolution is brought up for final consideration, the thoughts of parity to start before reduction or before freeze would be given equal time on the floor of this House and be given equal consideration when this House debates the issue.

I truly hope that this Hosue will debate the issue. I commend my colleagues, Mr. MARKEY and Mr. CONTE, from the State of Massachusetts, for bringing the issue to the forefront, although disagreeing with their method and their conclusion. They have done one thing that has been very, very substantial, and that is they have brought this issue to the minds of the Members of the Congress of the United States, they have brought this issue to the minds of many more millions of American people that have thought about it in the past. That in itself has been a great accomplishment.

I would hope that we continue to keep this issue on the front burner, and I would hope that the Soviet Union will look very carefully at our willingness to reduce, our willingness to reduce from a standpoint of parity, a standpoint of mutuality, and a standpoint that can be classified as verifiable.

Mr. PRITCHARD. Mr. Speaker, I yield to the gentleman from Washington (Mr. SWIFT).

Mr. SWIFT. Mr. Speaker, I hope the administration has paid its C-SPAN subscription and is watching our debate today.

All of us travel to our districts frequently, and we receive large numbers of letters from our constituents. Our responsibilities require that we be in touch with the real people.

The President represents the people, too. In fact he is the one official who is elected to represent all of them. Similarly, his access to prime-time television makes it possible for him to talk to all of the people. Unfortunately, there is no way he can listen to the people in the same intimate and direct way we Members of the House of Representatives can.

There is abroad in the United States a growing insistence that we initiate serious efforts to gain bilateral agreements to reduce the level of armaments in the world, and in doing this reduce the terrible tensions that threatened war—a type of war that would not lead to victory for anyone, but, in this nuclear age, would cause universal catastrophe.

The government of the United States must develop and offer sincere and practical proposals that will challenge the Soviet Union to enter into broad ranging negotiations aimed at stopping the growth and then reducing the numbers and types of nuclear weapons that threatened us.

There are several proposals before us. That is a healthy sign. Debating how best to achieve the reduction of nuclear weapons is a giant step forward from the sterile debate in Washington over whether we should engage in negotiations to finally reverse the ascending spiral to ever higher and more dangerous "levels of parity and balance."

Reasonable people may disagree on how to proceed, but this administration surely must agree with the growing call from Americans of all regions and parties that the United States must make every effort to begin the process.

Mr. LEACH of Iowa. Mr. Speaker, under permission granted earlier, I submit the following material for the RECORD:

GENERAL OMAR N. BRADLEY, ST. ALBAN'S SCHOOL, WASHINGTON, D.C., NOVEMBER 5, 1957

The central problem of our time—as I view it—is how to employ human intelligence for the salvation of mankind. It is a problem we have put upon ourselves. For we have defiled our intellect by the creation of such scientific instruments of destruction that we are now in desperate danger of destroying ourselves. Our plight is critical and with each effort we have made to relieve it by further scientifc advance, we have succeeded only in aggravating our peril.

As a result, we are now speeding inexorably toward a day when even the ingenuity of our scientists may be unable to save us from the consequences of a single rash act or a lone reckless hand upon the switch of an uninterceptable missile. For twelve years now we've sought to stave off this ultimate threat of disaster by devising arms which would be both ultimate and disastrous.

AN ELECTRONIC HOUSE OF CARDS

This irony can probably be compounded a few more years, or perhaps even a few decades. Missiles will bring anti-missiles, and anti-missiles will bring anti-anti-missiles. But inevitably, this whole electronic house of cards will reach a point where it can be constructed no higher.

At that point we shall have come to the peak of this whole incredible dilemma into which the world is shoving itself. And when that time comes there will be little we can do other than to settle down uneasily, smother our fears, and attempt to live in a thickening shadow of death.

Should this situation come to pass, we would have but one single and thin thread to cling to. We call it rational or reason. We reason that no Government, no single group of men—indeed, not even one willful individual—would be so foolhardly, so reckless, as to precipitate a war which would most surely end in mutual destruction.

This reasoning may have the benefit of logic. But even logic sometimes goes awry. How can we assume that reason will prevail in a crisis when there is ordinarily so little reason among men. To those who would take comfort in the likelihood of an atomic peace to be secured solely by rationale and reason, I would recall the lapse of reason in a bunker under the Reich Chancellery in Berlin. It failed before, it can fail again.

Have we already gone too far in this search for peace through the accumulation of peril? Is there any way to halt this trend—or must we push on with new devices until we inevitably come to judgment before the atom. I believe there is a way out. And I believe it because I have acquired in my lifetime a decent respect for human intelligence.

It may be that the problems of accommodation in a world split by rival ideologies are more difficult than those with which we have struggled in the construction of ballistics missiles. But I believe, too, that if we apply to these human problems, the energy, creativity, and the perseverance we have devoted to science, even problems of accommodation will yield to reason. Admittedly, the problem of peaceful accommodation in the world is infinitely more difficult than the conquest of space, infinitely more complex than a trip to the moon. But if we will only come to the realization that it must be worked out—whatever it may mean even to such sacred traditions as absolute national sovereignty—I believe that we can somehow, somewhere, and perhaps through some as yet undiscovered world thinker and leader find a workable solution.

I confess that this is as much an article of faith as it is an expression of reason. But this, my friends, is what we need, faith in our ability to do what must be done. Without that faith we shall never get started. And until we get started, we shall never know what can be done.

If I am sometimes discouraged, it is not by the magnitude of the problem, but by our colossal indifference to it. I am unable to understand why—if we are willing to trust in reasons as a restraint on the use of a ready-made ready-to-fire bomb—we do not make greater, more diligent and more imaginative use of reason and human intelligence in seeking an accord and compromise which will make it possible for mankind to control the atom and banish it as an instrument of war.

This is the real and—indeed—the most strenuous challenge to man's intellect today. By comparison with it, the conquest of space is of small significance. For until we learn how to live together, until we rid ourselves of the strife that mocks our pretentions of civilization, our adventures in science—instead of producing human progress—will continue to crowd it with greater peril.

THE SATELLITE ON WHICH WE LIVE

We can compete with a Sputnik and probably create bigger and better Sputniks of our own. But what are we doing to prevent the Sputnik from evolving into just one more weapons system? And when are we going to muster an intelligence equal to that applied against the Sputnik and dedicate it to the preservation of this Satellite on which we live?

How long—I would ask you—can we put off salvation?

When does humanity run out?

If enough of us believe strongly enough in the ability of intelligent human beings to get together on some basis of a just accord, we might somehow, somewhere, in some way and under some auspices make a start on it.

Unless we soon get started, it may be too late.

We can't sit about waiting for some felicitous accident of history that may somehow make the world all right. Time is running against us, and it is running against us with the speed of a Sputnik.

If we're going to save ourselves from the instruments of our own intellect, we had better soon get ourselves under control and begin making the world safe for living.

(General of the Army Omar Bradley, America's only living five-star general, was a leading military figure in World War II and in the post-war years. He served as Chairman of the Joint Chiefs of Staff. General Bradley was an honored guest at Ronald Reagan's Presidential Inauguration in January 1981.)

[Speech by General Douglas MacArthur, entitled "Nuclear War: A Frankenstein," made to a Joint Session of the Congress of the Philippines, July 5, 1961]

NUCLEAR WAR: "A FRANKENSTEIN"

The last time I spoke before this august body, the war still raged outside. The crash of guns rattled windows, the sputter of musketry drowned voices, the acrid smell of smoke filled our nostrils, the stench of death was everywhere. And now, 16 years later, although those incidents have become but dark memory, the possibility of war still hangs like a cloud before our eyes. It overshadows all other problems, intruding upon every thought and action, encompassing all that we hold most dear, dictating not only the present but our very future.

Many in this brilliant audience were my former comrades in arms. They have known war in all its horror and, as veterans, hope against its recurrence. How, they well may ask, did such an institution as war become so integrated with man's life and civilization? How has it grown to be the most vital factor in our existence?

It started in a modest enough way as a sort of gladiatorial method of settling disputes between conflicting tribes. One of the oldest and most classical examples is the Biblical story of David and Goliath. Each of the two contesting groups selected its champion. They fought and, based upon the outcome, an agreement resulted. Then, as time went on, small professional groups known as armies fought in some obscure corner of the globe, and victory or defeat was accepted as the basis of an enduring peace.

And from then on, down through the ages, the constant record is an increase in the character and strength of the forces, with the rate of increase always accelerating. From a small percentge of the population it finally engulfed all. It is now the nation in arms.

Within the span of my own life, I have witnessed much of this evolution. At the turn of the century, when I joined the Army, the target was one enemy casualty at the end of a rifle, a pistol, a bayonet, a sword. Then came the machinegun, designed to kill by the dozen. After that the heavy artillery—raining death upon the hundreds. Then the aerial bomb to strike by the thousands—followed by the atom explosion to reach the hundreds of thousands.

Now, electronics and other processes of science have raised the destructive potential to encompass millions. And with restless hands we work feverishly in dark laboratories to find the means to destroy all at one blow.

But this very triumph of scientific annihilation—this very success of invention—has destroyed the possibility of war's being a medium for the practical settlement of international differences. The enormous destruction to both sides of closely matched opponents makes it impossible for even the winner to translate it into anything but his own disaster.

The last war, even with its now antiquated armaments, clearly demonstrated that the victor had to bear in large part the very injuries inflicted on his foe. My own country expended billions of dollars and untold energies to heal the wounds of Germany and Japan.

Global war has become a Frankenstein to destroy both sides. No longer is it a weapon of adventure—the shortcut to international power. If you lose, you are annihilated. If you win, you stand only to lose. No longer does it possess even the chance of the winner of a duel. It contains now only the germs of double suicide.

Time was when victory in war represented economic wealth, accelerated prosperity, a place in the international sun. It was the final weapon of statecraft, the apotheosis of political diplomacy. Its application, however, was regulated, controlled, and limited by the basic principle that a great nation that enters upon war and does not see it through to victory must ultimately suffer all the consequences of defeat. That is what happened to us in Korea. With victory within our grasp, and without the use of the atom bomb which we needed no more then than against Japan, we failed to see it through.

Had we done so, we would have destroyed Red China's capability of wageing modern war for generations to come. Our failure to win that war was a major disaster for the free world. Its fatal consequences are now increasingly being felt in the military rise of Red China into a mighty colossus which threatens all of Asia and bid fair to emerge as the balance of military power in the world. This would jeopardize freedom on all continents.

But the conditions that prevailed in the Korean war exist no longer and will come no more. Then we were the sole possessor of nuclear power. We stood alone in military might. Now all is changed. Others possess this weapon. Relative strengths from now on will probably change little with the years. Action by one will promptly be matched by reaction from the other.

The great question is: Can global war now be outlawed from the world? If so, it would mark the greatest advance in civilization since the Sermon on the Mount. It would lift at one stroke the darkest shadow which has engulfed mankind from the beginning. It would not only remove fear and bring security—it would not only create new moral and spiritual values—it would produce an economic wave of prosperity that would raise the world's standard of living beyond anything ever dreamed of by man.

The hundreds of billions of dollars now spent in mutual preparedness could conceivably abolish poverty from the face of the earth. It would accomplish even more than this; it would at one stroke reduce the international tensions that seem to be insurmountable now to matters of more probable solution. This would not, of course, mean the abandonment of all armed forces, but it would reduce them to the simpler problems of internal order and international police. It would not mean utopia at one fell stroke, but it would mean that the great roadblock now existing to the development of the human race would have been cleared.

You will say at once that, although the abolition of war has been the dream of man for centuries, every proposition to that end has been promptly discarded as impossible and fantastic. But that was before the science of the past decade made mass destruction a reality. The argument then was along spiritual and moral lines, and lost. But now the tremendous evolution of nuclear and other potentials of destruction has suddenly taken the problem away from its primary consideration as a moral and spiritual question and brought it abreast of scientific realism. It is no longer an ethical equation to be pondered solely by learned philosophers and ecclesiastics, but a hard-core one for the decision of the masses whose survival is the issue.

This is as true of the Soviet side of the world as of the free side—as true behind the Iron Curtain as in front of it. The ordinary people of the world, whether free or slave, are all in agreement on this solution; and this perhaps is the only thing in the world they do agree upon, but it is the most vital and determinate of all. We are told we must go on indefinitely as at present—with what at the end, none says—there is no definite objective. They but pass along to those that follow the search for a final solution. And at the end, the problem will be exactly that which we face now.

It may take another cataclysm of destruction to prove the bald truth that the further evolution of civilization cannot take place until global war is abolished. But this is the one issue upon which both sides can agree, for it is the one issue upon which both sides will profit equally. It is the one issue in which the interests of both are completely parallel. It is the one issue which, if settled, may well settle all others.

The present tensions with their threat of national annihiliation are fostered by two great illusions. The one, a complete belief on the part of the Soviet world that the capitalistic countries are preparing to attack them; that sooner or later we intend to strike. And the other, a complete belief on the part of the capitalistic countries that the Soviets are preparing to attack us; that sooner or later they intend to strike.

Both are wrong. Each side, so far as the masses are concerned, is desirous of peace. Both dread war. But the constant acceleration of preparation may, without specific intent, ultimately precipitate a kind of spontaneous combustion.

Many will tell you with mockery and ridicule that the abolition of war can be only a dream—that it is but the vague imagining of a visionary. But we must go on or we will go under. And the great criticism that can be made is that the world lacks a plan that will enable us to go on.

We are in a new era. The old methods and solutions no longer suffice. We must have new thoughts, new ideas, new concepts. We must break out of the straitjacket of the past. We must have sufficient imagination and courage to translate the universal wish for peace—which is rapidly becoming a universal necessity—into actuality. And, until then, at whatever cost or sacrifice, we must be fully prepared—lest we perish.

EXCERPT FROM PRESIDENT JOHN F. KENNEDY'S COMMENCEMENT ADDRESS AT AMERICAN UNIVERSITY IN WASHINGTON, JUNE 10, 1963

I have, therefore, chosen this time and this place to discuss a topic on which ignorance too often abounds and the truth is too rarely perceived—yet it is the most important topic on earth: world peace.

What kind of peace do I mean? What kind of peace do we seek? Not a Pax Americana enforced on the world by American weapons of war. Not the peace of the grave or the security of the slave. I am talking about genuine peace, the kind of peace that makes life on earth worth living, the kind that enables men and nations to grow and to hope and to build a better life for their children—not merely peace for Americans but peace for all men and women—not merely peace in our time but peace for all time.

I speak of peace because of the new face of war. Total war makes no sense in an age when great powers can maintain large and relatively invulnerable nuclear forces and refuse to surrender without resort to those forces. It makes no sense in an age when a single nuclear weapon contains almost ten times the explosive force delivered by all of the allied air forces in the Second World War. It makes no sense in an age when the deadly poisons produced by a nuclear exchange would be carried by wind and water and soil and seed to the far corners of the globe and to generations yet unborn.

Today the expenditure of billions of dollars every year on weapons acquired for the purpose of making sure we never need to use them is essential to keeping the peace. But surely the acquisition of such idle stockpiles—which can only destroy and never create—is not the only, much less the most efficient, means of assuring peace.

I speak of peace, therefore, as the necessary rational end of rational men. I realize that the pursuit of peace is not as dramatic as the pursuit of war—and frequently the words of the pursuer fall on deaf ears. But we have no more urgent task.

Some say that it is useless to speak of world peace or world law or world disarmament—and that it will be useless until the leaders of the Soviet Union adopt a more enlightened attitude. I hope they do. I believe we can help them do it. But I also believe that we must reexamine our own attitude—as individuals and as a Nation—for our attitude is as essential as theirs. And every graduate of this school, every thoughtful citizen who despairs of war and wishes to bring peace, should begin by looking inward—by examining his own attitude toward the possibilities of peace, toward the Soviet Union, toward the course of the cold war and toward freedom and peace here at home.

First: Let us examine our attitude toward peace itself. Too many of us think it is impossible. Too many think it unreal. But that is a dangerous, defeatist belief. It leads to the conclusion that war is inevitable—that mankind is doomed—that we are gripped by forces we cannot control.

We need not accept that view. Our problems are manmade—therefore, they can be solved by man. And man can be as big as he wants. No problem of human destiny is beyond human beings. Man's reason and spirit have often solved the seemingly unsolvable—and we believe they can do it again.

I am not referring to the absolute, infinite concept of universal peace and good will of which some fantasies and fanatics dream. I do not deny the value of hopes and dreams but we merely invite discouragement and incredulity by making that our only and immediate goal.

Let us focus instead on a more practical, more attainable peace—based not on a sudden revolution in human nature but on a gradual evolution in human institutions—on a series of concrete actions and effective agreements which are in the interest of all concerned. There is no single, simple key to this peace—no grand or magic formula to be adopted by one or two powers. Genuine peace must be the product of many nations, the sum of many acts. It must be dynamic, not static, changing to meet the challenge of each new generation. For peace is a process—a way of solving problems.

With such a peace, there will still be quarrels and conflicting interests, as there are within families and nations. World peace, like community peace, does not require that each man love his neighbor—it requires only that they live together in mutual tolerance, submitting their disputes to a just and peaceful settlement. And history teaches us that enmities between nations, as between individuals, do not last forever. However fixed our likes and dislikes may seem, the tide of time and events will often bring surprising changes in the relations between nations and neighbors.

So let us persevere. Peace need not be impracticable, and war need not be inevitable. By defining our goal more clearly, by making it seem more manageable and less remote, we can help all peoples to see it, to draw hope from it, and to move irresistibly toward it.

Second: Let us reexamine our attitude toward the Soviet Union. It is discouraging to think that their leaders may actually believe what their propagandists write. It is discouraging to read a recent authoritative Soviet text on Military Strategy and find, on page after page, wholly baseless and incredible claims—such as the allegation that "American imperialist circles are preparing to unleash different types of wars . . . that there is a very real threat of a preventive war being unleashed by American imperialists against the Soviet Union . . . [and that] the political aims of the American imperialists are to enslave economically and politically the European and other capitalist countries . . . [and] to achieve world domination . . . by means of aggressive wars."

Truly, as it was written long ago: "The wicked flee when no man pursueth." Yet it is sad to read these Soviet statements—to realize the extent of the gulf between us. But it is also a warning—a warning to the American people not to fall into the same trap as the Soviets, not to see only a distorted and desperate view of the other side, not to see conflict as inevitable, accommodation as impossible, and communication as nothing more than an exchange of threats.

No government or social system is so evil that its people must be considered as lacking virtue. As Americans, we find communism profoundly repugnant as a negation of personal freedom and dignity. But we can still hail the Russian people for their many achievements—in science and space, in economic and industrial growth, in culture and in acts of courage.

Among the many traits the people of our two countries have in common, none is stronger than our mutual abhorrence of war. Almost unique, among the major world powers, we have never been at war with each other. And no nation in the history of battle ever suffered more than the Soviet Union suffered in the course of the Second World War. At least 20 million lost their lives. Countless millions of homes and farms were burned or sacked. A third of the nation's terriory, including nearly two thirds of its industrial base, was turned into a wasteland—a loss equivalent to the devastation of this country east of Chicago.

Today, should total war ever break out again—no matter how—our two countries would become the primary targets. It is an ironic but accurate fact that the two strongest powers are the two in the most danger of devastation. All we have built, all we have worked for, would be destroyed in the first 24 hours. And even in the cold war, which brings burdens and dangers to so as it is, and not as it might have been had the history of the last 18 years been different.

We must, therefore, persevere in the search for peace in the hope that constructive changes within the Communist bloc might bring within reach solutions which now seen beyond us. We must conduct our affairs in such a way that it becomes in the Communists' interest to agree on a genuine peace. Above all, while defending our own vital interests, nuclear powers must avert those confrontations which bring an adversary to a choice of either a humiliating retreat or a nuclear war. To adopt that kind of course in the nuclear age would be evidence only of the bankruptcy of our policy—or of a collective death-wish for the world.

To secure these ends, America's weapons are nonprovocative, carefully controlled, designed to deter, and capable of selective use. Our military forces are committed to peace and disciplined in self-restraint. Our diplomats are instructed to avoid unnecessary irritants and purely rhetorical hostility.

For we can seek a relaxation of tensions without relaxing our guard. And, for our part, we do not need to use threats to prove that we are resolute. We do not need to jam foreign broadcasts out of fear our faith will be eroded. We are unwilling to impose our system on any unwilling people—but we are willing and able to engage in peaceful competition with any people on earth.

Meanwhile, we seek to strengthen the United Nations, to help solve its financial problems, to make it a more effective instrument for peace, to develop it into a genuine world security system—a system capable of resolving disputes on the basis of law, of insuring the security of the large and the small, and of creating conditions under which arms can finally be abolished.

At the same time we seek to keep peace inside the non-Communist world, where many nations, all of them our friends, are divided over issues which weaken Western unity, which invite Communist intervention or which threaten to erupt into war. Our efforts in West New Guinea, in the Congo, in the Middle East, and in the Indian subcontinent, have been persistent and patient despite criticism from both sides. We have also tried to set an example for others—by seeking to adjust small but significant differences with our own closest neighbors in Mexico and in Canada.

Speaking of other nations, I wish to make one point clear. We are bound to many nations by alliances. Those alliances exist because our concern and theirs substantially overlap. Our commitment to defend Western Europe and West Berlin, for example, stands undiminished because of the identity of our vital interests. The United States will make no deal with the Soviet Union at the expense of other nations and other peoples, not merely because they are our partners, but also because their interests and ours converge.

Our interests converge, however, not only in defending the frontiers of freedom, but in pursuing the paths of peace. It is our hope—and the purpose of allied policies—to convince the Soviet Union that she, too, should let each nation choose its own future, so long as that choice does not interfere with the choices of others. The Communist drive to impose their political and economic system on others is the primary cause of world tension today. For there can be no doubt that, if all nations could refrain from interfering in the self-determination of others, the peace would be much more assured.

This will require a new effort to achieve world law—a new context for world discussions. It will require increased understanding between the Soviets and ourselves. And increased understanding will require increased contact and communication. One step in this direction is the proposed arrangement for a direct line between Moscow and Washington, to avoid on each side the dangerous delays, misunderstandings, and misleadings of the other's actions which might occur at a time of crisis.

We have also been talking in Geneva about other first-step measures of arms control, designed to limit the intensity of the arms race and to reduce the risks of accidental war. Our primary long-range interest in Geneva, however, is general and complete disarmament—designed to take place by stages, permitting parallel political developments to build the new institutions of peace which would take the place of arms. The pursuit of disarmament has been an effort of this Government since the 1920's. It has been urgently sought by the past three administrations. And however dim the prospects may be today, we intend to continue this effort—to continue it in order that all countries, including our own, can better grasp what the problems and possibilities of disarmament are.

The one major area of these negotiations where the end is in sight, yet where a fresh start is badly needed, is in a treaty to outlaw nuclear tests. The conclusion of such a treaty, so near and yet so far, would check the spiraling arms race in one of its most dangerous areas. It would place the nuclear powers in a position to deal more effectively with one of the greatest hazards which man faces in 1983, the further spread of nuclear arms. It would increase our security—it would decrease the prospects of war. Surely this goal is sufficiently important to require our steady pursuit, yielding neither to the temptation to give up the whole effort nor the temptation to give up our insistence on vital and responsible safeguards.

I am taking this opportunity, therefore, to announce two important decisions in this regard.

First: Chairman Khrushchev, Prime Minister Macmillan, and I have agreed that high-level discussions will shortly begin in Moscow looking toward early agreement on a comprehensive test ban treaty. Our hopes must be tempered with the caution of history—but with our hopes go the hopes of all mankind.

Second. To make clear our good faith and solemn convictions on the matter, I now declare that the United States does not propose to conduct nuclear tests in the atmosphere so long as other states do not do so. We will not be the first to resume. Such a declaration is no substitute for a formal binding treaty, but I hope it will help us achieve one. Nor would such a treaty be a substitute for disarmament, but I hope it will help us achieve it.

Finally, my fellow Americans, let us examine our attitude toward peace and freedom here at home. The quality and spirit of our own society must justify and support our efforts abroad. We must show it in the dedication of our own lives—as many of you who are graduating today will have a unique opportunity to do, by serving without pay in the Peace Corps abroad or in the proposed National Service Corps here at home.

But wherever we are, we must all, in our daily lives, live up to the age-old faith that peace and freedom walk together. In too many of our cities today, the peace is not secure because freedom is incomplete.

It is the responsibility of the executive branch at all levels of government—local, State, and National—to provide and protect that freedom for all of our citizens by all means within their authority. It is the responsibility of the legislative branch at all levels, wherever that authority is not now adequate, to make it adequate. And it is the responsibility of all citizens in all sections of this country to respect the rights of all others and to respect the law of the land.

All this is not unrelated to world peace. "When a man's ways please the Lord," the Scriptures tell us, "he maketh even his enemies to be at peace with him." And is not peace, in the last analysis, basically a matter of human rights—the right to live out our lives without fear of devastation and the right to breath air as nature provided it—the right of future generations to a healthy existence?

While we proceed to safeguard our national interests, let us also safeguard human interests. And the elimination of war and arms is clearly in the interest of both. A treaty, however much it may be to the advantage of all, however tightly it may be worded, can provide absolute security against the risks of deception and evasion. But it can—if it is sufficiently effective in the enforcement and if it is sufficiently in the interests of its signers—offer far more security and far fewer risks than an unabated, uncontrolled, unpredictable arms race.

The United States, as the world knows will never start a war. We do not want war. We do not now expect a war. This generation of Americans has already had enough—more than enough—of war and hate and oppression. We shall be prepared if others wish it. We shall be alert to try to stop it. But we shall also do our part to build a world of peace where the weak are safe and the strong are just. We are not helpless before that task or hopeless of its success. Confident and unafraid, we labor on—not toward a strategy of annihilation but toward a strategy of peace.

[Speech by Lord Mountbatten, leading British military officer of the 20th Century who served as Chief of the British Defense Staff, Supreme Allied Commander in Southeast Asia during World War II, and Chairman of the NATO Military Committee. Lord Mountbatten gave this speech on May 11, 1979, in Strasbourg, France, on the occasion of the award of the Louise Weiss Foundation Prize to SIPRI, the Stockholm International Peace Research Institute]

"ON THE BRINK OF THE FINAL ABYSS" A STATEMENT ON WAR BY LORD MOUNTBATTEN

Do the frightening facts about the arms race, which show that we are rushing headlong towards a precipice, make any of those responsible for this disastrous course pull themselves together and reach for the brakes?

The answer is "no" and I only wish that I could be the bearer of the glad tidings that there has been a change of attitude and we are beginning to see a steady rate of disarmament. Alas, that is not the case.

I am deeply saddened when I reflect on how little has been achieved in spite of all the talk there has been particularly about nuclear disarmament. There have been numerous international conferences and negotiations on the subject and we have all nursed dreams of a world at peace but to no avail. Since the end of the Second World War, 34 years ago, we have had war after war. There is still armed conflict going on in several parts of the world. We live in an age of extreme peril because every war today carries the danger that it could spread and involve the superpowers.

And here lies the greatest danger of all. A military confrontation between the nuclear powers could entail the horrifying risk of nuclear warfare. The Western powers and the USSR started by producing and stockpiling nuclear weapons as a deterrent to general war. The idea seemed simple enough. Because of the enormous amount of destruction that could be wreaked by a single nuclear explosion, the idea was that both sides in what we still see as an East-West conflict would be deterred from taking any aggressive action which might endanger the vital interests of the other.

It was not long, however, before smaller nuclear weapons of various designs were produced and deployed for use in what was assumed to be a tactical or theatre war. The belief was that were hostilities ever to break out in Western Europe, such weapons could be used in field warfare without triggering an all-out nuclear exchange leading to the final holocaust.

I have never found this idea credible. I have never been able to accept the reasons for the belief that any class of nuclear weapons can be categorised in terms of their tactical or strategic purposes.

Next month I enter my eightieth year. I am one of the few survivors of the First World War who rose to high command in the Second and I know how impossible it is to pursue military operations in accordance with fixed plans and agreements. In warfare the unexpected is the rule and no one can anticipate what an opponent's reaction will be to the unexpected.

As a sailor I saw enough death and destruction at sea but I also had the opportunity of seeing the absolute destruction of the war zone of the western front in the First World War, where those who fought in the trenches had an average expectation of life of only a few weeks.

Then in 1943 I became Supreme Allied Commander in South East Asia and saw death and destruction on an even greater scale. But that was all conventional warfare and, horrible as it was, we all felt we had a 'fighting' chance of survival. In the event of a nuclear war there will be no chances, there will be no survivors—all will be obliterated.

I am not asserting this without having deeply thought about the matter. When I was Chief of the British Defense Staff I made my views known. I have heard the arguments against this view but I have never found them convincing. So I repeat, in all sincerity as a military man I can see no use for any nuclear weapons which would not end in escalation, with consequences that no one can conceive.

And nuclear devastation is not science fiction—it is a matter of fact. Thirty-four years ago there was the terrifying experience of the two atomic bombs that effaced the cities of Hiroshima and Nagasaki off the map. In describing the nightmare a Japanese journalist wrote as follows:

> Suddenly a glaring whitish, pinkish light appeared in the sky accompanied by an un-

natural tremor which was followed almost immediately by a wave of suffocating heat and a wind which swept away everything in its path. Within a few seconds the thousands of people in the streets in the centre of the town were scorched by a wave of searing heat. Many were killed instantly, others lay writhing on the ground screaming in agony from the intolerable pain of their burns. Everything standing upright in the way of the blast—walls, houses, factories and other buildings, was annihilated . . . Hiroshima had ceased to exist".

But that is not the end of the story. We remember the tens and tens of thousands who were killed instantly or—worse still—those who suffered a slow painful death from the effect of the burns—we forget that many are still dying horribly from the delayed effects of radiation. To this knowledge must be added the fact that we now have missiles a thousand times as dreadful; I repeat, a thousand times as terrible.

One or two nuclear strikes on this great city if Strasbourg with what today would be regarded as relatively low yield weapons would utterly destroy all that we see around us and immediately kill probably half its population. Imagine what the picture would be if larger nuclear strikes were to be leveled against not just Strasbourg but ten other cities in, say, a 200 mile radius. Or even worse, imagine what the picture would be if there was any unrestrained exchange of nuclear weapons—and this is the most appalling risk of all since, as I have already said, I cannot imagine a situation in which nuclear weapons would be used as battlefield weapons without the conflagration spreading.

Could we not take steps to make sure that these things never come about? A new world war can hardly fail to involve the all-out use of nuclear weapons. Such a war would not drag on for years. It could all be over in a matter of days.

And when it is all over what will the world be like? Our fine great buildings, our homes will exist no more. The thousands of years it took to develop our civilisation will have been in vain. Our works of art will be lost. Radio, television, newspapers will disappear. There will be no means of transport. There will be no hospitals. No help can be expected for the few mutilated survivors in any town to be sent from a neighbouring town—there will be no neighbouring towns left, no neighbours, there will be no help, there will be no hope.

How can we stand by and do nothing to prevent the destruction of our world? Einstein, whose centenary we celebrate this year, was asked to prophesy what weapons would be used in the Third World War. I am told he replied to the following effect:

"On the assumption that a Third World War must escalate to nuclear destruction, I can tell you what the Fourth World War will be fought with—bows and arrows".

The facts about the global nuclear arms race are well known and as I have already said SIPRI has played its part in disseminating authoritative material on world armaments and the need for international efforts to reduce them. But how do we set about achieving practical measures of nuclear arms control and disarmament?

To begin with, we are most likely to preserve the peace if there is a military balance of strength between East and West. The real need is for both sides to replace the attempts to maintain a balance through ever-increasing and ever more costly nuclear armaments by a balance based on mutual restraint. Better still, by reduction of nuclear armaments I believe it should be possible to achieve greater security at a lower level of military confrontation.

I regret enormously the delays which the Americans and Russians have experienced in reaching a SALT II agreement for the limitation of even one major class of nuclear weapons with which it deals. I regret even more the fact that opposition to reaching any agreement which will bring about a restraint in the production and deployment of nuclear weapons is becoming so powerful in the United States. What can their motives be?

As a military man who has given half a century of active service I say in all sincerity that the nuclear arms race has no military purpose. Wars cannot be fought with nuclear weapons. Their existence only adds to our perils because of the illusions which they have generated.

There are powerful voices around the world who still give credence to the old Roman precept—if you desire peace, prepare for war. This is absolute nuclear nonsense and I repeat—it is a disastrous misconception to believe that by increasing the total uncertainty one increases one's own certainty.

This year we have already seen the beginnings of a miracle. Through the courageous determination of Presidents Carter and Sadat and Prime Minister Begin we have seen the first real move towards what we all hope will be a lasting peace between Egypt and Israel. Their journey has only just begun and the path they have chosen will be long and fraught with disappointments and obstacles. But these bold leaders have realized the alternative and have faced up to their duty in a way which those of us who hunger for the peace of the world applaud.

Is it possible that this initiative will lead to the start of yet another even more vital miracle and someone somewhere will take that first step along the long stony road which will lead us to an effective form of nuclear arms limitation, including the banning of tactical nuclear weapons?

After all it is true that science offers us almost unlimited opportunities but it is up to us, the people, to make the moral and philosophical choices and since the threat to humanity is the work of human beings, it is up to man to save himself from himself.

The world now stands on the brink of the final abyss. Let us all resolve to take all possible practical steps to ensure that we do not, through our own folly, go over the edge.

George F. Kennan's Speech Accepting Albert Einstein Peace Prize, May 19, 1981

Adequate words are lacking to express the full seriousness of our present situation. It is not just that our government and the Soviet government are for the moment on a collision course politically; it is not just that the process of direct communications between them seems to have broken down entirely; it is not just that complications in other parts of the world could easily throw them into insoluble conflicts at any moment; it is also—and even more importantly—the fact that the ultimate sanction behind the policies of both these governments is a type and volume of weaponry that could not possibly be used without utter disaster for everyone concerned.

For over thirty years wise and farseeing people have been warning us about the futility of any war fought with these weapons and about the dangers involved in their very cultivation. Some of the first of these voices were those of great scientists, including outstandingly Albert Einstein himself. But there has been no lack of others. Every president of this country, from Dwight Eisenhower to Jimmy Carter, has tried to remind us that there could be no such thing as victory in a war fought with such weapons. So have a great many other eminent persons.

When one looks back today over the history of these warnings, one has the impression that something has now been lost of the sense of urgency, the hopes, and the excitement that initially inspired them. One senses, even on the part of those who today most acutely perceive the problem and are inwardly most exercised about it, a certain discouragement, resignation, perhaps even despair, when it comes to the question of raising the subject publicly again. What's to be gained by it? people ask. The danger is obvious. So much has already been said. What does it do to continue to beat this drum? Look, after all, at the record. Over all these years the competition in the development of nuclear weaponry has proceeded steadily, relentlessly, without the faintest regard for all these warning voices. We have gone on piling weapon upon weapon, missile upon missile, new level of destructiveness upon old ones. We have done this helplessly, almost involuntarily: like the victims of some sort of hypnotism, like men in a dream, like lemmings heading for the sea, like the children of Hamelin marching blindly behind their Pied Piper. And the result is that today we have achieved, we and the Russians together, the nuclear path. Whatever their suspicions of each other, there can be no excuse on the part of these two governments for holding, poised against each other and poised in a sense against the whole Northern Hemisphere, quantities of weapons so vastly in excess of any demonstrable requirements.

How have we got ourselves into this dangerous mess?

Let us not confuse the question by blaming it all on our Soviet adversaries. They have, of course, their share of the blame, and not least in their cavalier dismissal of the Baruch Plan so many years ago. They too have made their mistakes; and I should be the last to deny it. But we must remember that it has been we Americans who, at almost every step of the road, have taken the lead in the development of this sort of weaponry. It was we who first produced in the numbers of these devices, in their means of delivery, and above all in their destructiveness, levels of redundancy of such grotesque dimensions as to defy rational understanding.

I say redundancy. I know of no better way to describe it. But actually the word is too mild. It implies that there could be levels of these weapons that would not be redundant. Personally, I doubt that there could. I question whether these devices are really weapons at all. A true weapon is at best something with which you endeavor to affect the behavior of another society by influencing usefully the minds, the calculations, the intentions, of the men who control it; it is not something with which you destroy indiscriminately the lives, the substance, the culture, the civilization, the hopes, of entire peoples. What a confession of intellectual poverty it would be—what a bankruptcy of intelligent statesmanship—if we had to admit that such blind, senseless, and irreparable destruction was the best use we could make of what we have come to view as the leading element of our military strength! To my mind, the nuclear bomb is the most useless weapon ever invented. It can be employed to no constructive purpose. It is not even an effective defense against itself. It is only something with which, in a moment of petulance or panic, you perpetrate upon the helpless people of another country such fearful acts of destruction as no sane person would ever wish to have upon his conscience.

There are those who will agree, with a sigh, to much of what I have just said, but will point to the need for something called deterrence. Deterrence is, of course, a concept which by implication attributes to others—to others who, like ourselves, were born of women walk on two legs, and love their children, to human beings, in short—the most fiendish and inhuman of tendencies. But all right: accepting for the sake of argument the incredible iniquity of these adversaries, no one could deny, I think, that the present Soviet and American arsenals presenting over a million times the destructive power of the Hiroshima bomb, are simply fantastically redundant to the purpose in question. If the same relative proportions were to be preserved, something well less than 20 percent of these stocks would surely suffice for the most sanguine concepts of deterrence, whether as between the two nuclear superpowers or with relation to any of those other governments that have been so ill-advised as to enter upon and tested such a device; we who were the first to raise its destructiveness to a new level with the hydrogen bomb; we who introduced the multiple warhead; we who have declined every proposal for the renunciation of the principle of "first use", and we alone, so help us God, who have used the weapon in anger against others, and against tens of thousands of helpless noncombatants at that.

I know that reasons were offered for some of these things. I know that others might have taken this sort of lead had we not done so. But let us not, in the face of this record, so lose ourselves in self-righteousness and hypocrisy as to forget the measure of our own complicity in creating the situation we face today.

What is it, then, if not our own will, and not the supposed wickedness of our opponents, that has brought us to this pass?

The answer, I think, is clear. It is primarily the inner momentum, the independent momentum, of the weapons race itself—the compulsions that arise and take charge of great powers when they enter upon a competition with each other in the building up of major armaments of any sort.

This is nothing new. I am a diplomatic historian. I see this same phenomenon playing its fateful part in the relations among the great European powers as much as a century ago. I see this competitive build-up of armaments conceived initially as a means to an end, soon becoming the end in itself. I see it taking possession of men's imagination and behavior, becoming a force in its own right, detaching itself from the political differences that initially inspired it, and then leading both parties, invariably and inexorably, to the war they no longer know how to avoid.

This compulsion is a species of fixation, brewed out of many components. There are fears, resentments, national pride, personal pride. There are misreadings of the adversay's intentions—sometimes even the refusal to consider them at all. There is the tendency of national communities to idealize themselves and to dehumanize the opponent. There is the blinkered, narrow vision of the professional military planner, and his tendency to make war inevitable by assuming its inevitability. Tossed together, these components form a powerful brew. They guide the fears and the ambitions of men. They seize the policies of governments and whip them around like trees before the tempest.

Is it possible to break out of this charmed and vicious circle? It is sobering to recognize that no country, at least to my knowledge, has yet done so. But no country, for that matter, has ever been faced with such great catastrophe, such plain and inalterable catastrophe, at the end of the line. Others, in earlier decades, could befuddle themselves with dreams of something called "victory." We, perhaps fortunately, are denied this seductive prospect. We have to break out of the circle. We have no other choice.

How are we to do it?

I must confess that I see no possibility of doing this by means of discussions along the lines of the negotiations that have been in progress, off and on, over this past decade, under the acronym of SALT. I regret, to be sure, that the most recent SALT agreement has not been ratified. I regret it, because if the benefits to be expected from it were slight, the disadvantages were even slighter; and it had a symbolic value which should not have been so lightly sacrificed. But I have, I repeat, no illusion that negotiations on the SALT pattern—negotiations, that is, in which each side is obsessed with the chimera of relative advantage and strives only to retain a maximum of the weaponry for itself while putting its opponent to the maximum disadvantage—I have no illusion that such negotiations could ever be adequate to get us out of this hole. They are not a way of escape from the weapons race; they are an integral part of it. The weapon of mass destruction is not just a weapon like other weapons; there is a point where difference of degree becomes difference of essence.

Whoever does not understand that when it comes to nuclear weapons the whole concept of relative advantage is illusory—whoever does not understand that when you are talking about preposterous quantities of overkill the relative sizes of arsenals have no serious meaning—whoever does not understand that the danger lies not in the possibility that someone else might have more missiles and warheads than you do, but in the very existence of these unconscionable quantities of highly poisonous explosives, and their existence, above all, in hands as weak and shaky and undependable as those of ourselves or our adversaries or any other mere human beings: whoever does not understand these things is never going to guide us out of this increasingly dark and menacing forest of bewilderments into which we have all wandered.

I can see no way out of this dilemma other than by a bold and sweeping departure—a departure that would cut surgically through all the exaggerated anxieties, the self-engendered nightmares, and the sophisticated mathematics of destruction in which we have all been entangled over these recent years, and would permit us to move smartly, with courage and decision, to the heart of the problem.

President Reagan recently said, and I think very wisely, that he would "negotiate as long as necessary to reduce the numbers of nuclear weapons to a point where neither side threatens the survival of the other." Now that is, of course, precisely the thought to which these present observations of mine are addressed. And I wonder whether the negotiations would really have to be at such great length. What I would like to see the President do, after proper consultation with the Congress, would be to propose to the Soviet government an immediate across-the-boards reduction by 50 percent of the nuclear arsenals now being maintained by the two superpowers—a reduction affecting in equal measure all forms of the weapon, strategic, medium-range, and tactical, as well as all means of their delivery—all this to be implemented at once and without further wrangling among the experts, and to be subject to such national means of verification as now lie at the disposal of the two powers.

Whether the balance of reduction would be precisely even—whether it could be construed to favor statistically one side or the other—would not be the question. Once we start thinking that way, we would be back on the same old fateful track that has brought us where we are today. Whatever the precise results of such a reduction, there would still be plenty of overkill left—so much so that if this first operation were successful, I would then like to see a second one put in hand to rid us of at least two thirds of what would be left.

Now I have, of course, no idea of the scientific aspects of such an operation; but I can imagine that serious problems might be presented by the task of removing, and disposing safely of, the radioactive contents of the many thousands of warheads that would have to be dismantled. Should this be the case, I would like to see the president couple his appeal for a 50 percent reduction with the proposal that there be established a joint Soviet-American scientific committee, under the chairmanship of a distinguished neutral figure, to study jointly and in all humility the problem not only of the safe disposal of these wastes but also the question of how they could be utilized in such a way as to make a positive contribution to human life, either in the two countries themselves or—perhaps preferably—elsewhere. In such a joint scientific venture we might both atone for some of our past follies and lay the foundation for a more constructive future relationship.

It will be said: this proposal, whatever its merits, deals with only a part of the problem. This is perfectly true. Behind it, even if it were to be implemented, there would still lurk the serious political differences that now divide us from the Soviet government. Behind it would still lie the problems recently treated, and still to be treated, in the SALT forum. Behind it would still lie the great question of the acceptability of war itself, any war, even a conventional one, as a means of solving problems among great industrial powers in this age of high technology. What has been suggested here would not prejudice the continued treatment of these questions just as they might be treated today, in whatever forums and under whatever safeguards the two powers find necessary. The conflicts and arguments over these questions could all still proceed to the heart's content of all those who view them with such passionate commitment. The stakes would simply be smaller; and that would be a great relief to all of us.

What I have suggested is, of course, only a beginning. But a beginning has to be made somewhere; and if it has to be made, is it not best that it should be made where the dangers are the greatest, and their necessity the least? If a step of this nature could be successfully taken, people might find heart to tackle with greater confidence and determination the many problems that would still remain.

It will also be argued that there would be risks involved. Possibly so. I do not see them. I do not deny the possibility. But if there are, so what? Is it possible to conceive of any dangers greater than those that lie at the end of the collision course on which we are now embarked? And if not, why choose the greater—why choose, in fact, the greatest—of all risks, in the hopes of avoiding the lesser ones?

We are confronted here with two courses. At the end of the one lies hope—faint hope, if you will—uncertain hope, hope surrounded with dangers, if you insist—but hope nevertheless. At the end of the other lies, so far as I am able to see, no hope at all. Can there be—in the light of our duty not just to ourselves (for we are all going to die sooner or later) but of our duty to the continuity of the generations, of our duty to the great experiment of civilized life on this rare and rich and marvelous planet—can there really be, in the light of these claims on our loyalty, any question as to which course we should adopt?

In the final week of his life, Albert Einstein signed the last of the collective appeals against the development of nuclear weapons that he was ever to sign. He was dead before it could see publication. It was an appeal drafted, I gather, by Bertrand Russell. I had my differences with Russell at the time, as I do now in retrospect. But I would like to quote one sentence from the final paragraph of that statement not just because it was the last one Einstein ever signed, but because it sums up, I think, all that I have been trying to say on the subject. It reads as follows: "We appeal, as human beings to human beings: Remember your humanity, and forget the rest."

Excerpt From President Dwight D. Eisenhower's Farewell Address to the American People, Janaury 17, 1961

DISARMAMENT

Disarmament, with mutual honor and confidence, is a continuing imperative. Together we must learn how to compose differences, not with arms, but with intellect and decent purpose. Because this need is so sharp and apparent I confess that I lay down my official responsibilities in this field with a definite sense of disappointment. As one who has witnessed the horror and the lingering sadness of war—as one who knows that another war could utterly destroy this civilization which has been so slowly and painfully built over thousands of years—I wish I could say tonight that a lasting peace is in sight.

Happily, I can say that war has been avoided. Steady progress toward our ultimate goal has been made. But, so much remains to be done. As a private citizen, I shall never cease to do what little I can to help the world advance along that road.

So—in this my last good night to you as your President—I thank you for the many opportunities you have given me for public service in war and peace. I trust that in that service you find some things worthy; as for the rest of it, I know you will find ways to improve performance in the future.

You and I—my fellow citizens—need to be strong in our faith that all nations, under God, will reach the goal of peace with justice. May we be ever unswerving in devotion to principle, confident but humble with power, diligent in pursuit of the Nation's great goals.

To all the peoples of the world, I once more give expression to America's prayerful and continuing aspiration:

We pray that peoples of all faiths, all races, all nations, may have their great human needs satisfied; that those now denied opportunity shall come to enjoy it to the full; that all who yearn for freedom may experience its spiritual blessings; that those who have freedom will understand, also, its heavy responsibilities; that all who are insensitive to the needs of others will learn charity; that the scourges of poverty, disease and ignorance will be made to disappear from the earth, and that, in the goodness of time, all peoples will come to live together in a peace guaranteed by the binding force of mutual respect and love.

President Jimmy Carter—Excerpts From Farewell Address, January 14, 1981

It's now been 35 years since the first atomic bomb fell on Hiroshima. The great majority of the world's people cannot remember a time when the nuclear shadow did not hang over the Earth. Our minds have adjusted to it, as after a time our eyes adjust to the dark.

Yet the risk of a nuclear conflagration has not lessened. It has not happened yet, thank God, but that can give us little comfort—for it only has to happen once.

The danger is becoming greater. As the arsenals of the superpowers grow in size and sophistication and as other governments acquire these weapons, it may only be a matter of time before madness, desperation, greed or miscalculation lets loose this terrible force.

In an all-out nuclear war, more destructive power than in all of World War II would be unleashed every second during the long afternoon it would take for all the missiles and bombs to fall. A World War II every second—more people killed in the first few hours than all the wars of history put together. The survivors, if any, would live in despair amid the poisoned ruins of a civilization that had committed suicide.

National weakness—real or perceived—can tempt aggression and thus cause war. That's why the United States cannot neglect its military strength. We must and we will remain strong. But with equal determination, the United States and all countries must find ways to control and reduce the horrifying danger that is posed by the world's enormous stockpiles of nuclear arms.

This has been a concern of every American president since the moment we first saw what these weapons could do. Our leaders will require our understanding and our support as they grapple with this difficult but crucial challenge. There is no disagreement on the goals or the basic approach to controlling this enormous destructive force. The answer lies not just in the attitudes or actions of world leaders, but in the concern and demands of all of us as we continue our struggle to preserve the peace.

Nuclear weapons are an expression of one side of our human character. But there is another side. The same rocket technology that delivers nuclear warheads has also taken us peacefully into space. From that perspective, we see our Earth as it really is—a small and fragile and beautiful blue globe, the only home we have. We see no barriers of race or religion or country. We see the essential unity of our species and our planet; and with faith and common sense, that bright vision will ultimately prevail.

[Statement by Dr. Howard Hiatt, dean of Harvard School of Public Health, before the Senate Subcommittee on Health and Scientific Research, June 19, 1980.]

A Nuclear Attack on Washington

Recent talk by public figures about winning or even surviving a nuclear war must reflect a widespread failure to appreciate a medical reality: any nuclear war would inevitably cause death, disease and suffering of epidemic proportions and effective medical interventions on any realistic scale would be impossible. This reality, in turn, leads to the same conclusion public health specialists have reached for such contemporary epidemics as those of lung cancer and heart disease: prevention is essential for effective control.

Little is said about the catastrophe of a nuclear attack, perhaps because it is horrible to contemplate. Surely, little is said about medical intervention because so little that is hopeful can be said. And yet, our very silence permits or encourages the nuclear arms race to continue, making almost inevitable, either by design or by chance, what could be the last epidemic our civilization will know.

Much can be said, however. Two sources of information are available. The first are descriptions of the medical effects of the Hiroshima and Nagasaki bombs. The second are several recent and authoritative theoretical projections of the medical effects of bombing American—or Soviet—cities toward which Soviet—or American—nuclear weapons are now aimed.

The Hiroshima bomb, the explosive power of which was equivalent to 20,000 tons of TNT, is estimated to have killed 100,000 out of a total population of 245,000, 25% directly burned by the bomb, 50% from other injuries, and 20% as a result of radiation effects. It destroyed two-thirds of the 90,000 buildings within the city limits. Perhaps even more devastating than the statistics are the descriptions of individual victims. Consider this picture presented by John Hersey in his book, Hiroshima:

"There were about 20 men . . . all in exactly the same nightmarish state: their faces were wholly burned, their eye sockets were hollow, the fluid from their melted eyes had run down their cheeks . . . their mouths were swollen, pus-covered wounds, which they could not bear to stretch enough to admit the spout of the teapot . . ."

A recent study, prepared by the U.S. Arms Control and Disarmament Agency, postulated a one-megaton bomb attack on Washington, D.C., and it is upon that source that these remarks are based.

The scenario which I shall present is, you must realize, conservative. While the one-million ton bomb involved in the attack is far more destructive than the Hiroshima and Nagasaki bombs, so, too, is it far less destructive than the largest contemporary weapons. And this hypothetical attack involves the detonation of only a single weapon, whereas contemporary military planning and technological capabilities make it far more likely that several weapons will be used in each attack.

Washington's trial by nuclear attack begins with the detonation of a one-megaton air burst bomb above the White House. The area of total destruction, the circle within which even the most heavily reinforced concrete structures do not survive, has a radius of 1.5 miles. That circle includes within it virtually every major monument, the heart of the city's subway system, and indeed, this very room. And within this circle, too, almost all of the population is killed.

At a distance of 3 miles from the White House, past the Arlington Cemetery, concrete buildings are destroyed. The heat from the explosion and the spontaneous ignition of clothing cause third-degree flash burns over much of the body, killing most people in this area.

More than 4 miles from the center, brick and wood frame buildings are destroyed and fires caused by the intense heat are fanned by 160-miles per hour winds.

In a circle extending to Takoma Park, Hyattsville, and Suitland, brick and wood frame buildings sustain heavy damage. The heat exceeds 12 calories per square centimeter and all individuals with exposed skin suffer severe third-degree burns.

Nearly nine miles from the center, in McLean, Alexandria, and Bethesda, including the Walter Reed and Bethesda Naval Hospitals, brick and wood frame structures sustain moderate damage.

Miles beyond this last ring, people suffer second-degree burns on all exposed skin and additional burns from flammable clothing and environmental materials. Retinal burns resulting from looking at the fireball cause blindness. As high winds spread the fires caused by the initial blast and thermal radiation, the number of casualties grows.

If we assume a population for the metropolitan area of 2.5 million, one-quarter of the inhabitants—more than 600,000—are killed. Even more—800,000—are injured. Many of these survivors are badly burned, blinded, and otherwise seriously wounded. Many are disoriented. These are the short-term effects; the problem of radiation sickness, including intractable nausea, vomiting, bleeding, hair loss, severe infection, and often death, will grow in the days and weeks ahead and fallout from the bomb will spread well beyond the area of impact.

The population is devastated; many survivors are in need of immediate medical care, food, shelter, clothing and water. The communities in which they have lived have, in many cases, virtually ceased to exist as physical entities—and as social entities as well. Government is barely existent. The transportation system, including many roads, has been destroyed. Remaining food, water, and medical supplies are dangerously inadequate.

And what of the medical response to such a disaster? In Hiroshima, 65 of the city's 150 doctors were killed in the bombing and most of the survivors were wounded. Some 10,000 wounded made their way to Hiroshima's 600-bed Red Cross Hospital. There, only six doctors and 10 nurses were able to help them. . . .

And what of Washington? Taking as our base a figure of 6,000 physicians in the metropolitan area and extrapolating from the casualties suffered by the general population, we may project that 1,500 doctors will be killed immediately and some 2,000 will be seriously injured. Thus, 2,500 surviving physicians will be responsible for the care of 800,000 patients with grave wounds. It will take five sixteen-hour workdays for each of these patients to be visited once—for fifteen minutes.

In fact, is it likely that many fewer physicians will survive, for they are concentrated, during working hours, in an area close to the center of the blast. But whether the post-attack physician-to-patient ratio is 1:300 or 1:1000, where will treatment take place?

The bomb will reduce the number of hospital beds, within the District alone, by more than 60 percent, and the amount of medical equipment and supplies are similarly inadequate. Can the seriously injured be treated at George Washington University Hospital? It no longer exists. Georgetown University Hospital? It, too, has been destroyed. In ruins, as well, are Howard University Hospital, D.C. General, Capitol Hospital, and several others. The geographic distribution of surviving medical facilities will be another problem, some requiring physicians to enter more highly radioactive areas, and thus expose themselves to greater personal danger, in order to treat the injured.

With a decimated professional community, physical facilities largely in ruins, and a complete disruption of communications, the task of treating the wounded will be hopeless. . . .

While the Massachusetts General Hospital has 15 beds for the acute care of such burn victims, "just to keep one such patient alive taxes us," Dr. John Burke, the director of the Burn Unit, told me.

Indeed, keeping the one patient alive is a triumph of modern medicine. But it requires the extraordinary resources of one of the world's major medical centers. No amount of preparation could provide the human and physical resources required for the care of even a few such patients hospitalized simultaneously in any city of the nation. Yet one must assume that at least tens of thousands of such casualties would result in every metropolitan center hit by a nuclear weapon.

This is but one reason that it is futile to suggest a meaningful rapid medical response to the overwhelming health problems that would follow a nuclear attack. Further, only the most limited medical measures can be visualized to deal with the burden of cancer and genetic defects that would afflict survivors and future generations. With respect to temporary evacuation, radioactivity would make the blast area uninhabitable for months. Most of the area's water supply, sanitation resources and transportation and industrial capacity would be destroyed.

The preparation of these remarks was for me as stressful as their contemplation must be to you. What purpose, I wondered initially, to describe such almost unthinkable conditions. But the conditions are not unthinkable; rather they are infrequently thought about. Among the painful results of the silence are the continuing proliferation of nuclear weapons and the failure to reject out-of-hand nuclear war as a "viable option" in the management of world problems.

I am grateful, Mr. Chairman, that you have undertaken to break the silence on this issue. There is, of course, no reason to consider the consequences of nuclear war in strictly medical terms. But if we do so, we must pay heed to the inescapable lesson of contemporary medicine: where treatment of a given disease is ineffective or where costs are insupportable, attention must be given to prevention. Both conditions apply to the effects of nuclear war—treatment programs would be virtually useless and the costs would be staggering. Can any stronger arguments be marshalled for a preventive strategy?

But prevention of any epidemic requires an effective prescription. The development of a prescription that will both prevent nuclear war and safeguard our security is a challenge that confronts all of us, and particularly our political leaders. Is there any other challenge that is more urgent or more important to all Ameicans and all people everywhere?

HARVARD COMMENCEMENT SPEECH

(By Thomas J. Watson, Jr.)[*]

WHAT FUTURE LIES AHEAD?

There are many things to be optimistic about. The view from the Kremlin is bleak, with nearly everyone on the Soviet borders hostile. The view from Washington sees mostly friends, admirers, or neutrals. The overwhelming vote in the U.N. on Afghanistan should encourage all of us.

On the other hand, an anthropologist writing the history of the past forty years since the first atomic explosion might well conclude that we human beings have been preparing for our own demise.

Like many extinct species we have had a massive change in our environment. We have finally invented the ultimate weapon and in a mad technological race have connected thousands of them to two buttons—one in Washington and one in Moscow. And with two very slight pressures we can literally do away with the world's two most powerful nations, and leave much of the rest of our planet unfit for human habitation.

Is that our future? The answer hinges on many things. But it hinges above all on us: on the United States' policy on nuclear weapons—on what we and our leaders do about that policy in the days and months immediately ahead. And that is what I want to talk about today.

Let me start out by speaking to today's graduates and those of you who are young.

Throughout the past half century, young people have played many heroic roles. You went to World War II and brought down fascism. You fought and died in the mountains of Korea. Spurred by the challenge of the Russian Sputnik, you made brilliant contributions to American science and engineering, keeping America in the forefront of technology.

You fought heroically in Vietnam. And you worked courageously within the system, joined it in large numbers, became a potent political force, influenced public opinion, and helped bring that tragic war to an end.

We need—and shall always need—this kind of courage and conviction. And especially we need today the courage and conviction of youth to face up realistically to a change of course as a nation—our course on strategic arms control and our whole handling of the nuclear equation.

The hour is late. The imperative of realism and reason is urgent. And we confront many illusions.

First is the illusion of victory—the illusion that one side or the other can start a nuclear war and win it.

Sober common sense analysis will tell anyone that this is impossible. Consider this illusion in its most popular package:

The Soviets launch a surgical first strike and destroy most of our Minutemen and Titan missiles in their underground silos. Thus they leave us few weapons capable of retaliation in kind—of wiping out their remaining underground missiles. And thus they force us to a choice: attack Soviet cities with our submarine missiles and bombers, thereby provoking a counterattack on

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[*] Watson was Ambassador to the Soviet Union under President Carter. He was previously chairman of the Board of IBM.

American cities from Boston to Seattle; or surrender.

What's wrong with this picture? Lots of things. It assumes—against all common sense—that the Soviet leaders, notoriously cautious about security, would let their total nation on at least four foolhardy all-or-nothing gambles:

The gamble—against all technological likelihood—that their first strike would be essentially perfect—that it would leave few if any Minutemen or Titans to retaliate in kind;

The gamble that we would not use some of our remaining underwater and airborne weapons, nearly three fourths of our total warheads, to attack the thousands of vulnerable military targets in the Soviet Union other than missile silos;

The gamble that when our President learned the Soviet missiles were flying our way he would freeze and do nothing—that he would not send those targeted Minutemen and Titans flying towards Russia's remaining silos before the enemy missiles landed;

And the ultimate gamble: That in desperate retaliation we would not rain down total destruction on Soviet cities, even though that might mean our own destruction as well.

Make no mistake: That scenario defies all sober analysis. It would be the most risky and ultimately costly gamble in history. By overwhelming odds, the result of any use of nuclear weapons would not be victory. It would be all out war and total destruction. And in the words of President Kennedy, "The living would envy the dead."

The illusion of Soviet preemptive victory has a corollary: the illusion of achievable American superiority—the illusion that like the Red Queen in Through the Looking Glass we can outrace the danger by going "faster, faster;" outproducing the Soviets in nuclear arms; playing a multi-billion-dollar shell game in the desert; hoping that somehow with exotic weapons we can erect a protective umbrella over our country.

So-called nuclear superiority assures no safety—not for the Soviet Union; not for us; because what counts is not superiority but sufficiency—the guaranteed power to destroy the other side under all circumstances. And we both have it.

A quarter century ago Donald Quarles, then Secretary of the Air Force and a wise scientist in a Republican Administration, put it succinctly:

"Beyond a certain point, the prospect is not the result of relative strengths of the two opposing forces. It is the absolute power in the hands of each . . ."

Think of it this way: Would you, if you sat in the Kremlin, attack the United States, even knowing that you could knock out 95 percent of our weapons, but realizing that the remaining five percent could destroy literally the whole Soviet Union?

Would you, sitting in Washington, attack even a smaller country which had only a thousand warheads knowing that if you missed only ten percent they could wipe out a hundred American cities?

You know the answer: There is no safety in numbers. The war planning process of the past has become totally obsolete. Attack is now suicide.

Yet the pursuit of the mirage of superiority persists. And over the years the two superpowers have piled weapon on useless weapon.

In 1945, when we exploded our first atomic bomb at Hiroshima, we had a four-year lead over the Russians. In 1952, when we exploded our first H-bomb, we had a ten-month lead. The Soviet Union closed the gap despite having a country severely torn by the ravages of a war of a ferocity never visited on our country. And it has kept up in the race, despite the burden of a hopelessly inefficient economy, by ruthlessly channeling its resources, and by calling upon the Soviet people for an endless acceptance of sacrifice.

Between us, our two countries now have explosive power equal to a million Hiroshima A-bombs. We have between us some 15 thousand "city killing" weapons—one bomb, one city. Bigger stockpiles do not mean more security. Enough is enough. And we are far beyond that point now.

There is a third illusion, rooted in the belief that nuclear victory is possible and strategic superiority attainable. It is the illusion of nuclear omnipotence—that if we just have more weapons we can use nuclear threats to deter Soviet misbehavior anywhere in the world.

I can think of no quicker prescription for disaster. Our nuclear weapons are useless except for their mission of preventing direct attack on us.

Fourth is the illusion of futility: the illusion that we cannot sign treaties with the Russians because they systematically violate them.

Let us be clear about this: there are major differences between our two countries. Soviet values are diametrically opposed to ours. Contention between us on a global scale is a fact of life. Suspicion is the keynote of our relations.

But having said that, let me add this: on the evidence, the Soviets do keep agreements provided each side has an interest in the other's keeping the agreement; and provided each side can verify compliance for itself.

Look for example at the 1972 Anti-Ballistic Missile Treaty and the Interim Agreement—the two parts of SALT I. The Soviet Union has violated neither. For these treaties do not depend on trust or good will. They depend on cold self-interest and unilateral verifiability.

Fifth is the illusion of benign neglect, the idea that if we just muddle along, in the phrase of Dickens' Mr. Micawber, "something will turn up;" that the current aging Soviet leadership, for example, will soon be replaced by enlightened and reasonable men; that the Soviet system will crumble from within; or that we can indefinitely stall on serious negotiations, let the Soviets cool their heels waiting, and use the intervening time for our own advantage—to arm up.

Let us not delude ourselves. We can take no comfort from all these kinds of wishful thinking.

To be sure, the average Soviet Politburo member today is sixty-nine years old. But I have met many of the possible successors, and I can tell you: I foresee no real change. I do not see the Soviet Union becoming more pro-American. I do not see a revolution around the corner. I do not foresee the demise of the rigid system or the rigid thinking that runs it. And I see no chance that the Soviet leaders will be hoodwinked by protracted negotiations while we try to jump ahead in strategic arms.

Finally, we confront the illusion of softheadedness; that anyone who favors an end to the arms race must be soft on U.S. defense or even soft on Communism. And we confront its corollary: the simplistic formula "arm up and stand firm," though war would mean losses of 50 to 75 percent on each side.

The illusion of softheadedness is thermonuclear McCarthyism. Because the search for a way out of this morass—the search for an avenue of negotiation and survival instead of confrontation and weaponry—has a long and honorable heritage.

That heritage includes Republicans and Democrats; military and non-military leaders, among them some of the greatest and most tough-minded of our time.

It began in 1946 under President Harry Truman with the proposal of a hardheaded financier, Bernard Baruch, for international UN control of atomic energy.

It continued with President Dwight Eisenhower, who in his first major foreign policy address denounced the tragic waste of armaments, and in his farewell message warned against the power of a military-industrial complex.

It includes another great five-star General, Omar Bradley, who nearly a quarter century ago called for the country to turn away from "the search for peace through the accumulation of peril."

That heritage embraces the last legacy of President Kennedy, the nuclear test ban treaty of 1963; the SALT I accords under President Nixon; and the SALT II treaty initiated by President Nixon, continued by President Ford, and completed by President Carter.

SALT II was guided to completion in large part by former Secretary of State Cyrus Vance, who sits on this platform with me today, and for whom I was proud to serve in Moscow. Though the U.S. Senate has not ratified the treaty, it was endorsed by former Secretary of Defense Harold Brown, one of the world's brightest authorities on modern armaments; by General David Jones, head of the joint chiefs of staff; and countless others.

Thermonuclear McCarthyism is a slander against the wisdom of many great Americans.

Against all these illusions, what is the reality? The reality is that thermonuclear war in any form is suicide.

Our imperative is to change our course—to take the only road which offers a viable hope for the future; not a road to unilateral action of any kind, but a road toward the joint continuation of the SALT process; a road to a long series of mutually verifiable treaties.

I know from experience how maddening protracted negotiations with the Russians can be. I know what these negotiations will demand of us: in the words of St. Francis of Sales, "A cup of science, a barrel of wisdom, and an ocean of patience." But we have no choice. Because the longer we drift on without firmly capping the arms race, the graver the dangers we create:

The time has come to realize that our nuclear deterrent is robust under any possible contingency. Let our politicians and arms technicians stop poor-mouthing it.

Above all, the time has come for a new effort to cap the strategic arms race—cap it through a verifiable treaty which gives both sides the security they require.

SALT II offers a good framework. Minor changes could be made at the negotiating table if necessary. But there is little time before technology and pressures on both sides push us into a new and unmanageable spiral.

We cannot wait for improved Soviet behavior around the world, or for better U.S.-Soviet relations. Control of strategic arms is not a concession to the Soviets. It must not be linked to irrelevant issues. Those who urge delay take an awesome responsibility on their shoulders.

Twenty-eight years ago in Sanders Theater across the street, a great American journalist, Elmer Davis, delivered the annual Phi Beta Kappa oration. It was a time of darkness and witch hunts and false accusations. And in calling upon friends of freedom to stand up and fight, he quoted the first book of Samuel, which tells of the fear of the Philistines as they faced a formidable foe.

"Woe unto us!" they said. "Who shall deliver us out of the hands of those mighty gods?" But when they looked around and saw that no one else was going to deliver them, they said to one another: "Be strong, and quit yourselves like men; and fight." And they did, and they saved themselves.

The title of that Phi Beta Kappa oration was: "Are We Worth Saving? And If So Why?" The title of my remarks today might be: "Can We Be Saved? And If So How?"

I have tried to suggest some answers. And despite the somberness of my theme, I remain an optimist.

I regard the first atomic explosion in 1945 as an arrival—a culmination of mankind's long advance in ever greater mastery over the forces of nature.

I regard that explosion also as a watershed; because it signaled man's capability for the first time to destroy himself and the earth he lives on.

But I do not regard that explosion of 1945 as a beginning of the end.

The time has come for all human beings to realize that we must live together or die together.

I believe we have the reason and the realism and the common sense to choose life.

The Economics of the Arms Race—and After

(By John Kenneth Galbraith)

(Mr. Galbraith, a Co-Chairman of the American Committee on East-West Accord, delivered this speech in Seattle on April 18th at the Symposium on The Medical Effects of Nuclear War. The Symposium was sponsored jointly by the Physicians for Social Responsibility and the Council for a Livable World.)

The arms race as it now proceeds does not strengthen free institutions or free enterprise or however we denote our economic and social system. On the contrary, it is gravely weakening that system. And if or when, in some moment of error, anger or panic, the race goes out of control—if there is a nuclear exchange, large or as some now imagine limited—what is called free enterprise or capitalism will not survive. Nor will free institutions. All will be shattered beyond recovery. So equally, of course, will be what is now called Communism. Capitalism, Socialism and Communism are all sophisticated social forms relevant only to the advanced world as it has now developed. None would have existence or relevance in the wreckage and ashes and among the exiguous survivors of a post-nuclear world. This is not a matter of easy rhetoric; involved are hard facts which no one after serious thought can escape.

But it is a thought that a great many otherwise very sensitive and sensible people do try to escape. The mind resists involvement with horror as, in a normal person, it resists preoccupation with death. And in consequence we leave the issue of nuclear arms, their control and their consequences to the men who make horror their everyday occupation. It is a reckless, even fatal, delegation of power.

The economic effects of the arms race and its adverse effect on the economy are not matters of any great subtlety. Nor are they such as to provoke any great argument between economists or other informed observers. And there is strong empirical verification of the result.

Expenditure for arms, like any public expenditure, is at cost to other use. And notably it is at cost to private capital use. This is a proposition acccepted by economists of liberal instinct; it is even more explicit in speech and policy of conservative economists. It is central in the general thought of the economists of the present administration. The freeing of revenues now used for public purposes is deemed vital for private capital improvement—for the revitalization of the American industrial plant. The point, however, has not been stressed as regards our military outlays.

On occasion in recent years we have heard reference to the way in which military expenditures have been drawing resources from other public needs—what even a small share of the money going to the Pentagon would do to arrest the decline of our urban centers and services. Or to provide employment for the young in the big cities. We have heard much less—there has been something approaching a conspiracy of silence or neglect—of the way these expenditures have contributed to our industrial decline.

That contribution has been both general and specific. During the decade of the seventies we spent annually around a hundred billion on our defense establishment for a total for the decade of roughly a thousand billion.[1] Capital in this magnitude can be used for arms; it can be used for private capital investment; it cannot be used for both. If an appreciable part of this outlay had gone into the improvement of our industrial plant—as it would have gone had it not been requisitioned by the government—no one can doubt that our economy would be stronger today. And from this stronger economic position would have come some of the political prestige and primacy that we enjoyed in the earlier years following World War II. It was our economic, not our military, strength on which our world position then, in largest measure, depended. Military expenditure is at cost to economic strength; and it is upon our economic strength that our world position in the past has rested.

Such is the general effect—a massive transfer of capital away from civilian industry over the years and a resulting weakness that is for all to see. The specific effect within the industrial system is even more visible. Modern military expenditure has a highly specialized impact. It concentrates itself, a less than novel point, on that narrow range of industry and the highly specialized technology that serve missile, aircraft and marine weaponry. There can be little doubt as to the stimulating effect on this industry and this technology. But this development and the associated distortion in the allocation of resources—the technical competence, capital, labor and other resources lavished on this small specialized sector of the economic system—have been at heavy cost to the industries on which we depend for domestic or international competitive performance. As we have pressed ahead on a narrow band of industry that serves our weaponry, we have left behind, left competitively vulnerable, our steel, automobile, textile, chemical and a great range of other industries. There is no one reason for the decay of our standard civilian industry; one does not strengthen a strong case by attributing exclusive causation. But let no one doubt that the weakness in our older industry is the counterpart of the distorted growth of that narrow band of industry that supports the arms race.

I have said that there is practical or empirical support for the adverse industrial effect of the arms race. It is hardly news that in modern times our competitive position has declined steadily in relation to that of Germany and Japan. We are not less intelligent than the Germans and Japanese. Our raw material and energy base is not less good—indeed, it is far better. It is not clear that our workers are less diligent. Germany spends more per capita on its social services than we do; the Japanese do not spend greatly less. The difference is that the Germans and Japanese have been using their capital to replace old civilian plant and build new and better plant. We have been using our capital for industrially sterile military purposes. The comparison is striking.

Through the decade of the seventies we used from five to eight percent of our Gross National Product for military purposes. The Germans during this decade used between three and four percent—in most years relatively about half as much as did we. The Japanese in these ten years devoted less than one percent of their Gross National Product annually to military use. In 1977, to take a fairly typical year, our military spending was $441 per capita; that of Germany was $252 per capita; the Japanese spent a mere $47 per capita. It was from the capital so saved and invested that a substantial share of the civilian capital investment came which brought these countries to the industrial eminence that now challenges so successfully our own. Again the figures are striking. Through the decade of the seventies our investment in fixed nonmilitary and nonresidential investment ranged from 16.9 percent of Gross National Product to 19.0 percent. That of Germany ranged upward from 20.6 to 26.7 percent. The Japanese range in these years was from 31.0 percent to a towering 36.6 percent.[2] The investment in improvement of civilian plant was broadly the reciprocal of what went for weapons. Can anyone looking at these figures suppose that our military spending has been a source of industrial and economic strength? Can anyone doubt that it has been at cost to our industrial eminence and to the prestige and influence that go therewith?

Let us ask ourselves again. Have we strengthened our position in the world by accepting a decline in our civilian industry? In an age of overkill, do we win industrial strength by investing in yet more overkill? At a minimum would we not be wise, in the most conservative sense, to urge the arms control that would allow us to use more of our capital for improving the competence and excellence of our civilian industry? I do not appeal to some pacific idealism but to practical self-interest. I cannot think there can be any doubt as to the answer.

I turn now to the aftermath of the arms race—the all-too-certain consequence if it is not brought under control. We have heard of the death, direct and enduring, that must follow a nuclear exchange, and of the peculiar horror that must follow for the survivors when physicians, nurses, hospitals and medicines are swept away with the dead. We have not sufficiently heard that the economic system on which we depend—and which, as noted, we presume to defend—will succumb no less completely than those who live in the target areas. And it will not matter greatly what those areas are.

In the most general sense our system depends on a voluntary response to pecuniary motivation—on a self-motivated decision to work for money. The one great certainty is that, after the first exchange, this motivation will no longer serve. People will work for money. They will not do so if it means risking sickness and death and if, as a further certain consequence of catastrophe, they will not be able to spend what they earn.

To pass again from the general to the specific, we may consider transportation. On this, after only the shortest time, all life depends. In the aftermath of the nuclear exchange there will be no transportation system; surviving truck drivers and trainmen will not accept for mere pay the risk of passing through areas of devastation or contamination or of further attack. In consequence, the transport of goods will come to a halt; after stocks of food of varying degrees of contamination are exhausted, starvation will ensue. Likewise exhausted will be stocks of medicine and fuel. Starvation and exposure will be the fate of those so unfortunate as to escape the initial blast and fire.

Perhaps, it will be supposed, compulsion can be brought to bear on those who drive the trucks and trains—a draft into the armed services or some equivalent. That would be a formidable exercise in organization under the most favorable of circumstances; it would be impossible in the general anarchy of the aftermath. And the fact that some form of compulsion is the only answer emphasizes my point: the economic system based on established motivation would be one of the first casualties of the blast.

One can pursue the consequences—and there is no need for exaggeration or hyperbole. Surviving men and women at all occupational levels will reject factory and other work in the target areas or possible target areas. Again there is no pecuniary payment that makes worthwhile the certainty of death. But, the most urgent essentials of life apart, there will be no purpose in such production. A people desperately preoccupied with remaining alive will not wish for automobiles, washing machines or toothpaste. And what might be produced cannot in any case be shipped. There will be no education; the cultural heritage of one thousand years will be gone. Let this be a thought every time you pass a university, enter an art gallery or a museum.

But no one should suppose that even the provision of essentials will be possible. Food is the obvious case in point. The production of food in the modern economy is tightly interlocked with other industry; farms once, within our lifetimes, supplied themselves with their own power; now they are inescapably at the end of a long supply line that brings them fuel for tractors and dozens of lesser requisites for production. Transportation again becomes decisive; without it food will not be produced and without it it will, of course, not be delivered. And the question also arises as to why farmers will struggle to provide food for others when they can get nothing in return. Again money in whatever amount and in whatever form will cease to be an incentive. As organized compulsion would be necessary to maintain a transportation system, so it would be required to ensure the production of food and other essentials. And as this possibility is contemplated, it becomes ludicrous.,

The point has been sufficiently made. The modern economic system is a highly sophisticated, deeply interdependent system. It cannot stand the shock and the associated fears from any kind, limited or unlimited, of nuclear exchange. The transportation system, as noted, that knits the various parts of this system together will be the first casualty; without transportation all parts will succumb. But transportation is a metaphor of the shattering vulnerability of this deeply interdependent system.

One returns to all who see in nuclear war a way of defending an economic and social system. This is not a relevant effort for the millions who will already be dead. But it has no greater meaning for those who survive. In the nuclear aftermath free institutions, free enterprise, capitalism and associated property and pecuniary values will all be gone. Those who say that we should accept the risk of nuclear conflict to save our system are saying, in the strongest possible terms, that we should accept its certain destruction.

A year or so ago a Pentagon spokesman, reporting on an internal study, said that the United States, in the aftermath of a nuclear exchange, could sustain a "medieval" standard of living. The statement was apt—perhaps more apt than the spokesman imagined. Under medieval economic conditions, men and women grubbed a living from the soil over a short and recurrently disease-ridden life. They had what was mad with their hands; there was no manufacturing, little trade. There was nothing that could be called capitalism or free enterprise—or freedom. It was not that these had yet to be invented; it was rather that they belong to a far later and higher stage of economic development. They were born not out of ideological invention or preference but out of historical change. There was little personal freedom in the medieval system; that was because it could not be afforded. Men and women were tied to the land because in the medieval economy that compelled association was the alternative to pecuniary compensation. Property rights and values were little consequence; property is of significance only when it has value in production or in use. So it all would be in the post-nuclear world. Everything that is now known as free enterprise or the free economy would be gone. So likewise socialism. As capitalism and communism would be indistinguishable in the ashes of the target areas, they would be wholly irrelevant for those who survived.

The lesson, let all know, is clear. In coextistence with the Soviet Union and the rest of the socialist or communist world, the alternative economic and social systems can survive. The arms race has deeply damaging effect on the free enterprise economy—equally we may assume on the socialist system. In our case the results are sadly visible—our industrial plant starved of capital, weakened in relation to our competitors, world prestige lost—all from the diversion of capital to the arms race. This already has been the tangible damage to our system, but the worst is not yet. As I've noted, in the aftermath of the uncontrolled arms race, no modern economic system will survive. Both capitalism and socialism will succumb. It will be of little pleasure even for the most passionate ideologue that, in destroying the Soviet system, we destroy no less completely our own.

The only and inescapable course remains. That is, whatever our contemporary differences, to join with the Soviet Union in seeing that we do not both return—those who live—to what, no inaccurately, were called the Dark Ages. This is a matter on which our interests are wholly in common. Back of arms control, supporting the measure which ensure against devastation by calculation, miscalculation, anger or accident, lies a wholly common interest. It is that common interest that all Americans whatever their political preference—whatever their political fears—have a concern to pursue. We must not, regardless of our politics, continue to imagine that we can protect or save an economic system by accepting the possibility of nuclear war. In the ashes, communism and capitalism, let it be said again, will be indistinguishable and irrelevant in the ultra-primitive struggle for existence of those who are so unfortunate as to survive.

[From the New York Times, Oct. 3, 1979]

TRANSCRIPT OF POPE JOHN PAUL II'S UNITED NATIONS ADDRESS

(Following are excerpts of the transcript of the address by Pope John Paul II to the United Nations General Assembly yesterday, as recorded by The New York Times:)

QUOTES POPE JOHN PAUL VI

Fourteen years ago, my great predecessor, Pope Paul VI, spoke from this podium. He spoke memorable words which I desire to repeat today:

"No more war. War never again. Never one against the other, or even one above the other, but always in every occasion, with each other."

Paul VI was a tireless servant of the cause of peace. I wish to follow him with all my strength, and continue his service. The Catholic Church in every place on earth proclaims a message of peace, prays for peace, education for peace.

This purpose is also shared by the representatives and followers of other churches and communities and of other religions of the world. And they have pledged themselves to it.

TROUBLED BY ARMED CONFLICTS

In union with efforts by all people of good will this work is certainly bearing fruit. Nevertheless, we are continually troubled by the armed conflicts that break out from time to time. How grateful we are to the Lord when a direct intervention succeeds in avoiding such a conflict, as in the case of the tension that last year threatened Argentina and Chile.

It is my fervent hope that a solution, also, to the Middile East crisis may draw nearer. While being prepared to recognize the value of any concrete step or attempt made to settle the conflict, I want to recall that it would have no value if it did not truly represent the first stone of a general, overall peace in the area, a peace that being necessarily based on equitable recognition of the rights of all, cannot fail to include a consideration and just settlement of the Palestinian question.

Connected with this question is that of the tranquility, independence and territorial integrity of Lebanon within the formula that has made it an example of peaceful and mutually fruitful coexistance between distinct communities. A formula that I hope will, in the common interest, be maintained with the adjustments required by the developments of the situation.

I also hope for a special statute that, under international guarantees as my predecessor Paul VI indicated, would respect the particular nature of Jerusalem, a heritage sacred to the veneration of millions of believers of the three great monotheistic religions—Judaism, Christianity and Islam.

APPLAUDS EFFORTS TO LIMIT ARMS

We are troubled also by reports of the development of weaponry exceeding in quality and size the means of war and destruction ever known before. In this field, also, we applaud the decisions and agreements aimed at reducing the arms race. Nevertheless, the life of humanity today is seriously endangered by the threat of destruction and by the risk and I think even from accepting certain tranquilizing reports. The continual preparation for war demonstrated by the production of ever more numerous powerful and sophisticated weapons in various countries shows that there is a desire to be ready for war and being ready means being able to start it. It also means taking the risk that sometime, somewhere, somehow, someone can set in motion the terrible mechanism of general destruction.

It is therefore necessary to make a continuing and even more energetic effort to do away with the very possibility of provoking war and to make such catastrophes impossible by influencing the attitudes and convictions, the very intentions and aspirations of governments and peoples. This task is certainly served by initiatives aimed at international cooperation for the fostering of development. As Paul VI said at the end of his encyclical Populorum Progressio, if the new name for peace is development, who would not wish to labor for it with all his power? However, this task must also be served by constant reflection and activity aimed at discovering the very roots of hatred, destructiveness and contempt—the roots of everything that produces the temptation to war—not so much in the hearts of nations as in the inner determination of the systems that decide the history of all our societies.

NEW VISION OF CAUSE OF PEACE

The universal declaration of human rights has struck a real blow against the many deep roots of war since the spirit of war in its basic primordial meaning springs up and grows up, grows to maturity where the inalienable rights of men are violated. This is a new and deeply relevant vision of the cause of peace. One that goes deeper and is more radical. It is a vision that sees a genesis and in essence the substance of war. In the more complex forms emanating from injustice viewed in all its various aspects this injustice first attacks human rights and thereby destroys the organic unity of the social order. And it then affects the whole system of international relations. By applying this criterion, we must diligently examine which principal tensions in connection with inalienable rights of man can weaken the construction of this peace which we all desire so ardently and which is the essential goal of the efforts of the United Nations organizations.

Man lives at the same time both in the world of material values and in that of spiritual values. For the individual living and hoping man, his needs, freedoms and relationships with others never concerns only one sphere of values alone but belong to both. Material and spiritual realities may be viewed separately in order to understand better that in the concrete human being they are inseparable. And to see that any threat to human rights, whether in the field of material realities or in that of spiritual realities, is equally dangerous for peace since in every instance it concerns man in his entirety.

CONSTANT RULE OF HUMANITY

Permit me distinguished ladies and gentlemen, to recall a constant rule of the history of humanity, a rule that is implicitly contained in all that I have already stated with regard to integral development of human rights. The rule is based on the relationship between spiritual values and material or economic values. In this relationship, it is the spiritual values that are pre-eminent both on account of the nature of these values and also for reasons concerning the good of man. It is easy to see that material goods do not have unlimited capacity for satisfying the needs of man. They are not in themselves easily distributed and in the relationship between those who posses and enjoy them and those who are without them, they give rise to tension, dissension and division that will often even turn into open conflict. Spiritual goods, on the other hand, are open to unlimited enjoyment by many at the same time without diminution of the goods themselves. A critical analysis of our modern civilization shows that in the last hundred years it has contributed as never before to the development of material goods; but that it has also given rise—both in theory and, still more, in practice—to a series of attitudes in which sensitivity to the spiritual dimension of human existence is diminished by greater or less extent.

As a result of certain premises which reduce the meaning of human life chiefly to the many different material and economic factors—I mean the demands of production, the market, consumption, the accumulation of riches—or of the growing bureaucracy with which an attempt is made to regulate these very processes: Is this not the result of having subordinated man to one single conception and sphere of values?

OVERCOMING STATE OF NEED

What is the link between these reflections and the cause of peace and war? Since, as I have already stated, material goods by their very nature provoke conditionings and divisions, the struggle to obtain these goods becomes inevitable in the history of humanity. If we cultivate this one-sided subordination of man to material goods alone, we shall be incapable of overcoming this state of need. We shall be able to attenuate it and avoid it in particular cases but we shall not succeed in eliminating it systematically and radically unless we emphasize more, and pay greater honor before everyone's eyes in the sight of every society, to the second dimension of the good of man—the dimension that does not divide people but puts them into communication with each other, associates them and unites them.

I consider that the famous opening words of the Charter of the United Nations—in which the peoples of the United Nations determined to say succeeding generations from the scourge of war solemnly reaffirmed faith in fundamental human rights, in the dignity and worth of the human person, in the equal rights of men and women and of nations large and small—are meant to stress this dimension. An analysis of the history of mankind, especially at its present stage, shows how important is the duty of revealing more fully the range of the goods that are linked with the spiritual dimension of human existence. It shows how important this task is for building peace and how serious is any threat to human rights. Any violation of them even in a peace situation is a form of warfare against humanity.

TWO THREATS TO HUMAN RIGHTS

It seems that in the modern world there are two main threats. Both concern human rights in the field of international relations and human rights within the individual states of all societies. The first of these systematic threats against human rights is linked in an overall sense with the distribution of material goods. This distribution is frequently unjust, both within individual societies and on the planet as a whole. Everyone knows that these goods are given to men not only as nature's bounty. They are enjoyed by him chiefly as the fruit of his many activities ranging from the simplest manual and physical labor to the most complicated forms of industrial production and to the highly qualified and specialized research and study. Various forms of inequality in the possession of material goods and in the enjoyment of them can often be explained by different historical and cultural causes and circumstances. But while these circumstances can diminish the moral responsibility of people today, they do not prevent the situations of inequality from being marked by injustice and social injury. People must become aware that economic tensions within countries and in the relationships between states and even between entire continents contain within themselves substantial elements that restrict or violate human rights.

Such elements are the exploitation of labor and many other abuses that affect the dignity of human persons. It follows that the fundamental criterion for comparing social, economic and political systems is not and cannot be the criterion of hegemony and imperialism.

It can be—and indeed it must be—the humanistic criterion, namely the measure in which each system is really capable of reducing, restraining and eliminating, as far as possible, the various forms of exploitation of man, and of insuring for him through work not only the just distribution of the indispensable material goods, but also a participation, in keeping with his dignity, in the whole process of production and in the social life that grows up around that process.

Disturbing factors are frequently present in the form of the frightful disparities between excessively rich individuals and groups on the one hand and, on the other hand, the majority made up of the poor or, indeed, of the destitute, who lack food and opportunities for work and education, and are in great numbers condemned to hunger and disease.

And concern is also caused at time by the radical separation of work from property, by immense indifference to the production enterprise to which he is linked only by work obligation without feeling that he's working for a good that will be his or for himself.

It is no secret that the abyss separating the minority of the excessively rich from the multitude of the destitute is a very *grave symptom in the life of any society.* This also must be said—with even greater insistence—with regard to the abyss separating countries and regions of the earth.

COORDINATED COOPERATION NEEDED

Surely the only way to overcome this serious disparity between areas of satiety and areas of hunger and oppression is through coordinated cooperation by all countries. This requires, above all, a unity inspired by an authentic perspective of peace.

Everything will depend on whether these differences and contrasts in the sphere of the possession of goods will be systematically reduced through truly effective means; on whether the belts of hunger, malnutrition, destitution, underdevelopment, disease and illiteracy will disappear from the economic map of the earth, and on whether peaceful cooperation will avoid imposing conditions of exploitation and economic or political dependence, which would only be a form of new colonialism.

I would now like to draw attention to a second systematic threat to man in his inalienable rights in the modern world, a threat which constitutes no less a danger than the first to the cause of peace. I refer to the various forms of injustice in the field of the spirit.

Man can indeed be wounded in his inner relationship with truth, in his conscience, in his most personal belief, in his view of the world, in his religious faith, and in the sphere of what are known as civil liberties. Decisive for these, these last, is equality of rights without discrimination on grounds of origin, race, sex, nationality, religion, political convictions and the like.

For centuries, the thrust of civilization has been in one direction—that of giving the life of individual political societies a form in which there can be fully safeguarded the objective rights of the spirit of human conscience and of human creativity, including man's relationship with God.

Yet, in spite of this, we still see in this field recurring threats and violations, often with no possibility of appealing to a higher authority or of obtaining an effective remedy.

Besides the acceptance of legal formulas safeguarding the principles of the freedom of the human spirit, such as the freedom of thought and expression, religious freedom and freedom of conscience, structures of social life often exist in which the practical exercise of these freedoms condemns man in fact, if not formally, to become a second-class or third-class citizen.

It is a question of the highest importance that in internal social life as well as in international life, all human beings in every nation and country should be able to enjoy effectively their full rights under any political regime or system. Only the safeguarding of this real completeness of rights for every human being, without discrimination, can insure peace at its very roots.

The United Nations organization has proclaimed 1979 the year of the Child in this perspective we must ask ourselves whether there will continue to accumulate over the heads of this new generation of children the threat of common extermination, for which the means are in the hands of the modern states, especially the major world powers. Are the children to receive the arms race from us as a necessary inheritance? How are we to explain this unbridled race?

The ancients said *Si vis pacem, para bellum*. But can our age still really believe that the breathtaking spiral of armaments is at the service of world peace. In alleging this threat of a potential enemy, is it really not rather the intention to keep for oneself a means of threat in order to get the upper hand with the aid of one's own arsenal of destruction? Here, too, it is the human dimension of peace that tends to vanish in favor of ever new possible forms of imperialism.

It must be our solemn wish here for our children, for the children of all the nations on earth that this point will never be reached.

And for that reason I do not cease to pray to God each day so that in His mercy He may save us from so terrible a day.

At the close of this address I wish to express once more before all the high representative of the said states who are present a word of esteem and deep love for all the peoples, all the nations of the earth, for all human communities.

Each one has its own history and culture. I hope that they will live and grow in the freedom and truth of their own history. For that is the measure of the common goals of each one of them.

HOPE FOR RESPECT FOR AUTHORITIES

I hope that each person will live and grow strong with the moral force of the community that forms its members' as citizens. I hope that the state authorities, while respecting the just rights of each citizen, will enjoy the confidence of all for the common good.

I hope that all the nations, even the smallest, even those that do not yet enjoy full sovereignty, and those that have been forcibly robbed of it, will meet in full equality with the others in the United Nations Organization.

I hope that the United Nations will ever remain the supreme forum of peace and justice, the authentic seal of freedom of peoples and individuals in their longing for a better future.

[U.S. Department of State, Bureau of Public Affairs, Washington, D.C.]

Reagan "Zero-Option" Proposal

(Following is a speech by President Reagan before the National Press Club in Washington, D.C., November 18, 1981)

Back in April while in the hospital I had, as you can readily understand, a lot of time for reflection. And one day I decided to send a personal, hand-written letter to Soviet President Leonid Brezhnev reminding him that we had met about 10 years ago in San Clemente, California, as he and President Nixon were concluding a series of meetings that has brought hope to all the world. Never had peace and goodwill seemed closer at hand. I'd like to read you a few paragraphs from that letter.

"Mr. President: When we met I asked if you were aware that the hopes and aspirations of millions of people throughout the world were dependent on the decisions that would be reached in those meetings. You took my hand in both of yours and assured me that you were aware of that and that you were dedicated with all your heart, and soul, and mind to fulfilling those hopes and dreams."

I went on in my letter to say:

"The people of the world still share that hope. Indeed, the peoples of the world, despite differences in racial and ethnic origin, have very much in common. They want the dignity of having some control over their individual lives—their destiny. They want to work at the craft or trade of their own choosing and to be fairly rewarded. They want to raise their families in peace without harming anyone or suffering harm themselves.

Government exists for their convenience, not the other way around.

"If they are incapable, as some would have us believe, of self-government, then where among them do we find any who are capable of governing others? Is it possible that we have permitted ideology, political and economic philosophies, and governmental policies to keep us from considering the very real, everyday problems of our peoples? Will the average Soviet family be better off or even aware that the Soviet Union has imposed a government of its own choice on the people of Afghanistan? Is life better for the people of Cuba because the Cuban military dictate who shall govern the people of Angola?

"It is often implied that such things have been made necessary because of territorial ambitions of the United States; that we have imperialistic designs and thus constitute a threat to your own security and that of the newly emerging nations. There not only is no evidence to support such a charge, there is solid evidence that the United States, when it could have dominated the world with no risk to itself, made no effort whatsoever to do so.

"When World War II ended, the United States had the only undamaged industrial power in the world. Our military might was at its peak—and we alone had the ultimate weapon, the nuclear weapon, with the unquestioned ability to deliver it anywhere in the world. If we had sought world domination then, who could have opposed us?

"But the United States followed a different course—one unique in all the history of mankind. We used our power and wealth to rebuild the war-ravaged economies of the world, including those nations who had been our enemies. May I say there is absolutely no substance to charges that the United States is guilty of imperialism or attempts to impose its will on other countries by use of force."

I concluded my letter by saying:

"Mr. President, should we not be concerned with eliminating the obstacles which prevent our people—those you and I represent—from achieving their most cherished goals?"

It's in the same spirit that I want to speak today to this audience, and the people of the world, about America's program for peace and the coming negotiations which begin November 30th in Geneva, Switzerland. Specifically, I want to present our program for preserving peace in Europe and our wider program for arms control.

PRESERVING PEACE

Twice in my lifetime I have seen the peoples of Europe plunged into the tragedy of war. Twice in my lifetime Europe has suffered destruction and military occupation in wars that statesmen proved powerless to prevent, soldiers unable to contain, and ordinary citizens unable to escape. And twice in my lifetime, young Americans have bled their lives into the soil of those battlefields—not to enrich or enlarge our domain but to restore the peace and independence of our friends and allies.

All of us who lived through those troubled times share a common resolve that they must never come again. And most of us share a common appreciation of the Atlantic alliance that has made a peaceful, free, and prosperous Western Europe in the postwar era possible.

But today a new generation is emerging on both sides of the Atlantic. Its members were not present at the creation of the North Atlantic alliance. Many of them do not fully understand its roots in defending freedom and rebuilding a war-torn continent. Some young people question why we need weapons—particularly nuclear weapons—to deter war and to assure peaceful development. They fear that the accumulation of weapons itself may lead to conflagration. Some even propose unilateral disarmament.

I understand their concerns. Their questions deserve to be answered. But we have an obligation to answer their questions on the basis of judgment and reason and experience. Our policies have resulted in the longest European peace in this century. Would not a rash departure from these policies, as some now suggest, endanger that peace? From its founding, the Atlantic alliance has preserved the peace through unity, deterrence, and dialogue.

First, we and our allies have stood united by the firm commitment that an attack upon any one of us would be considered an attacks upon us all;

Second, we and our allies have deterred aggression by maintaining forces strong enough to insure that any aggressor would lose more from an attack than he could possibly gain; and

Third, we and our allies have engaged the Soviets in a dialogue about mutual restraint and arms limitations, hoping to reduce the risk of war and the burden of armaments and to lower the barriers that divide East from West.

These three elements of our policy have preserved the peace in Europe for more than a third of a century. They can preserve it for generations to come, so long as we pursue them with sufficient will and vigor.

Today, I wish to reaffirm America's commitment to the Atlantic alliance and our resolve to sustain the peace. And from my conversations with allied leaders, I know that they also remain true to this tried and proven course. NATO's policy of peace is based on restraint and balance. No NATO weapons, conventional or nuclear, will ever be used in Europe except in response to attack. NATO's defense plans have been responsible and restrained. The allies remain strong, united, and resolute. But the momentum of the continuing Soviet military buildup threatens both the conventional and the nuclear balance. Consider the facts over the past decade:

The United States reduced the size of its armed forces and decreased its military spending. The Soviets steadily increased the number of men under arms. They now number more than double those of the United States. Over the same period the Soviets expanded their real military spending by about one-third.

The Soviet Union increased its inventory of tanks to some 50,000 compared to our 11,000. Historically a landpower, they transformed their navy from a coastal defense force to an open ocean fleet, while the United States, a seapower with transoceanic alliances, cut its fleet in half.

During a period when NATO deployed no new intermediate-range nuclear missiles and actually withdrew 1,000 nuclear warheads, the Soviet Union deployed more than 750 nuclear warheads on the new SS-20 missiles alone.

Our response to this relentless buildup of Soviet military power has been restrained but firm. We have made decisions to strengthen all three legs of the strategic triad—sea-, land-, and air-based. We have proposed a defense program in the United States for the next 5 years which will remedy the neglect of the past decade and restore the eroding balance on which our security depends.

I would like to discuss more specifically the growing threat to Western Europe which is posed by the continuing deployment of certain Soviet intermediate-range nuclear missiles. The Soviet Union has three different types of such missile systems—the SS-20, the SS-4, and the SS-5—all with a range capable of reaching virtually all of Western Europe. There are other Soviet weapons systems which also represent a major threat. The only answer to these systems is a comparable threat to Soviet targets. In other words, a deterrent preventing the use of these Soviet weapons by the counterthreat of a like response against their own territory.

At present, however, there is no equivalent deterrent to these Soviet intermediate missiles. And the Soviets continue to add one new SS-20 a week. To counter this, the allies agreed in 1979, as part of a two-track decision, to deploy as a deterrent land-based cruise missiles and Pershing II missiles capable of reaching targets in the Soviet Union. These missiles are to be deployed in several countries of Western Europe.

This relatively limited force in no way serves as a substitute for the much larger strategic umbrella spread over our NATO allies. Rather, it provides a vital link between conventional, shorter range nuclear forces in Europe and intercontinental forces in the United States. Deployment of these systems will demonstrate to the Soviet Union that this link cannot be broken.

Deterring war depends on the perceived ability of our forces to perform effectively. The more effective our forces are, the less likely it is that we'll have to use them. So, we and our allies are proceeding to modernize NATO's nuclear forces of intermediate range to meet increased Soviet deployments of nuclear systems threatening Western Europe.

ARMS CONTROL NEGOTIATIONS

Let me turn now to our hopes for arms control negotiations. There is a tendency to make this entire subject overly complex. I want to be clear and concise. I told you of the letter I wrote to President Brezhnev last April. Well, I've just sent another message to the Soviet leadership. It's a simple, straightforward, yet historic message: The United States proposes the mutual reduction of conventional, intermediate-range nuclear and strategic forces. Specifically, I have proposed a four-point agenda to achieve this objective in my letter to President Brezhnev.

The first, and most important, point concerns the Geneva negotiations. As part of the 1979 two-track decision, NATO made a commitment to seek arms control negotiations with the Soviet Union on intermediate-range nuclear forces. The United States has been preparing for these negotiations through close consultation with our NATO partners. We are now ready to set forth our proposal. I have informed President Brezhnev that when our delegation travels to the negotiations on intermediate-range land-based nuclear missiles in Geneva on the 30th of this month, my representatives will present the following proposal: The United States is prepared to cancel its deployment of Pershing II and ground-launched cruise missiles if the Soviets will dismantle their SS-20, SS-4, and SS-5 missiles. This would be an historic step. With Soviet agreement, we could together substantially reduce the dread threat of nuclear war which hangs over the people of Europe. This, like the first footstep on the moon, would be a giant step for mankind.

We intend to negotiate in good faith and go to Geneva willing to listen to and consider the proposals of our Soviet counterparts. But let me call to your attention the background against which our proposal is made. During the past 6 years, while the United States deployed no new intermediate-range missiles and withdrew 1,000 nuclear warheads from Europe, the Soviet Union deployed 750 warheads on mobile, accurate ballistic missiles. They now have 1,100 warheads on the SS-20, SS-4, SS-5 missiles, and the United States has no comparable missiles. Indeed, the United States dismantled the last such missile in Europe over 15 years ago.

As we look to the future of the negotiations, it is also important to address certain Soviet claims which, left unrefuted, could become critical barriers to real progress in arms control. The Soviets assert that a balance of intermediate-range nuclear forces already exists. That assertion is wrong. By any objective measure, as this chart indicates [see below], the Soviet Union has an overwhelming advantage, on the order of six to one.

Soviet spokesmen have suggested that moving their SS-20s beyond the Ural Mountains will remove the threat to Europe. As this map demonstrates, the SS-20s, even if deployed behind the Urals, will have a range that places almost all of Western Europe, the great cities, Rome, Athens, Paris, London, Brussels, Amsterdam, Berlin, and so many more; all of Scandinavia; all of the Middle East; all of northern Africa—all within range of these missiles, which incidentally are mobile and can be moved on shorter notice.

The second proposal I've made to President Brezhnev concerns strategic weapons. The United States proposes to open negotiations on strategic arms as soon as possible next year. I have instructed Secretary Haig to discuss the timing of such meetings with Soviet representatives.

Substance, however, is far more important than timing. As our proposal for the Geneva talks this month illustrates, we can make proposals for genuinely serious reductions but only if we take the time to prepare carefully. The United States has been preparing carefully for resumption of strategic arms negotiations because we do not want a repetition of past disappointments. We don't want an arms control process that sends hopes soaring only to end in dashed expectations.

I have informed President Brezhnev that we will seek to negotiate substantial reductions in nuclear arms which would result in levels that are equal and verifiable. Our approach to verification will be to emphasize openness and creativity—rather than the secrecy and suspicion which have undermined confidence in arms control in the past.

While we can hope to benefit from work done over the past decade in strategic arms negotiations, let us agree to do more than simply begin where these previous efforts left off. We can and should attempt major qualitative and quantitative progress. Only such progress can fulfill the hopes of our own people and the rest of the world. And let us see how far we can go in achieving truly substantial reductions in our strategic arsenals. To symbolize this fundamental change in direction, we will call these negotiations START—Strategic Arms Reduction Talks.

The third proposal I have made to the Soviet Union is that we act to achieve equality at lower levels of conventional forces in Europe. The defense needs of the Soviet Union hardly call for maintaining more combat divisions in East Germany today than were in the whole Allied invasion force that landed in Normandy on D-day. The Soviet Union could make no more convincing contribution to peace in Europe—and in the world—than by agreeing to reduce its conventional forces significantly and constrain the potential for sudden aggression.

Finally, I have pointed out to President Brezhnev that to maintain peace, we must reduce the risks of surprise attack and the chance of war arising out of uncertainty or miscalculation. I am renewing our proposal for a conference to develop effective measures that would reduce these dangers. At the current Madrid meeting of the Conference on Security and Cooperation in Europe, we are laying the foundation for a Western-proposed conference on disarmament in Europe. This conference would discuss new measures to enhance stability and security in Europe. Agreement on this conference is within reach. I urge the Soviet Union to join us and many other nations who are ready to launch this important enterprise.

All of these proposals are based on the same fair-minded principles: substantial, militarily significant reduction in forces; equal ceilings for similar types of forces; and adequate provisions for verification. My Admnistration, our country, and I are committed to achieving arms reduction agreements based on these principles. Today I have outlined the kinds of bold, equitable proposals which the world expects of us. But we cannot reduce arms unilaterally. Success can only come if the Soviet Union will share our commitment; if it will demonstrate that its often-repeated professions of concern for peace will be matched by positive action.

KEY INTERMEDIATE-RANGE LAND-BASED MISSILES

Soviet					United States			
Type	Warheads per missile	Number of launchers deployed	Total warheads on launchers	Range (km)	Total warheads on launchers	Number of launchers deployed	Warheads per missile	Type
SS-20	3	250	750	4,400 to 5,000				
SS-5	1	35	35	4,100				
				2,500	0 (464 planned)	0 (116 launchers, 4 missiles per launcher planned).	1	Ground-launched cruise missile.
SS-4	1	315	315	1,900				
				1,800	0 (108 planned)	(108 planned)	1	Pershing II.
Total		600	1,100		0 (572 planned)	0 (224 planned)		Total.

U.S. CONCEPT OF PEACE

Preservation of peace in Europe and the pursuit of arms reduction talks are of fundamental importance. But we must also help to bring peace and security to regions now torn by conflict, external intervention, and war.

The American concept of peace goes well beyond the absence of war. We foresee a flowering of economic growth and individual liberty in a world at peace. At the economic summit conference in Cancun, I met with the leaders of 21 nations and sketched out our approach to global economic growth. We want to eliminate the barriers to trade and investment which hinder these critical incentives to growth. And we're working to develop new programs to help the poorest nations achieve selfsustaining growth.

And terms like "peace" and "security," we have to say, have little meaning for the oppressed and the destitute. They also mean little to the individual whose state has stripped him of human freedom and dignity. Wherever there is oppression, we must strive for the peace and security of individuals as well as states. We must recognize that progress in the pursuit of liberty is a necessary complement to military security. Nowhere has this fundamental truth been more boldly and clearly stated than in the Helsinki accords of 1975. These accords have not yet been translated into living reality.

Today I have announced an agenda that can help to achieve peace, security, and freedom across the globe. In particular, I have made an important offer to forego entirely deployment of new American missiles in Europe if the Soviet Union is prepared to respond on an equal footing.

There is no reason why people in any part of the world should have to live in permanent fear of war or its specter. I believe the time has come for all nations to act in a reponsible spirit that doesn't threaten other states. I believe the time is right to move forward on arms control and the resolution of critical regional disputes at the conference table. Nothing will have a higher priority for me and for the American people over the coming months and years.

Addressing the United Nations 20 years ago, another American President described the goal we still pursue today. He said, "If we all can perservere, if we can . . . look beyond our own shores and ambitions, then surely the age will dawn in which the strong are just and the weak secure and the peace preserved." He didn't live to see that goal achieved.

I invite all nations to join with America today in the quest for such a world.

MESSAGE OF HIS HOLINESS POPE JOHN PAUL II FOR THE CELEBRATION OF THE DAY OF PEACE, JANUARY 1, 1982

PEACE: A GIFT OF GOD ENTRUSTED TO US!

To the young who in the world of tomorrow will make the great decisions,

To the men and women who today bear responsibility for life in society,

To families and teachers,

To individuals and communities,

To Heads of State and Government leaders:

It is to all of you that I address this message at the dawn of the year 1982. I invite you to reflect with me on the theme of the new World Day: peace is a gift of God entrusted to us.

1. This truth faces us when we come to decide our commitments and make our choices. It challenges the whole of humanity, all men and women who know that they are individually responsible for one another, and together responsible for the world.

At the end of the First World War my predecessor Pope Benedict XV devoted an Encyclical to this theme. Rejoicing at the cessation of hostilities and insisting on the need to remove hatred and enmity through reconciliation inspired by mutual charity, he began his Encyclical with a reference to "peace, that magnificent gift from God: as Augustine says, 'even understood as one of the fleeting things of earth, no sweeter word is heard, no more desirable wish is longed for, and no better discovery can be made than this gift' (*De Civitate Dei*, lib. XIX, c. XI)" (Encyclical *Pacem Dei Munus: AAS* 12 [1920], p. 209).

EFFORTS FOR PEACE IN A DIVIDED WORLD

2. Since then my predecessors have often had to recall this truth in their constant endeavours to educate for peace and to encourage work for a lasting peace. Today peace has become, throughout the world, a major preoccupation not for those responsible for the destiny of nations but even more so for broad sections of the population and numberless individuals who generously and tenaciously dedicate themselves to creating an outlook of peace and to establishing genuine peace between peoples and nations. This is comforting. But there is no hiding the fact that, in spite of the efforts of all men and women of good will there are still serious threats to peace in the world. Some of these threats take the form of divisions within various nations; others stem from deep-rooted and acute tensions between opposing nations and blocs within the world community.

In reality, the confrontations that we witness today are distinguished from those of past history by certain new characteristics. In the first place, they are world-wide: even a local conflict is often an expression of tensions originating elsewhere in the world. In the same way, it often happens that a conflict has profound effects far from where it broke out. Another characteristic is totality: present-day tensions mobilize all the forces of the nations involved; moreover, selfish monopolization and even hostility are to be found today as much in the way economic life is run and in the technological application of science as in the way that the mass media or military resources are utilized. Thirdly, we must stress the radical character of modern conflicts: it is the survival of the whole human race that is at stake in them, given the destructive capacity of present-day military stockpiles.

In short, while many factors could contribute to uniting it, human society appears as a divided world: the forces for unity give way before the divisions between East and West, North and South, friend and enemy.

AN ESSENTIAL PROBLEM

3. The causes of this situation are of course complex and of various orders. Political reasons are naturally the easiest to distinguish. Particular groups abuse their power in order to impose their yoke on whole societies. An excessive desire for expansion impels some nations to build their

prosperity with a disregard for—indeed at the expense of—others' happiness. Unbridled nationalism thus foster plans for domination, which leave other nations with the pitiless dilemma of having to make the choice: either accepting satellite status and dependence or adopting an attitude of competition and hostility. Deeper analysis shows that the cause of this situation is the application of certain concepts and ideologies that claim to offer the only foundation of the truth about man, society and history.

When we come up against the choice between peace and war, we find ourselves face to face with ourselves, with our nature, with our plans for our personal and community lives, with the use we are to make of our freedom. Are relationships between people to continue inexorably along lines of incomprehension and merciless confrontation, because of a relentless law of human life? Or are human beings—by comparison with the animal species which fight one another according to the "law" of the jungle—specifically called upon and given the fundamental capability to live in peace with their fellows and to share with them in the creation of culture, society and history? In the final analysis, when we consider the question of peace, we are led to consider the meaning and conditions of our own personal and community lives.

PEACE, A GIFT OF GOD

4. Peace is not so much a superficial balance between diverging material interests—a balance pertaining to the order of quantity of things. Rather it is, in its inmost reality, something that belongs to the essentially human order, the order of human subjects; it is thus of a rational and moral nature, the fruit of truth and virtue. It springs from the dynamism of free wills guided by reason towards the common good that is to be attained in truth, justice and love. This *rational and moral order* is based on a decision by the consciences of human beings seeking harmony in their mutual relationships, with respect for justice for everybody, and therefore with respect for the fundamental human rights inherent in every person. One cannot see how this moral order could ignore God, the first source of being, the essential truth and the supreme good.

In this very sense peace comes from God as its *foundation:* it is a gift of God. When claiming the wealth and resources of the universe worked on by the human mind—and it is often on their account that conflicts and wars have sprung up—"man comes up against the leading role of the gift made by 'nature', that is to say, in the final analysis, by the Creator" (Encyclical *Laborem Exercens,* 12). And God does more than *give creation* to humanity to administer and develop jointly at the service of all human beings without any discrimination: he also *inscribes in the human conscience* the laws obliging us to respect in numerous ways the life and the whole person of our fellow human beings, created like us in the image and after the likeness of God. God is thus *the guarantor* of all these fundamental human rights. Yes indeed, God is the source of peace: he calls to peace, he safeguards it, and he grants it as the fruit of "justice".

Moreover, God *helps* us interiorly to achieve peace or to recover it. In our limited life, which is subject to error and evil, we human beings go gropingly in search of peace, amid many difficulties. Our faculties are darkened by mere appearances of truth, attracted by false goods and led astray by irrational and selfish instincts. Hence we need to open ourselves to the transcendent light of God that illuminates our lives, purifies them from error and frees them from aggressive passion. God is not far from the heart of those who pray to him and try to fulfil his justice: when they are in continual dialogue with him, in freedom, God offers them peace as the fullness of the communion of life with God and with their brothers and sisters. In the Bible the word "peace" recurs again and again in association with the idea of happiness, harmony, well-being, security, concord, salvation and justice, as the outstanding blessing that God, "the Lord of peace" (*2 Thess* 3:16), already gives and promises in abundance: "Now towards her I send flowing peace, like a river" (*Is* 66:12).

A GIFT OF GOD, ENTRUSTED TO US

5. While peace is a gift, man is never dispensed from responsibility for seeking it and endeavouring to establish it by individual and community effort, throughout history. God's gift of peace is therefore also at all times a human conquest and achievement, since it is offered to us in order that we may accept it freely and put it progressively into operation by our creative will. Furthermore, in his love for man, God never abandons us but even in the darkest moments of history drives us forward or leads us back mysteriously along the path of peace. Even the difficulties, failures and tragedies of the past and the present must be studied as providential lessons from which we may draw the wisdom we need in order to find new ways, more rational and courageous ways, for building peace. It is by drawing inspiration from the truth of God that we are given the ideal and the energy we require in order to overcome situations of injustice, to free ourselves from ideologies of power and domination, and to make our way towards true universal fraternity.

Christians, faithful to Christ who proclaimed "the Good News of peace" and established peace within hearts by reconciling them with God, have still more decisive reasons—as I shall stress at the end of this message—for looking on peace as a gift of God, and for courageously helping to establish it in this world, in accordance with this longing for its complete fulfilment in the Kingdom of God. They also know that they are called upon to join their efforts with those of believers in other religions who tirelessly condemn hatred and war and who devote themselves, using different approaches, to the advancement of justice and peace.

We should first consider in its natural basis this deeply hopeful view of humanity as directed towards peace, and stress moral responsibility in response to God's gift. This illuminates and stimulates man's activity on the level of information, study and commitment for peace, three sectors that I would now like to illustrate with some examples.

INFORMATION

6. At a certain level, world peace depends on better self-knowledge on the part of both individuals and societies. This self-knowledge is naturally conditioned by information and by the quality of the information. Those who seek and proclaim the truth with respect for others and with charity are working for peace. Those who devote themselves to pointing out the values in the various cultures, the individuality of each society and the human riches of individual peoples, are working for peace. Those who by providing information remove the barrier of distance, so that we feel truly concerned at the fate of faraway men and women who are victims of war or injustice, are working for peace. Admittedly, the accumulation of such information, especially if it concerns catastrophes over which we have no control, can in the end produce indifference and surfeit in those who remain mere receivers of the information without ever doing whatever is within their power. But, in itself, the role of the mass media continues to be a positive one: each one of us is now called upon to be the neighbour of all his or her brothers and sisters of the human race (cf. Lk 10:29-37).

High-quality information even has a direct influence upon education and political decisions. If the young are to be made aware of the problems of peace, and if they are to prepare to become workers for peace, educational programmes must necessarily give a special place to information about actual situations in which peace is under threat, and about the conditions needed for its advancement. Peace cannot be built by the power of rulers alone. Peace can be firmly constructed only if its corresponds to the resolute determination of all people of good will. Rulers must be supported and enlightened by a public opinion that encourages them or, where necessary, expresses disapproval. Consequently, it is also right that rulers should explain to the public those matters that concern the problems of peace.

STUDIES THAT HELP TO BUILD PEACE

7. Building peace also depends upon the progress of research about it. Scientific studies on war, it nature, causes, means, objectives and risks have much to teach us on the conditions for peace. Since they throw light on the relationships between war and politics, such studies show that there is a greater future in negotiation than in arms for settling conflicts.

It follows that the role of law in preserving peace is called upon to expand. It is well known that within individual States the work of jurists contributes greatly to the advancement of justice and respect for human rights. But their role is just as great for the pursuit of the same objectives on the international level and for refining the juridical instruments for building and preserving peace.

However, since concern for peace is inscribed in the inmost depths of our being, progress along the path of peace also benefits from the researches of psychologists and philosophers. Admittedly, the science of war has already been enriched by studies on human aggressiveness, death-impulses and the herd instinct than can suddenly take possession of whole societies. But much remains to be said about the fear we human beings have of taking possession of our freedom, and about our insecurity before ourselves and others. Better knowledge of life-impulses, of instinctive sympathy with other people, of readiness to love and share undoubtedly helps us to grasp better the psychological mechanisms that favour peace.

By these researches psychology is thus called upon to throw light on and to complement the studies of the philosophers. Philosphers have always pondered the questions of war and peace. They have never been without responsibility in this matter. The memory is all to much alive of those famous philosophers who saw man as "a wolf for his fellow man" and war as a historical necessity. However, it is also true that many of them wished to lay the foundation for a lasting or even everlasting peace by, for instance, setting forth a solid theoretical basis for international law.

All these efforts deserve to be resumed and intensified. The thinkers who devote themselves to such endeavours can benefit from the copious contribution of a present-day philosophical current that gives unique promience to the theme of the person and devotes itself in singular manner to an examination of the themes of freedom and responsibility. This can provide light for reflection on human rights, justice and peace.

INDIRECT ACTION

8. While the advancement of peace in a sense depends on information and research, it rests above all on the action that people take in its favour. Some forms of action envisaged here have only an indirect relationship with peace. However, it would be wrong to think of them as unimportant: as we shall briefly indicate through some examples, almost every section of human activity offers unexpected occasions for advancing peace.

Such is the case of cultural exchanges, in the broadest sense. Anything that enables people to get to know each other better through artistic activity breaks down barriers. Where speech is unavailing and diplomacy is an uncertain aid, music, painting, drama and sport can bring people closer together. The same holds for scientific research: science, like art, creates and brings together a universal society which gathers all who love truth and beauty, without division. Thus science and art are, each at its own level, and anticipation of the emergence of a universal peaceful society.

Even *economic life* should bring people closer together, by making them aware of the extent to which they are interdependent and complementary. Undoubtedly, economic relationships often create a field of pitiless confrontation, merciless competition and even sometimes shameless exploitation. But could not these relationships become instead relationships of service and solidarity, and thereby defuse one of the most frequent causes of discord?

JUSTICE AND PEACE WITHIN NATIONS

9. While peace should be everyone's concern, the building of peace is a task that falls directly and principally to *political leaders*. From this point of view the chief setting for the building up of peace is always the nation as a politically organized society. Since the purpose for which a political society is formed is the establishment of justice, the advancement of the common good and participation by all, that society will enjoy peace only to the extent that these three demands are respected. Peace can develop only where the elementary requirements of justice are safeguarded.

Unconditional and effective respect for each one's imprescriptible and inalienable rights is the necessary condition in order that peace may reign in a society. Vis-à-vis these basic rights all others are in a way derivatory and secondary. In a society in which these rights are not protected, the very idea of universality is dead, as soon as a small group of individuals set up for their own exclusive advantage a principle of discrimination whereby the rights and even the lives of others are made dependent on the whim of the stronger. Such a society cannot be at peace with itself: it has within it a principle leading to division. For the same reason, a political society can really collaborate in building international peace only if it is itself peaceful, that is to say if it takes seriously the advancement of human rights at home. To the extent that the rulers of a particular country apply themselves to building a fully just society, they are already contributing decisively to building an authentic, firmly based and lasting peace (cf. Encyclical *Pacem in Terris*, 11).

JUSTICE AND PEACE BETWEEN NATIONS

10. While peace within individual nations is a necessary condition for the development of true peace, it is not enough in itself. The building of peace on a world scale cannot be the result of the separate desires of nations, for they are often ambiguous and sometimes contradictory. It was to make up for this lack that States provided themselves with appropriate *international organizations*, one of the chief aims of which is to harmonize the desires of different nations and cause them to converge for the safeguarding of peace and for an increase of justice between nations.

By the authority that they have gained and by their achievements, the great International Organizations have done remarkable work for peace. They have of course had failures; they have not been able to prevent all conflicts or put a speedy end to them. But they have helped to show the world that war, bloodshed and tears are not the way to end tensions. They have provided, so to speak, experimental proof that even on the world level people are able to combine their efforts and seek peace together.

11. At this point in my message I wish to address more especially my brothers and sisters in the Church. The Church supports and encourages all serious efforts for peace. She unhesitatingly proclaims that the activity of all those who devote the best of their energies to peace forms part of God's plan of salvation in Jesus Christ. But she reminds Christians that they have still greater reasons for being active witnesses of God's gift of peace.

In the first place, Christ's word and example have given rise to new attitudes in favour of peace. Christ has taken the ethics of peace far beyond the ordinary attitudes of justice and understanding. At the beginning of his ministry he proclaimed: "Blessed are the peacemakers, for they shall be called children of God" (*Mt* 5:9). He sent his disciples to bring peace from house to house, from town to town (*Mt* 10:11-13). He exhorted them to prefer peace to vengeance of any kind and even to certain legitimate claims on others—so great was his desire to tear from the human heart the roots of aggressiveness (*Mt* 5:38-42). He asked them to love those whom barriers of any sort have turned into enemies (*Mt* 5:43-48). He set up as examples people who were habitually despised (*Lk* 10:33; 17:16). He exhorted people to be always humble and to forgive without any limit (cf. *Mt* 18:21-22). The attitude of sharing with those in utter want—on which he made the last judgment hinge (cf. *Mt* 25:31-46)—was to make a radical contribution to the establishment of relations of fraternity.

These appeals of Jesus and his example have had a widespread influence on the attitude of his disciples, as two millennia of history testify. But Christ's work belongs to a very deep level, of the order of a mysterious transformation of hearts. He really brought "peace among men with whom God is pleased" in the words of the proclamation made at his birth (cf. *Lk* 2:14), and this not only by revealing to them the Father's love but above all by reconciling them with God through his sacrifice. For it was sin and hatred that were an obstacle to peace with God and with others: he destroyed them by the offering of his life on the Cross; he reconciled in one body those who were hostile (cf. *Eph* 2:16; *Rom* 12:5). His first words to his Apostles after he rose were: "Peace be with you" (*Jn* 20:19). Those who accept the faith form in the Church a prophetic community: with the Holy Spirit communicated by Christ, after the Baptism that makes them part of the Body of Christ, they experience the peace given by God in the sacrament of Reconciliation and in Eucharistic communion; they proclaim "the gospel of peace" (*Eph* 6:15); they try to live it from day to day, in actual practice; and they long for the time of total reconciliation when, by a new intervention of the living God who raises the dead, we shall be wholly open to God and our brothers and sisters. Such is the vision of faith which supports the activity of Christians on behalf of peace.

Thus, by her very existence, the Church exists within the world as a society of people who are reconciled and at peace throught the grace of Christ, in a communion of love and life with God and with all their brothers and sisters, beyond human barriers of every sort; in herself she is already, and she seeks to become ever more so in practice, a gift and leaven of peace offered by God to the whole of the human race. Certainly, the members of the Church are well aware that they are often still sinners, in this sphere too; at least they feel the grave responsibility of putting into practice this gift of peace. For this they must first overcome their own divisions, in order to set out without delay towards the fullness of unity in Christ; thus they collaborate with God in order to offer his peace to the world. They must also of course combine their efforts with the efforts of all men and women of good will working for peace in the different spheres of society and international life. The Church wishes her children to join, through their witness and their initiatives, the first rank of those preparing peace and causing it to reign. At the same time, she is very aware that, on the spot, it is a difficult task, one that calls for much generosity, discernment and hope, as a real challenge.

PEACE AS A CONSTANT CHALLENGE TO CHRISTIANS

12. Christian optimism, based on the glorious Cross of Christ and the outpouring of the Holy Spirit, is no excuse for self-deception. For Christians, peace on earth is always a challenge, because of the presence of sin in man's heart. Motivated by their faith and hope, Christians therefore apply themselves to promoting a more just society; they fight hunger, deprivation and disease; they are concerned about what happens to migrants, prisoners and outcasts (cf. *Mt* 25:35-36). But they know that, while all these undertakings express something of the mercy and perfection of God (cf. *Lk* 6:36; *Mt* 4:48), they are always limited in their range, precarious in their results and ambiguous in their inspiration. Only God the giver of life, when he unites all things in Christ (cf. *Eph* 1:10), will fulfill our ardent hope by himself bringing to accomplishment everything that he has undertaken in history according to his Spirit in the matter of justice and peace.

Although Christians put all their best energies into preventing war or stopping it, they do not deceive themselves about their ability to cause peace to triumph, nor about the effect of their efforts to this end. They therefore concern themselves with all human initiatives in favour of peace and very often take part in them; but they regard them with realism and humility. One could almost say that they "relativize" them in two senses: they relate them both to the sinful condition of humanity and to God's saving plan. In the first place, Christians are aware that plans based on aggression, domination and the manipulation of others lurk in human hearts, and sometimes even secretly nourish human intentions, in spite of certain declarations or manifestations of a pacifist nature. For Christians know that in this world a totally and permanently peaceful human society is unfortunately a utopia, and that ideologies that hold up that prospect as easily attainable are based on hopes that cannot be realized, whatever the reason behind them. It is a question of a mistaken view of the human condition, a lack of application in considering the question as a whole; or it may be a case of evasion in order to calm fear, or in still other cases a matter of calculated self-interest. Christians are convinced, if only because they have learned from personal experience, that these deceptive hopes lead straight to the false peace of totalitarian regimes. But this realistic view in no way prevents Christians from working for peace; instead, it stirs up their ardour, for they also know that Christ's victory over deception, hate and death gives those in love with peace a more decisive motive for action than what the most generous theories about man have to offer; Christ's victory likewise gives a hope more surely based than any hope held out by the most audacious dreams.

This is why Christians, even as they strive to resist and prevent every form of warfare, have no hesitation in recalling that, in the name of an elementary requirement of justice, peoples have a right and even a duty to protect their existence and freedom by proportionate means against an unjust aggressor (cf. Constitution *Gaudium et Spes*, 79). However, in view of the difference between classical warfare and nuclear or bacteriological war—a difference so to speak of nature—and in view of the scandal of the arms race seen against the background of the needs of the Third World, this right, which is very real in principle, only underlines the urgency for world society to equip itself with effective means of negotiation. In this way the nuclear terror that haunts our time can encourage us to enrich our common heritage with a very simple discovery that is within our reach, namely that war is the most barbarous and least effective way of resolving conflicts. More than ever before, human society is forced to provide itself with the means of consultation and dialogue which it needs in order to survive, and therefore with the institutions necessary for building up justice and peace.

May it also realize that this work is something beyond human powers!

PRAYER FOR PEACE

13. Throughout this message, I have appealed to the responsibility of people of good will, especially Christians, because *God has indeed entrusted peace to men and women.* With the realism and hope that faith makes possible, I have tried to draw the attention of citizens and leaders to a certain number of achievements or attitudes that are already feasible and capable of giving a solid foundation to peace. But, over and above or even in the midst of this necessary activity, which might seem to depend primarily on people, *peace is above all a gift of God*—something that must never be forgotten—and must always be implored from his mercy.

This conviction is certainly seen to have animated people of all civilizations who have given peace the first place in their prayers. Its expression is found in all religions. How many men, having experienced murderous conflicts and concentration camps, how many women and children, distressed by wars, have in times past turned to the God of peace! Today, when the perils have taken on a seriousness all their own by reason of their extent and radical nature, and when the difficulties of building peace have taken on a new nature and seem often insoluble, many individuals may spontaneously find themselves resorting to prayer, even though prayer may be something unfamiliar.

Yes, our future is in the hands of God, who alone gives true peace. And when human hearts sincerely think of work for peace it is still God's grace that inspires and strengthens those thoughts. All people are in this sense invited to echo the sentiments of Saint Francis of Assisi, the eighth centenary of whose birth we are celebrating: Lord, make us instruments of your peace: where there is hatred, let us sow love; where there is injury, pardon; when discord rages, let us build peace.

Christians love to pray for peace, as they make their own the prayer of so many psalms punctuated by supplications for peace and repeated with the universal love of Jesus. We have here a shared and very profound element for all ecumenical activities. Other believers all over the world are also awaiting from Almighty God the gift of peace, and, more or less consciously, many other people of good will are ready to make the same prayer in the secret of their hearts. May fervent supplications thus rise to God from the four corners of the earth! This will already create a fine unanimity on the road to peace. And who could doubt that God will hear and grant this cry of his children: Lord, grant us peace! Grant us your peace!

From the Vatican, 8 December 1981.

STATEMENT OF GEORGE W. BALL

(Public Forum on the Nuclear Weapons Freeze and Reductions Resolution, Washington, D.C., March 22, 1982)

The Kennedy-Hatfield Resolution is an effort to impress on Congress and the American people that unless we change our current nuclear policy we have little hope of avoiding a nuclear catastrophe beyond all human imaginings. Our government's approach to nuclear weapons has, for a long while, been unrealistic—reflecting the speculations of nuclear theoreticians whose logic-chopping has been used to justify an accelerating nuclear arms race. Now we are approaching the point of no return.

In government circles one hears increasing expressions of dangerous nonsense which thoughtful men and woman had ruled out years ago—that we should regard nuclear bombs as potential weapons of war and not merely of deterrence and prepare our tactics accordingly; that short- or medium-range missiles could be fired without necessarily triggering a full-scale nuclear exchange, that, if we were all to burrow like moles under the ground, many of us could still survive a nuclear war, (though why anyone would want to is by no means clear); and finally, that, as the Vice President himself has said, nuclear wars may be "winnable."

Meanwhile we pursue the false god of nuclear equality (which for all too many means nuclear superiority) demonstrating by dubious sleight-of-hand with numbers that we are dangerously far behind in nuclear arms. Some even look through a "window of vulnerability" as though a glass darkly. The scholastics have devised a vocabulary of their own which obscures thought more than expresses it and not only does that vocabulary need careful scrutiny but we must challenge the intentions of the speakers. When Administration officials proclaim that arms control negotiations should be postponed until we have achieved "a position of strength", they rule out all hope of controlling the arms race, for the Soviets will certainly keep pace with any nuclear breakthroughs—advancing the art and creating new systems to the point where all control becomes impossible.

Though the Administration's statements and policies may not scare the Soviets they certainly frighten our friends. Our European allies are more and more questioning the leadership of a nation whose government seems addicted to a rhetoric even more bellicose than the Soviets' and which seems hypnotized by an illusive "equality". For better or worse, the sensitivity of Europe to the statements and actions of our government has always been a dominating fact of the Western Alliance—a fact that we dare not ignore. Thus we cannot avoid considerable responsibility for the demonstrations in European streets against the implantation of Pershings and Cruise Missiles on European soil. These demonstrations were temporarily halted when the Administration reluctantly began negotiations on this limited area of nuclear policy—but that is only the beginning of the story. As warm weather returns so will the demonstrators and they will continue to gain in noise and number until we begin prompt and serious negotiations to turn back the nuclear arms race all across the broad. Do not expect rational argument from the demonstrators.

Aware that Europe has little role in shaping nuclear policy and that their fate is in the hands of an American government that pursues a persistently confrontational course, many young Europeans are turning from logic to emotion, opting, in frustration, for the suicidal policy of unilateral disarmament.

Though European protests have served as forerunners of organized protests just getting under way in America, American expressions of concern have so far been remarkably responsible. As these proceedings today have vividly shown, Americans are becoming more and more concerned at the insensitivity our government has shown toward the nuclear issue. The people are waking up. Americans are famous for common sense and, though increasing numbers are becoming aware of the slippery slope down which we are sliding, they have avoided the irrational excesses manifested in Europe. I know no American who would save him or her self at the cost of freedom. Yet let us not be too complacent, if America does not soon embark on a serious and realistic arms reduction negotiation, and if our government officials continue to suggest, by word or action, that nuclear bombs are a potential weapon of war, the national outcry may ultimately take a more strident and less responsible form.

That is the significance of the Kennedy-Hatfield Resolution. It gives responsible expression to our imperative need to clear the air of a deceptive dialectical fog. It rejects the contention that we dare negotiate only from what the nuclear pundits call "strength"—which serves as an excuse for not negotiating at all. It provides a sensible alternative to continuing the arms race to the point where the advent of increasingly complex and elaborate new weapons systems will destory the possibility of verification and thus close off our last clear chance for effective negotiation. It expresses also our need to break free from the deceptive tyranny of numbers and from the metaphysicians who manipulate those numbers and find a new form of negotiation through which serious progress towards arms reduction can be achieved.

By seeking an agreement with the Soviet Union to "achieve a mutual and verifiable freeze on the testing, production, and further deployment of nuclear warheads, missiles and other delivery systems", the United States would quickly reestablish the confidence of its allies now so tragically waning. Even more important, it would restore the faith of rational men and women that our government is earnestly striving to save mankind from its own self-destruction. But though a freeze is an essential first step, its major value lies in providing a starting point for the more fundamental process of phased nuclear arms reduction.

Our disappointing experience has clearly demonstrated that reductions of any significance or magnitude cannot be achieved under a system such as has been used in the SALT negotiations. Under that system the negotiators seek vainly to establish equivalencies of weapons systems—of their warheads, throw weights and other recondite attributes—that in the nature of things cannot be equated. In such an effort, each side is the victim of its own competing vested interests. Each of the American services—the army, the navy, the air force—fights for a larger part of the turf—a greater share in the design and management of nuclear weapons. Each pushes hard for its own weapons system with the support of its own nuclear metaphysicians and engages in reciprocal back-scratching to achieve that end. If SALT II proved anything, it was that a negotiation seeking to satisfy all competitive interests is totally unsuited to achieving affective reductions. After American negotiators have accommodated all those competing baronies and developed a negotiating position complete with fall-backs, they will have jettisoned all possibility of serious progress towards arms reduction.

But how can we avoid negotiating from a base that reflects the collective demands of all the parties involved? America has already developed and successfully demonstrated the answer in our trade negotiations. We must stop trying to measure system against system, throw weight against throw weight, and embark on a series of phased, across-the-board percentage reductions. Of course, that will upset the theoraticians; such a procedure, they will say, would produce serious distortions and inequalities. One country might end up with more weapons than another in one or more weapons system. But even in a negotiation based on across-the-board percentage reductions, there could be some room for adjusting the most outrageous disequilibria. In any event, that should not prove crucial. Each side already possesses such a massive amount of overkill that a numerical parity in warheads or throw weight or even qualitative advantage loses most of its relevance. As one wise man recently observed, numbers of nuclear weapons would be important were we dealing in tens but they have little relevance when dealing in thousands.

Today the nuclear arms race is not only speeding out of control but out of all possibility of control. One hears talk in Washington circles of casting overboard the few notable achievements of past negotiations such as not renewing the ABM treaty barring anti-ballistic missiles. Given the momentum of technological development, sooner or later there will be pressure to abolish the agreement barring weapons from outer space.

It is already late in the day but we can still interrupt and reverse the nuclear weapons process. Our generation may be the last one offered the chance to shackle the monster that could destroy us all. It is not a chance responsible men and women can neglect.

STATEMENT ON FREEZE VERIFICATION, BY DR. HERBERT SCOVILLE, FORMER DEPUTY DIRECTOR OF THE CIA FOR RESEARCH (SCIENCE AND TECHNOLOGY), MARCH 22, 1982

A freeze on the testing, production and deployment of strategic weapons systems can be verified so that we can be confident that any violation that would significantly affect our security would have a high probability of being detected. Satisfactory verification does not require that any violation, no matter how insignificant, has to be detected as some who wish to foreclose any arms control agreement would like the public to believe. As the U.S. INF negotiator, Paul Nitze testified, verification capabilities should be tailored to the security significance of any violation.

In the freeze certain elements would have a better probability of detection than others. For example, the production of new missiles is harder to monitor with high confidence than their testing and deployment, which can be verified quite easily by national technical means (intelligence). Thus, some uncertainty in production can be corrected by information on the other two phases of the weapons cycle.

Furthermore, a freeze would mean a stop to all activities in any weapons program to be included so that the detection of even one new missile or aircraft would be evidence of a violation. This simplifies the verification over that required for monitoring a ceiling. Thus, a ceiling on deployed cruise missiles might be very hard to monitor, but a total ban on their production and deployment could be verified with high confidence, because the detection of even one missile would be enough to prove a violation.

For both a halt to nuclear warhead testing and fissionable materials production for weapons procedures for verification have been already worked out. The Comprehensive Test Ban Treaty negotiators have agreed on verification arrangements, which include unmanned seismic stations and invitations on-sight inspections. Since both the US and USSR have hundreds of thousands of kilograms of weapons grade fissionable material, it is hard to see how any clandestine production that could significantly add to these stockpiles could escape detection by our intelligence.

Big reductions of strategic arms can also be verified. The Standing Consultative Commission after SALT I agreed on ways to monitor by national technical means the destruction of existing strategic delivery vehicles. Procedures were also worked out and tested in the 1960s for the withdrawing and transferring to peaceful programs fissionable material form existing warheads without compromising weapons design information. Of course, any agreement on deep reductions would to be meaningful, have to include provisions to prevent replacement by new weapons, so the verification would have to include many of the arrangements for a freeze.

In sum, the key elements of any freeze or reduction agreement that might be negotiated can be adequately verified without a requirement for intrusive and unacceptable procedures. The SALT Treaties have already set precedents for solving many of the detailed problems that might arise.

[From the Los Angeles Times, Mar. 17, 1982]

ENHANCING OUR SECURITY WITH AN ARMS FREEZE

(By Jeffrey D. Porro)

One thing is now clear about a nuclear weapons freeze: its political impact. In California, 500,000 signatures have been collected to put a nuclear-freeze initiative on the ballot in November. Resolutions supporting a freeze have been passed by at least one house in the state legislatures of Connecticut, Massachusetts, Oregon, New York, Wisconsin, Minnesota, Kansas and Maine. A bipartisan coalition of 139 senators and representatives has introduced a freeze resolution in both houses of Congress. The most convincing proof of the impact has come in the last week, when first the secretary of state and then the President felt compelled to respond to the nuclear-freeze campaign.

But the growing popularity of the movement does not in itself indicate whether a freeze on nuclear weapons would be good for the United States. That requires a closer look at what the nuclear freeze is and why it is being criticized.

The various versions of the nuclear freeze being discussed and acted on around the country differ somewhat in detail, but share the same basic points: The United States and the Soviet Union should halt the arms race by negotiating a mutual and verifiable freeze on testing, production and deployment of nuclear weapons and their delivery systems. This freeze would be a first step toward lessening the danger of nuclear war and reducing nuclear arsenals, according to freeze proponents.

But the Administration doesn't think the freeze will do what it promises. Last week, Secretary of State Alexander M. Haig Jr. dismissed the proposal, saying that a freeze would lock the United States into a 1-6 inferiority in nuclear weapons in Europe. On Monday, President Reagan said the freeze, on the one hand, "doesn't go far enough"; on the other hand, it "legitimizes a position of great advantage for the Soviet Union."

As if to prove the point, Soviet leader Leonid I. Brezhnev has again called for a freeze on nuclear weapons in Europe. On Tuesday, he announced a halt to installation of Soviet medium-range missiles in Europe, and warned of retaliatory steps if the United States does not reciprocate. His proposal was immediately rejected by Reagan.

The Administration fears that a growing nuclear-freeze movement, in the United States would gradually rob the nation of the staying power needed to negotiate a mutual, comprehensive and balanced reduction of nuclear armaments. It also fears that a snowballing freeze campaign would sap the will to rebuild American armed forces. Other critics charge that the freeze relies on naive trust of the Soviets and smacks of unilateral disarmament.

Some of the charges against the freeze indicate that the critics have not read the proposals. The freeze is not unilateral. It calls on both sides to stop. It does not rely on faith in Soviet good intentions. All freeze resolutions mention verification. The language of the California resolution includes the words "adequately checked and verified." The freeze does not rule out strategic arms reductions, which the Administration claims will form the basis of its own arms-control proposals. In fact, the freeze is tightly linked to reductions. It's hard, therefore, to see what the President meant when he said the freeze proposal "doesn't go far enough."

What about the 6-1 Soviet weapons advantage that we will be locked into, according to Haig? First, the nuclear balance in Europe is more complex than Haig has made it out to be. More important, Haig's comment leaves the impression that the freeze was meant only to apply to nuclear weapons in Europe. This is not so. The freeze applies to the total arsenals on both sides. Thus, while it might lock in certain Soviet advantages in some areas, it will also lock in a lot of U.S. advantages in others.

Despite being misguided, the attacks on the freeze from the President and others may have the healthy effect of drawing national-security considerations more directly into the freeze debate. Up to now, the freeze proponents' greatest source of strength has been that the proposal energized those who support arms control and disarmament. The freeze proponents are drawing on a growing awareness that the greatest danger we face is the threat of nuclear war. Wars in the past have begun through reckless arms buildups, misperceptions, fears of attack and failed statesmanship. These factors remain in the nuclear age with infinitely more terrible consequences. Thirty-five years of an arms race have brought dramatic increases in the numbers, cost and destructive power of nuclear weapons. But the race to match weapons has not made us more secure. To prevent war, the freeze proponents have pointed out, we must stop, negotiate and reduce the arsenal.

But if the freeze campaign is to expand its appeal, it must reach out to those who, while concerned about the dangers of nuclear war, are also concerned about the Soviet threat. It must be remembered that wars can also begin when one side is tempted by the other's weakness or posture of appeasement. Freeze proponents, therefore, should not be shy about detailing how a mutual freeze would strengthen U.S. security.

For example, the United States currently leads the Soviet Union in numbers of warheads, 9,000 to 7,000. Pentagon projections show that the Soviets could catch up and pass us in the 1980s. A freeze would mean that they can't. The Soviets reportedly are developing a new bomber, because their current bomber force is small and antiquated. The freeze would ensure that this new bomber never joins the Soviet fleet. The Soviets currently have 75% of their warheads based on ICBMs, the most vulnerable leg of their triad. A freeze would ensure that this would not change. (The United States has only 25% of its warheads on ICBMs.) The freeze would prevent the deployment of the fifth generation of Soviet missiles now under development. A freeze would mean that the Soviets' huge new Typhoon submarine and submarine-launched ballistic missiles would not be deployed. Finally, a freeze would prevent the Soviets from ever testing or deploying a depressed-trajectory submarine-launched ballistic missile that could knock out our bombers in a surprise attack.

To be sure, the United States would have to give up its plans for improvements, too. But a freeze at present levels would have more real benefits for our security than a policy of arms race as usual.

The nuclear freeze, then is important and worthwhile. But is it realistic? Eighteen months ago, I would not have thought so. The Reagan national-security team is stocked with men who have made their careers as hard-line opponents of arms control. Working for the freeze seemed like shouting at the deaf. But public pressure has a way of getting politicians' attention, as Reagan's statements about the freeze already show. As the freeze movement grows, we will hear less from the Administration about winning a nuclear war and more about arms control. As for the Soviets, they have announced their willingness to ratify SALT II and begin new strategic arms negotiations. The least we can do is see how they will react to a freeze.

In short, the freeze proposal offers us a way to begin negotiations that could help decrease the chances of nuclear war.

(Jeffrey D. Porro is the executive director of the Arms Control Assn. in Washington. The views expressed here are his own.)

[From the Christian Science Monitor, Mar. 17, 1982]

FREEZE TALK

With all the talk of nuclear freeze in the air, Leonid Brezhnev would be less than the politician he is if he did not try to take advantage of it. His announcement that the USSR has stopped deployment of the SS-20 missiles in European Russia, at least for the time being, no doubt is aimed at public opinion in Western Europe and the United States where a grass-roots antinuclear movement is gathering momentum. In practical terms, of course, the move has little meaning. The Russians have already deployed roughly 200 of the SS-20s targeted on Western Europe, giving them a decided advantage. That they should now feel they have enough is not surprising.

If Mr. Brezhnev's announcement is a propaganda ploy, it is at least better to hear world leaders talking more about freezes and reductions than nuclear buildups and wars. President Reagan, too, has gotten into the public debate to score his own points. A total nuclear freeze, he told an audience in Nashville, "would leave us and our allies on very thin ice"—a statement many arms experts similarly would take with a grain of salt. He would, he said, go on negotiating for deep reductions of medium-range nuclear missiles.

The question is whether Mr. Brezhnev and Mr. Reagan will get beyond their rhetorical posturing and actually do something about arms control. The idea of an overall freeze is far from a woolly on given the fact that the United States now has some 9,000 nuclear warheads and the Soviet Union 7,000—enough bombs on each side to devastate the world many times over.

However, this is not to fail to recognize the practical problems which the President must take into consideration. Verifying an agreement not to produce nuclear weapons, for instance, would require so many inspectors and such open access as to be nigh impossible.

Stopping production of weapons already half built, such as the Trident submarines, would mean throwing people out of work and disrupting industries. Freezing arms at present levels might leave both sides feeling vulnerable (the Russians because they have most of their fire power in heavy land-based missiles and the Americans because they believe their land-based missiles are inadequate) and that might have a destabilizing effect. Then there is the issue of the imbalance in Europe, which even if it is not as great as the US claims nonetheless is a problem.

Yet, as a goal and as a point of departure in nuclear arms talks, the concept of an overall freeze has merit. It is certainly taking off with the public. While their government lets the nuclear arms race run on, Americans are waking up to the dangers and senselessness of the continuing buildup by both sides. And, significantly, the politicians have begun to shed their inhibitions on the issue now that they see the public aroused. So far 17 senators and 122 representatives—one-sixth of the Senate and almost a third of the House—have signed their names to a congressional resolution calling for a "mutual and verifiable freeze on the testing, production and further deployment of nuclear warheads, missiles, and delivery systems."

Whether or not one agrees with the concept of a nuclear arms freeze, this growing public movement is salutary and encouraging. If nothing else, it focuses national and world attention on perhaps the most perilous and difficult problem of our times. It will have its political value as the President and other administration leaders find themselves under increasing pressure to tackle strategic as well as theater arms reductions with determination and vigor.

The people, in short, are right. It is time to get on with arms control. Mr. Brezhnev and Mr. Reagan would do well to heed their voice.

[From the Boston Globe, Mar. 15, 1982]

A WELCOME FREEZE

Almost suddenly, a new political movement is blowing in the wind from coast to coast. It's called the "freeze" movement. It is aimed at persuading the Administration to press seriously with the Soviet Union to agree to an across-the-board halt in the testing, production and deployment of additional nuclear warheads, as a prelude to negotiating major reductions on both sides.

To the amazement of national security specialists and others who have labored for years with little notice in the dusty vineyards of arms control, the freeze campaign looks as if it's going to be a political heavyweight. A few months ago most observers of the American scene would have said that a responsible, credible, politically effective "peace movement" was years away.

The seriousness of the freeze proposal is indicated by those in favor of it at this early stage in the campaign. That list includes a roster of former senior officials in the foreign policy and defense establishments, as well as 18 senators and over 130 representatives.

Another indication of the seriousness of the proposal was the Administration's response when the bipartisan joint resolution was introduced in Congress on Wednesday. The reply from Secretary of State Haig was rapid and negative. The resolution's sponsors, Sens. Kennedy and Hatfield (R-Ore.), countered with an acid statement, saying that Haig "has chosen to misrepresent our joint resolution and then use misleading figures to attack his caricature of our resolution." They challenged Haig to a debate.

Those backing the freeze proposal include these unlikely peaceniks: Daniel Patrick Moynihan, William Colby, George Ball, Warren Christopher, Harlan Cleveland, Clark Clifford, Townsend Hoopes, George Kennan, Averill Harriman, Thomas Watson and Stanley Hoffman. The backers' combined experience in dealing with defense issues—and specifically with the Soviet Union and European security—totals hundreds of years.

The Reagan Administration contends that it knows best about how to deal with the Kremlin. The collective experience of the freeze proponents is important because it lends weight to their argument that the Administration has gone seriously off-course on its approach to defense spending, arms control and European security.

At the least, the freeze proposal has suddenly crystallized into a vehicle for informed debate on the "rearm America" plan. Seasoned experts now have a forum for examining Administration allegations about American weakness and Soviet superiority. As the freeze becomes a nationwide political issue, public attention will focus on their arguments. The freeze is a fitting response to "rearm America." We look forward to this debate.

[From the Boston Globe, Mar. 12, 1982]

BLOWING AWAY THE N-CLOUD

(By Robert Healy)

WASHINGTON.—The trouble with Washington is that it never makes things easy when it can make them complex. That's why the nuclear-freeze proposal is such a fresh breeze.

It is based on a few simple notions: that both the Soviets and the United States have the capacity to wipe each other out with their respective nuclear weapons. Thus, given that capacity, or what the nuclear theologians call "nuclear equivalency," it is time for both sides to stop building more.

That has never been easy business. Since the time that John Kennedy recognized that the nuclear competition was becoming intolerable and proposed the nuclear test ban treaty as a first step toward correcting it, the nuclear arms buildup has been one of the most bitter fights in Washington. SALT 1, which passed, and SALT 2, which would have been defeated and was withdrawn, became a battle between "hardliners" and "softliners," between the "patriotic" and the "unpatriotic," and the American Legion and Veterans of Foreign Wars were recruited to put their special mark on the proceedings.

Now Washington seems to have caught wind of the fresh breeze that is blowing in the country. In town meetings in Vermont, New Hampshire and Massachusetts, in resolutions passed in the legislatures of Connecticut, Massachusetts, Oregon, Wisconsin, Kansas and New York, and in the petitions signed by people all over the nation, the word has been sent to Washington: "Enough."

Massachusetts' Sen. Edward Kennedy, Rep. Edward Markey, a Democrat, and Rep. Silvio Conte, a Republican, are the principal sponsors, along with Sen. Mark Hatfield (R-Ore.), of a proposal to freeze the production and deployment of nuclear arms in the United States and the Soviet Union.

Kennedy said in presenting his resolution in the Senate that, for the first time in 35 years, the United States and the Soviets are at "approximate parity" in nuclear strength. Even the Reagan Administration would agree to what it calls a "rough equivalency" in the arms matchup. Where the Administration parts company with the freeze group is in its contention that, if the current course is continued, the Soviets will enjoy a nuclear superiority in four or five years.

In his book "National Defense," James Fallows: writes. "According to the Office of Technology Assessment, 3 Minuteman missiles and 7 Poseidon missiles could destroy 73 percent of all oil-refining capacity in the Soviet Union. The Arms Control and Disarmament Agency says that a retaliatory strike by the United States would destroy 80 percent of all the hospitals in the Soviet Union."

It adds that under "nongenerated" conditions—that is, if American forces were taken totally by surprise and had no chance to put more bombers on the alert or send more submarines to sea—the retaliatory strike would destroy: 80 percent of the Soviet Union's steel-producing capability, about 80 percent of aluminum, titanium, copper and other metal production: 60 percent of the electric power generators: 70 percent of the plants that manufacture generators and other electrical equipment: 80 percent of oil refineries and 30 percent of the petroleum storage areas; 60 percent of the shipyards; 70 percent of the rubber industry; 75 percent of all communications systems; and so on down the numbing list."

Fallows writes that those figures, with which the CIA agrees are challenged by some defense experts. But he points out that all are hypothetical calculations. "No one would know unless war comes; and without knowing, no sane leader would attack," says Fallows.

That message is coming home to a lot of people in the nation. The nuclear theologians as Fallows calls them, might be very serious and respected people, but in assessing the great exchange between the Soviets and the United States, they are talking about beliefs rather than truths. And what has become evident to all is that both sides have the power to devastate the other and that the degree of devastation doesn't really matter much to the people in the street.

What matters is not building any more capacity for self-destruction in the world.

[From the New York Times, Apr. 8, 1981]

DEEP CUTS IN A-ARMS

(By Arthur Macy Cox)

WASHINGTON.—President Reagan has asserted several times that he wants to negotiate a deep cut in nuclear weapons to the point where neither the Soviet Union nor the United States threaten each other's survival. But he has been either indulging in political rhetoric or has been receiving very poor advice from his staff.

This is manifested by the fact that he has chosen to talk with the Russians about medium-range nuclear weapons in Europe as a first step in nuclear negotiations. But these weapons cannot be limited without controlling American and Soviet strategic nuclear weapons. Since the Administration opposes the SALT II treaty, no progress can be made on nuclear-weapons reduction in Europe until a new strategic framework has been adopted.

The link between the strategic arms limitation treaty and medium-range weapons in Europe was recognized in NATO's communiqué of Dec. 12, 1979. It said that the North Atlantic Treaty Organization "regards arms control as an integral part of the Alliance's effort to assure the undiminished security of its member states and to make the strategic situation between East and West more stable, mor predictable, and more manageable. . . . In this regard they welcome the contribution which the Salt II treaty makes towards achieving these objectives. . . . Limitations on U.S. and Soviet long-range theater nuclear systems should be negotiated bilaterally in the SALT III framework in a step-by-step approach." Clearly, NATO expected SALT II to be ratified. The Russians subsequently occupied Afghanistan, and, as a result, SALT II lies dormant in the Senate. There is no SALT III framework. Still, the Administration is pushing ahead with implementation of the 1979 NATO decision, which, unlike SALT II, was a poorly conceived policy.

NATO agreed to a two-track formula. The first called for the deployment in Europe, starting in late 1983, of 572 missiles that would be wholly owned and controlled by America and could strike targets in the western Soviet Union. The second called for negotiations to see whether the Russians would cut back their SS-20 missiles and medium-range bombers known as the Backfire.

The weapons selected for American deployment are totally inconsistent with the goals of the communique, which called for a more "predictable and stable" strategic balance: 464 of the weapons to be deployed in Europe are cruise missiles, which are so small and mobile that they can be easily concealed and whose number and locations cannot be adequately verified. Adequate verification of compliance is indispensable to successful nuclear-arms control. The 108 Pershing 2 launchers, all to be deployed in West Germany, could send very accurate ballistic missiles to hit Soviet targets in five minutes. Obviously such weapons increase the danger of Soviet launch-on-warning. Both systems would diminish the prospects for controlling and reducing nuclear weapons through negotiations.

Since installation of American missiles virtually ensures the obliteration of Europe in war, European public opinion is turning against deployment. The political consequences of popular resistance could be disastrous for NATO's cohesion and stability.

The communique of the NATO meeting in Rome in May illustrates how impractical it is to separate negotiations on medium-range missiles from those on strategic missiles. NATO rejected Leonid I. Brezhnev's offer of a moratorium on the deployment of medium-range weapons in Europe because Europe includes only that part of the Soviet Union that lies west of the Urals. It was observed that Moscow could continue to deploy, east of the Urals, SS-20's, which are capable of hitting European targets.

All of this points to the need for a comprehensive approach to controlling nuclear weapons.

Since both sides are now essentially equivalent, the best approach would be to stop building and to cut back by 50 percent, as George Kennan advocates, all arsenals of strategic, medium-range, and tactical nuclear weapons—both the warheads and the various types of launchers. A 50 percent cut in the Soviet SS-18 and SS-19 launchers and warheads would remove the threat to America's intercontinental-ballistic-missile force. It would mean that America would not have to build and deploy the MX, the Trident II, the Pershing 2's, and other counterforce weapons—that is, weapons that "kill" the adversary's weapons. A 50 percent cut combined with a total ban on testing nuclear weapons would reverse the nuclear-arms race. The world would be more secure, NATO would be more stable, and hundreds of billions of dollars would be saved.

The Russians say that they want to explore a deep-cut agreement. Let's find out.

Arthur Macy Cox, a policy consultant to the American Committee on East-West Accord, is writing a book, "Russian Roulette—the Superpower Game."

[From the Washington Post, Mar. 24, 1982]

The Freeze Has Merit

(By James J. Kilpatrick)

John Stuart Mill once had an especially unkind thing to say about conservatives. It is the "law of their existence," he sniffed, that makes them "the stupidest party."

That was 120 years ago, but recent events prompt a melancholy reflection that Mill had a point. Throughout Europe and in parts of the Far East, demonstrations against nuclear arms are increasing. Here at home, the burghers of Vermont are passing resolutions. A week or so ago, Sens. Edward Kennedy of Massachusetts and Mark Hatfield of Oregon won national attention for their resolution urging a bilateral freeze on nuclear weapons.

Where are my brother conservatives? What are they doing about the most awesomely important political issue in the world? Alas, the answer is not much. The perception grows that Kennedy and Hatfield and their liberal colleagues are deeply concerned about the perils posed by nuclear war. A corollary perception grows that conservatives don't give a damn.

Such perceptions, I would argue, are wholly unwarranted. In his Nov. 19 speech to the National Press Club. President Reagan clearly expressed his determination to seek an agreement with the Soviet Union on nuclear weapons. He spoke movingly of the hopes and dreams of all people to escape from the shadow of a mushroom cloud. He set in motion Project START, an acronym for Strategic Arms Reduction Talks.

But three months have passed, and talk of START has just about stopped. Last week, the State Department threw cold water on the Kennedy-Hatfield resolution. Their proposed freeze was "impractical."

But there is not a sentence in their resolution that thoughtful conservatives could not support. "The greatest challenge facing the earth is to prevent the occurence of nuclear war by accident or design." What is wrong with that? "The nuclear arms race is dangerously increasing the risk of a holocaust that would be humanity's final war." Can anyone deny this? "A freeze followed by reductions in nuclear warheads, missiles and other delivery systems is needed to halt the nuclear arms race and to reduce the risk of nuclear war." Isn't this an idea worthy of exploration?

Of course, such a moratorium merits discussion—and that is all the resolution asks. It urges that the United States and the Soviet Union jointly pursue a complete halt to the arms race; that the two nations "decide" how such a mutual and verifiable freeze could be arranged; and that proceeding from such a freeze, the two nations "should pursue major, mutual and verifiable reductions in nuclear warheads, missiles and other delivery systems."

The element of a "freeze" is a new element, though the device of a truce is as old as warfare itself. Otherwise, unless words have lost their meaning, the Kennedy-Hatfield liberals are proposing exactly what Reagan proposed in November.

Why can't conservatives get behind an increasingly popular cause? If they fail to recognize this swelling demand, and to identify with it, they will justify the charge that Mill leveled against them long ago.

[From the Washington Post, Mar. 19, 1982]

The Freeze Is Not a Joke

This year marks a third of a century of an ever more irrational superpower nuclear arms race, and the time has certainly come for a major effort to halt its continuation. There is no technical reason why a comprehensive treaty worthy of the notion of "freeze" cannot come into being.

In this connection, the charge by R. James Woolsey ["Nuclear Freeze: It's Not That Simple," op-ed, March 17] that a freeze is analogous to some new idea sketched on the back of a napkin betrays ignorance of the freeze's pedigree and structure.

The freeze has been proposed every six years for two decades. In 1964, at Geneva, President Johnson proposed a "verified freeze of the number and characteristics of strategic nuclear offensive and defensive vehicles." In 1970, the Senate passed a resolution, by a vote of 73 to 6, calling for "an immediate suspension . . . of the future deployment of all offensive and defensive nuclear strategic weapons" at a time when, we now know, the director of the arms control agency, Gerard C. Smith, was urging President Nixon to consider the same proposal to "stop where we are." In 1976, candidate Jimmy Carter made this proposal.

Now, in 1982, the freeze proposal has the sort of mass grass-roots support that has been absolutely necessary for successful arms control. Where the atmospheric test ban had pollution of the atmosphere, the ABM treaty had the "bombs in the back yard" dispute. Those who "wince as they see a noble instinct, the love of peace, beginning to be diverted into those full-page adds . . ." are either not serious about arms control or have forgotten its history. It is as if their aspirations have been reduced, by habituation, to simply managing the arms race.

The main obstacle to a negotiated freeze will be just this kind of skepticism about whether a freeze is thinkable and worth seeking. But the ABM treaty, which engaged some of us in 10 years of quiet and open discussions with the Russians, long faced even greater skepticism. ("Technology" could not be stopped, the ABM was "defensive," the Russians loved "defense," and nothing that far-reaching had ever happened in arms control.) The SALT II treaty is far more complicated in its provisions and definitions than many would have believed possible some years before its conclusion. Not least important in estimating what is feasible today is the enormous amount of intelligence now available about Soviet activities through technological means, and the mutually supporting quality of carefully designed control methods working at each level of arms race production, deployment and testing.

The second obstacle, and the more serious one, is not technical at all. Many arms race participants on both sides prefer the arms-length relationship that the arms race embodies. Certainly, in the United States, some fear that a treaty would undermine the Western will to support high defense budgets for conventional weapons; would tacitly establish a no-first-use-of-nuclear-weapons policy that they believe might undermine the credibility of our posture in Europe or the Persian Gulf, and would erode the readiness of our population to support intervention in nations where some feel intervention should proceed.

But common sense suggests the arms race is the greater and more permanent danger, and the time to try to stop it is certainly now. With the Soviet Union's rise to parity, Moscow is, for the first time, in a position to think seriously of a freeze. With the Soviet capacity to build more and more strategic weapons, we certainly have an incentive not to let the SALT II limits be breached.

And the attitudes of the present administration are making all of us nervous and, at the same time, stoking the fires of mass popular revolt here and in Europe. [The administration's strategic evacuation program in particular which will make the nation's citizenry into "evacuees" and "hosts for evacuees" is bound to have an enormously educating effect on each and every citizen.)

The freeze is not, of course, an end in itself and it should be followed by reductions of nuclear delivery vehicles carried out in such a way as to permit each side to eliminate those it considers most vulnerable.

The Kennedy-Hatfield resolution makes this quite explicit. ("Proceeding from the freeze . . . [they] should pursue major, mutual and verifiable reductions . . . through annual percentages or equally effective means in a manner that enhances stability.") It is, therefore, startling to see the freeze treated as if it were to be a permanent steady-state affair rather than a transition to a process of reductions and stabilization. And just as there can be no meaningful freeze without subsequent reductions, there really cannot be effective reductions without some kind of freeze—as was quite clear with the Vladivostok agreement, from whose loopholes the cruise missile sprang.

So those who oppose the freeze are really giving up on reductions as well. Why don't they say so? Why do they say the freeze will somehow undermine leverage for reductions! In fact, the desire to maintain the agreed freeze and to make it work will be a major new pressure to secure reductions!

The only substantive complaints made by Woolsey illustrate how hard it is to dimiss the notion of a freeze. A freeze does not prevent the one-for-one relplacement of old submarines by new, quieter ones! And if, in some other fashion, anti-submarine warfare or air defenses on either side caused potential problems for a specific freeze, the two sides could, should and would agree on collateral measures to maintain it.

The Kennedy-Hatfield proposal, now the main vehicle for a freeze, urges the two sides to begin negotiations on "when and how" to proceed with this freeze and subsequent reductions. The product of these negotiations would, of course, have to be ratified by a Senate that is supervigilant in such matters.

Why, then, would anyone compare such a treaty with Reaganite economic theories and why should this enormously serious matter be rejected in such an out-of-hand fashion? True the Kennedy-Hatfield proposal is distinguished, in Woolsey's article, from other ("total") versions of the freeze. But the general treatment gives the impression that people are more afraid of that arms control which they have not thought through than they are of the arms race they have come to accept.

If the effort to secure a freeze, and subsequent reductions, fails, as it well might, then the arms race will either explode into a totally destructive war or, in time, peter out as other arms races have, but over a long period of time. In either case, the next major grass-roots effort, after this call for a freeze, will not be so hopeful about negotiated agreements. Like the British youth today, young American activists in this field will be, next time, for unilateral halts.

Jeremy J. Stone is director of the Federation of American Scientists; Herbert F. York, director of the program of science, technology and public affairs at the University of California at San Diego, was director of defense research and engineering in the Eisenhower and early Kennedy administrations.

THE U.S. AND SOVIET

(By Roger Fisher)

ON NEGOTIATING—I

CAMBRIDGE, MASS.—President Reagan and Secretary of State Alexander M. Haig Jr. have placed the Soviet Union at the center of our foreign policy, but they are still trying to formulate that policy. Faced with a continuing Soviet arms buildup, the military domination of Afghanistan, a potential invasion of Poland, and cruel violations of human rights in the Soviet Union, this Administration, like its predecessor, wants to do something.

Washington's standard reaction is to signal displeasure by public denunciations, a boycott of the Olympics, a grain embargo, skirmishes with Soviet surrogates like Libya and Cuba, and—all too often—restrictions on communication. We not only hang up the phone, we cut the line. We have had no ambassador in Moscow for nine months. At every level, contacts with Soviet officials have been preemptory and minimal.

Two basic assumptions underlie the policy of reducing communication with countries whose actions displease us. Both are wrong.

1. *"Talking is a sign of weakness."*

Those who favor breaking or reducing diplomatic relations as a response to outrageous conduct suggest that talking is soft, that it implies approval, and that actions speak louder than words. But our purpose is not simply to express ourselves; it is to affect Soviet behavior. Toward that end, communication is more powerful if it is two-way, precise, and continuous.

If we are to change Soviet minds, we need to know what is on those minds; we need to listen. Whatever Soviet officials may try to conceal, the more extensive our discussions, the more we can listen "between the lines," and the better the intelligence we can glean.

Actions speak loudly but without words they are unguided "missiles"—they communicate general hostility and broad threats. Such threats suggest that we are enemies no matter what the other side does, thus eliminating incentive for change. We exert influence most effectively when the other side knows exactly what is expected, why it is legitimate, and what we will do next. Those conditions are hard to meet without talking, extensively and in detail. We can be just as firm in a meeting as elsewhere, and a great deal clearer.

With continuous talks, we learn more and there is more time for good ideas to prevail. We also avoid the unfortunate result that if stopping talks is used to signal disapproval, then resuming talks—as we recently did over wheat sales—implies that Soviet conduct, as in Afghanistan, is not so bad after all.

The model for good communication is not a high-noon confrontation between gunslingers but the kind of intensive talks that produced the treaty banning nuclear tests. Talking with the Soviet Union conveys no more approval of its conduct than would your trying to persuade a killer not to shoot your daughter suggests approval of his conduct. The only question is whether we should deaden our hearing and muffle our voice as a way to be more persuasive.

2. "Let's get something for talking with them."

It is also wrong to assume that we should extract a concession from the Soviet Union as a price for talking. In international matters, as in personal ones, it is a serious mistake to try to buy or sell a relationship in exchange for a substantive concession. Prime Minister Neville Chamberlain could no more buy a good relationship with Hitler by giving him a piece of Czechoslovakia than a father can buy a good relationship with his son by giving a bicycle. To tell the Soviet Union that unless it gets out of Afghanistan our entire relationship is in trouble is to imply that a withdrawal would somehow resolve fundamental differences. Trying to bargain a relationship against substance is bad for the relationship and the substance.

A good relationship does not mean agreement. Rather, as with Canada and Israel, it means intensive discussion to work on a variety of problems, each on its respective merits. Secretary Haig's recent assertion that "linkage is a fact of life" is correct in the sense that conduct in one area may shed light on another. But beyond that, linkage is a matter of choice. And whether or not we choose to link two substantive questions, we can and should disentangle each of them from the procedural goal of maintaining an effective working relationship.

The more basic our disagreements, the more basic it is to our national interest to deal with the Russians effectively. Talking does not mean inaction; we can back up words with deeds when appropriate. Talking does not mean weakness; rather, it demonstrates the strength of our convictions. Nor does talking mean we know all the answers; it simply means we know how to go after them.

The cornerstone of a good foreign policy is to deal daily and in depth with the Soviet Union on the unending series of differences between us. The better we become at talking out those differences, the less likely either of us is to make a dangerous mistake.

ON NEGOTIATING—II

CAMBRIDGE, MASS.—President Reagan is dealing with the defense budget as though internationally, as well as domestically, what is important is how much we spend, not what we get.

It is true that our nuclear weapons are not intended to be fired. Unlike the days of World War II, we cannot expect to impose our will physically upon our major adversary as we and the Soviet Union did on Hitler's Germany. We and the Soviet Union are acquiring nuclear weapons in order to influence each other. It is also true that one can affect one's reputation by spending a lot of money, whether on pearl-handled pistols or multi-megaton missiles. But in dealing with the Soviet Union it is crucial that we recognize that neither a bigger bang nor a bigger buck equals effective negotiating power.

As we arm to exert influence, we should understand that while nuclear weapons do serve the vital function of making their use by others terribly risky, they do not enhance our general negotiating power, nor do they protect us from nuclear blackmail.

Some assume that our ability to influence Moscow in a negotiation depends upon the worst threat that we can make. This is not so. In any negotiation, our effective power depends upon the best we can do for ourselves on our own, not on the worst we could do to the other side. We all recognize this truth in our daily lives: For example, in seeking a job, it is better to have another attractive job offer in our pocket than a gun.

We thus increase our negotiating power with the Soviet Union by acquiring weapons that we would want to use in various contingencies, not by acquiring weapons that we would be reluctant to use. For example, our power to persuade the Soviet Union not to attempt a tank attack on Western Europe is enhanced not by acquiring more hydrogen bombs but by developing antitank weapons that are "smarter" and mines that can be more rapidly deployed.

If having a superior power to destroy gave one the power to persuade, the Soviet Union would have been dancing to our tune for the last 30 years. (Acquiring more nuclear weapons before resuming arms-control negotiations *does* affect those particular negotiations, but negatively. We limit our options by making it harder to agree on low figures. At a meeting, we can always say no; by not meeting for two years, we have deprived ourselves of opportunities to say yes.)

The major case for an enormous strategic-weapons buildup rests on the premise that they will protect us against a Soviet demand that is backed up with a nuclear threat. In the simplest scenario, Soviet leaders tell ours to let them do something—"or else." Secretary of State Alexander M. Haig Jr. has suggested that the best defense against such attempted extortion is the ability to impose more devastation than the Soviet Union could, and the reciprocal threat to do so. But just as a large number of nuclear weapons would provide no protection against attempted extortion by a lone terrorist, they would not protect us from attempted extortion by a Soviet leader who might be equally indifferent to the fate of others. The outcome of such attempted blackmail is not determined by counting potential casualties: The numbers are all but irrelevant. In such an exchange of unprincipled threats, the advantage goes to the leader who is least concerned with human life, is more ruthless, has more dictatorial power (and is thus able to make and reverse a decision easily and privately), is more willing to gamble for high stakes, is less vulnerable to criticism by a free press, and has fewer constituents to whom he must later answer. There is no way in which our acquiring additional nuclear warheads will make it a wise policy for an American President to try to compete in ruthlessness with a leader of the Soviet Union.

A less expensive, less risky, and more effective way to protect America from extortion is to demonstrate, as President Reagan did with the air traffic controllers, that we do not yield to extortion, period. A response justified not by principle but by calculations that the Government could hurt the controllers' families more than the controllers could hurt the traveling public would have been less effective, not more. A United States refusal to listen to nuclear blackmail is far more credible than an insistence that we are more willing than the Soviet Union to kill helpless millions.

The international situation is worse than our military apparently believes. America can buy neither security nor effective political power no matter how much we spend on nuclear weapons.

There is, however, an optimistic side. We can save a lot of money and do better by sitting down with the Soviet Union and getting to work, problem by problem.

ON NEGOTIATING—III

Cambridge, Mass.—Success in negotiation depends upon how we negotiate. Our purpose is to work out with the Soviet Union a way to live together on this precarious globe. We want to clarify existing restraints and develop additional ones; because it is in our mutual interest to respect verifiable norms of conduct.

To achieve that goal, the process of negotiating is critical. To increase the chance of our devising wise restraints in time to avoid disaster, we should stop bargaining over positions as though haggling over the price of a rug and use a method more likely to serve our share interests.

The traditional mode of conducting a two-party international conference is well illustrated by the SALT process. It has three key features:

Decide first, talk later. Each side unilaterally develops and decides upon its proposed solution before talking with the other side.

Argue about positions. Most of the discussion among negotiators is devoted to explaining and defending one's own one-sided position and attacking that of the other side.

Make concessions slowly. As time goes by, one side or the other reluctantly makes a small concession to keep the talks from breaking down.

This is a poor method of negotiating. It is unlikely to produce optimal results, since more time is spent arguing over extreme positions than in trying to develop a creative solution somewhere in the middle. It also tends to be extremely inefficient.

The United States is devoting a full year to producing preliminary agreement among Army, Navy, Air Force, State Department, Arms Control Agency and White House officials, as well as our North Atlantic Treaty Organization allies, merely on an opening position—which everyone knows has no chance of being accepted by the Soviet Union.

Over the months and years ahead, we will have to get similar agreement on each of many concessions for this maximum position. Each such decision will be time-consuming and politically costly as we cajole one ally or one branch of the military to give up some special point. During the entire process there is an incentive for everyone to be stubborn, hoping that someone else will yield first. The contest of will that this process involves can be expected to exacerbate relations among our allies as well as with the Soviet Union. This is what is happening now.

Fortunately, the bazaar approach is not the only way to seek agreement. A more efficient and effective approach to negotiations is based on the principle of talking first and deciding later.

Talk about interests. Without taking a position, we should start talking about anything of interest to either side. Since any norm we might later agree upon must be in the interests of the Soviet Union and the United States, we should learn as much as possible about Soviet need and wants, and we should make sure that Moscow is equally clear about ours. We should ignore any declared position except as evidence of some underlying interest.

Generate options. A major aim is to invent, without commitment, different ways of possibly reconciling conflicting interests. We should try to devise clear norms of behavior, both for weapons and for military-political activity, that are in the interest of each country to respect so long as the other is doing so and each can verify compliance.

Decide later. With a good understanding of each other's interests, with multiple options that have been designed to meet them, and with the principle of reciprocity as a guide, there is an optimal chance that negotiators can produce recommendations for official decision.

If that is possible, an actual commitment becomes less important. The provisions of SALT I have expired and those of SALT II have never come into effect; yet, except for the dismantling provisions, both Governments are respecting those terms. Even non-binding norms can establish a modus vivendi. As with an unmarried couple sharing an apartment, it may be easier for both countries to live together than to enter into major commitments.

This approach to negotiation tends to produce better outcomes since joint time is spent understanding and meeting the interests of all concerned. It is likely to be more efficient, since it greatly reduces the number of decisions that must be made and then unmade. By reducing the contest of will, it tends to mend rather than exacerbate relations.

It is no magic formula. Like any negotiation strategy, it requires skill, hard work, and the will to say no, since at any given time disagreement may be better than what is on the table.

But the process should help, in Averell Harriman's phrase, to "turn adversarial battling into hard-headed problem-solving." And that is what negotiation is all about.

Roger Fisher, professor of law at Harvard University, is author, with William Ury, of "Getting to YES: Negotiating Agreement Without Giving In."

GENERAL LEAVE

Mr. LEACH of Iowa. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks, and to include extraneous material, on the subject of the special orders today dealing with nuclear weapons.

The **SPEAKER** pro tempore (Mr. Miller of California). Is there objection to the request of the gentleman from Iowa?

There was no objection.

● **Mr. ZABLOCKI.** Mr. Speaker, I am pleased to participate in today's special order on nuclear arms control. At the outset, I want to commend the gentleman from Iowa (Mr. Leach) and the gentleman from New York (Mr. McHugh) for leadership in bringing this crucial issue to the House floor for discussion.

Mr. Speaker, the growing controversy in recent weeks over the effectiveness of the Reagan administration's arms control policy has led to an unfortunate polarization of views both here and abroad. That debate has served only to undermine U.S. arms control negotiators and to blunt momentum for the kind of mutual and verifiable agreements we all want and need.

Members on both sides of the aisle have expressed growing concern about this polarization and have attempted to influence U.S. policy in a positive, constructive manner. One such attempt is House Joint Resolution 433, introduced by the gentleman from Massachusetts (Mr. Conte) which would freeze further U.S. and Soviet nuclear weapons production subject to adequate verification.

While I commend the Members who favor this approach for their serious intentions, the principal problem with the freeze proposal is that it locks U.S. arms control negotiators into one bargaining position. The necessary tradeoffs between differing United States-Soviet nuclear force structures at both the theater and strategic levels render such an approach unrealistic. Furthermore, as former Secretary of Defense Harold Brown has pointed out, key weapons systems development and their relationship to arms control restraints is too dynamic to be frozen in place. Bargaining without adversary over what and how to reduce is best done at the negotiating table, not through a joint resolution of the Congress.

On the other hand, the often-heard argument from the Reagan administration that a U.S. military buildup is necessary before strategic arms control can be seriously pursued does not adequately address the question of what types of agreements the United States should pursue. The key to a sound arms control policy is to build on the constraints of the present while seeking further reductions in nuclear weapons.

What we have here in effect is a gap between administration critics who have called for a freeze on further nuclear weapons production and the administration's position that a U.S. military buildup is necessary as a way of forcing the Soviets to the bargaining table. In an attempt to bridge that difference, I have introduced House Joint Resolution 443, which calls for an immediate beginning of the START talks.

The resolution reflects a realistic effort to develop an overarching national security framework that integrates strategic and theater nuclear arms control efforts while preserving needed nuclear modernization efforts. Such an approach enhances the prospects for a genuine and verifiable reduction in the present nuclear capabilities of the two superpowers. It embodies the following basic ingredients of a sound arms control and national security policy:

Continued Soviet and U.S. adherence to present limitations and controls as embodied in SALT I, SALT II, and the ABM Treaty;

An immediate beginning of the START talks;

An end to the costly and destabilizing nuclear arms race through actual reductions as opposed to a nuclear freeze in a mutual and verifiable way;

The continuation of the INF talks in Geneva and the eventual merging of those talks into START;

An opportunity to implement those U.S. nuclear modernization efforts that enhance the prospects for nuclear arms reductions while discouraging trends toward new and destabilizing weapons;

Greater compliance with the Nuclear Non-Proliferation Treaty, which calls for nuclear weapons states to cease the nuclear arms race and to begin the process of disarmament in return for the nuclear nonweapons states' commitment to forego nuclear arms.

Mr. Speaker, I intend soon to reintroduce House Joint Resolution 443 with cosponsors. Thirty Members have already agreed to cosponsor the resolution when it is reintroduced. House Joint Resolution 443 and other congressionally sponsored efforts will also be the subject of hearings by the Subcommittee on International Security and Scientific Affairs which is conducting a series of six hearings on nuclear arms control. I include a copy of House Joint Resolution 443 the list of cosponsors, a recent article on nuclear arms control by former Secretary Brown in the Record, and the New York Times editorial of March 21, 1982, entitled "The Answer to Freeze is SALT" and commend it to the attention of my colleagues.

Progress in achieving effective arms control agreements has never been more important to the survival of mankind. Therefore, I invite my colleagues to join me in this effort.

H.J. Res. 443

Whereas the greatest challenge facing the Earth is to prevent the occurrence of nuclear war by accident or design;

Whereas the increasing stockpiles of nuclear weapons and nuclear delivery systems by both the United States and the Soviet Union have not strengthened international peace and security but in fact enhance the prospect for mutual destruction;

Whereas President Reagan, on November 18, 1981, stated that the United States "will seek to negotiate substantial reductions in nuclear arms", and Congress has also urged the President to seek reductions in strategic arms;

Whereas the United States has already proposed to the Soviet Union in Geneva a treaty embodying dramatic reductions in nuclear forces; and

Whereas reductions in nuclear weapons and nuclear delivery systems are essential to reducing the risk of nuclear war: Now, therefore, be it.

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the United States and the Soviet Union should immediately begin the strategic arms reduction talks (START) and that those talks should have the following objectives:

(1) Preserving present limitations and controls on current nuclear weapons and nuclear delivery systems while pursuing substantial, equitable, and verifiable reductions through numerical ceilings, annual percentages, or any other equally effective and verifiable means of strengthening strategic stability.

(2) Seeking every possible means to avoid the testing and deployment of new and destablizing nuclear weapons which complicate further progress in preserving deterrence and encouraging strategic arms reduction.

(3) Incorporating ongoing negotiations in Geneva on land-based intermediate-range nuclear missiles into the START negotiations.

List of Cosponsors for H.J. Res. 443

Frank Annunzio (D-Ill.), Michael Barnes (D-Md.), Charles E. Bennett (D-Fla.), David R. Bowen (D-Miss.), Larry DeNardis (R-Conn.), John N. Erlenborn (R-Ill.), John G. Fary (D-Ill.), Millicent Fenwick (R-N.J.), Harold E. Ford (D-Tenn.), Edwin B. Forsythe (R-N.J.), Bill Frenzel (R-Minn.), Benjamin A. Gilman (R-N.Y.), William F. Goodling (R-Pa.), Cecil Heftel (D-Hawaii), Frank Horton (R-N.Y.), Tom Lantos (D-Calif.), John LeBoutillier (R-N.Y.), Norman F. Lent (R-N.Y.), Bill Lowery (R-Calif.), George Miller (D-Calif.), Austin J. Murphy (D-Pa.), Claude Pepper (D-Fla.), Melvin Price (D-Ill.), Nick Joe Rahall II (D-W. Va.), Frederick W. Richmond (D-N.Y.), Martin Olav Sabo (D-Minn.), Olympia J. Snowe (R-Maine), Morris K. Udall (D-Ariz.), Ted Weiss (D-N.Y.), and Gus Yatron (D-Pa.).

A Nuclear Freeze? No, It's a Diversion From the Main Event

(By Harold Brown)

Renewed attention has been focused on the nuclear arms balance and nuclear arms control by the resolution introduced by Sens. Kennedy and Hatfield, along with 15 senators and over 100 House colleagues. It calls for the United States and the Soviet Union to pursue a complete halt to the nuclear arms race as an immediate strategic arms control objective. It urges that they then decide when and how to achieve a mutual and verifiable freeze on the testing, production and further deployment of nuclear warheads, missiles and other delivery systems. This is to be followed by major, mutual and verifiable reductions in nuclear warheads, missiles and other delivery systems in a manner that enhances stability.

As objectives these are laudable. The proposal itself derives from very legitimate concerns. As written, it contains suitable references to mutuality, verifiability and stability. But the effect of introducing it is almost entirely symbolic. A congressional endorsement would carry some major risks. Its effect is to put pressure on the United States, but not on the Soviet Union. It would displace or draw attention away from more specific and effective arms control proposals and from actions needed to stabilize the strategic balance. Inevitably, the idea of a freeze will crowd out the fine print.

The concerns that prompt the resolution indeed call for immediate attention. One is a growing fear that a nuclear war might actually take place. There is no question that such a war, fought with nuclear arsenals frozen at their present levels, would be an unparalleled and unimaginable catastrophe. Europeans (including the middle-aged, the middle-class and the conservatives, as well as the usual demonstrators have been motivated in part from a sense that whether nuclear war occurs in Europe is out of the hands of European governments as well as citizens, and depends principally on the United States and the Soviet Union. Americans, who lately displayed their ability to change government direction on foreign and military policy, have come somewhat more slowly to a realization that they may not feel safe about the direction in which they have changed it. The strategic arms competition continues, a reminder of a possibility of nuclear war. Fears mount that, unlimited and unreversed, strategic arms competition will make nuclear war more likely. It is less well understood that stopping the competition at its present level will not by itself reduce either the likelihood or the lethality of nuclear war. But the absence of limitations on the competition may raise the probability of nuclear war by inducing or increasing instabilities, or by contributing to a psychology of enmity between the superpowers, whose relations are already worse than they have been since the Cuban missile crisis at least.

There is, moreover, a perception that the administration has failed to take nuclear arms limitation and reduction seriously as important components of national security policy. An example is its opposition to SALT II during the 1980 campaign, joined in then and now by some of the sponsors of the freeze. The unforthcoming way in which it has backed into an admission of tacit mutual observance of the SALT II limits heightens that perception. So does the failure to resume strategic arms negotiations; statements implying that martial law in Poland must be lifted as a condition of such negotiations will produce neither result. Concerns about administration attitudes have been amplified by frequent loose talk about how feasible or even easy it might be to limit nuclear war, and discussions about the survivability or even winability of an all-out thermonuclear conflict, by several senior officials.

The administration was forced to resume negotiations on limitation of intermediate-range nuclear forces in Europe at the edge of the precipice, when not only nuclear modernization but the alliance itself was endangered by European perceptions of U.S. intransigence. President Reagan rescued the situation by forceful and effective presentation of a position ("zero-option") that could well get the alliance into trouble later, but is a reasonable and fair approach. Negotiations seem stalled, but they have staved off, for a time, political disaster in the alliance.

As to a freeze itself, some argue that it would be very disadvantageous to the United States, even if immediately and fully implemented and completely verified. The United States, they claim, is now inferior in nuclear weapons, and needs to catch up. Such arguments are not persuasive. It is true that the alliance remains behind in intermediate-range nuclear forces in Europe (though not in shorter-range tactical nuclear weapons), and the Soviets could destroy the bulk of our intercontinental ballistic missiles in hardened silos by an ICBM attack of their own, while we have no corresponding capability. It is also true that an immediate freeze would abort U.S. strategic programs that would otherwise, over the next five years, probably produce a relative gain in U.S. strategic capabilities relative to those projected for the Soviet Union. But the United States is ahead in numbers of strategic warheads, in the overall capabilities of ballistic missile submarines and the missiles that they launch, and in the capabilities of our heavy strategic bombers. Strategic parity is a band, not a point, and though our position in that band is relatively worse off with respect to the Soviet Union than it was 10 years ago, we remain in that band. Attempts to improve its position in the relative balance is a legitimate objective of each side. But these attempts are also a principal stumbling block in the way of agreements that help advance the prospects of peace and the security of both sides, which is a more important goal.

But does the freeze proposal help that goal? In the first place, it should be noted that its language is not that of an agreement—it is more nearly a set of principles. Second, though it mentions stability as a goal, it does not specifically address the stability of a strategic balance through the survivability and diversity of forces. Unconstrained development and deployment of new strategic systems, can either enhance or degrade the stability of the balance; in the past, it has had each effect at various times. Agreements on strategic arms should improve, and have improved, stability. The arms control imperative is to reopen strategic arms discussions between the United States and the Soviet Union. The ongoing talks on intermediate-range nuclear forces should proceed in a SALT context, even though separately. We need also to make a start on discussions on limitations of short-range tactical nuclear forces. At the same time, to the extent that we hope to rely less on nuclear forces, the alliance needs both to improve its conventional forces and to attend to its political disarray.

The freeze proposal is not likely to help accomplish any of these goals. If one of its goals is stability, it also raises the question of completeness. For example, what about anti-submarine warfare (ASW), an arena in which, incidentally, the United States has an advantage? If a freeze is to keep U.S. ICBMs vulnerable, will the Soviet Union be free to pursue (nonnuclear) ASW technology, in an attempt to make our ballistic missile submarines vulnerable as well?

Soviet acceptance in principle of such a congressional reduction could well derail an administration strategic weapons modernization program whose support is already shaky (and, for some of its parts, with good reason), leaving nothing coherent in its place, while the Soviets could continue their own programs even while announcing acceptance in principle of the freeze. Or, as President Brezhnev did on March 16, they can unilaterally announce a freeze in Europe-based intermediate-range nuclear systems where they are ahead. Such a course of events could well also provide the allies with even more reasons to postpone (and thus to kill) modernization of intermediate-range nuclear forces on the NATO side with no corresponding Soviet concessions. Hatfield's statement in support of the resolution might be interpreted as indicating support for a unilateral U.S. moratorium. The resolution itself is clear, on calling for mutual and verifiable action after negotiation by the United States and the Soviet Union, but it also speaks of unilateral restraint on destabilizing systems. Practically every U.S. strategic system ever developed has been characterized by one or another critic as falling into that category.

The freeze resolution's sponsors have worked hard to make it a reasonable one. Though its provisions are no solution to the problems of preventing nuclear warfare (which has to be approached by stable deterrence and disarmament), debate on it could provide a push toward the specific actions needed both in mililitary programs in arms control and disarmament as two of the many elements of a national security policy. But passage would probably, and unfortunately, divert attention from and erode unity behind more important steps. These include a U.S. position (still undecided 14 months into the new administration) on strategic arms limitation and reduction, and such promising new initiatives as Sen. Hart's proposal for further efforts to prevent the use of nuclear weapons—through, for example, stronger measures to prevent accident or miscalculation, as through the reduction of vulnerability of nuclear retaliatory forces to preemptive attack.

A debate of the freeze can thus be useful in educating the public, in pushing the administration toward resumption of negotiations on limiting and reducing strategic arms, and in initiating a drive for negotiations on preventing nuclear war at whatever level of nuclear armament exists. But the freeze proposal is no substitute for, and I fear it will detract from, those other specific negotiations and steps. And it is no substitute for U.S. and allied military strength, nuclear and conventional.

THE ANSWER TO FREEZE IS SALT

As spring arrives, the talk is of freeze. Leonid Brezhnev proposes a nuclear freeze for all Europe. Senators Kennedy and Hatfield, leading 150 members of Congress, would have the freeze cover the world. They are all responding to the millions of people in Europe and the United States who wonder why the competition to build nuclear arms, threatening life everywhere, cannot simply stop. The freeze is a simplistic diplomatic formula to rally or appease that sentiment. But it is neither simple nor innocent.

The Soviet freeze is cleverly designed to manipulate opinion in West Germany. Chancellor Schmidt's left-wing critics hope to commit his Social Democratic party next month to a one-sided nuclear arms "moratorium." It would let stand the Soviet missiles aimed at Western Europe but suspend the plan to deploy comparable American weapons in Europe for as long as negotiations to limit them can be made to drag on in Geneva. This would freeze a 300-to-0 Soviet advantage in modern medium-range missiles.

The Kennedy-Hatfield plan is more sophisticated but no less flawed. It calls for two stages of negotiation. The first would look toward a verifiable halt on testing, producing and deploying all nuclear weapons. Special emphasis would be given to "destabilizing" weapons, presumably the big multiwarhead Soviet missiles that might take out American land missiles in a first strike. The second stage of talks would aim for verifiable reductions of arsenals.

The main trouble with this approach is the fear for the vulnerabiltiy of American land-based missiles. A freeze would perpetuate the vulnerability by preventing deployment of more secure weapons. There is also no way to verify a ban on missile production without the intrusive on-site inspection that Moscow has always rejected. Nor is there any known way to locate concealed stocks of warheads; that is why two decades of negotiations have focused on limiting delivery vehicles.

The proper antidote to an unworkable freeze is the completed but ignored SALT II treaty, which the Reagan Administration foolishly dismissed as "flawed." I would require the Russians to dismantle 10 percent of their intercontinental missiles and bombers, to a total 2,250, yet permit an American increase to that number—including everything the Administration proposes to build. A freeze, on the other hand, would leave the United States with at least 20 percent fewer deployed delivery systems than the Soviet Union.

A freeze would also prevent modernization of American weapons. It would deprive the Russians of only one new long-range missile, while blocking nine new American delivery systems permitted by SALT. It is doubtful that the United States really needs them all. The point here is that a freeze would carelessly throw away an already negotiated, verifiable and more favorable limit.

Why then do so many members of Congress and prominent Americans agitate for a freeze instead of the treaty? Because the Reagan Administration has failed to demonstrate that it will arm wisely and negotiate effectively. The Administration is being subjected to public pressures that it brought on itself.

President Reagan has hoped to delay arms control talks until he could alter the military balance and threaten the Soviet Union with the costs of unrestrained competition. But this delay—till next summer or even later—is backfiring. Economic difficulties are eroding the American consensus for defense spending. Discord among the allies and political pressures on them are growing.

By ignoring instead of building on SALT II, and still contending that arms control should be "linked" to other issues, the Administration has made the classic mistake of allowing negotiation itself to appear as a concession. The longer it waits, the more the Kremlin will expect to gain—in the streets.●

● Mrs. HECKLER. Mr. Speaker, before this Chamber is House Joint Resolution 434, reflecting the sense of Congress—and I think the American people—that the time has come for a strategic weapons freeze, on a mutual and verifiable basis, followed by major reductions in the Soviet and United States nuclear arsenals.

The United States and the Soviet Union are running headlong into disaster with this unwinnable race to build nuclear stockpiles. This senseless sprint has been going on for more than 30 years, and each advance means greater danger for the citizens of our two countries and of the world.

We have had many resolutions before Congress over the years on this issue. Why should this one attract more attention than the others? The answer lies in part on timing and in part on the wording of the resolution.

There are several recent phenomena that serve as incentives for the United States and the Soviet Union to get together. Both sides have come to realize the enormity of their nuclear arsenals and the dangers of expanding them further. Recent antinuclear protests in Europe threaten NATO members and prompt some action. The Soviets are pleased with their perception of parity in Europe and, at the same time, concerned over their troubles in Poland and Afghanistan, along with the administration's tough stance on arms.

The wording of the resolution also presents a new perspective. Unlike some previous proposals, House Joint

Resolution 434 envisages a negotiating route to the freeze, rather than a unilateral directive at the start. The resolution also wisely singles out "destabilizing" weapons, making it clear that weapons should be individually addressed in negotiations. The freeze is initially limited to strategic weapons, to be followed by major reductions in all weapons categories, including medium-range and tactical weapons.

Of particular significance is the fact that within the structure of such a freeze, both sides can make mutual reductions in equivalent arms. This holds special significance for future nuclear arms development.

The importance of this kind of structure for negotiation is that it takes into consideration complex factors of geopolitical problems and opportunities, strategic doctrinal preferences, and the balance of bureaucratic forces incumbent on both sides. What it provides, frankly, is the necessary leg room for each side to move around within the general terms of an agreement while still making substantial progress in arms reduction.

Benjamin Franklin once wrote that "there never was a good war, or a bad peace"—September 1783. I would agree, but there is more to peace than the absence of war. The value of strength and determination should not be underestimated. Any freeze and subsequent reduction will only work to the extent that they are verifiable.

The coming decade is fraught with danger. We can no longer afford to hypothetically examine the issue of nuclear arms reduction. The time for think tanks and simplistic rhetoric of both political extremes is over. We will negotiate arms reductions and we will have to agree on a freeze. But these actions will not stem from a crippling of our current military capabilities, but rather from a realistic perspective based on military strength combined with a determination for verification and equitable reductions.

House Joint Resolution 434 outlines such a possibility. I urge my colleagues to support it.●

● Mr. **ROE**. Mr. Speaker, the specter of nuclear confrontation hangs over our Nation like a dark cloud. For the first time in recent history, Americans from all walks of life and diverse political beliefs are joining forces in record numbers to tell our Government in a loud and clear voice that they want an end to the blatantly insane nuclear arms race.

The horrors of nuclear war are no secret to any of us. We have all seen documented studies of the horrendous death and damage that would result from a 1-megaton nuclear bomb falling on any major city in this Nation. There is indeed no greater threat to the very existence of the human race than the overwhelming destruction that would result from an all-out nuclear war between the world's superpowers.

While our Nation's stated purpose is to do everything in our power to avert nuclear war, we have somehow found ourselves caught up in a seemingly endless nuclear weapons development spiral. The fact of the matter is that that these new weapons, developed to protect the security of the United States and to provide a deterrent to nuclear war, have actually brought the world closer to making such a holocaust a reality.

Another terrifying aspect is that other nations of the world, such as Pakistan and Iraq, spurred on by the arms race between the United States and Russia, have begun to frantically develop their own nuclear weapons programs.

Recent remarks made by some administration officials concerning possible "limited" nuclear warfare in the event of a Soviet attack on Western Europe have sent shockwaves of fear throughout the world.

That the American public has strong doubts about the feasibility of so-called limited nuclear war was emphasized in a recent Newsweek magazine poll which found that 49 percent of those questioned believed an all-out nuclear conflict would result from any war between the United States and Russia.

I firmly believe that a nuclear weapons freeze is the key first step in our efforts to cool down the world's extremely explosive nuclear arms race.

It is for that reason I have sponsored a resolution with many other Members of the House, calling on the President to initiate a nuclear arms freeze. This measure calls for the United States to enter into negotiations with the Soviet Union and other nuclear weapon states to halt all further testing, production, and deployment of nuclear weapons.

It is important to note that this is by no means a proposal for unilateral disarmament, but an expression by Congress that a clear, strong stance must be taken to halt the nuclear arms race.

Mr. Speaker, the people of America are telling us in no uncertain terms, that the time has come to begin a halt to the deadly arms race that threatens their lives and all of mankind. As Victor Hugo said:

> No army can stop an idea whose time has come.●

● Mr. **RODINO**. Mr. Speaker, the issue before us dwarfs all others in its urgency and magnitude. There is simply no more important question for us, as lawmakers, than the dilemma of how to stop the senseless escalation of nuclear weapons.

There is growing sentiment throughout our country and across the globe that the United States and the Soviet Union bear ultimate responsibility for the fast pace of the nuclear arms race. We cannot ignore our obligation to halt this deadly race.

Just as there is no such thing as limited nuclear war, there can be no compromise in our commitment to avoid the total destruction that will surely result from a nuclear confrontation. To stop the arms race will take more than propaganda campaigns which the Soviets and our own Government wage against each other—it will take concrete action.

I have joined over 100 of my colleagues in sponsoring a resolution calling for a mutual and verifiable freeze on the production of nuclear weapons by the United States and the Soviet Union. I have become part of this bipartisan congressional effort because I believe a bold initiative is needed for meaningful nuclear arms reduction.

I am deeply disturbed by the rhetoric of the Reagan administration which seems to suggest that nuclear war could be a viable option in our foreign policy. This is nonsense—frightening, deadly nonsense.

The administration's request for increased spending in civil defense would have the American people believe that we could survive a nuclear attack. But doctors and scientists agree that after a nuclear war, life on Earth as we know it would cease to exist—and no civil defense system could change that horrible reality. It is a cruel hoax to portray civil defense as an alternative to arms control, and I do not believe the American people will accept such a notion.

There can be no real alternative to arms control, yet we still do not have a dialog between the Soviet Union and our Government on reducing nuclear weapons buildup.

The resolution we have introduced in Congress will move us toward that dialog. It would tell the world that the American people and their Government stand ready to begin immediately a program of joint arms reduction with the Soviets.

The world now stands on a dangerous precipice of nuclear arms buildup, where one false step could mean the obliteration of mankind. I say, let America take the first step in moving the world back from the edge of this precipice.●

● Mr. **BROWN** of California. Mr. Speaker, I am pleased to see that the nuclear freeze debate has reached this level. As a Member concerned with science policy, and peace advocate, I have long been concerned about the effects of nuclear war. For quite some time the National Academy of Sciences, the American Physical Society, the American Association for the Advancement of Science, and the Physicians for Social Responsibility have attempted to educate the American public and policymakers on the horrors of nuclear war, and have tried to drum home the fact that no matter the outcome, no one wins a nuclear confrontation.

These efforts have succeeded in compelling Americans to act. Throughout the country, from a grassroots level, Americans are loudly and clearly telling their legislators that any kind of nuclear war is unacceptable. Yet on the front page of the Washington Post this morning, it is announced that the Federal Emergency Management Agency (FEMA) will go forward and attempt to implement preparations for a perfectly meaningless "evacuation" plan in case of nuclear attack, at the cost of $4.2 billion.

Americans are not fools. They are not blinded by Government rhetoric. They do not expect a week's warning, nor do they ignore human nature as blithely as these bureaucrats do. In such a holocaust, where are the contingency plans for the panic, the havoc, the very survival instincts of these people? And in the end, when the bombs have exploded, then what? Our very society will have been destroyed, our foundations and history demolished. Our constituencies are not blinded by a military superiority complex. They know that once begun, all-out nuclear warfare is the next, final conclusion.

I remember, Mr. Speaker, a situation over 15 years ago where Americans slowly, painfully confronted the dilemma of Vietnam, and gradually they expressed their opposition, their frustration, and their anger to their elected representatives. These persistent people forced a change in U.S. policy, and the same can occur today.

Elected officials throughout this country must listen to the frightened and angry voices of their citizens, over half of whom have never lived without this ultimate threat. We must do more than acknowledge their concern over total nuclear devastation as we blithely continue to succumb to a massive recommitment to arms.

Already both the Soviet Union and the United States have the capacity to destroy each other several times over. This threat may never be completely eliminated, but it does not have be exacerbated. The U.S. Government insists upon better and bigger ways in which to expand its military capacity, while we should instead be searching for newer, better ways to solidify peace—real peace, not the more absence of war.

Many experts believe that it may very well be our lack of "peace skills" which may project us into a nuclear confrontation. It will not necessarily be an act of aggression, but a series of escalating conflicts, miscalculations, and misunderstandings. Yet the United States depends heavily on military deterrence, rather than on resolving the roots of conflicts throughout the world. Unless we begin to discuss all aspects of war—from its origins to its final outcomes—we will never free ourselves, our children or our grandchildren from its destruction.

Later this spring, Congress will be holding hearings regarding a National Academy of Peace and Conflict resolution. This Academy will hopefully foster development of skills which can enhance peace, and lessen tensions between parties. It will cost less than one-tenth of a single B-1 bomber, and far less than the FEMA evacuation plan. Yet it may not only save countless dollars, but lives as well. It is not a panacea, but small steps such as this, along with other steps such as the nuclear freeze, may lessen the prospects of nuclear war, nuclear destruction, nuclear annihilation.●

● Mr. YATRON. Mr. Speaker, I welcome this opportunity to discuss with my concerned colleagues in the House the problem of nuclear arms development. No issue is more compelling, timely, or critical to all of mankind. Perhaps no issue beckons to receive the fullest attention of this body like the one before us right now. The mere thought of a nuclear exchange between the United States and the Soviet Union is so horrifying that maybe we have been less than diligent in pursuing an open discussion of the arms race. That is why our debate today is so important. It begins a process, long overdue, to take a closer look at this issue.

I for one believe that a nuclear war is not winnable. The devastation that would result from even a limited nuclear exchange between us and the Soviets is beyond comprehension. We must not fool ourselves on this point. I believe we must gear our policy toward maintaining a sound nuclear deterrence. Only if we possess the forces capable of convincing the Soviets that any attack on the United States can be forcefully avenged, and therefore a foolish act to contemplate, will peace be preserved.

It is most disturbing to understand the depth of the military buildup that has taken place in the Soviet Union over the past 10 years. This buildup, if it continues unabated, has the potential to threaten the freedoms and liberties of the Western World. To ignore the Sovet threat is extremely risky. However, it is equally as risky to try to compete and surpass the Kremlin in an unrestrained nuclear arms race. Both situations are potentially destabilizing. The only real means of preserving deterrence and the peace is to negotiate limits on nuclear arms and work toward substantial reductions which can be verified. To do less is to flirt with disaster of unknown proportions.

The biggest difficulty in the current arms race is essentially a qualitative, not a quantitative dilemma. It is the rapid advancements in technology that are of most concern to me. If the Soviets perfect the capability to eliminate our land-based missiles, counter our ability to deter from the air, and locate and destroy our submarines, our current quantitative advantage in warheads could be successfully offset.

We cannot allow the situation with respect to the nuclear arms race to deteriorate any further. I do not doubt that President Reagan and party chief Brezhnev are sincere in their desire to avoid a nuclear conflict. But, I call on them to be more diligent than ever, and to seize every opportunity, to begin a process which will lead to a substantial reduction in the nuclear arsenals for both sides.●

● Mr. MOAKLEY. Mr. Speaker. Without a doubt—the major and most challenging issue of our time is the salvation or the destruction of our civilization from nuclear death.

At present, the United States has approximately 9,000 strategic nuclear warheads in its arsenal. The Soviet Union has approximately 7,000 nuclear warheads. By 1989, it is projected that the United States and the Soviet Union will have a combined total of well over 25,000 strategic nuclear warheads. It is important to note that even the smallest of these warheads is several times more deadly than the bombs dropped on Hiroshima and Nagasaki over 35 years ago. Yet, despite these figures—the arms race continues.

I think it only appropriate to ask—does any person really feel more secure as a result of our ever-increasing nuclear arsenal? The answer to this question, for most Americans, I believe is a resounding "no." In fact, a recent 1981 Gallup poll indicates that 47 percent of the American people believe that a nuclear war is coming. In addition to this, the overwhelming majority of Americans believe that they have little chance of surviving such a war. Yet, there are some who maintain that a nuclear war will not be as terrible as we imagine.

The famous futurologist Herman Kahn tells us that it is absurd to regard a nuclear war as an end-all. He makes a point of stressing that we must "distinguish between an incredibly unpleasant experience and a thing you can survive." This is just plain stupid. If a small bomb were dropped on Boston over a half a million people would be killed outright, and another half a million people would be severely—if not fatally—burned. These survivors would be without adequate medical care—due to the fact that almost all the area medical facilities would have been destroyed. In addition, very few doctors or nurses would be able to enter the radioactively contaminated area.

Mr. Speaker, action must be taken now. We cannot put off the debate on the arms race any longer. We have a moral obligation to humanity to call for a halt to the further construction of nuclear warheads. I applaud my colleagues Representative MARKEY and Representative CONTE for initiating House Joint Resolution 434, which calls for a multilateral freeze in the nuclear arms race. I am fully committed to the goals of this resolution.●

● Mr. BONKER. Mr. Speaker, as one of the original cosponsors of the joint resolution, I join my colleagues in support of a mutual, verifiable freeze on nuclear arms with the Soviet Union.

President Dwight D. Eisenhower once said:

> One of these days the people will make the governments of the world stand aside to let them have peace.

And that, I believe, is exactly what the growing nuclear freeze movement in this country is all about.

The people are tired of hearing tough talk from the leaders of both this country and the Soviet Union. And in the current atmosphere of belligerency, the people see the recent arms control proposals of both President Reagan and Mr. Brezhnev as hollow political ploys.

The people of this Nation no longer believe that their Government cares about the threat of nuclear war. The people do not believe that their leaders are serious about curbing the spiralling arms race and achieving arms reductions.

And so, the people have decided to take the issue into their own hands. We are witnessing the birth of what may be a truly historic, groundswell movement. The nuclear freeze movement is composed of individuals from all walks of life, and nearly every point on the political spectrum. Some have pointed out numerous similarities to the proposition 13 tax movement in California a few years back, but I think the nuclear freeze movement may be far more widereaching and profound.

The reasons for our citizens' fears are not difficult to identify. The actions of the Reagan administration have demonstrated and alarming lack of concern for world peace and nuclear arms control. The President has called for the largest peacetime buildup of our military forces in this Nation's history—an incredible $1.6 trillion over the next 5 years. President Reagan and top administration officials have talked seriously about the prospects of "a limited nuclear war," "a nuclear warning shot," and a "survivable nuclear war."

The administration has reduced our entire foreign policy to a simple East-West confrontation. From El Salvador and Central America to Africa and other parts of the world, rational foreign policy concerns have been tossed aside in favor of the cold war analysis of the 1950's.

In addition, with the exception of the Geneva talks, action to control or reduce this planet's growing arsenal of nuclear arms is virtually nonexistent.

Unfortunately, the Reagan administration has failed to see the significance of the nuclear freeze movement and the fervent desire of this Nation's citizens for world peace. Instead, the official State Department reaction merely warned of a Soviet advantage in intermediate missiles, and charged that the nuclear freeze proposed by Congress would undermine our Nation's security.

It is important to set the record straight on this and other issues. The nuclear freeze proposed by Congress does not call for unilateral action by the United States, but rather movement toward mutual agreements. Nor would our porposal require a naive trust of the Soviet Union; every measure would require strict verification. Finally, a mutual nuclear freeze does not imply an acceptance of Soviet aggression in other areas, such as Afghanistan or Poland.

The administration contends that our strategic forces have been so neglected in recent years that we must spend hundreds of billions to beef up our nuclear arsenal before we can negotiate with the Soviet Union. Obviously, the Soviets would never tolerate clear superiority on our part. The result of the administration's planned buildup would only be to touch off another costly round of the nuclear arms race, undermine strategic stability, and increase the risk of nuclear war.

If any justification for nuclear arms can be said to exist in today's world, it can only be deterrence—not nuclear superiority as the administration would suggest. And despite the scare talk from the White House and Secretary of State Haig about our Nation's "window of vulnerability," or endless comparisons of megatons, throw-weights, and missiles, our Nation has a credible deterrent force today and will continue to have a credible deterrent force in the future with minor improvements in the land-sea-air strategic triad over time.

It is time that the White House recognized that once we, as a nation, have a maintainable deterrent force, it does absolutely no good to acquire excess nuclear weapons. The only things that unnecessary nuclear overkill will bring are increased expenditures, heightened hostilities, and what Winston Churchill called the ability to "make the rubble bounce," should deterrence fail and the unthinkable occur.

The true challenge before us—and the most important responsibility of our generation—is not to achieve strategic superiority over the Soviets, as the Reagan administration would argue, but to end our global addiction to nuclear weapons.

The administration, in quibbling over technical issues and hawkishly dismissing the nuclear freeze proposal, has missed the entire point of this growing citizens' movement.

Certainly there will be shortcomings in any of the bilateral nuclear freeze proposals now under discussion, but that is also not the point. The freeze initiatives represent an attempt by the people of this Nation to so something, to grab the attention of our leaders, and to demand that we put an end to the terror that has gripped the world for the last 35 years.●

● Mr. GEPHARDT. Mr. Speaker, I commend my colleagues for calling this special order today to discuss the question of nuclear arms reduction. No issue is more important to us as a nation, or to the world, than the nuclear arms race. It affects our very survival as a civilization. This debate this afternoon highlights the importance of nuclear arms reduction and will, hopefully, lead to action toward making the world a safer place.

In the past few years, especially in the last year, we have seen a substantial escalation of the strategic arms race. Through actions to build up nuclear arsenals on both sides—coupled with increasingly militaristic rhetoric—it is apparent that we are beginning to think the unthinkable. We are beginning to contemplate not just the development of a deterrent but the actual use of nuclear weapons in our defense.

Largely as a result of these developments, there is growing concern evident in the Nation about the possibility of a nuclear war. I believe this concern is warranted—if we think a nuclear confrontation is winnable or survivable, our reluctance to resort to nuclear weapons is diminished. We increase the risk of nuclear war. With massive buildups of larger and more sophisticated arsenals on both sides, the chances of a nuclear exchange escalating beyond our control are also greatly increased.

In such an enviroment, no matter how many billions we pour into defense, we will fail to truly enhance our national security. The only way to reverse this dangerous and alarming trend is through realistic and meaningful arms reduction negotiations.

The failure to ratify the SALT II treaty, in my view, was a tragic step in the wrong direction. It sent a message to the world, and the Soviet Union in particular, that we were not sincerely interested in deescalating the arms race. Without this agreement as a foundation, going beyond it to seek mutual reductions in warheads and launchers is doubly problematic.

Nevertheless, it is essential that we now prove our determination to seek real arms reduction. Our sincerity can be demonstrated by putting forth realistic and constructive proposals at the START negotiating table. My colleague from Tennessee (Mr. GORE), has suggested one such blueprint. He has proposed a moratorium on adding multiple warheads to all intercontinental ballistic missiles, followed by a prolonged period during which the United States and the Soviet Union would readjust their strategic forces, ultimately reducing launchers and warheads and replacing existing ICBM's with single warheads.

This is one, well-developed proposal for moving arms negotiations forward. It is constructive Undoubtedly, many other experts in this field have other proposals equally constructive.

The important point, however, is that we must put forth a sincere and realistic plan to serve as the basis of negotiation. We must prove we are serious about reducing the nuclear threat. We and the Soviets must make clear to ourselves and to each other that we recognize what nuclear weapons really mean; that they could bring to an end both the values and the people that both sides are seeking to promote and protect.●

● **Mr. McKINNEY.** Mr. Speaker, I join my colleagues today in urging the United States and the Soviet Union to call a halt to the nuclear arms race. The situation we face today is well documented in the extensive New Yorker article, "The Fate of the Earth," by Johnathan Schell, which I highly recommend. The article demonstrates the world has failed to come to grips with the global realities of our increasing nuclear arsenals. For this reason I commend the House of Representatives for taking the time to debate and discuss the vital importance of calling a halt to the nuclear arms race and pursuing the goal of ending the dangerous escalation in nuclear weaponry. It is time we face reality—enough is enough.

I have continuely held that the best way for the United States to maintain a strong national defense and world peace is to actively pursue a policy of international arms control. If we do not follow this course, we will face a massive Soviet buildup of strategic arms and therefore continued heavy expenditures on weapons systems by our own country throughout the 1980's. The trend is clearly indicated by the global experience over the past decade. During that time, the warhead count of intercontinental nuclear weapons increased 200 percent. The estimated explosive power of these nuclear weapons has grown by 30 percent while their hard target kill potential has increased 200 percent. Clearly, we cannot allow this escalation to continue if we are committed to peace. Bilateral pursuit of nuclear arms reduction, coupled with wise military spending at home, will enable the United States to firmly uphold its obligations and protect its vital interests without fueling worldwide instability. I, therefore, whole heartly endorse the efforts today of this body and strongly support the call for a United States-Soviet Union nuclear arms freeze.

While I was pleased with President Reagan's assurances to the Nation in which he pledged America's willingness to pursue strategic arms reduction talks (START), our massive defense budget is a disheartening contrast to those efforts. I believe that today's proceedings will provide a positive initial step towards U.S./Soviet disarmament and will help set the framework for successful negotiations between U.S. and Soviet mediators. I can assure my colleagues that I will continue to work towards this goal and support all efforts to reduce nuclear weapons throughout the world.

In closing, Mr Speaker, I would like to introduce into the RECORD the conclusion reached in the "Fate of the Earth," by Jonathan Schell. I hope my colleagues take the time to read Mr. Schell's full article and reflect on the following paragraph:

Mr. Schell's last paragraph:

> Two paths lie before us. One leads to death, the other to life. If we choose the first path—if we numbly refuse to acknowledge the nearness of extinction, all the while increasing our preparations to bring it about—then we in effect become the allies of death, and in everything we do our attachment to life will weaken: our vision, blinded to the abyss that has opened at our feet, will dim and grow confused; our will, discouraged by thought of trying to build on such a precarious foundation anything that is meant to last, will slacken; and we will sink into stupefaction, as though we were gradually weaning ourselves from life in preparation for the end. On the other hand, if we reject our doom, and bend our efforts toward survival—if we arouse ourselves to the peril and act to forestall it, making ourselves the allies of life—then the anesthetic fog will lift: our vision, no longer straining not to see the obvious, will sharpen; our will, finding secure ground to build on, will be restored; and we will take full and clear possession of life again. One day—and it is hard to believe that it will not be soon—we will make our choice. Either we will sink into the final coma and end it all or, as I trust and believe, we will awaken to the truth of our peril, a truth as great as life itself, and, like a person who has swallowed a lethal poison but shakes off his stupor at the last moment and vomits the poison up, we will break through the layers of our denials, put aside our fainthearted excuses, and rise up to cleanse the earth of nuclear weapons.●

● **Mr. HEFTEL.** Mr. Speaker, I am pleased to participate in this special order on nuclear arms control. No issue has captured the attention of the American people with such a sense of urgency and deep concern. Our world is becoming an increasingly dangerous place in which to live due to the ever pervasive threat of nuclear war. We therefore have a solemn duty to ourselves and our posterity to face the question of nuclear arms proliferation head on and deal forthrightly with the consequences of the unbridled arms buildup.

What are our policy options? In my opinion, it is incumbent upon the United States to first seek immediate bilateral negotiations with the Soviet Union on meaningful arms control. Talk of a freeze on new nuclear weapons production will promote lasting peace and security only if both superpowers are involved seriously in these negotiations. However, a freeze on new weapons production will only be a first step, albeit an important one to putting the nuclear genie back in the bottle for good. We must look to eventual nuclear disarmament as the only way to control the awesome threat posed by nuclear weapons. No man of reason can possibly envision the use of nuclear weapons on even a limited scale. The bombing of Hiroshima and Nagasaki almost 40 years ago left physical and psychological scars from which the people of Japan have never fully recovered, and these weapons do not even begin to compare with the sophisticated weapons of destruction and doom which have been developed in the ensuing years. Does anyone seriously believe that civilization could survive unscathed from a nuclear exchange between the United States and the Soviet Union? Is anyone willing to accept the consequences of the destruction and suffering which would follow such an exchange? I think not.

Mr. Speaker, from my perspective there is only one path to follow and that is the path of moderation, negotiation and reasoned judgment. The American people have brought their concerns to our attention. It is now our duty to represent those interests with courage and with dignity. We have no greater obligation than to reduce the awesome threat posed by nuclear weapons. We still have time but there is little time for idle talk. We must begin to act now.●

● **Mr. WIRTH.** Mr. Speaker, a potent grassroots movement is sweeping our Nation unlike any I have witnessed in my years in Congress. Almost spontaneously, doctors and ministers, housewives and students, businessmen and teachers are joining together to call on the Governments of the United States and the Soviet Union to negotiate a mutual freeze on the nuclear weapons race, to be followed by real reductions.

These citizens are responding to the greatest moral imperative of our time: The absolute necessity to avoid a nuclear war which would threaten the continued existence of our planet.

These thousands of citizens are helping millions more realize that in a nuclear war there can be no winners. The hundreds of millions of people who would be killed instantly would be joined in death by those for whom there would be no hospitals or doctors, and those whose water and food supply was contaminated and made radioactive. Citizens in my home city of Boulder, Colo., realized this recently by speaking out forcefully to their county commissioners in opposition to a proposed crisis relocation plan which wrongfully assumed that people could simply escape to a nearby community in case of a nuclear attack.

What the participants in this movement are also telling us in Congress is that we the people do have the power to stop what our leaders have started. They are breaking through the dull quiet lurking fear a generation has endured—they are daring to speak about the unspeakable. We must listen and act.

There are those who argue that this movement is evoking glee inside the Kremlin and that it may weaken our negotiators' hands in serious negotiations with the Soviets. Certainly, I have no illusions about the Soviet Union's aggressive intentions and am sadly aware that the Soviet people are not free to speak out on any issue, much less an issue as politically sensitive as a nuclear weapons freeze.

But there is no reason to believe that the Soviet citizens or their leaders desire to continue down this path of insane escalation of the nuclear arms race which drains hundreds of billions of dollars from the treasuries of many nations, and siphons off the productive talents of so many workers and scientists and engineers.

In addition, such a freeze would free up the resources needed to allow our Nation to strengthen the areas of our defense in which we have weaknesses—in training and skilled manpower, in better and workable conventional weapons and in spare parts.

A mutual freeze on the further testing, deployment and production of nuclear weapons is a sensible first step toward making real reductions in the nuclear arsenals of both nations in a balanced and verifiable manner. I continue to endorse the freeze concept and call on my colleagues to join with me in cosponsoring House Joint Resolution 434.●

● Mr. ROSENTHAL. Mr. Speaker, nearly 15 years ago I participated in a special order similar to the one today to protest U.S. involvement in the Vietnam conflict. This extraordinary measure was an effective means for focusing public attention on the Vietnam war. Today I am pleased to participate in this equally important special order to demonstrate the overwhelming opposition by the public, and by Congress, to the spiraling escalation of nuclear weapons.

Last night, at a town hall meeting I held in Queens, N.Y., an elderly woman asked, "Why, if we have enough nuclear warheads to destroy the world three times over, do we need so many more?" I could not answer her question, but it is obvious the public's awareness of the nuclear arms race is reaching new levels. What they are asking is, Is it necessary?

Too many of us have chosen to ignore the fact that nuclear war is a terribly real possibility, a possibility so cataclysmic as to make it unimaginable. But the nightmare is real. Hiroshima and Nagasaki are testaments.

The Reagan administration's notion of a limited nuclear conflict is frightening. Where both sides control destructive capabilities, any talk of limited conflict is a distortion of the reality of nuclear war.

Today, I reaffirm my commitment to achieving a mutual freeze on nuclear weapons and a systematic reduction in nuclear warheads, missiles and delivery systems. This effort is the only realistic step toward meeting our own security needs and reversing the arms race. We cannot—and must not—forget our preeminent obligation to the American people and the rest of mankind to make the world a saner, safer place.●

● Mr. RICHMOND. Mr. Speaker, I commend my colleagues for requesting this special order to give this body an opportunity to discuss the most crucial issue now facing the human race—the issue of nuclear arms control.

It gives me the greatest of pleasure to be one of over 150 Members of this House who is cosponsoring House Joint Resolution 434, which calls on the United States and the Soviet Union to adopt a mutual, verifiable freeze on nuclear arms followed by negotiations for systematic reductions from the current levels of nuclear weapons.

The threat of nuclear holocaust is infinitely greater than the sum of all of the problems which the human race has ever encountered. For the first time in the history of the world we and the Soviet Union now possess more than enough nuclear weaponry to destroy the world and all the people on it many times over.

As legislators, we bear an awesome responsibility, not only to the current citizens of this country, but to all future generations of our Nation and all nations. We must find a way to reduce the insane nuclear arms race and insure true security for ourselves and our children. If we fail, extinction of the human race will be the result.

On January 28, Adm. Hyman Rickover, the father of the nuclear navy, testified before the Joint Economic Committee and gave a dramatic warning of the nuclear threat facing humanity. Admiral Rickover argued that nuclear disarmament must become our Nation's No. 1 priority or "we will probably destroy ourselves."

Mr. Speaker, I urge all of our colleagues to join in cosponsoring the nuclear freeze resolution. A freeze on nuclear weapons, with negotiations for major mutual reductions is essential—now. Also, I urge the administration to take immediate steps toward opening strategic arms reductions talks.

There is no issue of greater importance in the world. We must act now to prevent the unthinkable horror of nuclear war.●

● Mr. LEHMAN. Mr. Speaker, I am proud to be a cosponsor of the resolution calling for a freeze on the testing, production, and further deployment of nuclear warheads, missiles, and other delivery systems. I have long felt very strongly about the need to put a stop to the senseless arms race in which we are involved. It is absolutely imperative that negotiations between the United States and the Soviet Union begin on the matter of reducing the number of nuclear weapons the superpowers possess.

I realize that it will be no easy task, for the explosion of the first nuclear bomb in 1945 opened a Pandora's box, the contents of which are far more horrible than the writers of ancient mythology could have ever imagined. Successful negotiations require strong public support, and the American public is demanding action aimed at reducing nuclear arms. This is an important first step and I am hopeful that real progress can be made.

I have just completed a newsletter that I will be sending out shortly to my constituents on the topic of nuclear war, and I would like to include it in the RECORD.

The newsletter follows:

DEAR FRIENDS: For the first time in my congressional career, on December 15, 1981, I voted against a bill to provide funding for defense. My vote was not a vote against a strong defense, for I believe that we must strengthen our conventional military capability. For example, we need better rifles than the M16, better and safer tanks, simplified fighter aircraft, and more and better navy vessels.

I voted as I did because the level of funding for nuclear weapons was far beyond reason and need. The legislation provided billions of dollars from tax revenues for weapons that we cannot fire without risking suicide. A nuclear exchange, no matter who fires first, will mean the total destruction not only of the warring nations, but of all mankind. It could even mean the end of all higher life forms on this planet.

The defense funding bill, as usual, passed. The vote was 334 in favor and only 84 of us against. The request for next year's defense budget includes still greater amounts of money for our nuclear arsenal. The Administration wants $4.46 billion for the MX missile. Nearly $5 billion is requested for the B-1 bomber, which will replace the B-52 as a delivery vehicle for nuclear bombs. Over a billion dollars is requested for nuclear missiles to be deployed on Trident submarines, when just one Trident already has the striking power to destroy every major city in the Northern Hemisphere.

Such massive destruction is supposed to render nuclear war unthinkable. Yet today, some of our leaders are not only thinking about nuclear war but are preparing for it by the deployment of U.S. tactical nuclear weapons in Western Europe. These "small" bombs each have as much explosive force as the bomb that fell on Hiroshima on August 6, 1945.

That one explosion followed by a raging firestorm killed about 130,000 persons. Still more deaths came more gradually from the lingering effects of radiation. Eyewitness accounts tell us of severely burned and deformed survivors wandering about in a daze, of the charred remains of what were once human beings, and of parents desperately seeking their lost children in the ruins. This destructiveness, multiplied by the greater number and strength of today's bombs, cannot be limited, for any use of nuclear weapons would trigger an escalation in the type and number of weapons used.

No longer will it be possible, as it was in 1945, for outside emergency help to reach the attacked area. Nuclear war would leave few unaffected regions from which such help could be sent. Survivors who manage to escape the blast and fire would live only a short time because of the effects of contaminated food and radiation sickness.

Today the United States and the Soviet Union have a combined strategic nuclear arsenal of 16,750 warheads, each one many times more powerful than the bomb that destroyed Hiroshima. Nuclear arms control must not, however, be viewed merely as statistics and computer simulations that make war seem like a game in a video arcade. The horror of thousands of Hiroshimas is the reality with which we must deal.

In recent weeks, more and more Americans are waking up to the fact that our Government no longer considers nuclear war "unthinkable." Spurred on in large part by talk of limited nuclear war and grandiose but futile plans for civil defense, people throughout the country are sending Washington the message that true security can only come from nuclear arms reductions.

To support these grass roots movements against the arms race, I have joined with over 160 of my colleagues in the House of Representatives in sponsoring a resolution calling on the United States and the Soviet Union to decide when and how to achieve a mutual and verifiable freeze on the testing, production, and further deployment of nuclear warheads, missiles, and other delivery systems. The resolution further calls on the superpowers to proceed from this freeze to major mutual reductions in nuclear arms.

Calls for an end to the arms race have come from some unlikely quarters. Admiral Hyman Rickover, the "father of the nuclear navy," warned the Joint Economic Committee of Congress on January 28, 1982 that the arms race makes it increasingly likely that we will destroy ourselves, and he called for outlawing nuclear weapons.

Rickover's statements recall the words of an earlier military leader, General Douglas MacArthur, who thirty years ago said, "No longer is [the nuclear bomb] a weapon of adventure—the shortcut to international power. If you lose, you are annihilated. If you win, you stand only to lose . . . [War] contains now only the germs of double suicide."

Serious negotiations to reduce nuclear weapons on both sides must get underway immediately, and politicians must realize that support for nuclear arms control does not mean being "soft on defense." As I stated earlier, a strong conventional military force is necessary and will in fact lessen the need for nuclear weapons.

My support for a nuclear freeze, and my votes against spending billions of dollars on nuclear weapons, arise out of my deep conviction that we can no longer wait to save ourselves from annihilation. I am encouraged by the growing numbers of persons who are making their voices heard in opposition to the nuclear arms race. Americans are learning to think about the consequences of nuclear war, and our political leaders must make sure the "unthinkable" never becomes a reality.

With best wishes, I am

Sincerely,

WILLIAM LEHMAN,
Member of Congress.●

● Mr. RATCHFORD. Mr. Speaker, this Chamber today has been given an historic opportunity to consider an issue which threatens the existence of our Government, Nation, and indeed, the world as we know it. For nearly 40 years, the United States, the Soviet Union and several other nations have been on a nuclear weapons binge. It is time to call a halt to this recklessness.

The world has witnessed the destructive impact of nuclear weapons twice since their invention. The bombs dropped on Hiroshima and Nagasaki created devastation on a scale never before witnessed by man. While this experience should serve as an example to world leaders that a nuclear war is unacceptable, it has not. Today, there are roughly 50,000 nuclear warheads in existence, each of which would dwarf the destruction we witnessed in 1945.

Yet we carry on, adding new and different systems of mass destruction to our already overwhelming arsenal. In seeking to catch up, match, and exceed our adversaries on the fine points of strength and accuracy, we lose sight of the overall result of our creation. Thousands of warheads and billions of dollars later, it is time to say enough is enough.

The steps we must take are simple yet complex. A freeze and reduction of nuclear weapons must be bilateral and verifiable. Security depends so much on perceptions, and a false impression of strength or weakness could destroy the fragile balance on which our current peace rests. A freeze must be undertaken by the United States and the Soviet Union simultaneously. Furthermore, we must be able to know for certain if the Soviets are complying with weapons agreements, and they must be able to verify our actions.

As an original cosponsor of House Joint Resolution 433, I am encouraged by the number of my colleagues who have added their names to this legislation. Even more welcome, however, is the real motivation behind the resolution—the emergence of a grass-roots campaign to limit and reduce the world's nuclear stockpiles. The people of Connecticut and the other 49 States are making known their desire for a halt to the nuclear buildup. Whether it is through a petition—which I signed in Connecticut last year—a town meeting vote, or any other means available, millions of Americans are registering their views on the nuclear arms race, and the response has been overwhelmingly in support of a freeze.

Mr. Speaker, we need not lose sight of our national security needs in this debate. In fact, by defusing the nuclear hair-trigger we would be actually enhancing the prospects of mankind's—including our own—survival and security. In the effort to gain strength and world superiority, the members of the nuclear club have lost control of their decisionmaking responsibility. It is time to get it back.●

● Mrs. KENNELLY. Mr. Speaker, I wish to commend my colleagues for taking out this special order to debate the merits of House Joint Resolution 434, which calls for a mutual and verifiable freeze and reduction in the nuclear weaponry of the United States and the Soviet Union.

The nuclear arms race is one of the foremost concerns of my constituents. The people of my district are frightened by the prospect of nuclear arms escalation and are concerned that the policies of the Reagan administration do not go far enough to limit mutual arms buildup and lessen the chance of nuclear conflict between the United States and the Soviet Union. They believe that the world can be made a safer place, and see a negotiated freeze and subsequent reduction of nuclear weaponry as a vital first step in achieving this goal. This does not mean that they support a weak defensive posture for the United States; a strong defense and a limit on nuclear weapons are not mutually exclusive goals. The people of Connecticut simply recognize that mutual arms buildup benefits neither the United States nor the Soviet Union, but, rather, threatens the lives of all U.S. and Soviet citizens.

We are at a critical point for the development of a sane nuclear arms policy. Both the Soviet Union and the United States are ready to spend enormous amounts of money to develop and deploy new generations of nuclear weapons.

The time for a negotiated freeze on nuclear weapons is now, before production of new generations of nuclear weapons threatens the security of both sides.

House Joint Resolution 434 calls for a negotiated freeze on nuclear weapons to be followed by an actual reduction in arms. Such a step is needed to fill in the gap left by the expired SALT I Treaty. Recent theater nuclear force talks held between the United States and the Soviet Union have been helpful in opening lines of communication, but have not been able to bring about an actual reduction in arms. The Soviet proposal for a moratorium on medium-range missiles and the U.S.

proposal for a zero option plan made in Geneva were each subject to unrealistic conditions that severely limited their value as steps toward true arms reduction.

What is needed is a climate in which both sides can negotiate and in which both sides are dedicated to achieving results. House Joint Resolution 434 would help create such a climate.

Adoption of this resolution will not lead to an overnight end to nuclear arms buildup, but it is a vital first step. It requires a commitment by both sides to serious discussion and negotiation on arms issues, and demonstrates to our citizens and allies that peace is indeed a priority of both governments.●

● Mr. KASTENMEIER. Mr. Speaker, I am pleased to join with my colleagues in this discussion of arms control and the nuclear arms race.

There have been many, many warnings over the years about the danger posed by nuclear weapons to civilization and the futility of any war fought with nuclear weapons. Every President, from Eisenhower to Carter, has tried to remind us that there could be no such thing as victory in a war fought with such weapons. Twenty years ago, President Kennedy told our Nation and the world that—

> Every man, woman, and child lives under a nuclear sword of Damocles hanging by the slenderest of threads, capable of being cut at any moment by accident or miscalculation, or by madness. The weapons of war must be abolished before they abolish us.

Yet, when we look back over all these years, the competition between the United States and the Soviet Union in the development of nuclear weaponry has proceeded steadily, relentlessly, without the faintest regard for the future of the human race. Both the United States and the Soviet Union have gone about the business of piling weapons upon weapons, missiles upon missiles, new levels of destructiveness upon old ones. Today, it is estimated that the United States, the Soviet Union, and the other nuclear weapons states possess more than 50,000 nuclear warheads. The vast resources of this planet are being devoted more and more to the means of destroying, instead of enriching, human life. It was President Eisenhower who said:

> Every gun that is made, every warship launched, every rocket fired signifies, in the final sense, a theft from those who hunger and are not fed, those who are cold and are not clothed. This world in arms is not spending money alone. It is spending the sweat of its laborers, the genius of its scientists, the hopes of its children. . . . This is not a way of life at all, in any true sense. Under a cloud of war, it is humanity hanging from a cross of iron.

The further development of nuclear weaponry hastens the day when civilization moves closer to the eve of destruction. The world, however, was not meant to be a prison in which man awaits his execution. We must prevent the nuclear arms race from mushrooming out of control.

There is a new and strong wind of public opinion in support of a mutual nuclear weapons moratorium now crossing over our land. It was felt in the numerous town meetings in New England. It is gathering momentum in various State legislatures, such as in Wisconsin. It is spreading out to California where the public will vote on a referendum endorsing a mutual nuclear arms moratorium. This wind will sweep back to Washington where we, in the Congress, will have the opportunity to put the Congress on record as favoring negotiations for a mutual freeze and verifiable nuclear arms reduction, as proposed by House Joint Resolution 434.

Mr. Speaker, I recently received several letters from high school students who participated in a discussion group on the nuclear arms race issue at St. John's Lutheran Church in Madison, Wis. I would like to share the thoughts of these young people with my colleagues:

> Though I'm only 16, I feel that I know enough about nuclear war to know that it's extremely dangerous to the people of today and future generations. I still have a whole life ahead of me!
>
> The money that goes to nuclear arms is outrageous! We, the teenagers who will be the next generation to run the country, will not have a good enough education to do so because of the money to go to nuclear arms! I don't think it's fair that my education is being cut because of it.
>
> Lynn Mosley.
>
> I am 15 years old and a sophomore in high school. I am concerned about how much money is being spent on the nuclear arms race. I feel that the money could go to more positive things for the future, such as education, welfare programs and programs to help find cures for cancer, MD, MS, etc.! It scares me to think how we're spending so much money just to kill people. I am worried about my future as well as future generations.
>
> Sincerely,
>
> Lisa Hayne.
>
> I am 15 years old and a sophomore in high school. I feel that the Nuclear Arms Race concerns my generation's future more than anyone else's and that is why I am writing this letter. I am very concerned for my future. I have a right to go to college and have a career but every day my future is worse off. There is no way anyone can win a nuclear war. And the fact that Reagan is spending billions of dollars in a hopeless cause infuriates me. Prices are increasing and the money is going to a cause that will, sooner or later, kill us all. It's not fair that people have to give money to something that they don't agree with. Especially when that money could be used to feed starving, jobless people, or give teenagers like me an education we have a right to.
>
> Sincerely,
>
> Kris Diemer.
>
> I cannot in good conscience support the present U.S. nuclear arms build-up. I think it is morally wrong to continue with the arms build-up in view of the fact that millions of people are starving, have inadequate health care and little or no chance of education. This is shown by the $500 billion now being spent world-wide on war which is more than that spent on health, education and food, instead of helping to preserve life. We are building more and more nuclear weapons when the U.S. already has the ability to destroy any major Soviet City many times over. I am not saying the rest of the world is entirely blameless in this respect, however, we bear the responsibility for being the nation which first built and used nuclear weapons. Thus I feel the United States should take the first step and cease building and deploying nuclear weapons, and we could do this without any detriment to our security. The money that is saved could then be funneled into more worthwhile programs which help people rather than seek to destroy them.
>
> Sincerely,
>
> Tim Block.
>
> I, a sophomore from East High, am concerned at the amount of money being spent on nuclear arms. I believe that this money could be better spent elsewhere. I am frightened at the prospect of a nuclear war and wish I could do something to help prevent it. It is shocking when you consider the number of lives one nuclear missile would take and we build 5 to 6 a day!
>
> I wish we could come to terms with Russia and stop this foolish spending. My generation's future is looking bleak right now. I think we have a right to the kind of life you have had.
>
> Sincerely,
>
> Karen Diemer.
>
> All I'm asking is that you think before you act. Think of all the people and things involved. I'm worried about my future and maybe my child's, not that I'm planning to have one soon, but this is how I feel and I would appreciate it if you would do your best to help stop this nuclear arms race and the building of nuclear bombs. Why do we keep building more? We have enough now to blast everybody to kingdom come! What are we going to do with them if we don't use them anyway? Please do your best to help them to stop building more. I'm really worried. Why do all the budget cuts affect the programs for the people and why does all the money go to defense spending? I cannot understand the logic of this. For as I said before, I don't think we need any more military equipment.
>
> Maureen Whiting.
>
> I believe we have not created military power we have created our end of civilization just out of our fear of war. I believe that military defense spending is outrageous. Nations are spending 500 billion dollars a year on fear for what, when there are people in the world who could put the money to a much better use.
>
> Mark Rolfsmeyer.

Mr. Speaker, the task of achieving an end to the nuclear arms race is not an impossible one. However, each day its importance and urgency increases. We have the will and the faith to make a supreme effort to break the logjam on nuclear disarmament. We must view this as an opportunity and a challenge which time and history may not once again allow us. We must persist until we prevail, until the rule of law has finally replaced the ever dangerous use of force and banished nuclear weapons from the arsenals of individual nations. Then, we can devote our common skills and full resources to the enlargement of the peaceful opportunities of mankind.●

● Mr. CONYERS. Mr. Speaker, earlier this month, senior planners from each of the armed services appeared before a Senate subcommittee. Each testified that $1.6 trillion to be budgeted for defense over the next 5 years would be insufficient to implement the military programs they have been instructed to prepare. The Washington Post reported weeks ago that Pentagon specialists estimate an additional $750 billion is needed to carry out the administration's military objectives. According to the Department of Defense, the largest military peacetime request in history is inadequate to preserve the national security of the United States.

While Pentagon officials work to have billions added to the defense budget, retired officers, such as Rear Adm. Jean La Rocque, and Admiral Rickover, academics, and arms control and defense specialists testify in hearings on the full implications of the military budget before an ad hoc committee convened by Congressman DELLUMS. Their testimony strongly suggests that the Reagan program to rearm America will spark the most threatening and destabilizing arms race in the history of man. Their testimony also suggests we have it within our power to avert this arms race if we would only recognize our responsibilities as Members of Congress, rather than allow Pentagon planners to make critical decisions, stack hearings, and escape constructive criticism behind closed doors. Perhaps the debate on the floor of the House today reflects the decisions reached by a number of Members of Congress to make that commitment. I ask unanimous consent to include in the record of today's proceedings the transcripts of the DELLUM'S hearings. I think they will provide Members and the public with penetrating insight into the full implications of the military budget.

Considering the paucity in attendance at the DELLUM'S hearings to date, I am certain the Soviets look to other sources to discern where America stands on arms control and other defense issues. The Soviet military establishment has looked to the administration and the Pentagon, and their reaction has been regrettably predictable. Marshal Nikolai Ogarkov, Soviet chief of staff and supreme ranking soldier, warned Kremlin leaders in a recent book to respond to the Reagan administration's "active preparations for a nuclear war" by putting the country on a war footing. Ogarkov recommends the coordination of "mobilization and deployment of the armed forces and the entire economy and particularly the use of human resources, transport, communications and energy to secure the stability and livability of the country." The marshal continues:

> The fast pace of the development of nuclear missile weaponry by the adversary and the possibility of their sudden use . . . call for new steps to secure the vital interests of our people . . . (T)he failure to change views in time, stagnation in the development and implementation of new questions of military construction, are fraught with serious consequences.

President Brezhnev's announcement of a Euromissiles moratorium on March 16 must be viewed in light of this pressure on the Kremlin to respond to American military posture in kind. While President Reagan and other administration officials have belittled Mr. Brezhnev's unilateral action, I perceive in it an element of desperation.

Perhaps even more important, American citizens are becoming increasingly desperate and frustrated with governmental inability to limit the production, deployment, and proliferation of nuclear weapons. Recent polls reflect the rise in citizen concern. A Gallup poll of last December revealed that 75 percent of Americans would like to see the United States and the U.S.S.R. reduce their stock of nuclear weapons by 50 percent. The Washington Post/ABC News poll released last week indicated that 45 percent of Americans believe the chance of nuclear war has increased during the Reagan Presidency, while 46 percent think Reagan has not done as much as he should "to limit the buildup of nuclear weapons * * *." Drawing on the history of the civil rights movement and the Vietnam era, Americans are beginning to recognize that grassroots organization and citizen activism may be the only vehicle through which to achieve progress in limiting the arms race.

It is crucial that we now seize on Brezhnev's initiative and make credible proposals to the Soviets. The prospects for a nuclear arms freeze are promising, while the consequences of failure to achieve a freeze are devastating. The emergence of a broadbased constituency in favor of a freeze and disarmament will help to secure Senate confirmation of an arms-control agreement. The absence of such a constituency was partially responsible for the failure of SALT II.

In addition to passing a resolution calling for a "mutual and verifiable freeze on the testing, production, and deployment of nuclear warheads, missiles and other delivery systems," I recommend the following steps be taken:

First, President Reagan should proclaim a no first strike policy.

Second, President Reagan should proclaim a policy of no "linkage."

Secretary of State Haig has stressed that the United States wants "greater Soviet restraint on the use of force * * * greater Soviet respect for the independence of others." In return, the United States offers, among other things, "fair and balance agreements on arms control." I recommend a policy which recognizes that arms control negotiations should not depend on the establishment of a détente with the Soviet Union. Arms control is even more important when conflicts, rather than harmony, characterizes superpower relations.

Third, a freeze should be followed by negotiations aimed at reductions in nuclear stockpiles, and eventual disarmament in a context which provides for the mutual security of the United States and the Soviet Union.

Fourth, negotiations should be pursued to allow both the United States and the U.S.S.R. to convert military infrastructure to civilian use according to an agreement which recognizes the security needs of both countries. These negotiations should proceed concurrently with talks aimed at limiting the proliferation of arms worldwide.

Finally, we must never forget that the issues we are discussing today—the issues of the arms race, the proliferation of nuclear weapons, and new weapons development—involve unthinkable thoughts about a level and scale of nuclear destruction for which mankind has no precedents and no comprehension. We must confront these issues now, before we foreclose the possiblity of addressing them in the future.●

● Mr. DICKS. Mr. Speaker, I am pleased that the House has set aside this time to discuss the most important issue facing this Nation and the world today, nuclear arms control and reduction.

On march 17, I enunciated in the RECORD my reasons for sponsoring the nuclear arms freeze resolution, House Joint Resolution 434. I noted that while we develop the MX, B-1, Trident II, Pershing II and GLCM. The Soviets are rapidly deploying more SS-20's, modern ICBM's, highly capable nuclear submarines and a new intercontinental bomber.

Clearly, both the United States and Soviet economy will be adversely affected if we allow this nuclear arms race to continue. Just as clearly, efforts to "catch up" before negotiations are begun are futile. If this is not the time to stop the nuclear arms race, when will that time come?

We need to give a higher priority to nuclear war prevention and worry less about the theoretical technicalities of nuclear war fighting. No one will win in a nuclear war, there will only be losers.

I applaud the information from the White House that the President is now willing to begin nuclear arms reduction negotiations. I urge him to begin negotiations immediately, and to pursue them aggressively until an agreement is reached. While I could not support unilateral disarmament, I also cannot support an approach that sets specific preconditions before discussions begin. You cannot expect to negotiate an agreement when you give yourself no leeway going in.

I cannot help but feel that the apparent change of heart by the administration is the result of the overwhelming concern on this issue expressed by the American people and their Representatives in Congress. I hope we will continue to remind the President of our commitment to this goal so that the pressure to negotiate in good faith is not diminished.

In my March 17 remarks, I invited the President to take this issue on and if the specific wording of some resolution could be improved upon so much the better. This is not a partisan issue, it is the one issue pervasive to the entire human race. We can ignore it. We cannot cover it up with rhetoric and inaction. We must push forward, and the first step is to sit down at the negotiating table and begin the hard work of achieving reductions.

I am a realist about the challenge of reaching a negotiated agreement, but I am convinced that now is the time for both the United States and the Soviet Union to wake up to the reality of economic and human survival.●

● Mr. LANTOS. Mr. Speaker, the most critical issue facing our Nation today is preventing a nuclear holocaust. I am proud to be a cosponsor of House Joint Resolution 433 calling for a nuclear weapons freeze.

The arms race must be stopped. More than 50,000 nuclear warheads are stockpiled in the Soviet Union and in the United States. Yet, only several hundred would effectively destroy life on this planet as we know it.

The arms race leaves little credibility for us to persuade other nations to forgo nuclear weapons development. More than 30 nations currently have the capability to build a nuclear warhead. Pakistan is preparing to detonate a bomb. Iraq wants one, and so does Libya.

Enough is enough. The resolution I have cosponsored calls upon the United States and the Soviet Union to negotiate a mutual and verifiable freeze on nuclear weapons. We must act before it is too late.●

● Mr. STARK. Mr. Speaker, I consider it a privilege to join my many distinguished colleagues here tonight in this historic debate on the issue of a nuclear weapons freeze.

In the last year, I have received an increasing number of requests from my friends and constituents in California asking me to be their advocate for the nuclear arms freeze. This small number of concerned citizens has grown to many thousand, perhaps many hundred thousand, and spread across the country. I am sincerely moved by the emotions expressed by this growing number of concerned people. Last week, an elderly woman in my district wrote about the nuclear arms freeze, "At my age, I see so many things so clearly, and must take some responsibility for me, and my fellow beings." She feels the way to do this is through the support of the nuclear weapons freeze.

Perhaps if we could all see things as clearly as that elderly woman from San Leandro, we would not have gotten ourselves to a point where we needed this debate tonight. But our Nation cannot afford for its leaders to become old before they are able to view the situation clearly. By that time, it may be too late. I want my children, grandchildren, and even great-grandchildren, to have the opportunity to grow old and wise in this free Nation. If we do not stop this insane buildup of arms, currently proposed by the Reagan administration, we may not even have the chance to grow old ourselves.

I do not advocate the nuclear weapons freeze as the answer to the world's problems, only as the starting point. It is our last, best hope of saving the world from the destruction, almost certain to result from the massive stockpiling of nuclear weapons currently underway. We are passing along some very unpleasant things to our children; air and water pollution, limited energy resources, a weak economy, and a host of political problems; the least we can do is make sure we leave them a world untouched by nuclear war.●

● Mrs. HOLT. Mr. Speaker, I am very pleased to see the reawakening of the American public to the danger of nuclear war, and I commend my colleagues who have reserved this time to discuss the nuclear arms race.

All of us know that nuclear war between the United States and the Soviet Union would be a horror of unimaginable proportions. All of us know that we must exert every possible effort to achieve negotiations with the Soviet Union of mutual reduction of nuclear arms. Let us make that our highest priority.

The United States does not build nuclear weapons to launch a first strike against the Soviet Union or any other country on Earth. We maintain nuclear warheads and delivery systems to signal potential aggressors that the cost of launching a nuclear attack on us would be much too high for them. The Soviet Union has vastly increased and deployed its nuclear weapons far more than its legitimate defensive needs.

It is tragic that any country would believe it necessary to have such weapons, capable of mass destruction on a scale that would dwarf any catastrophe in history.

What is required is mutual reduction of nuclear weapons by the Soviet Union and the United States, and whatever agreement that is reached must also provide the means for verification of such reductions.

I am ready for the "zero option" for all nuclear weapons. I am ready to get rid of all of them, if we can be sure that our adversaries are doing the same thing.

Perhaps that is not realistic, but it may be entirely possible to achieve negotiated reductions in nuclear weapons. Let us insist that negotiations begin.●

● Mr. MINISH. Mr. Speaker, I am pleased that my colleagues have seen fit to reserve this special order time today to discuss one of the most pressing issues which currently confronts the 97th Congress. That issue, as we are aware, is nuclear arms control.

I have already joined my distinguished colleague, the gentleman from Massachusetts (Mr. CONTE), as an original cosponsor of House Joint Resolution 434, calling for a mutual and verifiable freeze and reduction in nuclear weapons. My position on this issue, therefore, is already known to many of you.

If a nuclear holocaust were to occur, and let me emphasize that with so many nuclear weapons available today, this could occur by accident as well as design, our society as we know it would potentially be destroyed. The achievements of civilization would be eradicated. The most devastating scenario of a nuclear holocaust also includes complete disruption of the natural ecosystem resulting in the extinction of life on Earth.

I have heard critics of the nuclear freeze state that a nuclear war would not necessarily mean the complete destruction of life as we know it. It is sometimes stated that a nuclear war can be fought and won. To that argument I say that the risks involved are too great, the consequences for our world not well enough known to take that gamble with nuclear weapons. I believe that a rational and meaningful arms control policy must be enacted.

I must be very clear that I am in no way endorsing a unilateral freeze on American production and deployment of weapons until we know that this is a mutual effort with the Soviets. Moreover, the bilateral effort must include a verifiable freeze of testing, production, and further deployment of neuclear warheads, missiles, and other delivery systems—less than that cannot be accepted by the United States.

Mr. Speaker, it is my hope that my other colleagues, on whatever side of this issue, will also present their views this evening. Ladies and gentlemen, may we be very true to our convictions, for with nuclear weapons we are charged with a truly grave responsibility to ourselves and future generations, a responsibility which may be unprecedented in history. ●

● Mr. DASCHLE. Mr. Speaker, I am pleased to be able to participate in a significant and timely special order today on the need for a mutual nuclear arms freeze. The sponsors of this discussion deserve to be commended for bringing this topic before the House. I feel that the need for a mutual nuclear arms freeze has never really been debated with perhaps the urgency that many of us feel today.

It is obvious that this issue was initially very low on the Reagan administration's priority list. There was and still is an urgent need to tackle the complex economic problems currently plaguing our nation. There was and still is an urgent need to increase pay levels and the readiness of our conventional forces so that we have capable personnel ready and able to operate the sophisticated weaponry now in stock. Yet, there was and still is an urgent need to place a limit on the quantity and development of ever more destructive nuclear weapons.

We have set about in a furious effort to modernize and expand our strategic nuclear arsenal with B-1 bombers, MX and cruise missiles, Trident submarines, and new warhead systems. For these and other nuclear modernization and improvement items we will spend approximately $12 billion in 1983 alone.

The fact of the matter is that we are in the midst of the largest buildup of weaponry and destructive power in our Nation's history. At the same time, the Soviet Union is also engaged in a buildup of unparallelled intensity. Both sides will soon possess a capability to make the temperature of Earth rival that of the Sun.

Mr. Speaker, people around the world are restless, they are worried and they are concerned. American citizens in record numbers are troubled. Forty-five percent of the respondents in a recent Washington Post/ABC news poll thought that the chance of a nuclear war has grown since President Reagan has assumed office. Europeans by the hundreds of thousands turn out to march against the deployment of Pershing II missiles on that continent. I would venture to say that even the Russian people share the world's anxiety over a possible Armageddon.

Heightening the sense of anxiety felt around the world are frequent and vitriolic exchanges between United States and Soviet officials over each others nuclear arms policies. Just the other day, Leonid Brezhnev, cryptically referred to the possibility of basing Russian missiles in eastern Siberia, or was it Cuba?

Comments here at home from high level administration officials are even more disparaging. Presidential Counselor, Ed Meese, in an address to the Civil Defense Association commented to the effect that a nuclear war "may not be something that is desirable." This comment is reminiscent of George Bush's memorable interview with a Los Angeles Times reporter in January 1980, where he elucidated that there could be a winner in a nuclear war.

It is little wonder that Europeans by the hundreds of thousands turn out for antinuclear rallies to denounce both the United States and Union of Soviet Socialist Republics. Europeans have already witnessed death and destruction on a scale most Americans could never imagine. Europeans also realize that their destiny is not their own with respect to a nuclear war, and that they will most certainly be victims again. Understandably, they want no part of it.

It is disconcerting that President Reagan did not even speak of nuclear disarmament until the European protest movement threatened to bring down favorable governments in Western Europe. Yet, since the President's announcement last fall of his strategic arms reduction talks (START) initiative, there has been little if any followup. It is obvious that the President needs a signal and I hope that we are sending him one here today.

It is important to put the destructive power of today's weaponry into perspective. A single, 12.5 kiloton bomb was dropped on Hiroshima; 180,000 people perished. Countless others will suffer the rest of their lives. A kiloton is approximately 1,000 tons of TNT. By comparison, a Soviet SS-16, or U.S. Minuteman II, like those stationed in South Dakota, possess the destructive power of 1 million tons of TNT (1 megaton). This is nearly 100 times more powerful than the bomb dropped on Hiroshima. We presently have 450, 1 megaton, single warhead Minuteman II's. The potential destructive capacity of these weapons is terrifying.

Opponents of a nuclear freeze will cite various facts and figures to show how a freeeze will enable the Soviets to maintain their current advantage in megatonnage and launchers. Proponents will cite the 9,000 to 7,000 warhead advantage the United States possesses. Somehow, these numbers seem irrelevant. We are beyond the point when a second, or in the words of the DOD, a post exchange residual response is meaningful. To you and I and the estimated 70 to 160 million Americans who would die should a worst case scenario of total attack occur, it will be too late.

I have been besieged by letters and calls from my constituents on this matter. The city councils of Sioux Falls, Aberdeen, Yankton, Brookings, Deadwood, Lead, and Hot Springs have all expressed their support for a mutual nuclear arms reduction. Sixty percent of the respondents in a recent poll nationwide favor or strongly favor a nuclear freeze. As former Undersecretary of State, George Ball, recently said, it is time to "clear the air of a deceptive dialectical fog" and begin to seriously negotiate a mutual. nuclear arms freeze, followed by verifiable reductions. We not only have a responsibility to ourselves but to the world. This is why I have cosponsored House Joint Resolution 434 and delivered these comments on the House floor today. I remain hopeful that the President will heed this message and renew discussions with the Soviet Union on nuclear arms reductions.●

● Mr. GREEN. Mr. Speaker, I am pleased to join my colleagues to debate strategic nuclear arms control, and commend the sponsors of this special order for setting aside time on the House floor to debate this crucial issue.

Public fear of nuclear holocaust and public support for arms control measures are both growing daily. Proposals for arms reductions are proliferating at an almost equal rate. But we must be careful that analysis of the precise means of arms reductions we ultimately choose does not delay the United States and the U.S.S.R. from getting to the bargaining table as soon as possible. Let us reserve heated debate on specific proposals, and unite in asserting to the administration our strong belief in the need for immediate negoations and for meaningful reductions in our nuclear arsenals.

Three weeks ago, I received petitions from thousands of New Yorkers who support a freeze on strategic nuclear weapons. I support their effort as a reasonable first step toward achieving arms reductions. For the benefit of my colleagues, I insert my remarks upon accepting these petitions in the RECORD at this point:

REMARKS BY REPRESENTATIVE BILL GREEN ON NUCLEAR ARMS CONTROL, MARCH 7, 1982

I am very pleased to be here today to accept the petitions of the thousands of New Yorkers who support a freeze on nuclear arms. I am very impressed by the volume of support you have gathered, and commend your efforts to focus attention on what is the most crucial issue facing us today—human survival.

Simply put, the alternative to arms control is Armageddon. The hard reality of nuclear weaponry is that, if used, it can destroy the world in moments. Too often we talk about arms control in abstract terms like parity, verification, and throw-weight. Most of us don't know what these terms mean, and the words obscure what is really at stake when we negotiate arms levels.

What is at stake is the world as we know it. If a one-megaton bomb (a bomb eighty times larger than the one we dropped on Hiroshima, and one-twentieth the size of a Soviet bomb some strategists speculate would be targeted on New York City) was dropped 8,500 feet above the Empire State Building, everything between 125th Street and Battery Park would be flattened. The awesome Manhattan skyline would simply disappear. Glass and metal between Central Park and Greenwich Village would melt. In all five boroughs newspapers and other dry substances would ignite. Human beings literally would be vaporized. This horror cannot be exaggerated. And this is what is at stake when we talk about nuclear arms control.

Public awareness of this madness is growing. The public outcry against nuclear armaments in Europe is well-known, and spreading to America. I support and welcome this development. I was a strong supporter of SALT II as a reasonable means of reducing arms levels, and regret its passage in the Senate is unlikely. I also endorse the President's so-called "zero option" for decreasing armaments in Europe. His initiative was a bold step.

However, I would urge the Administration not to "link" strategic talks in Geneva with events in Poland. As much as we strongly disapprove of martial law in Poland, the Geneva talks are crucial and should not be postponed.

The Administration also reasons that we must build up our armaments before negotiating arms reductions with the Soviets, in order to negotiate with them from a position of strength. However, I feel the Administration's program for defense is to a large degree wasteful and inefficient. Strong defenses are important, but our buildup to date has been very indiscriminate. We are buying weapons we do not need. I have been an active and vocal opponent of strategically unnecessary and enormously costly weapons like the MX missile and the B-1 bomber. Spending our limited fiscal resources on these wasteful weapons does not contribute to our defenses, and is unreasonable at a time of domestic cutbacks. To postpone meaningful arms control until these unnecessary weapons are operational is absurd.

I have cosponsored H. Con. Res. 151, a measure which expresses the sense of Congress that nuclear war is the greatest danger the world faces, and that protecting human life requires preventing nuclear war. To accomplish this, the resolution calls on the President to propose that the U.S. and the U.S.S.R. promptly begin negotiations to achieve substantial reductions in their nuclear arsenals. The President is also to propose a conference of all nations having a nuclear capability to develop a plan for annual reduction of their nuclear arms until all arms are eliminated.

A bilateral freeze on nuclear weapons would be an excellent first step toward eliminating nuclear weapons. Just as the actions of the U.S. and the U.S.S.R. propel the arms race, so can their actions provide leadership in stopping the arms race. A freeze would be an ideal means for the Soviets and the U.S. to show their commitment to preserving world peace.

Some would say these goals are too naive and idealistic. But I say arms control is the most practical goal we can set for ourselves. Ever growing nuclear stockpiles endanger our very lives and divert our limited resources to unproductive and dangerous purposes. We can scarcely set our sights too high.

I look forward to working with you on bringing control to our nuclear arsenals. We need moral and political leadership from every citizen if we are to avert a nuclear holocaust. I want you to know that I intend to share this petition with President Reagan and enlist his support for immediately negotiating with the Soviets for meaningful arms reductions. Working together, we can make this world a much safer and saner place.●

● Mr. FISH. Mr. Speaker, I would like to congratulate all of my colleagues who have taken the time today to speak out against the greatest threat to the health and well-being of mankind—nuclear war. There is no issue before the Congress today which is more critical to our survival as a nation and as a civilization.

Last year, I introduced two resolutions calling for the elimination of all nuclear weapons. The first, House Concurrent Resolution 7, was introduced on January 5, and the second, revised resolution, House Concurrent Resolution 151, was dropped in the hopper with the cosponsorship of Mr. BINGHAM in June. Both express the sense of the Congress that all nuclear weapons should be eliminated. The process—calling on the President to negotiate immediate, substantial reductions in nuclear weapons on a bilateral basis with the Soviet Union, subject of course to verification—is the same in both resolutions. Further, the resolutions urge the President to call for an international conference of all nations with nuclear weapons in order to plan for the phased reduction and eventual elimination of nuclear weapons througout the world.

House Concurrent Resolution 151 has over 60 cosponsors. The freeze resolutions which have been introduced by many of my colleagues have over 100 cosponsors. The people of the United States have also made it clear that they are concerned with the proliferation of nuclear weapons and the threat of nuclear war. Recent surveys indicate that Americans believe we should reduce nuclear arms.

I strongly believe that the only way to eliminate the threat of nuclear war is to remove the means of creating this ultimate disaster. This is the goal which we all share—both those that advocate a freeze and those who support negotiated reductions. If it is true that the United States has a sufficient deterrent force to prevent a Soviet nuclear attack, then a freeze would be a viable option. If, on the other hand, we would lose bargaining power and increase the threat of a nuclear war or political blackmail due to Soviet superiority, then we should consider negotiating to a level of equal deterrence before initiating a freeze. I urge my colleagues on the Foreign Affairs Committee to debate these critical issues in order to provide an opportunity for the House to express its views on reducing nuclear weapons.

I am extremely encouraged by the introduction of a resolution by Foreign Affairs Committee Chairman CLEM ZABLOCKI, calling for strategic arms talks and verifiable, negotiated reductions in Soviet and American nuclear weapons. His leadership on this issue is vital.

I am also gratified that President Reagan plans to endorse bilateral negotiations to reduce nuclear weapons. It appears that his statement may parallel the resolution introduced by Senators JACKSON and WARNER, calling for a freeze at equal and greatly reduced levels of nuclear forces.

Mr. Speaker, I believe we should go beyond all of these proposals—to the actual elimination of all nuclear weapons. Even the least deadly warhead in use today is thousands of times more powerful than the bombs dropped on Hiroshima and Nagasaki. The destruction that would occur can be illustrated with an example that is very close to home—the consequences of dropping a nuclear bomb on the Capitol.

Imagine that we are sitting in this hallowed Chamber debating vital questions of the day. Suddenly the civil defense alarm sounds its emergency call—12 bells ring on the House clocks. The Speaker announces that we are under nuclear attack.

Our much vaunted, yet untested, nuclear defenses fight off multiple- and single-warhead missiles in great quantity. However, three 5-megaton bombs escape our counterattack and explode on a prime target, the U.S. Captiol.

Everyone in this room would be killed instantly by a huge, silent heat flash traveling at the speed of light and all of Capitol Hill would collapse under a supersonic shock wave and winds of 300 to 600 miles per hour. A similar fate would befall all living things around the perimeter of the beltway. From the center of downtown Washington to Capitol Hill, everything would be vaporized, leaving a crater several hundred feet deep. A fireball over 1 mile in diameter would be created and would incinerate, at a temperature of over 20,000 degrees Farenheit, anything that stood in it path.

Within a 10-mile radius, the vast majority of the metropolitan area's population would be killed by the blast wave, 200-mile-per-hour winds, and fires. Over 40 percent of those left barely alive would suffer severe burns, radiation sickness, and traumatic injuries. Since most medical facilitites would be destroyed, and transportation would be impossible, survivors would have no medical care, food, or water. They would die a painful and lingering death, as the fire from the bombs could turn into a 1,200-square-mile firestorm, cooking and asphyxiating even those in shelters. Survivors would be exposed to fallout and many would die within 2 weeks.

Some may think that many people survived Hiroshima and Nagasaki, and could survive a modern attack. But the single bomb dropped on those cities had an explosive force of 15,000 tons of TNT. The largest bomb today has the force of 20 million tons of TNT, and even the smallest that would be used in nuclear war has the force of 1 million tons of TNT.

An all-out nuclear attack, with the launching of over 40,000 weapons by the United States and the Soviet Union, would destroy every major population center in the two countries. Such an exchange could occur in only 60 minutes and would change the entire atmosphere, ecosystem, and life as we know it on Earth. Scientists have pointed out that a loss of even 20 percent of the ozone layer could blind every animal and insect and destroy our food base. An all-out exchange has been projected to destroy over 70 percent of the ozone layer.

I bring these stark facts to the attention of my colleagues to remind them of what utterly vicious and decimating annihilation the world would experience if a nuclear war ever occurred. It is literally beyond the true comprehension of many people what pernicious potential we have created with the advent and continuing refinement of nuclear weapons.

I hope that this important discussion today can lead to a real solution to the threat of nuclear war. I urge my colleagues to take the time to consider the realities of a nuclear holocaust. It is something we cannot ignore. We should join together to make certain that the horrible tragedy of nuclear war does not occur by calling for total nuclear disarmament.●

● Mr. GUARINI. Mr. Speaker, as one of the cosponsors of House Joint Resolution 434, I want to thank my colleague, Mr. MARKEY, for requesting this special order so that the issue of nuclear proliferation could be addressed in this body.

The movement to stop the growth of nuclear weapons in a bilateral approach with the Soviet Union is the most important issue that we face in Congress today. This is not an issue that revolves around the quality of life, this is an issue that speaks to life itself. It is imperative that the United States take immediate steps to bring the Soviet Union to the bargaining table for arms reduction talks. Without pressure from the public and the Congress, it is apparent that the arms race will continue in a fashion that endangers the entire world.

The United States and the U.S.S.R. have many times over the weapons necessary to destroy each other. And yet, our Nation stands ready to spend billions on the MX, a missile for which we have no final deployment strategy, and the B-1 bomber, a jet which will be obsolete with the development of the Stealth aircraft. I believe that the United States should forego these weapons on the basis of cost and current capabilities, and seek a reciprocal move from the Soviet Union.

The campaign for this nuclear weapons freeze has been an active one in the State of New Jersey. I have been informed by the coordinator of the Hudson County Freeze Campaign, Janet Maughan, that New Jersey was the first State in the Nation to have a majority of its Congressmen support the freeze. It is a pleasure to join with my fellow New Jersey colleagues, Representatives RODINO, HOWARD, MINISH, ROE, DWYER, HOLLENBECK, ROUKEMA, and SMITH, in backing this effort. This broad bipartisan support shows that the citizens of New Jersey believe that a coordinated, bilateral U.S.-U.S.S.R. freeze on nuclear arms is necessary for our future survival.●

● Mr. FAUNTROY. Mr. Speaker, the nuclear arms race is the most fearsome issue facing mankind today. We have been blessed with an intellect superior to that of all creatures. Will this great gift be used to create and uplift, or will it be used to destroy and bring to ruin this planet Earth and all which live and have their being on it?

I commend my colleagues for arranging today's debate on this issue for it is one which must be debated.

Each day mail from my constituents on this issue grows larger; and all are pleading for the same thing; namely, an end to the policies of both superpowers which condition an ever increasing development and deployment of nuclear weaponry.

As has been pointed out by others this afternoon, jurisdictions across our Nation are domonstrating their support for a halt, a freeze to our present nuclear policy. I take great pride in announcing to my colleagues that a freeze effort has begun right here in the Nation's Capital, an effort which I was pleased to endorse last week. We are hopeful that the initiative will be included on the November 1982 election ballot. I submit for inclusion in the RECORD, a copy of my statement endorsing the District of Columbia nuclear freeze citizen initiative.

The statement follows:

STATEMENT OF WALTER E. FAUNTROY

I believe that the danger of nuclear war from the combination of an arms build-up and this change in nuclear stretegy is our number one problem. This is uniquely true for the District of Columbia. While some parts of the U.S. might question whether they would experience the direct effect of a nuclear exchange, can any of us doubt that the District, as the center of national government and our military establishment, would be target number one for the Soviet Union in the event of nuclear war. Even if only one, one-megaton nuclear weapon were exploded over the District, 98 percent of our population would be killed in an area stretching in a two-mile radius from the blast site. The force of a single such blast and resulting firestorm would kill or injure 45 percent of the population and destroy most structures up to five miles from the blast site. Those who survived would envy the dead. The effects of radiation on the survivors would be debilitating. Disease and epidemics would be uncontrollable for there would be no medical care. Most if not all hospitals would be destroyed, most medical personnel killed or injured and medical resupply impossible.

It has become almost a cliche for America's political leadership to assert that the nuclear arms race is the most important issue facing the human race. Yet the United States and the Soviet Union continue to build massive nuclear arsenals. Presently, even though the United States possesses some 30,000 nuclear warheads and the Soviet Union about 20,000 we again find plans for a major new nuclear weapons development and deployment program. These plans involve a fundamental shift in America's nuclear strategy from a deterrence posture based on the principle of assured retaliation if the Soviets were to initiate a strike against the United States and its allies to one of developing a nuclear war-fighting capability. The forces to be deployed would target Soviet land-based nuclear forces with a highly accurate generation of missiles.

The long-established strategy based on the maintenance of the assured capability of destroying the entire spectrum of Soviet targets is a risky but effective deterrent to either side's actual use of these weapons. If the United States proceeds with plans that create a plausible first strike capability and the Soviets counter with a similar program, the incentive will become high for each to launch a nuclear attack before their nuclear forces are destroyed by the others preemptive attack. The present nuclear balance, therefore, would be replaced with an inherently unstable "hair trigger" situation with each in a sense backing the other into a corner leaving no room for maneuverability during an international crisis.

If the danger of nuclear war is our number one problem, our number two problem is that not enough of our people are paying attention to the reality of this threat. Many harbor the misconception that nuclear war is winnable, that security can result from ever increasing nuclear arsenals, and that use of nuclear weapons is a viable political alternative. Whatever may have been the validity of these principles when only conventional warfare was possible, they have absolutely no applicability to nuclear warfare. The rules have changed; the nuclear arms race and nuclear war are not extensions of politics, they are mutual suicide. For 35 years we have been both uninformed and misinformed about this compelling reality. The fact is that the development of nuclear weaponry has changed forever all pre-existing assumptions about war as an instrument of national policy.

My reason for bringing this uncomfortable reality to your attention at this time is that over the last several months a grass roots movement has developed that we in the District should join. In the fall of 1979, Senator Mark Hatfield proposed an amendment to the Salt II Treaty calling for a joint U.S.-Soviet freeze on nuclear weapons. While politics halted the debate on the Treaty and thus the amendment, the Freeze idea was picked up by a variety of organizations around the country. A Freeze campaign has begun seeking to educate the American public on the horrors of nuclear war and to seek their support in bring about a freeze on new nuclear weapons. As it is being presented, supporters are asking that the U.S. and Soviet governments announce an immediate moratorium on all further testing, production and deployment of nuclear weapons. This Freeze would be followed by negotiations to incorporate the Freeze in a treaty and further meaningful arms reduction talks.

This is not a movement of unrealistic idealists working on the fringes of American politics. Already the Oregon and Massachusetts legislatures and the New York Assembly have passed Freeze resolutions, as have four dozen towns, cities, and counties across the country. Freeze activities are underway in over 40 states and petition campaigns are underway in 25. In December Californians initiated an effort to put on the ballot a referendum calling for the Governor to communicate to the President the sense of the people of California that a Freeze be proposed to the Soviet Union. A total of 56 Members of Congress have already endorsed the Freeze as well as a lenghty list of religious and social organizations. When given the opportunity to vote, the public shows its support. On November 3, 1981, 68 percent of the voters in Boulder, Colo., supported it. In the 1980 general election, 30 of the 33 Western Massachusetts townships that went to Ronald Reagan voted by a 59 percent majority for a mutual Freeze. Most importantly a Gallup Poll in June 1981 showed that 72 percent of Americans support a mutual ban on the production of nuclear weapons.

I am proposing that the District of Columbia become a part of this movement and participate jointly in organizing a Freeze initiative to be added to the ballot for the November, 1982 elections. We have an unparalled opportunity here. Ours is a population which, I believe, will listen carefully and one that obviously has a direct self interest in reducing the risks of nuclear war. Our efforts can be expected to attract wide media attention and help bring this issue to the front door of national policy-makers. This will aid the national Freeze movement by first broadening the base of public support, help put the Freeze on the national "agenda" and focusing the attention of Congress and the Administration. Endorsement of the Freeze by the people of the District of Columbia will add both to the legitimacy of this effort as well as increase the momentum that has been generated elsewhere. If in November both California and the District of Columbia successfully adopt Freeze initiatives, no politician will be able to ignore the implications of this vote.●

● Mr. PANETTA. Mr. Speaker, it is difficult to engage in a discussion of the perils of nuclear war without lapsing into thoroughly worn cliches and superlatives. The problem with this is that we have all become so inured to these expressions of alarm that the whole debate takes on an air of unreality. We have been told again and again, "No greater threat exists today," and yet the business of life continues without interruption. We go about our daily routine, and quite understandably many of us tend to trust that others will watch over the important affairs of state and the major issues of our day.

Unfortunately, we cannot afford to do that in this case. There is simply too much at stake to rely on others to reverse the frightening spree of nuclear arms production upon which we and the Soviet Union are engaged. Moveover, the course of the past 40 years should show us that our leaders cannot accomplish the task alone. Despite the alarms which have been raised by eminent men—from Einstein to Kennan to Rickover—the United States and the Soviet Union have persisted in what has become a virtual juggernaut of nuclear arms protection. And like the "Jagannath" of Indian myth, it threatens to crush all in its path.

Our successes in this area—the ABM Treaty of 1972, the SALT II Treaty, dismantling of Cuban missiles—have been too few and too far between. We and the Soviet Union still have such an awesome magnitude of firepower in our nuclear arsenals as to appear to be absurd—even Admiral Ricover has questioned the sanity of our capability to destroy the world several times over.

If our leaders cannot successfully resolve the most pressing problem of our day, what is to be done? I think an important part of the answer lies in the mobilization of our public. We have seen in the past how the actions of the people at the grassroots level can create a force and inertia all its own—possibly one strong enough to counter the tremendous inertia of the arms race.

It is that purpose that I see us as servicing today. By acknowledging the tremendous outcry of concern which has arisen across the Nation in recent months we contribute to its dimensions, and if God is willing we may have a hand in realizing its goals.

A word needs to be said about those goals. The aims of this movement, as expressed in resolutions introduced by Congressman MARKEY and Senator KENNEDY, have been criticized as "locking in" the Soviet Union's superiority in nuclear arms. This is sheer nonsense. The Markey resolution is nothing more than an expression of strong concern and an exhortation to the administration to do something about it. It does not lock our President into any particular negotiating position, it is simply a reflection of the great apprehension of the American people over the threat of nuclear war and their insistence that concrete steps be taken to reduce and eventually eliminate that threat. Instead of dismissing the nuclear freeze resolution out of hand, I think the President would have better served our country by endorsing its goals. The popular movement now taking place both at home and abroad urging reductions in nuclear arms may possibly represent the best chance for successful action on this front which we have encountered thus far. It makes absolutely no sense to discourage this movement—we ought to be promoting it at every opportunity, and attempting to spread support for it in every nation of the world.

Nearly 40 years ago, Albert Einstein said:

> Since I do not foresee that atomic energy is to be a great boon for a long time, I have to say that for the present it is a menace. Perhaps it is well that it should be. It may intimidate the human race into bringing order into its international affairs, which, without the pressure of fear, it would not do.

I hope that this was not an overly optimistic assessment of our condition, yet the "pressure of fear" thus far does not appear to have been sufficient to deter us from bringing our world to the brink of ruin. Einstein did see, though, that any progress which would be made in bringing order to international affairs would be made not through the quiet negotiations of diplomats alone, but in consequence of a very loud cry of alarm by the people themselves.

That cry of alarm is being sounded today. In the New England townships that gave life to our democracy, in the cities and towns of California, and in virtually every State in between the two, there are very sane and thoughtful people who are very frightened as well.

We are today engaged in what is perhaps the most useful task to be performed: educating others to the danger with which we are confronted. I am convinced that our greatest hope for progress in the area of arms control lies with the people of our own country, those of our NATO allies, and those of the Soviet Union—to the extent that their voices can be heard. I am gratified by the strong interest and support for this effort which has been demonstrated in the Congress and throughout the country. The people of the United States are making their voices heard on this critical issue. It only remains for the President and the Congress to listen.●

● Mr. OBERSTAR. Mr. Speaker, the nuclear freeze movement has developed as a spontaneous expression of deep and genuine concern by the American people in response to what all of us recognize as a most serious threat to the existence of mankind: nuclear weapons proliferation.

The people of this country are concerned about the very survival not only of America, but of the human race and are demanding action by our Government not only to restrain the growth of nuclear weapons, but to stop that growth altogether.

The concern over the growth of nuclear weapons, both U.S. weapons and those in the hands of foreign governments, is real; it is deep; it cuts across the entire social and economic spectrum of our society and it springs from a fear that the survival of the human race is at stake.

I have heard these fears expressed in public town meetings, in sessions with farmers, labor union members, business groups, high school and college students—people from all walks of life throughout my entire district over a period of many months. The people who are sharing their fears with me are not specialists in the intracacies or technicalities of nuclear arms control negotiations. They do understand, however, one fundamental principle which is that unless the United States and the Soviet Union, the two principals in the nuclear arms race, reduce their respective nuclear arsenals, all countries of the world are threatened.

Out of the fear has grown the proposal for a nuclear freeze which has taken hold as a grassroots spontaneous expression of people telling the President and his administration and the Congress that they want action taken to end the relentless and senseless buildup of nuclear weapons. The nuclear freeze movement is not, nor should it be seen as, a politically partisan issue. The fears about nuclear weapons buildup are expressed by Democrats and Republicans alike, by people whose good commonsense and sound moral judgment lead them to the conclusion that the only way to avoid worldwide destruction is to give peace an honest chance through the time-honored process of diplomacy.

If we expect the Soviet Union to take seriously the desire of our Government for world peace, then we have to demonstrate to them and to other nations a strong, effective commitment to the goals of the nuclear freeze movement.

We must demonstrate that, as a government, we understand that there is no level of nuclear weapons buildup that will provide lasting security or enduring deterrence. We must recognize that whenever we increase our nuclear weapons stockpile to the point where it tips the balance of power in our favor, we, by that very fact, force the other side to intensify its nuclear buildup to checkmate the United States or to attempt to tip the balance in its favor. The result is not a balance of power but a balance of terror—and an extraordinarily costly one at that.

The world had an opportunity for an era of peace with the strategic arms limitation talks that gave us a workable means of not only limiting the growth of nuclear weaponry but also reducing stockpiles of weapons already developed. With SALT effectively sidetracked, the nuclear arms race is on again with all its horrendous financial cost and social terror.

In that context, the Congress and the American people deserve the kind of thought-provoking, responsible, and factual discussions of the nuclear issue to which this series of special orders tonight is devoted. We need commonsense and sensible proposals on which to base arms limitation policies. The Minneapolis Tribune, in a recent editorial, offered some much-needed, responsible, thoughtful consideration of the nuclear freeze issue. Pointing out that the United States is neither "helpless nor disarmed," the editorial calls for straight talk rather than doubletalk about the nuclear freeze issue. I commend this clearly thought-out editorial to my colleagues and ask unanimous consent to include it at this point in the Record.

In conclusion, I hope that through the information provided in these special orders, both Congress and the American people, as well as administration representatives, will be better informed and more resolved to act decisively to stop the nuclear arms race.

Doubletalk About a Nuclear Freeze

In Minnesota the campaign for a nuclear freeze swept up from the grass roots into the Legislature. The freeze movement is gathering similar momentum in other states, too, and this month it blew into Congress with a resolution, sponsored by 150 members, for a "complete halt to the nuclear weapons race." Similar resolutions in legislatures, including Minnesota's, may go unheeded by the racers. Nor would President Reagan, much less President Brezhnev, be constrained in the short run if Congress should vote for the freeze resolution. But in the long run, Reagan can ignore public opinion only at his political peril. The wiser course is to examine the movement's roots, weigh its merits and respond sensibly. The administration does not yet seem inclined to do so.

Most of the freezers are amateurs. Lacking the ornate vocabulary of strategists steeped in nuclear-war theory, they tend to speak plainly. A Bostonian, one of the movement's originators, said she wanted "something ordinary people, not just defense experts, could understand." A Minnesota farmer said something ordinary people could understand: "We're spending all that money [on defense] and we're not feeling any more secure." Leaders of major religious organizations have been similarly forthright, registering alarm at suggestions from Washington that nuclear weapons might be useful in fighting a war if such arms fail to deter one.

Why the concern now? The Reagan administration evidently thinks that freezers, infected by a West European disarmament virus, fail to recognize the dangers of what they advocate. In Oklahoma last week, the President reverted to the I-know-more-than-you-know theme. He said that people who disagree with his commitment to a military buildup "don't have the information that goes with having this job." But some who have had the same information think differently; for instance, former Vice President Mondale has said that a freeze would be a good idea. And one reason a lot of people are expressing such thoughts now, with an urgency stronger than in years past, is that the nuclear world has changed.

The change is described vividly in three recent New Yorker magazine articles by Jonathan Schell. Though of needlessly numbing length, they contain hard kernels of logic. Schell argues that the sheer quantity of nuclear weapons now available has transformed their threat; that if any were hurled at an enemy, there is little chance that further use would remain limited. Earlier in the nuclear age, nations could conceivably consider nuclear war, even to the point of exhausting their arsenals of atomic and hydrogen bombs. Societies would be shattered, but some would survive. No more, says Schell. After consulting scores of scientists, he concludes that the masses of nuclear weapons on hand are capable of destroying not only the superpowers, but life on earth. Though many would argue that superdoomsday is not a certainty, Schell makes a telling point: If it is at least a possibility, indifference is intolerable.

Doubletalk is equally intolerable. The Reagan administration was right to point out quickly the grim hypocrisy in Brezhnev's statement last week on intermediate-range missiles. Conscious of public relations possibilities, the Soviet leader announced the "freezing" of deployments of such missiles, harangued the West for planning to do in the future what the Soviets have just completed, and threatened to put missiles near the United States if NATO carries out its plan. But if the administration was right in principle to reply, it gave egregiously misleading answers.

"Let's consider some facts," the president said. He correctly described the Soviets' new missiles—300 mobile launchers, three warheads apiece, range great enough to reach anywhere in Western Europe from the Soviet Union. Then Reagan drew a contrast: "NATO has zero land-based missiles which can hit the U.S.S.R."

The misdirection in that superficially accurate statement is awesome. It fails to note 400 submarine-carried missiles explicity allocated to NATO for more than a decade. That they are not land-based is hardly the determining factor. The same is true of nuclear weapons carried by air (where the Soviets have an advantage). Nor does Reagan's statement account for French land-based intermediate-range missiles—perhaps because while France is a NATO member, it is not part of the integrated military command. But the Soviets understandably count French missiles in their tally of opposing forces. According to the International Institute of Strategic Studies, a private research organization, the balance of nuclear forces in Europe is around 2,000 warheads in the East, 1,200 in the West; and in intercontinental weapons, 9,000 for the United States, 7,000 for the Soviet Union.

But Reagan speaks of the need to "restore our ability to defend ourselves," as though the United States stood helpless and disarmed. With that kind of doubletalk, and the kind heard also from Brezhnev, no wonder a lot of people are telling governments to stop building nuclear weapons. Arms control is more complicated than the freezers suggest. But that subject and those protesters deserve more attention and straighter talk than the Reagan administration has offered.●

● Mr. PAUL. Mr. Speaker, I am very pleased to be able to participate in the historic congressional debate on nuclear weapons and arms limitation. However, I must say at the outset that, to my mind, both sides of this debate, the "left" and the "right," the ones who favor negotiations and treaties, and the ones who favor a nuclear buildup, have staked out equally unrealistic and unacceptable positions. Both sides make dangerous recommendations based on faulty premises about the requirements of American security.

Let me begin by making my own position clear. I reject the proposition that negotiated disarmament is conducive to either effective self-defense or peace. Strategic Arms Limitations Treaties are irrational agreements to make with the untrustworthy thugs who occupy the Kremlin. The purpose of possessing nuclear weapons, and of having a military at all, is defense: The ability to deter, and if necessary, repel and punish an attacker. Negotiated restrictions on the possible means of our self-defense cannot possibly be advantageous. Indeed, these "limitations" have in fact been harmful to American defenses.

Now, in "defense" I certainly do not include "making the world safe for democracy," or "projecting our will" all over the globe, or any number of other silly, presumptuous, and arrogant things. I mean just self-defense: The protection of our people and our territory. For the purpose of defense, our present stock of nuclear weapons is adequate by any reckoning. Therefore, I would cancel any new offensive weapons like the MX missile and the B-1 bomber. I would station no new American missiles in Europe or Japan, quite the contrary, I would remove all of our weapons, nuclear or conventional, from these places, and from other far-flung corners of the world. However, at the same time, I would immediately begin intensive research and development of antiballistic missile systems, laser and particle beam weapons for space defense projects, and continental radar and air defenses. In our frenzied pursuit of the mutual assured destruction, and our blind commitment to the arms race, we have sadly neglected the components of genuine defense. We are gambling that we will never be attacked. But the world remains a dangerous place. Our wager is foolish, costly, and unnecessary. It is high time that the Government provided a measure of real protection for our people.

An essential corollary of this defensive military policy must be a foreign policy of noninterventionism. Armed neutrality should be America's international posture, as it was during the period of our greatest freedom and prosperity. As Grover Cleveland put it:

> It is the policy of peace suitable to our interest. It is the policy of neutrality, rejecting any share in foreign brawls, and ambitions upon foreign continents, and repelling their intrusion here. It is the policy of Monroe and Washington and of Jefferson; peace, commerce, and honest friendship with all nations; entangling alliances with none.

When self-defense is our military goal, and noninterventionism is our foreign policy, negotiated restrictions on our armaments can serve no possible purpose. Therefore, under no circumstances would I have us engage in arms limitation talks. In fact, no matter what our military policy may be, these treaties are unverifiable, and hence, unreliable.

The paradoxical result of past arms limitation agreements have been limitations only on systems which might actually contribute to defense, while spending on extravagant, redundant, offensive systems goes unchecked. The SALT I Treaty prevented the development of ABM systems, with only two exceptions: One, to protect a single ABM site, and another to protect the bureaucrats in Washington. But the SALT I Treaty did allow, at the insistence of the Soviets, the MIRV'ing of existing missiles. Thus, the result is a freeze on the development of defensive systems (which might be destabilizing) and the almost unbridled multiplication of offensive weapons.

The most important and neglected aspect of the SALT II Treaty was that it would have perpetuated the irrational policy of mutual assured destruction. Our citizens would continue to be held hostage to nuclear horror, while our Government continues to relinquish any effort at real defense to the deadly "momentum of the arms control process." If this is arms limitation, I think we have had enough. These treaties run counter to our interests, inhibit our defense, and only serve to keep mischievous diplomats in business.

That is, in brief, my own position. It seems to me that those on either side of the current debate over a nuclear freeze have lost sight of the paramount need to provide for defense, and of what that entails.

The left, those in favor of negotiating arms treaties immediately, make several serious mistakes. First of all, critics of nuclear arms on the left equate disarmament with peace. House Joint Resolution 434, the nuclear freeze resolution which has gained over 160 cosponsors, puts it this way:

> The increasing stockpiles of nuclear weapons and nuclear delivery systems by both the United States and the Soviet Union have not strengthened international peace and security, but in fact, enhance the prospect for mutual destruction . . . reduction in nuclear weapons and delivery systems are essential to reducing the risk of nuclear war . . .

While it may be that the risks of a nuclear accident are somewhat greater as more weapons are built, I think the disarmers miss the point if they equate more weapons with a greater chance of armed conflict. In some ways, the facts seem to show just the converse. The mutual dealings of the two superpowers have been characterized by greater forbearance in the last decade than, say, in the early 1960's. But in any case, it is not the existence of weapons, or the trend toward bigger and better weaponry, that is the real threat, but rather, the tendencies toward aggression and the ideologies which justify that aggression.

One of my colleagues in the House debate referred to the "extremely explosive nuclear arms race" (Mr. Roe, p. 5970). This mixing of metaphors aptly illustrates this widespread confusion between building nuclear weapons, and using them for aggression. An obvious truth is that weapons deter attack, protect the innocent, and punish aggression, just as effectively as they transgress the peace. The danger in confusing disarmament and peace is that we thereby discount the need for defensive armaments. The problem is not the existence of armaments, but the lack of a defensive, noninterventionist policy.

It is equally foolish to think that if, somehow, nuclear weapons could be eliminated, peace would be the result. This idea flies in the face of the violent history of the world prior to the invention of the H-bomb. It is utopian, romantic, and dangerous to think that "perpetual peace" lies at the end of the disarmament rainbow. But, as another of my colleagues put it in the House debate:

> The world had an opportunity for an era of peace with the strategic arms limitation talks that gave us a workable means for not only limiting the growth of nuclear weaponry but also reducing the stockpiles of weapons already deployed. (Mr. Oberstar, p. 5982.)

As the freedom fighters in Afghanistan, or the people of Southeast Asia can tell you, nuclear weapons are not the only means of waging a hideous war. Conventional warfare is, after all, a horrible euphemism. In their single-minded focus on the threat of nuclear war, the nuclear disarmers betray their fanaticism.

Disarmament will not bring peace, because it is the men who wield the weapons, and their ideas, who are really to be feared. Disarmament is more likely to be the consequence of peaceful conditions, which will never arise until all men treat one another as autonomous agents, or free traders, and coercion is a thing of the past.

Disarmers are all too willing to trust their fate to the unverifiable agreements reached between governments. And this is something that the proponents of a freeze, or reductions, or any sort of agreement have failed to address. The fact is that verification would be difficult enough in an open society like the United States—it would be absolutely impossible to even begin to verify such a treaty in a closed, secretive society like the Soviet Union, which still is, as Churchill said in 1939, "a riddle wrapped in a mystery inside an enigma." And, as the

Christian Science Monitor put it more recently, "verifying an agreement not to produce nuclear weapons, for instance, would require so many inspectors and such open access as to be nigh impossible." (CSM, Mar. 17, 1981.) Thus, verification is as impossible as trust would be foolhardy. So, negotiations are pointless.

One final flaw characterizes the position of those who urge negotiated disarmament. They rightly claim that the advocates of a buildup are mystified by the "nuclear numbers game"—comparisons of "throw weights," numbers of launchers, et cetera in the search for "superiority." However, the disarmers fall prey to the same sort of numbers fallacy in their devotion to "mutual, balanced reduction." Even if, somehow, we could reduce by half the number of nuclear weapons on both sides we would be no more secure than at present. Maybe the craters that would replace our cities would be not quite so deep, that is all. The tensions and uncertainty involved in monitoring such an agreement would hardly be worth the gains.

Jonathan Schell, who has come to be regarded as a guiding light of the freeze movement, makes an apposite criticism of the advocates of a crash buildup which applies equally well to the advocates of negotiations:

> Strategic theory seems to have taken on a weird life of its own, in which the weapons are pictured as having their own quarrel to settle, irrespective of mere human purposes. (RECORD, p. 3845.)

My point would be that the disarmament process has taken on a life of its own as well, with its own imperitives, which are extraneous to, and perhaps even harmful to, the requirements of defense and security. We should have no more, but also no fewer, weapons than are necessary for self-defense. When defense is our aim, nonintervention our policy, and our armaments are adequate to our purpose, negotiations can add nothing to the chances for peace.

Thus, it seems to me that the nuclear disarmers, in their terror over nuclear war and its consequences, have adopted an irrational and dangerous position. They equate the possession of weapons with war, they would entrust their fate to unreliable agreements, and they propose that if only nuclear weapons could be eliminated, peace would ensue. If we followed their utopian recommendations, conflict would be more, and not less, likely.

But we should not fall into the equally irrational position of the right, of those who urge that we station more missiles in Europe, and build more offensive weapons. We do not need weapons far in excess of what is necessary to provide defense and deterrence. At present, we possess 9,000 strategic warheads, and upward of 30,000 nuclear weapons of all sorts, 12,000 of which can be exploded on the Soviet Union. As Adm. Gene R. La Rocque put it recently:

> This is far more than sufficient to destroy the Soviet Union. This is far more than sufficient to destroy the Soviet Union even if they strike first. If all the nuclear weapons the Administration has requested are produced, we will be able to explode 20,000 nuclear weapons on the Soviet Union by 1990. We simply have no offensive or defensive need for all these very expensive weapons.

Given America's desperate economic position, and our pressing need to cut spending to balance the budget, I can only recall the words of a great Republican, Robert Taft, who said:

> We cannot assume a financial burden in our foreign policy so great that it threatens our liberty at home.

Not a single American nuclear submarine has ever been successfully tracked by an enemy. Our submarine-based missiles are secure. In addition, just two Poseidon submarines, which carry 320 nuclear weapons—each with the destructive potential of 1,000 Hiroshima-style bombs, can destroy all 200 major Soviet cities. Thus, just two Poseidon subs carry enough destructive power to deter the Soviets from ever provoking us into using them. Of course, there should be a margin for error—but we already have 31 Poseidon submarines, 12 with the most advanced Trident missiles. Together with our bombers and our land-based missiles, it is inconceivable that our nuclear weapons are inadequate to the requirements of deterrence and defense. Given this vital sufficiency, it makes no difference what weapons the Soviets have; it matters not at all whether our forces are comparable, so long as we have enough.

I believe this points to a serious fallacy in the reasoning of the advocates of a nuclear buildup. They make all sorts of abstract comparisons between our forces and those of the Soviet Union, but as I have said, the search for nuclear balance, or superiority is wholly detached from human purposes. For what purpose would one side use its supposed advantage if the consequence would be its own devastation inflicted by the inferior side? What goal would be worth that risk to the superior nuclear power? So long as we possess the ability to inflict untold horrors, we need not build more offensive weapons. If more money is to be spent, let it be spent on defensive systems.

Thomas J. Watson, a former U.S. Ambassador to the Soviet Union, distinguishes between nuclear superiority and nuclear sufficiency this way:

> So-called nuclear superiority assures no safety—not for the Soviet Union; not for the United States; because what counts is not superiority but sufficiency—the guaranteed power to destroy the other side under all circumstances. And we both have it.

The strategic thinking of the advocates of a nuclear buildup has departed from the human purposes which would be involved in any possible nuclear conflict. Therefore, we should reject the call for a new buildup of offensive weapons.

Let me urge my colleagues, then, to reject the pleadings of both the advocates of negotiations, and the advocates of more offensive weapons. Both sides have lost sight of what we need to do to defend ourselves, and of the fact that that self-defense should override all other foreign and military goals. The sterility of the current debate is indicative of the fact that the bipartisan foreign policy pursued since the war is at a dead end. The ultimate paradox is that this whole debate concerns the stationing of more American missiles in Europe: a continent that is more than able to fully support its own defenses. Does the defense of Europe matter more to us than it does to the Europeans? If not, why do we lavish $100 billion or more per year on military transfer payments to nations who care so little for their own defenses that they cut their own military budgets to save money?

There may have been a reason for providing temporary assurances to war-torn Europe in 1945, but these assurances were intended to last no longer than Europe's recovery. NATO is hopelessly outdated, and unnecessary. I believe the Europeans would take a more realistic view of the Soviet Union if America left them with the responsibility for their own defenses. However, if they continue to value socialized medicine more highly than security, that is their business.

With America out of the business of defending Europe and Japan, we could safely renounce the first use of nuclear weapons, but only then could we do so. So long as we continue on the present path, our security will be held hostage to extraneous forces: to treaties, turmoil in other parts of the world, and so forth. It is time to renounce all these foreign commitments, to stop negotiating absurd treaties, to stop building redundant offensive weapons, and to renounce foreign intervention. Only then could the U.S. Government concentrate on its paramount duty: the defense of our people and territory.

Until we not only understand but adhere to the exquisite wisdom of Washington's Farewell Address, we will continue to flounder dangerously in the tangled web of our interventionist, treaty-oriented, foreign policy. As Washington said:

> The nation which indulges toward another in an habitual hatred, or an habitual fondness, is in some degree a slave. It is a slave to its animosity or its affection, either of which is sufficient to lead it astray from its duty and its interest.

Washington was right. This cannot go on.

Let us forsake both the nuclear freeze and the vain negotiations urged by the left. Let us also spurn the unnecessary buildup urged by the right. What we must have now is a noninterventionist foreign policy, coupled with a truly defensive military strategy. And the oppressive regimes of our Communist enemies will collapse of their own weight if we only stop propping them up with cheap credit and strategic technologies. Our peace and prosperity will hang in precarious balance until we heed Washington's admonition.●

☐ 1900

Mr. PRITCHARD. Mr. Speaker, I yield to the gentleman from Illinois (Mr. Washington.)

Mr. WASHINGTON. Mr. Speaker, I am pleased to take part in this special order which I hope will help raise the understanding of my colleagues to the grave threat that exists with respect to nuclear weapons. We sit on the verge of a nuclear holocaust. It will take a concerted effort on the part of each of us to avoid this Armageddon. In an excellent article which appeared in the February 1 issue of the New Yorker magazine, Jonathan Schell wrote:

> Each year the number of bombs has grown, until now, there are some fifty thousand warheads in the world possessing the explosive yield of roughly twenty billion tons of TNT, or one million six hundred thousand times the yield of the bomb that was dropped by the United States on the city of Hiroshima. . .
>
> These bombs were built as "weapons" for "war", but their significance greatly transcends war and all its causes and outcomes. They grew out of history, yet they threaten to end history. They were made by men, yet they threaten to annihilate man.

The United States now has 9,480 nuclear warheads, equal to 3,505 million tons of TNT. The Soviets have 8,040 warheads, equal to 7,868 megatons.

This year, the United States will spend some $214 billion for defense. The administration has requested another $44 billion for next year, including $23.1 billion for strategic nuclear forces. Obviously, we have long since passed the point of reason.

In my home city of Chicago, some 350 faculty members from many universities have formed Chicago Area Faculty for a Freeze. The group is committed to educating the public, and the policymakers they elect, on the real facts of nuclear war.

Chicago Area Faculty for a Freeze is similar to groups which have formed throughout the world to challenge the reliance that governments have placed in nuclear weapons stockpiles. There are those who have attacked the motives of such groups. They argue that by telling the public about the realities of nuclear warfare, we will somehow militarily weaken the United States. This is an incredible notion which reveals the contempt in which some people hold our democratic institutions.

I would urge my colleague to continue to seriously examine the realities of nuclear warfare and to question whether the solution to our problems really lies in stockpiling more and more unthinkable weapons.

Nuclear warfare is simply not feasible as a method of conflict resolution. To suggest that the problems of civilization can be resolved by destroying civilization is insane.

We now face a situation in which man must either transcend his past, or perish. It is that simple.

I believe that in this moment we have one of those rare opportunities presented by history to take a good look at where we are, and where we are headed. I hope that look will be appropriately sobering. I hope we will not waste this one last chance.

Mr. PRITCHARD. Mr. Speaker, I yield to the gentleman from New York (Mr. Ottinger).

Mr. OTTINGER. I thank the gentleman from Washington and my friend the gentleman from Illinois for yielding me this time.

Mr. Speaker, I would like to commend the gentleman from New York (Mr. McHugh) and the gentleman from Iowa (Mr. Leach) and the others of my colleagues who initiated this vital debate on the nuclear arms race. It is the most critical issue ever to confront Congress.

I am please to participate in this historic effort to focus attention on the nuclear madness which the Reagan administration is seeking to promote. As one of the sponsors of the call to halt the nuclear arms race, I am gratified that an international grassroots effort has spread supporting a mutual United States-Soviet nuclear weapons freeze.

I can think of nothing more important to this Congress and the world than taking genuine steps for mutual arms reduction. That is why I am participating in this debate and why I am cosponsoring so many measures aimed at arms control, including House Joint Resolution 434, which calls on Washington and Moscow to adopt a mutual freeze on nuclear arms, followed by major systematic reductions in current arms levels.

The principle arguments against this nuclear freeze effort that we have heard today are that it would somehow or other freeze in a military inferiority on behalf of the United States, that Russia is ahead of us at the present time, if we had a freeze at existing levels it would subject us to unacceptable risk and pressures from the Soviet Union.

I must say that I feel that the people who are criticizing this freeze on that ground are doing so on an emotional and irrational basis because the important question really is not whether or not we have more weapons than the Russians of one kind or another, or of all kinds, the real question is do we have sufficient weapons and sufficient ability to deliver those weapons to be able to deter any Soviet attack.

The question is, Do we have sufficient nuclears so if the Russians were to initiate a first strike, we could wreak unacceptable destruction on the Soviet Union and do they know that?

It seems to me quite clear that we have far more than we would possibly need with our 30,000 nuclear weapons, with our basings of these weapons on the land and in the sea and in the air, to make that protection more than what is actually needed for the security of the United States.

I cannot see why the opponents of this resolution continue to harken back to the question of the numerical equivalence in one kind of weapon system or the other as the criterion.

The fact of the matter is that the amounts of money that we are proposing to spend on increasing our nuclear arsenal is deterring our ability to have a strong national defense. We are talking about in the administration's definition $1.6 trillion over the next 5 years, and the chairman of the Budget Committee, in hearing my colleague from New York (Mr. Stratton), said that the real cost of that in constant dollars; as the Budget Committee presently looks at it, as Mr. Jones calculates it, is $2.4 trillion over the next 5 years. I mean that is just mind boggling.

The expenditure of that amount on increasing nuclear weapons and their delivery systems I would submit will undermine the security of the United States.

First of all, it is already causing us to have severe cutbacks in items in our national economy which are essential to our national defense. You cannot have a strong national defense without a strong industrial base. Today we have some 10 million people who are out of work. Today we have a record number of bankruptcies in our society. The gentleman from Texas (Mr. Wright), just read into the Record a whole series of bankruptcies, the greatest since the 1930's, of our industries.

The United States is rapidly becoming a banana republic. Our exports now are primarily of raw materials and our imports are primarily of manufactured goods. We are losing the industrial base on which we can base a strong national defense and we simply cannot afford to put all of the U.S. resources into more weapons that will not increase our security and not do the things which are necessary with our own society to make sure that if we are attacked we will indeed be able to respond.

One of the greatest threats to our national security is our dependence on foreign oil. We are cutting out, for alleged budgetary considerations, attributable largely to this spending on nuclear weaponry, all the efforts to get ourselves off of imported oil, and yet a sunken ship in the Straits of Hormuz represents a far more realistic threat to the entire industrial activity of the free world.

If we are cut off from those oil supplies we cannot mount any kind of defense. Indeed, we and Japan and Europe will not be able to continue to operate our societies, yet we are told because of this huge investment in defense technology, in weapons, that we cannot afford to spend what is needed to get ourselves off of imported oil.

We are seeing a situation at the present time where our industries are collapsing, where our basic infrastructure of our industries, our highways and our bridges, are collapsing. We are seeing our mass transit system rapidly disappearing and we will soon become the only major nation in the world that does not have a national railroad system.

How can we have a strong national defense without the ability to get our poeple to and from their jobs? Without the ability to get our goods to market. We are told because of this huge expenditure on nuclear weaponry and delivery systems that we do not have enough money to be able to educate our children, that we are going to have to end the financial support for people to attend graduate school and sharply curtail the financial support to enable people, regardless of their means, to attend college.

How on earth do you have a strong national defense in today's technological age where defense means missile systems and tanks and computer communications if you do not have an educated population?

Mr. SEIBERLING. Mr. Speaker, will the gentleman yield?

Mr. OTTINGER. I yield to the gentleman from Ohio.

Mr. SEIBERLING. The last time I was back in my district an individual came in to see me who is employed by one of the leading corporations in this country. He is a chemical engineer, and he said, "You know, it is tragic what is happening to science education, particularly graduate science education in our country. First of all," he said, "because of the huge arms buildup, the prices that scientists can command in terms of salaries if they leave the university and go to work in defense industries are just incredible. They can get twice as much salary as they could get even if they are heads of a department. We are taking all of the best and most capable people out of our science departments and universities across the country and putting them into the defense industry. We now have second-rate people doing a lot of teaching, and," he said, "what is more, we are not providing the graduate support for the students to go to these departments and so we are depleting the very scientific base on which our so-called superior military technology is based."

The gentleman is absolutely right on target. The military program is a self-defeating program even from a military standpoint.

NUCLEAR ARMS FREEZE

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Illinois (Mr. SIMON) is recognized for 60 minutes.

Mr. PRITCHARD. Mr. Speaker, will the gentleman yield?

Mr. SIMON. I yield to the gentleman from Washington.

Mr. PRITCHARD. Would it be possible when the gentleman from New York concludes that I might make some remarks. I do not mean that the gentleman's members are more articulate, but they are so articulate they speak without notes and speaking without notes and a prepared script has a tendency, just a tendency, to make the talks go on a little bit longer.

I would hope the gentleman would be a little free with giving me a little time.

Mr. SIMON. I certainly will yield to the gentleman from Washington. It simply indicates there is a greater talent on this side of the aisle, I want to assure the gentleman from Washington.

Mr. PRITCHARD. I never thought that. After going over to the Senate and seeing that same proclivity, I would not follow that reasoning.

□ 1910

Mr. SIMON. Mr. Speaker, I yield to the gentleman from New York (Mr. OTTINGER).

Mr. OTTINGER. Mr. Speaker, I would like to say to my friend, the gentleman from Ohio, that his is exactly the point I was trying to make. We are damaging our ability to have a strong defense by putting all this emphasis and huge expenditure into nuclear weapons. In fact, we are denuding not only our colleges and universities of professors in the sciences and engineering, we are also at the present time already without this huge buildup creating shortages through our defense program in our industrial base on which we depend to produce weapons and on which we depend to try to keep an industrial base that can support a sound defense. We are even injuring the military itself because so much of the military budget is going into nuclear weapons and nuclear delivery systems that we have not got adequate funds to be able to strengthen our conventional force, to train our personnel so that they can operate the military equipment. We were embarrassed not too long ago by having an initiative to try to recaputure our Iranian hostages, which went bad because we could not keep the helicopters flying.

I think increasingly we are going to see this with the sophisticated technology we have. We have to give greater incentives to get qualified people into the military and to keep them in the military.

I have advocated a program which would give educational benefits very much like we do now at West Point and the other military academies in return for people having an obligation of service for a period of time, and obviously there is that critical need, but we have not got money enough for that now.

I think from every aspect we are undermining our security by proposing to spend these trillions of dollars in nuclear weaponry.

There is another aspect of this that I would like to emphasize and then I will put the rest of my remarks in the RECORD and that is the question of proliferation that also endangers our future and the future destruction of humanity.

I am very disturbed, indeed, that this administration is dropping the efforts that have been put together by all previous administrations, Republican and Democratic, to keep a curb on the weapons gaining capability of other countries who are not already nuclear weapons countries.

I think we need much greater effort internationally and in our own domain to end a fast growing proliferation which in many ways in more dangerous than the nuclear weapons race between ourselves and the Russians.

I think it is highly unlikely that the Russians are going to drop bombs on us, knowing that they would be committing suicide in doing so; they would be destroyed, but if we allow reprocessing and enrichment in breeder technology to go around the world, with plutonium and highly enriched uranium therefore very greatly available and not subject to effective controls, we run the risk that a Qadhafi in Libya or an Arafat in the Palestinian Liberation Organization or the Red Brigades in Italy will gain control of a nuclear weapon and might be able to blackmail the world or anybody else, and what is our response? If the Red Brigades get a nuclear weapon, you do not blow up Italy. The only real response is to assure that irresponsible powers of that sort do not get access to nuclear weapons and nuclear materials from which weapons can readily be made today, and yet this administration is not only dropping the previous administration's resistance to the spread of nuclear weapons capabilities, the sale of reprocessing and enrichment and highly enriched uranium and breeder reactors abroad, but we understand it is even being seriously considered that we would start selling reprocessed and enrichment material and equipment abroad ourselves and that we are even contemplating contaminating our civilian nuclear program by turning over spent fuel to be used for the production of weapons by our military forces.

I would like to say that if we proceed on that road, I think we run just totally unacceptable risks, that instead we ought to be calling an urgent international conference of nuclear weapons nations to try to restrict the further proliferation of nuclear weapons-making capability and the spread of plutonium and highly enriched uranium from which bombs can be made. We ought to set up some kind of an international mechanism to assure countries that by using fission reactors they would have an assured supply of low enriched uranium. We ought to put a tremendous effort into technology that the United States has developed to extend the lifetime and the burnup capability of existing fission reactors to do what we can to prohibit the sale to any other countries of the machines or the actual materials from which bombs can be made.

I think that this debate is exceedingly important. Again, I congratulate its sponsors. I am happy to take part in it to lend whatever efforts I can to have us stop saying nuclear policy overall and nuclear weapons policy in particular.

The Reagan administration's stand accelerating the nuclear arms race is the crowning glory of a myriad of senseless, destabilizing and dangerous policies. It is thus especially gratifying to see so many Americans finally rise up against the huge, senseless nuclear arms buildup with its so-called tactical nuclear weapons, neutron bombs and winnable nuclear wars and resist the administration's policies which are leading us on a course toward unprecedented nuclear calamity.

President Reagan has initiated the most massive buildup of nuclear weapons in U.S. history, and on top of that, an equally risky foray into developing a new generation of chemical warfare weapons, yet it has not even defined a coherent military or foreign policy. The administration is planning a 6-year, $222 billion expansion of nuclear forces, involving land, sea, and airbased missiles, space weaponry, civil defense systems and more. In the next decade, Reagan's policies would add 17,000 new nuclear weapons to the 30,000 already existing in the U.S. nuclear arsenal.

The stated purpose of this policy is to achieve the capacity to fight and win a nuclear war—a goal as unattainable as it is dangerous. The administration defends its buildup by claiming that we are vulnerable to the Soviets. In response to our repeated calls for priority efforts to control the development, testing and deployment of nuclear weapons, the administration has used distortions and inaccuracies to portray our present nuclear capability as inferior to the Russians.

There is only one important fact in this equation, however—it is not comparability that matters, but sufficiency—and we clearly have sufficient nuclear power—in fact, the United States has far more power than needed to destroy Russia should it attack—and Russia knows it. That is what matters—not whether we outnumber the Russians or they us in particular weapons systems.

Even using the administration's comparisons, however, the United States and the Soviet Union are in rough parity today, each possessing advantages and disadvantages in its nuclear weapons capability. For example, the United States leads the Soviets by 9,400 deliverable strategic nuclear warheads to 7,800, according to the Center for Defense Information. Moreover, our warheads are more survivable because of more diverse U.S. strategic force deployments.

Despite the clear sufficiency and even advantage in strategic nuclear warheads possessed by the United States, the administration has argued that the Soviets are at an advantage in nuclear "megatonnage." But, as Paul Warnke, former director of the Arms Control and Disarmament Agency, said in a recent interview which appeared in the New York Times:

> The fact that they might have a 2-megaton warhead compared to our modest ones of something like 400,000 tons of TNT only makes one difference: How big is the hole going to be where the high school used to be.

The administration's continued development of more sophisticated nuclear weapons and delivery systems on this massive scale has created the impression that the United States is building a nuclear force to destroy the Soviet Union's nuclear arsenal in a preemptive attack. As the United States and Russia approach preemptive capabilities, we both become much less secure, requiring hair-trigger "launch on warning" policies. Enormous amounts of money will be spent and we will be less secure than ever.

As the military budget is absorbed by destabilizing nuclear weaponry, really needed expenditures are denied for conventional forces, spare parts, improved pay and technical training for our military personnel. We deny our soldiers sufficient education and training necessary to understand the tenets of Military strategy and even how to operate the sophisticated weapons to which we entrust our national security. Thus, again we will be less secure ever.

But the nuclear arms race is not the only problem risking nuclear destruction of humanity. We need not only a freeze on nuclear weapons development but on the transfer of the materials and equipment for producing nuclear weapons.

The development of nuclear power on an international scale also carries with it the risk of increasing the number of countries that will have access to the technology and the materials for nuclear weapons. Specifically, nuclear enrichment and reprocessing facilities and breeder reactors are direct sources of bomb-quality materials—highly enriched uranium-235 and plutonium. If countries decide to use these facilities to develop nuclear weapons, the rate of nuclear proliferation could increase and with it, the chance of a provoked nuclear war or nuclear blackmail by terrorists against which there is no defense. While we can deter Russia from nuclear war by making it suicidal, there would be no adequate response if a Qadhafi or an Araffat gains access to a nuclear bomb. The only realistic recourse is to prevent terrorists from gaining access to weapons.

During the past decade, the United States has expressed increasing concern over the proliferation risk associated with nuclear power.

By 1985, 25 nonweapon countries will have operational power reactors, each generating enough spent fuel to manufacture a score of bombs annually if the plutonium is separated from the fuel. More important, some of these countries plan to build reprocessing facilities that will enable them to separate the plutonium from spent fuel. Once separated, the plutonium could be put to weapons use quickly. Other countries have or are building enrichment plants that could be used to enrich uranium-235 to bomb grade levels.

The Reagan administration would greatly exacerbate this problem by condoning, even promoting the introduction and use of these sensitive nuclear technologies and materials on a commercial scale throughout the world. Once introduced, they would be impossible to safeguard effectively, providing too easy access to any terrorist group and nuclear weapons capability to countries that might use them for blackmail or in local conflicts if they got pressed to the wall.

The result could be incredible carnage in the late 20th century from the spread of nuclear weapons to other countries, and the possibility of a third country provoking a nuclear war between the United States and Russia.

The world's most volatile regions—the Middle East and South Asia—already include five countries reported either to have the capability to construct nuclear weapons or to be actively seeking that capability. In a worst case, Libya, Israel, Iraq, Pakistan, and India could all have nuclear weapons within a few years. The actions of these countries will not be independent of each other; the nations are connected in a complicated fashion by enmity and cooperation—thus, the acquisition of nuclear weapons by one of these nations is likely to generate similar actions by others. The region has suffered from major wars every few years; the introduction of nuclear weapons into these wars could threaten millions of deaths in the region, the destruction of the petroleum transportation facilities through which 40 percent of the Western World's oil must pass, and the threat of annihilation of much of the world's population through fall-out or the provocation of wider nuclear conflict.

Even the fear that one of these nations was attempting to acquire nuclear weapons could lead to armed conflict. The Iraqi nuclear program already has been the subject of assassinations and an air attack with conventional munitions.

Of these five countries, three of their governments came to power through internal military takeovers. Nuclear weapons in such internally unstable countries may not remain in the hands of the national governments; subnational forces attempting a takeover are likely to try to seize the nuclear weapons. Sooner or later, nuclear weapons or the material for their manufacture may fall into the hands of smaller military units or terrorists groups.

The Middle East and South Asia is the most dangerous region for nuclear proliferation in the near future. But the capability to manufacture nuclear weapons reportedly has been sought by South Africa, South Korea, Taiwan, Argentina and Brazil. And this is only the situation is the early 1980's. The acquisition of nuclear weapons by one country is likely to lead to a "chain reaction" in which the enemies or rivals of that country then feel that they must acquire nuclear weapons. Some politicians in Nigeria, for example, have already called for a Nigerian weapons program aimed at the possibility that South Africa will acquire nuclear weapons. The same applies for Syria vis-a-vis Iraq.

Proliferation need not stop with the acquisition of a few bombs of the type used by the United States against Japan at the end of World War II—weapons that in the context of a small nuclear war could cause millions of deaths. The next stop can be thermonuclear weapons—raising the death toll to tens of million of people or more. Or the next step may be long range delivery vehicles spreading the threat of nuclear destruction to nations far removed from the regional conflict. In short, proliferation is a major international security threat; and it will certainly get worse if we do not take the lead with the other nuclear weapons powers to stop it.

For these reasons American policy has long featured a strong consensus opposed to the proliferation of nuclear weapons. The Reagan administration, however, is striving to undermine the good bipartisan U.S. example set by previous Presidents. Not only is Mr. Reagan indifferent to the proliferation risks posed by civilian nuclear technology, he has graphically illustrated that indifference by considering the use to make nuclear weapons of plutonium derived from spent fuel produced in civilian nuclear powerplants.

Even worse, he is considering, for the first time in our history, the export of sensitive reprocessing and enrichment technologies to nonnuclear weapons countries.

Such exports would have tragic consequences and must not be permitted. I intend soon to propose legislation to block Mr. Reagan's thoughtless move. The United States simply must exercise its strongest leadership with its allies to prevent nuclear profits from overcoming the restraint necessary for nuclear-age survival.

Thankfully, there are Americans who are seeking to correct these irrational policies and to change our course away from nuclear devastation. They recognize that nuclear war is not winable, as this administration has claimed. And they realize the danger in spending hundreds of billions of dollars on a massive nuclear weapons buildup, without incorporating arms control and proliferation prevention into our national security policies.

I commend those who are resisting these senseless administration initiatives, and I pledge my efforts to do all I can to see that Congress does everything in its power to reverse those policies which come to us from the White House. Our efforts to stop this nuclear madness are essential if we are to live in a secure, stable and peaceful world.

I am including in today's Record the text of House Joint Resolution 404, followed by the text of "The Call To Halt the Nuclear Arms Race." I commend both of these important resolutions to the attention of my colleagues:

H.R. RES. 404

Joint Resolution on Nuclear Weapons Freeze and Reductions

Whereas the greatest challenge facing the earth is to prevent the occurrence of nuclear war by accident or design;

Whereas the nuclear arms race is dangerously increasing the risk of a holocaust that would be humanity's final war; and

Whereas a freeze followed by reductions in nuclear warheads, missiles, and other delivery systems is needed to halt the nuclear arms race and to reduce the risk of nuclear war;

Resolved by the Senate and the House of Representatives of the United States of America in Congress assembled,

1. As an immediate strategic arms control objective the United States and the Soviet Union should:

(a) pursue a complete halt to the nuclear arms race;

(b) decide when and how to achieve a mutual and verifiable freeze on the testing, production, and further deployment of nuclear warheads, missiles, and other delivery systems; and

(c) give special attention to destabilizing weapons whose deployment would make such a freeze more difficult to achieve.

2. Proceeding from this freeze, the United States and the Soviet Union should pursue major, mutual and verifiable reductions in nuclear warheads, missiles, and other delivery systems, through annual percentages or equally effective means, in a manner that enhances stability.

CALL TO HALT THE NUCLEAR ARMS RACE—PROPOSAL FOR A MUTUAL U.S.-SOVIET NUCLEAR-WEAPON FREEZE

The horror of a nuclear holocaust is universally acknowledged. Today, the United States and the Soviet Union possess 50,000 nuclear weapons. In half an hour, a fraction of these weapons can destroy all cities in the northern hemisphere. Yet over the decade, the USA and USSR plan to build over 20,000 more nuclear warheads, along with a new generation of nuclear missiles and aircraft.

The weapon programs of the next decade, if not stopped, will pull the nuclear tripwire tighter. Counterforce and other "nuclear warfighting" systems will improve the ability of the USA and USSR to attack the opponent's nuclear forces and other military targets. This will increase the pressure on both sides to use their nuclear weapons in a crisis, rather than risk losing them in a first strike.

Such developments will increase hairtrigger readiness for a massive nuclear exchange at a time when economic difficulties, political dissension, revolution and competition for energy supplies may be rising worldwide. At the same time, more countries may acquire nuclear weapons. Unless we change this combination of trends, the danger of nuclear war will be greater in the late 1980s and 1990s than ever before.

Rather than permit this dangerous future to evolve, the United States and the Soviet Union should stop the nuclear arms race.

A freeze on nuclear missiles and aircraft can be verified by existing national means. A total freeze can be verified more easily than the complext SALT I and II agreements. The freeze on warhead production could be verified by the Safeguards of the

International Atomic Energy Agency. Stopping the production of nuclear weapons and weapon-grade material and applying the Safeguards to US and Soviet nuclear programs would increase the incentive of other countries to adhere to the Nonproliferation Treaty, renouncing acquisition of their own nuclear weapons, and to accept the same Safeguards.

A freeze would hold constant the existing nuclear parity between the United States and the Soviet Union. By precluding production of counterforce weaponry on either side, it would eliminate excuses for further arming on both sides. Later, following the immediate adoption of the freeze, its terms should be negotiated into the more durable form of a treaty.

A nuclear-weapon freeze, accompanied by government-aided conversion of nuclear industries, would save at least $100 billion each in US and Soviet military spending (at today's prices) in 1981-1990. This would reduce inflation. The savings could be applied to balance the budget, reduce taxes, improve services, subsidize renewable energy, or increase aid to poverty-striken third world regions. By shifting personnel to more labor-intensive civilian jobs, a nuclear-weapon freeze would also raise employment.

Stopping the US-Soviet nuclear arms race is the single most useful step that can be taken now to reduce the likelihood of nuclear war and to prevent the spread of nuclear weapons to more countries. This step is a necessary prelude to creating international conditions in which:

Further steps can be taken toward a stable, peaceful international order;

The threat of first use of nuclear weaponry can be ended;

The freeze can be extended to other nations; and

The nuclear arsenals on all sides can be drastically reduced or eliminated, making the world truly safe from nuclear destruction.

Mr. SIMON. Mr. Speaker, I yield to the eloquent gentleman from the State of Washington (Mr. PRITCHARD).

Mr. PRITCHARD. Mr. Speaker, I thank the gentleman from Illinois. I will put my statement in the RECORD; but let me make just a couple remarks.

I think like most of you, I feel passionate about this subject and I think it clearly is the greatest test for our Government and for the world if we are going to live and this planet is going to have any structured society that we know of.

I think that there are some things as we go down the road that we are going to have to be very careful about. One is that truth is required and there is no place for hypocrisy and demagoguery.

I think we have to recognize an election is coming up and probably as incumbent Congressmen we are going to have people demagoging this issue one way or the other.

I think we as incumbent Congressmen have to be held to a higher standard. We have a responsibility to meet this issue in a very responsible way so that we are part of the positive side of this debate, we are part of the solution rather than part of the problem.

I would hope that we do not let this slide into partisanship and that we politicize this issue. I do not think it will help the issue and I think we will be doing a disservice to our cause.

Third, I believe that there is no way to be involved in this issue without some risk. I do not believe there is a riskproof process that we can go through which will get us disarmament, get us a true reduction in nuclear arms, that does not have some element of risk and leaving these arms in this growing race is also a risk.

Now, I think you have to balance those out and I would hope that we use good judgment, but I think anyone concerned in this has to realize that there is an element of risk.

Finally, I think it is futile to debate continually the motives of the Soviet Union or our motives. I think we have to go to the table and find out what the Soviets are really willing to do. I think it does not add to the solution to continually debate what the Soviets will do or not do. I think we have to go to the table and find out.

I would encourage President Reagan to be bold and enter into negotiations with clarity of purpose, toughness of mind and a conviction of success, knowing that the people are with him in this effort.

I think that we have started on a road that will not be easy and will not be short.

I think I would only congratulate the gentleman from Iowa (Mr. LEACH), the gentleman from New York (Mr. MCHUGH) and the others that sponsored this event. I think this is worthwhile and I think it is the start of something that is terribly important for ourselves and for mankind.

Mr. Speaker, putting an end to the arms race and insuring that nuclear weapons are never used is the greatest challenge facing our world today. Every other public policy issue we deal with pales in comparison. All of us in this House are aware of the fundamental fact; that is why we are gathered here this afternoon. We have our differences on how best to achieve a safer and saner world free of the threat of nuclear war, but we are all agreed on the goal.

The American people, too, are united behind the same goal. Recent months have seen an unprecedented outpouring of concern, axniety and real fear about the dangers of nuclear war. The public is more keenly aware than ever of the risks and the futility of the arms race. Our constitutents are frightened and they are demanding that we take action to reduce the possibility that the planet will destroy itself in nuclear war.

The only way our world will see the reduction and eventual elimination of nuclear weapons is through a long, complicated process of negotiation between the United States and the Soviet Union. While the actual negotiations are the responsibility of the executive, Congress is a powerful institution and we can have a major impact on the process of nuclear arms control.

We have to begin with a clear-headed appreciation of what our role can be. For starters, we are uniquely suited to interpret the mood of the American people on this crucial issue.

The administration is, of course, not oblivious to the rising public tide of opposition to the arms race. But who in this or any administration is exposed as we are to the daily expression of individual citizens' opinions? Who else had a forum like today's debate for diverse, informed discussion which commands the attention of the national and international media? Although I have not identified with any of the resolutions encouraging arms control action, I have joined in this debate because I feel keenly this obligation to express to the administration the deeply held convictions of the people of my district that our Government must take action to end the arms race and bring about a safer world.

Because this issue is so important, I believe those who seriously want to be part of the solution process should adhere to some basic guidelines.

One. The truth is required. No member should feel inhibited. Hyprocrisy and demagoguery have no place in this discussion. Though there will be disagreement and debate, we will be building a constructive framework for action if we are totally frank with each other.

Two. Nuclear arms control and disarmament is an issue which transcends political partisanship. Avoiding partisanship in this debate is especially required of us as incumbents. We will see opponents in the primaries and November who will try to take advantage of this highly emotional issue, but we must resist that temptation.

Three. Success in disarmament negotiations will be achieved through a step-by-step process. Certainly patience will be required, but we also must be willing to accept the element of risk. Those who believe we can achieve our final goal of eliminating these destructive weapons without taking some risk are not being realistic. We must balance the risks and be prepared to grasp the opportunity for securing a more stable and peaceful world without the fear of failure.

Four. It is futile and unproductive to spend time debating the motives of the Soviet Union, or, for that matter, the motives of the United States. We must move ahead on this issue making the presumption that neither the people nor the Governments of either the United States or the Soviet Union want to see the destruction of our world.

The firm desire of the American people for action to end the nuclear arms race and begin a process of reductions offers this administration a unique opportunity. I encourage President Reagan to be bold and enter negotiations with clarity of purpose, toughness of mind and a conviction of success, knowing the people are with him in this effort. The INF negotiations in Geneva are a beginning and the zero option for European-based missiles is an important step. But let us move on to more comprehensive strategic arms reduction talks and offer Russia and the world the kind of verifiable, stabilizing, large-scale agreement which will substantially reduce the risk of nuclear holocaust.

□ 1920

Mr. SIMON. Mr. Speaker, I thank the gentleman from Washington. I commend him for his statements, all of which I agree with, including the reference to the fact that this should not and cannot be a partisan thing. This is something that all Americans, regardless of political stripe, ought to be joining in on.

Mr. Speaker, I now yield, at the request of the gentleman from Washington, to the gentleman from Connecticut (Mr. DENARDIS) with whom I have the privilege of serving on the subcommittee.

Mr. DENARDIS. I thank the gentleman for yielding.

Mr. Speaker, I would first like to thank the sponsors of this special order, the gentleman from Iowa (Mr. LEACH), the gentleman from New York (Mr. MCHUGH), and others for providing the opportunity for this most critical and urgent discussion.

It is a privilege for me to count myself a Member of this body, given the impressive display of knowledge and sensitivity that has been evident here today. We each have our own way of approaching this unique subject—some philosophically, some with moral perspective, and some quite more clinically.

I believe that the full statement which I will enter into the RECORD perhaps is a bit of all of those approaches, and some others.

I would like to take just a little time, however, to pick up on a point that appears to be a recurrent theme in the discussion, as I have listened for the last 3 hours, among those who, although they favor the concept of a nuclear freeze, raise the question of numerical equivalence, and by the raising of that subject evidence a skepticism that the nuclear freeze approach that so many Members of Congress and the general public would like to see put into effect very soon might be possible.

Of course, when we talk about the subject, and we see newspaper and magazine articles trying to compare the United States and the Soviet Union in terms of type of weapons, the quality of those weapons, numbers, explosive power, throw weight, and all of the other measures by which we try to examine our capability against the Soviet Union, it becomes exceedingly difficult for the layman to understand if there is a numerical equivalence, and it is clear that that that is a major sticking point in this debate.

Equality is a prerequisite for a negotiated agreement. Neither side has a strong incentive to establish limits or reduce arsenals if it feels greatly inferior to its adversary in numbers or sophistication of its weapons for fear that limits might consign it permanently to second place, and a greatly superior nation can enhance its position little by surrendering advantages.

I would like to spend just a few minutes looking at the different approaches to nuclear forces that have been employed by the United States and the Soviet Union.

Both countries rely on similar technologies—land-based missiles, sea-based missiles, and aircraft armed with missiles or bombs. But different geographical situations and approaches to military planning have led to significant differences in emphasis between the two countries. The United States has distributed its forces more evenly than the U.S.S.R. among three types of delivery systems. Most Soviet warheads are on land-based missiles, while the U.S. policy has favored more firepower on more survivable airborne and submarine launchers. U.S. forces are designed to avoid relying primarily on a single system to deter or to respond to an attack.

The countries differ as well in the configuration of their missiles. The United States has chosen to deploy more warheads with small explosive power compared to the Soviet Union. Above a certain level, greater explosive power yields little advantage. Four 1-megaton warheads, for instance, can destroy as much as a single 6-megaton warhead.

The United States has also chosen to substitute greater accuracy of its weapons for higher explosive yields. A smaller, more accurate weapon can be more lethal than a less precise weapon with greater explosive power.

By building greater numbers of more accurate smaller yield weapons, the United States has developed an advantage over the U.S.S.R. in the number of warheads it can deliver against Soviet targets with high confidence that they will strike their mark.

The Soviets emphasize land-based rockets which can carry large payloads; therefore warheads with greater explosive power.

In recent years the U.S.S.R. has followed the U.S. lead, placing more warheads on missiles and improving missile guidance.

By the middle of the 1980's, the U.S.S.R. could achieve missile accuracy comparable to the United States, though it will still lag behind in numbers of warheads.

So, then, what situation do we find as between the two nations? Differences between the United States and Soviet nuclear forces have clearly grown from the need to meet varying threats from abroad determined by the distinct geographical positions of the two nations.

The United States is an island nation faced by only one hostile nuclear power, the Soviet Union, capable of inflicting ruin on its territory. Soviet military planning must contend with the strategic nuclear forces of the United States, France, Britain, and China.

Soviet planners must also consider American aircraft which are capable of carrying nuclear weapons and intermediate range missiles deployed in both Europe and the Far East able to reach Soviet territory.

Free of hostile neighbors, the United States need not fear an invasion in conjunction with a nuclear attack as must the U.S.S.R.

The Soviet Union has been invaded repeatedly throughout history from both East and West, and thus regards repelling an invasion as the first objective of its military forces.

Notwithstanding differences in purpose and configuration, both the United States and Soviet forces could be considerably expended if current or planned programs come to fruition.

Therefore the urgent and formidable task of strategic arms limitations negotiators will be to reduce the numbers of nuclear weapons and curb the production plans of both sides while preserving a stable nuclear relationship between the two forces.

Mr. Speaker, there are many ways to approach this subject. But given the fact that many previous speakers, while endorsing the concept of a nuclear freeze, have raised the question of whether the United States and the Soviet Union had equivalent capability, by citing certain statistics, those statistics have been deficient in that they have not examined the distribution of forces, they have not examined the configuration of the missiles, they have not examined the question of accuracy, and they have not examined carefully the question of geographical considerations in military planning and missile deployment.

All of those things considered, Mr. Speaker, I think produce a picture which we can safely say is one of comparability between the United States and the Soviet Union in their ability to destroy one another or inflict serious harm within a matter of minutes.

Therefore the question of comparability is moot with respect to the question of the freeze. And I think that we should and must go on to other considerations.

I have examined some of the other considerations in the fuller statement that I will place in the RECORD, but felt constrained to limit my oral remarks to the question covered.

Thank you.

☐ 1930

Mr. SIMON. Mr. Speaker, I thank the gentleman from Connecticut, and I commend him.

Mr. Speaker, I yield to the gentleman from New York (Mr. SCHEUER).

Mr. SCHEUER. Mr. Speaker, I thank the gentleman.

I want to commend the many speakers that I have heard for the extraordinary good sense we are hearing today, and I especially want to commend the organizers of this highly important debate.

I just want to add my voice to those who say that we can go the extra mile to sit down with the Soviets and see if they are in earnest, in willingness to achieve some kind of nuclear equivalency. That does involve risks and involves months and months of punishing argument with a seemingly implacable opponent, but we must take the risk and we must make the effort because the results of this bizarre escalating arms race are intolerable for our society and unsupportable to it, just as they must, from the point of view of the Soviet citizen, be unsupportable and intolerable there because of the wreckage that it causes to the Soviet standard of living.

I would just like to give a couple of examples, very briefly, of what it has done to our society. Here, we have had to cut down the programs of education and the programs of job training that hold our promise to bringing the minority youth of our country, the disadvantaged, out of the street and into the mainstream of our society. We all know, after these years of agonizing reappraisal of our social programs, that, yes, there were mistakes in the poverty program, there were mistakes made in the Elementary and Secondary Act, there were mistakes made in the food stamp program, but there was an enormous amount of good accomplished, too. We learned a lot of techniques and a lot of methods that work and energize young people and inspire them and bring them into the mainstream of our society. Not to be able to afford this seems unbelievable, pitiful.

We are making rents in our social net that is hurting the elderly. We are reducing our food stamp program. We are talking about reducing the comparatively small flow of dollars that bring our elderly security and serenity in their senior years—and this is the richest country in the world—largely because of these incredibly escalated military armaments.

The last point is, the Department of Energy tells us that they are going to reduce by two-thirds their budget for energy research and development, the very R. & D. program that can help us effect this national push away from Persian Gulf oil and toward greater utilization of our own 500-year coal deposits which, if we are going to use coal, if we are going to convert coal into oil, convert utilities from oil to coal, we have got to know the implications for our health; we have got to know the implications for our environment.

At this very time we are in the process of tearing apart our Clean Air Act, the very instrumentality that can help us free ourselves from our supine dependency upon Persian Gulf oil and shift that focus of our energy production to gas, coal, to alternates to Persian Gulf oil, but when we are saying in effect that industry cannot afford it, our society cannot afford it, so we are going to go ahead with programs of coal conversion that will have unbelievable and unknown consequences to our health, to our environment, this kind of wreckage to the future of America we cannot afford, we should not afford.

There has got to be an answer, and I hope and pray that our negotiators will sit down with the Soviets, will test them, test their willingness to come up with some kind of a rational answer to this mind boggling and irrational process of escalation in nuclear arms that is literally destroying the quality of life in both of these societies.

Mr. SIMON. Mr. Speaker, I thank the gentleman from New York.

I yield some time to myself, Mr. Speaker.

Mr. Speaker, I want to assure my colleagues that I shall be very brief.

No. 1, it is of interest to me to note that in the Press Gallery, I have been watching it as people move back and forth, that we probably are going to have as much coverage of this discussion in Japan as we will in the media in the United States, and for a very real reason. That is, Japan has experienced what we are talking about, and experienced only in its most infant form, in the nuclear devastation.

There are points I want to make very briefly.

No. 1, and it has been covered certainly in part by my colleague from Connecticut and some others, let me just give the Members a couple of graphic illustrations of where we are. A little better than a year ago in the State of Arkansas an Air Force sergeant was walking along and dropped a wrench. It broke a little aluminum tube, and a Titan II missile went up in the air and landed in a wooded area. The news media reported it was a 9 megaton warhead. That did not mean much to me. I do not know what 9 megatons was so I had it researched, and I had two examples of the 9 megaton number.

No. 1, all the bombs of World War II, including Nagasaki and Hiroshima, totaled 2 megatons. No. 2, in TNT terms, if a car blows up in El Salvador or Lebanon or Israel or Northern Ireland or someplace, that is ordinarily 1 or 2 or 3 pounds of TNT. A megaton in TNT equivalency is a railroad freight train 300 miles long loaded with TNT. On 9 megatons, it is 2,700 miles long, almost from here to Los Angeles. And, we have a lot of warheads bigger than that, and we have thousands of warheads and the Soviets have thousands of warheads. That is where we are.

No. 2, there is this myth of holding off, "let's wait until we get to a superior position."

My colleague from Connecticut again addressed that very eloquently. The difficulty with that is a very real difficulty that I observed in the Soviet Union at the end of June and early July. I headed a delegation, the first congressional delegation to go to the Soviet Union after Afghanistan. There were six of us, three Republians and three Democrats. We had some very heated discussions with our Soviet hosts and it is difficult to know from time to time when they are giving us the party line or when they are telling us the truth, but one thing I believe they told me the truth on, and I do not think they were giving me the party line, and that is when they said, "If you build up your armaments, we are going to build up our armaments."

If we think we are going to wait until we have a nuclear freeze while we build up our armaments and the Soviets sit there twiddling their thumbs, we are living in a dream world. That simply is not going to happen.

Where do we stand now? Well, in numbers we are ahead. In delivery systems they are ahead. In throw weight, they are ahead. In accuracy we are ahead. In vulnerability they are much more vulnerable because they are 70 percent on land. But these things, as has been pointed out, are kind of meaningless. As of a few years ago, and I have not seen the latest statistic, but we could destroy the Soviet Union about 16 times and they could destroy us about 9 times, and we have both moved that up a little bit. Let us just say for purposes of argument that it is 18 and 13 now. So, we go to 19 or whatever it is. In any event, superiority in this kind of a world does not make sense. We can both destroy each other; that is the important thing. In that connection, my colleague from Connecticut and my colleague from Washington made one other point, and that is the point of motivation.

□ 1940

Would it be so drastic to assume that maybe the people in the Soviet Union want peace and we want peace?

Probably the most harshly realistic observer of this whole world scene is a fellow named Averell Harriman, who is now about 90 years old. I remember driving in a car one day with Averell Harriman. It was while I was a delegate to one of the U.N. sessions, and we were going over to meet with one of our Soviet counterparts, and Averell Harriman said this: "The Soviets want peace as much as any people on the face of the earth." And he mentioned that he had met with Brezhnev the previous summer and Brezhnev pulled out a picture of his great-grandchild, his first great-grandchild, and he said, "I hope she never has to go through what I went through." And Governor Harriman told me that he had tears in his eyes.

"Now," he said," the danger is that we misunderstand them or they misunderstand us and they might get too adventurous someplace and we would accidentally cause world war III."

But this idea that we can hold off or that we have to think that we are pure and they are totlay evil is just not reality.

Third, there is in much of what is being put out by this administration and, let me say candidly, by its predecessor a myth that if we build up military power, then we are going to have political power in this world, and that we ought to have enough military power so that other nations feel there is a shield so they are not bullied into doing something. But if we take the last 30 years, there is no question that Soviet military power has gained vis-a-vis the United States appreciably, and what has happened to Soviet political power?

Well, let us look at Africa. They lost Egypt and the Sudan. They lost Indonesia, the fifth largest nation on the face of the Earth in terms of population. And China, the largest nation on the face of the Earth.

In the Warsaw Pact countries, Romania voted against the Soviet Union on the Afghanistan resolution in the U.N. As far as Poland is concerned, Poland is certainly not an example of a totally subservient state today, even though Poland does not have the degree of freedom we might wish.

But to suggest that military power means you can have political power around the world is not accurate, and history does not suggest that is an accurate assumption.

Finally, I would like to be personal about my own district and relate an experience I had last Saturday in West Frankfort, Ill. Three men came into my office and said that all three had cancer. All three were veterans. They served at Enewetak, one of the Marshall Islands. All three had been exposed, through H-bomb tests, to nuclear radiation. All three said, "We're dying. We're not speaking for ourselves but for others."

The one man living in Chester, Ill., has nine children. Eight of those nine children have some deformity; after some years, it turned out that they had some type of deformity. The one had a lung that had to be operated on, and it turned out he had a birth defect involving the lung. One ended up with a 16-pound tumor. The only one who had a defect at birth was a boy born without a thighbone and without a leg. I could tick off the problems of all eight of those nine children.

And he said, "I'm interested in two things. I am interested in protecting those children and seeing that they have some rights under the VA or in some way, and," he said, as the others did, "second, I'm interested stopping this nuclear madness."

That is what we have to do. This coming June the United Nations is going to be meeting on the question of arms control. The last time they met, in 1978, the United States was dragging its feet, I regret to say, and we had an administration of my party then.

I am a Democrat, and the President of the United States is a Republican. I would love to see the President of the United States do something dramatic, do something powerful, lead the nations of the world, go there and say, "I've thought this over. I have looked at what this means to civilization. Let's do something."

I think if the President of the United States could do that, it would do more for the image of this country and it would do more to strengthen this economy and improve life for people than any other thing he could do, and 100 years from now, hoping that there will be 100 years from now—and there would be more of a chance of it then—he would be remembered for that more than any other thing he did as President of the United States.

I join in commending my colleagues, the gentleman from Iowa (Mr. LEACH) and the gentleman from New York (Mr. McHUGH), for initiating this discussion. I think we also ought to pay tribute to the organization of the Members of Congress for Peace Through Law, where Edie Wilkie and others have pushed this idea and helped to bring about this kind of a discussion. We are grateful to them.

Mr. Speaker, I would make one other request of the Chair, and that is this:

I ask unanimous consent, Mr. Speaker, that I may relinquish the floor to permit the gentleman from Ohio (Mr. SEIBERLING) to consume a portion of his special order at this time.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Illinois?

There was no objection.

Mr. SEIBERLING. Mr. Speaker, I would just like to say to the gentleman from Illinois (Mr. SIMON) while he is still here that he made a very cogent and a very eloquent statement in respect to the fact that we are debating this on the first anniversary of the attempted assassination of President Reagan. The President said after that event that it made him do a lot of thinking, and people have observed that he became more dedicated and perhaps more above the mere political considerations because he had time to sort of think about what he would leave to this country and what legacy he would leave behind him. I think the gentleman from Illinois (Mr. SIMON) has put his finger on the most important legacy that President Reagan could leave.

If President Reagan could go down in history as the man who turned the nuclear arms race around and headed it in the direction of ending it, he would have a niche for all time, and the gentleman and I and every Member of this House would be the first to take our hats off and hail him as one of the greatest Presidents this country has ever had.

I hope that on this anniversary of his narrow brush with death he would think about that. The whole world is having a narrow brush with death, all of our posterity is threatened, and the real question today is, what are we going to do about it? I would take my hat off to him if he were the man to take that leadership.

Mr. SIMON. Mr. Speaker, will the gentleman yield?

Mr. SEIBERLING. I yield to the gentleman from Illinois.

Mr. SIMON. Mr. Speaker, I want to join with my colleague, the gentleman from Ohio (Mr. SEIBERLING), in what he has to say.

I have a friend who says, "Life doesn't mean anything anyway." He said, "Whatever you do, it is like a bucket of water: you put your hand in, you pull it out, and it doesn't make any difference what you did in between."

I could not disagree more. I think it makes all the difference in the world, and ultimately all of us have to think about what we are going to do in leaving a legacy for others.

There is nothing that any of us can do, whether it is President Reagan or those of us gathered here in the House, that would be more important or more urgent than to bring this world a little closer to rationality and peace and hope.

I remember—and some of the Members were here when this occurred—right in this very Chamber when for the first time in the history of the House of Representatives we invited a U.S. Senator to speak to this House. That was Hubert Humphrey. He stood right up there, and he did not have any prepared text in front of him, and among other things he made this statement.

□ 1950

He said this about 8 weeks before he died and we know he was going to die and he knew he was going to die. He said this:

> So far as we know, the only place in this whole vast universe where God has given life is this small planet of the Earth. You and I are engaging in an experiment whether we can have peace and freedom and justice on that small planet, and that really is what the ballgame is all about.

That is what we are talking about tonight.

Mr. DENARDIS. Mr. Speaker, will the gentleman yield?

Mr. SEIBERLING. I yield to the gentleman from Connecticut (Mr. DENARDIS).

Mr. DENARDIS. Before the gentleman from Illinois (Mr. SIMON) leaves the Chamber, I simply want to say that I regard his address here as brilliant and moving. Though our colleagues will have an opportunity to read it tomorrow or whenever, I consider myself privileged to have been in the Chamber to hear it in person.

If I might have the attention of the Speaker, I would like to, on the heels of that speech, make a unanimous-consent request. My colleague from Iowa (Mr. LEACH) put several speeches and articles into the RECORD and noted that perhaps one of the most comprehensive pieces, the three-part series by Jonathan Schell in the New Yorker magazine, 90,000 words, was in his opinion too long to enter into the RECORD. Senator ALAN CRANSTON, after visiting with Jonathan Schell had Mr. Schell reduce his article to 10,000 words. That is probably still too much. Senator CRANSTON, on his own, reduced that simply to 2,000 words, and I would like to place that in the RECORD and again thank the gentleman from Illinois and the gentleman from Ohio for yielding.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Connecticut?

There was no objection.

The article referred to follows:

(Summary by Senator Alan Cranston of Jonathan Schell's New Yorker series)

THE THREAT THAT NUCLEAR WAR COULD EXTERMINATE THE HUMAN RACE

According to the Bible, when Adam and Eve ate the fruit of the tree of knowledge God punished them by withdrawing from them the privilege of immortality and dooming them and their kind to die. Now our species has eaten more deeply of the fruit of the tree of knowledge, and has brought itself face to face with a second death—the death of mankind.

There are some 50,000 nuclear warheads in the world. They are a pit in which the whole world can fall—a nemesis of all human intentions, actions and hopes—culminating in an absolute and eternal darkness in which no nation, no society, no ideology, nor civilizaiton, will remain; in which never again will a child be born; in which never again will human beings appear on the earth, and there will be no one to remember that they ever did.

This threat of self-destruction and planetary destruction is not something that we will face one day in the future, if we fail to take certain precautions; it is here now, hanging over the heads of all of us at every moment. The machinery of destruction is complete, poised on a hair trigger, waiting for the "button" to be "pushed" by some misguided or deranged human being or for some faulty computer chip to send out the instruction to fire.

The most fateful of the possible consequences of a full-scale nuclear holocaust would be the extinction of mankind which could come about not because every human being would be killed by bombs directly but because the holocaust would destroy the global ecosphere on which human and other life depends. We have been warned that this could be the consequence by, among others, Einstein, Eisenhower, Kissinger and, more recently, by Dr. Fred Ikle, Director of the Arms Control and Disarmament Agency under Presidents Nixon and Ford and now Under Secretary of Defense for Policy. A 1981 Soviet government publication reached the same conclusion.

Bearing in mind that the possible consequences of the detonations of thousands of megatons of nuclear explosives include the blinding of insects, birds, and beasts all over the world; the extinction of many ocean species, among them some at the base of the food chain; the temporary or permanent alteration of the climate of the globe, with the outside chance of "dramatic" and "major" alterations in the structure of the atmosphere; the pollution of the whole ecosphere with oxides of nitrogen; the incapacitation in ten minutes of unprotected people who go out into the sunlight; the blinding of people who go out into the sunlight; a significant decrease in photosynthesis in plants around the world; the scalding and killing of many crops; the increase in rates of cancer and mutation around the world, but especially in the target zones, and that attendant risk of global epidemics; the possible poisoning of all vertebrates by sharply increased levels of Vitamin D in their skin as a result of increased ultraviolet light; and the outright slaughter on all targeted continents of most human beings and other living things by the initial nuclear radiation, the fireballs, the thermal pulses, the blast waves, the mass fires, and the fallout from the explosions; and, considering that these consequences will all interact with one another in unguessable ways and, furthermore, are in all likelihood an incomplete list, which will be added to as our knowledge of the earth increases, one must conclude that a full-scale nuclear holocaust could lead to the extinction of mankind.

We are uncertain whether or not a holocaust would bring about human extinction, and this uncertainty cannot be remedied.

We cannot run experiments with the earth, because we have only one earth; we are not in possession of any spare earths that we might blow up in some universal laboratory in order to discover their tolerance of nuclear holocausts.

While we cannot know for certain whether or not our species will be extinguished in a holocaust, the mere possibility of it imposes unprecedented obligations on our generation.

The risk of extinction has a significance that is categorically different from, and immeasurably greater than, that of any other risk. Up to now, every risk has been contained within the frame of life; extinction would shatter the frame. It represents not the defeat of some purpose but an abyss in which all human purposes would be drowned for all time.

Once we learn that a holocaust *might* lead to extinction we have no right to gamble, because if we lose, the game will be over, and neither we nor anyone else will ever get another chance. We have no choice but to address the issue of nuclear weapons as though we knew for a certainty that their use would put an end to our species.

That so much should be balanced on so fine a point—that the fruit of four and a half billion years can be undone in a careless moment—is a fact against which belief rebels.

We have found it much easier to dig our own grave than to think about the fact that we are doing so. Almost everyone has acknowledged on some level that the peril exists, but the knowledge has been without consequences in our feelings and our actions, and the superpowers have proceeded with their nuclear buildups.

The use of nuclear arms was contemplated in past crises and will continue to be contemplated in future ones. The sequence of events once hostilities begin lies open. The state of mind of the decision-makers might be one of calm rationality, of hatred, of shock, of hysteria, or even of outright insanity.

In the theoretically sophisticated but often humanly deficient world of nuclear strategic theory, it is likely to be overlooked that the outbreak of nuclear hostilities in itself assumes the collapse of every usual restraint of reason and humanity. Once the mass killing of a nuclear holocaust has begun, the scruples, and even the reckonings of self-interest, that normally keep the actions of nations within certain bounds will by definition have been trampled down, and will probably offer little further protection for anybody. In the unimaginable mental and spiritual climate of the world at that point it is hard to imagine what force could be counted on to hold the world back from all-out destruction.

Predictions about the size and form of a nuclear holocaust are really predictions about human decisions, and these are notoriously incalculable in advance—especially when the decisions in question are going to be made in the midst of unimaginable mayhem.

No generation before ours has ever held the life and death of the species in its hands. But if we hardly know how to comprehend the possible deaths in a holocaust of the billions of people who are already in life how are we to comprehend the life or death of the infinite number of possible people who do not yet exist at all? How are we, who are a part of human life, to step back from life and see it whole, in order to assess the meaning of its disappearance? To kill a human being is murder, and there are those who believe that to abort a fetus is also murder, but what crime is it to cancel the numberless multitude of unconceived people? In what court is such a crime to be judged? Against whom is it committed?

What standing should they have among us? How much should their need count in competition with ours? How far should the living go in trying to secure their advantage, their happiness, their existence?

With the fate of the earth at stake, we are summoned as citizens and as officeholders to fresh thinking and fresh exertions.

We and our adversaries have so far had no better idea than to heap up more and more warheads, apparently in the hope of so thoroughly paralyzing ourselves with terror that we will hold back from taking the final, absurd step. Considering the wealth of our achievements as a species, this response is unworthy of us.

While the events that might trigger a holocaust would probably be political, the consequences would be deeper than any politics or political aims, bringing ruin to the hopes and plans of capitalists and socialists, rightists and leftists, conservatives and liberals alike.

If a lasting political solution seems almost beyond human powers, it may give us confidence to remember that what challenges us is simply our extraordinary success in another field of activity—the scientific.

We have only to learn to live politically in the world in which we already live scientifically.

At present, most of us do nothing. We look away. We remain calm. We are silent. We take refuge in the hope that the holocaust won't happen, and turn back to our individual concerns. We deny the truth that is all around us.

Such imponderables as the sum of human life, the integrity of the terrestrial creation, and the meaning of time, of history, and of the development of life on earth, which were once left to contemplation and spiritual understanding, are now at stake in the political realm and demand a political response from every person. As political actors, we must, like the contemplatives before us, delve to the bottom of the world, and Atlaslike, we must take the world on our shoulders.

Mr. MILLER of California. Mr. Speaker, will the gentleman yield?

Mr. SEIBERLING Mr. Speaker, I yield to the gentleman from California.

Mr. MILLER of California. Mr Speaker, I, too, want to congratulate the organizers, the gentleman from Iowa (Mr. LEACH) and the gentleman from New York (Mr. MCHUGH) for their efforts to organize not this debate but this discussion of what I think is clearly the most important issue facing us as a society.

I want to congratulate the Members of Congress who are members of the organization of Peace Through Law for their efforts to organize us to participate today. It is not terribly important for those who are discussing the matter before us, the survivability of our society in the event of a possible nuclear holocaust, whether or not one supports the freeze or whether or not one supports one of the other initiatives, be it by someone in the other body or in the House, or by someone out among the American people, because what is important is that there is a recognition in this House and by its Members that the people of the United States, and I believe clearly the people in the rest of the world, support an effort to reduce the risk of nuclear war and its resulting devastation.

We can argue, and I am sure as time goes on Members of this House and others will take this effort, this very fundamental belief by individuals and turn it into political rhetoric so that those same individuals will never recognize what they come to understand.

What they have come to understand is perhaps the most fundamental instinct that each every one of us has, and that is the instinct to survive.

There has been a growing recognition throughout the world that our ability to survive and the dangers that are posed to that survivability are grave.

Those of us who are discussing this in the Chamber tonight, while many of us have been discussing it for the years that we have spent in the Congress, this particular initiative, the idea of a nuclear freeze, we come late. We come late because it has been discussed among the people we represent. The people that we represent fully understand that the issue of nuclear war, the issue of the survivability of mankind is far too important, to be left to the politicians and the elected officials of the world. That is why literally tens of thousands and hundreds of thousands of people in Europe and in this country have joined in an effort to make their elected officials pay attention to and understand that an effort has to be undertaken to reduce that risk to all mankind.

Many have heard the thunder of the crowd approaching and have run out to get in front. I would only hope that as this initiative becomes more political and more threatening to the established system of government in this country that we do not shirk from the continued discussion of the idea of the limitation of nuclear weapons in our society and the freezing, at a very minimum, of the current level of buildup.

This initiative may not be perfect, and it need not be. One need only examine it in the light of the existing policy, the existing policy which we have said time and again would lead to deterrence, would lead to a safer world, would lead to a world without war, and each and every year that existing policy has brought us closer to war, whittled away what little deterrence was there and, in fact, moved the clocks and the time of survivability closer to the holocaust.

So I would hope that many more would join us in this debate tonight and in the debate in the future so that we can keep the pressure on others to understand that this is not our movement. This is not the movement of 150 or 156 Members of Congress who have signed on to the nuclear freeze. This is a movement that belongs to the American people. This is a movement that belongs to the people of Europe. This is a movement that belongs to mankind, because it is a movement for survival. It is the loneliness and the understanding of a small child wondering if they will ever grow up as they read about and see the terror that nuclear weapons present to their future. It is the wondering of the young couple as to whether or not they will ever hear the heartbeat of their child. It is the wondering of those of us who ponder how we will spend our elderly years if those years are to exist at all.

I suggest that that wondering and that longing for survival is so inconsistent with the ability that we now have within this Government and other governments of the world to not just eradicate our own life but to eradicate the lives that have not yet even been conceived, of entire species. The longing for survival that exists in each and every one of us, which will not be put out, will not be dampened by platitudes from politicians. It will not be dampened by makeshift attempts to look like we are terribly concerned about this issue. It will not be dampened by arms talks that do not progress to a serious limitation on nuclear weapons. It will not be dampened by the insincerity of those who would try to calm the masses that have already gone to the streets, because that longing for survivability is what has kept the human race on the face of this Earth throughout its entire time when it has been presented with serious and grave dangers. Whether it be natural disasters or it be world wars created by political leaders, that longing for survivability has caused us to come through.

□ 2000

But now for the first time we are presented with the ability to wipe it out, to eradicate it from all futures, to once again extinguish that life that Congressman SIMON told us that Senator HUMPHREY spoke of so eloquently, that as we look around, with our very best efforts, with our best scientific technology, we cannot yet find another planet or star that has given humanity the qualities that we have come to understand, to endure and seek to enrich. And that is why this debate is taking place, because this debate is far greater than the elections of November or the survivability of the German Government or the placement of weapons in Europe.

This debate is far greater than that and seeks to overcome most of the political rhetoric which seeks to stifle it.

I want to again congratulate you, Congressman LEACH, a truly shining and bright light in the Halls of Congress, in bringing this issue before us, my colleague, the gentleman from New York (Mr. MCHUGH), and Members of Congress for their efforts made here tonight for peace through law.

Mr. SEIBERLING. Mr. Speaker, I yield to the gentleman from California (Mr. DYMALLY).

Mr. DYMALLY. I thank the gentleman from Ohio for yielding.

Mr. Speaker, one of the most encouraging developments I have seen in recent times is the emergence of a broad-based antinuclear movement throughout our country and around the world. I commend the gentleman from Iowa (Mr. LEACH) and the gentleman from New York (Mr. MCHUGH) for bringing us together and focusing attention on this important subject.

I am proud to be a Member of a legislative body that is able to hear the cries of the people; I will be prouder still when we act in such a way as to make those cries no longer necessary.

It is essential, in these deliberations, to be clear and candid about what it is we are dealing with. The issue of nuclear proliferation is not a single, isolated issue. Rather, it is a manifestation of the mind-set—of the entire world view—of the present administration. We have in this administration people who are gripped by the Soviet phobia and who, in consequence, are reviving the cold war. And, Mr. Speaker, I hasten to add that the Soviets are equally guilty of this madness.

But we have passed the point of no return; we have passed the point of being able to keep the war "cold." We indulge this prevailing irrational, narrowminded attitude at the risk of exterminating the life of planet Earth.

A secondary motive for the present posture of the administration, many of us suspect, is to build support for increased military expenditures on the premise that expanding the defense budget is a certain way to solve our economic ills. This premise is an absolute myth.

"Defense" industries are capital extensive, not labor intensive. It takes $1 billion to create 45,800 jobs in the highly technical military sector. The same amount of money would create 58,000 jobs in mass transit; 103,000 jobs in the field of day care.

What we are doing is depriving people of jobs, social security, health care and education; we are depriving people of life slowly—until the day we decide to kill them quickly.

There is no word for this but insanity.

The path back to sanity is fourfold: First, adoption of a policy by the Government of the United States and the Soviet Union never to be the first nation to use nuclear weapons; second, immediate freeze on testing, production, and deployment of all nuclear weapon systems; third, negotiations to phase out the world's nuclear arsenal; and fourth, investment of as many resources in a National Peace Academy to prepare for peace as we invest in the Pentagon to prepare for war.

Mr. Speaker, we call ourselves a religious people—a God-respecting people. I do earnestly hope we will remember that we are but the stewards of the Earth, and in that remembrance, do all within our power to protect and preserve this planet and all of its inhabitants.

Mr. SEIBERLING. Mr. Speaker, I yield to the gentleman from Oregon (Mr. AUCOIN).

Mr. AUCOIN. Mr. Speaker, I want to compliment my colleagues for the many excellent statements that have been made tonight, excellent statements and also extremely thoughtful statements, statements from the mind as well as from the heart, and I think the record we are beginning to build here through the leadership of the gentleman from Iowa, as well as the gentleman from New York and all who have participated, is one that can give impetus to a grassroots movement in this country and elsewhere around the world that will bring sanity to our lives and sanity to our future, so that future generations will not experience the kind of terror that we gather here tonight to discuss.

It is not my purpose this evening, Mr. Speaker, to repeat so many of the superb points that have been made so far in this discussion. Rather, it is my purpose to focus, if I may, on the fallacy of the idea of survivability in a nuclear war, and also the danger to humankind in believing in such a fallacy.

Mr. Speaker, today's Washington Post carried a story reporting that the President has just approved a $4.2 billion program to try to relocate two-thirds of the American public in the case of a threat of nuclear war.

Mr. Speaker, I could not help but notice that in the same edition of that newspaper another news story quotes the President as being opposed to a nearly identical amount of funding for an emergency housing production program for this country, a program that would put the American people back to work.

I must say that that alarms me, that juxtaposition; but what really alarms me about the first of the two articles that I referred to, the article about the civil defense proposal, is what it suggests in terms of this administration's view or apparent view of nuclear war itself. In a word, it seems to this Member of Congress that it suggests yet again that the highest placed military policymakers, both civilian and military, in this country today actually believe the fantasies that nuclear war is survivable.

My friends, that is wrong. And because it is wrong it is extremely dangerous for every man, woman, and child in this Nation. It is dangerous because it implicity makes the idea of nuclear warfare thinkable. It suggests that this kind of warfare would not be that much different from the kinds of warfare the world has always known, and it suggests, further, that there is a method, somehow, of escape, a method of escape for all of us or for many of us or perhaps for most of us, and that somehow it is all a large chessboard and that, by skillfully moving the pawns and some of the more important players, we can somehow match nuclear moves with countermoves and somehow it is all going to be all right.

Mr. Speaker, the Post article indicates that under the administration's new proposal the President would order the moving of Americans from 380 "high-risk" areas to an unspecified number of "host areas" around the country. Those so-called high risk areas would include, according to the administration's spokesman quoted in the article in the Post this morning, 61 counterforce targets, using their terminology—those apparently are missile fields and bomber bases—but they would also include 319 cities, basically all U.S. cities over the population of 50,000.

□ 2010

It is all very carefully plotted out by highly organized and orderly minds, Mr. Speaker, and it is all very antiseptic.

NUCLEAR ARMS RACE

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Washington (Mr. LOWRY) is recognized for 60 minutes.

Mr. LOWRY of Washington. Mr. Speaker, I yield to the gentleman from Oregon (Mr. AUCOIN).

Mr. AUCOIN. I appreciate the gentleman yielding.

To read this account it seems all very orderly and very antiseptic and clearly it is the product of careful thought by otherwise, logical minds. But the trouble is to the uninitiated reader, the news of this so-called civil defense plan would lead one to believe that the nuclear superpowers of the world can be as belligerent as they please and that somehow ordinary people will manage to stay safe.

Mr. Speaker, when recklessness seems to carry no price, I submit that nuclear war is no longer merely thinkable, I submit that it becomes probable.

But the most profound truth we face tonight, Mr. Speaker, and my colleagues who are here, is that survivability is indeed a monstrous, monstrous fallacy. Nuclear war is not survivable, not in any form that is worthy of its name.

In the book "The Final Epidemic," Jack Geiger graphically spells this out. He describes the carnage that would result if a single 20-megaton bomb were to burst in the air above the city of San Francisco.

Mr. Speaker, the Geiger article shows that such a blast in San Francisco would kill—listen to these numbers—1,923,000 persons, 53 percent of all people in the Bay area, and in addition to that, it would seriously injure 874,000 additional people.

Thus the total casualties, fatalities as well as nonfatalities, would come to 77.4 percent of the population in the Bay area.

I think we also ought to consider the nature of those injuries in the statistic of 874,000 injuries. According to Mr. Geiger, among the so-called survivors that would be survivors in that injury list would be tens of thousands of third degree burn cases, and Mr. Geiger states in his book, and I quote:

> In this kind of injury, survival and recovery depend almost entirely on the availability of specialized burn care facilities, highly and specially trained medical and allied personnel, complex laboratory equipment, almost unlimited supplies of blood and plasma, and the availability of a wide range of drugs.

Continuing the quote:

> No such facilities would remain intact in San Francisco. Indeed, the number of Bay area burn casualties would exceed by a factor of 20 to 30 times the capability or capacity of all of the burn care facilities in the whole of the United States of America.

Mr. Geiger goes on to cite a detailed study of another American city, a study that suggests that there would be 1,700 seriously injured survivors for every physician in an attack of this kind.

Again quoting Mr. Geiger:

> If, conservatively, we estimate that only 1,000 wounded patients per surviving physician survived, and if we further assume that every physician sees a patient for only ten minutes, ten minutes, for a diagnosis and treatment, and if such physician worked 20 hours a day, it would be eight days before all of the wounded would be seen once by a doctor.
>
> Most of the wounded will die without medical care of any sort. Most will die without even the simple administration of drugs for the relief of pain.

Mr. Speaker, this is the effect of a single bomb, a single bomb, and I think we here tonight need to observe that in the case of a general nuclear exchange, we are not dealing with one bomb or one missile, we are dealing with hundreds upon hundreds of weapons that would be deployed.

Mr. Speaker, there is no survivor in a nuclear war. I have heard those who have said that this insane arms buildup we are in is a deterrent of some kind, that it is going to spare us all of these monstrous nightmares ever coming to pass, that by building a large enough stockpile of nuclear missiles and bombs no other country would dare strike us and that, therefore, such arms spending would make the world safe.

Well, Mr. Speaker, I would like to remind my colleagues that the same arguments were made once before in this country's history and in the history of the world. They were made about the question of conventional air bombing on a massive scale earlier in our history. In 1925, Gen. Billy Mitchell argued in his words:

> The menace of air war will be so great that either a state will hesitate to go to war, or having engaged in war, bombing will make the contest sharper, more decisive, and more quickly finished.
>
> This will result in a diminished loss of life and treasure and thus will be a distinct benefit to civilization.

Think about that tonight, Mr. Speaker, as we deal today not with flying fortresses, with conventional bombs, but with weapons 1,400 times the destructive capability of the bomb that we dropped on Hiroshima.

Mr. Speaker, Michael Sherry thought about that fact when he wrote about it in an article in the December 26, 1981, edition of the New Republic. He said:

> Bombing, had General Billy Mitchell's become a kind of doomsday fantasy, not a believable danger. Terror was its virtue. The very reason no nation would dare unleash it.

But what happened? What did happen? How many lives were lost by the flying fortresses, by the mass destruction in cities and civilizations? The history that followed General Mitchell's statements revealed the atrocity of mass bombing in London, in Munich, Dresden, Hiroshima, and Nagasaki and many other places.

Mr. Speaker, Mr. Sherry concluded his provocative and thoughtful article with this statement, and I quote:

> The World War II bombing that the world experienced were technological fanaticism, the pursuit of destructive ends but suppressed, sanctioned, and disguised by technological means. The unthinkable bombings occurred because of the growth in modern times of two distinct but related phenomena, the will to destroy and the means of destruction. The will to destroy helped motivate development of the means, attainment of the means made the destruction seem imperative and painless.

Mr. Speaker, the question in our time, in our generation is whether this lesson in the workings of the human mind will be learned by decisionmakers today, decisionmakers whose fingers rest not just on a release signal to flying fortresses but on nuclear buttons themselves.

It is a lesson that should be heeded, Mr. Speaker, and one of the most fundamentally signs this Member of Congress has seen is the ground swell of citizens' support for a nuclear freeze approach across the length and breadth of this country and reflected here in the Halls of Congress tonight.

In Oregon, my colleague (Mr. WEAVER) and I have filed an initiative petition to place the idea of a nuclear freeze on the ballot for all Oregonians to vote on, and I believe that every American, tonight, Mr. Speaker, should pray that this Oregon effort and efforts in cities and hamlets and communities across this country and here in the Halls of Congress will succeed, will be successful, because, Mr. Speaker, on this issue we as human beings dare not fail.

□ 2020

Mr. LOWRY of Washington. Mr. Speaker, I would like to thank the gentleman from Oregon for his very eloquent remarks on this most important subject. I would like to note that for the years I have known my colleague, the gentleman from Oregon, he has consistently been working to bring some sort of sanity into this most important of all questions. I would like to thank the gentleman.

Mr. Speaker, I would like to thank the gentleman from Iowa (Mr. LEACH) and the gentleman from New York (Mr. MCHUGH) for their outstanding leadership in this effort to bring this most important of all issues before us, and the gentleman from Massachusetts (Mr. MARKEY) who has joined us again, for his leadership in the freeze initiative. That is the most exciting thing I have seen in my 3 years and 3 months in this body. It has brought this discussion to where it has to be and to thank the members of Congress for Peace Through Law for their organizational effort that has made this possible tonight.

I want also to thank the gentleman from California (Mr. MILLER) for his obvious commitment to this effort.

As the gentleman from Oregon was talking about the tremendous destruction that would occur from one bomb, I though of the situation that we hear about, the window of vulnerability, how the United States does not have enough nuclear weapons to counterbalance the Soviet Union. Ninety-two hundred nuclear warheads are not enough to counterbalance the Soviet Union. Twenty-five thousand are not enough to counterbalance the Soviet Union. We need 17,000 more beyond that and that, of course, will not be enough to counterbalance the Soviet Union.

This insane, economically destructive argument has gone on for years. It can no longer afford to go on or it will destroy civilization.

Now, when I hear that we have a window of vulnerability, that we could be taken by a phone call, I just think we have to understand what a misstatement of fact that is. The sad fact, given the nuclear arsenals exist in this world, that is that if the Soviet Union were today or next year to launch the most successful possible surprise attack they could ever launch and, of course, you would have to assume they would want to do that and that is an assumption that I wholeheartedly reject) that if the Soviet Union would want to launch and did launch it, that we would have left to retaliate in our present arsenal at least 3,500 warheads, each one of which has from 10 to 100 times the destructive power of the bombs dropped on Hiroshima and Nagasaki.

How many times do we have to be able to eliminate the Soviet Union as a civilization to have an adequate retaliatory power. What is the window of vulnerability?

Well, there is a window of vulnerability—the existence of the world is in a window of vulnerability.

As the gentleman from Ohio (Mr. SEIBERLING) has pointed out many times on this floor from his subcommittee work and the work done by the Office of Technology Assessment, a nuclear exchange quite likely would eliminate one-third or more of the ozone layer. Is that enough or is that not enough? That does not destroy enough? of course it does.

Where are we now in this spending of billions and billions of dollars to increase this arsenal? What is it that we get for our Nation in exchange for the hundreds of billions of dollars to be spent in the next 6 to 10 years to increase our arsenal? What is it that is worth hundreds of billions of dollars?

I believe we are destroying our economy. I believe we are destroying our capability to compete with our friendly neighbors, the Japanese, the French, the West Germans, as we divert more and more of our economic capability into this military machine. What do we get for that tremendous sacrifice that is putting us into the position that we perhaps will only be able to compete in weapons and agriculture, and probably not even agriculture anymore in a few years? What do we get in exchange for that? Is it security?

No, it is not security. It is insecurity. It is a path that is guaranteed to bring us to the greatest devastation the world has ever seen. As we build up and the Soviet Union builds up and we spend hundreds of billions of dollars and they spend hundreds of billions of dollars, what do we get for that? We get one thing. We get a lesser chance to recall a mistake. We shorten the time in which we can recall nuclear devastation caused by miscalculation. That is what we get. That is what we get for our expenditures of dollars that are more and more destroying our economy.

Why? What is it that we are really developing in new weapons systems? We are developing first strike weapons.

What are first strike weapons systems as opposed to the present situation, which has been adequately named the balance of terror? What is first strike capability? It is the ability to knock out the other side's missiles before they can shoot them at you.

What does it do? That all sounds pretty good, but what does that really do? It puts the other side in the inhuman position of making a decision, "Can we leave our missiles sitting in the silos until they get knocked out? Or when we detect erroneously that we are under attack, do we have to fire our missiles, launch them warning before they are knocked out?"

That is what we get from first strike: first strike to be countered by launch-on-warning. That is what the MX missile does.

The MX missile is a defensive system? That is absolutely untrue. The MX missile is an offensive system. The MX is a missile developed to knock the Russian missiles out of their silos before they are fired.

What do the Russians have to do about that? They have to develop a way to shoot their missiles before our missiles get there to knock them out. They have to develop launch-on-warning, and

Trident II's and satellite-directed missiles would give us the capability of knocking the Russian missiles out of the silos before they are fired. That is what they do.

Where does that put the Russians? In making a decision, can we let our missiles sit in the silos for the Trident II's to come in and the MX's to come in, or do we fire them before they are knocked out? Do we fire them before they are knocked out?

The gentleman from the other House who has been a tremendous leader in this matter is from the State of Oregon, as is our great and good friend, the gentleman from Oregon (Mr. AUCOIN). He points out that in a 20-month we thought we were under attack by the Soviet Union 147 times. One hundred and forty-seven times in a 20-month period we thought our early warning system told us that we were under attack by the Soviet Union.

Now, most of those were immediately discounted, immediately found in error. Four of them went to a lengthy period of time. On November 9, 1979, a mistake caused by a programing error led to the signaling of a Soviet submarine launched attack. It took 6 minutes for this error to be positively identified as a mistake.

We thought for a period of 6 minutes through our early warning system that there was a submarine launched attack on us.

Now, those new missiles we want to put in Europe are 5 minutes from Moscow. If I am convinced of one thing, I am convinced that our computer systems are better than the Russian computer systems, that our early warning systems are better than the Russian's early warning systems, that because they have devastated their capabilities through their massive military waste, that their electronic systems are worse than our electronic systems; so if we the Russians were attacking us 147 times in 20 months and if we thought for 6 minutes that there was a submarine-launched attack on us, how many times did the Russians think we were attacking them during that 20-month period of time?

I want to return to first strike, this wonderful thing we get out of building the MX after spending $40 billion to $100 billion this wonderful thing we get out of the submarine launched Trident II, so that we have the first strike capability to knock the Russian missiles out setting in their silos and they get the mistaken computer early warning system signal that they are under attack.

You are the Russian general sitting there, who makes the decision over there. There are the Russians sitting there and they say, "Our early warning system tells us that we are under attack. They have got the Trident. They have got the satellite-directed submarine launched missiles. They can knock out all our retaliatory capability. We have exactly 4 minutes to decide whether that is right or not."

Does that make you feel secure?

☐ 2030

Well, if it does make one feel secure, one slept through the whole speech, because that is absolutely ridiculous.

Now, I want to remind Members: this is what we get. This is what we are buying. This is what this devastation of our economy is giving us in the massive development of new weapons.

Mr. DORGAN of North Dakota. Mr. Speaker, will the gentleman yield?

Mr. LOWRY of Washington. I yield to my friend, the gentleman from North Dakota.

Mr. DORGAN of North Dakota. I appreciate the gentleman yielding.

As my colleague was speaking, I was listening intently. I was recalling reading the last speech that Hubert Humphrey made as a Member of Congress. It was in this Chamber. Hubert Humphrey, at the end of the speech, said something I thought was very poignant. He said:

> To the extent we know it, this is the only place in the universe that life exists, and the question of whether that life is going to exist in peace, and continue as life, rests largely on the leadership capabilities of the American people.

And the question I suppose that the gentleman is posing is: Are we leading? And the answer is: Today, no; we are not leading. We are moving toward the kind of condition that poses for us a very sick economy, poses for us more insecurity, not more security. And I think that the kinds of things the gentleman is talking about, and the kinds of things that have been discussed in all of this special order by the many

Members of Congress, represent an important first step to begin making this body aware of what so many people in this country are aware: that we do not improve the security of our Nation or improve the security of this world by building more and more, and more, nuclear armaments.

There is not a window of vulnerability. That window of vulnerability is a figment of the President's imagination and a figment of the imagination of so many other people who feel that spending more money for guns and armaments makes us strong. Any business person in this world can tell one that, sure, one needs to make investments. But one just does not invest willy-nilly; one has to make the right kind of investments.

We need to make sure this country is a strong country. All of us in this body care about that. But we are eroding the security of this country very rapidly with the kind of nuclear buildup and expansion that is underway.

I want to say in conclusion what Hubert Humphrey said so eloquently from those microphones behind the gentleman in his last appearance, I think, gives us the kind of inspirational message that we ought to carry now forward to provide the leadership for the American people they so desperately need in attempting to freeze first this nuclear buildup occurring between the United States and the Soviet Union; and second, begin a systematic program of reduction of nuclear armaments in this world to make the world once again a safe world for living.

Mr. LOWRY of Washington. I want to thank the gentleman from North Dakota for that timely and poignant statement, and to mention how much as a new Member he has brought to this body. I appreciate his thinking.

I would tell just a little story, a little joke here. It is getting awfully late at night.

I like Hagar the Horrible in the comic strips. He is the red bearded Viking who is always running around conquering things. Some months ago there was a comic strip that I cut out and kept. It showed Hagar standing up on hill with his sword drawn and all his band around him, and down in the valley was the ruins of what used to be a city, smoking and nothing standing down there any longer. All of Hagar's band has this sort of forlorn look on their faces, and Hagar says, "How many times do I have to tell you: First you loot then you burn."

That is just how intelligent this arms race approach is to the security of this Nation and this world, the sad, sad fact is, even Hagar will not be standing there on the hill any longer if we continue on this mad misunderstanding of how to get our priorities straight in this Congress, in this country, and in this world.

Mr. SEIBERLING. Mr. Speaker, will the gentleman yield?

Mr. LOWRY of Washington. I yield to the gentleman from Ohio.

Mr. SEIBERLING. Mr. Speaker, the gentleman has made a most powerful statement. I would like to ask him if he remembers during the Vietnam war the famous remark that an American major made after a battle which resulted in a village being burned. He said to the news reporter who happened to be there, "We had to destroy the village to save it."

Well, nuclear war is applying that same philosophy on a global scale.

Mr. LOWRY of Washington. I thank the gentleman for his continued leadership on this important subject.

I want to thank, again as I move out of the well, the people who have taken the leadership on this issue. My colleagues will never, ever, possibly perform a more important task in their lives.

Mr. Speaker, I yield back the balance of my time.

NUCLEAR FREEZE

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New Jersey (Mr. HOLLENBECK) is recognized for 60 minutes.

● Mr. HOLLENBECK. Mr. Speaker, I appreciate this chance to participate in what is surely one of the most crucial discussions of our time, the outcome of which may determine whether we continue on our present course or whether we begin to move toward resumption of negotiations on freezing and reducing strategic arms.

We have heard a lot in recent weeks about the impracticality of a nuclear freeze as one method to minimize the peril of a nuclear exchange. Critics charge that a freeze will allow the Soviets to retain their nuclear advantage and that a freeze is not verifiable. They add that agreeing to a freeze provides a disincentive for the Soviets to negotiate a true reduction in armaments and they raise doubts about whether or not the Soviets would even agree to a freeze. Each of these arguments are easily refutable. Quite simply, critics of the arms freeze fail to recognize that the Soviets do not hold any clear advantage over the United States in nuclear arms, and in fact, current forces on both sides are in better balance now than at any other time in history. They also ignore the fact that the most important aspects of the freeze (testing and deployment) can be verified and that our intelligence capabilities now permit us to monitor even the production of new Soviet weapons. It is also important to point out that in 1977, 1978, and 1979, Soviet officials proposed their own halt to the nuclear arms race along the same lines as the freeze. At the very least we can surmise that even if the United States proposed a freeze the Soviet Union would give it very serious consideration.

Despite these and other arguments for supporting a nuclear freeze, it is likely that the rebuttal on its merits will go on for as long as its critics permit. The discerners will continue to ascertain as best they can whether the present course of human events carries with it the danger of devastating life in our world. They will continue, seemingly unemcumbered by the weighty responsibility they hold, to point meticuously to every imagined imperfection and flaw and simply by virtue of their concern over how the Soviets behave in a real world and over this country's perceived security needs, prolong the status quo and heighten even further the dangers of a nuclear conflict.

Truly, the main obstacle to a negotiated freeze will be this kind of skepticism about whether a freeze is worth seeking. In the meantime, while we build more weapons the Soviet Union will be doing the same. Both countries are about to embark on a new generation of nuclear weapons that are so accurate that they will be able to eliminate the weapons of other nations before they are even launched. In addition, while the adminstration pledges to increase its strategic weapon stockpile at an alarming rate, neither the United States nor the Soviet Union have demonstrated a commitment to open dialog with each other on the issue of armament control. In response, our citizens grow nervous, and even more importantly, fearful, and with good reason. We live, unfortunately, in a world of threats and counter threats, of force and counterforce, and as technological advances make new weapons more usable the temptation to use them will be greater than before. Inevitably there will come the moment of a crisis when one nation will decide to push the button before the other does. Aggression will be met with aggression. Retaliation with retaliation and humanity as we know it will fall by the wayside.

Every American knows that this scenario is possible. We must begin now, therefore, to focus attention on the urgent need for more rapid progress toward reductions in nuclear armaments, bearing in mind that the freeze is not an end in itself and that it should be followed by major mutual and verifiable reductions. So let us begin tonight as we attempt to chart the best course to increased national security, to reverse the nuclear arms race by first calling it to a halt. Thank you.●

THE NUCLEAR FREEZE

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California (Mr. EDWARDS) is recognized for 60 minutes.

Mr. EDWARDS of California. Mr. Speaker, I want to join the previous speakers in thanking the gentleman from Iowa (Mr. LEACH) and the gentleman from New York (Mr. McHUGH) in arranging for this important event.

I echo the words of my colleague, the gentleman from Washington, when he says that this is undoubtedly the most important event in any of our congressional careers. I have been here nearly two decades, and this is the most important event that I have participated in, and I think it is terribly important.

Mr. Speaker, the gentleman from Illinois (Mr. SIMON) in his moving remarks, spoke of the young people of America, and he spoke of the cloud that hangs over their heads. It is a unique cloud, because it has never hung over the heads—never before burdened any other generation of young Americans.

So we must ask ourselves: What is this dark cloud? Well, it is the crisis that has been created by the nuclear policies of Russia and the United States.

Mr. Speaker, up until just the last few years, and including World War II, wars were serious and devastating, but they were never final. Weapons were not really very strong. They were relatively weak. And that includes the war that I was in, World War II. Yes, millions were killed, thousands of cities were destroyed, but the result was not annihilation, the result was not Armageddon. And then, of course, it happened at the end of World War II. The Germans invented the delivery system, the rockets, and the United States invented the atom bomb, and we exploded two in 1945.

Within 4 years the Russians exploded their first nuclear weapon.

It was then that I first became very interested in this subject and probably at that time went toward a path that had to do with politics.

Then in the ensuing 30-odd years since those bombs were exploded over Japan, these 30-odd years have been an era of mindless escalation by both the United States and Russia, and others, too, but they were not the leaders.

The Russians build the bombs and they build systems and we do the same thing.

Every year they are more expensive and more destructive.

We spend $25 million every hour, over a half billion dollars per day, on the military, and we will be spending $1 billion a day by 1986, and so do the Russians, I guess.

Between us now we have—I do not know how many we have—I hear the count—16,000, 17,000 nuclear weapons. At the present rate we are increasing them, by 1985 we will have between us, what—26,000, 30,000 nuclear weapons roughly equivalent with perhaps us having the edge.

Mr. Speaker, in the war that I served in, World War II, a single submarine could only sink passing ships, maybe one or two passing ships, in a day. Today one submarine can destroy 160 cities at 4,000 miles. Today 800 million lives could be snuffed out in 1 hour with one person making that decision. Imagine, Mr. Speaker, one person making the decision for 800 million lives.

At the same time each side knows there is no defense. Not a single attacking missile can be intercepted, not one missile can be intercepted. There is no way we can find and destroy their nuclear missile-carrying submarines, they cannot find ours.

The theory of each side is deterrence, that Russia dares not attack us because we will retaliate with our missiles. The Russians say we dare not assault them because they will retaliate.

Now, is that not an irrational theory?

☐ 2040

Does anyone think that fear of retaliation would have deterred Adolph Hitler or Idi Amin or any of the tyrants that we know about today? And every year more nations get nuclear weapons.

Mr. Speaker, can we and the Russians afford these immense military expenditures? Obviously not. While the two of us are No. 1 in military power, the United States today is 7th in economic standing and Russia is 23d, falling, both falling. Our economic systems, our industries, are having increasing difficulty competing with Japan, Germany, each with military budgets a fraction of ours.

The movement to reverse this insane arms race toward world destruction is the great challenge of the coming decade, and it has already begun, and this event tonight is part of that movement. Overseas, in Europe, hundreds of thousands of young people, old people, Catholics and Protestants, are marching regularly and meeting in protest against the escalating arms race.

They say, "You Americans and the Russians are loading up Europe with 10,000 nuclear weapons, and we Europeans refuse to be your battleground."

The United States says, "Now, you cannot trust the Russians. Look what they are doing in Afghanistan; look what they are doing in Poland; look what they are doing in Libya."

The Europeans answer that by saying, "We do not trust the Russians either, and we do not like them and their totalitarian system, but your President Reagan talks about the feasibility of a limited nuclear war in Europe without bombs falling on the United States."

The Europeans say that President Reagan does not talk seriously about sitting down with the Russians and working out a reduction of these awful weapons. Instead, the Europeans say we announce plans to install new nuclear weapons in Europe, and in response, of course, our Government says, "Well, the Russians are increasing their weapons facing Europe also."

But, the Europeans are rather skeptical, and Greece and France install Socialist governments and little countries in Scandinavia say, "We won't accept your message."

Here at home, these protests are really getting underway. The movement is moving along; Catholic leaders, Protestant leaders. One bishop said the other day, "To place our faith in nuclear weapons will lead ot our destruction as a nation."

And then at Vatican City, Pope John Paul II said, "Entire mankind is threatened today by the dangers of atomic self-destruction," and the Holy Father addressed the need to solve this dangerous, dangerous situation.

The demand for an end to the nuclear arms madness has become a worldwide movement, more important than any other in the world today, and whether or not it is successful can determine the fate of all the people on the Earth. We are suggesting, even urging that all Americans join in this great enterprise, join these fine men and women from every nation, in demanding that our two governments shape up and get down to the business of a freeze followed by negotiations to reduce arms.

Now, how do the people of America join the movement? They do it by certain activities which our founders 200 years ago thought so important that they protected them by writing into the Constitution these protections. They are using speech, talking, speech and persuading, using writing, letters, speeches, articles, using meetings, including marches and demonstrations, and using the vote, electing only those who are dedicated to these principles. All these constitutionally protected activities are peaceful and respectable, and while doing any of them, Americans are entitled to be protected by the police.

Now, what is the heart and essence of the demand that we are making to our political leaders, but most importantly, to our President? It is this:

> Mr. President, President Reagan, you have proved that you have marvelous powers of persuasion. Use it with the Russians. Point out to the Russians, Mr. Speaker, that neither side can win in a nuclear war, that we are bankrupting each other, we and the Soviets; that we should agree we move to a freeze on further increases, and then that we can proceed to seeking agree-

ment on further reductions with the eventual goal of a world free of nuclear weapons altogether.

Certainly, President Reagan and Mr. Brezhnev know that the terms of any agreement can be verified, not only through our CIA, by satellites, but there are many, many ways of verification, sufficient verification for our own safety. Certainly, President Reagan and Mr. Brezhnev know that one-half of the existing nuclear weapons, or even one-tenth of them, are capable of destroying each other, so the safeguard of mutual deterrence is preserved.

Some Americans say, "You can't deal with the Russians. They are Communists, they break agreements. They want to take over the world."

The answer is, "Of course we do not care much for the Russian system. It is really pretty awful. There is no freedom. They invaded Afghanistan and they are behind the tyranny in Poland."

We know all that, but historically when we have sat down and worked out treaties with the Russians, both they and we have honored these treaties to the letter. The 1963 treaty banning nuclear explosions in the atmosphere or under water; the 1972 treaty banning ABM systems; the 1972 SALT Treaty freezing the number of launchers; even SALT II, turned down by the U.S. Senate, limiting the number of new missiles; all of these treaties have been and are being today honored by both the Soviets and the United States.

So, Mr. Speaker, we can deal with the Russians, especially you, Mr. President, President Reagan, with your extraordinary talents of persuasion.

At the present time we are not moving very far. Leaders in both countries talk vaguely of future dates when they will sit down together and get down to business. The military-industrial complex in both countries, generals and admirals, and companies manufacturing billions of dollars worth of bombs and guns and airplanes, lobby hard against any such agreement.

As President Eisenhower said, these groups that profit the most in mammoth spending will do all in their power to maintain and enlarge their economic positions. The most recent Gallup poll showed that 72 percent of Americans want the nuclear freeze. It is our leadership that is out of step. So, we get back to the people.

Mr. Speaker, you and I and our friends and our families, we are the endangered species. Our founders intended that we, the people, have the ultimate power and make the decisions that determine our own destiny. Mr. Speaker, I suggest that we make that decision.

Mr. WEISS. Mr. Speaker, will the gentleman yield?

Mr. EDWARDS of California. I yield to the gentleman from New York.

Mr. WEISS. Mr. Speaker, I thank the gentleman for yielding to me, and I want, at the outset, to commend him for the very eloquent speech that he has made.

In my 5 years here, I know that every time there has been something decent to stand for, something awful to be opposed, the gentleman has provided the leadership, as he is doing right now.

I also want to thank the gentleman from Iowa (Mr. LEACH) and the gentleman from New York (Mr. MCHUGH) for their leadership in presenting this special order today.

I agree with the gentleman in the well, today's special order is as significant as anything that has been done in this body for a long, long time. The very survival of humanity really is at stake.

The gentleman mentioned Dwight Eisenhower a moment ago, and I recall—I will paraphrase, I do not have the exact words—I recall his saying at one time that the people of the world, all the nations of the world so hunger for peace that one of these days they are going to demand peace with such a ferocity that their governments are simply going to have to get out of the way and give it to them.

I think that what has happened here over the course of these past weeks and months—and it has come, I think, as a great surprise to most Americans, certainly to me—that the American people were apparently as ready as our fellow humans in Europe and elsewhere to suddenly take the issue into their hands and say, "we are not going to be led blindly to the death of our species."

And so, for the first time, it seems to me, in the 37 years now almost since the dropping of those first bombs over Japan, there is some hope that perhaps, because the people are demanding it, may be we will be able to rein in this horrible thing that is hanging over the heads of all humanity.

□ 2050

Mr. EDWARDS of California. Mr. Speaker, the gentleman comes from New York; I come from California, 3,000 miles away. I can assure the gentleman from New York (Mr. WEISS) that the movement is very large and growing and moving in California, from the coast of Oregon to Mexico. I am delighted to hear that it is strong and working in New York.

Mr. WEISS. It is tremendously reassuring, Mr. Speaker, if the gentleman will yield further, because we have had people, mostly under the auspices of church groups and also under the able leadership of civic groups, and just people gathering together, going out and collecting signatures and presenting petitions to their Representatives in Congress. They are telling us,"This is what your constitutents demanding." And we all know what is happening in town meetings across the country at this point.

I think the people in America are indeed on the move, and I am hopeful that this administration will in fact take heed of that and not turn its back on that demand but try to see in what way we can accommodate ourselves to this urgent and perhaps last meaningful cry for peace and for survival.

Again I thank the gentleman for yielding to me. I am hopeful that this effort will move along the adoption of the resolution for bilateral freeze on the development and deployment of further nuclear weapons, and hopefully we can provide our children and our grandchildren with some hope that they will have a world to grow up in.

Mr. EDWARDS of California. Mr. Speaker, the gentleman from New York (Mr. WEISS) is always there when the issues are tough and when good things must be done. I am delighted to have him here tonight and to hear his important contribution.

Mr. WEAVER. Mr. Speaker, will the gentleman yield?

Mr. EDWARDS of California. I yield to the gentleman from Oregon.

Mr. WEAVER. Mr. Speaker, I thank the gentleman for yielding.

I want to say that I join with my distinguished colleagues in their plea for a nuclear freeze. Everywhere that I have gone in my congressional district and throughout Oregon, when we discuss the impending doom of our world, the people rise up and they say one thing. They say, "What can I do?" Because they know in their hearts what we face, and they are so frustrated.

They ask, "Why isn't our leadership doing something about this?" And they say, "What can I do?"

And now we have this movement cited by the gentleman from New York (Mr. WEISS) and the gentleman from California (Mr. EDWARDS) of the people themselves taking it into their own hands and in their town councils and in their counties, their cities, and States. The State of California will be voting on a nuclear freeze in June. Several of us are putting it on the ballot in Oregon, and we will have a nuclear freeze to be voted on this fall.

The people are now coming forth and they are saying, "We are getting out the petitions, and we will be voting."

This is so heartening, and this message must be carried back here to the leaders of our Nation.

As the gentleman from New York (Mr. WEISS) said, "Let us pray to God that they listen and hear it."

I hear some people who somehow or other feel that every weapon that the Russians have we must have although we have the ability, as the gentleman from California has said tonight, to blow ourselves up many times over. A fraction of the bombs we have could devastate the world.

I want to conclude by saying this: Deep in my heart, I see the impending devastation of this world. I see Armageddon coming. It is as clear as anything. We are going to have Armageddon at any moment. It could happen in the next second or the next month or the next year. At any time, if certain circumstances take place, Armageddon could occur, and there will be no life after that, there will be no civilization, there will be no recovery.

Mr. Speaker, Armageddon will happen unless we, the peoples of the world, now take up the task of keeping peace, of instituting a nuclear freeze, and of a reduction or elimination of the nuclear weapons in this world.

Mr. EDWARDS of California. Mr. Speaker, I want to thank the gentleman from Oregon (Mr. Weaver). I might ask the gentleman, does he not think that the people generally are ahead of us here in Washington on this issue?

Mr. WEAVER. Yes, way ahead.

Mr. SCHUMER. Mr. Speaker, will the gentleman yield?

Mr. EDWARDS of California. I yield to the gentleman from New York.

Mr. SCHUMER. Mr. Speaker, I thank the gentleman from California (Mr. Edwards) for yielding.

I, too, join in saluting the gentleman from California, the gentleman from Iowa, and the gentleman from New York for putting together this special order. If I might, I would like to talk for a few minutes about an experience I had last night.

Last night, in the apartment house in which I live, we had a meeting sponsored by the Flatbush chapter of SANE on the nuclear arms freeze that has been proposed and on the reduction of nuclear weapons in general. The people who attended this meeting were not the same kind of people who were out in the streets protesting the war in Vietnam, not the kind of people who are political activists by nature, but simply a cross section of the people in my district. I was amazed, as the gentleman from New York (Mr. Weiss) stated before that he was, with their concern.

I would also like to answer for the record some of the questions that they asked me last night.

The first question that was asked—and I am sure it is being asked by many people—was: "Isn't this playing into the hands of the Soviet Union?"

The answer is, no. Those of us who are for an arms limitation have no more love or less distrust for the Soviet Union than anybody else, including the most anti-Soviet hawkish person in this country. But we know that it is absolutely ridiculous to engage in a contest that says we are deficient because "we can kill you six times over while you can kill us eight times over." Of course we could spend billions to have the right to claim "We can kill you 10 times over," but the Soviets will spend further billions to be able to respond with "Now we can kill you 12 times over."

This is just the height of absurdity. A nuclear deterrent is a nuclear deterrent, and the more energy and time we spend trying to kill one another, the more likely it is that we will kill one another.

The second question I was asked is: "Well, what happened at Hiroshima and Nagassaki? those were nuclear bombs, but most of the world survived."

A nuclear holocaust today would be so devastating that we could not compare Hiroshima and Nagasaki to what would happen today, not only because the weapons used then were so much smaller but because that was a limited nuclear war. Everything will be destroyed in a modern day nuclear war. If New York is bombed, there will be no ambulances from Philadelphia or no doctors from New Haven to come and treat the people in New York. Everything will go. People will suffer and suffer, and there will be nobody to come to their aid. It is a slow, horrid death of individuals and of civilization.

A third question I was asked was: "Well, the Russian economy is collapsing. If we accelerate the arms race, they will no longer be able to accelerate the arms race, and we will hasten the collapse of the Soviet system, and then there will be no danger of nuclear war."

That is facile and sophistic piece of illogic, and it does not work because, even if we accept the proposition that we are in some way "behind" them, do we think the Russians respond to an arms race by doing nothing? Do we think that once we have the power to destroy the Soviet Union 9 times over while they can only destroy us 10 times over instead of 11 times over, they will not continue to add to their nuclear arsenal at all costs as they have in the past. It is simply unrealistic to believe that the chain of this mentality will be broken.

And, let us presume that their actions bring the Soviets closer to a collapse; is it not more likely, that out of desperation will emerge one Soviet madman to push the first button that will lead, inevitably, to destruction?

Mr. Speaker, I was going to insert into the Congressional Record the three-part article by Jonathan Schell which appeared in the New Yorker, but Senator Kennedy has already done that. I would recommend that every Member of this House read it. It describes in clear and lucid terms the imminent dangers we face from a nuclear arms race.

Those of us who support this resolution are not saying that we should unilaterally disarm for unilateral disarmament might bring us closer to nuclear war. But we are saying to this country, to this President, and to the American people of all political parties, all political philosophies, and all walks of life that just as unilaterally disarming could indeed create a nuclear war, accelerating the arms race, accelerating, accelerating, accelerating, makes this country and this world a modern-day House of Atreus and will much more likely create the calamity we all hope to avoid—a nuclear war.

□ 2100

Mr. EDWARDS of California. Mr Speaker, I thank the gentleman from New York for his eloquent remarks.

At this time I yield to the gentleman from Iowa (Mr. Leach).

Mr. LEACH of Iowa. Mr. Speaker, I would like to thank my colleagues for their participation in this discussion of the issues that hallmark our age.

In summary, I would like to stress that we must be concerned not only with the arms race but with the confrontational policies that increase the likelihood of conflict. We have no choice except to freeze our confrontational rhetoric just as we have no choice except to freeze our nuclear arsenals.

In this regard one issue stands out. In 1962 in the Cuban missile crisis President Kennedy is reported to have believed that there was a one in three chance of a nuclear exchange. Today a Bay of Pigs mentality, as evidenced in our CIA leaked contingency plans for Nicaragua, has returned to Washington and new threats are being made almost daily against Cuba. Is it worth it? The answer can only be "no"; decisively "no."

In final measure, it is clear we have no choice except to seek new political arrangements on a global scale to resolve international conflicts. War itself must be outlawed or life itself will self-destruct.

NUCLEAR DISARMAMENT

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Ohio (Mr. Seiberling) is recognized for the balance of his special order.

Mr. SEIBERLING. Mr. Speaker, it has been a somewhat long day and it looks like I am bringing up the rear. Some of our colleagues have already decided that it is time to go home. But having sat up until 2 this morning to prepare my thoughts a little bit, I think I want to get them in the Record.

This is an opportunity that does not come very often in the House and, unfortunately, it is a rare opportunity.

The gentleman from California (Mr. EDWARDS) correctly said this is probably the most important occasion that we have experienced in many years in this House. He and I have been through the battles to get us out of the war in Vietnam. We went through the impeachment investigation together on the Judiciary Committee. We have dealt with many momentous issues, but certainly none are as momentous as this one.

There have been some brilliant and eloquent statements in this House. It is certainly on the most crucial issue ever to face mankind.

I want to talk about some of the things, the facts that have brought us to this point. What is the plain, stark, simple fact behind all of the stockpiles of nuclear warheads, the talk of deterrence, bargaining chips, counterforce, first strike capability, launch on warning, window of vulnerability, nuclear balance, megatons, war fighting and winning, and so forth and so forth. What it all adds up to, the bottom line is that Russia and the United States each has the means in its hands today to destroy all life on this planet.

It is the only planet we have, the only one we know that can sustain life for us and our children, and the only one that our children are likely to ever have. Everything that we and the Soviets have done in the last 35 years of mutual deterrence has brought us to this point.

The people of this country, of Europe, and of the entire world, are waking up to the fact that there is something radically wrong with an approach to national security that has produced the greatest insecurity the human race has ever known, and the realization is sinking in that merely offering more of the same is not the way out of this nightmare.

Leaving aside the fact that each round of escalation in the arms race brings us and the Soviets a quantum leap closer to economic collapse, each round also produces a counterresponse by the other side; each bargaining chip raises the ante of destructive power; each ceiling becomes a floor.

The situation was aptly summarized recently in a letter to the editor of the Washington Post, which I will read. It is short.

> Former Under Secretary of the Navy, R. James Woolsey, asked: "If you agree to freeze something before persuading the Soviets to reduce, what do you use to encourage them to agree to reductions?" Answer: You use an offer to reduce, of course. We will freeze if you will freeze. We will reduce if you will reduce.

The position espoused by Mr. Woolsey and by the current adminstration boils down to this: If you will reduce we will freeze. If the flaw in this bargaining stance is not obvious, one has only to look at what it has achieved thus far, a spiraling nuclear arms race that threatens the extinction of humanity.

People are trying to tell us something and it is very simple. It is time to stop. More than that, it is time to start getting rid of these things. That is the simple, cogent message behind the wave of popular support for the nuclear arms freeze.

The people have watched arms control experts negotiate for 20 years and in those years we have seen the development of ICBM's, MIRV's, cruise missiles, neutron warheads, and the tenfold multiplication of the numbers of strategic warheads, and a vast increase in their accuracy and destructive power.

In the 1970's the people had a similar simple message on the Vietnam war. The message was "Get out of Vietnam." It took the politicians 5 or 6 years to get the message, and the loss of additional thousands of lives. But we finally got out.

The dominoes did not fall and the rest of Asia did not go Communist. Indeed, we have since been treated to the unedifying but illuminating spectacle of the Communists in Southeast Asia fighting each other.

Today the message the people are sending us on nuclear weapons is equally clear: "stop making them and start getting rid of them."

We can debate endlessly whether this or that resolution is the best form. The fact is that Congress cannot negotiate a weapons freeze or weapons reduction. We can tell the executive branch, however, starting with the Chief Executive, to get off their bureaucratic rear and start, and we can tell them what goals we expect them to seek.

The nuclear freeze resolution and the Bedell nuclear reduction resolution both do this. That is not true, however, of all of the resolutions that have been put in to try to draw perhaps a red herring across this very issue.

The military, of course, are not planning to stop making nuclear weapons. Quite the opposite. They are even talking about making thousands more in the next two decades and are proposing to reprocess all of the wastes from nuclear powerplants to obtain sufficient plutonium to avoid what they foresee as a shortage of weapons grade fissionable materials developing before the end of the century.

Can you believe it? You had better believe it because it is going to happen unless somehow this mindless juggernaut is not stopped and dismantled.

The people believe it. I have just received the results of tabulating 7,000 replies that I have received from constituents who returned my annual questionnaire sent to every household in my district. In response to the question: "Do you favor a freeze on the production and testing of new nuclear weapons by the United States and the U.S.S.R.," 80 percent, four out of every five respondents, answered "Yes."

Something is happening out there, I would say to my colleagues. You and I know it. I suspect that it has even penetrated the White House. Are those folks out there going to settle for some more rhetoric from the President saying that he is for strategic arms reduction? I do not think so. They heard him say that 6 months ago. They now demand something more than talk, something more than resolutions, even. They want negotiations and the want either results or convincing proof that no results are possible.

□ 2110

Are people naive in thinking that negotiations with the Soviets will produce any serious deescalation of the nuclear arms race?

Clearly not, until and unless negotiations have been tried.

And they have every reason to believe that the Russian people have an interest in surviving equal to our own and that the Soviet leaders have an interest in the survival of their people as well as themselves.

If I may slightly paraphrase some famous lines of Shakespeare's "Merchant of Venice":

> Hath not a Russian eyes, hath not a Russian hands, organs, dimensions, senses, affections, passions, fed with the same food, hurt with the same weapons, subject to the same diseases, healed by the same means, warmed and cooled by the same winter and summer as an American is? If you prick them do they not bleed? If you tickle them do they not laugh? If you poison them do they not die?

What are some of the facts about nuclear warfare to which the Soviet leadership and, undoubtedly, the Soviet people have been exposed to?

Let me start first with a few excerpts from an official unclassified U.S. Government study, Arms Control and Disarmament Agency, Civil Defense Study Report No. 5, entitled "An Assessment of Frequently Neglected Effects in Nuclear Attacks." It is dated April 19, 1978. Let me just read:

> The deterrent effect of a threatened U.S. retaliation against the USSR depends on Soviet leaders' perception of the combined effects of our attack and not merely on fatalities, military damage or industrial damage taken alone. There are other consequences of nuclear attack that are scientifically well established even though our usual analyses do not attempt to quantify them. These need to be taken into account in any realistic civil defense and economic recovery planning. To the extent that these problems are known to Soviet planners they are likely to add to the deterrent effects of the U.S. strategic capability. This paper provides a brief survey of some of the important effects that are normally overlooked in damage assessment calculations.

The first item:

> *Climatic Changes and Ultraviolet Burning.* It is likely that a full-scale nuclear war in 1985 would result in severe ultraviolet burning in the northern hemisphere for several years after the war. This burning would be due to depletion of the ozone layer. Longer lasting climatic changes are also possible. We estimate that at its worst, the burning would cause blistering burns after one hour of exposure in northern temperate latitudes with similarly severe damage to livestock and crops. Such levels of ultraviolet radiation could effectively prevent daytime outside work for several years and would destroy all but the most resistant crops and farm animals.

As a matter of fact—and this is an aside, it is not in this report—biologists have since stated that a 20-percent increase in ultraviolet radiation will blind all exposed animals and insects, which means they will all die. And if all of the insects die, there will be no pollination of the plants. And if the plants die, we will not eat. In fact, the report goes on as follows:

> Climatic changes which would upset agricultural patterns could occur and last beyond the 5 to 9 years of ultraviolet burning. While a great deal of uncertainty exists in the estimation of effects of a major nuclear war on the ozone layer, the consequences of ozone depletion are of such immense importance that they must be taken into account from the points of view of civil defense and nuclear deterrence.

And I might add that I have discussed this with the Air Force, with people who are the experts on nuclear warfare, and they confirm the accuracy of this study.

I am now going to read from one other part of the study:

> The NAS study points out that the worst case of 70% ozone decrease (one year after the attack) would cause blistering sunburn after 10 minutes' exposure in temperate latitudes. The more probable lowering of 50% as a result of a nuclear war with predicted 1985 U.S. and Soviet forces would cause blistering after about 1 hour of exposure. This leads to the conclusion that outside daytime work in the northern hemisphere would require complete covering by protective clothing for about 3 years after the war.

And this is the entire northern hemisphere, not just the United States or the Soviet Union.

> It would be very difficult to grow many (if any) food crops, and livestock would have to graze at dusk if there were any grass to eat. Even if the ozone depletion only reached the best expected case of 25-30% reduction the effect on post war recovery operations is difficult to imagine.
>
> The likelihood that ultraviolet burning of forests and grass lands would alter climatic patterns cannot be neglected. If possible long-term worldwide temperature changes were also caused by the changes in the stratosphere, new agricultural patterns would have to be developed. In examining the problem the NAS study group noted: "A 3° C cooling would shorten the growing season and move the northern limit of the corn belt to southern Iowa. A 1° C cooling would eliminate commercial wheat growing in Canada."

Now, the report goes on to talk about some other things that the Soviet leaders would have to take into account.

The next heading is "Destruction of Housing."

I am now reading:

> Destruction of Housing. The U.S. retaliation in 1985 is estimated to destroy between 75 and 85% of Soviet urban housing because of blast and fires which would spread over entire city blocks. In most cases, the fires could not be fought because of radioactivity, lack of water because of damage to the water system and continuing attacks. We do not expect "fire storms" to start. This large loss of urban housing would make it difficult if not impossible for survivors to return to rebuild industrial areas for a substantial period.

The next item is "Medical Care":

> The shortage or unavailability of post-attack medical care would result in a substantial increase in deaths over the usually estimated "prompt fatalities" and many survivors would be crippled or incapacitated for lack of prompt care. About 80 to 90% of urban hospitals would be destroyed because they are located near industrial installations. Disease would increase, but perhaps to a level much worse than in World War I.

They are speaking of Russia, of course.

The next item:

> Food and Water Supplies. This analysis indicates that at least 60 days' supplies should be stored near or in shelters and camps because destruction and radioactive contamination of transportation centers would restrict movement of food after an attack. This is more than many earlier studies recommend, and would be an expensive and visible preparation for war.

The next item, "Fallout Shelter Effectiveness":

> When allowance is made for the eventual need of shelter occupants to leave and begin work outside—

That is after the attack, of course,

> only the best combinations of shelters and behavioral patterns are good enough to prevent illness in most urban areas and then only if they are well provided so occupants can stay inside for all of the first month. From 20 to 30% of occupants of basement and improved basement shelters in rural areas will suffer sickness or worse.

The next item, "Agriculture and Food Supplies":

> Avoidance of radioactive food and water contamination would require monitoring of supplies for decades.

And finally, "Combination of Effects":

> Analysis of the expected consequences of nuclear war such as fatalities, industrial damage, environmental damage, destruction of housing, transportation and agriculture does not express the consequences of combined effects. As examples: The destruction of buildings and housing, combined with radioactive contamination and severe ultraviolet radiation would make reconstruction activity very difficult and dangerous.
>
> The destruction of transport equipment, electrical power, and oil refineries combined with maldistribution of food supplies and the likelihood of crop failures for years after an attack—

And I would like to repeat that.

> for years after an attack would make survival a full-time occupation for most.
>
> One can conclude from these analyses that while some civil defense activities such as evacuation could increase the number of people who would survive the immediate effects of an attack, the long term benefits have not been established.

□ 2120

That has to be the most understated, laid back conclusion from a truly devastating analysis.

And in the face of all that, the administration has the audacity to propose a $4 billion program for evacuation of people from our urban centers and target areas in the event of an international crisis, and I might add the Emergency Administration says 8 days' notice would be required.

What those evacuees would go back to, assuming they survived at all, is a good question.

Now the only trouble with this Arms Control and Disarmament Agency report is that it is too abstract, being prepared by strategic planners dealing in statistical rather than human beings and it may well be too conservative.

Let me read you a couple of excerpts from a recent article by Dr. Helen Caldicott, president of the group known as Physicians For Social Responsibility in Boston. The article is entitled "The Last Epidemic." I will just read a couple of excerpts from it.

First of all with respect to fallout, she brings out the fact that survivors at a great distance from a blast will be exposed to continuing fallout averaging 100 rems in 96 hours. She adds that an expert at MIT, Henry Kendall, points out that in a 10,000 megaton nuclear war—bear in mind that that is within the capability of the Soviet Union and the United States—in which 5,000 tons of bombs are dropped on each of the two superpowers, as much as 90 percent of the American population could be dead in 30 days. The proposed use of counterforce weapons would alter these radiological consequences by orders of magnitude. A first-strike nuclear war could create sufficient fallout to kill every person on the planet within weeks to months.

She then goes on and discusses the public health aspects and the medical aspects of widespread destruction. She says this, and it is unpleasant, but let us face it:

> Millions of rotting corpses, particularly in hot weather, will cause radiation-resistant strains of bacteria, fungi, and viruses to multiply and mutate—even to become more virulent. Insects such as cockroaches and flies, which are thousands of times more resistant to radiation than humans, also will multiply, while their natural predators, such as birds, will perish. The insect population will enlarge rapidly and spread swiftly into areas beyond the blast site, eating crops and spreading uncontrollable infestation,

> leading eventually to epidemics of such diseases as plague, hepatitis, polio, encephalitis, typhoid, and dysentery.
>
> Because most large medical facilities tend to be located in the centers of metropolitan areas, the majority of medical personnel will be dead or injured; those who manage to escape unharmed will have no drugs or equipment to treat the injured, since these will have been destroyed.

Then she talks about the ecological effects. She says:

> It must be emphasized, however, that unlike the effects of a conventional war, which can be reversed to a large extent over a foreseeable period of reconstruction, many of the effects of a nuclear war may remain irreversible for generations. This is because they may set off a chain of ecological events that would be extremely difficult to control in the best of circumstances, and prove nearly impossible to correct under the primitive conditions that would follow a nuclear conflict. A National Academy of Sciences study conducted in 1975 estimates that if 10 percent of the superpowers' nuclear arsenals were used, 30 to 70 percent of the ozone layer in the Northern Hemisphere, and 20 to 40 percent in the Southern Hemisphere, would be depleted by the reaction of huge quantities of nitrous oxide, generated by the explosions, with stratospheric ozone.

Well, I have already read some of the other aspects of that and she merely repeats what was the Arms Control and Disarmament Agency's study.

And she ends in this manner. She says:

> In his essay "In a Dark Time . . ." (The Final Epidemic, 1981) Robert Jay Lifton, a psychiatrist at Yale University, has noted a critical difference between the bombings of Hiroshima and Nagasaki and any present-day nuclear conflict--one that goes beyond the oft-remarked-upon fact that the bombs dropped in 1945 were only a fraction as powerful as those that might be used today. After those bombings, and the initial horror, what became crucial to the psychological, as well as the physical survival of the citizens of those cities was the knowledge that a world existed outside the disaster area: doctors, medical supplies, food, clothing. Today, given the sophisticated weaponry with which we have equipped ourselves, and the inevitability that a small-scale conflagration would escalate into a massive holocaust, nothing but an unanswering wasteland would remain.

That is the end of her article.

Any of you who have met her in person or heard her speak can only testify to the eloquence and the conviction which this doctor, whose whole profession is saving lives and healing, brings to this subject.

Perhaps the entire situation was best summed up by a bumper sticker that our colleague, the gentlewoman from Colorado (Mrs. SCHROEDER) told me she recently saw in Colorado. It said this: "If you have seen one nuclear war, you have seen them all."

My friends and colleagues, I would like to read three sentences from another article that Dr. Caldicott wrote. She says, "we will either live together or die together, and if you look at it, what is our responsibility toward evolution. To continue this beautiful life process.

"It is a beautiful planet. Maybe the only life in the whole universe, and I refuse to believe we are silly enough to destroy it."

A couple of weekends ago, the weekend of March 19 to 20, there were human survival conferences held in Cleveland, Akron, Canton, and Youngstown, Ohio. They attracted a tremendous interest. I attended the one in Akron. One of the speakers, a child guidance counselor, Joanna Rogers Macy, said this:

> Every generation has lived with a certainty that other generations would follow them—until our generation.

At that conference a group of talented young people in a church group presented an exceptionally creative musical, a musical they themselves had written both the lyrics, and the script, and the music and it was about the fantastic world of the nuclear arms race, and it was named, quite appropriately, as a parody of "Alice in Wonderland," it was called "Alice in Blunderland."

I would like to read all of the lyrics but I will not. I just want to read two stanzas of one of the songs entitled "The Last Protest Song." It went like this:

In God we trust to guide the mechanics with our cars.
And we trust those men in government to have greater minds than ours.
And if we all play loud enough we won't hear the storm clouds call.
And we can leave them to our children if we leave a world at all.
In the race to Armageddon the chaser is the chased.
When humanity stands naked on the earth he laid to waste.
Of the cause and the victors perhaps someone will recall.
And Leave the message to our children, if there is a child at all.

☐ 2130

EXCESSIVE COMMITTEE SPENDING

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Texas (Mr. COLLINS) is recognized for 60 minutes.

Mr. COLLINS of Texas. Mr. Speaker, I asked for this special order tonight because tomorrow when we get to the subject of committee staff funding, we will be under a very limited time arrangement. The last time the subject came to the floor I was allowed 3 minutes.

Government spending, and by that I mean Government excessive spending, is the biggest issue facing America. On the floor of the House and Senate we have had extensive debates, but so far there has been no material progress made toward reducing Government spending.

The question they ask back home is whether Congress itself is willing to tighten its belt. Will Congress provide an example for America?

Tomorrow we will be voting on the funding for congressional committee staffs that are here in the House. This funding, since 1971, has increased six times over. They are bringing a resolution on the floor tomorrow that will keep the funding at the same high level it was last year. What is more, they are not giving the House an opportunity to vote on each committee budget separately. In past years we had an opportunity to review each committee budget. This year, and what is considered a strong political move, they are all being bound together in one budget, so that the good conservative budgets will carry in the weak ones on their coattails. The budget before us is $3.4 million over actual committee spending last year.

Tomorrow we will have a vote on whether the House will carry on its wasteful staff spending. Many Members said that they did not know when the $19,000 tax deduction for Congressmen was included in a bill. This deduction which was an amendment to the black lung bill came up quickly. But every Congressman in the House knows this staff spending bill is coming to the floor. This is a bill of wasteful and extravagant spending. The American people are tired of wasteful and extravagant spending in Washington. America has more government than it wants, America has more regulations than it needs, and Americans have more taxes than they can afford to pay. One of the reasons we have more government than America needs is because of this overstaffed committee system. These staff members are not under civil service. The staffs were not chosen on a merit basis. They have well-paid jobs. In order to keep on the payroll they need to be dreaming up additional Government functions. So the committee staffs stay busy thinking up new regulations, new Government services, amendments and expansion of Government facilities. What Congress needs to do is not investigate business but what we need is an investigation committee to make an internal audit of all of these committee staffs.

Take my own committee of Energy and Commerce. A few years ago Commerce had heavy energy legislation. That committee today is as large as it ever was and yet there is very low activity in energy legislation at this time.

The House should provide an example for America by making a serious reduction in the size of our staffs.

The funding resolution that we will be considering tomorrow is for the investigative staff, those temporary staff hired at the discretion of the chairman. These are not the 30 statutory staff allotted each committee. This does not include the 18 staff members in each of 435 Congressman's own office which are already funded. These investigative staff are in addition to the 30 statutory committee staff and unlike the statutory, there is no limitation on the number each committee may employ. This is totally determined by the chairman and his budget. Each year, the number of the investigative staff has been growing so that now there are 1,063 where there were only 570 in 1973. The number has nearly doubled in less than a decade.

Consider the funding for these staff. Since 1971, the cost has increased six times over from $6.8 million to $39.6 million in 1981. It has become apparent that the general attitude here in Congress is that there will automatically be an increase in funding every year.

There are numerous examples of overloaded committees but I will just cite a few. During the 92d Congress, Energy and Commerce had a total budget of $1,474,000. By the 96th Congress, this figure had mushroomed to $7,458,000.

The Merchant Marine and Fisheries may be the most overstaffed committee in Congress. The budget has grown from $519,000 in the 92d to $3,176,245 in the 96th Congress. Merchant Marine staff has grown from 22 members to 82 members in 8 years. We have the same shoreline we had 200 years ago. The country was in good shape when they had 22 members of their staff and it will probably be in better shape when we get back to a 22 figure again.

Let us take the Rules Committee. Back in the 92d Congress they only required $5,000. In the 96th they had a budget of $1,134,000. We have less legislation before us this year than we have had in many years. A few years ago James Kilpatrick pointed out that 30 years ago there was a Rules staff of three. By 1972 this staff had doubled to six. But today they have a staff of 44. We still have the same House rules and the members are just as smart at they have ever been. Why is the Rules staff so large?

In Congress the House and the Senate work on the same legislation. We legislate separately. But we have exactly the same laws to cover. Over in the Senate they carry a staff of 974 when the House has a total staff of 1,824. We have the same two political parties in both bodies. In the Senate, the Republicans select the staff and have a smaller number. In the House the Democrats are the majority party and the Democrats have developed this overloaded staff budget.

Let's look at the District of Columbia Committee. In the Senate the District of Columbia is handled by a subcommittee of seven people. But in the House we are handling the same District of Columbia legislation but we have a full committee with 41 people. Why should 41 people in the House be needed to do what 7 people can do in the Senate?

The House administration has brought us a funding resolution that only reduced by $100 the 1981 authorization. We should be reducing this budget by $10 million. It would be reasonable to say we should reduce it to where the budget was only twice as much as it was in 1971. If we cut the budget that much, we should be able to make a savings of $26 million. And we should be able to handle this investigative supplemental funding with a total of $13.6 million.

Committee	1974 expenditures (approximate)	1981 expenditures	1982 authorizations	Percent increase[1]
Agriculture	$146,925	$952,112	$1,143,122	20.06
Banking	1,092,482	2,220,600	2,414,919	8.75
Energy and Commerce	911,785	3,724,496	3,969,000	6.56
Foreign Affairs	597,501	1,797,500	1,928,424	7.28
Government Operations	998,999	2,099,673	2,230,000	6.20
Merchant Marine	243,870	1,501,526	1,609,104	7.16
Post Office	563,707	902,470	963,350	6.74
Ways and Means	126,152	1,950,146	2,202,000	12.91

[1] Represents increase of 1982 authorizations over 1981 expenditures.

Let us look at the committees' workload and the salaries of these staffs. Here are some figures from last year's results.

Committee workload	93d	96th
Agriculture:[1]		
Bills reported	46	49
Average investigative staff	11	42
Banking, Finance and Urban Affairs:[2]		
Bills	33	19
Staff	46	96
Foreign Affairs:[3]		
Bills	90	28
Staff	28	55
Government Operations:[4]		
Bills	27	22
Staff	49	67
Merchant Marine:[5]		
Bills	54	68
Staff	12	60

[1] Only 3 more bills and nearly 4 times the staff.
[2] 14 fewer bills but more than twice the staff.
[3] Less than ½ the bills, nearly double the staff.
[4] 5 fewer bills but 18 more staff.
[5] 26 percent increase in workload. 400 percent increase in staff.

Salaries: During the past 10 years—approximately 90 percent of each committee's expenditures were for salaries.

Committee	Number of investigation staff[1]	Total	Percent of total
Banking	33	67	50
Government Operations	32	67	50
Science and Technology	28	60	47
Foreign Affairs	24	56	43
Energy and Commerce	47	116	40

[1] Over $30,000 in 1980.

Let us look at how fast and how extensive has been the growth and size of staffs. In 1973 the House had 570 investigative and 308 statutory staff for a total of 878. In 1981 the House had 1,063 investigative and 761 statutory for 1,824. Now I would like to again call your attention to how much this budget has grown during this period for investigative staff. We showed total budget of $6.8 million that rose to $39.6 million. We are spending six times as much money and we have twice as many people. Has the pay scale of any group in America moved up as fast as they have in personnel that serve on committee staffs?

Let us look at the Foreign Affairs Committee. They had 90 bills reported in the 93d Congress, but only 28 in the 96th. Yet, the Foreign Affairs staff has been increased from 28 to 55.

Let us look at Agriculture. A few years ago the chairman of this fine committee was Bob Poage of Texas. While Poage was chairman, the budget was $145,000 and that was back in 1974. This year the resolution asked for $1,143,122. This is 20 percent more than the expenditures from last year. But what is more, it is eight times as much money as they needed when Bob Poage ran the committee. Why does Agriculture need eight times as much money as they did just a few years ago?

The time has come for us to cut, and cut very, very decisively. Every Member should stand up to be counted. We need your vote to cut Government spending. We need a vote on this bill to cut inflation. We need a vote which will help end high interest rates. The House must provide the example for America and we need your "no" vote when you are asked to fund these excessive committee staffs.

☐ 1250

LEGISLATION TO STRENGTHEN THE MANDATORY PENALTY FOR THE USE OF FIREARMS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California (Mr. STARK) is recognized for 5 minutes.

● Mr. STARK. Mr. Speaker, today I am introducing legislation to extend and strengthen the mandatory penalty of the prohibition against the use of firearms in Federal felonies, and for other purposes.

This bill is the 44th introduced in the 97th Congress to amend subsection (c) of section 924 of title 18 of the United States Code. The quantity of legislation being introduced on mandatory sentencing for the use of handguns is a clear signal that we must act now on the gun problem. In 1980 alone, 11,522 people were killed with handguns, and there are an estimated 55 to 60 million handguns currently in circulation.

Available data indicates that serious crimes are committed by repeat offenders. A 1975 study found that of the people released from prison after serving their terms, 74 percent were rearrested. It stands to reason that the majority of people convicted in handgun crimes also become repeat offenders. Strengthening the mandatory penalty for the use of firearms would contribute to decreasing the percentage of repeat offenders.

Addressing the problem of handguns and violent crime at the national level will serve as an example for States, which handle most of the cases involving firearms. The Congress should act as a pacesetter in this arena.

Just as the Congress should set an example to encourage the movement springing up around the country to better control handguns and punish crimes committed with handguns, Americans should look at other democracies as examples in handgun control. In 1979, only 48 people were killed in Japan with handguns, 8 in Great Britain, 34 in Switzerland, 52 in Canada, 58 in Israel, 21 in Sweden, and 42 in West Germany. In the United States, however, 10,728 people were killed with firearms. The United States must decrease the number of murders committed with handguns. Passing this bill, which will serve as an example for States, would be very helpful in decreasing this number.

I hope that this legislation will be considered favorably in the near future.●

PERSONAL EXPLANATION

The **SPEAKER** pro tempore. Under a previous order of the House, the gentleman from New York (Mr. GILMAN) is recognized for 5 minutes.

● Mr. GILMAN. Mr. Speaker, earlier today I was in my congressional district attending the funeral of a dear friend. Consequently, I was unable to be present on the floor for rollcall No. 42, on the approval of the Journal of yesterday's proceedings and on rollcall No. 43, the passage of House Resolution 413, relating to the House Chaplain. Both of these questions carried, and had I been present, I would have voted "yea."●

NUCLEAR ARMS RACE

The **SPEAKER** pro tempore. Under a previous order of the House, the gentleman from Michigan (Mr. BONIOR) is recognized for 15 minutes.

● Mr. BONIOR of Michigan. Mr. Speaker, this is as important an occasion as has ever been observed by this body. Today, Members of Congress lend their voices to the growing chorus of people, from all walks of life, throughout the world, who are calling for an end to the nuclear arms race.

We call upon the United States and the Soviet Union to look beyond the geopolitical conflict which causes each nation to add weapon upon weapon to its nuclear arsenal in the name of national security. We ask, instead, that the major powers look to a more fundamental human reality—the unthinkable, yet all too plausible possibility of a nuclear holocaust.

We recognize that the gravest danger facing us today is not from a war, like those of the past, that will threaten our sovereign territory as a nation, but from a war that, by its very nature, will be the final war, because it will threaten the future of life on this planet.

Right now, progress on nuclear disarmament is stalled. Neither the Soviet Union nor the United States has offered proposals indicating an awareness of this grave danger. From the leaders in the Kremlin and the White House, we get only rhetorical posturing and unrealistic options.

But while the leadership of the world's powerful nations has been shortsighted, the people have not. Throughout this country, we find a grassroots movement that discerns the gravity of the situation and the promise of a stable future, free from the threat of nuclear war. This promise is embodied in a resolution supported by over 150 Members of this body. It calls for a global freeze in the nuclear arsenal of both the United States and the Soviet Union, to be followed by "major, mutual and verifiable reductions" in nuclear weaponry.

This proposal is more realistic now than ever before in our history. Contrary to the Reagan administration's claim of a "window of vulnerability" between the United States and the U.S.S.R., the nuclear forces of both sides have never been more evenly balanced. The only way to prevent a window of vulnerability from opening is to stop the spiraling arms race, and to begin the arduous journey back from the brink of nuclear catastrophe, by negotiating, step by step, mutual disarmament. This does not require a blind faith in the Soviet Union. Rather, it is based on our deep distrust of Soviet intentions and the overwhelming belief that it is in our self-interest to reduce, by verifiable means, their nuclear arsenal.

Ultimately, the issue we address today is not the gulf between East and West, between antagonistic world views, or between nation and nation. Instead, we address the awesome possibility that a wider, unbridgeable chasm will open, irrevocably separating us from future generations. We seek not only to bind the United States and the U.S.S.R. to a pact of mutual disarmament, but to reaffirm our commitment of life itself to our children and our children's children.●

GENO PINI—A DEDICATED PUBLIC SERVANT

The **SPEAKER** pro tempore. Under a previous order of the House, the gentleman from California (Mr. PANETTA) is recognized for 5 minutes.

● Mr. PANETTA. Mr. Speaker, a 19th-century American politician once observed that "deeds are facts, and are forever and ever." Mr. Speaker, the "deeds" of Geno J. Pini are certainly facts that will forever speak eloquently of the man: Geno Pini has served 35 years as a police officer, of which over 25 have been as the longest serving chief of police of a major California city. His career in Santa Cruz stands as a model—a city on a hill—for all those who seek the responsibility of securing the public safety and enhancing the public welfare. The name Gino J. Pini is synonymous with service.

After attending local schools and joining the Santa Cruz police force at the fair age of 21 in 1947, Gino always ready to expand his horizons, actively pursued his continued education by enrolling in police science courses at San Jose State College. Over the years, Gino always took the most challenging road and continued to combine a wide variety of educational courses with his work as a police officer and police executive. The California Peace Officers Standards and Training Commission's Executive Certificate which Gino earned is but one example of his dedication to excellence.

Chief Pini's definition of service is all inclusive, underscoring his commitment to both his local community and his nation. In World War II, Gino served as an enlisted man with the U.S. Navy in the Pacific Theater. Later Gino was commissioned an officer of the U.S. Army, serving both in the infantry and military police during the Korean war years. But be it thousands of miles from America's mainland, or right in his own neighborhood, Chief Pini has always been ready to help and to lead. His answer to the call of civic duty has always been a resonant "yes", as demonstrated by his participation in the Rotary Service Club and the Heart Association.

Moreover, those who know Gino J. Pini know that the concern for our children is always his concern. Boy Scouts, Little Leaguers, and young golfers have all been guided by his knowledge and patience, and instructed by his example. As the children of Santa Cruz and the surrounding area grew, Chief Pini continued to stay involved with their education, serving as a member of the advisory boards on police science at Cabrillo College, Gavila College of Santa Clara County, and Miller College of Los Angeles.

As past president of both the California Police Chiefs' Association and the police chiefs' section of the League of California Cities, Chief Pini's leadership and dedication have been nothing short of inspirational. The resume of this outstanding individual includes his service on the League of California Cities Board of Directors, the California Council on Criminal Justice, the Santa Cruz County Law Enforcement Chiefs Association, and the California Traffic Safety Association.

As a police officer and executive, Gino has been among the most respected in the entire country. A graduate of the FBI National Academy and a member of the FBI State and National Associations, Chief Pini has been an active member of the International Association of Chiefs of Police and the California State Peace Officers' Association where he served as chairman of the Resolutions Committee.

Yet, Chief Pini has not merely committed his time and energy, but also his creativity. During Chief Pini's administration the Santa Cruz Police Department has been in the forefront in innovative techniques and programs for law enforcement. Among those pioneering efforts have been a modern dictating police reporting system; educational incentive pay for police officers; a computerized incident predicting and manpower allocation system; innovative crime presentation through community awareness programs; electronic data files for operational and management decisions; personal radio transceiver for all field officers; use of scooter-type vehicles for effective patrol in difficult areas; use of hypnosis in major criminal investigations; and other methods utilizing modern technology and techniques required in times of social change.

The community of Santa Cruz, the State of California, and the country as a whole is a better place today because of Chief Pini's career of accomplishment, innovation, dedication, and example. At this time of his retirement, I so happily join with all who know him to pay a special tribute and express our most sincere admiration. Chief Pini, we thank you and we salute you.●

NUCLEAR ARMS RACE

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New York (Mr. LUNDINE) is recognized for 10 minutes.

● Mr. LUNDINE. Mr. Speaker, over the past few weeks we have witnessed in our country a ground swell of concern over what has heretofore largely been regarded by most Americans as an imponderable or impossible occurrence: Nuclear war between the United States and the Soviet Union. I applaud those among our constituents who through their actions are forcing this country to think about nuclear war and to come to grips with policy initiatives that can help both the United States and the Soviet Union move closer toward mutual acknowledgment of the consequences of nuclear war.

Neither the United States nor the Soviet Union can win a nuclear war. Should the unthinkable occur, all of humanity would be devastated. Both the United States and the Soviet Union have sufficient nuclear capability to insure the mutual destruction of the other under any conceivable scenario. Thus, it is in the mutual interests of both nations to move aggressively toward verifiable arms control and reduction.

Much attention has been given in recent months to the so-called window of vulnerability that threatens continued U.S. strategic superiority over the Soviet Union. Yet, we are, in my opinion, currently without a policy on arms control. One school of thought calls for rapid development and deployment of new nuclear strategic systems by the United States to close this window, particularly with respect to our land-based missiles. As a result, we have devoted research and development dollars and an increasing percentage of our national budget to defense needs. And, the President is proposing to devote an unprecedented amount of dollars to escalate our effort in this area over the next 5 years even further. This proposed effort would include among other things deployment of the MX missile system, B-1 bomber, stealth bomber, additional nuclear aircraft carriers, and trident submarines.

At the same time that the President is calling for this massive nuclear arms buildup, we are moving further away from bilateral efforts with the Soviet Union to negotiate meaningful arms control agreements that can lead to arms reduction.

I am concerned about a policy which relies on bigger, more sophisticated arsenals of nuclear arms as a way of stabilizing the arms race. First, I do not believe that such a policy can succeed in stabilizing this situation for any prolonged period of time because it encourages intense competition and operates on the premise that neither side can benefit or afford to moderate their effort. Second, such a policy will have serious economic implications for both the United States and Soviet Union as we are forced to devote a larger percentage of our economic resources to the production of weapons. As a result, civilian economic development and social justice will suffer.

For these reasons, I welcome the call for mutual disarmament which pervades our land today as the correct focus of a strategic nuclear policy for this country. And, I do not believe that a policy which seeks as its goal mutual disarmament means that the United States is permitting the Soviet Union to undermine our fundamental way of life or the principles we stand for around the globe. Rather, the Soviet Union will have as great an incentive as we do to pursue a policy of disarmament because they, like us, realize that the survival of their nation is at stake. Moreover, both the United States and Soviet Union have a stake in preventing the spread of nuclear weapons to other countries.

I also do not accept the premise that there is no practical way of implementing a disarmament policy. I do believe strongly that measures which are implemented must be verifiable and there must be no doubt by either side that the other is adhering to arms control and reduction agreements.

In an effort to place the Congress on record on this critically important issue, several resolutions have recently been introduced in Congress. Although there are nuances of difference between most of them, all of them attempt to influence the President to pursue more aggressively the goal of a nuclear moratorium on weapons deployment with the Soviet Union and an eventual reduction in the overall levels of nuclear arms in the world. I endorse these efforts, and as a result, am today joining a growing number of my colleagues in cosponsoring a joint resolution calling for a nuclear weapons freeze and reduction between the United States and Soviet Union.

In taking this action, I am persuaded that this will not handicap our efforts to insure a strong and viable national defense for our country. I do believe that acknowledgement of the importance of such a goal to both the United States and the Soviet Union might provide the incentive needed to bring the two parties back to the negotiating table to search for ways to bring this goal into a reality. Without the cooperation and good-faith participation by the Soviet Union in arms control and reduction discussions, the goal expressed in this resolution is not achieveable. The Soviets must know that while we will carefully debate our defense priorities in upcoming months, the United States will not pursue a policy of unilateral disarmament. The Soviets themselves must recognize and acknowledge the mutual benefit that can be gained from cooperation and mutual efforts in this regard.

I compliment my colleagues for their efforts to establish this special order today. There is not a more important issue to the future of humanity than the one we are discussing here today. We must continue to pursue efforts to translate what we say here today into meaningful arms control policy and actions which can achieve the goals which we all seek.●

COMMUNICATION FROM MR. ARTHUR A. CRAIG

The SPEAKER pro tempore laid before the House the following communication from Mr. Arthur A. Craig.

House of Representatives,
Washington, D.C., March 30, 1982.
Hon. Thomas P. O'Neill, Jr.,
The Speaker, House of Representatives, Washington, D.C.

Dear Mr. Speaker: In compliance with Rule L of the Rules of the House of Representatives, I am informing you that I have been served with a subpoena from the United States District Court for the Eastern District of New York. A copy of the subpoena is enclosed.

The subpoena concerns my activities during the period of my employment in a Congressman's office.

Sincerely yours,
Arthur A. Craig.

[U.S. District Court for the Eastern District of New York]

Subpoena to Testify Before Grand Jury

To Arthur A. Craig, Office of Representative, Fred W. Richmond, Legislature House Office Bldg., Rm: 1707, Washington, D.C.

You are hereby commanded to appear in the United States District Court for the Eastern District of New York at 225 Cadman Plaza East in the city of Brooklyn on the 31st day of March 1982, at 2:00 o'clock p.m. to testify before the Grand Jury.

This subpoena is issued on application of the United States of America. Assistant U.S. Attorney Max Sayah at (212) 330-7086.

Richard H. Weare, *Clerk.*
By E. Mulqueen, *Deputy Clerk.*
Date: March 19, 1982.

COMMUNICATION FROM JUDITH A. BERMAN

The SPEAKER pro tempore laid before the House the following communcation from Judith A. Berman.

House of Representatives,
Washington, D.C., March 30, 1982.
Hon. Thomas P. O'Neill, Jr.,
The Speaker, House of Representatives, Washington, D.C.

Dear Mr. Speaker. In compliance with Rule L of the Rules of the House of Representatives, I am informing you that I have been served with a subpoena from the United States District Court for the Eastern District of New York. A copy of the supoena is enclosed.

The subpoena concerns my activities during the period of my employment in a Congressman's office.

Sincerely yours,
Judith A. Berman.

[U.S. District Court for the Eastern District of New York]

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To Judy Berman, Office of Representative Fred W. Richmond, Legislature House Office Bldg., Rm. 1707, Washington, D.C.

You are hereby commanded to appear in the United States District Court for the Eastern District of New York at 225 Cadman Plaza East in the city of Brooklyn on the 31st day of March 1982 at 2:00 o'clock p.m. to testify before the Grand Jury.

This subpoena is issued on application of the United States of America. Assistant U.S. Attorney Max Sayah at (212) 330-7086.

Richard H. Weare, *Clerk.*
E. Mulqueen, *Deputy Clerk.*
Dated: March 19, 1982.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. Petri) to revise and extend their remarks and include extraneous material:)

Mr. Marks, for 60 minutes, today.

Mr. Gingrich, for 60 minutes, today.

Mr. Gingrich, for 60 minutes, March 31, 1982.

Mr. Gingrich, for 60 minutes, April 1, 1982.

(The following Member (at the request of Mr. Pritchard) to revise and extend their remarks and include extraneous material:)

Mr. Gilman, for 5 minutes, today.

(The following Members (at the request of Mr. McHugh) to revise and extend their remarks and include extraneous material:)

Mr. Moffett, for 60 minutes, today.

Mr. Stark, for 5 minutes, today.

Mr. Gonzalez, for 15 minutes, today.

Mr. Annunzio, for 5 minutes, today.

Mr. Coelho, for 5 minutes, today.

Mr. Ottinger, for 5 minutes, today.

Mr. Tauzin, for 30 minutes, March 31, 1982.

(The following Members (at the request of Mr. Edwards of California) to revise and extend their remarks and include extraneous material:)

Mr. Bonior of Michigan, for 15 minutes, today.

Mr. Panetta, for 5 minutes, today.

Mr. Lundine, for 10 minutes, today.

Mr. Conyers, for 10 minutes, today.

Mr. Schumer, for 5 minutes, today.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

Mr. Seiberling, to revise and extend his remarks and to include extraneous material notwithstanding the fact that it exceeds two pages of the Record and is estimated by the Public Printer to cost $1,428.

Mr. Leach of Iowa, to revise and extend his remarks and to include extraneous material notwithstanding the fact that it exceeds two pages of the Record and is estimated by the Public Printer to cost $9,282.

(The following Members (at the request of Mr. Petri) and to include extraneous matter:)

Mr. Rousselot in two instances.

Mr. Lowery of California.

Mr. Dornan of California.

Mr. Daub.

Mr. Shumway.

Mr. Derwinski.

Mr. Hansen of Idaho in four instances.

Mr. Nelligan.

Mr. Corcoran.

Mr. Conte.

Mr. Martin of North Carolina.

Mr. McCloskey.

Mr. Gradison.

Mr. McDade.

Mr. Johnston.

Mr. Fish.

Mr. Hopkins.

Mr. Beard.

Mr. Ritter.

Mr. McKinney.

(The following Members (at the request of Mr. McHugh) and to include extraneous matter:)

Mr. Edgar.

Mr. Moffett in six instances.

Mr. Rodino.

Mr. Shamansky.

Mr. Roe.

Mr. Walgren.

Mr. Stokes in three instances.

Mrs. Schroeder in two instances.

Mr. Dyson.

Mr. Coelho.

Mr. Waxman.

Mr. Hubbard.

Mr. Ertel in two instances.

Mr. Lehman.

Mr. Weiss.

Mr. Roemer in two instances.

Mr. Fauntroy.

Mr. Barnes.

Mr. Ottinger in two instances.

Mr. Miller of California.

Mr. Edwards of California.

Mr. Jones of North Carolina.

Mr. Eckart.

Mr. Simon in two instances.

Mrs. Boggs in two instances.

Mr. Hall of Ohio.

Mr. McDonald in five instances.

Mr. Udall.

Mr. Mineta.

Mr. Leland.

(The following Members (at the request of Mr. Edwards of California) and to include extraneous matter:)

Mr. Guarini.

Mr. Mazzoli in two instances.

Mr. Conyers.

Mr. Pease.

Mr. Wyden.

Mr. Markey.

BILL PRESENTED TO THE PRESIDENT

Mr. HAWKINS, from the Committee on House Administration, reported that that committee did on this day present to the President, for his approval, a bill of the House of the following title:

H.R. 4482. A bill to establish a U.S. Court of Appeals for the Federal circuit, to establish a U.S. Claims Court, and for other purposes.

ADJOURNMENT

Mr. EDWARDS of California. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 9 o'clock and 59 minutes p.m.), under its previous order, the House adjourned until tomorrow, Wednesday, March 31, 1982, at 12 noon.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

3521. A communication from the President of the United States, transmitting proposed supplemental appropriations for fiscal year 1982 and an amendment to the request for appropriations for the fiscal year 1983 for atomic energy defense activities (H. Doc. No. 97-162); to the Committee on Appropriations and ordered to be printed.

3522. A letter from the Executive Associate Director for Budget, Office of Management and Budget, transmitting a report that the appropriation to the Department of Justice for "Support of United States Prisoners" and "Fees and Expenses of Witnesses" for fiscal year 1982 has been apportioned on a basis which indicates the necessity for a supplemental estimate of appropriation, pursuant to section 3679(e)(2) of the Revised Statutes, as amended; to the Committee on Appropriations.

3523. A letter from the Deputy Assistant Secretary of Defense (Administration), transmitting a report on the financial condition and operating results of working capital funds of the Department of Defense for fiscal year 1981, pursuant to 10 U.S.C. 2208; to the Committee on Armed Services.

3524. A letter from the Secretary of Housing and Urban Development, transmitting a draft of proposed legislation to amend and extend certain Federal laws relating to housing, community, and neighborhood development, and related programs, and for other purposes; to the Committee on Banking, Finance and Urban Affairs.

3525. A letter from the Chairman, Federal Home Loan Bank Board, transmitting the third annual report of the Board on its activities under section 18(f) of the Federal Trade Commission Act, covering calendar year 1981, pursuant to section 18(f)(6) of the act, as amended; to the Committee on Banking, Finance and Urban Affairs.

3526. A letter from the Secretary of Education, transmitting proposed final regulations to govern the international education programs, pursuant to section 431(d)(1) of the General Education Provisions Act, as amended; to the Committee on Education and Labor.

3527. A letter from the Secretary of Health and Human Services, transmitting the ninth report on marihuana and health, pursuant to title V of Public Law 91-296; to the Committee on Energy and Commerce.

3528. A letter from the Secretary of Health and Human Services, transmitting notice of delay of the report required by section 3(b) of the Drug Abuse Prevention and Treatment Amendments of 1978; to the Committee on Energy and Commerce.

3529. A letter from the General Counsel, Department of Energy, transmitting notice of a meeting related to the international energy program, pursuant to law; to the Committee on Energy and Commerce.

3530. A letter from the Administrator, Energy Information Administration, Department of Energy, transmitting the quarterly report for the period October through December 1981 on imports of crude oil, residual fuel oil, refined petroleum products, natural gas, and coal; reserves and production of crude oil, natural gas, and coal; refinery activities; exploratory activity, exports nuclear energy, and electric power, pursuant to section 11(c)(2) of the Energy Supply and Environmental Coordination Act of 1974, as amended; to the Committee on Energy and Commerce.

3531. A letter from the Vice President, Government Affairs, National Railroad Passenger Corporation, transmitting a report covering the month of November 1981, on the average number of passengers per day on board each train operated, and ontime performance at the final destination of each train operated, by route and by railroad, pursuant to section 308(a)(2) of the Rail Passenger Service Act of 1970, as amended; to the Committee on Energy and Commerce.

3532. A letter from the Vice President, Government Affairs, National Railroad Passenger Corporation, transmitting a report on the direct employment of operating employees, pursuant to section 1187(c) of Public Law 97-35; to the Committee on Energy and Commerce.

3533. A letter from the Attorney Adviser, Department of State, transmitting copies of international agreements, other than treaties, entered into by the United States, pursuant to 1 U.S.C. 112b(a); to the Committee on Foreign Affairs.

3534. A letter from the Secretary of Housing and Urban Development, transmitting the seventh annual report on the Department's activities under the Freedom of Information Act during calendar year 1981, pursuant to 5 U.S.C. 552(d); to the Committee on Government Operations.

3535. A letter from the Under Secretary of the Interior, transmitting a report on the Department's activities under the Freedom of Information Act during calendar year 1981, pursuant to 5 U.S.C. 552(d); to the Committee on Government Operations.

3536. A letter from the Assistant Attorney General, Antitrust Division, U.S. Department of Justice, transmitting a report on identical bidding in advertised public procurement, pursuant to section 7 of Executive Order 10936, dated April 24, 1961; to the Committee on Government Operations.

3537. A letter from the Assistant Secretary for Management and Administration, Department of Energy, transmitting notice of proposed new records systems, pursuant to 5 U.S.C. 552a(o); to the Committee on Government Operations.

3538. A letter from the Administrator, General Services Administration, transmitting a draft of proposed legislation to further amend the Federal Property and Administrative Services Act of 1949, as amended, to allow supply operations to be industrially funded; to the Committee on Government Operations.

3539. A letter from the Solicitor, U.S. Commission on Civil Rights, transmitting a report on the Commission's activities under the Freedom of Information Act during calendar year 1981, pursuant to 5 U.S.C. 552(d); to the Committee on Government Operations.

3540. A letter from the Secretary, Federal Maritime Commission, transmitting notice of proposed new records systems, pursuant to 5 U.S.C. 552a(o); to the Committee on Government Operations.

3541. A letter from the President, the Federal Mortgage Corporation, Federal Home Loan Mortgage Corporation, transmitting the annual report on the Corporation's activities under the Government in the Sunshine Act during calendar year 1981, pursuant to 5 U.S.C. 552b(j); to the Committee on Government Operations.

3542. A letter from the Office of the Commissioner, International Boundary and Water Commission, transmitting a report on the Commission's activities under the Freedom of Information Act during calendar year 1981, pursuant to 5 U.S.C. 552(d); to the Committee on Government Operations.

3543. A letter from the Secretary of Interior, transmitting the annual report for 1981 of the National Park Foundation, pursuant to section 10 of Public Law 90-209; to the Committee on Interior and Insular Affairs.

3544. A letter from the Director, Office of Management and Budget, transmitting a draft of proposed legislation to amend the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970; to the Committee on Public Works and Transportation.

3545. A letter from the Assistant Secretary of the Army (Civil Works), Transmitting a report on Saranac River, Morrisonville, N.Y., in response to a resolution adopted by the Committee on Public Works of the House of Representatives, October 10, 1974; to the Committee on Public Works and Transportation.

3546. A letter from the Comptroller General of the United States, Transmitting a report on the Federal audit function in the territories (AFMD-82-23, March 25, 1982); jointly, to the Committees on Government Operations and Interior and Insular Affairs.

3547. A letter from the Secretary of Health and Human Services, transmitting a report on the resource allocation plan for health services, Indian Health Service, Department of Health and Human Services, pursuant to section 706 of Public Law 94-437; jointly, to the Committees on Interior and Insular Affairs and Energy and Commerce.

3548. A letter from the National President, American Federation of Government Employees, transmitting a report on the implementation of the Foreign Service Act of 1980, pursuant to section 2402(c) of Public Law 96-465; jointly, to the Committees on Foreign Affairs and Post Office and Civil Service.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. DINGELL: Committee on Energy and Commerce. H.R. 5789. A bill to amend the Energy Policy and Conservation Act to extend certain authorities relating to the international energy program (Rept. No. 97-474). Referred to the Committee of the Whole House on the State of the Union.

Mr. BOLLING: Committee on Rules. House Resolution 415. Resolution waiving certain points of order against H.R. 5922, a bill making urgent supplemental appropriations for the fiscal year ending September

30, 1982, and for other purposes (Rept. No. 97-475). Referred to the House Calendar.

PUBLIC BILLS AND RESOLUTIONS

Under clause 5 of rule X and clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. BEARD:

H.R. 5979. A bill to amend the Internal Revenue Code of 1954 for the purpose of recovering Federal costs incurred in providing services, facilities, and financial assistance to railroads, and to provide a new source of funding for the railroad retirement fund; jointly, to the Committees on Energy and Commerce and Ways and Means.

By Mr. CLAUSEN:

H.R. 5980. A bill to amend the National Housing Act to provide for emergency interest-reduction payments and for other purposes; to the Committee on Banking, Finance and Urban Affairs.

By Mr. COELHO:

H.R. 5981. A bill to amend the Internal Revenue Code of 1954 to allow individuals a credit against income tax for expenditures made for the purchase and installation of locks and other security devices in principal residences; to the Committee on Ways and Means.

By Mr. FASCELL:

H.R. 5982. A bill to authorize the President of the United States to present on behalf of Congress a specially struck medal to the widow of Roy Wilkins; to the Committee on Banking, Finance and Urban Affairs.

By Mr. HEFTEL:

H.R. 5983. A bill to direct the Administrator of the Federal Aviation Administration to conduct a study to determine the adequacy of certain industry practices and Federal Aviation Administration rules and regulations relating to air quality and other cabin conditions on commercial aircraft; to the Committee on Public Works and Transportation.

By Mr. JEFFORDS:

H.R. 5984. A bill to amend the Internal Revenue Code of 1954 to require the Internal Revenue Service to make reasonable efforts to locate persons to whom unclaimed tax refunds are owed, and for other purposes; to the Committee on Ways and Means.

By Mr. de LUGO (for himself, Mr. Holland, Mr. Heftel, and Mr. Schulze):

H.R. 5985: A bill to amend the Internal Revenue Code of 1954 to reduce the rate of certain taxes paid to the Virgin Islands source income, to provide that the foreign tax credit shall be applied separately with respect to taxes paid or deemed paid to the Virgin Islands, and for other purposes; to the Committee on Ways and Means.

By Mr. MADIGAN:

H.R. 5986. A bill to amend the Railroad Revitalization and Regulatory Reform Act of 1976; to the Committee on Energy and Commerce.

By Mr. SHAMANSKY:

H.R. 5987. A bill to amend the Social Security Act to provide for increased earnings of interest by the social security trust funds, and for other purposes; jointly, to the Committees on Ways and Means and Energy and Commerce.

By Mr. UDALL (for himself, Mr. Kildee, Mr. Williams of Montana, and Mr. Santini):

H.R. 5988. A bill to provide for an Indian housing program for construction and financing of housing for Indians and for other purposes; to the Committee on Interior and Insular Affairs.

By Mr. UDALL (by request):

H.R. 5989. A bill to define the membership of the Osage Tribe of Indians; to the Committee on Interior and Insular Affairs.

H.R. 5990. A bill to amend the Pennsylvania Avenue Development Corporation Act of 1972 to authorize appropriations and further borrowings for implementation of the development plan for Pennsylvania Avenue between the Capitol and the White House, and for other purposes; to the Committee on Interior and Insular Affairs.

By Mr. WALGREN (for himself and Mr. Fuqua):

H.R. 5991. A bill to authorize appropriations for activities of the National Science Foundation for fiscal years 1982 and 1983, and for other purposes; to the Committee on Science and Technology.

By Mr. WALKER:

H.R. 5992. A bill to amend the Agricultural Adjustment Act of 1938 to exempt nonquota tobacco from quota restrictions in effect for any marketing year in any State in which not more than 20 acres of quota tobacco is planted for harvest in such marketing year; to the Committee on Agriculture.

By Mr. WHITEHURST:

H.R. 5993. A bill to prohibit prisoners from being eligible for basic educational opportunity grants (BEOG), to establish a system of grants to State governments for programs of postsecondary education for prisoners, and for other purposes; to the Committee on Education and Labor.

By Mr. STARK:

H.R. 5994. A bill to amend chapter 44 of title 18 of the United States Code to extend and strengthen the mandatory penalty feature of the prohibition against the use of firearms in Federal felonies, and for other purposes; to the Committee on the Judiciary.

By Mr. OTTINGER:

H.R. 5995. A bill to amend title 5 of the United States Code to provide nondiscriminatory health benefits plans; to the Committee on Post Office and Civil Service.

By Mr. ADDABBO (for himself, Mr. Annunzio, Mr. Beilenson, Mr. Benjamin, Mr. Biaggi, Mr. Bingham, Mr. Bliley, Mr. Brodhead, Mr. Broomfield, Mr. Brown of Colorado, Mr. Coelho, Mrs. Collins of Illinois, Mr. Collins of Texas, Mr. Corcoran, Mr. Corrada, Mr. Courter, Mr. Daub, Mr. de la Garza, Mr. DeNardis, Mr. Derwinski, Mr. Donnelly, Mr. Dornan of California, Mr. Dougherty, Mr. Downey, Mr. Dwyer, Mr. Edgar, Mr. Edwards of California, Mr. Edwards of Oklahoma, Mr. Erdahl, Mr. Evans of Delaware, Mr. Fascell, Mr. Fauntroy, Mr. Fazio, Mrs. Fenwick, Ms. Ferraro, Ms. Fiedler, Mr. Findley, Mr. Fish, Mr. Foglietta, Mr. Ford of Tennessee, Mr. Ford of Michigan, Mr. Weiss, Mr. Whitehurst, Mr. Wilson, Mr. Winn, Mr. Wirth, Mr. Wolpe, Mr. Wortley, Mr. Yates, Mr. Young of Missouri, Mr. Zeferetti, Mr. Aspin, Mr. Atkinson, Mr. AuCoin, Mr. Bafalis, Mr. Barnes, Mr. Blanchard, Mr. Boland, Mr. Boner of Tennessee, Mr. Bowen, Mr. Breaux, Mr. John L. Burton, Mr. Phillip Burton, Mr. Gray, Mr. Green, Mr. Hance, Mr. Heftel, Mr. Hertel, Mr. Jacobs, Mr. Kastenmeier, Mr. Kemp, Mr. LaFalce, Mr. Lagomarsino, Mr. Lowry of Washington, Mr. Minish, Mr. Nelligan, Mr. Ratchford, Mr. Ritter, Mr. Solarz, Mr. Burgener, Mr. Dymally, Mr. Forsythe, Mr. Frank, Mr. Frost, Mr. Fuqua, Mr. Garcia, Mr. Gilman, Mr. Goldwater, Mr. Guarini, Mrs. Heckler, Mr. Hollenbeck, Mr. Horton, Mr. Howard, Mr. Hyde, Mr. Jeffries, Mr. Kildee, Mr. Lantos, Mr. Leath of Texas, Mr. Lehman, Mr. Lent, Mr. Levitas, Mr. Long of Maryland, Mr. McDade, Mr. Matsui, Mr. Mineta, Mr. Moffett, Mr. O'Brien, Mr. Ottinger, Mr. Oxley, Mr. Pepper, Mr. Peyser, Mr. Porter, Mr. Rangel, Mr. Roe, Mr. Rosenthal, Mr. Roth, Mr. Sabo, Mr. Santini, Mr. Schumer, Mr. Stark, Mr. Sunia, Mr. Gingrich, Mr. Dyson, Mr. Smith of New Jersey, Mr. Traxler, Mr. Walgren, Mr. Won Pat, Mr. Wyden, Mr. Yatron, Mr. Young of Alaska, Mr. Carman, Mr. Mavroules, Mr. Moakley, Mr. Murphy, Mr. Murtha, Mr. Nowak, Ms. Oakar, Mr. Perkins, Mr. Petri, Mr. Patterson, Mr. Molinari, Mr. Oberstar, Mr. Washington, Mr. Marriott, Mr. LeBoutillier, Mr. Leland, Mr. Lowery of California, Mr. Lee, Mr. Markey, Mr. Smith of Iowa, Mrs. Holt, Mr. McHugh, Mr. Florio, Mr. Richmond, Mr. St Germain, Mr. Savage, Mr. Shamansky, Mr. Evans of Georgia, Mr. Rodino, Mr. Whitten, Mr. Weaver, Mr. Tauzin, Mr. Stratton, Mr. Bennett, Mr. Bevill, Mrs. Chisholm, Mr. Conte, Mr. Foley, Mr. Frenzel, Mr. Gradison, Mr. Hughes, Mr. Mazzoli, Ms. Mikulski, Mr. Miller of California, Mr. Mitchell of New York, Mr. Panetta, Mr. Williams of Ohio, Mr. Wolf, Mr. William J. Coyne, Mr. Kazen, Mr. Jeffords, and Mr. Fary):

H.J. Res. 448. Joint resolution to authorise and request the President to issue a proclamation designating April 25 through May 2, 1982, as "Jewish Heritage Week"; to the Committee on Post Office and Civil Service.

By Mr. LOWERY of California (for himself, Mr. Parris, Mr. Wolf, Mr. Fauntroy, Mr. Hoyer, and Mr. Barnes):

H.J. Res. 449. Joint resolution providing for the designation of the week beginning May 30, 1982, as "National Fencing Week"; to the Committee on Post Office and Civil Service.

By Mr. YATES (for himself, Mr. Blanchard, Mr. Lehman, Mr. Solarz, and Mr. Green):

H. Con. Res. 299. Concurrent resolution relating to commemoration of days of remembrance of victims of the holocaust; considered and agreed to.

By Mrs. COLLINS of Illinois:

H. Con. Res. 300. Concurrent resolution expressing the sense of the Congress that the Office of Personnel Management should provide vocational rehabilitation services in its administration of the civil service disability retirement program; to the Committee on Post Office and Civil Service.

By Mr. FOLEY:

H. Res. 413. Resolution relating to the Chaplain of the House of Representatives; considered and agreed to.

By Mr. HAWKINS (for himself and Mr. Edwards of California);

H. Res. 414. Resolution to express the sense of the House of Representatives concerning the closure of the General Motors Corp. automotive plants in Fremont and South Gate, Calif.; to the Committee on Education and Labor.

MEMORIALS

Under clause 4 of rule XXII:

313. The SPEAKER presented a memorial of the House Legislature of the State of Kansas, relative to railroad retirement system; to the Committee on Energy and Commerce.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. DICKS:

H.R. 5996. A bill for the relief of Sai Fan Sze; to the Committee on the Judiciary.

By Mr. HANSEN of Idaho:

H.R. 5997. A bill for the relief of Frederick Francisco Akers; Susan Fernis Akers, spouse; Christopher Fernis Akers, son; and Christina Fernis Akers, daughter; to the Committee on the Judiciary.

By Mr. HEFTEL:

H. Res. 416. Resolution acknowledging April 10, 1982, as the 100th anniversary of the founding of the Matson Navigation Co.; to the Committee on Post Office and Civil Service.

ADDITIONAL SPONSORS

Under clause 4 of rule XXII, sponsors were added to public bills and resolutions as follows:

H.R. 27: Mr. Bethune.

H.R. 560: Mr. Santini.

H.R. 768: Mr. Gunderson and Mr. Paul.

H.R. 850: Mr. Petri.

H.R. 1300: Mr. Ford of Tennessee.

H.R. 1651: Mr. Bingham.

H.R. 1937: Mr. Beard, Mr. Erlenborn, Mr. Harkin, Mr. Wilson, Mr. Lehman, and Mr. Martin of North Carolina.

H.R. 2488: Mr. Evans of Delaware.

H.R. 2832: Mr. Ertel and Mr. Long of Maryland.

H.R. 3300: Mr. Fish.

H.R. 4086: Mr. Dyson, Mrs. Schneider, Mr. Frost, Mr. Waxman, Mr. Panetta, Mr. Ritter, Mr. Alexander, Mr. Dougherty, Mr. Simon, Mr. Ottinger, Mr. Gore, and Mr. Barnard.

H.R. 4147: Mr. de Lugo and Mr. Broomfield.

H.R. 4154: Mr. Erdahl, Mr. Lowery of California, Mr. Mazzoli, and Mr. Ford of Tennessee.

H.R. 4325: Mr. Rinaldo, Mr. Gejdenson, Mr. Solomon, and Mr. McKinney.

H.R. 4340: Mr. Mottl, Mr. Oxley, and Mr. Pease.

H.R. 4613: Mr. Bafalis, Mr. Barnard, Mr. Beard, Mr. Benedict, Mr. Butler, Mr. Corcoran, Mr. Daub, Mr. Duncan, Mr. Dyson, Mr. Erlenborn, Mr. Fish, Mr. Forsythe, Mr. Frenzel, Mr. Horton, Mr. Jeffords, Mr. Lagomarsino, Mr. Lowery of California, Mr. Petri, Mr. Rinaldo, Mr. Sensenbrenner, Mr. Solomon, Mr. Synar, Mr. Tauke, and Mr. Whitehurst.

H.R. 4657: Mr. Hertel, Mr. Dougherty, Mr. Barnes, and Mr. Frank.

H.R. 4706: Mr. Evans of Georgia, Mr. Robert W. Daniel, Jr., Mr. Stark, Mr. Frank, and Mr. LaFalce.

H.R. 4732: Mr. Brooks.

H.R. 4829: Mr. Mavroules, Mr. Wyden, Mr. DeNardis, Mr. Yates, and Mr. Howard.

H.R. 5176: Mr. Corrada, Mr. Marlenee, Mr. Santini, Mr. Young of Florida, and Mrs. Heckler.

H.R. 5180: Mr. Lujan, Mr. Stark, Mr. Mattox, Mr. Evans of Iowa, Mr. Rudd, Mr. Tauke, Mr. Conyers, Mr. St Germain, Mr. Collins of Texas, Mr. Winn, Mr. Crockett, Mrs. Chisholm, Ms. Ferraro, Mr. Skelton, Mr. Robinson, Mr. Trible, Mr. Robert W. Daniel, Jr., Mr. Barnard, Mr. de Lugo, Mr. Hiler, Mr. Neal, Mr. Smith of Alabama, Mr. Leach of Iowa, Mr. Simon, Mr. Florio, Mr. Bliley, Mr. Hall of Ohio, Mrs. Fenwick, Mr. LeBoutillier, Mr. Miller of Ohio, Mr. Pease, Mrs. Kennelly, and Mr. Swift.

H.R. 5193: Mr. Garcia.

H.R. 5229: Mr. Scheuer.

H.R. 5242: Mr. Emerson, Mr. Beard, Mr. Hansen of Idaho, Mr. Bevill, Mr. Lewis, Mr. Barnard, Mr. Young of Alaska, Mr. Napier, Mr. Winn, and Mr. Traxler.

H.R. 5272: Mr. Frenzel.

H.R. 5320: Mr. Perkins, Mr. Jeffords, Mr. DeNardis, Mr. Hollenbeck, Mr. Washington, Mr. Corrada, Mr. Weiss, Mr. Simon, Mr. Clay, Mrs. Chisholm, Mr. Gray, Mr. Biaggi, Mr. Stokes, Mr. Addabbo, Mr. Guarini, Mr. Fowler, Mr. Edgar, Mr. Dixon, Mr. Lantos, Mr. Brown of California, Mr. Phillip Burton, Mr. Hughes, Mr. Ottinger, Mr. Bonker, Mr. Seiberling, Mr. Traxler, Mr. Patterson, Mr. Miller of California, Mr. Fary, Mr. Solarz, Mr. Frost, Mr. Albosta, Mr. de Lugo, Mr. Bingham, Mr. Hertel, Mr. Beilenson, Mr. Nowak, Mr. Sunia, Mr. Danielson, Mr. Rodino, Mr. Fauntroy, Mr. Kildee, Mr. Murtha, Mr. Dymally, Mr. Ford of Michigan, Mr. Crockett, Mr. Rahall, Mr. Schumer, Mrs. Collins of Illinois, Mr. Richmond, Mr. Edwards of California, Mr. Dellums, Mr. Leland, Mr. Kogovsek, Mr. Lowry of Washington, Mr. Coelho, Mr. Matsui, Mr. Bennett, Mr. Roe, Mr. Murphy, Mr. Stark, Mr. Annunzio, Mr. Garcia, Mrs. Schroeder, Mr. Roybal, Mr. Waxman, Mr. Sabo, Mr. Bonior of Michigan, Mr. Rangel, Mr. Downey, Ms. Mikulski, Mr. Pepper, Mr. Forsythe, and Mr. Fazio.

H.R. 5332: Mr. Barnes and Mr. Hollenbeck.

H.R. 5409: Mr. Roe.

H.R. 5485: Mr. Patman, Mr. Waxman, and Mrs. Heckler.

H.R. 5567: Mrs. Bouquard.

H.R. 5583: Mr. Ford of Tennessee.

H.R. 5589: Mr. Anderson.

H.R. 5664: Mr. Howard, Mr. Dellums, Mr. Brodhead, Mr. Savage, Mr. Bingham, Mr. Lowry of Washington, Mr. Fauntroy, Mr. Garcia, Mr. Richmond, Mr. Mitchell of Maryland, Mr. Gray, Mr. Washington, Mr. Edwards of California, Mr. John L. Burton, Mr. Markey, Mr. Oberstar, Mrs. Schroeder, Mr. Sabo, Mr. Conyers, and Mr. AuCoin.

H.R. 5667: Mr. Blanchard and Mr. Kildee.

H.R. 5674: Mr. Dwyer, Ms. Mikulski, Mr. Won Pat, Mr. Weiss, Mr. Weber of Ohio, Mr. Applegate, Mr. Roe, Mr. Rinaldo, and Mr. AuCoin.

H.R. 5675: Mr. Donnelly.

H.R. 5676: Mr. Whitehurst, Mr. Burgener, Mr. Evans of Delaware, and Mr. Yatron.

H.R. 5711: Mr. Roemer and Mr. Evans of Georgia.

H.R. 5718: Mr. Jones of North Carolina, Mr. Jeffords, Mr. Lowry of Washington, Mr. AuCoin, and Mr. Gingrich.

H.R. 5728: Mr. Dwyer, Mr. Gray, Mr. Barnard, Mr. Trible, Mr. John L. Burton, Mr. Jones of North Carolina, Mr. Smith of Pennsylvania, Mr. Frank, Mr. James K. Coyne, Mr. Lantos, Mr. Donnelly, Mr. Howard, Mr. Smith of New Jersey, Mr. Kildee, Mr. Dixon, Mr. Courter, Mr. Miller of California, Mr. Hoyer, Mr. Gilman, Mr. Chappell, and Mr. Whitley.

H.R. 5729: Mr. Glickman and Mr. Roemer.

H.R. 5760: Mr. Forsythe, Mr. Mitchell of Maryland, Mr. Lehman, and Mr. Stokes.

H.R. 5800: Mr. Gingrich, Mr. Frank, and Mr. Hartnett.

H.R. 5810: Mr. Bonker and Mr. Lowry of Washington.

H.R. 5819: Mr. Forsythe, Mr. Whitehurst, Mr. Barnard, Mr. Burgener, Mr. Montgomery, Mr. Livingston, Mr. LeBoutillier, Mr. Gingrich, and Mr. Evans of Georgia.

H.R. 5833: Mr. Hughes, Mr. Jeffords, and Mr. Edgar.

H.R. 5933: Mr. Dougherty, Mr. Evans of Delaware, Mr. Leach of Iowa, Mr. Roe, Mr. Conyers, Mr. DeNardis, Mr. Panetta, Mr. Badham, Mr. Frank, Mr. Yatron, and Mr. AuCoin.

H.J. Res. 172: Mr. Weiss.

H.J. Res. 306: Mr. Hertel.

H.J. Res. 332: Mr. Young of Alaska, Mr. Ratchford, Mr. Montgomery, Mr. Brinkley, Mr. Williams of Ohio, Mrs. Kennelly, Mr. Stokes, Mr. Benedict, Mr. Atkinson, Mr. Jeffries, Mr. Collins of Texas, Mr. Archer, Mr. Hance, Mr. DeNardis, Mr. Mitchell of New York, Mr. Rinaldo, Mr. Hartnett, Mr. Price, Mr. Smith of New Jersey, Mr. Gradison, Mr. Pursell, Mr. Bonior of Michigan, Mr. Annunzio, Mr. Sawyer, and Mr. Bliley.

H.J. Res. 375: Mr. Pursell, Mr. Green, Mr. Moakley, Mrs. Kennelly, Mr. Peyser, Mr. Volkmer, Mr. Gejdenson, Mr. Nowak, Mr. Beard, Mr. Goldwater, Mr. Dingell, Mr. Lowry of Washington, Mr. Wolpe, Mr. Patterson, Mr. Minish, Mr. Dwyer, Mr. Waxman, and Mr. Kildee.

H.J. Res. 385: Mr. Mazzoli and Mrs. Boggs.

H.J. Res. 399: Mr. Schumer, Mr. Yatron, Mr. Lehman, Mr. Waxman, and Mr. Akaka.

H.J. Res. 418: Mrs. Snowe.

H.J. Res. 427: Mr. Derwinski, Mr. Morrison, Mr. Bevill, and Mr. Roemer.

H.J. Res. 435: Mr. Young of Alaska, Mr. Broyhill, Mr. Long of Maryland, Mr. Volkmer, Mr. Stratton, Mr. Traxler, Mr. Evans of Delaware, Mr. Huckaby, Mr. Oberstar, Mr. Perkins, Mr. Emerson, Mr. Corrada, Mr. Barnard, Mr. Bonior of Michigan, Mr. Bennett, Mr. Whittaker, Mr. Horton, Mr. Smith of Pennsylvania, Mr. Ford of Tennessee, Mr. Stanton of Ohio, Mr. Mazzoli, Mr. Peyser, Mr. Fascell, Mr. Kindness, Mr. Sam B. Hall, Jr., Mr. Jeffords, Mr. Winn, and Mr. Kemp.

H.J. Res. 444: Mr. Stangeland, Mrs. Fenwick, Mr. Conable, Mrs. Bouquard, Mr. Bevill, Mr. Oxley, Mr. Udall, and Mr. Winn.

H.J. Res. 447: Mr. Bingham, Mr. Broomfield, Mr. Brown of Colorado, Mr. Clausen, Mr. Daniel B. Crane, Mr. Crockett, Mr. Dingell, Mr. Dicks, Mr. Dyson, Mr. Garcia, Mr. Loeffler, Mr. Quillen, Mr. Rinaldo, Mr. Roberts of Kansas, and Mr. Zablocki.

H. Con. Res. 61: Mr. Goodling.

H. Con. Res. 218: Mr. Philip M. Crane.

H. Con. Res. 222: Mr. Moakley.

H. Con. Res. 278: Mr. Matsui, Mr. Scheuer, Mr. Santini, Mr. Shumway, Mr. Rose, Mr. Gilman, Mr. Bingham, Mr. Winn, Mr. Hall of Ohio, Mr. Barnard, Mr. Napier, Mr. Brown of California, Mr. Hammerschmidt, Mr. Edgar, Mr. Jones of Tennessee, Mr. Dellums, Mr. Stark, Mr. Hubbard, Mr. Lewis, Mr. Lantos, Mr. Dowdy, Mr. Courter, Mr. Heftel, Mr. St Germain, Mr. Duncan, Mr. Barnes, Mr. Waxman, Mr. Florio, Mr. Roberts of South Dakota, Mr. Bowen, Mr. D'Amours, Mrs. Fenwick, Mr. Hunter, Mr. Gore, Mrs. Schneider, Mr. Hertel, Mr. Washington, Mr. AuCoin, and Mr. Dingell.

H. Con. Res. 280: Mr. Mineta, Mr. Lehman, Mr. Bingham, and Mr. Harkin.

H. Res. 252: Mr. Bonker and Mr. Smith of New Jersey.

H. Res. 264: Mr. Roemer.

H. Res. 373: Mr. Courter.

H. Res. 394: Mr. Hawkins, Mr. Edgar, Mr. Dowdy, Mr. Napier, Mr. Williams of Montana, Mr. Anthony, Mr. Leach of Iowa, Mr. Gingrich, Mr. Lowry of Washington, Mr. Benjamin, Mr. Evans of Indiana, Mr. Mineta, Mr. Railsback, Mr. Matsui, Mr. Whittaker, Mr. Simon, Mr. Yatron, Mr. Daschle, Mr. Fuqua, Mr. Washington, Mr. Ford of Tennessee, Mr. Dougherty, Mr. Nowak, Mr. Coleman, Mr. Wyden, Mr. Roe, Mr. Madigan, Mr. English, Mr. Hughes, Mr. Scheuer, Mr. Clay, Mr. McKinney, Mr. Lantos, Mr. Jones of North Carolina, and Mr. Lewis.

DELETIONS OF SPONSORS FROM PUBLIC BILLS AND RESOLUTIONS

Under clause 4 of rule XXII, sponsors were deleted from public bills and resolutions as follows:

H.R. 4606: Mr. Edgar.

PETITIONS, ETC.

Under clause 1 of rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

385. By the SPEAKER: Petition of City Public Service of San Antonio, Tex., relative to coal freight rates; to the Committee on Energy and Commerce.

386. Also, petition of B'nai B'rith Women, Washington, D.C., relative to Israel, to the Committee on Foreign Affairs.

387. Also, petition of Texas & Southwestern Cattle Raisers Association, Fort Worth, Tex., relative to Central America; to the Committee on Foreign Affairs.

388. Also, petition of B'nai B'rith Women, relative to abortion; to the Committee on the Judiciary.

AMENDMENTS

Under clause 6 of rule XXIII, proposed amendments were submitted as follows:

H.R. 5922

By Mr. CORCORAN:

—On page 10, after line 13, insert the following:

ENERGY EQUITY RESERVE

For an amount for assistance (either directly or as offsets for revenue reductions) to encourage the production and sales of housing (including mortgage revenue bond programs) in accordance with regulations which the Secretary of Treasury shall prescribe (after consultation with the Secretary of Housing and Urban Development), $1,000,000,000, to be derived from appropriations made available to, and to be obligated in fiscal year 1982 by, the U.S. Synthetic Fuels Corporation from the Energy Security Reserve established under "Alternative Fuels Production" in Public Law 96-126: *Provided*, That such amounts made available for housing assistance shall be appropriated to a special fund established in the Treasury of the United States and designated the "Energy Equity Reserve," and shall remain available until expended.

By Mr. BROWN of Colorado:

—Page 11, immediately after line 23, insert the following:

DEPARTMENT OF THE TREASURY

Energy Security Reserve

(RESCISSION)

Of the funds appropriated or otherwise made available under this head in the Supplemental Appropriations and Rescission Act, 1980 (Public Law 96-304) and other Acts making appropriations for Energy Security Reserve, $12,100,000,000 are rescinded.

By Mr. YATES:

—On page 8 of the bill, after line 5, insert the following new chapter:

CHAPTER V

DEPARTMENT OF DEFENSE—MILITARY

Procurement

Aircraft Procurement, Air Force

(RESCISSION)

Of the funds provided under this heading in Acts providing appropriations for the Department of Defense for the fiscal years ending September 30, 1981 and September 30, 1982, $1,575,300,000 of the funds provided for the B-1 Bomber Program and the Long Range Combat Aircraft Program are rescinded.

Research, Development, Test, and Evaluation

Research, Development, Test, and Evaluation, Air Force

(RESCISSION)

Of the funds provided under this heading in Acts providing appropriations for the Department of Defense for the fiscal year ending September 30, 1981 and September 30, 1982, $369,300,000 of the funds provided for the B-1 Bomber Program and the Long Range Combat Aircraft Program are rescinded.

—On page 8 of the bill, after line 5, insert the following new chapters:

CHAPTER V

DEPARTMENT OF DEFENSE—MILITARY

Research, Development, Test, and Evaluation

Research, Development, Test, and Evaluation, Air Force

(RESCISSION)

Of the funds provided under this heading in Acts providing appropriations for the Department of Defense for the fiscal years ending September 30, 1979, September 30, 1980, September 30, 1981, and September 30, 1982, $1,678,000,000 of the funds provided for the M-X Strategic Missile Program are rescinded.

CHAPTER VI

MILITARY CONSTRUCTION

Military Construction, Air Force

(RESCISSION)

Of the funds provided under this heading in Acts providing appropriations for military construction functions administered by the Department of Defense for the fiscal years ending September 30, 1980, September 30, 1981, and September 30, 1982, $29,600,000 of the funds provided for the M-X Strategic Missile Program are rescinded.

EXTENSIONS OF REMARKS

SOUTHERN BAPTISTS SPEAK OUT FOR HOUSING

HON. WALTER E. FAUNTROY

OF THE DISTRICT OF COLUMBIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 30, 1982

● Mr. FAUNTROY. Mr. Speaker, it is not very often that a witness appears before one of our committees with testimony that speaks so concisely and vividly about the circumstances of our times. One of those times came on March 25, 1982, when Dr. M. Wendell Belew, director of mission ministries, the home mission board of the Southern Baptist Convention appeared before the Subcommitte on Housing of our Committee on Banking, Finance and Urban Affairs. His testimony set forth the kind of partnership of mutual support by the Government and the private sector, with particular emphasis upon the church for the housing of our elderly and poor that has long existed to provide for those who are the least among us, which is now being threatened.

The church can contribute to the spiritual and moral needs of the families whose help must come from others; but, it is the State—our Government—that must provide the funds. To cut the housing budget by more than $32 billion is to send a message to those who are wanting and who are the least among us that ours is a Government "of the people and by the people" so long as they are not of low income who have a need for housing and other forms of assistance. Surely that is not the message we want to send. Surely that is not the message we in this Congress will permit this Nation to send.

This testimony is filled with poignant examples of the need for housing by our elderly, our handicapped, and our poor. I urge Members to consider not only the philosophical questions about the role of Government which are raised in this statement but to ask themselves how they would have our local communities, our private sector resources, and our charitable institutions meet this challenge. If the answer is that the challenge is to be met with Government assistance, I would urge that the funds for housing be reinstated.

The testimony follows:

TESTIMONY BY DR. M. WENDELL BELEW

Southern Baptists are a very diverse group. Ours is a membership made up of 80 different racial and ethnic groups. There are approximately 36,000 churches affiliated with the Southern Baptist Convention. The constituency numbers approximately 13,600,000. These are in all of the states and major communities of the United States. I do not presume to speak for all of the membership of our churches but I do bear a special responsibility as the director of missions ministries on behalf of Southern Baptists.

Our constituency is very heavily involved in many programs of ministry. We are concerned about how people live and whether or not they have adequate food, clothing and housing. It is to the latter point that I wish to address this body, to express a deep concern about what I think is happening in our land today.

Southern Baptists are strong proponents of the separation of church and state. Yet we are churches within the state and believe that a partnership of mutual support, especially in the area of housing, can be accomplished. Each entity, church or state, provides resources which the other cannot. The project is funded, or low interest rates provided, by the state. The church can contribute a spiritual and moral example for the building of families and community.

For nearly a half century our nation's government has been involved in producing low income housing. In Atlanta, Georgia where the Home Mission Board of the Southern Baptist Convention has its headquarters, the first low income housing project (the Techwood Development) was completed in 1935. This project has had a remarkable effect upon its community. Some of its former residents have become leaders in our city and churches. It has had strong involvement with the Tabernacle Baptist Church, which is located nearby and the Baptist Home Mission Board helps to support a mission center in the Techwood community. Through these nearly 50 years, this project has been a symbol of what good government could do for those who did not have the best opportunities for housing.

Although funds for renovation are being drastically reduced, the local housing authority was able to utilize existing HUD funds to begin the renovation of this complex. It again will be a residence for those who will become leaders of our city and other cities of the world, a good example of what public housing can do.

Tragically, however, after nearly half a century of good experience in providing for low income persons, elderly poor persons, and in providing low income persons with assistance in the purchase of properties and in many other areas, this most humane program of public assistance is being destroyed. Recommendations for FY83 housing assistance would indicate that our government "of the public and by the people" is not especially for low income people, who are tragically in need of housing. Can it be possible that our nation will devise techniques and funding for a military establishment capable of maiming or killing half the people of the world but remain incapable of maintaining adequate housing in our nation? The proposed 1983 budget provides $32,000,000,000 less than the amount needed to maintain federal housing programs at their present levels.

Thirty-seven percent or $23 billion of this cut comes from low income housing programming, the largest cut proposed for any activity of the federal government in 1983. In future years, it is projected there will be consideration of a rescission of appropriations for new and rehabilitated assisted housing units. There is an effort, really, to get rid of many existing subsidized units and to raise rents to the point where federally subsidized low income housing may cost more than unsubsidized housing.

Southern Baptist churches, and those of many other denominations, have been involved in the building of low income housing for the elderly. Recently, I visited such a complex that had been made possible through 202 funds provided by the Housing Administration. As I conversed with some of the residents of this complex, I was thankful for a government that had cared enough and for churches who had been willing to expand their energies and expertise to join in the production of a facility which brought such happiness to the lives of people.

I recall the days when we took care of our poor in what we called "county farms" or "poorhouses." Many of our neighbors dreaded the possible thought of spending their latter years in a poorhouse, with every vestige of pride destroyed, waiting patiently to die. But the residents of this complex which I was privileged to visit, were happy, their dignity preserved, and living in attractive surroundings. Our churches, synagogues, and religious institutions in cooperation with a beneficent government have been able to provide a new kind of dignity for low income persons. The poor have not, in these instances, been depreciated because they were poor. They have been paying part of their way.

But, then, this may be the final chapter for such communities as this, for it is projected that such new units will not be built again on a scale adequate to accommodate the needs. Hundreds of low income units already approved for subsidy will never be built or rehabilitated because the subsidy commitments will be withdrawn. Hundreds of thousands of commitments for new rehabilitated housing units already approved under the Section 8 and Public Housing Programs face cancellation. Some 300,000 of the 700,000 units which are in the process of being developed will be lost. This loss comes at a time when affordable rental housing units are shrinking rapidly and when one-fifth of all construction workers are unemployed.

In most cities there are long waiting lists of those who are seeking to enter low income housing projects of various categories. There are as many as 5,000 on the waiting list in Atlanta. An official with the Birmingham housing authority told me recently of their opening of a new project of approximately 200 units. After they had advertised the opening of these units and the date for accepting applicants, there was a line three blocks long that continued for three days, seeking to become certified for living in that particular project. We have heard of instances where there were people who waited from ten to fifteen years in order to get into low income housing projects.

● This "bullet" symbol identifies statements or insertions which are not spoken by the Member on the floor.

Perhaps among the most effective of the federally funded programs have been the self-help programs. These projects have been of as great a benefit to the American Indians as perhaps any programs that have been offered. The American Indian's income is the lowest in our nation. But at last there appeared signs that someone cared. Navajos, Pueblos, Sandia, Jicarilla Apaches, the Navajos of Canyoncito, and many other tribes became apprised of a self-help program wherein government funds were provided for a site and materials, and the Indian family could erect a house. Church members from some of our 500 Southern Baptist America Indian churches helped to facilitate the building of some of these government funded "self-help" houses. But if the proposed funding of houses for Indians is enacted there will be no more help—for Indians. It would appear that the old cowboy and Indian game is being reenacted—and that the Indian loses once more.

Dr. Sam Simpson is a Southern Baptist pastor who works in the South Bronx. Two recent presidents have visited that area and have noted the devestation that has been wrought there by housing that has been destroyed, or has become uninhabitable. Dr. Simpson and other pastors of the area have set about to form an organization to rehabilitate the area. These are the Bronx Shepherds, an interdenominational organization of religious leaders in the Bronx.

During the past year, five work teams from Southern Baptist Churches in the South have gone to New York City and helped the Shepherds rebuild and refurbish 135 apartments in five buildings there. The apartments will eventually be sold to the tenants. These work teams are volunteer skilled laborers—electricians, plumbers, contractors, who have been willing to give their vacation time or have taken personal leave in order to go to this devastated area and express love the best way they know how. Obviously, they have made a considerable impact with the refurbishing of 135 apartments. With cutbacks in federal funds which have been available for housing renovation (and this has been the source of the funds that have been used for the basic materials) no new work can be done in the years ahead.

Mr. Bob Davis, who is a deputy housing commissioner for the city of New York, said that his department manages more than 35,000 apartments which the city has taken over from owners who have not paid their taxes and 14,000 of these are now in various stages of ownership assumption by about 25 different community housing and tenant organizations such as the Shepherds. These people, Davis says, are the way of the future. They are a rare and unique group of people.

And yet, as willing as these volunteers may be to assist their fellow-man and to recognize their neighbor, it is not possible for them or the thousands of others like them to do all of the job by themselves.

Certainly, it is important that churches and benevolent organizations do the best they can to assist in as many ways as possible to correct the horrifying housing shortages for poor, and especially for the elderly; but it is not possible for them to do that alone.

Not only is it not possible, it is not just that a government which is supported by these people, becomes so calloused and oblivious to the hurts of their own land that it refuses to even become a partner with those who would seek to make an effort, to provide adequate housing for needy.

Another disastrous implication of proposed legislation on housing, or perhaps non-support legislation, will affect rents in the lower income housing arenas. Possibly as many as three million families will see their rent increased at a time when unemployment is at its highest and inflation eats away at the basic meager incomes of so many. The administration is proposing legislation to require tenants to pay their utility bills and to count food stamps as income. In every instance this would vastly increase the rent, not leaving any funds for basic necessities.

To suggest that the private sector is going to step in now and meet the needs that have been previously met by the government is certainly far from realistic. The private sector is not especially interested in low income housing. We cannot expect a trickle-down effect from those who are builders (what few of them are able still to build). The most lucrative investments in housing come in the area of condominiums and upper income housing. As many apartment complexes are converted into condominiums, those who are occupants are forced to leave. Even in low and middle income groups, escalation of rents is forcing them out of the kind of housing which they have comfortably enjoyed into kinds of housing that are totally inadequate. Widows on fixed incomes, though above the poverty level, are unable in many places of the United States, to find adequate housing in the private sector.

Mildred McWhorter, director of our mission work in Houston, Texas informs me of the plight of a Spanish-American mother and five children. The children are from the ages of six to thirteen. The husband deserted some six years ago, and the mother has worked as best she could find work in two part-time jobs. She does not speak English very well. She cannot get a job. She has asked for federal help for house rent and utilities but this is not available. There is no aid available in the county or state. She is receiving aid through our Baptist mission center, but this aid cannot continue long, because there are hundreds more in situations such as she.

In the same city, a grandmother, with four small children (taken in from negligent alcoholic parents) is in desperation. She and the children exist in vacant buildings or a temporary shelter. She walks many blocks to our mission center simply to earn food and clothing for the children. How many more are there such as this? If the "supply side" economy is going to work it should begin working soon in one of America's wealthiest cities.

One of our workers in New Mexico has told me of the very successful project developed in Las Cruces. Del Cerro is a housing development in which HUD has provided a low interest loan for low income persons to purchase units. This splendid development has provided a unique opportunity for Hispanics who live in the area. That these citizens of our nation have been able to find a good place to live and be able to feel the pride of ownership is really a part of what has been the American dream. They have not been given much—just a low interest loan. They are paying for their houses. But is the dream now ended? With the proposed new federalism it may well be.

The proposed legislation will reduce the number of low income housing units and reduce the number of projects that had been approved and could be approved for renovation. This makes rentals climb to the point where they are no longer affordable even by those who are already poor. Housing has been curtailed at a time when need for housing is at its most critical point perhaps in 25 years. An added crunch for housing is coming because our population is getting older and many individuals are retiring from the work force on limited fixed (or perhaps shakily fixed) incomes. With Social Security, Medicaid, and Medicare benefits threatened, many of these who are retiring can not afford to live in their pre-retirement housing. Where do they go? A middle income widow I know has moved three times recently because her rent was radically increased. She is pathetically hurt and frightened.

A recent study by economist Shirley H. Ryan indicates that the rapid growth of America's older generation is posing major problems for both government and business policy makers. The study shows that the number of people 60 and over is increasing considerably faster than the rest of the population, up to 16 percent from 12 percent in 1950. It is estimated by the year 2000, 24 percent of the population will be 60 and over. The 60+ population is expected to increase four times as fast as the under-60 group in the next half century. The eighty plus population will grow even faster.

Is it not incredible, then, that in the light of this rapidly increasing elderly population we have no ability or perhaps no concern, to provide them with adequate shelter? Many of these are living alone. Their families are gone and there is no one really to care. The churches and synagogues will try to help but their major financial responsibility is not housing. It had been our thought that, as persons of good will became involved in government, they would be able to enunciate the principles that have so long been a part of our caring nation.

Is it not incredible that acres of housing, which could well change the whole nature of the community, the state and nation, can be supplanted by one aircraft carrier?

Is it not incredible that as we seek to gain superiority or equality with Russia in military strength, we also gain equality with them in housing and are forced to pile our impoverished multitudes in small room with inadequate heating or other conveniences.

If there are those who believe that federally funded housing has been misused, and that many projects have not been well managed, they would be correct. There have been projects that have been misplaced and allowed to deteriorate; but this is not the majority of the housing projects. The cause has often been that the projects did not have adequate funds for repair. The proposed FY83 budget would decrease the funds for repair even further.

I would encourage you to look afresh at the priorities of this budget to ascertain what is the best for our land, to see these expenditures not just in terms of dollars and cents, but rather in terms of people cringing in the shadows of vacant houses, hunting for a place of warmth, seeking to gather their children about them, but with no place to lay their heads.

I would encourage you to remember the priorities of our land that has given to us leadership from poverty, presidents from log cabins, and which has helped us to know that any home can be a castle.

Lewis Harris Spence, the court-appointed receiver of the Boston Housing Authority, has said, "I propose that if we allow the apparent current trends to advance unabated, the consequences for our poor and for the life of our community more generally will be horrific. The simple arithmetic of housing availability will increasingly confine the poor to smaller and smaller enclaves in ever more squalid conditions at ever more unbearable cost. When this occurs, today's phrase 'social tension and discrimination' will mock the enormity of conflict between races and classes that will ensue."

Mr. Spence was well aware of what is happening in Boston. By the spring of 1981 over 400 rental units in Boston had been converted to condominiums. That form of ownership is more heavily subsidized through tax deductions than rental housing. In Boston the current rental vacancy is 2 percent. Less than 5 percent is considered extremely tight.

In 1981, the typical cost to rent a two-bedroom unit was $400-$500 a month. Roughly, one-third of Boston's population, or some 200,000 people are poor or near poor. They depend for their shelter on three segments of Boston's housing market—public housing, privately owned subsidized housing, and unsubsidized private rental housing. And all three are shrinking.

Mr. Spence has further noted, "The distress of public housing—the collapse of order and community among the residents of our projects—is, I believe, a paradigm of the condition we increasingly impose upon the poor. The chaos which pervades our troubled projects is only a dramatic example of the more general deterioration of life in poor communities. That is not widely enough understood. The dynamic which degrades life in the project is at work no less effectively, if less intensively, in all poor neighorhoods. The chaos which pervades life in public housing and other poor communities is the same chaos which threatens to degrade life for all of us. If the current dynamic continues and the conditions of poverty are aggravated, if we are to reclaim tranquility for the larger community, we must first reclaim it for poor communities. There can be no quietude for all of us while chaos prevails for some of us. That is only just. It is the condition of community and nationhood that our welfares are knit together. Only a wellbeing that is shared can be assured."

I appeal to you, then, you who long have represented the needs of our nation well. Do not permit this tragedy to happen to the poor, the young, the elderly. It is for such causes that governments are made. In the absence of just concern there can only grow anger, chaos and anarchy. All the armaments we can build can never protect us from ourselves. We may be creating an explosion and planting it in our very midst.●

KNIGHTS OF COLUMBUS CELEBRATES 100TH BIRTHDAY

HON. LINDY (MRS. HALE) BOGGS

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 30, 1982

● Mrs. BOGGS. Mr. Speaker, on yesterday the Knights of Columbus celebrated the 100th anniversary of their order's founding. As we congratulate them on this special occasion, it is well to recall the many accomplishments of this splendid organization which are outlined in the following article from the Catholic Standard:

[From the Catholic Standard, Mar. 25, 1982]

100TH BIRTHDAY NEARS FOR KNIGHTS OF COLUMBUS

(By Norman McCarthy)

Father Michael J. McGivney, the young curate at St. Mary's Church in New Haven, Conn., knew poverty first-hand. His father's death at an early age left him with the responsibility of providing for eight younger brothers and sisters by working in a spoon factory in his native Waterbury.

He also knew poverty through his ministry at St. Mary's, a parish of Irish immigrant laborers. In 1882 the lot of an Irish immigrant family was far from a happy one. The father, exploited and broken in health by working long hours in dangerous or unhealthy working conditions, died young, often leaving a young widow and several children.

The plight of these widows and orphans and the knowledge that many young, Catholic men were joining secret societies for their insurance benefits led Father McGivney to propose a Catholic fraternal organization in New Haven—the Knights of Columbus.

After several months of preparation, Father McGivney and 25 New Haven laymen gathered on March 29, 1882, at St. Mary's to establish the Knights of Columbus to help Catholic laymen remain steadfast in their faith, to promote fraternities and—significantly—to set up a system of insurance so widows and children of members would not find themselves impoverished.

Father McGivney, never strong physically, died of pneumonia at age 38 on Aug. 14, 1890, only eight years after the founding of the Knights. As an indication of his zeal, there were 56 Knights of Columbus councils in Connecticut at the time of his death.

From the small beginning 100 years ago at St. Mary's Church, the society has grown to more than 1.35 million members affiliated with 7,156 councils. More than one million Knights live in the United States.

The work of the Knights of Columbus, both on a national and international scale, is immense, but most of the activities are handled on the local level. In 1980 individual Knights distributed $31.7 million for various activities to help the handicapped, the elderly, the young and others. They also donated 9.2 million volunteer hours to community and church services. Among the Washington institutions helped are SOME (So Others Might Eat), Martha's Table, the House of Ruth and the Spanish Catholic Center.

Next month the D.C. councils will conduct their annual Tootsie Roll charity drive to benefit institutions working with the mentally retarded and emotionally handicapped. The Maryland councils conducted their Tootsie Roll drive—a national campaign held at various times—earlier this year.

By choosing Columbus as their patron, the founders were stressing Catholic legitimacy in the predominently Protestant culture 100 years ago. Their strong pride in being American and Catholic eventually led to the forming the Fourth Degree Knights, who have patriotic work as their goal.

This patriotism also led the Knights to establish Knights of Columbus "Huts" as recreational facilities of U.S. troops fighting on the Mexican border against Pancho Villa in 1916 and then in Europe during World War I. This $40 million venture in World War I carried an invitation to the Huts set up near the front: "Everybody welcome, everything free."

The 1920s were a busy time for the society. Involved in a long battle with the Ku Klux Klan over Catholic bigotry, the Knights also set up a million dollar fund to help Mexicans fight Catholic persecution in that country. The decade also saw the successful fight against an Oregon law that would have prevented children from attending parochial schools. The law was found unconstitutional in 1925 by the Supreme Court.

The Knights funded the construction of the Knights' Tower at the National Shrine of the Immaculate Conception and donated the bells for it. They also established the "Luke E. Hart Memorial Fund" in 1979 to promote Marian devotion at the shrine.

The society led the campaign to insert "under God" in the Pledge of Allegiance. The Knights now spend $1 million to publicize Catholic truths and to foster Judeo-Christian values through the print and electronic media. They also arranged for the microfilming of 11 million pages of valuable documents in the Vatican library.

The total service provided by the Knights of Columbus is unmeasurable—fostering vocations, promoting devotion to the Blessed Mother and the rosary, family life, pro-life, Boy Scout troops and Columbian Squire circles.

Over the past century the goals of Father McGivney and the founders have been carried forward until today there are more than one million Catholic men who dedicate themselves to his ideals and to those of the Knights of Columbus—charity, unity, fraternity.

I am pleased, Mr. Speaker, that my husband, Hale, and many other Members of this House have been among them.●

THE IRS STRIKES—A CPA

HON. GEORGE HANSEN

OF IDAHO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 30, 1982

● Mr. HANSEN of Idaho. Mr. Speaker, another example of the heavy-handed and abusive tactics of the Internal Revenue Service in their tax collection practices, which would be stopped by passage of H.R. 4931, the Taxpayer Protection Act (TPA), is the following letter from a certified public accountant in a Northwest State.

DEAR SIR: I have recently been banged on by the IRS. A local agent made a mathematical error, in favor of the IRS, in the amount of $4,000 in computing my tax for a prior year. I was told by an IRS official that they recognized the error, but that I would have to go to Tax Court to have the error corrected.

The element of fear when dealing with the IRS must be stopped.

The seizure of property without a court order must be stopped.

It is a violation of my rights as a U.S. citizen to be assumed to be guilty until I prove myself innocent.

A person arrested for murder receives fairer treatment than the average taxpayer does when dealing with the IRS.●

NUCLEAR ARMS FREEZE

HON. LARRY McDONALD

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 30, 1982

● Mr. McDONALD. Mr. Speaker, the authoritative newsletter, Information Digest, which primarily focuses on political and social movements in the United States which may aid foreign governments or movements to the detriment of U.S. interests, has followed the activities of the disarmament movement in this country and Europe. A recent Information Digest article entitled "Nuclear Arms Freeze," appearing in the March 12 issue, reviewed the campaign in the State of Connecticut in support of a nuclear arms freeze. I would draw the attention of my colleagues to the following article:

[From the Information Digest, Mar. 12, 1982]

NUCLEAR ARMS FREEZE

On February 24, 1982, the Connecticut General Assembly became the country's fourth state legislature to pass a resolution calling for a joint U.S.-Soviet "nuclear freeze"—an immediate halt to development, testing and deployment of any futher strategic nuclear weapons. The Connecticut House of Representatives had endorsed the resolution on February 3; the state Senate vote was a 35 to 1 voice vote.

According to a front-page story in the Hartford Courant (2/25/82), the support for the "nuclear freeze" resolution was organized by State representative Irving J. Stolberg, of New Haven, who was characterized as "an ardent advocate of arms control." Stolberg is one of a number of U.S. State and local elected legislators active with the Soviet-controlled World Peace Council (WPC) and the U.S. Peace Council (USPC) who have taken leading roles in promoting "nuclear freeze" resolutions in state assemblies and city councils.

It was reported that the Connecticut Republican state lawmakers went along with the "nuclear freeze" idea because the Reagan Administration had taken no position on the matter and because they believed there was no conflict between the measure and the Administration's arms control position. Six of eight members of Connecticut's U.S. Congressmen from both parties have endorsed the "nuclear freeze" proposal. In the U.S. Congress, nuclear freeze resolutions have been co-sponsored by 17 Senators and 122 Representatives. On March 10, Secretary of State Haig criticized the "nuclear freeze" resolutions during testimony; the next day State Department Director of Politico-Military Affairs Richard R. Burt read a formal State Department statement that the "nuclear freeze" would place the U.S. at a military disadvantage because the USSR has superiority in ICBMs and intermediate-range missiles.

The Connecticut Campaign for a U.S.-U.S.S.R. Nuclear Freeze last year had persuaded residents of three towns to pass freeze resolutions in town meetings. Coordinators of the campaign are Bruce Martin and Marta Daniels, both on the staff of the American Friends Service Committee (AFSC). Last November, during the presentation of the Promoting Enduring Peace (PEP) 1981 Ghandi Peace Award to Corliss Lamont, long-time leader of the National Emergency Civil Liberties Committee (NECLC), a Communist Party, U.S.A. (CPUSA) front and who was identified in sworn testimony of multiple witnesses as a CPUSA member, Daniels spoke of addressing a disarmament rally of 250,000 in London's Hyde Park on dismantling NATO's nuclear weapons capability.

Also, on 2/24/82, in Danbury, Conn., supporters of the Connecticut Campaign for a U.S-U.S.S.R. Nuclear Arms Freeze held a meeting at Western Connecticut State College.

With more than 100 people participating, Fr. Joseph Infantine, a Franciscan, acted opened the meeting by introducing Sr. Mary Friel, S.N.D., active in the anti-El Salvador campaign and who blames the present liberal junta of El Salvador for "50 years * * * (of) rigged elections and the assassination of popular leaders." A film of a San Francisco seminar by Physicians for Social Responsibility (PSR) was shown to advertise PSR speakers slated for a March 13th meeting in Farmington, CT. The PSR film included an assertion by Dr. H. Jack Geiger of International Physicians for the Prevention of Nuclear War (IPPNW) that it is a breach of medical ethics for a physician to participate in planning for emergency medical services in the event of a nuclear attack. The theme of the film and PSR in general is that no human being will survive any nuclear conflict and that the use of a single nuclear weapon, tactical or strategic, will inevitably lead to total nuclear war.

The featured speaker was William Caldicott, M.D., husband of PSR leader Helen Caldicott, a Boston pediatrician who recently gave up her practice to become a full-time disarmament organizer for PSR. Caldicott attacked the U.S. as not sufficiently committed to arms control and was sharply critical of the shelving of the unratified SALT II treaty. Caldicott said he viewed the presence last year of 14 high-level Soviet scientists and physicians at a U.S. conference (of IPPNW) as a sign the Soviets are eager for arms control.

With only two informed members of the audience speaking in opposition to the "nuclear freeze" campaign, supporters of the campaign in the audience offered what observers considered a well-orchestrated series of "what is to be done" questions that led to Fr. Infantine's presentation of the "nuclear freeze" petition for signatures.

It is noted that the endorsers of the "Call for a Bilateral Nuclear Freeze" distributed by the AFSC and Clergy and Laity Concerned (CALC) include Richard Barnet, Institute for Policy Studies (IPS); Rep. Ron Dellums (D-CA); Freeman Dyson, physicist, Institute for Advanced Studies; Richard Falk; Bernard Feld, editor, Bulletin of the Atomic Scientists; Randall Forsberg, Institute for Defense & Disarmament Studies (IDDS); John Kenneth Galbraith; Dan Gaby, president, Keyes-Martin & Co.; Jerome Grossman, director, Council for a Liveable World (CLW); Adam Hochschild, Mother Jones, Robert Johansen, president, Institute for World Order (IWO); George Kistiakowski, Carl Marcy; Rep. Toby Moffett (D-CT); Michael Meyerson, director, U.S. Peace Council; Rep. Richard Ottinger (D-NY); George Rathjens, MIT; Victor Sidel, M.D., PSR; and Reps. Frederick Richmond (D-NY), Charles Rangel (D-NY), Peter Rodino (D-NJ), Harold Washington (D-IL), James Weaver (D-OR), and Ted Weiss (D-NY).●

CONGRESSIONAL WALKAMERICA

HON. RICHARD L. OTTINGER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 30, 1982

● Mr. OTTINGER. Mr. Speaker, on Wednesday, March 31, 1982, at the U.S. Capitol, the March of Dimes Birth Defects Foundation, whose national headquarters is located in my congressional district in White Plains, N.Y., is sponsoring a national kickoff for its WalkAmerica campaign.

One hundred and fifty Senators and Representatives from 47 States have signed up for this event called Congressional WalkAmerica, the March 31 symbolic kickoff for the March of Dimes Birth Defects Foundation's nationwide gala fundraising event, WalkAmerica '82.

The legislators will assemble at noon on the Capitol Grounds to show their support for the prevention of birth defects, and urge their constituents to join WalkAmerica's organized by March of Dimes local chapters for the April 24–25 weekend.

Participants in the 30-kilometer community walks raise funds through pledges for the distances they cover. Last year's effort raised $18 million. The funds support March of Dimes research, medical service, and education programs to fight America's major child health problem—birth defects.

The following is a full list of the acceptances through yesterday:

CONGRESSIONAL WALKAMERICA ACCEPTANCES THROUGH MARCH 23, 1982

ALABAMA

Sen. Howell T. Heflin (D).
Rep. William L. Dickinson (R—Montgomery/S.E. Alabama).

ALASKA

Sen. Frank H. Murkowski (R).

ARIZONA

Sen. Barry Goldwater (R).
Sen. Dennis DeConcini (D).
Rep. Morris K. Udall (D—Tucson).

ARKANSAS

CALIFORNIA

Sen. Alan Cranston (D).
Sen. S.I. Hayakawa (R).
Rep. Eugene A. Chappie (R—N.E. California/Redding/Chico).
Rep. Don H. Clausen (R—N.W. California Coast/Eureka/Santa Rosa).
Rep. Robert T. Matsui (D—Sacramento).
Rep. Bobbi Fiedler (R—Los Angeles/San Fernando Valley).
Rep. William M. Thomas (R—Bakersfield).
Rep. Daniel E. Lungren (R—Long Beach).
Rep. Henry A. Waxman (D—Los Angeles).
Rep. Tony Coelho (D—Merced).
Rep. Jerry Lewis (R—San Bernardino).
Rep. Norman Y. Mincta (D—San Jose).
Rep. Jerry M. Patterson (D—Orange County).
Rep. Wayne R. Grisham (R—S.E. Los Angeles County/Whittier/Downey/Norwalk).
Rep. Duncan L. Hunter (R—San Diego).

Rep. Mervyn M. Dymally (D—Los Angeles).

Rep. Bill Lowery (R—San Diego).

Rep. Tom Lantos (D—San Francisco/Bay Area/San Mateo County).

COLORADO

Rep. Kenneth B. Kramer (R—Denver Suburbs/ Colorado Springs).

Rep. Patricia Schroeder (D—Denver).

Rep. Timothy E. Wirth (D—Suburban Denver/Boulder).

CONNECTICUT

Rep. Barbara B. Kennelly (D—Hartford).

Rep. Samuel Gejdenson (D—Eastern Connecticut/New London).

DELAWARE

Sen. Joseph R. Biden, Jr. (D).

FLORIDA

Sen. Paula Hawkins (R).

Rep. L. A. (Skip) Bafalis (R—West Palm Beach/Ft. Myers/Naples).

Rep. Bill McCollum (R—Orlando/Clearwater).

Rep. Bill Nelson (D—Brevard County/ Melbourne).

Rep. Clay Shaw (R—Broward County).

GEORGIA

Sen. Mack Mattingly (R).

Rep. Billy Lee Evans (D—Macon/South Central Georgia).

Rep. Jack Brinkley (D—Columbus/ Warner/Robbins/West Central Georgia).

Rep. Wyche Fowler, Jr. (D—Atlanta).

Rep. Edgar L. Jenkins (D—Northeast Georgia).

HAWAII

Sen. Daniel K. Inouye (D).

Sen. Spark M. Matsunaga (D).

IDAHO

Sen. James A. McClure (R).

ILLINOIS

Sen. Charles H. Percy (R).

Rep. Philip M. Crane (R—Northwest Chicago/Suburbs).

Rep. Paul Simon (D—Southern Illinois/ Carbondale).

Rep. Lynn Martin (R—Rockford).

Rep. Marty Russo (D—Chicago).

Rep. George M. O'Brien (R—Joliet).

Rep. Cardiss Collins (D—Chicago).

INDIANA

Sen. Richard G. Lugar (R).

Rep. Lee H. Hamilton (D—S.E. Indiana/ Columbus).

Rep. Dan R. Coats (R—Fort Wayne).

Rep. Adam Benjamin, Jr. (D—Gary).

Rep. Philip R. Sharp (D—Muncie).

IOWA

Rep. Thomas J. Tauke (R—Dubuque).

KANSAS

Rep. Bob Whittaker (R—Emporia/S.E. Kansas).

KENTUCKY

Rep. Larry J. Hopkins (R—Lexington/ Frankfort).

LOUISIANA

Sen. Russell B. Long (D).

MAINE

MARYLAND

Rep. Barbara A. Mikulski (D—Baltimore).

Rep. Michael D. Barnes (D—Montgomery County).

Rep. Beverly B. Byron (D—Western Maryland/Frederick/Howard County).

MASSACHUSETTS

Sen. Edward M. Kennedy (D).

Rep. Joseph D. Early (D—Worcester).

Rep. Barney Frank (D—Suburban Boston/Newton/Brookline).

Rep. Thomas P. O'Neill, Jr. (D-Boston).

MICHIGAN

Rep. William S. Broomfield (R—Oakland County/Suburban Detroit).

Rep. Robert W. Davis (R—Marquette/ Upper Peninsula).

MINNESOTA

Sen. Rudy Boschwitz (R).

Rep. Arlen I. Erdahl (R—St. Paul).

Rep. Martin O. Sabo (D—Minneapolis).

Rep. Bruce F. Vento (D—St. Paul/Minneapolis).

MISSISSIPPI

Rep. Wayne Dowdy (D—Jackson/Vicksburg/Natchez).

MISSOURI

Rep. Wendell Bailey (R—Central Missouri/Jefferson City).

Rep. Bill Emerson (R—Cape Girardeau/ S.E. Missouri).

Rep. Ike Skelton (D—Independence).

MONTANA

Sen. Max Baucus (D).

NEBRASKA

Rep. Douglas K. Bereuter (R—Eastern Nebraska/Lincoln).

NEVADA

Rep. Jim Santini (D).

NEW HAMPSHIRE

Sen. Gordon J. Humphrey (R).

NEW JERSEY

Rep. Matthew J. Rinaldo (R—Elizabeth/ Union).

Rep. Robert A. Roe (D—Passaic/Patterson).

NEW MEXICO

Sen. Harrison H. Schmitt (R).

NEW YORK

Sen. Alfonse M. D'Amato (R).

Rep. Charles B. Rangel (D—NYC/Manhattan).

Rep. Leo C. Zeferetti (D—Brooklyn/ NYC).

Rep. Theodore S. Weiss (D—Manhattan/ NYC).

Rep. Joseph P. Addabbo (D—Queens/ NYC).

Rep. Donald J. Mitchell (R–Utica).

Rep. Raymond J. McGrath (R—Long Island).

Rep. Richard L. Ottinger (D—Westchester County).

Rep. Henry J. Nowak (D—Niagara Falls).

Rep. Frank Horton (R—Rochester).

Rep. Norman F. Lent (R—Long Island).

Rep. George C. Wortley (R—Syracuse).

Rep. Peter A. Peyser (D—Westchester/ Bronx).

Rep. Guy Molinari (R—Staten Island).

NORTH CAROLINA

Rep. Stephen L. Neal (D—Winston-Salem).

Rep. W. G. (Bill) Hefner (D—Central North Carolina).

Rep. Eugene (Gene) Johnston (R—Greensboro).

Rep. Ike Andrews (R—Durham).

NORTH DAKOTA

Sen. Quentin N. Burdick (D).

OHIO

Rep. Chalmers P. Wylie (R—Columbus and Suburbs).

Rep. J. William Stanton (R—N.E. Ohio).

Rep. John F. Seiberling (D—Akron).

Rep. Louis Stokes (D—Cleveland).

Rep. Dennis E. Eckart (D—Cleveland).

OKLAHOMA

Sen. Don Nickles (R).

Rep. James R. Jones (D—Tulsa).

OREGON

Sen. Bob Packwood (R).

PENNSYLVANIA

Sen. Arlen Specter (R).

Rep. Bob Edgar (D—Suburban Philadelphia/Delaware County).

Rep. William F. Goodling (R—York).

Rep. Don Ritter (R—Eastern/Bethlehem/ Allentown).

Rep. James L. Nelligan (R—Wilkes-Barre/ Haselton).

Rep. William F. Clinger, Jr. (R—State College/North Central Pa.).

Rep. Gus Yatron (D—Reading).

Rep. Thomas M. Foglietta (D—Philadelphia).

Rep. Allen E. Ertel (D—Williamsport).

Rep. Don Bailey (D—Westmoreland County).

Rep. Austin J. Murphy (D—Southwestern Pa.).

RHODE ISLAND

Sen. Claiborne Pell (D).

SOUTH CAROLINA

Sen. Ernest F. Hollings (D).

Rep. Carroll Campbell, Jr. (R—Greenville/Spartanburg).

Rep. Thomas F. Hartnett (R—Charleston).

Rep. Kenneth L. Holland (D—Rock Hill/ North Central S.C.).

SOUTH DAKOTA

Sen. James Abdnor (R).

Sen. Larry Pressler (R).

Rep. Thomas A. Daschle (D—Aberdeen/ Sioux Falls).

TENNESSEE

Sen. James R. Sasser (D).

TEXAS

Sen. Lloyd M. Bentsen (D).

Rep. James M. Collins (R—Dallas).

Rep. E. (Kika) de la Garza (D—Southern Texas/Brownsville).

Rep. Kent R. Hance (D—Lubbock/Midland).

Rep. James C. Wright, Jr. (D—Ft. Worth).

Rep. Jack Hightower (D—Amarillo/Panhandle).

Rep. J. Marvin Leath (D—Waco).

Rep. Martin Frost (D—Dallas/Ft. Worth).

Rep. Tom Loeffler (R—Suburban San Antonio/San Angelo).

UTAH

Sen. Jake Garn (R).

Rep. James V. Hansen (R—N.E. Utah).

VERMONT

Sen. Robert T. Stafford (R).

Rep. James M. Jeffords (R—entire State).

VIRGINIA

Sen. Harry F. Byrd, Jr. (D).

Sen. John W. Warner (R).

Rep. J. Kenneth Robinson (R—Winchester / Harrisonburg / Charlottesville / Fredericksburg).

Rep. Stanford E. (Stan) Parris (R—Suburban Washington/Northern Va. Suburbs/ Fairfax Co.).

Rep. Robert W. Daniel, Jr. (D—Petersburg/Portsmouth).

Rep. G. William Whitehurst (R—Norfolk).

WASHINGTON

Sen. Slade Gorton (R).

Sen. Henry M. Jackson (D).

Rep. Sid Morrison (R—Yakima/Richland/Vancouver/Central Washington).

WEST VIRGINIA

Sen. Jennings Randolph (D).

Rep. Mick Staton (R—Charleston).

Rep. Cleve Benedict (R—Eastern West Virginia/Morgantown).

WISCONSIN

Sen. William Proxmire (D).

Rep. Clement J. Zablocki (D—Milwaukee).

Rep. Thomas E. Petri (R—Oshkosh/Sheboygan).

Rep. David R. Obey (D—North Central Wisconsin/Wausau).

WYOMING

Rep. Dick Cheney (R).●

AMERICAN INSTITUTE OF ARCHITECTS HONORS PATRICK SHEEHY

HON. TONY COELHO

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 30, 1982

● Mr. COELHO. Mr. Speaker, it is an honor for me to bring to the attention of my colleagues the work of a distinguished architect, Patrick Evan Sheehy, who has recently been honored by the Inland Empire Chapter of the California Council, American Institute of Architects. Having seen Mr. Sheehy's work, I can understand why he has been cited.

The Inland Empire Chapter gave eight awards for work completed in 1981, three of which went to Mr. Sheehy. He was recognized for the design and planning of the Indian Wells Condominium complex in Palm Springs, Calif.; the interior design of the McCollock residence in Lake Havasu City, Ariz.; and the initial cafeteria at California State University in Bakersfield, Calif.

Patrick Sheehy has provided innovative architectural and planning services to the southwest for over 17 years. He has been recognized throughout the Nation for his technical thoroughness and his excellence in contemporary design.

Most importantly, Mr. Speaker, Mr. Sheehy believes in functional design and innovative solutions for public structures. At a time of budgetary restraint, when every dollar must be spent wisely, it is heartening to me to see an architect create designs that are both pleasing to the eye and serviceable to the public. I applaud the Inland Empire Chapter of the California Council, American Institute of Architects for recognizing Patrick Sheehy.●

ECONOMIC PROBLEMS COUNTRY FACES EXTREMELY SERIOUS

HON. DENNIS E. ECKART

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 30, 1982

● Mr. ECKART. Mr. Speaker, the economic problems we face are extremely serious ones. The solutions will come only if we, and the President, face up to the gravity of the situation, come to grips with the budget deficit interest rate problems, and meet each other's concerns in a forthright manner.

An example of the kind of forthrightness we need here in Washington is found in a letter, from Mr. E. H. deConingh, Jr., president of the Mueller Electric Co. of Cleveland, and a resident of my district. His analysis is clear and very self explanatory:

MUELLER ELECTRIC CO.,
Cleveland, Ohio, February 12, 1982.

Congressman DENNIS E. ECKART,
2470 Chagrin Boulevard
Beachwood, Ohio.

DEAR CONGRESSMAN ECKART: I am writing this letter to my two Senators and to Congressmen Eckart and Oakar who respectively represent my residence location and business location.

I am aware that all of you are home for a brief period sensing the pulse of your constituency on a number of matters, principally the Federal Budget.

I am a businessman, and a lifelong registered Republican. In general I subscribe wholeheartedly to the philosophies expressed by President Reagan especially those which bear on trimming the size of the Federal Bureaucracy, and holding down the growth rate of the Federal Budget.

While I subscribe to the President's principles I believe that the method by which they are being applied to the budgetary process is in too short a time frame, resulting at least for the definable future in very heavy budget deficits. The president has indicated that there will be no tinkering with the Military budget, and I believe no tinkering with the tax cuts which the Congress voted last summer. If this is so there is not much room to maneuver, and I believe that is a serious mistake.

I believe Democrats and Republicans alike share the view that some fundamental changes should be made in the way our Federal Government operates, but the differences spring up in timing and method. I for one believe that the substantial tax cuts plus shortfall of tax revenues due to the recession is the culprit. The inevitable large budget deficits lead business men and financial people to the logical conclusion that the Federal Reserve is going to dominate the credit markets, and that therefore interest rates invariably will remain at relatively high levels. If you don't have a job, and beyond that are looking at interest rates in the midteens to buy a home or car nothing is going to go any place.

Of course I am not familiar with all the complications and political trade-offs that are behind the scenes, but I'd like to see the Congress in a responsible bipartisan way indicate to the President that the principal way to get the economy off dead center is to reduce the size of the budget deficit, and at least from my point of view to do this with some adjustments in the tax cuts by either trimming or delaying their implementation.

If getting the economic machine going again is going to cost me some tax money beyond that presently legislated so be it.

Sincerely,

E. H. DECONINGH, JR.,
President.●

SEPARATION OF THE SOCIAL SECURITY TRUST FUNDS

HON. WILLIS D. GRADISON, JR.

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 30, 1982

● Mr. GRADISON. Mr. Speaker, the social security trust funds should be made off-budget; that is, they should be separated from the unified budget.

I introduced a bill to separate social security from the budget last October. It now has 75 cosponsors and is gaining steam. Three members of the new National Commission on Social Security Reform, Messrs. CONABLE, ARCHER, and PEPPER, are cosponsors of my bill Bob Myers, Chief of Staff of the Commission and a major architect of the original social security benefit structure, believes there is "a very strong tide running in this direction." Health and Human Services Secretary Richard Schweiker testified in Ways and Means hearings that he personally likes the idea. The National Commission on Social Security recommended separation in its 1981 report.

The reasons for moving forward with separation are becoming stronger with time. Last year the social security reform process ground to a halt with cries that the budget was being balanced on the backs of the elderly and that the system was not really in financial danger. This year, greater budget cuts are being demanded than ever before in the history of our Government. Without separation we could repeat the same unsuccessful effort to convince people that there is a crisis and a need to reform social security, and we could push ourselves closer to the edge of destroying the bedrock of our Nation's social policy. Estimates now are that the system probably will run out of money by 1984.

As long as social security is part of the unified budget it is at the whim of politics. Its independent standing is weakened, and its future is threatened by moves to make it just another welfare program. Yet social security has long been the country's most popular social program because it is not welfare; its benefits are earned rights paid for by tax contributions.

The key to reestablishing the independence of social security is to return the system to the off-budget status it enjoyed from its inception to the late

1960's. By Executive order, President Johnson included the social security trust funds in the unified budget so that the Vietnam war deficit, in one stroke, actually became a surplus for 1 year. The rationale for this was political and with it came undesirable consequences for social security.

Why is there still hesitation by some to embrace separation? In large part it is because of a misunderstanding about what the unified budget process is meant to accomplish. The unified budget makes clear how much spending is being financed through deficits, and how much is being financed by current tax revenues. This in turn tells us how much inflation the Government will be fueling and how much credit the Government will be demanding.

The social security system is financed completely by social security taxes. There can be no deficit financing of the social security system as it is now. It is financially independent. Therefore including the trust funds in the unified budget only obscures the amount of deficit financing the Government is engaging in.

Separation will not reverse the drive of the early 1970's that rightfully placed general revenue spending within a unified budget. The budgeting of general revenues was a milestone victory that was hard fought. But the budgeting logic does not extend to the separately financed social security system.

The Social Security Subcommittee plans on drafting a miscellaneous social security bill in the next month or two. I hope to include the separation in it. Passage of separation, by making clear that social security benefits are not being cut to balance the budget, would establish a nonpartisan setting for achieving comprehensive social security financing reform later this year.●

OUR GOOD NEIGHBOR

HON. ROY DYSON

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 30, 1982

● Mr. DYSON. Mr. Speaker, the Kiwanis Club of Somerset County, Md., has chosen an extraordinary individual to be the recipient of its Distinguished Service Award. Mr. Henry J. Bailey epitomizes the ideal good neighbor—a friend whose influence extends far beyond Somerset County, Md. I have had the opportunity to know Mr. Bailey and his lovely wife, Mildred, for many years, and know that the Kiwanis Club could not have chosen a more deserving individual to honor. All of Maryland can be proud of Henry J. Bailey. Today I would like to offer to my distinguished colleagues and the people of Maryland an article by the Somerset County Farm Bureau Women's Committee on the accomplishments of this remarkable man.

Our Good Neighbor, Henry J. Bailey

Henry J. Bailey was born in Somerset County seventy-nine years ago. Mr. Bailey and his wife, Mildred, have lived at their present home, Cherry Grove, on Stewart's Neck Road near Princess Anne for thirty-six years. They have two children, Betty Ann and Robert. Mr. and Mrs. Bailey are members of the Manokin Presbyterian Church in Princess Anne.

Mr. Bailey, affectionately known as "Mr. Henry," completed the ninth grade in high school. Mr. Henry eventually began his first love, farming. He was soon to become known as a progressive farmer and willing to listen to and try new methods of farming. His love for the land and his belief in the necessity of its preservation has made Mr. Henry one of the most respected farmers on the lower Eastern Shore. His wisdom and experience in the farming industry has led many young farmers to his farm and home for guidance. Mr. Henry has always lent his support, both physically and mentally, to young people in order for them to be given a chance that they might not otherwise have gotten. This helping hand is not exclusively extended to the young farmer. More experienced farmers also turn to Mr. Henry for advice and help when problems arise. The Bailey's farm equipment and hired help have appeared unexpectedly many times on other farms when help is needed.

Mr. Henry has always been known to have a bountiful garden. It always seemed he had a garden which produced enough vegetables to feed half of Somerset County. This abundance of vegetables was distributed proudly by Mr. Henry and Mrs. Mildred to their neighbors, friends, and any needy persons they might hear about.

Mr. Henry has always been one of the "first" to be active in community and civic organizations. He is a member of the Princess Anne Lions Club, Somerset County Farm Bureau, Chairman of Farmers Loan and Home Advisory, and serves faithfully as Chairman of the Somerset County Board of Supervisors of Elections. He has served on the A.S.C. Committee for 25 years, which he served most of the time as Chairman. Previously, he has served on the Somerset County Democratic State Central Committee and the Somerset Farmer Advisory Board.

Mr. Henry was instrumental in forming the Somerset County Farmers Cooperative Service when Southern States was proceeding to eliminate their operation in Somerset County. His leadership and initiative in organizing this Cooperative helped mold the progressive attitudes of the participating farmers, which has led to the Co-op's success.

Being one of the first 4-H members in Somerset County, Mr. Henry has always given his support to the 4-H program in the County. This is just another way his generosity has helped the youth in our County.

As stated earlier, Mr. Henry is active in the Somerset County Farm Bureau. His obvious dedication to this organization has been revealed through his determination in maintaining the membership in the County's Farm Bureau. Single-handedly, when more members were needed, Mr. Henry has gone out to the local farmers and obtained the needed members. His commitment to the principles and objectives of this organization are an inspiration to any person involved. His integrity and straight forward approach is realized by any person who has the pleasure of meeting him. For his dedication to the agricultural industry and his community, we respect and honor him.

Therefore, we, the Somerset County Farm Bureau Women's Committee, feel Mr. Henry J. Bailey is the epitome of the "Good Neighbor Award."●

JAPANESE TRADE RESTRICTIONS

HON. EUGENE JOHNSTON

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 30, 1982

● Mr. JOHNSTON. Mr. Speaker, as we are all acutely aware, trade relations between the United States and Japan have been growing increasingly strained, as Japan continues to subject U.S. imports to a wide variety of trade restrictions. There has been a growing consensus both within the Government and throughout the private sector that we can no longer afford to stand idly by while Japan flagrantly takes advantage of our commitment toward encouraging international trade. In no area is Japan's protectionist trade philosophy more evident than in its import policies with respect to the tobacco industry. The marketing of tobacco products is controlled entirely by a government body called the Japanese Tobacco and Salt Monopoly, which is a branch of the Japanese Ministry of Finance. As the name implies, the Tobacco and Salt Monopoly exercises exclusive control over the advertising, distributorship, and pricing of foreign cigarettes and cigars. In practice, the Monopoly's policies severely restrict the amount of cigarettes the United States may export to Japan, through a wide range of nontariff barriers imposed by the Monopoly. This situation persists, despite an agreement reached between the United States and the Government of Japan on November 12, 1980, which was intended to increase United States cigarette sales in the Japanese market.

In order that my colleagues might fully comprehend the degree to which Japan restricts the importation of American cigarettes, I want to take this opportunity to briefly summarize some of Japan's practices with respect to the cigarette industry. Although the Japanese Tobacco and Salt Monopoly's policies encourage the importation of U.S. tobacco for use in Japanese cigarettes, it severely restricts the importation of U.S. cigarettes. Because of its monopoly authority over the tobacco industry in Japan, only the Monopoly decides which retailer may sell domestic cigarettes and which retailer may sell both domestic and imported cigarettes. In addition, the Tobacco and Salt Monopoly limits to 20,000 the number of licensed tobacco retailers allowed to sell imported brands, or less than 1 out of every 12 licensed tobacco retailers in Japan. The Monopoly also limits the ordering and delivery of imported brands to once a month, whereas retailers may order and get delivery of domestic brands every week if inventory needs require it. In the key markets of Tokyo and Osaka, the Tobacco and Salt Monopoly imposes a three-carton-per-brand minimum purchase quantity on retailers ordering imported cigarettes; there is no such minimum order quantity for domestic brands. Imported cigarettes are charged a 426 yen per 1,000 overhead expense for distribution in only 8 percent of the total retail outlets, while domestic brands are charged approximately 520 yen per 1,000 for 100 percent distribution and more frequent deliveries. In addition, while sales and distribution data by retailer are readily available for domestic brands, similar information is unavailable for imported brands.

These are only a few examples of the discriminatory, protectionist policies which the Government of Japan exercises with respect to the importation of U.S. cigarettes. I have always supported the concept of free trade. But the Government of Japan has demonstrated—most dramatically through its restrictive cigarette import policies—that it has no regard for the concepts of either free trade or fair trade. In view of the good faith efforts which our own Government has made to help the Japanese economy get back on its feet since World War II, I am appalled that their Government continues to practice such protectionist measures as those carried out by the Tobacco and Salt Monopoly. I cannot help but wonder how long the Japanese think that we are going to continue to put up with their protectionist trade policies, before we feel compelled to adopt similar policies ourselves with respect to their exports. In view of the growing objections both in Congress and in the American business community to Japan's import policies, I would hope that they will begin to consider, if they have not yet done so, just what kind of impact it would have on their own economy if the United States were to impose similar trade barriers on Japanese imports. I would venture to say that the impact on Japan's economy would be far more severe than that which our economy as a whole has experienced at Japan's hands. Unfortunately, we may have no choice but to rethink our own trade policies with Japan if that nation does not soon alter its import policies with respect to U.S. goods.●

HOW TO KEEP SMALL BUSINESS INNOVATIVE

HON. PAUL N. McCLOSKEY, JR.

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 30, 1982

● Mr. McCLOSKEY. Mr. Speaker, the Heritage Foundation has done an excellent analysis of the Small Business Innovation Act, published as the enclosed editorial in Newsday, and has concluded that the "spirit of invention could end up at the bottom of the bureaucratic mud puddle if the Small Business Innovation Act is approved by Congress in its present form."

HOW TO KEEP SMALL BUSINESS INNOVATIVE

(By Catherine England)

Small business plays a big part in the American economy. Look at the numbers: 97 per cent of all firms are small; they produce 43 per cent of the gross national product, 73 per cent of retail sales, 76 per cent of construction dollar volume and provide 58 per cent of private, nonagricultural employment, according to the Center for the Study of American Business.

Consider the creation of new jobs. In a survey of 5.6 million firms, David L. Birch of the Massachusetts Institute of Technology found that between 1969 and 1976, companies with fewer than 21 employees created 66 per cent of the net number of new jobs, that is new jobs less jobs lost. During that period, firms with 500 or fewer employees created 87 per cent of the net number of new jobs.

More important, consider innovation—creating inventions or taking old ideas or processes and making them marketable. A firm develops a new laser technology, for example, or another produces an electronic filing system based on existing computer technology. The Office of Management and Budget reports that between 1953 and 1973, firms with fewer than 1,000 employees accounted for 50 per cent of all major U.S. innovations. These small businesses produced four times as many innovations per research and development employee as did larger firms. Small firms produced 24 times as many major innovations per research and development dollar as did those with more than 10,000 workers.

In an effort to spur inventive contributions by small companies, the Senate has passed the Small Business Innovation Development Act of 1981, requiring federal agencies to set aside for small businesses a small percentage of the agencies' research and development grants.

The bill breezed through the Senate, 90 to 0, and is expected to come before the House in several weeks. Despite its good intentions, though, this legislation has serious flaws. It is likely to be expensive, and experience shows that it is unlikely to work. In fact, it is likely to stifle innovation.

The Senate bill would require federal agencies with annual research and development budgets exceeding $100 million to set aside for small businesses 1 per cent of the portion of the research and development budget that is contracted out. It would cover five big agencies. The House version would phase in a program beginning at one-half of 1 per cent and ending with a 3 per cent set aside. It would cover 13 agencies.

Proponents say these "set-asides" will help overcome a bureaucratic prejudice against small business, spur innovation and invention, give smaller companies a fairer share of federal handouts and make available to them start-up capital they could not get in the private market.

The bill's backers blame declining productivity, in part, on reduced innovation in U.S. industry. Since small businesses have a proven record of creativity, increasing research and development activities by small firms would seem to be a quick way to boost productivity. These supporters also say that small businesses have been overlooked in the allocation of federal research and development money because of a bureaucratic prejudice against them. This bias supposedly stems from the greater risk associated with small firms.

But the plan has several problems. Before the federal government jumps in and tries to make a success more successful, the situation should be carefully examined.

The assumption of bureaucratic prejudice may, in fact, be flawed. Randy Knapp, speaking for the American Electronics Association, which represents 1,900 mostly small, high-technology firms and which opposes the bill, said that smaller firms are not as active as larger companies in seeking federal grants. Rather than bureaucratic stonewalling, Knapp identifies the real deterrent as government red tape.

The social legislation and regulation of the past two decades has so complicated the procurement process that most small companies cannot afford to comply with the paperwork. It is simpler to raise private funds, which are less subject to delays in payment and approval. These delays, not uncommon in government grants, could be particularly painful for small firms.

In addition, statistics indicate that small businesses might not be underrepresented in receiving federal research and development money.

Dr. Edwin Zachau, a former management science professor and now chairman of the board and president of System Industries Inc., a computer company in Sunnyvale, Calif., has found that of all private-sector scientists and engineers, 5.5 per cent are employed by small companies. And, based on information from the Federal Procurement Data Center, Zachau found that small firms received "6.8 per cent of contract money going outside the government." This seems to indicate that small firms are receiving their fair share of federal funds.

There is also disagreement over the costs of the proposed new program. Advocates say costs will not increase because the agencies merely would be required to set aside a certain percentage of existing budgets for small businesses.

The Congressional Budget Office disagrees. To carry out the program, the budget office says in a report, agencies would have to establish special programs to administer the grants to small business.

These extra administrative costs are expected to range from $8 million in 1982 to $66 million by 1986. These costs are not provided for in the legislation, and proponents have not discussed the question.

Using the average National Science Foundation grant to small companies as a guideline, Zachau found that during the first year (with a 0.5 per cent set-aside requirement), more than 3,800 proposals would be funded under the measure. This is almost four times the number of new ideas small businesses get funded each year through private investment. With the full 3 per cent set-aside, the government would be funded about 30,000 proposals per year—one for every research and development scientist or engineer employment by small businesses. Just finding that many proposals would require a massive effort. Thus, the view that costs will not increase because the bill merely earmarks a part of existing budgets is unrealistic at best.

The argument that small businesses cannot find capital in the private market for their risky beginning stage is flawed, too. Many firms start each year with such capital.

There are other questions which must be answered.

First, are set-asides desirable? Experience shows that programs like these have not been very successful. An example is a Small Business Administrative program to "develop and nurture small, minority-owner firms" by distributing noncompetitive government contracts to them. The idea was to give firms government business until they were strong enough to compete for private clients. Since 1969, more than 27,000 contracts worth $5.5 billion have been awarded to 4,600 firms under this program. A report by the General Acounting Office, however, reveals that more than 30 per cent of these contracts firms have participated in the program for more than seven years, and many are so swamped with government contracts that they have not had the time to develop outside commercial business. Only four per cent have become self-sufficient.

Second, what is the government's proper role in research and development? In most cases, the best it can do to encourage innovation is to create the proper environment. This means leaving scientists and entrepreneurs as free as possible to pursue promising avenues. Incentives—especially for developing new ideas into marketable products—may be offered, but these should take the form of tax write-offs, patenting privileges, and the like. Usually, any further government action—funding of projects, for example—introduces rigidity into the system and inefficiencies into the market.

Except for research in the national interest but with limited commercial applicability—space exploration, weapons research or long-range basic research, for example—private funding of research is much more efficient.

If the federal government is serious about helping small businesses pursue innovations, it should remove impediments. Tax changes, such as reducing the rate on capital gains, could help small companies raise private funds. And reducing regulatory burdens would help foster an atmosphere more conducive to invention. One example is improved protection of trade secrets from unwarranted disclosure, a major concern of the chemical industry.

Perhaps smaller firms have such an outstanding record in innovation precisely because the government has not been greatly involved in their research and development activities. Invention and innovation require flexibility. Nothing stifles creativity more than rigid rule, and where the government steps in, rigidity usually follows. Furthermore, innovation is inherently risky and civil servants in general seek to avoid risk.

Therefore, the factors that have contributed to the accomplishments of small companies may be the first things destroyed by government interference.

Catherine England is an economist with The Heritage Foundation, a Washington-based public-policy think tank.●

SEPARATION OF CHURCH AND STATE

HON. LINDY (MRS. HALE) BOGGS

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 30, 1982

● Mrs. BOGGS. Mr. Speaker, today I submit for the consideration by my colleagues a newspaper column on the separation of church and state. Its author, New Orleans Archbishop Philip M. Hannan, suggests that during the divisive debate on this subject, we have lost sight of our ultimate goal—renewing dedication to the principles that inspired the Founding Fathers to establish the United States of America.

On January 25, 1982, the Supreme Court struck down a Louisiana law allowing children to start each school day with a brief period of silent meditation. Without accepting the case for oral argument, the High Court issued a unanimous order affirming last August's decision by the Fifth Circuit Court of Appeals that the Louisiana statute, and a program to implement it in Jefferson Parish schools, were unconstitutional.

Supreme Court Justice Black has summarized the establishment clause of the first amendment in this way:

> The establishment clause thus stands as an expression of principle on the part of the Founders of our Constitution that religion is too sacred, too holy, to permit its "unhallowed perversion" by a civil magistrate.

I think that Archibishop Hannan has reflected this principle quite well in his column, which recommends that school children recite segments of the Declaration of Independence at the start of each school day.

And now, for general interest, I submit his "modest proposal."

The article follows:

[From the Clarion Herald, March 4, 1982]

RENEWAL OF SPIRIT NEEDED

(By Archbishop Philip M. Hannan)

Our country needs a renewal of spirit, a fresh dedication to the principles which inspired our forefathers. The preoccupation with the complex legal struggle to maintain a separation of Church and State has inhibited that renewal. Any attempt to have prayer in public schools produces litigation instead of dedication to our principles.

Would it not serve the interests of our country and the cause of true patriotism if we encouraged the recitation at the beginning of the school day of a few paragraphs from the Declaration of Independence?

The declaration is our national charter. The recitation of several key sentences of it would instilll a consciousness of the pledged goals of our country. It would renew a sense of personal dignity and responsibility. It would confer a new confidence among the nations of the world in our aspirations and intentions.

Consider what the recitation of the following sentences of the Declaration would mean to our citizens and our worldwide neighbors.

"We hold these truths to be self-evident, that all men are created equal, that they are endowed by their Creator with certain unalienable rights, that among these are life, liberty and the pursuit of happiness. That to secure these rights Governments are instituted among men, deriving their just powers from the consent of the governed . . .

"We, therefore, the Representatives of the United States of America, in General Congress assembled, appealing to the Supreme Judge of the world for the rectitude of our intentions, do, in the Name and by Authority of the good people of these Colonies, solemnly publish and declare, that these United Colonies are, and of Right ought to be free and independent States . . .

"And for the support of this Declaration with a firm reliance on the protection of Divine Providence, we mutually pledge to each other our lives, our fortunes and our sacred honor."

These few sentences, recited before or after the Pledge of Allegiance, would aid in building a higher respect for the dignity of every person in our country. The words have a direct relationship to the formation of a better sense of social justice, a keen sense of responsibility for the welfare of the citizens and a deeper appreciation of the sacrifice entailed in the foundation of the country.

The document containing the Declaration of Independence is carefully preserved in the National Archives Building on Constitution Avenue in Washington, D.C.

More important than the preservation of the document is the acceptance of its basic principles in the minds and hearts of our people. The basic principles must be lived by our citizens if the United States of America is to achieve its destiny.●

THE IRS STRIKES—CALLING CONGRESSMEN STUPID

HON. GEORGE HANSEN

OF IDAHO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 30, 1982

● Mr. HANSEN of Idaho. Mr. Speaker, another example of the heavy-handed and abusive tactics of the Internal Revenue Service in their tax collection practices, which would be stopped by passage of H.R. 4931, the Taxpayer Protection Act (TPA) is the following correspondence I received from one of our colleagues in the Midwest. The first letter was sent to the Department of the Treasury by our colleague and the second is a memorandum he received from his District Office explaining the problem. This self-explanatory incident clearly shows the need for H.R. 4931.

DEAR SIR: I have enclosed a copy of a memorandum recently written to me by the Manager of (one of) my district offices. I would appreciate your taking a minute to read it.

By way of background, I recently became a cosponsor of H.R. 4931, which would limit and regulate the collection procedures of the Internal Revenue Service. I wrote my weekly newspaper column on this legislation, and outlined the reasons why I believed it should be enacted.

Although I firmly believe that the IRS personnel have every right to express their opposition to any legislation, I do object to the rude treatment that was given to my staff and me. Moreover, the note written by (my Office Manager) to (an IRS collection officer) was meant expressly for him, and frankly, I wonder where these "public servants" found the time to distribute it within their office on the taxpayers' time.

I think that this seemingly minor incident only serves to strengthen the need for legislation to restrict the Internal Revenue's power, which has been used in many cases to harass and intimidate law-abiding citizens.

MEMORANDUM

Re IRS and H.R. 4931.
To: Congressman.
From: Office manager.

Yesterday, on the way to work, I saw (name withheld) who is a collection agent for the IRS, and he and I were discussing your column concerning the IRS. He indicated to me his disapproval, along with other IRS employees who also were not too happy with the column.

When the morning mail came in I received a copy of H.R. 4931 so I thought it would be good PR between this office and the IRS office, especially (the collection agent), if I asked for his opinion on the bill and to offer any suggestions or comments he might have. (The collection agent) was out of his office so I wrote a note and attached it to the bill and laid it on his desk with the permission of his office partner.

That afternoon, (the officer in charge) of the local IRS office brought the Bill H.R. 4931 and my note to the (collection agent) up to (our Congressional office) with the word "hogwash" written on it. I explained to him that I was wanting an intelligent response, but this seemed to be the best he could do.

What really hacked me off was two things: No. 1 was the statement he made that any Congressman who would introduce a bill like this must be stupid. No. 2 is that my note and request for information was directed to the (collection agent). I resent the fact that (his office partner) took it upon himself to take my message to (the collection agent), who was out of the office, and distribute it throughout the IRS office; and that (the officer in charge) took it upon himself to give me an unintelligent opinion of "hogwash."

I then took the note and the bill back down to (the collection agent's office), who still was not in, and asked (his office partner) if I could again leave it on his desk and I asked that it be specifically left on (the collection agent's) desk since the message was for him—not anyone else. (His) reply was, "get the hell out of here and don't ever come back," which I did; but before I left I let it be known that my opinion was that his attitude sure made it all the more obvious that we need a bill such as H.R. 4931.

I then went over to (the officer in charge) office to express my total concern about his and other employees of the IRS and their attitude or lack of concern for the taxpayer and people in general.

It is an attitude of "we are right—we are above the law—collecting taxes is the No. 1 function of the government, and there is nothing that should stand in the way of the IRS in collecting taxes—not the Congress, not the President, nor a judge."

I think this just goes to show that we need a bill such as this and the sooner we have it the better off many American taxpayers will be.●

U.S. INVOLVEMENT IN EL SALVADOR

HON. BOB EDGAR

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 30, 1982

● Mr. EDGAR. Mr. Speaker, I visited Central America last year under the auspices of the Unitarian Universalist Service Committee. In February of this year Congressmen Tom Harkin of Iowa, Jim Oberstar of Minnesota, and Jim Coyne of Pennsylvania, did the same. This trip occurred at a time when domestic doubts about American involvement in Central America are escalating dramatically. After his return from the trip, Representative Harkin testified before the House Subcommittee on Inter-American Affairs. His statement is accurate, enlightening, and carefully reasoned. It is an important piece of testimony for all to read as we consider and debate the nature and extent of U.S. involvement in Central America generally and El Salvador specifically.

U.S. INVOLVEMENT IN EL SALVADOR

I welcome the opportunity to testify before your committee. On February 16, I went down to visit El Salvador for three days. The trip to El Salvador was followed by a two day visit to Nicaragua. I was accompanied on this trip by Rep. James Coyne of Pennsylvania and Rep. Jim Oberstar of Minnesota.

The purpose of the first leg of our trip was to investigate the political, military and human rights situation in El Salvador. Although I had already sponsored a resolution (H.J. 399) to cut off all military aid to El Salvador, I returned there for my second visit—the first was in April—with an open mind. Of all the actors in the Salvadoran drama, I have known Napoleon Duarte the longest and the best. In fact if anything, I went down there hoping that what I saw and heard, and what President Duarte could tell me, would convince me that the U.S. is on the right track.

I will first outline the major meetings we had in El Salvador and then present my policy recommendations.

THE ARMY AND SECURITY FORCES

We met with the members of the Salvadoran military high command and several Colonels for three and one-half hours. They were very generous with their time, but not with their answers.

Before we visited with the Armed Forces we had been well briefed by the U.S. Embassy in San Salvador and by officials of he Catholic Church in El Savador. We had also seen the many press reports on the incident in San Antonio Abad. With minor variations, the reports of these three sources concerning this incident coincided.

This is the story we heard from Colonel Palacios, Commander of the First Brigade. He told us that the First Brigade had received reports that uniformed and non-uniformed guerillas were operating in San Antonio Abad. At 11:30 p.m. on January 30, forty to fifty Army troops set up an ambush. Then somebody saw their troops and a firefight ensued. At 7:00 a.m. the next morning, the 40-50 troops advanced from their fixed positions and they discovered that 20 civilians had been killed in the cross fire. They took these bodies, including the bodies of two women, to the morgue.

Every other report is completely at odds with this one. The Embassy sent an investigator to the morgue. He saw seventeen bodies. Most of these people had been shot in the back of the head and the investigator reported that some had powderburns clearly around each bullet hole, indicating the people had been shot at very close range. Eyewitnesses subsequently told us that the Army Forces had gone to various homes in different neighborhoods and dragged people into the streets where they shot them in cold blood.

The evidence in this case is overwhelming. The First Brigade of the Salvadoran army carried out a massacre of unarmed people in San Antonio Abad. Since then the army high command has covered up totally. It has lied to the press; it has lied to the United States government; and it has lied to us, Members of Congress. Incidents such as San Antonio Abad are not unusual in El Salvador; on a smaller scale they are a daily occurrence. What is unusual is that this time the facts are clearly documented and still the Salvadoran army refuses to acknowledge the truth.

If the Salvadoran army is serious about trying to convince the American people it wants to respect human rights, it should without delay bring charges against the officer who carried out the operation, and discipline Colonel Palacios who was responsible for the original cover up.

We also asked the high command about reports which were substantiated by the State Department that the Army of El Salvador, except in rare cases, does not take prisoners. The Subminister of Defense, Colonel Castillo, denied this and instead charged that the guerillas kill their wounded so that they cannot be interrogated. There is again no question that this is a lie. The army of El Salvador does as a matter of routine shoot the enemy wounded and execute the captured. From a military point of view, this is stupid. From a moral point of view, it is barbarous.

General Vides Casanova, Commander of the National Guard, told us that since October 1979, the Guard had cashiered 56 guardsmen—none of them officers—and sent their cases to civilian courts for criminal prosecution. General Vides Casanova stated that these men were being punished for "abuses of authority", that is, serious human rights violations. We were not allowed to take the documents with us, but we did examine them in the Defense Ministry. Our close inspection indicated that of these 56 cases, only 4 dealt clearly with the violations of victims because of their actual suspected political beliefs (the 4 American religious women). A second incident where a family was assassinated in what could have been a political crime involved 4 other guardsmen. The remainder of the 56 cases involved members of the Armed Forces who were charged with common crimes such as murder, rape and robbery not involving a political motivation, the kind of crimes which occur even in politically tranquil periods in any country.

On the face of it, this is simply not compelling evidence that the National Guard is taking seriously human rights violations. There are 4,500 National Guardsmen, of whom the majority are stationed in rural areas. They have long had a reputation for being very brutal. Even President Duarte has singled out the National Guard as a major source of violations of authority.

And yet, the military high command would have us believe there were only 2 separate incidents involving 8 guardsmen sufficiently egregious to warrant prosecution. That is asking us to believe the unbelievable.

It is also common knowledge, affirmed to us by President Duarte and the military high command, that no one has been convicted of murder in El Salvador for three years, either from the left or right. It is stated, and I have no reason to doubt it, that the civilian judges are too easily pressured from all sides and do not want to jeopardize their own or their families' lives by convicting a murderer.

We therefore asked the members of the military high command why the revolutionary junta government did not transfer to the military courts jurisdiction over "murder, rape and mayhem". They responded that the military courts only have jurisdiction over crimes which have direct military consequences: treason, desertion and other infractions of military discipline. If a soldier commits murder or rape, it is a common crime to be tried in civilian courts.

They claimed that the junta does not have the sole authority to transfer jurisdiction over crimes committed by troops and officers. The Supreme Court would also have to concur. At this writing, I cannot tell you if that is true. What does seem clear, however, is that if the military high command were truly in earnest about their pledges to control abuses, it would make every effort to establish a military court system with full powers of punishment over military personnel.

We told the Salvadoran military in very clear terms that we did not believe they could get this control until they established a system of meaningful sanctions in the military courts. Their mere efforts to do that would give their pledges more credibility in my eyes. Otherwise I will continue to believe that the military high command does not want to control the violence and in fact condones it.

We also raised the incident of El Mazote, but only in a very narrow way. I have no doubt that a massacre of some scale did occur in El Mazote in December, 1981. I also have no doubt that elements of the Atlactal Brigade, a rapid deployment unit with an earlier reputation for paying more attention to human rights, were involved in the massacre. There continues to be wide controversy on the numbers killed and the reliability of the different lists containing the names of those allegedly killed. Consequently, we did not raise for discussion the incident itself.

Rather, we asked General Garcia to comment on his statement to a UPI reporter on January 28, 1982 that "We have absolutely no information of any operation in Mazote."

It was unbelievable that General Garcia said this to begin with, but his answer was even more difficult to believe. He stated that he understood the question to mean: Was there an operation in Mazote occuring at the time he was asked the question.

Let me put this in context. General Garcia was asked the question at least one day after the incident was receiving widespread press attention all over the world. The operation involved 22 companies which were assembled from different army barracks all over the country. The operation was well known throughout El Salvador to have occurred in December. And yet, he first had the temerity to tell an American reporter that there was no operation in El Mazote and second to try to cover up his first lie by saying that he misunderstood the question. It is a minor point, but it is one more indication that the Salvadoran military high command is totally unwilling to tell the truth to either the American press or the American Congress; and I can assure you that it is equally disengenuous in discussions with officals of the State and Defense Departments.

Colonel Francisco Moran, commander of the Treasury Police, was also present at some of the meetings we held. You might remember that following the murders of four American churchwomen there were hurried consultations in December between Christian Democrats and the Army to reorganize the government. That is the time when Napolean Durate was made President. In addition, there was agreement, between the Army and the Christian Democrats that Colonel Adolfo Majano would be dismissed from his position on the junta immediately and that Colonel Moran would be relieved of his position as commander of the Treasury police in February 1981. Colonel Majano, the leader of the progressive forces, was dismissed and now resides in Mexico. Colonel Moran is still in charge of the Treasury police and this year he was promoted to full Colonel.

The Treasury Police under Colonel Moran's leadership has been called by U.S. State Department officials the Gestapo of El Salvador. On April 7, 1981, 23 people were killed by the Treasury police in an incident in Soyapango which closely resembled the operation in San Antonio Abad. In sum, Colonel Majano, the democrat, was purged and Colonel Moran, a notorious killer was promoted.

When we met with Colonel Moran, we reminded him of that earlier agreement that he would resign. Neither he nor his colleagues responded.

Colonel Majano subsequently visited me in Washington. He told me that forty of the sixty officers dismissed at the time of the coup for corruption or human rights violations have subsequently been restored to active duty.

What I concluded from our interviews with the Salvadoran high command are two major findings. First, the military high command is implicated directly in covering up the deaths of many Salvadoran citizens. By inference, we can conclude that it has also engaged in a cover-up of the tens of thousands of other Salvadorans who, according to Church sources, have been killed by Army or Security forces. Second, I believe that the Reagan Administration in its first year in office has been totally unable to exercise effective diplomacy to convince the Army to change its methods of operations. Let me add as an aside that I have full confidence that our Ambassador Dean Hinton is making every effort to communicate in the strongest terms our human rights concern. It is my perception, however, that he receives much less than total backing from the Administration and that he lacks the instruments to back up his representations to the Salvadoran military.

PRESIDENT DUARTE

We spent over six hours meeting with President Duarte. I first met Napolean Duarte in 1977 in Washington at a time when he was still in exile in Venezuela. I find him a very engaging man, fully committed to human rights and democracy, and very sensitive to the needs of his people. It was President Duarte who told us with some shame that not one person had been convicted of murder in El Salvador for three years.

President Duarte told us a number of things I believe I should report to you. First, he said he has obtained agreement from the Army to seek a political solution. By a political solution, he means the elections scheduled for March 28. He said political solution based on negotiations would necessarily lead to negotiations between the Army and the guerrillas in which the Christian Democrats would be excluded. He said such negotiations would be surrender.

He also suggested, and here I am reading between the lines, that this assessment might change after the elections. But he refused in the middle of an election campaign to comment on what a new government's attitude toward negotiations might be after the elections. He reiterated his call to the guerrillas and their democratic allies to put away "pretenses of power," lay down their guns, and let the people decide in elections.

We asked him about the repeated massacres, the indiscriminate killings, the failure of the Army to take prisoners and the Army's unwillingness to punish in any substantial way military personnel who commit human rights abuses. He admitted that all these charges were true. He went on to argue that this has been true for fifty years; but that now the civilians in authority plus the military high command are committed to controlling "abuses of authority". He said they need time and less public attention focused on continuing abuses. This constant attention, he argued, only causes the military to become resistant to civilian efforts to press for reform.

We asked him if he would have greater ability to control the Army following elections. He responded that it would be a beginning, that legally for the first time, the civilians would have power. But it will still be a slow process.

On almost all the questions we raised on human rights, he urged us to take those questions to General Garcia.

My judgment is that President Duarte has not been able in any meaningful way to exercise greater control over the military. I also believe that he is wrong about the intentions of the high command.

I also firmly believe that without the presence of Napolean Duarte, the level of killings would be much greater. If he were to fall, I believe that the ensuing military regime would attempt a quick victory and, toward that end, would engage in many more—and much wider scale—massacres than we see at present.

Ideally I believe that we should take Lopez Portillo up on his offer—it may be our last chance. We would have an international team, consisting of at least Sweden, France, West Germany, Venezuela, Costa Rica and Mexico, to call together the different factions to begin negotiations. The first step for this term would be to request a peacekeeping force of 5-10,000 from the U.N. to supervise a cease-fire and to stop the killings. The negotiations would lead to an agreed upon basis for national elections in which all parties and individuals could participate. As I said, this would be the ideal way to proceed. That is not going to happen; the elections will take place. We must therefore hope that President Duarte and the Christian Democrats emerge from those elections with a commanding majority. And then with that majority, perhaps they can begin to make major reforms in the military and open up a dialogue with the armed opposition.

THE CHURCH

We spoke with Bishop Rivera y Damas, the Apostolic Administrator in San Salvador and to one of his chief aides. It is true that the Bishop said he favored U.S. military aid in that he does not favor a unilateral suspension of military aid by just one outside power. He also said he supports the elections, but cautioned that this was the least appropriate time possible for elections. There are many Salvadorans who have fled the country and will not be able to vote. In addition, elections will not be possible in contested areas. But since they are scheduled, he does support them as a partial indication of the feelings of the Salvadoran people. His aide said elections are just one note in the song of democracy. The people fear the left, the Army and the extreme right. The majority of abuses, however, come from the Army and right wing sources. His aide elaborated: The Army kills people who do not agree with the government—priests, union members, teachers, lawyers, and just anyone they suspect might be or become an enemy. The guerrillas kill primarily people they suspect of being "stool pigeons"; but that they often kill too quickly and without evidence. He also said that we do not want to replace the tyranny of the Army with a totalitarian system.

The Church in El Salvador looks to the United States. The Bishop's aide stated that he sees no present organized political force in El Salvador that will create a society better than the one they have known. They both therefore argue strongly that the United States should support dialogue and negotiations between the guerrillas and the government. They hope these negotiations would create a process through which other forces, more democratic and more committed to social justice, could emerge. The Bishop's aide argued that the Congress could make a major contribution to this effort by attaching even stronger conditions to military aid which goes to the Salvadoran Army.

CONCLUSIONS

Our visit has convinced me that the U.S. Government should not continue to supply military aid to El Salvador. I do not believe that military supplies from other nations at this time are significant. It is clear that the international arms merchants are channeling military supplies to at least the guerrillas and the right wing, if not also the Salvadoran Army.

The Army in my judgment is not in the present context reformable. It is an institution held together by corruption and it has maintained its power through terror. Neither President Duarte nor the Reagan Administration at this point has been able to convince it to change its ways.

The best hope I see is through negotiations. Negotiations, which is a political process, can strengthen the hand of democratic forces among the government and the left opposition forces. The negotiation process can also provide a forum to discuss ways to curb the violent extremes in both the Salvadoran Army and the guerrilla forces.

Finally, I should state my belief that without a negotiated settlement, the guerrillas will eventually win a military victory. Every objective observer we spoke to—and in this case I include the State Department—concluded that the war is not going well for the Salvadoran Army. If the guerrillas do win through force of arms after a period in which the United States has steadfastly supported the Salvadoran Army, we will then face a government extremely hostile to the United States.

To date, the Reagan Administration has equated negotiations with surrender. I believe that if we do not pursue negotiations, the Reagan Administration will be jeopardizing U.S. interests and risking a Vietnam-type involvement. It is time for the Reagan Administration to come back to reality.●

BLACK COLLEGES

HON. MICKEY LELAND

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 30, 1982

● Mr. LELAND. Mr. Speaker, I would like to take a few moments to speak to you about the special difficulties that America's black colleges face today.

Black higher education institutions have been a part of education in the United States for 145 years. Those years have not been easy ones. Perennially financially strapped, these schools have had to compete with every other college and university for the black students they enroll. The difficulty of that task is evident; enrollment at the 100 or so such institutions in the United States has struck its lowest point since 1944. Of those matriculated students, most come from families whose incomes have traditionally been lower than their white counterparts. Also, until recently many States had often ignored their black colleges when it came time to distribute funds from the public coffer. Consequently, the money available for faculty salaries, resources, and facilities at black schools are generally lower than those of most mainstream schools. Yet they survive.

Now these schools face a new test. The administration's proposed budget cuts in student financial assistance will strike a particularly devastating blow to black colleges. A full 100 percent of the students at these schools depend upon some form of Federal financial aid. Last year, when Pell grants were reduced by $80 a month, enrollment at black colleges fell 4 percent. Those percentages are certain to climb much higher next year if the administration budget is approved.

These colleges not only must endure; they must thrive as well. The black college offers opportunities and assistance that are available nowhere else to the young black. Students at these schools say they learn and appreciate more about themselves and their heritage as they study alongside their peers of the same race. I know, I am a product of a black college, Texas State University in Houston. For me, and for all Americans, the importance of the following Wall Street Journal article about the state of the black college is evident. I urge you to read it.

The article follows:

BLACK COLLEGES UNDERGO THEIR STIFFEST TEST EVER AS STUDENT AID IS CUT

EFFECT OF INTEGRATION STEPS, COMPETITION FOR STUDENTS ALSO WORK AGAINST THEM

(By Frederick C. Klein)

Enrollment at Stillman College, a historically black, private liberal-arts school in Tuscaloosa, Ala., has dwindled to about 550 from more than 800 in the last five years, and Cordell Wynn, its president, is worried about its survival.

"They say that when the economy sneezes, black people catch cold," says the soft-spoken educator. "Well, the economy has a cold, and we've got pneumonia. Put that together with the student-aid cuts they're talking about and the competition for students we're in, and I have a hard time foreseeing a favorable outcome."

Views similar to Mr. Wynn's are being expressed at many of the 100 or so historically black institutions of higher education throughout the U.S. The conclusions aren't identical; black colleges aren't a monolith, and the large majority of them aren't in any immediate danger of failing. Indeed, resilience has been their trademark for histories as long as 145 years.

Nonetheless, economic, political and educational pressures have put black colleges on the spot as never before. For small, private ones like Stillman, most of which have Protestant-church roots, the overriding issue is money. Perennially strapped for funds and with up to 100% of their students dependent on federal tuition aid, they see potential disaster even in cuts far smaller than those proposed in the Reagan administration's fiscal 1983 budget.

A POSTWAR LOW

"Our schools are in their worst period since we were formed in 1944," declares Christopher F. Edley, the executive director of the United Negro College Fund, a fund-raising arm for 41 black private institutions.

For the 40-odd publicly supported black colleges—all but a few of which are in the South—the danger comes from an unexpected source: recent state agreements to end their racially separate college systems. The agreements, stemming from the so-called Adams Case litigation begun in 1970, call for financing predominantly black and predominantly white public colleges more equitably and the "enhancement" of black colleges' programs to strengthen them and attract more whites. But luring white students has proved difficult, and black educators in a number of states see proposals to merge their colleges with predominantly white ones as threats to their existence.

"It's curious that some of the same politicians who thought there was plenty of money to operate segregated colleges in the old days say we can't afford them now," says Charles U. Smith, the director of graduate studies at Florida A&M University, a state-supported school in Tallahassee. "When they say they want us merged, I think they really mean submerged."

INFERIORITY COMPLEX

Public or private, all of the black colleges face heightened competition for students from white institutions, including ones that formerly excluded blacks. The University of South Carolina's student body, for example, now is 13 percent black; the University of Alabama's is 11 percent. In 1970, almost half of the nation's black students attended historically black colleges; this year the figure is about 17 percent.

All of the black colleges also share the pain of recurrent criticism that the institutions are hidebound and inferior. Many of such recent attacks have come from fellow blacks, making the criticism especially hard to bear. Writing in a 1979 issue of the Nation magazine, for instance, psychologist Kenneth B. Clark, a member of the New York Board of Regents, called the nation's dual-racial system of higher education "uneconomical and educationally unsound."

He added: "Black colleges perpetuate inferior academic standards for black students and award Jim Crow degrees that do not meet the standards of the average traditionally white colleges. . . . The existence of (racially separate) schools is a residue of past racism and a major factor in the perpetuation of present and future racism."

INCOME GAP

Black-college officials typically respond by citing long lists of noted graduates of their institutions and by asserting that they continue to fill an educational need that predominantly white schools don't. "We succeed with young blacks for the same reason women's colleges have consistently produced outstanding women: We respect our students intellectually and as people," says Benjamin F. Payton, the president of Tuskegee Institute in Alabama.

He believes that comparisons with "so-called average white schools" are inappropriate "because most of our students are poor and our schools have been stunted by white society. Given that, it's remarkable we've done as well as we have."

Observers say that black colleges' biggest problem—and the greatest threat to their existence—comes from the continuing gap between black and white family incomes. The most comprehensive statistics on the economic status of black students come from the private-school United Negro College Fund, but the data apply to students at black public colleges as well. They showed that in 1980, the median family income of prospective freshmen at fund-related schools was $11,100, compared with $22,200 for students nationally. The average annual parental contribution to freshmen's education at the 41 fund schools was $870, sharply below the $2,320 for all students. The median parental contribution was zero, indicating most freshmen received no parental aid.

Lacking much help from home, most black students must delicately piece together their college support from a variety of sources; one missing piece can topple the whole structure. Last year, an $80-a-student reduction in Pell grants, the government's primary student-aid vehicle, was accompanied by a 4 percent drop in Negro-fund members' enrollments. Almost three-quarters of all black students get Pell grants, whose maximum is $1,670.

Cuts proposed in the 1983 federal budget would go well beyond that. Pell grants would be cut further. "Supplemental" tuition grants that about one-third of black students receive would be abolished. The college work-study program that finances part-time campus jobs (including jobs for nearly half of black-college students) would be cut by about 25 percent from current levels. Fees and interest rates on student loans would be raised sharply.

Private black colleges would be hit hardest because they are the furthest behind to begin with. Their endowments average some $3,000 per student, about half the national level. The Reagan administration has pledged to help black colleges raise more money privately, but black schools' efforts there traditionally have been hindered by the incomes and positions of their graduates.

At some small black schools, a result already has been substandard facilities and the kind of penny-pinching unknown at other institutions. Philander Smith College in Little Rock, Ark., hit with a 200-student enrollment drop over the last five years to 637, has eliminated all classes with fewer than seven students, cut back on the remedial courses that many freshmen take, closed the student bookstore, increased teaching loads and doubled up on administrators' tasks; the dean of students, for example, also runs the intramural sports program.

* * * Ronald Atkinson, a 37-year-old Ph.D., earns about $15,000 a year for teaching math and computer sciences at Stillman College. He makes ends meet by teaching nights at a local junior college and playing the organ at his church. "I like teaching, but the money pinch is driving me out," he says. "It's discouraging to see public-high-school teachers with master's degrees here earning more than I do."

On top of the financial problems are less-well-defined issues related to the makeup of historically black colleges. With more of the brighter black youngsters going to traditionally white institutions, many black colleges find that the quality of their students is declining, at least statistically. Even at Howard University in Washington, whose 17 colleges and professional schools make it the most comprehensive of the black universities, incoming freshmen score almost 100 points below national averages in standard reading and math tests. The upshot is that many black schools must invest more of their hard-won resources in programs of remedial instruction.

The atmosphere at many black schools is a good deal more conservative than at many of their white counterparts. Faculty members who have taught at both kinds of institutions say their black-college students, especially ones from small-town or "ghetto" backgrounds, are less than eager to challenge their instructors' intellectual authority or their schools' often-strict rules for student behavior. Coed dorms are virtually unknown at black colleges; curfews and no-drinking rules are common.

WHAT'S IN A NAME?

Alumni groups are powerful forces resisting change, contributing to the failure of moves to merge small and struggling black colleges in the same geographical areas. They also fight more-minor alterations. James E. Cheek, the president of Howard University, recalls that when he headed much smaller Shaw University in Raleigh, N.C., he recommended changing its name to Shaw College to better reflect its status. "It would have been easier to dig up a cemetery," he says. "Some alumni opposed it because words in the school song wouldn't rhyme."

Black-college administrators are frequently faulted for their reluctance to delegate authority ("a lot of us dribble better than we pass," quips one). And administrators at publicly supported black colleges are often faulted for their perceived failure to represent their institutions more effectively to white-dominated legislatures.

At Morgan State University in Baltimore, the faculty senate in 1980 voted to oust President Andrew Billingsley Jr. for, among other things, not obtaining needed educational programs for the school and alleged spending funds ticketed for books and instruction on administrative projects. But Maryland's college governing board voted to retain Mr. Billingsley. He wouldn't comment on the charges; a Morgan State spokesman says the disputes over funds stem from the "financial plight of the whole university. There wasn't enough to go around, period."

Indeed, a pattern of state neglect is at the root of the frustrations of the public colleges that enroll some 70 percent of the estimated 220,000 students in historically black schools. This has been remedied in part by states' equal-financing pledges in the Adams Case settlements, but none of the 10 states involved in the litigation has pledged "reparations" to make up for past inequities.

Moreover, grievances continue to mount over the placement of important facilities. North Carolina, for instance, pledged under an Adams Case consent decree to upgrade its black colleges, but its most coveted new school, a college of veterinary medicine, was awarded, after a heated battle to white North Carolina State University instead of black North Carolina A&T.

And while Adams-related movers have brought needed funds to black public colleges, they have failed to lure appreciable numbers of white students, whose presence is valued as a symbol of broader community acceptance.

The most dramatic example of this has come at historically black Tennessee State University in Nashville, which in 1979 was merged by court order with the University of Tennessee's newer, predominantly white Nashville branch campus. At the time of the merger, each school had about 5,000 students, and a racial mixture of roughly 50-50 was seen for the surviving institution, which carries the Tennessee State name. But white transfers and dropouts have cut current enrollment to about 7,700 students—two-thirds of them black—and the school's last three freshman classes have had black proportions of 70 percent, 86 percent and 93 percent.

"We've spent a lot of time trying to sell ourselves to the people of Nashville, but so far we don't have much to show for it," a Tennessee State spokesman says.

COOPERATIVE EFFORTS

Black colleges have made greater headway with cooperative efforts with other universities—white as well as black—that expand their resources and offerings. Four black colleges (Clark, Morehouse, Morris Brown and Spelman) and three graduate schools share facilities and faculty in the Atlanta University Center. A sizable number of black colleges have dual-degree engineering programs with larger nearby universities. Students at Florida A&M and predominantly white Florida State University, both in Tallahassee, can take a wide variety of classes at each other's campuses.

Black college administrators, however, make it clear that achieving racial integration is secondary to their goal of educating young blacks. "Race is too pervasive an issue in American society to pretend that educational institutions can be blind to it," asserts Tuskegee's Mr. Payton. "We want blacks to have a choice of where and with whom they will go to college, just like Catholics and women do."

In fact, many black students continue to find in historically black colleges an environment conducive to growth in many areas. Charles Rutland was an honor student in high school near Macon, Ga., and was accepted to Stanford, Vanderbilt and Georgia Tech, but he chose Florida A&M. "There's a warmth here I didn't detect at those other places when I visited," says the business-school senior. "I've learned things about myself I don't think I could have learned at a white school.

Alex Parish, a graduate at Howard University and Harvard Law School, says, "Going to a black school gave me the opportunity to be in the majority for a change. I went to integrated high schools in Memphis, and I never knew if I achieved things because of, or despite, being black. When everyone's black, you know you succeed or fail on your own."●

THE OTA "ACID RAIN STUDY"—ANOTHER "SMOKING GUN"

HON. ANTHONY TOBY MOFFETT

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 30, 1982

● Mr. MOFFETT. Mr. Speaker, the Senate Environment Committee and the Energy and Commerce Committee here in the House have been debating the reauthorization of the Clean Air Act for over a year. A great deal of this debate has been devoted to a discussion of the acid rain issue. Acid rain, as all Members know, is a shorthand description for a terribly damaging environmental occurrence.

"Normal" precipitation, in equilibrium with carbon dioxide in the atmosphere, has a pH of 5.6. This is contrasted with a "neutral" pH; that is, level of acidity of 7.0. The acidity in precipitation is principally due to sulfuric and nitric acids which come, primarily, from manmade sources. Although the issue of acid rain is new to us as policymakers, the investigations of this phenomenon have been underway for over a century. Under the provisions of the British Alkali Act of 1863, a scientist named Angus Smith discovered that precipitation with high nitric and sulfuric acid content was caused by the combustion of coal. Research has proceeded since this key discovery.

Through additional investigations more is now known about acid rain. For example:

The National Academy of Sciences reported last year, "There is little probability that some factor other than emissions of sulfur and nitrogen oxides is responsible for acid rain."

There is immense regional damage caused by this phenomenon: In Mississippi the loblolly pine has had its growth retarded dramatically by acid rain; in Minnesota, 2,600 lakes, in a study reported by Glass (1980), were cited as "in jeopardy"; in Massachusetts, 1.1 trillion gallons of drinking water have been acid impacted; in New York, 11,000 acres of lakes have reached the critical stage of acidification.

The DOE "JASONS" study indicates that, without reductions in sulfur dioxide and nitrogen oxide, average annual rainfall in the Eastern United States will reach a dangerously low level of alkalinity: a pH of 4.0. At this level, fish cannot survive and longstanding damage to soils and aquatic ecosystems will result.

Estimates compiled by the U.S. Department of Agriculture and by the National Commission on Air Quality indicate that crops are damaged at a rate of $1.8 billion annually because of excessive acid rain precursors—the emissions of SO_2 and NO_x which lead to acidity in precipitation.

Despite findings like these and an ever-growing body of scientific research, the administration has declined to back any legislation to control acid rain. Their oft-heard refrain is that more research is needed. But as the scientific research accumulates and accumulates, we must ask, When will enough be enough? As we wait for the last scintilla of evidence, the damage from acid rain continues. And believe me, the evidence is growing.

On Thursday, March 25, 1982, I released a report by an OTA contractor titled "Regional Assessment of Aquatic Resources at Risk From Acidic Deposition." This study represents yet another smoking gun, more documented scientific evidence that acid rain is growing, looming environmental tragedy. The administration's proposal on Clean Air, H.R. 5252, does nothing to control acid rain. In fact, it will make it much worse. The bill, which is now before the full Energy and Commerce Committee, loosens controls on tall stacks, weakens technology requirements for powerplants, will quintuple the number of pollution violations in the national parks, and will double tailpipe emissions of nitrogen oxides, an identified bad actor in the acid rain drama.

I submit my analysis of this important report to be reprinted in the RECORD at this point. I will be delighted to make the full text of the report available to my colleagues at their request.

THE DAMAGE IS DOCUMENTED AGAIN

WASHINGTON.—Connecticut Representative TOBY MOFFETT today released a new study on acid rain documenting severe and widespread damage to water and soil resources throughout the Eastern United States.

"This report states that 3,000 lakes and 25,000 miles of streams in a 31-State region in the Eastern United States have been damaged in dramatic proportions by acid rain," Moffett explained. "These findings again implicate sulfur dioxide pollution as the main culprit for environmental damage from acid rain."

The study was performed for the Congressional Office of Technology Assessment (OTA) by the Institute of Ecology in Indianapolis, Ind. The study analysed the impacts from acid rain to soils and aquatic resources in 14 regions in the Eastern United States.

"The findings in this study," said Representative Moffett, "are devastating. In region 1, an area including the Adirondacks, Western New York, and Pennsylvania, the levels of acidity in the waters have increased to 4.8 pH in years 1930-75; these are fish-killing levels of acidity," the Congressman noted. "In region 2, which includes my own State of Connecticut, Maine and western New England, more than 1,200 lakes are designated 'acid sensitive'; 11,000 miles of streams are 'acid altered.' It's a potential ecological disaster."

Recent studies by experts at the National Academy of Sciences and OTA have implicated sulfur dioxide pollution from Midwestern powerplants as the principal cause of the acid rain problem. These emissions come from tall smoke stacks built at these plants in the early seventies. The pollutants are transported in the atmosphere and deposited at great distances from the plants in dry or wet forms.

"What is particularly alarming about the findings of this study," asserted Moffett, "is where the damage is not occurring. The soils analysis, for example, which was performed for OTA shows no sensitive lands in Ohio. This is incredible when you consider that this is the State from which these damaging pollutants originate."

Moffett also criticized yesterday's subcommittee passage of the administration-backed proposal to rewrite the Clean Air Act of 1977, authored by Representative Thomas Luken (D.-Ohio). The Luken Proposal which was passed by the Subcommittee on Health and Environment Wednesday, March 24, 1982, in Moffett's words, "will make this problem all the more severe."

"You could call this bill 'the Acid Precipitation Production Act'," Moffett asserted. "By deregulating tall stacks, by repealing tight restrictions on sulfur dioxide emitting industrial boilers, by weakening technology control requirements on powerplants, smelters and the like, we have guaranteed more acid rain when the evidence shows that more controls are needed."

During the subcommittee's deliberations, Moffett's proposal to control sulfur dioxide and nitrogen oxide emissions was defeated on a 13 to 7 vote.

"The debate on my amendment, fueled by flimsy data provided by the utility industry, suggested that the evidence was insufficient to begin a control program," Moffett said. "But they cannot continue to ignore this kind of study which shows that acid rain is killing lakes and leading to an environmental tragedy. We must begin controls now."

A similar legislative proposal to Moffett's has been introduced in the Senate by George Mitchell (D.-Maine).●

WORLD FOOD DAY

HON. PAUL SIMON

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 30, 1982

● Mr. SIMON. Mr. Speaker, last October 16, we joined many other nations in celebrating World Food Day. In cities across this country and throughout the world activities were held to address the concerns we all have about continued starvation and malnutrition and the very major policy questions we will face in the years ahead as agricultural resources dwindle while the demand for them increases.

Last year, my colleague Ben Gilman and I were able to pass with the assistance of this body a resolution proclaiming October 16 World Food Day. Again, this year we have introduced a similar resolution, House Joint Resolution 430, calling on the President to proclaim October 16, 1982 as World Food Day, and I am sure we will meet with equal success here in Congress and with the administration.

I know in my own district in southern Illinois celebration of World Food Day provided good public education and brought many people into activities focused on increasing public awareness of the problems we have in this country as well as elsewhere in the international community. I urge my colleagues to join us in sponsoring this resolution and hope we will see its passage within the next few months. Over the past several years several esteemed groups have laid out in simple and dramatic terms the problems we will be facing in the decades ahead as prices continue to skyrocket, resources lessen, land becomes more scarce and the world population continues to grow. Today, more than 500 million people suffer from severe hunger and malnutrition with millions dying each year—many of them children. We must stop this senseless despair and proclaiming a time, each year, when many people turn their thoughts to these problems is one very necessary and valuable activity. It will not solve the problems but it will help raise the issues in a constructive manner and foster greater cooperation—here and abroad.●

REVISED TMI-2 CLEANUP LEGISLATION

HON. ALLEN E. ERTEL

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 30, 1982

● Mr. ERTEL. Mr. Speaker, last Thursday I introduced legislation, H.R. 5963, which revises and streamlines a bill I introduced last year to assist in funding the cleanup of Three Mile Island Unit 2, and to require sufficient insurance to take care of any future accidents.

Recently I made yet another trip to Three Mile Island to describe these revisions to last year's bill, H.R. 2512. What should have been a normal news conference turned into a vivid demonstration of the need for this bill. Five minutes before the news conference was to begin, the warning sirens at the crippled reactor again sounded. This time the reactor was leaking still more radioactive water in what is known in nuclear accident jargon as an "unusual event." At TMI-2 the unusual event is usual.

Mr. Speaker, H.R. 5963 addresses the serious public health and safety hazards that still remain at TMI-2 today. It also recognizes that another accident can occur at some other reactor tomorrow, and if that happens, that utility will be no more able to cleanup its radioactive swamp than the TMI utility is. These are serious problems which can no longer be ignored.

I am including here a section-by-section analysis of this new bill, as well as a discussion paper of the need for and the implications of the legislation. Congressman Udall, chairman of the Interior and Insular Affairs Committee will be holding hearings on these problems on April 5 and 6. His attention to this issue is very much appreciated. Hopefully, we will not have to be facing these problems on the fourth anniversary of the accident.

REVISIONS TO H.R. 2512

These revisions to H.R. 2512 maintain the policy goals of that legislation, but steamline the implementation of those goals. These modifications are based upon a changed environment from that which existed at the time H.R. 2512 was originally introduced.

INSURANCE REQUIREMENTS

Under the revised bill the requirement remains that all nuclear utilities obtain and maintain on-site property damage insurance sufficient to protect public health and safety following any future accident. The revised bill requires a minimum of $1.5 billion in insurance. However, procedural steps for obtaining this insurance have been improved. Under these revisions, the Federal Government neither offers nor administers the additional insurance which is required of the industry. In addition, the timing of the insurance requirement is structured so that nuclear utilities must obtain the maximum amount of on-site property damage insurance which the NRC determines to be available up until 1985. At that time, nuclear utilities are required to have and maintain $1.5 billion in insurance, which the NRC can subsequently raise if more insurance is necessary.

Like H.R. 2512, under the revised bill, the holding of this insurance is a condition for a nuclear utility to obtain or retain an operating license. Given the time provided under these revisions, the insurance and utility industries should be able to put in place the necessary $1.5 billion in coverage.

In testimony before the Interior and Insular Affairs Committee, the nuclear insurance industry stated that they could provide adequate coverage if they were given sufficient time. EEI has also testified that the insurance needs of the industry can be met if the industry is given enough time. These revisions give both industries adequate time to put this insurance in place, and helps define what is a sufficient level of insurance—$1.5 billion.

TMI-2 CLEANUP ASSISTANCE

Rather than collecting nuclear utility industry contributions for the TMI-2 cleanup through a retroactive insurance provision, as was done in H.R. 2512, the revised bill simplifies the obtaining of these funds by creating straight assessment on nuclear utilities for TMI-2 cleanup contributions. These contributions are required for a utility to obtain or retain an operating license for a nuclear reactor.

Under H.R. 2512, a formula for industry contributions was established in which 75 percent of the uninsured cleanup costs at TMI-2 would initially be provided for by the nuclear utility industry. One-half of that amount would be in the form of a grant and one-half would be in the form of a loan which General Public Utilities Corporation would repay over an extended period of time beginning upon the completion of the TMI-2 cleanup. The intent of this approach was obvious, it would allow those costs of the cleanup which might ultimately be borne by Pennsylvania ratepayers to be spread over a longer period of time so as to minimize their economic burden.

Unfortunately, the Pennsylvania Public Utility Commission has decided to remove this option. The PaPUC has ruled that GPU's portion of the cleanup costs will be borne by its ratepayers on a pay-as-you-go basis. This will create the precise financial burden on the ratepayers that I had hoped to avoid. To make matters worse, the Governor has now endorsed this PaPUC action of raising electric rates to GPU customers.

The effect of this cruel and misguided PaPUC action has been to effectively eliminate the need for the nuclear utility industry loan portion of H.R. 2512. Consequently, the revised bill drops that section of H.R. 2512 and retains only the nuclear utility industry grant.

Last Fall the General Accounting Office completed its work on estimating the costs of the TMI-2 cleanup. GAO concluded that the uninsured TMI-2 cleanup costs equal about $600 million. Taking this number and using the formula under H.R. 2512, the nuclear utility industry would have provided $450 toward the cleanup. Of this, $225 would be in the form of a grant and $225 would be in the form of a loan. Since the ratepayers are now going to have to pay what would have been the GPU loan portion of H.R. 2512, this has been dropped. Therefore, the revised bill calls only for a nuclear utility industry grant of $225 million toward the TMI-2 cleanup, or $37.5 million per year.

ASSESSMENT FORMULA

These revisions continue the policy under H.R. 2512 that only nuclear utilities should be required by law to make TMI-2 cleanup contributions. Under these revisions, half of the required annual contribution of $37.5 million will be based on the design megawatt ratings of nuclear plants in operation and under construction. Each nuclear utility would be assessed a pro rata share of this $18.75 million. The other $18.75 million assessment will be based on the combined total sales of electricity in a given year of the nuclear utilities, with each individual nuclear utility responsible for its pro rata share.

The revised bill also clarifies an important point regarding these assessments—each state's own public utility commission shall make its own decision on how to allocate the assessments. If a state utility commission wants to force the utility and its stockholders to absorb these assessments, and spare its ratepayers, that is the utility commission's prerogative.

The following Table shows what the annual cost of this revised legislation would have been to nuclear utilities had this formula been in place in 1980. Also shown is the equivalent of these assessments in the rates of a residential customer using 500 KWHs if that utility's public utility commission made the decision to pass the entire assessment through to the utility's ratepayers.

COST OF NEW BILL TO UTILITIES

Utility name	Megawatts electrical (MWe)	Sales GWH's	MWe charge ($1,000)	Sales charge ($1,000)	Total charge ($1,000)	500 kwh charge (cents)
Alabama Power Co.	1,720	31,117	244	431	675	1.1
Arizona Public Service	3,810	10,912	511	130	641	3.0
Arkansas Power & Light	1,806	17,574	240	244	484	1.4
Baltimore Gas & Electric	1,709	16,170	242	225	467	1.4
Boston Edison	670	11,627	96	161	257	1.1
Carolina Power & Light	4,045	27,983	574	388	962	1.7
Cincinnati Gas & Light	810	11,880	114	163	277	1.2
Cleveland Electric Illuminating	2,410	18,384	341	255	596	1.6
Commonwealth Edison	12,080	64,840	1,714	887	2,601	2.0
Connecticut Yankee	575	2,941	81	41	122	2.1
Consolidated Edison	873	28,242	124	396	520	.9
Consumers Power	2,413	25,300	343	351	694	1.4
Dairyland	50	4,018	8	56	64	.8
Detroit Edison	1,100	37,148	156	516	672	.9
Duke Power	8,510	48,936	1,208	682	1,890	1.9
Duquesne Light	1,666	12,640	236	176	412	1.6
Florida Power	825	17,046	116	236	352	1.0
Florida Power & Light	2,886	40,882	409	563	972	1.2
General Public Utilities Corp	1,412	20,356	201	283	484	1.2
Georgia Power Co.	3,772	44,145	534	611	1,145	1.3
Gulf States	940	28,881	133	401	534	.9
Houston Lighting & Power	2,500	50,275	160	698	858	.9
Illinois Power	950	13,574	135	188	323	1.2
Indiana-Michigan Electric Co.	2,148	20,843	304	289	593	1.4
Iowa Electric Light & Power	545	3,881	77	54	131	1.7
Long Island Lighting Co.	820	13,280	116	184	300	1.1
Louisiana Power & Light	1,165	22,711	165	315	480	1.1
Maine Yankee	790	4,480	113	62	175	2.0
Mississippi Power & Light	2,500	12,832	354	178	532	2.1
Nebraska Public Power District	778	7,314	111	101	212	1.4
Niagara Mohawk	1,690	31,547	240	434	674	1.1
Northeast Utilities	2,672	19,565	379	272	651	1.7
Northern States Power	1,576	20,032	223	278	501	1.3
Omaha Public Power District	490	6,582	69	92	161	1.2
Pacific Gas & Electric	2,251	61,839	319	857	1,176	.9
Pennsylvania Power & Light	2,100	21,844	298	304	602	1.4
Philadelphia Electric	4,240	27,386	602	383	985	1.8
Portland General Electric	1,130	13,305	159	184	343	1.3
Power Authority State of New York	1,786	33,073	253	459	712	1.1
Public Service Electric & Gas	4,345	29,341	617	407	1,024	1.7
Public Service of Colorado	330	13,417	47	186	233	.9
Public Service of Indiana	2,260	17,370	321	240	561	1.6
Public Service of New Hampshire	2,300	5,383	326	75	401	3.7
Public Service of Oklahoma	2,300	15,423	310	199	509	1.6
Rochester Gas & Electric	490	6,540	69	90	159	1.2
Sacramento Municipal Utility District	913	7,064	129	98	227	1.8
South Carolina Electric & Gas	900	11,620	124	157	281	1.2
Southern California Edison	2,636	57,025	373	791	1,164	1.0
Tennessee Valley Authority	15,261	116,211	2,164	1,611	3,775	1.6
Texas Utilities	2,300	55,003	326	763	1,089	1.0
Toledo Edison	906	7,685	129	107	236	1.5
Union Electric	1,150	23,574	163	326	489	1.0
Vermont Yankee	514	2,979	73	41	114	1.9
Virginia Electric & Power	4,157	37,067	589	514	1,103	1.5
Wisconsin Electric Power	996	17,480	141	242	383	1.1
Wisconsin Public Service	535	6,124	75	84	159	1.3
Yankee Atomic	175	291	24	4	28	4.8

It is clear from this table that should public utility commissions choose to pass these costs onto ratepayers [which they are not required to do], it would not represent a significant new financial burden. The additional cost to a 500 kWh customer would range between 0.8¢ to 4.8¢, with the average additional cost equalling less than 1.5¢

These revisions require more from nuclear utilities than EEI has recommended to its membership—$225 million versus $192 million, or $37.5 million/year versus $32 million/year. However, it is hard to see how the utility industry could take the position that $192 million is in its best interests while $225 million is not.

SECTION-BY-SECTION ANALYSIS

Section 1. Short title—Nuclear Powerplant Decontamination Act of 1982.

Section 2. Findings—(1) TMI-2 represents a potential health and safety hazard; (2) the cleanup of TMI-2 will remove this hazard; (3) GPU does not have sufficient funds to pay for the cleanup; (4) adequate on-site property damage insurance is necessary to protect public health and safety in the event of future nuclear powerplant accidents; and (5) public and investor confidence has been adversely affected by TMI-2 and the underinsured nature of the nuclear utility industry.

Section 3. Purposes—(1) to require nuclear utilities to maintain sufficient on-site property damage insurance to protect public health and safety by permitting a timely cleanup following any future nuclear powerplant accident; and (2) to establish an equitable national program to distribute a portion of the TMI-2 cleanup costs among nuclear utilities.

Section 4. Definitions—Defines the terms: (1) On-site property damage; (2) On-site property damage insurance; (3) Commission; and (4) Licensee.

Section 5. Future Decontamination Insurance Requirement—(a)(1) Requires nuclear powerplant licensees to obtain the maximum amount of on-site property damage insurance determined to be available by the NRC until December 31, 1984. (a)(2) Requires that beginning on January 1, 1985, nuclear powerplant licensees must have no less than $1.5 billion in on-site property damage insurance. (b) Directs the NRC to periodically review the adequacy of on-site property damage insurance to protect public health and safety and to set higher minimum requirements if they are necessary.

Section 6. Present Decontamination Requirement—(a) During the period beginning January 1, 1983, and ending December 31, 1988, requires all nuclear powerplant licensees to be annually assessed funds so that the aggregate annual assessment equals $37.5 million. These assessments are to be based upon a formula which: (1) collects an aggregate amount of $18.75 million in pro rata shares based on total sales of electricity by all licensees in the year of the assessment; and (2) collects an aggregate amount

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of $18.75 million in pro rata shares based on the design megawatt rating of the nuclear powerplants in operation or under construction. These funds shall be made available to assist in the TMI-2 cleanup.

(b) The NRC shall terminate or suspend the license of any licensee which fails to make its required payment within 90 days of the receipt of an assessment.

(c) States that nothing in this Act shall detract from the rights of state utility commissions to allocate the payments required under the Act between the utility, its stockholders, or its ratepayers as the commissions deem appropriate.

(d) Assessments collected under subsection (a) shall be placed in a trust fund whose sole purpose is limited to funding the TMI-2 cleanup. Payments from the trust fund will be made within 60 days after receipt of notice that eligible cleanup costs have been incurred. The trust fund will be audited annually and that audit shall be submitted to the NRC.

(e) Provides for subrogation and indeminification rights, and the distribution of any funds received through the exercise of these rights.●

BIG BUSINESS MOVING TO GET OFF THE BANDWAGON OF REAGANOMICS

HON. BOB SHAMANSKY

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 30, 1982

● Mr. SHAMANSKY. Mr. Speaker, I would like to share with my colleagues a Washington Post article (March 29, 1982) commenting on big business' gradual discontent with Reaganomics.

[From the Washington Post, Mar. 29, 1982]

BIG BUSINESS MOVING TO GET OFF THE BANDWAGON OF REAGANOMICS

(By Robert G. Kaiser)

Last spring the American business community was united as never before in praise of President Reagan's economic program. Typical of the captains of industry was Theodore F. Brophy, chief executive officer of the General Telephone & Electronics Corp. and a senior officer of the Business Roundtable.

"Implementation of the [Reagan administration's] proposed spending reductions, when combined with the other aspects of the president's economic recovery program," Brophy testified last May, "will provide us with a healthy, growing economy on a long-range basis—the best protection for all individuals."

Brophy's view prevailed, and Congress enacted Reagan's program. Last week, though, Brophy revised and extended his remarks:

"Our economy is in the throes of a recession," Brophy testified, "accompanied by inordinately high interest rates, and now is facing the prospect of large future budget deficits . . . The [Business] Roundtable is deeply concerned about the size of projected deficits and believes that, unless promptly dealt with, they will encourage continued high interest rates and slow economic recovery and growth."

Brophy was testifying for the Roundtable which now favors stern action to reduce gaping federal deficits. One by one, the organizations that businessmen form to advance their interests are jumping off the bandwagon of Reaganomics. No matter that less than a year ago, the same business groups were pushing that bandwagon forward like a V8 in a 1960s' gas-guzzler.

"Corporate America didn't have any idea what was in the tax bill," observed Sen. Charles McC. Mathias Jr. (R-Md.) last week, trying to explain the business community's flip-flop on Reaganomics. "They were like hounds after a fox," he added, referring to the big corporate tax breaks that made the Reagan program so attractive to businessmen.

A prominent Republican lobbyist who works for big business said he thought executives were now getting pressure from their boards of directors and stockholders to do something about high interest rates and the recession. "It just somehow isn't working," this man said of Reaganomics, adding that the business community is digging in to save the tax breaks it got from Congress last year. "I think they're getting a little greedy," he said, adding, "if you put my name in the paper, I'll be run out of town."

In a brief interview in the hallway outside the Senate Finance Committee, Brophy was asked why the tune had changed so quickly. "I don't think any of us feel we have crystal balls," he replied. Pressed on the wrong prognosis he and his colleagues gave Congress last spring, Brophy asked who had predicted that interest rates would still be so high.

One answer to that question is Henry Kaufman, managing director of Salomon Bros. Inc., an economist with a wide following on Wall Street. Kaufman was one of many voices warning last year that if the Reagan program were adopted, it would produce an unavoidable collision between an expansionary fiscal policy and a restrictive monetary policy. Brophy acknowledged that Kaufman was "right about some things, but not everything," noting that inflation fell much faster than Kaufman had said.

Another prediction of continued high interest rates came from the Business Council, a group of major corporations. At about the time Brophy was making his optimistic predictions last May, the council issued a formal forecast that echoed his hopefulness about economic growth, but said interest rates would stay in the 14-to-16 percent range throughout the year (as, roughly, they have). And the Business Council did predict much lower inflation.

But all that was last year, when corporate America was exhilarated by the defeat of a president it detested and the election of a free enterprise Republican.

"Businessmen are fundamentally Republicans," observed Irving Shapiro, the recently retired chief executive officer of DuPont, who himself was close to President Carter. "They persuaded themselves to back a new Republican administration 100 percent. They did that although they had misgivings."

"Their uneasiness spilled over when they saw the latest budget proposals" and the big deficits they contained, Shapiro said. His analysis seems to be supported by a recent poll of members of the Wall Street investment community conducted by the American Stock Exchange. Where 67 percent of those polled "strongly approved" the Reagan program a year ago, only 41 percent do so now.

"You see," explained Sen. Russell B. Long (La.), ranking Democrat on the Senate Finance Committee, "it's not working the way it was supposed to."

The captains of industry "are seeing what they never expected to see," added a prominent Wall Street economist—"a terribly weak economy combined with high interest rates. And the disinflation they see is largely at the expense of their profits."

"Businessmen have discovered that high interest rates are more painful than high taxes or high inflation,' added a senior Republican aide in the Senate. "Now it's stark terror," he added, describing the dire private warnings that some businessmen are conveying to Senate Republican leaders who are hoping to persuade Reagan to modify his program to reduce future deficits.

None of these quotations come from sitting corporate executives. The captains of industry are active in private lobbying, but they appear unwilling to talk openly about their change of heart about Reaganomics. In preparing this article, calls were made to a number of chief executives who sent back word that they would be unavailable to be interviewed. Among them were Walter Wriston of New York's Citibank, C. C. Garvin of Exxon, and William Agee of Bendix.

One executive who was willing to be interviewed, J. Peter Grace, chief executive of W. R. Grace & Co., expressed great impatience with his fellow businessmen who are having second thoughts about Reaganomics. "It tells you that they're stupid, that's all, and they didn't know what they were doing in the first place," Grace said.

For his part, Grace is still staunchly in Reagan's corner. "I knew it was going to get worse before it got better," he said. Grace is now chairing the president's Private Sector Survey on Cost Control.

One way to find out what less enthusiastic business executives are thinking is to follow them around Capitol Hill. There one hears that the public statements of the Business Roundtable, the president of the American Stock Exchange, the American Bankers Association and others are relatively gentle expressions of feelings that are expressed much more starkly in private.

For example, officials of the Business Roundtable have passed the word that they have told the administration there will be "no more blind following" of White House policy. "We went along last year because we felt we had to" is the latest word from them.

Warren E. Buffett, an entrepreneur and newspaper proprietor who called himself a reluctant Carter supporter in 1980, said of Republican businessmen: "They really think it [the economic situation] is a shambles, but they hate like hell to knock their guy [Reagan] in public."

Corporate America's change of heart and the ensuing demands to Congress to "do something" about federal deficits and interest rates has not been well received on Capitol Hill. Senior Senate Republicans have told many complaining businessmen to convey their new anxieties to the White House. At least one has told the businessmen to take their new message to members of Reagan's "kitchen cabinet," the informal group of California businessmen who have been close to Reagan for decades. The man making this suggestion says maybe his oldest friends can persuade the president that he must alter his policy.

"It was predictable that we were going to be in this position," said Rep. Dan Rostenkowski (D-Ill.), chairman of the House Ways and Means Committee and one of the members who hears most often from the executives. "We were listening to the same economists they were," Rostenkowski said, referring to those like Kaufman who were skeptical about the Reagan program, but the businessmen "didn't want to believe" that things could turn out badly.

Suggestions that they might have foreseen the trouble do not sit well with businessmen and their lobbyists. For example, James D. (Mike) McKevitt, a former Republican congressman who is chief lobbyist for the National Federation of Independent Business in Washington, reacted angrily when asked why his group did not realize that the combination of big tax breaks and a much bigger defense budget would create big federal deficits.

Although McKevitt's group of small businessmen made total support for the Reagan program key test votes in their annual ranking of Congress last year, he denied that the group had supported either the big defense buildup or some of the big tax cuts.

John L. Sherman, an aide to the Democratic majority on Ways and Means, said he thought that "the CEOs are no smarter than the rest of us—they may be dumber." In the summer of 1980, he recalled, the then-chairman of Ways and Means, Rep. Al Ullman (D-Ore.), traveled around the country talking to chief executives about whether they wanted an across-the-board tax cut like the one Senate Republicans were then pushing.

Of 10 executives Ullman questioned, none was eager for such a tax cut, Sherman said. Then six months later nearly all the country's top executives were fervently supporting Reagan's similar idea. And now, nearly a year later, many have misgivings.

"I don't know why they got fooled," said a senior Senate Republican aide. "I think they thought Reagan had a magic answer, and they didn't analyze the fact that the magic answer would do something to them.

"They sure as hell are disappointed now," this Republican added.

THE IRS STRIKES—TRADING DOLLARS FOR PENNIES

HON. GEORGE HANSEN

OF IDAHO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 30, 1982

● Mr. HANSEN of Idaho. Mr. Speaker, another example of the heavy-handed and abusive tactics of the Internal Revenue Service in their tax collection practices, which would be stopped by passage of H.R. 4931, the Taxpayer Protection Act (TPA) are the following news articles from the Austin American Statesman, March 19, 1982, and the New York Daily News, August 7, 1981.

Since the IRS admits it is not cost effective to chase pennies, and because they are obviously aware of the taxpayer's prerogative to round to the nearest dollar, the only possible motive for such action is blatanty harassment.

This is yet another means used by the IRS to instill fear and remind the public of their awesome power.

IRS Flushes Out Every Last Cent

West Farmington, Ohio (AP).—The IRS spared nothing to go after its man, Roy Elza, who owed the Federal Government 18 cents.

The IRS spent $3 to file an item with the Trumbull County recorder against Elza's property and spent another 20 cents to mail it.

Both IRS and the recorder's staff spent time processing the lien.

"It makes no difference. It's an unpaid Federal tax," said Rollie Woods, a spokesman for the Cleveland regional IRS office.

The lien indicates the late tax applies to Elza's withholding tax that was due in June 1979. All of Elza's assets are frozen until the bill is paid.

Pounds of Flesh—IRS Fattens Thin Dime Owed

(By Bella English)

A dime won't even buy penny candy any more, but to Uncle Sam it can be worth a lot more than 10 cents.

The Government is demanding that a Chinatown woman pay a $28.15 penalty because she underpaid her 1980 taxes—by a dime.

In an August 3, letter to Chan Wing, 59, the Internal Revenue Service said: "Unpaid tax on return is 10 cents. Penalty charge is $28.15. Balance due to IRS is $28.25. Make check payable to IRS."

Wing, who speaks no English, showed the form to her stepdaughter, Rose Wine, assistant manager at a Chemical Bank branch in Jackson Heights, Queens.

"It cost them more to print up this form and send this out than my stepmother owes," Rose said. "Do you believe this? I think this is the most ridiculous thing I've ever heard of. I just had to laugh."

Her laughter turned to anger yesterday when she went to the IRS office in Jackson Heights and was told that her stepmother must indeed pay the 10 cents and the $28.15.

"I can't believe it," Rose said. "They're wasting your money and my money over a lousy dime. But I don't know which way to turn. If I have to pay it, I have to pay it."

Rose said, though, that she is considering writing a letter of appeal to President Reagan.

IRS officials said that disclosure laws prevent their discussing the case.●

A VERY REWARDING PROGRAM

HON. MERVYN M. DYMALLY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 30, 1982

● Mr. DYMALLY. Mr. Speaker, it behooves us in these times which are so full of tension, mistrust, and even outright belligerence between the United States and many other countries in the world, to seek opportunities in which we can meet and work with people of other countries as fellow human beings and as friends. That is why I want to let you and our fellow colleagues know about a most satisfying program underway in my office. I have made a practice of opening my office to other countries as a home office for interns and fellows.

Today the second of these fellows, Mr. Juk-Chul Lee, who is a senior staff member of the Committee on Commerce and Industry in the Korean National Assembly, will complete a 6-month fellowship with us. His presence in our office has been a welcome event for my staff and for myself. We have had a unique opportunity to see ourselves and the United States in a new way. It has been an eye opening, sometimes humbling, but most assuredly, an invaluable experience. I believe, Mr. Lee has also profited by his time with us. He has come to know how our Congress works. But more importantly, we have come to know each other as friends. For us, Korea is no longer simply a country on the other side of the world. It is the home of our friend Mr. Lee. And I think Mr. Lee feels the same way about us.

We often give lipservice to "understanding" in these Chambers and then proceed as though we lack understanding. I would submit to you that there is no better way to achieve mutual understanding with other people than to work beside them day after day in the same office. Now I know this observation is true whether my coworker be a citizen of Washington, D.C., or whether that coworker be a citizen of Seoul, Korea.

It is with a sense of sadness that the members of my staff and I bid farewell to Mr. Lee. At the same time, we feel a sense of warmth because we have a new and valuable friend. Mr. Speaker, when we again discuss the ways in which we may achieve understanding between our Nation and other nations in the world, I would like to suggest that we consider simply inviting some of our fellow citizens of the world to come and work beside us until we become friends rather than strangers.●

FREE ENTERPRISE: THREATENED, OR GONE?

HON. NORMAN D. SHUMWAY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 30, 1982

● Mr. SHUMWAY. Mr. Speaker, I recently received a letter from a concerned constituent which I believe must be shared at least in part with my colleagues in the House. The individual in question has set down in jarringly accurate words an opinion which I believe is shared by the majority of the American people. This individual has dared to see beyond the "media hype" which inevitably accompanies any effort to reduce the Federal budget. He is not afraid to call the situation as he sees it, nor is he unwilling to outline his own circumstances for us.

I trust that every man and woman in this Chamber will take the time to read my constituent's words, and to reflect upon the very real questions he has raised: Should Americans be expected to love their Government more than their children? Should more be provided to the Government? Finally, and most seriously, is free enterprise really a thing of the past in this Nation? I say no to all three, and I sincerely hope my colleagues will have the wisdom to do likewise.

The letter follows:

DEAR MR. SHUMWAY: The media are currently filled with stories of the suffering that will be caused by loss of Federal aid if the President's budget is passed. Many congressmen are publicly proclaiming that the tax cut will have to go.

Well, I just completed my tax return, and I'm angry. My tax bill, combining Federal income tax, state income tax and FICA is $53.00/day, 365 days per year. That of course, doesn't count sales tax, tax on gasoline, etc., etc., etc. By way of comparison, my support payment for two children I dearly love is $11.50/day, 365 days per year. I love my country, but do you think I love it more than my children?

I wouldn't want to leave the impression I'm well-to-do. My wife and I live in an apartment. We cannot afford to buy a house. I buy virtually everything for cash, and we are not indebted for anything. However, we drive a 1970 model automobile and I ride my bicycle to work to avoid owning two cars. We have essentially no savings and no investments. My job, and hers, are our sole income.

The gentlemen and ladies of congress, and their predecessors have created a welfare state. Our free enterprise system is not just threatened, it is gone.●

A FEDERAL SUBSIDY FOR CRIME

HON. PATRICIA SCHROEDER

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 30, 1982

● Mrs. SCHROEDER. Mr. Speaker, among the multitudinous insurance programs operated by the Federal Government is the Federal crime insurance program.

It was established in 1971 as an insurer of last resort for people who live in high crime areas. As one might suspect, however, the income the Government receives from premiums is far outdistanced by the payouts. In fiscal year 1980, the Federal crime insurance program collected $13.9 million and paid out $51 million for a $37.1 million loss. In fiscal year 1981, the income was $13.4 million and the payout was $47.1 million, for a $33.7 million loss.

Maybe Lloyd's London should insure the Federal crime insurance program.

Apparently, the administration has marked the program for oblivion, and with good reason.

[From the New York Times, Mar. 27, 1982]

U.S. AS INSURER OF LAST RESORT

That feeling of violation when you come home to a ransacked house or apartment is bad enough. The disaster is complete when there is no insurance on the stolen goods.

In the past, in many areas of high crime, insurance was either prohibitively expensive or not available. To remedy that, the Federal Government 11 years ago established the Federal Crime Insurance Program. Since then the program has grown to cover 72,000 policyholders in 27 states.

Last month, for example, a brownstone owner in Brooklyn received a check for $1,300 to cover losses of silverware, jewelry, a television set and damage to a roof hatch caused by a break-in. For the owner, the Government was the insurer of last resort because he lived in a high-crime area.

Now, however, the Federal insurance program is threatened by budget cuts. The office that administers the program, the Federal Emergency Management Agency, says that if the cutback proposals are adopted for the fiscal year beginning Oct. 1, it would mean that new policies could be written only until the last day of September.

Existing policies would remain in force until they expire, and that would be the end of the program, said Cheri Steffeck, a public affairs officer.

"If the Government doesn't cover these people, and private industry won't, who will?" asked H. Trainor Roden, press secretary to Representative Bill Green, Republican of Manhattan.

A House appropriations subcommittee is tentatively scheduled to hold hearings on the crime insurance program and the agency's flood insurance program next Tuesday and Wednesday. The ranking Republican on the committee is Mr. Green, and many of his constituents are purchasers or potential buyers of the crime insurance. According to figures supplied by Mr. Green's office, New York State residents held 34,000 policies as of September 1980. Florida was next with 5,000 policyholders.

The Government subsidy of the program runs into the millions. In the 1980 fiscal year that began Oct. 1, 1979, premiums plus expenses amounted to $13.9 million, while the Government paid out $51 million. In the 1981 fiscal year, income was $13.4 million and outgo was $47.1 million.

In the past, the Federal insurance was attacked as a bargain for the wealthy who were able to cover jewels and furs much cheaper than with private coverage. Two years ago, the Government tightened up. It limited its liability to $500 in the burglary or robbery of jewelry, furs, fine arts, antiques and similar items, saying that the insurance was intended mainly to protect necessities, such as furnishings and clothing. The insurance costs $50 a year for $1,000 coverage, up to $120 a year for $10,000 coverage for household losses. Businesses can get up to $15,000 for coverage with rates varying according to business classification and location.

The insurance can be purchased through regular insurance agents. Applicants are not required to prove that they cannot obtain commercial insurance, and the policies are not canceled because of losses. For further information, call 800-638-8780 or write the Federal Crime Insurance Program, Box 41033, Washington, D.C. 20814.●

PUBLIC HEALTH EXPERTS OPPOSE THE ADMINISTRATION'S CLEAN AIR BILL

HON. ANTHONY TOBY MOFFETT

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 30, 1982

● Mr. MOFFETT. Mr. Speaker, the House Energy and Commerce Committee begins today our markup of the administration-backed clean air proposal. Unfortunately, the direct and adverse impacts of the legislation have not been adequately highlighted by the news media. But the legislation has not completely escaped the notice of public health experts who are deeply concerned about clean air.

Sponsors of this legislation hope to convince the Congress that this legislation will have a benign impact on air quality. But I believe that our colleagues should know that the experts have reached a different conclusion.

H.R. 5252, the administration's rewrite of the Clean Air Act, has been condemned by the American Academy of Pediatrics, the American College of Preventive Medicine, the American Lung Association, the American Public Health Association, the Coalition of Health and the Environment, and many, many others.

I would like to share with my colleagues some of the thoughtful messages which I have received urging opposition to this bill:

FEBRUARY 8, 1982.

Hon. TOBY MOFFETT,
House of Representatives,
Washington, D.C.

DEAR CONGRESSMAN MOFFETT: As health organizations, we have a major interest in the public health policies established in the Clean Air Act which protect against the adverse health effects of air pollution. The authors of H.R. 5252 are to be commended for retaining the language in the current Act relative to the health-based National Ambient Air Quality Standards (NAAQS) and the standard setting process. The NAAQS must continue to protect the health of the most sensitive groups in the population with an adequate margin of safety. Further, because they protect public health, there is some urgency in attaining them.

However, the action of retaining the health-based standards appears to be a meaningless gesture when in reality the amendements proposed in H.R. 5252 are a comprehensive package to relax major provisions of the Act responsible for the progress made towards attaining healthful air quality.

Our specific concerns are as follows:

1. Section 172 Attainment Date Extensions: H.R. 5252 provides for extensions of the deadlines until 1993 for all regions of the country. H.R. 5252 provides no incentives for areas to meet the standards by earlier dates.

Data collected by the National Commission on Air Quality indicates that only 8-10 regions of the country will be unable to attain the standards by the current deadlines. The extension provision of H.R. 5252 is an overreaction to this problem.

2. Section 173 Permit Requirements: H.R. 5252 would repeal provisions in the nonattainment program which are among the most effective tools for achieving progress towards healthful air quality. The bill would repeal the requirement that new sources offset their additional pollution by reducing emissions from existing sources and the requirement that new sources achieve the "lowest achievable emission rate"; relax the requirement for automobile inspection and maintenance programs which are designed to ensure that pollution control equipment operates properly; and relax permit requirements for new sources.

3. Title II Emission Standards for Moving Sources: H.R. 5252 would relax the federal auto emissions control program by doubling the auto emission standards for carbon monoxide and oxides of nitrogen. Further, the standards would be minimum standards—EPA through rule-making would be permitted to adjust those standards after 1986 although they could not be made more stringent even if needed to protect public health.

H.R. 5252 would also relax the program for heavy duty vehicles. The Act now requires a phase-in of standards for heavy duty trucks that are as protective as those for automobiles. Trucks represent the greatest untapped source for emissions reductions needed in many areas to attain the standards. The bill would eliminate any requirement for improved technology on heavy duty vehicles.

4. National Emission Standards for Hazardous Air Pollutants: H.R. 5252 fails to address needed improvements in section 112 to control emissions of hazardous air pollutants. The current Act's authority to regulate these pollutants has not proven sufficient. In 10 years, EPA has regulated only four of the dozens of hazardous air pollutants found in the ambient air. H.R. 5252 would leave this present ineffective program in place.

Progress towards clean and healthful air must continue. Prudent public health policy dictates that a strong Clean Air Act be reauthorized to ensure timely attainment of the NAAQS. H.R. 5252 represents a relaxation of the federal air pollution control program, and as such we cannot endorse it as a mechanism for reauthorization of the Clean Air Act.

Sincerely,

American Academy of Pediatrics, American College of Preventive Medicine, American Lung Association, American Medical Student Association, American Nurses' Association, American Public Health Association, American Teachers of Preventive Medicine, Association of Schools of Public Health, Association of State and Territorial Health Officials, Coalition for Health and the Environment, National Environmental Health Association, National Retired Teachers Association/American Association of Retired Persons, National Women's Health Network.

JOINT COUNCIL OF
ALLERGY AND IMMUNOLOGY,
Mount Prospect, Ill., March 12, 1982.

Hon. TOBY MOFFETT,
Member of Congress,
Washington, D.C.

DEAR MR. MOFFETT: The Joint Council of Allergy and Immunology, a socio-economic-political organization sponsored by the four major allergy organizations, is aware of your stance in several areas.

For your information, the attached position statement on the Clean Air Act was adopted by the Joint Council of Allergy and Immunology Board of Directors on March 4, 1982, and is sent to you for your information and use.

Secondly, the Joint Council of Allergy and Immunology is an integral part of an interdisciplinary effort to communicate to Congress its concern about disease prevention. We are part of a Congressional Communications Seminar on May 6, 1982, entitled "Disease Prevention Through the Immunization Process."

We think it is most appropriate that you and your staff be invited to this seminar. Information as to the time and place of the seminar will be sent to you in a subsequent mailing.

Sincerely yours,
ROBERT J. BECKER, M.D.,
Executive Vice President.

P.S.—We have a mutual friend. . . . Dr. Andy Canzonetti. He and I have worked together for several years in the effort of cost-effective care through the utilitzation review process. This comment is for your information!

[Adopted by the Joint Council of Allergy and Immunology Board of Directors on March 4, 1982]

RESOLUTION

The Clean Air Act passed in 1970 and amended in 1977 has been helpful in improving the quality of our nation's air. Its success indicates that there is a continuing need for its existence and for continued funding and function of the Environmental Protection Agency. We recommend the reenactment of the Federal Clean Air Act.

It is essential to maintain the current standards of the Act. Any changes in the standards should be based solely upon scientific data to do otherwise would result in further damage to our Nation's air with potential adverse effects on humans, animals and agriculture.

Short term standards should be maintained with regard to the various air pollutants specified in the Act.

The standards for automotive emissions should be maintained. New standards should be developed with respect to emissions from diesel fueled vehicles.

Air quality standards should be developed for sources of indoor air pollution whether in occupational, home or public environments.

The Act should provide for the study of any newly identified air pollutants.●

CAN'T MANIPULATE ONE'S SELF-ESTEEM

HON. JOHN H. ROUSSELOT

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 30, 1982

● Mr. ROUSSELOT. Mr. Speaker, I would like to call the attention of the House to an editorial written by a distinguished American, Mr. George Whitney, and which appeared in the San Gabriel Valley Tribune on Saturday, March 13, 1982:

CAN'T MANIPULATE ONE'S SELF-ESTEEM

It is aximomatic that self-doubt and uncertainty can be manipulated, but self-esteem can't. With subliminal, unperceived, silent allurements, Americans have been persuaded to reverse their patriotism and duty to country and fellow citizens into overt disloyalty and cowardly deceit.

These lies, poured constantly into their minds, have confused them, manipulated them, and ignominiously led them into carrying out the designs of their enemies. Now they are perilously close to their self-destruction still firmly believing the biggest lie of all: "That all we have to fear is fear itself."

How can Americans separate the truth from the lies?

One way only. They must ask themselves if the act is meant to help their country.

Social welfare of other nations has no place in this picture. Our leaders have pounded relentlessly into our ears that what is good for the world is good for us.

This is a lie.

The truth is that wealth cannot be shared. Only poverty can be shared.

Have the American people grown so weak-willed, so purposeless, so unthinking that they are content to give up their sovereignty and with it their property, their mobility, and their lives rather than become alert to their real and present dangers? Do they now choose to ignore what their elected and unelected leaders are doing to their country? Is it possible that they really do not care?●

A TIME FOR GRATITUDE, A TIME FOR ACTION

HON. PETER W. RODINO, JR.

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 30, 1982

● Mr. RODINO. Mr. Speaker, a year ago today, we prayed that our President and three other men would survive the handgun attack that felled them in broad daylight on the streets of Washington. Our prayers were answered.

Today, President Reagan is vigorous and whole. Two others have mended and recovered. The courageous Jim Brady fights on to recuperate from his awful wounds.

I give thanks today that these men have been spared. I pray that Jim Brady will continue his astonishing comeback.

In the intervening year, however, thousands of victims of handgun violence have not been spared. They are dead—many, many of them at the hands of criminals, drug addicts, and mental incompetents.

These persons have no right to a gun. Yet they can obtain them with ease. The President's accused assailant is proof of this. It is time for the Congress to act. We must pass legislation that has a chance of denying handguns to felons, addicts, incompetents, and would-be assassins without denying them to sportsmen and other responsible citizens who feel they need a gun for their own protection. And we must make it clear that anyone using a handgun in commission of a crime faces certain imprisonment.

This issue is marked by deep emotional divisions. But I do not believe that sportsmen, hunters, and gun collectors are unyielding foes of handgun legislation. They are good and reasonable citizens.

Finding a solution to this issue is one of the true tests of government. A civilized society demands that we find a compromise—now—that could lead to the arrest of violence and killing in our Nation.●

KATYN MASSACRE

HON. EDWARD J. DERWINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 30, 1982

● Mr. DERWINSKI. Mr. Speaker, at a time when the situation in Poland continues to deteriorate, I wish to direct the attention of the Members to the anniversary of one of the most diabolical of the Soviet Government crimes. I refer to the Katyn Forest massacre in which approximately 15,000 Polish Army officers were murdered by their Russian captors on March 30, 1940, in the Katyn Forest area of the Ukraine.

It was one of the major war crimes committed during World War II for which no one was ever punished, and it was deliberately ignored by President Franklin Roosevelt in order not to offend the Soviet Union. The Soviet Union's methodical eradication of leaders of the Polish military was followed by similar practices throughout Eastern Europe during and after World War II.

The Katyn massacre was not just another war atrocity executed in the blind fury of a battlefield. It was a premeditated, planned, mass murder and should have been classified as a crime against humanity and brought to the docket of the International War Crimes Tribunal in Nuremberg.

On December 22, 1952, a select committee of the U.S. House, after a thorough investigation, made its final report. It formally accused the Soviet Government of the Katyn crime and asked the State Department to present the case to the United Nations. Although, since that time, there has been occasional discussion of the event, the committee's groundwork has never been effectively implemented.

The Katyn massacre was, and remains, a classic example of the untrustworthiness of the Communists. It is especially important that we ponder the historic lesson of the Katyn massacre at a time when the administration is confronting the Soviet Union regarding its foreign policy activities.

Mr. Speaker, history dictates that until legitimate legal action is taken against the Soviets, the victims of the Katyn massacre and the thousands of other Polish troops who gave their life for freedom during World War II have died in vain.●

SOCIAL SECURITY TRUST FUNDS IMPROVEMENT ACT OF 1982

HON. BOB SHAMANSKY

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 30, 1982

● Mr. SHAMANSKY. Mr. Speaker, today I am introducing a second bill to improve the investment practices and increase the rate of return of the social security trust funds. This measure builds upon legislation I introduced last September, which was also intended to improve the investment practices of the social security trust funds.

The three social security trust funds earned a scandalously low rate of return in fiscal year 1980. The recent annual report of combined earnings were a shockingly low 8.3 percent in fiscal 1980 on the $47 billion in the trust funds. Others, investing exclusively in government or government-backed securities, earned as much as 13.5 percent in 1980. An additional $2 billion would have been generated if the trust funds had earned more realistic yields.

It is too soon to determine the exact yield for the trust fund investments in 1981, but taking September 1981, as representative of the year, we see that the low earnings trend has continued. In that month, the combined trust funds earned 10 percent on their investments. U.S. Treasury securities were typically yielding 15 to 16 percent during this same period. Financial institutions investing exclusively in government or government-backed securities should earn over 15 percent on their investments in 1981.

To insure that the trust funds receive a yield that is consistent with that of comparable funds, several changes must be made in the investment system. The bill I am introducing will do two things:

First, the bill will create an account for each trust fund much like a savings account, with interest compounded quarterly.

Second, the bill will provide that the interest paid to each account will be the higher of two formulas: One weighted toward long-term rates and the other weighted toward short-term rates.

Recently we have been told that the poor condition of the social security trust funds requires that we either drastically reduce benefits or raise social security taxes. If the social security trust funds had earned better yields on their investments, the system would be in appreciably better financial condition. Low yields cost social security about $2 billion in 1980 and a similar amount in 1981. Given the present economic difficulties of the system, there is no excuse not to maximize the yield to the ailing trust funds.

Current social security investment practices are not suited for the current demands being placed upon the system or for modern economic conditions. When the social security system was established in 1935, the trust funds were seen as a cushion, a "margin of safety" against obligations of the system. It was not expected that the trust funds would have to be drawn on to meet social security obligations. Accordingly, the two largest trust funds—old age and survivors insurance (OASI) and disability insurance (DI)—had assets equal to 200 percent of fiscal outlays in 1960. By 1970 this figure had dropped to 105 percent. During the next 10 years, the funds continued to be drawn upon to meet social security obligations. In 1980 the funds had only 23 percent of that year's outlays. The margin of safety was gone. Even if they borrow from each other, the three funds will be exhausted by 1985.

Also, throughout the history of the social security system, interest rates have been fairly static. Investment procedures are predicated upon static interest rates and are unable to cope with the fluctuating rates that we recently have experienced and in all likelihood will continue to experience.

The trust funds are currently investing in special issues written expressly for them by the Treasury. These issues are assigned a statutorially determined yield and a fixed date of maturity, though there is no penalty for early redemption. Yields to the issues are weighted in favor of long-term rates, which have traditionally been higher than short-term rates. Recently, however, being weighted toward long-term rates has been a great disadvantage, since short-term rates have soared above long-term rates.

At the time of purchase, maturities for that year's issues are spread over a 15 year period. When they are redeemed, those of the nearest maturity date earning the lowest yield are redeemed first. This procedure does not insure that those special issues with the lowest interest rate will be redeemed first. As a result, when the trust funds are being drawn upon to meet obligations and special issues are being redeemed early, the yield suffers.

There are other examples of the confusion created by the current investment system. When interest rates fluctuate, the trust funds earn a yield that is not consistent with interest rates due to the system of special issues with their dated yields and distant maturities. Also, allowing the special issues to be redeemed early without penalty distorts the earnings of the trust funds, making it difficult to determine the fund's financial status and adding to the great public confusion surrounding the status of social security investments.

The existing system is misleading; it maintains the appearance of being similar to the investment practices of a private fund by investing in issues. In reality, it does not function like a private trust fund at all. It does not shop around for issues, but has the Treasury write special issues. The managers of the fund do not try to anticipate the direction of interest rates, but set maturities in a mechanical fashion. The managers do not redeem the lowest earning issues first, but stodgily go up the list, redeeming whatever issue is next in line. It is no wonder that yields to the trust funds are so low—or that the social security system is in trouble.

This bill would eliminate the existing bizarre system of special issues and mechanical redemption which has led to such poor yields and replace it with a system designed for current and future needs. This bill would replace an outmoded system with a better and simpler one.

First, this bill would create an account for each trust fund, which would earn interest like a savings account. This would eliminate the need for special issues, maturities, redemptions, redemption-without-penalty, and so forth. The bill would eliminate the need for personnel to manage the complex existing system.

Second, this bill would require that interest be compounded quarterly, thus insuring that the yield to the trust funds is in line with the cost of borrowing by Treasury from the public on any given day. It would then be easier to determine the assets of the funds.

Finally, this bill would require that the yield to the funds be the higher of two statutorily determined formulas. One, the existing formula, is the rate of interest equal to the average market yield on all marketable interest-bearing obligations of the U.S. Government which are not due for at least 4 years. The other, weighted toward short-term rates, will be the rate of interest equal to the average yield on all marketable interest-bearing obligations of the U.S. Government which are due in less than 4 years.

In this way, we insure that the social security trust funds earn a yield that is up to date and consistent with that earned by a wise investor—unlike the existing system which assumes financial ignorance on the part of the managing trustees.

An important first step toward improving the financial position of the social security system is to reform its investment practices which have cost it billions due to low yields. A necessary step toward simplifying and improving Government is to eliminate complex and outdated systems. The current social security investment practices may have been appropriate in 1935. They are clearly not appropriate today. Thank you.

H.R. 5987

A bill to amend the Social Security Act to provide for increased earnings of interest by the social security trust funds, and for other purposes

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SHORT TITLE

SECTION 1. This Act may be cited as the "Social Security Trust Funds Improvement Act of 1982".

INVESTMENT OF TRUST FUNDS IN SOCIAL SECURITY SAVINGS ACCOUNTS

SEC. 2. (a)(1) Subsections (d), (e), and (f) of section 201 of the Social Security Act (42 U.S.C. 401) are repealed.

(2) Section 201 of the Social Security Act is amended by inserting after subsection (c) the following new subsections:

"(d) The Managing Trustee shall maintain on deposit in the social security savings account established for each of the Trust Funds under subsection (e) such portion of such Trust Fund as is not, in his judgment, required to meet current withdrawals from such Trust Fund.

"(e)(1) There is established in the general fund of the Treasury for each Trust Fund a social security savings account (hereinafter in this subsection referred to as the "account") for each Trust Fund. The amount deposited in each account shall accrue interest, compounded quarterly, payable on the last business day of each quarter from other amounts in the general fund of the Treasury not otherwise appropriated, and determined on the basis of the average daily account balance for each quarter.

"(2) Amounts of a Trust Fund while on deposit in any such account shall not be available for any purpose of such Trust Fund. Such amounts may be withdrawn from such account at any time for use by such Trust Fund.

"(3) The rate of interest accrued under paragraph (1) during each quarter shall be fixed on the last business day of such quarter and shall be equal to the greater of—

"(A) the average market yield (computed by the Managing Trustee on the basis of market quotations as of the end of the calender month next preceding such business day) on all marketable interest-bearing obligations of the United States then forming a part of the public debt which are not due or callable until after the expiration of four years from the end of such calendar month, or

"(B) the average market yield (computed by the Managing Trustee on the basis of market quotations as of the end of the calendar month next preceding such business day) on all other marketable interest-bearing obligations of the United States then forming a part of the public debt; except that in any case in which such average market yield is not a multiple of one-eighth of 1 percent, such rate of interest shall be the multiple of one-eighth of 1 percent nearest such market yield.

"(4) For purposes of this subsection, the term 'Trust Fund' means—

"(A) the Federal Old-Age and Survivors Insurance Trust Fund,

"(B) the Federal Disability Insurance Trust Fund,

"(C) the Federal Hospital Insurance Trust Fund, and

"(D) the Federal Supplementary Medical Insurance Trust Fund."

(b)(1) Subsections (c), (d), and (e) of section 1817 of the Social Security Act (42 U.S.C. 1395i) are repealed.

(2) Section 1817 of the Social Security Act is amended by inserting after subsection (b) the following new subsection:

"(c) The Managing Trustee shall maintain on deposit in the social security savings account established for the Trust Fund under section 201(e) such portion of the Trust Fund as is not, in his judgment, required to meet current withdrawals from the Trust Fund.".

(c)(1) Subsections (c), (d), and (e) of section 1841 of the Social Security Act (42 U.S.C. 1395t) are repealed.

(2) Section 1841 of the Social Security Act is amended by inserting after subsection (b) the following new subsection:

"(c) The Managing Trustee shall maintain on deposit in the social security savings account established for the Trust Fund under section 201(e) such portion of the Trust Fund as is not, in his judgment, required to meet current withdrawals from the Trust Fund."

APPLICABILITY OF PUBLIC DEBT LIMIT

SEC. 3. Section 21 of the Second Liberty Bond Act (31 U.S.C. 757b) is amended—

(1) by striking out "and" after "Act,"; and

(2) by inserting after "Treasury)," the following: "and amounts on deposit in social security savings accounts established in the general fund of the Treasury under section 201(e) of the Social Security Act".

EFFECTIVE DATE; TRANSITIONAL PROVISIONS

SEC. 4. (a) The amendments made by this Act shall take effect October 1, 1982.

(b)(1)(A) The public-debt obligations of the United States outstanding as of October 1, 1982, which were authorized to be issued exclusively for purchase by the Trust Funds under the provisions of the Social Security Act amended by this Act shall be redeemed at par on such date.

(B) Other interest-bearing obligations of the United States and obligations guaranteed as to both principal and interest by the United States in which portions of the Trust Funds have been invested and which are outstanding as of October 1, 1982, shall be redeemed at par plus accrued interest at maturity, except that such obligations may be sold before maturity at the market price.

(C) The interest on, and the proceeds from the sale or redemption of, any obligations held in each Trust Fund shall be credited to and form a part of such Trust Fund.

(2) For purposes of this subsection, the term "Trust Fund" means—

(A) the Federal Old-Age and Survivors Insurance Trust Fund,

(B) the Federal Disability Insurance Trust Fund,

(C) the Federal Hospital Insurance Trust Fund, and

(D) the Federal Supplementary Medical Insurance Trust Fund.●

WORKING PEOPLE AND THEIR UNIONS OPPOSE H.R. 5252

ANTHONY TOBY MOFFETT
OF CONNECTICUT
IN THE HOUSE OF REPRESENTATIVES
Tuesday, March 30, 1982

● Mr. MOFFETT. Mr. Speaker, as a member of the Subcommittee on Health and Environment, my office has been hit by a barrage of comments from concerned citizens regarding the pending reauthorization of the Clean Air Act. Citizens of this Nation realize that this law is not perfect; but, they are also able to distinguish between genuine proposals for reform and a gutting of this basic pollution-control legislation.

Recently, I received some helpful comments from Union representatives stating their opposition to the administration-backed clean air bill, H.R. 5252. I wanted to share with my colleagues their responsible observations about a truly antienvironmental bill.

UIW—SEAFARERS
Columbus, Ohio, March 4, 1982.

Hon. Congressman MOFFETT,
U.S. House of Representatives,
Washington, D.C.

DEAR MR. CONGRESSMAN. I am writing this letter to inform you of my position on H.R. 5252, H. Res. 252 and H.R. 4829 regarding Clean Air Legislation.

I oppose H.R. 5252 because it would seriously weaken the Clean Air Act by such things as changing the deadline for meeting health standards from 1982 to as late as 1993, would double the carbon monoxide and nitrogen oxide standards in automobiles and also does nothing to control acid rain or airborne toxic pollutants.

I support H. Res. 252 because it calls for maintaining an effective program for healthy air in our cities, keeping strong emissions standards for autos, protecting all clean air regions, and taking action against the problem of acid rain.

I also support H.R. 4829 as this bill would decrease the production of sulfur oxides by 10 million tons over the next several years.

I ask that you support my position on these bills.

Respectfully,
WILLIAM JAMES DOBBINS,
President, Local 20,
United Industrial Workers Union.

FEBRUARY 24, 1982.

IN SUPPORT OF CLEAN AIR

Statement by: Amalgamated Clothing and Textile Workers Union, International Chemical Workers Union, Allied Industrial Workers of America International Union, International Association of Machinists and Aerospace Workers, International Molders and Allied Workers Union, Oil, Chemical and Atomic Workers International Union, and United Steelworkers of America

Contact Bill Klinefelter, (202) 637-5198.

Congressional reauthorization of the Clean Air Act raises many issues of vital concern to the labor movement. The issues of jobs and the health of our members and their families are fundamental priorities for the labor movement. We are issuing this statement in support of maintaining a strong Clean Air Act because such an Act has been responsive to our needs for both secure jobs and healthy environment.

H.R. 5252, the Luken-Broyhill bill, strikes at the basic national commitment to and regulatory system for attainment of a healthful and clean air environment. We oppose H.R. 5252 and join with enforcement professionals, like the State and Territorial Air Pollution Program Administrators, and health organizations, like the American Lung Association, in urging Congress not to accept this bill as a vehicle for "fine tuning" of the Clean Air Act.

The health of our members is dependent upon the interplay of both the community environment and the workplace environment, and it is an inescapable economic fact that workers want and need secure jobs. To this end, we have supported the Clean Air Act which, while forcing pollution abatement, has not been detrimental to economic growth. Indeed, environmental enforcement promotes more secure jobs through its emphasis upon modernization and increased industrial efficiency. The objectives of health and jobs have not been contradictory. The November, 1981 AFL-CIO policy resolution on the environment clearly articulates our belief of the compatibility of these goals and the need to "adamantly resist attempts to gut one objective in favor of the other."

We reject the approach embodied in H.R. 5252 which, if enacted, would seriously weaken the environmental and health progress being achieved by the present Clean Air Act. H.R. 5252 does in fact weaken or eliminate key provisions of the environmental health regulatory system. It would, for instance:

Eliminate the requirement that polluters use lowest achievable emission rate technologies currently required in nonattainment (i.e., health-hazard) areas;

Require in nonattainment areas only a substantially weakened best achievable control technology (BACT) which is currently required for clean air areas;

Automatically repeal the increment system for Class II and III designated areas which were designed to limit the growth and level of pollution in clean air areas;

Effectively repeal current sanctions against lax state enforcement and modify the penalties against industrial polluters—hardly an incentive for ensuring continued progress;

Allow health-hazard areas to unduly extend attainment deadlines from 1982 to 1993, even though very few areas need such extension, particularly for such prolonged periods; and

Eliminate mandatory offsets and other technology-based conditions on new industrial facilities in non-attainment areas, even where offsets and new technology are needed to allow plant expansion and modernization while assuring progress toward meeting health standards.

In addition, H.R. 5252 fails to address two issues included in the AFL-CIO resolution: a speed-up in the implementation of hazardous pollutants program; and measures to control acid rain. We believe that the approach spelled out in H.R. 5252 not only is destructive, short-sighted, and unnecessary, but also unduly prolongs a threat to the community and workplace health of Americans.

Protecting "clean" air areas and cleaning up "dirty" areas are both vitally important. In accomplishing these purposes there is no conflict between economic and environmental interests. A healthy economy cannot exist in a devastated environment. By forcing "dirty" (nonattainment) areas to clean up—thus reversing the deterioration of the infrastructure in older, industrial areas—the Clean Air Act compels companies to introduce new technologies and modernize facilities which result in more productive, efficient, and competitive operations, thus making jobs more secure in those areas. By controlling the rate at which "clean" areas may be polluted (prevention of significant deterioration), the Clean Air Act slows the wasteful exodus of industries from the "dirty" Northeast and Midwestern regions and California to the "clean" Sunbelt and Western states.

Claims that weakening the Clean Air Act is necessitated by the present economic situation and the need to promote job growth and security are simply false. Pollution abatement and job security go hand in hand—environmental regulations have not been the primary cause of even one plant shutdown. It is a fact that deteriorating and obsolete facilities, which also are polluters, are vulnerable to economic collapse and plant closings. In these cases, job losses are more accurately attributable to the lack of modernization than to environmental protections. Furthermore, the lack of strong clean-up efforts in severely polluted areas makes them less desirable places for investments in new plants and equipment and other types of economic growth. Moreover, the Clean Air Act directly creates jobs in abatement industries. A recent EPA study estimates that some 525,000 jobs will be created by 1987 if current environmental enforcement standards continue in effect.

While we believe that the Clean Air Act should be amended to provide more efficient and effective administration and to avoid unnecessary delays and cumbersome procedures which can be an impediment to economic growth, radical revisions, such as those proposed in H.R. 5252, should be rejected. Furthermore, revisions should not be seen as a remedy for the current economic situation. Unemployment, high interest rates, import problems, and depressed industrial demand, exacerbated by the current Administration's economic policies, are the real problems, and need to be addressed through direct measures. Sacrificing the Clean Air Act not only will fail to solve these economic problems, but also will increase health risks and contribute to the undermining of job security for American workers.

Lloyd McBride, President, United Steelworkers of America; Dominick D'Ambrosio, President, Allied Industrial Workers of America International Union; George Robinson, Director, Occupational Safety and Health, International Association of Machinists and Aerospace Workers; Frank Martino, President, International Chemical Workers Union; Jacob Sheinkman, Secretary-Treasurer, Amalgamated Clothing and Textile Workers Union; Carl Studenroth, President, International Molders and Allied Workers Union; Robert Goss, President, Oil, Chemical and Atomic Workers International Union.●

THE IRS STRIKES AMERICANS EVERYWHERE

HON. GEORGE HANSEN

OF IDAHO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 30, 1982

● Mr. HANSEN of Idaho. Mr. Speaker, additional examples of the heavy-handed and abusive tactics of the Internal Revenue Service in their tax collection practices, which would be stopped by passage of H.R. 4931, the Taxpayer Protection Act [TPA] are the following excerpts from letters I have received from across the Nation.

FROM KENTUCKY

I have been harassed by the IRS for years 1972-1976. They have never collected one thin dime in additional taxes but it has cost me thousands of dollars in legal fees for defense.

FROM COLORADO

I have been under constant investigation by the IRS for the past four years. . . . When I asked why the continuous harassment, I was informed they did not like my accountant. I changed accountant firms and now a new investigator is assigned to me. She has worked steady on my records for July, August, and September. Now I have heard nothing until they have proposed that I sign a paper to allow continuous checking of my taxes. (My accountant's fee is $70 per hour so I really don't need much more of this harassment).

I thoroughly believe in our tax system, have always paid my taxes—have asked these IRS investigators what I am doing wrong and they just say I'll have to ask my accountant. I've even tried to contact the head of the IRS here and he will not talk to me or return my calls. What possible recourse do we have against this harassment?

FROM TENNESSEE

Your efforts to curb the excesses of the Internal Revenue Service are of vital importance to all Americans. You are the first national leader to come forward with a reasonable legislative program designed to control the IRS. I am chilled to the bone when I realize that the IRS has been able to usurp a growing list of KGB-type methods with scarcely a murmur from the majority.

AGAIN FROM COLORADO

. . . No one wishes any more than we tax preparers do that your bill H.R. 4931—the Taxpayer Protection Act—will pass the House. It just has to go into effect or the American people are going to revolt even more than as now. Every American we talk to has had it with this out-of-control IRS. It is inconceivable that our Congress has let an agency—not even Bureau status—take over such power that even Congress can do nothing with them. . . .

FROM KANSAS

I read your article in the American Legion Magazine of December 1981 and was appalled at the power of the Internal Revenue Service. Although I have heard and read of the tactics of this government agency, it is good to learn of some of the facts. I am 66 years old, a veteran of two wars, now retired from a railroad company. It is astonishing that the American people will sit idly by and let these things go unnoticed. As we all recall, Adolph Hitler used these tactics in Germany in the late 1930's and early 40's and we all know what happened to him. If we live under a curtain of fear what next? The average citizen cannot fight Internal Revenue Service because he cannot afford it. Would a gambler spend five dollars to earn one? Definitely not. It might be, and possibly is, later than we think. If the power of the IRS is not curbed in some way, what will happen in the next 20 years? The liberty and dignity of the American people are fastly being eroded by the Gestapo tactics of the IRS. Many small businesses are being wiped out by the IRS, this is strictly a shame because they are the backbone of this nation. Well, just a word to let you know that one war veteran read your article and am certainly concerned about it.

FROM TEXAS

. . . If there was ever an agency of the federal government that needed scrutiny, it is the Internal Revenue Service. And unless Congress is deliberately trying to cover up the scandalous behavior of the IRS, they would be well advised to hold these hearings.

FROM NEW YORK

I wholeheartedly agree with you that congressional legislation is needed to put the IRS in its proper place and restrict it from resorting to abusive, un-American and unconstitutional practices in collecting revenues.

FROM MICHIGAN

I agree wholeheartedly with you that the Internal Revenue Service has gone too far when they use the concept of "fear" to force people to pay their taxes. Some people actually overpay their taxes to avoid a possible confrontation or a lengthy court battle which would take them away from their jobs and possible loss of pay. The fear concept may actually be encouraging the 97 percent of people who cheerfully pay their taxes to cheat. The concept of power-mad IRS agents to be able to seize taxpayer property or private homes without a court order is totally repulsive to me and millions of other people.

During World War II another individual used fear as a means of subjugating an entire nation and was in the process of subjugating an entire continent. His name was Adolph Hitler.●

UNITED STATES EPITOMIZES THE SPIRIT OF VOLUNTARISM AND PUBLIC SERVICE

HON. JOHN H. ROUSSELOT

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 30, 1982

● Mr. ROUSSELOT. Mr. Speaker, it is almost 150 years ago that the French statesman Alexis De Tocqueville commented on the amazing spirit of voluntarism and public service that he witnessed in our communities. Wherever there was a wrong to be redressed or a problem to be surmounted, the people of our towns and cities would voluntarily come together to find solutions.

It is this spirit of voluntarism on the part of the Hispanic Women's Council, which is celebrating its ninth anniversary as a community service organization in southern California, that I would like to bring to the attention of this House. The Hispanic Women's Council is recognized as a leader in motivating women's participation in civic, educational, cultural, and community-service activities in an effort to give individuals more control over their own lives. Recognizing the need for education among the Hispanic youth of its community, the Hispanic Women's Council has met the challenge, taking a leadership role in promoting the educational betterment of women and youth. In doing so, this all-volunteer organization has provided opportunities for personal growth, stimulating untapped potential from its members and the surrounding community.

Volunteer service to the community is in the best tradition of American citizenship. I think I can speak for the entire House in expressing our appreciation to the Hispanic Women's Council, and the excellent leadership provided by its president, Gilda Bojorquez-Gjurich, for its many contributions to the residents of southern California, and wishing these dedicated women even more success in the future.●

GEORGE DE VOS: HE CATERS TO SAN DIEGO

HON. BILL LOWERY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 30, 1982

● Mr. LOWERY of California. Mr. Speaker, George De Vos has been a leading restauranteur and caterer in the San Diego area since 1949: a well-known personality with a little-known past. A recent column by Frank Rhoades of the San Diego Union traces the colorful background of this prominent San Diegan. Beginning with his youth in war-torn Belgium, the article follows George through his years among the Hollywood elite as manager of the famed Mocambo nightclub of the forties. It continues with the account of how, over the next 20 years, he went on to establish himself as a cornerstone of the San Diego restaurant business.

Mr. Speaker, George De Vos is a fascinating entrepreneur in the best American tradition and the account of his personal history and accomplishments makes for fascinating reading. Therefore, I commend the following article to the attention of my colleagues:

GEORGE DE VOS

At age 73, durable George De Vos is adding a second responsibility to his managerial duties with Servomation.

In addition to running the food operation in the Stadium Club at San Diego Jack

Murphy Stadium, he will become food and beverage boss at the Community Concourse, April 1.

Since he came here in 1949, De Vos has been a top man in the restaurant and catering business, therefore has been a familiar figure to thousands.

But acquaintanceships mostly were superficial. Few learned, for example, that during the movies' so-called Golden Years, it was up to George to keep the stars happy at the Palm Springs Racquet Club and later at the famed Hollywood night spot Mocambo.

Virtually none knew that as a child in Belgium during World War I, he was gassed by German soldiers and once was totally blind.

This was not because George lives up to his last name, De Vos, in Dutch, meaning the fox.

Cunning, indeed, is not part of his makeup.

He sticks to current subjects in all conversations, and always has seemed to take the position no one is interested in the past.

De Vos is a friendly, soft-spoken man, as conservative as his Harris tweed jackets.

As far as his business life is concerned, he has only one great regret.

That is having sold the Valley Ho restaurant in Mission Valley to Bob Pastore in 1971. Pastore gave the operation an entirely different concept and changed the name to Caesar's.

To this day, De Vos speaks lovingly of the Valley Ho: "The best thing that ever happened to me."

But not as good, of course, as recovering from blindness caused by the German gas.

George Caesar De Vos was born to the family of a Belgium builder on Dec. 3, 1908. In 1913, before the outbreak of World War I, the De Voses moved to Detroit, where they had relatives. The newcomers did not like life in this country and soon elected to return to Wacken, their village in East Belgium.

Young Georges was sent ahead in 1914 with an adult who also was returning to Wacken. The boy would put up with his grandmother until his family arrived.

Before the elder De Voses could complete arrangements to leave for Wacken, the war heated up. Georges (he kept the "s" until he was an adult) remembers:

"A Catholic priest came to take 12 children back from Belgium to Detroit and I was one of them. But my grandmother would not let me leave. My parents remained in Detroit until after the war.

"I remember the day the Germans walked in, wearing green helmets and placing guns on tripods. It was exciting stuff for a kid."

Near the end of the war, the Allies invaded the village and the retreating Germans shelled it with mustard gas.

"Thirteen of us were in a basement. One morning we awakened and all of us were blind. We were taken to a hospital in another town. Two died, having eaten gas-contaminated food.

"We were in the hospital two months before we responded to treatment and regained our sight. Much of the time it seemed I was looking at the world through jelly."

De Vos' family returned to Belgium in February 1919. "I had to be introduced to all of them. I was 11 and we had been separated since I was 5. I had forgotten what they looked like.

"I had a brother now. His name was Marcel. He was an infant then. My parents opened a dry goods store but after 18 months, we all moved back to Detroit. My parents had learned to like it there."

The father became a builder again and Georges was enrolled in a public school, second grade, although he was 12 years old.

"I could speak Flemish (Dutch), French and German but no English. I was so embarrassed I would go home and cry. But I soon learned English and was skipping grades. I graduated in four years."

After high school, George went to Detroit Art Academy, got a job as a commercial artist, and soon lost it. The Great Depression had set in for sure.

The movie industry wallowed in money during the Great Depression, and George De Vos was in a position to watch the glamor people live high on the hog.

De Vos, destined to become a leading restaurateur in San Diego, first watched the stars, the producers and the directors from the sidelines at the Racquet Club in Palm Springs. He was food and beverage manager there, 1936-41.

George went to the Racquet Club to work only one weekend. "The occasion was the Big Top Ball, the leading fund raiser for charity," he recalls. "The owners, (actors) Charlie Farrell and Ralph Bellamy, disagreed on the seating arrangement and split the partnership. Farrell bought Bellamy's interest and put me on full time."

First star De Vos met was Marlene Dietrich, when she ordered a special champagne for a group of friends during a tennis match. It caused something of a stir.

George recalls that director Edmund Goulding must have been the first of the joggers, outside of prizefighters doing road work. "He would run in the desert, then come back and drink bloody Marys.

"Gilbert Roland, Peter Lorre and Paul Lukas went in for fencing. Lana Turner was too young to drink but she would sit in the bar with Greg Bautzer (the lawyer who dated movie queens), making the most of her sweaters.

"Not many stars were club members. The others came as guests of producers and directors."

In '41, De Vos moved to Hollywood as food and beverage boss at the memorable Mocambo nightclub. He became the general manager there in '46 and married Dorothy Morrison, sister of owner Charles Morrison.

Morrison had a small room in the nightclub for rubbernecking tourists, George said. It was called "Siberia." But visiting hicks were not the only ones unwelcomed by Morrison.

George said: "Twice Bing Crosby was turned away at the door because he had no necktie."

Mickey Cohen, the mobster, had a special table. It was in front of two large posts at an end of the dance floor. Mickey ran no risk of getting shot in the back.

George remembers character actor Charles Butterworth as "a friendly man who killed himself in an auto accident, right in front of the Mocambo."

De Vos seems to have split with Morrison before coming to San Diego in 1949. In '37, George had met the late Basil McAfee at Lake Arrowhead. McAfee was out as assistant manager of the U.S. Grant Hotel in '49 and wanted De Vos as a partner in a restaurant venture.

"McAfee had his eye on the waterfront as a location for a restaurant that would be called the Harbor House," said De Vos.

The two became partners, bought a liquor license in Vista and borrowed money on the liquor stock that went with the license.

But Mrs. De Vos was unhappy in San Diego and prevailed upon George to cash himself out of the partnership and return to Mocambo. That didn't work out and two weeks later the De Voses were back in San Diego. After a while, George would manage the Harbor House that McAfee built with a new partner, Mrs. Faye Scott.

"McAfee had a long lease on the land where he built the Harbor House. It was beside the old ferry landing. He could have paid a monthly rental of $350 but he had no money and thought it safer to go on a percentage basis.

"We opened on June 3, 1949. By August, the entire investment had been recovered and McAfee was paying $2,000 a month on a percentage basis."

De Vos and McAfee opened the Secret Harbor restaurant at Fifth and Nutmeg as partners in 1953. De Vos sold his interest to Faye Scott in 1955 and the place was closed a year later after trouble with trade unions.

George stayed as manager of the Harbor House until 1961 when he met Herb Bruggeman at the Mission Bay Golf Club. Paul Zannuch, a liquor salesman, had arranged for De Vos and Bruggeman to golf together.

The upshot was they built the Valley Ho restaurant and opened it the same year. De Vos would manage it. Bruggeman had become wealthy as owner of the Rancho Food Markets. Other stockholders in Valley Ho were Mayor Charles C. Dail, also an owner of Rancho Markets, Charles Sattio, who owned San Diego Fish Co., and Casper Impastato, who was the head bartender.

Valley Ho did an enviable lunch business. The surroundings were elegant and so was the food. De Vos was proud of attracting the cream of the free spenders.

They included such names as the late Marvin K. Brown and Johnny Lyons; Lou Kornik, John Helmer, Larry Barnes and Charlie Pratt.

But the dinner trade was slow. A big, premium-priced restaurant in Mission Valley was to isolated as a dinner house in the early 1960's. De Vos sold it to Bob Pastore in 1971 and the place became Caesar's.

De Vos then gave full time to catering, enjoyed solid success, and since 1977 has managed Servomation's food operation at the Stadium Club. He will add to his duties the comparable job at the Community Concourse when the Servomation takes over catering there, April 1.

It all started in Los Angeles in 1931. George was a jobless commercial artist. He chanced to meet a man named Abe Spector, who had inherited a small restaurant. Neither knew beans about running a beanery, but Abe hired George as his helper.●

CONGRESSIONAL SALUTE TO THE PEOPLE OF BYELORUSSIA IN COMMEMORATION OF THE 64TH ANNIVERSARY OF THE DECLARATION OF INDEPENDENCE OF THE BYELORUSSIAN DEMOCRATIC REPUBLIC

HON. ROBERT A. ROE

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 30, 1982

● Mr. ROE. Mr. Speaker, I rise to mark a historic day that is cherished by all freedom loving people who are deeply committed to the ideals of self-determination and independence of thought and action.

It was 64 years ago on March 25, 1918, that the executive committee of the First Byelorussian National Congress proclaimed the Byelorussian Democratic Republic, initiating a period of guaranteed freedom of speech, assembly, and the equality of all citizens under the law.

But, unfortunately that exercise in freedom was short lived. Under the leadership of Lenin, the new imperialistic Bolshevik government of Soviet Russia reconquered the independent Byelorussian state.

To camouflage this aggression, the Moscow regime arranged the formation of its own colonial state, the Byelorussian Soviet Socialist Republic, on January 1, 1919, in the city of Smolensk.

The Byelorussian people were the victims of both Communist aggression and imperialism, and later, Nazi occupation. But they remained steadfast in their opposition to subjugation. Scores of brave Byelorussian heroes gave their lives in the fierce battle to save their homeland from the brutal Russian Communist forces.

Since 1921, the Russian Communist Party has controlled the internal affairs of Byelorussia, but the cultural heritage of its people has remained one of the strongest and richest in all Europe.

Today the Byelorussian-American community has related to me that it is deeply concerned over the events in Poland. Some 300,000 Byelorussians live in that troubled nation and they have received extremely harsh treatment from the military regime there.

Mr. Speaker, I would like to lend my support today to a request by the Byelorussian-American community that the Byelorussian language be included as part of our Voice of America programing.

It is vitally important that our Byelorussian brothers know that the people of the United States stand strongly behind their efforts to regain their lost freedoms.

Mr. Speaker, the proud people of Byelorussia are an inspiration to us all and we join them today in the hope that one day their dreams of freedom and independence will be realized.●

A TRIBUTE TO DOUG BROWN, TORRANCE CITY COUNCILMAN

HON. GLENN M. ANDERSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 30, 1982

● Mr. ANDERSON. Mr. Speaker, it is with great pleasure that I invite my colleagues to join me in honoring Mr. Doug Brown, an outstanding, dedicated public servant who, after serving as city councilman for Torrance, Calif., for the past 6 years, is returning full-time to the practice of law.

For those of us who have known Doug and worked with him over the past years, this is an occasion of mixed feelings. We acknowledge his excellent work as councilman on behalf of the residents of Torrance and we regret that he will no longer be as active in the legislative arena. I say "as active" because I am confident that he will not abandon Torrance policymaking entirely.

Doug graduated with honors from the University of Southern California, after which he worked in the U.S. Attorney General's Office. He later became special counsel to the U.S. Department of Housing and Urban Development, and currently is a partner in the law firm of Rich Ezer.

As councilman, Doug was chairman of council committee on transportation, and was a member of the committee on finance and governmental operations as well as the committee on employee relations and department organization. Outside of the city council, Doug served as president of Behavioral Health Services. This is a nonprofit organization located in the South Bay which works with the area's residence in drug abuse, alcoholism, and senior citizen matters.

Doug has been an active volunteer in many other civic groups, including the Parent Teachers Association the Young Men's Christian Association, the Angeles Council, the Girl Scouts, and the American Youth Soccer Organization.

Mr. Speaker, Doug Brown's dedicated service has touched the lives of many people both within and around the city of Torrance, and his contributions will truly be missed. He has left a mark in the city council which will not be forgotten, but instead will be remembered with appreciation.

My wife, Lee, and I offer our congratulations to him and Torrance upon the accomplishments during his tenure as city councilman. We are confident that he will continue as an inspiring figure in civic and business affairs. We also want to extend to Doug, his wife, Linda, and their children Stephen, David, Lisa, and Michael, our best wishes for a bright and happy future.●

FARM BUSINESS BEING DESTROYED

HON. CARROLL HUBBARD, JR.

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 30, 1982

● Mr. HUBBARD. Mr. Speaker, we all know the American agricultural economy is in a desperate condition today, perhaps facing the most serious situation it has faced since the Great Depression. With farm expenses soaring and cash receipts decreasing, both at an alarming rate, one cannot deny that an emergency truly exists for America's farmers. A young farmer in my district, Roy Dale Purcell, and his wife Marsha, of Boaz, Ky., have written me a very thoughtful letter concerning what is happening to his livelihood. I believe the Purcell's letter is one which should be shared with my colleagues and I wish to do so at this time:

> DEAR MR. HUBBARD: As an American farmer, I am 31 years old, have a wife, two children, a very comfortable home, own 96 acres and rent 400 acres. Sound great?
>
> Well, until you come to the part that makes it impossible to pay my debts, my life is good. All the elements I have to contend with are seriously destroying my business. I have farmed since the age of seven and even though it's one of the hardest jobs I know of, I enjoy and love my profession.
>
> In 1980, I lost $22,000 because of drought. This was a disaster area claimed by the government. The only thing that helped me were 5 percent disaster loans from FHA. I lost again in 1981 with a late crop and market prices. We used projected prices and average yields furnished to us by the government for our farm home plan.
>
> Those figures were:
>
> Wheat—35 bushels at $4 per bushel.
> Corn—125 bushels at $3.50 per bushel.
> Soybeans—26 bushels at $7 per bushel.
>
> We got these yields and prices:
>
> Wheat—33 bushels at $3 per bushel.
> Corn—73 bushels at $2.48 per bushel.
> Soybeans—22 bushels at $6.23 per bushel.
>
> The yields are our problem, but you can surely help with prices. The price of a loaf of bread is one third of what we get for a bushel of wheat. Does that seem fair to you?
>
> An example for comparison is oil prices. I would guess a barrel of oil at $30 to $40 and when it gets to the pumps it's $1.40 a gallon. We have to buy that barrel of oil and pay that price at the pump. What price we pay is what they asked for the product. Also, we have to pay the asking price for a car or piece of machinery. The organized labor worker got good wages for his hours worked. But, yet when we ask for a decent price, we get laughed at or ignored.
>
> In 1930, half of our population was farmers. Now, it's down to 2.7 percent. Our most precious resource is rich fertile land to produce this nation's food. Before we lose that 2.7 percent farming population, someone had better wake up.
>
> The Farm Bill passed only because the White House wanted it to. It was last on the agenda, a hurried vote so the Congressmen could get home for Christmas, and reported as a $11 billion bill, so the public thinks it's great. Congressman Hubbard, I commend you for voting the way you saw fit; too bad your fellow Congressmen didn't.
>
> The industrial states are busy making sure all their items get votes on to their liking. They probably just ate dinner and don't realize that someday they might be hungry. Grant you, mining of coal, aluminum and chemicals, harvesting wood, and pumping oil as raw material are just as important as a soybean is to us. We are not expecting nor asking for total attention to the farm product, just equal time.

The federal crop insurance program is a joke. Last year, over half of our burley crop was lost, but we owed a premium of $126. Knowing this, FHA required us to at least insure our corn this year and we will pay a $1,885 payment for a 51 bushel corn yield.

Our FHA office is completely understaffed. Graves County has approximately 400 farmers and only one man in the FHA office has the authority to make any decisions. It takes months to get appointments and then they get cancelled. We didn't get our expense money until well into the 1981 crop last year. There are just not enough workers for the workload.

I am a professional in my business. Not college educated, I was taught by generations of farmers. That's the best way to learn. These well taught farmers such as I, are an endangered species.

I hope and will appreciate any and all attention to this issue and expect to hear comments from anyone who gets to read my letter.

An additional thanks for you, Mr. Hubbard, for your concern. I hope you can help.

Sincerely,

ROY DALE PURCELL.
MARSHA PURCELL.●

THIRD ANNIVERSARY OF THE ACCIDENT AT THREE MILE ISLAND

HON. TED WEISS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 30, 1982

● Mr. WEISS. Mr. Speaker, March 29, 1982, marked the 3-year anniversary of the accident at the Three Mile Island nuclear facility in Pennsylvania. In the 3 years since the accident, Three Mile Island has stood as a symbol of the failed promise of nuclear power. Careful scrutinization of its current condition and potential for hazard reveals again that any commitment to nuclear power should be abandoned.

Most menacing is the lingering existence of over 1,000,000 gallons of contaminated water in the containment and auxiliary compartments of the plant. The operator of Three Mile Island, General Public Utilities, seems determined to dump the water—once decontaminated—into the adjacent Susquehanna River. However, should that water be dumped in a rush to reopen Three Mile Island, the decontamination mechanism now in use there will stand untested.

Alternative methods for disposing of the water, such as planting it in containment tanks beneath the Earth's surface, are extravagant and beyond our technological know-how. No safe, well-tested alternative for disposing of radioactive water exists.

Continued storage of the contaminated water on the site poses an increasing health risk to plant workers and the surrounding populace. Just last week, fears were raised when a leak of radioactive fuel into a plant control room threatened workers.

The cost and feasibility of cleaning up Three Mile Island demonstrate other liabilities of nuclear power. Once, the expense of cleaning up after an accident was labeled a "hidden cost," but in light of Three Mile Island, it is hidden no more. Estimates for cleaning up the plant range as high as $1.3 billion. And the slow progress of the cleanup will only inflate the final cost.

At least one official of the Environmental Protection Agency has said that he doubts the plant will ever operate again. General Public Utilities lacks the resources to fund the cleanup and, even with the aid of the Federal Government and certain independent concerns, funding the cleanup in a safe, efficient way may be physically inconceivable.

One aspect of the cleanup gives rise to particular concern. It will be necessary, at some point, to open the damaged reactor's core to remove and dispose of 40,000 twelve-feet-long spent radioactive fuel rods. These rods are constructed of zirconium and house uranium pellets. The Nuclear Regulatory Commission has said that many of the rods melted during the accident, leaving the "hot" pellets free to migrate when the core opens. Normally, the rods are removed cautiously by a remote controlled crane. Because of the damage to TMI-2, opening the core could allow the pellets to fall freely to the floor or travel through the reactor.

Even if removal of the spent fuel rods can be performed safely—and evidence suggests that it cannot—the rods will have to be transported and disposed of. Already, spent nuclear fuel rods are being stored and stockpiled in plants all around the Nation. There exists no effective, totally safe method of long-term storage or disposal. And, transportation of the rods through densely populated areas presents a serious threat to human life.

The problems associated with cleaning up Three Mile Island and the accident itself exemplify the many liabilities of nuclear power. None of nuclear power's proponents accounted for these problems before Three Mile Island was erected in the 1970's. They only assured the public that nuclear powerplants were safe and that any resulting crisis could be resolved simply by the industry's technological wizardry. At Three Mile Island, their bag of tricks is apparently empty.

Today, we are at a critical crossroads in determining the future of nuclear power. As a last-gasp effort to revive their imperiled industry, nuclear proponents are claiming again that nuclear power is safe, that the technology is foolproof. For once, public sentiment appears to counter them firmly.

In November of 1981, NBC-TV and the Associated Press conducted a poll in which 56 percent of the respondents opposed the development of new reactors and 63 percent said they preferred conservation and renewable energy sources to expanded nuclear power.

These responses can be traced greatly to the memory of the Three Mile Island accident. But, just as strongly, unfulfilled promises of economic feasibility and the education of the public about the hazards of nuclear power have slowed, and virtually halted, the continued planning and construction of nuclear power plants. In all, the nuclear industry has received more cancellations than new orders for nuclear facilities over the last 8 years.

What occurred at Three Mile Island on March 29, 1979, should serve as more than an historical footnote. The full extent of the health hazards to the surrounding population is still unknown and may not be known for years. Yet, with the passage of time, the consequences of nuclear power have not faded from public awareness.●

OUR OVERPAID AUTO EXECUTIVES

HON. PATRICIA SCHROEDER

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 30, 1982

● Mrs. SCHROEDER. Mr. Speaker, just out of curiousity, after having heard a great deal about the wages of autoworkers, I asked the Congressional Research Service to put together a summary of information comparing the salaries of U.S. auto executives with their counterparts overseas.

The summary follows:

THE LIBRARY OF CONGRESS,
CONGRESSIONAL RESEARCH SERVICE,
Washington, D.C., March 22, 1982.

To: Honorable Patricia Schroeder.

From: Dick K. Nanto, Analyst in International Trade and Finance, Economics Division.

Subject: Automobile Industry Executive Compensation.

This memorandum is in response to your letter of March 8, 1982, requesting information on executive and management salaries for the U.S. auto industry and for relevant international comparisions.

Table 1 shows the salaries for chief executives of American auto manufacturers for recent years. Around the peak year of 1978, total compensation of nearly a million dollars was not unusual. By 1980, however, compensation had fallen to around a half million dollars, because of the disappearance of bonus payments which are tied to corporate profits. In 1980, none of the major U.S. automakers reported a profit on domestic operations. Note that this definition of compensation does not include benefits, contingent remuneration (deferred compensation and accruals under performance-related long-term incentive plans), or gains from the exercise of stock options and/or stock appreciations.

Although U.S. auto executive compensation might appear high compared with that of the President of the United States or a member of Congress, it is not out of line with compensation in other U.S. industries. In 1978, the $925,000 in compensation for the President of General Motors was only the seventeenth highest and was less than half the amount received by the highest paid executive in the country. During that year, the $1,099,000 for Henry Ford II placed him in tenth place behind executives from corporations such as International Harvester, Boeing, and Norton Simon. In 1980, of 940 top officials in 350 of the largest U.S. companies, 60 earned from $700,000 to $2,400,000, and 270 earned from $400,000 to $700,000. The median pay for board chairmen was $445,158.[1]

The bonus system for top U.S. auto executives automatically reduces total compensation when profits are down. The companies, themselves, also are taking severe cost-cutting measures that are designed to reduce the wage bill for white-collar employees. In December 1981, for example, following similar moves by Chrysler and Ford, General Motors announced that it was eliminating 13,000 salaried jobs and cutting back benefits for 190,000 non-union, white-collar workers.[2]

According to auto industry analysts, a problem with the management of U.S. auto producers is that they tend to have too many layers of management when compared to those in competitor countries. There are eight to twelve management layers between the factory floor and the chief executive officer in U.S. auto companies, while Japanese and European companies have four to seven.[3] Recent efforts by U.S. companies to streamline their operations have eliminated some of these layers, but they still can contribute to inefficiency and to higher pay at the top.

Information on auto company executive compensation in other countries is sparse. The Chairman of Nissan (Datsun) Motors is reported to earn $140,000, while the top ten officers at Renault earn, on average $100,000 per year, with no one's salary exceeding $150,000.[4]

Gross income for Japanese auto executives as reported on income tax returns for 1977 is shown in Table 2. Gross income is not equal to compensation, because it includes money received from investments, property, and capital gains. The figures in Table 2, therefore, should be considered to be upper bounds and only general indicators of levels of compensation.

Average middle management salaries for all industries in the United States are actually quite low when compared to those in other major countries of the world. In 1979, a survey showed that the average base salary of $51,400 in the United States placed it in ninth place behind countries such as Spain, Venezuela, Brazil, Germany, and Switzerland, which had the highest ($99,800).[5] (See Table 3.)

TABLE 1.—EXECUTIVE SALARIES FOR U.S. AUTOMOBILE PRODUCERS, 1977–80

[In thousands of dollars]

Name, title, and year	Salary	Bonus	Total
General Motors Corp.:			
Thomas A. Murphy, chairman and chief executive officer:			
1980	400		400
1979	367	575	942
1978	350	625	975
1977	350	625	975
Elliott M. Estes, president and chief operating officer:			
1980	350		350
1979	317	575	892
1978	300	625	925
1977	300	610	910
Ford Motor Corp.:			
Philip Caldwell, chairman:			
1980	400		400
1979	370	522	892
1978	360	670	1,030
1977	339	615	954
Donald E. Peterson, president:			
1980	313		313
1979	229	414	643
Henry Ford II, chairman and chief executive officer:			
1979	331	320	651

TABLE 1.—EXECUTIVE SALARIES FOR U.S. AUTOMOBILE PRODUCERS, 1977–80—Continued

[In thousands of dollars]

Name, title, and year	Salary	Bonus	Total
1978	375	681	1,056
1977	372	620	992
J. Edward Lundy, executive vice president:			
1978	340	659	999
1977	335	610	945
Chrysler Corp.:			
Lee A. Iacocca, president:			
1980	616		616
1979	266	[1] 1,000	1,266
John J. Riccardo, chairman:			
1979	360		360
1978	343		343
1977	315	113	428
American Motors Corp.:			
Gerald C. Meyers, chairman and chief executive officer:			
1980	385		385
1979	329	360	689
1978	229	175	404
1977	160		160
W. Paul Tippett, Jr., president and chief operating officer:			
1980	285		285
1979	219	200	419
Roy D. Chapin, Jr., chairman:			
1978	211	110	321
1977	250		250

[1] Accrued portion of $1,500,000 awarded upon employment.

Note: Compensation does not include contingent remuneration or stock gains.

Sources: Annual Survey of Executive Compensation. Business Week, May 11, 1981, p. 61; May 12, 1980, p. 60; May 14, 1979, p. 79–107

TABLE 2.—GROSS INCOME OF JAPANESE AUTOMOBILE INDUSTRY EXECUTIVES, 1977

Name and position	Gross income	
	In yen	In dollars
Katsuji Kawamata, chairman, Nissan Motor	91,117,000	339,356
Shoichi Saito, chairman Toyota Motor	63,781,000	237,546
Eiji Toyoda, president Toyota Motor	106,010,000	394,823
Shoichiro Toyoda, executive vice president, Toyota Motor	130,229,000	485,024
Kohei Matsuda, president, Toyo Kogyo (Mazda)	39,965,000	148,845

Note: Yen values converted to dollars at 268.5 yen per dollar. Gross income is as reported on tax returns.

Source: Tokyo Shoko Risa-chi. Zenkoku Kogaku Shotokusha M[illegible]. Tokyo, 1977.

TABLE 3.—INTERNATIONAL RANKING OF EXECUTIVE SALARIES, 1979

[Table also shows changes in rankings from 1974 to 1979]

Middle management 600 job unit level	Base salary in U.S. dollars 1979		Base salary in U.S. dollars 1974		Percent change in U.S. dollars 1974–79	Percent change in local currency 1974–79	Percent inflation increase dollars 1974–79 [1]	Percent change local versus U.S. dollars 1974–79	After-tax income, U.S. dollars 1974 [2]	
	Rank	Amount (thousands)	Rank	Amount (thousands)					Rank	Amount
Switzerland	1	$99.8	1	$51.2	95	26	16	+55	1	$66.4
Belgium	2	86.3	5	42.8	102	60	43	+26	5	48.9
Germany	3	80.4	3	46.4	73	31	23	+33	4	50.4
Brazil	4	75.5	4	45.0	68	593	405	−72	6	46.7
Netherlands	5	72.6	6	41.7	74	37	38	+27	7	41.2
France	6	71.9	7	38.9	85	74	59	+7	2	56.2
Venezuela	7	61.5	2	46.8	31	32	48	−.04	3	53.1
Spain	8	52.0	12	29.1	79	112	127	−16	7	41.2
United States	9	51.4	8	35.7	44	44	46		8	39.4
Italy	10	46.9	11	31.1	51	90	99	−21	9	34.7
Mexico	11	45.1	9	34.2	32	141	131	−45	11	27.2
Canada	12	41.1	10	33.1	24	47	52	−15	10	29.2
Australia	13	40.9	13	26.7	53	81	66	−15	13	25.7
United Kingdom	14	35.9	15	20.0	80	92	102	−7	12	26.6
New Zealand	15	28.5	14	21.9	30	70	82	−23	14	16.1

[1] Based on Consumer Price Index.

[2] After personal income and social security taxes for family of 4.

Source: International Executive Compensation. Wharton magazine, vol. 4, winter 1980. p. 40.●

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[1] Corporate Chiefs' Pay: Up, Up—and Away. U.S. News and World Report, v. 90, May 18, 1981. p. 81.

[2] Woutat, Donald. GM Drastically Cuts Back 190,000 Workers' Benefits. Los Angeles Times, December 19, 1981. p. 1, 4-5.

[3] Schwartz, Michael, and Glenn Yago. What's good for Chrysler is Bad for Us. The Nation, v. 233, Sept. 12, 1981. p. 203. Japan's Edge in Auto Costs. Business Week, Sept. 14, 1981. P. 97.

[4] Green, Mark. Richer Than All Their Tribe. New Republic, January 6, 1982. p. 21.

[5] International Executive Compensation. Wharton Magazine, v. 4, Winter 1980. p. 42.

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H.R. 5252: HOW'S THE AIR IN YOUR STATE?

HON. ANTHONY TOBY MOFFETT

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 30, 1982

● Mr. MOFFETT. Mr. Speaker, on Thursday, March 25, 1982, the Subcommittee on Environment, Energy, and Natural Resources, which I chair, heard testimony in Norwalk, Conn., on the administration-backed proposal to rewrite the Clean Air Act. The verdict was severe, critical and to the point: This legislation will be harmful to the environment, to the public and to the Nation's commitment to clean air.

The Connecticut Department of Environmental Protection was particularly critical of the proposals to double the tailpipe emissions of carbon monoxide and oxides of nitrogen. It noted that 1981 automobiles already meet the standards; yet, our city of Stamford has the highest concentrations of carbon monoxide in the Nation. Moreover, existing and unhealthful levels of ozone—these experts testified—will considerably worsen under H.R. 5252.

These findings, and others like it, should be of interest to every Member in this House. Soon, we may be called upon to vote on this legislation. My advice is for each of my colleagues to ask the questions that I asked in our Connecticut hearing. Are your citizens satisfied with existing levels of pollution under the current law? Will they be satisfied with more pollution; because, this is the inevitable result from H.R. 5252.

CONNECTICUT EXPERTS SAY STATE'S AIR IS AMONG UNHEALTHIEST IN THE NATION

(By Matthew L. Wald)

NORWALK, CONN., March 25.—Connecticut has some of the unhealthiest air in the United States, and its air quality will get even worse if Congress approves the changes to the Clean Air Act favored by the Reagan Administration, according to numerous expert witnesses at a Congressional hearing here today.

Stamford's air has the highest concentration of carbon monoxide of the 48 largest cities in the nation, 29 percent higher than the concentrations found in the New York City-northeastern New Jersey area, and 18 percent higher than the levels found in Los Angeles.

These figures come from an analysis of the Administration-backed proposal by the Subcommittee on Environment, Energy and Natural Resources of the Government Operations Committee. The subcommittee chairman is Representative Toby Moffett, Democrat of Litchfield.

Tailpipe emissions from passing vehicles have such a strong effect on Stamford that some traffic jams on the Connecticut Turnpike have "made Los Angeles look like a joke," Dr. Ralph Gofstein, Stamford's Director of Health, testified.

The Reagan Administration favors legislation to relax pollution standards for cars and stationary sources. The legislation was offered by Representative Thomas A. Luken, Democrat of Ohio, and approved earlier this week by a subcommittee of the House Energy and Commerce Committee.

WOULD ADD CARBON MONOXIDE

Representative Luken's measure would allow a doubling of emissions from automobiles of carbon monoxide, which, according to testimony here by health experts, causes decreased mental and visual ability at low concentrations, and more serious effects at higher levels, including emotional instability, impaired judgment, unconsciousness and death.

State officials testified that Federal action was necessary because Connecticut, which has already spent millions of dollars to reduce pollution, receives many toxic chemicals with the air that blows in from the west.

For example, the levels of ozone—a respiratory irritant—in Hartford and Bridgeport are higher than in New York City and northeastern New Jersey, Chicago, Detroit and Baltimore, according to figures of the Federal Environmental Protection Agency.

"We'll attain the standards for ozone on most of the days when Connecticut generates and measures its own problem," said Leonard Bruckman, director of the air compliance unit of the Connecticut Department of Environmental Protection. But he said that two thirds of the ozone measured in Fairfield County blew in from the New York City area. "We're downwind of the United States, and very much downwind of the New York metropolitan area," he said.

ACID RAIN PROBLEM CITED

The ozone problem would be made more severe by the Administration-backed proposal, experts said, because that bill would double allowable emissions of nitrogen oxides, a precursor. Nitrogen oxides are present in the air of Hartford, Bridgeport, and New Haven at levels above those found in Washington, Pittsburgh, Dallas and Cincinnati, according to E.P.A. figures.

Nitrogen oxides also cause lung irritation and decrease resistance to infection, public health authorities testified, and are a contributing factor to "acid rain," a condition that the state's Department of Environmental Protection believes will soon threaten Connecticut's lakes.

However, in the case of carbon monoxide, nitrogen oxides and several other categories of pollutants, the relaxation is favored by a coalition of lawmakers from states with auto factories and steel mills, and where high-sulfur coal is mined or burned for electricity. Mr. Moffett called the measure "a health disaster" and repeatedly referred to it as "the dirty air bill."

Amendments to the Clean Air Act in 1977 required Congress to review the standards before the end of this year.

Under the current law, Connecticut has brought proceedings before the E.P.A. and sued in Federal court to force upwind states to comply with Federal regulations, but without success.●

THE LEGACY OF THE SOMOZA REGIME IN NICARAGUA

HON. MICHAEL D. BARNES

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 30, 1982

● Mr. BARNES. Mr. Speaker, the leading Nicaragua expert in the United States, Prof. Richard L. Millett of Southern Illinois University, recently wrote a paper for the State Department on the legacy of the Somoza regime in Nicaragua. This paper explains a great deal of what is happening today in that country. There is something in this balanced treatment to challenge the preconceptions of all of us. I urge my colleagues to give it their careful attention.

THE LEGACY OF THE SOMOZA REGIME

(By Richard L. Millett, Southern Illinois University)

The Somoza family dominated Nicaragua from 1936 until July, 1979. During this period the family used its political power to establish control over large areas of the national economy, amassing in the process the largest fortune in Central American history. Throughout their time in power, the Somozas constantly sought to associate themselves with the United States, creating the fixed image in Nicaragua and throughout much of the hemisphere that they were Washington's choice for running Nicaragua. As a result, the end of the dynasty has created not only major political and economic problems for Nicaragua, but has also left a bitter legacy of hostility and recrimination which plagues U.S.-Nicaraguan relations.

One of the major effects of the Somoza legacy on Nicaragua has been lack of experienced administrators available to the new government. For over forty years loyalty to the Somozas was the prime prerequisite for attaining a high governmental position in Nicaragua. This applied not only to the central administration, but also to a variety of government entities such as the Central Bank and ENALUF, the national electric company. The result has been a serious lack of administrative experience in the new regime. When combined with the rapid expansion of the government under the Sandinistas and the necessity of administering the vast economic holdings confiscated from the Somozas and their followers this has produced considerable confusion and inefficiency. In the early days of Sandinista rule leaders of the private sector and other non-Marxist groups filled some high ranking positions, providing badly needed experience, but the progressive polarization of the domestic political scene has led to the departure from government of many of these individuals.

Another Somoza legacy is a deeply ingrained mass cynicism towards government and the political process and a lack of any public tradition of subordinating individual interests to the national good. This makes it difficult for the new government to mobilize mass support for its programs.

In contrast to the tactics of such regimes as those of Trujillo in the Dominican Republic and Duvalier in Haiti, the Somozas, for most of their time in power, deliberately allowed a good deal of verbal dissent and complaints about their regime. Even high government officials were known to joke about the corruption of the Somozas. As a result, Nicaragua has a strong tradition of complaining about government, dismissing its public statements as self-serving propaganda and believing that the prime purpose of government service is personal enrichment. This is especially true in urban sectors, where many Nicaraguans today are openly willing to voice their complaints about the Sandinistas. The significance of this complaining, however, should not be overemphasized. It is virtually a national tradition and does not signify strong support for any alternative political forces.

A related phenomenon is the tendency to blame much of Nicaragua's past and present ills on the Somozas and to identify all opposition to the current regime as "somocista." The Somozas have become virtual devil figures in Nicaraguan political mythology and are constantly invoked by the Sandinistas in efforts to discredit opposition. Examples of this are readily available. In 1980 Barricada, the government newspaper, ran a cropped photo purportedly showing opposition leader Alfonso Robelo and Somoza together. Sandinista rallies regularly chant such slogans as Robelo–Somoza, son la misma cosa. (Robelo and Somoza are the same thing.) Despite the obvious fact that many of the current anti-government forces are led by individuals who were active in the fight against Somoza, the government regularly attributes virtually all activities of such groups to attacks by somocistas and ex-National Guardsmen.

While the devil-image of Somoza provides the government with a constant source of propaganda, it also creates serious problems. The popular image of the former dictator as the source of all evils and the hoarder of the national wealth led to mass expectations that his fall would be followed by a rapid rise in the standard of living. This has obviously not occurred, leading to frustration and some suspicion that the new rulers are keeping much of the former dictator's wealth for themselves. While a significant psychological letdown is normal in the aftermath of almost all major social revolutions, the exaggerated image of the Somozas in Nicaraguan public perceptions probably aggravates this even more than might normally be expected.

On a more concrete level, the Somoza heritage left major social and economic problems for Nicaragua. The nation was left with the third highest rate of illiteracy in the Western Hemisphere. It also had massive health problems with a high infant mortality rate, a resurgence of malaria and a lack of basic sanitation and potable water facilities. The latter contributed greatly to the fact that gastroenteritis and other diarrhea diseases were the leading cause of death in Nicaragua. In addition, Nicaragua had Central America's highest rate of chronic alcoholism and, according to the "Guiness Book of World Records," the world's highest homicide rate.

A peculiar heritage of the Somoza years was that Nicaragua, with the lowest population density of any Central American nation (except Belize) had, at the same time, the highest percentage of urban population. Urban housing was long a major problem in Nicaragua, as in most developing nations, but the situation was made much worse by the effects of the 1972 earthquake which virtually destroyed Managua. Government reconstruction efforts, hampered by widespread corruption, concentrated on rebuilding suburban areas and providing suburban-like areas for the growing middle class. Most of the downtown area remained a weed-infested wasteland, with ruined buildings continuing to stand throughout the 1970s. This peculiar landscape was seen by many observers, both foreign and domestic, as an appropriate monument to the rule of the Somoza family.

In some ways, economic growth under Somoza rule was impressive. At times, especially during the 1960s, the nation boasted the highest rate of economic growth in Latin America. Cotton, cattle and sugar all became major exports during the Somoza years. Industry also grew significantly, spurred on by the establishment of the Central American Common Market. There were, however, severe social costs for much of this growth. Land concentration increased in the Pacific lowlands where the bulk of the population was concentrated. Food production failed to keep pace with growth in other areas and the position of the small farmer probably declined in the final decades of the dynasty. 90 percent of these farmers enjoyed a per capita income of $135 or less.

The industrial growth also was somewhat distorted. In some areas the prime purpose was to provide employment and profits for Somoza supporters and relatives. Emphasis was placed upon consumer goods and upon production of agricultural chemicals and insecticides for the rapidly expanding cultivation of export crops. Much of the new industry was high cost and inefficient, but the combination of protective measures by the Common Market and domestic policies highly favorable to their operations nevertheless insured high profit levels.

The economy was heavily dependent upon imported energy sources, foreign loans and imported raw materials for much of the industry. This, combined with growing government corruption and the financial demands of the earthquake reconstruction effort led to a deteriorating financial situation throughout the mid-1970s. Debts mounted rapidly and the deficit of the public sector grew at a corresponding rate. Inflation became a severe problem, exceeding 14% in 1974.

All of these problems were severely exacerbated by the civil conflict which led to the fall of the Somozas. During the fighting about 35,000 Nicaraguans, over 1% of the population, were killed and another 110,000 were wounded. Over 10% of the population became refugees, including nearly 100,000 who fled abroad. Over 150,000 were left homeless. By the end of the fighting a million Nicaraguans were dependent upon relief efforts for their basic necessities.

Economic damage exceeded that caused by the 1972 earthquake. Loss of plant and inventory was estimated at $117,700,000. Industrial production fell 7% in 1978 and a staggering 32% in 1979. Several factories in the industrial zone of Managua were completely destroyed.

Agriculture also suffered. Cotton production was off 80% in 1979 and sugar and beef production also declined significantly. Slaughter of breeding stock made the decline in the latter area of special long-term significance. As a result, Nicaragua's balance of trade deteriorated still further, a situation which the Sandinistas have been unable to correct.

Finances were perhaps the area hardest hit by the internal conflict. Capital flight intensified and the cordoba had to be devalued in 1979. New loans were contracted, including a major one from the IMF, but the proceeds were largely consumed during the conflict. In his final weeks in power, General Somoza undertook a systematic looting of what remained in the national treasury. By July 19 the Central Bank had only $3,500,000 in reserves with which to meet $593,700 in debts due during the rest of the year. Total debt was $1,541,200,000, much of it in short terms high interest obligations. Without major debt refinancing the government would have gone bankrupt within a relatively short time.

The private banking sector was also devastated, contributing to the new government's rapid decision to nationalize this sector of the economy. This move added little to the government's available financial resources. As in most other domestic areas, the fiscal heritage of Somoza rule has been a major problem for the current government.

A final domestic heritage was the conversion of the National Guard, Nicaragua's combined military and police force, into a corrupt and hated instrument of personal rule. The Guard fell with Somoza, in part due to his own machinations in his last days in power, and was totally destroyed within Nicaragua. The resultant vacuum was rapidly filled by the Sandinistas whose armed supporters emerged from the civil conflict with a virtual monopoly over the organized use of force within Nicaragua.

Disastrous as the Somoza heritage has been for Nicaragua domestically, it has had perhaps equally serious effects on relations with the United States. For distinct reasons, both the Somozas and the Sandinistas had long stressed the ties between the family dynasty and the United States. As a result all the faults of his regime were associated with the United States and his final fall was widely viewed as a defeat for American influence.

To fully understand these attitudes requires some analysis of Nicaraguan history. More than any other Central American republic, Nicaragua had long been the object of direct United States involvement in its internal affairs. In the 19th century an American soldier of fortune, William Walker, actually established himself briefly as Nicaragua's "President" before being driven out by a combined Central American Army. Interest in a possible canal route kept American interest at a high level in the late 19th and early 20th centuries. Even after Panama was chosen for the canal, interest remained high. In contrast to neighboring Honduras, this interest came much more from Washington than from any private company. In 1912 and again in 1926 major Marine interventions were used to put an end to civil conflicts and assure the retention of power by pro-U.S. regimes. In the latter case, the Marines remained until 1933, in part because they found themselves engaged in a bitter, prolonged guerrilla conflict against the forces of General Augusto Cesar Sandino. Sandino, who repeatedly declared that he was fighting to defend Nicaraguan sovereignty and liberate the nation from foreign invaders, was never subdued by the Marines, laying down his arms only after they had finally departed from his country.

If the 2nd intervention established the symbol of Sandino as the prime opponent of American domination it also established the ties between Washington and the Somoza family. Anastasio Somoza Garcia, founder of the dynasty, used his ties with the Americans and his command of English to rise in Nicaraguan politics during the intervention. One major effect of the Marine occupation was the replacing of all previous military and police forces with a U.S. trained and equipped National Guard. Independent of the traditional sources of power in Nicaragua, the Guard rapidly achieved the potential to dominate internal politics. Combining his Nicaraguan political ties with his contacts with North Americans, General Somoza managed to get himself appointed as the Guard's commander when the Marines withdrew. Just over a year later, the guard murdered Sandino and Somoza began his quest for national power. In 1936 he overthrew the incumbent President, who was also his wife's uncle, then staged a carefully controlled election which brought him to the presidency. From then until 1979 the Somozas controlled Nicaragua.

From the beginning, General Somoza cultivated the image of United States support. He claimed, falsely, that the American Minister had approved the killing of Sandino. He managed to get himself invited to Washington during his first term in office and immediately began encouraging stories of his close personal friendship with President Roosevelt. The main street of the capital was renamed in honor of Roosevelt, his birthday was made a holiday, and, after his death, a huge monument was erected to him. Somoza strove to identify all of his opponents as anti-American, while, at the same time, strongly supporting in the Pan American Union and, later, in the U.N. and O.A.S., virtually every position adopted by Washington. He requested and obtained an American director for his military academy, American equipment for his troops and American aid for highway construction. He sent his sons to the United States for both secondary and higher education, with the younger, Anastasio Somoza Debayle, actually graduating from West Point. Relations cooled in the mid-1940s, especially after the General used the Guard to perpetuate his control over the government, but he skillfully used growing American fears of communism to heal the breech. When he was shot in 1956 he was flown to the Canal Zone for treatment and was attended by President Eisenhower's personal physician. All this, though, proved unavailing and he died within a few days.

His two sons took over power in Nicaragua with the elder as President and the younger commanding the military. They continued close ties with the United States, even providing the bases from which the abortive 1961 Bay of Pigs invasion of Cuba was launched. The elder brother made some efforts to liberalize Somoza rule, but, following his death and his brother's "election" to the Presidency this trend was largely reversed. Anastasio Somoza Debayle continued his father's tactics, cultivating U.S. support and investments, sending his sons the United States for education and giving unswerving support to U.S. policy along with constant attacks on his opponents as agents of communism.

Domestic disaffection with prolonged Somoza rule combined with an almost personal feud with Fidel Castro contributed to the creation of an opposition guerrilla force, the Sandinista Liberation Front (FSLN). Early FSLN efforts were easily defeated, but the group survived and maintained support, especially among student groups. The 1972 earthquake increased popular hostility towards the regime and began a period of increased FSLN power. It also strengthened the identification between the Somoza family and the United States as the U.S. Ambassador urged massive support of the government in the post-quake period. In return, the Ambassador was praised by Somoza who opposed his recall and even placed his picture on the twenty cordoba bill.

As FSLN actions spread, Guard tactics became more brutal. The Guard was also closely linked with the United States having more of its members graduating from American service schools than those of any other Latin American army. This increased FSLN hostility towards the United States and reinforced their image of Somoza as "the last Marine," Washington's man in Managua. Efforts to disassociate the United States from the dictator began in the Ford administration and increased greatly under President Carter, but were generally too little and too late.

By the late 1970s most Nicaraguans still firmly believed that the United States made or at least approved all basic political decisions in Nicaragua and that the Somozas owed their hold on power to Washington's support. When it became obvious that the Carter administration favored a change in political leadership, upper and middle class leaders and traditional politicians began to scramble to gain Washington's approval. The failure of the 1978–79 mediation effort left them leaderless and floundering. The FSLN, on the other hand, certain that the U.S. would never support them, had built up strong domestic support and established ties throughout Latin America and Europe.

The Sandinistas constant fear and expectation was that the United States would remove Somoza and arrange a successor government excluding them. This was, indeed, the goal of Carter policy, but it failed due to a combination of policy errors and Somoza stubbornness. Till almost the end, the Nicaraguan dictator found it hard to believe that the U.S. would let the FSLN take power. When it became obvious that that would indeed happen, the last Somoza bitterly denounced the Carter administration and managed to sabotage last-minute efforts to preserve at least elements of the Guard in a post-Somoza Nicaragua.

The result of all this for present and future U.S.-Nicaraguan relations is clearly negative. The FSLN believes it came to power in spite of the U.S. and blames Washington for having created the dynasty and the Guard and for having maintained them in power. For those like Daniel and Humberto Ortega who lost a brother in fighting with the Guard, this produces genuine bitterness. The Sandinistas identification with Sandino also identifies them with an anti-American nationalism and a tendency to view Washington as the ultimate source of all national evils. Sovereignty means being independent of American influences and the worst image a Sandinista can have is that of weakness in front of the United States.

Hostility is combined with fear and even touches of what might be described as paranoia. Their own history, combined with memories of 1954 in Guatemala, 1961 in Cuba and 1965 in the Dominican Republic leads them to expect an American effort to overthrow them. Any evidence which seems to confirm this view is seized upon and magnified. They found it hard to believe that Washington let them take power and find it even harder to believe that they will be allowed to retain it. In this light, any support by the United States for internal groups critical of the regime is seen at best as an effort at subversion and at worst as preparation for a counter-revolution. In more reflective moments, many acknowledge the political and economic necessity of an accommodation with Washington, but they find it difficult to believe that the Reagan administration really wants accommodation and they are emotionally much more attuned to confrontation than to compromise.

In summation, the Somoza legacy has left Nicaragua with massive internal social, economic and political problems which would be difficult to confront in the best of times. To this must be added deep-rooted suspicion and even hostility towards the United States, based on their identification of Washington with the Somozas. Standing up to Washington is at the heart of the Sandinista creed, an emotional commitment that may well be even stronger than their ties to Marxism. This makes them see a defeat for the guerrillas in El Salvador as opening the way to attacks on their rule. Every action or pronouncement by exiles in Miami or even in Central America is viewed as inspired from Washington and every American criticism of their policies is seen as part of a potential counter-revolutionary effort. Under such circumstances, direct U.S. pressures usually produce only heightened confrontation, especially when such pressures are exerted publicly. The Somoza heritage is very much alive in 1982 Nicaragua and makes all efforts at normal relations in these abnormal times much more difficult. Time may eventually heal some of the wounds on both sides, providing events within Nicaragua and beyond provide any time for patience, maturation and quiet, non-public diplomacy.●

HEAD START PARENTS APPEAL FOR PROGRAM

HON. GEORGE MILLER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 30, 1982

● Mr. MILLER of California. Mr. Speaker, I continue to get letters from Head Start parents who both testify to the ways in which this program has dramatically improved their lives and those of their children, and express their concerns about Head Start's future.

We know that Head Start works; that Head Start is cost effective. And yet, even today, it serves only 25 percent of the eligible children and faces substantial erosion from inflation and cutbacks in supportive services—CETA, title XX, child care food, medicaid. We need to listen to the parents of Head Start children and keep this exemplary program working. Another letter from a Head Start parent follows:

HEAD START PARENTS,
West Chester, Pa.

Children today need a Head Start if we, as parents, expect our children to make the most out of life. Now is the time to do so. For many children have so much energy and want to learn. Head Start really helps them get ready for kindergarten. Thanks to the Head Start program, my child is getting that jump. It would be a shame if the early learning that Head Start offers was cut short.●

FIRST HOME TAX CREDIT

HON. JAMES G. MARTIN

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 30, 1982

● Mr. MARTIN of North Carolina. Mr. Speaker, I have joined our colleague from Georgia (Mr. JENKINS) in a bipartisan proposal to provide some short-term relief to the housing sectors.

The bill, H.R. 5948, provides the first-time homebuyer with a credit against his income tax for 9 percent of the purchase price of a home, up to $5,400.

The bill guards against abuse by requiring the seller to certify that the sale is at the lowest figure at which it has been offered for sale, and by adding a recapture provision in the case of a sale within 3 years. The revenue loss on a static basis is, by initial calculation, $3.78 billion spread over fiscal year 1982–83. That is a pretty good chunk of change. But it is based on the assumption that this bill will bring about 700,000 home sales in a rather short period, all to new homeowners. That may be optimistic. We have seen this year that significantly reduced rates of inflation and interest on Treasury bills have almost wiped out the all-savers certificate market, cutting our revenue losses on that item from about $4 billion estimated, to around $1 billion, as other tax-exempt and taxable investments became more attractive. In this case, it could be that far fewer units will move, and the revenue losses less significant.

But, if this proposal moves 700,000 units, it will produce signficant offsets, and proportional offsets at lower volumes. At the very least, if 350,000 sales at $80,000 are handled by realtors, we have got taxable commissions in the range of $1.68 billion. If 350,000 new houses are built or sold by developers and builders, it is absolutely inevitable that wages will be paid that otherwise would not be paid. It is absolutely inevitable that a substantial number of people would receive taxable paychecks who would otherwise be getting unemployment compensation and/or public assistance. And, it is absolutely inevitable that there would be substantial nondeductible spending on paint, wallpaper, carpeting, drapes, furniture, movers, and minor items from Band-Aids and liniment to barbecue equipment; and, if State and local governments average 1 percent out of settlements, they will get about $560 million.

I am as skeptical as anyone about the precision of "feedback" calculations. However, if taxes on commissions equal $500 million (figuring a 30 percent marginal rate), and if the revenue gain from all the rest equals only $900 million—which seems to me to be low—without counting a cent of savings on unemployment benefits and public assistance, and counting $380 million from recapture, the $3.78 billion cost of this stimulus is reduced to $2 billion.

Some promoting this approach will want to offset this loss with an early closing of the All Savers window. Theoretically, that would avoid a $2.61 revenue loss between now and the end of that program. Well, frankly, and with some chagrin as the author of All Savers, I do not think we have got much more in that pot to be lost; reduced inflation and reduced T-bill interest rates have killed off All Savers as a significant revenue loser. At least today—and things may change—you can do better elsewhere. In a place where pride of authorship can cause paralysis, let me say from experience that when your pet project falls flat because interest and inflation rates fall, you can rejoice. I wish the same would happen to mortgage interest rates. In any event, with or without closing the window, the losses from All Savers that are not going to be incurred equal the net losses from this initiative.

As I said, this is one proposal on the table. There are others. There will be more. None is perfect. This may not even be the best. Those of us who are deeply committed to reviving the housing sectors must soon reach a consensus, picking one proposal or melding several. This will require putting aside pride of authorship and the "N.I.H." (for Not Invented Here) bias. Preserving the one subparagraph one labored over to write is less important than getting these sectors back on their feet.

In closing, Mr. Speaker, let me anticipate and answer with a rhetorical question the first argument I see coming. Some purists will raise the argument that this is a misallocation of credit. To that, one may ask, "A misallocation from what? From the construction of a franchised outlet in an Urban Enterprise Zone, financed with Industrial Revenue Bonds, written off under ACRS, owned by a conglomerate using tax benefit transfers under Safe Harbor leasing, getting an ITC, and employing workers under Targeted Jobs Credits?" If so, then it is not a misallocation of credit, but a reallocation; and a badly overdue one at that.

Mr. Speaker, the time is now to get moving on relief for the housing sectors which have traditionally led us out of recessions.●

A SALUTE TO THE PHYLLIS WHEATLEY ASSOCIATION AND ITS FOUNDER—THE LATE JANE HUNTER

HON. LOUIS STOKES

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 30, 1982

● Mr. STOKES. Mr. Speaker, I take this opportunity to salute the Phyllis Wheatley Association in Cleveland for the yeoman's job the staff has done in the community in terms of providing essential services to senior citizes, families in crisis, the disadvantaged, and young people. In every sense of the word, Mr. Speaker, the Phyllis Wheatley Association has been the lifeline for those in need of help in the Cleveland metropolitan area.

On April 3, 1982, at the Phyllis Wheatley Association's annual meeting, the friends of the association will mark an important milestone in the history of this vital organization. Mr. Speaker, that milestone is the fact that 1982 marks the centennial birthdate of the founder of the association—the late Miss Jane Edna Hunter. In honor of that occasion, I ask my colleagues to pause and join me in a well-deserved salute to the association, its current dynamic and dedicated director, Mrs. Tommy Patty, and Dr. Adrienne Jones, who will be the guest speaker at the annual meeting.

In 1911, the Phyllis Wheatley Association was established and named by Miss Jane Edna Hunter in honor of Phyllis Wheatley, the first black woman to gain international literary fame as a poet. Mr. Speaker, just as important as her literary fame in the 1700's was the fact that Phyllis Wheatley, a slave, possessed an intense drive to overcome racial oppression and succeed.

In one of Phyllis Wheatley's poems entitled, "On Imagination," she captured the vibrant spirit and the imagination which must have been felt by Jane Edna Hunter when she conceived the idea for the association in Cleveland. A verse of that poem is as follows:

"Nor here, nor there; the roving fancy flies,
Till some lov'd object strikes her wandering eyes.
Whose silken fetters all the sense bind,
And soft captivity involves the mind."

Mr. Speaker, I cannot help but conclude that Jane Edna Hunter shared the need and imagination so vividly described in the aforementioned verse when she started the association. In 1911, Jane Edna Hunter followed her imagination and developed the idea to start a religious residence in Cleveland for black working girls who came to that industrial center in the midst of the "Great Migration."

Mr. Speaker, Jane Hunter must have realized the remarkable triumphs of Phyllis Wheatley, an African slave girl. It was Phyllis Wheatley who overcame the shackles of slavery to become the first black poetess in this Nation. By naming the association after this strong-willed human being, Jane Hunter used the symbolism and spirit of Phyllis Wheatley as a cornerstone in fashioning a foundation for success for black working girls in search of a better future in the North.

Mr. Speaker, the need for such a residence along with the deeply embedded philosophy of Phyllis Wheatley undoubtedly provided the relentless energy necessary for Jane Hunter to start the association. What is remarkable to me is the fact that, in addition to operating the association, Jane Hunter continued to work as a nurse for some of the more socially prominent families in the Cleveland area. All of her time, energy, and financial resources were used for the home which provided critical stability for black working women away from their homes and families.

Because of this dedication and personal sacrifice to aid others, I think that it would be appropriate to say that Jane Edna Hunter and Phyllis Wheatley were very similar in character. Both women were great visionaries. Both women rose against seemingly prohibitive circumstances to make a significant contribution to black Americans.

Today, the Phyllis Wheatley Association continues in the illustrious tradition of its founder, Jane Hunter, and its namesake, Phyllis Wheatley. The primary emphasis at the association is on helping those who cannot help themselves.

Within that context, the association has expanded its initial thrust of providing shelter and a positive environment for young women to include shelter for the city's poor, senior citizens, families, and a cadre of support services. Those services include day care for children and the elderly, musical and social development, recreational activities, and social adjustment programs for both the young and old alike.

Mr. Speaker, for example, the association has a unique housing program for families in crisis situations. The housing consists of 56 efficiency and one-bedroom units. The innovative housing program developed and operated by the association helps those families, who, because of finances or unexpected crisis, are unable to secure adequate housing.

Another integral activity of the association is the summer camp for disadvantaged young people from the innercity area in Cleveland. Last summer, the Phyllis Wheatley Association took 282 young people in its 13 summer camp sessions in the Cuyahoga Valley National Recreation Area. The camp is over 205 acres and has been in operation by the association since 1941. In addition to these programs, Mr. Speaker, the association has an exceptional program for senior citizens. It provides them with housing, supportive services, and other enrichment programs.

Mr. Speaker, all of these programs have made the Phyllis Wheatley Association one of the great institutions for those in need in the city of Cleveland. I know that Jane Hunter would beam with pride today if she knew of the outstanding and positive atmosphere the association provides for people in Cleveland. This is due to the vision of Jane Hunter and the inspirational philosophy of Phyllis Wheatley.

With those thoughts in mind, Mr. Speaker, I ask my colleagues to join me in saluting the work of the Phyllis Wheatley Association on the occasion of its annual meeting and the 100th birthday year of the late Miss Jane Edna Hunter.●

HEALTH RESEARCH ACT OF 1982

HON. HENRY A. WAXMAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 30, 1982

● Mr. WAXMAN. Mr. Speaker, on March 22, 1982 I introduced H.R. 5919, the "Health Research Act of 1982." The legislation provides for the reauthorization of the National Institutes of Health (NIH) and the Alcohol, Drug Abuse, and Mental Health Administration (ADAMHA).

Our Nation's biomedical research effort is second to none in its scope and accomplishments. This effort has been encouraged by the firm and continued support of the Congress of the United States. The Congress has shown remarkable foresight in recognizing the importance of health research.

Through new discoveries, health research offers great hope for reducing enormous suffering and economic losses from illness and for improving the quality of life of the American people.

NIH has done more to expand human knowledge about the cause and prevention of disease than any other research institution in the world. As the world's foremost biomedical research institution, NIH is a Federal agency of unique distinction.

Shortly, the Congress will begin to establish priorities for the funding of Federal programs. The Congress commitment to support health research should not waiver. The discoveries resulting from these activities have enabled dramatic improvements in the quality and effectiveness of health care services. The benefits of these activities in reducing human suffering and prolonging human life are tangible and clear.

I am confident that America's investment in health research will continue to produce generous dividends. As we look toward the future and promise of biomedical research in the 1980's, we know that the opportunities for major breakthroughs have never been greater.

Unfortunately, the administration's proposed fiscal year 1983 budget for NIH jeopardizes this future. It reduces the purchasing power of NIH by 15 percent compared with only 2 years ago. If this trend continues for the remainder of President Reagan's term, the Nation's real commitment to biomedical research will have declined by over 30 percent.

In addition, the Reagan administration's proposal will reduce Federal support for new and competing research grants by more than 20 percent compared with last year. The number of new research grants awarded will be slashed by over 1,000.

Opportunities for new discoveries will be lost. Promising scientific leads will not be pursued. Unless rejected by the Congress, these proposals will dramatically threaten the ability of NIH to carryout its basic mission.

Maintaining NIH as the world's premier and most respected research institution is and should remain a top Federal priority. It is a responsibility of this Congress that is essential to our national interests.

Mr. Speaker, I request that the following list of the major provisions of H.R. 5919 be printed in the RECORD at this point.

NATIONAL INSTITUTES OF HEALTH

1. Reauthorize the National Cancer Institute and the National Heart, Lung and Blood Institute through fiscal year 1985.
2. Reauthorize the various Medical Library Assistance Act and the National Research Service Awards programs through fiscal year 1985.
3. Reauthorize the Medical Library Assistance Act and the National Research Service Awards programs through fiscal year 1985.
4. Establish the National Institutes of Health (NIH) and the 11 national research institutes in statute.
5. Delineate the authorities of the Secretary of the Department of Health and Human Services (HHS) and the Director of NIH.
6. Establish in statute the National Institutes of Health Advisory Board to consult and advise with respect to NIH policies.
7. Consolidate NIH reporting requirements into a single biennial report to the President and Congress.
8. Delineate the authorities of the Secretary of HHS and the Directors of the national research institutes respecting the conduct and support of research and research training, and the awarding of grants, contracts and cooperative agreements.
9. Establish in statute the advisory councils for each of the national research institutes and define the activities of the advisory councils with respect to the review of

grants, contracts in excess of $500,000 and cooperative agreements.

10. Extend the period of support for cancer centers from 3 years to 5 years and remove a limit on annual appropriations for each cancer center and each heart, lung and blood center. Provide a separate authorization of appropriations for National Cancer Research and Demonstration Centers.

11. Require that the Director of NIH establish procedures for the review of intramural research.

12. Require appointment of an Assistant Director for Prevention at the NIH and in each of the 11 national research institutes. Require the formulation of long-range Prevention Plan.

13. Require that the Director of NIH establish a process for responding to information concerning scientific fraud and violations of the rights of human subjects.

14. Provide for a consistent set of special programs—advisory boards, research centers, data systems, etc.—for each of the arthritis, diabetes, digestive and kidney disease clusters of the National Institute of Arthritis, Diabetes and Digestive and Kidney Diseases.

15. Request a report from the Institute of Medicine on the effects of commercialization on biomedical research.

16. Shift the National Institute for Occupational Safety and Health to the NIH.

17. Shift the National Center for Health Services Research to the NIH.

18. Require the NIH to provide assistance to scientists associated with small business with respect to preparation of applications for grants and contracts and to invite such scientists to participate on peer review committees.

ALCOHOL, DRUG ABUSE AND MENTAL HEALTH ADMINISTRATION

1. Delineate the authorities of the Alcohol, Drug Abuse and Mental Health Administration to include administration of the alcohol, drug abuse and mental health services block grant.

2. Extend through fiscal year 1985 the authorization of appropriations for the research activities of the National Institute on Alcohol Abuse and Alcoholism and the National Institute on Drug Abuse.

3. Consolidate various alcohol and drug abuse reporting requirements into two triannual reports to the Congress.

4. Repeal the separate authorization of appropriations for alcohol and drug abuse project grants. Responsibility for conducting services demonstration projects will continue under existing research authorities.

5. Make necessary technical and conforming amendments to delineate alcohol and drug abuse authorities under title V of the Public Health Service Act.

MISCELLANEOUS

1. Provide that $3 million of the appropriations under Sections 301 and 410 of the Public Health Service Act be made available to support the National Center for Health Care Technology.

2. Reauthorize the health education and promotion programs of title XVII for fiscal years 1983 and 1984.

Mr. Speaker, an important part of the "Health Research Act of 1982" deals with the activities of the Alcohol, Drug Abuse, and Mental Health Administration (ADAMHA).

I was disappointed to learn that the administration has proposed to transfer management responsibility for the alcohol, drug abuse, and mental health services block grant to the Office of the Assistant Secretary for Health (OASH). I believe this abrupt shift in administrative responsibility away from those Federal officials with interest in and knowledge of the substance abuse and mental health fields significantly diminishes the utility of the block grant program. The action suggests furtherance of the administration's not so hidden agenda of one day eliminating Federal support for these important services.

Accordingly, H.R. 5919 clarifies the proper role of ADAMHA within the Public Health Service and specifies as one of its responsibilities administration of the alcohol, drug abuse, and mental health block grant program.

The legislation also extends for 3 fiscal years the authorization of appropriations for the research activities of the National Institute on Alcohol Abuse and Alcoholism and the National Institute on Drug Abuse.

In a report issued in July 1980, "Alcoholism and Alcohol-Related Problems: Opportunities for Research," the Institute of Medicine observed that "Support of alcohol-related research is disproportionately low relative to the estimated economic impact—about one-tenth of the amounts spent on heart disease or respiratory disease, and 1 one-hundredth the amount spent on cancer research, relative to the economic impact of these disorders."

The House Committee on the Budget noted in its report on alcohol research programs last year (House Report 97-158, Vol. II) concern ". . . about the relatively low priority given . . . to support of alcohol-related research when compared to other Federal health research activities."

More recently, the Research Triangle Institute (RTI) completed an important study on the economic cost to society of alcohol, drug, and mental disorders. The RTI concluded that the combined cost to the U.S. economy of mental illness, alcohol and drug abuse was $106 billion. Of this amount, $49.4 billion or 46 percent is attributed to the abuse of alcohol.

H.R. 5919 reflects the 1980 recommendation of the Institute of Medicine (IOM) and the concern of the House Budget Committee. It raises the funding authorization for alcohol-related research significantly in each of the next 3 fiscal years.

I am hopeful that expansion in this important research along lines suggested by the IOM will yield significant new information on ways to better identify and treat alcoholism and alcohol-related problems. In particular, I would expect increased Federal support in such areas as psychosocial, epidemiological, and prevention research. Initiatives with respect to the prevention of drunk driving and the relationship between alcohol abuse and other diseases should be high priorities.

The legislation also consolidates into two triannual reports a number of reporting requirements relating to alcohol and drug abuse which will highlight important research findings as well as update what is known about the economic and social costs of these seemingly intractable public health problems.

Mr. Speaker, the "Health Research Act of 1982" is a comprehensive bill which establishes health research as a high priority of this Congress. I urge each Member's support.●

A JUSTIFIABLE BEEF ABOUT BEEF GRADING

HON. DOUG WALGREN

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 30, 1982

● Mr. WALGREN. Mr. Speaker, I want to alert my colleagues to the U.S. Department of Agriculture's effort to dilute the current beef grading standards which all of us, as consumers, rely on to purchase beef at the supermarket.

I share the concern of most consumers that this proposed change is merely a subterfuge to confuse the consumers by selling cheaper quality beef at higher prices.

I want to commend Congressmen **Peter Peyser**, **Berkley Bedell**, **Tom Harkin**, and **Neal Smith** for their excellent leadership in urging the USDA to withdraw the proposed changes in beef grading. I have sent the following letter to Secretary John Block, and I urge each of my colleagues to join us in arranging that the USDA represents the best interests of the American consumer:

Congress of the United States,
House of Representatives,
Washington, D.C., March 29, 1982.

Hon. John Block,
Secretary Department of Agriculture,
Washington, D.C. 20250

Dear Mr. Secretary: I want to express my strong opposition to proposed regulations by the U.S. Department of Agriculture which would dilute the current beef grading standards and I want to object also to USDA's decision not to publish the names of those who violate our food safety rules.

First, under the USDA proposal, the category for top-quality beef now labeled "Prime" would be broadened to include lower quality beef now labeled "Choice." Similarly, the "Choice" category would be diluted to include the lesser quality "Good" grade of beef.

Mr. Secretary, the only point to this change is to confuse the consumer who will end up paying "Prime" prices for "Choice" meat or "Choice" prices for "Good" meat. In an era of runaway meat prices in our supermarkets, that deception of the consuming public is especially inexcusable. The extra cost to the consumer of this USDA sanctioned hoax is estimated to be $300 million.

Since the establishment of the beef grading system in 1927, people have come to know and rely on the beef grades in making informed decisions about the relative quality and cost of meat. The downgrading of beef standards in 1976 was supposed to benefit consumers by making available greater supplies of better quality, more economically priced beef. That never happened. Instead, the downgrading undermined the integrity of the labeling and resulted in the decline of beef consumption and uncertainty about beef quality.

The mistake of 1976 should not be repeated in 1982.

This should not be an issue between consumers and cattlemen. A number of state cattlemen's associations recognize the shortsightedness of the USDA proposal and some have testified against lowering the current beef grading standards. Good businessmen realize that the cattle industry depends on reliable, honest grading systems which promote the purchase of beef both here at home and overseas.

The proposed regulation undermines the standards by leading consumers to believe that they can purchase more for less. Instead of weakening current standards, the USDA should strengthen the beef grades, while promoting lean beef as a separate grade.

Second, I am greatly disturbed at the USDA's change in policy on the publication of the names of "chronic problem" meat and poultry plants. Publication of the names of those who violate our food safety laws both acts as a deterrent to unlawful conduct and warns the consuming public of those companies not acting in our best interest. The recent report that USDA is now considering an end to systematic meat plant inspections, coupled with the reversal of the publication policy, can only leave the consumer wondering whose interest the Department of Agriculture is trying to protect the most.

Mr. Secretary, I appreciate your personal attention to these matters and I look forward to your prompt response.

Sincerely,

DOUG WALGREN,
Member of Congress.●

H.R. 5922 WILL RESTORE MINE SAFETY

HON. JAMES L. NELLIGAN

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 30, 1982

● Mr. NELLIGAN. Mr. Speaker, on October 6, 1981, 254 Members of the House voted for an amendment to the continuing resolution which effectively excluded most safety inspections by Federal officials at stone, sand, clay, gravel, and colloidal phosphate mines and related milling operations. I was one of those Members.

Those of us who supported that amendment were led to believe that, by restricting the use of Federal Mine Safety and Health Administration funds for such inspections, Congress was simply reducing the burden of overzealous Federal regulators on an already safe industry.

In the months that have passed since the vote on the amendment, a great deal of counterevidence has surfaced. Many people, and I include myself in this group, have come to have second thoughts about the wisdom of the amendment. We believe that there are very real safety factors and administrative problems which have arisen as a result of the amendment. We want to undo the amendment before it results in the loss of a human life. I want to take this opportunity to review some of that evidence for the benefit of colleagues who may be unaware of it.

First, there is a great deal of evidence to prove that the affected mining operations are not safe, as supporters of the amendment were given to believe. Careful analysis of MSHA records reveals that the affected operations have higher fatality rates than other unaffected metal and nonmetal mines. Between 1978 and 1980, 134 surface stone, and sand and gravel miners were killed, compared to 42 deaths in metal and nonmetal surface mines, and 53 deaths in surface coal mines. In light of stark statistics like these, it is hard to justify more lenient inspection treatment at these operations.

Second, the effect of the amendment has been to eliminate most inspection requirements at stone, sand, and gravel operations. During the debate last year, supporters were led to believe that the amendment would transfer responsibility for inspection from the Mine Safety and Health Administration to the Occupational Safety and Health Administration. This is not the case. All the amendment did was to rstrict the use of MSHA funds for inspections. It provided no statutory basis for the transfer of such responsibility to OSHA. Even if this transfer were to be accomplished, OSHA does not have the manpower, money, or expertise to do the job.

Third, stone, sand, and gravel operations are much more nearly akin to mining than to the construction industry. Inspecting mining operations is generally conceded to be much more difficult than inspecting construction sites. That is why Congress created MSHA. Since Congress passed the amendment last year, wide negative publicity has been given to the fact that OSHA inspectors simply do not have the necessary training and expertise to protect stone, sand, and gravel workers.

Fourth, there is a sizable segment of the affected operators who continue to support MSHA inspections of their industry. Shortly after the amendment was passed in the House last October, the president of the National Limestone Institute expressed his organization's opposition to eliminating MSHA's responsibility for inspections, pending a detailed analysis from the Department of Labor on how the transfer of jurisdiction to OSHA would be accomplished.

The fifth point relates to precisely that Department of Labor analysis. While it was not generally known at the time the amendment was being considered last October, Labor Secretary Raymond J. Donovan had informed the appropriate subcommittee chairmen in both the Senate and the House that the Labor Department does not support the amendment. Secretary Donovan's evaluation is based on many of the reasons I have mentioned.

In addition, Mr. Donovan believes that many of the problems which have been experienced by sand, gravel, and stone operators can be worked out within the framework provided by MSHA. Furthermore, he feels that implementation of the amendment will cause severe administrative problems within the Department, and will necessitate the closing or curtailing of operations at 76 MSHA field offices nationwide. Once lost, the expertise in mine inspection techniques represented by hundreds of employees in these offices may never be regained.

Mr. Speaker, the record of the Reagan administration in reducing the burden of Federal regulation is a clear and positive one. That record is well respected in the business community, in the labor community, and among the American people at large. Secretary Donovan and his fellow Administrators at the Department of Labor have contributed toward compiling the enviable record of this administration in eliminating regulatory excesses. That is why I view Secretary Donovan's opposition to eliminating funding for MSHA inspections of stone, gravel, and sand operations the most telling factor in my decision to change my position on the amendment I supported last year.

Those Members who share my view have a rare opportunity to undo the damage caused by passage of the amendment last year. H.R. 5922, the urgent supplemental appropriations bill scheduled for consideration on the floor soon, has been amended to restore MSHA's responsibility for inspecting stone, sand, gravel, and colloidal phosphate mines. I intend to support this provision of H.R. 5922. I will resist any effort on the floor to amend this provision. I urge my colleagues, in the interest of the safety of thousands of miners, to join with me.●

THE "HIDE AND GO SEEK" ENVIRONMENTAL POLICY

HON. ANTHONY TOBY MOFFETT

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 30, 1982

● Mr. MOFFETT. Mr. Speaker, evidence appearing in this past Sunday's New York Times demonstrates that this administration is pursuing a "Hide and Go Seek" environmental policy. The administration is withholding approval of a report which demonstrates that action is required now to control acid rain. Obviously, the purpose here is to hide information which runs counter to its announced commitment to more research before it endorses an acid rain control strategy. This is particularly irresponsible given the fact that Congress is attempting to craft a useful reauthorization of the Clean Air Act this year.

The article describing this sorry incident appears below:

[From the New York Times, Mar. 28, 1982]

U.S. HOLDS UP REPORT ON GLOBAL ENVIRONMENT

(By Philip Shabecoff)

WASHINGTON.—The Reagan Administration is withholding approval of a report on the global environment by the Organization for Economic Cooperation and Development because it objects to the report's proposals for governmental action to solve such problems as acid rain.

As a result, publication of the document has been held up since late last year. The O.E.C.D., an organization of the major non-Communist industrial nations, requires approval of all members before publishing a report.

Administration officials said the report, prepared by the Secretariat of the O.E.C.D., is being strongly challenged by the United States Environmental Protection Agency on political, factual and procedural grounds, although other Federal agencies, including the State Department, the Agency for International Development and the Council on Environmental Quality, have found the report acceptable.

The report, classified as restricted by the Government, consists of working papers on such issues as acid rain, hazardous wastes, the effects of carbon dioxide in the atmosphere on climate, global loss of soil and cropland and the need to maintain the world's biological diversity. The report also calls attention to the interdependence of the ecology of nations and the increasingly recognized link between ecological factors and economic development.

The State Department official said that the environmental agency objected to the report on the ground that it did not represent the Reagan Administration's policy on international environmental matters.

"That is a somewhat premature view because the Reagan Administration still does not have an international environmental policy," the official said.

The Administration does, however, have a policy of reducing the use of governmental regulation as a means of protecting the environment. On acid rain, the Government's position is that more research must be done before action is taken. Some authorities say acid rain is killing fresh water life and damaging crops and forests in much of the Northern Hemisphere.

The environmental agency has drafted a cable to United States missions in O.E.C.D. countries, but the State Department has not sent it. It complains that the report calls for new laws and enforced compliance procedures to deal with international environmental problems but does not give a role to "market place solutions."

The cable also objects to what it says is the report's "preponderant view that industrial progress and economic development lie in opposition to the global environment and the lessening of world poverty and hunger and that solutions are to be sought now in increased international regulation with or without adequate scientific justification."

Rather, the report seems to state that care of the environment is a requisite for economic development.

Another objection to the report cited in the cable is that it is similar to the "Global 2000 Report," a document published by the Carter Administration describing disturbing environmental and economic trends and their potential consequences. It says recent evidence invalidates many of that report's major assertions, including the finding that many species will be extinct by the end of the century.

However, the President's Council on Environmental Quality is working on follow-up actions suggested by the report. A. Alan Hill, chairman of the council, said he considered the report a "useful document."

Most Administration officials who commented on the report said they believed that Richard Funkhouser, director of international affairs for the environmental agency, had played a key role in blocking the O.E.C.D. report.●

THE INDIAN HOUSING ACT OF 1982

HON. MORRIS K. UDALL

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 30, 1982

● Mr. UDALL. Mr. Speaker, today I have introduced a bill establishing a comprehensive Indian housing program in the Bureau of Indian Affairs. This legislation grew out of oversight hearings the Interior Committee held early last year on Indian housing programs and issues and it attempts to meet the fears of many Indian people about the future of Federal assistance for Indian housing needs. At my direction, the committee staff has consulted and worked with a broad spectrum of individuals and organizations interested in Indian housing for nearly a year. The end result is the legislation I am introducing today.

The United States has a special responsibility for Indian tribes and their members. This responsibility emanates from the trust relationship between Indian tribes and the United States and is grounded in the historical evolution of that relationship. As a part of the relationship and responsibility, the United States has at least a moral responsibility to insure that Indian families are decently housed. This is even more so since States and local governments have no responsibility and provide little if any services.

Mr. Speaker, the United States has little to be proud of when we examine its record in carrying out its responsibility in the area of housing. When compared with national housing conditions, Indian housing conditions are shocking and, in many cases, would be more representative of conditions you would find in some of the developing nations of Africa or South America; 43 percent of all Indian housing units on Indian reservations are in a substandard condition as compared with 12 percent in the Nation as a whole. Seven, eight, nine, ten-member Indian families are living in two-room—not two-bedroom—two-room houses without electricity or sanitation facilities. In some cases, Indians are found living in old car bodies. Even in an era of the most extreme budgetary belt tightening, this kind of condition cannot be tolerated in America.

I cannot deny that much progress has been made in reducing the percentage of substandard Indian housing. Since the late sixties, the HUD public-assisted housing program finally became available on Indian reservations. A Federal social program designed, structured, and administered to meet the terrible housing conditions in urban areas was twisted to meet the equally terrible conditions on Indian reservations. While this attempt to adapt an urban housing program to meet Indian reservation needs left many gaps in meeting that need, it did in fact result in standard housing units being made available to Indian families. The substandard housing percentage on Indian reservations has been reduced from well over 50 percent down to 43 percent.

But, Mr. Speaker, as we know, the administration has asserted its firm commitment and determination to terminate the HUD public-assisted housing program and, in particular, the Indian program. A year ago, the administration proposed to rescind most of the HUD Indian housing units authorized for fiscal year 1981. We were successful here in the Congress in retaining 2,400 units.

They requested no funds in fiscal year 1982 for the Indian Health Service to provide badly needed sanitation facilities for HUD housing already constructed or under construction. Congress was successful in including some money for that purpose.

They proposed to reduce the total HUD public-assisted housing program by half and to totally eliminate the Indian program for fiscal year 1982. We were successful in including 4,000 units of Indian housing for fiscal year 1982.

This year, Mr. Speaker, they now propose to rescind the 4,000 units for fiscal year 1982 for which we fought so hard.

They are also proposing to deobligate housing units which have already been placed under program reservation in order to find money to build sanitation facilities for already constructed houses.

Finally, Mr. Speaker, they propose for fiscal year 1983 a total elimination of funding for new production starts for the HUD public-assisted housing program, including the Indian program.

Mr. Speaker, I want one thing to be very clear. I am not proposing that the HUD Indian housing program be eliminated. This bill does not propose that it be eliminated. In fact, I support the continuation of the HUD public-assisted housing program. But, if the administration is successful in killing this program, there will be no housing program for Indian people.

The alternatives being offered by the administration for Indian housing are completely unrealistic and, if the impact would not be so cruel for Indians, they would be laughable.

My legislation would insure that, if the HUD program is killed, there would continue to be a Federal program of housing assistance for Indians who are completely reliant upon Federal assistance.

The bill has three basic elements. First, after recognizing the responsibility of the United States for providing assistance to Indian people to obtain safe, sanitary, and decent housing, the bill in title I, would provide a statutory basis for the existing Indian housing improvement program administered by the BIA. This program provides grants to Indian families who are at the very lowest income levels or in the most isolated or other extreme circumstaces.

Title II essentially would be the replacement for the HUD Indian program, if it is terminated. It would provide Federal financing for low- and moderate-income Indian families who would be required to make some payment for their housing assistance based upon their ability to pay. This program is an Indian housing program which would provide needed flexibility which is lacking in the existing HUD program and would provide teeth and sanctions for nonpayment which is lacking in the HUD program. This program does not lock the United States into a long-term, extremely large monetary commitment like the existing HUD program. For instance, the fiscal year 1982 HUD appropriation for 4,000 units of Indian housing, if not rescinded, will lock the United States into a $703,000,000 obligation over a 30-year period. Title II of this bill would require a larger up-front appropriation, but would not lock the United States into long-term, exorbitant obligations.

Title III of the bill authorizes a mortgage loan guarantee for Indian families who can afford housing, but who cannot obtain housing credit because of the trust nature of their land. This title is consistent with the administration's desire to attempt to get private credit involved to meet Indian housing needs. Given the fact of extremely high interest rates and the fact that even non-Indians in rural areas have an extremely hard time in getting mortgage loans, this title may only be symbolic for now. However, we feel it should be included and that, at some future time, it may become an important part of the Indian housing program.

The bill does one further thing which is of critical importance. There is a growing criticism of the bill's provision placing the program in the Bureau of Indian Affairs. The BIA has a very bad reputation among Indians with respect to their ability to administer programs and their lack of responsiveness to Indian concerns. This reputation is often deserved. However, Mr. Speaker, section 401 of title IV of the bill, coupled with the overall provisions of the bill effectively meet that criticism. The bill imposes specific requirements and restrictions on the Bureau of Indian Affairs in the administration of this program. No longer, with respect to Indian housing at least, will it have statutory authority to operate a program at its regulatory whim. There will now be a statutory basis delineating their responsibilities and a congressional direction guiding their policies. We are content that this bill will result in a model housing program to meet Indian housing needs.

Mr. Speaker, because of the budgetary deadlines the committee has to meet in reporting authorization legislation, I have not taken the time to seek many cosponsors. However, I cordially invite any Member who is concerned about the terrible conditions of Indian housing to join me on this bill.●

THE FEDERAL EMPLOYEES HEALTH BENEFITS PLAN ACT OF 1982

HON. RICHARD L. OTTINGER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 30, 1982

● Mr. OTTINGER. Mr. Speaker, today I rise to introduce the "Federal Employees Health Benefits Plan Amendments of 1982." The bill provides nondiscriminatory health benefits for all Federal employees, their families, and annuitants, and clarifies the existing law's catastrophic coverage requirement. The bill responds to the grave concerns voiced by many Federal employees over the benefit reductions implemented by the Office of Personnel Management this year.

The 1982 Federal employees health benefits program policy authorized coverage for the mental health benefit to be cut back without regard to those Federal employees in need of treatment for mental disorders, alcoholism, or drug abuse. The Blue Cross/Blue Shield plan, which affected over 60 percent of all Federal employees, their families, and annuitants, under OPM directives, drastically altered its mental health benefits coverage. It established an arbitrary limit of 50 visits per year on all outpatient and further maintained a disparate 30-percent patient cost for outpatient mental treatment as contrasted to 20-percent copayments applied to all other outpatient health care. Moreover, it imposed an arbitrary limitation on inpatient psychiatric coverage—60 days versus 365 days for physical illness. At the same time, the alcoholism treatment benefit was completely deleted. I believe these reductions in mental benefits are extremely unwise and unfair because they:

Discriminate against one group of Federal workers; those who need treatment for nervous and mental disorder and for alcoholism and substance abuse;

Discriminate against one class of patients, as if they somehow require less insurance coverage;

Are inconsistent with the principle of insurance, which is to protect all from the exceptional, unanticipated loss; and

Are cost-ineffective because it is well documented that untreated mental illness will be more expensive than treatment in both human and economic terms.

Although the FEHB statute grants OPM discretion in its negotiations with insurers, I believe the agency must attempt as best it can to effectuate the policies of the act, including those represented by the "catastrophic" benefit provision title 5, United States Code, section 8904. Thus the bill clarifies the existing statutory mandate for catastrophic coverage for Government-wide plans, and requires all plans to pay for all medically or psychologically necessary treatments when an employee's or family's out-of-pocket expenses exceed a predetermined amount. Further, the bill would reverse the current OPM position that it is appropriate for the Federal Government to deny coverage for medical treatment to any class of patient in need of health care. It would require that all plans provide treatment for nervous and mental disorders, and treatment and rehabilitation benefits for alcoholism and substance abuse. As you may know, the American Medical Association has often stated: "Coverage for medical care under FEHBP should not be made on a discriminatory basis based upon the nature of illness." The bill provides equal coverage and benefits regardless of the nature of the illness.

Mr. Speaker, I am concerned, based upon the expert testimony and factually correct evidence presented to the Congress and during recent OPM public hearings, that this unfair decrease in mental health, alcoholism and substance abuse benefits will cause Federal patients who need such treatment to enter into other inappropriate and more expensive medical treatment. There are sound economic reasons to provide coverage for mental health, alcoholism and substance abuse services. Numerous studies have shown that programs to provide employees with nervous and mental disorder consultation and treatment lead to reduced absenteeism, increased retention of experienced, talented employees, increased productivity, and reduced utilization of other health services. Often, individuals have physical problems rooted in psychiatric problems, such as bleeding ulcers, chronic migraines, and alcoholism. Moreover, inadequate coverage is ultimately more expensive for everyone, because conditions not properly or adequately treated eventually require longer and more costly care of a medical-psychological nature or hospitalization. When a person becomes ill, if not protected by adequate insurance, the financial and emotional effects on the patient and the family may be devastating. From the evidence I have seen, I believe mental illness is insurable and should be treated on an equal basis with other medical illnesses. Limiting the mental health, alcoholism and substance abuse benefits for Federal employees is the most cost-ineffective of policies.

Most important in the bill is a provision which states:

> No health benefits plan shall be contracted for or approved which does not provide equal coverage and benefits (including the length, frequency, and total number of visits permitted, the duration of treatment permitted, the coinsurance ratio, the deductible, and the total amount payable to any individual in a calendar year) without regard to the nature of illness.

Already joining me in support of the bill are the American Psychiatric Association; Alcohol and Drug Problems Association; American Nurses Association; American Psychological Association; Association for the Advancement of Psychology; Health and Medical Counsel of Washington; National Alliance of Chairpersons of State Advisory Councils for Alcohol and Drug Abuse; National Association of Alcoholism Treatment Programs; National Association of Private Psychiatric Hospitals; National Association of Social Workers; National Coalition for Adequate Alcoholism Programs; National Council on Alcoholism; National Federation of Societies for Clinical Social Workers, Inc.; National Mental Health Association; Psychiatric Institute of Washington; Psychiatric Institute of America; the Washington Area Council of Alcohol and Drug Abuse; and the Washington Psychiatric Society.

The country cannot afford to be without adequate health care plans that provide equitable care for all types of illness, physical as well as mental and emotional. I want to commend the Compensation Subcommittee Chairwoman MARY ROSE OAKAR who has already indicated forcefully her support for nondiscriminatory coverage for mental health, alcoholism, substance abuse benefits, indicating such care should be treated the same as other forms of health care.

I urge my collegues to join me in this important effort to prevent not only arbitrary and discriminatory but also economically counterproductive cuts in mental health, alcoholism and substance abuse coverage under the FEHB program. The text of the bill is as follows:

H.R. ——

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SHORT TITLE

SECTION 1. This Act may be cited as the "Federal Employees Health Benefits Plan Amendments of 1982".

CONTRACTING AUTHORITY

SEC. 2. Section 8902(f) of title 5, United States Code, is amended by inserting "or discriminates against" between "excludes" and "an".

HEALTH BENEFITS

SEC. 3. The first sentence of Section 8904 of title 5, United States Code, is amended by deleting "may" and inserting "shall".

SEC. 4. Section 8904 (1) Service benefit plan and (2) Indemnity benefit plan of title 5, United States Code, is amended by adding at the end of each the following:

"(G) Nervous and mental disorder benefits.

"(H) Alcoholism and substance abuse treatment and rehabilitation benefits.".

SEC. 5. Insert between subsection 4 and the unnumbered paragraph of section 8904 of title 5, United States Code, the following new subsection:

"(5) No health benefits plan shall be contracted for or approved which does not provide equal coverage and benefits (including the length, frequency, and total number of visits permitted, the duration of treatment permitted, the coinsurance ratio, the deductible, and the total amount payable to any individual in a calendar year) without regard to the nature of illness.".

SEC. 6. The unnumbered last paragraph of section 8904, of title 5, United States Code is amended by deleting "paragraphs (1) and (2) of" in the first sentence and inserting after the period at the end of the first sentence the following:

"The plans contracted for in this section shall pay all reasonable and customary expenses for medically or psychologically necessary treatment incurred by the employee, annuitant or member of family in a calendar year after the employee or annuitant pays no more than $—— per individual or $—— per family toward such expenses.".●

LET IDA NUDEL BE FREE!

HON. ROBERT K. DORNAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 30, 1982

● Mr. DORNAN. Mr. Speaker, there have been many voices raised over these past 10 years to expose the plight of one extraordinary woman, Ida Nudel, who is serving a 4-year sentence in exile in Siberia simply because she desired to emigrate to Israel.

Over the years, I have also been corresponding with yet another brave woman, Elena Fridman, who is Ida Nudel's sister and only living relative. Elena works day and night to secure justice for her sister. Her dedication and perseverance never cease to amaze me, and I dare say that she has almost singlehandedly been responsible for keeping the name of Ida Nudel in the congressional limelight and in the minds and hearts of all of us who are working to secure the release of this "Guardian Angel of Moscow."

There have been so many horrifying acts of Soviet repression against Jews and other religious believers, that this particular case could perhaps be viewed by some as yet another atrocity that we will never see resolved, because of the patently unjust policies of the Soviet regime. But, I am convinced that Ida Nudel will be victorious. She has remained strong throughout her ordeal and she has impressed so many Members of Congress with her courage and undaunted spirit during her Siberian exile, that she cannot be easily forgotten. Neither will the Soviets be allowed to forget her.

Ida has suffered enough. The banner she hung outside her apartment in 1978: "K.G.B., Give Me My Visa," is the only "crime" she can be convicted of. Yet, this act was enough to condemn her to isolation.

The torment of her sentence and years of suffering will be in vain if we do not constantly raise her case with Soviet officials. We plead that she be allowed to join her only living relative in Israel. She has certainly paid the price for speaking out against those who subvert justice and individual liberty. The time to act is now. Let Ida Nudel be free.●

HANDGUN BODY COUNT

HON. WILLIAM LEHMAN

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 30, 1982

● Mr. LEHMAN. Mr. Speaker, 1 year ago today, America witnessed the attempted assassination of President Reagan. The would-be assassin had the advantage of surprise over the Secret Service agents, by using an easily concealable handgun. Within a few seconds, four people were gravely wounded.

During the past year, I have included in the CONGRESSIONAL RECORD the monthly lists of persons killed by handguns in the United States. It has been my hope that bringing these lists to the public's attention will help stop this carnage.

Every single person from the President on down is on the handgun firing line: A handgun attack generally comes with little or no warning. The number of victims reached 698 during the month of January.

On the anniversary of the attempted assassination of President Reagan, we should reflect upon this violence and find ways to stop it.

The list follows:

HANDGUN BODY COUNT—JANUARY 1982

ALABAMA (14)

Alex Ambers, Jr., Gary Bunt, Anthony Carter, Betty Bray, Clarence Jones, Mildred Kirkland, Howard Lee, Mary McCord, Troy Martin, Cheryl Moye, Everatta Ridley, James Sewell, George Tolliver, Troy Wicker, Jr.

ARKANSAS (6)

Marill Brewer, Johnny Graham, Frank Mitchell, Jerry Stewart, William Watt, Lloyd Williams, Sr.

ARIZONA (11)

Jonathan Ferguson, William Garles, Alberto Guzman, Jeff Jones, Paul Littlejohn, Tiberiu Nestor, Leonard Peters, Marty Pincus, Willie Williams, unidentified female, unidentified male.

CALIFORNIA (80)

David Aldrete, Consul General Arikan, Robin Bishop, Jamie Boyer, Nathaniel Brown, Andrea Budhanan, Brenda Burton, Fidel Cansino, Angela Castruita, Jo Chang, Dennis Cheatham, Juin Jen Chiu, James Cope, Alfredo Cruz, Denise Davis, Kenneth Ell, Julie Ellison, Steven Espinosa, Mapuna Finau, Gary Fraijo, Paula Gibbs, Jose Gomez, Ronald Green, Raymond Grenillo, George Griffith, Carlos Guerrero.

Conrad Hansen, Jerry Henager, Rosalie Henry, Richard Hernandez, Kyung Pyo Hong, Myung Lee Hong, Charles Hook, Dorris Humphries, Meshan Kesarian, Christopher Kellmer, Gerald King, David Knopoff, Willis Lancaster, Eugene Laurie, Angel Lopez, Don Luckey, Miguel Maldonado, Steven Martin, James Mathiesen, Elvie McNabb, George Minkley, Rev. Theodore Nealey, Dung Nguyen, Miguel Orozco, Congun Park, Terrie Person, Maria Polley, Mary Quick, Olegario Rivera, Robert Robertson, Wilma Rosa, Denise Siller, Cinda Southworth, Matthew Stone, David Sutton, Shelly Tellow, Roland Tong, Jose Torres, Alejandro Trejo, Helen Van Derren, Daniel Vilchis, Harold Weinlauf, Fred Wharry, Minnie Winston, Mark Zabica, unidentified female, unidentified female, unidentified female, unidentified male, unidentified male, unidentified male, unidentified male, unidentified male, unidentified male.

COLORADO (12)

Savino Cordova, Gay Dixon, John Fish, Donald Haines, Sidney Jackson, Johnny Lee, Robert Phippin, Anthony Reyes, Lawrence Robinson, Lawrence Robinson III, Paul Whittaker, unidentified male.

CONNECTICUT (2)

Bernice Bruno, William Pujols.

DISTRICT OF COLUMBIA (16)

Alton Brown, Clarence Bymum, Paul Coley, Page Fletcher, Philip Pace, Richard Patrick, William Scott, Calvin Shade, Sharon Smith, John Taylor, Michael Turner, David Wilson, unidentified male, unidentified male, unidentified male, unidentified male, unidentified male.

FLORIDA (73)

Nilo Aleman, Sorrenda Alexander, Dave Ambrister, Roberto Barrios, James Bell, Maggie Benford, Eugene Berry, Heredio Contreras, Gene Corley, Marvin Crowley, Murray Ferderber, Joey Finch, John Flood, Donnie Gillis.

Francisco Gonzalez, Clayton Hope, Christ Holt, Michael Howland, Walter Humphries, Dyna Kirce, Gerald Klein, Arturo Laszlo, Lawrence Kelly, Jorge Leyva, Michael Magloire, Guadalupe Martinez, Mark Massie, Henry Montgomery, Jr., Ricky Parrish, Robert Patterson, Edward Perkins, Allan Peterson, Barbara Peterson, Gary Pollack, James Robinson.

Nilo Rodriguez, Wilma Rosa, John Ryan, Mark Rybka, Ernest Schmucker, Jozef Schoetens, Greg Scifers, Elizabeth Shulkin, Geoffrey Spiro, Peter Suder, Bruce Sulkey, Edward Threw, James Thomas, Fernando Valenzuela, Joe Warner, Nicholas Wendt, John Wenzle, John Wilkin, Dorothy Wilkinson, Carolyn Williams, Jacob Williams, James Williams, Jr., Lawrence Williams, Rachel Wilson, unidentified female, 13 unidentified males.

GEORGIA (10)

Nathaniel Brown, Freddie Burns, Gregory Crone, Janice Dismuke, Gail Findley, Mary Harrison, Floyd Minor, Mary Montague, Robert Montague, Nina Murray.

HAWAII (1)

Unidentified male.

ILLINOIS (79)

Anthony Anderson, Michael Bankhead, Wayne Bonnett, John Brooks, Jr., Frank Brown, Jr., Tammy Brown, Gregory Bunfil, Jimmy Burns, Andrew Carmody, Abraham Castillo, Trent Coleman, Gilberto Colon, Cecil Cooper, Richard Cooper, Robert Cotner, Johnny Cotton, Paul Covolo, Vanessa Covolo, Vaughn Covolo, Denise Denham, Jeffrey Genus, Gino Giolli, Walter Graf, Ephreal Green, William Greer II, Gregory Griggs.

James Harrison, Theodore Holmes, Donald Huffstatler, Phillip Inocentini, Spiro Kavathas, Jasper Kemp, Kyung Soon Kim, James Lake, Joseph Lane, John Lyon, Jim Mayer, Geofrey Mayfield, Andre McCullum, Michael McMurtry, Kenneth Merkson, Ronald Merrit, Ever Moore, Robert Moore, Paul Morgan, Ervin Murphy, Stanley Overhill, William Paschal, Samuel Peters, Floyd Portis, Cynthia Princeton, George Prokos, Thomas Randle, Raymond Rotger, Sam Scoleri, Linda Silva, Elliott Simmons, Everlene Smith, James Sneed. Clifton Steele, Rodger Steelman, Stanley Stinson, Mark Sudler.

Abom Taylor, Pat Taylor, John Tonjes, F. Richard Wayne, Joseph Wellner, Victor Wengel, James Williams, Eugene Wojtyslak, Brenda Woods, Sonny Woods, Sylvia Zamudio, unidentifiable male, unidentifiable male, unidentifiable male, unidentifiable male, unidentifiable male.

INDIANA (7)

Henry Beatty, Wayman Byrd, Sr., Richard Carter, Donald Robinson, Steven Smith, Barbara Southgate, Betty Wilson.

IOWA (1)

Sonny Holtz.

KANSAS (7)

Ronnie Davis, Roland Dumont, Margaret Krom, Randy Niblick, Epimerio Otero, Shirley Otero, Randy Trimble.

KENTUCKY (1)

David Ramsey.

LOUISIANA (13)

Deborah Acy, Martin Alexander, Sam Corrent, William Eidson, Janice Elkins, John Elkins, James Haynes, Webster Johnson, Jr., Cheryl McDonald, James Plummer, Harry Walker, Donald Young, unidentifiable female.

MARYLAND (18)

Nancy Ayers, Charles Baker, Donald Butler, Fuller Dondson, Steven Finley, Morris Fletcher, Leonard Hagans, Jr., Willie Lloyd, Bobby Love, Olin Nelson, Phillip Pace, Arthur Phillips, Geraldine Rantz, Anthony Reddick, David Rickels, Keven Roy, Michael Turner, unidentifiable female.

MASSACHUSETTS (4)

Andrew Clark, Bytawtas Ivaska, Michael Lynch, unidentifiable male.

MICHIGAN (38)

Horace Adams, Clarence Babbitt, Oscar Barham, Beverly Braswell, Cheryl Bush, Bobby Butler, Edward Cadell, Norris Childress, Arthur Doering, Roy Eppler, Jr., Kenneth Fleck, Steve Fullard, Keith Gazda, Vernon Hankins, Jerry Harris.

Terry Hill, David Jacque, James Johnson, Melvin Johnson, Johnny Lutes, Webster McCauley, Lepolion McKinney, Thomas McLeod, Barry Milton, Alice Morgan, Lew Potchynok, Nathaniel Powell, Claude Reynolds, Lorraine Robertson, Maurice Sanford, Charles Taylor, Ann Taylor, Charles Todd, Roger Tyler, Johnathon Upshaw, Cecil Vorhis, Linda Wright, Patrick Wright.

MINNESOTA (5)

Jack Herbig, Jeffrey Hickman, Rebecca Lain, Huddley Merica, George Parks.

MISSISSIPPI (3)

Fred Jefferson, Cheryl McDonald, James Perkins.

MISSOURI (22)

John Alfred, Edgar Bell, Mary Bergman, Dennis Callaway, Donald Howard, Patricia Middleswart, Charles Mills, Kenneth Mills, Sr., Anthony Norwood, Eddie Pace, Hal Page, Walter Pearson, Odell Portwood, John Ramsbottom, Lola Skinner, Darrick Smith, Lorenzo Williams, Brenda Windsor, Richard Windsor, Thomas Winn, Paul Wirges, unidentified male.

MONTANA (1)

Harry Ostwald.

NEW HAMPSHIRE (2)

Unidentified female, unidentified male.

NEW JERSEY (9)

John Baker, Thomas Fowler, Carl Grossman, Bernis Jaynes, Clayton Jaynes, Forrest Lorey, Guillermo Sanchez, Jeanette Sanchez, June Williams.

NEW MEXICO (4)

Larry Fletcher, Steven Juarez, Otho McCommon, Alfredo Vigil.

NEW YORK (37)

John Acosta, Chris Archibald, Carlo Bagatta, Emory Barron, Marian Bartosik, Juan Batista, Harry Beugeleisen, S. Calandruccio, Joseph Carozza, Carmen Cintron, Sol David, Richard Epps, Perry Estell, Reta Farnham.

Louisa Franco, Damien Galvez, Dorothy Galvez, Orlando Galvez, Isabel Garcia, Daryl Holden, Troy Hunt, Angelo Mazzola, Zoran Nistor, Roberto Ortiz, Manuel Pantoja, Martino Paulino, Tito Rodriguez, Edward Sanchez, Gregory Temple, Marion Woodbury, Joseph Wright, 6 unidentified males.

NORTH CAROLINA (25)

Derrick Allen, Raymond Askea, Cheryle Bolton, Darlene Brown, Artie Cherry, Jaqueline Freeman, William Gilmore, James Handy, Billy Hughes, Reginald Jones, John Kearns, Peggy Landreth, Shelton Lee, Melvin Lowery, Robert McBane, Robert McCoy, Catheretta McCrimmon, Roy McCrimmon, Janice Pemberton, Arthur Reid, Sr., Corby Tart, Elizabeth Tart, V. Van der Roest, Steven Weyant, unidentified male.

OHIO (30)

Rikard Altmeier, Rose Amos, Tom Amos, Cliff Barnett, Ian Barnett, Marie Barnett, Charles Bushey, Philip Hartenstein, Mark Kaminski, Leroy Lamb, Charles Maher III, Ellen Mahon, Monty McWilliams, Scott Nelson, James Owen, Helen Purtee, James Robinson, Carl Shultz, Michael Sergejew, Wera Sergejew, Amber Snowden, Clifton Snowden, Patricia Snowden, Shyla Snowden, Paul Spencer, Jerry Stewart, William Wathey, Harry Wolfe, Michael Smith, Jerilyn Stanfield.

OKLAHOMA (9)

Pastor John Bates, Roy Bechwith, Vanetta Beckwith, Ronald Goodwin, Michael Hagan, Frank Mitchell, Clifford Muse, unidentified males.

OREGON (6)

L. Brakefield, Jr., Steven Briggs, Edmund Hass, Ruth Hass, Steve Shaw, Danielle Winchell.

PENNSYLVANIA (26)

Arnold Bortnick, Ambrose Brooks, Marvin Burak, Patricia Burch, Anthony Clark, Donna D'Angelico, Angelo D'Antonio, Joseph Geary, Mark Goldstein, Dale McElrath, Frank Narducci, Sidney Orloff, Marian Phillips, Richard Phillips, Orland Porreca, Lester Robinson, George Ross, Elizabeth Rusch, Edward Smyth, David Swift, Patricia Tyler, Robert Tyler, James Walters, Herbert Wenger, Henry Woody, unidentified male.

RHODE ISLAND (1)

John Black, Jr.

SOUTH CAROLINA (3)

Chet Bembry, Lucinda Russell, Charles Thomason.

TENNESSEE (9)

Daniel Archer, Thomas Barnes, Eunice Castleman, Forrest Lorey, Dewey Matthews, Barney McKee, Edmonia Nollie, Raymond Page, James Payne.

TEXAS (81)

James Adreil, Mary Allen, Robin Allen, Juan Alviar, Steve Ardoin, Belphill Bassett, Michael Bishop, Rudolfo Bustamente, Michael Cates, Nicaco Chavez, Hayward Coleman, Ronnie Collins.

Jim Collums, Lawrence Coulter, Ronald Cruse, Don Cruz, Charles Dancy, Robert Danko, Bobby Deckard, Frank Decker, Wiley Dunn, Jr., Manuel Espinoza, Mark Frazier, Janell Freeman, Louis Galvan, Pablo Garcia, Steve Garcia, Dennis Gardiner, Tomas Garza, Janet Genho, Robert Genho, Janie Gryder, Lee Hall, Deborah Haynes, Dorothy Hunter, Charlie Isbell, Billie Johnson, Wing Lew, Ernesto Lopez.

Joe Machado, Charles Mackey, Stephen Marshall, Vickie Martin, Roberto Martinez, Alonso Medina, J. Wallace Messick, Jacob Montoya, Carlos Morales, Martha Morales, Maria Moreno, Alfonso Munoz, Daniel Palomino, Manuel Perez, Belinda Pratt, Janice Price, Charles Ratliff, Kathy Ray, Emilio Renteria, Marcelino Reyna, Hattie Riley, Louis Rodriguez, Gene Rogueau, John Ryan III, Marianna Salinas, Arthur Sanchez, Bobby Stiles, Jerry Stottlemyer, Robert Taylor, Peter Vargas, Emanuel Villapando, Lonnie Ward, Lee White, Kenneth Yarrish, unidentified male, unidentified male, unidentified male, unidentified male, unidentified male, unidentified male, unidentified male, unidentified male.

UTAH (2)

Police Officer Heaps, Randy Weber.

VIRGINIA (11)

Kenneth Burris, Daphine Fielder, Herman Hanser, Paul Hoffmann, James Latham, Police Lt. W. D. Oyler, David Riddell, Elaine Williams, unidentified female, unidentified male, unidentified male.

WASHINGTON (11)

Jesse Bennett, Ronald Balha, Catherine Dawes, Edwin Ebsary, Kathryn Gaines, Harold Hulman, Jay Latham, Michael Ryan, Raymond Shelton, Larry Tart, unidentified male.

WEST VIRGINIA (4)

Michael Anderson, Dawn Ashworth, Wayne Castleberry, Jackie Damron.

WISCONSIN (4)

Jeanette Chase, unborn infant Chase, Randy Justice, John Kummer, Police Officer Sidney Snow.●

RED RIVER VALLEY ASSOCIATION SPEECH

HON. BUDDY ROEMER

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 30, 1982

● Mr. ROEMER. Mr. Speaker, last month I was invited to speak to members of the Red River Valley Association at the group's convention in Shreveport, La. I would like to take this opportunity to share with my colleagues remarks delivered at that time.

REMARKS OF CONGRESSMAN BUDDY ROEMER

I appreciate your invitation to meet with you today. Champ Baker and various members of your organization have discussed mutual problems in water resource development with me on many occasions over the past year.

I hope that you will realize we must have many additional discussions in the months ahead if your dream of a navigable Red River is to come true in our lifetime, for the truth is, funding for Red River is in trouble.

The President's 1983 water resources budget has $141,512,000 for Louisiana but only $30,000,000 for Red River and that is limited to Lock and Dam No. 1. Even if Lock and Dam Nos. 2-5 are funded beginning in fiscal year 1984, the fiscal year 1983 spendout rate would mean that the project would be completed in 2022—40 years from now.

The problem, simply stated, is that federal funding for Red River is in serious trouble beginning in the fiscal year 1984 budget.

Each of you knows this already. The two questions we need to ask today—and answer today—and that I propose to talk about today are (1) Why do we have a funding problem? and (2) What can we, together, do about it? First, why?

The first problem with funding is the fact that there are no funds. The first problem with funding in America, I don't care what the project is—aid to education, legal projects, foreign aid, military spending—you can go right down the line, you're out of funds.

The nation is not bankrupt, but it has got one heck of a cash flow problem. Read the figures. The President's estimates of deficits in the next three years equal a quarter of a trillion dollars.

The deficit this year is going to be bigger than any single budget submitted in its entirety by President John Kennedy. The deficit alone is going to be bigger; those are the President's figures.

Yesterday the Congressional Budget Office said, "Fine, nothing wrong with those figures except they're not right, they're too optimistic." I never thought I would live long enough to hear a quarter of a trillion dollars in debt displayed in terms of optimism.

But the Congressional Budget Office says it will be $150 billion worse than that over the next three to five years.

Now the problem is not a recession. That adds to the deficit in 1982 and 1983, but the truth is, when we get behind these figures, talk turkey about them and look at them, we are projecting a deficit with full employment; in economic terms that is called a structural deficit. Built into the character of the budget policy, the structural deficit, given some conservative assumptions about productivity and economic performance, amounts to 50 billion dollars a year for the rest of this decade.

Its effects, as Sam Hall points out, on the people right here served by the Red River Valley Association are enormous. Look a farmer in the eye. The man gambles on the weather, he gambles on the market that he has no control over whatsoever and he generally borrows his money sometime in January and February to try and make a planting in March and April and, maybe, he pays it back.

Can you imagine what a structural deficit does to his interest rate or to a small businessman? You could go on and on with that list. The point simply stated is that America has a difficult economic time. To tap dance around that is not to be true to ourselves or to our country. Can we cut back? Sure we can. Does that mean we have to give up? Certainly not.

The administration's budget, which will not fly and should not fly, has foreign aid up, not down. We can talk about a little project in Louisiana that will help Louisiana, Texas, Oklahoma and Arkansas, no doubt about that. And we talk about cutting back, stretching out and delaying; yet you get a foreign aid budget that has the same kind of projects being built in Asia, Africa and other parts of the world with no cost-benefit ratio.

But even with the cutbacks, even with taking every program and squeezing it and looking at it and analyzing it, there will be economic pressure on water projects—the 117 on the budget cut, for the next three years. Count on it.

Now, many of you in this room know that I often get in trouble by being blunt and just straight-forward. I can't help it, I apologize for it, but that's my style, that is what I believe.

For the next three years, water projects in general—public works in particular and many programs across the mat—will be under severe economic pressure. How are you going to react to that? I'd say that in this crisis, our job as American citizens and as active participants in the Valley is not to say, "Let Red River procced regardless of our economic problems." It is not to say let Red River proceed and the rest of the country be hanged because that is not what you have said. I think you've been excellent in the last years about your willingness to step back a little, to sacrifice a little, to stretch out if required, asking only that it be done fairly.

The second reason why funding is in trouble is the cost/benefit ratio—somewhere around 1.2/1.0 according to the Army Corps of Engineers. This is a marginally beneficial cost/benefit ratio compared to other projects and is the reason that the past few administations—Democrats and Republicans—have looked carefully and negatively on full funding of the project.

You are convinced the benefits are there; after several years of intense study, I am convinced that the benefits are there. But the fact is that the powers in Washington are not convinced.

It's time, maybe past time, that our economic facts be assembled and presented in Washington. Facts which show a full accounting for the benefits of drinking water to north Louisiana and beyond. Facts which show the overwhelming benefits over costs in developing hydroelectric power. Facts which point out that the cost/benefit ratio must be computed not in the overall cost of the project but in the remaining costs. The government has already invested 25 percent of the project. The sunk costs are gone and in every other business decision in which I have participated it is the return on the next dollar spent (the return at the margin) when compared to other investment needs that determines a spend or no-spend decision.

After a great deal of study, I believe the facts of benefits including water, hydropower, return at the margin will justify the project in comparison with all other projects and at a time in the future when the country is strong economically.

The facts will support you. Unfortunately, the facts have not been coherently presented in Washington.

A final problem given the first two I mentioned is the basic intrastate nature of the project in a state showing a budget surplus. It is clear that this administration will insist regardless of economic conditions or economic benefit facts that the state's share of participation be more clearly spelled out.

Those are three reasons why we have a funding problem: economic deficits, benefits not understood or appreciated in Washington and the long-distance view that the state could and should do more.

The final question is what can you do about the funding problem?

(1) The real, full benefits package must be developed. You must take the lead in that effort. You can do it. No one else can or will.

(2) The state of Louisiana and its resources must become involved in funding whatever benefit studies and development are required. The state has a vested interest here and they must become intimately involved in this effort. I have met with Governor Treen in Washington this week. He tells me that the state is working and now willing to do more.

(3) The other states in the multi-state district must be made as active as possible and as visible as possible. I don't know enough to list a 1-2-3 of how that can be done, but I feel confident that you've got some ideas. Implement them; if the federal government sees little or no evidence of state involvement and coordination, then the project's chance of future funding is diminished sharply.

(4) Local and affected citizens must be informed and involved honestly and fully in the project. The solution begins here with strong fully informed local support.

(5) The congressional delegation must be made a full partner in the effort—not as blind cheerleaders regardless of national needs or benefits facts but as partners in the key decisions of strategy and as spokesmen to the Congress and the administration about the project.

Classic examples of the need for a full partnership occurred last year in a meeting with the President and in congressional debate. Because of a poor partnership relationship, many of you were not sure what I was going to tell the President or even what I said while there. A meeting before and after would have helped us all. I told the President that I would support him whatever he funded Red River, even zero, because I thought we needed to balance the budget, lower interest rates and inflation and that was the most important thing to the people I represent.

But I looked him in the eye and told him that we wanted fairness—all projects should be treated the same and, second, that we felt we could show the benefits were much better than he thought. We didn't want to be targeted but wanted a chance to develop our case.

He gave me that pledge. And although the administration did not live up to its fairness standard, the White House insists that our economic facts will be valued.

(6) Red River Valley Association is at the center of this dream and you must enlist all the help you can but take full responsibility for getting all the parties, states, local government, Washington, congressmen to work together. Better communicating, better coordination.

You have a big job and I pledge to do my part. During these very difficult and dangerous economic times, I will insist that the needs of the country come first and that will mean delay and stretch-out, sacrifice on our part for the good of America. But I will continue to insist on equity—fairness—and on a non-zero targeted hit list approach giving us the chance to make our economic case based on the facts which support the project as the nation can afford the investment

It is a great challenge for you. I know that together we can meet it.●

CRIMINAL JUSTICE SUBCOMMITTEE TO HOLD HEARINGS ON CRIMINAL CODE REVISION LEGISLATION

HON. JOHN CONYERS, JR.

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 30, 1982

● Mr. CONYERS. Mr. Speaker. The Subcommittee on Criminal Justice, which I chair, will hold two hearings this week on H.R. 1647 and related bills, legislation to revise Federal criminal laws. The first hearing, which will focus on provisions relating to representation of witnesses before Federal grand juries, will be held on Wednesday, March 31, at 2 p.m. in 2226 Rayburn House Office Building. The following witnesses are scheduled to testify: Charles F. C. Ruff, former Watergate Special Prosecutor and U.S. attorney for the District of Columbia; Hon. Tom Foley, county attorney for Ramsey County, Minneapolis; Prof. Peter Arenella, Rutgers University School of Law; Linda Backiel, Esq., on behalf of the grand jury project of the National Lawyer's Guild.

The second hearing, which will focus on the sex offense provisions of the legislation, will be held on Thursday, April 1, at 1 p.m. in 2237 Rayburn House Office Building. The following witnesses are scheduled to testify: Representative STENY HOYER; Bruce Bereano, member of the Maryland Commission on Women and recently appointed to Maryland's Advisory Board on Rape and Sexual Offenses; Hon. Norman Early, Jr., chief deputy district attorney, Denver, Colo., and member of the board of directors of the National Organization for Victims Assistance; Leigh Bienen, Esq.; Prof. Jeanne C. Marsh of the University of Chicago; and Prof. David Finkelhor of the University of New Hampshire.●

KNELL MORTUARY OBSERVES 100TH YEAR

HON. GENE TAYLOR

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 30, 1982

● Mr. TAYLOR. Mr. Speaker, few families in America have contributed more to their community in public service and civic participation, than have the Knells of Carthage, Mo.

For three generations, the family has operated the Knell Mortuary in Carthage and this year will mark its 100th anniversary of service to the community.

The business was founded by Edward Knell in 1882. Upon his death, he was succeeded by his son, Frank.

When Frank passed away in 1943, Miss Emma Knell, the third woman in the State of Missouri to be licensed as an embalmer, headed the firm until 1949. Since that time, the mortuary has been operated by the founder's grandsons, Frank W. Knell, Jr., and Robert Knell. Mrs. Lucy Knell Buckwell joined the family business in 1921 and the founder's eldest son, Fred, also worked in the firm.

It has been a pleasure to know and have the friendship of such an outstanding family. They have worked tirelessly in their business as well as in community affairs, being responsible for the founding of the Carthage Merchants Association, a forerunner to the chamber of commerce and the creation of the Jasper County Fair.

Recently, the Carthage Press carried a story detailing the growth of the family business.

The article follows:

[From the Carthage (Mo.) Press, Feb. 16, 1982]

KNELL MORTUARY OBSERVES 100TH YEAR

The Knell Mortuary, now in its 100th year of service, is operated by third generation members of the pioneer family.

Edward Knell, founder of the organization, was born in Bayfield, Canada, but went to Switzerland with his parents, the late Mr. and Mrs. Fred Knell when he was 10 years old. He studied in Switzerland and in France before going to Davenport, Iowa, to make his home with a brother who operated an upholstering business there.

After learning more about the business in Chicago, Ill., and Cincinnati, Ohio, he returned to Davenport where he joined his brother's firm as manager of a branch shop in Moline, Ill.

Because of the extremely cold winters in Illinois, Knell decided to move south. He came to Carthage in 1882 and purchased the furniture and undertaking business of Hurley and Dingle, on the south side of the Carthage Square in the Burlingame Building. He had a partner in the business, George C. Howenstein. After two years, Knell sold the furniture business to his partner so he could devote his full time to the funeral business.

Edward Knell's ideals were to give the best service to the family and treat a body with respect and dignity. In those days, the undertaker only carried coffins. Families selected the lining, pillows and handles that went on the coffin.

When E. Knell came to Carthage, the only method used to keep a body longer than one day was to ice it down in a large zinc-lined box until the morning of the funeral when it was dressed hurriedly and placed in the casket. It was then taken to the private home of the deceased.

To E. Knell there was something sacred about death. He gave much thought to the advancement of methods which would make it possible to take care of the dead in a manner which would relieve as much as possible any horror of death.

To accomplish this plan he entered the Clark School of Embalming in Cincinnati, Ohio. On March 17, 1887, he received his diploma from that school. The diploma still hangs in the offices of the mortuary. Knell was the first to introduce the art of embalming in Jasper County. He continued to gain all possible knowledge about his chosen profession. He was one of the first embalmers in Missouri to successfully pass the test by the State Board of Embalming and to obtain a license to practice embalming. His license was number 7 and was granted Aug. 12, 1895.

One of his dreams was to have a modern funeral establishment. This was to be realized in 1907 when the business was moved into the Knell Building at 201 E Third Street. The two-story building was 35 x 50 feet with a full finished basement and was first undertaking parlor in southwest Missouri. In 1908 a third story was added to the building and an addition on the north side was completed in 1910. Knell realized his dream by finishing the first chapel in the county.

E. Knell was a lover of horses and maintained The Knell Driving Park at his farm at the west edge of Carthage. There he built a park and in 1902 started the Knell Fair.

Using his own funds, along with borrowed money, he built the huge grandstand with a one-half mile track. There harness races were held and later some auto races.

He was quite proud of his horses. One of the horses named Early Reaper held the record on the Missouri State Fair track at Sedalia for over 50 years.

The first year the Knell Fair just broke even but during the next few years it prospered and it was impossible for one man to handle it. A board was established and the name was changed to the Jasper County Fair. In 1909 he was succeeded by his daughter Miss Emma Knell as secretary and general manager. Under her guidance the fair grew to be the second largest in Missouri State Fair. Miss Emma continued in that capacity until 1926 when she resigned to serve in the Missouri Legislature.

E. Knell also was a community leader. He founded The Carthage Merchants Association, a forerunner of the Carthage Chamber of Commerce. He also established a trust fund to start the free-bed fund for indigents at the Carthage Hospital.

All four of Knell's children became active in the family business. Knell had always wanted to have a woman in the business to assist with the women and children. His daughter Miss Emma Knell was graduated from Carthage High School in 1877 and she went to St. Louis to attend the National School of Embalming. She received her diploma and later passed the state board of embalming examination in 1887 and received license No. 391.

She was the first unmarried woman and third woman in Missouri to be licensed as an embalmer.

The eldest son, Fred E. Knell served as a member of the firm until about 1917 when his health failed. He died Feb. 11, 1921. He was the father of Ed Knell, well known farmer northeast of Carthage.

Frank W. Knell, Sr., father of the present owners was graduated from National School of Embalming in 1904, and that same year obtained embalmer's license 814. Knell served 14 years on Carthage board of Education and was one of the original boosters to bring professional baseball to Carthage in 1937. He also was active in all community affairs.

Another daughter Miss Lucy Knell Buckwell returned to Carthage in 1921. She passed the state board that year and received license No. 2510. They are the only women in Carthage to have held embalmers licenses. Lucy died Dec. 1, 1973.

On March 31, 1943, Frank W. Knell Sr. died. At that time his sons Frank Jr. and Robert joined the family business, making the third generation of Knells to serve the community. Both Frank and Robert are graduates of Carthage High School, University of Missouri and St. Louis College of Mortuary Science. Both were graduated with distinguished honors. They also have taken various courses at the National Foundation of Funeral Service in Evanston, Ill. Both also hold Kansas licenses.

The Knell family is proud of its staff. A veteran employee James Canady, who died in Feb. 27, 1947, was a member of the staff 35 years. Lee Thompson, 527 Olive St., has been a member of the staff nearly 40 years.

In 1948 Mrs. Lucy Knell Buckwell sold her interest to her nephews Frank and Robert, and a year later they purchased the interest of Miss Emma. Miss Emma remained a member of the staff on a consulting basis until her death Sept. 19, 1963.

The Knell Mortuary is proud of its membership in the National Selected Morticians. This is the Phi Beta Kappa of funeral service. Membership is by invitation only after a rigid examination and the firm must maintain the rigid requirements. Only 35 firms in Missouri have been qualified for this membership. Both Frank and Robert have been active in Missouri Funeral Directors Association. Frank served as its president in 1957, the youngest person to ever hold the office. Robert served as president in 1968-69. E. Knell helped organize the association. The firm has maintained membership in this organization for nearly a century.

The younger members of staff include Rob, who represents the fourth generation. Robert is a graduate of Carthage Senior High School. He attended Missouri Southern State College and was graduated from the Dallas Institute of Mortuary Science. Rob holds embalmers license 5687.

Neel Baucom, son-in-law of Frank Knell, was graduated from Carthage Senior High School, Missouri Southern State College, and the Dallas Institute of Mortuary Science as valedictorian of his class. He holds embalmers license 5898. All are licensed funeral directors. Frank holds license No. 7, which incidentally is the same number of embalming license of his grandfather. Robert holds license No. 8. Dorothy Knell, wife of Frank, holds funeral director license 763, and Doris, wife of Robert, license 764. Rob has funeral director license 3486 and Neel 3552. Lee Thompson also is a funeral director and holds license No. 747.

The Knell family has handled services for 17,432 persons in the 100 years. This family owned and only locally owned service in Carthage is proud of the confidence the public has placed in them and hope to continue to merit that confidence.

The busiest time they had during the past 40 years, Frank Knell said, was 17 services pending, seven were scheduled in one day.

In 1954, the Knell Mortuary was completely remodeled and today is one of the largest mortuaries in the Four-State area. At that time, the two original homes were joined together. The west building contains the chapel, which seats 175 at full capacity. A large family room with a private entrance from the parking lot will seat 65. An entrance foyer, music room and a hall to the center portion, together with a five room apartment upstairs are also in this part of the building.●

THE IMMIGRATION REFORM AND CONTROL ACT OF 1982

HON. ROMANO L. MAZZOLI

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 30, 1982

● Mr. MAZZOLI. Mr. Speaker, on March 17 along with my distinguished colleagues Congressmen ROBERT MCCLORY and HAMILTON FISH, I introduced H.R. 5872, the Immigration Reform and Control Act of 1982. Senator ALAN SIMPSON, chairman of the Senate Subcommittee on Immigration and Refugee Policy, introduced an identical bill in the Senate.

I have been extremely gratified by the responses to this bill. People have written to me from throughout the country urging quick action on this legislation, which is so important if we are to gain control of our Nation's immigration policy. A large number of my colleagues have approached me on the floor indicating their support for this bill.

I am also pleased that various major newspapers around the country, recognizing the importance of our immigration problem, have offered support for the Simpson/Mazzoli bill. I insert the editorial in support of the bill; from my home town newspaper, the Louisville Courier Journal, in the RECORD at this point:

[From the Louisville (Ky.) Courier-Journal, Mar. 20, 1982]

MAZZOLI'S IMMIGRATION BILL RECOGNIZES JOBS ARE THE ISSUE

The immigration bill introduced Wednesday by Congressman Romano Mazzoli of Louisville and Senator Alan Simpson of Wyoming already is stirring up controversy. But it is controversial precisely because it addresses a key immigration issue that Congress has irresponsibly avoided until now: employment of illegal aliens.

So long as U.S. employers can safely hire workers who come to this country illegally, the flood of such persons—now estimated at 500,000 a year—will continue unabated or even increase. Border patrols and airport checks by the Immigration and Naturalization Service cannot begin to cope with the problem unless they are massively expanded, at enormous cost and the risk of police-state abuses.

Jobs, more than anything else, are the magnet that makes the United States so attractive to millions in Mexico, Central America, the Caribbean and beyond. But the U.S. economy no longer is generating jobs fast enough even for those already in this country. So unrestricted immigration, which is a fact if not official policy in America, is rapidly becoming a source of social, political and ethnic strife.

The Mazzoli-Simpson bill would tackle the problem by making it a crime for U.S. employers knowingly to hire illegal aliens. The question that immediately arises, of course, is how an employer is to know that a job applicant is in this country illegally. As an interim solution, the bill would require employers to check would-be workers' identification papers, such as Social Security cards and drivers' licenses.

Because these documents can easily be forged, the bill also calls for the president to develop a more effective verification system within three years. This aspect of the bill is sure to worry civil libertarians who foresee national identification papers or internal passports of the sort that citizens in many European countries must carry.

Most Americans would rightly object to such an intrusive requirement. But a system doubtless could be devised under which Social Security cards are made reasonably tamper-proof and employers could determine, with only a phone call, that a Social Security number matches a job applicant's name and age. As a further guard against unwarranted intrusion, the law could specify that the cards need be shown only to prospective employers.

Besides the penalties for hiring illegal aliens, which are opposed by the U.S. Chamber of Commerce, the Mazzoli-Simpson bill also would set a yearly immigration ceiling of 425,000 persons, exclusive of political refugees. This is about the current level of legal immigration, and the bill would allot 60,000 of these slots to Mexico and Canada. Because relatively few Canadians are expected to immigrate, this provision likely would have the effect of increasing legal immigration from Mexico, now 20,000 a year.

This is preferable to the Reagan administration's proposed "guest worker," program under which as many as 50,000 Mexicans would be allowed into the country for a year to seek jobs. With the Immigration and Naturalization Service already overburdened, it would be difficult for the government to assure that these workers returned to Mexico when their year was up.

In all likelihood, they would join the estimated 3.5 to 6 million illegal aliens already in the U.S. That figure would be substantially reduced, under the Mazzoli-Simpson bill, by an amnesty process under which illegal aliens who have been here since at least 1978 could receive legal status. The amnesty provision is a concession to human reality. Rounding up and deporting millions of people, even if it were possible, would be a brutal business.

Better by far to gain control of future immigration. Congressman Mazzoli and Senator Simpson deserve credit for producing a plan that would do just that. Those who complain that it isn't perfect should be asked just what they would do to stem the tide of illegal immigration. And those who say there's no problem just haven't been paying attention.●

DO NOT FORCE MILLIONS OF SENIORS INTO POVERTY—DO NOT CUT SOCIAL SECURITY COLA'S

HON. RICHARD L. OTTINGER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 30, 1982

● Mr. OTTINGER. Mr. Speaker, in recent weeks a number of Democratic and Republican congressional leaders have recommended reducing or deferring the scheduled cost-of-living adjustments for social security recipients as part of their deficit-reducing packages. I oppose these proposals and yesterday introduced House Concurrent Resolution 298 which expresses the commitment of the Congress to maintain this vital inflation protection for retirees.

Seniors have already been devastated by cuts in all their necessities—food, rent, health care, and energy assistance. Further cuts would jeopardize the lives of many older Americans. According to a recent study reported in yesterday's Washington Post by Data Resources, Inc., the COLA cutbacks would have devastating results for many elderly persons: Up to 1.2 million elderly people would be pushed below the Government's official poverty line by 1985, and 2.1 million by 1990.

Public confidence in the social security system is at an all-time low. Proposals to cut the cost-of-living adjustments add to the public's concern and skepticism about the program and Congress willingness to provide promised benefits. I am getting a great many letters and phone calls from seniors worried about the proposed COLA cutbacks. During the Easter recess we will be seeing many others looking for reassurance that Congress will not cut back their social security benefits. We must act quickly to assure American workers and retirees that Congress will not make older Americans the scapegoats of the budget battle.

I hope my colleagues will join me in supporting the resolution which is printed below:

H. CON. RES. 298

Whereas existing law provides for annual cost-of-living adjustments to help protect the income of 36 million social security recipients from the devastating impact of inflation; and

Whereas other benefits providing for the necessities of life to older Americans already have been drastically reduced, including Medicare, food stamps, Medicaid, subsidized housing, and low-income energy assistance; and

Whereas the reduction or deferment of scheduled cost-of-living adjustments would be tantamount to a cut in social security benefits and inconsistent with past bipartisan efforts to provide inflation protection to social security recipients; and

Whereas cuts in scheduled cost-of-living adjustments would further undermine public confidence in the social security system; now: Therefore, be it *Resolved by the House of Representatives (the Senate concurring),* That, it is the sense of the Congress that no cuts should be made in cost-of-living adjustments under title II of the Social Security Act.●

A "NEW BEGINNING" CREATES "NEW POOR" IN LORAIN COUNTY

HON. DONALD J. PEASE

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 30, 1982

● Mr. PEASE. Mr. Speaker, last Sunday's Washington Post carried a very troubling article about the economic suffering in my district—the 13th Congressional District of Ohio. I remember how President Reagan, then candidate Reagan, promised all of us a "new beginning" when he accepted the nomination of the Republican Party to campaign for the Presidency in the summer of 1980.

Now the terrible truth is apparent and no amount of Saturday radio shows will hide it. The President's economic program has brought us to the brink of economic disaster. I urge my colleagues to review the following article in order to more fully appreciate the hardship and anguish brought to millions of hardworking Americans who have sacrificed their jobs to the folly of Reaganomics.

[From the Washington Post, Mar. 28, 1982]

JOB LAYOFFS CREATING THE "NEW POOR"

(By Warren Brown)

LORAIN, OHIO. Trickle-down unemployment has saturated this industrial town, located at the mouth of the Black River on the shore of Lake Eire.

Because the huge Ford Motor Co. plant here can't sell enough of its Thunderbirds and Cougar XR-7s, auto worker Ronnie Chambers, 34, is jobless.

Because oil prices have dropped and oil companies no longer need as many of the seamless pipes made by the Lorain-Cuyahoga Works of U.S. Steel Corp., steel hands William Socotch, 58, and George McKenzie, 59, are out of work.

Because Chambers and Socotch and McKenzie and about 20,000 others in this once booming manufacturing center can't find jobs, Bonnie North, 26 an unemployed billing clerk, can't find one, either.

"Where do you go for work? Anyplace except Lorain, that's for certain," said Bob Zelina, director of Lorain County Labor Agency, Inc., a union-run outfit that provides credit counseling, job searches and other services for union and nonunion workers.

Lorain is one of many places in this state hit by the high unemployment that also has hit towns and counties in Illinois, Michigan, Pennsylvania and other places where heavy industry, once robust, has been weakened by high interest rates and falling sales and a continuing shift to a more service-oriented economy.

Where do you go for work in a time and place like this—where the new cars are being turned out more slowly and the steel blast furnaces are cooling and the people down at the AmShip Division of the American Shipbuilding Co. aren't building many ships anymore?

Bonnie North went to local stores and shopping centers, to doctors' and lawyers' offices and to other places where people normally spend money. But not many are spending much in this town of 74,000 people, nor elsewhere in Lorain County, which has a population of about 273,000. So no one hired her.

North remembers President Reagan's recent recommendation that people stuck in jobless regions "vote with their feet." She would like to do that, move someplace where there are more jobs than job hunters, she said. But that would mean leaving her 62-year-old mother, Alice, who has been in the Lorain Community Hospital for a month with a serious intestinal illness.

"My mother is not well. She can't move away from here, and I'm not leaving her," said North, who is a devout Jehovah's Witness.

Many people in this city and county believe they're in a depression, and they say they have the figures to prove it.

The official unemployment rate for the Lorain area was 17½ percent last December. It dropped to 15.2 percent in January. But the area's municipal and civil leaders say the drop is deceptive.

"A basic reason for the rate decline is that about 3,000 people in the area dropped out of the work force between December and January," said Reid Kollins, director of the Greater Lorain Chamber of Commerce.

"Nobody really knows where they went. But I'm sure a lot of them must still be around. I know they didn't all pack up to go back to West Virginia or someplace."

Lorain is a proud community, its residents accustomed to rising early and working late. Even now, with jobs scarce, predawn traffic moves briskly along state Route 57, an artery through the center of town.

Ronnie Chambers and his 32-year-old wife, Wilma, usually are in the early morning traffic. He drives their 1978 Ford LTD 29 miles west to Cleveland, where Wilma Chambers earns $125 a week working in a nursing home. Chambers drops off his wife and then drives to his parents' home in Cleveland, where he leaves his youngest of three daughters, 5-year-old Rhonda, for the day.

Chambers then goes to "work"—looking for a job. He might go to the nearby towns of Sandusky or Medina, or Avon or Elyria. But he is a spot welder in a land of unemployed or robotic spot welders, and no one is hiring.

"I was thinking about leaving here altogether and going down to the Sun Belt. But everybody I know of who did that came back saying it wasn't much different there, and that if you found a job, you most likely couldn't find a house you could afford. I don't know if I want to take that chance with my wife and girls," Chambers said.

Meanwhile, the job search continues. "Maybe I'll find something," Chambers said, forcing a smile and rubbing his bad hand, which was mashed in a steel mill accident back in Detroit. But he couldn't hide the worry.

Chambers has been irregularly employed since 1979, when the domestic auto industry began running on empty. At first, he got $115 a week in state unemployment benefits, and matched that with $164 in weekly federal trade readjustment assistance (TRA). The aid was given to U.S. workers whose jobs the government judged to be imperiled by foreign compensation.

Chambers said he "could care less" about politics. He didn't care "one way or the other" when Ronald Reagan was elected president in 1980. "I didn't vote. I never vote," he said.

The Reagan administration virtually eliminated TRA, and Chambers' benefits from that fund dropped to $2 a week before disappearing altogether. He will exhaust his extended unemployment benefits in April, leaving Mrs. Chambers' weekly check to take care of the family's needs.

The couple has taken some steps to soften that expected blow. They have sold their pickup truck and moved to a small house here that rents for $210 a month, $30 dollars less than their previous house. Because of a $50-a-week gasoline bill, they stay home when Ronnie Chambers is not looking for a job or driving his wife, who can't drive, back and forth to her job in Cleveland.

Chambers has a sister and brother-in-law who work for General Motors in Detroit. He used to get loans from them. But they have been hearing rumors that they, too, will be laid off. Understandably, their willingness to make additional loans has diminished, Chambers said.

"I don't know how we're going to survive if the jobs don't come back," he said.

Chambers is not angry with Reagan, though, "I don't blame anybody for this situation. I don't know who to blame. All I want to do is find a job," he said.

Chambers said he has heard "the talk that the economy is going to come around," maybe by summer. "But I wonder how in the hell we're going to survive while we're waiting," he said.

Some of those who have survived have suffered grave psychic wounds. They are among those who show up at the Lorain County Community Action Agency, an independently run social aid organization located in a gray building at 3553 Broadway here. The reception room is small and crowded with people, black and white; men and women, young and old.

It is a curious crowd. Some have been in the room before, many times, and have become experts at filling out aid request forms and working the system. Others are what agency Director Charles Hopkins calls "the new poor"—people, often white, who have tumbled from the assembly lines, the steady, good-paying jobs and the comfortable homes in some of Lorain's nicer neighborhoods.

The "new poor" don't talk much, not in crowded rooms, anyway. Hopkins is their spokesman.

"I've been in the poverty movement for 17 years, and I haven't seen it this bad," he said. "Traditionally we say the chronic poor, the people who have been on welfare for generations".

"But now, we're seeing people who have been making at least $25,000 a year . . . It's a real strain on them to have to come in here," Hopkins said. He said many of the "new poor" are so ashamed of their status, they actually wait until foreclosure or eviction, or until their utilities have been shut off, before coming to the agency.

"I've seen people cry in here. I've seen men and women cry . . . I've seen them go into rages because they had to fill out forms and answer the kinds of personal questions they've never had to answer before. They're ashamed of being on public assistance. They're in shock. They're just not used to it," Hopkins said.

Statistic: Since Jan. 1, the agency has granted emergency heating assistance to 1,300 applicants. Fifty percent of those were members of the "new poor," Hopkins said.

"People ask you how you feel about this," said William Socotch, the laid-off steelworker, preparing to go to the local unemployment office to file a claim. "Well, how would you feel? How is a man supposed to feel?

"You invest a lot of time in a job. You're a good worker. But yet, you're out. They lay you off or they close the plant down.

'I'll tell you how I feel about going to stand in that damned unemployment line. I don't want to be there. I don't like it one damned bit. It's a slam against my ego."

To George McKenzie, working at the steel plant was just a way to supplement his real job—"my work for the Lord," McKenzie is an assistant pastor at the Third Baptist Church of Lorain. "And the Lord will take care of it," he said about his current jobless plight.

But a devilish smile crept across his face when he said this. "You know," he began, "not even the Lord wants me to sit here and try to make it on unemployment. If I don't get my job back at the plant, or if I can't find another job around here, I'm going to move.

"I've been in Lorain most of my life. I'm 59. But I'll move if I have to. I have a family. They got to eat.

"The Lord is going to take care of it. But I can't just sit around here on my little skinny butt and wait for him to do that," McKenzie said.

It is nearly 4:30 p.m. on a Wednesday. Joseph F. Koziura, Lorain's elected city auditor, has just gotten the news. U.S. Steel is going to lay off another 600 workers, bringing to 1,800 the number laid off since the start of the year. The plant normally has over 5,000 employes. The latest layoffs mean Lorain will lose an additional $125,000 in annual payroll taxes. Altogether, with nearly 2,000 furloughed from the plant, the city will lose $425,000 a year.

"We could lose triple that amount with the ripple effect, with reduced commercial sales and that sort of thing," Koziura said. Partly for that reason, and because the city is in need of major capital improvements, Koziura, a Democrat, is proposing a local income tax increase and several new public service fees.

"Crazy? No, I'm not crazy," Koziura said. "This city has an A-1 credit rating with Moody's. We're not going to default on any obligations and lose that. That would be throwing away the future."

Koziura, a dapper man of 36, has been in office 11 years. He candidly admits higher political ambition, to preside over Lorain as mayor, bringing it back to industrial greatness.

He said he wants to do this by diversifying Lorain's economic base, by bringing in small, high-tech firms that would employ no more than 300 people in a given shop. There also is the promise of Lake Erie, a major waterway that Koziura believes has not been fully exploited.

"We'll get through this," he said, referring to the latest news from the steel company. "This town is still very much alive."●

JACK GALLAGHER, A WINNING BASKETBALL COACH

HON. JOSEPH M. McDADE

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 30, 1982

● Mr. McDADE. Mr. Speaker, in Pennsylvania we have just lost one of our most knowledgeable and most successful basketball coaches, John E. "Jack" Gallagher who died on March 4.

Jack Gallagher was a resident of my congressional district, and it was my privilege to know him and his influence on countless young men and women whom he coached at Scranton Prep, at St. Paul's High Schools, and in numerous basketball clinics. He was an outstanding man, a devoted father, and extraordinarily accomplished teacher and coach, and an inspiration to so many students.

"Gallagher's reputation as a highly informed basketball coach was known throughout the East," as the Scranton Tribune said in its obituary printed on March 5, 1982. For that reason, I insert the Tribune article in the RECORD at this point.

[From the Tribune, Scranton, Pa., Mar. 5, 1982]

JOHN GALLAGHER, COACHING GREAT

John E. "Jack" Gallagher, one of the most successful coaches in the annals of area scholastic basketball, died Thursday in Mercy Hospital, the victim of an apparent heart attack.

Gallagher, recognized as one of the most knowledgeable basketball men in the state, compiled a record of 238 wins and 68 losses while coaching at Scranton Prep from 1953 to 1968.

It was reported the retired coach suffered a heart attack in his home at 1302 Green Ridge St. and was rushed to Mercy Hospital where he underwent surgery.

A Dunmore native, Gallagher's reputation as a highly informed basketball coach was known throughout the East. He served on the staff at Camp All-America at Cornwall-on-the-Hudson for a number of years and had discussed various aspects of the game with many of the country's top college and high school basketball coaches. Over the years he conducted numerous clinics particularly for boys on the high school level.

Gallagher was graduated from Dunmore High School in February, 1937, and served 42 months in the Army. He graduated from East Stroudsburg State College in 1951 with a bachelor of science degree in health and physical education.

He began his coaching year in the 1951-52 season at St. Paul High School, Green Ridge, while employed as a home-bound teacher in the Dunmore School District.

The following year he took over at Prep and compiled a 20-7 record while capturing his first of nine Catholic Basketball League championships. He never finished below fourth place in the league and never experienced a losing season in basketball at Prep.

In the years he didn't win a CBL crown his team finished second three times, third once and fourth once.

While at Prep, he twice led the Cavaliers into the PCIAA Class A basketball finals, once with a team that finished the season with only a 13-8 record. The Cavaliers under Gallagher also won three Lynett Tournament championships.

Gallagher left the coaching position at Prep in January of 1967 and began scouting for Army basketball coach Bobby Knight.

In 1969 he was back on local courts as coach of Pittston Area but resigned in 1974.

Since that time, he has been scouting for Knight, who now is coach of the University of Indiana team which captured the 1981 NCAA championship.

Gallagher was married to the former Jennie Russoniello, who was a standout player with the famed Bucktown Girls. Also, surviving is a daughter, Chris.

Funeral arrangements are being handled by the Vanston Funeral Home and are incomplete.●

NO QUESTION OF PRIORITIES

HON. TOM CORCORAN

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 30, 1982

● Mr. CORCORAN. Mr. Speaker, yesterday I introduced H.R. 5977, the Energy Equity Act. This legislation would impose upon recipients of Synthetic Fuels Corporation assistance the obligation to contribute "earnest money" equivalent to 20 percent of the Federal assistance received into an energy equity account. The Energy Equity Act would terminate the SFC at the end of phase I of the original synthetic fuels program on September 30, 1984.

The funding authority remaining to be obligated by the Synthetic Fuels Corporation under phase I is nearly $15 billion. If all of this amount is awarded to SFC assistance applicants, $3 billion would be deposited in the energy equity fund. Two-thirds of this amount is to be used for low-income energy assistance and weatherization; the remaining third would be used to assist our depressed housing industry. Half of any funds not awarded by the SFC will also go into the energy equity account.

In the past week, we have seen that the Synthetic Fuels Corporation, inherited by this administration, is a turkey this country cannot afford. Despite the best efforts of Chairman Noble and the directors and staff of the Synthetic Fuels Corporation to make this program more than a subsidy for the R. & D. departments of the major oil companies, the March 24 Wall Street Journal and March 30 Washington Post articles I am inserting in the RECORD describe cost overruns of $1.8 billion for the Colony Shale Oil project sponsored by Tosco and Exxon. When you consider that the $1.2 billion Government loan guarantee granted to Chrysler was the largest Government loan guarantee ever approved for a corporation, the magnitude of this overrun is plain.

To continue funding such projects, and sponsors like Ashland, Tenneco, Dynalectron, and Bechtel, while the energy consumers of this country receive reduced aid and assistance to heat and weatherize their homes, and the American dream of homeownership is almost a forlorn hope for most of the young people in this country is worse than foolish—it is unconscionable.

I hope my colleagues will join with those of us who have introduced this legislation to secure the quickest possible consideration and passage of the Energy Equity Act.

The articles follow:

[From the Washington Post, Mar. 30, 1982]

COST OVERRUNS ON SYNFUELS PROJECT CITED

(By Martha M. Hamilton)

The company holding a $1.1 billion synfuel project government loan guarantee for one of the nation's largest synfuels projects has limited understanding and no control over project costs, according to reports prepared for the Department of Energy.

The reports, prepared last month, describe the design of the Tosco-Exxon Colony Shale Oil Project as much sketchier than it was said to be when the government approved the loan guarantee for The Oil Shale Corporation, a Tosco subsidiary. Cost estimates, based on the project design, have been escalating upward, raising questions about Tosco's ability to finance cost overruns.

The loan guarantee is almost as large as the $1.2 billion government loan guarantee granted Chrysler, the largest government guarantee ever approved for a corporation.

The government's Synthetics Fuels Corporation is already facing considerable opposition in Congress where a bill was introduced yesterday to take away most of its authorized funding and another bill has been introduced to disband it. The SFC's difficulties are likely to be compounded by its problems with this loan guarantee.

"Although Tosco put many years and many millions of dollars into developing the most advanced oil shale project in the country, it is clear now that even this sizable investment did not guarantee reasonable certainty of costs or design," Rep. Toby Moffett (D-Conn.), chairman of the House environment, energy and natural resources subcommittee, said last week.

Since the guarantee was granted, Tosco has raised its own estimates of the cost of the project 19 percent from $3.1 billion to $3.7 billion, and Exxon has indicated the project will cost closer to $5 billion. Last Friday, calling the potential cost overruns "a very serious situation," the Synfuels corporation threatened to take away the federal loan guarantees.

The corporation asked Tosco for updated cost estimates and assurance that there is adequate security for the loan guarantee. The DOE reports suggest, however, that Tosco's ability to respond to that list is limited because of the company's limited role in the project. Exxon, which is not a party to the loan guarantee, owns 60 percent of the project and controls its design, cost, construction and operation.

"During the recent period of involvement with the Colony Shale Oil Project, it became apparent to the Denver-DOE staff that Oil Shale is being treated as a junior partner even though it is contributing more than $1 billion to the project," according to a confidential report prepared in February by that staff.

"Oil Shale must become a more active owner and participant in the Colony Shale Oil Project in order to fulfill the requirements of the loan guarantee agreements as approved by the government and Oil Shale," the report concluded.

Tosco Vice President for Public Affairs Walter Klein called the characterization of Tosco as a junior partner on the sidelines as "just nonsense." Tosco Executive Vice President John Lyon said that Tosco had a better working relationship with Exxon than with previous participants in the project.

Klein said the DOE reports had not been provided to Tosco. From what he had seen, he said, the portions of those reports that had to do with cost estimates "appear to be garbled."

"There are a lot of things that are just overblown at this point," he said. "We also think that as time moves along, all these perceived problems will be taken care of." Klein noted that Exxon and Tosco had begun work on the project before the loan guarantee and that an estimated 1,600 people are employed by the project. He also questioned where the cost estimate purported to be Exxon's had come from.

Another report, prepared for DOE by Black & Veatch, a consulting engineering firm, concluded that Exxon's higher cost estimates were more accurate.

An Exxon spokesman said yesterday that Exxon has not submitted any definitive cost estimates based on detailed design to the government. Those figures will not be available till the end of 1982, he said.

[From the Wall Street Journal, Mar. 24, 1982]

U.S. RECONSIDERS TOSCO LOAN GUARANTEES AS COST ESTIMATES ON SYNFUEL PROJECT SOAR

(By Andy Pasztor)

WASHINGTON.—Escalating cost estimates have forced the U.S. to reconsider the terms of loan guarantees granted to Tosco Corp. for a multibillion-dollar synthetic fuels project the company is building with Exxon Corp.

In the past few months, Exxon has raised its cost estimates for the oil-shale project in Colorado to as much as $5 billion from the initial $3.2 billion estimate, according to federal officials.

Tosco disputes Exxon's estimates, contending that the final cost of the project will be around $4 billion. Exxon hasn't received any federal help for its share of the project and hasn't signed any agreement with the government spelling out Exxon's construction plans.

The government, in light of the potential cost overruns, is looking for ways to better protect the $1.1 billion in loan guarantees it granted to Tosco last year. Federal officials said they are trying to determine whether the higher cost estimates violate certain provisions of the loan guarantee agreement and thus warrant stricter government controls. The U.S. could even delay future drawdowns on the guarantees until Tosco and federal officials agree on new procedures to determine and track costs. Tosco is seeking to top more of its loans guarantees in the next fews weeks.

COST ASSESSMENT

The U.S. Synthetic Fuels Corp., the government-backed corporation overseeing the project, is expected to take up the issue at a board meeting Friday. Several of the corporation's directors and senior officials are understood to be concerned about the potential cost overruns, but they aren't expected to take final action until additional studies are completed and Tosco provides a plan showing how it expects to repay the U.S.-backed loans primarily from cash flow generated by the plant.

Among the things the corporation wants to assess, according to federal officials, are whether Tosco would be able and willing to shoulder an extra share of the costs and whether Exxon would be willing to increase its 60 percent stake in the project. Under extreme circumstances, the corporation could cut off all loan guarantees to Tosco and try to force the company to repay the approximately $75 million of guarantees it already has tapped.

The government granted Tosco the loan guarantees after the company said it could borrow only a small part of the nearly $1.5 billion it needed to cover its 40 percent share in the project. So federal officials are worried that if the projected cost overruns are accurate, Tosco may be unable to borrow the additional nonguaranteed funds it would require.

CONCERN OVER PRICING

In addition, the government is worried that higher construction costs would run up the price of the synthetic crude the plant will produce, making it noncompetitive with conventionally produced fuels. The Colorado project is scheduled to start producing 50,000 barrels of synthetic crude a day in 1987.

In Los Angeles, John Lyon, the Tosco executive in charge of the project, said the company isn't alarmed by the higher estimates and doesn't plan to reduce its participation in the project. Mr. Lyon said some of Exxon's recent cost projections included inflation estimates for unexpected problems, and he asserted that the estimates would eventually be lowered.

According to Mr. Lyon, most of the discrepancy between cost estimates developed by the two companies involves "different estimates of worker productivity during construction" and disagreement about the size of the contingency fund set up to deal with unexpected problems.

In Houston, Robert Larkins, head of Exxon's synthetic fuel operations, confirmed that company officials were reviewing cost estimates for the project and said final figures won't be available until year-end. Mr. Larkins declined to comment on which of Exxon's cost estimates are being discussed.●

THE CLEAN AIR ACT

HON. HENRY A. WAXMAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 30, 1982

● Mr. WAXMAN. Mr. Speaker, last month, I introduced H.R. 5555, the Clean Air Act Amendments of 1982. This bill takes a moderate, constructive approach to the reauthorization of the Clean Air Act. It has three central purposes: First, to address problems like acid rain and toxic air pollutants that are not reached by the current act; second, to remove from the act unnecessary or unduly burdensome requirements on industry and the States; and finally, to try to stop the current EPA Administrator from attempting to dismantle the regulatory framework of the law.

The subcommittee did not adopt H.R. 5555 as I introduced it, and as over 30 Members of Congress cosponsored it. Rather, the subcommittee adopted a series of amendments to the Clean Air Act very similar to H.R. 5252 as introduced. This subcommittee bill bears no resemblance to my proposal.

Let me briefly list my concerns about the bill the subcommittee reported:

It allows extensions until 1993 of the deadlines for achieving air quality standards, even though most of the standards can be met within the next several years.

It allows the relaxation of emission limits and schedules of compliance in areas that are not meeting the health-based standards.

It weakens requirements for new sources locating in dirty air areas by allowing construction without offsets and by allowing sources to build without installing the best technology proven in practice.

It largely does away with the requirement for automobile inspection and maintenance programs in areas that are not meeting air quality standards for auto-related pollutants.

It allows EPA to continue to allow factories in dirty air areas to modernize without installing pollution controls on new equipment.

It gives an economic advantage to dirty air areas without approved air quality plans.

It allows the steel industry an escape hatch from last year's stretchout legislation, which carefully limited the circumstances under which iron and steelmaking operations could get extensions of compliance deadlines.

It weakens the protection for national parks by allowing five exceedances per year of the class I short-term increments. According to EPA, this will double allowable emissions from new sources near these areas.

It fails to guarantee any protection for new national parks, or for other national areas that are now protected by the class II increments.

It relaxes pollution control requirements for sources locating in clean air areas.

It fails to take any action against acid rain, or interstate air pollution or toxics. In fact, some of the bill's provisions will make this problem worse. For instance, the bill gives retroactive immunity to tall stacks that were built against EPA advice in the 1970's. This will allow greater emissions than would otherwise be the case.

It doubles automobile tailpipe standards over the levels that are being achieved by new cars already on the road.

It guarantees auto and truck manufacturers that 40 percent of their production can fail the emissions standards without their having to take remedial action.

It allows EPA to base recall only on average emissions. It further allows auto and truck manufacturers to avoid recall even when their vehicles are not in conformance with the standards.

It does away with any obligation of EPA to try to control truck emissions to the same extent that auto emissions are already controlled.

It does away with the concept of technology-forcing in setting exhaust standards for motor vehicles.

It totally excludes any State authority to regulate marine vessels even if EPA takes no action to control vessel emissions.

This bill clearly sacrifices the public interest to the self-interest of certain specific industries. In sum, it is reflective of a "more is less" philosophy: That more emissions of air pollution will somehow mean less of an air quality problem. But the reality is that more air pollution means more violations of health-based standards; more disease; more damage to crops and forests; and more obstruction of visibility in the pristine areas of the West. I hope that we can improve this bill in the full Energy and Commerce Committee to reflect these realities; and to reflect as well that the Clean Air Act is basically sound, and that its protections continue to be needed to assure that all Americans enjoy clear and healthful air.●

STILL TROUBLE AT THE JUSTICE DEPARTMENT

HON. LARRY McDONALD

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 30, 1982

● Mr. McDONALD. Mr. Speaker, what follows is an article written by John D. Lofton, Jr., in the March 1982 issue of the Conservative Digest. His tough questions and hard-hitting analyses have jabbed at the shortcomings of both conservative and liberal administrations.

Recently, he turned his pen on the Justice Department's attack on social conservatives at the Conservative Political Action Conference.

To the Attorney General's allegation that conservatives who oppose the new criminal code proposal are "exceedingly misguided" and "nit-picking," Lofton points out that the "nits" the Attorney General defends include an across-the-board lowering of penalties for dangerous criminals and the creation of "a clean slate for the Federal courts to write on."

I have in the past, as have many of my colleagues, brought attention to the fact that the Justice Department has very high visibility in that area that does not support, as Mr. Lofton points out, those traditional family values, which then candidate Reagan promised the American people. But let Mr. Lofton tell it in his own inimitable style:

[From the Conservative Digest, March 1982]

ATTORNEY GENERAL BLASTS CONSERVATIVES, REFUSES THEIR QUESTIONS

(By John D. Lofton, Jr.)

Attorney General William French Smith stopped by the February Conservative Political Action Conference in Washington, D.C., fired from the hip a couple of hit-and-run editorial comments and then fled from the scene without taking any questions from the audience. All of which is too bad, because Smith owes conservatives answers about several subjects.

One so-called "unfounded" criticism that really bugs the AG is the charge that his department is populated by appointees that are not Reaganites, not supporters of the president and his views. Calling this allegation "absurd," Smith says:

"I chose our senior officials. And I have supported Ronald Reagan in every election compaign he has waged. The senior officials at the Department of Justice are fully supportive of the presdent's policies and are doing a masterful job of effecting those policies within the constraints of law."

But what is absurd is the AG's logic. It is a non sequitur for Smith to imply that because he is a Reaganite, therefore the people he has chosen are also Reaganites. This doesn't follow at all.

Take, for example, Deputy Attorney General Edward Schmults, a man who worked for Presidents Nixon and Ford and who had no Reagan connection whatsoever before taking his present job. By most accounts, Schmults is the man who runs the Justice Department on a day-to-day basis.

Last July, in an article in *Business Week* magazine, Schmults said that potential candidates for the judiciary are being given no litmus tests on the subjects of abortion, busing or voluntary school prayer. This despite the fact that the 1980 Republican Party platform specifically pledges the appointment of judges to all levels of the judiciary who favor traditional family values and who respect innocent human life. As a candidate and as president, Reagan strongly supported this platform.

In his talk to conservatives, the AG also attacked what he called the "mini-crusade" that has been launched against the proposed reform of the Criminal Code. Says Smith: These conservative critics are "exceedingly misguided." He adds: "They have relied upon mischaracterization, attenuated arguments, and even former provisions of the proposal that have been amended. Worst of all, they misconceive the significant strengthening law enforcement that would flow from enactment of the code now. After more than a decade of debate, we can no longer afford nit-picking that delays reform of the antiquated hodge-podge of federal criminal law."

Okay, so what exactly are the nits that conservatives are picking concerning the Criminal Code reform package backed by the administration? Well, the AG didn't say specifically and, as I have noted, he didn't stick around to be asked this question.

A recent article in the national conservative weekly Human Events says of the Criminal Code reform legislation: It contains "a number of mind-boggling problems seldom mentioned by the sponsors . . . In almost all respects, the changes sought would put a further liberal spin on a federal legal system already tilted to the left."

Example: The newest Senate version of Criminal Code reform would lower the maximum penalties for 75 out of 128 crimes. The House bills would lower penalties for 112 out of 128 crimes. The principal bills would establish a liberal sentencing commission consisting primarily of judges and defense attorneys which could virtually prohibit law-and-order judges from giving sentences in excess of the prison terms actually being served under current law.

Human Events says that perhaps the most important provision of the Senate bill is the section that mandates a sentencing commission that "shall be guided by . . . in cases involving sentences to terms of imprisonment, the length of such terms actually served" under current law. This means judges would generally be precluded from giving sentences in excess of the 62-month national average for murder, the 52-month national average for rape and the 23-month national average for felony convictions.

Human Events reports that legal experts note the basic problem with the Criminal Code reform is its concept: The idea of rewriting all our federal criminal law in one sweeping statute, throwing out centuries of case law and creating, as one sponsor puts it, "a clean slate for the federal courts to write on."

"Knowing what we know about the present crop of judges," the conservative weekly observes, "this is hardly reassuring; a fitting project for the French Revolution, perhaps—but not for an American Congress."

As I say, from the point of view of his conservative audience, it's too bad Attorney General Smith didn't take any questions about the subjects he raised. However, from the AG's point of view, his decision was a wise one.

William French Smith's department may be out of control. But this is obviously not something he was going to allow to happen to the conservative group to which he was speaking.●

POLLUTION IN THE NAME OF REGULATORY REFORM

HON. ANTHONY TOBY MOFFETT

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 30, 1982

● Mr. MOFFETT. Mr. Speaker, as our Energy and Commerce Committee began its markup of H.R. 5252—the Clean Air Act Amendments of 1982—the supporters of the legislation made two claims: First, they asserted that the Clean Air Act was strangling the States, EPA, and industry with bureaucratic redtape; second, the proponents suggested that H.R. 5252 would cut away that redtape without increasing air pollution. These are powerful claims and require close analysis.

No responsible party would argue that the Clean Air Act could not be streamlined. I along with Chairman HENRY WAXMAN of the Health Subcommittee attempted to do that. We proposed reforms, particularly in the areas of the State air pollution strategies—so-called State implementation plans or SIP's—and in the program to protect the National Parks—prevention of significant deterioration or PSD. Unfortunately, our recommendations did not receive favorable subcommittee action.

Nevertheless, the process is continuing. And, the authors of the administration-backed legislation are persisting in their claims that H.R. 5252 will streamline the act and protect air quality.

These assertions have been challenged, in an eloquent and direct manner, by two organizations whose expertise on the Clean Air Act is unchallenged. The State and territorial air pollution program administrators and the National League of Cities have both forwarded their analyses of H.R. 5252. Their comments are interesting because they represent the individuals at the State level who are faced with the complexities and the protections of the Clean Air Act daily. Among their findings are the following:

> Although H.R. 5252 is silent on the issue of acid rain, the Air Pollution Administrators advocate "(i)nitial strategies to reduce actual sulfur oxide and nitrogen oxide emissions . . ."
>
> Both organizations urge a strengthening of the sections of the Act which deal with the Interstate Transport of pollution.
>
> Both organizations are fearful that the deadlines for attaining healthful air—extended until 1993 under H.R. 5252—will provide few assurances that areas suffering air pollution problems will continue their measured march toward healthful air.
>
> The organizations are critical of the sections of H.R. 5252 which amend the so-called non-attainment program of the Act. H.R 5252 cripples this provision which is designed to redeem the air quality in dirty air areas.

I am inserting the full text of their remarks in the CONGRESSIONAL RECORD. I urge my colleagues to review them; and, to inquire with their local and State air pollution agencies as to their attitudes toward H.R. 5252. Before you make a decision on this bill, we should all be familiar with the air pollution and public health consequences if this legislation becomes law.

STATE AND TERRITORIAL AIR POLLUTION PROGRAM ADMINISTRATORS;
ASSOCIATION OF LOCAL AIR POLLUTION CONTROL OFFICIALS

March 29, 1982.

Hon. ANTHONY TOBY MOFFETT,
House Office Building,
Washington, D.C.

DEAR REPRESENTATIVE MOFFETT: We are writing to you in your capacity as a member of the House Energy and Commerce Committee, which is scheduled to consider H.R. 5252, amendments to the Clean Air Act. STAPPA and ALAPCO, the national associations representing state and local air pollution control officials, have followed with interest the subcommittee markup of H.R. 5252. Subsequent to the bill's introduction in December, our members and staffs have worked cooperatively with the sponsors in an effort to ensure that the bill's provisions are simplified, while still representing the interests of the public—namely, clean and healthy air.

While we have noticed some improvements made in the bill since mark-up began, there are still a number of provisions in H.R. 5252 which are clearly inconsistent with the policy recommendations adopted by our full memberships. Since we have been requested to identify these differences, we respectfully offer the following comments:

1. Mobile Source Standards—STAPPA and ALAPCO oppose the changes proposed in H.R. 5252 relaxing the emission standards for light duty vehicles. As we testified in February and as our joint NGA/STAPPA/ALAPCO survey has shown, relaxations to the carbon monoxide and nitrogen oxide emission standards will aggravate existing nonattainment problems, and force other attainment areas for these pollutants into nonattainment status. In addition, both associations are concerned with the aggregate air quality effects of other proposed mobile source changes, including innovative technology waivers, warranties, compliance testing procedures, etc.

2. Acid Rain—While H.R. 5252 is silent on the issue of acid rain, both STAPPA and ALAPCO recommend that steps be taken now to begin controlling the problem. Initial strategies to reduce actual sulfur oxide and nitrogen oxide emissions should be aimed at the most cost-effective methods and obvious sources. Both associations support the establishment of an emissions ceiling for sulfur dioxide, with further control reductions identified as additional research warrants.

3. Interstate Transport—STAPPA and ALAPCO support strengthening the interstate transport provisions of the Clean Air Act, particularly sections 110(a)(2)(E) and 126. The provisions of the existing act are inadequate to deal with both short range and long range transport of pollutants.

4. "Automatic Approval" of State Implementation Plan Revisions—H.R. 5252 includes a provision that would allow the EPA Administrator to pocket veto a proposed SIP revision indefinitely, leaving state and local agencies with only one recourse—litigation. STAPPA and ALAPCO strongly urge adoption of language (included in the original version of H.R. 5252) which would specify that where a SIP revision is not acted on by EPA within a finite period of time (e.g., 4 months), the revision would be deemed approved without the need for affirmative action by EPA.

5. Extensions to Deadlines—H.R. 5252 provides for case-by-case extensions of deadlines for all of the health-based standards up to 1993. While STAPPA and ALAPCO believe this extension may be appropriate for certain areas with severe and persistent carbon monoxide and ozone problems, we question whether extensions past 1987 are truly necessary for the other criteria pollutants. Extensions should be provided only when effective controls are already in place and no other recourse is reasonably available.

6. Relaxation of Air Pollution Requirements—H.R. 5252 allows a state to revise its State Implementation Plan (i.e., relaxing emission limits) to meet a later attainment date, once an extension was granted. STAPPA and ALAPCO recommend that this not be permitted.

7. Offsets—STAPPA and ALAPCO do not support the offset provisions of H.R. 5252. As STAPPA earlier testified, there is no reason to allow new source construction to cause increased emissions in areas where primary attainment deadlines have been extended beyond 1982. Both associations rec-

ommend retention of the present offset requirements of the Clean Air Act.

8. Best Available Control Technology (BACT)—STAPPA and ALAPCO support a case-by-case BACT requirement for new sources emitting more than 50 tons per year of pollutants located in both attainment and nonattainment areas. While sponsors of H.R. 5252 have made some improvements in the definition of BACT from earlier versions of the bill, STAPPA and ALAPCO still oppose the language allowing agencies the option of equating BACT with NSPS (New Source Performance Standards) for all sources emitting between 50 and 500 tons of pollutants.

9. Prevention of Significant Deterioration (PSD)—STAPPA and ALAPCO recommend eliminating short-term increments in Class I areas, provided an alternative mechanism for short-term protection is utilized. H.R. 5252 does not address the problems inherent in tracking short-term increments. STAPPA and ALAPCO oppose the provisions of H.R. 5252 which allow fugitive emissions of pollutants to be exempted from increment consumption.

10. Hazardous Emissions—STAPPA and ALAPCO agree that the current federal program for regulating hazardous emissions (Section 112 of the Clean Air Act) is not adequately developed and that the standard-setting process needs to be accelerated. While H.R. 5252 is silent on this issue, both associations recommend legislative remedy. Specifically, STAPPA and ALAPCO recommended that 1) the listing process be simplified, 2) sources of listed pollutants install BACT, 3) research on the degree of risk to health be accelerated, and 4) guidance be issued to assist state and local agencies in determining what additional controls are necessary.

11. Definition of Source—Both STAPPA and ALAPCO agree that major new sources should continue to be required to use BACT level controls. Allowing a new source to trade-off use of best controls against control of other pieces of equipment would likely create more emissions, over the years. This should be prevented.

We thank you for your consideration of our views and will be happy to continue working with you and your staffs in the months ahead.

Sincerely,

Roger Randolph,
President, Association of Local Air Pollution Control Officials.
Daniel J. Goodwin,
President, State and Territorial Air Pollution Program Administrators.

National League of Cities,
Washington, D.C., March 29, 1982.

Hon. John D. Dingell,
Chairman, Committee on Energy and Commerce, U.S. House of Representatives, Washington, D.C.

Dear Mr. Chairman: The National League of Cities is very concerned over certain amendments to the Clean Air Act reported last week by the Subcommittee on Health and the Environment. We urge the Committee to reconsider these amendments in order to assure the Nation's commitment to clean air.

First, relaxation of the auto emission standards.—NLC strongly supports maintaining the present auto emission standards. Relaxation of the carbon monoxide standard can only be offset by more and better-enforced inspection and maintenance programs; relaxation of the nitrogen oxide standard would require more controls on industrial sources in order to meet the national air quality standard. Both alternatives would place a heavy burden on cities to compensate for the increase in auto emissions. The primary means for abatement of motor vehicle pollution remains direct and stringent controls on motor vehicles.

According to a survey by the National Governors Association and the State and Territorial Air Pollution Program Administrators, relaxation of both the carbon monoxide and the nitrogen oxide emission standards would result in delays from one year to beyond the year 2000 for 38 metropolitan areas to meet national clean air standards. Considering that technology is available to reduce the tailpipe emissions, NLC believes that the delays that would result from the Subcommittee bill are unacceptable.

Second, weakening of the offset requirement.—NLC continues to support the offset requirement as part of a strong non-attainment program. Offsets allow economic growth without increasing air pollution and encourage the reduction of emissions that otherwise would not have occurred. The existing offset policy encourages the use of advanced technology in the construction of new facilities because greater reduction in the amount of new pollution requires less to be offset. It should also be noted that the economy as a whole benefits from the resulting growth in the pollution control industry.

A few cities (Seattle, Louisville, Houston, and San Francisco) have begun emission offset bank programs to encourage firms to reduce emissions and bank the reductions for future use as offsets. These programs provide an excellent opportunity for city officials and industry representatives to work together to facilitate economic growth and public health. City officials often find that they can take steps of their own to reduce pollution—for example, by using a less polluting type of asphalt in road paving operations.

The National Commission on Air Quality has found that offsets have generally been available at a cost that does not represent a substantial portion of the total project cost. In order to insure continued progress toward attainment, NLC strongly supports continuation of the offset requirement.

We also believe the Committee should act in one area not addressed in the Subcommittee bill—that of interstate pollution. The migration of pollution, including acid rain, from one area to another, is an increasing threat to many areas of this country and Canada. We agree that more research into the causes of acid rain is needed; however, we must begin to address the problem.

NLC supports the proposal of the National Governors Association whereby regional corridors would be established within which cities and states would negotiate pollution reduction. With this approach, a minimum reduction goal established by the Federal Government would be necessary to spur action. However, the process would be a flexible one, allowing individual state and local conditions to be considered. We believe this first step is needed while we continue to carefully examine the nature of the problem.

For local elected officials, reducing air pollution is a critical step in revitalizing and conserving our cities. The goal of cleaner air is equal to and inextricably intertwined with employment, housing, and economic development. NLC urges you to avoid any backsliding in the Nation's efforts to achieve cleaner air.

Sincerely,

Ferd L. Harrison,
President, Mayor of Scotland Neck.
Alan Beals,
Executive Director.●

WHITEHALL HIGH SCHOOL BASKETBALL TEAM

HON. DON RITTER

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 30, 1982

● Mr. RITTER. Mr. Speaker, while the Tarheels of North Carolina have emerged as the new NCAA national champions, we as Pennsylvanians of the Lehigh Valley also join in celebration for our newly crowned State high school basketball champions. The Whitehall High School Zephyrs of the Lehigh Valley of Pennsylvania won the 1982 Pennsylvania Interscholastic Athletic Association class AAA State championship by defeating the New Castle Hurricanes on March 23. The maroon-and-gold Zephyrs became the first Lehigh Valley team in 31 years to win the State championship. These champions wrapped up their winning season with an impressive 35 wins and 2 losses. Key Zephyr players—Scott Coval (most valuable player), Mike Bobyak, Glenn Noack, Carl Heydt, Lou Pizarro, Rick Steckel, Chris Newhard, Ron Strisofsky, Kyle Kern, Mark Molchany, Rick Scholl, and Rick Gladish—under the expert guidance and leadership of Head Coach Dick Tracy and Assistant Coaches Carl Case, Chester Pieczynski, and William Stickler—have brought great pride to the Lehigh Valley. We in the Lehigh Valley share in your Zephyr pride. From the team and its coaches, to Principal Clayton Northup, to the faculty, and Whitehall High's spirited student body, we in the U.S. Congress salute you for your fine efforts and congratulate you on this most noteworthy achievement.●

THE BUDGET AND ECONOMY

HON. TONY P. HALL

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 30, 1982

● Mr. HALL of Ohio. Mr. Speaker, on March 8, I delivered an address in Dayton before three important business groups in my district: the Dayton Area Board of Realtors, the Home Builders Association of Dayton and the Miami Valley, and the Dayton Area Auto Dealers Association. The members of all three groups have been severely affected by high interest rates, joblessness, and the depressed economy.

I herewith commend to my colleagues my speech on those concerns:

ADDRESS DELIVERED BY CONGRESSMAN TONY P. HALL

If there is one common thread among auto dealers, realtors, and homebuilders, it is that you deal with the American dream. When President Roosevelt wanted to lift the spirits of a Depression-weary nation, it was a car in every garage that he promised. And it is home ownership that is the mark of success for nearly every family. More than any other symbols, the automobile and the home represent what Americans strive for—what they dream for.

And that dream, my friends, is in trouble. It is in trouble because the unemployment rate is unacceptably high. Jobless workers do not buy homes or cars. And even those with steady incomes are finding that the skyrocketing cost of credit has priced them out of the market.

You know better than I do that the number of housing starts here in Ohio has dropped from 66,000 in 1978 to 27,000 in 1981, a decrease of almost 60 percent.

You know that an estimated 1,600 automobile dealerships went out of business in 1980—nearly ten times the number that closed the year before.

And you probably heard last week that the Commerce Department announced the sales of new single-family homes in January, which dropped 23 percent below the sales in December, were at the lowest level in the last 20 years.

I doubt the latest proposals from the Administration are not going to help much.

Consider the President's proposed budget. According to the Administration's figures, the fiscal 1983 Federal budget will spill $91.5 billion of red ink—the largest budget deficit in the nation's history. And, according to the budget blueprint, by 1985 the deficit will still be over $70 billion in 1985.

That's the good news.

The bad news is that the Administration's figures are optimistic, and based on political and economic impossibilities.

According to the Congressional Budget Office, the President's proposal will result in an actual deficit of $121 billion in 1983, growing to $140 billion in 1985. Worse still is the estimate by the House Budget Committee that the 1983 deficit could be as high as $145.6 billion in 1982, and top $168 billion in three years.

The differences are because the President has underestimated expenses, overestimated revenues, and made unrealistic predictions about future interest rates, the growth of the economy, and other economic factors. To compound these mistakes, he assumes Congress will cut a number of very popular programs that have bipartisan support in the House and Senate.

Let me give you some examples. The Congressional Budget Office estimates that farm price supports will end up costing $5 billion more than the Administration figured. On the other hand, it estimates that receipts from leasing oil and gas rights from the Outer Continental Shelf wall fall short $5 billion from the Administration tally.

And the proposed savings by severely cutting back key Education for the Handicapped programs stand about as much chance of passing as a cut in Congressional salaries.

What does all this mean? Most likely, interest rates are not going to go down if Congress approves the budget plan without major revisions.

If the deficit continues to rise, the Federal government must borrow more and more. It must compete with private business for a limited supply of capital, driving the price up.

The Administration proposal, not related to the budget, could create private jobs by establishing Urban Enterprise Zones. This is a bold step which holds promise, and I'm willing to support a test program.

The idea behind the zones is twofold—to increase inner city employment, and to encourage redevelopment and revitalization of depressed urban areas. This is accomplished by providing business and individuals with special tax breaks and exemptions from regulation. The concept behind this is similar to the Impacted Cities Bill I supported as a State Senator. That bill paved the way for the redevelopment of Court House Plaza in downtown Dayton.

Under the President's proposal, up to 25 zones could be designated each year for three years. The Department of Housing and Urban Development would make the selection on the application of State and local governments. Though it is too early to tell which cities will be selected, Cleveland has a headstart in Ohio, and some officials in Dayton have asked me about the idea.

I would also like to touch on the proposed New Federalism to turn power and administration of government programs from Washington to the States.

This idea is another bold step which could result in government improvement. However, it's not new. The idea was sharply debated by the Founding Fathers to determine how power should be divided between the Federal and State governments. Though power has gradually shifted to Washington, over the years there have been regular attempts to reverse the movement.

There are two major parts to the President's New Federalism. The first is a Federal takeover of the Medicaid program in return for the States taking over the food stamps and Aid to Families with Dependent Children programs. The national bill for Medicaid is about $19 billion a year, and the combined expenses for food stamps and AFDC are $16.5 billion. So, it seems about a fair trade.

The second provision would turn back to the states responsibility for more than 40 Federal education, transportation, community development, and social service programs. For a limited time, these programs would still be funded in part on the Federal level through a super excise tax trust fund. However, the states will ultimately be left on their own to come up with the cash.

The principle behind the New Federalism is a sound one. Washington *is* too far from the people. Washington *has* too much power. This trend *should* be slowed. But the question is whether the New Federalism is the best way to do it.

We cannot ignore the fact that one reason why Washington took control was to smooth out regional differences that created wide inequities in government programs. This was particularly the case with programs to aid the needy. Those regional differences have not changed

Also, if we turn the programs over to the States without providing any funding, States will have little choice but to abolish them or raise taxes. The poorer States will have no choice at all.

The underlying goal should not be to eliminate as many Federal programs as possible because some think Federal government is bad and State government is good. Our efforts should be directed to consolidate functions that are now split among Federal, State, and local levels. The goal should be to provide the most *efficient* and *effective* government service.

There is no sense in reducing the power of the Federal government if the result will be 50 new Washingtons.

And we must not forget that the New Federalism is no substitute for getting interest rates down and employment up. Those should be our top priorities. For that reason, the New Federalism will take a backseat.

We need something else, something new, to get at these two problems.

What I would like to see is a "common sense" approach to these major economic problems. Perhaps it is too much to ask for in an age when officials find it easier to confuse than to enlighten, and everyone is afraid that a simple idea cannot possibly help our intricate balance of competing economic forces.

But it is also an era of radical, new ideas. Why not try something that hasn't been done before. I am speaking, of course, of common sense.

Let me make a few obvious suggestions.

Let's get the Federal deficit under control and work towards a balanced budget. That makes sense, doesn't it?

You cannot spend more money than what exists, not even if you are the government. When the Federal government tries—and it has been trying—inflation shoots up, exacting a hidden tax on everyone who saves money.

Or, the Fed tries to control inflation through a tight monetary policy, which drives up interest rates and people who must borrow money are hurt. Either way, people get thrown out of work and the economy is threatened.

One way to get a handle on budget is to freeze it at fiscal 1982 levels. Though I like the simplicity of this approach, I'm not sure it will be enough to reduce the deficit.

What we have to do is obvious. Go after the real fat in the budget.

The President has requested $263 billion for defense in 1983, or almost 30 percent of the Federal budget—compared with a 1980 level of $145.8 billion, or 24 percent of the budget.

This money is simply being handed over uncritically and uneconomically. If the Defense Department were scrutinized as closely as the human services departments have been, I am positive that we would come up with substantial savings without reducing our military capability.

Are we actually buying $263 billion worth of national defense? No. The Pentagon can't even spend that large amount of money and defense contractors can't even absorb all the potential new construction.

Just last week I saw a report showing $174 million worth of losses at one Navy Supply Center during one year. This kind of waste cannot be permitted in the Department of Education, in the Department of Health and Human Services, and it cannot be permitted in the Department of Defense.

We can require a greater contribution from Japan and our NATO allies for the defense that the United States provides them.

We can follow the recommendations of the Congressional Budget Office and the General Accounting Office to eliminate wasteful expenditures.

America does need a strong defense. I have supported, and will continue to support increased defense expenditures.

More targets for budget cutters are those pork barrel projects: dams, canals, and courthouses that merely subsidize private farmers, or make popular the Congressional sponsor. Cut them out. We can't afford them.

Still, another way to reduce the deficit is to eliminate unproductive tax breaks. The giant tax cut package passed last year contained a giveaway to oil companies of $11.8 billion between 1982 and 1986 by reducing the windfall profits tax.

Another section, which should also be repealed, permitted companies to "sell" their losses to other companies as instant tax write-offs. More billions are being lost from that change, yet it is not creating new jobs.

The depletion allowance for oil and gas is a holdover from the long-gone days of cheap fuel when the government needed to subsidize energy production. This tax loophole will cost $9 billion over the next five years. We don't need it. Cut it out.

These tax breaks should not be confused with the accelerated depreciation allowances to encourage business growth or the personal tax cut enacted last year. These *will* provide a stimulus to the economy by encouraging greater savings and increasing employment opportunities.

In the rush to balance the budget, we must keep in mind a common sense approach. If we are trying to increase employment, we cannot eliminate all employment and training programs. We should not eliminate necessary programs that cannot be duplicated by the private sector.

We cannot ignore scientific research, child nutrition, environmental protection, national parks, education, and other programs that are an investment in the nation's future. If we do, our neglect will come back to haunt us, or our children.

There are no easy solutions. Hard times are on us, and will be regardless of any proposal.

But by following some common sense procedures, we can pull out. The American spirit is wonderfully resilient. There is no doubt in my mind that the economy will improve, that our jobless will go back to work, and that the home builders and sellers, and the auto dealers will see an upturn.

When? No one knows the answer to that.

But if the Federal government gets that deficit under control and puts people back to work, it's going to come sooner than later.

Congress owes it to the people who still have faith, who still believe in the American dream. And Congress owes it to you, who make that dream possible.●

HOPKINS LAUDS KENTUCKY SCHOLARSHIP WINNER

HON. LARRY J. HOPKINS

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 30, 1982

● Mr. HOPKINS. Mr. Speaker, Miss Elizabeth W. Vest, daughter of Mr. and Mrs. Francis T. Vest of Cynthiana, is here in Washington to participate as Kentucky's finalist in the Veterans of Foreign Wars voice of democracy speech scholarship contest. I am very proud of Elizabeth, who lives in my congressional district. Because her message is so poignant today, reminding each of us that the American dream can be achieved if we all work together to build a stronger America, I would like to include her speech in the CONGRESSIONAL RECORD. I believe her speech can benefit us all.

We are farmers and statesmen—and building America together. We are doctors and soldiers and building America together. We are artists, factory workers, scientists, and clergy and building America together. We are the rich and the poor, Baptist and Catholic, black and white—and building America together. We are a multitude of peoples, ideas, and talents with a common goal—building a stronger America.

We are fortunate; we have much more to work with than did our forefathers, even more, perhaps, than the rest of the world today. We could branch out in any direction and build a stronger nation in the process. We could create a space-age society, and industrial giant, a cultural and intellectual haven a peaceful fusion of many races. Sound impossible? Don't forget—a hundred or even 50 years ago—who would have thought that a man could walk on the moon.

Yes, we have it all, all the materials, the blueprints, the manpower. We have everything but the most important thing of all: inspiration—ambition. In short, we have lost sight of the most basic foundation of our society—the American dream. All too often our hearts seem hardened against the struggle for freedom, justice and peace which the Amercian dream symbolizes. Somehow we have become too sophisticated, too cynical, too wary to allow ourselves to be led by a deep and stirring abstraction. This is unfortunate. How can we ever progress if we do not allow ourselves to be inspired? Why should we ever build if we do not believe that we can succeed? And how shall we ever succeed if we base our goals on anything but the quest for freedom, justice, and peace?

As past generations have learned, it is essential that we dream great things, that we set our eyes to the stars. Man's need to dream is a very real part of life that cannot be ignored. However, dreams of material possessions, power, and wealth are all false hopes that few can possibly expect to attain. Rather we need to focus on the spirit patriotic energy that the American Dream inspires. True, just as all dreams, this one does contain flaws. Yet the ideals which it upholds are strong, steady, and everlasting in our democratic society. Freedom is there for all to pursue; justice is mandatory; peace is the key word in foreign and domestic policy; and each of us is left to build his own life of happiness. Although abstract in quality, the actual realization of these goals is quite possible. Only by placing our faith in the American Dream can we ever hope to pursue common goals. And only by arriving at a common belief can we ever work together to build a stronger America.

When Emerson wrote "Hitch your wagon to a star", he offered the single most important antidote to a society in need of growth and strengthening. As long as we have our eyes set on a dream which has long proven worthy or our admiration we can indeed expect to achieve our goals as a nation. So whether we be farmers, doctors, soldiers, or ministers; whether we be black or white, rich or poor, Baptist or Catholic, we can find union in the struggle to reach or goals if we all keep our eyes on the American Dream. ●

CHECK THE "FINE PRINT" IN WATT'S WILDERNESS OFFER

HON. RON WYDEN

OF OREGON

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 30, 1982

● Mr. WYDEN. Mr. Speaker, questions of what Secretary of the Interior Watt really means appear to reign supreme in considering the administration's Wilderness Protection Act.

While Mr. Watt has stated that wilderness lands are "special" and "should be preserved in their natural state," he has also proposed legislation that would open up these lands to mineral leasing after the year 2000.

This apparent contradiction has left many wondering what the true intent of Secretary Watt and the administration is with regard to wilderness areas.

On February 26, 1982, the Oregon Journal published an editorial which attempts to clear the air on this issue and answers some of the questions we all have been asking. As such, I ask that it be reprinted in the RECORD.

CHECK THE FINE PRINT IN WATT'S WILDERNESS OFFER

Interior Secretary James Watt may make headlines when he proposes a moratorium on drilling and mining wilderness areas until the year 2000. But watch the fine print. Watt is a better friend of wildcat oil drillers than wilderness.

The Wilderness Society has accused Watt of a "duplicitous hoax," saying that the Reagan administration's bill actually would abolish the wilderness system at the end of the moratorium. By 2000, wildernesses would cease to exist unless Congress decreed otherwise.

"He's (Watt) trying to make himself look like a great conservationist, but he's just recognizing political reality," said Andy Kerr, associate director of the Oregon Wilderness Coalition, in what seemed an apt description.

Watt's "new" wilderness policy seems political, not of much substance. Last summer the Interior Department acknowledged that it was considering issuing leases in the Bob Marshall Wilderness in Montana. Then in November it was discovered that three leases for oil and gas exploration had been issued in New Mexico's Capitan Mountain Wilderness.

Congressional reaction was harsh and Watt backed down. Under congressional pressure, Watt agreed in November to avoid issuing any leases in wilderness until June 1982.

House Democrats had Watt where they wanted him—he couldn't lease more wilderness areas because of congressional opposition, but the Democrats could hit Watt and the Reagan administration with the wilderness issue in this fall's congressional elections.

Then, last month, Watt may have slithered off the skewer. He announced he was extending his moratorium to one year, which would move Watt and wilderness off the political fire until after the elections.

It should be remembered that existing law—the 1964 Wilderness Act—permits leasing in wilderness areas only until Dec. 31, 1983. Then a moratorium, on leasing but not on drilling, will take effect. So Watt's bill could bring the ban on wilderness leasing into effect earlier than Dec. 31, 1983, or remove it in 2000.

It may be that Watt's focus on wilderness areas is designed to obscure what Interior is doing on other federal lands, and that is to lease them to anyone coming through the door. The federal government administers 737 million acres, but only 80 million are in wilderness (the 1.1 billion acres on the outer continental shelf isn't included in these figures). Even before the Reagan administration was elected, wholesale leases were being granted throughout the West, including Oregon, and on offshore lands (not off Oregon). The other federal lands—not wilderness areas—are where the action is taking place and where future drilling for oil and gas should be monitored closely.●

OBSERVANCES OF YOM HASHOA

HON. BARBARA B. KENNELLY

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 30, 1982

● Mrs. KENNELLY. Mr. Speaker I am pleased to call the attention of my colleagues to the fact that Dr. Aryeh Nesher, a respected leader of the international Jewish community, will be the main speaker at the Greater Hartford community's annual Yom Hashoa observance to be held on April 19 at the Emanuel Synagogue in West Hartford.

The commemoration will mark the 39th anniversary of the Warsaw Ghetto Uprising and will pay tribute to the martyred 6 million.

Dr. Nesher's participation in this observance is a special honor for the Greater Hartford community. A survivor of the Holocaust, Dr. Nesher has served as executive director of Sherut La'am, the Israeli Peace Corps, director of the Israel Education Fund, and vice president of the University of Haifa.

Observances of Yom Hashoa will take place across this land on April 19. I wish to commend all who take time to participate in such ceremonies of memory. We must constantly remind ourselves and others of the Holocaust to insure that such a horror will never be allowed to occur again.●

ARE LIBRARIANS BEING SHELVED?

HON. MICHAEL D. BARNES

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 30, 1982

● Mr. BARNES. Mr. Speaker, the University of Maryland is one of the outstanding institutions of higher education in the United States and the site of the preeminent College of Library and Information Sciences. On March 2, 1982, the alumni association of that college conducted a meeting which featured a panel session on the subject "The Challenge of Change: Are Librarians Being Shelved?"

Gilbert Gude, Director of the Congressional Research Service and a distinguished former Member of the House of Representatives, addressed this group. I commend to my colleagues Mr. Gude's remarks, which serve to demonstrate the ever-increasing importance of the library profession, not only in support of our work in Congress, but in the Government at large.

THE CHALLENGE OF CHANGE: ARE LIBRARIANS BEING SHELVED?

As we examine the role of the professional librarian in tomorrow's world, it is not redundant to emphasize two currently predominant phenomena of the United States democratic system: the growth of knowldge—the "information explosion"—and the expanding availability of information. Professional librarians have not been dragged into these areas of debate and action—far from it, for decades librarians have maintained a comfortable leadership role in adapting information science and technologies to the needs of American society and government. As a matter of fact, the exponential growth of information in two dimensions—in overwhelming quantity and in intricate complexity—has made the librarian's key role inevitable.

After all, the major task of the library professional—in an age in which automation and other advanced forms of technology are making sweeping changes—remains the same as it has throughout the ages: the acquisition of knowledge and information, its orderly processing and organization, and its dissemination to a public with a seemingly insatiable hunger for answers.

Let me tell you about the Congressional Research Service, where these interests have been reshaped to reflect the realities and modern, up-to-date technological developments of our time. Before addressing this topic, I wish to make special note of the proposed standards for Federal librarians recently issued by the Office of Personnel Management. If adopted, these standards will degrade both the purpose and meaning of the library profession. As you may have heard, this proposal, which I sincerely hope will not be issued in its present form, states that the Federal Govenment will no longer require advanced professional academic training for librarian positions. I mention this as an aside because it has import for all of us who are concerned about libraries and their role in information and research transfer and demonstrates the confusion and lack of understanding which prevails in many quarters regarding librarians and their role in our culture.

My comment this evening about the librarian in today's government will apply most specifically to the Congressional Research Service, but from it one can extrapolate government-wide—regardless of their agency's mission—the increasingly important services librarians render at all levels of public service. I am not a librarian—my career has mainly been in the legislative arena—but the Congressional Research Service has presently more than 90 professional librarians in its Library Service Division, Reference Division, and seven Research Divisions. These librarians serve as part of the well-integrated team of 550 CRS researchers, analysts, and specialists who last year responded to more than 370,000 congressional requests.

One of our CRS cornerstone operations is maintained by the professional librarians in the Reference Division, who quickly respond to a large portion of the workload of requests which can generally be answered within three hours. Another keystone operation is performed by CRS bibliographers who constantly search 3,000 serial publications for articles and materials on subjects of legislative interest; congressional clients, as well as CRS analysts, continually access these citations in a number of modes in large quantities.

In addition to such conventional library operations, members of the Library Services and Reference Divisions—along with subject area specialists of the seven CRS Research Division—also serve as members of CRS interdisciplinary teams. These team librarians provide guidance to the many subject area resources—resources not always evident to non-librarian policy analysts; this work expedites and strengthens the research process for Congress.

As one might imagine, CRS librarians have continually improved the methodology of packaging information and research for legislative clients. One of the more recent innovations of the Reference Division is the Info Pack which has improved both the speed and thoroughness of response. An Issues Group—composed of representatives of the Inquiry Unit and the Reference and Library Services Divisions—monitors issues in critical subject areas, and in consultation with research division analysts, develops Info Packs on fast-breaking important issues such as El Salvador, block grants or the New Federalism. An Info Pack generally has one or more CRS Issue Briefs and/or Reports which are prepared by research specialists and analysts. Material from non-CRS sources and brief Library Services bibliographies broaden the scope of the Info Pack so it will comprise an oversight—get-up-to-speed tool—for the legislative client.

Our CRS professionals in the Library Services Division have recently developed another innovation, the Research Guide. A legislative assistant or committee researcher can use the Research Guide to identify that segment of subject area literature most relevant to his or her particular path of analysis; the Guide functions as a roadmap to the best material resources on a specific topic. It includes instruction in the use of printed indexes, online data bases, and provides the relevant search terms, as well as suggestions on the most pertinent literature to track for on-going research activities. The Research Guide saves time for the congressional staffer and at the same time trains him or her in the researcher's methodology.

The Guide is just one of the mechanisms which CRS has developed to involve the legislative staff person in the information-research process; another is the CRS Institute. The Institute consists of training programs for Member and committee staff; sessions include instruction by CRS librarians on basic reference and research techniques as well as training in how best to work with CRS librarians and subject area specialists in pursuing a particular line of inquiry. Thus, we in CRS work constantly to develop a network-continuum among the Member and committee staffs in Congress and CRS professional staff. Within the Congressional Research Service itself and the research component of the larger congressional milieu on Capitol Hill, the professional librarian serves as an indispensable part of an integrated team.

Professional librarians are vital to quality research support of the legislative process as they are key to all comparable activities throughout the public sector; their role will not only expand because of continuing growth and complexity of information and research materials, but also because of the exciting new developments in automation. Any thought of the librarian of the future of course inevitably leads into the technology of information storage and retrieval: computers, in all their increasingly diverse forms. The librarians, with skills in controlling data, have been deeply involved in this revolution from the very first, and in the CRS, our librarians led the way. Today the computer is used in every one of our divisions, often in dramatically different ways. Our librarians operate a very large computer-based Selective Dissemination of Information (SDI) program, which weekly provides subscribers with three-by-five card bibliographies in their subject area of interest. The SDI serves more than 400 congressional and committee offices who, in turn, ask for almost 50,000 hard copy printouts of the materials.

The librarians produce computer-generated bibliographies both for CRS researchers and congressional staff. We keep our Issue Briefs in the computer for continual update, as well as our Bill Digest information, and both of these can be retrieved in congressional offices. There are now some 1,000 CRT terminals in the Library of Congress and another thousand in congressional offices—all of them tied to the CRS data stored in the Library's central computer. Librarians design the retrieval programs as well as the subject terms and linkages. While our issue analyses and background reports are being written by our subject specialists, our librarians are organizing them for use so they can be retrieved efficiently and simply by non-technical users.

Increasingly, the CRS is linked with its clients by wire. This very week we are initiating an electronic mail system—a pilot project—which will permit congressional offices to place their inquiries directly into their own transmitters and the queries will come out on paper in the CRS Inquiry Control Unit for assignment to our researchers. We are working on devices by which the reports and articles used in our response will similarly come out on paper in the offices which initiate the inquiries. The librarians are working on ways that the various data sources can be tied in with this electronic conversation so the congressional offices of the next decade will dip into data storage from all across the country, in the same manner as we used to teach researchers to use reference books in the reading room.

As the information government acquires gets greater and more valuable, putting it into storage and getting it out gets more complicated and the librarian's role at both ends of the stream becomes more essential. In the CRS's experience, the librarian's part—rather than fading away—is becoming increasingly irreplaceable. This is true, of course, at all levels of government; the implications of the possible redistribution of governmental programs heightens our awareness of the corresponding critical role of the librarian at non-Federal levels.

In the legislative reference-research services of the 50 States, there are about 150 professional librarians today; the number varies in proportion with the size of the State. California has six professionals, New York, Lousisiana and Illinois five each, Florida and Ohio three each. Their roles may well change by the Administration's proposal to redistribute responsibilities from the Federal to the State level.

Although the New Federalism's political fortunes are yet to be decided, the initiative of the Reagan Administration will surely bring about more public debate. City, State, and Federal legislatures and executive agencies could well see opportunities for a variety of proposals for reallocating functions among the various levels of government, and this will be just another factor increasing the research-reference workload.

Professional librarians are essential to quality research support of both the legislative and executive agencies throughout our American democratic system. In CRS, we have no concern about librarians being put on the shelf; our own experience is that they have never been more essential to our task of providing information and analysis to the Congress.●

THE RAILROAD COST RECOVERY AND RETIREMENT FUND ACT OF 1982

HON. ROBIN L. BEARD

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 30, 1982

● Mr. BEARD. Mr. Speaker, the administration has embarked on a program to recover the Federal costs incurred in providing services, facilities, and financial assistance to the airways, the highways, and the waterways. It is currently proposing substantial increases in waterway user charges, but has no current program for the recovery of the many and varied drains on the Federal Treasury incurred by rail freight.

Therefore, today I am introducing a bill to amend the Internal Revenue Code of 1954 to impose an excise tax on fuel used in the transportation of property by rail for the purpose of recovering Federal costs of providing services, facilities, and financial assistance to railroads.

The bill I am introducing imposes a schedule of fuel taxes on railroads which is identical to the present fuel taxes imposed on bargelines. The taxes will start a return flow of funds to the Treasury which will initially be considerably less than full cost recovery of Federal financial assistance to rail freight.

The Congress has an overriding obligation to make sure that its cost recovery programs in transportation are evenhanded among the competitive modes. High taxes on barges with no corresponding taxes to recover Federal aid to railroads cannot be justified. The arguments employed by proponents of cost recovery for barge freight apply equally to cost recovery for rail freight.

The initial taxes on rail freight are modest. Six cents a gallon would produce approximately $240 million, far less than just the Federal subsidy of $350 million a year paid into the railroad retirement fund, a benefit unique to railroads. One major reason this subsidy was provided over President Ford's veto was to relieve the railroad industry of pension cost increases which it would otherwise have had to bear. These cost increases, it was said at the time, would have handicapped the industry in its competition with trucks and barges.

A more substantial reason for establishing a cost recovery flow of funds from a user tax on rail freight is the current uncertainty over the future of the pension fund. The current troubles on the railroad retirement fund and the danger that it may soon become insolvent are too well known to be discussed in detail here. Already benefits have been reduced. There is concern by railroad labor about current proposals to abolish the fund entirely and bring railroad workers under social security. The establishment of a mechanism to recover future deficits in the fund from a charge on rail freight will help preserve the present railroad retirement system, an alternative which rail workers strongly prefer. I therefore suggest that the entire proceeds of this tax go into the railroad retirement fund.

The tax rises to 10 cents a gallon by 1985 and would produce at that time some $400 million. This is far less than the funds currently obligated to subsidize Conrail alone which interchanges more than 70 percent of its freight with the rest of the railroad industry. Since Conrail provides the rail system with invaluable access to 40 percent of the Nation's manufacturing capacity, I believe it is appropriate to apply the tax evenhandedly to all rail carriers. I am aware of the administration's pledge to end Conrail subsidies, but many hundreds of millions are earmarked for the next few years, so there is justification for establishing a return flow immediately.

We do not know the cost to the Treasury of the unique tax subsidies accorded the rail industry in the Economic Recovery Act of 1981 for rapid depreciation of its so-called "frozen asset," the rail roadbed. However, they are very substantial, probably more than the Conrail and pension subsidies combined, and more than would justify starting a return flow from the users of rail freight services.

I am aware that there has never been a satisfactory and comprehensive compilation of the many ways in which rail freight is benefited by Federal aid and I am therefore proposing that the Secretary of Transportation and the Secretary of the Treasury jointly undertake a study to identify and quantify all forms of financial aid provided by the Federal Government to the railroads. A report is due by the end of next year so that a permanent program of cost recovery can be enacted as soon as we have the factual data to develop such a program.

As a matter of equity, it seems to me that consideration of any increase in taxes on bargelines should be deferred until we have before us a parallel program for cost recovery from railroads. At that point, the two cost recovery programs can be considered together so as not to complicate the problems of maintaining competitive equilibrium.

I want to emphasize that this bill is not antirail transportation. It merely applies the same rational principle of user fees to recover Government subsidies to the rail industry as it already applies to those modes of transportation that compete with rail transport, such as trucks and barges.

This bill is not directed at rail shippers, many of whom are farm product shippers. In fact I have prepared this bill in consultation with representatives of various national farm organizations who agree that equity of treatment among the various modes of transportation utilized by farm product shippers can only benefit the user of rail transportation in the long term by not allowing any one mode to have an unfair competitive coverage.

This bill is fair to trucking and water transport industries without being unfair to the railroads. No mode should face a competitive disadvantage from a Federal cost recovery program.

In my home State of Tennessee, water transportation is essential to commerce. I think that the administration's proposal to raise user fees on water transportation without addressing the competitive disadvantage that it would create with rail transportation would be most unwise.

I also believe that this bill would provide a fair method of dealing with the solvency problems of the railroad retirement fund by shifting the cost from the general taxpayer to the rail companies and shippers.

At this point I insert an article from the American Farm Bureau News of November 30, 1981, and also a full text of the bill. Thank you, Mr. Speaker.

[FROM THE FARM BUREAU NEWS, Nov. 30, 1981]

SUBSIDY, SUBSIDY—WHO GETS THE SUBSIDY?

Disastrous Transportation War

Several months ago the nation's railroad industry set out on a lobbying campaign to convince the American public and members of Congress that the railroads had fallen onto hard times mainly due to the public subsidies being received by the motor carriers and barge lines, whereas the railroads had paid their own way.

The basic concept of trying to achieve competitive equity by attacking other modes of transportation was wrong from the beginning. Already it is coming home to haunt the rail carriers. It has now gone too far to be laid aside. Since the railroads have embarked upon such a multi-million-dollar campaign, much of which is misleading at best, the competing modes have no choice but to fight back. Shippers and receivers of freight have a definite interest in seeing that the truth is not obscured in this battle of the modes.

Farmers and ranchers have a long memory in dealing with the railroads. It was the monopolistic attitudes and actions of the rail barons that led to the enactment of the Interstate Commerce Act before the turn of the century—and the main push for that legislation came from farm groups. Many railroads have never gotten completely away from that master/slave attitude. One of the reasons Farm Bureau gave qualified support to the basic concept of Staggers Rail Act of 1980 was that it hoped the Act would result in a new attitude of service to shippers and new freedom to compete in the marketplace with other rail carriers and with the other transportation modes.

The current internecine war has produced some actions on the part of the railroads that have a serious impact on the welfare of farmers and ranchers and the business of agriculture. These actions include the attempt to block the building of a new dam and locks at Alton, Ill. (in which they have the cooperation of the environmental movement); lobbying efforts against a uniform system of minimum truck lengths, weights and widths; and the current effort to convince the administration and Congress that the barge lines should be charged fees for use of the waterways to achieve total recovery of construction, maintenance and operation. They also include efforts to block the extension of the Highway Trust Fund and agitation to give the public the impression that the nation's highways are being worn out ahead of schedule because of the allowed truck weights, and that motor carriers should by paying a much larger share of highway-use taxes. They also have included well-financed efforts to block coal slurry pipelines.

Farm Bureau favors vigorous competition among the modes of transportation. Agriculture needs every form of transportation available. But it is ever mindful of the fact that the cost of the lobbying war ultimately will be paid for by shippers, receivers and consumers. Whatever user fees are enacted and collected will be passed along. The carriers merely will be the tax collectors. It is unfortunate that all of this money, management talent and energy to win the battle of the subsidy cannot be diverted to giving better service at a reasonable cost to shippers.

SUBSIDIES FOR ALL

In looking at subsidies to the various modes of transportation, it should be understood that no mode "comes to the table with clean hands." All of the modes of transportation have been subsidized by the taxpayers over the years, mostly for constructive and well-conceived purposes of overriding public interest. Because of tolls and other highway-use taxes, truck transportation has come closer to paying its own way than any other mode; but even there a certain portion of highway and highway-related costs have been paid and continue to be paid by property taxes and other taxes.

Only recently, Congress passed legislation providing for user fees on the inland waterway system. In the interest of achieving a balanced transportation system and with the ultimate goal of each mode paying its own way, Farm Bureau favored a reasonable system. It stressed that the funds derived should go into a dedicated fund, and that waterway transportation never be asked to pay for more than its fair share of the costs. Farm Bureau has never bought the concept that the total cost of construction, maintenance and operation of the inland waterway system should be borne by waterway carriers or shippers. Such work by the Army Corps of Engineers not only results from the needs of water transportation, but flood control, sources of water supply, environmental protection, regional development and recreation. Surely it is not equitable to lay all of these costs on one segment of the public. Probably no more than 60 percent of such costs should be recovered through fees collected by carriers and passed on to shippers and consumers.

RAIL SUBSIDIES

What about rail subsidies? Farmers and ranchers are not ready to swallow whole the railroad's point that subsidies they have received have been next to nil. Rep. James Florio (D-N.J.), chairman of the House Public Works' transportation subcommittee, was quoted in the Congressional Record as saying the government has paid $11 billion in subsidies to the railroads over the past five years alone, while federal subsidies to barge lines do not exceed $4 billion since 1824. The rail subsidies include massive payments out of the Treasury to save the Railroad Retirement Fund; the rescue of the northeastern rail system through the creation and subsidization of Conrail; and revenue derived from the land grants of more than a 100 years ago, in which several carriers were given 128 million acres of federal land and 49 million acres of state land, representing nearly 10 percent of the total land area of the continental U.S. Four western railroads received 88 percent of the grants.

All four of these railroads have formed giant holding companies or created conglomerate corporations for the purpose of separating the land and mineral assets from the railroad business. These companies now hold billions of tons of coal reserves, millions of acres of forests and untold wealth in petroleum reserves. Just recently, Congress voted to appropriate several million dollars to help finance a major rail classification yard in St. Louis; and, as part of the 1981 tax act, the railroads were given the right to start writing off about $8 billion in rail track investment, some of which has been carried on the books since 1887. The railroads have long enjoyed a unique and very favorable method of accounting for track expenditures. Called "betterment accounting," it has amounted to a substantial subsidy to their rights-of-way and tracks. While the subsidies to the rail mode over a period of 50 to 100 years is unknown, it has been estimated in excess of $50 billion.

NEW NATIONAL POLICY

A rail industry spokesman recently told railroad editors the industry he represents is not waging a holy war against the trucks and barges. He said the railroads support a new public policy that will end subsidies to all modes and force them to compete on the basis of market forces. Since the subsidy genie has been released from the bottle, Farm Bureau leaders will not be satisfied with these words until they are turned into actions.

Secretary of Transportation Drew Lewis recently said that "the administration's transportation policy will build a strong national transportation system. It will raise the general priority of transportation among our national goals. Our policy must be, and I can assure you it will be evenhanded and equitable among the modes." To construct such a new policy, it is important to know the facts.

THREAT OF RAIL MONOPOLY

The main reason facts are needed now is that the railroads are showing every sign of returning to old monopolistic ways. They appear to be more interested in crippling, restricting, preventing or ending competition than encouraging it or even living with it. Unfortunately, some of the recent Interstate Commerce Commission rulings seem to be aiding and abetting the rails, particularly in the commission's intepretation of the intent of Congress in providing a measure of protection for "captive" shippers where a rail line has market dominance.

Farm Bureau also sees this trend in the hurried movement toward rail abandonment, toward forcing the use of unit trains and in the area of mergers. It also can be seen in the actions of certain carriers, particularly Conrail, in canceling interline agreements, unilaterally adding on surcharges and refusing to accept traffic from other carriers.

The question has been raised by agricultural shippers, particularly in the Northwest, as to why the ICC, when considering abandonment and rate increase proposals, does not take into consideration the revenues the railroads or their holding companies derive from the millions of acres of land grants in calculating whether such railroads are earning a fair return. It's a logical question that deserves an answer, either by ICC or by Congress.

CONGRESSIONAL INQUIRY NEEDED

At this point Farm Bureau is ready to join with a number of other groups in calling for a thorough congressional inquiry to determine the value of the remaining land grant assets held by the railroads as well as the current income from such assets; the extent to which the ICC should permit rail services to be abandoned without considering revenue from the land grants; to recommend a policy on diversions of land grant assets away from the railroad companies; to determine if shippers have been charged too much because revenue from the land grants has not been taken into consideration; and to settle other related matters of subsidy to the railroads and other modes of transportation.

Congress also may need to take another look at the special railroad write-off provisions of the 1981 tax act. Certainly, if the railroads are to be allowed to write off investments going back nearly a century, such tax savings should be used to improve service, reduce abandonments or forego rate increases—in other words spent on rail service, not for purchasing other nontransportation companies, thus further diverting revenue away from rail service.

And without doubt, Congress needs to take a hard look at what the ICC has been doing in defining market dominance—or refraining from defining it—and the area of cost allocation. If the ICC is determined to cover its eyes and refuse to recognize market dominance or rail monoploy situations, then Congress should put a workable definition into the Act, as Farm Bureau recommended during consideration of the 1980 act.

While the smoke of the modal war serves to divert the public's attention, is the nation going to end up with significantly less rail competition? If so, agricultural shippers and others may have no other option but to go to the Congress for reregulation. The danger is that we will end up with a handful of rail carriers, with little parallel competition. Congress might well conclude at that point to create one national system, all owned and beautifully managed by the government, like the Postal Service. It's better that the "flags" be raised now before the nation goes too far down that road.

A bill to amend the Internal Revenue Code of 1954 for the purpose of recovering Federal costs incurred in providing services, facilities and financial assistance to railroads, and to provide a new source of funding for the Railroad Retirement Fund

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. This Act may be cited as the "Railroad Cost Recovery and Retirement Fund Act of 1982."

SEC. 2. CONGRESSIONAL FINDINGS.—

(a) For more than four decades the objective of the national transportation policy has been to develop, coordinate and preserve an intermodal transportation system adequate to meet the needs of the commerce of the United States, of the Postal Service and of the National Defense.

(b) The Congress finds that the longstanding national policy for the development of a competitive and coordinated water-rail transportation system has contributed materially to the growth and development of domestic and foreign commerce and that the preservation of effective water-rail competition and coordination requires that government policies be applied evenhandedly among the transportation modes.

(c) At present a fuel tax is imposed on water carriers but no comparable charge is imposed on railroads, even though railroads and water carriers compete vigorously with each other for freight.

(d) The Congress finds that the tax on fuel used in commercial transportation on inland waterways will affect the competitive equilibrium between the water and rail modes and destroy effective water rail competition and coordination, unless appropriate taxes are levied for rail freight transportation.

(e) The Congress finds that the Railroad Retirement Fund is in danger of possible insolvency and a new source of financial resources for that fund must be provided to preserve it.

TITLE I—TAX ON FUEL USED IN FREIGHT TRANSPORTATION BY RAILROAD

SEC. 101. IMPOSITION OF TAX.—

(a) IN GENERAL.—There is hereby imposed a tax on any liquid used as a fuel during any calendar quarter in the transportation of freight by railroad.

(b) AMOUNT OF TAX.—The tax imposed by subsection (a) shall be determined from the following table:

If the use occurs—	*The tax is—*
After January 1, 1982 and before October 1, 1983.	6 cents a gallon.
After September 30, 1983 and before October 1, 1985.	8 cents gallon.
After September 30, 1985...	10 cents a gallon.

(c) DATE FOR FILING RETURN.—The date for filing the return of the tax imposed by this section for any calendar quarter shall be the last day of the first month following such quarter.

TITLE II—STUDY OF AIDS TO RAILROADS

SEC. 201. (a) The Secretary of Transportation and the Secretary of the Treasury jointly shall undertake a study to identify and quantify all forms of financial aid or assistance which have been and are provided by the Federal Government to railroads engaged in the transportation of freight. Such study shall consider, but shall not be limited to, direct grants, loans, quarantees, purchase of securities, special tax provisions and benefits, pension fund payments, current value of land grant lands and mineral interests therein held by railroads and affiliates thereof and past, current and prospective income from such land grant lands and interests therein. A report setting forth the findings of such study shall be submitted on or before December 31, 1982.

(b) There is hereby authorized to be appropriated to the Secretary of Transportation not to exceed $150,000.00 in the aggregate to carry out the study required by this section.

TITLE III

Proceeds of this tax shall be used to finance any deficit which would otherwise occur in the Railroad Retirement Fund.

REPRESENTATIVE WIRTH ON THE NUCLEAR ARMS RACE

HON. EDWARD J. MARKEY

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 30, 1982

● Mr. MARKEY. Mr. Speaker, Members of Congress are beginning as never before to address the most critical issue of our time, the threat of nuclear war. The special order on this topic which we will engage in today is truly a remarkable historical occasion. There can be no more important subject for congressional debate and discussion. Recently, Representative TIM WIRTH wrote a highly informative editorial piece for the Boulder Daily Camera on this topic of the nuclear arms race, and I would like to include a copy of it in full in the CONGRESSIONAL RECORD:

[From the Boulder Daily Camera, Feb. 28, 1982]

THE NUCLEAR ARMS RACE IS BLOCKING OUR WAY TO AN EFFECTIVE MILITARY

(By Timothy E. Wirth)

(Editor's note: Boulder voters last fall approved a local initiative on a congressional resolution calling for a nuclear weapons moratorium. This is Rep. Tim Wirth's response to that vote.)

The voters of Boulder sent the people of the world a message of hope by calling for a nuclear weapons moratorium in November's election.

No task confronts humanity as urgently as stopping the nuclear arms race. For a quarter of a century, the governments of the Soviet Union and the United States have failed at this task.

Together, the two nations possess more than 50,000 nuclear weapons, with the explosive capability of 24,000 pounds of TNT for every man, woman and child in the entire world. In the next decade the two governments propose to add 20,000 new nuclear weapons and a new generation of delivery systems which make possible serious discussion of "winnable" or "limited" nuclear wars.

But there can be no winners in a nuclear exchange. Between 70 million and 160 million people in the United States would be killed immediately, and from the results of the destruction of the fabric of society—from lack of medical care to contaminated water to radioactive soil.

Thanks to technological advances, the first nuclear "hit" would occur only thirty minutes after a decision was made to fire weapons. Bomb shelters and civil defense plans are not solutions.

The subject of nuclear war has been largely off limits for the past 35 years. Secrecy shrouds many military details. Both superpowers have been stymied by fear of the other, while steadily increasing their arsenals and claiming only more nuclear weapons can prevent nuclear war.

Average citizens, it has long been assumed, live under a mantle of powerlessness when it comes to the topic of nuclear war. Such feelings are not surprising. It is much easier to block the subject from consciousness, or to feel cynical, or to dismiss what the voters of Boulder told the world last fall as an exercise in futility, than it is to confront the subject.

But the threat of nuclear war must be addressed, or the possibility of nuclear war will continue to grow. Retiring Admiral Hyman Rickover, the father of the nuclear navy, recently told the Congress in no uncertain terms of the magnitude of the danger.

The list of nations joining or on the brink of joining the nuclear club grows longer each year. Skills of scientists and workers, urgently needed to solve peaceful problems are diverted into nuclear weapons development. Hundreds of billions of dollars desperately needed to feed and clothe people, to supply jobs and health care—around the world, continue to be poured into nuclear weapons.

The Administration's 1983 budget proposal, with a $26 billion allotment to the Department of Defense—an 18 percent increase over last year's huge jump, is not a hopeful sign. I believe we must strenghten our nation's defense, but a big expansion of nuclear forces does not address our key defense weaknesses. U.S. weaknesses exist because of our failure to invest in better training and more skilled manpower, in necessary equipment and spare parts, and in effective conventional weapons systems. For too long, those needed investments have been sacrificed for the sake of pouring billions into an ever-expanding nuclear arsenal.

With so much military effort oriented to developing nuclear weapons, we have tended to forget the importance of quick-thinking people in our military. A recent study of 23,000 recruits at the San Diego Naval Base indicated that 37 percent of them could not read at tenth grade levels.

Many Army combat companies have a personnel turnover rate of 25 percent every three months, the highest in the world. This is damaging to morale, and eventually to effective military preparedness.

Further, military training issues need to be addressed. We need to put much more emphasis on teaching future military leaders history and independent thinking. Military victories rely much more on the ability to react with flexibility and speed than on dependence on a centralized communications system.

We also need to de-emphasize our military's fascination with high technology weaponry that may not work, when simpler solutions make more sense on the battlefield and cost far less. For example, the new armoured bulldozer (ACE) proposed by the Pentagon is a tremendously sophisticated new machine whose primary purpose would be to follow around the new M-1 tank to dig holes for it. Instead of spending $1 million per bulldozer, a blade attached to the M-1 at a cost of $80,000 would be as safe in a battlefield situation.

These are just a few of the ways that our nation should be addressing our defense needs, but the continued escalation of the nuclear arms race addresses none of these concerns. The fact that doctors, scientists and religious leaders from around the world, and millions of American and Europeans are now seriously addressing the off-limits topic of nuclear war is a hopeful sign.

National polls continue to show widespread support for the reduction of tensions and dangers involved in the nuclear arms race, and there is no reason to believe that the Russian people do not also support reduction of this tension.

The proposal for U.S.-Soviet negotiations leading to an immediate freeze on the testing, production and deployment of nuclear weapons to their targets, appears to be a sensible approach to this most difficult problem. While I favor the current Administration effort to reduce nuclear weapons in Europe, and supported the Strategic Arms Limitation Treaty, a freeze on any further development of nuclear weapons would be a more dramatic and effective move. It would send an important message to other nations, and improve the climate for futher efforts to establish lasting international peace.

I stand ready to introduce a resolution in Congress calling on the President to begin negotiating a moratorium on further nuclear weapons when grass roots momentum around the nation has strengthened.

Because the leadership of both nations has been so unsuccessful at halting the nuclear arms race, it is imperative that citizens around the world become involved in changing the climate, and demand that their governments act.●

HOUSE OF REPRESENTATIVES—*Wednesday, March 31, 1982*

The House met at 12 o'clock noon.

The Chaplain, Rev. James David Ford, D.D., offered the following prayer:

O God, our help in ages past, our hope for years to come, bless the nations of our world and guide them in the way of truth that justice and peace will be manifest in our time. May the vision of a world where Your works of righteousness are proclaimed prevail in our hearts and in our actions. Teach us to respect the rights of all people that we may honor our common humanity and so fulfill the full measure of love. Stay the forces of evil which would deny the opportunities of freedom and encourage those who labor each day for good will among all. Amen.

THE JOURNAL

The SPEAKER. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

Mr. WALKER. Mr. Speaker, pursuant to clause 1, rule I, I demand a vote on agreeing to the Chair's approval of the Journal.

The SPEAKER. The question is on the Chair's approval of the Journal.

The question was taken; and the Speaker announced that the ayes appeared to have it.

Mr. WALKER. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device; and there were—yeas 377, nays 24, answered "Present" 1, not voting 31, as follows:

[Roll No. 46]

YEAS—377

Addabbo
Akaka
Albosta
Alexander
Anderson
Andrews
Annunzio
Anthony
Archer
Aspin
Atkinson
AuCoin
Bafalis
Bailey (MO)
Bailey (PA)
Barnard
Beard
Bedell
Beilenson
Benedict
Benjamin
Bennett
Bereuter
Bevill
Bingham
Blanchard
Bliley
Boggs
Boland
Bolling
Boner
Bonior
Bonker
Bouquard
Bowen
Breaux
Brinkley
Brodhead
Brooks
Broomfield
Broyhill
Burton, Phillip
Byron
Campbell
Carman
Carney
Chappell
Chappie
Cheney
Clausen
Clinger
Coats
Coelho
Coleman
Collins (IL)
Collins (TX)
Conable
Conte
Conyers
Corcoran
Courter
Coyne, James
Coyne, William
Craig
Crane, Daniel
Daniel, Dan
Daniel, R. W.
Dannemeyer
Daschle
Daub
de la Garza
Deckard
DeNardis
Derwinski
Dicks
Dingell
Dixon
Donnelly
Dorgan
Dougherty
Dowdy
Downey
Dreier
Duncan
Dunn
Dwyer
Dymally
Dyson
Eckart
Edgar
Edwards (AL)
Edwards (CA)
Edwards (OK)
Emery
English
Erdahl
Erlenborn
Ertel
Evans (DE)
Evans (GA)
Evans (IN)
Fary
Fascell
Fazio
Fenwick
Ferraro
Fiedler
Fields
Findley
Fish
Fithian
Flippo
Florio
Foglietta
Foley
Ford (MI)
Ford (TN)
Fountain
Fowler
Frank
Frenzel
Frost
Fuqua
Garcia
Gaydos
Gejdenson
Gephardt
Gibbons
Gilman
Gingrich
Ginn
Glickman
Gonzalez
Gradison
Gramm
Gray
Green
Gregg
Grisham
Guarini
Gunderson
Hagedorn
Hall (OH)
Hall, Ralph
Hall, Sam
Hamilton
Hammerschmidt
Hance
Hansen (ID)
Hansen (UT)
Hartnett
Hatcher
Hawkins
Heckler
Hefner
Heftel
Hendon
Hertel
Hightower
Hiler
Hillis
Holland
Hollenbeck
Holt
Hopkins
Horton
Howard
Hoyer
Hubbard
Huckaby
Hughes
Hunter
Hutto
Hyde
Ireland
Jeffords
Jeffries
Jenkins
Jones (NC)
Jones (OK)
Jones (TN)
Kastenmeier
Kazen
Kemp
Kennelly
Kildee
Kindness
Kogovsek
Kramer
LaFalce
Lagomarsino
Lantos
Latta
Leach
Leath
Lee
Lehman
Leland
Lent
Levitas
Lewis
Livingston
Loeffler
Long (LA)
Long (MD)
Lott
Lowery (CA)
Lowry (WA)
Lujan
Luken
Lundine
Lungren
Madigan
Markey
Marlenee
Marriott
Martin (IL)
Martin (NC)
Martin (NY)
Matsui
Mazzoli
McClory
McCollum
McCurdy
McDonald
McEwen
McGrath
McHugh
McKinney
Mica
Michel
Mikulski
Miller (CA)
Mineta
Minish
Mitchell (NY)
Moakley
Molinari
Mollohan
Montgomery
Moore
Moorhead
Morrison
Mottl
Murphy
Murtha
Myers
Napier
Natcher
Neal
Nelligan
Nelson
Nichols
Nowak
O'Brien
Oakar
Oberstar
Obey
Oxley
Panetta
Parris
Pashayan
Patman
Patterson
Paul
Pease
Pepper
Perkins
Petri
Peyser
Pickle
Porter
Price
Pritchard
Pursell
Quillen
Rahall
Rangel
Ratchford
Regula
Reuss
Rhodes
Richmond
Rinaldo
Ritter
Robinson
Rodino
Roe
Rogers
Rose
Rosenthal
Rostenkowski
Roth
Roukema
Roybal
Rudd
Russo
Santini
Sawyer
Scheuer
Schneider
Schulze
Schumer
Seiberling
Sensenbrenner
Shamansky
Shannon
Sharp
Shaw
Shelby
Shumway
Shuster
Siljander
Simon
Skeen
Skelton
Smith (AL)
Smith (IA)
Smith (NE)
Smith (NJ)
Smith (OR)
Smith (PA)
Snowe
Snyder
Solarz
Solomon
Spence
St Germain
Stangeland
Stanton
Stark
Staton
Stenholm
Stratton
Studds
Stump
Swift
Synar
Tauke
Tauzin
Taylor
Thomas
Traxler
Trible
Udall
Vander Jagt
Vento
Volkmer
Walgren
Wampler
Washington
Watkins
Waxman
Weaver
Weiss
White
Whitehurst
Whitley
Whittaker
Whitten
Williams (MT)
Williams (OH)
Wilson
Winn
Wirth
Wolf
Wolpe
Wortley
Wright
Wyden
Wylie
Yatron
Young (AK)
Young (FL)
Young (MO)
Zablocki
Zeferetti

NAYS—24

Barnes
Brown (CO)
Butler
Clay
Coughlin
Dickinson
Emerson
Evans (IA)
Forsythe
Goodling
Gore
Harkin
Jacobs
Johnston
Miller (OH)
Mitchell (MD)
Roberts (SD)
Roemer
Rousselot
Sabo
Schroeder
Walker
Weber (MN)
Yates

ANSWERED "PRESENT"—1

Ottinger

NOT VOTING—31

Applegate
Ashbrook
Badham
Bethune
Biaggi
Brown (CA)
Brown (OH)
Burgener
Burton, John
Chisholm
Crane, Philip
Crockett
D'Amours
Davis
Dellums
Derrick
Dornan
Early
Goldwater
LeBoutillier
Marks
Mattox
Mavroules
McCloskey
McDade
Moffett
Railsback
Roberts (KS)
Savage
Stokes
Weber (OH)

☐ 1215

So the Journal was approved.

The result of the vote was announced as above recorded.

ELECTION OF MEMBERS TO CERTAIN STANDING COMMITTEES

Ms. FERRARO. Mr. Speaker, as Secretary of the Democratic Caucus and at the direction of the caucus, I send a privileged resolution (H. Res. 417) to the desk, and I ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 417

Resolved, That the following-named Members be, and are hereby, elected to the following standing Committees of the House of Representatives:

Committee on Judiciary: George Crockett, Michigan.

Committee on Post Office and Civil Service: Thomas A. Daschle, South Dakota.

☐ This symbol represents the time of day during the House proceedings, e.g., ☐ 1407 is 2:07 p.m.

● This "bullet" symbol identifies statements or insertions which are not spoken by the Member on the floor.

The resolution was agreed to.

A motion to reconsider was laid on the table.

MESSAGE FROM THE PRESIDENT

A message in writing from the President of the United States was communicated to the House by Mr. Saunders, one of his secretaries, who also informed the House that on the following date the President appproved and signed joint resolutions of the House of the following titles:

On March 22, 1982:

H.J. Res. 348. Joint resolution to provide for the awarding of a special gold medal to Her Majesty Queen Beatrix in recognition of the 1982 bicentennial anniversary of diplomatic and trade relations between the Netherlands and the United States.

H.J. Res. 373. Joint resolution expressing the sense of the Congress that the Government of the Soviet Union should respect the rights of its citizens to practice their religion and to emigrate, and that these matters should be among the issues raised at the thirty-eighth meeting of the United Nations Commission on Human Rights at Geneva in February 1982.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Sparrow, one of its clerks, announced that the Senate had passed without amendment a joint resolution of the House of the following title:

H.J. Res. 272. Joint resolution to authorize and request the President to issue a proclamation designating April 4 through 10, 1982, "National Medic Alert Week."

The message also announced that the Senate disagrees to the amendment of the House to the amendment of the Senate (H.R. 4717) entitled "An act to delay for 1 year the effective date of certain provisions recognizing gain on certain dispositions of LIFO inventories, to make adjustments in the net operating loss carryback and carryforward rules for the Federal National Mortgage Association, and to require information returns with respect to safe harbor leases," agrees to a conference with the House on the disagreeing votes of the two Houses thereon, and appoints Mr. DOLE, Mr. PACKWOOD, Mr. WALLOP, Mr. LONG, and Mr. HARRY F. BYRD, JR. to be the conferees on the part of the Senate.

REMOVAL OF NAME OF MEMBER AS COSPONSOR OF H.R. 3144

Mr. CLAUSEN. Mr. Speaker, I ask unanimous consent to have my name removed as a cosponsor of the bill, H.R. 3144.

The SPEAKER pro tempore (Mr. LEVITAS). Is there objection to the request of the gentleman from California?

There was no objection.

AUTHORIZING THE SPEAKER TO DECLARE RECESSES ON THIS LEGISLATIVE DAY

Mr. WRIGHT. Mr. Speaker, I ask unanimous consent that it may be in order for the Speaker to declare recesses any time on this legislative day subject to the call of the Chair.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

Mr. WALKER. Reserving the right to object, Mr. Speaker, can the majority leader inform us as to why the authority to declare recesses may be needed?

Mr. WRIGHT. Mr. Speaker, will the gentleman yield?

Mr. WALKER. I am glad to yield to the majority leader.

Mr. WRIGHT. Mr. Speaker, as the gentleman from Pennsylvania and other Members undoubtedly are aware, we again approach the brink at which time the continuing resolution adopted by the Congress last December will expire.

As the gentleman further is aware, this House some days ago passed a continuing resolution which simply extends the date without tampering with the numbers or inserting any additional legislative provisions in that act. As the gentleman probably also is aware, the other body right now is engaged in debate over that continuing resolution. We do not know at this time just exactly when they will pass that continuing resolution or what provisions it may or may not contain, and therefore, we are not in a position to know whether we are going to be able to have a vote on it today or perhaps later this evening or tonight. In any event, we think it is necessary as a parliamentary practicality for the Speaker to be able to declare recesses subject to the call of the Chair so as to accommodate the schedules of the Members while we await action by the Senate.

Mr. WALKER. Mr. Speaker, further reserving the right to object, I appreciate the gentleman's explanation. This gentleman wishes now that maybe we would have passed that busing amendment that we on this side wanted to add to the continuing resolution so that we would have some trade-off for the Senate add-ons.

But the point is this: Is the recess authority that we are talking about limited only to the continuing resolution?

Mr. WRIGHT. Mr. Speaker, if the gentleman will yield, that is the only purpose for which I asked for the right of the Speaker to do this. There is not any other thing, to my knowledge, that is pending that would require a recess authority. That is the only thing we had in mind.

Mr. WALKER. Mr. Speaker, further reserving the right to object, I understand this is a recess authority which is limited to this legislative day only; is that correct?

Mr. WRIGHT. That is correct. That is all we are asking for.

Mr. WALKER. Further reserving the right to object, Mr. Speaker, if I understand it correctly, it is recess authority which is being limited specifically to the continuing resolution and which is limited to this legislative day?

Mr. WRIGHT. The gentleman is correct indeed. If it should become necessary to renew this request for tomorrow or any other day, we would have to come back and renew the request.

Mr. WALKER. Mr. Speaker, I thank the gentleman very much for his explanation, and I withdraw my reservation of objection.

The SPEAKER. Is there objection to the request of the gentleman from Texas?

There was no objection.

AMENDING THE NATIONAL HOUSING ACT

Mr. GONZALEZ. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H.R. 5708) to amend section 235 of the National Housing Act with a Senate amendment thereto, and disagree to the Senate amendment.

The Clerk read the title of the bill.

The Senate amendment is as follows:

Strike out all after the enacting clause and insert:

TITLE I—SECTION 235 AMENDMENTS

EXTENSION AND AMENDMENT TO SECTION 235

SEC. 101. (a) The fourth sentence of section 235(h)(1) of the National Housing Act is amended by striking out "March 31, 1982" each place it appears and inserting in lieu thereof "September 30, 1982".

(b) Section 235 of such Act is amended by adding at the end thereof the following:

"(r)(1) Except as provided in the fourth sentence of subsection (h)(1), any commitment (other than a firm commitment) to make and to contract to make assistance payments under this section which is in effect on March 31, 1982, shall—

"(A) in the case of a commitment (other than a firm commitment) issued prior to October 1, 1981, remain available for a firm commitment until May 1, 1982; or

"(r) in the case of a commitment (other than a firm commitment) issued on or after October 1, 1981, remain available for a firm commitment until June 1, 1982, or until July 15, 1982, in the case of a commitment (other than a firm commitment) relating to a unit in a condominium.

"(2) Any authority described in paragraph (1)(A) which is not made subject to a firm commitment within the period specified by paragraph (1)(A) shall be available for new commitments by the same area office of the Department of Housing and Urban Development which made the prior terminated commitment until June 1, 1982.

"(3) Any authority referred to in paragraph (1) which is not subject to a firm commitment issued pursuant to paragraph (1) or (2) as of the close of the applicable period specified in such paragraph shall be reallocated by the Secretary among the States on the basis of—

"(A) population;

"(B) the relative decline in the number of one- to four-family housing starts since 1978; and

"(C) the relative ability of the States to make use of such authority in an expeditious manner;

taking into account the achievement of regional equity.

"(4) Any authority reallocated pursuant to paragraph (3) which is not subject to a firm commitment on August 1, 1982, shall be reallocated again by the Secretary in such manner as will result in the full utilization of the remaining authority.".

TITLE II—OLYMPIC COINS

SHORT TITLE

SEC. 201. This title may be cited as the "Olympic Coin Act of 1982".

STATEMENT OF PURPOSES

SEC. 202. The purposes of this title are—

(1) to provide for the minting of commemorative coins to honor and commemorate the 1984 Los Angeles Olympic Games; and

(2) to help finance those games and amateur athletics without the use of tax revenues in recognition of the importance and national significance of the Olympics and of amateur athletics.

AUTHORIZATION FOR MINTING

SEC. 203. (a) Notwithstanding any other provision of law, the Secretary of the Treasury shall mint—

(1) not more than 25,000,000 one dollar coins comprised of two identical outer layers of an alloy of 75 per centum copper and 25 per centum nickel which shall constitute at least 30 per centum of the weight of the coins, metallurgically bonded to an inner layer of copper, a total weight of 22.68 grams, and a diameter of 38.1 millimeters;

(2) not more than 15,000,000 ten dollar coins with a weight of 33.625 grams, and a diameter of 38.1 millimeters and consisting of an alloy of 92.5 per centum silver and 7.5 per centum copper;

(3) not more than 1,000,000 fifty dollar coins with a weight of 4.937 grams, and a diameter of 19.0 millimeters and consisting of an alloy which shall contain 90 per centum gold, and 10 per centum silver and copper in such proportions as shall be determined by the Secretary of the Treasury; and

(4) not more than 1,000,000 one hundred dollar coins with a weight of 9.874 grams, and a diameter of 23 millimeters and consisting of an alloy which shall contain 90 per centum gold, and 10 per centum silver and copper in such proportions as shall be determined by the Secretary of the Treasury.

(b) The coins minted pursuant to subsection (a) shall have an aggregate face value which is not more than $325,000,000.

(c) The coins authorized by this title shall bear—

(1) a designation of the value of the coin;

(2) an inscription of the year the coin was minted or issued; and

(3) an inscription of the words "Liberty", "In God We Trust", "United States of America", and "E Pluribus Unum".

(d) The designs of coins authorized by this title shall be determined by the Secretary of the Treasury, in consultation with the Los Angeles Olympic Organizing Committee, and shall be emblematic of the Olympics, United States participation in the Olympics, United States athletes, and other symbols consistent with the purposes of this title. All coins minted under this title shall have a common reverse design.

(e) All coins minted pursuant to this title shall be legal tender as provided in section 102 of the Coinage Act of 1965 (31 U.S.C. 392).

(f) No coins shall be minted or issued pursuant to this title after December 31, 1984.

MINTING SPECIFICATIONS

SEC. 204. (a)(1) The one dollar coins authorized by this title shall be issued in a single design and shall be of brilliant-uncirculated quality.

(2) The ten dollar coins authorized by this title shall be issued in three series with four designs for each series and shall be of brilliant-uncirculated and proof qualities.

(3) The fifty dollar coins authorized by this title shall be issued in two series with a different design for each series and shall be of brilliant-uncirculated and proof qualities.

(4) The one hundred dollar coins authorized by this title shall be issued in two series with a different design for each series and shall be of brilliant-uncirculated and proof qualities.

(b) The Secretary of the Treasury may reduce the number of designs for each series of coins specified in subsection (a) if such reduction will not reduce—

(1) the estimated net proceeds to the Los Angeles Olympic Organizing Committee of the sale of such coins; and

(2) below $30,000,000 the net proceeds of such sale guaranteed to the Los Angeles Olympic Committee;

except that this subsection shall not apply if the coins are marketed pursuant to the existing marketing agreement, as defined in section 208(a), and if the existing marketing agreement has not been modified pursuant to section 208(e).

(c) The Secretary of the Treasury shall obtain gold and silver for the coins authorized by this title pursuant to his authority under law.

SALE AND DELIVERY

SEC. 205. (a) All coins minted pursuant to this title shall be delivered as requested by the Los Angeles Olympic Organizing Committee for distribution and sale to the public in accordance with the terms of the implementation agreement provided for by section 209 of this title.

(b) The Secretary of the Treasury shall begin delivery of the one dollar coins authorized by this title not later than January 1, 1984. The Secretary of the Treasury shall begin delivery of the three series of ten dollar coins authorized by this title not later than January 1, 1983, for the first series; and not later than July 1, 1983, for the second series; and not later than January 1, 1984, for the third series. The Secretary of the Treasury shall begin delivery of the two series of fifty and one hundred dollar coins authorized by this title not later than January 1, 1983, for the first series of each such coin and not later than January 1, 1984, for the second series of each such coin.

PRICE

SEC. 206. The Secretary of the Treasury shall furnish the coins authorized by this title to the Los Angeles Olympic Organizing Committee at a price agreed to pursuant to the implementation agreement provided for by section 209, which price shall be equal to the greater of—

(1) the face value plus manufacturing and engraving costs; or

(2) the market price of the metal plus strip and blank fabrication charges, plus manufacturing and engraving costs including a 15 per centum surcharge.

The cost of metals and strip and blank fabrication charges shall be excluded from the cost for the purpose of calculating the surcharge. Amounts received pursuant to this section shall be deposited into the Treasury after reimbursements have been made for the Mint's appropriation and bullion fund costs.

PROCEEDS

SEC. 207. All of the proceeds received by the Los Angeles Olympic Organizing Committee from the commercial sale of the coins authorized by this title shall be used for the purpose of staging and promoting the 1984 Los Angeles Olympic Games and assisting the United States Olympic Committee and amateur athletics.

MARKETING AGREEMENT

SEC. 208. (a) As used in this section—

(1) the term "coins" means all the coins minted under this title;

(2) the term "marketing organization" means a firm or joint venture which proposes to purchase coins from the Los Angeles Olympic Organizing Committee and resell such coins to the public;

(3) the term "marketing agreement" means a contract for the marketing of coins;

(4) the term "existing marketing agreement" means a marketing agreement between the Los Angeles Olympic Organizing Committee and a marketing organization which is in existence on the effective date of this title; and

(5) the term "existing marketing organization" means the marketing organization which is a party to the existing marketing agreement.

(b) As promptly as practicable after the effective date of this title, the Los Angeles Olympic Organizing Committee shall invite, in accordance with procedures specified by the Secretary of the Treasury, proposals from marketing organizations for an exclusive, worldwide marketing agreement.

(c) Within forty-five days after the effective date of this title, the Los Angles Olympic Organizing Committee shall (1) consider all proposals received from marketing organizations pursuant to subsection (b) of this section, (2) compare such proposals to the existing marketing agreement, and (3) initially select, subject to the provisions of subsection (e) of this section, a marketing organization (which may be the existing marketing organization under its existing marketing agreement) for the marketing of the coins.

(d) In selecting a marketing organization pursuant to subsection (c) of this section, the Los Angeles Olympic Organizing Committee, in consultation with the Secretary of the Treasury, shall select the marketing organization which offers the most favorable terms for the marketing of the coins, considering factors including, but not limited to, the following:

(1) the financial resources and coin marketing experience of the marketing organization;

(2) the estimated proceeds to the Los Angeles Olympic Organizing Committee from sale of the coins;

(3) the commitment of the marketing organization to guarantee to the Los Angeles Olympic Organizing Committee proceeds from the sale of the coins in an amount not less than $30,000,000;

(4) the terms and conditions for the marketing of the coins, including, but not limit-

ed to (A) proper and equitable distribution of the coins, (B) accurate and otherwise appropriate advertising materials to be used in promoting the coins; and (C) wholesale and retail price ranges of the coins; and

(5) the commitment of the marketing organization to provide to the Los Angeles Olympic Organizing Committee, upon execution and delivery of a marketing agreement, a sum equal to the advance royalty fee paid to the Los Angeles Olympic Organizing Committee by the existing marketing organization, the amount of such sum to be certified to the Secretary of the Treasury by the Los Angeles Olympic Organizing Committee.

(e) If the marketing organization initially selected by the Los Angeles Olympic Organizing Committee under subsection (c) of this section is not the existing marketing organization, then such existing marketing organization shall have not more than ten days after notice of such initial selection to agree to modify the existing marketing agreement. If within such ten-day period, the Los Angeles Olympic Organizing Committee, in consultation with the Secretary of the Treasury, concludes that the existing marketing agreement, as so modified, offers terms to the Los Angeles Olympic Organizing Committee more favorable than those offered by the marketing organization initially selected, then the existing marketing organization shall be selected to market the coins.

(f) No provisions of law of the United States Government governing procurement or public contracts shall be applicable to the selection of a marketing organization under this title.

IMPLEMENTATION AGREEMENT

Sec. 209. (a) The Secretary of the Treasury shall enter into an agreement with the Los Angeles Olympic Organizing Committee which shall provide for the implementation of the purposes of this title and which shall include but not be limited to, agreement on—

(1) the amounts to be advanced pursuant to section 210 of this title;

(2) the price and schedule of payments for the coins;

(3) the number of each type of coin to be minted, and schedules and other provisions for the delivery of the coins;

(4) the quality and tolerance of the coins; and

(5) the proportions of proof and brilliant-uncirculated ten, fifty, and one hundred dollar coins.

(b) The agreement between the Secretary of the Treasury and the Los Angeles Olympic Organizing Committee shall identify the designs of the coins as determined pursuant to section 203(d).

(c) The agreement between the Secretary of the Treasury and the Los Angeles Olympic Organizing Committee shall insure that the minting of coins authorized by this title shall result in no net cost to the United States Government.

(d) The agreement between the Secretary of the Treasury and the Los Angeles Olympic Organizing Committee shall be concluded within ninety days of the date of enactment of this title.

(e) The Secretary of the Treasury may not enter into an implementation agreement with the Los Angeles Olympic Organizing Committee unless the selection of a marketing organization has been made pursuant to section 208.

(f) If the Secretary of the Treasury finds that such action is necessary or appropriate and in the best interests of the United States, the Secretary may terminate the implementation agreement and cease minting and delivery of the coins authorized by this title, upon the occurrence of either of the following events:

(1) the Los Angeles Olympic Organizing Committee materially breaches the terms of the implementation agreement, or

(2) any person or organization which enters into a contract or agreement with the Los Angeles Olympic Organization Committee providing for the marketing or distribution of the coins authorized by this title materially breaches the terms of such contract or agreement.

FUNDING

Sec. 210. The Secretary of the Treasury is authorized to receive from the Los Angeles Olympic Organizing Committee and disburse such sums as are necessary to carry out the provision of this title. Such funds are to be deposited in a trust fund which shall be subject to and administered in accordance with the provisions of section 20 of the Permanent Appropriations Repeal Act, as amended (31 U.S.C. 725s), to be used solely for the purpose of carrying out the provisions of this title. Any sums advanced pursuant to this section shall be deducted from the amount the Los Angeles Olympic Organizing Committee is required to pay the Secretary of the Treasury for the coins authorized by this title.

REPORTS TO THE CONGRESS

Sec. 211. The Secretary of the Treasury shall prepare and submit to the Congress within forty-five days of the end of each calendar quarter a report concerning the sale of the coins authorized by this title. The Los Angeles Olympic Organizing Committee and the marketing organization shall furnish to the Secretary of the Treasury in a timely manner such information as the Secretary may request which is necessary in order to submit the reports hereunder. No report need be submitted for any quarter beginning after June 30, 1985.

AUDITS

Sec. 212. The Comptroller General of the United States shall have the right to examine all books, records, documents, and other data relating to the use of coins or funds made available pursuant to the title of (1) the Los Angeles Olympic Organizing Committee, (2) the United States Olympic Committee, and (3) any person or organization with which the Los Angeles Olympic Organizing Committee enters into a contract for the marketing or distribution of coins minted under this title.

RELATION TO OTHER LAWS

Sec. 213. In carrying out the provisions of this title, the Secretary of the Treasury shall not be subject to any provision of law of the United States governing procurement of public contracts.

TITLE III—GOLD MEDALLIONS

GOLD MEDALLION ACT AMENDMENT

Sec. 301. Section 406 of the American Arts Gold Medallion Act is amended by adding at the end thereof the following:

"(d) Not later than sixty days after the date of enactment of this subsection, the Secretary of the Treasury shall provide for bulk sales of gold medallions struck under the authority of this title to be made to the general public through dealers, and if appropriate, through the Department of the Treasury. The Secretary shall make such bulk sales at a reasonable discount to reflect the lower handling costs of such sales, at a price to be determined by the Secretary.".

The SPEAKER. Is there objection to the request of the gentleman from Texas?

Mr. STANTON of Ohio. Mr. Speaker, reserving the right to object, I do this only for the purpose of asking the chairman of our subcommittee to explain the action that is pending before us.

Mr. GONZALEZ. Certainly, if the gentleman will yield.

Mr. STANTON of Ohio. I yield to the gentleman from Texas.

Mr. GONZALEZ. Mr. Speaker, I thank the distinguished gentleman from Ohio for yielding.

Mr. Speaker, the bill that the House passed last Tuesday to extend the section 235 homeownership program is a simple extension for the remaining 6 months of this fiscal year. Nothing in the law was changed except the date, in order to expeditiously offer the housing industry a little thread of help.

The bill that the Senate has sent to us for consideration has clouded what could have been a simple action to get the remaining 235 units built and sold quickly.

First a provision that is absolutely nongermane to the bill has been added. This provision is known as the Olympic Coin Act of 1982. Not only is this provision nongermane but it has been a highly controversial issue here on the House side. It is my understanding that this Olympic coin issue is on the verge of being resolved within the Banking Committee. Under these circumstances we cannot accept this nongermane provision.

The second stumbling block is the changes that the Senate is proposing to the 235 homeownership program. The simple extension passed by the House does not change the HUD processing procedure one iota. However, the Senate proposal makes significant changes in the process and at this point we are not able to say how these changes will affect the administration of the program. Also, the Senate provision requires an additional regulatory burden to be placed on the 235 program, and in view of the administration's mandate to reduce regulations, I would think that these changes would not be be acceptable.

There could be as many as 8,000 units that can be built if we can get this extension approved and I urge my colleagues not to object so that we can reaffirm the support showed last Tuesday for a simple 6-month extension of the 235 homeownership program until September 30, 1982.

☐ 1230

Mr. STANTON of Ohio. Mr. Speaker, the chairman of our subcommittee has explained what we are doing and that is returning to the other body a couple of amendments that are nongermane, that were put on the legislation that we passed by 95 percent vote here last week.

Mr. Speaker, I withdraw my reservation of objection.

The **SPEAKER**. Is there objection to the request of the gentleman from Texas?

There was no objection.

A motion to reconsider was laid on the table.

HEARINGS ON OLYMPIC COIN PROGRAM

(Mr. **ANNUNZIO** asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. **ANNUNZIO**. Mr. Speaker, the Consumer Affairs and Coinage Subcommittee will begin hearings on various legislative proposals to establish an Olympic commemorative coin program for the 1984 games in Los Angeles. The first day of hearings will be held on Tuesday, April 6, in room 2128, Rayburn House Office Building beginning at 10:30 a.m. Additional hearings will be announced later.

Persons wishing to testify on the various Olympic coin programs should contact Mr. Curtis Prins, staff director of the Subcommittee on Consumer Affairs and Coinage, roomn 212, Annex No. 1, extension 225-9181.

PRESIDENT'S UPCOMING RADIO BROADCAST WILL BE TALKING A GOOD GAME

(Mr. **ALEXANDER** asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. **ALEXANDER**. Mr. Speaker, the White House announced that the President will soon begin a series of 10 radio broadcasts to address the Nation on matters of concern to the American people. For most citizens, this will bring back memories of the decade of the 1970's during which Ronald Reagan was a candidate for President, frequently using the radio to preach the gospel of the balanced budget and other great causes, such as better management of the Federal bureaucracy.

Mr. Speaker, during the series I hope the President will answer this question: If Ronald Reagan is a good business manager, why is the Reagan deficit of almost $150 billion more than three times larger than Jimmy Carter's average deficit of $45 billion?

Mr. Speaker, the declining popularity of the President clearly demonstrates that a majority of Americans have now decided, Mr. President, that it is much easier to talk a good game than it is to do a good job.

ELIMINATION OF SENIOR COMMUNITY SERVICE EMPLOYMENT PROGRAM

(Mr. **ECKART** asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. **ECKART**. Mr. Speaker, I am shocked at a decision by the Reagan administration to end the employment of 55,000 older Americans, through the elimination of the senior community service employment program.

This program employs elderly, low-income people in dignified jobs, at the minimum wage. They work in part-time efforts in libraries, hospitals, various offices, on beautification and restoration projects, and on energy conservation programs.

These older Americans have found a way to self-fulfillment, through honest labor, despite the fact they are older, and less employable in many cases than the younger worker.

With the elimination of the program, these people will have to compete in the labor market. That effort will have predictable results during a time of national unemployment near 10 percent.

The result, in my view, will be an additional load of welfare, food stamp, and unemployment cases. These citizens do not want to be thrown on the scrap heap. They do not want a dole, they want dignity and most importantly our senior citizens who have fought our wars, built our roads and factories, and taught our children, simply want to get what they are entitled to.

Many employers support the continuation of the program.

The Under Secretary of Labor who revealed this decision to the House Education and Labor Committee last week said we were in a period of hard choices, and claimed "this was clearly one of the more difficult ones."

Difficult it should be. These older Americans have asked for little in their lives, have worked for the things which have come their way, and only wish to continue working. The welfare dole is not for them, and the food stamp route is not the way they wish to buy food.

Once again the Reagan administration turns its back on our Nation's senior citizens.

CONTINUED EQUALITY IN HIGHER EDUCATION

(Mr. **RATCHFORD** asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. **RATCHFORD**. Mr. Speaker, thousands of Americans are seeking an assurance from Congress, an assurance that we will not sacrifice their educational opportunities.

Overall eligibility for the guaranteed student loan program has already been cut drastically and loan recipients will pay back more interest because of changes approved in the Budget Reconciliation Act last year. Now the administration is seeking to disqualify graduate students, increase processing fees for student loans, and make other changes leaving millions of middle- and low-income students with no means of financing their education.

Eighty percent of the graduate students receiving GSL's at the University of Connecticut are from families with incomes of less than $10,000 a year, or are independent and earn less than that amount on their own. The Governor's report on the impact of Federal budget cuts on my State concludes that thousands of Connecticut students could be denied an education if the administration's GSL proposals are adopted.

The issue for all of us is not simply one of equity, Mr. Speaker. It is also a recognition that if this country fails to invest in human capital, all the savings incentives and weapons programs will mean little to our economic strength, and national security. Let us approve the supplemental appropriation before this Chamber today.

NATIONAL CAMPAIGN TO REGISTER 1 MILLION COLLEGE STUDENTS TO VOTE

(Mr. **PEYSER** asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. **PEYSER**. Mr. Speaker, it was announced today that a nationwide campaign is being launched on the college campuses throughout this country to enroll at least 1 million students who are not presently registered to vote. The one way that students throughout this country can register their protest to the Reagan administration program of cutting back on student aid is by registering to vote.

It was not many years ago this Congress passed the legislation enabling the 18 year old to vote. At that time it was said that if these young men were old enough to fight for their country, they were old enough to vote. Today if they are old enough to be in college, certainly they should be smart enough to register to vote and make their voices heard in the 1982 election.

STUDENT AID

(Mr. **WEISS** asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. **WEISS**. Mr. Speaker, the House will soon consider an urgent supplemental appropriation which includes $1.3 billion to fully fund the guaranteed student loan program through this year. Our passage of this legislation would send to the Reagan administration a clear signal that we in Congress reject its desire to turn our backs on the hundreds of thousands of students who depend on this important loan program to help finance the ever-increasing costs of their education.

Enactment of this legislation would represent a decisive repudiation of the President's proposal to eliminate graduate students from the program and sharply increase the cost of borrowing for undergraduates. These shortsighted budget requests would seriously threaten the continuation of many graduate programs and force many deserving undergraduates to attend only lower cost institutions or delay their education.

Last year, the administration and its supporters in Congress engineered massive cuts in the student aid programs. Students in my State and across the country cannot afford any additional cuts.

It is time that this Congress draws the line on the administration's assault on education programs. We owe it to our students, their families, and ultimately, to the future of our country.

MR. BONIOR OF MICHIGAN CALLS FOR INVESTIGATION OF RAPID DEPLOYMENT JOINT TASK FORCE EXERCISES

(Mr. BONIOR of Michigan asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BONIOR of Michigan. Mr. Speaker, I would like to draw my colleagues' attention to an article on page 2 of the Washington Post this morning, "California Air Drop Kills 4 GIs, Injures at Least 20."

Mr. Speaker, I have no problems with the Rapid Deployment Joint Task Force and the exercises that they were engaged in in the Mojave Desert. But it seems quite strange to me that when 4 American soldiers are killed, 20 injured, 3 critically, that perhaps there is a serious problem with respect to the regulations in terms of wind velocity. Their paratroopers indicated that the wind knot was above 13 knots before they jumped and there is a serious discrepancy with those in the high ranks of the military who claim it was below 13 knots.

It seems to me when we have that much loss of life and injury that it is incumbent upon appropriate committees of this Congress to look into the situation. I would hope the Armed Services Committee and the appropriate other committees would do an investigation to determine if indeed there was sufficient pressure to continue with a $45 million exercise which, indeed, did endanger and certainly did cause the loss of four of our soldiers. So I would hope the appropriate committees would look into this issue.

GOVERNMENT SPENDING PRIORITIES

(Mr. DAN DANIEL asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous matter.)

Mr. DAN DANIEL. Mr. Speaker, the charge is regularly made that our priorities are out of kilter, that we are spending a higher percentage of our budget on national defense than is justified. The record reveals quite to the contrary.

In 1968, the first appropriations cycle on which I had an opportunity to vote, spending on national defense was a little over $77 billion and represented 43 percent of the budget. On payments to individuals, which is the largest general category of nondefense spending, outlays were almost $49 billion representing 27 percent of outlays. Now, the situation is almost completely reversed. In 1983, spending for defense is estimated at $216 billion or 28.5 percent of the budget compared to $366 billion to individuals or 48.3 percent of the budget. The statistics thus tell us that our present spending priority is indeed payments to individuals.

We had the Library of Congress convert all these figures to constant 1982 dollars, that is, we asked them if in any given year the Government was spending in dollars valued at the 1982 level, what would the comparison then be. For defense, 1968 spending would have been $10 billion more than today and for nondefense, $244 billion less. If this does not tell you where your Government's priorities rest, nothing ever will.

Following are tables for the 16-year period:

DEPARTMENT OF DEFENSE OUTLAYS 1968–83

Year	Percent of budget	Current dollars	Constant dollars
1968	43.2	77.265	225.328
1969	42.1	77.785	219.142
1970	39.2	77.070	202.044
1971	35.2	74.472	183.016
1972	32.4	75.076	171.786
1973	29.6	73.223	156.462
1974	28.8	77.550	153.180
1975	26.0	84.900	153.669
1976	24.0	87.891	148.015
1977	23.7	95.557	150.628
1978	22.9	103.042	151.092
1979	23.3	115.013	156.824
1980	22.9	132.840	162.701
1981	23.8	156.096	174.117
1982	25.2	182.800	184.800
1983	28.5	215.900	215.900

WHAT HAS THE CONGRESS DONE FOR THE AMERICAN PEOPLE IN 1982?

(Mr. HARTNETT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. HARTNETT. Mr. Speaker, I really want to speak to my colleagues and to the American people and let them know that this Congress can be termed and dubbed the "do-nothing Congress of 1982." But maybe that is wrong. I have heard speaker after speaker parade to the rostrum or to this podium to my right and criticize President Reagan and his administration so maybe they have done something. They offer no alternatives however, my good friends. All they have done is waste, I do not know how much, energy and hot air, criticizing the Reagan administration. If they would do anything, my colleagues and the American people, anything to improve the situation besides talk about it, then I would say they deserve this 2-week recess which they are going to take.

When you see them walking around the streets of your towns and your communities and your villages, you ask them: What are you doing home? You have not done a darn thing for me or for this country this year, but you are home on vacation.

And I am interested to know what their reply will be.

They are about to leave here now, for a 2-week rest, after all of their labors. They have taken your money, have taken your help, and all of your support, and they have failed to even pass a budget. All the Liberals have done is criticize President Reagan. At least he has proposed a budget, they have not even done that.

You ask your Congressman: What have you done for me in 1982. His reply will have to be, "Nothing."

THE ELECTIONS IN EL SALVADOR

(Mr. GILMAN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GILMAN. Mr. Speaker, last Sunday the people of El Salvador raised a banner for democracy. In spite of intimidations, terrorist attacks, and threats of violence, approximately 1,200,000 Salvadoran citizens enthusiastically participated in what was by far that nation's largest and freest election in its history.

The willingness of the people of El Salvador to stand in long lines, walk many miles and literally dodge bullets in some cases in order to cast their ballots is a clear signal of their repudiation of violence and their strong desire for a peaceful democratic solution to the problems of El Salvador. Despite the massive efforts of terrorists and guerrillas to prevent the election and their threats of death to those who participated, the unprecedented turnout of more than 80 percent of the eligible voters must now be recognized by all as a stunning defeat for the Marxist opposition and a clear demonstration of what limited popular support they possess.

While the composition of the new government is as yet not determined, it is extremely important that we indicate our continued support for the democratic principles that the elections were based upon. Furthermore, we should state our continued support for the initiatives undertaken by the Duarte government in bringing about needed reforms and encourage their continuation.

The important role that the Christian Democratic Party has played in the election process deserves special recognition. More than any other political party, their contribution has made the elections a success. Their willingness to accept the challenge where others have fled and their commitment to democratic principles has made them a target of the extremes.

As the party which has received the most votes—over 40 percent—it is my hope that no matter what new coalition government evolves from the elections, that the Christian Democrats will continue to play a major role.

Such a coalition should be founded upon the principles of a total commitment to democracy, social justice, and respect for human rights.

The leadership and courage of the Salvadoran Government and people, especially that shown by President Duarte, is a source of inspiration not only in Salvador, but to all peace-loving democratic people in Central America.

THE AMERICAN DREAM

(Mr. EVANS of Delaware asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. EVANS of Delaware. Mr. Speaker, we were supposed to consider H.R. 5922 today, the urgent supplemental appropriations for fiscal year 1982. But for some reason, it has been postponed. When it does come to the floor—and it should very soon—I hope my colleagues will join me in an effort to assist citizens in achieving the American dream by voting against the previous question. A vote "no" on the previous question will permit an amendment which will allow us to transfer $1 billion in already authorized and appropriated funds for fiscal year 1982 that is going to the Synfuels Corporation. I propose we reallocate that $1 billion to assist home buyers and homebuilders and realtors and lumbermen.

My colleagues, you will have a real choice tomorrow—hopefully tomorrow. A vote "yes" on the previous question is a vote to continue subsidies to major oil companies and large multinational corporations. A vote "no" on the previous question is a vote for homebuilders and home buyers and realtors and small business people all over America, who can and will lead us out of recession into a strengthened economy where the American dream will once again become a reality.

A QUESTION OF PRIORITIES

(Mr. CORCORAN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. CORCORAN. Mr. Speaker, I want to associate myself with the remarks of my friend, the gentleman from Delaware (Mr. EVANS), because he and I, along with other Members, on a bipartisan basis, of both the Banking Committee and the Energy and Commerce Committee, are looking for ways not only to cut down on Federal spending and reduce the exposure of the Federal Government with respect to those boondoggle projects of the Synthetic Fuels Corporation, but also to deal with an urgent national need, and that is the serious problem in the housing industry.

He can address precisely how the housing industry would benefit from this program. But from the standpoint of the Energy and Commerce Committee, I would like to point out that the money that we are talking about is not new money. The money that we are talking about that would finance this program is not something that is going to further exacerbate the bloated deficit of the Federal budget. The money has already been appropriated in the budget for the SFC.

Thus it is a question of priorities, Mr. Speaker, that we are asking the House to consider. We just simply do not think that at this time in our history we ought to be subsidizing Sohio, Tenneco, Metropolitan Life Insurance and other corporate giants, with all of these synthetic fuel projects, when we have other urgent needs, particularly those of the small first-time home buyer who would like to participate in the American dream of owning a home.

I urge a "no" vote on the previous question on the rule for H.R. 5922 so that our housing amendment would be in order when we debate H.R. 5922.

AN OPPORTUNITY TO DO SOMETHING MEANINGFUL

(Mr. CRAIG asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. CRAIG. Mr. Speaker, is it possible that tomorrow we will finally do something for the American people?

Why was the emergency supplemental appropriation pulled today from this roster? Why are not the majority leaders of this body willing to recognize the Evans of Delaware-Corcoran amendment and support what it will do for the homebuilding industry of this country and for the forest products industry?

I think it is time, as we near a recess, that we prepare ourselves to go home and tell our constituents that we finally—finally—after months and months, have finally done something for them, that the majority will not decry the deficit, they will not play to the television cameras on one hand, talking about the President's deficit, while in committees they build and build upon a deficit.

I serve on the Interior Committee. That majority leadership there proposed $1 billion more than in 1982. In Education and Labor, they proposed $13 billion more than in 1982.

Here is now an opportunity to do something meaningful, to move money inside the budget, to turn it directly to the hands of the American people to create jobs, build homes and generate revenue. I think it is time that we get on with the business of this House and do something for the American people before we leave for our Easter recess.

HELP FOR THE HOUSING INDUSTRY

(Mr. PARRIS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PARRIS. Mr. Speaker, I rise to support the housing amendment to the urgent supplemental appropriations bill which will assist State and local housing financing through mortgage revenue bond programs. I would like to reemphasize, as has been stated by previous speakers, that this is not new spending. This is not spending next year or some time in the future. This would help right now. The trust funds administered by the Treasury Department could be used by appropriate State agencies in interest rate buydowns, in capitalizing mortgage bond programs or in other direct ways that could dramatically assist the real estate and housing industries that are currently in shambles which will ultimately affect the standard of living of all Americans.

In my State, the Virginia Housing Development Authority is attempting to make more and better use of pension funding. We could use the help. The people of this country could use the help. I urge my colleagues to vote against and to defeat the motion on the previous question on the rule when it comes before us tomorrow.

AN OPPORTUNITY TO ASSIST THE CONSTRUCTION INDUSTRY

(Mr. BEREUTER asked and was given permission to address the House of 1 minute and to revise and extend his remarks.)

Mr. BEREUTER. Mr. Speaker, I, too, rise to urge my colleagues to vote no on the previous question for the rule for H.R. 5922, the supplemental appropriations bill. I urge this defeat of the rule so that a substitute rule may be offered to provide for an amendment, and a single amendment only—the Evans-Corcoran amendment.

As pointed out by my colleagues just preceding, this is not new appropriation. We are talking about $1 billion from the Synthetic Fuels Corporation, which is aimed in reality, largely at major oil corporations. This money may be used to buy down mortgage interest rates through the use of mortgage revenue bonds. This amendment has the potential of creating 287,000 construction jobs, reducing construction unemployment by one-third. Home sales, both new and existing, have a favorable impact upon tax revenue. Responsible estimates for this bill show that it would generate in the first 2 years approximately $1.1 billion in Federal tax revenue, $170 million in State income tax, and $300 million in local taxes and fees.

Vote "no" on the previous question on the rule for H.R. 5922 when it does come to the floor.

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IN SUPPORT OF THE EVANS-CORCORAN AMENDMENT

(Mr. CLAUSEN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. CLAUSEN. Mr. Speaker, I rise to add my voice and my support as someone who comes from the forest products area of northern California, the so-called redwood country.

I am supporting the Evans-Corcoran amendment that would actually transfer the $1 billion in money that has been appropriated and authorized for the Synfuels Corporation for this year. It would be transferred to the Department of Treasury to assist the State and local units of government and their housing agencies through the mortgage revenue bond program that is already in place.

This could be done in consultation with the appropriations committees.

Now, according to the data that we have, this could be generated into some 348,000 home sales. This works out to some 800 home sales per congressional district. They estimate that this would mean 130,500 newly constructed homes and 217,500 existing units. That is some 280,000 jobs in construction-related industries. That is over 500 jobs in every congressional district.

My colleagues in the House, I suggest that we take this action so that we can get some action now.

CONGRESS CONTINUES TO AVOID BUDGET ISSUE

(Mr. JAMES K. COYNE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. JAMES K. COYNE. Mr. Speaker, the birds are chirping, the crocus are peeking their heads up out of the ground, and Congress is heading home for spring recess after a hard session of approving gold medals, proclaiming various and sundry special days, and avoiding the budget issue by passing still another continuing resolution.

High interest rates, and the ills that flow from them, are strangling our country. Unemployment is a national disgrace. The housing and automobile industries are devastated and the industries that depend upon housing and auto sales are hard hit. All this is directly a result of the current drought in loan money. Why are we suffering this drought? Because the Federal Government is borrowing every available dollar to pay its debt. What are we doing to halt this practice that is wreaking havoc on our economy? Going home for recess.

A balanced budget is imperative. Only responsible action by Congress will bring a balanced budget about. Although Congress goes through the motions of responsible leadership by conducting hearings, holding markups and passing authorization and occasional appropriations bills, it is not responsible leadership when the end result is a continuing resolution that includes no real reductions in Federal spending.

I believe that it is heartless and irresponsible for Congress to recess without taking action to alleviate the ills of our country. We should not recess until substantial progress is made in achieving a budget that is responsive to the pleas of the American public. The Democratic leadership of the House must allow us to do the job we were elected to do.

CONGRESS HAS BEEN NEGLIGENT

(Mr. FIELDS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. FIELDS. Mr. Speaker, prior to serving in this House of Representatives, I practiced law. Today, I am charged with attempting to create law, to create good law, but to do that, Mr. Speaker, there must be deliberation, consideration, debate, and finally, a vote.

Mr. Speaker, I cannot say with good conscience that we are taking the time as lawmakers to consider what the American people want us to consider, that being a budget, a budget that ties spending closer to revenue, a budget that reforms runaway entitlements, a budget that trims foreign aid dollars, a budget that makes sense to common, average, working, taxpaying Americans.

Mr. Speaker, a sensible budget should be addressed. The President has laid a budget on our table, a starting point, a focal point, to address the pressing economic concerns of all Americans, and what have we done in this House of Representatives? We have done absolutely nothing.

Mr. Speaker, I think that this body is negligent for not discussing the budget issue. I think, because of this negligence, we are subject to the wrath of the American people. We are subject, if you will, to legislative malpractice because we have done absolutely nothing and yet we are coming up to a vote on a recess. We should not recess. We should not adjourn. We should discuss the budget of this country.

GEORGETOWN UNIVERSITY HOYAS

(Mr. WOLF asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WOLF. Mr. Speaker, as a graduate of Georgetown University Law School, I take great pride in acknowledging to my colleagues the record-breaking season of the 1982 Georgetown basketball team.

This year, the Hoyas won the championship of the Big East Conference Tournament and went on to claim the NCAA West regional championship. After tremendous effort and hard work, these capable and talented young men should be applauded for bringing Georgetown within one point of a national championship and for bringing an esprit de corps to the Nation's Capital.

I commend the Georgetown coach, John Thompson, for the fine job he has done and offer my congratulations to the members of the 1981-82 Georgetown University basketball team: Ron Blaylock, David Blue, Fred Brown, Ralph Dalton, Pat Ewing, Eric Floyd, Mike Hancock, Anthony Jones, Kurt Kaull, Bill Martion, Elvado Smith, Eric Smith, Gene Smith, and Ed Spriggs.

CONGRESS SHOULD TAKE UP THE BUDGET

(Mr. HILER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. HILER. Mr. Speaker, today marks the end of the first quarter of 1982, and tomorrow marks April Fool's Day, and this Congress has yet to deliberate the budget on the floor. While the credit markets are in disarray, while the credit markets wait to see some positive sign from the Congress that we are going to address the issue of a $167 billion deficit, if we do not act, we will be voting tomorrow, instead, in all probability, to take a 2- to 2½-week recess.

I think the American people deserve better, and I hope the American people demand better. It is the responsibility of this House of Representatives to take up fiscal matters as they relate to the budget, and we should do that.

We should delay no further; we should not take a 2-week recess; we should instead restore some faith of the American people in this body by taking up the budget and acting responsibly before we take a recess.

The American work ethic has always been that you rest after work, not the other way around.

THE COMPLETION OF THE NCAA BASKETBALL CHAMPIONSHIP GAME ON MARCH 29, 1982

(Mr. CONTE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. CONTE. Mr. Speaker, I would like to take a moment today to recognize the efforts of Coach John Thompson and the entire Georgetown Hoyas basketball team in their heartbreaking loss to the North Carolina Tar Heels in Monday night's championship game.

As we all know, the teams were so well matched that the game could have gone either way right to the very end. However, fate decreed otherwise and the Hoyas went down by just 1 point, 63 to 62.

Yes, Monday night's game was an important game and it is very hard to lose, but despite its outcome, I was especially impressed with the sportsmanship and leadership demonstrated by Coach John Thompson and his Hoyas. Coach Thompson is a rare individual who obviously realizes that there is more to the game than winning and losing—there is how you handle yourself after you experience each. We have seen the class that Georgetown shows after a great win and Monday night we saw the tremendous amount of pride and class that the team can show after such a heartbreaking loss. Of course, I would have rather seen our local team win, but they are an inspiration just as well. I could not help but notice how much John Thompson cares for his players, as young men and as individuals. He told them to keep their heads high during the awards ceremony and that they did.

I also want to take special note of a young man whose name has become a household word throughout the basketball community—Patrick Ewing of my own State—Massachusetts. Ewing, the 7-foot freshman, playing his heart out Monday night, scored 23 points and had 11 rebounds. I have never seen a young man put more of his heart into a game. He is a great athlete who will undoubtedly have a chance to play in other critical games before his college career is over. Hopefully at least one of those games will be another chance at the NCAA title.

Again, congratulations to John Thompson and his Hoyas and of course congratulations to Coach Dean Smith and the North Carolina Tar Heels on a hard earned victory. The sportsmanship, pride, and class that was demonstrated throughout the entire NCAA tournament and especially in last night's game is a tribute to the young men of our great country.

Thank you.

THE U.S. CONGRESS—THE MOST INTELLECTUALLY BANKRUPT INSTITUTION

(Mr. GREGG asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GREGG. Mr. Speaker, as this country continues to slip down the road of recession, the American people are looking to the Congress for guidance and for help, and what have they received from us?

Well, the people have been asked to pay more and more in taxes for a bloated and inefficient Government as Congress pays less. The people have come to the Congress and asked for leadership, and the do-nothing leadership of this Congress has returned that request by going on vacation for the month of April

And surely yesterday, when the majority leader of this House came before us and showed us a map of the United States of all the plant closings and all the bankruptcies that were occuring, he forgot to mention one. There should have been a giant dot placed right here in Washington, and that dot would have represented the fact that under the liberal leadership of this House, the Congress of the United States has become the largest plant closing and the most intellectually bankrupt institution in this country.

CONGRESS SHOULD STOP STICKING ITS HEAD IN THE SAND

(Mr. BROWN of Colorado asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BROWN of Colorado. Mr. Speaker, in the past few days we have heard a great deal about concern for the poor of this country. The present budget that the President has called for will result, by his figures, in a $91½ billion deficit next year. Congress, particularly this House, instead of responding to the challenge to try and reduce that deficit, has acted through its committees, by way of the preliminary recommendations, to increase spending by almost $30 billion over what the President has recommended. Let us hope that those recommendations are not adopted. But the fact is this House has thus far acted to make the deficit higher not less.

Let us ask ourselves who pays the bill for that? That higher deficit will result in higher interest rates and higher inflation. It is the poor people of this country who pay the price for those higher deficits, those higher interest rates, and the higher inflation.

If we care about the poor of this country, we will act and we will not go on vacation. Instead of sticking our heads in the sand and refusing to deal with the problems, this House should stay in session and move to reduce that deficit, not increase it. Every Member gets a chance to vote on that issue this week.

CONGRESS SHOULD BE EMBARRASSED

(Mr. COATS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. COATS. Mr. Speaker, I share in the embarrassment of my colleagues in having to explain to our constituents why we will be on vacation for nearly the month of April when we have not done a thing in the 3 months we have been here.

Our farmers are hurting, our small businessmen are hurting, our auto dealers are hurting, our builders, our realtors, the people of our districts are hurting. We have budget problems, high interest rates, problems staring us in the face and what do we do? We go on vacation.

I am embarrassed by that. I do not know what to explain to our people. I would hope that my colleagues would join me when we have a vote on the motion to adjourn, and vote to cancel this ill-timed, ill-considered recess. Join with me in deciding to stay here and do the job we were elected to do.

THE MOTION TO RECESS SHOULD BE DEFEATED

(Mr. WEBER of Minnesota asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WEBER of Minnesota. Mr. Speaker, like my colleagues before me, I, too, am embarrassed about the idea of going on vacation for the Easter recess, yet we all know that when the vote comes, it is probably going to go through automatically and we are going to indeed take a couple of weeks off because most people here do not take this whole issue particularly seriously. We are continuing to pursue the charade of the hard-working Congress, and everybody has their lines down pretty well.

We are attending all of these committee meetings and we work this many hours a day and we are back in our districts, all the time. This is how the Congress persuades the public that it really is working hard.

Let us get down to the real nub of things. The real question is not so much how many hours every individual Member of Congress is putting in. I have no doubt that most of my colleagues are putting in a lot of time. The question is really the quality of our work and the results we are getting from that work, and that is the point that many are making in trying to argue against this ill-timed Easter vacation.

We have put in a lot of time attending receptions. All of us are going back to our districts on weekends to campaign. But in terms of the real economic problems that are afflicting this country, this Congress has done absolutely nothing. That is why it is an effrontery to the people of this country that now, when our economic problems are mounting daily, we are talking about going home on a vacation, and I hope we will defeat that motion to recess.

CONGRESS MUST ACT

(Mr. BLILEY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BLILEY. Mr. Speaker, I come before the House today an angry man. This year's Congress has been in session fewer days than any since World War II and has failed to act on a single piece of important legislation. I am angry because I have not been allowed to do the job that the voters of the Third District of Virginia elected me to do.

Why? Who stands to gain from this? Certainly not my constituents. As we sit here unemployment in Metropolitan Richmond, Va., and indeed the entire Nation has risen to the highest level since World War II. And yet we have been unable to vote on even one item of budget legislation. In good conscience I cannot be comfortable taking an Easter break with this failure on my mind.

As an individual Member of this House, I am powerless to remedy this situation.

It seems to me that certain Members of the House leadership would rather wage battles in the media than on the floor of the House. I worry that there may be a hidden agenda to extend the suffering of the American people through the next election for partisan political purposes.

I, therefore, call on my colleagues, and in particular the House leadership, to allow us to act on these vital questions which will chart the future course of this great country.

LET US HELP THE MIDDLE-INCOME AMERICAN

(Mr. SILJANDER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SILJANDER. Mr. Speaker, one of the most devastated industries in America is the housing industry, and we all know that too well in Michigan, with over 16 percent unemployment. Many of us are asking that our colleagues join us in defeating the previous question on the rule for the urgent supplemental appropriations bill and supporting an amendment which would transfer $1 billion in moneys which was appropriated to the synfuels program to a specific program to be administered by the House committees for low-interest housing loans.

The status of this industry is causing the loss of many millions of jobs in this Nation. This $1 billion would create 287,000 jobs and, for my fellow colleagues, that means 500 jobs per congressional district.

We are not talking about adding new moneys to the appropriations bill but rather shifting $1 billion of a $20 billion program in which there is no way we can spend that $20 billion by the end of 1982.

I am asking my colleagues to help the middle-income American to be able to afford homes in this country and provide jobs for Americans, rather than helping promote to an unreasonable degree the oil glut that is now facing this country.

CONGRATULATIONS TO JACK R. LOUSMA AND C. GORDON FULLERTON, ASTRONAUTS

(Mr. LUJAN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. LUJAN. Mr. Speaker, I would like to extend my congratulations to astronauts Jack R. Lousma and C. Gordon Fullerton, and to the thousands of people behind the scenes who made yesterday's Space Shuttle return so successful. We in the State of New Mexico were honored and proud to contribute by offering the site for *Columbia*'s third and historic return.

New Mexico has a long tradition of welcoming pioneers. In the early 1500's we played host to the Spanish explorers. And now we have maintained our welcome wagon to the space age.

It was fitting that the first inland landing of the Shuttle be at White Sands, N. Mex. White Sands has played a significant role in the research and development of the space program, from its inception. The testing of rocket propulsion systems and the development of various high technology systems were done on the very range on which yesterday's landing strip was located.

The motto of the State of New Mexico is: "The Land of Enchantment." The Space Shuttle *Columbia* and her pilots have indeed added to the enchantment of our State. *Columbia* we thank you. To all future astronauts, we welcome you to our new space port. As we say in New Mexico: "Mi casa es su casa."

□ 1315

THIS HOUSE CAN BUILD HOUSES AND PUT THOUSANDS OF PEOPLE BACK TO WORK

(Mr. DAUB asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DAUB. Mr. Speaker, just a commentary. I would like to call to the attention of my colleagues my remarks at page H1165 in yesterday's Journal wherein I discussed the outrageous doubling of two salaries by the Board of the Synfuels Corporation, and urging the President to veto, in fact, those salaries as he did a year ago.

I can think of no more appropriate move than to defeat the previous question tomorrow, as proposed by our colleagues, the gentleman from Delaware (Mr. EVANS) and the gentleman from Illinois (Mr. CORCORAN), because if we cannot get rid of the Synfuels Corporation and save between 10 and 14 billions of dollars, then the least what we ought to do for our homebuilders, for our lumbermen, for our real estate industry, is to remember well the majority leader's map of yesterday and if he truly wants to stop these businesses from going out of existence, let us take a billion dollars from the Synfuels Corporation and put it to work in our economy by lowering interest rates for home mortgages.

AN ELEMENTARY RECESS

(Mr. WALKER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WALKER. Mr. Speaker, as a former educator, I remember we used to develop a policy with regard to recesses in elementary school. A recess was taken as a reward for working hard and if you failed to do your work in school, what you failed to get also was a recess.

We might think a little bit about that policy when we take a look at what Congress has accomplished so far this year. We have passed Construction Industry Week; we have passed Inventors' Day; we have passed Peach Month; we have allowed a Roger Williams commemoration in the Capitol Rotunda; we have passed PTA Membership Month; we have passed National Agriculture Day; we have given Queen Beatrix a gold medal; we have named an aircraft carrier after Admiral Rickover and we have named a Post Office building in New York City after James Farley. Beyond that, we have not done very much.

I think maybe we ought to think about the policy of educators and decide whether or not we should be rewarded with a recess based upon our hard work. I think not.

AN EMBARRASSING RECESS

(Mr. McCOLLUM asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. McCOLLUM. Mr. Speaker, we are about to go on a recess and we have heard a number of speakers talk about that 2 weeks we are about to go on.

I, too, am embarrassed and distressed. I do not have to look at just the broad range of the national economy. I can look at my own committees and the work we have done and we have not done.

Let us take a look at the Committee on Banking, Housing and Urban Affairs. There where we have the problems of housing, there where we have the problems of savings and loans, there where we have the problems of high interest rates; yes, we have had a lot of hearings, but we have not produced the legislation that this country cries out for to reduce those high interest rates, to come to some solution for the tremendous distress of those particular industries, and yet we are about to go on a 2-week recess.

Let us look at the Judiciary Committee. We passed out the regulatory reform bill some time ago, but that bill is yet to make it to the floor. It could be brought up on the agenda during those 2 weeks, but it is not being.

Let us look at the Criminal Code reform bill, stuck in the Criminal Justice Subcommittee.

This is the week of the anniversary of the shooting of our President last year and yet we have not had an opportunity to return the Federal death penalty which we ought to have.

There should be a vehicle and an opportunity for us to take up these issues and we are letting 2 weeks slide by, or better, without that opportunity.

GIVE THE AMERICAN PEOPLE A CHANCE TO BUILD AND BUY HOUSES AGAIN

(Mr. GINGRICH asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GINGRICH. Mr. Speaker, there has been a great deal of talk today about how little the House has done. There has been a great deal of talk about the unwillingness of the liberal Democratic leadership to bring vital issues to the House floor; but I want to speak positively for a moment about two men, the gentleman from Delaware (Mr. EVANS) and the gentleman from Illinois (Mr. CORCORAN), because they have seen an opportunity to change the spending of a billion dollars away from the large oil companies and to put it into housing, to create an opportunity for people to buy homes, for realtors to sell homes and for builders to build homes.

It is a fitting tradition in this House that despite their gallant efforts, their hard work, we have now postponed considering this opportunity.

I would urge this House when we get the chance to vote with them to give the American people a chance to build and buy houses once again.

THE 64TH ANNIVERSARY OF BYELORUSSIAN INDEPENDENCE

(Mrs. FENWICK asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. FENWICK. Mr. Speaker, on March 28, the Byelorussian-American community here in the United States observed the 64th anniversary of the proclamation of Byelorussian independence, which took place in Miensk the capital of Byelorussia on March 25, 1918. Soon after this, the Lenin government, while stating its support for the secession by any nation that wished not to join the Union of Soviet Socialist Republics, imposed upon the Byelorussians a puppet government which it then recognized as the official representative of the people, in clear contravention of their stated desires.

Since that time, the people of Byelorussia have lived with an imposed government. The new regime in Russia proclaimed the end of the tsarist empire and freedom for all the nations that had been conquered by the tsars. The record shows that the Soviet Union has become only the newest and most oppressive empire of modern times.

I join with the people of Byelorussia as they continue to proclaim their right to choose independence from the Soviet Government, as they continue to remind the world that the Union of Soviet Socialist Republics is not a union entered into freely, by the wishes of each nation involved, but rather, an imperialist imposition of a government of terror imposed by forces.

AN EMBARRASSING ECONOMIC PROGRAM

(Mr. DORGAN of North Dakota asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DORGAN of North Dakota. Mr. Speaker, I was walking by the floor and I heard this outpouring of embarrassment by Members of Congress. It occurs to me that if Members are to be embarrassed about anything these days, it ought to be that we have swallowed the hook on supply-side economics last year.

The President said, "You can have the deepest cuts in our taxes in American history," and Congress said yes.

The President said, "You can have the largest buildup of military spending in the history of America," and Congress said yes.

The President said, "Then we will have a balanced budget," and the Congress said, "We believe that."

Well, the fact is it did not work, it cannot work, and it will not work and we ought to be embarrassed at swallowing the hook of supply-side economics.

It ill behooves Members of this House to blame leaders of the House for an economic program that does not work and for the intransigence of the President on budget matters.

I think we need a little more cooperation from downtown if we are going to solve these economic problems.

AN EMBARRASSING VOTING RECORD

(Mr. TRAXLER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. TRAXLER. Mr. Speaker, in connection with the forthcoming recess, if I had the same voting records of some of those Members who are objecting to the recess, I would not want to go home and face constituents either.

CONGRESS HAS NO VOTING RECORD

(Mr. HYDE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. HYDE. Mr. Speaker, I find that comment by my dear friend, the gentleman from Michigan, interesting. We do not have any voting record. We have not voted on anything.

I find it a fascinating study in economics to be able to blame a recession that started last October on a tax cut that takes place next July. It is an interesting trick if you can do it.

PERMISSION FOR COMMITTEE ON INTERIOR AND INSULAR AFFAIRS TO HAVE UNTIL 5 P.M., THURSDAY, APRIL 1, 1982, TO FILE REPORT ON H.R. 3208

Mr. KAZEN. Mr. Speaker, I ask unanimous consent that the Committee on Interior and Insular Affairs have until 5 p.m. Thursday, April 1, 1982, in which to file a report on the bill, H.R. 3208, the amendments to the Reclamation Safety of Dams Act of 1978.

The **SPEAKER** pro tempore (Mr. ALEXANDER). Is there objection to the request of the gentleman from Arkansas?

Mr. CLAUSEN. Mr. Speaker, reserving the right to object, I do so just to advise Members of the House that we concur in the request of the gentleman from Texas (Mr. KAZEN).

Mr. Speaker, I withdraw my reservation of objection.

The **SPEAKER** pro tempore. Is there objection to the request of the gentleman from Arkansas?

There was no objection.

PROVIDING FOR EXPENSES OF INVESTIGATIONS AND STUDIES BY STANDING AND SELECT COMMITTEES

Mr. ANNUNZIO. Mr. Speaker, by direction of the Committee on House Administration, I call up a privileged resolution (H. Res. 378) providing amounts from the contingent fund of the House for expenses of investigations and studies by standing and select committees of the House in the 2d session of the 97th Congress, and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. Res. 378

Resolved, That there shall be paid out of the contingent fund of the House in accordance with this primary expense resolution not more than the amount specified in section 2 for investigations and studies by each committee named in such section, including expenses—

(1) in the case of a committee named in section 3, for procurement of consultant services under section 202(i) of the Legislative Reorganization Act of 1946; and

(2) in the case of a committee named in section 4, for provision of assistance for members of professional staff in obtaining specialized training under section 202(j) of such Act.

SEC. 2. The committees and amounts referred to in the first section are: Select Committee on Aging, $1,223,680; Committee on Agriculture, $1,143,122; Committee on Armed Services, $918,866; Committee on Banking, Finance and Urban Affairs; $2,414,919; Committee on the District of Columbia, $265,000; Committee on Education and Labor, $2,705,005; Committee on Energy and Commerce, $4,004,000; Committee on Foreign Affairs, $1,988,424; Committee on Government Operations, $2,300,000; Committee on House Administration, $977,000; Committee on House Administration — House Information Systems, $7,509,560; Permanent Select Committee on Intelligence, $938,700; Committee on Interior and Insular Affairs, $1,264,615; Committee on the Judiciary, $1,502,336; Committee on Merchant Marine and Fisheries, $1,659,104; Select Committee on Narcotics Abuse and Control, $540,000; Committee on Post Office and Civil Service, $1,028,350; Committee on Public Works and Transportation, $1,890,521; Committee on Rules, $458,732; Committee on Science and Technology, $1,882,000; Committee on Small Business, $824,680; Committee on Standards of Official Conduct, $200,000; Committee on Veterans' Affairs, $427,494; and Committee on Ways and Means, $2,202,000.

SEC. 3. (a) Of the amounts provided for in section 2, each committee named in subsection (b) may use not more than the amount specified in such subsection for consultant services under paragraph (1) of the first section.

(b) The committees and amounts referred to in subsection (a) are: Committee on Agriculture, $25,000; Committee on Armed Services, $27,000; Committee on Banking, Finance and Urban Affairs, $25,000; Committee on the District of Columbia, $15,000; Committee on Education and Labor, $54,500; Committee on Energy and Commerce, $5,000; Committee on Foreign Affairs; $40,000; Committee on House Administration, $50,000; Committee on House Administration—House Information Systems, $400,000; Committee on Interior and Insular Affairs, $7,200; Committee on the Judiciary, $90,000; Committee on Merchant Marine and Fisheries, $11,395; Select Committee on Narcotics Abuse and Control, $500; Committee on Post Office and Civil Service, $155,000; Committee on Public Works and Transportation, $25,000; Committee on Rules, $10,000; Committee on Science and Technology, $6,000; Committee on Standards of Official Conduct, $150,000; Committee on Veterans' Affairs, $17,500; and Committee on Ways and Means, $10,000.

SEC. 4. (a) Of the amounts provided for in section 2, each committee named in subsection (b) may use not more than the amount specified in such subsection for specialized training under paragraph (2) of the first section.

(b) The committees and amounts referred to in subsection (a) are: Committee on Armed Services, $15,000; Committee on Education and Labor, $3,000; Committee on Government Operations, $2,000; Committee on House Administration, $10,000; Committee on House Administration—House Information Systems, $110,000; Committee on the Judiciary, $3,000; Committee on Public Works and Transportation, $1,500; Committee on Rules, $1,000; Committee on Science and Technology, $7,600; Committee on Small Business, $2,500; Committee on Standards of Official Conduct, $3,000; and Committee on Veterans' Affairs, $2,500.

SEC. 5. The Committee on House Administration—

(1) shall, through House Information Systems, develop, operate, maintain, and improve computer and information services for the House, including direct computer and information systems support for Members, committees, administrative offices, and other governmental entities, and shall conduct necessary investigations and studies of such services;

(2) is authorized to receive reimbursement for services under paragraph (1) and to expend amounts so reimbursed in accordance with policies of the committee; and

(3) is authorized to provide for professional development programs, office and personnel management consultation services, and periodic publication of handbooks, guides, bulletins, and other items necessary for the House.

SEC. 6. Payments under this resolution shall be made on vouchers authorized by the committee involved, signed by the chairman of such committee, and approved by the Committee on House Administration.

SEC. 7. Amounts shall be available under this resolution for investigations and studies carried out during the period beginning at noon on January 3, 1982, and ending immediately before noon on January 3, 1983.

SEC. 8. Amounts made available under this resolution shall be expended in accordance with regulations prescribed by the Committee on House Administration.

Mr. ANNUNZIO (during the reading). Mr. Speaker, I ask unanimous consent that the resolution be considered as read and printed in the RECORD.

The **SPEAKER** pro tempore. Is there objection to the request of the gentleman from Illinois?

There was no objection.

COMMITTEE AMENDMENT IN THE NATURE OF A SUBSTITUTE

The **SPEAKER** pro tempore. The Clerk will report the committee amendment in the nature of a substitute.

The Clerk read as follows:

Committee amendment in the nature of a substitute: Strike out all after the resolving clause and insert:

That there shall be paid out of the contingent fund of the House in accordance with this primary expense resolution not more than the amount specified in section 2 for investigations and studies by each committee named in such section, including expenses—

(1) in the case of a committee named in section 3, for procurement of consultant services under section 202(i) of the Legislative Reorganization Act of 1946; and

(2) in the case of a committee named in section 4, for provision of assistance for members of professional staff in obtaining specialized training under section 202(j) of such Act.

SEC. 2. The committees and amounts referred to in the first section are: Select Committee on Aging, $1,223,680; Committee on Agriculture, $1,143,122; Committee on Armed Services, $918,866; Committee on Banking, Finance and Urban Affairs, $2,414,919; Committee on the District of Columbia, $265,000; Committee on Education and Labor, $2,630,005; Committee on Energy and Commerce, $3,969,000; Committee on Foreign Affairs, $1,928,424; Committee on Government Operations, $2,230,000; Committee on House Administration, $977,000; Committee on House Administration—House Information Systems, $7,441,725; Permanent Select Committee on Intelligence,

$938,700; Committee on Interior and Insular Affairs, $1,249,615; Committee on the Judiciary, $1,452,336; Committee on Merchant Marine and Fisheries, $1,609,104; Select Committee on Narcotics Abuse and Control, $540,000; Committee on Post Office and Civil Service, $963,350; Committee on Public Works and Transportation, $1,840,521; Committee on Rules, $458,732; Committee on Science and Technology, $1,847,000; Committee on Small Business, $804,680; Committee on Standards of Official Conduct, $200,000; Committee on Veterans' Affairs, $357,494; and Committee on Ways and Means, $2,202,000.

SEC. 3. (a) Of the amounts provided for in section 2, each committee named in subsection (b) may use not more than the amount specified in such subsection for consultant services under paragraph (1) of the first section.

(b) The committees and amounts referred to in subsection (a) are: Committee on Agriculture, $25,000; Committee on Armed Services, $27,000; Committee on Banking, Finance and Urban Affairs, $25,000; Committee on the District of Columbia, $15,000; Committee on Education and Labor, $54,500; Committee on Energy and Commerce, $5,000; Committee on Foreign Affairs, $40,000; Committee on House Administration, $50,000; Committee on House Administration—House Information Systems, $400,000; Committee on Interior and Insular Affairs, $7,200; Committee on the Judiciary, $90,000; Committee on Merchant Marine and Fisheries, $11,395; Select Committee on Narcotics Abuse and Control, $500; Committee on Post Office and Civil Service, $155,000; Committee on Public Works and Transportation, $25,000; Committee on rules, $10,000; Committee on Science and Technology, $6,000; Committee on Standards of Official Conduct, $150,000; Committee on Veterans' Affairs, $17,500; and Committee on Ways and Means, $10,000.

SEC. 4. (a) Of the amounts provided for in section 2, each committee named in subsection (b) may use not more than the amount specified in such subsection for specialized training under paragraph (2) of the first section.

(b) The committees and amounts referred to in subsection (a) are: Committee on Armed Services, $15,000; Committee on Education and Labor, $3,000; Committee on Government Operations, $2,000; Committee on House Administration, $10,000; Committee on House Administration—House Information Systems, $110,000; Committee on the Judiciary, $3,000; Committee on Public Works and Transportation, $1,500; Committee on Rules, $1,000; Committee on Science and Technology, $7,600; Committee on Small Business, $2,500; Committee on Standards of Official Conduct, $3,000; and Committee on Veterans' Affairs, $2,500.

SEC. 5. The Committee on House Administration—

(1) shall, through House Information Systems, develop, operate, maintain, and improve computer and information services for the House, including direct computer and information systems support for Members, committees, administrative offices, and other governmental entities, and shall conduct necessary investigations and studies of such services;

(2) is authorized to receive reimbursement for services under paragraph (1) and to expend amounts so reimbursed in accordance with policies of the committee; and

(3) is authorized to provide for professional development programs, office and personnel management consultation services, and periodic publication of handbooks, guides, bulletins, and other items necessary for the House.

SEC. 6. Payments under this resolution shall be made on vouchers authorized by the committee involved, signed by the chairman of such committee, and approved by the Committee on House Administration.

SEC. 7. Amounts shall be available under this resolution for investigations and studies carried out during the period beginning at noon on January 3, 1982, and ending immediately before noon on January 3, 1983.

SEC. 8. Amounts made available under this resolution shall be expended in accordance with regulations prescribed by the Committee on House Administration.

Mr. ANNUNZIO (during the reading). Mr. Speaker, I ask unanimous consent that the committee amendment in the nature of a substitute be considered as read and printed in the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Illinois?

There was no objection.

The SPEAKER pro tempore. The gentleman from Illinois (Mr. ANNUNZIO) is recognized for 1 hour.

Mr. ANNUNZIO. Mr. Speaker, I yield one-half hour to the distinguished ranking minority member, the gentleman from Minnesota (Mr. FRENZEL), for debate purposes only.

Mr. Speaker, at this time I yield 5 minutes to the distinguished chairman of the full Committee, the gentleman from California (Mr. HAWKINS).

Mr. HAWKINS. Mr. Speaker, the funding resolution which is now before the House provides for the same amount authorized for committees during 1981. Taking into account our current inflation rate on an annualized basis of a little over 7 percent, this resolution represents an actual net decrease in real dollars; but even beyond that, it also represents more than $700,000 less than the recommitted resolution which we considered a few weeks ago.

Our colleague, the gentleman from Illinois (Mr. ANNUNZIO) who is chairman of the Subcommittee on Accounts certainly deserves our congratulations for bringing a very tight funding resolution package to the floor.

Although the amounts in this resolution have brought criticism from some committee chairmen, who believe we have cut too deeply, I believe the funds are sufficient to enable us to responsibly carry out our duties as Members of Congress.

Mr. Speaker, I would remind our colleagues that we have a responsibility to oversee the expenditures of hundreds of billions of dollars in Government spending. It would be foolish for us to diminish our resources so that we would be unable to do so. More demands than ever are being made on us in this critical year. Now is not the time to damage our ability to perform our duties.

Let me close by noting that the committee reported the resolution before us by unanimous consent. The gentleman from California (Mr. BADHAM) on the minority side worked very closely with the gentleman from Illinois (Mr. ANNUNZIO) at the subcommittee level, and the gentleman from Minnesota (Mr. FRENZEL), the ranking minority member and I, worked closely at the full committee level to arrive at an accommodation in this resolution.

The Committee on House Administration has worked very diligently, in a businesslike, nonpartisan manner to bring before this House not only a bipartisan resolution, but one which would serve the membership.

I urge my colleagues to recognize the businesslike manner in which we operate, the bipartisan manner in which we act, and certainly the responsible leadership which we are trying to demonstrate to the Members of this House.

I think this resolution should be supported by every Member of this body.

□ 1330

Mr. ANNUNZIO. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I thank the chairman of the full committee, the gentleman from California (Mr. HAWKINS), for his very constructive contribution to the debate this morning.

Mr. Speaker, on March 10 we had act I of the debate on House Resolution 378. Today we have act II. And between acts, the other body adopted its funding resolution (S. Res. 333).

There are Members of this Chamber who, for the great symbolic value of its, want to stir up competition between a Republican-dominated Senate and a Democratic-dominated House. They want to prove which Chamber can be the stingiest.

Well, I am here to tell Members there is no contest. When this House passes this resolution, it will be by far the stingiest in history.

The other Chamber has increased its budget for its committee and computer operations by more than $1 million over last year's authorization. When this Chamber passes this resolution, it will have a zero growth budget, which is a hundred dollars less than last year's authorization.

After adoption of Senate Resolution 333, the Senate budget tallies exactly at $76,357,000. After adoption of House Resolution 378, the House budget will total exactly at $73,158,000.

House committees and the House computer operation will have exactly $3,199,000-plus less to spend during 1982 than the same systems in the other Chamber.

This year the Senate has budgeted $14 million for its computer operation. This year the Senate budgeted $780,629 for its Ethics Committee. This year the Senate has budgeted $19.6 million for its associate committee staff. This year the Senate resolution authorizes $41,900,000 for the other expenditures of its committees. The Senate exact total is $76,357,000.

Public Law 97-51, signed by the President on October 1, 1981, provides a budget of $29.2 million for the statutory committee staff of the House. It provides $4.3 million for long-distance calls, stationery needs of the statutory staff, and for the investigative costs of the House Appropriations and Budget Committees.

House Resolution 378, as amended, authorizes $39,605,273 for the investigative costs of the other House committees and for the computer operations of the House. The House total is $73,158,000, or $3.2 million less than the Senate, although we have more committees.

In this Chamber, we are budgeting five times less per Representative than the other Chamber has budgeted for committee work. When you divide the other Chamber's budget by the number of its Members, each Senator's share is equal to $763,575.

When you divide the House budget by the number of its Members, each Representative's share is equal to $168,179. If we only authorize for each Representative an amount equal to the $196,400 allocated to each Senator for associate committee staff, the total would be more than all of the dollars authorized for all of the House committees, including the computer operation of the House.

Last year the Senate budget ceilings were too limited for two of its committees, so the Senate granted them supplemental appropriations. This year, during the Senate debate on its resolution, the statement was made that such supplementals would receive the careful consideration of the Rules Committee.

In this Chamber, we have consistently warned our committees against returning for additional funds. Last year there was not a single request for supplementals, although several committees suffered severely under the dollar limitation imposed.

Senator MATHIAS, who handled the debate for the Senate Rules and Administration Committee, reported strong opposition by a number of committee chairmen to the cuts made in their requests. I understood the Senator much better when he said, and I want to quote the Senator from Maryland:

> There have been many complaints that this is a stingy budget. I have felt less popular among my colleagues since this resolution was reported by the committee than at any time since I have been a Member of the Senate. There is presently no one who is happy with it.

In answer to a defeated motion to reduce the Senate resolution by an additional $409,000, Senator MATHIAS informed his colleagues, just like I did several weeks ago:

> We will get to the point where we will damage the effectiveness of the committees. I think that we have to ask the Senate what it would cost the taxpayers in not being able to deal efficiently and, most important, effectively with the problems that beset this country.

The SPEAKER pro tempore (Mr. WIRTH). Will the gentleman suspend momentarily?

The Chair would remind the gentleman that he should not refer to specific debate in the other body.

The gentleman from Illinois will resume.

Mr. ANNUNZIO. I am quoting; I am not saying anything derogatory. I am just quoting from the RECORD, and it is complimentary.

The SPEAKER pro tempore. The Chair would only remind the gentleman from Illinois of the rules of the House, in which the House should not refer to specific proceedings of the other body, even in a complimentary way.

Mr. ANNUNZIO. I appreciate the suggestion from the Chair. But I thought that I was abiding by the rules because I was saying some nice things about a Republican Senator from Maryland.

The SPEAKER pro tempore. The Chair respects the respectful nature of the gentleman in the well, but would again only remind the gentleman of the rules of the House and the Chair's responsibility thereunder to take the initiative he has taken.

Mr. ANNUNZIO. The times we are in do not lessen the volume or the importance of the work done by our committees. By adopting House Resolution 378, as amended, we are asking for real sacrifices by our committees. It will not be easy for them to do their job within the dollar constraints imposed on them.

The Subcommittee on Accounts, through its parent Committee on House Administration, has two major responsibilities: to make certain that the contingency funds are used wisely and economically—and I want to commend every member of the subcommittee and every member of the full committee, because in our hearings we have done just that. We have listened to each committee carefully, and each committee chairman has been frugal—and to assure the committees of the House have adequate funds to accomplish their legislative and oversight activities.

I have listened to many 1-minute speeches, I have listened that the House is inactive, there is no work going on, all of these complaints. Well, unless you fund these committees, the work of the committees and the work of the House will not only not start, but it will never be finished, and the people will be worse off than they are now.

Last year the subcommittee exercised the first responsibility by its day-to-day and month-to-month monitoring of committee expenditures. You did not receive a single supplemental request last year. However, I cannot guarantee under this resolution that there will be no supplementals in 1982, but I shall do the very best I can to maintain the record that was established by this committee in 1981.

The subcommittee exercised its second responsibility by bringing this resolution to you for adoption. It has done its job well.

I want to, in conclusion, urge all of the Members to vote "aye" on the previous question with the committee amendment. When you vote "aye" on the previous question with the committee amendment, you will be voting for a cut of over $700,000-odd compared to the last resolution, and if you vote "aye" on final passage, you will be voting for a zero growth budget, $100 less in authorization than 1981.

It is a good resolution, and I ask every Member of the House on both sides of the aisle to meet their responsibilities, to stand up and to fund the committees so that they can carry out the job of the people of the United States of America.

Mr. FRENZEL. Mr. Speaker, I yield 5 minutes to a distinguished member of the Subcommittee on Accounts, the gentleman from California (Mr. THOMAS).

Mr. THOMAS. Mr. Speaker, I stand today in favor of House Resolution 378, as amended.

I do not want to make any comparisons with the other body in terms of the amount of money that we spend or they spend. As a matter of fact, I think in this particular resolution we spend too much money.

However, I want to commend the subcommittee chairman, the gentleman from Illinois (Mr. ANNUNZIO) for the atmosphere, the working atmosphere, that was present in the Subcommittee on Accounts.

As many of my colleagues know, these kinds of battles in terms of who gets what, when, and how, can sometimes be very acrimonious, and politics fly fast and heavy. I would like to say that at least this time, and the last time under the chairmanship of the gentleman from California (Mr. HAWKINS) the atmosphere in this committee has been very worklike.

Nothing has been automatic. We have examined each request carefully. And if you will notice, in 1980—and I will not assume any cause and effect—but in 1980 the dollar amount was

$43,600,000, the amount that committees spend that the House Committee on Administration is allowed to examine. That certainly is not the total amount that committees have available to spend. But in 1981, the year I came on the committee, there was a 10-percent cut, down to $39,600,000. The 10-percent cut was not done easily, and it was not done in committee. It was done between committee and the floor.

In 1982 we once again present the same dollar amount, $39,600,00. Once again, that amount was not done originally in committee. It was done in subsequent meetings of the committee after it appeared that the will of the House was that a 1.77-percent increase over the 1981 figure was unacceptable.

So we bring you a zero increase in the authorization for 1982. But it is not an across-the-board cut. If you examine the amounts for committees in 1981 versus 1982, you will find some committees got more, some committees got less. Each committee was examined in terms of its particular needs, in terms of the amount of money that they would have available to spend. Some committees took significant cuts, the Committee on Standards of Official Conduct, over 50 percent. Under the leadership of the gentleman from California, our own committee, House Administration, took a cut of almost 20 percent. Those committees that got increases are committees that clearly, because of their jurisdiction, have taken on additional duties.

Let me say that as we went through examining various committees, we talked about staff ratios, acceptable, unacceptable, in terms of committees, examples that we would like to see changed, past practices that in part were locked in were reexamined. Chairmen were asked to modify some past practices by limiting the amounts of money they were to receive so they would be forced to modify their practices.

I would also like to commend in general the committee chairmen, because I think they have gone through a learning process in the last several budgets, and I think they are going to continue the learning process.

So what I am asking you to do is consider a zero increase in terms of its numbers. I think a zero increase is respectable.

But as well as the numbers, I want my colleagues to consider the trends. I want Members to examine what this committee and other committees of the House of Representatives have done over the last 3 years. It is the direction that I think is most important, but the atmosphere under which these committee budgets were considered in the subcommittee is also important.

It was not done through posturing. As I said, it was not acrimonious. It was done in a very professional, businesslike manner.

I would ask you to support House Resolution 378, as amended, as much for the trends that have been set as for the fact that there is a zero increase.

Mr. FRENZEL. Mr. Speaker, I yield 4 minutes to the distinguished gentleman from Texas (Mr. COLLINS.)

Mr. COLLINS of Texas. Mr. Speaker, today we need to take positive action to reduce the excessive committee staff funding that we have here in the House. Committee staff funding in the past 10 years has increased from $6.8 million to $39.6 million last year. The size of the staffs have increased from a total of 570 investigative in 1973 to 1,063 investigative in 1981. This means that we have about twice as many staff as we had 8 years ago. But we have increased our expenditures six times over. As I see it, it means we are paying out about three times as much money for the services. I understand this includes some computer expense. The computer expense was supposed to be a savings and reduce manpower costs.

The budget this year is $3.4 million over the actual committee spending last year.

What we should be calling for today is a reduction of $26 million in this budget. If we cut the budget by $26 million, we would still be spending twice as much as we were 10 years ago, and that certainly takes care of inflation.

Why should the House have total staffs of 1,824 when the Senate has a total staff of 974? We handle the same legislation. The Republican majority in the Senate operates efficiently with 974 people. Why cannot the Democrat majority in the House operate at the same level? Why do we need to have twice as many people in the House do the same legislative work?

Why does the District of Columbia Committee in the Senate have 7 people, but the District of Columbia Committee staff in the House requires 41 people?

Why did the Merchant Marine Committee increase its staff to a total of 82 members when 8 years ago they did an efficient job with 22 members?

Why did the Rules Committee have 6 members of the staff in 1972 and last year they were up to 44?

Why did the Foreign Affairs Committee, which handled 90 bills in the 93d Congress but only 28 in the 96th Congress, require twice as many staff as they had back in the 93d?

The great problem in this country is the fact that we have to much government. America has more government than it wants, America has more regulations than it needs, and Americans have more taxes than they can afford to pay.

The committee staff are not selected on a merit basis. They are not under civil service. They are well paid. So the committee staff are highly motivated to create work for job justification.

With the overstaffed committees, we see the personnel trying to find new ways of providing Government services, creating new Government regulations, amending and expanding Government agencies, and holding unlimited hearings. The more laws they write, the better they can justify their jobs. But America needs less government. And the best way to have less government is to have fewer of these committee staffers around here creating new laws.

Today we should turn down this committee staff funding. This is the most excessive and wasteful spending that has come before Congress this year. How can we call on the American people to cut back on Government spending unless Congress leads the way. Vote against this excessive Government budget.

□ 1345

Mr. FRENZEL. Mr. Speaker, I yield myself 2 minutes.

Mr. Speaker, I find it very difficult to argue with the last distinguished speaker in the well of this House. I think we can look at any budget, whether it is for a committee or any agency of this Government, and find excess fat. But, I do not think the Members got the full story from the last speaker.

The full story is a good one. It is a story of our attempt to cut our committee staffs back to the most efficient level, on a rational basis, without unnecessarily disrupting the House or any of our committees.

Last year, we reduced the cost of the committees by 8 percent actual over the previous year. This year, we are bringing the Members a zero growth budget. That is, in a time when our national budget overall was going up, we have operated our committee staffs for less money.

There are many that say, "Well, that is only the authorized level." But please remember that committees spend about the same proportion of what they are authorized each year. So when we adopt the same authorization as we adopted last year, the committees will also spend about what they spent last year.

So, I would say to my Republican friends, we have achieved the target we set out to achieve; that is, zero growth. If we try to make further cuts, if we are a little too greedy and try to accelerate the process too rapidly, we are going to shatter the splendid working arrangement we have within the committee. Republicans and Democrats have both worked together, mutually and collectively, to hold down the increases in these budgets.

Those Members also may hurt the minority staffs, which, as Members know, now comprise only 20 percent of our total staffing level. They may also encourage supplemental appropriations for committee budgets, which I do no think we want to encourage at this time.

Are the budgets too high? Yes; probably they are, but we have established an excellent working process to bring them down. I urge that all Members support the committee amendment.

Mr. ANNUNZIO. Mr. Speaker, I yield 1 minute, for debate purposes only, to the gentleman from Texas (Mr. DE LA GARZA).

Mr. DE LA GARZA. Mr. Speaker and my colleagues, I rise in support of the amendment to the resolution. I would like to assure the Members that as chairman of the Committee on Agriculture, working diligently with the ranking minority member, we have been able to reduce our expenditures, reduce our staff, and we have worked and brought to the Members what we considered was an honest budget.

It is very easy to make 1 minute speeches and to run for reelection. Only the one who has the responsibility knows the work that it takes. I would like to commend the chairman and the members of the Subcommittee on Accounts for the work they did.

To my distinguished colleague from Texas, who just spoke, I agree with him. I wish he would have been here and have heard the Members on his side of the room in 1 minute speeches complain how we have not passed more laws.

I am one of those who feels that the more we would be at home with the people and the fewer laws we pass, the country would be better off, but that was not what all the freshman Members on his side were saying in the 1 minute speeches. Maybe we ought to cut down on 1 minute speeches, but let me continue with my statement, Mr. Speaker.

Mr. Speaker, as the House considers the 1982 budget for the Committee on Agriculture, there are some basic facts I hope our colleagues will keep in mind.

The figures we have requested do not add up to a fat budget. We are not asking the House for a business-as-usual budget. We understand the pressing need for economy and tight control over what we spend, and we have brought you a request that reflects this need.

We have brought the House a budget which has been held to the minimum amount needed to do the work which the House and our constituents want us to do.

It is easy, I know, to take any budget figures, for any activity, and issue public demands to make a cut. It is not quite as easy to look at the facts in the case, to study the work a committee has done and the work it is being asked to do, and to make a reasoned judgment based on the facts.

If the House makes a reasoned judgment in this case, I am confident our colleagues will uphold the budget proposed for the Committee on Agriculture.

This budget is needed because our committee has a heavy workload in 1982. We have responsibilities which must be met if we are to make our farm and food programs effective for the people they serve, and more efficient in their operations.

This budget is needed, also, because our committee has already gone through the process of reducing its spending. Some Members have said that at a time when other agencies of Government are tightening their belts, the House should do the same. For those Members, I would say this: If you look at the record, you will find that the House Agriculture Committee had already tightened its belt.

A little more than a year ago, when 1981 began, we had a total of 73 employees on the committee. Now, our work force has been reduced to 62 employees—a reduction of 15 percent.

Because of the budget pressures facing all of us, our committee has insisted, and I have insisted personally, on doing more with less.

To hold down costs, we have almost eliminated staff travel except in cases where staff assistants are needed to accompany Members on authorized committee business. In some cases, we use outside experts hired on a short-term basis for individual projects—a practice which is far less costly than hiring permanent staff with an equal level of expertise. We have also taken other steps including lengthening staff working hours. We have, to sum it up, gone as far as we believe we can safely go in paring down our operations.

It is my considered judgment that if further reductions are ordered, the House will not like the result and the taxpayers will be badly served.

We have a heavy load of legislation facing our committee this year. In many cases, this includes bills with great potential impact on our economy. Among other things, our committee is currently considering legislation to amend the Federal pesticide control program. Also, we have before us an extremely important and controversial issue dealing with a major—but little known—part of our economy, the commodity futures industry. We would not be serving this House or the country well if we put ourselves in the position of doing a less than thorough job of review on such issues.

Also this year, it now seems very likely that we will be called on to consider proposals for changes in the dairy support program. If we are, the committee will have to give serious consideration and study to whatever is proposed. We are going, in addition, to be considering legislation to reauthorize the food stamp program, and my colleagues know that the administration has proposed some far-reaching changes in that program. Our committee must have the tools to deal in depth with matters of such importance to millions of people and to the whole national economy. And beyond that, the House should understand that the agricultural economy, which falls under our jurisdiction, is in deep trouble this year. We must be able to be in a position to respond to whatever needs emerge in the coming months for steps to help farmers help themselves.

That is just part of the story. Last year, most of our committee's time was taken up by consideration of the omnibus farm bill. As a result, we have a backlog of oversight responsibilities which must be met.

Oversight frequently is not as dramatic as some other committee work. It does not get many headlines. But every Member knows that this is a vital part of the job that Congress must do. There is no way to be precise about it, but careful and competent oversight by congressional committees probably does as much to give us more efficient and less costly Government as anything else you could name.

Our committee, mostly working through its subcommittees, has oversight studies and hearings planned this year in areas including farm credit, agricultural extension, the operating of marketing orders, fraud in the food stamp program, and the general operation of farm programs.

This is work which must be done. And we must have the minimum resources needed to get it done. If we fail to do our job, the cost to the taxpayer will be far greater than any temporary saving from further cuts in the committee budget.

The House should know, also, that in our committee staffing arrangements we have been careful to provide fair staff support to members of the minority. We have six employees who serve the entire committee—both majority and minority—on a full-time basis on such matters as bookkeeping, computer operations, clerking of committee sessions, and so on. When this is taken into account the ratio of majority to minority employees is 59 percent for the majority and 41 percent for the minority—a division which is well within the House rules.

In one further respect, our staff arrangements have been made to comply with minority wishes. We have a monority subcommittee pool of six staff members, and the ranking minority member, Mr. WAMPLER of Virginia, has requested that this arrangement be continued so that individuals in the pool can be used to help minority members of any of our eight subcommittees as the need arises.

Some items of expense are going up for our committee, as for everyone else. Rate increases dictated by inflation mean that despite new procedures to reduce use of facilities like long distance telephone calls, and despite other economy moves, we are faced with higher charges for telephone and telegraph service, supplies and equipment.

Overall, our budget request to the House Administration Committee called for $1,221,249 for 1982. This is 3.1 percent more than our 1981 authorization—but it comes after a year in which the rate of inflation was 8.9 percent.

I think these facts demonstrate that our committee has been frugal. I think these facts demonstrate that we understand the need for economy in congressional operations, and that we are practicing it.

I think, to sum it up, that these facts demonstrate the budget for the Committee on Agriculture is a responsible document, and that it should be approved by the House.

Mr. ANNUNZIO. I yield 2 minutes to the distinguished gentleman from Florida, chairman of the Select Committee on Aging (Mr. Pepper), for debate only.

Mr. PEPPER. Mr. Speaker, I believe all of us who critically examine the work of this committee are impressed that this committee has conscientiously tried to save all the money it could, and at the same time, enable the House to function as it would want the House to do.

We all know that the committee system is the lifeblood of the House itself, and if you strangle it, to a large degree, you strangle the effectiveness of the House. In the case of the Select Committee on Aging, every nickel that we recommended was recommended by a minority and majority vote of the committee unanimously. Also, we would like it known that every nickel that was recommended by the House committee is now being considered, and is unanimous on the part of the minority as well as the majority.

For the last several years we have been able to work in harmony between the two parties of our committee. What we were given for 1982 was $40,000 more than the 1981 authorization, and $63,000 more than we spent. The spending disparity was due to the fact that the minority was delayed somewhat in filling its slots on personnel that it had the right to fill, and for that reason, we did not spend as much.

Furthermore, we did not give the 5-percent cost-of-living increase. We contemplate doing that this year, as we feel it is the policy of the House to do so. So, I know from the experience of our committee that this Committee on House Administration has been extremely conscientious, has been very diligent in its inquiry as to the need for the funds made available. We have had unanimity between the two parties on our committee, and in the House Administration Committee I think that the able gentleman from Illinois, the chairman of this subcommittee handling this matter this afternoon, has most unselfishly and generously proposed a further cut that will bring us within a range that I hope that all will accept.

Mr. FRENZEL. Mr. Speaker, I yield 5 minutes to the distinguished gentleman from Pennsylvania, a member of the Accounts Subcommittee (Mr. James K. Coyne).

Mr. JAMES K. COYNE. Mr. Speaker, some wise poltitican many, many centuries ago said, I am sure, that opportunity only knocks once. Of course, there are many frustrated Republican Members of Congress here today who spoke out earlier in the day in 1-minute speeches saying that we have not had an opportunity even yet to really constructively begin to reduce the Federal budget. Fortunately, we have had at least one opportunity to try to reduce the budget of the committees of the Congress itself, and 2 weeks ago I am pleased that our body decided to take that opportunity, to seize it, and do what we can to reduce spending in the Federal Government, at least when we have this one—albeit a small—opportunity to try to reduce spending.

First, I would like to thank and commend the members of the House Administration Committee, both Democrats and Republicans alike, for recognizing this opportunity when it was presented to them 2 weeks ago. They went back to their committee, and I must confess, did a job of reducing $700,000 out of these committee funding resolutions. I stand before the Members today to hope that opportunity can knock again and again and again over the next 12 months so that we can reduce Federal spending every single opportunity that we have.

This body was elected a year and a half ago to do just that, to reduce Federal spending, and I am happy that we are showing in a small way that we can have the resolve. Of course, the freshmen Members of the Republican Party in Congress played an active role in seizing this opportunity, and I am proud of the effort we made to convince our colleagues and Members on both sides of the aisle of the importance of bringing fiscal responsibility to Congress.

Many of us feel, as I do, that it has been a long, long time since Congress has felt the need to reduce spending. Some of us feel it has been 30 or 40 years, and now we are beginning to learn to do something that many of us have not done in a generation, learning to use the word "less" rather than "more."

My colleague from Texas, only a minute ago, criticized the freshmen for taking the opportunity in the 1-minute speeches to call for some action in Congress; we are frustrated that Congress has not done anything yet, but we are not asking for more laws, as he alleged. We are asking for less laws; we are asking, most of all, for one law, the budget law, to give us less spending in the Federal Government. We cannot deliver to the American people that which they are desiring, that which they are seeking, that which they are pleading for—a balanced budget, lower taxes, lower interest rates, unless we recognize our opportunity to cut spending every chance we have.

My colleague, the respected chairman of the subcommittee, mentioned earlier in the day that we need this $40 million to run our committees because we have the responsibility of spending hundreds and hundreds of billions of dollars, and how can we do that well unless we spend millions of dollars running our committees? That is exactly the type of thinking that has gotten us in the mess we are in today. They declare that the only way we can solve our problems is to throw more money at them. That is not our charge. Our responsibility is to make the money we take from the American taxpayers work harder; make the people that work, work harder, and I am convinced that of the 1,700 men and women who work in the committees, on the staffs of the committees of Congress, we can get them to work harder. We can get them to do more for less, and we should take this opportunity to show that this is exactly what the American people want them to do.

One of the most troubling things I have heard in the debate here this afternoon, though, was from my colleague, the chairman of the subcommittee, that he cannot guarantee that we will have no supplementals during the course of the year. I want to compliment him for not having any supplementals last year.

□ 1400

I just hope and plead that he can reconsider and guarantee to us today that we will have no supplementals during this calendar year. We have got to show the American working men and women that we are committed to tightening our belts.

Does the gentleman realize, for example, that there are over a million union members in this country today who have in the past 12 months provided concessions in their union contracts?

Mr. ANNUNZIO. Mr. Speaker, will the gentleman yield?

Mr. JAMES K. COYNE. Yes, I am happy to yield to the gentleman from Illinois.

Mr. ANNUNZIO. Mr. Speaker, the gentleman is correct. As I said, I cannot guarantee him that in the next year there will be no supplementals, but I also said I will do the very best I can to make sure that there will be no supplementals. I included that in that same statement.

Mr. JAMES K. COYNE. Mr. Speaker, I am happy to hear that. I hope we can move closer to a guarantee, and I thank my colleague for that statement because there are millions of Americans who are faced with concessions or give-backs and we have got to show that we can concede as well.

Mr. ANNUNZIO. Mr. Speaker, I yield 1 minute to the gentleman from Maryland (Mr. MITCHELL)

Mr. MITCHELL of Maryland. Mr. Speaker, I rise in reluctant support of House Resolution 378. My reluctance is due to the fact that our budget request to the House Administration Committee covered only bare essentials and yet was cut almost $90,000. I do not know how we are going to achieve this reduction except partially by again denying any merit raises as we have been forced to do the last 2 years.

There has been some talk of reducing our spending level in 1982 to the level of last year's expenditures which would force us to reduce our activities to less than last year's. Any such further cuts would be complete lunacy.

Everyone knows that we do not have a zero inflation rate. We, the Congress, approved a 5-percent cost-of-living raise last October 1.

In addition, in 1981 the minority delayed hiring three minority counsels until spring. We are now fully staffed and must meet the December 1981 payroll in each month of 1982 and not just for part of the year as was the case in 1981.

Thus, there is no way we can even meet our payroll if we are capped at last year's level.

I want to point out that this is not merely a theoretical matter. Just last month one of our subcommittee chairmen requested a minor pay increase for two of his staff, one of whom had not even received a cost-of-living increase last October. Although I viewed the request as justified, I felt compelled to deny it due to the very real possibility that we will have to actually reduce current payroll in order to stay within the budget recommended by House Administration.

Finally, I want to point out that the businesses from which we lease equipment do not subscribe to the Republicans' zero increase theory of pricing. Our cost of equipment rental has increased $10,000 or 20 percent over last year's actual expenditures.

Although we are reducing our expenses and not adding any staff or equipment, it is an utter fairytale to refuse to accept the passage of time and the inherent changes.

It is absolutely essential that we receive at least the budget amount recommended by House Administration if we are to perform our function of considering legislation and conducting oversight on programs to assist small businesses, which are dropping like flies in the present economy.

Mr. FRENZEL. Mr. Speaker, I yield 3 minutes to the distinguished gentleman from California (Mr. DANNEMEYER).

Mr. DANNEMEYER. Mr. Speaker, last year these investigative staff activities spent $36,259,200. The proposal before us is to authorize them to spend an increase of 9.2 percent for this year, to a total of $39,605,200.

That is a 9.2-percent increase that we propose to authorize for these activities in this year 1982.

Now, it is relevant on this issue to ask: What is going on in the real world in this country? There was an interesting article in the U.S. News & World Report of this week in which the answer is forthcoming as to what is going on in the real world—the people who work and pay the taxes that we have the privilege of expending here in this body.

According to the article, Armour & Co., the meatpacker, recently signed an agreement setting a 4-year freeze on wages and cost-of-living adjustments.

> Oscar Mayer & Company of Madison, Wisconsin, is seeking concessions from many of its 12,000 employees. The 700 workers at its Sherman, Texas, plant have agreed to a new contract that freezes wages for 3 years and defers cost-of-living increases * * *

The article also says that—

> Republic Airlines of Minneapolis reports that more than half of its employees have agreed to defer their March paychecks for a year and a half.

Further:

> Allis Chalmers, the Wisconsin-based producer of farm equipment, has eliminated bonuses for 300 senior management employees. Cost-of-living allowances have been canceled for some 3,600 management and salaried employees at the Detroit automotive operations of Rockwell International.
>
> In Bartonville, Illinois, the Keystone Group, a major producer of steel wire, has eliminated 10 percent of its 500 management slots and reduced salaries by 10 percent.

All across this land people are holding the line by denying any cost-of-living increases and freezing wages. And what do we propose to do here? We are going to increase by 9 percent over what was spent last year.

It is interesting to put this whole issue in further contrast. In 1974, the budget of this Nation was $269 billion; in 1981 it had risen to $678 billion. That is an increase of 151 percent. During that same interval of time, the committee funding we are talking about rose from $13.07 million to $39.6 million. That is an increase in that period of time of 202 percent. There is little, if any, justification for that.

And then there is one point of relevance to our minority Members on this issue. The majority has said that we in the minority——

The SPEAKER pro tempore (Mr. FOLEY). The time of the gentleman from California (Mr. DANNEMEYER) has expired.

Mr. ANNUNZIO. Mr. Speaker, may I inquire as to how much time each side has remaining?

The SPEAKER pro tempore (Mr. FOLEY). The Chair will state that the gentleman from Illinois (Mr. ANNUNZIO) has 13 minutes remaining, and the gentleman from Minnesota (Mr. FRENZEL) has 12 minutes remaining.

Mr. FRENZEL. Mr. Speaker, I yield 2 minutes to the gentleman from California (Mr. LUNGREN).

Mr. LUNGREN. Mr. Speaker, I think we should commend the work of this committee in that they are starting to turn us around in the right direction. Nonetheless we have quite a way to travel before we get to where we ought to be.

I do not think any of us would object to the fact that we need staff and would support adequate staff. But I have a question to ask. When there are abuses in this House in terms of the numbers of people we have and the expenditures that are made, how can we vote for a resolution like this?

Just last week I received word that in my district in southern California a subcommittee of the Committee on the District of Columbia was going to hold hearings about education. About education in my district? Now, I ask the Members, what in goodness' name can they learn in southern California with respect to the situation of education in the District of Columbia?

The District of Columbia has more than 40 people on that committee in the House. Thirty-one of them or thirty-eight of them, depending on which figure we look at, happen to be on the majority side; the balance are on the minority side. It is obviously overstaffed. It is overstaffed on the majority side, and yet we come here and we say that we have cut to the bone.

What have we done to the Committee on the District of Columbia? We have granted them an increase of 12 percent over what they spent last year. Why? So they can hold hearings in my district in southern California, so they can hold hearings in Oakland, Calif., and so they can hold hearings in Houston, Tex. If we are going to have committees like that going around the country where they have absolutely no jurisdiction, how can we say with a straight face to the American people that we are cutting to the bone or we are restricting ourselves only to the staff that is necessary?

It reminds me that a couple of years ago the committee and the entire staff of the Education and Labor Committee visited the People's Republic of China. What did they tell us about labor and education that we could apply to the United States? Thank goodness, they did not tell us anything because I do not think we would want to follow them in any way here. Yet that is what was done.

Mr. Speaker, I think we have to answer those questions before we can agree to a resolution such as this.

Mr. ANNUNZIO. Mr. Speaker, I yield such time as he may consume to the gentleman from North Carolina (Mr. Jones), the chairman of the Committee on Merchant Marine and Fisheries.

Mr. JONES of North Carolina. Mr. Speaker, this resolution today deserves every Member's support. Our colleague, the gentleman from Illinois (Mr. Annunzio), the chairman of the subcommittee, and his Subcommittee on Accounts have for the 2d year in a row sought to control committee spending, and they have done an admirable job.

Now, to those who have somehow voiced their opinions in other places and have in recent times taken pot shots at the Committee on Merchant Marine and Fisheries, let me say that I am beginning to get a little offended, to say the least.

What are we doing over there? Right now we are trying to save the Coast Guard from complete extinction. At this time we are also holding hearings on offshore oil, trying to find ways to build up our supply of energy.

To those who might not know this—and I hope the Members listen to this because it is very important—I would point out that 25 years ago this Nation was No. 1 in development and capacity of merchant marine fleets under American flags. Today we are 11th in the family of nations. Yes; this committee is concerned about that, and I think every Member of Congress should be concerned.

Then we have ocean dumping of sludge and sewage in our jurisdiction, along with numerous other issues on the environment. We have jurisdiction over matters relating to international fisheries treaties. I could go on and on.

So, Mr. Speaker, I do resent a little bit the implication that this committee does little or nothing. It is a hardworking committee, it has an outstanding staff, I am proud of them, and I am prepared to defend to the bitter end.

When I became chairman of the Merchant Marine and Fisheries Committee over 1 year ago, I sought to bring under control the committee's budget and staff. I think we made remarkable progress. For instance, the committee's authorization in 1981, my first year as chairman, was $101,000 below the 1980 resolution. Spending in 1981 was $37,000 below 1980. Today's resolution increases that authorization by only 1¾ percent over last year, and it is still $73,000 below the authorization approved 2 years ago.

Also prior to my chairmanship, this committee's investigative staff averaged 65 positions in 1980. Today that number has been reduced to 51. We have brought the growth of the staff under control and cut it significantly.

Also, with the help of our ranking minority member, the gentleman from Kentucky (Mr. Snyder), I have sought to develop a partnership between the majority and the minority. I believe that his support for our committee budget proposals this year indicates that we have achieved that goal.

To sum up, we have brought the budget and staff of the Merchant Marine and Fisheries Committee under control in the past 2 years. In reality, the committee is much smaller than it was before my chairmanship.

So today some are urging that we slash the budget request below the figures in House Resolution 378. This would be unwise. First, the Subcommittee on Accounts has reviewed the requests and cut money prior to today, and the committee can stand no further cuts.

The SPEAKER pro tempore. The time of the gentleman from North Carolina (Mr. Jones) has expired.

Mr. FRENZEL. Mr. Speaker, I yield 2 minutes to the gentleman from Virginia (Mr. Parris).

Mr. PARRIS. Mr. Speaker, I rise in support of the motion to recommit this resolution that will be offered by the gentleman from Tennessee (Mr. Beard).

In the past years this Congress has had an opportunity to review each committee budget. This year all the budgets are bound together in one resolution, and we are not given an opportunity to vote on each committee budget separately.

This budget, since 1971, has increased more than 600 percent. Although the Senate and the House work separately and work on the same legislation and review the same laws, their responsibilities are almost identical. The staff, however, of the Senate numbers 974 while the House staff has an incredible 1,824 persons. Quite simply, we are overbloated, and a perfect example has been referred to by several previous speakers.

I ask the simple question, Mr. Speaker: Why do we have in the District of Columbia Committee on which I serve a situation where 41 people in the House are doing what 7 people do in the Senate?

I also serve on the Committee on Banking, Finance and Urban Affairs. In the 93d Congress, in 1973, that committee had a staff of 46. Over the 2-year life of that Congress, the committee reported 33 bills. In the 96th Congress, in 1979, the committee had a staff of 96, twice as many; it reported 19 bills, half as many; and it had 5 people to work on every bill that it reported.

There was a time, Mr. Speaker, when we might make an argument justifying large staffs, but in recent years the Congress has created, in addition to our staff, its own Budget Office, an Office of Technology Assessment, and a greatly expanded Library of Congress.

At a time when the Congress is cutting back on funding a large number of Federal programs it is simply unconscionable that this Congress continues to fund its own overbloated committees.

Mr. Speaker, I urge my colleagues to support the motion to recommit the resolution for further reductions. Let us show this Nation that we are going to do our part to cut wasteful spending.

Mr. ANNUNZIO. Mr. Speaker, I yield 4 minutes to the gentleman from Washington (Mr. Swift), a member of the subcommittee.

□ 1415

Mr. SWIFT. Mr. Speaker, once upon a time there was a young man who got himself elected to a legislative body and he made a reputation for himself there cutting spending. He was very good at it. He was recognized.

Then one day he got a new committee chairman. The chairman went to him and he said, "You know, I think you are right, we need some prudence in this area. What about this year, instead of doing as we have in the past, profligately, why don't we go on this particular instance with a cost-of-living increase and a 5 percent additional for contingencies?"

The young man said, "No, I need more of a cut than that."

He said, "Well, what about the cost-of-living increase and 2.5 percent in the contingency?"

"No," he said. "No, I need more of a cut than that."

The chairman said, "Well, let's eliminate the contingency fund?"

He said, "No, I need more than that."

The chairman said, "Well, what if we cut the cost of living?"

Finally the young man said, "Mr. Chairman, you don't understand. What I want is more. Mr. Chairman, I ain't going to let you have the issue."

I had a mentor who served for 6 years in this body and almost 40 in the other body. He divided Congress into two kinds of people. He said there are showhorses and workhorses. I do not wish to characterize any showhorses, but I would like to characterize some workhorses.

One of the things that is completely being ignored by those who are opposing this resolution are changes that have taken place since the gentleman from Illinois (Mr. ANNUNZIO) became chairman of the Accounts Subcommittee and the cooperative arrangements he has been able to work out with the gentleman from Minnesota (Mr. FRENZEL).

You will note that this committee on which, if there is anyone who thinks this is a great plum to serve on in the House, I would welcome you to come and apply for the position. But once a year we come before the House where people take shots at us, but the job goes on all year long. All last year the gentleman from Illinois and the gentleman from Minnesota dealt with committees that wanted supplemental appropriations. Alone, the gentleman from Illinois, talking to the majority, and the gentleman from Minnesota, dealing with the ranking members of the committees, resisted that and there was no supplemental ever brought to the committee.

I must tell you, Mr. Chairman, the joke got very old in a hurry because, as I said, through every one of those hearings you began every single session with every committee and you said, this was the joke: "I hope you will not come for a supplemental this year because I do not think I will be able to get a quorum."

About the fourth or fifth time I stopped laughing.

But the fact is the message was delivered clearly.

What is more important is if my colleagues look at the 1980, 1981, and 1982 budget requests, they will see a trend that shows that this committee of ours is establishing a working relationship with the other committees of the House. They will see that that relationship is based upon two basic principles.

First it is based upon the principle that if you will not come in here and ask for the moon hoping to settle for something less, we will not arbitrarily cut you. If you come in and ask for a reasonable request, then we will deal with you reasonably. That is working in the 1982 budget. That is working. It gives the House Administration Committee some control over a process that has been out of control.

What I am suggesting is that however well meant may be the alternatives that are being proposed, they are going to interfere with a process that at last has given this House a chance to manage itself prudently with an effective and working system, and what they will do is force us back into the chaos of every committee asking for the moon because they have no sense that they will be treated in anything but an arbitrary fashion by the House Committee and the House.

I urge my colleagues to let our committee, which is working on a bipartisan basis, deal with this in a rational and prudent fashion and do its work. Murray Kempton once said editors are people who come down out of the hills after the battle and shoot at the wounded. Do not vote with the editors. Vote with the people who have fought the battle.

Mr. FRENZEL. Mr. Speaker, I yield 5 minutes to the distinguished gentleman from Tennessee (Mr. BEARD).

Mr. BEARD. Mr. Speaker, I rise to state my intention to offer a motion to recommit House Resolution 378, which provides funding for investigations and studies by the House committees.

Basically, my reason for moving to recommit is this: It is time for this House to show real—not meaningless—reductions in the amount of money spent to operate the committee system.

This resolution, as amended by the Administration Committee, authorizes a grand total of $100 less than was authorized last year. One hundred dollars is no real reduction at all; and, I would add, this resolution authorizes almost $3½ million more than the House committees actually spent last year. Not a single committee of the House receives less to spend this year than it actually spent last year.

Mr. Speaker, I believe the American taxpayers feel that is totally unacceptable. It is clear that the American people fully expect the Congress to share in the reduction of the Federal Government for which they voted. This resolution is just more business as usual to me and, therefore, I think that it should be rejected as written.

Let us look at the way committee expenditures have literally exploded over the past decade. Last year, almost 90 percent of the money spent under this resolution was for committee staff, and this does not even count the statutory staff.

In 1973, the House committees had a total of 570 investigative staff. Last year that figure was 1,063. Merchant Marine and Fisheries has gone in 8 years from a total staff of 22 to 82; Banking, Finance and Urban Affairs from 46 to 83. In the Senate, a staff of 7 is enough to handle the District of Columbia, but the House needs a full committee with a staff of 41.

We have heard scream after scream about the budget deficit from the leadership of this House, but the committee leaders apparently feel it is just fine to go on increasing their empires at the expense of the taxpayer. Energy and Commerce now has about 150 staffers; Education and Labor, 120.

Mr. Speaker, it is time for the committee empires that have been built up over the past decade to start taking real reductions. It is the height of hypocrisy to hear House leaders talk about Federal deficits when they continue their empire building.

This motion, under the rules, cannot contain instructions, but I want to make it clear that my purpose for recommittal is to see real cuts in this authorization, not paper cuts of $100. Where the cuts come, the Administration Committee is free to decide, but there must be cuts made. I think the American people want the Congress to show that it too can reduce its own bloated bureaucracy. Thank you.

Mr. DANNEMEYER. Mr. Speaker, will the gentleman yield?

Mr. BEARD. I yield to the gentleman from California.

Mr. DANNEMEYER. We Republicans in the House have 44 percent of the membership, 192 to 243, and does the gentleman think it is reasonable that we on the minority side should be asked to support this resolution for 1982 when we reflect upon the fact that we have been given 16 percent of these investigative staff to assist our side in presenting our view on the legislation that is being considered?

Does my colleague think that is fair?

Mr. BEARD. I personally do not, and I think the gentleman's point is well taken.

Mr. PEYSER. Mr. Speaker, will the gentleman yield for a question?

Mr. BEARD. Certainly.

Mr. PEYSER. My question is, I think, when the gentleman refers to the leadership and what they are doing, I would like to have it established, if I am correct, is it not true that all of the Republicans on the committee, on the House Administration Committee, and every ranking member of a committee who submitted their budget request to that committee—in other words, the Republican Members—all supported what we are now acting on on the floor?

Mr. BEARD. I would have to ask the minority leader. But I personally am somewhat more concerned about how the taxpayers—the people who have been footing the bill for this bureaucracy—how they feel about it and how they feel about the deficit spending.

I honestly cannot go to a UAW worker or to a communications worker who is having to accept cutbacks and try to justify that, when I look at what we are doing by spending $100 less than we did last year.

Mr. PEYSER. I understand the gentleman. I just want to be sure when the gentleman mentioned leadership it sort of referred to Democratic leadership, and I just want to point out that this is Republican and Democrat. It is not just the Democrats.

Mr. ANNUNZIO. Mr. Speaker, I yield 3 minutes to the gentleman from Connecticut (Mr. RATCHFORD) a member of our committee.

Mr. RATCHFORD. Mr. Speaker, I would suggest to the Members that service on this committee has become an impossibility and if they have any doubt about it, come on up and join us sometime when we are going through this process. We had open hearings, open hearings for 3 weeks. We heard each and every committee. We heard the committee chairmen and we heard ranking members. We heard from the public.

During that period of time two Members took the time to come up and testify as it relates to their point of view on the overall budget for committees. I would suggest that if there is this great concern, and I share it, to do something about controlling spending, and I support it, that the best opportunity to do so is with that committee. To me it is a bit ironic that we would have 20 to 30 1-minute statements and two Members who would take the time to come to the committee and try to do something about it. To me it is also ironic that we would spend 2 or 3 hours on the floor of the House, but only two Members would come up where the work is done and try to do something about it.

Some Members say we have gone too far. Others say we have not done enough. I would say we have done about the best that we are going to do.

That process took 3 weeks. We went through committee by committee. There was a lot of give and take. It was done in a bipartisan fashion.

There is not a Member who enjoys that responsibility, but collectively we applaud the leadership of the chairman and personally I would applaud the efforts of the gentleman from Minnesota (Mr. FRENZEL), to get this done, to reduce spending and to set out guidelines and finally get this issue under control.

I happen to think it is under control. The best evidence of that is that the final result is a zero increase in authorization. To me it is time to do something about it, vote on it, and stop making the 1-minute speeches.

If my colleagues want to revise and extend in the future, delay until next January, February, and March, and come on up and join the committee, we would welcome you.

The SPEAKER pro tempore. The Chair will state that the gentleman from Minnesota (Mr. FRENZEL) has 3 minutes remaining and the gentleman from Illinois (Mr. ANNUNZIO) has 3 minutes remaining.

Mr. FRENZEL. Mr. Speaker, I yield 1 minute to the distinguished gentleman from Louisiana (Mr. ROEMER).

Mr. ROEMER. Mr. Speaker, I thank the gentleman for yielding time to me.

If everyone swept their own front doorstep, the whole world would be clean.

In the 1 minute that I have, I do not rise to criticize the House Administration Committee, rather I compliment them.

I do not rise to criticize committee chairmen, rather I praise. They work hard and lead strong. I serve under two of the good ones: PARREN MITCHELL, Small Business, and JIM HOWARD, Public Works.

I do not rise to criticize the qualifications of staff. In fact, I have found them generally competent.

I do not rise to compliment spending in the other body or in the executive branch. Their spending is high—far too high.

I do rise to say that this resolution is not a cut in spending. Please do not be fooled. This is not a cut in spending as advertised. This resolution allows a more than $3,000,000 increase in spending this year compared to last year.

Do not be fooled. This resolution has been described as stingy. It is stingy only by historical standards. The $3,000,000 increase is somewhat less than the committee have usually received.

The resolution is not stingy by the standards of our time or by the economic need of our country.

Cutting the committee budget—really cutting the committee budget would be an important signal that Congress is serious about reducing Federal spending.

The country certainly would be better off if Congress, for once, would lead by example.

Charity should begin at home and, I believe, so should thrift.

□ 1430

Mr. ANNUNZIO. Mr. Speaker, I yield 1 minute, for debate purposes only, to the gentleman from Texas (Mr. BROOKS).

Mr. BROOKS. Mr. Speaker, I rise in support of the committee amendment.

The committee system as we have known it in the past is in serious jeopardy. Last year and again this year we have seen an assault on the committee system of the House that will be long felt.

The House Administration Committee has a difficult and sometimes unpleasant job to perform. By the Rules of the House they are asked to sit in judgment on the requirements of the House committees.

As chairman of the Committee on Government Operations, I worked with our subcommittee chairmen and the ranking minority member to put together a reasonable request for funds to conduct our studies and investigations.

The Accounts Subcommittee, under the leadership of Chairman FRANK ANNUNZIO, listened to our testimony as they did for all standing committees. They carefully examined all aspects of our budget. They asked questions about our needs and the investigative program we planned. Nonetheless, faced with the heavy pressure that all Members feel regarding the need to reduce Government expenditures, they reduced our proposed authorization, and the combined authorization for all committees, to a level 1.7 percent above last year's authorization. The House Administration Committee did its job.

Then when the committee resolution went to the floor a group of Members decided to demagog on the matter of committee funding and overrule the judgment of the Committee on House Administration. It was a sad day for the House when the committee had to withdraw the resolution, because the bipartisan support for the committee turned into partisan opposition.

Why do we go through the work, time, and effort of the committee budget process if we are going to roll over every time a Member calls for further cuts. Why have the House Administration Committee look at the budgets if its judgments are so lightly thrown aside? The House Administration Committee deserves the commendation of the House for a job well done, not the back of the hand from headline seekers.

Mr. ANNUNZIO. Mr. Speaker, I yield 1 minute, for debate purposes only, to the distinguished gentleman from California (Mr. DYMALLY).

Mr. DYMALLY. Mr. Speaker, recently my colleague and congressional neighbor, the gentleman from California (Mr. LUNGREN), related that hearings of a subcommittee which I chair were being held in his district. That was originally correct, but I believe that the gentleman did not disclose the full facts.

Upon scheduling the meeting, he was informed, subsequently expressed some unhappiness with the hearings being held in a portion of his old district. I said to him, "If you have any problems, we will move the meeting to another part of my district." His concern was that the committee may embark on a program of criticizing the President.

I said to him that this meeting was requested by some small school district superintendent in the corridor cities of Los Angeles County. Immediately I went to the telephone, informed his administrative aide, whose name I remember as Vic, and told him that the meeting was being moved to another part of the district, my district. We sent telegrams, and the meeting is now being scheduled in Lynwood and not in Bellflower.

I wanted to set the record straight, Mr. Speaker.

Mr. FRENZEL. Mr. Speaker, I yield myself 2 minutes.

Mr. Speaker, we have had a good debate on this matter, and I would like to close for our side by commending the distinguished gentleman from Illinois, the chairman of the Accounts Subcommittee, for a job well done. I would also like to commend the distinguished gentleman from Pennsylvania (Mr. JAMES K. COYNE) whose motion to recommit several weeks ago sent us back to the drawing board and caused us to come out with a zero growth committee budget for this year.

I believe on our side that we ought to declare victory. That was our target. It has now been achieved.

For those of you who are worried about the other body, our best estimates on their employees are somewhere in the mid-1,600's. That is about 100 less than we have, but they serve three less committees than we serve.

The other body has set a fine example by cutting last year and holding the line this year. I think we have followed that example. I do not think that we lag too much by comparison.

It has also been said that this zero growth budget is really an increase because it is more than what was actually spent last year. Each year the committees spend about the same proportion of their authorization, and in my best judgment we will spend this year under this zero growth authorization about what we spent last year.

Also, if this should fail and the resolution under which we are operating now be extended, it would cost us $3 million more to finish out the year.

So I suggest that for a number of reasons, all of which represent the best frugality that the committee can bring before you—that is, no supplementals, a steady decrease in the number of personnel and in our committee expenses over the years, and for a rational professional review of the budgets—I believe that we ought to affirm the committee position. I believe there will be three votes. The previous question will approve the vote for the committee amendment. There will be a motion to recommit. I hope you will vote against it. There will be a motion for the final passage of the bill, which I hope you will vote for. Seven of the eight Republicans on the committee supported this resolution. It is also supported by the distinguished gentleman from Illinois, our minority leader.

Mr. ANNUNZIO. Mr. Speaker, I yield 1½ minutes, for debate purposes only, to the gentleman from Michigan (Mr. DINGELL).

Mr. DINGELL. Mr. Speaker, I rise in support of House Resolution 378.

I want to start out by congratulating the distinguished chairman and the members of the House Administration Committee. Theirs has been a very difficult and, I think, extremely important job this year and they have discharged their responsibility with the highest degree of dedication and skill.

It is a source of regret to me that the first recommendation of the committee was not adopted by the House. That budget was barely adequate to enable the House Committee on Energy and Commerce to meet the very serious challenges that face the Congress and the Nation today. I suspect that the same is true for other committees as well.

Make no mistake about it. This Nation faces the most serious economic and social crises that it has faced in the past 50 years and a Congress that denies itself the resources to meet those challenges has betrayed the trust of the American people.

The fact is that small, but vociferous minority seek to bring about Draconian changes in our society and in the concept of the very role of Government that has over the past two centuries made this the strongest and most prosperous free nation in the history of civilization. They have attempted to do this by capitalizing on the current economic distress to strip the Congress of the capability to act effectively as a coequal branch with the executive. And they can effectively accomplish their goal by denying the committees of the House the resources they need to do their job.

To this end they have perpetuated misconceptions about swollen budget and swelling staff to persuade Members to vote for cuts. Their claims are provably false.

The budget of the Committee on Energy and Commerce is not swelling. Computed in constant dollars, the committee's budget request and authorization have declined steadily since 1977 and expenditures have declined since 1978. And the same is true for the other standing and select committees.

Measured in current dollars and ignoring the effects of inflation the $702,735 increase which the Committee on Administration recommended for the 23 standing and select committees of the House represents an increase of only 1.77 percent over last year's budget. When you take account of inflation over that period, the recommended budget for this year represents a 4.4-percent reduction from last year's budget.

The staff of the Committee on Energy and Commerce is not swelling. Since I assumed the chairmanship of the committee, the investigative staff has been reduced from an average of 131 to its present level of 122—a decrease of 7.4 percent—and the budget authorized by the House Committee on Administration would allow no expansion in that number.

Overall, the standing and select committees of the House cut their staff by 8 percent over last year.

In spite of the cut in staff, our committee has been able to improve both the volume and quality of work produced. We have done this by consistently upgrading the quality of the staff and by installing sophisticated word and data processing facilities that have enabled us to greatly improve productivity.

The reduction in budget now recommended by the Committee on Administration will require that we reduce our staff and resources to levels that will make it very, very difficult to maintain our current high standards of performance. But we will discharge our responsibilities to the Members and to the American people to the very best of our ability with the resources recommended in House Resolution 378.

This Congress has a crucial role to play in protecting vital programs, and in restoring both the economic health of the Nation and the confidence of the American people in their Government. We need the resources to do the job.

The budget proposed by the House Administration Committee is clearly the best that we can do in these troubled times and it deserves approval by responsible Members.

Mr. ANNUNZIO. Mr. Speaker, I yield myself such time as I have remaining.

In Closing, Mr. Speaker, I want to commend the gentleman from Minnesota and all of the members of the subcommittee and the full committee for the help, assistance, and cooperation in bringing to this floor what I consider to be a very frugal budget funding resolution.

Now, on the previous question, I want to again remind the Members that the previous question is on the amendment and the resolution. When you vote "aye" on the previous question, you are voting the committee action of a cut of $702,835 in authorization.

● Mr. BADHAM. Mr. Speaker, I rise in support of the committee amendment to House Resolution 378. The amendment, by reducing the aggregate 1982 authorization to a level just below last year's, reaffirms our commitment to fiscal discipline—and deserves, I believe, the strong endorsement of this body.

Mr. Speaker, I welcome the opportunity to once again commend my good friend and colleague, the gentleman from Illinois (Mr. ANNUNZIO) for his leadership on the Subcommittee on Accounts. As a result of the gentleman's efforts, budget requests submitted by the various committees are now thoroughly and carefully reviewed—in distinct contrast to the often perfunctory attention of previous years. I pledge my continued support to the chairman in his efforts to restrain unnecessary committee spending and to maintain vigorous oversight of committee operations.

House Resolution 378, as originally reported, established an aggregate authorization of $40.3 million—a 1.77 percent increase over the 1981 aggregate authorization. Yet, during the floor debate of 3 weeks ago, it was apparent that even this small increase was unacceptable to a majority of the House and that further reductions were necessary.

At the outset of this year's deliberation, the minority members of the Committee on House Administration set a target that the 1982 authorization aggregate should not exceed the 1981 aggregate of $39.6 million. I am pleased that the committee amendment before us today achieves this goal.

It should be emphasized that the amendment under consideration reduces the authorizations only of committees which had initially been granted increases above last year. No committee which, in the original version of the resolution, was authorized at—or below—the 1981 level suffered any further cuts.

Mr. Speaker, I expect that some Members might recommend slightly different authorization levels for certain of the committees incorporated in this resolution. Yet, even though there may be a difference of opinion on one or two particulars—the overall package is a good one, and is a testimony to fiscal restraint.

We all recognize that the past decade witnessed an almost incomprehensible growth in committee funding. But, finally, in this Congress, we have successfully imposed some measure of fiscal control. Consequently, ours will be a leaner, more efficient—and ultimately, more responsive—committee system.

Yet this funding package marks only a beginning. Additional economies are attainable. Now, we must look beyond the dollars and cents of the funding resolutions and focus our attention on those staffing procedures and structural arrangements which spur demands for higher and higher committee budgets.

Previously, I have discussed improvements which are essential if greater accountability in committee funding is to be achieved. We should:

Eliminate the distinction between statutory and investigative staff, and require that all staff costs be incorporated in the funding resolutions;

Integrate the Committee on Appropriations and the Committee on the Budget into the finding process;

Establish the equity of one-third minority staffing; and

Consider discarding clause 5(d) of rule XI which permits independent subcommittee staff.

Mr. Speaker, the task of the Subcommittee on Accounts is not an easy one. The authorizations we recommend reflect weeks of hearings and debate and study. It is our responsibility to pursue a fair and fiscally sound approach—this, I believe, has been accomplished in the committee amendment before us.

This zero growth budget represents an obvious and welcome departure from the profligate ways of the past. Building on the reductions in committee funding authorizations which were approved in 1981, the committee amendment underscores our commitment to economy—not only in the committee system—but in all the internal operations of the House. It is a resolve which I hope will continue in future years.●

Mr. ANNUNZIO. Mr. Speaker, I move the previous question on the committee amendment in the nature of a substitute and on the resolution.

The previous question was ordered.

The SPEAKER pro tempore. The question is on the committee amendment in the nature of a substitute.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. ANNUNZIO. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 416, nays 0, not voting 17, as follows:

[Roll No. 47]

YEAS—416

Addabbo
Akaka
Albosta
Alexander
Anderson
Andrews
Annunzio
Anthony
Applegate
Archer
Aspin
Atkinson
AuCoin
Bafalis
Bailey (MO)
Bailey (PA)
Barnard
Barnes
Beard
Bedell
Beilenson
Benedict
Benjamin
Bennett
Bereuter
Bethune
Bevill
Bingham
Blanchard
Bliley
Boggs
Boland
Bolling
Boner
Bonior
Bonker
Bouquard
Bowen
Brinkley
Brodhead
Brooks
Broomfield
Brown (CA)
Brown (CO)
Broyhill
Burton, Phillip
Butler
Byron
Campbell
Carman
Carney
Chappell
Chappie
Cheney
Chisholm
Clausen
Clay
Clinger
Coats
Coelho
Coleman
Collins (IL)
Collins (TX)
Conable
Conte
Conyers
Corcoran
Coughlin
Courter
Coyne, James
Coyne, William
Craig
Crane, Daniel
Crockett
D'Amours
Daniel, Dan
Daniel, R. W.
Dannemeyer
Daschle
Daub
Davis
de la Garza
Deckard
Dellums
DeNardis
Derrick
Derwinski
Dickinson
Dicks
Dingell
Dixon
Donnelly
Dorgan
Dougherty
Dowdy
Downey
Dreier
Duncan
Dunn
Dwyer
Dymally
Dyson
Early
Eckart
Edgar
Edwards (AL)
Edwards (CA)
Edwards (OK)
Emerson
Emery
English
Erdahl
Erlenborn
Ertel
Evans (DE)
Evans (GA)
Evans (IA)
Evans (IN)
Fary
Fascell
Fazio
Fenwick
Ferraro
Fiedler
Fields
Findley
Fish
Fithian
Flippo
Florio
Foglietta
Foley
Ford (MI)
Forsythe
Fountain
Fowler
Frank
Frenzel
Frost
Fuqua
Garcia
Gaydos
Gejdenson
Gephardt
Gibbons
Gilman
Gingrich
Ginn
Glickman
Gonzalez
Goodling
Gore
Gradison
Gramm
Gray
Green
Gregg
Grisham
Guarini
Gunderson
Hagedorn
Hall (OH)
Hall, Ralph
Hall, Sam
Hamilton
Hammerschmidt
Hance
Hansen (ID)
Hansen (UT)
Harkin
Hartnett
Hatcher
Hawkins
Heckler
Hefner
Heftel
Hendon
Hertel
Hightower
Hiler
Hillis
Holland
Holt
Hopkins
Horton
Howard
Hoyer
Hubbard
Huckaby
Hughes
Hunter
Hutto
Hyde
Ireland
Jacobs
Jeffords
Jeffries
Jenkins
Johnston
Jones (NC)
Jones (OK)
Jones (TN)
Kastenmeier
Kazen
Kemp
Kennelly
Kildee
Kindness
Kogovsek
Kramer
LaFalce
Lagomarsino
Lantos
Latta
Leach
Leath
Lee
Lehman
Leland
Lent
Levitas
Lewis
Livingston
Loeffler
Long (LA)
Long (MD)
Lott
Lowery (CA)
Lowry (WA)
Lujan
Luken
Lundine
Lungren
Madigan
Marks
Marlenee
Marriott
Martin (IL)
Martin (NC)
Martin (NY)
Matsui
Mavroules
Mazzoli
McClory
McCollum
McCurdy
McDonald
McEwen
McGrath
McHugh
McKinney
Mica
Michel
Mikulski
Miller (CA)
Miller (OH)
Mineta
Minish
Mitchell (MD)
Mitchell (NY)
Moakley
Moffett
Molinari
Mollohan
Montgomery
Moore
Moorhead
Morrison
Mottl
Murphy
Murtha
Myers
Napier
Natcher
Neal
Nelligan
Nelson
Nichols
Nowak
O'Brien
Oakar
Oberstar
Obey
Ottinger
Oxley
Panetta
Parris
Pashayan
Patman
Patterson
Paul
Pease
Pepper
Perkins
Petri
Peyser
Pickle
Porter
Price
Pritchard
Pursell
Quillen
Rahall
Railsback
Rangel
Ratchford
Regula
Reuss
Rhodes
Richmond
Rinaldo
Ritter
Roberts (KS)
Roberts (SD)
Robinson
Rodino
Roe
Roemer
Rogers
Rose
Rosenthal
Rostenkowski
Roth
Roukema
Rousselot
Roybal
Rudd
Russo
Sabo
Santini
Savage
Sawyer
Scheuer
Schneider
Schroeder
Schulze
Schumer
Seiberling
Sensenbrenner
Shamansky
Shannon
Sharp
Shaw
Shelby
Shumway
Shuster
Siljander
Simon
Skeen
Skelton
Smith (AL)
Smith (IA)
Smith (NE)
Smith (NJ)
Smith (OR)
Smith (PA)
Snowe
Snyder
Solarz
Solomon
Spence
St Germain
Stangeland
Stanton
Stark
Staton
Stenholm
Stokes
Stratton
Studds
Stump
Swift
Synar
Tauke
Tauzin
Taylor
Thomas
Traxler
Trible
Udall
Vander Jagt
Vento
Volkmer
Walgren

Walker
Wampler
Washington
Watkins
Waxman
Weaver
Weber (MN)
Weber (OH)
Weiss
White
Whitehurst
Whitley
Whittaker
Whitten
Williams (MT)
Williams (OH)
Wilson
Winn
Wirth
Wolf
Wolpe
Wortley
Wright
Wyden
Wylie
Yates
Yatron
Young (AK)
Young (FL)
Young (MO)
Zablocki
Zeferetti

NAYS—0

NOT VOTING—17

Ashbrook
Badham
Biaggi
Breaux
Brown (OH)
Burgener
Burton, John
Crane, Philip
Dornan
Ford (TN)
Goldwater
Hollenbeck
LeBoutillier
Markey
Mattox
McCloskey
McDade

☐ 1445

So the committee amendment in the nature of a substitute was agreed to.

The result of the vote was announced as above recorded.

MOTION TO RECOMMIT OFFERED BY MR. BEARD

Mr. BEARD. Mr. Speaker, I offer a motion to recommit.

The SPEAKER pro tempore. Is the gentleman opposed to the resolution?

Mr. BEARD. Yes, I am, Mr. Speaker, in its present form.

The SPEAKER pro tempore. The gentleman qualifies.

The Clerk will report the motion to recommit.

The Clerk read as follows:

Mr. Beard moves to recommit the resolution, House Resolution 378, to the Committee on House Administration.

The SPEAKER pro tempore. Without objection, the previous question is ordered on the motion to recommit.

The question was taken; and the Speaker pro tempore announced that the noes appeared to have it.

RECORDED VOTE

Mr. BEARD. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 148, noes 270, not voting 15, as follows:

[Roll No. 48]

AYES—148

Archer
Atkinson
Bailey (MO)
Beard
Benedict
Bereuter
Bethune
Bliley
Brown (CO)
Campbell
Carman
Carney
Cheney
Coats
Coleman
Collins (TX)
Conable
Conte
Corcoran
Coughlin
Courter
Coyne, James
Craig
Crane, Daniel
Daniel, R. W.
Dannemeyer
Daub
Davis
Deckard
DeNardis
Dickinson
Dreier
Dunn
Edwards (OK)
Emerson
Emery
Evans (DE)
Evans (IA)
Fenwick
Fiedler
Fields
Findley
Fish
Fithian
Gilman
Goodling
Gradison
Gramm
Green
Gregg
Grisham
Gunderson
Hall, Ralph
Hall, Sam
Hamilton
Hansen (ID)
Hansen (UT)
Hartnett
Heckler
Hendon
Hightower
Hiler
Hillis
Holt
Hopkins
Hunter
Ireland
Jeffries
Johnston
Kazen
Kindness
Kramer
Lagomarsino
Latta
Leach
Lee
Lent
Lewis
Livingston
Loeffler
Lowery (CA)
Lujan
Lungren
Madigan
Marriott
Martin (NC)
Martin (NY)
McCollum
McDonald
McEwen
McGrath
Miller (OH)
Mitchell (NY)
Moore
Moorhead
Mottl
Myers
Napier
Nelligan
O'Brien
Oxley
Parris
Pashayan
Paul
Petri
Porter
Ritter
Roberts (KS)
Roberts (SD)
Robinson
Roemer
Rogers
Roth
Roukema
Rousselot
Rudd
Santini
Sawyer
Schneider
Schulze
Sensenbrenner
Shaw
Shumway
Shuster
Siljander
Skeen
Skelton
Smith (AL)
Smith (NE)
Smith (OR)
Snowe
Solomon
Spence
Stangeland
Stenholm
Stump
Tauke
Tauzin
Trible
Vander Jagt
Walker
Weber (MN)
Weber (OH)
Whitehurst
Whittaker
Winn
Wolf
Wylie

NOES—270

Addabbo
Akaka
Albosta
Alexander
Anderson
Andrews
Annunzio
Anthony
Applegate
Aspin
AuCoin
Bafalis
Bailey (PA)
Barnard
Barnes
Bedell
Beilenson
Benjamin
Bennett
Bevill
Bingham
Blanchard
Boggs
Boland
Bolling
Boner
Bonior
Bonker
Bouquard
Bowen
Brinkley
Brodhead
Brooks
Broomfield
Brown (CA)
Broyhill
Burton, Phillip
Butler
Byron
Chappell
Chappie
Chisholm
Clausen
Clay
Clinger
Coelho
Collins (IL)
Conyers
Coyne, William
Crockett
D'Amours
Daniel, Dan
Daschle
de la Garza
Dellums
Derrick
Derwinski
Dicks
Dingell
Dixon
Donnelly
Dorgan
Dougherty
Dowdy
Downey
Duncan
Dwyer
Dymally
Dyson
Early
Eckart
Edgar
Edwards (AL)
Edwards (CA)
English
Erdahl
Erlenborn
Ertel
Evans (GA)
Evans (IN)
Fary
Fascell
Fazio
Ferraro
Flippo
Florio
Foglietta
Foley
Ford (MI)
Ford (TN)
Forsythe
Fountain
Fowler
Frank
Frenzel
Frost
Fuqua
Garcia
Gaydos
Gejdenson
Gephardt
Gibbons
Gingrich
Ginn
Glickman
Gonzalez
Gore
Gray
Guarini
Hagedorn
Hall (OH)
Hammerschmidt
Hance
Harkin
Hatcher
Hawkins
Hefner
Heftel
Hertel
Holland
Hollenbeck
Horton
Howard
Hoyer
Hubbard
Huckaby
Hughes
Hutto
Hyde
Jacobs
Jeffords
Jenkins
Jones (NC)
Jones (OK)
Jones (TN)
Kastenmeier
Kennelly
Kildee
Kogovsek
LaFalce
Lantos
Leath
Lehman
Leland
Levitas
Long (LA)
Long (MD)
Lott
Lowry (WA)
Luken
Lundine
Markey
Marks
Marlenee
Martin (IL)
Matsui
Mavroules
Mazzoli
McClory
McCurdy
McHugh
McKinney
Mica
Michel
Mikulski
Miller (CA)
Mineta
Minish
Mitchell (MD)
Moakley
Moffett
Molinari
Mollohan
Montgomery
Morrison
Murphy
Murtha
Natcher
Neal
Nelson
Nichols
Nowak
Oakar
Oberstar
Obey
Ottinger
Panetta
Patman
Patterson
Pease
Pepper
Perkins
Peyser
Pickle
Price
Pritchard
Pursell
Quillen
Rahall
Railsback
Rangel
Ratchford
Regula
Reuss
Rhodes
Richmond
Rinaldo
Rodino
Roe
Rose
Rosenthal
Rostenkowski
Roybal
Russo
Sabo
Savage
Scheuer
Schroeder
Schumer
Seiberling
Shamansky
Shannon
Sharp
Shelby
Simon
Smith (IA)
Smith (NJ)
Smith (PA)
Snyder
Solarz
St Germain
Stanton
Stark
Staton
Stokes
Stratton
Studds
Swift
Synar
Taylor
Thomas
Traxler
Udall
Vento
Volkmer
Walgren
Wampler
Washington
Watkins
Waxman
Weaver
Weiss
White
Whitley
Whitten
Williams (MT)
Williams (OH)
Wilson
Wirth
Wolpe
Wortley
Wright
Wyden
Yates
Yatron
Young (AK)
Young (FL)
Young (MO)
Zablocki
Zeferetti

NOT VOTING—15

Ashbrook
Badham
Biaggi
Breaux
Brown (OH)
Burgener
Burton, John
Crane, Philip
Dornan
Goldwater
Kemp
LeBoutillier
Mattox
McCloskey
McDade

☐ 1500

The Clerk announced the following pairs:

On this vote:

Mr. Ashbrook for, with Mr. Biaggi against.

Mr. Kemp for, with Mr. John L. Burton against.

Mr. EVANS of Georgia changed his vote from "aye" to "no."

So the motion to recommit was rejected.

The result of the vote was announced as above recorded.

☐ 1515

The SPEAKER pro tempore. The question is on the resolution, as amended.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

RECORDED VOTE

Mr. FRENZEL. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 282, noes 132, not voting 19, as follows:

[Roll No. 49]

AYES—282

Addabbo
Akaka
Albosta
Alexander
Anderson
Andrews
Annunzio
Applegate
Aspin
AuCoin
Bailey (PA)
Barnard
Barnes
Bedell
Beilenson
Benjamin
Bennett
Bevill
Bingham
Blanchard
Boggs
Boland
Bolling
Boner
Bonior
Bonker
Bouquard
Bowen
Brinkley
Brodhead
Brooks
Broomfield
Brown (CA)
Broyhill
Burton, Phillip
Butler
Byron
Campbell
Carney
Chappell
Chisholm
Clausen
Clay
Clinger
Coelho
Collins (IL)
Conable
Conyers
Corcoran
Coyne, William
Crockett
D'Amours
Daniel, Dan
Daschle
Davis
de la Garza
Dellums
Derrick
Derwinski
Dicks
Dingell
Dixon
Donnelly
Dorgan
Dougherty
Dowdy
Downey
Duncan
Dwyer
Dymally
Dyson
Early
Eckart
Edgar
Edwards (AL)
Edwards (CA)
English
Erdahl
Erlenborn
Ertel
Evans (GA)
Evans (IA)
Evans (IN)
Fary

Fascell
Fazio
Ferraro
Findley
Fish
Fithian
Flippo
Florio
Foley
Ford (MI)
Ford (TN)
Forsythe
Fountain
Fowler
Frank
Frenzel
Frost
Fuqua
Garcia
Gaydos
Gejdenson
Gephardt
Gibbons
Gingrich
Ginn
Glickman
Gonzalez
Gore
Gray
Green
Guarini
Hagedorn
Hall (OH)
Hamilton
Hammerschmidt
Hance
Harkin
Hatcher
Hawkins
Hefner
Heftel
Hertel
Hightower
Hillis
Holland
Hollenbeck
Horton
Howard
Hoyer
Huckaby
Hughes
Hutto
Hyde
Jeffords
Jenkins
Jones (NC)
Jones (OK)
Jones (TN)
Kastenmeier
Kazen
Kennelly
Kildee
Kogovsek
LaFalce
Lantos
Leath

Lehman
Leland
Levitas
Lewis
Livingston
Long (LA)
Long (MD)
Lott
Lowry (WA)
Luken
Lundine
Markey
Marlenee
Martin (IL)
Martin (NY)
Matsui
Mavroules
Mazzoli
McClory
McCurdy
McHugh
McKinney
Mica
Michel
Mikulski
Miller (CA)
Mineta
Minish
Mitchell (MD)
Moakley
Moffett
Molinari
Mollohan
Montgomery
Morrison
Murphy
Murtha
Myers
Natcher
Neal
Nelson
Nichols
Nowak
O'Brien
Oakar
Oberstar
Obey
Ottinger
Panetta
Patman
Patterson
Pease
Pepper
Perkins
Peyser
Pickle
Price
Pritchard
Pursell
Quillen
Rahall
Railsback
Rangel
Ratchford
Regula
Reuss

Rhodes
Richmond
Rinaldo
Robinson
Rodino
Roe
Rose
Rosenthal
Rostenkowski
Roybal
Rudd
Russo
Sabo
Savage
Sawyer
Scheuer
Schulze
Schumer
Seiberling
Shamansky
Shannon
Sharp
Shelby
Simon
Smith (IA)
Smith (NJ)
Smith (PA)
Snyder
Solarz
St Germain
Stanton
Stark
Stokes
Stratton
Studds
Swift
Synar
Tauzin
Traxler
Udall
Vander Jagt
Vento
Walgren
Wampler
Washington
Watkins
Waxman
Weaver
Weiss
White
Whitley
Whitten
Williams (MT)
Williams (OH)
Wilson
Wirth
Wolpe
Wortley
Wright
Wyden
Yates
Yatron
Young (AK)
Young (MO)
Zablocki
Zeferetti

NOES—132

Anthony
Archer
Atkinson
Bafalis
Bailey (MO)
Beard
Benedict
Bereuter
Bethune
Bliley
Brown (CO)
Carman
Chappie
Cheney
Coats
Coleman
Collins (TX)
Conte
Coughlin
Courter
Coyne, James
Craig
Crane, Daniel
Daniel, R. W.
Dannemeyer
Daub
Deckard

DeNardis
Dickinson
Dreier
Dunn
Edwards (OK)
Emerson
Emery
Evans (DE)
Fenwick
Fiedler
Fields
Gilman
Goodling
Gradison
Gramm
Gregg
Grisham
Gunderson
Hall, Ralph
Hall, Sam
Hansen (ID)
Hansen (UT)
Hartnett
Heckler
Hendon
Hiler
Holt

Hopkins
Hubbard
Hunter
Ireland
Jacobs
Jeffries
Johnston
Kemp
Kindness
Kramer
Lagomarsino
Latta
Leach
Lee
Loeffler
Lowery (CA)
Lujan
Madigan
Marriott
Martin (NC)
McCollum
McDonald
McEwen
McGrath
Miller (OH)
Mitchell (NY)
Moore

Moorhead
Mottl
Napier
Nelligan
Oxley
Parris
Pashayan
Paul
Petri
Porter
Ritter
Roberts (KS)
Roberts (SD)
Roemer
Rogers
Roth
Roukema

Rousselot
Santini
Schneider
Schroeder
Sensenbrenner
Shaw
Shumway
Shuster
Siljander
Skeen
Skelton
Smith (AL)
Smith (NE)
Smith (OR)
Snowe
Solomon
Spence

Stangeland
Staton
Stenholm
Stump
Tauke
Taylor
Trible
Volkmer
Walker
Weber (MN)
Weber (OH)
Whitehurst
Whittaker
Winn
Wolf
Wylie
Young (FL)

NOT VOTING—19

Ashbrook
Badham
Biaggi
Breaux
Brown (OH)
Burgener
Burton, John

Crane, Philip
Dornan
Foglietta
Goldwater
LeBoutillier
Lent
Lungren

Marks
Mattox
McCloskey
McDade
Thomas

The Clerk announced the following pairs:

On this vote:

Mr. Biaggi for, with Mr. Ashbrook against.

Mr. John L. Burton, with Mr. Dornan of California against.

Mr. Badham for, with Mr. Philip M. Crane against.

Mr. SAM B. HALL, JR., changed his vote from "aye" to "no."

So the resolution, as amended, was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

☐ 1530

GENERAL LEAVE

Mr. ANNUNZIO. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on the resolution just agreed to.

The SPEAKER pro tempore (Mr. BARNARD). Is there objection to the request of the gentleman from Illinois?

There was no objection.

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF H.R. 5789, ENERGY POLICY AND CONSERVATION ACT AMENDMENTS

Mr. HALL of Ohio, from the Committee on Rules, submitted a privileged report (Rept. No. 97-477) on the resolution (H. Res. 419) providing for the consideration of the bill (H.R. 5789) to amend the Energy Policy and Conservation Act to extend certain authorities relating to the international energy program, which was referred to the House Calendar and ordered to be printed.

ACKNOWLEDGING MARCH 29, 1982, AS THE 100TH ANNIVERSARY OF THE FOUNDING OF THE KNIGHTS OF COLUMBUS

Mr. FORD of Michigan. Mr. Speaker, I ask unanimous consent that the Committee on Post Office and Civil Service be discharged from further consideration of the resolution (H. Res. 418) acknowledging March 29, 1982, as the 100th anniversary of the founding of the Knights of Columbus, and commending such organization for a century of dedicated public service, and ask for its immediate consideration in the House.

The Clerk read the title of the resolution.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Michigan?

There was no objection.

The Clerk read the resolution, as follows:

H. Res. 418

Whereas the Knights of Columbus, a Catholic, family, fraternal service organization, was established in New Haven, Connecticut, one hundred years ago on March 29, 1882, to render aid and assistance to its members and to the community;

Whereas the Knights of Columbus has grown, on the appeal of its many beneficient activities, to more than one million members in the United States and to one million three hundred and fifty thousand members in seven thousand one hundred local councils throughout the world;

Whereas the Knights of Columbus provided vital comfort to Allied servicemen during World War I through hospitality huts near the frontlines bearing the invitation "Everybody welcome; everything free";

Whereas such organization continued its assistance to members of the armed services after World War I by providing both job training and employment services to returning veterans;

Whereas the Knights of Columbus has dedicated itself to the development of young leaders by establishing its own youth branch, the Columbian Squires (which currently has more than one thousand circles), by sponsoring almost one thousand Boy Scout troops, and by providing recreational and educational activities for youths at a cost of millions of dollars every year;

Whereas such organization's ardent love for country led to the foundation of a special branch known as the fourth degree, with about one thousand six hundred assemblies, which has as its chief mission the fostering of patriotism;

Whereas the Knights of Columbus was heavily involved in promoting legislation in Congress to reaffirm the phrase "under God" as part of the Pledge of Allegiance to the flag;

Whereas the organization has long been dedicated to the principle of people serving people and in the last recorded year gave more than nine million two hundred thousand volunteer hours to the community and over $32,000,000 for various charitable and benevolent activities, particularly to the underprivileged and the mentally handicapped;

Whereas the Knights of Columbus is committed to strengthening the family as the basic unit of society and the key to the Nation's strength and well-being; and

Whereas such organization always has been devoted to the moral and cultural as well as the material betterment of the family of man: Now, therefore, be it

Resolved, That the House of Representatives respectfully acknowledges March 29, 1982, as the one hundredth anniversary of the founding of the Knights of Columbus, and commends such organization for a century of dedication to the ideals of charity, unity, fraternity, and patriotism.

The resolution was agreed to.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. FORD of Michigan. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to extend their remarks on the resolution just agreed to.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Michigan?

Mr. DeNARDIS. Mr. Speaker, I reserve the right to object. I do so, Mr. Speaker, for the purpose of explaining the resolution and thanking the gentleman from Michigan for the clearance, and to say that on Monday of this week I had the privilege and high honor of attending the 100th anniversary mass commemorating the establishment of the Knights of Columbus, one of the great fraternal organizations of this country and other countries.

In a very moving mass at St. Mary's Church in New Haven, we remembered the courageous action of Father Michael J. McGivney, who 100 years ago this date, founded this Catholic fraternal organization which now has over 1 million members in over 7,000 local councils.

It was a great privilege for me to introduce the resolution that has just been undertaken here, and I thank the gentleman from Michigan for according me the opportunity on this occasion.

Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Michigan?

Mr. ROUSSELOT. Mr. Speaker, reserving the right to object, and I do not think I will object because I think 5 days is sufficient time to have people revise and extend their remarks, but why did the gentleman not allow us a vote on this important resolution?

Mr. FORD of Michigan. The resolution was received with such unanimity and anxiety because of the fact that the time is passing on this, that I am sure that is why the Chair was constrained to consider the unanimous consent request as a unanimous consent to consider and pass the resolution, and that is the reason that no vote is necessary.

If the gentleman wishes to have it reintroduced so that he can vote against it, I would be happy to accommodate him, but I am not aware of anyone in the House who wanted to be recorded in any way except that this was the unanimous action of the House of Representatives.

Mr. ROUSSELOT. Further reserving the right to object, I have no doubt that this would have great support in this House, and I was intending to vote for it. I thought that would please the gentleman so much to have me vote for something he brought up, but I realize he is bringing this up to help his prolife vote, so I will withdraw my reservation of objection.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Michigan?

Mr. MOAKLEY. Mr. Speaker, reserving the right to object, I will not object, but I thank the gentleman from Connecticut for working as hard as he did on this resolution, and I thank the chairman of the committee for bringing it up at this time.

Mr. Speaker, the resolution commemorates the 100th anniversary of the Knights of Columbus which occured this Monday.

Since the founding of the organization of March 29, 1882, the Knights of Columbus have been a powerful, useful and constructive force in this country. Their work in each community they serve is well known to each Member of this House and I think it is highly appropriate that the House take official notice of this event which is so important to the 1 million members in this country.

In the last recorded year, the Knights have devoted more than 9 million man-hours and $32 million to various charitable undertakings. The particular dedication of the Knights of Columbus to the values of patriotism and the family warrant our special attention.

I think the few minutes we are taking today to acknowledge that work are important in assuring the Knights of Columbus of the high regard in which we hold their members and the value we attach to their many contributions to our Nation.

Mr. FRANK. Mr. Speaker, will the gentleman yield?

Mr. MOAKLEY. I yield to my colleague, the gentleman from Massachusetts (Mr. FRANK).

Mr. FRANK. Mr. Speaker, I rise in support of the resolution.

Mr. Speaker, I am very pleased to have the opportunity to join in support of this resolution commemorating the 100th anniversary of the Knights of Columbus which occurred on March 29. The charitable work which the Knights of Columbus carry on in communities across this Nation, well deserve the commendation which this resolution represents. The Knights of Columbus have distinguished themselves throughout their history by their concern for their fellow citizens. Their work exemplifies the spirit of charity and community concern about which we often hear a great deal but which we, unfortunately, do not as often see carried out. The Knights of Columbus are to be congratulated for setting a fine example for their fellow citizens of how good intentions can be translated into good deeds.

At a time when many across the Nation are talking about the need for a greater degree of effort on the part of the nongovernmental sector, on behalf of various important causes, the example of the diligent and useful work of the Knights of Columbus in communities across the Nation is an important one to have.

Mr. DONNELLY. Mr. Speaker, will the gentleman yield?

Mr. MOAKLEY. I yield to my colleague, the gentleman from Massachusetts.

Mr. DONNELLY. Mr. Speaker, I rise in support of the resolution.

Mr. Speaker, this week we honor the centennial anniversary of the founding of the Knights of Columbus fraternal service organization. The Knights of Columbus has established itself over the last 100 years as a positive force in our country, and most directly, in our towns and cities. The Knights are dedicated to the ideals of charity, unity, fraternity, and patriotism. Those ideals, and the many activities of the Knights' local councils to further them, bespeak a sense of community and caring that is beneficial to all Americans, and our quality of life. Mr. Speaker, we in the United States face many trials on the domestic and international scene every day. It is too easy for us to grow distant from our neighbors; it is too easy for us to become withdrawn from the problems of others. In reflecting upon that observation, we can be reassured and thankful that there are organizations in our towns and cities such as the Knights of Columbus. I can only add that I hope the Knights' second 100 years of service can be as productive and good for our country as has been their first 100 years.

Mr. MOAKLEY. Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Michigan?

Mr. DAUB. Mr. Speaker, reserving the right to object, I shall not object, but I wish to associate myself with the remarks the other gentlemen have made. The Knights of Columbus is an outstanding organization.

Mr. Speaker, 100 years ago today, Rev. Father Michael J. McGivney, with a small group of his fellow parishioners in New Haven, Conn., laid the groundwork for a society that has grown into a worldwide organization dedicated to civic and charitable work—the Knights of Columbus.

Father McGivney could not have conceived of the vast potential and future growth of the institution he founded. Like so many innovators, he was motivated by immediate necessities—his own poverty, the humble station of his parishioners, and their difficult economic circumstances. His goal was simply to provide the assistance and security that a community can give to its individual members. However, like so many who have been nobly and selflessly inspired, the good seed that he planted has flowered beyond his greatest expectations.

One hundred years later, we can learn a lesson from the Knights of Columbus and their founder—a lesson of dedicated voluntarism, a lesson of generous charity, a lesson of faith in God.

It is indeed a privilege to join with my colleagues in saluting the Knights of Columbus and their outstanding work on this, their centenary anniversary.

Mr. NELLIGAN. Mr. Speaker, I am pleased to recognize the 100th anniversary of the Knights of Columbus. My cosponsorship of House Resolution 344 indicates the high regard I have for this charitable organization.

One hundred years ago, the Knights were founded as a fraternal organization of Catholics by Father Michael J. McGivney, curate of St. Mary's Parish in New Haven, Conn. Originally, the organization was set up to aid the families of members who passed away. Since then, the organization has broadened its focus to include a wide range of charitable works.

Membership of this fine organization now numbers over a million strong, with councils serving the needs of thousands of communities nationwide. The Knights of Columbus also work to meet the needs of old and young alike.

Today, we commemorate and pay tribute to the generosity of spirit of the Knights and recognize the high ideals of fraternity, faith, and patriotism of this organization. I also want to recognize the many Knights of Columbus in my own district, who have worked to enrich our communities over the years.

In congratulating the Knights of Columbus, I want to encourage them to continue their goodhearted and charitable efforts.

●Mrs. HECKLER. Mr. Speaker, the 100th anniversary on March 29 of the 1.3 million member Knights of Columbus gives us occasion to reflect on the true meaning of the phrase, freedom's pride.

One hundred years ago, Catholics in Boston and most other cities of America were a despised minority, poor, uneducated, working long hours at dangerous and unsafe jobs just to stay alive, even reduced to joining secret societies.

Michael J. McGivney, a young curate at St. Mary's Church in New Haven, Conn., came from just such a family. His father, too, died young, leaving him with the enormous responsibility of bringing up eight younger brothers by working in a spoon factory.

Shortly after his delayed ordination as a priest, Father McGivney began working with Catholic laymen to promote a fraternity to encourage their faith and provide insurance for their wives and children. When Father McGivney died only 8 years later, Knights of Columbus posts were spreading through New England. There are now 7,156 councils across the world with 1.35 million members, and 1 million members in the United States. Massachusetts has 209 councils and 58,847 members.

The community and charitable services of the Knights of Columbus are legend. In 1980 alone, the Knights of Columbus provided $31.7 million to help the handicapped, the elderly, and the young. They also devoted 9.2 million hours of volunteer time to community and church services.

The Knights have dedicated themselves to the development of young leaders by establishing a youth branch, the Columbia Squires, and by sponsoring almost 1,000 Boy Scout troops. In addition, the organization provides recreational and educational activities for youths every year at a cost of millions.

Moreover, in its love of country, the Knights of Columbus has established a special branch known as the fourth degree, with about 1,600 assemblies, with the mission of fostering patriotism.

But the real meaning and significance of the 100th anniversary of the Knights of Columbus lies not just in what they have done and are continuing to do, but in their flourishing success in a climate of freedom unknown to almost any other society. The Knights of Columbus, like many other charitable fraternities sponsored by church and social groups, was started in an era characterized by religious and group prejudice we find incredible today.

We still have a long way to go toward a society in which the rights of all are respected, and the abilities of everyone exercised to his or her fullest. But if it can be said that we stand on the shoulders of giants who saw into the future from the past, then, surely, the Knights of Columbus can be recognized as such a giant. And in that sense, it is not we that honor them, but that they honor us, by actually being freedom's pride.●

● Mr. MAZZOLI. Mr. Speaker, I wish to recognize and pay tribute to the Knights of Columbus who are celebrating a full century of rich service to our great Nation—where it was founded—and to many other nations of the world.

The great and distinguished Catholic laymen of the Knights of Columbus devote their time and energies to assisting the needy of this land, the handicapped, and the destitute.

Mr. Speaker, the Knights of Columbus are stalwart in their defense of the rights and value of the unborn and have been unwavering prolife over the years.

I extend my heartiest congratulations and thanks to an organization which has so unselfishly given of itself to others and I wish the Knights of Columbus another century of progress and accomplishment.●

● Mrs. MARTIN of Illinois. Mr. Speaker, in the last 100 years, the tradition of Knights of Columbus' involvement with church, community, and country has been outstanding. House Resolution 418, which officially acknowledges the 100th anniversary of this organization and commends its 1 million members and over 7,000 local councils, is more than worthy of immediate adoption by this body.

I addressed a recent assembly of fourth degree Knights of Columbus of the Marquette Province, western district of Illinois, and can attest to the contribution to country and community made by these individuals. Bishop Arthur J. O'Neill of my home diocese, himself a member of the Knights of Columbus, has often spoken of the religious and patriotic tradition which has guided and will continue to guide this organization. The Knights of Columbus help make our society a better place in which to live by fulfilling the precepts of the Catholic Church through their civic and charitable endeavors.

Mr. Speaker, I, for obvious reasons, do not join or tend to support many fraternal organizations. But the work of this organization during the last 100 years with youth, mentally handicapped, veterans, members of the Armed Forces, and the underprivileged, sets a standard for other charitable and benevolent organizations to attempt to equal.

It is indeed a privilege for the Congress and for me to participate in honoring the Knights of Columbus on their anniversary. I urge all my colleagues to support the resolution recognizing this charitable organization.●

Mr. DAUB. Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Michigan?

There was no objection.

RESOLUTION INTRODUCED EXPRESSING SENSE OF THE HOUSE THAT EDUCATION PROGRAMS BE FULLY FUNDED

(Mr. SIMON asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SIMON. Mr. Speaker, as many Members of the House know, the President's fiscal year 1983 budget for higher education has not been well received in the higher education community nor by the Democratic or Republican Members of this House. The Reagan administration's budget request for fiscal year 1983 renigs on a long-standing Federal commitment to equal opportunity and "access" and some measure of "choice" for low- and middle-income students.

The resolution which I am introducing today, with bipartisan support of the members of the Subcommittee on Postsecondary Education and 91 cosponsors expresses the sense of the House of Representatives that the Pell grant, supplemental educational opportunity grant, college work study, State student incentive grant programs, and the national direct student loan program should be fully funded. The resolution also expresses the sense of the House that no legislative changes should be made in the guaranteed student loan program, especially those changes recommended by the administration which would deny graduate and professional school students GSL loans.

The resolution emphasizes that:

Elimination of GSL eligibility will cause graduate and professional students great financial hardship and lead to possible termination of their educational careers;

The Nation will suffer from the failure to provide opportunities to develop fully the mental resources and technical skills of its young men and women;

The total amount of Federal resources available for student aid for academic year 1982-83 has already been substantially reduced;

The maximum Pell grant has steadily declined over the past 2 years while the cost of attending college has increased substantially;

The House of Representatives and the Senate, as of December 10, 1981, have endorsed a Pell grant need analysis for the 1982-83 academic year that preserves access to Pell grants for an estimated 2.6 million students; and

The House of Representatives is committed to assuring needy students access to higher education.

This resolution, drafted by the subcommittee members, draws on the work of my colleagues Representatives Moffett, Hopkins, Dunn, and Emery. I want to especially commend my friend from Connecticut, Mr. Moffett, who took the initiative and urged subcommittee action on House Resolution 375, on which we have based the subcommittee resolution. I also want to publicly acknowledge the contributions and cooperation of all the members of the subcommittee and the distinguished chairman of the Education and Labor Committee, Mr. Perkins, to the drafting of the resolution.

Sheldon Hackney, president of the University of Pennsylvania, recently capsulized the importance of maintaining adequate funding for higher education programs—

> The cuts (in higher education) constitute a dramatic retreat from a 25 year, bipartisan commitment to equal opportunity in higher education. This is not only a shameful retreat from equality of opportunity, but an unwise disinvestment in the future of our country.

I hope that many more of my colleagues in the House will join this bipartisan effort to show our commitment to the future greatness of our Nation.

Mr. HOPKINS. Mr. Speaker, will the gentleman yield?

Mr. SIMON. I yield to my colleague, the gentleman from Kentucky.

(Mr. HOPKINS asked and was given permission to revise and extend his remarks.)

Mr. HOPKINS. Mr. Speaker, I thank my colleague for yielding.

Mr. Speaker, I would like to express my strong support for the resolution the gentleman from Illinois, Mr. Paul Simon, is introducing on behalf of those of us who are fighting for higher education.

The purpose of this resolution is to protect the opportunity of our students' in obtaining as much education as they desire.

As many of you are aware, February 24 I introduced a resolution to keep graduate and professional students eligible under the guaranteed student loan program. This is incorporated in Mr. Simon's resolution and I am pleased to join with him in combining and strengthening our individual efforts.

In Kentucky alone, there are 16,000 graduate and professional students. Of those, 71 percent receive some form of financial aid. Denying these students access to loans is a slap at America's future as well. How can you consider these loans and grants an investment in our long-term prosperity?

I have long been a supporter of education. In the 96th Congress I voted in favor of extension of authorization for Federal higher education programs through fiscal year 1985. Here again, the need for a well-educated internationally competitive work force is the key to a strong economy.

The education loan programs have already taken their fair share of cuts and any more I feel would be unfair.

During the period of 1970-79 there was a 9.4-percent decline in public elementary and secondary school enrollments and a modest 2-percent increase in postsecondary enrollments during the same period. In other words, more money is needed to finance the education of our higher education students.

My original resolution is incorporated into Mr. Simon's along with the language to protect the Pell grants and campus-based programs.

Let me use Kentucky as an example of the number of students that could be affected should we here in Congress not join together and protect our educational aid programs.

Number of college students in Kentucky—part time and full time, 131,182;

Number receiving financial aid, 74,814;

Number receiving campus-based aid, fiscal year 1981, 32,800;

Kentucky default record on financial aid, one of the lowest in the country, 2.3 percent.

TRIBUTE TO WILLIAM McCORMICK BLAIR

(Mr. McCLORY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. McCLORY. Mr. Speaker, one of the Nation's most distinguished citizens, William McCormick Blair, has come to the end of his long and illustrious life.

If a human could be described as retaining eternal youth, the late Bill Blair came close to meeting that description. Born in Chicago on May 2, 1884, Bill Blair played tennis and golf at age 90. He did not give up driving his car, even on extended trips, until age 91. And at age 93 he took his first flight on the supersonic Concorde.

The son of Edward Tyler Blair and Ruby McCormick Blair, Bill Blair was descended from a long line of Midwest pioneers who were among the business and civic leaders who made Chicago a business and cultural center.

A graduate of Groton School and Yale University, Bill Blair established his own identity in the fields of business and finance as head of the investment firm of William Blair & Co. in Chicago. He achieved a reputation for responsible business and economic judgment. He served as president of the Art Institute of Chicago from 1958 to 1966, and was a former president of the Chicago Historical Society, the Commercial Club of Chicago and the Chicago Club. He served as a life trustee of the University of Chicago, and as an honorary trustee of the Field Museum of Natural History.

Mr. Speaker, beyond all of these achievements, Bill Blair was a longtime personal friend. My contacts with him were as a friend and neighbor in Lake Bluff where he endowed our hometown with generous gifts of property adding to the beauty of this beloved community. When I served formerly as a leader of the Boy Scouts in the North Shore area, Bill Blair was always both a contributor and a member of the finance committee. Again, during my career of public service, Bill Blair was a loyal and active supporter. He and I met most recently in this regard just a little over 2 years ago when he joined with a group of my friends at the Chicago Club where former President Gerald Ford honored us at a luncheon "fund raiser."

It is with a sense of personal loss and reflection that today I recall the long and useful life and his recent passing on Monday, March 29.

Mr. Speaker, Bill Blair was preceded in death by his wife of 60 years, Helen Haddock Bowen who likewise was a leading citizen of the Chicago community and member of a prominent family.

Many of us in this Chamber will take note that William McCormick Blair, Jr., our former Ambassador to Denmark and to the Philippines, and today a leading citizen of our capital city, is one of the late Bill Blair's three sons. The other two, Edward McCormick Blair and Bowen Blair, who also reside within or near my constituency, have established themselves in successful business careers.

Mr. Speaker, I am confident that many others in this Chamber, including particularly those Members from Illinois, will pause with me at this time in respect to the late William McCormick Blair, and to express sympathy to his loved ones. My wife, Doris, joins in this expression of affection, appreciation, and compassion.

LEGISLATION INTRODUCED TO ESTABLISH SELECT COMMITTEE ON CHILDREN, YOUTH, AND FAMILIES

(Mr. MILLER of California asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous matter.)

Mr. MILLER of California. Mr. Speaker, I am introducing today legislation to establish a Select Committee on Children, Youth, and Families in the House of Representatives. Joining me in this bipartisan effort are: Congressmen JIM JEFFORDS, TED WEISS, HENRY HYDE, HENRY WAXMAN, JOHN ROUSSELOT, and Congresswoman LINDY BOGGS. More than 70 colleagues already have endorsed this important resolution.

We have all said it time and again, and we have heard it said by others: "Our most important resource, and the future of our country, are our children and youth." I deeply believe that it is time we stopped just talking about children as our most important resource, and start supporting the healthy and successful development of that resource.

Our Nation's children are neither partisan nor powerful. As they grow, they face problems they did not create and which they cannot control. But our children and youth, and their families, are affected by government and private sector policies involving education, employment, health and nutrition, law enforcement as well as by general economic trends.

We know that:

There are approximately 64 million children in the United States, and the number of children under age 10 may increase by 20 percent by 1990.

Substantial improvement in the status of children has occurred in the last 20 years, but a higher proportion of children are in poverty today than in 1969.

There has been a dramatic reduction in both the infant mortality rate and malnutrition in the United States, but nearly 10 million children still have no known source of regular health care.

Unprecedented numbers of children attend school and enroll in college, but there are still 25 high school dropouts for every 100 graduates, and the unemployment rate for dropouts is 50 percent higher than for high school graduates.

More than 500,000 children grow up in foster homes, group homes, or institutions without a permanent home or family.

Changing employment patterns and economic necessity mean that millions of additional parents will be employed during this decade, substantially increasing the demand for day care services.

At this time of change in national policies and economic circumstances, we in the Congress have a responsibility to conduct a comprehensive review of our policies which affect children and families.

But we also know that Congress fragmented system of committees and our elaborate budget process inhibit our ability to look carefully at these diverse and complex circumstances affecting children and families apart from Federal programs and budget functions. As a result, all too often the voices of children and youth are not given a full hearing because of the procedural and structural hurdles created by the current congressional committee system.

The resolution which I am introducing today would rescue children, youth, and families from their currently invisible status in the legislative process. A Select Committee on Children, Youth and Families will provide Congress a tool to assure accountability and reduce overlap among existing programs and policies affecting children and their families. The committee will have no legislative jurisdiction, but will provide continuing review of the status, needs, and successes of this special constituency.

The select committee which we propose will be limited to two Congresses. The dollars we may be able to save in the long term by carefully considering the lessons of the past and trends of the future are well worth an investment by this Congress in a committee whose sole responsibility is the assessment of the needs and interests of the children, youth, and families of this country.

Scores of national organizations have endorsed our resolution. They include:

LIST OF SUPPORTING ORGANIZATIONS

American Academy of Child Psychiatry.
American Academy of Pediatrics.
American Coalition of Citizens with Disabilities.
American Home Economics Association.
American Public Health Association.
American School Food Service Association.
Association of Junior Leagues, Inc.
Center for Public Advocacy Research.
Children's Defense Fund.
Children's Foundation.
Children's Hospital National Medical Center, Child Protection Unit.
Child Welfare League of America
Contra Costa (California) Children's Center.
Corporate Child Development Fund for Texas.
Council for Exceptional Children.
Council of Great City Schools.
Council of Jewish Federations.
Day Care Council of America.
Family Impact Seminar.
Family Service Association of America.
Food Research and Action Council.
Gerber Products Company.
Girls Clubs of America.
Lutheran Council in the USA, Office of Governmental Affairs.
March of Dimes.
Mental Health Law Project.
National Association of Homes for Children.
National Black Child Development Institute.
National Coalition of Hispanic Mental Health and Human Services Organizations (COSSMHO).
National Committee for Adoption.
National Committee for Citizens in Education.
National Committee for Prevention of Child Abuse.
National Conference of Catholic Charities.
National Council of Negro Women.
National Easter Seal Society.
National Exchange Club Foundation.
National Network of Runaway Youth.
National Organizations Advisory Council for Children.
National PTA.
National Youth Work Alliance.
North American Council on Adoptable Children.
Parents Anonymous.
Parents United.
Save the Children.
Society for Research in Child Development, Committee on Child Development and Social Policy.
U.S. Catholic Conference.
Candlelighters Foundation.

Bay Area Child Care Law Project.
National Head Start Association.
National Center for Clinical Infant Programs.

The Select Committee on Children, Youth and Families will provide Congress an essential vehicle to review public and private sector policies affecting young Americans and their families in the years ahead. Congress has an obligation to assure the humane and fair chance for a productive life for all the Nation's children. The Select Committee will give us that opportunity. I urge you to join me in this extremely important effort.

H. Res. 421

Resolution to amend the Rules of the House of Representatives to establish a Select Committee on Children, Youth and Families

Whereas, Congress finds that strong family relationships are crucial to the health and optimal development of children; and

Whereas, there are approximately 64 million children in the United States, and the number of children under age 10 may increase by 20 percent in the next decade; and

Whereas, decisions of the Federal Government involving education, employment, health and nutrition, law enforcement or economic policy have a substantial effect upon the well-being of American children and their families; and

Whereas, a combination of governmental and private sector efforts are necessary to provide services and support for families and children; and

Whereas, the House of Representatives lacks the capacity to conduct comprehensive oversight affecting our Nation's children, youth and families: Now, therefore, be it

Resolved, That clause 6 of rule X of the Rules of the House of Representatives is amended by inserting at the end thereof the following:

"(h)(1) There shall be in the House the Select Committee on Children, Youth and Families, which shall not have legislative jurisdiction but which shall have jurisdiction—

"(A) to conduct a continuing comprehensive study and review of the problems of children, youth and families, including but not limited to income maintenance, health (including medical and child development research), nutrition, education, welfare, employment, and recreation;

"(B) to study the use of all practicable means and methods of encouraging the development of public and private programs and policies which will assist American children and youth in taking a full part in national life and becoming productive citizens;

"(C) to develop policies that would encourage the coordination of both governmental and private programs designed to address the problems of childhood and adolescence.

"(2) The select committee shall be composed of no more than 36 members.

"(3) The select committee shall cease to exist at the close of the Ninety-ninth Congress.".

List of Cosponsors to Proposed Select Committee on Children, Youth and Families

Mr. Jeffords, Mr. Weiss, Mr. Hyde, Mr. Waxman, Mr. Rousselot, Mrs. Boggs, Mr. Addabbo, Mr. Andrews, Mr. Beard, Mr. Blanchard, Mr. Bonker, Mr. Brodhead, Mr. John L. Burton, Mr. Phillip Burton, Mrs. Chisholm, Mr. Coelho, Mr. Conte, Mr. Corrada, Mr. Crockett, Mr. Dellums, Mr. de Lugo, Mr. Dixon, Mr. Downey, Mr. Duncan, Mr. Dwyer, Mr. Dymally, Mr. Edgar, Mr. Edwards of California, Mr. Fauntroy, Mr. Fazio, Ms. Ferraro, Mr. Fish, Mr. Foglietta, Mr. Ford of Michigan, Mr. Ford of Tennessee, Mr. Frank, Mr. Gejdenson, Mr. Gray, Mr. Hawkins, Mr. Hertel, Mrs. Kennelly, Mr. Lantos, Mr. Lehman, Mr. Leland, Mr. Lowery of California, Mr. Lowry of Washington, Mr. Lujan, Mr. Markey, Mr. Marriott, Mr. Matsui, Ms. Mikulski, Mr. Minish, Mr. Mitchell of Maryland, Mr. Moffett, Mr. Murphy, Mr. Natcher, Ms. Oakar, Mr. Oberstar, Mr. Ottinger, Mr. Panetta, Mr. Pepper, Mr. Perkins, Mr. Porter, Mr. Rangel, Mr. Richmond, Mr. Rosenthal, Mr. Roybal, Mr. Sabo, Mrs. Schroeder, Mr. Schumer, Mr. Shannon, Mr. Simon, Mr. Smith of Pennsylvania, Mrs. Snowe, Mr. Solarz, Mr. Stark, Mr. Stokes, Mr. Sunia, Mr. Traxler, Mr. Whitehurst, Mr. Williams of Montana, Mr. Wilson, Mr. Yates, and Mr. Zeferetti.

EAST-WEST TRADE REPORT FOR THIRD QUARTER OF 1981—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES

The **SPEAKER** pro tempore laid before the House the following message from the President of the United States; which was read and, together with the accompanying papers, without objection, referred to the Committee on Ways and Means:

(For message, see proceedings of the Senate of today, Wednesday, March 31, 1982.)

GENERAL LEAVE

Mr. **LOWRY** of Washington. Mr. Speaker, I ask unanimous consent that all Members be permitted to extend their remarks, and to include therein extraneous material, on the subject of the special order speech today by the gentleman from Wisconsin, Mr. Zablocki.

The **SPEAKER** pro tempore. Is there objection to the request of the gentleman from Washington?

There was no objection.

☐ 1545

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The **SPEAKER** pro tempore. The Chair announces that we will proceed with recognizing Members for special orders and 1-minute speeches pending the receipt of other business.

CONGRATULATIONS TO THE NORTH CAROLINA TARHEELS—AND TO GEORGETOWN, TOO

(Mr. **ANDREWS** asked and was given permission to address the House for 1 minute.)

Mr. **ANDREWS**. Mr. Speaker, I would like to call attention to a memorable athletic contest played Monday night in New Orleans, in which many people of North Carolina and elsewhere had considerable interest.

The Tarheels of the University of North Carolina emerged with the national basketball championship by defeating a very fine Georgetown University team, 63-62.

It was the first national championship in exactly 25 years for this great institution, of which I and many others have the privilege of being alumni.

I cannot recall a more exciting or well-played game. Both teams played outstandingly. Both were well-coached and highly disciplined, and both displayed great poise under extreme pressure.

Moreover, I believe that all the players, coaches, and representatives of these two teams reflect highly on the great spirit of intercollegiate athletics.

I would particularly commend the two coaches, Dean Smith of North Carolinia and John Thompson of Georgetown, two old friends who represent the best this sport has to offer. For Coach Smith, the victory was especially pleasing. This was his seventh appearance in the final four, and I am happy for him that his distinguished career now includes the highest honor of this sport.

Many goals were accomplished. Among others, as was said by UNC chancellor Christopher Fordham, it proves that good guys can still win.

SCHROEDER ESTIMATES $54 MILLION COST TO TAXPAYERS IF STOPGAP FUNDING BILL NOT PASSED TODAY

(Mrs. **SCHROEDER** asked and was given permission to address the House for 1 minute and to revise and extend her remarks and include extraneous matter.)

Mrs. **SCHROEDER**. Mr. Speaker, I wish to share with the Members my thoughts on the stopgap funding bill, and I include herewith my press release of today's date on that subject, as follows:

Schroeder Estimates $54 Million Cost to Taxpayers if Stopgap Funding Bill Not Passed Today

Rep. Patricia Schroeder (D-Colorado) announced that failure to pass a stopgap appropriations bill before tomorrow will cost taxpayers nearly $54 million.

Rep. Schroeder estimated that the first day of a government shutdown would cost $54 million and each additional day would cost $50 million, based on a detailed analysis of the cost of shutting down the government on November 23, 1981 done by the Subcommittee on Civil Service, which she chairs.

While the cost of shutting down the government in November was $85 million, Schroeder said, since that time regular appropriations bills have passed for some of the larger agencies effected by that funding gap, such as the Departments of Transportation, Housing and Urban Development, and Agriculture.

"The law is clear that, unless an appropriations bill is passed, only essential employees can do their regular jobs," Schroeder said. "The rest have to be sent home as soon as they have finished packing up their desks."

The current appropriations authority for the Departments of Labor, Education, Health and Human Services, Treasury, State, Justice and Commerce, as well as for numerous smaller agencies, including the Small Business Administration, General Services Administration, Office of Management and Budget, and Office of Personnel Management, expires at midnight tonight.

The House of Representatives passed a simple extention on March 24. So far, the Senate has failed to act, partly because it has become mired in a debate over repealing the special tax break for members of Congress passed last December.

"Because Congress and the President cannot agree on a budget, we are prevented from passing regular appropriations bills," Schroeder said. "Instead, we are forced to pass emergency stopgap funding bills. Again and again, continuing resolutions become the playing field for games of multi-million dollar chicken.

"Failure to extend the current continuing resolution will be tantamount to burning a pile of 540,000 $100 bills in the Capitol Rotunda on Thursday. If we don't act again on Thursday, we can burn another 500,000 $100 bills the next day."

Schroeder estimated that no more than one employee in ten in the agencies funded out of the continuing resolution could be designated as "essential" under current law. This means that nearly 418,000 Federal workers would have to be sent home if legislation is not enacted.

COST OF FUNDING LAPSE, APRIL 1, 1982

Employees in agencies subject to continuing resolution expiring at midnight, Mar. 31, 1982:	
Commerce	35,186
Education	6,066
Health and Human Services	149,169
Justice	54,539
Labor	20,708
State	23,408
Treasury	116,989
General Services Administration	32,352
Office of Personnel Management	8,041
Other agencies[1]	33,822
Total number of employees	480,280
Employees whose positions are funded by authority other than annual appropriations[2]	14,408
Employees deemed essential[3]	48,028
Nonessential employees	417,844
Pay to nonessential employees[4]	$48,052,060
Administrative costs[5]	$3,794,024
Costs to central Government agencies[6]	$2,000,000
Total cost to taxpayers	$53,846,084

[1] Includes Federal Communications Commission, Federal Maritime Commission, Federal Trade Commission, International Trade Commission, Marine Mammal Commission, Office of the United States Trade Representative, Securities and Exchange Commission, Small Business Administration, U.S. Metric Board, Commission on Civil Rights, Equal Employment Opportunity Commission, Arms Control and Disarmament Agency, Board for International Broadcasting, Commission on Security and Cooperation in Europe, International Communication Agency, Japan-U.S. Friendship Commission, Executive Office of the President, Administrative Conference of the United States, Advisory Commission for Purchase from the Blind and Other Severely Handicapped, Federal Election Commission, Merit Systems Protection Board, Office of the Special Counsel, Federal Labor Relations Authority, Federal Mediation and Conciliation Service, National Labor Relations Board, National Mediation Board, Action, Federal Mine Safety and Health Review Commission, Occupational Safety and Health Review Commission, Railroad Retirement Board, Soldiers' and Airmen's Home.

[2] Based on data supplied by agencies showing a government-wide average of 3.1 percent of employees within these agencies being paid through no-year and multi-year appropriations.

[3] Based on data supplied by agencies showing a government-wide average of 10 percent of employees within those agencies being deemed "essential" under guidelines issued by the Office of Management and Budget.

[4] Based on average daily compensation of $115 per employee, based on data provided by agencies.

[5] Based on $9.08 of administrative costs per non essential employee, which is the average of agency supplied data.

[6] Subcommittee estimate of staff time spent on extraordinary functions performed by Office of Management and Budget (providing guidance to agencies), Office of Personnel Management (staffing services and agency relations), General Services Administration (security and shutdown of buildings), and Executive Office of the President (providing guidance to agencies).

AMERICA'S PRIMARY RESPONSIBILITY IN THE CARIBBEAN

(Mr. de LUGO asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous matter.)

Mr. de LUGO. Mr. Speaker, there has been a lot of talk about the Caribbean lately. As the Representative of islands that are at once part of America and the Caribbean, I welcome this attention.

Count me among those who support the development of a Caribbean Basin Initiative. This Nation, for reasons of self-interest as well as humanitarian obligations, should have developed a Caribbean assistance policy long ago.

But we cannot ignore the persistent problems plaguing our own Caribbean U.S.-flag territories if we expect to promote economic and political stability in the region.

The President recognized this by proposing that special measures for the Virgin Islands and Puerto Rico be part of the initiative. However, the Caribbean Basin legislation, as written, would not adequately translate this policy premise into actual policy. It needs to be stengthened to insure that we do not assist the foreign areas of the Caribbean at the expense of the domestic areas of the Caribbean.

A New York Times article last Friday described the problems facing the U.S. Virgin Islands and the Federal responsibility to help overcome them. I commend the article to the Members' attention:

[From the New York Times, Mar. 26, 1982]

VIRGIN ISLANDS' TROUBLES

(By Doris Deakin)

BETHESDA, MD.—It is well and good for President Reagan to offer economic assistance to the Caribbean countries, but it would be a mistake if the Administration and Congress continue to slight the serious problems of the United States Virgin Islands.

In his Caribbean Basin policy speech, Mr. Reagan said that the United States would resist efforts to "take us back to colonialism." That, too, is well and good. But the United Nations classifies the United States Virgin Islands as a colony. How Washington deals with the potentially explosive situation in the Islands could be as important as anything else it does in the Caribbean.

Islands license plates say: "American Paradise." On the contrary, the Islands are suffering from racial tensions, a crime wave, a near-breakdown of municipal services, urgent problems of urbanization and industrialization, a lack of strategic natural resources, and a spreading distrust of government.

Mr. Reagan spoke of "our special, valued relationship" with the Islands. However, the special relationship contributes to the Islands' problems. Under law, the Virgin Islands—three main islands (St. Thomas, St. Croix, and St. John) and about 50 smaller islands and islets—constitute an "unincorporated territory." "Unincorporated" means that the Islands do not necessarily enjoy the constitutional rights guaranteed to states and incorporated territories.

Congress has plenary power over the Islands. Earle Ottley, an important Islands political figure, says: "We have to go to Washington and genuflect for everything." Leon Hess, board chairman of the Amerada Hess Corporation, which operates a major oil refinery on St. Croix, sums up the dependency: "These territories have to live by their wits." Neither genuflecting nor wit has so far persuaded Washington to take a sustained interest in the problems of its colony.

Uncontrolled population growth is a major problem. In 1960, the islands had 33,000 people; in 1980, the census showed 95,591. Unofficial estimates, which include illegal aliens who avoid censustakers, range up to 120,000. "We became a modern society overnight," says Julio A. Brady, Federal programs coordinator for the Islands. The result: urban slums, family breakdown, crime.

Federal policies have aggravated the population problem. In 1956, with building and tourist booms under way on the Islands, the Immigration and Naturalization Service adopted a liberal interpretation of a section of the immigration law popularly known as H-2. The Service permitted aliens otherwise ineligible to enter the Islands to come in as "nonimmigrant temporary workers." The H-2 workers poured in, and as a result of a legal loophole they stayed. In 1970, Congress created a new classification—H-4—for spouses and children of H-2's. Thousands of H-4's, including many persons whose relationships with H-2's were uncertain, came to the Islands. Later, Washington tried to slow immigration by reducing the number of new H-2 visas. But the flood of immigrants went on. Many "spouses," "children," and "adopted children" have arrived with H-4 visas. One consequence is that the public school system has staggered under the impact. In 1970, a Federal district court ruled that children of alien workers in the Islands must be educated at public expense. In 1981, enrollment exceeded 33,000 students—more than the entire population of the Islands in 1960.

In 1981, the Islands waged two losing battles in Washington:

1. They lost a court fight for a share of Federal taxes collected on oil refinery products shipped from St. Croix. The stakes were in the hundreds of millions of dollars.

2. Because of a special tax arrangement, the Islands lost about $15 million in operating revenue when President Reagan's tax cut became law. Only a special amendment to the tax bill could have prevented this. But despite intense efforts by Ron de Lugo, the Islands' delegate in Congress, the Islands did not get the amendment.

"I was impressed with the President's recognition of our 'special' relationship," says Mr. Brady. "For purely selfish reasons, the Federal Government should want to help us be a shinning example of democracy. We are America in the Caribbean." But Mr. Brady say that Mr. Reagan's program does not "address our real needs: We need the tools to become self-sufficient. We need to build an infrastructure. We need technical and developmental aid. I'm not talking only about money but also the talent and interest a large and powerful nation can provide."

The Virgin Islands are our front door in the Caribbean; their problems, unless ameliorated, could undo Mr. Reagan's Caribbean policy.

(Doris Deakin researched the relationship between Washington and the Virgin Islands for the Alaska Statehood Commission.)

AN ALTERNATIVE COURSE

(Mr. PAUL asked and was given permission to address the House for 1 minute and to revise and extend his remarks, and to include extraneous matter.)

Mr. PAUL. Mr. Speaker, today the Gold Commission will deliver its report, after 7 months of study, to the Congress. Three of us have submitted a minority report outlining an alternative course using gold as a standard rather than paper, and I submit that report herewith, as follows:

The minority views, signed by three members of the U.S. Gold Commission, Congressman RON PAUL of Texas, Lewis Lehrman of New York, and Arthur Costamagna of California, present recommendations to the Congress for a thorough reform of our monetary system.

For the past 10 years the dollar has been floating free of any tie to gold or silver. It is no accident that during the last decade we have also suffered from the highest inflation rates, interest rates, and near-record bankruptcy and unemployment rates. In December 1971, M_3 was $771.1 billion; in December 1981, it was $2,187.1 billion. This massive increase in the money supply was paralleled by a massive increase in consumer prices. In December 1971, the Consumer Price Index was 123.1, and in December 1981, it was 281.5. Never before in the history of this Nation has such a sustained and enormous inflation occurred.

Interest rates have also risen dramatically following the loss of confidence in the dollar. In December 1971, the conventional home mortgage rate was 7.67 percent; in December 1981, it was 15.98 percent. The bond rate for AAA corporate bonds was 7.25 percent in December 1971, and 14.23 percent in December 1981.

During 1971, business and personal failures and bankruptcies totaled 201,352. During 1981, business and personal bankruptcies and failures totaled 519,063. During the first 2 months of 1982, that rate has accelerated by 50 percent.

In 1971, unemployment totaled 4.695 million, or 5.5 percent of the work force. In December 1981, it was 9.462 million, or 8.9 percent of the work force. During the same decade, the spendable average weekly earnings for those working declined from $95.04 in 1967 dollars, to $83.19 in December 1981.

The savings rate declined from 8.1 percent in 1971, to 5.3 percent in 1981.

The market for long-term bonds has been virtually destroyed by our unbacked paper money, and the Government's spending and deficits have reached the point where they are absorbing virtually all the savings—real savings—that the American people are making. In short, we are in a monetary crisis. This crisis will not be resolved by limiting the changes in policy to those of the Gold Commission majority report.

A first step toward the solution is the issuing of the new gold coinage, as recommended by the majority of the Gold Commission members. There are, however, further steps that must be taken by Congress and the President. Those steps can be divided into four categories, the first of which is monetary legislation. Not only do we need to begin issuance of new gold coins denominated by weight, we must define the term "dollar" as a weight of gold. For the past 10 years the dollar has been undefined, and this irrational basis for our economic system has caused insoluble accounting problems for businesses.

Next, the Federal Government should repeal all legal tender laws. The paper money issued by the Federal Reserve System is stamped with the words, "This note is legal tender for all debts, public and private." Congress has no constitutional warrant for this action, and the minority recommends that the American people be given freedom of choice in currencies. This freedom of choice cannot occur so long as there are legal tender laws forcing acceptance of Federal Reserve notes as money.

Finally, the open market operations of the Federal Reserve should be ended. Such operations are inherently inflationary, or deflationary, depending on whether the Federal Reserve sells or buys Government securities. The Federal Reserve should be restricted to the clearing of checks.

The second major set of recommendations made by the minority to the Congress concern the budget. The budget must be balanced, and the deficits ended permanently. Such a balance must occur by the cutting of spending, rather than the increasing of taxes. The President's proposal to cut taxes has slowed the growth of the spending and taxation in this country, but it has not yet reversed it. What is needed for a regime of sound money is a cut in the size and power of the Federal Government similar to that achieved by President Truman following World War II, when 75 percent of Federal spending was eliminated over a period of 3 years, and 37 percent of Federal tax revenues were eliminated.

As far as taxation goes, we would envision the Treasury Department—as one of the last steps toward restoring a sound monetary system—to begin making payments and collecting taxes in gold. This, of course, would be done only after the gold coinage was circulating among the people, and they were once again accustomed to using gold as money. The Gold Commission has already recommended that there be no taxation on the new gold coins issued. We would recommend that that special tax treatment be extended to all gold money rather than just the new American coins. We would also recommend that the American people be allowed to buy such gold coins for their individual retirement accounts: They are prohibited by law from doing so at the present time.

The minority also recommends that all regulations on the export, import, melting, holding, minting, hoarding of gold coins should be repealed. Monetary freedom also would require a reform of our banking laws allowing free entry into the banking industry and open competition. If necessary, a constitutional amendment should be adopted to make the present meaning of the Constitution clear to all. We are confident that the present system will eventually be replaced by a gold based system. The only question is when such a reform of our system will occur. Will it be after we have suffered through 10 more years of inflation and high interest rates, or now, when Congress has the opportunity to end our 10-year experiment with paper money?

ACCESS TO HIGHER EDUCATION

(Mr. FORD of Michigan asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. FORD of Michigan. Mr. Speaker, less than 2 years after this Congress took the historic step of approving by 385 to 15 the greatest commitment to access for middle-class youth in this country to enter our colleges and universities, Reagan/Stockman forced us to retreat for the first time since the passage of the GI bill on our commitment to access for middle-class students.

Mr. Speaker, I believe the action taken by the Democrats and Republicans on the House Committee on Education and Labor indicates that the Members who know most about these programs are unwilling to turn back with Mr. Reagan to the bad days of the past, but are willing to go forward with the commitment we made to America's young people.

The House Education and Labor Committee boosted the Federal student aid figures above the continuing resolution level to send the public a message that it strongly supported the programs which had been built upon over the last 25 years.

In fact, this is the first administration to turn the clock back on educational opportunity since higher education became a Federal priority in 1958.

The opening sentence of the National Defense Education Act is as applicable now as it was then:

> The Congress hereby finds and declares that the security of the Nation requires the fullest development of the mental resources and technical skills of its young men and women. The present emergency demands that additional and more adequate education opportunities be made available. * * * We must increase our efforts to identify and educate more of the talent of our Nation. This requires programs that will give assurance that no student of ability will be denied an opportunity for higher education because of financial need.

This commitment has been reaffirmed and enhanced by every administration, both Democrats and Republicans, since the passage of this landmark legislation.

One of the main vehicles which provides students with a higher education opportunity is the guaranteed student loan program.

The guaranteed student loan program has grown steadily since its inception in 1965. Throughout the late sixties and the decade of the seventies, Congress has authorized the expansion of the program as part of its overall policy of providing access and choice to students pursuing a postsecondary education. Eligibility for interest-subsidized loans was gradually broadened so that middle as well as lower income families could receive benefits from this program. More than 18 million loans totaling nearly $30 billion have been issued under the GSL program.

Congress has also taken steps to insure that students and families seeking these loans would be able to locate them. Incentives for participating lenders have been developed and refined over the years and a two-tiered system, whereby State agencies or their designee administer the program locally, have worked to eliminate the problem of GSL capital availability. A primary incentive for GSL lenders is the payment of a "special allowance" that guarantees them a market rate of return on these low-interest loans. Through a formula based on the interest rate of 90-day Treasury bills, lenders are subsidized quarterly for the total amount of loans that have been issued, but not yet fully repaid, including loans on which payment is being deferred due to the borrower still being enrolled in school.

The special allowance has grown to be the most costly component of the GSL program. For fiscal 1981, special allowance costs comprised nearly 60 percent of program costs. The level of the Government's obligation to pay special allowances is largely a function of the T-bill interest rate, which is a reflection of the national economic condition. While the administration predicted that T-bill rates would average close to 8 percent in fiscal 1981, the actual average was over 12 percent. According to the Congressional Budget Office, this 4 percent difference accounts for approximately $800,000 in additional special allowance obligations, nearly a third of the total cost of the program for that year.

In other words, had the economy improved as the administration predicted it would, this program would need few, if any, changes to meet budgetary ceilings.

However, instead of recognizing that the major problem with this program is poor economic policies, the administration is attempting to balance the budget on the backs of the students by proposing the following:

Increase the student borrower's "origination fee" from 5 to 10 percent. Thus, 10 percent of the amount borrowed will be used to help offset Federal costs;

Extend the need analysis provision to all family income levels;

Require graduate student borrowing to be under "auxiliary loan/ALAS" program terms, retaining the current combined loan limits ($8,000 annual, $40, 000 cumulative);

Eliminate Federal special allowance payments 2 years after the borrower leaves school, allowing the lender to establish the borrower's new interest rate (fixed or variable) thereafter;

Increase the insurance premium for direct Federal insurance from one-fourth to 1 percent; and

Charge guarantee agencies a new "reinsurance premium" equal to one-half of their insurance premium income, in order to help offset Federal costs of paying reinsurance claims.

The impact of these proposals would be devastating. Over 600,000 graduate students would be eliminated from eligibility with another 300,00 to 400,000 undergraduate students losing their eligibility or having their awards reduced.

The administration claims that graduate students can borrow in the new auxiliary loan program. This is a major flaw. The parent loan program, initiated by the Education Amendments of 1980 has taken hold and is functioning in at least 14 States.

This program was intended to allow parents to supplement student borrowing under GSL. In a similar fashion, the Reconciliation Act amendments were intended to allow graduate students—or their spouses—as well as some independent undergraduate students access to a supplemental source of borrowing. The administration's proposal would make the auxiliary loan program the only and primary source of graduate student borrowing. Further, the proposal ignores several facts:

Auxiliary loans enter repayment 60 days after the disbursement—interest alone could be $70 per month the first year. Very few graduate students work—and working is actively discouraged among law, dental, medical, and veterinary students;

Only three States have lenders which are actually making auxiliary loans to graduate and professional school students; and

Forcing graduate students to borrow in an unsubsidized loan program is not attractive to lenders and is likely to increase loan defaults and deter graduate study in areas critical to defense and to the Nation's economic recovery.

In addition, we need to take a closer look at the debt burden we are asking working low- and middle-income families to assume. The Secretary's student aid package would require:

The student to borrow $1,500 each year in the NDSL program at 5 percent interest, accumulating a total debt of $7,635.88. That student's payment would amount to $63.74 per month over a 10-year period;

That same student to borrow $2,500 in the GSL program at 9 percent interest, accumulating a total debt of $15,201. The student would have to pay $126.88 per month over a 10-year period on his/her accumulated GSL debt;

Total payments of $190.62 per month on the student's combined loan indebtedness of $22,236. Assuming other normal, reasonable expenses, the student would need to earn

$36,000 in order to repay that level of indebtedness; and

The parents would also be required to borrow $3,000 per year at 14 percent interest and they would accumulate $12,000 over the student's 4 year career. Their payments, which begin 60 days after disbursement of each loan, would rise from $50 per year the first year to $200 during the student's senior year, ultimately declining to $50 in the 12th year when repayment would be concluded.

After looking at this matter closely and discussing it with student aid officials, I believe it is impossible for parents whose income is low enough to qualify the student for a maximum Pell grant to also meet "credit-worthiness" standards of traditional lending institutions, and be successfull in borrowing $12,000 under the auxiliary loan program.

At a time when our Nation is in such economic dispair, it is in our best interest to insure that access to postsecondary education for future young Americans is not curtailed but enhanced.

Therefore, Mr. Speaker, I would urge my colleagues to reject any further restrictions in the GSL program.

NUCLEAR FREEZE

(Mr. OTTINGER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. OTTINGER. Mr. Speaker, yesterday afternoon and evening we had a vitally important debate in this body on the proposal many of us have endorsed for a mutual freeze on nuclear weapons. I want to congratulate the sponsors of that debate and was pleased to be among those to promote and participate in it.

Unfortunately, an attempt was made to obfuscate the issue of a nuclear freeze as a genuine spur to arms control by the introduction of the Jackson-Warren resolution in the other body.

I take this time to emphasize to my colleagues that that resolution, while it uses the terminology of arms control and the word "freeze" is a patent fraud. It advocates arms control negotiations and a freeze only after the United States has achieved "equality" and "parity" with the Russians in nuclear weaponry. As such, it is not an arms control measure at all, but a prescription for indefinite escalation of the nuclear arms race.

Those who advocate a mutual nuclear freeze now do so believing it irrelevant whether or not we presently have equality or parity with the Russians. The only important question, we believe, is whether we have sufficient deliverable nuclear power to destroy the Russians should they attack us—and it is clear that our present 30,000 weapons, land, air, and sea based, are more than adequate for this purpose. In the words of Winston Churchill, "Why make the rubble bounce?"

□ 1245

Many military experts believe that we and our allies currently have nuclear superiority over the Russians and their allies, but again, I emphasize the irrelevance of this comparability so touted by the war hawks. It is clear that, to our military-industrial complex, we will never achieve the equality or parity they say is necessary for arms control negotiations—and it is clear, the Russians will not sit still while we continue to pour billions of dollars into modernizing our nuclear forces.

The important thing is to stop this nuclear madness, this continual multibillion-dollar arms race that every minute further jeopardizes the security of all civilization. We can do this with a genuine freeze now, followed, as our resolution calls for, by negotiations on genuine arms reductions. We cannot do it if we insist on the impossible prior attainment of nuclear superiority.

THE PARTY'S OVER—MISERY LINGERS ON

The SPEAKER pro tempore. The gentleman from Pennsylvania (Mr. MARKS) is recognized for 60 minutes.

Mr. MARKS. Mr. Speaker, I approach the podium today with some trepidation—only because I have been here so often these last few weeks. I expect there are some who are sure that I am beginning to enjoy it—they, Mr. Speaker, are wrong—however, I would hope that with—

First, the rising tide of angry and well-founded criticism of this administration coming now from all sections of our country;

Second, with many of our colleagues now speaking out, who for whatever reason refrained from doing so before; and

Third, with responsible Democratic Members finally beginning to take your lead, Mr. Speaker O'NEILL, and becoming vocal with sincere suggestions and criticisms—with Republican leaders, such as Senators DOLE and BAKER and minority leader, BOB MICHEL coming forth and suggesting that the horrendous budget submitted by this President must be changed—with all of these things now happening and in addition, the cries of anguish and cries of appeal now, even more loudly, being heard throughout the land—it is my hope that soon it will not be necessary for me to have to walk to this podium and continue criticism of this President and his followers, who to this moment, have refused to admit the error of their ways even to the extent of being willing to take a small step toward relieving that anguish and those cries of appeal.

Mr. Speaker, if I may, today I would like to discuss in some detail one of the issues I spoke about on March 9—and that issue, though not necessarily on the top of anyone's priority list—is certainly one that you sir, even as a very dedicated leader of the Democratic Party, would, I am sure, agree with, as would all of our colleagues on both sides of the aisle—that issue is the issue of the two-party system—and particularly the possibility—no, the probability, that the two-party system soon will disappear if the policies of this administration and this President are not turned around. I speak to you today, as a Republican Member of this Congress—elected as a Republican after two primaries and three general elections by the voters of the 24th Congressional District of Pennsylvania but also, Mr. Speaker, as one who from the moment I registered to vote registered as a member of the Republican Party.

When I did first register, Mr. Speaker, there were few—very few people of the Jewish faith, people of Italian or Polish descent, in fact few, if any, of the minority groups registered as Republican—there were a minute number of the labor leadership who would say a kind word for the GOP and what the party stood for—and certainly few of our citizens who are the backbone of our society—and, of course, I refer to the bluecollar worker—who then belonged to the Republican party and fewer still who had a leadership position in the party. The shame of it all of course is that, after being responsible for electing him President, the bluecollar worker, more than perhaps anyone else, has been stabbed in the heart by this President and his cohorts—the reward they have received from this "murderous mandate."

Yet when I joined the Grand Old Party and in spite of what I have just said, (as well as a dearth of young men and women participating in the GOP)—I felt that my the Republican Party ought to have in its ranks, if not in its leadership—a member of moderate means, a member of the jewish faith, and a member that was brought up understanding the hardships and the depressions, that went with those hardships, of the black community and the bluecollar worker—for, Mr. Speaker, I had the privilege of growing up in Farrell, Pa.—a city whose population was made up, almost entirely, of a mixture of blacks with whites and a spectrum of ethnic groups—the heads of whose households being first generation Americans or certainly rarely beyond second generation Americans. Boys and girls, with whom I went to school for many years and with whom I associated socially have since matured, as have I, and have raised their families—and their families have begun to raise their families.

Mr. Speaker, if there is anything that those very sensitive and proud people have wanted for themselves and their children, it is to have the self-respect of being able to have steady work and to look forward, most importantly, to providing their children a better life, then they themselves had, as they grew up.

Mr. Speaker, some of them eventually joined the Republican Party for various and sundry reasons—but certainly some of them, as I, felt that the two-party system was most important and that, to say the least, they believed, or at least hoped, that the Republican Party would share its shelter with them so that they could be a part of seeing to it that this Nation of ours would not only remain strong, but as well remain sensitive to the needs of those less fortunate than they—and those people of whom I am speaking included those who put in the long hours and much sweat, yes, much, much sweat around those searing ovens of molten steel in Farrell, Pa.

Now some of these men and women have risen to prominence, and some, though not having become prominent in the sense that many people consider prominent, have perhaps done even better, because they, as law-abiding American citizens, have themselves retained their self-respect (at least until fairly recently) and have seen to it that their children have had better clothes—better homes and better cars and better appliances—more vacations—better health—and a better education—and with all of those things have been raised to believe that there is a deeper importance and a deeper meaning and a greater responsibility to this country than just being a partisan member of the Republican or Democratic Party.

It is no secret, Mr. Speaker, that I share the view with others in my party that it is those men and women, about whom I have just spoken, who have become disillusioned because they see all around them an insensitivity by this President and those closest to him—who while using the methods of a Goebbels to propagandize and convince us that they have compassion for the needy (and yes for some not-so-needy)—in fact, gold medals aside, by their actions have proven otherwise.

And yes, Mr. Speaker, it is no secret that I as a member of the Republican Party did speak out in harsh terms about this President and all of the President's men and did say that this President, if he knows what is going on, lacks the compassion to be President—and I repeat it now—and will continue to repeat it over and over again. For I believe it.

Mr. SPEAKER. I have already indicated some days ago to you, to this House and to the Nation, that the response to my words of March 9 has been beyond belief—and today, may I suggest, most respectfully, that the responses that have been accumulating, though difficult to keep up with, have reached over 2,000, perhaps 2,500, and Mr. Speaker, 99 point something or other, of those responses are in favor of what I have suggested and have begged me to continue to speak out concerning the issues I spoke about on the 9th of March—and to join with others, as I most willingly shall do, to convince those stubborn men who presently lead this Nation—that "enough is enough"—that the "murderous mandate" that they took upon themselves must be stopped!

But let me be more specific about my concerns for the Republican Party—the concerns that are expressed by the many who responded to my words just 10 days ago.

Over and over and over again, in among those thousands of responses are words from Republicans—and those words are no different than the words that I hear over and over again from members of the Democratic Party. Those words plead that something be done now to stop this awful thing that is going on.

I would be less than candid if I did not say, however, that I am no different than any other Member of this body, man or woman, and those very few, very, very, very few negative responses that I received, have to some extent at least, dismayed me. They dismayed me, Mr. Speaker, not only because, in most cases, the element that is writing in the negative will start out by saying something like you S.O.B. or you traitor or you turncoat or how can you talk that way about such a nice guy as the President or you Socialist or you whatever. You heard, just a few days ago, my reading from each one of those negatives and there have been a few more that have straggled in. I cannot tell my colleagues and this Nation that I am not sensitive to those things, for that would be a lie. Everyone likes to hear nice things about himself or herself and I am no different—but, Mr. Speaker, the thing that troubles me the most about this small element is that not only are they vicious in their language, not only are they insensitive to what is going on around them, not only must they be blind and deaf—but, Mr. Speaker, they have missed the point, I say most respectfully, of what this Nation stands for. I would hazard a guess that most of the people, the 40 or 50 people, out of the couple of thousand or more responses I have gotten that have written those awful statements have gone through grade school, high school, a few maybe even through college, and yet, Mr. Speaker, they have no understanding about what gives this Nation strength. Of course, it is freedom of speech. Those few who have written such demeaning and vicious letters, somewhere along the line, missed completely that which I am sure their teachers tried to impress upon them and that, of course, is that a man or woman in this country, if he or she doesn't agree, has not only the right but the responsibility to speak out.

I must digress for just a moment, Mr. Speaker, to respectfully suggest that even some of the most responsible members of the media, though they of course have been fair in their appraisal of my words, have concerned me by the fact that, in some few cases, more lineage has been given to musing about why I said what I said and why I chose the 9th of March to say those things than the lineage given to what I said and whether or not my words had any merit or whether what I said is meaningless. I mention this only because I think it is an interesting commentary on the approach by the media to almost any speech given by any Member of this House and, of course, because I started on this path in an effort to get the people of this country to stop and discuss among themselves—not viciously but to discuss what is happening to this country.

Having said that, let me return to those few people who wrote those vicious letters. It is they who I believe, Mr. Speaker, we must fear—not only you as Democrats because, quite frankly at this point in our political history, I am not sure just how much effect they will have on you and your party—but what we must fear, Mr. Speaker—and you and others of my democratic colleagues I am sure must be concerned as well, is that this element, these insensitive compassionless people, are of the same ilk as those who are presently running the country. And that, Mr. Speaker, is the heart of my message.

I, who hold myself out as an expert in nothing, predict again that unless this President and those who serve him most intimately, change their course, then the Republican Party in this coming election will be so decimated by the loss of the majority in the Senate and of the 50 or 60 or 70 seats in the House, that it will, in fact, never recover and the two-party system will be destroyed. I have heard voiced the opinion by responsible women and men that it is already too late and that may be—but life being livable only if one is optimistic, I must hope along with my other Republican and Democratic colleagues who share my concern, that it isn't, in fact, too late.

However, if you look, as I have, at the segments of our society that have been alienated by this President and his ugly policies and you consider them to be, at a minimum, the black community, the labor community, the white collar and blue collar workers, the small business person, the farmer, the family who is hopeful of improving its lot, the family who is desirous of educating their children, the professional community—and even, yes, those—of affluency to some extent—if you consider that there may be some truth at least to that statement, then the questions must arise as to who is left. While the answer is obvious—or the answer would have been obvious—as late as perhaps 2 or 3 months ago when some astute person would have said, "Well, the Fortune 500, the Business Roundtable—certainly they could not have said "Wall Street"—the chamber of commerce, or 99 percent of all the heads of companies classified as being within the corporate world—but Mr. Speaker, even the Business Roundtable, repesentative of the largest corporations in the country, even the chambers of commerce representative of the business community, large and small, even the heads of individual major concerns in this country, have now begun to speak out in moderation—yes—but have begun to speak out. An extraordinarily well-written and factual article that appeared in the Washington Post on Monday, March 29, 1982, written by Robert G. Kaiser lays out what I just said in spades. Now I wonder, or perhaps I should say, I ask you to wonder with me again, who that leaves?

I must tell you a story. Some months ago, September 22, 1981, to be specific, a very outstanding group which I have the privilege of being a member of since I first came to Congress, the Wednesday group, a group of moderate Republicans, outstanding individuals and legislators, men and women, had a dinner. Now, Mr. Speaker, that dinner has been held on an annual basis for the last couple of years, and to that dinner is invited the heads of major corporations throughout the country, and I have a complete list of those corporate officers right here with me. The format for this dinner was not any different than the previous ones which was to finish a sumptuous dinner, and then after the chairman of the group—in each case an outstanding Member of this body, and this year was no exception—would say a few words of welcome and then indicate to the heads of these major corporations that they were welcome, if they chose, to say a few words to the members of the Wednesday group—and in turn once they had finished, any member of the Wednesday group, my colleagues and I, could say a few words ourselves, and that is exactly what happened. But it was extraordinary to me that one after the other of these very astute heads of major corporations and businesses throughout the country as they stood up and parrotted one another with the general theme being—with one exception.

"Whatever you do stick with this President—don't deviate—don't think for yourself—don't worry, just follow him blindly because this is the road to prosperity,"—and if I may, "a chicken in every pot"—as I listened to their words, I could only think of one of the delightful songs from the play, "Annie." The name of which as I remember, being, "Thank you, Mr. Hoover, you made us what we are today." And then—some of my colleagues, all of whom I respect, got up and one after the other commended the heads of those corporations for what they were saying, suggesting that they would in fact follow that sage advice "till death do us part," which by the way is on the verge of coming true—until it came the turn of the gentleman from Pennsylvania. As I took to my feet, I must confess to you that I was somewhat concerned and remember, Mr. Chairman, that the date was September 22, 1981, and as I recall, pointed out to this assembled group of outstanding corporate Americans, that in my opinion, which I am sure they did not give too much credence to--that if we followed their advice 75 percent of those honorable, astute politicians, members of the Wednesday group, who they wanted to be reelected, would not be coming back as a Member of the 98th Congress. I pointed out further that they ought to get out of their board rooms and walk the streets as some of us had been doing, listen to the people and look more closely as to what was happening in the country. Again, I suggest to you that I have no illusion about being able to see into a crystal ball. I leave that to my friend, Jeane Dixon. But goodness knows, that if I ever made a prediction that has come true or that will likely come true, it was certainly that one.

I recite this story to you, Mr. Speaker, for a number of different reasons. But certainly one of those reasons is to indicate that if you now ask the same astute, corporate officers to take to their feet and speak publicly, and even if they think they'll be quoted, they will have less than the same approach than they had just a few months ago—and well they might!

Mr Speaker, one of America's corporate leades, who by the way was not at that dinner, has chosen to speak out. I applaud the sensitivity of his thoughts in his article in the March 18, 1982, Los Angles Times, and I would appreciate, Mr. Speaker, that is be inserted in the permanent edition of the Record at this point:

Piling It Onto the Poor—Cuts in Federal Aid Put Much of the Budget Burden on Them

(By J. Richard Munro)

We in the business community have applauded an Administration that is more attuned to our interests than any since the 1920s. But, as a citizen as well as a business executive, I am concerned that this Administration's retreat from federal aid for the less fortunate among us—the poor, the sick and disabled the elderly—is doing grave damage to the quality of life in America.

The most recent example of this retreat is President Reagan's proposed 1983 budget, which cuts social programs even more deeply than his inaugural budget did. In the 1982 budget, about 70% of the $35 billion in cuts came from progrms that affect the poor. In the 1983 proposal, roughly 90% ($23 billion of the $26 billion in cuts), comes from these programs, such as the Job Corps food stamps child nutrition and aid to families with dependent children (AFDC).

While defense spending rises by 18% ($34 billion), the poor may even lose their spare change, I was astounded to read that one of the cost-cutting propsals would round off the cents on each AFDC and unemployment check to the next lowest whole dollar.

We all know that there was fat in these social programs. But budget cut deeply into the muscle. The 1983 budget cuts into the heart.

In short, despite reassurances to the contrary, the budget shows a safety net gettin even more tattered.

Also distrubing to me is the new Federalism, the proposal to shift huge new costs to the states, which will further burden the poor.

Instead of the present national standard of assistance set by Washington, we would have a national standard set by the least generaous states a lowest common denominator. States that already provide little direct aid would probably do even. Other states might choose to decrease the level of aid rather than raise taxes. To hold the line would raise fears of an influx of the dependent poor from a less generaous state and an exodus of the productive skilled and their employers-voting with their feet, in other words.

I also object to how this program ignores long-term economic interests. If we are serious about solving our productivity problem, we must invest more not less, in our human capital. This includes training and education and social programs that give people sustenance and dignity.

We are, after all, rapidly entering a hight tech economy that Alvin Toffler has called "the third wave." However, we can already see potentially damaging shortages of workers to string our cable-TV lines, program computers, operate word processors, repair robots and do the countless other complex jobs that technology is creating.

Yet the people who can make the difference in our industrial future are going nowhere today. They poorly housed in ill health, illiterate becoming parents at the age of 13 or 14 with the odds against them at every step of their lives.

I cannot forget how I and many other business executives benefited front one of this country's biggest social programs and best investments ever; the GI Bill.

I went to college on the program after I served in the Marine Crops in Korea. It helped 9 million veterans like me in its first two decades. The World War II GI Bill alone produced 450,000 engineers, 360,00 teachers, hundreds of thousands of professionals in medicine, law and science and many more in skilled trades.

That huge payoff should remined us that today, more than ever, we could use more such investments rather than jeopardize our future by allowing the potential of millions of Americans to languish.

Even if there were no economic case for aiding the poor, the facts remains that the Administration's program is just plain unfair. Deficits are soaring because of contradictions in the program that were obvious from the start. Business leaders knew that, but we went along anywat. Yet who gets the blame? The poor. Who makes the sacrifices? The poor. and who had less to do with this mess than anyone else? The poor.

Is this the best that we can do? Is making the poor bear this heavy new burden the only way in which we can achieve our economic goals?

I do not think so, and I urge my fellow business executives to help forge a different approach that is truly even-handed, humane and in the interest of our economic future.

(J. Richard Munro is the president and chief executive officer of Time, Inc. This commentary represents his personal opinion as expressed in remarks he made recently to a group of advertising executives.)

Mr. Speaker, I want to see the Republican Party be what many of its leaders have said it is for so many years—the party of the people.

I want it with all my heart. Mr. Speaker, I want the Republican Party to be strong and in a position of leadership—yes, a position of responsible leadership—and I wish that with all my heart. Mr. Speaker, I want the Republican Party to make a comfortable shelter for labor and for the laboring man and the labor leader, for the black man and woman and their children, for the small business person as well as the more substantive business person, I want the Republican Party to in fact represent the interest—the best interest—of our farming community.

But, Mr. Speaker, I say to you and to this Nation, and most emphatically to my right-wing Republican colleagues who have taken over the party—that the illusion that was given in Easton, Md., just some weeks ago at the so-called "Tidewater Conference" that we have shown a sensitivity for the poor, the handicapped, the elderly, the blue collar, and the white collar worker, is just that—an illusion.

To read as I did that certain members of the new right, or the old right, or as I have called them, the always right, branch of the Republican Party, said they were concerned about black Americans, when they support this President and the people around him in promulgating and enforcing economic policies that first and foremost destroy the black community, is a sham—when I hear certain members of those groups suggest that the black community has been misled, and it is only a false picture provided by partisan Democrats and others to say that the Republican Party is not concerned about the black community, that is a sham. For that conference to come out and suggest that the budget ought to be balanced in 1986, and that maybe there is a small problem in having a deficit of $150 billion or $250 billion—is a shame—would any of my Republican colleagues have believed that after 100 years or even 80 years of the Republican Party saying they stood for fiscal responsibility and downgrading and belittling at every chance we had the Democratic leadership and Democratic members—by saying they were fiscally irresponsible—and now find themselves supporting a President who campaigned on the basis that he was going to balance the budget by 1984, and is now saying the $150 billion deficit—is not too bad, is nothing to be alarmed about—that, sir, is not only sham—that, sir, is not only a shame—that, ladies and gentlemen, is an awful lie.

Does that right-wing element of the Republican Party expect this Nation and particularly our elderly, handicapped, and poor to believe that this President has concern for them merely because he mouths the words as he did again just a few days ago in New York City. Why, if there is anything that this Nation is not—today—it is not dumb. Most people we all know, whatever their formal education, have become so sophisticated by reading newspapers, watching TV and listening to the radio and reading their periodicals and thank God—going to school—why they have become so sophisticated that they must be offended by reading those things. I predicted sadly, in the early part of March, that unless something happens and happens quickly, that the Republican Party will no longer exist—not only as we know it today but as it was even known, even in its most dire period—and we have had some pretty difficult times.

It is my thought that those Americans we saw standing on the sidewalks with their children next to them holding the placards which said, "give us back our jobs—give us back our self-respect" while this President was out making those friendly speeches to those so-called friendly Midwestern legislatures, not too many weeks ago, will be marching in the streets with their children beside them and carrying more than just the placards and if your think, sir, that the Vietnam uprising was aggressive, if you think, sir, that what happened during that period of time forced a President out of office, if you think that the burnings and the killings that went on during that period of time and before in the major cities of this country were awful—then I suggest that was a picnic as compared to what could happen sooner than most of us want to believe.

For that reason, Mr. Speaker, to avoid that—to avoid having those decent, honest, hardworking Americans and their children and their children's children in that firing line—where American would be turned once more against American—it is for that reason that I call on this President and those surrounding him to take the steps that are necessary, and take them now, to turn this massacre around so that we can once again not only live in peace beyond our borders, but within them.

Mr. Speaker, these words, as the words I spoke on the ninth of March, I believe.

□ 1615

A LIBERAL VOTING RECORD

(Mr. SOLOMON asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SOLOMON. Mr. Speaker, if I had had the opportunity, and the gentleman in the well had yielded, I would have liked to have told the gentleman that I certainly appreciate his right as a Member of this House to stand in the well and discourse on any subject that he wanted to, but he seemed to infer that he developed this new feeling about the Republican Party just since President Reagan has been elected. And I would just like to point out to the vast audience that we have here, and now that we have television viewing all over the country, that the gentleman in the well—and I speak from authority since I am assistant whip on the Republican side—has never voted, to my knowledge, with the Republican Party since the day he got here. He has always voted with the liberal Democrats. So he has not changed at all. He is just doing what he did before President Reagan got here.

A TRADITION OF THE HOUSE

(Mr. WALKER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WALKER. Mr. Speaker, I would just like to point out that it has been a long tradition around this House that when someone is discussing something of a controversial nature, we generally do yield to our colleagues. It is one of the ways in which we do enlighten the American people. It is one of the ways in which we assure rational discussion.

It seems to me that it is a shame that people go to the well and discuss a topic in which they raise a lot of important matters and issues that need to be discussed and then refuse to yield and refuse to allow the debate to go forward.

It seems to me that it weakens their argument because it shows that their argument cannot be sustained in a debate kind of atmosphere.

THE ENTERPRISE ZONE TAX ACT OF 1982

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New York (Mr. CONABLE) is recognized for 30 minutes.

Mr. CONABLE. Mr. Speaker, on behalf of myself and numerous cosponsors, I am pleased to introduce today the Enterprise Zone Tax Act of 1982. This legislation, developed by the administration with Members of Congress who previously advanced the plan, has the strong endorsement of President Reagan and deserves prompt consideration by the Congress.

Enactment of this bill would launch an innovative, free-market program for dealing with the severe problems of our Nation's economically distressed areas. The basic concept of this program is to create a productive, free-enterprise environment in depressed areas by reducing taxes, regulations and other Government burdens on economic activity. Removal of these burdens will create and expand economic opportunity within the zone areas, allowing private-sector firms and entrepreneurs to create jobs—particularly for disadvantaged workers—and to revitalize the geographic zone areas themselves.

Because the program is based on removing Government burdens, rather than providing direct subsidies, it will involve no Federal appropriations, except for necessary administrative expenses. States and cities will still have the option of allocating discretionary Federal funds for their enterprise zones if they desire, or to appropriate additional funds of their own for such zones.

The enterprise zone program is not just a Federal initiative. In my view, it is creative federalism at its best. State and local governments will provide incentives and contributions to the zones under the program. In fact, it is these governments which must first take the initiative by nominating zones within eligible areas and developing packages of incentives and contributions best suited to local conditions and preferences. The quality and strength of these incentives and contributions will determine which zones will be federally designated. The program's integration of efforts at all three levels of government epitomizes the New Federalism.

Mr. Speaker, it is also important to emphasize that this is not merely a tax incentive program. In addition to regulatory relief, the program will include efforts to improve local services, particularly through the introduction of private sector firms and institutions to provide those services where feasible. The program will also include involvement by private sector neighborhood groups and community organizations, which can perform many important functions which government has failed to perform adequately in the past.

The enterprise zone concept was initially pioneered by two of my distinguished House colleagues—Congressmen JACK KEMP and ROBERT GARCIA. Their intellectual creativity first gave the idea its legislative embodiment and opened the way for further legislative refinement. I am pleased that they are enthusiastic supporters of this bill.

Since their original introduction of the concept, it has gathered impressive bipartisan support. Urban and civil rights groups, mayors, Governors, businessmen, and Members of Congress from both political parties have endorsed the idea. Several States have enacted their own enterprise zone bills, and a dozen more are readying for their legislatures. All across the country task forces are at work preparing possible enterprise zone sites.

In his recent state of the Union address, the President reaffirmed his strong support for enterprise zones. On March 23 he proposed the Enterprise Zone Tax Act of 1982 to Congress. It is this legislation that I introduce today.

In keeping with the bipartisan development of this concept, this bill is cosponsored by many Members on both sides of the aisle. This demonstrates that this proposal is neither conservative nor liberal, Republican nor Democratic, but utterly pragmatic.

Mr. Speaker, this is no cure-all. Neither is it intended as a substitute for other, proven urban proposals. It is a relatively low-cost attempt to try something new, at a time when our country needs new approaches to old problems.

I will press for expeditious consideration of this enterprise zone bill in the Ways and Means Committee and urge my colleagues on the Banking and Judiciary Committees to do the same.

Mr. Speaker, I include here a review of the principal features of the proposed legislation for printing in the RECORD.

SUMMARY OF THE ENTERPRISE ZONE ACT OF 1982

OBJECTIVES

The creation of an Enterprise Zone program is proposed, which would be an experimental, free-market initiative for dealing with economic distress in inner cities and rural towns. Its objectives are twofold:

To create jobs in the nation's depressed urban areas and rural towns, particularly jobs for disadvantaged workers.

To redevelop and revitalize the geographic zone areas themselves.

CONCEPTS

The underlying concept of Enterprise Zones is to create a free-market environment in depressed areas through relief from taxes, regulations and other government burdens, privatization of some city services and involvement of private, neighborhood organizations. Because the program is based on the concept of removing government burdens rather than providing government subsidies, it should involve no appropriations, at least at the Federal level.

The removal of these burdens will create and expand economic opportunity within the zones, allowing private-sector firms and entrepreneurs to create jobs and expand economic activity within these areas. This would be similar to the free trade zones established in other parts of the world, such as Hong Kong, which have been quite successful in stimulating the development of poor areas.

The program is intended primarily to stimulate new economic activity within the zones that would not otherwise have occurred at all, anywhere, rather than to encourage existing outside activity to relocate into the zones. In addition, the intent behind the program is not to stimulate a particular kind of business, but rather to let the market decide what activities should take place in the zones. While the Federal tax incentives are skewed towards labor-intensive businesses and jobs for disadvantaged workers, the program generally is meant to include a relatively balanced set of incentives for a broad range of economic activities and businesses.

PROGRAM STRUCTURE

The Federal legislation would establish what areas would be eligible to be declared Enterprise Zones based on criteria concerning poverty, unemployment and other indicators of distress. But this would not be an entitlement program, and, consequently, eligible areas would not automatically become Enterprise Zones. Rather, an eligible area would first have to be nominated by the local government, followed by confirming nomination by the State government, or nominated by the State government, followed by confirming nomination by the local government. Both the nominating State and local governments would then have to apply to the Secretary of Housing and Urban Development for Federal designation. In general, any jurisdiction satisfying minimum population requirements which is eligible under the UDAG program would be eligible for State and local nomination if it met the distress criteria.

The Secretary of Housing and Urban Development would then evaluate the zone nomination on a competitive basis. The primary criteria for choosing which proposed zones will receive Federal designation will be the quality and strength of the incentives to be contributed by the State and local governments. Particular emphasis would be given to incentives and contributions consistent with the overall Enterprise Zone theme of creating an open market environment through the removal of government burdens. These contributions would include tax relief, regulatory relief, increase in the level or efficiency of local services through possible experimentation with private sector providers of public services, and involvement in the program of neighborhood and community groups. Other contributions and factors would also be considered in this competition.

A maximum of 25 zones would be approved in each of the first three years of the program. Each zone would last for the period chosen by the designating State and local governments, with a maximum of 20 years on the Federal participation, plus a four-year phaseout of that participation. The Department of Housing and Urban Development would be the agency administering the program.

FEDERAL TAX INCENTIVES

The major features of the Federal tax package are:

A nonrefundable investment tax credit for capital investments in an Enterprise Zone. For personal property, such as machinery or equipment, this credit would be 3 or 5 percent. For the construction or rehabilitation of commercial, industry or rental housing structures within a zone, the credit would be 10 percent.

A nonrefundable, 10 percent income tax credit to employers for payroll paid to qualified zone employees in excess of payroll paid to such employees in the year prior to zone designation.

A special, strengthened, nonrefundable, 50 percent income tax credit to employers for wages paid to zone employees who were disadvantaged individuals when hired.

A nonrefundable, 5 percent income tax credit to qualified zone employees for wages earned in zone employment.

The elimination of capital gains taxes within the zones.

The designation of suitable Enterprise Zone areas as Foreign Trade Zones, providing relief from tariffs and import duties.

The continued availability of Industrial Development Bonds to small businesses in Enterprise Zones even if the availability of such bonds is terminated elsewhere.

Any Enterprise Zone firm would be allowed an operating loss carryover for the life of the zone in which it is located or 15 years, whichever is longer.

Any Enterprise Zone firm would be allowed a carryover of any unused employment tax credits for the life of the zone in which it is located or 15 years, whichever is longer.

COST AND EFFECT OF THE TAX PACKAGE

The Treasury Department estimates that the cost of a sample Enterprise Zone which includes 10,000 employees with this tax package would be $12.4 million per year in terms of forgone tax revenue. The cost of 10 such Enterprise Zones in the first year of the program would, therefore, be $124 million. The cost of 25 such Enterprise Zones in the first year would be $310 million. The total cost of the program would increase commensurately in future years for increased numbers of zones.

As a whole, the effect of this tax package for most Enterprise Zone firms would be to eliminate 75 percent or more of the corporate income tax, eliminate entirely the capital gains tax, provide relief from tariffs and duties wherever Enterprise Zones are also Foreign Trade Zones, and provide income tax relief to the firm's qualified employees. These incentives will facilitate easier access to start-up capital.

FEDERAL REGULATORY RELIEF

Under this proposal, Federal regulatory bodies (all agencies covered by the Administrative Procedures Act) would be given discretionary authority to relax or eliminate their nonstatutory regulatory requirements within Enterprise Zones, in accordance with standards promulgated by Congress, but only upon the request of the State and local governments.

To utilize this authority, the State and local governments governing each zone would initially ask Federal regulatory bodies to relax or eliminate particular regulations within the zone. The Federal bodies that promulgated the regulations would have the statutory power to grant such request at their discretion. Congressionally mandated standards would dictate how the agencies would use this discretion, the standards would include an instruction to each body to weigh the special job creation and economic revitalization purposes of the zones against other important aspects of the public welfare, which may underlie the regulation, and to relax or eliminate each particular regulation within a zone when appropriate. A Federal regulatory body would have no authority to take any action without a prior request from both the State and local governments governing each zone.

Regulations which are specifically imposed and spelled out by statute would not be affected by this authority. The minimum wage law, for example, would not be affected, since the statute expressly requires that a minimum of $3.35 an hour be paid. The authority could only be used to relax regulations where agencies now have some discretion. Regulations affecting civil rights or whose relaxation would harm the public safety or health, including environmental health, would be expressly exempted from this authority.

STATE AND LOCAL GOVERNMENT ROLE

The Enterprise Zone program is not simply a Federal Government effort. To be successful, the program must have substantial contributions from State and local governments. In fact, State and local contributions would probably make the critical difference in whether a zone succeeds or fails.

The initial importance of the State and local contributions is that they would determine what designated zones would be Federally approved. The Federal posture towards these contributions would be highly flexible. No particular element of tax relief or regulatory relief, or any other possible contribution would be required.

Failure to include one element in a State and local package of contributions could be offset by greater strength in the other elements. It should be remembered, however, that each State and local contribution package would be competitively evaluated against the other State and local packages.

In the area of tax relief, State and local governments could provide reductions in State and local income taxes, property taxes, sales taxes, and other taxes which vary among the jurisdictions.

State and local deregulation could be provided in such areas as zoning, occupational licensure laws, usury laws, price controls, permit requirements, central planning regulations and building codes.

In the area of service improvement, "contracting out" or "privatization" could be one means of improving local services.

State and local governments may also provide funding for projects which contribute to economic development in a zone, such as job-training or infrastructure efforts. These governments may use their Community Development Block Grants, Urban Development Action Grants or Revenue Sharing funds for these efforts.

To encourage local community involvement, State and local governments could provide for the creation of "Neighborhood Enterprise Association" by zone residents. These Associations could undertake the provision of some city services in their areas, help local residents to participate in the economic success of the zones particularly through mechanisms providing for equity participation by zone residents, and support volunteer, self-help efforts for the zone areas. Participation in the program by other private sector organizations which could perform these functions could also be encouraged by the State and local governments.

● Mr. McCLORY. Mr. Speaker, I commend the gentleman from New York (Mr. CONABLE) for taking this special order.

Mr. Speaker, as one who represents a congressional district which contains pockets of economic distress, I have been interested for some time in the creation of an enterprise zone program. This experimental, free enterprise initiative offers great hope for dealing with the chronic problems of our Nation's inner cities and rural towns.

I am pleased to cosponsor this bipartisan effort, which the President has espoused for some time and which he specifically endorsed in a message sent to this body last week. It is my hope that the Congress will give urgent and favorable treatment to this proposal, which can do much to create jobs, particularly for disadvantaged workers, and to revitalize the geographic areas of designated zones themselves.

Mr. Speaker, this is no panacea for urban America. It is not a substitute for proven urban aid programs such as UDAG (urban development action grant) and CDBG (community development block grant). Indeed, selected communities can choose to focus on those and other programs in enterprise zones to strengthen their proposals and to increase chances for success in the areas.

Mr. Speaker, this legislation is consistent with the concept of creative federalism. It takes a far more positive approach than that in the Model Cities program which sought to focus all sorts of Federal grant programs in depressed areas. This proposal seeks to get government out of the way, to free the enterprise system to expand or start up new businesses providing jobs for people. It stresses local and State cooperation, complemented by Federal help and strong private sector involvement. It is a good combination.

Indeed, this combination is a welcome contrast to past efforts based on large government expenditures and burdensome regulations whose end effect has been to leave our cities and towns worse off than before.

I view the regulatory relief feature of the proposal as being a key element, and in many ways it is the most promising of all the enterprise zone elements. As we all know, regulations impose enormous costs on businesses. Regulations discourage economic activity and growth in much the same way as taxes do. Therefore, I believe that, to the extent that the Enterprise Zone Act will reduce regulations, it can have the effect of providing as much stimulation for revitalization and job creation as the tax features.

As in the case of the tax features, removing these regulations, where appropriate, results in no monetary cost to the Government. Thus, our proposal provides for the relaxation or elimination of regulations within designated enterprise zones whenever the regulations are not performing an important and necessary function.

Regulatory relief is especially important to small businesses, which are not able to absorb these regulatory costs as easily as large businesses.

As part of the regulatory relief feature of this bill, all agencies covered by the Administrative Procedures Act would be given discretionary authority either to eliminate or relax nonstatutory regulatory requirements in accordance with standards promulgated by Congress. I hasten to point out that such elimination or relaxation would take place only at the request of the State and local governments.

Also, I should mention that the proposal does not affect, and, in fact, specifically exempts, regulations regarding civil rights or regulations where relaxation would be harmful to public health, environmental quality, or public safety. Furthermore, the minimum wage law would not be affected by our proposal. The minimum wage law expressly requires that a minimum of $3.35 an hour be paid.

In summary, I believe the combination of incentives contained in the Enterprise Zone Tax Act of 1982 creates an opportunity for States and municipalities, as well as counties and towns, to develop innovative proposals to address problems of economic distress and unemployment. Cities and States know best what they need to make an enterprise zone succeed. Indeed, I feel that the chances of success are dependent on the strength of the State and local government commitments. It is the longest step we have taken toward an economic renaissance for urban America.

I am pleased to join in the introduction of this new enterprise zone bill and urge other Members to join us in supporting this innovative approach to relieving problems in our urban centers and rural towns.

I am sending a newsletter on the subject of enterprise zones to my constituents today, a copy of which I am pleased to attach to these remarks:

> One of the more promising initiatives designed to stimulate the economy is the Enterprise Zone Tax Act, introduced recently in the U.S. House of Representatives with bipartisan sponsorship.
>
> This measure, having the dual purpose of (a) stimulating the economy, and (b) improving the quality of life in the inner city, is patterned after similar programs which have had substantial success in other countries. Indeed, even without this federal legislation some American cities such as St. Paul, Baltimore, and Miami have witnessed their municipal enterprise zones create jobs and profits in the inner city.
>
> The Reagan Administration measure, sponsored (among others) by Democratic Representative Robert Garcia of New York City and Republican Representative Jack Kemp of Buffalo, would grant substantial investment tax credits for new industrial plants established in designated decadent areas of our major cities.
>
> Among other inducements for private entrepreneurs to invest in such designated enterprise zones would be: (1) tax credits for wages paid to disadvantaged persons who are given employment, (2) personal income tax credits to employees of 5 percent, or up to $450 per year, (3) authority to issue low interest rate bonds for construction within designated enterprise zones, and (4) elimination of capital gains taxes on investments with enterprise zones.
>
> A special provision would be provided for designating foreign trade zones where relief from tariffs and import duties would be available on goods subsequently exported to other countries.
>
> In addition to this package of federal tax credits and other economic inducements, states and municipalities would be invited to grant other concessions and economic incentives for the establishment of enterprise zones within their boundaries.
>
> The success anticipated from such enterprise zone legislation is not expected to be automatic. Careful planning and sound business judgment as well as generous community support are vital elements in reaping the benefits which can flow from establishment of enterprise zones. In a very large sense this enterprise zone legislation follows the basic philosophy of President Reagan and his Administration to rely on private enterprise developments instead of government "make-work" projects as a source of inner city employment. Accordingly, our successful private enterprise system is provided with the opportunity to demonstrate again its resourcefulness and capacity for human progress and economic improvements.
>
> According to the sponsors, the new enterprise zone legislation translates into inner city jobs and opportunity for economic advantages and benefits for the entire community●

GENERAL LEAVE

Mr. CONABLE. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to extend their remarks on the subject of my special order today.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New York?

There was no objection.

SINGLE AUDIT ACT: A BARGAIN WE CANNOT AFFORD TO PASS UP

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Oregon (Mr. WYDEN) is recognized for 5 minutes.

● Mr. WYDEN. Mr. Speaker, I testified today before the House Intergovernmental Relations Subcommittee in support of my bill, H.R. 4835, the Single Audit Act, and I want to share that testimony here in hope that even more colleagues will join the 53 Members from both sides of the aisle as cosponsors.

I introduced H.R. 4835 because it is a unique opportunity to save taxpayer dollars, reduce paperwork, improve relations between Federal, local, and State governments, and increase accountability—all at the same time.

In fact, the Single Audit Act is a model of what the New Federalism should be patterned after. It creates a new sense of partnership between levels of government, and places that partnership on a platform of professionalism.

There can be no doubt of the need for such reform. Study after study, a number of them commissioned by the House Government Operations Committee, have shown our creativity in spawning new Federal programs has not been matched by ingenuity in accounting for the vast sums being spent.

There are some 90,000 local jurisdictions which receive Federal aid. And that Federal aid has skyrocketed in the past two decades from a few billion dollars to a whopping $95 billion in fiscal year 1981.

The result?

A haphazard pattern of Federal audits in which 80 percent of all grantees are not audited at all, but one city, according to GAO, was audited 700 times in the space of 5 years;

Audits that are narrowly focused and fail to show how a single grant recipient is performing overall in its use of Federal dollars;

A lack of coordination in which Federal agencies, often requiring overlapping and duplicative audits, have no idea what each other is doing or finding out;

A lack of consistency as 50 Federal agencies watchdog 1,000 grant programs with as many as 80 different audit guidelines.

The Single Audit Act is a guide out of this maze of waste, duplication, and inefficiency.

Authority for the single audit concept now exists, and a few such audits have been performed.

How I was introduced to this legislation says a lot about how well the process is working.

Officials from the city of Portland, the major city I represent, paid me a visit to complain about the number of audits that were performed on various Federal grant programs. For fiscal year 1981-82, Portland was to undergo 25 separate audits.

Those audits were prepared at a cost of $120,000—some $40,000 more than it costs Portland to audit its own $400 million city budget.

Portland found itself paying 3 percent of every Federal grant dollar it received for audits, while devouring some 361 man-days and 2,888 man-hours in the process.

Then there are the individual horror stories, such as the time an auditor was dispatched to Portland from Oakland, Calif., to audit a $30,000 minority business grant—a grant to one consultant to compile a study of economic opportunities for minority-owned businesses in Portland. The auditor spent 4 days in Portland and tied up one city employee virtually full-time. He left finding no irregularities, but spending $2,900 and consuming 112 man-hours of city staff time.

After hearing all this, I asked the city officials visiting me what the solution was. Without hesitating, they said single audits.

The appeal of single audits, these city officials said, is:

Uniform Federal auditing guidelines;

Allowing local governments to rely on independent auditors;

Permitting 2-year audits; and

Streamlining relations between local and Federal governments.

To me, this is convincing evidence of the need to move legislation such as H.R. 4835. The cost savings to local government and the expected cost savings to the Federal Government are obvious.

In all fairness, it should be noted that the Office of Management and Budget has published a list of cognizance agencies for major U.S. cities which, hopefully, signals its intentions to proceed with implementation of single audits.

I think the Government Operations Committee, and especially the gentleman from North Carolina (Mr. FOUNTAIN), can take credit for nudging OMB this far. But we should not be content to stop here.

By passing legislation such as H.R. 4835, the Congress will confirm that OMB has the responsibility to simplify program audits; and the Congress will mandate that relations between Federal and local governments will be placed on new, sound, professional footing—footing that is wrought out in the legislative process, not dictated by the Federal bureaucracy.

There are significant questions to be decided, such as:

Should local governments or public auditors be directly reimbursed for single audits, thus matching the responsibility with the funding?

Should each major Federal grant recipient deal with a so-called cognizance agency—for example, the city of Portland with the Department of Housing and Urban Development—or should there be a single audit management agency?

What uniform guidelines should be adopted for single audits, and who should determine those guidelines?

What should the scope of single audits be?

These are weighty questions, questions I feel—and which I am sure local and State officials feel—should be decided by elected officials.

I do not pretend to be an expert on auditing, but to me the Single Audit Act is an opportunity we should not let pass by. It is not the end-all for our problems, but it is an opportunity to launch a new beginning that will permit us to fulfill our function of legislative oversight.

It is an opportunity to set a course that will carry us to a time when we develop programs with clearly defined, measurable goals and with well-delineated limits on agency interpretation of law.

It is an opportunity to forge a flagship for the new federalism—on our initiative.

It is an opportunity to show the American public that Congress is willing to search out ways to cut redtape and cut costs.

It is an opportunity for us to work together with local and State officials, to illustrate that government can work.

It is an opportunity that seems too good to be true, but is true.●

PITTSBURGH LAUNCHES PROJECT FOR THE HEARING IMPAIRED

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Pennsylvania (Mr. WILLIAM J. COYNE) is recognized for 15 minutes.

● Mr. WILLIAM J. COYNE. Mr. Speaker, on April 1, 1982, a unique project for those suffering hearing impairments will be launched in my district. Pittsburgh has been selected as the second major city in the United States to introduce the deaf to close-captioned television.

Sixteen million people in our country are hearing impaired, 150,000 in the Pittsburgh area, making up a segment of the population that Helen Keller described as far more isolated than the blind. Close-captioned television allows the deaf and hearing impaired to see what the rest of the world hears.

To enable a hearing-impaired person to participate in the world of television, adapters are connected to a television set. The hearing impaired can now choose among 40 hours of television programs a week and 150 commercial advertisements. Caption readers are caught up in a stream of language matched to visual action, a link that is otherwise missing from their daily lives.

Our goal in the city of Pittsburgh is to increase public awareness about the availability of captioning. To kick off this major undertaking, Pittsburgh Mayor Richard Caliguiri has declared April TeleCaption Month. We are enlisting the support of local sports figures, radio, television personalities, and government officials to insure the success of this project. A telecaption child has been named and will be featured in public service announcements and in personal appearances throughout the city. Pittsburgh corporations will pledge donations to purchase captioning equipment for area nursing homes, schools, and clubs for the hearing impaired. Sears, Roebuck has agreed to have the special equipment available in each of their Pittsburgh stores. To further inform the deaf public on the use of close-captioned television, speakers will visit schools and clubs, and public forums will be held.

Tippi Comden, media director at the Western Pennsylvania School for the Deaf recently stated:

> For our students, captioning is only one tool on the road to becoming an intelligent viewer, but it is crucial. While it is conceivable that a teacher or other hearing person could interpret the programs for them, captioning enables them to be truly independent viewers.

I am pleased that Pittsburgh is participating in this special project. Hearing-impaired persons deserve the same benefits and privileges as their hearing friends and neighbors.●

PERSONAL EXPLANATION

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Florida (Mr. NELSON) is recognized for 5 minutes.

● Mr. NELSON. Mr. Speaker, I was absent yesterday due to official business in my district. Had I been present I would have voted "yes" on rollcall 42 to approve the Journal, "yes" on rollcall 43 relating to the Chaplain of the House of Representatives, "yes" on rollcall 44 to establish Dutch-American Friendship Day, and "yes" on rollcall 45 to establish a National Day of Reconciliation.●

CALIFORNIANS SUPPORT ANNUNZIO'S OLYMPIC COIN PROGRAM

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Illinois (Mr. ANNUNZIO) is recognized for 5 minutes.

● Mr. ANNUNZIO. Mr. Speaker, on March 24 I shared with the House some of the many letters I have received from the American public concerning the issue of striking commemorative coins for the 1984 Summer Olympics to be held in Los Angeles. In those letters, many citizens expressed their concern over the Olympic coin program proposed in S. 1230 and H.R. 3958 which calls for numerous coins to be sold through private marketers. They preferred a more realistic plan to commemorate the Olympics and raise money for our athletes, and showed support for my bill, H.R. 3879 which proposes a single silver dollar to be sold directly by the mint.

Surely no group of Americans is more concerned about the financial health and success of the 1984 Summer Olympic than those taxpayers who will host these games in their backyards. One would clearly expect the residents of California to support the best most cost-efficient plan since the success of the 1984 Summer Olympics is a matter of such great personal pride to them. Thus, let us consider the views of some Californians on the two Olympic commemorative coin proposals now before Congress.

Mr. Woodrow Smith of Diamond Bar objects to the excessive number of coins proposed by S. 1230 and H.R. 3958:

> Thanks for applying good sense in limiting the number of Olympic coins to be produced for the 1984 U.S. Olympics.

These views are shared by Mr. Henry Philippsen of Fountain Valley who worries about the prohibitive cost of owning a complete set of coins under that proposal:

> I wrote a letter to my Representative asking him to help you and to work with you on your Olympic coin bill. I also told him I could not complete an Olympic set if there were more than two or three coins.

This unnecessary expense will be especially difficult for those individuals who live on a fixed budget. The fact that S. 1230 and H.R. 3958 call for the private marketing of these coins also contributes to the high cost consumers will be forced to pay if that proposal gains approval. Mr. Mike DiIorio of Santa Clara writes:

> I am a current coin lover and coin collector. I am also disabled and live on a fixed income. Therefore, if the Olympic Coin Program is put into the hands of a private group whose only interest in coins is for profit, then there are going to be many coin collectors (including me) who will not be able to own a set of their own Country's Olympic Coins. That will be mighty sad.
>
> Therefore, I would like you to know that I support your position for a program of fewer coins and all sales to be handled by the Government. This would make your Program available to any American who loves coins or who would like to own a part of American History.

And from Sgt. Edward Sims, of the U.S. Marine Corps of Santa Ana:

> This letter is in regard to S. 1230 that is presently under consideration by Congress. . . . I strongly believe that the entire matter should be conducted by the Bureau of the Mint as far as the actual coining and distribution is concerned. . . . There should be no more than 3 coins minted. . . . The number of pieces produced should be limited and once sold out no additional pieces made.

Mr. Ed Stewart of Van Nuys agrees:

> I totally support your position of fewer coins of the 1984 Olympics series and the government handling of the program. I strongly feel that numismatics should be protected from self-interest groups and any profit be realized by the proper recipients, in this case the U.S. Treasury.

Mr. E. F. Coune of Monrovia also objects to the private marketing of Olympic commemorative coins.

> Please keep up your effort to keep private companies from reaping a profit out of minting coins for the Olympic games. The U.S. Mint is the proper agency to produce the coinage of the U.S.A.

I have repeatedly questioned the advisability of allowing the consortium consisting of the international banking company Lazard-Freres, Occidental Petroleum, and the Franklin Mint to market the Olympic commemorative coins. A resident of Santa Monica who asked to remain anonymous shares my concern over this provision of S. 1230 and H.R. 3958.

> I applaud your stand on the matter of the sale of 1984 Olympic coins done through Occidental Petroleum Co. and Lazard Freres & Co.
>
> The alleged justification of handing this off to Occidental and Lazard Freres, the Los Angeles Times states, is that these firms can raise more money for the U.S. Olympics than can sale by the U.S. Mint. . . . Why were these two hand-picked to do it? . . . Why not open it to bidding?
>
> I agree that a scandal could result, as you have warned. You may recall that during the "Hunt silver crisis," when the price of silver shot up very high, Occidental cleared $90 million on speculative silver buying and selling. . . . It gives you some idea of what has whetted the appetites for the Olympic coin deal at Occidental.

Mr. Stan Bennett of Fontana also addresses this point:

> I would like to express my support for your bill authorizing a silver commemorative dollar for the Olympics and its designed purpose. The U.S. Mint should be the only agency in charge of producing legal tender and to have a petroleum company, who is already gouging the people to the tune of billions is sickening. I realize that they will get support from many Senators and Representatives who rely on their money to line their pockets. The people are sick of this and it will show in progressive elections.
>
> I'm pleased to know there is at least one Representative who is thinking of us.

Clearly, many Californians have grave reservations about the Olympic coin program outlined in S. 1230 and H.R. 3958. They object to both the number of coins proposed and the private marketing of them. These citizens believe that these two provisions of the so-called Olympic Coin Act of 1981 will make the cost of purchasing commemorative coins prohibitive. In addition, many worry that an unnecessary scandal could result from the private marketing of the coins.

For these reasons, they support the minting of a single silver dollar to be sold directly by the mint as proposed in my bill, H.R. 3879. The fact that the hosts of the 1984 Summer Olympics doubt the efficacy of the Olympic commemorative coin program outlined in S. 1230 and H.R. 3958 speaks for itself.●

INTERNATIONAL SECURITY AND DEVELOPMENT COOPERATION ACT

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Wisconsin (Mr. ZABLOCKI) is recognized for 5 minutes.

● Mr. ZABLOCKI. Mr. Speaker, I am introducing today, by request, a bill to amend the Foreign Assistance Act of 1961 and the Arms Export Control Act; to authorize additional security and development assistance programs for fiscal years 1983 and 1984; and for other purposes.

This bill has been requested by the President. Joining in its introduction is Congressman WILLIAM S. BROOMFIELD, the ranking minority member of the Foreign Affairs Committee.

The bill would authorize funding for certain foreign assistance programs in the year ahead in addition to the amounts already authorized, and would provide certain other authorities not in the present law.

Mr. Speaker, it should be noted that the Congress has already passed a 2-year foreign aid authorization bill for fiscal years 1982 and 1983, the International Security and Development Assistance Act of 1981, which the President signed into law last December.

The amounts proposed in this bill are additional to that authorization. The request will require thorough study and analysis to determine what justification there may be for any increases in foreign aid for fiscal 1983 at a time when domestic programs are being reduced and the country is on the verge of a full-scale depression.

If the hearings reveal that additional assistance is justified and is clearly in the national economic and security interests of the United States it will require absolute bipartisan support in the Congress and the strong and active backing from the President.●

● Mr. BROOMFIELD. Mr. Speaker, I am cosponsoring with Congressman ZABLOCKI, by request, the International Security and Development Cooperation Act of 1982. The administration bill is comprehensive in nature, covering both economic and military aid. It contains new provisions in some areas and calls for increased funding over last year's level. Because of the growing economic austerity that our country is facing domestically, I am sure my colleagues on the committees with jurisdiction will join with me in carefully scrutinizing every provision of the bill to insure that funding levels for foreign aid in fiscal year 1983 are consistent with our obligations not only internationally, but domestically as well. Foreign assistance programs that can be postponed, should be postponed, just as we defer worthy domestic programs during periods of economic austerity.

In introducing this legislation by request, I wish to point out that I do not necessarily support each and every provision of the legislative request.●

ADMINISTRATION BUDGET CUTS IN CUSTOMS SERVICE WILL COST PUBLIC $130 MILLION MORE THAN WILL BE SAVED

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California (Mr. STARK) is recognized for 5 minutes.

● Mr. STARK. Mr. Speaker, as part of his budget cuts designed to hold down the Federal deficit, President Reagan has proposed the attrition and layoff of 2,300 U.S. Customs Service officers. At the same time, to raise additional revenues, he proposes to increase the IRS by 5,000 to increase the level of taxpayer compliance and to increase revenues by an estimated $2.1 billion in fiscal year 1983.

Since what made sense for the IRS would also seem to make sense for the Customs Service, on February 15 I asked the Commissioner of Customs for a report on the amount of additional revenues an additional 1,000 customs personnel would raise.

I have just received the Agency's report: An additional 1,000 personnel scattered among various functions would result in an additional $100 million in revenues, largely from those who are evading and ignoring the Nation's trade and tariff laws. This represents a return of $3 for every $1 in additional personnel.

From this data, it appears that the President's proposal to lay off 2,300 customs personnel will cost the law-abiding public approximately $130 million or more.

With this kind of misplaced judgment, no wonder the Reagan administration is facing a series of increasing deficits. I hope the Congress will recognize the foolishness of this type of budget-cutting and will prevent the layoff of one out of every six customs personnel.

Following is the text of the Customs Service letter to me.

U.S. CUSTOMS SERVICE,
Washington, D.C., March 15, 1982.

Hon. FORTNEY H. STARK,
House of Representatives, Washington, D.C.

DEAR MR. STARK: In your letter dated February 15, 1982, you raised the question of how much additional revenue could be collected if Customs were authorized funds for an additional 1,000 personnel, to be allocated to the categories of import specialists, auditors, special investigators, and inspectors.

Approximately $100 million in additional revenues could be collected. This represents a marginal return of about 3:1. These additional resources would be allocated among various on-going programs that emphasize special enforcement processing of small numbers of cargo shipments and entries that have been selected out as high risk for violations, including potential revenue losses. These selectivity programs include laboratory analyses, selective audits of importers and commodities, fraud investigations and cargo inspections.

Although in fiscal year 1981 Customs collected almost $18.50 per dollar expended from the total budget, the marginal returns from additional staffing will be much lower, because of the high level of compliance that already exists overall among U.S. importers and travelers.

Thank you for your interest in Customs.

Sincerely,

JACK T. LACY,
Comptroller.●

BANK EXPORT SERVICES ACT

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Rhode Island (Mr. ST GERMAIN) is recognized for 5 minutes.

● Mr. ST GERMAIN. Mr. Speaker, today I am introducing legislation designed to increase bank involvement in export financing and the export of goods and services. Everyone supports the proposition that the United States must increase its exports of manufactured goods. Our performance over the years in this economic activity is poor. Foreign countries for years have placed a major emphasis on exports and the effects become more visible each year. Imports into this country continue to increase. U.S. manufacturers face serious competition from foreign manufacturers here at home. Government and the private sector realize that growth in our economy now depends on a major shift from reliance on domestic sales to a mix of domestic and foreign sales efforts.

Given this realization, comprehensive studies, both in the public and private sectors, were undertaken to determine what Government or economic policy was needed to encourage our domestic manufacturers to move into the export market. Early on it became clear that many of the problems and their solutions were difficult, expensive, and long-range in nature. For example, studies suggest that changes are needed in our tax laws to assist companies in their exporting. However, we are confronted with a short-term problem if tax incentives are provided—such tax incentives cost the Government revenues thus making it difficult to bring expenditures in line with revenues. Also, many studies suggest that Government assistance—loans and guarantees through the Ex-Im Bank, SBA, EDA, and other agencies—would provide substantial assistance. Again, these solutions would cost the Government money—money which is not available in the quantities suggested.

Since major expenditures either as tax benefits or major spending programs are not realistic solutions in today's environment, efforts must be directed toward changes which will encourage the private sector to become more involved.

One device which is suggested is the export trading company. The experience of our European and Japanese neighbors indicates that firms in those countries effectively utilize companies which specialize in importing and exporting goods and services. These trading companies provide manufacturers a means of reducing the risks associated with foreign business endeavors and offer a wide variety of services to their customers—including freight handling, financing, and market analysis. Proponents argue that this country needs to provide opportunities for the establishment and more successful operation of such firms in this Nation. Thus, a number of bills provide incentives for the establishment of export trading companies with the Department of Commerce providing the focus for these efforts.

Export trading companies can provide assistance to small and medium size businesses in the United States who produce goods and services which can be marketed abroad. To my knowledge, no one has suggested that we should not encourage the development of such firms. Thus, there is support for provisions defining the nature of an export trading company and providing information on the use and operation of such firms through existing trade promotion programs in the Department of Commerce.

There is a long tradition in this country of separating banking and commerce. As a result of practices evident in the period leading up to the crash of 1929 and the bank closings in the thirties, legislation was enacted which created a wall between the operations of our depository institutions and other fields of enterprise. This wall was believed necessary to assure that the institutions which held public funds and provided vital credit for all segments of U.S. industry and commerce were operated in a safe and sound manner and that concentrations of power resulting from combinations of banking and commercial firms were minimized. Over the years since passage of that legislation, Congress has allowed some exceptions to this separation. In particular, bank holding companies have been allowed to engage in activities which are "closely related to banking" and savings and loan holding companies have similar latitude. These exceptions reflect the changing nature of the financial services industry and the development of new product lines and needs in the marketplace.

In some cases, bank involvement in such areas led to increased risk to those institutions and in some cases led to bank failures. The Nation must, as a result, continue to be cautious about making changes which bridge that traditional separation. Depository institutions continue to play a vital role in our economy and steps which place those institutions at risk must receive careful consideration, and if allowed must provide sufficient protections to avoid undue risk.

It was natural then that concern was raised about allowing depository institutions to have equity interests in firms which provide many services not now offered by banks and which engage in high risk endeavors. The Federal Reserve System and the Federal Deposit Insurance Corporation on several occasions expressed their strong reservations. Clearly any legislation in this area must address these concerns.

On the other hand, these concerns must be balanced by the national need to expand its trade possibilities. This is particularly important to my area of New England. Traditionally, this region has been heavily involved in international trade. For example, the New England Congressional Institute provided information on this point:

> In 1980, the six New England States generated over $10 billion in export sales. An estimated 135,000 jobs in New England are a direct result of export sales. When asked to predict the effect of passage of ETC legislation on their companies' receipts in the New England Congressional Institute survey conducted in April, 57 percent of the export trading company respondents estimated an increase of over 25 percent. All of the respondents indicated increases of at least 5 percent. Applying the lowest of those estimates to current export data suggests that *the potential effect of ETC legislation in New England means 500 million dollars earned in export sales, and over 10,000 jobs.* (Emphasis in original.)

The Institute goes on to say:

> New England, which has over 25,000 manufacturing firms, has a growing interest in export trade among its small and medium-sized firms. In the opinion survey conducted by the New England Congressional Institute in April, 52 percent of the manufacturing sector respondents indicated they would be interested in utilizing the services of an ETC. Of these, 24 percent do not currently export. The survey appears to indicate that *several thousand New England firms are interested in using the services of an export trading company.* (Emphasis in original.)

Studies such as these point up the need for improving the chances of those small manufacturers to engage in international trade. To do so, these firms need an intermediary to absorb some of the risks that are involved in international activities. Increased activity by export trading companies appears to be one way to generate some benefits in this area.

Bank Holding Companies and Edge Act Corporations can provide services which will make an ETC function more effective. They can supply the capital necessary to allow ETC's to experience large economies of scale. The existing international communications and data processing systems and financial expertise of large BHC and Edge Act Corporations will provide additional benefits to ETC's. Also, liberalized roles for the issuance of bankers' acceptances—a form of financing provided by depository institutions to facilitate trade transactions—should provide increased financing capabilities for these firms.

With these advantages, and the concerns about banks' involvement in commerce in mind, I explored the possibility of allowing depository institutions to engage in export trading company activities in a manner which assures as much separation as possible between that activity and the deposit taking function of the depository institutions. This can be accomplished by allowing only direct investments (purchases of the securities of export trading companies) by bank holding companies or Edge Act Corporations. Thus, operating export trading company activities within a bank itself would be precluded. The operations would be in separate subsidiaries. Clearly any legislation in this area must address these concerns.

The Bank Export Services Act contains two major provisions. The first authorizes bank holding companies and Edge Act Corporations to invest in export trading companies. Export trading companies are defined as organizations that operate under U.S. or State law exclusively to export or facilitate the export of goods or services produced in the United States by providing one or more export trade services. These services would include consulting, international market research, advertising, marketing, product research and design, legal assistance, transportation, including trade documentation and freight forwarding, communications and processing of foreign orders to and for exporters and foreign purchasers, warehousing, foreign exchange, and financing, when provided to facilitate the export of U.S. goods and services.

Bank holding companies would be permitted to invest up to 5 percent of their consolidated capital and surplus, and Edge Act Corporations up to 25 percent of their capital and surplus, in export trading companies. All investments in export trading companies would be subject to prior approval by the Board of Governors of the Federal Reserve System. This will insure the proper review and supervision needed to reduce the possible risk to depository institution subsidiaries. Export trading companies could be owned wholly or in part by one or more bank holding companies or by one or more Edge Act Corporations.

Export trading companies could become involved in underwriting, selling, or distributing securities in the United States only to the extent their parent bank holding companies or Edge Act Corporations could legally do so. Export trading companies also could not engage in manufacturing or agricultural production activities, or have a name similar to their parent organizations.

Limits on the amount of permissible lending between parent companies and affiliates, contained in section 23A of the Federal Reserve Act, would apply to export trading company affiliates of bank holding companies and Edge Act Corporations.

The second section of the Bank Export Services Act amends the Federal Reserve Act provision relating to bankers' acceptances. The coverage of the provision would be broadened to include nonmember banks and branches and agencies of foreign banks subject to reserve requirements. The overall limit on a bank's acceptances, including its participation share in acceptances originated by others, would be raised from the current level of 50 percent of the bank's paid up and unimpaired capital stock and surplus (100 percent with Federal Reserve Board approval) to 150 percent (200 percent with Board approval).

The new provision would specify that no more than 50 percent of a bank's authorized acceptances could be connected with domestic transactions, and would delete current language limiting domestic acceptances to 50 percent of a bank's capital stock and surplus. The current limitation on the issuance of unsecured acceptances for any one customer to 10 percent of the bank's capital and surplus would be retained. The new provision also would specify that, when banks enter participation agreements to share the obligations of an acceptance, the portion of the obligation retained or purchased by a bank would count toward that bank's acceptance limits. The existing requirement that acceptances involving domestic shipments must include shipping documents that convey or secure title would be deleted.

The Federal Reserve Board would be authorized to define any terms in carrying out the provision.

This legislation is, I believe, a reasonable approach to resolving the twin concerns of insuring bank safety and soundness by limiting the breach in the separation of banking and commerce, and encouraging the flow of exports from this Nation. It is anticipated that the committee can move expeditiously on this issue. To that end, the Subcommittee on Financial Institutions Supervision, Regulation and Insurance will conduct hearings on this bill on April 21 and 22 and will meet in executive session to mark up the legislation on April 27.●

COMMUNICATION FROM THE SPEAKER OF THE HOUSE OF REPRESENTATIVES TO THE CLERK OF THE HOUSE OF REPRESENTATIVES

The SPEAKER pro tempore laid before the House the following communication from the Speaker of the House of Representatives:

U.S. House of Representatives,
Washington, D.C., March 30, 1982.
Hon. Edmund L. Henshaw, Jr.,
Clerk, House of Representatives, H-105 The Capitol, Washington, D.C.

Dear Mr. Clerk: I have reviewed your notification letter of March 29, 1982 informing me, pursuant to the provisions of House Rule L (50) of receipt of a subpoena directed to you as custodian for House documents in a pending case, *Benford* v. *American Broadcasting Companies, Inc.*, Civ. Action No. N79-2386 (District of Maryland) and commanding you to appear for deposition at a yet undisclosed room at the Holiday Inn in Chevy Chase, Maryland and to bring with you what I understand to comprise approximately 100 linear shelf feet of records relating to the conduct of a legislative investigation.

After consulting with the Majority and Minority Leaders and Whips of the House, as I have from time to time in matters of this sort, I must advise and instruct you not to carry these documents outside the Capitol to a place where their preservation cannot be adequately assured.

I need only remind you of your duties in this regard and the precedents and prerogatives of the House which bind you to properly discharge the responsibilities devolved upon you by rules of the House. Since at least 1879, the House has insisted that no officer or employee of the House has a right either voluntarily or in obedience to a subpoena to produce any original document belonging to its files. The House cannot properly be assured that its papers will remain safe and secure if they are physically carried from their place in the Capitol and delivered to a yet undisclosed room at a Holiday Inn in Maryland.

The gravity of this attempt to improperly wrest control of documents belonging to the House is emphasized by the breadth and intrusiveness of a subpoena which seeks documents generated during a duly authorized investigation by a committee of the House. As you are aware the investigative records of a committee of the House are not subject to judicial process.

Accordingly, I must instruct you not to produce the records in your control and possession at this time. Of course, (if after further proceedings, you should be served with a narrow and specific subpoena for records which are actually relevant and not privileged under circumstances which enable you to assure their preservation, and do not require you to carry the records to a distant jurisdiction, the matter can be reconsidered at that time).

Sincerely,
Thomas P. O'Neill, Jr.,
Speaker.
Jim Wright,
Majority Leader.
Thomas S. Foley,
Majority Whip.
Robert H. Michel,
Minority Leader.
Trent Lott,
Minority Whip.

RECESS

The SPEAKER pro tempore. Pursuant to the order of the House granted earlier today, the Chair declares a brief recess, subject to the call of the Chair.

Accordingly (at 4 o'clock and 25 minutes p.m.), the House stood in recess subject to the call of the Chair.

☐ 1710

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mr. Foley) at 5 o'clock and 15 minutes p.m.

FURTHER MESSAGE FROM THE SENATE

A further message from the Senate by Mr. Sparrow, one of its clerks, announced that the Senate had passed without a joint resolution of the House of the following title:

H.J. Res. 409. Joint resolution making further continuing appropriations for the fiscal year 1982.

The message also announced that the Senate had passed a concurrent resolution of the following title, in which the concurrence of the House is requested:

S. Con. Res. 78. Concurrent resolution providing for an adjournment in April of the House and Senate for more than 3 days.

NUCLEAR ARMS RACE

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Massachusetts (Mr. Mavroules) is recognized for 60 minutes.

● Mr. MAVROULES. Mr. Speaker, we are here today to discuss the nuclear arms race.

As we all know, this is an extraordinary session, outside the normal course of legislative business, echoing a similar evening 13 years ago.

Then, October 14, 1969, this House met to discuss the issue of the Vietnam war. Now the issue is the horrifying prospects of nuclear annihilation.

Then the issue was one of principle, of the morality of our involvement in a war tearing at our Nation's fabric.

But, tonight, in a world set to a nuclear tripwire, the issue is much deeper than principle.

It has come to the question of survival—not merely of a nation but of the entire human species.

The stakes are no less than that.

Tonight we hold a long vigil for world peace, for sanity, through this most darkest of nights in the history of civilization. Indeed, we may be nearing, at speeds faster than we can control, the last page of our history.

"Of all the crimes against the future," writes Jonathan Schell in his pivotal study, "The Effects of Nuclear War," "extinction is the greatest. It is the murder of the future," he says.

That is the reality of nuclear war, its insanity, its inhumanity, its sheer perversion. A reality we have denied for 36 years, ever since the first nuclear device took the first human life in Hiroshima.

It is a reality we have denied until recently, however.

It took close to a million of our fellow Americans, of all walks of life, to wrest this issue from a small, tight circle of Government officials, defense policy analysts, and scientists and bring it to the full light of day—where it most certainly belongs.

Finally, thanks to these Americans we, as a nation, are facing this reality of extinction. We do so, not so much out of fear, as former Ambassador George Kennan recently remarked, but out of a growing exasperation:

> An exasperation over the rigidity and traditionalism which prevents the formulation of adequate plans to remove so obvious a man-made risk.

As the threat of nuclear war is man-made, so too is our destiny in our own hands.

My purpose for taking the floor is not so much to talk along philosophical lines about nuclear war as it is to leave you with some picture of its reality. And so I commend to the attention of my distinguished colleagues an office of technology assessment study, entitled "The Effects of Nuclear War," which I would like placed in the Record along with my remarks.

Having read this, you will understand as I do two truths:

There is no such thing as a limited nuclear conflict. Ten carefully targeted enemy missiles aimed at this Nation's economic centers would cause in excess of 22 million American deaths.

Finally, there is not a single issue at stake between the two great superpowers worth the prohibitive cost of a nuclear holocaust.

The issue tonight is human survival, and I vote in the affirmative. I include portions of the OTA study with my remarks.

The Effects of Nuclear War—Summary

Nuclear war is not a comfortable subject. Throughout all the variations, possibilities, and uncertainties that this study describes, one theme is constant—a nuclear war would be a catastrophe. A militarily plausible nuclear attack, even "limited," could be expected to kill people and to inflict economic damage on a scale unprecedented in American experience; a large-scale nuclear exchange would be a calamity unprecedented in human history. The mind recoils from the effort to foresee the details of such a calamity, and from the careful explanation of the unavoidable uncertainties as to whether people would die from blast damage, from fallout radiation, or from starvation during the following winter. But the fact remains that nuclear war is possible, and the possibility of nuclear war has formed part of the foundation of international politics, and of

U.S. policy, ever since nuclear weapons were used in 1945.

The premise of this study is that those who deal with the large issues of world politics should understand what is known, and perhaps more importantly what is not known, about the likely consequences if efforts to deter and avoid nuclear war should fail. Those who deal with policy issues regarding nuclear weapons should know what such weapons can do, and the extent of the uncertainties about what such weapons might do.

* * * * *

It should be understood that in the event of an actual nuclear war, the destruction resulting from an all-out nuclear attack would probably be far greater. In addition to the tens of millions of deaths during the days and weeks after the attack, there would probably be further millions (perhaps further tens of millions) of deaths in the ensuing months or years. In addition to the enormous economic destruction caused by the actual nuclear explosions, there would be some years during which the residual economy would decline further, as stocks were consumed and machines wore out faster than recovered production could replace them. Nobody knows how to estimate the likelihood that industrial civilization might collapse in the areas attacked; additionally, the possibility of significant long-term ecological damage cannot be excluded.

The impact of even a "small" or "limited" nuclear attack would be enormous. Although predictions of the effects of such an attack are subject to the same uncertainties as predictions of the effects of an all-out attack, the possibilities can be bounded. OTA examined the impact of a small attack on economic targets (an attack on oil refineries limited to 10 missiles), and found that while economic recovery would be possible, the economic damage and social dislocation could be immense. A review of calculations of the effects on civilian populations and economies of major counterforce attacks found that while the consequences might be endurable (since they would be on a scale with wars and epidemics that nations have endured in the past), the number of deaths might be as high as 20 million. Moreover, the uncertainties are such that no government could predict with any confidence what the results of a limited attack or counterattack would be even if there was no further escalation.

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From an economic point of view, and possibly from a political and social viewpoint as well, conditions after an attack would get worse before they started to get better. For a period of time, people could live off supplies (and, in a sense, off habits) left over from before the war. But shortages and uncertainties would get worse. The survivors would find themselves in a race to achieve viability (i.e., production at least equaling consumption plus depreciation) before stocks ran out completely. A failure to achieve viability, or even a slow recovery, would result in many additional deaths, and much additional economic, political, and social deterioration. This postwar damage could be as devastating as the damage from the actual nuclear explosion.

SECTION 2.—APPROACH

The scope of this study is both broader and narrower than that of most other studies on this subject. It is broader in three respects:

1. it examines a full range of possible nuclear attacks, with attacking forces ranging in extent from a single weapon to the bulk of a superpower's arsenal;

2. it deals explicitly with both Soviet attacks on the United States and U.S. attacks on the Soviet Union; and

3. it addresses the multiple effects of nuclear war, indirect as well as direct, long term as well as short term, and social and economic as well as physical.

* * * * *

In order to provide a kind of tutorial on what happens when nuclear weapons are detonated, the study describes the effects of the explosion of a single weapon. Then it examines the effects of such an explosion over a single U.S. city (Detroit) and single Soviet city (Leningrad) of comparable size. The base case was the detonation of a 1-megaton weapon (1 Mt=energy released by 1 million tons of TNT), since both the United States and the Soviet Union have weapons of roughly this size in their arsenals. Then, in order to look at the ways in which the specific effects and overall impact would vary if other weapons that might be available were used, the effects of a 25-Mt weapon over Detroit, the effects of a 9-Mt weapon over Leningrad, and the effects of 10 weapons of 40 kilotons (kt) each over Leningrad are described. An attempt was made to describe as well the effects of a small weapon in a large city (such as a terrorist group might set off) but was unsuccessful because the effects of such a weapon in a metropolitan setting cannot be inferred from the existing body of knowledge regarding military weapons.

The casualties from such attacks could range from 220,000 dead and 420,000 injured to 2,500,000 dead and 1,100,000 injured (many of the injured would wind up as fatalities), depending on the details of the attack and the assumptions made regarding conditions. The discussion in chapter II of the full report shows how the time of day, time of year, weather conditions, size of weapon, height of burst, and preparation of the population could all make a great difference in the number of casualties resulting from such an attack. The extent of fire damage is a further uncertainty. Even if only one city is attacked, and the remaining resources of a nation are available to help, medical facilities would be inadequate to care for the injured. A further imponderable is fallout (if the attack uses a surface burst), whose effects depend on the winds.

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In order to examine the kind of destruction that is generally thought of as the culmination of an escalatory process, the study looked at the consequences of a very large attack against a range of military and economic targets. Here too calculations that the executive branch has carried out in recent years were used. These calculations tend to assume that Soviet attacks on the United States would be a first strike, and hence use most of the Soviet arsenal, while U.S. attacks on the Soviet Union would be retaliatory strikes, and hence use only those weapons that might survive a Soviet counterforce attack. However, the difference in damage to civilian populations and economies between a "first strike" and a "second strike" seems to lie within the range of uncertainty created by other factors.

The resulting deaths would be far beyond any precedent. Executive branch calculations show a range of U.S. deaths from 35 to 77 percent (i.e., from 70 million to 160 million dead), and Soviet deaths from 20 to 40 percent of the population. Here again the range reflects the difference made by varying assumptions about population distribution and sheltering, and to a lesser extent differences in assumptions about the targeting policy of the attacker. Soviet casualties are smaller than U.S. casualties because a greater proportion of the Soviet population lives in rural areas, and because U.S. weapons (which have lower average yields) produce less fallout than Soviet weapons.

Some excursions have been run to test the effect of deliberately targeting population rather than killing people as a side effect of attacking economic and military targets. They show that such a change in targeting could kill somewhere between 20 million and 30 million additional people on each side, holding other assumptions constant.

These calculations reflect only deaths during the first 30 days. Additional millions would be injured, and many would eventually die from lack of adequate medical care. In addition, millions of people might starve or freeze during the following winter, but it is not possible to estimate how many. Attempts to calculate the further millions who might eventually die of latent radiation effects are shown in chapter V of the full report.

What is clear is that from the day the survivors emerged from their fallout shelters, a kind of race for survival would begin. One side of the race would be the restoration of production: production of food, of energy, of clothing, of the means to repair damaged machinery, of goods that might be used for trade with countries that had fought in the war, and even of military weapons and supplies. The other side of the race would be consumption of goods that had survived the attack, and the wearingout of surviving machines. If production rises to the rate of consumption before stocks are exhausted, then viability has been achieved and economic recovery has begun. If not, then each postwar year would see a lower level of economic activity than the year before, and the future of civilization itself in the nations attacked would be in doubt. This report cannot predict whether this race for economic viability would be won. The answer would lie in the effectiveness of postwar social and economic organization as much as in the amount of actual physical damage.

* * * * *

Long-Term Effects: While the immediate damage from the blasts would be long term in the sense that the damage could not be quickly repaired, there would be other effects which might not manifest themselves for some years after the attack. It is well established that levels of radiation too low (or too slowly absorbed) to cause immediate death or even illness will nevertheless have adverse effects on some fraction of a population receiving them. A nuclear attack would certainly produce both somatic effects (largely cancer) and genetic effects, although there is uncertainty about the number of victims. OTA calculated the ranges of such effects that might be produced by each of the attack cases analyzed. Cancer deaths and those suffering some form of genetic damage would run into the millions over the 40 years following the attack. For the comprehensive attack (Case 4), it appears that cancer deaths and genetic effects in a country attacked would be small relative to the numbers of immediate deaths, but that radiation effects elsewhere in the world would appear more significant.

For counterforce attacks, the effects would be significant both locally and worldwide.

A 1975 study by the National Academy of Sciences (NAS)[1] addressed the question of the possibility of serious ecological damage, and concluded that while one cannot say just how such damage would occur, it cannot be ruled out. This conclusion still stands, although the NAS report may have been more alarmist about the possibility of damage to the ozone layer than recent research would support.

SUMMARY OF EFFECTS

Case No. and description	Main causes of civilian damage	Immediate deaths	Middle-term effects	Long-term effects
1. Attack on single city: Detroit and Leningrad; 1 weapon or 10 small weapons.	Blast, fire, and loss of infrastructure; fallout is elsewhere.	200,000 to 2,000,000	Many deaths from injuries; center of city difficult to rebuild.	Relatively minor.
2. Attack on oil refineries, limited to 10 missiles	Blast, fire, secondary fires, fallout. Extensive economic problems from loss of refined petroleum.	1,000,000 to 5,000,000	Many deaths from injuries; great economic hardship for some years; particular problems for Soviet agriculture and for U.S. socioeconomic organization.	Cancer deaths in millions only if attack involves surface bursts.
3. Counterforce attack; includes attack only on ICBM silos as a variant.	Some blast damage if bomber and missile submarine bases attacked.	1,000,000 to 20,000,000	Economic impact of deaths; possible large psychological impact.	Cancer deaths and genetic effects in millions; further millions of effects outside attacked countries.
4. Attack on range of military and economic targets using large fraction of existing arsenal.	Blast and fallout; subsequent economic disruption; possible lack of resources to support surviving population or economic recovery. Possible breakdown of social order. Possible incapacitating psychological trauma.	20,000,000 to 160,000,000	Enormous economic destruction and disruption. If immediate deaths are in low range, more tens of millions may die subsequently because economy is unable to support them. Major question about whether economic viability can be restored—key variables may be those of political and economic organization. Unpredictable psychological effects.	Cancer deaths and genetic damage in the millions; relatively insignificant in attacked areas, but quite significant elsewhere in the world. Possibility of ecological damage.

* * * * *

Uncertainties in calculations of deaths and of direct economic damage resulting from the need to make assumptions about matters such as time of day, time of year, wind, weather, size of bombs, exact location of the detonations, location of people, availability and quality of sheltering, etc.

Effects that would surely take place, but whose magnitude cannot be calculated. These include the effects of fires, the shortfalls in medical care and housing, the extent to which economic and social disruption would magnify the effects of direct economic damage, the extent of bottlenecks and synergistic effects, the extent of disease, etc.

Effects that are possible, but whose likelihood is a incalculable as their magnitude. These include the possibility of a long downward economic spiral before viability is attained, the possibility of political disintegration (anarchy or regionalization), the possibility of major epidemics, and the possibility of irreversible ecological changes.

* * * * *

There is a final area of uncertainty that this study does not even address, but which could be of very great importance. Actual nuclear attacks, unlike those described in the full report, would not take place in a vacuum. There would be a series of events that would lead up to the attack, and these events could markedly change both the physical and the psychological vulnerability of a population to a nuclear attack. Even more critical would be the events after the attack. Assuming that the war ends promptly, the terms on which it ends could greatly affect both the economic conditions and the state of mind of the population. The way in which other countries are affected could determine whether the outside world is a source of help or of further danger. The postattack military situation (and nothing in this study addresses the effects of nuclear attacks on military power) could not only determine the attitude of other countries, but also whether limited surviving resources are put to military or to civilian use.●

LEGISLATION TO PROTECT THE COLUMBIA RIVER GORGE

(Mr. WYDEN asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. WYDEN. Mr. Speaker, I am introducing legislation today, in conjunction with my distinguished colleague from Oregon, Senator MARK HATFIELD, to protect the Columbia River Gorge, a magnificent canyon cutting through the Cascade Range just east of the Portland-Vancouver metropolitan area.

The gorge is an area of unparalleled beauty, from its cascading all-season waterfalls to its misty vistas, that has stolen the breath and captured the imagination of millions of visitors.

In addition to its majestic beauty, the gorge is a popular recreational area, with many parks and an extensive system of hiking trails whose popularity extends worldwide.

Because it has been inhabited by man for more than 11,000 years and once was an important meeting area for Indians and traders, the gorge has significant historical and cultural values—values appreciated by the Federal Government since the Lewis and Clark Expedition.

As the gorge sweeps from sagebrush and grasslands in its eastern reaches to lush rain forests in the west, it is home for many unique and threatened species of animal and plant life.

And, as the only sea-level route through the Cascade Range on the entire west coast, the gorge is an important emerging American waterway, as well as a producer of energy, fish, and agricultural products.

The gorge is a dynamic area, but also a fragile area.

It deserves special attention, especially in light of creeping developing pressures in the adjacent metropolitan areas.

It deserves special protection because of its unquestionable values and the ease by which those values could be tarnished.

It deserves special consideration because it is a truly unique area made up not just of wilderness and recreational delights, but of industry, farms and a number of rural communities as well.

What is needed is a mechanism to treat the gorge as a single entity and to provide for its management in a regional manner that supercedes the interests of the two States, the six counties, and many municipalities and special districts within the gorge. It needs a mechanism sensitive to the needs of local residents, many of whom have had ancestors in the region for decades, and to the desires of those who treasure the gorge's values.

Both Senator HATFIELD and I have introduced two bills that provide for gorgewide planning and management of sensitive gorge resources.

One is the product of deliberations between members of the Northwest congressional delegation. The other is the work of the major advocacy group for protecting the gorge. And although there are differences between these bills, there are more points of agreement than disagreement.

Introduction of this legislation is important now because it sets in motion a process toward actually protecting the gorge. That is our shared goal.

What differences exist pale beside our common commitment to protect the gorge.

Introduction of this legislation fulfills a pledge I made in my initial campaign for Congress, but I know the process has just begun. I look forward to the challenge.

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[1] *Long-Term Worldwide Effects of Multiple Nuclear-Weapons Detonations* (Washington, D.C.: National Academy of sciences, 1975).

Below are the texts of both bills. The first is the delegation's bill; the second the bill supported by the Friends of the Columbia River Gorge:

H.R. 6001

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SHORT TITLE AND TABLE OF CONTENTS

Section 1. This Act may be cited as the "Columbia River Gorge Act of 1982".

TABLE OF CONTENTS

Sec. 1. Short title and table of contents.
Sec. 2. Findings and purposes.
Sec. 3. Establishment of Commission.
Sec. 4. Designation of Area.
Sec. 5. Interim protection.
Sec. 6. Management Plan for Area.
Sec. 7. State and local planning; protection of the Area.
Sec. 8. Enforcement.
Sec. 9. Federal activities within Area.
Sec. 10. Other Commission authorities.
Sec. 11. Indian treaties.
Sec. 12. Authorization of appropriations.
Sec. 13. Acquisition of fund.
Sec. 14. Mitigation of local revenue losses.
Sec. 15. Compliance with Budget Act.

FINDINGS AND PURPOSES

Sec. 2. (a) Findings.—The Congress finds that—

(1) the Columbia River Gorge, located in the State of Oregon and the State of Washington, is a spectacular canyon of compelling and majestic beauty formed by the Columbia River cutting through the Cascade Range and dramatically illustrating natural geologic forces;

(2) the Columbia River Gorge is the historic gateway between the Pacific Ocean and the interior of the North American continent traveled by native Americans, explorers, traders, and pioneers and evidencing human habitation for over 11,000 years and it remains an area of commercial and economic importance to the region, particularly with respect to navigation, transportation, energy production, fisheries, industry, agriculture, and recreation;

(3) the Columbia River Gorge contains magnificent scenic, natural, and recreational values of national significance, including cascading all-season waterfalls and an extensive system of hiking trails which are critical recreation facilities heavily used by residents of the Portland-Vancouver Metropolitan Area and by visitors from around the Pacific Northwest, the Nation, and the world;

(4) the botanical diversity of the Columbia River Gorge ranging from the sagebrush and grasslands of the east to the lush rain forests of the west and including many threatened and endangered species, is unique, due in part to the diverse climate of the area;

(5) human impact on the landscape of the Columbia River Gorge, including Federal hydroelectric power development, interstate highway construction, port and navigation facilities, farms, orchards, forest production, cities, and towns, is intense, but, historically, much of the diverse scenic quality of the Gorge has been preserved;

(6) the existing character of the landscape of the Columbia River Gorge has been maintained and enhanced by existing rural communities which should be protected and maintained;

(7) the existing scenic, historic, recreational, archeological, and scientific qualities of the Columbia River Gorge are threatened by rapid population growth in the nearby Portland, Oregon-Vancouver, Washington Metropolitan Area, by uncontrolled development, and by the existence of more than 50 local, State, and Federal jurisdictions and agencies with authority within the Columbia River Gorge;

(8) the existing local, State, and Federal planning and regulatory authorities lack sufficient resources to provide for growth management, develop recreational facilities to serve tourists and residents of the metropolitan areas in close proximity to the Columbia River Gorge, and protect the unique scenic resources of the Columbia River Gorge; and

(9) in order to resolve differences, existing and potential, between the various affected jurisdictions in the State of Oregon and the State of Washington over protection and enhancement of the existing character of the Columbia River Gorge, and in order to protect the scenic and other values of Federal lands and facilities located within the Columbia River Gorge, the Federal Government must form a partnership with State and local governments in the Columbia River Gorge, and focus final decisional authority in a single arbiter, thereby protecting the Gorge's nationally significant scenic, natural, and cultural (including historical, archeological, scientific, recreational, and social) resources.

(b) Purposes.—The purposes of this Act are—

(1) to protect, conserve, and enhance the scenic, natural, cultural, and other resource values of existing Federal property located in the Columbia River Gorge, including lands administered by the United States Forest Service, the United States Bureau of Land Management, the Army Corps of Engineers, and lands included in the Interstate Highway System;

(2) to protect and enhance all scenic, cultural, and natural resources of the Columbia River Gorge, including sensitive habitats for threatened and endangered species, while providing public use and enjoyment consistent with protecting and preserving these resources;

(3) to protect and preserve the historical and archeological resources of the Columbia River Gorge and, where appropriate, to make these resources more available to the public for educational and scientific purposes;

(4) to protect and perpetuate the existing economy of the Columbia River Gorge, including the preservation of existing hydroelectric activities, and agriculture, fishing, and timber utilization, and the character of human habitation, in harmony with the existing visual landscape, and by promoting economic development within the Gorge which enhances the existing scenic and natural character of the Columbia River Gorge and which promotes public awareness of the historical, cultural, and natural values of the area and which supports and enhances the economic livelihood of the Gorge by encouraging growth to occur in the existing communities, by recognizing compatible economic pursuits outside the communities as an appropriate part of the Gorge character, by channeling public development assistance into Gorge communities where possible, and by enhancing the potential of the Gorge for increased tourism;

(5) to provide for and manage public use and enjoyment of the Columbia River Gorge in a manner consistent with natural resource protection and maintenance of the existing rural landscape, including the establishment, acquisition, maintenance, and operation of public recreation and natural areas and facilities to meet the needs of a growing regional population;

(6) to utilize the land use planning and other powers of local and State governments and existing Federal agencies to further the purposes of this Act and provide Federal assistance in the development and implementation of a single Management Plan for the Columbia River Gorge; and

(7) to facilitate and effectuate a partnership among the Federal Government, the State of Oregon, the State of Washington, and local government entities located within the Columbia River Gorge in order to develop and enforce a single Management Plan for the Area which will supplement local and State Management Plans and which will protect and enhance the Area's existing character while protecting critical lands and allowing development only when consistent with preservation of existing scenic, natural, and cultural values.

ESTABLISHMENT OF COMMISSION

Sec. 3. (a) Establishment.—There is hereby established in the Department of Agriculture the Columbia River Gorge Commission (hereinafter in this Act referred to as the "Commission"). The Commission shall consist of eleven members, appointed as follows:

(1) three members appointed by the governing body of each of the following counties: Wasco, Hood River, and Multnomah, Oregon;

(2) three members appointed by the governing body of each of the following counties: Clark, Skamania, Klickitat, Washington;

(3) two members appointed by the Governor of Oregon;

(4) two members appointed by the Governor of Washington; and

(5) the chief of the Forest Service, Department of Agriculture, ex officio, or his designee.

If any county referred to in paragraph (1) or (2) fails to appoint a member of the Commission under paragraph (1) or (2) within 6 months after the date of the enactment of this Act or within 6 months after the expiration of a members term from that county, the Secretary of Agriculture may appoint a resident of that county to serve as the member from such county.

(b) Qualifications.—Members of the Commission appointed pursuant to paragraphs (3) and (4) of subsection (a) shall be individuals who are not residents of the Area but who have demonstrated interest in, and knowledge of, the Area.

(c) Terms.—(1) Except as provided in paragraphs (2) and (3) of this subsection, members of the Commission shall be appointed for terms of 3 years. A member may be reappointed only once unless such member was originally appointed to fill a vacancy pursuant to subsection (e)(1) of this section, in which case a member may be reappointed twice.

(2) Of the members first appointed pursuant to paragraph (1) of subsection (a) of this section, one member shall be appointed for a term of two years, one member shall be appointed for a term of four years, and one member shall be appointed for a term of six years. The members first appointed pursuant to paragraph (1) shall also be appointed for terms of 2, 4, and 6 years. The terms of first appointed members under this paragraph shall be determined by lottery.

(d) Presiding Officer.—The presiding officer of the Commission shall be elected annually by the members of the Commission, and shall serve for a term of one year. No member may serve as presiding officer for consecutive terms, and no member may serve as presiding officer if his predecessor as presiding officer was appointed to the Commission from a county in the same State as the county which nominated that member.

(e) Vacancies.—(1) Any vacancy in the Commission shall be filled in the same manner in which the original appointment was made.

(2) Any member appointed to fill a vacancy shall serve for the remainder for the term for which his predecessor was appointed. Any member may serve after the expiration of his term for a period not longer than thirty days.

(f) Voting.—Unless otherwise provided, the Commission shall act or advise by affirmative vote of a majority of its members, but a lesser number may hold hearings.

(g) Compensation.—(1) Except as provided in paragraph (2) of this subsection, members of the Commission shall each be entitled to receive $100 for each day (including traveltime) during which they are engaged in the performance of the duties of the Commission.

(2) Members of the Commission who are full-time officers or employees of the United States, the State of Oregon, the State of Washington, or any county referred to in paragraph (1) or (2) of subsection (a) shall receive no additional pay on account of their service on the Commission.

(3) While away from their homes or regular places of business in the performance of service for the Commission, members of the Commission shall be allowed travel expenses, including per diem in lieu of subsistence, in the same manner as persons employed intermittently in the Government service are allowed expenses under section 5703 of title 5 of the United States Code.

(h) Hearings.—The Commission may for the purpose of carrying out its functions hold such hearings, sit and act at such times and places, take such testimony, and receive such evidence as the Commission may deem advisable. The Commission may administer oaths or affirmations to witnesses appearing before it.

(i) Executive Director.—The Executive Director and staff of the Commission may be appointed without regard to the provisions of title 5, United States Code, governing appointments in the competitive service, and they may be paid without regard to the provisions of chapter 51 and subchapter III of chapter 53 of such title relating to classification and General Schedule pay rates, except that no individual so appointed may receive pay in excess of the annual rate of basic pay for grade GS-15 of the General Schedule.

(j) Experts; Consultants.—The Commission may procure temporary and intermittent services to the same extent as is authorized by section 3109(b) of title 5, United States Code, but at rates determined by the Commission to be reasonable.

(k) Federal Assistance.—Upon request of the Commission, the Secretary of Agriculture may provide information, personnel, property, and services, on a reimbursable basis, to the Commission to assist it in carrying out its duties under this Act. During the preparation of the Management Plan under section 5, the Secretary of Agriculture shall make available an interdisciplinary planning team comprised of forest service personnel to assist the Commission in such preparation.

(l) Administrative Procedure.—Actions taken and orders issued by the Commission shall be subject to the provisions of subchapter II of chapter 5 and chapter 7 of title 5, United States Code (5 U.S.C. 551 et seq.; 5 U.S.C. 701 et seq.). The Management Plan adopted under section 5 shall not be treated as final agency action for purposes of judicial review under such provisions until it is approved, or deemed approved, under section 5(e).

DESIGNATION OF AREA

Sec. 4. (a) Designation.—In order to carry out the purposes of this Act, the Columbia River Gorge Scenic Area (hereinafter in this Act referred to as the "Area") is established as a unit of the national forest system.

(b) Administration.—The Area shall be administered by the Secretary of Agriculture (hereinafter in this Act referred to as the "Secretary"), acting through the United States Forest Service, in accordance with this Act and in accordance with the provisions of law generally applicable to units of the national forest system. In the case of any conflict between the provisions of this Act and such generally applicable provisions of law, the provisions of this Act shall govern.

(c) Map and Description.—(1) The Area shall consist of the area within the boundaries generally depicted on the map entitled "Boundary Map, Columbia River Gorge Scenic Area", numbered and dated , which shall be on file and available for public inspection in the offices of the Commission and in the offices of the Forest Service (Department of Agriculture). The areas on such map depicted as "critical" shall be treated as the portions of the Area which are of critical importance to the protection and preservation of the values of the Area for purposes of applying the provisions of this Act. As soon as practicable after the date of the enactment of this Act, the Secretary of Agriculture (hereinafter in this Act referred to as the "Secretary") shall publish in the Federal Register a map and legal description of the Area. Such description shall have the same force and effect as if included in this Act except that correction of clerical and typographical errors in such legal description and map may be made. The boundary shall be subject to adjustment as provided in section 6(b)(4).

(2) The incorporated towns and cities of The Dalles, Hood River, White Salmon, Bingen, Cascade Locks, Stevenson, Washougal, Mosier, and North Bonneville, as their boundaries (including any specific growth boundary which has been expressly approved by the applicable State) existed on July 1, 1981, shall not be included within the boundaries of the Area. If, after July 1, 1981, the boundaries of any such cities or towns are changed by such city or town, then the area within such new boundary shall not thereafter be within the boundary of the Area, if such boundary change has been approved in the manner to be provided in the Management Plan as required in section 5(b)(4).

(d) Forest System Revenues.—For purposes of any provision of law under which funds are provided to a State or local government on the basis of revenues derived from any unit of the national forest system, notwithstanding subsection (a), the national forest system lands in the State of Oregon which are within the Area shall be treated as components of the Mount Hood National Forest and the national forest system lands in the State of Washington which are within the Area shall be treated as components of the Gifford Pinchot National Forest.

(e) State and Local Civil and Criminal Jurisdiction.—Except as provided in section 6(b) with respect to critical portions of the Area and in section 7 with respect to interim protection, nothing in this Act shall diminish, enlarge, or modify any right of the State of Oregon or Washington, or any political subdivision thereof, to exercise civil and criminal jurisdiction with the Area or of rights to tax non-Federal persons, corporation, franchises, or property, including mineral or other interests in or on lands or waters within the Area.

INTERIM PROTECTION

Sec. 5. (a) Moratorium on New Uses in Critical Portions.—Pending final approval of the Management Plan under section 6, no person may construct or modify any building or facility within any critical portion of the Area unless, upon application of such person, the Commission determines by a vote of 8 or more of its members that such construction or modification is consistent with the purposes of this Act and is compatible with the existing character of land use in that portion of the Area in which such building or facility is located and that such construction or modification will not harm or degrade the resources of the Area.

(b) Interim Forest Service Guidelines.—Not later than 6 months after the date of the enactment of this Act, the Secretary of Agriculture shall publish interim scenic management guidelines to provide protection for the resources of the Area in a manner consistent with the purposes and findings of this Act. Such guidelines may be modified from time to time.

(c) Federal Agency Actions.—(1) During the development of the Management Plan, all applications for Federal assistance under programs—

(A) which are covered by Part I of OMB Circular A-95 and direct Federal actions covered by Part II of OMB Circular A-95 within those portions of the Area for which a moratorium is not applicable under subsection (a), and

(B) which involve the construction of housing, industrial parks, highways, or sewage or water treatment facilities,

shall be reviewed by the Commission, upon receipt from the State A-95 Clearinghouse (hereinafter referred to as the "Clearinghouse"). If the Commission finds that such application or proposed action would have no adverse impact on the resources and values of the Area, the Commission shall so notify the Clearinghouse. If the Commission does not so find, the Commission may notify the Clearinghouse and other affected parties that such application or proposed action shall not proceed. Any such application or proposed action which the Commission determines would have a significant adverse effect on the resources and values of the Area shall not proceed while the Management Plan is being developed.

(2) Nothing in this subsection shall be construed to limit or prohibit any Federal action ordered by a court of competent jurisdiction or directed by a Federal agency as essential for the protection of public health or safety or for national security or defense.

MANAGEMENT PLAN FOR AREA

Sec. 6. (a) Preparation.—The Commission shall prepare a Management Plan for the conservation, use, and development of the Area. In the preparation of the Management Plan the Commission shall hold public meetings to inform residents within the Area, State and local governments, Federal agencies, and other interested parties of the provisions of this Act, the objectives of the Management Plan, the actions to be undertaken in the preparation of the Management Plan, the time when such actions are proposed to be taken, and to provide interested persons and agencies with an opportunity to express their views with respect to matters covered by the Management Plan.

(b) Content.—The Management Plan shall—

(1) be based upon an inventory of the Area's resources including archeological, social, economic, forest, historical, natural, geological, recreational, and scenic values;

(2) protect, maintain, and enhance the scenic, natural, and cultural values of the Area and shall include plans for resource protection, interpretation, and visitor use, including development of public use areas and facilities;

(3) designate appropriate uses of all lands within the Area in order to achieve the purposes of the Act;

(4) establish procedures for the review of changes in State-approved urban growth boundaries within the Area for incorporated communities for the purpose of determining whether areas within such changed boundaries may be approved for exclusion from the boundaries of the Area;

(5) recommend transfers of jurisdiction for existing publicly owned land if advisable to achieve the purposes of the Act and determine appropriate management agencies for such lands;

(6) provide a mechanism for examining and making minor changes in the exterior boundaries of the Area and for revising and amending the Management Plan as necessary to achieve the purposes of this Act;

(7) encourage private individuals and local governments to use or plan the use of land within the Area in ways which will be consistent with and facilitate the achievement of the purposes of this Act;

(8) allow all existing land users of specific tracts of land in the Area as of July 1, 1981, which are found to be consistent with the purposes of this Act;

(9) develop a coordination and consistency component which details the ways in which existing management plans of local, State, and Federal entities may best be coordinated to promote the goals and policies of the Management Plan, and which details how land, water, and structures should be managed by governmental or nongovernmental entities within the Area; and

(10) establish a program for State and local government implementation and enforcement of the Management Plan, with maximum public participation, such as will insure the continued, uniform, and consistent protection of the Area in accordance with the purposes of this Act.

(c) Time for Preparation of Management Plan.—The Commission shall commence preparation of the Management Plan within 6 months after the date of the enactment of this Act and shall complete preparation and adoption of the Management Plan within 24 months after such date of enactment.

(d) Adoption of Management Plan.—Upon a vote of not less than 8 members of the Commission, the Commission shall adopt, publish, and submit to the Secretary of Agriculture the Management Plan required under this section. Such Management Plan may be modified from time to time by the Commission. Any such modification may be adopted and submitted to the Secretary only if approved by not less than 8 members of the Commission. The Management Plan, and any modification thereof, shall be published in a newspaper of general circulation in the Area promptly following its adoption, together with a notice of the appeals procedure available under subsection (e).

(e) Approval of Management Plan.—The Management Plan adopted by the Commission (or any modification thereof) shall be treated as approved and in effect on the date 90 days after its adoption and submission to the Secretary of Agriculture unless, within such 90-day period any person petitions the Secretary to make a determination that the Management Plan (or modification) does not comply with the requirements of this Act. Pursuant to such a petition, and after notice and opportunity for public hearing, the Secretary may make such a determination or approve the Management Plan (or modification). If the Secretary makes a determination of noncompliance he shall submit to the Commission notice of such determination, together with a detailed statement of the basis thereof and a response to all significant comments received by the Secretary. In accordance with the same procedures as are applicable under subsection (d), the Commission may amend and resubmit any Management Plan (or modification) disapproved by the Secretary and such amended Management Plan shall take effect in the same manner as provided in this subsection in the case of the Management Plan (or modification) originally submitted.

STATE AND LOCAL PLANNING; PROTECTION OF THE AREA

Sec. 7. (a) Consultation and Assistance.—During the preparation of the Management Plan under section 6, and thereafter, the Commission shall consult with State and local government authorities within the Area and may provide financial and technical assistance to such authorities to carry out any land use management activity within the Area or any other activity within the Area which the Commission determines will further the purposes of this Act.

(b) Reliance on Existing State and Local Efforts.—(1) In the development of the Management Plan under section 6, the Commission shall examine all State and local policies, management plans, standards, and requirements applicable to the Area and shall, to the extent practicable and consistent with the purposes of this Act, incorporate such policies, management plans, standards, and requirements into the Management Plan.

(2) In consultation with the appropriate State and local authorities, the Commission shall identify conflicts or inconsistency between the policies, management plans, standards, and requirements referred to in paragraph (1) and the proposed Management Plan. Following adoption of the Management Plan the Commission shall continue to identify any such conflicts or inconsistency which arise by reason of amendments or proposed amendments to the guidelines or by reason of changes or proposed changes in such State or local policies, plans, standards, and requirements.

(3)(A) Following identification of any such conflict or inconsistency with respect to a portion of the Area, the Commission shall attempt to negotiate a satisfactory resolution with the State or local authorities concerned. Where a satisfactory resolution is not obtained through negotiation, the Commission shall conduct public hearings and provide an opportunity for public comment on the unresolved issues. The Commission may intervene or appeal in any pending proceeding to request the State or local authority concerned to conform to the Management Plan. Where no pending proceeding is involved, the Commission shall request the State or local authority concerned to commence a proceeding to modify the policy, plan, standard, or requirement concerned. The State or local authority shall complete the modification requested by the Commission within six months of receiving such request.

(B) Where a State or local authority has failed or refused to comply with a request of the Commission under this paragraph, the Commission may obtain reimbursement or offset of all Federal funds previously provided to the authority under this Act, and, if the dispute involves land in a critical portion of the area, shall notify the Secretary pursuant to section 8(a)(1), or, if the dispute involves a noncritical portion of the Area, shall request that the Secretary take action pursuant to section 8(a)(2)(A).

(C) Requests for modifications or exceptions to the Management Plan may be submitted to the Commission by local government authorities or by any other person. In considering such requests, the Commission after notice and at least one public hearing, shall, on the basis of the testimony and any written recommendations presented at such hearing determine whether or not to modify the Management Plan. Any such modification may be adopted only if approved by not less than 8 members of the Commission. The notice required by this section shall be given at least 20 days prior to the public hearing by publication at least once in a newspaper of general circulation in the Area. If a request is made by—

(i) a local government authority having jurisdiction of an area which would be affected by such modification or exception; or

(ii) the owner or lessee of real property which would be affected by such modification or exception,

the Commission shall complete its action on such request within 60 days after the receipt by the Commission of a complete request (determined according to standards prescribed by the Commission).

ENFORCEMENT

Sec. 8. (a) Guidelines for Critical Portions.—(1) Where a conflict or inconsistency with respect to critical portions of the Area cannot be properly resolved through any negotiation or proceeding under section 7 or where otherwise necessary to prevent harm to or degradation of the resources concerned the Commission shall notify the Secretary and the Secretary may acquire any land or interest in land within such critical portion where such acquisition will resolve such conflict or prevent such harm or degradation.

(2) The Secretary shall notify the Regional Commission of his intentions to acquire land or interests therein, without the consent of the owner, and within three months of such notification the Regional Commission shall vote to approve the action proposed by the Secretary by a vote of 7 out of 11 members.

(3) Any property acquired under this section shall, in the discretion of the Secretary be—

(A) transferred to the administrative jurisdiction of the National Forest Service for inclusion in the national forest system and administration in accordance with section 4(b); or

(B) sold for fair market value subject to such reservations, terms, and conditions as will assure the use of such property in a manner consistent with the plan.

The proceeds of any sale shall be credited to the appropriation account from which funds were made available for the purchase thereof.

(4)(A) Upon notification of the Regional Commission pursuant to section 7(b)(3)(B), the Secretary may institute a civil action in any United States district court for an injunction or other appropriate order to prevent any person from utilizing lands in the area designated under section 6 in violation of the management plans.

(B) If the Secretary determines that any person is in violation of the Management Plan he shall promptly notify the person of the violation. Such person may then request a hearing on the record before the Secretary to determine whether a violation has occurred. Following such hearing, the Secretary shall set forth his findings and conclusions and any proposal, intermediate, or final order.

(C) Any person adversely affected by any final action or order of the Secretary under this subsection may bring an action for review of such order in the United States Court of Appeals for the Ninth Circuit and such court may order appropriate relief.

(D) Any person who knowingly and willfully violates any order of the Secretary which is lawfully issued pursuant to this subsection shall be fined no more than $10,000 or imprisoned no more than twelve months, or both.

(b) Enforcement During Interim Period.—For purposes of enforcing the prohibition contained in section 5(a) and the interim guidelines established under section 5(b), the Secretary may exercise the authority to acquire any land or interest in land or bring an action or issue an order in the same manner as provided in subsection (a)(4) of section. 6

(c) Delegation of Enforcement Authority to Local Governments.—(1) Following the adoption of the Management Plan, each local government entity within the Area which has land use planning authority under State law and which wishes to assume responsibility for enforcement of the Management Plan approved under section 6 within its boundaries shall submit to the Secretary a land use program which—

(A) demonstrates that such local government entity intends to, and has the capability to, carry out such plan, and

(B) includes zoning ordinances which, within so much of the Area as is within its jurisdiction—

(i) protects and preserves, consistent with the Management Plan, critical portions of the Area, and the resource values of the Area; and

(ii) provides sanctions for violation of the terms of such ordinances, including civil and criminal actions, withholding of permits, and issuance of cease-and-desist orders.

(2) The Secretary may approve a local land use program submitted under this subsection if the Secretary determines that such program will assure adequate enforcement of the Management Plan approved under section 6 and that the local government has a planning staff with sufficient administrative and technical personnel and sufficient funding to enable the local government to regulate land use activities in accordance with the purposes of this Act.

(3) The Secretary, with the advice of the Regional Commission, shall review and approve or disapprove a local land use program within six calendar months after the program is submitted to him. The Secretary is authorized to make grants to any local government entity for the purpose of assisting such entity in developing, administering, and enforcing local land use programs under this subsection.

(4) The Management Plan approved under section 6 shall be enforced by the Secretary under this section where—

(A) a local land use plan is disapproved;

(B) no local plan is submitted to the Secretary; or

(C) a local government fails or refuses to enforce any approved local plan in accordance with this Act.

FEDERAL ACTIVITIES WITHIN AREA

Sec. 9. (a) Activities Within Area.—Each department, agency, and instrumentality of the United States conducting or supporting activities directly affecting the Area shall conduct or support those activities in a manner which is, to the maximum extent practicable, consistent with the purposes of this Act and with the Management Plan approved under section 6.

(b) Projects.—(1) Except as provided in section 7(b), in the case of any project involving the construction, reconstruction, or modification of any building or facility within the Area, no department, agency, or instrumentality of the United States may undertake or assist such project or grant any license, permit, or other form of approval for such project unless the Commission determines that the project is consistent with the purposes of this Act and with the Management Plan approved under section 6 or that such project is essential for the protection of public health or safety or necessary for national security or defense.

(2) As used in paragraph (1), the term "assist" includes—

(A) the sale of any flood insurance under the National Flood Insurance Act of 1968 (42 U.S.C. 4001 et seq.);

(B) any assistance provided by a department, agency, or instrumentality of the United States to a State or local government where such State or local government uses such assistance for purposes of a project described in paragraph (1); and

(C) any grant, loan, loan guarantee, or any other form of direct or indirect technical or financial assistance.

(c) Exemptions.—(1) Subsection (b) shall not apply to—

(A) any building or facility to be used for any military purpose;

(B) any temporary structure to be used only for emergency humanitarian assistance;

(C) any construction, reconstruction, or modification of which commenced before the date of the enactment of this Act; or

(D) any repair or reconstruction of a building or facility the original construction of which commenced before such date of enactment.

(2) Construction, reconstruction, or modification shall be treated as commencing only when there is either—

(A) a continuous program of physical onsite construction, reconstruction, or modification, or

(B) the owner of the building or facility has entered into binding agreements or contractual obligations for such construction, reconstruction, or modification which cannot be canceled or modified without substantial loss to the owner.

(d) Process.—Not less than 60 days prior to undertaking or assisting a project or granting any license, permit, or other form of approval for any project within the Area, the department, agency, or instrumentality of the United States proposing to take such action shall notify the Commission of its proposal and shall publish such notice in one or more newspapers of general circulation in the Area. Unless there has been a final determination of consistency under subsection (e), the Commission or any interested person may bring an action in the United States district court to enjoin any action in violation of the prohibition set forth in subsection (b).

(e) Determination.—Upon application of any person or on its own motion, the Commission shall, after notice and opportunity for public comment, make a determination respecting the consistency of any activity described in subsection (b) with the purposes of this Act and with the Management Plan approved under section 6. When the Commission determines that any activity is consistent or inconsistent with the purposes of this section or with the plan, it shall transmit notice to the agency proposing to undertake, assist, license, or approve the activity.

OTHER COMMISSION AUTHORITIES

Sec. 10. (a) Agreements.—The Commission is authorized to enter into agreements with public and private entities within the area to provide technical and financial assistance to carry out any aspect of the Management Plan.

(b) Historic Preservation.—The Commission is authorized, in accordance with the laws, standards, and criteria applicable to sites and objects of historic or archeological significance, to exercise the authority of the Secretary of the Interior to approve nominations of such sites and objects within the Area to be listed on the National Register of Historic Places.

(c) Development Assistance.—The Commission may provide technical and financial assistance to any county, municipality, or public or private landowner for the purpose of planning specific developments within the Area for commercial, residential, or industrial use in accordance with the approved Management Plan.

INDIAN TREATIES

Sec. 11. Nothing in this Act shall be construed to alter, amend, repeal, interpret, modify, or conflict with any treaty or other right of an Indian tribe.

AUTHORIZATION OF APPROPRIATIONS

Sec. 12. (a) Authorization.—There are hereby authorized to be appropriated such sums as may be necessary to carry out the purposes of this Act.

(b) Land and Water Fund.—Sums appropriated from the Land and Water Conservation Fund shall be available for the acquisition of lands, waters, and interests therein within the Area.

ACQUISITION FUND

Sec. 13. Establishment.—There is established an acquisition fund for the acquisition of lands and interests therein within the Area.

MITIGATION OF LOCAL REVENUE LOSSES

Sec. 14. (a) Payments to Local Governments.—Whenever the Secretary determines that the acquisition by the Secretary of any interest in real property within the Area has the potential effect of significantly increasing property taxes on properties remaining in private ownership, the Secretary may make payments to any local governmental entity affected by such acquisitions to mitigate the loss of property tax revenue resulting from the Federal acquisition to the extent that such payments would be used to amortize bonded indebtedness previously incurred by the political subdivision involved or to pay for the cost of providing essential public services.

(b) CONDITIONS.—If the Secretary determines that payments should be made to political subdivisions under subsection (a), the amount and duration of such payments shall be determined by the Secretary and paid to counties within the jurisdiction of which the lands within the Area are located. The counties shall distribute the payments on a proportional basis to those units of local government and affected school districts which have incurred losses of real property taxes due to the acquisition of land or interests therein for addition to either such system. In those cases in which another unit of local government other than the county acts as the collecting and distributing agency for real property taxes, the payments shall be made to such unit of local government, which shall distribute such payments as provided in this subsection. The Secretary may prescribe regulations under which payments may be made to units of local government in any case in which the preceding provisions will not carry out the purposes of this subsection.

(c) INITIAL CAPITAL.—The initial capital of the fund shall consist of appropriations made for that purpose. The Secretary is authorized to make such subsequent transfers to the fund as he deems appropriate in connection with the functions to be carried on through the fund.

(d) DONATIONS.—The Secretary may accept contributions or donations of money, services, and property, real, personal, or mixed, for the management, protection, development, acquisition, and conveying of the lands within the Area. Moneys received hereunder shall be credited to the acquisition fund and are hereby authorized to be appropriated and made available until expended, as the Secretary may direct.

COMPLIANCE WITH BUDGET ACT

SEC. 15. No authority under this Act to enter into contracts or to make payments shall be effective except to the extent and in such amounts as provided in advance in appropriation Acts. Any provision of this Act which, directly or indirectly, authorizes the enactment of new budget authority shall be effective only for fiscal years beginning after September 30, 1982.

H.R. 6002

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SHORT TITLE AND TABLE OF CONTENTS

SECTION 1. This Act may be cited as the "Columbia River Gorge Act of 1982".

TABLE OF CONTENTS

Sec. 1. Short title and table of contents.
Sec. 2. Findings and purposes.
Sec. 3. Establishment of Area.
Sec. 4. Administration.
Sec. 5. Management plan for Area.
Sec. 6. Interim protection and management.
Sec. 7. Federal activities within the Area.
Sec. 8. Intergovernmental cooperation.
Sec. 9. Enforcement.
Sec. 10. Remedies.
Sec. 11. Judicial review.
Sec. 12. Acquisition.
Sec. 13. Indian treaties.
Sec. 14. Authorization of appropriations.
Sec. 15. Acquisition fund.
Sec. 16. Mitigation of local revenue losses.
Sec. 17. Compliance with Budget Act.

FINDINGS AND PURPOSES

SEC. 2. (a) FINDINGS.—The Congress finds that—

(1) the Columbia River Gorge, located in the State of Oregon and the State of Washington, is a spectacular canyon of compelling and majestic beauty formed by the Columbia River cutting through the Cascade Range and dramatically illustrates natural geologic forces;

(2) the Columbia River Gorge is the historic gateway between the Pacific Ocean and the interior of the North American continent traveled by native Americans, explorers, traders, and pioneers, and evidencing human habitation for over 11,000 years, and it remains an area of commercial and economic importance to the region, particularly with respect to navigation, transportation, energy production, fisheries, agriculture, and recreation;

(3) the Columbia River Gorge contains magnificent scenic, natural, and recreational values of national significance, including the cascading all-season waterfalls and an extensive system of hiking trails;

(4) scenic viewpoints, highways, and trails are critical recreation facilities heavily used by residents of the Portland-Vancouver Metropolitan Area and by visitors from around the Pacific Northwest, the Nation, and the world;

(5) the botanical diversity of the Columbia River Gorge ranging from the sagebrush and grasslands of the east to the lush rain forests of the west, including many threatened and endangered species, is unique, due in part to the diverse climate of the area;

(6) human impact on the landscape of the Columbia River Gorge including Federal hydroelectric power development, interstate highway construction, port and navigation facilities, farms, orchards, forest production, cities, and towns, is intense, but, historically, much of the diverse scenic quality of the Gorge has been preserved;

(7) the character of much of the landscape of the Columbia River Gorge has been maintained and enhanced by existing rural communities which should be protected and maintained;

(8) the existing scenic, historic, recreational, archeological, and scientific qualities of the Columbia River Gorge are threatened by rapid population growth in the nearby Portland, Oregon-Vancouver, Washington Metropolitan Area, by uncontrolled development, and by the existence of more than 50 local, State, and Federal jurisdictions and agencies with authority within the Columbia River Gorge;

(9) the existing local, State, and Federal planning and regulatory authorities lack sufficient resources to provide for growth management, develop recreational facilities to serve tourists and residents of the metropolitan areas in close proximity to the Columbia River Gorge, and protect the unique scenic resources of the Columbia River Gorge; and

(10) in order to resolve differences, existing and potential, between the various affected jurisdictions in the State of Oregon and the State of Washington over protection and enhancement of the existing character of the Columbia River Gorge, and in order to protect the scenic and other values of Federal lands and facilities located within the Columbia River Gorge, the Federal Government must form a partnership with State and local governments in the Columbia River Gorge, and focus final decisional authority in a single arbiter, thereby protecting the Gorge's nationally significant scenic, natural, and cultural (including historical, archeological, sciencific, recreational, and social) resources.

(b) PURPOSES.—The purposes of this Act are—

(1) to protect, conserve, and enhance the scenic, natural, cultural, and other resource values of existing Federal property located in the Columbia River Gorge, including lands administered by the United States Forest Service, United States Bureau of Land Management, the Army Corps of Engineers, and lands included in the Interstate Highway System;

(2) to protect and enhance all scenic, cultural, and natural resources of the Columbia River Gorge, including sensitive habitats for threatened and endangered species, while providing public use and enjoyment consistent with protecting and preserving these resources;

(3) to protect and preserve the historical and archeological resources of the Columbia River Gorge and, where appropriate, to make these resources more available to the public for educational and scientific purposes;

(4) to protect and perpetuate the existing economy of the Columbia River Gorge, including agriculture, fishing, existing hydroelectric facilities and timber utilization, and the character of human habitation, in harmony with the existing visual landscape, and by promoting economic development within the Gorge which enhances the existing scenic and natural character of the Columbia River Gorge and which promotes public awareness of the historical, cultural, and natural values of the area and which supports and enhances the economic livelihood of the Gorge by encouraging growth to occur in the existing incorporated communities, by recognizing compatible historic economic pursuits, such as farming, grazing, forestry, and orcharding, outside the communities as appropriate to preserve the existing character of the Gorge, and by enhancing the potential of the Gorge for increased tourism;

(5) to provide for and manage public use and enjoyment of the Columbia River Gorge in a manner consistent with natural resource protection and maintenance of the existing rural landscape, including the establishment, acquisition, maintenance, and operation of public recreation and natural areas and facilities to meet the needs of a growing regional population;

(6) to utilize the land use planning and other powers of local and State governments and existing Federal agencies to further the purposes of this Act and provide Federal assistance in the development and implementation of a single management plan for the Columbia River Gorge; and

(7) to facilitate and effectuate a partnership among the Federal Government, the State of Oregon, the State of Washington, and local government entities located within the Columbia River Gorge in order to develop and enforce a single management plan for the Area which will supplement local and State plans and which will protect and enhance the Area's existing character while protecting critical lands and allowing development only when consistent with preservation of existing scenic, natural, and cultural values.

ESTABLISHMENT OF AREA

SEC. 3. (a) ESTABLISHMENT.—In order to carry out the purposes of this Act, the Columbia River Gorge Scenic Area (hereafter referred to in this Act as the "Area") is established as a unit of the national forest system.

(b) MAP AND DESCRIPTION.—(1) The Area shall consist of the area within the boundaries generally depicted on the map entitled "Boundary Map, Columbia River Gorge Scenic Area," numbered and dated , which shall be on file and available for public inspection in the offices of the Forest Service, Department of Agriculture, and in the offices of the Regional Commission established pursuant to section 4. As soon as practicable after the date of enactment of this Act, the Secretary of Agriculture (hereinafter referred to in this Act as the "Secretary") shall publish in the Federal Register a map and legal description of the Area. Such description shall have the same force and effect as if included in this Act, except that correction of clerical and typographical errors in such map and legal description may be made. The boundary shall be subject to adjustment as provided in section 5(b)(7) hereof.

(2) The areas on such map depicted as "critical" shall be treated as the portions of the Area which are of critical importance to the protection and preservation of the values of the Area for purposes of applying the provisions of this Act.

(3) The incorporated towns and cities of The Dalles, Hood River, White Salmon, Bingen, Cascade Locks, Stevenson, Washougal, Mosier, and North Bonneville, as their boundaries (including any specific urban growth boundary which has been expressly approved by the applicable State) existed on July 1, 1981, shall not be included within the boundaries of the Area. If, after July 1, 1981, the boundaries of any of said cities or towns are changed by such city or town, then the area within such new boundary shall not thereafter be within the boundary of the Area, unless such boundary change has been approved in the manner to be provided in the Management Plan as required in section 5(b)(7).

(c) BOUNDARIES OF MOUNT HOOD NATIONAL FOREST.—The boundaries of the Mount Hood National Forest are extended to include all of the lands in the State of Oregon lying within the Area as described in accordance with section 3(b) which are not within the National Forest boundaries on the date of enactment of this Act.

(d) BOUNDARIES OF GIFFORD PINCHOT NATIONAL FOREST.—The boundaries of the Gifford Pinchot National Forest are extended to include all of the lands in the State of Washington lying within the Area as described in accordance with section 3(b) which are not within the National Forest boundaries on the date of enactment of this Act.

(e) FOREST SYSTEM REVENUES.—For purposes of any provision of law under which funds are provided to a State or local government on the basis of revenues derived from any unit of the national forest system and notwithstanding subsection (a), the national forest system lands in the State of Oregon which are within the Area shall be treated as components of the Mount Hood National Forest and the national forest system lands in the State of Washington which are within the Area shall be treated as components of the Gifford Pinchot National Forest.

ADMINISTRATION

SEC. 4. (a) BY THE SECRETARY.—(1) The Area shall be administered by the Secretary, acting through the United States Forest Service, in accordance with this Act and in accordance with the provisions of law generally applicable to units of the national forest system. In the case of any conflict between the provisions of this Act and such generally applicable provisions of law, the provisions of this Act shall govern.

(2) The Secretary, acting through the United States Forest Service, shall establish procedures to give all interested Federal agencies, State and local governments, and the public adequate notice and an opportunity to comment upon and participate in the preparation and implementation of plans and programs for the management of the Area.

(b) BY THE REGIONAL COMMISSION.—(1) There is hereby established in the Department of Agriculture the Columbia River Gorge Scenic Area Regional Commission (hereinafter in this Act referred to as the "Regional Commission"). The members of the Regional Commission shall be appointed within ninety days of the date of enactment of this Act. The Commission shall consist of fourteen members, appointed as follows:

(A) One member who resides in each of the following counties: Multnomah County, Oregon; Hood River County, Oregon; Wasco County, Oregon; Clark County, Washington; Skamania County, Washington; and Klickitat County, Washington, to be appointed by the governing body of each of the respective counties.

(B) Two members who reside in the State of Oregon to be appointed by the Governor of the State of Oregon.

(C) Two members who reside in the State of Washington to be appointed by the Governor of the State of Washington.

(D) Three members who have a demonstrated interest in the values to be protected by this Act to be appointed by the Secretary of the Department of Agriculture.

(E) The chief of the Forest Service, Department of Agriculture or his designee, shall serve as an ex officio nonvoting member.

If any county governing body referred to in subparagraph (A) or either Governor referred to in subparagraph (B) or (C) fails to appoint a member of the Commission under subparagraph (A), (B), or (C) within ninety days after the date of the enactment of this Act or within ninety days after the expiration of a member's term from that county or State, the Secretary of Agriculture may appoint a resident of that county or State to serve as the member from such county or State.

(2) The Regional Commission shall be responsible for the following:

(A) advising and assisting the Chief of the Forest Service in the preparation and development of the Management Plan and, subject to section 5(e), approving the Management Plan and any changes in it before adoption by the Secretary;

(B) facilitating communication and coordination among the Federal, State, and local governmental agencies with jurisdiction within the Area and facilitating communication with residents and landowners within the Area and advising the Secretary on the appropriate Federal role in the management and administration of the Area;

(C) reviewing and monitoring the implementation of the Management Plan by Federal, State, and local governmental agencies having jurisdiction within the Area to assist the Secretary in ensuring consistency and compliance with the Plan and in order to recommend to the Secretary potential revisions and methods of enforcing the Plan;

(D) reviewing all land acquisition proposals submitted by the Secretary in cases involving the potential use of eminent domain as provided in section 12, and submitting timely recommendations or comments to the Secretary with respect to such acquisition before eminent domain is exercised;

(E) reviewing all Federal development projects and plans within the Area for consistency with the Management Plan and submitting recommendations on all such projects to the head of the responsible Federal agency;

(F) preparing an annual report for submission to the Secretary of the Department of Agriculture, the United States Congress, and the Governors of the States of Oregon and Washington advising them of the status of the Management Plan and its implementation; and

(G) making such other recommendations to the Secretary and Federal, State, and local units of government as the Regional Commission may deem necessary to carry out the purposes of this Act.

(3) Members of the Regional Commission shall be appointed for terms of three years, except that the initial terms for the members shall be as follows:

(A) The member who resides in Multnomah County, Oregon, shall serve for a term of one year, the member who resides in Hood River County, Oregon, shall serve for a term of two years, and the member who resides in Wasco County, Oregon, shall serve for a term of three years. The member who resides in Clark County, Washington, shall serve for a term of one year, the member who resides in Skamania County, Washington, shall serve for a term of two years, and the member who resides in Klickitat County, Washington, shall serve for a term of three years.

(B) One of the members nominated by the Governor of Oregon shall serve for two years and the other such member for three years. One of the members nominated by the Governor of Washington shall serve for two years and the other such member for three years.

(C) One of the members nominated by the Secretary shall serve for one year, one of such members shall serve for two years, and the third such member shall serve for three years.

A member may be reappointed only once unless such member was originally appointed to fill a vacancy pursuant to subsection (b)(4) of this section, in which case a member may be reappointed twice.

(4) Any vacancy in the Regional Commission shall be filled in the same manner in which the original appointment was made. Any member appointed to fill a vacancy shall serve for the remainder of the term for which his predecessor was appointed. Any member may serve after the expiration of his term for a period not longer than thirty days.

(5) The presiding officer of the Regional Commission shall be elected annually by the members of the Regional Commission and shall serve for a term of one year. No member may serve as presiding officer for consecutive terms, and no member may serve as presiding officer if his predecessor as presiding officer was appointed to the

Regional Commission by the same official or governing body.

(6) The Commission shall meet at least once each quarter and, to the maximum extent practicable, all meetings of the Regional Commission shall take place within the counties having any jurisdiction in the Area.

(7) Unless otherwise provided, the Regional Commission shall act or advise by affirmative vote of a majority of its members, but a lesser number may hold hearings.

(8) The Regional Commission may for the purpose of carrying out its functions hold such hearings, sit and act at such times and places, take such testimony, and receive such evidence as the Regional Commission may deem advisable. The Regional Commission may administer oaths or affirmations to witnesses appearing before it.

(9)(A) Members of the Regional Commission who are full time officers or employees of the United States, the State of Oregon, the State of Washington, or any county referred to in subsection (b)(1)(A) shall receive no additional pay on account of their service on the Regional Commission.

(B) Except as provided in subparagraph (A), members of the Regional Commission shall serve without pay. While away from their homes or regular places of business in the performance of service for the Regional Commission, members of the Regional Commission shall be allowed travel expenses, including per diem in lieu of subsistence, in the same manner as persons employed intermittently in the Federal Government service under section 5703 of title 5 of the United States Code.

(10) The Secretary shall provide the Regional Commission with such staff and technical assistance as the Secretary, after consultation with the Regional Commission, considers appropriate to enable the Regional Commission to carry out its duties.

(11) Upon request of the Secretary, any Federal agency may provide information, personnel, property, and services on a reimbursable basis, to the Regional Commission to assist it in carrying out its duties under this Act.

(12) In carrying out the purposes of this Act, the Secretary and the Regional Commission shall involve the public and local, State, and Federal Government agencies to the fullest extent possible in making decisions by consulting with interested and concerned citizens and conducting public hearings at places within counties having jurisdiction in the Area in order to provide such citizens with an opportunity to testify regarding the development, implementation, and enforcement of the Management Plan.

(13) Actions taken and orders issued by the Regional Commission shall be subject to the provisions of subchapter II of chapter 5 and chapter 7 of title 5, United States Code (5 U.S.C. 551 et seq.; 5 U.S.C. 701 et seq.).

MANAGEMENT PLAN FOR AREA

SEC. 5. (a) PREPARATION.—The Chief of the Forest Service shall prepare a Management Plan for the Area with the consultation and advice of the Regional Commission in order to accomplish the purposes of this Act. The Management Plan shall be prepared by an interdisciplinary planning team selected by the Chief of the Forest Service. In the preparation of the Management Plan the Regional Commission and the Forest Service shall hold public meetings to inform residents within the Area, State and local governments, Federal agencies, and other interested parties of the provisions of this Act, the objectives of the Management Plan, the actions to be undertaken in the preparation of the Management Plan, the time when such actions are proposed to be taken, and to provide interested persons and agencies with an opportunity to express their views with respect to matters covered by the Management Plan. The Management Plan shall be submitted to the Regional Commission within two years from the effective date of this Act.

(b) CONTENT.—The Management Plan shall—

(1) be based upon an inventory of the Area's resources including archeological, social, economic, forest, historical, natural, geological, recreational, and scenic values;

(2) protect, maintain, and enhance the scenic, natural, and cultural values of the Area and shall include plans for resource protection, interpretation, and visitor use, including development of public use areas and facilities;

(3) designate appropriate uses of all lands within the Area in order to achieve the purposes of this Act;

(4) establish procedures for the review of changes in State-approved urban growth boundaries within the Area for incorporated communities, and boundaries of cities and towns within the Area, for the purpose of determining whether areas within such changed boundaries may be approved for exclusion from the boundaries of the Area;

(5) review lands designated as critical on the map filed pursuant to section 3(b)(2) and all other lands within the Area in order to identify, for purposes of the Management Plan, lands which are critical to the protection, development, and interpretation of the resource values of the Area including: (A) those lands whose existence in a natural state is essential to protect the scenic and natural value of the Area; (B) those lands whose essential character should remain unchanged in order to retain the harmonious blend of manmade and natural landscape features; (C) those lands whose present, or presently planned, use is adverse to values which this Act seeks to protect and enhance; and (D) those lands necessary to provide recreational and interpretive facilities and access to public lands for visitors to the Area;

(6) recommend transfers of jurisdiction for existing publicly owned land if advisable to achieve the purposes of this Act and determine appropriate management agencies for such lands;

(7) provide a mechanism for examining and making minor changes in the exterior boundaries of the Area and for revising and amending the Management Plan as necessary to achieve the purposes of this Act: *Provided, however*, That any changes in the exterior boundaries of the Area shall not result in an aggregate increase in the acreage of the Area, as initially established, within any county that has jurisdiction in the Area;

(8) encourage private individuals and local governments to use or plan the use of land within the Area in ways which will be consistent with and facilitate the achievement of the purposes of this Act;

(9) allow all existing land uses of specific tracts of land in the Area as of July 1, 1981, which are found to be consistent with the purposes of this Act;

(10) develop procedures to coordinate existing land use plans of local, State, and Federal entities with the Management Plan to promote the goals and policies of the Management Plan; and

(11) establish a program for State and local government implementation and enforcement of the Management Plan to insure the continued, uniform, and consistent protection of the Area in accordance with the purposes of this Act.

(c) FEDERAL, STATE, AND LOCAL ADVICE.—The Chief of the Forest Service shall periodically advise the Regional Commission of progress on the Plan and shall seek the advice of the Regional Commission. The Chief of the Forest Service shall cooperate with the interdisciplinary planning team, the Regional Commission, and residents of the Area in the preparation of the Management Plan. The Secretary may utilize personnel from State and local governments in the Area with expertise in planning and preparing the Management Plan by employing them pursuant to the Intergovernmental Personnel Act.

(d) STATE AND LOCAL PLANNING.—(1) During the preparation of the Management Plan, and thereafter, the Secretary shall consult with State and local government authorities within the Area and may provide financial and technical assistance to such authorities to carry out any land use management activity within the Area or any other activity within the Area which the Secretary, in consultation with the Regional Commission, determines will further the purposes of this Act.

(2)(A) In the development of the Management Plan, the Secretary shall examine all State and local policies, management plans, standards, and requirements applicable to the Area and shall, with the consultation and advice of the Regional Commission, to the extent the Secretary deems practicable and consistent with the purposes of this Act, incorporate such policies, management plans, standards, and requirements into the Management Plan.

(B) In consultation with the appropriate State and local authorities, the Secretary shall identify conflicts or inconsistencies between the policies, management plans, standards, and requirements referred to in subparagraph (A) and the proposed Management Plan in order to encourage consistent planning efforts. Following adoption of the Management Plan the Secretary, with the consultation and advice of the Regional Commission, shall continue to identify any such conflicts or inconsistencies which arise due to amendments or proposed amendments to the Management Plan or due to changes or proposed changes in such State or local policies, plans, standards, and requirements in order to avoid inconsistent planning efforts.

(e) APPROVAL.—(1) Upon completion of the Management Plan by the interdisciplinary team, it shall be submitted to the Regional Commission for approval. The Regional Commission or its designated representatives shall hold public hearings before it votes on the question of approving the Management Plan, at least one of which shall be held in each county with jurisdiction in the Area.

(2) The Regional Commission shall consider and vote on the question of approving the Management Plan within 180 days of its submission. If a majority of the Regional Commission's members vote to approve the Management Plan, the Management Plan shall be adopted by the Secretary. If a majority of the Regional Commission's members vote to disapprove of the Management Plan, the Management Plan shall be submitted to the Secretary. The Regional Commission shall specify all of its objections to the Management Plan prepared by the interdisciplinary team.

(3) The Secretary shall consider the objections of the Regional Commission to the Management Plan. The Secretary may modify the Management Plan to respond to the objections of the Regional Commission, provided such modifications are consistent with the purposes of this Act.

(4) The Secretary shall submit the Management Plan to the Regional Commission, with whatever modifications he may have made, within 90 days of the Regional Commission's vote to disapprove of the Management Plan.

(5) If the Regional Commission does not approve all or any part of the Management Plan within 90 days of its resubmission, the Secretary may, without approval by the Regional Commission, adopt the Management Plan as resubmitted or after eliminating any of the parts of the Management Plan disapproved by the Regional Commission.

(6) The Management Plan, and any modification thereof, shall be published in a newspaper of general circulation in the Area promptly following its adoption.

(f) REQUESTS FOR AMENDMENT OR VARIANCE.—Petitions for amendments to or variances from the Management Plan may be submitted to the Secretary by local government authorities or by any other person. In considering such petitions, the Secretary, after notice and at least one public hearing by the Secretary and the Regional Commission, shall, on the basis of the testimony and any written recommendations presented at such hearing and the Regional Commission's recommendation, determine whether or not to modify the Management Plan. The notice required by this section shall be given at least 20 days prior to the public hearing by publication at least once in a newspaper of general circulation in the Area. If a petition is filed, the Secretary shall, if requested by the petitioner, complete his action on such petition within 60 days after the receipt by the Secretary of a complete petition (determined according to standards prescribed by the Secretary).

INTERIM PROTECTION AND MANAGEMENT

SEC. 6. (a) MORATORIUM ON NEW USES IN CRITICAL LANDS.—Pending the adoption of interim guidelines pursuant to subsection (b), no person may construct or modify any new building or facility or reconstruct or substantially modify any existing building or facility in any portion of the Area designated as critical on the map filed pursuant to section 3(b)(2).

(b) FOREST SERVICE GUIDELINES.—Not later than six months after the date of the enactment of this Act, the Secretary, with the advice of the Regional Commission and the Chief of the Forest Service, shall adopt and publish interim standards and guidelines governing all land use activities within the Area to protect the resources of the Area; until the Management Plan is adopted.

(c) PURPOSE OF INTERIM GUIDELINES.—The purpose of such interim standards and guidelines shall be to protect the Area from—

(1) actions which significantly detract from the current visual quality and diversity of the Area;

(2) actions which significantly alter the balance of natural and manmade landscape features visible from Washington Highway 14, Interstate Highway 84, Oregon Highway 30, or existing viewpoints managed for public enjoyment;

(3) actions within any portion of the Area designated as critical on the map filed pursuant to section 4(c); and

(4) any other actions which damage the resource values this Act is designed to protect.

(d) SPECIFICITY AND REVISION OF GUIDELINES.—Such interim standards and guidelines shall be as detailed and specific as is required to accomplish their objectives and purposes and may be revised or amended to accomplish such objectives and purposes.

FEDERAL ACTIVITIES WITHIN THE AREA

SEC. 7. (a) JURISDICTION.—Lands and waters located within the Area which are under the administrative jurisdiction of any department or agency of the United States shall remain under such administrative jurisdiction unless jurisdiction is transferred pursuant to section 5(b)(6).

(b) PROJECTS.—(1) No department, agency, or instrumentality of the United States may undertake or assist any project or grant any license, permit, or other form of approval for any project within the Area unless the Secretary, in consultation with the Regional Commission, determines that the project is consistent with the purposes of this Act and with the Management Plan or the interim guidelines, or that such project is essential for the protection of public health or safety or necessary for national security or defense.

(2) As used in paragraph (1), the term "assist" includes—

(A) the sale of any flood insurance under the National Flood Insurance Act of 1968 (42 U.S.C. 4001 et seq.);

(B) any assistance provided by a department, agency, or instrumentality of the United States to a State or local government where such State or local government uses such assistance for purposes of a project described in paragraph (1); and

(C) any grant, loan, loan guarantee, or any other form of direct or indirect technical or financial assistance.

(c) EXEMPTIONS.—(1) Except as may otherwise be provided in the interim guidelines or the Management Plan, subsection (b) shall not apply to—

(A) any building or facility to be used for any military purpose;

(B) any temporary structure to be used only for emergency humanitarian assistance;

(C) any construction, reconstruction, or modification of which commenced before the date of the enactment of this Act; or

(D) any repair or reconstruction of a building or facility the original construction of which commenced before such date of enactment.

(2) Construction, reconstruction, or modification shall be treated as commencing only when there is either—

(A) a continuous program of physical onsite construction, reconstruction, or modification, or

(B) the owner of the building or facility has entered into binding agreements or contractual obligations for such construction, reconstruction, or modification which cannot be canceled or modified without substantial loss to the owner.

(d) PROCESS.—Not less than 60 days prior to undertaking or assisting a project or granting any license, permit, or other form of approval for any project within the Area, the department, agency, or instrumentality of the United States proposing to take such action shall notify the Secretary and the Commission of its proposal. The Secretary, in consultation with the Commission, shall, after notice and opportunity for public comment, make a determination respecting the consistency of any activity described in subsection (b) with the purposes of this Act and with the Management Plan or interim guidelines and standards. When the Secretary determines that any activity is consistent or inconsistent with the purposes of this section or with the plan, it shall notify the agency proposing to undertake, assist, license, or approve the activity.

INTERGOVERNMENTAL COOPERATION

SEC. 8. (a) RETENTION OF STATE AND LOCAL JURISDICTION.—Nothing in this Act shall diminish, enlarge, or modify any right of the State of Oregon or the State of Washington, or any political subdivision thereof, to exercise civil and criminal jurisdiction within the Area or of rights to tax persons, corporations, franchises, or property, including mineral or other interests, in or on lands or waters within the Area.

(b) HUNTING AND FISHING.—The Secretary shall permit hunting and fishing on lands and waters under his jurisdiction within the boundaries of the Area in accordance with applicable laws of the United States and the State of Oregon and the State of Washington. Except in emergencies, any regulations of the Secretary pursuant to this section shall be put into effect only after consultation with the appropriate State fish and wildlife department.

(c) RETENTION OF FEDERAL JURISDICTION.—Nothing in this section shall be construed to limit or prohibit any Federal action ordered by a court of competent jurisdiction or directed by a Federal agency for the protection of public health or safety, or for national defense.

(d) STATE AND LOCAL CONCURRENT POWER TO LEGISLATE.—Nothing in this Act shall be construed to prevent the adoption or implementation by any State or local government of any rule, regulation, or provision of law which is consistent with, or more stringent than, any provision of this Act or of the Management Plan adopted pursuant to this Act.

ENFORCEMENT

SEC. 9. (a) ENFORCEMENT OF INTERIM STANDARDS.—Prior to the adoption of the Management Plan, the Secretary shall monitor all land use activities within the Area to ensure that said activities do not violate the interim standards and guidelines. The Secretary shall participate in State and local land use proceedings as necessary to advise said government entities whether or not proposed activities are consistent with the interim standards and guidelines. If the Secretary determines that a proposed activity is inconsistent with the interim standards and guidelines, he shall seek relief pursuant to section 10.

(b) ENFORCEMENT OF MANAGEMENT PLAN BY LOCAL GOVERNMENT.—(1) Following the adoption of the Management Plan, each local government entity within the Area which has land use planning authority under State law and which wishes to assume responsibility for enforcement of the Management Plan within its boundaries shall submit to the Secretary and the Regional Commission a land use plan which demonstrates that such local government entity intends to and is capable of carrying out the provisions of this Act.

(2) Any local government seeking to assume responsibility under this section shall adopt a zoning ordinance which—

(A) protects and preserves critical lands and the resource values of the Area consistent with the Management Plan; and

(B) provides sanctions for violation of the terms of such ordinance including civil and criminal actions, withholding of permits, and issuance of cease-and-desist orders.

(3) No local land use plan shall be approved unless the plan demonstrates that the local government has a planning staff with sufficient administrative and technical personnel and sufficient funding to enable the local government to regulate land use activities in accordance with the purposes of this Act and the Management Plan.

(4) The Secretary, with the advice of the Regional Commission, shall review and approve or disapprove a local use plan within six full calendar months after the plan is submitted to him. The Secretary is authorized to make annual grants to any local government entity for the purpose of assisting such entity in developing, administering, and enforcing land use plans under this Act.

(c) Enforcement of Management Plan by Secretary.—The Management Plan shall be enforced by the Secretary utilizing the remedies provided in section 10 if—

(1) the local land use plan is disapproved;

(2) no local plan is submitted to the Secretary; or

(3) an approved local plan fails to be enforced in accordance with this Act.

REMEDIES

Sec. 10. (a) Prohibition on Inconsistent Uses.—The use or development of any lands within the Area contrary to this Act is unlawful and prohibited.

(b) Violation of Act.—Any person who knowingly and willfully violates any regulation or order which is lawfully issued pursuant to this Act shall be fined no more than $10,000 or imprisoned no more than 12 months, or both. Any person charged with a violation of such regulation may be tried and sentenced by any United States magistrate designated for that purpose by the court by which he was appointed, in the same manner and subject to the same conditions and limitations as provided for in section 3401 of title 18 of the United States Code.

(c) Civil Action to Enforce Act.—At the request of the Secretary, the Attorney General may institute a civil action in any United States district court for an injunction or other appropriate order to prevent any person from utilizing lands within the Area in violation of the Management Plan, regulations, guidelines, or standards issued by the Secretary under this Act.

(d) Notification to Violator and Hearing.—If the Secretary determines under section 9 that any person is in violation of the Management Plan, regulations, guidelines, or standards issued under this Act, he shall promptly notify the person of the violation. Such person may then request a hearing on the record before the Secretary to determine whether a violation has occurred. Following such hearing the Secretary shall set forth his findings and conclusions and any proposed, intermediate, or final order.

JUDICIAL REVIEW

Sec. 11. (a) Petition of Appeal.—Any person adversely affected by any final action or order of the Secretary under this Act may appeal such action or order by filing in any of the courts specified in subsection (b), within 60 days after the date of service of such order or within 60 days after such action is taken, a written petition requesting that the order of the Secretary be modified, terminated, or set aside.

(b) Appellate Jurisdiction.—The United States District Court for the District of Columbia, or any United States district court located in the State of Oregon or the State of Washington which has jurisdiction of actions occurring in or affecting the Area shall be appropriate courts for appeal pursuant to subsection (a).

ACQUISITION

Sec. 12. (a) Acquisition Authorization.—(1) The Secretary is authorized to acquire by donation, purchase with donated or appropriated funds, exchange, bequest, or otherwise any lands, or lesser interests therein, including scenic and conservation easements ("scenic easements"), which he determines are needed to achieve the purposes of this Act.

(2) The Secretary may acquire without the consent of the owner only lands, or interests therein, classified as critical lands under the Management Plan or designated as such on the map filed pursuant to section 3(b)(2). No such lands or interests which, on July 1, 1981, were primarily used for single family residential purposes, farming, or grazing may be acquired without the consent of the owner as long as the existing character of that use is not substantially changed.

(3) The Secretary, in consultation with the Regional Commission, shall publish, within 180 days of the enactment of this Act, guidelines which shall be used by him to determine what constitutes a substantial change in the land use or maintenance for nonfederally owned lands within the Area.

(4) Where the Secretary is authorized above in this section to acquire land or interests therein, without the consent of the owner, he shall—

(A) do so only in cases where, in his judgment, all reasonable efforts to acquire such lands, or interests therein, by negotiation have failed;

(B) acquire only such land, or interests therein, as, in his judgment, is reasonably necessary to accomplish the purposes of this Act; and

(C) no more than 10 percent of the total acreage of the Area shall be acquired by condemnation.

(5) The Secretary shall notify the Regional Commission of his intent to acquire land or interests therein, without the consent of the owner, and within three months of such notification, the Regional Commission shall submit its recommendations and comments on the intended acquisition to the Secretary for consideration.

(b) Consideration of Area Landowner Offers.—The Secretary shall give prompt and careful consideration to any offer made by a person owning land within the Area to sell such land to the United States. The Secretary shall specifically consider any hardship to such person which might result from an undue delay in acquiring his property.

(c) Land Exchange.—(1) In exercising his authority to acquire property by exchange, the Secretary may accept title to any non-Federal property, or interests therein, located within the Area.

(2) Notwithstanding any other provision of law, the Secretary may convey in exchange for land in the State of Oregon any federally owned property within the State of Oregon, and he may convey in exchange for land in the State of Washington any federally owned property within the State of Washington, which he classifies as suitable for exchange and which is under his administrative jurisdiction. The values of the properties exchanged pursuant to this paragraph shall be approximately equal or, if they are not approximately equal, they shall be equalized by the payment of cash to the grantor or to the Secretary as the circumstances require. In the exercise of his exchange authority, the Secretary may utilize authorities and procedures available to him in connection with exchanges of national forest lands.

(d) Acquisition of State Land.—Any land or interest in land owned by the State of Oregon or the State of Washington or any of their political subdivisions may be acquired only by donation or exchange.

(e) Transfer of Federal Property to Secretary.—Notwithstanding any other provision of law, any Federal property located within the Area may, with the concurrence of the agency having jurisdiction over such property, be transferred without consideration to the administrative jurisdiction of the Secretary for use by him in carrying out the purposes of this Act. Lands acquired by the Secretary or transferred to his administrative jurisdiction within the Area shall become parts of the Area.

(f) Disposition of Acquired Property.—Any property acquired under this section shall, in the discretion of the Secretary be—

(1) transferred to the administrative jurisdiction of the National Forest Service for inclusion in the national forest system and administration in accordance with section 4(a); or

(2) sold for fair market value subject to such reservations, terms, and conditions as will assure the use of such property in a manner consistent with the plan.

The proceeds of any sale shall be credited to the appropriation account from which funds were made available for the purchase thereof.

INDIAN TREATIES

Sec. 13. Nothing in this Act shall be construed to alter, amend, repeal, interpret, modify, or conflict with any treaty or other right of an Indian tribe.

AUTHORIZATION OF APPROPRIATIONS

Sec. 14. (a) Authorization.—There is authorized to be appropriated such sums as may be necessary to carry out this Act.

(b) Land and Water Fund.—Sums appropriated from the Land and Water Conservation Fund shall be available for the acquisition of lands, waters, and interests therein within the Area.

ACQUISITION FUND

Sec. 15. (a) Establishment.—There is established an acquisition fund for the acquisition of lands and interests therein within the Area. This fund shall be available without fiscal year limitation for expenses necessary for acquiring land and interests therein under section 12 hereof.

(b) Initial Capital.—The initial capital of the fund shall consist of appropriations made for that purpose. The Secretary is authorized to make such subsequent transfers to the fund as he deems appropriate in connection with the functions to be carried on through the fund.

(c) Appropriation.—There is hereby authorized to be appropriated a sum not to exceed as initial capital of the acquisition fund.

(d) Donations.—The Secretary may accept contributions or donations of money, services, and property, real, personal, or mixed, for the management, protection, development, acquisition, and conveying of the lands within the Area. Moneys received hereunder shall be credited to the acquisition fund and are hereby authorized to be appropriated and made available until expended, as the Secretary may direct.

MITIGATION OF LOCAL REVENUE LOSSES

Sec. 16. (a) Payments to Local Governments.—Whenever the Secretary determines that the acquisition by the Secretary of any interest in real property within the Area has the potential effect of significantly increasing property taxes on properties remaining in private ownership, the Secretary may make payments to any local governmental entity affected by such acquisitions to mitigate the loss of property tax revenue resulting from the Federal acquisition to the extent that such payments would be used to amortize bonded indebtedness previously incurred by the political subdivision involved or to pay for the cost of providing essential public services.

(b) Conditions.—If the Secretary determines that payments should be made to political subdivisions under subsection (a), the amount and duration of such payments shall be determined by the Secretary and paid to counties within the jurisdiction of which the lands within the Area are located. The counties shall distribute the payments on a proportional basis to those units of local government and affected school districts which have incurred losses of real property taxes due to the acquisition of land or interests therein for addition to either such system. In those cases in which another unit of local government other than the county acts as the collecting and distributing agency for real property taxes, the payments shall be made to such unit of local government, which shall distribute such payments as provided in this subsection. The Secretary may prescribe regulations under which payments may be made to units of local government in any case in which the preceding provisions will not carry out the purposes of this subsection.

COMPLIANCE WITH BUDGET ACT

Sec. 17. No authority under this Act to enter into contracts or to make payments shall be effective except to the extent and in such amounts as provided in advance in appropriation Acts. Any provision of this Act which, directly or indirectly, authorizes the enactment of new budget authority shall be effective only for fiscal years beginning after September 30, 1982.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. Petri) to revise and extend their remarks and include extraneous material:)

Mr. Conable, for 30 minutes, today.

Mr. McClory, for 5 minutes, today.

(The following Member (at the request of Mr. Hiler) to revise and extend his remarks and include extraneous material:)

Mr. Kemp, for 15 minutes, today.

(The following Members (at the request of Mr. Lowry of Washington) to revise and extend their remarks and include extraneous material:)

Mr. Wyden, for 5 minutes, today.

Mr. William J. Coyne, for 15 minutes, today.

Mr. Nelson, for 5 minutes, today.

Mr. Gonzalez, for 15 minutes, today.

Mr. Annunzio, for 5 minutes, today.

Mr. Coelho, for 5 minutes, today.

Mr. Zablocki, for 5 minutes, today.

Mr. Stark, for 5 minutes, today.

Mr. St Germain, for 5 minutes, today.

Mrs. Kennelly, for 5 minutes, today.

Mr. Miller of California, for 10 minutes, today.

Mr. LaFalce, for 30 minutes, April 1.

(The following Members (at the request of Mr. Garcia) to revise and extend their remarks and include extraneous material:)

Mr. Mavroules, for 60 minutes, today.

Mr. Bailey of Pennsylvania, for 30 minutes April 1.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

Mr. Wyden, and to include extraneous matter, notwithstanding the fact that it exceeds two pages of the Record and is estimated by the Public Printer to cost $4,284.

Mr. Nelligan, to revise and extend his remarks in support of resolution acknowledging 100th anniversary of the Knights of Columbus.

(The following Members (at the request of Mr. Petri) and to include extraneous matter:)

Mr. Fish.

Mr. Coats.

Mr. Leach of Iowa.

Mrs. Snowe in two instances.

Mr. Philip M. Crane.

Mr. Dougherty.

Mr. Coleman.

Mr. Hollenbeck.

Mrs. Heckler.

Mr. Evans of Iowa.

Mr. Carney in three instances.

Mr. Derwinski in two instances.

Mr. Smith of New Jersey.

Mr. Deckard.

Mr. Vander Jagt.

Mr. Lagomarsino.

Mr. Frenzel in three instances.

Mr. McClory.

Mr. Bereuter.

Mr. Gilman in two instances.

Mr. Jeffords in two instances.

(The following Members (at the request of Mr. Lowry of Washington) and to include extraneous matter:)

Mr. Kastenmeier.

Mr. Rodino in two instances.

Mr. Wyden in two instances.

Mr. Benjamin.

Mr. Dyson.

Mr. Hoyer.

Mr. Roe.

Mr. Frank.

Mrs. Schroeder in two instances.

Mr. McDonald in five instances.

Mr. Mazzoli.

Mr. Edwards of California.

Mr. Solarz.

Mr. Zablocki.

Mr. Miller of California in two instances.

Mr. Hamilton.

Mr. Bennett.

Mr. Guarini.

Mr. Barnes in three instances.

Mr. Sabo.

Mr. Conyers.

Mr. Evans of Indiana in two instances.

Mr. Applegate.

Mr. Harkin.

Mr. Long of Maryland in two instances.

Mr. Stark.

ENROLLED JOINT RESOLUTION SIGNED

Mr. HAWKINS, from the Committee on House Administration, reported that that committee had examined and found truly enrolled joint resolution of the House of the following title, which was thereupon signed by the Speaker:

H.J. Res. 272. Joint resolution to authorize and request the President to issue a proclamation designating April 4 through 10, 1982, "National Medic Alert Week."

ADJOURNMENT

Mr. GARCIA. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 5 o'clock and 18 minutes p.m.) the House adjourned until tomorrow, Thursday, April 1, 1982, at 11 a.m.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

3549. A letter from the Deputy Assistant Secretary of Defense (Facilities, Environment and, Economic Adjustment), Department of Defense, transmitting a report of the design and construction supervision, inspection, and overhead fees charged by the construction agents for the military construction projects of the military departments and the defense agencies, pursuant to section 704 of Public Law 97-99; to the Committee on Armed Services.

3550. A letter from the Secretary of the Treasury, transmitting a report of the Commission on the role of gold in the domestic and international monetary systems, pursuant to Public Law 96-389; to the Committee on Banking, Finance and Urban Affairs.

3551. A letter from the President and Chairman, Export-Import Bank of the United States, transmitting a report on loan, guarantee, and insurance transactions supported by Eximbank during February 1982 to Communist countries; to the Committee on Banking, Finance and Urban Affairs.

3552. A letter from the Assistant Secretary for Congressional Relations, Department of State, transmitting notice of the State Department's intention to consent to a request by the Government of Korea for permission to transfer certain U.S.-origin defense articles to the Government of Venezuela, pursuant to section 3(d) of the Arms Export Control Act; to the Committee on Foreign Affairs.

3553. A letter from the Director for Legislative Affairs, Agency for International Development, transmitting the annual 1982 report on the Sahel development program, pursuant to law; to the Committee on Foreign Affairs.

3554. A letter from the Administrator, General Services Administration, transmitting a draft of proposed legislation to amend section 322 of the Transportation Act of 1940, as amended (31 U.S.C. 244), to authorize the use of commercial firms in the audit of paid Government transportation bills; to authorize an annual appropriation to pay such firms; and for other purposes; to the Committee on Government Operations.

3555. A letter from the Inspector General, Department of Health and Human Services, transmitting the annual report of his office for calendar year 1981, pursuant to section 204(a) of Public Law 94-505; to the Committee on Government Operations.

3556. A letter from the Acting Chairman, Equal Employment Opportunity Commission, transmitting a report on the Commission's activities under the Freedom of Information Act during calendar year 1981, pursuant to 5 U.S.C. 552(d); to the Committee on Government Operations.

3557. A letter from the Assistant Secretary of the Interior, transmitting a draft of proposed legislation to amend section 6 of the Colorado River Storage Act (70 Stat. 109); to the Committee on Interior and Insular Affairs.

3558. A letter from the Secretary of Health and Human Services, transmitting the 1980 annual report on the refugee resettlement program, pursuant to law; to the Committee on the Judiciary.

3559. A letter from the General Counsel, Federal Emergency Management Agency, transmitting a draft of proposed legislation to amend subsection 201(d) of the Disaster Relief Act of 1974, as amended, to increase the limit on improvement grants; to the Committee on Public Works and Transportation.

3560. A letter from the Secretary of Commerce, transmitting a draft of proposed legislation to amend section 204 of the Marine Protection, Research and Sanctuaries Act of 1972 to extend the authorization for appropriations for fiscal years 1983 and 1984; to the Committee on Science and Technology.

3561. A letter from the Secretary of Agriculture, transmitting a draft of proposed legislation to repeal that paragraph of the act of March 4, 1913, as amended, that designates 10 percent of all national forest receipts for the construction of roads and trails on the national forests (37 Stat. 843, as amended; 16 U.S.C. 501); jointly, to the Committees on Agriculture and Interior and Insular Affairs.

3562. A letter from the Office of General Counsel, Department of Defense, transmitting a draft of proposed legislation to retain the Department of Defense dependents' schools system within that Department; jointly, to the Committees on Education and Labor and Armed Services.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. RODINO: Committee on the Judiciary. H.R. 5106. A bill to amend the Clayton Act to modify the amount of damages payable to foreign states and instrumentalities of foreign states which sue for violations of the antitrust laws; with amendments (Rept. No. 97-476). Referred to the Committee of the Whole House on the State of the Union.

Mr. HALL of Ohio: Committee on Rules. House Resolution 419. Resolution providing for the consideration of the bill, H.R. 5789, to amend the Energy Policy and Conservation Act to extend certain authorities relating to the international energy program (Rept. No. 97-477). Referred to the House Calendar.

PUBLIC BILLS AND RESOLUTIONS

Under clause 5 of rule X and clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. FASCELL (for himself, Mr. Zablocki, Mr. Bingham, Mr. Yatron, Mr. Bonker, Mr. Mica, Mr. Barnes, Mr. Wolpe, Mr. Crockett, Mr. Broomfield, Mr. Derwinski, Mr. Winn, Mr. Lagomarsino, Mr. Pritchard, Mrs. Fenwick, and Mr. Roth):

H.R. 5998. A bill to provide additional authorizations of appropriations for the fiscal year 1983 for the International Communication Agency, and for other purposes; to the Committee on Foreign Affairs.

By Mr. ANDERSON:

H.R. 5999. A bill to amend title 18, United States Code, to provide for certain offenses involving the use of fire; to the Committee on the Judiciary.

By Mr. GUARINI (for himself, Mr. Rodino, Mr. Brodhead, Mr. Ford of Michigan, Mr. Ford of Tennessee, Mr. Garcia, Mr. Mitchell of Maryland, and Mr. Conyers):

H.R. 6000. A bill to reestablish the Reconstruction Finance Corporation, to authorize such Corporation to perform its traditional lending functions, and for other purposes; to the Committee on Banking, Finance and Urban Affairs.

By Mr. WYDEN:

H.R. 6001. A bill to authorize the establishment of a regional process to assure the orderly development and conservation of the Columbia River Gorge in the States of Oregon and Washington, to establish national policies to assist in the furtherance of this objective, and for other purposes; jointly, to the Committees on Agriculture and Interior and Insular Affairs.

H.R. 6002. A bill to authorize the establishment of a scenic area to assure the protection, development, conservation, and enhancement of the scenic, natural, cultural, and other resource values of the Columbia River Gorge in the States of Oregon and Washington, to establish national policies to assist in the furtherance of this objective, and for other purposes; jointly, to the Committees on Agriculture and Interior and Insular Affairs.

By Mr. ANNUNZIO:

H.R. 6003. A bill to recognize the organization known as the Polish Legion of American Veterans, U.S.A.; to the Committee on the Judiciary.

By Mr. BENNETT:

H.R. 6004. A bill to amend the Internal Revenue Code of 1954 to provide that no individual or corporation shall pay an income tax of less than 10 percent of net income which exceeds $50,000 for any taxable year; to the Committee on Ways and Means.

By Mr. BROOKS (for himself and Mr. Horton) (by request):

H.R. 6005. A bill to discontinue or amend certain requirements for agency reports to Congress; to the Committee on Government Operations.

By Mr. BROOKS:

H.R. 6006. A bill to transfer certain functions of the Secretary of Commerce under the Federal Property and Administrative Services Act of 1949 relating to the acquisition of automatic data processing equipment and services to the Administrator of General Services; jointly, to the Committees on Government Operations and Science and Technology.

By Mr. BROWN of California (for himself, Mr. Scheuer, Mr. Santini, Mr. Wirth, and Mr. Dorgan of North Dakota):

H.R. 6007. A bill to declare a national weather modification policy, to establish a national program of research and development in weather modification, to test and verify the safety and efficacy of weather modification techniques, to improve the technical base and standards for the private weather modification industry, to provide for the reporting of weather modification activities, and for related purposes; to the Committee on Science and Technology.

By Mr. COLEMAN:

H.R. 6008. A bill to amend the National Housing Act to provide for emergency interest reduction payments and for other purposes; to the Committee on Banking, Finance and Urban Affairs.

By Mr. CONABLE (for himself, Mr. Garcia, Mr. Kemp, Mr. Stanton of Ohio, Mr. Nowak, Mr. Clausen, Mr. Horton, Mr. Latta, Mr. Lott, Mr. McClory, Mr. McDade, Mr. McKinney, Mr. Pepper, Mr. Applegate, Mr. Bafalis, Mr. Bereuter, Mr. Biaggi, Mr. Campbell, Mr. Chappell, Mr. Daniel B. Crane, Mr. Courter, Mr. Crockett, Mr. Daub, Mr. Dreier, Mr. Edgar, Mr. Evans of Delaware, Mr. Evans of Iowa, Mr. Fary, Mr. Fish, Mr. Gilman, Mr. Gingrich, Mr. Gradison, Mrs. Holt, Mr. Kildee, Mr. Jeffries, Mr. LeBoutillier, Mr. LaFalce, Mr. Livingston, Mr. Lowery of California, Mr. Lungren, Mr. McEwen, Mrs. Martin of Illinois, Mr. Mazzoli, Mr. Mitchell of New York, Mr. Nelligan, Mr. O'Brien, Mr. Pashayan, Mr. Pritchard, Mr. Railsback, Mr. Regula, Mr. Richmond, Mr. Ritter, Mr. Roberts of South Dakota, Mr. Rousselot, Mrs. Schroeder, Mr. Schulze, Mr. Siljander, Mr. Smith of Alabama, Mr. Smith of New Jersey, Mr. Solomon, Mr. Spence, Mr. Trible, Mr. Weber of Ohio, Mr. Whitehurst, Mr. Wolpe, Mr. Wortley, Mr. Young of Florida, Mr. Broomfield, Mr. Burgener, Mr. DeNardis, Mr. Forsythe, Mr. Lagomarsino, Mr. Martin of New York, Mr. Sensenbrenner, Mr. Smith of Oregon, Mr. Tauke, Mr. Vander Jagt, and Mr. Walker):

H.R. 6009. A bill entitled "The Enterprise Zone Tax Act of 1982"; jointly, to the Committees on Ways and Means; and referred concurrently to the Committee on Banking, Finance and Urban Affairs only for consideration of such portions of section 303 as fall within that committee's jurisdiction under clause 1(d), rule X, and to the Committee on the Judiciary only for consideration of such portions of sections 301 and 302 as fall within that committee's jurisdiction under clause 1(m), rule X.

By Mr. DYMALLY (for himself, Mr. Dellums, and Mr. Fauntroy):

H.R. 6010. A bill to amend the District of Columbia Self-Government and Governmental Reorganization Act to allow the issuance of revenue bonds to finance college and university programs which provide student educational loans; to the Committee on the District of Columbia.

By Mr. FLIPPO:

H.R. 6011. A bill to designate certain lands in the Bankhead National Forest, Ala., as a wilderness area and to incorporate such wilderness area into the Sipsey Wilderness; to the Committee on Interior and Insular Affairs.

By Mr. HAMMERSCHMIDT:

H.R. 6012. A bill to exempt certain fixed contribution multiemployer pension plans from title IV of the Employee Retirement Income Security Act of 1974; to the Committee on Education and Labor.

By Mr. McDADE:

H.R. 6013. A bill to amend the Internal Revenue Code of 1954 to repeal the special leasing provisions enacted by Economic Recovery Tax Act of 1981; to the Committee on Ways and Means.

By Mr. MICHEL:

H.R. 6014. A bill to amend section 209 of title 18 of the United States Code; to the Committee on the Judiciary.

By Mr. ROYBAL (for himself, Mr. Hammerschmidt, and Mr. Santini):

H.R. 6015. A bill to provide that elderly and handicapped individuals and families may use assistance provided under section 8 of the U.S. Housing Act of 1937 or title V of the Housing Act of 1949 with respect to shared housing projects; to the Committee on Banking, Finance and Urban Affairs.

By Mr. ST GERMAIN (for himself, Mr. Reuss, Mr. Minish, Mr. Annunzio, Mr. Fauntroy, Mr. Neal, Mr. Patterson, Mr. Blanchard, Mr. LaFalce, Mr. Evans of Indiana, Mr. D'Amours, Ms. Oakar, Mr. Barnard, Mr. Lowry of Washington, Mr. Schumer, Mr. Frank, Mr. William J. Coyne, Mr. Stanton of Ohio, Mr. McKinney, Mr. Leach of Iowa, Mr. Parris, Mr. Wortley, Mr. Lowery of California, Mr. James K. Coyne, and Mr. Bereuter):

H.R. 6016. A bill to permit bank holding companies and Edge Act corporations to invest in export trading companies and to reduce restrictions on trade financing provided by financial institutions; to the Committee on Banking, Finance and Urban Affairs.

By Mr. SANTINI:

H.R. 6017. A bill to amend the Ethics in Government Act of 1978 to require Members of Congress to file copies of their Federal income tax returns each year, to require more precise reporting of the value of items, and to require systematic random audits by the Comptroller General of reports filed by Members of Congress; to the Committee on the Judiciary.

By Mrs. SCHROEDER:

H.R. 6018. A bill to authorize appropriations for procurement, for research, development, test, and evaluation, and for operation and maintenance for the military functions of the Department of Defense for fiscal year 1983, to prescribe personnel strengths for that fiscal year for the Armed Forces and for civilian employees of the Department of Defense, and for other purposes; to the Committee on Armed Services.

By Mr. SOLOMON:

H.R. 6019. A bill to amend the Small Business Act to treat physically handicapped individuals as socially disadvantaged individuals for purposes of business development programs under such act; to the Committee on Small Business.

By Mr. STANTON of Ohio (by request):

H.R. 6020. A bill to amend and extend certain Federal laws relating to housing, community and neighborhood development, and related programs, and for other purposes; to the Committee on Banking, Finance and Urban Affairs.

By Mr. THOMAS:

H.R. 6021. A bill to provide for recovery of costs associated with the postage, printing, and handling of market information and statistics pursuant to the Cotton Statistics and Estimates Act; to the Committee on Agriculture.

By Mr. THOMAS (by request):

H.R. 6022. A bill to provide for recovery of costs associated with the postage, printing, and handling of market information and statistics pursuant to the Tobacco Inspection Act; to the Committee on Agriculture.

By Mr. VANDER JAGT (for himself, Mr. Pickle, and Mr. Heftel):

H.R. 6023. A bill to make the income tax credit for increasing research activities permanent; to the Committee on Ways and Means.

By VANDER JAGT (for himself, Mr. Heftel, Mr. Frenzel, and Mr. Pickle):

H.R. 6024. A bill to amend the Internal Revenue Code of 1954 with respect to the allocation under section 861 of research and experimental expenditures; to the Committee on Ways and Means.

By Mr. WALKER:

H.R. 6025. A bill to amend title 5, United States Code, to deny Federal retirement annuities to individuals convicted of any felony, and for other purposes; to the Committee on Post Office and Civil Service.

By Mr. WEAVER (for himself and Mr. AuCoin):

H.R. 6026. A bill to authorize the establishment of a scenic area to assure the protection, development, conservation, and enhancement of the scenic, natural, cultural and other resource values of the Columbia River Gorge in the States of Oregon and Washington, to establish national policies to assist in the furtherance of this objective, and for other purposes; jointly, to the Committees on Agriculture and Interior and Insular Affairs.

By Mr. ZABLOCKI (for himself and Mr. Broomfield) (by request):

H.R. 6027. A bill to amend the Foreign Assistance Act of 1961 and the Arms Export Control Act; to authorize additional security and development assistance programs for fiscal years 1983 and 1984; and for other purposes; to the Committee on Foreign Affairs.

By Mr. ZEFERETTI (for himself and Mr. John L. Burton):

H.R. 6028. A bill to amend the Federal Property and Administrative Services Act of 1949 to permit the disposal of surplus property to States and local governments for correctional facility use; to the Committee on Government Operations.

By Mr. LONG of Louisiana (for himself, Mr. Breaux, Mr. Tauzin, Mrs. Boggs, Mr. Livingston, Mr. Roemer, Mr. Huckaby, and Mr. Moore):

H.J. Res. 450. Joint resolution to authorize and request the President to designate the week of April 19, 1982, through April 25, 1982, as "National Get High on Life Week"; to the Committee on Post Office and Civil Service.

By Mr. SMITH of Alabama:

H.J. Res. 451. Joint resolution proposing an amendment to the Constitution of the United States providing for the approval, every 6 years, of the judges of the Supreme Court and the inferior courts; to the Committee on the Judiciary.

By Mr. FISH (for himself and Mr. Edwards of California):

H. Con. Res. 301. Concurrent resolution recognizing the month of April as Fair Housing Month; jointly, to the Committees on Post Office and Civil Service and the Judiciary.

By Mrs. KENNELLY (for herself and Mr. Frank):

H. Con. Res. 302. Concurrent resolution urging the Soviet Union to allow Ida Nudel to emigrate to Israel, and for other purposes; to the Committee on Foreign Affairs.

By Mr. MOAKLEY (for himself, Mr. Donnelly, Mr. Shannon, Mr. Boland, Mr. Conte, Mr. Stark, Mr. Miller of California, Mr. Studds, Mr. Long of Louisiana, Mr. Early, Mr. Dwyer, Mr. Schumer, Mr. Blanchard, Mr. Markey, Mr. Moffett, Mr. Peyser, and Mr. Frank):

H. Res. 418. Resolution acknowledging March 29, 1982, as the 100th anniversary of the founding of the Knights of Columbus, and commending such organization for a century of dedicated public service; to the Committee on Post Office and Civil Service.

By Mr. HOLLENBECK (for himself and Mr. Solarz):

H. Res. 420. Resolution to express the sense of the House of Representatives concerning "Solidarity Sunday"; to the Committee on Post Office and Civil Service.

By Mr. MILLER of California (for himself, Mr. Jeffords, Mr. Weiss, Mr. Hyde, Mr. Waxman, Mr. Rousselot, Mrs. Boggs, Mr. Addabbo, Mr. Andrews, Mr. Beard, Mr. Blanchard, Mr. Bonker, Mr. Brodhead, Mr. John L. Burton, Mr. Phillip Burton, Mrs. Chisholm, Mr. Coelho, Mr. Conte, Mr. Corrada, Mr. Crockett, Mr. Dellums, Mr. de Lugo, Mr. Dixon, Mr. Downey, Mr. Duncan, Mr. Dwyer, Mr. Dymally, Mr. Edgar, Mr. Edwards of California, Mr. Fauntroy, Mr. Fazio, Ms. Ferraro, Mr. Fish, Mr. Foglietta, Mr. Forsythe, Mr. Ford of Michigan, Mr. Ford of Tennessee, Mr. Frank, Mr. Gejdenson, Mr. Gray, Mr. Hawkins, Mr. Hertel, Mrs. Kennelly, Mr. Lantos, Mr. Lehman, Mr. Leland, Mr. Lowery of California, Mr. Lowry of Washington, Mr. Lujan, Mr. Markey, Mr. Marriott, Mr. Matsui, Ms. Mikulski, Mr. Minish, Mr. Mitchell of Maryland, Mr. Moffett, Mr. Murphy, Mr. Natcher, Ms. Oakar, Mr. Oberstar, Mr. Ottinger, Mr. Panetta, Mr. Pepper, Mr. Perkins, Mr. Porter, Mr. Rangel, Mr. Richmond, Mr. Rosenthal, Mr. Roybal, Mr. Sabo, Mrs. Schroeder, Mr. Schumer, Mr. Shannon, Mr. Simon, Mr. Smith of Pennsylvania, Mrs. Snowe, Mr.

Solarz, Mr. Stark, Mr. Stokes, Mr. Sunia, Mr. Traxler, Mr. Whitehurst, Mr. Williams of Montana, Mr. Wilson, Mr. Yates, and Mr. Zeferetti):

H. Res. 421. Resolution to amend the Rules of the House of Representatives to establish a Select Committee on Children, Youth and Families; to the Committee on Rules.

By Mr. SIMON (for himself, Mr. Perkins, Mr. Ford of Michigan, Mr. Gaydos, Mr. Andrews, Mr. Weiss, Mr. Peyser, Mr. Eckart, Mr. Coleman, Mr. Erlenborn, Mr. Erdahl, Mr. DeNardis, Mr. Biaggi, Mr. Kildee, Mr. Hawkins, Mr. Clay, Mr. Corrada, Mr. Miller of California, Mr. Murphy, Mr. Phillip Burton, Mr. Kogovsek, Mr. Jeffords, Mr. Washington, Mr. Ratchford, Mr. Moffett, Mr. Hopkins, Mr. Dunn, Mr. Pursell, Mr. Jones of North Carolina, Mr. Porter, Mr. Panetta, Mr. Carman, Mr. Richmond, Mr. Bingham, Mr. Fauntroy, Mr. Matsui, Mr. Moakley, Mr. McHugh, Mr. Oberstar, Mrs. Kennelly, Mr. Edwards of California, Mr. Ottinger, Mr. Fazio, Mr. Frost, Mr. Mottl, Mr. Florio, Mr. Studds, Mr. Daschle, Mr. Lowry of Washington, Mr. Synar, Mr. Rodino, Mr. Zeferetti, Mr. Hughes, Mr. Sabo, Mr. Fish, Ms. Ferraro, Mr. Wirth, Mr. Barnes, Mr. Mattox, Mr. Gunderson, Mr. Wortley, Mr. Evans of Iowa, Mr. Duncan, Mr. Leach of Iowa, Mr. Weaver, Mr. Horton, Mr. Conyers, Mrs. Schneider, Mr. Foglietta, Mr. Hubbard, Mr. McGrath, Mr. LeBoutillier, Mr. Minish, Mr. Frank, Mr. Emery, Mr. Pepper, Mr. Rangel, Mr. Mitchell of Maryland, Mr. Sunia, Mr. de Lugo, Mr. Daub, Mr. Edgar, Mr. Lee, Mr. Long of Louisiana, Mr. Wyden, Mr. Howard, Mr. Roe, Mr. Downey, Mr. Smith of Pennsylvania, Mr. Scheuer, Mr. Williams of Montana, and Mr. Rose):

H. Res. 422. Resolution expressing the sense of the House of Representatives that graduate and professional students should remain eligible for guaranteed student loans and that funds for Pell grants and campus-based student assistance should not be further reduced; to the Committee on Education and Labor.

MEMORIALS

Under clause 4 of rule XXII, memorials were presented and referred as follows:

314. By the SPEAKER: Memorial of the Senate of the Commonwealth of Massachusetts, relative to funding the senior aide program; to the Committee on Education and Labor.

315. Also, memorial of the Legislature of the State of South Carolina, relative to interest rates, jointly, to the Committees on Banking, Finance and Urban Affairs and Ways and Means.

ADDITIONAL SPONSORS

Under clause 4 of rule XXII, sponsors were added to public bills and resolutions as follows:

H.R. 116: Mr. D'Amours and Mr. Hunter.

H.R. 852: Mr. Daschle, Mr. Guarini, and Mr. Napier.

H.R. 1648: Mr. Conable and Mrs. Martin of Illinois.

H.R. 1649: Mr. Hansen of Idaho.

H.R. 1650: Mr. Gingrich.

H.R. 1918: Mr. Rudd, Mr. Anthony, Mr. Waxman, Mr. Washington, Mr. Wolf, Mr. Stokes, Mr. Wortley, Mr. Frost, Mr. Broomfield, and Mr. Findley.

H.R. 2597: Mr. Archer, Mr. Barnard, Mr. Bedell, Mr. Clinger, Mr. Courter, Mr. Robert W. Daniel, Jr., Mr. Frank, Mr. Gregg, Mr. Hansen of Idaho, Mr. Hatcher, Mr. Hiler, Mr. Horton, Mr. Kemp, Mr. LaFalce, Mr. Lagomarsino, Mr. Madigan, Mr. Marriott, Mr. Parris, Mr. Roberts of South Dakota, Mr. Pepper, Mr. Rudd, Mr. Solomon, Mr. Smith of New Jersey, Mr. Wilson, Mr. Wolf, Mr. Young of Alaska, Mr. Heftel, Mr. Bingham, Mr. Dougherty, Mr. Edgar, Ms. Ferraro, Mr. Gilman, Mr. Hoyer, Mr. Ritter, Mr. Bereuter, Mr. Roe, Mr. Oberstar, Mr. Fish, Mr. Taylor, Mr. Skelton, Mr. Campbell, Mr. Kildee, Mr. Corcoran, Mr. Kogovsek, Mr. la Garza, Mr. Oakar, Mr. Tauke, and Mr. Duncan.

H.R. 2954: Mr. de Lugo.

H.R. 3312: Mr. Rousselot.

H.R. 3921: Mr. Dyson and Mr. DeNardis.

H.R. 4562: Mr. Williams of Montana.

H.R. 4680: Mr. Courter.

H.R. 4833: Mr. Latta.

H.R. 4835: Mr. Weiss, Mrs. Collins of Illinois, Mr. Daschle, and Mr. Evans of Indiana.

H.R. 5147: Mr. Winn.

H.R. 5192: Mr. Barnes, Mrs. Byron, Mr. Courter, Mr. Deckard, Mr. Dixon, Mr. Loeffler, Mr. Marriott, Mr. Roukema, Mr. Sharp, Mr. Simon, and Mr. McCollum.

H.R. 5254: Mr. Brown of California, Mr. Dymally, and Mr. Ertel.

H.R. 5321: Mr. Anderson, Mr. Fithian, Mr. Ford of Tennessee, Mr. Hightower, and Mr. Huckaby.

H.R. 5331: Mr. Simon.

H.R. 5338: Mr. Nichols and Mr. Anderson.

H.R. 5414: Mrs. Fenwick and Mr. McKinney.

H.R. 5448: Mr. Dyson.

H.R. 5461: Mr. DeNardis, Mr. Hawkins, Mr. Tauke, Mr. Hollenbeck, Mr. Green, Mr. Pursell, and Mr. Leach of Iowa.

H.R. 5464: Mr. Leland.

H.R. 5469: Mr. Wampler and Mr. Addabbo.

H.R. 5502: Mrs. Schneider.

H.R. 5531: Mr. McClory and Mrs. Holt.

H.R. 5596: Mr. McKinney, Mr. Smith of Pennsylvania, Mr. Mottl, Mr. Lewis, and Mr. Kindness.

H.R. 5629: Mr. Vento.

H.R. 5689: Mr. Oxley and Mr. Gingrich.

H.R. 5755: Mr. Brown of California, Mr. Fary, Mr. Fazio, Mr. Frank, Mr. Kastenmeier, Mr. Ottinger, and Mr. Roe.

H.R. 5769: Mr. Frank, Mr. Dreier, Mr. Evans of Georgia, Mr. Hartnett, and Mr. Courter.

H.R. 5833: Mr. Benjamin.

H.R. 5835: Mr. Crockett, Mr. Hance, Mr. Kogovsek, Mr. Mottl, Mr. Murphy, Mr. Roemer, Mr. Weaver, Mr. Wirth, Mr. Volkmer, and Mr. Schumer.

H.R. 5853: Mr. Leland, Mr. Schumer, and Ms. Oakar.

H.R. 5896: Mr. Evans of Iowa, Mrs. Schneider, Mr. Forsythe, Mr. Fauntroy, Mrs. Chisholm, Mr. Edgar, Mr. Bedell, and Mr. Gejdenson.

H.R. 5959: Mrs. Holt and Mr. Annunzio.

H.J. Res. 172: Ms. Mikulski.

H.J. Res. 363: Mr. Patman, Mr. Mollohan, Mr. Corcoran, Mr. Edwards of Alabama, Mr. Bevill, Mr. Simon, Mr. Anthony, and Mr. Hertel.

H.J. Res. 435: Mr. Kazen, Mr. Paul, Mr. Lungren, Mr. Shaw, Mr. Rousselot, Mr. Smith of Iowa, Mr. Hartnett, Mr. James K. Coyne, Mr. Parris, Mr. Bliley, Mr. Gregg, Mr. Fiedler, Mrs. Schneider, Mr. Hendon, Mr. Martin of New York, Mr. Beard, Mr. Patterson, Mr. Smith of Alabama, Mr. Dannemeyer, Mr. Lujan, Mr. Thomas, Mr. Lewis, Mr. Weber of Minnesota, Mr. Fields, Mr. Lowry of Washington, Mr. Siljander, Mr. Solomon, Mr. Hunter, Mr. Wylie, Mr. Gonzalez, Mr. Snyder, Mr. St Germain, Mr. Smith of Oregon, Mr. Hillis, Mr. O'Brien, Mr. Edwards of Oklahoma, Mr. Edwards of Alabama, Mr. Petri, Mr. Madigan, and Mrs. Snowe.

H.J. Res. 436: Mr. Bereuter, Mr. Bingham, Mr. Corrada, Mr. D'Amours, Mr. Daschle, Mr. de la Garza, Mr. Evans of Iowa, Mr. Fauntroy, Mr. Fazio, Mrs. Fenwick, Mr. Foley, Mr. Ford of Tennessee, Mr. Frank, Mr. Frenzel, Mr. Gephardt, Mr. Gore, Mr. Guarini, Mrs. Holt, Mr. Hoyer, Mr. Hughes, Mr. Hutto, Mr. Lantos, Mr. Leach of Iowa, Mr. Lewis, Mr. Matsui, Mr. Mazzoli, Mr. Moakley, Mr. Moore, Mr. Oberstar, Mr. Oxley, Mr. Pepper, Mr. Reuss, Mr. Roberts of South Dakota, Mr. Roe, Mr. Scheuer, Mr. Shumway, Mr. Smith of New Jersey, Mr. Stangeland, Mr. Stump, Mr. Sunia, Mr. Tauzin, Mr. Weiss, Mr. Winn, Mr. Young of Alaska, Mr. Evans of Georgia, and Mr. Hertel.

H.J. Res. 438: Mr. Scheuer, Ms. Mikulski, Mr. Dwyer, Mr. Daub, and Mr. Hughes.

H. Con. Res. 151: Mr. Roemer.

H. Con. Res. 173: Mr. Burgener, Mr. Lagomarsino, and Mr. Jeffries.

H. Con. Res. 222: Mr. Wampler.

H. Con. Res. 275: Mr. Mazzoli, Mrs. Holt, Mr. Hansen of Utah, Mr. Edwards of Oklahoma, Mrs. Boggs, and Mr. Young of Florida.

H. Con. Res. 289: Mr. Rinaldo, Mr. Duncan, Mr. Ritter, Mr. James K. Coyne, Mr. Edwards of Oklahoma, Mr. Collins of Texas, Mr. Lowery of California, Mr. Hance, Mr. Addabbo, Mr. Dunn, Mr. Railsback, Mr. Solarz, Mr. Barnard, Mr. Evans of Georgia, Mr. Whitehurst, and Mr. Smith of Alabama.

H. Res. 243: Mr. Dingell.

H. Res. 344: Mr. Addabbo, Mr. Annunzio, Mr. Benjamin, Mr. Bliley, Mrs. Boggs, Mr. Boland, Mrs. Byron, Mr. Clinger, Mr. Collins of Texas, Mr. Conte, Mr. Corrada, Mr. Courter, Mr. Daschle, Mr. de la Garza, Mr. Derwinski, Mr. Dingell, Mr. Donnelly, Mr. Dornan of California, Mr. Dyson, Mr. Fauntroy, Mr. Fish, Mr. Ford of Michigan, Mr. Forsythe, Mr. Frenzel, Mr. Gephardt, Mrs. Heckler, Mr. Hiler, Mrs. Holt, Mr. Horton, Mr. Howard, Mr. Hoyer, Mr. Hughes, Mr. Jacobs, Mr. Jeffries, Mr. Kemp, Mrs. Kennelly, Mr. Kildee, Mr. LaFalce, Mr. Lagomarsino, Mr. Lee, Mr. Lent, Mr. Long of Maryland, Mr. Lowery of California, Mr. Lungren, Mr. Madigan, Mrs. Martin of Illinois, Ms. Mikulski, Mr. Minish, Mr. Mitchell of New York, Mr. Moakley, Mr. Molinari, Mr. Mollohan, Mr. Nelligan, Mr. Oberstar, Mr. Ottinger, Mr. Oxley, Mr. Panetta, Mr. Pepper, Mr. Peyser, Mr. Ratchford, Mr. Regula, Mr. Rinaldo, Mr. Rodino, Mr. Roe, Mr. Russo, Mr. Sabo, Mr. Smith of New Jersey, Mr. Smith of Pennsylvania, Mr. St Germain, Mr. Staton of West Virginia, Mr. Tauke, Mr. Vento, Mr. Volkmer, Mr. Won Pat, Mr. Yatron, and Mr. Zablocki.

H. Res. 348: Mr. Solarz, Mr. AuCoin, Mr. Scheuer, Mr. Ratchford, Mr. Waxman, Mr.

Simon, Mr. Williams of Montana, and Mr. Traxler.

H. Res. 376: Mr. Richmond, Mr. Ratchford, Mr. Garcia, Mr. McHugh, Mr. Smith of Pennsylvania, Ms. Mikulski, and Mr. Russo.

H. Res. 406: Mr. Lent, Mr. Brodhead, Mr. Santini, Mr. Ottinger, Mr. Bingham, Mr. Yates, Mr. Wyden, Mr. Oberstar, Mr. Miller of California, Mr. Clay, Mr. Peyser, Mr. Weiss, Mr. Pepper, Mr. Hollenbeck, Mr. Solarz, Mr. Frost, Mr. Minish, Mr. Weaver, Mr. Addabbo, Mr. Edgar, Mr. Barnes, Mr. Beilenson, Mr. Frank, Mr. AuCoin, and Mr. Forsythe.

DELETIONS OF SPONSORS FROM PUBLIC BILLS AND RESOLUTIONS

Under clause 4 of rule XXII, sponsors were deleted from public bills and resolutions as follows:

H.R. 3144: Mr. Clausen.

PETITIONS, ETC.

Under clause 1 of rule XXII,

380. The SPEAKER presented a petition of the City Council of Philadelphia, Pa., relative to civil defense; which was referred to the Committee on Armed Services.

SENATE—*Wednesday, March 31, 1982*

(Legislative day of Monday, February 22, 1982)

The Senate met at 10 a.m., on the expiration of the recess, and was called to order by the President pro tempore (Mr. THURMOND).

PRAYER

The Chaplain, the Reverend Richard C. Halverson, LL.D., D.D., offered the following prayer:

Let us pray.

Lord God, Sovereign of the universe and of history, we thank Thee for the safe return of the astronauts and for the success of their mission. In humility we thank Thee for the awesome order of the universe that makes it possible to conceive and consummate such a mission. We thank Thee that the universe is not capricious, that it functions according to laws which Thou hast ordained, so that it is predictable and dependable. We realize anew that freedom comes with order, that the alternative is chaos and destruction.

We thank Thee that history is orderly because Thou dost have a plan which transcends all the vicissitudes and exigencies of the human equation. We thank Thee that history is not "a tale told by an idiot, full of sound and fury, signifying nothing," that history is not "absurd," that it is orderly and trustworthy.

We thank Thee for spiritual and moral order. Help us to see that when we violate the spiritual and moral order, we condemn ourselves to chaos and its consequences.

Father, the Senators are weary and probably feel some frustration. Help them and their legislative assistants to find their way through to an equitable and honorable decision today and, in the process to honor each other, to respect each other, and to love each other. In the name of Him who is Incarnate Love. Amen.

RECOGNITION OF THE MAJORITY LEADER

The PRESIDENT pro tempore. The majority leader is recognized.

Mr. BAKER. I thank the Chair. Mr. President, I can assure our distinguished chaplain, with regard to that portion of his prayer this morning where he speculated that Senators were probably frustrated, he may be assured that he is correct.

ORDER FOR PERIOD FOR TRANSACTION OF ROUTINE MORNING BUSINESS

Mr. BAKER. Mr. President, we have a difficult situation before us and it is imperative that we get on with the business at hand. Therefore, let me put this unanimous-consent request.

I ask unanimous consent that, following the recognition of the two leaders under the standing order and after recognition of the distinguished Senator from Idaho (Mr. SYMMS), there be a brief period for the transaction of routine morning business not to extend past the hour of 10:30 a.m., in which Senators may speak for not more than 5 minutes each.

The PRESIDENT pro tempore. Without objection, it is so ordered.

FURTHER CONTINUING APPROPRIATIONS, 1982

Mr. BAKER. Mr. President, I ask unanimous consent that at 10:30 a.m., the Chair lay before the Senate the continuing resolution.

The PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. BAKER. Mr. President, the task at hand is a difficult one, but it is essential and mandatory that we work our way through this. I hope that we shall be able to finish the continuing resolution and transmit it to the other body early today. However, if there are amendments adopted, and I hope there will not be amendments adopted, Senators should be on notice that we shall remain in late tonight to await further action of the House of Representatives; that we shall be in tomorrow if necessary to await the action of the House, over the weekend if necessary, and into next week, as circumstances may require, in order to discharge our obligation to deal with this continuing resolution.

That is not meant to be a threat, Mr. President. I apologize to my colleagues for the stern tone of that warning, but I think I owe it to every Member to give them that advice at this point.

It is not my intention presently to ask the Senate to consider an adjournment resolution until after we have seen what course this continuing resolution will take and what action the House may wish to take in respect to it. Once again, there is a distinct possibility that we shall be in not only for the balance of this week but the weekend as well and perhaps into next week. So Senators should take account of that possibility.

Mr. ROBERT C. BYRD. Mr. President, will the majority leader yield?

Mr. BAKER. Yes, Mr. President, I yield.

Mr. ROBERT C. BYRD. Mr. President, the majority leader is being only realistic in what he says. He has no alternative but to keep the Senate here until the continuing resolution is adopted, because the deadline will expire tonight at midnight and the Government will soon grind to a halt in the budget areas affected. He has no alternative to say other than what he has just said. I compliment him on the efforts he has made to keep the continuing resolution clean, keep it from being amended, so that action on the continuing resolution could be expedited and final action can be had before midnight tonight.

I must say for the record that I must compliment my own colleagues on my side of the aisle. In conference yesterday, we decided that we would not offer amendments, that we would try to cooperate with the majority in not offering amendments in the effort to keep the continuing resolution clean to avoid its going back to conference and expedite final action on it.

Thus far, may I say, Mr. President, my side of the aisle has acted with remarkable restraint, realizing the necessity of passing the legislation as quickly as possible. The majority leader has done everything he can do, as I have observed, to keep amendments down on his side of the aisle. He is having some problems in that respect, but I am sure that he will continue to make every effort to get his colleagues to stop offering amendments.

There will be other vehicles on which attractive amendments can be offered. We have some rather attractive amendments on this side of the aisle; as a matter of fact, I have one or two of my own. But we are trying in good faith to cooperate with the leader.

I hope the dikes will not break over here, and I am going to continue to do everything I can to keep down amendments on this side of the aisle. I shall be here with the majority leader if he has to come in tomorrow, if he has to come in on Friday, if he has to come in on Saturday. We have no alternative but to act to complete work on this measure.

Of course, it has to go to conference once it is amended—and I daresay it may be amended at least once. I had hoped we could withhold these attractive amendments until a later time, when we could offer them to other vehicles the circumstances surrounding which would not be under such extenuating circumstances. As to this measure, if it does not pass by tonight, certain agencies will begin to close down, so I agree with the majority leader.

I know how it is. No majority leader can control any Senator. Any Senator has a right to call up any amendment he wants to call up. If they will not listen to the eloquent, persuasive powers of the majority leader, all we can do is let them call them up. But I hope they will settle down today and stop offering amendments and get on with the work before us.

Mr. BAKER. Mr. President, I express my deep and profound appreciation to the minority leader. He has indeed been in the same position, and he knows more than perhaps any other Member of this Chamber how difficult it is to try to manage a matter of this sort, and especially try to convince Members on your own side that they should forbear to offer amendments. I am grateful for his support and his understanding, and I am especially grateful for the very responsible conduct on the Democratic side of the aisle in addressing the requirement that we pass the continuing resolution. I envy him.

Mr. President, may I point out that we have not yet amended this resolution. All the sound and fury so far has been in the nature of proposals to amend the underlying Armstrong amendment. The Armstrong amendment has not been adopted. So the horse is not yet out of the barn.

Mr. President, I am afraid, based on the votes that were held on yesterday, that the odds are that the Armstrong amendment would pass. I hope not. At some point I will make another effort in some form to avoid that.

Senators are urged to consider the consequences of adopting that amendment or any amendment. We have not yet done ourselves the damage that can be done by cluttering up this continuing resolution. I will make one more effort in some form later today to try to avoid that consequence.

Mr. ROBERT C. BYRD. I wonder if the distinguished Senator from Colorado (Mr. ARMSTRONG) could be persuaded to withdraw his amendment and offer it to another vehicle. There will be other vehicles very soon. As a matter of fact, Senator PROXMIRE has a proposal, of which I am a cosponsor, that would knock out the tax credit for Members of Congress. We will have plenty of opportunities to do that without delaying this bill.

Mr. BAKER. Mr. President, I agree. I have discussed that with the Senator from Colorado, and I will do it again today, not on the floor in general debate perhaps but most certainly in conversations with him personally.

There is no desire on my part to avoid a discussion of this issue. It is a legitimate issue that should be debated by the Senate. Obviously, emotions are running high on the question of the tax treatment that should be accorded to Members for their living expenses away from home. That is a perfectly legitimate thing to discuss, but the complication, Mr. President, is that attaching it to this continuing resolution jeopardizes a substantial fraction of the operations of the Government of the United States. It seems to me that that is a leverage far greater than the immediate urgency in addressing this issue.

So I hope that Members who have a special concern about this—and many do—will consider that this is not the place to do it. But I pledge as leader to see that they have an opportunity to do it, to discuss it freely, to debate it, and to provide them a vehicle on which they may test their views and ideas and express their will and judgment—once again, Mr. President, not on this continuing resolution, which must be passed by midnight tonight; otherwise, severe consequences will flow from it, and not at this time for the same reason. I hope that Members who hear these remarks will take account of the absolute requirement that we act like the responsible legislators that we are, and that is to attend the requirements for the operation of the Government of this country.

Mr. President, once again I thank the minority leader for his remarks.

STRESS

Mr. BAKER. Mr. President, today I would like to discuss a persistent and widespread condition whose peripatetic nature besets millions of Americans every day.

It is a condition that some manage better than others, but it is also an intrusion which causes all of us, at one time or another, unbearable difficulties.

I am speaking of stress, Mr. President, and while it is impossible to dissert a complete examination of this complex issue, I would now like to present a cursory view of what stress is, and how individuals can help rid themselves of this harmful, counterproductive, and sometimes shrouded problem.

The front page of a recent edition of the Wall Street Journal described a top executive of a company who "fell apart when his company did." He said that "it was * * * my responsibility. I was in charge."

After a hospital stay, the executive secluded himself in his home for more than 2 years in a deep state of depression. Acknowledging that the loss of a family member would make him feel "bad, but losing my company hurts worse," he slowly tried to reassemble his life. He realized, along with his wife, that things "will never be the same."

"The fall from the top can be devastating," says Dr. Alan McClean, staff pyschiatrist for IBM, "their (executives) jobs become their lives." "The biggest lesson," claims McClean, "and a very simple one, is to avoid having all your eggs in the psychological basket of work."

Dr. James J. Gallagher, a psychologist, explains that stress is "the response we make to things that happen in our lives, and if we learn to understand and expect the events, we will be better able to cope." Such responses are called stressors or causes of stress. Stress is the state a person is in, and stressors can include anything from "fatigue to an interfering mother-in-law."

The stress which is a result of the work a person does has become part of the frenetic quality of our age of anxiety; the implications being profound on every level of work. The extreme pressure to perform is as much a stress or as the pressure imposed by limitations in the work a person actually does. Stress crosses class and job description; it waits on every step of the occupational achievement ladder and accompanies every notion of ambition and success.

Essentially, every individual encounters some form of stress. Each person, however, reacts to stress differently, and does not always adjust adequately to stressful situations. There are three visible signs of stress, Dr. Gallagher observes: Emotional—which may include such reactions as anxiety, anger, irritation, and depression; behavioral—which may be reflected in shouting, stomping, and overuse of pills or alcoholic beverages; and physical—which may induce migraine headaches, insomnia, and in some extreme cases, heart attacks, ulcers, high blood pressure, or mental breakdowns. Such physical reactions to stress are called the typical stress diseases and, according to an individual's vulnerability, appear to be the result of "chronic exposure to stress over a long period of time."

The role of stress in the development of psychosomatic disorders has been well documented, and it is now recognized that susceptibility and recovery from infectious and genetic disorders are related in part to both a person's way of coping with stress and to stress in the environment and society.

In his study of stress, Dr. Hans Selye emphasized that:

> Stress, more than any other factor, determines whether there is a proper balance in our lives.

He defines—

> stress as the nonspecific response of the body to any demand.

Utilization of energy is the foremost characteristic of biologic stress, and the fact that stress is nonspecific means that any demand will elicit certain reactions.

> The nature of the demand is immaterial * * * the stress response is always the same.

Joy and suffering will both elicit a response in the body. Emotional arousal elicits a stress response as easily as a physical trauma. The body/mind/spirit unity is dramatically demonstrated in any discussion of stress. Dr. Selye reminds us that the reaction to stress is "always with the purpose of re-establishing the homeostatic balance or equilibrium."

The search for balance or centering or equilibrium is a goal throughout our lives on conscious and unconscious levels. Nobel Laureate Nikolaas Tinbergen (1974) elaborates on that theme:

> It is stress in the widest sense, the inadequacy of our adjustability, that will become perhaps the most disruptive influence in our society.

Adjustability is a deeply personal experience. The many variables are related to an individual's life experience, one's society, one's expectations and the entire gamut of human emotions. Dr. Selye's intense concern in regard to the stress in our lives is revealed in the following:

> The most important fact is that generalized, prolonged and unabated stress places a person in a state of disequilibrium, which increases his/her susceptibility to a wide range of diseases and disorders.

A systemic approach to events which trigger stress into psychosomatic disorder has been developed by Thomas Homes and Richard Rahe of the University of Washington School of Medicine. The correlation of life events with illness was tested on more then 5,000 patients. Events which were considered pleasurable involved the same physiological reaction as negative stressors. Events such as death, marriage, divorce, change of job, and even graduation from school all require some adjustive activity. The social readjustment rating scale assigns value to a number of events and as one's score increases, the possibilities for a health change leading to an illness increases as well. On three Navy cruisers, 2,500 men were studied and the 30 percent with the highest score on the scale developed 90 percent more first illnesses.

> The following table, a world-famous one based on extensive research, shows 43 "life events" that appear in personal and business lives with "stress rating points" assigned to each event.
>
> A total of 300 points is considered the "breaking point" for the average person, i.e. the person faces a very possible nervous breakdown or other illness resulting from stress. One leading psychologist says that a typical corporate executive today is five-sixths of the way (250 points) towards a nervous breakdown.

The relationship of stress to disease follows a specific pattern: Tolerable stress escalates to excessive stress causing alterations in the way the body functions. This creates the conditions which lead to the development of a disorder. It is then that an individual's dependence or independence on the norms of his/her society contribute to the stress experience.

There are people who are closely associated with a specific social structure; the beliefs and standards of their peers become the person's beliefs and standards. An autonomous person develops a personal code; that individual subsequently has greater tolerance for the stress of life changes. A person who closely identifies only with a certain society or group or social network and is threatened by any change in his/her personal standing in the group, reacts to stress more intensely.

In "Public Health Reports," Dr. Gary E. Schwartz discussed the "challenge facing industry, labor, and science * * * to design stress management programs * * *." He acknowledges Selye's contributions to the study of stress and uses Selye's general adaptation syndrome as a model linking stress to illness. Accepting that "the brain modulates the immune system" and that an "immune system which does not function properly * * * increases a person's susceptibility to all kinds of disease * * * The concept of the need to 'treat the cause rather than the symptom' can be restated as the need to modify or eliminate the stress * * * rather than simply eliminate the symptoms of distress * * *" Dr. Schwartz notes some of the major classes of psychosocial stress facing workers as summarized by James S. J. Manuso, Ph. D., director, emotional health program, Equitable Life Assurance Society:

1. Work overload, or work stagnation;
2. Extreme ambiguity, or rigidity in relation to one's tasks;
3. Extreme role conflict, or little conflict;
4. Extreme amounts of responsibility (especially for other people), or little responsibility;
5. Cut-throat and negative competition (or one-upmanship), or no competition;
6. Constant change and daily variability, or a deadening routinized stability;
7. Ongoing contact with "stress carriers" (e.g. demanding workaholics, highly anxious people, indecisive individuals), or social isolation;
8. That the corporation, for its own survival, encourages its employees to define their egos in terms of the organization, to contain emotional reactions, and to depend upon it; and
9. The interaction of one's stage of career development, career opportunity, and management style.

The study of job-related stress is complicated due to the fact that many other life factors are at work in any consideration of stress; however responsibility on the part of industry can provide the motivation for important life changes.

Women are said to cope with stress better than men, especially to stress related to on-the-job pressures. Dr. Irving H. Tracer, a psychiatrist at the Michael Reese Medical Center in Chicago has been cited as saying,

> Women are not as likely to suffer stress-related illnesses as men in similar jobs because females find it easier to vent their emotions and verbalize their frustration at work.

Also, women are more open about their feelings. They can discuss them with peers and bosses. They are less ashamed to display emotion.

A woman in our society must deal with the stress of work versus home. Men are more able to devote themselves entirely to their work; the working woman is at work on many levels; her responsibilities in her home continue as she deals with the responsibilities of her work. Changes within our society which permit the sharing of household tasks and parenting pave the way for a more androgynous society to the benefit of all.

Maggie Scarf in her book "Unfinished Business, Pressure Points in the Lives of Women" offers special insight in the way that men and women deal with stress. In her discussion of depression in women it is attachments that matter most.

> It is in terms of highly invested and extraordinarily important loving attachments that most women's secret self-assessments and interior appraisals of self-worth seem to be made.

Perhaps it is the emphasis on attachments that permits women to deal with work-related stress more easily than men. Scarf relates that,

> For men the depressive motifs have to do with work issues, status and success difficulties, with "making it" out there in the world at large."

The kinds of problems we have discussed related to stress and work are possibly more intense therefore for men.

Scientists at the National Institute of Occupational Safety and Health (NIOSH) studied Tennessee hospital and death records "to determine which jobs rated high in stress-related illnesses * * *." Out of 130 jobs analyzed, 24 jobs were categorized as most and least stressful. The most stressful jobs are unskilled laborer, secretary, assembly-line inspector, clinical lab technician, office manager, foreman, manager/administrator, waitress/waiter, factory machine operator, farmowner, miner, and house painter. The least stressful jobs are clothing sewer, garment checker, stock clerk, skilled craftsman, maid, farm laborer, heavy equipment operator, freight handler, child care worker, factory package wrapper, college professor, and personnel worker.

Other jobs found to be high in stress included: those in the health field: "registered nurses, nurses' aide, dental assistants, and orderlies; skilled blue-collar jobs such as machinists, plumbers, and meatcutters; and service jobs such as clergymen, social workers, policemen, and firemen." Although the high-in-stress jobs listed seemed considerably diverse, the NIOSH researchers discovered that many had similar demands—"many were fast-paced, with long working hours and repetitive, boring tasks. Others were low in control, success, or satisfaction."

MANAGING JOB STRESS

Dr. Selye cautions that there are no easy solutions to coping with life's stresses. Certain actions, however, have been suggested to help individuals endure occupational pressures. Some of them are:

> Get plenty of exercise and moderate your habits. If you don't want to become "a doddering old person," says Dr. (Robert) Butler (of the National Institute of Aging), * * * build up your cardiovascular stamina and flexibility with regular physical fitness. "As corny as it sounds," adds Butler, "you also need to moderate your habits of food intake, alcohol and tobacco;"
>
> Build a strong family life. "There are a lot of people in the working world who aren't going to have satisfaction in the work they do," says Michael Smith (of NIOSH). Good marital and family relations "will buffer the stress problems at work;"
>
> Divert your interests. "If work becomes too stressful," says Smith, "you've got to get satisfaction out of something else. Some people use religion, others use hobbies;" and
>
> Re-engineer your working life. For people upset over the demands of a job, it's important to recognize these emotions and reduce the opportunities for stress * * * If your problem is work overload, * * * (go) to the office on weekends to get some of (it) out of the way; * * * anxiety during meetings, rehearse the meeting before you go into it; * * * relating to people on the job, analyze why people (react) negatively to you. Perhaps your hostility is breeding hostility in them.

Dr. Selye advises that pressures at work are not always the result of the occupation, but how the individual reacts to his/her job.

Dr. James Gallagher has suggested seven ways for "office-bound executives" to relieve physical signs of stress:

> Stand up during phone calls—it cuts physical stress;
>
> Take a "seventh inning stretch" five or six times a day, and certainly between meetings;
>
> Take catnaps if possible * * *. "Lie down in your office and listen to the sound of your breath * * * (this) helps to 'blank everything out of your mind;'"
>
> Park at the far end of your parking lot, so you have to walk a little further to and from your office;
>
> Conduct short meetings with everybody standing. It is less tense and it can also keep the meeting shorter;
>
> Carry a heavy attache case, overloaded, when you go home even if you don't open it to get the exercise of carrying the weight; and
>
> Flex your arm muscles as you carry the case, as another physical means of relaxing tension.

COPING WITH EVERYDAY STRESS

Dr. Donald A. Tubesing, an educational psychologist who conducts stress skills workshops, has indicated that the ways individuals react to stress are "simply the result of habitual responses to certain circumstances." He states that such reactions can be eventually broken by consciously making different choices. He suggests four methods of controlling one's reactions to stressors:

> Reorganize yourself. Take control of the way you spend your time; learn to avoid using $10 worth of energy on a 10-cent problem * * *;
>
> Change the scene * * *. Controlling one's environment with the aid of scene changing skills. These include fight, flight * * * (the art of retreat to find or create another setting more conducive to your inner peace) and listening;
>
> Change your mind. You can manage stress by taking control of your attitude, * * * particularly through techniques Tubesing describes as relabeling ("the art of seeing a promise in every problem;"), whispering ("the art of giving yourself positive messages when things are going wrong"), and imagination ("the art of laughter," * * * the ability to accept and appreciate the incongruities of life.); and
>
> Build up your strength * * * (or) build up your stamina * * * (by) eat(ing) a healthful diet, * * * arrang(ing) daily relaxation times, and * * * get(ting) in the habit of exercising.

TREATMENT FOR STRESS

Dr. Selye has stated that there are implications that stress can cause permanent damage to an individual. In the case of high blood pressure, for example, medication can help control this stress-related problem, but for most persons, he says, learning how to live and behave in different circumstances is a natural treatment for stress.

If one cannot handle a stressful situation alone there are few professionals to turn to for assistance. According to Dr. Selye, a few physicians specialize in stress diseases, but most are not very well trained.

The Institute for Stress Management and Weight Control has recently been established in Chicago, Ill. Its director, Dr. Robert Pasen, a psychologist, states that the institute's aim is to teach individuals to cope with stress through a "marriage of medicine and psychology." A large number of techniques are used by Dr. Pasen and his colleague, Dr. Robert Mutterperl, such as biofeedback, psychotherapy, diet and exercise, hypnosis, and acupuncture, to help their patients overcome stress and learn to prevent its recurrence. Hans Selye views:

> Tension and stress as keeping us perched on a precipice of a barren mountain that seemingly becomes ever more menacing from the anxiety and pain of symptoms From experiences with a variety of self-regulation techniques, I personally believe there are a variety of effective pathways down from the mountain to the tranquillity of the more balanced conditions in the valley below.

Self-regulation techniques are being used more frequently in dealing with stress and stress-related conditions. Rather than relying on some internal treatment, there is a new emphasis on personal responsibility. Methods involving meditation biofeedback, relaxation and self-hypnosis provide opportunities for dealing with an inner self in an attempt to better deal with outer stressors. Dr. Herbert Benson in his books, "The Relaxation Response" and "The Mind/Body Effect" urges the use of a demystified meditation, "the relaxation response" which "in conjunction with conventional medical practices would be a most effective therapy for stress-related illnesses." Syed Abdullah, M.D., in his article "Meditation: Achieving Internal Balance," reinforces that viewpoint:

> Stress reactions * * * aid in short-term emergency situations. If the state is continued * * * psychosomatic illnesses appear that may produce permanent tissue damage, cause more stress and thereby perpetuate the vicious cycle. The timely use of the relaxation-meditation exercises tends to minimize these stress reactions, to activate the relaxation response, and to foster healing.

Kenneth Pelletier in his book "Mind As Healer, Mind As Slayer" encourages the use of meditation as an antidote to stress. He mentions a study made by Gary Schwartz of Harvard which "found a substantial drop in the frequency of * * * psychosomatic disorders such as headaches, colds, and insomnia among experienced meditators." Norman Cousins in his book "Anatomy of an Illness" offers great encouragement to the principle of self-determination in dealing with the stress of severe illness. He talks about stress as the most prevalent and most serious health problem of our time and urges each of us along a path of self-affirmation when he celebrates the doctor that:

> Each patient carries * * * inside him (her) * * *. We are at our best when we give the doctor who resides within each patient a chance to go to work.

We must each deal with stress in our own behalf. Hans Selye talks about the Chinese philosopher Lao Tzu who captured the essence of inner awareness with the following words of advice which seem a worthy antidote to the many stresses of our lives:

There is no need to run outside
For better seeing,
Nor to peer from a window. Rather abide
At the center of your being;
For the more you leave it, the less you learn.
Search your heart and see
If he is wise who takes each turn:
The way to do is to be.

RECOGNITION OF MINORITY LEADER

The PRESIDING OFFICER (Mr. HAYAKAWA). The minority leader is recognized.

MR. ROBERT C. BYRD. Mr. President, I have need for my time. Unless the distinguished majority leader or some other Senator has need for my time I am prepared to yield it back.

MR BAKER. I thank the Senator. I have no need for additional time. I yield back the remainder of my time.

MR. ROBERT C. BYRD. Mr. President, I yield back the remainder of my time.

RECOGNITION OF SENATOR SYMMS

The PRESIDING OFFICER. Under the previous order, the Senator from Idaho (Mr. SYMMS) is recognized for not to exceed 15 minutes.

Mr. SYMMS. Thank you, Mr. President. I thank the distinguished majority leader for helping make this time available today, and I just say to the distinguished majority leader I wish him every success in his efforts tonight.

Before we get into this special order, I might also say that as one Member of this body, when I see the ravages that high interest rates are playing on the American public, the threat that the United States faces militarily, I think it is too bad that we have to spend so many hours debating the issue as we did last night; we only tend to emasculate this distinguished body even more.

S. 2315—FEDERAL-AID HIGHWAY ACT OF 1982

Mr. SYMMS (for himself, Mr. STAFFORD, Mr. RANDOLPH, Mr. BENTSEN, Mr. ABDNOR, and Mr. BURDICK.)

Mr. SYMMS. Mr. President, today I am introducing the Federal-Aid Highway Act of 1982.

I am very pleased that the distinguished chairman of the Senate Environment and Public Works Committee (Mr. STAFFORD), the distinguished ranking minority member of the committee (Mr. RANDOLPH), and the distinguished ranking minority member of the Transportation Subcommittee (Mr. BENTSEN) are cosponsors of this bill. I am also pleased that my distinguished colleagues, Senator ABDNOR, and Senator BURDICK have joined as cosponsors.

On December 29, 1981, the President signed into law the Federal-Aid Highway Act of 1981, which redefined the essential elements to be included in the completion of the Interstate System. The redefinition reduced the cost to complete the remaining 4 percent of the Interstate System from $53.8 billion to $38 billion. The redefinition brings completion closer to reality and marks a reversal in the trend of allocating the largest portion of Federal highway dollars to the nearly completed Interstate System when the interstate mileage already built and the rest of the Federal-aid system is deteriorating at an alarming rate. The bill being introduced today continues to shift priorities toward maintenance of prior capital investments in our Nation's interstate, primary, rural, and urban roads, and bridges.

Mr. President, I am seriously concerned about the inadequate levels of funding for the highway program over the past several years, and earnestly believe that an increase in highway user fees is essential to the proper maintenance of our transportation infrastructure, and to the timely and orderly completion of the Interstate System. Trust fund revenues have decreased the past 2 years. The estimated balance in the fund at the end of fiscal 1982 of $8.2 billion is approximately $4.4 billion less than the balance in fiscal 1979. The increased fuel efficiency of cars and public concern with energy conservation are two factors, among others, which have caused this decline in revenues and decreased the prospects for future increases of revenues into the trust fund under the existing fee structure.

However, the needs of our transportation infrastructure are significant. An average of 2,000 miles of interstate per year reaches its 20-year design life and requires substantial rehabilitation. In addition to the $38 billion to complete the interstate, the most recent Department of Transportation needs study estimates long-term needs of $20 billion to repair and rehabilitate existing interstate mileage and $47 billion to repair and replace bridges.

Mr. President, the Federal highway program was forced to take some reductions last year in an effort to reduce Federal spending. However, to continue to defer capital improvements and maintenance will impair our transportation system and impede economic recovery.

Despite my concern about the adequacy of user fees and funding levels, this bill includes a revenue title that provides for a simple extension of the highway trust fund and the existing user fee structure. The committee believes that a proposal to increase user fees should be closely related to the highway cost allocation study, which is scheduled to be released by the Department of Transportation in several weeks. The distribution of the user fee burden among classes of highway users in an equitable manner is an important issue. The Subcommittee on Transportation, on which I serve as chairman, plans to schedule a series of hearings this spring and summer on the cost allocation study and user fee increases. If it is the decision of Congress and the administration to increase user fees this year, the funding levels of this bill will be adjusted to reflect those increases.

The Federal-Aid Highway Act of 1982 authorizes the highway program from fiscal 1983 through fiscal 1986. In addition to emphasizing maintenance of prior year capital investments, the bill seeks to delineate areas of Federal interest and responsibility; enhance State flexibility in the use of highway dollars; direct Federal dollars to projects with the greatest need; and remove unnecessary and burdensome Federal requirements.

Authorizations for the interstate 4R program would increase by 100 percent between fiscal 1982 and fiscal 1986. This increase reflects the responsibility of the Federal Government for the Interstate System, much of which is reaching its design life.

This legislation would reduce the Federal share payable for projects under the Federal-aid secondary and Federal-aid urban programs from 75 percent to 50 percent. Secondary and urban roads primarily benefit local communities, and the Federal interest in these roads is less than in the primary and Interstate System.

This legislation would also consolidate many of the small highway safety programs into a single highway improvement safety program. States will have greater flexibility in setting their priorities and the several reports presently required for each program would be condensed into one.

State flexibility in the selection of projects would be enhanced by eliminating the system's designation for both the secondary and urban programs. Project eligibility under each program would be expanded to all public roads within areas meeting the definition of rural or urban. The States would be allowed to transfer up to 100 percent of their apportionments between primary and urban programs and between primary and secondary programs. These provisions maximize State and local decisionmaking authority over the repair of those roads which directly affect State and local economic development.

Mr. President, because the total dollars available for our Nation's highways and roads are limited, it is imperative that funds are allocated based on the best available needs data. Last year the interstate 4R formula was changed from 75 percent lane miles/25 percent vehicle miles traveled to a 55 percent/45 percent ratio. The bill I introduced last year, S. 1024, proposed a 60 percent/40 percent ratio. At hearings held by the Subcommittee on Transportation, witnesses from the Department of Transportation and State and local officials testified that other factors affected the deterioration of the interstate highways. The legislation I am introducing today again proposes an interstate 4R apportionment formula with a 60/40 ratio with the additional requirement that the Department of Transportation do a study to determine if other factors affecting deterioration can or should be included in the formula.

The substantial Federal commitment to the bridge program will continue in this legislation. The bridge apportionment formula is changed to include cost data on deficient off-system bridges as well as on-system bridges since such bridges constitute over half of the Nation's deficient bridges. However, those bridges on the Federal-aid system and on major arterials and collectors will be weighted to reflect the more obvious Federal responsibility for their condition.

Specific criteria are provided for selecting discretionary bridge projects of the greatest need. These criteria are based on factors including the bridge's sufficiency rating, average daily traffic, average daily truck traffic, and defense highway system status. These criteria are intended to direct very limited funds to projects which are in the greatest need of repair and most critical to the economic well-being of the country.

Finally, this legislation will reduce unacceptable delays and unnecessary projects costs, which result from duplicative Federal requirements and redtape by expanding coverage of certification acceptance and the secondary road plan. In most cases, the States have the capability to develop projects with the utmost regard for safety and the environment. Times have changed, and arguments that States lack the expertise and sensitivity needed to do the job are now obsolete.

Mr. President, within the constraints of the existing user fee structure, the proposed changes in the Federal-Aid Highway Act of 1982 would do much to improve the efficiency and effectiveness of the highway program. I look forward to working with the Chairman of the Environment and Public Works Committee (Mr. STAFFORD), and other members of the committee on both sides of the aisle to implement these program changes in an expeditious manner.

Mr. President, I ask unanimous consent that title I of this bill be solely referred to the Committee on Environment and Public Works, and that title II be solely referred to the Committee on Finance.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. SYMMS. Mr. President, I ask unanimous consent that the bill and the attached section-by-section analysis be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S. 2315

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Federal-Aid Highway Act of 1982".

TITLE I—FEDERAL-AID HIGHWAY AMENDMENTS OF 1982

SEC. 101. This title may be cited as the "Federal-Aid Highway Amendments of 1982".

REVISION OF AUTHORIZATION FOR APPROPRIATIONS FOR THE INTERSTATE SYSTEM

SEC. 102. (a) Subsection (b) of section 108 of the Federal-Aid Highway Act of 1956, as amended, is amended by striking out "the additional sum of $3,625,000,000 for the fiscal year ending September 30, 1984", and all that follows through the period at the end of the sentence and by inserting in lieu thereof the following: "the additional sum of $3,300,000,000 for the fiscal year ending September 30, 1984, the additional sum of $3,400,000,000 for the fiscal year ending September 30, 1985, the additional sum of $3,400,000,000 for the fiscal year ending September 30, 1986, the additional sum of $3,500,000,000 for the fiscal year ending September 30, 1987, the additional sum of $3,625,000,000 for the fiscal year ending September 30, 1988, the additional sum of $3,625,000,000 for the fiscal year ending September 30, 1989, and the additional sum of $3,625,000,000 for the fiscal year ending September 30, 1990.".

AUTHORIZATION OF USE OF COST ESTIMATES APPORTIONMENT OF INTERSTATE FUNDS

SEC. 103. The Secretary of Transportation shall apportion for the fiscal year ending September 30, 1984, the sums authorized to be appropriated for such period by section 108(b) of the Federal-Aid Highway Act of 1956, as amended, for expenditures on the National System of Interstate and Defense Highways, using the apportionment factors contained in table 5 of Committee Print of the Committee on Public Works and Transportation of the House of Representatives.

HIGHWAY AUTHORIZATIONS

SEC. 104. (a) For the purpose of carrying out the following provisions of title 23, United States Code, the following sums are authorized to be appropriated out of the Highway Trust Fund:

(1) For the Federal-aid primary program, $1,500,000,000 for the fiscal year ending September 30, 1983, $1,600,000,000 for the fiscal year ending September 30, 1984, $1,600,000,000 for the fiscal year ending September 30, 1985, and $1,600,000,000 for the fiscal year ending September 30, 1986.

(2) For the Federal-aid rural program, $500,000,000 for the fiscal year ending September 30, 1983, $500,000,000 for the fiscal year ending September 30, 1984, $500,000,000 for the fiscal year ending September 30, 1985, and $400,000,000 for the fiscal year ending September 30, 1986.

(3) For the Federal-aid urban program, $700,000,000 for the fiscal year ending September 30, 1983, $700,000,000 for the fiscal year ending September 30, 1984, $700,000,000 for the fiscal year ending September 30, 1985, and $600,000,000 for the fiscal year ending September 30, 1986.

(4) For forest highways, $34,000,000 for the fiscal year ending September 30, 1983, $34,000,000 for the fiscal year ending September 30, 1984, $34,000,000 for the fiscal year ending September 30, 1985, and $34,000,000 for the fiscal year ending September 30, 1986.

(5) For public lands highways, $16,000,000 for the fiscal year ending September 30, 1983, $16,000,000 for the fiscal year ending September 30, 1984, $16,000,000 for the fiscal year ending September 30, 1985, and $16,000,000 for the fiscal year ending September 30, 1986.

(6) For bridge replacement and rehabilitation under section 144 of title 23, United States Code, $1,000,000,000 for the fiscal year ending September 30, 1983, $1,300,000,000 for the fiscal year ending September 30, 1984, $1,300,000,000 for the fiscal year ending September 30, 1985, and $1,300,000,000 for the fiscal year ending September 30, 1986.

(7) For the highway safety improvement program, $100,000,000 for the fiscal year ending September 30, 1983, $150,000,000 for the fiscal year ending September 30, 1984, $150,000,000 for the fiscal year ending September 30, 1985, and $150,000,000 for the fiscal year ending September 30, 1986.

(b)(1) For each of the fiscal years 1984, 1985, 1986, and 1987, no State, including the State of Alaska, shall receive less than one-half of 1 per centun of the total appointment for the Interstate System under section 104(b)(5)(A) of title 234, United States Code. Whenever amounts made available under this subsection for the Interstate System in any State exceed the estimated cost of completing that State's portion of the Interstate System, and exceed the estimated cost of necessary resurfacing, restoration, rehabilitation, and reconstruction of the Interstate System within such State, the excess amount shall be eligible for expenditure for those purposes for which funds apportioned under paragraphs (1), (2), and (6) of such section 104(b) may be expended.

(2) Subsection (g) of section 144 of title 234, United States Code, is amended as follows:

"(g) Of the amount authorized per fiscal year, for each of the fiscal years ending September 30, 1983, September 30, 1984, September 30, 1985, and September 30, 1986, all but $200,000,000 for fiscal years 1983, 1984, 1985, and 1986 shall be apportioned as provided in subsection (e) of this section; $200,000,000 for fiscal years 1983, 1984, 1985, and 1986 of the amount authorized shall be available for obligation on the date of each such apportionment in the same manner and to the same extent as the sums apportioned on such date except that the obligation of such sums shall be at the discretion of the Secretary and shall be only for projects for those highway bridges the replacement and rehabilitation cost of each of which is more than $10,000,000 and for any project for a highway bridge replacement or rehabilitation cost of which is less than $10,000,000 if such cost is at least twice the amount apportioned to the State in which such bridge is located under subsection (e) of this section for the fiscal year in which application is made for a grant for such bridge. Not less than 15 per centum of the amount apportioned to each State in a fiscal year shall be expended for projects to replace or rehabilitate bridges located on public roads other than those on public roads functionally classified as arterials or major collectors. The Secretary after consultation with State and local officials may, with respect to a State, reduce the requirement for expenditure for bridges not on public roads functionally classified as arterials or major collectors when he determines that such State has inadequate needs to justify such expenditure.".

DISCRETIONARY BRIDGE CRITERIA

Sec. 105. The Secretary of Transportation shall develop a selection process for discretionary bridges authorized to be funded under section 144(g) of title 23, United States Code, and shall propose and issue a final regulation no later than six months after the date of enactment of this Act, including a formula resulting in a rating factor based on the following criteria for such process. Such criteria shall give funding priority to those discretionary bridges already eligible under section 144(g) of title 23, United States Code. Eligible bridges after the issuance of a final regulation shall only include those with a rating factor of 100 or less, based on a scale of 0 to infinity. The criteria for such additional bridges which the Secretary shall consider are:

(1) Sufficiency rating computed as illustrated in Appendix A of the Recording and Coding Guide for the Structure Inventory and Appraisal of the Nation's Bridges, USDOT/FHWA (latest edition);

(2) Average Daily Traffic using the most current value from the National Bridge Inventory data;

(3) Average daily truck traffic;

(4) Defense highway system status;

(5) The State's unobligated balance of funds received under section 144 of title 23, United States Code, and the total funds received under section 144 of title 23, United States Code;

(6) Total project cost; and

(7) Special consideration should be given to bridges closed to all traffic or restricted to loads less than ten tons. Other unique considerations and the need to administer the program form a balanced national perspective should also be considered.

INTERSTATE SYSTEM RESURFACING APPORTIONMENT

Sec. 106. (a) Section 104(b)(5)(B) of title 23, United States Code, is amended (1) by striking the number "55" and inserting in lieu thereof "60" and (2) by striking the number "45" and inserting in lieu thereof "40".

(b)(1) The Secretary of Transportation shall make a full and complete study regarding the procedures for distributing Federal financial assistance for resurfacing, restoring, rehabilitating, and reconstructing routes on the Interstate System in order to maintain a high level of transportation service. The study shall analyze current conditions and factors including, but not limited to, volume and mix of traffic, weight and size of vehicles, environmental, geographical, and meteorological conditions in various States, and other pertinent factors that can be utilized to determine the most equitable and efficient method of apportioning available Interstate 4R funds to the several States. In conducting the study the Secretary shall consider such criteria as need, national importance, impact on individual State highway programs, structural and operational integrity, and any other relevant criteria, to determine the most equitable method of distribution.

(1) In conducting this study the Secretary shall consult with other agencies of the Federal Government, the States and their political subdivisions, and other interested private organizations, groups, and individuals.

(2) The secretary shall report to Congress not later than two years after the date of enactment of this section the results of such study together with recommendations for necessary legislation.

INTERSTATE SYSTEM RESURFACING AUTHORIZATION

Sec. 107. Section 105 of the Federal-Aid Highway Act of 1978 is amended to read as follows: "In addition to any funds authorized to be appropriated, there is authorized to be appropriated out of the Highway Trust Fund, not to exceed $175,000,000 per fiscal year for each of the fiscal years ending September 30, 1980, and September 30, 1981, not to exceed $275,000,000 for the fiscal year ending September 30, 1982, not to exceed $800,000,000 for the fiscal year ending September 30, 1983, not to exceed $1,100,000,000 for the fiscal year ending September 30, 1984, not to exceed $1,600,000,000 for the fiscal year ending September 30, 1985, not to exceed $1,600,000,000 for the fiscal year ending September 30, 1986, and not to exceed $2,100,000,000 for the fiscal year ending September 30, 1987. Such sums shall be obligated for projects for resurfacing, restoring, rehabilitation, and reconstructing routes of the Interstate System designated under sections 103 and 139(c) of title 23, United States Code (other than those on toll roads not subject to a Secretarial agreement provided for in section 105 of the Federal-Aid Highway Act of 1978), except that where a State certifies to the Secretary that any part of such sums are in excess of the needs of such State for resurfacing, restoring, rehabilitating, and reconstructing the Interstate System and the Secretary accepts such certification, such State may transfer sums apportioned to it under section 104(b)(5)(B) to its apportionment under section 104(b)(1) of title 23, United States Code. Such sums may also be obligated for projects for resurfacing, restoring, rehabilitating and reconstructing a toll road which has been designated as a part of the Interstate System if an agreement satisfactory to the Secretary of Transportation had been reached with the State highway department and any public authority with jurisdiction over such toll road prior to the approval of such project that the toll road will become free to the public upon the collection of tolls sufficient to liquidate the cost of the toll road or any bonds outstanding at the time constituting a valid lien against it, and the cost of maintenance and operation and debt service during the period of toll collections. The agreement referred to in the preceding sentence shall contain a provision requiring that if, for any reason, a toll road receiving Federal assistance under this section does not become free to the public upon collection of sufficient tolls, as specified in the preceding sentence, Federal funds used for projects on such toll road pursuant to this section shall be repaid to the Federal Treasury.".

INTERSTATE SUBSTITUTION AUTHORIZATION

Sec. 108. (a) In addition to any funds authorized to be appropriated out of the general fund, there is authorized to be appropriated, out of the Highway Trust Fund, for substitute highway projects under section 103(e)(4) of title 23, United States Code, $150,000,000 for the fiscal year ending September 30, 1983, $250,000,000 for the fiscal year ending September 30, 1984, $250,000,000 for the fiscal year ending September 30, 1985, and $300,000,000 for the fiscal year ending September 30, 1986. Funds authorized to carry out this section shall be available for obligation in the same manner and to the same extent as if such sums were apportioned under chapter 1 of title 23, United States Code.

(b)(1) The first sentence of section 103(e)(4) of title 23, United States Code is amended by striking "which is within an urbanized area or which passes through and connects urbanized areas within a State and".

(2) The second sentence of section 103(e)(4) of title 23, United States Code is amended by striking "which will serve the urbanized area and the connecting nonurbanized area corridor from which the interstate route or portion thereof was withdrawn which are selected by the responsible local officials of the urbanized area or area to be served, and which are submitted by the Governor of the State in which the withdrawn route was located." and inserting in lieu thereof, "which will serve the area or areas from which the interstate route or portion thereof was withdrawn, which are selected by the responsible local officials of the area or areas to be served, and which are selected by the Governor or the Governors of the State or the States in which the withdrawn route was located if the withdrawn route was not within an urbanized area or did not pass through and connect urbanized areas, and which are submitted by the Governors of the States in which the withdrawn route was located.".

(c)(1) The second sentence of section 103(e)(4) of title 23, United States Code is amended by inserting in the second sentence after the words "approved by Congress," the words "or up to and including the 1983 Interstate Cost Estimate, whichever is earlier,".

(2) The second sentence of section 103(e)(4) of title 23, United States Code is amended by striking in the second sentence the phrases "the date of enactment of the Federal-Aid Highway Act of 1976 or" and "whichever is later, and in accordance with the design of the route or portion thereof that is the basis of the latest cost estimate".

(3) The second sentence of section 103(e)(4) of title 23, United States Code is amended by inserting in the second sentence after the words "approval of each substitute project under this paragraph," the words "or the date of approval of the 1983 Interstate Cost Estimate, whichever is earlier,".

(d) Section 103(e)(4) of title 23, United States Code, is amended by adding at the end of such subsection the following: "Any route or segment thereof added to the Interstate System after March 7, 1978, pursuant to specific legislation will not be eligible for withdrawal and substitution under this subsection.".

(e) The first sentence of section 120(d) of title 23, United States Code, is amended by inserting after the words "traffic control signalization," the following: "including traffic control signalization projects under section 103(e)(4) of this title, notwithstanding the provisions of the fifth sentence of section 103(e)(4),".

FEDERAL-AID PRIMARY PROGRAM

Sec. 109. (a) Section 104(b)(1) of title 23, United States Code, is amended by (1) striking out "and priority primary routes" in the first sentence, and by (2) striking out "(other than the District of Columbia)" in the second sentence.

(b) Section 147 of title 23, United States Code, is repealed.

(c) Effective on October 1, 1982, any unobligated amount authorized under subsection (c) of section 104 of the Federal-Aid Highway Act of 1978 shall be apportioned by the Secretary of Transportation in the same manner as funds apportioned under section

104(b)(1) of title 23, United States Code, for the Federal-aid primary system, and shall thereafter remain available for obligation for the same period as such apportionment.

(d) The analysis of chapter 1 of title 23 is amended by deleting

"147. Priority Primary Routes."

and inserting in lieu thereof

"147. Repealed.".

FEDERAL-AID URBAN PROGRAM

SEC. 110. Section 103 of title 23, United States Code, is amended by deleting subsection (d) and inserting in lieu thereof the following:

"(d) The Secretary may approve Federal-aid urban programs in urban areas which programs shall be selected by the appropriate local officials so as to serve the goals and objectives of the community, with the concurrence of the State highway department, as provided in section 105 of this title. The programs shall facilitate transportation in the urban area and include projects to: reduce congestion and improve the flow of traffic on arterial and collector routes, aid integration of different transportation modes to and from airports and other terminals and business districts, support clean air and energy conservation objectives, make highway capital improvements, improve highway safety, eliminate safety hazards and roadside obstacles, implement transportation systems management activities and serve other national goals and objectives. All public roads in urban areas are eligible except those on the primary system and the Interstate System. The applicable provisions of chapters 1 and 3 of this title, including provisions applicable to Federal-aid systems, shall apply to urban progams, except those provisions determined by the Secretary to be inconsistent with this subsection. The Secretary shall not waive the applicability of the planning requirements of section 134 of this title.".

FEDERAL-AID RURAL PROGRAM

SEC. 111. Section 103 of title 23, United States Code, is amended by deleting subsection (c) and inserting in lieu thereof:

"(c) The Federal-aid rural program shall be selected by the State highway agencies and the appropriate local road officials in cooperation with each other, subject to approval by the Secretary as provided in subsection (f) of this section and section 105 of this title. In making such selections, the needs of agriculture roads, rural mail routes, public school bus routes, local rural roads, airport and water port access roads, and goods movement shall be considered. All public roads, except those on the primary system, the Interstate System, and those in urban areas are eligible. Projects to improve highway safety and nonurbanized public transportation projects, including facilities and technical assistance, are also eligible for assistance under this section. The applicable provisions of chapters 1 and 3 of this title, including provisions applicable to Federal-aid systems, shall apply to rural programs, except those provisions determined by the Secretary to be inconsistent with this subsection.".

TRANSFERABILITY

SEC. 112. Paragraphs (1) and (2) of subsection (d) of section 104 of title 23, United States Code, are amended by striking out "50" each place it appears and inserting in lieu thereof at each such place "100".

HIGHWAY SAFETY IMPROVEMENT PROGRAM

SEC. 113. (a) Section 151 of title 23, United States Code, is amended to read as follows:

"§ 151. Highway safety improvement program

"(a) The Secretary, in cooperation with the States, shall establish a highway safety improvement program for projects on any public road or street in rural or urban areas. Assistance shall be available under this program for highway safety improvement projects, as defined in subsection (a) of section 101 of this title; for railway-highway crossing projects as provided for in section 130 of this title; for the implementation of highway-related safety requirements and guidelines issued by the Secretary under section 402 of this title; and for the development, implementation, and evaluation of the highway safety improvement program required under subsection (b) of this section.

"(b) Each State shall develop and implement on a continuing basis a highway safety improvement program including procedures for the planning, implementation, and evaluation of highway safety improvement projects on all highways, with the specific objective of reducing the number and severity of highway traffic accidents. Each State shall have a process for collecting, maintaining, and analyzing accident, traffic, and highway data; for conducting engineering studies of hazardous locations, sections and elements, for assigning priorities to the various types of hazards identified; for implementing safety improvement projects in accordance with the priorities developed; and for the evaluation of the safety benefits obtained.

"(c) Of the funds authorized to carry out this section each State shall expend 35 per centum of the sums apportioned for projects under section 203 of the Highway Safety Act of 1973 unless the State requests the Secretary to waive this minimum and the Secretary finds other safety projects are of a higher priority.

"(d)(1) Funds authorized to carry out this section shall be available for expenditure for projects on any public road (other than the Interstate System).

"(2) The Federal share payable on any project under this section shall not exceed 90 per centum of the cost thereof except that the Federal share of safety improvement projects for the elimination of hazards of rail-highway crossings shall not exceed that as provided in section 120(d) of this title.

"(3) The unobligated balance of contract authority established prior to enactment of this section for carrying out section 402 by the Federal Highway Administration shall remain available for obligation as provided prior to enactment of this section and shall lapse not later than September 30, 1984.

"(e) Funds authorized to be appropriated to carry out this section shall be apportioned to the States as follows: 60 per centum in the ratio which the population of each State bears to the total population of all States, and 40 per centum in the ratio which the public road mileage in each State bears to the total public road mileage in all States. The annual apportionment for each State shall not be less than one-half of 1 per centum of the total apportionment. Such sums shall be available for obligation in the same manner and to the same extent as if such funds were apportioned under section 104(b)(1), except that the Secretary is authorized to waive such provisions of this title that he deems inconsistent with the purposes of this section.

"(f) In any State wherein the State is without legal authority to construct or maintain a project under this section, such State shall enter into a formal agreement for such construction or maintenance with the appropriate local officials of the county or municipality in which such project is located.

"(g) One-half of 1 per centum of funds authorized for carrying out this section shall be made available to the Secretary of the Interior, who shall exercise the responsibilities assigned to States under subsection (b) of this section in carrying out this section on Indian reservations. Such funds shall be subject to a deduction of not to exceed 5 per centum for the necessary costs of administering the provisions of this section.

"(h) Each State shall report to the Secretary of Transportation not later than December 30 of each year, on the progress being made to implement the highway safety improvement program and the effectiveness of safety improvements in reducing the number and severity of accidents. The Secretary of Transportation shall submit a report to the Congress not later than April 1 of each year on the progress being made by the States in implementing the highway safety improvement program.".

(b) Section 152 of title 23, United States Code, is repealed.

(c) The analysis of chapter 1 of title 23, United States Code, is amended by deleting

"151. Pavement marking demonstration program.", and

"152. Hazard elimination program.",

and inserting in lieu thereof

"151. Highway safety improvement program.", and

"152. Repealed.".

(d) Section 203(e) of the Highway Safety Act of 1973 (Public Law 93-87), as amended by the Congressional Reports Elimination Act of 1980 (Public Law 96-470), is repealed.

HIGHWAY BRIDGE REPLACEMENT AND REHABILITATION PROGRAM APPORTIONED FUNDS

SEC. 114. (a) Subsection (e) of section 144 of title 23, United States Code, is amended to read as follows:

"(e) Funds authorized to carry out this section shall be apportioned among the several States on October 1 of the fiscal year for which authorized according to the following formula: All deficient bridges will be divided into four categories: (1) Federal-aid system bridges, and bridges on public roads functionally classified as arterials or major collectors, eligible for replacement, (2) Federal-aid system bridges, and bridges on public roads functionally classified as arterials or major collectors, eligible for rehabilitation, (3) off-system bridges, and bridges on public roads not functionally classified as arterials or major collectors eligible for replacement, and (4) off-system bridges and bridges on public roads not functionally classified as arterials or major collectors eligible for rehabilitation. The square footage of deficient Federal-aid system bridges, or bridges on public roads functionally classified as arterials or major collectors, both those eligible for replacement and those eligible for rehabilitation, shall be multiplied by a factor of two. The square footage of deficient bridges in each category shall be multiplied by the average national unit cost, on a State-by-State basis, as determined by the Secretary; and the total cost of each State divided by the total cost of the Nation's deficient bridges shall yield the apportionment factors. No State shall receive more than 8 per centum or less than 0.25 per centum of the total apportionment for any one fiscal year. The Secretary shall make these determinations based upon the latest available data, which shall be updated annually. Funds authorized to carry out this section which are apportioned under this section shall be available for expenditure for three years after the close of the fiscal year for which they are authorized.".

(b) Notwithstanding any other provision of law or Federal regulation, any new bridge which is to be constructed pursuant to section 144 of title 23, United States Code, in tandem with any existing major structure built after June 28, 1969, with no more than 2.7 miles of highway between them need not carry a roadway width in excess of 69 feet.

FEDERAL LANDS HIGHWAYS PROGRAM

SEC. 115. (a) Section 202 of title 23, U.S.C., is amended to read as follows: "Section 202. Allocations. (a) On October 1 of each fiscal year, the Secretary shall allocate the sums authorized to be appropriated for such fiscal year for forest highways according to the relative needs of the various elements of the National Forest System as determined by the Secretary, taking into consideration the need for access as identified by the Secretary of Agriculture through renewable resource and land use planning, and the impact of such planning on existing transportation facilities.

"(b) On October 1 of each fiscal year, the Secretary of Agriculture shall allocate the sums authorized to be appropriated for such fiscal year for forest development roads and trails according to the relative needs of the various national forests. Such allocation shall be consistent with the renewable resource and land use planning for the various national forests.

"(c) On October 1 of each fiscal year, the Secretary shall allocate the sums authorized to be appropriated for such fiscal year for public lands highways among those States having unappropriated or unreserved public lands, nontaxable Indian lands or other Federal reservations, on the basis of need in such States, respectively, as determined by the Secretary upon application of the State highway departments of the respective States. The Secretary shall give preference to those projects which are significantly impacted by Federal land and resource management activities.

"(d) On October 1 of each fiscal year, the Secretary of the Interior shall allocate the sums authorized to be appropriated for such fiscal year for park roads and parkways each according to the relative needs of the various elements of the National Park System, taking into consideration the need for access as identified through land use planning and the impact of such planning on existing transportation facilities.

"(e) On October 1 of each fiscal year, the Secretary of the Interior shall allocate the sums authorized to be appropriated for such fiscal year for Indian reservation roads according to the relative needs of the various reservations as jointly identified by the Secretary and the Secretary of the Interior.".

(b) Section 204 of title 23, U.S.C., is amended to read as follows: "Sec. 204. Federal Lands Highways Program. (a) Recognizing the need for all Federal roads which are public roads to be treated under the same uniform policies as roads which are on the Federal-aid systems, there is established a coordinated Federal Lands Highways Program which shall consist of the forest highways, public lands highways, park roads, parkways, and Indian reservation roads as defined in section 101 of title 23, United States Code.

"(b) Funds available for forest highways and public lands highways shall be used by the Secretary to pay for the cost of construction and improvement thereof. Funds available for park roads, parkways and Indian reservation roads shall be used by the Secretary of the Interior to pay for the cost of construction and improvement thereof. In connection therewith, the Secretary and the Secretary of the Interior, as appropriate, may enter into construction contracts and such other contracts with a State, or civil subdivision thereof as deemed advisable. In the case of Indian reservation roads; Indian labor may be employed in such construction and improvement under such rules and regulations as may be prescribed by the Secretary of the Interior.

"(c) Cooperation of States, counties, or other local subdivisions may be accepted in construction and improvement, and any funds received from a State, county, or local subdivision shall be credited to appropriations available for the class of Federal lands highways to which such funds were contributed.

"(d) Construction of each project shall be performed by contract awarded by competitive bidding, unless the Secretary or the Secretary of the Interior shall affirmatively find that, under the circumstances relating to such project, some other method is in the public interest.

"(e) All appropriations for the construction and improvement of each class of Federal lands highways shall be administered in conformity with regulations and agreements jointly approved by the Secretary and the Secretary of the appropriate Federal land managing agency.

"(f) The Secretary shall transfer to the Secretary of Agriculture from appropriations for forest highways such amounts as may be needed to cover necessary administrative expenses of the Forest Service in connection with forest highways.

"(g) Funds available for each class of Federal lands highways shall be available for adjacent vehicular parking areas and scenic easements.".

(c)(1) The definition of "park roads and trails" in section 101(a) of title 23, U.S.C., is amended to read as follows: "The term 'park road' means a public road that is located within or provides access to an area in the National Park System.".

(2) The term "Indian reservation roads and bridges" in section 101(a) of title 23, United States Code, is amended to read as "Indian reservation roads"; and the definition of such term is amended by deleting the words "and bridges" each place they appear and by inserting the word "public" before "roads" the first place it appears.

(3) Section 101(a) of title 23, United States Code, is amended by adding after the definition of the term "forest development roads and trails" the following new definition: "The term 'Federal Lands Highways' in accordance with section 204 of this title means forest highways, public lands highways, park roads, parkways, and Indian reservation roads.".

(d) Sections 206, 207, 208, 209, and 214(c) of title 23, U.S.C., are repealed.

(e) The anlaysis of chapter 2 of title 23, U.S.C., is amended by deleting the following headings: "202. Apportionment or allocation."; "204. Forest highways."; "206. Park roads and trails."; "207. Parkways."; "208. Indian reservation roads.", and "209. Public lands highways." and inserting in lieu therof: "202. Allocations."; "204. Federal Lands Highways program."; "206. Repealed."; "207. Repealed."; "208. Repealed."; and "209. Repealed.".

(f) Section 203 of title 23, U.S.C., is amended by striking out the term "park roads and trails" wherever it appears and inserting in lieu thereof the term "park road".

PROGRAM CONSOLIDATION

SEC. 116. (a)(1) Sections 143, 148, 155, and 156 of title 23, United States Code, are repealed.

(2) Section 163 of the Federal-Aid Highway Act of 1973, as amended, is repealed.

(b)(1) Any unobligated balance of contract authority established by any Act prior to enactment of subsection (a) of this section for carrying out sections 143 and 148 of title 23, United States Code, shall remain available for obligation under the conditions applicable prior to such enactment.

(2) The unexpended balance of sums appropriated prior to enactment of subsection (a) of this section for carrying out sections 155 and 156 of title 23, United States Code, and section 163 of the Federal-Aid Highway Act of 1973, as amended, shall remain available for expenditure under the conditions applicable prior to such enactment.

(3) The unappropriated balance of sums authorized prior to enactment of subsection (a) of this section for carrying out sections 148, 155, and 156 of title 23, United States Code is rescinded.

(c) The analysis of Chapter 1, United States Code, is amended by striking "143. Economic growth center development highways." and inserting in lieu thereof "143. Repealed."; by striking "148. Development of a national scenic and recreational highway." and inserting in lieu thereof "148. Repealed."; by striking "155. Access highways to public recreation areas on certain lakes." and inserting in lieu thereof "155. Repealed."; and by striking "156. Highways crossing Federal projects." and inserting in lieu thereof "156. Repealed.".

CARPOOL AND VANPOOL PROJECTS

SEC. 117. (a) Section 120(d) of title 23, United States Code, is amended by inserting before the words "may amount to 100 per centum" the words "or commuter carpooling or vanpooling".

(b) The Secretary of Transportation is authorized and directed to expend such sums as are necessary out of the administrative funds authorized by subsection (a) of section 104, title 23, United States Code to carry out the provisions of subsection (d) of section 126 of the Federal-Aid Highway Act of 1978.

PUBLIC TRANSPORTATION

SEC. 118. Section 142 of title 23, United States Code, is amended as follows:

(1) In subsection (a)(1) delete in the first sentence the words "bus lanes" and insert in lieu thereof the following: "high occupancy vehicle lanes" and delete the words "bus and other" and insert in lieu thereof the following: "high occupancy vehicle and".

(2) In subsection (b) delete the word "bus" and insert in lieu thereof "high occupancy vehicle".

(3) In subsection (f) delete the words "public mass transportation systems" and insert in lieu thereof "high occupancy vehicles".

FRINGE AND CORRIDOR PARKING

SEC. 119. Section 137 of title 23, United States Code, is amended by inserting the following new subsection (f):

"(f)(1) The Secretary may approve for Federal financial assistance from funds apportioned under section 104(b)(5)(B) of this title, projects for designating existing facilities, or for acquisition of rights of way or construction of new facilities, for use as preferential parking for carpools, provided that such facilities (1) are located outside of a central business district and within an interstate highway corridor, and (2) have as their primary purpose the reduction of vehicular traffic on the interstate highway.

"(2) Nothing in this subsection, or in any rule or regulation issued under this subsection, or in any agreement required by this subsection, shall prohibit (1) any State, political subdivision, or agency or instrumentality thereof, from contracting with any person to operate any parking facility designated or constructed under this subsection, or (2) any such person from so operating such facility. Any fees charged for the use of any such facility in connection with the purpose of this subsection shall not be in excess of the amount required for operation and maintenance, including compensation to any person for operating the facility.

"(3) For the purposes of this subsection, the terms 'facilities' and 'parking facilities' are synonymous and shall have the same meaning given 'parking facilities' in subsection (c) of this section".

EMERGENCY RELIEF

Sec. 120. (a)(1) The first sentance of subsection (a) of section 125 of title 23, United States Code, is amended by striking the first sentence thereof and inserting in lieu thereof the following: "An emergency fund is authorized for expenditure by the Secretary, subject to the provisions of this section and section 120 of this title, for the repair or reconstruction of highways, roads, and trails which the Secretary shall find have suffered serious damage as the result of (1) natural disaster over a wide area such as by floods, hurricanes, tidal waves, earthquakes, severe storms, or landslides, or (2) catastrophic failures from any external cause, in any part of the United States. In no event shall funds be used pursuant to this section for the repair or reconstruction of bridges which have been permanently closed to all vehicular traffic by the State or responsible local official because of imminent danger of collapse due to structural deficiencies or physical deterioration.".

(2) Subsection (a) of section 125 of title 23, United States Code, is further amended by inserting in the second sentence, as that sentence read prior to the amendments made by paragraph (1) of this subsection, after the word "appropriated" the words "from the Highway Trust Fund".

(b) Notwithstanding any other provision of law, all expenditures made under section 125 of title 23, United States Code, prior to the fiscal year ending September 30, 1978, are authorized to have been appropriated from the Highway Trust Fund.

(c) Subsection (a) of section 125 of title 23, United States Code, is amended by inserting in the second sentence after the words "after September 30, 1976," the words "and not more than $100,000,000 is authorized to be expended in any one fiscal year commencing after September 30, 1980.".

(d) Subsection (b) of section 125 of title 23, United States Code, is amended by striking the period at the end of the first sentence, inserting a colon in lieu thereof, and by adding the following: "Provided, That obligations for projects under this section, including those on highways, roads, and trails mentioned in subsection (c) of this section, resulting from a single natural disaster or a single catastrophic failure shall not exceed $30,000,000 in any State.".

(e) The amendments made by subsection (d) of this section shall apply to natural disasters or catastrophic failures which the Secretary finds eligible for emergency relief subsequent to the date of enactment of this section.

(f) Subsection (f) of section 120 of title 23, United States Code, is amended to read as follows:

"(f) The Federal share payable on account of any repair or reconstruction provided for by funds made available under section 125 of this title shall not exceed 75 per centum of the cost thereof: *Provided*, That the Federal share payable on account of any repair or reconstruction of forest highways, forest development roads and trails, park roads and trails, parkways, public lands highways, public lands development roads and trails, and Indian reservation roads may amount to 100 per centum of the cost thereof. The total cost of a project may not exceed the cost of repair or reconstruction of a comparable facility. As used in this section with respect to bridges and in section 144 of this title, 'a comparable facility' shall mean a facility which meets the current geometric and construction standards required for the types and volume of traffic which such facility will carry over its design life.".

(g) All obligations for projects resulting from a natural disaster or catastrophic failure which the Secretary finds to be eligible for emergency relief subsequent to the date of enactment of this subsection shall provide for the Federal share required by subsection (f) of section 120 of title 23, United States Code, as amended by this section.

(h)(1) Subsection (b) of section 125 of title 23, United States Code, is amended by striking the words "the Federal-aid highway systems, including the Interstate System" and by inserting in lieu thereof the words "the Interstate System, the Primary System, and on any routes functionally classified as arterials or major collectors," in the two places the stricken words appear.

(2) Subsection (c) of section 125 of title 23, United States Code, is amended by striking the words "on any of the Federal-aid highway systems" and inserting in lieu thereof the words "routes functionally classified as arterials or major collectors".

BICYCLE TRANSPORTATION PROGRAM

Sec. 121. Section 217 of title 23, United States Code is amended—

(1) by striking in the first sentence of subsection (a), the words "and the multiple use of highway rights-of-way" and "on or in conjunction with highway rights-of-way";

(2) by inserting after the first sentence in subsection (a) the following: "Federal-aid highway projects may include nonconstruction programs or projects which can reasonably be expected to enhance the safety and use of bicycles.";

(3) by striking out in subsection (b) the words "that provided in section 120 of this title" and inserting in lieu thereof "100 per centum"; and

(4) by striking out subsection (e).

HIGHLAND SCENIC HIGHWAY

Sec. 122. Section 161(f) of the Federal-Aid Highway Act of 1973, as amended by section 21 of Public Law 96-106, is further amended to read as follows:

"(f) The Highland Scenic Highway as authorized by subsection (a) of this section and all associated lands and rights-of-way shall be managed as part of the Monongahela National Forest for scenic and recreational purposes. Vehicle use shall be confined to passenger cars, recreational vehicles and limited truck traffic to the extent such use is compatible with the purpose for which the highway was constructed. Commercial use by trucks shall be limited and controlled by permit.".

ALLOCATION OF URBAN FUNDS

Sec. 123. Section 150 of title 23, United States Code, is amended by adding the following sentence at the end thereof: "Funds allocated to an urbanized area under the provisions of this section may, at the request of the Governor and upon approval of the appropriate local officials of the area and the Secretary, be transferred to the allocation of another such area in the State or to the State for use in any urban area.".

CERTIFICATION ACCEPTANCE

Sec. 124. (a) Subsection 117(a) of title 23, United States Code, is amended by striking out "projects on Federal-aid systems, except the Interstate System," and inserting in lieu thereof "Federal-aid projects on systems other than the Interstate System" and by adding at the end thereof the following new sentence: "Notwithstanding the above, the Secretary may discharge any of his responsibilities under this title relative to the physical construction phase of Interstate resurfacing, restoration, rehabilitation, and reconstruction projects using the procedures of this section.".

(b) Subsection 117(b) is amended by striking out "make a final inspection of each such project upon its" and inserting in lieu thereof "establish procedures for the inspection of such projects upon".

(c) Subsection 117(f)(1) is amended by striking out the words "the Federal-aid secondary system," when they first appear and inserting in lieu therof "projects, as defined by the Secretary and which are not on the Interstate System," and by striking out "all projects on the Federal-aid secondary system" and inserting in lieu thereof "such projects".

(d) Subsection 117(f)(3) is revised to read as follows:

(3) Paragraphs (1) and (2) of this subsection shall not be construed to relieve the Secretary of his obligation to established procedures for the inspection of such projects upon completion and to require an adequate report of the estimated and actual cost of construction as well as other information as he determines necessary.".

(e) Subsection 105(b) of title 23, United States Code, is amended by striking out "projects on the Federal-aid secondary system" and inserting in lieu thereof "projects, as defined by the Secretary and which are not on the Interstate System except for the construction phase of Interstate resurfacing, restoration, rehabilitation, and reconstruction projects".

(f) Subsection 106(b) of title 23, United States Code, is amended to read as follows:

"(b) In addition to the approval required under subsection (a) of this section, proposed specifications for projects for construction, as defined by the Secretary and which are not on the Interstate System except for the construction phase of Interstate resurfacing, restoration, rehabilitation and reconstruction projects, except in States where all public roads and highways are under the control and supervision of the State highway department, shall be determined by the State highway department and the appropriate local road officials in cooperation with each other.".

(g) Subsection 112(e) of title 23, United States Code, is amended by striking out "projects on the Federal-aid secondary system" and inserting in lieu thereof "projects, as defined by the Secretary and which are not on the Interstate System except for the construction phase of Interstate resurfacing, restoration, rehabilitation and reconstruction projects,".

DEFENSE ACCESS ROAD

Sec. 125. Section 210(c) of title 23, United States Code, is amended by striking "Not exceeding $5,000,000 of any funds appropriated under the Act approved October 16, 1951 (65 Stat. 422)", and inserting in lieu thereof "Funds appropriated for defense maneuvers and exercises".

MAINTENANCE

Sec. 126. (a) Subsection (a) of section 116 of title 23, United States Code, is amended by striking the second sentence.

(b) Subsection (b) of section 116 of title 23, United States Code, is amended by striking "constructed on the Federal-aid secondary system or within a municipality,"

(c) The second sentence of subsection (c) of section 116 of title 23, United States Code, is amended to read as follows: "If, within ninety days after receipt of such notice, such project has not been put in proper condition of maintenance, the Secretary shall withhold approval of further projects of all types on one or more of the Federal-aid systems or programs in the State highway district, municipality, county, other political or administrative subdivision of the State, or the entire State, in which such project shall be located, as he deems most appropriate until such project shall have been put in proper condition of maintenance.".

(d) Section 109 of title 23, United States Code, is amended by striking subsection (m) and by relettering subsection (n) as (m).

(e) Section 116 of title 23, United States Code, is amended by adding subsection (f) as follows:

"(f) The Secretary shall issue guidelines describing the criteria applicable to the Interstate System in order to insure that the condition of these routes is maintained at the level required by the purposes for which they were designed.

(f) Section 119 of title 23, United States Code, is amended by striking subsection (b).

(g) Section 116 of title 23, United States Code, is amended by adding subsection (g) as follows:

"(g) Not later than one year after the date of issuance of initial guidelines under subsection (f) of this section each State shall have a program for the Interstate System in accordance with such guidelines. Each State shall certify on January 1 of each year that it has such a program and the Interstate System is maintained in accordance with the program. If a State fails to certify as required or if the Secretary determines a State is not adequately maintaining the Interstate System in accordance with such program, the next apportionment of funds to such State for the Interstate System shall be reduced by amounts equal to 10 per centum of the amount which would otherwise be apportioned to such State under section 104 of this title. If, within one year from the date the apportionment for a State is reduced under this subsection, the Secretary determines that such State is maintaining the Interstate System in accordance with the guidelines the apportionment of such State shall be increased by an amount equal to the reduction. If the Secretary does not make such a determination within such one year period, the amount withheld shall be reapportioned to all other eligible States.".

CONSTRUCTION

Sec. 127. (a) Subsection (a) of section 144 of title 23, United States Code is amended to read as follows:

"(a) The construction of any highways or portions of highways located on a Federal-aid system or under a Federal-aid program shall be undertaken by the respective State highway departments or under their direct supervision. The construction work and labor in each State shall be in accordance with the laws of that State and applicable Federal laws. Except as provided in section 117 of this title, the Secretary shall establish procedures for the inspection and approval of such construction. Construction may begin as soon as funds are available pursuant to subsection (a) of section 118 of this title. The State highway department shall not erect any informational signs other than official traffic control devices conforming with standards developed by the Secretary on any project where actual construction is in progress and visible to highway users.".

(b) Subsection (c) of section 121 of title 23, United States Code is amended by striking the words "following inspections".

RESEARCH AND PLANNING

Sec. 128. (a) Subsection (c) of section 307, title 23, United States Code, is amended by adding paragraph (5) as follows:

"(5) The sums provided pursuant to paragraph (2) of this subsection shall be combined and administered by the Secretary as a single fund which shall be available for obligation for the same period as funds apportioned under section 104(b)(1) of this title.".

(b) Subsection (c)(2) of section 307, title 23, United States Code, is amended by striking "1964" and inserting in lieu thereof "1983", and by striking "section 104" and inserting in lieu thereof "sections 104 and 144".

(c) Section 120 of title 23, United States Code, is amended by adding a subsection (i) as follows:

(i) The Federal share payable on account of any project financed under section 307(c) of this title shall be 85 per centum, except that in the case of any State containing nontaxable Indian lands, individual and tribal, and public domain lands (both reserved and unreserved) exclusive of national forests and national parks and monuments, exceeding 5 per centum of the total area of all lands therein, the Federal share shall be increased by a percentage of the remaining cost equal to the percentage that the area of all such lands in such State is of its total area, except that such Federal share payable on any project in any State shall not exceed 95 per centum of the total cost of any such project.".

NONDISCRIMINATION

Sec. 129. (a) The first and third sentences of subsection (a) of section 140 of title 23, United States Code, are amended by striking the words "or national origin" and inserting in lieu thereof the words "national origin or sex".

(b) Section 140 of title 23, United States Code, is amended by adding new subsection (c) as follows:

"(c) The Secretary, in cooperation with any other department or agency of the Government, State agency, authority, association, institution, corporation (profit or nonprofit), or any other organization or person, is authorized to develop, conduct, and administer training programs and assistance programs in connection with any program under this title in order that minority business may achieve proficiency to compete, on an equal basis, for contracts and subcontracts. Whenever apportionments are made under subsection 104(b) of this title, the Secretary shall deduct such sums as he may deem necessary, not to exceed $10,000,000 per fiscal year, for the administration of this subsection. The provisions of section 3709 of the Revised Statute, as amended (41 U.S.C. 5), shall not be applicable to contracts and agreements made under the authority herein granted to the Secretary notwithstanding the provisions of 41 U.S.C. 252(e).".

(c) The title of section 140 of title 23, United States Code, is amended to read:

"§ 140. Nondiscrimination"

and the analysis of chapter 1 of title 23, United States Code, is amended by striking out

"140. Equal employment opportunity."

and inserting in lieu thereof

"140. Nondiscrimination.".

INTERAGENCY AGREEMENTS

Sec. 130. (a) Chapter 1 of title 23, United States Code, is amended by adding after section 156 the following new section:

"§ 157. Interagency agreements

"Not later than one hundred and eighty days after the date of enactment of this section, the Secretary shall enter into agreements with the Secretaries of the Departments of Interior and Defense, the Administrator of the Environmental Protection Agency, and the heads of such other Federal departments, agencies, and instrumentalities as the Secretary determines, to minimize, to the greatest extent possible, duplication, paperwork, and delays in the development and approval of projects under this title and any other provision of law relating to the Federal highway programs. Notwithstanding any other provision of law, such agreements shall provide that actions on applications or requests for permits, licenses, findings, and other approvals and determinations required for such projects will be fully coordinated by the Department of Transportation with the review process established under the National Environmental Policy Act of 1969, as amended, and, to the greatest extent practicable, that a decision with respect to each such application or request will be made contemporaneously with approval of the environmental impact statement, finding of no significant impact, or categorical exclusion required for such project, but in no event later than one hundred-eighty days after the date of approval of such environmental review document.".

(b) The analysis of chapter 1 of title 23, United States Code, is amended by adding at the end thereof the following:

"157 Interagency agreements.".

FEDERAL SHARE—FEDERAL-AID RURAL AND URBAN PROGRAMS

Sec. 131. Section 120(a) of title 23, United States Code, is amended (1) by adding after "75 per centum of the cost of construction" wherever it appears the following: "and 50 per centum of the cost of construction for projects under the Federal-aid rural program and the Federal-aid urban program," and (2) by adding the following new sentence at the end thereof: "The Federal share payable on account of any project under the Federal-aid rural program or the Federal-aid urban program which the Secretary has approved prior to enactment of the Federal-Aid Highway Improvement Act of 1981 shall not exceed 75 per centum of the cost of construction subject to the conditions set forth in this subsection or at the option of the State the Federal share may be revised to 50 per centum of such cost, but the Federal share payable for any such project which the Secretary approves after enactment of such Act shall not exceed 50 per centum of the cost of construction subject to the conditions set forth in this subsection.".

OBLIGATION LIMITATION AND ALLOCATION FORMULA

SEC. 132. (a) Notwithstanding any other provision of law, the total of all obligations for Federal-aid highways and highway safety construction programs for fiscal year 1983 shall not exceed $8,200,000,000. This limitation shall not apply to obligations for emergency relief under section 125 of title 23, United States Code, section 9 of the Federal-Aid Highway Act of 1981, and sections 108 and 134 of this Act. No obligation constraints shall be placed upon any ongoing emergency project carried out under section 125 of title 23, United States Code.

(b) For the fiscal year 1983, the Secretary shall distribute the limitation imposed by subsection (a) by allocation in the ratio which sums authorized to be appropriated for Federal-aid highways and highway safety construction which are apportioned to each State for such fiscal year bears to the total of the sums authorized to be appropriated for Federal-aid highways and highway safety construction which are apportioned to all the States for such fiscal year.

(c) During the period October 1 through December 31, 1982, no State shall obligate more than 35 per centum of the amount distributed to such State under subsection (b), and the total of all State obligations during such period shall not exceed 25 per centum of the total amount distributed to all States under such subsection.

(d) Notwithstanding subsections (b) and (c), the Secretary shall—

(1) provide all States with authority sufficient to prevent lapses of sums authorized to be appropriated for Federal-aid highways and highway safety construction which have been apportioned to a State, except in those instances in which a State indicates its intention to lapse sums apportioned under section 104(b)(5)(A) of title 23, United States Code.

(2) after August 1, 1983, revise a distribution of the funds made available under subsection (b) if a State will not obligate the amount distributed during that fiscal year and redistribute sufficient amounts to those States able to obligate amounts in addition to those previously distributed during that fiscal year; and

(3) not distribute amounts authorized for administrative expenses and forest highways.

MARYLAND TRANSPORTATION AUTHORITY

SEC. 133. (a) The Act entitled "An Act authorizing the State of Maryland, by and through its State Roads Commission of the successors of said Commission, to construct, maintain, and operate certain bridges across streams, rivers, and navigable waters which are wholly or partly within the State", approved April 7, 1938, and the Act of June 16, 1948 (62 Stat. 463, Public Law 654, 80th Congress), as amended by the Act of November 17, 1967 (81 Stat. 466, Public Law 144, 90th Congress), are hereby repealed.

(b) The State of Maryland, by and through the Maryland Transportation Authority or the successors of such Authority, is authorized, subject to all applicable Federal laws, (1) to continue to collect tolls after the date of enactment of this Act from its existing transportation facilities projects, as defined on the date of enactment of this Act in the laws of the State of Maryland, and (2) to use the revenues from such tolls for transportation projects of the type which the State or the Maryland Transportation Authority is authorized to construct, operate, or maintain under the laws of the State of Maryland as such laws exist on the date of enactment of this Act.

CERTIFICATION OF STATE PROCEDURES

SEC. 134. (a) The Secretary of Transportation shall carry our a project to demonstrate the feasibility of reducing the time required to complete highway projects, other than projects on the Interstate System, in States that require improved access between rapidly growing suburban areas and established urban core areas, by extending the coverage of State certifications under section 117(a) of title 23 of the United States Code, to any Federal law, regulation, or policy that applies to such projects.

(b) In implementing this section, the Secretary shall review applications for projects submitted by any State which agrees to assume the responsibility of the Secretary with regard to any such Federal law, regulation, or policy. The Secretary shall be deemed to have fulfilled his responsibility under such law, regulation, or policy, provided that:

(1) the Secretary finds that the State has procedures which are sufficient to assure that the project will be carried out in accordance with the provisions of such law, regulation, or policy;

(2) the State highway department is authorized and consents to accept the jurisdiction of the Federal courts in any suit brought to enforce any such Federal law or regulation; and

(3) the State highway department certifies that the project has been carried out in accordance with the procedures specified under subsection (b)(1) of this section.

(c) In carrying out the demonstration project authorized under this section, the Secretary may continue to discharge his responsibilities directly with respect to those laws, regulations, and policies for which he finds State procedures are not sufficient.

(d) In implementing this section, the Secretary shall consider the procedures developed pursuant to section 141 of the Federal-Aid Highway Act of 1976, as amended, and shall encourage the State to carry out its responsibilities in cooperation with appropriate political subdivisions of the State.

(e) There is authorized to be appropriated out of the Highway Trust Fund to carry out the project authorized under this section a sum not to exceed $50,000,000.

(f) Funds authorized by this section shall be available for obligation in the same manner and to the same extent as if such funds were apportioned under chapter 1 of title 23, United States Code.

(g) Not later than six months after the completion of such project, the Secretary shall submit a report to Congress which includes, but is not limited to, a description of the methods used to accomplish the project and the changes, if any, required to adopt expanded certification. The report should also contain recommendations for applying the methods to other highway projects, and any changes to existing law which may be necessary to permit more widespread use of expanded certification acceptance.

ALASKA HIGHWAY

SEC. 135. (a) Subsection (a) of section 218 of title 23, United States Code, is amended by adding after the second sentence the following: "In addition to such funds, the State of Alaska is authorized to expend on such highway any Federal-aid highway funds apportioned to the State of Alaska under this title as its Federal share. Notwithstanding any other provision of law any obligation limitation enacted for fiscal year 1983 or for any fiscal year thereafter shall not apply to projects authorized by the previous sentence.".

(b) This amendment shall be effective upon the date of the enactment of this Act.

TERRITORIAL HIGHWAY PROGRAM

SEC. 136. (a) Section 215 of title 23, United States Code, is hereby repealed.

(b)(1) The unobligated balance of sums appropriated prior to enactment of subsection (a) of this section for carrying out section 215 of title 23, United States Code, shall remain available for obligation under the conditions applicable prior to such enactment.

(2) The unappropriated balance of sums authorized prior to enactment of subsection (a) of this section for carrying out section 215 of title 23, United States Code, shall remain available until expended under the conditions applicable prior to such enactment.

(c) Section 120(i) of title 23, United States Code, repealed.

(d) Section 401 of title 23, United States Code, is amended by deleting the second sentence thereof.

(e) The sixth sentence of section 402(c) of title, 23, United States Code, is amended to read as follows: "The annual apportionment to each State shall not be less than one-half of 1 per centum of the total apportionment.".

(f) The analysis of chapter 2 of title 23, United States Code, is amended by deleting:

"215. Territories highway development programs."

and inserting in lieu thereof:

"215. Repealed.".

ACCELERATION OF BRIDGE PROJECTS

SEC. 137. Section 147 of the Surface Transportation Assistance Act of 1978, as amended by section 15 of Public Law 96-106 (93 Stat. 798) is repealed. Funds previously set aside in accordance with such section 147 shall be available for obligation for a period of 2 years from the date of enactment of this Act. Such funds may be obligated under the same conditions which existed prior to the repeal of such section 147. Funds not obligated within that period of availability shall be permanently withdrawn and such funds shall be apportioned by the Secretary to the several States in accordance with section 144(e) of title 23, United States Code.

TECHNICAL AMENDMENTS

SEC. 138. (a) Section 101(a) is amended as follows:

(1) In the tenth sentence, by inserting the words "or under one of the Federal-aid programs" immediately after the words "Federal-aid systems";

(2) In the nineteenth sentence, by striking the period at the end thereof and adding the words "or under the Federal-aid programs.";

(3) In the thirtieth sentence, by deleting the words "secondary system" and inserting in lieu thereof the words "rural program", and by deleting the word "system' and inserting in lieu thereof the word "program";

(4) In the thirty-first sentence, by deleting the word "system" each time it appears and inserting in lieu thereof the word "program"; and

(5) By adding after the twenty-eighth sentence the following sentence: "The term 'Federal-aid program' means any one of the Federal-aid highway programs described in section 103 of this title.".

(b)(1) Section 103 is amended by adding to the title the words "and programs" after the words "Federal-aid systems";

(2) Section 103(a) is amended to read as follows: "For the purpose of this title, the Federal-aid systems, which consist of the primary system and the Interstate System, along with the Federal-aid programs, which consist of the Federal-aid rural program and the Federal-aid urban program, are established and continued pursuant to the provisions of this section";

(3) Section 103(f) is amended to read as follows: "The Secretary shall have authority to approve in whole or in part the Federal-aid primary system, the Federal-aid rural program, the Federal-aid urban program, and the Interstate System, as and when such systems and programs or portions thereof are designated, or to require modifications or revisions thereof. No Federal-aid system or program or portion thereof shall be eligible for projects in which Federal funds participate until approved by the Secretary.";

(4) Subsection (g) and (h) of section 103 are repealed; and

(5) The analysis of chapter 1 of title 23 is amended by deleting

"103. Federal-aid systems."

and inserting in lieu thereof

"103. Federal-aid systems and programs.".

(c) Section 104 is amended as follows:

(1) In subsection (a) and (b)(1), by inserting the words "and programs" immediately after the words "Federal-aid systems" each time they appear;

(2) In paragraph (2) of section 104(b), by deleting the words "secondary system" and inserting in lieu thereof the words "rural program";

(3) By deleting paragraph (4) of section 104(b);

(4) By redesignating paragraph "(5)" as paragraph "(4)", and by deleting therein the first full sentence and the fifth sentence through the twenty-first sentence;

(5) By redesignating paragraph "(6)" as paragraph "(5)", and by deleting the word "system" and inserting in lieu thereof the word "program";

(6) In subsection (c)(1), by deleting the phrase ", commencing with the apportionment of funds authorized to be appropriated under subsection (a) of section 102 of the Federal-Aid Highway Act of 1956 (70 Stat. 374),": and

(7) In subsection (f)(1), by inserting the words "and programs" immediately after the words "Federal-aid systems".

(d) Section 105 is amended as follows:

(1) In the first sentence of subsection (a) by inserting the words "and programs" after the words "Federal-aid systems", and by deleting in the third sentence the comma and all that follows and inserting a period after the word "part"; and

(2) In subsection (d) by deleting the words "programs for", and by deleting the words "on the Federal-aid urban system" and inserting in lieu thereof the words "under the Federal-aid urban program".

(e) Section 106(d) is amended by inserting the words "or under any Federal-aid program" immediately after the words "Federal-aid system".

(f)(1) Section 108(a) is amended by inserting the words "or under any of the Federal-aid highway programs," immediately after the words "Interstate System," the first time they appear, and by inserting the words "and programs" immediately after the words "Federal-aid highway systems" the second time they appear;

(2) Section 108(c)(2) is amended by inserting the words "or under any Federal-aid program" immediately after the words "Federal-aid system"; and

(3) The last sentence of section 108(c)(3) is amended by inserting the words "or under the Federal-aid program" immediately after the words "Federal-aid system".

(g)(1) Section 109(a) is amended by inserting the words "or under any Federal-aid program" immediately after the words "Federal-aid system";

(2) Section 109(c) is amended by deleting the words "Projects on the Federal-aid secondary system" and inserting in lieu thereof the words "Federal-aid rural program projects";

(3) Section 109(e) is amended by deleting the phrase "No funds shall be approved for expenditure on any Federal-aid highway," and inserting in lieu thereof the following phrase: "No funds shall be approved for expenditure on any highway on the Federal-aid highway system or under the Federal-aid highway program,";

(4) Section 109(h) is amended by inserting the words "or under any Federal-aid program" immediately after the words "Federal-aid system";

(5) Section 109(i) is amended by inserting the words "or under any Federal-aid program" immediately after the words "Federal-aid system" each time they appear in the first and second sentences, by inserting the words "or under a Federal-aid program" immediately after the words "Federal-aid system" in the third sentence, by inserting the words "or program" immediately after the words "Federal-aid system" in the fifth sentence, and by inserting the words "or under" immediately after the word "on" in such sentence; and

(6) Section 109(l)(1) is amended by inserting the words "or under any Federal-aid program" immediately after the words "Federal-aid system."

(h)(1) Section 113(a) is amended by deleting the words "the primary and secondary, as well as their extensions in urban areas, and the Interstate System, authorized under the highway laws providing for the expenditure of Federal funds upon the Federal-aid systems," and inserting in lieu thereof the words "the primary as well as its extensions in urban areas, and the Interstate System, or under the Federal-aid programs, authorized under the highway laws providing for the expenditure of Federal funds upon the Federal-aid systems and programs,"; and

(2) Section 113(b) is amended by inserting the words "or under any of the Federal-aid programs" immediately after the words "Federal-aid systems".

(i) Section 115(a) is amended to read as follows: "(a) When a State has obligated all funds for the primary system or for any of the Federal-aid programs apportioned to it under section 104 of this title, and proceeds to construct any projects without the aid of Federal funds, including one or more parts of any project, on the primary system or under any of the Federal-aid programs in such State, as that system may be designated or any of those programs may be comprised at that time, in accordance with all procedures and all requirements applicable to projects on the primary system or under any such program, except insofar as such procedures and requirements limit a State to the construction of projects with the aid of Federal funds previously apportioned to it, the Secretary, upon application by such State and his approval of such application, is authorized to pay to such State the Federal share of the costs of construction of such project when additional funds are apportioned to such State under section 104 of this title if—

(1) prior to the construction of the project the Secretary approves the plans and specifications therefor in the same manner as other projects on the primary system or under the Federal-aid program involved, and

(2) the project conforms to the applicable standards adopted under section 109 of this title.

The Secretary may not approve an application under this section unless an authorization is in effect for the fiscal year for which the application is sought beyond the currently authorized funds for such State and that no application may be approved which will exceed the State's expected apportionment of such authorization.".

(j) Section 118(d) is amended by inserting the words "or under a Federal-aid program" immediately after the words "Federal-aid system".

(k)(1) Section 120(a) is amended by deleting in the first sentence all of the words between "(a)" and "(A)" and inserting in lieu thereof the words "Subject to the provisions of subsection (d) of this section, the Federal share payable on account of any project, financed with primary, rural, or urban funds, on the Federal-aid primary system, under the Federal-aid rural program, and under the Federal-aid urban program shall either"; and

(2) Section 120(g) is amended by deleting the words "Federal-aid highways" and inserting in lieu thereof the words "Federal-aid projects".

(l) Section 121(c) is amended by inserting the words "or under a Federal-aid program" immediately after the words "Federal-aid system".

(m) Section 123(a) is amended by deleting the words "the Federal-aid primary or secondary systems or on the Interstate System, including extensions thereof within urban areas," and inserting in lieu thereof the words "a Federal-aid system or under a Federal-aid program,".

(n) Section 124(a) is amended by inserting the words "or under any of the Federal-aid programs," immediately after the phrase "including the Interstate System,".

(o) Section 129 is amended as follows:

(1) In subsection (c), by inserting the words "and programs" immediately after the words "Federal-aid highway systems";

(2) In subsections (f) and (g)(2), by inserting the words "or programs" immediately after the words "Federal-aid systems" each time they appear; and

(3) In subsection (i), by deleting the words, "Federal-aid system, other than the Interstate System," and inserting in lieu thereof the words "Federal-aid project other than one of the Interstate Systems,".

(p) Section 135(b) is amended by placing a period after the word "flow" and deleting the remainder of the sentence.

(q) Section 137(a) is amended by deleting the words "project on the Federal-aid urban system" and inserting in lieu thereof the words "project under the Federal-aid urban program".

(r) Section 140(a) is amended by inserting the words "or under any of the Federal-aid programs" immediately after the words "Federal-aid systems".

(s) Section 141(b) of title 23, United States Code, is amended to read as follows:

"(b) Each State shall certify to the secretary before January 1 of each year that it is enforcing in accordance with section 127 of this title all State laws respecting maximum vehicle size and weights permitted on all roads receiving funds under the Federal-aid program, including the primary system, the Interstate System, and is a route functionally classified as an arterial or major collector.".

(t) Section 142 is amended as follows:

(1) In subsection (a)(1) by inserting the words "and highways under the Federal-aid programs" immediately after the words "Federal-aid systems", and by deleting the words "as a project on any Federal-aid system";

(2) In subsection (a)(2) by deleting the words "project on the Federal-aid urban system" each place it appears and inserting in lieu thereof "project under the Federal-aid urban program"; and

(3) In subsection (c)(2) by deleting the words "project on the Federal-aid urban system" and inserting in lieu thereof "projects under the urban program".

(u) Section 143 is amended as follows:

(1) In subsection (a), (b), and (c) by inserting the words "or under a Federal-aid program" immediately after the words "a Federal-aid system (other than the Interstate System)" each place they appear; and

(2) In subsection (d) and (e) by deleting the words "Federal-aid system on" each time they appear and inserting in lieu thereof the words "Federal-aid system or program on or under".

(v) Section 149 is amended as follows—

(1) by inserting the words "or under any Federal-aid program" immediately after the words "Federal-aid system".

(2) by amending the analysis of chapter 1 of title 23, United States Code, by deleting:

"150. Allocation of urban system funds.".

and inserting in lieu thereof:

"150. Allocation of urban program funds.".

(w) Section 150 is amended by deleting the word "system" in the title and inserting the word "program" in lieu thereof.

(x) Section 302(b) is amended by deleting the words "on the Federal-aid secondary system," and inserting in lieu thereof the words "under the Federal-aid rural program", and by deleting the words "secondary funds," and inserting in lieu thereof the words "rural funds,".

(y) Section 304 is amended by inserting the words "and highways under the Federal-aid programs" between the word "systems" and the comma.

(z) Section 317(d) is amended by inserting the words "or under a Federal-aid program" immediately after the words "Federal-aid system".

(aa) Section 320(a) is amended by inserting the words "or programs" immediately after the words "highway systems" in the second sentence.

(bb) Section 322 is amended as follows:

(1) In subsection (c)(1) by deleting the words "any Federal-aid system," and inserting in lieu thereof the words "the Interstate System, the Primary System, or is a route functionally classified as an arterial or major collector,"; and

(2) In subsection (c)(2) by deleting the words "any Federal-aid system," and inserting in lieu thereof the words "the Interstate System, the Primary System,' or is not a route functionally classified as an arterial or major collector,".

(cc) Section 402(d) is amended by inserting the words "and programs" immediately after the words "Federal-aid systems".

(dd) Section 117 is amended as follows:

(1) By inserting in subsection (a) the words "or under any Federal-aid programs" immediately after the words "Federal-aid systems".

(2) By deleting in subsection (f)(1) the words "secondary system" where they appear and inserting in lieu thereof the words "rural program".

TITLE II—HIGHWAY REVENUE ACT OF 1982

SEC. 201. This title may be cited as the "Highway Revenue Act of 1982".

5-YEAR EXTENSION OF THE TAXES WHICH ARE TRANSFERRED INTO THE HIGHWAY TRUST FUND

SEC. 202. (a) General Rule.—The following provisions of the Internal Revenue Code of 1954 are amended by striking out "1984" each place it appears and inserting in lieu thereof "1989":

(1) Section 4041(e) (relating to rate reduction).

(2) Section 4061(a)(1) (relating to imposition of tax on trucks, buses, etc.).

(3) Section 4061(b)(1) (relating to imposition of tax on parts and accessories).

(4) Section 4071(d) (relating to imposition of tax on tires and tread rubber).

(5) Section 4081(b) (relating to imposition of tax on gasoline).

(6) Section 4481(a) (relating to imposition of tax on use of highway motor vehicles).

(7) Section 4481(e) (relating to period tax in effect).

(8) Section 6156(e)(2) (relating to installment payments of tax on use of highway motor vehicles).

(9) Section 6421(h) (relating to tax on gasoline used for certain nonhighway purposes or by local transit systems).

(b) Amendment of section 6412(a)(1). Section 6421(a)(1) of such Code (relating to floor stocks refunds) is amended:

(1) by striking out "1984" each place it appears and inserting in lieu thereof "1989"; and

(2) by striking out "1985" each place it appears and inserting in lieu thereof "1990".

EXTENSION OF HIGHWAY TRUST FUND

SEC. 203. (a) Highway Trust Fund.—Subsections (c), and (f)(3), (4), (6), and (7), of section 209 of the Highway Revenue Act of 1956 (relating to the Highway Trust Fund; 23 U.S.C. 120 note) are amended:

(1) by striking out "1984" each place it appears and inserting in lieu thereof "1989", and

(2) by striking out "1985" each place it appears and inserting in lieu thereof "1990".

(b)(1) Management of Trust Fund.—Subsection (e)(1) of section 209 of the Highway Revenue Act of 1956 is amended by striking "1985" and inserting in lieu thereof "1991" and by striking "Commerce" and inserting in lieu thereof "Transportation".

(2) Expenditures from Trust Fund.—Subsection (f)(1) of section 209 of the Highway Revenue Act of 1956 is amended as follows:

"(1) Federal-aid Highway Program.—Amounts in the Trust Fund shall be available, as provided by appropriation acts, for making expenditures after June 30, 1956, and before October 1, 1990, to meet those obligations of the United States heretofore or hereafter incurred under title 23, United States Code, as amended and supplemented, which are attributable to Federal-aid highways (including those portions of general administrative expenses of the Federal Highway Administration payable from such appropriations).".

(c) Investigation and Report to Congress.—Section 210 of the Highway Revenue Act of 1956 is repealed.

(d) Conforming Amendments to Land and Water Conservation Fund.—Subsection (b) of section 201 of the Land and Water Conservation Fund Act of 1965 (16 U.S.C. 4061-11 is amended:

(1) by striking out "1984" and inserting in lieu thereof "1989"; and

(2) by striking out "1985" each place it appears and inserting in lieu thereof "1990".

CHANGE IN DEFINITION OF YEAR AND TAXABLE PERIOD

SEC. 204. Subsection (c)(2) and (c)(4) of section 4482 of the Internal Revenue Code of 1954 are amended by striking out the definition for the term, "Year" and inserting in lieu thereof "The term 'year' means a one-year period beginning as prescribed in regulations issued by the Secretary or his delegate." and by striking out the definition for the term "Taxable Period" and inserting in lieu thereof "The term 'taxable period' means any year or portion thereof beginning before October 1, 1989.".

SECTION-BY-SECTION ANALYSIS

SHORT TITLE

SEC. 101. This section provides that the title may be cited as the "Federal-Aid Highway Act of 1982".

REVISION OF AUTHORIZATION FOR APPROPRIATIONS FOR THE INTERSTATE SYSTEM

SEC. 102. This section authorizes $3.3 billion for fiscal year 1984, $3.4 billion for fiscal years 1985 and 1986, $3.5 billion for fiscal year 1987, and $3.625 billion for each of fiscal years 1988 through 1990 for the Interstate Highway System construction program.

AUTHORIZATION OF USE OF COST ESTIMATES FOR APPORTIONMENT OF INTERSTATE FUNDS

SEC. 103. This section approves the use of apportionment factors for fiscal year 1984 Interstate construction fund apportionments. These factors will come from a revised version of the 1981 Interstate Cost Estimate which reflects the new definition of Interstate "completion".

HIGHWAY AUTHORIZATIONS

SEC. 104. This section authorizes the appropriation, out of the Highway Trust Fund, of the following sums for fiscal years 1983, 1984, 1985, and 1986.

For the Federal-aid primary program, $1.5 billion for fiscal year 1983, and $1.6 billion for each of fiscal years 1984 through 1986; for the Federal-aid rural program, $0.5 billion for each of fiscal years 1983 through 1985, and $0.4 billion for fiscal year 1986; for the Federal-aid urban program, $0.7 billion for each of fiscal years 1983 through 1985, and $0.6 billion for fiscal year 1986; for forest highways, $34 million for each of fiscal years 1983 through 1986; for public lands highways, $16 million for each of fiscal years 1983 through 1986; for bridge replacement and rehabilitation (23 U.S.C. 144), $1.0 billion for fiscal year 1983, and

$1.3 billion for each of fiscal years 1984 through 1986; and for the highway safety improvement program, $0.1 billion for fiscal year 1983, and $150 million for each of fiscal years 1984 through 1986.

Subsection (b)(1) provides a minimum apportionment of one-half of one percent of Interstate construction funds to each State, including Alaska. Whenever this amount exceeds a State's need for Interstate construction and Interstate resurfacing, restoration, rehabilitation, and reconstruction, the State may transfer the excess amount to the Primary System, the Rural Program, or the Urban Program.

Subsection (b)(2) provides for a Discretionary Bridge Fund of $200 million for each of fiscal years 1983 through 1986. Funds are available for a period of four years. Projects eligible for the funds are those costing more than $10 million or those costing at least twice a State's annual bridge fund apportionment. A technical amendment is also made to 23 U.S.C. 144(g) to change the requirement of expenditures on bridges off the Federal-aid systems to a requirement of at least 15 per centum of expenditures on bridges on public roads not functionally classified as arterials or major collectors. Virtually all of the present Interstate, Primary and Secondary Systems and most of the Urban System consist of roads functionally classified as arterials and major collectors. This change would permit expenditure of up to 85 per centum of the total funds on Interstate, Primary, Secondary, and Urban Systems and Off-System arterials or major collectors. The effect of the technical amendment will be to leave the law substantially unchanged. This subsection also deletes the provision of 23 U.S.C. 144(g) which prohibits the expenditure of more than 35 per centum of a State's bridge apportionments off the Federal-aid systems. This deletion will permit discretion to the States to use more of their bridge funds off-system in accord with their own priorities.

A number of categories including forest development roads and trails, public lands development roads and trails, park roads and trails, parkways, Indian reservation roads and bridges, economic growth center development highways, Great River Road, safer-off-system roads, access highways, section 402 FHWA highway safety program, section 152 elimination of hazards program, rail-highway crossings, railroad-highway crossings demonstration program, and bicycle transportation and pedestrian walkways, will not receive new separate funding levels. Most of the projects now eligible in these categories will be eligible under the primary, rural, urban, and safety programs.

DISCRETIONARY BRIDGE CRITERIA

SEC. 105. This section directs the Secretary to develop a selection process for discretionary bridges authorized under section 144(g). This selection process is to include a formula resulting in a rating factor which is based on criteria including the sufficiency rating, average daily traffic, average daily truck traffic, defense highway system status, and the State's unobligated balance of funds received under section 144. In addition, the Secretary is directed to give consideration to bridges that are closed to all traffic or that have a load restriction of 10 tons or less. Those bridges already eligible for discretionary bridge funds will remain eligible. After the issuance of a final regulation, eligible bridges will be limited to those with a rating factor of 100 or less, based on a scale of 0 to infinity.

INTERSTATE SYSTEM RESURFACING APPORTIONMENT

SEC. 106. This section establishes a new Interstate 4R apportionment formula. The new formula is based 60 percent on the ratio of the number of lane miles on Interstate routes (other than those on toll roads not subject to a Secretarial agreement) each State has of the total lane miles in all States, and 40 percent on the ratio each State has of the total vehicle miles traveled on those lanes on Interstate routes (other than those on toll roads not subject to a Secretarial agreement). This section also establishes a minimum one-half of one percent guarantee of Interstate 4R apportionments for each State.

The Secretary is directed to study the procedures for distributing Interstate 4R funds to the States. The purpose of the study is to analyze current conditions and factors including volume and mix of traffic, weight and size of vehicles, environmental, geographical, and meteorological conditions in various States, and any other factors that may contribute to the deterioration of the Interstate system. The Secretary shall consider such criteria as need, national importance, impact on individual State highway programs, structural and operational integrity, and any other relevant criteria, to determine the most equitable method of distribution. The Secretary is directed to report the results of the study together with recommendations for legislation not later than two years after the date of enactment of this section.

INTERSTATE SYSTEM RESURFACING AUTHORIZATION

SEC. 107. This section provides authorizations for Interstate resurfacing, restoring, rehabilitation and reconstructing (4R), out of the Highway Trust Fund, of $1.1 billion for fiscal year 1984, $1.6 billion for each of fiscal years 1985 and 1986, and $2.1 billion for fiscal year 1987. The requirement that Interstate 4R funds be used only on lanes in use for more than five years is discontinued. The transfer of 4R funds to primary apportionments is permitted when the 4R funds are excess to resurfacing and reconstruction needs.

INTERSTATE SUBSTITUTION AUTHORIZATION

SEC. 108. Subsection (a) authorizes, in addition to any funds authorized to be appropriated out of the General Fund, $150 million for fiscal year 1983, $250 million for each of fiscal years 1984 and 1985, and $300 million for fiscal year 1986, out of the Highway Trust Fund, for substitute highway projects under 23 U.S.C. 103(e)(4). The effect of this authorization is to grant contract authority for substitute highway projects. Funds for mass transit substitute projects will continue to come from the General Fund of the Treasury.

Section 108(b) amends 23 U.S.C. 103(e)(4) to allow withdrawal of, and to include as eligible for the benefits of withdrawal and substitution, any Interstate routes including those in rural areas, except those routes or segments of routes added to the Interstate System by specific legislation after March 7, 1978.

Section 108(c) provides that no adjustment will be made for inflation after September 30, 1983, for any substitute project eligible for Interstate Transfer funds.

Section 108(d) prohibits withdrawal and substitution for routes or segments of routes added to the Interstate System by specific legislation after March 7, 1978.

Section 108(e) clarifies that 100 percent Federal share shall also apply to traffic control signalization projects which might be included as part of an Interstate substitution project under 23 U.S.C. (103)(e)(4). Present law now permits 100 percent Federal share for projects for traffic control signalization funded from all other Federal-aid categories.

FEDERAL-AID PRIMARY PROGRAM

SEC. 109. This section would eliminate the priority primary program (23 U.S.C. 147). Any unobligated authority for the priority primary program, effective the date of enactment of this section, would be apportioned by the Secretary of Transportation in the same manner as primary funds and would thereafter remain available for obligation for the same period as if the funds were apportioned like primary funds. Pertinent sections of title 23, United States Code, would be amended to reflect the elimination of the priority primary program. This section would also permit the District of Columbia to receive a minimum one-half of one percent of each year's primary apportionment.

FEDERAL-AID URBAN PROGRAM

SEC. 110. This section would establish the Federal-aid urban program. The existing Federal-aid urban system would be abolished, allowing for a wider range of transportation programs in urban areas. The changes will facilitate the achievement of goals relating to equity of programs, energy conservation, center-city revitalization, economic development, and reindustrialization.

All public roads in urban areas would be eligible, except those on the primary system and Interstate System. Transit capital projects and transportation system management (TSM) projects would also be eligible as would projects previously categorized as safer-off-system. Consolidated safety programs incorporated by section 112 of this bill, the Highway Safety Improvement Program, are eligible for funding as part of the urban program.

The Certification Acceptance Procedures as provided by section 117(a) and the Secondary Road Plan procedures as provided by section 117(f) of title 23, United States Code, may be utilized by the States for projects under this program.

FEDERAL-AID RURAL PROGRAM

SEC. 111. This section amends section 103 of title 23, United States Code. It combines the secondary program and eligible projects now under the non-safety portion of the safer-off-system program, the Great River Road program, the access to lakes program, the bridges on Federal dams program and the economic growth center program. This would result in a consolidated rural program and end the secondary system designation, thus making funds available for all rural and nonurban roads, other than primary and Interstate System roads. Projects eligible for funding would be expanded to include nonurban public transportation and projects previously categorized as safer-off-system roads. Consolidated safety programs incorporated by section 112 of the bill, the Highway Safety Improvement Program, are eligible for funding as part of the Rural Program. Consolidating the funds for the above mentioned programs and terminating the secondary system designation would increase the flexibility for use of the funds as well as simplify grant and project administration and management.

The Certification Acceptance procedures as provided by section 117(a) and the Secondary Road Plan procedures as provided by section 117(f) of title 23, United States Code, may be utilized by the States for projects under this program.

TRANSFERABILITY

SEC. 112. This section amends 23 U.S.C. 104 to permit transfers between primary system and rural program apportionments and between primary system and urban program apportionments of up to 100 percent. Current law now permits 50 percent transfers between primary and secondary systems and between primary and urban systems.

HIGHWAY SAFETY IMPROVEMENT PROGRAM

SEC. 113. This section establishes a single highway safety improvement program by combining all safety categories—Hazard Elimination, Rail Highway Crossings, Rail Relocation Projects, Safer-Off-System Roads, and highway related safety activities under section 402.

Each State must develop and implement a continuous highway safety improvement program which includes procedures for planning, implementation and evaluation of highway safety improvement projects. As part of this program, each State must have a process for inventory and analyzing accident, traffic, and highway data, for conducting engineering surveys of hazardous locations, sections, and elements; and for maintaining and implementing a prioritized schedule of projects for the improvement of the hazards identified. Any highway safety improvement project on a public road, except the Interstate, may be funded under this section. The Federal share under this section is 90 percent except for rail-highway crossing projects, in which case the Federal share is that provided in section 120(d) of title 23, United States Code. Any remaining unobligated balance of contract authority for carrying out section 402 with respect to highway-related safety programs will remain available for obligation, and will lapse not later than September 30, 1984. Highway safety funds are apportioned to the States according to a formula based on population and road mileage.

This section also provides that each State shall expend 35 percent of the funds apportioned to it for highway safety improvements for rail grade crossing projects authorized by section 203 of the 1973 Highway Safety Act. This minimum percentage of use of such funds may be waived by the Secretary of Transportation upon application of the State if the Secretary finds that the State has demonstrated that it has other safety projects of a higher priority.

One-half of one percent of the highway safety funds is made available to the Secretary of the Interior for carrying out section 151 safety activities on Indian reservations. The section 151 funds are available as if they were primary funds except where inconsistent with the purposes of this section. In addition, primary system, urban program and rural program funds are eligible for all consolidated safety projects.

The States are required to evaluate the results of the highway safety improvement program and to report annually to the Secretary. The Secretary is required to report annually to the Congress. The State's existing safety reports to the Secretary of Transportation under Section 203 of the Highway Safety Act of 1973 for rail-highway crossings, the Section 151 report on pavement markings and the Section 152 report on hazard eliminations are repealed, as the comparable reports are now included under the one consolidated report provided by subsection (a), which contains a new section 151(h) on highway safety improvement program reports.

HIGHWAY BRIDGE REPLACEMENT AND REHABILITATION PROGRAM APPORTIONED FUNDS

SEC. 114. This section provides for an annual apportionment starting fiscal year 1983 based upon a formula: All deficient bridges will be divided into four categories: (1) Federal-aid system bridges and bridges on public roads functionally classified as arterials or major collectors eligible for replacement, (2) Federal-aid system bridges and bridges on public roads functionally classified as arterials or major collectors eligible for rehabilitation, (3) Off-system bridges and bridges on public roads not functionally classified as arterials or major collectors eligible for replacement, and (4) Off-System bridges and bridges on public roads not functionally classified as arterials or major collectors eligible for rehabilitation. The square footage of deficient Federal-aid system bridges, and bridges on public roads functionally classified as arterials or major collectors, both those eligible for replacement and those eligible for rehabilitation, shall be multiplied by a factor of two. The square footage of deficient bridges in each category shall be multiplied by a national average unit cost on a State-by-State basis and the total cost in each divided by the total cost of the nation's deficient bridges to yield the apportionment factors, except that no State shall receive less than one quarter of one percent nor more than 8 percent of the annual apportionment. These funds are available for four years.

FEDERAL LANDS HIGHWAYS

SEC. 115. This section would establish a Federal Lands Highway Program which would include forest highways, park roads, parkways, Indian reservation roads, and public lands highways. This section would change existing law in the following ways.

Current section 202(a) of title 23, United States Code, provides for forest highway authorizations to be apportioned for the forest highways in the several States according to the area and value of federally owned land within the national forests therein. Revised section 202(a) would replace this apportionment formula with an allocation formula based on the relative needs of the various elements of the National Forest System as determined by the Secretary of Transportation in cooperation with the Secretary of Agriculture. The existing formula is obsolete because of the policies and directions mandated by renewable resource and land use planning legislation.

Revised section 202(b) would modify the existing allocation criteria (23 U.S.C. 202(b)) for forest development roads and trails to require that allocation of such funds be consistent with the renewable resource and land use planning for the various National Forests. As with forest highways, this change to the allocation criteria for forest development roads and trails is necessary to achieve compliance with renewable resource and land use planning legislation. Forest development roads and trails are not included as part of the new Federal Lands Highways Program as such roads and trails are restricted to administrative use by appropriate agencies. The Federal Lands Highways Program would include public roads only.

Revised section 202(c) is a restatement of the existing allocation criteria (23 U.S.C. 202(c)) for public lands highways with one addition. A new provision, consistent with recent renewable resource and land use planning legislation, would provide that preference be given to those highway projects which are significantly impacted by Federal land and resource management activities.

New sections 202 (d) and (e) would establish criteria for allocation of funds authorized for park roads, parkways and Indian reservation roads. Currently, no criteria is statutorily prescribed for allocation of funds authorized for park roads, parkways and Indian reservation roads. The proposed allocation criteria for these classes of highways would require distribution of funds authorized for each such class be based on the relative needs of the various elements of each such class.

This section would eliminate the separate provisions of chapter 2 of title 23, United States Code, which provide for forest highways (section 204), park roads (section 206), parkways (section 207), Indian reservation roads (section 208), and public lands highways (section 209), and establish in lieu thereof a coordinated Federal Lands Highway Program under which each such class of Federal lands highways would be continued. The substance of the separate sections which provided for forest highways, park roads, parkways, Indian reservation roads, and public lands highways is essentially restated in the new section authorizing the Federal Lands Highways Program. The significant change that the new section would make is placing on the Secretary of Transportation the oversight and coordinating responsibility for Federal Lands Highways in order to ensure that such highways are treated under the same uniform policies as roads which are on the Federal-aid systems.

This proposal would not transfer jurisdiction of the Federal roads from the agencies that currently manage the respective Federal lands. Rather, it would involve DOT in coordination with the land managing agency, in the planning studies and program development of public Federal lands highways roads. The DOT would also provide design and construction assistance to the land managing agencies.

This section would also add to title 23, United States Code, a definition of the term Federal Lands Highways, amend the definitions of the terms Indian reservation roads and park roads to include public roads only, and make technical changes to conform affected sections of title 23, United States Code, with the new Federal Lands Highways Program.

PROGRAM CONSOLIDATION

SEC. 116. Subsection (a) of this section repeals the Economic Growth Center Development program, National Scenic and Recreational Highway program, Access Highways to Public Recreation Areas on Certain Lakes program, Highways Crossing Federal Projects program, and the Railroad Highway Crossings Demonstration Project.

Subsection (b) provides that any unobligated balance of contract authority or unexpended balance of sums appropriated prior to enactment of subsection (a) will remain available for these programs under the conditions applicable prior to such enactment. The unappropriated balance of sums authorized prior to enactment of subsection (a) for the National Scenic and Recreation Highway program, Access Highways to Public Recreation Areas on Certain Lakes, and Highways Crossing Other Federal Projects is rescinded.

CARPOOL AND VANPOOL PROJECTS

SEC. 117. Subsection (a) amends section 120(d) of title 23, United States Code, to allow up to 100 percent Federal share on projects for the acquisition of vehicles for carpooling and vanpooling. The intent is to encourage more ridesharing by making it possible to acquire vehicles when local matching funds are not available.

Subsection (b) authorizes and directs the Secretary of Transportation to expend such sums as are necessary out of Federal Highway Administration administrative funds to carry out the national policy of promoting commuter modes of transportation which conserve energy, reduce pollution, and reduce traffic congestion. This is in lieu of a separate authorization as included in the Surface Transportation Assistance Act of 1978.

PUBLIC TRANSPORTATION

SEC. 118. This section amends section 142(a)(1), (b), and (f) of title 23, United States Code, by substituting "high occupancy vehicle lanes" for "bus lanes", "high occupancy vehicle passengers" for "bus passengers", and "high occupancy vehicles" for "public mass transportation systems'. The overall effect is to expand the scope of the projects eligible for funding under section 142 to include carpool and vanpool vehicles and passengers. Also, it allows such projects to include eligible facilities for carpools and vanpools only, without the presence of buses or rail transit.

FRINGE AND CORRIDOR PARKING

SEC. 119. This section amends section 137 of title 23, United States Code, by adding a new subsection (f) which allows Interstate 4R funds to be used for projects providing preferential parking for carpools. It incorporates the same restrictions as other fringe parking facilities with respect to being outside the central business district and within an Interstate corridor, and the primary purpose of reducing vehicular traffic on the Interstate highway. Other standard features concerning contracting and fees charged are also included.

EMERGENCY RELIEF

SEC. 120. Subsection (a) of this section amends subsection (a) of section 125, title 23, United States Code, to make clear that the term "catastrophic failure" means failures which are sudden, unexpected, and result from external forces, natural catastrophes in narrow or limited areas such as localized hurricane force winds, earthquakes, landslides, and the like. "Catastrophic failure", for purposes of this section, does not mean failure which is the result of structural deficiencies or physical deterioration. Bridges which are in imminent danger of collapse as a result of structural deficiencies or physical deterioration may be eligible for Federal funding under section 144 of title 23, United States Code, The Highway Bridge Replacement and Rehabilitation Program. Section 125 is intended to establish a fund which is to be held for sudden and unexpected emergencies and is not intended to be used for maintenance costs or for deficiencies, in, or the ordinary deterioration of, a structure. These latter expenses are expected to be met by the States or, to the extent a facility qualifies, with funds available under section 144 of title 23.

Subsection (a) of section 125 is also amended to delete the reference to bridges which have been closed to traffic between December 31, 1967 and December 31, 1970 inasmuch as the Committee understands that these bridges have been repaired or reconstructed and are now reopened to vehicular traffic.

Subsections (a) and (b) of this section further provide that all expenditures for emergency relief under 23 U.S.C. 125, whether past or future, shall come from the Highway Trust Fund and not from the General Fund of the Treasury. Section 125 of title 23, United States Code, now provides that 40 percent of emergency relief expenditures prior to the fiscal year ending September 30, 1978 are authorized from the General Fund of the Treasury.

Subsection (c) authorizes, from the Highway Trust Fund, $100 million per year for emergency relief projects.

Subsection (d) would amend 23 U.S.C. 125(b) to provide that expenditures for projects resulting from a single natural disaster or a single catastrophic failure shall not exceed $30 million in a State.

Subsection (e) would apply the amendment made by subsection (d) to natural disasters or catastrophic failures which the Secretary finds to be eligible for emergency relief subsequent to the enactment of this section.

Subsection (f) would amend 23 United States Code 120(f), which pertains to the Federal share for highway emergency relief projects. Under current law, the Secretary can increase the Federal share to 100 percent. Under this subsection, the Federal share would be limited to 75 percent, except for forest highways, forest development roads and trails, park roads and trails, parkways, public lands highways, public lands development roads and trails and Indian reservation roads, which would still receive 100 percent Federal funding.

Subsection (g) would apply the provisions of 23 United States Code 120(f), as amended by the bill, to all natural disasters or catastrophic failures which the Secretary finds to be eligible for emergency relief subsequent to the enactment of the bill.

Subsection (h) makes technical amendments to reflect the fact that this bill replaces the secondary and urban Federal-aid highway systems.

BICYCLE TRANSPORTATION PROGRAM

SEC. 121. This section broadens current authority to allow Federal-aid highway funds to participate in a greater variety of projects to encourage bicycle transportation and to provide pedestrian facilities. It would allow States greater flexibility in developing federally assisted bicycle and pedestrian projects by (1) eliminating the requirement that bicycle or pedestrian projects be "on or in conjunction with highway rights-of-way"; (2) eliminating the limitation on the expenditure of Federal-aid highway funds for bicycle or pedestrian projects; and (3) specifically allowing Federal-aid highway funds to participate in non-construction projects that are expected to enhance bicycle safety and use. The Federal share for bicycle projects would be increased to 100 percent.

HIGHLAND SCENIC HIGHWAY

SEC. 122. This section would amend section 161(f) of the Federal-aid Highway Act of 1973, as amended by section 21 of P.L. 96-106, to remove a technical problem presently preventing the State of West Virginia from maintaining the Highland Scenic Highway, located partially within and adjacent to the Monongahela National Forest in the State. It would also allow local light truck traffic and limited commercial truck traffic on a permit basis only.

The Highland Scenic Highway was originally designed and constructed as a multipurpose State highway on the Federal-aid Highway System. As such, it was maintained by the State until the passage of the Federal-aid Highway Act of 1973 which designated it as a scenic highway with portions limited solely to scenic and recreational use a passenger care use. The scenic highway designation precludes community service vehicles such as bread trucks, service trucks and farm trucks from using the highway and use of the road for National Forest management activities requiring use of trucks. This designation thus made the highway a limited service highway which precludes continued maintenance by the State as State law prohibits the expenditure of maintenance funds on limited service highways.

This amendment would correct this anomaly by modifying the vehicle limitation so that the State would maintain the road and, at the same time, protect the important recreational and scenic values of the highway.

ALLOCATION OF URBAN FUNDS

SEC. 123. Existing law permits transferability between urban and primary system funds. However, it does not permit transfer of funds allocated out of urban system funds attributable to urbanized areas of 200,000 or more population from the allocation of one urbanized area to that of another urbanized area or to an urban area. This amendment to section 150 of title 23, United States Code, would permit the transfer of such attributable funds to the allocation of another urbanized area in the State or to any other urban area in the State. A transfer, requested by the State, would be subject to the approval of the Secretary and the local officials of the urbanized area from which the funds are to be transferred. The proposed transfer provision would enhance the capability of the States and local governments by giving them more flexibility in programming projects, setting priorities, and utilizing scarce financial resources.

CERTIFICATION ACCEPTANCE

SEC. 124. This section amends 23 U.S.C. 117 to provide for: (1) the application of certification acceptance to the physical construction phase of Interstate 4R projects; (2) the elimination of the requirement to make a final inspection on every project under both the certification acceptance and secondary road plan programs; and (3) the extension of coverage under the secondary road plan program to: "projects, as defined by the Secretary and which are not on the Interstate System." These changes in no way would relieve the State highway departments from the requirement of entering into formal project agreements with the Secretary pursuant to section 110 of title 23. Certification acceptance would be available to Interstate restoration projects once they reach the construction phase; thus it would apply only to those work areas such as time extensions, construction contract change orders, assessment of liquidated damages, etc., which take place subsequent to the actual construction project being authorized. The amendments would make both concepts more attractive to the States because of the expanded coverage and the reduction in Federal involvement and redtape.

DEFENSE ACCESS ROADS

SEC. 125. Section 210(c) of title 23, United States Code, provides for the use, up to $5,000,000, of any funds appropriated under the Act approved October 16, 1951 (65 Stat. 422) for highways in military training and maneuver areas. In 1958, Public Law 85-767 (72 Stat. 885), which revised and codified prior highway legislation as title 23, United States Code, repealed other Acts and portions of Acts. In addition, the second Supplemental Appropriations Act of 1957 (including the Bureau of Public Roads under the Department of Commerce) rescinded, effective June 20, 1957, all unexpended appropriations from prior laws. (Public Law 85-855). Thus, there are no current highway appropriations from which any part of $5,000,000 could be made available for the construction, maintenance, and repair of maneuver areas.

In 1955, the Office of Management and Budget directed the Department of Defense to budget for defense access roads. Since 1957, each military department has budgeted separately for defense access roads. By direction of the Assistant Secretary of Defense (Comptroller), maintenance and repair of public highways used for maneuvers will be accomplished from funds made available by the appropriate military department; but in order to insure prompt repairs, military regulations provide that the Commander, Military Traffic Management Command, may authorize the Federal Highway Administration to temporarily use available access road funds, pending payment by the military department concerned from its operation and maintenance funds. Since funds for the repair of maneuver road damage are not available from highway appropriations acts, but are available from defense appropriations acts, the opening clause is misleading and should be amended to reflect current law and practice.

This amendment to section 210(c) of title 23, United States Code, has been coordinated with the Military Traffic Management Command.

MAINTENANCE

SEC. 126. Subsection 116(b) of title 23, United States Code, requires maintenance agreements between a State without authority to maintain a project constructed "on the Federal-aid secondary system, or within a municipality" and the appropriate county or municipal officials. This section would amend subsection (b) to require maintenance agreements when a State does not have authority to maintain any project.

This section would amend subsection 116(c) of title 23, United States Code, to permit the Secretary to withhold project approval for projects in specific areas on one or more of the Federal-aid Systems or Programs within a State, or for the entire State, where the Secretary finds that a project is not being properly maintained. Under present law, the Secretary must withhold project approval for the entire State for all projects when a single project is not being properly maintained. Present law does not represent a practical enforcement sanction. Stopping all project approvals in an entire State could involve massive disruption of planning and considerable economic waste. The amendment provides a practical enforcement sanction which should be an effective tool in enforcing maintenance.

Subsections (b), (c), (d), (e), (f), and (g) transfer maintenance provisions from 23 U.S.C. 109 to 23 U.S.C. 116.

CONSTRUCTION

SEC. 127. Title 23, United States Code, now requires that the Secretary inspect each highway construction project. This amendment would remove that requirement. The Secretary would establish procedures for inspecting and approving construction but would not have to inspect each project. The amendment would thereby eliminate an unnecessary requirement.

RESEARCH AND PLANNING

SEC. 128. This section would amend 23 U.S.C. 307 to confirm the legal basis for pooling 1½ percent highway planning and research (HPR) funds into a single fund and to establish a uniform period of availability, and a standard Federal matching share.

NONDISCRIMINATION

SEC. 129. This section amends section 140 of title 23, United States Code, to assure that equal employment opportunity must be provided without regard to sex; to authorize the Secretary of Transportation to conduct and finance minority business enterprise training programs and assistance programs; and to authorize the use of $10 million per fiscal year from the sums apportioned under 23 U.S.C. 104(b) to conduct and finance minority business enterprise training programs and assistance programs.

INTERAGENCY AGREEMENTS

SEC. 130. This section adds a new section to title 23, United States Code, under which the Secretary of Transportation would be required to enter into memoranda of understanding with other Federal agencies to coordinate the various environmental compliance reviews that apply to Federal and Federal-aid highway projects. The purpose of such memoranda is to minimize, to the maximum extent practicable, duplication, needless paperwork, and delays in approval of projects under title 23, United States Code. This section is intended to reinforce the national policy on minimization of redtape set forth in section 101(e) of title 23, United States Code, by consolidating environmental compliance procedures in a single project development process to be coordinated by the Department of Transportation under the umbrella of the National Environmental Policy Act of 1969, as amended, and by providing for the rapid resolution of Federal interagency disagreements concerning the economic, social, and environmental effects of actions proposed for funding under title 23, United States Code.

FEDERAL SHARE—FEDERAL-AID RURAL AND URBAN PROGRAMS

SEC. 131. This section amends section 120(a) of title 23 U.S.C., relating to the Federal share. The current Federal share payable for the Federal-aid secondary system and the urban system is 75 percent. This bill redefines the secondary and urban systems as rural and urban programs. The Federal share payable for these two programs is 50 percent.

For projects already under construction, States would have the option of continuing to fund those projects at the 75/25 matching ratio or at 50/50. All new projects must be funded at the 50/50, Federal/State matching ratio.

OBLIGATION LIMITATION AND ALLOCATION FORMULA

SEC. 132. This section establishes an obligation limitation of $8.2 billion for fiscal year 1983, excluding emergency relief projects, rehabilitation of a federally-owned bridge, certification of state procedures demonstration project, and Interstate transfer grants. The $8.2 billion in obligational authority would be allocated to the States in the same ratio in which sums to be appropriated to the States for Federal-aid highways and highway safety construction are apportioned. Collectively, the States can obligate no more than 25 percent during the first quarter of the fiscal year.

MARYLAND TRANSPORTATION AUTHORITY

SEC. 133. This section repeals two bridge statutes which have been superseded by more recent enactments. It allows the Maryland Transportation Authority to pledge revenues from existing toll bridges and tunnels it has financed as security for new bond issues for new bridge and tunnel facilities.

CERTIFICATION OF STATE PROCEDURES

SEC. 134. This section authorizes the Secretary of Transportation to carry out a project which will demonstrate the feasibility of extending the coverage of State certifications under section 117(a) of title 23, United States Code. The purpose of the demonstration project is to determine to what extent States are able to carry out the requirements of Federal law, both title 23 and non-title 23 requirements, and to determine what kinds of problems may be encountered under such procedures. The project shall also document those areas where savings can be made in time and paperwork without adverse impacts on public participation or the environment.

ALASKA HIGHWAY

SEC. 135. This bill would amend section 218(a) of title 23, United States Code, to allow the State of Alaska to use its apportioned Federal-aid highway funds on the continued construction of the portions of the Alaska highway located in Canada.

Since Congress authorized the construction of the Alaska highway in the Federal-aid Highway Act of 1973 (Pub. L. 93-87), appropriated funds have been obligated for the project and work is now completed or underway. However, no funds were appropriated in the 1979-1982 United States budget.

The current provisions of title 23, United States Code, do not permit a State to expend its Federal-aid funds in a foreign country. This section would permit Alaska to use its Federal-aid highway funds for the construction of the Alaska highway in Canada, as provided in section 218.

TERRITORIAL HIGHWAY PROGRAM

SEC. 136. Subsection (a) of this section repeals section 215 (Territorial Highway Program) of title 23, United States Code.

Subsection (b)(1) of this section provides that outstanding funds authorized or appropriated for carrying out repealed section 215 shall remain available for obligation under the conditions applicable prior to such repeal.

Subsections (c), (d), (e), and (f) eliminate the Federal Highway Administration's involvement in the highway safety activities of the territories program by amending pertinent sections of title 23, United States Code.

ACCELERATION OF BRIDGE PROJECTS

SEC. 137. This section repeals the acceleration of bridge project program which provides funding for the U. S. Grant Bridge between Kentucky and Ohio and the East Huntington Bridge between West Virginia and Ohio. Funds for these two bridge projects will be available for obligation for two years from the date of enactment of the Act and in the same manner as provided in the repealed section, as amended. Funds not obligated at the end of the two-year period will be apportioned to the several States in accordance with section 144(e) of title 23, United States Code.

TECHNICAL AMENDMENTS

SEC. 138. This section makes conforming amendments to title 23, United States Code, to reflect the shift from urban and secondary system designation to a consolidated urban program and rural program. It also streamlines certain sections of title 23 by deleting language that no longer applies.

SECTION-BY-SECTION ANALYSIS

TITLE II—HIGHWAY REVENUE ACT OF 1982

SEC. 201 states that the title may be cited as the "Highway Revenue Act of 1982".

5-YEAR EXTENSION OF THE TAXES WHICH ARE TRANSFERRED INTO THE HIGHWAY TRUST FUND

SEC. 202 extends the highway excise taxes allocated to the Highway Trust Fund (HTF) for five years. The rate reductions or expirations of highway taxes now scheduled for October 1, 1984, are deferred until October 1, 1989.

EXTENSION OF HIGHWAY TRUST FUND

SEC. 203 extends the time that taxes shall be placed in the HTF for five years from September 30, 1984, through September 30, 1989, and extends the time that expenditures shall be made from the HTF for six years from October 1, 1984, to October 1, 1990. This section also extends the time for annual HTF reports from the fiscal year ending September 30, 1985, to the fiscal year ending September 30, 1991. Subsection (c) of this section repeals section 210 of the Highway Revenue Act of 1956 which concerns an investigation and report already made to the Congress.

CHANGE IN DEFINITION OF YEAR AND TAXABLE PERIOD

SEC. 204 changes the definition of "year" and "taxable period" to permit the Secretary of the Treasury to establish a tax year beginning on any date.

ENVIRONMENT AND PUBLIC WORKS COMMITTEE FEDERAL-AID HIGHWAYS PROGRAM LEVELS

[In billions of dollars]

Category	1983	1984	1985	1986
Interstate construction	$3.300	$3.400	$3.400	$3.500
Interstate resurfacing and rehabilitation (4R)	1.100	1.600	1.600	2.100
Primary	1.500	1.600	1.600	1.600
Bridge	1.000	1.300	1.300	1.300
Rural	.500	.500	500	.400
Urban	.700	700	.700	600
Safety	.100	.150	.150	.150
Interstate transfer	.150	.250	250	300
Other (emergency relief, forest, highways, public lands)	.150	200	.200	200
Total	8.500	9.700	9.700	10.150

Note: Interstate construction and 4R funds are apportioned 1 year in advance of year authorized.

Mr. STAFFORD. Mr. President, I am pleased to cosponsor the Federal-Aid Highway Act of 1982, which is being introduced today by the distinguished chairman of the Subcommittee on Transportation, Senator SYMMS.

This legislation would continue to increase the highway program's emphasis on maintaining and preserving the existing system and the large capital investments of past years. The Federal-Aid Highway Improvement Act of 1981 marked the beginning of this preservation approach. With the Interstate System functionally complete, I believe this makes the best use of available resources and is vital to a strong national economy.

I support the legislative changes which would consolidate and eliminate the many small program categories that have proliferated over the years. I believe this will result in a more effective highway program. The States should have as much flexibility as possible to solve their own unique problems, and this becomes even more critical when revenues are limited.

As I have noted, resources for the highway program are limited. Trust fund revenues have been decreasing and the growth in the needs of our transportation system is well documented. This dilemma is compounded by the impact of inflation. For example, in 1977 the highway dollar bought 49.9 cents of work in 1967 dollars. Now 5 years later, that dollar buys 29.5 cents of highway improvement work.

Mr. President, because of decreasing trust fund revenues and the decline in the buying power of the transportation dollar, the revenue structure now in place much be reviewed. Such a review should be based upon a thorough examination of the Department of Transportation's cost allocation study, which will be submitted to Congress in several weeks. I look forward to working with Senator SYMMS, the members of the Subcommittee on Transportation, and the members of the Finance Committee, to assure that all classes of highway users are given a fair hearing prior to any recommendations concerning the user fee structure. If this review cannot be completed before the authorization expires, there must be a simple extension of the trust fund and the existing taxes in order to reauthorize the highway program.

This legislation authorizes the highway program for a period of 4 years. I believe multiple year authorizations are essential for effective State transportation planning.

Mr. President, this legislation recognizes the importance of farm-to-market and urban roads to this country's economic well-being. The most immediate benefits from these systems accure at the State and local level.

I believe, however, that extending funding for these programs through fiscal 1986 is necessary in order to provide more time to be certain that the States can provide these important programs. Disparities in population and revenue bases will affect the States' ability to immediately fund these programs at adequate levels, particularly at a time when the Federal Government is asking the States and localities to take responsibility for many programs.

The most recent Department of Transportation needs study estimates that to maintain the secondary system between 1980 and 1995 at 1978 conditions would require about $55.6 billion. Approximately $39.5 billion would be required for the urban system during the same period.

Mr. President, the ability of rural States to meet their transportation needs may be further limited pending the outcome of congressional action on the administration's 1983 budget recommendation that no funds be authorized for the section 18 formula grant program for nonurban areas.

Mr. President, the needs of the secondary and urban programs and of the other Federal-aid highway programs are especially important when considering which programs should be included in the President's New Federalism program. Details of the President's New Federalism proposal have not yet been submitted to Congress. As Senator SYMMS has indicated, the committee looks forward to holding hearings on these proposals later this year.

While I believe the States may indeed be better able to carry out some of these responsibilities, I also believe one of the primary purposes of a Federal program is to redistribute resources among all the States. Those States with fewer resources to draw upon may be unable to provide, in some cases, the infrastructure necessary for a strong national economy. An important objective of the committee's hearings will be to determine program responsibilities by levels of government, and to collect information on the adequacy of resources at each level.

Mr. President, I am pleased that the distinguished Senator from Idaho (Mr. SYMMS) has scheduled a hearing on this bill on April 21, 1982. The program changes outlined in this legislation will significantly enhance the effectiveness of the highway program.

Mr. President, I feel fortunate, as does the entire Committee on Environment and Public Works, that the distinguished Senator STEVE SYMMS is chairman of our Subcommittee on Transportation. I am delighted to be working with him in this area.

Mr. SYMMS. Mr. President, I wish to thank the distinguished chairman of the Environment and Public Works Committee, Mr. STAFFORD, for those kind words. I appreciate the opportunity to work with him and to have the benefit of not only his experience but also that of Senators BENTSEN and RANDOLPH on this subject, to assist me in the job and responsibility we have to work on the Federal highway program.

Mr. RANDOLPH. Mr. President, I am pleased to join with Senator SYMMS, chairman of the Transportation Subcommittee of the Committee on Environment and Public Works, and other members of the subcommittee in introducing legislation to extend the authorizations for the Federal-aid highway program. Last year the committee considered S. 1024, which redefined the interstate program to reduce the cost to complete the system and expand the reconstruction and rehabilitation effort on this vital system. The bill also authorized the continuation of other Federal highway assistance. As finally enacted, the legislation was limited in scope only to the interstate provisions.

It is necessary, then, this year, for the Committee on Environment and Public Works to give consideration to extending the authorizations for the various categorical programs of our overall Federal-aid highway program. The bill which we are introducing today extends the authorization for 4 years for all major systems currently funded under the program.

This extension demonstrates the commitment of the members of the subcommittee to continuing to provide Federal assistance in the construction and rehabilitation of our highway network. With completion of the Interstate System becoming more of a reality, it is time to turn greater efforts to maintaining the Federal investment in both this system and other major Federal-aid networks. This legislation substantially increases the effort on the rehabilitation and reconstruction of the Interstate System by increasing authorizations from the current level of $800 million to $2.1 billion in the final year of authorization. This increased funding will provide sufficient authority for most States to meet their current rehabilitation and reconstruction needs and will allow some States to reduce the backlog of unmet 4-R needs. I am pleased to be cosponsoring this bill because I feel the Federal Government must be involved in maintaining its investment in the important Interstate Highway System. I applaud the members of the Transportation Subcommittee for their perceptive decision to provide this important program with sufficient funding.

The introduced bill also continues Federal assistance to meet the serious problem facing this Nation with respect to deteriorating and obsolete bridges. The legislation authorizes $4.9 billion over the 4 years for this important work. This level of funding will allow the States to replace or rehabilitate many deficient bridges.

Mr. President, the committee must continue to review and consider the Federal priority for our overall highway transportation program. This authorization of the Federal-aid highway program will give us an opportunity to thoroughly review current categorical programs and define the appropriate Federal role.

Next month the Subcommittee on Transportation will conduct hearings on this bill. I am sure that the witnesses who testify before the subcommittee at that time will provide useful comments on how this legislation can best meet the needs of the American people in relation to highway transportation.

Mr. President, a short comment on revenue to support this program is necessary. Funding for this program comes from the highway trust fund, which is a collection of various highway user related charges. The bill as introduced simply extends the existing taxation.

It was my hope that the committee could recommend an increase in revenue for the highway trust fund this year. Unfortunately the cost allocation study which was requested in the 1978 Surface Transportation Assistance Act has not been transmitted to Congress. Without this study and without some impetus from the administration, it does not appear that a revenue revision is possible at this time. With program needs and costs continuing to rise, we in the Congress must face the need to raise these taxes in the near future. Revenue has been declining for the last few years because energy conservation efforts have been successful. If this trend continues—and I am sure it will since automakers are producing more fuel-efficient vehicles—then we must raise the taxes to provide a serviceable highway network for the American people.

Mr. President, I urge my colleagues in the Senate to carefully review this legislation and to transmit their views to the Subcommittee on Transportation so that it may have their collective wisdom when markup on this bill is scheduled in late April or early May.

ROUTINE MORNING BUSINESS

The PRESIDING OFFICER. There will now be a period for the transaction of routine morning business, not to extend beyond 10:30 a.m., during which Senators may speak for no more than 5 minutes each.

GOLDEN FLEECE TO SBA FOR MILLION-DOLLAR WATER SLIDE GUARANTEE

Mr. PROXMIRE. Mr. President, I am giving my Golden Fleece of the Month Award for March to the Small Business Administration (SBA) for providing two loan guarantees—almost a million dollars in total—to a California aquatic park for a giant water slide and other construction. This is a prime example of how Uncle Sam's credit budget has exploded in recent years, and shoved credit-sensitive housing and auto industries down the slide and into the drink in the process.

In December 1981, the SBA approved two loan guarantees in connection with Waterworld U.S.A., in Cal Expo, a park in the Sacramento, Calif., area. An SBA official said:

> The Sierra Security Bank of Susanville, California granted a loan of $560,000 to Waterworld U.S.A. The SBA, in December 1981 approved a loan guarantee for 89 percent or $498,400 of that $560,000.

The SBA official continued,

> In a second case, also in December, 1981, a guarantee bank loan in the amount of $560,000, of which SBA guaranteed 89 percent or $498,400, was approved for the Bay Area Business Development Company, who in turn loaned the funds to the business—Waterworld U.S.A.

In plain English, Waterworld U.S.A. was the beneficiary of two loan guarantees—each $498,400 for a total of $996,800. SBA rules forbid loan guarantees of more than $500,000, so in this case, one loan guarantee went to a development firm which lent the money to Waterworld, while the other loan guarantee went to back up a loan a bank had granted to Waterworld.

According to SBA, money in one of the cases involved was used for paying off contractors and suppliers involved in the construction of the water slide, and in the other case, the funds were used to pay off other construction costs and to purchase machinery and equipment.

In a loan guarantee, the Federal Government pledges to repay principal—in whole or in part—and interest on a loan in case of default by a borrower, thus reducing the lender's exposure to risk. If the loan goes bad, it is the taxpayer's dollars that are used to pay it off.

You might wonder why SBA thought it would be worthwhile to guarantee almost a million dollars to an aquatic park. I wondered, too. Here is what an SBA official said: "The reason was the fact that it's a water slide. It's located in a large recreational area in Sacramento, in a community type of park. It's a recreational facility and it's considered in the interest of the public."

Well, the way this project is working out, people will not just go down a slide—it may be the taxpayers taking a bath, since the owners and operators of the park had been in serious financial difficulty.

According to an article in the Sacramento Bee, "Waterworld's private investors last October appealed to the Cal Expo Board of Directors to relax the terms of its contract (lease on land in Cal Expo) because of financial problems. The Waterworld general manager said then that the first phase of park construction, projected to cost $1.8 million, had exceeded that amount by almost $1 million."

The article added, "A late initial opening date in August 1981 also contributed to Waterworld's financial woes, officials said."

But SBA officials noted that "this venture's equity position, with the $1.6 million, is much stronger than the usual SBA loan situation."

This loan guarantee, which the Federal Government will have to pay off if the venture fails, is an excellent example of the little noticed explosion in Federal loan guarantee program. The Federal Government is expected to guarantee new loan commitments in fiscal year 1983 of $98.4 billion. This staggering sum not only shoves inflation up and puts upward pressure on interest rates, it distorts the marketplace by taking the risk out of ventures which never would have been offered credit by private sources. Guaranteeing loans also dries up available funds for other less risky projects.

The Federal Government should not be the lender of last resort. If private financial institutions say no to a loan, the Federal Government should keep its hands off.

It is ridiculous that the Federal Government—using taxpayer's money—provides loan guarantees for anybody, and espeically for a water slide, when few individuals can get a loan for housing, cars, or anything else now. In a time of growing budget deficits, we need to get Uncle Sam out of the credit market as soon as we can—to as great a degree as we can.

Federal loan guarantees simply shift the risk from the lenders to the taxpayers.

Has the taxpayer not been burdened enough? Inflation, tight credit, high taxes, deficits, all of these have hit the taxpayer hard enough. If the burden is not worth bearing by lenders—those who should know about credit worthiness—is it worth dumping on the taxpayers?

The Reagan administration has proposed eliminating SBA direct loans and reducing guaranteed loans 10 percent. This is too modest a goal if the aquatic park is any example.

The individuals and organizations that get hurt from this kind of guaranteed loan are the needy small businessmen across the Nation.

THE KENNEDY-HATFIELD VERSUS JACKSON-WARNER ARMS CONTROL PROPOSALS

Mr. PROXMIRE. Mr. President, I should like to address a few words to the debate currently opened between the proponents of the Kennedy-Hatfield freeze and the Jackson-Warner resolution.

My first observation is that the debate over arms control per se is more important than the debate over either of these two approaches. The similarities of the Kennedy-Hatfield and Jackson-Warner resolutions are much more dramatic than their differences. The basic thrust is the same—pay more attention to verifiable arms control and find a way to achieve actual reductions.

The press has missed this point and so have some of my colleagues. It is time to consider how the two approaches can be worked together rather than engaging in the exchange of charges about the apparent or real weaknesses in either version.

Let us get down to the work of arms control rather than worrying about the lineup of supporters of resolutions which are 85 percent or 95 percent similar in nature.

Second, press reports indicate that the purpose of the Jackson-Warner resolution is to allow a buildup in nuclear weaponry before any actual reductions. Now, maybe some supporter of that resolution is making that argument, but there is no language in that resolution calling for an increase in nuclear weaponry. It calls for a "long-term mutual and verifiable nuclear forces freeze at equal and sharply reduced levels of forces." There is not a word about building up arsenals; and should there have been, this Senator would not have joined as a cosponsor.

Finally, I think a word of praise is due to the American public who perceived this issue and brought it to the attention of the Congress. This truly is an initiative of the people of this country, and to brand it as a liberal cause or a conservative cause is simply a misrepresentation of the facts.

Arms control should always be based on the naked self interests of the nations involved. Recognizing that fact and forcing its consideration, the American public has served this Congress in a most positive way. We here in the Senate have been pushed and prodded into action, and finally we are moving. It is this sense of momentum that is important now, and I hope that it soon translates into action by the executive branch.

Mr. President, I understand at 10:30 a.m. we will resume consideration of the continuing resolution.

The PRESIDING OFFICER (Mr. STAFFORD). Is there further morning business?

Mr. PROXMIRE. Mr. President, I have further morning business. Since the time of 10:30 a.m. has arrived, I ask unanimous consent that I may proceed, notwithstanding the previous order, for a minute and a half.

The PRESIDING OFFICER. Without objection, it is so ordered.

VITRUVIUS ON COST OVERRUNS

Mr. PROXMIRE. Mr. President, a small item in the Washington Monthly recently caught my eye. It is a quote from Vitruvius' De Architectura of the first century A.D.

The subject is cost overruns. Let me quote Vitruvius:

> In the famous and important Greek city of Ephesus there is said to be an ancient ancestral law, the terms of which are severe but its justice is not inequitable. When an architect accepts the charge of a public work, he has to promise what the cost of it will be. His estimate is handed to the magistrate, and his property is pledged as security until the work is done. When it is finished, if the outlay agrees with his statement, he is complimented by decrees and marks of honor. If no more than a fourth has to be added to his estimate, it is furnished by the treasury and no penalty is inflicted. But when more than one fourth has to be spent in addition on the work, the money required to finish it is taken from his property.

Mr. President, this strikes me as a pretty good idea. If we required defense contractors to pay for any excessive overrun then at last we would have an effective deterrent against rampant cost overruns.

CHINESE CATHOLICS AND THE INTERNATIONAL COMMUNITY

Mr. PROXMIRE. Mr. President, the New York Times recently published an article entitled "Chinese Catholics Rebuke the Pope." It stated that the leadership of China's officially sanctioned Catholic church have said that the assertion that believers are being persecuted is slander.

The believers they are referring to are the dissident Catholics loyal to the Vatican who have formed an underground group of worshippers. Pope John Paul II requested that Roman Catholics around the world pray March 21, for persecuted Chinese Catholics. These people must practice their religion secretly because they are not tolerated by the Government-sanctioned church in China. That church broke away from the Vatican during the 1950's and now backs the Peking Government.

In the past several months the intolerance by the Communist regime has developed into aggressive antireligion activities, occurring with increasing regularity.

In Shanghai police recently arrested Rev. Zhu Hongshen and several other elderly Jesuit priests. No exact charges are known, although it is believed the arrests were made because of the priests' continued contact with the Vatican, their circulation of religious information abroad, and their refusal to join the official Chinese Patriotic Catholic Association. In the past, priests who refused to join have been sentenced to labor camps.

Two of the priests arrested last autumn had been arrested before; one had spent 6 years in prison and 5 years in a labor camp, and another spent 24 years in jail.

Another major incident developed late last year over Bible-smuggling in Operation Pearl. Hundreds of Catholic and Protestant volunteers suffered beatings and incarceration in Communist jails after being caught bringing Bibles into mainland China.

Chinese Catholics have the unpleasant choice of either submitting to the officially sanctioned church or of trying to maintain links to the world community of Catholics and facing the inevitable prosecution.

The religious community these Chinese wish to belong to is an international one—and, Mr. President, the concern over their persecution because of their beliefs is international as well.

Mr. President, the fact that there is international concern over this religious persecution is not an accident. It is not simply a result of anti-Communist rhetoric. It is the result of the genuine desire of all people for basic, fundamental human rights; a desire so well expressed in the International Declaration on Human Rights unanimously adopted by the United Nations General Assembly in 1946.

So too, Mr. President, the concern regarding actions of far greater dimension and depravity—genocide—this concern is international as well.

We must acknowledge the international concern and ratify this human rights treaty, which seeks to punish criminals committing the most heinous of crimes.

Genocide was proclaimed "a crime under international law" by U.N. General Assembly Resolution 96, on December 11, 1946. A large percentage of the world community has recognized genocide to be a matter of international concern, as witnessed by the fact that 85 nations have ratified the Genocide Convention.

Mr. President, it is imperative that we join these nations in ratifying this international criminal and human rights treaty: The Genocide Treaty.

DECISIONMAKING AUTHORITY ON THE SITING OF A REGIONAL OR NATIONAL HIGH-LEVEL RADIOACTIVE WASTE REPOSITORY IN WISCONSIN

Mr. THURMOND. Mr. President, I ask unanimous consent to have printed in the RECORD the 1981 Assembly Joint Resolution No. 52 of the Wisconsin State Legislature, which has been received in the office of the President pro tempore, and which relates to final decisionmaking authority on the siting of a regional or national high-level radioactive waste repository in Wisconsin.

There being no objection, the resolution was ordered to be printed in the RECORD, as follows:

1981 ASSEMBLY JOINT RESOLUTION 52

Whereas the U.S. department of energy has been conducting feasibility and environmental impact studies on the establishment of a regional or national repository for high-level radioactive waste storage; and

Whereas the U.S. department of energy has confirmed that it is considering granitic formations as one of several mediums suitable for high-level radioactive waste storage; and

Whereas the technology involved in such plans for high-level radioactive waste storage has generated considerable scientific disagreement regarding the implementation of such projects; and

Whereas the sentiments of Wisconsin residents are firmly in opposition to such plans because of the severe hazards of high-level radioactive wastes and the need to ensure perpetual safeguards: Now, therefore, be it

Resolved by the assembly, the senate concurring, That the legislature of the state of Wisconsin goes on record in opposition to a regional or national high-level radioactive waste repository in Wisconsin because of the impact such a site would have on the health, economic welfare and environment of our citizenry and on the tourism and agricultural industries; and, be it further

Resolved, That the legislature gives clear notice to congress that the state of Wisconsin will not accept a high-level radioactive waste repository; and, be it further

Resolved, That the legislature demands that the U.S. department of energy shall inform the legislative and executive branches of state government as well as appropriate representatives of local government in Wisconsin of any and all actions taken by the department with respect to Wisconsin as a possible site for a regional or national high-level radioactive waste depository and that all meetings between representatives of the U.S. department of energy and state and local officials shall be open to the public and shall comply with the Wisconsin open meetings law in sections 19.81 to 19.86 of the statutes; and, be it further

Resolved, That the legislature of the state of Wisconsin strongly urges congress and the president to recognize that Wisconsin must have the authority to make any final decision as to whether Wisconsin shall be the site of a regional or national high-level radioactive waste depository; and, be it further

Resolved, That duly attested copies of this resolution and the roll call votes on adoption of this resolution taken in each house of the legislature be transmitted by the chief clerk to the president of the United States, the governor of this state, the U.S. department of energy, the U.S. nuclear regulatory commission, the U.S. environmental protection agency and the members of the U.S. senate and the U.S. house of representatives.

POLITICAL ACTIVITY OF FEDERAL EMPLOYEES

Mr. STEVENS. Mr. President, every year many of us receive questions from Federal employees who wish to participate in this Nation's election process. Oftentimes, Federal employees are unsure of how they may participate, knowing that their activities come under the restrictions of the Hatch Act. Because of this uncertainty, many Federal employees do not participate to the extent they could. I believe that action to be a loss of talent, energy, and ideas vital to government at all levels.

In order to help answer these questions, and to be of service to other Members of this body who may have received similar questions from their constituents, I am enclosing a portion of a publication printed by the Office of Personnel Management entitled "Political Activity of Federal Employees." Mr. President, I ask unanimous consent to have printed in the RECORD the significant text of that pamphlet.

There being no objection, the text was ordered to be printed in the RECORD, as follows:

POLITICAL ACTIVITY OF FEDERAL EMPLOYEES

POLITICAL ACTIVITY RESTRICTIONS PROTECT EMPLOYEES

Federal employees in the executive branch of the Government are protected by law from efforts to force them to give political service or tribute. This was not always true. Federal employees got this protection from the Civil Service Act passed in 1883, which laid the foundations for the Federal merit system.

The Hatch Act, passed in 1939, goes further than the Civil Service Act. It provides in general that Federal employees cannot take an active part in political management or in political campaigns—even if they are willing to do so. However, the Hatch Act does permit political activity in regard to a non-partisan election, which is one in which none of the candidates represents a political party which received votes for Presidential electors in the last preceding Presidential election.

WHO IS COVERED

In general, employees in the Executive Branch of the Federal Government, whether in the competitive or excepted service, and employees of the District of Columbia Government are subject to political activity restrictions. Part-time and temporary employees are included.

A few exemptions are made, including employees paid from the appropriation for the Office of the President, heads and assistant heads of executive or military departments, and officials who determine national policy, and who are appointed by the President subject to Senate confirmation. There is a partial exemption for Federal employees living in the immediate vicinity of Washington, D.C., and in other communities where the majority of voters are employed by the Federal Government.

Some state and local government employees are also subject to less severe political activity restrictions. They are employees whose principal employment is in connection with an activity financed in whole or in part by Federal funds.

WHAT EMPLOYEES MAY DO

These are some permissible activities:

You have the right to register and vote as you choose in any election. Political activity restrictions do not relieve Federal employees of their obligation as citizens to inform themselves of the issues and to register and vote. Employees are urged to vote by being granted leave under certain circumstances to register or vote.

You have the right to express your opinions as an individual, privately and publicly, on all political subjects and candidates as long as you don't take an active part in partisan political management or partisan political campaigns.

You may wear a political badge or button or display a political sticker on your private automobile, subject to work related limitations.

You may make a voluntary compaign contribution to a political party or organization.

You may accept appointment to public office, provided service in the office will not conflict or interfere with the efficient discharge of your Federal duties.

You may participate in a non-partisan election either as a candidate or in support of (or in opposition to) a candidate, and you may, if elected, serve in the office if such service will not conflict or interfere with your Federal duties.

You may serve as an election clerk or judge, or in a similar position, to perform non-partisan duties as prescribed by state or local law.

You may be politically active in connection with an issue not specifically identified with a political party, such as a constitutional amendment, referendum, approval of a municipal ordinance, or similar issue.

You may participate in the non-partisan activities of a civic, community, social, labor, professional, or similar organization.

You may be a member of a political party or other policitical organization and attend meetings and vote on issues, but you may not take an active part in managing the organization.

You may attend a political convention, rally, fund-raising function, or other political gathering, but you may not take an active part in conducting or managing such gatherings.

You may sign petitions, including nominating petitions, but may not initiate them, or canvass for signatures, if they are nominating petitions for candidates in partisan elections.

You may petition Congress or any Member of Congress, such as by writing to your Representatives and Senators to say how you think they should vote on a particular issue.

WHAT EMPLOYEES MAY NOT DO

The general prohibitions on Federal employees are that they may not use their official authority or influence to interfere with or affect the result of an election, and that they may not take an active part in partisan political management or in partisan political campaigns. These are some of the prohibited activities:

You may not be a candidate for nomination or election to a national or state office. You may run for local office as described in the sections What Employees May Do and Exemptions in Certain Communities.

You may not become a partisan candidate for nomination or election to public office.

You may not campaign for or against a political party or candidate in a partisan election for public office or political party office.

You may not serve as an officer of a political party, a member of a national, state or local committee of a political party, an officer or member of a committee of a partisan political club, or be a candidate for any of these positions.

You may not participate in the organizing or reorganizing of a political party, organization or club.

You may not solicit, receive, collect, handle disburse, or account for assessments, contributions, or other funds for a partisan political purpose or in connection with a partisan election. Federal criminal statutes impose restrictions concerning contributions in connection with the election for Federal office. Specifically, you may not solicit political contributions from other Federal employees and no person may solicit or receive political contributions in buildings where Federal employees work. Also, one of these criminal statutes restricts your ability to make political contributions to Federal employees. You should contact the Office of Special Counsel for advice if you have any questions concerning the requirements of these laws.

You may not sell tickets for or otherwise actively promote such activities as political dinners.

You may not take an active part in managing the political campaign of a candidate, in a partisan election for public office or political party office.

You may not work at the polls on behalf of a partisan candidate or political party by acting as a checker, challenger, or watcher, or in a similar partisan position.

You may not distribute campaign material.

You may not serve as a delegate, alternate, or proxy to a political party convention.

You may not address a convention, rally, caucus, or similar gathering of a political party in support of or in opposition to a candidate for public office or political party office, or on a partisan political question.

You may not endorse or oppose a candidate in a partisan election through a political advertisement, broadcast, campaign literature, or similar material.

You may not use your automobile to drive voters to the polls on behalf of a political party or candidate in a partisan election.

PENALTIES FOR VIOLATION

The Office of the Special Counsel enforces the political activity restrictions for employees in competitive and excepted positions. The Office of the Special Counsel makes investigations and the Merit Systems Protection Board holds hearings in cases involving violations. The penalty for violation may be removal or suspension.

In cases where removal is ordered by the Merit Systems Protection Board, employees may not be reemployed in any position if paid from the same appropriation as the jobs from which they were removed.

EXEMPTIONS IN CERTAIN COMMUNITIES

Special rules apply to residents of certain communities with large numbers of Federal employees. Any community in the immediate vicinity of Washington, D.C., and any municipality where the majority of voters work for the Federal Government, may ask the Office of Personnel Management for partial exemption from the political activity restrictions.

If the request is granted, Federal employees living in the community may actively participate in local political management and local political campaigns. However, this participation must be as independent candidates or on behalf of, or in opposition to, an independent candidate. Employees must not, of course, neglect their official duties in exercising these privileges, and they must be sure that holding any office to which they may be elected will be consistent with their agencies' rules concerning such matters.

This exemption has already been granted to more than 60 communities, most of them located in the vicinity of Washington, D.C. Any Federal employees in doubt as to whether their community has been granted this partial exemption from political activity restrictions can get the information from the address mentioned below.

If you are uncertain about whether a particular action you consider taking would violate the political activity rules, you should present the matter in writing to: The Office of the Special Counsel, Room 818, 1120 Vermont Ave. N.W., Washington, D.C. 20419

You should obtain a ruling on the matter before engaging in the activity, since ignorance of the provisions of the law will not excuse you from penalties for violation.

VOTING RIGHTS

Two relatively recent changes affecting voting rights are of interest to Federal employees among others.

A law now permits all citizens of the United States to vote for President and Vice-President without regard to how recently they have changed their residence or where they may be at election time. It abolishes length-of-residence requirements in Presidential elections and requires states to have absentee registration and voting procedures for such elections. Employees should contact their agency voting representative for information on state voting provisions and on Presidential elections.

A 1970 Supreme Court decision held that persons living on Federal land in Maryland have the right to vote in state elections. The Department of Justice has determined that this decision may affect persons in other states who have been denied the right to vote in state elections because of their residence on Federal land.

MRS. HERMAN ORRELL KEEPS A MARYLAND TRADITION ALIVE

Mr. MATHIAS. Mr. President, the Maryland beaten biscuit is our own and we love it, but it must be confessed that it is lowly. It is not sweet like cake, nor light like croissants, nor moist like doughnuts, nor crisp like matzoh. Beaten biscuit dough is not coddled and kept from drafts like bread dough. On the contrary, it is beaten with an ax for three-quarters of an hour and then rolled into pellets that look more ballistic than gustatory.

Only a genius could found a business on such a product. But that genius exists, and not only runs a business but has preserved a tradition that is as old as the State of Maryland.

Mrs. Herman Orrell, whose 80th birthday is on April 6, has saved the beaten biscuit and has educated several generations of Marylanders in its enjoyment and virtues. Furthermore, Mrs. Orrell has trained her family in the fine art of compounding the dough and beating it with vigor.

I know I speak for all Marylanders and for thousands of Americans who have come to know and savor this unique morsel when I say that Mrs. Orrell has merited our thanks, and her birthday is a good day to express those thanks. Mrs. Mathias and I take a personal pleasure in wishing her many healthy and happy returns on the 6th of April.

FAIR PRACTICES IN AUTOMOTIVE PRODUCTS ACT

Mr. FORD. Mr. President, yesterday I introduced S. 2300, the Fair Practices in Automotive Products Act. I submitted a summary of the bill upon introduction. In reading the CONGRESSIONAL

RECORD today I realized that a summary of the bill introduced in the House of Representatives by Mr. OTTINGER and 150 cosponsors was inadvertently submitted rather than a summary of S. 2300.

I point out, to my colleagues that the Senate bill I introduced does differ slightly from the House of Representatives bill. S. 2300 has a section of civil penalties rather than the unfair and deceptive practices section contained in H.R. 5133.

HISTORICAL INJUSTICE TO LEO FRANK REVEALED

Mr. SASSER. Mr. President, today I want to take a few moments to recall a dark passage in our Nation's history when violent anti-Jewish sentiment resulted in the death of Leo Frank of Atlanta.

Mr. Frank was lynched by an hysterical mob in 1915, 2 years after he was convicted of slaying a 14-year-old girl, Mary Phagan. His death touched off a major wave of antisemitism in this country and served to revive the Ku Klux Klan.

The conviction of Mr. Frank was based on flimsy and contradictory evidence, and historians and legal scholars who have studied the case have contended that he was innocent.

Now, a witness in that case has come forward to provide a sworn statement that Mr. Frank was in fact innocent. The witness is Alonzo Mann of Bristol, Va., who decided to tell his story to reporters for the Tennessean of Nashville, Tenn.

Mr. Mann, who is 83 and ailing with a heart condition, decided that he would clear his conscience as he nears the end of his life.

The Tennessean arranged for polygraph examinations to determine the veracity of Mr. Mann's statement and has conducted an independent investigation of the case. The newspaper is to be commended for its work in the case, which will serve to help clear the name of a man who was lynched for a crime he never committed.

I applaud the Tennessean for assuming a leading role in combatting the forces of racism and hatred by exposing the injustices in this case, and I would recommend the article about this case to my colleagues.

Mr. President, I ask unanimous consent that the text of the article which appeared in the March 7, 1982, edition of the Tennessean be entered in the RECORD.

The article follows:

[From the Tennessean, Mar. 7, 1982]

AN INNOCENT MAN WAS LYNCHED

(By Frank Ritter, Jerry Thompson and Robert Sherborne)

Leo Frank, convicted in 1913 and lynched in 1915 in one of the most notorious murder cases in American history, was innocent, according to a sworn statement given by a witness in the case.

The testimony used to convict Frank was perjured, and the real killer of 14-year-old Mary Phagan was the man who gave that false testimony, the witness has disclosed to The Tennessean.

Alonzo Mann of Bristol, Va., is the witness. Now 83 and ailing with a heart condition, he was Frank's office boy in 1913 at the National Pencil Co. factory in Atlanta. It was there on Confederate Memorial Day in April that little Mary Phagan was slain when she went to collect the $1.20 she was owed for 10 hours of work the previous Monday.

"Leo Frank did not kill Mary Phagan," Mann said. "She was murdered instead by Jim Conley."

Mann's memory is not perfect when he is recalling people, places and events of nearly 70 years ago. But he remembers vividly the confrontation with Jim Conley, who had the limp form of Mary Phagan in his arms.

Mary's battered body was found face down on a pile of sawdust shavings in the factory basement. A cord was knotted around her neck and there was massive bleeding from a deep wound to her head. Cinders were found under her fingernails, showing she had clawed the gound in her struggles. Her underclothing was ripped but there was no evidence indicating she had been raped.

The slaying shocked Atlanta and, after an investigation, police arrested Frank, the Jewish superintendent of the factory. The prosecution's star witness was Jim Conley, who worked at the factory as a sweeper. He said Frank committed the murder.

But Mann has told The Tennessean that he saw Conley on the day of the murder with the limp body of Mary Phagan in his arms. He believes he saw this only moments after Mary had been knocked unconscious, but apparently before she was murdered. And he believes that if he had yelled out, he might have saved Mary's life.

But Mann says he did not yell out, and that Conley told him:

"If you ever mention this, I'll kill you."

He was frightened and ran out, Mann says. After riding a trolley home, he told his mother what had happened. She directed him to remain silent and told him not to get involved. He obeyed her.

Mann's statement puts him in direct conflict with the testimony to which Conley swore during the trial. Conley testified he was ordered by Frank to dispose of Mary Phagan's body by burning it in the basement's furnace. He said he and Frank were together the whole time they took the body from the second floor of the factory directly to the basement, using the elevator. He said he was not on the first floor with the body.

Mann, however, says he saw Conley alone with Mary Phagan on the first floor of the building, standing near the trapdoor that led to the basement. It later became apparent—after the trial—that the evlevator did not go to the basement that day. This fact was cited as crucial by Georgia Gov. John Slaton when he commuted Frank's sentence in 1915 to life imprisonment.

There is no way that what Mann says today can be reconciled with the version of events which Conley related in court in 1913. Either Conley lied then, or Mann is lying now.

Because of the historical significance of what Mann in saying, The Tennessean asked him to submit to both a lie detector test and a psychological stress evaluation examination—procedures designed to determine if someone is lying. The tests were given by the Ball Investigative Agency here, and investigator Jeffery S. Bell provided the newspaper with a formal statement saying Mann responded truthfully to every question he was asked.

The Tennessean, after an extensive investigation which included the examination of files and records in several states and interviews with people knowledgeable about the case, concluded that Mann's story needed to be made public.

This is the first time that Mann has spoken publicly about what he knows of the brutal murder which led to the most blatant display of anti-Semitism in the nation's history and to a revival of the Ku Klux Klan—an irony because Conley, the chief witness, was a black man.

Mann says he told relatives and friends about what he knew. Once, while in the Army, he got into a fight with another soldier who disputed his statement that it was Conley and not Frank who killed Mary Phagan. And he tried once to tell his story to an Atlanta reporter.

For nearly 70 years his story has been a secret, and it has preyed on his mind. Now that he perhaps does not have long to live, it is vitally important that the truth come out, he told The Tennessean.

"I want the world to know the truth," Mann explained in a series of interviews with the newspaper. "The testimony which Conley gave at the trial to convict Frank was a lie from beginning to end."

That trial, surrounded by mob hysteria and violent anti-Jewish sentiment, was the most sensational in Atlanta's history. No other trial even comes close, except perhaps that of Wayne Williams, convicted a week ago in the deaths of two young Atlanta blacks and suspected of being the mass murderer who terrorized Atlanta for months.

Although Mary Phagan was not raped, Frank was denounced as a sexual pervert; however, Conley was the only witness to suggest that.

The star prosecution witness made four separate statements to police in connection with the case, the first one saying nothing to implicate Frank. However, each of the three statements that followed increasingly involved Frank.

During the trial, it was the fourth and last statement that formed the basis for Conley's court testimony. On cross-examination he repeatedly acknowledged that he had made numerous mistakes in his earlier statements to police, but efforts by the defense to break down his tale were largely unsuccessful.

Frank was found guilty and sentenced to hang, but appeals delayed the execution. Two years later his sentence was commuted to life in prison after the case had created a furor across the nation.

At that point—August 1915—a group of vigilantes stormed the prison where Frank was being held, abducted him at gunpoint and lynched him.

Four blacks had been lynched in Georgia the month before.

Although he possessed information in 1913 which he believes would have cleared Frank, Alonzo Mann did not tell authorities what he knew. He says he did not speak out because Conley threatened to kill him if he did and because his mother and father convinced him he should keep silent.

Now, finally, he has come forward with his story.

"I wish I had done it differently," he says. "I wish I had told what I knew. But I never thought Mr. Frank would be convicted. And once he was convicted, I was sure he would eventually get out of it. I knew he was not guilty.

"I never fully realized until I was older that if I had told what I knew Leo Frank would have been acquitted and gone free. Instead he was imprisoned. After he was convicted, my mother told me there was nothing we could do to change the jury's verdict. My father agreed with her. I continued to remain silent. Later Frank was lynched by a mob from Marietta, Ga. I know, of course, that because I kept silent Leo Frank lost his life.

I have spent many nights thinking about that. I have learned to live with it.

"At last I am able to get this off my heart. I believe it will help people to understand that courts and juries can make mistakes."

Mann first told his story to Tennessean reporter Jerry Thompson. Over a period of several weeks he repeated it many times to a team of Tennessean staff members including reporter Robert Sherborne. The reporters and the Tennessean chief librarian, Sandra Roberts, then began a thorough investigation of the Mary Phagan-Leo Frank case, checking the information which Mann had given to see whether it challenged the historical record.

Alonzo Mann's story is vastly important because it corrects history—and it also makes history. Many legal scholars and writers who have researched the case have come away convinced that Frank was innocent and that a tragic miscarriage of justice occurred in Atlanta in 1913.

And many who have examined the case have suspected that it was Jim Conley who murdered Mary Phagan. At least three persons later were quoted as saying he confessed to them he was the killer.

Researchers and scholars have speculated in books and articles over the years as to how the murder might have occurred.

But what has always been lacking has been that crucial piece of evidence—the eyewitness account to refute Conley. Mann's testimony today, contained in a sworn affidavit accompanying this story, provides that vital evidence.

Mann was called as a witness for the defense at the trial of Frank, but he testified he left the factory at or shortly before noon on the day of the murder. He was not asked if he returned, and he did not volunteer that key piece of information. Nor did he tell anything else that he knew of the crime.

Had he spoken out then, the course of history in the South could have been dramatically different. The aftermath of that crime shocked the region.

The murder of Mary Phagan and the trial of the man accused of killing her had immediate consequences. Members of the mob that lynched Frank were active in the rebirth of the Ku Klux Klan. The wave of anti-Semitism which swept the South as a result of the case led to creation of the Anti-Defamation League of B'nai B'rith.

The chief prosecutor in the Frank case, Hugh Dorsey, was elected governor. Tom Watson, whose newspaper condemned Frank as "a Jew Sodomite," was elected to the U.S. Senate. Gov. Slaton was exiled to political obscurity.

It all started with Mary Phagan's slaying.

Atlanta police, under extreme pressure to solve the case, accused Leo Frank of having murdered Mary Phagan. Sex was implied as the motive.

The evidence was flimsy and circumstantial—except for the detailed testimony of the prosecution's chief witness, Jim Conley.

Frank, 29, was from New York and was Jewish—a Yankee Jew. Georgians, in the main, disliked Northerners and distrusted Jews. During the trial hundreds of people gathered in the street outside the courthouse, and there were frequent catcalls of "Kill the Jew!"

The family of Mary Phagan, like many others in Georgia, had moved to Atlanta from the farm to seek a better life. In those days it was not unusual for a girl as young as Mary Phagan—who was within about five weeks of her 14th birthday—to work full time. She worked for 12 cents an hour, fitting metal tips on the end of pencils.

Mary was a beautiful girl—4 feet, 8 inches tall and weighing about 105 pounds. She had long, reddish-blond hair that hung down her back when it was not braided.

The community was outraged by her murder. In life she had been anonymous. In death she became a symbol of Southern womanhood.

She became a symbol of all those Georgians who felt they had been victimized by the system.

If Mary Phagan became the symbol of ravished innocence, Leo Frank became a symbol of all that was perceived to be wrong with the South of 1913—lust and perversion, greed and exploitation.

Before Atlanta police finally decided on Frank as their prime suspect, they arrested six other persons, including Conley, in connection with the murder. In retrospect it appears investigators ignored evidence which pointed compellingly toward Conley's guilt.

Scholars who have studied the events of 1913 in Atlanta have tried to figure out why this happened. Some have thought they found the answer in the words of the late Luthern Otterbein Bricker, pastor of First Christian Church in Bellwood, Ga., who was Mary Phagan's minister. Some 30 years after her death, in a letter to a friend, he wrote:

"When the police arrested a Jew, and a Yankee Jew at that, all of the inborn prejudice against the Jews rose up in a feeling of satisfaction, that here would be a victim worthy to pay for the crime. From that day on, the newspapers were filled with the most awful stories, affidavits and testimonies, which proved the guilt of Leo M. Frank beyond the shadow of a doubt.

"The police got prostitutes and criminals, on whom they had something, to swear anything and everything they wanted them to swear to. And reading these stories in the paper day by day, there was no doubt left in the mind of the general public but that Frank was guilty. And the whole city was in a frenzy. We were all mad crazy, and in a blood frenzy. Frank was brought to trial in mob spirit. One could feel the waves of madness which swept us all."

So Frank was convicted. The court sentenced him to hang. His numerous appeals wound their way through the courts for another two years.

The commutation of his death sentence to life in prison by then-Gov. Slaton came five days before expiration of Slaton's term of office. It was an act of amazing courage. But it caused an uproar in Georgia. Armed mobs roamed the streets of Atlanta for days as Jewish store owners closed their businesses and hid behind boarded-up doors and windows. Some fled permanently from the city.

At one point a crowd of some 5,000 persons, armed with revolvers, rifles, saws, hatchets and dynamite, surrounded the governor's mansion. They were routed by the state militia before they could do harm to Slaton.

Within days of the announcement of the commutation order, a group of about 75 men, calling themselves the Knights of Mary Phagan, met at the site of the little girl's grave and vowed to avenge her death. Twenty-five of them were picked to exact vengeance against Frank.

Late one night a couple of weeks later, the vigilantes stormed the prison farm at Milledgeville, Ga., where Frank was being kept. Frank was sleeping. He was dragged from bed, handcuffed, tossed into a car and driven 175 miles to an oak grove just outside Marietta, within a stone's throw of where Mary Phagan was born.

There they knotted Frank's neck in a noose and hanged him from an oak branch facing in the direction of the Phagan home.

No one was ever arrested for the lynching of Leo Frank. A grand jury, called to investigate the case, failed to indict anyone. Tom Watson, a formidable political figure who controlled the populist movement in the state by preaching hatred of Jews, Catholics and blacks, wrote in his paper, The Jeffersonian:

"In putting the Sodomite murderer to death, the Vigilance Committee has done what the Sheriff would have done if Slaton had not been of the same mold as Benedict Arnold. Let Jew libertines take notice! Georgia is not for sale to rich criminals."

The Mary Phagan-Leo Frank case was over. The murder had been avenged and that was the end of that. Or, so some thought at the time.

But it was not over. Today, nearly 70 years later, the case still lives.

"I believe in the sight of God that Jim Conley killed Mary Phagan," says Alonzo Mann, who has brought the case back to life.

"There will be some people who will be angry at me because I kept all this silent until it was too late to save Leo Frank's life. They will say that being young is no excuse. They will blame my mother. The only thing I can say is that she did what she thought was best for me and the family.

"Other people may hate me for telling it. I hope not, but I am prepared for that, too. I know that I haven't a long time to live. All that I have said is the truth.

"When my time comes, I hope that God understands me better for having told it. That is what matters most."

CONCLUSION OF MORNING BUSINESS

The **PRESIDING OFFICER.** Is there further morning business? If not, morning business is closed.

FURTHER CONTINUING APPROPRIATIONS, 1982

The **PRESIDING OFFICER.** Under the previous order, the Senate will resume consideration of House Joint Resolution 409, which the clerk will state by title.

The assistant legislative clerk read as follows:

A joint resolution (H.J. Res. 409) making further continuing appropriations for the fiscal year 1982.

The Senate resumed consideration of the joint resolution.

Mr. **PROXMIRE.** Mr. President, I suggest the absence of a quorum.

The **PRESIDING OFFICER**. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. **ARMSTRONG**. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The **PRESIDING OFFICER**. Without objection, it is so ordered.

Mr. **ARMSTRONG**. Mr. President, I ask unanimous consent that during the consideration of the continuing resolution the following members of my staff be admitted to the floor: Brian Waidman, Lee Stillwell, Bob Potts, and Howard Propst.

The **PRESIDING OFFICER**. Without objection, it is so ordered.

QUORUM CALL

Mr. **ARMSTRONG**. Mr. President, I suggest the absence of a quorum.

The **PRESIDING OFFICER**. The clerk will call the roll.

The legislative clerk called the roll, and the following Senators entered the Chamber and answered to their names:

[Quorum No. 28 Leg.]

Armstrong
Baker
Exon
Hatfield
Nickles
Proxmire
Stafford
Stevens

The **PRESIDING OFFICER** (Mr. NICKLES). A quorum is not present. The clerk will call the names of the absent Senators.

Mr. **BAKER**. Mr. President, I move that the Sergeant at Arms be instructed to require the attendance of absent Senators, and I ask for the yeas and nays.

The **PRESIDING OFFICER**. Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

The **PRESIDING OFFICER**. The question is on agreeing to the motion of the Senator from Tennessee. The yeas and nays have been ordered and the clerk will call the roll.

The legislative clerk called the roll.

Mr. **STEVENS**. I announce that the Senator from Kansas (Mrs. KASSEBAUM) is necessarily absent.

Mr. **CRANSTON**. I announce that the Senator from Maryland (Mr. SARBANES) and the Senator from Hawaii (Mr. MATSUNAGA) are necessarily absent.

The **PRESIDING OFFICER**. Are there any other Senators in the Chamber wishing to vote?

The result was announced—yeas 92, nays 4, as follows:

[Rollcall Vote No. 71 Leg.]

YEAS—92

Abdnor
Andrews
Armstrong
Baker
Baucus
Bentsen
Biden
Boren
Boschwitz
Bradley
Bumpers
Burdick
Byrd,
  Harry F., Jr.
Byrd, Robert C.
Cannon
Chafee
Chiles
Cochran
Cohen
Cranston
D'Amato
Danforth
DeConcini
Denton
Dixon
Dodd
Dole
Domenici
Durenberger
Eagleton
East
Exon
Ford
Garn
Glenn
Gorton
Grassley
Hart
Hatch
Hatfield
Hawkins
Hayakawa
Heflin
Heinz
Helms
Hollings
Huddleston
Humphrey
Inouye
Jackson
Jepsen
Johnston
Kasten
Kennedy
Laxalt
Leahy
Levin
Lugar
Mathias
Mattingly
McClure
Melcher
Metzenbaum
Mitchell
Moynihan
Murkowski
Nickles
Nunn
Packwood
Pell
Percy
Pressler
Proxmire
Pryor
Randolph
Riegle
Roth
Rudman
Sasser
Schmitt
Simpson
Specter
Stafford
Stennis
Stevens
Symms
Thurmond
Tower
Tsongas
Wallop
Warner
Zorinsky

NAYS—4

Goldwater
Long
Quayle
Weicker

NOT VOTING—3

Kassebaum
Matsunaga
Sarbanes

So the motion was agreed to.

The **PRESIDING OFFICER**. With the addition of Senators voting who did not answer the quorum call, a quorum is now present.

The majority leader is recognized.

STEVENS AMENDMENT NO. 1345 TO ARMSTRONG AMENDMENT NO. 1344

Mr. **BAKER**. Mr. President, the pending amendment is, of course, the Stevens amendment to the Armstrong amendment. I expect that Senator STEVENS will be on the floor in a few moments to continue the debate on that measure.

I hope, Mr. President, to have a vote on that amendment before very long, but I urge Senators to go ahead and make whatever statements they have in that respect. We will tentatively plan, then, to try to reach a time for a vote on the Stevens amendment, or on some other measure, sometime around 11:45 or 12 o'clock.

I yield the floor, Mr. President.

Mr. **EXON**. Mr. President, I recognize that the leadership of the Senate is making requests that we get on with the business at hand and meet the deadline of 12 o'clock tonight.

Once again, we find ourselves in a position of having the gun to our head of passing or rushing through legislation, one way or the other, based upon the fact that if we do not, the Government is going to shut down.

We go through this charade or exercise time and time again.

I suggest to the leader of the Senate, if I might, in all due respect, that the way out of the impasse that confronts us right now is simply to cease the charade of a whole series of essentially meaningless amendments that are being offered to try and thwart the efforts of those of us who feel grave concern about the actions taken with regard to increased expense allowances being granted to the Members of the Congress, during a time when we are asking the rest of the Nation to make sacrifices. That is important to us. I think it is important not to the Members of the Senate, as they have shown very clearly by a series of votes that have been cast on this issue before us and the amendments that have been offered.

If we truly want to come to some kind of a compromise, why not quit the charade? Why not quit playing games? Why not go to an up-or-down vote on the amendment offered by the Senator from Colorado and send that over to the House of Representatives and give them a chance to act on it?

As I said yesterday, had not the Senator from Colorado moved as he did, I had the identical amendment with me on the floor which I intended to offer.

I feel very strongly about this, and I am not very much persuaded, frankly, by the appeals from the leadership of the Senate that we should simply shunt this aside, put it off, go to some kind of a stalling technique of voting this measure up or down not tied to the continuing authorization. Unless we tie this to the continuing authorization, there is no real chance, as we know—and if Senators do not, it should be spelled out, in my opinion, very clearly right now—unless we attach this to the continuing authorization, there is no chance that this can be resolved before that critical date of April 15, when the Members of the Congress and all the people of the United States are required to make their annual settlement with the Internal Revenue Service.

Mr. President, I make this suggestion: Why do we not quit the charade? Why do we not vote up and down on the Armstrong amendment? I suspect that it will be adopted if the previous votes we have taken indicate the will of this body. We can then send it to the House of Representatives.

Then, with the obvious rapport that Members of this body have with the Members in the House of Representatives, we could simply tell them that we hope that, with that action, the House of Representatives would have an opportunity to have an up-and-down rollcall vote on the continuing resolution, as amended by the Armstrong amendment.

That would give the House of Representatives an opportunity, if they wish, to correct what many of us think was improper action that was taken in both bodies last fall.

I believe it is quite clear from the votes that have been taken that right, wrong, or indifferent, a majority of the Members of this body think they made a mistake last fall. In some manner, that has gotten home to the majority of the Members of this body, very loud and very clear.

I do not think it helps very much to blame the press or to blame the circumstances or to blame the fact that the Nation's Capital is a very costly place in which to live. What is at stake here, as I said yesterday, is that we are asking all segments of our society to make sacrifices, while it is quite apparent that we do not want to make the same sacrifice—those of us who have the honor to serve our constituents in the Congress of the United States.

So, if we could quit this charade, if we could vote up and down on the Armstrong amendment, we could quickly send that over to the House of Representatives. I, for one, as a cosponsor of the amendment offered by the Senator from Colorado, would agree that if on a rollcall vote—a public rollcall vote, rather than inside politics or maneuvering—they voted that down in the House of Representatives, then, being a realistic person, I would say that when the matter comes back over here, after that action, we should drop the amendment offered by the Senator from Colorado, in the interest of keeping the Federal Government rolling on track.

This Senator believes that this is a very critical matter, and it should not be shunted aside and put in the closet because it is the expedient thing to do under the conditions that face us.

I emphasize through a question: Why not quit the charade? Why not vote up and down on the Armstrong amendment? If that amendment is adopted here and if it is voted down by a rollcall vote in the House of Representatives, we would then know how that body stands. That would be the two-House system under the Constitution exercising its will, as designed by the Constitution. Under those circumstances, we would have no option here, if we are realistic people, to concede to the House on that action.

What I am concerned about is that I suspect a mistake was made in the House of Representatives, and I want to give them the opportunity of correcting that by a rollcall vote.

I yield the floor.

QUORUM CALL

Mr. BAKER. Mr. President, I suggest the absence of a quorum.

The **PRESIDING OFFICER.** The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. ARMSTRONG. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The **PRESIDING OFFICER.** Is there objection?

Mr. HATFIELD. I object.

The **PRESIDING OFFICER.** Objection is heard.

The bill clerk resumed the call of the roll, and the following Senators answered to their names:

[Quorum No. 29 Leg.]

Armstrong
Baker
Bentsen
Burdick
Exon
Gorton
Hatfield
Mathias
Mattingly
McClure
Nickles
Proxmire
Riegle
Stevens

The **PRESIDING OFFICER.** A quorum is not present. The clerk will call the names of the absent Senators.

Mr. BAKER. Mr. President, I move that the Sergeant at Arms be instructed to compel the attendance of absent Senators, and I ask for the yeas and nays on the motion.

The **PRESIDING OFFICER.** Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

The **PRESIDING OFFICER.** The question is on agreeing to the motion of the Senator from Tennessee. The yeas and nays have been ordered and the clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. STEVENS. I announce that the Senator from Vermont (Mr. STAFFORD) is necessarily absent.

The **PRESIDING OFFICER** (Mr. COCHRAN). Are there any other Senators in the Chamber wishing to vote?

The result was announced—yeas 93, nays 5, as follows:

[Rollcall Vote No. 72 Leg.]

YEAS—93

Abdnor
Andrews
Armstrong
Baker
Baucus
Bentsen
Biden
Boren
Boschwitz
Bradley
Bumpers
Burdick
Byrd, Harry F., Jr.
Byrd, Robert C.
Cannon
Chafee
Chiles
Cochran
Cohen
Cranston
D'Amato
Danforth
DeConcini
Denton
Dixon
Dodd
Dole
Domenici
Durenberger
Eagleton
East
Exon
Ford
Garn
Glenn
Gorton
Grassley
Hart
Hatch
Hatfield
Hawkins
Hayakawa
Heflin
Heinz
Helms
Hollings
Huddleston
Humphrey
Inouye
Jackson
Jepsen
Kassebaum
Kasten
Kennedy
Laxalt
Leahy
Levin
Lugar
Mathias
Matsunaga
Mattingly
McClure
Melcher
Metzenbaum
Mitchell
Moynihan
Murkowski
Nickles
Nunn
Packwood
Pell
Percy
Pressler
Proxmire
Pryor
Randolph
Riegle
Roth
Rudman
Sarbanes
Sasser
Schmitt
Simpson
Specter
Stennis
Stevens
Symms
Thurmond
Tower
Tsongas
Wallop
Warner
Zorinsky

NAYS—5

Goldwater
Johnston
Long
Quayle
Weicker

NOT VOTING—1

Stafford

So the motion was agreed to.

The **PRESIDING OFFICER.** With the addition of Senators voting who did not answer the quorum call, a quorum is now present.

Mr. BAKER. Mr. President, if I could have the attention of the Senate for a moment, it is my understanding that shortly the Senator from Colorado (Mr. ARMSTRONG) will seek recognition to make a statement. I also understand it will be a fairly brief statement. I expect that the distinguished Senator from Oregon, the chairman of the Appropriations Committee (Mr. HATFIELD), will seek recognition immediately after that.

I would urge Members to stay here, Mr. President, because I also anticipate that at the conclusion of those two statements there will perhaps be a point of order made against the Armstrong amendment, on which there will surely be a vote.

So, Mr. President, I would encourage Members to remain on the floor. I hope the two statements I have identified will be the only significant debate, or the only debate, before that point of order is made. I would like to get this matter to a vote at about 12:30.

Mr. President, I yield the floor.

Mr. ARMSTRONG addressed the Chair.

The **PRESIDING OFFICER.** The Senator from Colorado.

Mr. ARMSTRONG. Mr. President, yesterday, along with Senators HELMS, DECONCINI, DURENBERGER, RANDOLPH, GRASSLEY, and NICKLES, I proposed an amendment to the continuing resolution which had as its simple purpose to repeal three amendments relating to the income taxation of Members of Congress.

You will recall that during the closing days of last year's session, in September and twice in December, we amended the Tax Code in a way which conveyed to Members of Congress an unusual and, in the opinion of many people, including the Senator from Colorado, an unfair tax status on the Members of Congress. That was the sole purpose of the amendment. It was simply to correct a mistake which we made inadvertently or perhaps by design—in any case, a mistake which we made last fall.

Mr. President, in presenting the amendment, my colleagues and I sought merely to repeal the three ill-advised amendments which were adopted late last year. Before agreeing to join the effort in sponsoring this amendment, I considered seriously attempting to rewrite in some way the Tax Code in order to put Members of Congress on a tax status which would be equal to that of other similarly situated taxpayers. As I said on other occasions, that is where I think we ought to end up.

Mr. President, I do not think we ought to be treated any worse than any other taxpayer, but neither do I think we ought to be treated any better. I do not think we ought to have any special breaks, but neither do I think we ought to have any special status arising from our position as Members of the Congress of the United States.

During our discussions of an amendment on this question of the tax burden, I discovered that what I was about to present on the floor was beyond what I was personally prepared to present as a floor amendment. Pending the time that rewriting of the Tax Code should happen, I determined that the wiser course was less ambitious—that is, a simple corrective amendment to correct last year's mistake.

It seems to me, and it seemed as I offered the amendment yesterday, that this is the right time and place. It is a good opportunity. It is an opportunity which is timely. It is prior to the April 15, filing deadline for income tax returns. It is the proper bill on which to offer such an amendment for many reasons—first, because it brings the matter directly to the attention of the other body, where it will be, I judge, a matter of considerable interest; and second, because symbolically, it was created by floor amendments to the two prior continuing resolutions, one in September and the other in December. So it seems symbolically proper, sort of symmetrical, to put it on the kind of vehicle by which it was first created.

Mr. President, I am amazed that the response to our modest initative has really been disproportionate to what we have sought to accomplish. I have not sought nor have my cosponsors, to my knowledge, sought for this to be one of the great issues of our time. It is not, in our judgment, such an issue. On the contrary, in my presentation of this matter yesterday, I endeavored to be low-key, dispassionate, to avoid any personal references, to avoid any appeals to emotion. I simply said I think we made a mistake last year, let us correct it.

In that spirit, Mr. President, as the debate went on yesterday, I opted, for the most part, not to respond to numerous issues presented by various speakers on my amendments and on various perfecting amendments and substitute amendments. It did not seem to me there was much to be gained for me to argue point by point on the various appeals that were made; nor do I intend to do so today. But out of respect for the opinion of all Senators and so the RECORD does remain in its correct perspective, I want to restate the issues.

Yesterday, Mr. President, there was much discussion which was very interesting but which, in my view, was not directly relevant to the purpose, intent, and effect of the amendment which my colleagues and I have presented. For example, there was some discussion of whether or not the general level of scholarship, expertise, and conduct of the Senate compares favorably with that of various city councils. That is an interesting line of inquiry and, at the right time, it will be worth getting into that, perhaps, but that has nothing to do with the issue at hand.

Someone raised the question of how we feel about living in Washington, D.C. I must say I had some interest. I almost rose to that bait, because that is certainly a subject that I would like to talk on and I have as much pride in my home State of Colorado as does the Senator from Alaska, who compared Washington in quite unflattering terms with his own home State. That has nothing to do with the issue pending before us.

Somebody raised the question of whether or not the extended debate we had last night was a good argument for or a good argument against televising the Senate. At the right moment, I am eager to participate in that debate. I think showing the Senate at work, warts and all, is a good thing for the country and a good thing for the Senate and a good thing for the people we serve. It is truly an extension of the gallery and there will be moments when we will be embarrassed. I am sure there are going to be moments, perhaps today, when the Senator from Colorado is going to be embarrassed. But the notion of letting the public see us at work is a good one, in my opinion. But it has absolutely nothing whatsoever to do with the question addressed in this amendment.

It was suggested that if the amendment passes, somehow, membership in the Senate would be henceforth limited only to those who are affluent. Underlying this notion is the idea that, somehow, it is difficult or impossible to live on a salary of $60,000. That is also a topic which is worthy of discussion at some point. I disagree with that notion completely, but that also has nothing to do with the subject of this amendment.

All of these questions, Mr. President, and others which Senators can read for themselves in the RECORD of yesterday's proceedings, may be interesting, may merit the focus of the attention of the Senate at some point in time, but I suggest that they are not what is before us.

The question which is before us, Mr. President, is this: Do we or do we not think we acted wisely in adopting the three amendments last year which conveyed to Members of Congress of the United States a different tax status than they had prior to those amendments, a tax status which is quite different from that enjoyed by most other taxpayers in this country? I suggest to Senators that if they feel we acted wisely, then they should vote against the amendment sponsored by my colleagues and me. If they think we acted unwisely, then it would be well, it seems to me, for us to move on expeditiously to vote in approval of the amendment. That is really the only issue.

There is, perhaps, one other matter that could be addressed at this time. That is, suppose we could find a way to achieve equality of tax status for Members of the Senate and the House of Representatives. I said at the outset yesterday and I have said on many other occasions that that is really where we ought to end up. My amendment does not really achieve that. It puts us back in a fairer, more responsible position than we are under the present law. It puts us back where we were up until October 31 of last year.

But I did not feel I had enough expertise available to me to draft such an amendment. There is, in the cloak room and someplace around the Capitol, an effort to put together that kind of amendment, something which would put us fully on a status of equality. If someone presents such an amendment, I think we ought to look at it carefully.

For my part, if I am persuaded that it accomplishes that purpose, making us equal to other taxpayers, I intend to support it. But I put anybody who wishes to offer such an amendment on notice: I mean real equality, not a hortatory declaration. I pointed out to my colleagues yesterday that when we acted on this matter previously, in September, we adopted a statement which said just about that:

> It is the sense of the Congress that the dollar limits on tax deductions for living expenses of Members of Congress while away from home shall be the same as such limits for businessmen and other private citizens.

Yet, despite that statement, which might lead the public or Senators to believe that is what we were doing, it did not work out that way. So, before I would personally want to vote for an amendment which purported to do that, I would ask for an opinion of counsel, which I would then propose to insert in the RECORD, that the amendment under discussion would in fact have such an effect.

What remains, Mr. President, is this: the argument that the House will not agree to the pending amendment. We had a test vote on this matter yesterday and I believe 77 Members of the Senate indicated in some degree or another that they would like to support this amendment. That seems to me to indicate that if we dispose of the pending point of order, in due course, we shall proceed to the adoption of the amendment which my colleagues and I have suggested. The real issue, then, which underlies all of this, and which has been discussed openly and also in the cloak room and the corridors, is whether or not the House will agree to it. Here is what I would like to propose.

I would like to propose that we promptly send it to them with the request that they have a vote on the issue. For my part, if they vote it down, I am perfectly willing to be bound by that conclusion. This is a bicameral legislative system. I recognize that we are not in the position of dictating to the other body. I do not seek to do that. It is our task to legislate in this Chamber, not to impose our will on the other Chamber. I do suggest that if we send it over and then a parliamentary device is used to preclude a vote, that scarcely resolves the issue. It leaves it festering.

So, Mr. President, my proposal, my suggestion, is that we send the issue to the House, that we do it promptly, let them vote on it and send it back to us. If they are willing to accept it after an up-or-down vote in the House, then, certainly, I shall be content.

Frankly, I do not think that will happen. I think if it is put to a vote in the House, the large majority of the House Members will follow the lead of the 77 Senators who have voted on this issue and vote to adopt my amendment or something very similar to it.

Mr. LONG. Will the Senator yield?

Mr. ARMSTRONG. I should like to decline to yield. I am about to yield the floor, I would say to the Senator from Louisiana.

I am advised that a very large number of the Members of the House have introduced legislation which is similar or identical to the pending amendment, so I think it is likely that it would be passed. The way to speed this process to a conclusion, it seems to me, is to send it to them at this time.

Mr. President, before I yield the floor, which I am going to do almost immediately, let me just make one final observation.

It is my understanding that the Senator from Oregon wishes to make a point of order on this matter and when I yield the floor will do so.

I could request to be heard on that point of order, and it would be within the discretion of the Chair as to whether or not I would be recognized. But rather than seek to do that, let me just respond now to what I believe will be the point of order he will raise. If he raises it in that form, I will not seek further recognition.

I believe that it will be the sense of the point of order to be raised by the Senator from Oregon that this is not the right bill to offer this amendment.

I do not know for sure whether he will suggest that it is legislation on an appropriation bill or what the specific point of order he will raise may turn out to be, but it will be something along those lines. I expect he will advance some worthy arguments in support of that contention.

Mr. President, I suggest to Senators that it would really be a fine kettle of fish if my amendment is ruled out of order, when on two occasions within the last 3 or 4 months amendments which created this problem were adopted as a part of virtually identical legislation—that is, two prior continuing resolutions, one in September and one in December.

Before the Chair rules on this matter, I refer all Senators to the CONGRESSIONAL RECORD of September 24 of last year when we were continuing the continuing resolution and when an amendment was proposed which incorporated the tax breaks which I now, along with my colleagues, seek to repeal. A point of order was lodged against that amendment, and it was said that it does not belong on this bill.

Indeed, the Chair sustained the point of order. Then at the recommendation of the Senator from Alaska, the matter was referred to the body and the Senate established the precedent that it did belong in that bill; the Senate voted that the amendment was in order.

Under the circumstances, I think we would really betray the President, we would really make ourselves look potentially foolish if we said an amendment is in order if it gives us a tax break but an amendment may not be in order or voted on if it takes that tax advantage away.

Mr. DENTON. Will the Senator yield for a question?

Mr. ARMSTRONG. I am going to be done in a minute, and then I will be happy to yield for any purpose.

Mr. DENTON. I just meant for a question.

Mr. ARMSTRONG. I hope, first, that the Chair will be disposed to overrule the point of order. If the Chair does not do so, the Senator from Colorado will be constrained to appeal the ruling of the Chair. I am pleased to yield.

Mr. HATFIELD. Mr. President, I should like to just make a brief summary and then make a motion, but I would like to outline where we are and where we are liable to end up.

First of all, I want to call attention to the Senators that we are within a few hours of 12 midnight tonight, and we are going to be taking a window later on in these proceedings this evening for an hour or so; that we are restricted really in the time that we have left to act upon this.

In case some have not been fully aware of the magnitude of the situation if we leave the Government without funding, I have here a response to our majority leader, Senator BAKER, from the Attorney General of the United States, Mr. William French Smith, along with previous correspondence from the former Attorney General under the Carter administration, Mr. Civiletti.

The essence of those opinions is that during periods of lapsed appropriations, and I am quoting from the letter:

> No funds may be expended except to the extent necessary to bring about the orderly suspension or termination of an agency's functions, or for purposes either exempted by the Act or otherwise required by law or the Constitution. * * * As a result, substantial suspensions of important governmental functions and regrettable dislocations will undoubtedly occur.

Mr. President, I ask unanimous consent that this material be printed in the RECORD as a part of my remarks.

There being no objection, the letters were ordered to be printed in the RECORD, as follows:

OFFICE OF THE ATTORNEY GENERAL,
Washington, D.C., March 30, 1982.

Hon. HOWARD H. BAKER, Jr.,
U.S. Senate,
Washington, D.C.

DEAR HOWARD: This is in response to your letter of March 29, 1982, requesting my views concerning the consequences of congressional failure to extend appropriations under Public Law 97-92 to fund departments and agencies for which regular appropriations bills have not been passed beyond 12 o'clock midnight on March 31, 1982. You specifically ask what contingency plans have been developed relative to the operation of government agencies and departments during such a lapse in appropriations. We understand that unless extended, appropriations will lapse on March 31, 1982, for the Departments of State, Treasury, Justice, Labor, Education, Health and Human Services, and Commerce and a number of other agencies.

Section 665(a) of Title 31 forbids any officer or employee of the United States to: involve the Government in any contract or other obligation, for the payment of money for any purpose, in advance of appropriations made for such purpose, unless such contract or obligation is authorized by law.

Subsection (b) of this section provides that no officer or employee of the United States shall accept voluntary service for the United States or employ personal service in excess of that authorized by law, except in cases of emergency involving the safety of human life or the protection of property.

This law, the Antideficiency Act, was enacted in 1870, and has been reenacted in substantially the same form on seven subsequent occasions.[1] Section (i)(1) of the Act provides for administrative discipline, including suspension without pay or removal from office, for violators of the Act, and imprisonment or fines for known and willful violations.

Although there have been numerous occasions in the past, particularly during the past twenty years, when regular appropriations bills have not been passed prior to the commencement of the fiscal year, and Congress has passed scores of continuing resolutions providing for temporary funding, Congress has shown no inclination to relax the prohibitions of the Antideficiency Act. Recently, even such continuing resolutions have been late, resulting in funding interruptions, the most notable of which was last November. As you will recall, because that lapse in appropriations covered the entire Executive and Judicial Branches of the Government, the Act required wide-spread cessations of governmental functions.

Because the Antideficiency Act, with limited exceptions, generally prohibits federal agencies and officials from incurring any financial obligations during such funding interruptions, serious confusion has resulted and significant unnecessary expenses have been incurred as a result of lost productivity and the administrative burdens associated with stopping and restarting agency business.

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[1] Similar prohibitions have been a part of the laws of the United States since 1820.

During periods of "lapsed appropriations," no funds may be expended except to the extent necessary to bring about the orderly suspension or termination of an agency's functions, or for purposes either exempted by the Act or otherwise required by law or the Constitution. The obligation or expenditure of funds for any purpose not otherwise authorized would be a violation of the Antideficiency Act. See 43 Op. Att'y Gen. No. 24 (April 24, 1980); 43 Op. Att'y Gen. No.— (Jan. 16, 1981); and my letter to you of May 21, 1981. Copies of these materials are enclosed.

As you know, the Antideficiency Act has been interpreted to provide for some limited exceptions to its general prohibitions, including incurring obligations expressly or by necessary implication authorized by law, the utilization of voluntary services in cases of emergencies involving the safety of human life or the protection of property, the performance of the President's express constitutional obligations, and the performance of tasks necessary to the termination of an agency's functions.[2] However, these exceptions are narrow and do not materially diminish the general effect of the statute, which is to prohibit federal departments, agencies, officers, and employees from incurring any financial obligations in advance of appropriations.

The prohibition of the Antideficiency Act generally precludes the performance of any functions that are accompanied by financial obligations, including the employment of personnel. Because nearly all functions entail such obligations, the absence of appropriations would make the continued performance of many important federal functions virtually impossible.

Contingency plans have been developed by each of the affected departments and agencies to deal with the appropriations lapse if it occurs. Because of the literally thousands of functions performed by those departments and agencies and components within them, it is difficult to generalize regarding the manner in which functions will be suspended or continued pursuant to the exemptions specified above. However, the Administration has no alternative but to adhere faithfully to the requirements of the Antideficiency Act. As a result, substantial suspensions of important governmental functions and regrettable dislocations will undoubtedly occur.

Sincerely,

William French Smith,
Attorney General.

Office of the Attorney General,
Washington, D.C., April 25, 1980.

The **President,**
The White House,
Washington, D.C.

My Dear Mr. President: You have requested my opinion whether an agency can lawfully permit its employees to continue work after the expiration of the agency's appropriation for the prior fiscal year and prior to any appropriation for the current fiscal year. The Comptroller General, in a March 3, 1980 opinion, concluded that, under the so-called Antideficiency Act, 31 U.S.C. § 665(a), any supervisory officer or employee, including the head of an agency, who directs or permits agency employees to work during any period for which Congress has not enacted an appropriation for the pay of those employees violates the Antideficiency Act. Notwithstanding that conclusion, the Comptroller General also took the position that Congress, in enacting the Antideficiency Act, did not intend federal agencies to be closed during periods of lapsed appropriations. In my view, these conclusions are inconsistent. It is my opinion that, during periods of "lapsed appropriations," no funds may be expended except as necessary to bring about the orderly termination of an agency's functions, and that the obligation or expenditure of funds for any purpose not otherwise authorized by law would be a violation of the Antideficiency Act.

Section 665(a) of Title 31 forbids any officer or employee of the United States to: involve the Government in any contract or other obligation, for the payment of money for any purpose, in advance of appropriations made for such purpose, unless such contract or obligation is authorized by law.

Because no statute permits federal agencies to incur obligations to pay employees without an appropriation for that purpose, the "authorized by law" exception to the otherwise blanket prohibition of § 665(a) would not apply to such obligations.[1] On its face, the plain and unambiguous language of the Antideficiency Act prohibits an agency from incurring pay obligations once its authority to expend appropriations lapses.

The legislative history of the Antideficiency Act is fully consistent with its language. Since Congress, in 1870, first enacted as statutory prohibition against agencies incurring obligations in excess of appropriations, it has amended the Antideficiency Act seven times.[2] On each occasion, it has left the original prohibition untouched or reenacted the prohibition in substantially the same language. With each amendment Congress has tried more effectively to prohibit deficiency spending by requiring, and then requiring more stringently, that agencies apportion their spending throughout the fiscal year. Significantly, although Congress, from 1905 to 1950, permitted agency heads to waive their agencies' apportionments administratively, Congress never permitted an administrative waiver of the prohibition against incurring obligations in excess or advance of appropriations. Nothing in the debates concerning any of the amendments to or reenactments of the original prohibition has ever suggested an implicit exception to its terms.[3]

The apparent mandate of the Antideficiency Act notwithstanding, at least some federal agencies, on seven occasions during the last 30 years, have faced a period of lapsed appropriations. Three such lapses occurred in 1952, 1954, and 1956.[4] On two of these occasions, Congress subsequently enacted provisions ratifying interim obligations incurred during the lapse.[5] However, the legislative history of these provisions does not explain Congress' understanding of the effect of the Antideficiency Act on the agencies that lacked timely appropriations.[6] Neither are we aware that the Executive branch formally addressed the Antideficiency Act problem on any of these occasions.

The four more recent lapses include each of the last four fiscal years, from fiscal year 1977 to fiscal year 1980. Since Congress adopted a fiscal calendar running from October 1 to September 30 of the following year, it has never enacted continuing appropriations for all agencies on or before October 1 of the new fiscal year.[7] Various agencies of the Executive branch and the General Accounting Office have internally considered the resulting problems within the context of their budgeting and accounting functions. Your request for my opinion, however, apparently represents the first instance in which this Department has been asked formally to address the problem as a matter of law.

I understand that, for the last several years, the Office of Management and Budget (OMB) and the General Accounting Office (GAO) have adopted essentially similar approaches to the administrative problems posed by the Antideficiency Act. During lapses in appropriations during this Administration, OMB has advised affected agencies that they may not incur any "controllable obligations" or make expenditures against appropriations for the following fiscal year until such appropriations are enacted by Congress. Agencies have thus been advised to avoid hiring, grantmaking, nonemergency travel, and other nonessential obligations.

When the General Accounting Office suffered a lapse in its own appropriations last October, the Director of General Services and Controller issued a memorandum, referred to in the Comptroller General's opinion,[8] indicating that GAO would need "to restrain our fiscal year 1980 obligations to only those essential to maintain day-to-day operations." Employees could continue to work, however, because of the Director's determination that it was not "the intent of Congress that GAO close down."

In my view these approaches are legally insupportable. My judgment is based chiefly on three considerations.

First, as a matter of logic, any "rule of thumb" excepting employee pay obligations from the Antideficiency Act would have to rest on a conclusion, like that of the Comptroller General, that such obligations are unlawful, but also authorized. I believe, however, that legal authority for continued operations either exists or it does not. If an agency may infer, as a matter of law, that Congress has authorized it to operate in the absence of appropriations, then in permitting the agency to operate, the agency's supervisory personnel cannot be deemed to violate the Antideficiency Act. Conversely, if the Antideficiency Act makes it unlawful for federal agencies to permit their employees to work during periods of lapsed appropriations, then no legislative authority to keep agencies open in such cases can be inferred, at least from the Antideficiency Act.

Second, as I have already stated, there is nothing in the language of the Antideficiency Act or in its long history from which any exception to its terms during a period of lapsed appropriations may be inferred. Faithful execution of the laws cannot rest on mere speculation that Congress does not want the Executive branch to carry out Congress' unambiguous mandates.

It has been suggested, in this regard, that legislative intent may be inferred from Congress' practice in each of the last four years of eventually ratifying obligations incurred during periods of lapsed appropriations if otherwise consistent with the eventual appropriations.[9] Putting aside the obvious difficulty of inferring legal authority from expectations as to Congress' future acts, it appears to me that Congress' practice suggests an understanding of the Antideficiency Act consistent with the interpretation I have outlined. If legal authority exists for an agency to incur obligations during periods of lapsed appropriations, Congress would not need to confirm or ratify such obligations. Ratification is not necessary to protect private parties who deal with the Government. So long as Congress has waived sovereign immunity with respect to damage claims in contract, 28 U.S.C. §§ 1346, 1491, the apparent authority alone of government officers to incur agency obligations would likely be sufficient to create obligations that private parties could enforce in court. The effect of the ratifying provisions seems thus to be limited to providing legal authority where there was none before, implying Congress' understanding that agencies are not otherwise empowered to incur obligations in advance of appropriations.

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[2] *See also* the opinion of my predecessor, 43 Op. Att'y Gen. (Jan. 16, 1981).

See footnotes at end of letter.

Third, and of equal importance, any implied exception to the plan mandated of the Antideficiency Act would have to rest on a rationale that would undermine the statute. The manifest purpose of the Antideficiency Act is to insure that Congress will determine for what purposes the Government's money is to be spent and how much for each purpose. This goal is so elementary to a proper distribution of governmental powers that when the original statutory prohibition against obligations in excess of appropriations was introduced in 1870, the only responsive comment on the floor of the House was, "I believe that is the law of the land now." Cong. Globe, 41st Cong., 2d Sess. 1553 (1870) [remarks of Rep. Dawes].

Having interpreted the Antideficiency Act, I would like to outline briefly the legal ramifications of my interpretation. It follows first of all that, on a lapse in appropriations, federal agencies may incur no obligations that cannot lawfully be funded from prior appropriations unless such obligations are otherwise authorized by law. There are no exceptions to this rule under current law, even where obligations incurred earlier would avoid greater costs to the agencies should appropriations later be enacted.[10]

Second, the Department of Justice will take actions to enforce the criminal provisions of the Act in appropriate cases in the future when violations of the Antideficiency Act are alleged. This does not mean that departments and agencies, upon a lapse in appropriations, will be unable logistically to terminate functions in an orderly way. Because it would be impossible in fact for agency heads to terminate all agency functions without incurring any obligations whatsoever in advance of appropriations, and because statutes that impose duties on government officers implicitly authorize those steps necessary and proper for the performance of those duties, authority may be inferred from the Antideficiency Act itself for federal officers to incur those minimal obligations necessary to closing their agencies. Such limited obligations would fall within the "authorized by law" exception to the terms of § 665(a).

This Department will not undertake investigations and prosecutions of officials who, in the past, may have kept their agencies open in advance of appropriations. Because of the uncertainty among budget and accounting officers as to the proper interpretation of the Act and Congress' subsequent ratifications of past obligations incurred during periods of lapsed appropriations, criminal sanctions would be inappropriate for those actions.

Very respectfully,

Benjamin R. Civiletti,
Attorney General.

FOOTNOTES

[1] An example of a statute that would permit the incurring of obligations in excess of appropriations is 41 U.S.C. § 11, permitting such contracts for "clothing, subsistence, forage, fuel, quarters, transportation, or medical and hospital supplies" for the Armed Forces. *See* 15 Op. A.G. 209 (1877). *See also* 25 U.S.C. § 99 and 31 U.S.C. § 668.

[2] Act of March 3, 1905, Ch. 1484, § 4, 33 Stat. 1257; Act of Feb. 27, 1906, Ch. 510, § 3, 34 Stat. 48; Act of Sept. 6, 1950, Ch. 896, § 1211, 64 Stat. 765; Pub. L. 85-170, § 1401, 71 Stat. 440 (1957); Pub. L. 93-198, § 421, 87 Stat. 789 (1973); Pub. L. 93-344, § 1002, 88 Stat. 332 (1974); Pub. 93-618, § 175(a)(2), 88 Stat. 2011 (1975).

[3] The prohibition against incurring obligations in excess of appropriations was enacted in 1870, amended slightly in 1905 and 1906, and reenacted in its modern version in 1950. The relevant legislative debates occur at Cong. Globe, 41st Cong., 2d Sess. 1553, 3331 (1870); 39 Cong. Rec. 3687-692, 3780-783 (1905); 40 Cong. Rec. 1272-298, 1623-624 (1906); 96 Cong. Rec. 6725-731, 6835-837, 11369-370 (1950).

[4] In 1954 and 1956, Congress enacted temporary appropriations measures later than July 1, the start of fiscal years 1955 and 1957. Act of July 6, 1954, ch. 460, 68 Stat. 448; Act of July 3, 1956, ch. 516, 70 Stat. 496. In 1952, Congress enacted, two weeks late, supplemental appropriations for fiscal year 1953 without having previously enacted a temporary appropriations measure. Act of July 15, 1952, ch. 758, 66 Stat. 637.

[5] Act of July 15, 1952, ch. 758, § 1414, 66 Stat. 661; Act of Aug. 26, 1954, ch. 935, § 1313, 68 Stat. 831.

[6] In 1952, no temporary appropriations were enacted for fiscal year 1953. The supplemental appropriations measure enacted on July 15, 1952 did, however, include a provision ratifying obligations incurred on or since July 1, 1952. Act of July 15, 1952, ch. 758, § 1414, 66 Stat. 661. The ratification was included, without elaboration, in the House Committee-reported bill, H. Rep. No. 2316, 82d Cong., 2d Sess. 69 (1952), and was not debated on the floor.

In 1954, a temporary appropriations measure for fiscal year 1955 was presented to the President on July 2 and signed on July 6. Act of July 6, 1954, ch. 460, 68 Stat. 448. The Senate Committee on Appropriations subsequently introduced a floor amendment to the eventual supplemental appropriations measure that ratified obligations incurred on or after July 1, 1954, and was accepted without debate. Act of Aug. 26, 1954, ch. 935, § 1313, 68 Stat. 831. 100 Cong. Rec. 13065 (1954).

In 1956, Congress's temporary appropriations measure was passed on July 2 and approved on July 3. Act of July 3, 1956, ch. 516, 70 Stat. 496. No ratification measure for post-July 1 obligations was enacted.

[7] Pub. L. 94-473, 90 Stat. 2065 (Oct. 11, 1976); Pub. L. 95-130, 91 Stat. 1153 (Oct. 13, 1977); Pub. L 95-482, 92 Stat. 1603 (Oct. 18, 1978); Pub. L. 96-86, 93 Stat. 656 (Oct. 12, 1979).

[8] The entire memorandum appears at 125 Cong. Rec. S13784 (daily ed. Oct. 1, 1979) [remarks of Sen. Magnuson].

[9] Pub. L. 94-473, § 108, 90 Stat. 2066 (1976); Pub. L. 95-130, § 108, 91 Stat. 1154 (1977); Pub. L. 95-482, § 108, 92 Stat. 1605 (1978); Pub. L. 96-86, § 117, 93 Stat. 662 (1979).

[10] *See* 21 Op. A.G. 288 (1896).

Office of the Attorney General,
Washington, D.C., January 16, 1981.

The President,
The White House
Washington, D.C.

My Dear Mr. President: You have asked my opinion concerning the scope of currently existing legal and constitutional authorities for the continuance of government functions during a temporary lapse in appropriations, such as the Government sustained on October 1, 1980. As you know, some initial determination concerning the extent of these authorities had to be made in the waning hours of the last fiscal year in order to avoid extreme administrative confusion that might have arisen from Congress' failure timely to enact 11 of the 13 anticipated regular appropriations bills,[1] or a continuing resolution to cover the hiatus between regular appropriations. The resulting guidance, which I approved, appeared in a memorandum that the Director of the Office of Management and Budget circulated to the heads of all departments and agencies on September 30, 1980. Your request, in effect, is for a close and more precise analysis of the issues raised by the September 30 memorandum.

Before proceeding with my analysis, I think it useful to place this opinion in the context of April 25, 1980 opinion to you concerning the applicability of the Antideficiency Act, 31 U.S.C. § 665, upon lapses in appropriations. That opinion set forth two essential conclusions. First, if, after the expiration of an agency's appropriations, Congress has enacted no appropriation for the immediately subsequent period, the agency may make no contracts and obligate no further funds except as authorized by law. Second, because no statute generally permits federal agencies to incur obligations without appropriations for the pay of employees, agencies are not, in general, authorized by law to employ the services of their employees upon a lapse in appropriations. My interpretation of the Antideficiency Act in this regard is based on its plain language, its history, and its manifest purposes.

The events prompting your request for my earlier opinion included the prospect that the then-existing temporary appropriations measure for the Federal Trade Commission would expire in April 1980 without extension, and that the FTC might consequently be left without appropriations for a significant period.[2] The FTC did not then suggest that it possesses obligational authorities that are free from a one-year time limitation. Neither did it suggest, based on its interpretation of the law at that time, that the FTC performs emergency functions involving the safety of human life or the protection of property other than protecting government property within the administrative control of the FTC itself. Consequently, the legal questions that the April 25, 1980 opinion addressed were limited. Upon determining that the blanket prohibition expressed in § 665(a) against unauthorized obligations in advance of appropriation is to be applied as written, the opinion added only that the Antideficiency Act does permit agencies that are ceasing their functions to fulfill certain legal obligations connected with the orderly termination of agency operations.[3] The opinion did not consider the more complex legal questions posed by a general congressional failure to enact timely appropriations, or the proper course of action to be followed when no prolonged lapse in appropriations in such a situation is anticipated.

The following analysis is directed to those issues. Under the terms of the Antideficiency Act, the authorities upon which the Government may rely for the continuance of functions despite a lapse in appropriations implicates two fundamental questions. Because the proscription of § 665(a) excepts obligations in advance of appropriations that are "authorized by law," it is first necessary to consider which functions this exception comprises. Further, given that § 665(b) expressly permits the Government to employ the personal service of its em-

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Footnotes at end of letter.

ployees in "cases of emergency involving the safety of human life or the protection of property," it is necessary to determine how this category is to be construed. I shall address these questions in turn, bearing in mind that the most useful advice concerning them must be cast chiefly in the form of general principles. The precise application of these principles must, in each case, be determined in light of all the circumstances surrounding a particular lapse in appropriations.

I

Section 665(a) of Title 31, United States Code provides:

"No officer or employee of the United States shall make or authorize an expenditure from or create or authorize an obligation under any appropriation or fund in excess of the amount available therein; *nor shall any officer or employee involve the Government in any contract or obligation, for the payment of money for any purpose, unless such contract or obligation is authorized by law.*" (Emphasis added.) Under the language of § 665(a) emphasized above, it follows that, when an agency's regular appropriation lapses, that agency may not enter contracts or create other obligations unless the agency has legal authority to incur obligations in advance of appropriations. Such authority, in some form, is not uncommon in the Government. For example, notwithstanding the lapse of regular appropriations, an agency may continue to have available to it particular funds that are subject to a multi-year or no-year appropriation. A lapse in authority to spend funds under a one-year appropriation would not affect such other authorities. 13 Op. A.G. 288, 291 (1870).

A more complex problem of interpretation, however, may be presented with respect to obligational authorities that are not manifested in appropriations acts. In a few cases, Congress has expressly authorized agencies to incur obligations without regard to available appropriations.[4] More often, it is necessary to inquire under what circumstances statutes that vest particular functions in government agencies imply authority to create obligations for the accomplishment of those functions despite the lack of current appropriations. This, of course, would be the relevant legal inquiry even if Congress had not enacted the Antideficiency Act; the second phrase of § 665(a) clearly does no more than codify what, in any event and not merely during lapses in appropriations, is a requirement of legal authority for the obligation of public funds.[5]

Previous Attorneys General and the Comptrollers General have had frequent occasion to address, directly or indirectly, the question of implied authority. Whether the broader language of all of their opinions is reconcilable may be doubted, but the conclusions of the relevant opinions fully establish the premise upon which my April 25, 1980 memorandum to you was based: statutory authority to incur obligations in advance of appropriations may be implied as well as express, but may not ordinarily be inferred, in the absence of appropriations, from the kind of broad, categorical authority, standing alone, that often appears, for example, in the organic statutes of government agencies. The authority must be necessarily inferable from the specific terms of those duties that have been imposed upon, or of those authorities that have been invested in, the officers or employees purporting to obligate funds on behalf of the United States. 15 Op. A.G. 235, 240 (1877).

Thus, for example, when Congress specifically authorizes contracts to be entered into for the accomplishment of a particular purpose, the delegated officer may negotiate such contracts even before Congress appropriates all the funds necessary for their fulfillment. E.g., 30 Op. A.G. 332 (1915); 30 Op. A.G. 186 (1913); 28 Op. A.G. 466 (1910); 25 Op. A.G. 557 (1906). On the other hand, when authority for the performance of a specific function rests on a particular appropriation that proves inadequate to the fulfillment of its purpose, the responsible officer is not authorized to obligate further funds for that purpose in the absence of additional appropriations. 21 Op. A.G. 244 (1895); 15 Op. A.G. 235 (1877); 9 Op. A.G. 18 (1857); 4 Op. A.G. 600 (1847); accord, 28 Comp. Gen. 163 (1948).

This rule prevails even though the obligation of funds that the official contemplates may be a reasonable means for fulfilling general responsibilities that Congress has delegated to the official in broad terms, but without conferring specific authority to enter into contracts or otherwise obligate funds in advance of appropriations. For example, Attorney General McReynolds concluded, in 1913, that the Postmaster General could not obligate funds in excess of appropriations for the employment of temporary and auxiliary mail carriers to maintain regular service, notwithstanding his broad authorities for the carrying of the mails. 30 Op. A.G. 157. Similarly, in 1877, Attorney General Devens concluded that the Secretary of War could not, in the absence of appropriations, accept "contributions" of materiel for the Army, e.g., ammunition and medical supplies, beyond the Secretary's specific authorities to contract in advance of appropriations. 15 Op. A.G. 209.[6]

Ordinarily, then, should an agency's regular one-year appropriation lapse, the "authorized by law" exception to the Antideficiency Act would permit the agency to continue the obligation of funds to the extent that such obligations are: (1) funded by moneys, the obligational authority for which is not limited to one year, e.g., multi-year appropriations; (2) authorized by statutes that expressly permit obligations in advance of appropriations; or (3) authorized by necessary implication from the specific terms of duties that have been imposed on, or of authorities that have been invested in, the agency.[7] A nearly Government-wide lapse, however, such as occurred on October 1, 1980, implicates one further question of Executive authority.

Unlike his subordinates, the President performs not only functions that are authorized by statute, but functions authorized by the Constitution as well. To take one obvious example, the President alone, under Art. II, § 2, cl. 1 of the Constitution, "shall have Power to grant Reprieves and Pardons for Offenses against the United States, except in Cases of Impeachment." Manifestly, Congress could not deprive the President of this power by purporting to deny him the minimum obligational authority sufficient to carry this power into effect. Not all of the President's powers are so specifically enumerated, however, and the question must consequently arise, upon a Government-wide lapse in appropriations, whether the Antideficiency Act should be construed as depriving the President of authority to obligate funds in connection with those initiatives that would otherwise fall within the President's powers.

In my judgment, the Antideficiency Act should not be read as necessarily precluding exercises of executive power through which the President, acting alone or through his subordinates, could have obligated funds in advance of appropriations had the Antideficiency Act not been enacted. With respect to certain of the President's functions, as illustrated above, such an interpretation could raise grave constitutional questions. It is an elementary rule that statutes should be interpreted, if possible, to preclude constitutional doubts, *Crowell* v. *Benson*, 285 U.S. 22, 62 (1932), and this rule should surely be followed in connection with a broad and general statute, such as 31 U.S.C. § 665(a), the history of which indicates no congressional consideration at all of the desirability of limiting otherwise constitutional presidential initiatives. The President, of course, cannot legislate his own obligational authorities; the legislative power rests with Congress. As set forth, however, in Mr. Justice Jackson's seminal opinion in *Youngstown Sheet & Tube Co.* v. *Sawyer*, 343 U.S. 579, 593 (1952):

"The actual art of governing under our Constitution does not and cannot conform to judicial definitions of the power of any of its branches based on isolated clauses or even single Articles torn from context. While the Constitution diffuses power the better to secure liberty, it also contemplates that practice will integrate the dispersed powers into a workable government. It enjoins upon its branches separateness but interdependence, autonomy but reciprocity. Presidential powers are not fixed but fluctuate, depending on their disjunction or conjunction with those of Congress." *Id.* at 635.[8] Following this reasoning, the Antideficiency Act is not the only source of law or the only exercise of congressional power that must be weighed in determining whether the President has authority for an initiative that obligates funds in advance of appropriations. The President's obligational authority may be strengthened in connection with initiatives that are grounded in the peculiar institutional powers and competency of the President. His authority will be further buttressed in connection with any initiative that is consistent with statutes—and thus with the exercise of legislative power in an area of concurrent authority—that are more narrowly drawn than the Antideficiency Act and that would otherwise authorize the President to carry out his constitutionally assigned tasks in the manner he contemplates. In sum, with respect to any presidential initiative that is grounded in his constitutional role and consistent with statutes other than the Antideficiency Act that are relevant to the initiative, the policy objective of the Antideficiency Act must be considered in undertaking the initiative, but should not alone be regarded as dispositive of the question of authority.

Unfortunately, no catalogue is possible of those exercises of presidential power that may properly obligate funds in advance of appropriations.[9] Clearly, such an exercise of power could most readily be justified if the functions to be performed would assist the President in fulfilling his peculiar constitutional role, and Congress has otherwise authorized those or similar functions to be performed within the control of the President.[10] Other factors to be considered would be the urgency of the initiative and the likely extent to which funds would be obligated in advance of appropriations.

In sum, I construe the "authorized by law" exception contained within 31 U.S.C. § 665(a) as exempting from the prohibition enacted by the second clause of that section not only those obligations in advance of appropriations for which expess or implied authority may be found in the enactments of Congress, but also those obligations necessarily incident to presidential initiatives undertaken within his constitutional powers.

II

In addition to regulating generally obligations in advance of appropriations, the Antideficiency Act further provides, in 31 U.S.C. § 665(b):

"No officer or employee of the United States shall accept voluntary service for the United States or employ personal service in excess of that authorized by law, except in cases of emergency involving the safety of human life or the protection of property."

Despite the use of the term "voluntary service," the evident concern underlying this provision is not government agencies' acceptance of the benefit of services rendered without compensation. Rather, the original version of § 665(b) was enacted as part of an urgent deficiency appropriation act in 1884, Act of May 1, 1884, ch. 37, 23 Stat. 17, in order to avoid claims for compensation arising from the unauthorized provision of services to the Government by non-employees, and claims for additional compensation asserted by government employees performing extra services after hours. That is, under § 665(b), government officers and employees may not involve the Government in contracts for employment, i.e., for compensated labor, except in emergency situations. 30 Op. A.G. 129 (1913).

Under §665(b), it is thus crucial, in construing the Government's authority to continue functions in advance of appropriations, to interpret the phrase "emergencies involving the safety of human life or the protection of property." Although the legislative history of the phrase sheds only dim light on its precise meaning, this history, coupled with an administrative history—of which Congress is fully aware—of the interpretation of an identical phrase in a related budgeting context, suggests two rules for identifying those functions for which government officers may employ personal services for compensation in excess of legal authority other than §665(b) itself. First, there must be some reasonable and articulable connection between the function to be performed and the safety of human life or the protection of property. Second, there must be some reasonable likelihood that the safety of human life or the protection of property would be compromised, in some degree, by delay in the performance of the function in question.

As originally enacted in 1884, the provision forbade unauthorized employment "except in cases of sudden emergency involving the *loss* of human life or the *destruction* of property." (Emphasis supplied.) The clause was added to the House-passed version of the urgent deficiency bill on the floor of the Senate in order to preserve the function of the Government's "life-saving stations." One Senator cautioned:

"In other words, at the life-saving stations of the United States, for instance, the officers in charge, no matter what the urgency and what the emergency might be, would be prevented [under the House-passed bill] from using the absolutely necessary aid which is extended to them in such cases because it had not been provided for by law in a statute." 15 Cong. Rec. 2143 (1884) (remarks of Sen. Beck); see also id. at 3410-11 (remarks of Rep. Randall). This brief discussion confirms what the originally enacted language itself suggests, namely, that Congress initially comtemplated only a very narrow exception to what is now § 665(b), to be employed only in cases of dire necessity.

In 1950, however, Congress enacted the modern version of the Antideficiency Act and accepted revised language for 31 U.S.C. § 665(b) that had originally been suggested in a 1947 report to Congress by the Director of the Bureau of the Budget and the Comptroller General. Without elaboration, these officials proposed that "cases of sudden emergency" be amended to "cases of emergency," "loss of human life" to "safety of human life," and "destruction of property" to "protection of property." These changes were not qualified or explained by the report accompanying the 1947 recommendation or by any aspect of the legislative history of the general appropriations act for fiscal year 1951, which included the modern § 665(b). Act of Sep. 6, 1950, ch. 896, § 1211, 64 Stat. 765. Consequently, we infer from the plain import of the language of their amendments that the drafters intended to broaden the authority for emergency employment. In essence, they replaced the apparent suggestion of a need to show absolute necessity with a phrase more readily suggesting the sufficiency of a showing of reasonable necessity in connection with the safety of human life or the protection of property in general.

This interpretration is buttressed by the history of interpretation by the Bureau of the Budget and its successor, the Office of Management and Budget, of 31 U.S.C. § 665(e), which prohibits the apportionment or reapportionment of appropriated funds in a manner that would indicate the need for a deficiency or supplemental appropriation, except in, among other circumstances, "emergencies involving the safety of human life, [or] the protection of property. . . ." § 665(e)(1)(B).[11] Directors of the Bureau of the Budget and of the Office of Management and Budget have granted dozens of deficiency reapportionments under this subsection in the last 30 years, and have apparently imposed no test more stringent than the articulation of a reasonable relationship between the funded activity and the safety of human life or the protection of property. Activities for which deficiency apportionments have been granted on this basis include FBI criminal investigations, legal services rendered by the Department of Agriculture in connection with state meat inspection programs and enforcement of the Wholesome Meat Act of 1967, 21 U.S.C. §§ 601 et seq., the protection and management of commodity inventories by the Commodity Credit Corporation, and the investigation of aircraft accidents by the National Transportation Safety Board. These few illustrations demonstrate the common sense approach that has guided the interpretation of § 655(e).[12] Most important, under § 665(e)(2), each apportionment or reapportionment indicating the need for a deficiency or supplemental appropriation has been reported contemporaneously to both Houses of Congress, and, in the face of these reports, Congress has not acted in any way to alter the relevant 1950 wording of § 665(e)(1)(B), which is, in this respect, identical to § 665(b).[13]

It was along these lines that I approved, for purposes of the immediate crisis, the categories of functions that the Director of the Office of Management and Budget included in his September 30, 1980 memorandum as illustrative of the areas of government activity in which emergencies involving the safety of human life and the protection of property might arise. To erect the most solid foundation for the Executive branch's practice in this regard, I would recommend that, in preparing contingency plans for periods of lapsed appropriations, each government department or agency provide for the Director of the Office of Management and Budget some written description, that could be transmitted to Congress, of what the head of the agency, assisted by its General Counsel, considers to be the agency's emergency functions.

In suggesting the foregoing principles to guide the interpretation of § 665(b), I must add my view that, in emergency circumstances in which a government agency may employ personal service in excess of legal authority other than § 665(b), it may also, under the authority of § 665(b), incur obligations in advance of appropriations for material to enable the employees involved to meet the emergency successfully. In order to effectuate the legislative intent that underlies a statute, it is ordinarily inferred that a statute "carries with it all means necessary and proper to carry out properly the purposes of the law." *United States* v. *Louisiana*, 265 F. Supp. 703, 708 (E.D. La. 1966) (three-judge court), aff'd, 386 U.S. 270 (1967). Accordingly, when a statute confers authorities generally, those powers and duties necessary to effectuate the statute are implied. See 2A Sutherland, Statutes and Statutory Construction (Sand ed.) § 55.04 (1973). Congress has contemplated expressly, in enacting § 665(b), that emergencies will exist that will justify incurring obligations for employee compensation in advance of appropriations; it must be assumed that, when such an emergency arises, Congress would intend those persons so employed to be able to accomplish their emergency functions with success. Congress, for example, having allowed the Government to hire firefighters must surely have intended that water and firetrucks would be available to them.[14]

III

The foregoing discussion articulates the principles according to which, in my judgment, the Executive can properly identify those functions that the Government may continue upon lapses in appropriations. Should a situation again present itself as extreme as the emergency that arose on October 1, 1980, this analysis should assist in guiding planning by all departments and agencies of the Government.

As the law is now written, the nation must rely initially for the efficient operation of government on the timely and responsible functioning of the legislative process. The Constitution and the Antideficiency Act itself leave the Executive leeway to perform essential functions and make the government "workable." Any inconvenience that this system, in extreme circumstances, may bode is outweighed, in my estimation, by the salutary distribution of power that it embodies.

Respectfully,

BENJAMIN R. CIVILETTI,
Attorney General.

FOOTNOTES

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[1] Prior to October 1, 1980, Congress had passed regular appropriations for fiscal year 1981 only for energy and water development, Public Law 96-367, 94 Stat. 1331 (Oct. 1, 1980).

[2] The FTC actually sustained less than a one-day lapse in appropriations between the expiration, on April 30, 1980, of a transfer of funds for its use, Public Law 96-219, 94 Stat. 128 (Mar. 28, 1980), and the enactment, on May 1, 1980, of an additional

transfer, Public Law 96-240, 94 Stat. 342. Prior to April 30, however, it appeared likely that a protracted congressional dispute concerning the terms of the FTC's eventual authorization, Public Law 96-252, 94 Stat. 374 (May 28, 1980), would precipitate a lapse in appropriations for a significantly longer period.

[3] See note 11 infra.

[4] See, e.g., 25 U.S.C. § 99; 31 U.S.C. § 668; 41 U.S.C. § 11.

[5] This rule has, in fact, been expressly enacted in some form for 160 of the 191 years since Congress first convened. The Act of May 1, 1820 provided:

"[N]o contract shall hereafter be made by the secretary of State, or of the Treasury, or of the Department of War, or of the Navy, except under a law authorizing the same, or under an appropriation adequate to its fulfillment." 3 Stat. 568. The Act of March 2, 1861 extended the rule as follows:

"No Contract or purchase on behalf of the United States shall be made unless the same is authorized by law or is under an appropriation adequate to its fulfillment, except in the War and Navy Departments, for clothing, subsistence, forage, fuel, quarters, or transportation, which, however, shall not exceed the necessities of the current year."

Congress reiterated the ban on obligations in excess of appropriations by enacting the Antideficiency Act in 1870:

"[I]t shall not be lawful for any department of the government to expend in any one fiscal year any sum in excess of appropriations made by Congress for that fiscal year, or to involve the government in any contract for the future payment of money in excess of appropriations."

Act of July 12, 1870, ch. 251, §7, 16 Stat. 251. Congress substantially reenacted this provision in 1905, adding the proviso "unless such contract or obligation is authorized by law," Act of March 3, 1905, ch. 1484, §4, 33 Stat. 1257, and reenacted it again in 1906, Act of Feb. 27, 1906, ch. 510, §3, 34 Stat. 48. Section 655(a) of Title 31, United States Code, enacted in its current form in 1950, Act of Sept. 6, 1950, ch. 896, §1211, 64 Stat. 765, is substantially the same as these earlier versions, except that, by adding an express prohibition against unauthorized obligations "in advance of" appropriations to the prohibition against obligations "in excess of" appropriations, the modern version indicates even more forcefully Congress' intent to control the availability of funds to government officers and employees.

[6] Accord, 37 Comp. Gen. 155 (1957) (Atomic Energy Commission's broad responsibilities under the Atomic Energy Act do not authorize it to enter into a contract for supplies or services to be furnished in a fiscal year subsequent to the year the contract is made); 28 Comp. Gen. 300 (1948) (Treasury Department's discretion to establish reasonable compensation for Bureau of the Mint employees does not confer authority to grant wage increases that would lead to a deficiency).

[7] It was on this basis that I determined, in approving the September 30, 1980 memorandum, that the responsible departments are "authorized by law" to incur obligations in advance of appropriations for the administration of benefit payments under entitlement programs when the funds for the benefit payments themselves are not subject to a one-year appropriation. Certain so-called "entitlement programs," e.g., Old-Age and Survivors Insurance, 42 U.S.C. § 401(a), are funded through trust funds into which a certain portion of the public revenues are automatically appropriated. Notwithstanding this method of funding the entitlement payments themselves, the costs connected with the administration of the trust funds are subject to annual appropriations. 42 U.S.C. § 401(g). It might be argued that a lapse in administrative authority alone should be regarded as expressing Congress' intent that benefit payments also not continue. The continuing appropriation of funds for the benefit payments themselves, however, substantially belies this argument, especially when the benefit payments are to be rendered, at Congress' direction, pursuant to an entitlement formula. In the absence of a contrary legislative history to the benefit program or affirmative congressional measures to terminate the program, I think it proper to infer authority to continue the administration of the program to the extent of the remaining benefit funding.

[8] A majority of the Supreme Court has repeatedly given express endorsement to Mr. Justice Jackson's view of the separation of powers. *Nixon* v. *Administrator of General Services*, 433 U.S. 425, 443 (1977); *Buckley* v. *Valeo*, 424 U.S. 1, 122 (1976); *United States* v. *Nixon*, 418 U.S. 683, 707 (1974); *National Association of Letter Carriers* v. *Austin*, 418 U.S. 264, 273 n. 5 (1974).

[9] As stated by Attorney General (later Justice) Murphy: "[T]he Executive has powers not enumerated in the statutes—powers derived not from statutory grants but from the Constitution. It is universally recognized that the constitutional powers necessary for their proper performance. These constitutional powers have never been specifically defined, and in fact cannot be, since their extent and limitations are largely dependent upon conditions and circumstances. In a measure this is true with respect to most of the powers of the Executive, both constitutional and statutory. The right to take specific action might not exist under one state of facts, while under another it might be the absolute duty of the Executive to take such action." 39 Op. A.G. 343, 347-48 (1939).

[10] One likely category into which certain of these functions would fall would be "the conduct of foreign relations essential to the national security," referred to in the September 30, 1980 memorandum.

[11] As provisions containing the same language, enacted at the same time, and aimed at related purposes, the emergency provisions of §§ 665(b) and 665(e)(1)(B) should be deemed in pari materia and given a like construction, *Northcross* v. *Memphis Board of Education*, 412 U.S. 427, 428 (1973), although, at first blush, it may appear that the consequences of identifying a function as an "emergency" function may differ under the two provisions. Under § 665(b), if a function is an emergency function, then a federal officer or employee may employ what otherwise would constitute unauthorized personal service for its performance; in this sense, the emergency nature of the function triggers additional obligational authority for the Government. In contrast, under § 665(e)(1)(B), if a function is an emergency function, OMB may allow a deficiency apportionment or reapportionment—thus permitting the expenditure of funds at a rate that could not be sustained for the entire fiscal year without a deficiency—but the effect of such administrative action would not be to trigger new obligational authority automatically. That is, Congress could always decline to enact a subsequent deficiency appropriation, thus keeping the level of spending at the previously appropriated level.

This distinction, however, is outweighed by the common practical effect of the two provisions, namely, that when authority is exercised under either emergency exception, Congress, in order to accomplish all those functions it has authorized, must appropriate more money. If, after a deficiency apportionment or reapportionment, Congress did not appropriate additional funds, its purposes would be thwarted to the extent that previously authorized functions could not be continued until the end of the fiscal year. This fact means that, although deficiency apportionments and reapportionments do not create new obligational authority, they frequently impose a necessity for further appropriations as compelling as the Government's employment of personal services in an emergency in advance of appropriations. There is thus no genuine reason for ascribing, as a matter of legal interpretation, greater or lesser scope to one emergency provision than to the other.

[12] In my April 25, 1980 memorandum to you, I opined that the Antideficiency Act permits departments and agencies to terminate operations, upon a lapse in appropriations, in an orderly way. The functions that, in my judgment, the orderly shutdown of an agency for an indefinite period or permanently would entail include the emergency protection, under § 665(b), of the agency's property by its own employees until such protection can be arranged by another agency with appropriations; compliance, within the "authorized by law" exception to § 665(a), with statutes providing for the rights of employees and the protection of government information; and the transfer, also under the "authorized by law" exception to § 665(a), of any matters within the agency's jurisdiction that are also under the jurisdiction of another agency that Congress has funded and thus indicated its intent to pursue. Compliance with the spirit, as well as the letter, of the Antideficiency Act requires that agencies incur obligations for these functions in advance of appropriations only to the minimum extent necessary to the fulfillment of their legal duties and with the end in mind of terminating operations for some substantial period. It would hardly be prudent, much less consistent with the spirit of the Antideficiency Act, for agencies to incur obligations in advance of appropriations in connection with "shutdown functions" that would only be justified by a more substantial lapse in appropriations than the agency, in its best judgment, expects.

[13] The Supreme Court has referred repeatedly to the: "venerable rule that the construction of a statute by those charged with its execution should be followed unless there are compelling indications that it is wrong, especially when Congress has refused to alter the administrative construction." *Red Lion Broadcasting Co.* v. *FCC*, 395 U.S. 367, 381 (1969) (footnotes omitted). Since enacting the modern Antideficiency Act, including § 665(e)(1)(B), in 1950, Congress has amended the act three times, including one amendment to another aspect of § 665(e). At no time has Congress altered this interpretation of § 665(e)(1)(B) by the Office of Management and Budget, which has been consistent and is consistent with the statute. Compare 43 Op. A.G. No. 26 (1980).

[14] Accord, 53 Comp. Gen. 71 (1973), holding that, in light of a determination by the Administrator of General Services that such expenses were "necessarily incidental to the protection of property of the United States during an extreme emergency," id. at 74, the Comptroller General would not question General Services Administration (GSA) payments for food for GSA special police who were providing round-the-clock protection for a Bureau of Indian Affairs building that had been occupied without authority.

Office of the Attorney General,
Washington, D.C., May 21, 1981.

Hon. Howard H. Baker, Jr.,
U.S. Senate,
Washington, D.C.

Dear Howard: This is in response to your letter of May 14, 1981 requesting my views concerning the consequences of congressional failure to extend appropriations under Public Law 96-536 to fund departments and agencies for which regular appropriations bills have not been passed beyond June 5, 1981. You specifically ask what functions may be performed and what obligations may be incurred in the event that a funding gap should occur.

Section 665(a) of title 31 forbids any officer or employee of the United States to: "involve the Government in any contract or obligation, for the payment of money for any purpose, in advance of appropriations made for such purpose, unless such contract or obligation is authorized by law."

Subsection (b) of this section provides that no officer or employee of the United States shall: "accept voluntary service for the United States or employ personal service in excess of that authorized by law, except in cases of emergency involving the safety of human life or the protection of property."

This law, the Antideficiency Act, was enacted in 1870, and has been reenacted in substantially the same form on seven subsequent occasions.[1]

Although there have been numerous occasions in the past, particularly during the past 20 years, when regular appropriations bills have not been passed prior to the commencement of the fiscal year, and Congress has passed scores of continuing resolutions providing for temporary funding, Congress has shown no inclination to relax the prohibitions of the Antideficiency Act. Recently, even such continuing resolutions have been late, resulting in funding interruptions. Because the Antideficiency Act generally prohibits federal agencies and officials from incurring obligations during such funding interruptions, serious confusion has resulted and significant unnecessary expenses have been incurred as a result of lost productivity and the administrative burdens associated with stopping and restarting agency business.

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[1] Similar prohibitions have been a part of the laws of the United States since 1820.

Last year, my predecessor issued an opinion that "during periods of 'lapsed appropriations,' no funds may be expended except as necessary to bring about the orderly termination of an agency's functions, and that the obligation or expenditure of funds for any purpose not otherwise authorized by law would be a violation of the Antideficiency Act." 43 Op. Atty. Gen. No. 24.

The Antideficiency Act has been persuasively interpreted to provide for some limited exceptions to its general prohibitions, including incurring obligations expressly or by necessary implication authorized by law, the utilization of voluntary services in cases of emergencies involving the safety of human life or the protection of property, the performance of the President's express constitutional obligations, and the performance of tasks necessary to the termination of an agency's functions.[2] However, these exceptions are narrow and do not materially diminish the general effect of the statute, which is to prohibit federal departments, agencies, officers and employees from incurring any financial obligations in advance of appropriations.

The prohibition of the Antideficiency Act generally precludes the performance of any functions that are accompanied by financial obligations, including the employment of personnel. Because nearly all federal functions entail such obligations, the absence of appropriations would make the continued performance of many important federal functions virtually impossible.

Sincerely,

WILLIAM FRENCH SMITH,
Attorney General.

Mr. HATFIELD. Mr. President, the Appropriations Committee, which I happen to chair at this moment, has a task after the floor disposes of this particular issue, and that is that we have to send this back to the House of Representatives if we add any amendment, any amendment. If that happens, then what we are confronted with is either one of three or four things.

First, is that we will have to go to conference with the House and get the result of that conference back to the Senate for action before midnight. Or the House, second, may decide to strip the resolution of whatever amendment we had and send it back to us as it was when we first received it. Or, third, they may decide to refer it to the Ways and Means Committee, because of the fact that this is a measure dealing with revenue, where the Ways and Means Committee of the House would hold it. Then we would have a new resolution from the Appropriations Committee of the House quickly sent over here that could include all kinds of things, like limitations on honorariums and other such things, that we might call from our perspective mischief but which they could certainly well do, as they have demonstrated in the past in our conferences.

Mr. President, I want to stress the fact that this does put us also in another time frame. April 15 is the deadline for filing income taxes. We are facing April 1. We are on the brink of April. It is estimated by some Senators who have been discussing this matter informally that perhaps as many as 80 percent of the Senators have already filed their income taxes. Each day that we delay the final action on this particular resolution pushes us closer to the deadline of having to amend our tax returns, because this in effect is retroactive. Some think of it from that perspective, as well as the importance of maintaining the functions of Government, that we have the midnight deadline tonight, that we have the April 15 deadline, that we have an urgent supplemental that is being sent over to us, that we will have another vehicle right after the Easter holiday to attach any amendment, because that bill will have to go to conference anyway. So we will have another vehicle to have all these decisions made upon without using this continuing resolution.

Let me also indicate that many people on both sides of the aisle have said to me:

> I am not going to offer an amendment provided that the floodgate is not opened. But if an amendment is adopted on this continuing resolution, I will feel compelled to exercise my right as a Senator to offer my amendment that I am showing restraint upon now.

I think we stand the chance of not just having to dispose of this amendment but opening the floodgate to a host of other amendments that any Senator has a right to offer once we break through this effort to try to hold this to a clean resolution.

I want to just end my remarks by saing this: The leadership has made it very clear, both this morning and before, Senator BAKER, the majority leader, and Senator BYRD, the minority leader, that we were going to have to stay in session until we complete this matter.

That may not be until next week or sometime this weekend, but I want to urge Senators to understand that it is not a question of whether we adjourn in order to get to a recess, which in itself may be important because of plans that have been made, but fundamentally it is to keep the affairs of Government moving.

We are dealing with the Department of Education, the Department of Health and Human Services, the Department of Labor, the Treasury Department, the Commerce Department, the State Department, the Justice Department, and the Federal judiciary. All of those we place in a position of coming to a halt as of midnight tonight.

Therefore, it seems to me we are talking about a $50 billion budget authority and $42 billion in outlays, which is about half of the fiscal year which this resolution deals with.

Mr. LONG. Will the Sentor yield at that point?

Mr. President, may I say to the distinguished chairman that I personally believe that we should amend the tax law so that we treat all Senators the same as we treat lawyers, doctors, small business people, accountants, and other professional people all over the country. As a member of the Finance Committee, I pledge to the Senate that I will do my best to help work that out.

I see the chairman of the committee here. I asked him about the matter and he said that nobody ever asked him to focus on this matter. But I believe that the chairman of the committee might be kind enough to indicate that he, too, would be willing to give this matter early consideration and to persuade the committee to focus on it, with the advice of the Joint Tax Committee as well as that of the committee and other advice available to us, to work out a provision that gives Senators and Members of the House the same consideration other Americans receive—no more, no less, exactly the same, if that is possible.

Mr. DOLE. Mr. President, if the Senator will yield, I appreciate that. In fact, we are working on that now in the back—not the backroom but the cloakroom—for those who are similarly situated.

I think there should be a distinction. We do have a different role. We are not like some other people. We have political considerations, economic considerations, district considerations, State considerations, and Washington considerations. So we are a bit different. I do not say that we are superior; we are just different. Maybe we are inferior. Maybe that is the problem.

In any event, the Senator is correct. We hope, after this vote, to get together with Senator ARMSTRONG. We have the joint committee staff and the Finance Committee staff, who have been working since 9 o'clock this morning trying to figure out some way without going the hearing route.

I know that this is a matter of strong feeling for Senator ARMSTRONG and for Senator HATFIELD. We are willing to do it right now. If we cannot, I pledge my total cooperation in the Finance Committee to consider the matter seriously and do what we should do.

Mr. LONG. Mr. President, it is going to take more time than we can give it on the Senate floor to consider what everybody has to suggest.

As a member of the Finance Committee, I will welcome an opportunity to consider this. I invite all Senators to give us their thoughts about how it should be worked out so that we are treated no better and no worse than lawyers—and two-thirds of the Senators were lawyers before they came here—or accountants or small businessmen or anybody else.

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[2] See the recent opinion of my predecessor, 43 Op. A.G. (Jan. 16, 1981).

I believe that the chairman is planning to make a point of germaneness, and I hope that at some point we will start obeying our rules and stop stultifying ourselves by overruling the Parliamentarian and the Presiding Officer when they do their painful duty under the rules and under the Constitution of the United States.

Let me read from the Constitution of the United States, article I, section 7:

> All bills for raising—

Get this—

> All Bills for raising Revenue shall originate in the House of Representatives; but the Senate may propose or concur with Amendments as on other Bills.

Mr. President, an appropriation bill is not a bill to raise revenue. An appropriation bill loses revenue. It disposes of revenue. It reduces Government revenue.

One might ask, if that is the case, how could one get away with an amendment last year that had the effect of giving us a deduction and not be able to get away with one to repeal the same deduction? Just think about that for a moment.

The amendment last year did not raise revenue. It gave us a deduction, and therefore it lost revenue, and it was within the Constitution. This amendment takes away a deduction, and it clearly raises your taxes, and it is clearly unconstitutional. [Laughter.]

Mr. President, if we are going to shut down the Government, shut down the whole Government, while we argue about our own salary, so that nobody gets paid, if we cannot wait for a committee to focus on it and have to act right now, it is bad enough to do it with an amendment that is not germane and is clearly against the rules, but also, it is worse when it is unconstitutional.

At what point do we say:

> Let us be reasonable for a moment, just long enough for a committee to focus on the matter?

Under the circumstances, I think we should support the chairman of the committee and give the committee that has jurisdiction the opportunity to look at it.

I think that is fair enough, because the sponsor of the amendment is a valued member of that committee, and his voice will be heard—and he will be heard effectively, I am sure.

The more I look at this matter, I am convinced that we are not going to work this out on the floor. All we will do is close down the Government, if we keep this up much longer.

Mr. BAKER. Mr. President, will the Senator yield?

Mr. HATFIELD. I am happy to yield to the majority leader.

First, I thank the Senator from Louisiana for his very cogent remarks.

Mr. BAKER. Mr. President, I must say that I admire not only the substance of the statement by the distinguished Senator from Louisiana but also the manner in which he presents it. [Laughter.]

Mr. President, I believe that the remarks of the Senator from Colorado were well taken and were of a substantial nature, as were those of the distinguished chairman and the Senator from Louisiana.

I begin to feel that there might be time for some consideration here on this subject. I do not wish to get anybody's hopes up but I suggest that we informally arrange to have our vote at 1 o'clock instead of 12:30, which has come and gone.

I am prepared now to suggest the absence of a quorum, if no other Senator wishes to speak.

Before that, Mr. President, I ask unanimous consent that at 1 p.m., the Senator from Oregon, the chairman of the Appropriations Committee, be recognized for the purpose of making a motion.

The PRESIDING OFFICER. Is there objection?

Several Senators addressed the Chair.

Mr. ARMSTRONG. Mr. President, reserving the right to object, I should like to announce that, during this interval, some of us will be meeting in the cloakroom, and I invite the other seven sponsors of this amendment to meet with us; because I think the majority leader has correctly stated that there is a possibility of working out something that would be satisfactory to all.

So I hope Senator Exon, Senator DeConcini, Senator Helms, and the others will be present, to see if we can put something together.

Mr. EXON. Mr. President, reserving the right to object, I wish to cooperate with the majority leader. I should like to make a statement which will take 6 minutes; and if the majority leader will assure me of that 6 minutes, I will not enter an objection.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

Mr. BAKER. Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Nebraska.

Mr. EXON. Mr. President, what we are talking about here, from the very interesting comments I have heard, is treating everyone alike. It seems to me that, regardless of how hard we try, we cannot at this late hour come up with some kind of realistic answer to that problem.

All we are doing with the Armstrong amendment—I will try to put it back in perspective—is to put the Members of Congress back where we were last year. If we were treated unfairly with regard to the tax laws then, we would continue to be treated unfairly under the tax laws as they would be affected if the Armstrong amendment becomes the law of the land.

Mr. President, while we realize that consistency in voting patterns is not a part of the Constitution or the rules of the Senate, it is a virtue that should not be abused. I cite from the Congressional Record of September 24, 1981, wherein the Chair ruled that an amendment offered by the Senator from Alaska was out of order. The amendment by Senator Stevens, which was the amendment in question, was the elimination of the previous $3,000 cap on maximum automatic deductions which Members of Congress could claim for away-from-home expenses.

Mr. President, this was the opening shot in the controversy that confronts us here today. At that time, on September 24, the Senate, in its judgment, overruled the decision of the Chair on a vote of 44 yeas to support the Chair and 54 nays to override. For reference, I cite pages S10403 and S10404 of the Record of September 24, 1981.

Today we find that the same forces which were successful in starting this controversy by overruling the Chair are the same forces that are here today telling us that we should not go ahead on this, for the obvious reasons.

It seems to me, Mr. President, that at least that kind of an argument lacks some degree of consistency.

The issue there, of course, on September 24 was legislation on an appropriation measure, indeed a continuing resolution.

We are seeking to reverse that process here it seems with some other maneuver that might not be exactly the same thing but essentially the same thing in what it does to the rules and the regulations of the Senate that I hear so very much about every time something like this is tried.

Mr. President, as I said yesterday, and I shall quote what I said yesterday in the Record:

> It seems to me that it will be somewhat hypocritical for us to hide behind the veil of inviolate Senate procedure in this amendment to repeal our "sweetheart" tax deduction when we conveniently ignored those procedures to establish it in the first place.

Mr. President, I urge the Senate to sustain the Chair, or if that route is not taken to vote what I think the Rules of the Senate really prescribe, and that would be that if we overruled the Chair and went ahead with this procedure last September 24 then we should vote, if we are consistent, to allow the amendment by the Senator from Colorado to be voted up or down, and I continue to believe that the Armstrong amendment is one that should not be shunted aside by any procedure but we should continue with an up-or-down vote and allow the House of Representatives to express its will.

I yield the floor.

Mr. CHAFEE. Mr. President, I will vote to sustain the nongermaneness motion of the chairman of the Appropriations Committee when he makes it in a few minutes.

The date today is March 31. We are in the afternoon. At midnight the continuing resolution expires. Several departments and programs of the U.S. Government, including Health and Human Services, are dependent upon a renewal of that continuing resolution to operate tomorrow and the days thereafter. Absent the passage of this legislation those departments stop operations.

It is clear that if the Armstrong amendment is contained in this bill it will not be acceptable in that form to the House of Representatives. In other words, there will be no continuing resolution for some time if at all.

I am opposed to the high unsubstantiated per diem tax deduction which the present law permits. I voted against that legislation last December. It is clear there will be an opportunity for us to vote to remove that per diem deduction for unsubstantiated business expenses in the near future. The majority leader has so promised.

Therefore, Mr. President, let us move on with this continuing resolution so that the Government will not have to cease operations.

Mr. MOYNIHAN. Mr. President, I rise with a similar purpose as my friend from Rhode Island to make essentially the same statement and to expand just the least bit.

I voted against the proposal to change the rules of tax deductions for Senators and some weeks ago announced that I would not myself take those deductions, having voted against them, and I do so for several reasons of which one is the simple feeling that we are not in fact traveling to Washington; in an important sense, we reside here where we work. So I shall vote to support the chairman of the Appropriations Committee.

But, Mr. President, may I draw attention to a matter which occurred yesterday and has been below the surface of so many of these discussions? One of the great men of our history and the man Thomas Jefferson thought the greatest man alive and who presided over this body at one point was James Madison, and there are few of us who have not read his great Federalist Paper No. 10 in which he sets forth his understanding of the nature of faction as he called it, party as it later came to be known, but the divisions between men into different competing groups and he observed that the most common and durable source of factions has been the various and unequal distribution of property.

Madison was not a man to avoid the truths of life when he was talking about the nature of the American democracy. And there are in this body very large divisions, as he would say, of property. There are such divisions. There is such unequal distribution.

It would seem to me to be a profoundly regrettable event if we are going to permit the various distributions of property within our body to allow one group to form a faction to take advantage against another.

We did not come here representative of our individual resources. We came here representative of a majority of the voters in our State. And to have us to decline on this Senate floor into representatives of our own property condition would be profoundly mistaken and yet we have almost come to that condition. We know what the private conversations in this body have been for the last 24 hours.

Can we not take warning and take heed from Madison who recognized the inherent probability of such divisions among men but thought that the great art of government would be to minimize their impact? The great art of government would be to minimize the impact of the various and unequal divisions of property.

That is not what is going on in the Senate right now and this has not been a heartening experience. It has been a disturbing one and I would think it should be recorded that a very large number of the Members of this body are very disturbed indeed at what is almost a wanton disregard for the sources of comity and attention to serious matters that we have seen in the last 24 hours.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. BAKER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

The PRESIDING OFFICER. Under the previous order, the Senator from Oregon is recognized.

Mr. HATFIELD. Mr. President, I now make a point of order against the Armstrong amendment on the grounds that it is not germane.

The PRESIDING OFFICER. The Chair advises the Senate that the relevancy of amendments under rule XVI shall be submitted to the Senate without debate. The Chair, therefore, under Senate rule XVI, now submits to the Senate the question raised by the Senator from Oregon (Mr. HATFIELD); namely, is the amendment germane or relevant to the subject matter of the House-passed bill? The question is not debatable.

Mr. HATFIELD. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

Mr. HATFIELD. Mr. President, will the Chair state the question before the Senate?

The PRESIDING OFFICER. The question is: Is the amendment germane or relevant to the subject matter of the House-passed bill? The yeas and nays have been ordered and the clerk will call the roll.

The legislative clerk called the roll.

Mr. STEVENS. I announce that the Senator from Vermont (Mr. STAFFORD) is necessarily absent.

The PRESIDING OFFICER (Mr. DURENBERGER). Are there any other Senators in the Chamber wishing to vote?

The result was announced—yeas 57, nays 41, as follows:

[Rollcall Vote No. 73 Leg.]

YEAS—57

Abdnor
Armstrong
Baucus
Bentsen
Boren
Bradley
Bumpers
Burdick
Byrd, Harry F., Jr.
Cannon
Chiles
Cohen
Danforth
DeConcini
Denton
Domenici
Durenberger
Eagleton
East
Exon
Ford
Grassley
Hart
Hatch
Hawkins
Heflin
Heinz
Helms
Humphrey
Jackson
Jepsen
Kassebaum
Kasten
Kennedy
Levin
Lugar
Mathias
Mattingly
Melcher
Metzenbaum
Mitchell
Nickles
Nunn
Pell
Pressler
Proxmire
Pryor
Randolph
Riegle
Roth
Sarbanes
Sasser
Schmitt
Specter
Thurmond
Warner
Zorinsky

NAYS—41

Andrews
Baker
Biden
Boschwitz
Byrd, Robert C.
Chafee
Cochran
Cranston
D'Amato
Dixon
Dodd
Dole
Garn
Glenn
Goldwater
Gorton
Hatfield
Hayakawa
Hollings
Huddleston
Inouye
Johnston
Laxalt
Leahy
Long
Matsunaga
McClure
Moynihan
Murkowski
Packwood
Percy
Quayle
Rudman
Simpson
Stennis
Stevens
Symms
Tower
Tsongas
Wallop
Weicker

NOT VOTING—1

Stafford

The PRESIDING OFFICER. On a vote of 57 yeas, 41 nays, the decision of the Senate is that the amendment is germane.

AMENDMENT 1345, AS MODIFIED

Mr. HATFIELD. Mr. President, what is the parliamentary situation?

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Alaska.

Mr. STEVENS. Mr. President, at the request of my distinguished friend from Louisiana, I modify my amendment so that it is a perfecting amendment rather than an amendment in the nature of a substitute.

The **PRESIDING OFFICER.** Will the Senator send the modification to the desk?

Mr. **STEVENS.** It is a matter of changing one word. I shall be happy to have that done.

The **PRESIDING OFFICER.** The amendment is so modified.

The amendment (No. 1345) as modified, is as follows:

At the end of the language proposed to be inserted by amendment numbered 1344, insert the following: "Notwithstanding any other provision of law, the salary for a Member of Congress in effect on March 30, 1982, shall be reduced by 10 percent to be effective on April 1, 1982.".

Mr. **HATFIELD.** Mr. President, I move to lay the Armstrong amendment——

Mr. **STEVENS.** Will the Senator withhold that 1 minute?

Mr. **HATFIELD.** I withhold it.

Mr. President, I yield to the Senator from Alaska for the purpose of a statement.

Mr. **STEVENS.** Mr. President, the effect of the amendment that is before the Senate now would be to have a 10-percent reduction in the salary of Members of Congress, and again I say that the message ought to be clear as to what we are doing.

If we want to send a message to our constituents that we believe we are overpaid and the past actions of the Congress have been ill-advised, this is the way to do it.

I understand that my friend from Oregon is going to move to table my amendment——

Mr. **HATFIELD.** The Armstrong amendment.

Mr. **STEVENS.** The Armstrong amendment, which would carry this amendment with it. I will not make any further comment on it at this time. It is my understanding that if that motion fails, my amendment would still be pending, is that correct?

Mr. **PROXMIRE.** Will the Senator from Alaska take just a minute to explain his amendment?

The **PRESIDING OFFICER.** The Senator from Oregon has the floor.

Mr. **PROXMIRE.** Will the Senator yield for a question just 1 moment?

Mr. **HATFIELD.** I yield to the Senator from Wisconsin for a question.

Mr. **PROXMIRE.** The Senator has modified his request to make this a perfecting amendment. I take it that what that means is, No. 1, there would be a 10-percent reduction, and, No. 2, there would also be a loss of the tax advantage that Senators received last year, is that right?

Mr. **STEVENS.** That is correct. That request was made from a Member on your side of the aisle that if we are going to do it, if the Senator from Colorado is correct that we made an error last year, we should correct that error but we should also reduce our salaries.

I think that that is wise judgment at this point. If the Senate is in the mood that I perceive it is in, we might as well send a message to the American people that we made a mistake in setting our salaries at the level of $60,000 and we ought to cut it.

I intend to pursue that. I have a few other amendments I intend to pursue, as well as I intend to pursue the question of whether or not this amendment, in fact, is not legislation on an appropriations bill and, therefore, ought to be subject to a point of order.

There are several other items that will be pursued throughout the afternoon and evening, I assure the Senator.

MOTION TO TABLE ARMSTRONG AMENDMENT NO. 1344, AS AMENDED

Mr. **HATFIELD.** Mr. President, I will move to table the Armstrong amendment, but I should like to explain briefly that this gives us another opportunity to extricate ourselves from this difficult and more complex morass. Each hour that we go on in this kind of routine I think Senators will find an increase in the acrimony that was observed by many last night.

I do not think it augurs well for the future of the Senate to let ourselves continue in this kind of direction, with all the important issues that we have to resolve confronting the Nation and the world.

Relationships become ruptured in this kind of an environment, and I do not believe it is good either for the health of the Senate or for the Nation.

I will not make further observation except that this observation has been made by many colleagues since last night, in the cloakroom and informally around on the floor. Therefore, when I move to table the amendment by Mr. ARMSTRONG, if it prevails, it brings with it the possibility of ending this situation and also tabling the Tsongas modifying amendment and the Stevens amendment that is pending, and, it is hoped, all other amendments will then be discouraged and we will move on to complete the business on the continuing resolution.

Therefore, I move to table the Armstrong amendment and ask for the yeas and nays.

The **PRESIDING OFFICER.** Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

The **PRESIDING OFFICER.** The question is on agreeing to the motion of the Senator from Oregon (Mr. HATFIELD) to table the amendment of the Senator from Colorado (Mr. ARMSTRONG). On this question the yeas and nays have been ordered, and the clerk will call the roll.

The bill clerk called the roll.

Mr. **STEVENS.** I announce that the Senator from Vermont (Mr. STAFFORD) is necessarily absent.

Mr. **CRANSTON.** I announce that the Senator from Georgia (Mr. NUNN) is necessarily absent.

The **PRESIDING OFFICER.** Are there any other Senators in the Chamber who desire to vote?

The result was announced—yeas 32, nays 65, as follows:

[Rollcall Vote No. 74 Leg.]

YEAS—32

Baker
Boschwitz
Cochran
Cranston
D'Amato
Denton
Dodd
Dole
Garn
Glenn
Goldwater
Gorton
Hatfield
Hayakawa
Hollings
Huddleston
Inouye
Johnston
Laxalt
Matsunaga
McClure
Murkowski
Packwood
Quayle
Rudman
Stevens
Symms
Thurmond
Tower
Tsongas
Wallop
Weicker

NAYS—65

Abdnor
Andrews
Armstrong
Baucus
Bentsen
Biden
Boren
Bradley
Bumpers
Burdick
Byrd,
  Harry F., Jr.
Byrd, Robert C.
Cannon
Chafee
Chiles
Cohen
Danforth
DeConcini
Dixon
Domenici
Durenberger
Eagleton
East
Exon
Ford
Grassley
Hart
Hatch
Hawkins
Heflin
Heinz
Helms
Humphrey
Jackson
Jepsen
Kassebaum
Kasten
Kennedy
Leahy
Levin
Long
Lugar
Mathias
Mattingly
Melcher
Metzenbaum
Mitchell
Moynihan
Nickles
Pell
Percy
Pressler
Proxmire
Pryor
Randolph
Riegle
Roth
Sarbanes
Sasser
Schmitt
Simpson
Specter
Stennis
Warner
Zorinsky

NOT VOTING—2

Nunn
Stafford

So the motion to table Mr. ARMSTRONG's amendment (No. 1344) was rejected.

Mr. **HATFIELD.** Mr. President, what is the parliamentary situation?

The **PRESIDING OFFICER.** The question is on the amendment of the Senator from Alaska.

Mr. **HATFIELD.** I yield to the distinguished Senator from Alaska.

Mr. **STEVENS.** Mr. President, I do want to vote on this very quickly. I would point out to the Senate that it would not be the first time that the Congress reduced its pay. It reduced its pay twice in 1933 and in 1934 and then restored the cut in 1935.

At the same time, incidentally, they restored the cut, they put into effect a new procedure which the Bureau of Internal Revenue at that time ruled did not allow Members of Congress to have deductions for either expenses in Washington or at home. And that led to a $2,500 annual expense allowance that was enacted in 1947.

In 1952, the Congress repealed that expense allowance, which was nontaxable, and put into effect a salary increase from $12,500 to $22,500.

The impact, really, of what this amendment is to say is if this is the time that we should reduce the allowances, the deductions that we take, then is this likewise the time to cut our salaries and send the message out to the country that we are prepared to totally trim back on congressional expenses?

Mr. President, I ask for the yeas and nays.

The **PRESIDING OFFICER** (Mr. HATCH). Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

The **PRESIDING OFFICER**. The question is on agreeing to the amendment of the Senator from Alaska (Mr. STEVENS). The yeas and nays have been ordered and the clerk will call the roll.

The legislative clerk called the roll.

The result was announced—yeas 63, nays 36, as follows:

[Rollcall Vote No. 75 Leg.]

YEAS—63

Abdnor
Andrews
Baker
Baucus
Bentsen
Boren
Burdick
Byrd, Harry F., Jr.
Byrd, Robert C.
Cannon
Chiles
Cochran
Cranston
D'Amato
Danforth
DeConcini
Denton
Dole
Domenici
Eagleton
Ford
Garn
Grassley
Hatch
Hawkins
Hayakawa
Heflin
Helms
Inouye
Jackson
Jepsen
Johnston
Kassebaum
Kasten
Laxalt
Leahy
Long
Mattingly
Melcher
Metzenbaum
Moynihan
Murkowski
Nickles
Nunn
Pressler
Proxmire
Pryor
Quayle
Randolph
Riegle
Rudman
Sarbanes
Sasser
Schmitt
Simpson
Stafford
Stevens
Thurmond
Tower
Wallop
Warner
Weicker
Zorinsky

NAYS—36

Armstrong
Biden
Boschwitz
Bradley
Bumpers
Chafee
Cohen
Dixon
Dodd
Durenberger
East
Exon
Glenn
Goldwater
Gorton
Hart
Hatfield
Heinz
Hollings
Huddleston
Humphrey
Kennedy
Levin
Lugar
Mathias
Matsunaga
McClure
Mitchell
Packwood
Pell
Percy
Roth
Specter
Stennis
Symms
Tsongas

So Mr. STEVENS' amendment (No. 1345) as modified, was agreed to.

Mr. **HATFIELD**. Mr. President, I move to lay the Armstrong amendment on the table. I ask for the yeas and nays.

The **PRESIDING OFFICER**. Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

The **PRESIDING OFFICER**. The question is on agreeing to the motion to table the amendment of the Senator from Colorado. The yeas and nays have been ordered. The clerk will call the roll.

The bill clerk called the roll.

The result was announced—yeas 31, nays 68, as follows:

[Rollcall Vote No. 76 Leg.]

YEAS—31

Baker
Boschwitz
Dodd
Dole
Garn
Glenn
Goldwater
Gorton
Hatfield
Hayakawa
Hollings
Cochran
Cranston
Huddleston
Humphrey
Inouye
Johnston
Laxalt
Matsunaga
McClure
Murkowski
Packwood
D'Amato
Denton
Quayle
Rudman
Stevens
Symms
Tower
Tsongas
Wallop

NAYS—68

Abdnor
Andrews
Armstrong
Baucus
Bentsen
Biden
Boren
Bradley
Bumpers
Burdick
Byrd, Harry F., Jr.
Byrd, Robert C.
Cannon
Chafee
Chiles
Cohen
Danforth
DeConcini
Dixon
Domenici
Durenberger
Eagleton
East
Exon
Ford
Grassley
Hart
Hatch
Hawkins
Heflin
Heinz
Helms
Jackson
Jepsen
Kassebaum
Kasten
Kennedy
Leahy
Levin
Long
Lugar
Mathias
Mattingly
Melcher
Metzenbaum
Mitchell
Moynihan
Nickles
Nunn
Pell
Percy
Pressler
Proxmire
Pryor
Randolph
Riegle
Roth
Sarbanes
Sasser
Schmitt
Simpson
Specter
Stafford
Stennis
Thurmond
Warner
Weicker
Zorinsky

So the motion to lay on the table was rejected.

Mr. **HATFIELD**. Mr. President, I now make a point of order against the Armstrong amendment on the grounds that it constitutes legislation on an appropriations bill.

Mr. **ARMSTRONG**. Mr. President, may I be heard upon the point of order?

The **PRESIDING OFFICER**. The Chair in its discretion may entertain debate, and the Chair in its discretion will entertain debate on the point of order.

Mr. **ARMSTRONG**. Mr. President, I was out of the Chamber. As I returned I believe I overheard the Senator from Oregon make the point of order that this constitutes legislation on an appropriations bill.

Mr. President, a very similar issue was submitted to the judgment of the Chair on September 24 of last year when one of the amendments which occasioned the amendment which I and seven other Members of the Senate have offered was in fact offered as an amendment to the continuing resolution then pending in the Senate. The Chair ruled on that occasion that the amendment was not in order and the Senator from Alaska (Mr. STEVENS) appealed the ruling of the Chair and the Senate itself concluded that the amendment in that circumstance was in order.

It seems to me that that is the proper precedent. Since the Senate has spoken on this matter, the Chair, it seems to me, is obligated to follow the precedent established in a similar circumstance.

I appreciate that there are many subtleties to parliamentary procedure and so there may be some reason why the Chair may be constrained to rule otherwise, but I am sure that the Presiding Officer will understand that should that be the case, under the circumstances, I will have no choice but to appeal the ruling of the Chair.

The **PRESIDING OFFICER**. The Chair is prepared to rule. The amendment of the Senator from Colorado amends existing law and, therefore, it does constitute legislation on an appropriations bill

The point of order is sustained by the Chair.

Mr. **ARMSTRONG**. Mr. President, I respectfully appeal the ruling of the Chair and ask if the appeal is a debatable issue.

The **PRESIDING OFFICER**. The appeal is a debatable issue.

Mr. **ARMSTRONG**. Mr. President, I will debate it only a moment.

We have had a series of procedural votes on two or three occasions yesterday and today. There have been motions to table my amendment. Earlier this afternoon the Senator from Oregon raised the question of germaneness and that has been submitted.

Pretty clearly what we are going to vote on here in a moment on the appeal is not a parliamentary issue but simply a fundamental question of how we feel about the measure.

I think to argue it further or otherwise really is redundant and plows the same ground again, but I will note that it would be a very, very strange conclusion to this debate if, after having on two occasions last year permitted amendments affecting the income tax status of Members of Congress to be considered on continuing resolutions and to be adopted within the context of the continuing resolutions, the Senate now found a procedural reason to not permit this issue to come to a vote, and that is really what is all at stake here, whether or not we are going to vote on the pending amendment.

I am hopeful that Senators will simply consider the issue on its merits and support me in my effort to appeal the ruling of the Chair.

The **PRESIDING OFFICER**. The question is, Shall the decision of the Chair stand as the judgment of the Senate?

Mr. **HATFIELD**. Mr. President, I ask for the yeas and nays.

The **PRESIDING OFFICER**. Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

The **PRESIDING OFFICER**. On this question, the yeas and nays have been ordered, and the clerk will call the roll.

The legislative clerk called the roll.

The result was announced—yeas 51, nays 48, as follows:

[Rollcall Vote No. 77 Leg.]

YEAS—51

Abdnor
Andrews
Baker
Bentsen
Biden
Boschwitz
Chafee
Cochran
Cranston
D'Amato
Danforth
Denton
Dixon
Dodd
Dole
Exon
Garn
Glenn
Goldwater
Gorton
Hatfield
Hayakawa
Hollings
Huddleston
Humphrey
Inouye
Johnston
Laxalt
Leahy
Long
Matsunaga
Mattingly
McClure
Murkowski
Packwood
Pell
Percy
Quayle
Rudman
Simpson
Specter
Stafford
Stennis
Stevens
Symms
Thurmond
Tower
Tsongas
Wallop
Warner
Weicker

NAYS—48

Armstrong
Baucus
Boren
Bradley
Bumpers
Burdick
Byrd, Harry F., Jr.
Byrd, Robert C.
Cannon
Chiles
Cohen
DeConcini
Domenici
Durenberger
Eagleton
East
Ford
Grassley
Hart
Hatch
Hawkins
Heflin
Heinz
Helms
Jackson
Jepsen
Kassebaum
Kasten
Kennedy
Levin
Lugar
Mathias
Melcher
Metzenbaum
Mitchell
Moynihan
Nickles
Nunn
Pressler
Proxmire
Pryor
Randolph
Riegle
Roth
Sarbanes
Sasser
Schmitt
Zorinsky

So, the ruling of the Chair was sustained as the judgment of the Senate.

Mr. EXON. Mr. President, I move to reconsider the vote.

Mr. PROXMIRE. I ask for the yeas and nays, Mr. President.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

Mr. BAKER. Mr. President. I move to table the motion to reconsider and I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The question is on agreeing to the motion to lay on the table the motion to reconsider. The yeas and nays have been ordered. The clerk will call the roll.

The assistant legislative clerk called the roll.

The result was announced—yeas 52, nays 47, as follows:

[Rollcall Vote No. 78 Leg.]

YEAS—52

Abdnor
Baker
Biden
Boschwitz
Chafee
Cochran
Cranston
D'Amato
Danforth
Denton
Dixon
Dodd
Dole
Domenici
Garn
Glenn
Goldwater
Gorton
Hart
Hatfield
Hawkins
Hayakawa
Hollings
Huddleston
Humphrey
Inouye
Johnston
Laxalt
Leahy
Long
Matsunaga
Mattingly
McClure
Murkowski
Packwood
Pell
Percy
Quayle
Rudman
Schmitt
Simpson
Specter
Stafford
Stennis
Stevens
Symms
Thurmond
Tower
Tsongas
Wallop
Warner
Weicker

NAYS—47

Andrews
Armstrong
Baucus
Bentsen
Boren
Bradley
Bumpers
Burdick
Byrd, Harry F., Jr.
Byrd, Robert C.
Cannon
Chiles
Cohen
DeConcini
Durenberger
Eagleton
East
Exon
Ford
Grassley
Hatch
Heflin
Heinz
Helms
Jackson
Jepsen
Kassebaum
Kasten
Kennedy
Levin
Lugar
Mathias
Melcher
Metzenbaum
Mitchell
Moynihan
Nickles
Nunn
Pressler
Proxmire
Pryor
Randolph
Riegle
Roth
Sarbanes
Sasser
Zorinsky

So the motion to lay on the table was agreed to.

The PRESIDING OFFICER. The Senate will be in order.

Mr. HATFIELD. Mr. President, will the Chair explain the parliamentary situation?

The PRESIDING OFFICER. House Joint Resolution 409 is pending. There are no amendments pending at this time.

Mr. HATFIELD. So our continuing resolution is the pending business. It is a clean resolution.

The PRESIDING OFFICER. A clean resolution.

Mr. HATFIELD. I yielded to the Senator from North Carolina.

Mr. HELMS. I thank the Senator from Oregon.

I yield to the distinguished Senator from Kansas at this time.

Mr. President, may we have order?

The PRESIDING OFFICER. The Senate will be in order. Senators will please take their seats.

Mr. DOLE. Mr. President, I thank the Senator from North Carolina for yielding. I will take 1 minute.

I know there are very strong views on this issue. Even though it has been addressed temporarily, as I have indicated earlier today, I will entertain, on behalf of the Senate Finance Committee, any bill that may be introduced; and I will set hearings, try to work it out, and try to have it on the earliest possible vehicle, so that a package may be put together in the next 45 to 60 days.

I say that to the Senator from Colorado and the Senator from Wisconsin and others who generally feel strongly about this matter. We will see if we can work out something to the satisfaction of everyone.

Mr. BAKER. Mr. President, I support the distinguished chairman of the Finance Committee, the Senator from Kansas, in his statements.

I, too, have represented that we will go into this matter. For my part, I will depend on him and other members of the Finance Committee to advise us on how to proceed and to make sure there is a forum for considering this matter carefully and prudently.

I wish to take this opportunity to pay my genuine respects to the Senator from Colorado, who has done a masterful job of presenting a very difficult issue in a very effective way. Indeed, if he had been one more vote effective, I could not have stood it. [Laughter.]

The Senator from Colorado handled himself extremely well as he always does, and I congratulate him for that.

Mr. ARMSTRONG. Mr. President, if the majority leader will yield, I should like to respond in kind and express my appreciation to him for his courtesy and his patience in dealing with this matter. We did not see entirely eye to eye; but, as usual, the majority leader has made it possible for this body to function and for Members to hold opposing viewpoints, and yet to do so with courtesy and dispatch and in a setting of collegiality.

May I add to that the same words of appreciation to the distinguished manager of the bill, Mr. HATFIELD. I said at the outset, and I say again, that I regret that my call of duty adds to his burden, and I appreciate very much his courtesy and patience.

Finally, Mr. President, I express to the distinguished chairman of the Finance Committee and others my appreciation for their interest in this matter. This is not something which I have any idea of making a lifetime project or a career.

I thought we made a mistake last fall. I have raised the issue. It is before us, so far as I am concerned.

I shall await with interest the developments in the Finance Committee and on the floor, and I thank the chairman of the committee for giving us those assurances.

Mr. BAKER. Mr. President, I express my appreciation to the distinguished chairman of the Appropriations Committee. It sounds as though we are pronouncing eulogies after the measure has been passed, and it has not yet been passed.

I understand that the distinguished Senator from North Carolina has an amendment to offer, and I expect to have a colloquy with him on that subject.

I do not know of any other amendment; and I say to my colleagues that I believe that after the Helms amendment is disposed of, we may be prepared to proceed to final passage of this measure.

The PRESIDING OFFICER. The Senator from North Carolina.

Mr. HELMS. Mr. President, before I send an unprinted amendment to the desk, I wish to pay my respects to the Senator from Colorado.

The position in which he has found himself the past several hours is not entirely unique, but he has served an excellent purpose. I want him to know that I admire and respect him and I will be glad to support him in his efforts.

Similarly, Mr. President, I pay my respects to Senator HATFIELD and the distinguished majority leader and to the ranking minority member on the committee.

We had a group of gentlemen living up to the traditions of this Senate and the decision was made not entirely as I want it to be, but again comity has prevailed.

And on top of everything else, Mr. President, I was so interested in the civil interest that was shown by the Members of the House of Representatives. I never saw so many House Members here. Some of them looked like they were living on a diet of fingernails. But I am sorry they departed because they, I believe, wanted to hear the debate on this amendment.

Mr. McCLURE. Mr. President, will the Senator yield?

Mr. HELMS. I am delighted to yield to my friend from Idaho.

Mr. McCLURE. I heard the remarks of my colleague with respect to the diet of the Members of the House of Representatives. But I really believed it was not their fingernails they were chewing. I had the distinct impression they were chewing ours.

Mr. HELMS. It may not have been fingernails, but we will see.

UP AMENDMENT NO. 865

(Purpose: To provide that none of the appropriations available under this joint resolution may be available for the Department of Justice after May 31, 1982)

Mr. HELMS. In any case, Mr. President, I send an unprinted amendment to the desk and ask that it be stated.

The PRESIDING OFFICER. The amendment will be stated.

The legislative clerk read as follows:

The Senator from North Carolina (Mr. HELMS) proposes an unprinted amendment numbered 865:

At the end of the resolution, add the following:

Sec. . Notwithstanding any other provision of this joint resolution, none of the funds appropriated by this resolution shall be obligated or expended for the activities of the Department of Justice after May 31, 1982.

Mr. HELMS. Mr. President, this amendment is short and simple, if not sweet. As the clerk has just stated,

> Notwithstanding any other provision of this joint resolution, none of the funds appropriated by this resolution shall be obligated or expended for the activities of the Department of Justice after May 31, 1982.

The effect of this amendment, of course, is obvious. It is to extend funding for the Department of Justice only through May 31, 1982, rather than through the entire fiscal year end, September 30, 1982. There are several reasons why I think this amendment should be adopted.

Mr. President, as my able colleagues are well aware, the Senate spent perhaps an inordinate amount of time on the 1982 Department of Justice authorization bill, which was S. 951. After a delay of several months the Senate finally passed that measure by a vote of 57 to 37, a 20-vote spread. That occurred on March 2 as I recall.

S. 951 contains many provisions with respect to the authority of the Department of Justice to conduct operations in certain areas of its responsibility. But it also contains the so-called Helms-Johnston amendment limiting court-ordered busing, which is as all Senators know a matter of great concern to the vast majority of the American people.

My problem is this, Mr. President, with respect to this continuing resolution: If the Senate passes the continuing resolution today without amendment, the Department of Justice will continue to operate pursuant to various authorities, some of which may be legally questionable, through September 30 of this year.

Therefore, with the DOJ authorization bill sitting over there in the House of Representatives and with this continuing resolution passed by both Houses of Congress running to midnight of September 30, I can see what some of the brethren in the House of Representatives will do and think in terms of this legislation.

The Department of Justice will be set up for the rest of the fiscal year. So under these circumstances the distinguished chairman of the House Judiciary Committee and the distinguished Speaker of the House of Representatives may well decide that they do not have to act at all on S. 951.

If this were to happen, the will of the Senate, as expressed by a 20-vote margin with respect to S. 951, after months and months of time spent in this Chamber, will be totally thwarted; hence, in voting for a continuing resolution which in effect provides authority and appropriations for the Department of Justice along with other agencies, the end of the fiscal year will find us with no implementation of the will of the Senate with respect to the Helms-Johnston amendment.

So, Mr. President, the pending amendment extends Department of Justice funding through May 31, 1982. Given the fact that S. 951 was sent to the House of Representatives on March 2, 29 days ago, this additional period of time gives the House, I think, ample opportunity to do what it should do, to let the House vote on the measure including the Helms-Johnston amendment. The House will have had approximately 3 months to act, and I view this as a reasonable length of time in light of the fact that we are already very far along in fiscal year 1982.

So, in all candor, Mr. President, the pending amendment will send what I hope will be a clear message to the House of Representatives that the Senate will not go blithely along with business as usual while the House sits on a vital piece of legislation which it should consider.

Once the 1982 Department of Justice authorization bill is enacted, the Senate can then come back and pass the necessary appropriation bill for the operations of the Department of Justice through the end of the fiscal year.

But I at this point simply do not believe that we should extend funding for the Department of Justice through the entire remainder of the fiscal year while the House of Representatives fails to act on S. 951.

Mr. BAKER. Mr. President, I commend the distinguished Senator from North Carolina for the action he is taking.

I hope that it does indeed send a message to the House of Representatives and that it produces a result on the House side in terms of their considering and passing S. 951, the Department of Justice authorizations bill, not only because it contains the Helms-Johnston amendment, which I supported and still support, but also because the Department of Justice is entitled to an authorization bill as is every agency and department of Government.

Mr. President, I supported the Senator from North Carolina and his amendment at every step of the way.

I observe the Senator from Connecticut is here who carried on what must be one of the longest ranging filibusters in the history of the Senate, extending off and on for 7 or 8 or 9 months.

The Senate has invested a large amount of time in this issue, and the leadership of the Senate of both sides of the aisle has persevered over two sessions of the Senate, the first and second sessions of this Congress, to finally send to the House of Representatives a DOJ authorization bill, and we finally did it this year with the amendment of the Senator from North Carolina and the Senator from Louisiana.

And the Senate did not speak in soft tones. It spoke decisively on this issue when the merits were reached.

I believe, Mr. President, that the House owes us the opportunity to translate this measure now into the law of the land. I hope and I urge our colleagues in the House of Representatives to take this matter up and deal with it promptly.

But having said that, Mr. President, I hope that the Senator from North Carolina and his friends and allies, of which I am one, will not persist in offering and insisting on this amendment to this bill. The distinguished Senator from Oregon has stood here in his place managing the continuing resolution for days.

I have tried as best I could to help him in standing down amendments to this bill, many of which Members would like to support. But I felt at the beginning, as I have announced repeatedly and I said in my opening statement when this resolution was laid down, that I thought it was absolutely urgently important that we send to the House of Representatives a clean bill.

Now we have struggled hard to get to this point, and we have a clean bill. I would not impose on the Senator from North Carolina unduly, but I would ask him to consider the possibility that we find some other measure on which a DOJ authorization bill can be attached if indeed the House of Representatives does not act. But I give him my assurance that at some point, if the House does not act on this measure, I will join with him in trying to find a parliamentary way to see that we, if you will pardon the expression, give our friends in the House another opportunity. And I believe we could do this.

Mr. JOHNSTON. Will the Senator yield?

Mr. HELMS. I yield to the Senator from Louisiana.

Mr. JOHNSTON. Mr. President, I have, of course, conferred with my friend from North Carolina, Senator HELMS, at some length prior to the time that this matter was brought up. The amendment which the Senate dealt with here on the floor for some 6 months with three successful——

Mr. WEICKER. Ten months.

Mr. JOHNSTON. Ten months. Whatever, it was a long time—on which we had three separate cloture votes by margins that were about 60-40, that amendment was really in two parts. There was the Helms part dealing with the use of funds by the Department of Justice and the part I added later on which became the joint amendment which we jointly sponsored dealing with time and distance and the unreasonableness of busing.

Now it was my conclusion, Mr. President, not to put at least my part of the amendment on this particular continuing resolution and I want to briefly state why. There are two reasons. First of all, because it was my judgment early on that this tax-break legislation was never going to see the light of day, that we would be involved in one of these fruitless exercises and eventually because of the urgency of the matter we would have to send over a clean resolution, which indeed seems to be the judgment of the Senate. That is the first reason. In other words, I did not want to be associated with an exercise which would not be successful, not after having passed that measure here three times on the floor of the Senate by wide margins.

Second, frankly, was because the majority leader has been so cooperative and so fair in seeing that this body had a right to work its will. It is a very difficult balancing act to protect the rights of all parties, and indeed it was a measure of his skill in doing that. And the distinguished Senator from Connecticut, the distinguished Senator from North Carolina, and myself all praised him for his handling of the last matter.

But as I appreciate what the majority leader is now saying is that the House deserves the right to work its will, without undue interference here in the early weeks of when they receive that bill. And, I might add, in that spirit, I have been to see the Speaker of the House, Mr. O'NEILL, and the chairman of the Judiciary Committee, Mr. RODINO. I met with them at some length. The Speaker had a press conference shortly thereafter. He said he was going to refer the bill to the Judiciary Committee and that there would be a vote up or down on the measure, albeit in some amended form perhaps. But he assured publicly that that would happen. Since that time, the chairman of the Judiciary Committee, Mr. RODINO, has requested that the bill be referred to him.

Indeed, my failure to offer this amendment on this legislation is to give them all of the fullness of time and all of their fairness and all of the opportunity which they have requested to have hearings, to consider the measure and to deliver on the publicly stated indication that they would have a vote. It is in that spirit, as well as the spirit of cooperation with the majority leader, that I have not offered the time and distance parts of the amendment.

As I heard the majority leader give assurances to the distinguished Senator from North Carolina, he is saying essentially the same thing; that we deserve attention in the House on this measure and that if the House does not do so, that he will cooperate with us in getting the appropriate vehicle—and I might say the appropriate vehicle would seem to me to be the debt ceiling. And an appropriate vehicle is one that has got to pass, and that is an extreme measure. But if you pass something here on the floor of this Senate three times overcoming cloture and you are not able to get action in the House, then it calls, I think, for some extreme measure.

So I think the Senator from North Carolina has accomplished here today in getting these assurances from the majority leader, accomplished what he could not have done by having a debate and a consideration of the amendment. I congratulate him and I congratulate also the majority leader for his spirit of cooperation with our endeavors.

Mr. HELMS addressed the Chair.

The PRESIDING OFFICER (Mr. HAYAKAWA). The Senator from North Carolina.

Mr. HELMS. Mr. President, I thank my able colleague, Senator JOHNSTON, and I thank the majority leader. There has never been an instance since he became majority leader that we have not worked 100 percent together. And I have enjoyed it and I have appreciated the countless number of accommodations that he has extended to me.

Mr. WEICKER. Will my good friend from North Carolina yield on that point?

Mr. HELMS. Yes.

Mr. WEICKER. I just want the record to show that it is because of my respect and affection for the majority leader that I am staying out of this discussion. [Laughter.]

Mr. HELMS. I knew there had to be an up side to this day somewhere, Mr. President.

Just for the record, I would say to my friend from Louisiana that I believe I am correct that the authorization bill was referred to the Judiciary Committee on the House side on March 22. That is my understanding.

Mr. JOHNSTON. If the Senator would yield, then I am doubly glad that I said they should be given the opportunity, because it appears that indeed they have delivered on their promise or at least the beginning of the process of doing this. And I wish to congratulate the Speaker and the chairman of the committee. I am glad to hear that.

Mr. HELMS. And I would say to my friend from Louisiana and to other Senators that that means that the clock began to run on March 22. The 30 legislative days that must elapse under the rules over on the House side before a discharge petition can be filed will run at the end of May, the last time I checked my arithmetic.

But, in any case, we have a complete understanding, my friends the majority leader and Senator JOHNSTON. The majority leader will understand that when the debt ceiling bill comes up or some other appropriate piece of legislation, we will be here like Tennyson's brook rolling on and on. But you know the debt ceiling legislation, Mr. President, is going to encounter a substantial amount of difficulty, because some of us have already served notice, as you know, that unless this Senate has considered the constitutional amendment requiring a balanced Federal budget, we are going to be constrained to not raise the debt ceiling. I know the majority leader knows that, but I just want to thank him for his cooperation. In the light of his assurances and the support that he has pledged to our efforts as a continuation of the support he has given us in the past, I think it is unnecessary to include this amendment and it is my intent to withdraw it. If there is no further comment by any Senator, I do withdraw the amendment.

The PRESIDING OFFICER. The amendment is withdrawn.

Mr. BAKER. Mr. President, now that the amendment is withdrawn, may I say I appreciate the action taken by the Senator from North Carolina and the Senator from Louisiana, and I appreciate the position of the Senator from Connecticut.

On the matter of the debt ceiling, I am reminded of a saying by Scarlet O'Hara, "I will worry about that next week."

Now, Mr. President, I will yield the floor. I know of no other amendments. I will inquire of the distinguished manager of the resolution if he does.

Mr. HATFIELD. Mr. President, I know of no other amendments which are pending at this time. There may be some additional remarks Senators wish to make, but I wonder if we can have third reading first and have the bill before us.

Mr. KENNEDY. Mr. President, I rise to oppose passage of the continuing resolution. The bill before the Senate today perpetuates the unwise and unwarranted cuts in vital social programs enacted last year. Passage of this resolution means sharp reductions in job training programs in a time of deep recession. Passage of this resolution also means reduced funding for vital preventive and primary care programs such as immunization, maternal and child health, and community health centers.

I believe the Congress can fashion a more equitable program for meeting the needs of the American people, while maintaining an economic program that will bring down interest rates and provide jobs for the millions of Americans who are out of work. I hope that Congress will turn to this important work soon, and help bring an end to the unnecessary suffering and hardship that this budget represents.

● Mr. DODD. Mr. President, in devoting 2 days in debate and 13 rollcalls to the question of appropriate tax treatment of Senators' business expenses, this institution has done little to earn the respect of the American people.

Surely the continuing appropriations resolution, required to provide funding for many of the operations of the Federal Government, could have been used for better purpose than as a vehicle to ventilate this admittedly important but clearly narrow issue.

Certainly there is no dearth of problems to merit our close and careful attention.

Nuclear weapons threaten to spread to perhaps 20 to 25 nations by the end of this century; the distribution of income among rich and poor, at home and abroad, continues to worsen; and unemployment in the United States is approaching 9 percent and may soon reach double-digit levels for the first time since the Great Depression.

High interest rates persist, undermining recovery and aggravating economic tensions between the United States and its trading partners.

Instability in the Persian Gulf continues to threaten our oil lifeline.

Our citizens walk the streets in fear of being mugged, robbed, or worse.

We chose to bypass responsible discussion of approaches to address any of these problems and focus instead on the treatment of congressional tax returns. That displays, in my judgment, a dubious sense of national priorities.

With regard to the congressional tax issue, let me make my own position clear.

Last fall Congress, with my approval, passed legislation that its Members should be treated no differently from professionals in the private sector in the tax treatment of expenses incurred away from home in the course of meeting the obligations of their jobs. We decided that instead of the previous blanket deductions of $3,000—whether expenses of that amount could be demonstrated or not—Members of the House and Senate should be granted deductions equivalent to those they could actually demonstrate.

However, the Internal Revenue Service in prescribing regulations to fulfill the congressional mandate missed badly Congress intent by, in effect simply allowing a larger unsubstantiated blanket deduction.

I support measures to require that the IRS treat Congressional tax returns in a manner that is both reasonable and equitable.

I voted for the amendment of the Senator from Pennsylvania (Mr. SPECTER) that required all expenses to be itemized.

I voted for the amendment of the Senator from Massachusetts (Mr. TSONGAS) that required Members of Congress to make public disclosure of their tax returns annually.

I voted for the amendment of the Senator from Alaska (Mr. STEVENS) that placed a cap on the tax advantage which any Member of Congress could obtain from such deductions at $5,000.

A policy constructed around those elements, Mr. President, would meet the tests of fairness and efficiency—both to Congress and the American people. It could have been designed, one would have expected, in a more reasoned and calmer environment than the orgy of haggling and playing to the crowd that has characterized our last 2 days. And it could have freed that time for us to do what we were elected to do: Fashion the policies and programs needed to answer the truly pressing needs that face this Nation at home and abroad.●

The PRESIDING OFFICER. If there be no further amendment to be offered, the question is on the third reading of the joint resolution.

The joint resolution was ordered to a third reading and was read the third time.

Mr. HATFIELD. Now, Mr. President, I ask for the yeas and nays on passage.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

Mr. HATFIELD. Mr. President, may we have order in the Senate?

The PRESIDING OFFICER. The Senate will be in order.

Mr. HATFIELD. Mr. President, I just want to take but 2 minutes to indicate my deep appreciation for many who helped steer this bill through deep and troubled waters in the last couple of days:

To my ranking minority colleague on the committee, Senator PROXMIRE, put in a very difficult position because of his commitment to the principle embodied in the Armstrong amendment which he had earlier on indicated his support for and his origination of a similar amendment.

I also wish to thank the Senator from Colorado for his gentlemanly manner in which he conducted this particular debate.

I am deeply grateful to the Senator from North Carolina who has pulled down the amendment which he has a great interest in, keeping this a clean resolution.

For all Senators who had asked about offering amendments, who were so willingly ready to stand aside with their amendments in order to expedite this whole measure, I thank each one of them.

I am especially grateful to the majority leader for his constant attention and assistance to this whole matter, to keep this clean and get it down to the White House and get it signed hours before the deadline, which will be very unusual for us, and to also comply with the many times stated request of the Senator from Colorado to do these in the daylight hours. We are ready now to move to that final decision.

Before I do so, I would like to yield to the Senator from Idaho.

Mr. McCLURE. Mr. President, I thank the Senator for yielding. I do not mean to delay the movement through final disposition of this legislation, but because we have spent so much time over the last 24 hours talking about the compensation of Members of Congress and the need for an illustrative restraint, I think it is fair to at least add to the record at this time the fact that there has been some restraint on the part of the Members of Congress over the last several years.

I would like to briefly comment with respect to the evolution of the pay of Members of Congress since 1969.

Over that period of time, from 1969 to the present, the Consumer Price Index has risen 131 percent. The hourly earnings index is up 126 percent. The average general schedule of Federal civil service employees is up 118 percent. The Hay compensation comparison, which is an associate survey of nonbonus industrial, is up 115 percent. By reference to another political index, the salaries of the Governors of the 50 States have gone up by 72 percent, but the pay of Members of Congress has gone up, in that period of time, by 42 percent.

If we want to look at another comparison, and these figures are not exactly to the last penny because I am working from a graph rather than precise figures, but I have extrapolated some of this matter, in 1969 the pay of the Members of Congress was fixed at $42,500. By October of 1969 the CPI would have raised that to $44,000, but it stayed at $42,500.

A year later the CPI would have adjusted that to $46,500, but it remained at $42,500.

In October 1971 the CPI had risen to the point where that would have adjusted to $46,000, and Members of Congress restrained themselves and kept their pay at the 1969 level.

In 1972, the CPI had risen to $49,500, and Members of Congress by that time were $7,000 below the CPI adjusted figure.

In 1973, as we saw a heightened inflation between 1972 and 1973, the CPI had risen to the point that that adjusted figure would have been $53,750, and the Members of Congress were still at $42,500.

By 1974 the CPI would have driven that to $60,000. Members of Congress were still at $42,500.

Members of Congress in the following year did increase the pay of Members of Congress from $42,500 to $44,500, but the adjusted figure in 1975 was $64,500. By that time we had already dropped $20,000 behind the CPI.

In March 1976, we were still at the same figure while the CPI had risen to $68,000.

A year later it had risen to $72,500, while Congress had then gotten to the point of really being generous with ourselves and raised the pay to $57,500. We are now only $15,000 per year below the CPI.

The following year it went to $79,000 on the CPI, and we remained at the same figure.

Again in the following year in October 1979, the CPI figure rose to $88,500, and we had the tremendous courage to increase the pay of the Members of Congress to $60,662.50, from which there has been no change to this date.

The CPI drove it to $88,500 and then to $98,000, and then up to nearly $110,000, while Members of Congress voted to restrain themselves by keeping the pay at the same levels.

So I think it would be totally wrong to indicate that there has been no restraint in this body, that there is somehow something perverse in having tried to make an adjustment in a cost-of-living ceiling that was put on in 1946.

Mr. President, I think it is nice for us to look at the past with longing, but to expect that we live in the straitjacket of the past and every time we try to change that somebody goes out and says, "This isn't the time; this is not the place; Members of Congress ought to restrain themselves."

Mr. President, we have.

Mr. PROXMIRE. Will the Senator yield?

Mr. HATFIELD. I yield.

Mr. PROXMIRE. Mr. President, I thank the chairman.

I want to congratulate Chairman HATFIELD and Majority Leader BAKER for really the most remarkable showing I have seen in a long, long time, perhaps never. I have been here 24 years. I have never seen a leader who has been able to turn the Senate around when they voted 77 to 20 to go along with the Armstrong amendment and against the tabling. We ended up because of the enormous skill, ability, and persuasion—and a little arm twisting, but they did it all legitimately and very effectively.

Frankly, I am tremendously impressed. It is a great tribute to their skill.

At the same time, Mr. President, I do think that the votes we cast here in the last 24 hours should send a signal that we want to change this law. We have to change the law. The Senator from Idaho has made a very strong case that we need an increase in our pay but this is not the way to do it. I think most of us realize that. We just are not treating ourselves the same way we treat ordinary taxpayers.

I expect that I am going to—unfortunately, I hate to serve notice on this, but this was my basic amendment. I introduced it about 6 weeks ago, I got 20 cosponsors on it. Senator ARMSTRONG introduced it. I did not think it belonged on his bill; I said it from the beginning. But I think we ought to have an up-or-down on some other legislation that will give us a chance to have a vote on it.

On the other hand, although it is true we do not get paid as much as many of us think we are worth, there is a whole lot of psychic income in this business. That I would estimate to be worth at least $150,000. Where else could you have the kind of fun we had last night with BOB DOLE and TED STEVENS? It was a great evening. I think I have not had that much fun since I saw the Marx Brothers in "A Night At The Opera."

Mr. HELMS. Mr. President, will the Senator from Oregon yield?

Mr. HATFIELD. I yield to the Senator from Georgia.

Mr. MATTINGLY. Mr. President, as soon as the vote on this side is finished, Senator SPECTER and I shall introduce a bill that I hope will be referred to the Finance Committee. In part, it will be the substantiation of living expenses by the Members of Congress. I shall talk more about that later.

I thank the Chair.

Mr. HATFIELD. Mr. President, I yield to the Senator from North Carolina.

Mr. HELMS. Mr. President, there is one question I want to ask the Senator from Wisconsin. Did he say psychic income or psycho?

Mr. PROXMIRE. It is a little bit of both, Mr. President, but I think it is mostly psychic.

Mr. HATFIELD. Mr. President, I yield to the majority leader.

Mr. BAKER. Mr. President, I shall not take very long, but the Senator from Wisconsin (Mr. PROXMIRE) made an extraordinarily gracious statement. I wish to express my thanks to him by saying that it was not a question of leadership, certainly not this part of the leadership, turning those votes. Rather, I think it was the Senate working and deciding how it wished to approach this issue. An essential and integral part of that decision, in my judgment, was the representation from the chairman of the Committee on Finance and others that this matter is going to be addressed. It is. It is going, I am sure, to have hearings as suggested by the chairman of the Committee on Finance and all of the ideas, such as those to be proposed by the Senator from Georgia (Mr. MATTINGLY) and others, and certainly the ideas of the Senator from Wisconsin, will be taken account of and duly presented to the Senate for action.

I must add one slight addendum. For 15 years, I have been talking about citizen legislators. For 15 years, I have been talking about our going about this business all wrong of setting our salary. I know the Senator from Wisconsin and I may not agree on this, and this is not the place to prolong the issue, but I would like to serve notice, too, that when the time comes, I intend to contribute my ideas on that subject. My ideas are fairly radical, I am afraid.

They are that we should not be dependent on our salary for our income. We should not be full-time legislators. We should not be solely dependent on the Treasury for our livelihood; we ought to be citizen legislators. To anyone who wants to know more about that, I shall talk to them in private.

Mr. MITCHELL. Mr. President, will we make more than $60,000 that way, or less?

Mr. BAKER. It depends on our industry.

Mr. President, I wish to pay a special compliment to the distinguished assistant Republican leader. He was extraordinary in his perseverance and his dedication and the energy he devoted to this effort. He will be of assistance in trying to find a way to let the Senate work its way out of a very difficult parliamentary situation.

TED STEVENS is remarkable in many ways, but he is most remarkable indeed in his dedication to his duty, his assistance to me and to the entire Senate, and I wish to pay this special note of respect to him.

Mr. HATFIELD. Mr. President, I also should like to indicate my deep appreciation to the assistant majority leader, Senator TED STEVENS of Alaska. I must say that whenever he rises to do battle, one is very much aware of his presence, and microphones and amplification are not necessary. He makes his point clearly as well as loudly, and I am very grateful for that, as one who finds increasing difficulty with my own hearing. He does well on any battle he rises to join.

I appreciate very much being in tandem with Senator STEVENS in this particular battle.

THE PRESIDING OFFICER. If there be no further debate, the bill having been read the third time, the question is, Shall it pass? The yeas and nays have been ordered. The clerk will call the roll.

The bill clerk called the roll.

The result was announced—yeas 81, nays 18, as follows:

[Rollcall Vote No. 79 Leg.]

YEAS—81

Abdnor
Andrews
Baker
Baucus
Bentsen
Biden
Boren
Boschwitz
Bradley
Bumpers
Burdick
Byrd, Harry F., Jr.
Byrd, Robert C.
Chafee
Chiles
Cochran
Cranston
D'Amato
Danforth
DeConcini
Denton
Dixon
Dodd
Dole
Domenici
Durenberger
Ford
Garn
Glenn
Goldwater
Gorton
Hart
Hatfield
Hawkins
Hayakawa
Heinz
Hollings
Huddleston
Inouye
Jackson
Jepsen
Johnston
Kassebaum
Laxalt
Leahy
Levin
Long
Lugar
Mathias
Matsunaga
Mattingly
McClure
Melcher
Metzenbaum
Moynihan
Murkowski
Nickles
Nunn
Packwood
Pell
Percy
Pryor
Quayle
Randolph
Riegle
Roth
Rudman
Sarbanes
Sasser
Schmitt
Simpson
Specter
Stafford
Stennis
Stevens
Thurmond
Tower
Tsongas
Wallop
Warner
Weicker

NAYS—18

Armstrong
Cannon
Cohen
Eagleton
East
Exon
Grassley
Hatch
Heflin
Helms
Humphrey
Kasten
Kennedy
Mitchell
Pressler
Proxmire
Symms
Zorinsky

So the House joint resolution (H.J. Res. 409) was passed.

Mr. BAKER. Mr. President, I move to reconsider the vote by which the joint resolution was passed.

Mr. HATFIELD. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

ADJOURNMENT OF THE TWO HOUSES FOR EASTER

Mr. BAKER. Mr. President, there is a resolution at the desk providing for adjournment of Congress for Easter, and I ask that the Chair lay the resolution before the Senate.

The PRESIDING OFFICER. The Chair lays before the Senate Senate Concurrent Resolution 78, which will be stated.

The assistant legislative clerk read as follows:

> A concurrent resolution (S. Con. Res. 78) providing for an adjournment in April of the House and Senate for more than 3 days.

The Senate proceeded to consider the concurrent resolution.

The PRESIDING OFFICER. The question is on agreeing to the concurrent resolution.

Mr. JOHNSTON. Mr. President, reserving the right to object, we are going to recess for how long?

Mr. BAKER. Mr. President, the adjournment resolution which we are originating and sending to the House of Representatives provides that the Senate may adjourn on Thursday or Friday of this week and will return on Tuesday, the 13th of April.

I know that many Senators had hoped we could take the second week and come back on the 20th, as does the House of Representatives. That is not possible to do, in the judgment of the leadership.

I will make a commitment to the distinguished Senator that we will do our very best to see that only those matters are taken up in which Senators may have a particular interest. Some of the bills, major pieces of legislation which must yet be dealt with, are not likely to come up in that week; but business will be transacted and there will be votes. It is necessary, in my judgment, to ask the Senate to recess over until the 13th of April and not until the 20th.

Mr. JOHNSTON. Further reserving the right to object, does the Senator expect to bring up the measure dealing with TV in the Senate?

Mr. BAKER. Yes; I do expect that. I told the distinguished senior Senator from Louisiana that I anticipate that when we return on the 13th, we will once more resume debate on that measure.

Mr. JOHNSTON. Then, I take it that there will be votes on that.

Mr. BAKER. There might or might not be votes on that, but we will resume consideration of it.

Mr. JOHNSTON. I thank the leader.

Mr. ROBERT C. BYRD. Mr. President, reserving the right to object—and I am fully aware that in this matter the distinguished majority leader does not need unanimous consent. He indicates that there will be votes, and he may not be in a position to answer this question, but I wish to ask it.

Does he feel that there will be votes every day or will there be votes on Tuesday, or is he in a position at this point to say?

Mr. BAKER. Mr. President, I am not in a position to say. May I say to my friend, the minority leader, I anticipate that absent extraordinary circumstances we will be conducting business requiring rollcall votes on Tuesday, Wednesday, and Thursday, but perhaps not on Friday.

Mr. ROBERT C. BYRD. I thank the majority leader.

THE PRESIDING OFFICER. The question is on agreeing to the concurrent resolution.

The concurrent resolution (S. Con. Res. 78) was agreed to, as follows:

S. CON. RES. 78

Resolved by the Senate (the House of Representatives concurring), That when the Senate adjourns on Thursday, April 1, 1982, or on Friday, April 2, 1982, pursuant to a motion made by the Majority Leader, or his designee, in accordance with this resolution, it stand adjourned until 12 o'clock meridian on Tuesday, April 13, 1982, and that when the House of Representatives adjourns on Tuesday, April 6, 1982, it stand adjourned until 12 o'clock meridian on Tuesday, April 20, 1982.

Mr. BAKER. Mr. President, I move to reconsider the vote by which the concurrent resolution was agreed to.

Mr. ROBERT C. BYRD. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

ORDER OF BUSINESS

Mr. ROBERT C. BYRD. Mr. President, if the Senator will yield for a question, I ask the distinguished majority leader how soon does he anticipate that the next business will be called up today?

Mr. BAKER. Mr. President, may I say to the minority leader that I hope as soon as we finish the statements that accompany the introduction of the Mattingly-Specter bill and its referral the Senate will proceed to the consideration of Calendar Order No. 456. I do not anticipate that that will be more than a minute or two. So if we could finish this I am ready to go to it.

Mr. METZENBAUM. Mr. President, I wish to respectively point out to the majority leader I have objection to bringing that matter up on a unanimous-consent basis unless there are certain limitations, and I hope that we will be able to get to that question as promptly as possible.

Is it anticipated that the discussion of the Senator from Georgia and the Senator from Pennsylvania will be some time coming. If so I ask the majority leader to ask consent at this point.

Mr. BAKER. I do not think it is going to take very long. The bill will be introduced by the Senator from Georgia. I anticipate the Senator from Pennsylvania has remarks he wishes to make on it.

I urge that we be patient just a few more minutes before we do that.

S. 2321—AMENDMENT OF THE INTERNAL REVENUE CODE TO REQUIRE SUBSTANTIATION OF ALLOWABLE LIVING EXPENSES OF MEMBERS OF CONGRESS

(Introduced by Mr. MATTINGLY and Mr. SPECTER.)

Mr. MATTINGLY. Mr. President, I rise today to introduce a proposal with the distinguished Senator from Pennsylvania, Senator SPECTER, to amend the Internal Revenue Code of 1954 to require substantiation of the living expenses of Members of Congress which are allowed as a deduction, an identical requirement to one applicable to citizens and businessmen in the private sector. This proposal does not provide additional deductions for Members of Congress, nor does this proposal create loopholes for Members of Congress to escape tax liability. This measure would, instead, create a situation of fairness and equity by requiring that the Tax Code, which is applicable to individuals in the private sector, be applicable to Members of Congress. In other words, Mr. President, we do not ask for a nickel more or a nickel less, only an identical application of the Tax Code.

Mr. President, I am opposed and against a flat $75 per day deduction for congressional Members without verification or substantiation, and look forward to the Senate Finance Committee and the full Senate's expeditious consideration of this proposal. We have taken up considerable Senate time on the subject of tax deductions for Members of Congress which has prevented consideration of the very important subject of fiscal constraint, a matter which we must address in order to revitalize our ailing economy.

Mr. SPECTER. Mr. President, I rise to support my distinguished colleague from the State of Georgia on the proposed legislation which would place Congress in an identical position with all other taxpayers.

In the course of the past 24 hours there has been extensive consideration on the continuing resolution of a measure proposed by the distinguished Senator from Colorado (Mr. ARMSTRONG) on the issue of the deductions for Congressmen.

During the course of that debate, and as the RECORD shows, I proposed an amendment to Senator ARMSTRONG's proposal which amendment would have placed Congressmen in an identical position with other taxpayers so that Congressmen could deduct expenses away from home just as other taxpayers could when they were itemized, verified, and authenticated.

In a series of measures the Armstrong proposal was ruled not germane or out of order on the continuing resolution.

Notwithstanding that fact the issue of appropriate congressional expenses is a matter which I believe should be addressed by Congress, and it is for that reason that I am pleased to join with Senator MATTINGLY today.

In my opinion Congressmen should be treated no better or no worse than any other taxpayer.

Other taxpayers when away from home are entitled under the Internal Revenue Code to deduct ordinary and reasonable expenses. That same standard, in my judgment, should apply to Congress.

There are some complexities which we tried to work out yesterday evening and during today on the issue of the statutory home of each Congressman.

Reference to the Finance Committee will enable a hearing and an analysis of that to go forward in an orderly and systematic way, and it may be that modifications would be appropriate so that there will be an identity between Congressmen and other taxpayers on that subject.

Certain aspects of that subject may require analysis as to what would be the impact on the Treasury. That should be considered by the Finance Committee, and it is my hope and expectation that that will be done promptly.

Thank you, Mr. President.

I yield the floor.

The PRESIDING OFFICER. The majority leader is recognized.

Mr. BAKER. Mr. President, let me say that I think both the Senator from Georgia and the Senator from Pennsylvania are doing a very valuable service and their bill, as introduced, is the first follow-on in the redemption of the pledges that were made that this matter will be addressed promptly.

I have not had an opportunity to examine their measure in detail, but knowing them I believe it to be well crafted and well worth the attention of the Finance Committee and of the Senate.

But in any event, I congratulate them on taking this early action and being in the vanguard of those who will go forward now with a thorough and comprehensive examination of this very difficult issue.

Mr. MATTINGLY. Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

Without objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 2321

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SUBSTANTIATION OF LIVING EXPENSES BY MEMBERS OF CONGRESS.

Paragraph (4) of section 280A(f) of the Internal Revenue Code of 1954 (relating to coordination with section 162(a)(2)) is amended to read as follows:

"(4) COORDINATION WITH SECTION 162(a)(2).—Nothing in this section shall be construed to disallow any deduction allowable under section 162(a)(2) (or any deduction which meets the tests of section 162(a)(2) but is allowable under another provision of this title) by reason of the taxpayer's being away from home in the pursuit of a trade or business (other than the trade or business of renting dwelling units).".

SEC. 2. EFFECTIVE DATE.

The amendment made by this Act shall apply to taxable years beginning after December 31, 1981.

EXTENSION OF EXPIRATION DATE OF SECTION 252 OF THE ENERGY POLICY AND CONSERVATION ACT

Mr. BAKER. Mr. President, I am prepared to go to the consideration of Calendar Order No. 456. I see that the principals I believe are in the Chamber.

Mr. President, I ask unanimous consent that the Senate now proceed to the consideration of Calendar Order No. 456, S. 1937, the extension of expiration date of section 252 of the Energy Policy and Conservation Act.

Mr. METZENBAUM. Mr. President, reserving the right to object, and I do not intend to object, but I would find it necessary to object unless we knew that we had a clean bill, which is the bill that is before us, subject to one amendment by Senator JACKSON and subject to another amendment by Senator MCCLURE which has been cleared. It also is my understanding that there was a third amendment from Senator DURENBERGER but at this point we cannot find what it contains. Until such time as we obtain that I would have to object to any additional amendments or bringing this matter up unless I had the right to know what was coming.

Mr. BAKER. Mr. President, I think it might be worthwhile to suggest the absence of a quorum so that the principals can consult on this matter.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the role.

The legislative clerk proceeded to call the role.

Mr. McCLURE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

Mr. METZENBAUM. Objection, Mr. President.

The PRESIDING OFFICER. Objection is heard.

Mr. McCLURE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. McCLURE. Mr. President, what is the pending business?

The PRESIDING OFFICER. A unanimous-consent request to consider S. 1937.

Is there objection?

Mr. NICKLES. Mr. President, reserving the right to object, can that request be stated?

The PRESIDING OFFICER. It is just a simple request for this body to proceed to the bill, S. 1937.

Mr. METZENBAUM. Objection.

The PRESIDING OFFICER. Objection is heard.

Mr. McCLURE. Mr. President, in the absence of the unanimous-consent request, what is the pending business?

The PRESIDING OFFICER. The clerk will state the pending business.

The legislative clerk read as follows:

A Senate resolution (S. Res. 20) providing for television and radio coverage of the proceedings of the Senate.

Mr. McCLURE. Mr. President, it is my hope that we will find some way to move to the consideration of S. 1937, which is the extension of the limited antitrust exemption for U.S. oil companies participating in International Energy Agency proceedings.

We are confronted with a dilemma in that the authority which is granted under that antitrust exemption expires at midnight tonight.

Tomorrow the U.S. oil companies, whether they be producers, shippers, refiners, or marketers, will not be able to participate in the exchange of information that allows for some tracking of international oil supplies.

We are seeking a means by which we might move to the consideration of S. 1937, which is a simple extension of that antitrust exemption.

It would be impossible for the United States to participate in, or for the International Energy Agency to react to, a crisis if such authority is not in place. While there is no irreversible damage done to a lapse in the authority, there would be some severe damage done if, as a matter of fact, a crisis should occur and we would be delayed in our ability to respond.

The extension was imbedded in S. 1503, the Standby Petroleum Allocation Act, which was passed by the Senate and the House of Representatives, vetoed by the President of the United States, and that veto was sustained in this body.

We are trying to take out of that bill this single provision.

My understanding is as follows: that there is no objection I am aware of to an extension of that authority to no later than June 30, 1983. It is my understanding that in the other body they are taking action on a simple extension of 1 year, which would be a slightly shorter period than we contemplate here or than was approved in S. 1503.

My understanding is that the Senator from Washington (Mr. JACKSON) has an amendment to offer which will deal with some of the aspects of the statements made by the administration during the consideration of S. 1503 with respect to the authority to respond to certain crises, the plan that they would have as to how they would conduct that response, and other matters that are contained within that amendment.

I understand that the Senator from Minnesota (Mr. DURENBERGER) has an amendment dealing with subcrisis management, and a second amendment dealing with the question of drawdown of the strategic petroleum reserve, a matter which was discussed by the committee and debated at some length in the committee during the deliberation of S. 1503 but deliberately set aside by affirmative action of the committee at my urging and supported by the committee at a later date.

It is my understanding that the Senator from Oklahoma (Mr. NICKLES) has objection to the matters that are contained in the Jackson and perhaps in the Durenberger amendments.

The Senator from Tennessee, the majority leader, does not desire to see us move by motion to the consideration of this measure, because it would then displace the pending business, Senate Resolution 20, dealing with televising the proceedings of the Senate.

I wish to explore for a moment whether it is possible to accommodate those conflicts in any way which would permit us to get to the consideration of this bill, so that we could act on it today, although that appears to be very unlikely, but it is hoped that we can act on it tomorrow.

Therefore, I ask unanimous consent that we proceed to the consideration of S. 1937; that no amendments thereto be in order save the amendment of the Senator from Washington (Mr. JACKSON), including any amendments thereto that may be germane to the text of the bill or the text of the Jackson amendment, and the two amendments of the Senator from Minnesota (Mr. DURENBERGER), to which I made reference earlier; and that in the event S. 1937 is not disposed of prior to the adjournment of the Senate under the adjournment resolution, S. 1937 be set aside and Senate Resolution 20 then be made the pending business.

The PRESIDING OFFICER. Is there objection?

Mr. NICKLES. Mr. President, I object.

Mr. McCLURE. Mr. President, in conversations with the Senator from Oklahoma, who has registered the objection, he indicated that he might have an amendment. I ask, if it is possible, that we proceed to the consideration of S. 1937 under the previous unanimous-consent agreement as propounded, with the addition of the two amendments of the Senator from Oklahoma, which would be germane to the text of S. 1937, or of the amendment to be offered by the Senator from Washington (Mr. JACKSON), or the two amendments to be offered by the Senator from Minnesota (Mr. DURENBERGER).

The PRESIDING OFFICER. Is there objection?

Mr. NICKLES. There is objection.

Mr. METZENBAUM. I object.

The PRESIDING OFFICER. Objection is heard.

Mr. NICKLES. Mr. President, will the Senator yield?

Mr. McCLURE. I yield.

Mr. NICKLES. I thank the chairman, and I appreciate the way he is trying to be most fair to all concerned and trying to give everyone a chance to state his position.

I will repeat my objection for the RECORD: It will be on any unanimous-consent request that would include any amendments besides that of the original test of S. 1937.

Mr. McCLURE. Mr. President, so that those who are not present in the Chamber might know what is now being discussed informally, a suggestion has been made that we take up the bill, amend it to provide for a simple 60-day extension, pass it, and let the House work its will; and then we could, within the next 60 days, again return to consideration of the several issues that are involved in the possible amendments.

I ask those who have been participating here on the floor if that formulation might have some chance of commending. I address my question first to the Senator from Ohio.

Mr. METZENBAUM. Mr. President, I have no problems with a clean 60-day extension, with no amendments whatsoever.

Mr. NICKLES. Mr. President, will the Senator yield?

Mr. McCLURE. I yield.

Mr. NICKLES. Mr. President, I congratulate the chairman of the Energy Committee. I think that would be an acceptable solution to this Senator—and, it is hoped, to all Senators—to have a simple, clean extension for 60 days.

Mr. McCLURE. I yield to the Senator from New Jersey.

Mr. BRADLEY. Mr. President, I have no objection, so long as the Senator from Louisiana is in concurrence with the 60-day extension.

Mr. McCLURE. I thank the Senator.

Mr. BRADLEY. I think we are trying to determine at this time if he is in concurrence.

Mr. ROBERT C. BYRD. Mr. President, I simply want to be sure that Senator JOHNSTON is in concurrence with the proposal, and a member of the staff has now gone to check this with him.

Is it also agreeable with Senator Jackson?

Mr. BRADLEY. Yes.

Mr. ROBERT C. BYRD. I understand that it would be agreeable to Senator JACKSON.

If the Senator from Louisiana indicates his concurrence, I know of no other problem at the moment.

Mr. McCLURE. Mr. President, pending word from the Senator from Louisiana, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. McCLURE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. ROBERT C. BYRD. Mr. President, will the Senator yield?

Mr. McCLURE. I yield.

Mr. ROBERT C. BYRD. Mr. President, I am informed that the Senator from Louisiana (Mr. JOHNSTON) concurs in the proposal that has been made.

Mr. McCLURE. I thank the Senator.

EXTENSION OF EXPIRATION DATE OF SECTION 252 OF THE ENERGY POLICY AND CONSERVATION ACT

Mr. McCLURE. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of S. 1937 and that no amendments be in order thereto save one which I will send to the desk.

I say to the Members, in explanation, that that would be on page 2, line 2, to strike "June 30, 1985," and insert in lieu thereof "June 1, 1982."

I also ask unanimous consent that upon the disposition of the bill, Senate Resolution 20 be made the pending business; and that should we come to adjournment under the adjournment resolution without having disposed of S. 1937, Senate Resolution 20 be made the pending business.

Mr. ROBERT C. BYRD. Senate Resolution 20 is the measure dealing with television in the Senate?

Mr. McCLURE. That is the measure dealing with television in the Senate.

Mr. ROBERT C. BYRD. Is this agreeable?

I am merely trying to protect Mr. LONG and Mr. JOHNSTON. It is the unfinished business which automatically comes back before the Senate. Is that correct?

The PRESIDING OFFICER. The Senator is correct.

Mr. ROBERT C. BYRD. Mr. President, I merely wish to get the assurance of the distinguished majority leader that there will be no action on Senate Resolution 20.

Mr. BAKER. When?

Mr. ROBERT C. BYRD. Today.

Mr. BAKER. No; there will not be.

Mr. President, there would not be any action on Senate Resolution 20 today.

The PRESIDING OFFICER. Is there objection?

Mr. BAKER. Mr. President, I did not hear the request. I am sorry. I was in the cloakroom trying to clear this request with another Senator.

I wonder if it could be repeated at this time.

Mr. McCLURE. Mr. President, I ask unanimous consent that we proceed to the consideration of S. 1937, that no amendments thereto be in order save one that the Senator from Idaho would offer dealing with the date in the legislation, and that would be a 60-day extension of the authority, and that upon the disposition of that bill, Senate Resolution 20 would be the pending business and in the event that we should proceed to adjournment under the adjournment resolution adopted by the Senate, Senate Resolution 20 would be made the pending business before adjournment.

Mr. BAKER. Mr. President, reserving the right to object.

Mr. ROBERT C. BYRD. Mr. President, I also reserve the right to object.

Mr. BAKER. Mr. President, let me see. I think there are two or three problems with it. I do not mean to overcomplicate the situation. There are none as far as this bill is concerned as far as I can ascertain. As far as Senate Resolution 20 is concerned, if this bill is disposed of, it is my understanding that Senate Resolution 20 would recur as the pending business anyway after unanimous consent or a motion to proceed to some other matter which would return Senate Resolution 20 to the calendar.

I ask the Chair if that is correct.

The PRESIDING OFFICER. The Senator is correct.

Mr. BAKER. We do not need to make provision in respect to Senate Resolution 20.

I might say, parenthetically, I had hoped to go another measure tomorrow which has been cleared for action. I think it will not be controversial. It is one in which the Senator from New Jersey is interested, another bill which is on the calendar which has been cleared dealing with hospices from the Judiciary Committee by Senator RANDOLPH, and there may be other matters of that sort which we could seek to clear by unanimous consent as we proceed during the day tomorrow.

But while I have no objection to the request, I believe the matter is dealt with.

Mr. McCLURE. With one exception, if the Senator will yield, and that is in the event that we get on to the consideration of S. 1937 and for any reason were unable to complete the action, even though only one amendment would be in order——

Mr. BAKER. All right. So we do need a unanimous-consent request there that if we adjourn S. 1937 would go back to the calendar and not become the unfinished business.

Mr. METZENBAUM. Why do we not limit the time?

Mr. BAKER. Mr. President, I would be more than pleased to limit the time if we can do that.

Mr. McCLURE. Mr. President, I would be willing to substitute for the more complicated question of what would be pending upon the disposition or failure to dispose of S. 1937 a very restrictive time limit for the consideration of the bill and the amendment thereon and final passage of the bill.

Mr. METZENBAUM. I have no interest in speaking.

Mr. McCLURE. Mr. President, I do not know that anyone has any particular interest in speaking on the bill. I think we could dispose of it in 10 minutes equally divided and proceed to final passage of the bill no later than 10 or 15 minutes past the hour.

Mr. METZENBAUM. With or without a rollcall?

Mr. BRADLEY. With a rollcall?

Mr. METZENBAUM. Do we need a rollcall?

Mr. McCLURE. I do not need a rollcall.

Mr. BAKER. Let me put a request then for consideration of all Senators.

Is S. 1937 before the Senate at this time?

Mr. McCLURE. No, it is not.

Mr. METZENBAUM. No.

The PRESIDING OFFICER. Not yet.

Mr. BAKER. Mr. President, I ask unanimous consent that the Senate now proceed to the consideration of S. 1937, extension of expiration date of section 252 of the Energy Policy and Conservation Act, and that only one amendment be in order and that amendment is dealing with the expiration date of this resolution and that the time for debate on this measure be limited to 20 minutes equally divided, and that no further amendments will be in order.

Mr. President, I believe that covers the request.

The PRESIDING OFFICER. Is the Senator waiving rule XII?

Mr. BAKER. Do I need to waive rule XII? I gather I do from the smile on the Parliamentarian's face.

Mr. President, I ask unanimous consent that rule XII be waived as well.

The **PRESIDING OFFICER**. Without objection, it is so ordered.

Mr. **BAKER**. Mr. President, that is the request.

The **PRESIDING OFFICER**. Without objection, it is so ordered.

The bill will be stated by title.

The legislative clerk read as follows:

A bill (S. 1937) to extend the expiration date of Section 252 of the Energy Policy and Conservation Act.

The Senate proceeded to consider the bill.

Mr. **McCLURE**. Mr. President, on December 10, 1981, at the request of the administration, I introduced legislation to amend the Energy Policy and Conservation Act by extending the expiration date of section 252 of that act. The expiration date in the current law is April 1, 1982. The amendment as introduced would have extended the date to June 30, 1985, which is also the expiration date for titles I and II of the act. Those titles relate to domestic energy supplies, the strategic petroleum reserve, and standby energy authorities, including authorities with respect to the international energy program.

Section 252 of the Energy Policy and Conservation Act authorizes U.S. oil companies to participate in voluntary agreements for implementing the allocation and information provisions of the agreement on an international energy program. That program provides a mechanism for an oil allocation system to be utilized by the participating countries in the event of a major oil supply disruption. Section 252 also provides a limited defense against any anitrust suits that may be brought against U.S. oil companies participating in the international energy program. The antitrust defense is limited to actions taken in implementing the allocation and information provisions of the program.

The agreement creating the international energy program was originally signed in 1974 as the result of an effort by the United States to promote cooperation among major industrial countries in reducing dependence on imported oil.

There are presently 21 signatories to the agreement, consisting of most of the principal industrialized oil-consuming nations. The agreement provided for creation of the International Energy Agency as an autonomous entity within the Organization for Economic Cooperation and Development.

The agreement also provided that the IEA would serve as the medium for the operation of an international oil sharing system for use during oil supply emergencies, and an information system on the international oil market. It also required each country to establish an emergency petroleum storage program, and to have a means for restraining demand for petroleum products in the event of an interruption of petroleum supplies to the IEP countries.

Section 252 of EPCA sets out procedures applicable to the development or carrying out of voluntary agreements and plans of action to implement the allocation and information provisions of the international energy program. Under this authority, U.S. oil companies entered into the voluntary agreement and plan of action to implement the international energy program. At present, 21 U.S. oil companies, including both major international oil companies and independent oil companies, are participants in the voluntary agreement.

The antitrust defense made available by section 252(f) is essential to the participation of the U.S. oil companies in the voluntary agreement and, through it, in the IEP. The IEP, in turn, can function effectively only with participation by U.S. and foreign oil companies, which are primary sources of information about conditions in the international oil market and would be the primary actors in redistributing oil if the IEP's emergency-sharing provisions were activated.

The Congress has extended the expiration date of section 252 on five previous occasions. Three extensions occurred during 1979, and the remaining two occurred last year, when the date was extended for two 6-month periods, from March 15 to September 30, 1981, and then to April 1 of this year. If the Congress fails to act by that date and section 252 is allowed to expire, U.S. oil companies participating in the international energy program would be compelled to cease their participation in the program. If that should occur, the allocation mechanism of the program could not operate effectively in the event of any new disruption of oil supplies in the international oil market.

Mr. President, an extension of the expiration date of section 252 of EPCA was contained in the conference report on S. 1503, the Standby Petroleum Allocation Act of 1982, which the President returned to the Senate on March 20, 1982, without his approval. As the President noted in his message to the Senate, an extension of section 252:

> Should be adopted immediately as a separate Act. Since 1974 the United States has participated with other countries in the International Energy Agency, in an effort to improve our effectiveness in combatting international energy problems. A coordinated response to any international oil supply disruption through the IEA requires cooperation by private American oil companies in ways that are not possible absent statutory authorization. This authorization, contained in Section 252 of the Energy Policy and Conservation Act, has been extended routinely since its enactment in 1975. The most recent extension expires on April 1st of this year. This authority should again be extended, and H.R. 5789 and S. 1937 are now pending in Congress for this purpose.

Mr. President, these measures were introduced at the request of the administration. I ask unanimous consent that the transmittal letter be printed in the RECORD at this point in my remarks.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

DEPARTMENT OF ENERGY,
Washington, D.C., November 27, 1981.

Hon. GEORGE BUSH,
President of the Senate,
Washington, D.C.

DEAR MR. PRESIDENT: Enclosed is proposed legislation "[t]o extend the expiration date of section 252 of the Energy Policy and Conservation Act."

This proposed legislation is part of the Department of Energy Legislative Program for the 97th Congress. The Office of Management and Budget advised that, from the standpoint of the Administration's program, there is no objection to the presentation of this legislation for the consideration of the Congress.

PURPOSE OF THE LEGISLATION

This bill would amend subsection 252(j) of the Energy Policy and Conservation Act (EPCA) by changing the expiration date of section 252 from April 1, 1982, to June 30, 1985. The extension would continue the antitrust defense afforded by section 252(f) of EPCA to United States oil companies participating in the Agreement on an International Energy Program (IEP), thus facilitating the continued participation of United States oil companies in the IEP. This proposal is identical to the Administration's proposal of July 22, 1981, introduced as S. 1512 on July 23, 1981, which was superseded by passage of Public Law 97-50 containing the April 1, 1982 expiration date.

BACKGROUND

The IEP was originally signed in 1974 as the result of an effort by the United States to promote cooperation among major industrial countries in reducing dependence on imported oil. There are presently 21 signatories to the IEP, consisting of most of the principal industrialized oil consuming nations. The IEP provided for creation of the International Energy Agency (IEA) as an autonomous entity within the Organization for Economic Cooperation and Development and, under the auspices of the IEA, of an international oil sharing system for use during oil supply emergencies, and an information system on the international oil market. It also required each country to establish an emergency petroleum storage program, and to have a means for restraining demand for petroleum products in the event of an interruption of petroleum supplies to the IEP countries.

Section 252 of EPCA sets out procedures applicable to the development or carrying out of voluntary agreements and plans of action to implement the allocation and information provisions of the IEP. Under this authority, effective March, 21, 1976, United States oil companies entered into the Voluntary Agreement and Plan of Action to Implement the International Energy Program (the Voluntary Agreement) (41 F.R. 13998, April 1, 1976). At present, 21 United States oil companies, including both major international oil companies and independent oil companies, are participants in the Voluntary Agreement.

The antitrust defense provided in section 252(f) is essential to the participation of United States oil companies in the Voluntary Agreement and, through it, in the IEP. The IEP, in turn, can function effectively only with participation by United States and foreign oil companies which are primary sources of information about conditions in the international oil market and would be the primary actors in redistributing oil if the IEP's emergency sharing provisions were activated.

This bill simply extends to June 30, 1985, the effectiveness of the section 252 antitrust defense, thereby synchronizing its expiration with that of Titles I and II of EPCA, and assuring continuity of U.S. company participation in the IEP. All of the other conditions and safeguards presently incorporated in that section will remain unchanges.

COST AND BUDGET DATA

Enactment of this legislation would cause no apparent increase in budgetary requirements for the Department of Energy.

Sincerely,

R. TENNEY JOHNSON,
General Counsel.

Enclosure.

A bill to extend the expiration date of section 252 of the Energy Policy and Conservation Act.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 252(j) of the Energy Policy and Conservation Act (42 U.S.C. § 6272(j)) is amended by striking "April 1, 1982" and inserting in its place "June 30, 1985".

Mr. McCLURE. Mr. President, as I noted, S. 1503 contains an extension of the expiration of section 252 from April 1, 1982, until July 1, 1983. A final decision on S. 1503 and the President's message has not been reached by the Congress. However, the current expiration date of section 252 is fast approaching, and it is essential that we act immediately to avoid the consequences of even a brief lapse of this authority which permits our continued participation in the international energy program.

UP AMENDMENT NO. 866

Mr. McCLURE. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The **PRESIDING OFFICER.** The amendment will be stated.

The legislative clerk read as follows:

The Senator from Idaho (Mr. McCLURE) proposes an unprinted amendment numbered 866.

Page 2, line 2, strike "June 30, 1985" and insert in lieu thereof "June 1, 1982."

Mr. McCLURE. Mr. President, this is the amendment to which reference was made in the colloquy earlier. It simply changes the expiration date to a simple 60-day extension of the antitrust waiver under the existing statute. It will avoid a hiatus that would start midnight tonight.

I know of no opposition. I think there is substantial support for the amendment. I urge the adoption of the amendment.

Mr. METZENBAUM. There is no opposition on this side.

The **PRESIDING OFFICER.** The question is on agreeing to the amendment of the Senator from Idaho.

The amendment (UP No. 866) was agreed to.

Mr. McCLURE. Mr. President, I yield to the Senator from Ohio.

Mr. METZENBAUM. Mr. President, I wish to briefly address myself to this issue.

There is a real question in my mind as to whether or not the IEA serves our Nation's best interest, and there is real doubt as to whether this antitrust exemption should or should not exist.

A good argument can be made that the IEA has been used to benefit some of our partners in the IEA but has not worked out nearly as well for our own Nation's best interests.

I am very pleased that the chairman of the Energy Committee, with whom this matter has been raised, has indicated that he intends to explore the entire subject with respect to the effectiveness and efficacy of the IEA and that by providing for this extension and possibly an additional one at the expiration of this extender the entire subject will be reviewed.

I believe that some of the nations of the world have found that the IEA helps them or would help them in the event the trigger mechanism were to be called into play. I am not at all certain that it would be nearly beneficial for our own Nation.

I see no problem with the matter being extended for a matter of 60 days and, as had been previously understood by the chairman of the Energy Committee, I was prepared to agree to an extension of 15 months. If he sees fit to provide for an extension of an additional 13 months at the end of the 2-month period, I would not object to that.

But I would strongly urge upon him that we use the time and not wait until the last moment to conduct full and thorough hearings as to whether or not the IEA does indeed serve our Nation's best interests.

I thank the Chair and I yield the floor.

Mr. McCLURE. Mr. President, as the Senator from Ohio has mentioned, we have previously discussed this matter and the Senator from Ohio has earlier, at earlier times, and at appropriate times then, too, urged that we take a look at what the IEA is, what it does, what it means to the United States and to the people of this country in terms of its security and economic impact upon the people of this country.

I have assured the Senator that we will look into that matter, we will hold hearings on that. The press of other business has not allowed us as yet to schedule those hearings, but we will, before the expiration of the time, have those hearings. The Senator is correct that I share with him a determination that we look at this issue to see whether or not it is working well and whether it is serving the interests of this country and the citizens of this country.

Mr. METZENBAUM. I thank the chairman of the Energy Committee. I will wholeheartedly cooperate with him in those hearings.

Mr. McCLURE. I thank the Senator.

I am prepared to yield back the remainder of my time.

Mr. METZENBAUM. I yield back the remainder of my time.

The **PRESIDING OFFICER.** If there are no further amendments, the question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed for a third reading, was read the third time, and passed, as follows:

S. 1937

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 252(j) of the Energy Policy and Conservation Act (42 U.S.C. 6272(j)) is amended by striking "April 1, 1982", and inserting in its place "June 1, 1982".

Mr. McCLURE. Mr. President, I move to reconsider the vote by which the bill was passed.

Mr. METZENBAUM. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. McCLURE. Mr. President, I thank all the Senators involved. While we did not resolve all of the issues we did at least resolve the immediacy and the problem that was immediately confronting us. We will revisit the other issues sometime within the next 60 days.

Mr. METZENBAUM. It is always a pleasure and privilege to be cooperative with the chairman of the Energy Committee.

Mr. McCLURE. I thank the Senator.

Mr. President, I suggest the absence of a quorum.

The **PRESIDING OFFICER** (Mr. MATTINGLY). The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. McCLURE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The **PRESIDING OFFICER** (Mr. SPECTER). Without objection, it is so ordered.

ORDER OF BUSINESS

Mr. BAKER. Mr. President, I know the Senator from New Jersey is in the Chamber and has a matter he wishes to deal with.

Does the Senator from New Jersey wish to do that now or would he prefer to do it in the morning? I am prepared to do it either time.

Mr. **BRADLEY.** I would prefer to do it in the morning.

Mr. **BAKER.** I assure the Senator from New Jersey that we will enter into that colloquy and take the action tomorrow after we convene.

Mr. **BRADLEY.** That would be in the morning?

Mr. **BAKER.** In the morning.

Mr. President, I thank all Senators.

I wish to say there will be no rollcall votes tonight and if any are ordered they will go over. But I am strongly of the opinion there will not be and that the Senate was prepared to go out shortly after 6:15 this evening.

COMMEMORATION OF DAYS OF REMEMBERANCE OF THE HOLOCAUST

Mr. **McCLURE.** Mr. President, I ask that the Senate proceed to the consideration of House Concurrent Resolution 299, relating to the commemoration of days of rememberance of victims of the Holocaust.

The **PRESIDING OFFICER.** Is there objection?

Mr. **ROBERT C. BYRD.** No objection.

The **PRESIDING OFFICER.** Without objection, it is so ordered. The clerk will state the resolution by title.

The assistant legislative clerk read as follows:

A resolution (H. Con. Res. 299) relating to commemoration of days of rememberance of victims of the Holocaust.

The Senate proceeded to consider the resolution.

Mr. **BAKER.** Mr. President, House Concurrent Resolution 299, a concurrent resolution in commemoration of victims of the Holocaust, is now before the Senate, and I am pleased to rise in support of it.

There will never be enough said about this frightful chapter in human history; there will never be enough done to remind the world of the atrocities which occurred only 40 years ago; and there will never be enough time to eradicate the grief and the enormous sense of loss which has besieged survivors of those who perished.

Mr. President, this resolution seeks not to construct a perfunctory and merely symbolic gesture toward victims of the Holocaust. It is a concerned and historically aware initiative designed to remind the entire world that no one shall ever forget this nightmare-turned-reality.

In 1975, columnist George Will wrote in the Washington Post about Elie Wiesel, a novelist who lost his entire family at Auschwitz. I ask unanimous consent that this article, entitled "On a Hill Above Weimar," be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

ON A HILL ABOVE WEIMAR

Elie Wiesel, the novelist, was a young boy when he, his parents, baby sister and other relatives were deported from Hungary to Auschwitz. His mother, sister and other relatives died there, and he and his father were moved to Buchenwald, where his father died shortly before the Americans arrived. In Wiesel's autobiographical novel, "Night," the protagonist, a boy, remembers Auschwitz:

"Not far from us flames were leaping up from a ditch, gigantic fames. They were burning something. A lorry drew up at the pit and delivered its load—little children. Babies! . . . Never shall I forget the little faces of the children, whose bodies I saw turned into wreaths of smoke beneath a silent blue sky."

It is a time, thirty years later, for remembering the Holocaust, and for forswearing the innocence that should have died with the millions of innocents. It is time to remember Buchenwald, the concentration camp located on a hill above Weimar, home of Schiller, Liszt and Goethe.

Around noon, April 11, 1945, the SS men left. That afternoon U.S. tanks rolled into the camp. As camps went, Buchenwald was not ambitious. Fewer than 60,000 people died there. The principal killing camps were in the east, outside of Germany. But Buchenwald provided the West with the first shattering sight of what can be done when a modern state is put on the service of radical evil. It is the joining of ancient sins and new forms of tyranny that have made this century a charnel house—the worst century in terms of the quantity of inflicted death, and in terms of gratuitous, ideological beastliness.

The counter-intuitive is always fascinating, and the Holocaust refutes those modern intuitions that flatter men. "What a piece of work is a man!" exclaimed Hamlet, who knew better, "How noble in reason; how infinite in faculties! . . . in action, how like an angel in apprehension, how like a god—the beauty of the world; the paragon of animals!" In 1936 a piece of work called Hermann Goring arrived late at a reception at the British Embassy in Berlin, explaining that he had been shooting. British Ambassador Eric Phipps, who was leaving Berlin and thus could be incautious, replied, "Animals, I hope, Your Excellency." One could not be sure about such things in the middle of the twentieth century in the middle of Europe.

The Holocaust was not just the central event of the twentieth century, it was the hinge of modern history. It is the definitive (albeit redundant) refutation of the grand Renaissance illusion that man becomes better as he becomes more clever. The most educated nation in Europe built modern transportation systems and machines, and transported Jews to machines of mass murder.

The Holocaust, like most modern atrocities, was an act of idealism. It did not make economic sense, and it hindered the German war effort, but it was a categorical imperative for Hitler, and hence worth all the trouble. Genocide requires bureaucratic organization to bring together men and material, railroad rolling stock and barbed wire, Zyklon-B gas and ovens. As the Israeli court in the Adolf Eichmann trail noted, acidly. The extermination of the Jews was . . . a complicated operation. . . . Not everywhere was convenient for killing. Not everywhere would the local population submit to the slaughter of their neighbors."

The size of the gas chambers defined the issue. Their purpose was not the punishment of individuals for violations of known laws. Rather, their purpose was the liquidation of a people whose crime was existing. A task of that scale required paper work, record-keeping, tidiness: a loudspeaker in one camp announced the request that anyone planning suicide should, please, put a note in his mouth with his number on it. Eventually the bureaucracy tattooed victims of what it called the "negative population policy." It is still with me, the chill I felt on a warm summer night in 1964 in a cafe in Brussels, when I saw the blue numbers on the forearm of the matron at the next table.

There was nothing new about cruelty to Jews and other vulnerable people. For centuries Jews and gypsies (also Nazi victims) were considered "uncanny" and "not belonging," and were hounded through history. There was a time when some Rhineland nobility hunted not foxes but gypsy women. To force the women to run from the baying hounds even when desperately weary, the huntsmen lashed the women to their babies. This occurred in the eighteenth century, the age of reason, and good horsemanship.

The **PRESIDING OFFICER.** The question is on agreeing to the concurrent resolution.

The concurrent resolution (H. Con. Res. 299) was agreed to.

The preamble was agreed to.

TO PERMIT CERTAIN STAFF MEMBERS TO PROVIDE WRITTEN STATEMENTS OR TESTIMONY

Mr. **McCLURE.** Mr. President, on behalf of Senators TOWER, STENNIS, and DOMENICI, I send to the desk a resolution and ask for its immediate consideration.

The **PRESIDING OFFICER.** Is there objection? The Chair hears none, and it is so ordered. The clerk will state the resolution by title.

The assistant legislative clerk read as follows:

A resolution (S. Res. 356) to permit certain members of Senate committees on Armed Services and Budget to provide written statements or testimony in connection with action by the Department of Defense with respect to Mr. John C. F. Tillson.

The Senate proceeded to the consideration of the resolution.

The **PRESIDING OFFICER.** The question is on agreeing to the resolution.

The resolution (S. Res. 356) was agreed to.

The preamble was agreed to.

The resolution together with its preamble are as follows:

S. RES. 356

Whereas by the privileges of the Senate of the United States and Rule XI of the Standing Rules of the Senate, no evidence under control or in the possession of the Senate can by administrative or judicial process, be taken from such control or possession but by permission of the Senate;

Whereas when it appears that the oral or written testimony of an employee of the Senate is needed for use in any court or administrative proceeding for the promotion of justice and, further that such testimony may involve communications, conversations and matters related to the official business of the Senate, the Senate will take such action thereon as will promote the ends of justice consistently with the privileges and rights of the Senate: Now, therefore, be it

Resolved, That the Chairman of the Senate Committee on Armed Services and the Chairman of the Committee on the Budget are authorized to permit certain members of their respective Committee staffs to provide written statements or testimony in connection with the March 9, 1982 personnel action proposed by the Department of Defense with respect to Mr. John C. F. Tillson, except that no such statements or testimony shall be provided on matters for which the Senate Legal Counsel or his representative determines are privileged from disclosure.

CONTINUANCE ON PAYROLL OF CERTAIN SENATE EMPLOYEES

Mr. McCLURE. Mr. President, on behalf of Mr. BAKER, Mr. ROBERT C. BYRD, and Mr. BRADLEY, I send a resolution to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

A resolution (S. Res. 357) relating to continuance on payroll of certain Senate employees.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Idaho?

There being no objection, the Senate proceeded to consider the resolution.

The resolution (S. Res. 357) was agreed to, as follows:

S. RES. 357

Resolved, That clerical and other assistants of former Senator Harrison A. Williams, Jr., who were on the Senate payroll on March 11, 1982 as members of Senator Williams' office staff, shall be eligible to be continued on the payroll of the Senate until the close of May 11, 1982 under applicable provisions relating to the continuance on the Senate payroll of clerical and other assistants of Senators' who have resigned.

Mr. McCLURE. Mr. President, I move to reconsider the vote by which the last two resolutions were agreed to.

The PRESIDING OFFICER. Without objection, the motion is in order.

Mr. ROBERT C. BYRD. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

EXECUTIVE SESSION

Mr. McCLURE. Mr. President, I ask unanimous consent that the Senate go into executive session to consider all nominations on the Executive Calendar under new reports.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. McCLURE. Mr. President, I ask unanimous consent that the nominations be considered and confirmed en bloc.

Mr. ROBERT C. BYRD. Mr. President, reserving the right to object. I have no objection. I want to be particularly sure, on behalf of Mr. BUMPERS, that Calendar Order No. 697, the nominee being Charles H. Gray, of Arkansas, to be U.S. marshal for the eastern district of Arkansas for the term of 4 years was included and that is included under the request of the distinguished acting Republican leader. I, therefore, have no objection.

The PRESIDING OFFICER. Without objection, the nominations are considered en bloc and confirmed en bloc.

The nominations considered and confirmed en bloc are as follows:

THE JUDICIARY

Robert E. Coyle, of California, to be U.S. district judge for the eastern district of California.

DEPARTMENT OF JUSTICE

W. Asa Hutchinson, of Arkansas, to be U.S. attorney for the western district of Arkansas.

Frederick J. Hess, of Illinois, to be U.S. attorney for the southern district of Illinois.

Charles H. Turner, of Oregon, to be U.S. attorney for the district of Oregon.

Earl L. Rife, of Ohio, to be U.S. marshal for the northern district of Ohio.

Charles H. Gray, of Arkansas, to be U.S. marshal for the eastern district of Arkansas.

FEDERAL COUNCIL ON THE AGING

Adelaide Attard, of New York, to be a member of the Federal Council on the Aging.

Charlotte W. Conable, of New York, to be a member of the Federal Council on the Aging.

Nelda Ann Lambert Barton, of Kentucky, to be a member of the Federal Council on the Aging.

Edna Bogosian, of Massachusetts, to be a member of the Federal Council on the Aging.

Frances Lamont, of South Dakota, to be a member of the Federal Council on the Aging.

Margaret Long Arnold, of the District of Columbia, to be a member of the Federal Council on the Aging.

Syd Captain, of Florida, to be a member of the Federal Council on the Aging.

Katie Dusenberry, of Arizona, to be a member of the Federal Council on the Aging.

Josephine K. Oblinger, of Illinois, to be a member of the Federal Council on the Aging.

Edna Bonn Russell, of California, to be a member of the Federal Council on the Aging.

James N. Broder, of Maryland, to be a member of the Federal Council on the Aging.

NATIONAL SCIENCE FOUNDATION

Jay Vern Beck, of Utah, to be a Member of the National Science Board, National Science Foundation.

DEPARTMENT OF STATE

Paul H. Nitze, of Maryland, for the rank of Ambassador while serving as Head of the U.S. Delegation to the Intermediate Range Nuclear Force Negotiations.

U.S. INTERNATIONAL DEVELOPMENT COOPERATION AGENCY

Thomas A. Bolan, of New York, to be a Member of the Board of Directors of the Overseas Private Investment Corporation.

ENVIRONMENTAL PROTECTION AGENCY

Rita M. Lavelle, of California, to be an Assistant Administrator of the Environmental Protection Agency.

Mr. McCLURE. Mr. President, I move to reconsider the vote by which the nominations were confirmed en bloc.

Mr. ROBERT C. BYRD. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. McCLURE. Mr. President, I ask that the President be immediately notified that the Senate has given its consent to these nominations.

The PRESIDING OFFICER. Without objection, it is so ordered.

LEGISLATIVE SESSION

Mr. McCLURE. Mr. President, I ask unanimous consent that the Senate now return to legislative session.

The PRESIDING OFFICER. Without objection, it is so ordered.

THE CALENDAR

Mr. McCLURE. Mr. President, I might inquire of the distinguished minority leader if Calendar Order No. 455, S. 907; Calendar Order No. 468, S.J. Res. 165; Calendar Order No. 469, S.J. Res. 166; and Calendar Order No. 470, S.J. Res. 169, have been cleared for action on his side of the aisle.

Mr. President, I understand there may be some question with respect to Calendar Order No. 455.

I ask the distinguished minority leader if Calendar Orders Nos. 468, 469, and 470 have been cleared.

Mr. ROBERT C. BYRD. Those three items have been cleared on this side.

Mr. McCLURE. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of Calendar Orders Nos. 468, 469, and 470.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

YEAR OF THE BIBLE

The joint resolution (S.J. Res. 165) authorizing and requesting the President to proclaim 1983 as the "Year of the Bible", was considered, ordered to be engrossed for a third reading, read the third time, and passed.

The preamble was agreed to.

The joint resolution, and preamble, are as follows:

Whereas the Bible, the Word of God, has made a unique contribution in shaping the United States as a distinctive and blessed nation and people;

Whereas deeply held religious convictions springing from the Holy Scriptures led to the early settlement of our Nation;

Whereas Biblical teachings inspired concepts of civil government that are contained in our Declaration of Independence and the Constitution of the United States;

Whereas many of our great national leaders—among them Presidents Washington, Jackson, Lincoln, and Wilson—paid tribute to the surpassing influence of the Bible in our country's development, as in the words of President Jackson that the Bible is "the rock on which our Republic rests";

Whereas the history of our Nation clearly illustrates the value of voluntarily applying the teachings of the Scriptures in the lives of individuals, families, and societies;

Whereas this Nation now faces great challenges that will test this Nation as it has never been tested before; and

Whereas that renewing our knowledge of and faith in God through Holy Scripture can strengthen us as a nation and a people: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the President is authorized and requested to designate 1983 as a national "Year of the Bible" in recognition of both the formative influence the Bible has been for our Nation, and our national need to study and apply the teachings of the Holy Scriptures.

Mr. McCLURE. Mr. President, I move to reconsider the vote by which the joint resolution was passed.

Mr. ROBERT C. BYRD. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

NATIONAL NURSING HOME RESIDENTS DAY

The joint resolution (S.J. Res. 166) designating April 28, 1982, as "National Nursing Home Residents Day" was considered, ordered to be engrossed for a third reading, read the third time, and passed.

The preamble was agreed to.

The joint resolution, and the preamble, are as follows:

S.J. Res. 166

Whereas over one million older Americans reside in nursing homes and one in five older Americans likely will reside in nursing homes at some time;

Whereas nursing home residents have contributed to the growth, development, and progress of this Nation and, as elders, offer a wealth of knowledge and experience;

Whereas Congress recognizes the importance of the continued participation of these institutionalized senior citizens in the life of our Nation;

Whereas in an effort to foster reintegration of these citizens into their communities Congress encourages community recognition of an involvement in the lives of nursing home residents;

Whereas the Congress recognizes the importance of safeguarding the rights of nursing home residents; and

Whereas it is appropriate for the American people to join in support of nursing home residents to demonstrate their concern and respect for these citizens: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That April 28, 1982, is designated as "National Nursing Home Residents Day", a time of renewed recognition, concern, and respect for the Nation's nursing home residents. The President is authorized and requested to issue a proclamation calling upon the people of the United States to observe this day with appropriate ceremonies and activities.

Mr. McCLURE. Mr. President, I move to reconsider the vote by which the joint resolution was passed.

Mr. ROBERT C. BYRD. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

NATIONAL ARCHITECTURE WEEK

The joint resolution (S.J. Res. 169) to designate the week of April 18 as "National Architecture Week", was considered.

Mr. HOLLINGS. Mr. President, I would like to thank the distinguished chairman of the Senate Judiciary Committee for expediting the passage of Senate Joint Resolution 169 which I introduced March 18 in order to designate the week of April 18, 1982, as "National Architecture Week."

Mr. President, I ask unanimous consent that the senior Senator from West Virginia (Mr. Randolph), the senior Senator from Wisconsin (Mr. Proxmire), the junior Senator from Alaska (Mr. Murkowski) and the senior Senator from California (Mr. Cranston) be added as cosponsors of Senate Joint Resolution 169.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. HOLLINGS. I wish to bring to the attention of the Senate the broad support Senate Joint Resolution 169 has received. I am pleased to say the 32 of my distinguished colleagues have asked to be added as cosponsors, and I ask unanimous consent that a list of the cosponsors be printed in the Record following my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered. (See exhibit 1.)

Mr. HOLLINGS. Mr. President, April 20 marks the 125th anniversary of the American Institute of Architects. American architects have helped give expression to our national goals and have helped affirm our Nation's belief in the basic integrity of our traditional values.

The Nation's architecture has reflected an appreciation of our classical past, while also pointing the way toward a vision of the future. It often embellishes the awe and grandeur of the past on one side of the street and the excitement and innovation of the future on the other. With a spriit of appreciation, we are honored to congratulate the American Institute of Architect's on its 125th anniversary.

Exhibit 1

COSPONSORS OF SENATE JOINT RESOLUTION 169

The senior Senator from Massachusetts (Mr. Kennedy), the senior Senator from Maryland (Mr. Mathias), the senior Senator from New York (Mr. Moynihan), the senior Senator from Hawaii (Mr. Inouye), the senior Senator from Minnesota (Mr. Durenberger), the junior Senator from Georgia (Mr. Mattingly), the senior Senator from Alabama (Mr. Heflin), the junior Senator from Illinois (Mr. Dixon), the senior Senator from Michigan (Mr. Riegle), the senior Senator from Nevada (Mr. Cannon), the junior Senator from Arizona (Mr. DeConcini), the senior Senator from Mississippi (Mr. Stennis), the junior Senator from Mississippi (Mr. Cochran), the senior Senator from Arkansas (Mr. Bumpers), the senior Senator from Missouri (Mr. Eagleton), the senior Senator from Georgia (Mr. Nunn), the senior Senator from Kentucky (Mr. Huddleston), the junior Senator from Louisiana (Mr. Johnston), the senior Senator from Florida (Mr. Chiles), the senior Senator from North Dakota (Mr. Burdick), the junior Senator from North Dakota (Mr. Andrews), the junior Senator from Michigan (Mr. Levin), the junior Senator from Tennessee (Mr. Sasser), the senior Senator from Connecticut (Mr. Weicker), the senior Senator from Indiana (Mr. Lugar), the senior Senator from Alaska (Mr. Stevens), the junior Senator from South Dakota (Mr. Abdnor), the senior Senator from South Carolina (Mr. Thurmond), the senior Senator from West Virginia (Mr. Randolph), the senior Senator from Wisconsin (Mr. Proxmire), the junior Senator from Alaska (Mr. Murkowski), and the senior Senator from California (Mr. Cranston).

The joint resolution was ordered to be engrossed for a third reading, read the third time, and passed.

The preamble was agreed to.

The joint resolution, and the preamble, are as follows:

S.J. Res. 169

Whereas the Congress of the United States recognizes the unique contributions of the architectural profession to the history, texture, and quality of life in the United States of America;

Whereas the year 1982 marks the one hundred and twenty-fifth anniversary of the founding of the American Institute of Architects, and the beginnings of an organized architectural profession in this Nation;

Whereas American architecture has historically reflected an appreciation of our classical past; has pointed the way toward a vision of the future, combining advances in building technology with design innovation to give exciting new forms to our cities, and has continually affirmed the belief of all Americans in the basic integrity of our common values; and

Whereas the American Institute of Architects has been vigilant in its stewardship of many of the Nation's architectural treasures, including the monuments, buildings, majestic avenues, and green spaces that lend a unique character and distinction to the Federal city of Washington, District of Columbia, the seat of our Government: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the week of April 18, 1982, is designated "National Architecture Week", and that the President is authorized and requested to issue a proclamation calling upon the people of the United States to observe such a week with appropriate ceremonies and activities paying tribute to the American Institute of Architects in this, the one hundred and twenty-fifth year of its existence as an honored and respected professional society.

Mr. McCLURE. Mr. President, I move to reconsider the vote by which the joint resolution was passed.

Mr. ROBERT C. BYRD. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

DUTCH-AMERICAN FRIENDSHIP DAY

Mr. McCLURE. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of House Joint Resolution 410, a resolution designating April 19, 1982, as "Dutch-American Friendship Day."

The PRESIDING OFFICER. The clerk will state the joint resolution by title.

The assistant legislative clerk read as follows:

A joint resolution (H.J. Res. 410) to designate April 19, 1982, as "Dutch-American Friendship Day."

The PRESIDING OFFICER. Without objection, the joint resolution will be considered as having been read twice by title.

Is there objection to the present consideration of the joint resolution?

Mr. ROBERT C. BYRD. No objection.

There being no objection, the joint resolution (H.J. Res. 410) was considered, ordered to a third reading, read the third time, and passed.

Mr. McCLURE. Mr. President, I move to reconsider the vote by which the joint resolution was passed.

Mr. ROBERT C. BYRD. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

NATIONAL DAY OF REFLECTION

Mr. McCLURE. Mr. President, I move that the Committee on the Judiciary be discharged from further consideration of House Joint Resolution 447, a resolution designating April 4, 1982, as "National Day of Reflection," and I ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will state the joint resolution by title.

The assistant legislative clerk read as follows:

A joint resolution (H.J. Res. 447) to authorize and request the President to issue a proclamation designating April 4, 1982, as the "National Day of Reflection".

The PRESIDING OFFICER. Without objection, the joint resolution will be considered as having been read twice by title.

Is there objection to the present consideration of the joint resolution?

Mr. ROBERT C. BYRD. Mr. President, I not only have no objection, I support this resolution and I join with the distinguished acting Republican leader in hoping for its immediate consideration.

There being no objection, the joint resolution (H.J. Res. 447) was considered, ordered to a third reading, read the third time, and passed.

The preamble was agreed to.

Mr. McCLURE. Mr. President, I move to reconsider the vote by which the joint resolution was passed.

Mr. ROBERT C. BYRD. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

BROADCAST DEREGULATION ACT

Mr. McCLURE. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of Calendar Order No. 408, S. 1629, the Broadcast Deregulation Act of 1981.

The PRESIDING OFFICER. The bill will be stated by title.

The assistant legislative clerk read as follows:

A bill (S. 1629) to amend the Communications Act of 1934 in order to encourage and develop marketplace competition in the provision of certain broadcast services and to provide certain deregulation of such broadcast services, and for other purposes.

The PRESIDING OFFICER. Is there objection to the immediate consideration of the bill?

There being no objection, the Senate proceeded to consider the bill which had been reported by the Committee on Commerce, Science and Transportation with an amendment to strike out all after the enacting clause, and insert the following:

That this Act may be cited as the "Broadcast Deregulation Act of 1981".

DECLARATION OF POLICY

SEC. 2. It is the policy of the Congress that the Federal Communications Commission shall—

(1) encourage the development of competitive and diverse sources of broadcast programing and the introduction of new and additional services to consumers; and

(2) review all rules, regulations, and policies directly or indirectly applicable to broadcast licensees and eliminate those that are not necessary, or those which limit competition.

RADIO BROADCAST DEREGULATION

SEC. 3. Title III of the Communications Act of 1934 is amended by inserting at the end thereof the following new section:

"RADIO BROADCAST DEREGULATION

"SEC. 331. Subject to any other applicable Federal law, the Commission is prohibited from requiring, by rule, regulation, or otherwise, radio broadcast station licensees to—

"(1) provide news, public affairs, locally produced, or any other programs;

"(2) adhere to a particular programing format;

"(3) maintain program logs;

"(4) ascertain the problems, needs, and interests of its service area; and

"(5) restrict the amount, length, frequency, or scheduling of commercial matter.".

LICENSING PROCEDURE; RENEWAL PROCEDURE

SEC. 4. Section 309 of the Communications Act of 1934 is amended by adding at the end thereof the following new subsections:

"(j) In any case in which a broadcast station licensee submits an application to the Commission for renewal of a license, the Commission shall grant the application if it finds that—

"(1) the operation of the station has been free of serious violations of this Act or the rules and regulations promulgated thereunder; and

"(2) with respect to television broadcast stations the licensee, during the preceding term of its license, substantially met the problems, needs, and interests of the residents of its service area in its program service.

"(k) In acting upon any application for the renewal of any broadcast station license which is filed by a licensee with the Commission under section 308, the Commission shall not have authority to consider the application of any other person for the facilities for which renewal is sought. The provisions of this subsection shall not apply to any application of any other person filed prior to March 3, 1981.".

COMPETITIVE SERVICES

SEC. 5. Section 309 of the Communications Act of 1934 is further amended by adding at the end thereof the following new subsection:

"(l) Consistent with sound spectrum management, the Commission shall, to the maximum feasible extent, encourage the introduction of new and additional services by new applicants, existing licensees, or other persons. In any proceeding in which new or additional services are proposed, such services shall be presumed to be in the public interest whenever the Commission finds that such services are technically feasible without causing significant technical degradation to or interference with radio transmissions by other licensees.".

Mr. McCLURE. Mr. President, I ask unanimous consent that the committee amendment be agreed to and that it be considered original text for the purpose of further amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

The committee amendment was agreed to.

UP AMENDMENT NO. 867

(Purpose: To set a certain fee schedule)

Mr. McCLURE. Mr. President, I send an amendment to the desk on behalf of Mr. PACKWOOD and ask for its immediate consideration.

The PRESIDING OFFICER. The amendment will be stated.

The assistant legislative clerk read as follows:

The Senator from Idaho (Mr. McCLURE), for Mr. Packwood, proposes an unprinted amendment numbered 867.

Mr. McCLURE. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The **PRESIDING OFFICER**. Without objection, it is so ordered.

The amendment is as follows:

At the end of the bill, add the following new section:

FEES

SEC. 6. The Communications Act of 1934 (47 U.S.C. 151 et seq.) is amended by inserting after section 6 the following new section:

"CHARGES

"SEC. 7. (a) The Commission shall assess charges for the services listed in this subsection at the rates listed or at such modified rates as it shall establish pursuant to the provisions of subsection (b) of this section.

"Schedule of Charges:	*Rates*
Private radio services:	
Marine coast stations—new, modifications, renewals	$50
Operational fixed microwave stations—new, modifications, renewals	50
Aviation (ground stations)—new, modifications, renewals	25
Land (mobile radio)—new, modifications, renewals	25
Equipment approval services:	
Type certification:	
Receivers (except TV receivers)	150
All others (including TV receivers)	500
Type acceptance:	
Approval of subscription TV systems	1,500
All others	250
Type approval:	
Ship (radio telegraph) automatic alarm systems	5,000
Broadcast equipment required to be approved under FCC rules	2,500
Ship and lifeboat transmitters	2,500
All others	1,000
Cable television services:	
Cable television relay service:	
Construction permit	250
Renewals	50
Petitions for special relief—waivers	500
Broadcast services:	
Commercial TV stations (new and major change) construction permit:	
Application fee	1,000
Hearing charge	5,000
Grant fee (annual fee)	3X
Commercial radio stations—new and major change construction permits:	
Application fee	300
Hearing charge	5,000
Grant fee (annual fee)	3X
Directional antenna license fee	300
Translators and low power TV stations—new and major change construction permits:	
Application fee:	
Top 130 markets	200
Remaining markets	100
Hearing charge	1,000
Grant fee	100
Annual fee—commercial TV stations:	
Top 20 markets	7,500
21-40 market	6,750
41-60 market	6,000
61-80 market	5,250
81-100 market	4,500
101-120 market	3,750
121-140 market	3,000
141-160 market	2,250
161-180 market	1,500
181-balance	750
Annual fee—commercial radio stations:	
Class B and C—FM, greater than 5,000W—AM	1,000
Class A—FM, 1,000W to 5,000—AM	500
Less than 1,000W—AM	150
Annual fee—low power TV stations	100
Subscription TV stations—application fee	2,500
Station assignment and transfer fees:	
Application fee—TV stations	1,000
Application fee—radio stations	500
Hearing charges	5,000
Common carrier services:	
Domestic public land mobile radio stations (base, dispatch, control, and repeater stations):	
Initial construction permits, assignments, transfers	250
Renewals and modifications	25
Air-ground station initial construction permits, renewals, and modifications	25
Cellular systems:	
Initial construction permits, assignments, transfers	1,000
Annual fee per mobile unit	3
Rural radio service (central office, interoffice or relay facilities):	
Initial construction permits, assignments, transfers	100
Renewals and modifications	25
Local television or point-to-point microwave radio service—initial construction permits, renewals (assignments, transfers, and modifications)	150
International fixed public radio service—public and control stations:	
Initial construction permits, assignments, transfers	500
Renewals and modifications	350
Satellite services:	
Commercial transmit/receive Earth stations:	
Initial construction permit, assignments, transfers	1,500
Renewals and modifications	500
Receive-only Earth stations:	
License	250
Renewals	50
Application for authority to construct and launch satellites	2,000
Application for a satellite license	20,000
Multipoint distribution service:	
Initial construction permits, assignments, transfers	1,500
Renewals	100
Section 214 applications—	
Applications for overseas cable construction (per nautical route mile)	5
All other formal filings	1,500
Tariff filings:	
Filing charge	300
Special permission filing	250
Telephone equipment registration	150
Digital termination service	150

The Schedule of Charges established under this subsection shall be implemented not later than 180 days after the date of enactment of this subsection.

"(b)(1) The Commission may on an annual basis increase or decrease the amounts of the charges established in subsection (a). Increases or decreases shall apply on a pro rata basis to all categories of charges and shall be in the same proportion as the cumulative charges in the Commission's total budget appropriations for the preceding 2 fiscal years.

"(2) Increases or decreases made pursuant to this subsection shall be adopted as a part of the Commission's rules and regulations.

"(3) Increases or decreases made pursuant to this subsection shall not be subject to judicial review.

"(c) The Commission shall prescribe appropriate rules and regulations to carry out the provisions of this section.

"(d) The Commission is authorized to prescribe by regulation an additional charge which may be assessed as a penalty for late payment of charges required by subsection (a). Such penalty shall not exceed 25 percent of the amount of the charge which was late.

"(e)(1) The charges established in this section shall not be applicable to any governmental body.

"(2) The Commission is authorized to waive or delay payment of any fee established in this section if it determines that the public interest would be served by such action.

"(f) Moneys received from charges established pursuant to this section shall be placed in the general fund of the treasury to reimburse the United States for amounts appropriated for use by the Commission in carrying out its functions under this Act.

"(g) The authority to collect the charges established under this section shall be concurrent with the authorization of appropriations under section 6 of this Act.

"(h) The total amount of fees collected under this subsection in any fiscal year shall not exceed 50 percent of the sums appropriated pursuant to the authorization of appropriations contained in section 6 of this Act.

Mr. PACKWOOD. Mr. President, this amendment establishes a schedule of charges designed to collect, by service, total amounts of money which are equal to or less than the budget estimate for each service. Services for this purpose are defined as broadcast, common carrier, equipment authorization, cable television authorization of services, and private radio. The fee schedule reflects the committee's effort to insure a reasonable relationship between fees for any given service and the cost.

The amendment limits total collections in any fiscal year to 50 percent of the amount authorized to be appropriated, $76,900,000. If the 50-percent limitation is exceeded, the Commission must, within 90 days, implement a prorata reduction of all of its fees so that collections do not exceed 50 percent of its appropriations over the next 12 months. This insures that the FCC does not, for any prolonged period, collect fees which in total exceed 50 percent of its appropriations. This mechanism is necessary due to the normal uncertainty surrounding the final appropriations amount for any Federal agency, including the FCC, and the uncertainty associated with the final fee collections which can be expected from the schedule of charges enumerated in section 6 of the act. The committee estimates that its proposed schedule of charges will collect approximately $31 million, which is 40.3 percent of the amount authorized to be appropriated for fiscal year 1982. However, we recognize that if demand for several of the services for which fees are charged were to increase suddenly, the fee collection could easily exceed 50 percent. At that point, the committee expects that the Commission would calculate the expected amount of fee collections over 50 percent and reduce all fees by a pro rata amount sufficient to insure that fee collections over the next 12 month period did not exceed 50 percent of its approved or expected appropriations. The new fees would be effective no later than 90 days after the 50-percent ceiling was reached. The committee also expects collections under the fee schedule, which exists at the time the 50-percent ceiling is reached, to continue until changed under this procedure.

Mr. McCLURE. Mr. President, I move adoption of the amendment.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment (UP No. 867) was agreed to.

Mr. McCLURE. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. BRADLEY. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

UP AMENDMENT NO. 868

Mr. BRADLEY. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The amendment will be stated.

The assistant legislative clerk read as follows:

The senator from New Jersey (Mr. BRADLEY) proposes an unprinted amendment numbered 868.

Mr. BRADLEY. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

At the end of the bill, add the following new section:

VERY HIGH FREQUENCY STATIONS

SEC. 6. It shall be the policy of the Federal Communications Commission to allocate channels for very high frequency commercial television broadcasting in a manner which ensures that not less than one such channel shall be allocated to each State, if technically feasible. In any case in which a licensee of a very high frequency commercial television broadcast station notifies the Commission to the effect that such licensee will agree to the reallocation of its channel to a community within a State in which there is allocated no very high frequency commercial television broadcast channel at the time of such notification, the Commission shall, notwithstanding any other provision of law, order such reallocation and issue a license to such licensee for that purpose pursuant to such notification for a term of not to exceed five years as provided in section 307(d) of the Communications Act of 1934.

Mr. BRADLEY. Mr. President, for many years the people of New Jersey have been trying to obtain equity with 48 other States—access to our own commercial VHF television station.

On several occasions, I have stood on this floor to explain to my colleagues how important this issue is to the people of my State. Unfortunately, half of the State learns about New Jersey primarily from the perspective of New York and the other half of the State sees New Jersey from the eyes of Philadelphia. Too frequently, that means we only hear about disasters in New Jersey. Rarely do New Jerseyans see coverage on VHF commercial television of important New Jersey events or discussion of major New Jersey issues. And almost never do they see anything about the other half of the State outside their viewing area.

Since I have been a Member of the Senate, I have sought every legislative and regulatory avenue to remedy this problem. While New Jersey still has no commercial VHF station, I am pleased to say that my State's plight has not been unheeded by my colleagues. Twice before, the Senate has overwhelmingly gone on record supporting the right of every State to have a commercial VHF television license—the most recent time by a vote of 86 to 4. I am particularly grateful for the assistance and support of the chairman of the Commerce Committee, Senator PACKWOOD; the ranking minority member, Senator CANNON; and the chairman of the Telecommunications Subcommittee, Senator GOLDWATER.

Today, I am offering a slightly different amendment than the one which has previously been before this body. This amendment adds a new section to S. 1629 which directs the FCC to allocate, where technically feasible, at least one commercial VHF television station to each State. To speed implementation of this policy, the FCC is also directed to accept and grant the application of any current license holder who voluntarily requests to have its commercial VHF TV license moved to a State which does not have one. As an inducement to undertake the expense of moving studio facilities, the FCC is directed to renew that license for up to 5 years in the new State. It is my hope that with the barriers to a voluntary resolution to New Jersey's problem removed, a New York station owner will step forward to move to New Jersey.

I am pleased to report that this amendment not only has the support of the Senate Commerce Committee's leadership, but also of the entire broadcasting community which, for the first time, has recognized the legitimate grievances of the people of New Jersey.

The whole New Jersey congressional delegation, Republicans and Democrats alike, has been unanimous in its support for this effort. Our House Members, led by Congressmen FLORIO and RINALDO on the Commerce Committee, will vigorously press for the inclusion of this language in the House version of S. 1629 as well as in any other appropriate legislation.

In that regard, may I ask the chairman of the Commerce Committee, Senator PACKWOOD, to yield for a question? Would it be fair for me to convey to my colleagues in the New Jersey delegation that the Senator from Oregon supports this amendment if it is brought to conference or brought to this body on this bill or other legislation within the province of the Commerce Committee?

Mr. PACKWOOD. The Senate Commerce Committee has been sympathetic to the problem created for the people of New Jersey by the lack of its own commercial VHF television station. I believe this amendment not only recognizes that problem, but it provides an appropriate means to expedite a solution if a current licensee voluntarily seeks to move to New Jersey. I am pleased to support its inclusion in S. 1629. I would welcome the House adopting this amendment as part of the broadcasting deregulation bill or any other bill over which the Commerce Committee has jurisdiction.

Mr. BRADLEY. I thank the chairman not only for his assistance but for the extraordinary help given me and my staff by the staff of his committee. I sincerely hope that we will one day soon no longer have to raise this issue on the Senate floor.

Mr. President, I move adoption of the amendment.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment (UP No. 868) was agreed to.

Mr. BRADLEY. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. McCLURE. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. PACKWOOD. Mr. President, the Senate Commerce Committee has a strong interest and philosophical commitment to deregulation, whether in trucking, aviation, or shipping. As chairman of the committee, I am proud of our past accomplishments and ready to break new ground. The new test for Congress, which is well underway now, is to succeed in deregulating the fields of broadcasting and telecommunications.

During the 96th Congress, the Commerce Committee held extensive hearings on telecommunications legislation. These hearings made it clear that a general consensus existed in the industry and in Government that broadcasting should be deregulated. This belief, which was echoed in the 1980 national elections, has produced an administration and a Congress that are more than ever critical toward regulations, especially those that are too costly, too complex, and work poorly. This is true especially when marketplace forces exist that operate more cheaply and more efficiently to accomplish the same ends.

Toward that end, S. 270, the Radio Deregulation Act of 1981, was introduced on January 27, 1981, by Senator JACK SCHMITT, of New Mexico, and S. 601, the Television Licensing and Renewal Act of 1981, was introduced March 3, 1981, by Senator BARRY GOLDWATER, of Arizona.

As you all realize now, S. 270 and S. 601 were incorporated into the budget reconciliation package and were passed by the Senate. Senators SCHMITT and GOLDWATER were particularly instrumental in working for their inclusion in the budget, and helping win their successful passage on the Senate floor.

Through a very long, tedious and sometimes strained conference with the House of Representatives on the communications issues, including S. 270 and S. 601, we ultimately were able to achieve certain measures for the broadcasting industry. Significantly, those measures include:

First, a 7-year license term for radio stations,

Second, a 5-year license term for television stations,

Third, permission for the FCC to use a lottery system to grant initial licenses, and

Fourth, no license fees.

On this last point, Senators GOLDWATER, SCHMITT, and I insisted during the conference that the fee schedule was absolutely linked to deregulation, and there would not be fees approved without the deregulation package intact.

President Reagan signed these provisions into law on August 13, 1981. For the first time in 47 years, the broadcasting industry has been given regulatory relief.

Now that the deregulation tide is with us, we must enact the remaining provisions of the original bills, S. 270 and S. 601, as they have been incorporated into this bill, S. 1629. The effort to deregulate broadcasting must continue, until the job is done.

It is totally consistent with President Reagan's goals to reduce the size of the Federal bureaucracy, to trim Government spending, and to eliminate, where possible, unnecessary and burdensome redtape. The evidence shows that the marketplace contains incentives enough for free and open competition in the broadcast industry without these regulations.

Competition is vital, not just in the economic marketplace, but in the marketplace for ideas, for free expression. Deregulation benefits broadcasters not only in economic terms, but helps preserve the first amendment freedoms that belong to the press. Over time, these constitutional safeguards seem to have become the exclusive province of newsprint. The freedom to broadcast should enjoy the same status because this is the same freedom that the public enjoys in receiving a wide, diverse array of broadcast information, services and entertainment.

Mr. President, the leadership of the subcommittee chairman, Senator BARRY GOLDWATER and the insight and perseverance of Senator JACK SCHMITT, have made it possible to bring this bill to the Senate floor today. I urge all Senators to support its passage.

● Mr. GOLDWATER. Mr. President, this bill provides for deregulation of the radio broadcast industry. It also establishes a renewal procedure for both radio and television licensees, including the elimination of the comparative renewal process. Finally, the bill establishes a congressional policy of encouragement by the Federal Communications Commission (FCC) of new, additional and competitive services.

S. 1629 was introduced on September 16, 1981, by Senator CANNON, with myself and Senators PACKWOOD, HOLLINGS, and SCHMITT as cosponsors.

The substance of the bill is a restatement of the radio deregulation provisions in Senator SCHMITT's bill, S. 270, and the television renewal provisions in my bill, S. 601. In addition, there is established a congressional policy that new and additional services are desirable and should be encouraged.

S. 270, the Radio Deregulation Act of 1981, was introduced on January 27, 1981, by Senator SCHMITT, with myself and Senators PACKWOOD, PRESSLER, STEVENS, CANNON, and HOLLINGS as cosponsors. Since that time 13 other Senators have been added as cosponsors, bringing the total number to 20 Senators (including Senator SCHMITT).

The Subcommittee on Communications held 2 days of hearings on S. 270 on February 26 and 27, 1981, and took testimony from 18 witnesses, both pro and con. With the exception of the public interest groups, the testimony was extrmely supportive of the legislation.

The FCC took significant steps recently to deregulate radio. However, those steps do not go as far as this bill, nor is there any certainty to the FCC's action inasmuch as it was immediately appealed to the court by public interest groups. It is clear that the most effective way to insure timely and orderly deregulation is through statutory action.

Since 1934, the number of radio broadcast stations has increased more than tenfold from 583 to over 8,400. There is a plethora of radio service available to almost all of the American public today. In most major cities, there is extensive competition among radio stations. For example, the FCC's 1981 figures show that 17 markets have 30 or more stations; 46 markets have 20 stations or more; and 137 markets have at least 10 radio stations. Moreover, radio stations must compete with other news, information, and entertainment sources, including television, pay TV, cable TV, films, records, magazines, and newspapers. The FCC's study further showed that there is sufficient competition even in rural and semirural areas.

As to the substantive regulations which are to be eliminated by S. 1629, the FCC's data clearly shows that radio broadcasters are substantially exceeding basic informational programing guidelines; they are airing fewer commercials per hour than the guidelines; there is a sufficient array of formats to satisfy most listeners; submission of program logs is unnecessary; and ascertainment of the needs and interests of the community will be done anyway.

On March 3, 1981, I introduced S. 601, the Television Licensing and Renewal Act of 1981, with Senators PACKWOOD, SCHMITT, PRESSLER, STEVENS, KASTEN, CANNON, HOLLINGS, INOUYE, FORD, RIEGLE, and EXON as cosponsors. Since that time, 4 Senators have been added as cosponsors, bringing the total to 16 Senators (including myself).

The Subcommittee on Communications held 2 days of hearings on March 23 and 30, 1981, and took testimony from 18 witnesses. With the exception of public interest groups, the testimony was extremely supportive of the bill. The broadcast industry supports this bill as a recognition that competitive marketplace forces should replace regulatory restrictions.

The renewal procedure in the bill focuses upon the licensee's record of performance rather than promises from a challenger. By barring competing applications, the expensive, time-consuming, and arbitrary comparative hearings can be eliminated. This comparative procedure was adopted originally to provide a "competitive spur" to broadcasters. The theory was that broadcasters would be encouraged to maximize their programing efforts if their licenses could be challenged at renewal.

While there have been few successful challenges to television broadcasters' licenses, the uncertainty created by this threat has made it more difficult for diligent broadcasters to serve their communities. Furthermore, the real "competitive spur" to the broadcaster no longer comes from potential challengers to the renewal of his license. Broadcasters are now competing against the diversity of video programing made possible by the expansion of cable television in urban markets, and the increasing use of new technologies.

If television broadcast licensees are to be expected to provide quality programing service to the public, they must be able to rely upon the knowledge that they will not be subjected to expensive, time-consuming comparative hearings as a result of a mere promise from another applicant to do a better job. It is increased competition that will guarantee the essential program quality.

Finally, as with S. 270 and S. 601, S. 1629 is totally consistent with the Reagan administration's announced goal of reduction in Government spending, and elimination of unnecessary and burdensome regulations.

Mr. President, the time for meaningful deregulation of the broadcast industry is long overdue. By passing this bill, we can set the stage for a conference with the House and ultimate enactment of legislation. We should not delay any longer—the public interest must be served.●

● Mr. SCHMITT. Mr. President, there is no persuasive evidence that the marketplace cannot be a better regulator of commercial radio than can the Federal Government. This bill, S. 1629, is based on this fact.

Soon after I became a member of the Senate Communications Subcommittee, the subcommittee conducted oversight hearings on current issues in telecommunications. During those hearings, I became convinced that Congress must pass comprehensive telecommunications legislation dealing with all aspects of telecommunications policy, including domestic and international common carrier, broadcasting, cable television, and nonbroadcast radio services.

The underlying basis of our legislative efforts has been that new technologies, and the use of these new technologies to provide telecommunications services, have made the regulatory scheme of the 1934 Communications Act obsolete.

The basic thrust of our legislation is to allow fair competition, rather than heavy-handed, inefficient Government regulation, to provide consumers with the benefits of new technologies. While the Federal Communications Commission (FCC) has taken many actions that are consistent with this objective, without congressional guidance provided by amendments to the Communications Act, the courts and the FCC will continue to have difficulty integrating the new technologies into our present system.

As an example, without a clear statement of national telecommunications policy, the FCC's recent decision deregulating radio in some areas is the subject of lengthy litigation already initiated by several different groups.

S. 1629 will eliminate the comparative renewal process for radio and television and further deregulate radio by eliminating recordkeeping requirements. S. 1629 will help move radio broadcasting decisions out of the hands of a Government agency and back into the free market where, ultimately, the views of the listener are sovereign. An open marketplace will free radio and television from unnecessary and burdensome regulation, free the Government from the expense of such regulation and better serve the American public with higher quality broadcasting.

In 1934, when the Communications Act was written, there were only 583 AM radio stations and no FM stations on the air. Today, when there are more than 8,500 AM and FM radio stations operating in a highly competitive broadcast environment, there is simply no rational reason for pervasive regulation. The tired "spectrum scarcity" rationale for the present regulatory system lacks validity when the vast majority of Americans have access to numerous radio stations, and all have access to a wide variety of other entertainment and information sources.

In 1981, it should be abundantly clear that there is no need for the Government to regulate such matters as program formats and requirements, commercialization, station recordkeeping and ascertainment. It is obvious that news programs, talk shows, and other public service activities can only be enhanced under deregulation with adequate competition provided by the marketplace itself.

Even though the FCC has taken steps to deregulate radio, administrative deregulation is not enough. Statutory deregulation is one way to insure timely and permanent deregulation. The legislation before the Senate today will accomplish this end. This legislation is consistent with President Reagan's announced intention to reduce the size of the bureaucracy and trim Government spending.●

Mr. CANNON. Mr. President, S. 1629, "The Broadcast Deregulation Act of 1981," represents another of the continuing efforts by the Commerce Committee to reshape telecommunications policy. This bill combines those parts of S. 270, the Radio Deregulation Act of 1981, and S. 601, the Television Licensing and Renewal Act of 1981, approved last year but which were not accepted by the House during the budget reconciliation process to deregulate radio and bring stability to current broadcast licensees. It also establishes a policy for the development and implementation of new practicable broadcast services. Chairman PACKWOOD, Communications Subcommittee Chairman GOLDWATER, Senator HOLLINGS, and Senator SCHMITT should be commended for their cooperation and leadership in producing such a fair and reasonable approach to solve some of the most critical problems facing the broadcast industry. This bill was considered by the Commerce Committee and ordered reported unanimously by a 17-to-0 vote.

S. 1629 will prohibit the Federal Communications Commission from establishing rules relating to programing, formats, ascertainment, or commercialization for radio licensees. This will eliminate these most unnecessary regulations and allow the marketplace, where over 9,000 stations can truly compete, to provide effective service to the listening audience.

Our bill will stabilize the broadcasting industry by renewing those licenses where the licensees have been free from serious violations of the Communications Act, without the costly procedure of a comparative renewal hearing. This provision will allow broadcasters to allocate their resources to improving the quality of their programing and not to pay for high-priced legal services.

We have also included a provision to mandate the Commission to proceed on applications for the development of new broadcast services. We encourage any group, whether or not they currently provide any broadcast services, to explore the development of innovative services.

In order to fully explain the scope of S. 1629, I have included the following section-by-section analysis of the bill.

SECTION 2: DECLARATION OF POLICY

The Federal Communications Commission is directed to encourage competition and diverse sources of broadcast programing and the introduction of new and additional services to consumers. The FCC is also directed to review and eliminate rules, regulations, and policies which are unnecessary or limit competition.

SECTION 3: RADIO BROADCAST DEREGULATION

This section reaffirms and extends a recent decision by the FCC to abandon burdensome and unnecessary regulatory constraints on radio licenses (docket No. 79-219). The deregulation provided by that decision, and reaffirmed by this section, is based on the belief that a competitive marketplace will serve as a better regulator of the public interest than guidelines established by the FCC. Today, there are 9,087 radio stations, of which 1,116 are noncommercial educational stations providing a service which did not exist when the FCC received its statutory charter in 1934. This section specifically prohibits the FCC from imposing requirements on radio broadcasters which relate to: program formats; community ascertainment requirements; maintenance of program logs; provision of particular types of programs; and standards on commercialization.

SECTION 4: LICENSING PROCEDURE FOR RENEWALS

This section will change the present process of renewing television and radio broadcast licenses. Under the new procedures, the FCC would be directed to renew a broadcast license where the existing licenseholder demonstrates that it has not committed serious violations of the Communications Act. In addition, a television licensee would have to demonstrate that it has substantially met the needs and problems of its service area (no similar showing would be deregulated). Both radio and television broadcasters would remain subject to continuing fitness standards to serve in the public interest, and the procedures for license revocation for improper conduct would continue as they are under current law.

These changes would eliminate the present process of comparative renewals in which the performance of an existing broadcaster is compared with the promises of other applicants who seek the license. The existing comparative renewal process is expensive, timeconsuming, and largely fruitless since incumbents are virtually always relicensed. Where the Commission finds that an incumbent is not qualified for renewal, the Commission would then receive applications for the license from any interested party. Thus, this provision will reduce the amount of litigation and paperwork involved in routine renewal proceedings; reduce the burdens on existing stations who were adequately serving the public; and, at the same time, attract a greater range of applicants where community needs are not being met.

SECTION 5: COMPETITIVE SERVICES

This section is designed to enhance the development of new and additional services. This policy is carried out by establishing a presumption that new or additional services are in the public interest if they are technically feasible and would not cause technical interference with transmissions by other licensees.

If we are going to face the telecommunications opportunities in the future, then we must make the necessary reforms to meet those challenges. The provisions of S. 1629 contain much needed reforms which will increase opportunities for a more responsive and improved system of broadcasting.

Mr. McCLURE. Third reading.

The PRESIDING OFFICER. The bill is open to further amendment. If there be no further amendment to be proposed, the question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed for a third reading and was read the third time.

The PRESIDING OFFICER. The bill having been read the third time, the question is, Shall it pass?

So the bill (S. 1629), as amended, was passed.

S. 1629

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Broadcast Deregulation Act of 1982".

DECLARATION OF POLICY

SEC. 2. It is the policy of the Congress that the Federal Communications Commission shall—

(1) encourage the development of competitive and diverse sources of broadcast programing and the introduction of new and additional services to consumers; and

(2) review all rules, regulations, and policies directly or indirectly applicable to broadcast licensees and eliminate those that are not necessary or those which limit competition.

RADIO BROADCAST DEREGULATION

SEC. 3. Title III of the Communications Act of 1934 is amended by inserting at the end thereof the following new section:

"RADIO BROADCAST DEREGULATION

"SEC. 331. Subject to any other applicable Federal law, the Commission is prohibited from requiring, by rule, regulation, or otherwise, radio broadcast station licensees to—

"(1) provide news, public affairs, locally produced, or any other programs;

"(2) adhere to a particular programing format;

"(3) maintain program logs;

"(4) ascertain the problems, needs, and interests of its service area; and

"(5) restrict the amount, length, frequency, or scheduling of commercial matter.".

LICENSING PROCEDURE; RENEWAL PROCEDURE

SEC. 4. Section 309 of the Communications Act of 1934 is amended by adding at the end thereof the following new subsections:

"(j) In any case in which a broadcast station licensee submits an application to the Commission for renewal of a license, the Commission shall grant the application if it finds that—

"(1) the operation of the station has been free of serious violations of this Act or the rules and regulations promulgated thereunder; and

"(2) with respect to television broadcast stations the licensee, during the preceding term of its license, substantially met the problems, needs, and interests of the residents of its service area in its program service.

"(k) In acting upon any application for the renewal of any broadcast station license which is filed by a licensee with the Commission under section 308, the Commission shall not have authority to consider the application of any other person for the facilities for which renewal is sought. The provisions of this subsection shall not apply to any application of any other person filed prior to March 3, 1981.".

COMPETITIVE SERVICES

SEC. 5. Section 309 of the Communications Act of 1934 is further amended by adding at the end thereof the following new subsection:

"(l) Consistent with sound spectrum management, the Commission shall, to the maximum feasible extent, encourage the introduction of new and additional services by new applicants, existing licensees, or other persons. In any proceeding in which new or additional services are proposed, such services shall be presumed to be in the public interest whenever the Commission finds that such services are technically feasible without causing significant technical degradation to or interference with radio transmissions by other licensees.".

FEES

SEC. 6. The Communications Act of 1934 (47 U.S.C. 151 et seq.) is amended by inserting after section 6 the following new section:

"CHARGES

"SEC. 7. (a) The Commission shall assess charges for the services listed in this subsection at the rates listed or at such modified rates as it shall establish pursuant to the provisions of subsection (b) of this section.

"Schedule of Charges:	*Rates*
Private radio services:	
Marine coast stations—new, modifications, renewals	$50
Operational fixed microwave stations—new, modifications, renewals	50
Aviation (ground stations)—new, modifications, renewals	25
Land (mobile radio)—new, modifications, renewals	25
Equipment approval services:	
Type certification:	
Receivers (except TV receivers)	150
All others (including TV receivers)	500
Type acceptance:	
Approval of subscription TV systems	1,500
All others	250
Type approval:	
Ship (radio telegraph) automatic alarm systems	5,000
Broadcast equipment required to be approved under FCC rules	2,500
Ship and lifeboat transmitters	2,500
All others	1,000
Cable television services:	
Cable television relay service:	
Construction permit	250
Renewals	50
Petitions for special relief—waivers	500
Broadcast services:	
Commercial TV stations (new and major change) construction permit:	
Application fee	1,000
Hearing charge	5,000
Grant fee (annual fee)	3X
Commercial radio stations—new and major change construction permits:	
Application fee	300
Hearing charge	5,000
Grant fee (annual fee)	3X
Directional antenna license fee	300
Translators and low power TV stations—new and major change construction permits:	
Application fee:	
Top 150 markets	200
Remaining markets	100
Hearing charge	1,000
Grant fee	100
Annual fee—commercial TV stations:	
Top 20 markets	7,500
21-40 market	6,750
41-60 market	6,000
61-80 market	5,250
81-100 market	4,500
101-120 market	3,750
121-140 market	3,000
141-160 market	2,250

161-180 market	1,500
181-balance	750
Annual fee—commercial radio stations:	
Class B and C—FM, greater than 5,000W—AM	1,000
Class A—FM, 1,000W to 5,000—AM	500
Less than 1,000W—AM	150
Annual fee—low power TV stations	100
Subscription TV stations—application fee	2,500
Station assignment and transfer fees:	
Application fee—TV stations	1,000
Application fee—radio stations	500
Hearing charges	5,000
Common carrier services:	
Domestic public land mobile radio stations (base, dispatch, control, and repeater stations):	
Initial construction permits, assignments, transfers	250
Renewals and modifications	25
Air-ground station initial construction permits, renewals, and modifications	25
Cellular systems:	
Initial construction permits, assignments, transfers	1,000
Annual fee per mobile unit	3
Rural radio service (central office, interoffice or relay facilities):	
Initial construction permits, assignments, transfers	100
Renewals and modifications	25
Local television or point-to-point microwave radio service—initial construction permits, renewals (assignments, transfers, and modifications)	150
International fixed public radio service—public and control stations:	
Initial construction permits, assignments, transfers	500
Renewals and modifications	350
Satellite services:	
Commercial transmit/receive Earth stations:	
Initial construction permit, assignments, transfers	1,500
Renewals and modifications	500
Receive-only Earth stations:	
License	250
Renewals	50
Application for authority to construct and launch satellites	2,000
Application for a satellite license	20,000
Multipoint distribution service:	
Initial construction permits, assignments, transfers	1,500
Renewals	100
Section 214 applications—	
Applications for overseas cable construction (per nautical route mile)	5
All other formal filings	1,500
Tariff filings:	
Filing charge	300
Special permission filing	250
Telephone equipment registration	150
Digital termination service	150

The Schedule of Charges established under this subsection shall be implemented not later than 180 days after the date of enactment of this subsection.

"(b)(1) The Commission may on an annual basis increase or decrease the amounts of the charges established in subsection (a). Increases or decreases shall apply on a pro rata basis to all categories of charges and shall be in the same proportion as the cumulative charges in the Commission's total budget appropriations for the preceding 2 fiscal years.

"(2) Increases or decreases made pursuant to this subsection shall be adopted as a part of the Commission's rules and regulations.

"(3) Increases or decreases made pursuant to this subsection shall not be subject to judicial review.

"(c) The Commission shall prescribe appropriate rules and regulations to carry out the provisions of this section.

"(d) The Commission is authorized to prescribe by regulation an additional charge which may be assessed as a penalty for late payment of charges required by subsection (a). Such penalty shall not exceed 25 percent of the amount of the charge which was late.

"(e)(1) The charges established in this section shall not be applicable to any governmental body.

"(2) The Commission is authorized to waive or delay payment of any fee established in this section if it determines that the public interest would be served by such action.

"(f) Moneys received from charges established pursuant to this section shall be placed in the general fund of the Treasury to reimburse the United States for amounts appropriated for use by the Commission in carrying out its functions under this Act.

"(g) The authority to collect the charges established under this section shall be concurrent with the authorization of appropriations under section 6 of this Act.

"(h) The total amount of fees collected under this subsection in any fiscal year shall not exceed 50 percent of the sums appropriated pursuant to the authorization of appropriations contained in section 6 of this Act.".

VERY HIGH FREQUENCY STATIONS

SEC. 7. It shall be the policy of the Federal Communications Commission to allocate channels for very high frequency commercial television broadcasting in a manner which ensures that not less than one such channel shall be allocated to each State, if technically feasible. In any case in which a licensee of a very high frequency commercial television broadcast station notifies the Commission to the effect that such licensee will agree to the reallocation of its channel to a community within a State in which there is allocated no very high frequency commercial television broadcast channel at the time of such notification, the Commission shall, notwithstanding any other provision of law, order such reallocation and issue a license to such licensee for that purpose pursuant to such notification for a term of not to exceed five years as provided in section 307(d) of the Communications Act of 1934.Z! EXT. 565 ...SENATE... 31MR #65065 Ken Moore 3/31/81 fol. 653S-654S %000.0

Mr. McCLURE. Mr. President, I move to reconsider the vote by which the bill was passed.

Mr. BRADLEY. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

FOREIGN RELATIONS COMMITTEE ADOPTS NEW PROCEDURES REGARDING DOMESTIC RELEASE OF ICA FILMS

Mr. PERCY. Mr. President, at its regular business meeting on March 30, the Committee on Foreign Relations adopted a new policy and procedures for its consideration of resolutions authorizing the domestic release of films produced by the U.S. International Communication Agency. Several Members have said that the domestic release of ICA films should occur only in special circumstances, and Senator PELL and I drafted procedures which provide for a more rigorous review by the committee of proposals to release ICA films domestically. This is a description of the new committee policy and procedures:

COMMITTEE POLICY

As a general policy, the committee will only consider release of films with special historical, educational or cultural merit, and will not authorize the release of materials which seek to influence public opinion on contemporary issues. Also, as a general policy, the committee will not authorize the domestic release of films until after foreign release.

COMMITTEE PROCEDURES

First. The committee will ask any Member who introduces a Senate resolution which authorizes release of an ICA film to provide the committee a description of the film and a detailed explanation of the benefits to be gained by domestic release.

Second. The committee will ask ICA to comment on the proposed domestic release with particular regard both to the committee policy permitting domestic release of films only with special historical, educational or cultural merit, and the intent of existing law prohibiting domestic release of ICA materials which seek to influence public opinion on contemporary issues.

Third. The committee will arrange for a viewing of the film by committee members and staff, and will not schedule a committee vote on the resolution authorizing domestic release until sufficient time for viewing has elapsed.

A PLEA FOR ARMS REDUCTION TALKS WITH THE SOVIET UNION

Mr. DIXON. Mr. President, when a nuclear war is discussed, limited or otherwise, there is a basic premise upon which most people agree: We cannot play nuclear roulette and expect to win anything. Most Members of Congress also agree there is no more pressing issue than arms control talks between the superpowers.

With these thoughts in mind, I urge President Reagan to devote his resources to immediate and verifiable arms reduction talks with the Soviet Union: Immediate and verifiable.

I doubt that this administration would ever send to the Senate a treaty which did not have strong verification safeguards to insure Soviet compliance.

Many of us, however, are concerned that the administration's statements imply a strong disinclination to engage in meaningful discussions in the near future. Quite frankly, Mr. President, that is unacceptable.

It is unacceptable because the awesome powers of nuclear forces, once unleased, cannot be stopped, and affirmative steps must be taken now to prevent the nuclear option from materializing.

Mr. President, I am a cosponsor of the Jackson-Warner resolution on the reduction of nuclear weapons. I believe the guidelines it suggests to the President are clear and workable. The message is to work toward realistic, substantial and verifiable nuclear force reductions. We do not advocate a unilateral freeze, nor do we operate under any illusions about negotiating with the Russians.

On the contrary, we acknowledge the imbalance of nuclear forces in Western Europe, and are well aware of the difficulties of entering into discussions with the Soviets. Nonetheless, I share the view that we must make the first brave steps toward real arms limitation discussions, which will lead eventually to reductions.

Mr. President, I believe that Congress will stand behind the administration as it negotiates in good faith with the Russians. We all want to witness progress in this area.

But the administration should be under no illusions either. The time to proceed is now. The Congress and the people of this Nation demand it.

With the specter of nuclear devastation present in the world, human resources are diverted from more basic enemies of mankind, such as poverty and hunger.

Mr. President, our people are speaking loudly on this subject—from town meetings to college campuses to our farms to our great cities.

We must show them we are listening.

PARENTAL NOTIFICATION: A NECESSARY FIRST STEP

Mr. HATCH. Mr. President, I would like to express my wholehearted support for the proposed regulation changes in the title X program which are being proposed by the Department of Health and Human Services. I ask unanimous consent that the entire document describing these regulations be printed in the RECORD at the conclusion of my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. HATCH. The proposed changes are:

First, require recipients of title X funds to notify the parents of unemancipated minors when prescription birth control drugs or prescription birth control devices are distributed to their children.

Second, defer to State laws which require family planning providers to provide title X services to unemancipate minors only with prior parental notification and/or consent.

Third, use parents' income in determining charges for title X services provided to unemancipated minors.

Mr. President, I feel that each of these proposed regulation changes is eminently reasonable and is based on sound judgment, as well as on the intent of Congress. I believe Secretary Schweiker and his staff are to be congratulated for moving in directions which, I believe, will result in a very positive impact on the families of America.

One of the primary functions which families accomplish is the socializing and directing of our children. We believe it is the parents who must take the primary responsibility for educating their children about morality, about values, and about religious belief. Nowhere is the guidance and direction of parents more needed, and more valuable, than when dealing with issues of sexuality.

Too frequently our Federal progams have intervened between parents and children, rather than brought them together. In the words of Secretary Schweiker, when testifying before a House subcommittee examining these regulation changes, we have allowed government, "to build a 'Berlin wall' between parents and children." One of the reasons I worked with Senator DENTON in developing the adolescent family life demonstration program, which Congress passed last year, was my desire to develop approaches to deal with the problems of adolescent sexual activity which would maximize the input and involvement of parents.

Congress agrees that families need to be more involved. Last year, in reauthorizing title X, the Congress included the following language:

> To the extent practical, entities which receive grants or contracts under this subsection shall encourage family participation in the projects assisted under this subsection.

I was chairman of the Senate conferees which worked with our colleagues in the House on the reauthorization of title X, and I participated directly in seeing that that language encouraging family involvement was adopted as part of the reauthorization. Of course we cannot force a parent to be involved with a child, and we cannot legislate such an involvement. But, I would like to ask: How can parents be involved "to the extent practical" if they do not know what the Government is doing? Surely, the first step in parental involvement is telling the parents what is going on.

The overwhelming majority of parents do not know that their children—even children as young as 11 or 12—can today obtain prescription birth control devices or birth control pills, paid for out of the taxpayers' deep pocket, without the parents' knowledge or consent. Parents want to know, whether they agree with the services being provided or not. I believe they have the right to demand to know what the Government is doing with their children.

In that context, I believe that the regulation that Secretary Schweiker has proposed requiring parental notification is a modest, commonsense approach to encouraging parents to step into the picture. In my opinion, all of the aspects of the proposed regulations are entirely in keeping with both the letter and the spirit of the intent of Congress when we adopted that mandate to involve families in last year's reauthorization.

There are other things which the Department could do, and additional steps which should be taken to encourage family involvement, but these proposed regulations are certainly a step in the right direction.

I am aware of two studies conducted in recent months, one published in Life magazine and one conducted by Decision Making Information of Santa Ana, Calif., both indicating that 75 percent of Americans feel parents should be notified if an abortion is being considered for their child. Would parents feel differently if prescription contraceptive drugs were given to their children which could affect that child's lifetime health? I believe not.

Research indicates that when parents and children are talking and working together on issues of morality, all of the outcomes are more positive. Shah and Zalnik, in a study reported in the May 1981 issue of the Journal of Marriage and the Family, using data from a survey based on a national probability sample of 15- to 19-year-old women, determined that adolescents with views on premarital sex resembling those of parents have low levels of premarital sexual experience. Shah and Zalnik also report that teens with views more resembling their peers have high levels of premarital sexual experience, and use contraceptives very inconsistently—thus placing them at much greater risk for pregnancy.

In a study conducted recently in Utah by Dr. Brent Miller and his colleagues in the College of Family Life at Utah State University, it was found that teens who have open communication with mothers, and especially with fathers, and who are subject to consistent parental discipline are less likely to become sexually active. Here again we get the message: When parents are involved and communicating with their children, the problems associated with teen sexual activity are much less likely to occur.

Even a study conducted by the Alan Guttmacher Institute found that only 4 percent of teens in their study said they would stop using contraception but would continue to be sexually active if their parents were notified of their obtaining contraceptives. The Alan Guttmacher Institute study also found that 44 percent of clinics offering abortion services and 20 percent of clinics providing contraceptives of youngsters under 15 already had parental notification policies. Remember, the Alan Guttmacher Institute is the research arm of Planned Parenthood, and Planned Parenthood does not believe in policies of parental notification.

Deferring to State laws which may require prior notification or parental consent I consider to be a fundamental principle which should be observed whenever possible. There can be a divergence of option issues such as this from State to State. My own State of Utah passed a law last year requiring prior written parental consent when contraceptive services or abortion services are supplied to an unemancipated minor with public funds. This was a bipartisan proposal passed by a Republican legislature and signed by a Democratic Governor. I completely support this approach; and, from what I have heard from many councils of local governments, it has the broad-based, grassroots support of the majority of the people in my State. I have personally worked with Secretary Schweiker in encouraging him to adopt a provision that would defer to State laws. I feel he shares our view that a State should be allowed to determine its own policy with regard to these issues.

Mr. President, with regard to including parents' income when determining charges for title X services, such a procedure is only trying to come into line with the intent of Congress that those who can afford the services should pay for them. Fees for title X services are determined on a sliding scale. It makes no sense, and further undermines the family, to have a young girl come into a family planning clinic and declare that she is a "family" with no income in order to obtain free birth control pills, paid for by her parents' taxes, but without their knowing about it.

In summary, Mr. President, I am fully supportive of the Reagan administration and of Secretary Schweiker in proposing these regulation changes. It is long needed. The approach the Secretary has adopted is placing concern for the physical health and wellbeing of the adolescent before any other consideration. But, most of all, it is a move to place the family at the center of our society's concern with the problems of adolescent sexuality. For that reason, even though this regulation is modest in scope, its results will be major in impact. I believe more of our young people will be provided with the thoughtful support and caring counsel which only parents can provide.

Finally, Mr. President, because I was so favorably impressed with the statement of Secretary Schweiker at Congressman WAXMAN's recent hearing, I thought many of my colleagues would also have an interest, and I ask unanimous consent that they be printed in the RECORD after the regulations themselves.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 2.)

EXHIBIT 1

DEPARTMENT OF HEALTH AND HUMAN SERVICES

PUBLIC HEALTH SERVICE

42 CFR Part 59, Subpart A

Requirements Applicable to Projects for Family Planning Services

Agency: Public Health Service (PHS), DHHS.

Action: Proposed rule.

Summary: The Secretary of Health and Human Services proposes to amend the regulations governing the program for family planning services funded under Title X of the Public Health Service Act in order to implement a recent amendment of that Act. The statutory amendment requires family planning projects to encourage family participation in the provision of services by the projects, to the extent practical. The Secretary proposes to implement this amendment by requiring projects to notify the parents of unemancipated minors seeking family planning services when prescription drugs or devices are provided. In addition, where state law requires family planning providers to provide Title X services to unemancipated minors only with notification to or the consent of their parents, projects would be required to comply with that law.

Date: Comments on the proposed rules must be submitted in writing to the address below on or before (60 days from date of publication).

Address: Comments should be submitted to Marjory Mecklenburg, Acting Deputy Assistant Secretary for Population Affairs, Room 725H, 200 Independence Avenue, S.W., Washington, D.C. 20201.

For Further information contact: Marjory Mecklenburg (202) 472-9093.

Supplementary information: Title X of the Public Health Service Act (42 U.S.C. 300 *et seq.*) establishes a program of Federal financial assistance to public and private nonprofit entities for the provision of voluntary family planning services. Under section 1001(a) of that title, the Secretary of Health and Human Services may make grants to such entities for projects which will provide a "broad range of acceptable and effective family planning services," including "services to adolescents." The regulations implementing this section provide, among other things, that family planning services will be made available without regard to age or marital status. 42 CFR 59.5(a)(4).

On August 13, 1981, Congress amended section 1001(a). Section 931(b)(1) of Pub. Law 97-35 adds to section 1001(a) the following provision:

"To the extent practical, entities which receive grants or contracts under this subsection shall encourage familiy (sic) participation in projects assisted under this subsection."

The Conference Report on Pub. Law 97-35 explains section 931(b)(1) as follows:

"The conferees believe that, while family involvement is not mandated, it is important that families participate in the activities authorized by this title as much as possible. It is the intent of the Conferees that grantees will encourage participants in Title X programs to include their families in counseling and involve them in decisions about services." House Rep. No. 97-208, at 799.

The Secretary proposes to implement section 931(b)(1) by adding the following requirements to the Title X regulations. First, grantees would be required to notify the parents or guardian of unemancipated minors when prescription drugs or prescription devices are provided to such minors. Projects would also be required to inform the minor, prior to the provision of the service, about the notification requirement. Projects would be required to notify the parent or guardian within 10 working days following the initial provision of services by the project, except when the project director determines that notification would result in physical harm to the minor by a parent or guardian. Projects would be required to verify that the notifications were received. If the project was unable to verify that the notification was received, the project could not provide additional prescription drugs or prescription devices to the minor. Projects would be required to keep records on the notifications, verifications, and the number of cases in which a determination to forego parental notification has been made, along with the reasons for the determination. Second, grantees would be required to comply with any State law requiring that notification be provided to or consent obtained from the parents or guardian of unemancipated minors regarding the provision of family planning services to unemancipated minors. Third, the definition of "low income family" in the current regulations would be changed by eliminating the requirement that projects consider adolescents on the basis of their own resources for purposes of charging for services.

The proposed regulation limits application of section 931(b)(1) to "unemancipated minors." However, the definition of "unemancipated minor" varies under this regulation, depending on which requirement is involved. Since the first requirement applies to all grantees, we have proposed a Federal definition of the term for purposes of that requirement. This definition treats minors age 17 or under as unemancipated generally, but otherwise looks to State law to determine what specific acts, such as marriage or parenthood, constitute acts of emancipation. Thus, if State law would treat persons age 12 or older as emancipated for purposes of consent to medical care, Title X projects would nonetheless have to treat them as unemancipated for purposes of complying with the first requirement, unless some other circumstance recognized as an act of emancipation under state law were present. With respect to the second regulatory requirement, by contrast, the term "unemancipated minor" is determined entirely by state law. We believe this is appropriate, since the intent of that requirement is to have Title X grantees comply with state laws requiring parental notification or consent. We do not expect that this variation in the applicable definition of emancipation will create difficulties for grantees, since the result is simply that, in addition to any state law requirement, the Federal notification requirement applies to otherwise unemancipated minors up to age 18. Nor do we expect that making a determination concerning emancipation will present any special problems for grantees, since they presently must decide who is emancipated in order to determine whether appropriate consent has been obtained in the course of providing medical services.

Under the proposed rules, projects would be required to notify the parents or guardian of an unemancipated minor where prescription drugs or prescription devices were provided. We believe that this requirement is consistent with the concern underlying section 931(b)(1). The Congressional policy of encouraging family participation in decision-making about family planning services is most clearly relevant where medical services are being provided to adolescents. In our view, implicit in section 931(b)(1) is an assumption that these individuals will generally benefit from the exercise of a parent's mature judgment on their behalf on matters that may affect their physical wellbeing. Particularly where prescription drugs or prescription devices are being considered, parents have a direct and legitimate concern in participating in a decision that may have long-term health consequences for the adolescent. It is our view that such involvement cannot occur unless the adolescent's parents or guardian are given the opportunity to participate, an opportunity which notification will provide. Thus, while we believe that grantees should encourage involvement of a minor's parents to the maximum extent possible in the provision of Title X services generally, the proposed rule ensures that Title X grantees will encourage parental involvement in those cases where it is most likely to be of the most significant value.

At the same time, the proposed rule provides that notification need not precede the provision of services, but rather that it must occur after services are provided. We believe this policy establishes a reasonable balance between competing concerns. On the one hand, it is the policy of the Act to make services available to adolescents, as evidenced by the statute's inclusion of "service to adolescents" as a mandatory project requirement. Requiring notification before services are provided could unduly delay or otherwise serve to restrict access to services, contrary to the statute's policy. On the other hand, as stated above, parents may reasonably be concerned about the potential medical consequences of prescription drugs and prescription devices, and should be afforded the opportunity to have input into a decision to use them. Notification of the minor's parents or guardian after service should minimize the access problem, while the 10 day rule will assure that parents can become involved promptly where there are serious concerns about the health of their child. To effectuate the notification requirement, projects must verify that the notification was received. If projects are unable to verify that the notification was received, projects may not provide additional prescription drugs and prescription devices to the minor. Also, projects must maintain records on the notifications and verifications.

In addition, the proposed rule provides that the minor must be informed about the notification requirement and permits an exception to the notification requirement where the project director finds that it would result in physical harm to the minor by a parent or guardian. The exception is meant to apply to cases where there is evidence of a history of child abuse, sexual abuse, or incest, or where there are other substantial grounds to determine that notification would result in physical harm to the minor by a parent or guardian. The exception does not apply to cases where notification would result in no more than disciplinary actions of an unsubstantial nature. This exception implements the statutory recognition of the fact that family involvement may not be advisable in all cases: under the statute such involvement is required only "to the extent practical." In our view, situations where notification of a minor's parents or guardian about the receipt of services would physically endanger the minor clearly come within the ambit of this statutory exception. The requirement that the minor be informed about notification will, among other things, provide an opportunity for the project to ascertain whether the exception applies. We recognize that any such exception contains the potential for abuse. Therefore, project directors will be required to keep a record of the number of exception determinations they have made, along with the reasons for each exception.

Finally, the proposed rule provides that the notification requirement shall not apply in cases where a project is providing prescription drugs for the treatment of venereal disease. This is consistent with the overriding public health necessity of ensuring prevention of infection of others.

The second requirement—for parental notification or consent where such a State requirement exists—is being proposed to resolve a dilemma presently facing some grantees. From time to time, States enact laws that seek to require family planning providers to provide family planning services to unemancipated minors only with parental consent or notification. Now, where the State's underlying law of consent renders minors unable to give legally effective consent, Federal regulations do not require a project to provide services to the minor without the consent of a parent or guardian. However, where the minor can provide legally effective consent under State law, the project is required by 42 CFR 59.5(a)(4) to make services available to the minor to the extent it would to any otherwise similarly situated (for example, with respect to income) individual, even if the State has enacted a parental consent requirement intended to apply to Title X providers. Similarly, section 59.5(a)(4) presently precludes States from requiring grantees to condition services to minors upon parental notification.

The Secretary has concluded that the above policies are inconsistent with the statutory policy expressed by section 931(b)(1). Section 931(b)(1) expresses a Congressional judgment that, in an area as sensitive and difficult as family planning services, family involvement in the decisionmaking of minors should be encouraged. Traditionally, this has been an area which States, in their role as *parens patriae*, have regulated, for example, through statutes requiring parental notification or consent to certain types of medical services. In light of this traditional State role, and in order to remedy an often conflicting and confusing situation for grantees, the Secretary believes that it would be appropriate to implement section 931(b)(1) by deferring to legislative judgments made by the States, as expressed by State statutes. Accordingly, the Secretary proposes to amend the regulations to require grantees to adhere to any applicable State parental consent or notification statutes.

Finally, the proposed rules would amend the present definition of "low income family" to eliminate the requirement that projects consider minors who wish to receive services on a confidential basis on the basis of their own, and not their parents', resources. Since persons who are members of low income families receive services without charge, the present policy has the inappropriate effect of skewing the distribution of limited Federal grant funds away from the patients who are the most financially needy. In addition, the present policy indirectly discourages family involvement in the receipt of services by certain minors and thus is inconsistent with section 931(b)(1).

The Secretary solicits comments on the ramifications of the above proposals and suggestions as to how he might more effectively implement the intent of Congress. If there are particular operational problems with any of the proposals, the Secretary would appreciate being so informed. Statistical or other data supporting suggestions for change in the proposals would be particularly welcomed.

IMPACT ANALYSIS

Executive Order 12291

E.O. 12291 requires that a regulatory impact analysis be prepared for major rules, which are defined in the order as any rule that has an annual effect on the national economy of $100 million or more, or certain other economic effects. The Secretary concludes that these regulations are not major rules within the meaning of the Executive Order. because they will not have an effect on the economy of $100 million or more or otherwise meet the threshold criteria. To the contrary, they effect a minor alteration in grantee operations that will cost little, if anything, to implement.

The Regulatory Flexibility Act (5 U.S.C. Ch. 6) requires the Federal Government to anticipate and reduce the impact of rules and paperwork requirements on small businesses. For each proposed rule with a "significant economic impact on a substantial number of small entities" an initial analysis must be prepared describing the proposed rule's impact on small entities. The required change in grantee operations will be minimal in cost, as it will generally consist of a slight revision of present intake and counseling procedures applicable to only a small percentage of each grantee's total client population. Therefore, the Secretary hereby certifies that an initial regulatory flexibility analysis is not required.

For the reasons set forth above, the Assistant Secretary for Health, with the approval of the Secretary of Health and Human Services, therefore proposes to amend 42 CFR Part 59, Subpart A, as set forth below.

EDWARD N. BRANDT, Jr.,
Assistant Secretary for Health.
RICHARD S. SCHWEIKER,
Secretary.

1. The last sentence of the definition of "low income family" in 42 CFR 59.2 is revoked.

2. 42 CFR 59.5(a) is amended by adding thereto the following paragraph (12), to read as follows:

§ 59.5 *What requirements must be met by a family planning project?*

(a) * * *

(12) Encourage, to the extent practical, family participation in the provision of the project's services to unemancipated minors. A project shall—

(i)(A) When prescription drugs or prescription devices are initially provided by the project to an unemancipated minor, notify the minor's parents or guardian that they were provided within 10 working days following their provision. The project must tell the minor prior to the provision of services about this notification requirement. The project shall verify that the notification was received. Where the project is unable to verify that the notification was received, the project shall not provide additional prescription drugs or prescription devices to the minor.

(B) A project is not required to comply with the first sentence of subparagraph (A) of this paragraph where the project director determines that such notification will result in physical harm to the minor by the parents or guardian.

(C) For the purpose of this paragraph (i), an "unemancipated minor" is an individual who is age 17 or under and is not, with respect to factors other than age, emancipated under State law.

(D) The project must keep records on notifications provided pursuant to the first sentence of subparagraph (A), and on verifications that those notifications were received. The project must also keep records of the number of determinations made under subparagraph (B) and the factual basis for such determinations. The project must make the records required by this subparagraph available to the Secretary on request.

(E) This paragraph (i) does not apply where prescription drugs are provided for the treatment of venereal disease.

(ii) Notwithstanding any other requirement of this subpart, where State law requires the notification or consent of a parent or guardian to the provision of family planning services to an individual who is unemancipated minor under State law, provide such services only in compliance with such law.

Authority: Sec. 6(c), Pub. L. 91-572, 84 Stat. 1507, 42 U.S.C. 300a-4(a).

[EXHIBIT 2]

STATEMENT OF RICHARD S. SCHWEIKER

Mr. Chairman and Members of the Committee: Thank you for the opportunity to appear before you to discuss the need for parental involvement in matters relating to adolescent sexual activity and pregnancy. Particularly matters affecting the health of adolescents.

Mr. Chairman, the family unit has always been the cornerstone of our society. Indeed, parents have the primary responsibility for the education, health, safety and general well-being of their children, with support from churches, schools, and other community institutions. The focus of many Government assistance programs also recognizes the importance of the family—Head Start, child abuse prevention and treatment, child welfare services, and the foster grandparent programs are just a few examples.

Our society recognizes that in all matters affecting the lives of our children there should be involvement of family and parents; a recognition which is shared by Government. But there have been exceptions to this Government recognition of the importance of the family. In some areas the Government has appeared to take the position that families are not important and are not to be involved. One of those areas is the provision of family planning services for adolescents.

With respect to adolescent sexual activity, government policy has evolved in a direction of dealing with adolescents outside the institution of the family. That, I believe, has been a misguided policy.

For that reason, I am pleased that Congress took steps last year to move back toward involving families. The importance of this approach is best stated in the adolescent family life statute passed by Congress last year. The statute states: "The Congress finds that . . . prevention of adolescent sexual activity and adolescent pregnancy depends primarily upon developing strong family values and close family ties, and since the family is the basic social unit in which the values and attitudes of adolescents concerning sexuality and pregnancy are formed, programs designed to deal with issues of sexuality and pregnancy will be successful to the extent that such programs encourage and sustain the role of the family in dealing with adolescent sexual activity and adolescent pregnancy."

This same policy thrust was established by Congress last year in the family planning program by the amendment which requires family planning grantees to encourage family involvement. These actions by Congress are of vital importance particularly in light of the potential health hazards associated with contraceptive use and pregnancy.

As part of the implementation of the adolescent family program, we plan to fund demonstration projects which will use as a focus the family in efforts to improve pregnancy outcomes among teenagers. We plan to encourage the involvement of both sexual partners so that responsibilities are shared.

The statistics on teenagers who are sexually active, as well as those who actually bear children, are of serious concern. The risk of maternal death for adolescent mothers is higher compared to women in the 20 to 24 years of age bracket. The risk of complications of pregnancy and child birth is also higher.

One can take small comfort in the fact that sexually active teenagers are more likely to use contraceptives today than ten years ago. This also presents us with a new problem for these teenagers—a potential health problem associated with prescription contraceptives. I am disturbed that we have not paid enough attention to the health consequences for adolescents using birth control pills or I.U.D.s and that we have not provided parents with an opportunity to interact with their children on this important decision which affects their health and well-being. I am concerned about this not only as a parent, but also as the secretary of the Federal department responsible for the public's health.

While medical studies have indicated that the use of the pill or I.U.D. is safe for most women, they have also cautioned us about the harmful side effects of these methods for some women. The side effects of using birth control pills include blood clotting, increased risk of stroke, stimulation of growth of benign tumors of the uterus and breast, and an increase in fibrocystic breast disease. The use of I.U.D.s increases the risks of ectopic pregnancy, infection of the ovaries and fallopian tubes, and may increase the difficulty of conceiving after discontinuance. Physicians prescribing these methods therefore advise women to pay close attention to any changes in themselves and to obtain regular medical check-ups.

Adolescent girls who receive prescription drugs or prescription devices from family planning clinics without involvement of their parents may be particularly vulnerable to any of these negative side effects. Many of them are so young and inexperienced that they do not understand what constitutes a potentially dangerous side effect from using birth control pills or I.U.D.s. Since a high proportion of adolescents do not return to the family planning clinic after their initial visit, they may not receive the medical attention they need in order to cope with any of the possible side effects. Furthermore, since they do not have to involve their parents in this process, they may also be less likely to inform their family doctor that they are now using oral contraceptives or I.U.D.s. As a result, by isolating themselves from those who are the closest to them and most able to help them monitor any of the possible side effects of these prescription methods, they are vulnerable to suffering unnecessarily from the side effects of the pill or I.U.D.

Another problem for the adolescent using the pill or I.U.D. is that she may discontinue using any contraceptives if she appears to be experiencing any real or imagined side effects. If the parents of that child were involved from the very beginning, they might be able to help her to evaluate the actual health effects of continued use of that prescription method or help to decide whether or not to remain sexually active at that time.

Finally, one of the major reasons for contraceptive failures among teenagers is that they do not use them consistently. A few studies have suggested that adolescents from families in which the parents communicate openly with their children about sex are more likely to use contraceptives consistently if they are sexually active.

These health risks are underscored by the findings of a recent study which indicated that of the 641,000 adolescents aged seventeen or younger receiving contraceptive services from family planning agencies in 1978, 80 percent or more than a half million, chose a prescription method such as the pill or I.U.D.

Notwithstanding the significant health implications of adolescents using prescription birth control drugs and devices, Federal policy has neglected parental responsibilities. In every other area of their children's lives parents are involved and held responsible. Parents must give written permission before a child can go on a school trip, and must explain when a child is absent from class for even one day. It is paradoxical that when it comes to prescribing drugs and devices with potentially serious health consequences, Federal policy has not recognized parental involvement and responsibility.

Almost everyone would agree in principle that parents of unemancipated minors should be involved if their children are using prescription drugs or devices which may be harmful to their health. Parents should know when one of their children aged 17 and under is being given a prescription drug or device so they can be aware of any risk their child is taking. Critics might say that insisting on parental notification and involvement is impractical because some teenagers might risk becoming pregnant rather than admit to their parents that they are sexually active.

While I can understand this concern, the data and analysis from a recent study by the Alan Guttmacher Institute suggests that the overwhelming majority of teenagers currently receiving assistance from family planning clinics will continue to use contraceptives. According to their study, only 4 percent of adolescents 17 or younger who receive prescription drugs and devices from family planning clinics said that if their parents had to be notified, they would continue to be sexually active but not use any method of contraception. Therefore, rather than parental involvement driving all teenagers away from using contraceptive methods, as some critics might charge, only 4 percent even thought this would be their reaction.

In addition, parental notification is not unprecedented. Presently 10 percent of all family planning agencies require parental consent or notification for prescription contraceptives provided to patients 17 or younger, and 20 percent have such requirements for teenagers 15 or younger. It might also be noteworthy that in the latter category, 25 percent of hospitals require parental consent or notification compared to only 3 percent of planned parenthood clinics.

Finally, Mr. Chairman, I would like to note the evidence we have on the attitudes of parents to adolescent sexual activity. A 1978 report by the H.H.S. Inspector General to Secretary Califano reported that 90 percent of parents surveyed recognized it as their responsibility to see that their teenage daughter, if she were sexually active, receive contraceptive information. In addition, almost all parents contacted said they would not object if their teenage daughter asked to go to a family planning clinic. Some parents, however, would prefer to send a sexually active daughter to a family physician or a specialist; some would tell her what they know and discuss the situation within the family; and others would choose a family planning clinic in the first place.

Therefore, contrary to the argument that some would make that parents cannot be trusted to exercise mature, prudent judgment, the evidence we have is that parents are concerned about the health of their children, want to be involved, and will well carry out their parental responsibility.

We cannot and should not ignore the health and well-being of our children by looking the other way while taxpayers' money provides prescription drugs and devices with potential hazards and side effects. We must use every opportunity available to us to bring about communication between parents and their children.

Thank you.

A NEW START IN EL SALVADOR

Mr. HATCH. Mr. President, I feel compelled to make a few comments on the elections held this past Sunday in El Salvador. Certainly we will all agree that the voter turnout was far more than any of us here in the Senate could have imagined. It was indeed a testimony to the people of that beleaguered nation. They are to be commended for the courage they demonstrated; to be held as an example to all nations of the world who desire to exercise the right to freely choose their leaders through the electoral process.

At the same time I want to say a few words about the Reagan administration. They have come under severe criticism for their policy on El Salvador. Their detractors used every forum available, including this very floor, to denounce their support for the current government. The press was full of reports of government oppression and equally full of "courageous freedom fighters" in the guerrilla ranks. Yet the people of El Salvador came to vote and the results would indicate that the policy adopted by the administration was a sound one. We now will be able to exert a maximum amount of influence toward a negotiated settlement.

At the same time I still have cause to worry. If I might paraphrase a reporter on one of the networks, I am not sure which one, he said that "the guerrillas were still out there, you could hear their gunfire in the background, serving notice that to them these elections were meaningless. They would continue to fight until they had overthrown the government." Now if that does not worry you, then it should. Even the Washington Post saw the signs. In an editorial yesterday they wrote:

> One understands now why the guerrillas were so eager to destroy, and the political opposition to denounce, the elections in El Salvador. They seemed to have sensed that the people would choose * * * to express their pent-up longing to have done with the war and to reconstruct the country.

The United States has been the champion of democracy, the Nation which encourages others to use the ballot box as a way to solve its problems. We, as U.S. Senators, should understand this better than anyone else. I think it behooves all of us to speak out against the continued attacks by guerrilla forces. There is no doubt where they are getting their support. I examined very closely a picture of a guerrilla soldier advancing up a road. The weapon he was carrying was not an M-16. It was not American made, but resembled an AK-47, which all of us should be aware is a Soviet made rifle. We cannot say we support fair elections, and every account of the elections in El Salvador indicate they were fair, and continue to support actions by guerrilla forces to overthrow the very government established by the electoral process.

Mr. President, it is time we faced the facts. The guerrilla forces in El Salvador are not interested in the people, they are interested in power. We as a body need to get behind the President on his policy. The Caribbean Basin initiative is a good place to start. It is a new start for all of the Caribbean, not just El Salvador.

An editorial on this subject also appeared in the Wall Street Journal yesterday. It makes some strong points and I commend it to all my colleagues.

Mr. President, I ask unanimous consent that the above mentioned editorial be printed in the Record.

There being no objection, the editorial was ordered to be printed in the Record, as follows:

Salvador at the Polls

Of all the fatuities that have poured out of our TV sets about El Salvador, the grand prize winner may have been served up on David Brinkley's show Sunday. James Wooten, the former newsman turned TV pundit, told us earnestly from San Salvador that the election in progress there was of more importance to Ronald Reagan and Al Haig than to the Salvadorans.

At that very moment, great masses of those same Salvadorans Mr. Wooten believed were treating the election so lightly were lined up at the polls, some having trudged miles to get there and some having dodged the bullets of the Communist guerrillas.

As one Salvadoran woman told our Lynda Schuster Sunday: "The rest of the world seems to have made decisions about El Salvador. Now it's my turn." She was prepared to wait in the hot sun all day for her turn at the ballot box.

Clearly, they had a real election in El Salvador Sunday. The huge turnout was annoying to some American commentators because it destroyed their basic thesis about the war there, that it is the result of a popular uprising. It simply is not possible to square that thesis with a large proportion of the people pouring forth to vote for conservatism and law and order. And it is even harder to square it with the failure of bloody efforts by the Communists to prevent a vote.

Salvador, for all its stormy past, its Latin feudalism, and its failed democratic experiments, has never supported the Communist insurgency. Its peasants, like peasants in most parts of the world, are fundamentally conservative. Its workers are fundamentally libertarian. And its middle class, which expanded rapidly in the period of robust economic growth that preceded the Communist assault, is capitalistic and individualistic. The concept of an oppressed people suddenly throwing off their chains in armed insurrection is the kind of Communist mythology that works with guillible foreigners but has only marginal validity in a place like El Salvador. If the myth were even 30% valid, the insurgents would have leaped wholeheartedly into the election process, claimed their seats in a constituent assembly and then tried to consolidate their power.

Protectors of the myth now profess to see great mysteries in what has just happened. Were the people coerced to vote? A high-level team of foreign observers says no. Why did so many people turn out for what they must have known was a phony election? The answer to that is it was only a phony election in the line being put out from Radio Moscow.

But if many TV and press commentators, churchmen and the like in the U.S. and Europe have sneered at the capacity of Latinos to make their own choices at the ballot box, the foreign policy establishment has not done much better.

The State Department has been dithering for weeks about what the U.S. should do if the conservative parties come out on top in the voting—a question still in doubt as the ballots were being counted yesterday. If the Reagan administration supports Roberto D'Aubuisson & Co. would it not be cut to pieces by the American left? This question derives in part from the belief by foreign policy sophisticates that democracy is not for everyone. It may derive as well from residual admiration for the highly manipulative Salvadoran policy operated by former American Ambassador Bob White, better known in some circles as the former American proconsul.

The answer to State's doubts is simple: A democratically elected government is a legitimate government, period. Our country is the world's leading democracy and if we don't believe in democracy for El Salvador we don't believe in it at all. It will be permissible for the United States to use its influence to try to persuade an elected government to use its mandate wisely, but it will not be permissible for the U.S. to try to engage in any further manipulations that would thwart the will of the Salvadorans themselves.

The Salvadorans have just made known to the world that they are anti-Communist and pro-democracy. They have cut the ground from under those people who have deliberately chosen to misunderstand them. They have seen the importance of their vote far more clearly than the outsiders. We had better do what we can to make sure that their risks were not in vain.

THE ELECTION IN EL SALVADOR

Mr. PELL. Mr. President, it would appear that Dr. Fidel Chavez Mena, currently Foreign Minister of El Salvador, may well be chosen President by the new El Salvador Constituent Assembly. In this connection, it is fortunate that Dr. Chavez Mena is a Christian Democrat and is highly regarded by both the right and the left. However, it also appears that any new government will be dominated by the various rightist parties that took part in the election and that the Christian Democratic Party may well be excluded. Since these parties are all to the right of the Christian Democrats, particularly the ARENA party, which secured almost one-third of the votes, the Government may swing hard right and try to reverse the course of reforms that the United States has supported.

Accordingly, as I stated in my report to the Foreign Relations Committee following my trip to El Salvador in February, I believe that further U.S. military support to El Salvador should not be extended by the United States unless the Government moves to: First, clean up human rights abuses; second, complete the land reform process at an early date; and third, agree to negotiations with the leftists who were understandably reluctant to lay down their arms and participate in the March 28 election without guarantees for their safety.

CHARLES ALLEN THOMAS

Mr. DANFORTH Mr. President, Dr. Charles Allen Thomas died on March 29, 1982. A brilliant scientist, he served as president and chairman of the Board of Monsanto Co. He was one of the great civil leaders of St. Louis, providing outstanding service as chairman of the board of trustees of Washington University.

He was also a wonderful friend of my family and myself.

I ask unanimous consent that an article on his accomplishments be published in the St. Louis Globe-Democrat be printed in the Record.

There being no objection, the article was ordered to be printed in the Record, as follows:

[From the St. Louis Globe-Democrat, Mar. 30, 1982]

Charles A. Thomas Dies: Scientist, Former Chairman of Monsanto Co.

Charles Allen Thomas, 82, a scientist, businessman, educator and civic leader, died Monday, Mar. 29, 1982, at his estate in Georgia. Dr. Thomas, former chairman of Monsanto Co., left a scientific legacy for the world as well as a business and humanitarian legacy for St. Louis.

He had received a bachelor's degree and a doctorate in science from Transylvania University in Lexington, Ky., and a master's degree from Massachusetts Institute of Technology.

He died early Monday at his 15,000 acre family farm near Albany, Ga., called Magnolia Plantation. A family member said Dr. Thomas had suffered from cancer.

During a career that spanned nearly 50 years. Dr. Thomas made his mark in both science and business. As a member of the top secret Manhattan Project, he helped change the course of history by playing an integral part in the development of the atomic bomb. As a young researcher, he was part of a team credited with developing ethyl gasoline.

His Innumerable contributions to St. Louis were recognized when he was named Globe-Democrat Man of the Year in 1966.

"He was a brilliant man," said Dr. Carroll H. Hochwalt, a Monsanto Co. alumnus who had known Dr. Thomas for nearly 60 years. "He's going to be sorely missed by all of his friends in the scientific world and in business circles. It's really a tremendous loss."

Monsanto Chairman John W. Hanley has credited Dr. Thomas with helping "build Monsanto's reputation."

Besides his scientific achievements, Dr. Thomas was an active local civic leader. He had worked in behalf of the United Way, the Boy Scouts, Herbert Hoover Boys' Club and the Municipal Opera. During the 1960s and 1970s, Dr. Thomas served as the unpaid chairman of Washington University's board of trustees. He led the successful $47 million bond issue campaign in 1965 to provide the then newly established Junior College District with adequate facilities.

As a businessman here, Dr. Thomas was Monsanto's president and chief executive officer from 1951 to 1960, when he became chairman of the board. He retired as chairman in 1965, has remained active in the company through 1970.

He began his career with General Motors Research Corp. in Dayton, Ohio, as a research chemist in 1923 after earning his university degrees.

It was at General Motors Research Corp. that he met Dr. Hochwalt when both were named to the team that developed the tetraethyl lead compound "ethyl gasoline" that is tested in motor fuels.

In 1928, Dr. Thomas and Dr. Hochwalt founded their own research firm, Thomas & Hochwalt Laboratories, in Dayton. The partnership prospered, turning out scores of inventions as diverse as synthetic fibers, a compound commonly used in fire extinguishers and a process for aging whiskey.

Their work came to the attention of Monsanto founder Edgar M. Queeny, who merged Thomas & Hochwalt Laboratories with his firm in 1936.

Thomas' leadership helped Monsanto grow from $34 million a year in sales in 1936 to nearly $2 billion before his retirement.

Monsanto Vice Chairman Louis Fernandez said Monday, "During his 34 years as a member of the Monsanto family, Charlie Thomas decisively shaped the company as it exists today. His contributions to our progress were broad in scope and lasting in significance."

When Dr. Thomas retired as Monsanto's full-time chairman of the board, the Globe-Democrat praised his contributions to the company in a March 27, 1963, editorial.

"St. Louis is proud of Dr. Thomas," the paper said. "It is because of people like Charlie Thomas that St. Louis has its wonderful reputation throughout the nation as a cultured city, with outstanding civic leaders who give of themselves beyond the scope of their immediate position.

"Charles Allen Thomas has been an embellishment to out city. St. Louis salutes one of its finest citizens."

Dr. Thomas was renowned as one of the world's authorities on plutonium and nuclear science, and also worked to control atomic energy.

He was one of five authors of a 1946 paper commonly known as the Acheson-Lilienthal Report that proposed a master plan for the international control of atomic energy.

Dr. Thomas was engaged in numerous other government activities since the war, including the Scientific Manpower Advisory Committee of the National Security Resources Board and consultant to former President Eisenhower's National Security Council.

Dr. Thomas' life began humbly. He was born Feb. 15, 1900, the son of a Scott County, Ky., country minister.

At 17, his Sunday-school choir-boy training paid off when he helped put himself through Transylvania College in Lexington by singing professionally in the cafes of Lexington and Louisville.

From there he went to the Massachusetts Institute of Technology, where he earned a master's degree and landed the General Motors job.

As one of America's most distinguished chemists, Dr. Thomas held more than 55 U.S. and foreign patents.

But to Dr. Thomas, the field of science was as broad as the universe. In addition to his practical applications of science, Dr. Thomas also worked in the lighter side of chemistry and physics. His fondness for magic, illusion and legerdemain—a hobby that competed for spare time with tennis, squash and hunting—prompted him to invent tricks and illusions for stage and nightclub magicians.

Shortly after Hitler overran France and threatened the rest of Europe, Great Britain called on Dr. Thomas to devise a chemical method of safeguarding that country's great stockpiles of fuel from use by Germany should an invasion occur.

He had the leading role in the development of many conventional weapons for the United States before being called into the Manhattan Project.

He was heralded after the war as one of the greatest authorities in the world on plutonium. He direct the refining of the then newly discovered 24th element for use in atomic experiments. He was in the exclusive group of top scientists at Alamagordo, N.M., who were knocked flat on their backs by the shock waves when the atomic bomb was first successfully tested on July 16, 1945.

So vast was Dr. Thomas' knowledge and contribution that Maj. Gen. Leslie R. Groves, in charge of the U.S. bomb project, wrote in fall 1945 that Dr. Thomas "completed vital research and solved production problems of extreme complexity, without which the atomic bomb could not have been."

Among numerous awards bestowed on Dr. Thomas were: the Perkins Medal for the highest achievements in American industrial chemistry; the Palladium Medal for the Societe de Chemie Industrialie; the Priestly Medal, the highest honor given by the American Chemical Society; and the Medal of Merit from President Truman for his work on the Manhattan Project.

Dr. Thomas held 14 honorary degrees from leading colleges and universities, including Princeton and Brown.

After completely retiring from Monsanto in 1970, Dr. Thomas turned his energy to two main pet projects—Washington University and a 15,000-acre farm near Albany, Ga.

As chairman of the university's board of trustees, Dr. Thomas' fund-raising efforts netted some $350 million. He personally endowed a professorship in chemistry at the university with a gift of $600,000 in 1976.

Management of the Georgia farm—Magnolia Plantation—also filled a large portion of Dr. Thomas' retirement time. The farm produces profitable crops of peanuts, pecans, corn, soybeans and timber.

Even that hobby had a scientific edge. Dr. Thomas and his friends recently financed a special Washington University study designed to boost the yield of food and oil from peanuts.

In March 1980, at the age of 80, Dr. Thomas married his second wife, Margaret Chandler Porter, former Globe-Democrat Food Editor. His former wife, Margaret Talbott, died in 1975.

In addition to his wife, Dr. Thomas is survived by a son, Dr. Charles Allen Thomas Jr., head of cellular biology at the Scripps Clinic in La Jolla, Calif., three daughters, Mrs. Stephen O'Neil, who heads the Metropolitan Opera Guild of New York, Mrs. Theodore R. P. Martin, a successful artist who lives in St. Louis, and Mrs. James A. Walsh, also of St. Louis; and eight grandchildren.

Local funeral arrangements are pending. Burial will be Friday in Lexington, Ky.

The family requested that donations be sent to the Charles Allen Thomas Chemistry Chair at Washington University.

HONORING SRI LANKAN DEMOCRACY

Mr. PERCY. Mr. President, this month the people of Sri Lanka inaugurate their new Parliament building at Sri Jayewardenapura, outside Colombo. I offer my best wishes and congratulations to our fellow Parliamentarians in their new home. The opening of this new building is a demonstration of the continued importance and vitality of the parliamentary system in Sri Lanka.

In the most positive way, this is really a case of old wine in new bottles. This move to new quarters does not signal an interruption but a continuation and renewal of the democratic traditions that people of Sri Lanka have pursued since their independence in 1948. The Sri Lankan people participate to a remarkably high degree in the democratic process, which in fact predates their independence. Last year they celebrated the 50th anniversary of the establishment of universal adult franchise. The rights and responsibilities inherent in this franchise have been guarded with a pride and jealousy that has insured that in this new Parliament the aspirations of the Ski Lankan people will continue to be represented fully and fairly.

I take special note of this new Parliament today because it represents the strongest bond between the people of Sri Lanka and the United States: our common commitment to and practice of democracy.

Building on the foundation of common democratic traditions, we have established close and friendly ties with Sri Lanka, ties which we value highly. Sri Lanka is a worthy friend. It has earned our respect for its pursuit of a genuinely nonalined path, for its pragmatic economic policies that are bringing a better, more prosperous life to its people, for its high level of interest and participation in international multilateral fora, and for its free and open society in which we hope the people of Sri Lanka will continue to flourish.

On this special occasion, Speaker O'Neill has written a letter of congratulations to M. A. Bakeer, speaker of the Parliament.

I ask unanimous consent that the letter be printed in the Record.

There being no objection, the letter was ordered to be printed in the Record, as follows:

Hon. M. A. Bakeer Markar,
Speaker of the Parliament of the Democratic Socialist Republic of Sri Lanka, Colombo.

Dear Mr. Speaker: As you prepare to open your new Parliament building, I offer my warm congratulations.

This occasion underscores Sri Lanka's proud democratic traditions. Americans have been particularly impressed by your well established democratic practices and large voter turnout which has averaged over 80 percent during the last sixteen years. Such a high turnout coupled with your more than fifty years of universal suffrage provides a fine example for democratic nations. Your new Parliament building symbolizes the strength and continuity of these traditions.

Our mutual commitment to representative government is one of the many factors binding our two people together and on this happy occasion I extend my warmest regards to you and your fellow Parliamentarians.

Sincerely,

Thomas P. O'Neill.

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mr. Saunders, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session, the Acting President pro tempore laid before the Senate messages from the President of the United States submitting sundry nominations which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

EAST-WEST TRADE REPORT—MESSAGE FROM THE PRESIDENT—PM 124

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States, together with an accompanying report; which was referred to the Committee on Finance:

To the Congress of the United States:

Pursuant to section 411(c) of the Trade Act of 1974, as amended (19 U.S.C. 2171 note), I hereby transmit the East-West Trade Report for the third quarter of 1981, covering trade relations between the United States and nonmarket economy countries.

Economic sanctions against the Soviet Union and Poland in response to the repression in Poland were imposed in December 1981. These political and economic measures affecting our relationship with these countries were designed to convey that we cannot and will not conduct "business as usual" with the perpetrators and those who aid and abet them. The annual East-West Trade Report for 1981 will cover these sanctions in greater detail.

Ronald Reagan.

The White House, *March 31, 1982.*

MESSAGES FROM THE HOUSE

ENROLLED JOINT RESOLUTION SIGNED

At 12:52 p.m., a message from the House of Representatives, delivered by Mr. Gregory, one of its reading clerks, announced that the Speaker has signed the following enrolled joint resolution:

H.J. Res. 272. Joint resolution to authorize and request the President to issue a proclamation designating April 4 through 10, 1982, "National Medic Alert Week."

The enrolled joint resolution was subsequently signed by the President pro tempore (Mr. Thurmond).

At 3:24 p.m., a message from the House of Representatives, delivered by Mr. Berry, one of its reading clerks, announced that the House disagrees to the amendment of the Senate to the bill (H.R. 5708) to amend section 235 of the National Housing Act.

The message also announced that the House has passed the following joint resolution, in which it requests the concurrence of the Senate:

H.J. Res. 410. Joint resolution to designate April 19, 1982, as "Dutch-American Friendship Day."

ENROLLED JOINT RESOLUTION SIGNED

At 5:35 p.m., a message from the House of Representatives, delivered by Mr. Berry, announced that the Speaker has signed the following enrolled joint resolution:

H.J. Res. 409. Joint resolution making further continuing appropriations for the fiscal year 1982.

The enrolled joint resolution was subsequently signed by the President pro tempore (Mr. THURMOND).

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, which were referred as indicated:

EC-3079. A communication from the Director of the Office of Management and Budget transmitting a draft of proposed legislation entitled "Uniform Relocation Assistance and Real Property Acquisition Policies Act Amendments of 1982"; to the Committee on Governmental Affairs.

EC-3080. A communication from the Assistant Secretary of the Army (Civil Works), transmitting a draft of proposed legislation to provide for the recovery of certain capital and operation and maintenance expenditures assignable to commercial waterway transportation for certain Tennessee Valley Authority and Army Corps of Engineers inland waterway projects, and to authorize construction in specified circumstances; to the Committee on Environment and Public Works.

EC-3081. A communication from the Administrator of the General Services Administration, transmitting, pursuant to law, a proposed prospectus for construction of a new Federal building in Youngstown, Ohio, and an extension to the U.N. Mission in New York City; to the Committee on Environment and Public Works.

EC-3082. A communication from the Secretary of Health and Human Services, transmitting, pursuant to law, a report on the aid to families with dependent children homemaker/home health aide demonstration project; to the Committee on Finance.

EC-3083. A communication from the Assistant Secretary of Health and Human Services (Planning and Evaluation), transmitting, pursuant to law, a report on a proposed new Privacy Act system of records for the Department; to the Committee on Governmental Affairs.

EC-3084. A communication from the District of Columbia Auditor, transmitting, pursuant to law, a report on the investigation of the District of Columbia Public Schools procedures and maintenance contracts for equipment repairs; to the Committee on Governmental Affairs.

EC-3085. A communication from the Deputy Assistant Secretary of Defense (Administration), transmitting, pursuant to law, a report on a new Privacy Act system of records for the Department; to the Committee on Governmental Affairs.

EC-3086. A communication from the Director of the Office of Management and Budget, Executive Office of the President, transmitting a draft of proposed legislation to discontinue or amend certain requirements for agency reports to Congress; to the Committee on Governmental Affairs.

EC-3087. A communication from the Chairman of the U.S. Merit Systems Protection Board, transmitting, pursuant to law, the annual report on the activities of the Board under the Freedom of Information Act for calendar year 1981; to the Committee on the Judiciary.

EC-3088. A communication from the Secretary of the Foundation of the Federal Bar Association, transmitting, pursuant to law, the audit report of the Foundation for fiscal year 1981; to the Committee on the Judiciary.

EC-3089. A communication from the General Counsel of the Federal Emergency Management Agency, transmitting a draft of proposed legislation to amend subsection 201(d) of the Disaster Relief Act of 1974, as amended, to increase the limit on improvement grants; to the Committee on Environment and Public Works.

EC-3090. A communication from the Secretary of Agriculture, transmitting a draft of proposed legislation to authorize civil penalties for violations of various laws for preventing the introduction and dissemination of livestock and poultry diseases, plant diseases, and plant pests; to the Committee on Agriculture, Nutrition, and Forestry.

EC-3091. A communication from the General Counsel of the Department of Defense, transmitting a draft of proposed legislation to amend title 10, United States Code, to revise and standardize the provisions of law relating to the distribution, appointment and assignment of flag and general officers of the Army, Navy, Air Force, and Marine Corps; to the Committee on Armed Services.

EC-3092. A communication from the Assistant Secretary of State for Congressional Relations, transmitting, pursuant to law, four reports covering properties to be transferred to the Republic of Panama in accordance with the Panama Canal Treaty of 1977 and related agreements; to the Committee on Armed Services.

EC-3093. A communication from the Secretary of Housing and Urban Development, transmitting a draft of proposed legislation to amend and extend certain Federal laws relating to housing, community and neighborhood development, and related programs, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

EC-3094. A communication from the Chairman of the Federal Home Loan Bank Board, transmitting, pursuant to law, the annual report on the Board's activities to eliminate unfair and deceptive trade practices in the savings and loan industry, dated March 2, 1982; to the Committee on Banking, Housing, and Urban Affairs.

EC-3095. A communication from the Secretary of Commerce, transmitting a draft of proposed legislation to extend the authorization of appropriations under International Travel Act of 1961 through fiscal year 1984; to the Committee on Commerce, Science, and Transportation.

EC-3096. A communication from the Secretary of Commerce, transmitting a draft of proposed legislation to extend the appropriation authorization for reporting of weather modification activities, and for other purposes; to the Committee on Commerce, Science, and Transportation.

EC-3097. A communication from the Vice President for Government Affairs of the National Railroad Passenger Corporation, transmitting, pursuant to law, the report on the direct employment of operating employees; to the Committee on Commerce, Science, and Transportation.

EC-3098. A communication from the Administrator of the General Services Administration, transmitting a draft of proposed legislation to amend section 322 of the Transportation Act of 1940, as amended (31 U.S.C. 244), to authorize the use of commercial firms in the audit of paid Government transportation bills; to authorize an annual appropriation to pay such firms; and for other purposes; to the Committee on Commerce, Science, and Transportation.

EC-3099. A communication from the Chairman and Chief Executive Officer of the Consolidated Rail Corporation (Conrail), transmitting, pursuant to law, the annual report of Conrail for 1981; to the Committee on Commerce, Science, and Transportation.

EC-3100. A communication from the General Counsel of the Department of Energy transmitting, pursuant to law, notice of a meeting related to the International Energy Program; to the Committee on Energy and Natural Resources.

EC-3101. A communication from the Chairman of the National Park Foundation of the Department of the Interior transmitting, pursuant to law, the 1981 Annual Report of the National Park Foundation; to the Committee on Energy and Natural Resources.

EC-3102. A communication from the Assistant Secretary of the Interior transmitting a copy of a draft bill "To amend section 6 of the Colorado River Storage Act (70 Stat. 109)"; to the Committee on Energy and Natural Resources.

EC-3103. A communication from an Attorney-Adviser of the Department of State transmitting an agreement between the United States and El Salvador for a LAC Human Rights Initiative (Salvadoran Election Observer Program); to the Committee on Foreign Relations.

EC-3104. A communication from the Chairman of the Commission on Security and Cooperation in Europe transmitting, pursuant to law, the annual report of the Commission for 1981; to the Committee on Foreign Relations.

EC-3105. A communication from an Attorney-Adviser of the Department of State transmitting, pursuant to law, a list of international agreements other than treaties entered into by the United States within the last 60 days; to the Committee on Foreign Relations.

EC-3106. A communication from the Assistant Secretary (Management and Administration) of the Department of Energy transmitting, pursuant to law, new systems reports for two new proposed system of records entitled DOE-76 "California, Nevada and Utah Milk Directory" and DOE-77 "Physical Fitness Test Records"; to the Committee on Governmental Affairs.

EC-3107. A communication from the Administrator of the General Services Administration transmitting a draft of proposed legislation "To further amend the Federal Property and Administrative Services Act of 1949, as amended, to allow supply operations to be industrially funded"; to the Committee on Governmental Affairs.

EC-3108. A communication from the Acting Assistant Secretary of Indian Affairs of the Department of the Interior transmitting, pursuant to law, a proposed plan for the use and distribution of the judgment funds awarded to the Gros Ventre Tribe of the Fort Belknap Reservation, Mont., by the U.S. Court of Claims in docket 649-80L; to the Select Committee on Indian Affairs.

EC-3109. A communication from the Secretary of Housing and Urban Development transmitting, pursuant to law, the Department's annual report on its administration of the Freedom of Information Act; to the Committee on the Judiciary.

EC-3110. A communication from the Under Secretary of the Interior transmitting, pursuant to law, the Department's annual report on its administration of the Freedom of Information Act; to the Committee on the Judiciary.

EC-3111. A communication from the Secretary of Health and Human Services transmitting, pursuant to law, the annual report on the refugee resettlement program; to the Committee on the Judiciary.

EC-3112. A communication from the Assistant Attorney General, Antitrust Division, transmitting, pursuant to law, a report on identical bidding in advertised public procurement; to the Committee on the Judiciary.

EC-3113. A communication from the FOIA Officer, International Boundary and Water Commission, United States and Mexico, transmitting, pursuant to law, the Commission's report for calendar year 1981 under the Freedom of Information Act; to the Committee on the Judiciary.

EC-3114. A communication from the Secretary of Health and Human Services transmitting, pursuant to law, a revised date for submission of the report on the Drug Abuse Prevention and Treatment Amendments of 1978; to the Committee on Labor and Human Resources.

EC-3115. A communication from the Secretary of Health and Human Services transmitting, pursuant to law, the ninth Marihuana and Health Report; to the Committee on Labor and Human Resources.

EC-3116. A communication from the Secretary of Education transmitting, pursuant to law, a report on the Centers for Educational Media and Materials for the Handicapped; to the Committee on Labor and Human Resources.

EC-3117. A communication from the Secretary of Education transmitting, pursuant to law, a report on final regulations for international education programs; to the Committee on Labor and Human Resources.

EC-3118. A communication from the Comptroller General of the United States transmitting, pursuant to law, a report on a deferral of certain budget authority for the Coast Guard's acquisition, construction, and improvement account; jointly, pursuant to the order of January 30, 1975, to the Committee on Appropriations, the Committee on the Budget, and the Committee on Commerce, Science, and Transportation.

EC-3119. A communication from the Deputy Assistant Secretary of Defense for Administration transmitting, pursuant to law, the financial condition and operating results of working capital funds of the Department of Defense for the fiscal year ending September 30, 1981; to the Committee on Armed Services.

EC-3120. A communication from the Comptroller General of the United States transmitting, pursuant to law, a report entitled "Review of the U.S. Synthetic Fuels Corporation's Financial Statements for the Fiscal Year Ended September 30, 1981"; to the Committee on Banking, Housing, and Urban Affairs.

EC-3121. A communication from the vice president for Government Affairs, Amtrak, transmitting the performance evaluation report for fiscal year 1981 for the National Railroad Passenger Corporation; to the Committee on Commerce, Science, and Transportation.

EC-3122. A communication from the vice president for Government Affairs of Amtrak transmitting, pursuant to law, the report on number of passengers and on time performance of the National Railroad Passenger Corporation for the month of November 1981; to the Committee on Commerce, Science, and Transportation.

EC-3123. A communication from the Secretary of the Interior transmitting a draft of proposed legislation entitled "Federal Energy and Mineral Resources Act of 1982"; to the Committee on Energy and Natural Resources.

EC-3124. A communication from the Comptroller General of the United States transmitting, pursuant to law, a report on the evaluation of the offices of the U.S. Government Comptrollers for American Samoa, Guam/Trust Territory of the Pacific Islands/Northern Mariana Islands, and the Virgin Islands; to the Committee on Energy and Natural Resources.

EC-3125. A communication from the Secretary of the Treasury transmitting, pursuant to law, a report on net revenues from the windfall profit tax and their disposition for fiscal year 1981; to the Committee on Finance.

EC-3126. A communication from the Secretary of Health and Human Services transmitting, pursuant to law, a report prepared by the Health Care Financing Administration which examines the desirability of waiving present medicare cost-sharing requirements or second surgical opinions; to the Committee on Finance.

EC-3127. A communication from the Secretary of the Federal Maritime Commission transmitting, pursuant to law, reports on two new Federal Maritime Commission proposed systems of records subject to the Privacy Act; to the Committee on Governmental Affairs.

EC-3128. A communication from the Solicitor of the U.S. Commission on Civil Rights transmitting, pursuant to law, the Commission's annual report for the calendar year 1981 relating to the Freedom of Information Act; to the Committee on the Judiciary.

EC-3129. A communication from the Acting Chairman of the Equal Employment Opportunity Commission transmitting, pursuant to law, the annual report of the Commission for fiscal year 1980; to the Committee on Labor and Human Resources.

EC-3130. A communication from the Administrator of the Veterans' Administration transmitting a draft of proposed legislation to amend title 38, United States Code, to remove the bar against payment of servicemen's group life insurance and veterans' group life insurance proceeds in the event the claim is filed more than 4 years after the insured's death; to the Committee on Veterans' Affairs.

EC-3131. A communication from the Administrator of the Veterans' Administration transmitting a draft of proposed legislation "To amend chapter 19 of title 38, United States Code, to permit the unrestricted assignment of a beneficiary's interest in the proceeds of a Government Life Insurance policy in cases involving contested claims"; to the Committee on Veterans' Affairs.

EC-3132. A communication from the Secretary of Transportation transmitting a message urging prompt Senate ratification of Montreal protocols 3 and 4; Ordered to lie on the table.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second time by unanimous consent, and referred as indicated:

By Mr. SYMMS (for himself, Mr. Stafford, Mr. Randolph, Mr. Bentsen, Mr. Abdnor and Mr. Burdick):

S. 2315. A bill to authorize appropriations for the construction of certain highways in accordance with title 23 of the United States Code, and for other purposes; to the Committee on Environment and Public Works and the Committee on Finance, jointly, by unanimous consent provided that the Environment and Public Works committee consider only title I and the Finance committee consider only title II.

By Mr. EAST:

S. 2316. A bill to provide for revision of the military retired or retainer pay of certain retired members of the Armed Forces who were called or ordered to active duty between October 1, 1963, and October 1, 1971; to the Committee on Armed Services.

By Mr. COCHRAN (for himself, Mr. Bentsen, Mr. Boren, Mr. Boschwitz, Mr. Burdick, Mr. Cannon, Mr. Chafee, Mr. Cohen, Mr. Danforth, Mr. Denton, Mr. Dole, Mr. Durenberger, Mr. Ford, Mr. Glenn, Mr. Goldwater, Mr. Hatfield, Mr. Hollings, Mr. Huddleston, Mrs. Kassebaum, Mr. Laxalt, Mr. Long, Mr. Levin, Mr. Lugar, Mr. McClure, Mr. Mattingly, Mr. Nickles, Mr. Nunn, Mr. Pell, Mr. Percy, Mr. Pressler, Mr. Proxmire, Mr. Pryor, Mr. Quayle, Mr. Randolph, Mr. Sasser, Mr. Schmitt, Mr. Specter, Mr. Stennis, Mr. Stevens, Mr. Symms, Mr. Thurmond, Mr. Tower, and Mr. Weicker):

S. 2317. A bill to recognize the organization known as the National Federation of Music clubs; to the Committee on the Judiciary.

By Mr. PACKWOOD (for himself and Mr. Hatfield):

S. 2318. A bill to authorize the establishment of a Scenic Area to assure the protection, development, conservation, and enhancement of the scenic, natural, cultural, and other resource values of the Columbia River Gorge in the States of Oregon and Washington, to establish national policies to assist in the furtherance of this objective, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. HATFIELD:

S. 2319. A bill to authorize the establishment of a regional process to assure the orderly development and conservation of the Columbia River Gorge in the States of Oregon and Washington, to establish national policies to assist in the furtherance of this objective, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. THURMOND (by request):

S. 2320. A bill to amend section 1936 of title 18, United States Code, and the Comprehensive Drug Abuse Prevention and Control Act of 1970 (21 U.S.C. 801 et seq.) to provide for criminal forfeiture of the proceeds of racketeering activity, to provide for the sanction of criminal forfeiture for all felony drug offenses, to facilitate forfeitures in drug related and racketeering cases, and for other purposes; to the Committee on the Judiciary.

By Mr. MATTINGLY (for himself and Mr. SPECTER):

S. 2321. A bill to amend the Internal Revenue Code of 1954 to require substantiation of the living expenses of Members of Congress which are allowed as a deduction; to the Committee on Finance.

By Mr. JEPSEN:

S. 2322. A bill to require parental notification by any federally funded entity providing contraceptive device or abortion service to an unmarried minor; to the Committee on Labor and Human Resources.

S. 2323. A bill to require any educational agency receiving Federal funds to allow parental review of textbooks; to the Committee on Labor and Human Resources.

S. 2324. A bill to clarify Federal involvement in released time for parenthood education; to the Committee on Labor and Human Resources.

By Mr. HATCH:

S. 2325. A bill to consolidate existing Federal vocational and adult education programs, to simplify requirements for States and other recipients participating in Federal vocational and adult education programs, and to authorize certain State and national programs for the development of vocational skills and basic skills for persons whose employment would sustain or improve work force productivity and economic growth, and for other purposes; to the Committee on Labor and Human Resources.

By Mr. WEICKER (for himself, Mr. DECONCINI, and Mr. KENNEDY):

S. 2326. A bill to authorize appropriations to the Patent and Trademark Office in the Department of Commerce, and for other purposes; to the Committee on the Judiciary.

By Mr. RIEGLE (for himself, Mr. JACKSON, Mr. CRANSTON, Mr. DODD, Mr. DIXON, Mr. STENNIS, Mr. SARBANES, Mr. BENTSEN, Mr. MELCHER, Mr. RANDOLPH, Mr. BAUCUS, Mr. TSONGAS, Mr. LEVIN, and Mr. FORD):

S. 2327. A bill to amend the National Housing Act to provide for an emergency homeownership program, to authorize assistance to avoid mortgage defaults caused by adverse economic conditions, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. D'AMATO (for himself, Mr. BOSCHWITZ, Mr. MOYNIHAN, Mr. LEVIN, Mr. DURENBERGER, Mr. HEFLIN, and Mr. RIEGLE):

S.J. Res. 181. A joint resolution to authorize and designate the President to issue a proclamation designating April 25 through May 2, 1982, as "Jewish Heritage Week"; to the Committee on the Judiciary.

By Mr. LEAHY (for himself, Mr. STAFFORD, Mr. BAUCUS, Mr. MELCHER, Mr. MCCLURE, Mr. MURKOWSKI, Mr. D'AMATO, Mr. DURENBERGER, Mr. DIXON, Mr. TSONGAS, Mr. GARN, Mr. BURDICK, Mr. HUMPHREY, Mr. HEFLIN, Mr. BOSCHWITZ, Mr. LEVIN, Mr. PERCY, Mr. SYMMS, Mr. ARMSTRONG, Mr. MATHIAS, and Mr. WALLOP):

S.J. Res. 182. A bill to designate January 1983 as "National Snowmobiling Month"; to the Committee on the Judiciary.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. EXON:

S. Res. 354. A resolution expressing the sense of the Senate with respect to an immediate resumption of negotiations with the Government of the Soviet Union for an extension of the existing long-term grain sales agreement, and for other purposes; to the Committee on Foreign Relations.

By Mr. DECONCINI (for himself, Mr. HEINZ, Mr. HOLLINGS, Mr. JACKSON, Mr. PERCY, Mr. CRANSTON, Mr. GOLDWATER, Mr. HART, Mr. BRADLEY, Mr. COHEN, Mr. LEAHY, Mr. DURENBERGER, Mr. MATSUNAGA, Mr. WEICKER, Mr. MITCHELL, Mr. MOYNIHAN, Mr. RUDMAN, Mr. SARBANES, Mr. GLENN, Mr. PELL, Mr. MELCHER, Mr. D'AMATO, Mr. DODD, Mr. BUMPERS, Mr. BOSCHWITZ, Mr. HEFLIN, Mr. BAUCUS, Mr. RIEGLE, Mr. HAYAKAWA, Mr. CANNON, Mr. ANDREWS, Mr. TSONGAS, Mr. SPECTER, Mr. KENNEDY, Mr. BURDICK, Mr. PRYOR, Mr. LEVIN, and Mr. CHAFEE):

S. Res. 355. A resolution expressing the sense of the Senate with respect to the need to continue Federal funding for energy conservation and renewable energy resources; to the Committee on Appropriations.

By Mr. TOWER (for himself, Mr. STENNIS, and Mr. DOMENICI):

S. Res. 356. A resolution to permit certain members of Senate committees on Armed Services and Budget to provide written statements or testimony in connection with action by the Department of Defense with respect to Mr. John C. F. Tillson; considered and agreed to.

By Mr. BAKER (for himself, Mr. ROBERT C. BYRD, and Mr. BRADLEY):

S. Res. 357. A resolution relating to continuance on payroll of certain Senate employees; considered and agreed to.

By Mr. BAKER:

S. Con. Res. 78. A concurrent resolution providing for an adjournment in April of the House and Senate for more than three days; considered and agreed to.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. SYMMS (for himself, Mr. STAFFORD, Mr. RANDOLPH, Mr. BENTSEN, Mr. ABDNOR, and Mr. BURDICK):

S. 2315. A bill to authorize appropriations for the construction of certain highways in accordance with title 23 of the United States Code, and for other purposes; referred jointly to the Committee on Environment and Public Works and the Committee on Finance, provided that the Committee on Environment and Public Works consider only title I, and the Committee on Finance consider only title II.

(The remarks of Mr. SYMMS and Mr. STAFFORD on this legislation appear earlier in today's RECORD.)

By Mr. PACKWOOD (for himself and Mr. HATFIELD):

S. 2318. A bill to authorize the establishment of a scenic area to assure the protection, development, conservation, and enhancement of the scenic, natural, cultural, and other resource values of the Columbia River Gorge in the States of Oregon and Washington, to establish national policies to assist in the furtherance of this objective, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. HATFIELD:

S. 2319. A bill to authorize the establishment of a regional process to assure the orderly development and conservation of the Columbia River Gorge in the States of Oregon and Washington, to establish national policies to assist in the furtherance of this objective, and for other purposes; to the Committee on Energy and Natural Resources.

COLUMBIA RIVER GORGE ACTS OF 1982

Mr. PACKWOOD. Mr. President, I am introducing today, along with Senator HATFIELD, the Columbia River Gorge Act of 1982. I do so with a great deal of pride and a strong sense of historical purpose.

The people of the Pacific Northwest are entering the final stage of a decades-long effort to insure the uniqueness of an extraordinary landscape and natural resource. The legislation we propose today will establish a Federal, State, and local partnership to provide for the orderly management of the Columbia Gorge.

The States of Oregon and Washington share the Columbia Gorge. It forms part of the border between them and the six gorge counties: Wasco, Hood River, and Multnomah counties on the Oregon side; Klickitat, Skamania, and Clark counties on the Washington side.

For about 85 miles, from Gibbons Creek and Maryhill on the Washington side, to the Sandy River on the Oregon side, the Columbia River has carved a natural wonder as magnificent as any found on Earth. Compressed into these few miles of outstanding geologic features is a transition from rain forest to sagebrush—all without a change in elevation.

Moving east from the Portland-Vancouver metropolitan area, in little more than 1 hour by car, the traveler follows the Columbia through massive cliffs with lush vegetation and thundering waterfalls. The motorist passes landmarks like Beacon Rock, the second largest monolith in the world—only the Rock of Gibralter is larger. The terrain evens out a bit with rolling hills and vast meadows where wildflowers bloom. By the time the traveler arrives at The Dalles, the landscape has become arid and dotted with sagebrush.

In making this short trip, the traveler has passed from an area in which the average rainfall varies from about 64 inches per year to about 16 inches per year.

The wide variety of climatic conditions in the gorge give it an unusually diverse plant and animal population. Botanically, the dense, mixed conifer forests of the western gorge give way to the semiarid grasses and sagebrush of the eastern gorge.

The gorge is home for many rare plant species. The National Park Service reports that there are four species of plants found only in the gorge, and many others are rare enough to be considered endangered.

The wildlife in the gorge is equally varied, with more than 25 species of mammals, including the black bear, mountain lion, and elk. There are literally dozens of species of birds, including several recognized by the Oregon Department of Fish and Wildlife as threatened or endangered, such as the northern bald eagle and Arctic peregrine falcon.

The human species, too, is an important feature of the Columbia Gorge, and has been for at least 11,000 years. The gorge contains extensive archeological sites, such as Memaloose Island with its sacred Indian burial ground, and the Wishram archeological site, which is noted for its petroglyphs.

The campsites of the Lewis and Clark Expedition still can be viewed in the Columbia Gorge. As all of us know, that expedition helped spark the migration which settled the West.

The Columbia Gorge figures prominently in the history of the settlement of the Pacific Northwest, as the gateway of the westward movement. Sections of the Old Oregon Trail still can be seen, along with parts of the 1856 Oregon Portage Road. The development of the railroad is documented in several places in the gorge, such as the north shore portgage railroad at Bonneville Dam. The first locomotive built in the Northwest, the Oregon Pony, was used on the water level Oregon Portage Road in 1862, and is today displayed in the city of Cascade Locks.

The substantial steamboat traffic which once plied the Columbia River through the gorge is recalled by the huge pilings—part of the steamboat landings—which are still visible at several places along the river. Conscious of this heritage, the Port of Cascade Locks soon will have a 350-passenger sternwheel steamboat operating on the river.

The gorge also features the "scenic highway" built in 1916. In many places, it is carved into the cliffsides. When he saw this highway, President Theodore Roosevelt said:

> You have in the Columbia River Highway the most remarkable road engineering in the United States, which for scenic grandeur is not equalled anywhere.

It is a difficult job, Mr. President, to describe the importance of the Columbia Gorge in words. I am not the first Senator from Oregon to try. The first was Senator E. D. Baker more than 120 years ago.

In January of 1861, in his first speech in the Senate, Senator Baker said:

> The adventurous traveler, who wanders on the slope of the Pacific and on the verge of civilization, stands awestruck and astonished in the great chasm formed by the torrent of the Columbia, as, rushing between Mount Hood and Mount St. Helens, it breaks through the ridges of the Cascade Mountains to find the sea. . .

Other prominent voices in the history of the Pacific Northwest also have tried to describe the gorge. As they moved through the gorge from east to west, Lewis and Clark noted in their journal of 1806 that:

> Several small streams fall from a much greater height, and in their descent become a perfect mist which collecting on the rocks below again become visible and descend a second time in the same manner before they reach the base of the rocks. The hills have now become mountains . . .

Another early traveler in the gorge, John Boardman, wrote this in his journal of 1843:

> Oh! the pleasure of lying by on this river for wind, to feast our eyes on the high peaks and cliffs that adorn the banks of this river on either side. Sublime landscapes, views that a Raphael or Correggio would have given thousands and endured any fatigue to have seen . . .

Maybe the most inspired description of the Gorge was written in 1865 by Frances Fuller Victor in "The River of the West:"

> The rise of the foothills commences, then the very mountains themselves, until when you have arrived at the Cascades, you are in their very heart—you actually stand in a gap where mighty mountains have been parted. Before arriving at this point you have been almost sated with magnificence, but when you leave the steamer and find yourself standing pigmy-like in the midst of the giant cliffs and peakes, nothing is left you but silent awe and delight. The height and grandeur of the mountains above the Cascades is so great and overpowering that it cannot be described—it can only be felt. . . The Hudson, which so long has been the pride of America, is but the younger brother of the majestic Columbia.

Today the Columbia Gorge does not look exactly as it did when these earlier descriptions were written. The human impact has been heavy. Hydroelectric dams have been built in the river. Major highways and railroads run along its banks. And more than a handful of towns, industrial plants and ports are located along both the Oregon and Washington sides.

In short, although the gorge continues to be a marvelous natural wonder, it has its own local economy and population to support.

Before deciding to introduce this legislation, I asked myself how long we could expect the character of the gorge to remain unchanged. It sits, quite literally, at the edge of a major metropolitan area of 1.15 million people. As the Portland-Vancouver areas grows, so does the pressure to create suburbs in the gorge. By today's commuting standards, unique parts of the gorge are within easy distance of these cities.

The danger of uncontrolled development on the gorge has been recognized for many years. It was acknowledged 45 years ago in a study done by the Columbia Gorge Committee of the Pacific Northwest Regional Planning Commission. That 1937 study speaks of:

> A crisis in the destiny of the area, in which the perishable natural values of a phenomenal region would, under ordinary circumstances, have no protection comparable in authority or scope to the various forces which endanger them.

A recent study by the National Park Service has confirmed and emphasized anew those earlier findings. The 1980 study concludes that the Columbia Gorge is "a nationally significant resource that warrants protection." While I am not prepared to endorse every aspect of this study, I found its assessment of residential development pressures especially important. It states in part:

> Significant pressures to increase residential development will prevail on the landscape on the western reaches of the Gorge, including parts of Multnomah, Skamania, and Clark counties. With the impending (1982) completion of the I-205 bridge across Government Island just west of the gorge, greatly improved accessibility will work to bring in more residences. When this occurs, much of the existing upland and lowland farm areas can be expected to be lost. . . . The impact will be visible from Chanticleer State Park, Crown Point State Park, Rooster Rock State Park, and elsewhere.
>
> The gorge area just east of the Sandy River in Oregon and the Cape Horn area in Washington are not now experiencing major settlement because of steep topography, strong winds, lack of groundwater supplies, lack of central sewer and water systems, and minimum acreage requirements to land parcels with wells and septic tanks. However, many of these restrictive factors can be eliminated through the extension or development of utilities and services.

Since the 1937 gorge study was conducted, there has been talk of developing coordinated management in the gorge to deal with growth pressures. Many have pinned their hopes on a compact between Oregon and Washington. Today, although the pressures noted so many years ago are much greater, we are no closer to a bi-State solution.

Through the years I have hoped that local governments on both sides of the gorge would be able to do the necessary job on their own and I strongly believe that most are willing to do so. By themselves and without support, however, they do not have the framework needed for developing an overall management plan for the gorge.

The principal problem is that management in the gorge is diffuse. It is scattered among dozens of jurisdictions, each with its own priorities and programs. These include the counties, port commissions, State highway departments, State parks departments, the Army Corps of Engineers, the Bonneville Power Authority, the U.S. Fish and Wildlife Service, and many others. We still lack a mechanism for coordinating these jurisdictions and their various interests so that the uniqueness of the gorge can be protected. Rather than treat the gorge as the single resource it so obviously is, we continue to view it as being as fragmented as the governmental jurisdictions among which it is located.

The closest that the States of Oregon and Washington have come to coordinated action to protect the gorge are the Columbia Gorge Commissions, which each State has maintained since the 1950's. Through the years these commissions have been sensitive and effective in the management of the gorge. They have often been effective despite the fact that under the law they have only advisory powers. But truly effective management of the Columbia Gorge should not be dependent upon cajoling, hope, and argument. This is the brushfire approach to management.

What is needed is a regional solution to management of the gorge. The States of Washington and Oregon, the local governments, and all the other interests in the gorge must be brought together in the common interest of orderly management. I am convinced that they will develop a coordinated mangement plan for the gorge if given adequate support and the framework needed to put it together.

The legislation we introduce today will provide just such support and framework. It recognizes the importance of the existing economy of the gorge, but it also seeks to protect the historic, cultural, and scenic values that make the gorge unique.

Protecting the gorge as a natural resource need not conflict with the broadening of the area's economic base. We acknowledge that the gorge is a major transportation corridor. It is an important commercial and industrial area. I do not believe that growth will be less vigorous if it is carefully coordinated and controlled.

I do not propose, nor would I ever support, an effort to eradicate man's presence in the gorge. What is needed is an approach that protects both the natural values and the right of property owners to remain on their land, of mills to cut lumber, and dams to generate electricity.

I want to conclude, Mr. President, with some comments from an editorial from The Dalles Chronicle, which is located in the city of The Dalles at the eastern end of the gorge.

> This argument does not have to be one of city versus country, Washington versus Oregon, development versus environment . . . If these elements become the tenor of the discussion, everyone is going to lose; the people who live deep in the gorge who want to manage their own affairs, those of us who live on the edge of the gorge and love the experience of visiting it, and the rest of America.

I ask unanimous consent, Mr. President, that a summary of the major provisions of this bill appear at this point in the RECORD.

There being no objection, the summary was ordered to be printed in the RECORD, as follows:

LEGISLATION TO PROTECT THE COLUMBIA RIVER GORGE, THE COLUMBIA RIVER GORGE ACT OF 1982

SUMMARY OF MAJOR PROVISIONS

1. Findings and purposes of the bill

Findings: The Columbia River Gorge contains magnificent scenic, natural, and recreational values of national significance. It is a unique historical, geographical, biological and cultural area. There is evidence that it has been inhabited by man for over 11,000 years. It contains many threatened and endangered species of plants and animals. Human activity in the Gorge has been intense, but the uniqueness of the Gorge has been largely preserved. However, the Gorge is threatened by rapid population growth and a lack of coordinated management among the more than 50 local, state, and federal jurisdictions and agencies located there. The resources and overall authority for protecting the Gorge are lacking.

Purposes: To establish an effective partnership between federal, state, and local government for developing a single management plan for the Gorge. To protect the scenic, cultural, natural, historical, archeological, and economic resources of the Gorge. To supplement local and state plans in order to protect the Gorge's existing character while protecting critical lands and allowing development only when consistent with preservation of existing scenic, natural, and cultural values.

2. Scenic area

The bill establishes the "Columbia River Gorge Scenic Area" for the purpose of protecting all the resources of the Gorge—scenic, natural, cultural and also economic. The Area would extend along the Gorge from the Sandy River on the west to the Maryhill Museum on the east. It would include approximately 310,000 acres, or about 480 square miles. Towns in the Area will be excluded from it, and provisions made for their future growth.

3. Administration of the scenic area

The Area will be administered by the Secretary of Agriculture, through the U.S. Forest Service, with the advice and assistance of the Columbia River Gorge Scenic Area Regional Commission. The Forest Service and the Regional Commission will involve the public and local, State, and Federal government agencies to the fullest extent possible in making decisions. They will consult with interested and concerned citizens and conduct public hearings within Gorge counties.

4. Regional commission

A 14-member Regional Commission will advise and assist the Secretary of Agriculture and the Forest Service on management decisions in the Scenic Area. Membership of the Commission breaks down as follows: one member from each of the six counties along the Gorge; two each from Oregon and Washington, appointed by the governors; three appointed by the Secretary of Agriculture; and the Chief of the Forest Service or his designee as a non-voting, ex-officio member.

The Regional Commission will be provided the staff it needs.

The specific responsibilities of the Regional Commission will include:

a. Assisting the Forest Service Chief in the development of the management plan for the Scenic Area.

b. Facilitating communication and coordination among residents, landowners, and Federal, State and local government agencies.

c. Reviewing and monitoring the implementation of the Scenic Area management plan.

d. Reviewing all land acquisition proposals involving the potential use of eminent domain.

5. Management plan

An interdisciplinary planning team selected by the Chief of the Forest Service will develop a management plan for the Scenic Area. The plan will designate appropriate uses of lands within the Area in order to achieve the purposes of the Columbia Gorge Act. It will be based on an inventory of the Area's resources, including archeological, social, economic, forest, historical, natural, geological, recreational and scenic values. Whenever possible, state and local land use policies will be incorporated into the management plan, provided they are consistent with the purposes of the Act.

When completed by the Forest Service, the management plan will be submitted to the Regional Commission which will have six months to review it and hold public hearings on it. At the end of the six-month period, the Regional Commission will vote on the plan.

If the Regional Commission approves the plan, it will go into effect.

If the Regional Commission votes against the plan, it will be sent to the Secretary of Agriculture. He will have 90 days to consider the objections of the Regional Commission to the plan. He may modify the plan to meet the objections, but is not required to do so. At the end of the 90-day period, the Secretary will resubmit the plan to the Regional Commission.

The Regional Commission will again consider the plan for 90 days. At the end of this 90-day period, the Secretary of Agriculture can adopt the management plan even without the approval of the Regional Commission.

6. Acquisition

The Secretary is authorized to acquire land through donation, purchase, exchange or bequest. He must seek the advice of the Regional Commission on all acquisitions.

As a last resort, the Secretary may condemn land, subject to the following limitations:

a. *Exemption for non-critical Gorge lands.*—Only lands classified as critical, i.e., essential for maintaining the uniqueness of the Gorge, could be condemned. Critical lands will be indentified in the map which accompanies the Gorge bill.

b. *Exemption for single-family residences, farming, or grazing.*—Critical lands which were used for single-family residences, farming, or grazing before July 1, 1981, cannot be condemned, provided the use of the land is not changed.

c. *Overall cap on condemnation.*—No more than 10 percent of the total acreage within the Area can be acquired by condemnation.

d. *Condemnation is a last resort.*—Condemnation can proceed only when the Secretary of Agriculture determines that all reasonable efforts to acquire the land by negotiation have failed. Other land-protecting options, such as scenic easements or land exchanges, must be tried first and could prove to be very successful.

7. Interim management

Within six months after the enactment of the Act, the Secretary of Agriculture will identify interim critical areas and adopt interim standards and guidelines governing all land use activities within the Area, with the advice of the Regional Commission. These will be in effect until the management plan for the Area is adopted.

● Mr. HATFIELD. Mr. President, today I am joining with Senator Packwood in sponsoring legislation to protect and preserve the Columbia Gorge. At the same time I am sponsoring another bill designed to achieve the same goal, although the mechanisms for doing so are different. There are divergent opinions as to how the Columbia River Gorge should be protected, although I believe there is widespread opinion that this beautiful area is deserving of overall protection, regardless of the mechanics of doing so.

The Columbia River Gorge is one of the most beautiful areas in the Pacific Northwest. It is the only sea level passage through the Cascade Mountains, and contains spectacular vistas and unique combinations of climate, vegetation, and landforms. The west end is a land of waterfalls and lush rain forests. The eastern end of the gorge opens into oaks and grasslands, and finally blends into sagebrush and open spaces.

The Columbia River Gorge contains many waterfalls, including spectacular 620-foot-high Multnomah Falls. Hundreds of thousands of visitors are drawn to the area each year to view the magnificent beauty. One can imagine the awe of Meriwether Lewis and William Clark when they first viewed the Columbia River Gorge during their westward expedition in 1805. The Columbia River Gorge is truly one of America's most splendid natural resources.

In the 11,000 years of human activity in the Columbia River Gorge, its beauty and grandeur have impressed those who live and visit there. However, the pressures to develop the area have created a great deal of concern in the Pacific Northwest that the Columbia River Gorge will be lost forever to housing developments and factories in the name of progress. Recent examples of development pressure is the new Interstate 205 bridge over the Columbia River which will make large areas of Clark and Skamania Counties an easy commuting distance to east Multnomah County and downtown Portland. Other pressures include local government plans to bring polluting industries into the gorge, small hydroelectric projects on now free-flowing rivers, and new logging and quarrying operations that spoil the scenic beauty of the area.

Mr. President, last fall, I, along with other Oregon congressional delegation members circulated a draft Columbia Gorge scenic area protection bill formulated by the Friends of the Columbia River Gorge. This draft went to government officials and interested persons in the proposed Columbia River Gorge scenic area. My office received constructive comments from many individuals inside the proposed area, as well as from other interested parties outside of the proposed area. I believe there is a great deal of support for protecting the Columbia River Gorge, but many who reside and work in the proposed area viewed the draft legislation as a Federal takeover of private property.

Earlier this year, my office along with Senator Packwood's and Representatives Wyden, Weaver, and AuCoin, attempted to draft legislation that took into consideration the comments received on the Friends of the Columbia River Gorge draft bill. Another bill was drafted and again circulated to the Friends of the Columbia River Gorge. The Friends of the Gorge disagreed with the direction this new draft took and instead preferred the original legislation. Others, especially persons who reside in the proposed Columbia Gorge scenic area, prefer the draft that was crafted earlier this year. Because of that divergence in opinion, I am introducing both bills so as to provide a complete public forum for these ideas to be discussed, and debated.

The basic differences in these bills is the number of persons appointed to the regional commission, the overall authority of the regional commission, and the means and authority the commission has to condemn property to meet the objective of preserving the scenic quality of the area. The legislation I am introducing with Senator Packwood limits the authority of the regional commission in that the U.S. Forest Service will formulate the management plan for the area, with the regional commission having only one veto over the Forest Service plan.

The other legislation I am introducing allows the regional commission, which has a smaller membership and gives more of the decisions to the affected counties along the gorge, to develop the management plan for the area with the assistance of the Forest Service.

The legislation I am introducing with Senator Packwood has a 10-percent limit on the amount of land in the total area that can be condemned. My bill has strict voting requirements on the commission for lands that can be condemned in the area, and allows that condemnation be used as last resort measure to meet the requirements of preserving the area. These are the main major differences in the bills I am cosponsoring and sponsoring today. The provision for protection of the critical areas in the proposed scenic area, exemptions for incorporated cities, allowance for county governments who have the ability to carry out the provisions of the act to do so, the preservation of local property tax and national forest receipt revenues, are similar in both bills. I might add that it is my intention in introducing both bills to protect the critical areas with the proposed Columbia Gorge scenic area. The total land area of both bills is 306,000 acres, of which about 30,455 are considered to be critical. These critical lands must be protected above all else, as some of these critical portions are right now under considerable development pressure.

Mr. President, I believe the introduction of both these bills is an important step in the effort to save one of our Nation's spectacular natural resources. I ask unanimous consent that both bills be printed in the Record.

There being no objection, the bills were ordered to be printed in the Record, as follows:

S. 2318

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SHORT TITLE AND TABLE OF CONTENTS

Section 1. This Act may be cited as the "Columbia River Gorge Act of 1982".

TABLE OF CONTENTS

Sec. 1. Short title and table of contents.
Sec. 2. Findings and purposes.
Sec. 3. Establishment of area.
Sec. 4. Administration.
Sec. 5. Management plan for area.
Sec. 6. Interim protection and management.
Sec. 7. Federal activities within the area.
Sec. 8. Intergovernmental cooperation.
Sec. 9. Enforcement.
Sec. 10. Remedies.
Sec. 11. Judicial review.
Sec. 12. Acquisition.
Sec. 13. Indian treaties.
Sec. 14. Authorization of appropriations.
Sec. 15. Acquisition fund.
Sec. 16. Mitigation of local revenue losses.
Sec. 17. Compliance with Budget Act.

FINDINGS AND PURPOSES

Sec. 2. (a) Findings.—The Congress finds that—

(1) the Columbia River Gorge, located in the State of Oregon and the State of Washington, is a spectacular canyon of compelling and majestic beauty formed by the Columbia River cutting through the Cascade Range and dramatically illustrates natural geologic forces;

(2) the Columbia River Gorge is the historic gateway between the Pacific Ocean and the interior of the North American continent traveled by native Americans, explorers, traders, and pioneers, and evidencing human habitation for over 11,000 years, and it remains an area of commercial and economic importance to the region, particularly with respect to navigation, transportation, energy production, fisheries, agriculture, and recreation;

(3) the Columbia River Gorge contains magnificent scenic, natural, and recreation-

al values of national significance, including the cascading all-season waterfalls and an extensive system of hiking trails;

(4) scenic viewpoints, highways, and trails are critical recreation facilities heavily used by residents of the Portland-Vancouver Metropolitan Area and by visitors from around the Pacific Northwest, the Nation, and the world;

(5) the botanical diversity of the Columbia River Gorge ranging from the sagebrush and grasslands of the east to the lush rain forests of the west, including many threatened and endangered species, is unique, due in part to the diverse climate of the area;

(6) human impact on the landscape of the Columbia River Gorge including Federal hydroelectric power development, interstate highway construction, port and navigation facilities, farms, orchards, forest production, cities, and towns, is intense, but, historically, much of the diverse scenic quality of the Gorge has been preserved;

(7) the character of much of the landscape of the Columbia River Gorge has been maintained and enhanced by existing rural communities which should be protected and maintained;

(8) the existing scenic, historic, recreational, archeological, and scientific qualities of the Columbia River Gorge are threatened by rapid population growth in the nearby Portland, Oregon-Vancouver, Washington Metropolitan Area, by uncontrolled development, and by the existence of more than 50 local, State, and Federal jurisdictions and agencies with authority within the Columbia River Gorge;

(9) the existing local, State, and Federal planning and regulatory authorities lack sufficient resources to provide for growth management, develop recreational facilities to serve tourists and residents of the metropolitan areas in close proximity to the Columbia River Gorge, and protect the unique scenic resources of the Columbia River Gorge; and

(10) in order to resolve differences, existing and potential, between the various affected jurisdictions in the State of Oregon and the State of Washington over protection and enhancement of the existing character of the Columbia River Gorge, and in order to protect the scenic and other values of Federal lands and facilities located within the Columbia River Gorge, the Federal Government must form a partnership with State and local governments in the Columbia River Gorge, and focus final decisional authority in a single arbiter, thereby protecting the Gorge's nationally significant scenic, natural, and cultural (including historical, archeological, sciencific, recreational, and social) resources.

(b) PURPOSES.—The purposes of this Act are—

(1) to protect, conserve, and enhance the scenic, natural, cultural, and other resource values of existing Federal property located in the Columbia River Gorge, including lands administered by the United States Forest Service, United States Bureau of Land Management, the Army Corps of Engineers, and lands included in the Interstate Highway System;

(2) to protect and enhance all scenic, cultural, and natural resources of the Columbia River Gorge, including sensitive habitats for threatened and endangered species, while providing public use and enjoyment consistent with protecting and preserving these resources;

(3) to protect and preserve the historical and archeological resources of the Columbia River Gorge and, where appropriate, to make these resources more available to the public for educational and scientific purposes;

(4) to protect and perpetuate the existing economy of the Columbia River Gorge, including agriculture, fishing, existing hydroelectric facilities and timber utilization, and the character of human habitation, in harmony with the existing visual landscape, and by promoting economic development within the Gorge which enhances the existing scenic and natural character of the Columbia River Gorge and which promotes public awareness of the historical, cultural, and natural values of the area and which supports and enhances the economic livelihood of the Gorge by encouraging growth to occur in the existing incorporated communities, by recognizing compatible historic economic pursuits, such as farming, grazing, forestry, and orcharding, outside the communities as appropriate to preserve the existing character of the Gorge, and by enhancing the potential of the Gorge for increased tourism;

(5) to provide for and manage public use and enjoyment of the Columbia River Gorge in a manner consistent with natural resource protection and maintenance of the existing rural landscape, including the establishment, acquisition, maintenance, and operation of public recreation and natural areas and facilities to meet the needs of a growing regional population;

(6) to utilize the land use planning and other powers of local and State governments and existing Federal agencies to further the purposes of this Act and provide Federal assistance in the development and implementation of a single management plan for the Columbia River Gorge; and

(7) to facilitate and effectuate a partnership among the Federal Government, the State of Oregon, the State of Washington, and local government entities located within the Columbia River Gorge in order to develop and enforce a single management plan for the Area which will supplement local and State plans and which will protect and enhance the Area's existing character while protecting critical lands and allowing development only when consistent with preservation of existing scenic, natural, and cultural values.

ESTABLISHMENT OF AREA

SEC. 3. (a) ESTABLISHMENT.—In order to carry out the purposes of this Act, the Columbia River Gorge Scenic Area (hereafter referred to in this Act as the "Area") is established as a unit of the national forest system.

(b) MAP AND DESCRIPTION.—(1) The Area shall consist of the area within the boundaries generally depicted on the map entitled "Boundary Map, Columbia River Gorge Scenic Area," numbered and dated , which shall be on file and available for public inspection in the offices of the Forest Service, Department of Agriculture, and in the offices of the Regional Commission established pursuant to section 4. As soon as practicable after the date of enactment of this Act, the Secretary of Agriculture (hereinafter referred to in this Act as the "Secretary") shall publish in the Federal Register a map and legal description of the Area. Such description shall have the same force and effect as if included in this Act, except that correction of clerical and typographical errors in such map and legal description may be made. The boundary shall be subject to adjustment as provided in section 5(b)(7) hereof.

(2) The areas on such map depicted as "critical" shall be treated as the portions of the Area which are of critical importance to the protection and preservation of the values of the Area for purposes of applying the provisions of this Act.

(3) The incorporated towns and cities of The Dalles, Hood River, White Salmon, Bingen, Cascade Locks, Stevenson, Washougal, Mosier, and North Bonneville, as their boundaries (including any specific urban growth boundary which has been expressly approved by the applicable State) existed on July 1, 1981, shall not be included within the boundaries of the Area. If, after July 1, 1981, the boundaries of any of said cities or towns are changed by such city or town, then the area within such new boundary shall not thereafter be within the boundary of the Area, unless such boundary change has been approved in the manner to be provided in the Management Plan as required in section 5(b)(7).

(c) BOUNDARIES OF MOUNT HOOD NATIONAL FOREST.—The boundaries of the Mount Hood National Forest are extended to include all of the lands in the State of Oregon lying within the Area as described in accordance with section 3(b) which are not within the National Forest boundaries on the date of enactment of this Act.

(d) BOUNDARIES OF GIFFORD PINCHOT NATIONAL FOREST.—The boundaries of the Gifford Pinchot National Forest are extended to include all of the lands in the State of Washington lying within the Area as described in accordance with section 3(b) which are not within the National Forest boundaries on the date of enactment of this Act.

(e) FOREST SYSTEM REVENUES.—For purposes of any provision of law under which funds are provided to a State or local government on the basis of revenues derived from any unit of the national forest system and notwithstanding subsection (a), the national forest system lands in the State of Oregon which are within the Area shall be treated as components of the Mount Hood National Forest and the national forest system lands in the State of Washington which are within the Area shall be treated as components of the Gifford Pinchot National Forest.

ADMINISTRATION

SEC. 4. (a) BY THE SECRETARY.—(1) The Area shall be administered by the Secretary, acting through the United States Forest Service, in accordance with this Act and in accordance with the provisions of law generally applicable to units of the national forest system. In the case of any conflict between the provisions of this Act and such generally applicable provisions of law, the provisions of this Act shall govern.

(2) The Secretary, acting through the United States Forest Service, shall establish procedures to give all interested Federal agencies, State and local governments, and the public adequate notice and an opportunity to comment upon and participate in the preparation and implementation of plans and programs for the management of the Area.

(b) BY THE REGIONAL COMMISSION.—(1) There is hereby established in the Department of Agriculture the Columbia River Gorge Scenic Area Regional Commission (hereinafter in this Act referred to as the "Regional Commission"). The members of the Regional Commission shall be appointed within ninety days of the date of enactment of this Act. The Commission shall consist of fourteen members, appointed as follows:

(A) One member who resides in each of the following counties: Multnomah County, Oregon; Hood River County, Oregon; Wasco County, Oregon; Clark County, Washington; Skamania County, Washington; and Klickitat County, Washington, to be appointed by the governing body of each of the respective counties.

(B) Two members who reside in the State of Oregon to be appointed by the Governor of the State of Oregon.

(C) Two members who reside in the State of Washington to be appointed by the Governor of the State of Washington.

(D) Three members who have a demonstrated interest in the values to be protected by this Act to be appointed by the Secretary of the Department of Agriculture.

(E) The chief of the Forest Service, Department of Agriculture or his designee, shall serve as an ex officio nonvoting member.

If any county governing body referred to in subparagraph (A) or either Governor referred to in subparagraph (B) or (C) fails to appoint a member of the Commission under subparagraph (A), (B), or (C) within ninety days after the date of the enactment of this Act or within ninety days after the expiration of a member's term from that county or State, the Secretary of Agriculture may appoint a resident of that county or State to serve as the member from such county or State.

(2) The Regional Commission shall be responsible for the following:

(A) advising and assisting the Chief of the Forest Service in the preparation and development of the Management Plan and, subject to section 5(e), approving the Management Plan and any changes in it before adoption by the Secretary;

(B) facilitating communication and coordination among the Federal, State, and local governmental agencies with jurisdiction within the Area and facilitating communication with residents and landowners within the Area and advising the Secretary on the appropriate Federal role in the management and administration of the Area;

(C) reviewing and monitoring the implementation of the Management Plan by Federal, State, and local governmental agencies having jurisdiction within the Area to assist the Secretary in ensuring consistency and compliance with the Plan and in order to recommend to the Secretary potential revisions and methods of enforcing the Plan;

(D) reviewing all land acquisition proposals submitted by the Secretary in cases involving the potential use of eminent domain as provided in section 12, and submitting timely recommendations or comments to the Secretary with respect to such acquisition before eminent domain is exercised;

(E) reviewing all Federal development projects and plans within the Area for consistency with the Management Plan and submitting recommendations on all such projects to the head of the responsible Federal agency;

(F) preparing an annual report for submission to the Secretary of the Department of Agriculture, the United States Congress, and the Governors of the States of Oregon and Washington advising them of the status of the Management Plan and its implementation; and

(G) making such other recommendations to the Secretary and Federal, State, and local units of government as the Regional Commission may deem necessary to carry out the purposes of this Act.

(3) Members of the Regional Commission shall be appointed for terms of three years, except that the initial terms for the members shall be as follows:

(A) The member who resides in Multnomah County, Oregon, shall serve for a term of one year, the member who resides in Hood River County, Oregon, shall serve for a term of two years, and the member who resides in Wasco County, Oregon, shall serve for a term of three years. The member who resides in Clark County, Washington, shall serve for a term of one year, the member who resides in Skamania County, Washington, shall serve for a term of two years, and the member who resides in Klickitat County, Washington, shall serve for a term of three years.

(B) One of the members nominated by the Governor of Oregon shall serve for two years and the other such member for three years. One of the members nominated by the Governor of Washington shall serve for two years and the other such member for three years.

(C) One of the members nominated by the Secretary shall serve for one year, one of such members shall serve for two years, and the third such member shall serve for three years.

A member may be reappointed only once unless such member was originally appointed to fill a vacancy pursuant to subsection (b)(4) of this section, in which case a member may be reappointed twice.

(4) Any vacancy in the Regional Commission shall be filled in the same manner in which the original appointment was made. Any member appointed to fill a vacancy shall serve for the remainder of the term for which his predecessor was appointed. Any member may serve after the expiration of his term for a period not longer than 30 days.

(5) The presiding officer of the Regional Commission shall be elected annually by the members of the Regional Commission and shall serve for a term of one year. No member may serve as presiding officer for consecutive terms, and no member may serve as presiding officer if his predecessor as presiding officer was appointed to the Regional Commission by the same official or governing body.

(6) The Commission shall meet at least once each quarter and, to the maximum extent practicable, all meetings of the Regional Commission shall take place within the counties having any jurisdiction in the Area.

(7) Unless otherwise provided, the Regional Commission shall act or advise by affirmative vote of a majority of its members, but a lesser number may hold hearings.

(8) The Regional Commission may for the purpose of carrying out its functions hold such hearings, sit and act at such times and places, take such testimony, and receive such evidence as the Regional Commission may deem advisable. The Regional Commission may administer oaths or affirmations to witnesses appearing before it.

(9)(A) Members of the Regional Commission who are full time officers or employees of the United States, the State of Oregon, the State of Washington, or any county referred to in subsection (b)(1)(A) shall receive no additional pay on account of their service on the Regional Commission.

(B) Except as provided in subparagraph (A), members of the Regional Commission shall serve without pay. While away from their homes or regular places of business in the performance of service for the Regional Commission, members of the Regional Commission shall be allowed travel expenses, including per diem in lieu of subsistence, in the same manner as persons employed intermittently in the Federal Government service under section 5703 of title 5 of the United States Code.

(10) The Secretary shall provide the Regional Commission with such staff and technical assistance as the Secretary, after consultation with the Regional Commission, considers appropriate to enable the Regional Commission to carry out its duties.

(11) Upon request of the Secretary, any Federal agency may provide information, personnel, property, and services on a reimbursable basis, to the Regional Commission to assist it in carrying out its duties under this Act.

(12) In carrying out the purposes of this Act, the Secretary and the Regional Commission shall involve the public and local, State, and Federal Government agencies to the fullest extent possible in making decisions by consulting with interested and concerned citizens and conducting public hearings at places within counties having jurisdiction in the Area in order to provide such citizens with an opportunity to testify regarding the development, implementation, and enforcement of the Management Plan.

(13) Actions taken and orders issued by the Regional Commission shall be subject to the provisions of subchapter II of chapter 5 and chapter 7 of title 5, United States Code (5 U.S.C. 551 et seq.; 5 U.S.C. 701 et seq.).

MANAGEMENT PLAN FOR AREA

SEC. 5. (a) PREPARATION.—The Chief of the Forest Service shall prepare a Management Plan for the Area with the consultation and advice of the Regional Commission in order to accomplish the purposes of this Act. The Management Plan shall be prepared by an interdisciplinary planning team selected by the Chief of the Forest Service. In the preparation of the Management Plan the Regional Commission and the Forest Service shall hold public meetings to inform residents within the Area, State and local governments, Federal agencies, and other interested parties of the provisions of this Act, the objectives of the Management Plan, the actions to be undertaken in the preparation of the Management Plan, the time when such actions are proposed to be taken, and to provide interested persons and agencies with an opportunity to express their views with respect to matters covered by the Management Plan. The Management Plan shall be submitted to the Regional Commission within two years from the effective date of this Act.

(b) CONTENT.—The Management Plan shall—

(1) be based upon an inventory of the Area's resources including archeological, social, economic, forest, historical, natural, geological, recreational, and scenic values;

(2) protect, maintain, and enhance the scenic, natural, and cultural values of the Area and shall include plans for resource protection, interpretation, and visitor use, including development of public use areas and facilities;

(3) designate appropriate uses of all lands within the Area in order to achieve the purposes of this Act;

(4) establish procedures for the review of changes in State-approved urban growth boundaries within the Area for incorporated communities, and boundaries of cities and towns within the Area, for the purpose of determining whether areas within such

changed boundaries may be approved for exclusion from the boundaries of the Area;

(5) review lands designated as critical on the map filed pursuant to section 3(b)(2) and all other lands within the Area in order to identify, for purposes of the Management Plan, lands which are critical to the protection, development, and interpretation of the resource values of the Area including: (A) those lands whose existence in a natural state is essential to protect the scenic and natural value of the Area; (B) those lands whose essential character should remain unchanged in order to retain the harmonious blend of manmade and natural landscape features; (C) those lands whose present, or presently planned, use is adverse to values which this Act seeks to protect and enhance; and (D) those lands necessary to provide recreational and interpretive facilities and access to public lands for visitors to the Area;

(6) recommend transfers of jurisdiction for existing publicly owned land if advisable to achieve the purposes of this Act and determine appropriate management agencies for such lands;

(7) provide a mechanism for examining and making minor changes in the exterior boundaries of the Area and for revising and amending the Management Plan as necessary to achieve the purposes of this Act: *Provided, however,* That any changes in the exterior boundaries of the Area shall not result in an aggregate increase in the acreage of the Area, as initially established, within any county that has jurisdiction in the Area;

(8) encourage private individuals and local governments to use or plan the use of land within the Area in ways which will be consistent with and facilitate the achievement of the purposes of this Act;

(9) allow all existing land uses of specific tracts of land in the Area as of July 1, 1981, which are found to be consistent with the purposes of this Act;

(10) develop procedures to coordinate existing land use plans of local, State, and Federal entities with the Management Plan to promote the goals and policies of the Management Plan; and

(11) establish a program for State and local government implementation and enforcement of the Management Plan to insure the continued, uniform, and consistent protection of the Area in accordance with the purposes of this Act.

(c) Federal, State, and Local Advice.—The Chief of the Forest Service shall periodically advise the Regional Commission of progress on the Plan and shall seek the advice of the Regional Commission. The Chief of the Forest Service shall cooperate with the interdisciplinary planning team, the Regional Commission, and residents of the Area in the preparation of the Management Plan. The Secretary may utilize personnel from State and local governments in the Area with expertise in planning and preparing the Management Plan by employing them pursuant to the Intergovernmental Personnel Act.

(d) State and Local Planning.—(1) During the preparation of the Management Plan, and thereafter, the Secretary shall consult with State and local government authorities within the Area and may provide financial and technical assistance to such authorities to carry out any land use management activity within the Area or any other activity within the Area which the Secretary, in consultation with the Regional Commission, determines will further the purposes of this Act.

(2)(A) In the development of the Management Plan, the Secretary shall examine all State and local policies, management plans, standards, and requirements applicable to the Area and shall, with the consultation and advice of the Regional Commission, to the extent the Secretary deems practicable and consistent with the purposes of this Act, incorporate such policies, management plans, standards, and requirements into the Management Plan.

(B) In consultation with the appropriate State and local authorities, the Secretary shall identify conflicts or inconsistencies between the policies, management plans, standards, and requirements referred to in subparagraph (A) and the proposed Management Plan in order to encourage consistent planning efforts. Following adoption of the Management Plan the Secretary, with the consultation and advice of the Regional Commission, shall continue to identify any such conflicts or inconsistencies which arise due to amendments or proposed amendments to the Management Plan or due to changes or proposed changes in such State or local policies, plans, standards, and requirements in order to avoid inconsistent planning efforts.

(e) Approval.—(1) Upon completion of the Management Plan by the interdisciplinary team, it shall be submitted to the Regional Commission for approval. The Regional Commission or its designated representatives shall hold public hearings before it votes on the question of approving the Management Plan, at least one of which shall be held in each county with jurisdiction in the Area.

(2) The Regional Commission shall consider and vote on the question of approving the Management Plan within 180 days of its submission. If a majority of the Regional Commission's members vote to approve the Management Plan, the Management Plan shall be adopted by the Secretary. If a majority of the Regional Commission's members vote to disapprove of the Management Plan, the Management Plan shall be submitted to the Secretary. The Regional Commission shall specify all of its objections to the Management Plan prepared by the interdisciplinary team.

(3) The Secretary shall consider the objections of the Regional Commission to the Management Plan. The Secretary may modify the Management Plan to respond to the objections of the Regional Commission, provided such modifications are consistent with the purposes of this Act.

(4) The Secretary shall submit the Management Plan to the Regional Commission, with whatever modifications he may have made, within 90 days of the Regional Commission's vote to disapprove of the Management Plan.

(5) If the Regional Commission does not approve all or any part of the Management Plan within 90 days of its resubmission, the Secretary may, without approval by the Regional Commission, adopt the Management Plan as resubmitted or after eliminating any of the parts of the Management Plan disapproved by the Regional Commission.

(6) The Management Plan, and any modification thereof, shall be published in a newspaper of general circulation in the Area promptly following its adoption.

(f) Requests for Amendment or Variance.—Petitions for amendments to or variances from the Management Plan may be submitted to the Secretary by local government authorities or by any other person. In considering such petitions, the Secretary, after notice and at least one public hearing by the Secretary and the Regional Commission, shall, on the basis of the testimony and any written recommendations presented at such hearing and the Regional Commission's recommendation, determine whether or not to modify the Management Plan. The notice required by this section shall be given at least 20 days prior to the public hearing by publication at least once in a newspaper of general circulation in the Area. If a petition is filed, the Secretary shall, if requested by the petitioner, complete his action on such petition within 60 days after the receipt by the Secretary of a complete petition (determined according to standards prescribed by the Secretary).

INTERIM PROTECTION AND MANAGEMENT

Sec. 6. (a) Moratorium on New Uses in Critical Lands.—Pending the adoption of interim guidelines pursuant to subsection (b), no person may construct or modify any new building or facility or reconstruct or substantially modify any existing building or facility in any portion of the Area designated as critical on the map filed pursuant to section 3(b)(2).

(b) Forest Service Guidelines.—Not later than six months after the date of the enactment of this Act, the Secretary, with the advice of the Regional Commission and the Chief of the Forest Service, shall adopt and publish interim standards and guidelines governing all land use activities within the Area to protect the resources of the Area; until the Management Plan is adopted.

(c) Purpose of Interim Guidelines.—The purpose of such interim standards and guidelines shall be to protect the Area from—

(1) actions which significantly detract from the current visual quality and diversity of the Area;

(2) actions which significantly alter the balance of natural and manmade landscape features visible from Washington Highway 14, Interstate Highway 84, Oregon Highway 30, or existing viewpoints managed for public enjoyment;

(3) actions within any portion of the Area designated as critical on the map filed pursuant to section 4(c); and

(4) any other actions which damage the resource values this Act is designed to protect.

(d) Specificity and Revision of Guidelines.—Such interim standards and guidelines shall be as detailed and specific as is required to accomplish their objectives and purposes and may be revised or amended to accomplish such objectives and purposes.

FEDERAL ACTIVITIES WITHIN THE AREA

Sec. 7. (a) Jurisdiction.—Lands and waters located within the Area which are under the administrative jurisdiction of any department or agency of the United States shall remain under such administrative jurisdiction unless jurisdiction is transferred pursuant to section 5(b)(6).

(b) Projects.—(1) No department, agency, or instrumentality of the United States may undertake or assist any project or grant any license, permit, or other form of approval for any project within the Area unless the Secretary, in consultation with the Regional Commission, determines that the project is consistent with the purposes of this Act and with the Management Plan or the interim guidelines, or that such project is essential for the protection of public health or safety or necessary for national security or defense.

(2) As used in paragraph (1), the term "assist" includes—

(A) the sale of any flood insurance under the National Flood Insurance Act of 1968 (42 U.S.C. 4001 et seq.);

(B) any assistance provided by a department, agency, or instrumentality of the United States to a State or local government where such State or local government uses such assistance for purposes of a project described in paragraph (1); and

(C) any grant, loan, loan guarantee, or any other form of direct or indirect technical or financial assistance.

(c) EXEMPTIONS.—(1) Except as may otherwise be provided in the interim guidelines or the Management Plan, subsection (b) shall not apply to—

(A) any building or facility to be used for any military purpose;

(B) any temporary structure to be used only for emergency humanitarian assistance;

(C) any construction, reconstruction, or modification of which commenced before the date of the enactment of this Act; or

(D) any repair or reconstruction of a building or facility the original construction of which commenced before such date of enactment.

(2) Construction, reconstruction, or modification shall be treated as commencing only when there is either—

(A) a continuous program of physical onsite construction, reconstruction, or modification, or

(B) the owner of the building or facility has entered into binding agreements or contractual obligations for such construction, reconstruction, or modification which cannot be canceled or modified without substantial loss to the owner.

(d) PROCESS.—Not less than 60 days prior to undertaking or assisting a project or granting any license, permit, or other form of approval for any project within the Area, the department, agency, or instrumentality of the United States proposing to take such action shall notify the Secretary and the Commission of its proposal. The Secretary, in consultation with the Commission, shall, after notice and opportunity for public comment, make a determination respecting the consistency of any activity described in subsection (b) with the purposes of this Act and with the Management Plan or interim guidelines and standards. When the Secretary determines that any activity is consistent or inconsistent with the purposes of this section or with the plan, it shall notify the agency proposing to undertake, assist, license, or approve the activity.

INTERGOVERNMENTAL COOPERATION

SEC. 8. (a) RETENTION OF STATE AND LOCAL JURISDICTION.—Nothing in this Act shall diminish, enlarge, or modify any right of the State of Oregon or the State of Washington, or any political subdivision thereof, to exercise civil and criminal jurisdiction within the Area or of rights to tax persons, corporations, franchises, or property, including mineral or other interests, in or on lands or waters within the Area.

(b) HUNTING AND FISHING.—The Secretary shall permit hunting and fishing on lands and waters under his jurisdiction within the boundaries of the Area in accordance with applicable laws of the United States and the State of Oregon and the State of Washington. Except in emergencies, any regulations of the Secretary pursuant to this section shall be put into effect only after consultation with the appropriate State fish and wildlife department.

(c) RETENTION OF FEDERAL JURISDICTION.—Nothing in this section shall be construed to limit or prohibit any Federal action ordered by a court of competent jurisdiction or directed by a Federal agency for the protection of public health or safety, or for national defense.

(d) STATE AND LOCAL CONCURRENT POWER TO LEGISLATE.—Nothing in this Act shall be construed to prevent the adoption or implementation by any State or local government of any rule, regulation, or provision of law which is consistent with, or more stringent than, any provision of this Act or of the Management Plan adopted pursuant to this Act.

ENFORCEMENT

SEC. 9. (a) ENFORCEMENT OF INTERIM STANDARDS.—Prior to the adoption of the Management Plan, the Secretary shall monitor all land use activities within the Area to ensure that said activities do not violate the interim standards and guidelines. The Secretary shall participate in State and local land use proceedings as necessary to advise said government entities whether or not proposed activities are consistent with the interim standards and guidelines. If the Secretary determines that a proposed activity is inconsistent with the interim standards and guidelines, he shall seek relief pursuant to section 10.

(b) ENFORCEMENT OF MANAGEMENT PLAN BY LOCAL GOVERNMENT.—(1) Following the adoption of the Management Plan, each local government entity within the Area which has land use planning authority under State law and which wishes to assume responsibility for enforcement of the Management Plan within its boundaries shall submit to the Secretary and the Regional Commission a land use plan which demonstrates that such local government entity intends to and is capable of carrying out the provisions of this Act.

(2) Any local government seeking to assume responsibility under this section shall adopt a zoning ordinance which—

(A) protects and preserves critical lands and the resource values of the Area consistent with the Management Plan; and

(B) provides sanctions for violation of the terms of such ordinance including civil and criminal actions, withholding of permits, and issuance of cease-and-desist orders.

(3) No local land use plan shall be approved unless the plan demonstrates that the local government has a planning staff with sufficient administrative and technical personnel and sufficient funding to enable the local government to regulate land use activities in accordance with the purposes of this Act and the Management Plan.

(4) The Secretary, with the advice of the Regional Commission, shall review and approve or disapprove a local use plan within six full calendar months after the plan is submitted to him. The Secretary is authorized to make annual grants to any local government entity for the purpose of assisting such entity in developing, administering, and enforcing land use plans under this Act.

(c) ENFORCEMENT OF MANAGEMENT PLAN BY SECRETARY.—The Management Plan shall be enforced by the Secretary utilizing the remedies provided in section 10 if—

(1) the local land use plan is disapproved;

(2) no local plan is submitted to the Secretary; or

(3) an approved local plan fails to be enforced in accordance with this Act.

REMEDIES

SEC. 10. (a) PROHIBITION ON INCONSISTENT USES.—The use or development of any lands within the Area contrary to this Act is unlawful and prohibited.

(b) VIOLATION OF ACT.—Any person who knowingly and willfully violates any regulation or order which is lawfully issued pursuant to this Act shall be fined no more than $10,000 or imprisoned no more than 12 months, or both. Any person charged with a violation of such regulation may be tried and sentenced by any United States magistrate designated for that purpose by the court by which he was appointed, in the same manner and subject to the same conditions and limitations as provided for in section 3401 of title 18 of the United States Code.

(c) CIVIL ACTION TO ENFORCE ACT.—At the request of the Secretary, the Attorney General may institute a civil action in any United States district court for an injunction or other appropriate order to prevent any person from utilizing lands within the Area in violation of the Management Plan, regulations, guidelines, or standards issued by the Secretary under this Act.

(d) NOTIFICATION TO VIOLATOR AND HEARING.—If the Secretary determines under section 9 that any person is in violation of the Management Plan, regulations, guidelines, or standards issued under this Act, he shall promptly notify the person of the violation. Such person may then request a hearing on the record before the Secretary to determine whether a violation has occurred. Following such hearing the Secretary shall set forth his findings and conclusions and any proposed, intermediate, or final order.

JUDICIAL REVIEW

SEC. 11. (a) PETITION OF APPEAL.—Any person adversely affected by any final action or order of the Secretary under this Act may appeal such action or order by filing in any of the courts specified in subsection (b), within 60 days after the date of service of such order or within 60 days after such action is taken, a written petition requesting that the order of the Secretary be modified, terminated, or set aside.

(b) APPELLATE JURISDICTION.—The United States District Court for the District of Columbia, or any United States district court located in the State of Oregon or the State of Washington which has jurisdiction of actions occurring in or affecting the Area shall be appropriate courts for appeal pursuant to subsection (a).

ACQUISITION

SEC. 12. (a) ACQUISITION AUTHORIZATION.—(1) The Secretary is authorized to acquire by donation, purchase with donated or appropriated funds, exchange, bequest, or otherwise any lands, or lesser interests therein, including scenic and conservation easements ("scenic easements"), which he determines are needed to achieve the purposes of this Act.

(2) The Secretary may acquire without the consent of the owner only lands, or interests therein, classified as critical lands under the Management Plan or designated as such on the map filed pursuant to section 3(b)(2). No such lands or interests which, on July 1, 1981, were primarily used for single family residential purposes, farming, or grazing may be acquired without the consent of the owner as long as the existing character of that use is not substantially changed.

(3) The Secretary, in consultation with the Regional Commission, shall publish, within 180 days of the enactment of this Act, guidelines which shall be used by him to determine what constitutes a substantial

change in the land use or maintenance for nonfederally owned lands within the Area.

(4) Where the Secretary is authorized above in this section to acquire land or interests therein, without the consent of the owner, he shall—

(A) do so only in cases where, in his judgment, all reasonable efforts to acquire such lands, or interests therein, by negotiation have failed;

(B) acquire only such land, or interests therein, as, in his judgment, is reasonably necessary to accomplish the purposes of this Act; and

(C) no more than 10 percent of the total acreage of the Area shall be acquired by condemnation.

(5) The Secretary shall notify the Regional Commission of his intent to acquire land or interests therein, without the consent of the owner, and within three months of such notification, the Regional Commission shall submit its recommendations and comments on the intended acquisition to the Secretary for consideration.

(b) Consideration of Area Landowner Offers.—The Secretary shall give prompt and careful consideration to any offer made by a person owning land within the Area to sell such land to the United States. The Secretary shall specifically consider any hardship to such person which might result from an undue delay in acquiring his property.

(c) Land Exchange.—(1) In exercising his authority to acquire property by exchange, the Secretary may accept title to any non-Federal property, or interests therein, located within the Area.

(2) Notwithstanding any other provision of law, the Secretary may convey in exchange for land in the State of Oregon any federally owned property within the State of Oregon, and he may convey in exchange for land in the State of Washington any federally owned property within the State of Washington, which he classifies as suitable for exchange and which is under his administrative jurisdiction. The values of the properties exchanged pursuant to this paragraph shall be approximately equal or, if they are not approximately equal, they shall be equalized by the payment of cash to the grantor or to the Secretary as the circumstances require. In the exercise of his exchange authority, the Secretary may utilize authorities and procedures available to him in connection with exchanges of national forest lands.

(d) Acquisition of State Land.—Any land or interest in land owned by the State of Oregon or the State of Washington or any of their political subdivisions may be acquired only by donation or exchange.

(e) Transfer of Federal Property to Secretary.—Notwithstanding any other provision of law, any Federal property located within the area may, with the concurrence of the agency having jurisdiction over such property, be transferred without consideration to the administrative jurisdiction of the Secretary for use by him in carrying out the purposes of this Act. Lands acquired by the Secretary or transferred to his administrative jurisdiction within the area shall become parts of the area.

(f) Disposition of Acquired Property.—Any property acquired under this section shall, in the discretion of the Secretary be—

(1) transferred to the administrative jurisdiction of the National Forest Service for inclusion in the national forest system and administration in accordance with section 4(a); or

(2) sold for fair market value subject to such reservations, terms, and conditions as will assure the use of such property in a manner consistent with the plan.

The proceeds of any sale shall be credited to the appropriation account from which funds were made available for the purchase thereof.

INDIAN TREATIES

Sec. 13. Nothing in this Act shall be construed to alter, amend, repeal, interpret, modify, or conflict with any treaty or other right of an Indian tribe.

AUTHORIZATION OF APPROPRIATIONS

Sec. 14. (a) Authorization.—There is authorized to be appropriated such sums as may be necessary to carry out this Act.

(b) Land and Water Fund.—Sums appropriated from the Land and Water Conservation Fund shall be available for the acquisition of lands, waters, and interests therein within the Area.

ACQUISITION FUND

Sec. 15. (a) Establishment.—There is established an acquisition fund for the acquisition of lands and interests therein within the Area. This fund shall be available without fiscal year limitation for expenses necessary for acquiring land and interests therein under section 12 hereof.

(b) Initial Capital.—The initial capital of the fund shall consist of appropriations made for that purpose. The Secretary is authorized to make such subsequent transfers to the fund as he deems appropriate in connection with the functions to be carried on through the fund.

(c) Appropriation.—There is hereby authorized to be appropriated a sum not to exceed as initial capital of the acquisition fund.

(d) Donations.—The Secretary may accept contributions or donations of money, services, and property, real, personal, or mixed, for the management, protection, development, acquisition, and conveying of the lands within the Area. Moneys received hereunder shall be credited to the acquisition fund and are hereby authorized to be appropriated and made available until expended, as the Secretary may direct.

MITIGATION OF LOCAL REVENUE LOSSES

Sec. 16. (a) Payments to Local Governments.—Whenever the Secretary determines that the acquisition by the Secretary of any interest in real property within the Area has the potential effect of significantly increasing property taxes on properties remaining in private ownership, the Secretary may make payments to any local governmental entity affected by such acquisitions to mitigate the loss of property tax revenue resulting from the Federal acquisition to the extent that such payments would be used to amortize bonded indebtedness previously incurred by the political subdivision involved or to pay for the cost of providing essential public services.

(b) Conditions.—If the Secretary determines that payments should be made to political subdivisions under subsection (a), the amount and duration of such payments shall be determined by the Secretary and paid to counties within the jurisdiction of which the lands within the Area are located. The counties shall distribute the payments on a proportional basis to those units of local government and affected school districts which have incurred losses of real property taxes due to the acquisition of land or interests therein for addition to either such system. In those cases in which another unit of local government other than the county acts as the collecting and distributing agency for real property taxes, the payments shall be made to such unit of local government, which shall distribute such payments as provided in this subsection. The Secretary may prescribe regulations under which payments may be made to units of local government in any case in which the preceding provisions will not carry out the purposes of this subsection.

COMPLIANCE WITH BUDGET ACT

Sec. 17. No authority under this Act to enter into contracts or to make payments shall be effective except to the extent and in such amounts as provided in advance in appropriation Acts. Any provision of this Act which, directly or indirectly, authorizes the enactment of new budget authority shall be effective only for fiscal years beginning after September 30, 1982.

S. 2319

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SHORT TITLE AND TABLE OF CONTENTS

Section 1. This Act may be cited as the "Columbia River Gorge Act of 1982".

TABLE OF CONTENTS

Sec. 1. Short title and table of contents.
Sec. 2. Findings and purposes.
Sec. 3. Establishment of Commission.
Sec. 4. Designation of Area.
Sec. 5. Interim protection.
Sec. 6. Management Plan for Area.
Sec. 7. State and local planning; protection of the Area.
Sec. 8. Enforcement.
Sec. 9. Federal activities within Area.
Sec. 10. Other Commission authorities.
Sec. 11. Indian treaties.
Sec. 12. Authorization of appropriations.
Sec. 13. Acquisition of fund.
Sec. 14. Mitigation of local revenue losses.
Sec. 15. Compliance with Budget Act.

FINDINGS AND PURPOSES

Sec. 2. (a) Findings.—The Congress finds that—

(1) the Columbia River Gorge, located in the State of Oregon and the State of Washington, is a spectacular canyon of compelling and majestic beauty formed by the Columbia River cutting through the Cascade Range and dramatically illustrating natural geologic forces;

(2) the Columbia River Gorge is the historic gateway between the Pacific Ocean and the interior of the North American continent traveled by native Americans, explorers, traders, and pioneers and evidencing human habitation for over 11,000 years and it remains an area of commercial and economic importance to the region, particularly with respect to navigation, transportation, energy production, fisheries, industry, agriculture, and recreation;

(3) the Columbia River Gorge contains magnificent scenic, natural, and recreational values of national significance, including cascading all-season waterfalls and an extensive system of hiking trails which are critical recreation facilities heavily used by residents of the Portland-Vancouver Metropolitan Area and by visitors from around the Pacific Northwest, the Nation, and the world;

(4) the botanical diversity of the Columbia River Gorge ranging from the sagebrush and grasslands of the east to the lush rain forests of the west and including many threatened and endangered species, is

unique, due in part to the diverse climate of the area;

(5) human impact on the landscape of the Columbia River Gorge, including Federal hydroelectric power development, interstate highway construction, port and navigation facilities, farms, orchards, forest production, cities, and towns, is intense, but, historically, much of the diverse scenic quality of the Gorge has been preserved;

(6) the existing character of the landscape of the Columbia River Gorge has been maintained and enhanced by existing rural communities which should be protected and maintained;

(7) the existing scenic, historic, recreational, archeological, and scientific qualities of the Columbia River Gorge are threatened by rapid population growth in the nearby Portland, Oregon-Vancouver, Washington Metropolitan Area, by uncontrolled development, and by the existence of more than 50 local, State, and Federal jurisdictions and agencies with authority within the Columbia River Gorge;

(8) the existing local, State, and Federal planning and regulatory authorities lack sufficient resources to provide for growth management, develop recreational facilities to serve tourists and residents of the metropolitan areas in close proximity to the Columbia River Gorge, and protect the unique scenic resources of the Columbia River Gorge; and

(9) in order to resolve differences, existing and potential, between the various affected jurisdictions in the State of Oregon and the State of Washington over protection and enhancement of the existing character of the Columbia River Gorge, and in order to protect the scenic and other values of Federal lands and facilities located within the Columbia River Gorge, the Federal Government must form a partnership with State and local governments in the Columbia River Gorge, and focus final decisional authority in a single arbiter, thereby protecting the Gorge's nationally significant scenic, natural, and cultural (including historical, archeological, scientific, recreational, and social) resources.

(b) Purposes.—The purposes of this Act are—

(1) to protect, conserve, and enhance the scenic, natural, cultural, and other resource values of existing Federal property located in the Columbia River Gorge, including lands administered by the United States Forest Service, the United States Bureau of Land Management, the Army Corps of Engineers, and lands included in the Interstate Highway System;

(2) to protect and enhance all scenic, cultural, and natural resources of the Columbia River Gorge, including sensitive habitats for threatened and endangered species, while providing public use and enjoyment consistent with protecting and preserving these resources;

(3) to protect and preserve the historical and archeological resources of the Columbia River Gorge and, where appropriate, to make these resources more available to the public for educational and scientific purposes;

(4) to protect and perpetuate the existing economy of the Columbia River Gorge, including the preservation of existing hydroelectric activities, and agriculture, fishing, and timber utilization, and the character of human habitation, in harmony with the existing visual landscape, and by promoting economic development within the Gorge which enhances the existing scenic and natural character of the Columbia River Gorge and which promotes public awareness of the historical, cultural, and natural values of the area and which supports and enhances the economic livelihood of the Gorge by encouraging growth to occur in the existing communities, by recognizing compatible economic pursuits outside the communities as an appropriate part of the Gorge character, by channeling public development assistance into Gorge communities where possible, and by enhancing the potential of the Gorge for increased tourism;

(5) to provide for and manage public use and enjoyment of the Columbia River Gorge in a manner consistent with natural resource protection and maintenance of the existing rural landscape, including the establishment, acquisition, maintenance, and operation of public recreation and natural areas and facilities to meet the needs of a growing regional population;

(6) to utilize the land use planning and other powers of local and State governments and existing Federal agencies to further the purposes of this Act and provide Federal assistance in the development and implementation of a single Management Plan for the Columbia River Gorge; and

(7) to facilitate and effectuate a partnership among the Federal Government, the State of Oregon, the State of Washington, and local government entities located within the Columbia River Gorge in order to develop and enforce a single Management Plan for the Area which will supplement local and State Management Plans and which will protect and enhance the Area's existing character while protecting critical lands and allowing development only when consistent with preservation of existing scenic, natural, and cultural values.

ESTABLISHMENT OF COMMISSION

Sec. 3. (a) Establishment.—There is hereby established in the Department of Agriculture the Columbia River Gorge Commission (hereinafter in this Act referred to as the "Commission"). The Commission shall consist of eleven members, appointed as follows:

(1) three members appointed by the governing body of each of the following counties: Wasco, Hood River, and Multnomah, Oregon;

(2) three members appointed by the governing body of each of the following counties: Clark, Skamania, Klickitat, Washington;

(3) two members appointed by the Governor or Oregon;

(4) two members appointed by the Governor of Washington; and

(5) the chief of the Forest Service, Department of Agriculture, ex officio, or his designee.

If any county referred to in paragraph (1) or (2) fails to appoint a member of the Commission under paragraph (1) or (2) within 6 months after the date of the enactment of this Act or within 6 months after the expiration of a member's term from that county, the Secretary of Agriculture may appoint a resident of that county to serve as the member from such county.

(b) Qualifications.—Members of the Commission appointed pursuant to paragraphs (3) and (4) of subsection (a) shall be individuals who are not residents of the Area but who have demonstrated interest in, and knowledge of, the Area.

(c) Terms.—(1) Except as provided in paragraphs (2) and (3) of this subsection, members of the Commission shall be appointed for terms of 3 years. A member may be reappointed only once unless such member was originally appointed to fill a vacancy pursuant to subsection (e)(1) of this section, in which case a member may be reappointed twice.

(2) Of the members first appointed pursuant to paragraph (1) of subsection (a) of this section, one member shall be appointed for a term of two years, one member shall be appointed for a term of four years, and one member shall be appointed for a term of six years. The members first appointed pursuant to paragraph (1) shall also be appointed for terms of 2, 4, and 6 years. The terms of first appointed members under this paragraph shall be determined by lottery.

(d) Presiding Officer.—The presiding officer of the Commission shall be elected annually by the members of the Commission, and shall serve for a term of one year. No member may serve as presiding officer for consecutive terms, and no member may serve as presiding officer if his predecessor as presiding officer was appointed to the Commission from a county in the same State as the county which nominated that member.

(e) Vacancies.—(1) Any vacancy in the Commission shall be filled in the same manner in which the original appointment was made.

(2) Any member appointed to fill a vacancy shall serve for the remainder for the term for which his predecessor was appointed. Any member may serve after the expiration of his term for a period not longer than thirty days.

(f) Voting.—Unless otherwise provided, the Commission shall act or advise by affirmative vote of a majority of its members, but a lesser number may hold hearings.

(g) Compensation.—(1) Except as provided in paragraph (2) of this subsection, members of the Commission shall each be entitled to receive $100 for each day (including traveltime) during which they are engaged in the performance of the duties of the Commission.

(2) Members of the Commission who are full-time officers or employees of the United States, the State of Oregon, the State of Washington, or any county referred to in paragraph (1) or (2) of subsection (a) shall receive no additional pay on account of their service on the Commission.

(3) While away from their homes or regular places of business in the performance of service for the Commission, members of the Commission shall be allowed travel expenses, including per diem in lieu of subsistence, in the same manner as persons employed intermittently in the Government service are allowed expenses under section 5703 of title 5 of the United States Code.

(h) Hearings.—The Commission may for the purpose of carrying out its functions hold such hearings, sit and act at such times and places, take such testimony, and receive such evidence as the Commission may deem advisable. The Commission may administer oaths or affirmations to witnesses appearing before it.

(i) Executive Director.—The Executive Director and staff of the Commission may be appointed without regard to the provisions of title 5, United States Code, governing appointments in the competitive service, and they may be paid without regard to the provisions of chapter 51 and subchapter III of chapter 53 of such title relating to classification and General Schedule pay rates, except that no individual so appointed may receive pay in excess of the annual rate of basic pay for grade GS-15 of the General Schedule.

(j) Experts; Consultants.—The Commission may procure temporary and intermittent services to the same extent as is authorized by section 3109(b) of title 5, United States Code, but at rates determined by the Commission to be reasonable.

(k) Federal Assistance.—Upon request of the Commission, the Secretary of Agriculture may provide information, personnel, property, and services, on a reimbursable basis, to the Commission to assist it in carrying out its duties under this Act. During the preparation of the Management Plan under section 5, the Secretary of Agriculture shall make available an interdisciplinary planning team comprised of forest service personnel to assist the Commission in such preparation.

(l) Administrative Procedure.—Actions taken and orders issued by the Commission shall be subject to the provisions of subchapter II of chapter 5 and chapter 7 of title 5, United States Code (5 U.S.C. 551 et seq.; 5 U.S.C. 701 et seq.). The Management Plan adopted under section 5 shall not be treated as final agency action for purposes of judicial review under such provisions until it is approved, or deemed approved, under section 5(e).

DESIGNATION OF AREA

Sec. 4. (a) Designation.—In order to carry out the purposes of this Act, the Columbia River Gorge Scenic Area (hereinafter in this Act referred to as the "Area") is established as a unit of the national forest system.

(b) Administration.—The Area shall be administered by the Secretary of Agriculture (hereinafter in this Act referred to as the "Secretary"), acting through the United States Forest Service, in accordance with this Act and in accordance with the provisions of law generally applicable to units of the national forest system. In the case of any conflict between the provisions of this Act and such generally applicable provisions of law, the provisions of this Act shall govern.

(c) Map and Description.—(1) The Area shall consist of the area within the boundaries generally depicted on the map entitled "Boundary Map, Columbia River Gorge Scenic Area", numbered and dated , which shall be on file and available for public inspection in the offices of the Commission and in the offices of the Forest Service (Department of Agriculture). The areas on such map depicted as "critical" shall be treated as the portions of the Area which are of critical importance to the protection and preservation of the values of the Area for purposes of applying the provisions of this Act. As soon as practicable after the date of the enactment of this Act, the Secretary of Agriculture (hereinafter in this Act referred to as the "Secretary") shall publish in the Federal Register a map and legal description of the Area. Such description shall have the same force and effect as if included in this Act except that correction of clerical and typographical errors in such legal description and map may be made. The boundary shall be subject to adjustment as provided in section 6(b)(4).

(2) The incorporated towns and cities of the Dalles, Hood River, White Salmon, Bingen, Cascade Locks, Stevenson, Washougal, Mosier, and North Bonneville, as their boundaries (including any specific growth boundary which has been expressly approved by the applicable State) existed on July 1, 1981, shall not be included within the boundaries of the Area. If, after July 1, 1981, the boundaries of any such cities or towns are changed by such city or town, then the area within such new boundary shall not thereafter be within the boundary of the Area, if such boundary change has been approved in the manner to be provided in the Management Plan as required in section 5(b)(4).

(d) Forest System Revenues.—For purposes of any provision of law under which funds are provided to a State or local government on the basis of revenues derived from any unit of the national forest system, notwithstanding subsection (a), the national forest system lands in the State of Oregon which are within the Area shall be treated as components of the Mount Hood National Forest and the national forest system lands in the State of Washington which are within the Area shall be treated as components of the Gifford Pinchot National Forest.

(e) State and Local Civil and Criminal Jurisdiction.—Except as provided in section 6(b) with respect to critical portions of the Area and in section 7 with respect to interim protection, nothing in this Act shall diminish, enlarge, or modify any right of the State of Oregon or Washington, or any political subdivision thereof, to exercise civil and criminal jurisdiction with the Area or of rights to tax non-Federal persons, corporation, franchises, or property, including mineral or other interests in or on lands or waters within the Area.

INTERIM PROTECTION

Sec. 5. (a) Moratorium on New Uses in Critical Portions.—Pending final approval of the Management Plan under section 6, no person may construct or modify any building or facility within any critical portion of the Area unless, upon application of such person, the Commission determines by a vote of 8 or more of its members that such construction or modification is consistent with the purposes of this Act and is compatible with the existing character of land use in that portion of the Area in which such building or facility is located and that such construction or modification will not harm or degrade the resources of the Area.

(b) Interim Forest Service Guidelines.—Not later than 6 months after the date of the enactment of this Act, the Secretary of Agriculture shall publish interim scenic management guidelines to provide protection for the resources of the Area in a manner consistent with the purposes and findings of this Act. Such guidelines may be modified from time to time.

(c) Federal Agency Actions.—(1) During the development of the Management Plan, all applications for Federal assistance under programs—

(A) which are covered by Part I of OMB Circular A-95 and direct Federal actions covered by Part II of OMB Circular A-95 within those portions of the Area for which a moratorium is not applicable under subsection (a), and

(B) which involve the construction of housing, industrial parks, highways, or sewage or water treatment facilities,

shall be reviewed by the Commission, upon receipt from the State A-95 Clearinghouse (hereinafter referred to as the "Clearinghouse"). If the Commission finds that such application or proposed action would have no adverse impact on the resources and values of the Area, the Commission shall so notify the Clearinghouse. If the Commission does not so find, the Commission may notify the Clearinghouse and other affected parties that such application or proposed action shall not proceed. Any such application or proposed action which the Commission determines would have a significant adverse effect on the resources and values of the Area shall not proceed while the Management Plan is being developed.

(2) Nothing in this subsection shall be construed to limit or prohibit any Federal action ordered by a court of competent jurisdiction or directed by a Federal agency as essential for the protection of public health or safety or for national security or defense.

MANAGEMENT PLAN FOR AREA

Sec. 6. (a) Preparation.—The Commission shall prepare a Management Plan for the conservation, use, and development of the Area. In the preparation of the Management Plan the Commission shall hold public meetings to inform residents within the Area, State and local governments, Federal agencies, and other interested parties of the provisions of this Act, the objectives of the Management Plan, the actions to be undertaken in the preparation of the Management Plan, the time when such actions are proposed to be taken, and to provide interested persons and agencies with an opportunity to express their views with respect to matters covered by the Management Plan.

(b) Content.—The Management Plan shall—

(1) be based upon an inventory of the Area's resources including archeological, social, economic, forest, historical, natural, geological, recreational, and scenic values;

(2) protect, maintain, and enhance the scenic, natural, and cultural values of the Area and shall include plans for resource protection, interpretation, and visitor use, including development of public use areas and facilities;

(3) designate appropriate uses of all lands within the Area in order to achieve the purposes of the Act;

(4) establish procedures for the review of changes in State-approved urban growth boundaries within the Area for incorporated communities for the purpose of determining whether areas within such changed boundaries may be approved for exclusion from the boundaries of the Area;

(5) recommend transfers of jurisdiction for existing publicly owned land if advisable to achieve the purposes of the Act and determine appropriate management agencies for such lands;

(6) provide a mechanism for examining and making minor changes in the exterior boundaries of the Area and for revising and amending the Management Plan as necessary to achieve the purposes of this Act;

(7) encourage private individuals and local governments to use or plan the use of land within the Area in ways which will be consistent with and facilitate the achievement of the purposes of this Act;

(8) allow all existing land users of specific tracts of land in the Area as of July 1, 1981, which are found to be consistent with the purposes of this Act;

(9) develop a coordination and consistency component which details the ways in which existing management plans of local, State, and Federal entities may best be coordinated to promote the goals and policies of the Management Plan, and which details how land, water, and structures should be managed by governmental or nongovernmental entities within the Area; and

(10) establish a program for State and local government implementation and enforcement of the Management Plan, with maximum public participation, such as will

insure the continued, uniform, and consistent protection of the Area in accordance with the purposes of this Act.

(c) Time for Preparation of Management Plan.—The Commission shall commence preparation of the Management Plan within 6 months after the date of the enactment of this Act and shall complete preparation and adoption of the Management Plan within 24 months after such date of enactment.

(d) Adoption of Management Plan.—Upon a vote of not less than 8 members of the Commission, the Commission shall adopt, publish, and submit to the Secretary of Agriculture the Management Plan required under this section. Such Management Plan may be modified from time to time by the Commission. Any such modification may be adopted and submitted to the Secretary only if approved by not less than 8 members of the Commission. The Management Plan, and any modification thereof, shall be published in a newspaper of general circulation in the Area promptly following its adoption, together with a notice of the appeals procedure available under subsection (e).

(e) Approval of Management Plan.—The Management Plan adopted by the Commission (or any modification thereof) shall be treated as approved and in effect on the date 90 days after its adoption and submission to the Secretary of Agriculture unless, within such 90-day period any person petitions the Secretary to make a determination that the Management Plan (or modification) does not comply with the requirements of this Act. Pursuant to such a petition, and after notice and opportunity for public hearing, the Secretary may make such a determination or approve the Management Plan (or modification). If the Secretary makes a determination of noncompliance he shall submit to the Commission notice of such determination, together with a detailed statement of the basis thereof and a response to all significant comments received by the Secretary. In accordance with the same procedures as are applicable under subsection (d), the Commission may amend and resubmit any Management Plan (or modification) disapproved by the Secretary and such amended Management Plan shall take effect in the same manner as provided in this subsection in the case of the Management Plan (or modification) originally submitted.

STATE AND LOCAL PLANNING; PROTECTION OF THE AREA

Sec. 7. (a) Consultation and Assistance.—During the preparation of the Management Plan under section 6, and thereafter, the Commission shall consult with State and local government authorities within the Area and may provide financial and technical assistance to such authorities to carry out any land use management activity within the Area or any other activity within the Area which the Commission determines will further the purposes of this Act.

(b) Reliance on Existing State and Local Efforts.—(1) In the development of the Management Plan under section 6, the Commission shall examine all State and local policies, management plans, standards, and requirements applicable to the Area and shall, to the extent practicable and consistent with the purposes of this Act, incorporate such policies, management plans, standards, and requirements into the Management Plan.

(2) In consultation with the appropriate State and local authorities, the Commission shall identify conflicts or inconsistency between the policies, management plans, standards, and requirements referred to in paragraph (1) and the proposed Management Plan. Following adoption of the Management Plan the Commission shall continue to identify any such conflicts or inconsistency which arise by reason of amendments or proposed amendments to the guidelines or by reason of changes or proposed changes in such State or local policies, plans, standards, and requirements.

(3)(A) Following identification of any such conflict or inconsistency with respect to a portion of the Area, the Commission shall attempt to negotiate a satisfactory resolution with the State or local authorities concerned. Where a satisfactory resolution is not obtained through negotiation, the Commission shall conduct public hearings and provide an opportunity for public comment on the unresolved issues. The Commission may intervene or appeal in any pending proceeding to request the State or local authority concerned to conform to the Management Plan. Where no pending proceeding is involved, the Commission shall request the State or local authority concerned to commence a proceeding to modify the policy, plan, standard, or requirement concerned. The State or local authority shall complete the modification requested by the Commission within six months of receiving such request.

(B) Where a State or local authority has failed or refused to comply with a request of the Commission under this paragraph, the Commission may obtain reimbursement or offset of all Federal funds previously provided to the authority under this Act, and, if the dispute involves land in a critical portion of the area, shall notify the Secretary pursuant to section 8(a)(1), or, if the dispute involves a noncritical portion of the Area, shall request that the Secretary take action pursuant to section 8(a)(2)(A).

(C) Requests for modifications or exceptions to the Management Plan may be submitted to the Commission by local government authorities or by any other person. In considering such requests, the Commission after notice and at least one public hearing, shall, on the basis of the testimony and any written recommendations presented at such hearing determine whether or not to modify the Management Plan. Any such modification may be adopted only if approved by not less than 8 members of the Commission. The notice required by this section shall be given at least 20 days prior to the public hearing by publication at least once in a newspaper of general circulation in the Area. If a request is made by—

(i) a local government authority having jurisdiction of an area which would be affected by such modification or exception; or

(ii) the owner or lessee of real property which would be affected by such modification or exception,

the Commission shall complete its action on such request within 60 days after the receipt by the Commission of a complete request (determined according to standards prescribed by the Commission).

ENFORCEMENT

Sec. 8. (a) Guidelines for Critical Portions.—(1) Where a conflict or inconsistency with respect to critical portions of the Area cannot be properly resolved through any negotiation or proceeding under section 7 or where otherwise necessary to prevent harm to or degradation of the resources concerned the Commission shall notify the Secretary and the Secretary may acquire any land or interest in land within such critical portion where such acquisition will resolve such conflict or prevent such harm or degradation.

(2) The Secretary shall notify the Regional Commission of his intentions to acquire land or interests therein, without the consent of the owner, and within three months of such notification the Regional Commission shall vote to approve the action proposed by the Secretary by a vote of 7 out of 11 members.

(3) Any property acquired under this section shall, in the discretion of the Secretary be—

(A) transferred to the administrative jurisdiction of the National Forest Service for inclusion in the national forest system and administration in accordance with section 4(b); or

(B) sold for fair market value subject to such reservations, terms, and conditions as will assure the use of such property in a manner consistent with the plan.

The proceeds of any sale shall be credited to the appropriation account from which funds were made available for the purchase thereof.

(4)(A) Upon notification of the Regional Commission pursuant to section 7(b)(3)(B), the Secretary may institute a civil action in any United States district court for an injunction or other appropriate order to prevent any person from utilizing lands in the Area designated under section 6 in violation of the Management Plans.

(B) If the Secretary determines that any person is in violation of the Management Plan he shall promptly notify the person of the violation. Such person may then request a hearing on the record before the Secretary to determine whether a violation has occurred. Following such hearing, the Secretary shall set forth his findings and conclusions and any proposal, intermediate, or final order.

(C) Any person adversely affected by any final action or order of the Secretary under this subsection may bring an action for review of such order in the United States Court of Appeals for the Ninth Circuit and such court may order appropriate relief.

(D) Any person who knowingly and willfully violates any order of the Secretary which is lawfully issued pursuant to this subsection shall be fined no more than $10,000 or imprisoned no more than twelve months, or both.

(b) Enforcement During Interim Period.—For purposes of enforcing the prohibition contained in section 5(a) and the interim guidelines established under section 5(b), the Secretary may exercise the authority to acquire any land or interest in land or bring an action or issue an order in the same manner as provided in subsection (a)(4) of section 6.

(c) Delegation of Enforcement Authority to Local Governments.—(1) Following the adoption of the Management Plan, each local government entity within the Area which has land use planning authority under State law and which wishes to assume responsibility for enforcement of the Management Plan approved under section 6 within its boundaries shall submit to the Secretary a land use program which—

(A) demonstrates that such local government entity intends to, and has the capability to, carry out such plan, and

(B) includes zoning ordinances which, within so much of the Area as is within its jurisdiction—

(i) protects and preserves, consistent with the Management Plan, critical portions of the Area, and the resource values of the Area; and

(ii) provides sanctions for violation of the terms of such ordinances, including civil and criminal actions, withholding of permits, and issuance of cease-and-desist orders.

(2) The Secretary may approve a local land use program submitted under this subsection if the Secretary determines that such program will assure adequate enforcement of the Management Plan approved under section 6 and that the local government has a planning staff with sufficient administrative and technical personnel and sufficient funding to enable the local government to regulate land use activities in accordance with the purposes of this Act.

(3) The Secretary, with the advice of the Regional Commission, shall review and approve or disapprove a local land use program within six calendar months after the program is submitted to him. The Secretary is authorized to make grants to any local government entity for the purpose of assisting such entity in developing, administering, and enforcing local land use programs under this subsection.

(4) The Management Plan approved under section 6 shall be enforced by the Secretary under this section where—

(A) a local land use plan is disapproved;

(B) no local plan is submitted to the Secretary; or

(C) a local government fails or refuses to enforce any approved local plan in accordance with this Act.

FEDERAL ACTIVITIES WITHIN AREA

SEC. 9. (a) ACTIVITIES WITHIN AREA.—Each department, agency, and instrumentality of the United States conducting or supporting activities directly affecting the Area shall conduct or support those activities in a manner which is, to the maximum extent practicable, consistent with the purposes of this Act and with the Management Plan approved under section 6.

(b) PROJECTS.—(1) Except as provided in section 7(b), in the case of any project involving the construction, reconstruction, or modification of any building or facility within the Area, no department, agency, or instrumentality of the United States may undertake or assist such project or grant any license, permit, or other form of approval for such project unless the Commission determines that the project is consistent with the purposes of this Act and with the Management Plan approved under section 6 or that such project is essential for the protection of public health or safety or necessary for national security or defense.

(2) As used in paragraph (1), the term "assist" includes—

(A) the sale of any flood insurance under the National Flood Insurance Act of 1968 (42 U.S.C. 4001 et seq.);

(B) any assistance provided by a department, agency, or instrumentality of the United States to a State or local government where such State or local government uses such assistance for purposes of a project described in paragraph (1); and

(C) any grant, loan, loan guarantee, or any other form of direct or indirect technical or financial assistance.

(c) EXEMPTIONS.—(1) Subsection (b) shall not apply to—

(A) any building or facility to be used for any military purpose;

(B) any temporary structure to be used only for emergency humanitarian assistance;

(C) any construction, reconstruction, or modification of which commenced before the date of the enactment of this Act; or

(D) any repair or reconstruction of a building or facility the original construction of which commenced before such date of enactment.

(2) Construction, reconstruction, or modification shall be treated as commencing only when there is either—

(A) a continuous program of physical onsite construction, reconstruction, or modification, or

(B) the owner of the building or facility has entered into binding agreements or contractual obligations for such construction, reconstruction, or modification which cannot be canceled or modified without substantial loss to the owner.

(d) PROCESS.—Not less than 60 days prior to undertaking or assisting a project or granting any license, permit, or other form of approval for any project within the Area, the department, agency, or instrumentality of the United States proposing to take such action shall notify the Commission of its proposal and shall publish such notice in one or more newspapers of general circulation in the Area. Unless there has been a final determination of consistency under subsection (e), the Commission or any interested person may bring an action in the United States district court to enjoin any action in violation of the prohibition set forth in subsection (b).

(e) DETERMINATION.—Upon application of any person or on its own motion, the Commission shall, after notice and opportunity for public comment, make a determination respecting the consistency of any activity described in subsection (b) with the purposes of this Act and with the Management Plan approved under section 6. When the Commission determines that any activity is consistent or inconsistent with the purposes of this section or with the plan, it shall transmit notice to the agency proposing to undertake, assist, license, or approve the activity.

OTHER COMMISSION AUTHORITIES

SEC. 10. (a) AGREEMENTS.—The Commission is authorized to enter into agreements with public and private entities within the area to provide technical and financial assistance to carry out any aspect of the Management Plan.

(b) HISTORIC PRESERVATION.—The Commission is authorized, in accordance with the laws, standards, and criteria applicable to sites and objects of historic or archeological significance, to exercise the authority of the Secretary of the Interior to approve nominations of such sites and objects within the Area to be listed on the National Register of Historic Places.

(c) DEVELOPMENT ASSISTANCE.—The Commission may provide technical and financial assistance to any county, municipality, or public or private landowner for the purpose of planning specific developments within the Area for commercial, residential, or industrial use in accordance with the approved Management Plan.

INDIAN TREATIES

SEC. 11. Nothing in this Act shall be construed to alter, amend, repeal, interpret, modify, or conflict with any treaty or other right of an Indian tribe.

AUTHORIZATION OF APPROPRIATIONS

SEC. 12. (a) AUTHORIZATION.—There are hereby authorized to be appropriated such sums as may be necessary to carry out the purposes of this Act.

(b) LAND AND WATER FUND.—Sums appropriated from the Land and Water Conservation Fund shall be available for the acquisition of lands, waters, and interests therein within the Area.

ACQUISITION FUND

SEC. 13. ESTABLISHMENT.—There is established an acquisition fund for the acquisition of lands and interests therein within the Area.

MITIGATION OF LOCAL REVENUE LOSSES

SEC. 14. (a) PAYMENTS TO LOCAL GOVERNMENTS.—Whenever the Secretary determines that the acquisition by the Secretary of any interest in real property within the Area has the potential effect of significantly increasing property taxes on properties remaining in private ownership, the Secretary may make payments to any local governmental entity affected by such acquisitions to mitigate the loss of property tax revenue resulting from the Federal acquisition to the extent that such payments would be used to amortize bonded indebtedness previously incurred by the political subdivision involved or to pay for the cost of providing essential public services.

(b) CONDITIONS.—If the Secretary determines that payments should be made to political subdivisions under subsection (a), the amount and duration of such payments shall be determined by the Secretary and paid to counties within the jurisdiction of which the lands within the Area are located. The counties shall distribute the payments on a proportional basis to those units of local government and affected school districts which have incurred losses of real property taxes due to the acquisition of land or interests therein for addition to either such system. In those cases in which another unit of local government other than the county acts as the collecting and distributing agency for real property taxes, the payments shall be made to such unit of local government, which shall distribute such payments as provided in this subsection. The Secretary may prescribe regulations under which payments may be made to units of local government in any case in which the preceding provisions will not carry out the purposes of this subsection.

(c) INITIAL CAPITAL.—The initial capital of the fund shall consist of appropriations made for that purpose. The Secretary is authorized to make such subsequent transfers to the fund as he deems appropriate in connection with the functions to be carried on through the fund.

(d) DONATIONS.—The Secretary may accept contributions or donations of money, services, and property, real, personal, or mixed, for the management, protection, development, acquisition, and conveying of the lands within the Area. Moneys received hereunder shall be credited to the acquisition fund and are hereby authorized to be appropriated and made available until expended, as the Secretary may direct.

COMPLIANCE WITH BUDGET ACT

SEC. 15. No authority under this Act to enter into contracts or to make payments shall be effective except to the extent and in such amounts as provided in advance in appropriation Acts. Any provision of this Act which, directly or indirectly, authorizes the enactment of new budget authority shall be effective only for fiscal years beginning after September 30, 1982.

By Mr. THURMOND (by request):

S. 2320. A bill to amend section 1963 of title 18, United States Code, and the Comprehensive Drug Abuse Prevention and Control Act of 1970 (21 U.S.C. 801 et seq.) to provide for the criminal forfeiture of the proceeds of racketeering activity, to provide for the sanction of criminal forfeiture for all felony drug offenses, to facilitate forfeitures in drug related and racketeering cases, and for other purposes; to the Committee on the Judiciary.

COMPREHENSIVE CRIMINAL FORFEITURE ACT OF 1982

Mr. THURMOND. Mr. President, I am pleased to introduce, on behalf of the administration, the Attorney General's proposal to amend title 18 of the United States Code to provide for the criminal forfeiture of the proceeds of racketeering activity, to provide for the sanction of criminal forfeiture for all felony drug offenses, to facilitate forfeitures in drug related and racketeering cases, and for other purposes.

I ask unanimous consent that the bill and the communication from the Department of Justice be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S. 2320

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Comprehensive Criminal Forfeiture Act of 1982'.

PART A

SEC. 101. Section 1963 of title 18, United States Code, is amended to read as follows:

"§1963. Criminal Penalties

"(a) Whoever violates any provision of section 1962 of this chapter—

"(1) shall be fined not more than $25,000 or imprisoned for not more than twenty years, or both; and

"(2) shall forfeit to the United States any property, irrespective of any provision of State law—

* * * * *

"(2) tangible and intangible personal property, including rights, privileges, interests, claims and securities including, but not limited to—

"(A) any position, office, appointment, tenure, commission, or employment contract of any kind which the incumbent acquired or maintained in violation of section 1962 of this chapter, through which the incumbent conducted, or participated in or facilitated the conduct of, the affairs of an enterprise in violation of section 1962 of this chapter, or which afforded the incumbent a source of influence or control over the affairs of an enterprise which was exercised in violation of section 1962 of this chapter;

"(B) any compensation, right or benefit derived from a position, office, appointment, tenure, commission, or employment contract described in subparagraph (A) which the incumbent obtained, directly or indirectly, through a pattern of racketeering activity or unlawful debt collection in violation of section 1962 of this chapter, or which accrued to the incumbent during the period that he controlled, influenced, conducted, or participated in or facilitated the conduct if, the affairs of the enterprise in violation of section 1962 of this chapter; and

"(C) any amount payable or paid under any contract for goods or services which was awarded or performed through a pattern of racketeering activity or unlawful debt collection.

"(c) All right, title, and interest in property described in subsection (a)(2) vests in the United States upon the commission of the act giving rise to forfeiture under this section. Any such property that is held in the name of, or possessed by, a person other than the defendant may be the subject of a special verdict of forfeiture and thereafter shall be ordered forfeited to the United States, provided that the Attorney General shall not direct disposition of any such property if the person establishes to the Attorney General by evidence contained in a petition pursuant to subsection (h) that—

"(1) he was a bona fide purchaser of the property for value; and

"(2) he was reasonably without cause to believe that the property was of the type described in subsection (a)(2).

"(d) If any of the property described in subsection (a)(2)—

"(1) cannot be located,

"(2) has been transferred to, sold to, or deposited with, a third party,

"(3) has been placed beyond the jurisdiction of the court,

"(4) has been substantially diminished in value by any act or omission of the defendant, or

"(5) has been commingled with other property which cannot be divided without difficulty,

the court shall order the forfeiture of any other property of the defendant up to the value of any property described in paragraphs (1) through (5).

"(e)(1) Upon application of the United States, the court may, after a hearing with respect to which any adverse parties have been given reasonable notice and opportunity to participate, enter a restraining order or injunction, require the execution of a satisfactory performance bond, or take any other action to preserve the availability of property described in subsection (a)(2) for forfeiture under this section—

"(A) upon the filing of an indictment or information charging a violation of section 1962 of this chapter and alleging that the property with respect to which the order is sought would, in the event of conviction, be subject to forfeiture under this section; or

"(B) prior to the filing of such an indictment or information, if the court determines—

"(i) that there is probable cause to believe that the property with respect to which the order is sought would, in the event of conviction, be subject to forfeiture under this section and that the property is in the possession or control of the party against whom the order is to be entered, and

"(ii) that the party against whom the order is to be entered has failed to demonstrate that the entry of the requested order would result in substantial and irreparable harm or injury to him that outweighs the need to preserve the availability of the property through the entry of the requested order;

Provided, however, That an order entered pursuant to subparagraph (B) shall be effective for not more than ninety days, unless extended by the court for good cause shown or unless an indictment or information described in subparagraph (A) has been filed.

"(2) Upon application of the United States, a temporary restraining order to preserve the availability of property described in subsection (a)(2) for forfeiture under this section may be granted without notice to the adverse party or his attorney if—

"(A) an indictment or information described in paragraph (1)(A) has been filed or if the court determines that there is probable cause to believe that the property with respect to which the order is sought would, in the event of conviction, be subject to forfeiture under this section and that the property is in the possession or control of the party against whom the order is to be entered; and

"(B) the court determines that the nature of the property is such that it can be concealed, disposed of, or placed beyond the jurisdiction of the court before the adverse party may be heard in opposition.

A temporary order granted without notice to the adverse party shall expire within such time, not to exceed ten days, as the court fixes, unless extended for good cause shown or unless the party against whom it is entered consents to an extension for a longer period. If a temporary restraining order is granted without notice to the adverse party, a hearing concerning the entry of an order under paragraph (1) shall be held at the earliest possible time and prior to the expiration of the temporary order.

"(f) Upon conviction of a person under this section, the court shall enter a judgment of forfeiture of the property to the United States and shall also authorize the Attorney General to seize all property ordered forfeited upon such terms and conditions as the court shall deem proper. No property forfeited pursuant to this section may be ordered applied to offset any claims against, or obligations or expenses of, the defendant. Following the entry of an order declaring the property forfeited, the court may, upon application of the United States, enter such appropriate restraining orders or injunctions, require the execution of satisfactory performance bonds, appoint receivers, conservators, appraisors, accountants, or trustees, or take any other action to protect the interest of the United States in the property ordered forfeited. Any income accruing to or derived from an enterprise, or an interest in an enterprise, ordered forfeited under this section may be used to offset ordinary and necessary expenses to the enterprise which are required by law, or which are necessary to protect the interests of the United States or third parties.

"(g) Following the seizure of property ordered forfeited under this section, the Attorney General shall direct the disposition of the property by sale or any other commercially feasible means, making due provision for the rights of any innocent persons. Any property right or interest not exercisable by, or transferable for value to, the United States shall expire and shall not revert to the defendant, nor shall the defendant or any person acting in concert with him or on his behalf be eligible to purchase forfeited property at any sale held by the United States. Upon application of a person, other than the defendant or a person acting in concert with him or on his behalf, the court may restrain or stay the sale or disposition of the property pending the conclusion of any appeal of the criminal case giving rise to the forfeiture, if the applicant demonstrates that proceeding with the sale or disposition of the property will result in irreperable injury, harm or loss to him. The proceeds of any sale or other disposition of property forfeited under this section and any moneys forfeited shall be used to pay all proper expenses for the forfeiture and the sale, including expenses of seizure, maintenance and custody of the property pending its disposition, advertising and court costs. The Attorney General shall forward to the Treasurer of the United States for deposit in the general fund of the United States Treasury any amounts of such proceeds or moneys remaining after the payment of such expenses.

"(h) With respect to property ordered forfeited under this section, the Attorney General is authorized to—

"(1) grant petitions for mitigation or remission of forfeiture, restore forfeited property to victims of a violation of this chapter, or take any other action to protect the rights of innocent persons which is in the interest of justice and which is not inconsistent with the provisions of this chapter;

"(2) compromise claims arising under this chapter;

"(3) award compensation to persons providing information resulting in a forteiture under this section;

"(4) direct the disposition by the United States of all property ordered forfeited under this section by public sale or any other commercially feasible means, making due provision for the rights of innocent persons; and

"(5) take appropriate measures necessary to safeguard and maintain property ordered forfeited under this section pending its disposition.

"(i) The Attorney General shall within one hundred and eighty days of the enactment of this Act promulgate regulations with respect to—

"(1) making reasonable efforts to provide notice to persons who may have an interest in property ordered forfeited under this section;

"(2) granting petitions for remission or mitigation of forfeiture;

"(3) the restitution of property to victims of an offense petitioning for remission or mitigation of forfeiture under this chapter;

"(4) the disposition by the United States of forfeited property by public sale or other commercially feasible means;

"(5) the maintenance and safekeeping of any property forfeited under this section pending its disposition; and

"(6) the compromise of claims arising under this chapter.

Pending the promulgation of such regulations, all provisions of law relating to the disposition of property, or the proceeds from the sale thereof, or the remission or mitigation of forfeitures for violation of the customs laws, and the compromise of claims and the award of compensation to informers in respect of such forfeitures shall apply to forfeitures incurred, or alleged to have been incurred, under the provisions of this section, insofar as applicable and not inconsistent with the provisions hereof. Such duties as are imposed upon the collector of customs or any other person with respect to the disposition of property under the customs law shall be performed under this chapter by the Attorney General.

"(j) Except as provided in this section, no party claiming an interest in property subject to forfeiture under this section may—

"(1) intervene in a trial or appeal of a criminal case involving the forfeiture of such property under this section; or

"(2) commence an action at law or equity against the United States concerning the validity of his alleged interest in the property, prior to or during the trial or appeal of the criminal case, or during the period in which any petition for remission or mitigation of forfeiture is pending before the Attorney General.

"(k) The district courts of the United States shall have jurisdiction to enter orders as provided in this section without regard to the location of any property which may be subject to forfeiture under this section or which has been ordered forfeited under this section.

"(l) In order to facilitate the identification or location property declared forfeited and to facilitate the disposition of petitions for remission or mitigation of forfeiture, after the entry of an order declaring property forfeited to the United States the court may, upon application of the United States, order that the testimony of any witness relating to the property forfeited be taken by deposition and that any designated book, paper, document, record, recording, or other material not privileged by produced at the same time and place, in the same manner as provided for the taking of depositions under Rule 15 of the Federal Rules of Criminal Procedure.

PART B

SEC. 201. Part D of Title II of the Comprehensive Drug Abuse Prevention and Control Act of 1970 is amended by adding at the end thereof the following new section:

"PROPERTY SUBJECT TO CRIMINAL FORFEITURE

"SEC. 413. CRIMINAL FORFEITURES.—

"(a) Any person convicted of a violation of this title or title III punishable by imprisonment for more than one year shall forfeit to the United States, irrespective of any provision of State law—

"(1) any property constituting, or derived from, any proceeds he obtained, directly or indirectly as the result of such violation;

"(2) any of his property used, or intended to be used, in any manner or part, to commit, or to facilitate the commission of, such violation; and;

"(3) in the case of a person convicted of engaging in a continuing criminal enterprise in violation of section 408 of this title (21 U.S.C. 848), he shall forfeit, in addition to any property described in paragraphs (1) or (2), any of his interest in, claims against, and property or contractual rights affording a source of control over, the continuing criminal enterprise.

The court, in imposing sentence on such person, shall order, in addition to any other sentence imposed pursuant to this title or title III, that he forfeit to the United States all property described in this subsection.

"Meaning of term 'property'

"(b) Property subject to criminal forfeiture under this section includes—

"(1) real property, including things growing on, affixed to, and found in land; and

"(2) tangible and intangible personal property, including rights, privileges, interests, claims and securities.

"Third party transfers

"(c) All right, title, and interest in property described in subsection (a) vests in the United States upon the commission of the act giving rise to forfeiture under this section. Any such property that is held in the name of, or possessed by, a person other than the defendant may be the subject of a special verdict of forfeiture and thereafter shall be ordered forfeited to the United States, provided that the Attorney General shall not direct disposition of any such property if the person establishes to the Attorney General by evidence contained in a petition for remission or mitigation of forfeiture that—

"(1) he was a bona fide purchaser of the property for value; and

"(2) he was reasonably without cause to believe that the property was of the type described in subsection (a).

"Substitute assets

"(d) If any of the property described in subsection (a)—

"(1) cannot be located,

"(2) has been transferred to, sold to, or deposited with a third party,

"(3) has been placed beyond the jurisdiction of the court.

"(4) has been substantially diminished in value by any act of omission of the defendant, or

"(5) has been commingled with other property which cannot be divided without difficulty,

the court shall order the forfeiture of any other property of the defendant up to the value of any property described in paragraphs (1) through (5).

"Presumption of forfeitability

"(e) Any property of the defendant may be presumed to be property subject to forfeiture under subsection (a) if the trier of fact finds that—

"(1) the defendant acquired the property during, or within a reasonable time after, the period during which he committed the violation for which he was convicted; and

"(2) the defendant's apparent sources of legal income during such period were substantially insufficient to account for his acquisition of the property.

"Protective orders

"(f)(1) Upon application of the United States, the court may, after a hearing with respect to which any adverse parties have been given reasonable notice and opportunity to participate, enter a restraining order or injunction, require the execution of a satisfactory performance bond, or take any other action to preserve the availability of property described in subsection (a) for forfeiture under this section—

"(A) upon the filing of an indictment or information charging a violation of this title or title III for which criminal forfeiture may be ordered under this section and alleging that the property with respect to which the order is sought would, in the event of conviction, be subject to forfeiture under this section; or

"(B) prior to the filing of such an indictment or information, if the court determines—

"(i) that there is probable cause to believe that the property with respect to which the order is sought would, in the event of conviction, be subject to forfeiture under this section and that the property is in the possession or control of the party against whom the order is to be entered, and

"(ii) that the party against whom the order is to be entered has failed to demonstrate that the entry of the requested order would result in substantial and irreparable harm or injury to him that outweighs the need to preserve the availability of the property through the entry of the requested order;

Provided, however, that an order entered pursuant to subparagraph (B) shall be effective for not more than ninety days, unless extended by the court for good cause shown or unless an indictment or information described in subparagraph (A) has been filed.

"(2) Upon application of the United States, a temporary restraining order to preserve the availability of property described in subsection (a) for forfeiture under this section may be granted without notice to the adverse party or his attorney if—

"(A) an indictment or information described in paragraph (1)(A) has been filed or if the court determines that there is probable cause to believe that the property with respect to which the order is sought would, in the event of conviction, be subject to forfeiture under this section and that the property is in the possession or control of the party against whom the order is to be entered; and

"(B) the court determines that the nature of the property is such that it can be concealed, disposed of, or placed beyond the jurisdiction of the court before the adverse party may be heard in opposition.

"A temporary order granted without notice to the adverse party shall expire within such time, not to exceed ten days, as the court fixes, unless extended for good cause shown or unless the party against whom it is entered consents to an extension for a longer period. If a temporary restraining order is granted without notice to the adverse party, a hearing concerning the entry of an order under paragraph (1) shall be held at the earliest possible time and prior to the expiration of the temporary order.

"Warrant of seizure

"(g) The government may request the issuance of a warrant authorizing the seizure of property subject to forfeiture under this section in the same manner as provided for a search warrant. If the court determines that there is probable cause to believe that the property to be seized would, in the event of conviction, be subject to forfeiture and that an order under subsection (f) may not be sufficient to assure the availability of the property for forfeiture, the court shall issue a warrant authorizing the seizure of such property.

"Execution

"(h) Upon entry of an order of forfeiture under this section, the court shall authorize the Attorney General to seize all property ordered forfeited upon such terms and conditions as the court shall deem proper. No property forfeited pursuant to this section may be ordered applied to offset any claims against, or obligations or expenses of, the defendant. Following entry of an order declaring the property forfeited, the court may, upon application of the United States, enter such appropriate restraining orders or injunctions, require the execution of satisfactory performance bonds, appoint receivers, conservators, appraisers, accountants, or trustees, or take any other action to protect the interest of the United States in the property ordered forfeited. Any income accruing to or derived from property ordered forfeited under this section may be used to offset ordinary and necessary expenses to the property which are required by law, or which are necessary to protect the interests of the United States or third parties.

"Disposition of property

"(i) Following the seizure of property ordered forfeited under this section, the Attorney General shall direct the disposition of the property by sale or any other commercially feasible means, making due provision for the rights of any innocent persons. Any property right or interest not exercisable by, or transferable for value to, the United States shall expire and shall not revert to the defendant, nor shall the defendant or any person acting in concert with him or on his behalf be eligible to purchase forfeited property at any sale held by the United States. Upon application of a person, other than the defendant or a person acting in concert with him or on his behalf, the court may restrain or stay the sale or disposition of the property pending the conclusion of any appeal of the criminal case giving rise to the forfeiture, if the applicant demonstrates that proceeding with the sale or disposition of the property will result in irreparable injury, harm or loss to him.

"Authority of the Attorney General

"(j) With respect to property ordered forfeited under this Section, the Attorney General is authorized to—

"(1) grant petitions for mitigation or remission of forfeiture, restore forfeited property to victims of a violation of this chapter, or take any other action to protect the rights of innocent persons which is in the interest of justice and which is not inconsistent with the provisions of this chapter;

"(2) compromise claims arising under this chapter;

"(3) award compensation to persons providing information resulting in a forfeiture under this section;

"(4) direct the disposition by the United States, in accordance with the provisions of section 511(e) of this title (21 U.S.C. 881(e)), of all property ordered forfeited under this section by public sale or any other commercially feasible means, making due provision for the rights of innocent persons; and

"(5) take appropriate measures necessary to safeguard and maintain property ordered forfeited under this section pending its disposition.

"Applicability of civil forfeiture provisions

"(k) Except to the extent that they are inconsistent with the provisions of this section, the provisions of section 511(d) of this title (21 U.S.C. 881(d)) shall apply to a criminal forfeiture under this section.".

"Bar on intervention; exhaustion of administrative remedies

"(1) Except as provided in this section, no party claiming an interest in property subject to forfeiture under this section may—

"(1) intervene in a trial or appeal of a criminal case involving the forfeiture of such property under this section; or

"(2) commence an action at law or equity against the United States concerning the validity of his alleged interest in the property, prior to or during the trial or appeal of the criminal case, or during the period in which any petition for remission or mitigation of forfeiture is pending before the Attorney General.

"Jurisdiction to enter orders

"(m) The district courts of the United States shall have jurisdiction to enter orders as provided in this section without regard to the location of any property which may be subject to forfeiture under this section or which has been ordered forfeited under this section.

"Depositions

"(n) In order to facilitate the identification and location of property declared forfeited and to facilitate the disposition of petitions for remission or mitigation of forfeiture, after the entry of an order declaring property forfeited to the United States the court may, upon application of the United States, order that the testimony of any witness relating to the property forfeited be taken by deposition and that any designated book, paper, document, record, recording, or other material not privileged be produced at the same time and place, in the same manner as provided for the taking of depositions under rule 15 of the Federal Rules of Criminal Procedure.".

Sec. 202. Section 304 of the Comprehensive Drug Abuse Prevention and Control Act of 1970 (21 U.S.C. 824) is amended by adding at the end of subsection (f) the following sentence: "All right, title, and interest in such controlled substances shall vest in the United States upon a revocation order becoming final.".

Sec. 203. Section 408 of the Comprehensive Drug Abuse Prevention and Control Act of 1970 (21 U.S.C. 848) is amended—

(a) in subsection (a)—

(1) by striking out "(1)";

(2) by striking out "paragraph (2)" each time it appears, and inserting in lieu thereof "section 413 of this title"; and

(3) by striking out paragraph (2); and

(b) by striking out subsection (d).

Sec. 204. Section 511 of the Comprehensive Drug Abuse Prevention and Control Act of 1970 (21 U.S.C. 881) is amended—

(a) in subsection (a) by inserting at the end thereof the following new subsection:

"(7) All real property, including any appurtenances to or improvements on such property, which is used, or intended to be used, in any manner or part, to commit, or to facilitate the commission of, a violation of this title punishable by more than one year's imprisonment, except that no property shall be forfeited under this paragraph, to the extent of an interest of an owner, by reason of any act or omission established by that owner to have been committed or omitted without the knowledge or consent of that owner.";

(b) in subsection (b)—

(1) by inserting "civil or criminal" after "Any property subject to"; and

(2) by striking out in paragraph (4) "has been used or is intended to be used in violation of" and inserting in lieu thereof "is subject to civil or criminal forfeiture under";

(c) in subsection (c)—

(1) by inserting in the second sentence "any of" after "Whenever property is seized under"; and

(2) by inserting in paragraph (3) ", if practicable," after "remove it";

(d) in subsection (d) by inserting "any of" after "alleged to have been incurred, under";

(e) in subsection (e)—

(1) by inserting "civilly or criminally" in the first sentence after "Whenever property is"; and

(2) by striking out in paragraph (3) "remove it for disposition" and inserting in lieu thereof "and dispose of it"; and

(f) by inserting at the end thereof the following new subsections:

"(h) All right, title, and interest in property described in subsection (a) shall vest in the United States upon commission of the act giving rise to forfeiture under this section.

"(i) Pending, or upon, the filing of an indictment or information charging a violation of this title or title III for which criminal forfeiture may be ordered under section 413 of this title, and alleging that property would, in the event of conviction, be subject to criminal forfeiture, any civil forfeiture proceeding concerning such property commenced under this section shall, for good cause shown, be stayed pending disposition of the criminal case.".

Sec. 205. Part A of title III of the Comprehensive Drug Abuse Prevention and Control Act of 1970 is amended by adding at the end thereof the following new section:

"Sec. 1017.—Criminal Forfeitures.—

"Section 413 of title II, relating to criminal forfeitures, shall apply in every respect to a violation of this title punishable by imprisonment for more than one year.".

SEC. 206. The table of contents of the Comprehensive Drug Abuse Prevention and Control Act of 1970 is amended

(a) by adding immediately after

"Sec. 412. Applicability of treaties and other international agreements."

the following new item:

"Sec. 413. Criminal forfeitures."; and

(b) by adding immediately after

"Sec. 1016. Authority of Secretary of the Treasury."

the following new item:

"Sec. 1017. Criminal forfeitures.".

PART C

SEC. 301. (a) Without regard to the provisions of section 3617 of the Revised Statutes (31 U.S.C. 484), the Drug Enforcement Administration is authorized to set aside 25 per centum of the net amount of money realized from the forfeiture of assets seized by it under any provision of the Comprehensive Drug Abuse Prevention and Control Act of 1970 (21 U.S.C. 801 *et seq.*) to be available for obligation and expenditure only for the purpose of paying awards of compensation with respect to such forfeitures as described in subsection (b). The amounts credited under this section shall be made available during the fiscal year in which moneys are realized, except for those proceeds realized from seizures occurring prior to September 30, 1984 which may remain available for the purpose of making awards related to forfeitures arising from such seizures. The remaining 75 per centum of the net amount of money realized from such forfeitures shall be paid to the miscellaneous receipts of the Treasury and any unobligated balances remaining at the end of each fiscal year of the 25 per centum set aside shall be paid into the miscellaneous receipts of the Treasury.

(b) From the amounts set aside under subsection (a), the Drug Enforcement Administration is authorized to pay, totally within its discretion, awards to any entity not an agency or instrumentality of the United States, or to any person not an officer or employee of the United States or of any State or local government, that provides information or assistance which leads to a forfeiture referred to in subsection (a). Such awards can be made in any amount up to 25 per centum of the net amount realized from the forfeiture, or $50,000, whichever is lesser, in any case, except that no award shall be made based on the value of the contraband.

(c) The authority provided by this section shall expire on September 30, 1984, and *Provided further*, That the Attorney General shall conduct detailed financial audits, semiannually, of the expenditure of funds from this account.

U.S. DEPARTMENT OF JUSTICE,
OFFICE OF LEGISLATIVE AFFAIRS,
Washington, D.C., March 9, 1982.

The VICE PRESIDENT,
U.S. Senate,
Washington, D.C.

DEAR MR. VICE PRESIDENT: Enclosed for your consideration and appropriate reference is a legislative proposal to facilitate the forefeiture of property which is utilized in, and obtained as a result of, racketeering and major drug related crimes.

Organized group criminal activity and narcotics trafficking are among the gravest of our national crimes problems, and accordingly, the Department of Justice has given the highest priority to the enforcement of our racketeering and narcotics laws. In no small part, the persistence and pervasiveness of racketeering and drug trafficking is due to the economic power which is generated by and which maintains such criminal activity. Thus the effectiveness of society's efforts to punish and deter the commission of these offenses depends to a significant degree on our ability to deprive those engaged in organized crime and illicit drug trafficking of their sources of this economic power.

In 1970, in recognition of the importance of attacking the economic aspects of organized criminal activity and large scale drug trafficking, the Congress provided for the sanction of criminal forfeiture, in addition to the traditional penalties of fine and imprisonment, for violations of the Racketeer Influenced and Corrupt Organizations statute (18 U.S.C. 1961 *et seq.*, hereinafter referred to as RICO) and the Continuing Criminal Enterprise statute (21 U.S.C. 848). More recently, Congress amended the civil forfeiture provisions of the Comprehensive Drug Abuse Prevention and Control Act (21 U.S.C. 881) to provide for the forfeiture of all money used in illegal drug transactions and proceeds traceable to such exchanges. In enacting these provisions, Congress has provided us with important tools to combat racketeering and drug trafficking. However, the ability to achieve forfeiture of significant amounts of property used in, or produced by, racketeering activity and drug trafficking has been hampered by ambiguities in and limitations of current law with respect to the types of property subject to forfeiture and by the failure of current law to address some of the practical problems faced by federal prosecutors in obtaining forfeitures. It is the purpose of this legislative proposal to cure these problems.

The enclosed proposal is divided into three parts. Part A, which is comprised of section 101 of the proposal, amends 18 U.S.C. 1963, the provision of current law which sets forth the penalties, including criminal forfeiture, for the commission of the racketeering offenses described in 18 U.S.C. 1962. Part B amends the Comprehensive Drug Abuse Prevention and Control Act of 1970 (21 U.S.C. 801 *et seq.*). Section 201 of Part B sets out a new generally applicable criminal forfeiture statute for all felony violations of the Act, and section 204 of Part B amends the civil forfeiture provisions of the Act (21 U.S.C. 881) to facilitate civil forfeitures. Most of the remaining amendments set out in Part B are minor clarifying or conforming amendments to existing drug laws. Part C establishes a two-year pilot program authorizing the Drug Enforcement Administration to set aside twenty-five percent of the proceeds of forfeitures under the Drug Abuse Prevention and Control Act out of which discretionary awards may be paid to persons providing assistance that results in a forfeiture under the Act.

The RICO criminal forfeiture amendments set out in 18 U.S.C. 1963, as amended by section 101 of the proposal, are designed to serve a number of purposes. The effectiveness of the present RICO criminal forfeiture statute has been limited by the fact that although upon conviction it clearly permits the forfeiture of enterprises, or interests in enterprises, which the defendant conducted, maintained, or acquired through the types of prohibited racketeering activity described in 18 U.S.C. 1962, it is questionable whether the statute permits the forfeiture of the proceeds generated through such activity. See, *e.g., United States* v. *Martino*, 648 F.2d 367 (5th Cir. 1981) (vacated in part, rehearing en banc pending), in which insurance proceeds obtained from an arson for profit scheme prosecuted under 18 U.S.C. 1962, were held not subject to criminal forfeiture under 18 U.S.C. 1963. As amended by section 101 of the proposal, 18 U.S.C. 1963 would address this problem by providing specifically that the proceeds of racketeering activity are subject to an order of criminal forfeiture. Other types of property now clearly subject to forfeiture under 18 U.S.C. 1963 are also described, with greater specificity, in proposed subsection 1963(a)(2), and proposed subsection 1963(b) emphasizes that both real property and tangible and intangible personal property are subject to forfeiture, and that, in appropriate cases, forefeitable property may also include offices, positions, appointments, and compensation and benefits derived from such offices, as well as amounts paid under contracts awarded or performed through racketeering activity.

Section 101 of the proposal also amends 18 U.S.C. 1963 to address several of the practical problems we have encountered in attempting to achieve criminal forfeiture of property in RICO cases. Presently, the most significant of these problems arise from attempts by defendants to defeat forfeiture by concealing, transferring, and removing forfeitable property. Proposed subsection 1963(c) makes it clear that property becomes forfeitable to the United States upon the commission of the racketeering acts rendering the property subject to forfeiture, and that, therefore, subsequent transfers of such property to third parties will not bar forfeiture of the property to the United States. However, in order to protect the rights of third parties who may have innocently purchased such property, this subsection would provide that these third parties could bar any disposition of forfeited property by the government by filing with the Attorney General an appropriate petition for remission or mitigation of the forfeiture.

Subsection (d) of 18 U.S.C. 1963, as amended by section 101 of the proposal, would permit the court to order the forfeiture of substitute assets of the defendant where the originally forfeitable property cannot be traced or located, has been transferred, removed or concealed, has been substantially diminished in value by the defendant, or has been commingled with other property that cannot be divided. Application of this provision would remove the opportunity for defendants to avoid the economic impact of forfeiture judgments by depleting, transferring, concealing, or removing the property prior to conviction.

Under current law, the courts have the authority to enter appropriate restraining orders and take other action to preserve the availability of property for criminal forfeiture, but this authority may be exercised only after the defendant has been formally charged with a violation of 18 U.S.C. 1962 that includes allegations that property is subject to criminal forfeiture as a result of that violation. Prior to indictment, however, subjects of an investigation involving a violation of the racketeering statute often become aware of the investigation and of the government's intent to seek forfeiture of property relating to the violation. Indeed, it is the Department's policy that the targets or subjects of a grand jury investigation generally be notified of the investigation so that they have an opportunity to appear before the grand jury. With this knowledge, defendants may act quickly to defeat any forfeiture by concealing, transferring, or removing the property. In light of this problem, subsection (e) of section 1963, as amended by section 101 of the proposal, would give the courts the discretion to enter appropriate restraining orders in the pre-indictment as well as post-indictment stages of the criminal case. A pre-indictment restraining order, however, would be limited to a term of ninety days, and must be based on a probable cause determination by the court and a finding that the need to maintain the availability of the property through the entry of the order has not been shown to have been outweighed by any substantial, irreparable harm to the affected parties. This proposed new subsection would also make clear the circumstances in which a temporary restraining order may be granted without prior notice to the affected parties. Such initial *ex parte* orders are necessary where the subject property can easily be transferred, concealed or removed even during the limited period of time that would elapse between the giving of notice to affected parties and the holding of a full hearing.

Subsections (f) and (g) of section 1963, as it would be amended by section 101 of the proposal, deal with the seizure and disposition of property that has been ordered forfeited. These subsections are largely based on the provisions of current 18 U.S.C. 1963, and practice that has developed under these provisions.

Proposed section (h) of section 1963 describes the authority of the Attorney General to grant petitions for remission or mitigation of forfeiture, return property to the victims of a violation of 18 U.S.C. 1962, and take other measures to protect the rights of innocent persons, to compromise claims arising from forfeiture actions, to award compensation to persons giving assistance leading to a forfeiture under 18 U.S.C. 1963, to take appropriate measures to dispose of property ordered forfeited, and to safeguard such property pending its disposition. Under current 18 U.S.C. 1963, these powers are to be exercised in accordance with the provisions of the customs laws. However, since RICO forfeitures often involve complex problems that are not adequately addressed in the customs laws, subsection 1963(i), as set forth in section 101 of the proposal, provides for the promulgation of regulations that would govern these matters.

In accord with current practice, subsection (j) of section 1963 as amended by the proposal, bars third parties with alleged interests in property that is the subject of a criminal forfeiture under RICO from intervening in the criminal case. In addition, subsection (j) is designed to promote the more orderly disposition of third party claims by requiring that third parties await filing any suits against the United States concerning any interest they may claim in property that has been ordered forfeited while the Attorney General is considering petitions for remission or mitigation of forfeiture or while the underlying criminal conviction is being appealed. This provision will encourage these persons first to seek appropriate relief in the context of a remission or mitigation petition. However, as provided in proposed subsection 1963(g), such third parties may stay any disposition of property during this period if they demonstrate that the intended disposition will work irreparable harm or injury to them.

Since criminal forfeiture is an *in personam* judgment against a defendant in a criminal case, the authority of the courts to enter orders with respect to property subject to forfeiture is not limited to property within the district in which the court is located. Subsection (k) of section 1963, as amended by section 101 of the proposal, simply makes the extent of the jurisdiction of the court in this respect clear.

The final subsection of the proposed revision of 18 U.S.C. 1963 simply authorizes the court to order the taking of depositions for the purpose of obtaining information to facilitate the location of property that has been ordered forfeited and the disposition of petitions for remission or mitigation of forfeiture.

Section 201 of Part B of the legislative proposal creates a new generally applicable criminal forfeiture statute for all felony violations of titles II and III of the Comprehensive Drug Abuse Prevention and Control Act. These violations represent the most serious drug trafficking offenses. Presently, the Continuing Criminal Enterprise statute (21 U.S.C. 848), which punishes those who control a group of five or more persons engaged in a continuing series of drug related crimes, is the only provision of title 21 which provides for the sanction of criminal forfeiture. While the civil forfeiture of most drug related property is permitted under 21 U.S.C. 881, there are important drawbacks to civil forfeiture that could be avoided if prosecutors had the option of seeking criminal forfeiture in major drug trafficking cases. Civil forfeiture is an *in rem* proceeding against the property itself, and thus a separate civil action must be filed in each district in which forfeitable property is located. Thus, in cases of large drug trafficking operations, it is often necessary to file separate actions in several jurisdictions, and pursue parallel proceedings in each jurisdiction although the basis for each proceeding rests on the same set of evidence. Criminal forfeiture, on the other hand, is an *in personam* proceeding against the defendant in a criminal case, and as is made clear in both sections 101 and 201 of the proposal, the jurisdiction of the court to enter orders affecting property subject to criminal forfeiture is not limited to property within the district in which the criminal case is tried.

Where the issues relating to civil forfeiture are the same as or closely related to those that will arise in the prosecution of a drug offense, it seems a waste of valuable prosecutive and judicial resources to require separate civil forfeiture proceedings in each district in which forfeitable property may be located even though evidence presented in the criminal case will be largely dispositive of the civil forfeiture question. It is likely that the forfeiture of significant amounts of drug related property will be achieved most readily when the judge and jury considering the criminal case also consider the forfeiture issue, and when the prosecutor and investigators who have prepared the criminal case apply their enthusiasm and expertise to an aggressive pursuit of criminal forfeiture. Furthermore, it is often necessary to stay drug related civil forfeiture proceedings pending disposition of related criminal charges in order to avoid, in the context of the civil forfeiture proceeding, premature disclosure of the evidence that the government will produce in its prosecution.

In our view, a far more efficient mechanism for achieving the forfeiture of the proceeds of drug trafficking and of other property used in such violations is to permit criminal forfeiture of such property in the context of the criminal prosecution of the acts which in fact are the basis for forfeiture. Thus, in section 201 of the proposal, a new section 413 is added to the Comprehensive Drug Abuse Prevention and Control Act, which would provide for the sanction of criminal forfeiture for felony violations of titles II and III of the Act. To the greatest extent practicable, the provisions of this general criminal forfeiture statute parallel the RICO criminal forfeiture provisions set out in section 101 of the proposal.

Subsection (a) of this new criminal forfeiture statute for major narcotics offenses describes the types of property which are to be subject to an order of criminal forfeiture. In addition to including the types of property now subject to criminal forfeiture under the Continuing Criminal Enterprise statute (21 U.S.C. 848), this section provides for the forfeiture of the proceeds of drug trafficking offenses and for the forfeiture of other types of property which are used in the commission of these offenses. In essence, these same types of property are now, and would continue to be, subject to civil forfeiture under 21 U.S.C. 881(a).

The proposed new criminal forfeiture statute for major drug offenses has provisions like those in the proposed amendment of the RICO criminal forfeiture statute concerning the forfeitability of property that has been transferred to third parties, the authority to order the forfeiture of substitute assets of the defendant in cases where property originally subject to forfeiture has been concealed or transferred, can no longer be traced, or has otherwise been rendered unavailable at the time of the defendant's conviction and the entry of the order of forfeiture, and the authority to obtain appropriate orders to preserve the property pending conviction both at the pre- and post-indictment stages of the criminal case. As noted above, such provisions are essential to address the recurrent problems of attempts by defendants to defeat forfeitures by disposing of forfeitable property prior to conviction.

In addition, the new criminal forfeiture statute for drug offenses set out in section 201 of the proposal incorporates provisions like those in the RICO forfeiture amendments in Part A of the proposal which bar intervention in the criminal case by third parties and require third parties with interests in forfeitable property to refrain from filing civil suits concerning property ordered forfeited until after disposition of any petitions for remission or mitigation of forfeiture, which make clear the broad jurisdiction of the courts to enter orders with respect to forfeitable property, and which provide for the taking of depositions to obtain testimony and documents that will assist in locating property that has been ordered forfeited and in the disposition of petitions for remission or mitigation of forfeiture. In most respects, the provisions for the disposition of drug related property ordered forfeited under this proposed statute are similar to those set out in the RICO amendments of Part A of the proposal. However, the details of these matters will continue to be governed by the customs laws, as is now provided for criminal forfeitures under the Continuing Criminal Enterprise statute and for civil forfeitures of drug related property under 21 U.S.C. 881.

The proposed criminal forfeiture statute for drug offenses set out in section 201 of the proposal contains two subsections not incorporated in the amendments to the RICO forfeiture provisions of 18 U.S.C.

1963. First, subsection (e) of the narcotics criminal forfeiture statute provides for a rebuttable and permissive inference that property which is acquired by the defendant during or within a reasonably related time after, the commission of the offense is property subject to forfeiture, if the defendant's apparent legal sources of income during that period were not sufficient to explain his acquisition of the property. The extremely lucrative nature of drug trafficking is well documented, and indeed is a primary reason why forfeiture of the proceeds of drug transactions is necessary to effectively punish and deter such criminal activity. But the proceeds of drug trafficking are usually in the form of cash or other liquid assets which are often difficult to trace to a specific transaction. The inference described in this subsection is designed to address this tracing problem, and is supported by a strong rational basis. Furthermore, inasmuch as the inference is permissively phrased, its application is not mandated where the facts of a particular case make the validity of its application questionable.

Subsection (g) of the new criminal forfeiture statute proposed in section 201 provides authority to obtain a warrant of seizure, based on a probable cause showing, where it appears that a restraining order would not be sufficient to preserve the availability of the property pending the conclusion of the criminal case. As noted above, the types of property subject to forfeiture in narcotics cases are often proceeds which are easily moved or concealed, or are highly liquid. This subsection recognizes that with respect to such property, a restraining order alone may be insufficient to assure that the property will be available in the event that the defendant is convicted and the property is ordered forfeited.

In addition to certain clarifying and conforming amendments, Part B of the proposal also amends, in section 204, 21 U.S.C. 881, the provision of the Drug Abuse Prevention and Control Act which both governs Civil forfeitures of drug related property and provides for the disposition of property forfeited either civilly or criminally under the Act. The first of the substantive amendments to 21 U.S.C. 881 set forth in section 204 of the proposal adds to the list of property subject to civil forfeiture real property which is used in a felony drug offense. This provision would give clear authority for the forfeiture of property such as warehouses in which illicit drugs are stored or lands on which controlled substances are cultivated.

The second substantive change in 21 U.S.C. 881 would be the addition of a new subsection (i) that would provide for the stay of civil forfeiture proceedings when a criminal action involving the forfeiture of the same property has been filed. Even though the criminal forfeiture statute proposed in section 201 of the proposal would diminish the need to proceed with civil forfeiture actions, there will continue to be cases where it will be proper to commence a civil forfeiture proceeding, although it may eventually be superseded by a prosecution in which criminal forfeiture may be sought. This situation might occur, for example, where a defendant has fled to avoid prosecution. While he is a fugitive, it would be advisable to move against his forfeitable property civilly, but if he were located and arrested it would then be appropriate to stay the civil forfeiture proceedings pending disposition of the criminal case both to avoid the inefficiency of dual consideration of issues relating both to criminal conviction and forfeiture, and, as noted above, to avoid premature disclosure of the government's case in the context of the civil forfeiture proceeding.

The final part of the proposal, section 301, establishes, for a two-year trial period, a program for the set aside of twenty-five percent of the amounts realized by the United States from forfeitures under the Drug Abuse Prevention and Control Act which are to be available for the payment of awards for information and other assistance that result in such forfeitures. The Administrator of the Drug Enforcement Administration would have the discretion to determine whether an award was merited in a particular case and to set the amount of the award within an upper limit for each case of the lesser of $50,000 or twenty-five percent of the proceeds of the forfeiture. Under this program, payments could be made to either private individuals or entities other than agencies or instrumentalities of the United States. We believe that the ability to pay significant rewards would enhance our efforts to achieve larger forfeitures of drug related property, and that it is particularly appropriate that these rewards be paid out of, and linked in amount to, the money we in fact realize from forfeitures.

Until recently, 21 U.S.C. 881 provided for the payment of rewards for information leading to forfeitures under the "moiety" provisions of the customs laws (19 U.S.C. 1619). However, the utility of the moiety provisions was limited because of court decisions construing these provisions as creating an absolute entitlement or contract right to payment and suggesting that calculation of the amount of these payments was to be based not only on the proceeds actually realized by the United States in a forfeiture action, but on the value of forfeited controlled substances as well. In response to these problems, 21 U.S.C. 881 was amended in 1979 to remove the reference to the moiety provisions. The trial program that would be established under section 301 of the proposal restores the authority to pay rewards out of a portion of the proceeds of forfeitures and avoids the problems posed by the former moiety provisions. Furthermore, as a trial program with a detailed audit requirement, it would provide an opportunity for close study of the effectiveness of such a rewards program and for ascertaining any problems that may arise in its implementation.

In sum, it is our view that the enclosed legislative proposal would significantly improve the government's ability to separate racketeers and major drug offenders from their sources of economic power by obtaining the forfeiture of the property which they derive from and use to sustain their criminal activity. Without such tools, efforts to combat the increasingly serious problems of organized crime and illicit trafficking in dangerous drugs cannot be fully effective.

The Office of Management and Budget advises that submission of this proposal is consistent with the Administration's program.

Sincerely,

ROBERT A. MCCONNELL,
Assistant Attorney General.

By Mr. JEPSEN:

S. 2322. A bill to require parental notification by any federally funded entity providing contraceptive device or abortion service to an unmarried minor; to the Committee on Labor and Human Resources.

S. 2323. A bill to require any educational agency receiving Federal funds to allow parental review of textbooks; to the Committee on Labor and Human Resources.

S. 2324. A bill to clarify Federal involvement in released time for parenthood education; to the Committee on Labor and Human Resources.

PARENTAL RIGHTS

● Mr. JEPSEN. Mr. President, today I am introducing three pieces of legislation dealing with parental rights. More specifically, the rights of parents to monitor the Federal distribution of contraceptives and abortion-related services to their minor children; the rights of parents to participate in decisions relative to their child's educational curriculum; and the rights of parents to remove their children from parenthood classes and opt to have this course taught at home or by the church.

I ask unanimous consent that the bills and their respective factsheet be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S. 2322

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) no program, project, or entity shall receive Federal funds, either directly or indirectly, under any provision of law unless such program, project, or entity, prior to providing any contraceptive device or abortion service (including abortion counseling) to an unmarried minor, notifies the parents or guardians of such minor that such contraceptives or abortion services are being provided.

(b) Part C of the General Education Provisions Act is amended by adding at the end thereof the following new section:

"PARENTAL NOTIFICATION

"SEC. 440A. No program, project, or entity shall receive funds, either directly or indirectly, from the Federal Government under any applicable program unless such program, project, or entity, prior to providing any contraceptive device or abortion service (including abortion counseling), to an unmarried minor, notifies the parents or guardians of such minor that such contraceptives or abortion services are being provided.".

PARENTAL NOTIFICATION

This legislation would provide that programs receiving federal financial assistance to provide any contraceptive device or abortion service (including abortion counseling) to a minor, shall, prior to providing these services, notify the parents or guardians of the minor that such services are being provided.

Section (b) would amend the General Education Provisions Act (20 U.S.C. 1221 et seq.) by adding an identical provision.

Currently the adolescent family life program (enacted as section 955 of the Omnibus Budget Reconciliation Act of 1981, Public Law 97-35, and incorporated as title

XX of the Public Health Service Act) is the only Federal program that is targeted exclusively to teenage pregnancy and parenthood. This program funds local public and private nonprofit organizations that offer a wide variety of services, including family planning services, to adolescents. With a few exceptions, grantees are required to notify and obtain the permission of parents or guardians before providing services to unemancipated minors. The exceptions to this requirement are: (1) when the minor is requesting only a pregnancy test or venereal disease treatment; (2) when the minor is a victim of parental incest; (3) when an adult relative of the minor certifies that if the parents were notified, the minor would be physically abused; and (4) when the parents of the minor are attempting to compel her to have an abortion. In addition, if the minor is already pregnant, only parental notification, but not permission, is required. Another requirement of grantees is that they neither perform abortions nor make referrals for abortions or abortion counseling, except that, if the minor and her parents request, an abortion counseling referral may be made. Thus, in the case of the adolescent family life program, the existing law is more restrictive than section 102(a) of the Family Protection Act.

Family planning services are funded under several other major Federal programs, however, and none of these programs requires parental notification. These other programs include; the medicaid program (title XIX of the Social Security Act), the family planning program (title X of the Public Health Service Act), the primary health care program (title III-D of the Public Health Service Act), and the social service block grant program (title XX of the Social Security Act). (In recent years, however, these programs have been prohibited, through the appropriations process, from funding the performance of abortions, with varying exceptions, and this restriction is expected to be maintained in some form in future appropriations.)

—The medicaid program specifically requires States to offer family planning services and supplies to minors in order to qualify for Federal matching funds for medical care of low-income persons. There is no parental notification requirement. The law is silent on whether family planning services include abortion counseling or abortions.

—The family planning program funds public and private nonprofit organizations to establish and operate family planning projects, with a particular emphasis on family planning services for adolescents and low-income clients. The legislation directs grantees to encourage, but not to require, family participation in projects funded under this program. No funds under the program may be awarded to any organization where abortion is a form of family planning.

—The primary health care program funds migrant health centers and community health centers for the provision of medical services including primary health services. Primary health services are defined in the legislation to include family planning services, which, in turn, are left undefined. There are no provisions relating to family planning services specifically for minors, and no parental notification requirement.

—The social services block grant is a formula grant to States for the provision of a wide variety of social service. States are able to decide which services to offer, and could choose to fund family planning or abortion counseling services. The States may, but are not required, to impose a parental notification requirement.

In addition to the above funded programs, title IV-A of the Social Security Act (Aid to Families with Dependent Children—AFDC) requires (but does not fund) States to ensure that family planning services are available to AFDC recipients, including sexually active minors. There is no parental notification requirement.

With respect to section (b), which amends the General Education Provisions Act to include a parental notification requirement, that Act currently contains no such provision. (The General Education Provisions Act (20 U.S.C. 1221-1234(e)) provides general authority for Federal education administrative agencies to operate and administer education programs, to allocate funds, and to issue regulations regarding education programs.)

Congress possesses extensive power to impose conditions on its grant-in-aid programs. Oklahoma v. Civil Service Commission, 330 U.S. 127; Fullilove v. Klutznick, 448 U.S. 448 (1980). However, that power is not unlimited. Steward Machine Co. v. Davis, 301 U.S. 548 (1937); cf. National League of Cities v. Usery, 426 U.S. 833 (1976). The Supreme Court, for instance, has suggested that Congress may not use conditions on Federal grants as a means of coercing the States into surrendering powers "essential to their quasi-sovereign existence"[1] or as a means of exercising powers otherwise prohibited to it by the Constitution.[2] But the Court has not yet had occasion to adjudicate definitively the limitations that might attach to Congress power "to fix the terms on which its money allotments to the States shall be disbursed."[3]

Nonetheless, it seems clear that it would be within Congress power to attach a parental notification prior to abortion requirement as a condition to its grant programs, at least to the extent that the requirement applies to an abortion for an unemancipated minor. In H. L. v. Matheson, —— U.S. —— (1981) the Court upheld the constitutionality of a State statute imposing criminal penalties on doctors who performed abortions on minors without notifying their parents. The Court cited as sufficient the interests of the State in preserving family integrity and in protecting adolescents. The Utah law, Chief Justice Burger said, "as applied to immature and dependent minors . . . serves the important considerations of family integrity and protecting adolescents" and provides ". . . an opportunity for parents to supply essential medical and other important information to a physician." The Court emphasized, however, that the law did not give parents a veto power over the minor's abortion decision.

S. 2323

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) part C of the General Education Provisions Act is amended by adding at the end thereof the following new section:

"PARENTAL REVIEW OF TEXTBOOKS

"SEC. 440A. Notwithstanding any other provision of law, it shall be unlawful for any Federal, State, or local educational agency or institution receiving any Federal funds to prohibit parental review of textbooks prior to their use in public school classrooms.".

(b)(1) Any individual aggrieved by a violation of section 440A of the General Education Provisions Act may bring a civil action in the appropriate district court of the United States, or in any State court of competent jurisdiction, for damages, or for such equitable relief as may be appropriate, or both.

(2) Each district court of the United States, and each State court of competent jurisdiction, shall provide such equitable relief, including injunctive relief, as may be appropriate to carry out the provisions of section 440A of the General Education Provisions Act.

(3)(A) It shall be the duty of the chief judge of the district (or in his absence, the acting chief judge) in which the case brought under this subsection is pending immediately to designate a judge in such district to hear and determine the case. In the event that no judge in the district is available to hear and determine the case, the chief judge of the district, or the acting chief judge, as the case may be, shall certify this fact to the chief judge of the circuit (or in his absence, the acting chief judge), who shall then designate a district or circuit judge of the circuit to hear and determine the case.

(B) It shall be the duty of the judge designated pursuant to this subsection to assign the case for hearing at the earliest practicable date and to cause the case to be in every way expedited.

(4) In any action or proceeding brought under this subsection, the court may allow the prevailing party, other than the United States, a reasonable attorney's fee as part of the costs and any department or agency of the United States, of a State, or of a political subdivision of a State, shall be liable for costs the same as a private person.

(5) For the purpose of this subsection the term "State" means each of the several States, the District of Columbia, the Commonwealth of Puerto Rico, Guam, American Samoa, the Virgin Islands, the Northern Marina Islands, or the Trust Territory of the Pacific Islands.

REVIEW OF TEXTBOOKS

This legislation would amend Part C of the General Education Provisions Act (20 USC 1230 *et seq.*) to make it unlawful for any educational agency which received federal funds to bar parents from reviewing textbooks prior to their use in the classroom.

This bill would also authorize persons aggrieved by a violation of the above to seek judicial redress in state or federal court, would require the court in which such suit is brought to provide an expedited hearing on the matter, and would authorize the award of attorneys fees and costs to such persons if they prevail.

This section would alter, and add to, existing law in a number of respects. The "Family Educational Rights and Privacy Act of 1974" (20 USC 1232g(a)(1)(A)) requires educational agencies receiving federal funds to give parents "the right to inspect and review the education records of their children," but that requirement is enforceable only administratively, not by private suit, as would be provided by this section.

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[1] Steward Machine Co. v. Davis, supra, at 593.

[2] King v. Smith, 392 U.S. 309, 333 (1968) (ftnt. 34); Steward Machine Co. v. Davis, supra, at 590.

[3] Lau v. Nichols, 414 U.S. 563, 569 (1974).

The conditions on federal grants regarding parental participation in parental review of textbooks all appears to be new to federal law.

S. 2324

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That nothing contained in any provision of Federal law shall be construed to prohibit released time for parenthood education to be conducted by churches or parents.

RELEASED TIME FOR PARENTHOOD EDUCATION

This legislation provides that no provision of Federal law "shall be construed to prohibit released time for parenthood education to be conducted by churches or parents."

The Supreme Court has interpreted the establishment of religion clause of the First Amendment to prohibit "shared time" programs between schools to teach religion to consenting students. *Illinois ex rel. McCollum* v. *Board of Education,* 333 U.S. 203 (1948). The Court has further held, however, that it is constitutionally permissible under the First Amendment for the public schools to "release" contending school children during the school day so that they can seek religious instruction at nearby churches. *Zorach* v. *Clauson,* 343 U.S. 306 (1952). Thus, released time programs in themselves do not violate the First Amendment. But if the state becomes excessively implicated in such programs by such means as giving course credit for the religious instruction, the First Amendment likely is transgressed. *Lanner* v. *Wimmer,* 463 F. Supp. 867 (D. Utah 1978).

Thus, existing law does not prohibit released time programs of parenthood education conducted by churches.●

By Mr. HATCH:

S. 2325. A bill to consolidate existing Federal vocational and adult education programs, to simplify requirements for States and other recipients participating in Federal vocational and adult education programs, and to authorize certain State and national programs for the development of vocational skills and basic skills for persons whose employment would sustain or improve work force productivity and economic growth, and for other purposes; to the Committee on Labor and Human Resources.

VOCATIONAL AND ADULT EDUCATION CONSOLIDATION ACT OF 1982

Mr. HATCH. Mr. President, today I am introducing a bill to consolidate existing Federal programs that assist adult education and vocational education into a single block grant to the States. This measure provides the States with the flexibility they need to modernize their vocational and adult education delivery systems to better meet the national need to provide trained individuals for employment related to national economic growth and development.

This measure reduces administrative burdens imposed upon the States, giving authorities in the States the flexibility to direct Federal funds to meet training priorities the States will establish in consultation with employers, labor unions, trade associations, educators, business, and the public. This should be contrasted with current requirements for detailed set-asides for multiple categories, all of which must be meticulously spelled out in State plans, which must themselves be negotiated and approved by the Secretary of Education—all that before one dime can go to training somebody for a job.

Very simply, this bill supports all vocational training programs currently authorized; but this bill does not presume to set priorities for any of those purposes in any given State—it does not presume to tell State governments their business.

Federal support for vocational education dates back 65 years, to the Smith-Hughes Act of 1917. Smith-Hughes provided training in agriculture, industry, trade and home economics with some authority for teacher training. Over the years the vocational education umbrella has stretched to cover a host of other purposes; frequently these other purposes must get a specified amount of money or a percentage of appropriated funds dedicated to the new activities. Original purposes and authorizations for more traditional activities have remained in the vocational training acts, and this has resulted in a plethora of programs, set-asides, and priorities, each created at a different time for different needs of differing populations. Often these programs were created with little or no regard for anticipated economic growth and development of either individual States or the Nation as a whole. The law we have now is not adequate for our needs. These criticisms have been very aptly set forth in recent reports of the study of vocational education by the National Institute of Education and the National Commission on Employment Policy.

Formulas to distribute funds to sub-State units are extremely complicated and provisions of different vocational acts frequently conflict. States find the criteria for interpretation of this choking underbrush of regulations almost incomprehensible, and this makes State compliance with these regulations difficult or impossible. States must tell Uncle Sam how they plan to comply in extremely detailed outlines, sticking to a format designed by the Department of Education. Adult education regulations are equally complicated.

Perhaps most intrusive and irritating of these Federal rules is one under the Vocational Education Acts which requires that each State periodically submit to a visit from a team of Federal employees who conduct a Management Evaluation Review for Compliance and Quality (MERC/Q). Translated for Senators and other citizens concerned about the quality of education, this is a hunt for compliance on paper; it often results in confusion, frustration and a threat of an audit, but rarely does it result in actual program improvement. Our measure of success in these programs should be the number of people successfully trained, not the number of Federal forms filed.

This bill consolidates Vocational Education Act programs with those authorized by the Adult Education Act, meeting the administration's request on that issue.

The Adult Education Act originated as title III of the Elementary and Secondary Education Act of 1966. This title supports programs that provide basic literacy skills and, to a lesser extent, preparation for the high school equivalency examination (GED).

Adult education programs serve disadvantaged populations for the most part. Many of those served in recent years have been Indochinese, Cuban, and Haitian refugees. Many of these new Americans, side-by-side with many others who were born in the United States, take adult education courses for economic reasons. That is, these courses help people develop job skills, including basic communication abilities. Consequently, what we know as "adult" education is naturally linked to vocational education. Many people face economic hardship—that's a polite term covering poverty from absolute destitution to less virulent forms—many people face economic hardship because they cannot read and write as well as the job requires, or they need further training in computing or working well with others. These people need a program which combines basic literacy training with job training.

Fourteen States already administer vocational and adult education programs through a single agency. In some States the two programs are often combined at the local level. But at the Federal level the two programs remain separated, each with its own allocation formula, advisory committee, administrative hierarchy, regulations and procedures; administrators and planners at the local level end up competing against each other for eligible participants and popular support.

This bill is the product of several months of hard work. It has been crafted with great care, in harmony with the administration, and with countless representatives from agencies now receiving money under both the Vocational and Adult Education Acts. Any disagreements as to purposes, direction, and authorized program activities have been carefully negotiated to the mutual satisfaction of all concerned.

This consolidation proposal will be a tremendous improvement over the existing legislation. As a practical matter, it repeals almost all of the existing legislation and reenacts the permanent and salient provisions of the Smith-Hughes Act of 1917, The Vocational Education Act of 1963, as amended, and the Adult Education Act of 1966. The net result is a bill which will simplify program administration, increase flexibility, and considerably reduce overlapping administrative and advisory committee costs. Moreover, this bill redirects Federal support to focus on the role of vocational and adult education in economic development, and special funds are targeted for this purpose.

Mr. President, I have prepared a section-by-section analysis of the Vocational and Adult Education Act of 1982 to outline in detail what we hope to accomplish. Careful study will make it apparent that many people have contributed to the drafting of this bill. People from the administration, my staff, other congressional staff, my Senate colleagues, and such interested parties as the American Vocational Association, the American Association of School Administrators, the National School Boards Association—to name but a few—have contributed to a piece of legislation which will bring vocational and adult education more in tune with our economic needs.

I want to thank all who contributed their time and energy to develop this historic and imaginative bill. Especially, I want to thank Mr. Walter Ulrich, administrator for vocational education in Utah, and his many colleagues in my home State, for their guidance.

Mr. President, I ask unanimous consent that the section-by-section analysis of the bill, along with the full text of the bill, be printed in the CONGRESSIONAL RECORD immediately following these remarks.

There being no objection, the bill and analysis were ordered to be printed in the RECORD, as follows:

S. 2325

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Vocational and Adult Education Consolidation Act of 1982".

TABLE OF CONTENTS

Sec. 1. Short title.
Sec. 2. Declaration of purpose.
Sec. 3. Definitions.

TITLE I—GENERAL PROVISIONS

Sec. 101. Authorization of appropriations.
Sec. 102. Reservations.
Sec. 103. State allotments.
Sec. 104. Proposed use report.
Sec. 105. Audits.
Sec. 106. Secretary's report.
Sec. 107. National Advisory Council on Vocational and Adult Education.
Sec. 108. Nondiscrimination provision.
Sec. 109. General education provisions applicability.
Sec. 110. Repeals; effective date.

TITLE II—STATE PROGRAMS

Sec. 201. Use of funds.
Sec. 202. Eligible recipients.

PART A—ECONOMIC DEVELOPMENT AND SKILLED WORK FORCE TRAINING

Sec. 211. Statement of purpose; objectives.
Sec. 212. Authorized activities.

PART B—STRENGTHENING STATE AND LOCAL SYSTEMS OF VOCATIONAL EDUCATION

Sec. 221. Statement of purpose.
Sec. 222. Authorized activities.

PART C—ADULT BASIC EDUCATION

Sec. 231. Statement of purpose.
Sec. 232. Authorized activities.

TITLE III—NATIONAL PROGRAMS

Sec. 301. Use of funds.
Sec. 302. National Center for Research in Vocational and Adult Education.
Sec. 303. Programs for Indian tribes and Indian organizations.
Sec. 304. Programs for the limited English proficient.
Sec. 305. Occupational Information Data System.
Sec. 306. Program improvement for meeting national skilled work force needs.

DECLARATION OF PURPOSE

SEC. 2. (a) The purpose of this Act is to authorize State and national programs which will promote economic development by—

(1) meeting the needs of youth and adults, in all communities, for vocational education;

(2) strengthening the ability of States and local systems of vocational education to promote and respond to economic development;

(3) providing equal educational opportunity in vocational education for all students, including students with special needs such as the educationally disadvantaged, the handicapped, and those with limited English proficiency;

(4) meeting the needs of employers for a skilled and literate work force;

(5) enabling adults to acquire basic skills needed to function in society; and

(6) enabling adults to continue their education to at least the level of completion of secondary school so that they may become more employable and productive citizens.

(b) It is the intent of Congress that States participating in programs authorized by title II of this Act be afforded broad discretionary authority in planning, developing, administering, and operating such programs.

DEFINITIONS

SEC. 3. As used in this Act—

(1) The term "acquisition" means taking ownership of property, receiving property as a gift, entering into a lease-purchase arrangement, or leasing the property. The term includes processing, delivery, and installation of property.

(2) The term "administration" means the activities of a State or eligible recipient which are reasonable and necessary for the proper and efficient performance of its duties under this Act, including State supervision, and the development of the Proposed Use Report submitted under section 104.

(3) The term "adult" means a person who is at least sixteen years of age.

(4) The term "adult education" means instruction or related services below the college level for adults who—

(A)(i) lack the basic skills to enable them to function effectively in society; or

(ii) do not have a certificate of graduation from a school providing secondary education (and who have not achieved an equivalent level of education); and

(B) are not required to be enrolled in a school.

(5) The term "construction" includes the construction of new buildings, the acquisition, expansion, remodeling, and alteration of existing buildings, and includes site grading, improvement, and architect fees.

(6) The term "educationally disadvantaged" means, when used with respect to an individual, a person who has one or more academic deficiencies and who therefore requires special services and assistance in order to succeed in vocational education programs.

(7) The term "eligible recipient" means a public or private agency, organization, or institution capable of administering a vocational or adult education program. The term may include public corporations and community-based organizations.

(8) The term "handicapped" means, when used with respect to an individual, a person who is mentally retarded, hard of hearing, deaf, speech impaired, visually handicapped, seriously emotionally disturbed, orthopedically impaired, or other health impaired person, or a person with specific learning disabilities, who by reason thereof requires special education and related services, and who, because of his handicapping condition, cannot succeed in the regular vocational education program without special education assistance or who requires a modified vocational education program.

(9) The term "limited English proficiency", with reference to an individual, means a person—

(A)(i) who was not born in the United States;

(ii) whose native language is other than English; or

(iii) who comes from an environment where a language other than English is dominant; and

(B) who therefore has substantial difficulty understanding, speaking, reading, or writing English.

(10) The term "Secretary" means the Secretary of Education.

(11) The term "State" includes, in addition to the several States, the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, Guam, American Samoa, the Northern Mariana Islands, and the Trust Territory of the Pacific Islands.

(12) The term "vocational education" means an organized instructional program that is directly related to the preparation of persons for employment, paid or unpaid, in an occupation that does not require a baccalaureate or advanced degree.

TITLE I—GENERAL PROVISIONS

AUTHORIZATION OF APPROPRIATIONS

SEC. 101. For the purpose of carrying out this Act there are authorized to be appropriated an amount which, when added to the amount appropriated for the fiscal year by the first section of the Smith-Hughes Act (that is, the Act approved February 23, 1917, 39 Stat. 929, as amended (20 U.S.C. 11-15, 16-28)) equals $500,000,000 for fiscal year 1983 and such sums as may be necessary for each of the fiscal years 1984 through 1987.

RESERVATIONS

SEC. 102. (a) From the amount appropriated pursuant to section 101 for any fiscal year the Secretary may reserve not to exceed 10 percent of that amount for National Programs under title III. Notwithstanding any other provision of law, unless enacted in specific limitation of this section, the funds reserved under this section shall be available for obligation and expenditure without regard to the fiscal year for which they were appropriated.

(b) Funds appropriated by the first section of the Smith-Hughes Act (that is, the Act approved February 23, 1917, 39 Stat. 929, as amended) shall be considered as funds appropriated under section 101 of this Act.

STATE ALLOTMENTS

Sec. 103. (a)(1) The Secretary shall allot the remainder of the funds appropriated under section 101 for each fiscal year after the reservation is made under section 102 to each State in accordance with paragraphs (2) through (4).

(2) Forty percent of such remainder in each fiscal year shall be allotted according to the ratio which the product of the State's allotment ratio and the sum of the State's population aged fifteen through nineteen and the number of unemployed persons in the State aged fifteen through nineteen bears to the sum of the corresponding products for all the States.

(3) Forty percent of such remainder in each fiscal year shall be allotted according to the ratio which the product of the State's allotment ratio and the sum of the State's population aged twenty through forty-four and the number of unemployed persons in the State aged twenty through forty-four bears to the sum of the corresponding products for all the States.

(4) Twenty percent of such remainder in each fiscal year shall be allotted according to the ratio which the product of the State's allotment ratio and the sum of the State's population aged forty-five through sixty-four and the number of unemployed persons in the State aged forty-five through sixty-four bears to the sum of the corresponding product for all the States.

(b)(1) The allotment ratio of a State, other than an insular area, for any fiscal year is one minus one-half of the quotient obtained by dividing the per capita income for the State by the per capita income for all the States (excluding the insular areas).

(2) The allotment ratio of an insular area is 0.6.

(3) The Secretary shall compute allotment ratios on the basis of the average of the appropriate per capita incomes for the three most recent fiscal years for which data, satisfactory to the Secretary, exist.

(c)(1) Notwithstanding subsection (a), the Secretary shall allot to each State in each fiscal year at least $100,000.

(2) Amounts required to comply with paragraph (1) shall be derived by proportionately reducing the allotments of all other States, subject to adjustments needed to avoid reducing any State below the minimum amount specified in paragraph (1).

(d)(1) The Secretary may reallot all or a portion of a State's allotment for any fiscal year if the State does not submit a Proposed Use Report under section 104, or the State indicates to the Secretary that the State does not need the full amount of its allotment for that fiscal year. The Secretary may fix one or more dates during the fiscal year upon which to make reallotments.

(2) The Secretary may reallot funds to one or more States that demonstrate a current need for additional funds under this Act. Any funds reallotted to another State shall be deemed to be part of its allotment for the fiscal year in which it receives the reallotted funds.

(e) For the purpose of determining allotments under this section—

(1) the population of a State and of an insular area shall be based on the latest data that are satisfactory to the Secretary;

(2) the unemployed population of a State and of an insular area shall be based on the average of the appropriate unemployment data for the three most recent fiscal years for which data, satisfactory to the Secretary, exist;

(3) the term "per capita income" means, for any fiscal year, the total personal income in the calendar year ending in such year, divided by the population of the area concerned in that year; and

(4) the term "insular area" means the Commonwealth of Puerto Rico, Guam, American Samoa, the Virgin Islands, the Northern Mariana Islands, and the Trust Territory of the Pacific Islands.

PROPOSED USE REPORT

Sec. 104. (a) Any State desiring to participate in the program authorized by title II of this Act during any fiscal year shall submit to the Secretary an annual Proposed Use Report which describes for vocational and adult education the goals the State seeks to achieve, how the Federal funds will be used, how the funds will be distributed within the State (including any allocation formulas to be used), and the results the State anticipates. The Proposed Use Report shall designate the single State agency or instrumentality that is responsible for the administration or supervision of the administration of the State's program under title II, including its compliance with all the requirements of this Act.

(b) In addition to the information required by subsection (a), the Proposed Use Report shall—

(1) describe how the State will—

(A) provide access for all vocational education students to instruction in the basic skills that are needed for employment;

(B) use funds awarded under title II to provide equal educational opportunity in vocational education for all students, including students with special needs such as the educationally disadvantaged, the handicapped, and students with limited English proficiency; and

(C) involve representatives from business, industry, finance, labor, and agriculture in planning and carrying out vocational education programs assisted under title II so that the programs reflect the skilled labor needs of employers and current technology;

(2) contain adequate assurances that the State will—

(A) provide for such methods of administration as are necessary for the proper and efficient administration of the Act;

(B) provide for such fiscal control and fund accounting procedures as are necessary to ensure proper disbursement and use of Federal funds paid to the State;

(C) comply with any requests of the Secretary for reports that are necessary to carry out his functions under this Act;

(D) provide for the participation of students who are enrolled in private schools in programs, projects, services, and activities at the secondary education level that are supported by funds awarded under title II, consistent with State law and the number of students in the area to be served who share the need for vocational education which the program, project, service, or activity is designed to address;

(E) maintain continuing public administrative direction and control over funds used to provide programs, projects, services, and activities to students in a private school;

(F) distribute funds to eligible recipients on the basis of annual applications, approved by the State, which describe the activities to be supported with Federal funds; and

(G) use funds awarded under title II to meet the basic education needs of adults.

(c) Each Proposed Use Report shall contain an assessment of the vocational education and adult education programs supported with Federal funds during the State's most recently completed program year, including an assessment of the extent to which the State met the goals established for that year.

(d) Prior to submitting the Proposed Use Report to the Secretary, the State shall make the Proposed Use Report public in a manner that facilitates comment from interested agencies, groups, and individuals.

AUDITS

Sec. 105. Each State shall provide for fiscal and compliance audits of all programs, projects, services, and activities supported with funds awarded under title II. Such audits shall be conducted for periods of two fiscal years and in accordance with standards prescribed by the Comptroller General. Reports of such audits shall be available to the public.

SECRETARY'S REPORT

Sec. 106. The Secretary shall submit to Congress each fiscal year a report on the status of vocational and adult education in the Nation. The report shall contain a concise analysis of the information submitted in Proposed Use Reports under section 104, as well as other appropriate information gathered by the Secretary.

NATIONAL ADVISORY COUNCIL ON VOCATIONAL AND ADULT EDUCATION

Sec. 107. (a) There shall be a National Advisory Council on Vocational and Adult Education during the period for which funds are appropriated under section 101. The President shall appoint members of the Council for terms of three years, except that the President may select initial members of the Council for terms of one or two years. The Council shall have as a majority of its members persons who are not educators or administrators in the field of education. The National Advisory Council shall meet at the call of the Chairman, whom the President selects, but not less than three times a year. The Chairman of the National Commission on Employment Policy or its successor shall be a member of the Council.

(b) The National Advisory Council shall—

(1) advise the President, the Congress, the Secretary, and the head of any other appropriate Federal department or agency concerning the administration of vocational and adult education programs supported under this Act as well as the implementation of other laws that affect vocational and adult education, and employment and training programs;

(2) make whatever reports or recommendations to the President, the Congress, the Secretary, and the head of any other appropriate Federal department or agency as are appropriate and reasonable, and include in any such report the comments of the National Commission on Employment Policy or its successor;

(3) identify, in conjunction with the National Commission on Employment Policy or its successor, the vocational and adult education and employment training needs

of the Nation and assess the degree to which existing vocational and adult education, employment training, vocational rehabilitation, special education, and other programs represent a coordinated and effective approach to meeting those needs;

(4) conduct whatever hearings, studies, or other factfinding activities are needed to enable the National Advisory Council to carry out its functions; and

(5) conduct independent evaluations of programs conducted under this Act and publish the results.

(c)(1) The Secretary is authorized in each fiscal year to make available to the National Advisory Council, from funds available for part D of the General Education Provisions Act, such sums as may be necessary to carry out the provisions of this section.

(2) Notwithstanding any other provision of law, the National Advisory Council may accept and use gifts if their acceptance and use will better enable the National Advisory Council to carry out its functions under this section.

NONDISCRIMINATION PROVISION

Sec. 108. (a) The Age Discrimination Act of 1975, section 504 of the Rehabilitation Act of 1973, title IX of the Education Amendments of 1972, relating to discrimination on the basis of sex, title VI of the Civil Rights Act of 1964, as relating to discrimination on the basis of race, color, or national origin, shall apply to Federal financial assistance furnished under this Act.

(b) Whenever the Secretary finds that a State, or an entity that has received a payment from an allotment to a State under this Act, has failed to comply with a provision of law referred to in subsection (a), or with an applicable regulation promulgated pursuant to such laws, the Secretary shall notify the chief executive officer of the State and shall request him to secure compliance. If within a reasonable period of time, not to exceed sixty days, the chief executive officer fails or refuses to secure compliance, the Secretary may—

(1) refer the matter to the Attorney General with a recommendation that an appropriate civil action be instituted,

(2) exercise the powers and functions provided by title VI of the Civil Rights Act of 1964, the Age Discrimination Act of 1975, section 504 of the Rehabilitation Act of 1973, or title IX of the Education Amendments of 1972, as may be applicable, or

(3) take such other action as may be provided by law.

(c) When a matter is referred to the Attorney General pursuant to subsection (b)(1), or whenever he has reason to believe that a State or an entity is engaged in a pattern or practice in violation of a provision of law referred to in subsection (a), the Attorney General may bring a civil action in any appropriate district court of the United States for such relief as may be appropriate, including injunctive relief.

GENERAL EDUCATION PROVISIONS APPLICABILITY

Sec. 109. The General Education Provisions Act shall not apply to programs conducted or assisted under this Act, except that sections 412(a) and (b), 415, 416, 417, 420, 422(a)(1) and (2), 426(a), 432, 433, 437, 438, 439, 440 through 449, 451, 452, 454, 455, and 456 shall apply to such programs.

REPEALS; EFFECTIVE DATE

Sec. 110. (a) The Adult Education Act (other than section 316) and the Vocational Education Act of 1963 are repealed.

(b) Funds appropriated for use during fiscal year 1982 or 1983 under one of the Acts in subsection (a) that are not obligated by July 1, 1983, by a State or other recipient shall remain available for obligation in accordance with the requirements of this Act.

(c) This Act and the repeals made by this Act shall take effect July 1, 1983.

TITLE II—STATE PROGRAMS

USE OF FUNDS

Sec. 201. (a) The Secretary, in accordance with the amount allotted to each State under section 103, shall make grants to the States for the purposes of (1) establishing, expanding, and improving vocational education programs, projects, services, and activities in accordance with parts A and B, and (2) supporting adult education programs in accordance with part C.

(b)(1) Each State shall use the amount granted under subsection (a) to carry out programs, projects, services, and activities authorized by this title in accordance with paragraphs (2) and (3).

(2) First, the State shall reserve not more than 4 percent of the amount granted under subsection (a) for the State's administration of the programs, projects, services, and activities described in its Proposed Use Report, except that for fiscal year 1983 a State may reserve for State administration the same total amount of Federal funds the State expended for the purpose of State administration in fiscal year 1982 under the Vocational Education Act of 1963 and the Adult Education Act.

(3) From the remainder of the funds granted to the State in each fiscal year, the State shall use—

(A) not less than 30 percent to carry out programs, projects, services, and activities authorized by part A;

(B) not less than 30 percent to carry out programs, projects, services, and activities authorized by part B; and

(C) not less than 13 percent to carry out programs, projects, services, and activities authorized by part C.

(c) A State may use funds reserved under subsection (b)(3) to pay not to exceed 50 percent of the cost of an eligible recipient's administration of programs, projects, services, and activities described in its approved annual application. If a State carries out a program, project, service, or activity directly, it may use funds under subsection (b)(3) to pay for its administrative costs as if the State were an eligible recipient.

(d) A State may not use funds granted under subsection (a) to pay for the cost of any advisory council.

ELIGIBLE RECIPIENTS

Sec. 202. (a) A State may use the funds received under section 201 directly, or to make grants to or enter into contracts with eligible recipients, for the purpose of carrying out programs, projects, services, and activities authorized by this title.

(b) A State may prescribe the manner in which grants and contracts are made to eligible recipients and may prescribe whatever terms, consistent with Federal requirements, are reasonable and necessary for the proper and efficient administration of programs, projects, services, and activities authorized by this title.

Part A—Economic Development and Skilled Work Force Training

STATEMENT OF PURPOSE; OBJECTIVES

Sec. 211. (a) It is the purpose of this part to assist States to provide vocational education programs, projects, services, and activities that foster State and local economic development by training persons in the occupational skills needed by business and industry.

(b) Skilled work force training conducted under this part must correspond to current State or local economic needs or plans that are specifically described in the Proposed Use Report submitted under section 104.

AUTHORIZED ACTIVITIES

Sec. 212. (a) In order to achieve the purposes of this part, a State shall use the amount reserved for this part in accordance with section 201(b)(3)(A) for—

(1) training for skilled occupations needed to revitalize businesses and industries that are essential to State or local economic well-being;

(2) training for skilled occupations which are needed to attract or otherwise promote the entry of new businesses and industries into the State or community within the State;

(3) conducting applied research and developing information for dissemination to the public on occupational skills in emerging or rapidly changing trades, crafts, businesses, and industries;

(4) developing new curricula or innovative pilot programs for emerging or rapidly changing trades, crafts, businesses, and industries;

(5) retraining skilled workers and technicians, whose jobs have been lost due to technological or economic change;

(6) training or retraining vocational education instructors (through exchange programs between business or industry and the school where feasible);

(7) improving the quality of vocational educational courses leading to the development of a skilled work force through the acquisition or replacement of equipment;

(8) providing training in entrepreneurship and the skills necessary for entrepreneurship; or

(9) providing any vocational education program, project, service, and activity (other than construction) that promotes the purposes of this part.

The State may use the amounts so reserved for one or more of the activities described in clauses (1) through (9) of this subsection.

(b) Each State and eligible recipient shall use its best efforts to recruit for enrollment or participation in the programs, projects, services, and activities supported with funds under this part, persons who—

(1) are out of school,

(2) are unemployed, and

(3) live in an economically depressed area.

Part B—Strengthening State and Local Systems of Vocational Education

STATEMENT OF PURPOSE

Sec. 221. It is the purpose of this part to strengthen State and local systems of vocational education so that all persons (including educationally disadvantaged persons, handicapped persons, and persons with limited English proficiency) can participate in vocational education programs that are designed to provide needed job skills and foster economic development.

AUTHORIZED ACTIVITIES

Sec. 222. (a) In using funds reserved for this part in accordance with section 201(b)(3)(B) each State shall give careful consideration to the special needs of educationally disadvantaged persons, handicapped persons, and persons with limited English proficiency.

(b) In order to achieve the purposes of this part, a State shall use the amount reserved for this part (in accordance with subsection (a)) for—

(1) strengthening State and local vocational education systems by promoting the active participation of representatives from business, industry, labor, finance, and agriculture in vocational education, through joint training programs and shared facilities;

(2) providing necessary support services for vocational education students (except for day care and stipends);

(3) providing cooperative vocational education programs involving agreements between schools and employers;

(4) providing work study programs which address the vocational education needs of economically disadvantaged students;

(5) providing remedial instruction in basic skills for students who need it to benefit from vocational instruction and obtain employment, but who are not eligible to be served under part C;

(6) providing new training courses for adults who wish to improve current occupational skills or who wish to develop skills for new careers;

(7) strengthening secondary and postsecondary programs and projects to provide high-quality instruction in new or developing trades, crafts, or occupations that are technologically demanding;

(8) improving the quality of vocational education in the most economical manner possible through the acquisition or replacement of equipment and necessary construction of vocational education facilities;

(9) providing programs of consumer and homemaking education, industrial arts, or prevocational guidance;

(10) providing support to vocational student organizations that are an integral part of a vocational education program;

(11) providing vocational education programs, projects, services, and activities to incarcerated persons; or

(12) providing any vocational education program, project, service, and activity that meets the purposes of this part.

The State may use the amounts so reserved for one or more of the activities described in clauses (1) through (12) of this subsection.

PART C—ADULT BASIC EDUCATION

STATEMENT OF PURPOSE

SEC. 231. It is the purpose of this part to expand educational opportunities for adults as well as to encourage the establishment of adult education programs that will enable adults to acquire basic skills needed to function in society and continue their education to at least the level of completion of secondary school.

AUTHORIZED ACTIVITIES

SEC. 232. (a) In order to achieve the purposes of this part, a State shall use the amount reserved for this part in accordance with section 201(b)(3)(C) for—

(1) supporting adult education programs, projects, services, and activities for adults, including adult immigrants or adults with limited English proficiency, whose inability to understand, speak, read, or write the English language constitutes a substantial impairment of their ability to obtain or retain employment that is commensurate with their real ability;

(2) providing adult education programs, projects, services, and activities for institutionalized adults;

(3) providing adult education programs, projects, services, and activities for adults in rural or urban areas with high rates of unemployment;

(4) supporting adult education programs which lead to a certificate of equivalency to graduation from a secondary school;

(5) developing, demonstrating, evaluating, and disseminating innovative instructional practices and methods suitable for adults;

(6) training persons to provide adult education; or

(7) providing any other adult education program, project, service, or activity that meets the purpose of this part.

The State may use the amounts so reserved for one or more of the activities described in clauses (1) through (7) of this subsection.

(b) In using funds reserved for this part, each State shall give careful consideration to the needs of persons decribed in subsection (a)(1).

TITLE III—NATIONAL PROGRAMS

USE OF FUNDS

SEC. 301. The Secretary shall use funds reserved under section 102 to support one or more of the programs, projects, services, or activities authorized by sections 302, 303, 304, 305, and 306. In any fiscal year the Secretary may further reserve funds for particular types of programs, projects, services, or activities authorized by this title.

NATIONAL CENTER FOR RESEARCH IN VOCATIONAL AND ADULT EDUCATION

SEC. 302. The Secretary may support a National Center for Research in Vocational and Adult Education. The National Center may—

(1) conduct research and development activities on problems of national significance in vocational and adult education;

(2) collect and disseminate information on research and program improvement activities in vocational and adult education;

(3) provide information to facilitate national planning and policy development in vocational and adult education; and

(4) develop State and local leadership resources in vocational and adult education.

PROGRAMS FOR INDIAN TRIBES AND INDIAN ORGANIZATIONS

SEC. 303. (a) The Secretary may, upon the request of any Indian tribe that is eligible to contract with the Secretary of the Interior for the administration of programs under the Indian Self-Determination Act or under the Act entitled "An Act authorizing the Secretary of the Interior to arrange with States or territories for the education, medical attention, relief of distress, and social welfare of Indians, and for other purposes", approved April 16, 1934 (48 Stat. 596; 25 U.S.C. 452-457), make one or more grants, contracts, or cooperative agreements with a tribal organization of that Indian tribe to plan, conduct, and administer vocational and adult education programs, projects, services, and activities that are authorized by title II of this Act and are consistent with tribal economic development plans.

(b) The Secretary shall review applications and award funds under subsection (a) on a competitive basis.

PROGRAMS FOR THE LIMITED ENGLISH PROFICIENT

SEC. 304. (a) The Secretary may award grants to or enter into contracts or cooperative agreements with public or private agencies, organizations, and institutions to—

(1) develop, conduct, evaluate, validate, and disseminate exemplary job training programs and projects for persons who are out of school, either unemployed or underemployed, and who because of their limited English proficiency are unable to profit from participation in training programs conducted solely in the English language;

(2) develop, conduct, evaluate, validate, and disseminate exemplary programs and projects that train instructors and counselors for job-training programs that serve persons with limited English proficiency; and

(3) provide assistance to organizations and agencies implementing job-training programs for persons with limited English proficiency (or their instructors) including—

(A) research on the job-training needs of persons with limited English proficiency;

(B) inservice training of staff; and

(C) the development and dissemination of instructional materials and methods that meet the job-training needs of persons with limited English proficiency.

(b) A recipient assisted under subsection (a)(1) shall (1) use appropriate methods of instructing persons with limited English proficiency, and (2) assist participants who successfully complete the training to secure a job in that field.

(c) A recipient assisted under subsection (a)(1) or (a)(2) shall—

(1) evaluate and document the effectiveness of its program or project in a manner that facilitates the demonstration of the effectiveness of the program or project and the dissemination of information relating to the program or project, and

(2) submit its findings to the Secretary.

A recipient under subsection (a)(1) or (a)(2) may develop necessary instructional materials.

(d) In awarding grants or entering into contracts or cooperative agreements under subsection (a)(1), the Secretary shall give priority to funding applicants that propose to assist persons with limited English proficiency whose usual language is not English.

OCCUPATIONAL INFORMATION DATA SYSTEM

SEC. 305. (a) The Secretary may support a National Occupational Information Coordinating Committee consisting of the Assistant Secretary for Vocational and Adult Education, the Administrator of the National Center for Education Statistics, the Commissioner of Labor Statistics, and the Assistant Secretary for Employment and Training. The National Occupational Information Coordinating Committee shall—

(1) improve the coordination and communication of program and employment data among administrators and planners of programs authorized by this Act and by the Comprehensive Employment and Training Act of 1973 (or its successor), employment security agency administrators, research personnel, and employment and training agencies at the Federal, State, and local levels;

(2) implement an occupational information system that meets the common occupational information needs of vocational education programs and employment and training programs at the national, State, and local levels; and

(3) assist State Occupational Information Coordinating Committees established under subsection (b).

The system described in clause (2) of this subsection shall include data on occupational demand and supply that is based on uniform definitions, standardized estimating procedures, and standardized occupational classifications.

(b) Any State receiving assistance under title II of this Act may establish a State Occupational Information Coordinating Committee composed of representatives of the State agency or instrumentality designated under section 104(a), the State employment security agency, the State Employment and

Training Council, and the State agency administering the vocational rehabilitation program. With funds provided by the National Occupational Information Coordinating Committee, the State Occupational Information Coordinating Committee shall implement an occupational information system in the State that meets the common occupational information needs of vocational education programs, and employment and training programs in the State.

PROGRAM IMPROVEMENT FOR MEETING NATIONAL SKILLED WORK FORCE NEEDS

SEC. 306. (a) The Secretary may support directly, or through grants, contracts, or cooperative agreements to public or private agencies, institutions, or organizations—

(1) studies addressing national problems, such as defense preparedness, that are caused by shortages of skilled workers;

(2) the development, demonstration, evaluation, and dissemination of skilled work force training programs and projects (including the curricula for such programs or projects) for rapidly changing occupations or occupations necessary for economic development;

(3) the development and demonstration of collaborative vocational and adult education programs and projects that combine the resources of business, industry, labor, education, finance, and agriculture;

(4) the development of vocational education programs and projects that incorporate the principles of entrepreneurship;

(5) the development, demonstration, and evaluation of programs and projects designed to train or retrain vocational education instructors through exchanges between business or industry and the schools;

(6) the development, demonstration, and evaluation of programs or projects designed to expand the use of volunteers in providing vocational and adult education;

(7) the improvement of rural vocational and adult education and rural family education;

(8) special training programs and projects designed to address critical shortages of skilled manpower which the Nation requires;

(9) joint planning and coordination of programs and activities supported under this Act (or other laws that affect vocational and adult education and employment and training programs) with other Federal departments and agencies as well as representatives of business and industry, labor unions, and education and training organizations; or

(10) other programs or projects, including technical assistance and training, that are consistent with the purposes of this Act, and designed to support the efforts of States to improve the overall quality of the vocational and adult education the States provide.

The Secretary, each agency, institution, and organization may use the assistance provided under this subsection for one or more of the activities described in clauses (1) through (10) of this subsection.

(b) The Secretary is authorized to accept funds transferred from other Federal departments or agencies to carry out activities described in subsection (a).

VOCATIONAL AND ADULT EDUCATION CONSOLIDATION ACT OF 1982—SECTION-BY-SECTION ANALYSIS

DECLARATION OF PURPOSE

Section 2 establishes the purpose of the Act as the authorization of State and national programs which will promote economic development by meeting the needs of youth and adults in all communities for vocational education, strengthening State and local systems of vocational education, providing equal opportunities in vocational education for all students, meeting the needs of employers for a skilled and literate workforce, enabling adults to acquire basic skills needed to function in society, and enabling adults to continue their education to at least the level of completion of secondary school. An additional intention is that States participating in programs under the Act be afforded broad discretionary authority in planning, developing, administering, and operating these programs.

TITLE I—GENERAL PROVISIONS

Section 101 authorizes appropriations for this Act of $500,000,000 for fiscal year 1983 and such sums as are necessary for fiscal years 1984 through 1987. This includes the permanent Smith-Hughes appropriation.

Section 102 reserves, for National Programs, up to 10 percent of the total appropriation, with funds available for obligation and expenditure without regard to the fiscal year in which they are appropriated. It further provides for expenditure of funds appropriated under the Smith-Hughes Act.

Section 103 prescribes a method for allotting funds to the States. Funds are to be allocated on the basis of population and number of unemployed persons in three age cohorts and inverse per capita income. No State may receive less than $100,000. (If funds are not available to satisfy this requirement, allotments to States shall be reduced proportionately.)

Section 104 describes the requirement of a Proposed Use Report that a State must submit to the Secretary in order to participate in programs funded under Part B. The report must designate a single State agency that is responsible for the administration or supervision of the administration of Part B programs. It will describe the goals the State will seek to achieve, how the Federal funds will be used, how the funds will be distributed within the States, and the anticipated results. It will further describe how the State will provide vocational education students with access to basic skills instruction, how equal opportunity in vocational education will be provided to all students, and how the private sector will be involved in planning and carrying out vocational programs. The report will include assurances regarding proper administration, fiscal control, fund accounting, submission of reports, and participation of private school students. Finally, the report will contain an evaluation of programs and projects supported during the most recently completed program year. Prior to submission, the report will be made public in the State.

Section 105 provides for State audit of activities funded under Title II.

Section 106 requires that the Secretary submit an annual report to Congress on the status of vocational education in the Nation.

Section 107 establishes a National Advisory Council on Vocational and Adult Education, with members appointed by the President.

Section 108 provides a general assurance of nondiscrimination relating to programs and activities receiving funds under this Act.

Section 109 provides for those provisions of the General Education Provisions Act which have applicability to programs conducted or assisted under this Act.

REPEALS' EFFECTIVE DATE

Section 110 repeals the existing Vocational Education Acts and all but Section 316 of the Adult Education Act; authorizes the carry-over of fiscal year 1982 funds; and, provides for a date for this Act to take effect.

TITLE II—STATE PROGRAMS

Section 201 states that the Secretary shall make grants to the States (in accordance with Section 103) for establishing, expanding, and improving vocational education programs and for supporting adult education programs. A State may use up to 4 percent of its grant for State administration. (However, for fiscal year 1983 a State may use as much of its grant for State administration as it used in the previous year.) Of the remainder, at least 30 percent must be used for programs and projects under Part A (Economic Development and Skilled Workforce Training), at least 30 percent for programs and projects under Part B (Strengthening State and Local Systems of Vocational Education), and at least 13 percent for programs and projects under Part C (Adult Basic Education). Funds under Part C may be used to pay for up to half of the administrative expenses at the local level. Funds may not be used to pay for State, local, or other advisory councils.

Section 202 provides that States may use funds under this part directly or to make grants or enter into contract with other eligible recipients for the purpose of carrying out programs and projects under Title II.

Part A—Economic development

Section 211 states the purpose of Part A as supporting Economic Development and Skilled Workforce Training programs and projects. Training conducted under this Part must correspond to specific State or local economic needs or plans.

Section 212 describes the types of activities that may be funded under Part A including training for skilled occupations needed to revitalize business and industries that are essential to State or local economic well-being; training for skilled occupations which are needed to attract the entry of new businesses into a State or community; related research, curriculum development, and instructor training; and, training in entrepreneurship. In conducting these activities, recipients shall use their best efforts to recruit as participants persons who are unemployed and living in economically depressed areas.

Part B—Strengthening State and local systems of vocational education

Section 221 states the purpose of Part B as supporting programs, projects, services, and activities for Strengthening State and Local Systems of Vocational Education.

Section 222 requires that, in using its Part B funds, each State give careful consideration to the needs of the disadvantaged, the handicapped, and the limited-English-proficient. Allowable expenditures under this Part include joint programs with business, industry, and labor; support services (except for day care and stipends); cooperative and work-study programs; remedial instruction in basic skills; acquisition or replacement of equipment; consumer and homemaking education; and student organizations.

Part C—Strengthening State and local programs of adult education

Section 231 states the purpose of Part C as supporting programs, projects, services, and activities in Adult Basic Education.

Section 232 describes the types of activities that may be supported under Part C. These include programs for the institutionalized, programs for adults in rural or urban areas with high rates of unemployment, and high school equivalency programs. States are to give particular consideration to the needs of immigrants and other limited-English-proficient adults.

TITLE III—NATIONAL PROGRAMS

Section 301 authorizes and requires the Secretary to use funds reserved under Section 102(a) to support any or all activities authorized by sections 302, 303, 304, 305, and 306.

Section 302 authorizes support of a National Center for Research in Vocational and Adult Education. If supported, the Center may conduct research, develop programs, collect and disseminate information, and develop State and local leadership in vocational and adult education.

Section 303 authorizes the Secretary to make contracts, grants, and cooperative agreements with Indian tribes and organizations for vocational and adult education programs and projects consistent with tribal economic development plans.

Section 304 authorizes the Secretary to enter into grants, contracts, and cooperative agreements for Programs for the Limited-English-Proficient. Allowable activities include vocational training programs, instructor and counselor training, research, and instructional materials development.

Section 305 authorizes support of a National Occupational Information Coordinating Committee. If supported, the Committee shall seek to improve the coordination and communication of program and employment data between vocational education and employment training programs, implement a nationwide occupational information system, and assist State occupational information coordinating committees.

Section 306 authorizes activities of Program Improvement for Meeting National Skilled Workforce Needs. These may include studies addressing national skill shortage problems; model or demonstration training programs; collaborative programs with business, industry, and labor and with other agencies of the Federal government; programs designed to expand the use of volunteers in providing vocational and adult education; activities in the areas of rural vocational and adult education and rural family education; and, special training programs and projects designed to address critical shortages of skilled manpower which the Nation requires.

By Mr. WEICKER (for himself, Mr. DECONCINI, and Mr. KENNEDY):

S. 2326. A bill to authorize appropriations to the Patent and Trademark Office in the Department of Commerce, and for other purposes; to the Committee on the Judiciary.

AUTHORIZATION OF APPROPRIATIONS TO THE PATENT AND TRADEMARK OFFICE

● Mr. WEICKER. Mr. President, I am today introducing along with Senators DECONCINI and KENNEDY, a bill to amend Public Law 96-517, the University and Small Business Patent Procedure Act. I am offering this bill as a substitute to S. 2211, the administration's proposed amendment to Public Law 96-517.

My bill differs from S. 2211 in several key respects. First, and most importantly, it guarantees that the Patent and Trademark Office (PTO) will give special consideration to our Nation's greatest source of innovation—American small businesses.

In this time of rapidly declining productivity, it is essential that we do everything we can to encourage invention and innovation. The University and Small Business Patent Procedure Act was passed by the last Congress for just this purpose. For the first time in history, Congress granted automatic patent rights to small businesses and universities on inventions resulting from federally funded research. At the same time, Congress authorized the PTO to collect from all patent recipients 50 percent of the cost of filing, issuing and maintaining patents, to be used to operate the patent office. Prior to October 1982, the effective date of Public Law 96-517, patent fees reverted to the General Treasury.

The administration is now proposing to increase patent user fees from 50 percent to 100 percent. While user fees can be generally justified in this time of severe budgetary restraint, I believe the administration's approach fails to recognize the particular needs and circumstances of innovative small businesses, as well as those of universities and independent inventors.

For example, the minimum $800 filing and issuance fee and the minimum $2,400 in maintenance fees anticipated by the administration's proposed change are not likely to pose any financial burden to large firms. For small firms, however, the prospect of a $3,200 minimum could have a severely chilling effect on plans to go ahead with a patent. While it is true that maintenance fees are not required until 3½, 7½, and 11½ years into the life of a patent, it is equally true that it often takes that many years before the marketability of a good idea is recognized.

In my opinion, small inventors should not be forced to give up their claim on ideas simply because of prohibitively high patent fees.

Currently, small businesses account for more than half of all inventions and innovations in this country. But we cannot reasonably expect this track record to continue under the administration's plan.

The legislation I am introducing today recognizes the financial hardships placed upon the small or independent inventor, particularly in these times of dwindling capital and rising interest rates.

Under this bill, the user fees for small businesses, universities, and independent inventors would remain at 50 percent. (Definition of small business will be made by the SBA, in conformity with section 3 of the Small Business Act). In addition, while the administration's bill specifies that patent recipients pay 100 percent user fees to be determined by the patent office, my proposal sets these fees in statute and requires that, with the exception of one consumer price index adjustment, any future increases are to be determined by the Congress. In this way, we can insure that fees do not increase at an unforseen and unpredictable rate.

My bill also contains a number of technical amendments to the patent law, which are administrative in nature, and are similar to those included in S. 2211. these amendments are intended to help the PTO better administer the patent and trademark laws.

Mr. President, this legislation represents a significant shift in the way the PTO finances its operations. Under my proposal, over 50 percent of the PTO's budget will be paid by users of the system. However, the bill achieves this objective without sacrificing the ability of small inventors to protect their patent rights.

Under fee proposed set forth in this legislation, it is anticipated that $75 million will be required to operate the PTO in fiscal year 1983. This figure represents a $7 million increase over the level proposed by the administration.

I was very impressed with Commissioner Mossinghoff when he appeared before my Appropriations Subcommittee last week to discuss his plans for modernizing the PTO and I am confident that he will help produce a first-rate patent office, which everyone agrees is long overdue.

I would like to take this opportunity to thank Intellectual Property Owners, Inc., the American Patent Law Association, and others for the assistance they have rendered in this effort. I would also like to express my appreciation to the National Small Business Association, Small Business United and the Smaller Business Association of New England, for their endorsement of this legislation.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 2326

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That there is authorized to be appropriated for the payment of salaries and necessary expenses of the Patent and Trademark Office to become available October 1, 1982, $75,086,000 and such additional or supplemental amounts as may be necessary for increases in salary, pay, retirement, or other employee benefits authorized by law. Funds available under this section shall be used to reduce by 50 percent the payment of fees under section

41(a) and (b) of title 35, United States Code, by independent inventors and nonprofit organizations as defined in regulations established by the Commissioner of Patents and Trademarks, and by small business concerns as defined in Section 3 of the Small Business Act and by regulations established by the Small Business Administration. Where so specified and to the extent provided in an appropriation Act, any amount appropriated pursuant to this section and, in addition, such fees as shall be collected pursuant to title 35, United States Code, and the Trademark Act of 1946, as amended (15 U.S.C. 1051 et seq.), may remain available without fiscal year limitation.

Sec. 2. Notwithstanding any other provision of law, there is authorized to be appropriated for the payment of salaries and expenses of the Patent and Trademark Office, $121,461,000 for the fiscal year ending September 30, 1982, and such additional or supplemental amounts as may be necessary for increases in salary, pay, retirement, or other employee benefits authorized by law.

Sec. 3. (a) Section 41(a) of title 35, United States Code, is amended to read as follows:

(a) The Commissioner shall charge the following fees:

1. On filing each application for an original patent, except in design or plant cases, $300; in addition, on filing or on presentation at any other time, $30 for each claim in independent form which is in excess of three, $10 for each claim (whether independent or dependent) which is in excess of twenty, and $100 for each application containing a multiple dependent claim. For the purpose of computing fees, a multiple dependent claim as referred to in section 112 of this title or any claim depending therefrom shall be considered as separate dependent claims in accordance with the number of claims to which reference is made. Errors in payment of the additional fees may be rectified in accordance with regulations of the Commissioner.

2. For issuing each original or reissue patent, except in design or plant cases, $500.

3. In design and plant cases:

a. On filing each design application, $125.

b. On filing each plant application, $200.

c. On issuing each design patent, $175.

d. On issuing each plant patent, $250.

4. On filing each application for the reissue of a patent, $300; in addition, on filing or on presentation at any other time, $30 for each claim in independent form which is in excess of the number of independent claims of the original patent, and $10 for each claim (whether independent or dependent) which is in excess of twenty and also in excess of the number of claims of the original patent. Errors in payment of the additional fees may be rectified in accordance with regulations of the Commissioner.

5. On filing each disclaimer, $50.

6. On filing an appeal from the examiner to the Board of Appeals, $115; in addition, on filing a brief in support of the appeal, $115, and on requesting an oral hearing before the Board of Appeals, $100.

7. On filing each petition for the revival of an abandoned application for a patent or for the delayed payment of the fee for issuing each patent, $50.

8. For petitions for extensions of time to take actions required by the Commissioner in an application:

a. On filing a first petition, $50.

b. On filing a second petition, $100.

c. On filing a third or subsequent petition, $200.

(b) Section 41(b) of title 35, United States Code, is amended to read as follows:

"(b) The Commissioner shall charge the following fees for maintaining a patent in force:

"1. Three years and six months after grant, $400.

"2. Seven years and six months after grant, $800.

"3. Eleven years and six months after grant, $1200. Unless payment of the applicable maintenance fee is received in the Patent and Trademark Office on or before the date the fee is due or within a grace period of six months thereafter, the patent will expire as of the end of such grace period. The Commissioner may require the payment of a surcharge as a condition of accepting within such six-month grace period the late payment of an application maintenance fee. No fee will be established for maintaining a design or plant patent in force."

(c) Section 41(c) of title 35, United States Code, is amended to read as follows:

"(c)(1) The Commissioner may accept the payment of any maintenance fee required by subsection (b) of this section after the six-month grace period if the delay is shown to the satisfaction of the Commissioner to have been unavoidable. The Commissioner may require the payment of a surcharge as a condition of accepting payment of any maintenance fee after the six-month grace period. If the Commissioner accepts payment of a maintenance fee after the six-month grace period, the patent shall be considered as not having expired at the end of the grace period.

"(2) No patent, the term of which has been maintained as a result of the acceptance of a payment of a maintenance fee under this subsection, shall abridge or affect the right of any person or his successors in business who made, purchased or used after the six-month grace period but prior to the acceptance of a maintenance fee under this subsection anything protected by the patent, to continue the use of, or to sell to others to be used or sold, the specific thing so made, purchased or used. The court before which such matter is in question may provide for the continued manufacture, use or sale of the thing made, purchased or used as specified, or for the manufacture, use or sale of which substantial preparation was made after the six-month grace period but before the acceptance of a maintenance fee under this subsection, and it may also provide for the continued practice of any process, practiced, or for the practice of which substantial preparation was made, after the six-month grace period but prior to the acceptance of a maintenance fee under this subsection, to the extent and under such terms as the court deems equitable for the protection of investments made or business commenced after the six-month grace period but before the acceptance of a maintenance fee under the subsection."

(d) Section 41(d) of title 35, United States Code, is amended to read as follows:

"(d) The Commissioner will establish fees for all other processing, services, or materials related to patents not specified above to recover the estimated average cost to the Office of such processing, services, or materials. The yearly fee for providing a library specified in section 13 of this title with uncertified printed copies of the specifications and drawings for all patents issued in that year will be $50."

(e) Section 41(f) of title 35, United States Code, is amended to read as follows:

"(f) The fees established in subsections (a) and (b) of this section may be adjusted by the Commissioner on October 1, 1985 to reflect any fluctuations occurring in the Consumer Price Index, as determined by the Secretary of Labor, between June 1, 1982 and June 1, 1985. Changes of less than one percent may be ignored."

(f) Subsection (a) of section 31 of the Trademark Act of 1946, as amended (15 U.S.C. 1113), is amended by deleting "50" and inserting in its place "100".

(g) Section 42(c) of title 35, United States Code, is amended by adding the following sentence at the end thereof:

"Fees available to the Commissioner under section 31 of the Trademark Act of 1946, as amended (15 U.S.C. 1113), shall be used exclusively for the processing of trademark registrations and for other services and materials related to trademarks.".

Sec. 4. Section 3. (a) of title 35, United States Code is amended (1) by deleting the phrase "not more than fifteen"; and (2) by inserting the phrase "appointed under section 7 of this title" immediately after the phrase "examiners-in-chief".

Sec. 5. Section 111 of title 35, United States Code, is amended to read as follows:

"Application for patent shall be made, or authorized to be made, by the inventor, except as otherwise provided in this title, in writing to the Commissioner. Such application shall include: (1) a specification as prescribed by section 112 of this title; (2) a drawing as prescribed by section 113 of this title; and (3) an oath by the applicant as prescribed by section 115 of this title. The application must be accompanied by the fee required by law. The fee and oath may be submitted after the specification and any required drawing are submitted, within such period and under such conditions, including the payment of a surcharge, as may be prescribed by the Commissioner. Upon failure to submit the fee and oath within such prescribed period, the application shall be regarded as abandoned, unless it is shown to the satisfaction of the Commissioner that the delay in submitting the fee and oath was unavoidable. The filing date of an application shall be the date on which the specification and any required drawing are received in the Patent and Trademark Office.".

Sec. 6. (a) Section 116 of title 35, United States Code, is amended (1) by deleting the phrase "Joint inventors" from the title and inserting in its place "Inventors"; and (2) in the third paragraph, by deleting the phrase "a person is joined in an application for patent as joint inventor through error, or a joint inventor is not included in an application through error" and inserting in its place the phrase "through error a person is named in an application for patent as the inventor, or through error an inventor is not named in an application".

(b) Section 256 of title 35, United States Code, is amended to read as follows:

"§ 256. Correction of named inventor

"Whenever through error a person is named in an issued patent as the inventor, or through error an inventor is not named in an issued patent and such error arose without any deceptive intention on his part, the Commissioner may, on application of all the parties and assignees, with proof of the facts and such other requirements as may be imposed, issue a certificate correcting such error.

"The error of omitting inventors or naming persons who are not inventors shall not invalidate the patent in which such error occurred if it can be corrected as provided in this section. The court before which such matter is called in question may order correction of the patent on notice and hearing of all parties concerned and the Commissioner shall issue a certificate accordingly.".

Sec. 7. Section 6 of title 35, United States Code, is amended by deleting paragraph (d) thereof.

Sec. 8. (a) Section 8(a) of the Trademark Act of 1946, as amended (15 U.S.C. 1058(a)), is amended (1) by deleting the word "still"; and (2) by inserting the phrase "in commerce" immediately after the word "use".

(b) Section 8(b) of the Trademark Act of 1946, as amended (15 U.S.C. 1058(b)), is amended (1) by deleting the word "still"; and (2) by inserting the phrase "in commerce" immediately after the word "use".

Sec. 9. (a) Section 13 of the Trademark Act of 1946; as amended (15 U.S.C. 1063), is amended (1) by deleting the phrase "a verified" and inserting in its place the word "an"; (2) by adding the phrase "when requested prior to the expiration of an extension" immediately after the word "cause"; and (3) by deleting the fourth sentence.

(b) Section 14 of the Trademark Act of 1946, as amended (15 U.S.C. 1064), is amended by deleting the word "verified".

Sec. 10. Section 15 of the Trademark Act of 1946, as amended (15 U.S.C. 1065), is amended by deleting the phrase "the publication" and inserting in its place the word "registration".

Sec. 11. The first sentence of section 16 of the Trademark Act of 1946, as amended (15 U.S.C. 1066), is amended to read as follows:

"Upon petition showing extraordinary circumstances, the Commissioner may declare that an interference exists when application is made for the registration of a mark which so resembles a mark previously registered by another, or for the registration of which another has previously made application, as to be likely when applied to the goods or when used in connection with the services of the applicant to cause confusion or mistake or to deceive.".

Sec. 12. Section 21 of title 35, United States Code, is amended—

(1) by deleting the phrase "Day for taking action falling on Saturday, Sunday, or holiday" from the title, and inserting in its place the phrase "filing date and day for taking action";

(2) by inserting the following as subsection (a):

"(a) The Commissioner may by rule prescribe that any paper or fee required to be filed in the Patent and Trademark Office will be considered filed in the Office on the date on which it was deposited with the United States Postal Service or would have been deposited with the United States Postal Service but for postal service interruptions or emergencies designated by the Commissioner.";

(3) by designating the existing paragraph as subsection (b); and

(4) by inserting the word "federal" in subsection (b), as designated above, immediately after the word "a".

Sec. 13. Section 6(a) of title 35, United States Code, is amended (1) by deleting the word "and", third occurrence, and inserting in its place a comma; (2) by inserting the phrase ", or exchanges of items or services" immediately after the word "programs"; and (3) by inserting the phrase "or the administration of the Patent and Trademark Office" immediately after the word "law", second occurrence.

Sec. 14. (a) Section 115 of title 35, United States Code, is amended by (1) deleting the phrase "shall be" and inserting in its place the word "is"; and (2) inserting the following immediately after the phrase "United States", third occurrence: ", or apostille of an official designated by a foreign country which, by treaty or convention, accords like effect to apostilles of designated officials in the United States".

(b) Section 261 of title 35, United States Code, is amended, in the third paragraph, by inserting the following immediately after the phrase "United States", third occurrence: ", or apostille of an official designated by a foreign country which, by treaty or convention, accords like effect to apostilles of designated officials in the United States".

(c) Section 11 of the Trademark Act of 1946, as amended (15 U.S.C. 1061), is amended by (1) deleting the phrase "shall be", first occurrence, and inserting in its place the word "is"; and (2) inserting the following immediately after the phrase "United States", third occurrence: ", or apostille of an official designated by a foreign country which, by treaty or convention, accords like effect to apostilles of designated officials in the United States".

Sec. 15. Section 13 of title 35, United States Code, is amended by deleting "(a)9" and inserting in its place "(d)".

Sec. 16. Section 173 of title 35, United States Code, is amended to read as follows: "Patents for designs shall be granted for the term of fourteen years."

Sec. 17. (a) Sections 1, 2, 4, 7, and 13 through 15 of this Act shall take effect on the date of enactment of this Act. Sections 3 and 16 of this Act shall take effect on October 1, 1982. The maintenance fees provided for in section 3(b) of this Act shall not apply to patents applied for prior to the date of enactment of this Act. Sections 5, 6, and 8 through 12 of this Act shall take effect six months after enactment.●

By Mr. RIEGLE (for himself, Mr. Jackson, Mr. Cranston, Mr. Dodd, Mr. Dixon, Mr. Stennis, Mr. Sarbanes, Mr. Bentsen, Mr. Melcher, Mr. Randolph, Mr. Baucus, Mr. Tsongas, Mr. Levin, and Mr. Ford):

S. 2327. A bill to amend the National Housing Act to provide for an emergency homeownership program, to authorize assistance to avoid mortgage defaults caused by adverse economic conditions, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

EMERGENCY HOMEOWNERSHIP ACT OF 1982

● Mr. RIEGLE. Mr. President, today I am pleased to join my distinguished colleagues in introducing this bill to carry out the major elements of the emergency housing program developed by the Democratic housing task force which was chaired by my good friend from the State of Washington (Senator Henry M. Jackson).

The economic policies of this administration are wreaking havoc on millions of American workers and thousands of businesses, large and small, that comprise our housing industry. This year's construction season is now upon us. We must not continue this drift. Congress must act to help this industry. The relief must be provided within the next few weeks. And we are offering a program today that offers hope.

As ranking minority member on the Senate Banking Committee, I will press to have this program before the full Senate very quickly.

The United States today is suffering the deepest and most pervasive housing crisis since the Great Depression. In 3 years, housing starts have plummeted 52 percent, while new housing sales have dropped 47 percent. Delinquency rates on home mortgages stand at a near-record level of 1.62 percent. Bankruptcies jumped 51 percent for construction firms and 65 percent for subcontractors from the first 6 months of 1980 to the same time period in 1981. The figures for 1982 are expected to be at least as bleak. Over 18 percent of the Nation's construction workers are idle. This housing recession has damaged the health of a wide range of related industries from lumber to appliances and has dragged down the rest of the economy. The economy has lost almost $200 billion in the last 3 years in activity associated with housing construction and sales.

These statistics do not fully show the severe pain of individuals and businesses. Families cannot buy a new home because of high interest rates or heavy downpayment demands. Builders are on the edge of bankruptcy because of the cost of financing unsold new homes. Realtors are closing their businesses because home sales have dried up. Construction workers are standing in unemployment lines. Unemployed homeowners are sinking deep into debt and many may lose their homes. These are some of the many faces of this economic crisis and all deserve the urgent attention of the Congress.

The administration's economic policies are creating that suffering.

The administration seems not to comprehend the impact of its policies on idled workers and business people who are facing bankruptcy. Instead of actions that offer hope for these people, the administration still offers the tired words: "Wait for the President's economic recovery program to work."

Congress must act on its own to break the deadlock. I believe the initiative we propose today would provide an immediate and sustained spur to housing production. It would help rescue the homebuilding industry from disastrous depression and would help builders and realtors across the country avoid financial ruin. It would make homeownership possible for as many as 600,000 families now shut out of the market because of high interest rates or high housing prices. It would return almost 800,000 construction workers to productive, meaningful employment. It would prevent 100,000 families from suffering the tragedy of home foreclosures due to unemployment. It is, in short, a comprehensive answer to the most pressing housing needs of the Nation today.

Title I would provide a major stimulus to the housing industry by making financial assistance available for the purchase of 600,000 homes. It would do that in two ways. First, it would reduce the effective home mortgage interest rate for moderate income families by as much as 4 percent below market for a period of 5 years. A participant would pay 25 percent of income as a minimum mortgage payment, so the subsidy would decrease as the homeowner's income rises. This program would be targeted to middle-income home buyers, with an income cap of 140 percent of area median. The sales price of homes in the program would be the applicable FHA limit in the area, which varies between $67,500 and $90,000 in very high cost areas. The Secretary would have discretion to increase that figure to 105 percent of the FHA limit when necessary. This approach is a variation of the 235(q) program enacted 2 years ago by a Democratic Congress but never used. The bill would assist up to 500,000 homes—we expect that about 70 percent would be newly constructed and 30 percent would be already constructed new homes or currently occupied homes.

Second, the bill would provide up to $5,000 in down payment assistance to first-time home buyers who cannot afford the large down payments requested by conventional mortgages. Advances would be provided by the Federal Government with home buyers providing a dollar for dollar match. Income limits and sales price limits would be similar to those of the interest subsidy program. These advances would be repayable to the Federal Government when the home is resold. The bill would assist up to 100,000 newly constructed homes.

Title II, the Homeowners Relief Act of 1982, would provide repayable loans to approximately 100,000 unemployed homeowners who are threatened with foreclosure on their mortgages. Funds would be made available in areas of the country where delinquency rates are particularly high. These loans would cover up to 3 months of arrears, and provide payments for up to 80 percent—but not more than $600—of monthly costs for mortgage, taxes, and insurance for a 12-month period. Where necessary, assistance could be extended for an additional 6 months. These loans would be limited to conventional mortgages since there is now a temporary mortgage assistance program in place to help FHA mortgage holders who are in default. It is expected that the gross outlays for this proposed program would be approximately $750 million over a 3-year period. Since assistance is in the form of a repayable loan, repayments would reduce the final net cost significantly.

Title III of the bill would permit early construction of multifamily rental housing for which funds have already been appropriated. This construction would produce almost 50,000 rental units and provide about 85,000 jobs.

Mr. President, the total outlay cost for all of these programs in this bill for the years 1982 to 1985 totals approximately $3.4 billion. Long-term budget authority figures are approximately $5.8 billion. These figures do not include any allowance for repayments or tax revenues that will accrue to the Government as a result of these stimulative efforts. While the costs are substantial, the ultimate benefits are even more substantial.

Mr. President, this bill would enact an important part of a more comprehensive approach that is necessary to solve the problems of housing. As a member of the Banking, Housing, and Urban Affairs Committee, it is my intent to have the committee address the broad range of housing problems.

The legislation we introduce today would provide direct relief from some of the most damaging consequences of the administration's economic policy. It deserves fast action by the Congress. And I urge my colleagues to join me in support of it.

Mr. President, I ask unanimous consent to have the text of the bill printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 2327

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

TITLE I—EMERGENCY HOMEOWNERSHIP PROGRAM

SHORT TITLE

SEC. 101. This title may be cited as the "Emergency Homeownership Act of 1982".

SECTION 235(Q) AMENDMENTS

SEC. 102. (a) Section 235(q)(1) of the National Housing Act is amended—

(1) by striking out the first sentence and inserting in lieu thereof the following: "Notwithstanding any other provision of this section, within 45 days after the date of enactment of the Emergency Homeownership Act of 1982, the Secretary shall begin to make and to enter into contracts to make periodic assistance payments on behalf of homeowners, including owners of manufactured homes, to mortgagees or other lenders holding mortgages, loans, or advances of credit which meet the requirements of this subsection.";

(2) by striking out "September 30, 1982" in the fourth sentence and inserting in lieu thereof "March 31, 1983"; and

(3) by adding at the end thereof the following: "Each contract entered into under this section on or after the date of enactment of the Emergency Homeownership Act of 1982 shall provide for periodic assistance payments for a period of not to exceed five years. Where a mortgagor is receiving assistance payments under this section immediately prior to the close of any such five-year period, the Secretary shall continue to make such assistance payments for as long as such mortgagor remains eligible under this section to receive the benefit of such payments to the extent of funds recaptured pursuant to subsection (c)(2) and appropriations remaining unexpended which may be used to make such payments during the period as extended. For the purpose of this subsection, all funds appropriated for the purpose of this subsection which remain available at the close of such five-year period and all funds recaptured shall be paid into a revolving fund which shall be available only for payments to mortgagors who are eligible for and who require assistance after the close of such period, except that any amounts in excess of the amount determined by the Secretary to be reasonably necessary to continue to make payments during such extended period shall be covered into the Treasury.".

(b) Section 235(q)(2)(B) of such Act is amended—

(1) by striking out "130 per centum of the area median income for the area" and inserting in lieu thereof "140 per centum of the median income for the area"; and

(2) by inserting before the period at the end thereof the following: ", except that the Secretary may increase the percentage of median income for the area to not to exceed 145 per centum if the Secretary determines such action is necessary to make the program under this section workable".

(c) Section 235(q)(4) of such Act is amended—

(1) by striking out "taxes, insurance," in subparagraph (A); and

(2) by striking out "at the rate of at least 9½ per centum per annum" in subparagraph (B) and inserting in lieu thereof "at an annual rate which is not lower than that rate which is 4 percentage points below such maximum interest rate but not less than 10 per centum per annum".

(d) Section 235(q)(5) of such Act is amended—

(1) by striking out "real and personal property taxes, insurance," in subparagraph (A); and

(2) by striking out "12 per centum per annum" in subparagraph (B) and inserting in lieu thereof "an annual rate which is 4 percentage points less than the applicable rate".

(e) Section 235(q)(10)(C) of such Act is amended to read as follows: "involve a one- to four-family dwelling construction of which commenced on or after April 1, 1982, except that not to exceed 30 per centum of the mortgages assisted under this subsection may be secured by dwellings which do not meet the foregoing requirement;".

(f) Section 235(q)(10)(D) of such Act is amended—

(1) by striking out "82 per centum of"; and

(2) by inserting before the semicolon at the end thereof the following: ", or in the case of a manufactured home, the maximum obligation which may be insured under title I, except that the limitation for the purpose of this subsection may increase to not to exceed 105 per centum of the otherwise applicable maximum where the Secretary determines that such action is necessary to make the program under this subsection workable in an area".

ALLOCATION SYSTEM

SEC. 103. Section 235(q)(13) is amended by adding "unemployment rates" before the word "relative".

AUTHORIZATION

SEC. 104. Section 235 (q) of the National Housing Act is amended by adding at the end thereof the following:

"(16) Notwithstanding any other provision of this section, there are authorized to be appropriated not to exceed $4,680,000,000 to carry out the provisions of this subsection."

DOWNPAYMENT ASSISTANCE

SEC. 105. Title II of the National Housing Act is amended by adding at the end thereof the following:

"DOWNPAYMENT ASSISTANCE

"SEC. 247. (a)(1) For the purpose of assisting families in acquiring homeownership, in acquiring ownership of a manufactured home, or in acquiring membership in a cooperative association operating a housing project, the Secretary is authorized to make and contract to make one-time downpayment assistance advances to first-time home buyers for the purpose of matching a home buyer's available funds to meet downpayment requirements for the purchase of a principal residence financed by a mortgage or loan which is not insured under this Act.

"(2) The Secretary is authorized to make downpayment assistance advances to families—

"(A) whose incomes do not exceed 140 per centum of the median income for the area, as determined by the Secretary;

"(B) who certify to the satisfaction of the Secretary that the family does not have sufficient funds available to it to purchase the home in the absence of assistance being made available under this section; and

"(C) no member of which has owned a home in the three years preceding the application for the advance.

"(3) Advances made to a family qualifying under this section shall be in an amount not in excess of the lesser of (A) the amount available to the family to meet the downpayment cost of the home, or (B) $5,000.

"(b) (1) Assistance under this section may be provided for downpayments on one- to four-family homes which have been approved by the Secretary prior to the beginning of construction.

"(2) The maximum sales price of homes purchased with assistance under this section shall not exceed the applicable maximum principal amount of a mortgage which may be insured in the area pursuant to section 203 (b)(2), determined without regard to the last sentence of such section or the maximum obligation which may be insured under title I in the case of a manufactured home.

"(c) Upon the disposition by the homeowner of any property assisted under this section, or where the homeowner rents the property (or the owner's unit in the case of a two- to four-family residence) for a period longer than one year, the Secretary shall provide for the recapture of the amount of assistance provided under this section, plus an amount determined by the Secretary to cover the cost of interest on the amount advanced, at a rate not to exceed the average rate on all outstanding marketable obligations of the United States during the month preceding the advance. The total amount of interest charges imposed shall not exceed 25 per centum of the amount advanced. Notwithstanding any other provision of law, assistance provided under this section shall constitute a debt secured by the property.

"(d) There are authorized to be appropriated for the provision of assistance under this section not to exceed $400,000,000. No advances of assistance under this section shall be provided for the purchase of homes the construction of which commenced after March 31, 1983.

"(e) The Secretary shall develop and utilize a system to allocate assistance under this subsection in a manner which assures a reasonable distribution of such assistance among the various regions of the country and which takes into consideration such factors as population, unemployment rates, relative decline in building permits, the need for increased housing production, and other factors he deems appropriate. Assistance provided under this subsection shall not be subject to section 213 of the Housing and Community Development Act of 1974.".

TITLE II—HOMEOWNERS' RELIEF

SHORT TITLE

SEC. 201. This title may be cited as the "Emergency Homeowners' Relief Act of 1982".

FINDINGS

SEC. 202. The Congress finds that—

(1) the Nation continues in a serious recession that has resulted in unemployment rates that are the highest since the Great Depression;

(2) this increased unemployment and related economic impacts have adversely affected the ability of many homeowners to meet their mortgage obligations and has led to extremely high mortgage delinquency rates;

(3) a temporary program of mortgage assistance can save the homes of thousands of families who face unemployment or reduced income, at a relatively modest cost to the Government; and

(4) such assistance should be in the form of repayable loans that will reduce the net cost of the assistance without imposing an unaffordable burden on families receiving assistance.

EMERGENCY MORTGAGE RELIEF LOANS

SEC. 203. (a)(1) The Secretary of Housing and Urban Development (hereinafter referred to as the "Secretary") shall make, and contract to make, to the extent approved in appropriation Acts and subject to the provisions of this title, loans in the form of emergency mortgage relief advances directly to mortgagees on behalf of homeowners whose mortgages are held by such mortgagees and who are delinquent in their mortgage payments.

(2) For the purpose of this title, the Secretary shall contract to make, and make, loans under this title when, on an average monthly basis for a period of 3 consecutive months—

(A) the amount of funds represented by mortgage loans and contracts which are accounted for in a mortgage delinquency series maintained by the Federal Home Loan Bank Board and for which payments have been delinquent for 60 days or more, exceeds

(B) 1.3 per centum of all funds represented by mortgage loans and contracts accounted for in such series.

except that where the amount of funds determined under subparagraph (A) does not exceed 1.3 per centum of all funds represented by mortgage loans and contracts in such series on a nationwide basis, the Secretary shall make such loans available in any State located in a Federal Home Loan Bank district in which the amount of funds determined to be delinquent under subparagraph (A) for the district exceeds 1.3 per centum of all funds represented by mortgage loans and contracts which would be accounted for in such series for that district.

(3)(A) For the purpose of determining when loans are to be made available pursuant to paragrah (2), the Secretary shall take into account all months beginning with or after the third month before the date of enactment of this title.

(B) When the condition described in paragraph (2) first occurs after the date of enactment of this title, the Secretary shall begin to contract to make, and to make, loans at the beginning of the first month following the month in which the series indicates that such condition has occurred.

(4) The mortgage delinquency series referred to in paragraph (2) shall be made available by the Federal Home Loan Bank Board to the Secretary and to the Congress on a monthly basis and shall contain data on the previous month's mortgage delinquency rate.

(b)(1) Once the Secretary begins to make loans pursuant to subsection (a), the Secretary shall continue to contract to make, and make, the loans available until the date on which the mortgage delinquency series referred to in subsection (a)(2) indicates that the amount of funds represented by sixty-day delinquent mortgage loans and contracts accounted for in such series has declined to below 1.2 per centum of all funds represented by mortgage loans and contracts accounted for in such series, except that—

(A) loans shall continue to be made available pursuant to contracts entered into before such date;

(B) the Secretary shall, to the extent of available funds, reinstitute the program established by this title whenever the delinquency rate condition described in subsection (a)(2) reoccurs; and

(C) the Secretary shall continue to make such loans in any Federal Home Loan Bank district which continues to meet the requirement of subsection (a)(2).

(2) In any case in which the program is reinstituted, the Secretary shall begin to contract to make, and make, loans beginning with the day after the date on which the mortgage delinquency series indicates that the delinquency rate condition described in such subsection has reoccurred.

(c) Emergency mortgage relief loans shall be made only with respect to a mortgage which meets the requirements of section 204, only in accordance with the provisions of section 205 and only on terms and conditions which the Secretary determines to be necessary to carry out the provisions and purposes of this title.

(d) The Secretary may make such delegations and accept such certifications with respect to the processing of mortgage relief loans provided under this title as he deems appropriate to facilitate the prompt and efficient implementation of the assistance authorized under this title.

ELIGIBILITY

SEC. 204. Assistance may be extended with respect to a mortgage under this title only if the Secretary finds that—

(1) the holder of the mortgage has indicated to the mortgagor its intention to foreclose and foreclosure would result if assistance under this title were not provided;

(2) payments under the mortgage have been delinquent for at least three months, except that the Secretary may waive such

requirement where foreclosure is imminent prior to the close of the three-month period;

(3) the mortgagor has incurred a substantial reduction in income as a result of involuntary unemployment or underemployment due to adverse economic conditions and is financially unable to make full mortgage payments;

(4) there is a reasonable prospect that the mortgagor will be able to make the adjustments necessary for a full resumption of mortgage payments; and

(5) the mortgaged property is the principal residence of the mortgagor.

LIMITS OF ASSISTANCE

SEC. 205. (a) Loans under this title on behalf of a homeowner may be made available in monthly advances an amount not to exceed the lesser of (1) 80 per centum of the amount of the principal, interest, taxes, ground rents, hazard insurance, and mortgage insurance premiums due each month under the homeowner's mortgage; or (2) $600 per month, except that in no case may the amount of such assistance exceed the amount determined to be reasonably necessary to supplement the amount which the Secretary determines the homeowner is capable of contributing toward such mortgage payment.

(b) Monthly payments may be provided under this title for up to 12 months, plus any period under this title for up to 12 months, plus any period of delinquency, and in accordance with criteria prescribed by the Secretary, such monthly payments may be extended once for up to 6 additional months. A mortgagor receiving the benefit of assistance pursuant to this title shall be required, in accordance with criteria prescribed by the Secretary, to report any increase in income which will permit a reduction or termination of such assistance during this period.

(c) Loans made under this title shall be repayable by the homeowner upon such terms and conditions as the Secretary shall prescribe, except that interest on a loan shall not be charged at a rate which exceeds the sum of the average yield on all outstanding marketable obligations of the United States at the time the loan is made, plus 1 percentage point.

(d) The Secretary shall provide for the deferral of the commencement of the repayment of a loan for such period of time following the date of the last disbursement of the proceeds of the loan as may be necessary to further the purpose of this title.

(e) The Secretary shall by regulation require such security for the repayment of loans under this title as he deems appropriate and may require that such repayment be secured by a lien on the mortgaged property.

AUTHORITY OF THE SECRETARY

SEC. 206. (a) The Secretary is authorized to issue such rules and regulations as may be necessary to carry out the provisions of this title.

(b) Notwithstanding any other provision of law relating to the acquisition, handling, improvement, or disposal of real or other property by the United States, the Secretary shall have power, for the protection of the interest of the United States, to pay all expenses or charges in connection with the acquisition, handling, improvement, or disposal of any property, real or personal, acquired by the Secretary as a result of recoveries under security, subrogation, or other rights.

(c) In the performance of, with respect to, the functions, powers, and duties vested in the Secretary by this title, the Secretary shall—

(1) have the power, notwithstanding any other provision of law, whether before or after default, to provide by contract or otherwise for the extinguishment upon default of any redemption, equitable, legal, or other right, title in any mortgage, deed, trust, or other instrument held by or held on behalf of the Secretary under the provisions of this title; and

(2) have the power to foreclose on any property or commence any action to protect or enforce any right conferred upon the Secretary by law, contract, or other agreement, and bid for and purchase at any foreclosure or other sale any property in connection with which assistance has been provided pursuant to this title. In the event of any such acquisition, the Secretary may, notwithstanding any other provision of law relating to the acquisition, handling, or disposal of real property by the United States, complete, remodel and convert, dispose of, lease, and otherwise deal with, such property. The Secretary also shall have power to pursue to final collection by way of compromise or otherwise all claims acquired by him in connection with any security, subrogation, or other rights obtained by him in administering this title.

NOTIFICATION

SEC. 207. Each Federal supervisory agency, with respect to financial institutions subject to its jurisdiction, and the Secretary, with respect to other approved mortgagees, shall prior to January 1, 1983 (1) take appropriate action, not inconsistent with laws relating to the safety or soundness of such institutions and mortgagees, to waive or relax limitations pertaining to the operations of such institutions or mortgagees with respect to mortgage delinquencies in order to cause or encourage forbearance in residential mortgage loan foreclosures, and (2) request each such institution or mortgagee to notify that Federal supervisory agency and the mortgagor, at least thirty days prior to instituting foreclosure proceedings in connection with any mortgage loan. For the purpose of this section, the term "Federal supervisory agency" means the Board of Governors of the Federal Reserve System, the Board of Directors of the Federal Deposit Insurance Corporation, the Federal Home Loan Bank Board, the Comptroller of the Currency, the Federal Savings and Loan Insurance Corporation, and the National Credit Union Administration Board.

AUTHORIZATION AND EXPIRATION DATE

SEC. 208. (a) There are authorized to be appropriated to carry out the purposes of this title not to exceed $750,000,000. Any amounts so appropriated shall remain available until expended.

(b) No loan shall be made under this title after the expiration of 18 months after the date of enactment of this title unless such loan is made with respect to a mortgagor receiving the benefit of a loan under this title on such date.●

● Mr. JACKSON. Mr. President, The American people have waited long enough.

There is an economic emergency in this country today.

Ten million people are out of work.

I am old fashioned enough to still believe in demand-side economics and the way to get the country moving is to get people back to work and put money in their pockets.

People are hurting and hurting bad. It is time to take some emergency actions—to stimulate an economic recovery by taking direct action.

The bill we are introducing today offers a bold new emergency program to get people back to work in the construction industry.

The housing industry—the second largest industry in the United States—is near collapse.

More than 2 million construction workers have lost their jobs.

We are building half as many houses as we did 5 years ago.

There is 19 percent unemployment in lumber, 18 percent unemployment in construction.

There are mill towns and logging towns in Washington State that are becoming virtually ghost towns.

Two weeks ago there were 181 mills shut down in the West—277 other mills were working curtailed shifts.

There are twice as many contractor failures as there were 4 years ago.

A builder in my own State, Mr. Jack Nelson of Richland, wrote this to me recently:

> Probably one-third of the builders in our area fell during the first year of high interest rates. This always happens—and it isn't surprising—that a few of the weaker businessmen who are not efficient get weeded out when the going gets rough. That is how our American system works—to encourage the efficient ones. In the second year, another third fell. That is getting serious—losing two-thirds of an industry. In the last six months, however, we have lost another 25 percent, leaving less than 10 percent remaining. Among this last group to fall were some of the finest builders in the state who were efficient, had backup, and were sharp.

Mr. Nelson's statement dramatizes the condition of the homebuilding industry and the urgency of our task.

High interest rates are driving thrift institutions to the wall. Only 1 in 20 new prospective home buyers makes enough money to qualify for loans.

Thousands of unemployed families are faced with losing their homes because of delinquent mortgage payments.

And impossible financing requirements have denied our new young families one of America's most fundamental promises—decent housing at an affordable price.

The construction of 600,000 new single-family houses is the centerpiece of our program. That is 50 percent more than is being built today.

New housing starts will generate more jobs and new economic activity in every community of the Nation at the lowest cost in the shortest possible time.

Simply stated, our program makes four proposals:

First, stimulate the construction and sale of 500,000 new single-family homes by providing an interest subsidy of 4 percentage points on new mortgages—but down no further than to a 10-percent interest rate over a 5-year period. Seventy percent of these homes will be actual new starts and 30 percent will soak up the huge inventory of new homes which have been standing unsold for months.

Second, stimulate the construction and sale of 100,000 more single-family homes by providing a $5,000 one-time matching payment to help younger and lower income families acquire sufficient funds to make a downpayment on a new home.

Third, rescue 100,000 homeowners and family farmers being forced into mortgage default by providing Federal loans up to 21 monthly payments.

Fourth, build 50,000 new units of public housing.

This emergency program will create over 876,000 new construction and housing related jobs—and do it quickly, over a period of a few months.

And remember—every dollar we invest in the next 5 years will be recovered by the U.S. Treasury through future mortgage payments or through the sale of the houses at a later date.

In the days and weeks ahead, we will work to win bipartisan support in both the House and Senate for this program which we view as a starting point.

The most important thing is that we move quickly before any more time is lost.●

By Mr. D'AMATO (for himself, Mr. BOSCHWITZ, Mr. MOYNIHAN, Mr. LEVIN, Mr. DURENBERGER, Mr. HEFLIN, and Mr. RIEGLE):

S.J. Res. 181. Joint resolution authorizing and requesting the President to issue a proclamation designating April 25 through May 2, 1982, as "Jewish Heritage Week"; to the Committee on the Judiciary.

JEWISH HERITAGE WEEK

● Mr. D'AMATO. Mr. President, as Americans, we can be proud of the diverse culture which we share. The richness of our cultural heritage results from the ideals and values brought to our shores by people of many races and religions.

Among these immigrants, members of the Jewish community contribute significantly to the spiritual and cultural growth of our Nation. These individuals, along with their decendents have brought distinction and honor to every field of endeavor including the arts, humanities, and sciences. Our Jewish citizens have fought and died to preserve and protect the freedoms which this great country stands for.

The Jewish people cherish a tradition and a culture which spans the course of many thousands of years, reaching back to the dawn of civilization.

During each spring, Jews throughout the United States and around the world observe a number of significant dates. Beginning with the observance of Passover, which commemorates their passage from bondage to freedom, along with the observance of the anniversary of the Warsaw ghetto uprising and concluding with the celebration of Israeli Independence Day, American Jews rededicate themselves to the concepts of liberty, equality, and democracy.

In recognition of the untold contributions of Jews, who have become an integral part of the American heritage, I am introducing the following joint resolution requesting that the President designate April 25 through May 2, 1982, as "Jewish Heritage Week".

Mr. President, I request that my joint resolution be printed in its entirety in the RECORD.

There being no objection, the joint resolution was ordered to be printed in the RECORD, as follows:

S.J. RES. 181

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled,

Whereas the Congress recognizes that an understanding of the heritage of all American ethnic groups contributes to the unity of our country; and

Whereas a greater understanding of the culture, history, and traditions of the Jewish community can foster an increased awareness and appreciation of the contributions of Jews to our nation and society; and

Whereas several dates of significance on the Jewish calendar including: Passover, the anniversary of the Warsaw Ghetto Uprising, Israeli Independence Day, and Jerusalem Day will be observed during the month of April: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America assembled, That the President is authorized and requested to issue a proclamation designating April 25 through May 2, 1982, as "Jewish Heritage Week" and calling upon the people of the United States, State and local government agencies, and interested organizations to observe that week with appropriate ceremonies, activities, and programs.●

By Mr. LEAHY (for himself, Mr. STAFFORD, Mr. BAUCUS, Mr. MELCHER, Mr. MCCLURE, Mr. MURKOWSKI, Mr. D'AMATO, Mr. DURENBERGER, Mr. DIXON, Mr. TSONGAS, Mr. GARN, Mr. BURDICK, Mr. HUMPHREY, Mr. HEFLIN, Mr. BOSCHWITZ, Mr. LEVIN, Mr. PERCY, Mr. SYMMS, Mr. ARMSTRONG, Mr. MATHIAS, and Mr. WALLOP):

S.J. Res. 182. Joint resolution to designate January 1983 as "National Snowmobiling Month"; to the Committee on the Judiciary.

NATIONAL SNOWMOBILING MONTH

Mr. LEAHY. Mr. President, today I am introducing a joint resolution requesting the President to proclaim the month of January 1983, as "National Snowmobiling Month."

Spring is now approaching and we are all glad of it. The winter of 1981/1982 was a hard, long winter with record snows affecting millions of Americans.

In my State of Vermont, and in other States across the northern tier, these snows brought increased opportunities to engage in outdoor recreation and to revel in the winter beauty. At the same time, winter storms brought isolation, depleted supplies of fuel and food, and resulted in accidents and emergencies brought on by adverse weather conditions.

I refer to the winter that is now departing because of the role that snowmobiles played in these disparate sides of winter. While the snowmobile is a source of recreation and pleasure for over 20 million Americans, the snowmobile also plays a crucial role in assisting those who are snowbound and are in danger or discomfort. By introducing this joint resolution, I and my cosponsors hope to recognize the expanding role of the snowmobile in the lives of millions of Americans during the winter months.

Snowmobiles are best known as a source of recreation for millions of Americans, young and old alike and of varied physical ability, who would otherwise be housebound during the long winter months. In the past few years hundreds of clubs have been formed and extensive networks of trails have been constructed and maintained. Two dozen national parks have determined that snowmobiling plays an integral part in their philosophy that Americans should "see, sense, and enjoy" their spectacular beauty, and have permitted snowmobiles to travel on their snow-covered roadways.

Another facet of the growing popularity of snowmobiling is its contribution to the tourist industries of many communities. In my own State of Vermont, almost $30 million is generated each year through snowmobiles—one for every four Vermont families—registered in the State, with these registration fees contributing over $200,000 to the State coffers.

Well-organized and concerned snowmobilers also help save the lives of plane crash victims, hikers, and cross-country skiers. We saw many such examples this winter on the nightly news as snowmobilers came to the rescue of highway travelers stranded by blizzard conditions. Each year snowmobilers are credited with saving the lives of thousands of people throughout Canada and the United States.

Mr. President, as the cold and snow of winter slowly leave us, we should take a moment to recognize the growing role of the snowmobile in local economies and in the lives of millions of families across the country. For these reasons, I am proud to introduce this joint resolution and to urge my colleagues to join me in this effort to proclaim January 1983, as "National Snowmobiling Month."

ADDITIONAL COSPONSORS

S. 1378

At the request of Mr. JEPSEN, the Senator from Alabama (Mr. DENTON) was added as a cosponsor of S. 1378, A bill to strengthen the American family and to promote the virtues of family life through education, tax assistance, and related measures.

S. 1402

At the request of Mr. CANNON, the Senator from Wyoming (Mr. WALLOP) was added as a cosponsor of S. 1402, A bill to establish uniform National standards for the continued regulation, by the several States, of commercial motor vehicle width and length on interstate highways.

S. 1932

At the request of Mr. BENTSEN, the Senator from Arkansas (Mr. BUMPERS) was added as a cosponsor of S. 1932, A bill to amend the Inspector General Act of 1978 to establish offices of inspector general in certain departments and agencies, and for other purposes.

S. 1947

At the request of Mr. WEICKER, the Senator from Ohio (Mr. GLENN) was added as a cosponsor of S. 1947, A bill to improve Small Business access to Federal Procurement Information.

S. 2000

At the request of Mr. DOLE, the Senator from Connecticut (Mr. WEICKER) was added as a cosponsor of S. 2000, A bill to amend title 11, United States Code, to establish an improved basis for providing relief under Chapter 7, and for other purposes.

S. 2014

At the request of Mr. RIEGLE, the Senator from Maryland (Mr. SARBANES) was added as a cosponsor of S. 2014, A bill to amend the Federal-State Unemployment Compensation Act of 1978 to maintain current provisions (scheduled to be repealed) relating to the State trigger and to restore a former provision relating to the insured unemployment rate.

S. 2048

At the request of Mr. CRANSTON, the Senator from North Dakota (Mr. ANDREWS), and the Senator from Rhode Island (Mr. PELL) were added as cosponsors of S. 2048, a bill to amend title 38, United States Code, to restore eligibility for burial benefits in the case of certain veterans of war whose bodies are not claimed, and for other purposes.

S. 2058

At the request of Mr. CHAFEE, the Senator from Arkansas (Mr. BUMPERS) was added as a cosponsor of S. 2058, a bill to promote foreign trade in services, and for other purposes.

S. 2061

At the request of Mr. MOYNIHAN, the Senator from North Dakota (Mr. BURDICK), and the Senator from Arkansas (Mr. BUMPERS) were added as cosponsors of S. 2061, a bill to provide for the conservation, rehabilitation, and improvement of natural and cultural resources located on public and Indian lands, and for other purposes.

S. 2130

At the request of Mrs. KASSEBAUM, the Senator from California (Mr. HAYAKAWA), and the Senator from Ohio (Mr. GLENN) were added as cosponsors of S. 2130, a bill to amend the Federal Food, Drug, and Cosmetic Act to facilitate the development of drugs for rare diseases and conditions, and for other purposes.

S. 2144

At the request of Mr. RANDOLPH, the Senator from North Dakota (Mr. BURDICK), the Senator from Georgia (Mr. NUNN), the Senator from Ohio (Mr. GLENN), and the Senator from New York (Mr. D'AMATO) were added as cosponsors of S. 2144, a bill to extend the Appalachian Regional Development Act to provide transitional assistance to the Appalachian region.

S. 2149

At the request of Mr. BOREN, the Senator from Ohio (Mr. GLENN), and the Senator from Minnesota (Mr. DURENBERGER) were added as cosponsors of S. 2149, a bill to provide for deferrals on repayment, and a moratorium on foreclosures, of Farmers Home Administration farm loans for borrowers temporarily unable to make payments due to circumstances beyond their control.

S. 2202

At the request of Mr. ARMSTRONG, the Senator from Utah (Mr. HATCH) was added as a cosponsor of S. 2202, a bill to amend the Colorado River Basin Salinity Control Act to authorize certain additional measures to assure accomplishment of the objectives of title II of such Act, and for other purposes.

S. 2226

At the request of Mr. LUGAR, the Senator from North Dakota (Mr. ANDREWS), and the Senator from Montana (Mr. MELCHER) were added as cosponsors of S. 2226, a bill to amend the National Housing Act to provide for emergency interest reduction payments and for other purposes.

At the request of Mr. HAYAKAWA, his name was withdrawn as a cosponsor of S. 2226, supra.

S. 2291

At the request of Mr. DIXON, the Senator from Texas (Mr. BENTSEN) was added as a cosponsor of S. 2291, a bill to require the Secretary of Agriculture to disseminate farm income estimates.

SENATE JOINT RESOLUTION 131

At the request of Mr. EXON, the Senator from Oregon (Mr. HATFIELD), the Senator from Hawaii (Mr. MATSUNAGA), the Senator from Arkansas (Mr. BUMPERS), the Senator from South Carolina (Mr. THURMOND), the Senator from Mississippi (Mr. COCHRAN), the Senator from Washington (Mr. GORTON), the Senator from New Jersey (Mr. BRADLEY), and the Senator from Arkansas (Mr. PRYOR) were added as cosponsors of Senate Joint Resolution 131, a joint resolution designating "National Theatre Week".

SENATE JOINT RESOLUTION 153

At the request of Mr. RIEGLE, the Senator from Minnesota (Mr. DURENBERGER), the Senator from Ohio (Mr. METZENBAUM), the Senator from Tennessee (Mr. SASSER), and the Senator from South Carolina (Mr. THURMOND) were added as cosponsors of Senate Joint Resolution 153, a joint resolution designating Baltic Freedom Day.

SENATE JOINT RESOLUTION 165

At the request of Mr. ARMSTRONG, the Senator from Oklahoma (Mr. NICKLES) was added as a cosponsor of Senate Joint Resolution 165, a joint resolution authorizing and requesting the President to proclaim 1983 as the "Year of the Bible".

SENATE JOINT RESOLUTION 180

At the request of Mr. WEICKER, the Senator from Texas (Mr. BENTSEN), the Senator from Connecticut (Mr. DODD), the Senator from South Carolina (Mr. THURMOND), the Senator from Oklahoma (Mr. BOREN), the Senator from Oregon (Mr. PACKWOOD), the Senator from West Virginia (Mr. RANDOLPH), and the Senator from North Dakota (Mr. ANDREWS) were added as cosponsors of Senate Joint Resolution 180, a joint resolution to authorize and request the President to issue a proclamation designating the week beginning May 9, 1982, as "National Small Business Week."

SENATE CONCURRENT RESOLUTION 71

At the request of Mr. QUAYLE, the Senator from Indiana (Mr. LUGAR) was added as a cosponsor of Senate Concurrent Resolution 71, a concurrent resolution expressing the sense of the Congress that the President, the Board of Governors of the Federal Reserve System, and the Congress must coordinate fiscal and monetary policy to insure that economic recovery and stable economic growth are not hindered by excessively restrictive monetary policy and high interest rates.

SENATE CONCURRENT RESOLUTION 73

At the request of Mr. HEINZ, the Senator from Kentucky (Mr. HUDDLESTON) was added as a cosponsor of Senate Concurrent Resolution 73, a concurrent resolution to condemn the Iranian persecution of the Bahai community.

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SENATE RESOLUTION 299

At the request of Mr. WEICKER, the Senator from Tennessee (Mr. SASSER), the Senator from Idaho (Mr. SYMMS), and the Senator from Washington (Mr. GORTON) were added as cosponsors of Senate Resolution 299, a resolution to designate May 4, 1982, as "International Franchise Day."

SENATE RESOLUTION 316

At the request of Mr. CANNON, the Senator from Ohio (Mr. GLENN) was added as a cosponsor of Senate Resolution 316, a resolution to salute the achievements of Jaqueline Cochran in advancing the spirit of aviation through 40 years as a pioneer in flight.

SENATE RESOLUTION 317

At the request of Mr. CANNON, the Senator from California (Mr. CRANSTON) was added as a cosponsor of Senate Resolution 317, a resolution urging an Interstate Commerce Commission moratorium on new grants of authority to foreign carriers.

SENATE RESOLUTION 325

At the request of Mr. DIXON, the Senator from Colorado (Mr. HART) was added as a cosponsor of Senate Resolution 325, A resolution expressing the sense of the Senate that a supplemental appropriation should be enacted to restore full funding of the WIN program.

SENATE RESOLUTION 331

At the request of Mr. CHAFEE, the Senator from Iowa (Mr. JEPSEN) was added as a cosponsor of Senate Resolution 331, A resolution expressing the sense of the Senate that the Federal Regulatory Commission should take no action to accelerate the decontrol of wellhead natural gas prices.

SENATE RESOLUTION 339

At the request of Mr. RIEGLE, the Senator from Alabama (Mr. HEFLIN), and the Senator from North Dakota (Mr. BURDICK) were added as cosponsors of S. Res. 339, A resolution expressing the sense of the Senate concerning the effective date of any 1982 tax increases or tax benefit decreases.

SENATE RESOLUTION 340

At the request of Mr. ROBERT C. BYRD, the Senator from Ohio (Mr. GLENN) was added as a cosponsor of S. Res. 340, A resolution to express the sense of the Senate that no action be taken to terminate or otherwise weaken the Community Service Employment Program under title V of the Older Americans Act of 1965.

SENATE RESOLUTION 348

At the request of Mr. BENTSEN, the Senator from North Dakota (Mr. ANDREWS) was added as a cosponsor of S. Res. 348, A resolution to request the Secretary of Agriculture to make loans available to farmers under the economic emergency loan programs.

SENATE CONCURRENT RESOLUTION 78—CONCURRENT RESOLUTION PROVIDING FOR AN ADJOURNMENT OF THE CONGRESS

Mr. BAKER submitted the following concurrent resolution; which was considered and agreed to:

S. CON. RES. 78

Resolved by the Senate (the House of Representatives concurring), that when the Senate adjourns on Thursday, April 1, 1982, or on Friday, April 2, 1982, pursuant to a motion made by the Majority Leader, or his designee, in accordance with this resolution, it stand adjourned until 12 o'clock meridian on Tuesday, April 13, 1982, and that when the House of Representatives adjourns on Tuesday, April 6, 1982, it stand adjourned until 12 o'clock meridian on Tuesday, April 20, 1982.

SENATE RESOLUTION 354—RESOLUTION RELATING TO UNITED STATES AND SOVIET UNION GRAIN AGREEMENTS

Mr. EXON submitted the following resolution; which was referred to the Committee on Foreign Relations:

S. RES. 354

Whereas talks to extend the long-term grain sales agreement between the Soviet Union and the United States were broken off in 1981 with no date set for resumption of these talks;

Whereas the Government of the Soviet Union has ceased to purchase United States agricultural commodities since the breaking off of negotiations;

Whereas the lack of a long-term grain sales agreement may result in market instability, with the potential of disrupting the feed-livestock relationship in the United States;

Whereas the lack of such an agreement may result in uncertainty among farmers as to the best planting decisions for the upcoming crop year;

Whereas the lack of such an agreement has already led the Soviet Union to seek other sources of supplies at the expense of the American farmer; and

Whereas the lack of such an agreement means a drop in the export of agricultural commodities and continued severe difficulties with the balance of trade deficit of the United States: Now, therefore, be it

Resolved. That it is the sense of the Senate that the President should immediately resume negotiations with the Government of the Soviet Union for the purpose of reaching an agreement to extend the duration of the existing long-term grain sales agreement and to require the purchase by the Government of the Soviet Union of a minimum amount of grain annually at a level not less than the level required by the existing long-term grain sales agreement.

SEC. 2. the Secretary of the Senate shall transmit a copy of this resolution to the President.

Mr. EXON. Mr. President, I am, today, submitting in the U.S. Senate a resolution calling upon the President to immediately resume negotiations with the Soviet Union to extend the long-term grain sales agreement specifying a minimum annual purchase of grain by the U.S.S.R. at not less than that currently specified.

Mr. President, the administration has stated that the expansion of U.S. agricultural exports is a cornerstone to the President's farm program. Secretary of Agriculture Block has said, time and time again, that our farmers will be far better off in the long run if they rely on a strong and stable export market instead of domestic subsidy programs which, he said, offer our family farmers only short-term relief. If this is indeed the policy of this administration, then why, Mr. President, have they refused to begin to implement their "strong export policy" by resuming meaningful negotiations with the Soviet Union on a long-term grain agreement?

We in this Senate who represent agricultural States know of the extreme hardships currently facing our family farmers. High interest rates, poor commodity marketprices, huge carryovers of grain from the 1981 harvest, and poor exports are causing the worst economic crisis since the Great Depression. Mr. President, we cannot stand idly back and simply continue to give lipservice to these problems saying, "Oh yes, I know of the severity of the current problems on the farm. Yes, we must save the family farms from almost certain demise".

Mr. President, it is time for those of us in this body to stand up and say to this administration that the time for lipservice to agriculture problems is long past and the time to act is now before our agriculture economy reaches a point of no return.

Many bills and resolutions have been introduced in this Senate since January either proposing changes in the inferior agriculture bill passed last year, or calling upon the President and the Secretary of Agriculture to take those emergency steps necessary, which they have the authority to do, to relieve the economic stress in the Farm Belt. In addition to these bills and resolutions already pending, I believe it is necessary to say to the administration that actions to back up their words is critical it is time to resume those talks with the Soviets which were suspended last year.

Mr. President, it is becoming increasingly alarming at what is perceived to be this administration's lack of understanding of the needs of agriculture. What once seemed to be a ray of hope regarding the President's emphasis on exports was apparently mistaken. Let us then, by acting expeditiously on this resolution, remind the President and the Secretary of Agriculture of their policy on agriculture exports and the need for a strong and stable marketplace our family farmers currently do not have but so desperately need. Let us agree to this resolution and express to the President that the U.S.

Senate desires a resumption of talks culminating in a long-term grain agreement with the Soviet Union.

SENATE RESOLUTION 355—RESOLUTION RELATING TO FUNDING FOR ENERGY CONSERVATION

Mr. DECONCINI (for himself, Mr. Heinz, Mr. Hollings, Mr. Jackson, Mr. Percy, Mr. Cranston, Mr. Goldwater, Mr. Hart, Mr. Bradley, Mr. Cohen, Mr. Leahy, Mr. Durenberger, Mr. Matsunaga, Mr. Weicker, Mr. Mitchell, Mr. Moynihan, Mr. Rudman, Mr. Sarbanes, Mr. Glenn, Mr. Pell, Mr. Melcher, Mr. D'Amato, Mr. Dodd, Mr. Bumpers, Mr. Boschwitz, Mr. Heflin, Mr. Baucus, Mr. Riegle, Mr. Hayakawa, Mr. Cannon, Mr. Andrews, Mr. Tsongas, Mr. Specter, Mr. Kennedy, Mr. Pryor, Mr. Levin, Mr. Chafee, and Mr. Burdick) submitted the following resolution which was referred to the Committee on Appropriations:

S. Res. 355

Whereas the Nation remains significantly dependent on foreign sources of petroleum;

Whereas this dependence threatens the Nation's economic and strategic security;

Whereas this dependence adversely affects the Nation's international balance of trade;

Whereas renewable energy resources exist in unlimited supply;

Whereas energy efficiency improvements are cost-effective means to extend energy supplies;

Whereas the Federal government has had and will continue to have an important role in assisting the development of a range of energy technologies with economic and strategic value to this Nation;

Whereas the Congress has witnessed the reduction of Federal support for research and development of renewable energy and energy conservation technologies by 52 and 58 percent, respectively;

Whereas the citizens of the United States have repeatedly demonstrated overwhelming support for the development of renewable energy and conservation technologies; and

Whereas further reduction in Federal resources, funding and staffing for renewable energy and energy conservation research and development programs would cause an unacceptable delay in the development of these critical elements of the Nation's energy mix: Now, therefore, be it

Resolved, That funds appropriated for conservation and renewable energy for fiscal year 1983 should not, in the aggregate, be less than the sums appropriated for fiscal year 1982.

Mr. DeCONCINI. Mr. President, I am submitting, along with Senator John Heinz of Pennsylvania, and other Members of the Senate, a sense of the Senate regulation which calls for continued support for energy conservation, and renewable energy programs in the coming fiscal year. Specifically, it recommends that funds appropriated for conservation and renewable energy programs for fiscal year 1983 should not, in the aggregate, be less than the sums appropriated for fiscal year 1982.

Mr. President, we have been hearing of late, a lot of optimism regarding the energy situation in this country. The scenario goes something like this: The energy crisis is over because there is currently a glut of oil on the world markets. We are consuming less energy than anytime in our recent history and the OPEC cartel is close to being broken. For the foreseeable future we need only to leave energy production and supply to market forces. There is no need for a national energy policy—even an emergency allocation policy—and no need for Government support or participation in alternative energy development.

It is a very pleasant scenario and I wish it were entirely true.

Yes, crude oil imports are down sharply in March compared to last year and gasoline prices have begun to decline. A part of this good news can be attributed to conservation and increased use of alternative energy resources. To this good news, I, and the other sponsors of the resolution can only say, "great—it is beginning to work—let us not stop now". However, the bad news is that most of the decline in energy consumption—free world demand has dropped about 6 percent—is attributed to worldwide economic stagnation and a severe recession in this country. Added to this has been a refusal by Saudi Arabia to stop producing and exporting oil at a higher rate than their official production ceiling. They have done this out of a fear of helping Iran in its war with Iraq and an even greater fear that we in this country may continue to implement conservation and alternative energy strategies.

However, to demonstrate to the world that the reported death of OPEC has been greatly exaggerated, the 13 member countries agreed recently to reduce production to 17.5 million barrels a day from 18.2, and promised more cuts if the glut continued. The OPEC countries are determined that Amercan dependence on OPEC oil will not diminish over the long term and will soon return to former levels when we begin to climb out of our current recession.

In truth, that is exactly what will happen unless we continue, with even greater determination, to develop both passive and active solar energy technologies and other effective means of conservation. We cannot claim any victory in the war against energy dependence unless we can achieve real economic growth and less oil consumption at the same time.

We, in the Congress, are now faced with some very serious decisions. The administration has decided that we as a country do not need to actively support alternative energy programs. The administration has declared that we do not need a national energy policy. The Secretary of Energy believes we should simply leave energy policy to market forces, even during a sudden and major disruption. As a result, it is being proposed to Congress that we eliminate Government participation and support for all alternative energy programs, nuclear programs excepted, and even eliminate the energy business tax credit.

We must dissent, dissent strongly and persist in our dissension. First and foremost, energy security is national security. We need an energy policy and strong and far-sighted leadership to insure lasting security and lasting economic health in this country.

Second, the businessman, especially the small businessman is this country, is faced with a combination of very serious circumstances:

Interest rates unprecedented in recent economic history;

Restrictive monetary policies;

Record high unemployment and reduced purchasing power;

An almost total collapse of the housing industry;

The greatest number of business failings since the Great Depression year of 1932.

To expect the private sector to pick up the slack and bear the entire burden of research, development, and commercialization of emerging solar and conservation technologies is unrealistic and not in the long-term, or even short-term, public good.

Mr. President, I have, with the majority of this body, supported, and will continue to support, reductions in the overall levels of Federal spending. This Congress reduced spending for renewable energy and energy conservation programs by 52 and 58 percent respectively in fiscal year 1982—cuts many of us felt to be drastic, perhaps damaging, but hopefully not fatal, to our strategy for energy independence. We are not recommending large increases in fiscal year 1983—we are not demanding any increase, but we do insist that this skeleton budget, remain, in aggregate, the base level of Federal support for the near term.

These programs will be considered, of course, in great detail, and in the context of the entire budget by the appropriate committees in the current session. But tough investment decisions have to be made now by those in the private sector and it is for this reason we believe it appropriate the sense of the Senate be expressed at this time to clearly demonstrate this body's intent.

It is imperative that we not only agree, but demonstrate that long-term dependence on foreign oil is not in this Nation's best interest and that all of us, as a people, have a responsibility to do something about it.

● Mr. HEINZ. Mr. President, I am pleased to join with my distinguished colleague, Senator DeConcini, in cosponsoring this resolution which expresses the sense of the Senate that the current levels of funding should remain, in the aggregate, the basic level of Federal support of our national conservation efforts.

The bipartisan list of original cosponsors reflects the broad and active support in the Senate for our national energy conservation efforts. The resolution itself mirrors the position taken by the Senate Committee on Energy and Natural Resources in its recommendations to the Senate Budget Committee.

Mr. President, Congress has consistently and repeatedly demonstrated its strong interest in an effective, multifaceted Federal energy conservation program. We, as a nation, have decided that in order to achieve a realistic energy policy, we must reduce our consumption of foreign oil. One promising approach is to develop our own natural resources, like coal, or natural gas. Another, equally important approach is the conservation of energy through market forces.

An indespensable component of energy conservation policy is protection for those who cannot afford to pay higher prices for energy. As a compassionate nation, we have created Federal programs to provide weatherization assistance to those without adequate financial resources. We have also developed information programs for homeowners and small businessmen who lack sufficient information to respond effectively to higher prices.

Finally, we have committed the Federal Government to developing alternate energy sources, like wind and solar power, which have been overlooked by the private sector, so that future generations can benefit from safe, cheap energy.

The administration's fiscal year 1983 budget proposal, however, would undermine the longstanding Federal energy conservation effort. The administration's proposal all but eliminates new budget authority for energy conservation and would result in the abrupt termination of most, if not all, federally sponsored programs.

Conservation research, for example, is reduced by 91 percent under fiscal year 1982 levels in the administration's budget. Solar energy programs would suffer a 74-percent reduction. The weatherization program, which provides indespensable energy relief to tens of thousands of low income and elderly households, would be completely eliminated.

These budget proposals are not temporary cost savings measures: They are a concerted, de facto repeal of national energy conservation policies subscribed to by this Congress. The administration's budget submission is short-sighted and inequitable.

I have supported the President's general policy to reduce overall levels of Federal spending. However, the proposed cuts in the energy conservation programs can only serve to increase our Nation's dependence on foreign oil, draining more dollars from our domestic economy. Most importantly, the administration's budget proposals would cause severe economic stress to the poor and the elderly who desperately need Federal financial assistance.

Mr. President, this resolution demonstrates our determination to support a balanced, effective national energy conservation policy. I strongly urge my colleagues to join myself, my good friend from Arizona, Senator DeConcini, and 34 of our colleagues in cosponsoring this resolution.●

SENATE RESOLUTION 356—AUTHORIZING THE TESTIMONY OF SENATE EMPLOYEES

Mr. TOWER (for himself, Mr. Stennis, and Mr. Domenici) submitted the following resolution, which was considered and agreed to:

S. Res. 356

Whereas by the privileges of the Senate of the United States and Rule XI of the Standing Rules of the Senate, no evidence under control or in the possession of the Senate can by administrative or judicial process, be taken from such control or possession but by permission of the Senate;

Whereas when it appears that the oral or written testimony of an employee of the Senate is needed for use in any court or administrative proceeding for the promotion of justice and, further that such testimony may involve communications, conversations and matters related to the official business of the Senate, the Senate will take such action thereon as will promote the ends of justice consistently with the privileges and rights of the Senate: Now, therefore, be it

Resolved, That the Chairman of the Senate Committee on Armed Services and the Chairman of the Committee on the Budget are authorized to permit certain members of their respective Committee staffs to provide written statements or testimony in connection with the March 9, 1982 personnel action proposed by the Department of Defense with respect to Mr. John C. F. Tillson, except that no such statements or testimony shall be provided on matters for which the Senate Legal Counsel or his representative determines are privileged from disclosure.

SENATE RESOLUTION 357—CONTINUING PAY FOR CERTAIN SENATE EMPLOYEES

Mr. BAKER (for himself, Mr. Robert C. Byrd, and Mr. Bradley) submitted the following resolution, which was considered and agreed to:

S. Res. 357

Resolved, That clerical and other assistants of former Senator Harrison A. Williams, Jr., who were on the Senate payroll on March 11, 1982 as members of Senator Williams' office staff, shall be eligible to be continued on the payroll of the Senate until the close of May 11, 1982 under applicable provisions relating to the continuance on the Senate payroll of clerical and other assistants of Senators who have resigned.

NOTICES OF HEARINGS

SUBCOMMITTEE ON EXPENDITURES, RESEARCH, AND RULES

Mr. DANFORTH. Mr. President, on Wednesday, April 14, the Subcommittee on Federal Expenditures, Research, and Rules, of the Committee on Governmental Affairs, will hold a hearing concerning the Paperwork Reduction Act. The hearing will be held in room 3302 of the Dirksen Senate Office Building, beginning at 2 p.m. The purpose of the hearing is to assess the progress made over the past year, since the effective date of the act, in bringing Federal paperwork under control. This hearing was previously scheduled for April 1.

AUTHORITY FOR COMMITTEES TO MEET

SUBCOMMITTEE ON PUBLIC LANDS AND RESERVED WATER

Mr. McCLURE. Mr. President, I ask unanimous consent that the Subcommittee on Public Lands and Reserved Water of the Committee on Energy and Natural Resources be authorized to meet during the session of the Senate on Thursday, April 1, at 9 a.m., to hold a hearing on S. 1138 and S. 1633, bills to prohibit the issuance of phosphate leases on the Osceola National Forest in Florida; and H.R. 9 and S. 1873, bills designating wilderness and national forest lands in Florida.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON SURFACE TRANSPORTATION

Mr. McCLURE. Mr. President, I ask unanimous consent that the Surface Transportation Subcommittee, of the Commerce Committee, be authorized to meet during the session of the Senate at 9:45 a.m. on Wednesday, March 31, to hold an oversight hearing on the National Highway Traffic Administration.

The PRESIDING OFFICER. Without objection, it is so ordered.

ADDITIONAL STATEMENTS

IMPACT OF INCREASE IN POSTAL RATES

● Mr. QUAYLE. Mr. President, I am a great supporter of President Reagan's efforts to promote voluntarism and a greater reliance on the private sector to provide services. By and large, these volunteer organizations are filled with dedicated and compassionate people who devote time, talent, and money to reach their goals.

It has been brought to my attention that congressional action taken last December on the continuing appropriations legislation has placed a burden on these organizations in the form of higher postal rates. It is often very necessary for these organizations to conduct their main fundraising activities through direct mail campaigns. With this in mind, I submit for the RECORD the following statements. These statements are copies of testimony delivered before the Subcommittee on Postal Operations and Service and the Subcommittee on Postal Personnel and Modernization and reflect the impact of these rate increases on volunteer campaigns and religious organizations in Indiana.

The statements follow:

Testimony of Walter A. Schaw

It is indeed a pleasure to be able to provide information to the joint hearing of the Subcommittee on Postal Operations and the Subcommittee on Postal Personnel and Modernization. Permit me to express my thanks to Chairmen Ford, Clay and Leland for this opportunity. I join other non-profit groups and their representatives in offering specific examples of the need for examining the effectiveness of the Postal Reorganization Act of 1970 and its impact on current postal classifications and rates.

The Alumni Office of Indiana University holds a principal responsibility for communications and activity with over 285,000 persons who comprise our alumni body. With an enrollment of over 80,000 students on eight campuses, Indiana University ranks as one of the largest institutions of higher learning in the United States.

As with other state-supported institutions of higher learning in the economically troubled Midwest, our University's situation is a difficult one. State appropriations have been reduced well below a traditional one-third share of the University's budget. Offsetting student fee increases and program cutbacks have already been required to retain academic offerings.

There is little hope for sizeable increases in future state appropriations, due to both economics and the new federalism. Further student fee increases, now coupled with reduced federal assistance for students, would inevitably limit those who could afford to attend and create or accelerate an enrollment decline.

Only the alumni represent a potential source for added support if we are to preserve both academic excellence and educational opportunity. Our ability to communicate the needs of Indiana University to these alumni, in an economical and efficient manner, is at the very center of what we can accomplish with our alumni, of what is possible.

For that reason, we sincerely request review by your committee of the impact of the January 10, 1982 postal rate increases affecting non-profit organizations and consideration of legislative alternatives. These alternatives, to date, include full or partial restoration of federal expenditures in support of the non-profit postal rates or, at a minimum, implementation of the new rates in partial stages over several years.

May I introduce several specific examples from our experience at the Alumni Office to demonstrate the actual impact of the new rates on non-profit organizations:

If we were to repeat last year's volume of 3,463,000 pieces of third class and 1,411,000 second class mail (non-profit), the annual cost of postage would increase from $175,340 to $298,518—a 70.2% overall increase.

(The above prior and projected costs include average rates after utilizing pre-sort discounts.)

The impact of the second class rate increase is illustrated by comparative postage for two issues of a major periodical, Indiana Alumni Magazine, going to 50,000 key alumni.

Issue mailed December 31, 1981, 49,462 United States, $2,046.57; issue mailed January 29, 1982, 49,502 United States, $4,137.

The lesser impact of third class rate increases has caused us to drop second class privileges for "Indiana Alumni" and "Your Indiana University", the latter going to 245,000 alumni.

While saving an estimated $30,000 by converting second class publications to third class, we will still have to absorb an increase of over 50% ($93,000) in added postage at the new non-profit rates.

In spite of our crucial need to communicate with our alumni, the unexpected size of the increase—implemented with very little advance notice—has caused us to reduce the frequency of key communications. The only publication going to all alumni, "Your Indiana University" has already had publication frequency reduced by 25%. Other communications will be reduced in both volume and frequency to an even greater extent.

Strained budgets are now a fact of life at Indiana University. There is no mechanism available for a non-profit educational institution to pass along costs through price of product or claim tax write-offs through loss.

We appreciate the difficulty of the current Congressional budget process and the equities to be balanced.

We believe, however, that the potential value of volunteerism—offsetting impacts of other reductions in government funding—far exceeds the dollar value of appropriations to restore support of the non-profit postage rate.

We are most willing and able to help ourselves, but we must have the tools to work with: a postal rate and efficiency that permits us to communicate more than ever before, certainly not less!

Thank you for your consideration of these remarks.

Statement of Landrum R. Bolling

Among the public service activities severely threatened by the great escalation in postal rates are large numbers of magazines, newsletters, and bulletins published and distributed by nonprofit organizations that serve the educational, health, welfare and other needs and interests of the nation. Wide distribution of these publications is essential if they are to carry out their basic functions.

At a time when President Reagan is calling for renewed activities by the private sector to deal with a wide range of human needs in all fields, when there has been established a distinguished bi-partisan Presidential Task Force on Private Sector Initiatives, it is essential that postal rates be held down in order for private, non-profit human service organizations to fulfill the expanded roles this Administration is calling on them to undertake.

The Children's Health Publications, produced and distributed by the Benjamin Franklin Literary and Medical Society, a not-for-profit foundation with headquarters in Indianapolis, Indiana, are directed at teaching children from their earliest years to develop good health habits.

Since the costs of health care have become one of the most serious runaway expenses in our inflation-ridden society, the Executive Branch, the Congress and the general public have a profound concern to contain health and medical costs. Experts are in wide agreement that education in preventive health care is one of the most important ways to cut those costs which have come to burden the government budget so severely. Basic information on health care, through illustrated, easy-to-read children's magazines is a significant part of that educational campaign. Rising postal rates, quite simply put, threaten to destroy these publications. Postal charges for our magazines went up 90 percent as of January 10, 1982. Under that new rate schedule, postage costs for those publications are projected to total an amount equal to 43 percent of all our costs for editing and printing.

The postal subsidy for encouraging the dissemination of general knowledge was one of the clear intentions of the founding fathers who created the U.S. postal service. That intention has been reaffirmed by one Congress after another. To repudiate that commitment at this time, when nonprofit organizations and their public-serving activities are more needed than ever before, goes directly contrary to the current, highly-publicized call for the private, nonprofit organizations and institutions to expand and strengthen their initiatives for the public good.

Testimony of John F. Fink

Messrs. Chairmen, members of the Committees and ex officio members . . .

My name is John F. Fink. I am here in my capacity as President of Our Sunday Visitor of Huntington, Indiana, and as past President of the Catholic Press Association. My remarks reflect the views and are supported by member publishers of the American Jewish Press Association, the Associated Church Press and the Evangelical Press Association. I am accompanied by James A. Doyle, Executive Director of the Catholic Press Association, with offices in Rockville Centre, New York.

Our Sunday Visitor, a national Catholic weekly newspaper. has a circulation of 214,200 copies. In addition, Our Sunday Visitor prints the newspapers for the Catholic dioceses of Gary, Indiana, with a circulation of 37,200; Fort Wayne, Indiana, with a circulation of 14,900; Lafayette, Indiana, with a circulation of 7,900; Amarillo, Texas, with a circulation of 9,400; Pensacola-Tallahassee, Fla., with a circulation of 5,000; and Gallup, New Mexico, with a circulation of 1,700. All of these newspapers contain the Visitor magazine as a supplement; therefore, the Visitor has a circulation just under 300,000.

POSTAGE RATE INCREASES FOR NONPROFITS

We are delighted to be invited here today to share with you our views on matters which should be of concern to these Subcommittees with respect to the devastating effect which the traumatic and drastic increases in postage rates have had on the operations of nonprofit publishers of religious periodicals. Let me give you just a few examples taken from our publications so that you can see where we are coming from:

In the case of Our Sunday Visitor circulation in the eleven years since 1970 has decreased by 31 percent. However, postage costs have gone up by a staggering 767 percent. For the diocesan newspapers in the cities mentioned above, the average postal increase from 1970 through January 10, 1982 is 1,648 percent. Whether looked at by itself or relative to for-profit second class publications, we are certain that this Congress never intended that the nonprofit press be virtually stripped of its historical rate preference in the Postal Service. Members of both Houses of Congress, on both sides of the aisle, have long viewed the contribution of the religious press in the dissemination of news and opinion of religious and moral content to be essential to the religious freedom and character of this nation "under God."

May I hasten to say that the sitting Chairman of this full Committee as well as his predecessors of the 1970's, knowing of the historical treatment for the religious mail of all faiths, and knowing well that the purpose of the Postal Reorganization Act was not to put small, nonprofit mailers out of business or to discourage their communication with subscribers, were sympathetic to our cause and have done everything possible to forestall and alleviate our present predicament. Just last year, in the face of stern budget cuts requested by the Administration, this Committee, nonetheless, saw fit to afford full authorization of appropriations for nonprofit second class religious publications and though this was a yeoman's task against great pressure, this Committee's commendable action on behalf of this class of mailers has so far come to naught. Our lighter weight publications in many cases presently pay virtually the same rate as the for-profit publications.

We have cut the weight of our paper stock; we have cut personnel; we have reduced frequency of publication and number of pages; we have taken all possible advantage of presort discounts—in sum, we have done everything humanly possible to live with and absorb these postal rate increases. But I ask you—how could it be possible in the last eleven years or so for non-profit religious publications, which were straining to break even to start with, to absorb or pass along the postal rate increases of the size I have described? Freedom of religion and freedom of press are hollow expressions when the cost of indulging in such freedoms becomes so prohibitive as to render them virtually meaningless. Churches and synagogues, schools of religious thought and journals of moral and ethical expression are meant to communicate to a wide readership and to influence the dissemination of news and editorial comment of importance to readers of non-secular publications.

The majority of religious publications are purchased by way of single- or multi-year subscriptions. Publishers had no way of knowing that the Fiscal Year 1982 Postal Service appropriations bill—containing some but not all of the authorized phasing funds—would be vetoed in September and passed over in December. No small wonder, then, that said publishers were caught wanting in their postage budgets when, on January 10, the postage rates for most nonprofits in second class were raised from between 100 and 150 percent.

Let me give you some examples. The Religious Herald's weekly postage bill for the January 7, 1982 issue was $1,100; for the January 14th issue and thereafter in this fiscal year, $2,500. For the Memphis-based monthly Cumberland Presbyterian, the per mailing costs leaped from $500 to $1,100 and another Presbyterian publication, The Missionary Messenger, jumped to $440 a month from $200. The weekly mailing expense of The Texas Baptist Standard shot from $9,000 to $22,000. For The United Methodist Reporter, with a volume of more than 500,000 a week, the tab increased $20,000 per week or $1 million per year. One of the biggest jumps was in the Baptist Word and Way, climbing from a 12-page issue postage cost of $1,589 to over $4,000. And so on it goes. The examples are legion and the results disastrous. Because of outstanding fixed priced subscriptions, it will be a long time before the subscription prices can reflect the postal rate increases.

The increasing postal rates have affected Catholic periodicals in various ways. In the case of Our Sunday Visitor, a national publication that receives no subsidy, the higher costs of postage have forced us to increase subscription rates to such an extent that they are becoming prohibitive for many Catholics. Our subscription price was $5 per year in 1970; it is $16 per year in 1982. Every week we hear from poor Catholics who would like to be subscribers but who tell us that, since they are living on Social Security, they can't afford the price. Consequently, our circulation has declined some 31.7 percent since 1970. We are caught in a vicious circle. The increased rates force us to raise our prices, which cause a declining circulation, which means less volume for the Postal Service, which results in further postage rate increases. We don't want Our Sunday Visitor to be affordable only for the wealthy. It has always been a religious publication for the average Catholic since it's founding 70 years ago.

On the other hand, diocesan newspapers have generally elected not to continue to raise subscription prices. Since these newspapers are the best means of communication within a diocese, the bishops want them to go to as many people as possible. Rather than price them too high for the average Catholic, they are subsidizing the financial loss, while taking every step possible to reduce costs. Doing so means less money available for the social programs the churches are expected to perform.

The most glaring anomaly in all this is it comes at a time when the Administration is asking the private sector to do more in the way of giving in support of charities to compensate for the government's abdication of such a role. How are church and synagogue related publications expected to absorb massive increases in postage rates while at the same time take over the cost of hot school lunches, food and clothing for the needy, housing, and the like? What has happened is that such institutions are being squeezed at both ends with the fallout affecting all of our lives. We note, in passing, that Chairman Clay in a recent press release took umbrage at the Administration's proposal to impose postal rate increases on those nonprofit charitable groups who are expected to come forward and help with "the so-called 'safety net' for the disadvantaged people of our Nation."

Another anomaly is that with the new rate increases, the per piece handling charge for non-profits exceeds that of the profit makers in second class. How can it cost more to handle publications of the same weight, dimensions and frequency just because one is secular and the other is not; one is expected to make money and the other doesn't?

So, we say to members of these Subcommittees that a very close, hard look must be taken at what the Postal Service is doing to non-profits. We know that it was not your intention that this come to pass and we ask, through your oversight hearings as well as specific legislation emanating therefrom, that non-profit religious publications be restored to their traditional preferential niche within the Postal Service and that legislative steps be taken to see to it that the Postal Service not be allowed to circumvent the will of this Congress.

ATTRIBUTABLE COSTS

We would like, if we may, to respond to your invitation to discuss current methods for computing attributable costs. As you know, publications of our type—be they church-related, fraternal, labor, and the like, are by law required to pay only those costs directly and indirectly attributable to the handling of their mail. We have never been clear as to precisely how the Postal Service attributes and computes these costs nor is there a formula promulgated therefor by law or regulation. We take the position that attributable costs for our subclass of mail should be volume variable. That is, we should be required to pay only those attributable costs which can be identified and related to the very fact of the handling of our mail—and nothing else. The monopoly statutes governing first class are such as to require the post offices to be in place whether or not our publishers use the mails or alternative delivery systems. This is true for the corner post boxes, for the mail trucks, for the massive sectional depots and, indeed, for the very postmen themselves. So those costs are already attributable to the handling of the first class by reason of the monopoly statues. We should pay only such additional costs—time and motion, for the most part—as are incurred in the handling of religious mail. We believe this is what the Congress intended and we believe that such a formula should be written into law.

POSTAL REGULATIONS AND PRACTICE DISCRIMINATE AGAINST RELIGIOUS PUBLISHERS

On another subject, we wish to point out that we believe that the religious press is discriminated against in certain regulations in place or proposed by the Postal Service. One such regulation is the pending proposal to lift from the second class for-profits the requirement that publishers keep subscriber and requester records. This proposal was put forth in the spirit of deregulation and lightening unnecessary record keeping. But the relaxation applies only to the for-profits; the non-profits would be required to continue to keep subscriber and requester records for post office inspection and verification at considerable cost and nuisance to both. There is no cogent rationale for this distinction.

Another example is the presort discount. It took the Postal Service years and several rate proceedings to acknowledge that mail preparation by non-profits resulted in savings to the Postal Service just as mail preparation by for-profits did. Only after endless wrangling at Postal Rate Commission hearings did the Commission and the courts finally order presort discounts for non-profits similar to those for for-profits. It strains credulity to think that the Postal Service is not benefited as much by a large religious mailer presorting to 5-digit ZIP or carrier route as by a for-profit mailer shipping mail of like characteristics and distribution patterns.

There is yet another example of discrimination against the non-profits: in the mid-1970's, Congress and the Administration entered into a compact with second class for-profits and not-for-profits alike whereby the ever-escalating postage rates were to be "stretched out" over a period of years. The stretch-out for the for-profits was for eight years—and the Administration complied with the funding requirements. For non-profits, the stretch-out was to be for sixteen years—and the Administration has abdicated the funding requirement. The President's Fiscal Year 1983 budget provides for no phasing funds for non-profits and, as Chairman Clay has pointed out, requires that non-profits pick up a substantial portion of the Postal Service's institutional costs—a burden from which they are exempt by a law but which this Administration chooses to ignore. This Administration clearly thinks that the non-profits are weak and helpless and fair game for budgetary wizardry.

Not only has the Administration chosen to ignore the plight of the not-for-profit religious publishers, it has chosen to ignore the express legislative dictates of the Congress. In 1970, the Postal Reorganization Act, 39 U.S.C. § 101, et seq., provided that the annual postal budget "shall also include separate statements of the amounts which the Postal Service requests to be appropriated [for revenue foregone and phasing funds]. . . . The President shall include these amounts with his recommendations but without revision, in the budget transmitted to Congress. . . ." This the President has failed utterly to do. His Fiscal Year 1983 budget requests of Congress only what he wants to be budgeted and not what Congress has mandated in 39 U.S.C. §§ 2009 and 2401. The President has turned his back on what the Congress has mandated and another President has signed into law. If the law were complied with, Congress would get a fair shot at voting up or down the reductions in the required funding for phasing for non-profits. As it is, Congress is not given the opportunity to vote yea or nay on the funds which the non-profits so sorely request.

LEGISLATIVE PROPOSALS

We have already herein proposed and urged a legislative definition of attributable costs. We also urge legislation that would strengthen the hand of the Postal Rate Commission in the setting of ultimate rates and support proposed legislation giving the Postal Rate Commission subpoena authority over defined records of the Postal Service. These two measures would lend greatly to efforts to shorten the time frame and cost of Postal Rate Commission proceedings. In addition, some way of easing the cost burden of rate and classification proceedings before the Commission must be found so as to permit wider and more meaningful participation by intervenors of limited means but upon whom rate and classification changes fall with like burden.

We thank you for listening to us detail our plight and we earnestly hope that you can produce legislative solutions therefor.●

MISSING

● Mr. KENNEDY. Mr. President, one of the new films showing across America today is the film "Missing." Set in Chile at the time of the coup that overthrew democratically elected President Salvadore Allende, it tells the story of the disappearance in Chile of an American, Charles Horman.

The film is a moving story about Mr. Horman's family's efforts to locate him; but, more importantly, it raises serious questions about U.S. responsibility not only for the coup against Allende but in connection with Charles Horman's own disappearance.

Martin Goldman, in a review of the film in the Boston Herald American on March 22, says, "The questions raised by 'Missing' cry out for answer." I ask to have the full text of Mr. Goldman's review printed at this point in the RECORD.

The review follows:

"MISSING" RAISES QUESTIONS THAT DESERVE ANSWERS

(By Martin S. Goldman)

Shortly before the film "Missing" ended a voice shattered the tense darkness of the Paris Cimema shouting, "This in only the tip of the iceberg. They're doing it all over the world." A second voice from another part of the packed movie house responded, "Shut up your bleep bleep!" A third and final voice pleaded, "That's the trouble. We've all shut up for too long." The audience broke into thunderous applause.

The film concluded as a sobered crowd of moviegoers funneled out of the exits only to be met by sternfaced young pampleteers distributing leaflets condemning President Reagan and urging the United States to get out of El Salvador.

The Costa-Gavras film "Missing" is powerful stuff. It deals with the murder of a young American, Charles Horman, in the aftermath of the overthrow of the Allende government in Chile during the fall of 1973. It is no secret today that the United States was deeply and shamefully involved in the demise of Salvadore Allende's Chile. American intervention became public when the Senate Select Committee to Study Government Operations with Respect to Intelligence Activities published the Church Committee Report.

From the Committee of 40, a subdivision of the National Security Council under Henry Kissinger's chairmanship to the White House and the CIA—America was up to its eyeballs in the conspiracy to undercut the Allende government. As early as 1970, Kissinger's 40 Committee met and approved a plan for "propaganda and other activities" to be carried out by the CIA "in an effort to prevent an election victory by Allende."

Former Chilean Ambassador William Korry recalls that President Nixon himself went a little berserk when he discussed the Allende election with the ambassador. One wonders why a man like Allende was able to put the fear of God into tough political types like Nixon or Kissinger who chewed more formidable political opponents up for snacks.

We know the following: Allende was a leftist. But he could not be linked up to Russia unless Nixon and Kissinger were living on Fantasy Island. In fact, Allende claimed that the only thing he sought as Chile's leader was his nation's best interests. During his compaign Allende said, "The only thing we want is our absolute independence . . . I have read Marx, Engels and Lenin, but I have also read Lincoln, Jefferson and Washington . . . Americans cannot forget their own struggle and must realize what ours involves."

But the American leaders apparently forgot. The CIA poured millions of dollars into Chile to subvert Allende's government. General Rene Schneider, the 57-year-old commander-in-chief of the Chilean Army was assassinated. Schneider believed in subordinating Chilean military authority to civilian control and had rejected a number of covert contacts by American clandestine operatives. By 1973 the Chilean house, beset by economic and political problems manufactured by the policies of Nixon and Kissinger caved in.

The film "Missing" is based on a book by Thomas Hauser, "The Execution of Charles Horman." The book painfully reconstructs Horman's last days as he traveled around Chile attempting to make some sense out of the revolutionary maelstrom. While the film spends most of its time on the fruitless efforts of Horman's desperate family to unravel the mystery of his disappearance, the book delves deeply into American involvement in this whole nefarious episode.

The evidence points to a massive conspiracy—a conspiracy involving the State Department, the American military the CIA and other shadowy government types. It appears that Horman died because he found out too, much about American involvement in Chile.

His father and wife were given a brutally insensitive run-around by State Department bureaucrats and from the American ambassador himself. After he was dragged from his Santiago apartment by Chilean soldiers his family never saw him again. But contacts with other American and Chilean friends indicated that Horman's arrest and subsequent murder was not an accident. There is even a hint of a suggestion that American intelligence officials might have been involved in the cold-blooded execution of an American citizen.

The questions raised by "Missing" cry out for answers as America seems poised, once again, to embark upon a Latin American adventure. The youthful audiences that are flocking to Boston theaters deserve more from their government than skeptical denials. They are asking some hard questions about their government. We all deserve to be told the truth.●

AMNESTY INTERNATIONAL REPORTS ON YUGOSLAVIA

● Mr. HEINZ. Mr. President, one of the groups most widely respected as objective and fair in its reporting on human rights violations is Amnesty International. In February, Amnesty International issued its report on Yugoslavia, which concluded the situation there was worsening.

The report finds a recent increase of human rights abuses in Yugoslavia. In particular it states that article 133 (hostile propaganda), article 131—participation in hostile activity—and article 114—endangering the social order—of the Yugoslav Criminal Code have been used to punish nonviolent political dissent in violation of the International Covenant on Civil and Political Rights which was ratified by Yugoslavia in 1971. The report indicates that harsh prison sentences—up to 15 years—have been given to people accused of criticizing the Yugoslav system, of contacting foreign or refugee groups or of expressing nationalist views. For example, hundreds of ethnic Albanians were given long sentences for taking part in nationalist demonstrations in March and April 1981. Furthermore, political trials have apparently been marked by severe breaches of international standards for investigation and trial procedures. Lack of open trial, threats made to prisoners, and court bias against the defense are some of the abuses of fair procedure which Amnesty International believes have occurred in Yugoslavia.

Mr. President, in order to bring this report to the Senate's attention, I ask that a summary of it and the accompanying Amnesty International press release be printed at this point in the Record.

The material follows:

Amnesty International Reports Increase in Number of Yugoslavs Imprisoned for Opinions

Amnesty International today (Tuesday, February 9, 1982) pointed to a sharp increase in the number of people imprisoned in Yugoslavia for criticizing official policies or expressing opinions disapproved by the authorities.

In a detailed news report, *Yugoslavia: Prisoners of Conscience*, the human rights organization noted that official figures showed political prosecutions had nearly doubled in 1980 over the previous year to 553; since then the number had risen sharply again, as more than 800 ethnic Albanians were convicted after nationalist demonstrations in Kosovo Province last year.

Many of the political prisoners in Yugoslavia were convicted under vaguely worded laws which punish expression of opinion.

While a majority are jailed for one or two months, Amnesty International stressed the severity of the sentences given to many, ranging up to 15 years in some cases.

Among those convicted of non-violent political offenses who were adoptd by Amnesty International as prisoners of conscience or were under investigation for possible adoption, the average sentence was seven and a half years in prison, the report pointed out. Amnesty International worked for 65 adopted prisoners in 1981 and was investigating 25 other cases, but it believes there are many more prisoners of conscience.

People have been imprisoned under a law against "hostile propaganda" for comments they were alleged to have made in private conversations, for poems or articles and for interviews given to the foreign press.

Dr. Marko Veselica, former Communist Party and trade union official, was sentenced to 11 years in prison in September 1981 after giving an interview to a foreign journalist. He was accused of misrepresenting conditions in Yugoslavia in the interview and of having contacts with emigres for purposes hostile to the state.

Father Nedjo Janjic, a Serbian Orthodox priest, is serving a four-and-a-half-year sentence for singing "nationalist songs" at a private party celebrating the christening of his son.

The 50-page report includes descriptions of the laws under which political offenders are convicted—often in contradiction of Yugoslavia's commitments to international human rights agreements. It describes political trials in which defense evidence is often excluded, prison conditions which can leave the prisoners' health damaged, and the problems of earning a living which face some of the released prisoners.

The prisoners include members of many of Yugoslavia's varied national or ethnic groups, often accused of expressing nationalist sentiments, clergy, and advocates of political change or simply of free discussion.

Among them, for instance, is Dobroslav Paraga, a 20-year-old law student from Zagreb who helped collect signatures for a petition to the government for an amnesty for political prisoners. Arrested without a warrant, he later said he was deprived of food for five days while the security police questioned him and threatened to kill him. During this period, he signed a confession, which he later retracted. Evidence said by the authorities to show he had contact with an emigre and took part in "hostile propaganda" was said to have been found at the home of a friend. The friend was also arrested and, according to the police, committed suicide three days later. Dobroslav Paraga is serving a five-year prison sentence.

Yugoslavia Special Action: Circular No. 5 Résumé of Yugoslavia Report, December 9, 1981

Dr. Marko Veselica (aged 45) and Jovo Ilic (aged 35) are in prison serving sentences of 11 and nine and a half years respectively. Like many other adopted prisoners of conscience in Yugoslavia they were convicted of having engaged in "hostile propaganda" under Article 133 of the SFRJ Criminal Code. They were also found guilty of "participation in hostile activity" (Article 131); Jovo Ilic was additionally convicted of "damaging the reputation of Yugoslavia", and Marko Veselica of "inciting national hatred".

Dr. Marko Veselica is a former senior party official, an assistant professor at the Faculty of Economics in Zagreb, a member of the presidency of the Croatian Confederation of Trade Unions and deputy to the Federal Assembly. He was expelled from the Croatian League of Communists and dismissed from other posts in 1971; he served a first prison sentence from 1972 to 1977 and was then adopted by Amnesty International as a prisoner of conscience. At Dr. Veselica's second trial in September 1981, the charges of "hostile propaganda" and "incitement to national hatred" arose from an interview he had given to a foreign journalist in which he argued that Croatia was at a political and economic disadvantage within the Yugoslav federation. In this interview he did not in any way advocate violence. The charge of "participation in hostile activity" was based on the accusation that he had sent documents alleging human rights violations in Yugoslavia to several people abroad, including three Croatian emigres, for publication in the emigre press and for presentation at the Conference on Security and Cooperation in Europe held in Madrid in 1980. Dr. Veselica is reported to have denied the latter charge and also that he had any contacts with emigres. He declared that he was on principle against any extremist organization, whether at home or abroad, and was against violence and hatred. He acknowledged giving the interview but pleaded not guilty to all the charges against him.

The trial of Dr. Veselica followed those of two other prominent Croatian dissenters, the historian Dr. Franjo Tudjman and the writer Vlado Gotovac, who in February and June 1981 were sentenced to three and two years' imprisonment respectively for interviews they had given to foreign journalists.

Jovo Ilic is a Serbian migrant worker from Bosnia, employed in the Federal Republic of Germany (FRG). He was arrested in July 1979 while on holiday in his home village. At his trial in December 1979 he was accused of contacts with politically active emigres in the FRG, of having received propaganda materials from them and of using these in hostile activities against the state by giving them to Yugoslavs working in the FRG and smuggling them into Yugoslavia with the intention of carrying out hostile activity there. However, on the basis of court documents, it appears that his only proved contacts with emigres were casual, with fellow-workers. One of them had given him some postcards and newspaper cuttings (pictures of Serbian religious and historical figures), which together with some badges with crowns on them advertising beer and cigarettes constituted the alleged "hostile propaganda" material. It was not proved that Ilic had shown these objects to anyone, although one witness stated he had seen a postcard showing a picture of a Serbian king which Ilic had dropped by mistake. Ilic was also accused of having spoken ill of President Tito; this he denied, as he did all the other charges against him. The sentence of nine and a half years' imprisonment imposed by Tuzla district court was confirmed on appeal; Ilic is detained in Foca prison.

Since early 1980 the number of persons prosecuted, like Dr. Veselica and Jovo Ilic, for the non-violent exercise of their fundamental rights, has substantially risen in Yugoslavia. In 1980 553 persons were charged with political crimes, the great majority "minor verbal offences" (according to official Yugoslav figures)—an 83 per cent increase over the previous year. A decision taken at a meeting of public prosecutors in April 1981 to prosecute political offences more severely has been reflected in the high sentences (from one to 15 years' imprisonment) imposed during July to September on over 300 ethnic Albanians in Kosovo province for their part in nationalist demonstrations which erupted in the province in March and April. The demonstrations culminated in violent clashes with security forces in which an unknown number of people were killed (nine or 11 according to official figures) and several hundred wounded. A further 500 demonstrators were summarily sentenced to up to 60 days' imprisonment or fines. While some of those convicted were charged with the use or advocacy of violence, others appear to have been imprisoned for non-violent activities. Among the latter, Daut Rashani, an 18-year old high school student, was jailed for six years by Pristina district court for pamphlets of a "hostile content" he had written and distributed to some friends before the demonstrations, for participating in the demonstrations and later describing them in a pamphlet as a success. Like many other defendants in these trials he was accused under Article 114 of the SFRJ Criminal Code of "endangering the social order", an offence punishable by up to 15 years' imprisonment.

Article 114, like other articles under which prisoners of conscience are commonly convicted such as Articles 133 and 131, is loosely formulated and in practice has been applied to penalize many kinds of activity, including non-violent activity, in violation of the International Covenant on Civil and Political Rights which was ratified by Yugoslavia in 1971.

Yugoslav citizens who have exercised their right to freedom of expression in ways disapproved of by the authorities have typically been convicted under Article 133, "hostile propaganda", an offence punishable by up to 10 years' imprisonment. They have usually been accused of having "depicted maliciously and untruthfully" the socio-political situation in Yugoslavia, for having expressed criticism of the Yugoslav political order or nationalist views (Yugoslavia is a multi-national state), whether in literary works, pamphlets or letters, in articles or interviews published abroad, or even in private conversations in their own homes.

Under Article 131 dealing with "participation in hostile activity", "a Yugoslav citizen, who with the intent of engaging in hostile activity against the country, enters into contact with a foreign state, foreign or refugee organization or group of persons, or aids them in the performance of hostile activity", may be punished by up to 15 years' imprisonment. This article too, does not make the use or advocacy of violence a necessary element of the offence and charges under this article have typically been brought against Yugoslav citizens accused of contacts, while living or working abroad, with politically active emigres opposed to the Yugoslav political order. Heavy sentences are frequently imposed under this article, even where the defendants were not accused of the use, planning or advocacy of violence.

People arrested on political charges have often reported breaches of international standards for investigation and trial procedures. Access by the accused to a lawyer of his choice during investigation has sometimes been severely restricted, or even denied. Political offences are frequently investigated by state security officials; some detainees have stated that they were intimidated, threatened or physically maltreated in order to obtain a "confession" from them. The principle of open trial has often been ignored. Some political trials have been held in camera; more frequently access has been restricted to a small number of people issued with a pass. Courts have often rejected defence proposals for the presentation of evidence or the calling of witnesses on behalf of the accused, so that trials have been heavily weighted in favour of the prosecution.

A number of these breaches of procedure are reported to have occurred in a series of trials in 1980 and 1981 of members and officials of the Roman Catholic, Serbian Orthodox and Muslim faiths in Bosnia-Hercegovina, who have been accused of "abusing religion for political ends". In December 1980, Father Nedjo Janjic, aged 23, a Serbian Orthodox priest, was sentenced by Sarajevo district court to six years' imprisonment (reduced on appeal to four and a half years) on charges of "inciting religious and national hatred" for songs of a nationalist content sung by him and his guests at a private christening party for his baby son. In October 1981 another parish priest, Brother Jozo Zovko, a Franciscan friar, was sentenced to three and a half years' imprisonment for "hostile propaganda". He was accused of having spoken of Yugoslavia's post-war history as "40 years imprisonment" in a sermon to pilgrims in July 1981. At his trial, Brother Zovko reportedly stated that his words had been misinterpreted; he had been preaching repentance and had alluded to a Gospel passage in which the state of sin is likened to imprisonment. The court reportedly refused the defence's request that theologians be requested to give expert testimony and that numerous parishioners who attended the sermon be called as witnesses.

Defence proposals for the presentation of evidence and the calling of witnesses were also rejected in the case of Dobroslav Paraga, a 19-year old law student who was arrested in November 1980 after he had helped to collect signatures for a petition for an amnesty for political prisoners. He was sentenced to three years' imprisonment in May 1981 on charges of "participation in hostile activity" and "hostile propaganda", based on a confession which he had retracted, stating that he had made it after having been intimidated and threatened by state security police and deprived of food for five days. In December 1981 the Supreme Court of Croatia increased his sentence to five years' imprisonment.

Although the Yugoslav Constitution guarantees the right of petition, a statement in February 1981 by the official Yugoslav newsagency, Tanjug, announced that this, and several other similar petitions, had been rejected as "legally and politically unacceptable"; it accused their authors of "evil and immoral intentions" and of having deliberately organized a "campaign to discredit Yugoslavia's high reputation in the world".●

AGRICULTURE IN CRISIS

● Mr. DECONCINI. Mr. President, by every measurable yardstick, agriculture is in a state of crisis. Real farm income declined by almost 25 percent last year and is currently at its lowest level since the Great Depression. The forecast for 1982 is even more bleak when real farm income is projected to be at its lowest level in the Nation's history. Farm purchasing power is expected to be $100 million less than in 1932—the worst year of the depression.

Farm prices have not kept pace with increased production costs and the general inflation rate. And continued high interest rates are threatening the future viability of the agricultural sector. Over the past 30 years, farmers have gone from the point where their annual net income approximately equaled their debts to the point where their debts now exceed net income by a factor of eight. Many farmers are facing bankruptcy because they are no longer able to service those debts. In January 1982, delinquency rates for Farmers Home Administration loans were at an alltime high—10 times higher than the previous year. And forced liquidations will be at their highest level since the FmHA was founded in 1937.

Former Senator Henry Bellmon, who retired from the Senate in 1980 to return to Oklahoma to run his farm, recently testified before the Senate Budget Committee to outline the problems he is encountering. Now, if Senator Bellmon is having difficulty sustaining his farm operation, you can be certain that it is not the result of poor management. Rather, it is due to economic forces beyond his control. Like thousands of farmers throughout the Nation, he has been caught in a cost-price squeeze and is no longer able to realize a profit on his investment.

Senator Bellmon's experiences are, unfortunately, the norm rather than the exception. The following statistics will dramatically illustrate what has transpired in one Arizona county. In 1976 Cochise County harvested 171,400 acres. In 1981, by contrast, only 53,878 acres were harvested. And the projected plantings for 1982 are a mere 34,000 acres. The bottom line is that 137,400 acres are no longer in production in Cochise County. This dramatic decline in farm acreage in production cannot be attributed to poor management as is often alleged by the Farmers Home Administration. Rather, I believe it is stark proof that agriculture is no longer profitable for thousands of the Nation's farmers. If the Nation's farm base is allowed to continue to erode, we may soon find ourselves in the dangerous situation where we are no longer able to supply our citizens with an abundant supply of food and fiber at reasonable prices.

Agriculture has been historically one of the most productive sectors of our economy, and its impact on the overall economy cannot be ignored. The value added to farm products as they flow through the economic system amounts to 20 percent of our gross national product. And one out of every five jobs in private enterprise is directly related to American agriculture. Further, agricultural exports have significantly reduced our balance-of-trade deficits every year over the past decade, although the dollar value of our farm exports is expected to decline next year. Clearly, it is in the Nation's best interests to take whatever measures are necessary to insure a healthy agricultural sector.

Increased production costs, high interest rates, inflation, record crops, depressed commodity prices, and shrinking domestic and foreign markets have all converged to reduce real farm income and increase farm debt. These forces are, very simply, beyond the control of individual farmers. It is therefore, incumbent upon Congress and the administration to assist farmers through the current crisis. There are a number of actions that can and should be taken to alleviate existing problems. First, I believe the Farmers Home Administration should declare a moratorium on foreclosures and forced liquidations, and I am pleased that a bipartisan group of members of the Senate Agriculture Committee has introduced legislation to this effect, S. 2149. I am an original cosponsor of that measure and hope that it will receive expeditious consideration by the committee. Second, I believe farmers should be allowed to reschedule or reamortize existing loans at their original rate of interest. The reamortization of loans at higher interest rates will only aggravate farmers' debt situation. Third, the $600 million emergency economic loan fund, authorized in the 1981 farm bill, should be immediately released by the Secretary of Agriculture to assist borrowers in distress. Finally, the administration must pursue an aggressive agricultural export policy to reduce trade barriers and open up new foreign markets to American products.

I hope this administration and this Congress will not stand idly by and allow the Nation's agricultural sector to continue to deteriorate. The time to act is now.●

HERBERT HOOVER AND THE COLORADO RIVER

● Mr. HATFIELD. Mr. President, last year Congress approved and the President signed S. 651, which names the main Department of Commerce building in Washington, D.C., for the Department's most distinguished Secretary, Herbert Hoover. The dedication ceremony is now in the planning stages at the Department, and will take place this summer.

One of Secretary Hoover's initial achievements was the successful development of the Colorado River compact, which brought seven arid and competitive Western States into agreement on a formula for use of Colorado River water. November 24 of this year will mark the 60th anniversary of the signing of that compact.

Northcutt Ely, who served during Hoover's Presidency as Executive Assistant to Interior Secretary Ray Lyman Wilbur, has written an essay about the development of the Colorado River compact. Without this agreement, it is doubtful that planning for Hoover Dam in Boulder Canyon could have proceeded. Mr. Ely subsequently represented the Interior Department in negotiations over Hoover Dam water and power contracts.

In light of the impending dedication of the Hoover Building, as well as the present concern about the use and supply of western water, I believe my colleagues will be interested in Mr. Ely's essay. I ask that it be printed in the RECORD.

The essay follows:

HERBERT HOOVER AND THE COLORADO RIVER

(By Northcutt Ely)

November 24, 1982, will mark the 60th anniversary of the signing of the Colorado River Compact by representatives of the States of Arizona, California, Colorado, Nevada, New Mexico, Utah and Wyoming, under the chairmanship of Herbert Hoover, the federal representative. While this chapter of Mr. Hoover's career has been overshadowed by his accomplishments on a broader stage, the Colorado River Compact looms so large in the development of the seven Colorado River States that this 60th anniversary year is an appropriate time to take note of Mr. Hoover's enormous contribution to the development made possible by that Compact.

In 1921, when Herbert Hoover was Secretary of Commerce, the seven States of the Colorado River Basin appealed to him to accept the chairmanship of a commission to negotiate an interstate compact which would apportion the waters of the Colorado River System. (It happens that my father, Sims Ely, represented Arizona in the drafting of the legislation which authorized the negotiation of that compact, subject to approval by Congress of any resulting agreement.)

Mr. Hoover accepted, and on December 17, 1921, President Harding appointed him as federal representative on the Colorado River Commission. Commissioners were named by each of the seven States. As might be expected of any organization under Mr. Hoover's direction, they were immediately put to work.

Seven meetings were held in Mr. Hoover's office in Washington during January 1922. In his opening statement, Mr. Hoover pointed out that "it is fortunate that there is little established right on the River, and that we have almost a clean sheet with which to begin our efforts."

But the seven States developed an early aptitude for writing some very large claims on that clean sheet. It was soon apparent that Mr. Hoover had taken on a formidable task indeed in endeavoring to get an agreement among these competitors. As Ray Lyman Wilbur was to say later, "west of the 100th meridian water, and water alone, is the key to man's future." Those desert States were believers.

Several contending forces were at work. The demand for an interstate compact originated with the four Upper States which lie above the Grand Canyon—Colorado, New Mexico, Utah, Wyoming. They wanted protection against the operation of the law of priority of appropriation—"first in time, first in right"—if, as seemed likely, the Supreme Court should give this doctrine interstate effect in the pending case of *Wyoming v. Colorado*. They feared that the Lower States—Arizona, California, Nevada—would greatly expand their uses of the Colorado's waters before the Upper States could do so, and that the Upper States, in the absence of an agreement with the Lower Basin States, would be permanently precluded from expanding their then rather meager uses.

This fear was well founded. In the Lower Basin momentum was gathering for construction of a large storage dam. This, however, would not be to merely expand irrigation. It was primarily needed to protect the Imperial Valley from flooding. This area, one of the most productive in the United States, lies below sea level. In 1906 it had suffered a catastrophic change of course of the Colorado River which resulted in the River's full flow coursing into the valley, instead of going into the Gulf of California, for many months. In addition, the Imperial Valley was being irrigated at the time by a canal that traversed Mexican territory. For every reason, there was a desire for an All-American canal.

The drive for a storage dam was sponsored also by the cities on the coastal plain, primarily Los Angeles. The coastal areas sought to salvage the River's flood waters for use in the coastal area by means of a projected 240-mile aqueduct, and they wanted a high dam in order to put the waters of the river to work in generating low-cost electric power.

These drives, for a dam to provide flood control, conservation of flood waters, and power generation, and for an All-American canal, were linked together in the promotion of the Boulder Canyon Project. Legislation to authorize such a project (the early Swing Johnson bills) was attracting national attention. But this project was confronted by a major political obstacle, the objections of the four Upper States, with their eight senators, to any such giant expansion of uses of the Lower Basin unless the Upper States were first protected against its legal consequences, vis-a-vis their own relatively inchoate plans for future water projects.

In the Lower Basin there was an added complication. Arizona was as suspicious of California as were the four Upper States, and demanded some sort of interstate, as well as interbasin, protection against California's preemption of the water supply via the law of appropriation.

When this tar-baby was handed to Mr. Hoover in 1921, the dimensions of this multi-faceted complex of problems were just beginning to be understood.

And there was a personal complication. The drive for the Boulder Canyon Project was being led by Senator Hiram Johnson of California, joined by Congressman Phil Swing of that State. Neither of these two men had any love for Mr. Hoover, their differences having peaked during the campaign for the Republican presidential nomination in 1920. As events were to prove, however, both Hiram Johnson and Herbert Hoover were men of such stature that they could warmly support each other in a number of common causes, notably as evidenced by Mr. Hoover's testimony in 1925 in support of Johnson's plan for a high multipurpose dam instead of a low flood-control dam, and again in opposition to the Mexican Water Treaty some two decades later. But we have anticipated the narrative somewhat.

In February 1922, the Fall-Davis Report, "Problems of Imperial Valley and Vicinity," prepared in the Bureau of Reclamation, became available. It tabulated the water-use potentials of various sections of the Basin if development should proceed under the doctrine of priority of appropriation without regard to state lines.

The Commission, in the light of that report and under the shadow of the pending decision in *Wyoming* v. *Colorado*, reconvened in the spring of 1922 for public hearings throughout the states of the basin.

On June 5 of that year, the Supreme Court handed down its decision, which, as anticipated, sustained the doctrine of priority of appropriation across state lines. The effect, as the representative of Colorado put it, was that the Upper States must use every means to retard development in the Lower States until the uses in the Upper States had reached their maximum. This unfortunate situation, as he pointed out, could be avoided only by an interstate compact, reserving water for the Upper States, before further development could take place in the Lower Basin. The compact had become a matter of urgency if the Boulder Canyon Project was ever to become a reality.

The Commission suspended its work until November 1922, apparently in order to keep the compact negotiations out of State politics, if possible. The Colorado River issue was warming up, particularly in Arizona. But if the expectation was that there would clear sailing after the November elections, the Commissioners were in for a shock. Six of the seven governors were replaced. This, however, was not due to the Colorado River problem, except in Arizona, where the Colorado had taken center stage.

When the Commission reconvened at Bishop's Lodge, New Mexico, November 9, 1922, for its tenth meeting. Mr. Hoover found that he was dealing with six representatives of lame duck governors. He put in a busy time negotiation by telephone with the governors-elect. He was able to persuade all of them to continue the credentials which had been issued by their predecessors. The new governors were invited to attend meetings of the Commission, and several of them did. As Mr. Hoover graciously put it, the prestige of the Commmissioners appointed by the predecessor governors was such that in every case the former Commissioners remained in office to the conclusion of the compact negotiations. Perhaps an impartial observer would have said that the prestige of Mr. Hoover was such that the governors did not care to decline his request that the Commissioners remain in office.

The most troublesome transition of power occurred in Arizona. Here, Governor Thomas E. Campbell, Republican, and an old friend of Mr. Hoover, was replaced, for the time being at least, by George W. P. Hunt. These two men faced each other in several close elections, some of which were contested, so that, for months at a time, there was uncertainty as to which of them lawfully held office. Mr. Hunt, for reasons of his own, elected to make the Colorado River a major political battleground. Although Governor Campbell's nominee remained in office, it was a foregone conclusion that anything he might take back to Arizona with his signature was going to be injected into some very hot politics.

It had become apparent to Mr. Hoover that any attempt to allocate waters individually to the several states would be protracted, and probably unsuccessful. As the Supreme Court was to say 40 years later, participants have stated that the compact negotiations would have broken down but for Mr. Hoover's proposal: that the Commission limit its effort to a division of water between the Upper Basin and the Lower Basin, leaving to each basin the future internal allocation to individual states.

Later on Mr. Hoover explained his solution (which, as we shall see, broke the logjam) in a speech he made before the Commonwealth Club in San Francisco.

He said: "The major legal dispute lies between the Upper and Lower Basins. Indeed, all the problems very naturally divided themselves into two parts, that is into the two basins of the river, seperated by the Grand Canyon." He proposed, therefore, to assign to each part a certain portion of the flow of the River permanently, and to develop the two basins as separate "principalities," as he called them, leaving to the future the allocation to individual states of their shares of their basin's apportionment.

The Commission, in this atmosphere, went ahead with 17 more meetings, and completed its work on November 24, 1922. On that day all seven Commissioners and Mr. Hoover signed the Compact.

The Colorado River Compact, as Mr. Hoover had proposed, was featured by an apportionment between the Upper Basin and the Lower Basin, without attempting to make allocations to individual states. It is a document of only some 1,200 words, but it was destined to be the foundation stone of the "law of the river," which has governed the huge developments which have taken place in both basins in the ensuing half-century.

Space, and probably the scope of the reader's attention, do not warrant a detailed analysis of the Compact, but a few highlights may be in order.

The document defines the Colorado River System as including the main stream and all its tributaries. That definition included the Gila River in Arizona, a matter of great controversy, as it later developed. It defines the Colorado River Basin as comprising not only the drainage area of the Colorado River System, but also all other territory within the United States to which the waters of the Colorado River system shall be beneficially applied. By this definition the Basin includes the coastal plain of Southern California, the Salton Sink (Imperial Valley), and the areas into which transmountain diversions might be made in the Upper States, primarily the Arkansas, North Platte, and Rio Grande basins. It defines the Upper Basin as being that portion lying above Lee Ferry, a point just above the Canyon, and the Lower Basin as the area downstream from Lee Ferry.

Article III(a) apportioned from the Colorado River System to each Basin the "exclusive beneficial consumptive use of 7,500,000 acre-feet of water per annum." The term "exclusive beneficial consumptive use" was defined to mean "diversions less returns to the river," that is to say, not the quantity diverted, but the lesser quantity that is in fact consumed.

But another provision, Article III(d), obligated the four States of the Upper Division not to deplete the flow of the river at Lee Ferry below an aggregate of 75 million acre-feet for any period of ten consecutive years. The apparent identity between this number, which divided by 10, amounts to an annual average of 7.5 million acre-feet, and the apportionment of 7.5 million acre-feet of annual consumptive use made by Article III(a), was a most unfortunate coincidence, as it subsequently turned out. The guarantee at Lee Ferry is in terms of a flow of wet water, not in terms of consumptive use, which is the measure of the apportionment made by Article III(a). Since the III(d) guarantee is measured at the division point between the two basins, it excludes the consumptive use on the Lower Basin tributaries, notably the Gila, whereas the apportionment made by Article III(a) includes the use of those tributaries, by definition. The Commissioners understood the difference between III(a) and III(d), but some of their successors in public office did not.

But this anticipates the story somewhat.

At the conclusion of their work on November 24, 1922, the Commissioners adopted a number of resolutions, notably one recognizing the great contribution made by Mr. Hoover. The representative of Colorado, Delph E. Carpenter, made a rather touching speech, which deserves quotation:

". . . the members of this Commission appreciate that our whole proceedings would be incomplete without a frank statement that to our Chairman, Mr. Hoover, is due the greater measure of credit for this successful termination of our labors. Through all the days of our toil, he has been kind, just, generous and patient. We have come to respect you, Mr. Chairman, not only for your ability, but for your personality; and as we are about to enter upon the concluding chapter of this great undertaking, I am designated by the other members of the Commission to express to you not only our admiration, but our love and esteem. And we assure you that wherever you may go, whatever you may do, you will carry through life the fond esteem, admiration and love of all of us; and if any of us survive you, ours will be a fond recollection."

The notion that some of the Commissioners might survive Mr. Hoover was a misplaced expectation. He outlived all of them.

This difference in longevity proved to be a matter of some importance, as we shall see, both historically and in its legal consequences.

When Arizona's representative, Mr. Norveil, brought the Compact home for ratification in November 1922, he encountered a hornet's nest. The issue then, and for many years afterward, was the inclusion of the Gila River in the definition of the Colorado River System. This raised the question of whether Arizona's uses on that stream would be charged as part of the uses of the Lower Basin, and hence charged against Arizona in any future agreement with California and Nevada.

The Compact had a stormy history in the Arizona Legislature in 1922 and 1923. Its course was punctuated by tie-votes or by motions that prevailed by a single vote. The ultimate outcome, however, was rejection of the Compact, precipitating some 40 years of conflict. Arizona did not ratify the Compact until 1945, and the controversy did not really end until 1968, as we shall see in a moment.

Mr. Hoover, foreseeing that the Arizona negotiator was likely to be made a sacrificial lamb when he returned to report to a hostile Governor, had made a difficult decision. He sequestered the minutes of the last ten meetings (the decisive sessions) of the Colorado River Commission, and refused to publish them. He promised the Commissioners that he would not release those minutes during their lifetimes, and he kept that promise. The debates and compromises were not made public until nearly 40 years later, during the trial of the last of the Colorado River cases in the Supreme Court. After all seven commissioners had died, and when the Solicitor General of the United States asked Mr. Hoover to release those minutes, he did so. As could have been anticipated, they did no discredit to anyone; they portrayed vigorous advocacy by each of the States' Commissioners, and Mr. Hoover's statesmanship in keeping the negotiations going.

By 1926, Congress had decided to go ahead with the development of the Colorado River, with or without Arizona's ratification of the Compact. In the Boulder Canyon Project Act of 1928, Congress authorized the construction of a great storage dam at Boulder Canyon (the dam now known as Hoover Dam), with a power plant there, and the All-American Canal, and gave its consent to the Colorado River Compact as either a six-state agreement, or a seven-state document. In the event that only six states should ratify, it made the act conditional on enactment by California of a statute limiting her uses of water. California did this, in the exact terms prescribed. Unfortunately, Congress, in prescribing those terms, had fallen into the error of confusing the Compact's guarantee of flow at Lee Ferry with the apportionment of consumptive use, thus compounding rather than resolving the controversy between Arizona and the other States. It took four Supreme Court suits to establish a modus vivendi.

The Project Act (the fourth Swing-Johnson bill) went into effect on December 21, 1929, by presidential proclamation that the Congressional condition had been met and that the Compact had come into force as a six-state agreement. The President signing that proclamation was Herbert Hoover.

The most direct result of the Colorado River Compact was that it made possible the enactment of the Boulder Canyon Project Act. The Colorado River compact is the first and great instance in which Congress adopted the terms of a Compact as part of a Federal statute, and, indeed, subjected the exercise of Federal powers to the control of an interstate compact. The genius of the Compact was its isolation and solution of the issues between the two basins which had to be disposed of before storage could be built in either with safety to the other, while avoiding local issues whose solution was not essential in advance of the construction of Hoover Dam.

By this pair of compromises—one being the incorporation of the Hoover "two principalities" theme in the Compact, the other being Hiram Johnson's acquiescence in the unprecedented scheme of subjecting his cherished federal legislation to an interstate Compact—the authorization for construction of Hoover Dam and the All-American Canal was made possible a full 40 years in advance of the final determination of the water rights of the individual states in the Lower Basin.

This is not to say that the Compact was perfect. Like many historical compromises, including the Constitution of the United States, it expressed in some respects agreements on words rather than on concepts, and in other respects tacit agreements to remain silent on troublesome issues. Mr. Hoover pointed out some of these quicksands during the negotiations, but he was a mediator, not empowered to be a decision-maker. And it is fair to say that a great part of the subsequent controversy came about because of the ambiguities in the Lower Basin apportionment which Congress superimposed in the Boulder Canyon Project Act. This is a subject of its own, outside the present theme, the Colorado River chapter in Mr. Hoover's career.

The Compact was not Mr. Hoover's last connection with the Colorado River, however.

The Project Act required that before the dam or the All-American Canal could be built, the Secretary of the Interior must obtain contracts which would assure repayment of the Government's investment within 50 years. The investment in the dam was to be repaid with interest; that in the All-American Canal without interest.

The Hoover Administration undertook the difficult task of fulfilling these unprecedented conditions. The power contracts which would underwrite the government's investment in the dam were particularly troublesome, in view of the dispute then raging between advocates of public power, and those who insisted on keeping the federal government out of the power business. Mr. Hoover, as a known advocate of private enterprise, was accused of planning to keep the Boulder Canyon power development in private hands. He did the opposite; he obeyed the directive in the Project Act that preference be given to states and municipalities. Ninety-three percent of the firm energy was allowed to public agencies.

Secretary of the Interior Ray Lyman Wilbur (who had been Mr. Hoover's closest friend when both were students at Stanford) succeeded in obtaining the necessary power contracts and persuading Congress that an appropriation should be made to start construction on the dam. Work was commenced in 1930.

When Secretary Wilbur initiated contruction on September 17, 1930, he announced that the dam was to be called the Hoover Dam. Congress accepted this proposal with enthusiasm; the first five appropriation bills designated the dam as Hoover Dam. The Chairman of the House Appropriations Committee, Mr. Taylor of Colorado, called attention to this decision, saying in 1931: "We unanimously and very gladly wrote into this act those words making the naming of that great dam the Hoover Dam by the action of Congress. That will be a monument to him for centuries after every other act of his administration, and of this Congress, will have passed into utter oblivion. . . . The dam is now officially named both by the Secretary of the Interior and by Congress."

When Secretary Harold L. Ickes took office in the first Roosevelt Administration, he thought poorly of this idea, and informally instructed the Bureau of Reclamation to call the dam Boulder Dam. But, when Harry Truman became President, he undertook to rectify this. President Truman and ex-President Hoover developed a very close relationship, including President Truman's designation of Mr. Hoover on two occasions as his personal representative in world-wide campaigns to relieve famine. And so, in 1947, with Mr. Truman's encouragement, bills were introduced in both houses to restore the name of Hoover Dam. They passed the two houses unanimously, after speeches which must have warmed Mr. Hoover's heart. The resolution restoring the name of Hoover Dam was signed by President Truman on April 30, 1947. President Truman gave Mr. Hoover the pens with which he signed that bill, and Mr. Hoover was kind enough to give one of them to me. Naturally, I treasure it greatly.

In the intervening years, Hoover Dam had been completed. It began to generate energy in 1937.

The Hoover Administration had also succeeded in negotiating the repayment contracts for the All-American Canal, and initiating construction. This also had confounded those critics of President Hoover who believed that he would rather negotiate an agreement with Mexico. The All-American Canal was constructed, and went into operation in 1945.

In 1930-31, during the Hoover Administration, negotiations with Mexico had indeed been undertaken, but Mr. Hoover stood upon the mandate of the Boulder Canyon Project Act that the stored water should be used exclusively in the United States. He insisted that, while no water should be taken away from Mexico that she was then using, the irrigated acreage in Mexico should not be expanded at the risk of the American water users who were dependent upon the storage that Hoover Dam was providing. He obeyed the explicit order to that effect in the Project Act.

A decade and a half later, the United States became involved in negotiations with Mexico, which eventuated in the signature of a treaty in 1944. Mr. Hoover opposed it, for reasons that history has proved to be eminently sound.

The Treaty with Mexico, in effect, traded off advantages to our country on the Rio Grande (where the waters originate in Mexico), for advantages to Mexico on the Colorado River (where the waters originate in the United States). Senator Hiram Johnson was the ranking Republican on the Senate Foreign Relations Committee. He fought ratification as best he could, but he was frail, nearing the end of his strenuous life. Mr. Hoover joined the battle at Senator Johnson's side. The Senator, on several occasions, asked me to carry messages to his old rival. They were touchingly appreciative, indeed affectionate, and Mr. Hoover responded in kind.

Mr. Hoover, with his usual prescience, foresaw just how this Treaty was going to cause trouble. In a letter to Senator Hawkes of New Jersey, printed as a Senate Document (S. Doc. 32, 79th Cong., 1st Sess.), he pointed out three things that were seriously wrong. The first related to the allocation of water. Water supply estimates had been drastically reduced since the date of the Compact, in consequence of the 1931-40 drought, whereas demand in the United States had been dramatically increased by projects, and plans for projects, never heard of in 1922. The Treaty guaranteed 1,500,000 acre-feet annually to Mexico, to enable Mexico to approximately double the uses she enjoyed before construction of the Boulder Canyon Project. But it contained no specific allocation of water to the United States. As Mr. Hoover pointed out, this guarantee would necessitate draining half of the water stored behind the great dam, during a decade as dry as that of 1931-40. The allocation to each country ought to be in percentages of the flow, not a first mortgage in Mexico's favor. Second, the Treaty violated the stipulation in the Project Act which ordered that stored water should be used only in the United States. Third, the Treaty evaded the question of quality of water to be furnished to Mexico. Mr. Hoover pointed out that the State Department representatives had told the Senate Foreign Relations Committee that the Treaty meant that Mexico must accept water regardless of quality, whereas the Mexican negotiators had given the opposite assurance to their own Senate. The quality dispute hinged on the stipulation in the Treaty that the quantity allocated to Mexico should be furnished from "any and all sources." To Mexico, this meant relatively pure water released from storage. To the American negotiators, they told the Senate, it meant that Mexico was required to take return flow entering the stream from Arizona below the lowest American diversion point, even if this was of unusable quality because of its salinity. As Mr. Hoover said, this must be a profound shock to Mexico. He proposd the sensible solution that all deliveries to Mexico be made through the All-American Canal, which would assure Mexico water of the same quality as water diverted through that canal for use in the Imperial Valley, instead of providing that Mexico should build a diversion dam, with abutments in Arizona and Lower California, to divert water below the American points of diverson.

But in the stress of war-time conditions, the Senate rejected the advice of Mr. Hoover and Senator Johnson, and gave its advice and consent to ratification, with twelve reservations.

Later developments proved Mr. Hoover to be right. Mexico built her diversion works below the points where return flow enters the River from Arizona, refusing to take water through the All-American Canal. The quality of this return flow deteriorated so badly, over the next decade and a half, that Mexico threatened to take the United States to the World Court. To alleviate this problem, the two countries entered into a supplemental agreement under which the United States committed itself to build a desalination plant in Arizona, costing U.S. taxpayers over $100 million, and to provide the electricity to convert the brackish return flow water into usable water, perpetually, at an annual cost measured in tens of millions of dollars—also at the expense of U.S. taxpayers.

A final word about subsequent developments on the Colorado River:

For a half century now all Colorado River legislation has followed the ritual of the Boulder Canyon Project Act—all rights and obligations are subject to the Colorado River Compact.

The Upper Basin States were able to agree among themselves in 1948 on a division of the waters apportioned to that Basin. Congress authorized the construction of Glen Canyon Dam above the division point between the two basins, and the construction of irrigation works in the Upper Basin, to be financed in part by the sale of power from that dam. The two dams, Glen Canyon and Hoover, are capable of impounding something like four times the annual flow of the River.

In 1968, the long controversy between California and Arizona came to an end, in a legislative compromise which followed four suits by Arizona in the Supreme Court. In the end, the States agreed that the Central Arizona Project should be constructed, to convey water from the main stream to central Arizona, that Arizona's share of the waters of the main stream should not be diminished by her uses from the Gila, but that the water rights of the Central Arizona Project should be junior to those of the California projects, up to the limit fixed by California's 1929 self-limitation act.

And so the southwestern States dependent on the Colorado River are now assured against drought and protected against floods, to the extent that man can control the forces of the River. The great vision of the 1920's has been brought to pass, made possible by the Colorado River Compact and the dam that bears Mr. Hoover's name.●

GEN. NATHAN F. TWINING, USAF, A DISTINGUISHED MILITARY OFFICER

● Mr. TOWER. Mr. President, I wish to offer tribute to the living memory of retired Air Force Gen. Nathan F. Twining, former Chairman of the Joint Chiefs of Staff and former Air Force Chief of Staff, who died on March 29, 1982.

General Twining was born in Monroe, Wis., on October 11, 1897. He began his military career in the Oregon National Guard in the Mexican border campaign in 1916. He graduated from the U.S. Military Academy in November 1918 as an infantry second lieutenant. In the summer of 1919, General Twining joined the American Forces in Germany as a military ground observer. His air training began in 1923 at Brooks Field, Tex. After graduating from Advanced Flying School at Kelly Field, he served as a flight instructor at Brooks and March Field, Calif. Subsequent assignments found General Twining at Fort Crockett, Tex., as a squadron commander and adjutant with the Third Attack Group, and at Barksdale Field, La., where he was assistant operations officer of the Third Wind. In 1936, he entered the Command and General Staff College at Fort Leavenworth, Kans., and upon graduating, was named Air Corps technical supervisor at San Antonio Air Depot, Duncan Field, Tex.

In 1940, he was assigned to the Office of the Chief of the Air Corps in Washington, D.C., as assistant chief of the Inspection Division. General Twining was named assistant executive in the Office of the Chief of the Air Corps in 1942. He was soon appointed director of war organization and movements in that office.

General Twining became the chief of staff to the commanding general of U.S. Army Forces in the South Pacific in July 1942. The following January, he was named commanding general of the 13th Air Force. While serving in this capacity, he and 14 crew members were forced to land in the South Pacific. The plane sank in less than 1 minute. General Twining and 14 others were left with two rafts, each designed for six men. For provisions, the group had one chocolate bar, a can of sardines, and a canteen only half full of water. During the 6 days they spent on the rafts, they beat off a shark attack with their paddles. They survived on rainwater they were able to collect and two albatrosses they shot and ate raw. All 15 men were suffering from starvation, fatigue, and sunburn when they were rescued by Navy seaplanes.

In 1943, he was placed in tactical control of all Army, Navy, Marine, and Allied Air Forces in the South Pacific, one of the first joint air commands in U.S. history. Later that year, he assumed command of the 15th Air Force and the Mediterranean Allied Strategic Air Forces in Italy. He returned to the Pacific in 1945 as commander of the 20th Air Force. A few days later, his command was ordered to drop the first atomic bomb at Hiroshima. He retained this command until the end of the war. General Twining's positions after the war included commanding general of the Air Material Command at Wright Field, Ohio, and commander-in-chief of the Alaskan Command at Fort Richardson, Alaska.

General Twining served as vice chief of staff of the Air Force from 1950 to 1953. At that time, he was named chief of staff of the Air Force. In August 1957, General Twining was selected by President Eisenhower to be the Chairman of the Joint Chiefs of Staff. He served as chairman until his retirement from the service in September 1960. After his retirement, General Twining was elected vice chairman of Holt, Rinehart & Winston, Inc., textbook publishers, New York. In addition, he served as consultant to Martin Marietta Corp. In 1966, he authored "Neither Liberty Nor Safety—A Hard Look at Military Policy and Strategy."

Among his many decorations, General Twining received the Army Distinguished Service Medal with Oak Leaf Cluster, the Navy Distinguished Service Medal, the Legion of Merit with Oak Leaf Cluster, Distinguished Flying Cross, the Bronze Star Medal and the Air Medal with Oak Leaf Cluster.

Mr. President, General Twining was a great American and true patriot. He was a hero in the classic mold of heroes. General Twining stands out as a shining example of all that is good and right; an example for our youth to study and emulate. He demonstrated exemplary leadership and a rare expertise and credibility in his personal contacts with foreign diplomats, U.S. officials, and our allies. Mr. President, it is not often we have an opportunity such as this to pay tribute to an individual whose accomplishments have contributed so much to the security and defense of our Nation. For the outstanding service General Twining has given to us all, I am privileged to express the deep gratitude of the U.S. Senate. We offer tribute to his lasting memory.●

STATEMENT OF SENATOR CHILES AT BUDGET COMMITTEE HEARING

Mr. CHILES. Mr. President, I submit for the RECORD a statement I made at a recent Budget Committee hearing.

The statement follows:

STATEMENT OF SENATOR CHILES AT BUDGET COMMITTEE HEARING, FEBRUARY 23, 1982

Mr. Chairman, I am pleased that you are starting off these hearings on the 1983 budget by asking Mr. Stockman to discuss the President's proposals. I think we have all come to feel over the last few months that the public is ready to accept the tough choices necessary to get the economy back on track. That means reducing the massive deficits projected for the next few years so that interest rates can come back down to reasonable levels. It is high interest rates which are choking off the housing and auto industries, and driving small businessmen to the wall. Time and time again Floridians have told me they will take tough medicine, but only if we are honest with them about how bad shape the budget and the economy are in, and if we ask everyone to bear a fair share of the burden. That also means not putting any sacred cows off-limits when is comes to reducing the deficit.

DEFICITS GROW FROM 1983 TO 1985

Mr. Stockman, the first issue I want you to address is the size of the deficits for 1983 to 1985. High as the deficits are in the President's budget, I think you have understated them by about $30 billion in 1983 and $70 billion in 1985. The Congressional Budget Office (CBO) estimates that if we adopted the President's entire program but used realistic economic assumptions and spending estimates, the deficits would grow from $111 billion in 1982 to $121 billion in 1983 and to $140 billion in 1985. (See attached Table 1.)

If CBO's estimates are correct, deficits will stay at about 3.5 percent of the Gross National Product (GNP), which is a level we have only reached once before in the last twenty years, and that was during the 1975-76 recession. (See attached Table 2.)

I want to say, Mr. Stockman, that I wished I sensed from the Administration the same level of urgency about reducing the deficit which I hear from business leaders. This morning I attended a breakfast held by the Committee for a Responsible Federal Budget. That is the group run by Bob Giamo (former Chairman of the House Budget Committee) and Henry Bellmon (former Ranking Republican Member of the Senate Budget Committee). We listened to a number of financial leaders from major companies, and I was interested to see them express a strong consensus that we would have to take some revenue-raising actions to reduce the deficit. They told us to hold back on the third year of the tax cut, or do whatever else was necessary to get some revenues in. I see in the papers that the members of the Business Roundtable are starting to say the same thing about taxes. The business leaders gave us a very strong sense that unless we get this deficit under control, and do it quickly, we can really have a financial disaster on our hands in this country.

These are the very people who a year ago were saying we had to pass the President's program, and they were a great force behind its success. Now these very same people are saying, "cut defense, raise taxes, but for goodness sakes, do something about these runaway deficits or everything is going to come tumbling down."

You have mentioned the need for a bipartisan consensus, Mr. Stockman. I think we have to go beyond that to a broad consensus of the American people. Even if we begin to act here in this Committee, and I think we will act, it will not get beyond this Committee, it will not fly on the floor of the Senate, let alone in the House, unless we get a broad consensus of the American people.

Getting that consensus will mean telling the people just what bad shape the economy and the budget are in. I hear the nation's business and financial leaders say that we are on the brink of a real disaster. Yet when I go around the State of Florida, I hear most people asking, "what time will the recovery start? Will it be the second quarter of this year or the third? And how strong a recovery will it be?" They have heard from the President that we will get a rapid recovery, and he is the best communicator of all.

It all seems to be coming together. You have the business and financial leaders reversing themselves on tax cuts. The Congress now seems ready to come together in a bipartisan basis. But there is one player missing; that is the chief, the communicator.

The only way to make this thing work is to get the chief communicator into the act, and have him tell the people what the real problems are. We need some kind of an economic summit where you bring together the leaders of business and the financial community, the leaders of labor, political leaders from both sides of the aisle in Congress, the Chairman of the Federal Reserve Board, and the President, to convince the people that every part of the budget can be looked at to reduce the deficit. But unless we get the communicator on board, unless the President is willing to join in that kind of a meeting, I do not see how in the world we are going to get action. The only way we can have the strong defense we all want is to have a healthy economy. The only way we can have Social Security and other basic programs is to have a healthy economy. So we have to look at all these programs and at the tax cuts. But our time is running short. All of us sit here as time runs out.

But the Administration still tells us that two of the major parts of the budget—defense and taxes—are non-negotiable, and that entitlements should not be touched. You will never get a broad consensus if any part of the budget is put off-limits. People have to believe that a solution that involves sacrifice is fair if they are going to support it. And being fair means that everything has to go into the pot on equal terms. Maybe then we can get a broad censensus and revive the economy.

PRESIDENT'S BUDGET HURTS HOUSING

The second area I want Mr. Stockman to address is how we are going to get any kind of economic recovery without providing some assistance to the housing industry. It looks to me like the Administration's budget kicks the housing industry while it's down.

First and foremost, by failing to do a serious job of reducing the deficit, your budget insures that interest rates will climb and stay at devastating levels for several years.

Second, you proposed to drastically cut every part of the budget that tries to help people afford housing.

The largest housing program we have is "Ginnie Mae" (Government National Mortgage Association), which provides no subsidies, and costs nothing in federal outlays. Ginnie Mae makes sure that home mortgages get a reasonable share of funds from the credit markets. At a time when high interest rates are putting the cost of a home out of the reach of the average family, and when the lending institutions are going through difficult changes, we should not be withdrawing our current level of help.

Yet you propose to reduce Ginnie Mae activity from $68 billion to $48 billion this year, then knock it down another $10 billion in 1983. That would be a reduction of 44 percent in just two years. The $30 billion of credit you want to cut would back up half a million mortgages. Since our full capacity for housing starts is about 2 million a year, and high interest rates have cut that down to 1 million, your proposal would be a major loss. Coming into a situation where the savings and loan institutions are already in dire straits, I think your proposal could cause total chaos in housing credit.

Even the few people who could afford mortgages would find there were no mortgage loans available. Hitting housing and putting even more construction workers out of jobs is just not a reasonable way to get an economic recovery under way. And let me tell you, there is no way you are going to get a strong economic recovery if you keep knocking down housing.

When I look through all your proposals, on-budget and off, all I can see is that housing gets hit at every turn:

Farmers Home: You would cut direct loans 70 percent (from $3.7 billion to $1.1 billion) and cut loan guarantees 43 percent (from $5.4 billion to $3.1 billion).

Section 202/Housing for the Elderly and Handicapped: You would cut the units 41 percent (from 17,000 to 10,000).

FHA Mortgage Insurance: You want to cut a full $5 billion, down from $40 billion to $35 billion.

GNMA "Tandem Financing" for Section 8: You want to zero out the $2 billion we have there, a proposal Congress clearly rejected last year. Of course you won't need GNMA financing if you stop all construction of low-income housing and go to your voucher system. Unfortunately, that just won't work in an area like Miami, where the vacancy rate for existing apartments is less than one half of one percent (nation-wide average is 5-6 percent).

I find it incredible that you even want to pull back the Section 8 housing construction commitments that are already in the pipeline. We have worked for years in this Committee to squeeze excess funds out of that pipeline, and hold the construction program down to a sustainable level for those areas with insufficient existing housing. But now to cut back on commitments in which builders have already bought their lots, purchased some of their materials and put their crews on will just add tremendously to the unemployment and the chaos that is already out there in the building industry. Certainly your proposals would destabilize the housing market and put even more construction workers out of jobs.

PROPOSED BUDGET WON'T HELP EMPLOYMENT

I would also like Mr. Stockman to tell us how he expects to get employment back up when his budget proposals do nothing to create the kind of work force American industry needs. It looks to me like your supply-side economics is just empty rhetoric to justify budget cuts, and that you have not come to grips with what it will take to revitalize America's economy in the 1980's. We need higher industrial technology to keep up with Japanese and German competition, yet you want to cut back drastically on all forms of education and job skills training. We eliminated CETA public jobs last year. But now you want to cut job training another $1.4 billion (or 44 percent). You want to cut vocational educational by one-third, and cut college work-study by 25 percent. There is just no way our work force is going to be well trained to compete in the modern world if we do all that.

You are also not putting up the funds necessary for the Employment Service to place people in jobs. After the hue and cry over your 1982 cuts, you sent up a supplemental and amended your 1983 budget request. Even so, your proposal would cut the Employment Service by almost 3,000 staff-years from the current level, and by 8,200 staff-years from the 1981 level. Here we have people who want to work, who are looking for jobs, and employers looking for workers, yet you want to cut the Service which puts them together. That just doesn't make sense with 10 million people unemployed.

We also face a major problem of how to deal with a growing population of senior citizens who are healthy, who live longer and who want to remain active contributors to society and the economy. Yet your budget proposal sends all the wrong signals. You propose to entirely eliminate the Community Service Employment Program for Older Americans. On top of that you want to force employers to pay private health insurance for workers over age 65, and cut back Medicare coverage. That is a tremendous disincentive to hire or retain older workers. If you keep going down that track of greater economic incentives for early retirement, you are going to put the Social Security Trust Fund into worse shape, rather than make it secure.

In sum, Mr. Stockman, when I look through your whole range of proposals, I don't see that you have applied very good judgement about where the economy is going and what it needs.

Mr. Chairman, I appreciate the opportunity to put these questions out on the table, and I look forward to hearing Mr. Stockman's replies.

TABLE 1.—UNIFIED BUDGET DEFICITS[1] [2]

[Dollars in billions]

	Fiscal year—			
	1982	1983	1984	1985
President's February budget	$98.6	$91.5	$82.9	$71.9
Deficit with CBO's technical reestimates	$106.5	$116.6	$118.1	$110.4
Deficit with CBO's technical reestimates and baseline economic assumptions	$111.1	$120.6	$128.9	$139.6
Deficit as a percent of gross national product	3.6	3.5	3.4	3.4

[1] Congressional Budget Office, "An Analysis of the President's Budgetary Proposals for Fiscal Year 1983" February 1982, p. xxi.

[2] Congressional Budget Office estimates.

Table 2.—Historical Background of deficits

Fiscal years:	*Percent of GNP*
1964	1.0
1966	0.5
1968	3.0
1970	0.3
1972	2.1
1974	0.3
1975	3.1
1976	4.0
1977	2.4
1979	1.2
1981	2.0

THE ASSOCIATION OF JUNIOR LEAGUES, INC.

● Mr. MOYNIHAN. Mr. President, none have been so steadfast in their defense of children in need as the Association of Junior Leagues of America. They have been quietly tenacious in their pursuit of fairness for those who cannot pursue it themselves, and they have been quietly successful as well. They deserve recognition and deep thanks.

With their active assistance, Congress enacted the Adoption Assistance and Child Welfare Act of 1980, reforming State-run foster care systems and creating a new entitlement of assistance to encourage adoption of children with special needs. This was the only major piece of social legislation enacted during President Carter's years; but for the Junior League it might have languished like many other Carter initiatives. Thanks in large part to them, only after every effort has been made to keep the family intact and only after a judicial hearing can States remove children from their natural parents. States must scrupulously keep tract of children in State-run foster care, and must make every effort to reunite children with their natural parents or to place the children in permanent adoptive homes.

The Junior League was the only national organization to testify last year against the administration's attempt to repeal the Adoption Assistance and Child Welfare Act of 1980 and consolidate the programs it reformed, the foster care and adoption assistance entitlements and the child welfare services program, with other social services programs in an omnibus social services block grant. The administration would have eliminated these entitlements for children, would have destroyed the protections for children carefully crafted into the 1980 law.

Spurred by the sensible protests of the Junior League, Congress demurred. We did not repeal the Adoption Assistance and Child Welfare Act of 1980. We insisted that children are worth protecting, that the short-run budget effect of public policy need not be the sole focus of policymakers. That it sometimes happens that we must spend money now to save it later. We recognized that affording children in foster care protections against State neglect will produce more stable, more productive citizens and will in the end impose a smaller cost on society than would result from children who have been neglected.

The administration does not agree. It is again asking us to repeal the 1980 Act. Its fiscal year 1983 budget consolidates the child welfare services program and the adoption assistance and foster care entitlements in a "Child Welfare Block Grant."

On March 16, 1982, Ms. Jan Deering, public policy chairman of the Junior League, accompanied by Ms. Sally Orr, public policy director, testified before the Senate Finance Committee against this block grant proposal, and against two other proposals that would reduce important services for children, deep budget cuts in the title XX social services block grant and the maternal and child health block grant.

Theirs is a superb analysis of the damage that would result from the administration's proposals, and I commend it most strongly to the Senate. It repays careful study, demonstrating as it does that children are the real victims of budget cutbacks. I ask that the testimony of the Junior League be inserted in the RECORD, and I thank the league deeply for giving voice to the needs of the children, who cannot speak for themselves.

The testimony follows:

TESTIMONY OF THE ASSOCIATION OF JUNIOR LEAGUES, INC.

SUMMARY

The Association of Junior Leagues urges the Senate Committee on Finance to reject President Reagan's proposal to place child welfare, foster care and adoption assistance provisions of Public Law 96-272 into a Child Welfare Block Grant and to oppose any further cuts in the Title XX Social Services and Maternal and Child Health Block Grants.

I. THE ASSOCIATION

A. International Women's voluntary organization.

B. 240 Junior Leagues; 142,000 individual members in the United States.

C. Promotes the solution of community problems through voluntary citizen. involvement, and trains Junior League members to be effective voluntary participants in their communities.

D. Junior Leagues have helped develop services for children since 1901.

E. Since 1970's, Association and individual Junior Leagues have been advocating in support of legislation and administrative changes directed at improving the systems serving children and their families.

II. THE ADOPTION ASSISTANCE AND CHILD WELFARE ACT OF 1980 (PUBLIC LAW 96-272)

A. Congress passed this law with strong bipartisan support in 1980.

B. Congress rejected President Reagan's proposal to place P.L. 96-272 in Social Services Block Grant last year.

C. President Reagan now proposes Child Welfare Block Grant, funded at $380 million, at least 23 percent below amount Administration estimates programs will cost this year.

1. Block grant would eliminate entitlement nature of foster care and adoption assistance program.

2. Block grant would eliminate fiscal incentives to states to implement the procedural reforms and the development of preventive and reunification services mandated by P.L. 96-272.

D. Association urges rejection of President Reagan's proposal for Child Welfare Block Grant.

III. TITLE XX SOCIAL SERVICES BLOCK GRANT

A. The Omnibus Budget Reconciliation Act of 1981 placed Title XX of the Social Security Act, Title XX Training and Social Services to the territories into a Social Services Block Grant, reducing funding for these programs from $3.099 billion to $2.4 billion for Fiscal Year 1982.

B. President Reagan now proposes to cut Social Services Block Grant to $1.9 billion, a cut of more than $500 million from the ceiling of $2.45 billion established by the Omnibus Budget Reconciliation Act for Fiscal Year 1983.

C. Another drastic cut in social services can be expected to cause chaos in social services delivery by the states.

D. Although it is too early in many cases to ascertain the effect the cuts are having on social services, many states are reporting severe cutbacks in child care, especially programs for the working poor.

IV. MATERNAL AND CHILD HEALTH BLOCK GRANT

A. The Omnibus Budget Reconciliation Act of 1981 established the Maternal and Child Health (MCH) Block Grant by consolidating seven separate programs. The Reconciliation Act reduced funding for the programs by 17 percent from their Fiscal Year 1981 funding levels.

B. The third continuing resolution reduced the MCH Block Grant by an additional four to six percent.

C. President Reagan now proposes to merge the Women, Infants and Children Supplemental Food Program (WIC) with the MCH Block Grant and to cut the funding for WIC by $282 million.

D. The Association is concerned about the effect the proposed merger of the two programs would have on child health programs, especially if the $282 million cut for WIC is allowed to stand.

I am Jan Deering of Wichita, Kansas, Public Policy Chairman of the Association of Junior Leagues. The Association of Junior Leagues is an international women's volunteer organization with 240 member Leagues in the United States, representing approximately 142,000 individual members. Junior Leagues promote the solution of community problems through voluntary citizen involvement, and train their members to be effective voluntary participants in their communities. The Association's commitment to the improvement of services for children is long-standing. Junior League volunteers have been providing services to children since the first Junior League was founded in New York City in 1901. In the 1970's, the Association and individual Junior Leagues expanded their activities on behalf of children to advocate for legislation and administrative changes directed at improving the systems and institutions which provide services to children and their families.

I appreciate this opportunity to appear before you today to express the Association's concern about the devastating effect that we believe President Reagan's most recent budget proposals would have on some of our nation's neediest children and families. A little less than a year ago today, I appeared before this committee to urge you to preserve the Adoption Assistance and Child Welfare Act of 1980 (Public Law 96-272). Fortunately for our nation's children, Congress responded to the pleas of child advocates to save this landmark legislation and refused to place it in a Social Services Block Grant as requested by President Reagan.

I now appeal to you to reject President Reagan's most recent proposal—to place child welfare services (Title IV-B of the Social Security Act), foster care, adoption assistance and child welfare training into a Child Welfare Block Grant. The President's budget proposes an authorization of $380 million for the new block grant for Fiscal Year 1983, a cut of at least 23 percent below the amount the Administration estimates these programs will cost during this fiscal year and 46 percent below the funding levels originally expected for these programs for Fiscal Year 1983 when Public Law 96-272 was enacted in 1980. We also urge you to reject further cuts in the Title XX Social Services Block Grant and the Maternal and Child Health Block Grant. I would like to touch briefly on the Association's reasons for making these requests.

THE ADOPTION ASSISTANCE AND CHILD WELFARE ACT OF 1980 (PUBLIC LAW 96-272)

The Adoption Assistance and Child Welfare Act of 1980 (Public Law 96-272) was passed in 1980 with strong bipartisan support after almost five years of effort by child advocates—inside and outside of Congress—on behalf of the reforms embodied in Public Law 96-272. Currently, some 500,000 children are in some type of foster care in this country. The Adoption Assistance and Child Welfare Act of 1980 was designed to reform this country's child welfare system by providing fiscal incentives for states to redirect their child welfare services from out-of-home care to provide services to help families stay together as well as services to reunify families that have been separated. When reunification is not possible, the procedural reforms mandated by Public Law 96-272 encourage the termination of parental ties and moving the child out of foster care into a permanent adoptive home. Public Law 96-272 mandates procedural reforms such as the development of case plans, case reviews, including a dispositional hearing after a child is in care 18 months, and inventories of children in foster care, and establishes a subsidized adoption program for children with special needs—mental, physical or emotional handicaps.

Demonstration projects across the country have shown that the reforms mandated by P.L. 96-272 are cost-effective and long-lasting. For instance, in California, the results of two demonstration projects established by the state's Family Protection Act proved that admissions to out-of-home placement drop when services such as counseling, homemaker service and respite care are provided to troubled families.

Representatives of the San Francisco and Palo Alto Junior Leagues, two of the eight Junior Leagues in California that supported passage of the Family Protection Act, served on the FPA Evaluation Committee of the San Mateo County Department of Health and Welfare's Family and Children's Services Advisory Committee. The effects of the demonstration project were dramatic in San Mateo County. There was a 33 percent decrease in the admissions to foster homes and institutions in the three-year period from September 1977 to September 1980. This significant drop came at a time when the reduction in out-of-home placements statewide was only one percent. Most importantly, in 1975, before the project was initiated, 47 percent of the children placed out-of-home that year were still in placement two years later.

The Child Welfare Block Grant proposed by President Reagan would effectively destroy Public Law 96-272 by eliminating all fiscal incentives for states to institute the reforms it mandates. The proposed Child Welfare Block Grant also would eliminate the entitlement nature of both foster care and the adoption assistance program. Public Law 96-272 does not allow a cap to be placed on foster-care funding until a certain amount of money has first been appropriated under Title IV-B to provide for preventive and reunification services. To cap foster care without first providing funding for preventive and reunification services, could lead to situations endangering the lives of children. The entitlement status of the adoption assistance program assures states that funds will be available on a long-term basis for the subsidies needed to provide adoptive homes for special needs children.

Last year when I testified before you, I mentioned that the subsidized adoption program in Kansas had temporarily run out of funds. Consequently, at the time I testified, ten children for whom adoptive families had been approved had to remain in foster care because there were no funds for subsidy. This type of situation will not arise again in any state if the adoption assistance program authorized by Public Law 96-272 is allowed to continue as an entitlement.

For the first time, as a result of a permanency-planning project initiated by the Kansas Department of Social and Rehabilitative Services (SRS) in 1980, detailed statistics are available on the children in out-of-home placement in my state.

According to a report issued by SRS in November 1981, 5,914 children were in some form of out-of-home placement as of June 30, 1981. Two hundred and six of these children had been in nine or more placements. Almost 1,500 of them had been in care for more than three years. Slightly more than 450 of these children had been in care for more than eight years. Furthermore, the case plan for 68 of the children who were in foster care for six years or more still read, "return to parents." Significantly, despite the inauguration of the permanency-planning project in Kansas, case plans still have not been developed to date for more than 500 of the children in out-of-home care.

To comply with the requirements of Public Law 96-272, Kansas is moving toward the establishment of a judicial review system for children in out-of-home care. Legislation mandating judicial review has passed the Kansas State Senate and is awaiting approval by the State House of Representatives. The three Junior Leagues in Kansas, working through their Kansas State Public Affairs Committee (SPAC), strongly support this legislation.

Experiences with foster care review systems in other states indicate that regular reviews such as those mandated by Public Law 96-272 result in achievement of permanency for children either by reuniting families or, when this is not possible, terminating parental rights, freeing the child for adoption. We are certain that many of those children who have been in foster care for the past eight years in Kansas would have permanent homes today if Public Law 96-272 had been enacted earlier. In fact, caseworkers with whom I spoke mentioned a "stagnant population that was passed over ten years ago." As you are aware, expenditures of monies directed toward programs which prevent children from entering foster care and those which enable children to move from the foster care system into permanent adoptive homes are cost-effective. In Kansas, the adoption support program is one of the most cost-effective programs we have due to its ability to reduce the number of children who might be caught permanently in the foster care system.

Kansas is not the only state that is changing its laws to meet the mandates of Public Law 96-272. Missouri Governor Christopher Bond has developed an Initiatives for Children program in response to Public Law 96-272. The initiative is designed to:

Reduce the number of abused or neglected children who enter foster care each month from the current level of 230 to 160 by June 1983

Return home within six months of placement 50 percent of all children entering foster care or residential treatment by June 30, 1983

Reduce the number of children in foster or residential care by seven percent—from 5,930 in October 1981 to 5,515 by June 1983

Place in adoptive homes, within twelve months of termination, 65 percent of all children whose parental rights have been terminated by June 1983

Raise Missouri's current ranking for resident infant mortality from the bottom 20 states to the top 20

Reduce the percentage of Missouri women receiving inadequate prenatal care from 17.9 percent in 1980 to below 14 percent in 1984.

The Junior League of St. Louis strongly supports the Initiatives for Children program. On January 25, the President of the Junior League of St. Louis wrote the members of the Missouri Congressional delegation that: Missouri legislators have taken advantage of these mandates [Public Law 96-272] by submitting several bills which would enact these policies in our state. Any attempt to further cut federal incentives would seriously hamper Missouri's efforts. We are dealing with programmatic concerns and funding . . . earmarked for the growing problems affecting children. We believe children deserve special mention in social service funding. There is growing attention given to keeping families intact and giving each child the opportunity to have a permanent, nurturing home.

The amount requested by President Reagan for the Child Welfare Block Grant for the next fiscal year is only slightly less than the amount that is projected to be spent on foster care alone in Fiscal Year 1983. States already hard-pressed to fund existing needed programs will have little incentive to develop new programs. Nor will they be encouraged to establish subsidized adoption programs which require long-term financial commitments to adoptive families—even though these programs eventually will save thousands of dollars in foster care payments and, most importantly, provide some of this nation's neediest children with permanent homes.

States are unlikely to begin to change old patterns of behavior unless they can be certain that some type of fiscal help will be forthcoming from the federal government. As a delegate from the Junior League of Wilmington, Delaware reported when she appeared before the House Ways and Means Committee's Subcommittee on Public Assistance and Unemployment Compensation in support of H.R. 3434 (the bill that became Public Law 96-272) two years ago:

Lobbying experience with Delaware's General Assembly has taught us that our state legislators look first to the federal government for procedural guidelines and availability of funds in deciding the validity of proposed legislative reforms . . .

We need these procedural reforms to alleviate foster care 'drift', to stop unnecessary and inappropriate placements, and to end the unnecessary years spent in care by hundreds of thousands of foster children.

We need federal fiscal incentives for states to provide reunification-of-family services, programs emphasizing prevention rather than crisis intervention, review and tracking systems, and adoption subsidies.

Congress showed its determination to save Public Law 96-272 by refusing to place Title IV-B, foster care and adoption assistance, in a Social Services Block Grant during its last session. We urge you now to reject the President's most recent proposal to place these programs in a Child Welfare Block Grant and to reject any further cuts in the funding for Title IV-B.

TITLE XX SOCIAL SERVICES BLOCK GRANT

We also believe that it is imperative that Congress not make any further cuts in the Title XX Social Services Block Grant, the major federal funding program for social services in this country. Many of the core services needed to help families, such as protective services, homemaker service, day care and respite care are funded by Title XX. The implementation of the reforms mandated by Public Law 96-272 depends on support services such as those funded by Title XX.

The Omnibus Budget Reconciliation Act of 1981 placed Title XX of the Social Security Act in the Social Services Block Grant along with Title XX training and social services monies for the territories. Funding for the Social Services Block Grant was set at $2.4 billion, a cut of 23 percent from the almost $3.1 billion funding set by Public Law 96-272 for fiscal year 1982 for the programs included in the block grant.

Now, President Reagan has requested that the Social Services Block Grant be cut back to $1.9 billion in fiscal year 1983, more than 500 million dollars below the $2.45 billion established for it for fiscal year 1983 by the Omnibus Budget Reconciliation Act. We believe that such a large cut coming directly on the heels of the substantial cut made for this fiscal year will throw social services programs across the nation into chaos. It is still too early in many cases to determine the type and extent of the effects of this year's cuts. For this reason, we believe that it would be unwise to make any further cuts until more information is available about the effect this year's cuts are having on social services.

We already know, however, that the cuts have eliminated many vital programs, especially those for the working poor. In Kansas, for example, the Department of Social and Rehabilitative Services (SRS) has reduced the day care slots it funds in the Wichita area from 800 to 280 and reduced its eligibility level for Title XX day care from 64.3 percent to 55 percent of the state's median income. SRS also had shifted all of its AFDC recipients out of Title XX day care, requiring that they pay for child care with the child-care deduction allowed under AFDC. According to most observers in Kansas, parents who have lost day care for their children are trying to maintain their jobs by making unsatisfactory or makeshift child-care arrangements, placing their children in unlicensed homes or leaving them alone. A survey made of the 492 working families in Sedgwick County that were eliminated from the subsidized child-care programs found that only 20 of these families are using the child-care deduction. Because of the new AFDC requirement for retrospective budgeting, families will have to wait two months to receive reimbursement for their child-care expenses. Very few families making the minimum wage can advance the two months payment required before the child-care deduction becomes available. Moreover, the child care that parents are able to purchase with the $160 child-care deduction often is not of the quality provided in a Title XX Center.

I concur with the Director of the Wichita Child Day Care Association, an organization that has received financial support from the Junior League of Wichita, that we are not really saving tax dollars by withdrawing financial assistance for working parents. In addition to caring for children, good child care also provides a positive setting and satisfactory role model for children that can produce long-ranging beneficial results.

A similar situation regarding child care exists in other parts of the country. In Pennsylvania, for instance, the state government responded to the federal budget cuts by reducing the eligibility levels for subsidized child care in November, dropping the level from 115 percent to 90 percent of the state's median income, and requiring that every parent pay some fee regardless of income. Before November, families in Pennsylvania whose incomes were 65 percent or less of the median income could receive free child care. Now every family must pay at least $20 per month. As a result of these changes, according to the Keystone Kids, an organization to which the Junior League of Pittsburgh belongs, parents who formerly paid $800 a year in child-care expenses now are faced with paying $2,000 or more. Two hundred of the 1,900 children receiving subsidized care in Allegheny County were eliminated from the program as a result of the changes. A survey done in January of 135 of these children's parents showed that 45 percent of the parents had not been able to find substitute care. Forty-three percent of the parents who could not find substitute care had annual incomes of under $10,000 a year and almost three-quarters of them were single women.

In Onondaga County, New York, the director of the Onondaga Child Care Council, an organization whose Board includes a representative of the Junior League of Syracuse, reports that the county will have to eliminate all child care provided for low-income working parents by October 1 unless the state legislature passes a supplemental funding bill of 20 million dollars. Without the supplemental funds, child-care centers in Onondaga County will have to charge parents the full cost of care, thus ending services to all children whose parents cannot pay the full fees. If President Reagan's most recent proposals are accepted, Onondaga County still will have to eliminate the programs for low-income working parents, even if the state supplemental appropriations bill is passed. Similar situations exist in several other New York counties. At least one county, Monroe, already has eliminated child care for low-income working parents.

The situation in New York, as in many states, is complicated by the fact that the state and the counties have different fiscal years than the federal government. For instance, the current federal fiscal year began October 1, 1981. Onondaga County's fiscal year began January 1 and the State of New York will begin its new fiscal year April 1. This disparity in the beginning of the fiscal years makes it very difficult to gauge the effects of the most recent budget cuts at this time.

Many of those who supported the first round of budget cutbacks also are requesting a halt to further cuts in social services. For instance, in November 1981, the Junior League of St. Louis joined the National Council of Jewish Women (St. Louis section) and the Missouri Child Care Association in writing to President Reagan to oppose further cuts in the social services. In their view: The first round of cuts was difficult but necessary, and our communities are dealing with them in a spirit of cooperation. The second round of cuts, proposed for congressional action later this month, however, causes us concern.

Since the President first proposed a $1.9 billion ceiling for the Title XX Social Services Block Grant in November, the concerns of the three organizations are valid today. Their letter said the following reductions in children's programs were likely to occur if the Social Services Block Grant was cut to the level requested by President Reagan:

Family counseling services will be substantially reduced.

Preventive child abuse and neglect services will be eliminated.

Child abuse and neglect cases will be maintained for only one year.

Day care services will be reduced by 18 percent in addition to a 22 percent cut sustained in the first round.

Three group homes for delinquent children will be closed.

Residential services for children will be reduced by 18 percent in addition to a five-percent cut sustained in the first round.

The three organizations also wrote Governor Christopher Bond to thank him for "his courageous and thoughtful objections to the second round of social-service-related budget cuts proposed by President Reagan."

The difficulties the poor, especially the working poor, are having in obtaining appropriate child care will be further exacerbated if Congress accepts President Reagan's proposal to eliminate funding for the Work Incentive Program (WIN).

Similar stories, I am sure, could be reported from all parts of the country. We hope by the end of this fiscal year to have more comprehensive reports of the effects of the budget cuts on children's programs. The Association is collaborating with the Children's Defense Fund in developing Child Watch to monitor the effects of the federal budget cuts on children's programs in four areas: AFDC, child health, child welfare and child care. Six Junior Leagues, including the Junior League of Wichita, are conducting Child Watch projects in their communities. Two Junior Leagues—Indianapolis, Indiana and Jacksonville, Florida—will participate in the Public Expenditures for Children project developed by the Foundation for Child Development to analyze the effect of the Administration's budget actions on children's programs in six cities. We hope that these monitoring efforts will develop information that will help Junior Leagues to effectively assess the needs of their community's children, and we look forward to sharing this information with you.

MATERNAL AND CHILD HEALTH BLOCK GRANT

Finally, I would like to touch briefly on the Maternal and Child Health Block Grant established in the Omnibus Budget Reconciliation Act by consolidating seven separate programs: Title V of the Social Security Act (Maternal and Child Health and Crippled Children's Programs); Sudden Infant Death Syndrome (SIDS); Hemophilia Diagnostic and Treatment Centers; Supplemental Security Income (SSI) for disabled children; lead-based paint poisoning prevention programs; genetic disease research; and adolescent pregnancy programs. The Association supported the development of this block grant because we believe that it is essential to maintain a discrete block of money for maternal and child health programs, rather than lumping health programs for all age groups together.

We urge that no further cuts be made in this block grant since the Budget Reconciliation Act reduced the funding for the block grant by 17 percent from the funding levels provided for the programs in the block grant for Fiscal Year 1981. The third continuing resolution reduced the funding for the MCH Block Grant by another four to six percent. We urge that no further reductions be made at this time, especially in light of the spiraling costs of medical care. We also are concerned about the effect the proposed merger of the MCH block grant with the Women, Infants and Children Supplemental Food Program (WIC) would have on the child health programs, particularly when a $282 million dollar cut is proposed for WIC.

In conclusion, I urge you to continue to safeguard the health and lives of our nation's neediest women and children by providing adequate funding for the programs that serve them and preserving P.L. 96-272.

Thank you for this opportunity to appear before you today.●

ISRAEL AND THE UNITED NATIONS

● **Mr. CHILES.** Mr. President, the United Nations has its foundation in a set of high ideals. According to its charter, members are to be peace-loving nations, working in a world forum for the betterment of the human condition. Fully one-quarter of the U.N.'s activities are funded by the United States. We like to think that it advances peace and democracy on the international level. Yet, more and more, the rhetoric and actions of the General Assembly seem to bear little resemblance to the goals found in the U.N. Charter.

At this time, there is an alarming trend in the U.N. that betrays both the organization's charter and the interests of democracy. I am referring to the growing number of diplomatic attacks on Israel. The U.N. appears to be paving the way for an effort to deny our ally in the Middle East its right to participate in the General Assembly. In the long run, this could also threaten the membership of other democratic states.

This past February, the General Assembly passed a resolution condemning Israel's actions on the Golan Heights. The resolution declared that Israel is "not a peace-loving member state" and called for its total isolation in the world community. By claiming that Israel is not peace loving—a requirement for U.N. membership—Israel's enemies are setting the stage for suspending it from the General Assembly.

There are three big holes in any argument for refusing to accept Israel's credentials. Most importantly, Israel has always been a peace-loving nation—more so, in fact, than the other nations in the Middle East. The modern State of Israel was actually created by the United Nations and stands as the foothold of democracy in that turbulent part of the world.

Another factor is the sheer hypocrisy of such a move. We do not hear its backers clamoring over the situation in Poland, Afghanistan, or Cambodia. The fact is that there are much more suitable targets for expulsion from the U.N.

The third point is that the General Assembly would violate the U.N. Charter if it proceeded alone to suspend Israel. Under article 5 of the charter, the General Assembly can expel, suspend, or deny the credentials of a member only after the Security Council has acted on the matter. This has not happened and will not happen as long as the United States still has veto power in the Council.

Earlier this month, I joined a number of my colleagues in sponsoring Senate Concurrent Resolution 68, which addresses the U.S. response to such a situation. Under the resolution, a General Assembly vote to downgrade the membership status of Israel or any other democratic state would bring about a drastic reaction from the United States: We would suspend our own participation in the General Assembly and withhold our contribution to the U.N. until the Assembly reversed itself.

Hopefully, this kind of action will not be necessary. In fact, there has not yet been a formal push to oust Israel, and we want to avoid it if at all possible. What is necessary is to let the world know that there would be a definite price to pay for refusing Israel's credentials. The United States will not put up with it.

Mr. President, I ask that the text of Senate Concurrent Resolution 68 be printed in the RECORD at this point.

The concurrent resolution follows:

S. CON. RES. 68

Whereas the United Nations was founded on the principle of universality of membership; and

Whereas the charter stipulates that United Nations members may be suspended by the General Assembly only "upon the recommendation of the Security Council"; and

Whereas any move by the General Assembly that would illegally deny Israel or any other democratic state its credentials in the Assembly would be a direct violation of these provisions of the charter: Now, therefore be it

Resolved by the Senate (the House of Representatives concurring), That if Israel or any other democratic state is expelled, suspended, denied its credentials, or in any other manner denied its rights and privileges in the General Assembly of the United Nations, the United States will—

(1) suspend its participation in the General Assembly; and

(2) withhold its assessed contribution to the United Nations until this illegal action is reversed; and be it further

Resolved, That the Secretary of State is directed to communicate to the member states of the General Assembly of the United Nations what the Congress has herein resolved.●

THE DEFENSE BUDGET

● **Mr. CHILES.** Mr. President, I believe we need a major buildup of our national defense to counter the ever-increasing Soviet threat. I recently received a briefing from our defense intelligence experts. While the briefing material was classified, I can tell you that it ruined my whole week to see everything the Soviets have been doing. They have poured money into their military at rates far beyond anything our military planners had projected, and they have done so in every area of forces, every area of weaponry, and every area of the world.

I also believe that we cannot build a strong defense unless we have a strong economy. The huge and growing Federal deficits have driven interest rates to a crippling level. This destroys not only domestic economic sectors like housing and autos, it also prevents industry from investing in the plant and equipment they need to produce weapons and supplies for the military.

The head of a major defense contractor recently told me that as much as he wanted to see a big defense budget, because it would mean more contracts for his firm, he was even more concerned about the size of the Federal deficit. He told me that unless we can get the deficits down so that interest rates can come down, his company could not remain in business and produce the defense systems that the Government wants to buy from him. Even with the defense contracts coming in, he has to borrow to build new buildings and buy new equipment.

So far as I can see, the question is not whether to cut defense; we should not. The question is how much real growth we can afford to provide.

The President has requested an increase in defense spending of $47 billion for 1983, growing to an increase of $159 billion by 1985. That works out to 9 percent a year real growth, above and beyond the cost of inflation.

The economic problem was stated best by Senator Pete Domenici, the new chairman of the Budget Committee. He told the Secretary of Defense:

> I have not been able to develop a budget plan which can accommodate the Administration's defense request and still accomplish the principle of reducing the Federal deficit.

The Congessional Budget Office tells us that if we adopt the President's new budget in its entirety, the deficit will grow from $111 billion in 1982 to $140 billion by 1985.

When I look at the President's request for 9 percent real growth, I am caught between a desire to do everything we need for defense, and the necessity to get the deficit back under control and restore the economy.

Over the years, as I have watched the Soviets acting in Cuba and South America, in Angola, in Afghanistan, and now Poland, I have felt the need for a major turnaround in American defense spending. Starting back in 1976, I have worked as part of a group of Senators who brought national defense out of its long years of decline. We stopped the cuts and gradually phased up to 2 percent a year, then 3 and finally last year we got on track for 5 percent a year real growth in defense. We have increased military pay, started major new strategic weapons, authorized more ships and airplanes, and beefed up operations and maintenance funds to improve the combat readiness of our troops. We need to do even more, but we must do it in an orderly fashion; we cannot make up 20 years of neglect in 3 years of spending.

I think if we are going to maintain that steady improvement of our defense capacity, we are going to need a consensus in the Congress and in the country that we are treating defense and other programs in a fair and balanced way. At the time when we are going to ask major sacrifices from all domestic programs, and ask taxpayers to wait for the third round of their tax cut, we might not be able to give defense that extra boost from 5 percent to 9 percent real growth. We might create so much discontent that we would lose the strong congressional support for defense which we have built up over the last 6 years.

We must get out from under the yoke of an ever-increasing national debt. We are now paying $100 billion a year in interest on the debt. That is a full half of what we spend for national defense. A deficit of $140 billion in 1985 means an extra $15 billion in interest payments, money that could better be spent on defense. If we can get the deficits under control, and get interest rates down and put the economy on track to a healthy rate of growth, then we will have more resources to invest in both defense and domestic needs in the near future.●

ORDER FOR RECESS UNTIL 10 A.M. TOMORROW

Mr. BAKER. Mr. President, I ask unanimous consent that when the Senate completes its business today it stand in recess until the hour of 10 a.m. tomorrow.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER FOR THE RECOGNITION OF CERTAIN SENATORS TOMORROW

Mr. McCLURE. Mr. President, I ask unanimous consent that when the Senate convenes on tomorrow, that following the prayer and recognition of the two leaders, Senator Specter from Pennsylvania and Senator Stevens from Alaska be recognized for not to exceed 15 minutes each.

Mr. ROBERT C. BYRD. Mr. President, will the Senator add my name?

Mr. McCLURE. And the Senator from West Virginia (Mr. Robert C. Byrd.)

The PRESIDING OFFICER. Without objection, it is so ordered.

RECESS UNTIL TOMORROW AT 10 A.M.

Mr. McCLURE. Mr. President, I know of no further business to come before the Senate tonight. Therefore, I move, in accordance with the order previously entered, that the Senate stand in recess until the hour of 10 a.m. tomorrow.

The motion was agreed to; and at 6:25 p.m., the Senate recessed until Thursday, April 1, 1982, at 10 a.m.

NOMINATIONS

Executive nominations received by the Senate March 31, 1982:

Department of Justice

John T. Callery, of Tennessee, to be U.S. marshal for the western district of Tennessee for the term of 4 years, vice Willie D. Durham, Sr., term expired.

Department of Defense

Gen. John W. Vessey, Jr., 703-07-1974, Army of the United States (major general, U.S. Army) under the provisions of title 10, United States Code, section 142, to be Chairman, Joint Chiefs of Staff, a position of importance and responsibility designated by the President under subsection (a) of section 601.

In the Navy

The following-named captains of the Reserve of the U.S. Navy permanent promotion to the grade of commodore in the various staff corps, as indicated, pursuant to the provisions of title 10, United States Code, section 5912:

MEDICAL CORPS

James Albert Austin

SUPPLY CORPS

Donald Gene St Angelo

CIVIL ENGINEER CORPS

Charles Richard Smith

DENTAL CORPS

Haruto Wilfred Yamanouchi

In the Marine Corps

Lt. Gen. Adolph G. Schwenk, U.S. Marine Corps, age 59, for appointment to the grade of lieutenant general on the retired list pursuant to the provisions of title 10, United States Code, section 1370.

In the Coast Guard

The following graduates of the Coast Guard Academy to be permanent commissioned officers in the grade of ensign:

Thomas Anthony Abbate
Michael Aaron Alfultis
Richard Lee Arnold
Kevin Bruce Asbury
Thomas Frank Atkin
Vincent Blaine Atkins
Karl Rene Baldessari
Gary Paul Beam
Craig Alan Bennett
Lance Owen Benton
Andrew Joseph Berghorn
Terry Arthur Bickham, Jr.
Stephan Alan Billian
Douglas Allen Blakemore
David Haukur Boyd
Kenneth James Bradley
James Fraser Brown
Ross Ernest Bryant III
Gregory Wayne Buie
Mark Eugene Butt, Jr.
Spencer Lynn Byrum
David Richert Callahan
Robert Shane Campbell
Steven Edward Carlson
Orlando Nickolas Cavallo, Jr.
Robert Lewis Clarke, Jr.
Timothy Mark Close
LeRoy William Collins, Jr.
John Joseph Cook III
Kevin Francis Coradeschi
Steven Russell Corporon
Michael Christopher Cosenza
James Peter Counihan
Bonnie Lewis Covell
Patricia Ann Csorba
David Alan Culver
George Patrick Cummings III
Eugene Francis Cunningham
Louise Anne Cvelbar
Kimberly Jo Daisher
Mark John D'Andrea
Marc Lawrence Deacon
John Doar Delaune
William Thomas Devereaux
Benny Salvatore DeVito, Jr.
Charley Lloyd Diaz
William Justin Diehl
David Alan Durham
John Stephens Early
David Clark Ely
Raymond Charles Engel
Spencer Parr Errickson, Jr.
Ronald Jeffrey Evans
Michael John Fasen
George Randyll Feid

William Nelson Finley
Michael Francis Flanagan
Stephen Edward Flynn
Kathleen French
Karl Lutton Frey
Gregory Stephen Galvan
Bruce Robert Gaudette
David John Gilbert
Matthew John Glomb
Stanley Alan Gold
Jeffrey Craig Good
Edward William Greiner
Jeffrey Scott Griffin
Thomas Rawson Hale
Jeffrey Scott Hammond
George Patterson Hannifin
Kurt Brian Hinrichs
Robert Scott Holzman
James Luke Homich
John Seth Hurlburt
Evan Quain Kahler
John Francis Kaplan
Brian David Kelley
Michael Raymond Kelley
David M. Kilker
Thomas Scott Kuhaneck
Scott James Labak
Martin John Langlois, Jr.
Steven Richard Lebischak
Michael Edward Lehocky
Pamela Ann Leistensnider
Daniel Phillips Lynch
John Morris Mahoney, Jr.
Peter Sean Marsh
Charles Alan Mathieu
William Charles Maxwell
Jeffrey Allen McCarthy
Daniel James McClellan
James Lane McDonald, Jr.
Robert John McLaughlin
William Francis McMeekin
Frank Lowell McNiff, Jr.
James Brian McPherson
James Edward Meador, Jr.
Christopher Alan Mebane
Stephen Peter Metruck
Maureen Suzanne Meyer
Fred Michael Midgette
Joseph Edward Mihelic
Phillip Dwight Miller
Kenneth John Morrison
Thomas Simmons Morrison
Joy Elaine Moses
Robert Gleen Mueller
Steven Alfred Munson
Kevin Mathew O'Day
Michael Norton Parks
Raymond John Petow
Michael Anthony Plotycia
James Young Poyer
Leonard Rudolf Radziwanowicz
Drew Arnold Rambo
William Martin Randall
William Scott Ransom
William Joseph Reicks, Jr.
James Watford Rice III
Mark Anthony Rose
Douglas Glenn Russell
Jonathan Christopher Russell
Mitchell Scott Russell
Steven Alan Saepoff
Michael John Schmidt
Ciaran Michael Schoenauer
Vincent Stephen Sedwick
Joseph Patrick Seebald
David Gerard Sella
Norman Scott Selley
Joseph Anthony Servidio
Curtis Frank Seymour
Michael Joseph Sikora
Peter Stanley Simons
Edward Sinclair
Thaddeus George Sliwinski
Lyman Dunnington Smith
Kurt Van Snider
M. Bennett Stewart II
Sandra Leigh Stosz
Michael Earle Sullivan
Steven Don Tarantino
Matthew Lance Thomas
Hal Richard Thompson, Jr.
Paul Howard Tingley
Mark Anthony Torres
Katrina Dianne Trexler
David Brian Trond
Edmund Hilary Tupay, Jr.
Anthony Nolan Upshaw
Mark Alan Vazquez
Kristin Jane Wahlner
Arthur Charles Walsh
David Cole Watkins
Samuel Rush Watkins
John Adams Watson
John Milton Weber
John Stuart Welch
Richard Lewis Wharton
Fred Thomas White, Jr.
Mark Alan Williams
Jeanien Victoria Yee

The following named officers to be members of the permanent commissioned teaching staff of the Coast Guard Academy in the grades indicated:

To be lieutenant commander

Earl H. Potter III
Donald C. Gerber

To be lieutenant

Thomas J. Haas

IN THE AIR FORCE

The following-named officers for promotion as a Reserve of the Air Force, under the appropriate provisions of chapters 35 and 837, title 10, United States Code.

To be lieutenant colonel to colonel

LINE OF THE AIR FORCE

Anderson, John, Jr., 149-20-0600
Archer, James M., 400-40-4514
Arendts, David T., 482-46-8335
Baldeshwiler, Vernon E., 388-30-2505
Bell, Elvin C., 560-48-0594
Bell, William F., 412-32-4380
Bennett, Ralph J., 487-32-7535
Benton, Duane M., 290-28-8769
Bland, William P., Jr., 253-56-9506
Bloomer, Dennis W., Jr., 155-26-5887
Bouckaert, Emiel T., 370-30-2648
Bradley, Charles R., 481-34-3236
Byrne, Stewart R., 404-48-3818
Coke, Hartwell F., IV, 223-44-3651
Cummock, David R., 528-44-7246
Damato, George H., 041-22-7495
Denman, Harold R., 123-26-2369
Dversdall, Dean A., 392-30-0249
Flick, James D., 433-48-9381
Forkhamer, William A., 118-26-5427
Galloway, Gordon L., 385-38-6468
Gerber, James F., 447-30-7901
Gibson, Richard A., 537-30-2060
Goddard, William D., 359-24-3927
Gross, Wylie W., Jr., 413-30-3343
Hafen, John M., 528-36-2822
Hourin, James J., 081-30-1198
Hulsey, Donald R., Sr., 315-30-2052
Jones, David V., 372-30-4566
Kessler, Roland R., 307-30-9344
Kuchta, Stephen J., Jr., 374-28-0866
Lauderdale, Bruce H., 539-30-2478
Mansfield, Edward S., 024-28-1209
Maxwell, Paul N., 516-32-2739
McDermott, John J., Jr., 028-26-6760
Menard, Joseph R., 572-26-6336
Morris, William R., 523-30-7617
Noble, James L., 362-30-7834
Parker, Francis T., 293-26-9142
Pezzullo, Richard E., 037-20-0223
Sanford, Jack R., 271-34-0318
Schwab, Ernest A., 115-24-7643
Shoemake, Charles K., 460-36-9020
Stewart, Wilbert T., 232-48-6990
Swartzbaugh, Gerald W., 482-50-1009
Tavares, William A., 038-26-4776
Treu, William A., 512-34-3477
Unverricht Wilfred S., 544-30-3338
Villarreal, Guadalupe, 563-56-7518
Yamamoto, Kazuo, 576-28-2177

CHAPLAIN

Caliandro, Bruno L., 004-26-4378

JUDGE ADVOCATE CORPS

Clark, Drennan A., 530-20-4245
Sullivan, Charles J., 577-46-9412
Wyles, Duane C., 188-24-3895

MEDICAL CORPS

Horman, Elmer C., 336-28-9854
Miles, Edward L., 573-40-0162
Mutchnick, Milton G., 369-44-9935

IN THE MARINE CORPS

The following-named officers of the Marine Corps for permanent appointment to the grade of lieutenant colonel under provisions of title 10, United States Code, section 624, subject to qualification therefor as provided by law:

Acreback, James R., 9572
Agenbroad, Jerald R., 3927
Albin, Gary R., 4163
Alexander, Laney D., 0357
Allen, Kenneth E., 6336
Amend, John F., Jr., 5473
Amparan, Cecil J., 1462
Andrews, James F., III, 6705
Appleton, Russell E., 3835
Arena, Rodney A., 6699
Ashworth, Michael D., 6519
Atkinson, George B., 6586
Badger, Peter R., 9596
Balchunas, Charles, 2601
Baldwin, David W., 1699
Barfield, Jimmy C., 8046
Barksdale, James E., 2108
Barta, James J., 0007
Barton, Richard L., Jr., 8832
Basel, John M., 5646
Beasock, Kenneth U., 7089
Beck, Hugo T., 9966
Beebe, William A., II, 8774
Bellis, Charles A., Jr., 3461
Berger, Richard W., 7954
Berns, Robert A., 4471
Blackman, Patrick C., 9811
Blaha, William C., 0593
Blankenship, Dennis R., 7333
Blizzard, David W., 1973
Bloom, Paul J., Jr., 5429
Bolden, Charles F., Jr., 5603
Bolduc, George J., 0570
Bonner, James N., 6886
Booth, Francis J., 7104
Bowden, Elaine M., 1340
Bowman, John W., 1319
Boyum, Sevath A., 3904
Braaten, Thomas A., 3443
Bradley, Robert J., 2265
Brandon, Wayne H., 5120
Breeding, Patricia R., 3310
Brewer, George L., 9111
Brigadier, James, 4552
Brignon, William R., 9305
Brinson, James A., Jr., 1624
Brooke, George M., III., 7641
Brown, Jon L., 5775
Bruce, Curtis B., 8222
Bruner, Kenneth H., 6106
Buchli, James F., 4593
Bunker, William R., 3930
Bunton, Mark C., 3619
Burgess, Glenn F., 8000
Burlingame, Victor R., Jr., 0874

Byrnes, James P., 9050
Campbell, Carl P., 3386
Canario, James M., 2068
Caskey, John J., 5916
Chase, Jonathan C., 7132
Chevalier, Maurice L., 0705
Childs, Jimmie W., 1033
Cizerle, Franklin J., 1707
Clark, Henry J., 6651
Clayton, Dennis C., 7653
Coe, Michael G., 2526
Collins, Clelland D., Jr., 0855
Collins, James G., 2095
Connelly, Roy A., 6830
Costello, Gary M., 9143
Cover, Walter S., 0430
Craig, Richard J., 5906
Crangle, Chandler C., 2818
Crawford, Richard R., 5214
Crockett, James C., 5730
Cucchiara, Stephen, 7241
Cummins, John T., Jr., 3822
Cunningham, Timothy J., 2817
Dake, Terrence R., 6646
Daniel, Howard D., 4965
Davis, Dellwyn L., Jr., 1944
Davis, Elmer H., 3117
Deichman, Jack E., 2778
Delmauro, Dennis G., 5231
Delong, Michael P., 5191
Dempsey, John R., 6993
Detering, Henry A., 3772
Dietmeier, Richard E., 3954
Dlugos, Stephen J., II, 9981
Doktor, Alfred M., Jr., 5623
Donnelly, William R., Jr., 1435
Doyle, Dennis L., 1691
Eagen, Thomas H., Jr., 3330
Earl, Robert L., 5372
Edwards, Robert I., 5940
Edwards, Thomas B., III, 2081
Ellis, Richard H., 0288
Elsten, Gary L., 0600
Embrey, Clark D., 3151
Enloe, Don D., 0535
Evans, John S., Jr., 5236
Evans, William C., 7600
Evasick, Robert S., 4673
Fabinsky, Walter R., 1489
Ferguson, Michael J., 0926
Finneran, Patrick J., Jr., 1033
Fitch, John W., 8622
Fogg, John R., 2134
Ford, George S., 7535
Fridley, Claude R., 8660
Frisbie, Douglas D., 7861
Frizell, William H., 6110
Fry, Gary A., 5180
Fuchs, Leonard R., Jr., 3777
Gain, Tony R., 6789
Garcia, Anthony J., 2262
Garsys, Algimantas V., 1143
Gee, David M., 3093
Getgood, George F., 8287
Gimber, John F., 5845
Gleisberg, Robert E., 3845
Glynn, Daniel M., 1870
Goebel, James A., 7002
Gotta, Thomas, 9023
Gound, Lee C., 2517
Graler, Robert L., 7753
Grant, U. S., Jr., 9536
Gray, William B., 2687
Green, Maurice O., 3044
Grieshaber, Alfred, Jr., 7680
Guerrero, Gregorio S., 9212
Hadar, Steven P., 4431
Hapgood, William R., 9760
Harjung, Bruce L., 0723
Harper, Robert J., 9833
Harris, John R., 7588
Hart, John T., 4603
Hayden, Henry T., 9614
Haynes, Preston D., 3750
Helms, Howard L., 2310
Higgins, William R., 4510
Hille, Klaus P., 9165
Hockaday, Harold D., 0232
Hodges, James C., 5930
Hodges, Terry L., 5039
Hoelle, Charles O., Jr., 9756
Hoff, William H., 1561
Holden, Thomas W., 7774
Holladay, John M., 0120
Honeycutt, Franz H., 2577
Hoopes, Richard G., 9664
Hopper, William O., III, 6009
Horton, Joseph R., Jr., 6383
Horvatich, John T., 3861
Houle, George A., Jr., 2354
Howard, Patrick G., 4011
Hudock, John M., Jr., 0991
Hudson, Lucien N., Jr., 4761
Hughes, Therlon E., 4047
Hust, James W., 3624
Iverson, Peter M., 2871
Johns, Albert P., 9122
Johnson, Kenneth D., 0726
Jones, James L., Jr., 2699
Judy, John L., 8856
Kabza, Karl J., 4492
Kanne, Michael R., 8162
Karamarkovich, George M., 2460
Keller, William E., Jr., 3495
Keller, William H., III, 1968
Kelly, James M., 8206
Kinsman, John S., 7351
Kispert, John J., 7540
Kruger, Helen D., 5432
Kruse, Douglas M., 7787
Kurth, Richard C., 4693
Kuzniewski, Gregory S., 4680
Landon, Howard W., Jr., 4041
Lange, George, III, 5303
Larson, Michael J., 1229
Lee, Fitzhugh B., 5358
Lewis, Edward G., 3174
Lewis, Robert C., 9735
Lopez, Anthony A., 2665
Lowery, Paul J., 1003
Luken, James T., Jr., 4540
Lyons, Theodore H., 2033
Maddux, Vernon R., 6472
Magee, James G., 2162
Malinowski, John C., Jr., 7150
Maloney, Charles J., Jr., 0171
Marks, Wesley R., Jr., 0723
Martin, Gerald R., 3371
Martin, Justin M., II, 1039
Mattke, E. T., 7007
McCann, Edward F., 2830
McClain, Kenneth M., 2981
McCool, James F., III, 6459
McCorkle, Frederick, 7324
McCormack, Orval W., 1624
McDaniel, James E., 4597
McDermott, Thomas H., 3224
McDonald, Patrick J., Jr., 5793
McDuffee, Frank W., 3772
McElwee, Michael M., 6102
McIntire, James L., Jr., 2316
McInturff, David L., 9051
McKelligon, James H., 2249
McKnight, Daniel P., 2726
McSorley, William D., III, 9216
Mears, Donald E., 2291
Melchar, David E., 7069
Michaelsen, Russell S., 9123
Montgomery, Barry R., 8750
Morrison, Carleton H., Jr., 3415
Morrison, John A., 0089
Murphy, Dennis M., 0147
Murphy, Michael W., 7327
Murray, John R., 6157
Murray, III, Alvin C., 6422
Nadolski, Thomas E., 0069
Nakatani, Frederick Y., 8651
Narney, John K., 0952
Nay, David R., 6988
Negron, Mfael, Jr., 8302
Nelson, James H., 5736
Newlin, Robert B., 1446
Norton, James D., 7454
O'Brien, James M., Jr., 6519
O'Donnell, Brian J., 5071
O'Leary, Ronald N., 2850
Paccassi, Jerry G., II, 9768
Pace, Peter, 7426
Packard, Robert A., Jr., 1088
Palm, Leslie I., 4210
Panneton, John A., 3925
Paruzynski, Anthony J., 1575
Peasley, Richard E., 6100
Pendergast, James M., 2476
Philip, George, III, 4584
Ponnwitz, Alfred J., 6158
Popps, Richard J., 5872
Powell, Alexander W., 0753
Pranger, Ingrid M., 9419
Pruiett, Ronald E., 7756
Rackley, Norman H., 8134
Ramsperger, Sepp D., 6045
Ray, David G., 9001
Reed, John D., 4198
Regan, Clyde M., 9348
Regan, Richard C., 4437
Reinika, Douglas E., 3851
Reuter, Richard L., 7103
Rhodes, John E., 6880
Rice, Ronald R., 7241
Riddell, Orin J., IV, 6278
Rilea, Clyde A., 6606
Ringo, Durwood W., Jr., 2164
Ritchey, Francis A., III, 7949
Ritchie, Edward J., 9302
Roche, Michael G., 5685
Rollings, Wayne E., 9771
Roth, Michael G., 2827
Ryan, James R., 4776
Ryan, Michael D., 3367
Ryan, Richard L., 4003
Rydstrom, Dennis C., 6391
Sanborn, James C., 4423
Sargent, Andrew R., 8801
Sarles, Robert T., 8935
Schaefer, James H., Jr., 9806
Scheffler, William W., 1423
Schessler, John D., 9437
Schoener, Charles J., III, 3258
Scivicque, Richard S., 7586
Selim, James D., 4416
Sheedy, Michael M., III, 5464
Shields, Michael F., 9490
Short, Robert J., Jr., 4406
Singleton, Thomas J., 7750
Smith, Michael D., 7776
Smith, Phillip R., 3632
Smith, Ray L., 6035
Snowden, John S., 6454
Spangler, William J., 9657
Steed, Billy C., 8869
Steele, Martin R., 2490
Steigelman, Herbert M., Jr., 8202
Stewart, James R., 8850
Strickland, James M., 1909
Strouth, Cecil L., 2444
Stuber, Kenneth R., 8382
Sullivan, John J., Jr., 5804
Swaby, Donald R., 0503
Sweeney, George P., III, 4690
Taber, Victor E., 8958
Taylor, Bayard V., 6429
Tehan, William J., III, 1440
Theisen, John W., 5180
Town, Dale S., 1821
Turner, David J., 9991
Vankat, William J., 4558
Vetter, David A., 3777
Voneida, John R., 4228
Wagner, Jack R., 4479
Walker, Richard W., 5785
Walls, Richard G., 3702

Walters, Jon M., 4558
Walters, Thomas D., 4305
Ware, Samuel J., 1358
Watkins, Robert W., 9880
Weber, Harry R., III, 1439
Wells, Marshall R., 2574
Welsh, Donald T., 6256
Wiley, James A., 9387
Wilkerson, Thomas L., 6234
Wilkinson, Kenneth J., 0900
Williams, Michael J., 8024
Williams, Richard F., 8373
Wilmes, Richard G., 6032
Wingerter, James R., 0304
Wintersteen, John D., 2896
Wiseman, Carolyn K., 1939
Wojcik, Terry L., 9212
Wood, Anthony A., 5656
Wood, Larry A., 2080
Wunderlich, Thomas F., 9066
Zinser, Lawrence R., 6754

CONFIRMATIONS

Executive nominations confirmed by the Senate March 31, 1982:

FEDERAL COUNCIL ON THE AGING

Adelaide Attard, of New York, to be a Member of the Federal Council on the Aging for a term expiring June 5, 1982.

Charlotte W. Conable, of New York, to be a Member of the Federal Council on the Aging for a term expiring June 5, 1982.

Nelda Ann Lambert Barton, of Kentucky, to be a Member of the Federal Council on the Aging for a term expiring June 5, 1983.

Edna Bogosian, of Massachusetts, to be a Member of the Federal Council on the Aging for a term expiring June 5, 1983.

Frances Lamont, of South Dakota, to be a Member of the Federal Council on the Aging for a term expiring June 5, 1983.

Margaret Long Arnold, of the District of Columbia, to be a Member of the Federal Council on the Aging for a term expiring June 5, 1984.

Syd Captain, of Florida, to be a Member of the Federal Council on the Aging for a term expiring June 5, 1984.

Katie Dusenberry, of Arizona, to be a Member of the Federal Council on the Aging for a term expiring June 5, 1984.

Josephine K. Oblinger, of Illinois, to be a Member of the Federal Council on the Aging for a term expiring June 5, 1984.

Edna Bonn Russell, of California, to be a Member of the Federal Council on the Aging for a term expiring June 5, 1984.

James N. Broder, of Maryland, to be a Member of the Federal Council on the Aging for a term expiring June 5, 1983.

NATIONAL SCIENCE FOUNDATION

Jay Vern Beck, of Utah, to be a Member of the National Science Board, National Science Foundation, for a term expiring May 10, 1986.

DEPARTMENT OF STATE

Paul H. Nitze, of Maryland, for the rank of Ambassador while serving as Head of the U.S. Delegation to the Intermediate Range Nuclear Force Negotiations.

U.S. INTERNATIONAL DEVELOPMENT COOPERATION AGENCY

Thomas A. Bolan, of New York, to be a Member of the Board of Directors of the Overseas Private Investment Corporation for a term expiring December 17, 1982.

The above nominations were approved subject to the nominees' commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.

THE JUDICIARY

Robert E. Coyle, of California, to be U.S. district judge for the eastern district of California.

DEPARTMENT OF JUSTICE

W. Asa Hutchinson, of Arkansas, to be U.S. attorney for the western district of Arkansas for the term of 4 years.

Frederick J. Hess, of Illinois, to be U.S. attorney for the southern district of Illinois for the term of 4 years.

Charles H. Turner, of Oregon, to be U.S. attorney for the district of Oregon for the term of 4 years.

Earl L. Rife, of Ohio, to be U.S. marshal for the northern district of Ohio for the term of 4 years.

Charles H. Gray, of Arkansas, to be U.S. marshal for the eastern district of Arkansas for the term of 4 years.

ENVIRONMENTAL PROTECTION AGENCY

Rita M. Lavelle, of California, to be an Assistant Administrator of the Environmental Protection Agency.

EXTENSIONS OF REMARKS

COMPROMISE AND CONVICTION—THE ETHICAL DILEMMA

HON. CHARLES E. BENNETT

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 31, 1982

● Mr. BENNETT. Mr. Speaker, Mr. Ivan Hill, president emeritus of the Ethics Resource Center, recently made an outstanding speech on ethics before the Associated General Contractors. Mr. Hill is a noted authority in the field of ethics who has for many years conducted a vigorous campaign to bring higher ethical standards into all phases of American life. Since ethics is character manifested in action, his remarks apply to all Americans. I insert his speech at this point in the CONGRESSIONAL RECORD and hope that it will be widely read.

COMPROMISE AND CONVICTION—THE ETHICAL DILEMMA

(By Ivan Hill)

I am here to discuss ethics. I have chosen the special topic Compromise and Conviction because these factors constitute a continuously recurrent ethical dilemma.

Today, much of the popular discussion of ethics is about "business ethics." These discussions are often led by philosophers, theologians, and professors who have recently discovered the corporation as an inviting place to apply their side-line trade as consultants. It may be useful to state certain important ways by which my understanding of ethics differs from that of the more academically oriented.

Although the term "business ethics" is frequently used, I do not believe there is any such thing as business ethics, per se. I do not believe there is a merchant's ethics, or an educator's ethics or a politician's ethics. There is only ethics, no matter what your vocation or profession happens to be.

Some philosophers consider business ethics as a subspecies of the academic discipline of ethics or moral philosophy. Others regard ethics as an abstract logical exercise, analytical in nature, theory-bound, and framed by the history of philosophy itself. I do not favor equating ethics with moral philosophy, nor should we simply intellectualize business' concern for ethics.

The interest of business in ethics is not philosophical but highly pragmatic. Business' interest in ethics did not originate in theories so much as in headlines. A free market economy and a democratic form of government both rest on a strong underpinning of ethics, upon public trust in the institutions of society and in its leaders. Both conditions require a high degree of honesty and individual responsibility at every level. And both are now endangered by irresponsible, unethical actions that have undermined public confidence and trust. So, let's not talk about "business ethics." Let's talk about ethics.

THE MEANING OF ETHICS

What do we mean by ethics? The term ethics had been used so often on TV news programs and in newspaper headlines that the Ethics Resources Center conducted a survey to determine what ethics means to the general public. In a series of shopping centers located in different types of neighborhoods, we individually interviewed young and old, rich and poor, the more-or-less educated and the more-or-less uneducated, from a variety of ethics and minority groups. We found that the public understands very well what ethics means. More than 86 percent of all people interviewed associated ethics with standards and rules of conduct, morals, right and wrong, values and honesty. The public also understood that if ethics appeared in the headlines, the story would tell about the lack of ethics—the doing of wrong as opposed to right.

Referring again to our philosopher friends, perhaps Dr. Albert Schweitzer's definition of ethics will satisfy them as well as us. Dr. Schweitzer said: "Ethics is the name we give to our concern for good behavior. We feel an obligation to consider not only our personal well-being, but also that of others and of human society as a whole." In another way, Dr. Schweitzer has stated the principles of the Golden Rule, a fundamental moral imperative that is common to most major religions.

One might say that ethics is our way of being human. Had it not always been so, we would not now be here on this earth. If early man had not identified his own welfare with that of others, he could not have survived and developed. Anthropologists have pointed out that in the evolution of a gathering-and-hunting economy, cooperation was essential. One of the basic tenets of ethics is the principle of cooperation and sharing. And one of the most precise measurements of the maturity of an individual or of a society is a concern for those who come after us. It is our ethical obligation to do our best to enable those who follow us in life's relay to have as good a chance to win as we had when the baton was passed along to us.

Honesty and ethics are basic, working social principles, not just moral guidelines. True, ethics involves more than honesty but without honesty there are no ethics. When honesty is left out of ethics there is a smelly residue of hypocrisy. Such hypocrisy creates a real danger in the efficient functioning and manageability of an open society, especially in business and in government.

We view ethics as character that manifests itself in action. It is not theory that moves in an involutionary circle. The essence of ethics is action. One cannot do good by doing nothing. Now that we have explored the elemental nature of ethics, let's return to our opening topic of Compromise and Conviction.

ON CONVICTION

How do you arrive at what your convictions are? First, one should be confident enough of his own convictions as to be able and willing to defend them in open discussion. Convictions are often strengthened, and always illuminated, by discussions and observations. Real growth comes from finally learning which convictions to hold—those that have passed the test of evaluation by others and yourself—and which convictions to modify or change or selectively apply.

Adaptation to and the adoption of the mores of groups whose behavioral patterns are contrary to your own convictions are common—especially in an ever more crowded world. But one should not be a prisoner of his peers. Peer pressure can be the enemy or friend of conviction, depending on what your convictions are and the kind of peers you choose. But one should always reserve a niche in one's conscience for at least one untouchable principle of conviction. There should always remain a core of singularity of character, a haven that protects one's basic character from exposure to dishonesty and to other deteriorating influences.

Too many persons, especially in large bureaucracies, determine their convictions by consensus. But, in government, even consensus is a better method of arriving at your own convictions than by Political Action Committees as they are now beginning to function. It is notable, and very commendable, that a number of leading lobbyists in Washington are now working with the Ethics Resources Center in formulating their own code of ethics in order to preserve the legitimate and constructive functions of lobbyists. Two essential requisites of a good lobbyist are being very well informed and very honest.

Convictions are developed from deeply held beliefs and the traditional values of the culture, but these factors alone, however powerful their imprintation, are not capable of crystallizing one's convictions to the point that the totality of conscience cannot still be the master. The conscience is where the ethical and moral unite to become one force. It is usually biased toward the good, often representing our "second opinion." It combines our intuitive response and our reflective response. The conscience is the coalescence of empirical reasoning and the faith that is mystical.

When we use the term mystical, we suggest that there are sources of influence not derived from the norms of society. If any society derives its total ethical guidelines from the society alone, it will first stagnate and then deteriorate. Vulgarization of standards accelerates the deterioration of an individual, an industry, or a total social system. The profound and prolific English author, John Morley, wrote one of the most enlightening books on compromise in 1874, in which he stated that: "The Greeks became corrupt and enfeebled, not for the lack of ethical science, but through the decay in the numbers of those who were actually alive to the reality and force of ethical obligations.

Any social system operates on at least a few common convictions and shared understandings. One of the serious problems facing the United States right now is that we have too few common denominators of convictions, too few commonly shared beliefs, that serve to make us a cohesive nation where traditional values and tested principles can be applied to this new and complex world. America has always been a pluralistic nation, not only politically but culturally. But in many nations such cultural diversity has become a centrifugal force as strong separate interests and competing values served to fragment their common identities and purposes.

Today in America we are also beginning to spin in the centrifuge of pluralism and special interests. We seem unable to hold on to the nation's greatest dream—E pluribus unum, out of many, one. The metaphor of the "melting pot" is no longer operative. We must achieve again the unity of purpose and spirit that has always undergirded our diversity. We must reaffirm the shared values and convictions that make pluralism our great strength and not our weakness. What has set this country apart and enabled it to exist as a free and open society, drawing strength from its political and cultural pluralism, has been the broadly shared underlying convictions that were always beyond compromise—the truths which we held to be self-evident, the rights which we believed to be inalienable, and the individual responsibilities which we knew to be inescapable.

When a nation holds in common with its people even a few widely accepted convictions, then other nations will tend to recognize that fact. But if a nation reaches a point where any of its values and convictions may be up for compromise, it should not surprise anyone if other nations, even small ones, act on the assumption we would be willing to compromise, whatever the issue. We should not wait until our very reason for existence is challenged, whether we are individuals or societies. It should be known in advance what our core principles are—and they begin with individual liberty for all.

On purposes and principles, there must be a sense of commitment to the whole of the institution, business or government, not just to individuals. In any business or government organization, there needs to be confidence in the leadership. There must be honesty, as well as competence, in leadership in order to earn commitment from others.

ON COMPROMISE

Often we think that to compromise is to be weak or bad. Lord Morley states that we should "admit the necessity of a measure of accommodation in the very interest of truth itself." Indeed, compromise may be the scientific approach to problem solving—the synthesis of opinions and observations as to what might be realizable objectives. However, it should be kept in mind that there is a great difference between a compromise of feelings and convictions as contrasted with compromise of methods and directions. We must all learn that there are many roads to Goshen, many ways to accomplish goals satisfactorily and perhaps no way to accomplish any goal perfectly, however certain the assurances of one's own prejudices.

But how does one know when one is compromising out of his best wisdom or compromising from expediency and personal greed? As Morley says some folks are "cautious not so much lest their opinion should be wrong, as lest it should not pay." And Upton Sinclair once remarked, "It is difficult to get a man to understand something when his salary depends upon his not understanding it." Yet, at some point one should draw the line and say, "Here is my territory of principle and personal conviction, and I shall protect it and not open the gate to compromise."

In 1979, over one hundred years after Lord Morley's work, the New York University Press published a series of essays on "Compromise in Ethics, Law and Politics." In that book, essayist Martin Golding states that a party should attempt to persuade rather than intimidate in the compromise process. And Lord Morley observed that "the substitution of force for persuasion lessens the conscience of a society and breeds hypocrisy." You have not converted a man because you have silenced him. In the preface of the series of different approaches to compromise, the editors pointed out that today "aggressive and competitive assertions of 'rights' render compromise more difficult, even as it becomes more necessary. As the claims of groups and individuals multiply, our sense of justice is strained, and our hold on the common good weakens."

While compromise is necessary to progress, one should not park one's convictions outside the meeting room, whether it's a corporate board room, a cabinet session, a congressional committee hearing or a session with a labor union or city council. Both compromise and tolerance can be a search for truth but they can as readily be used to avoid and cover up truth. Compromise should never be used as a cover word for a bit of rationalized dishonesty!

Compromise that is laced with intentional ambiguities and reservations is not compromise, it is dishonesty. No one should be so dishonest as to enter a discussion or negotiation having been given prior instructions to consider no contrary opinion, nor should one determine ahead of time to place blinders on his mind or soul to restrict his vision of alternatives. Dishonesty corrupts communication, destroys trust and defeats the very purpose of compromise which is the highly ethical attempt to find the shared interest and the common cause that permit cooperation and progress—the very conditions for civilized society.

Many large banks and corporations do substantial business with communist countries. One reason is that there are, unfortunately, lots of communist countries and, therefore, lots of opportunities for short-term gain. I do not overlook that we are in an ever-developing one-world situation, economically and environmentally, but for the foreseeable future, especially now, we must not forget that as Americans, no matter our other responsibilities, our first loyalty must be totally to the United States of America. When the leaders of a nation are unwilling to make enough economic sacrifices, sooner or later its citizens, including its leaders, may have to make sacrifices in blood.

I wonder if some of the big transnational corporations are paying enough attention to patriotism, the old-time, do-or-die-for-one's-country, our country, with all its freedoms. One American corporation has a GNP that exceeds that of any one of 141 of the 157 member nations in the United Nations. Yet, a country such as Cuba, with about a tenth of the GNP of that one great corporation, could wipe out within a few days' time a considerable part of that company's assets. All the giant American transnational corporations should make it clear that their prime loyalty is to the United States, which doubtless it is. But, they should certainly devote more of their energies and funds toward strengthening our ethical foundations, thus helping to increase our economic and political freedom in order that this nation may be strong internally and externally. Now, I believe transnational corporations perform an increasingly essential role in keeping this one world going. But that role cannot be performed without unequivocal and ultimate loyalty to the concept of freedom, individual liberty and an open, democratic society.

The irony of all the criticism of business, especially big business, is that with rare exception every business that is continuously profitable has probably never needed to engage in any dishonesty or corrupting compromise. That they didn't need to does not mean they did not, however. Even today, with all the criticism of business from the public and many special groups, most businesses could open their doors to all their operations and methods and still come up 99 and nine-tenths of one percent clean. But, as any good chemist knows, a one-tenth of one percent alloy can ruin a whole warehouse full of the purest product. Business must strive for a "pure" product for the highest degree of honesty and ethics possible. It must understand the ethical principles that are the basis of private enterprise—honesty, mutual trust, individual and institutional responsibility. Business must understand that these principles cannot be compromised without endangering the private enterprise system itself.

We can be too tolerant, to quick to compromise, especially where big money is involved, and far too openminded. However wonderful a characteristic to be tolerant, our tolerance must be kept on a high level so that our principles and convictions are not submerged. It is also desirable and fair to be openminded but not so openminded that principles and convictions are shunted aside, uprooted until they wither and become useless, ugly, and destructive.

Seldom does one feel it necessary to condemn tolerance and openmindedness but we are debasing ourselves with tolerance—tolerance for mediocrity and insincerity, tolerance for cynicism and greed, tolerance for petty thieves in public offices and moral cowards in the executive suites, tolerance for value-free educators who have left their hollow impress on the lives of our children. Such tolerance has brought us to stand on the sidelines and witness any kind of crime or tragedy while we do nothing.

One of the greatest sins against ethical or moral standards is to stand still and say nothing, no matter what you see happening. In the recent Potomac River airplane crash, no wonder when the young government employee jumped into the icy river to save an obviously drowning woman, he was hailed as a hero. Many others stood on the river bank without moving—watching her die—our lives of tolerance and compromise having borne the fruit of indifference.

I guess many citizens now believe that they are not really participants in this society that has blessed so many with so much. We are just watching actions as if they were on our home television screens—actions happening to others, not considered human, because we don't know them and the scene may be far away. So, little do we realize that all that we see on TV is happening around us and to us. Again quoting that wise Mr. Morley: "Let us be quite sure we are not mistaking for tolerance what is really nothing more creditable than indifference." And I add that from indifference toward crime and corruption, we can move easily to condoning or accepting such as a "given."

Compromises and convictions represent challenges to our everyday ethics. In meeting these challenges I wish to express thanks to the press, especially to the American press, for focusing on our rampant crime and corruption—on our bad ethics. Living in Washington causes me to be thankful that the press is continuing to expose those persons and practices that serve to weaken and destroy our nation, our culture. True, they need not erase so much of their good by presenting, as they do on TV, so much that is violent, vulgar and destructive. Nor should the First Amendment rights be used to destroy the First Amendment.

Regarding our current economic conditions, we know there are industries and segments of industries that must improve their equipment and technology in order to stay alive and profitable. What we do not seem to know is that we must improve our ethics, too, if we are to gain the productivity we must have. Recently I listened to an interview with a consultant who had great responsiblity in developing a highly robotized Japanese industrial plant. Those interviewing him were fascinated with the incredibly high rate and uniformly high quality of production achieved in that plant. They asked the technical genius what other factor was most important in this marvelously productive plant. His answer was quick and simple—the honesty of the individual worker.

Ethics deserves the highest possible, most urgent priority, in all our institutions, among all our citizens. We dare not risk the further rapid vulgarization of our culture, and our nation. We cannot remain free and be increasingly a nation of criminals, a citizenry that is learning to tolerate any conduct and compromise any principle. Let's be conscious of our freedoms. Let's strive to deserve and keep them. Let's have more respect for ourselves, for all our fellow citizens, and for our country—E Pluribus Unum.●

DAN J. BRADLEY

HON. PETER W. RODINO, JR.

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 31, 1982

● Mr. RODINO. Mr. Speaker, today marks a change in the presidency of the Legal Services Corporation (LSC). Today, Dan J. Bradley, the Corporation's second president, leaves his office to establish a private practice in Miami, Fla. Tomorrow, Gerald Caplan, a law professor at George Washington School of Law, assumes the presidency, at least until October 1982. A search committee will select a permanent president by October.

I would like to commend Dan Bradley for the excellent manner in which he has served, since he assumed the presidency of the Corporation in June 1979. Dan brought to the position previous field and administrative experience in delivering legal services. His sensitivity to the legal needs of the poor has been very evident.

Dan's accessibility to Members of Congress has been most helpful as this committee conducted its oversight and legislative responsibilities relating to the Corporation. Last year, with Dan's advice and assistance, we were able to process through the House H.R. 3480, a bill to extend the authorization for appropriations for LSC for 2 more years. That legislation is awaiting Senate action.

Dan has also been instrumental in securing continued funding for the Legal Services Corporation, despite the efforts of some persons to abolish the Corporation. Currently, LSC is funded at $241 million for fiscal year 1982. Although this sum is a 25-percent reduction from LSC's fiscal year 1981 budget, Dan has sought to minimize the impact of the cuts on field programs and client services by reducing the LSC headquarters and regional staffs dramatically. He has also administered LSC so efficiently that only approximately 3 percent of funding is attributed to management and administration. Dan has sought to increase the involvement of the private bar by recommending that 10 percent of a field program's budget be allocated to maximize the voluntary and reduced-rate services of the private bar.

Dan has constantly risen to accept the challenges which have faced LSC, as funding has shrunk in the wake of fiscal constraints and inflation. I am hopeful that the LSC structure, which was created and developed by Dan and others committed to the provision of civil legal services to the poor, will continue.

Dan has worked long and hard hours as the President of the Legal Services Corporation. I know he will be successful in his new endeavors, and wish him good health and happiness, and a well-deserved vacation.

Dan's leadership and the accomplishments of the Corporation have proven the statement which President Nixon made in 1973 that:

> Legal assistance * * * is one of the most constructive ways to help (poor persons) * * * (and) justice is served far better and differences are settled more rationally within the system than on the streets.●

DANGER: NUCLEAR FREEZE PRESERVES SOVIET WEAPONS LEAD

HON. LARRY McDONALD

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 31, 1982

● Mr. McDONALD. Mr. Speaker, superficially, to Americans who have been told wrongly that America is ahead of the Soviet Union where it counts meaning in strategic and theater nuclear weapons, the idea of a moratorium or nuclear freeze in ceasing construction or deployment of new weapons may appear acceptable.

But an examination of the facts shows that while the United States repeatedly has unilaterally refrained from developing, building or deploying new weapons systems during the past decade, the Soviet Union has been engaged in the greatest peacetime arms race in world history.

Of course arms race is the wrong term for what the Soviets have been doing, because it is not a race when only one is doing the running. Americans have become accustomed to the idea that we are No. 1 militarily in the world, and we were sold the idea in the 1960's that we should let the Soviets catch up so that, with United States and Soviet forces having essential parity, they would not be afraid of us and that this somehow would reduce tension. That was how the theory went on paper.

But the results are in; and what they show is that the U.S.S.R. has "seized the moment," as Lenin said, to drive toward total military superiority. And at the same time, as America's military power has dwindled, the Soviets have moved on every opportunity to expand their colonial empire in Southeast Asia, Africa, and Central America.

Nuclear moratorium ideas have been around for a long time. The current nuclear freeze campaign did not get the backing of the major U.S. disarmament groups until March of 1981, shortly after the idea was given the approval of Soviet President Leonid Brezhnev during the Soviet Communist Party Congress.

Should we be surprised at this when the disarmament groups most active in promoting the nuclear freeze such as the Women's International League for Peace and Freedom, Fellowship of Reconciliation, Clergy and Laity Concerned, and American Friends Service Committee have been cooperating with the U.S.S.R.'s chief covert action agency, the World Peace Council, for years?

WPC involvement in the nuclear freeze proposal introduced in State legislatures was reported in an article in the March issue of the Western Goals Report, the newsletter of the Western Goals Foundation. I believe that we who have been elected to this office owe it to the American voters to be aware of how hostile foreign powers attempt to manipulate events in our country by taking advantage of our legitimate aspirations for peace, and therefore I strongly commend this report to your attention.

The article follows:

[From the Western Goals Report, March 1982]

DANGER: NUCLEAR FREEZE TO SAVE SOVIET LEAD

The dangerous "nuclear arms freeze" proposals being presented to town councils and state legislatures across the U.S. are the most effective Kremlin-supported ploy to preserve Soviet strategic interests since the launching of the first "peace appeal" in 1950.

To Americans told for decades that the U.S. is "number one" in strategic nuclear weapons, the "nuclear freeze" proposals seem fair. But there are grave faults the "freeze" lobby doesn't tell you about.

First, as always with Soviet "arms reduction" proposals, they are not checkable so you have to trust the Russians to comply. Second, the U.S. has not been "number one" in strategic nuclear arms since the mid-1970s. While we have a larger total number of warheads, our ICBM deterrent force of Minuteman IIIs and Titans are highly vulnerable to a Soviet first strike.

The U.S. calls for a "nuclear freeze" followed the call for a "nuclear moratorium" which Brezhnev made to the 26th Congress of the Communist Party of the Soviet Union. The recent Brezhnev proposal for a "nuclear freeze" in Europe would preserve the major Soviet advantage of more than 300 deployed SS-20 missiles carrying a total of 900 warheads.

In the U.S., the "nuclear freeze" program had been coordinated primarily by the American Friends Service Committee (AFSC) under its disarmament program. The leader of the AFSC disarmament program is Terry Provance, active with the Soviet-controlled World Peace Council (WPC) and who is a founding and active member of the WPC's U.S. Peace Council.

Other groups taking leading roles in the "nuclear freeze" campaign also have cooperated with the WPC including Women Strike for Peace (WSP), the Women's International League for Peace and Freedom (WILPF), Fellowship of Reconciliation and Clergy and Laity Concerned (CALC).

The recent passage of a "nuclear freeze" resolution in Connecticut demonstrated how WPC activists and other disarmament groups work together in supporting the campaign.

On February 24, 1982, the Connecticut General Assembly became the country's fourth state legislature to pass a resolution calling for a joint U.S.-Soviet "nuclear freeze"—an immediate halt to development, testing and deployment of any further strategic nuclear weapons. The Connecticut House of Representatives had endorsed the resolution on February 3; the state Senate vote was a 35 to 1 voice vote.

According to a front-page story in the Hartford Courant the support for the "nuclear freeze" resolution was organized by state representative Irving J. Stolberg of New Haven who was called "an ardent advocate of arms control." Actually Stolberg is one of a number of U.S. state and local elected legislators active with the Soviet-controlled World Peace Council (WPC) and the U.S. Peace Council (USPC) who have taken leading roles in promoting "nuclear freeze" resolutions in state assemblies and city councils.

The papers reported that the Connecticut Republican state lawmakers went along with the "nuclear freeze" idea because the Reagan Administration had taken no position on the matter and because they believed there was no conflict between the measure and the Administration's arms control position.

The Connecticut Campaign for a U.S.-USSR Nuclear Freeze last year had persuaded residents of three towns to pass freeze resolutions in town meetings. Coordinators of the campaign are Bruce Martin and Marta Daniels, both on the staff of the American Friends Service Committee (AFSC).

The bias of the disarmament activists against Western defense and their evident unconcern about the Soviet military buildup was demonstrated by Marta Daniels last November, during the presentation of the Promoting Enduring Peace (PEP) 1981 Ghandi Peace Award to Corliss Lamont, identified in sworn testimony as a Communist Party, U.S.A. (CPUSA) member and heads the National Emergency Civil Liberties Committee (NECLC), a CPUSA front. There Daniels spoke of addressing a disarmament rally of 250,000 in London's Hyde Park on the need to dismantle NATO's nuclear weapons capability.

On the same day in Danbury, CT, supporters of the Connecticut Campaign for a US-USSR Nuclear Arms Freeze held a meeting at Western Connecticut State College.

With more than 100 people participating, Fr. Joseph Infantine, a Franciscan, acting, opened the meeting by introducing Sr. Mary Friel, S.N.D., active in the anti-El Salvador campaign and who blames the present liberal junta of El Salvador for "50 years * * * [of] rigged elections and the assassination of popular leaders."

A film of a San Francisco seminar by Physicians for Social Responsibility (PSR) was shown that included a claim by Dr. H. Jack Geiger of International Physicians for the Prevention of Nuclear War (IPPNW) that it is a breach of medical ethics for a physician to participate in planning for emergency medical services in the event of a nuclear attack. [The IPPNW conference near Washington last spring was attended by more than a dozen Soviet officials including the Soviet Health Minister].

PSR's one propaganda theme is that no human being will survive any nuclear conflict and that the use of a single nuclear weapon, tactical or strategic, will inevitably lead to total nuclear war. PSR attacks any efforts to provide any sort of civil defense program, air defense, and other measures to protect citizens from the effects of a nuclear explosion.

The featured speaker was William Caldicott, M.D., husband of PSR leader Helen Caldicott, a Boston pediatrician who recently gave up her practice to become a full-time disarmament organizer for PSR. Helen Caldicott claims to have been instrumental in persuading Australian trade unions to oppose development of uranium deposits.

William Caldicott attacked the U.S. as not sufficiently committed to arms control and was sharply critical of the shelving of the unratified SALT II treaty. Caldicott said he viewed the presence last year of 14 high-level Soviet scientists and physicians at the U.S. IPPNW conference as a sign the Soviets are eager for arms control.

With only two informed members of the audience speaking in opposition to the "nuclear freeze" campaign, supporters of the campaign in the audience offered what observers considered a well-orchestrated series of "what is to be done" questions that led to Fr. Infantine's presentation of the "nuclear freeze" petition for signatures.

The list of original endorsers of the "Call to Halt the Nuclear Arms Race: Proposal for a Mutual U.S.-Soviet Nuclear Weapon Freeze" is packed with adversaries of U.S. national defense, advocates of unilateral disarmament, and supporters of U.S. non-intervention against expansion of the Soviet empire.

Individual endorsers of the "Call" include Richard Barnet, Institute for Policy Studies (IPS); Rep. Ron Dellums [D-CA]; Freeman Dyson, physicist, Institute for Advanced Studies; Richard Falk; Bernard Feld, Bulletin of the Atomic Scientists; Ms. Randall Forsberg, Institute for Defense & Disarmament Studies (IDDS); John Kenneth Galbraith; Dan Gaby, president, Keyes-Martin & Co.; Jerome Grossman, director, Council for a Liveable World (CLW); Adam Hochschild, Mother Jones; Robert Johansen, president, Institute for World Order (IWO); George Kistiakowski; Carl Marcy; Michael Meyerson, the CPUSA functionary who serves as director of the U.S. Peace Council (USPC); George Rathjens, MIT; Victor Sidel, M.D.; and Congressmen Toby Moffett [D-CT], Richard Ottinger [D-NY]; Frederick Richmond [D-NY], Charles Rangel [D-NY], Peter Rodino [D-NJ], Chairman of the House Judiciary Committee; Harold Washington [D-IL], James Weaver [D-OR], and Ted Weiss [D-NY].

Organizational sponsors include the AFSC, WILPF, SANE, Pax Christi, National Council of Churches (NCC), CALC, World Peacemakers (a disarmament group targeted at the religious community that was initiated by IPS leader Richard Barnet), and the Disarmament Working Group of the Coalition for a New Foreign and Military Policy (CNFMP) whose members include the USPC, IPS/Militarism and Disarmament Project, Council on Economic Priorities (CEP), United Electrical Workers (UE), Maryknoll Fathers, New Directions, Members of Congress for Peace through Law (MCPL) and UAW.●

HEAD START PARENTS APPEAL FOR PROGRAM

HON. GEORGE MILLER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 31, 1982

● Mr. MILLER of California. Mr. Speaker, I continue to get letters from Head Start parents who both testify to the ways in which this program has dramatically improved their lives and those of their children, and express their concerns about Head Start's future. We know that Head Start works, that Head Start is cost-effective. And yet, even today, it serves only 25 percent of the eligible children and faces substantial erosion from inflation and cutbacks in supportive services—CETA, title XX, child care, food, medicaid. We need to listen to the parents of Head Start children and keep this exemplary program working. Another letter from a Head Start parent follows:

> Head Start has helped my child learn a routine, how to get along with other children. It is, at present, helping him identify objects which he has trouble with, along with basic educational needs. It has helped us with his behavior problems. It has also helped our attitude knowing he is getting education while we are at work. Head Start has worked with us to get the help and guidance we need for him. The absence of Head Start would have a bad effect on our family as it is beneficial in his therapy, learning to respond to others, and learning about himself. Our jobs would be affected, too, and would hurt the income of our family. A half-day program would not be of any benefit to my child, my family, or my job. I think this would disrupt the learning proc-

ess of the child before he gets to school. Head Start helps parents know the needs of their child, working with the parents and other organizations to benefit each child. I feel this program gives the child a boost in educational needs. Before he gets into school, he will already be through the adjustment period.

—Head Start Parent,
Russellville, Ark.●

DAVID HARON, EAGLE SCOUT

HON. MARGARET M. HECKLER

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 31, 1982

● Mrs. HECKLER. Mr. Speaker, last night, a young man in my district was honored for attaining a goal few ever reach. David Haron, of Attleboro, has become an Eagle Scout. He received this recognition at an Eagle court of honor sponsored by the Attleboro Elks.

David Haron also was honored last night for making history. You see, David is mentally retarded; he cannot read or write. But David has overcome this disadvantage to become the first special needs Eagle Scout in New England.

Because I was on the floor of this House, I could not be in Attleboro last night to honor David. But I wish to honor him now.

During his 4 years in Scouting, David, a member of Rehoboth Troop 37, has received 24 merit badges, the International Scout Award, the World Conservation Award, and has been named a Scout of the Year. For his Eagle Award project, David worked to rebuild a bridge and to clear trails in the Miller Bird Sanctuary in Rehoboth.

He also is the proud possessor of a gold medal for swimming obtained in the special Olympics.

David has shown determination and courage and has displayed those characteristics that every Scout strives for: He is trustworthy, loyal, helpful, friendly, courteous, kind, obedient, cheerful, thrifty, brave, clean, and reverent.

But most of all, David is inspiring. He is an inspiration to his fellow special needs Scouts, three of whom hope to complete their Eagle requirements this spring. He is an inspiration to his strong and loving father, Charles Haron.

David Haron is an inspiration to all who seek to overcome the insurmountable. David Haron tells us it can be done.●

WORKER SAFETY AND HEALTH

HON. ALBERT LEE SMITH, JR.

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 31, 1982

● Mr. SMITH of Alabama. Mr. Speaker, I would like to call the attention of my colleagues to excerpts from an article which appeared in the Engineering News-Record (the McGraw-Hill Construction Weekly), on March 11, 1982, concerning safety and health under this administration. The article discusses the new image that Assistant Secretary Thorne G. Auchter has brought to this agency and how he plans to do more in the area of worker safety and health.

SAFETY AND HEALTH UNDER REAGAN

THORNE G. AUCHTER TRIES TO DO MORE WITH LESS AT OSHA

The Occupational Safety and Health Administration has long been criticized for a confused policy on construction. Contractors and building trades officials alike complained that revisions in OSHA's construction standards and enforcement were getting short shrift as the agency concentrated on health hazards that mainly affect other industries. But in the year since Thorne G. Auchter, a former contractor, took over as head of OSHA, construction has begun to receive higher priority in the new administrator's overhaul of the agency.

In his first year, Auchter has managed to make OSHA a less adversary agency and to forcefully shape debate in several controversial areas—state OSHA programs, deregulation, inspection, and voluntary safety and health programs. Now OSHA is beginning to turn more to specific construction industry problems.

"The first year was one of opening up every policy area for study and review and decision, plus implementing a management system," he explains. "These have given us a blueprint for what will follow in the next three years. 1982 will be a year for follow-up."

There is little doubt that OSHA already is a very different agency from the one Auchter inherited last March. First, like all federal agencies, it is operating with reduced funding and staff—down from a peak in fiscal year 1981 of $201.3 million and 3,009 staff positions to $192.5 million and 2,354 staff this year. A budget increase to $206 million is proposed for next year.

Next month, some 40 field offices will close, eliminating 294 staff positions, many of them safety specialists who inspected construction sites. Twelve of OSHA's 104 area offices will be among those shut down and five others will be downgraded to district offices. Auchter promises, however, that the inspectors involved in the reorganization will be rehired to operate out of the remaining offices.

All indicators show that Auchter's policy choices and budget already are having effect. When Auchter's OSHA is compared to the last year of the previous administration under Eula Bingham, those changes appear dramatic:

The average number of monthly inspections has been cut 18.3 percent.

Inspections in response to complaints have been slashed 33.5 percent and follow-up inspections by about 73 percent.

Citations for serious and willful violations have been axed 37 percent and 80 percent respectively.

Proposed penalties have been reduced by 65.5 percent.

Employers have trimmed citation appeals to half the previous rate.

NEW IMAGE

Auchter clearly believes that fear of OSHA is counterproductive. He promises that dangerous employment will not be tolerated. But he is much more interested in emphasizing OSHA's role as a partner in safety and health, moving the agency away from its police image.

Describing his earliest dealings with OSHA, he recalls being struck by a major "weakness" in the program: "When I first met with the area director in Jacksonville back in 1971, I was looking for guidance and direction, meeting a guy who was knowledgeable about safety and health in the workplace. I thought I could just pick up the phone and have somebody come out to the site, where we would look at a problem and figure out what we were going to do about it. But (the director) said, 'We can't do that. If we see a violation, we have to cite it. We can't tell you what's right. We can only tell you what's wrong.'

"He was sorry that was the case but that's the way the law was interpreted at the time. Nobody was antagonistic. They would present you with a problem to solve and then it was up to you to go ahead and fix it, with no help. It always seemed counterproductive to me that that was the case."

HOW MUCH VOLUNTARISM?

Auchter's pet project, and his most visible one, is the effort on "voluntary" programs. Already, he has instituted an inspection-targeting system for general industry that exempts employers with safety records above the national annual average—5.2 injuries or illnesses per 100 full-time employees—from spot safety checks. And a new policy issued last month allows employers to notify the agency by letter that they have resolved a particular worker's complaint.

The debate this year will be over a series of programs suggested by Auchter in a formal Federal Register notice in January (ENR 1/21, page 184). Both Auchter and Secretary of Labor Raymond J. Donovan have been enthusiastic about the Bechtel-California Building and Construction Trades Council self-inspection program at the San Onofre nuclear powerplant and have based a model program—"Project Build"—along the same lines.

There is virtually unanimous support for the concept of labor-management safety committees among unionized contractors and their unions, who note that local committees have increased in popularity in the last few years, even without OSHA sanctions.

DIFFICULT TARGETS

Targeting of routine construction inspections also will be a major project for OSHA and the Construction Advisory Committee this year. Even Auchter admits that "it will be difficult, no question about it."

What many contractors have said they would like to see is a program similar to the one in place for manufacturing, a system that aims OSHA's limited inspection forces at hazardous operations and employers. But unlike general industry, a construction targeting system is complicated by multiemployer worksites, where various employers have different safety records, by transient employees and by constantly changing hazards.

Clearly, Auchter will continue to emphasize new directions in enforcement during the next year. Already he has moved several state programs toward more autonomous operations from "mother OSHA" and is beginning a review of the agency's inspector-training program, including construction. In addition, OSHA has just started a pilot project in the Denver and Philadelphia regions where employers and employees answer questionnaires on the performance of OSHA inspectors.

STANDARDS OVERHAUL

But he promises—and many in the industry hope—that attention will turn to long-needed revisions of OSHA's construction safety standards. Says newly appointed safety standards chief Barry J. White, "This administration will place more emphasis on safety standards. In the past four or five years, you couldn't get a top-level meeting about it."

Right now, the construction Advisory Committee is reviewing drafts of a revised electrical-hazards regulation that many committee members say needs major changes. Top on the list for formal proposal later this year is a new tunneling standard, which has been floating around for over 10 years. The agency's 20-person safety staff also is reviewing rules for ladders, scaffolds, concrete forms and shoring. Action will follow later on floor and wall openings, stairways, and excavation and trenching.

The year to come will be a crucial one for Auchter. When he leaves the agency, he says, he wants his administration of OSHA to be characterized as "solution-oriented." And he's proud that the agency has "addressed questions that nobody else has grappled with, and is answering some difficult questions."●

USDA'S PROPOSED BEEF GRADES

HON. TOM HARKIN

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 31, 1982

● Mr. HARKIN. Mr. Speaker, today is the last day for comment on the proposed changes in the U.S. grading standards for beef. The proposed changes would allow leaner beef to qualify for the USDA Prime, Choice, and Good grades.

This is a bad idea and would result in shopper's paying "Prime" prices for beef currently graded "Choice," and "Choice" prices for beef which is currently graded "Good."

If consumers desire leaner beef, the USDA should propose a new grade, leaner than the current Choice grade, rather than simply relaxing existing grades. The Prime grade should be left intact for the purveyors, wholesalers, and restaurants that want a consistent Prime product.

I encourage the USDA to amend its current proposal to reflect these changes.

As evidence of the widespread opposition to the proposed changes, I insert the following letter signed by a variety of organizations, including cattlemen, consumer, and meat industry officials.

NATIONAL RESTAURANT ASSOCIATION,
Washington, D.C., March 31, 1982.

Hon. JOHN R. BLOCK,
Secretary, Department of Agriculture, 14th Street and Independence Avenue SW., Washington, D.C.

DEAR MR. SECRETARY: The undersigned organizations wish to express our collective opposition to the proposed rules, as published by USDA in the Federal Register, Vol. 46, No. 250, pages 63052-63075, to revise the official U.S. standards for grades of carcass beef and the related standards for grades of slaughter cattle.

The USDA grading system was developed in 1916. Ten years later, through the effort of the cattle industry, it was refined, expanded and offered to the meat industry on a voluntary fee-for-service basis. The changes were intended to facilitate marketing, improve communication between buyer and seller, and increase overall production efficiency. The beef producers correctly contended that if the quality of beef could be assured, consumers would buy more of the product with greater confidence.

We feel the USDA proposal will not serve to instill greater confidence in the buying public. The USDA proposal will lower the minimum marbling level for Prime to Minimum Moderate, Choice to Typical Slight, and Good to Minimum Traces. We believe this would seriously erode the integrity of the beef grading system.

Some consumers have indicated, through their purchases, a preference for lean, private label or no roll beef. Not all consumers desire lean beef, however. By allowing leaner beef into the Prime and Choice grades, the USDA proposal would remove the option and price benefit consumers now enjoy between USDA Choice and lean beef.

We fail to understand how a change so similar to the one instituted in 1976 is again considered to be a solution to the problems facing the cattle industry. The industry is no better off today than it was in 1975. In fact, per capita consumption of beef has steadily decreased from 118.8 lbs. in 1975 to 103.4 lbs. in 1980.

We feel certain that the USDA proposed changes will not result in better information for beef producers, greater product selection for beef consumers, or a more efficient beef marketplace. It will, however, undermine the purpose of the grading system by allowing the vast majority of fed beef to grade Choice. In addition, it will penalize restaurants and certain retail market segments who do not want lean beef and result in higher prices to consumers. We, therefore, strongly recommend that the department not adopt the proposed standards.

Respectfully,

Walter Conti, Chairman of the Board, National Restaurant Association. Cosigners: Bruce Berven, Executive Vice President, Iowa Cattleman's Association, 123 Airport Road, Ames, Iowa; David E. Bennett, Executive Secretary, Kansas Livestock Association, 2044 Fillmore, Topeka, Kans.; R. O. Buckley, President, Mississippi Cattlemen's Association, 121 North Jefferson, Jackson, Miss.; Mel Morasch, President, Northwest Meat Processors Association, 4050 N.E. 158th, Portland, Oreg.;

James Goldberg, General Counsel, National Association of Meat Purveyors, Abrams, Kovacs, Westermeier & Goldberg, P.C., 1735 K Street, N.W., Second Floor, Washington, D.C.; Ellen Dubin, Vice President for External Affairs, The Stop and Shop Companies, Inc., P.O. Box 369, Boston, Mass.; Russ Harriman, Executive Vice President, Missouri Cattlemen's Association, P.O. Box 315, Ashland, Mo.; Jack Partridge, Vice President for Public Affairs, The Kroger Company, 1014 Vine Street, Cincinnati, Ohio; James A. Goslin, Jr., President, Club Managers Association of America, 7615 Winterberry Place, Bethesda, Md.; Albert McDermott, Washington Representative, American Hotel & Motel Association, 1101 Connecticut Avenue, N.W., Suite 1006, Washington, D.C.; Gerald F. Hurley, Executive Director, National Club Association, 1625 Eye Street, N.W., Suite 609, Washington, D.C.;

Ronald Ziegler, President, National Association of Truck Stop Operators, 700 North Fairfax Street, Suite 505, Alexandria, Va.; Bill Giery, Executive Secretary, Foodservice and Lodging Institute, 1919 Pennsylvania Avenue, N.W., Suite 504, Washington, D.C.; Tom Smith, Director of Research, Community Nutrition Institute, 1146 19th Street, N.W., Washington, D.C.; David Greenberg, Legislative Director, Consumer Federation of America, 1314 14th Street, N.W., Washington, D.C.; Nancy Drabble, Director, Congress Watch, 215 Pennsylvania Avenue, S.E., Washington, D.C.; Barb Pequet, Legislative Director, National Consumers League, 1522 K Street, N.W., Suite 406, Washington, D.C.●

HOUSING INDUSTRY IN DEPRESSION

HON. BARNEY FRANK

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 31, 1982

● Mr. FRANK. Mr. Speaker, drastic action is needed immediately to deal with the depression in our housing industry. Small business in general is being badly hurt by the persistence of unbearably high interest rates, but the damage being done to hardworking small business people in the real estate and homebuilding fields is particularly grave.

In his understandable frustration at the unwillingness of Federal officials to respond to this crisis, William T. Galvin of Wrentham, Mass., turned to CBS News to explain the plight he and other realtors face.

Mr. Galvin is a responsible, efficient, industrious businessman who finds his livelihood threatened by forces completely beyond his control—interest rates that have priced housing out of reach of the great majority of the American people. Mr. Galvin's experience, his commitment, and his knowledge of the housing business in all of its aspects lend substantial credibility to his eloquent letter. I believe the Members of Congress would benefit greatly from his viewpoint and I ask that his letter be printed here.

THE GALVIN CO., REALTORS,
Wrentham Center, Mass., March 10, 1982.
CBS NEWS,
60 Minutes,
New York City, N.Y.

DEAR MR. WALLACE: The time has come for me to speak out in hopes that at least the media will listen, as those in the political arena seem to turn a deaf ear.

The failures of small business in this country is now at an all-time high. In the first 7 week's of 1982, over 3,000 small business's filed bankruptcy; that is 50% higher than last year at the same time. These will soon lead to personal bankruptcy and foreclosures. When is the government going to realize you don't cure cancer by killing the patient.

I have been in business since 1968 and have spent that thirteen years building my business and reputation. In the last two years I have spent all my equity and assets that I built up in that time in order to keep my business alive. I have now refinanced my home and unable to sell any remaining holdings due to high interest rates! Yes, I am one of the many thousands of Realtors and home builders who are in dire straights and no one is listening!! We, in this industry, are not even reflected in the unemployment rates due to the fact we are independent contractors and therefore are unable to collect, however we are virtually unemployed. Let's get our head out of the sand!! We have an effective unemployment rate of 18 to 20%, greater than that of the great depression of the thirties.

Do you know that at today's mortgage rates (in this locality) 17½% with 2 to 3 points, a buyer must earn, in order to carry a $50,000 mortgage and qualify for that mortgage at a local lending institution, an annual income of $37,000, unrealistic, and limits the market to a very small portion of our society.

Where are we going and what are we doing?

As former Vice President of the Greater Boston Real Estate Board, and past Regional Vice President of the Massachusetts Association of Realtors, I am leaving with a group of other Realtors for Washington on March 28th and am staying at the Washington Hilton (on borrowed funds) to speak with members of our Congress and Senate and hopefully with Mr. Paul Volcker of the Federal Reserve, not to just ask, but to beg for a loosening of interest rates. Some action must be taken before it is too late. The defense budget must be cut. There is no need for defense if there is no economic country to defend.

The government cannot continue to issue high interest treasury notes, which drive the lending institutions rates higher, all because the government has a huge deficit. . . . Some action must be taken before it's too late.

The very fiber and backbone of this country, small business is now in a depression, who will be next?

Maybe in your own way you can help this country.

You will hear about us in Washington. You will hear the cries of the small business's of this country. Please listen and try to help.

Sincerely,

WILLIAM T. GALVIN, Jr.●

HISTORIC DISCOVERY IN WILMINGTON

HON. GLENN M. ANDERSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 31, 1982

● Mr. ANDERSON. Mr. Speaker, I was very interested in a newspaper article from the March 23 San Pedro News-Pilot concerning the discovery of a Civil War powder magazine in an old house that was being demolished. This discovery is one of the very few remaining landmarks from the Civil War when the Union concentrated on holding California and preventing it from joining the Confederacy.

I am inserting the full article, and I hope that my colleagues will recognize it as an indication that we must preserve our historical heritage. Let me take this opportunity to wish Art Almeida, president of the San Pedro Bay Historical Society, and Joan Lorenzen, charter president of the Society for the Preservation of Drum Barracks, much success as they work to preserve their area's heritage.

[From the San Pedro News-Pilot, Mar. 23, 1982]

CIVIL WAR POWDER MAGAZINE UNCOVERED DURING DEMOLITION OF WILMINGTON HOUSE

(By Tom Coulter)

The adobe ruins of a Civil War powder magazine were uncovered Monday in the shell of a wood-frame house being demolished in East Wilmington.

Built in 1862, the thick-walled structure at 1009 Eubank Ave., was hidden by a framed building about 100 years ago and, except for stories circulating in historical circles and around the neighborhood, had gone unnoticed.

Drum Barracks, a two-story officers' quarters at 1053 Cary Ave., lies several blocks west of the magazine and has been restored as a museum.

It was believed the only Civil War landmark remaining in California—until the uncovering of the powder magazine.

The barracks and magazine are part of the 60-acre Camp Drum, built to save California for the Union during the Civil War.

"There is no question it is exactly what they say it is," Dr. Jay Frierman, a Santa Monica-based archeology consultant for the University of California at Los Angeles said as he examined the adobe walls. "You can tell it was built to withstand a very severe shock if the powder blew up."

Art Almeida, president of the San Pedro Bay Historical Society, called it a significant historical find for the Wilmington community. "I hope it can be made into a landmark," he said.

Neighbors at the scene Monday first said they were glad the building was being torn down because derelicts had taken to sleeping in it. Now, they said, they find it "exciting" living next to a historical building.

It was a call from the neighbors that alerted authorities that "there was an adobe house inside another house."

The workers, unaware of the historical value of the structure, were preparing to knock down the building when a police car arrived.

Police were called because at first the old structure was believed to have been a jail.

Owner Dale B. Mann of Redondo Beach arrived later at the site and said his building, at the corner of Eubank Avenue and Opp Street, was being demolished because it had been declared unsafe by the Los Angeles Building and Safety Department.

After purchasing the building several years ago, he discovered the magazine and contacted several historical groups. "I thought it was worth saving," Mann said, "but no one was interested. It's irritating to see so much interest now."

The Society for the Preservation of Drum Barracks, which restorted the officers' quarters, said Mann wanted $18,000 for the property.

"We told him if he wanted to donate the powder magazine to the society, we would see about raising the funds to move it to our museum site," Joan Lorenzen, charter president of the society, said.

Mann said he will halt the demolition until authorities decide what to do with the building. "If someone wants to buy the property, I'm willing to listen," he said. "I didn't have any definite plans for the property anyway."

The magazine's walls are about 3 feet thick and have been protected from the elements since the construction of the house. The structure is in no danger of collapsing.

Frierman said the wooden framework helped preserve the building. Graffiti scratched into the exterior walls dates back to 1862, when the magazine was constructed.

Camp Drum initially served as the base for California volunteers. After the volunteer California Column left for Arizona and New Mexico to hold those territories for the Union, the post became the rendezvous for recruits destined for Arizona and a depot from which supplies were sent throughout the Southwest.

The post also served as a base of operations against Indians in the Southwest. During 1862 and 1863, the Army Camel Corps carried freight between Fort Tejon, Los Angeles and Camp Drum.

During the war, the number of soldiers stationed at Camp Drum varied from 2,000 to 7,000. The camp was abandoned in 1866.

Scores of buildings were sold at auction in 1873. Others were removed and others destroyed by fire.

At one time the land was considered as a possible site for what eventually became the University of Southern California.

The officers' quarters were purchased by Thomas F. Keaveney and made into a 16-room residence. The land on which the powder magazine sat was purchased by a Mr. Kolhorst, to save the building from destruction.

The Army Corps of Engineers included Drum Barracks and the powder magazine in its 1978 cultural sites survey.

Vincent Manchester, a former caretaker at the barracks, told the engineers the stone blocks that encased the interior of the powder magazine had been removed to make room for refrigeration and meat storage.

According to Manchester the state Legislature once allocated $18,000 to acquire the property, but the money was never spent.

The engineers said in 1978:

"Considering the historical significance of Drum Barracks officers' quarters and powder magazine as the sole surviving landmarks commemorating California's participating in the Civil War, they should be carefully preserved."

They indicated the magazine's "sturdy walls are insufficient protection against the bulldozer of the property owner or developer who may wish to convert the historic site to more lucrative use."

The engineers suggested then efforts should be made to acquire the property, or as a last resort move the powder magazine to the rear of Drum Barracks.

Almeida said the powder house would lose its historic integrity if moved from the original site.

Until a decision is made, Almeida said, the chief concern will be keeping vandals away from the site.●

WOMEN IN CARPENTRY PROGRAM

HON. DAVID W. EVANS

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 31, 1982

● Mr. EVANS of Indiana. Mr. Speaker, I would like to share with my colleagues one of the fine accomplishments a program of the Citizens' Multi Service Center has had for the community of Indianapolis. The center's women in carpentry program has exceeded the goals it initially attempted to fulfill. Unemployed and unskilled women involved in the project were taught the fundamentals of carpentry through this innovative program while simultaneously refurbishing a home scheduled for demolition. The home can now be turned at a profit recovering the acquisition and rehabilitation costs, and the participating women have learned a marketable trade.

The following is a more detailed explanation obtained from the center concerning the contribution this multipurpose program has provided for the citizens of Indianapolis:

Citizens' Multi Service Center, as a subcontractor of Indianapolis Community Action Against Poverty, is operating a Women in Carpentry program. It is being coordinated with Citizens' Rehab program and is funded through the City of Indianapolis Dept. of Economic and Housing Development. "The programs salvaged an early 1900 house, scheduled for demolition, and is now being restored for about little over half of its replacement value," Dorothy Burse, Citizens' Multi Service Center Director stated.

The Women in Carpentry program is training 18 unemployed or under employed women, primarily on the job. Groups of 6 will have 3½ months of training each. The present group started Thanksgiving week and through the instruction of Joe Spears, a veteran carpenter, have stripped the walls down to bare lumber, formed new walls, straightened original walls and installed more adequate structural members. They have insulated the sidewalls, are installing new siding and exterior trim where necessary. They are presently applying plasterboard and sanding the interior wood work which is all being salvaged. They are learning the use of power tools as well as hand tools and the various terminology related to construction. There has been only one drop out who was immediately replaced by a waiting applicant.

The fact that a house was salvaged from demolition and restored serves two critical purposes. It sets a good example for the residents of Citizens' area and indicates to governmental leadership what can be accomplished.

All of the agencies involved, Citizens' Multi Service Center, Community Action Against Poverty and the City of Indianapolis Dept. of Economic and Housing Development take great pride in the fact that the programs have coordinated to exceed expectations while providing jobs for unemployed women, trained women in a very short time for employment in this non traditional field and saved a house that would have otherwise been demolished.●

HOUSING AND JOBS PROGRAM

HON. E. THOMAS COLEMAN

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 31, 1982

● Mr. COLEMAN. Mr. Speaker, today I am introducing a bill authored by Senator LUGAR which provides emergency legislation to aid the severely distressed housing industry and put over 700,000 Americans back to work.

Unemployment in the construction industry is now at almost 19 percent. A large portion of this is in housing-related jobs, an unemployment sector which has been extremely hard-hit by high interest rates.

This, of course, is emergency legislation. This would not be an ongoing Federal program, but rather would be limited to 5 years or until interest rates fell below 12½ percent. This program would reduce mortgage interest rates to qualified homebuyers by up to 4 percent. By cutting mortgage costs in this way, this program would allow upward toward 7.8 million American families to afford a new home. The overall cost of this program, if fully utilized would be $5.1 billion. However, these funds will be returned to the Federal Treasury as homeowners who take part in this program sell or refinance their homes.

As unemployment grows and the number of bankruptcies increases, we are undercutting future growth in home construction in the future. If we do not have the construction base necessary to meet demand when recovery occurs, then new home prices will zoom, similar to that experienced in the mid-1970's, as pent-up demand competes for just a few new homes.

But perhaps most important of all, this legislation would revitalize the American dream of owning one's home. Currently, most low- and middle-income families have been priced out of the housing market because of high interest rates. No longer are they able to contemplate owning their own home. This legislation would provide an immediate and substantial stimulus to the housing industry and would make available to low- and middle-income families affordable mortgage homes.

If this particular legislation is adopted before June of this year, over 700,000 Americans could be put back to work. Construction starts alone could be raised by as many as 450,000 units.

This is temporary, emergency action designed to create jobs immediately. While Congress has taken many steps to lower Federal spending, reduce taxes, and encourage investment, it is clear that we still need short-term help for the failing home construction industry. We must build upon this firm basis and insure that economic recovery will be felt by all sectors of the economy.●

COMPREHENSIVE TRADE POLICIES NEEDED

HON. DOUGLAS APPLEGATE

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 31, 1982

● Mr. APPLEGATE. Mr. Speaker, I would like to take this opportunity to submit to the CONGRESSIONAL RECORD the text of a letter I sent to President Reagan this week on the matter of the importation of goods into the United States and the devastating effects they are having. I have included in the letter a six-point program that, if implemented, would help the Nation a great deal. I encourage my colleagues to read this and would welcome any assistance possible from them in order to achieve these goals.

The text of the letter is as follows:

DEAR MR. PRESIDENT: America is in big trouble and I am calling upon you along with the United States Congress, to review this nation's "open door" free trade policies to which you have given your total support. I believe the time has come for you to revise your position by lending support to legislation and through the use of whatever executive order authority possible to change our current trade policy to one that is fair and equitable with our foreign trading partners.

There are several changes that can and should be made, some only for a temporary duration, but some permanently. To begin with, a temporary tariff and/or quota system must be considered as an alternative. Any such system should remain in effect for at least five years in order to provide the lead time necessary for a permanent "fair trade" plan to be implemented. Concurrent with this should be the immediate reimposition of the Trigger Price Mechanism, but the TPM should also be restructured in order to eliminate under-priced, government subsidized foreign steel from being dumped into the United States. I would also recommend that your Administration vigorously pursue and promptly conclude the Antidumping, Countervailing Duty and Section 301 investigations now in progress with respect to carbon steel mill products and specialty steel mill products.

These steps that I have outlined above would help our trade problems a great deal and provide the time necessary for this country to negotiate reciprocal agreements with our trading partners that would ultimately open up now discriminating foreign markets to American goods equal to the way in which the American market accepts foreign goods. Mr. President, this is not to urge you to seek trade superiority, but rather a call for equality and fairness to all parties concerned. Certainly, the Golden Rule of "do unto others as you would have them do unto you" is quite applicable here.

Another step that you can take to achieve these goals would be to endorse H.R. 5133, the Fair Practices in Automotive Products Act, also known as automotive contents legislation, now pending in the U.S. House of Representatives and of which I am a cosponsor. As you know, this bill would mandate by law that a certain percentage of each automobile produced by manufacturers who sell more than 100,000 units in the U.S. each model year be manufactured in America with American labor and parts. This bill is worthy of your support and that of an ever growing list of co-sponsors from both political parties. We are the only nation which does not have this type of law governing manufactured products such as autos.

In addition to these initiatives is the absolutely necessary lowering of interest rates in conjunction with an increase in the overall money supply. Your influence on the Federal Reserve and Chairman Paul Volker is a major key in achieving this. We must have a change in priorities in the budgetary approach toward expenditures and revenues in order to effectively reduce the Federal deficit which has an enormously strong influence on interest rates. Without lower interest rates industry as a whole simply will not reinvest and modernize and will only further decrease American productivity.

In all candor, Mr. President, I truly believe that if some comprehensive trade policy that would establish equal treatment in world markets such as I have described in this letter is not implemented within the next six months, we could well feel the economic devastation for years. I realize that our trade problems stem in large part from a number of complex problems over the past 30 years—problems caused in part by the Federal government, industry/management, and organized labor. Nevertheless, we must take immediate action now, before it is too late, and pool our thoughts and energies in a cohesive effort to reverse this misdirection.

On behalf of over 12 million Americans out of work, the 4 million on short work weeks, and those economically depressed industries and businesses which are facing bankruptcy, I cannot emphasize enough that now is the time to act.

Buy American! Save American jobs.

Sincerely,

DOUGLAS APPLEGATE,
U.S. Congressman.●

DOWNTOWN INDIANAPOLIS INDUSTRIAL MALL

HON. DAVID W. EVANS

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 31, 1982

● Mr. EVANS of Indiana. Mr. Speaker, I recently conducted a hearing of my Economic Stabilization Subcommittee in Indianapolis concerning the President's recently proposed urban enterprise zones legislation.

Because of increasing attention on the need for attracting jobs and economic stimulus into downtown urban areas, I want to bring our colleagues attention to one of these efforts in Indianapolis. On a visit to the developing Downtown Indianapolis Industrial Mall, I saw firsthand how free enterprise is making important gains in this regard—especially for small business. Henry Childers, a successful minority business leader, is the driving force behind this developing success story.

DOWNTOWN INDIANAPOLIS INDUSTRIAL MALL

It is becoming well known to the American public that new and emerging small businesses represent the major source of new jobs and economic growth in America. Small businesses created 5.5 million new jobs from 1970-1978. The healthier they are, the stronger and more competitive the U.S. economy.

However, it's difficult for some of them to stay healthy. They seldom get the services, advice, information and capital that are readily available to a big company. Of the over 500,000 new ownerships developed annually, one-half fail within the first two years of operation, principally due to management deficiencies and under capitalization.

H. M. Childrey Enterprises, Inc., is a holding company for a group of small companies in various phases of manufacturing and distribution. In an effort to expand production output, each company found itself in the particular situation of needing additional building/floor space, equipment and personnel, as well as the possible installing of computer systems. It was found to be prohibitive for a small business to undertake these expansions. These findings brought about the idea of sharing costs with other small businesses who have similar needs. The result could be a profitable venture for all the small businesses involved through cost savings and a more efficient mode of operation.

Specifically, a Downtown Indianapolis Industrial Mall (DIIM), managed by Management Perspectives, Inc., has been designed and is functioning to provide the entrepreneur with spaces and services at a competitive rate and essential expertise necessary for survival.

ABSTRACT

In a television speech to the American public on July 28, 1981, President Ronald Reagan stated that 80 percent of the new jobs in America are created by small business. In an effort to help Indianapolis increase its percentage of jobs created by small business, the Downtown Indianapolis Industrial Mall (DIIM) is ready to provide a work/space environment that has the tools and resources readily available at affordable rates, to assist small businesses in their quest for success.

The Downtown Indianapolis Industrial Mall is a physical and resource facility which has in one location the following: (1) office space, (2) manufacturing space, (3) laboratory space, (4) warehouse space, and (5) resource people. In addition to assisting small business the Downtown Indianapolis Industrial Mall benefits major corporations, the city of Indianapolis and the state of Indiana as well.

To small business DIIM means: Business space and services at an affordable rate; access to essential expertise necessary for survival; increased efficiency, reduced overhead; central reception area, conference space; opportunity to "barter" goods or services with other associates (conserves cash flow); success-oriented atmosphere; and opportunity to learn from other entrepreneurs.

To major corporations DIIM means: Easy access to small companies that can do labor intensive tasks at a lower cost; helping reduce unemployment; easy access to minority and small business suppliers; and increased profits by subcontracting labor-intensive jobs.

To the city of Indianapolis and the State of Indiana DIIM means: Reduction in unemployment; increased tax revenues (personal and real); creations of new jobs; revitalization of downtown area; and more employees downtown resulting in increased business for METRO transportation, downtown parking garages, restaurants, consumer-directed shops and stores.

The Downtown Indianapolis Industrial Mall is both a physical facility and resource center. All commonly required work space is made available and maximum flexibility is incorporated into the special layout. By design, common areas and all resource services are cost-shared, therefore minimizing the expense to the occupant. Finally, the Downtown Indianapolis Industrial Mall's campus-like, success-oriented atmosphere, helps as much as the tangible support services.

The Downtown Indianapolis Industrial Mall is divided into the following basic components:

Facility: The Stutz Building of Indianapolis, bounded by 10th Street on the south, 11th Street on the north, Capitol Avenue on the east and Senate Avenue on the west, is being utilized as the Downtown Indianapolis Industrial Mall. The mall is a cluster of buildings which consists of five (5) distinct four story buildings and one (1) single floor building. The buildings are connected by common access areas all under roof. There is an overall capacity of 399,391 square feet, 370,000 which is for manufacturing and 29,391 designed for office space.

Service: A menu of services has been prepared and offered to the tenants. Some services (conference room access, mail service and maintenance) are bundled into a unit rental price. Other services such as business planning, clerical and accounting are priced separately as well as in package.

Tenants: Initially, existing small businesses are the primary tenants of the Downtown Indianapolis Industrial Mall. This establishes a solid core for the Mall.

Operational structure: Only three staff members are required.

Architectural plan: The plan provides flexibility at minimum cost to make the mall viable. The office space which is adaptable to different space requirements, allows for corporate individuality and privacy and provides reasonable security. The basic concept places the common areas in the center of the facility with the offices, warehouses, and manufacturing areas as "fingers" to the core.●

DAN J. BRADLEY

HON. ROBERT W. KASTENMEIER

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 31, 1982

● Mr. KASTENMEIER. Mr. Speaker, today marks the last official day during which Dan J. Bradley serves as President of the Legal Services Corporation. He has resigned to return to Florida where he will enter the private practice of law. I wish him well in his new role. He will be missed by many of us on the Hill.

Since June 1979, when Dan became the President of Legal Services Corporation, he has worked almost nonstop on legal services issues. He has met with Members of Congress and their staffs to discuss legal services matters. He has traveled to field offices visiting legal services clients and their attorneys. He has met with representatives of local, State, and national bar associations to encourage cooperative efforts between the legal services community and the bar groups.

The Legal Services Corporation survives today in large part due to the diligence and competence of Dan and his staff. I would like to specifically thank his government relations staff—including Mary Bourdette, Quentin Burgess, and Ruth Felter—and his special assistant, Barbara Campbell.

I would like to enclose for the record the farewell remarks which Dan made to the legal services community in the Legal Services Corporation publication, "Poverty Law Today." His sensitivity and commitment to the legal needs of the poor are clearly shown by his statement.

A FAREWELL

As we begin 1982, we are entering another year of debate about the continuation of the Corporation and the level of funds available for local Legal Services programs. Underlying that debate are fundamental questions about the values our country places on equal access to our system of justice, the extent of the public responsibility to assure quality legal representation for those who cannot afford it, and the importance of a politically independent mechanism for sustaining that representation.

The past year was extraordinarily difficult for each of us working in Legal Services. There was nothing easy about struggling to continue aggressive representation of clients at the same time that some were questioning the value of our work. Demands for essential service increased at the same time our resources were being cut. Each of us watched as many of our colleagues were forced out of Legal Services by drastic budget cuts. Offices were closed and clients were turned away. But the basic structure of the program was preserved for another year.

Our objectives at the Corporation over the past year have been to protect aggressive representation, to assure the continuation of the support and training essential to your work, and to take advantage of the interests and abilities of the private bar in order to increase our capacity to deal effectively with the legal needs of our clients.

Last December, the Board of Directors of the Corporation voted to request of Congress an appropriation for 1983 of $265 million. That request will do nothing to regain the losses we have suffered, but it would at least ensure against a further erosion of our capacity to provide service in these difficult times. That budget request was submitted to Congress on December 18 and is now before the House and Senate Appropriations Subcommittees.

On February 8, 1982 the President submitted to Congress his 1983 budget for the federal government. Included in that document was a renewal of his proposal to terminate the Corporation and to end direct funding for legal services for the poor and to rely on individual state commitments of block grant funds to continue local programs. Also, during the recent Congressional recess, the President made ten new appointments to the Board of Directors of the Corporation.

WHAT DOES ALL OF THIS MEAN FOR THE FUTURE OF LEGAL SERVICES?

In the Congress, we can again anticipate the same issues and arguments that were fully considered last year. I am confident that the strong bipartisan congressional support for legal services will continue. However, it means that we must continue our work for clients with some uncertainty about our future. Each of you is being asked to renew and rededicate yourselves to the fundamental reason for our being in Legal Services—to protect the rights and the interests of those for whom we offer the only opportunity to use our legal system.

We have known for some time that there would be changes on our Board and in the leadership of the Corporation. At last, that seems about to occur. No one can yet say what the new leadership will mean for Legal Services. But we must start with the assumption that the new managers of this program share a commitment to the fundamental purpose of the Legal Services Corporation Act—equal justice for poor people—and will carry out the statutory requirements for high quality representation, professionalism, and political independence.

This will be my last opportunity to write a president's column. I will be leaving my position with the Corporation in March. I have been involved in Legal Services for most of my professional life. I remember my days as a staff attorney representing migrant farm workers in south Florida. With no experience but a lot of determination I recall the excitement I shared with an elderly, totally disabled gentleman after we were successful in obtaining his social security payments. We won a court order returning a stove and refrigerator, which had been illegally repossessed, to a Spanish speaking family with five small children. We obtained a divorce for a proud 73-year-old man so that he could marry the mother of his children. There were countless other cases and all of us in Legal Services share similar experiences and common bonds. We know that our involvement has provided food, clothing, housing, education and medical care to millions of poor people. But we have also given hope, opportunity, dignity and a belief in justice to our fellow citizens. For all these reasons our work is important and for all these reasons our work must continue. And I truly believe it will.

Farewell.●

STANDING UP FOR BAHA'IS

HON. WILLIAM CARNEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 31, 1982

● Mr. CARNEY. Mr. Speaker, I am very pleased to see that the Committee on Foreign Affairs will be investigating religious persecution throughout the world. These hearings are especially timely in a world which seems to contain increasingly repressive and intolerant regimes. Religious persecution may seem like a distant problem to a nation which has put its intolerance behind it. However, totalitarian regimes, those governments that cannot rely on the will of the people they claim to represent, have been stepping up their campaigns of repression. Religious persecution is a hateful policy especially pursued by the Soviets and the Iranians.

In Iran, the plight of the people of the Baha'i faith is tragic. Since the 1979 revolution in which the Ayatollah Khomeini took power, 111 Baha'is have been executed. Reliable reports indicate that these people were murdered solely because of their religion. They were arrested and executed without even the pretense of the trial. We may only speculate as to how many more are languishing in prisons, their fates and conditions unknown.

Mr. Speaker, I hope that the subcommittee investigating religious persecution will take an especially close look at the treatment which a peace-loving minority of 300,000 people in Iran is facing. The eyes of America should look probingly at Iran and the abuses which take place there daily. Perhaps world opinion and action can civilize the treatment to which the Khomeini regime subjects its minorities.

I would also like to bring to the attention of this body an editorial which appeared February 4, 1982, in the Long Island newspaper Newsday, which sums up the feelings of the Baha'is on Long Island, and all free-thinking people.

WILL THE UN STAND UP FOR BAHA'IS IN IRAN?

In the Iran of the Shiite Moslem mullahs, dissent of any kind is dangerous, but the charge of heresy singles out Baha'is for persecution even more severe than that visited on Jews, Christians and Zoroastrians. The Baha'i faith had its beginnings in the teachings of former Moslems in the middle of the last century. They preached a gentle creed honoring all revealed religions as part of one divine truth. Baha'is, who number about 300,000 in Iran, revere Abraham Moses, Krishna, Zoroaster, Buddha, Jesus and Mohammed as prohets and forerunners of their own visionary, Baha'u'llah.

The Baha'is have known persecution and martyrdom from the beginning, but never so starkly as now in Iran. Lynch mobs and revolutionary firing squads seal the fate of some; an unknown number of others suffer imprisonment, torture, economic deprivation and extreme humiliation. They can't work for the government, own property, vote or travel. Baha'i marriages are not recognized, and those who live together can be accused of practicing prostitution a capital offense. Their children are held to be illegitimate and are barred from school unless they recant their faith.

Baha'i leaders fear genocide in the making. State prosecutors and Shiite clerics keep accusing believers of such sins as cooperation with Zionism, spying for imperialism, corrupting the earth and warring against God.

The world has had enough of holocaust; it should not ignore the plight of Iran's Baha'is. At the least, the matter deserves the attention of United Nations human rights agencies. More effective, perhaps, would be intercession by religious personages in other Moslem countries to halt further oppression in the name of Allah.●

"VOICE OF DEMOCRACY" ESSAY WINNER

HON. STENY H. HOYER

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 31, 1982

● Mr. HOYER. Mr. Speaker, you will recall that just a few weeks ago, I shared with my colleagues the essay of the Maryland State winner of the Veterans of Foreign Wars "Voice of Democracy" contest, William Scott Baker. Mr. Baker is a senior at the Riverdale Baptist School in Upper Marlboro, and lives in Mitchellville, in the heart of my district.

I am extremely proud to report to you, Mr. Speaker, that Mr. Baker last night won the top honor in the contest with his theme on his vision of America. There were more than 250,000 secondary students from 8,000 schools competing for the five national scholarships which are awarded as top prizes. Two young people from my district were finalists—Mr. Baker, and Mia Antoinette Jackson, who represented the District of Columbia. For his efforts, Mr. Baker was awarded a $14,000 scholarship at last night's midwinter conference banquet.

In his remarks, which were included in the March 11 CONGRESSIONAL RECORD, Mr. Baker calls on the continuing need for inspiration and vision as crucial elements in the job of building a better America. I can only say that Mr. Baker himself provides an inspiration for us all with his achievement. His rendition of his theme at last night's dinner was truly remarkable, and left the audience with the feeling that our future is safe in the hands of young people such as he is.

Mr. Speaker, I know my colleagues will join me in paying tribute to this outstanding young man—a patriotic, bright and articulate hope for our future.●

THE ECONOMIST TAKES A LOOK AT CENTRAL AMERICA

HON. PATRICIA SCHROEDER

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 31, 1982

● Mrs. SCHROEDER. Mr. Speaker, on March 27, 1982, the Economist, a British weekly news magazine of moderate-to-conservative mien, published the first part of a two-part report on Central America. If you have read very little on Central America, or are up to your elbows in position papers on the issue and cannot face another paragraph, read the Economist's report. Certainly no one will agree with everything the report contains, but I think, on balance, it is an excellent analysis.

Reprinted below is the editorial, "In Darkest America," that prefaces the report.

[From the Economist, Mar. 27, 1982]

IN DARKEST AMERICA

If President Reagan asked his friends abroad what he should do about central America, the gut reaction of most of them—and probably of most Americans too—would be to urge him to do either of two things: which happen to be the two things he cannot do.

If you must, they would say, send in the marines, the way the United States so often did in the past; but this time let the marines go in on behalf of the rising new middle class in the region, which wants land reform, economic growth and free elections, against both the murderous dictatorial right and the communist guerrilla left. Failing that, forget about the whole place. After all, the six tiny countries south of Mexico have a total population the size Rumania's and a total gross domestic product no bigger than Puerto Rico's; the most you can lose is the banana with your second cup of coffee. Mr. Reagan can be neither as cynically tough nor as yawningly disinterested as these back-seat drivers would like.

He cannot settle the matter with a thump of the old interventionist fist, because the news from Latin America is that the fist has lost its clout. It used to be fashionable to say that central America was Washington's eastern Europe: a region in which the United States would permit no change from the repressive status quo. The charge still rang true in the 1950s, when the United States intervened more or less openly in Guatemala. It was arguably true as late as 1965, when Lyndon Johnson moved to stop the Dominican Republic lurching to the left. No longer.

For all the sound and fury, no American soldier has laid a successful finger on Cuba since Fidel Castro strolled into power 23 years ago. In 1979 revolutionaries took Nicaragua, and the United States offered an olive branch of economic aid. For the past two years it has been tut-tutting at the hard men of El Salvador and Guatemala and getting a raspberry blown in return. A combination of rising nationalism, the spreading availability of guerrilla armouries and the decline in American power compared with Russia's has taken the clout out of the old North American fiat. Imperial America? Those who want the United States to dictate democratic decency to central America must wish the area were docile enough to be really its eastern Europe.

Nor can Mr. Reagan simply wash his hands of the problem, both for his own country's sake and for the sake of the people who live in central America. Forget about domino "theories". The dominoes are already clacking against each other. The overthrow of the abominable Somoza regime in Nicaragua in 1979 led to the present uprisings in El Salvador and Guatemala, partly because it gave revolutionaries in those countries reason to hope that they could imitate the Nicaraguan example, but also because it opened a route through Nicaragua for enough Soviet and Cuban arms to make the difference between insubordination and insurrection. If the United States now turns its back on central America, two things will follow.

The wars in El Salvador and Guatemala will grow even bloodier, as far right and far left slit each other's throats without any restraining hand from the United States or from local men of compunction who look to Washington for help. And, since the odds are that far left will eventually beat far right, the likely result is that a large chunk of the American isthmus will be swept from right-wing thuggery to left-wing dictatorship clean over the in-between hope of liberal democracy. The threads that weave between the countries of the region could then mean that rugs get pulled out from under other people's feet too. Honduras's ankles are wobbling. Costa Rica is a politically sensible little country but its economy is in trouble and it has only a civil guard to protect itself. Panama is worried about the insurgency in Colombia to its south as well as the central American bloodletting to its north.

HOLD THE RING, AND PULL TO THE MIDDLE

The wider impact of a group of Cubas or semi-Cubas on the American mainland needs no spelling out. President Brezhnev has just delicately hinted that he may be thinking of putting nuclear missiles somewhere in the region. None of these consequences of a decision to turn America's back on the problem is a certainty; but together they add up to a possibility grisly enough to make Mr. Reagan remember that three quarters of his country's imported oil, and half of its help to Europe if there is a war there, pass through the Panama canal or the Gulf of Mexico.

So what can he do? The current dithering in Washington is bad for central America and bad for the United States everywhere. Each horror picture from El Salvador, each cascade of savage-words-but-no-action from Mr Alexander Haig, feeds the coming season of anti-nuclear demonstrations in western Europe, and drains support from what Mr Reagan is trying to do about Poland. There are two possibilities for a new policy of less bombast and a sharper cutting edge: one if this weekend's election in El Salvador goes the right way, the other if it goes the wrong way.

If it goes the right way—meaning if a majority of the new constituent assembly consists of President Duarte's Christian Democrats and their like—the right Reagan policy is a combination of negotiations and ring-holding. The negotiations would be aimed at some of the local adversaries of Washington's present friends. In El Salvador, that means trying to persuade the non-communists among the rebels, who are chiefly interested in land reform and an opening up of politics, to sit down with Mr Duarte, who is interested in the same things: in other words, re-creating the centrist alliance that followed El Salvador's 1979 coup. This should be done with as much help as possible from Mexico. In Nicaragua, negotiations mean trying to dissuade the Sandinist government from being a conduit for arms to El Salvador, in return for a guarantee that the United States will otherwise leave Nicaragua alone: in other words, Sandinism in one country.

It is not impossible to re-create the political middle in El Salvador. The old idea of Central America as a region polarised between land-owning oligarchs and landless peasants has gone into the dustbin of economic history. As the first installment of our two-part report from the area points out, a new middle class has come into being; the armies are no longer always the servants of the oligarchies; and peasants who want land reform do not want communist collectivism or a one-party state. An alliance of liberals and soldiers with a conscience, against both the old right and the new left, is not out of the question. Nor are the Sandinists in Nicaragua wholly impervious to persuasion: they are still wavering between pluralism and collectivism, and they cannot count on much economic help from a financially strapped Russia. Still, dinner-party world-curers in Islington and the Left Bank, beware: there are plenty of hard-nosed Leninists in Central America who do not intend to accept this nice dinner-party middle-of-the-road solution.

If negotiations do get under way, preferably under the aegis of Mexico, the ring-holding part of the new Reagan policy would be designed to prevent Cuba and Russia getting arms into the area either via a semi-cheating Nicaragua or by other routes. This too can probably be done. The main part of the job is to block the gun-runners' land and air routes across Honduras, and the sea route across the Gulf of Fonseca between Nicaragua and El Salvador. That means reinforcing the Honduran army—preferably with contingents from a few Latin American countries—plus some aerial and naval help from the United States. Only if this inner-ring blockade does not work will it be necessary to move farther out and face the row involved in stopping boats and aircraft heading from Cuba to the mainland. But if it comes to it, the row has to be faced: the chance of averting that far-right-versus-far-left showdown must not be flicked away by a Cuban finger.

FALL BACK, MAYBE, BUT NOT FALL OUT

If Sunday's election goes wrong—meaning if Major d'Aubuisson or men like him control El Salvador's new assembly—the United States will have to move to a fall-back position. The ring-holding part of the operation can continue, to keep out arms from Cuba. But the negotiating part will have to be abandoned, since Major d'Aubuisson will negotiate with nobody to the left of General Franco. He and whoever is running next-door Guatemala (see page 25) will have to be told that they will get no help from the United States unless they change their minds, rein in their killer squads and start looking for that elusive but attainable middle ground. If they refuse, they can be left to their own devices. The United States will then have to fall back on the last-ditch defences on either side of this impossible area—Mexico, with its border and its oil, to the area's north, and Costa Rica and Panama, with its canal, to the south.

These are hard recommendations, but such are the constraints of superpowerdom in the 1980s. The United States cannot impose by force the liberal settlement its worried friends abroad—and no doubt Mr. Reagan himself—would like to see. It should not use intolerable local men in the pursuit of its own interests. It can make a respectable central American policy only by saying no to Cuba-Soviet gun-suppliers and yes to local men of the middle. Power means responsibility, and responsibility means less loose talk and more sharpedged decisions. Let Mr. Reagan start the sharpening.●

CALL TO CONSCIENCE VIGIL: DR. VIKTOR BRAILOVSKY

HON. HAROLD C. HOLLENBECK

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 31, 1982

● Mr. HOLLENBECK. Mr. Speaker, In conjunction with the 1982 Congressional Call to Conscience Vigil, I want to rise and call the attention of my colleagues to the continuing plight confronting Dr. Viktor Brailovsky. A brilliant cyberneticist who has over 30 publications credited to his name and has been granted four patents, Dr. Brailovsky was arrested by Soviet authorities in November 1980 on charges of slandering the Soviet State. At this very moment, this extraordinary talent languishes in exile over 7,000 miles away. The only crime that Dr. Brailovsky may be guilty of is that he had the courage to stand up to his moral convictions in a Soviet State where he has been the recipient of numerous injustices.

I would have hoped that by now the Soviets could have taken into consideration the international appeals being made on behalf of this noted scholar and allowed him to emigrate to Israel with his family. Instead, they have decided to pursue a course that places them in direct violation of the Final Act of the Conference on Security and Cooperation in Europe, the Universal Declaration of Human Rights, and the International Covenant on Civil and Political Rights. Once again, I am reminded of the Soviet failure to honor international obligations which they voluntarily signed.

I know that Viktor Brailovsky is not deserving of such inhumane treatment and am convinced that his only crime revolved around his role as editor of the unofficial journal, "Jews in the U.S.S.R." and as a leading Jewish emigration activist. While I realize the Soviets detest interference in what they consider their own internal affairs, they must be made to realize that certain truths transcend territorial boundaries and demand an international outcry. I know that I will not relent in my efforts to ease the plight of those, like Dr. Brailovsky and his family, who have been denied their fundamental rights as human beings, and I am sure that a majority of my colleagues in this distinguished Chamber share this same commitment.●

KIMMEL'S COMMONSENSE VIEWS ON ARMS SALES

HON. JIM LEACH

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 31, 1982

● Mr. LEACH of Iowa. Mr. Speaker, I don't make a practice of putting editorials in the CONGRESSIONAL RECORD, but I would like to bring to the attention of my colleagues the views of J. S. Kimmel, Jr., on the size and the cost of American arms sales. Mr. Kimmel's observation are poignant and alarming. They deserve the careful attention of all Americans concerned not only with the cost of Government but with the destabilizing effects of arms sales.

WHAT'S THIS FUSS ABOUT THE LACK OF A U.S. FOREIGN POLICY?

One hears considerable criticism about America's lack of foreign policy.

I suggest we do indeed have a definite foreign policy. It became obvious to me when we advised and armed both India and Pakistan, and finally enhanced their capacity for combat, where they went at each other in war. We had advisors and identical weapons on each side.

We are playing the exact duplicate role today. Israel, our great ally; Egypt, now perhaps Jordan, all deserve American arms. If they can't afford them, they go as gifts. Occasionally we come up with a phoney sale agreement. Something like nothing down, 10% in ten years, and so on. Sometimes we even charge interest far below our government's cost. It would be an eye-opener to force Congress to publish a list of all defunct sales contracts.

Our recipients on one occasion can be the revolutionaries; on another, we go for the corrupt party in power. Often the determining factor is who has control of the docks and can unload our weapons! Of course it helps somewhat if they are over here doing a little entertaining at the U.N. or in their Washington Embassies, but we need little arm-twisting.

Our foreign policy is really world-wide arms distribution, with its seeds planted, nurtured and harvested by the large manufacturers, their representatives in Congress, unions, and many sub-contractors. We're all part of it, when we can make a buck. Almost every business and profession benefits to some degree.

It's quite obvious who promotes this arming of the world. It naturally is those involved in making and selling the material.

The average American loses because we pay for the weapons. The manufacturers get their money before it leaves their factory. Arms sales misdirect large amounts of vital and limited raw material, minerals, etc., that drives the price up for consumer products that use identical raw materials.

The same influential merchants play identical roles with equal effectiveness in the field of foreign aid. We are spoon-fed the hogwash that if we don't go for the order, we'll lose it to one of our so-called allies. I say "nuts" to that! No other country in the world can afford such foolishness. They do compete, but on different terms, and actually get paid for it.

We're now toying with playing our "China Card". You know what that is? More of the same, lots more, and that policy could give this world the final "Big Bang"!

I do not like making this indictment. It has a lot to do with our policy in El Salvador. This military and foreign aid program is so much a part of our economy. Government agencies and departments, the U.S. Chamber, the Council of Foreign Relations, the NAM, and the unions all work for it. It's quite possible Presidents are powerless to do anything about it. Eisenhower was getting a pretty good handle on it. Remember his parting warning—"Look out for the military-industrial complex!"

It's bad enough selling arms, but when we give them away for a false inflation-fueling economy, we are burning the candle at both ends. The real issue today is not who wins these banana Republic brush fire revolutions. It's how long will we be around to play the game ourselves! We're told we have to get our budget in shape. Military aid—foreign aid is the one logical place to start. It can't go on untouched forever. America is not immune to destruction, either from within or without. The way we're going at it, I think we'll do it to ourselves. For want of a better description, "Fiscal Hari-Kari". We've never had a fine-tooth comb-out of questionable weapons systems in our Defense Department. There must be a few "dead dogs" in the Pentagon coolers, and a lot of duplication within the four Service branches. Congressmen are very active in keeping contracts going in their districts.

When Vietnam was in its "vital relationship role", it proved how hard it is to turn down a war once in motion. One hears nothing of this vital relationship today. We are starting to roll again. This time it's with a Republican Administration. If we are serious about saving Central and South America, let's remove the main cancer in Cuba. In WW-II we went for the source of arms. Now we pussyfoot around our Monroe Doctrine because no one really wants to end a good business. "Daddy Warbucks" really started something which has become a sizeable pillar in our economy, even though it's a "giveway transfusion" of the taxpayers' wealth.

When questioning our policy of trade relations with Russia, one discovers we're talking mega-bucks and balance of trade. We go for it both ways. Russia is our bogeyman when we're building defense, and a vital customer for our technology and commodities when we have surpluses to go! We really want both, but ultimately only one course will prevail. They can't be compatible indefinitely. An honest and lasting world peace would do so much for the people of the world.

If our allies go for what we give up, we should let them do it. The free world out there by itself might suddenly realize how much we have contributed to its freedom and economic well being! We deserve more cooperation and we can get it by putting America first for a change!

I do not believe Russia and the United States could ever discover how to spend the defense budgets for the benefit of mankind!●

CONTROLLERS NEED FAIR DEAL

HON. WILLIAM CARNEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 31, 1982

● Mr. CARNEY. Mr. Speaker, I rise today to urge this body to take swift action regarding our air traffic controllers. I refer, of course, to those dedicated controllers who obeyed the law and stayed on the job last summer. It is no exaggeration to say that these people kept our aviation system going these past months. They worked under extremely difficult conditions and under a great deal of pressure. This Nation owes these people a tremendous debt. While news headlines focused on confrontation, these controllers worked quietly and without recognition to meet the heavy transportation needs of America in its time of need.

Mr. Speaker, the administration recently submitted to Congress an authorization measure which would provide to these law-abiding air traffic controllers the pay raise and other benefits which the FAA was prepared to offer when PATCO walked out last year. It seems only fair now to give the diligent employees of the Federal Government what we agreed to give them before the labor crisis erupted. I am certain that we all appreciate the job which our air traffic controllers have done. And I could not conceive of any reason to delay consideration of just compensation to our controllers. We would only be giving them their due. And it is, indeed, only fitting in the light of their selfless performance.

Mr. Speaker, I hope that the Post Office and Civil Service Committee will give speedy consideration to the administration's proposal and that this body also will consider and approve it in a timely manner. We should not allow a tragic situation like the illegal PATCO walkout and the attention it drew, to overshadow the needs and the tremendous work done by devoted employees who remained true to their obligation to the Federal Government and the American public.●

CONTINUING THE DIALOG ON STUDENT FINANCIAL AID

HON. COOPER EVANS

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 31, 1982

● Mr. EVANS of Iowa. Mr. Speaker, as the debate concerning the President's proposed budget cuts for student financial aid continues, I thought that the following comments made by Dr. D. C. Spriestersbach, acting president of the University of Iowa, are a timely reminder of the impact of the Federal Government on higher educational institutions of our Nation. Dr. Spriestersbach has outlined well the impact not only cuts to student aid, but also the effects of other budget proposals not directly related to student assistance but still vitally important to an institution such as the University of Iowa.

Mr. Speaker, below are reprinted the comments by Dr. Spriestersbach made during the 15th annual University of Iowa Congressional Luncheon on March 11.

THE FEDERAL FY 1983 BUDGET: COST SAVINGS OR COST SHIFTS?

(By D. C. Spriestersbach)

It is a distinct pleasure for me to welcome you to this 15th Annual Iowa Congressional Luncheon. It is always one of the high points of our continuing relationship with you because your presence here provides testimony to your continued interest in and support for The University of Iowa.

Normally, when I come to Washington, I come to hear speeches rather than to give them—and I remember hearing quite a few last year that had the same theme. No matter what the subject or occasion, just about every speaker would take the opportunity to shake his finger at us deans and announce:

"Don't expect higher education to be exempt! All of you have to share in this effort to lighten taxes."

I remember that, at the time, few of us quarreled with this message. Most of us knew that federal expenditures had grown disproportionately. All of us recognized that a reversal of trends was in order. None of us expected to receive special treatment.

A year has passed, and I really do not think we regret any sacrifices that we have had to make—or still might have to make. What is most disappointing is that many of the "savings" in education, research, and health passed this year or proposed for next year are not really savings at all. They are simply shifts in costs from the federal to the state and local levels.

Recently all of you have heard from young Iowans across the state or in your districts who are worried about the fate of student assistance. They are alarmed by the proposed 39 percent cut in Pell grants, the recommended 25 percent slash in work study, the total elimination of supplemental grants and direct loans. They want a guaranteed loan program that will allow them to go to medical school, to dental school, to law school, to graduate school.

I appreciate their case. Some years ago, it seemed, we took a stance in this country that higher education should be available to all who have the ambition and ability to acquire it. I deeply regret that we are even considering a reversal in this basic commitment because these are times that require better educated people rather than less well educated people.

In any event, students and parents are not the only ones to suffer the costs of reduced student aid. State and local taxpayers are also affected. If student assistance falls by as much as the FY '83 budget anticipates, its decline will increase the dependence of students and parents alike on low tuition, public education. It will limit access to community institutions, where students can live at home. It will increase the demand on state institutions by those who can no longer afford private education. In brief, instead of saving substantial costs, a dramatic reduction in student assistance will only shift much of the public burden from one shoulder to another.

This past year, 1,050 University of Iowa students on work-study funds served virtually every department in the University, sometimes filling one or two posts, sometimes providing the entire labor force for an operation. A dramatic reduction in work-study funds not only hits these students, but it also hits the University, which must maintain the services, and the Iowa taxpayer who must assume their costs. I have always thought, if one is to abandon a worthwhile commitment, it should be for a good price—and in this case the return is abysmally low!

This same shift in burden from federal to state level may occur in research support as well, if the proposed FY '83 budget has its way. Yes, the budget does have some modest increases for basic research. Yes, we are grateful that they aren't reductions instead. At the same time, these increases mask a growing dependence of the federal government on the meager resources of universities. The impact of inflation on research—much discussed by scientists and much ignored by everyone else—is finally taking its toll. That is why, even with more dollars for NSF and NIH, the federal government is asking the universities and, indirectly the states, to pick up a larger share of the costs.

One example will suffice. Next year the FY '83 budget would increase NIH support by $300 million. Sounds good. Dollars are up, not down. But, because of inflation, NIH also wants to reduce the minimum number of project grants from 5,000 to 4,100. At the same time, it would require universities to assume 10 percent of the indirect costs of the projects. (And we already are involved in substantial cost-sharing of the projects.) At The University of Iowa such forced cost-sharing would add more than half a million annually to the tab. Hardly a bargain for the University or for Iowans.

This will be on top of still another layer of costs which we were forced to assume this year, when our institutional support for national research training was cut in half. Don't mistake me—we do appreciate the increased governmental investment in basic research. We do want to remain active partners with the federal government in scientific endeavors in the national interest, but eventually we simply may not be able to afford this role if we must ask Iowans to assume a greater share of the burden.

I could go on with other examples. I have not even mentioned the impact of the proposed changes in Medicare on Iowa's tertiary health center, University Hospitals. But as you might expect, we are deeply concerned by the budget's proposal to disallow some Medicare hospital charges, as well as by other cost-shifting proposals in the health area.

But I am going to stop. My colleagues here today can give you the details better than I can, not only about the hospital but about many of our other programs.

Let me conclude by simply saying I hope we can reverse this trend in cost-shifting. I know some of you share my concern. Perhaps together, in mutual cooperation, we can really lighten, not just jostle, the public burden, and still maintain quality higher education and health in this country.●

THE BUDGET CRISIS

HON. LEE H. HAMILTON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 31, 1982

● Mr. HAMILTON. Mr. Speaker, I would like to insert my Washington Report for Wednesday, March 31, 1982, into the CONGRESSIONAL RECORD:

THE BUDGET CRISIS

The economy of the United States is more fragile now than at any time since the end of World War II. This is the prevailing sentiment among most members of Congress and among the economic experts who have recently testified on Capitol Hill. Hoosiers with whom I have visited in recent weeks also believe that the economy is in a precarious state. They have come to Washington and to my meetings in southern Indiana in large numbers to express their concern and their fear that the economy is slipping badly. They are demanding that officials in Washington do something about the economy—and do it soon.

The problem in Washington is that the President and Congress have reached an impasse in their consideration of next year's federal budget. The budget which the President has submitted to Congress has very little support, but Congress is having difficulty formulating a reasonable alternative.

I have come to the conclusion that it would be best for the health of the economy if the President and Congress were to strike an early compromise on the budget. Continued deadlock would dampen business confidence, retard investment, and stall the recovery. If the deadlock dragged on into autumn, we would be running the risk of an even lower level of economic activity than we have today; in such circumstances, an economic collapse could not be ruled out.

To break the deadlock, the President and Congress must act promptly to shrink future budget deficits. Last year, the President sent us a budget with a deficit of $45 billion. As I said then and as we all know now, the figure was unrealistic. This year's deficit will certainly top $100 billion; it may reach $115 billion. The President is projecting a deficit of $91 billion for 1983, but that figure is not realistic either. Under current policies, the deficit could easily exceed $130 billion in 1983. Some estimates put it as high as $170 billion. If we are unable to get these future deficits under control, there is almost no chance that interest rates will come down permanently and there will be no sustained economic recovery. The Federal Reserve has made it clear that in the face of exploding deficits, it will not boost the growth of the money supply in the manner required for a healthy expansion of the economy.

I normally avoid the word "crisis" because it is used too loosely in our political discourse. In this instance, however, the word is appropriate. We are facing a genuine budget crisis—one which should cause us to put aside partisan maneuvering for political advantage as we seek a workable, bipartisan solution. I do not think that the financial markets, the business community, or the American people are going to be misled again by fanciful figures and extravagant claims. They want us to tackle the tough budget issues, use honest numbers, exercise leadership, and employ the political skills of accommodation and compromise to save the economy from ruin.

The fundamental issue before the President and Congress is this: future budget deficits are so large that they can be attacked only by raising taxes or limiting spending in what have always been politically sacrosanct parts of the budget. On the side of expenditures, the major measures we must consider are a reduction in the growth of military outlays, a curb on the indexation of entitlements, and a freeze on discretionary spending. Each of these measures is highly controversial. On the side of revenues, the major measures we must consider are a postponement of the tax cut scheduled for 1983, an increase in excise taxes, and a closing of sensitive tax "loopholes". All of these measures are highly controversial as well.

Each of the options before the President and Congress is politically murderous, yet none of them alone is sufficient. Whatever the political consequences, the options simply must be faced. I do not think the American people expect us to achieve miracles. If we produced a balanced, credible plan which progressively cut the deficits, then the economy would strengthen slowly. My own goal would be to move the deficits downward by at least $25 billion per year. If we failed to produce such a plan, however, then there would be stalemate and economic stagnation at best or panic and economic collapse at worst. The consequences would be grave even if the worst scenario were not played out.

In my many meetings with Hoosiers, I am not able to assure them that the budget will be handled well in Congress this year. The obstacles to be overcome in the next few months are formidable. They include the continuing resolution under which the federal government is now functioning, the budget resolution which sets spending and taxing limits for the coming year, and the debt ceiling bill which allows the federal government to borrow to meet its fiscal obligations. Congressional consideration of each of these measures carries with it acknowledged perils. I cannot guarantee Hoosiers that action on any one of them will not bring the budget crisis to a head. When I speak with Hoosiers, I try to present the facts as clearly as I can, telling them what my solution would be. I try to impress upon them the seriousness of the problem insisting that all of us in Washington—executive and legislative, liberal and conservative, Democrat and Republican—must work together to prevent an economic collapse.

It is encouraging to me that the more members of Congress and responsible persons in both political parties understand the nature of our budget crisis, the more they support and strive for a compromise. At the moment, I am not able to see either the details of a solution or how that solution could be reached, but I know that the daunting political problem confronting us will not go away. I hope that in the end, the President and a majority of Members of Congress will hammer out an acceptable compromise.●

THE ENTERPRISE ZONE TAX ACT

HON. JOHN J. LaFALCE

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 31, 1982

● Mr. LAFALCE. Mr. Speaker, today I will be joining my good friends from New York, BOB GARCIA and JACK KEMP, to introduce the Enterprise Zone Tax Act.

I do so in full recognition that enterprise zones cannot be the heart and soul of the Federal Government's urban revitalization program. They can only be one small component of what must be a truly comprehensive effort.

Mr. Speaker, I would like to insert in the RECORD at this point a copy of the weekly column I wrote on urban enterprise zones about 2 months ago. In the coming weeks and months as we in the Congress debate the merits of the bill that will be introduced today, I hope that we never lose sight of the importance of the SBA, EDA, the UDAG and CDBG programs, and others that must be available to provide the foundation on which the limited number of urban enterprise zones can help us to build.

URBAN ENTERPRISE ZONES

In his State of the Union address this week, President Reagan embraced the "enterprise zone" concept, the centerpiece—indeed the only piece—of his urban revitalization strategy. He would substitute "enterprises zones" for other programs, such as the Urban Development Action Grant Program, the Community Development Block Grant Program, the Economic Development Administration, and other urban revitalization programs, all of which would either be eliminated or shifted to the states.

Although the specific components of the President's enterprise zone proposal are still being ironed out, it will probably include elimination of the capital gains tax on investments in designated enterprise zones, a tax credit or deduction for the employer on social security taxes paid for each employee, a special investment tax credit for investments made in a zone, and a tax credit or deduction for each unemployed or low-income worker hired. In short, the enterprise zone concept targets special tax breaks to businesses who locate in depressed urban areas.

The enterprise zone concept is not new.

It is simply the concept of targeted tax relief, which a great many individuals have been espousing for years. When I first came to the Congress in 1975, President Ford extolled the virtues of targeted tax relief in his State of the Union address. President Carter also championed the cause of targeted tax relief, but as one small component of a comprehensive urban revitalization policy. Members of Congress, including Hank Nowak and I, have introduced some version of the targeted tax concept since 1975. And, in 1976, most Democrats and all Republicans, except one, in the New York State congressional delegation, endorsed and introduced, at Gov. Carey's request, a proposal drafted by him to give targeted tax relief to businesses in depressed areas.

Targeted tax relief has now been endorsed by virtually all, especially those who opposed it on philosophical grounds in the past. In any event, this reversal and endorsement of enterprise zones, which our earlier legislation called "depressed areas" or "labor surplus areas" is most welcome—however, with a strong caveat.

Enterprise zones can be one small part of a comprehensive package of programs designed to meet the challenges facing urban America; but they cannot be the only part. Enterprise zones can be a part of an urban policy but not a substitute for an urban policy.

Yet, that is what I fear its principal proponents would accomplish.

Without programs offered by UDAG, for example, Buffalo would have no Hilton Hotel, no Hyatt Regency, etc.; Niagara Falls would have no Rainbow Mall. Hence, we'd have no revitalization taking place. Without programs such as EDA, there would probably be no Darien Lake today, nor would there be a Guterl Steel Corporation in Lockport. I could go on endlessly.

We need targeted tax incentives, and I'm pleased those who opposed us in the past now agree with us. But we will continue to need EDA, the Small Business Administration, and the UDAG program, for example, to help provide the financing for new firms to start up in enterprise zones and to help carry them through the lean, early years. Remember, to benefit from tax relief there must be some profit first. Cities will continue to need the Community Development Block Grant Program to provide street lights, new roadways and sidewalks, parking lots, and community parks that will be so essential to the success of enterprise zones.

The enterprise zone concept is not really new, although it's being sold as new; most importantly, it is not, nor can it ever be, a substitute for those programs that have provided the infrastructure and foundation for urban America's renaissance.●

CUTS IN IMPACT AID FUNDING

HON. CHRISTOPHER H. SMITH

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 31, 1982

● Mr. SMITH of New Jersey. Mr. Speaker, in recent weeks, I have been alerted to a crisis situation that exists in several of our New Jersey school districts due to severe reductions in category 3(A) impact aid funding. These school districts educate children of military families living at Fort Dix, Fort Monmouth, Lakehurst Naval Air Station, and McGuire Air Force Base.

Because of significant cuts in Federal category 3(A) impact aid payments, these school districts find themselves with major shortfalls in anticipated operating revenues for the current school year. The outlook for fiscal year 1983 appears to be even more grim. Local taxpayers oppose any further increases in personal property taxes, the traditional source of revenues for local school systems, to offset these deficits since sufficient category 3(A) impact aid funding will not be coming into these communities in the future. This is a particularly sore point in the affected communities since military families do not have to pay State or local taxes. Our New Jersey communities simply do not have the resources to educate these children. Unless these localities are adequately compensated for educating children of military families living on base, as was the intent of Public Law 81-874, it is quite possible that these children will be denied education.

The very nature of military bases often causes them to be located in remote or sparsely populated areas of the country. Thus, they have a significant impact on the small communities adjacent to them. Furthermore, the transcience of military life makes it difficult for military families to establish long-term ties to the nearby community. The frustrations that have developed because of the reductions in category 3(A) impact aid have created needless tensions between the military community and local residents. The most unfortunate consequence is that the children of military families are caught in the middle in this fight between the local and Federal Governments.

The impact aid problem is nationwide, affecting every school district which educates children of military personnel. Unless we act quickly to restore category 3(A) impact aid funds or to find some reasonable alternative to help pay the cost of educating military dependents, hundreds of school systems throughout the country will suffer severe budget deficits, if not outright bankruptcy. If nothing more is done about the current impact aid situation, there will be a sudden, adverse impact on the quality of military life. For example, military families face the strong possibility of having to pay tuition in order for their children to attend public schools by next fall. Neither the military nor impacted school districts have been given the opportunity to plan for these unanticipated expenses.

I have written to the Secretary of Education, Terrel Bell, and Caspar Weinberger, the Secretary of Defense, and urged them to take steps toward a permanent solution to the impact aid problem. I have also requested that the chairman of the House Committee on Armed Services hold hearings in order to determine the appropriate congressional action in response to our local school districts' budget shortfalls. Hearings have already been scheduled before the Subcommittee on Labor, Health and Human Services, Education, and related agencies within the House Committee on Appropriations. I will testify before this subcommittee, in an effort to impress upon them the necessity of prompt remedial action to alleviate the strain that reductions in impact aid have placed on school districts educating military children.●

WILMINGTON TO HOLD WISTERIA FESTIVAL THIS SUNDAY

HON. GLENN M. ANDERSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 31, 1982

● Mr. ANDERSON. Mr. Speaker, I want to take this opportunity to pay tribute to the 31st annual Wilmington, Calif. Wisteria Festival, which will be held this Sunday at Banning Park in Wilmington. The Wisteria Festival, which officially honors the 102-year history of the wisteria vine in Wilmington, also features a general observance of the culture and heritage of the Wilmington community.

I think it important to give due recognition to the Wisteria Festival, for—besides being a terrific fun event—it indicates the desire of the people of Wilmington to preserve their culture and heritage. This helps the residents of the city unify into a real community, working for the common goal. I am today inserting the following article from the San Pedro News Pilot in the RECORD so my colleagues may read for themselves about this great tradition.

31ST ANNUAL WILMINGTON WISTERIA FESTIVAL TO BE HELD SUNDAY

(By Tom Coulter)

The 31st annual Wisteria Festival will be held from noon to 4 p.m. Sunday at Banning Park in Wilmington.

The celebration, which feature bands, speakers and tours of the Greek Revival style, three-story 30-room mansion, is in honor of the blooming of the 102-year-old wisteria vine imported in 1880 by Gen. Phineas Banning, founder of Wilmington.

The purple blossoms of the vine overshadow fresh flowers in the general's former estate garden.

The festival also celebrates the opening of the tour season for the 30-room mansion purchased by the community of Wilmington from the Banning family in 1927 and given to the city as a park and museum.

Reigning over the pageant will be queen JoAnne Llanderal, an 18-year-old senior at Banning High School.

Her princesses will be Kesia Parchelle Clark, senior class president and homecoming queen; Marcy Dauz, student body president and senior homecoming princess; Renee Reinhardt, a member of student government and a cheerleader; and Cecilia Sanchez, campus brotherhood president and drill team member.

Sunday's entertainment will include the Mexican dance troupe Raices and a mariachi band.

Banning, who sailed by schooner from Wilmington, Del., and landed off the bluffs of San Pedro, was a man of vision. Stepping off the ship almost penniless, he convinced a wagon driver to take in a partner in hauling supplies to the pueblo of Los Angeles.

The partnership grew until he held the reins on a giant empire with more than 500 horses, 1,000 mules and miles of wagon trains carrying munitions and provisions for the Army to Fort Yuma and Fort Tejon.

He saw 2,400 acres of tule swamp, flooded by the overflowing Los Angeles River, as having the potential for a city. Buying the land from the Dominguez estate for $1.10 an acre, he set about draining the land, then fashioned a harbor from the shallow San Pedro Bay.

The town of Wilmington was his challenge. It was little more than a "goose town" until he married Rebecca and faced the new task of building her the finest home in California.

The United States was engaged in the Civil War and help was less than plentiful, but Banning, with his wit and charm enlisted the captain and crew of a visiting schooner. With lumber hauled around the Horn, he completed his house in less than a year.

He then donated nearby land to the Union Army for Camp Drum, at one time one of the largest forts in California.

The officers quarters still exist and have been converted into a Civil War Museum. The quarters, 1053 Cary Ave., will be open during the Wisteria Festival. Docents will guide visitors from Banning Park to Drum Barracks. Admission is $1 for adults and 50 cents for children.

Soldiers from Camp Drum three blocks away used to visit the mansion and draw fresh cool water from the estate's well. The well was capped after gas and oil, then called devil's tar, began seeping into the well. This was years before the Wilmington Oil Field was discovered in the 1930's.

Adjacent to his own home, visitors can still see a mound where dirt from the mansion's basement was piled. The mound has been eroded to a nub by time and rain, but once a cannon protected the estate from that vantage point.

Rebecca bore Banning three sons before dying in childbirth at age 29. She is buried in the Wilmington Cemetery across from the mansion.

Banning, an influential man of power, needed a wife for the many social functions of the manor and in 1870 married Mary Hollister of Santa Barbara. She bore him three daughters, one of which, Lucy, was named the prettiest girl in California and still has a special room on the second floor.

Mary Hollister, however, was a reputed jealous wife. When Banning died in 1885, one of the largest funerals ever held in California was staged on the front porch of the home with thousands in attendance. The general was buried by his first wife, Rebecca, but Mary Hollister later had his body reburied away from Rebecca in Los Angeles.

Banning had named only two streets in Wilmington after his family. Banning Avenue still remains, but Mary Hollister played a part in having Rebecca Avenue changed to Broad Avenue.

The Banning family continued to live in the mansion for three generations. Then George Banning became postmaster of Pasadena and Joe Banning became head of the Matson Steamship Co. Matson this year is observing its 100th year of service to Hawaii.

With their interest drawn elsewhere, the heirs put the mansion on the market. Through a bond issue it was rescued by the community which raised $30,000.

Banning, who had been successful in bringing the railroad to Southern California and Wilmington, gave away his carriages and stage coaches to numerous friends. These were later donated back as part of the museum and will be on display Sunday. An effort is being made to have all of the vehicles restored this year.

Mrs. Hancock Banning played an active and prominent role in seeing that much of the original furniture given to other relatives was returned to the mansion.

Restoration of the interior of the mansion was begun in 1972 under the guidance of Robert Bartlett Haas and a committee of the American Society of Interior Designers.

A non-profit support group, Friends of Banning Park, raised funds for the restoration in cooperation with the Department of Recreation and Parks. The house now has 24 restored rooms for the public to visit.

Tours of the home will start at noon Sunday with the main ceremonies at 1:30 p.m. Eleanor Montano, honorary mayor of Wilmington, will crown the queen and her court.

The festival is sponsored by the Wilmington Chamber of Commerce and the Los Angeles Recreation and Parks Department.

The park is at 401 E. "M" St.●

THE SAFETY NET: NO HAVEN FOR CHILDREN

HON. GEORGE MILLER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 31, 1982

● Mr. MILLER of California. Mr. Speaker, President Reagan wants his policies toward the truly needy to appear "fair" and "equitable." The President did not even try to argue that his policies are fair; he just wants us to create the appearance of fairness. It is blatantly apparent to anyone who has read the President's proposed budget that his recommendations would do terrible damage to productive and cost-effective programs for children.

Today's New York Times lead editorial graphically describes how this administration's policies systematically are pushing our children right out of the President's unraveling safety net. The editorial follows:

THE SAFETY NET AND 1997

Hang in there, says the President to the poor. Give our program time to work. Meanwhile, there is his famous safety net for the truly needy. For some of the truly needy, that is. It is dawning on us from what the President's theorists say and what his budget would do that one group of people is systematically left out of the net: children.

Pick a program that benefits children, at any stage of childhood; almost certainly it is being cut severely, or eliminated. The pattern is so consistent as to invite the suspicion that someone up there wants to punish the poor for having babies:

Federal family planning programs help poor teen-agers avoid pregnancies; even so, about 600,000 of them have babies each year. The Administration has nonetheless cut funding for these programs by 25 percent.

The WIC (women, infants, children) program provides special food and care for nursing mothers and their babies. It is to be cut 30 percent.

Washington pays to immunize children against dread diseases. In 1981, the total was 6.3 million children. The 1983 budget would vaccinate only 3.8 million.

Last year school lunches were cut 30 percent, eliminating 900,000 lower-income children. Some 400,000 were eliminated from the breakfast program. Now the Administration wants to phase out the breakfast program and sharply reduce its funds.

Aid to Families with Dependent Children is the principal support program for needy children. The Administration wants to chop out $1.1 billion; while the cost of living is going up 10 percent, assistance would go down 18 percent.

Then there are older, college-age children. The American Association of University Professors estimates that two million needy students will be hurt by proposed cuts in grant and loan programs.

The Administration defends such cuts as essential to controlling spending. The President finds it unconscionable, for instance, to subsidize school lunches for students who can buy their own; he says he knows of children receiving free school lunches whose parents earn $75,000. That kind of argumentation invites one to wonder how much the Administration cares about economy, how much about ideology and how much about children.

The school lunch program cannot be a wholly efficient way of feeding poor children. Most districts could not possible afford the administrative cost of tailoring the program to each school and each student. To reach all the needy children, the program must be universal. That means many students from non-poor families also benefit. But society has understood that difficulty since the school lunch program began—and has been willing to pay the price. The issue is not efficiency but nutrition and health.

There is another dimension to the Administration's policy toward children. When asked about exceptionally high unemployment among minorities, Mr. Reagan's answer is, look at the want ads. He does not say why there are so many ads for cellular immunologists and psychiatric nurses—and so few for unskilled labor. One answer can be found 15 years ago. Even then, at the height of the Great Society, America didn't make the investment in education, health and hope to qualify more children to become immunologists and nurses.

The price of this Administration's indifference won't be wholly evident for another 15 years. Perhaps by 1997 or so, the supply-side rainbow will lead to pots of gold for everyone. Either that, or yet another generation of poor children will have turned into sullen, wasted adults.●

ANOTHER ANECDOTE FROM THE JOBLESS FRONT

HON. FORTNEY H. (PETE) STARK

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 31, 1982

● Mr. STARK. Mr. Speaker, Sunday, March 28, the Hayward Review of Hayward, Calif.—a paper in the Sparks newspaper group—offered to run, free of charge, advertisements from individuals seeking work.

By a quick count, about 1,100 individuals responded to this civic initiative by the newspaper.

Also by rough count, the same Sunday paper ran help wanted ads for about 350 jobs.

First, I want to commend the Sparks newspaper group for this service to the East Bay community. I hope it will help some individuals find the employment they need.

Second, I would like to call this to the attention of the President, so that the next time he talks about all the help wanted ads in the newspapers, he will also—in fairness—note this recent example where three times more people advertised seeking jobs than there were jobs available.

I hope the President will use this anecdote tonight in his press conference; it would show that he really does know what it is like to hunt for a job in today's economy—and that there is an enormous amount of pain and distress as the Nation struggles through this endless recession.●

WASTE AND FRAUD

HON. PHILIP M. CRANE

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 31, 1982

● Mr. PHILIP M. CRANE. Mr. Speaker, there has been much discussion concerning President Reagan's approach to the composition and operation of the Federal bureaucracy. Waste and fraud has always been a target for elimination. Though no substitute for cutting back Federal spending, more effort in this area is decidedly necessary. Roy Frisby, an old friend, has recently written a letter to the editor of the Wilmette, Ill., Wilmette Life, on the President's efforts to curb waste. His exposition puts current discussion of this topic in proper perspective. I commend it to my colleagues' attention.

LETTER TO THE EDITOR

Your editorial of February 11 "Waste and Fraud" asking, "What then has Reagan done about taking on the Federal bureaucrats in his first year in office?" "Precious little it would appear." The editorial continues, "He has found it far easier to cut food stamps for the poor than fat pensions for comfortable."

For a current observation, "surplus food stamps are being hawked on South State Street—three dollars will get you five."

Reagan soon discovered tens of millions of waste and fraud in the distribution of food stamps to those not qualified to receive them. Separate agencies had previously been operating: one for aid to dependent children, one to rent payments, one for heating costs, and, one for food stamps. Moreover, Reagan found that the recipients were receiving the maximum payments in practically all categories. These programs are being consolidated and will be administered by the states with huge savings while the Federal Government will take over Medicare and Medicaid. Illinois will save some $800 million on this change alone.

Shortly before Reagan took office, it was discovered that seven billions of waste and fraud had taken place in the Department of Health, Education and Welfare. Reagan is restructuring the whole division. With respect to just one phase of "Aid to Education," we were reminded only yesterday that over $1 billion of student loans are in default. The program had been made "politically" available to all students, the "fat and comfortable as well as the poor." The parents of the "fat and comfortable" could borrow their tuition, deducting the interest cost for tax purposes, while their enterprising children took out the loans and put the proceeds in the money market, picking up $1,500 of unearned interest. Reagan has sensibly put a stop to this pathetic boondoggle and place a means test of 30,000 per family, actually helping more of the poor and needy.

To the most current dealing with "waste and fraud," Reagan deplored the plight of the poor who have had to pay $2.00 per pound for butter and $3.00 for cheese, only to find some 50 million pounds stored in caves under the subsidy program. Moreover, the storage cost alone was running over $1 million a day. Reagan ordered this gargantuan cache distributed to the poor—(Illinois received 1,800,000 pounds). This action avoided spoilage and cut the storage cost, but this will not solve the problem unless Congress cancels the subsidy. The farmers who can count to 10 will veal only their bull calves, adding the heifers to their herds to produce more surplus milk to make more butter and cheese to add to the storage, to support the prices, to increase the deficit, to increase the interest rates, actually doing additional damage to the economy and "the poor."

Reagan assumed the presidency with a national debt of $1 trillion. He reminded the country only this week that the cost of servicing the debt is greater than the entire budget was only a few years ago. Surely this route to bankruptcy must be changed if there is even a hope of restoring a Republic form of government. Reagan is making progress wherever and whenever Congress will cooperate.

Now, lest some of your readers respond with the usual clarion call to reduce military spending and borrow more money to continue the social programs for the unemployed and the poor, a mental note should be made of the 145,000 additional arrests made in Poland while 3,500 more have been imprisoned. Meanwhile Russia has sent 60,000 tons of arms to Cuba to support guerilla warfare in Central America.

Russia's occupation of Afghanistan should come as no surprise to anyone. Lenin instructed the revolutionists in 1917 that, "The road to Western Europe is through Afghanistan," and they are right on target.

This country began its geologic work in the Middle East in 1914, later developing in Arabia alone a reserve of over 180 billion barrels of oil. By our steadily and dishonestly debasing our currency, we have lost control of this vital resource. Moreover, we are obliged to pay 17 times as much for it since Nixon's time. If Reagan is not allowed to build aircraft and a carrier to defend the area, there may not be any heating oil for "the poor," nor for "the fat and comfortable" for that matter as the Secretary of Interior reminded us today on "Meet the Press."

It should be clear to the least of us that Reagan's budget should be approved. Carter's attempted rescue of the hostages in Iran was aborted. Some of our aircraft collided and burned, crews were killed, some could not operate the equipment, and all in all it was a ghastly failure. However, I would argue that a real national purpose was finally served in that a clear signal was sent to Russia and to Reagan that we were not equipped to fight our way out of a paper bag. Thank goodness Reagan is doing something about it.

Finally, let us all hurry to admit that we have enough atomic material to kill every inhabitant on the earth (the usual argument of the demagogues). Fortunately, President Reagan is painfully aware that most of our missiles are 20 years old and are equipped with liquid fuel systems—dangerous and not so accurate as their modern counterparts which are equipped with solid fuel for safety and accuracy. Should we now cower helplessly and embrace the philosophy of Teddy Kennedy, Tip O'Neill and the socialist planners who have brought us to the brink of bankruptcy, or should we embrace Reagan's philosophy of peace through strength and support, the sound and creative order that Reagan offers us.●

DAN BRADLEY: AN ADVOCATE FOR THE POOR

HON. RON WYDEN

OF OREGON

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 31, 1982

● Mr. WYDEN. Mr. Speaker, I rise today to pay tribute to man who has devoted many years to an effort that seems to be out of vogue in certain circles these days: advocacy for the poor.

Today marks the end of Dan Bradley's tenure as president of the embattled Legal Services Corporation. It is a tenure that I know has been marked with frustrations: of trying to make dwindling budget dollars stretch far enough to do the work that's needed; of trying to advocate on behalf of the poor at a time when their concerns were less and less "popular."

But it has also been a tenure of which Dan can be proud: a tenure that illustrates his commitment to the concept of equal justice for all—the poor as well as the rich.

Dan Bradley's efforts on behalf of the poor did not begin with his presidency of the Legal Services Corporation. When he came to the program in 1979, Dan was already an experienced poverty lawyer and administrator. He had worked as an administrator for the Office of Economic Opportunity and the Community Services Administration when the federally funded legal services program was administered by those agencies. He had served as regional director for the Legal Services Corporation in San Francisco and as an attorney with the Florida Rural Legal Services program.

In 1977, the National Legal Aid and Defender Association (NLADA) awarded Dan its Arthur von Briesen Award in recognition of his vigorous efforts to provide quality legal services to this country's poor. In awarding Dan the honor, the association noted his all-out defense of legal services during the early 1970's, when, as now, the program was under attack by a hostile administration. Dan was acknowledged as a leader in fighting for an independent corporation to run the program.

Today I would like to echo the NLADA's sentiments. Those of us committed to equal justice for the poor can never thank Dan enough for what he has done to promote that cause. He is a man who could teach us all a good deal about real compassion. His guidance and concern will be sorely missed by employees and clients of the Legal Services Corporation.

In closing, I want to wish Dan the best of luck as he sets up private practice in Florida. I know he will continue the good fight in his endeavers there.●

THE CANDLELIGHTERS FOUNDATION STATEMENT RE FAMILY ROLES IN MEDICAL DECISIONS

HON. ROBERT A. ROE

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 31, 1982

● Mr. ROE. Mr. Speaker, the Candlelighters Foundation, an international organization serving parents of children with cancer and the medical and social professionals who treat them, promotes self-help groups; coordinates communication between groups, parents and professionals; and works to identify and develop solutions to the problems of living with and treating childhood cancer.

This is an offshoot of the Candlelighters, a group of parents organized a little over 10 years ago in this country to combat the problems of living with children who have cancer and working to find a solution to this most difficult disease. This organization is now nationwide and has gone beyond the confines of this country and is overseas.

It does excellent work as can be seen by the recent statement delivered by Minna Nathanson, policy, planning, and publications director of the foundation. This statement was presented to the President's Commission for the Study of Ethical Problems in Medicine and Biomedical and Behaviorial Research of February 12, 1982. I commend it to all for an excellent summary on just what the stricken child and the parents face once cancer in some form or the other has hit the family.

Under leave to extend my remarks, I include Mrs. Nathanson's statement.

FAMILY ROLES IN MEDICAL DECISIONS

(Statement presented to the President's Commission for the Study of Ethical Problems in Medicine and Biomedical and Behavioral Research by Minna Nathanson on February 12, 1982.)

My son, Jed, was diagnosed with leukemia one week before his fifth birthday in January 1973 and died in April of 1974. But today I represent not just my one family, but the 6,000 parents of children with cancer who are served by the Candlelighters Foundation.

The decisionmaking that parents of children with life-threatening illness must go through is continual and not usually clear-cut or black/white. It does not always involve choices as final as "pulling the plug" or accepting or declining treatment.

In our own case, there were decisions about whether to seek a second opinion or a different treatment center; whether or not to accept the protocol which the computer selected; whether and what to tell our child, his sibling, our families, neighbors and schools; whether to accept the offer of a former NIH researcher and laetrile proponent to give our son injections secretly. These major decisions all had to be made within the first period after diagnosis—the period of shock when one is suddenly confronted with the unthinkable in this day and age—the mortality of one's child.

Later there were other agonizing decisions: what to do about a child who didn't seem able to tolerate the protocol amount of radiation; whether to allow another drug trial; whether to allow completion of a trial which didn't seem to be working; whether and/or when to stop treatment. The decision between living at all and living a quality life may seem obvious. When it is your own weakened, exhausted, shade of a formerly robust child—it is neither obvious nor clear.

There were more minor decisions, but ones which in totality were as crucial: whether to be assertive parents; to press being partners in the decisionmaking; to insist on accompanying your child through all medical procedures; to question the nurse about what is going into the I.V. or why something which the doctor mentioned during rounds is not; to request that a doctor honor a promise to forewarn your child about each procedure; to stop an intern who has made five painful and unsuccessful attempts to insert an I.V. Even for educated, sophisticated, professional parents, ten years before assertiveness and medical consumerism were so prevelant, these were not easy.

On a more private level were decisions about discussing the disease, particularly in its downhill course, with one's children; how to keep a child accepting treatment which is painful and debilitating, when his perception is that his disease is not; how to explain to a nine year old what is happening when she sees her younger brother become a skeleton of his former self; how to balance the emotional needs of a sibling with the needs of an ill child during long hospitalizations.

Financial decisions, both those regarding medical and non-medical costs, affect medical decisions. For the mother, the first is generally whether to quit work. Most do. How does one make the decisions about babysitters for other children; travel to treatment centers, often hundreds of miles from home; food and lodging while away? One family who lost their family business when the mother had to stop work, was so overburdened by these costs that they finally opted to stop treatment before their home was lost and the lives of all their family ruined. That is an agonizing decision which no parent should ever have to make.

In this decade, when treatment gains are producing many long-term survivors, parents of a child with cancer have even more difficult decisions. Many treatments and drugs, while holding the promise of being life-saving, bring with them the possibility of any one of a myriad of results—intellectual impairment, sterility, emotional illness, physical handicaps, secondary malignancies, etc. Consider, for example, the dilemma of parents facing a possible bone marrow transplant for their child. Many doctors recommend that transplants be made in early remission. Parents must weigh the possibility of long-term negative effects on a child (and possibly a sibling donor) against the chance that their child might never have a relapse without treatment. And, what is the optimum time to stop chemotherapy? Do parents opt for more to insure a greater chance of cure; or stop earlier, with possible greater risks, to avoid damaging side effects, or is either decision exactly that clear cut?

What can be done to help the families of children with life-threatening illness make these painful decisions?

Total honesty and openness of the part of professionals is basic. This means dropping the paternalistic notion that families must be protected from the perhaps depressing realities. One mother told us that her son was not treated for quite some time after her doctor discovered his disease because the doctor felt she was too "nervous" to live with a diagnosis of cancer in her child. My husband and I were told that one drug could "affect heart rhythms" which we later discovered could mean cardiac arrest. So, honesty can be relative or incomplete. Unlike our social worker, who was extremely sensitive and supportive, some want to keep families of children who have died or who are not doing well away from others—particularly newly diagnosed families. They fail to understand that from the moment of diagnosis, every parent inside is facing the death of their child. Parents who demonstrate that they are coping or holding on in spite of this can be of real comfort and strength to newly diagnosed families. Certainly those, who are concerned about how much parents should know and when they should know it, operate out of generous concern for families. But they should save their support to help one handle the whole truth, not use it to shield parents from the whole truth.

Parents would also welcome an honest discussion of options or the chance for second opinions. When you face something as overwhelming as childhood cancer, there is reluctance to question a specialist. It would be wonderful indeed, if the doctor would say, "There are differing opinions on this. Perhaps you would like a second opinion," or even if they would give an outline of all possible treatments, not just the pros and cons of their choice.

Hospital libraries should be open to parents. Many of our parents have been refused access. Some of them were professionals capable and trained to understand technical papers. Others would have somehow managed. It has been our experience that those parents who are compelled to do such research, manage somehow or other to get the information they seek. If they felt a free inquiry about their child's disease was accepted, there would be more trust of professionals and perhaps with their assistance, greater understanding on the part of parents.

Certainly, if doctors want the cooperation of patients, so that they then become better patients, those treating children should have a good understanding of child development and of our anecdotal evidence that children with life-threatening illness are often mature beyond their years. Children need honesty too. And they need the whole truth—though it can be presented in ways in which they can understand. This doesn't mean a patronizing, protective approach. It may mean a simplified vocabulary or sentence structure. Children shouldn't be talked over, an unconsidered object in the midst of a consultation. Their compliance is a factor which can be gained by allowing them to participate.

The age one believes proper for consent or assent as defined in regulations may, and certainly will vary from child to child—just as comprehension and understanding varies from adult to adult. But no matter what the regulations say, doctors should focus on child patients as participants in the process, entitled to some choice and certainly to honesty about procedures and time to prepare for them. Particularly for ill adolescents, whose striving for independence may be blocked by their need for dependence on family and medical team, a chance to participate in decisionmaking would be psychologically beneficial. It boils down to a matter of respect for the individual—even if the individual happens to be ten or four or eleven or eighteen.

And, finally, I would wish that professional care team members would all accept and allow questioning, so that parents would feel more comfortable being participants in the decisions about their child's treatment and assistants in their child's care, and that there would be an understanding that parents who show symptoms of stress are reacting normally, not pathologically. Every parent I have ever talked to about their child's illness and hospitalization—whether it be for childhood cancer, cystic fibrosis, spina bifida, or even one-shot surgery, has confirmed that most parents are experts on their own child and as extra eyes and ears can help to avoid mistakes in treatment and aid in keeping the child more comfortable and emotionally better prepared for treatment. If there are medical care staff who would say that this is the opposite of what they find, I would ask them to search deeply to see if they are treating parents as intruders in the decisionmaking and care taking processes.●

BIG BROTHERS/BIG SISTERS

HON. DAN COATS

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 31, 1982

● Mr. COATS. Mr. Speaker, I recently had the privilege of introducing with Congresswoman MARILYN BOUQUARD legislation acknowledging Big Brothers/Big Sisters of America for its achievements and also recognizing its volunteers for their service to children.

Childhood is the most challenging time of life—a time of excitement, confusion, and endless questions. Today, increasing numbers of children are facing that challenge without the support of both parents. Whether as a result of divorce, death, or desertion, some 40 percent of all children born since 1970 will spend 5 years or more in a single-parent home. Many of them will need more attention than one individual can possibly give. In the absence of an extended family a big brother or big sister can help to fulfill these needs.

Irvin Westheimer, a 23-year-old Cincinnati businessman, recognized this need in 1903 when he befriended a young boy he found scavenging in a garbage can. Westheimer encouraged friends and acquaintances to do the same for other fatherless boys and before long, they were called big brothers.

In 1904, Ernest K. Coulter started the first formal big brothers program as a preventive approach to juvenile justice problems. Four year later, a big sisters program was established under the direction of Mrs. Willard Parker with the support of Lady Armstrong—Mrs. W. K. Vanderbilt.

Big Brothers of America was formed as a national organization in 1946 and headquartered in Philadelphia, which is still its home city. The Congress recognized this organization in 1958 by issuing a congressional charter.

Big Brothers and Big Sisters merged in 1977 to become the first national youth service program for boys and girls. Today there are over 400 area agencies serving approximately 100,000 children a year.

After eight decades of service, Big Brothers/Big Sisters is still the matching up of friends—one adult to one child to provide stability and companionship. Little Brothers and Little Sisters are school-aged children between the ages of 6 and 17. A commitment of 4 to 6 hours weekly is made by each volunteer to this one-on-one relationship, for a minimum of 1 year. Though the friendship is informal, it is supported by a professionally staffed agency. Tremendous care goes into the recruitment, screening, and matching process.

Once a match is made, goals are set and regular contacts are maintained between the parent, child, volunteer, and social worker. Emphasis is placed on producing positive inner and outer changes in the child, including a strengthened sense of self-worth and improved relationships and performance at home, at school, and in the community.

I am personally interested in this legislation because of my past involvement with the Fort Wayne Big Brothers/Big Sisters organization. Fort Wayne's agency began its operations in April 1972, and I became a Big Brother 3 months later as the agency's eighth match. In 1975, I was privileged to be elected to the board of directors and served as its president from 1978 to 1980.

Many other individuals familiar to my colleagues are also associated with Big Brothers/Big Sisters. President Reagan is a member of the advisory council for the Greater Los Angeles Big Brothers/Big Sisters agency. Secretary of Health and Human Services Richard Schweiker, and Secretary of Transportation Drew Lewis were founding members of the Pennsylvania Montgomery County organization. U.S. Trade Representative William Brock serves on the National Advisory Council and Senator CHRIS DODD is a member of the national board of directors. Serving on the national honorary board are former President Gerald Ford and Senator BARRY GOLDWATER.

Many others have helped children through the Big Brothers/Big Sisters organization. We all recognize that to give of ourselves to those who need our love and friendship, especially children, is perhaps the most gratifying experience any of us will ever know. It is most appropriate that we recognize all the big brothers and big sisters who have befriended so many children. I hope my colleagues will join me in support of House Joint Resolution 438.●

INDIANA FARMER CHARLES NAAB NAMED TO THE AMERICAN CYANAMID CO. 65 CLUB BECAUSE OF HIS OUTSTANDING PRODUCTIVITY

HON. JOEL DECKARD

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 31, 1982

● Mr. DECKARD. Mr. Speaker, I am quite proud to inform my colleagues in the House that one of my constituents, Mr. Charles Naab of Mt. Vernon, Ind. has been chosen for membership in the 1982 the American Cyanamid Co. 65 Club™.

The name of this important program—which is sponsored by one of the largest manufacturers of agricultural chemicals—was derived from the fact that when the club was formed, the average U.S. farmer produced enough food and fiber for 65 persons at home and abroad. Members of the 65 Club, however, now produce much more than this.

Mr. Naab is one of 10 farmers in the United States who has been recognized this year for his record of achievement as an agricultural producer and his successful practice of sound farm management principles. This includes the safe, proper, and judicious use of chemicals and other modern production tools and techniques.

Accompanied by his wife, Cindy, Mr. Naab was in Washington recently to participate in official National Agriculture Day ceremonies on March 18 as a member of the 65 Club.

Mr. Naab's 2,500-acre farming operation is impressive, and constitutes an important part of the overall productivity of the American farming community.

The allocation of his land includes the use of 1,000 acres of white corn with an average yield of 125 bushels per acre; 500 acres of soybeans for seed; 500 acres of soybean double cropped with an average yield of 30 bushels per acre; 420 acres of soybeans with an average yield of 45 bushels per acre; 300 acres of wheat with an average yield of 65 bushels per acre; 200 acres of wheat for seed; and 80 acres of corn for seed.

Mr. Naab is known as a hard-working and efficient farmer. He plants 200 acres of his corn in unprepared seedbed, which saves money since it reduces the number of trips that has to be made over the field. Instead of using traditional wider spaced rows, Mr. Naab plants soybeans in 10-inch rows to get higher yields. In addition, Mr. Naab dries his corn to about 18 percent moisture and then puts them in an airblower. This reduces the damage to the kernels and speeds up drying.

Productivity had a lot to do with Mr. Naab's selection for membership in the 65 Club, but so did his proven leadership, because he is active in both his profession and his community.

Mr. Naab's professional memberships include the National Corn Growers Association, the American Soybean Growers Association, the Indiana Crop Improvement Association, the Indiana Plant Food Association, and the National Fertilizer Solutions Association.

His work in the community includes membership on the board of directors of the Mount Vernon Indiana Chamber of Commerce.

Mr. Speaker, the proven productivity of American agriculture is a vital ingredient in our strength as a nation, both domestically and internationally.

I am pleased and honored that one of my constituents has been chosen for membership in the 65 Club. I know that you and all other Members of the House join with me in extending our congratulations to Mr. Naab for this important achievement.●

THE RISK OF NUCLEAR POWER

HON. HAMILTON FISH, JR.

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 31, 1982

● Mr. FISH. Mr. Speaker, an article in yesterday's New York Times (Mar. 29, 1982) clearly points out several of the dangerous risks associated with the use of nuclear energy. This article, entitled, "The Risk of a Meltdown", vividly describes the serious problems with the reactor vessels used in many nuclear powerplants in operation today. In addition, the article also points out the safety problems relating to the control systems used in these plants. I recommend this most interesting article to my colleagues. The article follows:

THE RISK OF A MELTDOWN

(By Demetrios L. Basdekas)

WASHINGTON.—There is a high, increasing likelihood that someday soon, during a seemingly minor malfunction at any of a dozen or more nuclear plants around the United States, the steel vessel that houses the radioactive core is going to crack like a piece of glass. The result will be a core meltdown, the most serious kind of accident, which will injure many people, destroy the plant, and probably destroy the nuclear industry with it.

On the third anniversary of the Three Mile Island accident, the Government and industry are unable or unwilling to deal honestly and urgently with far-reaching nuclear-safety problems.

Another serious accident is very likely because the wrong metal was used in the reactor vessels, and with each day of operation, neutron radiation is making the metal more brittle, and more prone to crack in case of sudden temperature change under pressure.

One manufacturer of nuclear reactors has reported to the Nuclear Regulatory Commission that in three to five more years, the vessels in some plants will be too brittle to operate safely. But this estimate is wishful thinking, based on unrealistic assumptions about plant operators' actions and accident sequences. Some plants are already too dangerous to operate without corrective measures.

The commission could do a great deal to prevent such an accident, and stretch out the lives of many of these brittle vessels, if it ordered the type of corrective steps already taken at some European reactors. But the commission, regulating an industry that has serious financial and technical problems, instead of taking initiatives tends to sweep difficult technical problems under the rug, reacting to crises only after they occur.

The commission must realize that this crisis is upon us. A temperature change severe enough to crack a brittle reactor vessel already has occurred, in California, but not at one of the older, more vulnerable plants. The commercial nuclear industry's admirable safety record—no deaths caused by radiation—still is intact but this cannot last much longer, because the reactor vessels and other critical components are aging.

For many years, it has been known that vessels are becoming brittle. What makes the problem urgent is that the metal is aging more rapidly than expected, and the circumstances that would cause such an accident now seem more likely.

At the Rancho Seco plant, near Sacramento, Calif., in March 1978 a worker dropped a small light bulb into an instrument panel, causing an electrical short circuit. The short wreaked havoc on the plant's control systems—a variety of instruments that run crucial pumps and valves—and the result was that too much water was pumped through the reactor, chilling it suddenly. It is very doubtful that some of the older plants operating today would be able to withstand the same shock. Fortunately, Rancho Seco had been in operation less than two years; had it been in operation for 10, its pressure vessel most likely would have ruptured.

The kinds of control systems that went haywire at Rancho Seco are very likely to fail at crucial times in other nuclear-power plants. When a pipe bursts, or a seal fails, or a valve sticks, automatic control and safety systems almost instantly take action to compensate, but they do not always take the right action.

Control systems are not reviewed by the Nuclear Regulatory Commission. They are not immune to fire or power failure; they often have no backups, so are prone to simple failure. They are not even earthquake-proof.

The N.R.C. staff has taken the position that if a plant gets into trouble because of control-system malfunctions, it has safety systems to take care of any problems. But this is not so, as events of the last few years show. At Rancho Seco, at Three Mile Island, and at other plants, control systems not thought vital to the safe operation of a plant ended up causing serious problems.

The Nuclear Regulatory Commission is charged with ensuring that nuclear plants are operated "with adequate protection" of the public health and safety. But bureaucratic footdragging and preoccupation with public relations and financial problems of the industry are contributing to a short-sighted view—that technical problems can wait or do not exist. Some members of the staff acknowledge the safety problems associated with control systems, but the agency has yet to demand from utilities operating nuclear-power plants the technical data on control systems necessary to assess the systems' safety fully.

It may be that we need nuclear power to maintain our standard of living. But there is a vast difference between having to accept something and making it acceptable. We can make nuclear power acceptable.

The Nuclear Regulatory Commission chairman, Nunzio Palladino, has spoken of cleaning up our nuclear act. As a private citizen, I hope that we do so, beginning with vigilance at the N.R.C. One more accident the size of Three Mile Island's, and the public's reaction almost certainly will foreclose the nuclear option.●

THE SRI LANKA PARLIAMENT

HON. CLEMENT J. ZABLOCKI

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 31, 1982

● Mr. ZABLOCKI. Mr. Speaker, at the end of April, the Parliament of Sri Lanka will move into its new home at Sri Jayewardenepura, outside Colombo. For this momentous occasion in the history of Sri Lanka, I wish to extend my heartfelt congratulations to its members of Parliament and people.

We have close and warm ties with the Sri Lankan people, ties that are based on our shared dedication to the democratic system. In their new Parliament, I know that all Sri Lankans will continue to dedicate themselves to the democratic practices that have characterized their country since its independence in 1948.

We share, too, with the people of Sri Lanka the goals of working to bring peace, prosperity, and a better life for our countrymen and all people throughout the world.

Sri Lanka has a record of contributions to these goals that has earned the admiration of its many friends in this country. In concert with its policy of true nonalinement, it untiringly participates in world organizations and has developed a society at home in which the democratic tradition is firmly rooted.

While the source of this tradition lies in the Sri Lankan people, its focus is with the freely elected representatives who will pursue their responsibilities in their new home which we commemorate today.

In this new Parliament at Sri Jayewardenepura, I know the light of democracy will continue to burn bright for the Sri Lankan people, for the American people, and for all who work for democracy throughout the world.●

LEGISLATION TO PROTECT A NATIONAL TREASURE

HON. RON WYDEN

OF OREGON

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 31, 1982

● Mr. WYDEN. Mr. Speaker, I am introducing legislation today, in conjunction with my distinguished colleague from Oregon, Senator MARK HATFIELD, to protect the Columbia River Gorge, a magnificent canyon cutting through the Cascade Range just east of the Portland-Vancouver metropolitan area.

The gorge is an area of unparalleled beauty, from its cascading all-season waterfalls to its misty vistas, that has stolen the breath and captured the imagination of millions of visitors.

In addition to its majestic beauty, the gorge is a popular recreational area, with many parks and an extensive system of hiking trails whose popularity extends worldwide.

Because it has been inhabited by man for more than 11,000 years and once was an important meeting area for Indians and traders, the gorge has significant historical and cultural values—values appreciated by the Federal Government since the Lewis and Clark expedition.

As the gorge sweeps from sagebrush and grasslands in its eastern reaches to lush rain forests in the west, it is home for many unique and threatened species of animal and plant life.

And, as the only sea level route through the Cascade Range on the entire west coast, the gorge is an important emerging American waterway, as well as a producer of energy, fish, and agricultural products.

The gorge is a dynamic area, but also a fragile area.

It deserves special attention, especially in light of creeping development pressures in the adjacent metropolitan areas.

It deserves special protection because of its unquestionable values and the ease by which those values could be tarnished.

It deserves special consideration because it is a truly unique area made up not just of wilderness and recreational delights, but of industry, farms, and a number of rural communities as well.

What is needed is a mechanism to treat the gorge as a single entity and to provide for its management in a regional manner that supersedes the interests of the two States, the six counties and many municipalities and special districts within the gorge. It needs a mechanism sensitive to the needs of local residents, many of whom have had ancestors in the region for decades, and to the desires of those who treasure the gorge's values.

Both Senator HATFIELD and I have introduced two bills that provide for gorge-wide planning and management of sensitive gorge resources.

One is the product of deliberations between members of the Northwest congressional delegation. The other is the work of the major advocacy group for protecting the gorge. And although there are differences between these bills, there are more points of agreement than disagreement.

Introduction of this legislation is important now because it sets in motion a process toward actually protecting the gorge. That is our shared goal.

What differences exist pale beside our common commitment to protect the gorge.

Introduction of this legislation fulfills a pledge I made in my initial campaign for Congress, but I know the process has just begun. I look forward to the challenge.●

AN ALTERNATIVE DEFENSE DEPARTMENT AUTHORIZATION ACT

HON. PATRICIA SCHROEDER

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 31, 1982

● Mrs. SCHROEDER. Mr. Speaker, last month I offered my own defense budget. My alternative perspective to our defense strategy would improve our readiness and at the same time save $13.4 billion in outlays for fiscal year 1983.

I have translated that budget into my own Department of Defense Authorization Bill that I will introduce today. This authorization bill is based on these tenets: First, a strong defense comes from a healthy economy and a vibrant industrial base; second, we can no longer police the world alone. We must seek to increase the defense spending of our NATO and other allies; third, we are buying weapons that are complicated, fragile, and too expensive. Dependability, maintainability, and cost-effectiveness should be utmost in our minds; and fourth, our defense and military establishments function under top-heavy, duplicative management overly dependent on rotation. Better management is the key to defense savings.

The spending levels for weapons procurement, research and development, and operations and maintenance I authorize in titles I-III reflect the spending levels found in my budget. The military and civilian personnel levels found in titles IV-VI reflect the personnel levels and officer-to-enlisted ratios I set in my budget.

Also included in my authorization bill are: First, a permanent cost overrun reporting requirement; second, a mandate to the Secretary of Defense to negotiate with our allies for increased expenditures for mutual defense; third, a prohibition on the purchase of binary chemical weapons; fourth, a sense of the Congress resolution to freeze the production and deployment of nuclear weapons; fifth, a prohibition to authorize funds for planning for population relocation in time of crisis; sixth, a requirement to all Service Secretaries to review and restructure their individual rotation policies; seventh, a mandate to the Secretary of Defense to justify the development of new weapons rather than the modification of existing ones; eighth, a mandate to put greater emphasis on family services in the military; and ninth, a limitation on gender-based distinction in personnel policy.

We are stuck in a rut: more expensive defense is a better defense; we must keep pace with the Soviet Union weapon for weapon, base for base at all costs; we must provide a free security service for anyone in the world that wants one. Clearly, this approach will lead us to bankruptcy. I offer my legislation as a vehicle to rethink these policies.●

VERIFICATION OF A FREEZE AND REDUCTION

HON. EDWARD J. MARKEY

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 31, 1982

● Mr. MARKEY. Mr. Speaker, I would like to introduce into the RECORD a brief analysis of the ability to verify a nuclear weapons freeze and reduction agreement between the United States and the Soviet Union. Some people will never be persuaded, Mr. Speaker, that arms control agreements are in the economic and national security interest of the United States. But I strongly believe that a verifiable nuclear weapons freeze and reduction proposal such as the one introduced by myself, Mr. CONTE, Mr. BINGHAM, and 158 other Members of the House is an idea whose time has come.

VERIFICATION OF A FREEZE AND REDUCTION

A negotiated freeze and reduction in both sides' arsenals must be achieved in a way that is verifiable. The freeze and reductions agreement could be made verifiable to the satisfaction of both sides. It must be remembered that the obstacles placed in front of verification are more political than technical. And history has shown that once there is the political resolve to reach an agreement, the verification problems are overcome.

Present arms control agreements are policed by what are called "national technical means"—that is, spy satellites, aircraft and ship- and shore-based listening posts. These facilities are equipped with photographic, infrared, radar, radio and other electronic sensors. Satellite cameras are accurate enough to pick up the license plate numbers on a Soviet car.

Two aspects of the freeze (testing and deployment) can thus be verified quite easily by national technical means.

Production would be harder to verify but our intelligence is good enough that William Perry, former Department of Defense Under Secretary for Research and Engineering, testified before the Senate during SALT hearings that "we monitor the (Soviet) activity at the design bureaus and production plants well enough that we have been able to predict every ICBM before it began its tests."

If some parts of the agreement have to be verified by on-site inspections, it must be remembered that while the Soviets in the past have been reluctant to allow any sort of on-site inspections, there have been signs that their position is softening.

It should also be noted that the Comprehensive Test-Ban Treaty, which has not yet been ratified, provides for unmanned seismic stations in each country and invitational on-site inspections. The Peaceful Nuclear Explosions Treaty, which is also unratified, allows for observers and for access to the sites of the explosions.

Several points, however, must be kept in mind when considering the question of verification. First, in the past 21 years, the U.S. and the Soviet Union have signed 15 arms control agreements. The Soviets have tried to exploit ambiguities in agreements, have stretched the rules to the limit, and in some cases have disregarded U.S. views on the spirit of an agreement. But the Soviets have not violated any of the agreements. The fact is, nations generally do not enter into agreements that put them at such a disadvantage that they will have to cheat later on.

Also, any major concealed production and stockpiling of new missiles and aircraft would be difficult to accomplish without the other side knowing. It takes almost 10 years for a significant new weapons system to come to fruition. As Congressman LES ASPIN has noted, "The introduction of a new strategic weapon involves at least five stages: research, development, testing, production and deployment. At any one of these stages the present ability of the U.S. to detect clandestine activity on the part of the U.S.S.R. ranges from fair to excellent. The key point, however, is that the Russians would have to disguise all five stages, and that the odds against their successfully doing so are extremely high."

For example, let's say the Soviets wanted to expand significantly their warhead production. To add appreciably to their fissionable materiable production they would have to build a fairly large nuclear power plant. We could easily detect that plant. It would be like trying to hide a Three Mile Island in the United States.

The Soviets also know that they pay a heavy price for cheating. They realize that the U.S., rather than tolerate cheating, would likely scrap any agreement and take countermeasures before any threat to U.S. security developed.

Also, a freeze would be easier to monitor than an agreement like SALT. A freeze would stop all activities in any weapons program included in the final agreement. Therefore detection of just one new missile or aircraft would be clear evidence of a violation. Verification of a freeze, thus, would be much easier than the verification required in monitoring a ceiling set by SALT. For example, a ceiling on deployed cruise missiles would be very hard to monitor. But if we banned their production and deployment we could verify it with high confidence, because the detection of just one missile would be enough to prove a violation.

A freeze would also be much easier to verify now than if we follow the Reagan path and build weapons such as sea-launched and ground-launched cruise missiles which would be difficult to verify.●

WEATHER MODIFICATION POLICY ACT INTRODUCED

HON. GEORGE E. BROWN, JR.

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 31, 1982

● Mr. BROWN of California. Mr. Speaker, I am introducing today, with a number of key colleagues knowledgeable in the atmospheric sciences and weather resources, the Weather Modification Research, Development, and Policy Act of 1982.

Weather modification technology has advanced rapidly in recent years. Significantly, it has been an area where private sector initiatives have built strongly on a science and technology base provided by Federal research support. Much has been learned about conditions in which weather modification can be effective, much has been learned about how to monitor and verify predicted effects, and much has been learned about how to avoid unwanted results. At the same time we have realized how important an effective weather modification technology could be in benefiting agriculture, facilitating storage of needed water resources, and avoiding weather disruption and damage.

Because of the inherent interest and even international scale and importance of weather modification techniques, Congress began to take a strong interest in establishing a national policy as far back as 1974. A key result of these efforts was the establishment of the Weather Modification Advisory Board in 1976. The House Subcommittee on the Environment and Atmosphere, which I was privileged to chair at that time, had extensive hearings on the subject and produced the legislation establishing the Board.

Key elements of the Board's 1978 findings were that there should indeed be a national policy established, and that historically fragmented efforts of individual agencies should be coordinated and unified in a common plan and approach. The General Accounting Office reiterated this conclusion independently in 1979, stressing:

> Although the Federal Government has supported weather modification programs for more than 30 years, a coordinated Federal approach to these programs has never been established. Numerous studies have cited the need for coordination, including a GAO study in 1974.
>
> In this report, GAO uses rainfall augmentation projects to illustrate problems of weather modification programs. Lack of integrated formal planning and coordination has hindered the progress of these projects. Although progress has been made, critical questions remain.
>
> The Congress should define national weather modification research and development policy and direct that a program be developed with goals, objectives, priorities, and milestone.

Legislation to forge such a national policy was acted on in the Senate by an overwhelming majority in the 96th Congress. However, the House failed to take action, much to my regret. Nonetheless, I believe we are at the stage in the development of this technology where a national policy mandate will facilitate public confidence and the fulfillment of the promise of this technology. There were some problems seen by the House in the original Senate bill, but I believe that the legislation we are introducing today will meet those problems. We have gone most of the way toward refining a clearly needed piece of legislation and it is time to bring the legislative development to conclusion.

Key elements of our proposed legislation are very close to that passed in the Senate in 1980. Points include:

The establishment of a national weather modification program stressing the need for coordination and communication among Federal agencies active in this area.

Creation of an Interagency Coordinating Committee, cochaired by the heads of the two agencies most operationally involved, NOAA and the Bureau of Reclamation. The Committee's task focuses on establishing coordinated and complementary planning of weather modification projects. Rather than trying to choose a single agency chair for the Committee, it explicitly recognizes the historic strengths of both NOAA and the Bureau of Reclamation in this area, and seeks a partnership between them.

Stress on the need for basic research to provide the underpinning for any applications.

Emphasis is on the importance of careful monitoring and analysis of experiments and weather modification applications, to see whether the efficacy of the technology can be verified and quantified.

Participation in cooperative projects with State governments, the private sector, and international partners.

Development of the technical base for model regulatory codes and international protocols for weather modification projects, as well as definition of sound technical management practices for these.

Studies of environmental, economic, and legal implications of weather modification applications.

We have framed this bill intentionally to be close to the Senate bill passed in the 96th Congress and reintroduced this year. We are very close in concept and goals, and believe we can move this legislation rapidly and reach quick House-Senate agreement. I hope we have succeeded in creating a framework which a great majority of our colleagues can support, and which will help bring to reality the benefits of this technology in a safe, equitable, and orderly way.●

SEVENTH DISTRICT ELEMENTARY SCHOOL IN PARKTON, MD., VISIT NATION'S CAPITAL

HON. CLARENCE D. LONG

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 31, 1982

● Mr. LONG of Maryland. Mr. Speaker, on Wednesday, March 31, 1982, 60 young men and women from the Seventh District Elementary School in Parkton, Md. will journey to Washington for a firsthand look at their Nation's Capital.

These students, accompanied by parents and teachers, will tour the Capitol Building and the Federal Bureau of Investigation.

I am delighted these students have taken the opportunity to visit with us, and I hope their interest in our Nation's political process will continue.

Students who will visit us Wednesday are: Jennifer Baublitz, Lauree Bazzell, Molly Bryant, Elizabeth Bushie, Jennifer Crocker, Bonnie Dell, Alice Hand, Kelly Hildreth, Sharon Larrick, Laurie Litz, Heather Propst, Melissa McComas, Jennifer Smith, April Weber, Anne Whitlock, Robert Barrow, David Cooper, Thomas Frame, Jed Hackett, Benjamin Hardy, Gregory Hart, Daniel Munn, Darren Narango, Joshua Parker, David Rahnis, John Stewart, Jon Thompson, Paul Tilmes, Dennis Wheeler, Jonathan Wilkin, Brian Lentz, Peter Young, Richard Basel, Irwin Bennett, Jason Colterino, Lewin Eicholtz, Aaron Heath, Kevin Hildreth, Derrick Hoy, Christopher Huber, Robert Matthews, James McCalmont, John Mooney, Michael Myers, Mark Rutledge, Henry Stewart, Brian Sutton, David Thompson, Arthur Babcock, William Brooks, James Painter, Tammie Bull, Sherry Hollinshead, Denise Jackson, Nicole Kyger, Karen Spurlock, Cynthia Stroup, Mary Taylor, April Babcock, and Amey Neidlinger.

Parents and teachers visiting with us are: David Potter, Roberta Fox, Mary Lou Huber, Lana Kyger, Katherine McCalmont, Mary Lou Heath, Sara Ann Smith, Maggie Kozak, Cindy Young, Darby Bryant, Diane Cooper, Lorraine Narango, Ann Propst, Joanne Dell, Joyce Tilmes, Barbara Frame, Eileen Larrick, Eleanor Hardy, Martha Hackett, Lorraine Bazzel, Katherine Simpson, Cheryl Markline, Pat Stroup, Wayne Eicholtz, Mark Rutledge and Carol Neidlinger.●

ESTABLISHING A RECONSTRUCTION FINANCE CORPORATION

HON. FRANK J. GUARINI

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 31, 1982

● Mr. GUARINI. Mr. Speaker, it is with great pleasure that I introduced today on behalf of myself, Mr. RODINO, Mr. BRODHEAD, Mr. PARREN MITCHELL, Mr. CONYERS, Mr. GARCIA, Mr. HAROLD FORD, and Mr. WILLIAM FORD legislation calling for the creation of a Reconstruction Finance Corporation.

This Congress has come to realize the importance and the depth of the economic realities facing the United States. We are confronted with deficits in excess of $100 billion at a time when thousands of corporations are falling by the wayside. Reindustrialization and capital formation are vital to our Nation's future. However, it is becoming more and more obvious that present methods are failing. It is up to Congress to begin this revitalization process with the establishment of a Reconstruction Finance Corporation. By supporting a RFC we can offer the businesses of America a flexible tool to foster a fair and efficient growth predicated on our own national interests

The idea for a Reconstruction Finance Corporation is not a new one. We have turned to a RFC in the past, the most notable time being the Great Depression. At that time the RFC helped boost productivity and employment. The RFC's service in helping industries convert to a war footing at the beginning of the forties is well documented.

The original RFC was created to help reduce unemployment, stabilize prices and encourage economic growth. As a Nation today, we face massive unemployment, staggering interest rates, untold budget deficits, bankruptcies second in number only to the Depression, and little or declining growth in productivity, gross national product, and capital formation. We are also faced with a serious deterioration of our cities, particularly those in the Northeast and Midwest.

To confront these problems of the eighties we need to create a Reconstruction Finance Corporation geared toward the goal of creating a stable economy, with an emphasis on private sector employment. We can no longer deal with our failing industries on a one to one basis only when they reach the brink of bankruptcy. We must bolster our basic industries by an industrial policy committed to making the U.S. competitive in world markets.

My bill creates a Reconstruction Finance Corporation as an independent entity with powers to make investments in industries and in areas that the RFC deems in the national interest. The Board of the RFC would be able to use loans, loan guarantees, and interest subsidies in the stimulation of our industrial sector.

The Corporation is to be administered by a board consisting of the Secretary of Commerce, the Secretary of Labor, the Secretary of the Treasury, two representatives of business, and two representatives of labor organizations. The Board would have a first year authority of $5 billion to assist industries that have difficulty in obtaining financing. This includes older industries that have difficulty obtaining financing, high risk industries with growth potential, firms competing with subsidized foreign firms, and industries vital to the United States on national security grounds.

In each case where a firm seeks financing, the RFC staff would have to realistically assess its chances to survive. RFC involvement would not be extended unless the financial assistance applied for is not otherwise available from private lenders or other Federal agencies. The RFC would also try to target benefits to firms in areas that are economically distressed, based on criteria such as unemployment, poverty, or pending economic instability due to plant closings.

I ask you to join with me in cosponsoring this much needed legislation. The establishment of a Reconstruction Finance Corporation can help America end its present economic slump, and serve this great Nation through the eighties.●

ARCHBISHOP OSCAR ROMERO

HON. JOE MOAKLEY

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 31, 1982

● Mr. MOAKLEY. Mr. Speaker, March 24 marked the second anniversary of the murder of Archbishop Oscar Romero. I believe it only appropriate that we honor this most remarkable and compassionate man.

Archbishop Romero was a strong advocate of the poor and the landless. He spoke forcefully against the human rights abuses of the Salvadoran militia—as well as against U.S. military aid to the junta. Two years after his murder, his spirit continues to bring hope to the struggle for freedom and justice for his people in El Salvador. His spirit also seems to inspire people in our own country to demand an end to the supplying of arms to the Salvadoran Government—which has already spilled so much blood in that country.

Let us remember Archbishop Romero for his courage and determination in carrying the banner for social justice. And let us have the foresight and commonsense to not let his death have been in vain.●

THE IRISH: A PROUD HISTORY

HON. WILLIAM CARNEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 31, 1982

● Mr. CARNEY. Mr. Speaker, we cannot let March go out like a lamb without mention of that lion of Ireland, St. Patrick, and the nation he symbolizes—a nation whose sons and daughters came to our shores and contributed so much to their adopted land.

The information I submit today originally appeared in the Boston Post, authored by writer and cartoonist Bob Coyne, who departed from his usual cartooning in the sports field every St. Patrick's Day to honor the Irish. The following items, of particular interest to the Irish, should be of general interest to all Americans, and are submitted for the benefit of my colleagues.

THE IRISH: A PROUD HISTORY

Item: Irishmen composed almost one half of General Washington's Army . . . There were 695 Kellys, 494 Murphys, 531 O'Connors, 327 Connors, 332 McCarthys, 286 Ryans, 260 Reillys, 248 Sullivans, etc. etc. General Washington ordered the Revolutionary Army to recognize the observance of Saint Patrick's Day. Twelve signatories of the Declaration Of Independence were of Irish Descent.

Item: In World War I, 300,000 Irishmen volunteered. 50,000 were killed in battle. Neutral Ireland in World War II sent 275,000 of her sons to fight for England. No such percentage of undrafted men offered themselves for any army in the world. In World War II, 14 Irishmen were awarded England's highest award—The Victoria Cross—more by far than were awarded to all the other British dominions combined. The Medal of Honor, America's highest award for bravery has been won by more sons of Erin than any other nationality.

Item: On World War II: Five Sullivan brothers went down on the U.S.S. Juneau. Captain Colin P. Kelly, Jr. gave his life to win America's first naval victory; his 3 direct hits sunk a Jap warship. Flight Commander Brendon "Paddy" Finucane, R.A.F. Dublin Ireland, dauntless victor over 33 of Hitler's Luftwaffe before his death shouted his farewell message over his inter-plane radio: This is it Chaps. Major James "Pat" Devereau gallant leader of the Marines' epic 14 day heroic defense of Wake Island. Father Joseph Timothy O'Callahan, S.J., only chaplain to receive the Congressional Medal Of Honor. Lieutenant Edward H. O'Hare battled with 9 twin engined Jap bombers and brought down six; awarded the Congressional Medal Of Honor posthumously.

Item: On February 14, 1861, Colonel Bernard J. D. Irwin, born in Ireland, became the first Congressional Medal Of Honor winner for bravery in hand to hand conflict with the Apaches.

Item: An Irish American Robert Fulton invented the steamboat, and Holland, another, invented the submarine.

Item: Well, sir, in the early Irish uprisings in Ireland in 1848, the following nine men were captured, tried and convicted of treason against Her Majesty, The Queen, and were sentenced to death: John Mitchell, Morris Lyene, Pat Donahue, Thomas McGee, Charles Duffy, Thomas Meagher, Richard O'Gorman, Terrence McManus, and Michael Ireland. They were sentenced to be hanged by the neck until dead. Protest worldwide caused Queen Victoria to commute the sentence and banned them to Australia. In 1874, word reached the astounded Queen Victoria that Sir Charles Duffy who had been elected Prime Minister of Australia, was the same Charles Duffy who had been banned 25 years before. The Queen demanded what had happened to the rest. This is what was uncovered: Thomas Francis Meagher, Governor of Montana; Terrence McManus, Brigadier General, United States Army; Richard O'Gorman, Governor General of Newfoundland; Morris Lyene, Attorney General of Australia, in which office, Michael Ireland succeeded him; Thomas D'Arcy McGee, Member of Parliament, Montreal, Minister of Agriculture and President of Council Dominion of Canada; John Mitchell, prominent New York politician—this man was the father of John Purroy Mitchell, Mayor of New York, at the outbreak of World War I.

I think it indeed fitting and appropriate to conclude this entry with the "wearing of the green" day of the Irish by noting that the first and last recipients of the Congressional Medal Of Honor during the Vietnam War were in fact—Green Berets. And the first, Roger Donlan, was an Irish-American.●

MR. WATT IN THE WILDERNESS; THAT WILDERNESS PLAN

HON. MICHAEL D. BARNES

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 31, 1982

● Mr. BARNES. Mr. Speaker, two excellent editorials have appeared in the Washington Post recently regarding Secretary Watt's attempts to open the wilderness under the guise of protecting it. Though Secretary Watt says he wants to protect the wilderness, he has built a "sunset" provision into his bill. In the year 2000, the wilderness could be opened to mineral expansion and development. The bill and circumstances surrounding its introduction are explained in the Post editorials, which I would like to share with my colleagues:

[From the Washington Post, Feb. 24, 1982]

MR. WATT IN THE WILDERNESS

A draft bill of Interior Secretary Watt's plan to "preserve" the wilderness—a plan announced last Sunday on "Meet the Press"—is circulating among Republican members of Congress. As drafted, it turns out to be anything but an attempt at preservation.

Last May, in a memo to his assistant secretaries, Mr. Watt listed "open the wilderness" as one of his "major goals." Numerous subsequent statements emphasized that he viewed his policy on oil and gas leasing in the wilderness as a major change from that of previous administrations. He argued, incorrectly, that the Wilderness Act of 1964 "compels" him to issue mineral leases in the wilderness. In fact, the law permits him to do so—an opportunity previous interior secretaries of both parties have, with some exceptions, forgone—until a statutory deadline set at the end of 1983.

In the last half of 1981, the Forest Service recommended approval of oil and gas lease applications in wilderness areas from California to Arkansas. In order to prevent final approval of leases, Congress declared a state of emergency in one wilderness area and considered extending it to the entire system. Near the end of the year, Congress and the secretary negotiated a temporary truce—a moratorium on further lease approvals in wilderness areas until June 1, 1982. The House Interior Committee began consideration of a bill that would prohibit mineral leasing during the 18 months from the end of the moratorium until the 1983 leasing deadline. This was the situation as of last Sunday.

The draft proposal would prohibit wilderness leasing until the year 2000, but then release the entire system to development, thereby exchanging the unending wilderness protection provided in the current law after 1983 for an 18-year wilderness system. It would also allow the president, until 2000, to release wilderness lands for development if he saw an undefined "urgent national need" to do so—unless both houses of Congress vetoed each proposed release.

The plan would have an equally severe impact on lands recommended for wilderness protection but not yet acted on by Congress, and on lands recommended for further wilderness study. Current law and administrative guidelines require that the wilderness character of these lands be preserved until Congress decides otherwise. The draft proposal creates deadlines after which these lands can no longer be added to the wilderness system and, even before the new deadlines, transfers to the president the authority unilaterally to declare some of these lands unsuitable for wilderness protection and open to development.

In short, this draft of Mr. Watt's proposal amounts to a substantial assault on a system intended to provide a small, unspoiled resource for future generations. It should be withdrawn.

[From the Washington Post, Mar. 1, 1982]

THAT WILDERNESS PLAN

If he achieves nothing else by his televised announcement of a new plan to preserve the wilderness, Interior Secretary James Watt will probably succeed in leaving the impression in many people's minds that he is a protector of wild lands and wildlife—or at least that he's not half as bad as he's been painted. Considering the facts, that's quite an accomplishment.

"The wilderness should be preserved," said Mr. Watt last Sunday, "and that's why the president and I will be asking Congress to preserve it." Never mind that Congress took care of that 18 years ago with the passage of the Wilderness Act, and that no one perceived the need for additional protections through four Republican and Democratic administrations until Mr. Watt took office.

Having created a brand new problem by letting it be known that he would welcome mineral lease applications in wilderness areas and did not think wilderness status was a reason for not approving a mining permit, Mr. Watt proposed a remedy. It turns out, now that the details are available, to be the kind of medicine that treats the disease by killing the patient.

There is a moratorium on new permits to mine in the wilderness in effect until June 1982. The Wilderness Act prohibits mining applications after the end of 1983. Mr. Watt proposed a plan that would prohibit mining and other forms of development immediately, but would effectively end all wilderness protection in the year 2000. The tradeoff boils down to 18 months of protection from Mr. Watt's own policies for the indefinite protection provided under current law.

The Watt plan also ends protections for land being considered for inclusion in the wilderness system, and transfers the decision on their suitability for wilderness from Congress to the president. Even lands already in the system could be unilaterally released for development by a presidential finding of an undefined "urgent national need."

Mr. Watt is not the first to have garnered front page headlines and praise from opponents with a Sunday interview show announcement of something that turns out to be different from what it had seemed. But as students of the Watt style know, he is a master of the bold stroke. The new plan is not a change in his policy, which remains "to open the wilderness." For future reference, we conclude with his own description of his approach to policy-making: "Compromise is not in my vocabulary."●

IDA NUDEL AWAITING DECISION ON FUTURE

HON. BARBARA B. KENNELLY

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 31, 1982

● Mrs. KENNELLY. Mr. Speaker, the Members of this body have demonstrated, and continue to demonstrate, great concern over the fate of Soviet prisoner of conscience Ida Nudel. Ida has recently been released from her 4-year sentence of exile in Siberia and is currently in Moscow awaiting a decision by the Soviet Government that will decide her future.

I believe it is important to once again let Soviet authorities know how deeply we care about the fate of this courageous woman. For this reason, I am introducing today, along with Mr. FRANK, a concurrent resolution calling on the Soviet Union to provide adequate medical care for Ida Nudel, and to accept her visa application and allow her to emigrate to Israel to join her relatives.

We are all very heartened to hear of Ida's release, and also encouraged to learn that she has been permitted to return to her old apartment in Moscow, where she will be surrounded by the friends who have so long awaited her release.

Ida's release is proof that American public officials can influence Soviet policy. This success gives us even greater incentive to call on the Soviet Union to allow Ida to be a truly free woman—to join her family in Israel.

For 2 years I have worn a bracelet on my wrist with Ida's name on it. I am looking forward to the day that I can take that bracelet off, because that will mean that Ida Nudel is living as a free woman in Israel.●

A SIMPLE AND EFFECTIVE APPROACH TO ARSON CONTROL

HON. GLENN M. ANDERSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 31, 1982

● Mr. ANDERSON. Mr. Speaker, the U.S. Fire Administration reported in 1979 that for every 100 fires classified as suspicious or incendiary in America, there are an average of only 9 persons arrested, 2 convicted, and 0.7 incarcerated. The U.S. Fire Administrator, Gordon Vickery, noted in that report that "Arson has been studied to death. Our responsibility now is to act."

I am today, with Mr. Vickery's admonishment in mind, introducing a bill which would enhance the successful investigation and prosecution of arson. My resolution would expand the jurisdiction of the Explosives Control Act of 1970 to allow the arson task forces of the Bureau of Alcohol, Tobacco, and Firearms to investigate a select few arson cases whose successful completion require Federal assistance.

Enforcement of arson laws should remain primarily the responsibility of the States. However, there are occasional arsonists who would not be caught without Federal assistance. Courts have until recently allowed Federal arson prosecution under the Explosives Control Act, which, among other things, provides for prosecution of anyone who "maliciously damages or destroys, or attempts to damage or destroy, by means of an explosive, any building, vehicle, or other real or personal property used in interstate or foreign commerce." This interpretation, unfortunately, has recently been called into question by the ninth U.S. Circuit Court of Appeals' ruling in United States against Gere. Harold Gere was charged with violating the above provision by allegedly setting fire to a warehouse using photocopier fluid. The court ruled that Federal prosecutors may not use the Explosives Control Act unless an actual bombing occurs. My resolution would clear up the confusion by specifically including deliberately set fires in the act's prohibition against the use of explosives. The full text of the resolution follows:

H.R. —

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. (a) Subsections (e) and (f) of section 844 of title 18, United States Code, are each amended by inserting "fire or" after "by means of" each place it appears.

(b) Section 844(h)(1) of title 18, United States Code, is amended by inserting "fire or" after "uses".

(c) Section 844(i) of title 18, United States Code, is amended by inserting "or maliciously substantially damages or destroys, or attempts to substantially damage or destroy, by means of fire," after "an explosive,".●

WHY ECONOMISTS STILL PREFER FREE TRADE

HON. BILL FRENZEL

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 31, 1982

● Mr. FRENZEL. Mr. Speaker, the following article from the most recent issue of Fortune is well worth the time of Members who are concerned about "reciprocity" in world trade.

[From Fortune, Apr. 5, 1982]

WHY ECONOMISTS STILL PREFER FREE TRADE

While it may make sense politically to raise trade barriers if other countries don't eliminate theirs, such actions make little sense to economists.

The case for free trade begins with the principle of comparative advantage, which states that as long as countries differ in the efficiency with which they produce various goods, all nations will be better off if each specializes in its areas of comparative advantage and trades for products where it has a comparative disadvantage. Recently Fortune informally polled a number of U.S. economists, and all agreed that the gains from free trade should always be sufficient to enable gainer industries to compensate losers and still leave everyone better off.

The main economic argument for protection remains the "optimum tariff" theory, which suggests that a large nation could increase its net economic welfare by imposing a judicious tariff. Such a tariff, by dampening domestic demand for imports, would lower world demand and thus world prices. According to the theory, the combination of goods and revenues that results can exceed those previously enjoyed by the country that imposes the tariff. (If a nation isn't a big enough importer to affect world prices, the tariff simply transfers wealth from consumer to government.) There is, however, a good reason not to impose such a tariff: other nations are likely to retaliate, and so eliminate the tariff optimizer's advantage.

All other arguments for protection—promoting national defense, nurturing "infant" industries, insulating ancient industries with unduly high wages—are political in nature; ultimately they are arguments for reallocating wealth from one group to another. In most instances it would make more economic sense—and be more truly equitable—to charge citizens a direct "steel tax" or a "semiconductor levy" rather than try to protect producers from free trade. To most economists "fair" trade policies are always unfair to the consumer, who ultimately pays for protection.●

LOUISVILLE CHAMBER OF COMMERCE PRESIDENT TESTIFIES ON BANKRUPTCY IMPROVEMENT LEGISLATION

HON. ROMANO L. MAZZOLI

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 31, 1982

● Mr. MAZZOLI. Mr. Speaker, on Tuesday, March 23, Ms. Elaine M. Musselman, president of the Louisville Area Chamber of Commerce, testified before the House Judiciary Subcommittee on Monopolies and Commercial Law concerning proposed amendments to the Federal Bankruptcy Code.

Ms. Musselman testified that in the congressional district I am privileged to represent—the Metropolitan Louisville area—the growing number of personal bankruptcies seems out of proportion to the area's current economic difficulties.

As a result, Louisville area businesses—car dealers, appliance stores and other related retailers—have been forced to curtail credit approvals in order to cut down their losses from bankrupted debts. The persons most severely affected by the curtailment of credit are those who most need credit.

Ms. Musselman testified on her own behalf and representing the chamber of commerce in support of changes in the bankruptcy law which would allow petitioners in bankruptcy to pay their debts out of earnings if they were reasonably able to do so. Of course, those persons who need to "wipe the slate clean" would still be able to do so.

I wish to share Ms. Musselman's insights on this important issue with my colleagues in the House of Representatives.

TESTIMONY OF ELAINE M. MUSSELMAN PRESIDENT, THE LOUISVILLE AREA CHAMBER OF COMMERCE

Mr. Chairman and members of the Subcommittee On Monopolies and Commercial Law of the House Committee on the Judiciary, my name is Elaine Musselman, President of the Louisville Area Chamber of Commerce, from Louisville, Kentucky.

I would like to express my appreciation and that of the 2,500 businesses who are members of the Louisville Chamber for your gracious invitation to testify before you today.

We wish to commend you for your diligence and outstanding public service in conducting studies and reviews of the 1978 revisions of the Federal Bankruptcy Code.

Laws dealing with such important social and economic consequences require periodic up-dating to serve us effectively in the face of constantly changing demands of modern society.

Mr. Chairman, our members, 90 percent of whom are small business people with fewer than 25 employees, believe bankruptcies have reached new epidemic proportions.

In Jefferson County, Kentucky, with approximately 685,000 residents, there were an astounding 3,015 personal bankruptcies last year. And in 1982, more than 500 bankruptcies have already been processed and we are only in the twelfth week of the year!

In 1981, our Jefferson County Bankruptcy Improvement Committee, which includes eleven types of business interests, suffered an aggregate loss of $8,518,600 because of bankruptcies. Again, sir, this reflects the experience of just the aggregate totals of the eleven businesses that conducted a local study of this problem.

For the current year, these Louisville businesses say their bankruptcy losses will be reduced . . . but not because of any Federal or State laws. Appliance stores, banks, credit unions, car dealers, and other related retailers are tightening-up their credit approval in order to cut their crippling losses. Unfortunately, this practice most severely hurts those who need to make purchases on time payments. For example, a stove, a refrigerator, a washing machine, or a used car may be denied to someone who really needs it, because having been badly burnt by heavy bankruptcy losses, businesses are forced to protect themselves, if they want to keep their doors open.

Mr. Chairman, it is important to emphasize that we do not oppose the fundamental purpose of the 1978 Bankruptcy Code.

Clearly, part of the reason for the increase in bankruptcies could be due to the recession and mounting unemployment. But we maintain that some provisions of the 1978 Code are enabling consumers who are not in a condition of genuine economic need to take unfair advantage of bankruptcy as a means of needlessly avoiding debts which they do have the capacity to repay.

We believe that bankruptcy should be invoked as a last resort . . . when all other possible remedies have been exhausted.

However, in Louisville, Kentucky, there are a plethora of personal bankruptcies that now transcend any relationship to the current economic difficulties.

Unsophisticated men and women are enticed into filing bankruptcy in the mistaken belief that, like a new, magic-formula, over-the-counter pill, it gives instant and permanent relief to the most agonizing personal financial headaches.

In fact, Mr. Chairman, I have seen advertisements on television by attorneys that seem designed to encourage that very notion.

We know, that in the real world, and despite all good intentions, one is not always untainted by taking bankruptcy. The slate is seldom wiped clean. There may be serious consequences. The re-establishment of good credit can be a long and painful process . . . something that the debtor may not have been made aware of.

Mr. Chairman, there is another insidious aspect to the increasingly cavalier attitude toward bankruptcy and it inflicts further damage to the lower income groups.

The highly respected Dr. Andrew Brimmer, a former governor of the Federal Reserve Board, has calculated the cost of bankruptcy to be $7.00 for every man, woman and child in the United States. In Kentucky, sir, the penalty is even higher. In fact, the cost of bankruptcy in my state has risen to $13.00 per capita!

That loss has to be made up by those businesses who offer credit by passing it along to the consumer, and, it amounts to a hidden form of taxation . . . taxation at its worst, I might add. It is a regressive tax that places the heaviest burden on those least able to afford it.

Mr. Chairman, we believe that it is essential to explore the possibility of adding a new legal remedy for the hard-pressed debtor. It should be designed to preserve some of the protections provided by bankruptcy, enable debtors to re-establish their credit, and help reduce the debilitating losses that businesses now experience.

In our opinion, this test, or program, could be based upon a fair, realistic and personally-tailored financial rehabilitation program for each individual or family. Such a program, I am told, is not difficult to devise. In fact, trained and certified financial counselors use them every day in working with people in Louisville. We recommend that individual priorities be considered, personal needs be taken into account and special attention be paid to insure that a reasonable quality of life is guaranteed for those who wish to embark upon a program to pay back their debts.

Last year, in fact, the Louisville Area Chamber of Commerce formed the special Ad-Hoc Jefferson County Bankruptcy Improvement Committee to look into some complaints of retail businesses . . . small businesses . . . about increased problems with their accounts receivable, due to personal bankruptcies. It included the cross-section of eleven businesses which I spoke of earlier.

One of the members of that Committee is the Executive Director of a non-profit financial counseling service, called A.C.C.E.P.T., (Agency for Credit Counseling, Education, & Preparational Training). Jim Davis, of A.C.C.E.P.T., has summarized its experience in a statement which our Bankruptcy Committee asked that I read to you. Mr. Davis's statement said:

"Our non-profit financial counseling agency has counseled over 18,000 debt troubled consumers in the last ten years. It is our firm conviction that people want to pay their debts. We are equally convinced that the present system of bankruptcy does not offer sufficient opportunity for people to pay their debts from future earnings with dignity, and according to their ability to pay. Time and time again we hear consumers say, 'I really do want to pay what I owe, if they would only give me a chance.' "

The program, if adopted into law, would be subject to a continual review and reassessment of the person's ability to pay, encouraging and assisting them in their attempt to climb out of debt and into a state of financial solvency.

At the same time, such a program would assist the survival of small business, the sector of the economy that is most vulnerable to abuse of the bankruptcy system.

Mr. Chairman, I believe that Americans who are now faced with the choice of either taking bankruptcy or facing insurmountable debt would appreciate the availability of a legal remedy that can avoid both extremes.

When Franklin D. Roosevelt assumed the Presidency of the United States, the economy of this nation was at its darkest hour. And, in his historic first Inauguaral Address, President Roosevelt said:

"Small wonder that confidence languishes for it thrives only . . . on honesty, on honor, on the sacredness of our obligations. . ."

In today's environment, Mr. Chairman, where people can be enticed to file for bankruptcy. . . we should. . . we must seek to offer an alternative legal remedy that preserves "the sacredness of our obligations".

The Louisville Area Chamber of Commerce, and the citizens of our community urge you to continue to safeguard those persons who are truly in need of a fresh start. But we also encourage you to consider an alternative legal remedy, so that those able to repay their debts are encouraged by the law to do so.

Mr. Chairman, I deeply appreciate your courtesy and that of this Subcommittee, and am grateful for the opportunity to appear before you.

Thank you very much.●

PASSOVER—A MESSAGE OF FREEDOM

HON. STEPHEN J. SOLARZ

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 31, 1982

● Mr. SOLARZ. Mr. Speaker, I would like to call to the attention of my colleagues that next Wednesday will mark the beginning of Passover, the 3,000-year-old celebration of the escape of the Israelites from the repression of Pharaoh.

As the Jewish community celebrates the Passover holiday and sits down to the traditional Seder meal, we will rejoice in recalling the Divine intervention which restored our freedom. But we will pause to remember our brothers and sisters who must observe another Passover as victims of oppressive regimes.

Today in the Soviet Union hundreds of thousands of Jews know too well the meaning of persecution. For despite that Government's participation in the Helsinki accords, which recognize the basic human rights, including freedom of religion and the right to emigrate, more Jews were arrested in 1981 than in any year in the past decade. Emigration and family reunifications have slowed to a trickle. Less than 300 persons will leave the U.S.S.R. this month in contrast to the 3,000 Jews who left 2 years ago. KGB surveillance of Jews has increased as have illegal searches and seizures of personal property. Antisemitic attacks have common policy in the Government-controlled press. No area of life is freed from Government restrictions and harassment. Jewish culture classes, Hebrew studies, and even scientific seminars organized by Jews have been disrupted by Soviet officials—and why? Because these Jews have dared to remain faithful to their religion and wish to educate their children in their history and traditions. Soviet Jews are persecuted because they value human life and seek truth, justice, and freedom—ideals which a totalitarian society cannot abide. For in a closed society, those who dare to think such thoughts and dream such dreams are considered enemies of the state who must be silenced.

Hundreds of Jews in the Soviet Union continue to resist despite the heavy price they must pay. They have earned the title "refuseniks"—a badge of honor in America but a thorn in the side of a socialist state. To be a "refusenik," or dissenter, is to risk one's life, family, possessions, and place in society. Filling out a form to emigrate to Israel, demonstrating, or holding a sign in public can cause a Russian Jew to lose his job, his right to work, his apartment, his ration book, his possessions, and even his or her freedom. The Soviet Government has yet to learn that though it may silence those who speak out, it cannot forever repress the human spirit and its longing for freedom.

We who eat our matzoh in freedom this Passover are saddened and distressed at the increasing suffering of the Soviet Jewish community, but we are proud of the courage and determination which marks their efforts to gain religious freedom.

Over the last 11 years a host of international political, religious leaders, and community activists, including many past and present members of this House, have worked tirelessly so that 260,000 Soviet Jews have been able to leave the Soviet Union to find new hope and new lives in Israel and other democratic societies.

But while thousands of Jews remain at risk in the Soviet Union and in the smaller gulags that contain our Syrian and Falashan brethren, men and women of good will cannot rest until these persecuted people are granted their freedom. May the message of Passover renew the hope and determination of those who are oppressed, and may it inspire our efforts so that next year they, too, may celebrate in freedom.●

EIGHTY-ONE MARYLAND RESIDENTS BECOME CITIZENS

HON. CLARENCE D. LONG

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 31, 1982

● Mr. LONG of Maryland. Mr. Speaker, it is with particular pleasure that I congratulate 81 residents of Maryland's Second Congressional District who have chosen to become American citizens, accepting all of the responsibilities that freedom and citizenship entail. I hope that my colleagues will join me in welcoming these new Americans.

Sang Yong Chung, Hong Sook Chung, Tae Kim, Chung-Ming Tang, Maurice Ouazana, Rekha Shah, Italia Bolesta, Myoung-Joo Choi Rhee, Alphonso Young Soo Rhee, Hui Choi, Wee Choi, Eun Hee Kim, Michael Goland, Nosratzaman Burnham, Hor Kui Tsao, Edna May McLeod, Maria Teresa Buendia, Nicolas Buendia, Supriya Roy, Dionisio Bagon Chua, Suthry Tran, Magdi Oziel, Juan Azan Alvarez, Rolando Dela Cruz, Son Thi Oettl, Whitney French Morrill in behalf of Benjamin Jun Morrill and Matthew Jun Morrill.

Leyla Malek, Dung Weeks, Chong Kim, Myong Kim, Sybille Jagusch, Salim Isa, Izett Scott, Czestawa Siemion, Zenon Siemion, Masoomeh Chiladi, Paramjit Joshi, Jai Joshi, Gerald Hurge, Asad Khan, Kyung Yoo, Young Yoo, Shu Kuo, Tong Pae, Chung Lee, Sun Kang, Pinar Ozand, Sarah Lerman, Adela Gladstein, Maria Gikas, Eun Lee, Simplicio L. Bontuyan, Takashi Kishimoto, Ronald Stairs, and Donnalee Stairs in behalf of Melissa Joy Stairs, William Riley Ledbetter, and Bong Ledbetter, in behalf of Hyung Mee Ledbetter and Hyung Sook Ledbetter, Hyo Chong, Nisel Vinokurov, Tsung-Pin Chen, Dvosia Tarakanski, Marcia Laud Aquino, Fausto Aquino, Meira Shnidman, Chau Duong, Sharoen Fernandes, Perpetua Fernandes, Magdi Massuda, Tai Sung, Despina Kaminaris, Maria Kaminaris, Konstantinos Kaminaris, Sabapathippillai Kulathungam, Rupen Patel, Peng Feng, Shubba Roy, Sun Kim, Dmitri Gladstein, Zina Vinokurov.●

SPEAK UP, MR. SMITH

HON. DON EDWARDS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 31, 1982

● Mr. EDWARDS of California. Mr. Speaker; the Attorney General is the lawyer for all the people of this country. When a proposal as revolutionary as the Helms-Johnston amendment that strips the Federal courts of certain jurisdiction is under consideration by Congress, certainly it is the duty of the Attorney General to submit his considered opinion.

The New York Times of March 29, 1982, discusses this subject in the following thoughtful editorial:

SPEAK UP, MR. SMITH

> Attorney General William French Smith has been dodging a posse of questioners who want to know what he thinks about the court-stripping bills in Congress. These are the measures that would eviscerate the power of the Federal courts in cases affecting school busing, school prayer, abortion and other contentious issues. No entreaties for comment have come from Senator Jesse Helms and other sponsors of these bills. So it has been assumed that the Attorney General harbors reservations, as he should, but remains silent for political convenience, as he should not.
>
> At last, however, Chairman Peter Rodino of the House Judiciary Committee insists on ending the chase. He says he won't even consider the Senate's latest anti-court measure, which has to do with busing, without the benefit of advice from the nation's top legal officer. He thinks he'll thus get it, and "soon."
>
> Mr. Smith will serve justice well by opposing these laws forthrightly. Each bill is different, to be sure. But it would not be unlawyerly to condemn them all for proscribing constitutional rights.
>
> The House and Senate have already forbidden the Justice Department to litigate any school desegregation case that could result in court-ordered busing. Since Mr. Smith renounces busing, he does not complain about this budgetary inhibition. But he should complain, and loudly, about the implied insult—that he cannot be trusted to guide his department conscientiously.
>
> More pernicious is the Senate's rider to the same Justice Department authorization bill that purports to outlaw new busing orders and reopen old ones. A year late, Mr. Smith has begun to grumble about the use of budget bills for such substantive intervention and he rightly wonders how the department could handle a flood of reopened cases. That should not exhaust his objections.
>
> The opponents of this provision are not ardent promoters of busing for desegregation, nor are most of the judges who have ordered busing. It has been a last resort for segregated systems that refuse to respond to lesser remedies. To forbid it is to deny minority children any escaping officially segregated schools, their constitutional right.
>
> Similar bills are bad because they encourage evasion of the Supreme Court's school prayer rulings or attempt to nullify a pregnant woman's right to an abortion. The devices vary, but their main feature is denial of access to the Federal courts, the tribunals most likely to defend Supreme Court precedents and constitutional interpretations.
>
> A growing number of eminent scholars find these bills themselves unconstitutional. Others deem them, at a minimum, profoundly unwise. The Attorney General must know that. Knowing it, he should tell Congress.●

UNICO AWARDS

HON. PETER W. RODINO, JR.

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 31, 1982

● Mr. RODINO. Mr. Speaker, last Sunday the Newark chapter of UNICO National held their seventh annual awards breakfast. The breakfast is always a special occasion for all of us who are familiar with the work of UNICO—the organization of Americans of Italian descent that is dedicated to community service and the advancement of Italian heritage in America.

Following in that tradition, UNICO this year has honored four individuals who have exemplified these goals.

The recipient of the first award is former New Jersey Attorney General James Zazzali. He has been recognized as an outstanding public official and administrator. He is a graduate of Georgetown University Law Center and a former Essex County prosecutor.

Charles Zizza, chief of police for the city of Newark, has been given an award for exceptional public service in the area of law enforcement. Chief

Zizza has spent 33 years with the police department and has been the chief since 1976.

Another award went to Ace Alagna, publisher of the Italian Tribune News. Ace has been honored as humanitarian of the year for raising over $1 million on behalf of the Italian earthquake victims and for his ongoing contributions to the community.

The last award has been given to Sam "Tip" Spina, of Seton Hall Prep in South Orange. Tip is the recipient of the Brian Picolo Award for his outstanding athletic ability and scholarship. Tip played 4 years of football and baseball at Seton Hall and will continue his career at the University of Maine. He will major in business administration.

Mr. Speaker, the four individuals chosen this year are excellent examples of dedication to their community and their heritage. They bring honor to their State, and I am proud to call them to the attention of the Congress.●

NUCLEAR ARMS REDUCTION

HON. MICHAEL D. BARNES

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Tuesday March 30, 1982

● Mr. **BARNES**. Mr. Speaker, I am very pleased to have the opportunity to discuss the nuclear arms race, the grave consequences of nuclear war, and the policy direction our country should take on this issue.

Nuclear arms pose perhaps the most serious threat to survival known to mankind. We have reached a point in the nuclear arms race beyond which, I fervently hope, we dare not go further. Producing more and more nuclear weapons of increased sophistication cannot be the answer to our defense needs, neither will it make our lives more secure. The time has come for the superpowers to face these serious dangers squarely and rethink our defense arrangements. Every country wants to be secure and well defended and this is as it should be. But there is a point at which we cross the threshold into dangerous and unfamiliar ground, a stage in which we have the awesome capability of launching the ultimate in chaos and mass destruction, exploding apart the delicately balanced world we know.

Our country must assume the responsibility to act and make the right choices now. We face a very grave prospect, one that is unparalleled in human history, and one which can barely be impressed in the imagination of the human mind. Who could describe anything worse? Our only goal and our only choice is to diffuse this nuclear arms race. To do this, we must be willing to imagine the world that the success of our efforts can make. It is possible and we can do it.

Thousands of people in our communities, our country, and throughout the world, consisting of all age groups, walks of life, religious beliefs, and political persuasions have been compelled to act to reverse the direction in which we are headed, a course which leaves no escape from mass destruction. These are the people who have been stunned, and horrified at the revelation that nuclear war is a very real possibility in our lifetime. These are the people who are demanding that their lives and the lives of their children be free from the prospect of nuclear incineration. These are the people who are fighting to preserve our future.

I am extremely concerned about the policy direction our country appears to be taking. The Reagan administration's comments on grassroots and congressional support for the nuclear freeze proposal are particularly disturbing. The State Department's Director of Politico-Military Affairs, Richard R. Burt, has said, ". . . the Administration cannot support the freeze itself," and the President, in clarifying this position, asserts that such a mutual freeze would force the United States "into a position of military disadvantage and dangerous vulnerability," and that "a nuclear freeze at this time would legitimize a condition of great advantage for the Soviets." It seems to me that we are already at a disadvantage, having amassed a nuclear arms stockpile capable of widespread destruction, and that we are already in too vulnerable and dangerous a situation not to take some action, or make some attempt to stop the further production, testing, and deployment of nuclear weapons worldwide. Mr. Burt has stated:

> We have been able to avoid a nuclear war since the advent of the nuclear age by maintaining an equilibrium in military capabilities, and that is the policy of this administration.

The fact is there comes a time when our race to parity becomes a race to finish. Mr. Burt is right, and it is precisely the movement he describes which has propelled us into a more precarious and frightening situation.

Our country must have a credible policy with respect to arms control. The President has stated that he strongly favors reductions in nuclear weapons; yet in his fiscal year 1983 defense budget he proposes that we spend an additional 43 percent on nuclear weapons. The United States and the Soviet Union must show a serious demonstrable commitment to halting the nuclear arms race, one that can mean significant progress toward a more secure and peaceful world for us all.

Those of us who support a nuclear freeze, and immediate nuclear arms reduction negotiations thereafter, understand the path the United States has taken thus far and the reasons for it. What we are saying now is, enough is enough. There are those who say let us build now and negotiate later. This is precisely what we have been doing all along. Rather, we would freeze the nuclear arsenals now and then discuss how we can move toward more sane and controllable security arrangements.

Johnathan Schell, in his New Yorker magazine series on this issue, says:

> In its apparent durability, a world menaced with imminent doom is in a way deceptive. It is almost an illusion. Now we are sitting at the breakfast table drinking our coffee and reading the newspaper, but in a moment we may be inside a fireball whose temperature is tens of thousands of degrees. Now we are on our way to work, walking through the city streets, but in a moment we may be standing on an empty plain under a darkened sky looking for the charred remnants of our children. Now we are alive, but in a moment we may be dead. Now there is human life on earth, but in a moment it may be gone.

We can do something to steer ourselves away from this scenario. The nuclear freeze proposal recognizing the need to reduce the level of nuclear arms on both sides, is a step in the right direction and promises a real beginning in nuclear arms reduction. I support it wholeheartedly.●

COMMERCIAL RESEARCH AND DEVELOPMENT ACTIVITIES

HON. GUY VANDER JAGT

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 31, 1982

● Mr. VANDER JAGT. Mr. Speaker, I have introduced two bills today addressing issues relating to commercial research and development activities. One bill would make permanent the 25 percent tax credit for increases in R. & D. spending. The other bill would permanently exempt domestic R. & D. activities from section 861 allocation requirements.

Both of these subjects were included in the Economic Recovery Tax Act (ERTA) of 1981. However, the ERTA provisions were of limited duration, with the incremental tax credit in effect until 1985 and the suspension of section 861 regulations effective for 2 years. To provide some degree of certainty to tax planning and business decisions on research investment, the Congress should give early consideration to making these provisions permanent. The primary purpose of introducing these two bills is to provide appropriate vehicles for considering these issues at an early date, to remove any uncertainty over tax policy on research and development activities.

It is particularly important to promptly address the section 861 allocation issue. Last year, as part of ERTA, the Congress demonstrated its concern that the section 861 allocation regulations actually encouraged corporations with foreign sales to move some research activities overseas to prevent a portion of those expenses from being disallowed. The House bill included language permanently exempting research and development expenses from the section 861 allocation requirements, and the Senate bill included a 1-year suspension. The conference agreement provided a 2-year suspension of section 861 for research, R. & D. expenses, and directed the Department of the Treasury to provide Congress a study on the impact of the regulations.

Unfortunately, the Treasury has not submitted the required study, and it is unclear when that might be completed. I fear that if we substantially delay consideration of the issue, there will be insufficient time for the Congress to carefully consider the relatively complex issue to prevent a great deal of uncertainty in corporate decisionmaking. The worst possible situation would be for business planners to arrange to conduct some research outside the United States to insure that they will not be denied tax deductions for those expenses. I believe that the Ways and Means Committee should examine the situation later this year, and the bill I am introducing today will provide an appropriate vehicle for consideration.

The situation with respect to the 25 percent incremental credit is somewhat different, of course, inasmuch as the incentive has just gone into effect and will not expire until the end of 1985. Regulations outlining how the credit should be computed have not yet been developed, and may not be finalized until very late this year or even 1983. For this reason, many companies are uncertain as to how the credit may work for them, thus reducing the impact of the incentive. Many business decisionmakers are already asking what the future of the credit may be, realizing that there will be some uncertainty until the regulations are fully known. While it may be premature to call for immediate action to make the incremental credit permanent, I do want to signal that some of us in the Congress will push for consideration of the matter at an early opportunity to prevent the fate of the credit from being decided at the last moment, which would reduce the effectiveness of the incentive.

The research incentives enacted last summer as part of ERTA enjoyed broad, bipartisan support, and I am pleased that the bills I have introduced today also have bipartisan support. The principal proponents of the section 861 changes, Mr. HEFTEL and Mr. FRENZEL are joining as cosponsors of the bill to make the R. & D. exemption permanent, and the chief cosponsor of the tax credit incentive, Mr. PICKLE has joined as the primary cosponsor of the bill making the incremental credit permanent. Together, we want to insure that these important tax incentives to encourage domestic research and development receive timely consideration to reduce any uncertainty in the minds of industry decisionmakers over their future.●

AGRICULTURAL EXPORTS NEED A FAIR SHAKE

HON. DOUGLAS K. BEREUTER

OF NEBRASKA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 31, 1982

● Mr. BEREUTER. Mr. Speaker, the recent issue of the agricultural letter prepared by the Federal Reserve Bank of Chicago contains some disturbing statistics which I hoped never to see as a U.S. Congressman. According to an article in that publication, U.S. agricultural exports are expected by the USDA to decline during the coming fiscal year, from a record $43.8 billion last year to $42.5 billion this year.

The article tells a sad tale of the dropoff in exports: exports to Latin America down a fourth, exports to Eastern Europe down 55 percent, and so on.

Jeffrey Miller, author of the article, attributes the decline to "high interest rates, a strong U.S. dollar, and sluggish economic growth." Whatever the reason for the decline, I would hope that my colleagues would join me in being shocked by such developments. Agricultural exports have been a savior in the battle against a U.S. trade deficit. During fiscal year 1982, for example, the agricultural trade surplus stood at roughly $26.5 billion. During 1981, by comparison, the nonagricultural trade deficit skyrocketed to $60 billion.

What distresses me particularly about these developments is how unnecessary they are. Nontariff trade barriers blocking the sale of American agricultural goods abroad are robbing us of foreign markets without cause. Such conditions are intolerable. For that reason, I have introduced H.R. 5860, the Unfair Agricultural Trade Barrier Relief Act of 1982. That bill would give foreign nations strong incentives to open up their markets to our products at risk of losing access to American consumers. I strongly encourage my colleagues to join me in cosponsoring this important measure so that we can begin to reverse this dangerous trend.

So that fellow Members of the House can learn for themselves of the problems facing us, I would like to share with you the text of the Miller article. I hope that its facts prompt other Members of this body to action as well.

AGRICULTURAL EXPORTS NEED A FAIR SHAKE

(By Jeffrey L. Miller)

U.S. agricultural exports have slowed in recent months and for all of fiscal 1982 may fall below last year's level. The USDA now expects agricultural exports for the year ending in September to fall to $42.5 billion, down from the record $43.8 billion of last year. This would mark the first year-to-year decline since fiscal 1969. Agricultural imports are also forecast to decline from the year-earlier level. As a result, the agricultural trade surplus may remain virtually unchanged from the record fiscal 1981 level.

During the first quarter of this fiscal year (October-December) the value of agricultural exports trailed the year-earlier level by 4 percent. Lower prices contributed most of the decline as the volume of shipments remained virtually unchanged from the year before. Exports to a number of our major foreign customers were down. Exports to Eastern Europe were down 55 percent, with Poland—the largest market for U.S. exports in that region—accounting for most of the decline. Growing economic problems, coupled with growing difficulties in getting international credit financing, contributed to the sharply lower exports to East European countries. Exports to Latin America were down a fourth, owing to a sharp decline in shipments to Mexico. Exports to Asia decreased by 5 percent as Japan—the major buyer in that region—reduced its purchases of grain and fruits. High interest rates, a strong U.S. dollar, and sluggish economic growth continued to plague U.S. agricultural export sales to a number of these developed and developing countries. In contrast, exports to Western Europe in the first quarter of the fiscal year were up nearly a fifth due to a sharp rise in shipments to Spain. Exports to Africa were up 8 percent while exports to the USSR were up 17 percent from the year before.

Export volume was virtually unchanged as sharply lower feedgrain exports offset volume gains for soybeans, wheat, and most other products. Despite abundant supplies and lower prices, corn export volume in October-December fell 25 percent from the year before. Corn exports account for about four-tenths of the total volume of agricultural exports. In the same period, however, wheat exports rose 17 percent and soybean exports were up a third. Wheat and soybeans make up another four-tenths of the export volume.

For all of fiscal 1982, export tonnage is estimated to increase 4 percent above the year-earlier level. Grains and oilseeds will constitute the bulk of the overseas shipments and most of the gain is expected to arise from the already evident higher export volumes of wheat and soybeans. Nearly 50 million metric tons of wheat and flour are expected to be exported, up from 42.2 million metric tons in fiscal 1981. Shipments of soybeans are estimated at 23.1 million metric tons, a 15 percent increase over the year before. Soybean meal and oil exports are expected to reach 7.5 million metric tons, compared to 6.9 million metric tons the year before. The pace of soybean and soybean product shipments is expected to slow from the rate evident in the October-December quarter due to competition from the soon to be harvested supplies in the Southern Hemisphere. Also, about 1.6 million metric tons of sunflower seeds—an oilseed which has only been exported since the mid 1970s—are estimated to be shipped this year. Although wheat and soybean exports may be at record and near-record levels, respectively, corn exports are expected to trail the year-ago level by about 8 percent. This means, in view of the trend evident in the first quarter, that the pace of corn exports will have to pick up considerably in the months ahead, averaging at least equal to year-earlier levels.

Agricultural exports to many areas of the world are expected to trail the previous year's level in fiscal 1982. The value of shipments to Asia will likely decline from $16.1 billion in fiscal 1981 to $15.4 billion. The Asian estimate includes exports of $6.0 billion to Japan and $1.8 billion to China—down from $6.7 billion and $2.2 billion, respectively, in fiscal 1981. Shipments to Latin American countries are projected to decline $1.1 billion from 1981's total of $6.9 billion. Exports to Eastern Europe are projected to decline from $2.1 billion the year before to $1.4 billion. In contrast, exports to Western Europe are projected to rise from $11.8 billion a year ago to $12.4 billion. And shipments to the USSR may rise from $1.7 billion to $2.3 billion, despite the tensions in trade relations resulting from Soviet involvement in Polish internal affairs. Overall, the value of agricultural exports to all customers is projected at $42.5 billion, 3 percent below fiscal 1981's level.

Agricultural imports are expected to total $16 billion this year, down from $17.2 billion a year ago. Lower prices are expected to more than offset a nominal rise in import volume this year. The bulk of the decrease reflects lower prices for sugar and coffee, which together account for about one-third of all imported agricultural commodities. The volume of sugar and coffee imports is projected to increase slightly this year, although both items continue to experience declining per capita consumption in the United States. Shipments of Australian beef, the next largest import commodity, are expected to fall below the level of a year ago.

The agricultural trade surplus for fiscal 1982 is expected to be $26.5 billion, about the same as the year before. Although it will not offset other deficits, the agricultural trade surplus will make a sizable dent in the overall U.S. trade deficit. The non-agricultural trade account in calendar 1981 was in deficit about $60 billion.

U.S. agricultural trade, while important to the farm economy and the nation's trade balance, will remain critically important to the rest of the world. Foreign buyers rely on the U.S. to supply about three-fourths of the corn, four-fifths of the soybeans, two-fifths of the wheat, and one-fifth of the rice moving in world trade.●

OPEN SPINE

HON. MARTY RUSSO

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 31, 1982

● Mr. RUSSO. Mr. Speaker, 1 out of 400 children born in this country is afflicted with spina bifida. This birth defect is the number one crippler of children, seven times more common than muscular dystrophy and five times more common than multiple sclerosis.

The name means "open spine" and until some 30 years ago, a child affected with this damage to the spine and nervous system could not be expected to live long. Thanks to new medicines and new surgical techniques, the survival rate has improved and one born with SB can have a normal lifespan. Unfortunately, the instances of the defect have increased also. More research is needed, more awareness on the part of the public.

This Saturday the Illinois Spina Bifida Association will hold a dinner dance to promote improved medical, educational, and vocational services. This group, one of a number of spina bifida organizations in Illinois, is centered in the Chicago and suburban area and is 250 strong. They have been in existence 14 years and provide needed support for each other as parents of spina bifida children, or sufferers themselves. They also perform the very important function of educating the public.

There are other State associations and a national organization as well, and through their work and the efforts of groups such as the Illinois Spina Bifida Association, we have learned that persons born with SB need the opportunity to develop to their full potential, to achieve independence and to live in a barrier-free society. With proper medical attention they can lead a normal life.

I want to commend the Illinois Spina Bifida Association and I know my colleagues join with me in wishing them much success with their dinner dance and in their work. I also thank them for helping us all to grow more sensitive to the problem of SB and our responsibilities to these children and adults.●

BALANCED ENERGY POLICY DESPERATELY NEEDED

HON. JOE MOAKLEY

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 31, 1982

● Mr. MOAKLEY. Mr. Speaker, the Reagan administration's 1982 budget, once again, totally ignores the economic and security necessities of establishing a balanced, long-term energy policy. Rather, Mr. Reagan elects to follow a haphazard course which relies almost entirely on nuclear power and the free market. While we all support the theory of the free-market system, it is clear that given the present state of our energy economy that we cannot totally rely on the free market without running the risk of national economic collapse.

While we are presently engaged in an international oil glut, we must still remember that we are a finite planet with limited resources. Given this conclusion, we would do far better to prepare for the eventual decline of oil and natural gas, and begin building a strong and varied energy base on which to stand.

We cannot deny the continued threat of oil embargos from the Middle East—the source of one-fourth of our energy supplies. We are also overly dependent on nuclear power as our best hope for the future. Instead of growth within this controversial industry, we now see a dramatic increase in the number of proposed plants which will never be built.

Daniel Yergin, MIT professor and author of Energy Future, proposes in the March 31, 1982, issue of New Republic, a 10-point program for coming to grips with our energy problems. His commonsense approach realizes the need for not only business involvement but government involvement as well. His approach allows for flexibility, invention and high reliance on free-market forces without placing the financial burden on the backs of the poor and elderly.

I hope my colleagues will give careful consideration to this article which follows:

ENERGY

(By Daniel Yergin)

The energy problem has imposed an enormous cost on the American people—in higher inflation, lost economic growth, and growing unemployment. It has dealt a serious blow to the health and competitiveness of important parts of American industry. And it has created grave new security problems for the United States. There was understandable confusion about how to respond to this problem, which largely grew out of the rapid expansion of oil imports into the United States. But there were other causes as well. A jerry-built regulatory structure emerged in response to the 1973 oil embargo, and the issue of energy pricing became the subject of a long political battle. The years since 1973 have been a powerful and often painful learning experience for the American people.

Major progress has been reported recently in increased domestic energy production, decreased oil imports, and a dramatic move toward greater energy efficiency. Today the U.S. is more than 15 percent more energy efficient than it was in 1973. Yet the adjustment process is far from complete. A substantial part of the slowdown in energy consumption reflects the slump in the American economy rather than real progress in energy conservation. The U.S. remains vulnerable to fluctuations and disruptions in the world market. Disruption can occur quickly. We import more oil than any other industrial nation consumes. World oil prices in 1980 reached levels that, in the first part of 1979, had not been anticipated until the year 2000. Our vulnerability could become even more severe by the end of this decade if a decline in the productive capacity of some OPEC countries leaves future world oil exports even more concentrated in the Persian Gulf.

Further problems could well impose greater economic burdens. Indeed, because energy costs have risen as a share of our gross national product—from 3 percent to almost 10 percent—any significant changes in the price of oil will have an increasingly harmful effect on our economy. Moreover, the question of energy security has become even more serious, pointing to the dangers of international conflict.

The Reagan Administration has tried to deny that there is an energy problem. It has ignored the major role of the oil shocks in the downturn in the economy. It has established extremely unbalanced policies. Despite its rhetoric about the free market, it has played favorites: increasing support for nuclear power, a relatively minor part of our overall energy mix, and reducing support for promising energy developments.

The imbalance is just as clear in the contradiction between the Administration's foreign and security policies and its energy policies. In the international realm, it proclaims that there is a major energy security problem in the Middle East, and hopes that by increasing the defense budget by tens of billions of dollars, it can meet those vulnerabilities. Yet it refuses to spend a tiny fraction of that amount to reduce the essential vulnerability at home. Moreover, it has embarked on a kind of energy isolationism that may estrange us from our most important allies, and put us in dangerous competition with them.

What is the right way to proceed? We must develop a balanced energy policy that will serve the interests of the American people in the face of the uncertainties in the years ahead. This policy should avoid the regulation and the intervention that proved so troublesome in the 1970s. It can help correct the substantial market imperfections by creating new incentives and providing better information to the public. The American people are being asked to make a rapid adjustment to altering prices and availability; they will only be able to do that if they have the tools. A balanced energy policy would make those tools available. It would provide a diversified portfolio of approaches with different maturities, aimed at providing the widest flexibility possible. The sensible energy policy is geared toward innovation, it looks to the future, and it provides a stable foundation for a renewal of economic growth. This policy would implement the following measures:

(1) *Conservation.*—This has proved to be the cheapest and most effective short-term and medium-term energy source. And we have seen only the earliest results of energy efficiency. Yet the Reagan Administration has expressed hostility to conservation in both word and deed. There is an important role for the government to play in facilitating conservation. Prices may provide a signal, but that signal becomes less meaningful if people do not have information, capital, or know-how. And as we have seen recently, price signals themselves can be confusing. Conservation is competing against other energy sources which have been heavily subsidized, and conservation efforts are hindered by lack of knowledge and experience. Research and information programs should be developed to facilitate these efforts. The difficulties of financing which plague both the homeowner and industry should be eased. Finally, the federal government can provide support for state and local energy programs that encourage conservation and work directly with the users of energy.

(2) *Phased Decontrol of All Natural Gas, with a Windfall Tax on "Old Gas."*—The present Natural Gas Policy Act decontrols only part of America's natural gas supply. The act was written in 1978, for a world in which natural gas would compete with oil costing between $13 and $15 a barrel. Within months of its approval, that world ceased to exist. And partial decontrol of natural gas will penalize some consumers and regions, while subsidizing others. A windfall tax on "old gas" should be part of the comprehensive decontrol. It should be used to buffer lower-income people; to make financing available for greater energy efficiency for all residential and industrial consumers; and to reduce other tax burdens.

Meanwhile, the windfall tax on so-called "new oil," which hinders incentive for exploration and development, should be removed.

(3) *The Strategic Petroleum Reserve.*—This is a key defense against future oil shocks. A substantial reserve, wisely managed, can prevent the shortages and panic that otherwise can result in further price jolts. The rate at which it is filled should be increased to at least 300,000 barrels a day, until the target of 750 million barrels is reached. This would compensate for a complete loss of all oil imports for half a year. Procedures need to be developed for release of the oil, and a proportion of the reserve should be set aside to help cope with smaller disruptions.

(4) *Emergency Preparedness.*—We have learned that panic and ill-considered intervention can help turn a minor oil shortfall into a major price crisis—and leave us with a burden of heavy-handed regulation. There is a strong probability of further oil disruptions, yet the subject of emergency preparedness has been virtually dropped by the Administration. It should be a matter of high priority. These measures should be geared to the market as much as possible, to allow the widest latitude for individual decision. They should be constructed to avoid excessive bureaucratic and regulatory intervention. One method would be stand-by authority for a gas tax or a duty on imported oil that could be activated in a crisis. The revenues should be rapidly recycled in the interest of equity and to avoid a shock.

(5) *International Cooperation.*—The United States has overwhelming influence as a consumer on the world oil market. It currently receives about a quarter of OPEC's entire production. The U.S. has very important and close relations with the other industrial oil-importing nations. It must maintain and strengthen the cooperative framework for energy problems among the industrial nations, which involve such instruments as the International Energy Agency and the economic summits. This will help to maintain America's leadership role, to avoid mad scrambles for supplies, and to prevent energy-related disputes from splitting the Western alliance. A policy of energy isolationism will only damage the long-term interests of the U.S. and endanger the international monetary system.

(6) *Renewable Sources of Energy.*—These include a broad range of energy options, from familiar sources such as wood and hydropower to fast growing energy crops to passive solar designs and active solar systems to photovoltaic and other high technologies. Some are already playing a noticeable role. All of them present opportunities, but neither the full potential nor possible drawbacks are yet clear. But some combination of renewable energy sources will play a significant role in the 1990s and certainly in the next century. There is a need to continue incentives and information programs in order to develop renewable energies.

(7) *Research and Development.*—The government must continue to assist in research and development. This is the way that many significant technologies, now important to our economy, were developed. Government can afford a risk that the private sector cannot bear, and can take a longer perspective than the individual firm. The recent cycle of increasing and then decreasing funds for R&D does not create a climate in which creativity and innovation can develop. It is also crucial that the R&D effort be balanced, and not, as now, concentrated only in nuclear power. Conservation and solar and synthetic fuels should be treated in an even-handed fashion. If we fail to move in this direction, we will lose competitiveness in world markets and American firms will lose competitiveness even in the market here at home.

(8) *Protections for Lower-Income Consumers.*—The price control system of the 1970s can now be seen as a very ineffective way of protecting the less well-off. It proved a blunt instrument indeed. In its place, specific programs should be targeted at these groups, aimed not only at helping them to meet a disproportionately heavy burden of energy costs but also to become more efficient in their use of energy.

(9) *A Gasoline Tax or an Oil Import Fee.*—This should be very seriously considered as a way to raise revenues, to provide the stable environment that Detroit needs in order to revive, and to give clear signals to consumers. A twenty-five-cent-a-gallon tax on gas could raise about $25 billion.

(10) *Investment.*—An important element in fostering adjustment to the new world of energy is an economic climate that encourages investment in new capital stock. Therefore, a sound economic environment can be regarded as a key part of a sound energy policy. That is not what we have today. High interest rates function as an energy policy by reducing economic activity and creating the appearance of reduced energy consumption. Yet at the same time they reduce investment and so impede the needed adjustment in our economy.●

THE EFFECT OF THE FEDERAL BUDGET ON EDUCATION ON A SMALL SCHOOL DISTRICT

HON. MERVYN M. DYMALLY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 31, 1982

● Mr. DYMALLY. Mr. Speaker, under leave to extend my remarks in the RECORD, I include the following:

CENTINELA VALLEY UNION
HIGH SCHOOL DISTRICT,
Hawthorne, Calif., March 26, 1982.

Hon. Mervyn M. Dymally,
Chairman, Subcommittee on Judiciary and Education, U.S. House of Representatives, Washington, D.C.

DEAR MR. DYMALLY: Attached are the comments I plan to make on April 2 at the hearing on "The Effect of the Federal Budget on Education on a Small School District." I have forwarded 45 copies of this statement to your District Office in Compton.

The Centinela Valley Union High School District is located in Hawthorne, California, and has an average daily attendance of over 6,000 high school students. It serves three communities (Hawthorne, Lawndale, and Lennox), and four elementary school districts (Hawthorne, Lawndale, Lennox, and Wiseburn). The community is generally low to middle income residential. The labor force of the community is predominately semi-skilled to skilled blue collar workers, and the greater percentage of this population have incomes ranging from $8,000 to $25,000. The recent trend of population traits indicates an influx and migration of low income Hispanics—particularly in the Lennox and Lawndale areas. Thus, authorities project an increase in unemployment especially in Lennox and probably an increase in percentage of poverty income levels.

The trend in Lawndale indicates that 60 percent of its population increase does not speak English. The Aid for Dependent Children (AFDC) count for 1981-82 was 962, and the projection for 1982-83 is 1,002. The proposed federal cuts in what was the Title I Program would result in approximately 150 of these students not being served because of the reduction of teaching positions that would be required to occur in the District. The District has received word that it could expect a 15 percent cut in this program, which would be about $60,000 income. Even more tragic is the loss of income that the District expects in the area of vocational education. Funding trends for the past three years show a continuous decline from a high of $155,000 the District received in 1979 to a projected $65,000 we expect to receive next year. Considering the projected unemployment rates in this district and the fact that about 75 percent of our students enter the work world upon graduation, funding for vocational education is of paramount importance to this community.

In addition, the area of special education, due to the requirements of Public Law 94142 and state legislation, has caused this District to use in excess of $100,000 from its general fund to carry out the federal and state legislation as it pertains to students with special needs.

I am sure that it is clear to see that the futures of the youth of this community are being placed in jeopardy with the proposed federal cuts to education.

I thank you for the opportunity of being able to present these remarks to you and to answer specific questions you might have at the time of the hearing.

Sincerely yours,

ROBERT J. FERRERA,
Superintendent.●

SENIOR COMMUNITY SERVICE EMPLOYMENT PROGRAM

HON. ROY DYSON

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 31, 1982

● Mr. DYSON. Mr. Speaker, I would like to take this opportunity to share with the Members of the House a recent exchange of letters between my office and the White House on the subject of title V of the Older Americans Act.

As many of you well remember, on November 20, 1981, we voted for a 3-year reauthorization of the Older Americans Act. Contained in this reauthorization is the categorical funding for title V, the senior community service employment program. I am sure I do not have to outline the tremendous benefits this program has brought to communities throughout this Nation. Ultimately the main concern about the administration's proposal rests in its direct impact on the senior citizens who benefit from the program.

We heard many times that the provisions of the Older Americans Act would not be reduced, but this week President Reagan sent budget cut suggestions to the Congress to reduce section III C-1, congregate meals, from $286 million to $258 million; III C-2 from $57 to $48 million; III B from $250 to $216 million and section V from $271 million to zero. This last category is the vitally important senior aide program. This item allows persons who are seniors to serve their peers who are less fortunate and who are more fragile, to drive them to doctors, hospitals, to shopping or other necessary chores. These senior aides are paid at less than the minimum wage and use their own vehicles to transport people who are blind or handicapped. They help in multipurpose senior centers, in nursing homes, clinics, and hospitals.

The administration seeks to remove this vital service to seniors and curtail the other benefits of the Older Americans Act that the Congress passed in 1975 and which has been of incalculable value to seniors since then. It has been a service extraordinarily devoid of graft and has proved its worth for many years.

CONGRESS OF THE UNITED STATES,
HOUSE OF REPRESENTATIVES,
Washington, D.C., February 11, 1982.

Hon. RONALD REAGAN,
President of the United States, The White House, Washington, D.C.

DEAR MR. PRESIDENT: I wish to express my deep concern over the elimination of the categorical funding for the Senior Community Service Employment Program, Title V of the Older Americans Act. On December 29, 1981, you signed into law a three-year reauthorization of this valuable program, which received near-unanimous support in both Houses of Congress. Failure to provide categorical funding for the authorized programs will seriously jeopardize an effort which has been judged to be effective and to produce substantial cost-savings with a minimum of bureaucratic regulation.

In addition to the 54,200 older persons who are employed in community service work as a direct result of Title V, nearly double that number of senior citizens benefit from job training and referrals to private sector permanent employment through Title V-funded employment counseling and job fairs. States and municipalities have saved millions of dollars by employing skilled older workers and have provided services that otherwise would not have been possible. A 1976-1978 study by the National Retired Persons Association and the American Association of Retired Persons revealed that the program produced increased tax revenues and reduced public assistance benefits beyond the expectations of its creators. They concluded that for every dollar invested, $1.15 is saved. The placement of retirees in permanent jobs yields a total rate of return of approximately 16 per cent per year to the American taxpayer. Most importantly, it would be tragically inappropriate to waste the invaluable experience which these citizens bring to the thousands of communities across this nation.

The Senior Community Service Employment Program is designed to bring together the talents of older workers and the unmet needs of communities. More than 54,000 participants work part-time in jobs ranging from home health care to energy conservation. In the State of Maryland this program is financing the part-time employment for about 800 persons between the ages of 55 and 80. Without this program these jobs will face termination at the end of this fiscal year.

The dismantling of this program, as proposed in the budget you recently submitted to the Congress on February 8, would unquestionably be a giant step in the wrong direction. I would find it very difficult to support any attempt to recklessly abandon what is probably the single most effective community service employment program ever enacted.

Sincerely yours,

ROY DYSON,
Member of Congress.

THE WHITE HOUSE,
Washington, March 16, 1982.

Hon. ROY DYSON,
House of Representatives,
Washington, D.C.

DEAR ROY: This letter follows up my acknowledgement of your February 11 letter urging the President to support the Community Services Employment for Older Americans program authorized under title V of the Older Americans Act of 1965.

You may recall that, during the discussion over the reauthorization of the Older Americans Act last year, the administration had urged that the authorization of appropriations for the title V program only be extended to the end of fiscal year 1982. This would have meant that the authorizations for title V and the Comprehensive Employment and Training Act (CETA) would have expired at the same time. The administration had hoped to use this coincidence of authorization expirations to facilitate a complete review of training and employment programs.

While Congress chose to extend the authorization for appropriations for title V for three years, the administration saw no reason to object since such an extension would not prohibit an examination of the title V programs along with CETA.

Although the Administration has proposed not to continue financing title V as a separate program in 1983, this does not necessarily mean that the result has to be the end of job opportunities for these older workers. The Administration will be transmitting to Congress in March a proposal to revamp the Federal role in training and employment programs. Two parts of that proposal could affect older workers now served by title V. The major part of the Administration's proposal is a $1.8 billion grant to States for training and employment. We have not yet worked out the final details of this proposal. However, our present thinking is that while most of the grant resources would be used for training for out-of-school youth and AFDC recipients, a portion could be available to the States for services for such persons as disadvantaged older workers. A second part of the proposal includes a $200 million program administered by the Federal government that would authorize job training services for older workers, among others.

There are also alternatives to title V programs for continuing the involvement of older workers in community service activity or increasing their job opportunities. One alternative could be through participation in the three Older American volunteer programs run by ACTION which are similar to title V. A second option, given the perception by many users of the title V participants that these older workers are productive employees providing valuable services, would be to continue them as regular employees in the programs where they presently work.

Unfortunately, the lack of transition into these jobs has been one of the major failures of the title V program. There has been little effort by the program to train older workers for second careers. Based on experience in the program, the Department of Labor estimates that only 15 percent of the title V participants will find unsubsidized jobs this year. The Administration's proposal for training and employment programs for 1983 is designed to improve on that record.

Because the transition rate to unsubsidized jobs is so poor, the conclusions of the study by the National Retired Teachers Association—American Association of Retired Persons (NRTA-AARP) are not as compelling as they might otherwise be for the program as a whole. As you noted in your letter, the cost-benefit calculations refer only to placements in unsubsidized jobs, not for all participants. As noted, only 15 percent of participants are so placed. In addition, the NRTA-AARP study cannot be taken as good evidence of title V performance since the sample was so small and there was no control group. Without some measure of what would have happened in the absence of the program it is not possible to say with assurance what the cost-benefit calculation would show.

We appreciate your taking the time to express your position to the President.

With best wishes,

Sincerely,

KENNETH M. DUBERSTEIN,
Assistant to the President.

The March 16, 1982, White House response to my letter clearly does not resolve the issues regarding title V and shows a lack of understanding concerning the purpose of it.

In the fifth paragraph of the letter, ACTION is mentioned as an alternative to title V programs.

First. The ACTION programs are specifically designed for volunteers that have no need for additional incomes. Title V is designed for persons needing to earn additional income in order to survive. Granted, ACTION would keep the older people "off the street" but we must recognize that some older people need supplemental income and it is far better for them to earn it than to get it through welfare programs. At least then the Government is getting a return on its dollars and the older person is able to retain his dignity.

Second. The perception that title V workers are valuable, productive employees is most certainly true and local agencies have a consistent record of hiring them when funds are available. It is unlikely that this will be feasible now when these same agencies are facing severe budget cuts. The title V workers may be the only link possible for continuing to provide their valuable services in the future. Discarding title V, coupled with the agency cuts, there is a very dim picture for many worthwhile programs.

In paragraph 6 of the letter, title V is criticized for the 15-percent unsubsidized placement record.

First. The Congress in the past five administrations, including the present one, have recognized the need for a program that provides older workers an opportunity to serve their communities while at the same time earning wages that help sustain them and their families. The legislation for the title V program makes no mention of specific requirements for placing any number of workers into unsubsidized employment. The legislation mandates that there be no limitation placed on the length of time any individual can be enrolled in the program. Regardless of this, the administration has chosen, via regulations, to require a goal for placing enrollees off the program of 15 percent. This goal has been met and in some years has been exceeded by the title V sponsors. As part of the committee report for the authorization bill that was passed and signed by the President in December, the Senate pointed out that it is unrealistic to expect a firm placement goal for this program. They did not believe that even a 15-percent goal was realistic in most parts of the country.

Second. In actuality, the transition rate for the title V program is excellent, being at least 100 percent of the 15-percent goal being reached. The study conducted by NRTA/AARP took into account the cost for all enrollees, not just those placed; and the $1.15 return for every dollar spent is based on total cost. If only the cost of the placed enrollees was used, the return would be more like $10 for every $1 spent.

A FEW PALAUANS PROTEST U.S. MILITARY INTENT

HON. ROBERT J. LAGOMARSINO

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 31, 1982

● Mr. LAGOMARSINO. Mr. Speaker, it has recently been brought to my attention that a few Palauans have been engaged to tour the continental United States and to protest publically certain aspects of the on-going political status negotiations between Palau and America. Specifically, in an interview with a Palauan citizen, the Los Angeles Herald Examiner recounts some of the complaints of these disgruntled Palauans, who assert: First, America intends to base Trident submarines in the islands of Palau; Second, the United States is attempting to override the "nuclear free" provisions of Palau's Constitution; and Third, a U.S. military occupation of one-quarter of Palau's land area is contemplated.

As the ranking Republican member of the House Subcommittee on Insular Affairs and therefore a close follower of Palauan events, I feel obliged to set the record straight. For the edification of my colleagues, who may have heard similar disturbing reports, I am reprinting my response to the editor of the Herald Examiner as one means of dispelling misgivings toward America's military intent in the western Pacific.

HOUSE OF REPRESENTATIVES,
Washington, D.C. March 31, 1982.

The EDITOR,
Herald Examiner,
Los Angeles, Calif.

DEAR EDITOR: As the ranking Republican member of the Subcommittee on Insular Affairs, U.S. House of Representatives, a zealous follower of Micronesian events over the past eight years and a recent visitor to the Trust Territory of the Pacific Islands, including Belau (otherwise known as Palau), I wish to call your readers' attention to misrepresentations in Mr. Geoffrey Harris' Q & A Column, "Paradise lost to nukes? Not if she can help it" of March 22, 1982—an interview with Ms. Terrista Ulechong, a citizen of Belau.

Following the bitter struggle with the Japanese for the Pacific islands in World War II, the United States was designated by the United Nations in 1947 as the administering authority over Micronesia (i.e., the Trust Territory of the Pacific Islands). Under terms of the treaty, the U.N. Security council sanctioned America's right to establish and use military facilities in the area for the maintenance of peace and international security. Concomitantly, the United States was obligated to foster political development in Micronesia in accordance with freely expressed will of the peoples concerned.

Accordingly, in 1969, negotiations between Micronesia and America were commenced with the objective of creating a new international political relationship, which has subsequently been termed "free association". Currently, these on-going negotiations involve three Micronesian political status commissions (i.e., delegates from the governments of the Marshall Islands, the Federated States of Micronesia and Belau) and the U.S. Office of Micronesian Status Negotiations, a federal task force, whose membership comprises, among others, representatives from the State, Defense and Interior Departments.

In the fall of 1980 under the Carter Administration, American and Micronesian negotiators reached agreement upon many provisions of a draft compact of free association, whose terms would only come into effect following termination of the U.N. Trusteeship. After months of intensive review, the Reagan Administration decided in September 1981 to resume political status negotiations with the Micronesians, adhering to all previous agreements.

Specifically, American and Belauan negotiators have reached accord upon a U.S. military use and operating rights agreement. Under its terms, the United States could lease for military contingency purposes, the following parcels of land in Belau: (1) 40 acres at Malakal Harbor; (2) 2,000 acres for resupply and storage at Belau's major airport; and (3) 30,000 acres for non-exclusive military use on Belau's largest, but sparsely populated, island. In addition, the agreement stipulates procedures to assure environmental protection.

In the interview, Ms. Terrista Ulechong remonstrates: ". . . we are against . . . bringing in the military to occupy one-fourth of the land of Belau, where most of the villagers live". But in analyzing the issue, the non-exclusive provisions of the military use and operating agreement is designed specifically to preclude any such military takeover. In fact, at the very most, 30,000 acres of Belau's least populated hinterland and exclusive of most villages would be tied up for only a few weeks by military training exercises with the land open and available to the Belauans for the remainder of the year.

Ms. Ulechong continues: "And we are against their [Americans] using our port as a base for the Trident submarine." Once again—even discounting the categorical denials by top U.S. Defense officials of any plans to base submarines in Belau—there would be no logic in doing so. First, the Trident weapon system is self-contained and is designed with sufficient range to operate exclusively from its home port, Bangor, Washington. Secondly, under-utilized submarine facilities already exist on Guam. It would be foolish, therefore—especially in these times of austere federal budgets—to duplicate base facilities in Belau only 800 miles away from Guam. Lastly, 40 acres at Malakal are hardly enough to accommodate a submarine base.

Ms. Ulechong also alleges that Belau is "being forced" by the United States to accept the terms of the draft compact of free association. This is far from the truth. Considering that negotiations have been underway for the last 13 years and that there are still many months remaining before they will be complete, accusations of coercion on the part of the United States are ill-founded. Moreover, before any Compact of Free Association can go into effect, it must first be approved by the Belauan legislature, then by the Belauan citizens in a state-wide referendum and finally by the U.S. Congress.

Lastly, Ms. Ulechong accuses the United States of attempting "to override every element of . . . Belau's nuclear free constitution." Once again, the statement is not true. Although the draft compact provides the Belauan Government with far greater control over nuclear activity within its borders than is enjoyed by any U.S. state government, inconsistencies do currently exist between the nuclear provisions of the Belauan Constitution and the terms of the draft compact. However, both Belauan and U.S. negotiators have long recognized these diversities. And it is understood that before the draft compact may go into effect, a separate referendum will be held upon the question, wherein at least three-quarters of the Belauan voters must concur before the anti-nuclear provisions of their Constitution can be reconciled with the compact.

During this crucial stage of Micronesian political status negotiations, it is unfortunate that such distortions of fact should be made. The major question before the Micronesians is not one of being drawn into an East-West military confrontation but one of maintaining their freedom. The preceeding 400-year foreign domination of the Pacific is indicative that the small, economically-poor states of Micronesia must have some degree of protection or run the risk of succumbing to the predatory instincts of less sympathetic world powers.

I personally do not favor all aspects of the compact of free association as presently drafted. On the other hand, I am a staunch supporter of the democratic processes involved in its approval. The United States has assured peace in Micronesia for 37 years. If this peace-keeping responsibility is to continue in the post-Trusteeship period, it will be decided by the Micronesians in free elections and ultimately by the United States Congress. Indeed, the determination of Micronesia's political future represents a major historical decision, which will significantly affect the lives of Micronesians and Americans alike.

Therefore, it is a decision that should not be prejudiced by the narrow motives of biased or ill-informed special interest groups.

Sincerely,

ROBERT J. LAGOMARSINO,
Member of Congress.●

NUCLEAR ARMAMENT

HON. THOMAS M. FOGLIETTA

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 30, 1982

● Mr. FOGLIETTA. Mr. Speaker, we come to this Chamber today to discuss a subject many have long said was undiscussable, to think about something we said was unthinkable. Indeed, for too long, it has been something we in the Congress have chosen to take as something unthinkable. We have not tried to bring the arms race to a halt with anything approaching the dedication it deserves. Now, finally, we are beginning to take up the standard of the future of the human race. I do not mean the standard of its betterment, but of its survival as we today understand survival—perhaps I should say, of its survival at all.

It is the purpose of the body to work for the improvement of the human condition. Yet until we begin to speak purposefully of ending the chance of self-inflicted annihilation, we cannot claim this as our creed. Nuclear arms exist in direct contradiction to our purpose, for they are not instruments that preserve and protect but ones that destroy. They are weapons that cannot save the user from destruction, but only lead him into suicide.

Until the first atomic bomb was exploded by America, no power in the world possessed the knowledge to eradicate life on Earth. Until we used that power in anger against the Japanese, we had no concept of the horror we were truly capable of perpetrating against humankind. What has happened once, can happen again.

It is perverse that the nuclear arms race continues as a result of our fear of nuclear war. That we, in seeking to reduce our paranoia, follow a policy that will lead inevitably to increasing that paranoia. That in the siege mentality that exists between the superpowers we have failed to see that what we are doing only increases the risk of a cataclysmic exchange. Every year we come to the floor justifying the new nuclear arms budget by saying, "if we don't do it, he will," and that, "we have to buy these weapons to counter what he is doing." Yet we fail to realize that the same thing is being said on both sides, and that it is precisely because we are doing it that he is, too.

To take up a discussion of the perils of nuclear war is to test the limits of our imagination. Further, to take up a discussion of the weapons that already exist, and that could be used in such a war, is to test the limits of our comprehension, and our rationality. We are being urged by this administration to add hundreds of new nuclear arms to the more than 50,000 that exist in the world already today. There are enough nuclear weapons now to be equivalent to 3 tons of TNT for every man, woman, and child alive in the world today. And yet the Reagan administration says we must have more. What we must have, is a halt to this maddening spiral.

The means of human and world destruction are today more diverse and numerous than ever before. We possess tactical nuclear weapons, theater nuclear weapons, battlefield nuclear weapons, strategic nuclear weapons, and so on. And yet our concept of what these weapons mean, and what they are capable of, lags far behind our ability to produce them. We recognize the destruction of Hiroshima and Nagasaki as the two greatest acts of destructive warfare in our history. And Hiroshima was obliterated by a 12.5 kiloton bomb. Consider, if you will, that the Navy now wants to deploy 20 kiloton bombs to defend its aircraft carriers. Nuclear arms are pervading every element of our military planning and posture, and they are making nuclear war more and more likely. I submit for the RECORD, Jonathan Schell's description of the devastation of Hiroshima in the hopes that it will bring to everyone's attention the incredible danger of even these smaller nuclear arms.

> On August 6, 1945, at 8:16 a.m., a fission bomb with a yield of twelve and a half kilotons was detonated about nineteen hundred feet above the central section of Hiroshima. By present-day standards, the bomb was a small one, and in today's arsenals it would be classed among the merely tactical weap-

ons. Nevertheless, it was large enough to transform a city of some three hundred and forty thousand people into hell in the space of a few seconds. "It is no exaggeration," the authors of "Hiroshima and Nagasaki" tell us, "to say that the whole city was ruined instantaneously." In that instant, tens of thousands of people were burned, blasted, and crushed to death. Other tens of thousands suffered injuries of every description or were doomed to die of radiation sickness. The center of the city was flattened, and every part of the city was damaged. The trunks of bamboo trees as far away as five miles from ground zero—the point on the ground directly under the center of the explosion—were charred. Almost half the trees within a mile and a quarter were knocked down. Windows nearly seventeen miles away were broken. Half an hour after the blast, fires set by the thermal pulse and by the collapse of the buildings began to coalesce into a firestorm, which lasted for six hours. Starting about 9 a.m. and lasting until late afternoon, a "black rain" generated by the bomb (otherwise, the day was fair) fell on the western portions of the city, carrying radioactive fallout from the blast to the ground. For four hours at midday, a violent whirlwind, born of the strange meteorological conditions produced by the explosion, further devastated the city. The number of people who were killed outright or who died of their injuries over the next three months is estimated to be a hundred and thirty thousand. Sixty-eight per cent of the buildings in the city were either completely destroyed or damaged beyond repair, and the center of the city was turned into a flat, rubble-strewn plain dotted with the ruins of a few of the sturdier buildings.

In the minutes after the detonation, the day grew dark, as heavy clouds of dust and smoke filled the air. A whole city had fallen in a moment, and in and under its ruins were its people. Among those still living, most were injured, and of these most were burned or had in some way been battered or had suffered both kinds of injury. Those within a mile and a quarter of ground zero had also been subjected to intense nuclear radiation, often in lethal doses. When people revived enough from their unconsciousness or shock to see what was happening around them, they found that where a second before there had been a city getting ready to go about its daily business on a peaceful, warm August morning, now there was a heap of debris and corpses and a stunned mass of injured humanity. But at first, as they awakened and tried to find their bearings in the gathering darkness, many felt cut off and alone. In a recent volume of recollections by survivors called "Unforgettable Fire," in which the effects of the bombing are rendered in drawings as well as in words, Mrs. Haruko Ogasawara, a young girl on that August morning, recalls that she was at first knocked unconscious. She goes on to write:

How many seconds or minutes had passed I could not tell, but, regaining consciousness, I found myself lying on the ground covered with pieces of wood. When I stood up in a frantic effort to look aroung, there was darkness. Terribly frightened, I thought I was alone in a world of death, and groped for any light. My fear was so great I did not think anyone would truly understand. When I came to my senses, I found my clothes in shreds, and I was without my wooden sandals."

Soon cries of pain and cries for help from the wounded filled the air. Survivors heard the voices of their families and their friends calling out in the gloom. Mrs. Ogasawara writes:

"Suddenly, I wondered what had happened to my mother and sister. My mother was then forty-five, and my sister five years old. When the darkness began to fade, I found that there was nothing around me. My house, the next door neighbor's house, and the next had all vanished. I was standing amid the ruins of my house. No one was around. It was quiet, very quiet, very quiet—an eerie moment. I discovered my mother in a water tank. She had fainted. Crying out, 'Mama, Mama,' I shook her to bring her back to her senses. After coming to, my mother began to shout madly for my sister: 'Eiko! Eiko!'

"I wonder how much time had passed when there were cries of searchers. Children were calling their parents' names, and parents were calling the names of their children. We were calling desperately for my sister and listening for her voice and looking to see her. Suddenly, Mother cried 'Oh Eiko!' Four or five meters away, my sister's head was sticking out and was calling my mother. . . . Mother and I worked desperately to remove the plaster and pillars and pulled her out with great effort. Her body had turned purple from the bruises, and her arm was so badly wounded that we could have placed two fingers in the wound."

We must impose a freeze on the production, deployment, and the testing of nuclear arms. Until we stop, we can never go back. Until we have gotten off the track of producing more arms, we will never successfully get on with the business of disarmament. Until we say "enough," we will be caught up in the nuclear whirlwind. What we have done, we must now begin to undo.

This freeze is not a unilateral disarmament. It must be done in accord with our allies and with the Soviet Union. No one advocates unilateral disarmament if they understand the balance of power with which we have lived for almost 40 years. But equally it must be understood that we must be the ones to lead, for truly, if we do not, no one else can, or will.

There are those who will argue that a freeze puts us in a position of weakness, that it ties our hands. These are the same people who will tell you that we are far behind the Russians, that we have to catch up, or get ahead, before we agree to stop this madness. To them I ask—catch up to what? The United States and the Soviet Union are in closer balance than at virtually any time in the nuclear age. We are, today, both in a position to destroy each other completely and irrevocably, many, many times over. We are beyond the point where counting megatons or launchers has real meaning. Surely there is no one who can say, we are unable to inflict total and unacceptable damage on the Soviet Union. And to those who say that we are, I ask them to consider that we are now at peace. If such a thing as a balance of terror can work, it is working now. Building more bombs will not make us more secure than we are today.

To those who say catch up, I ask them to consider, if you were in the U.S.S.R., would you choose to accept our claim that we only want to catch up to you, and then we will talk? I think not, for we refuse to do it here. If we insist on catching up, even though we are now genuinely even in terms that mean anything, then we will never get off the merry-go-round. The Soviets will not stop while we press ahead, as we would not stop while they did. If we insist on "catching up," this race will never end. Indeed, it is because one of the superpowers has been catching up since 1945, that it has come this far. We are today in a better position to verify arms limits than we will be at any time in the future. The time to build new weapons, or to talk about talking, is past. It is time to begin to make the Earth a safer place to live.

MESSAGE ON NUCLEAR ARMS RACE

(By John Cardinal Krol)

Fellow Citizens: Your overwhelming response to the Interfaith Committee's Call to Worship and Witness to Stop the Nuclear Arms Race is an exercise in religious leadership and responsible citizenship. As religious communities, united in the conviction that human life is sacred, we are duty-bound to articulate the growing concern of an increasing number of our fellow citizens, that nuclear arms and their use exceed the limits of legitimate self-defense; that nuclear war is a crime against God and man, and merits unequivocal condemnation.

Our Witness reflects the growing anti-nuclear race concern of professional groups, of scientists—including physicists—of the American and the World Medical Associations, of the World Health Assembly, of Federal and State legislators, and of the majority of the American public. In a recent Gallup Poll, 72 percent of Americans questioned favored a United States-Soviet pact not to build any more nuclear weapons.

As reasonable people, we are opposed to all wars, nuclear as well as conventional. We are convinced that peace is possible, and that it is our duty to pursue, with all our talents and resources, a just and lasting peace. Our pursuit of peace is not based on a naive utopian view of the world. Our Judaeo-Christian tradition is eloquent about the vision of peace. But it is also realistic about the fact of war. Governments cannot be denied the right of legitimate self-defense, once every means of a peaceful settlement has been exhausted. But nuclear war surpasses the limits of legitimate self-defense.

There is at times a tendency to discredit our type of nuclear arms race witness by saying that it is a fringe action of bright-eyed visionaries who ignore harsh current realities. Let it be known that we are aware of the Soviet's avowed and never rescinded goal of subjugating the entire world. We know that Khrushchev was not joking when he said: "We are going to bury you", and Brezhnev was serious when he told the 25th Congress of the Communist Party that detente with the West is no incumbrance for Soviet expansion. We know the tragic record of Communist expansion in the world and in our own Continent. We know the long record of treaties broken by the Soviet Union. We know that the neutrality of Afghanistan did not prevent its invasion by the Soviet military forces, or the neutrality of Sweden did not prevent the penetration of its waters by Soviet nuclear submarine. We know that the efforts of the people in Hungary, Czechoslovakia and Poland to be rid of subjugation to Communist rule were countered by military force and by martial law. We know too, the build-up of nuclear arms by the Soviets to gain superiority.

Judaeo-Christian morality is not lacking in realism. We recognize the right of legitimate self-defense, but this right is not a moral justification for unleashing massive destruction against innocent non-combatants. We advocate disarmament—not unilateral, but reciprocal or collective disarmament, proceeding at an equal pace, according to agreement and backed up by authentic and workable safeguards.

Too long have we been preoccupied with preparations for war; too long have we been guided by the questionable criterion of purity or superiority of armaments; too long have we allowed other nations to dictate how much we should spend on stockpiling weapons of destruction. The arms race is not a secure way of maintaining true peace and the balance of power is no sure path to achieving it. In fact, we must ask whether the nuclear arms race is itself a threat to our security and whether nuclear disarmament might not directly enhance our national security.

Why do we call upon all governments to end the nuclear arms race, to dismantle existing nuclear weapons and to agree upon a program of mutual inspection? There are many reasons. The first is that man normally uses the weapons he develops. Doctor Henry Kendall, Chairman of the Union of Concerned Scientistis, said: "The risk of nuclear war has gone up and will continue to go up unless there is a major change in direction." The second reason is that millions of lives are at stake, and Doctor Howard Hiatt, dean of Harvard's Schools of Public Health, tells us: "The greatest misunderstanding of all is the belief that we could tolerate a nuclear attack in the sense of surviving it. We have not come to grips with the reality that medical science, as well developed as it is, could do absolutely nothing in the event of such a nuclear catastrophe. Fire Commissioner Joseph Rizzo, Director of the City's Office of Emergency Preparedness, said last September: "I'm the first to admit that the city is unprepared for nuclear attack."

The Soviet intercontinental ballistic missile—Savage—carries a one megaton warhead, packing the destructive energy of one million tons of TNT or about eighty times the punch of the bombs dropped on Hiroshima and Nagasaki. In the spectrum of Soviet nuclear weaponry, it is only medium sized. These missiles are said to be accurate to within 200 yards—practically a bulls-eye at transoceanic range. When such a bomb explodes, it produces multimillion degree temperatures and generates inconceivable forces. At center of the attack, which can be a square mile or more, there is instant incineration—instant cremation. The nuclear blast increases normal atmospheric pressures from the normal 14.7 per square inch to 34.7 per square inch, flattening objects including human bodies. The noise of the explosions breaks eardrums, causing deafness. Even a glance at the fireball causes focal retinal burns and blindness. Heat and radiation will sear through all exposed body tissues opening the body to massive infection. In the wake of the explosion, there will be winds of 500 or more miles an hour, which will hurl humans and other objects through space.

The nuclear blast will destroy hospitals, kill many physicians, knock out electricity, fresh water, and render travel practically impossible. Decaying bodies and spoiled food will generate epidemic diseases. Teams of international scientists associated with the Pontifical Academy of Scientists, at the instance of Pope John Paul II, delivered a paper to world leaders on "The Impact of Nuclear War" which contained the following: "Recent talk about winning or even surviving a nuclear war must reflect a failure to appreciate a medical reality. Any nuclear war would inevitably cause death, disease, and suffering of pandemic proportions, and without the possibility of effective medical intervention."

At Hiroshima, Pope John Paul II said: "Our future on this planet, exposed as it is to nuclear annihilation, depends on one single factor: Humanity must make a moral about-face." This is the purpose of our Witness: To make our position clear:

1. We are opposed to all wars, both conventional and nuclear.

2. We believe that peace is possible, but it must be pursued with the same energy and determination as is used in preparation for war.

3. We acknowledge the right and duty of governments to legitimate self-defense, once all means of peaceful settlement have been exhausted.

4. It is a primary moral imperative to prevent any use of nuclear weapons under any conditions.

5. The deterrent effect of nuclear weapons is as credible as the resolve to use them if deterrence fails. The use of such weapons is immoral.

6. The possession of nuclear weapons in our policy of deterrence cannot be justified in principle, but can be tolerated only if the deterrent framework is used to make progress on arms limitation, reduction, and eventual elimination.

7. It is imperative for the superpowers to pursue meaningful arms limitation aimed at substantial arms reduction and nuclear disarmament.

8. The phasing out altogether of nuclear deterrence and the threat of Mutual Assured Destruction (MAD) must always be the goal of our efforts.

As religious leaders, we must resist the conquest of the world by a totalitarian system. We must resist tyranny and oppression by every human means but we must not act in an irrational and suicidal way and thereby forfeit the grace which God will give us to enable use to persevere. Since we share a common belief in God, His laws and commandments, and acknowledge a common code of moral conduct, I pray that we may speak with one voice, the voice of human conscience in persuading our political leaders and decision makers to change directions, to make a moral about-face and to ensure that nuclear war shall never occur.

As the late Pope Paul said at the United Nations: "No more war, War never again."●

THE IMMIGRATION REFORM AND CONTROL ACT OF 1982

HON. ROMANO L. MAZZOLI

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 31, 1982

● Mr. MAZZOLI. Mr. Speaker, since coming to the Congress nearly 12 years ago, I have worked diligently on many of the issues before us. However, I have never worked harder on any issue than I have on immigration reform since becoming chairman of the Subcommittee on Immigration, Refugees, and International Law early last year.

This effort has been worth it. After 12 days of hearings on all aspects of immigration reform, major investigative trips to all parts of our country to study immigration problems, after untold hours of meetings about all the issues associated with immigration, and after the first series of joint hearings on immigration reform in over 30 years, I have introduced H.R. 5872, the Immigration Reform and Control Act of 1982.

This is a bipartisan bill, as evidenced by the cosponsorship of my distinguished colleagues Congressmen McClory and Hamilton Fish.

Senator Alan Simpson, my Senate counterpart as chairman of the Senate Subcommittee on Immigration and Refugee Policy, has introduced an identical bill in the Senate.

While our bill is a joint effort, Alan Simpson deserves a great deal of the credit. He is one of the most able legislators I have ever had the privilege to know and work with.

In a continued demonstration of the truly bipartisan nature of the support for our bill, Senator Simpson and I will hold a final 2 days of joint hearings on our bill. The first hearing will be held April 1 and the second follows the April congressional district work period.

It is my intention to move ahead with a subcommittee markup of the bill soon after the hearings are completed. We have studied the immigration reform issues exhaustively, and it is time to roll up our collective sleeves and produce the necessary legislation.

I have been extremely pleased by the public support for this bill. Just after its introduction, the New York Times produced an editorial endorsing the bill. I ask unanimous consent that the editorial from the New York Times be reprinted at this point:

[From the New York Times, Mar. 18, 1982]

NOT NATIVIST, NOT RACIST, NOT MEAN

A Republican Senator and a Democratic Congressman joined yesterday to introduce a rare piece of legislation: a responsible immigration bill.

To understand just how rare, look back into history to, say, the Johnson Act of

1924. Its national-origins quota system reverberated with nativism and racism. Or the McCarran-Walter Act of 1952. Though partly reformed in 1965, it remains the basic immigration law; the very name still connotes mean-spirited red-baiting.

Consider, by comparison, the new proposal by Senator Alan Simpson, a Wyoming Republican, and Representative Romano Mazzoli, a Kentucky Democrat. We don't agree with all of it. We wish they were willing, separately and swiftly, to correct the shamefully long detention of Haitian migrants. But there will be time later for objection. As a general proposition, the Simpson-Mazzoli bill is at once tough, fair and humane.

First, tough. The United States cannot conceivably let in all the worldwide millions who want in. That means controlling cur own borders and that, in turn, means something called employer sanctions. Federal law must forbid hiring illegal immigrants and also provide employers with a way to identify who they are. The Simpson-Mazzoli bill would do both. Without being specific, it calls for the gradual development of a limited, reasonable process of identification.

Second, fair. There is growing sentiment in Congress for a harsh ceiling on immigration. The Simpson-Mazzoli proposal accepts the principle, calling for a limit of 425,000 people a year (apart from refugees, whose entry is regulated by a 1980 act). The 425,000 figure is low and subject to bargaining. But it is neither arbitrary nor regressive: it approximates present immigration, which the country knows it can handle comfortably.

Third, humane. A large number of foreign migrants—maybe half a million, maybe two and a half million—have lived in this country for years, but under a cloud: they entered illegally. Fearful of detection, they are vulnerable to exploitation. Previous proposals for amnesty have failed as too harsh or too soft-headed. The new bill strikes a reasonable compromise, providing legal status to aliens if they have lived here since 1978.

Reasonable compromise may, indeed, be the key to the whole bill. Immigration involves an array of competing interests that conform to no party or ideological lines. Senator Simpson and Representative Mazzoli have balanced the ideas of the Administration and a blue-ribbon immigration commission; of labor, employers and minority groups; of different regions; of other countries.

The resulting bill is a genuine political achievement, aligning Congress with the best, instead of the worst, in the American immigration tradition.●

VERMONTERS OFFER INSIGHTS ON ECONOMIC ISSUES

HON. JAMES M. JEFFORDS

OF VERMONT

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 31, 1982

● Mr. JEFFORDS. Mr. Speaker, at the beginning of this year I mailed a questionnaire to Vermonters, asking their views on a range of issues relating to the massive economic recovery program which we embarked upon during 1981.

Because of printing and mailing delays, and the time needed for tabulation, the results have just been computed. They have become available at an opportune time, as we are preparing to make major decisions on the fiscal 1983 budget and a variety of other issues which will deeply affect the economic course that was begun last year.

Knowing that public views on these crucial issues are of deep interest to my colleagues, I wish to take this opportunity to outline the questionnaire results to all Members of this Chamber.

GENERAL VIEWS ON THE ECONOMIC PROGRAM

Of 8,116 Vermonters who responded, a substantial majority felt that at least in a general sense, we are pointed in the right direction economically, and that the President's overall program should be given a chance to succeed.

There is widespread disagreement, however, with many of the specific components of the economic program.

The questionnaire began by asking, "In general terms, what is your present opinion of the President's overall economic program?"

Three options were listed, and respondents were asked to choose the one which is closest to their views.

The option chosen by the largest number of Vermonters, 57.9 percent, was: "The general outlines of the program should be given a chance to succeed, but some aspects of it should be revised." Another 25.8 percent said "The overall program should be rejected." The other 16.3 percent said "The entire program should be adopted as proposed."

VIEWS ON CONGRESSIONAL RESPONSE

Vermonters were divided in their reactions to the way Congress responded to the administration's economic proposals over the last year.

They were asked, "In general terms, how do you judge the actions of Congress to date on the economic program?" Again, three alternative options were listed.

The option chosen by the largest number, 41.1 percent, was "Congress has been too anxious to rubberstamp everything the President has proposed."

The remainder of respondents were roughly equally divided between the two other options. A total of 29.2 percent said "Congress has dragged its feet: It should move faster and not insist on so many revisions," while 29.7 percent said "Congress has responded reasonably well so far."

There appears, at first glance, to be an inconsistency in the responses to these two general questions. While only 16.3 percent said the President's entire program should be adopted as proposed, 29.2 percent objected to footdragging and insistence on revisions by Congress.

The problem is undoubtedly in the wording of the question. In comparing the responses, it seems evident that the objection is more to foot-dragging than to insistence on revisions. In retrospect, the two should not have been combined in the same option.

It is clear that most Vermonters do not feel that every comma and clause of the President's program should be adopted intact, but it is just as clear that most Vermonters believe firm, decisive action is needed along the general lines of the President's program.

SUGGESTED CHANGES IN PRESIDENT'S PROGRAM

Vermonters were then asked "Which, if any, of the following changes would you like to see made in the social policies encompassed by the economic program?"

Eight options were listed. The largest number, 74.9 percent, checked that they would like to see "Less tax breaks for the wealthy, more relief for low- and middle-income people." It is clear that in Vermont, the 1981 tax bill is widely considered to be inequitable, at least in terms of social policy. The issue was raised again, later in the questionnaire, strictly in the context of economic policy, and a similar level of concern was expressed. More on that later.

The second largest level of concern, in terms of social policy, was that regulations that are legitimately needed might be loosened too quickly. A total of 64.2 percent said "Do not loosen regulations designed to protect health, safety, the environment and individual rights."

However, that figure needs to be put into context. A total of 39.2 percent checked what would appear, at first glance, to be a directly opposing sentiment: "Loosen Federal regulations over private enterprise more quickly, as they are overly burdensome."

In other words, those saying we should not loosen regulations that offer important protections, and those saying we should loosen regulations more quickly, add up to over 100 percent. The total may seem particularly astounding at first glance when you consider, intuitively, that there must be at least a few Vermonters who believe we are loosening Federal regulations at about the right pace.

On closer examination, however, the responses to these questions should not come as a surprise to Members of this Chamber. It is clear that substantial numbers of Vermonters believe that many regulations are more burdensome than they need to be in order to serve their intended purposes. But a large majority would object to any loosening of the actual, substantive protections provided by those regulations.

Another social policy about which many Vermonters expressed concern is the rapid increase in military spending. A slim majority, 50.9 percent, said there should be "Less emphasis on military buildup." While this number is significant, an even greater level of concern was expressed, later in the questionnaire, regarding the economic impact of the rapid increase in military spending.

Meanwhile, 40.4 percent of Vermonters said there should be "Fewer cuts in domestic programs." For context, it should be understood that this relates to the cuts which we enacted last year, not the deeper cuts which have been proposed this year.

The other options listed on social policies encompassed in the economic program relate to the concepts which were outlined subsequent to the time the questionnaire was mailed out, in President Reagan's New Federalism proposals.

A total of 35.9 percent said "Do not shift the tax burden from broad-based Federal taxes to State and local taxes," while 35.5 percent said "Proceed more quickly in turning over power from Federal to State and local governments," and 34.3 percent said we should "Proceed more slowly in turning over power to State and local governments."

SHOULD THE BUDGET BE BALANCED AND IF SO, HOW?

Vermonters were then asked, "Do you feel it is important to balance the budget as soon as feasible?"

The question was admittedly general in nature, as there are undoubtedly strong differences of opinion as to how soon budget balancing will become feasible. The responses demonstrate, however, that there is a high level of concern over deficit spending: 85.6 percent of Vermonters answered "yes".

Those who answered "yes" were then asked, "Which of the following steps should we take to reduce future deficits?" Six options were listed.

The largest number, 94.6 percent (of those who wanted to move toward a balanced budget) said we should "Scrutinize the military budget, to eliminate waste and inefficiency."

This indicates an almost pervasive view that a substantial number of wasted dollars are built into the increases in the defense budget, and that these wasted dollars should not be treated as a sacred cow.

A much smaller but still significant number, 44.6 percent, listed "Less buildup of the military" as a step we should take to reduce future deficits. In other words, aside from the issue of waste, those who feel it is important to balance the budget have slightly less tendency to oppose the pace of the military buildup than the full sample of respondents—50.9 percent of whom said that as a matter of social policy there should be less emphasis on military buildup.

Features of last year's tax bill are also seen as major culprits by those concerned about Federal deficits.

A big majority, 76.9 percent, said we should "Roll back some of the special tax breaks that were added to the 1981 tax bill, such as those granted to the oil companies."

Meanwhile, 36.2 percent said we should "Roll back the general tax cuts for business and industry," and 30.3 percent said we should "Roll back some of the individual tax cuts enacted in 1981."

Finally, 25.4 percent said we should enact "Deeper cuts in domestic programs" as a step to reduce future deficits.

ECONOMIC PRIORITIES

The final question was designed to determine the level of priority Vermonters feel should be given to the various objectives of our economic recovery efforts.

The question asked, "While inflation has been generally acknowledged to be our most serious economic problem, do you feel our Government can and should be doing more to combat other aspects of our economic problems as well?"

Three optional responses were listed. The first, "More emphasis should be placed on bringing down interest rates," was check by 48.4 percent of respondents. The second, "More emphasis should be placed on holding down unemployment," was checked by 47.1 percent. The third, "The problem of inflation is so serious that our attack on it should preempt all other economic concerns, at least for now," was checked by 41.5 percent.

Some caution is needed in interpreting these results. The wording of the "inflation" option obviously tends to inhibit respondents who check it from also checking the "interest rates" and "unemployment" options. There is no such inhibition against checking both "interest rates" and "unemployment" as priority concerns.

Therefore, the figures cannot be compared to determine the relative levels of concern over the three basic economic problems that were listed. The numbers do, however, demonstrate that there is widespread concern over interest rates and unemployment and perception that the Government can and should be addressing those problems in conjunction with its anti-inflation efforts.

GENERAL COMMENTS ON THE QUESTIONNAIRE

There are, of course, limitations to a questionnaire of this type. One concern often expressed is that respondents do not constitute a scientifically selected cross section of the population. All Vermont adults had the opportunity to respond and the 8,116 who did so constitute what pollsters refer to as a self-selecting sample.

But the sheer numbers of respondents—10 times as many as in even the most thorough professional polls of Vermont opinion more than compensate for this shortcoming. By comparing results of my constituent questionnaires in previous years to similarly worded questions in professional polls, the statistical validity of the questionnaires has been proven beyond doubt.

Any statistical tabulation of opinion must, of course, be interpreted in its proper perspective. Any poll or questionnaire inherently oversimplifies the categories of public opinion. And the general categories of opinion cannot always be applied directly to specific pieces of legislation.

Finally, I think all of my colleagues would agree that ultimately, our votes must be a matter of conscience rather than a simple reflection of popular opinion. But at the same time, it is essential for us to seek out the views of the people we represent, and to be accountable to those views.

The questionnaire, combined with the thousands of letters and individual comments I have received from Vermonters, provides an excellent guide to the general approaches my constituents wish me to take in the basic economic decisions we must make this year.

It is a guide I am pleased to follow, consistent with my conscience. The thousands of Vermonters who participated in the survey have my deep gratitude.●

WESTERN NEW YORK SAYS YES TO THE HAZARDOUS WASTE MANAGEMENT ACT

HON. JOHN J. LaFALCE

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 31, 1982

● Mr. LAFALCE. Mr. Speaker, on March 24, I introduced H.R. 5950, the Hazardous Waste Management Act of 1982, a bill to prohibit the landfill disposal of hazardous wastes for which there exists an alternative means of treatment, recovery or disposal.

In my introductory remarks I noted that the people of western New York were too well aware of the potential for severe health and environmental damage from the landfilling of hazardous waste. In addition to Love Canal, over 300 hazardous waste landfills, active and inactive, dot Erie and Niagara Counties. Buried in our land are wastes from across New York State and all of North America.

Mr. Speaker, I would like to bring to the attention of our colleagues an editorial that appeared in the Tonawanda News and a resolution adopted by the town of Hamburg urging support for H.R. 5950.

The Tonawanda News editorial captures what I believe to be the sentiment of most western New Yorkers in asserting that my proposal is long overdue.

Mr. Speaker, it is time for the Congress to act to protect all Americans from hazardous wastes and bring the advances in hazardous waste treatment, recovery, and disposal to the forefront of the hazardous waste marketplace. We must recognize that hazardous waste landfills cannot suffice as the long-term solution to our hazardous waste problem.

Copies of the editorial and resolution follow:

No National Dump Site!

How much more buried toxic waste will Niagara County tolerate?

With the federal Environmental Protection Agency's recent about face which lifts its prohibition on dumping containerized wastes in landfills, it appears this lush, fertile, fruitgrowing county is destined to become the federal dumpsite of all time!

Although EPA administrator Anne M. Gorsuch has partly withdrawn an order she issued earlier this year to allow burial of barrels of liquid wastes in landfills, she has the power to open up the entire country to toxic waste landfills which could haunt the health and welfare of generations to come.

As a result, Rep. John J. LaFalce (D-Town of Tonawanda) has introduced a bill which would remove the EPA administrator's power.

The bill also would prohibit landfill disposal of any hazardous waste where there is an alternate means of treatment or disposal.

Just how long LaFalce's bill will remain in the House Energy and Commerce Committee before action is taken remains unknown. But the usual track record for such legislation limiting the powers of federal agencies is about two years. And as we see it, the bill is years too late.

Lest we forget, toxic wastes are still buried in Gratwick Riverside Park in North Tonawanda, the Witmer Road dumpsite in Wheatfield and are only overshadowed by the dismal Love Canal section of Niagara Falls—now a ghost town.

Lest we forget, the liquid waste "lake" still exists at Townline and Beach Ridge Roads, Peodleton.

And lest our federal government forgets, Niagara County has one of the highest radiation concentrations of anywhere in the world at the former government-operated "Manhattan Project" in Model City, near Lewiston.

LaFalce's bill should be supported by every Niagara County resident who wants to halt that county's becoming a "national toxic waste dumpsite."

Town of Hamburg Resolution

Resolved, that the Town of Hamburg go on record as supporting Congressman La Falce's efforts to introduce federal legislation to ban the use of landfills for disposal of most hazardous waste except where there is no technologically feasible or available alternative means of treatment or disposal.●

JOBS FOR PROGRESS

HON. ROBERT GARCIA

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 31, 1982

● Mr. GARCIA. Mr. Speaker, on behalf of the Congressional Hispanic Caucus and its members representatives Baltasar Corrada, Edward R. Roybal, Henry B. Gonzalez, E "Kika" de la Garza, and Manuel Lujan, Jr., I would like to congratulate SER—Jobs for Progress, Inc., for 16 years of service and leadership which have improved the standard of living for many Hispanic Americans.

It is for that reason that I would like to compliment SER, directors and staff, past and present, for its dedication in creating jobs for its people by working closely with the private sector, Government, and community organizations, by discussing common concerns, and by organizing alternative strategies to combat rising unemployment.

SER has taken a lead role in working with other Hispanic organizations to insure the success of common goals, to influence the policy direction of the national employment and training system and to develop new ways to stimulate economic growth and increase employment opportunities.

Of interest to all is the following summary written by SER representatives on "The Importance of Employment and Training Programs for Hispanic Americans":

It is rather impossible to give more weight to the Housing needs of our people than to their health needs; to equal opportunity for Hispanic women than to the legal defense of our civil rights; to the education of our children than the needs of our elderly.

The more important question is how we can find a way to achieve them all—how can we get our community to improve its standing in this society?

There are only a few ways which have proven to be successful tools to break the vicious cycle of poverty; one such method is through the economic upward mobility of each family unit—that is, through jobs.

Due to the requirements of our labor market and the level of educational and skill attainment of Hispanic Americans, we must go after those jobs through training ourselves to compete effectively for them.

It is most important that this proposal to break the poverty cycle of Hispanic Americans be viewed in a larger context.

We must analyze this issue from the perspectives of:

1. The changes that are occuring in our economic system:
2. The appropriate role for the national (Federal) Government as a partner in the employment and training system; and
3. The importance of the involvement of Hispanic organizations in this entire program.

As a nation, we are clearly at a cross-roads in the development of our economic system; a cross-roads no less important than the period of the "Industrial Revolution".

The values that we place on assets, production, and commerce are undergoing changes as a result of our present economic development and as a consequence of the interdependence of economic systems throughout the world.

An important part of this process of chance is the redefinition of what we require from our people as workers. In other words, to what extend does our current labor force have the necessary skills to assume the new job-site roles that are being developed as a result of changes in the economy?

As a byproduct of this questioning process, we find ourselves in the singular situation of having the highest number of unemployed workers in the industrialized world, while also having the longest list of vacant positions.

From the investment perspective, our country has embarked on a number of policies designed to increase capital assets. Through a variety of incentives, we are investing in increasingly-higher automated industrial systems, which will lead us to a more competitive position in the world market.

What we must now strive for, is to link the increase in financial investments to an equally-dynamic increase in skilled human capital to help the economy successfully shift into the 21st century.

Increasing the level of skilled human capital is, of course, being undertaken by thousands of firms in our country as well as by other institutions in our society.

Corporations with direct interests in the changing economic system are already investing in the training of their employees. Other institutions, such as commercial training schools, are already offering to their clients a variety of courses in the new job skills.

In neither case, does America's largest pool or ready-to-be trained people get tapped: the long-term unemployed are considered too high a risk for the business investor and too low a checking account holder to be accepted in a commercial course.

For these millions of Americans, including nearly 3 million Hispanics, it becomes the responsibility of our National Government to assist them to be productive members of society through participation in the labor force.

This role of the Federal Government must also be looked upon in terms of monetary value and returns to investment through Federal programs.

We must "sell" training of the Hispanic unemployed worker from the perspective of returns to such investment.

And this can easily be shown, for indeed there is evidence to support the assertion that training the Hispanic "hard-to-employ" brings higher economic and social returns to investment than retraining any other individual.

Looking at the working life time of two persons, one with skills and one with no skills, we can analyze the returns to investments.

One has interrupted periods of work; the other, steady work. The unemployed has interrupted periods of income; the other, steady income.

If both individuals were trained for new similar technological types of jobs, the returns to investment to society will be higher from training the hard-to-employ.

This is so, because:

1. Welfare services for this individual wouldn't be needed anymore;
2. Unemployment insurance is reduced;
3. Change in tax revenues from this individual is higher than for the others.

In the long run the hard-to-employ individual quickly pays back to society the money invested in his/her training.

The primary focus of the Government's role must be, therefore, to assist youth and adults who are not able on their own or through other institutions to acquire the services which would enable them to obtain and retain jobs.

To bring these individuals the necessary services, our Nation developed several years ago a concept of client-based, community-based, job-training organizations; institutions, in the American tradition of being "of the people, by the people, and for the people."

As a consequence of the active involvement of client-based organizations in job training and job placement activities, a high degree of sophistication and efficiency has been developed.

This experience gives Hispanic community-based job-training organizations a special place in the delivery of job training services.

We have demonstrated our ability to deliver such services with a high degree of quality and at low cost; we have the flexibility to channel resources to special "target" groups; and we are governed and staffed by individuals who reflect the demographic composition of the community we serve.

In conclusion, please allow a quote from a learned student of community based organizations, Dr. Bernard Anderson, of the School of Economics of the University of Pennsylvania.

"Community based organizations have emerged as major actors in the (employment and training) services stage to supplement (other) resources available in the labor market. Their activities help reduce unemployment, especially among disadvantaged minorities, and their presence leads an extra measure of stability to the communities in which they are located."●

SENATE COMMITTEE MEETINGS

Title IV of Senate Resolution 4, agreed to by the Senate on February 4, 1977, calls for establishment of a system for a computerized schedule of all meetings and hearings of Senate committees, subcommittees, joint committees, and committees of conference. This title requires all such committees to notify the Office of the Senate Daily Digest—designated by the Rules Committee—of the time, place, and purpose of the meetings, when scheduled, and any cancellations or changes in the meetings as they occur.

As an additional procedure along with the computerization of this information, the Office of the Senate Daily Digest will prepare this information for printing in the Extensions of Remarks section of the CONGRESSIONAL RECORD on Monday and Wednesday of each week.

Any changes in committee scheduling will be indicated by placement of an asterisk to the left of the name of the unit conducting such meetings.

Meetings scheduled for Thursday, April 1, 1982, may be found in the Daily Digest of today's RECORD.

MEETINGS SCHEDULED

APRIL 2

9:00 a.m.
Labor and Human Resources
Employment and Productivity Subcommittee
To resume hearings on productivity in the American economy.
4232 Dirksen Building

10:00 a.m.
Joint Economic
To hold hearings on the employment/unemployment situation for March.
2128 Rayburn Building

11:00 a.m.
Budget
Business meeting, to continue markup of the first concurrent resolution on the budget for fiscal year 1983, setting forth recommended levels of total budget outlays, Federal revenues, and new budget authority.
6202 Dirksen Building

APRIL 13

9:30 a.m.
Commerce, Science, and Transportation
Surface Transportation Subcommittee
To hold hearings on proposed legislation authorizing funds for the railroad safety program, Department of Transportation.
235 Russell Building

11:00 a.m.
Commerce, Science, and Transportation
To hold hearings on the nomination of Charles Luna, of Texas, Ross E. Rowland, Jr., of New Jersey, and Robert D. Orr, of Indiana, each to be a member of the Board of Directors of the National Railroad Passenger Corporation.
235 Russell Building

APRIL 14

9:00 a.m.
Energy and Natural Resources
Public Lands and Reserved Water Subcommittee
To hold hearings on S. 1777, establishing the permanent boundary of Acadia National Park on Isle au Haut off the coast of Maine; S. 1872, extending the period for grazing privileges afforded to privately owned lands within the Capitol Reef National Park in Utah; and S. 2218, providing for the development and improvement of the recreation facilities of Gateway National Recreation Area, New York City, and for utilization of its energy resources.
3110 Dirksen Building

9:30 a.m.
Finance
International Trade Subcommittee
To hold hearings on budget proposals for fiscal year 1983 for the U.S. Customs Service of the Department of the Treasury, U.S. International Trade Commission, and the Office of the U.S. Trade Representatives.
2221 Dirksen Building

Judiciary
Agency Administration Subcommittee
To hold hearings on the Supreme Court case Feres against United States as it relates to private claims.
2228 Dirksen Building

10:00 a.m.
Appropriations
Labor, HHS, Education, and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1983 for activities of the Secretary of Health and Human Services.
1114 Dirksen Building

Environment and Public Works
Environmental Pollution Subcommittee
To hold hearings on proposed legislation authorizing funds for the endangered species program.
4200 Dirksen Building

2:00 p.m.
Appropriations
Labor, HHS, Education, and Related Agencies Subcommittee
To continue hearings on proposed budget estimates for fiscal year 1983 for activities of the Secretary of Health and Human Services.
1114 Dirksen Building

*Governmental Affairs
Federal Expenditures, Research and Rules Subcommittee
To hold oversight hearings on the implementation of the Paperwork Reduction Act (Public Law 96-511).
3302 Dirksen Building

APRIL 15

9:00 a.m.
Appropriations
Interior and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1983 for the Land and Water Conservation Fund, and to receive testimony from congressional witnesses.
1318 Dirksen Building

9:30 a.m.
Finance
Savings, Pensions and Investment Policy Subcommittee
To hold hearings on S. 2298, establishing an enterprise zone program for dealing with the problems of economically depressed areas in the United States.
2221 Dirksen Building

Labor and Human Resources
To hold hearings on proposed authorizations for the National Science Foundation.
4232 Dirksen Building

10:00 a.m.
Appropriations
HUD-Independent Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1983 for the Office of Science and Technology Policy and the Council on Environmental Quality.
1224 Dirksen Building

Appropriations
Labor, HHS, Education, and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1983 for activities of the Secretary of Education.
1114 Dirksen Building

Energy and Natural Resources
Public Lands and Reserved Water Subcommittee
To hold hearings on S. 1999, providing for the establishment of the Wolf Trap Farm Park in Virginia; and S. 1540, revising the boundaries of the Saratoga National Historical Park in New York.
3110 Dirksen Building

Select on Indian Affairs
To hold oversight hearings on the tribally controlled community college program.
6226 Dirksen Building

2:00 p.m.
Appropriations
Labor, HHS, Education, and Related Agencies Subcommittee
To continue hearings on proposed budget estimates for fiscal year 1983

for activities of the Secretary of Education.
1114 Dirksen Building

APRIL 16

9:00 a.m.
Labor and Human Resources
Employment and Productivity Subcommittee
To resume hearings on productivity in the American economy.
4232 Dirksen Building

9:30 a.m.
Finance
Savings, Pensions and Investment Policy Subcommittee
To continue hearings on S. 2298, establishing an enterprise zone program for dealing with the problems of economically depressed areas in the United States.
2221 Dirksen Building

APRIL 19

9:30 a.m.
Labor and Human Resources
Aging, Family and Human Services Subcommittee
To hold oversight hearings on title X of the Public Health Service Act relating to health aspects of teenage sexual activity.
4232 Dirksen Building

10:00 a.m.
Commerce, Science, and Transportation
Merchant Marine Subcommittee
To hold hearings on proposed legislation authorizing funds for the Maritime Administration, Department of Transportation.
235 Russell Building

Energy and Natural Resources
Energy Regulation Subcommittee
To hold hearings on S. 1885, to place electric utilities, including members of registered holding company systems, on the same basis as nonutilities to encourage their investment in cogeneration and small power production facilities.
3110 Dirksen Building

Environment and Public Works
Environment Pollution Subcommittee
To resume hearings on proposed legislation authorizing funds for the endangered species program.
4200 Dirksen Building

APRIL 20

9:00 a.m.
Appropriations
Interior and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1983 for certain functions of the Indian Health Service, Department of Health and Human Services, and the Geological Survey, Department of the Interior.
1318 Dirksen Building

9:30 a.m.
Appropriations
State, Justice, Commerce, the Judiciary and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1983 for the Department of State, focusing on the Office of the Secretary and administration of foreign affairs.
S-146, Capitol

Labor and Human Resources
Business meeting, to consider S. 2311, authorizing funds through fiscal year 1985 for the National Cancer Institute, the National Heart, Lung, and Blood Institute, and the National Library of Medicine; S. 1483, making the U.S. Government liable for damages to residents and participants arising from the fallout from certain atmospheric tests, establishing an advisory panel to study the adverse health effects, and transferring from the Department of Energy all functions relating to research on the health effects of radiation to the Department of Health and Human Services; and proposed legislation authorizing funds for the National Science Foundation.
4232 Dirksen Building

10:00 a.m.
Appropriations
HUD-Independent Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1983 for the Environmental Protection Agency.
1224 Dirksen Building

Energy and Natural Resources
Business meeting, to consider pending calendar business.
3110 Dirksen Building

Environment and Public Works
Business meeting, to resume markup of proposed amendments to the Clean Air Act (Public Law 95-95).
4200 Dirksen Building

1:00 p.m.
Judiciary
Immigration and Refugee Policy Subcommittee
To hold joint hearings with the House Subcommittee on Immigration, Refugees, and International Law of the Committee on the Judiciary on S. 2222, revising and reforming U.S. immigration laws.
2228 Dirksen Building

2:00 p.m.
Appropriations
Foreign Operations Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1983 for foreign assistance activities of the Department of the Treasury.
1318 Dirksen Building

Appropriations
Labor, HHS, Education, and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1983 for activities of the Secretary of Labor.
1114 Dirksen Building

Environment and Public Works
Regional and Community Development Subcommittee
To hold hearings on S. 2250, authorizing funds for fiscal years 1983, 1984, and 1985 for programs of the Disaster Relief Act of 1974, and for administrative expenses of the Federal Emergency Management Agency, and restricting the long-range response and recovery provisions of the act to natural catastrophies.
4200 Dirksen Building

Select on Intelligence
Closed business meeting, to resume consideration of proposed legislation authorizing funds for fiscal year 1983 for intelligence activities of the United States.
S-407, Capitol

APRIL 21

9:00 a.m.
Appropriations
Defense Subcommittee
To resume hearings on proposed budget estimates for fiscal year 1983 for the Defense Establishment, focusing on global commitments.
1224 Dirksen Building

9:30 a.m.
Appropriations
State, Justice, Commerce, the Judiciary, and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1983 for the Small Business Administration, Federal Communications Commission, Equal Employment Opportunity Commission, and the Maritime Administration.
S-146, Capitol

Environment and Public Works
Transportation Subcommittee
To hold hearings on proposed legislation authorizing funds for the Federal aid highway program.
4200 Dirksen Building

10:00 a.m.
Appropriations
Labor, HHS, Education, and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1983 for the Employment and Training Administration, Department of Labor.
1114 Dirksen Building

Appropriations
Transportation and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1983 for the Federal Railroad Administration of the Department of Transportation, and Amtrak.
1318 Dirksen Building

Energy and Natural Resources
Business meeting, to consider pending calendar business.
3110 Dirksen Building

Labor and Human Resources
Education, Arts, and Humanities Subcommittee
To hold hearings on S. 1889, authorizing funds for fiscal years 1983 and 1984 for the establishment of a national institution to promote international peace and resolution of international conflict.
4232 Dirksen Building

2:00 p.m.
Environment and Public Works
Transportation Subcommittee
To continue hearings on proposed legislation authorizing funds for the Federal aid highway program.
4200 Dirksen Building

APRIL 22

9:00 a.m.
Appropriations
Interior and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1983 for certain functions of the Forest Service, Department of Agriculture.
1318 Dirksen Building

9:30 a.m.

Appropriations

State, Justice, Commerce, the Judiciary and Related Agencies Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1983 for certain programs which fall within the jurisdiction of the subcommittee, receiving testimony from public witnesses.

S-146, Capitol

Labor and Human Resources

Aging, Family and Human Services Subcommittee

To hold hearings on promoting volunteerism in America.

4232 Dirksen Building

10:00 a.m.

Appropriations

Labor, HHS, Education, and Related Agencies Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1983 for the Labor-Management Services Administration, Pension Benefit Guaranty Corporation, and the Employment Standards Administration, Department of Labor.

1114 Dirksen Building

Environment and Public Works

Environmental Pollution Subcommittee

Business meeting, to mark up S. 1018, prohibiting the Federal Government from funding commercial and residential growth on undeveloped barrier beaches and islands.

4200 Dirksen Building

2:00 p.m.

Appropriations

Labor, HHS, Education, and Related Agencies Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1983 for the Occupational Safety and Health Administration (OSHA), and the Mine Safety and Health Administration, Department of Labor.

1114 Dirksen Building

APRIL 23

9:30 a.m.

Banking, Housing, and Urban Affairs

Consumer Affairs Subcommittee

To hold hearings on the role of the Federal Reserve Board in the operation of automated clearinghouse services.

5302 Dirksen Building

10:00 a.m.

Appropriations

Labor, HHS, Education, and Related Agencies Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1983 for Bureau of Labor Statistics, departmental management services, and the President's Committee on Employment of the Handicapped, Department of Labor.

1114 Dirksen Building

Appropriations

Transportation and Related Agencies Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1983 for the Urban Mass Transportation Administration, Department of Transportation.

1318 Dirksen Building

Energy and Natural Resources

To hold hearings on the world petroleum outlook.

3110 Dirksen Building

Labor and Human Resources

Education, Arts, and Humanities Subcommittee

To hold hearings on S. 2002, proposed Bilingual Education Amendments of 1981, and other related proposals.

4232 Dirksen Building

APRIL 26

9:00 a.m.

Commerce, Science, and Transportation

Communications Subcommittee

To hold hearings on S. 2172, creating a jurisdictional framework to apportion the authority regulating cable systems between the Federal and State Governments, and providing for a competitive marketplace for cable systems in the telecommunications industry.

235 Russell Building

10:00 a.m.

Appropriations

Transportation and Related Agencies Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1983 for the Federal Aviation Administration, Department of Transportation.

1318 Dirksen Building

Energy and Natural Resources

Energy Regulation Subcommittee

To hold oversight hearings to review programs administered by the Office of Federal Inspector, Alaska Natural Gas Transportation System, and the Economic Regulatory Administration and Federal Energy Regulatory Commission, Department of Energy.

3110 Dirksen Building

Environment and Public Works

Environmental Pollution Subcommittee

To hold hearings on proposed authorizations for programs of the Resource Conservation and Recovery Act.

4200 Dirksen Building

Labor and Human Resources

Education, Arts, and Humanities Subcommittee

To resume hearings on S. 2002, proposed Bilingual Education Amendments of 1981, and other related proposals.

4232 Dirksen Building

APRIL 27

9:00 a.m.

Appropriations

Interior and Related Agencies Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1983 for the Office of the Federal Inspector, Alaska Natural Gas Transportation System, Bureau of Mines of the Department of the Interior, and the National Endowment for the Arts.

1318 Dirksen Building

Commerce, Science, and Transportation

Communications Subcommittee

To continue hearings on S. 2172, creating a jurisdictional framework to apportion the authority regulating cable systems between the Federal and State Governments, and providing for a competitive marketplace for cable systems in the telecommunications industry.

6226 Dirksen Building

9:30 a.m.

Banking, Housing, and Urban Affairs

Securities Subcommittee

To hold hearings on S. 1869, S. 1870, S. 1871, and S. 1977, bills revising or repealing certain provisions of the Public Utility Holding Company Act of 1935.

5302 Dirksen Building

Labor and Human Resources

Labor Subcommittee

Business meeting, to mark up S. 1785, increasing the penalties for violations of the Taft-Hartley Act, requiring immediate removal of certain individuals convicted of crimes relating to his official position, broadening the definition of the types of positions an individual is barred from upon conviction, increasing the time of disbarment from 5 to 10 years, escrowing a convicted official's salary for the duration of his appeal, and clarifying the jurisdiction of the Department of Labor relating to detection and investigating criminal violations relating to ERISA.

4232 Dirksen Building

10:00 a.m.

Appropriations

HUD-Independent Agencies Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1983 for the National Science Foundation.

1224 Dirksen Building

Appropriations

Labor, HHS, Education, and Related Agencies Subcommittee

To hold oversight hearings on programs of the Departments of Labor, Health and Human Services, Education, and related agencies.

1114 Dirksen Building

Energy and Natural Resources

Business meeting, to consider pending calendar business.

3110 Dirksen Building

Environment and Public Works

Business meeting, to resume markup of proposed amendments to the Clean Air Act (P.L. 95-95).

4200 Dirksen Building

2:00 p.m.

Appropriations

Labor, HHS, Education, and Related Agencies Subcommittee

To continue oversight hearings on programs of the Departments of Labor, Health and Human Services, Education, and related agencies.

1114 Dirksen Building

APRIL 28

9:30 a.m.

Appropriations

State, Justice, Commerce, the Judiciary and Related Agencies Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1983 for certain programs which fall within the jurisdiction of the subcommittee, receiving testimony from public witnesses.

S-146, Capitol

10:00 a.m.

Appropriations

Labor, HHS, Education, and Related Agencies Subcommittee

To continue oversight hearings on programs of the Departments of Labor, Health and Human Services, Education and related agencies.

1114 Dirksen Building

Appropriations

Transportation and Related Agencies Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1983 for programs which fall within the jurisdiction of the subcommittee, receiving

testimony from Congressional and public witnesses.
1318 Dirksen Building

Commerce, Science, and Transportation
Communications Subcommittee
To continue hearings on S. 2172, creating a jurisdictional framework to apportion the authority regulating cable systems between the Federal and state governments, and providing for a competitive marketplace for cable systems in the telecommunications industry.
235 Russell Building

Energy and Natural Resources
Business meeting, to consider pending calendar business.
3110 Dirksen Building

•Environment and Public Works
Business meeting, to mark up S. 1018, prohibiting the Federal Government from funding commercial and residential growth on undeveloped barrier beaches and islands.
4200 Dirksen Building

Labor and Human Resources
Education, Arts, and Humanities Subcommittee
To hold oversight hearings on the implementation of guidance and counseling programs of the Department of Education.
4232 Dirksen Building

1:30 p.m.
Conferees
On S. 1193, authorizing funds for fiscal years 1982 and 1983 for the Department of State, authorizing funds for fiscal year 1982 for the Arms Control and Disarmament Agency, authorizing funds for fiscal years 1982 and 1983 for the International Communications Agency, and authorizing funds for fiscal years 1982 and 1983 for the Board for International Broadcasting.
S-116, Capitol

2:00 p.m.
Appropriations
Labor, HHS, Education, and Related Agencies Subcommittee
To continue oversight hearings on programs of the Departments of Labor, Health and Human Services, Education, and related agencies.
1114 Dirksen Building

APRIL 29

9:00 a.m.
Appropriations
Interior and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1983 for fossil research and development and fossil construction programs of the Department of Energy.
1318 Dirksen Building

Commerce, Science, and Transportation
Business meeting, to consider pending calendar business.
235 Russell Building

9:30 a.m.
Appropriations
State, Justice, Commerce, the Judiciary and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1983 for international organizations, Securities and Exchange Commission, and the Federal Trade Commission.
S-146, Capitol

Judiciary
Criminal Law Subcommittee
To resume hearings on proposals providing for a ban on the manufacture or sale of nonsporting handguns, mandatory sentences for the use of a firearm in committing a felony, and a preclearance procedure for the sale or transfer of any handgun.
Room to be announced

10:00 a.m.
Appropriations
Labor, HHS, Education, and Related Agencies Subcommittee
To continue oversight hearings on programs of the Departments of Labor, Health and Human Services, Education, and related agencies.
1114 Dirksen Building

Appropriations
Transportation and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1983 for programs which fall within the jurisdiction of the subcommittee, receiving testimony from Congressional and public witnesses.
1224 Dirksen Building

Environment and Public Works
Business meeting, to resume markup of proposed amendments to the Clean Air Act (P.L. 95-95).
4200 Dirksen Building

10:30 a.m.
Veterans Affairs
To hold hearings to receive AMVETS legislative recommendations for fiscal year 1983.
Room to be announced

1:30 p.m.
Conferees
On S. 1193, authorizing funds for fiscal years 1982 and 1983 for the Department of State, authorizing funds for fiscal year 1982 for the Arms Control and Disarmament Agency, authorizing funds for fiscal years 1982 and 1983 for the International Communications Agency, and authorizing funds for fiscal years 1982 and 1983 for the Board for International Broadcasting.
S-116, Capitol

2:00 p.m.
Appropriations
Labor, HHS, Education, and Related Agencies Subcommittee
To continue oversight hearings on programs of the Departments of Labor, Health and Human Services, Education, and related agencies.
1114 Dirksen Building

APRIL 30

9:30 a.m.
Environment and Public Works
Transportation Subcommittee
Business meeting, to mark up proposed legislation authorizing funds for the Federal Aid Highway program.
4200 Dirksen Building

10:00 a.m.
Appropriations
Transportation and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1983 for programs which fall within the jurisdiction of the Subcommittee, receiving testimony from Congressional and public witnesses.
1318 Dirksen Building

MAY 3

10:00 a.m.
Commerce, Science, and Transportation
Business meeting, to consider pending calendar business.
235 Russell Building

2:00 p.m.
Appropriations
Labor, HHS, Education, and Related Agencies Subcommittee
To hold hearings to receive testimony from public witnesses on proposed budget estimates for fiscal year 1983 for certain programs under the subcommittee's jurisdiction.
1114 Dirksen Building

MAY 4

9:00 a.m.
Appropriations
Interior and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1983 for the Smithsonian Institution, Woodrow Wilson International Center for Scholars, and the Advisory Council on Historic Preservation.
1318 Dirksen Building

9:30 a.m.
Environment and Public Works
Business meeting, to resume markup of proposed amendments to the Clean Air Act (P.L. 95-95).
4200 Dirksen Building

Labor and Human Resources
To hold oversight hearings on the Office of Federal Contract Compliance Programs, Department of Labor.
4232 Dirksen Building

10:00 a.m.
Appropriations
Labor, HHS, Education, and Related Agencies Subcommittee
To hold hearings to receive testimony from public witnesses on proposed budget estimates for fiscal year 1983 for certain programs under the subcommittee's jurisdiction.
1114 Dirksen Building

Energy and Natural Resources
Business meeting, to consider pending calendar business.
3110 Dirksen Building

2:00 p.m.
Appropriations
Labor, HHS, Education, and Related Agencies Subcommittee
To hold hearings to receive testimony from public witnesses on proposed budget estimates for fiscal year 1983 for certain programs under the subcommittee's jurisdiction.
1114 Dirksen Building

MAY 5

9:30 a.m.
Commerce, Science, and Transportation
To hold hearings on the nominations of Vice Admiral James S. Gracey, U.S. Coast Guard, to be Commandant, and Rear Admiral Benedict L. Stabile, U.S. Coast Guard, to be Vice Commandant, each for the U.S. Coast Guard.
235 Russell Building

Labor and Human Resources
Business meeting, to consider pending calendar business.
4232 Dirksen Building

10:00 a.m.
Appropriations
HUD-Independent Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1983 for the National Aeronautics and Space Administration.
1224 Dirksen Building

Appropriations
Labor, HHS, Education, and Related Agencies Subcommittee
To hold hearings to receive testimony from public witnesses on proposed budget estimates for fiscal year 1983 for certain programs under the subcommittee's jurisdiction.
1114 Dirksen Building

Energy and Natural Resources
Business meeting, to consider pending calendar business.
3110 Dirksen Building

Environment and Public Works
Environmental Pollution Subcommittee
Business meeting, to consider proposed legislation authorizing funds for programs of the Resource Conservation and Recovery Act, Marine Protection, Research and Sanctuaries Act, and the Federal Water Pollution Control Act.
4200 Dirksen Building

2:00 p.m.
Appropriations
Labor, HHS, Education, and Related Agencies Subcommittee
To hold hearings to receive testimony from public witnesses on proposed budget estimates for fiscal year 1983 for certain programs under the subcommittee's jurisdiction.
1114 Dirksen Building

Environment and Public Works
Environmental Pollution Subcommittee
Business meeting, to mark up proposed legislation authorizing funds for the Endangered Species Act.
4200 Dirksen Building

MAY 6

9:00 a.m.
Appropriations
Interior and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1983 for the U.S. Fish and Wildlife Service, Department of the Interior, and the National Capital Planning Commission.
1318 Dirksen Building

Commerce, Science, and Transportation
Communications Subcommittee
To hold hearings on S. 604, requiring all new telephone receivers to be equipped with hearing aids for the handicapped.
235 Russell Building

9:30 a.m.
Appropriations
State, Justice, Commerce, the Judiciary and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1983 for the care of the U.S. Supreme Court Building by the Architect of the Capitol, U.S. International Trade Commission, Federal Maritime Commission, and the Marine Mammal Commission.
S-146, Capitol

Labor and Human Resources
Business meeting, to consider pending calendar business.
4232 Dirksen Building

10:00 a.m.
Appropriations
Labor, HHS, Education, and Related Agencies Subcommittee
To hold hearings to receive testimony from public witnesses on proposed budget estimates for fiscal year 1983 for certain programs under the subcommittee's jurisdiction.
1114 Dirksen Building

Environment and Public Works
Business meeting, to resume markup of proposed amendments to the Clean Air Act (Public Law 95-95).
4200 Dirksen Building

2:00 p.m.
Appropriations
Labor, HHS, Education, and Related Agencies Subcommittee
To hold hearings to receive testimony from public witnesses on proposed budget estimates for fiscal year 1983 for certain programs under the subcommittee's jurisdiction.
1114 Dirksen Building

MAY 7

9:30 a.m.
Energy and Natural Resources
Energy and Mineral Resources Subcommittee
To hold hearings on S. 1877, S. 1908, S. 1909, and S. 1941, bills providing for the reinstatement and validation of certain U.S. oil and gas leases, S. 2095, directing the Secretary of the Interior to issue a certain oil and gas lease, and S. 2146, extending the lease terms of various Federal oil and gas leases.
3110 Dirksen Building

10:00 a.m.
Appropriations
Labor, HHS, Education, and Related Agencies Subcommittee
To hold hearings to receive testimony from congressional witnesses on proposed budget estimates for fiscal year 1983 for certain programs under the subcommittee's jurisdiction.
1114 Dirksen Building

Environment and Public Works
Toxic Substances and Environmental Oversight Subcommittee
Business meeting, to mark up proposed legislation authorizing funds for environmental research and development programs; and other pending business.
4200 Dirksen Building

MAY 10

10:00 a.m.
*Commerce, Science, and Transportation
To hold hearings on S. 1929, establishing an Interagency Committee on Smoking and Health to coordinate Federal and private activities to educate the public about the health hazards of smoking.
235 Russell Building

MAY 11

9:00 a.m.
Appropriations
Interior and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1983 for the National Endowment for the Humanities, Institute of Museum Services, and the Office of Surface Mining, Department of the Interior.
1114 Dirksen Building

9:30 a.m.
Appropriations
State, Justice, Commerce, the Judiciary and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1983 for the Judiciary.
S-146, Capitol

Labor and Human Resources
Aging, Family and Human Services Subcommittee
To hold hearings on the extended family.
4232 Dirksen Building

10:00 a.m.
Appropriations
HUD-Independent Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1983 for the National Institute of Building Sciences, Federal Home Loan Bank Board, and National Credit Union Administration.
1224 Dirksen Building

Energy and Natural Resources
Business meeting, to consider pending calendar business.
3110 Dirksen Building

Environment and Public Works
Business meeting, to resume consideration of proposed legislation authorizing funds for programs which fall under its legislative jurisdiction.
4200 Dirksen Building

MAY 12

10:00 a.m.
Energy and Natural Resources
Business meeting, to consider pending calendar business.
3110 Dirksen Building

MAY 13

9:00 a.m.
Appropriations
Interior and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1983 for territorial affairs of the Department of the Interior.
1114 Dirksen Building

10:00 a.m.
Environment and Public Works
Business meeting, to resume consideration of proposed legislation authorizing funds for programs which fall under its legislative jurisdiction.
4200 Dirksen Building

1:30 p.m.
Appropriations
Interior and Related Agencies Subcommittee
To continue hearings on proposed budget estimates for fiscal year 1983 for territorial affairs of the Department of the Interior.
1114 Dirksen Building

MAY 14

9:30 a.m.
Labor and Human Resources
To hold hearings on the nominations of William L. Earl, of Florida, Harold R. DeMoss, Jr., of Texas, Clarence V. McKee, of the District of Columbia, Marc Sandstrom, of California, Howard H. Dana, Jr., of Maine, William F. Harvey, of Indiana, William J. Olson, of Virginia, George E. Paras, of California, and Robert S. Stubbs II, of Georgia, each to be a Member of the Board of Directors of the Legal Services Corporation.
4232 Dirksen Building

MAY 18

10:00 a.m.

Appropriations

HUD-Independent Agencies Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1983 for the Department of Housing and Urban Development.

1224 Dirksen Building

Environment and Public Works

Business meeting, to consider pending calendar business.

4200 Dirksen Building

Select on Indian Affairs

To hold oversight hearings on the implementation of Indian education programs.

6226 Dirksen Building

MAY 19

10:00 a.m.

Appropriations

HUD-Independent Agencies Subcommittee

To continue hearings on proposed budget estimates for fiscal year 1983 for the Department of Housing and Urban Development, and the Neighborhood Reinvestment Corporation.

1224 Dirksen Building

Environment and Public Works

Toxic Substances and Environmental Oversight Subcommittee

To resume hearings on S. 1866, revising regulatory procedures relating to safe drinking water requirements, and S. 2131, authorizing funds through fiscal year 1986 for the safe drinking water program.

4200 Dirksen Building

Select on Indian Affairs

To continue oversight hearings on the implementation of Indian education programs.

6226 Dirksen Building

MAY 24

10:00 a.m.

Appropriations

HUD-Independent Agencies Subcommittee

To receive testimony from public witnesses on proposed budget estimates for fiscal year 1983 for certain programs under the subcommittee's jurisdiction.

1224 Dirksen Building

MAY 25

10:00 a.m.

Appropriations

HUD-Independent Agencies Subcommittee

To receive testimony from public witnesses on proposed budget estimates for fiscal year 1983 for certain programs under the subcommittee's jurisdiction.

1224 Dirksen Building

Environment and Public Works

Business meeting, to consider pending calendar business.

4200 Dirksen Building

MAY 26

10:00 a.m.

Environment and Public Works

Toxic Substances and Environmental Oversight Subcommittee

To resume hearings on S. 1866, revising regulatory procedures relating to safe drinking water requirements, and S. 2131, authorizing funds through fiscal year 1986 for the safe drinking water program.

4200 Dirksen Building

JUNE 9

9:30 a.m.

Select on Indian Affairs

To hold hearings on law enforcement problems on Indian reservations including the authority and effectiveness of the Bureau of Indian Affairs police, tribal police, and the Federal Bureau of Investigation, and the quality of U.S. prosecution of criminal offenses.

6226 Dirksen Building

SEPTEMBER 21

10:30 a.m.

Veterans Affairs

To hold hearings to receive American Legion legislative recommendations for fiscal year 1983.

318 Russell Building

CANCELLATIONS

APRIL 1

9:00 a.m.

Appropriations

Defense Subcommittee

To continue hearings on proposed budget estimates for fiscal year 1983 for the defense establishment, focusing on airlift requirements.

1224 Dirksen Building

APRIL 13

10:00 a.m.

Environment and Public Works

Water Resources Subcommittee

To resume hearings on S. 810, prescribing a system of user fees to be levied on commercial transportation on inland waterway projects, amendment No. 32 thereto, expediting the construction of inland waterway projects, and assuring that the users of such projects repay a fair percentage of the cost of such works, amendment No. 637, clarifying the intent of the bill, and related measures.

4200 Dirksen Building

HOUSE OF REPRESENTATIVES—*Thursday, April 1, 1982*

The House met at 11 a.m.

The Chaplain, Rev. James David Ford, D.D. offered the following prayer:

We pray, O God, for the gifts of Your spirit which make our lives rich and meaningful. We thank You for the love which has created us and sustains us each day and for Your forgiveness and grace which refresh our souls. Help us to use our abilities in ways that unite the human family in understanding and mutual respect that, doing Your will, we will know the satisfaction and peace that comes from serving the truth. May the faith, hope, and charity that binds us together as a people make manifest the unity we have received from You. In Your holy name, we pray. Amen.

THE JOURNAL

The **SPEAKER**. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Sparrow, one of its clerks, announced that the Senate had passed without amendment joint and concurrent resolutions of the House of the following titles:

H.J. Res. 410. Joint resolution to designate April 19, 1982, as "Dutch-American Friendship Day";

H.J. Res. 447. Joint resolution to authorize and request the President to issue a proclamation designating April 4, 1982, as the "National Day of Reflection"; and

H. Con. Res. 299. Concurrent resolution commemoration of days of rememberance of victims of the Holocaust.

The message also announced that the Senate had passed with an amendment in which the concurrence of the House is requested, a bill of the House of the following title:

H.R. 2330. An act to authorize appropriations to the Nuclear Regulatory Commission in accordance with section 261 of the Atomic Energy Act of 1954, as amended, and section 305 of the Energy Reorganization Act of 1974, as amended, and for other purposes.

The message also announced that the Senate insists upon its amendment to the bill (H.R. 2330) entitled "An act to authorize appropriations to the Nuclear Regulatory Commission in accordance with section 261 of the Atomic Energy Act of 1954, as amended, and section 305 of the Energy Reorganization Act of 1974, as amended, and for other purposes," requests a conference with the House on the disagreeing votes of the two Houses thereon, and appoints Mr. SIMPSON, Mr. DOMENICI, Mr. SYMMS, Mr. STAFFORD, Mr. HART, Mr. MITCHELL, and Mr. RANDOLPH to be the conferees on the part of the Senate.

The message also announced that the Senate had passed bills and a joint resolution of the following titles, in which the concurrence of the House is requested:

S. 1936. An act to require members of the National Transportation Safety Board to be chosen from individuals with expertise in the fields of accident reconstruction, safety engineering, transportation safety, or transportation regulation, and for other purposes;

S. 1937. An act to extend the expiration date of section 252 of the Energy Policy and Conservation Act; and

S.J. Res. 169. Joint resolution to designate the week of April 18 as "National Architecture Week."

ANNOUNCEMENT BY THE SPEAKER

The **SPEAKER**. The Chair desires to announce that pursuant to clause 4 of rule I, the Speaker signed the following enrolled joint resolution on Wednesday, March 31, 1982:

H.J. Res. 409. Joint resolution making further continuing appropriations for the fiscal year 1982.

WHAT CARIBBEAN INITIATIVE?

(Mrs. **CHISHOLM** asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. **CHISHOLM**. Mr. Speaker, while reviewing the new "Caribbean Basin initiative," I was reminded of the old song: "Just a Spoonful of Sugar Helps the Medicine Go Down."

Under the guise of economic development for our neighbors to the south, the administration is actually proposing a dose of assistance to right-wing Central-American regimes who are friendly to U.S. business interests.

It has already been pointed out that nearly a third of the aid would be directed to El Salvador. I am not speaking today about that dangerous and misguided policy.

Rather, I wish to emphasize that the initiative ignores the real problems and the real needs of the Caribbean nations, who are artificially lumped together by the administration's strategic planners.

Despite President Reagan's lofty rhetoric, no meaningful help is being offered to the island nations, nor is there a recognition that each has a unique situation different from the countries of Central America. Where is an understanding of Barbados? How will Dominica really benefit by the proposal? Why is there no mention of Guyana or the Bahamas?

I believe that the administration hopes to lure us, with visions of palm trees and rum, into the same kinds of policies that have turned the people of those nations away from us in the past.

Mr. Speaker, I hope we are not enticed by a spoonful of sugar to swallow a medicine which promises only to worsen the disease.

NUCLEAR FREEZE CAMPAIGN SCORES VICTORY OF SORTS

(Mr. **BINGHAM** asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. **BINGHAM**. Mr. Speaker, last night the nuclear freeze campaign scored a victory of sorts. President Reagan felt compelled to devote his opening statement to the nuclear threat. He said some right things: He spoke of "the monstrous inhumane weapons in the world's nuclear arsenals" and said that a nuclear war would be "even more terrible" than the two World Wars. He even said that in a nuclear war there could be no winners.

But his statements were a smokescreen. They were not a realistic attempt to address the arms buildup, but an attempt to address the public opinion buildup, to defuse the drive for a nuclear freeze.

The bottom line is that he does not retreat 1 inch from his demands for an arms buildup. It is ludicrous to think that the Soviet Union will idly wait for us to build up to a level which we consider comfortable and equal.

The American people must continue to demand realistic action to end the arms race, not just words.

REAGAN IS FEELING THE HEAT

(Mr. **DOWNEY** asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. **DOWNEY**. Mr. Speaker, the American people scored two significant victories last night.

☐ This symbol represents the time of day during the House proceedings, e.g., ☐ 1407 is 2:07 p.m.

● This "bullet" symbol identifies statements or insertions which are not spoken by the Member on the floor.

First, President Reagan abandoned his advisers' illusions about nuclear war fighting, and agreed that there will be no winners in a nuclear war.

Second, after 16 months of inaction, he finally took something bearing a superficial resemblance to a strategic arms control position.

I do not want to seem naively optimistic. I fully recognize that he continued to encourage Soviet aggression by belittling our nuclear deterrent, which in fact is more devastating than it has ever been. I also recognize that his alleged arms control proposal is a fraud and a sham, designed not to limit arms or reduce arms, but to defuse and confuse the American people's demand that the arms race be ended and nuclear war avoided.

We have a very long way to go if we are to prevent nuclear war, and Mr. Reagan remains part of the problem, not part of the solution. He took the steps he did only because politically he had no choice.

Our task now is to give him no political alternative to achieving real arms control. We have a long way to go, but yesterday was a good start.

TELL IT LIKE IT IS, MR. PRESIDENT

(Mr. ALEXANDER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. ALEXANDER. Mr. Speaker, in his prime time news conference last night, President Reagan noted that the Federal budget he submitted for fiscal 1983 was about $32 billion higher than the budget for fiscal 1982.

By this the President sought to imply, of course, that he could hardly be guilty of neglecting the needs of America's poor.

What the President said, of course, is true—as far as it goes.

The 1983 budget, as submitted, was $757.6 billion, as compared with $725.3 billion for 1982.

What the President failed to say, regrettably, is that his proposed 1983 expenditures for defense alone reflected an increase of $33 billion—which more than wipes out the $32.3 billion overall budget increase he cited on television.

Nobody would argue against the need for adequate defense spending, naturally. But that $33 billion is not going to buy a single school lunch for a hungry child. It is not going to take a single delivery car a single mile to take a single hot meal to a single elderly shut-in under the Meals-on-Wheels program.

Nor did the President mention, in citing his ostensible increase in the budget, the fact that worsening economic conditions have made necessary a $14 billion increase in net interest payments in the 1983 budget, as compared with 1982. This is merely another bite out of money that could otherwise help train a jobless ghetto youth in a productive job skill, or help finance a college education for a promising student from a family of modest circumstances.

Tell it like it is, Mr. President. That is what the people deserve to hear.

MR. PRESIDENT, MOVE TOWARD THE WINDOW OF OPPORTUNITY

(Mr. WILLIAMS of Montana asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WILLIAMS of Montana. Mr. President, occasionally in American history a President has the opportunity for greatness. The times, sir, offer you that rare chance.

To grasp it, you must move away from the inflexible confines inherent in the theory of the window of vulnerability and move toward the new window of opportunity which has been pried open by the sheer will of the American people in their momentum to move toward negotiations for an immediate end to the proliferation, production, and readiness of nuclear armaments, which armaments lead us inexorably toward a nuclear firebomb.

Mr. President, move toward that window of opportunity. Take the risk for peace. Grasp greatness now.

PERMISSION FOR COMMITTEE ON FOREIGN AFFAIRS TO HAVE UNTIL TOMORROW AT 6 P.M. TO FILE REPORTS ON H.R. 5427 and H.R. 5998

Mr. FASCELL. Mr. Speaker, I ask unanimous consent that the Committee on Foreign Affairs may have until 6 p.m. tomorrow, Friday, April 2, 1982, to file reports on the bills, H.R. 5427, to authorize support to Radio Broadcasting to Cuba, Incorporated; and H.R. 5998, to provide additional authorizations of appropriations for the fiscal year 1983 for the International Communication Agency, and for other purposes.

The SPEAKER. Is there objection to the request of the gentleman from Florida?

Mr. WALKER. Mr. Speaker, reserving the right to object, I do so only to ask the gentleman whether or not this has been cleared with the minority.

Mr. FASCELL. Mr. Speaker, if the gentleman will yield, it has been cleared with the ranking minority member.

Mr. WALKER. Mr. Speaker, I thank the gentleman, and I withdraw my reservation of objection.

The SPEAKER. Is there objection to the request of the gentleman from Florida?

There was no objection.

SYNTHETIC FUELS CORPORATION SHOULD BE ABOLISHED

(Mr. WOLPE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WOLPE. Mr. Speaker, I would like to take this opportunity to draw the attention of my colleagues to an article which appeared in the Washington Post on Tuesday entitled, "Cost Overruns on Synfuels Project Cited."

This article explains that the estimated cost of the Tosco-Exxon Colony shale oil project has increased by 19 percent, from $3.1 billion to $3.7 billion, since Tosco received a $1.1 billion Federal loan guarantee from the Federal Government. Exxon has estimated that the project will ultimately cost $5 billion.

Cost overruns of this magnitude are not uncommon for first-of-a-kind industrial process plants. A recent Rand Corp. study concluded that the capital costs of pioneer energy process plants commonly underestimate actual cost by more than 100 percent.

Mr. Speaker, I believe that these cost overrun figures argue persuasively on behalf of legislation which has been introduced by our colleague from Colorado (Mr. BROWN) to abolish the Synfuels Corporation.

As a member of the Science and Technology Committee, I have supported the research and development of synthetic fuels technology, but considering the massive deficits that we are now facing, I do not believe that we can continue to provide massive subsidies to support uneconomical capital-intensive demonstration projects. A major commitment to research and development by the Federal Government can be easily justified, but spending billions of dollars on boondoggle demonstration programs is simple, unadulterated waste. That kind of spending is not in the best interests of our national economy.

I urge my colleagues to support the growing effort to abolish the costly Synfuels Corporation.

START NUCLEAR WEAPONS TALKS NOW

(Mr. SEIBERLING asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SEIBERLING. Mr. Speaker, I think that the people of this country and the Members of this Congress, and particularly the House, can feel very gratified that they have finally at least gotten the President to come out in a press conference and indicate that he does intend to move ahead at some point with strategic arms reduction talks, but it would be making a mistake if the President or anyone else thinks that that is going to satisfy public opinion.

What has happened is that the people of the United States, as they did in the Vietnam war, took a long time to think things through. They have finally crystalized in their minds that this process of nuclear arms buildup has to stop, and a simple way to stop it is to get rid of these things that are threatening all mankind. The sooner we start those negotiations, the sooner we are going to get results.

It does no good to say, "Well, it has to be balanced first and there are all these technical considerations." The issue is far too important to leave to the experts. Until the experts get direction from the people at the top on both sides of this terrible equation, the experts are going to go on negotiating technical details forever.

It is that kind of negotiation that gets us nowhere and that has brought us to this point. There is no quick technological fix. There is only one simple message: Get rid of the nuclear weapons that are threatening our children's very future, and that means action, not just promises of action.

□ 1115

REFORM OF CRIMINAL CODE TO PROTECT VICTIMS OF CRIME

(Mr. ROTH asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. ROTH. Mr. Speaker, once again there is too much foot dragging on an issue of vital concern to all Americans. That issue revolves around the reform of the U.S. Criminal Code.

The American people demand that they be protected from the criminal in our society. They demand a more responsible criminal justice system.

As the author of mandatory sentencing legislation for those convicted of using a dangerous weapon in the commission of a crime, I urge the full Judiciary Committee to give substantive crime control legislation top priority and not let petty politics determine the fate of millions of Americans who will be the victims of crime by repeat offenders this year. Our failure to act will see convicted criminals walk away from the judicial system free to terrorize innocent citizens once more.

We must act now.

INTRODUCTION OF CYSTIC FIBROSIS WEEK RESOLUTION

(Mr. CONTE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. CONTE. Mr. Speaker, today I am pleased to introduce a resolution designating the week of September 19 through 25, 1982, as "National Cystic Fibrosis Week." Many of my colleagues will remember lending their support for a similar resolution in the last 2 years. I will ask again that Members of this House join me in sponsoring this resolution, which will help the thousands of American infants, children, and young adults whose lives are cut short by the Nation's No. 1 genetic killer, cystic fibrosis.

Enactment of this resolution will bring a measure of hope to thousands of America's young people without spending a penny of the taxpayers' dollars. By setting aside a special week devoted to the special problems and needs of those afflicted with cystic fibrosis, we can help to enhance public understanding, leading to an increase in the resources that are badly needed to support research on this terrible disease. Equally important is the need to educate the public about the symptoms of "CF," particularly as they occur in infancy, so that more children will reap the benefits of early detection and diagnosis.

Through my work with the Cystic Fibrosis Foundation, I have come to understand fully what it means to be born with CF. Each day, the person with cystic fibrosis faces an agonizing succession of physical and respiratory therapy treatments, a multiplicity of pills, and the realization that at any time a long hospital stay may be required to treat the severe infections that complicate the disease. Each day brings physical distress and the emotional distress borne of the knowledge that, even with the best of care, there is no cure, and early death is inevitable.

For the last 2 years, the Cystic Fibrosis Foundation has launched an intense public information campaign during the third week in September, and I have been pleased to be able to support their efforts. The publicity generated by the National Cystic Fibrosis Week has enabled the foundation to reach parents, physicians, educators, and employers who were previously unaware of even the most basic facts about cystic fibrosis. More people than ever now know about CF and the hazard it poses for our young population. But even more needs to be done. The more the people understand about CF and its victims, the greater the possibility that the disease can be controlled and the suffering and dying will end.

Mr. Speaker, I would like to take this opportunity to request that my colleagues join me in sponsoring this resolution, which would set aside September 19 through September 25 of this year as National Cystic Fibrosis Week. A simple expression of support for this bill will demonstrate to these unfortunate young people and their families that the health and well-being of American children are very much our concern.

THE REPORT CARD OF THE LIBERAL LEADERSHIP

(Mr. GREGG asked and was given permission to address the House for 1 minute, and to revise and extend his remarks.)

Mr. GREGG. Mr. Speaker, with the Congress having allegedly been in session now for approximately 4 months and about to go on recess for the month of April, I felt that we should review the report card of the liberal leadership of this Congress. So it has been prepared here on this chart.

Legislative output: Well, I am afraid a D-minus was awarded in that category. Actually they probably deserved an F, but because National Peach Week was passed we gave them a D-minus.

Work effort: I am afraid here again we have a failing grade.

The budget: Well, we had to form a new category in this area because actually an F was not appropriate. We have given an F-minus in that category to the liberal leadership in Congress here.

Recess time: This is a no-credit course, but the leadership did receive an A-plus. The liberal leadership has scored a cumulative grade total—and I must point out that recess time is not calculated in the cumulative grade total—of an F.

Mr. Speaker, it is with deep great regret, therefore, that I must report on behalf of the teacher, the American people, that the liberal leadership of this House has failed the course, and that if they continue on this tact, they will flunk out of school.

BUSINESS AS USUAL—CONGRESS RECESSES WITHOUT ACTING ON BUDGET

(Mr. DAUB asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DAUB. Mr. Speaker, I would like to read you an editorial published today in the Blair Enterprise of Blair, Nebr. It very clearly and forcefully portrays a problem which the American people now have with the Congress.

> When it is time to plant the crops in the fields, you don't see too many farmers taking a vacation. When people are out Christmas shopping, you don't see businesses closing down for a vacation. When the weather is nice, you don't see construction people packing away their tools so they can take a vacation. Yet, the Congress of the United States is planning to take a vacation without getting their business in order first.

With unemployment and high interest rates plaguing our economy, how can we adjourn without first considering or debating the 1983 budget?

It is becoming increasingly obvious that until a budget resolution is passed, stability will not be brought to the financial credit markets, preventing this Nation from embarking on the economic recovery that will reduce unemployment and bring high interest rates down.

Why does Congress, during these times of economic hardship, have to operate business as usual? Why can we not begin to work on the budget proposals and on our Nation's economic problems now—rather than waiting until we have had a vacation first.

URGING A "NO" VOTE ON PREVIOUS QUESTION ON RULE FOR URGENT SUPPLEMENTAL

(Mr. DREIER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DREIER. Mr. Speaker, I am amazed that there are Members of Congress who can complain about the state of the economy, and the state of homebuilders and home buyers in particular—and not do anything about it. We have had 3 months to act. Now is the time.

And today is our chance. We must vote "no" on the previous question on the rule for the urgent supplemental appropriations bill. By doing this, we will have the opportunity to transfer $1 billion from a do-nothing, boondoggle Government agency to one of the most vital sectors of our economy—the housing industry.

This is our chance to give immediate help, instead of some mere promises for future action—action which will arrive too late for the homebuilders who will be going bankrupt this spring.

We must act today. Vote "no" on the previous question.

ANNOUNCEMENT BY THE SPEAKER

The SPEAKER. If there are no other Members who will use the chart in the well at this time during 1-minute speeches, it will be removed until such time as it is needed.

The Chair recognized the Republican leader, the gentleman from Illinois (Mr. MICHEL).

THANK YOU, MR. SPEAKER

(Mr. MICHEL asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. MICHEL. Mr. Speaker, yesterday I received a copy of the statement made by the Speaker concerning the current economic situation.

In that statement the Speaker said, and I quote:

> Sooner or later the customer stops listening to the salespitch and starts looking at the product itself. . . .

I want to thank the Speaker for that piece of consumer wisdom. It accurately reflects what most observers believe happened to the Democratic Party in 1980: Voters started looking at the performance of that party's leadership.

And what a performance it was. Double-digit inflation, 8 million Americans unemployed, 21 percent prime rate of interest, a deteriorating economy, an uncontrolled growth rate in the Federal budget, the biggest tax hike in American history—all this and Jimmy Carter, too.

And this is the alleged performance the Democrats still want to give us today.

I have seen better performances by seals at Marineland.

The fact of the matter is that the American people gave their verdict on the intellectual, political, humanitarian, and national security performance of the Democratic leadership. They found it unacceptable.

My question is: Since the people have already rejected it, why do we still keep on hearing the same old, tired, discredited sales pitch from the Democratic leadership?

RECESS WOULD DELAY ACTION ON SUBSTANTIVE ISSUES OF THE DAY

(Mr. HILER asked and was given permission to address the House for 1 minute, and to revise and extend his remarks.)

Mr. HILER. Mr. Speaker, well, it is April Fool's Day, and it looks like this House is going to try to fool the American people. This House will vote today to take a vacation. Members will go home and talk about how hard they worked during the first 3 months of the new session.

But in fact, Mr. Speaker, this House has not worked at all, as the chart shows, or at least not on the substantive issues of the day. Yes, we have voted to strike a gold medal for Queen Beatrix, we delared Afghanistan Day, we voted to allow the ICA to show the slide show "Montana," and we transferred pier property in Hoboken, N.J.

But, Mr. Speaker, this House and the Democratic leadership that runs it failed to address the issue that is on the minds of most of the American people today—the economy. Oh, you have criticized the President's budget, and you have had some fun talking about bankruptcies. But what have you done in response?

Have you put your ideas in paper and submitted them to this House for review? Have you offered an alternative?

No, Mr. Speaker, the Democratic majority has not offered anything, and the ideas that do slip through are the wornout policies of the past—more spending and more taxes.

Mr. Speaker, you can fool some of the people all of the time and some of the people some of the time, but this House cannot fool the American people.

PRIVATE MARKETING GROUPS ANNOUNCE WITHDRAWAL FROM OLYMPIC COIN PROGRAM

(Mr. ANNUNZIO asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. ANNUNZIO. Mr. Speaker, one of the major drawbacks to passage of an Olympic coin commemorative program has been my concern that a major portion of the profits from the sale of the coins would not go to stage the 1984 games in Los Angeles or to our Olympic athletes, but rather would go to private interests.

It now appears we have solved that problem. The group which holds the rights to sell the coins, a joint venture of Occidental Petroleum, Lazard-Freres, and the Franklin Mint, recently announced that if Congress did not pass a coin bill by March 31 that the group was withdrawing from the coin program.

Mr. Speaker, I note that today is April 1, a day past the self-imposed deadline of the coin marketers. We have not passed a bill, and since I am certain that the coin group is composed of honorable men who keep their word, or at least make good on their threats, we no longer have to worry about private profit interests.

Now that the coin group has bowed out I hope we can move quickly to enact a good coin that will help our Olympic athletes. Hearings on that legislation are scheduled to start next Tuesday. Since the private group has withdrawn from the coin program it will not be necessary to have that group testify, and thus we can speed up the hearings.

IN SUPPORT OF AMENDMENT TO USE SYNFUELS FUNDS FOR HOME MORTGAGE ASSISTANCE

(Mr. BROWN of Ohio asked and was given permission to address the House for 1 minute, and to revise and extend his remarks.)

Mr. BROWN of Ohio. Mr. Speaker, I rise in support of the Corcoran amendment to the urgent supplemental. America's home buyers can better use the $1 billion in funds already appropriated to the Synthetic Fuels Corporation than the research and development divisions of a few major oil companies.

I came to the floor because I had thought we would take up this matter today. This assistance is indeed urgently needed. The Ohioans I have talked to in the last few days are a lot more concerned about jobs, about interest rates, about the Federal deficit, and about delaying action on the budget than they are about Tosco tar sands. We had an opportunity to act today. At least that is what the official House schedule told us.

Instead, the Democratic leadership has used its parliamentary control to frustrate the will of this body to provide immediate assistance to the Nation's housing industry and to the millions of Americans who are confronted with mortgage rates so high that they cannot purchase their own homes.

When those responsible for denying us the opportunity to act, go home for the recess, the news of their inaction will have preceded them. Is it more important to preserve the synfuels pot of gold available for Bechtel, Dynalectron, Tenneco, and Ashland than it is to provide housing and jobs for the American people? Is it better to do nothing than to so something?

In July 1979, when the majority leader was fervently arguing for the establishment of the synfuels program, he declared:

> The public is ahead of us. They want bold action. They do not want timid action (H5146, June 26, 1979.)

Tell me again, Mr. Majority Leader, what the public wants, or is that no longer a relevant consideration?

An "F" rating for the Democratic Congress?

Too high. "X" is more appropriate.

The performance is obscene!

WORK ON THE BUDGET SHOULD TAKE PRECEDENCE OVER EASTER RECESS

(Mr. COATS asked and was given permission to address the House for 1 minute, and to revise and extend his remarks.)

Mr. COATS. Mr. Speaker, I rise again to protest the pending 2-week Easter recess.

As we all know, this Nation faces a very real, a very imminent, and a very threatening budget deficit, and those deficits are placing upward pressure on interest rates which are thwarting the economic recovery.

The time for action on the budget is now, not in 2 or 3 weeks after we come back from recess, not in May or September. The time for action on the budget is now. We should not be recessing; we should be meeting day and night and weekends and demonstrating to the American people our commitment to deal with the economic problems facing this Nation.

So I urge my colleagues today to vote no on the motion to recess and thereby demonstrate our willingness and our capacity to stay in session and fulfill our commitments.

CONGRESS IS THE SLUGGARD, NOT THE AMERICAN PEOPLE

(Mr. JOHNSTON asked and was given permission to address the House for 1 minute, and to revise and extend his remarks.)

Mr. JOHNSTON. Mr. Speaker, again we meet on April Fools' Day, and along with the media we are continuing to fool the American people because they are telling us we have a sluggish economy.

Let me tell the Members that I have been out there in the real world, and those people who are working for a living are hustling. Those salesmen out there trying to make those sales are hustling. The outfit that is sluggish is right here. We are the sluggards of the world. We have not done a thing for 90 days.

We are engaged in a gigantic game of "chicken" at the expense of the American taxpayers and the American people.

I hope, Mr. Speaker, that we will change our ways before our sluggish economy overtakes our stalled Congress.

THE EMPEROR NERO AND THE U.S. CONGRESS

(Mr. BROWN of Colorado asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BROWN of Colorado. Mr. Speaker, on July 18 in the year 64, a fire broke out in the Circus Maximus of Rome. The Emperor Nero has been blamed by many historians for starting the fire and having his agents scatter incendiary devices to keep it burning. When the fire was over, he cast about for scapegoats to blame for his own actions. The analogy of this House to Nero's actions is far broader than the question of our coming vacation.

The fire that consumes this Nation in the way of high interest rates was started by this Congress.

The incendiary devices that keep that economic fire burning come from our willingness to exceed our budget.

The efforts to cast about for a scapegoat for our own failures to control spending are evidenced every day by the comments made on the floor of this House.

I hope this House will put aside its vacation to quench the fires that we ourselves have started.

THE BANANA THEORY OF ECONOMICS

(Mr. WEBER of Minnesota asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WEBER of Minnesota. Mr. Speaker, anyone interested in learning just what the Democratic Party's leadership is up to these days can look at the front page of the Wall Street Journal this morning.

The headline—I might call it an epitaph—says: "Democrats in Congress Hunt for Policy Ideas To Counter Reagan's; List of Suggestions Is Long, but Few Are Truly New: Discord Hampers Search."

The story tells of a search for ideas to replace what is called shopworn Democratic concepts of the past.

Listen to what one Democrat says about his own party's search for ideas:

> A roomful of monkeys, if left alone long enough in a roomful of typewriters will sooner or later write the Bible. So will the Democrats . . . but the big question is whether, at that point, they will know enough to stop."

One senior congressional Democrat is quoted as saying: "We've got nothing but trouble, as always, with ideas."

Mr. Speaker, may I suggest that the Democrats simply hire plenty of monkeys and typewriters? They will come up with the same result, and all it will cost is a steady supply of bananas.

LET US KEEP "FOOD" IN THE FOOD STAMP PROGRAM

(Mr. COLEMAN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. COLEMAN. Mr. Speaker, today I am introducing a resolution expressing the sense of the House that the Commonwealth of Puerto Rico should amend their plan to deliver food assistance to their needy population. As you know, under reconciliation last year we block granted the food stamp program to Puerto Rico.

They submitted their plan today, April 1. The plan shows they are going to issue cash instead of coupons or vouchers for food. We have no assurances that any of the $825 millions that we authorized for this program will, in fact, be used for food.

The purpose of the food stamp program is clear, to provide assistance for a nutritious diet to the poor of this country, including Puerto Rico.

Mr. Speaker, the New Federalism should not mean disregarding the goals and the basis for present programs. Let us keep "food" in the food stamp program, and I invite all my colleagues to join with me in my resolution expressing the sense of the House that the government of Puerto Rico assure that the use of this program is for food assistance.

CONGRESS SHOULD NOT RECESS

(Mr. CARMAN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. CARMAN. Mr. Speaker, the House is preparing to recess for 2 weeks for Easter before any real progress has been made pertaining to the budget. All of us are in favor of Easter egg hunts, but none of us really wants to be in a position where we are going to be blamed for laying an egg.

We have too many people, frankly, Mr. Speaker, who are suffering now all across America. With housing and interest rates, we are not talking about something that is just a political game; we are talking about the suffering of the American people.

I say to you, Mr. Speaker, the people on Long Island and in Nassau and Suffolk Counties are upset about this, and I respectfully request that everyone in the House vote against the recess, because unless we do, we will not be doing the job we need to do. All we will be doing is getting the laying-the-egg award.

APRIL FOOLS' MESSAGE

(Mr. FIELDS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. FIELDS. Mr. Speaker, in the last several months, I have criticized your leadership for failing to deal with the pressing problems facing us today.

Mr. Speaker, you have yet to give us an opportunity to consider legislation lowering the Federal deficit. You have yet to give us the chance to consider proposed constitutional amendments on forced busing, school prayer, and abortion.

You have not given us a forum to consider proposals allowing a legislative veto of governmental rules and regulations. And you have denied us the opportunity to debate those critical problems facing our Caribbean neighbors who are on the verge of being consumed by communism.

Mr. Speaker, today is April Fools' Day but unfortunately, the joke is on the American people. Mr. Speaker, give us the chance to debate these critical issues. We can no longer "fool" the American public or ourselves. The time for leadership is long overdue and the time for action is now.

CONGRESSIONAL PROBLEMS ATTRIBUTABLE TO REPUBLICANS

(Mr. PEYSER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PEYSER. Mr. Speaker, it is sort of interesting to note that I had requested that the little chart that was being so eminently displayed here be made available when I make this 1-minute speech, and the gentleman from New Hampshire immediately went over and told the page to withdraw the chart from the floor so I could not use it. I did not think he was really that embarrassed about it.

But in any event, all I was really going to do was to take the chart and turn it upside down, because basically the whole issue that is being presented by my good friends on the Republican side is upside down. What we have is a Republican-controlled Senate and a Republican-controlled administration. They themselves are locked in conflict.

I have heard the majority leader in the Senate and the chairman of the Finance Committee and the Budget Committee in the other body proclaiming that the President seems to be locked in cement, and until he loosens himself up, they cannot do anything. So I do not think we are really fooling anybody with all of this talk about the Democrats are not doing anything. This is a Republican administration.

Also, Mr. Speaker, all of this wonderful talk, mostly by the newer Members of the House, on how we must not recess is something that is very familiar to the American public. We have heard it many times before, and we all know we are going to vote to recess. Frankly, it is good to get back to the people. I look forward to it. I think my Republican colleagues should not be afraid to face the people. Let them see you, let them talk to you, and maybe you will come back and vote a little differently.

REPRESENTATIVE MARRIOTT INTRODUCES BILL TO COMPENSATE VICTIMS OF NUCLEAR FALLOUT

(Mr. MARRIOTT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. MARRIOTT. Mr. Speaker, today I am introducing a bill to right a terrible wrong. The bill is to provide a system to compensate victims of the nuclear fallout in Utah, Nevada, and other places as a result of Government testing in Nevada between 1951 and 1962.

There is no question about the Government's responsibility in this matter. There is great evidence that many people have suffered substantial dosages of radiation which has resulted in suffering, serious cancer, and even death.

It is time now, Mr. Speaker, to compensate these victims who can justify their damages as a result of the Government's activity. I am asking my colleagues to review this proposal and join me as cosponsors of this bill.

EVENTUALLY CONGRESS MUST ACT

(Mr. GINGRICH asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GINGRICH. Mr. Speaker, we shall eventually recess for Easter, we shall eventually drift off. When we come back, we will undoubtedly dawdle and do little.

But come summer, we will encounter the debt limit. I simply want to serve notice today that between now and the time of that debt limit is the time to make the fundamental changes that would make it reasonable for the American people to give us a blank check for the near future.

If, in fact, we do not make those changes in the next few months, then every Congressman and Congresswoman who wants to change the way the liberal welfare state has been going will have every vested reason to vote against the debt limit, to force a crisis and to get action by the only way that will then be left to us, which is to bring the Government to a halt.

DEMOCRATS PREVENTING SALVAGE OF SHIP OF STATE

(Mr. LUNGREN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. LUNGREN. Mr. Speaker, as we come to the floor day by day and hear Members on your side of the aisle criticize the administration and try to blame any poor economic conditions on this administration, it reminds me of bystanders at an accident who interfere with efforts to try and save the victim. This situation is even worse. It is those that caused the accident that are trying to interfere with the salvage operation before it has even been completed.

This reminds one of the terrible tragedy of the *Titanic.* Here we have the majority side of the aisle having been in control of the ship of state for so long, driving headlong into the fog, directly into icebergs. The governmental *Titanic* has sunk, and, now, as we build a salvage operation to save it, those on the majority side say "Let us Captain it again." And they also say, when things are not going along as fast as they would like, "What you are doing is not enough and we need something new."

With all due respect, Mr. Speaker, the only suggestions for action I have heard so far from the other side of the aisle translates into a plaintive cry of "Bring us more ice."

LET'S LOOK AT THE FACTS

(Mr. O'NEILL asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. O'NEILL. Mr. Speaker, may I say at the outset we scheduled the urgent supplemental appropriations for fiscal year 1982 today, but in view of the fact we have learned from the other body that they have no intention of taking it up, I see no reason why the House should take it up at this particular time.

Quite a few Republicans are on the floor this morning with prepared statements. I would be afraid to go home, too, if I had to explain the inaccuracies of President Reagan's speech last night and the inequities of the program that he has put into effect with your support. I would hate to go to the town meetings and say, "Let's go over some of the inaccurate statements the President made in his speech."

Last night President Reagan tried to overcome the growing public feeling that his administration is unfair. Of course it is unfair. And every Republican who has spoken this morning voted for every unfair program this administration has proposed to the Congress.

Unfortunately, the President's defense of his program was not only misleading, but in several instances completely inaccurate. Let us look at just a few examples:

The President said last night that social security has not been touched. Every Republican in this House has a constituency that includes some of the 360,000 students currently entitled to assistance under social security. And these people know the facts. They know you voted for the President's program and that it reduces their benefits 25 percent a year for 4 years. In 4 years, that benefit is eliminated. Are you going to tell these young men and women that social security has not been touched?

And what about the 250,000 students who are seniors in high school this year and would have been eligible for education assistance under social security in September? They know you voted for the President's program and that it has made them ineligible for any social security benefits whatsoever unless they are enrolled in college by May 1982. Are you going to tell them that social security has not been touched?

The Reagan administration's insistence on eliminating the minimum benefit for all future retirees will this year leave 100,000 people with lower benefits. And every Republican here knows that the only reason the President did not succeed with his efforts to slash early retirement benefits is because he was stopped from doing so by the Democrats in Congress.

Last night the President pointed to cases where he had extended unemployment benefits. In fact, changes advocated by this administration would have denied benefits to at least 1.5 million Americans.

The President made other misleading statements last night. No doubt you will be asked about them when you go home because they affect so many people out there.

He said his administration was increasing its commitment to social programs by increasing Government spending by $32 billion. The fact is he has proposed an increase of $33.6 billion in defense spending. And because of the failure of Reaganomics, we will pay $13.4 billion more in interest payments this year on the public debt.

The President said that the women and infant children program was actually increased last year when it was merged with other programs. The fact is that he has proposed a 30-percent cut in the fiscal year 1983 budget that would remove 800,000 women and children from the program who would otherwise be served.

The President has said that the childhood immunization program is adequately funded, but he does not mention that his budget for 1982 cuts off polio and measels vaccinations for over 2 million children this year and even more next year.

So I think it is important to look at the facts—the American people demand and deserve to know the facts. The White House has announced that the President will be holding more press conferences and making radio addresses to explain his programs and policies. I look forward to a full and open discussion of the facts.

FAILURE OF THE HOUSE TO PRODUCE A BUDGET CAUSES UNEMPLOYMENT

(Mr. CRAIG asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. CRAIG. Mr. Speaker and Members of the House, I guess I am going to go home tomorrow—not that I do not mind going home, but I would prefer to stay here and work and bring out a budget—to answer some of the questions that I will have to go home and address.

Mr. Speaker, I have 20 percent unemployment in five of my northern counties because all of my sawmills are shutdown. The greatest welfare state in the world is the welfare state that creates a job in the private sector of our society. And yet this House is denying that my people can go back to work this summer.

What do you know about the housing industry? I know that if we do not start home construction in April and May and June of this year, there will be no home construction in 1982. And yet we have gentlemen on our side of the aisle who are offering up legislation that within the budget limits will move $1 billion into the home construction industry of this country that will turn my mills and mills across the Western part of the United States and put people back to work.

So, when I go home on Easter recess, I am going to tell my people that the reason that they are unemployed and the reason they will not work this summer is because of a House that will not produce a budget and bring about the kinds of changes that will revitalize this economy and put people back to work.

Even though this House does not want to work, my people want to work.

THE ACCURATE STORY

(Mr. WALKER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WALKER. Mr. Speaker, I have to say that the remarks given by the distinguished gentleman from Massachusetts, the Speaker of this House, were about as accurate as the 1-minute count given the time which he spoke. That 1 minute turned into about 5 minutes, and that is about the extent of accuracy of the statements that were made.

For example, he talked about social security. We remember how the Democrats tried to save social security. We remember that their alternative budget actually proposed a cut in the cost-of-living adjustment for all social security retirees last year. Yes, that is right. Their budget wanted to cut the COLA for every social security retiree in this country last year. That is saving social security? And he talked about the students. Well, yes, we Republicans have been trying to save the program for the people who depend upon it, who are retired, and so we have changed some of the provisions that affected people who are nonretirees. That is accurate and it shows clearly which party really cares about the older citizens who depends on his or her social security.

And what about those social programs? Indeed, in the 1983 budget there are billions of dollars more for the poor this year than there were last year. That is what the President said. That is wholly accurate. We Republicans recognize our obligation to this Nation's truly needy and have budgeted accordingly.

How about that WIC program that feeds women, infants, and children? It is folded into a block grant. What does that mean? That means that all of the money in that block grant, if needed, could be used for WIC. In other words, if we really wanted to establish as a priority to meet the nutritional needs of those Americans who need a program like WIC, we could in fact use all of that block grant money and there would be more money than was in this year's budget for WIC.

That is the accurate story. That is the kind of thing that needs to be portrayed to the American people. That is what the President was saying last night. I think the American people will believe him, should believe him and refuse to accept what we have heard on the floor from the Speaker today.

REMEMBERING HON. TENNYSON GUYER ON THE FIRST ANNIVERSARY OF HIS DEATH

(Mr. REGULA asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. REGULA. Mr. Speaker, in view of the fact that this body will be in recess on April 12, 1982, I want to note that this will be the first anniversary of the death of our respected and loved colleague, Tennyson Guyer. The memory of Tenny's quick wit and sage counsel is still cherished by many who shared his friendship and his dedicated service to our Nation. In the daily rush of activities, it is so easy to forget those who have enriched our journey through life's responsibilities. While the joy of being part of Tenny's world is over, the memory is still cherished by his many friends. We miss him.

MEMBERS OF THE HOUSE SHOULD REPRESENT THE INTERESTS OF THE AMERICAN PEOPLE

(Ms. FIEDLER asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. FIEDLER. Mr. Speaker, I think that what we have seen here today really focuses in on the culmination of what all of the debate regarding the budget is about. It is about raw political power. Will those people on the other side of the aisle who saw losses in last year's election be able to recuperate those losses? Are they willing to come to an agreement with the other side of the aisle in order to deal with the budgetary crisis that we have before us?

I think that the Speaker, in his eloquent remarks a few moments ago, answered that question. And the answer is no. And the reason they will not come to agreement, the reason they will not present an alternative budget if they are not happy with the President's budget, is that that means they may have to give up some of the key political issues which they are using in this year's election.

I think it is critical that the American people demand from all of their Representatives that they face the hard answers to the various questions that are being asked by the public, that they solve the economic problems that we are facing today, and that they forget the issue of who is in power and, instead, represent the interests of the American people.

A REPLY TO THE SPEAKER

(Mr. ROUSSELOT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. ROUSSELOT. Mr. Speaker, I am sorry that you are not here right now to listen to reasonable response to what I consider to be inaccurate remarks by you.

The Democratic Party has controlled this House for a long 27 years. We cannot spend one dime in this Federal Government without the Congress first approving it. How do those deficits get so big? You and the Democratic-controlled House created it, Mr. Speaker. That trillion-dollar debt of which you spoke was created not by President Reagan, not by the Republicans in this House, but by you and your Democratic-controlled House. That is why the interest rate charge in the budget is so high today, the charge for interest on that huge trillion dollar debt that you created, Mr. Speaker. You did it, Mr. Speaker, not President Reagan, not the Republicans in this House today. Your party did it, Mr. Speaker. Right here in this very Chamber.

Now, you complain also of changes in the social security system. You know full well the social security system will go broke unless the Congress reforms the system. Mr. Speaker, you called in Chairman JAKE PICKLE last year and ordered the Social Security Subcommittee from reforming the social security system and saving it. We were marking up a bill to save the social security system. It was a genuine bipartisan effort. You called it off and said, "No, there will be no saving the social security system. We will go ahead and let it go broke," is what you were ultimately saying. Why? Because of the politics. You told your Democratic leaders, "We need the confused politics of the social security system so we can blame it on Ronald Reagan."

You are wrong, Mr. Speaker. Come back here and answer that charge.

CONGRESS SHOULD STAY IN SESSION AND GET THE JOB DONE

(Mr. OXLEY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. OXLEY. Mr. Speaker, as the gentleman from Ohio (Mr. REGULA) indicated, during the recess we will mark the anniversary of the death of our good friend Tennyson Guyer, whom I replaced last summer after a special election. I did not want to let this opportunity go by without mentioning the fact that all of us do in fact miss Tenny, his ready wit and his smile, and his abilities here in the House of Representatives, as well as back in the Fourth District of Ohio. It would indeed be a very strong memorial to Tenny if we had decided instead of taking a so-called district work period and in fact decided to stay here in Washington and work on the budget and work on the problems of unemployment, work on the problems that are confronting this country. That would indeed have been a great memorial to Tenny Guyer, not the recess that we are about to vote on.

I, for one, plan to vote against that recess for the very reasons I mentioned, and I think that Tenny Guyer would have done the same thing. Let us all make an effort to address the problems instead of sweeping them under the rug, as the Speaker of the House so indicated to us, and instead of thumbing our nose at the rest of the country and going home, stay here and get the job done.

THERE SHOULD BE BIPARTISAN EFFORT TO SOLVE ECONOMIC PROBLEMS

(Mr. FOLEY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. FOLEY. Mr. Speaker, I hope we can perhaps shed a little more light than heat on some of these questions, because there has been a lot of heat today.

The fact is that as a result of bipartisan consultation and agreement from the beginning of the year, Members of both sides have been under the impression that the House would take its district work period during the Easter recess and have made commitments accordingly. Every Member who came to the well today to complain about this recess has a schedule to meet in his or her district, assuming that the recess will be taken. This is as it should be. It is part of the congressional responsibility to go to our home districts to discuss the many important issues facing the country with our constituents. It is an obligation, not a vacation.

As to the assertion of my friend, the gentleman from California, that Democrats created the $1 trillion deficit, I cite a source that ought to be given credence on the Republican side, the President's own assessment that the recession is causing the deficit. It is not spending but the lose of $25 billion in revenues and additional costs for every percent of unemployment. I think his is the accurate perception of where the blame for the present fiscal disarray of our country lies and it is the recession and the economy that we must address.

As far as social security is concerned, I think it is interesting to note that it is the President who suggested the creation of a commission to examine the system and the President's appointed chairman, Mr. Greenspan, who said it was not possible to produce a report until after this fall's election, until a year's time had elapsed. It is the administration that wants to take no action on the social security system until that commission has reported. These are facts we ought to consider in discussing these issues today.

I think it is time for both sides to face the realities. The country is in deep economic trouble. We ought to try to work together to find solutions that are constructive. Suggestions that we can somehow solve these problems by avoiding the Easter recess are neither helpful nor accurate.

□ 1200

HOUSING INDUSTRY IS FIGHTING FOR ITS EXISTENCE

(Mr. BLILEY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BLILEY. Mr. Speaker, for the second day in a row we have not been allowed to consider the urgent supplemental appropriations for fiscal year 1982.

I urge the House to take up the supplemental and support the Evans/Corcoran amendment which would transfer $1 billion appropriated, but not yet spent for synfuel projects to fund existing housing assistance programs, including mortgage revenue bond programs.

The world is in the midst of an oil glut and gas prices are falling. Why should we subsidize big oil companies for making uneconomic fuels?

On the other hand, the housing industry and its related industries are fighting for their very existence. The current slump in housing is the longest since World War II. More than 18 percent of the workers in the housing construction industry are out of jobs.

My conscience will not allow me to stand by as the battered housing industry goes down the drain while billions of unspent funds are left earmarked for the synfuels boondoggle.

CONGRESS SHOULD STAY AND COME UP WITH BUDGET TO DEAL WITH REAL PROBLEMS OF THE COUNTRY

(Mr. LOTT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. LOTT. Mr. Speaker, I find very interesting some of the remarks that were made a while ago about proposals regarding social security by President Reagan and his administration or the Republicans in the House, particularly in view of some areas where the budget that came from the Democratic side last year, that came to the floor of the House, recommended changes.

As a matter of fact, the Democratic budget recommended changes in the minimum benefit, in student benefits, in disability insurance, in death benefits, in survivor benefits, and in the earnings test.

That was not a Republican proposal. These proposals are part of the concurrent budget resolution that came from the Democrats last year, and we should not forget that.

I agree with my distinguished majority whip on the other side that, yes, we should work together. We do try to work in a bipartisan basis in the leadership to keep from taking unnecessary advantage of each other, but that is the very point why we should be working together now.

We should, I guess, have a recess period during April. I, too, am embarrassed that we are leaving now when we should be in the throes of serious daily negotiations to try to come up with a reasonable compromise budget that will help this country with its economic problems. That is why these gentlemen are saying we should not go home. They are in their first term. They look at what we are doing here and wonder if we are even talking to each other.

So, I think it is time that we get together, and that is what we are advocating, that we stay here and talk together and come up with a budget that will deal with the real problems of the economy.

CONGRESS SHOULD WORK OUT ITS DIFFERENCES

(Mr. OBERSTAR asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. OBERSTAR. Mr. Speaker, I totally agree with our distinguished majority whip on the matter of working out our differences on the budget and the supplemental appropriations bill and the debt limit. I think there is plenty of time to do that. Those on the other side who object to the upcoming district work period know very well that May 15 is the deadline for passage of the budget resolution, and that they have the choice of going home and consulting with their constituents about solutions to the problems of our economy, or of staying here and talking with each other and to their President about compromises and solutions.

Mr. ALEXANDER. Mr. Speaker, will the gentleman yield?

Mr. OBERSTAR. I yield to the gentleman from Arkansas.

Mr. ALEXANDER. I thank the gentleman for yielding.

I have been observing the debate this morning under the 1-minute period. I certainly agree that it points up the fact that we are not only experiencing the age of austerity, we are presently in the era of finger pointing.

Now, I heard several statements this morning about which party caused the present dilemma in this country—the high interest rates, the high unemployment, the recession that we are experiencing—and I just recalled a conversation that I had this morning with an expert on the subject of economics, Mr. Lawrence Chimerine, who is chief economist of Chase Econometrics.

Mr. Chimerine was speaking as an economist, not as a Democrat or Republican. He said that the present economic dilemma in this country is caused by a combination of a liberal fiscal policy, which has produced a dramatic loss of revenues, and a conservative monetary policy which is imposed upon us by a very restrictive Federal Reserve. These conflicting economic policies have produced high interest rates.

Mr. Chimerine further reports that the biggest problem that America faces today on economic policy is the probability that the President believes the things that he is saying.

SUPPORT GROWS FOR UKRAINIAN PRISONER OF CONSCIENCE

(Mr. SMITH of New Jersey asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SMITH of New Jersey. Mr. Speaker, today I sent a letter signed by over 100 Members of Congress to President Leonid Brezhnev, expressing our deep concern for the health and safety of the Ukrainian prisoner of conscience, Ivan Svitlychny. I want to take a moment to thank my colleagues for their support in this effort, and a special thanks to Americans for Human Rights in Ukraine and the hundreds of volunteers who helped coordinate public interest in this international campaign.

According to recent reports, Ivan Svitlychny, a leading Urainian literary critic and scholar, remains in critical condition while completing his 12-year prison term. Convicted of "anti-Soviet agitation and propaganda," he was sentenced to 7 years in corrective labour colonies and 5 years in internal exile.

While in internal exile Mr. Svitlychny suffered from kidney ailments and high blood pressure. On August 20, 1981, he had a stroke and underwent an emergency operation to remove a blood clot from inside his brain. He was left partially paralyzed. Then, on December 17, he suffered a relapse and fell into critical condition. His wife is very concerned that he is unable to receive proper medical treatment for his condition while in internal exile, and has appealed to authorities to terminate his sentence.

Because of the serious deterioration of his health, we have urged for the immediate release of Mr. Svitlychny, as provided for in article 100 of the RSFSR Corrective Labor Code—

> Convicted persons who are suffering from chronic mental illness or other serious illness preventing the further serving of their sentence, can be freed by a court from further serving their sentence . . . .

Mr. Speaker, ever since he began the revival of public and cultural life in the Ukraine in the 1960's, the life of Mr. Svitlychny has been totally dominated by the Soviet crackdown on Ukrainian dissent. Now, in this great time of need, it is up to us to speak out in defense of this brave and dedicated man. I urge all of my colleagues to join the millions of freedom loving people around the world in praying for the health and safety of Ivan Svitlychny and his family.

SETTING DATE FOR AMERICAN PARTICIPATION IN INTERNATIONAL ENERGY AGENCY MEETING

(Mr. **SHARP** asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. **SHARP**. Mr. Speaker, I wanted to bring to the attention of our colleagues an issue we will have up this afternoon. I realize partisan feelings have been running high. But the issue we are going to deal with is one of importance to this administration just as it has been to each of the previous Democratic and Republican administrations since the early 1970's.

It is a matter of the authorities by which the American oil industry participates on behalf of our country in the international energy agency. It must be extended. It has always had very strong bipartisan support.

We do risk, if we are not careful how we handle that this afternoon, a time problem. If it is not completed by this evening, we will not be able to participate this month in critical IEA meetings and issues; and we have a little difficulty working out the actual date that we want to have, but I would hope my colleagues will try to take an understanding position. I think they will serve our country and the President and both political parties best if they are willing to do that. Otherwise, if we get into a game over this date, I think we will not do something in our national interest.

THIS NATION'S PROBLEMS ARE SERIOUS

(Mr. **PARRIS** asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. **PARRIS**. Mr. Speaker, I have listened with considerable interest to the debate on the floor of this House this morning really for two reasons. First, because it has been an important discussion in the finest traditions of a parliamentary body, and second, because it is the first thing we have done in the last 3 months that amounted to a damn.

I have sat here for almost an hour and listened to some of my liberal friends from the other side of the aisle, who have, over the years, voted for every crackpot hairbrain scheme that anybody can think of, to address our problems, real or imagined, and have thereby brought this Nation, the greatest experiment in individual and economic freedom the world has ever known, to its knees, almost equivalent economically to a banana republic. I submit to you, Mr. Speaker, that, we must finally, address the real problem of this Nation, and do it now.

The Nation's economic problems are serious. When 75 million Americans, 1 out of 3 persons in this Nation, receive benefits from the Federal Government in the form of income assistance of one form or another the first of every month, something is wrong. When you realize the fact that 3 years ago, we crossed over the point where there are more people receiving benefits from the Federal Government than there are taxpayers paying taxes to this Nation, we are in trouble. If this House of Representatives does not address those problems, and soon, we are going to be in desperate trouble.

CONGRESS SHOULD DO SOMETHING FOR THE UNITED STATES

(Mr. **HARTNETT** asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. **HARTNETT**. Mr. Speaker, I thank you for the courtesies which you have extended to my colleagues and myself this morning in allowing us to continue this 1-minute debate.

I want to just say that a few moments ago I heard the distinguished gentleman from Arkansas—and he is quite an articulate speaker—say that finally we have engaged in finger pointing, that we are pointing our fingers at each other, and blaming each other for the economic woes of our country.

Mr. Speaker, that is all I have seen from this Democrat side of the aisle and every one of their fingers, however many number you have, multiplied by 10, have been pointing at the White House since January of last year.

They are talking about basking in the glory of the polls, that show President Reagan is going down in the popularity. Those were the same polls that told us in November of 1980 that Jimmy Carter and Ronald Reagan were going to run a close race, if my colleagues remember correctly.

I want to thank those who have put up with us in what we have tried to do, particularly the leadership of the freshman class on this side, who has tried to indicate to the American people and to those of us who listen in this Chamber, that we have done nothing this year.

If we have done nothing, we have pointed that up today on what may be the last day before we go in recess. But I am saying to my colleagues that you have earned your 2-week recess by trying to get this Congress to do something, and I just have to say, with much regret, to my colleagues, and to anybody who may be within earshot, Mr. Speaker, we have done nothing this calendar year for the American people and I think if and when we do come back from the Easter recess it is time we go about doing something for the United States of America.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The **SPEAKER** pro tempore (Mr. Foley). The Chair wishes to advise the Members that, as the Members well know, courtesies are extended to both sides of the aisle with respect to the 1-minute speeches, but the rules require that the Chair notify Members when they have expended their time.

It is also necessary for Members to appropriately observe the advice of the Chair regardless of which side of the aisle.

MESSAGE FROM THE SENATE

The **SPEAKER** pro tempore. The Chair lays before the House the following message from the Senate.

The Clerk read as follows:

S. Con. Res. 78

Resolved by the Senate (the House of Representatives concurring), That when the Senate adjourns on Thursday, April 1, 1982, or on Friday, April 2, 1982, pursuant to a motion made by the Majority Leader, or his designee, in accordance with this resolution, it stand adjourned until 12 o'clock meridian on Tuesday, April 13, 1982, and that when the House of Representatives adjourns on Tuesday, April 6, 1982, it stand adjourned until 12 o'clock meridian on Tuesday, April 20, 1982.

The **SPEAKER** pro tempore. The question is on the Senate concurrent resolution.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. **GREGG**. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The **SPEAKER** pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 209, nays 173, not voting 51, as follows:

[Roll No. 50]

YEAS—209

Addabbo
Akaka
Albosta
Alexander
Andrews
Annunzio
Anthony
Applegate
Aspin
Bailey (PA)
Barnard
Barnes
Bedell
Beilenson
Benjamin
Bennett
Bevill
Bingham
Blanchard
Boggs
Boland
Bolling
Boner
Bonior
Bonker
Bouquard
Bowen
Brinkley
Brodhead
Brown (CA)
Burton, Phillip
Byron
Chappell
Chisholm
Clay
Coelho
Collins (IL)
Coyne, William
Crane, Daniel
Daniel, Dan
Davis
de la Garza
Dellums
Derrick
Dickinson
Dicks
Dingell
Dixon
Donnelly
Dorgan
Dougherty
Downey
Dwyer
Dyson
Early
Eckart
Edwards (AL)
Edwards (CA)
English
Ertel
Evans (IN)
Fary
Fascell
Fazio
Fithian
Flippo
Florio
Foley
Ford (MI)
Ford (TN)
Forsythe
Fountain
Fowler
Frank
Frost
Fuqua
Garcia
Gaydos
Gephardt
Gibbons
Ginn
Glickman
Gonzalez
Gore
Gray
Guarini
Hall (OH)
Hall, Sam
Hamilton
Hance
Harkin
Hatcher
Hawkins
Hefner
Heftel
Hertel
Hightower
Hillis
Holland
Holt
Howard
Hoyer
Hutto
Ireland
Jones (NC)
Jones (TN)
Kastenmeier
Kazen
Kemp
Kennelly
Kildee
Kogovsek
LaFalce
Lantos
Leath
Lehman
Leland
Long (LA)
Lowry (WA)
Luken
Lundine
Marriott
Matsui
Mavroules
Mazzoli
McCurdy
McDonald
Mica
Michel
Mikulski
Miller (CA)
Mineta
Minish
Mitchell (MD)
Moakley
Moffett
Montgomery
Murphy
Murtha
Myers
Natcher
Nichols
Oakar
Oberstar
Obey
Ottinger
Panetta
Patterson
Pease
Pepper
Perkins
Peyser
Pickle
Price
Quillen
Rahall
Rangel
Ratchford
Regula
Reuss
Richmond
Rodino
Roe
Rosenthal
Rostenkowski
Roukema
Roybal
Russo
Sabo
Santini
Sawyer
Scheuer
Seiberling
Shamansky
Shannon
Shelby
Smith (IA)
Snyder
Solarz
St Germain
Stark
Stenholm
Stokes
Studds
Swift
Synar
Traxler
Udall
Vento
Volkmer
Walgren
Washington
Watkins
Waxman
Weiss
White
Whitehurst
Whitley
Whitten
Wilson
Winn
Wirth
Wolpe
Wright
Wyden
Yates
Young (AK)
Young (MO)
Zablocki

NAYS—173

Anderson
Archer
Atkinson
AuCoin
Bafalis
Bailey (MO)
Beard
Benedict
Bereuter
Bethune
Bliley
Broomfield
Brown (CO)
Brown (OH)
Broyhill
Butler
Campbell
Carman
Carney
Chappie
Cheney
Clausen
Clinger
Coats
Coleman
Collins (TX)
Conable
Conte
Corcoran
Coughlin
Courter
Coyne, James
Craig
Daniel, R. W.
Daschle
Daub
Deckard
Dowdy
Dreier
Duncan
Dunn
Edgar
Emerson
Emery
Erdahl
Erlenborn
Evans (DE)
Evans (IA)
Fenwick
Fiedler
Fields
Findley
Fish
Frenzel
Gilman
Gingrich
Goodling
Gradison
Gramm
Green
Gregg
Gunderson
Hagedorn
Hall, Ralph
Hammerschmidt
Hansen (ID)
Hansen (UT)
Hartnett
Heckler
Hendon
Hiler
Hollenbeck
Hopkins
Hubbard
Hughes
Hunter
Hyde
Jeffords
Jeffries
Johnston
Kindness
Kramer
Lagomarsino
Latta
Leach
Lee
Lent
Levitas
Lewis
Livingston
Loeffler
Long (MD)
Lott
Lujan
Lungren
Madigan
Martin (NC)
Martin (NY)
McClory
McCollum
McEwen
McGrath
McKinney
Miller (OH)
Mitchell (NY)
Molinari
Moore
Moorhead
Morrison
Mottl
Neal
Nelligan
Nelson
Nowak
O'Brien
Oxley
Parris
Pashayan
Patman
Paul
Petri
Porter
Pritchard
Pursell
Railsback
Rhodes
Rinaldo
Ritter
Roberts (SD)
Robinson
Roemer
Rogers
Roth
Rousselot
Schneider
Schroeder
Schulze
Sensenbrenner
Shaw
Shumway
Shuster
Siljander
Skeen
Smith (AL)
Smith (NE)
Smith (NJ)
Smith (OR)
Snowe
Solomon
Spence
Stangeland
Stanton
Staton
Stratton
Stump
Tauke
Tauzin
Taylor
Thomas
Trible
Vander Jagt
Walker
Wampler
Weber (MN)
Weber (OH)
Whittaker
Williams (MT)
Williams (OH)
Wolf
Wortley
Wylie
Yatron
Young (FL)

NOT VOTING—51

Ashbrook
Badham
Biaggi
Breaux
Brooks
Burgener
Burton, John
Conyers
Crane, Philip
Crockett
D'Amours
Dannemeyer
DeNardis
Derwinski
Dornan
Dymally
Edwards (OK)
Evans (GA)
Ferraro
Foglietta
Gejdenson
Goldwater
Grisham
Horton
Huckaby
Jacobs
Jenkins
Jones (OK)
LeBoutillier
Lowery (CA)
Markey
Marks
Marlenee
Martin (IL)
Mattox
McCloskey
McDade
McHugh
Mollohan
Napier
Roberts (KS)
Rose
Rudd
Savage
Schumer
Sharp
Simon
Skelton
Smith (PA)
Weaver
Zeferetti

☐ 1215

Messrs. LONG of Maryland, MITCHELL of New York, and LATTA changed their votes from "yea" to "nay."

So the Senate concurrent resolution was concurred in.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

☐ 1230

CENTENNIAL CELEBRATION OF THE FIRST PRESBYTERIAN CHURCH OF EL PASO, TEX.

(Mr. WHITE asked as was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WHITE. Mr. Speaker, on April 16, 1882, 16 people in El Paso, Tex., gathered together and formed a charter for the First Presbyterian Church of El Paso. The first services were held in a tent shared with some Baptist brethren.

This month, as the First Presbyterian Church of El Paso celebrates its centennial, it has a strong and dedicated membership of over 1,500 persons who are humbly thankful for the beautiful and permanent facilities they occupy which are composed of a sanctuary, an educational and administration building, and a fellowship hall.

It has long been my contention that the basic strength of our great Nation is derived from the family unit and from the moral leadership of our churches. As I join with my many friends who are members of the First Presbyterian Church of El Paso in celebration of their church's 100th anniversary, this conviction is reaffirmed.

AMERICAN SALUTE TO CABANATAUN PRISONER OF WAR MEMORIAL DAY

Mr. GARCIA. Mr. Speaker, I ask unanimous consent that the Committee on Post Office and Civil Service be discharged from further consideration of the joint resolution (H.J. Res 435) providing for the designation of April 12, 1982, as "American Salute to Cabanataun Prisoner of War Memorial Day," and ask for its immediate consideration.

The Clerk read the title of the joint resolution.

The SPEAKER pro tempore (Mr. VENTO). Is this objection to the request of the gentlemen from New York?

Mr. McCOLLUM. Reserving the right to object, this is my resolution which has 224 cosponsors on it. I am very proud of it. The Bataan death marchers marched for many, many long days, wound up in Cabanataun Prison, spent 3 years there. There is the anniversary of their release from that prison we are honoring with this resolution.

Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New York?

There was no objection.

The Clerk read the joint resolution, as follows:

H.J. RES. 435

Whereas April 9, 1982, is the fortieth anniversary of the fall of Bataan and Corregidor in the Philippines to the Japanese Imperial Army during World War II;

Whereas approximately thirty-six thousand Americans were captured by the Japanese at the fall;

Whereas these Americans, along with Filipinos captured by the Japanese, were forced to march without food and water for up to ten days on the Bataan Death March to Camp O'Donnell, a prisoner of war camp;

Whereas the International War Crimes Commission reports that ten thousand three hundred people, including women and children, died on that march;

Whereas the survivors of that march, along with other Americans and Filipinos captured by the Japanese in the Philippines, were taken to the prisoner of war camp in central Luzon named Cabanataun;

Whereas the treatment of prisoners of war at Cabanataun was extraordinarily cruel and inhumane and resulted in the death of over three thousand American prisoners of war during the period beginning May 1942 and ending February 1945;

Whereas the prisoners of war at Cabanataun were liberated on September 2, 1945;

Whereas of the thirty-six thousand Americans who were captured at the fall of Bataan and Corregidor, only between six thousand to seven thousand survived until such date of liberation; and

Whereas approximately three thousand fifteen Americans who survived the Bataan Death March and imprisonment at Cabanataun are living today: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the President is directed to issue a proclamation designating April 12, 1982, as "American Salute to Cabanataun Prisoner of War Memorial Day" and calling on the people of the United States to observe such day with appropriate ceremonies and activities.

The joint resolution was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

NATIONAL NURSE-MIDWIFERY WEEK

Mr. GARCIA. Mr. Speaker, I ask unanimous consent that the Committee on Post Office and Civil Service be discharged from further consideration of the Senate joint resolution (S.J. Res. 67) to establish National Nurse-Midwifery Week, and ask for its immediate consideration.

The Clerk read the title of the Senate joint resolution.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New York?

There was no objection.

The Clerk read the Senate joint resolution, as follows:

S.J. RES. 67

Whereas the health and safety of childbearing families is of paramount importance in our society;

Whereas nurse-midwives have practiced in this country since coming to the mountains of eastern Kentucky in 1925;

Whereas the Federal Government has a long history of support for the nurse-midwifery practice and education;

Whereas certified nurse-midwives have demonstrated their ability to give high-quality care to normal mothers and babies throughout the maternity cycle, and their emphasis on health teaching and high-quality care for well mothers and babies makes them a valuable part of the health care team and makes their services increasingly in demand by the public;

Whereas nurse-midwifery care has proven record in reducing infant morbidity and mortality;

Whereas nurse-midwifery care has been demonstrated to be cost effective for families and for the Nation;

Whereas childbearing families have found nurse-midwives responsive to their wishes for more participatory maternity care; and

Whereas the Congress has already recognized the autonomous practice of certified nurse-midwives under both medicaid and the Department of Defense civilian health and meidical program of the uniformed services (CHAMPUS): Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That Congress declares April 19 to 26, 1982, as National Nurse-Midwifery Week, and Congress recognizes the unique contribution that nurse-midwives have made to mothers and babies in the United States during the past half century.

Mr. BROWN of Ohio. Mr. Speaker, as the House sponsor of National Nurse-Midwifery week, I rise in support of passage of this measure recognizing the important work these individuals have done.

National Nurse-Midwifery Week, April 19–26, commemorates the services performed by trained nurse-midwives both in this country's past, and as a growing medical specialty providing alternative, low cost natal care.

The first midwives' program was started in Appalachia as a frontier service in 1925. Today, there are 2,200 nurse-midwives, trained in two disciplines—nursing and midwifery—and certified by the American College of Nurse-Midwives after receiving their RN degree. Approximately 220 more will graduate each year.

It is no wonder that nurse-midwives are so popular. Meticulous screening throughout pregnancy and birth, combined with freely shared information and continuity of care, are the hallmarks of nurse-midwife care. Many families find the service an attractive, cost-efficient means of receiving quality health care service in association with the traditional health institutions such as hospitals, clinics, and birth centers.

As today's parents seek other approaches to traditional child-bearing methods without the loss of quality health care, the skilled professional services of nurse-midwives will become an integral part of the health industry. Their truly outstanding track record deserves our recognition.

The Senate joint resolution was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. GARCIA. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and include extraneous matter on the House joint resolution and the Senate joint resolution just passed.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New York?

There was no objection.

PARLIAMENTARY EMPHASIS MONTH

Mr. FORD of Michigan. Mr. Speaker, I ask unanimous consent that the Committee on Post Office and Civil Service be discharged from further consideration of the Senate joint resolution (S.J. Res. 102) to authorize and request the President to designate the month of April 1982 as "Parliamentary Emphasis Month," and ask for its immediate consideration.

The Clerk read the title of the Senate joint resolution.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Michigan?

Mr. FAZIO. Reserving the right to object, I simply want to thank the chairman for bringing this resolution to the floor and comment upon the appropriateness of its adoption in April, the month of Jefferson's birth.

(Mr. FAZIO asked and was given permission to revise and extend his remarks.)

● Mr. FAZIO. Mr. Speaker, I find it appropriate that the House, by agreeing to the passage of Senate Joint Resolution 102, has voted to designate this month, April 1982, as Parliamentary Emphasis Month.

Thomas Jefferson, one of our most revered Founding Fathers, was born in April. He was also the author of the first comprehensive manual on parliamentary practice which is, to this day, published in each issue of the Rules and Practices of the House of Representatives.

This accomplishment should not be dwarfed by the magnitude of Jefferson's other contributions to the newly formed Republic. The application of parliamentary procedure to the operations of our Congress and State legislatures over the last two centuries has facilitated orderly and democratic deliberations that protect individual rights and majority rule, cardinal principles of governance in the United States and throughout the free world.

Furthermore, not only does Parliamentary Emphasis Month pay respect to the third President of the United States and to the legislative processes of the Congress and State legislatures, but is also lends encouragement and support to countless public and private groups and organizations throughout the country which use this democratic procedure in their regular transaction of business. I would like to thank my colleagues for their timely support of this resolution.●

Mr. Speaker, I withdraw my reservation of objection.

The **SPEAKER** pro tempore. Is there objection to the request of the gentleman from Michigan?

There was no objection.

The Clerk read the Senate joint resolution, as follows:

S.J. Res. 102

Whereas the use of parliamentary procedure in the meetings of private and public organizations in this country promotes orderly deliberation and protects both individual rights and majority rule, cardinal principles of governance in the United States; and

Whereas April is the birth month of Thomas Jefferson, author of the first comprehensive manual on parliamentary practice in this country: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the President is authorized and requested to designate the month of April 1982, as "Parliamentary Emphasis Month", to call upon Federal, State, and local government agencies, and the people of the United States to observe the month with appropriate programs, ceremonies, and activities, and to urge them to promote democratic processes and efficient organization to meetings through parliamentary practice.

The Senate joint resolution was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. **FORD** of Michigan. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the Senate joint resolution just adopted.

The **SPEAKER** pro tempore. Is there objection to the request of the gentleman from Michigan?

There was no objection.

REMEMBERING ROBERTO CLEMENTE

(Mr. GARCIA asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. **GARCIA**. Mr. Speaker, the 111th baseball season is less than a week away, and America awaits the return of its national pasttime. Baseball fans look forward to an uninterrupted season.

I recently introduced legislation requesting the Postmaster General to issue a commemorative stamp honoring baseball star, and humanitarian, Roberto Clemente. Clemente was a larger-than-life figure on and off the field. His achievements as a player were outstanding. He won the National League batting title four times. He was the league's most valuable player in 1966, and the most valuable player for the 1971 world series. He won a Gold Glove Award for fielding 11 straight years, and he had 3,000 career hits.

But it was his achievements off the field that made him so special. He was proud of his Hispanic heritage, and his native Puerto Rico. Throughout his life he worked with the youth of Puerto Rico, and his goal of building a national sports complex in Puerto Rico, was, unfortunately, realized only after his death.

Clemente died serving his fellow Hispanics, in an airplane crash bringing supplies to Nicaraguan earthquake victims. He stood as a symbol of success and dignity for all of us. As sportswriter Myron Cope said:

> Roberto was a product of the morality of the old Spanish families.

He is also a symbol of the best qualities found in athletes and athletics. During his career he played with pain, with prejudice, and without the kind of recognition he deserved. But he still played hard and well. It is men like Roberto Clemente that have made baseball our national pasttime. I urge my colleagues to support this legislation honoring Roberto Clemente.

REX ALEXANDER

(Mr. HUBBARD asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. **HUBBARD**. Mr. Speaker, the city of Murray, Ky., recently lost a respected leader, teacher, and coach, with the untimely death of Rex Alexander.

Mr. Alexander, who died in a car accident last Sunday, was a dear friend of mine and a man whom I admired very much.

I was talking and visiting with Rex Alexander last Saturday at the Kentucky Boys' Basketball Tournament at Rupp Arena in Lexington.

I thought then, and have many times over the last 20 years, that Rex Alexander personified all the good qualities for which a man could strive in a lifetime. He was a Christian gentleman of unimpeachable character and integrity.

Rex Alexander was a former basketball coach at Murray State University and Paducah Junior College. At the time of his tragic death, he was a full professor in the recreation and physical education department at Murray State. He was among the few to have been designated a "distinguished professor" at the school.

Mr. Alexander had been on the Murray State staff since 1952, following a 3-year teaching and coaching tenure at Paducah Junior College, where he was named "Coach of the Year" among Kentucky's junior college coaches in 1952.

He was also very active for many years in the Kentucky High School Athletic Association and served as the high school basketball tournament manager in far western Kentucky.

I would like to express my sympathy to Mr. Alexander's widow, Doris; to his daughter, Mrs. Buzz (Cindy) Wilham; and to his son, David Alexander.

REMOVAL OF NAME OF MEMBER AS COSPONSOR OF H.R. 3144

Mr. **LAGOMARSINO**. Mr. Speaker, I ask unanimous consent to have my name removed as a cosponsor of the bill, H.R. 3144.

The **SPEAKER** pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

REQUEST FOR CONSIDERATION OF S. 1937, EXTENDING EXPIRATION DATE OF SECTION 252 OF ENERGY POLICY AND CONSERVATION ACT

Mr. **SHARP**. Mr. Speaker, I ask unanimous consent to take from the Speaker's desk the Senate bill (S. 1937) to extend the expiration date of section 252 of the Energy Policy and Conservation Act, and ask for its immediate consideration in the House.

The Clerk read the title of the Senate bill.

The **SPEAKER** pro tempore. Is there objection to the request of the gentleman from Indiana?

Mr. **BROYHILL**. Mr. Speaker, reserving the right to object, we have a House bill, H.R. 5789, that was voted out of the Energy and Commerce Committee that accomplishes the same purpose as the Senate bill.

The sponsors of this bill have gone to the Rules Committee, gotten a rule making in order H.R. 5789, and so I must insist upon the regular order and the consideration of the House bill.

Thus, I object, Mr. Speaker.

The **SPEAKER** pro tempore. Objection is heard.

EXTENSION OF CERTAIN INTERNATIONAL ENERGY AUTHORITIES

Mr. **HALL** of Ohio. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 419 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. Res. 419

Resolved, That upon the adoption of this resolution it shall be in order, clause 2(l)(6) of rule XI and section 402(a) of the Congressional Budget Act of 1974 (Public Law 93-344) to the contrary notwithstanding, to move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 5789) to amend the Energy Policy and Conservation Act to extend certain authorities relating to the international energy program, and the first reading of the bill shall be dispensed with. After general debate, which shall be confined to the bill and shall continue not to exceed one hour, to be equally divided and controlled by the chairman and ranking minority member of the Committee on Energy and Commerce, the bill shall be read for amendment under the five-minute rule. At the conclusion of the consideration of the bill for amendment, the Committee shall rise and report the bill to the House with such amendments as may have been adopted, and the previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit.

The SPEAKER pro tempore. The gentleman from Ohio (Mr. HALL) is recognized for 1 hour.

Mr. HALL of Ohio. Mr. Speaker, I yield the customary 30 minutes to the gentleman from Missouri (Mr. TAYLOR) for purposes of debate only, pending which I yield myself such time as I may consume.

Mr. Speaker, House Resolution 419 is an open rule providing for the consideration of H.R. 5789, extension of certain international energy authorities.

The rule provides for 1 hour of general debate to be equally divided and controlled by the chairman and ranking minority member of the Committee on Energy and Commerce.

The bill shall be read for amendment under the 5-minute rule, and House Resolution 419 provides for one motion to recommit.

It should be noted that the rule waives a point of order against the bill under clause 2(l)(6) of rule XI. This bill was reported on Tuesday, March 30, 1982, and the report was filed that same day. In order to permit consideration of H.R. 5789 today, the rule waives the 3-day layover provision of clause 2(l)(6) of rule XI.

In addition, the rule waives a point of order against the bill under section 402(a) of the Congressional Budget Act. Section 402(a) provides that it shall not be in order to consider any bill which authorizes the enactment of new budget authority for a fiscal year unless that bill has been reported on or before May 15 preceding the beginning of such fiscal year.

This bill extends the antitrust immunity granted to domestic oil companies participating in international energy program planning agreements from April 1, 1982, to July 1, 1983. Based on information from the Department of Energy, the Department of Justice, and the Federal Trade Commission, the costs for Federal officials to monitor meetings and prepare transcripts as required by section 252 of the Energy Policy and Conservation Act are estimated to be approximately $300,000 for the period April 1, 1982, to July 1, 1983. Therefore, the extension contained in H.R. 5789 could be considered to provide new budget authority for fiscal 1982. Since the bill was not reported on or before May 15, 1981, it would be subject to a point of order under section 402(a) of the Budget Act. The Rules Committee has been advised that the Budget Committee has no objection to the granting of this waiver.

Mr. Speaker, H.R. 5789 extends section 252 of the Energy Policy and Conservation Act of 1975, which provides a limited antitrust defense for U.S. oil companies participating in the international energy program. Their participation furthers the operation of the International Energy Agency's oil allocation system used for a major supply disruption. Oil company involvement in the program is essential to its success, due to the companies' expertise and access to petroleum data not available elsewhere.

An extension of the necessary authority was originally provided in S. 1503, the Standby Petroleum Allocation Act of 1982. However, this legislation was vetoed by the President, and the veto was sustained by the other body. Therefore, H.R. 5789 is needed to extend the limited antitrust immunity which expires today.

Mr. Speaker, I am not aware of any opposition to the rule on H.R. 5789, and I urge my colleagues to adopt it.

Mr. TAYLOR. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, House Resolution 419 is an open rule to allow timely consideration of H.R. 5789, a bill which provides a limited antitrust defense for U.S. oil companies participating in the international energy program.

I support this rule, and I want to point out that it contains two waivers to allow consideration of this measure today so as to insure continuity of U.S. international energy policy.

The rule waives clause 2(l)(6) of rule XI against consideration of the bill. This is the layover rule prohibiting consideration of a bill until the third calendar day on which the committee report has been available.

In this situation, the Committee on Energy and Commerce has not had its report available for 3 days, but it wants to take up the bill as soon as possible in order to extend the authority that will expire today, April 1, 1982.

Mr. Speaker, in addition, the rule waives section 402(a) of the Budget Act against consideration of the bill. This section would otherwise prohibit consideration of this measure because it contains new budget authority what was not reported by the committee by May 15 of last year.

Finally, the rule provides for one motion to recommit.

Mr. Speaker, there are valid reasons why the Committee on Rules granted these waivers, not the least of which is that the bill is a noncontroversial attempt to resolve an emergency situation the Committee on Energy and Commerce did not contemplate arising until March 24.

The bill extends until July 1, 1983, a section of the Energy Policy and Conservation Act which provides antitrust immunity to oil companies participating in the International Energy Agency's programs. Under current law, this authority will expire on April 1.

The emergency nature of this legislation arises because an identical extension of the antitrust immunity was part of the conference report on S. 1503, the Standby Petroleum Allocation Act, which the President vetoed on March 20. When the other body upheld the veto on March 24, the countdown to April 1 began.

In his veto message, President Reagan asked the Congress to extend the antitrust exemption, and this bill is a bipartisan effort to do just that.

The Committee on Rules reported this rule by a unanimous voice vote, and I urge the adoption of the resolution.

Mr. Speaker, I have no further requests for time and I yield back the balance of my time.

□ 1245

Mr. HALL of Ohio. Mr. Speaker, I have no further requests for time, and I move the previous question on the resolution.

The previous question was ordered.

The resolution was agreed to.

A motion to reconsider was laid on the table.

Mr. SHARP. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 5789) to amend the Energy Policy and Conservation Act to extend certain authorities relating to the international energy program.

The SPEAKER pro tempore (Mr. VENTO). The question is on the motion offered by the gentleman from Indiana (Mr. SHARP).

The motion was agreed to.

IN THE COMMITTEE OF THE WHOLE

Accordingly the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the bill, H.R. 5789, with Mr. ECKART in the chair.

The Clerk read the title of the bill.

The CHAIRMAN. Pursuant to the rule, the first reading of the bill is dispensed with.

Under the rule, the gentleman from Indiana (Mr. SHARP) will be recognized for 30 minutes, and the gentleman from North Carolina (Mr. BROYHILL) will be recognized for 30 minutes.

The Chair recognizes the gentleman from Indiana (Mr. SHARP).

Mr. SHARP. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, H.R. 5789 extends section 252 of the Energy Policy and Conservation Act of 1975, which provides a limited antitrust defense for U.S. oil companies participating in the international energy program. Their participation furthers the operation of the International Energy Agency's oil allocation system used for a major supply disruption. Oil company involvement in the program is essential to its success, due to the companies' expertise and access to petroleum data not found elsewhere.

Unless extended, this authority will expire today. If we do not act now:

First, U.S. oil company participation in International Energy Agency activities will cease;

Second, submission of U.S. company data to the IEA will be discontinued;

Third, operation of the emergency oil allocation plan will be made difficult if not impossible, destroying the principal means by which the Western Allies seek to insure their mutual energy security during severe crises; and

Fourth, the U.S. Government, though continuing to participate in the international energy program, will be unable to carry out fully its obligations to allied nations, and will be criticized heavily for its lack of commitment to cooperate on energy matters.

Section 252 of EPCA only grants an antitrust defense to U.S. oil companies for involvement in permissible IEA activities and only as long as such actions were not taken for the purpose of injuring competition within the industry. The defense granted is limited in scope and pertains only to those activities included in the provisions of the voluntary agreement and program relating to the international energy program, an agreement approved by the Attorney General and entered into by the U.S. Government and those domestic oil companies participating in the IEA program of information sharing and petroleum allocation.

Moreover, in order to minimize the threat of anticompetitive behavior, the antitrust defense is subject to compliance with a variety of safeguards developed by the Department of Energy in cooperation with the Federal Trade Commission and the Justice Department. The safeguard procedures include prior notification to the U.S. Government of industry meetings convened to advise the IEA, publication of meeting notices in the Federal Register, monitoring of industry meetings by U.S. Government officials, transcription of industry meetings and the securing of U.S. Government prior approval for the submission of confidential company data to the IEA.

This antitrust defense was included within the Standby Petroleum Allocation Act (S. 1503) recently passed by overwhelming majorities in both Houses but vetoed by the President. Due to the imminent lapse of the existing authority, the Senate yesterday passed a 60-day extension of the antitrust defense to June 1, 1982. In order to pass this crucial piece of legislation before the congressional recess it is necessary to accept the language of the Senate bill.

Mr. Chairman, I would urge my colleagues to be cooperative on this matter. At a later point, I will offer an amendment which makes the date similar to the one adopted by the other body.

Mr. BROYHILL. Mr. Chairman, I yield myself 5 minutes.

Mr. Chairman, this bill is extending authorities that have been on the law books for some 7 years. There is a provision in the law that provides for international voluntary agreements, and provides for antitrust defenses for American oil companies that are participating, voluntarily, in this program to implement allocation or information provisions in the international energy program.

I want to assure all of the Members that there are adequate safeguards in this law, section 252 of the Energy Policy and Conservation Act to deal with the possible or potential anticompetitive, antitrust behavior that oil companies could enter into. The Attorney General, the Federal Trade Commission, are all involved with respect to not only the rules as to how this participation takes place, but also in any meetings that might take place as a result of cooperation in this program. Now, this program on antitrust defenses has been, as I say, on the law books for some 7 years, since 1975. It seems that what we do is to give an extension of a very short extension of life from time to time. I think this is about the fifth or sixth extension that I can recall since 1975, and now the other body has extended this for only 60 days.

It seems to me that this is odd behavior. It seems to me that we should adopt the House bill. The House bill provides for extension of this program until July 1 of next year. I would prefer to see it go much farther, but at least we ought to go that far and not be reducing this down to the 60-day extension. It seems to me that if this program is worthwhile, let us extend it. If it is not worthwhile, then let it expire.

Mr. Chairman, at this time I yield such time as he may use to the gentleman from Illinois (Mr. CORCORAN).

Mr. CORCORAN. Mr. Chairman, as has been indicated by our friends from North Carolina and from Indiana, thus far in the debate there really is no disagreement on the substance of what we are proposing to do. Our legislation would extend the antitrust defense protection to the oil companies that participate in the international oil sharing program to July 1, 1983. There is, however, and it has been implied already in the debate, some disagreement as to the time period for the extension, and the disagreement on that unfortunately does not really focus on the time period itself but what might be attached to the next bill extending this protection when the bill before us expires.

It leads us, I think unfortunately, into the politics of the oil allocation program, that failed idea of the now-expired Emergency Petroleum Allocation Act and the now-vetoed and sustained Standby Petroleum Allocation Act. Unfortunately, that is what we do have here.

The gentleman from Indiana, the chairman of the subcommittee, has indicated that he hopes that there would be cooperation in the process. We came here today believing that there would be cooperation in the process. We were misled. We held that belief because, when the Energy and Commerce Committee considered this measure, we passed it out by a unanimous vote. There were no amendments offered. But now we find that, presumably because of the action in the other body, that there might indeed now be an attempt to make some modification to the legislation that is pending.

I would hope that those who might consider that possibility would reconsider it because I think that we make a mistake, and I think we make a mockery of the entire process when we use something like a noncontroversial item—and that is in this case, the date and the time period for the antitrust defense—as a means of trying to bring about some other policy objective. Everybody, I think, knows who has followed this issue that the real debate is not about the antitrust defense.

The real debate, both here on the part of some of our colleagues in the House and certainly on the part of some of our colleagues in the Senate, is on the question of whether or not the President did the right thing when he vetoed S. 1503, the Standby Petroleum Allocation Act. So, there is a desire by others to revisit this issue and to try to persuade the parties to take a different view.

There is some interpretation that the antitrust defense has expired, could have expired at 12:01 a.m. this morning—and I will just say parenthetically that we seem to be breathing and living pretty well in spite of that expiration—but nevertheless I do not think we ought to use this legislation as a means, on the brink of our decision to recess for the Easter break, to try to bring about some other opportunity to revisit the question of standby petroleum allocation. That question has been faced. It has been considered by the House of Representatives; it has been considered by the Senate; it has been considered by the President of the United States, and a decision has been made that we do not need this standby petroleum allocation authority.

Some people disagree with that, and I certainly understand and respect their disagreement. But, this particular measure is not a focus of disagreement, and I would hope that wiser heads, shall we say, would conclude that the best thing we should do now is to extend this authority in the antitrust defense until July 1, 1983. That is what our committee recommended. There was no disagreement.

I do not know for sure, of course, what the amendment that may be offered by my friend from Indiana (Mr. SHARP) will provide, but he indicated it would be similar to what the Senate did last night. On that occasion, they changed their bill as recommended by the Senate committee with jurisdiction to make their extension from one of 3 years to one of 60 days only. Well, the desire in my view, the subterranean objective of this kind of activity is simply to revisit this question in 60 days so that again there can be an attempt to bring up the standby petroleum price and allocation controls, bureaucracy, $20 billion in private compliance costs, and all the other mistakes we observed during the last decade, under the EPAA.

So, I would hope that we would not allow ourselves, despite whatever chagrin there might have been about the President's wise decision in vetoing the standby allocation act to act responsibly and together as we were led to believe we did in committee just 2 days ago.

Mr. MOFFETT. Mr. Chairman, will the gentleman yield?

Mr. CORCORAN. I yield to the gentleman from Connecticut.

Mr. MOFFETT. Mr. Chairman, I thank the gentleman for yielding, and I have just a couple of questions.

I am trying to understand what the gentleman is suggesting. If the gentleman's position prevails, what happens next with regard to our participation in the IEA?

Mr. CORCORAN. If the legislation were passed as recommended by the committee the IEA would be able to enjoin U.S. oil company participation for 15 months. The legislation, of course, would go to the other body and a conference would then be asked. Or let the Senate act to adopt our bill.

Mr. MOFFETT. So, is it not then also true, however, that if we do not deal with this today, that we could very easily be in a position of having a stalemate develop, no action today, and our participation in IEA evaporate for at least 3 weeks? Is that correct?

Mr. CORCORAN. Let me respond, and then I will yield to my friend from North Carolina. It is possible that if the Congress were not to act, that that kind of scenario would take place, but in fact what could well happen is that the other body will accept the action of the House. That is exactly what the President recommended, exactly what the Senate and House on three previous occasions did, because in the veto message, in the standby petroleum allocation matter, there was a provision with respect to the antitrust defense, and we used, in our legislation which is now pending before this body, precisely the same date. So, on the question of the date the House of Representatives expressed itself, the Senate of the United States has expressed itself, and the President of the United States has expressed himself, and at this late date other people are trying to interfere with that process, and in my judgment revisiting their very request for consideration.

Mr. MOFFETT. Is it not true that the Senate rejected the gentleman's position last night and will be likely to do so again, or the Senate will adjourn? I think it is a big risk if something happens.

Mr. CORCORAN. Let me respond to my friend by saying that the Senate has already shown its ability to come to commonsense on the matter of the standby petroleum allocation controls when it sustained the President's position after having, unfortunately, voted as it did with respect to the original measure. So I think there is every reason to expect that, in view of the action that has already been taken, in view of the consequences that the gentleman has raised, that the Senate indeed would accept the House-passed measure pending now.

Mr. BROYHILL. Mr. Chairman, if the gentleman would yield, I believe that the gentleman from Connecticut misspoke. This legislation has nothing to do with the authority of our Government to deal with foreign governments in this program. The only thing that this legislation goes to is the antitrust defenses with respect to the voluntary participation of the U.S. oil companies. U.S. oil companies are not meeting at the present time, as far as I know. I have been inquiring around here.

□ 1300

I know of no meetings that are planned, and I know of no possible antitrust issues that could be brought up. So at least if there is a period of time when this particular portion of the act expires, it has nothing to do with the cooperation of our Government with other governments in a program of sharing of energy during a potential energy shortage.

Mr. MOFFETT. Mr. Chairman, will the gentleman yield?

Mr. CORCORAN. I yield to the gentleman from Connecticut.

Mr. MOFFETT. Mr. Chairman, I have asked the gentleman to yield for a point of clarification on this. I do not mean to hog the gentleman's time, and I thank him for yielding.

I say to my friend, the gentleman from North Carolina (Mr. BROYHILL), No. 1, that it can effectively curtail our participation because the oil companies are, for better or worse, our agents in this arena.

No. 2, my understanding is that there would be meetings in April involving our companies. If someone has evidence to the contrary, I think we should hear about it. But I just think that what the gentleman is doing, with the best of intentions, if he prevails, is getting us into a cat-and-mouse game with the other body that we really do not need right now, and the best thing is to put the merits aside for the moment. The best thing to do is to get this out of the way right now so we can go back to our States and our districts and say that at the very least we did not jeopardize our participation in the next 3 weeks should something happen or should those meetings be necessary.

Mr. CORCORAN. Mr. Chairman, if I may, let me now take a moment to respond to my friend, the gentleman from Connecticut (Mr. MOFFETT), and say that it is not a question of whose position will prevail; it is a question of whether or not the position of the Energy and Commerce Committee, which has already recommended that this antitrust defense extension be changed from April 1 of this year to July 1 of next year, is proper. Or were we, on this side of the aisle, misled when we responded affirmatively to your chairman's request to report this bill quickly and without change?

So I think the point that we are attempting to make is that we have a vehicle here which provides the kind of protection that is required. It is on a substantive basis, accepted by all those who have been involved in the decisionmaking process in this matter. The only question is on the date, and that is not really the question at hand. The subterranean question is whether to revisit this issue every 60 days and try again to persuade the administration to adopt ill-advised petroleum allocation controls. Mr. Chairman, this President will not reverse himself on this matter.

Mr. Chairman, I think that is the sort of mischief we simply should not engage in, particularly when we are acting on this last day of the session before the Easter break.

Mr. SHARP. Mr. Chairman, I yield myself 5 minutes.

Mr. Chairman, first of all, I think we have got to get the facts straight. I do not think my colleagues in either body are attempting to change the authority, whether it is today or whether it is

60 days from now. It clearly has been an effort to bring together several other issues that might have broad bipartisan support and might even end up having the administration's support.

That cannot happen at the end of 60 days or whatever date we decide on. That is an issue we do not have to resolve today. But I think we had better understand very clearly that we are in a very difficult position to get agreement between the two bodies on this issue, and I would point out that while it appears to be partisan, because of the nature of the membership on either side of the aisle in this Chamber, it is not a partisan question in the other body. It is not a bipartisan issue as to the date contained in the legislation, and our understanding of it is that there is going to have to be a conference on this issue. If there is a conference on this issue, it means we are not going to have this resolved tonight.

Mr. Chairman, let me say to the Members that it will not be the Democratic leadership of the House of Representatives that will be embarrassed under that situation, it will not be the Energy and Commerce Committee that will be embarrassed under that situation; it will be the American Secretary of State who will have to say to our European allies, "Yes, we do believe our commitments to the IEA are real. Yes, we are concerned about the energy problem."

And if anyone is listening to what our allies are saying now, there are many questions being raised about our Government's commitments on these matters. Our administration has indicated publicly they are committed to the IEA. If they are committed to the IEA, they want to be prepared for an emergency, and while many of us dispute with them as to how we ought to do it, we do want to see our country stand in the public eye as not being embarrassed by this.

Whatever logic there is to 18 months, 5 years, or 60 days, I would suggest is irrelevant if we end up putting ourselves in the position where we do not resolve this issue today. We will simply have egg on the face of the administration and the Congress, and I do not think that serves anybody's purposes.

So, Mr. Chairman, I strongly urge that when I offer the amendment to make it 60 days, it be adopted by the Chamber.

Mr. BROYHILL. Mr. Chairman, I yield 5 minutes to the gentleman from Ohio (Mr. BROWN).

Mr. BROWN of Ohio. Mr. Chairman, let us talk about what this thing is really about now, if we can. What has happened here is that the President vetoed the Standby Petroleum Allocation Act, which was supposed to redo all of the Emergency Petroleum Allocation Act and get us back in the same rut we were in before; starting with 1973 embargo and continuing through the 1979 Iranian revolution where we allowed energy prices and distribution to be all regulated by the Department of Energy or some branch of the Federal Government.

We know that that was a failure because what resulted from that was that we lost production of American energy, oil particularly. We had a superbly built skein of bureaucracy that took care of allocation. The Government literally screwed up the whole allocation process. And they did it with the authority of law. And there are those who would bring back this failure to fail a third time.

The President, after this House and the Senate passed the standby Petroleum Allocation Act, vetoed it the other day, and the Senate, lo and behold, sustained the veto. Now, some Members in the Senate want a chance to put bits and pieces of the vetoed bill back on this bill, a simple housekeeping detail allowing our companies to participate in an international treaty program.

All this bill does is say that those U.S. oil companies will be protected from being prosecuted for antitrust violation if they share information under the auspices of the International Energy Agency and under the constant supervision of U.S. antitrust officials.

The bill does not authorize the triggering of an international crude sharing program or our participation in the international energy program: it just protects the oil companies from an antitrust lawsuit.

So if the bill does not pass, there is no great emergency. Certainly there is no great emergency for the next 3 weeks while the Congress is out of session. After all, who needs the Congress to be in session to deal with emergencies anyway in most instances? We certainly are not dealing much with some of the economic emergencies that have faced us over the last 4 months. If we were, we would have considered the urgent supplemental instead of pulling it off the schedule as the Democratic leadership did. So why would we have to worry about this matter during the next 3 weeks?

In any event, the problem here is that the Senate wants to just extend this for 60 days so that they can craft this new standby petroleum allocation legislation and tie it to this and hope that the President will accept it. The President vetoed it with this in it before, so that is not going to work.

We are asking that this legislation, unalloyed, pass so that for the next 15 months the oil companies will be protected from lawsuits.

Since we have decontrolled the price and allocation of oil, the price of the price of oil at the gasoline pump and at the heating oil truck has gone down, down, down. Why? Because we are producing more oil in this country, we are finding more and bringing it in to the marketplace. The OPEC nations are in disarray. The headline today says that they are going to try to meet and discipline Nigeria because they are trying to sell their oil at a cheaper price than others. Iran has said it is going to sell its oil at a cheaper price, and the whole OPEC oil cartel has begun to break down. Once again we see the free market begin to work its way toward breaking up the cartel.

So here we are. OK? So what we ought to do is go ahead and extend this, because this is one of the bits of strengths that we have to bring together the consuming Western countries and further shake up the OPEC cartel. We ought not add-on, as the Senate is rumored to be preparing, amendments which repudiate President Reagan's policy of a free market for energy. After all, the market is doing quite well without us.

How do I know the market is working? I passed a gas station on a freeway in Ohio, which is usually not where the cheapest prices are, that had gasoline for sale at $1.09. In another couple of weeks, the way prices are going now, we will have gasoline in Ohio for less than $1 a gallon.

Mr. Chairman, that is progress. Why stop it by playing around with price and allocation controls on this bill, or its successor 60 days from now? The President has already vetoed one bill and which the Senate, that wonderful body, has sustained him. Let us not play around with this anymore. Thank you, Mr. Chairman.

Mr. SHARP. Mr. Chairman, I yield 6 minutes to the gentleman from Connecticut (Mr. MOFFETT).

Mr. MOFFETT. Mr. Chairman, it is always a pleasure to follow my friend, the gentleman from Ohio (Mr. BROWN). Once again he has been at his most articulate in terms of elaborating on some energy issues. I am not sure, however, that they are all that useful or relevant if we are talking about preparation for an emergency.

What the gentleman has told us is that gasoline prices have been going down and that they are stabilizing, and so forth. I must say that his facts, of course, are correct as usual, but they are put in the wrong context, because precisely the type of thing that I would think we would be trying to guard against here is creating a false sense of security. And that is precisely what has happened.

We have been operating on these energy emergency issues as if it is just totally implausible that there will ever again be an emergency, and that if there is, some magic of the marketplace will work to make this a very tolerable experience for everybody.

The gentleman from Indiana (Mr. Sharp) has done an extraordinary job in the last year of trying to focus attention on what happens if we have an emergency. He has not exactly been working with a powerful coalition in terms of getting something through that can give us adequate preparation for an emergency. I think he has done the best job anyone could have possibly done, and maybe a little better under the circumstances.

So we find ourselves, on April Fool's Day of all days, sending a message out to the American public that everything is wonderful with energy, with energy supplies, and with energy prices, that it is a beautiful day, maybe the nicest day of the year out there, and gasoline prices are a little over a buck for regular and dropping down, and we can go home and say, "Isn't it great? Everything is OK. Don't worry about an emergency."

But the fact of the matter is that there is as much turmoil in the Middle East as there has been in a long time. The Saudis have cut their production from 10.5 million barrels a day down to 7. Oil production is not going up. It would not take much for somebody to start firing shots across the Strait of Hormuz and shut us down and put us in really pathetic shape.

The irony of this whole situation is that the bill the President vetoed was not any kind of an extreme overreaction to all of that. It included the authority, as I recall, for price controls and allocation, and the requirement of submitting plans for contingency plans. We all know about contingency plans, contingency plans for an emergency. We do not have to use them, just submit them. There was information collection included, which the Governors wanted. They said, "If there is an emergency and if you don't want to use the Feds, at least have it around so we can use it."

There was provision for a few studies on whether or not this almost total reliance on the market really works or not if there is an oil cutoff. There was a crude oil sharing plan which a lot of folks in the industry have a very big interest in, and we can understand why.

So the President vetoed that bill and went back to this fantasyland again that the market will work its will and everything will be all right, and so forth, and so on.

☐ 1315

It is interesting that our friend, the gentleman from North Carolina (Mr. Broyhill) and the gentleman from Illinois (Mr. Corcoran) who were so adamant about that particular bill and supported the President on it, that he should veto it, are now here saying that they really do support emergency allocation and bureaucracies after all, but for the international front, and that they really do support crude sharing after all, but not for our people but only the international front, crude sharing among the United States and its allies. They really do support standby Presidential price and allocation control power, not for Americans, not for this country, but to meet our treaty obligations to our allies.

I cannot believe, and I really mean this, I cannot believe, knowing the gentleman from North Carolina and the gentleman from Illinois and their allies, people who respect them on these issues and should, that they really believe what they have been preaching, that they really believe that this hands-off approach on the domestic side is workable I just cannot believe that that is their conviction.

I sat with the vice president, or a couple of vice presidents of one of the largest oil companies at breakfast one day not long ago. Do my colleagues know what they said? They said: "Congressman, don't let us be the ones to decide who is a high priority customer in an emergency. Please don't put us in that position."

I think most reasonable people out there realize that this is not going to work. I do think at the very least, at the very least, OK, we lost that battle, you won, so to speak, whatever kind of victory it is, but at the very least we ought to walk out of here today in an agreement on this International Energy Agency matter. We ought to say that we do not think it is a minor thing if the United States and its reputation, among other things, suffers to the extent that we do not have participation in IEA for the next 3 weeks or longer if we should stalemate with the other body. I am willing to say that we take a quarter of a loaf from what I wanted. It is not a quarter of a loaf. I think the chairman is willing to say that. I cannot understand why we have to cling to this one last difference of opinion that we might have on the number of days involved. We do have serious differences of opinion, apparently, on what it takes to cope with an emergency and whether or not we should have real contingency plans, information collection, the authority for the President to put price and allocation controls on. But we are not going to settle those here today. Let us at least decide we are going to support the chairman on what he wants to do, put our bill in sync with the other body and go back in agreement to our people.

Mr. BROYHILL. Mr. Chairman, I yield 2 minutes to the gentleman from Illinois (Mr. Corcoran).

Mr. CORCORAN. I thank my colleague from North Carolina for yielding.

Very briefly, let me make just one point. The gentleman from Connecticut (Mr. Moffett) has referred to the reputation of the United States in this regard and the problems that the Secretary of State might have and the embarrassment that might accrue to the United States if we did not conform this bill to what the other body has done.

Second, our friend from Connecticut has talked about the image and the message that we would send to our consuming partners who participate in the international energy program.

I would just simply raise this point. What would send a stronger message, to only extend this for 60 days or to extend it for 15 months? Let us look at the real facts involved. If we are just doing this for 60 days in order to hold this thing hostage, I think everybody could see the actions and the positions of those people who advocate that philosophy for what it really is.

Mr. SHARP. Mr. Chairman, I yield myself 1 minute to quickly respond. I hope we can complete the debate and get on to the amendments.

Mr. Chairman, I guess the problem is many of us do not feel what the gentleman from Illinois is advocating is a genuine option at this late hour. The likelihood is we do not have agreement, and the likelihood is we do not have American participation for the duration at least of the season until we resolve the issue. If that happens, by the way, it will only create the situation my colleagues argue they are trying to avoid in terms of the possibility of future legislation, other issues on this legislation in the future.

So, I think we are going through an exercise here in which people want to score some points. That is all right. They may. I do not think it is going to serve any valuable purpose.

We are not debating allocation here. That is lost. We understand the President took on clear responsibility. He did not want to have that authority. We disagree with him, many of us, substantially. But we lost that battle and we do not think that it is politically practical or wise or there is a possibility in this House or in the other Chamber of redoing that issue. That is not what is being attempted. That is not on the agenda here.

We are trying to get an extension so that we do not miss the deadline.

Mr. BROYHILL. Mr. Chairman, I have no further requests for time, and I yield back the balance of my time.

Mr. SHARP. Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

H.R. 5789

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That subsection (j) of section 252 of the Energy Policy and Conservation Act (42 U.S.C. 6272(j)) is amended by striking out "April 1, 1982" and inserting in lieu thereof "July 1, 1983".

AMENDMENT IN THE NATURE OF A SUBSTITUTE OFFERED BY MR. SHARP

Mr. SHARP. Mr. Chairman, I offer an amendment in the nature of a substitute.

The Clerk read as follows:

Amendment in the nature of a substitute offered by Mr. SHARP: Strike all after the enacting clause and insert in lieu thereof the following:

That section 252(j) of the Energy Policy and Conservation Act (42 U.S.C. 6272(j)) is amended by striking "April 1, 1982", and inserting in its place "June 1, 1982".

Mr. SHARP. Mr. Chairman, we have before us now the amendment I think everyone is aware of which simply sets the date of the extension to June 1 of 1982 to assure that over the next 2 months the agency will be going forward, and that our allies will know we intend to sustain this commitment.

I would urge the House to adopt this amendment so that we may resolve the procedural problems we are going to have in terms of getting conformity with the other body on this issue, in order for the House and the other body to adjourn this evening.

Mr. Chairman, I do not think I need to go into this extensively. We are only arguing over a change in the dates. We are not arguing the allocation issue. Everyone can have plenty of opportunity now and in the future to argue their stand on that. We all took votes on it. We have made it known to our constituents and to the public. That is not at issue now. That will not be at issue in 60 days.

There may well be other issues other people will find that they wish the Congress to address. But that is not the one that will be addressed.

I urge my colleagues to adopt this amendmant so that we may resolve this problem and not embarrass the U.S. Government.

Mr. BROYHILL. Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman, I was prepared to come before the House today and note the very strong bipartisan support that moved this bill, H.R. 5789, out of the Committee on Energy and Commerce and brought it before us for consideration today in record time without a single amendment, without a single dissenting vote. Yet, I am somewhat dismayed to find we are here not with the prospect of considering the bill we just reported a few days ago, H.R. 5789 as reported, but to find that the chairman of the subcommittee must have had entirely different ideas in his mind when he was before the full committee.

We had provided for a 13-month extension of this antitrust defense that is contained in this bill, which permits the oil companies to participate in the international energy program. I think it is somewhat odd for this Chamber to be now trying to reverse what I thought was a bipartisan understanding and agreement that we had in the committee when this bill was reported.

I know of no emergency that is called for to change this to 60 days. It seems to me if this program is to be extended, we ought to extend it even longer than 15 months. In fact, I would prefer several years so that this committee and this Chamber does not have to go through this every few months, as we have been doing here in the past 7 years since this has been on the law books.

So it seems to me that a 15-month extension is a reasonable time to extend this program; 60 days is not reasonable. All it means is that we will be back here in 60 days arguing these points all over again. That is not necessary. Why should we have to take the time of the House or the committee for that purpose when we can dispose of it and get it out of here with ample time for this program, which is 15 months as contained in this bill. I think that is entirely reasonable.

Mr. CORCORAN. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise in opposition to this amendment. In effect this amendment has already been debated so I will try to be brief.

First of all, I think it is clear that this is an overnight development, because when we considered this matter in the Energy and Commerce Committee there was no question about some 60-day period of extension. There was, as I indicated, unanimous support, and very little debate about the proposition of extending the antitrust defense for 15 months as the legislation before us provides.

Second, I think it is unfortunate that on the one hand we have the argument being made that we need to send a strong message to the International Energy Agency and to our partners in that endeavor to cushion the impact of any kind of a shortage, when at the same time the substantive proposal that has been offered by the chairman of the subcommittee to change the 15-month provision which came unanimously out of the full committee to provide instead for an extension of only 60 days. I simply do not understand the logic or the credibility of a 60-day period of extension as against the prospect and the strength of a 15-month extension. On the contrary, it demonstrates that the real reason behind this amendment is not a concern about the date. The real reason here is an opportunity that a 60-day extension would give those who want to revisit—60 days from today—the question of standby petroleum allocation controls and all the Government authority and bureaucracy that has already produced a veto would flow from a previous enactment of this session. They want to bring this issue back to the House time and time again because they have bruised egos about what the President did.

I think it is unfortunate. I think it clearly is contrary to the stated observations that what we want to do is indicate to our allies and trading partners, indicate to those who are participating in the program that we believe in it. The only way we can do that, from a practical standpoint, is to give the protection so that our companies can participate in this international program not on a 60-day basis but on a 15-month basis or even longer, as the gentleman from North Carolina has indicated might be desirable.

Therefore, I would urge the defeat of this amendment.

● Mr. CONTE. Mr. Chairman, I rise in support of the amendment by the gentleman from Indiana.

As you know, last night the other body passed its version of this legislation. Theirs provides for a 60-day extension of limited antitrust exemptions for U.S. companies which participate in the international energy agency proceedings.

This extension provides the necessary exemptions for the United States to participate in, and for the International Energy Agency to react to, an oil supply crisis. Without this extension, we will not be able to participate in the exchange of oil supply information with the other 21 members of the IEA if a crisis does, in fact, occur. It is imperative that we continue to honor the commitment this country made in 1974 in its effort to promote cooperation among major industrial countries in reducing dependence upon imported oil. Unfortunately, in these times of international politicial uncertainty such an agreement is a necessity.

I urge support of this amendment.●

The CHAIRMAN. The question is on the amendment in the nature of a substitute offered by the gentleman from Indiana (Mr. SHARP).

The question was taken; and the Chairman announced that the noes appear to have it.

Mr. SHARP. Mr. Chairman, I demand a recorded vote, and pending that, I make the point of order that a quorum is not present.

The CHAIRMAN. Evidently, a quorum is not present. Pursuant to the provisions of clause 2 of rule XXIII, the Chair announces that he will reduce to a minimum of 5 minutes the period of time within which a vote by electronic device, if ordered, will be taken on the pending question following the quorum call. Members will record their presence by electronic device.

The call was taken by electronic device.

The following Members responded to their names:

[Roll No. 51]

Akaka
Albosta
Alexander
Anderson
Andrews
Annunzio
Anthony
Applegate
Aspin
Atkinson
Bafalis
Bailey (MO)
Bailey (PA)
Barnard
Barnes
Beard
Bedell
Beilenson
Benedict
Benjamin
Bennett
Bereuter
Bethune
Bevill
Bingham
Blanchard
Bliley
Boggs
Boland
Boner
Bonior
Bonker
Bouquard
Bowen
Brinkley
Brodhead
Broomfield
Brown (CO)
Brown (OH)
Broyhill
Burton, Phillip
Butler
Byron
Campbell
Carman
Carney
Chappell
Chappie
Cheney
Chisholm
Clay
Clinger
Coats
Coelho
Coleman
Collins (IL)
Collins (TX)
Conable
Conte
Corcoran
Courter
Coyne, James
Coyne, William
Craig
Crane, Daniel
Daniel, Dan
Daniel, R. W.
Daschle
Daub
Davis
de la Garza
Deckard
Dellums
DeNardis
Derrick
Dickinson
Dicks
Dingell
Dixon
Donnelly
Dorgan
Dougherty
Dowdy
Downey
Dreier
Duncan
Dunn
Dwyer
Dyson
Early
Eckart
Edgar
Edwards (CA)
Edwards (OK)
Emerson
Emery
English
Erdahl
Erlenborn
Ertel
Evans (DE)
Evans (GA)
Evans (IA)
Evans (IN)
Fary
Fascell
Fazio
Fenwick
Ferraro
Fiedler
Fields
Findley
Fish
Fithian
Flippo
Florio
Foley
Ford (MI)
Ford (TN)
Forsythe
Fountain
Fowler
Frank
Frenzel
Fuqua
Gaydos
Gejdenson
Gephardt
Gibbons
Gilman
Glickman
Gonzalez
Goodling
Gore
Gradison
Gramm
Gray
Green
Gregg
Guarini
Gunderson
Hagedorn
Hall (OH)
Hall, Ralph
Hall, Sam
Hamilton
Hammerschmidt
Hance
Hansen (ID)
Hansen (UT)
Harkin
Hartnett
Hatcher
Hawkins
Heckler
Hefner
Heftel
Hendon
Hertel
Hightower
Hiler
Hillis
Holland
Hollenbeck
Holt
Hopkins
Howard
Hoyer
Hubbard
Hughes
Hunter
Hutto
Hyde
Ireland
Jacobs
Jeffords
Jeffries
Johnston
Jones (NC)
Jones (OK)
Jones (TN)
Kastenmeier
Kazen
Kemp
Kennelly
Kildee
Kindness
Kogovsek
Kramer
LaFalce
Lagomarsino
Lantos
Latta
Leach
Leath
Lee
Lehman
Leland
Lent
Levitas
Lewis
Livingston
Loeffler
Long (LA)
Long (MD)
Lott
Lowery (CA)
Lowry (WA)
Lujan
Luken
Lungren
Madigan
Markey
Marriott
Martin (NC)
Martin (NY)
Matsui
Mavroules
Mazzoli
McClory
McCollum
McDonald
McEwen
McGrath
McHugh
McKinney
Mica
Michel
Mikulski
Miller (CA)
Miller (OH)
Mineta
Minish
Mitchell (MD)
Mitchell (NY)
Moakley
Moffett
Molinari
Mollohan
Montgomery
Moore
Moorhead
Mottl
Myers
Natcher
Neal
Nelligan
Nelson
Nichols
Nowak
O'Brien
Oakar
Oberstar
Obey
Oxley
Panetta
Parris
Pashayan
Patman
Patterson
Paul
Pease
Pepper
Perkins
Petri
Pickle
Porter
Price
Pursell
Rahall
Railsback
Rangel
Ratchford
Regula
Reuss
Rhodes
Richmond
Rinaldo
Ritter
Roberts (KS)
Roberts (SD)
Robinson
Rodino
Roe
Roemer
Rogers
Rosenthal
Rostenkowski
Roth
Roukema
Rousselot
Roybal
Russo
Sabo
Sawyer
Schneider
Schroeder
Schulze
Seiberling
Sensenbrenner
Shamansky
Shannon
Sharp
Shaw
Shelby
Shumway
Skeen
Smith (AL)
Smith (IA)
Smith (NE)
Smith (NJ)
Smith (OR)
Snowe
Snyder
Solarz
Solomon
Stangeland
Staton
Stenholm
Stokes
Stratton
Studds
Stump
Swift
Synar
Tauke
Tauzin
Taylor
Thomas
Trible
Vander Jagt
Vento
Volkmer
Walgren
Walker
Wampler
Washington
Watkins
Weber (MN)
Weber (OH)
Weiss
White
Whitehurst
Whittaker
Whitten
Williams (MT)
Williams (OH)
Wilson
Winn
Wirth
Wolf
Wolpe
Wright
Wyden
Wylie
Yatron
Young (FL)
Young (MO)
Zablocki

☐ 1330

The CHAIRMAN. Three hundred and fifty-nine Members have answered to their names, a quorum is present, and the Committee will resume its business.

RECORDED VOTE

The CHAIRMAN. The pending business is the demand of the gentleman from Indiana (Mr. SHARP) for a recorded vote.

A recorded vote was ordered.

The CHAIRMAN. The Chair reminds the Members that 5 minutes will be allowed for the vote.

The vote was taken by electronic device, and there were—ayes 211, noes 163, not voting 59, as follows:

[Roll No. 52]

AYES—211

Addabbo
Akaka
Albosta
Alexander
Andrews
Annunzio
Anthony
Applegate
Aspin
Bailey (PA)
Barnes
Bedell
Beilenson
Benjamin
Bennett
Bethune
Bevill
Bingham
Blanchard
Boggs
Boland
Boner
Bonior
Bonker
Bouquard
Bowen
Brinkley
Brodhead
Brown (CA)
Brown (CO)
Burton, Phillip
Chappell
Chisholm
Clay
Coelho
Collins (IL)
Conte
Coyne, James
Coyne, William
Daschle
Davis
de la Garza
Dellums
Derrick
Dicks
Dingell
Dixon
Donnelly
Dorgan
Dougherty
Dowdy
Downey
Dwyer
Early
Eckart
Edgar
Edwards (CA)
Emery
English
Ertel
Evans (GA)
Evans (IA)
Evans (IN)
Fary
Fascell
Fazio
Ferraro
Fithian
Flippo
Florio
Ford (MI)
Ford (TN)
Fountain
Fowler
Frank
Frost
Fuqua
Gaydos
Gejdenson
Gephardt
Gibbons
Glickman
Gonzalez
Gore
Gray
Gregg
Guarini
Hall (OH)
Hamilton
Hance
Harkin
Hatcher
Hawkins
Heckler
Hefner
Heftel
Hertel
Hightower
Holland
Hopkins
Howard
Hoyer
Hubbard
Hughes
Jacobs
Jeffords
Jones (NC)
Jones (OK)
Jones (TN)
Kastenmeier
Kazen
Kennelly
Kildee
Kogovsek
LaFalce
Lantos
Leach
Lehman
Leland
Levitas
Long (LA)
Long (MD)
Lowry (WA)
Luken
Lundine
Markey
Martin (NY)
Matsui
Mavroules
Mazzoli
McHugh
Mica
Mikulski
Miller (CA)
Mineta
Minish
Mitchell (MD)
Mitchell (NY)
Moakley
Moffett
Mollohan
Morrison
Mottl
Murtha
Natcher
Neal
Nelson
Nichols
Nowak
Oakar
Oberstar
Obey
Ottinger
Panetta
Patman
Patterson
Pease
Pepper
Perkins
Pickle
Price
Pursell
Rahall
Rangel
Ratchford
Reuss
Richmond
Rodino
Roe
Rosenthal
Rostenkowski
Roukema
Roybal
Russo
Sabo
Santini
Scheuer
Schneider
Schroeder
Seiberling
Shamansky
Shannon
Sharp
Shelby
Smith (IA)
Snowe
Snyder
Solarz
Solomon
Stark
Stokes
Studds
Swift
Synar
Tauzin
Udall
Vento
Volkmer
Walgren
Washington
Watkins
Weiss
Williams (MT)
Wilson
Wirth
Wolpe
Wright
Wyden
Yatron
Young (MO)
Zablocki

NOES—163

Anderson
Archer
Atkinson
Bafalis
Bailey (MO)
Barnard
Beard
Benedict
Bereuter
Bliley
Broomfield
Brown (OH)
Broyhill
Butler
Byron
Campbell
Carman
Carney
Chappie
Cheney
Clausen
Clinger
Coats
Coleman
Collins (TX)
Conable
Corcoran
Coughlin
Courter
Craig
Crane, Daniel
Daniel, Dan
Daniel, R. W.
Daub
Deckard
Dickinson
Dreier
Duncan
Dunn
Dyson
Edwards (AL)
Edwards (OK)
Emerson
Erdahl
Erlenborn
Evans (DE)
Fiedler
Fields
Fish
Forsythe
Frenzel
Gilman
Gingrich
Goodling
Gradison
Gramm
Green
Gunderson
Hagedorn
Hall, Ralph
Hall, Sam
Hammerschmidt
Hansen (ID)
Hansen (UT)
Hartnett
Hendon
Hiler
Hillis
Hollenbeck
Holt
Hunter
Hutto
Hyde
Ireland
Jeffries
Johnston
Kemp
Kindness
Kramer
Lagomarsino
Latta
Leath
Lee
Lent
Lewis
Livingston
Loeffler
Lott
Lowery (CA)
Lujan
Lungren
Madigan
Marriott
Martin (NC)
McClory
McCollum
McDonald
McEwen
McGrath
McKinney
Michel
Miller (OH)
Molinari
Montgomery
Moore
Moorhead
Myers
Nelligan
O'Brien
Oxley
Parris
Pashayan
Paul
Petri
Porter
Railsback
Regula
Rhodes
Rinaldo
Ritter
Roberts (KS)
Roberts (SD)
Robinson
Roemer
Rogers
Roth
Rousselot
Sawyer
Schulze
Sensenbrenner
Shaw
Shumway
Shuster
Skeen
Smith (AL)
Smith (NE)
Smith (NJ)
Smith (OR)
Spence
Stangeland
Staton
Stenholm
Stratton
Stump
Tauke
Taylor
Thomas
Trible
Vander Jagt
Walker
Wampler
Weber (MN)
Weber (OH)
White
Whitehurst
Whittaker
Whitten
Williams (OH)
Winn
Wolf
Wylie
Young (AK)
Young (FL)

NOT VOTING—59

Ashbrook
AuCoin
Badham
Biaggi
Bolling
Breaux
Brooks
Burgener
Burton, John
Conyers
Crane, Philip
Crockett

D'Amours
Dannemeyer
DeNardis
Derwinski
Dornan
Dymally
Fenwick
Findley
Foglietta
Foley
Garcia
Ginn
Goldwater
Grisham
Horton
Huckaby
Jenkins
LeBoutillier
Marks
Marlenee
Martin (IL)
Mattox
McCloskey
McCurdy
McDade
Murphy
Napier
Peyser
Pritchard
Quillen
Rose
Rudd
Savage
Schumer
Siljander
Simon
Skelton
Smith (PA)
St Germain
Stanton
Traxler
Waxman
Weaver
Whitley
Wortley
Yates
Zeferetti

□ 1345

Mr. PURSELL changed his vote from "no" to "aye."

So the amendment in the nature of a substitute was agreed to.

The result of the vote was announced as above recorded.

The CHAIRMAN. Under the rule, the Committee rises.

Accordingly the Committee rose; and the Speaker pro tempore (Mr. OBEY) having assumed the chair, Mr. ECKART, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 5789) to amend the Energy Policy and Conservation Act to extend certain authorities relating to the international energy program, pursuant to House Resolution 419, he reported the bill back to the House with an amendment adopted by the Committee of the Whole.

The SPEAKER pro tempore. Under the rule, the previous question is ordered.

The question is on the amendment.

The amendment was agreed to.

The SPEAKER pro tempore. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

The SPEAKER pro tempore. The question is on the passage of the bill.

The question was taken, and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. RUSSO. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The vote was taken by electronic device, and there were—yeas 374, nays 3, not voting 56, as follows:

[Roll No. 53]

YEAS—374

Addabbo
Akaka
Albosta
Alexander
Anderson
Andrews
Annunzio
Anthony
Applegate
Archer
Aspin
Atkinson
AuCoin
Bafalis
Bailey (MO)
Bailey (PA)
Barnard
Barnes
Beard
Beilenson
Benedict
Benjamin
Bennett
Bereuter
Bethune
Bevill
Bingham
Blanchard
Bliley
Boggs
Boland
Bolling
Boner
Bonior
Bonker
Bouquard
Bowen
Brinkley
Brodhead
Broomfield
Brown (OH)
Burton, Phillip
Byron
Campbell
Carman
Carney
Chappell
Chappie
Cheney
Chisholm
Clausen
Clay
Clinger
Coats
Coelho
Coleman
Collins (IL)
Collins (TX)
Conable
Conte
Conyers
Corcoran
Coughlin
Courter
Coyne, James
Coyne, William
Craig
Crane, Daniel
Daniel, Dan
Daniel, R. W.
Daschle
Daub
Davis
de la Garza
Deckard
Dellums
DeNardis
Derrick
Dickinson
Dicks
Dingell
Dixon
Donnelly
Dorgan
Dougherty
Dowdy
Downey
Dreier
Dunn
Dwyer
Dyson
Early
Eckart
Edgar
Edwards (AL)
Edwards (CA)
Edwards (OK)
Emerson
Emery
English
Erdahl
Erlenborn
Ertel
Evans (DE)
Evans (GA)
Evans (IA)
Evans (IN)
Fary
Fascell
Fazio
Fenwick
Ferraro
Fiedler
Fields
Findley
Fish
Fithian
Flippo
Florio
Foley
Ford (MI)
Ford (TN)
Forsythe
Fountain
Fowler
Frank
Frenzel
Frost
Fuqua
Gaydos
Gejdenson
Gephardt
Gibbons
Gingrich
Glickman
Gonzalez
Goodling
Gore
Gradison
Gramm
Gray
Green
Gregg
Gunderson
Hagedorn
Hall (OH)
Hall, Ralph
Hall, Sam
Hamilton
Hammerschmidt
Hance
Hansen (ID)
Hansen (UT)
Harkin
Hartnett
Hatcher
Hawkins
Heckler
Hefner
Heftel
Hendon
Hertel
Hightower
Hiler
Hillis
Holland
Hollenbeck
Holt
Hopkins
Howard
Hoyer
Hubbard
Hughes
Hunter
Hutto
Hyde
Ireland
Jacobs
Jeffords
Jeffries
Johnston
Jones (NC)
Jones (OK)
Jones (TN)
Kastenmeier
Kazen
Kemp
Kennelly
Kildee
Kindness
Kogovsek
Kramer
LaFalce
Lagomarsino
Lantos
Latta
Leach
Leath
Lee
Lehman
Leland
Lent
Levitas
Lewis
Livingston
Loeffler
Long (LA)
Long (MD)
Lott
Lowery (CA)
Lowry (WA)
Lujan
Luken
Lundine
Lungren
Madigan
Markey
Marriott
Martin (NC)
Martin (NY)
Matsui
Mavroules
Mazzoli
McClory
McCollum
McCurdy
McDonald
McEwen
McGrath
McHugh
McKinney
Mica
Michel
Mikulski
Miller (CA)
Miller (OH)
Mineta
Minish
Mitchell (MD)
Mitchell (NY)
Moakley
Moffett
Mollohan
Montgomery
Moore
Moorhead
Morrison
Mottl
Murtha
Myers
Natcher
Neal
Nelligan
Nelson
Nichols
Nowak
O'Brien
Oakar
Oberstar
Obey
Ottinger
Oxley
Panetta
Pashayan
Patman
Patterson
Paul
Pease
Pepper
Perkins
Petri
Pickle
Porter
Price
Pritchard
Pursell
Rahall
Railsback
Rangel
Ratchford
Regula
Reuss
Rhodes
Richmond
Rinaldo
Ritter
Roberts (KS)
Roberts (SD)
Robinson
Rodino
Roe
Roemer
Rogers
Rosenthal
Rostenkowski
Roth
Roukema
Rousselot
Roybal
Russo
Sabo
Santini
Sawyer
Scheuer
Schneider
Schroeder
Schulze
Seiberling
Sensenbrenner
Shamansky
Shannon
Sharp
Shaw
Shelby
Shumway
Shuster
Skeen
Smith (AL)
Smith (IA)
Smith (NE)
Smith (NJ)
Smith (OR)
Snowe
Snyder
Solarz
Solomon
Spence
Stangeland
Stark
Staton
Stenholm
Stokes
Stratton
Studds
Stump
Swift
Synar
Tauke
Tauzin
Taylor
Thomas
Traxler
Udall
Vander Jagt
Vento
Volkmer
Walgren
Walker
Wampler
Washington
Watkins
Weber (MN)
Weber (OH)
Weiss
White
Whitehurst
Whittaker
Whitten
Williams (MT)
Williams (OH)
Wilson
Winn
Wirth
Wolf
Wolpe
Wortley
Wright
Wyden
Wylie
Yatron
Young (AK)
Young (FL)
Young (MO)
Zablocki

NAYS—3

Brown (CO)
Broyhill
Butler

NOT VOTING—56

Ashbrook
Badham
Bedell
Biaggi
Breaux
Brooks
Brown (CA)
Burgener
Burton, John
Crane, Philip
Crockett
D'Amours
Dannemeyer
Derwinski
Dornan
Duncan
Dymally
Foglietta
Garcia
Gilman
Ginn
Goldwater
Grisham
Guarini
Horton
Huckaby
Jenkins
LeBoutillier
Marks
Marlenee
Martin (IL)
Mattox
McCloskey
McDade
Molinari
Murphy
Napier
Parris
Peyser
Quillen
Rose
Rudd
Savage
Schumer
Siljander
Simon
Skelton
Smith (PA)
St Germain
Stanton
Trible
Waxman
Weaver
Whitley
Yates
Zeferetti

□ 1400

So the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Mr. SHARP. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the Senate bill (S. 1937) to extend the expiration date of section 252 of the Energy Policy and Conservation Act, and ask for its immediate consideration.

The Clerk read the title of the Senate bill.

The SPEAKER pro tempore (Mr. KILDEE). Is there objection to the request of the gentleman from Indiana?

Mr. CORCORAN. Mr. Speaker, reserving the right to object, I take this time in order to ask the distinguished chairman of the subcommittee what the purpose of his request is.

□ 1415

Mr. SHARP. Well, the purpose is simply to complete the conformity with the House and Senate bill so the bill may be sent to the President for signature.

If an objection is lodged, then the House-passed version will have to go back to the Senate, which can yet meet and just adopt the versions. They are identical now in terms of substance, so we can just save a little time and agony if you will accept the unanimous-consent request. This is a standard thing when the bills are in conformity.

Mr. CORCORAN. Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Indiana?

There was no objection.

The Clerk read the Senate bill, as follows:

S. 1937

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 252(j) of the Energy Policy and Conservation Act (42 U.S.C. 6272(j)) is amended by striking "April 1, 1982", and inserting in its place "June 1, 1982".

The Senate bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

A similar House bill (H.R. 5789) was laid on the table.

FURTHER MESSAGE FROM THE SENATE

A further message from the Senate by Mr. Sparrow, one of its clerks, announced that the Senate had passed a bill of the following title, in which the concurrence of the House is requested:

S. 2333. An act to amend section 209 of title 18, United States Code, to permit an officer or employee of the U.S. Government, injured during an assassination attempt, to receive contributions from charitable organizations.

PERSONAL EXPLANATION

Mr. SHARP. Mr. Speaker, I wish to have the Record show that had I been present on rollcall 50 earlier today, I would have voted "no." I was unavoidably involved at the time in negotiations on H.R. 5789, the bill just passed.

Mr. Speaker, I ask unanimous consent that this statement appear in the permanent Record.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Indiana?

There was no objection.

PERSONAL EXPLANATION

Mr. LUNGREN. Mr. Speaker, yesterday during rollcall 49 I was present and voting on the floor. It is not reflected that way in the Record.

I ask that this statement appear in the permanent Record.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

PERMITTING OFFICERS OR EMPLOYEES OF U.S. GOVERNMENT INJURED DURING ASSASSINATION ATTEMPT TO RECEIVE CONTRIBUTIONS FROM CHARITABLE ORGANIZATIONS

Mr. FOLEY. Mr. Speaker, I ask unanimous consent to take from the Speaker's desk the Senate bill (S. 2333) to amend section 209 of title 18, United States Code, to permit an officer or employee of the U.S. Government, injured during an assassination attempt, to receive contributions from charitable organizations, and ask for its immediate consideration in the House.

The Clerk read the title of the Senate bill.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Washington?

There was no objection.

The Clerk read the Senate bill, as follows:

S. 2333

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 209 of title 18, United States Code, is amended by adding a new subsection as follows:

"(f) This section does not prohibit acceptance or receipt, by any officer or employee injured during the commission of an offense described in section 351 or 1751 of this title, of contributions or payments from an organization which is described in section 501(c)(3) of the Internal Revenue Code of 1954 and which is exempt from taxation under section 501(a) of such Code.".

The SPEAKER pro tempore. The Chair recognizes the gentleman from Washington (Mr. Foley).

Mr. FOLEY. Mr. Speaker, this is the Senate bill which has just been received by Senate messenger and is now at the desk after passage by the Senate.

The bill amends section 209 of title 18 to permit any official or employee of the United States who is injured during a kidnaping, assault, or assassination of the President, Vice President, or a Member of Congress to receive contributions or payments from any tax-exempt organization which would wish to assist in providing such contribution or payment.

It is obvious, Mr. Speaker, that this is directed to the tragic situation of the Press Secretary of the President, James Brady, who was so terribly injured in the assassination attempt on the President last year.

The present state of the Criminal Code of the United States prohibits contributions from tax-exempt or charitable organizations to Government employees. Obviously, this had an entirely different purpose and was not intended to reach a situation such as the tragic situation surrounding the case of Mr. Brady.

The purpose of this legislation, which is even more narrowly drawn and precisely drawn than that which was introduced by the distinguished minority leader yesterday, sets apart this very specific exemption, where there is someone injured who is a Government employee and that injury has occurred during an attempted assassination, kidnaping, or assault on the President, Vice President, or a Member of Congress. In those circumstances, and those circumstances only, the other provisions of section 209 of the Criminal Code would not apply.

I am sure this is a matter on which the entire House on both sides would wish to give immediate consent and approval.

Mr. LOTT. Mr. Speaker, will the gentleman yield?

Mr. FOLEY. I yield to the gentleman from Mississippi.

Mr. LOTT. I thank the gentleman for yielding.

Mr. Speaker, on behalf of our distinguished minority leader, who did introduce a bill yesterday, as the majority whip has pointed out, dealing with this particular problem, we certainly support this legislation. It is very narrowly drawn. It is being handled expeditiously so that it can provide an opportunity that I understand is sorely needed. It is the least, I think, that the people can do to show appreciation for the dedication and courage that this man has shown in the line of duty.

We certainly support the bill.

Mr. FOLEY. I would like to say, Mr. Speaker, that in addition, this bill has the specific support and approval of the distinguished chairman of the Committee on the Judiciary, the gentleman from New Jersey (Mr. Rodino) who supports it and urges Members on both sides of the aisle to do so.

● Mr. MICHEL. Mr. Speaker, I rise in support of S. 2333.

The purpose of this bill is to amend section 209 of title 18 of the United States Code to allow certain Federal officials who are injured in certain assassination or kidnaping attempts to receive gifts and contributions from a nonprofit charitable trust or foundation.

It is primarily designed to benefit Mr. James Brady, who was seriously injured in last year's assassination attempt on the life of President Reagan.

Under present law, an officer or employee of the executive branch, an independent agency, or of the District of Columbia is prohibited from receiving a salary or compensation for his or her services from any source other than the U.S. Government.

This bill would add a narrow exception to this law. Under the language of the bill, the designated officers or employees could be the beneficiaries of a nonprofit organization set up under section 501(c)(3) of the Internal Revenue Code if they were injured in an assassination attempt on, or kidnaping of the President, the Vice President, or a Member of Congress.

This bill is similar to the bill I introduced yesterday, H.R. 6014, and it will, I am confident, be one which shows that all Americans appreciate the dedication, the courage, and the needs of people like Jim Brady.●

Mr. McCLORY. Mr. Speaker, in the past 20 years, assassination attempts have become a political fact of life. John and Robert Kennedy, George Wallace, and Gerald Ford give proof positive to this distressing reality. Tragedy struck again last March when an attempt was made on the life of President Reagan. The bullet that struck brought him within an inch of his life. Acute medical intervention saved him and restored him to good health.

Other bullets meant for Mr. Reagan felled Presidential Press Secretary Jim Brady. While his life was saved, he has suffered much since that time. We have suffered along with him. He clings to life with an unbroken spirit—he still retains his sensitivity, his warmth, and good humor. His status as trusted and valued adviser to the President is unchanged. However, because Jim Brady is a Federal employee, the law prohibits any additional income beyond salary, under section 209, title 18 of the United States Code. Medical bills and associated costs are enormous, and while some of those expenses are paid under compensation systems, the financial burden is nonetheless substantial.

This bill, S. 2333, permits Federal employees injured in assassination attempts to receive compensation from private trust funds established for that purpose. Jim Brady's case demonstrates the need for the bill. However, it is public legislation and applies to any Federal employee injured in an assassination attempt. Since a private citizen who is not a Government employee can receive such funds, it is only fair that a similarly situated Federal employee be eligible to receive these funds.

Not only will this legislation provide some comfort to the Brady family, but it serves another important purpose. Secret Service agents and other employees will not have to worry about the extra financial burdens if they receive disabling injuries in assassination attempts.

I urge summary consideration of S. 2333 and immediate passage.

Mr. FOLEY. Mr. Speaker, I move the previous question on the Senate bill.

The previous question was ordered.

The Senate bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. LOTT. Mr. Speaker, I ask unanimous consent that all Members have 5 legislative days in which to revise and extend their remarks on the bill just passed.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Mississippi?

There was no objection.

LEGISLATIVE PROGRAM

(Mr. LOTT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. LOTT. Mr. Speaker, I take this time for the purpose of receiving the schedule for the rest of this week and for next week.

I would be happy to yield to the majority whip so that we can get the schedule for the rest of the day and for tomorrow, and any schedule that might be known at this time for next week.

Mr. FOLEY. Mr. Speaker, will the gentleman yield?

Mr. LOTT. I am happy to yield to the majority whip.

Mr. FOLEY. Mr. Speaker, pursuant to the resolution of adjournment of the Senate, concurred in by the House, the House will adjourn at the close of business on Tuesday next.

This concludes the business for today.

We expect to schedule only a pro forma session on Monday and Tuesday, but pro forma sessions will be held on those days.

The schedule for the business of the House for the week of the 19th of April will be announced during the pro forma session on Tuesday, and Members can be advised through their respective leadership Members and staffs.

Mr. LOTT. So the gentleman does not yet have the schedule for the week of the 19th, although we can anticipate it being announced on Tuesday of next week?

Mr. FOLEY. The gentleman is correct.

Mr. WALKER. Mr. Speaker, will the gentleman yield to me?

Mr. LOTT. I yield to the gentleman from Pennsylvania.

Mr. WALKER. I thank the gentleman for yielding.

I am not really going to complain about the schedule for next week, as I have in the past, because that has been done in some emotional terms here for some weeks. But it does seem to me this helps point out the kind of thing that we were talking about over these last several weeks.

In effect, when we leave here today, we are going on what amounts to a 3-week recess. That 3-week recess takes us to the middle of April. At that point, we will come back here, not really have done very much, and we will be toward the end of April.

I would ask the gentleman: Are we not running out of legislative days? It seems to me as I look at the calendar, we are very rapidly closing in, and if you take the rest of the recess schedule, looking toward an October finishing date for elections, that we are rapidly running out of legislative days in which to do some of the major business that Congress has yet to face.

Can the gentleman give us some idea how many days we might have left?

Mr. LOTT. Well, the days are dwindling. When you consider that there is a recess planned for the last of May, one for the end of June, and one at the end of August, and the fact that we will be going out, I presume, around October 8, I do not think we have at the most over 80 legislative days left.

Mr. WALKER. If the gentleman will yield further, that really is the concern, I think, that is being expressed here, as I say, in some emotional terms over the last several weeks: that we are rapidly finding ourselves in a position where we may not be able to do some of the things that I think the American people expect us to do, and I would hope that when we come back from this April recess, well rested, that we will begin to move rapidly on some of the business that is before us, with the budget being the main item.

Mr. FOLEY. Mr. Speaker, will the Republican whip yield to me?

Mr. LOTT. I am happy to yield to the majority whip.

Mr. FOLEY. I thank the gentleman for yielding.

I think the gentleman from Pennsylvania, in his final comment, has touched upon what, of course, is the main consideration before the House and before the other body, and that is the consideration of the budget for fiscal year 1983 and for any third budget resolution for this year.

But I must, with great respect, suggest that if we were to stay here, as some have urged, we have still not reached the bipartisan consensus on an approach to the budget that is hoped to be achieved, not only between the leaders in the House and the Senate in both parties, but between the administration and the Congress. I think this is well known.

As is well reported in the press, there are discussions taking place between representatives of the President, representatives of major congressional figures in both parties, and those will continue. An effort will be made to seek accommodation and consensus during the time when the President will be perhaps away, as well as the Congress.

I would also emphasize that committees are still meeting, and the Committee on Energy and Commerce and the Committee on Ways and Means have schedules for Monday and Tuesday. It is the floor action that has been the subject of most of the concern. But, again, we will have an opportunity, if we reach that consensus and ability to approach the budget, to conclude the budget, I am sure, within the statutory times required, and everybody recognizes that this is the principal responsibility and concern of the Congress this year.

ADJOURNMENT TO MONDAY, APRIL 5, 1982

Mr. FOLEY. Mr. Speaker, I ask unanimous consent that when the House adjourns today, it adjourn to convene at noon on Monday, April 5, 1982.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Washington?

There was no objection.

PERSONAL EXPLANATION

Mr. PICKLE. Mr. Speaker, on rollcall 43, I was not recorded because I was away from the Capitol on official business. Had I been here, I would have voted "aye."

I ask unanimous consent that this statement appear in the permanent RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

There was no objection.

COMMUNICATION FROM HON. HENRY J. HYDE

The SPEAKER laid before the House the following communication from Hon. HENRY J. HYDE:

WASHINGTON, D.C., *March 31, 1982.*

Hon. THOMAS P. O'NEILL, Jr.,
Speaker, House of Representatives,
Washington, D.C.

DEAR MR. SPEAKER: This is to inform you that a deposition subpoena to testify and produce documents was delivered to my office on or about March 19, 1982 in *Rose Hall, Ltd. v. Chase Manhattan Overseas Banking Corp. and Holiday Inns, Inc., et al.*, Civ. Action No. 79-182, a civil action pending in the United States District Court for the District of Delaware.

Sincerely,

HENRY J. HYDE,
Member of Congress.

WE NEED IMMEDIATE ACTION ON URGENT SUPPLEMENTAL APPROPRIATIONS BILL

(Mr. EVANS of Delaware asked and was given permission to address the House for 1 minute and to revise and extend his remarks and to include extraneous materials.)

Mr. EVANS of Delaware. Mr. Speaker, if H.R. 5922, the urgent supplemental appropriations for fiscal year 1982, is in fact, urgent, as described by its title, it should not be pulled from today's schedule.

Right now the housing industry is in critical condition and that permeates through our economy. It hurts the lumbermen, it hurts the realtors, it hurts small business people all over this country. Only by bringing up this legislation now will we be able to introduce an amendment which transfers $1 billion from the Synfuels Corporation in already authorized and appropriated funds to assist housing.

I would like to remind my friend from New York (Mr. PEYSER), who has said the blame for the delay in acting on this is with the Senate, that appropriations bills originate in the House of Representatives. So it is our responsibility to act first.

Mr. Speaker, I have written you a letter that has been signed by other Members here. Let me read the last paragraph.

> Please don't turn your back on the housing industry. Don't delay a vote on the Urgent Supplemental Appropriations bill until after the recess. The American people deserve better.
>
> With best personal regards, TOM EVANS, TOM CORCORAN, HAL DAUB, DAVE DREIER, NEWT GINGRICH.

I might say, Mr. Speaker, that our initiative is supported by many on both sides of the aisle, because they understand that the housing industry needs help now. The American people deserve that now. I hope you will reconsider the decision you have made on pulling the urgent supplemental appropriations bill.

I submit the text of the letter to you, Mr. Speaker, and, in all due respect, to be printed in the RECORD, as follows:

HOUSE OF REPRESENTATIVES,
Washington D.C., April 1, 1982.

SPEAKER OF THE HOUSE,
House of Representatives.

DEAR MR. SPEAKER: Right now, the housing industry is in critical condition.

We should not and cannot turn our backs on them.

By taking the Urgent Supplemental Appropriations bill off the floor, that's precisely what Congress would say. We would be turning our backs on them, and saying: "We don't care about realtors, or homebuilders or the families who are trying to buy homes."

Only by bringing up the Urgent Supplemental Appropriations bill can Congress have a chance to vote on the Evans-Corcoran amendment. This amendment has substantial bipartisan support because it would help the housing industry now, not next year. It would help by transferring $1 billion from the Synthetic Fuels Corporation to provide emergency assistance to help people buy homes. By reducing mortgage rates, we can get our housing industry moving again.

Please don't turn your back on the housing industry. Don't delay a vote on the Urgent Supplemental Appropriations bill until after the recess. The American people deserve better.

With best personal regards,

TOM EVANS.
DAVID DREIER.
TOM CORCORAN.
NEWT GINGRICH.

FOOD ASSISTANCE PROGRAM IN PUERTO RICO

(Mr. RICHMOND asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous matter.)

Mr. RICHMOND. Mr. Speaker, I rise as a coauthor with the gentleman from Missouri (Mr. COLEMAN) in support of the resolution to require that the food assistance program in Puerto Rico be provided to the most needy persons only to purchase food. As of July 1, 1981, nearly 500,000 families in Puerto Rico received food stamp benefits, representing 1,795,914 U.S. citizens or more than 56 percent of the Island's population. Of this figure, 77,000 families have no income to report and 337,000 families have an income of less than $500.

What will the impact be upon these very poor families by this time next year if the food stamps they now receive suddenly become cash? Will they buy the food they need to survive or will they fritter that cash away on less significant expenditures? I fear that next March, if the Puerto Rican cash-in is allowed to be implemented, we may have to legislate a commodity distribution program to take care of a tidal wave of hunger and malnutrition on the Island induced by the exchange of food stamps for cash. Perhaps, thereafter, we can reintroduce food stamps to remedy the limitations of commodity distribution. And on and on in an endless chain.

We ought to halt this wasteful process today. Our resolution calls the Department of Agriculture and Puerto Rico back to our original intent when we enacted the Puerto Rican block grant as part of the Omnibus Budget Reconciliation Act of 1981. We did give the Commonwealth considerable latitude in formulating its plan and understood that, in certain circumstances, assistance could be by means other than an expenditure for direct food aid, for instance, for food production projects. But the whole thrust of the change was to improve the nutritional status of Puerto Rico's needy citizens.

The proposed cash-in plan would not achieve that objective. The plan should be revised. We cannot abandon the neediest to potential hunger and malnutrition and simply trust that they will employ cash to feed themselves. We must insist that the Commonwealth adhere to our intent and take care of the food needs of its poor.

H. RES. 423

A resolution expressing the sense of the House of Representatives that the Commonwealth of Puerto Rico should amend its plan submitted under the Food Stamp Act of 1977 to provide assurance that any assistance provided under such plan will be used only to purchase food

Whereas the food stamp program was established to permit low-income households to obtain more nutritious diets by increasing their food purchasing power;

Whereas the food stamp program promotes the distribution of the abundance of agricultural commodities produced in the United States to needy persons and strengthens the national agricultural economy;

Whereas under the Food Stamp Act of 1977 the Commonwealth of Puerto Rico will receive not to exceed $825,000,000 for each fiscal year to finance 100 per centum of the cost of food assistance provided to needy persons and 50 per centum of the administrative costs of providing such assistance;

Whereas the Commonwealth of Puerto Rico submitted to the Secretary of Agriculture a food assistance plan that provides for the distribution of cash in lieu of coupons or any other noncash vouchers, to be used by needy persons to purchase food; and

Whereas such plan includes no procedures to ensure that food assistance provided under such plan will be used in fact only to purchase food: Now, therefore, be it

Resolved, That it is the sense of the House of Representatives that the Commonwealth of Puerto Rico should amend the plan submitted by it under the Food Stamp Act of 1977 to the Secretary of Agriculture to include procedures that will ensure that any food assistance provided under such plan will be used by the recipients of such assistance only to purchase food.

SEC. 2. The Clerk of the House of Representatives shall transmit a copy of this resolution to the Governor of the Commonwealth of Puerto Rico.

SUGGESTIONS FOR CUTTING THE DEFICIT BY OVER $125 BILLION

(Mr. OTTINGER asked and was given permission to address the House for 1 minute and to revise and extend his remarks, and to include extraneous matter.)

Mr. OTTINGER. Mr. Speaker, for the past year the central issue considered by Congress has been how to halt the slide of the American economy and resume the growth that has been the hallmark of this country for more than a century. Much of that debate has centered on the need to bring the Federal deficit under control.

President Reagan has already offered his ideas on how to bring the Federal deficit under control, ideas that Congress so far has swallowed whole, virtually without study, hearings, or examination. The core of the President's program is huge giveaways of tax revenues to the most wealthy and powerful interests in the country, gigantic defense increases and drastic decreases in spending on the social and economic infrastructure of the country. The President's program has been a virtual declaration of war against our educational institutions, small businesses, job incentives and training, health care, energy self-sufficiency, environmental protection, scientific research and development, urban renewal, housing assistance, and public transportation, with devastating results on the elderly, the poor, students, small businessmen, workers, and any other group that lacks the political power to defend itself.

We have always known that the administration's proposals represented unconscionable social policy. The condition of the economy proves that they represent abysmal economic policy as well.

The President has argued that his budget cuts are the only way to bring Federal spending under control. He has managed to characterize opponents of his policies as opponents of spending cuts in general.

He is wrong. We can and should cut the budget far beyond what the President has proposed. But it involves what David Stockman, the President's own budget director, claims he has unsuccessfully advocated: Cutting "weak claims, not weak clients," from the Federal budget. It involves challenging the very special interest groups on which the President has depended to get his program through Congress.

Earlier this year, I sent my constituents a newsletter detailing my plan to reduce the fiscal year proposals to cut the 1983 budget deficit by some $95 billion. Since then I have continued my research and additional information and recent estimates bring the savings to over $125 billion. These cuts would go a long way to lowering interest rates, an absolute necessity if we are to rebuild our economy. This would guarantee that in the future, when our economy has rebounded, we can balance the Federal budget while providing for the real needs of all Americans.

There follows a detailed explanation of the cuts set forth in my newsletter, which I have consistently and vigorously advocated.

THE WASTE IN TAX POLICY

(Do you realize the greed that came to the forefront (during the tax cut bill negotiations)? The hogs were really feeding. The greed level, the level of opportunism, just got out of control.—David Stockman)

Every year the federal government spends billions that never show up in the budget. The government grants tax breaks to encourage economic behavior that might not take place otherwise. These tax breaks are called tax expenditures; they represent government spending every bit as much as any direct spending program.

Sadly, many of these tax expenditures are windfalls, money that pads the pockets of the special interests.

What David Stockman apparently learned this year—what everyone else in Washington has always known—is that when tax cutting season rolls around, all the special interests line up for their share of the wealth. They usually get it. They certainly did this year.

Tax expenditures provide huge subsidies for some of our most profitable industries, while student aid programs are eliminated because of "lack of money." These hidden subsidies have to be stopped.

President Reagan apparently doesn't agree. Oil and gas companies already receive more than $6 billion annually in tax breaks available to no other corporation despite the fact that they are the most profitable companies in history. Yet incredibly, President Reagan increased their tax break for this year alone by $1.3 billion, some $12 billion over the next five years.

ELIMINATING INEQUITIES AND GIVEAWAYS IN THE REAGAN TAX CUT BILL

The Reagan tax cut bill was one of the most enticing pieces of bad tax legislation in years. The largest tax cut in history, it will rob the Federal Government of the ability to perform crucial services, sustain monumental deficits and maintain crippling interest rates, while accomplishing none of the goals necessary to our economic recovery. The President was able to use the rhetoric of economic recovery to funnel billions of dollars to our wealthiest corporations—through accelerated depreciation, "leasing" provisions, and a corporate tax rate reduction—and to the very wealthiest among us; 65 percent of the tax cut will go to the wealthiest 12 percent of American taxpayers.

The result: Huge deficits that would remain in three figures even if our economy begins to recover from the Reagan-induced recession. Those deficits have kept interest rates at intolerably high levels, and led to record numbers of business failures.

I believe we need well-aimed tax breaks to stimulate productivity, to aid high growth industries, and to promote energy efficiency. But creating tax laws that give the highly profitable General Electric Co. $90 million to $100 million in tax refunds while cutting assistance to low income workers is a renunciation of everything our country stands for.

REPEAL OF THE INDIVIDUAL RATE REDUCTION—$37.4 BILLION; REPEAL OF THE CAPITAL GAINS TAX RATE DEDUCTION—$355 MILLION

During a time of economic stagnation, the desire to increase personal income through tax cuts is almost irresistible. But the Reagan tax cut bill robs the treasury of almost $40 billion this year, and by almost $200 billion in 1986. Not only does the reduction prevent us from properly funding the Government without huge deficits, but it disguises a massive shift in wealth from lower and middle income Americans to the very wealthiest. We just cannot afford the tax cut until the rest of our economic house is in order.

REPEAL OF GIFT AND ESTATE TAX PROVISIONS—$186 MILLION

President Reagan increased the exemption on the gift and estate tax from $192,800 to $600,000. He also eliminated entirely the $250,000 limit on the gift and estate tax marital deduction, and lowered the maximum rate from 70 percent to 50 percent. An estate and gift tax should not be confiscatory, but nor should it permit individuals to permanently hide from their fair share of the tax burden. The provision should be repealed.

REPEAL OF THE CORPORATE RATE REDUCTION—$116 MILLION

The various business tax cut provisions are among the most outrageous attempts to shift a larger and larger share of our tax burden from corporations that profit from our system to low and middle income taxpayers. The result of these cuts and the generalized depreciation increases mean that by the end of the tax cut period, U.S. corporations will pay no taxes at all on their profits. Corporations have been carrying a smaller and smaller part of the tax burden for years. It simply cannot be said that excessive corporate taxes contributed to our economic problems and the further Reagan tax cuts should be repealed.

REPEAL OF OIL AND GAS INDUSTRY TAX BREAKS—$1.295 BILLION

New tax breaks for oil and gas companies are an embarrassment to the notion of fair tax policy. The oil and gas industry is already the beneficiary of liberal tax loopholes that no other industry enjoys. Oil price decontrol has provided revenues that make the industry the most profitable in the world. Yet the President felt compelled to offer even more tax breaks. The rationale—to promote more oil and gas exploration—is rendered ridiculous by the fact the oil companies have demonstrated that they can and will not use this huge excess of funds for additional supplies. They have spent their billion dollar surpluses in acquiring mineral companies, department stores, and other unrelated businesses. The American Petroleum Institute projects a steady continued decline in U.S. oil production despite the hoards of money being poured on them.

REPEAL OF LEASING PROVISIONS—$2.9 BILLION

The leasing provisions are the most blatant example of corporate welfare in an administration that specializes in such largesse. They were created after the administration realized that its accelerated depreciation proposal was so generous that less profitable firms would be unable to take full advantage of it. So the administration's tax act permits unprofitable corporations to, in essence, lease their tax breaks to profitable corporations. This provides a taxpayer subsidy for unprofitable corporations while allowing profitable corporations to cut—or eliminate—their taxes altogether.

I am troubled by generalized accelerated depreciation to begin with. Its size alone will cause huge economic distortions that may damage the economy in ways we have not foreseen and it in no way targets our real needs for industrial modernization. It is terribly inefficient: We need targeted tax incentives to insure increased investment in those areas of the economy that promise improved productivity. Witness the use of United States Steel tax giveaways to purchase Marathon Oil Co. instead of for modernizing its steel mills. And to subsidize unprofitable corporations while saying that we cannot afford to educate our children is unacceptable. The leasing provisions must be repealed.

REPEAL OF VARIOUS SPECIAL INTEREST TAX BREAKS—$302 MILLION

During the tax debate, Democrats and Republicans engaged in a contest to see who could win the support of the special interests that could sway votes in Congress. The administration won the bidding war. It did so by promising special treatment to any group that could help get the administration's tax bill passed. The provisions will cost billions in the coming years and benefit no one but those with enough political muscle to win such breaks.

ELIMINATION OF TAX LOOPHOLES

REPEAL OF PERCENTAGE DEPLETION ALLOWANCE FOR OIL AND GAS COMPANIES—$21 BILLION

The percentage depletion allowance was repealed for major oil and gas companies in 1975; it remains in effect for independent oil and gas companies. The provision permits companies to write off the cost of an oil well over and over while the well produces oil. Proponents argue that it is an incentive to drill for oil, as if huge profits weren't enough. In reality, it is a way for oil companies to hide their profits from taxation. Repeal would allow companies to write off only the cost of the well.

REPEAL OF INTANGIBLE DRILLING COSTS—$3.5 BILLION

Normally, investments are depreciated over the period of years, normally the useful life of the asset. But special tax provisions permit oil companies to expense intangible—nonsalvageable—costs at once. It is, in effect, an interest-free loan. This special incentive for oil exploration is no longer needed. With the huge profits available to oil and gas companies, there is no reason why they should not be subject to the same tax treatment as other corporations.

ELIMINATION OF TAX DEFERRAL AND FOREIGN TAX CREDIT FOR OIL COMPANIES—$3.1 BILLION

Tax deferrals on foreign income permit corporations to avoid U.S. taxes on income earned abroad until it is brought home. This provides a huge incentive for corporations to invest that income overseas to insure that it is never taxed.

The foreign tax credit gives companies a credit for taxes paid to foreign countries. In the oil industry, however, that provision is distorted into a huge loophole. Virtually the entire cost of the oil to oil companies—their payment to foreign countries for oil—is in the form of taxes, instead of royalties. As a result, oil companies earn the equivalent of a tax credit for what any other corporation would have to report as a cost of doing business.

Oil decontrol was touted as a means to provide oil companies with the incentive to drill for oil domestically. Yet our tax code continues to contradict that aim by providing loopholes for overseas oil extraction. These loopholes should be closed; huge profits are now sufficient incentive for oil producers.

REFORM OF CAPITAL GAINS FOR TIMBER, COAL, AGRICULTURE, AND IRON ORE—$1.1 BILLION

For a variety of now-obsolete economic reasons, certain industries have been allowed to declare certain income to be capital gain, and have it taxed at the lower capital gain rate. This special treatment of certain industries should be stopped.

ELIMINATE TAX EXPENDITURE FOR EXCESS BAD DEBT RESERVES FOR FINANCIAL INSTITUTIONS—$515 MILLION

One former tax official called this provision "welfare for financial institutions." It should be dropped.

INCREASE CIGARETTE EXCISE TAX—$3.1 BILLION

The cigarette excise tax has not been changed since 1951, and stands at 8 cents per pack. The result is that cigarettes are taxed well below the percentage established then. A 10-cent increase in the tax would still hold the tax rate below the levels established back then.

REPEAL OF THE CONSUMER INTEREST DEDUCTION (EXCEPT FOR AUTOS AND REAL ESTATE)—$6 BILLION

This provision allows taxpayers to deduct the interest from consumer loans. The provision is used by a relatively few wealthy.

REPEAL PERCENTAGE DEPLETION FOR NONFUEL MINERALS—$465 MILLION

Like the tax break for oil producers, this is an unnecessary incentive for producers of minerals and should be repealed.

MINIMUM TAX ON CORPORATIONS—$6 BILLION

The administration's shotgun approach to investment incentives has created the embarrassing situation of highly profitable corporations receiving refunds from the Government. It is important to economic recovery to encourage productivity improving investments. But as a matter of principle, corporations that profit from our system ought to be required to pay some tax. Senator ROBERT DOLE of Kansas, chairman of the Senate Finance Committee, has proposed a minimum tax saving $6 billion, which is a good beginning.

ENACT 10 PERCENT LUXURY TAX ON CERTAIN ITEMS SUCH AS JEWELRY AND FURS—$2.6 BILLION

If the Government is going to levy regressive Federal excise taxes on necessities like telephone service, certainly blatant luxury items should not be excluded.

TAX DEFENSE CONTRACTORS ON INCOME AS RECEIVED—$3.3 BILLION

Under the current system, defense contractors receive "in progress" payments every few weeks for their work, yet that money is not regarded as income received until the end of the payment process. When that money is received, it should be treated as income.

SPEED UP CORPORATE TAX PAYMENTS—$1.4 BILLION

Generally, corporations must pay 80 percent of their estimated tax liability during the year. The remaining tax bill must be paid in installments, 3 and 6 months after the close of the year. The administration estimates that increasing the payment percentage from 80 to 90, and requiring the remaining liability be paid in one lump 3 months after the close of the year, would bring in more than $3 billion in additional revenue.

The Waste in Pentagon Spending

(I think there's a kind of swamp of $10 to $20 to $30 billion worth of waste (in the Pentagon budget) that can be ferreted out if you really push hard.—David Stockman)

While many programs go begging, the Pentagon remains the king of the wasted tax dollar. Members of Congress are afraid to cut or even question military spending for fear of being attacked as "soft" on defense. Many members routinely boost military spending to ensure that their districts get a piece of the Pentagon pie. Defense contractors' political action committees contribute heavily to those politicians who help keep business booming.

The result?

Our taxes support huge investments in useless military hardware that often reduce our national security. The only winners are the defense contractors and the politicians whom they finance. It was President Dwight Eisenhower who best articulated the dangers of the military-industrial complex, an insidious alliance between industry, the Pentagon, and Congress.

The Pentagon is free to waste billions in cost overruns that would not be tolerated in any other government program. Some examples:

Cost overruns in weapons purchases are the rule, not the exception. In the last three months of 1980, cost overruns on 47 major weapons systems totalled $47.5 billion.

Overbuying is rampant. A recent General Accounting Office study showed that the Pearl Harbor Navy shipyard routinely buys 40 percent more material than it needs, then throws it away. The Oakland shipyard was forced to throw away more than $8 million in engine parts because they were left uncovered in the rain.

A lunch at a Pentagon private dining room sells for about two dollars, yet costs taxpayers $14 to make. The Pentagon runs five of these dining rooms at an annual cost of $1.4 million.

The President is carrying out the largest military build-up in history. Yet he has no comprehensive foreign policy on which the buildup is based. He merely builds more hardware indiscriminately, regardless of whether it makes sense or whether we have the manpower to use or maintain it. He confuses additional spending with an effective and well organized defense plan.

WASTEFUL WEAPONS PROJECTS

ELIMINATE THE MX MISSILE PROGRAM—$2 BILLION

We already have a huge redundancy of nuclear missiles to insure destruction of the Soviet Union should it attack. Building this incredibly expensive unneeded addition is pure and simple waste.

Furthermore, the MX is a destabilizing weapon that will leave us considerably less secure if Russia builds a comparable system, as it surely will. The MX accuracy gives us a first-strike capability that means Russia will have to develop a hair-trigger launch-on-warning response, greatly increasing the risk of accidental nuclear war.

Also the MX missile was designed as the "pea" in an elaborate shell game of underground silos. By constantly moving 200 missiles—between as many as 2,000 silos, the Soviets would—theoretically—be unable to locate and destroy enough of our missiles to risk a first strike.

The theory depended on adoption of a limit on nuclear warheads—such as that contained in the SALT II treaty—to prevent the Soviets from attacking every silo.

President Reagan abandoned SALT II, making the MX shell game wildly impractical and he has abandoned it. Yet he has persisted in the notion of building the missile for no apparent reason.

ELIMINATE THE B-1 BOMBER—$3.5 BILLION

The President wants to build two new strategic bombers at the same time: the B-1 would serve as a stopgap to replace our aging B-52's until the Stealth bomber is ready. The B-1, which will have a useful life as a penetrating bomber of only 4 or 5 years, is a hugely expensive stopgap. It requires a $40 billion investment, according to the most recent estimates.

Our strategic needs could easily be met by equipping our B-52's with cruise missiles and accelerating development of the Stealth bomber. The investment: $9 billion. We would save $3.5 billion this year alone.

REDUCE THE F/A-18 AIRCRAFT PROGRAM—$1 BILLION

The F/A-18 is an example of the Pentagon penchant for expensive, complex weapons of questionable reliability. Like many of our newer weapons, it is designed to meet exacting specifications that often have nothing to do with how the weapon must perform in an actual war.

The F/A-18 has turned into one of the largest single items in the Pentagon budget, despite its contemplated role as a low cost alternative to the F-14. The General Accounting Office has questioned the effectiveness of the F/A-18. GAO says the project has been plagued with production problems and cost overruns. One cause: the Navy rushed the plane into production without proper testing, according to the GAO.

The program should be scaled back until the Navy is sure it has a plane that will work.

SCALE BACK PRODUCTION OF THE M-1 BATTLE TANK—$250 MILLION

The same auto company that brought you the largest corporate bailout in history is bringing you the M-1 battle tank. The tank is too big to travel over most bridges. Its gas mileage is atrocious, requiring constant refueling. It cannot dig itself in to fire, so we must build an armored bulldozer to travel with it. Its treads and transmission are both regarded as delicate, hardly stirring recommendations for our battle tank of the future.

It is worth noting that our finest fighting force, the U.S. Marines, will not use the M-1 tank. They prefer smaller, more reliable tanks. Cutting M-1 purchases and accelerating development of a smaller, simpler tank that works—or extending production of the M-60 tank—would save $250 million this year.

DEFER PRODUCTION OF THEATER NUCLEAR FORCES—$932 MILLION

Resistance to continued enhancement of our nuclear forces in Europe is growing. We are attempting to negotiate a halt to the introduction of new missiles. These weapons are being procured on the false premise that one can fight a "limited" nuclear war.

Proceeding with the production of such weapons—464 ground-based cruise missiles and 108 Pershing 11 missiles—makes no sense and will add nothing to the security of Europe or the United States.

HALT RESEARCH OF THE ANTIBALLISTIC MISSILE DEFENSE SYSTEM—$439 MILLION

A 1971 treaty with the Soviet Union outlaws antiballistic missile systems. Under the treaty, we are permitted one small demonstration system. We are spending money for a defense system that adds nothing to our security and cannot be enlarged to a scale that makes it useful. At any rate, most military experts agree that it is impossible to build an effective ABM system that cannot be readily rendered useless.

STOP ROLAND MISSILE PURCHASES—$370 MILLION

The Roland missile is part of the new generation of armaments: more powerful, more accurate, and much more expensive. So much more expensive, in this case, that it is not as economical as the missiles it is replacing. We should stop building it.

PROMOTE THE USE OF STANDARD WEAPONS AND SUPPLIES BY NATO—$10 BILLION

NATO forces now use a grab bag of weapons and supplies that varies from country to country. While such a system spares everyone the need to confront NATO members' parochialism in weapons procurement, it threatens our flexibility in a real war.

NATO troops from different nations cannot resupply each other. In some cases, the difference in armaments between individual units is so great that they have difficulty cooperating on maneuvers.

Acceptance of standard weapons for all NATO troops would reduce the cost of weapons research and development, provide greater economies of scale, and aid immeasurably the logistics of supply.

CANCEL THE PURCHASE OF TWO AIRCRAFT CARRIERS—$200 MILLION

The Navy has built its strategy around 12 battle groups, each of which consists of a large aircraft carrier and numerous support ships. The Navy wishes to add three carrier battle groups, and plans two new nuclear-powered carriers.

The Congressional Budget Office has devised an alternative means of increasing our naval capability without the expense of two new carriers. This plan would seem to meet the Navy's desire for increased range at a more modest cost.

CONSOLIDATION OF DEFENSE ACTIVITIES

CONSOLIDATE SUPPLY ACTIVITIES—$100 MILLION

The Defense Logistics Agency has responsibility for coordinating some 1.8 million items of supply for the four major services. However, there remain 1.3 million items that are procured independently by the services. About $100 million can be saved annually with the consolidation of these remaining activities. This includes installation of a single system capable of intensive management of ammunition for all services.

ESTABLISH CENTRAL MANAGEMENT FOR AIRCRAFT MAINTENANCE DEPOTS—$200 MILLION

The capacity of aircraft depots exceeds needs by as much as 130 percent. A master plan and uniform cost accounting could eliminate unneeded capacity and reduce overhead, resulting in annual savings of more than $200 million.

CREATE A UNIFIED TRANSPORTATION COMMAND—$58 MILLION

Consolidation of the Military Sealift Command and the Military Traffic Management Command to create a Defense Traffic Management Agency is a simple management reorganization that could save $58 million a year.

CONSOLIDATE PENTAGON PRINTING OPERATIONS—$10 MILLION

Compared to the rest of the military budget, printing operations would hardly seem to receive priority attention. But separate printing operations for each service costs taxpayers $10 million every year. Consolidation would save that money.

INCREASE JOINT SERVICE RECRUITMENT ADVERTISING—$15 MILLION

The four services advertise for recruits both separately and together. Joint advertising is just as effective as separate advertising and it is certainly more economical. It should be increased at the expense of separate advertisements.

PENTAGON MANAGEMENT IMPROVEMENTS CLOSE UNNECESSARY MILITARY INSTALLATIONS—$400 MILLION

The services would be the first to admit that they operate a number of bases that have outlived their usefulness and should be closed. In fact, the Pentagon has occasionally proposed closing some of them. The result is predictable: Congress keeps them open. Fortunately, it is getting harder for Members of Congress to justify keeping unnecessary bases open while we deny school children a proper meal.

ELIMINATE EMPTY ONBASE HOUSING—$50 MILLION

Surveys show that a great deal of onbase housing is empty in installations across the country while offbase housing allowances soar. This is an unnecessary expense, and the solution rests on better management at the Pentagon.

REDUCE MOVING COSTS—$3 BILLION

Critics assert that the Pentagon practice of constant transfers undermines morale and endangers the kind of unit cohesiveness that would be crucial in a war. It is also expensive. If the Pentagon were to reconsider its entire system of personnel transfers, it could reduce moving costs by as much as $3 billion. By just extending tours by an average of only 4 months, the reductions in moving expenses would be as much as $600 million.

USE OF CIVILIANS IN RECREATIONAL POSITIONS—$33 MILLION

The military still assigns many of its full-time military people to recreation, morale, and welfare positions. Making more of those positions civilian slots along with other management changes could save $33 million.

REDUCE CIVILIAN OVERTIME PAY—$30 MILLION

Civilian overtime pay costs close to $500 million annually. The House Appropriations Committee has stated that the Defense Department's internal control over overtime was inadequate, and that great savings could be achieved with proper management. The committee suggested a $30 million reduction to the fiscal year 1981 budget, a saving that still could be realized.

ELIMINATE FRIVOLOUS PENTAGON EXPENDITURES

ELIMINATE MILITARY BANDS—$90 MILLION

The $90 million we spend on military bands is more than the entire amount proposed by the administration for the National Endowment of the Arts.

ELIMINATE MILITARY SERVANTS—$6 MILLION

About 300 service men and women are personal servants of top military officials and the Joint Chiefs of Staff. They are paid by the Government—as soldiers—to mow lawns, answer doorbells, walk dogs, and cook dinners for these officials.

ELIMINATE SUBSIDIZED PET CARE—$1.4 MILLION

The very dogs and cats being walked by military servants are then taken to military veterinarians and treated at taxpayer expense.

The Waste in Domestic Spending

(The power of these client groups turned out to be stronger than I realized. The client groups know how to make themselves heard. The problem is, unorganized groups can't play in this game.—David Stockman.)

Over the years the federal government has gone far beyond its proper role of providing necessary services that benefit all of us to providing unnecessary services that benefit only certain industries or organizations. Those subsidies waste tax dollars and provide industries with unearned profits. They also distort the true cost of many goods and services to the marketplace. In some cases, unnecessary subsidies increase costs to consumers: milk, sugar, and other agricultural price supports are an example. In other cases, such subsidies keep prices unrealistically low, giving certain industries an unfair competitive advantage: our multi-billion dollar subsidies for the nuclear power industry are an example.

Agricultural research and development by the federal government has helped support the greatest agricultural industry in the world. But give-away programs for particular crops and price supports drive up the cost of food unnecessarily; these subsidies should be eliminated. More than $1.3 billion should be cut from agricultural subsidies alone.

Many commercial services provided by the federal government merely subsidize industries that ought to compete fairly in the marketplace. For example, user fees for waterways, highways, Coast Guard services, and port facilities should reflect the true cost of providing those services. The Congressional Budget Office has calculated that user fees could save $6.13 billion from next year's federal budget.

Vital construction projects of great benefit to the nation now compete for scarce funds with projects of dubious value and environmental harm that promise great wealth for a few. Almost $800 million for dams and reclamation projects could be cut without damage to the economy.

The energy crisis has spurred a series of government boondoggles costing taxpayers billions of dollars. The federal government has spent more than $17 billion on the Synthetic Fuels Corporation for uneconomic projects that no business would touch. We don't need the breeder reactor construction program either, yet it costs us $254 million a year. Both projects survive the budget crunch only because they have powerful sponsors to protect their interests.

Spending for alternative energy projects that produce electricity—which is not central to reducing our foreign oil dependence—should be cut.

AGRICULTURAL SUBSIDY REDUCTIONS

The goal of U.S. agricultural policy has always been the stable provision of adequate food supplies at reasonable cost. To insure that goal, the Federal Government instituted a system of direct subsidies and price supports in the 1930's. By the 1960's, the huge cost of the program led to public dissatisfaction. The result was a change in policy: much greater reliance was to be placed on market forces in the future. It worked.

Yet the policy remained curiously unchanged for three crops: Dairy products, tobacco, and peanuts. Subsidies for those commodities cost billions, and should be eliminated or cut.

The Federal Government also provides a number of agricultural services that ought to be paid for by those who benefit. Such budget cuts would not threaten the goal of our agricultural policy, but would shift some of its costs to those who ought to bear them. Support for agricultural research, on the other hand, should not be cut. That research has been at the heart of the creation of the greatest agricultural industry in the world.

REDUCE DAIRY PRICE SUPPORTS—$900 MILLION

Price supports have helped stabilize the dairy industry, and guaranteed an adequate supply of dairy products essential to the health of our population. But those price supports are now responsible for production of dairy products well in excess of demand for them: that excess must be purchased by the Federal Government. This year's cheese lines show that dairy subsidies have gotten way out of line.

ELIMINATE FARM DEFICIENCY PAYMENTS—$250 MILLION

Despite the change in agricultural policy in the 1960's, some deficiency payments have persisted. These payments go to the largest farm corporations and have little economic significance for the vast majority of farmers. Such payments could be discontinued without harm to domestic agriculture.

ELIMINATE WOOL AND MOHAIR PAYMENT PROGRAM—$43 MILLION

Payments for wool and mohair were authorized in 1954 to insure stable wool production, something seen as a strategic necessity at the time. It did not work; wool production has declined by two-thirds since then. The growing use of synthetic fibers has reduced both the demand for wool and its value as a strategic commodity. The payment program is of little economic consequence and should be ended.

ELIMINATE OVERSEAS AGRICULTURAL PROMOTION—$37.1 MILLION

The Federal Government spends millions to promote U.S. agriculture abroad, part of a strategy of expanding foreign markets for farmers. This is an activity that should be financed by the private sector.

END AGRICULTURAL PROMOTION PROGRAMS—$47.5 MILLION

The Agricultural Marketing Service conducts programs to expand markets for cotton, wool, beef, eggs, and wheat. There is no reason for taxpayers to pay to promote the use of specific products; these are activities that all other private industries finance for themselves.

CHANGE MILK MARKETING ORDERS—$77 MILLION

Marketing orders permit producers to determine which farm products are sold where and for what price. Such marketing orders should be thoroughly reviewed for potential budget savings. One immediate change: orders should be eliminated that impede the sale of reconstituted milk products, a lower cost alternative to whole milk.

ENERGY PROGRAM REDUCTIONS

The Federal Government has used the energy crisis as an excuse to create multibillion-dollar boondoggles that no business would touch. The most outrageous aspect of these programs is that their chief beneficiaries are oil and gas companies, the Nation's wealthiest corporations that can well afford to finance financially sound projects for themselves.

In fact, the entire direction of Reagan's energy policy does little but subsidize major coporations at the expense of the taxpayer. Our real energy problem is our continuing dependence on imported oil; it threatens both our economy and national security. Yet virtually the entire Federal energy dollar is directed at the production of electricity, which accounts for only 7 percent of our oil use. Meanwhile, the conservation and renewable programs that have been alleviating our dependence on imported oil are ignored. The subsidies to energy companies directed at electricity production should be terminated.

RESCIND ALL UNOBLIGATED FUNDS APPROPRIATED FOR SYNTHETIC FUELS DEVELOPMENT—$14 BILLION

The original impetus for the Synthetic Fuels Corporation—a $14 billion boondoggle for subsidizing commercial production of synthetics—came at a time when oil price controls were still in place and it was feared that investments in alternatives to oil were inadequate. Congress enlarged the subsidies by appropriating an additional $5.2 billion to DOE for synfuels. Oil prices have since been decontrolled, and oil companies have earned revenues far in excess of their ability or interest in investing them in energy projects. The Federal Government should continue research and development of synthetics, but should end subsidization of these commercial projects that are uneconomic.

The anticipated cost per barrel of synthetic fuels is extraordinary, far above the official $34-per-barrel price we now pay. When you consider that conservation investments can eliminate the need for oil use at a cost of $10 per barrel by insulating buildings, it is an outrage that we maintain a $17.4 billion mad money fund for oil companies. The saving of $14 billion is a conservative estimate of how much of the appropriation remains unobligated and can be withdrawn.

ELIMINATE THE CLINCH RIVER BREEDER REACTOR PROGRAM—$254 MILLION

Clinch River is the centerpiece of our efforts to produce the breeder reactor, a reactor that may produce more plutonium than it uses. It was first funded at a time when we feared we would be faced with rapidly dwindling uranium stocks. To begin with, those estimates have proved faulty—economic uranium supplies are adequate well into the next century. Second, scientific opinion is overwhelming that the Clinch River breeder project is obsolete, opinion supported by the recent evaluation of DOE's own Energy Research Advisory Board. Of equal import, the Reagan administration is attempting to eliminate a program to extend our uranium supply indefinitely by improving the efficiency with which reactors burn fuel. That program alone could cut uranium use by nearly 25 percent in existing reactors and 40 percent in new reactors, saving consumers billions in fuel costs, and insuring the adequacy of uranium supplies.

Finally, we do not need the electricity; our country can today produce 30 percent more electricity than it needs at peak usage times. Clinch gets funded every year because some powerful people in Congress want that money spent, regardless of its value.

PRICE URANIUM ENRICHMENT SERVICES AT FAIR MARKET VALUE—$525 MILLION

Natural uranium is not sufficiently enriched to be used in nuclear reactors. The Federal Government therefore provides enrichment services for all U.S. utilities and a number of foreign ones. Altogether, we handle enrichment for 72 percent of the world's nuclear fuel. This enrichment could be done by private firms, but for national security reasons, Federal policy has been to keep the service as a government function. That is fine, but we do not charge as much as private firms do. The result is a subsidy for nuclear-generated electricity over the past 20 years that runs into the billions. It should be stopped.

IMPOSE A SURCHARGE TO COVER COST OF NUCLEAR WASTE DISPOSAL RESEARCH—$200 MILLION

Congress is now discussing legislation to create repositories for the waste produced by nuclear reactors. The research and development of those repositories is costing taxpayers millions, yet it is a direct service for the nuclear power industry. The costs of waste disposal should be borne by the industry, an obligation the industry accepts.

TERMINATE THE SOLVENT REFINED COAL I PROJECT—$40 MILLION

SRC I is the only remaining part of a series of projects designed to make synthetic fuel from coal. Like the Synthetic Fuels Corporation, it is an unnecessary subsidy for an energy industry that has money to burn. If SRC I is an economical investment, oil companies should make it, not the taxpayers.

END SUPPORT FOR OCEAN THERMAL ENERGY CONVERSION—$24.3 MILLION, LARGE WIND MACHINE DEVELOPMENT—$53 MILLION, AND SOLAR POWER TOWERS—$75 MILLION

Not only is the Federal energy budget overweighted to nuclear electricity production (87 percent under the 1983 Reagan proposals), but even the solar budget is dominated by low priority large central station electric production, virtually irrelevant to alleviating our dependence on foreign oil. The accent instead should be on a decentralized solar effort that can be used by homeowners and store proprietors to relieve their oil dependence. Thus, photovoltaics, small wind machines, solar thermal, and passive solar programs slated for elimination in the Reagan budget should be continued, while the large central station projects should be eliminated.

CHARGES FOR GOVERNMENT SERVICES

The Federal Government provides important services—at ports, on waterways, on highways, on federally owned land, and through the Coast Guard—for a number of industries. These taxpayer subsidies for profitable industries ought to be stopped; they simply offer an unfair competitive advantage to those with the political muscle to win such subsidies, at the expense of those industries and individuals without political influence. Charges that cover the true cost of the service should be imposed.

INSTITUTE WATERWAY USER FEES—$700 MILLION

The U.S. Army Corps of Engineers will spend roughly $4.4 billion on inland waterways over the next 5 years. Present waterway user charges, in the form of a fuel tax, will recover only eight percent of those costs.

Direct fees should be imposed that reflect the cost of building and maintaining our inland waterway network. Such fees would shift the burden of maintaining waterways from taxpayers in general to the industries that benefit. The fees would also help eliminate the economic distortions between our various transportation networks caused by erratic and inconsistent subsidies. Taxpayers would stop paying to give one transportation form competitive advantage over another form.

INCREASE HIGHWAY USER CHARGES—$1.3 BILLION

The Nation's highways and bridges are deteriorating at a rapid pace. Nothing could be more damaging to our efforts to rebuild the American economy. An extensive transportation network—including public transportation, slashed by the Reagan budget—has been at the heart of our economic growth.

Like many of our other infrastructure needs, maintenance of our highway system has been inadequately funded in recent years. Highway user charges do not reflect the cost of proper maintenance of the system. They should be increased to offset the costs of a crucial element in the rebuilding of the American economy.

INSTITUTE USER FEES FOR DEEP DRAFT NAVIGATION—$500 MILLION

The U.S. Army Corps of Engineers spends some $500 million annually to maintain ports and channels for large, oceangoing vessels. Most countries charge such ships a fee every time they enter a port; we do not. Such a fee would, as in other transportation areas, shift the burden of maintenance to those who benefit.

INCREASE AVIATION USER FEES—$700 MILLION

The Federal Government spends about $3.3 billion annually maintaining and operating the Nation's air traffic system. While commercial airlines have generally paid their full share of those costs, a cut in the ticket tax in 1981 reduced the commercial contribution to 65 percent of cost.

General aviation users—consisting largely of private planes owned by individuals and corporations—pay very little of their share of the cost of maintaining the air traffic system: 15 percent was their largest contribution.

A small increase in the ticket tax, from 5 percent to 6 percent, and a significant increase in the fuel tax for general aviation users would relieve taxpayers of an unfair burden.

INSTITUTE USER FEES FOR COAST GUARD WORK—$700 MILLION

The U.S. Coast Guard spends more than $1.1 billion every year for navigational aids for commercial shipping and search and rescue missions for private and commercial boating. Just as both private and commercial users of the Nation's highways should pay the costs to maintain the system, so should the beneficiaries of Coast Guard services. The cost of navigational aids could easily be recovered from the commercial shipping industry. The cost of search and rescue operations could be financed through a small registration fee for private boaters. Such a fee would be no different than the taxes we pay to insure fire and police protection.

ELIMINATE MARITIME SUBSIDIES—$30 MILLION

The Maritime Administration subsidizes the shipping industry to the tune of hundreds of millions of dollars every year, for both ship construction and operations. Eliminating the entire subsidy immediately could save $500 million to $600 million, but the Congressional Budget Office argues that contractual obligations make that impossible. The CBO estimate of $30 million may be low, however. Government contracts with industry do not specify the level of support, and could be legally scaled back to sharply increase savings.

ESTABLISH FEDERAL ROYALTIES FOR HARDROCK MINERALS—$2 BILLION

The Federal Government collects a base royalty of 16⅔ percent for oil and gas extraction on Federal lands. Inexplicably, no such charge is levied for hardrock minerals: gold, silver, uranium, and many others. Producers pay only the $100 fee established in 1872 for working the land. The Federal Government does not even bother to keep track of the value of minerals that are mined on public lands. But the Congressional Office of Technology Assessment estimates the value of mineral extractions from public land at $12 billion to $15 billion annually. That is an extraordinary sum from which the landowners—taxpayers—derive no benefit.

INCREASE PRICES ON TIMBER SALES—$100 MILLION

Between 1975 and 1979, almost 60 percent of all national forests lost money on the sale of timber. It is estimated that insuring that the Forest Service sells all timber at cost—not even fair market value—would bring in additional revenues of $100 million.

INCREASE GRAZING FEES—$100 MILLION

The Forest Service and the Bureau of Land Management charge grazing fees based on "ability to pay" based on a 1978 formula. Under that formula, grazing fees have dropped 38 percent in the past year; private grazing fees average more than four times those on public land.

Ironically, grazing rights on Defense Department land in New Mexico are auctioned off. It is estimated that a similar system for all Federal land would bring in an additional $100 million in revenues.

UNNECESSARY PUBLIC WORKS PROJECTS—$1.013.9 MILLION

Investment in the Nation's infrastructure is one of the areas we have neglected in recent years. We will not long be able to do so; economic growth depends on a sound infrastructure. Businesses and communities cannot expand without roads, bridges, and sewers.

Congress has been spending money on the Nation's "physical plant" for years, but much of it has been ill-spent. In many cases political considerations have weighed more heavily than economic sense. Pork barrel projects are particularly difficult to stop because Members of Congress simply do not like to vote against money and jobs for other Members' congressional districts.

Studies show that, as a result of that attitude, we waste over a billion dollars annually in unnecessary and environmentally damaging projects.

HEALTH COST REDUCTIONS—$125 MILLION

Too often the left hand of government does not know what the right hand is doing. That is certainly true of the billion dollars medicaid spends annually for prescriptions. More than 10 percent of that money goes to drugs considered ineffective by the Federal Food and Drug Administration. These payments should be stopped; they are a waste of money and a detriment to good medical care.

COLLECTION OF GOVERNMENT REVENUES: FUNDING INCREASE FOR THE IRS—$2.1 BILLION

The amount of income never reported to the Government—the underground economy—runs into billions. As a result, many fail to pay their fair share, while taxes for honest taxpayers are higher to compensate.

The Internal Revenue Service estimates that every extra dollar spent on tax law enforcement brings in an additional $4 in revenue.

STRENGTHEN AGENCY DEBT COLLECTION—$300 MILLION

The Federal Government is owed approximately $15 billion in back debts, not counting back taxes. Improvements in debt collection procedures would help collect some of that.

The Congressional Budget Office estimates a first year net revenue increase of $300 million.

COLLECT DEBTS OWED FROM FOREIGN MILITARY SALES—$1 BILLION

The Pentagon is not billing all it is owed by foreign countries on military sales. This money can be collected; it simply requires that the Pentagon bill nations for the full cost of their military acquisitions.

IMPROVE COLLECTION OF OIL AND GAS ROYALTIES—$300 MILLION

The General Accounting Office has estimated that 7 to 10 percent of royalties owed the Government for drilling on Federal land is lost to mismanagement. GAO also estimates that another 2 to 6 percent of royalties are lost to outright oil and gas theft. Improved management would save taxpayers millions.

	Billion
Total revenue gains	$75.734
Total defense budget cuts	22.6844
Total nondefense budget cuts	27.4928
Total deficit reduction	125.9112

REBUILDING THE ECONOMY—RESPONSIBLY

(The reason we did it wrong—not wrong but less than optimum—was that we said, Hey we have to get a program out fast . . . we didn't think it all the way through. We didn't add up all the numbers.—David Stockman)

President Reagan was determined to force through as quickly as possible a budget cut package that he said was essential to his economic program. To make those cuts, he concentrated on the programs affecting those with the least political clout.

As a result, millions of Americans are without the services they need and we are all without the programs that improve the health of our society and economy; government waste, however, is greater than ever.

The President pushed through the largest tax cut in American history, giving a special tax break to any special interest group that could help him get his package approved. When the dust settled, the government no longer had enough money to operate, regardless of the size of plausible budget cuts.

In addition, these tax cuts—$750 billion over five years—mortgage our future. Since over the same time period, there are only $130 billion in budget cuts, it means that we face $620 billion in deficits over the next five years—a figure so staggering that it's clear it could not be made up by "supply-side" economics.

We can reverse these mistakes, and halt our economic decline. But it will require a policy of eliminating the huge deficits and providing reasonable interest rates. It will require cutting real waste from the federal budget. It will require that the same strict standards be applied to all government spending, including the Pentagon's unconscionable spending habits. And it will require scaling back tax cuts—and elimination of tax loopholes that make no social or economic sense.

These steps, in concert with targeted incentives to promote economic growth and productivity improvements, will restore America's economic vigor.

☐ 1430

THE SITUATION AFTER THE FIRST QUARTER OF THIS SESSION OF CONGRESS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Georgia (Mr. GINGRICH) is recognized for 60 minutes.

Mr. GINGRICH. Mr. Speaker, I appreciate this opportunity to talk briefly about the situation in the United States as we enter into the Easter recess. We have now had the first quarter of this term of Congress. For 3 months we have had an opportunity to change the things which most Congressmen decry, to do something about high interest rates, to help with the sale of houses, to rehabilitate the automobile industry, to encourage the development of jobs, to bring the budget under control; and for 3 months what we have received in this body has been passivity in action, and on those rare occasions when we Republicans have been able to force action we have actually seen bills drawn off the floor to avoid a resolution unacceptable to the liberal Democratic leadership.

But, I think that the temporary problems of governing in the House of Representatives are best understood by the American people if we draw back and look in a broad way at what is really happening to the United States. The Dutch historian Huysinger, in a great work called The Waning of the Middle Ages, tried to explain what the world looks like to a people as the things they are used to die and new things are born. He went back to a period which we in the modern world call the Renaissance Period, with Michelangelo, Da Vinci, the period of the Sistine Chapel, and asked the question, What did it look like to people who were involved then? After all, they could not know that it would be called the Renaissance. They could not know that it would be considered a period of great beauty. What did they think was happening? He found that for many of them it was a time of fear, a time of uncertainty, a time of trembling, that they saw the death of the Middle Ages, not the birth of the modern world.

Similarly, I think for many of our good friends who happen to be liberal Democrats, this is the end of an age. The liberal welfare state is dying, their values are collapsing, public support for their deepest beliefs is waning. In a sense, someone may one day write a book entitled, "The Waning of the Liberal Welfare State," and look at this period and say that in 1980 the American people rejected the basic tenets of the liberal welfare state. In that sense, this is a time of great sadness for the Speaker of the House, for many other liberal Democrats who spent a lifetime building a structure which they see crumbling before their very eyes. The liberal welfare state is dying because it fails to answer correctly five questions. I have developed a term. I talk about a conservative opportunity society as the option which I think the American people are leaning toward by pretty large margins. In my district, given a choice between the liberal welfare state and the conservative opportunity society, the people of my district choose by 59 to 17 a conservative opportunity society, and they do so because on five major questions the liberal welfare state now comes up with the wrong answers. Let me walk through those briefly.

The first question is, Who should spend your money? The conservative opportunity society would say that you ought to spend your money. It is yours. If you want to spend it through your local government, that is fine. If you want to spend it through your church, that is fine. If you want to spend it as a private citizen, that is fine.

But, "Oh, no," says the liberal welfare state, "that is not right. You are not smart enough to spend your own money. What we should do is raise taxes."

If you watch carefully, you will notice that every liberal Democratic budget alternative in one way or another takes more money out of your wallet because they do not think you are bright enough to spend your own money, but if they bring it to Washington, then they can hire your brother-in-law, who magically on the trip to Washington to become a bureaucrat becomes smart enough to spend your money, although if he would return back home, he would once again be too dumb and have to give his money up to the liberal welfare state. So the first issue is, who should spend your money? We think you should. The liberal Democrats think they should.

The second question is, Who controls your life? Again, we believe through the New Federalism that you should control your own life. If you do not like the way garbage is being picked up, you ought to defeat your mayor or city councilman.

If you do not like the way county roads are built, you should defeat the county commissioner. But, the liberal welfare state says the mayor is really not smart enough to run your town. What we should do instead is hire him in Washington and put him in a job for housing and urban development, and then he will be bright enough to give directions to whoever you elect to replace him. If you are elected, you are not smart enough. If you are hired by the civil service, you are suddenly a genius.

So the liberal welfare state has a clear, centralized, bureaucratic vision of controlling your life, and if you come to Washington and look out beyond the Smithsonian, you can see the huge high-rise office complexes which we build to house the American bureaucracy. We think you should control your own life through your own local officials, State legislatures, State governments, county and city governments. The liberal Democrats think they should control your life through centralized bureaucracy.

The third question is, Do we help the genuinely poor, or do we risk bringing down the entire structure by redistributing income to anyone who can get into the game? This is the central issue which President Reagan attempted to discuss last night. We are absolutely committed to helping the poor. We are absolutely committed to saving social security, but the people who built the Great Society and the people who voted for a massive redistribution of income, the people who gave us 14 percent inflation and a trillion dollar debt, they simply do not want to help the poor. They want to take money out of your pocket and redistribute it to whatever welfare system they invent.

Again, I think the conservative opportunity society's insistence on helping the poor and protecting social security is favored by the public, where the Great Society in Lyndon Johnson's vision of taking from every working American to give to everyone willing to not work is rejected by the majority of Americans.

Fourth, How do you really create jobs? For a generation we have attempted to invent Government jobs for less than 6 months, for 1 year, for 18 months. The liberal welfare state said over and over again that somehow magically we could create public works jobs that will train people so when they go out on the market they can find a better job. The only weakness was, the jobs did not work, the training all too often did not work, and in the process it raised taxes, interest rates, and deficits so massively that it destroyed the very private sector jobs they were trying to get people to take.

We believe by contrast that you create jobs through small business, that you create jobs through the private sector, that you create jobs by liberating the human spirit so that people can invent the products of the future, the services of the future; so they can make a decent living giving their neighbors and their friends decent service at a decent price.

Finally, the last question which distinguishes the liberal welfare state from the conservative opportunity society is, How can we protect you? How can we protect you here at home from crime? How can we protect you abroad from danger, and the two are intimately linked because, psychologically, the liberal welfare state has the same attitude toward aggressors, of whether they are muggers at midnight or Russians in Afghanistan. The liberal welfare state basically said, "You know, if you go home tonight and someone mugs you, probably it is a sign that they had a bad childhood, that they were misunderstood, and in fact you almost ought to feel sorry for your mugger because think how bad his life must have been to engage in acts of violence."

By contrast, the conservative opportunity society argues that whatever their childhood, if a 25-year-old mugs you, they are a dangerous adult and have to be locked up. The two beliefs lead you to two very different solutions. On the one hand, the liberal welfare state says, "When in doubt parole the prisoner, release him on the street."

In my home State of Georgia on some occasions we now have hardened, violent criminals with six pages of convictions walking around free until they commit their next crime. By contrast, the conservative opportunity society says, "Innocent people need to be protected. When in doubt we need to protect you from crime at home, and when in doubt we need to protect you from danger and violence abroad."

We follow George Washington's rule: "If you want peace, you must prepare for war," because we recognize that the world is dangerous. Similarly, if you want freedom and safety in your city parks and your neighborhoods, you have to be prepared to have a police force and legal system and prison system capable of protecting you.

On those five issues then, who should spend your money; who should control your life; do we help the poor or do we redistribute income for anyone who wants to be on welfare; how do you create jobs; how can we protect you from crime and danger both at home and abroad, on all five of those fundamental issues the average American clearly favors, by polling margins as great as 80 to 20, 85 to 15, the average American clearly favors the conservative opportunity society and repudiates the liberal welfare state. That is, in a broad sense the average American tends to be conservative rather than liberal. We favor pursuing opportunities to subsidizing and building welfare. We favor solving problems using society at large rather than forcing everything to be solved by centralized state bureaucracy; 1980 was really a repudiation of the liberal welfare state. Fifty-three seats in the Senate are now controlled by Republicans, and Democrats generally moved to the right. There has been a general shift in activism issues so that more conservative issues, more conservative causes gather momentum and membership, and now we face a new reality.

While the liberal welfare state has been repudiated, both parties are still floundering, looking for ways to explain the future. You cannot really blame the liberal Democratic leadership. After all, it knows that the world it has built is collapsing. There is real agony in some senior Democrats as they recognize that for a lifetime they have tried to develop certain programs, build certain bureaucracies, and that those constituencies are now falling apart. The interest groups that have been developed across the country in favor of the liberal welfare state, the interest groups that have dominated America for the last 50 years, are all desperately clinging to a world that is dying; clinging to ideas, to values and to programs which have less and less support.

But the solution during this period of change brought up by the Democratic leadership has been to avoid any decision. Faced with the collapse of their own values, of their own ideas, faced with increasing proof that their system was leading to massive inflation, to high interest rates, to the collapse of the American economy, their answer has not been to seek new ideas; it has not been to change their habits, it has not been to try to adopt new programs. Their answer has been, do nothing and to hope that the crisis would disappear, to hope that somehow people would decide to go back to the liberal welfare state.

Because the liberal Democrats have a majority in the House; because they control all our committees; because they control the calendar, they are able so far to avoid decisions this year. They have been able to hide, to not have key votes, to not offer real choices on the budget. They have played a game essentially of nit-picking the Reagan program while hiding any glimmer of their own program.

They have said, "We don't like your deficit, it is too big."

That is something which most Americans would agree with, including President Reagan.

They have said, "We really don't like all those changes," but then they offer no alternative. They do not show how they would get a smaller deficit. They do not show how they would change the program. They do not show what they would do. They seek the best of both worlds, to come out and ambush the Reagan program, and then run and hide when asked what their alternative would be.

The time has come to set them on notice that there is a deadline, there is a point beyond which they cannot hide, that there is a time beyond which they cannot flee; that they have to confront at some point the reality that this House will have to act. That time will come when the debt limit is reached. The debt limit is a rule which says that we cannot borrow, the Government cannot borrow more money than the Congress permits. It is a little bit like having a cousin who is always running into the red and going off to the bank to borrow more money. This Government has been doing this now for the last 50 years.

The cousin—the Government—has now borrowed so much money that the interest payments alone on the debt, without paying a penny on the debt itself, just paying the interest, this year costs more than the Army and the Marine Corps combined. Think of it. We do not get any defense, we do not get any food stamps, we do not get anything at all from paying the interest except that the Government does not go bankrupt. And yet, we are paying more for the interest on the debt than we are paying for all of our ground forces of the U.S. defense in the entire world.

Members will hear liberals get up and say there is too much being spent on defense. You will not hear them get up and say, "We need to balance the budget now to avoid paying more interest rates next year."

We have passed the trillion—not billion—the trillion-dollar level on the debt; and if we continue at the rate proposed for 1983, by the end of the 1980's we will have a $2 trillion debt. At that point, we will be spending more in interest payments alone for the debt than we are spending for the entire Defense Department. That is clearly not supportable.

As a former history teacher, I can assure you that a country which ends up spending more on its debt than on its defense is a country heading rapidly toward bankruptcy or collapse. We cannot allow that to happen, and we will not allow that to happen.

A number of us are writing our colleagues, asking them to join in a serious effort to draw the line in the dust to say to the Speaker and other liberal Democrats that the time will come this June when we will, if necessary, bring this Government to a halt, and to say that there is a change necessary in America. You know, if you are a real estate broker, your life has been changed because you are not selling houses. If you are an auto salesman, you life has been changed when you are not selling cars.

□ 1445

If you belong to the United Auto Workers Union, your life has been changed because you probably have not been working full time. If you are a farmer, your life is changed bacause high interest rates will put you out of business. If you cut timber for a living, your life is changed because you are not cutting many trees now. Anywhere we turn in America, life has had to change except one place—the liberal welfare State, carefully protected by people like the liberal Democratic leadership and carefully nurtured so that it grows on and on and on.

So what we are saying is that the time has come to vote against any debt limit extension measure which merely buys time for the Federal Government to go further into debt. If we do not break out of the interest rate-deficit-business confidence tangle, our entire economic program will flounder.

We ask our fellow Congressmen and we also ask the American people to join us in a new strategy, one that includes the coalition needed to assure Americans economic recovery. We support President Reagan's New Federalism and his fight against inflation, but what we want to do is make sure that these goals are achieved and not derailed by TIP O'NEILL and the liberal Democrats. We would like all those to join with us in voting to extend the debt limit if the extension is part of a legislative program that will insure that we achieve fundamental policy changes on spending programs needed to achieve a balanced budget and permanent recovery.

Specifically, we hope you will join us in supporting a legislative program which: First, includes a constitutional amendment to require a balanced Federal budget, the Conable-Jenkins-Hatch measure; second, does not tamper with the individual tax rate cuts and indexing; and third, includes fundamental spending reforms which will cut dramatically the projected deficit for 1983 and secure a balanced budget by 1985 or 1986.

We were elected by our citizens to bring about basic changes in the liberal welfare state. That liberal welfare state doubled the income tax revenue from 1977 to 1981, raised the interest rate to a post-World War II record high of 21.5 percent in December of 1980, impoverished our citizens through double-digit inflation, and to an unprecedented degree centralized power in the Washington-based bureaucracy.

The welfare state has forced auto workers in Chrysler and Ford to accept pay cuts and lose holidays, has bankrupted realtors and homebuilders and small business people, and has robbed our senior citizens of their life savings. The welfare state has forced every American family and business budget to change for the worse, yet we are told that the liberal welfare budget itself is immune to change. We are told to believe that the privileged programs of the welfare state are uncontrollable because our spending increases are automatic.

We believe that the problems created by man can be solved by man. If we do not get a grasp on the uncontrollables, then the budget is truly going to be out of our control. Our citizens elected us to control the uncontrollables, to reclaim our constitutional authority from the automatic, and to reform the untouchable.

A vast majority of the American people are supporting a budget built around these seven policy goals:

First, lower inflation; second, lower interest rates; third, jobs for all Americans; fourth, keeping the tax burden down; fifth, guaranteeing peace through strength; sixth, preserving the social safety net of the New Deal; and seventh, balancing the budget by 1985.

If we do not act in the spring of 1982 and we pass a debt limit extension without changes in the liberal welfare state, then we will commit America to the same problems of the last 10 years which are: First, higher inflation; second, higher interest rates; third, decaying jobs and even more unemployment; fourth, higher taxes; fifth, military weakness; sixth, a centralized bureaucratic "Great Society;" and seventh, no hope for a balanced budget in our lifetime. That is what is at stake.

The choice is ours. If your constituents like ours are crying out for change, we urge you to follow us in this effort. Together we can cut Federal spending, reduce interest rates, and, therefore, restore incentive and insure new jobs. Only by acting to insure permanent economic recovery can we afford to preserve the social safety net of the New Deal.

David Broder wrote in his Washington Post column of March 24 that time is running out for serious action on the budget before the campaign season is upon us. Speaker TIP O'NEILL and the liberal Democrats know this. Apparently their strategy is to put off real budget reform in hopes of using the current economic problems to partisan advantage in this fall's elections. The liberal Democratic leadership is scheduling as few votes as possible and avoiding the issue.

Now is the time to act. Now is the time to change the Federal budget as much as the Federal budget is changing the lives of our citizens. The appropriate leverage point for us is to insure the change in the debt limit extension vote. Please join us in working to achieve these goals.

Mr. PARRIS. Mr. Speaker, will the gentleman yield?

Mr. GINGRICH. I am glad to yield to my good friend, the gentleman from Virginia.

Mr. PARRIS. Mr. Speaker, I just wanted to express to the gentleman from Georgia (Mr. GINGRICH) my appreciation for an erudite and penetrating analysis of contemporary America and to congratulate him on his observations.

As a cosignatory to the letter to which he referred, I am proud to join him in his remarks.

I was particularly entranced by the historical references to the Renaissance and the Sistine Chapel, and it brings to mind the story of the Pope at that time. Michelangelo was painting on the scaffold in the chapel, and as he walked by—and as the gentleman will recall, it took years to complete that project, which obviously is a masterpiece—as he would walk by the chapel, he would constantly ask, "When is it that this will be finished? When is it that you will be done with this chapel?"

And the artist always said, "It will be finished when it is finished."

I would like to mention to the gentleman that that is, I think, part of what we are addressing or attempting to address here today in this House. We need to get on with the finishing of the needs of the human expectations of the people of this Nation, and we somehow continue to run up against the stonewall of the reluctance of the Democratic leadership of this House, which controls the creation of the business that we do with an iron fist.

When the committees that the gentleman and I have the privilege of serving on are controlled by the Democratic side on a 2-to-1 basis, when there are twice as many of them as there are of us, and when every single chairman of every single committee is a member of their party, then it is very frustrating and a little unsatisfying not to be able to deal with the problems of this Nation which are so critical.

And I submit to the gentleman that this political minuet which we dance around here is simply not appropriate for the times that are facing this Nation and the people in it. Many, many small businessmen in my district and in the gentleman's are literally at the end of their rope. As the gentleman has mentioned, the real estate industry, the housing construction industry, the automobile industry, and many more are finally out of operating capital. With the problem of high interest rates which devastate our economy, we simply cannot continue to ignore the problems of our Nation.

Finally, Mr. Speaker, I would just once again like to reiterate to my friend, the gentleman from Georgia (Mr. GINGRICH), that his interesting and pentrating analysis of these problems I found very thoughtful and very enlightening, and I thank him for his contribution.

Mr. GINGRICH. Mr. Speaker, I thank the gentleman from Virginia (Mr. PARRIS) very much.

Mr. LUNGREN. Mr. Speaker, will the gentleman yield?

Mr. PARRIS. I am glad to yield to the gentleman from California.

Mr. LUNGREN. Mr. Speaker, I also want to congratulate the gentleman from Georgia (Mr. GINGRICH) for bringing this special order to the floor.

I have joined the gentleman in circulating this letter so that we can strike out a position which I think is certainly four-square in the middle of where America is at the present time.

The gentleman has talked about a number of key points that characterize the debate today between the liberal welfare state and the conservative opportunity state. On every one of those points, I think the action or inaction we have seen in this House points up the fact that that debate is very real here, although sometimes submerged in inactivity or procedural votes.

On the spending side, the gentleman has suggested, for instance, that there does not seem to be acceptance in the country at large for the size of the President's deficits. But how much more opposition would there be in the countryside if they knew that without the President's suggested cuts the deficit would not be $91 or $92 billion, it would be more in the neighborhood of $142 to $152 billion?

And how well would the people of America respond if they knew that this democratically controlled Congress and every single committee that have acted thus far this year have basically violated the parameters of the President's budget and have busted that budget?

Time and time again when the option has been "shall we break out of the old tradition of the liberal welfare state, or shall we remain there because that is the only place we feel comfortable?" the decision has been made in committee after committee to have business as usual. I think that America has a right to know that, and I do not think that is coming across, certainly in terms of the work that we are doing here on the floor.

The gentleman mentioned the crucial question of control of individual lives. The President has talked about the whole program of federalism. And what did we hear from some of the Members on the other side of the aisle when the President presented it? They said it was a diversionary tactic to take the minds of the American people away from the present economic condition.

If we do not have the foresight to look ahead and say that unless we make some fundamental changes at this time with respect to the relationship of local and State governments to their people as opposed to the Federal Government's having the total relationship to their people, then I am afraid that we have lost any ability to recapture the idea of States having some sovereignty and of individuals having some control over their lives.

One small example of that would be the fact that on the Committee on the Judiciary, on which I am privileged to serve, we passed out of that committee several months ago a regulatory reform bill, the major regulatory reform bill that is supposed to be completed by this House. It has been 2 to 3 months and we have not even seen it scheduled for floor action to date. As a matter of fact, the chairman of the subcommittee of the Committee on the Judiciary, Mr. Danielson, finally gave up and left this House, and he is now sitting on a bench in California on the appellate level in the State courts.

Where are we going if we are really firmly convinced that the American people believe that we have to take a look at overregulation?

Another point the gentleman made was on the whole question of welfare reform that must be addressed if we are going to insure that the truly needy get assistance and that those who would abuse the system do not have an opportunity to continue to abuse the system. And we saw earlier today as we played out a little bit of that story when it was suggested that somehow the President of the United States is hellbent on breaking social security. We know what happened last year when the President took a very gutsy action in even bringing up the question of reforming the social security system. Everything broke loose here. The President was criticized.

I have seen the bumper strips, as I am sure you have, in my district that say, "Save the Social Security, Vote Democratic." If that is not a suggestion of politicizing an issue on which there ought to be a bipartisan, good-faith effort to reach the decisions that must be made if we are going to solve the problems that we all acknowledge exist in social security, I have never seen the politicization of an issue.

Finally, the gentleman talked about the question of crime and the question of concern for the protection of individuals. We heard today an explanation of why we have not had much work here in the first 3 months of the year, and one of the major reasons is that we had to start over with a new budget. That is true, but that is only half the story. We have a continuing responsibility from last year for substantive legislation in committee after committee. Again, I serve on the Committee on the Judiciary. We have the responsibility for crime legislation. We have not passed forward one single significant piece of legislation in terms of law enforcement to this point, not in the first 3 months but in the first 15 months of this Congress.

□ 1500

I think that is something we have not talked about and something we must begin to talk about on this floor.

Finally, the gentleman has suggested we will have before us an opportunity to deal with the issue of the economy in a real fashion when we talk about extending the debt ceiling. I think the gentleman has placed his finger on a very crucial point. That is when we will have some leverage here. Try as some have to create a hobgoblin out of Reaganomics, they have not fooled the people. Even though there was a nationwide poll several weeks ago bandied about by the Washington Post that suggested 56 percent of the people do not agree with the Reaganomics, the rest of that poll suggested, when you break down Reaganomics to the elements the gentleman has talked about here, the conservative opportunities state, on every single one of those points the American people, in essence, want to support what President Reagan has talked about and what those of us who support the conservative opportunity state have attempted to do here in the House.

So maybe there has been a good job of besmirching the idea of Reaganomics but that is a challenge to us in the House. I congratulate the gentleman for suggesting that we ought to take up that challenge and deal with it in a meaningful way and with some leverage. The opportunity we will be given to do that is with the resolution concerning the increase in the debt ceiling.

I thank the gentleman for his time and indulgence.

Mr. GINGRICH. I thank the gentleman from California for his comments. He is a leader in this effort to begin this focus.

I often think that people really do not understand how the House works in the modern era. We, I think, are different than we were under Sam Rayburn. In Sam Rayburn's day you could lead the House of Representatives and the country by having a half dozen men who met down in what was called the board of education and they sat around late in the afternoon. They were very powerful men. They were men that Dean Rusk once called the whales and the minnows. The former Secretary of State said when he first came to Washington in the 1950's if the President wanted to do something he would invite about six men to the White House and they were all whales. If those six men agreed to do something, all of the little minnows did not matter. We have seen in the last few years that the whales have disappeared and the minnows have grown, and that in many ways this is now a House of relatively equal people. Everyone in America has a chance to be represented, and you lead the House in many ways by leading the country.

I was very, very struck by the vote on taxes last year when President Reagan, on a Monday night, made an eloquent speech and said to the American people, "I need your help. If you will write or wire your Congressman, together we can pass the biggest tax cut in American history."

One Democratic Member from Texas got up on Wednesday after that Monday night speech and he said: "Mr. Speaker, I am a good Democrat and I would like to vote with you, but I have a small town of 92 people in my district in west Texas. After the Monday night speech of the President a woman got very excited and very committed to helping him, and she decided her town was not big enough, and so she went out to the surrounding ranches and farms, and this morning, Mr. Speaker, I received 200 signatures from the people of that neighborhood asking me to vote with the President."

The gentleman from Texas looked at the Speaker and he said: "Mr. Speaker, I don't know what it means in Massachusetts when 200 people write you from a town of 92, but it means in Texas that I am voting with the President."

The people of America do have a chance for the next several weeks and the Members of Congress will be home. I hope that every American who has had to change their life, and every business man or woman faced with 16 percent interest rates, every auto worker faced with layoffs, every lumberjack faced with unemployment, that across this Nation every American will walk up to their Congressman or Congresswoman and say, "What are you going to do to change the liberal welfare state? What are you going to do to bring down interest rates? What are you going to do to get to a balanced budget?"

If the Member is a liberal Democrat and they say "Oh, we can't deal with all of these things," as my good friend from California said, that is just sheer baloney. There are many issues which for the last 90 days we could have dealt with. There are many bills which have been in the Congress for over a year now which we could have passed or defeated or amended. There are many jobs to be done.

Yet, in their effort to stem the collapse of the liberal welfare state, the liberal Democratic leadership has hidden and avoided virtually every decision.

In the next few weeks the American people can begin to make their voices heard. We intend, some 50 of us already signed onto this letter on the House side, to engage in a fight which will culminate in June or July, to say unless we can bring about fundamental reform, unless we can get a vote on a constitutional amendment to require a balanced budget, unless we can protect the income tax cuts which allow you to spend the money you earn, unless we can cut Government spending and bring that budget toward a real balance, we are going to fight to force the liberal welfare state to face the kind of crisis which already affects real estate, home building, the lumber industry, the automobile industry, the steel industry, and a host of other businesses. I think now is the time to change things. I think in the next few months we can make the transition from a liberal welfare state to a conservative opportunity society.

Mr. PARRIS. Mr. Speaker, will the gentleman yield further?

Mr. GINGRICH. I will yield again to my friend from Virginia.

Mr. PARRIS. I have no desire to trespass on the time of my friend from Georgia. I just wanted to reemphasize that the letter to which the gentleman referred in his previous remarks states that the seven major policy goals that we think the American people should support, and so forth, and thereby, is reflected in a reduced budgetary situation, that the first of those is lower inflation. Later on in the letter is outlined, as the gentleman pointed out, if we do not do what some of us are attempting to do that we will have the same old problems we have historically struggled with, and the first of those is higher inflation.

If I as one Member of this body am encouraged by the situation in contemporary America, it is that I am encouraged by the increasing knowledge of the young people of this Nation of what inflation has done to them, and why we simply must get a handle on it. I would like to remind the gentleman in the well of an example that was initially outlined by our mutual friend from Michigan, Mr. VANDER JAGT, in a speech about 1½ years ago when he indicated that if inflation persisted at the same rate that it was in the highest quarter of that year of 1980, today's babies, when they got ready to buy a part of the great American dream, the 3-bedroom, 2-bath single-family home on a quarter acre lot, perhaps $100,000, $105,000,

$110,000 in contemporary suburbs of America today, by the time that happens, if inflation stayed at that highest rate for 35 years, that average American home will cost $6 million. When I use that example and make that statement to young people in my district they say, "How can that be, Congressman? That is not possible." But if one simply takes the kitchen calculator and compounds $100,000 or thereabouts by 35 years, that is the number.

I submit that the young people of this Nation are beginning finally to comprehend the fact that we simply cannot continue to pave the streets with gold in this Nation, to buy international friendships, to do everything for everybody from the day they are born to the day they die using "free money" which comes from the Federal Government and out of the pockets of the taxpayers.

If there is one encouraging aspect of the entire scenario that we have discussed here with the assistance and the contribution of my friend from Georgia, it is that I think that the message is finally beginning to penetrate increasingly to the younger population of this Nation for which we can all be thankful.

Mr. GINGRICH. I thank the gentleman. He has raised a point which I think is central to the failure of the liberal welfare state.

I have on my office wall money from Weimar, Germany, in the 1920's, given to me by a refugee from Germany who became the mayor of Carrolton, a man named Ted Hirsch. The money is overprinted. You have first the 100 mark, and then stamped on top of that is the 500 mark, and 1,000 mark, because money was falling apart so fast that it literally was not worth the time, and they could not affort to print new money. I had thought that we should make the new first-class stamp with its "C" the symbol of what we are faced with in the 1980's. The post office decided that inflation was going to run on so rapidly that they were going to have to raise the price of stamps so frequently that it was not worth the time to print the number of cents it would cost. We stood on the edge of hyperinflation.

Frankly, the Reagan economic recovery program has begun to work. A man told me today that gas prices in Baton Rouge, which has been at $1.35 in January of 1981, thanks to a gas war right now, are down to 90 cents a gallon in Baton Rouge. We have seen a general drop in the inflation rate. We see the beginnings of real hope that we can get back to stability and to a chance to build real factories, to create real jobs.

But we will not get there if the liberal Democrats succeed in avoiding change. We are in the position of a man who is halfway across the bridge and now we are wrestling with ourselves. Will we go all the way? Will we finish the process President Reagan began? Will we bring the budget under control, bring down interest rates and create a future in which every American has a job, or will we instead continue the current balancing act in which the Democratic leadership opposes any change, even if that means 16- to 20-percent interest rates and collapse of American business?

Luckily, this is a free country. Unlike Poland, every American has a chance to have their voice heard. Now during the Easter recess is the time for Americans who are concerned to say to their Congressman, "Please vote against the debt limit; please bring the liberal welfare state to a halt. Please stop whatever has to be stopped in order to bring interest rates down to reasonable levels, in order to create new jobs, in order to bring prosperity back to America."

Between now and June we have a chance. As President Reagan said, our generation does have a rendezvous with destiny. But that rendezvous includes stopping now, shifting from the liberal welfare state to a conservative opportunity state, building a new and better future. That will happen only if the American people make their voices heard.

Mr. Speaker, I yield back the balance of my time.

CROWDING OUT AND THE SMALL BUSINESS SAFETY NET

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New York (Mr. LAFALCE) is recognized for 30 minutes.

● Mr. LAFALCE. Mr. Speaker, the House Small Business Oversight Subcommittee, which I chair, opened a series of hearings yesterday on the impact on small business of the Small Business Administration's budget and program cuts.

These cuts have been proposed as our Nation's 15 million small businesses experience the most serious problems since the Great Depression. These problems are discussed in great detail in a report President Reagan released last month entitled "The State of Small Business." The President is to be commended for issuing a report that provides a wealth of information on the condition of small business. I have read it carefully and want to take a moment to review what it and other studies say about small business today. They find that:

Business failures compiled by Dun & Bradstreet are running at near depression levels. The President's report says total business failures have risen at least 30 percent during the past year.

Small business' share of the gross national product is shrinking. It dropped to 39 percent by 1976 from 43 percent in 1963 and has fallen since because of inflation and recession.

Small business income has dropped 12 percent in the past 2 years.

Small businesses are paying 10 to 12 percentage points above the inflation rate on their bank loans, the highest interest rates since before World War II.

Small businesses are being crowded out of bank lending by large corporations. This is a primary finding of the President's report. The report warns that this hits small businesses especially hard because they rely almost exclusively on bank borrowing for capital.

The President's report makes clear that small business is being hit harder by the current recession than large business.

These findings have grave implications for small business and our economy. Over the last decade, we have come to rely on small business to create millions of new jobs and to keep our economy productive and competitive. Prof. David Birch of MIT, a leading student of job creation, tells us that "larger firms are no longer the major providers of new jobs to Americans." His studies show that almost 90 percent of the recent new net employment in our economy has come from firms with 500 or fewer employees and that firms with 20 or fewer employees have accounted for over two-thirds of the new jobs.

Moreover, small businesses have been at the cutting edge of innovation. The National Science Foundation's "Science Indicators" report for 1976 states that small business produces 24 times more innovation per R. & D. dollar than large firms and 4 times more than medium-sized firms.

Over this decade, at least 15 million new jobs will have to be created to employ our expanding adult population. That does not include the jobs needed to replace lost jobs and put our unemployed back to work. I am especially concerned about the creation of new jobs because of the chronically high unemployment rate in the area of western New York that I represent. That unemployment rate, 14.3 percent, is now higher than at any time since the Great Depression.

Clearly, small business will be expected to provide many of these new jobs and to generate the innovations, the new technologies, and the new companies essential to revitalizing our economy. I hope it can meet these expectations.

The hearing I held yesterday focuses on the Small Business Administration's guaranteed business loan program and what role it plays in making capital available to small business in the current economic climate.

Since it began in 1954, the SBA guaranteed loan program has made almost 300,000 business loans totaling $26.9 billion. These loans have been used to start new small businesses, tide healthy small businesses over difficult times, and create hundreds of thousands of new jobs.

Over 10,000 banks participate in the SBA guaranteed business loan program and have found it an important mechanism for channeling much-needed lending to small business.

Small businesses rely on these loans to help them cope with and recover from a recession. These loans are an essential ingredient of any recovery. At the hearing, I cited a graph prepared at my direction that compares SBA guaranteed loan approvals and small business borrowing with the economic cycles. This graph demonstrates the demand for SBA guaranteed loans as a recovery begins.

Today, high interest rates and the increasing use by large corporations of short-term borrowing for financing make the SBA guaranteed loans more important than ever to small businesses. As the President's report points out: "Approximately 80 percent of small businesses rely on financing from depository institutions."

Yet, it continues, small businesses "cannot compete with large businesses for bank funds."

> Statistics have shown that during tight money periods large businesses move into short-term markets because they defer the issuance of corporate bonds in the bond market. Consequently, small businesses are less able to compete in the bank loan market during tight money periods.

The crowding out of small businesses from short-term borrowing is a very serious problem. "It is clear that the small business share of total loans approved has dropped substantially during 1981," the report says. "There is a 'crowding out' of small business as banks choose to meet the large loan demands of larger firms."

The report says that small-size loans—those under $500,000—have fallen from a recent high of 51 percent of all short-term bank loans, February of 1979, to a low of 19.7 percent in August of 1981. The implication is that small businesses needing small loans are being crowded out of credit markets by the competition of large corporations and the Federal Government.

The following table, taken from the report, highlights this pattern. It also indicates the impact of the large loans received by corporations to finance mergers.

SHORT-TERM BANK LOANS BY LOAN SIZE, DOLLAR AMOUNT, AND PERCENT OF TOTAL

[In millions of dollars]

	Small size loans (thousands of dollars)				Large size loans (thousands of dollars)—Over $500		Total (100 percent) dollars
	Under $50		$50 to $500				
	Dollars	Percent	Dollars	Percent	Dollars	Percent	
November 1978	1,228	12.9	2,464	25.8	5,842	61.3	9,534
February 1979	1,336	19.5	2,155	31.5	3,359	49.0	6,850
May 1979	1,587	18.5	2,016	23.5	4,973	58.0	8,576
August 1979	1,403	16.9	1,864	22.5	5,028	60.6	8,295
November 1979	1,066	13.1	2,155	26.6	4,885	60.3	8,107
February 1980	1,254	12.6	2,236	22.5	6,430	64.9	9,920
May 1980	1,404	12.4	2,756	24.4	7,057	62.3	11,317
August 1980	1,195	8.9	2,782	20.6	9,498	70.5	13,475
November 1980	1,278	9.8	2,382	18.2	9,440	72.1	13,101
February 1981	1,339	7.9	3,419	20.1	12,227	72.0	16,986
May 1981	1,335	8.0	2,886	17.2	12,619	74.9	16,841
August 1981	1,468	5.8	3,428	13.9	[1] 20,343	82.7	24,597

[1] Due to a loan take-down by Du Pont for the take-over of Conoco.

Source: Federal Reserve Board, Statistical Release E2.

Clearly, small business needs a mechanism like the SBA guaranteed loan program to assure it access to bank borrowing.

The Small Business Administration has proposed cutting the guaranteed loan program deeply for the second year in a row. Under SBA's plans, the guaranteed loan program would be reduced to $2.4 billion in fiscal 1983 from $3.3 billion in fiscal 1982, a 27-percent reduction. As you recall, the guaranteed loan program was cut last year to $3.3 billion from $4.5 billion in fiscal 1981, a 27-percent reduction. If the cuts for fiscal 1983 are approved, the guaranteed loan program will have been reduced by one-half in just 2 years.

The President's major themes report which accompanied this year's budget indicated that the administration plans to cut SBA guaranteed loan commitments to $1.15 billion by fiscal 1987. These deep cuts do not come as a surprise. We have been hearing from the administration for the past year how Federal loan guarantees distort the credit markets and "crowd out legitimate private sector financing needs," to quote Lawrence Kudlow, OMB's chief economist. We also heard that since demand for SBA guaranteed loans is off because of the recession, the program should be cut deeply and permanently.

Unfortunately, small business' special problems and needs are ignored by the administration as it seeks to justify its unilateral reductions in the SBA guaranteed loan program. Its main failing is that it ignores reality.

The reality for small business today is that it has been crowded out of the short-term bank borrowing market, the primary source of its financing.

The reality is that small business demand for guaranteed loans will shoot up by the middle of this recession and when the long-hoped-for recovery occurs.

The reality is that more capital must be made available for small business if we are to create needed new jobs and reinvigorate our economy.

The reality is that there is a need for a flexible SBA guaranteed business loan program that is attuned to small business needs and borrowing patterns—a program that helps healthy small businesses weather recession and helps small businesses start up and expand during recovery.

Yesterday's hearing heard from small businessmen and bankers how SBA guaranteed loans have saved jobs, created new jobs, helped healthy small businesses through recessionary times, and created new businesses at the cutting edge of technology.

It also heard:

How the SBA guaranteed loans are made with private money, not taxpayers' money;

That lending decisions under the SBA guaranteed loan program are made by the marketplace and the local bank;

That the SBA loan guarantee reduces the element of risk and provides an incentive for the bank to lend to small businesses and help their communities;

How the SBA guaranteed loan program has provided an essential safety net for small business—a net that is being shredded.

I want to add one further point that demonstrates the shortsightedness of the administration's proposals to effectively eliminate SBA guaranteed loans. I learned at hearings on productivity held by my subcommittee last week that the Japanese Government has four agencies that can lend, directly or indirectly, up to $20 billion to small businesses in that country. That demonstrates the importance the Japanese, our major competitor at home and abroad, place on maintaining a vigorous small business sector. This is just the type of support we should be providing to our battered small business sector. We can only have a strong, broad-based recovery if we have healthy and dynamic small businesses.●

VOTING RIGHTS FOR THE HANDICAPPED AND THE ELDERLY ACT

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New York (Mr. Fish) is recognized for 15 minutes.

● Mr. FISH. Mr. Speaker, I am introducing legislation today to insure that all handicapped and elderly Americans are provided access to registration sites and polling places in order to fully exercise their constitutional right to vote. Congressman Doug Walgren joins me in sponsoring this important bill.

There is no more fundamental right for American citizens than the right to vote. But voting can be a difficult and sometimes impossible task for handicapped and elderly citizens in many Federal and State elections. Architectural barriers such as steps or inadequate doorways often prevent persons in wheelchairs from reaching the voting booth. Oral instructions for the blind and written instructions for the deaf are provided in few jurisdictions in the United States. And the elderly, many of whom are disabled, are discouraged from exercising their right to vote for many of the same reasons.

The Voting Rights for the Handicapped and the Elderly Act will provide access at a minimal cost. Federal law now requires that buildings which house Federal programs or are built with Federal funds be accessible to the handicapped. Simply by moving registration sites and polling places to these buildings, a State could comply with the requirements of the act. State officials are given sufficient flexibility to provide accessibility. Nine States have already been successful in implementing similar legislation.

The handicapped and the elderly should be provided every opportunity to exercise their right to vote. My bill would remove the unnecessary and complicated obstacles to voting for these individuals, further expanding the fundamental right of all Americans to express their views in the voting booth.

A copy of the act, along with a brief explanation of the provisions of the act and the need for its enactment follows. I would urge my colleagues to join me and Congressman Walgren in sponsoring the Voting Rights for the Handicapped and the Elderly Act.

H.R. 6036

A bill to provide that registration and polling places for Federal elections be accessible to handicapped and elderly individuals, and for other purposes

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Voting Rights for the Handicapped and the Elderly Act."

PURPOSE

Section 1. It is the intention of Congress in enacting this Act to promote the fundamental right to vote by requiring registration and polling places for Federal elections to be readily accessible to handicapped and elderly individuals.

SELECTION OF REGISTRATION AND POLLING PLACES

Sec. 2. (a) The Attorney General, in consultation with the Secretary of Health and Human Services, and in accordance with section 553 of title 5, United States Code, shall promulgate, within six months of the date of the enactment of the Act, guidelines to assure that registration and polling place facilities used for Federal elections are readily accessible to and usable by handicapped and elderly individuals. Such guidelines at a minimum shall require: (1) that all polling places shall be located (i) in any building or other facility which is or can be made accessible, by temporary ramp or otherwise, to individuals in wheelchairs on election days for all hours during which said polling places are used for the purpose of a Federal election; and (ii) on the ground level of the building or other facility or at a location within such building or facility as is accessible by elevator; and (2) that all places of registration shall be located (i) in any building or other facility which is or can be made accessible by temporary ramp or otherwise to individuals in wheelchairs for all hours during which said places of registration are used for the purpose of a Federal election; and (ii) on the ground level of the building or other facility or at a location within such building or facility as is accessible by elevator.

(b) The requirements of subsection (a)(2) above shall not apply to registration places located in private residences or to temporary places of registration designated or used by deputy or assistant registrars on a one time or occasional basis: Provided, however, the comparable registration procedures and/or registration places which comply with the guidelines are available to handicapped and elderly individuals.

(c) The requirements under subsection (a) shall not apply to any State which, in the determination of the Attorney General, (1) has established by law guidelines for registration and polling places at least as stringent as those promulgated by the Attorney General under subsection (a), and (2) has adopted and is implementing adequate procedures for the enforcement of such State's guidelines. The Attorney General may require such State to keep records and make reports as are necessary to implement this Act.

(d) No provision of this Act shall be deemed to constitute legal justification for decreasing, or failing to increase, the number of places provided for registration or the number of polling places.

VOTING AND REGISTRATION AIDS

Sec. 3. (a) Each State shall make available registration and voting aids for handicapped and elderly individuals in Federal elections. These aids shall include, but are not limited to:

(1) instructions, printed in large type, conspicuously displayed at each voter registration site and polling place, sufficient to provide hearing impaired and seriously visually impaired individuals with adequate information as to how and where they may register and vote.

(2) paper ballots, available at each polling place, for the use of voters who would otherwise be prevented from voting because of their inability to operate a voting machine.

(3) absentee ballots, available to any handicapped or elderly individual who, because of handicap or age, is unable to go to the polling facility in a Federal election. The deadlines for requesting and submitting an absentee ballot under this subsection shall not be earlier than the latest deadlines prescribed by State law for other persons voting by absentee ballot.

(4) the opportunity for any handicapped or elderly individual who, because of handicap or age, requires assistance in casting a vote, to select a person of his or her choice to accompany such individual into the polling place to assist in the casting of the vote.

(b) The appropriate election officials of each State shall issue public notice in each voting precinct of the requirement for and the availability of these registration and voting aids, which notice shall be notice-effective for all handicapped and elderly individuals. This notice shall be issued as early as practicable, but in any case not later than sixty days before any Federal election or the registration deadline for such election.

ENFORCEMENT

Sec. 4. (a) Whenever the Attorney General has reason to believe that (1) a registration or polling place does not comply with the standards prescribed under section 3(a), or (2) a State has failed to provide registration and voting aids as required by section 4, the Attorney General may institute, in the name of the United States, any actions in an appropriate United States district court against the State, including actions for injunctive relief, as may be necessary to implement this Act.

(b) Whenever an individual has reason to believe that (1) a registration or polling place does not comply with the standards prescribed under section 3(a) or (2) a State has failed to provide registration and voting aids as required by section 4, and that individual is personally aggrieved or is acting on behalf of an individual personally aggrieved by failure of the State to comply with this Act, that individual may institute any actions in an appropriate United States district court against the State, including actions for injunctive relief, as may be necessary to implement this Act.

DEFINITIONS

Sec. 5. (a) As used in this Act, the term

(1) "elderly individual" means an individual 65 years of age or older;

(2) "election for Federal office" means a general, special, primary, or runoff election for the Office of President or Vice President, or Senator or Representative in, or Delegate or Resident Commissioner to the Congress;

(3) "handicapped individual" means an individual qualified to vote, who, by reason of illness, injury, age, congenital malfunction,

or other permanent or temporary incapacity or disability, is unable without accessible facilities or registration and voting aids to have access to registration and voting equal to that available to persons who are not so affected;

(4) "State" means a State of the United States, the District of Columbia, the Commonwealth of Puerto Rico, and any territory or possession of the United States, and where the context so requires, this term includes a political subdivision that has responsibility for registration or election;

(5) "voting precinct" means the area inhabited by all individuals assigned to one polling place for a Federal election.

SEC. 6. No provision of this Act shall be construed to be inconsistent with the provision of the Voting Rights Extension Act of 1982 and compliance with any provision of this Act shall not constitute a bar to compliance with any provision of the Voting Rights Extension Act of 1982 and shall not constitute a defense to any violation thereof.

SEC. 7. Effective date. This Act shall take effect upon becoming law.

VOTING RIGHTS FOR THE HANDICAPPED AND THE ELDERLY ACT

Voting is a fundamental right constitutionally guaranteed to all American citizens. Yet, because of inaccessible registration and polling places, many disabled and elderly Americans are precluded from exercising this treasured right. The Voting Rights for the Handicapped and the Elderly Act seeks to provide barrier-free access to registration and polling places.

The Act requires that all registration sites, other than those in private residences or temporary, one-time places, and all polling places, be located in facilities that provide temporary or permanent access by ramps or other means to individuals in wheelchairs. The exception for private residences and one-time official registration sites exists as long as other, accessible facilities are available for handicapped and elderly individuals to register for Federal elections.

The Act mandates that supplemental voting and registration aids be made available to handicapped and elderly individuals. Briefly, such aids include, but are not limited to, written instructions for the deaf, paper ballots for those unable to operate a voting machine, and absentee ballots for those unable to travel to a polling site. Finally, the Act allows individuals who require assistance in casting their votes to designate individuals of their choice to assist them in casting their ballots.

There are several reasons why legislation that would open the electoral process to all handicapped and elderly individuals is especially desirable at the present time. A few of these reasons are as follows:

Over thirty-five million disabled and elderly Americans face innumerable barriers when they attempt to exercise their fundamental right to vote. For these persons, the right to vote is virtually abrogated; their absence from the political process is all too frequent. For example, it is not uncommon for individuals in wheelchairs to arrive at polling sites only to find that architectural barriers physically bar them from the polling place doors. Similarly, oral directions typically provided at voter registration centers are of no use to deaf individuals who would benefit greatly from written instructions. Finally, the voting ballot is itself often an obstacle to effective political participation by the 1,300,000 individuals who are severely visually impaired. For these populations, the need for legislation which would allow the effective exercise of their franchise cannot be overstated.

A most compelling reason for passage of federal voter accessibility legislation is the confusion among state laws regarding voting assistance for the handicapped and the elderly. Currently, lengthy, expensive and complex absentee voting procedures in some states serve only to discourage, and sometimes eliminate the voice of the handicapped person in the political process. While all states permit physically handicapped voters to vote by absentee ballot, the inconveniences and expenses often associated with casting these ballots have frequently been equated with a poll tax. For example, some states require the submission of doctor's statements with absentee ballots; others mandate that the ballots be notarized; still others require that the ballots be cast so early that the voter is deprived of the right to make decisions based on last minute information and impressions. In all of these states, the handicapped voter is often unaware that the polling place is inaccessible until Election Day, when it is too late to obtain an absentee ballot.

State laws also vary widely in their requirements for structural accessibility. As many as thirty states do not provide for special consideration by election officials for the needs of handicapped voters, and only nine states have provisions for mandatory accessibility to polling and registration sites. Finally, provisions for registration and curbside voting are equally varied across the states. Enactment of the proposed legislation would eliminate the need for many of these conflicting statutes, thereby increasing the degree of uniformity among state voting processes. Furthermore, easier accessibility that cuts through these varied and burdensome procedures is certain to increase the number of votes cast—a result that is obviously desirable at a time when so few eligible voters choose to exercise their franchise.

Federal courts are unlikely to strike down the practice of locating polling places in buildings with architectural barriers. In declining to enjoin this practice on constitutional grounds, the most recent court which reviewed this issue restated a previous holding that it is not "the province of a Court to weigh the relative ease or difficulty with which the state could accommodate its voting procedures to meet the ends of various handicapped voters. These are policy questions to be resolved by legislators". *Selph* v. *Council of City of Los Angeles*, 390 F. Supp. 58, 61 (C.D. Cal. 1975), citing *Whalen* v. *Heinman*, 373 F. Supp, 353, 357 (D. Conn. 1974) (emphasis added). The *Selph* decision demonstrates the great need for legislation to protect the voting rights of handicapped and elderly populations. If Congress now fails to assume its responsibility in this area, disabled and elderly Americans will be left with virtually no recourse to obtaining full access to the voting process.

The benefits to be gained through enactment of the Voting Rights for the Handicapped and the Elderly Act overwhelmingly outweigh the negligible costs of its implementation. Section 504 of the Rehabilitation Act of 1973 requires that all federally-funded programs be housed in facilities which are accessible to handicapped persons. Additionally, the Architectural Barriers Act of 1968 mandates that buildings financed with federal funds be accessible to physically handicapped persons. Among the public facilities covered by these Acts are schools, libraries and community centers, any of which can serve as appropriate polling and registration sites. With the availability of these numerous accessible locations, there is very little need to alter existing facilities to accommodate the disabled voter. Additionally, because temporary adjustments may be made to those voting facilities which are normally inaccessible, election officials may take measures which involve nominal costs to provide accessibility only on Election Days. Utilization of temporary ramps is just one such measure that can open the polling places to thousands of potential voters.

Additionally, implementation of the Act, while requiring mandatory accessibility, would still allow for great state discretion and flexibility. State officials would be given broad leeway in choosing both the means by which they make registration and polling places accessible and the facilities to which voters are relocated. No provision of this Act conflicts in any manner with the Voting Rights Act of 1965.

Throughout the years, continual progress has been made in extending voting rights to groups traditionally excluded from the political process. It is now time that an equal opportunity to these fundamental rights—an opportunity free of burdensome and confusing procedures—be given to our handicapped and elderly populations. My bill, in providing mandatory accessibility to registration and polling places will, for the first time, provide these individuals with the means by which they can effectively take part in the democratic process.

The following groups and organizations support the enactment of legislation designed to provide accessible registration and polling places:

American Association of Retired Persons/National Retired Teachers Association.
American Coalition of Citizens with Disabilities.
American Council of the Blind.
Association for Retarded Children.
Blinded Veterans Association.
Consumer Federation of America.
Disability Rights Center.
Disability Rights Education and Defense Fund.
Epilepsy Foundation of America.
Equal Justice Foundation.
Goodwill Industries.
Handicaps Unlimited of Northern Virginia, Inc.
Institute for Public Representation.
Leadership Conference on Civil Rights.
League of Disabled Voters.
League of Women Voters.
Mental Health Law Project.
Metropolitan Washington Gray Panthers.
Montgomery County Association of Children and Adults with Learning Disabilities.
National Association of the Deaf.
National Center for Handicapped Rights.
National Council of Senior Citizens.
National Network of Learning Disabled Adults.
National Rehabilitation Association.
National Society for Autistic Children and Adults.
National Spinal Cord Injury Association.
Paralyzed Veterans of America.
United Cerebral Palsy Associations.
Washington Council of Lawyers.●

REDUCTIONS IN NUCLEAR WEAPONS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New York (Mr. CARNEY) is recognized for 5 minutes.

Mr. CARNEY. Mr. Speaker, I am today submitting the names of 90 additional cosponsors of House Concurrent Resolution 297. This brings the total to 102.

I wish to take this time to note that these additional supporters of this initiative have all joined in the less than 72 hours since I and 11 other original sponsors submitted this resolution.

This strong support evidenced already, I believe, is an indication of the sentiment I have sensed among the American people for substantial, equitable, and verifiable reductions of the United States and Soviet Union's nuclear weapons in a manner which could contribute to peace and stability.

It gave me great pleasure this past evening to hear the President of the United States put his support behind this approach which embodies parity first, then a freeze and reductions of weapons. The President's words add strength to the efforts of those of us concerned about the imbalance of nuclear arms that threatens peace and stability.

I welcome the support of others in this Chamber for this responsible approach to an issue which is of supreme importance to many people in this country.

ADDITION OF COSPONSORS OF HOUSE RESOLUTION 334 TO HOUSE RESOLUTION 418

Mr. DENARDIS. Mr. Speaker, I ask unanimous consent that the cosponsors of House Resolution 344 be added as cosponsors of House Resolution 418, the unreported resolution agreed to by the House on yesterday, and that those additional cosponsors be shown on the printed copy of House Resolution 418 as having been original cosponsors, but that this request not be considered as a precedent abrogating the provisions of clause 4(b)(1) of rule XXII.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Connecticut?

There was no objection.

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CHRONOLOGY OF EVENTS LEADING TO PASSAGE OF HOUSE RESOLUTION ACKNOWLEDGING 100TH ANNIVERSARY OF KNIGHTS OF COLUMBUS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Connecticut (Mr. DENARDIS) is recognized for 15 minutes.

Mr. DENARDIS. Mr. Speaker, in January of this year, with the centennial observance of the establishment of the Knights of Columbus approaching, which did in fact occur on Monday of this week, March 29, 1982, the Supreme Knight of the Knights of Columbus, Mr. Virgil Dechant, asked me, as the Member of Congress representing the city of New Haven, the city in which the Knights of Columbus was established 100 years ago, and the city which continues to be the main headquarters of the Knights of Columbus, to introduce a resolution, with others who might wish to cosponsor it, congratulating this magnificent Catholic fraternal organization on its 100 years of good works for God and for country. It was a high honor and a great privilege for me to do that on February 3. I introduced at that time House Resolution 344.

Subsequently, I circulated a "Dear Colleague" letter inviting cosponsors. Many Members did respond enthusiastically, including many Members of this body who are also members of the Knights of Columbus.

Last week, with the March 29 date approaching, I, in fact, approached the chairman of the committee that had the resolution pending. I explained to him the circumstances of the centennial observance and how nice it would be to be able to present to the Knights of Columbus assembled on March 29 in the city of New Haven the passed resolution carrying the congratulations and good wishes of this body.

It was carefully explained to me by the chairman of the Post Office and Civil Service Committee and the chairman of the subcommittee dealing with resolutions of this type that the subject matter would be difficult to get out of committee because the committee had a rule which stated that no living individual or existing organization could be saluted by this body, at least through the route of the Post Office and Civil Service Committee. I was then advised to seek 218 cosponsors, which I was happy to do, given the fact that the rule was such. I knew by Thursday of last week, however, that I could not possibly garner 218 cosponsors by Monday of this week and so contented myself with conveying the good wishes of the House of Representatives to the Knights of Columbus when I attended their centennial Mass on Monday and the reception and dinner which followed.

On Wednesday of this week, as we were completing business that day, I was notified by the Chairman of the Post Office and Civil Service Committee that the Speaker of the House of Representatives was desirous of having the congratulatory resolution presented to the body. Well, I did not question the manner in which the resolution would be brought before us, having been recited the rules the previous week, but I was happy that we were going to honor this wonderful organization.

I was told that when the chairman would bring the resolution forth that I would be yielded time and that I could speak about my original cosponsorship of the resolution and the many Members who, in the prior weeks, joined with me in this endeavor. I was not given that time. I did invoke the right to object and therefore was given a few minutes to speak, and the RECORD will show that I did say a brief piece.

Upon reading the RECORD today, I discovered that it was not House Resolution 344, the resolution that was introduced properly weeks ago, but House Resolution 418 introduced yesterday, minutes before the action which I just described took place, by the gentleman from Massachusetts (Mr. MOAKLEY) and a few other cosponsors. That action taking place minutes before floor action, though technically was referred to the Post Office and Civil Service Committee, could hardly have been physically received by that committee and judged by that committee, even though the record shows that the chairman moved the resolution discharged from further consideration by that committee.

In any event, the resolution subsequently passed, and we have discovered today, much to the chagrin of many Members of this body who thought that they were cosponsors of House Resolution 344 introduced in early February, including many members of the Knights of Columbus, that they were in fact excluded from cosponsorship. Hence, just a few minutes ago, I moved to correct that situation and remove a grave injustice not only to many of my colleagues but really in effect to the rules and procedures of this great body.

I want it known for the record that the chronology of events that I have just described is a true and accurate accounting of the steps leading to the resolution of what should have been a joyous occasion for all. Unfortunately, it has been slightly marred by partisan controversy. I do not intend by this recitation to impugn the motives of anyone who is involved in this, but one has to admit that we have witnessed in the last 48 hours a highly unusual action, one which, without the correction which has just occurred, would bring great disgrace upon this body.

I intend to write all of the Members of this body, with inclusion of these remarks, and explain to them what has happened. I hope in the future that no Member of this body who, in good conscience, takes the action that I have taken, to congratulate a great national organization, runs into the partisan manipulation that I ran into. There was a great deal of questionable activity. All of that is behind us at this point, and because it is behind us and I want to keep it behind us, I simply want to conclude by saying that the centennial Mass that my wife and I participated in on Monday, honoring the establishment of the Knights of Columbus, was one of the most moving and profound experiences that we have participated in.

The Knights of Columbus was created 100 years ago by a priest who was not yet 31 years of age, the Reverend Michael J. McGivney, who had great compassion for his fellowman, who, in the climate of the 1870's and early 1880's saw how difficult it was for many immigrant families who came to these shores to gain employment and to be able to sustain themselves in a decent and satisfactory manner. And many who passed away, working very hard jobs on the railroads and in other forms of great physical labor, including employment on our guardian services in our great cities, in the fire service and the police service, many of the young Catholic men of that day died prematurely, leaving widows and leaving families without all of the insurance and Federal programs that now protect people in similar situations. Reverend McGivney had the presence of mind to understand that he, by creating a union of Catholic families, could provide solidarity and could provide support and could provide material well-being for people in that most unfortunate situation. That is how the Knights of Columbus was born. And, of course, over the years, they have changed greatly and branched out into many other activities and provide countless hours, millions of hours, of volunteer service in their communities throughout the United States and in other countries.

We have been fortunate, as a nation, to have that great Catholic fraternal order and its many thousands of members working for the betterment of communities from coast to coast, and it is in that spirit that I introduced the resolution. It was in that spirit that I hoped we could have a day of celebration here to commemorate that activity, and it is in that spirit that I conclude today with some tinge of sadness about these incidents which I have described.

Mr. CARNEY. Mr. Speaker, will the gentleman yield?

Mr. DENARDIS. I yield to the gentleman from New York.

Mr. CARNEY. First, I would like to commend my colleague for the effort that he made to salute the Knights of Columbus. But surely the resolutions the gentleman speaks of were not identical, were they?

Mr. DENARDIS. The gentleman from New York should know that the resolution which was hastily drafted yesterday described as Resolution 416 is identical, word for word, comma for comma, punctuation for punctuation, to Resolution 344, which was introduced in early February.

Mr. CARNEY. I thank the gentleman for clarifying that. I have been only in this body for 3 years; I have never seen this happen before.

Mr. DENARDIS. I have been in this body for 15 months. My service to date has been an exciting, exhilarating experience, marred now only by the events of this week.

DEBT AND TAXES—A TIME FOR ACTION

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Wisconsin (Mr. REUSS) is recognized for 30 minutes.

● Mr. REUSS. Mr. Speaker, this morning I appeared before the Committee on Ways and Means to present a way out of the budget stalemate and the impending crisis over the debt ceiling. My statement follows:

STATEMENT OF REPRESENTATIVE HENRY S. REUSS, CHAIRMAN, JOINT ECONOMIC COMMITTEE, COMMITTEE ON WAYS AND MEANS

I appreciate the opportunity to appear before you to present my views on a sensible economic action program for the economy and on a legislative leadership plan to end the current stalemate over the budget, taxes, and the national debt. The unanimous program of the Democrats on the Joint Economic Committee, which includes recommendations on matters within the jurisdiction of this Committee, is herewith submitted for your consideration.

Eight years ago, Congress enacted the Budget Reform and Impoundment Control Act of 1974, which established the congressional budget process as we know it today. That was a great accomplishment, which offered, and still offers, the only hope of coordinating the development of tax and spending policy, and of achieving lower deficits in the years ahead.

Today, the congressional budget process is in danger. The President has fundamentally undermined the process by submitting a budget document based on unacceptable economic assumptions and unacceptable policies. He has created a stalemate by refusing to compromise on the two issues on which compromise is imperative: military expenditure and taxes. He shows not the slightest interest in preserving the orderly functioning of congressional decision-making, nor in preserving the Nation from a break-down of control over expenditures and taxation.

The orderly procedure by which Congress has for a generation supervised the issuing of the national debt is likewise endangered. In previous years, while the debt ceiling provided an easy opportunity for some Members of Congress to let off a little steam, there existed a broad-based consensus on the need to make extensions from time to time, as well as agreement that the debt ceiling itself should not be elevated from a sideshow to the central vehicle around which major decisions of policy must be made. To do so, it was agreed, would risk unseemly and even dangerous disruptions of the processes of government, and court the risk that a stalemate might develop which could prevent the government from functioning at all.

Today, the sensible and cautious procedures of past years have been cast aside. The debt ceiling is the vehicle to which the major tax-budget decision of 1982 must be attached. The President, through his intransigence, has made pointless the use of all lesser and more flexible vehicles, which Members who value orderly procedures would prefer. He has given us the choice between accepting the deficits implicit in his program in the debt ceiling legislation, or rejecting them and casting the government and the Nation into chaos.

Our only way out, our only hope for avoiding the worst, is to attach to the debt ceiling legislation a growth-promoting and deficit-reducing measure which will permit responsible legislators to face their consciences and their constituents.

The role of this Committee, then, must be to turn a potential instrument of mischief, disruption and disorder, namely, the forthcoming vote on legislation to pierce the temporary debt ceiling, into an instrument which restores sanity to our fiscal policy and which thwarts the confrontation politics which the President is seeking to exploit.

Let the Congress, led by this Committee, tell the President where the course of fiscal responsibility lies. Let us take a dramatic step to close the future budget deficit, and let us do it in a way which the President cannot veto: by attaching our legislation to the debt ceiling extender, and presenting that package to the President with a message that we do not intend to return to the issue should the President veto our action. Then, if the President should choose to flout us, the onus for prolonged chaos in the affairs of the Government would rest squarely with him. The American public would not judge him kindly for it.

What single measure, what dramatic symbol of our return to fiscal probity can we take? I am sure you have examined the alternatives as carefully as I have.

And you know, as I know, and as everyone who has studied the numbers knows, that there is only one tax action which is large enough, simple enough, efficient enough, and fair enough to do the job. We must repeal the excessive and unfair personal income tax reduction, weighted toward the wealthy, which goes into effect on July 1, 1983: the third year of Kemp-Roth.

If we do that, very little else is necessary, although certainly repeal of tax leasing and of indexing would also be desirable. If we don't repeal the July 1, 1983, measure, then in my judgment no amount of legislative and political skill can assemble the mosaic of lesser tax changes necessary to achieve the same effect.

So, the task of this Committee is clear: it is primarily to report a joint extension of the debt ceiling and a repeal of the July 1, 1983 tax reduction to the Floor of the House. Passage is a necessary precondition to a successful First Budget Resolution.

The Joint Economic Committee Democrats have presented to the Senate and House Budget Committees a 4-point program designed to get the budget under control and end the recession—(1) restricting the military spending increase to 5 percent in real terms; (2) holding the line on nonmilitary spending in real terms; (3) the July 1, 1983, tax repealer here suggested; and (4) an instruction to the Federal Reserve to moderately loosen the supertight monetary corset in which it has encased the money supply.

The results of the 4-point alternative to the Reagan program, as projected by Data Resources, are dramatic—down goes the deficit, down go interest rates, down goes unemployment.

Speed on the debt ceiling package is essential. Already, the Administration senses the danger to its misguided program threatened by a confrontation over the debt ceiling. While evidence of action is spotty, the Administration certainly has every reason to seek a delay in the debt ceiling bill for as long as possible, and it may be engaging in subtle manipulation of the Treasury's finances to achieve this effect. A most unfair slow-down in refunding billions in taxpayers' overpayments on their estimates would be one tempting way of postponing the day of reckoning on the debt ceiling. If necessary action on the debt ceiling can be deferred until the end of May, as you know, corporate estimated tax payments which come in during June may make it unnecessary to act before July.

Such a delay of the debt ceiling would mean continued unbroken stalemate on the budget, stalemate that threatens economic chaos, and the distinct possibility that our congressional budget process would not survive. These are risks we cannot afford.

It is within this committee's power to prevent the danger that looms ahead. You need not and should not wait for the pressure of a debt ceiling deadline to build up behind you before you act. You can and you should act now. By doing so, you can break the budget stalemate, save the budget process, and lift the cloud of financial uncertainty which hangs over the future of the United States Government. I urge you to do so.

Today is April 1, 1982. The House will be in recess from April 7, 1982, through April 19, 1982. I would urge you of the Committee on Ways and Means to report out a combined debt-and-taxes bill before we leave for our recess next week. Take it home and tell your voters that you have acted decisively and responsibly to lower interest rates, lower the deficit, and break the stalemate over the budget. Then, fortified by their reception, come back on April 20 and bring this measure to the floor. When the House has acted, then the Senate can act. We can have our legislation in the President's hands and signed before the deadline of May 15, 1982, by which we must have acted on a First Concurrent Budget Resolution.

By our action, you will have made a Budget Resolution possible. By your action you will have started to lead us away from high interest rates, uncontrolled deficits, and recession.●

A WAY FORWARD

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Pennsylvania (Mr. WILLIAM J. COYNE) is recognized for 15 minutes.

● Mr. WILLIAM J. COYNE. Mr. Speaker, it seems that the news reports which we view on evening news programs concerning the situation in Northern Ireland, more often than not, focus on the activities of individuals engaged in violent actions.

There are, however, men and women in Northern Ireland committed to the principle of change in an orderly manner, but committed to change nonetheless.

The solution to the problems in Northern Ireland will require the best that the Irish citizens of that part of Ireland have to offer. The solution, however, cannot be found solely within the borders of Northern Ireland, but will be found in a broader context involving Great Britain and the Republic of Ireland. It may also require the assistance, at the appropriate time, of the United States.

Recently, John Hume, a Member of the European Parliament and leader of the Social Democratic and Labour Party in Northern Ireland, addressed the issue of political leadership. Mr. Hume states that the situation presently "is a challenge to reexamine our past approaches * * *." Mr. Hume further states that—

> Irish Protestants—and Irish Catholics—must now take a new and different view of where our vital interests lie if we are to survive.

Mr. Hume concludes that—

> We all need a new and generous vision. We need both to abandon the sterile exclusivity of "ourselves alone" and we need the positive encouragement of the third party—the British Government—not by creating structures which underline and advertise our abnormality, but by patient public policy which commits them and us to a New Ireland forged by mutual respect and agreement.

Mr. Hume is a man of reason. His views are in such marked contrast to statements and actions of certain other persons and groups in Northern Ireland that I include them at this point in the RECORD.

THE WAY FORWARD AS I SEE IT

(Address by Mr. John Hume, M.E.P. leader of the SDLP, St. Anne's Cathedral, Belfast, March 2, 1982; Servite Priory, Benburb, March 3, 1982)

One of the tests of political leadership in this community is to accept the discipline of trying, in what one says, to reach both sides of the community simultaneously. Many have failed this test and many continue to do so. After all, it is easy to appeal to one side to the exclusion of the other: it is not difficult to gratify one side by encouraging its prejudices about the other. It is difficult, sometimes virtually impossible, to bring to each side a sense of the dilemma felt by the other. Yet we know that, until our leaders and our people manage that breakthrough, we will not make progress in Northern Ireland.

On two successive evenings, the first in St. Anne's Cathedral, and the second in Benburb Priory, I am confronted by this challenge in a direct and acute way. I had just thought of speaking differently in each Church, not I hope with the intention of evading the challenge but in order better to explain the dilemma of the absent audience—the other tradition—to those present each night. On reflection I thought it better to address both audiences as though both were simultaneously present. I am therefore using the same words in both Churches. In doing so I cannot expect to gratify anyone's prejudices, merely, as I see it, to expose them both to themselves and to those considered their adversaries. Perhaps the rule for politicians in the perverse circumstances of Northern Ireland should be to take an old adage one step further: instead of reminding ourselves that you "can't please all of the people all of the time" we should perhaps determine, as the only means of succeeding, to please none of the people all of the time.

Could we agree that we have all run into a brick wall? I mean this literally, not metaphorically. A brick wall is during these very days being built across Belfast, separating the two sides of our community from each other, confirming for ourselves and for the entire world the conviction of the British and our own worst fears that our differences may be literally insurmountable. Yet the wall is even more significant symbolically than it is physically. It is no more than a vivid external expression—sickening in its bricks and mortar finality—of the huge unscaled earthwork that marches all through this community, through every street of Belfast, down every country lane, through the churches I am addressing these successive evenings and which looms over the hearts and minds of every single man, woman, boy and girl in Northern Ireland, whether Protestant or Catholic, Unionist or Nationalist. The fact that a physical wall is being built is no more than a tangible confirmation of what we all have known for years but have not had the courage to acknowledge: that we are getting nowhere, that we have indeed run into a brick wall, that we must all sit down and reflect and decide how we can first of all see over that wall and then unbuild it brick by brick. That wall is a living indictment of everyone in Christian Ireland. It is a living challenge to the failure of past approaches to our problem which have led us to that wall. The particular difficulty about this community, the problem that differentiates us from other communities in crisis, other communities that have run into a brick wall, is that here we are not all confronted by the wall together: here each side has run into its own side of the wall. It is a challenge to re-examine our past approaches for if they have led us to this then surely the least that we can do is re-examine them.

Take the Protestant tradition. It is an old and honourable tradition in this island. It has produced great and good people: Swift and Goldsmith will forever exemplify their talent, Gratton and Burke their altruism, and the American War of Independence, the American Constitution and as many as eleven American Presidents their capacity and their love of liberty. It is moreover the tradition which historically played the first and leading role in propounding libertarian values in Ireland.

Irish Protestants have always sought to maintain their distinctiveness and I admire and commend them for doing so. Yet it seems to me that they have gone astray and put their own heritage at risk. Only look at the results today: Unionism has boasted for generations that it is the protection of the Protestant identity and Protestant values, but in the vitriol and sectarian diatribes of the louder voice of contemporary Unionism is there the slightest vestige of the fundamental Protestant values of civil and religious liberty? What has gone wrong?

Historically it seems to me that the central and consistent mistake of Irish Protestantism—the original sin, if I may so describe it, of this tradition—has been to seek, almost as the only means of protecting its distinctiveness, to concentrate all power exclusively in its own hands. This was tragically wrong from the start, it was wrong in all the succeeding centuries, it was wrong although perhaps more understandable when cultural and tribal exclusivity was sustained by the glories of an imperial Protestant power and it is even more wrong today. Exclusivity is an inherently destabilising factor in any society and it contains within itself all the seeds of communal disintegration and violence. It is, after all, in essence negative, a denial of liberty to others, rather than an assertion of its own liberty: "No surrender", "not an inch", "Home Rule is Rome rule". Paradoxically, it is Ourselves Alone brought to its logical extremity. Tragically it seems to me their exclusivism, which is simply another word for Unionism has come to represent in communal terms in our society the inversion of those values that Protestantism preeminently epitomises in world culture: freedom of conscience, liberty of the individual, civil and religious freedoms.

In February 1782 a great and generous moment of Irish Protestant history, a convention of the Irish Volunteers, most of them Protestant, held in Dungannon Presbyterian meeting-house, resolved with only two dissenting voices: "that we hold the right of private judgement in the matters of religion to be equally sacred in others as ourselves"; "and that, as men and as Irishmen, as Christians and as Protestants, we rejoice in the relaxation of the penal laws against our Roman Catholic fellow subjects".

It is a long and sad road from the inspiring event to the Antrim hillsides of today. A long and tragic retreat from Dungannon has yielded the ground claimed that day to those who appropriate exclusively and falsely to themselves the name of Irishmen.

I do not believe, however, that this mistaken path was chosen consciously or strategically by the Irish Protestant tradition. Events showed the way and principal among them was the consistent encouragement given by centuries of British policy to maintain a separate and exclusive existence apart from the other tradition in Ireland. This was solidified by the decision in 1921 to establish a political entity in the North-East of this island based on a simple sectarian headcount which deliberately created a guaranteed system of sectarian majority rule in this part of Ireland. The majority in Northern Ireland were thus clearly encouraged by the guaranteed link with Britain to maintain and never to dilute their own solidity as the only available basis of their security. I do not blame the Protestants of this area for adopting this posture: no other group faced with their situation, granted that guarantee, conditioned by that history, would have been able to take a different view of where their vital interests lay.

Other more tragic events have recently supervened: the immense suffering shared by both sides, the thousands of deaths and injuries, the collapse of our economy, the end of the hopes of our young people, the vision of our future dominated by a brick wall which is for the moment blank but which will soon be smeared by the pornography of hatred and triumphalism in two languages foreign to each other but both English. Irish Protestants—and Irish Catholics—must now take a new and different view of where our vital interests lie if we are to survive. After centuries of misconception and false illusions, it will be difficult and painful but it must be done.

The other tradition, my own, has also failed to grasp the fundamental dimensions of our problems. We have failed to define our concept of unity in terms which would be meaningful and truly unthreatening to the other Irish tradition. Because of this fatal omission the original sin of the nationalist tradition—our aspiration has by default come to mean and to be understood to mean: conquest. Unity—and Unity by agreement should be, if those words have any meaning, synonymous. This must mean the deliberate abjuring of conquest and triumphalism. Our failure in this matter—the result of misconceptions, weakness and illusion—has itself encouraged an extremism which perverts all the higher principles of our tradition. Those who claim the right to kill and the right to die in the name of what they conceive to be Irish Unity subvert not only the hope and meaning of Unity but the integrity of their own tradition. When the most fundamental right, the right to live, is made subsidiary to a political principle, all other civic and religious values are diminished. This is what has happened in our community. Thirteen years ago a murder would have filled whole pages of our newspapers, today it receives the passing comment merited by a squalid and routine misdemeanour. Other crimes are now so commonplace as not to receive any mention, yet the suffering, the dislocation and the despair occasioned by all these tragedies are no less real now to those directly touched by them than they would have been 13 years ago. The men and women of violence subvert and destroy the meaning of what was momentarily achieved at Dungannon and they wreck the future not only of those whose will they wish to dominate by force but of those in whose name they falsely claim to act. The challenge now to my tradition is to reject violence unambiguously and to redefine and communicate a true vision of reconciliation between the two traditions on this island.

The picture I have painted so far has been bleak and unpromising. We know what must be done, yet history and circumstance seem, in both sections of our community, to comspire against us. I believe that we can only understand our situation and grasp our opportunities if the responsibility of Britain is realised and acknowledged.

Britain created Northern Ireland, Britain is in charge of Northern Ireland, and cannot now be regarded as a remote and benign referee whose well intentioned whistle the participants no longer hear in the din of conflict. Britain is as responsible today for our ills as she was in 1921 and there will be no resolution until she, like us, takes a new view of the interests of all of us.

Northern Ireland today represents unfinished business in the ancient conflict between our two islands. It represents the residual area of failure of the peoples of the two islands to work out their interlocking relationships in a satisfactory way. The problems, resolved elsewhere, have been pushed into this corner of Ireland where, it was hoped, they would be forgotten. The people of Northern Ireland, all of them, have been the victims.

We are all of us at fault. We all have a choice. We can indulge in an endless sterile exchange of "what aboutery" starting with the outrage that suits us. What about the outrages of violent men? What about the sectarian murders? What about Bloody Sunday? What about discrimination? What about 1912? What about 1916? What about 1689? What about 1641? and so on, each whatabout being used to justify another tragedy, another whatabout. Let us instead, all of us, ask ourselves just one question. What about the future?

We all need a new and generous vision. We need both to abandon the sterile exclusivity of "ourselves alone" and we need the positive encouragement of the third party—the British Government—not by creating structures which underline and advertise our abnormality, but by patient public policy which commits them and us to a New Ireland forged by mutual respect and agreement.

I believe that there are those in the Protestant community who have that wider vision. I believe that there are those who cherish their Irishness and resent those who would narrow its definition to exclude them. I would appeal to such people to step forward now and present us with proposals for a new Ireland that is acceptable to Protestantism as opposed to Unionism. Let them by so doing mount a positive challenge to those of my own tradition to meet the responsibility we have not yet measured up to, to spell out in clear and tangible terms what we mean by Unity, what we mean by partnership, what we mean by reconciliation.

I am encouraged by the commitment of the British and Irish Governments to construct a framework whose objective is to accommodate a more positive relationship between our two peoples. Within that framework it is my hope that we can build a more positive stable and lasting relationship among the people of this island. We can have a form of Ireland with a new relationship with Britain that will protect the vital interests of our major traditions. If we have the will to achieve it. Better to build such a framework than a wall in Belfast.

The time has come for us to be undaunted by adversity, to surmount our divisions and to echo to each other the Psalmists' prayer.

"Peace be within thy walls".●

FORMER MINT DIRECTOR ADAMS SUPPORTS ANNUNZIO OLYMPIC COIN BILL

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Illinois (Mr. ANNUNZIO) is recognized for 5 minutes.

● Mr. ANNUNZIO. Mr. Speaker, yesterday I shared with you a letter I received from former Mint Director Mary L. Brooks in which she expressed support for my Olympic coin bill, H.R. 3879. Surely no individual is more qualified to comment on the issue of striking official U.S. coins to commemorate the 1984 summer Olympics and raise money for our athletes than a former Director of the Mint. For this reason I would like to direct your attention to a message I have received from another former Mint Director, Eva Adams.

President Kennedy appointed Ms. Adams as Director of the Mint in 1961. At the completion of her first 5-year term, President Johnson reappointed her to a second term which she served until August 1969.

During her tenure at the Mint, Ms. Adams launched a successful program to alleviate a nationwide coin shortage and supervised the construction of the new Mint in Philadelphia. Through her position on the Joint Commission on the Coinage, Eva Adams was frequently called upon to make recommendations to the President, the Congress, and the Secretary of the Treasury, on coinage and related problems. Ms. Adams oversaw the change from silver to clad coinage in 1965. She has received a number of awards for her outstanding work as Mint Director, including the Treasury Department's Exceptional Service Award.

In light of this considerable experience, Ms. Adams' comments on the two Olympic commemorative coin proposals now before Congress are particularly noteworthy. In her letter, she endorses my bill, H.R. 3879, which calls for a single silver dollar to be sold directly to the public by the Mint. The former Director opposes the other proposal, contained in S. 1230 and H.R. 3958, which calls for the minting of numerous coins to be sold through private marketers. Ms. Adams' objections to this legislation, as outlined in her letter, are very similar to those I have previously raised.

S. 1230 and H.R. 3958 call for the minting of 25 different coins. I have repeatedly stated my opposition to this provision. Multiple issues are confusing and discouraging to the buying public and the cost of owning a complete set of coins under this bill would be prohibitive. As a result, I fear that these coins will not sell, and that the entire program will end in failure. Ms. Adams shares these concerns and worries that this unnecessarily elaborate program would place an unfair burden on the Mint's facilities, as the Mint has already been ordered to reduce its budget by 16 percent. Since the administration suggests that we all do more with less, I wonder why S. 1230 and H.R. 3958 suggest that we do less with more.

Ms. Adams also opposes the private marketing of official U.S. commemorative coins. I believe that this provision will contribute to the high costs consumers will be forced to pay should this program get underway. In addition, I have frequently questioned the propriety of allowing the consortium of Lazard-Freres, an international investment firm, Occidental Petroleum, and the Franklin Mint, to market these coins. It is not clear why this contract was made without the benefit of the competitive bidding process. And, as Ms. Adams reminds us in her letter, it was the private marketing of coins that led to the termination of commemorative coinage in 1954.

Both Eva Adams and I agree that the 1984 summer Olympics should be marked by the minting of a commemorative coin. America's Olympic athletes have certainly earned our respect and they deserve our financial support. However, we would like to approve a sensible program to celebrate this event and raise money for our athletes. The proposal set forth in S. 1230 and H.R. 3958 is not the best way to achieve these goals. I contend that the plan outlined in my bill, H.R. 3879, is a much more realistic proposition. Former Director of the Mint, Eva Adams, enthusiastically supports my contention.

I have included the complete text of Ms. Adams' letter below:

Hon. Frank Annunzio,
Chairman, Subcommittee on Consumer Affairs and Coinage, House Banking, Housing and Urban Affairs Committee, Rayburn House Office Building, Washington, D.C.

Dear Congressman Annunzio: I understand the House may soon consider S. 1230, unanimously approved last December 19 by the Senate, a bill which calls for the striking of 25 commemorative coins, honoring the 1984 Los Angeles Olympics.

Not only do I consider this number excessive, diminishing the importance of the issue, but I worry at the burden to be placed upon the Bureau of the Mint facilities.

With the record demand for coinage to be used for the nation's commerce, and the Mint's 16 percent budget cut, it seems to me such a proposal for 25 coins is unrealistic.

Of course, our fine young athletes should be honored with a commemorative coin, produced and sold by the Mint, with a portion of the proceeds going toward the training of Olympic participants.

I favor your realistic measure, H.R. 3879, the Olympic Commemorative Silver Dollar act with its proper controls.

Private marketing for the Olympic coins, as proposed in the Senate bill, is inappropriate in my estimation. I would remind you that it was the private marketing—and abuses—that caused the Treasury Department to abandon commemorative coinage in 1954.

Sincerely,

Eva B. Adams,
Director, U.S. Bureau of the Mint, 1961-69.●

IT IS NEVER TOO LATE TO START

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Louisiana (Mr. Tauzin) is recognized for 10 minutes.

● **Mr. TAUZIN.** Mr. Speaker, today we struggle through a national debate over the biggest projected Federal deficit in our history, while the Nation struggles with ever-rising unemployment, continuing high interest rates, and deepening recession.

We are, I believe, witnessing the newest turn of a rather vicious cycle—big Federal deficits contributing to high interest rates, which in turn contribute to depress critical credit-sensitive segments of the economy—particularly housing and auto production—which in turn contribute to rising unemployment—not only in those two critical areas but in all related and supportive industries—which unemployment, in turn, contributes to reductions in Federal revenues and increases in Federal spending—producing in turn larger and larger deficits—ratcheting the cycle into one more destructive turn.

There are many who propose trying to break the cycle only at the point of Federal deficits—whether by cutting Federal spending or by increasing Federal taxation—or various combinations of both.

Increasing Federal revenues by raising new taxes is not only politically unwise but probably counterproductive. We are in a recession. Many of our citizens are unemployed. Raising the rate of taxation on the remaining employed and productive in our society in the midst of a deepening recession makes little, if any, sense. What we do not need is more taxes. What we desperately need is more taxpayers.

Reducing Federal expenditures is an equally difficult political exercise. This is particularly true when cuts are applied to areas already substantially cut and when many areas of Federal spending remain protected from the budget-cutting knife. While the effort to reduce Federal spending must continue, virtually no one can now be found who honestly believes that cuts alone will soon produce a balanced budget—or anything closely resembling one.

The sad truth appears to be that, with the worsening economy, the projected deficits are probably woefully understated. Budget Chairman Jim Jones now estimates the 1983 deficit at $167 billion. Should we succeed in making rather large additional cuts in Federal spending, we may still find ourselves facing deficits as large, if not larger, than those previously forecast.

Is it not time then, that we recognize the need to focus our attention directly upon the opposite end of the deficit high interest rate cycle—that we also attempt to break the cycle there, if we cannot do so on the deficit side alone?

I believe a frontal assault on high interest rates, particularly as they bear upon housing and autos, is a logical and sensible course of action.

If we could somehow provide a pool of low interest money for the limited purposes of first mortgage financing of housing and of American-built vehicles and, perhaps, farm implements, some interesting results could be obtained. If pent-up demand for housing could be released and if reasonably low interest rates were available to attract purchasers of American-built vehicles, those two basic industries could be revitalized. As employees return to work in these and related and supportive industries, national unemployment rates would begin a downward trend. A single percentage point decline translates into a $25 billion Federal impact—perhaps as much as $28 billion. Only a few such percentage points of decline in unemployment could do more to reduce the Federal deficit than the best efforts of David Stockman. As deficits decline, so would the pressure for high interest rates. The destructive cycle of big deficits, high interest could be ratcheting downward, for a change. And what a pleasant change that would be.

How do we do it?

Perhaps it is valuable first to discuss how not to do it.

We do not need another expensive and burdensome Federal program thick with regulations and bureaucracy. Neither do we need a program which overlaps or ignores those institutions which traditionally provide financing for housing and autos, our Nation's banks and thrift associations—institutions which are already equipped for the job—lacking only the low interest pool of money for lending.

What we do need is:

First, a program that is relatively cost efficient, that is, having a modest impact upon the Federal treasury;

Second, a program which utilizes existing financial institutions;

Third, a program with a large enough constituency to provide continuing support;

Fourth, a program which directs its funds to the specific purposes of financing first mortgage housing, and American-built vehicles and farm implements;

Fifth, and finally, a program which, ideally, would self-terminate.

Where do we find such a program?

There are a number of ideas and suggested programs which might meet some, all, or nearly all, of the above criteria. Let me suggest one.

We experimented this year with an idea which, though well intended, has had very limited success. It was intended to provide low interest money to banks and savings and loans so that they might make low interest loans for housing. It was called the all-savers plan. It did not work very well—but it could not work very well for several reasons.

First, it was a 1-year program. While it did provide some low interest money—70 percent of the T-bill rate—to banks and savings and loans, those institutions could hardly loan that money out at low rates for 3- and 4-year auto loans and certainly not for 25- and 30-year housing loans. Second, while it was called an all-savers plan it had a very limited constituency. It certainly did not benefit the large category of borrowers who did not make loans from the program. And neither did it benefit the large category of builders and automakers who might have been interested had the program provided low interest purchase money to stimulate production and employment in those industries. In fact, it benefited only a small category of savers above the 30-percent tax brackets who saw some advantage in a $2,000 tax-free interest earning.

What if we drastically altered the all-savers concept and cured its obvious deficits. We could do so with two basic changes:

First, extend the all-savers concept from its current 1-year status to a 10- to 12-year duration.

Second, provide that net increases in savings generated under the program must be loaned to first mortgage housing and American-built vehicles and farm implements at rates no higher than 2 percentage points above the average rate paid to savers in the plan for homes and farm vehicles and 3 percentage points above that average for automobiles.

These two changes could have dramatic effects. By extending the duration of the concept up to 10 or 12 years, both auto and home loans would be possible under the program. The average house mortgage "rolls over" in 7 to 9 years. Banks and savings and loans are just as happy making their 2 or 3 percent above a low interest base as they are operating above a high interest base. By providing those institutions with a pool of low interest funds for a long enough time period to justify long-term lending, housing and auto mortgages could be provided at rates well below current rates—as much as 4 and 5 percentage points below current 16.5- to 17.5-percent rates. Give prospective home and auto purchasers an opportunity today to finance at 12 and 13 percent, and you had better stand out of the way.

There is a great body of industries and employees of industries, farmers, homebuilders, building material suppliers, real estate brokers, and auto manufacturers and employees who would benefit from a revitalization of the homebuilding and auto manufacturing segments of our economy. Having this large beneficiary group as potential constituents of such a perfected all-savers program could be the most important element contributing to its success. In addition, such a program could go a long way to aid our Nation's ailing savings and loan industry.

Perhaps best of all, the plan could be self-terminating. If it worked to build employment back into the housing and auto industries, and if it therefore worked to reduce deficits and further resulted in a general lowering of interest rates, it could play out its usefulness. As T-bill rates fall, so would the rates on all-savers—70 percent of the T-bill rate. As all-savers rates fall, so would the attractiveness of such accounts decline.

I am sure that there are those who would find some fault with the suggestion I have just made. Perhaps it is somehow flawed or imperfect. Perhaps someone has a better idea, one more certain of success.

The bottom line is that we will not simply cut our way out of this deficit, though cut we must and should. Neither will we tax our way out. Excessive taxation helped to bring us to this point. Neither will we wish our way out of this recession.

But we can produce our way out, as we have historically always done. Putting Americans back to work has to become, if it is not yet, a major national goal.

Breaking this high interest recession will require some positive, thoughtful, perhaps even dramatic approach. If the President's plan for economic recovery is to work, as I believe it can, we must be willing to help it along by encouraging producers and consumers alike. We can start by giving consumers an interest rate they can live with and finish by insuring that this Government will live within its own means, so that all interest rates can become and remain reasonable again.

It is late. But it is never too late to start.●

SUBCHAPTER S REVISION ACT OF 1982 AND THE TECHNICAL CORRECTIONS ACT OF 1982

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Illinois (Mr. ROSTENKOWSKI) is recognized for 10 minutes.

● Mr. ROSTENKOWSKI. Mr. Speaker, I am today introducing the Subchapter S Revision Act of 1982 and the Technical Corrections Act of 1982. I am pleased that the Honorable BARBER B. CONABLE, JR., ranking minority member of the Committee on Ways and Means has joined me in sponsoring this legislation.

SUBCHAPTER S REVISION ACT OF 1982

The Subchapter S Revision Act of 1982 is intended to simplify the tax rules relating to eligibility for subchapter S status and the operation of subchapter S corporations. This would be accomplished by removing eligibility restrictions that appear unnecessary and by revising the rules relating to income, distributions, and so forth, that tend to create traps for the unwary. The bill is largely based on recommendations made by the staff of the Joint Committee on Taxation, published on April 30, 1980. This bill represents a further effort to simplify the Internal Revenue Code in order that taxpayers and their advisers may plan and conduct business and financial transactions in a rational manner without the tax laws unduly impeding or complicating the conduct of these transactions. The introduced bill is the product of an enormous effort by the staffs of the Committee on Ways and Means, Senate Finance Committee, and the Joint Committee on Taxation as well as by the Treasury and outside professional organizations. The tax section of the American Bar Association and the Federal tax division of the AICPA also made extremely valuable contributions to this proposed legislation.

During the development of the bill, several important issues have arisen with respect to which there were differences of opinion within the tax community concerning the appropriate tax treatment under a tax system providing for the passthrough to shareholders of corporate income and loss. As a result, three difficult issues have been left unresolved by the introduced bill. It is requested that public comment specifically address these issues. These issues are: First, the proper treatment of regular corporations electing subchapter S; second, whether the present law one class of stock limit is appropriate; and third, whether limits on foreign income are appropriate.

If the Subchapter S Revision Act becomes law, subchapter S corporations will be taxed in a manner much more like a partnership than under present law. For example, individual items of income and loss will pass through to shareholders; foreign taxes will be passed through to shareholders; depletion provisions will parallel partnership treatment; distributions out of subchapter S earnings will be tax free (up to the shareholder's stock basis) rather than taxed as dividends as under present law; fringe benefits and pension plans will be taxed under partnership rules; and losses in excess of a shareholder's basis in stock and debt will be allowed as a carryover. Generally, these rules are set forth in the introduced bill treating subchapter S corporations more like partnerships, as well as other rules relaxing present law requirements, are more generous to taxpayers than the present law rules.

With the movement toward more generous partnership-like tax treatment, it becomes more critical to consider the proper tax treatment incident to the conversion of a corporation from a regular corporation to a subchapter S corporation.

Under present law, corporate earnings of a regular corporation are taxed to the corporation at rates generally lower than the individual income tax rates. A tax is then imposed on the shareholders when the earnings are either distributed as a dividend, or transferred to the liquidation of the corporation, in which case the tax is at capital gain rates. A tax at capital gain rates is imposed on the shareholders, for example, when a corporation is liquidated in order to continue the business in partnership form. Rules are also prescribed to prevent the improper accumulation of corporate income in order to avoid income tax on shareholders. Under present law, the subchapter S election may be made without immediate taxation to the corporation or its shareholders.

If the many favorable partnership-like tax changes proposed by the bill are adopted, it may be necessary to develop rules to more closely parallel the tax treatment of a corporation converting itself to a partnership. The corporate tax provisions generally do not allow the deferral of shareholder tax upon the liquidation of a corporation with accumulated earnings (code sections 331 and 333), even when the assets of the corporations are then held by a partnership composed of the former shareholders. As a result, consideration must be given to whether similar rules for corporations with accumulated earnings which elect subchapter S treatment are appropriate.

In addition, if it were not for the need to retain taxable dividend treatment for distributions made out of presubchapter S earnings, consideration could be given to treating in-kind dividends by subchapter S corporations as tax-free carryover basis transactions, similar to partnership treatment, allowing the deferral of gain rather than treating the dividends either as taxable to the shareholders as under present law or as corporate recognition transactions as proposed by the bill.

A related question concerning this unresolved issue involves the passive income limitation. Under present law, the subchapter S election will terminate if, for any taxable year, more than 20 percent of the corporation's gross receipts consist of investment income. The introduced bill would continue this rule for corporations with earnings and profits accumulated from tax years prior to making a subchapter S election. The problem which some have raised concerning the possible repeal of the passive income limit is the potential use of the subchapter S election to avoid shareholder tax on previously accumulated corporate earnings, where the corporation has ceased to conduct an active business. For example, a corporation whose shareholders hold low-basis stock in the corporation may sell its operating assets and invest in passive investments without the payment of the capital gains tax at the shareholder level. Because a shareholder's stock in a corporation receives a stepped-up basis upon the shareholder's death, the shareholder tax can be eliminated altogether, notwithstanding that the corporation ceased to engage in an active trade or business. The question has been raised whether it is appropriate to allow the proposed simplified subchapter S rules to be available to taxpayers to lift the burden of the corporate tax without the normal consequences attendant to a liquidation where business operations are discontinued. Failure to conform to the liquidation rules will allow the accumulated income of the corporation to be forever sheltered from the progressive, generally higher individual tax rates notwithstanding that the corporation ceases to conduct an active trade or business and has become simply a passive investment company holding its owners' investments. This planning technique could easily be used to avoid any shareholder tax because of the basis step-up rules.

A second issue which has been raised is whether the present rule prohibiting a subchapter S corporation from having outstanding a second class of stock is proper. The courts have found certain purported debt interests permissible under present law where their presence offered no tax avoidance possibilities notwithstanding that under traditional tax concepts these interests would normally be considered stock for tax purposes. The Internal Revenue Service has stated that it would not continue to litigate cases on facts substantially similar to these judicial precedents. In addition, under present law, a subchapter S corporation may have outstanding warrants, options, and certain convertible debt instruments without violating the second class of stock requirements.

In deciding whether the present law prohibition against a second class of stock is appropriate, consideration needs to be given to the possible complexities inherent in allocating income and losses to a second class of stock, either on an accrual or cash basis; to any possible tax avoidance or tax shelter possibility which might present itself through the allocation of items to persons not bearing the economic burden (in the case of losses) or the economic benefit (in the case of gains) of these items; and to possible benefits of deferring items of income.

In the event that the restriction against a second class of stock should be retained in some form, is it appropriate that the present state of the law should be retained or should a new standard of reclassifying a purported debt instrument as stock be developed? For example, are section 385 standards appropriate for hybrid instruments held by creditors and/or by shareholders? Should State law be relevant? Is tax avoidance a relevant standard?

A third issue not resolved by the introduced bill is the availability of the subchapter S election for corporations largely doing business outside the United States. Subchapter S has traditionally been available only to closely held corporations doing business domestically. Comment is requested on whether or not this is an appropriate restriction. For example, if this restriction is lifted, would compliance problems be created because books and records of foreign operations may not be readily available to the IRS?

It should be emphasized that whatever action (if any) is taken by the committee should be designed to insure meaningful simplification in planning and conducting business transactions and not to simply repeal or amend rules which presently block taxpayers from using devices to reduce their tax burden.

Finally, it should also be emphasized that the purpose of introducing this bill at this time is to promote public discussion on revisions to subchapter S. Comment from tax practitioners, academicians, and the interested public is both encouraged and welcomed to further this important project through the legislative process.

Below is a summary explaining the major provisions of the bill:

SUMMARY OF H.R. 6055, THE SUBCHAPTER S REVISION ACT OF 1982

In general, the Subchapter S Revision Act of 1982, is intended to simplify the tax rules relating to eligibility for subchapter S status and the operation of subchapter S corporations. This would be accomplished by removing eligibility restrictions that appear unnecessary and by revising the rules relating to income, distributions, et cetera, that tend to create traps for the unwary.

A. ELIGIBILITY

With respect to the initial and continued eligibility for subchapter S treatment, the following changes would be made:

(1) The number of permitted shareholders would be increased from 25 to 35;

(2) Differences in voting rights in common stock would not violate the one class of stock requirement;

(3) The present law rules under which an election is terminated if more than 20 percent of a corporation's gross receipts is passive investment income would be eliminated as a test of eligibility for corporations which do not have accumulated earning and profits at the close of the taxable year.

(4) A person becoming a shareholder of a subchapter S corporation after the initial election would not have the power to terminate the election by affirmatively refusing to consent to the election. The new shareholder would be bound by the initial election unless the election is revoked by the stockholders.

B. ELECTIONS, REVOCATIONS AND TERMINATIONS

The bill would provide that an election made during the period ending on the fifteenth day of the third month of the taxable year could be effective for the entire taxable year if all persons who held the stock of the corporation during that year were individuals, estates, and qualified trusts, and all persons holding the stock at any time during the year up to the time the election is made consent to the election. If an election is made at another time, it would be effective for the subsequent taxable year.

An event occurring during the taxable year which causes a corporation to fail to meet the definition of a subchapter S corporation would terminate the election as of the day of the event causing the failure (rather than as of the first day of the taxable year in which the event occurred as under present law). The bill would provide that an election could be revoked by those shareholders holding a majority of the corporation's voting stock (as contrasted with the current rule which requires all shareholders to consent to a revocation). The present law rule allowing a revocation filed during the first month of the taxable year to be effective for that entire taxable year would be modified so that such a retroactive revocation may be filed up to and including the fifteenth day of the third month of the taxable year.

To minimize the effect of inadvertent terminations, the bill would provide that the Secretary of the Treasury may waive the terminating event so that the corporation may continue to be a subchapter S corporation notwithstanding that event.

C. PASSTHROUGH OF INCOME, ET CETERA

The bill would provide that the character of items of income, deduction, loss, and credit would pass through to the shareholders in the same general manner as they pass through from partnerships. Thus, for example, such items as tax-exempt interest, capital gains and losses, percentage depletion, foreign income or loss, and foreign income taxes would pass through and retain their character in the hands of shareholders.

D. ALLOCATION OF INCOME

As is the case under present law with respect to losses, income would be passed through and allocated to shareholders on a per-share, per-day basis.

E. SELECTION OF TAXABLE YEAR

Under the bill, rules generally similar to those applicable to partnerships would apply to a subchapter S corporation's selection of a taxable year. Subject to transitional rules, the taxable year of a corporation making a new subchapter S election after the date of enactment would be required to be either the calendar year, or any other accounting period for which it establishes a business purpose to the satisfaction of the Treasury Department. These rules also would apply to corporations currently operating under subchapter S. However, a corporation with a subchapter S election in effect on December 31, 1982, could continue its current taxable year so long as the persons who own 50 percent or more of the outstanding stock in the corporation on that date continue to do so. For purposes of this transitional rule, transfers of stock through inheritance would not be considered changes in ownership.

F. CARRYFORWARD OF LOSS

Under the bill, a subchapter S shareholder would be entitled to carry forward a loss to the extent that the amount of the loss passed through for the year exceeds the aggregate amount of the bases in his subchapter S stock and loans to the corporation. The loss carried forward could be deducted only by that shareholder if and when the basis in his stock or loans to the corporation is restored.

G. DISTRIBUTIONS

The rules relating to distributions from subchapter S corporations would be extensively revised. Under the new rules, a corporation would not have earnings and profits attributable to any taxable year beginning after the date of enactment if a subchapter S election is in effect for that year. In general, the amount of any distribution would equal the amount of cash distributed plus the fair market value of any property distributed. For corporations with no earnings and profits, the amount of the distribution is applied first against the shareholder's basis in his stock. To the extent the amount of the distribution exceeds the amount of the basis in the stock, capital gains would result (subject to the applicability of the collapsible corporation rules).

For corporations with accumulated earnings and profits, the amount of the distribution would be applied first against the shareholder's portion of the net amount of accumulated subchapter S taxable income less deductible expenses (an "accumulated adjustment account") which had been passed through to the holder of the stock. Any amount in excess of the accumulated subchapter S income would be treated under the usual corporate rules as a distribution out of accumulated earnings and profits to the extent thereof. These distribution rules would apply to the transferee of stock in a subchapter S corporation with accumulated earnings and profits. The account of subchapater S income would be determined at the corporate level.

Under the bill, both taxable and nontaxable income and deductible and nondeductible expenses would serve to increase and decrease the basis of a subchapter S shareholder in his stock and loans to the corporation. These rules are generally analogous to those provided for partnerships under section 705. Also, unlike present law, basis would be restored to debt obligations as well as stock. Restoration of basis would be made first to debt (to the extent of prior reductions) and then to stock. Under the bill, gain would be recognized by a subchapter S corporation upon nonliquidating distributions of appreciated property.

H. QUALIFIED PLANS AND FRINGE BENEFITS

Under the bill rules similar to the partnership rules would apply to pension, etc. plans of a subchapter S corporation and to employee fringe benefits. For this purpose persons owning two percent or more of the corporate stock would be treated as a partner and a 10 percent owner would be treated as an owner-employee.

I. TREATMENT OF TRANSACTIONS BETWEEN CORPORATION AND RELATED PARTIES

Under the bill, amounts accruing to any cash-basis shareholder owning 2 percent or more of the corporation's stock would be deductible only when paid.

J. ADMINISTRATION

The bill would provide that the items of subchapter S income, deductions, and credits would be determined in audit proceedings and judicial proceedings at the corporation level rather than separately with each shareholder. Shareholders would be given notice of and the opportunity to participate in I.R.S. proceedings with the corporation.

K. EFFECTIVE DATE

The bill would be effective for taxable years beginning after December 31, 1982, except that existing subchapter S pension plans would not need to be conformed to the new rules before 1985.

TECHNICAL CORRECTIONS ACT OF 1982

The Technical Corrections Act of 1982 corrects technical and clerical errors to the Economic Recovery Tax Act of 1981, the Crude Oil Windfall Profit Tax Act of 1980, and the Installment Sales Revision Act of 1980. The bill simply is intended to correct errors in the enacted bills in order to properly carry out the intent of Congress in enacting the earlier legislation. The bill has been prepared by the staffs of the Committee on Ways and Means and the Joint Committee on Taxation with valuable assistance from the Treasury Department. Helpful comments have also been received from the American Bar Association, the American Institute of Certified Public Accountants, and other professional groups and individuals.

Below is a summary of the provisions of the bill:

SUMMARY OF TECHNICAL CORRECTIONS ACT OF 1982

TITLE I. TECHNICAL CORRECTIONS TO THE ECONOMIC RECOVERY TAX ACT OF 1981

ACT SEC. 101—RATE CUTS

The bill would clarify that noncorporate fiscal year taxpayers will use the 1981 rate schedules for fiscal year 1981-1982 (i.e., they will not prorate with the 1982 rate schedules). They will be entitled to the 1¼ percent credit on their full year's tax liability.

The bill would clarify that the 1¼ percent credit for 1981 is not allowed against the portion of an individual's tax determined under the 50-percent maximum rate for personal service income or the special 20-percent capital gains rate.

ACT SEC. 104—INFLATION ADJUSTMENT

A conforming change to the indexing provision would be made.

ACT SEC. 111—FOREIGN EARNED INCOME

The bill would clarify that the amount of the foreign earned income exclusion for an individual (including the exclusion for housing) plus the deduction for housing expenses cannot exceed the taxpayer's foreign earned income for the year.

ACT SEC. 122—PRINCIPAL RESIDENCE ROLLOVERS

A taxpayer selling a principal residence before August 13, 1981, could elect not to have the rollover amendments made by ERTA apply to the sale. This would prevent a taxpayer who had previously sold a residence within 2 years from losing the tax-free rollover benefit.

ACT SEC. 124—DEPENDENT CARE

The bill would require that a dependent care assistance program not provide benefits that discriminate in favor of officers, owners, or highly compensated employees or their dependents. Also, the bill would clarify that an employer is not denied a tax deduction for amounts employees exclude from income.

ACT SEC. 125—ADOPTION EXPENSES

This bill would make clear that the deduction would be available for adopting a child who the State determines is a child with special needs, as defined for purposes of the Social Security Act adoption assistance program. This is a child who the State determines cannot or should not be returned to his parent's home, who has a specific factor or condition which makes the child difficult to place and who has been the object of an unsuccessful placement effort.

ACT SEC. 126—RELATED PARTY SALES

The bill would clarify that non-resident aliens are not entitled to the related party exception for certain land sales at less than the usually prescribed interest rates.

ACT SEC. 127—STATE LEGISLATORS

Subsections (h) and (i) of section 162 would be redesignated.

ACT SEC. 201—ACRS

The bill would clarify that the recovery allowances for real property will be based on the number of months the property is in service during the year placed in service or disposed of without regard to the length of the taxpayer's taxable year.

The bill would allow the Secretary of the Treasury to prescribe rules relating to the treatment of recovery allowances where property is transferred in certain related party transfers, sale-leasebacks, and tax-free transfers.

The bill would allow the Secretary to prescribe rules to determine recovery allowances where the property changes use.

The bill would clarify that qualified coal utilization property in the 10-year recovery class means only property which otherwise would be 15-year public utility property.

The bill would clarify that the straight-line recovery method for 15-year real property in the year the property is placed in service shall be based on the number of months during the year the property is in service.

The bill would clarify that the additional depreciation under section 1245 with respect to "section 1245 recovery property" is to be treated as ordinary income in certain partnership transactions.

The bill would clarify that straight-line depreciation, for purposes of determining recapture on section 1250 property, would be based on straight-line depreciation over the recovery period applicable to the particular property.

ACT SEC. 205—MINIMUM TAX

The bill would clarify that the tax preference for accelerated recovery deductions on real estate continues to apply to corporations (including REITs) as under prior law.

The bill would clarify that the minimum tax is inapplicable where property is recovered over periods longer than the period prescribed under the minimum tax provisions.

ACT SEC. 206—EARNINGS AND PROFITS

A reference to sec. 312(k)(4) in sec. 1248 would be corrected.

ACT SEC. 207—CARRYOVERS

The bill would clarify that the NOL carryover period for all unexpired NOL carryovers to 1981 of former REITs would be 15 taxable years.

The bill would clarify generally that NOL or credit carryovers which expired prior to 1981 would not be revived.

The bill would correct a reference to sec. 53(b).

ACT SEC. 211—INVESTMENT TAX CREDIT

The bill would clarify that all eligible property other than 3-year property gets the full investment credit.

The bill would clarify that a building or structural component (such as a warehouse) used as a storage facility in connection with the distribution of petroleum products is not eligible for the investment credit and would not automatically be subject to section 1245 recapture.

ACT SEC. 212—REHABILITATION EXPENDITURES

The bill would clarify that a building on which a rehabilitation began before 1982 and which is not eligible for the new investment credit will not lose its eligibility for 5-year amortization (under sec. 191).

The bill would clarify that the end of the 24-month period with respect to which the substantiality of a rehabilitation project is measured may be made at any time during the taxable year.

The bill would clarify that a basis adjustment for any allowable investment credit would be required for certain rehabilitations, whether or not the credit is used or carried forward.

The bill would clarify that a taxpayer may make an election to use the straight-line recovery method for a building which has been rehabilitated up to the date which is 3 years after the building was placed in service.

The bill would clarify that only a qualified rehabilitated building is eligible for the rehabilitation credit.

The bill would clarify that the basis of land is not taken into account in determining whether a rehabilitation is substantial.

ACT SEC. 213—ITC FOR USED PROPERTY

The bill would clarify that the increased used property limitation for the investment credit applies to taxable years beginning after 1980.

ACT SEC. 221—RESEARCH ACTIVITIES

The bill would add the research credit to the list of credits which may be reduced where the taxpayer has income from the discharge of indebtedness.

The bill would provide that "in-house research expenses" do not include lease payments paid or incurred after March 31, 1982, other than payments for the use of computer time by a person who is not the principal user of the computer.

ACT SEC. 234—SUBCHAPTER S

The bill would clarify that certain simple trusts may be qualified subchapter S trusts.

ACT SEC. 251—INCENTIVE STOCK OPTIONS

The bill would clarify that the maximum dollar limit on shares that may be issued under an incentive stock option plan is not affected by nonqualified options issued under the plan.

The bill would clarify that any early disposition of stock acquired pursuant to the exercise of an incentive stock option at a recognized loss would reduce the taxpayer's ordinary income.

The bill would allow a good faith valuation to be used in applying the maximum dollar limit and the carryover of any unused limit, under regulations prescribed by the Treasury.

The bill would provide that the early disposition of stock acquired pursuant to the exercise of a statutory stock option to acquire other stock in connection with the exercise of an incentive stock option will not be treated as a non-recognition transaction under section 1036, etc. Thus, the disposition will result in ordinary income treatment under sec. 421(b).

ACT SEC. 252—RESTRICTED PROPERTY

The bill would clarify that the new rules apply to transfers after December 31, 1981, without regard to the recipient's taxable year.

The bill would correct the name of the Securities Exchange Act of 1934.

ACT SEC. 261—TARGETED JOBS CREDIT

The bill would make clear that wages paid to cooperative education students would continue to be eligible wages even if the student's family's income increased after the initial determination that the family was economically disadvantaged.

The bill would make clear that the WIN credit is not available for amounts paid to any employee in taxable years beginning after December 31, 1981.

The bill would provide that certifications on the day the individual begins work would be valid.

The bill would clarify that individuals participating in work incentive demonstration programs authorized under Public Law 97-35 could be members of a targeted group.

ACT SEC. 263—CHARITABLE CONTRIBUTIONS

The bill would make conforming changes to the increased 10-percent corporate charitable contribution limit.

ACT SEC. 266—MOTOR CARRIERS

The bill would clarify that motor carrier amortization deductions may carry over in corporate acquisitions to which sec. 381 applies.

ACT SEC. 301—ALL-SAVERS CERTIFICATES

The bill would clarify that credit union share accounts are eligible for the all-savers exclusion.

ACT SEC. 302—NET INTEREST EXCLUSION

The bill would clarify that a non-itemizer would not be required to reduce interest income eligible for the net interest exclusion by interest expense, and that an itemizer would be required to reduce such interest income by no more than the excess itemized deductions.

ACT SEC. 311—INDIVIDUAL RETIREMENT SAVINGS

The bill would clarify the rules for spousal IRAs to insure that an employee is not denied a deduction for contributions to an IRA for the benefit of a spouse having no compensation merely because the employee is also allowed a deduction for employer contributions to an IRA which qualifies as a simplified employee pension (SEP). In addition, the bill makes it clear that a deduction is allowable for IRA contributions for the benefit of a spouse who has no compensation and who has not attained age 70½ before the close of the taxable year, even if the spouse having compensation is age 70½ or older.

The bill would delete simplified employee pensions (SEPs) from the definition of qualified employer plan. (Except for the limits on contributions, SEPs are generally subject to the tax rules of IRAs).

The bill would clarify the rules allowing a deduction for individual retirement savings by providing that, for a self-employed individual, compensation includes net earnings from self-employment reduced by any amount allowable as a deduction to the individual for contributions made on behalf of the individual to a tax-qualified plan (an "H.R. 10" plan or "Keogh" plan). In addition, the bill would clarify that compensation does not include pension and annuity payments or other deferred compensation.

The bill would clarify the rule allowing an annual deduction for certain voluntary employee contributions made to a qualified employer or government plan after the close of the taxable year by providing that such contributions must be made on account of that taxable year.

The bill would clarify that a 10-percent additional income tax is imposed on early withdrawals (generally, before age 59½) of accumulated deductible employee contributions from either the plan to which the contributions were made, or from a plan to which the accumulated contributions were rolled over or otherwise transferred.

The bill would revise the the rules relating to lump sum distributions and rollover amounts under qualified plans and tax-sheltered annuity programs to clarify that partial (as well as total) distributions of accumulated deductible employee contributions are eligible for tax-free rollover treatment.

The bill would clarify that accumulated deductible employee contributions payable to a beneficiary of a deceased employee under a tax-qualified plan are eligible for the estate tax exclusion only if any lump sum distribution also payable to the beneficiary under the plan is eligible for the exclusion.

The bill would clarify that an owner-employee (a sole proprietor, or a partner whose partnership interest exceeds 10 percent) is permitted to make deductible employee contributions to a tax-qualified plan (an "H.R. 10" plan or "Keogh" plan) notwithstanding the rules which may preclude nondeductible employee contributions by the owner-employee.

The bill would clarify effective date provisions for the estate tax and gift tax provisions relating to individual retirement savings and would make clerical amendments.

ACT SEC. 312—KEOGH PLANS

The bill would amend the minimum contribution rule applicable to simplified employee pensions (SEPs) to permit the exclusion of self-employed individuals. This change would conform the minimum contribution rule for SEPs to that for H.R. 10 plans and plans maintained by subchapter S corporations.

The bill would increase the limit on contributions to an IRA to which an employer makes contributions under a SEP from $15,000 to $17,000 to allow the IRA to accept employee contributions of $2,000 in addition to employer contributions of $15,000.

The bill would correct a reference in section 401(j)(3).

The bill would clarify the effective date provision to apply to all plans, whether or not they cover a self-employed individual.

ACT SEC. 321—DIVIDEND REINVESTMENT

The bill would clarify that the ACRS normalization requirements do not apply in determining whether a public utility is eligible to make tax-free distributions under a dividend reinvestment plan.

ACT SEC. 331—PAYROLL-BASED TAX CREDIT FOR EMPLOYEE STOCK OWNERSHIP PLANS

The bill would add provisions relating to regulated public utilities which would conform the rules for the payroll-based tax credit for ESOP contributions to the rules for the investment-based tax credit for ESOP contributions.

The bill would clarify that the tax-qualified status of an ESOP is not affected merely because employer contributions are determined solely by reference to the payroll-based tax credit allowable to the employer for the contributions.

ACT SEC. 334—CASH DISTRIBUTIONS FROM AN EMPLOYEE STOCK OWNERSHIP PLAN (ESOP)

The bill would clarify that certain cash distribution provisions, if provided under a tax credit ESOP of an employer whose stock generally is required to be held only by employees, will not affect the plan's status either under the qualified plan rules or those additional rules applicable to tax credit ESOPs.

ACT SEC. 337—DISTRIBUTION OF EMPLOYER SECURITIES FROM A TAX CREDIT EMPLOYEE STOCK OWNERSHIP PLAN IN THE CASE OF A SALE OF EMPLOYER ASSETS OR STOCK

The bill would clarify the rules permitting a distribution to a participant under a tax credit ESOP in the event of the participant's transfer from one employer to another incident to a sale of assets by the former employer to the new employer.

ACT SEC. 403—MARITAL DEDUCTION

The bill would clarify that qualified terminable interest property ("QTIP property") included in the estate of a decedent is eligible for a "step-up" in basis.

The bill would clarify that QTIP property included in a decedent's estate would be treated as passing from the decedent, such as for purposes of the charitable or marital deduction.

The bill would clarify that the value of any interest in property can be deducted only once in computing the estate tax or gift tax liability.

The bill would clarify that the special disposition rules for lifetime transfers by the donee of QTIP property applies only to the remainder interest in QTIP property. The treatment of the life estate in QTIP property is governed by the rules applicable to life estates generally.

The bill would clarify that the lifetime QTIP election must be made no later than April 15 of the succeeding year (i.e., the due date of the annual gift tax return).

The bill would clarify that transfers by the donor spouse of any retained interest in QTIP property after the transfer of the life estate in QTIP property to the donee spouse would not be treated as a transfer for estate and gift tax purposes. This rule would not apply after a subsequent disposition by the donee spouse or the death of the donee spouse.

The bill would clarify that an annuity may not qualify as a qualifying income interest.

ACT SEC. 421—FARM VALUATION

The bill would allow "tacking" of material participation by a retired spouse with active management by the surviving spouse to qualify property for current use valuation in the surviving spouse's estate.

The bill would clarify that recapture on certain tax-free exchanges occurs only to the extent non-qualified property is received.

The bill would correct a reference to the word "transfer" in section 1040.

The bill would clarify that the only retroactive amendment made by ERTA with respect to the cessation of qualified use is the provision of sec. 2032A(c)(7)(A) permitting a qualified heir a 2-year grace period to begin using the property in a qualified use.

The bill would clarify that the period to reinstate current use valuation by reason of the retroactive amendments did in no event expire before February 16, 1982.

The bill would clarify that the right to make a late initial election is available only if one of ERTA's retroactive amendments applies to the estate.

ACT SEC. 422—EXTENDED PAYMENTS

The bill would correct a reference to the 35-percent requirement of sec. 6166 and would make conforming amendments relating to the relationship between acceleration of the tax and sec. 303 redemptions.

ACT SEC. 424—GIFTS MADE WITHIN 3 YEARS OF DEATH

The bill would clarify that the special 3-year rule would apply for purposes of sec. 6166 only to determine eligibility for deferred payment treatment.

The bill would apply the 3-year inclusion rule to interests which would have been includible in the decedent's estate under secs. 2036, 2037, and 2038 whether or not a gift tax return was required with respect to the transfer.

The bill would not apply the 3-year rule to exercises of general powers of appointment

The bill would allow the executor of a decedent's estate to elect to have the estate and gift tax amendments made by ERTA not apply in any case where the decedent had made a gift before August 13, 1981, and within 3 years of death on which a gift tax had been paid.

ACT SEC. 426—DISCLAIMERS

A clerical amendment would delete a clause which was duplicated in the act.

ACT SEC. 501—STRADDLE LOSS DEFERRAL

The bill would clarify that the loss deferral rules of sec. 1092 would apply in the case of unrecognized gain, whether or not realized.

The bill would delete certain language of sections 1092(a)(1)(A) and 1092(d)(4) as redundant.

ACT SEC. 503—REGULATED FUTURES CONTRACTS

The bill would clarify that gain is recognized under the mark-to-market system upon any transfer, as well as any termination of a futures contract.

The bill would clarify that holding periods are not tacked when delivery is taken upon the termination of a regulated futures contract that was marked to market.

The bill would clarify that the time for identifying a mixed straddle is not later than the day the futures contract forming part of the straddle is acquired.

The bill would allow the I.R.S. to treat, either by regulations or otherwise, certain holdings in a limited liability enterprise as attributable to active management in order to qualify the enterprise as eligible for the hedging transaction exception from the marked-to-market and other straddle rules.

ACT SEC. 601—ROYALTY CREDIT

The bill would make several clerical changes.

ACT SEC. 603—STRIPPER OIL

The bill would clarify the transfer rule of section 4994(g)(2) to assure that it disqualifies only property which has actually been transferred.

ACT SEC. 722—VALUATION PENALTY

The bill would clarify that the $1,000 de minimus exception to the valuation overstatement penalty applies to the aggregate of all overstatements of the taxpayer made during the taxable year. A clarification would be made that the penalty applies where the stated value is exactly 150 percent of the actual value.

ACT SEC. 724—DEPOSIT CLAIMS

A cross-reference to sec. 6660 would be corrected.

ACT SEC. 725—ESTIMATED TAX

The bill would clarify that the underpayment penalty would not apply where the tax liability reduced by the income tax withheld is less than specified amounts ($500 in 1985 and thereafter).

The bill would also correct a reference to section 6015(c).

ACT SEC. 802—PREPAID LEGAL SERVICES

The bill would clarify that the exemption provision, as well as the exclusion provision, relating to group legal service plans will terminate after 1984.

ACT SEC. 823—PRIVATE FOUNDATIONS

The bill would correct a clerical error.

TITLE II. TECHNICAL CORRECTIONS TO THE CRUDE OIL WINDFALL PROFIT TAX ACT OF 1980

SECTION 4988(b)(3)(c) NET INCOME LIMITATION—TAXABLE PERIODS FOR COMPUTING COST DEPLETION

In applying the net income limitation, produces must compute their net income as if cost depletion had been claimed for "all taxable periods" (sec. 4988(b)(3)(C). These periods were intended to include all periods during which the producer owned the property.

The amendment would change "taxable periods" to "taxable years." This is necessary since the definition of taxable periods, which was changed in the conference report, does not include periods before March 1980.

SECTION 4989(b)(3)—INFLATION ADJUSTMENTS

Under section 4989(b), the inflation adjustment for any quarter is based on the difference between the GNP deflator for the second preceding quarter and that for the second quarter of 1979. The second revision of the GNP deflator is used for this purpose.

The amendment would clarify that the GNP deflator for the second quarter of 1979 is to be measured using the revision most consistent with the second revision of the GNP deflator for the second preceding quarter.

SECOND 4991(d)(1)—NATIONAL PETROLEUM RESERVE

Federal production from U.S. owned petroleum reserves is taxed as tier two oil.

The amendment would correct the reference to "national petroleum reserve" in section 4991(d) to "naval petroleum reserve."

SECTION 4992(b)—DEFINITION OF "INDEPENDENT PRODUCER"

Under section 4992(b), an independent producer eligible for lower rates on tier 1 or tier 2 oil and for the stripper well exemption is defined as a producer who is not integrated during the calendar quarter.

The bill would change the quarterly test of independent producer status to an annual test like that used for depletion purposes. The amendment would take effect starting in 1983.

SECTION 4992(C)(2)—ALLOCATION OF INDEPENDENT PRODUCER

If an independent's production exceeds 1,000 barrels a day, the 1,000 barrel amount must be allocated between tiers one and two in proportion to production in those tiers.

The amendment would provide that only production eligible for lower rates is to be considered in making this allocation.

SECTION 4992(d)(3)(B)—SMALL PRODUCERS TRANSFERS

Section 4992(d)(3)(B) refers to both "interests in property" and to "property."

The amendment would conform these references.

SECTION 4993(C)(2)—INCREMENTAL TERTIARY PROJECT BEGINNING DATE

Section 4993(c)(2)(B) requires qualified tertiary recovery projects to have a beginning date after May 1979. A project beginning date is the latter of the date injection begins or the date of certification.

The amendment would clarify that projects in fact started before June 1979 cannot qualify through a post-May 1979 certification.

SECTION 4994(C)(2)—REFUNDS FOR TERTIARY PROJECTS

Section 4994(c)(2) refers to the same person as both the taxpayer and the producer. The amount would make both references to the producer.

SECTION 4994(e)—ALASKAN EXEMPTION

A literal reading of section 4994(e) would result in taxing non-commercial quantities of oil produced north of the Arctic Circle and within 75 miles of the TAPs.

The amendment would provide that all oil produced north of the Arctic Circle (other than Sadlerochit Oil) is exempt from tax.

SECTION 4995(a)(3)(A) AND (C)—LIBERALIZATION OF WITHHOLDING ADJUSTMENTS

Under present law, any error in the amount withheld by the first purchaser with respect to a producer's windfall profit tax liability can be corrected by future withholding adjustments. Such adjustments cannot be required (1) in excess of the windfall profit amount of any payment, or (2) beyond the close of the calendar year of removal. These rules were designed to protect small producers such as small royalty owners who are now generally exempt from the windfall profit tax.

The amendment would streamline the withholding adjustment provisions of current law by striking the windfall profit limitation and by granting the Secretary authority to require adjustments after the close of the calendar year of removal. The committee reports would indicate that the Treasury should place a limitation on how long after the original error a correction can be made. Similarly, the reports would indicate agreement with the current cut off date for voluntary withholding adjustments. The amendment would be effective upon enactment.

SECTION 4995(a)(4)—DEEMED PAYMENT DATE

Present law provides that withheld windfall profit taxes are deemed paid on the last day of February following the close of the calendar year in which oil is removed from the premises.

The amendment would limit this deemed payment date rule to windfall profit tax and administrative purposes.

SECTION 4996(a)—TREATMENT OF NET PROFITS INTERESTS

Under section 4996(a), the producer responsible for payment of the windfall profit tax on oil is defined by reference to the income tax concept of economic interests. Thus, in the case of a net profits interest, the working interest owner is taxed on all cost recovery oil allocated to him by the net profits agreement.

The bill would require allocation of cost recovery oil in proportion to the shares of net profits for net profits agreements entered into after March 31, 1982.

SECTION 4996(b)—DEFINITION OF "CRUDE OIL"

The bill would clarify the definition of crude oil to remove any doubt that condensate from oil and gas wells is taxable whether recovered before or after removal from the premises on which it is produced.

SECTION 4997 ETC.—PENALTY FOR FAILURE TO FILE RETURNS

The bill would add a penalty for failure to file returns and make statements required under section 4997(a).

SECTIONS 6015, 6154, 6654, AND 6655—ESTIMATED TAX

The bill would permit overpayments of windfall profit tax to be taken into account in the payment of estimated income tax to the extent provided for the Treasury.

SECTION 44 d(f)

The date of "December 3, 1979, in section 44d(f) would be corrected to read "December 31, 1979."

SECTION 193(b)(1)—TERTIARY INJECTANTS

The phrase "during the taxable year" would be deleted from section 193(b)(1). The phrase is redundant in light of the taxable year reference in section 193(a).

SECTION 223(a)

Section 223(a) of the Crude Oil Windfall Profit Tax Act of 1980 amended section 48(a)(10). The amendment should have been to section 48(a)(10)(A).

SECTION 613A(C)(10)(E)—TRANSFERS TO CORPORATIONS

Under section 613A(c)(10), depletion is not lost on property transferred to a corporation by an individual if certain conditions are statisfied. One of these is that the stock of the corporation be issued solely in exchange for oil and gas properties.

The bill would clarify that oil and gas property includes necessary production equipment such as production casing and pumps.

TITLE III. TECHNICAL CORRECTIONS TO THE INSTALLMENT SALES REVISION ACT OF 1980

The bill would clarify that, in applying the "related party" rules of section 1239 (relating to the treatment of certain sales of depreciable property), "back-attribution" rules would not apply in determining who are related parties.

The bill would clarify that the receipt of like-kind property will qualify as a "payment" for purposes of determining whether a transaction is an installment sale.

The bill would make a clerical amendment to section 453B(d)(2).●

● Mr. **CONABLE**. Mr. Speaker, I am pleased to join Chairman ROSTENKOWSKI of the Committee on Ways and Means in introducing the Subchapter S Revision Act of 1982 and the Technical Corrections Act of 1982.

SUBCHAPTER S REVISION ACT OF 1982

The Subchapter S Revision Act of 1982 will be introduced in the other body by Chairman DOLE of the Finance Committee, and Senator LONG, ranking member of that committee.

This is the latest in a series of bills which have been introduced in this body, that result from the efforts of a group consisting of the staffs of the congressional tax-writing committees, the Joint Committee on Taxation, the Office of the Legislative Counsel, the Treasury, and various professional organizations. Prior legislation with a similar history was the 1980 Bankruptcy Tax Act and the Installment Sales Act. The newest bill is particularly significant since it represents the culmination of work started over 10 years ago.

The bill make numerous technical changes in the subchapter S provisions of the code. In general, these changes are intended to expand the application of the subchapter S provisions, correct various technical problems that have developed over the years and make compliance with the new subchapter S rules easier. For example, it expands the number of permissible shareholders to 35, provides special rules in the case of inadvertent terminations and seeks to clarify the manner in which shareholders of a subchapter S corporation are taxed. In addition, the act applies various concepts of partnership taxation to subchapter S corporations.

The bill retains certain provisions of current law. For example, the one-class-of-stock rule and the 20-percent passive income and 80-percent foreign income tests are retained.

It is my hope that all the participant groups will testify on this bill, when the Committee on Ways and Means holds hearings on it. I am particularly interested in the views of the small business community and its representatives, since subchapter S has been utilized extensively by this segment of our economic society.

I am also interested in receiving comments on the following specific points: (1) Does the bill make it easier or more difficult for shareholders to determine their share of subchapter S income or losses? (2) Is the one-class-of-stock rule correct? (3) Should the 20-percent passive income or 80-percent foreign income limitations be retained? (4) Should the rules on inadvertent terminations be expanded? and (5) Are fringe benefits appropriately treated under the bill?

It is my hope that the Committee on Ways and Means will promptly hold hearings on the Subchapter S Revision Act of 1982.

TECHNICAL CORRECTIONS ACT OF 1982

The Technical Corrections Act of 1982 is intended to correct technical errors in recently passed tax legislation, primarily the Economic Recovery Tax Act of 1981. The purpose is to amend the statute to better reflect the congressional intent that existed when the original legislation was passed. The corrections range from filing statutory gaps and clarifying ambiguous draftsmanship to correcting typographical errors.

The Technical Corrections Act of 1982 is not intended to provide a vehicle for reconsidering the substantive decisions made in the legislation being corrected. The Ways and Means Committee has been careful to limit prior technical corrections bills to strictly technical corrections. This is a wise approach and will be followed again.

For example, the Economic Recovery Tax Act of 1981 expanded the day care credit provision and required that eligibility for employer-provided assistance must be nondiscriminatory among the employees. The Technical Corrections Act of 1982 provides that the benefits as well as the eligibility rules for employer-provided day care assistance must be nondiscriminatory. Nondiscrimination for both eligibility and benefits is what had been intended.

One provision of the accelerated cost recovery system concerned the application of short taxable years to real property in the 15-year recovery class. The general procedure for short taxable years is to reduce proportionately a taxpayer's deductions and other tax benefits in order to prevent a distortion of income. However, the internal operating rules of the accelerated cost recovery system automatically adjust the recovery allowance for real property used for less than 1 full year. Thus, the application of the normal short taxable year rules to 15-year real property results in a double reduction of the taxpayer's depreciation allowance. The Techncial Corrections Act of 1982 corrects this double reduction in calculating the recovery allowance of 15-year real property in a short taxable year.

Mr. Speaker, these two examples illustrate the character of the amendments contained in the Technical Corrections Act of 1982. It is a noncontroversial and bipartisan measure which should move promptly through the legisative process.●

GENERAL LEAVE

Mr. **OBERSTAR**. Mr. Speaker, I ask unanimous consent that all Members be permitted to extend their remarks and to include therein extraneous material on the subject of the special order speech today by the gentleman from Illinois, Mr. ROSTENKOWSKI.

The **SPEAKER** pro tempore. Is there objection to the request of the gentleman from Minnesota?

There was no objection.

ELECTIONS IN EL SALVADOR

The **SPEAKER** pro tempore. Under a previous order of the House, the gentleman from Minnesota (Mr. OBERSTAR) is recognized for 10 minutes.

Mr. **OBERSTAR**. Mr. Speaker, the United States will make a serious error in its Central American policy if it attempts to analyze the recent elections in El Salvador in the manner in which we analyze the elections in our own country.

The voter turnout on Sunday clearly exceeded prevoting expectations, though it does not at this time appear to be as big as the turnout in 1977. That voter participation is the product of several factors:

The elections were held largely in cities, under the control of mayors appointed by the junta, people who have a personal stake with an interest in generating the greatest voter turnout possible. Failure of the mayors to do so might have been seen as an indication of insufficient commitment to the junta and the military with predictable consequences;

Fear by individual votes of retaliation by the right wing for failing to vote in the election;

Intimidation of voters by the armed forces;

A desire by the Salvadoran people to break the cycle of violence, for they are the victims of this civil war. Their government is responsible for vicious atrocities and repression against the people. Elections have historically been used by the right wing and the military to legitimize their position. However, as degraded as the democratic process has been in that country, this election, at least, offered the Salvadoran people a means of expressing their rejection of violence.

The election, however, does not mean that El Salvador has a democracy. The United States cannot regard elections during a civil war by a repressive government as the means by which a people democratically elect a legitimate government. It would be the most dangerous kind of wishful thinking on the part of the United States to put behind us or now to excuse the circumstances under which this election was held, or to believe that the election has ended them.

The cornerstone of the Reagan administration policy on El Salvador has been that the March 28 elections would produce an election victory for the Christian Democratic Party and for President Jose Napolean Duarte. The administration sought support in Congress and among the American people for continued and increasing military and economic aid to the Government of El Salvador on the grounds that the aid was necessary to strengthen the moderate, civilian elements within the ruling junta. The commitment of the Christian Democratic Party to social and economic reform was used to justify a policy of U.S. intervention and support for a right-wing oppressive military guilty of gross violations of human rights.

That U.S. policy suffered from a fatal defect in that President Duarte and the Christian Democratic Party did not have control over the military. The Defense Minister, General Garcia, controls the military, but Duarte did not and does not control Garcia.

After my visit to El Salvador in February, I had serious reservations about holding an election in a country locked in a civil war. I believed that it was essential to end the killing and the violence first, then through negotiations, bring all political parties into the elections process and then to hold elections in an atmosphere of peace.

Time and time again, our congressional delegation heard how elections had been used in the past to legitimatize a repressive, right wing government. In 1972, the military deprived President Duarte of his rightful victory in the presidential election.

I became concerned that, even if President Duarte won this election, the outcome would not alter the fundamental defect in the Duarte government—the inability of civilian, moderate forces to exercise control over the military. My fear was that the election would legitimatize the de facto control that Gen. Jose Guillermo Garcia exercises over the Government and the people.

The election, however, did not produce the result around which the State Department had structured U.S. policy. While the Christian Democratic Party won over 40 percent of the vote, the majority of the 60 seats in the legislative assembly will be held by right wing parties. The extreme right wing Nationalist Republican Alliance (ARENA) founded only last year by Roberto d'Aubuisson will be the second largest party, with approximately 29 percent of the seats. The right wing parties will now attempt to form a coalition government to exclude President Duarte and the Christian Democrats. The Reagan administration will attempt to insure that some Christian Democrats are included in any new government. The administration may also succeed in persuading the right wing coalition not to make d'Aubuisson leader of a coalition government. The administration correctly recognizes that it would be impossible for it to obtain support in Congress for a government in which d'Aubuisson is either the leader or highly visible.

The coalition government will not be any more deserving of military assistance from the United States if d'Aubuisson is not a member of the Government. We should not delude ourselves into believing that all will go well if d'Aubuisson is excluded from the Government. We should not think that our policy in El Salvador suddenly went wrong only on Sunday because Duarte did not receive a majority of the votes.

Our policy was wrong before then and is wrong now because it has emphasized support for the military in El Salvador, over civilian, reformist elements within the Government and among the people, because the United States has failed to insist that the Government of El Salvador meet the conditions on aid imposed by Congress in the Foreign Assistance Act of 1981.

As a result of my visit to El Salvador, I was convinced of the wisdom of the conditions that we in the Congress imposed upon that aid. We required, among other conditions, that the Government of El Salvador make a good-faith effort to enter into negotiations with all political factions within El Salvador; that the Government make progress toward ending the abuse of human rights by the military.

The conditions set in law by Congress would constitute a sound basis for U.S. policy in El Salvador. The United States cannot lose sight of the long-range implications of our policy in that country.

We cannot give elections in El Salvador the same value that we would give to elections in the United States. We cannot pretend that an election in El Salvador forms the same basis for legitimate government that an election in the United States does. Our country enjoys long-established democratic institutions. Americans were holding democratic elections in the United States before there was actually a United States. Such elections have almost never been held in El Salvador—perhaps twice in its entire history.

I urge the House, the Congress, the American people to reaffirm their commitment to human rights as a basis for U.S. policy in El Salvador. I would very much like to see the United States persuade whatever government is formed in El Salvador to undertake negotiations necessary to end the civil war through a political solution. My concern is for the people of El Salvador, who have been the victims of violence from both the right and the left.

I am deeply concerned, however, that a coalition of rightwing parties will attempt to win a military victory that will escalate tremendously the violence within El Salvador.[1]

The real victims of such escalation will not be the forces of the leftwing or the rightwing; they will be the innocent, the young, the old, women, and children. I do not believe that the United States should be providing arms that will be used to kill those innocent victims. That concern should be fundamental to our policy whether the President of El Salvador is Jose Napolean Duarte or Roberto d'Aubuisson, or some other person.

Mr. Speaker, I ask unanimous consent to include in the RECORD a penetrating analysis of the situation in El Salvador, written by Ms. Tommie Sue Montgomery, a journalist-writer who has devoted many years to the study of Central American countries.

[From the New York Times, Mar. 31, 1982]

NEXT, IN EL SALVADOR

(By Tommie Sue Montgomery)

CAMBRIDGE, MASS.—The Reagan Administration endorsed El Salvador's elections for a constituent assembly in order to legitimize President José Napoleon Duarte and the Christian Democratic Party. The elections, however, ended up legitimating Roberto d'Aubuisson and his extreme right-wing Arena Party. However pleased the Administration may be by the voter turnout, the success of four right-wing parties and the possibility that the Christian Democrats may be completely excluded from the new government reduced to shambles the rationale behind Mr. Reagan's policy in El Salvador.

The strong showing of Mr. d'Aubuisson's Arena Party, which came out of nowhere to run a strong second and challenge the Christian Democrats for control of the assembly, guarantees the death of the social and economic reforms supported by the Christian Democratic Party—once the centerpiece of the United States' hopes for resolving the social and economic problems that gave rise to the civil war. By strenghening Mr. d'Aubuisson, who headed the National Guard's intelligence service during the 1970's, it will also embolden the army's most repressive officers.

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[1] I must mention here that, in the meeting of our congressional delegation with the leadership of the Salvadoran Armed Forces, we were told that they have a shopping list of additional military materiel, arms, and equipment totaling some $500 million, which the Salvadoran Armed Forces will undoubtedly be requesting of the United States as soon as the new government is in place.

With no one party gaining a clear majority, the balance of power is now in the hands of two small right-wing parties—the National Conciliation Party or the Democratic Action Party, or both. They already have said that if the Christian Democratic Party wishes to be included in a coalition, it must back off from its professed commitment to the economic and agrarian reforms already on the books and forgo any extension of those reforms. No matter what happens to Mr. Duarte, the more conservative National Conciliation Party already has indicated that it is more ideologically comfortable with Arena than with the Christian Democrats.

Should that alignment change—that is, should there be a coalition between the National Conciliation Party and the Christian Democrats—it must be assumed that the United States Embassy is moving behind the scenes to try to guarantee that the Christian Democrats and Mr. Duarte will continue to provide a façade for the military dictatorship.

A coalition between Arena and the National Conciliation Party would immediately complicate life for the White House because the continued presence of the Christian Democrats in the Government is crucial to maintaining some support for the Salvadoran regime in Congress, among such countries as Venezuela and Costa Rica, and with an increasingly skeptical public at home.

The possibility of Mr. Duarte's departure and the subsequent emergence of an extremist government would make it very difficult for Mr. Reagan to secure Congressional approval for his proposed $225 million in additional economic and military assistance to the regime.

Whatever the shape of the final coalition, El Salvador may eventually have what United States officials have called a "legitimate government," but it will hardly be "moderate and reformist."

Ambassador Deane R. Hinton's fanciful hope that power would make Mr. d'Aubuisson more flexible and pragmatic is about as realistic as the hope that the guerrillas will lay down their arms. Mr. d'Aubuisson founded the White Warriors Union, a death squad, twice attempted in 1980 (with the blessing of Minister of Defense Jose Guillermo Garcia) to carry out a coup that would have deposed Mr. Duarte, and has been accused of masterminding the assassination of Archbishop Oscar Romero. He now appears to be the latest recipient of the benediction bestowed on Anastasio Somoza Garcia, President of Nicaragua from 1936 to 1956, by Franklin D. Roosevelt: "He may be a bastard, but he's our bastard."

A coalition between Arena and the National Conciliation Party, however, could lead to one of several other developments. One is that a compromise with the Christian Democrats would be reached whereby Mr. Duarte and Christian Democratic officials such as Foreign Minister Fidel Chávez Mena would go, but other, more conservative Christian Democrats would be brought into the government.

Another possibility is a Guatemalan-style coup d'etat, possibly led by an officer or junta member who has no love for either Mr. Garcia or Mr. d'Aubuisson, that would keep Mr. Duarte and company in the Government.

However the current turmoil settles, three facts will not go away:

The Christian Democrats have been seriously, perhaps fatally, weakened.

The same army that has been running the country for the last half century is still in control.

There is still a civil war going on.

In recent weeks, and again since the election, we have heard rumblings from various Reagan Administration officials concerning the possibility of negotiations. But if the extreme right comes to power, who will conduct negotiations? Mr. d'Aubuisson has pledged to eliminate the guerrillas within three months, using all available means, including napalm.

Meanwhile, the security forces, who have long considered Mr. d'Aubuisson their man, may not wait for the constitutent assembly to convene but simply unleash their own blood bath, massacring anyone, Christian Democrats included, suspected of harboring left-of-center political sympathies.

Sometime after the euphoria is gone, the Reagan Administration, if it is determined to help resolve the civil war, will still have to come to terms, one way or the other, with the leftist opposition forces. The elections have not changed that.

MINERAL LEASES IN WILDERNESS AREAS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Arizona (Mr. UDALL) is recognized for 5 minutes.

● Mr. UDALL. Mr. Speaker, in recent months, the fate of America's national wilderness preservation system, always the focus of intense interest, has become the focus of considerable controversy. We are used to heated discussions about which new wilderness areas should be added to the system. But for perhaps the first time since passage of the Wilderness Act in 1964, we are engaged in a national debate on how wilderness areas already formally designated by the Congress should be managed.

At the center of this discussion is the question of oil and gas development. Secretary of the Interior James Watt came to his office last year and established as one of his management objectives the goal of opening up the wilderness areas. He has authority under the Wilderness Act to issue, if he chooses, leases for oil, gas, coal, and certain other minerals until December 31, 1983. After that date, no such leases may be granted. It is clear that this authority is discretionary—nothing forces the issuances of such a lease and, in fact, the courts have held that, if the leasing authority determines that there are other values more important than the potential oil and gas values, it may deny the lease application whether it be for wilderness lands or any other Federal land.

Last year, we witnessed what happened when local citizens became aware that wilderness areas in their vicinities were threatened by oil and gas leases applications. A tremendous outpouring of opposition in Montana, Wyoming, New Mexico, and other States confirmed what I and many others have always believed—Americans want to know that there are a few places left in this country where they can be free of the intrusions of modern industrial society. Later, in hearings both here in Washington and in several western communities, the Subcommittee on Public Lands and National Parks, chaired by JOHN SEIBERLING of Ohio, has heard almost unanimous support for the proposition that our wilderness areas should be the last places where we permit oil and gas leasing. Witnesses were nearly unanimous in urging that the December 31, 1983, deadline pass without the issuance of new leases and they wanted to let future generations decide whether to open up wilderness areas.

The subcommittee has more hearings scheduled around the country and after they have been completed, we will turn to the question of what legislation, if any, is necessary to address this issue.

Because of the controversy and emotion that has surrounded this debate, I thought it would be constructive to lay out a set of principles to guide us in the task we face. So today I am introducing, with my distinguished colleague and friend, SILVIO CONTE, and other Members, a resolution that attempts to accomplish that goal. I believe that if this resolution attracts significant support it will send an unmistakable message to the Congress and to the administration about how we should proceed with this issue.

In simple terms, this is what the Udall-Conte resolution says. It expresses the sense of the House that the Nation's wilderness areas should be the last places where mineral leasing should occur and that they are a relatively minor portion of both the lands and and mineral resources of the United States. It makes clear our concern that wilderness areas which were established because they are special places, special for its wildlife, its scenery, and its recreational value, are threatened by the specter of oil and gas leasing.

The resolution makes the point that the authority granted in the Wilderness Act that permits the issuance of mineral leases in wilderness areas is a purely discretionary authority. In no way does it compel the Secretary of the Interior to issue a lease if he wants to conserve an area's wilderness character.

The heart of the resolution calls on the Secretary to "exercise his discretionary authority under applicable law to refrain from issuing mineral leases" in wilderness and wilderness study areas. It goes on to say, however, that should the Department move to grant any such lease, the Congress should be given sufficient prior notice of the issuance of the lease so that the Congress can take appropriate action to block the lease or leases.

Finally, the resolution states that the Congress should proceed diligently and promptly to consider all pending recommendations for new additions to the wilderness system, but it rejects schemes that would impose arbitrary deadlines for their consideration or bar Federal land managers from protecting their wilderness characteristics in the meantime, or block Federal land agencies from considering wilderness values in future management plans.

I believe that the principles enunciated in this resolution form a clear and positive statement about the short-term issues facing our national wilderness preservation system. I think these principles will constitute a sound foundation for any future action—whether it be legislation or some other action—this Congress may take on the question of development in our Nation's wilderness system.

I urge my colleagues, on both sides of the aisle, to join with me and our distinguished colleague, SILVIO CONTE, in cosponsoring this resolution.●

AUTHORIZING SECRETARY OF INTERIOR TO ACQUIRE LANDS WITHIN INDIANA DUNES NATIONAL LAKESHORE

The **SPEAKER** pro tempore. Under a previous order of the House, the gentleman from Indiana (Mr. BENJAMIN) is recognized for 5 minutes.

● Mr. **BENJAMIN**. Mr. Speaker, I am introducing today a bill to authorize the Secretary of the Interior to acquire by exchange certain lands within the Indiana Dunes National Lakeshore in the State of Indiana.

The legislation provides for the exchange of 30 acres of federally owned land within the Hoosier Prairie unit for 69 acres of State-owned land that is currently managed by the National Park Service.

The Hoosier Prairie unit contains 330 acres. The State of Indiana presently owns 300 of these acres and operates them as a State nature preserve. The federally owned 30 acres within the Hoosier Prairie is already managed by the State and, often the land exchange, would be utilized by the State to site parking facilities and a visitor contact station for the State nature preserve.

The 69 acres which the Federal Government would receive is part of a blue heron rookery unit containing 338 acres. The National Park Service is currently managing the unit and ongoing research is conducted on the land by the Indiana Dunes National Lakeshore. The land will continue to be used to provide protection to the nesting herons and their habitat.

The State of Indiana holds title to 69 acres with the heron rookery unit. The Indiana State Correction Division has transferred title to this 69 acres to the State department of natural resources and the Governor of Indiana has approved the proposed exchange of the land to the National Park Service in return for the 30 acres of land within the Hoosier Prairie unit. The Dunes National Lakeshore is prohibited by law from buying the State-owned parcel of land.

The 69-acre tract is valued at $77,000. The 30-acre unit is valued at $200,000. The difference in land value is attributed to the ease with which either tract could be developed, although commercial and residential construction on the land is prohibited and is not planned in the future.

The State would be exchanging more than twice the acreage that is exchanged by the National Park Service and the natural resource values of the heron rookery far exceeds that of the Hoosier Prairie tract.

I believe the exchange of ownership on these lands between the State and Federal Government will be beneficial to both and will provide more efficient management resources.●

COMMODITY FUTURES TRADING COMMISSION

The **SPEAKER** pro tempore. Under a previous order of the House, the gentleman from South Dakota (Mr. DASCHLE) is recognized for 10 minutes.

● Mr. **DASCHLE**. Mr. Speaker, this week, the House Subcommittee on Conservation, Credit and Rural Development of the Agriculture Committee, on which I serve, is meeting to mark up legislation deciding the fate of the Commodity Futures Trading Commission.

The CFTC is an independent Federal regulator with the formidable responsibility of overseeing this country's futures markets. I say formidable because I think the futures industry is growing at a rate unforeseen a decade ago. Since 1975, the year the CFTC began operating, the number of active futures contracts traded has increased 75 percent while trading volume has almost quadrupled to more than 100 million contracts per year.

Ten years ago, futures contracts were in wheat, soybeans, corn, oats, and other agricultural commodities. Now you can buy a futures contract in Treasury bonds, Treasury bills, certificates of deposit and other financial instruments—not to mention petroleum products, precious metals, and foreign currencies. My point is that the futures market is rapidly changing and expanding and the CFTC must keep pace.

The CFTC is no stranger to criticism. I would imagine that the first time that some of my colleagues ever heard of this particular agency was during the silver crisis of 1980, when silver prices skyrocketed and then plummeted. The events surrounding the rapid price movements in silver during this time have been examined, investigated, and studied more than any previous incident in the history of futures trading. Congress ordered a comprehensive interagency study of the matter in 1980 and at least four congressional committees have held extensive hearings on the subject.

The conclusion of the Agriculture Subcommittee was that the CFTC handled the silver matter professionally. The agency's chosen course of relying on persuasion, market forces and self-regulatory action under careful oversight was ultimately successful in confining the disruptive effects to a minimum. No one defaulted on his contracts, and every penny owed on the contracts was paid. In none of the reports prepared for Congress has anyone suggested a preferable course to that selected by the CFTC, and there is no evidence that any other agency of the Government could have done the job better.

The Commodity Futures Trading Commission is a creature of Congress. It was established by Congress in 1974 and is subject to the reauthorization process, which means it must justify its existence to Congress at specified intervals. Reauthorization, by its very nature, is a process of constructive criticism. It is a time to see what has worked, and what has not—keep the good and improve upon the problem areas. That is what the House and the Senate are attempting to do at this time.

Just as reauthorization brings forth constructive criticism, it also gives rise to complaints and, in the case of the CFTC, the dredging up of past perceptions that are no longer accurate. I think for the record, it is important to go over the recent accomplishments of the Commodity Futures Trading Commission and to state that the Commission of 5 years ago is not the CFTC of today.

The Commission has been criticized for its slowness in approving new contracts—and rightly so. In 1981, however, the pace picked up and there were 22 new futures contracts approved for trading by the end of the year. In a few instances, the Commission's accelerated pace of new contract approvals placed it ahead of the industry's timetable. Several new contracts were cleared even before the exchanges were ready to trade them. With the continued hard work of the Commission staff, the new contracts approval procedure should be well under control in 1982.

Along these same lines, the Commission approved a 3-year pilot program permitting commodity options trading on regulated exchanges. It is a cautious, carefully reasoned approach to trading options and at this moment, the Commission is reviewing the contract applications of the futures exchanges and hopes to have the program up and running by this summer.

Last September, the Commission granted registration to the National Futures Association—the first organization ever to qualify as an industry-wide self-regulator since the 1974 amendments to the Commodity Exchange Act. The NFA holds great promise of rounding out the industry's efforts to regulate itself, while offering relief to the Commission in a number of areas including financial audits, dispute resolution, training, sales practices, and so forth. The Commission will have a continuing oversight role and is working with the NFA as it organizes and begins operation.

Also last September, the Commission directed for the first time that all futures contracts must have speculative position limits and is in the process of working with the exchanges to determine what these limits will be.

After nearly 8 years of turf fighting, the CFTC and the Securities and Exchange Commission reached an accord which was announced last December. In general, the understanding leaves all futures trading with the CFTC, while regulation of options directly on most financial instruments in with the SEC. The CFTC-related features of this accord are part of the Commission's reauthorization legislation and have, in fact, been approved by the Senate Subcommittee on Agricultural Research and General Legislation and the House Subcommittee on Conservation, Credit and Rural Development. Another aspect of the improved relationship between the CFTC and the SEC is found in a first-ever joint lawsuit filed by both agencies last August against a Utah firm dealing in both commodities and securities.

The CFTC has been making a concerted effort to involve State enforcement agencies in cracking down on off-exchange commodity frauds—an area which, unfortunately, is seeing tremendous growth. The Commission has joined in several State lawsuits and prepared a "Spotter's Guide To Commodity Investment Fraud" which it sent to all State law officers for their information and use.

There have also been a number of in-house improvements at the Commission leading to better, more efficient public service. These include paperwork reduction, improvements in the reparations system, as well as the beginning of a new computer system which will be a great help in market surveillance, registration and information retrieval.

Mr. Speaker, I have not meant to belabor the improvements I see at the Commodity Futures Trading Commission, nor to infer that it has no further to go. There is always one more step that can be taken, one more program that can be improved upon. But I think that the Commission and its staff has proven their willingness to work and to meet the challenges of overseeing a rapidly growing industry in a time of Government restraint. I wish to commend them for their efforts and bring them to the attention of my colleagues.●

OLYMPIC COIN ACT OF 1982

The **SPEAKER** pro tempore. Under a previous order of the House, the gentleman from Rhode Island (Mr. ST GERMAIN) is recognized for 5 minutes.

● Mr. ST GERMAIN. Mr. Speaker, today I am introducing legislation providing for the minting and sale to the public of U.S. coins to commemorate the 1984 summer Olympic games in Los Angeles. The essential features of the bill are as follows:

First, there will be 17 coin designs minted, with face values of $1, $10, $50, and $100. The $10 coins will be predominantly silver, and the $50 and $100 coins predominantly gold. All coins will be legal tender.

Second, the coins will be distributed beginning in 1983 through a marketing organization chosen by the Los Angeles Olympic Organizing Committee under a bidding process overseen by the Treasury Department. Criteria for selecting a marketing organization will be published for all potential bidders to see, and no particular bidder will have a chance to raise its bid after everyone else's offer has been reviewed. The process prescribed in my bill is intended to be as equitable as possible and to encourage competition.

Third, the Los Angeles Olympic group will receive a percentage of all proceeds from disposition of the coins and will be guaranteed a minimum of $30 million from the coin program. Half of the amounts received by the Los Angeles Olympic group will go to the U.S. Olympic Committee for training and facilities for U.S. Olympic athletes. Any funds from the coin program remaining after the Los Angeles Olympics are completed will also go to the U.S. Olympic Committee.

Fourth, strict recordkeeping and GAO audit requirements will insure that funds from coin sales are properly distributed and used.

Fifth, advance payments to the Treasury for minting costs and other reimbursement arrangements will be required so that no net Federal expenditures will occur under the coin program.

Mr. Speaker, this bill provides a substantial, 17 coin program that offers the Olympic organizers a chance to receive millions of badly needed dollars in preparation for the 1984 Olympic games. In addition, the bill includes significant protections for the Federal Government's interests and the interests of the people who will purchase these coins to support the Olympic effort. The General Accounting Office has been consulted extensively during the preparation of this bill to make sure that the protections are as effective as possible.

This bill, along with other proposals relating to Olympic commemorative coins, will be considered at hearings of the Subcommittee on Consumer Affairs and Coinage of the House Banking Committee on April 6. I expect that the many Members who have expressed to me their interest in an Olympic coin bill will pay careful attention to the discussions that occur at the hearings.●

PRESERVING HISTORIC CONGRESSIONAL CEMETERY

The **SPEAKER** pro tempore. Under a previous order of the House, the gentlewoman from Louisiana (Mrs. BOGGS) is recognized for 5 minutes.

● Mrs. BOGGS. Mr. Speaker, today I am introducing legislation to assist in the preservation of the historic Congressional Cemetery for the inspiration and benefit of the people of our Nation.

The Congressional Cemetery was established on April 4, 1807, and is located east of the Capitol on a bluff overlooking the Anacostia River. The cemetery is under the ownership of the Washington Parish and Christ Church. From the beginning, it was intended that this cemetery would be used in part as a burial ground for Members of Congress and other officials of the U.S. Government.

At the beginning of the 19th century, it was, of course, not feasible to transport human remains long distances for burial. Thus, it was essential that there be a burial ground in the Federal Capital which would be appropriate to receive the remains of Government officials.

Christ Church made a gift of a large number of burial sites to the Federal Government. Most of the Senators and Representatives and other high ranking Government officials who died in Washington prior to the establishment of the Arlington National Cemetery were buried in the Congressional Cemetery. The remains of about 14 Senators and 42 Members of the House, in addition to numerous other historic persons, are buried there now.

In addition to the Members of Congress actually buried at the cemetery, a tradition developed early in the 19th century to honor incumbent Senators and Representatives who died in office by placing monuments in their memory which were made from the same Aquia Creek sandstone as was used in the construction of the original portions of the Capitol Building. These monuments, or cenotaphs, were designed by the second Architect of the Capitol Benjamin Latrobe. The word "cenotaph" means "empty tomb," but about 56 of the 226 memorials are also burial sites of Members.

Since the earliest days of the cemetery, Congress has shown an interest in its operations and maintenance. In 1832 Congress appropriated $1,500 to aid the Vestry of Washington Parish in the erection of a keeper's house, for planting trees, for boundary stones, and other improvements. In subsequent years, specific appropriations were made for the purpose of purchasing burial lots, erection of monuments and repairs and improvements of the cemetery.

Currently, some 806 plots at the cemetery are owned and maintained by the Federal Government and are maintained by the Veterans' Administration. In addition to these plots, many hundreds or even thousands of veterans of U.S. military service are interred in privately owned plots.

In recent years the cemetery has fallen into disuse and disrepair. Concern has been expressed both within Congress and by the general public about the sad state of affairs of this important and historic site. In 1976, a board of public spirited citizens organized to preserve and restore the historic victorian park and memorials. This nonprofit board has obtained a 49-year lease, established a trust fund, restored the exterior of the chapel, repaired fences and walls, and established regular maintenance. Specifications for restoring the interior of the chapel and to construct a columbarium in the public vault are in progress.

Legislation was introduced in the 93d and 94th Congresses to address the plight of the Congressional Cemetery based on its close historical association with Congress. One approach that received consideration was to incorporate the cemetery into the national parks system. Another, which was enacted into law, authorized the Architect of the Capitol to perform certain maintenance work at the cemetery. Unfortunately, funds were not appropriated to carry out the intent of Public Law 94-495.

Mr. Speaker, because of continued concerns about the cemetery which have been voiced by a number of our colleagues in the House and Senate and by the general public, the senior Senator from Missouri, Senator EAGLETON, and I have examined additional alternatives to help to protect and restore this important part of the fabric of our Nation's history. I am introducing legislation to authorize the Secretary of the Interior to enter into a cooperative agreement with the Association for the Preservation of the Historic Congressional Cemetery Association of Washington, D.C., to aid in the protection and restoration of this historic site. The cooperative agreements involved in this instance are authorized in subsection (e) of section 2 of the act of August 21, 1935. This legislation will insure the continued preservation of the cemetery without the greater expenditures which would have been necessary had the Federal Government actually acquired acquisition of the site.

I might point out that we break no new ground in the use of this method of assistance. Cooperative agreements have been used to help preserve the National Colonial Farm at Accokeek, Md., and the Folger Library and Corcoran Gallery of Art in Washington. Currently, legislation is pending to authorize a similar cooperative agreement for the preservation of historic Camden, S.C.

Mr. Speaker, the Congressional Cemetery is the resting place of many of the famous and some of the not-so-famous figures in our history. Among them are Vice President Elbridge Gerry, John Philip Sousa, Mathew Brady, J. Edgar Hoover, Indian chiefs, diplomats, and privates, and generals from the Revolution to the 20th century. This is our first national cemetery and, as some would have it, our only truly national cemetery since the others are dedicated primarily for the interment of deceased veterans of our Armed Forces. Not only would the restoration of this cemetery, with its close historical relationship with Congress, serve to bring to public attention important pages from the history of the U.S. Congress, but it would also reaffirm a commitment to the memories of the individuals through history who have helped to make this country great.

I include a copy of this bill in the RECORD:

H.R. 6033

A bill relating to the preservation of the historic Congressional Cemetery in the District of Columbia for the inspiration and benefit of the people of the United States

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That in order to assist in the preservation of the historic Congressional Cemetery, Washington, District of Columbia, the Secretary of the Interior is authorized, in accordance with subsection (e) of section 2 of the Act of August 21, 1935 (49 Stat. 656), to enter into a cooperative agreement or agreements with the Association For the Preservation of Historic Congressional Cemetery, Washington, District of Columbia, pursuant to which the Secretary may assist in the protection, restoration, and maintenance of the Congressional Cemetery for the benefit of the public.

SEC. 2. There is authorized to be appropriated the sum of $300,000 to carry out the provisions of this Act.●

THE HON. SAMUEL S. STRATTON HONORED BY VFW

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Mississippi (Mr. MONTGOMERY) is recognized for 5 minutes.

● Mr. MONTGOMERY. Mr. Speaker, I take this special order to honor Congressman SAMUEL S. STRATTON of New York. Congressman STRATTON last Tuesday night was honored by the Veterans of Foreign Wars, at a banquet at the Sheraton Washington. SAM STRATTON received the VFW Congressional Award. Over 2,200 VFW members and guests attended the banquet. There were a large number of Members of Congress sitting with their State delegations at this banquet.

I congratulate the VFW for making such a wise selection. SAM STRATTON is one of the real patriots in Congress and is an expert on military matters.

Along with this award goes a VFW $1,000 scholarship for a college student at a university or college selected by Mr. STRATTON.

I would like to insert the speech made by SAM STRATTON to the VFW. It was a tremendous speech for a strong military posture by this country.

I highly recommend my colleagues read the remarks of SAM STRATTON.

REMARKS OF CONGRESSMAN SAMUEL S. STRATTON (D-NY) AT THE VFW CONGRESSIONAL AWARD NIGHT DINNER

Commander-in-Chief Fellwock, my fellow comrades in the VFW, ladies and gentlemen.

This annual visit of members and top officials of the VFW, together with your inspiring Voice of Democracy winners, has long been one of the highlights of the spring season here in Washington.

Not only is your company stimulating, your music exciting, and your food outstanding, but in addition you give those of us in the Congress and in the executive branch an opportunity to pay tribute to a great patriotic organization that has over the years played such an important role in formulating this nation's defense and foreign policies.

So we welcome you here tonight, and we salute your outstanding record, not merely in behalf of fellow veterans, but also in behalf of the goal of a prosperous and peaceful America based on solid military strength.

Actually, your Washington visit couldn't have come at a more appropriate time this year.

As you probably know already, Washington is locked in a difficult struggle over the Federal budget for fiscal 1983—a struggle whose outcome is destined to have a profound effect on the future of our nation for many years to come.

The problem, of course, is the size of the 1983 deficit, officially $91.5 billion dollars—the highest one-year deficit in our history. Unofficially, and probably more realistically, estimated at closer to $160 billion.

Obviously, no one here in Washington, and no one back home, would wish to see that happen.

But how do we get those deficits down? Several suggestions have been made. One involves deferring some parts of last year's tax cut legislation. Another proposal would reduce or defer the annual cost-of-living adjustment in some of our national pension programs.

But the one cut that is most frequently mentioned today on Capitol Hill is to take a substantial chunk out of the 1983 defense budget.

When I say a "substantial" chunk, I mean cuts ranging from $10 billion to $30 billion—and one influential member of the Budget Committee has suggested $64 billion!!

Even here in Washington, where we throw millions and billions around with the greatest of ease, $64 billion out of the 1983 defense budget is a truly devastating cut!

Of course, taking money from defense to meet other needs is really nothing new on Capitol Hill. Until last year, in fact, Congress has been doing precisely that every single year since the end of the Viet Nam war.

That's why we are in the bind we are in today. Over the past 10 years, while we have been cutting back on our defenses, the Soviet Union has outspent us in defense by a whopping $350 billion!

No wonder the Russians are ahead of us in almost every aspect of military capability except aircraft carriers!

But last year, as you well remember, the atmosphere for defense changed dramatically here in Washington with the new Reagan Administration. It was a mighty welcome breath of fresh air. And I say this as a lifetime, card-carrying Democrat.

President Reagan, and Secretary Weinberger—incidentally one of the finest Secretaries of Defense we have ever had—understood the implications of this grave imbalance in military power between ourselves and the Soviets.

Together they began at once to remedy that imbalance, to rearm America; to close, as quickly as possible, our window of vulnerability.

They increased the 1982 defense budget by a substantial margin, and then laid out a far-reaching, 5-year plan to catch up with the Soviets.

Congress supported that effort by an overwhelming margin, and America was finally on its way to restoring the military balance.

Yet, today, just one year later, the second installment of Mr. Reagan's determined effort to make up for 10 long years of neglect is suddenly in danger of being decimated by a Congress under the rallying cry that: "No program is sacrosanct!"

But, surely, ladies and gentlemen, fellow members of the VFW, surely the national defense of this great nation of ours is not just one more social program!

Surely, the security of America is today, as it has always been constitutionally, the first and primary responsibility of the Federal Government.

If we can't protect our own survival and our own vital interests, then every other program, no matter how laudable, is in deep jeopardy.

It is incredible to me that you and I, as members of the Veterans of Foreign Wars, should allow an unprecedented turn-around in support for our nation's defense to take place without a single word of protest.

The blunt fact is that any defense cut big enough to make an appreciable dent in the 1983 deficit will do severe damage to the effort to catch up with the Soviet Union. Indeed, in all probability it will spell the end for any further catch-up or rearm program in this century.

Can we, if we are as committed as we say we are to the nation's defense sit by silently and just let this happen in the Congress of the United States?

I for one am not ready to hoist the white flag of surrender to the defense budget cutters.

But those of us on Capitol Hill, in the White House, and in the Pentagon who share this view, desperately need your help tonight—both as individuals and as a great national organization in waging this tough, uphill struggle that lies ahead to preserve world peace by restoring the eroded military strength of the United States of America.

What can you do to help? Very simple. We need to get the true story out to the American people. We need to let them know how vital it is to the safety and future of all of us that this effort to close the window of vulnerability not be allowed to collapse in the budget process on Capitol Hill.

We must get that message back, loud and clear, to the people at home. We must persuade our friends and neighbors to join with the VFW and with other patriotic groups, to send the letters and the phone calls to Washington, to the House and to the Senate, to keep our get-well defense budget intact.

Unless those members get that grassroots message from home, I believe we could find ourselves facing a greater peril than most of us in Washington have heretofore dared to admit.

This is a challenge to all of us here, to all of us in the VFW. Perhaps I am a little presumptuous, as one obscure congressman from Upstate New York—not in the leadership, not a committee chairman, not even a candidate for President—in suggesting this as a possible undertaking for your organization.

But, in the words of President Reagan, "If not us, who? If not now, when?"

Each of us is a member of the VFW because, at a time of great national peril, we rallied to save America.

Today we must rally once more for that same purpose—to preserve the future of the country for which we fought across the seas, and to insure for that country what it truly deserves to have—a national defense second to none in all this world!!

I urge you tonight to join that great effort, and I am confident that you will, as always, respond overwhelmingly.●

CONTINUE THE TERRITORIES POLITICAL DEVELOPMENT

The **SPEAKER** pro tempore. Under a previous order of the House the gentleman from Guam (Mr. WON PAT) is recognized for 5 minutes.

Mr. WON PAT. Mr. Speaker, in a preliminary report on Alaska's experience to date as a member of the Union, the Alaska Statehood Commission made pointed comments recently about the current status of the territories. They are comments which should remind Members of this House of our still-to-be-fulfilled obligations to assist the nearly 4 million Americans of the territories determine their political future.

Let me quote briefly:

> The non-state possessions languish in a political limbo. . . each suffers because its residents. . . cannot vote in presidential elections. . . territorial and commonwealth status remain forms of second-class citizenship dominated by the Federal Government.

I cannot dispute this conclusion. Neither can I disagree with the commission's finding that, "problems of each (territory) rank low in what interests Washington, D.C., on a daily basis."

But this does not mean that territorial Americans have made no progress in our efforts to obtain first-class citizenship or attention to our current unequal status. Through the efforts of such visionary leaders such as PHILLIP BURTON, recent years have witnessed tremendous strides in territorial political development.

Unfortunately, this administration has shown little interest in continuing this record. Our islands are in a state of political limbo because this administration has no territorial political development policy. They have not followed up on the last administration's initiative for a procedure for territorial political development, an invitation to discuss Federal-territorial relations for the first time on an equitable basis.

Only such discussions can lead to a final resolution of the problems inherent in an undefined Federal-territorial relationship. Only mutual agreements of the sort embodied in the Covenant to Establish the Commonwealth of the Northern Mariana Islands can answer the questions raised by uncertain status.

A first step would be for the administration to tell the people of the territories how it proposes we can continue to develop politically. This requires more than the President indicating a preference for a particular status future for a particular territory, the way the administration responded to the legitimate aspirations of the people of Puerto Rico.

A second step would be for the administration to expand its internal review of the applicability or nonapplicability of existing Federal laws to Guam, the Virgin Islands and American Samoa to include participation of the territories affected themselves and the Congress which would have to make necessary amendments. Support of my bill, H.R. 5688, would accomplish this. It would establish a Presidential commission similar to that which is evaluating Federal laws applying to the Northern Mariana Islands.

The comprehensive survey I have proposed could once and for all provide the justification for ending discrimination in those Federal programs which treat territorial Americans unfairly and the restraint on our economic growth imposed by other Federal laws which are applied to us indiscriminately.

As the Alaska study notes, despite the difficulties we face, "the citizens of the nonstate possessions maintain strong loyalty to this country." We are understandably tired, though, of waiting for the administration to decide how it wants to respond to our desires to achieve first-class citizenship.

"UNITY IN DIVERSITY": MRS. HARRY DIX MALONE

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Mississippi (Mr. BOWEN) is recognized for 5 minutes.

● Mr. BOWEN. Mr. Speaker, in 1889, in one of the first club meetings of the General Federation of Women's Clubs, Ella Dietz Clymer, a founder of the organization, coined the club's motto "Unity in Diversity" when she told the pioneering clubwomen:

> We look for unity, but unity in diversity. We hope that you will enrich us by your varied experience.

Such is the case with my valued friend and constituent, the State president of the Mississippi Federation of Women's Clubs, Mrs. Harry Dix Malone, of Cleveland, Miss. Rachel Malone has for over 30 years effectively put into practice this 97-year-old motto. Not only active in the Mississippi Federation of Women's Clubs, she has also volunteered her time and efforts to such worthy causes as the Mississippi Crippled Children's Society, the March of Dimes, the American Heart Association, the American Cancer Society, the United Givers Fund, and the Girl Scouts of America.

An enthusiastic member of the Mississippi Federation of Women's Clubs since 1956, Mrs. Malone has held local, district, and State offices and was club Woman of the Year in 1971 and volunteer activist in 1972. This month, she completes her 2-year term as president of this fine volunteer organization.

During her term in office, Mrs. Malone has devoted her efforts to a special group of young Mississippians—our State's deaf children. Because of Mrs. Malone's dedication to these children, the Mississippi School for the Deaf has been able to grow and expand, helping its students to realize a greater self-worth.

I know there is not a child who has attended that school who does not know Mrs. Malone. This woman has personally crusaded, advocated, and pleaded in behalf of these deaf students. Through her efforts to enlist volunteer support for the school, these children have received, many for the first time in their lives, a pair of shoes that fit, a dress that was new and not a hand-me-down, and, in some cases, a set of teeth that a child had never had before. In fact, one young student, after receiving her teeth, was able to secure a job in a local bank and has become a contributing member of society. Also through Mrs. Malone's efforts, the schoolchildren, for the past 2 years, have received individually wrapped Christmas presents—the first wrapped gifts ever received by the children. There is not a deaf child who has attended or is attending this school who does not love Mrs. Malone and consider her a special angel.

Later this month, a playground, the first one ever built on the campus of the Mississippi School for the Deaf, will be opened and dedicated to Mrs. Harry Dix Malone. The playground, complete with swings, sliding boards, see-saws, and exercise trail, will be a living monument to this outstanding woman. It will not have a large marker listing all Mrs. Malone's accomplishments. It will, however, be full of happy deaf children playing on this new equipment. I do not believe Mrs. Malone will need a monument there. Those children will be her monument.●

FURTHER STEPS NEEDED TO HALT NUCLEAR PROLIFERATION

(Mr. BINGHAM asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. BINGHAM. Mr. Speaker, I am today submitting a bill to strengthen the Nuclear Non-Proliferation Act (NNPA) of 1978. I am proud to have the cosponsorship of the gentleman from Arizona, Mr. UDALL and 39 of our colleagues.

More than 4 years ago, when introducing legislation that led to passage of the NNPA, I stated that nuclear proliferation was the No. 1 threat to human civilization." The NNPA instituted important mechanisms for controlling that threat. On the one hand, it provided nonproliferation incentives, such as a commitment to provide reliable supplies of fuel and reactors to nations supporting nonproliferation efforts and to support an international fuel cycle evaluation. On the other, it blocked nuclear exports to non-nuclear-weapons states not willing to submit their facilities and fuel to safeguards or to pledge they would not explode nuclear devices.

During the 4 years since these incentives and controls were first put in place, I have had the honor of chairing the Subcommittee on International Economic Policy and Trade, which is responsible for overseeing nuclear export policies. In that capacity I have seen that the NNPA serves our interests well. Its controls require us to think carefully about each export of nuclear fuel or equipment we make, before we make it. Its authorization for an international nuclear fuel cycle evaluation, which was concluded in 1980, has forced nations to think through the dangers of proliferation.

Four years of experience, however, have also shown us ways in which the act can be strengthened. Because proliferation remains the No. 1 threat to human civilization, we are introducing this bill in the hope that it will stimulate discussion on the best ways to bring about these improvements.

The bill covers four areas of concern, the first of which involves Department of Energy (DOE) export authorizations. The NNPA delegated authority to DOE to grant authorizations for firms and individuals to engage directly or indirectly in the production of special nuclear material, such as plutonium and enriched uranium, outside the United States. Activities typically included in these authorizations are training, provision of designs, and specialized research equipment with nuclear applications, assistance managing nuclear facilities, and transfer of nuclear equipment, and fuel from third countries.

Such activities can contribute as much to proliferation as the direct export of fuel and equipment from the United States. Yet while the direct export of nuclear fuel and equipment is governed by a tough set of restrictions, DOE authorizations are not. Among other things, activities can be authorized to take place in a country that has not accepted full-scope safeguard inspections of all its nuclear facilities by the International Atomic Energy Agency. Even if a non-nuclear-weapons state acquired a bomb and detonated it, it would still be eligible for DOE authorized activities. Moreover, DOE makes these authorizations without public or congressional notice, without NRC concurrence, and without the possibility of a congressional veto by concurrent resolution. The NNPA also leaves it up to DOE when to issue general or blanket authorizations and when to require specific authorizations it can scrutinize closely. Not surprisingly, the GAO has concluded that DOE's administration of these authorizations "provides too many opportunities for arbitrary executive branch decisions."

Recent events have dramatized this weakness in the NNPA. Press accounts reveal that the Westinghouse Corp. is contemplating an arrangement that would permit sale of a nuclear power reactor to Pakistan through a third country. Pakistan has not agreed to full-scope safeguards and substantial evidence exists that it is on the road to making its own nuclear weapons.

In a similar incident DOE approved the export to Switzerland last year of a process control system for end use in an Argentinian heavy-water production facility. Yet Argentina, like Pakistan, is not eligible under the NNPA for NRC licenses for fuel or equipment, because it has not agreed to full-scope safeguards.

Also last year, while the Congress criticized the administration's proposal to breach the traditional barrier preventing the use of commercial spent fuel for production of weapons-grade plutonium, DOE authorized the export to France of lasers for isotope separation research. Isotope separation is the process by which plutonium locked in commercial spent fuel is turned into bomb-grade plutonium.

A second weakness in the NNPA involves the export of highly enriched uranium (HEU). HEU, uranium highly enriched in the isotope 235, is used mostly for nuclear research. But it is also capable of providing the explosive for a nuclear device. The United States, China, the Soviet Union, Great Britain, and France have all detonated bomb with HEU.

The United States can play an important leadership role in restricting commerce in this dangerous substance. For one thing, the Department of Energy (DOE) is by far the largest world exporter of HEU. For another, it is currently undertaking a program to develop an alternative fuel that does not pose the proliferation risks of HEU. Unfortunately, however, funding for this program has been below originally projected needs. This has necessitated cutbacks in the development effort and set back the day when an alternative fuel can be put into use. At one point last year, it even appeared that the program might be scrapped altogether.

A third concern involves approvals, called "subsequent arrangements," to allow the reprocessing of U.S. exported fuel or its retransfer for that purpose. Reprocessing creates plutonium, a substance even more dangerous than HEU. Not only is plutonium capable of serving as an explosive but it is the most toxic substance known to man. Moreover, two Directors General of the International Atomic Energy Agency (IAEA) and the current head of the Nuclear Regulatory Commission, appointed by President Reagan, have said that technical mechanisms do not exist for adequately safeguarding this material so as to detect a diversion.

Yet, the institutional checks on executive branch decisions to grant subsequent arrangements for reprocessing are weaker than on exports of far less dangerous substances. Both the executive branch and the independent NRC must agree that a license should be issued before any fuel, including low enriched uranium, is exported. But once the fuel is abroad, the executive branch—primarily the Departments of Energy and State—has sole responsibility for granting approvals for countries to reprocess the fuel. NRC concurrence is not required. And while the executive branch must notify the Congress of its decisions, there is no provision for a congressional veto by concurrent resolution.

Fourth, the bill addresses the role of the Secretary of Defense in executive branch nuclear nonproliferation decisionmaking. Above all, nuclear proliferation—the spread of nuclear weapons—is a national defense problem. For this reason the NNPA prohibits export licenses for nuclear fuel or equipment unless the executive branch believes the sale is "not inimical to the common defense and security." Yet the Secretary of Defense is peripheral to most of our international nuclear decisions: He has only a consultative role in decisions to grant export licenses and to permit subsequent arrangements. He has no say whatsoever concerning agreements for cooperation, except in the few cases where such agreements relate to military nuclear partnerships.

This lack of DOD involvement in U.S. commerical nuclear decisions is particularly troublesome today, when a number of countries on the brink of a confrontation might well seek to acquire a nuclear bomb. The United States, for example, could easily become embroiled in any conflict that erupted in the Middle East. Just the fear that a country might build a bomb can cause hostilities. We saw that last year when Israel carried out a preemptive strike against an Iraqi nuclear facility, which could have created bomb-grade nuclear material. In the midst of this tension it is critical that the Department of Defense's national security perspective play a large role in our export decisions.

Mr. Speaker, the bill we are introducing addresses these four problem areas in the following ways:

First, it would strengthen the statutory requirements governing DOE authorizations. No authorization could be made for activities in a non-nuclear-weapons state that does not accept full-scope nuclear safeguards or otherwise fails to meet criteria for direct nuclear exports licensed by the NRC. Likewise the bill would require termination of authorizations to nations engaging in activities, such as detonation of a nuclear device by a non-nuclear-weapons state, that could lead to a termination of exports licensed by the NRC. A Presidential waiver of these requirements is provided, as is a congressional veto of this waiver by concurrent resolution.

The bill also specifies activities requiring specific authorizations and requires congressional notice of such authorizations. These specific authorizations, which are the same as DOE has imposed on itself, cover proliferation prone activities such as the export of laser isotope separation technology made to France last year. Specific authorizations for these activities would be subject to congressional veto by concurrent resolution. DOE currently requires specific authorizations for select countries, most located in the Eastern bloc, even if the proposed activity does not otherwise require a specific authorization. This bill affirms DOE's authority to designate countries requiring specific authorizations; it does not insist that DOE exercise this authority. The bill does require notice in the Federal Register of all DOE authorizations.

Second, the bill provides stiffer criteria for the export of HEU. Specifically no license could be granted by the NRC for export of HEU to a foreign reactor that can use an available alternative fuel. If no alternative fuel is available, the license could not be issued unless the recipient gives assurances that it shall use an alternative fuel when it becomes available and the NRC finds that the executive branch is taking steps to develop an alternative fuel.

The NRC, together with the Secretary of State, would be required to determine a kilogram limit on the amount of U.S.-origin HEU that could be stored at each foreign reactor. The bill also requires efforts to support improvement of physical security for HEU exports. Finally, the Secretary of Energy would be required to submit a plan to Congress for the "development and use in foreign reactors of alternative nuclear reactor fuel."

These provisions relating to HEU intend to encourage the executive branch to develop aggressively an alternative fuel and to insure that the fuel is introduced into commerce as soon as possible. In the meantime, HEU exports, which go to some of our closest allies, can continue. This bill also recognizes that an alternative fuel, once developed, may not work adequately in all reactors that now use HEU. In reactors where HEU is still the only workable fuel, HEU exports will continue, though the bill strives to keep the enrichment levels of exported uranium as low as possible while still meeting reactor requirements.

A third provision of this bill concerns subsequent arrangements for reprocessing of U.S. supplied fuel to produce plutonium. This bill provides for a congressional veto over those subsequent arrangements. This veto provision does not impose a heavy monitoring burden on the Congress. The number of subsequent arrangements each year is very small in proportion to the potential consequences of widespread use of plutonium. Last year the United States approved only 13, slightly more than the annual average. Considering the awesome dangers of plutonium, this is an area where Congress should be able to exercise a check on executive authority—especially since none at all exists now, not even from the NRC.

Fourth and finally, this bill gives a stronger role to the Secretary of Defense in nuclear decisionmaking. The Secretary would have a de facto veto over agreements for nuclear cooperation, nuclear export licenses, and subsequent arrangements. This veto would stem from requirements that the Secretary of Defense make favorable findings and judgments before final decisions are reached in these areas by the executive branch. The bill would also increase DOD's influence over decisions in the sensitive area of subsequent arrangements for reprocessing.

I recognize that critics of this provision will say that by giving a stronger role to the Secretary of Defense we shall slow up the licensing process and make approval less certain. As a result, nations will turn to other, more reliable countries for nuclear suppliers and thus reduce our ability to shape nuclear power development abroad.

But is this so? The Secretary of Defense will be able to make determinations quickly and reliably at the same time that other executive branch agencies carry out their responsibilities under the NNPA. When the Secretary of Defense cannot make favorable findings, we should not despair that we are not a reliable supplier. For if an export cannot be made without fear of its adding to our national security problems, who in this body would argue in favor of it?

A detailed section-by-section analysis of this proposed legislation follows:

Bill To Promote United States Nonproliferation Policies

Section 1. The short title of this act is the "Nuclear Nonproliferation Policy Act of 1982."

TITLE I—AUTHORIZATIONS BY THE SECRETARY OF ENERGY FOR CERTAIN ACTIVITIES OUTSIDE THE UNITED STATES

SECTION 101: CONGRESSIONAL FINDING

Section 101 is a Congressional declaration that DOE authorizations of transfers of nuclear technology are of "vital importance in controlling nuclear weapons proliferation."

SECTION 102: PUBLIC NOTICE

Section 102 provides that any DOE authorization under Section 57 of the Atomic Energy Act of 1954 as amended by the NNPA shall not become effective until 15 days after publication in the *Federal Register*.

SECTION 103: COMPLIANCE WITH FULL-SCOPE SAFEGUARDS AND OTHER NONPROLIFERATION CRITERIA

Section 103 establishes two conditions for all DOE authorizations by amending Section 128 of the Atomic Energy Act. The Secretary of Energy must determine that, if the recipient of a proposed nuclear export is a non-nuclear weapons state, it adheres to the export criteria of Section 127 of the Atomic Energy Act and agrees to full-scope safeguards.

If such a state does not meet the requirements, and the Secretary of Energy still wishes to grant an authorization, the Secretary of Energy must make a public recommendation to the President that the authorization should be granted and the President must determine that withholding the proposed authorization would be "seriously prejudicial to the achievement of United States nonproliferation objectives or would otherwise jeopardize the common defense and security." The President may then authorize the proposed authorization by Executive Order.

Prior to issuing such an order, the President shall submit his order and an explanation to Congress for 60 days of continuous session. During this time Congress can veto the order by concurrent resolution. In the case where a Congressional review would be required both because an activity will take place in a non-nuclear weapons state that does not meet export criteria and because the activity requires a specific authorization under this bill (see section 106, below), only the Congressional review relating to authorizations for non-nuclear weapons states will apply.

The new requirements under this section apply only to those authorizations that are not already covered by Sections 127 and 128a of the Atomic Energy Act.

SECTION 104: CONDUCT RESULTING IN SUSPENSION OF AUTHORIZATIONS BY THE SECRETARY OF ENERGY

Section 129 of the NNPA calls for termination of certain nuclear exports to countries that undermine U.S. nonproliferation goals (e.g. detonation of a nuclear explosive by a non-nuclear weapons state or violation of an agreement for cooperation with the U.S. by any nation or group of nations). Under Section 104 DOE authorizations are added to those exports that would be terminated under Section 129 of the NNPA.

SECTION 105: ACTIVITIES REQUIRING A SPECIFIC AUTHORIZATION

Section 105 amends Section 57b of the Atomic Energy Act of 1954. Section 5b, as currently formulated, provides the Secretary of Energy with authority to authorize firms and individuals to "directly or indirectly engage in the production of any special nuclear material outside of the United States."

Under implementing regulations (810 CFR), the Department of Energy has provided for general and specific authorizations. General authorizations do not require an application to the Department of Energy. Specific authorizations are required for certain countries (mostly in the Eastern bloc) and for certain activities. This new Section 105 incorporates into law the implementing regulations pertaining to specific authorizations as follows:

A. *Specific Authorizations for Designated Activities.* These authorizations apply to activities involving reprocessing, heavy water production, isotope separation for source or special nuclear materials, and fabrication of plutonium into nuclear fuel. Aspects of these activities that would require a specific authorization include designing or assisting in the design of, constructing, fabricating, or operating any such facility, or any component especially designed, modified, or adapted for use in any such facility; training foreign personnel in such activities; or furnishing information not available to the public for use in such facility or equipment or component. Section 105 further authorizes the Secretary of Energy to designate such other activities under this section as require specific authorization.

B. *Exceptions.* Section 105 establishes an exception for specific authorizations for designated activities providing the proposed activity meets three conditions:

(1) the activity does not involve communication of Restricted Data or other classified defense information,

(2) it is not in violation of any other provisions of law; and

(3) it is either limited to:

(a) participation in meetings of or conferences sponsored by educational institutions, laboratories, or scientific or technical organizations; participation in international conferences held under the auspices of a nation, or group of nations or participation in exchange programs approved by the Department of State; or

(b) furnishing information which is available to the public in published form.

C. *Information available to the public.* Section 105 defines "information which is available to the public in published form" by specifying that it includes (but is not limited to) information contained in a filed application that is eligible for foreign filing, or which is available from the Department of Energy under Sec. 552 of Title V of the U.S. Code (i.e. the Freedom of Information Act).

D. *Specific Authorizations for Specific Countries.* Section 105 reaffirms the Secretary of Energy's authority to require a specific authorization for a designated country regardless of the nature of the activity. Section 105 does not obligate the Secretary to designate countries for which specific authorizations are required.

SECTION 106: CONGRESSIONAL REVIEW

Section 106 adds Congressional review and veto for specific authorizations for designated activities. It does so by requiring the Secretary of Energy to provide the Foreign Affairs and the Foreign Relations Committees of Congress with a report containing the reasons for each authorization. The authorization may not go into effect until 30 days of continuous session has elapsed since the report was submitted to Congress. The President may shorten the waiting period to 30 calendar days if he states in the report that an emergency exists.

TITLE II—EXPORTS OF HIGHLY ENRICHED URANIUM

SECTION 201: AMENDMENT OF THE ATOMIC ENERGY ACT OF 1954

Section 201 adds a new "Chapter 11A: Exports of Highly Enriched Uranium" to the Atomic Energy Act, consisting of the following six sections.

SECTION 135: STATEMENT OF UNITED STATES POLICY

Section 135 declares that continued export and use of highly enriched uranium poses a "potentially serious threat to United States security and foreign policy interests" and that development of an alternative nuclear fuel should be accelerated. It also declares that it is United States policy to cooperate with other nations to remove highly enriched uranium from international commerce, to expedite development of "non-weapons-usable nuclear fuels," and to upgrade existing physical security and safeguards arrangements for highly enriched uranium until it is removed from international commerce.

SECTION 136: EXPORTS OF HIGHLY ENRICHED URANIUM FOR REACTOR FUEL

Section 136 in effect bans the NRC from licensing export of highly enriched uranium for use as a nuclear fuel, unless the Commission determines that three conditions are met:

(1) there is no alternative nuclear reactor fuel available which can be used in that reactor, and that reactor cannot otherwise use less enriched uranium.

(2) the proposed recipient has provided assurances that, when an alternative nuclear reactor fuel which can be used in that reactor becomes available, it will use that fuel in lieu of highly enriched uranium.

(3) the Executive branch is taking whatever steps are necessary to develop an alternative nuclear reactor fuel.

SECTION 137: LIMITATIONS ON QUANTITIES OF UNITED STATES ORIGIN HIGHLY ENRICHED URANIUM

Section 137 directs the NRC, in consultation with the Secretary of State, to "determine a kilogram limit" on the amount of highly enriched uranium of United States origin, in fresh or spent fuel, to be allowed in each country and at each reactor site in that country. The Commission is directed to "apply these limitations when considering any proposed export of highly enriched uranium."

SECTION 138: IMPROVING PHYSICAL SECURITY ARRANGEMENTS

Section 138 directs the NRC and the executive branch to support efforts to improve physical security for exports of highly enriched uranium.

SECTION 139: ALTERNATIVE NUCLEAR RESEARCH FUELS

Section 139 directs the Secretary of Energy to submit to Congress a plan for the "development and the use in foreign reactors of alternative nuclear fuels." The objective of the plan is to complete the conversion of all reactors operated with United States origin HEU as soon as it is technically feasible to do so. The plan is to specify: (1) annual expenditures to develop alternative nuclear reactor fuels; (2) U.S. steps to "facilitate and encourage" their use; and (3) estimates on how long conversion to these alternative fuels will take. Moreover, it must "take into account the need to carry out existing bilateral agreements between the United States and other countries."

SECTION 140: DEFINITIONS

Section 140 defines two terms: alternative nuclear reactor fuel and highly enriched uranium.

Alternative nuclear reactor fuel means "reactor fuel which is enriched to 20 percent or less in the isotope U-235 and which cannot be easily converted for use in a nuclear explosive device."

"Highly enriched uranium" means uranium enriched to more than 20 percent in U-235.

TITLE III—CONGRESSIONAL REVIEW OF SUBSEQUENT ARRANGEMENTS

SECTION 301

Section 301 subjects DOE action on subsequent arrangements for reprocessing of spent fuel, or its retransfer for that purpose, to Congressional scrutiny and veto. It establishes two new conditions to be met before a subsequent arrangement can take effect, which are that:

(1) The Secretary of Energy must provide the foreign affairs committees of the House and Senate with a report containing his reasons for entering into the arrangement; and

(2) The Secretary of Energy's report must lie before Congress for 30 days of continuous session. In an emergency, the waiting period becomes 30 calendar days if the President states in his report that an emergency exists requiring immediate action.

During the 30 day waiting period, Congress can veto the DOE approval by concurrent resolution under the procedures spelled out in Section 130 of the Atomic Energy Act of 1954 as amended by the NNPA.

TITLE IV—SPECIAL FUNCTIONS OF THE SECRETARY OF DEFENSE IN NUCLEAR NONPROLIFERATION MATTERS

SECTION 401

Section 401 adds a new sec. 132 to the Atomic Energy Act of 1954 as amended which, in essence, would enable the Secretary of Defense to veto final action on an agreement for nuclear cooperation, a nuclear export license, or a subsequent arrangement by making it a condition for such actions that the Secretary make certain favorable findings or statements. For an agreement for cooperation or a subsequent arrangement, the Secretary must first find that it "will not be inimical to the common defense and security of the United States"; for an NRC export license, the Secretary must state in writing that he agrees with the proposed executive branch judgment.

As enacted in 1978, the NNPA sets forth additional standards for approving the reprocessing of any spent fuel or its subsequent retransfer. For approval of such a subsequent arrangement at a facility that has processed power reactor fuel assemblies or been subject to a subsequent arrangement prior to enactment of the NNPA, the Secretaries of Energy and of State must determine that the subsequent arrangement will not result in a significant increase in the risk of proliferation. Among other factors in making this judgment, the Secretaries must give foremost consideration to whether or not the reprocessing or retransfer will take place under conditions that will ensure timely warning to the United States of any diversion well in advance of the time at which the diverted material could be transformed into a nuclear device. Under this new section 132, the same judgment must be made by the Secretary of Defense and submitted in writing before the subsequent arrangement can be approved. Currently the NNPA requires a different standard for approving such subsequent arrangements for facilities that have processed power reactor fuel assemblies or been subject of a subsequent arrangement before enactment of the NNPA. In these cases, "the Secretary of Energy shall attempt to ensure . . . that such reprocessing or retransfer shall take place under conditions comparable to those which in his view, and that of the Secretary of State, satisfy the standards set forth" for other subsequent arrangements. Under this new section 132, the Secretary of Energy must also obtain the view of the Secretary of Defense with respect to conditions that would satisfy standards set forth for other subsequent arrangements.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. DANNEMEYER (at the request of Mr. MICHEL), for today, on account of illness.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. PETRI) to revise and extend their remarks and include extraneous materials:)

Mr. FISH, for 15 minutes, today.

Mr. WALKER, for 15 minutes, today.

Mr. CARNEY, for 5 minutes, today.

Mr. DENARDIS, for 15 minutes, today.

(The following Members (at the request of Mr. OBERSTAR) to revise and extend their remarks and include extraneous material:)

Mr. REUSS, for 30 minutes, today.

Mr. WILLIAM J. COYNE, for 15 minutes, today.

Mr. BINGHAM, for 60 minutes, today.

Mr. GONZALEZ, for 15 minutes, today.

Mr. ANNUNZIO, for 5 minutes, today.

Mr. COELHO, for 5 minutes, today.

Mr. TAUZIN, for 10 minutes, today.

Mr. ROSTENKOWSKI, for 10 minutes, today.

Mr. OBERSTAR, for 10 minutes, today.

Mr. UDALL, for 5 minutes, today.

Mr. BENJAMIN, for 5 minutes, today.

Mr. ST GERMAIN, for 5 minutes, today.

Mrs. BOGGS, for 5 minutes, today.

Mr. MONTGOMERY, for 5 minutes, today.

Mr. JONES of Tennessee, for 60 minutes, April 28.

Mr. WATKINS, for 60 minutes, April 28.

Mr. DORGAN of North Dakota, for 60 minutes, April 28.

Mr. DASCHLE, for 60 minutes, April 28.

Mr. BEDELL, for 60 minutes, April 28.

Mr. ALEXANDER, for 60 minutes, April 28.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

Mr. MCCLORY, to revise and extend his remarks on S. 2333, amending United States Code, in the House today.

Mr. BROWN of Ohio, immediately following the remarks of Mr. GARCIA on Senate Joint Resolution 67, National Nurse-Midwifery Week, in the House today.

Mr. BINGHAM, to revise and extend his remarks in the body of the RECORD in support of his bill amending the Nuclear Nonproliferation Act.

(The following Members (at the request of Mr. PETRI), and to include extraneous matter:)

Mr. NAPIER in three instances.

Ms. FIEDLER.

Mr. DOUGHERTY.

Mr. KEMP.

Mr. DERWINSKI.

Mr. LOWERY of California.

Mrs. HECKLER in two instances.

Mr. ROTH in two instances.

Mrs. SNOWE.

Mr. Gingrich.
Mr. Fields in three instances.
Mr. Williams of Ohio.
Mr. Daniel B. Crane.
Mr. Bereuter.
Mr. Wolf.
Mr. Gilman in two instances.
Mr. Marriott.
Mr. Broomfield.
Mr. Badham in two instances.
Mr. Conte.
Mr. Pursell.
Mr. Paul.
Mr. Wampler.
Mr. Butler.
Mr. Duncan.
Mr. Evans of Delaware.
Mr. Hendon.
Mr. Sensenbrenner.

(The following Members (at the request of Mr. Oberstar), and to include extraneous matter:)

Mr. William J. Coyne.
Mr. Luken.
Mr. Ottinger in two instances.
Mr. Gore in two instances.
Mr. Brodhead in two instances.
Mrs. Schroeder.
Mr. Donnelly.
Mr. Gephardt.
Mr. Santini.
Mr. Boland.
Mr. Dixon.
Mr. AuCoin in two instances.
Mr. Oberstar in three instances.
Mr. McDonald in five instances.
Mr. St Germain.
Mr. Barnes.
Mr. de Lugo in two instances.
Mr. Eckart.
Mr. Hamilton.
Mr. Holland.
Mr. Miller of California.
Mr. Waxman.
Mr. Hubbard.
Mr. Markey in two instances.

SENATE BILL AND JOINT RESOLUTION REFERRED

A bill and a joint resolution of the Senate of the following titles were taken from the Speaker's table and, under the rule, referred as follows:

S. 1936. An act to require members of the National Transportation Safety Board to be chosen from individuals with expertise in the fields of accident reconstruction, safety engineering, transportation safety, or transportation regulation, and for other purposes; to the Committees on Energy and Commerce and Public Works and Transportation; and

S.J. Res. 169. Joint resolution to designate the week of April 18 as "National Architecture Week"; to the Committee on Post Office and Civil Service.

ENROLLED JOINT RESOLUTIONS SIGNED

Mr. HAWKINS, from the Committee on House Administration, reported that that committee had examined and found truly enrolled joint resolutions of the House of the following titles, which were thereupon signed by the Speaker:

H.J. Res. 409. Joint resolution making further continuing appropriations for the fiscal year 1982;

H.J. Res. 410. Joint resolution to designate April 19, 1982, as "Dutch-American Friendship Day"; and

H.J. Res. 447. Joint resolution to authorize and request the President to issue a proclamation designating April 4, 1982, as the "National Day of Reflection."

SENATE ENROLLED BILL SIGNED

The SPEAKER announced his signature to an enrolled bill of the Senate of the following title:

S. 1937. An act to extend the expiration date of section 252 of the Energy Policy and Conservation Act.

JOINT RESOLUTIONS PRESENTED TO THE PRESIDENT

Mr. HAWKINS, from the Committee on House Administration, reported that that committee did on March 31, 1982, present to the President, for his approval, joint resolutions of the House of the following titles:

H.J. Res. 272. An act to authorize and request the President to issue a proclamation designating April 4 through 10, 1982, "National Medic Alert Week"; and

H.J. Res. 409. An act making further continuing appropriations for the fiscal year 1982.

ADJOURNMENT

Mr. OBERSTAR. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 3 o'clock and 34 minutes p.m.) under its previous order, the House adjourned until Monday, April 5, 1982, at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

3563. A letter from the Assistant Secretary of State for Congressional Relations, transmitting notice of the State Department's intention to consent to a request by the Government of the United Kingdom for permission to transfer certain U.S.-origin defense equipment to New Zealand, pursuant to section 3(d) of the Arms Export Control Act; to the Committee on Foreign Affairs.

3564. A letter from the Inspector General, Department of Energy, transmitting the annual report of his office for calendar year 1981, pursuant to section 203(c) of Public Law 95-91; to the Committee on Government Operations.

3565. A letter from the Board of Directors, Tennessee Valley Authority, transmitting a report on the Corporation's activities under the Freedom of Information Act during calendar year 1981, pursuant to 5 U.S.C. 552(d); to the Committee on Government Operations.

3566. A letter from the Acting Secretary of the Interior, transmitting the Federal coal management report for fiscal year 1981, pursuant to section 8B of the Mineral Lands Leasing Act, as amended (90 Stat. 1089); to the Committee on Interior and Insular Affairs.

3567. A letter from the Secretary of Commerce, transmitting an amendment to a previously submitted draft of proposed legislation to extend the appropriation authorization for reporting of weather modification activities, and for other purposes; to the Committee on Science and Technology.

3568. A letter from the Secretarty of Commerce, transmitting a draft of proposed legislation to implement the Nairobi Protocol to the Florence Agreement on the Importation of Educational, Scientific and Cultural Materials, which protocol was opened for signature on March 1, 1977, and for other purposes; to the Committee on Ways and Means.

3569. A letter from the Board of Trustees, Federal Old-Age and Survivors Insurance and Disability Insurance Trust Funds, transmitting the 1982 annual report of the Board, pursuant to section 201(c) of the Social Security Act (H. Doc. No. 97-163); to the Committee on Ways and Means and ordered to be printed.

3570. A letter from the Chairman, International Trade Commission, transmitting the Commission's 29th quarterly report on trade between the United States and the nonmarket-economy countries, pursuant to section 410 of the Trade Act of 1974; to the Committee on Ways and Means.

3571. A letter from the Deputy Secretary of the Treasury, transmitting a draft of proposed legislation to authorize appropriations for the U.S. Customs Service for fiscal years 1983 and 1984; to the Committee on Ways and Means.

3572. A letter from the Under Secretary of Agriculture for International Affairs and Commodity Programs, transmitting the third quarterly report, for the period ended March 31, 1982, on the status of planned programing of food assistance under title I/III of the Agricultural Trade Development and Assistance Act, pursuant to section 408(b) of the act, as amended; to the Committee on Agriculture and Foreign Affairs.

3573. A letter from the Acting Secretary, Department of Interior, transmitting a report on the Naval Arctic Research Laboratory study, pursuant to section 1007 of Public Law 96-487; jointly, to the Committees on Armed Services and Science and Technology.

3574. A letter from the Secretary of Health and Human Services, transmitting a report on demonstrations of waiving cost-sharing amounts paid by beneficiaries under title XVIII of the SSA for obtaining second opinions on having surgery performed, pursuant to section 958(b) of Public Law 96-499; jointly, to the Committees on Ways and Means and Energy and Commerce.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the clerk for printing and reference to the proper calendar, as follows:

Mr. UDALL: Committee on Interior and Insular Affairs. H.R. 3208. A bill to amend the Reclamation Safety of Dams Act of 1978, and for other purposes; with an amendment (Rept. No. 97-478). Referred to

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the Committee of the Whole House on the State of the Union.

PUBLIC BILLS AND RESOLUTIONS

Under clause 5 of rule X and clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. BENJAMIN:

H.R. 6029. A bill to authorize the Secretary of the Interior to acquire by exchange certain lands within the Indiana Dunes National Lakeshore in the State of Indiana; to the Committee on Interior and Insular Affairs.

By Mr. PRICE (for himself and Mr. Dickinson):

H.R. 6030. A bill to authorize appropriations for fiscal year 1983 for the Armed Forces for procurement, for research, development, test, and evaluation, and for operation and maintenance, to prescribe personnel strengths for such fiscal year for the Armed Forces and for civilian employees of the Department of Defense, to authorize appropriations for such fiscal year for civil defense, and for other purposes; to the Committee on Armed Services.

By Mr. BINGHAM:

H.R. 6031. A bill to amend section 3 of Public Law 92-592; to the Committee on Interior and Insular Affairs.

By Mr. BINGHAM (for himself, Mr. Udall, Mr. Weiss, Mr. Dellums, Mr. Beilenson, Mr. Edwards of California, Mr. Richmond, Mr. LaFalce, Mr. Lowry of Washington, Mr. Minish, Mr. Fascell, Mr. Mineta, Mr. Downey, Mr. Jeffords, Mr. Markey, Mr. Emery, Mr. Lehman, Mr. Edgar, Mr. Hertel, Mr. Fowler, Mr. Hughes, Mr. Gore, Ms. Mikulski, Mr. Wolpe, Mr. Shamansky, Mr. Kastenmeier, Mr. Weaver, Mr. Corrada, Mr. Gejdenson, Mrs. Schroeder, Mr. Bonker, Mr. Eckart, Mr. Schumer, Mr. Oberstar, Mr. Patterson, Mr. Seiberling, Mr. Barnes, Mr. Addabbo, Mr. Ottinger, Ms. Ferraro, and Mr. Brown of California):

H.R. 6032. A bill to promote the nuclear nonproliferation policies of the United States; to the Committee on Foreign Affairs.

By Mrs. BOGGS:

H.R. 6033. A bill relating to the preservation of the historic Congressional Cemetery in the District of Columbia for the inspiration and benefit of the people of the United States; to the Committee on Interior and Insular Affairs.

By Mr. BUTLER (for himself, Mr. Glickman, Mr. Rodino, Mr. Fish, Mr. Edwards of California, Mr. Synar, Mr. Harkin, Mr. Bereuter, Mr. Huckaby, Mr. Skelton, and Mr. Bedell):

H.R. 6034. A bill to amend title 11, United States Code, to provide for expedited determinations of interests in grain and the proceeds of grain, held by debtors who own or operate grain storage facilities; to the Committee on the Judiciary.

By Mr. DICKS:

H.R. 6035. A bill to amend the Inspector General Act of 1978 to provide for the establishment of an Office of Inspector in the Department of Defense, and for other purposes; to the Committee on Government Operations.

By Mr. FISH (for himself and Mr. Walgren):

H.R. 6036. A bill to provide that registration and polling places for Federal elections be accessible to handicapped and elderly individuals, and for other purposes; to the Committee on House Administration.

By Mr. GINGRICH:

H.R. 6037. A bill entitled "Airways Facilities Systems Specialists Act of 1982"; to the Committee on Post Office and Civil Service.

By Mr. GONZALEZ (for himself, Mr. St Germain, Mr. Blanchard, Mr. Lundine, Mr. Vento, Mr. Garcia, Mr. D'Amours, Mr. Frank, Mr. William J. Coyne, Mr. Schumer, Mr. Hoyer, Mr. Aspin, Mr. Markey, and Mr. Gejdenson):

H.R. 6038. A bill to amend section 235 of the National Housing Act; to the Committee on Banking, Finance and Urban Affairs.

By Mr. SAM B. HALL, JR.:

H.R. 6039. A bill to amend title 38, United States Code, to correct a technical error with respect to entitlement to dependency and indemnity compensation; to the Committee on Veterans' Affairs.

H.R. 6040. A bill to amend title 38, United States Code, to provide eligibility for burial benefits from the Veterans' Administration for certain veterans whose remains are unclaimed; to the Committee on Veterans' Affairs.

H.R. 6041. A bill to amend title 38, United States Code, to authorize the Administrator of Veterans' Affairs to furnish a burial flag to the next of kin of persons who are buried in Arlington National Cemetery or in national cemeteries administered by the Veterans' Administration but who are not currently eligible for burial flags; to the Committee on Veterans' Affairs.

H.R. 6042. A bill to amend title 38, United States Code, to provide for optional life insurance coverage of up to $65,000 for members of the Armed Forces on active duty; to the Committee on Veterans' Affairs.

By Mr. SAM B. HALL, JR. (by request):

H.R. 6043. A bill to amend chapter 19 of title 38, United States Code, to permit the unrestricted assignment of a beneficiary's interest in the proceeds of a Government life insurance policy in cases involving contested claims; to the Committee on Veterans' Affairs.

H.R. 6044. A bill to amend title 38, United States Code, to remove the bar against payment of servicemen's group life insurance and veteran's group life insurance proceeds in the event the claim is filed late and to clarify that such proceeds may not escheat to a State; to the Committee on Veterans' Affairs.

By Mr. HOLLAND (for himself, Mr. Frenzel, Mr. Pickle, Mr. Conable, Mr. Guarini, Mr. Anthony, Mr. Fowler, Mr. Schulze, Mr. Bailey of Pennsylvania, Mr. Martin of North Carolina, Mr. Duncan, Mr. Heftel, Mr. Bafalis, and Mr. Rousselot):

H.R. 6045. A bill to provide special temporary rules for taxing the income of life insurance companies; to the Committee on Ways and Means.

By Mr. HUGHES:

H.R. 6046. A bill to amend title 18 of the United States Code with respect to extradition, and for other purposes; to the Committee on the Judiciary.

By Mr. JACOBS:

H.R. 6047. A bill to amend the Federal Election Campaign Act of 1971 to provide for public financing of advertising and related expenses in campaigns for the House of Representatives and to prohibit contributions by multicandidate political committees to candidates who accept such financing; to the Committee on House Administration.

By Mr. LaFALCE:

H.R. 6048. A bill to amend the Federal-State Extended Unemployment Compensation Act of 1970 to provide that extended benefits will be payable in any State in which the rate of regular unemployment equals or exceeds 7 percent; to the Committee on Ways and Means.

By Mr. LUNGREN:

H.R. 6049. A bill to reform the fourth amendment exclusionary rule; to the Committee on the Judiciary.

H.R. 6050. A bill to reform habeas corpus procedures, and for other purposes; to the Committee on the Judiciary.

H.R. 6051. A bill to amend section 1963 of title 18, United States Code, and the Comprehensive Drug Abuse Prevention and Control Act of 1970 (21 U.S.C. 801 et seq.) to provide for the criminal forfeiture of the proceeds of racketeering activity, to provide for the sanction of criminal forfeiture for all felony drug offenses, to facilitate forfeitures in drug-related and racketeering cases, and for other purposes; jointly, to the Committees on the Judiciary and Energy and Commerce.

By Mr. MARRIOTT:

H.R. 6052. A bill to amend title 28, United States Code, to provide a remedy against the United States for damages to certain individuals resulting from nuclear tests at the Nevada test site, and for other purposes; to the Committee on the Judiciary.

By Mr PAUL:

H.R. 6053. A bill to amend the Internal Revenue Code of 1954 to provide certain tax incentives for small businesses; jointly, to the Committees on Ways and Means and Education and Labor.

By Mr. PAUL (for himself, Mr. Lott, Mr. McDonald, Mr. Hansen of Idaho, Mr. Philip M. Crane, Mr. Jeffries, Mr. Collins of Texas, Mr. Rousselot, Mr. Daniel B. Crane, Mr. Edwards of Oklahoma, Mr. Craig, and Mr. Brown of Colorado):

H.R. 6054. A bill to provide for the minting of the American Eagle gold coin pursuant to article I, section 8 of the Constitution of the United States; to the Committee on Banking, Finance and Urban Affairs.

By Mr. ROSTENKOWSKI (for himself and Mr. Conable):

H.R. 6055. A bill to revise subchapter 8 to the Internal Revenue Code of 1954 (relating to small business corporations); to the Committee on Ways and Means.

By Mr. ROSTENKOWSKI:

H.R. 6056. A bill to make technical corrections related to the Economic Recovery Tax Act of 1981, the Crude Oil Windfall Profit Tax Act of 1980, and the Installment Sales Revision Act of 1980; to the Committee on Ways and Means.

By Mr. RUSSO:

H.R. 6057. A bill to provide compensation for the victims of crime, assistance to witnesses in criminal cases, and an increase in witness fees; to the Committee on the Judiciary.

By Mr. ST GERMAIN:

H.R. 6058. A bill to provide for the minting of commemorative coins to help support the 1984 Los Angeles Olympic games; to the Committee on Banking, Finance and Urban Affairs.

By Mr. SANTINI:

H.R. 6059. A bill to implement certain recommendations of the Attorney General's task force on violent crime, and for other purposes; to the Committee on the Judiciary.

By Mr. SCHUMER:

H.R. 6060. A bill to amend the Fair Credit Reporting Act to provide for certain restrictions on the furnishing of information by consumer reporting agencies with respect to individuals renting residential property; to the Committee on Banking, Finance and Urban Affairs.

By Mr. SMITH of Alabama (for himself and Mr. Gramm):

H.R. 6061. A bill to amend the Higher Education Act of 1965 to make certain modifications in provisions relating to student loan programs for the purpose of insuring continued access to postsecondary education; to the Committee on Education and Labor.

By Mr. WAMPLER (for himself and Mr. Hagedorn):

H.R. 6062. A bill to amend the Federal Meat Inspection Act, the Poultry Products Inspection Act, and the Egg Products Inspection Act to authorize the Secretary of Agriculture to determine the degree of inspection to be conducted in meat, poultry, and egg processing plants, and for other purposes; to the Committee on Agriculture.

By Mr. WHITEHURST:

H.R. 6063. A bill to amend title 10, United States Code, to allow the Secretary of a military department to accept voluntary, uncompensated services from persons desiring to provide such services in programs designed for the morale and support of military members and their families; to the Committee on Armed Services.

By Mr. WHITLEY:

H.R. 6064. A bill to amend the Internal Revenue Code of 1954 to provide that no deduction shall be allowed for the living expenses of Member of Congress in the Washington, D.C. area for any day unless the Member certifies that he was physically present in such area by reason of official business on such day, and for other purposes; to the Committee on Ways and Means.

By Mr. WILLIAMS of Montana:

H.R. 6065. A bill to provide for the future productivity of the national forest system; to the Committee on Agriculture.

By Mr. FOLEY (for himself and Mr. Findley):

H.J. Res. 452. Joint resolution to establish a national policy on exports of U.S.-produced food and food products; to the Committee on Foreign Affairs.

By Mr. ALEXANDER:

H.J. Res. 453. Joint resolution to designate October 10, 1982, as "National Jogging Day"; to the Committee on Post Office and Civil Service.

By Mr. CONTE:

H.J. Res. 454. Joint resolution to authorize and request the President to designate the week of September 19 through 25, 1982, as "National Cystic Fibrosis Week"; to the Committee on Post Office and Civil Service.

By Mr. EVANS of Delaware:

H.J. Res. 455 Joint resolution providing for the designation of the week beginning July 18, 1982, as "National Junior Bowling Championship Week"; to the Committee on Post Office and Civil Service.

By Mr. FORD of Tennessee:

H.J. Res. 456. Joint resolution designating the week of November 7 through November 13, 1982, as "National Respiratory Therapy Week"; to the Committee on Post Office and Civil Service.

By Mr. GORE (for himself, Mr. Udall, Mr. Dingell, Mr. Waxman, Mr. Jeffords, Mr. Emery, Mr. Molinari, Mr. Hollenbeck, Mrs. Schroeder, Mr. Wirth, Mr. Bonior of Michigan, Mr. Seiberling, Mr. Downey, Mr. Brown of California, and Mrs. Schneider):

H. Con. Res. 303. Concurrent resolution expressing the sense of Congress that the Environmental Protection Agency needs adequate resources and effective administration in order to carry out its legislatively mandated responsibilities; jointly, to the Committees on Agriculture, Energy and Commerce, Merchant Marine and Fisheries, and Public Works and Transportation.

By Mr. GRAY (for himself and Mr. Wolpe):

H. Con. Res. 304. Concurrent resolution expressing the sense of the Congress that the export control regulations of February 26, 1982, pertaining to Iraq, Syria, South Yemen, South Africa, and Namibia should be modified in accordance with certain principles; to the Committee on Foreign Affairs.

By Mr. NEAL:

H. Con. Res. 305. Concurrent resolution to express the sense of the Congress that the President should enter into an agreement with the Soviet Union and other nations to eliminate nuclear weapons; to the Committee on Foreign Affairs.

By Mr. COLEMAN (for himself and Mr. Richmond):

H. Res. 423. Resolution expressing the sense of the House of Representatives that the Commonwealth of Puerto Rico should amend its plan submitted under the Food Stamp Act of 1977 to provide assurance that any assistance provided under such plan will be used only to purchase food; to the Committee on Agriculture.

By Mr. GILMAN (for himself and Mr. Leland):

H. Res. 424. Resolution to establish the Select Committee on Hunger; to the Committee on Rules.

By Mrs. HECKLER:

H. Res. 425. Resolution expressing the sense of the House of Representatives that the President should take all possible actions to collect the amount of any overcharges resulting from Petroleum Allocation Act of 1973, and to enforce the orders, rules, and regulations relating thereto; to the Committee on Energy and Commerce.

By Mr. LIVINGSTON (for himself and Mr. Murtha):

H. Res. 426. Resolution acclaiming and supporting democracy in El Salvador; to the Committee on Foreign Affairs.

By Mr. UDALL (for himself and Mr. Conte, Mr. Seiberling, Mr. Pritchard, Mr. Lowry of Washington, Mr. Williams of Montana, Mr. Panetta, Mr. Vento, Mr. Patterson, Mr. Weaver, and Mr. Miller of California):

H. Res. 427. Resolution expressing the sense of the House of Representatives with respect to the issuance of mineral leases in wilderness areas, and for other purposes; to the Committee on Interior and Insular Affairs.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. FAUNTROY:

H.R. 6066. A bill for the relief of Joseph Karel Hasek; to the Committee on the Judiciary.

By Mr. STANTON of Ohio:

H.R. 6067. A bill for the relief of Anja Maratta Jallow; to the Committee on the Judiciary.

ADDITIONAL SPONSORS

Under clause 4 of rule XXII, sponsors were added to public bills and resolutions as follows:

[Omitted from the Congressional Record of March 31, 1982]

[The following original cosponsors were omitted from H. Res. 418:]

H. Res. 418: Mr. DeNardis, Mr. Addabbo, Mr. Annunzio, Mr. Benjamin, Mr. Bliley, Mrs. Boggs, Mrs. Byron, Mr. Clinger, Mr. Collins of Texas, Mr. Corrada, Mr. Courter, Mr. Daschle, Mr. de la Garza, Mr. Derwinski, Mr. Dingell, Mr. Dornan of California, Mr. Dyson, Mr. Fauntroy, Mr. Fish, Mr. Ford of Michigan, Mr. Forsythe, Mr. Fenzel, Mr. Gephardt, Mrs. Heckler, Mr. Hiler, Mrs. Holt, Mr. Horton, Mr. Howard, Mr. Hoyer, Mr. Hughes, Mr. Jacobs, Mr. Jeffries, Mr. Kemp, Mrs. Kennelly, Mr. Kildee, Mr. LaFalce, Mr. Lagomarsino, Mr. Lee, Mr. Lent, Mr. Long of Maryland, Mr. Lowery of California, Mr. Lungren, Mr. Madigan, Mrs. Martin of Illinois, Ms. Mikulski, Mr. Minish, Mr. Mitchell of New York, Mr. Molinari, Mr. Mollohan, Mr. Nelligan, Mr. Oberstar, Mr. Ottinger, Mr. Oxley, Mr. Panetta, Mr. Pepper, Mr. Ratchford, Mr. Regula, Mr. Rinaldo, Mr. Rodino, Mr. Roe, Mr. Russo, Mr. Sabo, Mr. Smith of New Jersey, Mr. Smith of Pennsylvania, Mr. St Germain, Mr. Staton of West Virginia, Mr. Tauke, Mr. Vento, Mr. Volkmer, Mr. Won Pat, Mr. Yatron, and Mr. Zablocki.

[Submitted April 1, 1981]

H.R. 18: Mr. Watkins.

H.R. 808: Mr. Railsback, Mr. Smith of New Jersey, Mr. Bliley, Mr. Conyers, and Mr. McEwen.

H.R. 1954: Mr. Nowak.

H.R. 2007: Mr. Lowry of Washington, Mr. Smith of New Jersey, and Mr. Butler.

H.R. 3236: Mr. McGrath, Mr. Archer, and Mr. Kildee.

H.R. 3252: Mr. Gore and Mr. Fauntroy.

H.R. 3281: Mr. Daub.

H.R. 3392: Mr. Bowen.

H.R. 3532: Mr. Atkinson, Mr. Beard, Mr. Beilenson, Mr. Benjamin, Mrs. Chisholm, Mr. Brown of Ohio, Mr. Clinger, Mr. Conyers, Mr. William J. Coyne, Mr. Daschle, Mr. DeNardis, Mr. Derwinski, Mr. Dougherty, Mr. Fauntroy, Mr. Fish, Mr. Frenzel, Mr. Gingrich, Mr. Goodling, Mr. Gray, Mr. Horton, Mr. Leland, Mr. McClory, Mr. Ratchford, Mr. Roe, Mr. Stokes, Mr. Mazzoli, Mr. Minish, Mr. Mitchell of Maryland, Mr. Molinari, Mr. Murphy, Mr. Jeffries, Mr. Panetta, Mr. Pepper, Mr. Rangel, Mr. Richmond, Mr. Vander Jagt, Mr. Vento, Mr. Walgren, Mr. Oxley, Mr. Addabbo, Mr. Collins of Texas, Mr. Dellums, Mr. Ford of Tennessee, Mr. Dymally, Mr. Lent, Mr. LeBoutillier, Mr. Bingham, Mr. Kemp, Mr. Solarz, Mr. Horton, Mr. Barnard, Mr. Downey, Mr. Hoyer, Mr. Clay, Mr. Brodhead, Mr. Crockett, Mr. Donnelly, Mr. Scheuer, Mr. Washington, Mr. Corrada, Mr. LaFalce, Mr. Stratton, Mr. Findley, Ms. Oakar, Mr. Gonzalez, and Mr. Rodino.

H.R. 3752: Mr. Nowak and Mr. McKinney.

H.R. 4280: Mr. Long of Maryland, Mr. Marriott, Mr. Smith of New Jersey, Mr. Dornan of California, Mr. John L. Burton, Mr. Oxley, Mr. Gingrich, Mr. Dowdy, Mr. Frost, Mr. Rahall, Mr. Won Pat, and Mr. English.

H.R. 4554: Mr. Young of Alaska and Mr. McCurdy.

H.R. 4786: Mr. Burgener, Mr. Natcher, Mr. AuCoin, Mr. Hatcher, and Mr. Hoyer.

H.R. 5054: Mr. Lagomarsino, Mr. Frenzel, Mr. Downey, Mr. Conte, Mr. Won Pat, Mr. Howard, Mr. Yatron, Mr. McDonald, Mr. Brown of Ohio, Mr. Jeffords, Mr. Robinson, and Mr. Montgomery.

H.R. 5133: Mr. Wilson, Mr. Tauzin, Mr. McDade, Mr. Daschle, Ms. Ferraro, Mr. Udall, Mr. Marks, Mrs. Heckler, Mr. D'Amours, and Mr. Nichols.

H.R. 5146: Mr. Goodling.

H.R. 5154: Mr. Edgar, Mr. Gramm, and Mr. Fish.

H.R. 5252: Mr. Quillen, Mr. Shuster, and Mr. Findley.

H.R. 5272: Mr. Watkins.

H.R. 5278: Mr. Vento, Mr. Foglietta, Mr. Forsythe, Mr. Hughes, Mr. Edgar, and Mr. James K. Coyne.

H.R. 5351: Mr. Jones of North Carolina, Mr. Wortley, Mr. Goodling, Mr. Murtha, Mr. Evans of Delaware, Mr. Robinson, Mr. Tauke, Mr. Flippo, Mr. Thomas, Mr. McEwen, Mrs. Schneider, Mr. Hubbard, Mr. Marlenee, Mr. Robert W. Daniel, Jr., Mr. Jones of Tennessee, Mr. Sharp, Mr. St Germain, Mr. Santini, Mrs. Bouquard, Mr. Wyden, Mr. Whitehurst, Mr. Bowen, Mr. Hance, Mr. Brodhead, Mr. Hendon, Mr. Hatcher, Mr. Dickinson, Mr. Horton, Mr. Stanton of Ohio, Mr. Jeffords, Mr. McKinney, Mr. Forsythe, Mrs. Fenwick, Mrs. Heckler, Mr. Boner of Tennessee, Mr. Spence, Mr. Dyson, Mr. Lee, Mr. Fithian, Mr. Clinger, Mr. DeNardis, Mr. Sunia, Mr. Hansen of Idaho, Mr. Wilson, Mr. Broomfield, Mr. Daniel B. Crane, Mr. Nelligan, Mr. Benjamin, Mr. Shuster, Mr. Livingston, Mr. Brinkley, Mr. Gramm, Mr. Daub, Mr. Hiler, Mr. Emery, Mrs. Martin of Illinois, Mrs. Snowe, Mr. Emerson, Mr. Sabo, and Mr. Lowry of Washington.

H.R. 5423: Mr. Ford of Tennessee.

H.R. 5535: Mr. Oberstar.

H.R. 5540: Mr. Albosta, Mr. Clausen, Mr. D'Amours, Mr. Dicks, and Mr. Hughes.

H.R. 5636: Mr. Forsythe, Mr. Butler, Mr. Hughes, Mr. Mitchell of Maryland, Mr. Corcoran, Mr. Williams of Montana, and Mr. Tauke.

H.R. 5681: Mr. Traxler, Mr. Gray, Mr. Simon, Mr. Oberstar, Mr. Stokes, Mr. Crockett, and Mr. Young of Missouri.

H.R. 5687: Mr. McCollum, Mr. Jacobs, Mr. de Lugo, Mr. Scheuer, Mrs. Bouquard, Mr. Frank, Mr. Winn, Mr. Bingham, Mr. Coughlin, Mr. Bailey of Pennsylvania, Mr. Long of Maryland, Mr. Kogovsek, Mr. Guarini, Mr. Ford of Tennessee, and Mr. Ritter.

H.R. 5729: Mr. McDonald.

H.R. 5740: Mr. Crockett, Mr. Dwyer, Mr. Foglietta, Mr. Garcia, Mr. Mitchell of Maryland, Mr. Ottinger, Mr. Rosenthal, Mr. Scheuer, and Mr. Walker.

H.R. 5762: Mr. Ratchford, Mr. Lehman, Mr. Markey, Mr. Emory, Mr. Washington, Mr. Long of Maryland, Mr. Frost. Mr. Smith of Pennsylvania, Mr. Barnes, Mr. Kildee, Mr. Frank, Ms. Mikulski, Mr. Fary, and Mr. Young of Alaska.

H.R. 5766: Mr. McDonald, Mr. Hendon, Mr. Badham, Mr. Huckaby, and Mr. Bereuter.

H.R. 5834: Mr. Barnes, Mr. Bennett, Mr. Bonker, Mrs. Bouquard, Mr. Duncan, Mr. Edwards of California, Mr. Edwards of Alabama, Mr. Emery, Mr. Gejdenson, Mr. Mottl, Mr. Murphy, Mr. Nelligan, Mr. Smith of New Jersey, Mr. Smith of Pennsylvania, Mr. Weaver, Mr. Wyden, Mr. Roberts of South Dakota, Ms. Oakar, Mr. Breaux, Mr. Traxler, Mr. Winn, and Mr. Wylie.

H.R. 5860: Mr. McEwen, Mr. Beilenson, Mr. Richmond, Mr. Benedict, Mr. Bevill, and Mr. Derwinski.

H.R. 5932: Mr. Barnes, Mr. Crockett, Mr. Wolpe, and Mr. Dixon.

H.R. 5933: Mr. Young of Alaska and Mr. Moorhead.

H.R. 5950: Mr. Mitchell of New York, Mr. Weaver, Mr. Ford of Tennessee, Mr. Conyers, Mr. Gingrich, Mr. Edgar, Mr. Seiberling, and Mr. Murphy.

H.J. Res. 395: Mr. Phillip Burton, Mr. Lowry of Washington, Mr. Rose, Mr. Barnard, Mr. Shannon, Mr. Wright, Mr. Coelho, Mr. Ford of Tennessee, and Mr. Scheuer.

H.J. Res 415: Mr. Addabbo, Mr. Loeffler, Mr. Sunia, Mr. Winn, and Mr. Won Pat.

H.J. Res. 416: Mr. Weber of Ohio, Mr. Florio, Mr. Lowery of California, Mr. Porter, Mr. Weiss, Mr. Daschle, Mr. Siljander, Mr. Corrada, Mr. McEwen, Mr. Rahall, Mr. Winn, Mr. Howard, Mr. Kindness, Mr. Marriott, Mr. Barnes, Mr. Fowler, Mr. Walgren, Mr. Fauntroy, and Mr. Chappie.

H.J. Res. 426: Mr. Ottinger, Mr. Lowry of Washington, Mr. William J. Coyne, Mr. Richmond, Mr. Crockett, Mr. Bedell, and Mr. Savage.

H.J. Res. 434: Mrs. Martin of Illinois, Mr. Guarini, Mr. Evans of Iowa, Mr. Fascell, Mr. McCloskey, Mr. Downey, and Mr. Fazio.

H.J. Res. 435: Mr. Zablocki, Mr. Lantos, Mr. Burgener, Mr. Wortley, Mr. Patman, Mr. Hoyer, Mr. Gibbons, Mr. Carney, Mr. Pursell, Mr. Green, Mr. DeNardis, Mr. Hubbard, Mr. Vander Jagt, Mr. Fish, Mrs. Schroeder, Mrs. Fenwick, Mr. Kramer, Mr. Rogers, Mr. Panetta, Mr. Coelho, Mr. McEwen, Mr. English, Mr. Miller of Ohio, Mr. Hiler, Mr. Roberts of Kansas, Mr. Skeen, Mr. Shumway, Mr. Bethune, Mr. Molinari, Mr. Carman, Mr. Pritchard, Mr. Craig, Mrs. Chisholm, Mr. Gradison, Mr. Addabbo, Mr. Cheney, Mr. Hansen of Utah, Mr. Jeffries, Mr. Johnston, Mr. Loeffler, Mr. Marriott, Mr. Shuster, Mr. Spence, Mr. Campbell, Mr. Applegate, Mr. Ritter, Mr. Ralph M. Hall, Mr. Duncan, Mr. Ireland, Mr. Murtha, Mr. Ertel, and Mr. Dougherty.

H.J. Res. 448: Mr. McGrath, Mr. Hartnett, Mr. Dicks, Mr. Skelton, Mr. Albosta, Mr. Akaka, Mr. Bailey of Pennsylvania, Mr. Rudd, Mr. Fithian, Mr. Bonior of Michigan, Mr. Scheuer, Mr. Solomon, Mr. Marks, Mr. Clay, Mr. Hawkins, Mr. Carney, Mr. D'Amours, Mr. Dellums, Mr. Dixon, Mr. Fowler, Mr. Ginn, Mr. Mottl, Mr. Price, Mr. Rose, Mr. Rousselot, Mr. Russo, Mr. Simon, Mr. Stokes, Mr. Vento, Mr. Waxman, Mr. Gejdenson, Mr. Loeffler, Mr. Railsback, Mr. Lundine, Mr. Mattox, Mrs. Martin of Illinois, and Mr. Brinkley.

H. Con. Res. 205: Mr. Bowen.

H. Con. Res. 218: Mr. Bowen.

H. Con. Res. 249: Mr. Hutto, Mr. Hansen of Utah, Mr. Gray, Mr. Wyden, Mr. Ireland, Mr. McKinney, Mr. Weaver, Mr. Oberstar, Mr. Bereuter, and Mr. Guarini.

H. Con. Res. 295: Mr. Winn, Mr. Roth, and Mr. LeBoutillier.

H. Con. Res. 297: Mr. Bliley, Mr. Broyhill, Mr. Campbell, Mr. Carman, Mr. Chappie, Mr. Coats, Mr. Courter, Mr. Craig, Mr. Daub, Mr. Dougherty, Mr. Dreier, Mr. Erdahl, Mr. Evans of Georgia, Mrs. Fenwick, Mr. Forsythe, Mr. Gradison, Mr. Gregg, Mr. Grisham, Mr. Hagedorn, Mr. Hansen of Idaho, Mr. Hansen of Utah, Mr. Hartnett, Mr. Horton, Mr. Hutto, Mr. Hyde, Mr. Kindness, Mr. Kramer, Mr. LeBoutillier, Mr. Lent, Mr. Livingston, Mr. Loeffler, Mr. Lowery of California, Mr. McCurdy, Mr. McDade, Mr. McEwen, Mr. Marriott, Mr. Martin of New York, Mr. Mitchell of New York, Mr. Moorhead, Mr. Nelligan, Mr. O'Brien, Mr. Pashayan, Mr. Petri, Mr. Rahall, Mr. Railsback, Mr. Regula, Mr. Ritter, Mr. Rogers, Mr. Schulze, Mr. Shaw, Mr. Skeen, Mrs. Smith of Nebraska, Mr. Spence, Mr. Stangeland, Mr. Taylor, Mr. Thomas, Mr. Whitehurst, Mr. Wolf, Mr. Zeferetti, Mr. Derwinski, Mr. Hillis, Mr. Clausen, Mr. Young of Alaska, Mrs. Martin of Illinois, Mr. Wilson, Mr. Young of Florida, Mr. Trible, Mr. Lee, Mr. Moore, Mr. Winn, Mr. Beard, Mr. Rousselot, Mr. Dan Daniel, Mr. Stenholm, Mr. White, Mr. Hubbard, Mr. Montgomery, Mr. Stump, Mr. Bailey of Missouri, Mr. Parris, Mr. Lungren, Mr. Corcoran, Mr. Brown of Ohio, Mr. Gingrich, Mr. Hammerschmidt, Mr. Morrison, and Mr. Porter.

H. Con. Res. 298: Mrs. Collins of Illinois, Mr. Bingham, Mr. Annunzio, Mr. Nowak, Mr. Mottl, Mr. Crockett, Mr. Roe, Mr. Barnes, Mr. Frank, Mr. Long of Maryland, Mr. Stark, Mr. Clay, Mr. Hertel, Mr. Murphy, Mr. Mitchell of Maryland, and Mr. Fauntroy.

H. Res. 264: Mr. Eckart.

H. Res. 265: Mr. Emerson, Mr. James K. Coyne, Mrs. Heckler, and Mr. Bailey of Missouri.

H. Res. 362: Mr. Lowery of California.

H. Res. 380: Mr. Hyde, Mr. Bliley, Mr. Fary, Mr. Boland, Mr. Long of Maryland Mr. Ottinger, Mr. Hall of Ohio, Mrs. Schroeder, Mr. Wortley, Mr. Bowen, Mr. Vento, Mrs. Holt, Mr. Frenzel, Mr. Forsythe, Mr. Lundine, Mr. Wolpe, Mr. Lagomarsino, Mr. Badham, Mr. Kemp, Mr. Markey, Mr. Fazio, Mr. Edwards of Oklahoma, Mr. Siljander, Mr. James K. Coyne, Mr. Ratchford, Mr. Corrada, Mr. Mitchell of Maryland, Mr. Sunia, Mr. Fish, Mr. Harkin, Mrs. Fenwick, Mr. Dwyer, Ms. Ferraro, Mr. Gore, Mr. Roe. Mr. Lewis, Mr. Dreier, Mr. Scheuer, Mr. McDade, Mr. Ritter, Mr. Garcia, Mr. Lowery of California, Mr. Guarini, Mr. McDade, Mr. LeBoutillier, Mr. Kogovsek, Mr. Pepper, Mr. Lungren, and Mr. Tauke.

H. Res. 402: Mr. Corcoran and Mr. Gingrich.

H. Res. 403: Mr. Roe, Mr. Hertel, Mrs. Snowe, Mr. Lehman, Mr. Frost, Mr. Barnes, Mr. Hughes, Mr. Corrada, Mr. Ford of Tennessee, Mr. Weiss, Mr. Wyden, Ms. Mikulski, Mr. Fascell, and Mr. Roemer.

DELETIONS OF SPONSORS FROM PUBLIC BILLS AND RESOLUTIONS

Under clause 4 of rule XXII, sponsors were deleted from public bills and resolutions as follows:

H.R. 3144: Mr. Lagomarsino.

SENATE—*Thursday, April 1, 1982*

(Legislative day of Monday, February 22, 1982)

The Senate met at 10 a.m., on the expiration of the recess, and was called to order by the President pro tempore (Mr. THURMOND).

PRAYER

The Chaplain, the Reverend Richard C. Halverson, LL.D., D.D., offered the following prayer:

Let us pray.

God of Abraham, Isaac and Jacob, of Jesus, the Apostles and Paul, as the Senate recesses in recognition of the most significant celebrations in the Jewish and Christian years, may the reality of Passover and Easter bring extraordinary blessing to those who celebrate. Help us to understand and appreciate the essential connection between these two ancient acts of worship.

Help Christians to comprehend with gratitude the jewishness of their faith, the priceless legacy received from Judaism and the Old Testment. Thy word declares, "Salvation is of the Jews." Help us to remember the bond we have in one God, His servant, Abraham, and the Law. May Christians honor the Jewish roots from which their faith springs and may we find love for one another in the love of God.

Grant, O Lord, that this recess will be one in which families will enjoy much time together. Help the Senators to rest and relax and be restored physically, emotionally, and mentally for the months of hard work ahead. We ask this in the name of Him who is "Wonderful Counselor". Amen.

RECOGNITION OF THE MAJORITY LEADER

The PRESIDENT pro tempore. The majority leader is recognized.

Mr. BAKER. I thank the Chair.

THE JOURNAL

Mr. BAKER. Mr. President, I ask unanimous consent that the Journal of the proceedings be approved to date.

The PRESIDENT pro tempore. Without objection, it is so ordered.

ORDER FOR PERIOD FOR TRANSACTION OF ROUTINE MORNING BUSINESS

Mr. BAKER. Mr. President, I ask unanimous consent that, following the time allocated to the two leaders under the standing order and the special orders in favor of three Senators, there be a period for the transaction of routine morning business of not to exceed 1 hour in length, in which Senators may speak for not more than 10 minutes each.

The PRESIDENT pro tempore. Without objection, it is so ordered.

ORDER OF PROCEDURE TODAY

Mr. BAKER. Mr. President, at the conclusion of morning business, Senate Resolution 20, the resolution with respect to TV in the Senate, will be the pending business, will it not?

The PRESIDENT pro tempore. That is correct.

Mr. BAKER. I do not expect, Mr. President, that any action will be taken on that resolution today. I do anticipate, however, that when the Senate reconvenes after adjournment on April 13, debate will resume and will continue, barring unforeseen circumstances, until this measure is completed.

Mr. President, I wish to speak on one subject before I yield to the distinguished assistant Republican leader.

COMMENDATION OF MARTIN BERSON GOLD

Mr. BAKER. Mr. President, Members come and go, staff members come and go; indeed, officers of the Senate come and go. It is usually an event that is viewed with great regret by those of us who remain and sometimes a flooding sense of relief, I am sure, by those who leave. But I should like to speak of one who will leave us before we reconvene on April 13 to assume another position outside Government. I am sure he will not be offended by the descriptions that I am about to make, for he is a man of great wisdom, and also of great good humor.

In beginning to describe our departing friend, I observe that he has enormous feet, and an absolutely insatiable desire to talk on the telephone. His advice and expertise have helped shape the course of floor proceedings here for many years. In my view, he is virtually irreplaceable.

I am speaking, Mr. President, of Martin B. Gold, who is leaving his post as counsel for the majority leader. Senate procedure will never be quite the same.

We have had many distinguished parliamentary scholars, even in the years I have been privileged to serve in the Senate: the present occupant of that position and his staff, his predecessor, and, of course, Dr. Riddick, who preceded them. We have many parliamentary scholars and experts on the floor—none, in my opinion, who have ever even approached the prowess and ability of the distinguished minority leader and whose statements on this subject will form the basis for guidance of parliamentary procedure in this body for many, many years, in my judgment. But at the staff level, Mr. President, Marty has no equal.

In the unique role that he has been called upon to play, I think we are all grateful, as Members, for his guidance, and I am sure there are countless numbers of staff who are grateful to him for his advice.

He has traveled a distinguished path throughout his career in the Senate, working on the staff of the distinguished chairman of the Committee on Appropriations, the Senator from Oregon (Mr. HATFIELD); serving on the staff of the Intelligence Committee and the Rules Committee; serving on my staff, the minority leader's staff at that time; and finally, on my staff as majority leader.

At the end of the last session, he undertook a massive and impressive project which culminated in the publication of "Senate Procedure and Practice," which is now widely distributed in the Capitol and carefully studied for guidance and advice on these matters.

Now, as he leaves the friendly, secure, and challenging, historic world of the Senate and leaps, no doubt, into the dark and uncertain and unpredictable confines of the private sector, all we can do is say, "We don't forgive you, but we understand."

Mr. ROBERT C. BYRD. Mr. President, will the majority leader yield?

Mr. BAKER. I yield to the minority leader.

Mr. ROBERT C. BYRD. Mr. President, I did not know that the Senate was going to lose the services of Marty Gold. I hear this news with some disappointment. I must say that he is an individual who has always been quiet, unassuming, very courteous, very considerate, and cooperative with the minority. We all like him. I do not know why anyone would not like Marty Gold.

I am sorry to see him leave the service of the Senate. Our good wishes will go with him, and I join the distinguished majority leader in everthing that he has said about Marty Gold.

● This "bullet" symbol identifies statements or insertions which are not spoken by the Member on the floor.

We wish him well and we shall miss him. I hope that, some day, he will return and give his sterling services to the then majority, the Democrats, at a date that is, hopefully, not too far in the future.

Mr. President, I say that facetiously, because I know that Marty is extremely loyal to his own party and to the current majority leader. I say this in the most friendly and good-wishing spirit.

Mr. BAKER. Mr. President, I accept it that way, as I am sure Marty Gold does. In the same vein, I point out, as I did on the first day in the first session of this Congress, that change is inevitable and no doubt, the Republicans will someday again be in the minority, but simple justice suggests that there are 25 years yet to go.

Mr. HATFIELD. Mr. President, I am delighted to join with the majority leader and the minority leader in sponsoring this resolution commending Marty Gold for his service to the Senate. I feel a special pride in Marty's achievement, since it was in my office that he first began his work in the Senate in 1972. First in my personal office, then at the Intelligence Committee, then at the Rules Committee, Marty consistently demonstrated the intelligence, wit, attention to detail, and respect for procedure that have won him the respect and friendship of so many Senators and staff. In fact, it was his outstanding work as minority counsel at the Rules Committee that first caught the eye of the majority leader, and much to my chagrin but to the greater benefit of the Senate, the leader stole Marty from me.

All of us owe a great deal of thanks to Marty. Time and again, over these past few years, he has patiently explained the intricacies of Senate procedure to Senators and staff. Surely he must have become exasperated with his students, who would ask the same questions every time they drafted an amendment, but that exasperation never showed. Instead, he would once again cogently explain the situation, pointing out the advantages of one legislative tactic and the pitfalls of another, and in so doing he participated in innumerable legislative victories in this Senate.

I will miss him greatly. I will miss his assistance, I will miss his many outrageously bad jokes, and his few good ones. Most of all, I will miss his deep respect for this institution, his dedication to its purposes, and his sense of its history. Far too often we do not hold these things dearly enough.

I congratulate Marty Gold, thank him, wish him well, and look forward to his continued friendship.

Mr. BAKER. Mr. President, I send a resolution to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered. The clerk will state the resolution by title.

The assistant legislative clerk read as follows:

A resolution (S. Res. 358) commending Martin Berson Gold.

The Senate proceeded to the consideration of the resolution.

The PRESIDING OFFICER. The question is on agreeing to the resolution.

The resolution (S. Res. 358) was agreed to.

The preamble was agreed to.

The resolution, together with its preamble, is as follows:

S. Res. 358

Whereas Martin Berson Gold has served as an exemplary Counsel to the Majority Leader of the United States Senate during the 97th Congress;

Whereas he has served his country in various positions since 1969, including service in the United States Army from 1969 to 1972, service as Staff Assistant and Legal Assistant to United States Senator Mark O. Hatfield from 1972 to 1976, service as Professional Staff Member, United States Senate Select Committee on Intelligence from 1976 to 1977, service as Minority Staff Director and Counsel, United States Senate Committee on Rules and Administration from 1977 to 1979, and service as Counsel to the Minority Leader for Floor Operations, United States Senate, from 1979 to 1981;

Whereas he has served the Senate, including especially the Senators of the Republican Majority, with competence, dedication, and loyalty;

Whereas he is an outstanding lawyer, who has used his legal skills in many contributions to the Senate: Now, therefore, be it

Resolved, That the Senate of the United States extends its appreciation and gratitude to Martin Berson Gold for his faithful service to the Senate and to the Nation.

Sec. 2. The Secretary of the Senate shall transmit a copy of this resolution to Martin Berson Gold.

Mr. BAKER. Mr. President, at his request, I am pleased to ask unanimous consent that the distinguished minority leader be added as a cosponsor to this resolution.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BAKER. Mr. President, at his request, I also ask unanimous consent that the distinguished Senator from Oregon (Mr. HATFIELD) be added as a cosponsor of the resolution.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BAKER. Mr. President, I thank the Chair, and I thank the minority leader and all Senators.

SENATE SCHEDULE

Mr. ROBERT C. BYRD. Mr. President, will the distinguished majority leader yield?

Mr. BAKER. Yes, I yield.

S. RES. 20

Mr. ROBERT C. BYRD. The distinguished majority leader, will he indicate that he does not expect any action today on Senate Resolution 20?

Mr. BAKER. Yes. Mr. President, as I indicated earlier, I do not expect any action on Senate Resolution 20. I will not seek any action on it. I do not expect debate on the measure, for that matter.

It will be the pending business when the Senate concludes morning business, but I do not anticipate asking the Senate to act on that measure today. It will be the unfinished business when we return on April 13.

May I also say in that light, by the way, that Senators should be on notice that there may be rollcall votes today, notwithstanding that they will not be on Senate Resolution 20. There are one or two items that I am told may require rollcall votes on other matters that I will attempt to ask the Senate to consider.

So Senators should not assume there will not be rollcall votes; there probably will be, and they may occur within the next 2 hours.

Mr. ROBERT C. BYRD. I thank the majority leader.

I wanted to be sure on behalf of Mr. LONG that there will be no action on Senate Resolution 20 today.

Will the distinguished majority leader indicate as to whether or not there will be a session tomorrow?

NO FRIDAY SESSION ANTICIPATED

Mr. BAKER. Mr. President, I do not anticipate a session tomorrow. The House has not yet acted on the adjournment resolution which we sent them yesterday. We must, of course, wait for that before we can adjourn.

There are certain other details that must be attended to today, but assuming that those matters are transacted without difficulty, it will be my intention to ask the Senate then to adjourn over until April 13.

Mr. ROBERT C. BYRD. I thank the majority leader. One other question.

Is the majority leader in a position at this time to say any more than he was able to say yesterday with respect to votes on April 13 and during that week?

WEEK OF APRIL 13

Mr. BAKER. Yes. Mr. President, I do not expect that either of the two supplementals, which I believe will reach the Senate before we return, and perhaps after we recess, will be taken up and dealt with during that week, the week of the 13th.

I do expect, however, that action will be taken on Senate Resolution 20. I anticipate votes. I expect as well that other matters may be taken up by unanimous consent and dealt with in a routine way.

So I do expect votes during the week of April 13. I do not expect the need to proceed to consideration of the two supplemental appropriation bills which will be here by the time we return.

Mr. **ROBERT C. BYRD.** If the majority leader will indulge one further question, I am not trying to attempt to pin him down, but I should like to know whether or not he can say with assurance that there will or will not be rollcall votes on the 13th.

Mr. **BAKER.** Yes, there will be rollcall votes on the 13th of April, Mr. President.

Mr. **ROBERT C. BYRD.** I thank the majority leader.

THE PRESIDENT'S STATEMENT ON ARMS CONTROL NEGOTIATIONS

Mr. **BAKER.** Mr. President, I believe the President's statement last night represented a responsible approach to arms control that will enhance the likelihood of achieving the results for which we all hope. The ultimate aim for all of us has never been in dispute, and that aim is a more stable nuclear balance in which the risk of war is diminished. I believe that the freeze approach would preserve the Soviet advantage and weaken, if not destroy, any incentive for the Soviets to move toward meaningful reductions.

The President's statement last night indicated that the necessary thorough analysis for the beginning of START negotiations is now nearly complete. I am confident that it will provide the administration a basis for sound and meaningful negotiations.

RECOGNITION OF THE MINORITY LEADER

The **PRESIDING OFFICER.** The minority leader is recognized.

Mr. **ROBERT C. BYRD.** Mr. President, I yield my time now to Mr. PROXMIRE.

THE FILM "GENOCIDE" WINS AN ACADEMY AWARD

Mr. **PROXMIRE.** Mr. President, I was delighted to learn that the film "Genocide" was presented with this year's Academy Award for best documentary feature film. In doing so, the Academy of Motion Picture Arts and Sciences recognized a powerful movie with great instructive significance.

"Genocide" serves to startle and stagger the viewer by presenting footage and accounts of the Holocaust which are often quite vulgar. The director displays naked corpses bulldozed into open trenches, walking skeletons, and gas chambers in an effort to jar the viewer's mind. coupling these scenes with the film's general sense of urgency provides what Newsweek magazine called "an unabashed assault on the emotions." The result is a lasting impression of something most people would prefer to forget.

As I noted upon the work's formal opening at the Kennedy Center in January, this 90-minute documentary is presented with an awareness of what we can forget in less than 40 years. But, as the movie warns us, to cast aside the past is to risk repeating it.

By honoring "Genocide" with this high accolade, the motion picture industry has demonstrated that it is aware of the importance of the past. The industry has voiced its support for continuing exposure of the atrocities of the Holocaust and the crime of genocide.

Mr. President, the Senate, too, has a chance to stand tall and pledge to protect us from repeating past horrors. The motion picture industry has done its part and it is time we do ours. They spoke with an Oscar. Now we can speak with a treaty.

Mr. President, the time has come for us to ratify the Genocide Convention.

S. 2347—FAIR TRADE ACT OF 1982

Mr. **ROBERT C. BYRD.** Mr. President, unfair export competition is affecting every part of the American economy. Subsidized exports from foreign governments are crippling our steel and auto industries.

Of course, high interest rates and our serious recession are also working to destroy our American standard of living, as anyone who tries to buy a home or a car has found. But the unfair advantages enjoyed by European steel and Japanese automobiles are increasing our Nation's basic industrial weakness. The truth is that foreign competitors often benefit from subsidies that our Government does not provide. In fact, according to Fortune magazine, state-owned steel mills in Belgium, Britain, Italy, and France, will enjoy $30 billion of government subsidies between 1976 and 1983.

The threat of these subsidies to our Nation's steel industry is growing. Steel imports rose to over 1.9 million net tons in January, an increase of 53.6 percent over year-earlier totals. These imports now account for over 26 percent of all steel sold in the country.

The problem is not limited to direct subsidies by European governments. Through a complex combination of nontariff barriers, the Japanese have restricted American access to their markets. In 1981 alone, Japan exported $18 billion more to us than we exported to them. Autos accounted for almost $13 billion, or 72 percent of that. Yet, we are told by the Secretary of Commerce that, with the world's second largest economy, Japan imports less than Switzerland.

What can we do to stem this rising tide of export imbalance? Some have, suggested closing our markets to any goods that directly compete with U.S. products. That seems easy, but it is not. If we needed nothing from other countries and had no need to sell anything to them, this might be a way out of our dilemma. But our economic future will increasingly depend on growth through exports as well as increased sales in this country. That is why our answer must concentrate on opening up foreign markets to our products on an equal basis. Trade is a two-way street, and if other nations expect to sell their products here, they must let us compete fairly in their markets. Exports now make up 7.8 percent of our GNP, double their 1970 level.

Although there are some remedies in existing law, notably the 1974 Trade Act and the 1979 Trade Agreement Act, the record, especially on steel imports, is not good. The "Trigger Price Mechanism," established in 1977 to discourage unfairly low-priced steel imports, has been our main weapon against subsidized steel imports.

Unfortunately, the executive branch has never forcefully used this provision and there are no signs of improvement.

With this situation in mind, I am introducing legislation today that will direct the President to assess foreign export subsidies, unfair trade practices, existing foreign barriers to U.S. exports, and require him to propose such actions as are necessary to offset such barriers if international dispute settlement machinery cannot do so. Further, should such negotiations fail, this legislation would require him to inform offending governments what actions he will take against the imports of the offending country, if it does not act to eliminate its own barriers against our products within a reasonable time.

This bill will require the President to identify foreign export subsidies, unfair trade practices, and damaging barriers to U.S. trade abroad, but does not require him to wait for individual complaints by producers who may fear to make such complaints because of possible retaliation by foreign governments.

I realize that my legislation moves beyond more conciliatory proposals already before the Congress. But times are difficult and require drastic remedies. If this bill does no more than to stimulate both the administration and my colleagues to finally solve the trade problems confronting the United States, it will have served a real need. Only when the American Government is armed with the weapons it needs to deal with the unfair and discriminatory trade practices of our trading partners can we redress the grievances suffered by U.S. manufacturers both here and abroad.

Today I am introducing the Fair Trade Act of 1982. The bill amends the Trade Act of 1974, to provide the

United States the means to end foreign subsidies and other unfair trade practices unless foreign markets are opened to U.S. trade to the same extent that U.S. markets are open to exports from foreign countries. It requires the U.S. Trade Representative to report to the President on foreign export subsidies, unfair trade practices, and existing barriers to foreign market access, within 6 months from the date of enactment of this bill. Within 180 days, the President is directed to submit this report to the Finance Committee of the Senate and the Ways and Means Committee of the House of Representatives. He must also propose such actions as may be necessary to correct the damage to both U.S. industry and exporters resulting from such unfair practices. The Congress is required to act within 60 days upon the President's proposals, instructing him which options are to be carried out. Within 60 days of such congressional action, the President shall inform the countries of instrumentalities involved as to which reciprocal actions will be taken against their exports to the United States if their export subsidies unfair practices do not cease within a reasonable period of time.

By strengthening existing trade rules and by providing the executive with the tools it needs to correct the abuses from which we suffer in both domestic and foreign markets, my bill will help open and expand the markets our economy needs abroad while ending unfair competition to our own products here at home.

Part of the problem my bill addresses is that the administration is riddled with absolutist free traders. These ideologies are wedded to an 18th century concept of international trade that simply will not work in the late 20th century. The Government must step in where markets fail to work equitably. When other countries are subsidizing exports, or barring our imports, the market mechanism of free trade will not work. It does not solve our problems at home and it will not solve our problems abroad. We must devise a workable strategy to deal with the unfair advantages enjoyed by the Europeans and especially the Japanese, to the severe disadvantage of American business and labor.

There are also several international mechanisms designed to deal with unfair trade practices, notably the General Agreement on Tariffs and Trade (GATT). Unfortunately, the record of GATT is as disappointing as the "Trigger Price Mechanism" for steel.

The United States has repeatedly tried to make world trade more free and more fair by reducing tariff or nontariff barriers to trade. But we have been repeatedly rebuffed by our foreign trading partners. In fact, if all countries ended export subsidies and accorded our exports the same most favored nation treatment we accord theirs, as the GATT requires, most of our trade problems would disappear.

Perhaps there was a time when we could afford to ignore this imbalance, but sadly, that is no longer true. I do not suggest that we conduct a vendetta against individual producers. That would only intensify the efforts of other governments to close their doors to U.S. products. While we have a severe trade deficit with Japan, we did sell them $21.8 billion worth of goods last year. This was production that employed thousands of American workers who spent their money on American products to help keep our own economy moving. We should not cut off our nose to spite our face.

If unilateral retaliation will not work, what choices do we have? I believe that a more promising and productive approach would be to let our trading partners know that we demand, and are willing to enforce, equal access to foreign markets. Our citizens will no longer support unfair subsidies that put American workers out of jobs. We must work full steam toward a reciprocal agreement that opens markets worldwide to the most efficient competitors.

There are several steps we can take. If American goods are made more uncompetitive than they should be by the climate of high interest and exchange rates, which make our dollars and our exports more expensive in foreign countries, we have to attack the problem here at home.

The administration's tight money policy and outsized budget deficits and their impact on the lives of hard-working American citizens must be turned around. Senate Democrats have already suggested that the administration go back to the drawing board to come up with a workable and credible budget for the next fiscal year.

My legislation, the Fair Trade Act of 1982, forces the executive branch to impose countervailing duties if good-faith efforts to negotiate an end to steel and other foreign export subsidies are not successful.

It would also retaliate against Japanese auto imports if the Japanese do not live up to their promises of export restraint and agree to lower nontariff barriers against our exports.

The key to such an approach is reciprocal understanding with other governments that an end to their unfair export subsidies and improvements in their treatment of our exports will protect healthy, open trading relationships between them and the United States.

And most importantly, these improvements must be made soon.

In the case of the Europeans this means, among other things, considerable liberalization of their common agricultural policy which has kept U.S. farm exports out of Europe. For the Japanese, we must pressure them to abandon the impossibly strict health and safety standards and testing requirements they impose on foreign products, although their own products must meet less severe tests.

Reciprocal fair trade practices will help keep the world trading system healthy. Most important, they can stave off one-sided protectionist measures that will help no one and may spark a trade war with disastrous results for the United States.

The May 1981 voluntary agreement with the Japanese to restrain auto exports is a first step toward such agreements, and I am encouraged by its recent 1-year extension, but they must begin to live up to the spirit as well as the letter of their commitment. Rather than looking for loopholes or escape clauses they should be concentrating on ways to ease the massive trade imbalance between our countries. As a first step, they should remove existing barriers to our autos and our agricultural products, including beef and pork, tobacco and citrus.

Getting our own economy in order, which starts with a workable budget and aggressive pursuit of U.S. trade opportunities overseas, combined with a responsible negotiating posture from our trading partners in Western Europe and Japan, can lead to real reciprocity in our commercial relations and will go a long way toward easing our problems.

Without such developments, the future is not bright. Pressures to take unilateral action will only increase and such action would not help us or our trading partners.

Without the legislative authority my bill creates, I do not see any sign on the horizon that we will be able to solve our trade problems. My bill is a sensible and yet strong alternative to one-sided solutions that in the long run help no one. With the machinery it creates, we can go a long way to solving our trade problems, ending exports subsidies and other unfair foreign competition to our industries, and getting our economy back on track internationally again.

Mr. President, I ask unanimous consent that the text of the bill, together with a summary of its provisions, be printed in the RECORD at this point.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S. 2347

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Fair Trade Act of 1982".

SEC. 2. STATEMENT OF PURPOSE.

The purposes of this act are—

(1) to redress imbalances in United States international trade and commerce due to unfair trade practices by United States trading partners;

(2) to give the United States effective weapons to use against subsidized foreign imports into our markets and other unfair trade practices by our trading partners;

(3) to open foreign markets to American products and services in order to improve the United States balance of payments and strengthen the United States domestic economy;

(4) to eliminate barriers imposed by United States trading partners which prevent fair competition between United States exports and products of United States trading partners; and

(5) to establish procedures requiring Presidential action with respect to the importing of products of other countries into the United States unless such countries take, within a reasonable period of time, appropriate steps to remove impediments to American goods in their economies.

SEC. 3. STUDY OF UNFAIR FOREIGN TRADE PRACTICES AND OTHER BARRIERS TO MARKET ACCESS.

(a) In General.—Chapter 1 of title III of the Trade Act of 1974 is amended by adding at the end thereof the following new section:

"SEC. 307. STUDY OF FOREIGN EXPORT SUBSIDIES, UNFAIR TRADE PRACTICES, AND BARRIERS TO MARKET ACCESS.

"(a) Study of Barriers.—On or before the date which is six months after the date of enactment of the Fair Trade Act of 1982 and each year thereafter, the United States Trade Representative shall. for each designated major trading country, complete and submit to the President a study of any major act, policy, or practice of each such major trading country that—

"(1) is inconsistent with the provisions of, or otherwise denies benefits to the United States under, any trade agreement.

"(2) is unjustifiable, unreasonable, or discriminatory and burdens or restricts United States commerce, or

"(3) denies to the United States, with respect to products or commerical activities of the United States which (as determined by the Trade Representative) are internationally competitive, commerical opportunities substantially equivalent to those offered by the United States.

"(b) Action by President.—Within 30 days after a study is submitted to the President under subsection (a), the President shall—

"(1) make public and submit to the Committee on Finance of the Senate and the Committee on Ways and Means of the House of Representatives such study, together with an estimate of the trade distorting impact on United States commerce of any acts, policies, or practices identified in such study, including export subsidies, import quotas, and improper fees and duties,

"(2) propose such actions as may be necessary to redress any imbalance resulting from such acts, policies, or practices if efforts to obtain their elimination fail, and

"(3) inform the governments of the major trading countries responsible for such acts, policies, or practices that such actions necessary to redress said imbalances will be taken within a reasonable period of time unless such acts, policies, or practices cease.

"(c) Assistance of Other Agencies.—

"(1) Furnishing of information.—Each department, agency, and instrumentality of the executive branch of the Government, including any independent agency, is authorized and directed to furnish, upon request, to the Trade Representative such data, reports, and other information as the Trade Representative deems necessary to carry out his functions under this section.

"(2) Personnel and services.—The head of any department, agency, or instrumentality of the United States, including any independent agency, may detail such personnel and may furnish such services, with or without reimbursement, as the Trade Representative may request to assist it in carrying out his functions.

"(3) Authorization of appropriations.—There are authorized to be appropriated such sums as may be necessary to carry out any functions under this subsection.

"(d) Definitions.—For purposes of this section—

"(1) Designated major trading country.—The term 'designated major trading country' means any major trading country which the Trade Representative, after consultation with the Committee on Finance of the Senate and the Committee on Ways and Means of the House of Representatives, designates as a country with respect to which the study under subsection (a) is necessary and appropriate.

"(2) Major trading country.—The term 'major trading country' means—

"(A) any major industrial country within the meaning of section 126, and

"(B) any other foreign country or instrumentality designated by the Trade Representative for purposes of this paragraph.

"(3) Commerce and commercial opportunities.—The terms 'commerce' and 'commercial opportunities' have the same meaning given such terms by section 301(d)(1).".

(b) Conforming Amendment.—The table of contents for the Trade Act of 1974 is amended by inserting after the item relating to section 306 the following new item:

"Sec. 307. Study of unfair foreign trade practices and other barriers to market access.".

SEC. 4. AMENDMENTS TO THE TRADE ACT OF 1974.

(a) Additional Determinations Requiring Action.—Section 301(a) of the Trade Act of 1974 (19 U.S.C. 2411(a)) is amended—

(1) by striking out "or" at the end of paragraph (2)(A);

(2) by inserting "or" at the end of paragraph (2)(B);

(3) by inserting immediately after subparagraph (B) of paragraph (2) the following new paragraph:

"(C) denies to the United States commercial opportunities substantially equivalent to those offered by the United States;";

(4) by inserting "(or to redress any imbalance resulting from)" after "elimination of"; and

(5) by striking out the last sentence thereof and inserting in lieu thereof the following new sentence: "Action under this section may be taken on a nondiscriminatory basis or solely against the products or services of the foreign country or instrumentality involved, and need not be limited to the equivalent product or service sector of the offending act, policy, or practice.".

(b) Definitions and Special Rules.—Section 301(d)(1) of the Trade Act of 1974 (19 U.S.C. 2411(d)(1)) is amended to read as follows:

"(1) Commerce and commercial opportunities defined.—The terms 'commerce' and 'commercial opportunities' include, but are not limited to, services associated with international trade (whether or not such services are related to specific products).".

(c) Resolutions of Congress.—

(1) Filing of resolutions by committees of congress.—Section 302(a) of the Trade Act of 1974 (19 U.S.C. 2412(a)) is amended by inserting ", or the Committee on Ways and Means of the House of Representatives or the Committee on Finance of the Senate may file with the Trade Representative a resolution," before "requesting".

(2) Conforming amendments.—

(A) Section 301(c) of the Trade Act of 1974 (19 U.S.C. 2411(c)) is amended by inserting "or resolution" after "petition" each place it appears in the text and heading thereof.

(B) Section 302 of the Trade Act of 1974 (19 U.S.C. 2412) is amended—

(i) by inserting "or resolution" after "petition" each place it appears in the last sentence of subsection (a), subsection (b), and the heading for subsection (a),

(ii) by inserting "or Committee" after "petitioner" each place it appears, and

(iii) by inserting "or resolutions" after "petitions" in the section heading and the heading for subsection (b).

(C) The table of sections for chapter 1 of the table of contents of the Trade Act of 1974 is amended by inserting "or resolutions" after "Petitions" in the item relating to section 302.

(D) Section 303 of the Trade Act of 1974 (19 U.S.C. 2413) is amended—

(i) by inserting "or resolution" after "petition" each place it appears; and

(ii) by inserting ", the appropriate committee of Congress," after "petitioner".

(E) Section 304 of the Trade Act of 1974 (19 U.S.C. 2414) is amended by inserting "or resolution" after "petition" the first place it appears in subsection (a)(1) thereof.

(d) Assessment of Impact.—Paragraph (3) of section 304(b) of the Trade Act of 1974 (19 U.S.C. 2414 (b)) is amended to read as follows:

"(3) shall request the views of the International Trade Commission regarding the impact on the economy of the United States (including employment) of—

"(A) the identified acts, policies, or practices with respect to which an investigation was initiated under section 302(b); and

"(3) any options proposed under subsection (a)(4).".

(e) Legislative Recommendations of President.—Section 304(a) of the Trade Act of 1974 (19 U.S.C. 2414 (a)) is amended by adding at the end thereof the following new paragraphs:

"(4) Legislative recommendations of president.—Notwithstanding any other provision of this chapter, the United States Trade Representative shall within 180 days after an affirmative determination is made under section 302(b) with respect to a decision by the President to take action under section 301(c), make preliminary recommendations to the Committee on Ways and Means of the House of Representatives and to the Committee on Finance of the Senate with respect to what options the President is considering under this chapter to the extent that any consultation or dispute settlement procedure provided under this chapter does not result, in his judgment, in the enforcement of such rights as the United States may have under any trade agreement or an adequate response to any act, policy, or practice described in section 301(a)(2). Notice of such options shall be published in the Federal Register.

"(5) Legislative action by the Congress.—

"(A) In general.—Notwithstanding any other provision of this chapter, within 60 days of receipt of the recommendations under paragraph (4), the Committee on Ways and Means of the House of Representatives and the Committee on Finance of the Senate shall report out, and the House of Representatives and the Senate shall take final action on, an original joint resolution which sets forth the specific options for Presidential action.

"(B) Time periods for action.—

"(i) Discharge from committees.—If the Ways and Means Committee of the House of Representatives or the Finance Committee of the Senate has not reported the original joint resolution at the close of the 30th day after receipt of the recommendations, such committees shall be automatically discharged from further consideration of the joint resolution and a joint resolution comprising the options recommended by the President shall be placed on the appropriate calendar.

"(ii) Final passage.—A vote on final passage of the joint resolution shall be taken in each House on or before the 15th day after the resolution is reported by the committee to which it has been referred, or after such committee has been discharged from further consideration of the resolution.

"(iii) Conference report.—A vote on final passage of the conference report on such joint resolution (if necessary) shall be taken in each House before the 60th day after such recommendations were received.

"(C) Number of days.—For purposes of subparagraph (B), in computing a number of days in either House, there shall be excluded any day in which that House is not in session.

"(6) Notification of offending trading partners of actions to be taken.—Notwithstanding any other provisions of this chapter, if the President determines that the consultation or dispute settlement procedures provided under this chapter will not result, within a reasonable period of time, in the enforcement of such rights as the United States may have under any trade agreement or an adequate response to any act, policy, or practice described in section 301(a)(2) the President shall, within 60 days of the date of enactment of any joint resolution under paragraph (5), notify the foreign country or instrumentality responsible for such acts, policies, or practices that—

"(A) the President is required to exercise the options the Congress has approved to be enforced against such country or instrumentality, and

"(B) such options will be exercised after the expiration of the period of time specified by the President in such notice.".

The Fair Trade Act of 1982—A Summary

PURPOSE

To achieve the same degree of access to foreign markets for U.S. exports enjoyed by foreign products in the United States market and to give the United States effective weapons to use to end foreign export subsidies and other unfair trade practices.

HOW THE ACT WORKS

This Act would establish machinery to require the end of unfair foreign trade as a prerequisite for continued access to U.S. markets for products from other countries. After annual studies by our government to identify existing unfair trade barriers and Administration efforts to eliminate such barriers, it would strengthen the provisions of the 1974 Trade Act to direct the President to compel foreign governments to remove trade barriers to bring their practices into line with ours. Finally, it would specify Congressional action to facilitate and expedite this process.

ACTIONS REQUIRED BY ADMINISTRATION

The Administration is required to identify barriers to market access in an annual report to Congress which also reports on progress being made to eliminate these barriers as follows: an annual study of the major policies, acts, and practices of each major trading country that (1) violate the terms of any trade agreement, (2) are unjustifiable, unreasonable, or discriminatory and burden or restrict United States commerce, or (3) that are otherwise found to deny the United States equivalent commercial opportunities to those it extends to said country. These would include foreign export subsidies, unfair, illegal, or discriminatory import duties, fees, quotas, or other restrictions. The President is required to send such reports to Congress on progress being made in negotiating an end to such practices through the use of existing bilateral and multilateral machinery. In the absence of progress by the Administration in removing these obstacles to fair reciprocal trade, the President is also to make recommendations to Congress proposing actions the United States may take to bring pressure to bear on the countries engaging in these unfair trade practices.

ACTIONS REQUIRED BY CONGRESS

Within 60 days of receipt of such studies and recommendations on options, the Finance Committee and the Ways and Means Committee and the Senate and the House are to complete action on legislation endorsing specific actions to be taken against the offending countries and instrumentalities. The President is then required to inform these countries and instrumentalities within 60 days from the date of enactment of such legislation, of the actions he will take if they do not cease their unfair practices within a reasonable time.

AMENDMENTS TO SECTION 301 OF THE TRADE ACT OF 1974

Section 301 of the 1974 Trade Act, as enacted, deals with unfair trade practices by foreign countries. It provides a procedure under which individuals or the President may try to enforce U.S. rights under existing trade agreements or to eliminate unfair trade practices. These include "acts, policies, or practices" by foreign countries that either violate the rules of the General Agreement on Tariffs and Trade (GATT) or are "unjustifiable, unreasonable, or discriminatory and burden or restrict U.S. commerce."

Currently, petitions may be filed with the USTR, who must accept or reject them within 45 days. If he accepts them, he must begin an investigation and request consultations with the offending country under the GATT. If no satisfaction is gained through these consultations, the USTR initiates GATT dispute settlement proceedings, lasting six months to a year. At the end of the process, the USTR must recommend action to the President, who must decide within 21 days, what action, if any, he will take. Among remedies available to him are revoking previously granted trade concessions, imposition of new duties, fees, or other import restrictions on the products or services of the offending country, or any other remedy legally available to him.

This bill strengthens Sec. 301: (1) it adds to the list of unfair practices, practices that would deny access to U.S. exporters substantially equivalent to that enjoyed by the other country in the U.S.; (2) it would now permit Congress to request the USTR to initiate requests for 301 action; (3) the USTR would be required to estimate the impact on the U.S. economy of the barriers under investigation and of retaliatory actions under consideration; and (4) 180 days after initiating a 301 case, the President is required to inform Congress which options he would consider using if the efforts at settlement fail.

RECOGNITION OF SENATOR STEVENS

Mr. STEVENS. Mr. President, I ask that I be permitted to proceed with my special order. I understand there was another special order. That Senator is not here at this time.

CRIME IN THE NATION'S CAPITAL

Mr. STEVENS. Mr. President, before I start, I want to make certain that the Record shows that I requested the time for a special order this morning yesterday before I had the opportunity to read the April Fools' Day editorial in the Washington Post, so this is not a reply to that editorial.

I do not think that a Senator has to lower himself to the level of an editorial of that type, which I consider to be a cheap shot, an act of retaliation by people who ought to know better and of whom we have a right to expect better.

Mr. President, earlier this week I made remarks on the Senate floor concerning the city of Washington which were not well received by some residents of the city, and understandably so. As I indicated, those remarks have been mentioned, in passing, in the editorial that appeared in the Post this morning.

My comments were directed to the point that I do not wish to be called a permanent resident of a city, especially our Nation's Capital, where some of the social problems have reached levels which should not be tolerated by any American. In particular, the problem that concerns me the greatest is that of crime in the District of Columbia. There are other problems, also, which I shall mention.

However, I do not think any Member of the Senate should be deluded into believing that I have just discovered the fact of crime in the District of Columbia. For many years, those of us in Congress have watched as things have become progressively worse in the Capital City of our Nation.

Undoubtedly, each of us can give accounts of violence and property crimes committed in the District against our friends, our staff, even ourselves, and, in some instances, against our loved ones.

Mr. President, the time for action has come. It is time for this Congress to act to insure that the Nation's Capital can once again be called an attraction for those who call our Nation what it should be—the home of the free, not the home of the frightened.

It is my intention to work closely with my good friends Senator D'AMATO and Senator MATHIAS to see if any efforts on our part can reduce the criminal violence that pervades the lives of those who live in the District

At the present time, we are not offering legislation on this subject. However, in the coming months we do intend to have proposals—either I will offer them or other Senators will—that we hope the Senate will consider.

My point this morning is to call attention to the statistics, the facts, that have brought us to the conclusion that something must be done.

The problem in dealing with this issue is that information we do have on crime in the District may be inadequate to give us a basis for good policy decisionmaking. So, as a part of our overall effort, we may ask that better baseline data be gathered on the District's crime patterns, its victims, and even its effect on the working environment of Congress itself. It is apparent that effective crime prevention will not become a reality without the assistance of Congress, for the problem touches not only District residents but also tourists, foreign, State and local visiting dignitaries, and others who have an expectation that the Nation's Capital should be an example in crime prevention for other cities to follow.

I am alarmed by the statistic that in the period of 1970 to 1971, the District police officer strength was about 5,080 officers. Now it is between 3,752 and 3,871, hovering somewhere around 3,800.

Mr. President, few cities would envy the District of Columbia's reported crime rates, especially for violent crimes such as robbery.

I ask unanimous consent to have printed in the RECORD that crime data for Washington and seven other cities of comparable population.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

District of Columbia crime index offenses, 1981

Offense:	*1981*
Homicide	223
Rape	414
Robbery	10,399
Aggravated assault	3,432
Burglary	16,832
Larceny	32,845
Auto theft	3,765
Total	67,910

Source: Government of the District of Columbia.

WASHINGTON, D.C., CRIME DATA COMPARED TO 7 OTHER CITIES OF COMPARABLE SIZE—OFFENSE DATA

Year	Population	Crime index	Modified crime index	Violent crime	Property crime	Murder	Forcible rapes	Robbery	Aggravated assaults	Burglary	Larceny-theft	Motor vehicle thefts	Arson
Cleveland, Ohio:													
1976	642,298	53,141	NA	8,496	44,645	236	498	5,453	2,309	13,150	18,882	12,613	NA
1977	638,793	54,995	NA	9,421	45,574	249	508	6,466	2,198	15,734	16,536	13,304	NA
1978	614,512	50,952	NA	9,697	41,255	213	507	6,354	2,623	14,234	14,364	12,657	NA
1979	601,381	51,994	(12) 52,925	9,736	42,258	274	612	5,760	3,090	14,505	14,217	13,536	(12) 931
1980	572,657	56,602	(12) 58,828	11,466	46,136	265	703	6,802	3,696	17,850	14,100	14,186	(12) 1,226
Honolulu, Hawaii:													
1976	718,424	45,766	NA	1,696	44,070	40	164	1,112	380	13,728	26,082	4,260	NA
1977	721,983	46,984	NA	1,660	45,324	46	176	1,081	357	13,291	28,286	3,747	NA
1978	725,259	51,892	NA	2,044	49,848	38	187	1,473	346	13,878	31,567	4,403	NA
1979	734,368	52,926	NA	2,196	50,730	48	223	1,568	357	12,803	32,166	5,761	NA
1980	762,020	57,718	(6) 57,878	2,456	55,262	65	264	1,729	398	13,848	36,189	5,225	(6) 160
Memphis, Tenn.:													
1976	649,819	49,239	NA	4,780	44,459	113	472	2,429	1,766	16,539	24,261	3,659	NA
1977	667,150	44,992	NA	5,230	39,762	104	581	2,749	1,796	16,192	19,517	4,053	NA
1978	683,112	43,542	NA	5,412	38,130	113	664	2,897	1,738	15,914	17,484	4,732	NA
1979	682,110	44,499	(12) 45,205	5,785	38,714	103	704	3,300	1,678	15,493	18,436	4,785	(12) 706
1980	644,957	50,921	(12) 51,743	6,898	44,023	152	788	3,846	2,112	18,778	20,465	4,780	(12) 822
Milwaukee, Wis.:													
1976	652,517	37,006	NA	2,692	34,314	57	168	1,621	846	7,142	23,052	4,120	NA
1977	640,489	34,547	NA	2,535	32,012	54	213	1,389	879	7,077	21,365	3,570	NA
1978	623,657	33,822	NA	2,438	31,384	48	288	1,212	890	7,209	20,556	3,619	NA
1979	645,097	38,370	(12) 38,633	3,039	35,331	63	283	1,592	1,101	8,546	22,563	4,222	(12) 263
1980	633,845	41,446	(12) 41,808	3,310	38,136	74	213	1,796	1,227	9,638	24,726	3,772	(12) 362
Phoenix, Ariz.:													
1976	669,005	71,957	NA	3,856	68,101	53	240	1,485	2,078	21,501	42,566	4,034	NA
1977	682,200	68,324	NA	4,295	64,029	70	316	1,594	2,315	20,714	39,156	4,159	NA
1978	696,763	71,575	NA	5,401	66,174	88	463	2,031	2,819	20,340	41,125	4,709	NA
1979	718,216	75,147	(12) 76,168	5,803	69,344	91	477	2,337	2,898	19,715	44,344	5,285	(12) 1,021
1980	772,884	88,523	(12) 89,327	7,020	81,503	103	485	3,037	3,395	24,137	51,598	5,768	(12) 804
San Francisco, Calif.:													
1976	665,000	77,284	NA	10,757	66,527	131	619	6,628	3,379	21,992	34,349	10,186	NA
1977	676,625	71,433	NA	9,367	62,066	141	595	5,423	3,208	19,258	32,177	10,631	NA
1978	658,611	70,385	NA	10,509	59,876	118	583	6,509	3,299	18,054	32,878	8,944	NA
1979	659,176	70,745	(10) 71,266	11,041	59,704	112	664	6,694	3,571	17,255	33,943	8,506	(10) 521
1980	674,150	70,424	(12) 70,902	12,710	57,714	110	759	7,527	4,314	16,795	32,772	8,147	(12) 478
San Jose, Calif.:													
1976	557,700	41,510	NA	2,523	38,987	37	296	967	1,223	13,096	22,063	3,828	NA
1977	568,303	39,208	NA	2,670	36,538	41	322	1,031	1,276	12,027	21,064	3,447	NA
1978	587,621	41,831	NA	2,755	39,076	44	367	1,155	1,189	13,749	21,731	3,596	NA
1979	604,993	43,309	(11) 45,043	3,236	40,073	44	407	1,358	1,427	12,042	24,019	4,012	(11) 1,734
1980	628,106	51,831	(12) 53,443	3,788	48,043	62	479	1,714	1,533	13,955	29,608	4,480	(12) 1,612
Washington, D.C.:													
1976	702,000	49,726	NA	10,399	39,327	188	508	7,044	2,659	11,869	24,506	2,952	NA
1977	690,000	49,821	NA	9,843	39,978	192	402	6,655	2,594	11,590	25,646	2,742	NA
1978	674,000	50,950	NA	9,515	41,435	189	447	6,333	2,546	12,497	25,744	3,194	NA
1979	656,000	56,430	(8) 56,629	10,553	45,877	180	489	6,920	2,964	13,452	28,819	3,606	(8) 199
1980	635,233	63,668	(12) 64,041	12,772	50,896	200	439	8,897	3,236	16,260	31,068	3,568	(12) 373

Note: Numbers in parentheses indicate the number of months for which arson data were received.

Source: U.S. Department of Justice.

Mr. STEVENS. Mr. President, it is amazing to me that despite what I think are inaccurate, not total, crime statistics—I am not suggesting that these statistics would be reduced by additional data, but that they would show increased criminal activity in the District—but despite these statistics, the District government has reduced its police force.

I point out that these city comparisons should be looked at with caution. I am trying to be fair to the city of Washington. The cities I have listed in the insert that was just placed in the RECORD are not similar in other areas, but they are similar in population.

The data show that Washington's violent crime problem is a most serious one, and I hope the Senate will take an interest in contributing toward making our Nation's Capital a safer place to live and to work.

I wish to make one thing clear about what I said about the city of Washington. I was talking about the city of Washington, not the people of Washington. I still make the statement that God forbid anyone would say, "This is my home," because if I had an opportunity to select where the Capital would be, it certainly would not be in this place.

I am here, and I was here previously as a Presidential appointee in the Eisenhower administration, as the editorial pointed out this morning, but that did not mean I came to this city because of a love for the city. I came to the city because of the job I have now and the job I previously had, before I came to the Senate.

There are many things about Washington which used to make this city a great one: Its culture, its historical edifices, its natural attractions. Yet, I firmly believe that that greatness is threatened not only by crime, but also by other modern urban maladies.

Some people may think that my comments the other evening were too harsh on Washington. I say to them, let them study the statistics we have been studying. Let them get away from their editorial desks and go out and look at the city today. Look at the trash on our streets. Look at the situation where people are putting their trash and garbage out 2 and 3 days before the collection, and it is blown all over—all over. Look at the trash even on our major thoroughfares, right outside our famous museums and institutions, such as the Smithsonian. They should look for themselves to see how this city has gone downhill, and no one has done much about it.

I think they should start printing some of the statistics that are in the documents I have put in the RECORD. In any other city, there would be a blotter in the daily paper of the major crimes that had taken place in that city the night before. You do not find one in the Washington Post. The reason is that there are too many. There are so many that they are forced to ignore them.

I point out that the stories of muggings, of rapes, of burglaries that take place here on a daily basis are virtually ignored by the news media here.

Last year, on the Grounds of the Nation's Capitol, there were 29 violent crimes against persons—on our own Capitol Grounds. I found that to be a fairly large statistic, when we think of the small area of this city that is utilized by the Capitol Grounds.

Yet, Mr. President, within six blocks of the Capitol Grounds there were 350 crimes of the same nature—violent crimes within six blocks of the Capitol Grounds, in an area less than the area that the Capitol itself uses.

It is an interesting chart. Members should see it. It is in the office of the Sergeant at Arms. It is entitled "Major Crime In The U.S. Capitol Area."

All one has to do is to look at the chart to see where the crime is. The crime is taking place around the areas that the Federal Government maintains as magnets for tourists, as magnets for people who want to see what their Nation's Capital is all about.

I find that virtually throughout the Senate and the House of Representatives, when we go to other Members' offices to ask them how crime has affected their office, it has touched almost every office in the House of Representatives and the Senate. It certainly has touched my office, and I am really distraught about the way that the young Alaskans who have come down here to work with me to help represent my State in this Senate have been treated in the months gone by.

So, that is what got me into this. It was the repeated stories I hear from my own young people in my office of what has happened to them, muggings, armed robberies, robberies in their homes, and it is not just once. I have had some who have been involved two, three, and four times within 1 year and when they report these crimes they become the criminals, in effect, because of the procedures of the District of Columbia in dealing with visitors to this city.

I am hopeful, Mr. President, that we can find a way to develop some statistics that cannot be ignored that will not be ignored by the city of Washington and even by the Washington Post.

It is unfortunate that we have this situation, the criminal statistics. It is even more unfortunate that the editorial page is used to take cheap shots at a Senator from far away who really does not like to be away from home in a city like this. Instead, it should be used to try to goad the officials who are involved in crime prevention, crime detection, crime prosecution, and in trying to deter crime, to try and clean this city up.

I think it could once again be restored to its greatness and I hope that other Members of Congress will come forth and join us, those of us who have decided to go into this subject and that we will not be deterred because the day is going to come when national conventions will no longer come to this city.

I could tell stories here on the floor of the Senate of things that have happened to Alaskans who have come to this city, not to see me or any member of the Government, but to attend a convention, and how they have literally been stabbed in their own hotel rooms, answering the door, thinking it was a friend knocking on the door, part of a convention, only to have a knife stuck in their stomach. I could tell stories of the young people that we bring down for interns and how we have to warn them they cannot go out at night, they must stay off the streets, that the streets of Washington are not safe. The time is going to come when those words are going to be heard throughout the country and conventions are going to stop coming to this city. That is, I think, probably what will finally goad the city into taking some action to restore the police protection that visitors to this city should have.

And, again, Mr. President, despite increasing crime statistics the alarming statistic that stands out is the District of Columbia has fewer members of its police force to protect an increasing number of visitors, and increasing populations of Government employees. These are people that come here because they have to be here since this is where the Nation's Capital is; yet there is less police protection here than there was 10 years ago.

I do not know if the other Members of the Senate find that as appalling as I do, but I intend to try and do something about it and as I say the first thing we are going to try to do is we are going to try and find a way to make certain we have all of the statistics and then we are going to try to find out, through the appropriations process and the hearings that will be held this year, why is it that the District has reduced its police protection, why is it that the Capitol Police force, which we increased by 20 officers this year, maintains a safer Capitol Ground area than the District police can maintain in the six blocks around the Capitol.

Why is it that these young people who come here to serve and to help make Government function must live in a frightened environment?

I really do find that problem of trying to continue to attract the best and the brightest of our young people to come work with us and make Government work one of the most serious offshoots of this. I perceive it is going to become tougher and tougher and tougher to get those people to come to this city to help us.

VITIATION OF SPECIAL ORDER FOR SENATOR SPECTER

Mr. STEVENS. Mr. President, I am informed that Senator SPECTER does not need his special order and I ask unanimous consent that that special order be vitiated.

The **PRESIDING OFFICER.** Without objection, it is so ordered.

ROUTINE MORNING BUSINESS

The **PRESIDING OFFICER.** There will now be a period for the transaction of morning business not to extend beyond 1 hour during which time Senators may speak for no more than 10 minutes each.

Mr. **STEVENS**. I suggest the absence of a quorum.

The **PRESIDING OFFICER**. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. **SCHMITT**. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The **PRESIDING OFFICER**. Without objection, it is so ordered.

THE PRINCIPAL ECONOMIC CONCERN

Mr. **SCHMITT**. Mr. President, as the distinguished occupant of the chair knows, as most Americans know, and I hope all of our colleagues know, the principal economic concern of the American people and of the people in our individual States is now the concern over interest rates, having replaced, for good reason, past concerns over inflation.

Interest rates went through the roof in this country in 1980 because of the Carter administration and the Democratic majority leadership in Congress failing to control inflation. I know of no economist of any note who would not agree that 13 percent inflation, plus the belief that it would get even worse back in 1980, soon drove short-term interest rates to 21½ percent and mortgage rates to over 19 percent by the time Reagan and company took over.

Under the Reagan administration, with the help of the Republican and conservative Democrat leadership in the Congress, and the low money growth policies of Chairman Volcker and the Federal Reserve System, inflation is now below 4 percent on the trend lines, short-term interest rates have dropped to about 16 percent, and mortgage rates to 17 percent and no longer climbing.

However, with inflation running at 4 percent or less, and with every indication that it will only get lower in the foreseeable future, those interest rates ought to be closer to 7 percent than to 17 percent.

It is very important for every Member of this body and our sister body to ask themselves the following question: Why is there a 9- to 10-percent point excess in current interest rates over what is historically justifiable? Either the financial markets are still afraid that inflation will get out of control again or they are using the current furor over deficits and future Federal borrowing as an excuse to rip off the credit market; namely, you, me, and our constituents.

There is no excuse at this time for anyone to believe that inflation will get out of control under this administration or with Chairman Volcker heading the Federal Reserve Board. If anything is clear, we will not see Reagan or Volcker return to ever increasing Federal spending financed by ever increasing supplies of money in excess of the value of goods and services in our economy. Thus, the roots of inflation have been removed and are continuing to be removed by current policies.

In addition, other major contributors to inflation are moderating. For example, unnecessary and costly Federal regulations are being reduced; energy prices are coming down steadily as supply and conservation increase; and taxes are backing off as a result of last year's tax reform legislation. Thus, there are no good technical reasons to anticipate high future inflation and the necessary high interest rates to compensate for that inflation.

The oft-heard excuse that anticipated Federal borrowing to finance recession-related deficits does not make sense to this Senator either. The projected deficits for 1982, 1983, 1984, and 1985 are less in relation to the gross national product than during the Ford and Carter years when interest rates were much lower than today.

These deficits will only be inflationary and thus justify high interest rates if they are financed by creating excessive money, and it does not seem that Volcker is about to do that.

In addition, we must recognize that projected deficits are nebulous, to say the least. Those who project them have been inevitably wrong. One only has to look at the effect of a 1-percent change in unemployment resulting in an almost $30 billion change in deficits, or a 1-percent change in the rate of growth of the gross national product resulting in an almost $20 billion change in deficits, to see that budget deficit projections are tenuous at best.

There is no question that deficits, combined with refinancing of the Federal debt, combined with Federal allocation of credit through low-interest loans and loan guarantees, is soaking up almost 80 percent of the credit now available in this country. That has to change. But the deficits themselves constitute only about one-fifth of that total credit demand. Thus, it seems that there is no excuse, other than faint-hearted greed, for the financial markets to be holding interest rates a full 10 points above where they should be. We all must ask, What can be done to fight this situation?

Well, first I suggest we must stick with the anti-inflation plans of reduced growth of Federal spending, controlled growth of the money supply to more aptly match our growth in the gross national products, maintain as small deficits as is reasonable to do and still meet our national obligations, and maintain the personal and small business tax cuts for economic recovery and increased productivity.

Second, we must make it clear to the financial markets that unless they bring interest rates down to some justifiable level soon, it may be done for them, whether it is the right thing to do or not. I personally believe that credit controls of that nature would, in the long run, be very damaging to the economy, but in the short run the Congress may be forced, by both pragmatic and political considerations, to do something that the financial markets should do for themselves, namely, lower interest rates.

Third, we should do everything we can to rapidly increase the pool of capital by increasing the tax incentives for savings and investment, thus making it even more difficult for the markets to hold interest rates as high as they are today.

This last point is particularly important and has been left out of the Reagan economic recovery plan so far. For example, by exempting from taxation 25 percent of income earned on savings and investments, as I have proposed and some of my colleagues have proposed in the Savings and Investment Incentives Act of 1982, even greater downward pressure on interest rates will result, as well as more rapid economic recovery.

More money in the credit market means both public and private borrowing will cost less.

Mr. President, we have been on the right track for a year in economic policy and fiscal policy. We must stay on that track as it was set last year. If we do fine tune Reagan's budget plans as necessary to accelerate recovery from the recession, high interest rates and high unemployment will go the way of high inflation and high taxes—relics in a museum of "bad economic policy."

Mr. President, it is absolutely essential that our friends in the major financial institutions of this country, with their close ties to the major business interests in this country, recognize the seriousness of the country's situation with the maintenance of interest rates 10 points above any historically justifiable level. I am very concerned, as a Republican, as a conservative, and as a protector of the free enterprise system, that unless they wake up to this situation and quit trying to justify their actions on the basis of projected deficits, not only will we fail to see an adequate economic recovery but we will see the imposition of restrictions on the free enterprise system that will sow the seeds of disaster in our economic future.

Mr. President, I see the distinguished Senator from Kansas. I am happy to yield the floor.

Mrs. **KASSEBAUM** addressed the Chair.

The PRESIDING OFFICER (Mr. Murkowski). The Senator from Kansas is recognized.

REPORT ON EL SALVADOR ELECTIONS

Mrs. KASSEBAUM. Mr. President, I want to comment briefly on the official American delegation's trip to observe the elections in El Salvador on March 28. I want to introduce into the Record the official statement that we gave on the day after the election and before we left San Salvador to come home. Mr. President, I ask unanimous consent that it be printed at this point in the Record.

There being no objection, the statement was ordered to be printed in the Record, as follows:

Statement by the United States Official Observer Delegation

The official United States delegation to the March 28, 1982 El Salvador Constituent Assembly elections, having personally visited a number of polling areas around the country, believes these elections were fair and free.

One of our members, Dr. Howard Penniman, an elections expert who has participated in some 45 difficult elections, observes that yesterday's election was one of the most massive expressions of popular will he has ever seen.

The tremendous turnout, perhaps over one million, underscores the sense of commitment of the people.

Over and over again we heard the people say, "We are voting for peace and an end to the violence. We believe this election can be a new beginning for this country."

It is difficult to express the patience and purpose with which the Salvadoran people turned out to vote, enduring long hours in line to cast their ballots and, in some instances, attempts by the insurgents to scare them off. The election clearly is a repudiation of the guerrillas' claim that they represent the will of the Salvadoran people.

In general the election process itself was orderly and peaceful. The voting procedures adhered to rules established by the Central Elections Commission. There were poll watchers from at least two parties at each table we visited, and the election officials worked seriously at their responsibilities, both in processing the voters and later in counting the ballots. We did see some minor technical problems during the day, but we saw no indication of fraud. We believe they had no influence on the outcome of the elections.

Because of the threats of violence during the voting, the Central Elections Commission made the decision to concentrate the polling places in some 300 sites. This did cause some confusion. By the early hours of the morning, there were long lines all over the country. For example in Santa Tecla, a suburb of San Salvador, we estimate that some 10,000 people were standing in line to vote at 9:00 a.m. We were concerned that not all would have a chance to vote. But by the end of the day, election officials assured us that most of the voters were attended to. The Salvadoran people have said in overwhelming numbers that they want peace and an end to the violence.

We hope that the sense of commitment and cooperation that the voters demonstrated yesterday at the polls will be reflected in the efforts of the leadership of the Constituent Assembly that they have elected. The people have asked for a new beginning and they most definitely deserve it.

Mrs. KASSEBAUM. It is important, it seems to me, Mr. President, not to confuse policy at this point with a very important message that was expressed by the people of El Salvador in that election on March 28. The delegation that went from the United States at the request of the Secretary of State included myself, Representative Bob Livingston, Representative John Murtha, Deputy Assistant Secretary of State Everett E. Briggs, Father Ted Hesburgh, Dr. Clark Kerr, Mr. Richard Scammon, and Dr. Howard Penniman, the latter two being election experts. We were there along with a number of other national delegations, over 20 official delegations sent from other countries and a number of unofficial observers. Thus, a large number was there trying to cover many different polling areas on election day to observe and render some observation on the fairness of those elections. We attempted to do that with a checklist that we had as the U.S. delegation, on various things that we were looking for: Whether there had been unnecessarily delayed long lines; whether there were poll watchers at the various polling areas; whether the process of counting the ballots was according to the rules.

The Government of El Salvador had gone to great lengths to try to insure that his would be a fair election, really the first fair election, held in 50 years in El Salvador. The election commission, under the direction of Dr. Bustemente, had designed various measures whereby it was believed that there could be no real question of the size of participation and of fairness at that time. One of the ways, for instance, was an opaque ballot box so that the ballots could be seen in that box and to insure that each voter cast only one ballot. In the 1972 election, out of some 800,000 ballots cast, 200,000 of those were falsely cast ballots that had simply been dropped into the box. They had not even been folded, which was the required procedure of the paper ballots. So one form of fraud that has been rampant in past elections was not present at this time. It was the unanimous view, not only of our delegation but of the other delegations, that this massive turnout and fair election really was a historic moment for El Salvador.

It seems to me that there were two very important impressions, one of them being that the people of El Salvador lined up by the hundreds of thousands, frequently waiting as long as 4 or 5 hours in line before they could cast their ballot, because they wished to express, in the only way that they had available to them, their heartfelt desire to see an end to violence and conflict in their country. I was really overwhelmed when I stopped at the first polling area that I went to at about 8:30 in the morning—the polls had opened at 7—to see what was estimated officially by a number of outside observers, not just in our delegation but other delegations, as a crowd of between 8,000 and 10,000 people already in line, quietly and patiently standing, moving imperceptibly, almost, toward the different polling areas in that given section.

It was certainly a crowd response that we would not have here, in this country. I find it hard to imagine Kansans or any voters in this country standing in line that long, so patiently and quietly, determined to take the opportunity that had been given them to cast a vote.

Mr. President, I believe what they wanted to convey was the message that they simply felt they could not endure much longer the violence that has torn their country apart.

Second, it certainly was an expression, and a strong expression, of the democratic process. The difficult part, I suppose, comes next, as the coalitions will obviously have to be formed in order to provide the guidance for the constituent assembly, which has now been elected. The Christian Democratic Party that has been represented by President Duarte received 40.9 percent of the vote. A coalition of all of the other five parties that were on the ballot would be needed to put together a leadership that a majority of the constituent assembly would choose.

The first task of the constituent assembly after forming any coalition will be the drawing up of a constitution. This is going to be an important step. Also, it has been stated that an election will be held in 1983 for the election of a new president.

Mr. President, these may not seem like large steps to us, because we have taken the democratic process for granted in this country, but it is a major step for the people of El Salvador, one which we must continue to give strong support to. It has always been the basis of our policy, as we have reflected it in this Chamber on votes that we have taken, when required, regarding assistance to El Salvador, that we always premise it on a basis of the continuation of reforms—land reform, political reform; and continuation of improvement of human rights.

This has been the basis of our policy as we have exercised it in requiring any assistance, whether through votes here or through the administration's actions.

It will continue to be the basis of our policy. It is not going to be an easy time, as the various contending factions in El Salvador jockey for political position in putting together a governing coalition in the constituent assembly.

But, I think to assume at this particular time that it is going to be one way or another is an assumption that is too early to make. The best that we can and should be doing is to encourage, as I said earlier, the building on the democratic process that was expressed by the vote on Sunday. We should also encourage the constituent assembly to extend a helping hand, as Secretary Haig said, to those forces in the country that have been operating out of the structure of law and order on both the left and the right to work together to establish a solid and strong foundation for the future stability, economically and politically, of El Salvador.

It was a historic and emotional experience for all of us on the delegation to have been able to witness the election on March 28. It was a small first step, but it is one that we must continue to emphasize and support. We must further encourage the second step and the third and fourth step, as El Salvador puts back together their shattered country. But it is the people of El Salvador that won the election on Sunday, and certainly I think we will, in this country, lend full support to their expression for peace.

The **PRESIDING OFFICER**. The Senator's time has expired.

Mr. **SARBANES**. Mr. President, I suggest the absence of a quorum.

The **PRESIDING OFFICER**. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. **SYMMS**. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The **PRESIDING OFFICER**. Without objection, it is so ordered.

REAFFIRMATION OF U.S. POLICY TOWARD CUBA

Mr. **SYMMS**. Mr. President, I want to take a moment of two to notify my colleagues in the Senate that at the earliest possible occasion it is my intention to offer a measure to the Senate similar to the joint resolution which passed the House and the Senate in 1962 and that was signed then by President Kennedy. I want to make note of that to the Senate.

I also want to say that this joint resolution is precisely the same language that passed the Congress and was signed into law by President Kennedy in 1962. I shall read some of this language to my colleagues here in the Senate so they will be notified that this will be dealt with by this body as soon as possible. On the first appropriate piece of legislation, it will be my intention to offer this language as an amendment so that we can deal with it properly.

I do that because I think we noticed that the President in his address to the Nation last night commented on the fact that there have been violations of the 1962 Kennedy-Khrushchev agreement. But the joint resolution that passed the Congress in 1962, has been introduced by myself and by 19 cosponsors, so we now have 20 percent of the membership of this body supporting it. I have had several other of my colleagues who are not cosponsors tell me that they would be pleased to have the opportunity to vote for this resolution to give the President a signal of support from the American people for a firm policy in the Caribbean Basin to resist the communization of Latin America which certainly, very obviously to most of us, is being promulgated under Fidel Castro out of Cuba.

It was resolved by the Senate and the House of Representatives of the United States of America that it be the policy of the Government of the United States to continue its relations with the Government of Cuba in policy set forth in a joint resolution dated September 20, 1962. It stated that the policy of this country would be to support the Monroe Doctrine to oppose any attempt on the part of any foreign powers, European or others, to extend their influence into this hemisphere. It supported the Rio Treaty of 1947, which agrees that "an armed attack by any State against an American State shall be considered as an attack against all American States and, consequently, each one of the said contracting parties undertakes to assist in meeting the attack in the exercise of the inherent right of individual or collective self defense recognized by article 15 of the charter of the United Nations."

It also pointed out that "whereas the Foreign Ministers of the Organization of American States in January 1982 declared that the present Government of Cuba has identified itself with the principles of Marxist-Leninist ideology, has established a political, economic, and social system based on that doctrine, and accepts military assistance from extra-continental Communist powers, including the threat of military intervention in America on the part of the Soviet Union, and whereas the international Communist movement has increasingly extended into Cuba, its political, economic, and military sphere of influence," it should therefore be resolved by the Senate and the House of Representatives of the United States of America "that the United States is determined to prevent by whatever means may be necessary, including the use of arms, the Marxist-Leninist regime in Cuba from extending by force or threat of force its aggressive or subversive activities to any part of this hemisphere; to prevent in Cuba the creation or use of any externally supported military capability endangering the security of the United States, and to work with the Organization of American States and with freedom-loving Cubans to support the aspirations of the Cuban people for self-determination."

Mr. President, I think that it is important that this body act on this measure in the very near future, because I see that there is a sense of urgency, in my opinion, regarding what is happening in the Caribbean Basin. We have heard the comments of our colleague, Senator **KASSEBAUM** from Kansas, speaking about the efforts of the people in El Salvador to have self-government. In spite of the fact that there are external forces that have involved themselves there, making it difficult to carry out an election, they did so very successfully. I think that this needs to be discussed and dealt with by the Congress to give the signal to the administration and to our adversaries that the United States cannot tolerate the expansion of the cancer of communism in the Caribbean Basin.

As I mentioned, Mr. President, last night in his press conference President Reagan stated, and I quote, "The only place that he"—meaning Soviet leader Brezhnev—"could install nuclear weapons in this hemisphere would be Cuba, which is Brezhnev's satellite now but this would be in total violation of the 1962 Kennedy-Khrushchev agreement. You know there have been other things we think are violations of the 1962 agreement at the time of the Cuban missile crisis."

President Reagan stated, and I repeat for emphasis: "You know there have been other things we think are violations of the 1962 agreement at the time of the Cuban missile crisis." What are these other things that the Soviets have done in Cuba? I shall detail them in a moment.

President Reagan, himself, has therefore confirmed the already authoritative statements of Joint Chiefs of Staff Chairman General Jones, CIA Director Casey, and Under Secretary of Defense Ikle that the Soviets have in fact violated the 1962 Kennedy-Khrushchev agreement by establishing offensive military and even nuclear weapons bases in Cuba. President Reagan himself has therefore explicitly acknowledge that the Soviet threat from Cuba is as great or even greater now than it was in 1962.

Pravda, the authoritative newspaper of the Soviet Communist Party, has openly stated that Brezhnev is threatening the United States with Soviet nuclear weapons already in Cuba, if the United States and NATO go ahead with their long-agreed plan to deploy equalizing ground-launched cruise and Pershing II intermediate-range ballistic missiles in Western Europe. The Soviets have thus openly engaged in nuclear blackmail of the United States over the last 2½ weeks, but no one has yet responded.

Mr. President, I believe that it is the solemn duty of the Senate to take a position on Soviet nuclear blackmail

The question is, Should we show our strong support for our Commander in Chief, President Reagan, by reaffirming existing U.S. policy and law expressing American opposition to Soviet military bases in Cuba? Are we for enforcing the Monore Doctrine, or are we not? Do we support Soviet and Cuban-backed subversion and aggression in the Western Hemisphere, or do we oppose it?

I am reminded of President Kennedy's inaugural address in January of 1961. I do not have the text with me, but I ask unanimous consent that that text be printed in the RECORD at this point.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

JOHN F. KENNEDY INAUGURAL ADDRESS, JANUARY 20, 1961

Mr. Chief Justice, President Eisenhower, Vice President Nixon, President Truman, reverend clergy, fellow citizens, we observe today not a victory of party, but a celebration of freedom—symbolizing an end, as well as a beginning—signifying renewal, as well as change. For I have sworn before you and Almighty God the same solemn oath our forebears prescribed nearly a century and three quarters ago.

The world is very different now. For man holds in his mortal hands the power to abolish all forms of human poverty and all forms of human life. And yet the same revolutionary beliefs for which our forebears fought are still at issue around the globe—the belief that the rights of man come not from the generosity of the state, but from the hand of God.

We dare not forget today that we are the heirs of that first revolution. Let the word go forth from this time and place, to friend and foe alike, that the torch has been passed to a new generation of Americans—born in this century, tempered by war, disciplined by a hard and bitter peace, proud of our ancient heritage—and unwilling to witness or permit the slow undoing of those human rights to which this Nation has always been committed, and to which we are committed today at home and around the world.

Let every nation know, whether it wishes us well or ill, that we shall pay any price, bear any burden, meet any hardship, support any friend, oppose any foe, in order to assure the survival and the success of liberty.

This much we pledge—and more.

To those old allies whose cultural and spiritual origins we share, we pledge the loyalty of faithful friends. United, there is little we cannot do in a host of cooperative ventures. Divided, there is little we can do—for we dare not meet a powerful challenge at odds and split asunder.

To those new States whom we welcome to the ranks of the free, we pledge our words that one form of colonial control shall not have passed away merely to be replaced by a far greater iron tyranny. We shall not always expect to find them supporting our view. But we shall always hope to find them strongly supporting their own freedom—and to remember that, in the past, those who foolishly sought power by riding the back of the tiger ended up inside.

To those peoples in the huts and villages across the globe struggling to break the bonds of mass misery, we pledge our best efforts to help them help themselves, for whatever period is required—not because the Communists may be doing it, not because we seek their votes, but because it is right. If a free society cannot help the many who are poor, it cannot save the few who are rich.

To our sister republics south of our border, we offer a special pledge—to convert our good words into good deeds, in a new alliance for progress, to assist free men and free governments in casting off the chains of poverty. But this peaceful revolution of hope cannot become the prey of hostile powers. Let all our neighbors know that we shall join with them to oppose aggression or subversion anywhere in the Americas. And let every other power know that this hemisphere intends to remain the master of its own house.

To that world assembly of sovereign states, the United Nations, our last best hope in an age where the instuments of war have far outpaced the instruments of peace, we renew our pledge of support—to prevent it from becoming merely a forum for invective—to strengthen its shield of the new and the weak—and to enlarge the arena in which its writ may run.

Finally, to those nations who would make themselves our adversary, we offer not a pledge but a request: that both sides begin anew the quest for peace, before the dark powers of destruction unleashed by science engulf all humanity in planned or accidental self-destruction.

We dare not tempt them with weakness. For only when our arms are sufficient beyond doubt can we be certain beyond doubt that they will never be employed.

But neither can two great and powerful groups of nations take comfort from our present course—both sides overburdened by the cost of modern weapons, both rightly alarmed by the steady spread of the deadly atom, yet both racing to alter that uncertain balance of terror that stays the hand of mankind's final war.

So let us begin anew—remembering on both sides that civility is not a sign of weakness, and sincerity is always subject to proof. Let us never negotiate out of fear. But let us never fear to negotiate.

Let both sides explore what problems unite us instead of laboring those problems which divide us.

Let both sides, for the first time, formulate serious and precise proposals for the inspection and control of arms—and bring the absolute power to destroy other nations under the absolute control of all nations.

Let both sides seek to invoke the wonders of science instead of its terrors. Together let us explore the stars, conquer the deserts, eradicate disease, tap the ocean depths, and encourage the arts and commerce.

Let both sides unite to heed in all corners of the earth the command of Isaiah—to "undo the heavy burdens and to let the oppressed go free."

And if a beachhead of cooperation may push back the jungle of suspicion, let both sides join in creating a new endeavor, not a new balance of power, but a new world of law, where the strong are just and the weak secure and the peace preserved.

All this will not be finished in the first 100 days. Nor will it be finished in the first 1,000 days, nor in the life of this administration, nor even perhaps in our lifetime on this planet. But let us begin.

In your hands, my fellow citizens, more than in mine, will rest the final success or failure of our course. Since this country was founded, each generation of Americans has been summoned to give testimony to its national loyalty. The graves of young Americans who answered the call to service surround the globe.

Now the trumpet summons us again—not as a call to bear arms, though arms we need; not as a call to battle, though embattled we are; but a call to bear the burden of a long twilight struggle, year in, and year out, "rejoicing in hope, patient in tribulation"—a struggle against the common enemies of man: tyranny, poverty, disease, and war itself.

Can we forge against these enemies a grand and global alliance, North and South, East and West, that can assure a more fruitful life for all mankind? Will you join in that historic effort?

In the long history of the world, only a few generations have been granted the role of defending freedom in its hour of maximum danger. I do not shrink from this responsibility—I welcome it. I do not believe that any of us would exchange places with any other people or any other generation. The energy, the faith, the devotion which we bring to this endeavor will light our country and all who serve it—and the glow from that fire can truly light the world.

And so, my fellow Americans, ask not what your country can do for you: Ask what you can do for your country.

My fellow citizen of the world: Ask not what America will do for you, but what together we can do for the freedom of man.

Finally, whether you are citizens of America or citizens of the world, ask of us the same high standards of strength and sacrifice which we ask of you. With a good conscience our only sure reward, with history the final judge of our deeds, let us to forth go lead the land we love, asking His blessing and His help, but knowing that here on earth God's work must truly be our own.

Mr. SYMMS. Mr. President, I will paraphrase a part of President Kennedy's inaugural address. He said, let it be known by our adversaries and our friends that we, the people of the United States, will go to any extent to support our friends and oppose our enemies and those who are in opposition to the liberty of the human race. He went on and made a very clear policy statement on the part of the United States, that we will defend our liberties and freedoms from all adversaries.

Mr. President, the people of El Salvador themselves have spoken on the question of Soviet-Cuban-backed aggression. Over 60 percent of the Salvadoran people went to the voting booths last Sunday, and all of these people voted for candidates who oppose Soviet-Cuban-backed aggression. The will of the Salvadoran people was expressed democratically, and clearly—the Salvadoran people voted overwhelmingly against Marxist-Leninist subversion and revolution.

Mr. President, the U.S. Senate should do no less than the people of El Salvador. We, too should register our opposition to Soviet-Cuban-backed aggression at our own front door and vote to reaffirm existing policy and the law of the land. President Reagan needs our support at this time of national danger, when the Soviets are openly trying to use nuclear blackmail from Cuba.

Mr. President, I wish to reiterate my statement of a few moments ago, to notify my colleagues in the Senate that I believe we should deal with this issue as soon as possible. It will be my intention to bring this issue to a head on every vehicle that comes before the Senate in the future, and I hope we will be able to deal with the issue.

It may be impossible to come to a vote as early as today, but I hope that when we return from the recess, we will be able to deal with this issue and dispose of it and give the Commander in Chief, President Reagan, the support I believe he needs, just to reaffirm what the law of this land is, to reaffirm the present treaties we have supported, to reaffirm America's policy and America's commitment to helping free people in the world, particularly in this hemisphere, who wish to resist intervention in their affairs by those who have designs on taking over control of their country.

Mr. President, I ask unanimous consent to have printed in the Record the Wall Street Journal editorial of Wednesday, March 31, entitled "The Soviet Cuba Card."

There being no objection, the editorial was ordered to be printed in the Record, as follows:

[From the Wall Street Journal, Mar. 31, 1982]

The Soviet Cuba Card

Leonid Brezhnev's call for a nuclear weapons freeze a few weeks ago received considerable attention in the Western media. Such a grandstand play had been anticipated, however, and it was given the short shrift it deserved by the U.S. and its allies.

But wrapped in the sheep's clothing of Mr. Brezhnev's "peace" proposal was an ugly little threat that has received less notice. The Brezhnev statement warned that if the U.S. and West Europe take steps to offset the enormous buildup of Soviet nuclear strength threatening Europe, Moscow will feel "compelled" to place U.S. territory in an "analogous" position.

And just in case anybody missed this threat, it was repeated last week by two other high Soviet officials. Again, the exact nature of the threat wasn't stated, merely that deployment of intermediate-range missiles by NATO "invites the Soviet Union in the same manner to adopt adequate measures of response." This might mean additional Soviet submarines off the U.S. or some other scheme, of course, but the Soviet spokesmen did nothing to allay publicly expressed fears that Mr. Brezhnev had been talking about Cuba—a significant omission, given the history of U.S.-Soviet confrontation there.

Quite clearly, this is an escalation of the hardball game that began when the Soviets first aimed their big SS-20 missiles at Europe. First, the Soviets directed their intimidation at Europe's request for the offsetting U.S. missiles, knowing that if the Europeans can be forced to reconsider, the Soviets will have scored a big victory over NATO. Now the intimidation effort is being aimed directly at the U.S. The Soviets know full well that even though the theater weapons are really for the protection of Europe, describing them as American weapons is a way of justifying the Soviet military buildup that is taking place in the Caribbean. This could provide added leverage at the Geneva talks on theater weapons. The Soviets probably hope, as well, that it will unnerve Americans and spur the disarmament movement.

Some in the administration argue that the statements should be ignored, since to get worked up about them is merely to carry the propaganda ball for the Soviets. We disagree. Moscow may indeed be bluffing for propaganda or negotiating purposes. Failure to respond, however, could prove more dangerous in the long run than whatever cheap debating points the Soviets hope to score. It's not as if the Soviets have no record of recklessness when it comes to Cuba. In addition to the 1962 missile crisis, there was the attempt in 1970 to establish a nuclear submarine base at Cienfuegos on Cuba's southern shore. Why should we now assume that the Russians don't mean what they say?

The threat, after all, comes at a time when the U.S. is beginning to react to Cuban-Soviet aggressiveness in the Caribbean. The Reagan administration has made it clear that it considers Central America a vital interest of the U.S. and that it holds the Cubans and Soviets responsible for organizing and sustaining the guerrilla movements that afflict the area. Last Sunday's election in El Salvador gave the complete lie to the notion that the terrorists there and elsewhere in Latin America are simply homegrown agrarian reformers who express the will of the masses. Not that anyone needed any more proof that Fidel Castro, backed by his Soviet masters, has been exporting revolution to his neighbors.

So it's equally likely that the Soviets are trying to force U.S. acceptance of a military buildup in Cuba that has already started. A second squadron of MiG-23s was reported being uncrated there recently; if it's the ground attack version, it's a far superior bomber to the IL-28s Khrushchev was forced to withdraw from Cuba in 1962. Even if not it's apparently no great trick to adapt it to that role.

Meanwhile, intelligence officials say Nicaraguan pilots are being trained in Bulgaria and runways being lengthened to accommodate MiG-21s. The presence of such jets in either location greatly influences the tactical and strategic picture in the area, as can be seen from the accompanying map, which also shows what SS-20 missile coverage from Cuba would mean.

Defense analysts estimate Soviet military shipments to Cuba in 1981 tripled from 1980 and are increasing again this year. The shipments are at their highest level since 1962. It's worth pondering that in 1962 shipments of conventional Soviet military equipment caused the Congress to pass and President Kennedy to sign into law, in September, a joint resolution pledging "to prevent by whatever means may be necessary, including the use of arms, the Marxist-Leninist regime in Cuba from extending, by force or the threat of force, its aggressive or subversive activities to any part of this hemisphere."

Despite the October missile "understandings," which have no statutory standing, this resolution is arguably still U.S. law and policy. After the missile crisis, President Kennedy stated that "if all offensive weapons are removed from Cuba and kept out of the hemisphere in the future, under adequate verification and safeguards, and if Cuba is not used for the export of aggressive Communist purposes, there will be peace in the Caribbean." That in no way altered the joint resolution pledge.

By our reckoning, the second part of that formula hasn't been lived up to, and the Soviet buildup that has already taken place in Cuba comes perilously close to violating the first part even if one places the most benign view on the equipment that's already there. Soviet threats, however ambiguous, to emplace missiles or other nuclear attack weapons in Cuba or anywhere else near our shores should be treated with the gravest concern.

It will be argued that this is not the time or the place for another confrontation. The changes in relative naval power since 1962 might make it even more dangerous to engage in the sort of showdown on the high seas that Kennedy undertook; the Soviets also now have long-distance airlift capabilities that might make a quarantine or blockade a practical impossibility without getting into a shooting match.

If so, that speaks volumes about what we have allowed to happen to our military capabilities in the last 20 years, and how the Soviets have used detente to their own ends. But we are far from powerless, and it is a matter of fundamental national security that we not permit further Soviet intrusion into this hemisphere. The Soviets are dangerously mistaken if they think American public opinion will allow them to play a Cuba card, or even to bluff at it.

Mr. SYMMS. Mr. President, I call this editorial to the attention of my colleagues. It articulately points out the things I have said: that we are now witnessing brazen and bold actions on the part of the Soviets due to the massive commitment they have made to a military buildup and their belief that brandishing raw power is the only way they know how to conduct international relations. I believe this editorial deserves the commendation and the attention of all of us in the Senate.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. SYMMS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

TRIBUTE TO THE NCAA CHAMPION FIGHTING SIOUX OF THE UNIVERSITY OF NORTH DAKOTA

Mr. BURDICK. Mr. President, while the attention of most college sports fans this past weekend was focused on New Orleans and the NCAA basketball tournament, a discriminating few looked toward providence, R.I., where the NCAA hockey championship was decided on Saturday night.

I want to take this opportunity to congratulate Coach Gino Gasparini and the Fighting Sioux of the University of North Dakota, who defeated the University of Wisconsin Badgers by a score of 5-2 for their second NCAA hockey title in the last 3 years. Knowledgeable hockey observers and most North Dakotans expect them to make it three titles in 4 years when the tournament is played on the Fighting Sioux's home ice in Grand Forks next year.

North Dakotans are very proud of our State's rich harvests of wheat, sunflowers, and other agricultural commodities, as well as the contribution we make to the Nation's energy independence by our production of oil, natural gas, and coal. This week, we are also very proud to have the best college hockey team in America.

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Is there further morning business? If not, morning business is closed.

TELEVISION AND RADIO COVERAGE OF SENATE PROCEEDINGS

The PRESIDING OFFICER. The Senate will now resume consideration of Senate Resolution 20, which will be stated by title.

The legislative clerk read as follows:

A resolution (S. Res. 20) providing for television and radio coverage of proceedings of the Senate.

The Senate resumed consideration of the resolution.

Mr. MOYNIHAN. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. SYMMS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

UP AMENDMENT NO. 869

(Subsequently numbered amendment No. 1348.)

Mr. SYMMS. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

Mr. BAKER addressed the Chair.

The PRESIDING OFFICER. The majority leader is recognized.

Mr. BAKER. Mr. President, Senate Resolution 20 is the pending business, is it not?

The PRESIDING OFFICER. The leader is correct.

Mr. BAKER. May I say that I have discussed this with the distinguished Senator from Idaho and with other Senators, including the Senator from Louisiana and the distinguished minority leader.

I know, of course, that the Senator from Idaho intends to offer this amendment, which he has a perfect right to do. But he understands as well, I believe, that I have made a commitment publicly on the floor that there will be no action on Senate Resolution 20 today. So it would not be the intention of the leadership to have a vote on this amendment or any amendment in respect to Senate Resolution 20 during this day.

I certainly have no problem at all with the introduction of this amendment and with statements and debate in the course of this day. But I would point out to all those who are listening that it is not the intention of the leadership that we would proceed to a vote on this amendment at this time.

Mr. SYMMS. Mr. President, will the distinguished majority leader yeild?

Mr. BAKER. I yield.

Mr. SYMMS. I thank the majority leader. It would be my intention to order a vote but it would not be taken today.

Mr. BAKER. Yes.

Mr. SYMMS. I appreciate the majority leader's commitment to the Members of the minority, and I certainly would be willing to honor that.

Mr. BAKER. I thank the Senator.

The PRESIDING OFFICER. The clerk will report.

The bill clerk read as follows:

The Senator from Idaho (Mr. Symms), for himself, Mr. Heinz, Mr. Helms, Mr. Denton, Mr. East, Mr. Mattingly, Mr. Hayakawa, Mr. Goldwater, Mr. Warner, Mr. Thurmond, Mr. McClure, Mr. Baker, Mr. Kasten, Mr. Tower, Mr. Garn, Mr. Hatch, Mr. Wallop, Mr. Nickles, Mr. Laxalt, and Mr. Grassley, proposes an unprinted amendment numbered 869.

Mr. SYMMS. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

At the end of the resolution add the following new section:

"Sec. . Resolved by the Senate, That it is the policy of the Government of the United States to continue in its relations with the Government of Cuba the policy set forth in the Joint Resolution entitled "A Joint Resolution Expressing the Determination of the United States with Respect to the Situation In Cuba," passed by the Senate on September 20, 1962 and by the House of Representatives on September 26, 1962, and signed into law by the President on October 3, 1962 (76 Stat. 697) as follows:".

Mr. SYMMS. Mr. President, I ask for the yeas and nays on the amendment.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

UP AMENDMENT NO. 870

(Subsequently numbered amendment No. 1349.)

(Purpose: Perfecting amendment to Symms and others amendment)

Mr. SYMMS. Mr. President, I send an amendment to the amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The bill clerk read as follows:

The Senator from Idaho (Mr. Symms), for himself, Mr. Heinz, Mr. Helms, Mr. Denton, Mr. East, Mr. Mattingly, Mr. Hayakawa, Mr. Goldwater, Mr. Warner, Mr. Thurmond, Mr. McClure, Mr. Baker, Mr. Kasten, Mr. Tower, Mr. Garn, Mr. Hatch, Mr. Wallop, Mr. Nickles, Mr. Laxalt, and Mr. Grassley, proposes an unprinted amendment numbered 870 to unprinted amendment No. 869.

Mr. SYMMS. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER (Mr. Rudman). Without objection, it is so ordered.

The amendment is as follows:

Add at the end of the Symms amendment the following:

"Whereas President James Monroe, announcing the Monroe Doctrine in 1823, declared that the United States would consider any attempt on the part of European powers "To extend their system to any portion of this Hemisphere as dangerous to our peace and safety", and

Whereas in the Rio Treaty of 1947 the parties agreed that "an armed attack by any State against an American State shall be considered as an attack against all the American States, and, consequently, each one of the said contracting parties undertakes to assist in meeting the attack in the exercise of the inherent right of individual or collective self-defense recognized by article 51 of the Charter of the United Nations", and

Whereas the Foreign Ministers of the Organization of American states of Punta del Este in January 1962 declared: "The present Government of Cuba has identified itself with the principles of Marxist-Leninist ideology, has established a political, economic, and social system based on that doctrine, and accepts military assistance from extra-continental communist powers, including even the threat of military intervention in America on the part of the Soviet Union", and Whereas the international Communist movement has increasingly extended into Cuba, its political, economic, and military sphere of influence; Now, therefore, be it

Resolved by the Senate and House Representatives of the United States of America in Congress assembled, That the United States is determined—

(a) to prevent by whatever means may be necessary, including the use of arms, the Marxist-Leninist regime in Cuba from extending, by force or the threat of force its aggressive or subversive activities to any part of this hemisphere;

(b) to prevent in Cuba the creation or use of an externally supported military capability endangering the security of the United States; and

(c) to work with the Organization of American States and with freedom-loving Cubans to support the aspirations of the Cuban people for self-determination;

Mr. SYMMS. Mr. President, I ask for the yeas and nays on the amendment.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

Mr. SYMMS. Mr. President, I earlier discussed this amendment at length and in detail during morning business, but I would like to make a few more points in support of this amendment.

On March 18, 1982, Defense Secretary Weinberger appeared on the NBC-TV "Today" show. Weinberger was asked what the United States would do if the Soviets had nuclear weapons in Cuba. Weinberger responded:

> If there is any kind of threat of that sort (i.e. Soviet nuclear or offensive weapons in Cuba) I would assume we would deal with it in the same way we did in the 1960's.

Under further questioning, Weinberger added:

> I'm talking about whatever it would be necessary to do, so as not to have missiles in the Cuban area . . .

Weinberger was thus stating that the United States would resist Soviet missiles or bombers in Cuba, Mr. President. My amendment is designed to reinforce just such a U.S. policy.

Now Soviet President Brezhnev himself has threatened to activate Soviet strategic nuclear offensive forces which may already be in Cuba. Brezhnev has tried to brandish these Soviet nuclear weapons in Cuba, in a blatant attempt at nuclear blackmail. Brezhnev stated on March 16, 1982, in a speech to the Congress of Soviet trade unions in Moscow that:

> If the governments of the U.S. and its NATO allies, in defiance of the will of the nations for peace, were actually to carry out their plan to deploy in Europe hundreds of new American missiles capable of striking targets on the territory of the Soviet Union, a different situation would arise in the world. There would arise a real additional threat to our country and its allies from the United States.

Brezhnev then added threateningly:

> This would compel us to take retaliatory steps that would put the other side, including the United States itself, its own territory, in an analogous position. This should not be forgotten.

Soviet spokesmen in the Soviet newspaper Pravda have made clear after Brezhnev's speech that Brezhnev was threatening to activate Soviet offensive nuclear weapons and bases already in Cuba. So Brezhnev was already brandishing Soviet nuclear weapons in Cuba, and engaging in a policy of nuclear blackmail much like Nikita Khrushchev so unsuccessfully attempted back in October 1962.

Mr. President, we should bear in mind that the Soviet diplomat Vasily V. Kuznetsov, now Deputy Foreign Minister and Politbureau member, stated back in November 1962 to President Kennedy's special representative at the United Nations, that never again would the Soviets back down to U.S. power in a crisis as they were forced to do in Cuba in October 1962. Mr. Kuznetsov in fact was promising 20 years ago to stage another Cuban Missile Crisis, only the second time around the Soviets would turn the tables and force the United States to back down. It would be a Cuban Missile Crisis in reverse. This is in fact what is occurring right now, in 1982, in Cuba. The Soviets are openly violating the Kennedy-Khrushchev Agreement of October 1962 by deploying strategic offensive nuclear weapons and bases in Cuba.

What is the evidence of Soviet violation of the Kennedy-Khrushchev Agreement, Mr. President? Let me summarize it once again in the following 11 points of evidence:

The Soviets have built a strategic submarine base at Cienfuegos, complete with a new nuclear warhead handling facility, new quays, and reportedly even new submarine pens are being constructed.

During the 1970's there were many visits to the Cienfuegos strategic submarine base of Soviet strategic offensive Golf and Echo class submarines, carrying long-range strategic offensive missiles equipped with nuclear warheads. These missiles are more dangerous than the SS-4 medium range ballistic missiles deployed to Cuba in 1962.

Soviet TU-95 Bear heavy intercontinental bombers, capable of carrying nuclear bombs or nuclear air-to-surface missiles, have been regularly flying to Cuba since 1969. There are reportedly nine Cuban airfields capable of handling TU-95 Bears.

There are now 40 Soviet nuclear delivery capable MIG-23/27 fighter-bombers deployed in Cuba. These bombers are more lethal than the IL-28 medium bombers sent to Cuba in 1962.

There have been several nuclear-missile equipped Soviet naval task force visits to Cuba in 1981, which cruised around the periphery of the Caribbean, directly threatening vital Venezuelan, Mexican, and American oilfields.

There is a Soviet combat brigade in Cuba, equipped with tanks, armored personnel carriers, long-range artillery, and supported by long-range air transport capabilities.

There have been 66,000 tons of Soviet military equipment shipped to Cuba during 1981, three times more than in 1962.

Long range Soviet SS-N-3 and SS-N-12 Shaddock-type naval and land-based mobile, nuclear-warhead-equipped cruise missiles have been photographed being paraded in Havana in 1964, 1965, and 1966. These missiles have a range of 1,550 nautical miles, which is even greater than the 1,000-mile range of the Soviet SS-4 medium-range ballistic missiles supposedly removed from Cuba in 1962.

In fact, 4 of the 42 Soviet SS-4 MRBM's were never confirmed by U.S. aerial reconnaissance photographs as having been removed from Cuba in 1962, and may have remained in some of the many caves of Cuba.

Soviet FROG strategic offensive missiles carrying nuclear warheads with a range of about 37 miles were paraded in Havana in 1965. These are clearly offensive weapons. There is no evidence that the Soviet FROG and Shaddock missiles were ever removed from Cuba.

The number of Soviet MIG's and tanks in Cuba has tripled since 1962. These are the most important offensive ground warfare weapons. Thus Soviet capabilities for conventional, ground, offensive warfare have tripled since 1962. The Soviet conventional threat to the United States and to the Caribbean and Latin America has tripled since 1962.

The above evidence is all public, reliable, and from authoritative defense and intelligence sources. None of it has been disputed by administration leaders. In fact, Under Secretary of Defense Ikle has publicly confirmed it as accurate in open testimony to the Subcommittee on Terrorism and Subversion.

Mr. President, as Defense Secretary Weinberger has stated, the United States will resist Soviet strategic offensive nuclear bases in Cuba in 1982, just as we did in 1962. What Mr. Weinberger seems to be asking for is precisely a reaffirmation of the September 1962 joint resolution on U.S. determination in Cuba, which I am proposing. This reaffirmation would be the perfect response to the authoritative statements by JCS Chairman General Jones, CIA Director Casey, and Under Secretary Ikle, that the Soviets are violating the Kennedy-Khrushchev Agreement of 1962. A reaffirmation of the 1962 resolution would also be the perfect expression of solid support from the U.S. Senate for Defense Secretary Weinberger's call for firm measures to resist Soviet violation of the Monroe Doctrine and to oppose Soviet-Cuban aggression and subversion in the Western Hemisphere.

Mr. President, the former Foreign Minister of Costa Rica, Mr. Gonzalo Facio, 3 months ago told U.S. journalist Jeffrey St. John that the Soviets were already staging a Cuban missile crisis in reverse. We need to show strong Senate support for firm U.S. action against renewed Soviet-Cuban provocation.

Former Costa Rican Foreign Minister Gonzolo Facio stated in the interview 3 months ago:

> The object of the current Communist offensive in Central America is Mexico and its vast oil riches and its geographical proximi-

ty to the United States. If the Reagan administration does not soon take prompt action, the whole Central American region will go to the Communists in Havana and Moscow by default.

I think Mr. Facio has a message for all of us, and he is correct.

He has also stated that the Caribbean crisis facing President Reagan is even more dangerous than the Cuban missile crisis of 1962.

Mr. President, the vote on my amendment will be a vote for the Monroe Doctrine and a vote for prevention of a Soviet military base in Cuba. It will be a vote for opposing Soviet-Cuban aggression and subversion in the Western Hemisphere.

I think it comes at a very appropriate time, as our colleague, Senator Kassebaum, has returned from El Salvador with the stories she has to tell about how those people in El Salvador have resisted the threats, the terrorism, and even risked their lives in order to vote. Some 60 percent of the people in that country voted and they all voted for political parties that were in opposition to the terrorist-guerrila activities that are backed by the Cubans and the Soviets in El Salvador.

Mr. President, I refer to an article in the New York Post of March 11, 1982, with the headline, "Soviet Nuke War Bases in Cuba." I ask unanimous consent to include that article in the Record.

There being no objection, the article was ordered to be printed in the Record, as follows:

[From the New York Post, Mar. 11, 1982]

Soviet Nuke War Bases in Cuba—Sites Being Readied for Subs, Jets, Says Report

(By Niles Lathem)

Washington.—The Soviet Union is building bases for nuclear submarines, strategic bomber planes and chemical weapons in Cuba in a steady and flagrant violation of 1962 accords signed by the Kremlin in the aftermath of the missile crisis, the Post has learned.

Intelligence reports were obtained by the Post last night as tension between Cuba and the United States increased over El Salvador and Nicaragua.

Many Pentagon and CIA analysts have concluded that the threat to the security of the U.S. from Cuba and its partner Nicaragua is now much greater than it was in 1962 when President Kennedy sent out a worldwide alert and demanded that the Kremlin withdraw nuclear missiles and offensive bombers it had stationed in Cuba.

The new reports give a startling picture of the Soviet military buildup in Cuba, just 90 miles from the coast of Florida.

They reveal:

The Soviets are building a strategic submarine base in Cienfuegos where Soviet Golf and Echo subs armed with nuclear-tipped ballistic and cruise missiles frequently stop.

The base apparently also has a "nuclear weapons handling facility" representing an "instantaneous strategic offensive threat" to the United States.

Some Russian-built surface-to-air missiles have been modified to include "strap-on booster stages" which give them a much longer range than is required for defense.

Many analysts believe that with the addition of the boosters, these anti-aircraft missiles could strike targets in the Southern and Eastern U.S.

The Soviet Union is flying and basing versions of the sophisticated TU-95 bomber, which can also carry nuclear weapons, in Cuba.

According to some intelligence reports the Soviets have established a secret airfield near Havana.

The Soviets claim the TU-95s in Cuba are not equipped for offensive purposes and are used only for reconnaissance.

But U.S. officials note they are far more sophisticated than the IL-28 jets President Kennedy demanded the Soviets withdraw from Cuba in 1962 and can easily be "retooled" for bombing missions.

Cuba also recently received a shipment of about 40 nuclear-capable MIG-23 warplanes, although sources say they probably do not have atomic weapons on board.

The Soviets may have recently sent equipment and ingredients for chemical and biological weapons to Cuba.

Once made, these weapons can easily be deployed on MIG or TU-95 fighters, modified SAM rockets or submarine-launched missiles—equipment Cuba already has.

Cuba received 66,000 tons of Soviet military hardware in 1981—a figure three times higher than was dispatched by the Kremlin in 1962.

The reports also noted that early last year a fleet of Soviet ships sailed, virtually unchallenged by the U.S., around the Caribbean and Gulf Coast near oilfields in Mexico, Venezuela, Texas and Louisiana.

Rep. Jack Kemp (R-NY) has joined Sens. Jesse Helms (R-NC) and Steve Symms (R-Idaho) in demanding that the State Department release all documents on the 1962 Krushchev-Kennedy accords and possible changes in them that were negotiated by Henry Kissinger during the SALT talks.

"The Soviet Union's record of an extensive military buildup in Cuba and its systematic expansion of Cuba's postion to serve as a base for aggressive action (in Nicaragua and El Salvador) leads me to believe it has violated its pledge not to place offensive weapons in Cuba," Kemp said.

Mr. SYMMS. Mr. President, I would also like to say that this amendment is the identical language as in Senate Joint Resolution 158, which I introduced earlier this year, which has 19 cosponsors plus myself, 20 percent of the Members of the Senate being in support of reaffirming the existing law of the land and longstanding U.S. policy toward Cuba. I appreciate the support of those cosponsors. I would like my colleagues to know that we do have substantial support for Senate Joint Resolution 158, which is the identical language of this amendment.

The cosponsors are Mr. Heinz, Mr. Helms, Mr. Denton, Mr. East, Mr. Mattingly, Mr. Hayakawa, Mr. Goldwater, Mr. Warner, Mr. Thurmond, Mr. McClure, Mr. Baker, Mr. Kasten, Mr. Tower, Mr. Garn, Mr. Hatch, Mr. Wallop, Mr. Nickles, Mr. Laxalt, and Mr. Grassley.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. BAKER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. Gorton). Without objection, it is so ordered.

ROUTINE MORNING BUSINESS

Mr. BAKER. Mr. President, I ask unanimous consent that there now be a period for the transaction of routine morning business to extend not past the hour of 1:30 p.m. in which Senators may speak for not more than 10 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER OF BUSINESS

Mr. BAKER. Mr. President, I believe we are prepared now to proceed with a matter that has been cleared on both sides. I see the distinguished chairman of the Governmental Affairs Committee is here, and I believe he is prepared to proceed, if the minority leader is in a position to approve that action at this time.

Mr. ROBERT C. BYRD. Mr. President, the minority is ready to proceed.

Mr. BAKER. Mr. President, I yield the floor so that the chairman of the Governmental Affairs Committee may seek recognition.

PERMISSION FOR AN OFFICER OR EMPLOYEE OF THE U.S. GOVERNMENT TO RECEIVE CONTRIBUTIONS FROM CHARITABLE ORGANIZATIONS

Mr. ROTH. Mr. President, I send a bill to the desk and ask unanimous consent that it be immediately considered.

The PRESIDING OFFICER. The clerk will state the bill by title.

The legislative clerk read as follows:

A bill (S. 2333) to amend section 209 of title 18, United States Code, to permit an officer or employee of the United States Government, injured during an assassination attempt, to receive contributions from charitable organizations.

The PRESIDING OFFICER. The bill will be considered as having been read twice by title. The Senator may proceed.

The Senate proceeded to consider the bill.

Mr. ROTH. Currently, Federal employees are prohibited from receiving contributions or remuneration in any form from sources outside of the U.S. Government. This prohibition is included in section 209 of United States Code, title 18. The section would also prohibit any employee from receiving any funds from a charitable organization.

This bill would make it possible for any Federal officer or employee injured during an assassination attempt to receive outside remuneration from a lawfully established charitable organization, despite the fact that they are still receiving a Government salary.

This provision would cover cases, like that of Jim Brady, the President's press secretary, whose friends and associates wish to assist them in coping with the costs resulting from their injuries but are prevented from doing so under current interpretations of Federal law.

Mr. President, this legislation has been cleared, as was already indicated, by both the majority and minority leaders. It has been cleared with the ranking member of the Governmental Affairs Committee as well.

The **PRESIDING OFFICER**. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and to be read a third time, was read the third time, and passed as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 209 of title 18, United States Code, is amended by adding a new subsection as follows:

(f) This section does not prohibit acceptance or receipt, by any officer or employee injured during the commission of an offense described in section 351 or 1751 of this title, of contributions or payments from an organization which is described in section 501(c)(3) of the Internal Revenue Code of 1954 and which is exempt from taxation under section 501(a) of such Code.

Mr. **ROTH**. Mr. President, I make a point of order that a quorum is not present.

The **PRESIDING OFFICER**. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. **COHEN**. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The **PRESIDING OFFICER**. Without objection, it is so ordered.

JAPAN ISSUES WARNING ON TRADE CURBS

Mr. **COHEN**. Mr. President, the Los Angeles Times last week carried an article, "Japan Issues Warning on Trade Curbs," which contained some truly alarming statements by a Japanese trade official.

Kazuo Wakasugi, director of the Japanese Ministry of International Trade and Industry's Trade Policy Bureau, warned foreign journalists that Japan might begin exporting weapons to Communist countries if the United States and European nations adopt protectionist measures against Japanese products.

If the quotes attributed to Wakasugi are correct, they are disturbing in their implications. Even if he was speaking theoretically about a situation which he did not expect to occur, Wakasugi's comment that Japan "would probably join the Communist bloc" if protectionist measures are taken by America and the European nations cannot go unchallenged.

This kind of threat at a time when Japan enjoys considerable economic advantages while failing to accept a fair share of the burden of defending its interests and those of the alliance is, in my view, unconscionable. At the same time that Japan's economy is allowed to burgeon and its imports to enjoy considerable success in the United States, I do not believe it is appropriate for a top Japanese official to make the kinds of statements attributed to Mr. Wakasugi.

I have pointed out before that I do not appreciate the irony of having the Japanese argue that they cannot increase their defense expenditures or their share of the burden of protecting the alliance, while simultaneously selling the Soviet Union a large dry dock—one of the largest in the world—which helps the Soviets to build ships which, in turn, threaten the alliance itself or by carrying on some extensive trade with North Korea while we pick up a large measure of the burden of helping the defense of South Korea. They simply cannot have it both ways.

The message which I hope the Reagan administration will impart to Japanese leaders is that statements of the sort made by Mr. Wakasugi are both inappropriate and counterproductive. What needs to be made clear is that our two nations, and all the nations of the free world, must work together toward the mutual strengthening of the alliance.

We will accomplish that goal not through veiled and unveiled threats. Rather, we will achieve it through cooperation to resolve differences and bolster mutual interests.

Mr. President, I ask unanimous consent that the article written by Sam Jameson be printed in the Record so that my colleagues can more closely review Mr. Wakasugi's remarks.

There being no objection, the article was ordered to be printed in the Record, as follows:

[From the Los Angeles Times, Mar. 25, 1982]

Japan Issues Warning on Trade Curbs

PROTECTIONIST MOVES MAY BRING CLOSER TIES TO COMMUNISTS

(By Sam Jameson)

Tokyo—If the United States and European nations adopt protectionist measures against its products, Japan could be forced to step up its trade with Communist countries and might even begin exporting weapons, a high official of the Ministry of International Trade and Industry said Wednesday.

Kazuo Wakasugi, director of the ministry's trade policy bureau, told foreign correspondents that Japan was determined to open up its market to products from foreign countries.

But he warned, if protectionist measures are taken by its American and European trading partners, "Japan cannot commit suicide."

"To survive," he said, Japan would be forced to increase its trade with Communist countries.

TOTAL BAN UNLIKELY

Emphasizing that he saw no possibility of the United States and Western Europe totally banning imports from Japan, Wakasugi nonetheless said some Americans and Europeans had declared that neither the United States nor Europe needs to trade with Japan.

Then he added: "If the United States and Europe don't trade with Japan, politics here would change. There would be no benefit for Japan to remain a member of the Free World. If that happens, we would probably join the Communist bloc."

Reminded that he was speaking for the record, Wakasugi added:

"There is nothing strange about such a comment. I don't believe there will be an end to trade with Europe and the United States. For Europe and the United States to take such an action would go down in history as one of the great blunders of all time. But if it did happen, there would be no other way for Japan to live."

Theoretical Situation

No Japanese government official has ever before suggested that Japan might join the Communist block under any circumstance, and Wakasugi emphasized he was speaking of a theoretical situation that he did not expect to occur. His comments, however, underscored what he called at another point in the news conference "repulsion" in Japan against trade-related charges being made against it, especially by the United States.

Wakasugi said the Japanese thought some of these statements were "outrageous," others were based upon misunderstanding, and still others constituted "insults."

Wakasugi was asked if U.S. or European protectionist measures might induce Japan to start exporting weapons.

Responding, he pointed out that Japan pays for its oil and natural resource imports by its trade surpluses with advanced nations. "Without this balance," he said, "the Japanese economy would contract, living standards would be reduced and, to survive, we would have to increase our transactions with Communist countries.

"As for exporting weapons, we wouldn't want to do it, but, depending upon the extent of the damage (suffered from protectionism), there would be voices advocating that."

As a political policy, Japan presently bans exports of all weapons made here, voluntarily creating one of the few areas in which Japan does not compete with the United States in the trade of manufactured products.

Despite his unprecedented statements, Wakasugi's overall presentation stressed the positive aspects of U.S.-Japanese trade.

Mr. **COHEN**. Mr. President, I suggest the absence of a quorum.

The **PRESIDING OFFICER**. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. **PERCY**. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The **PRESIDING OFFICER.** Without objection, it is so ordered.

AMBASSADOR LEE ANNENBERG

Mr. **PERCY.** Mr. President, I would like to bring to the attention of my colleagues the outstanding accomplishments of Ambassador Lee Annenberg, who served as the first Chief of Protocol for the Reagan administration.

As we all know, this was a year of extraordinary accomplishment by the President and Secretary of State in reaching out to meet with Chiefs of State from all over the world who were anxious to personally meet President Reagan and learn more of the policies of the administration with respect to foreign affairs.

Throughout her term of office, Lee Annenberg served with great distinction and honor. She immediately developed a close rapport with the Foreign Relations Committee of the Senate and, because of this, was always extended an invitation to join with the committee when we had working luncheons with foreign dignitaries. This enabled us to more frequently speak with one voice and demonstrate to our foreign guests the close working relationship between the executive branch of Government and the Senate of the United States.

In my years in the Senate, I have seldom heard as many compliments from foreign dignitaries as were directed to Ambassador Annenberg. She was superbly backed up, whenever occasion permitted, by her husband, Walter Annenberg, one of America's great businessmen and himself former Ambassador to the United Kingdom.

Lenore Annenberg was sworn in at the White House by Chief Justice Berger as Chief of Protocol on March 20, 1981. A hearing was held by the Senate Foreign Relations Committee on April 22, 1981, and she was confirmed unanimously by the U.S. Senate on May 8. On May 15, 1981, she had her swearing-in ceremony for the rank of Ambassador.

Ambassador Annenberg hosted several dinners at the Blair House in honor of the Diplomatic Corps. Also, she and Mr. Jack Valenti of the Motion Picture Association, jointly gave buffet-film showings to members of the Diplomatic Corps.

Ambassador Annenberg has administered the oath of office to approximately 20 American ambassadors.

She conducted six White House credentials ceremonies where the newly accredited foreign ambassadors present their credentials to the President.

During her tenure as Chief of Protocol there have been approximately 93 private visits to Washington by Heads of Government, Chiefs of State, Foreign Ministers and miscellaneous visitors.

It is interesting to note the list of official/state visits during Ambassador Annenberg's tenure as Chief of Protocol:

February 25-28, United Kingdom, Prime Minister and Mr. Thatcher—Official.

March 10-11, Canada, President Reagan's trip to Canada.

March 30 to April 1, Netherlands, Prime Minister van Agt—Official working visit.

May 4-9, Japan, Prime Minister and Mrs. Suzuki—Official.

May 20-23, Federal Republic of Germany, Chancellor and Mrs. Schmidt—Official.

June 7-9, Mexico, President Lopez-Portillo—Official working visit.

June 29 to July 1, Australia, Prime Minister and Mrs. Fraser—Official.

July 9-10, Canada, Prime Minister Trudeau—Working visit.

August 4-9, Egypt, President and Mrs. Sadat—State visit.

September 9-15, Israel, Prime Minister Begin—Official.

October 9-11, Egypt, Funeral delegation for President Sadat.

October 12-17, Spain, King Juan Carlos and Queen Sofia—State.

November 1-12, Jordan, King Hussein and Queen Noor—State.

November 16-19, Venezuela, President and Mrs. Herrera Campins—State.

President Reagan has selected a fine replacement, "Lucky" Roosevelt, to become Chief of Protocol. We welcome Mrs. Roosevelt and at the same time express admiration and sincere appreciation to Ambassador Annenberg for her distinguished service to the President of the United States and to her Government. She has my greatest admiration.

THE DEATH OF AMBASSADOR THEODORE E. CUMMINGS

Mr. **PERCY.** Mr. President, I would like to express today my sincere condolences and sympathy to the family and many friends of a great American, Theodore E. Cummings, whose unfortunate death just 2 days ago has been a loss to our Nation.

Ambassador Theodore E. Cummings was a man of infinite kindness and a man dedicated to serving the interests of his country and community. His many humanitarian endeavors and recent service for the President as U.S. Ambassador to Austria, where he was born, only minimally reflect the depth of feeling and commitment of Ambassador Cummings.

His presence and cheerful spirit, as well as his dedication and abilities, will be sorely missed by both his country and his friends.

AMERICANS WANT ARMS CONTROL

Mr. **PERCY.** Mr. President, on March 21, I participated in a town meeting in Winnetka, Ill., that focused on the crucial question of preventing nuclear war. At this jam-packed meeting, which was the largest such gathering on the north shore of Chicago in which I have ever been involved, one clear and consistent signal came through: Americans want action on arms control now. At the meeting, Americans from all walks of life, from all educational levels, and from all parts of the political spectrum spoke virtually with one voice, demanding that our Government move immediately to halt the threatening and destabilizing competition in nuclear arms.

Earlier this year, I was pleased to approve a request from Senator PRESSLER, chairman of the Arms Control Subcommittee, and Senator CRANSTON, the ranking minority member, to hold field hearings in South Dakota and California. The results of these hearings were vividly summarized in a recent article by Senator PRESSLER. As Senator PRESSLER cogently observes: "Americans want arms control." This grassroots appeal is not unique to Winnetka, San Francisco, or Sioux Falls; rather, it is being raised in cities and towns across the land.

Mr. President, Senator PRESSLER notes in his article that the mandate for the administration and the Congress is clear: "Explore every opportunity to control and reduce armaments, but do so vigilantly." I commend the article to my colleagues, and I ask unanimous consent that it be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the New York Times, Mar. 9, 1982]

AMERICANS WANT ARMS CONTROL

(By LARRY PRESSLER)

WASHINGTON.—"It is a fallacy to think that nuclear war can be won. I support and encourage the establishment of learning centers by the world's nations to study alternatives to war."

These remarks, by Al Schock, a staunch South Dakota Republican, were representative of testimony heard in January when the Senate Foreign Relations Subcommittee on Arms Control held arms-control hearings outside of Washington for the first time in 26 years.

The proceedings clearly show strong grassroots support for a verifiable arms-control agreement with the Soviet Union. Many witnesses said that the 1980's present an international climate particularly conducive to the achievement of an arms accord. For one thing, they pointed out, the Soviet Union is suffering severe agricultural and economic hardships and, like the United States, cannot indefinitely support an enormously costly arms race. More important, even the most liberal witnesses agreed that President Reagan, as a conservative Republican, is in a unique position to sell an arms-control agreement to the public and Congress because he could overcome the reluctance of conservative groups.

The bipartisan hearings, in San Francisco, Los Angeles, and Sioux Falls, S.D., were held by the subcommittee in an effort to encourage more Americans to take part in the crucial arms-control dialogue. The turnout in all three cities was enthusiastic. Scores of witnesses were heard, including representatives from business, the clergy, labor, agriculture, science, and education. Some were experts on arms control and defense issues; others were private citizens who are deeply concerned over the spiraling arms race and weary of living in the shadow of the nuclear peril.

While the sentiment for arms control was clear, many witnesses also stressed that any agreement reached with the Soviet Union must be accompanied by a strong verification system that would include on-site inspection. In Sioux Falls, Mr. Schock, a Republican senatorial candidate in 1974, described this need: "No corporate venture ever succeeds where the accounting or auditing is not done or is done haphazardly." He testified in favor of arms talks although he believes our defense forces are inadequate.

Other witnesses emphasized the importance of strong national defense and the need to negotiate from a position of strength. Gen. Justin Berger (Ret.) of the South Dakota Air National Guard said: "America's best chance for peace is through strength and deterrence. If an enemy perceives us to be strong enough to cause them more destruction than they are willing to accept, they will let us live in peace. Perhaps we then would have the opportunity to negotiate a meaningful arms-limitation agreement."

LeRoy Mutschelknaus, a Sioux Falls barber who represented organized labor, also called for a strong military establishment but noted that arms talks could be a vital part of national defense while contributing both to peace and economic progress.

In Los Angeles, the dominant viewpoint evident in all the hearings was expressed by Dr. Marvin L. Goldberger, president of the California Institute of Technology: "I believe the climate in this country and in the Soviet Union is more favorable than it has been for a long time for a truly bold step in arms reduction."

Clergymen addressed the moral issue. Archbishop John R. Quinn of San Francisco, calling the arms race "dangerous" and "wasteful," asserted that "the prohibition of any use of nuclear weapons is the primary moral imperative of the moment." The Rev. John McEneaney of the Sioux Falls Roman Catholic diocese said: "What an idiotic lunacy it is to see tanks rolling down the streets of undeveloped countries when tractors should be in the fields!"

In South Dakota, a pragmatic assessment was provided by Prof. Thomas Magstadt of Augustana College. The Soviet Union is experiencing severe economic difficulties, similar to ours, he observed, "and they are more likely now than in some time to negotiate seriously." He added: "The Soviets cannot put all their eggs into a military-industrial complex. We have a mutual interest in that respect."

The mandate to the Administration and the Congress is clear: Explore every opportunity to control and reduce armaments, but do so vigilantly.

President Reagan has made it clear that he hopes to achieve dramatic reductions in nuclear arms through negotiations with the Russians. I have long believed that he could be to nuclear-arms reduction what Richard M. Nixon was to our China-normalization policy. Since the field hearings, I am also convinced that the majority of Americans—conservatives and liberals, Democrats and Republicans—will support the President in arms-control efforts.

COOK COUNTY ANTIARSON EFFORT A SUCCESS

Mr. PERCY. Mr. President, I rise to applaud the successful efforts of a citizens organization in Illinois that has achieved substantial results in its efforts to decrease arson-for-profit incidents.

It is led by my long-time friend, Judge Saul A. Epton. It is called the Coordinating Council on Arson for Profit and it was formed in February 1980. It is made of representatives from the insurance industry, civic groups, and law enforcement agencies.

Since this council's inception, some 64 arsonists have been convicted in Cook County and Federal criminal courts. Arson fraud claims have declined 47 percent over the same period.

In 1977, I chaired a major set of hearings on arson-for-profit by the Governmental Affairs Committee Investigations Subcommittee and I also introduced legislation that would declare arson-for-profit a Federal crime.

I salute Judge Epton and Don H. Mershon, who helped organize the council 2 years ago. On January 19, 1982, Mr. Mershon retired as president of the Metropolitan Chicago Loss Bureau after 25 years of service.

He was fighting arson long before it was recognized as a national problem.

Mr. President, I ask unanimous consent that a biography of Mr. Mershon, a speech given by Judge Epton outlining the achievements of the council, and a roster of council members be printed in the Record.

There being no objection, the material was ordered to be printed in the Record, as follows:

Don H. Mershon

Don H. Mershon (66) has been active in the insurance industry for the past 46 years. Don lives at 91 East Marion Avenue, Lake Forest, Illinois. He is President of the Metropolitan Chicago Loss Bureau and has been associated with the MCLB for the past 25 years. The MCLB provides claim supervision service for 85% of the insurance companies in the Chicago metropolitan area.

Don Mershon has been the number one activist against arson in the country. Two years ago he helped to organize the Coordinating Council on Arson for Profit with Judge Epton, Chairman. He was instrumental in unifying 40 non-partisan members of the committee which caused a reduction of claims during the past two years from $12 million to $5 million per year.

Chicago has the best conviction record in the country by virtue of the fact that during the past two years, 64 arsonists have been sent to jail giving the county a 63% conviction rate while nationwide the conviction record is less than 1%.

By virtue of Don Mershon's activities the insurance industry has contributed $25,000 in awards to tipsters. The committee has unlimited funds from the insurance industry in the furtherance of the battle against arson in the State of Illinois.

Don is married to Donna and lives with his wife and three children; Donald, Mary and Tracy.

Address by Judge Saul A. Epton (Retired)

Thank you for the kind introduction and for inviting me to speak to this important group about the fight Cook County citizens are waging against arson-for-profit.

As I look back on the work which began in February 1980 the Nonpartisan Coordinating Council on Arson for Profit—was established and the accomplishments we have made are impressive.

In the past year and eight months—65 arsonists have been convicted in the U.S. and the criminal courts of Cook County. On November 5, 60-year-old Emil Crovedi was sentenced to 5 years in the penitentiary even though he had medical problems. 65 arsonists face sentences of 357 years during the past 20 months. Prior to that time, there were very few arson convictions.

Arson insurance claims have fallen from $12 million a year to $5 million a year.

Yes, the council has brought arson in Cook County closer to extinction—yet this terrible crime still occurs. Arsonists are still active. We still have a great deal to do.

Together we can do it. Our nonpartisan group was organized on the premise that the fight against arson requires the cooperation and coordinated effort of Government law enforcement agencies, private industry and civic leaders.

Accordingly, the council's members come from the insurance industry, the police, and fire departments, the city, county, state and Federal law enforcement agencies and concerned citizens groups.

Our monthly meetings are open to the public and they come to the attention of the community because of the media's support.

Thanks to the cooperate efforts of these people, we are fulfilling our primary goals. They are:

First, to review current procedures of governmental agencies and the insurance industry and recommend ways to coordinate efforts to fight arson for profit.

Second, to determine the most effective method of establishing a central repository of information to assist arson investigations; and

Third, to evaluate existing arson laws and recommend appropriate new legislation.

In a nutshell—we must be nonpartisan—dedicated and cooperative!

As we began our efforts last year, we were eager, but also aware that Cook County had much to learn. In talking with arson officials from other metropolitan areas, we learned that arson is a crime which feeds on neglect.

When buildings are ignored—they become likely arson targets. When neighborhoods are allowed to decay, the arsonist steps in to speed up the pace.

When the public is uninformed about the seriousness of the crime, the arsonist has little to fear in court.

During our first meeting, in February 1980, we set up important committees.

A Legislative Committee which makes recommendations about new laws.

An Ownership Information Analysis Committee which finds ways for law enforcement to recognize probable arson targets.

An Arson Evidence Committee which makes recommendations on the prosecution of arsonists.

In the months which followed, members of the council volunteered to serve on additional committees. An arson awareness committee helps neighborhoods focus on the problem. With the help of generous funding from the Illinois Fair Plan—an arson awards program recognizes the courage of individual citizens calling the arson hotline (922-2323).

On behalf of insurance companies, the Illinois Fair Plan has provided more than $15,000 for the program thus far. To date more than 50 awards have been made in amounts varying from $100.00 to $1,500.00.

The insurance industry is so pleased with the program's success—we are assured of "unlimited funds" for future awards by the awards committee.

The director of public safety, Sam Nolan, provided a Chicago hotline, and with the cooperation of the Chicago Crime Commission and the Chicago Association of Commerce and Industry—established a neighborhood awareness program.

Commander Ed Nickels, of the bomb and arson squad—together with Supt. Richard Brzeczek gave priority to all arson hotline tips, and a 5 member committee was appointed to make the awards.

The willingness of our citizens to come forward with information has made arson a dangerous crime for the criminal. Most arsonists do not have witnesses, and the evidence is circumstantial. As a result, prosecutors around the country have shunned arson cases.

However, in Cook County, prosecutors are using all the tools at their disposal.

Arsonists are going to jail. When I was on the bench—hard pen time was a rarity. Today—we are getting real hard pen time sentences. Exhibit "a"—Judge Aspen's 5 year sentence to a 60-year-old gentleman—who had a "serious medical problem". In my day on the bench a "serious medical problem"—was a sure "probation ticket".

Cook county's arson conviction rate is the highest in the nation. 63 percent versus less than 1 percent nationwide. (we are No. 1)

These results have been accomplished thru doing our homework and strengthening our defenses.

Last year, the Chicago Police Department's bomb and arson squad was increased to almost double its former strength.

The State's attorney of Cook County established an additional arson special prosecutions division. Task force members have become effective in helping police at the scene of the fire to obtain evidence necessary for prosecution.

Another major change is using the beat officer to protect the scene of an arson for evidence technicians, and to assist in the first stage of the investigation.

This new procedure has resulted in increased cooperation from witnesses and increased arrests.

Finally, we are implementing a management system which will allow investigators to have information from a computer about the factors in a case. Everything from building ownership, and previous fire history, to establishing arson patterns in the city and State.

From the officer on the beat to the lawyer in the State's attorney's office, Cook county law enforcement agencies are working together to solve arson cases. Arsonists are getting the message! Our cooperative efforts are putting them out of business.

Arson has been called the fastest growing crime in America. In Chicago and Cook County it is the fastest shrinking crime. This is the result of cooperation of all the law enforcement agencies. Let us all continue to work together in the fight against this terrible crime.

MEMBERS OF THE COORDINATING COUNCIL ON ARSON FOR PROFIT

Judge Saul A. Epton, (Retired) Chairman. Epton, Mullin, Segal & Druth, Ltd.

Samuel W. Nolan, Vice-Chairman. Director of Public Safety.

William R. Blair, Fire Commissioner, City of Chicago.

Charles F. Botkin, Director of Security, Zenith Radio Corporation.

Richard J. Brzeczek, Superintendent of Police.

Herbert Carroll, Director, Chicago Association of Commerce & Industry.

Jack Carter, Fire Marshall, State of Illinois.

Patricia Cassiday, Assoc. Counsel, Illinois Insurance Study Commission.

Gilbert Cataldo, Commissioner, Department of Housing.

Terry Chiganos, Asst. State's Attorney, Chief of Arson Prosecution.

Frederick Crystal, Attorney, Paul J. Wisner, Ltd.

Richard M. Daley, State's Attorney of Cook County.

William Duggan, Director, Dept. of Inspectional Services.

Richard J. Elrod, Sheriff of Cook County.

Richard E. Friedman, Attorney, Epton, Mullin, Segal & Druth, Ltd.

Frank D. Hart, Special Agent, Bureau of ATF, U.S. Treasury Dept.

Patrick F. Healy, Executive Director, Chicago Crime Commission.

John E. Henrici, Regional Fire Representative, U.S. Fire Administration.

James O. Ingram, Special Agent-in-Charge, FBI.

Dr. Mark Iris, Senior Research Analyst, Dept. of Public Safety.

Ralph J. Jackson, Loss Prevention Manager, Allstate Insurance Company.

Gregory Jones, First Assistant U.S. Attorney.

Judge Richard H. Jorzak, Housing Court, Supervisor.

Jeffrey Kent, Chief, Special Prosecution Unit, Asst. State's Attorney.

John W. McCaffrey, Chief Asst. Corporation Counsel, Revenue Division.

Richard J. Mercurio, Asst. Director, Illinois Dept. of Law Enforcement.

Donald H. Mershon, President, Metropolitan Chicago Loss Bureau.

Commander Edward M. Nickels, Bomb and Arson Squad, Chicago Police Dept.

Terrance A. Norton, Better Government Association.

Philip R. O'Connor, Director, Illinois Dept. of Insurance.

Robert Piper, Special Investigator, Illinois Dept. of Insurance.

LeRoy Rehfeldt, State of Illinois, Fire Marshall's Office.

Martin Rogan, Deputy Director, Region 5 H.U.D.

Joan B. Safford, Asst. U.S. Attorney, Special Prosecution Unit.

Robert Scott, Special Agent-in-Charge, Bureau of ATF.

Julie Swano, Director, Mayor's Home Rehabilitation Office.

Robert Thrasher, "ONE" Housing Action Committee.

Daniel K. Webb, U.S. Attorney, Northern District of Illinois.

Daniel Welter, Chief Asst. Corp. Counsel, Bldg. Housing & Urban Conservation.

James Zagel, Director, Illinois Dept. of Law Enforcement.

BYELORUSSIAN INDEPENDENCE DAY

Mr. PERCY. Mr. President, March 25 marked the 64th anniversary of the declaration of independence of the Byelorussian Democratic Republic in Minsk in 1918. Soon thereafter, a provisional constitution guaranteeing free elections and basic human rights was adopted.

History records that Byelorussian independence was shortlived. Nine months later Byelorussia was forcibly incorporated into the Soviet Union, and a Soviet republic installed.

Recalling these events, our hearts go out to the courageous people of Byelorussia who have persisted in maintaining their identity and culture against heavy odds. We express our special concern for those Byelorussian human rights activists who languish in Soviet prisons.

We shall not forget them.

PEACE AMONG NATIONS

Mr. HUMPHREY. Mr. President, as springtime begins again the cycle of nature's renewal, in our Nnation there blossoms a yearning for a new season of peace among nations. This is not remarkable in America, for we have been a peace-loving nation from the beginning.

The ardent desire for peace and disarmament is widespread this springtime of 1982. Public attention has been caught by a number of disarmament proposals which have universal appeal. A chorus of voices is raised, calling for a freeze in nuclear weaponry. Support for such a halt in arms production is broad. And why not, for the cost in heightened world tensions which these weapons engender is very great indeed.

Let us remember, however, as we redouble our efforts to make the world safer, that the Soviet Union, a powerful, aggressive, and imperialistic nation, has a sorry record on the issue of peace. Indeed, the unelected Communist dictators of that oppressed country has compiled a record in international affairs which can only be described as outrageous and criminal. Let us remember, as our American idealism rushes forward and hopes leap, that peace and disarmament cannot be secured by slogans and demonstrations. And, most of all, let us remember that we seek both peace and freedom.

What is needed is a balanced and practical approach. We need constantly to seek to ease tensions with our adversary, while at the same time keeping up our guard against those who have shown only contempt for the weak. I believe President Reagan is providing such a balanced approach, and I commend him for it. The President seeks to restore a margin of safety to our Nation's defenses, after years during which we neglected the balanced approach so essential to peace and freedom. The American people strongly support the President in these essential efforts.

Likewise, the President has sought to engage the Soviets in negotiations not only to freeze nuclear arsenals, but to actually reduce them. The President has entered into talks in Geneva to reduce the levels of nuclear arms in Europe and has made a bold and sweeping offer which I hope the Soviets will accept, ultimately. The President is committed to reducing the strategic arsenals in talks which apparently will begin in just a few months. The acronym START—the Strategic Arms Reduction Treaty—signifies the President's intent to go beyond past efforts at placing ceilings on weapons levels to the actual reduction in those levels.

What a wonderful day it will be for Americans and Russians, indeed all the people of the world, when such an agreement is reached. And, I believe it will be, ultimately. We must persevere, for the day must come when the Soviet leadership will see the folly of spending national treasure and the future of her people on destructive weapons. So we must keep trying, and I believe President Reagan has been faithful in this regard. I emphasize the point, because it seems to this Senator that implicit in some of the rhetoric heard today is the suggestion that the President has not been active in pursuing peace. To the contrary, President Reagan, has pursued the balanced approach which is precisely what we should expect of him.

A number of proposed resolutions have come forward in recent weeks which emphasize the importance of nuclear arms control. Some of these resolutions, if embraced, would have our Nation abandon the balanced approach to arms control. They would have us act unilaterally. They would have us forbear to modernize our arsenal, while trusting the Soviets to cease their massive arms buildup. We have tried this approach before, and it not only failed to work, but led to an imbalance which made the world more dangerous, not safer. Those who would freeze the status quo, would have us embrace Soviet superiority, for that is the present reality.

Mr. President, we must remember that what we all seek is the reduction of weaponry. Any initiatives which block the reduction of weaponry, then, work against our universal goal. I submit that any program which embraces the status quo, which permits the Soviets to possess a modern and superior arsenal, while thwarting our efforts to modernize ours, is a program that will block the effort to reduce armament. For, what incentive will there be for the Soviets to negotiate in good faith at the START talks if, beforehand, we pledge to forgo all our options? The Soviets will have achieved what they have striven for all these years. It would be highly unlikely that the START talks would then succeed, and our highest hopes would be dashed. No, Mr. President, freezing the status quo would harm our cause, not help it.

For the reason that we must provide an incentive to the Soviets to reduce weaponry, I have withheld my support from a number of Senate resolutions that would not permit a balanced approach to peace and freedom.

However, Mr. President, I and others who have been unable to support the Kennedy-Hatfield resolution, have urged an alternative. I take second place to no one in my enthusiasm for a balanced approach to peace and freedom. Therefore, while supporting the overdue strengthing of our defenses, I am pleased to support as an original cosponsor a Senate resolution calling upon the United States to propose to the Soviet Union a long-term, mutual, and verifiable freeze of nuclear forces at equal and sharply reduced levels.

Mr. President, Senate Joint Resolution 177 states to all the world that once again the United States is ready, eager, and willing to reduce tensions and armaments. There can be no doubt of it. Let us pass this Senate resolution forthwith. Likewise, let us get on with the imperative of restoring a margin of safety to our national defenses. Let us strike that necessary balance that will both guarantee our freedom and promote peace.

Mr. President, I suggest the absence of a quorum.

The **PRESIDING OFFICER**. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. **BAKER**. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The **PRESIDING OFFICER**. Without objection, it is so ordered.

EQUAL ACCESS TO VOTING RIGHTS ACT

Mr. **DURENBERGER**. Mr. President, there is not a more important privilege in a democracy than the right to vote. The right to vote is our personal stake in what happens in this country; it is our voice in determining who will govern us.

Sadly, it seems that the right to vote is most precious to those who are denied the privilege. In many areas of our country fewer than half of those eligible to vote bother to show up at the polls. In other countries, where democracy is still more of a goal than a guarantee, it is not uncommon for citizens to risk their lives for the right to express their choice.

Even in our own country, it has been those who are denied the right to vote to whom that privilege has been most sacred. Over the more than two centuries of America, the persistence of the poor, women, racial minorities, young adults, and others has extended suffrage and strengthened our country by guaranteeing everyone the right to vote.

There is, however, a large group of people still unable to exercise the right to vote which we fought so hard to achieve. The barriers these individuals face are not legislatively imposed—they are the darkness of blindness, "the frustration of physical paralysis," and the frailty of age. The bill I am introducing today is designed to overcome these barriers and offer all qualified voters the freedom to exercise their right to vote.

It will overcome the disappointment of a citizen, confined to a wheelchair, who arrives at the polls on election day only to find that there is no way to enter. A simple flight of stairs may be the only barrier standing in the way, but it effectively means that his or her opinion will not be heard.

It will overcome the distress of an elderly woman who wakes on election day to find her arthritis so painful she cannot get out of bed. In many States, handicapped individuals must have a doctor's verification of disability before they can file an absentee ballot. Those suffering from sporadic illness can only hope for a flareup when they seek absentee status.

It will overcome the frustration of a blind voter who must rely on a total stranger at the polling place to cast his or her vote. In some cases, the voter must be accompanied by the designee of a political party who, though unquestionably honest, provides a psychological disincentive to split-ticket voting by his very presence. And many disabled voters would simply prefer to select the person who accompanies them into the voting booth. Unfortunately, this is a privilege not allowed in many States.

But, Mr. President, most importantly, the legislation I prepare today will overcome the fear of these obstacles. It is the fear of inaccessibility that keeps untold numbers of elderly and handicapped citizens away from the polls.

The Equal Access to Voting Rights Act removes barriers to voter participation. Its provisions are simple and inexpensive, yet offer a real chance for thousands of disabled, handicapped, and elderly voters to participate in the electoral process.

Today there is no legal requirement that Federal election polls be accessible to the handicapped. My act would require the Attorney General of the United States, in consultation with the Secretary of the Department of

Health and Human Services, to set minimum standards for registration and voting sites used in national elections to insure that physical barriers associated with these facilities do not prevent the elderly and the handicapped from voting. Wherever practical, polling and registration facilities will be located in buildings with either temporary or permanent ramp access. Where this is not possible, special procedures must be planned to insure handicapped access to the voting process.

Registration and voting facilities must also be accessible to the elderly. A voting booth up three flights of stairs with no elevator denies an older American the opportunity to vote. This legislation would insure that voting and registration sites are located on the ground floor of multistory buildings, or in an area of a multistory building accessible by elevator.

Other provisions of the bill include a requirement that voter information notices, already required by Federal law, be printed in large type to assist the visually impaired. My bill would also require that in Federal elections, absentee ballot provisions be available not only to those who are physically absent from the jurisdiction on the date of the vote, but also to those whose age or physical handicap would be likely to prevent their presence at a polling place.

In Minnesota, we already have a State statute which permits a blind voter to select a person to assist him or her in the voting booth. The act would give this opportunity to all disabled voters in a Federal election.

Access to the polls should not be contingent upon two strong legs, perfect vision and robust physical health. Every member of society loses when access to the electoral process is abridged.

Mr. President, I am proud to have the endorsements of this legislation from so many major organizations representing the disabled and senior citizens. In working on this bill with people from these groups, I have heard story after story about individuals being denied the right to vote by everyday barriers:

Polling booths in a church room accessible only by two flights of stairs;

Voting machines with levers too high to be reached from a wheelchair; and

Ballots and registration information printed in type too small to be read by the visually impaired.

These are just a few of the many examples I could share with you. To most of us, they may be nothing more than a minor inconvenience. To some Americans they are the difference between exercising a constitutional right and isolation from the democratic process.

We have fought and gained the legal right to suffrage constitutional amendment. Let us back up this voting right with the means to make it truly possible for every American to exercise his or her right to vote.

THE POSTAL SERVICE AND ELECTRONIC MAIL

Mr. STEVENS. Mr. President, for the past several months there has been increasing concern by public officials over the possibility of the U.S. Postal Service encroaching in the telecommunications field, an area in this country reserved for the private industry. This possible encroachment would take the form of the electronic transmission of computer-originated mail commonly known as electronic mail. The primary fear, as I understand it, is that regular letter mail will subsidize the operation of an electronic mail arm of the Postal Service allowing low rates, thus unfairly competing with private firms wishing to get into this field.

I believe these concerns are unfounded. It is my hope and expectation that the contrary would be true—that computer-originated or electronic mail would help defray overhead costs of the Postal Service to help keep regular postal rates down. In addition, this service will provide a supplemental mail service to all Americans. For those Americans who live in rural areas, electronic mail transmission is but a dim hope and one that may never come to fruition. All they have to rely on now for communicating and transporting parcels is the normal mail delivery system.

If we are to continue this viable universal postal system, it is absolutely essential that we find additional sources of revenue other than increasing postal rates or Federal subsidy. I am sure there are few who would disagree with me that current postal rates are already too high, despite the fact that Americans have the lowest postal rates of any nation in the free world. It is vitally important that electronically originated mail be available for use by the U.S. Postal Service. Without this additional income, the only alternative will be ever increasing postal rates, reduction in service, increased taxpayer subsidy, or all three.

Mr. President, a sensible alternative is to allow the Postal Service to proceed with their plans to implement specific electronic mail or computer-originated mail services. Many organizations have had the foresight to see the positive importance of this issue on the well-being of all Americans. One such group is the National Association of Postmasters of the United States. They have taken a stand in support of allowing the Postal Service to utilise modern technology to transport the mails. I ask unanimous consent to have printed in the Record the NAPUS position on this matter.

There being no objection, the material was ordered to be printed in the Record, as follows:

POSITION OF NATIONAL ASSOCIATION OF POSTMASTERS OF THE UNITED STATES REGARDING THE POSTAL SERVICE AND ELECTRONIC MAIL

The U.S. Postal Service is, and always will be, a valuable public service essential to the business and personal lives of the American people. It is imperative for the future of the Postal Service that its role in the electronic transmission of mail now be clearly established and, preferably, generally accepted by all segments of American life.

To this end we exhort the Congress of the United States, the business community, and the general public to become fully acquainted with current Postal Service policy concerning the use of electronic technology in its business, such policy being one which we firmly believe places the Postal Service in exactly the proper role.

It is apparent that absence of a knowledge of exactly what the Postal Service electronic mail policy is, and a mistrust of the Postal Service's intent, are contributing to a sincere but misguided opposition to a proper place for the Postal Service in electronic mail. In the hope of being a catalyst in this matter we publish this paper outlining our position on this vital subject.

The Postal Service is either now involved in or developing three distinct electronic mail programs and we support these efforts fully.

E-COM

This is a computer-originated bulk mail program very similar to the present successful Mailgram. E-COM service will allow business and government bulk mailers with in-house computer capability to make large volume mailings with two-day guaranteed service anywhere in the U.S. While the mail originates in a computer, the final product is an enveloped and addressed letter.

INTELPOST

This is a facsimile service whereby original letters are scanned, transmitted electronically, and reproduced as an exact copy of the original at international destinations for overnight delivery. Again, the final product is an enveloped and addressed letter.

ELECTRONIC MAIL SERVICE SYSTEM

This is a service (scheduled for a live test in 1985) in which the original letter can either be computer-originated or scanned from the original letter. The letter can then be transmitted electronically within the 50 states, reproduced as an exact copy, enveloped and addressed for next day delivery almost anywhere in the U.S. Obviously, this is a great improvement in the speed of currently-offered postal services. Estimates are that the postage on such an electronically transmitted letter could be significantly less than that for a current first-class letter due to the reduction in transportation and mail processing costs. This contributes to postage rate stability and will mean siseable savings to businesses since approximately 80% of all letter mail is generated by businesses. Another salient point is that by starting with a test city network, the Postal Service has demonstrated its sensitivity to the need for actual operating experience and market testing prior to implementing a full electronic mail system.

It should again be stressed that an enveloped, addressed letter is the final product in all of the U.S. Postal Service electronic mail programs. The Postal Service is merely planning to utilize the new transmission (transportation) capability of electronics to speed the movement of mail and reduce conventional transportation and mail processing costs.

We support the following reasonable limitations on the Postal Service's entry into the electronic mail market.

1. The Postal Service should not take revenues generated by the conventional classes of mail (actually, the Postal Reform Act prohibits this anyway) and use them to buy its way into the electronic transmission of mail.

2. The Postal Service should not seek to apply the Private Express Statutes to electronic transmission systems. (The Postal Service has never even attempted to do this.)

3. The Postal Service should not own or operate any electronic mail transmission network. All necessary transmission and interconnection services should be purchased from common carriers.

4. The Postal Service should not engage in point-to-point, wholly-electronic transmission service. This service is available now from private sector carriers. We strongly support the position that government should do only those things which need to be done and aren't being done by the private sector, or need to be done and can be done more equitably or efficiently by government. We support the Postal Service position that if the delivery of an enveloped, addressed letter is involved, such delivery is U.S. Postal Service business alone, under the law.

In order to clearly and unequivocally frame guidelines for the Postal Service's use of electronics in its business of serving the American people and moving the mails, we urge the need for and will strongly support a joint effort by the U.S. Postal Service and the Congress to immediately set forth and widely publicize an agreed-upon role for the U.S. Postal Service in electronic mail. This should allay industry's fear of competition from a huge government agency, Congressional fear of excessive and costly ventures into electronics. It should also quiet a general apprehension that we feel is rooted only in a lack of a full understanding of the Postal Service electronic mail activities and policies.

Mr. STEVENS. Mr. President, it should be noted that the U.S. Postal Service inaugurated E-COM service on January 4, 1982, utilizing 25 strategically located serving post offices to insure service 24 hours a day, 7 days a week, and provide delivery within 2 days throughout the United States.

Five telecommunications carriers have signed dedicated access agreements to work in partnership with the U.S. Postal Service. They are: ITT World Communications, Inc.; Dialcom, Inc.; TRT Telecommunications; Network, Inc.; and Taipon Industries.

More than 100 business mailers have applied to use E-COM. Among those are: Shell Oil Co., Merrill Lynch, Union Oil of California, Temple University, Hallmark Cards, The Equitable Life Assurance Co. of New York, and the AFL-CIO.

NUCLEAR WASTE

Mr. INOUYE. Mr. President, it was with great interest and admiration that I recently read a statement by my distinguished colleague, Senator MATSUNAGA, on why the United States should oppose the dumping of nuclear wastes in the Pacific. He delivered his address on February 18, 1982, to the Pacific and Asian Affairs Council in Honolulu, Hawaii.

As all Members of this body know, Senator MATSUNAGA has long been an outspoken critic of nuclear dumping in the Pacific. His leadership in this area is exemplified by his latest speech, which is a major contribution to our hopes for tranquility in the region.

Mr. President, it is my hope that as many people as possible will be able to read Senator MATSUNAGA's profound and thoughtful statement. I therefore ask unanimous consent that the full text of his speech be printed in the RECORD.

There being no objection, the speech was ordered to be printed in the RECORD, as follows:

[From the Honolulu Star-Bulletin, Mar. 23, 1982

NUCLEAR WASTE—WHY U.S. SHOULD OPPOSE NUCLEAR DUMPING IN THE PACIFIC

(By U.S. Senator Spark M. Matsunaga)

I could spend several hours citing facts and figures indicating that nuclear dumping in the seabed is unsafe. Then I could spend several more hours citing facts and figures indicating just the reverse, that nuclear dumping may even improve our health.

And finally, I could spend several more hours blending the pro facts and figures with the con facts and figures in order to come up with a measured statement that establishes me as a judiciously minded man of reason.

The only trouble is, my entire presentation would have been conducted within the bounds of what I would call ethnocentric logic; that is, a logic emerging from a set of values and interests originating within my culture and not necessarily shared by other cultures.

For instance, my tendency to juxtapose reason and emotion, and place a high value on the former and a low value on the latter in shaping policy, might be viewed elsewhere as a peculiar cultural trait, leading to what one Middle Eastern diplomat referred to as an "aggressive rationalism" in American policymaking.

That is why it is so important that we first try to step outside the context in which we perceive nuclear storage in the Pacific, so that we can see our arguments as the people we are trying to convince might see them.

Let me give it a try.

A generation ago, the United States set off the world's first hydrogen bomb on an island in an ocean enshrined in Western consciousness for the images it evokes of peace and tranquillity. After several more proud demonstrations of our heretofore undreamed of capacity for destruction, we departed, leaving behind an invisible, as yet undetermined lethal, radioactive environment and a traumatized community.

Now, once again, we are proposing to conduct nuclear experiments in our Pacific island possessions, even as various American agencies and citizens wrangle over the effects of the last experiments. Our newest contribution to island life would consist of storage sites for spent fuels from abroad, and perhaps for some of our own nuclear garbage.

It's all legal and in the interest of the nation and the world, of course. The vehicle is the Nuclear Non-Proliferation Act of 1978. The non-proliferation act is itself a product of the global proliferation of nuclear reactors.

In nuclear reactor proliferation, the United States, fortunately, leads the pack, for if we didn't, we might be out-distanced by nations less committed to international peace and tranquility.

To maintain the lead so self-evidently in the interest of the pacific principles we hold dear, the United States actively promotes reactor sales abroad and finances their construction with Export-Import Bank loans at the most favorable rates.

But the nuclear weapons industry feeds upon spent fuel produced by the nuclear reactor industry. So, in order to prevent an American-financed nuclear reactor weapons industry from mothering a global nuclear weapons industry, we have offered ourselves as a dumping ground for nuclear wastes generated by our foreign clients, under the Nuclear Non-Proliferation Act of 1978.

To Pacific islanders observing all that exquisite argumentation turning round and round upon itself, and now moving ominously in their direction a second time, the reasoning process guiding American nuclear policy—that process itself—seems lethal.

And considering where it has taken us in 40 years, who can blame them if they resist being drawn into it? Never mind the arguments. The idea itself of dumping our nuclear waste in territory of sacred value to Pacific island peoples is understandably offensive.

We may bend them to our will, employing the leverage of foreign aid, but all history argues that in that case we would be sowing the seeds of resentment that would one day grow to haunt us, as is in fact already beginning to occur.

Keeping in mind that opposition to nuclear testing and storage is the most strongly felt and deeply unifying issue in the Pacific, what should we do?

My suggestion can best be presented in terms of the point I want to make about nuclear waste storage and American security. In a recent address, Ambassador William Bodde sagaciously outlined the dangers the growing "nuclear-free Pacific" movement posed for American policy—one which would bar the ocean transport of nuclear weapons, thus upsetting our entire system of nuclear deterrence.

Let me at that point interject my own value system. I may not be happy with our global nuclear buildup contest with the Soviets, but I do not favor unilateral disarmament either. The trouble is, I do not for a moment believe that we can convince Pacific islanders to recognize to the same degree as we do the importance of the Soviet threat because that problem does not have anywhere near the same immediacy for them as it does for us.

Moreover, the "nuclear-free Pacific" movement is a direct outgrowth of the movement against testing and dumping. I would even argue that had we shown more empathy in regard to the nature of the opposition to nuclear dumping, we would not be faced with a mushrooming "nuclear-free Pacific" movement today.

And therein lies the key to reversing the tide of resentment. In the interest of developing social and economic ties with the Pacific island community, and in the interest of American national Security, I propose that the United States take the following steps:

1—In plain English, make known our opposition to any nuclear testing in the Pacific Basin that risks permanent damage to the immediate environment or to the underwater food chain extending across the length and breadth of the Pacific Ocean.

I am referring, of course, to French nuclear testing that has virtually destroyed one Pacific atoll and that now threatens to do the same to another while leaking radioactive materials into the seabed.

I realize the French will be offended, just as we have been offended by many of their policies in the Third World, such as the transfer of military equipment to Nicaragua. But I also think that our relations with the French will survive an American position against Pacific testing, as they have survived far more serious differences. The French are professionals in such matters. They understand our interests in the area.

So long as we do not invoke sanctions, and I am not advocating sanctions, they can be expected to live with our position, which, if nothing else, will encourage stricter safeguards that are in everyone's interest. And you can be sure that such a position by the United States would be received with unanimous acclaim throughout the Pacific.

2—In plain English, the United States should make known its opposition to the construction of interim nuclear waste storage facilities on remote Pacific islands or atolls. If we cannot guarantee the security of disposal sites on the American continent, how can we possibly guarantee them on tiny, comparatively fragile Pacific islands, especially for high-level wastes such as spent fuel?

Since we obviously cannot guarantee security, should we, then, rekindle nightmares that we ourselves had induced?

In that context, it is worth pointing out that as the senior user of nuclear power, we are only just beginning to discover how complex and uncertain are the safety measures surrounding its production and containment.

Shortly after the Three Mile Island incident, a Nuclear Regulatory Commission safety expert said, and I quote, "We saw failure modes the likes of which have never been analyzed." And we are only just beginning to analyze them.

As recently as a few weeks ago, a full one-third of the 72 nuclear reactors operating in the United States were shut down, for safety reasons. That was not the result of demonstrations by so-called emotionalists. It was the result of cold-blooded findings by nuclear engineers and scientists.

Why, then, stir up a hornet's nest in the Pacific at this point? In my view, we should not even talk about new interim storage sites in the Pacific until we develop standards for permanent disposal that we ourselves find acceptable.

3—In plain English, we should make known our opposition to deep sea nuclear storage, as a matter of principle at this point in time. That does not mean that we should not study the problem on a contingency basis. But we should do it on our own, for our own background purposes.

We should not, at this point, when feelings of resentment are growing stronger day by day, aggressively seek to involve Pacific islanders in a decision-making process whose very nature they find offensive and whose outcome they view to be foreordained. They do not want more of our reasoning on this issue. They want more of our understanding.

Still, I can appreciate how some individuals might find a policy based on empathy "unrealistic," considering the present state of world affairs. For them, let me close by donning my aggressively rationalistic hat and making these points.

Does anyone seriously believe that the United States and Japan will actually go ahead and build a nuclear storage site on Palmyra? And begin shipping nuclear garbage into the area? Can you imagine the reaction? Can you imagine what such a move would do for the "nuclear-free Pacific" movement?

Is that in the best interests of U.S. policy? If we want to halt the movement that Ambassador Bodde correctly describes as the most serious threat to American interests in the Pacific, we need to address its roots, which are in the unanimous Pacific island-wide opposition to nuclear dumping or storage on islands or in the seabed.

As for the argument that we if don't build an island storage facility, nations such as Japan will be tempted to do their own reprocessing, thus acquiring a nuclear weapons capability, let me add this: Does anyone seriously believe that, with or without a dumping site on Palmyra, Japan or any other nation will not develop a nuclear weapons capability if it has the wherewithal and decides it wants one?

The key to that problem is not waste storage sites. It is nuclear power plants, the development of a nuclear technocratic elite and its association with overheated nationalistic ambitions. But that would be the subject for another speech.

From every point of view, in the exercise of reason, empathy and plain common sense, it seems to me that the United States should cease being associated with an unclear and least popular position in the Pacific, and instead adopt a firm, but most popular policy, for a change.

In the process we would serve the American national interest, the interests of Pacific island peoples, and, I believe, the deepest aspirations of all concerned individuals.

SENATOR CLAIBORNE PELL'S TESTIMONY ON THE STATE OF THE INTERNATIONAL ENVIRONMENT 10 YEARS AFTER STOCKHOLM

Mr. CRANSTON. Mr. President, nearly 10 years ago the United Nations held a landmark conference in Stockholm on the human environment. One of the participants at that conference representing the United States was our colleague and ranking minority member on the Foreign Relations Committee, Senator Claiborne Pell.

Recently, in an eloquent and thoughtful commentary, Senator Pell testified before the House Subcommittee on Human Rights and International Organizations on the state of the international environment on the 10th anniversary of Stockholm.

Senator Pell's statement points to the very great achievements that have been made since Stockholm and offers some very sensible suggestions for further steps to protect our global environment. Senator Pell rightly stresses the central role of the United States in the successes of Stockholm and the necessity of strong U.S. leadership to solve, with the other countries of the world, our very serious environmental problems.

Few, if any, of our colleagues are as qualified to speak on this subject as Senator Pell. He has been a chairman of the Subcommittee on Arms Control, Oceans, International Organizations, and Environment, and he is the author of numerous important initiatives in the international environmental area including the Environmental Warfare Treaty, amendments to the foreign aid legislation upgrading the priority accorded environmental projects, and the legislation supporting the creation of a United Nations environmental program and authorizing a U.S. contribution to it.

I commend Senator Pell's statement to the Senate and ask unanimous consent that it be printed in the Record.

Statement of Senator Claiborne Pell

Mr. Chairman, at the outset, I would like to commend you and the Subcommittee on holding these very important hearings on the state of the international environment ten years after Stockholm. More than any other set of foreign policy issues—except, of course, for the ultimate environmental disaster of nuclear war—the future of this fragile planet depends on how we treat it today. Regrettably, this subject does not receive the priority it deserves from policy makers and media preoccupied with the crisis of the hour. Your hearings, therefore, rightly focus attention on the long term nature of this important problem.

Nearly ten years ago I reported to the Senate on the just-concluded United Nations Conference on the Human Environment, at which I had been a participant. At that time I said:

"The end of this Conference marks the beginning of a new era in the history of international relations. It is the first small step in a global cooperative effort designed to preserve and improve our planet's environment."

I believe the Stockholm Conference has been the kind of turning point we all hoped it would be. One test of its success is the action that was taken on its recommendations. While I do not intend to review all 109 such recommendations, I think there has been remarkable follow through on the most important ones. These include:

(1) The establishment of a permanent organization to coordinate environmental programs within the United Nations.—Shortly after Stockholm, the 27th General Assembly adopted Resolution 2997 and created the United Nations Environmental Program (UNEP) with its headquarters in Nairobi. In its brief existence, this agency has developed a remarkable record as a catalyst for international cooperation in the environmental arena.

(2) The establishment of a United Nations Environmental Fund.—This fund, which consists entirely of voluntary contributions, has approached $125 million in the period 1978-81.

(3) A convention to control ocean dumping.—This convention, the "Convention on the Prevention of Marine Pollution by Dumping Wastes and Other Matter", was completed by December 1972 and came into force August 30, 1975. The Convention obligates parties to enact legislation and regulations controlling the quantity and toxicity of pollutants dumped into the oceans.

(4) A ten year moratorium on commercial whaling.—Although the International Whaling Commission (IWC) has not approved a moratorium, the Commission has sharply reduced whale quotas so that, in 1980-81, the overall whale kill was just a bit more than one-third of the 1974-75 figures. Even more dramatic reductions have been made in the quotas of the more threatened species, notably the Sperm and Sei whales, and I am hopeful a moratorium will eventually be adopted.

(5) The establishment of an "Earthwatch" program for monitoring pollution levels.—The "Global Environmental Monitoring System" (GEMS) was set up pursuant to this recommendation and is generally considered one of UNEP's most successful programs. Information is exchanged through Infoterra, the computer-based network of national environmental systems which provides the 112 participating countries with access to 8,500 information sources. In 1975, the International Register of Potentially Toxic Chemicals (IRPTC), became operational. This facilitates efforts to avoid serious unintended consequences of chemical use.

(6) Conventions to protect wildlife.—These include: (1) the highly successful Washington Convention on International Trade in Endangered Species of Wild Flora and Fauna (CITES), now with 75 contracting parties, and which has provided significant protection to endangered species by reducing drastically the demand for them; (2) the "Convention on the Protection of World Cultural and Natural Heritage" which is acceded to by more than 50 nations; the Bonn Convention on the Conservation of Migratory Species; and regional conventions on the Conservation of Polar Bears, the Conservation of Nature in the South Pacific, and for Amazonean Cooperation.

As important as these concrete achievements are, the Stockholm Conference had an even more profound result. For the first time, the nations of the world recognized that pollution and environmental degradation have global consequences and, for the first time, the world community committed itself to deal with the problem globally. It is that recognition and that commitment that has made possible the kind of results—almost unprecedented for a U.N. conference—that have followed from Stockholm. It is also this recognition and commitment that has made the United Nations Environmental Program an extremely effective catalyst for environmental action and is, of course, the reason I have consistently advocated a high level of U.S. support for UNEP.

I want to stress that so much of the international environmental movement, and the measures I cited a minute ago, were the results of United States initiatives. Ten years ago, following the Stockholm Conference, President Nixon issued a statement which is justifiably boastful in tone. "The United States" he said "achieved practically all of its objectives at Stockholm." He went on to describe the establishment of UNEP as "an important step which had our full support", the approval of the $100 million U.N. environmental fund as something "which I personally proposed last February." President Nixon also expressed pride in the approval of "the U.S. proposal for a moratorium on commercial whaling", in the endorsement of "our proposal" on ocean dumping, and in the support given the "U.S. proposal for the establishment of the World Heritage Trust."

Ten years later, how sad it is to note today that this Administration, in its fiscal year 1983 budget, proposes to cut our contribution to UNEP by 70% of the fiscal year 1981 level.

I believe we must, as a matter of the highest priority, restore U.S. leadership in the international environmental area and reaffirm our commitment to the multilateral approach to resolving these serious global problems. I would like to suggest some specific steps that can be taken to strengthen our resolve in these matters. The range of problems is, of course, immense, and my own proposals are by no means exhaustive.

First, I would urge a consistent and high level of U.S. support for the United Nations Environmental Program. Last year, I proposed earmarking $10,000,000 for the U.S. contribution to UNEP, a level which your committee has also supported. I believe UNEP has played a critical role as a catalyst for reaching international agreement on environmental measures, as a monitor of global environmental developments, and as a source of information on environmental questions. Two UNEP initiatives are of particular interest to me—the Regional Seas Program and the effort to develop a system of environmental law.

One important achievement of UNEP—perhaps the most important—is often overlooked. This is the success UNEP has had in persuading Third World countries that environmental degradation is very much a Third World concern and not merely a problem for high consumption societies. Credit for this consciousness-raising is particularly due to UNEP Director Mustafa Tolba.

Second, I would urge a strong U.S. commitment to the UNEP Regional Seas Program including U.S. participation and financial commitment to the Caribbean and South Pacific Action Plans.

The Mediterranean Action Plan—with the participation of all the littoral states except Albania—is a model of how necessary and how productive regional cooperation can be in protecting ocean environments and the watersheds. It is, in my view, a strange ordering of priorities that this Administration should propose hundreds of millions of dollars for the Caribbean Basin Initiative and for regional military assistance and yet has so far failed to come up with a mere $500,000 contribution to the Caribbean Trust Fund.

The U.S. failure to contribute to the Caribbean Action Plan is, even in security terms, penny wise and pound foolish. Deforestation, destruction of watersheds, and a worsening of water quality—all problems to be addressed by the Action Plan—are very much part of the cause for the deteriorating economic base of the Caribbean.

I also find it unfortunate that, at the recent meeting in Rarotonga, Cook Islands on the South Pacific Action Plan, twenty states were represented including France, Australia, Great Britain and New Zealand—but not the United States.

Third, I would urge the Administration to proceed to negotiate a treaty requiring the preparation of an International Environmental Assessment for any major project, action, or continuing activity which may adversely affect the physical environment or environmental interests of another nation or the global commons.

This treaty proposal, in which I have a certain pride of authorship, has been unanimously endorsed by the U.S. Senate (S. Res. 49; 1978).

Such a treaty would take cognizance of the consequences of large scale economic projects—for example, dams, canals, nuclear reactors, the clearing of tropical forests—which may have an impact, even if unintended, beyond a country's borders. With this treaty, the potentially aggrieved party would at least have an opportunity to make its views known before the damage was done.

UNEP, through its work in developing a system of international environmental law, is making progress towards such a treaty and should be strongly supported in this endeavor.

Finally, we must move to conclude and approve a Law of the Sea Treaty containing strong marine environment protections. Many of you may be aware of the important provisions of the current draft treaty—provisions which for the first time would codify international environmental laws agreed to by the conference, as well as establish a framework for further elaboration of international environmental law.

To summarize briefly, the treaty contains provisions which establish general obligations for nations to cooperate in avoiding pollution, to monitor the state of the marine environment, to assess possible adverse effects of planned activities, and to promote technical assistance to developing countries in order to improve their capacity to cope with pollution associated with industrial development.

As I have done in S. Con. Res. 74, I would urge the Reagan Administration to conclude the LOS negotiations at the earliest possible moment, for failure to reach agreement on other provisions of the treaty—notably the deep seabed mining provisions—could mean that the marine pollution control provisions will be lost as well.

Mr. Chairman, as I saw the pictures of earth taken from the Space Shuttle I was reminded of Ambassador Stevenson's final speech at the U.N. Inspired by similar photographs from an earlier American space flight he said:

"We travel together, passengers on a little space ship, dependent on its vulnerable reserves of air and soil, all committed for our safety to its security and peace; preserved from annihilation only by the care, the work, and I will say, the love we give our fragile craft."

Only by working together can we, the passengers on this planet, protect its fragile environment.

COMMUNITY SERVICE EMPLOYMENT FOR THE ELDERLY

Mr. PELL. Mr. President, community service employment under the Older Americans Act, known as title V, has meant dignity, meaning, a modest increase in income, and appreciation by their communities for hundreds of Rhode Island senior citizens, and for thousands of other older Americans throughout the country. Approximately 300 Rhode Islanders 55 and over are currently able to work in part-time jobs because of this valuable program.

Under the administration's proposed budget for fiscal year 1983, all 300 of those Rhode Islanders will lose their employment. Despite the 3-year reauthorization of the program recently passed by Congress and signed by the President, the administration plans to eliminate funding for title V in the coming fiscal year.

Since the administration announced its proposed budget for the next fiscal year, hundreds of Rhode Islanders have written to tell me of their support for this program. Senior citizens who have been employed through the program, their friends and relatives, and the community agencies that have benefited from their services have all written. They have told me that this is a program which has provided invaluable skills and experience to public agencies, and has provided invaluable commitment, meaning, and supplemental income to our senior citizens.

The agencies which have benefited from seniors' assistance under title V perform a wide variety of services in Rhode Island. The Providence Police Department, the Providence Public Library, the Rhode Island Division of Personnel, the Rhode Island Department of State Library Services, and the Providence Housing Authority have each written to me to tell me how valuable their senior citizen aides have been. Senior citizen centers, community centers, children's homes, and nursing homes have also expressed their concern about the termination of funding which the administration proposes.

> Our seniors have brought a wealth of knowledge and experience to this agency which we could not afford through regular budgetary means.

is the comment of one agency head, and his comment is typical of others.

> These employees have filled strategic positions in the operations of this department * * *. Over the years, these workers have been diligent in their performance of duty and have provided services which are vital to the operation of this department.

is another voice of support.

The letters of senior aides who are employed by this program are particularly compelling. One woman, Willa May Waldon of Woonsocket, R.I., is 69 years old and works as an assistant cook in a Head Start and day care program. She writes:

> Before I went to work there I was feeling nervous, depressed, and very lonesome. I do not want to go back to that way of life. I also worried how I could pay my bills and buy food. My job gives me the added income so I no longer have to worry each day how I will live. I can now pay my rent and bills and still have enough money to take the bus and buy food. Please do not cut this program, it is very special to me. I feel like a new person since I've taken this job.

Ms. Waldon's statement is eloquent, but the thoughts that she expresses are common to almost all of the letters that I have receieved from senior citizens on this proposed change.

Mr. President, community service employment for older Americans was first funded in 1965. In the 1981-82 program year, there are 54,216 positions funded at $277.1 million. Throughout the history of the program, it has received nothing but praise and gratitude. It is a program worthy of the strongest support. Congress and the President have given that support by authorizing title V for another 3 years. The administration's proposal to cease funding title V, only months after the new authorization has been signed into law, makes a mockery of that commitment. It is a mockery especially in view of our high rate of unemployment, which means seniors will have more difficulty than ever in finding employment, and in view of other services for seniors which the administration has reduced or eliminated.

I call on my colleagues to join with me in opposing any attempt to reduce funding for the valuable title V program.

EXTENSION OF TIME FOR ROUTINE MORNING BUSINESS UNTIL 2 P.M.

Mr. BAKER. Mr. President, I ask unanimous consent that the time for the transaction of routine morning business be extended until 2 p.m. today, under the same terms and conditions as previously ordered.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BAKER. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. THURMOND. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

LOW-INCOME ENERGY ASSISTANCE

Mr. DOLE. Mr. President, several of my colleagues have inquired as to the resolution of the uncertainty surrounding jurisdiction over the low-income energy assistance program. When the various programs were created, it was unclear whether jurisdiction would lie with the Committee on Labor and Human Resources or whether the programs, as social security programs, would fall within the jurisdiction of the Finance Committee. This uncertainty continued until this year. In the reconciliation process, an agreement to maintain permanent joint jurisdiction over the program was agreed to between the distinguished Senator from Utah, chairman of the Labor Committee, and this Senator. Thus, bills relating to the low-income energy assistance program will be referred by unanimous consent jointly to both the Labor and Finance Committees.

Mr. HATCH. I am pleased to join my distinguished colleague from Kansas in reporting the resolution of the uncertainty surrounding this program. It will enable us to bring to this important program the combined legislative talents of both of our committees. I look forward very much to working with the Senator from Kansas and his committee on legislation relating to this program.

Mr. BAKER. I applaud the efforts by Senators DOLE and HATCH to resolve the uncertainties surrounding jurisdiction over the low-income energy assistance program. This resolution will add to the speedy and efficient working of the Senate and I thank them for letting all of us know of the judicious resolution of this issue.

MESSAGES FROM THE HOUSE

At 1:59 p.m., a message from the House of Representatives, delivered by Mr. Berry, one of its reading clerks, announced that the House has passed the following joint resolutions, without amendment:

S.J. Res. 67. Joint resolution to establish National Nurse-Midwifery Week; and

S.J. Res. 102. Joint resolution to authorize and request the President to designate the month of April 1982 as "Parliamentary Emphasis Week."

The message also announced that the House has passed the following joint resolution, in which it requests the concurrence of the Senate:

H.J. Res. 435. Joint resolution providing for the designation of April 12, 1982, as "American Salute to Cabanataun Prisoner of War Memorial Day."

The message further announced that the House has agreed to the following concurrent resolution, without amendment:

S. Con. Res. 78. Concurrent resolution providing for an adjournment in April of the House and Senate for more than three days.

ENROLLED JOINT RESOLUTIONS SIGNED

At 2:40 p.m., a message from the House of Representatives, delivered by Mr. Gregory, one of its reading clerks, announced that the Speaker has signed the following enrolled joint resolutions:

H.J. Res. 410. Joint resolution to designate April 19, 1982, as "Dutch-American Friendship Day"; and

H.J. Res. 447. Joint resolution to authorize and request the President to issue a proclamation designating April 4, 1982, as the "National Day of Reflection."

The enrolled joint resolutions were subsequently signed by the President pro tempore (Mr. THURMOND).

At 3:10 p.m., a message from the House of Representatives, delivered by Mr. Berry, announced that the House has passed the following bills, without amendment:

S. 1937. An act to extend the expiration date of section 252 of the Energy Policy and Conservation Act; and

S. 2333. An act to amend section 209 of title 18, United States Code, to permit an officer or employee of the U.S. Government, injured during an assassination attempt, to receive contributions from charitable organizations.

ENROLLED BILL SIGNED

At 3:36 p.m., a message from the House of Representatives, delivered by Mr. Berry, announced that the Speaker has signed the following enrolled bill:

S. 1937. An act to extend the expiration date of section 252 of the Energy Policy and Conservation Act.

The enrolled bill was subsequently signed by the President pro tempore (Mr. Thurmond).

ENROLLED BILL PRESENTED

The Secretary reported that on today, April 1, 1982, he had presented to the President of the United States the following enrolled bill:

S. 1937. An act to extend the expiration date of section 252 of the Energy Policy and Conservation Act.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. PERCY, from the Committee on Foreign Relations, with amendments:

S. Con. Res. 68. A concurrent resolution regarding membership in the United Nations General Assembly (Rept. No. 97-328).

By Mr. PERCY, from the Committee on Foreign Relations, without amendments:

S. Con. Res. 69. Concurrent resolution urging the Soviet Union to allow Ida Nudel to emigrate to Israel, and for other purposes.

EXECUTIVE REPORTS OF COMMITTEES

The following executive reports of committees were submitted:

By Mr. PACKWOOD, from the Committee on Commerce, Science, and Transportation:

J. J. Simmons III, of Oklahoma, to be a Member of the Interstate Commerce Commission for the remainder of the term expiring December 31, 1985.

(The above nomination was reported from the Committee on Commerce, Science, and Transportation with the recommendation that it be confirmed, subject to the nominees commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.)

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second time by unanimous consent, and referred as indicated:

By Mr. EXON:

S. 2328. A bill to expand the membership of the Advisory Commission on Intergovernmental Relations to include elected school board officals; to the Committee on Governmental Affairs.

By Mr. MATTINGLY:

S. 2329. A bill to establish an Efficiency Advisory Roundtable to assist the Advisory Commission on Intergovernmental Relations in its activities concerning the New Federalism; to the Committee on Governmental Affairs.

By Mr. SCHMITT (for himself, Mr. D'Amato, Mr. Stevens, Mrs. Hawkins, Mr. Mattingly, and Mr. Grassley):

S. 2330. A bill to provide for the minting of the American Eagle gold coin pursuant to article I, section 8 of the Constitution of the United States; to the Committee on Finance.

By Mr. SPECTER:

S. 2331. A bill to direct the Secretary of Agriculture to conduct a study of and establish a program to control and eradicate gypsy moth infestation; to the Committee on Agriculture, Nutrition, and Forestry.

By Mr. McCLURE:

S. 2332. A bill to extend the expiration date of section 252 of the Energy Policy and Conservation Act; to the Committee on Energy and Natural Resources.

By Mr. ROTH:

S. 2333. A bill to amend section 209 of title 18, United States Code, to permit an officer or employee of the U.S. Government, injured during an assassination attempt, to receive contributions from charitable organizations; considered and passed.

By Mr. DURENBERGER:

S. 2334. A bill to provide that registration and polling places for Federal elections be accessible to handicapped and elderly individuals, and for other purposes; to the Committee on Rules and Administration.

By Mr. WEICKER (for himself, Mr. D'Amato, Mr. Stevens, Mr. Moynihan, Mr. Dixon, Mr. Dodd, Mr. Huddleston, Mr. Kasten, Mr. Kennedy, Mr. Levin, Mr. Murkowski, Mr. Randolph, Mr. Stafford, Mr. Warner, and Mr. Zorinsky):

S. 2335. A bill to amend the Internal Revenue Code of 1954 to provide that any small issue which is part of a multiple lot shall meet the requirements of the small issue exemption; to the Committee on Finance.

By Mr. GORTON (for himself, Mr. Packwood, Mr. Stevens, and Mr. Kasten):

S. 2336. A bill to authorize appropriations for fiscal year 1983 for certain maritime programs of the Department of Transportation, and for other purposes; to the Committee on Commerce, Science, and Transportation.

By Mr. THURMOND:

S. 2337. A bill to amend title 10, United States Code, to establish a program to provide vocational training assistance to persons in technical programs leading to associate and community college degrees in return for a commitment for enlisted service in the Armed Forces; to the Committee on Armed Services.

By Mr. PERCY (for himself, Mr. Roth, Mr. Sasser, Mr. Jackson, Mr. Levin, Mr. Armstrong, and Mr. Nunn):

S. 2338. A bill to expand the membership of the Advisory Commission on Intergovernmental Relations to include elected school board officials; to the Committee on Governmental Affairs.

By Mr. MATHIAS (by request):

S. 2339. A bill to amend the District of Columbia Stadium Act of 1957 to provide for the transfer of such stadium and the associated land to the District of Columbia Government; to the Committee on Governmental Affairs.

S. 2340. A bill to amend the District of Columbia Self-Government and Governmental Reorganization Act to repeal the provisions establishing the National Capital Service Act; to the Committee on Governmental Affairs.

S. 2341. A bill to authorize the setoff of annuity payments and refunds payable from the Civil Service Retirement and Disability Fund to former employees of the government of the District of Columbia in order to liquidate debts owed to the government of the District of Columbia; to the Committee on Governmental Affairs.

S. 2342. A bill to amend title 11 of the District of Columbia Code to require the Council of the District of Columbia to establish the fees for jurors serving in the Superior Court of the District of Columbia; to the Committee on Governmental Affairs.

S. 2343. A bill to convey the District of Columbia Employment Security Building to the District of Columbia and to provide for the payment of a note entered into to finance the construction of such building; to the Committee on Governmental Affairs.

By Mr. BAKER (for Mr. Lugar (for himself and Mr. Cranston)):

S. 2344. A bill to amend section 235 of the National Housing Act; considered and passed.

By Mr. BENTSEN (for himself, Mr. Wallop, Mr. Riegle, Mr. Jackson, Mr. Cranston, Mr. Dodd, Mr. Dixon, Mr. Stennis, Mr. Sarbanes, Mr. Robert C. Byrd, Mr. Tsongas, and Mr. Levin):

S. 2345. A bill to amend the Internal Revenue Code of 1954 to permit foreign pension plans to invest in the United States on a nontaxable basis for residential housing financing and investment purposes; to the Committee on Finance.

By Mr. RIEGLE (for himself, Mr. Jackson, Mr. Baucus, Mr. Robert C. Byrd, Mr. Cranston, Mr. Dixon, Mr. Dodd, Mr. Ford, Mr. Leahy, Mr. Levin, Mr. Melcher, Mr. Randolph, and Mr. Tsongas):

S. 2346. A bill to amend the National Housing Act to provide additional authorization for the Government National Mortgage Association tandem program and to express congressional opposition to certain rescissions, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. ROBERT C. BYRD:

S. 2347. A bill to amend the Trade Act of 1974 to insure fair trade opportunities, and for other purposes; to the Committee on Finance.

By Mr. HELMS (for himself, Mr. Cochran, Mr. Pryor, and Mr. Andrews):

S. 2348. A bill to amend the Federal Meat Inspection Act, the Poultry Products Inspection Act, and the Egg Products Inspection Act to authorize the Secretary of Agriculture to determine the degree of inspection to be conducted in meat, poultry and egg products processing plants, and for other purposes; to the Committee on Agriculture, Nutrition, and Forestry.

By Mr. HATCH:

S. 2349. A bill to authorize appropriations for the National Science Foundation for fiscal year 1983; to the Committee on Labor and Human Resources.

By Mr. DOLE (for himself and Mr. Long):

S. 2350. A bill to revise subchapter S of the Internal Revenue Code of 1954 (relating to small business corporations); to the Committee on Finance.

By Mr. HELMS (by request):

S. 2351. A bill to authorize the Secretary of Agriculture to implement the Agreement on the International Carriage of Perishable Foodstuffs and on the Special Equipment to be used for such carriage (ATP), and for other purposes; to the Committee on Agriculture, Nutrition, and Forestry.

By Mr. HELMS:

S. 2352. A bill to amend the Food Stamp Act of 1977, to improve the administration of the food stamp program, and for other purposes; to the Committee on Agriculture, Nutrition, and Forestry.

By Mr. BENTSEN (for himself, Mr. Chafee, Mr. Boren, Mr. Durenberger, Mr. Baucus, Mr. Bradley, Mr. Moynihan, Mr. Mitchell, Mr. Symms, Mr. Wallop, and Mr. Matsunaga):

S. 2353. A bill entitled "The Life Insurance Taxation Act of 1982"; to the Committee on Finance.

By Mr. CANNON:

S. 2354. A bill to amend subtitle IV of title 49, United States Code, to provide for more effective regulation of motor carriers of passengers; to the Committee on Commerce, Science, and Transportation.

By Mr. CANNON (for himself, Mr. Goldwater and Mr. Riegle):

S. 2355. A bill to amend the Communications Act of 1934 to provide that persons with impaired hearing are insured reasonable access to telephone service; to the Committee on Commerce, Science, and Transportation.

By Mr. HART (for himself, Mr. Heinz and Mr. Cranston):

S. 2356. A bill to authorize negotiations directed towards opening foreign markets to U.S. exports of high technology products, and for other purposes; to the Committee on Finance.

By Mr. INOUYE (for himself, Mr. Abdnor, Mr. Andrews, Mr. Baucus, Mr. Boren, Mr. Boschwitz, Mr. Burdick, Mr. Cannon, Mr. Cohen, Mr. DeConcini, Mr. Domenici, Mr. Durenberger, Mr. Garn, Mr. Goldwater, Mr. Gorton, Mr. Hatfield, Mr. Hayakawa, Mr. Laxalt, Mr. Levin, Mr. Matsunaga, Mr. Melcher, Mr. Murkowski, Mr. Nickles, Mr. Proxmire, Mr. Riegle, Mr. Stevens, Mr. Symms, and Mr. Wallop):

S.J. Res. 184. A joint resolution to designate January 28, 1983 as "Native American Day"; to the Committee on the Judiciary.

By Mr. DOLE (for himself, Mr. Huddleston, Mr. Jepsen and Mr. Boren):

S.J. Res. 185. A joint resolution to establish a national policy on exports of U.S. produced food and food products; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. DOLE (for himself, Mr. Andrews, Mr. Baucus, Mr. Bradley, Mr. Bumpers, Mr. Burdick, Mr. Cohen, Mr. Dixon, Mr. Gorton, Mr. Grassley, Mr. Hatch, Mr. Jepsen, Mr. Laxalt, Mr. Lugar, Mr. Matsunaga, Mr. Mitchell, Mr. Nickles, Mr. Percy, Mr. Quayle, Mr. Randolph, Mr. Sarbanes, Mr. Stafford, Mr. Stevens, Mr. Thurmond, Mr. Wallop and Mr. Weicker):

S.J. Res. 186. A joint resolution to authorize and direct the President to designate the week of September 19 through 25, 1982, as "National Cystic Fibrosis Week"; to the Committee on the Judiciary.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. BAKER (for himself, Mr. Robert C. Byrd and Mr. Hatfield):

S. Res. 358. A resolution commending Martin Berson Gold; considered and agreed to.

By Mr. LEAHY (for himself and Mr. Huddleston):

S. Res. 359. A resolution relating to environmental law enforcement; to the Committee on Environment and Public Works.

By Mr. MATHIAS (for himself, Mr. Kennedy, Mr. Metzenbaum, Mr. Moynihan, Mr. Tsongas, Mr. Durenberger, Mr. Matsunaga, Mr. Glenn, Mr. Levin, Mr. Bradley, Mr. Leahy, Mr. Stafford, Mr. Riegle and Mr. Proxmire):

S. Con. Res. 79. A concurrent resolution recognizing the month of April as "Fair Housing Month"; to the Committee on the Judiciary.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. EXON:

S. 2328. A bill to expand the membership of the Advisory Commission on Intergovernmental Relations to include elected school board members; to the Committee on Governmental Affairs.

MEMBERSHIP OF THE ADVISORY COMMISSION ON INTERGOVERNMENTAL RELATIONS

Mr. EXON. Mr. President, I am introducing legislation today which adds three elected school board officials to the membership of the Advisory Commission on Intergovernmental Relations. ACIR. ACIR is a bipartisan Federal panel created by Congress in 1959. Its historic task has been to promote communication between local, State and Federal governments while seeking solutions to the conflicts that can occur between these different levels.

This bill would increase ACIR's membership from 26 to 29. The three new elected school board representatives would be selected by the President from a list of six submitted by the National School Boards Association. No more than two could be of the same political party affiliation and each would hail from a different State. The three new members would join the mayors, county leaders and State legislators already serving on ACIR with Congressmen and private citizens.

Our Nation's school districts spend about 36 percent of all the money spent on local government purposes. Our schools employ some 44 percent of all the people working at the local government level. School boards, composed in the main of unpaid citizens with a strong sense of civic duty, are the best example we have of government at the "grassroots." At the same time, though, school districts must cope daily with a vast complex of State and Federal education policies and standards. Elected school board officials I believe, deserve the opportunity to be represented on ACIR.

This infusion of new blood which I am proposing for ACIR could not come at a more appropriate time. ACIR will soon be asked to play an important and even more visible role as President Reagan proceeds with his concept of the New Federalism.

A number of the turnback programs included in the New Federalism are related to education and will at some point deeply involve the Nation's school districts. School board members would help the ACIR develop answers to some of the major questions posed by New Federalism.

ACIR must not be an exclusive commission which narrowly defines the meaning of government but a broad-based group which can truly explore all the ramifications of New Federalism. School board officials could do much to improve and expand the communications network ACIR has spent 23 years building between and among our many levels of government.

By Mr. MATTINGLY:

S. 2329. A bill to establish an Efficiency Advisory Roundtable to assist the Advisory Commission on Intergovernmental Relations in its activities concerning the New Federalism; to the Committee on Governmental Affairs.

EFFICIENCY ADVISORY ROUNDTABLE

Mr. MATTINGLY. Mr. President, I rise today to introduce legislation to create a bipartisan Efficiency Advisory Roundtable or (EAR) legislation to the Advisory Commission on Intergovernmental Relations. For 2 years only, the ACIR would have the benefit of the 20 people of this roundtable to work with them on any discussions and considerations they might have regarding the New Federalism.

The ACIR has had many such advisory panels in the past. I feel that the extreme importance of the entire issue of a reconsideration of the Federal role in government deserves the attention of not only our best State and local officials, but also other individuals who have worked with the types of programs that are being considered. Congress must and has demanded to have a full hearing on this issue.

The ACIR is composed of many good people who already have an extensive knowledge of State, local and Federal governmental responsibility. The purpose of this panel is to aid ACIR in whatever sort of discussion it may choose to undertake regarding the New Federalism.

This bill will offer aid to those good people at the ACIR who have helped us out so much already. As they turn to a further consideration of the New Federalism, sparked by the President's proposal and speeded along by Senator Durenberger's good work, I merely want to insure that they have direct input from people who are quite familiar with many of the options they may consider.

I envision this panel to be a bipartisan mixture of people such as school board members, representatives of health projects and others who have dealt with programs that will be transferred from the Federal level to State and local levels.

The discussion of the Federal versus that State role in government is certainly not new: Our Founding Fathers spent a great deal of their time debating just this issue. I think it is only proper that Congress turn to this subject with renewed interest every so often as the complexion and composition of this great Nation changes, so as to insure that every man, woman, and child is adequately represented in our land. Democracy is a muscle that must be exercised.

Mr. President, I certainly have come to no decision regarding most of the various New Federalism proposals that are being discussed today. I feel that I have not yet had the sort of advice and information that is necessary for me to make the best possible decision on this topic. I look forward to the work that the ACIR may choose to do in this area, in addition to the already fine job that they have done in gathering and analyzing this issue. With the addition of the monitoring panel, Congress will have the sort of clear, apolitical advice that is so necessary to insure that the public good is performed.

One question that I am asked by my dollar-conscious colleagues about this bill is the amount of money that it will cost. I feel that the amount is truly minimal. The members of the panel will be volunteers. They will be serving their country, and asking for nothing more than travel expenses to and from the meetings. My legislation calls for 10 regional hearings to be held. I have hoped that this panel will be able to hold hearings in each of the 10 regions about the effects of any such "realinement" of Federal responsibilities and solicit output. I understand that the various House and Senate committees with jurisdiction in this area may hold hearings on their own, and thereby eliminate the need for hearings throughout the country. In any event, I feel that it is important that we stipulate that there be hearings held throughout the country to insure that Congress receives the sort of unbiased information we desperately need in this area.

I hope my colleagues will join me in supporting this bill. Only through direct input by people with experience can Congress hope to be fully informed and create a real and equitable "New Federalism" proposal. For my part, I want the people of America to know that I value their input, and will actively work to see that I have their advice before initiating anything on the fundamental question of every true democracy: The size and scope of its government.

By Mr. SCHMITT (for himself, Mr. D'Amato, Mr. Stevens, Mrs. Hawkins, Mr. Mattingly, and Mr. Grassley):

S. 2330. A bill to provide for the minting of the American Eagle gold coin pursuant to article I, section 8 of the Constitution of the United States; to the Committee on Finance.

AMERICAN EAGLE GOLD COIN ACT OF 1982

● Mr. SCHMITT. Mr. President, today I am introducing a bill on behalf of myself, Mr. D'Amato, Mr. Stevens, Mrs. Hawkins, Mr. Mattingly, and Mr. Grassley.

On March 12, the U.S. Gold Commission adopted a series of preliminary recommendations to Congress on the role of gold in the economy. This bill provides the legislation to implement one of those recommendations—the minting of a U.S. gold coin called the American Eagle. The Gold Commission's preliminary recommendations are that any gold coin minted by the United States should have the following characteristics:

First. It should not be legal tender.

Second. It should be exempt from capital gains and sales tax.

Third. The coin should be denominated by ounces, not in dollars.

The Commission decided that the American Eagle should not be legal tender because of the constantly fluctuating price of gold relative to the dollar. Instead, individuals who so choose *may* accept the coin in payment for debts, goods, and services. The law, however, will not compel a seller or creditor to accept the coin in lieu of payment.

The Commission chose to recommend that the coins be exempt from capital gains and sales tax for two reasons:

First, the American Eagle is intended to compete directly with such coins as the South African Krugerrand, the Canadian Maple Leaf, and the Mexican Golden Peso. These tax exemptions will increase the incentives for Americans to hold the American Eagle for investment and transactional purposes.

Second, as members of the Gold Commission noted, holders of gold coins rarely report capital gains but always capital losses. This means that gains are not reported, therefore not taxed; but losses are reported, and deducted from income. The result is reduced revenues to the Treasury. The American Eagle will have no provision for capital gains or losses. The net revenue effect is zero. I would also note that Secretary Regan, who chairs the Gold Commission, voted in favor of these tax exemptions.

The American Eagle will be denominated in 1-ounce, ½-ounce, ¼-ounce, and ⅒-ounce denominations to insure that they will be available to the widest possible variety of people. With the rapid runup in the price of gold in recent years, at current market prices, a 1-ounce coin would cost about $325 and a ½-ounce coin about $170. By minting ¼- and ⅒-ounce denominations, we will permit individuals with as little as $40 to invest to own an American gold coin.

The bill also establishes a procedure for the distribution and marketing of the American Eagle gold coin. Past issues of gold medallions by the Treasury have failed because of abysmal marketing procedures.

As the American Eagle will be a coin, not a medallion, the Treasury will distribute it to commercial banks, savings and loan institutions, credit unions, mutual savings banks, coin dealers, and others who may wish to make bulk purchases. The markup will be low, between 2 and 4 percent over the bullion value of the gold to cover the minting, distribution, and marketing costs. This is relatively modest markup and is roughly equal to that of coins produced by foreign governments. South Africa, for example, has a formidable marketing system based on a 3 percent seigniorage on the Krugerrand.

This legislation will authorize one design for the American Eagle, based on the beautiful 1908, $20 gold piece crafted by Augustus St. Gaudens on the request of President Theodore Roosevelt. This coin is frequently cited as one of the most beautiful American coins ever made.

The coin will bear the St. Gaudens flying eagle on one side. This is one of the most graceful depictions of an American eagle ever to appear on an American coin. On the reverse will appear the other half of the Great Seal which depicts the "unfinished pyramid" capped by the "eye of providence." This rendering symbolizes the unfinished work confronting the original 13 Colonies which we face even today: the task of creating a more perfect union. This part of the Great Seal also contains the phrases "Annuit

Coeptis" and "Novos Ordo Seclorum" which, translated from Latin, means: "He has looked with favor upon our beginning" and "The New Order of the Ages." I might point out to my colleagues that they will find these words inscribed over the doorways at either end of the Senate Chamber.

I believe that these are coins that the American people will be proud of, and I would note that I have consulted carefully with the Smithsonian Institutions specialists in this area in developing this legislation.

Mr. President, it is clear that the American people have a desire to own coins of this kind.

In the first three quarters of 1981, 1,858,689 ounces of gold coins were imported into the United States. At approximately $400 an ounce, that is $743 million—nearly three-fourths of a billion dollars flowing to treasuries of foreign governments.

I think it is time that the citizens of this country be allowed to possess a gold coin made in this country rather than abroad. It would be far preferable to have the revenues from sales of gold coins flowing into the U.S. Treasury rather than to foreign governments. I urge my colleagues to join in support of this measure.

Mr. President, I ask unanimous consent that the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 2330

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SHORT TITLE

SECTION 1. This Act may be cited as the "American Eagle Gold Coin Act of 1982".

AUTHORIZATION FOR MINTING

SEC. 2. (a) The Secretary of the Treasury shall mint gold coins which shall be referred to as "American Eagles", and which shall be minted as provided in this Act in accordance with the following specifications:

(1) an "Eagle", having a gold content of one fine troy ounce and a diameter of 1.28 inches;

(2) a "Half Eagle", having a gold content of ½ fine troy ounce and a diameter of 1.06 inches;

(3) a "Quarter Eagle", having a gold content of ¼ fine troy ounce and a diameter of 0.87 inches; and

(4) a "Tenth Eagle", having a gold content of ⅒ fine troy ounce and a diameter of 0.65 inches.

(b) Coins minted under this Act shall be of a fineness of 900 parts per 1,000 of pure gold and 100 parts per 1,000 of alloy. Coins shall not be struck from ingots which deviate from the standard contained in this subsection by more than one part per thousand.

(c) Coins minted under this Act shall bear—

(1) on the obverse side, the design of the 1908 double eagle, together with inscriptions specifying the gold content and the year of minting;

(2) on the reverse side, the reverse of the Great Seal of the United States; and

(3) have reeded edges.

(d) The Secretary of the Treasury may mint the American Eagle coins authorized by this Act in the weights and sizes set forth in subsection (a) of this section, in such quantities as he determines to be necessary to meet public demand.

(e) Except as provided in section 5, not more than 20 million fine troy ounces of gold may be used for coins authorized by this Act.

(f) Notwithstanding section 102 of the Coinage Act of 1965 (31 U.S.C. 392), coins minted under this Act shall not be legal tender for public debts, public charges, taxes, duties, or dues. Nothing in this subsection shall prevent the use of such coin for the payment of private debts.

DELIVERY AND MARKETING

SEC. 3. (a) Coins minted under the authority of this Act shall be delivered to banks and other institutions and retailers for distribution and sale to the public, pursuant to rules and regulations of the Secretary of the Treasury.

(b) The Secretary of the Treasury shall begin delivery of the one-ounce American Eagle coins authorized by this Act, not later than January 1, 1984, and delivery of the one-half, one-quarter, and one-tenth ounce coins not later than January 1, 1985.

PRICE

SEC. 4. (a) Coins authorized by this Act shall be sold to the public in accordance with section 3 of this Act, at a price to be determined daily by the Secretary of the Treasury, according to their relative weight of gold, equal to the price of gold bullion sold on the Commodity Exchange, Incorporated, New York, at 4 o'clock postmeridian on the previous business day, plus an amount determined by the Secretary to pay for the minting, delivering, and distribution expenses of the coins, and all other related expenses.

(b) The Secretary of the Treasury shall have the power to—

(1) adjust the seigniorage charge on the sale of all coins authorized by this Act to finance the expenses for minting, delivering, and distributing such coins, and

(2) regulate or suspend the quantity of coins made available for distribution or suspend sales of coins authorized by this Act, as he deems necessary to avoid manipulation of gold prices or coin prices.

EXCHANGE OF BULLION FOR COINS

SEC. 5. (a) Any owner of gold bullion may deposit such gold in any mint of the United States designated by the Secretary for such purpose and receive in exchange for its relative weight of gold content an equal weight of gold in American Eagle coins, less an amount to be determined by the Secretary of the Treasury to be equal to the charge established pursuant to section 4(a) and any other related expenses.

(b) All gold bullion deposited in any United States mint pursuant to subsection (a) of this section shall be available for the minting of American Eagle coins. Any coin minted pursuant to this subsection shall not be included in the total troy ounces of gold authorized in section 2(e).

(c) The Secretary may prescribe such regulations as may be necessary to carry out this section, including regulations specifying charges for assay and other related expenses.

TAXATION

SEC. 6. (a) Any gain or loss derived from the sale, exchange, or other disposition of any coin authorized by this Act shall not be recognized as a capital gain or loss under any Federal, State, or local income tax.

(b) Any purchase or sale of any such coin shall be exempt from any Federal, State, or local sales, personal property, or excise tax.●

By Mr. SPECTER:

S. 2331. A bill to direct the Secretary of Agriculture to conduct a study to establish a program to control and eradicate gypsy moth infestation; to the Committee on Agriculture, Nutrition, and Forestry.

GYPSY MOTH INFESTATION

Mr. SPECTER. Mr. President, I rise today to introduce the Gypsy Moth Control Act of 1982, S. 2331.

The gypsy moth is one of the worst defoliators of our Nation's forests. Last year, gypsy moths defoliated nearly 13 million acres of forests from coast to coast. This year, it is likely that the infestation will be even greater.

The economic impact of the gypsy moth has been severe. Pennsylvania, as well as many other States, has suffered a serious loss of tourism, tourist-related business, and second-home sales and construction. In light of the alarming unemployment rate in the Northeast and Midwest, we cannot afford to lose even more housing construction jobs as a result of this persistent pest.

The insect is multiplying at an alarming rate. It has the ability to successfully feed on over a hundred species of trees and shrubs, and its reproductive potential is increasing. It is not uncommon for as much as 20 percent of the trees in a heavily and repeatedly defoliated forest to die. Aside from the obvious economic cost of such extensive tree loss, a defoliated forest stand creates a fire hazard until new foliage is produced by the remaining trees.

Public concern has been aroused about the devastating effects of the moth on our forests. As it spreads south and west, it threatens commercial hardwood trees. There is speculation that water supplies will become contaminated, creating a major health hazard.

In an effort to control this destructive species, my bill directs the Department of Agriculture to perform a scientific study for purposes of eradication of the gypsy moth. This study, whose cost is not to exceed $3 million, will focus on the moth's economic, social, and environmental impact; development of improved gypsy moth control by the homeowner; improved technology to monitor and predict the growth and direction of the moth population; and eradication of the moth.

In addition, my proposal directs the Department of Agriculture to contribute $10 million as part of the Federal share of the spraying and eradication effort in infested lands. While effective research is only in the preliminary stages, it is necessary that the spread of the moth be controlled, primarily by coordinated spraying efforts.

It is essential that the Federal Government join in a partnership with State and local governments to combat this destructive pest. Only through cooperative funding, experimentation, and research efforts will the moth's rapid reproduction and destruction be halted. If we work toward development of an effective pest management system which encompasses all aspects of research, data management, and environmental treatment, we can curb and eventually eliminate this scourge from our forests.

The State of Pennsylvania has set up a task force to study this problem. I have been informed that the task force will issue a report within 2 weeks and I look forward to reviewing that report to help further develop this legislation.

Mr. President, I ask unanimous consent that the text of the bill be printed in the Record.

There being no objection, the bill was ordered to be printed in the Record, as follows:

S. 2331

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Congress finds that—

(1) gypsy moth infestation throughout the United States has drastically increased during the past several years;

(2) gypsy moths defoliated approximately thirteen million acres of forest land in the United States during 1981, resulting in severe damage to the Nation's forests and badly marring the Nation's scenic landscape; and

(3) gypsy moth infestation has adversely affected tourism, vacation home sales, and related business in affected areas.

Sec. 2. (a) The Secretary of Agriculture shall conduct a study on the nature, impact, and control of gypsy moth infestation. The study shall particularly focus on—

(1) development of information on the nature of gypsy moth infestation,

(2) improvement in monitoring and predicting the locations and severity of gypsy moth infestations,

(3) assessment of the economic, social, and environmental impact of such infestations,

(4) reduction of such infestations in public lands and forests,

(5) development of methods for the effective control of gypsy moth infestations that can be safely used by private landowners, and

(6) exploration of the technical and financial feasibility of eradication of the gypsy moth.

(b) The Secretary shall, within one year after the date of enactment of this Act, report the results of the study conducted pursuant to subsection (a) to the Committee on Agriculture of the House of Representatives and the Committee on Agriculture, Nutrition, and Forestry of the Senate, together with such recommendations as the Secretary considers appropriate.

Sec. 3. The Secretary of Agriculture shall develop and carry out a program (including research) to control and eradicate gypsy moths in infested areas of the United States. The Secretary shall, to the maximum extent practicable, coordinate such program with similar programs conducted by State and local governments.

Sec. 4. There are authorized to be appropriated not to exceed $3,000,000 to carry out section 2 and not to exceed $10,000,000 to carry out section 3.

By Mr. WEICKER (for himself, Mr. D'Amato, Mr. Stevens, Mr. Moynihan, Mr. Dixon, Mr. Dodd, Mr. Huddleston, Mr. Kasten, Mr. Kennedy, Mr. Levin, Mr. Murkowski, Mr. Randolph, Mr. Stafford, Mr. Warner, Mr. Specter, and Mr. Zorinsky):

S. 2335. A bill to amend the Internal Revenue Code of 1954 to provide that any small issue which is part of a multiple lot shall meet the requirements of the small issue exemption; to the Committee on Finance.

INDUSTRIAL DEVELOPMENT BOND PROGRAM

● Mr. WEICKER. Mr. President, I am introducing legislation to restore the small issue, industrial development bond program to its status as of August 23, 1981, so that it can continue to be a source of low cost affordable capital for small and medium sized businesses. I am pleased to be joined on this bill by my colleagues, Senators D'Amato, Stevens, Moynihan, Dixon, Dodd, Huddleston, Kasten, Kennedy, Levin, Murkowski, Randolph, Stafford, Warner, Zorinsky, and Specter.

On August 24, 1981, the Internal Revenue Service issued revenue ruling 81-126, which denied tax exemption for multiple lots of bonds of $1 million or less that were pooled and sold as one bond. That ruling reversed longstanding, previous IRS interpretations of the law which permitted States to issue so-called umbrella bonds. Since that ruling, State umbrella bond programs have been dead. At the very time that devastatingly high interest rates continue to dry up traditional sources of credit and drive small businesses into bankruptcy, this avenue of affordable capital is also foreclosed by the IRS.

Since the IRS issued that ruling, we have tried several approaches to having the umbrella bond programs restored. Immediately after the ruling, we wrote to the Secretary of Treasury urging him to withdraw 81-216; we subsequently introduced a bill to postpone the date of the ruling so that the Congress could deal with this issue. At that time, we pointed out the poor timing and the counter-productive effects of the ruling.

Later we tried to revive the umbrella bond programs by successfully amending the continuing appropriations resolution to prohibit IRS from using funds to enforce their ruling and the proposed regulations. But instead of reconsidering their position or moving to restore the umbrella bond programs, the IRS took an overly restrictive interpretation of the amendment that they would not grant even transitional relief, that is "Grandfathering," of those projects in the pipeline. In other words, projects which would have gone forward were stopped.

Most recently the Treasury Department has proposed a series of legislative restrictions which, although permitting the pooling of bonds, would, for all intents and purposes, eliminate the program. These latest proposals are unnecessary, ill-timed and totally counter-productive.

Mr. President, this is not the time to cut off an important source of affordable capital for small businesses. Our economy simply cannot afford it. Indeed the situation today is worse than last August when Treasury took the first swipe at the IDB program. The concern over high interest rates continues, followed closely by the concern about rising unemployment.

According to Wednesday's New York Times, many economists predict that more businesses will fail this year than in any year since the Great Depression. Dun & Bradstreet reports that 448 businesses failed last week, compared to 291 at the same time last year. Let me assure you that small businesses are a high percentage of those failures. As a result of high interest rates, small firms are going bankrupt every day.

Behind these business failures and bankruptcies are increased numbers of unemployed people. Now at 8.8 percent, the national unemployment rate is already too high. This situation will not improve with policies that restrict productive programs such as the IDB program, which has helped countless numbers of small businesses to expand. At a time when small businesses have virtually no access to capital at reasonable interest rates, it is ill-founded to propose to cut back programs which are absolutely essential, as is the IDB program.

In my home State of Connecticut, as well as in other States around the country, the small-issue IDB program, and the umbrella bond program have been an important source of jobs. Since 1973 over 100,000 jobs have been created or retained and more than 900 companies have been assisted through tax-exempt financing. Needless to say, this program has been vital to the Connecticut economy, as well as to the economy of virtually every other State in the Union.

On March 12, 1982, the Connecticut Development Authority announced the last sale of $37 million of bonds for 83 small- and medium-sized companies at an interest rate of approximately 14.4 percent. These bonds were marketed under the umbrella bond program. Only because the commitments for these loans were made before 81-216 was issued and the IRS granted transitional relief, were these bonds able to go forward. Since last August, because of 81-216, the CDA has had to say no to businesses seeking their assistance.

Mr. President, we cannot afford to let our States go on saying no to businesses any longer.

The legislation that we are offering today would amend section 103(b)(6) of the Internal Revenue Code of 1953 to permit the issuance of multiple lots of small issue IDBs, and bring these essential State umbrella bond programs back to life.

Now is the time when we should be seeking out ways to get low-cost financing to our small- and medium-sized businesses for expansion and development, not slamming the door on them. For years, the small issue IDB program has helped thousands of businesses expand and grow, creating new jobs and giving a boost to local economies. For our businesses, for our communities, and for the overall health of our national economy, we must get the IDB program back on track again.

I urge my colleagues to support this legislation.

Mr. President, I ask unanimous consent that the bill be printed in the RECORD at this point.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 2335

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) section 103(b)(6) of the Internal Revenue Code of 1954 (relating to exemption for certain small issues) is amended by adding at the end thereof the following new subparagraph:

"(K) SPECIAL RULE FOR MULTIPLE LOT ISSUES.—

"(i) IN GENERAL.—An obligation which is part of an issue which issue otherwise meets the requirements of this paragraph shall not be treated as not meeting such requirements if such issue is part of a multiple lot issue.

"(ii) MULTIPLE LOT ISSUE.—For purposes of this paragraph, a multiple lot issue consists of 1 or more issues with respect to which—

"(I) all of the obligations are sold substantially at the same time and at substantially the same rate of interest,

"(II) the obligations are sold under a common plan of marketing, or

"(III) a common or pooled security will be used, or is available, to pay debt service on the obligations.".

(b) The amendments made by this section shall apply to obligations sold after August 23, 1981.●

Mr. DIXON. Mr. President, I ask unanimous consent to make a statement concerning a bill that Senator WEICKER will be introducing today regarding IDB's and that it be printed in the RECORD at the appropriate place immediately subsequent to the introduction of the bill and a statement by Senator WEICKER supporting that bill.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DIXON. Mr. President, I am pleased to join the distinguished Senator from Connecticut (Mr. WEICKER) in introducing legislation to reverse revenue policy 81-216 and the superseding proposed regulations in order to restore State umbrella bond programs.

Mr. President, back in October I joined with Senators WEICKER, D'AMATO, and STEVENS in sponsoring an amendment to the continuing resolution that would prohibit the use of funds to enforce a controversial Internal Revenue Service ruling, 81-216. Despite the action of Congress, the Internal Revenue Service has continued its stand in opposition to umbrella bond programs.

Mr. President, the decline in the national economy, coupled with the increasing number of bankruptcies, is shrinking the small business base. Small businessmen need access to capital at interest rates which are affordable.

Mr. President, when used properly, these tax-exempt bonds help save businesses; these bonds help save jobs; these bonds help finance needed expansion and plant modernization.

Small firms are the greatest users of small issue IDB's and the largest creators of new jobs in the United States. This ruling of the IRS jeopardizes small businesses' access to essential capital, threatening to further destabilize employment everywhere. The Congressional Budget Office's own estimate indicates that IDB's serve as one of the Federal Government's least expensive programs.

Mr. President, I recognize there are some problems with tax-exempt bonds that need to be addressed. But these problems are miniscule compared to the benefits to businesses, State and local governments and the national economy that these bonds provide.

Mr. President, I urge all of my colleagues to support this legislation.

● Mr. D'AMATO. Mr. President, today Senators WEICKER, STEVENS, and I are introducing a bill, cosponsored by several of our colleagues, to restore the industrial development bond (IDB) program to its status as of August 23, 1981. The purpose of this bill is to render Internal Revenue Service Revenue Ruling 81-216 moot by amending section 103(b)(6) of the Internal Revenue Code to explicitly allow pooling of IDB's. Despite earlier IRS rulings specifically sanctioning the clearly legitimate practice of pooling, the IRS, by administrative fiat, has now killed much of the IDB program with ruling 81-216.

This cannot be allowed. The IDB program must be preserved. Congress has made this clear by adopting an amendment I sponsored which prohibited the IRS from enforcing 81-216 as part of both the third and fourth continuing resolutions. This amendment has been adopted overwhelmingly by both Chambers, clearly demonstrating congressional intent that pooled IDB's be allowed.

Yet Treasury and the IRS have been intransigent. The pooled IDB program is still shut down. In addition, Treasury has even ceased granting regulatory relief ("grandfathering") to those pooled IDB's which were already in the pipeline as of last August 24 when 81-216 was issued.

Thus, Congress must act again. Suspending enforcement of 81-216 was insufficient in the face of a recalcitrant bureaucracy. We must now change the law, retroactive to last August 23, to explicitly allow pooled IDB's. We must make it clear to the IRS that they cannot, and should not, ever again shut down the IDB program—pooled or standing alone—by administrative fiat.

That is what passage of this bill will do. I regret that we must go through this process all over again, but it is necessary given the fact that the pooled IDB program is still dormant.

Although IDB's have provided affordable capital to small businesses since the 1980's, it was not until the Revenue and Expenditure Control Act of 1968 that Congress specifically legitimized their use. At that time the annual IDB volume was $1.8 billion. By 1980 it had reached $8 billion. Tens of thousands of jobs have been created in thousands of communities across the Nation. Corporate profits have increased. Personal income has increased. Unemployment has gone down. Counting "feedback" effects, the Federal Government has gained more than it has lost from the IDB program. Active IDB programs now exist in 47 States.

By requiring that decisions be made at the State or local level, IDBs are the essence of federalism. It is only proper that local officials determine how best to foster their own community's economic development. Thus, there is no surprise in the fact that the National Governors Association has unanimously endorsed the IDB program.

Under the IDB program State and local governments issue tax-exempt bonds, which obviously carry a lower interest rate than conventional business loans, and use the proceeds to buy or build plant and equipment which private companies have prearranged to buy, usually on installment, or lease for periods of up to 30 years. In most cases, business expansion financed in this manner would not have occurred without IDB financing. Necessary capital would either have been unavailable or unaffordable.

The pooling of IDB's, specifically sanctioned by the IRS in earlier reve-

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nue rulings, entails including within a single issue the funds for several different projects. This results in a large saving in underwriting costs and administrative expenses. Thus, more of the capital raised can be put to productive uses.

To prohibit pooling, therefore, is to require waste. To shut down umbrella (pooled) programs, as the IRS has done, violates the spirit of our program for economic recovery.

Restoration of the IDB program to its status as of last August 23, which passage of this bill would accomplish, is necessary if we are to retain a viable small business community. This is because the IDB program is truly a small business program. An April 1980 Congressional Budget Office report made this quite clear by reporting that 93 percent of all IDB's were issued for use by small- and medium-sized businesses. These firms received 84 percent of the capital raised under the IDB program. A New York State survey found that three-quarters of the issues benefited firms with yearly sales of less than $20 million and that one-half went to very small companies with yearly sales of between $1 and $5 million.

On December 11, 1981, 4 days before this Chamber unanimously adopted my amendment prohibiting enforcement of 81-216, Frank S. Swain, the Small Business Administration's Chief Counsel for Advocacy, submitted formal comment on the merits of the IRS ruling. He stated that the rule would "substantially impair an important mechanism which enables small business to raise badly needed capital." He made it clear that 81-216 must be overturned, just as Congress has made clear its discontent with this regulation. The ruling has not been withdrawn. Thus this legislative action to restore the status quo as of August 23, 1981, is necessary.

I could speak at great length on the merits of IDB's and, indeed, I have done so many times in the past. At this point, however, I would just like to say that we need this program. We must permit pooling. I would urge my colleagues to support this bill so that we can pass it in the very near future.●

Mr. STEVENS. Mr. President, I wish to echo the sentiments of my distinguished colleagues from Connecticut and New York. I too believe that we must restore the IDB program to its status quo as of last August 23. I too believe that we must reestablish State umbrella bond programs. Thus, I too urge adoption of this bill.

All of us know that the country is currently in a recession. In the first quarter of 1982 the gross national product may have declined by as much as 4.7 percent. Capital spending by business may have declined by as much as 4.5 percent. Interest rates are still much too high and may soon begin to rise again. The Labor Department recently reported that 19 States had unemployment rates in excess of 10 percent in January. Treasury Secretary Regan and Commerce Secretary Baldrige have predicted that the current recession may drive the national unemployment rate as high as 10 percent before the end of the year.

In the face of this hostile economy, we should not be eliminating pooled IDB's which make necessary capital both available and affordable to small businesses. IDB's are the best and most cost effective tool local governments have for financing economic development in distressed or economically underdeveloped communities.

Without restrictive regulations such as Revenue Ruling 81-216, IDB's can take the place of the direct expenditure Federal economic development programs now being cut back. IDB's allow the decisions to be made where they should be made, at the State or local level.

Pooling of IDB's is necessary. It allows economies of scale in marketing. It permits the guarantee to entire issues so that even unrated small businesses can receive needed financial assistance. It allows purchasers to obtain risk diversification in their portfolios, thus making IDB's a more attractive investment. Pooling, which was abruptly halted by ruling 81-216, must be restored.

The bill we are introducing today removes any doubt as to the ability of State or local governments to issue IDB's in pooled form. The bill we are introducing today restores the IDB program to the way it was last August 23. The bill we are introducing today will once again make the benefits of the IDB program available to small businesses across the Nation, and again in my home State of Alaska where the program has been highly successful.

I have spoken on the need for a viable and vibrant umbrella IDB program before three different Senate committees. My views are a matter of public record. At this point, therefore, I will simply urge my colleagues to lend their support to this vital piece of legislation.

Mr. WARNER. Mr. President, I am pleased to be a cosponsor of this legislation. It will enable States to continue to issue pooled lots of tax-exempt industrial and agricultural bonds.

Last August 24, the IRS in Revenue Ruling 81-216 effectively prohibited States from issuing this type of bond.

The Congress prohibited the use of funds to enforce that ruling in the continuing appropriation resolution Public Law 97-92; however, the IRS has been unwilling to amend their previous ruling.

I have discussed this problem with Virginia State and local officials. They all agree that they need relief from the IRS ruling.

In their opinion, small issue industrial revenue bonds are one of the best ways the Federal Government can assist State and local governments fashion their own economic development. We have been asking local governments to take greater responsibility for solving local problems. To do this, cities and counties will need to broaden their tax base through economic development. Small issue revenue bonds can make that economic development possible.

Our Nation's small businesses, our local communities, and our economy need this type of financing more today than at any time in recent years. Present interest rates and economic conditions make it imperative that we revise the IRS ruling affecting these revenue bonds.

I urge my colleagues to join this effort to restore this vitally needed capital lifeline to small- and medium-sized businesses.

By Mr. GORTON (for himself, Mr. PACKWOOD, Mr. STEVENS, and Mr. KASTEN):

S. 2336. A bill to authorize appropriations for fiscal year 1983 for certain maritime programs of the Department of Transportation, and for other purposes; to the Committee on Commerce, Science, and Transportation.

MARITIME REAUTHORIZATION

● Mr. GORTON. Mr. President, the bill I am introducing today with Senators PACKWOOD, STEVENS, and KASTEN, authorizes funding of maritime programs executed by the Maritime Administration (MarAd) and the Federal Maritime Commission at levels requested by the President for fiscal year 1983.

Like most other Federal programs, those aimed at the maritime industry are under the pressures of budgetary trouble. The funding levels sought by the administration and authorized by this bill essentially represent a decision to place these programs on hold pending completion of the administration's maritime policy review.

Operating differential subsidy (ODS) funding is increased about 10 percent over last year's level. This is sufficient to cover escalating costs of meeting obligations of ODS contracts already in force, but does not permit MarAd to enter additional new contracts.

Research and development funding exceeds last year's levels by about $6 million, most of which result from an accounting shift of an icebreaking program from the Coast Guard budget to the MarAd budget. Operations and training programs will be held at the same overall level as last year, resulting in slight reductions in money available to the U.S. Merchant Marine

Academy and six State maritime academies.

Like last year, no funds are authorized for construction differential subsidies (CDS). Shipyards should benefit substantially, however, from the enormous amounts proposed in the President's budget for Navy construction. The Navy budget also may provide the best source of funds for tradeins of older merchant vessels to the Ready Reserve Fleet.

In the absence of CDS funds, this bill extends and makes permanent the authority of U.S.-flag subsidized vessel operators to engage foreign shipyards to construct, reconstruct, or repair their vessels. Even with CDS covering 50 percent of construction in past years, vessel operators have not achieved parity with foreign operators who pay 35 to 45 percent of the construction cost in a U.S.-built requirement becomes even more compelling. This bill, however, specifically precludes the use of tax-deferred capital construction funds for foreign construction. While it is clear that foreign construction should be permitted, it is not clear that it should be encouraged at a loss to the Treasury.

The administration has asked Congress to set annual limits on new commitments of title XI vessel construction loan guarantees. This bill includes such a limit set at the same level as set by the administration in 1982—$675 million. This is about 10 percent higher than the administration's recommendation. Though I believe that it is necessary to reign in credit programs, bring them on budget, and control their growth, I believe this is properly the role of Congress. My bill makes it very clear that if annual limits are to be set at all they are to be set only in annual authorization acts of Congress.

This bill also makes certain technical improvements upon the operation of the title XI guarantee program that is administered by the Secretary of Transportation.

The title XI guarantee program is one of the more successful Government programs today. Pursuant to this program, provided by title XI of the Merchant Marine Act, 1936, as amended (46 U.S.C. 1271, et seq.), the Secretary of Transportation is authorized to guarantee the payment of principal and interest on loans made to finance the construction, reconstruction, and reconditioning of U.S.-flag vessels. This Government guarantee on a major portion of the purchase price gives vessel owners the ability to raise long-term money at reasonable rates. It also makes private financing available to operators who might not otherwise qualify in the capital markets. At no cost to the Federal Government, this program has effectively promoted the construction of over 2,500 vessels to date.

Since its inception in 1938, the title XI guarantee program has been amended on a number of occasions. It was completely rewritten in the 92d Congress, but since then most amendments have been to increase the statutory authority of this successful program.

My bill would amend title XI of the Merchant Marine Act, 1936 (46 U.S.C. 1271, et seq.), to provide the Secretary of Transportation with additional flexibility in the management of the program. Additionally, my bill would amend the Bankruptcy Reform Act of 1978 (11 U.S.C. 101 et seq.) to restore Secretarial discretion that was inadvertently omitted from such Act.

MERCHANT MARINE ACT, 1936

In order to understand my proposed amendments to title XI of the Merchant Marine Act, 1936, it might be helpful to give an example of how the title XI guarantee program currently operates. A shipowner borrows funds for the construction of a new vessel by means of the sale of bonds to the general public. The Secretary of Transportation issues a title XI guarantee that the bonds will be paid, and takes a mortgage of the new vessel. The security of the bondholder obligees is the title XI guarantee that if the shipowner obligor does not pay them, the U.S. Government will. The security of the Secretary of Transportation for the title XI guarantee is a mortgage on the new vessel.

Under existing law, in the event of an uncured default, the Secretary must pay off the bondholders in order to foreclose on the ship mortgage. Thereafter, it is usually necessary for the Secretary to bid for the vessel at the Admiralty foreclosure sale, take title to the vessel, and attempt to sell it to another U.S. operator. Any such vessel purchaser would have to arrange for new title XI financing.

Under my proposed amendments, in the event of an uncured default, the Secretary of Transportation would have two options.

The first option would be the course of action provided by existing law which would not be amended.

The second option, provided by my bill, would authorize the Secretary to assume the periodic payments of the shipowner obligor to the bondholder obligees, and foreclose on the ship mortgage. At the Admiralty foreclosure sale, another U.S. operator could bid for and take title to the vessel with title XI financing already in place. That vessel purchaser would assume the bond payments from the Secretary of Transportation.

These proposed amendments to the title XI guarantee program would offer the following advantages:

First. The procedure provided by existing law would be retained.

Second. The bondholders need not be disturbed by the sale of a vessel.

Third. The title XI fund need not be called upon to pay off the bondholders in the event of a shipowner's default.

Fourth. The Secretary need not go through the formality of purchasing the vessel prior to its sale to another U.S. operator.

Fifth. The vessel purchaser need not be required to arrange for new title XI financing, but could assume the responsibility for bond payments from the Secretary at the foreclosure sale.

BANKRUPTCY REFORM ACT OF 1978

Prior to the enactment of the Bankruptcy Reform Act of 1978, where there was an uncured title XI default by a shipowner in bankruptcy, the bankruptcy court was prohibited by a specific provision of law from enjoining the Secretary from foreclosing on the vessel mortgage of a debtor shipowner if he determined that such a foreclosure was in the best interest of the Government.

The Bankruptcy Reform Act of 1978 did not retain for the Secretary immunity from any injunction or automatic stay provision of the Bankruptcy Code. As a result, the Secretary of Transportation, as a title XI mortgagee, is subject to the automatic stay provisions of the Bankruptcy Code and prohibited from taking unilateral foreclosure action on a title XI mortgage.

The Bankruptcy Reform Act excepted the Secretary of Housing and Urban Development from being subject to the automatic stay provision of the Bankruptcy Code so that he may more effectively administer the benefits of the housing program. For the same reason, my bill would take similar action with respect to the Secretary of Transportation and the title XI guarantee program.

Mr. President, these provisions should give the Secretary of Transportation a little more flexibility in future transactions under the title XI guarantee program. The title XI program is a good program, and the Secretary of Transportation is doing a good job. The intent of my bill is to give the Secretary the authority to do an even better job.

Finally, the bill subjects the Federal Maritime Commission to annual authorization and authorizes funds for its operation at the level requested by the President.

Mr. President, I ask unanimous consent that a brief section-by-section analysis and the bill appear in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

SECTION-BY-SECTION ANALYSIS

Section 1 authorizes funds for Maritime Administration programs at levels requested by the President. Construction differential subsidies are not funded.

Section 2 amends the Merchant Marine Act to permit U.S. carriers receiving ODS to construct their vessels overseas (temporary authority in the absence of CDS funding expires September 30, 1982). Capital construction funds may not be used for foreign construction.

Section 3 provides that annual limitations on new commitments of Title XI vessel construction loan guarantees may be set, if at all, only in annual authorization acts.

Section 4 sets an annual limit on new Title XI commitments for merchant vessel construction of $675 million for fiscal year 1983 (the fishing vessel account would be set in an NOAA authorization bill).

Section 5 makes technical amendments to the Title XI program to permit the Secretary of Transportation, in the event of a default by the obligor, to take the vessel and assume the financing at foreclosure, without paying off the guaranteed loan in full; this gives him more flexibility in marketing the vessel to a new purchaser with Title XI financing intact.

Section 6 amends the Bankruptcy Code to restore a provision, omitted inadvertently in the 1978 revision, to permit the Secretary of Transportation to foreclose on Title XI mortgages before the vessel operator's assets are frozen.

Section 7 subjects the Federal Maritime Commission to annual authorization.

Section 8 authorizes funding of the Federal Maritime Commission at the level requested by the President.

S. 2336

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That funds are authorized to be appropriated for certain maritime programs of the Department of Transportation for the fiscal year 1983, as follows:

(1) For payment of obligations incurred for operating-differential subsidy, not to exceed $454,010,000;

(2) For expenses necessary for research and development activities, not to exceed $16,800,000;

(3) For expenses necessary for operations and training activities, not to exceed $71,013,000, including not to exceed—.

(a) $6,516,000 for reserve fleet expenses;

(b) $29,607,000 for maritime education and training expenses, including not to exceed $17,251,000 for maritime training at the Merchant Marine Academy maintained under section 1303 of the Merchant Marine Act, 1936, as amended, $10,668,000 for financial assistance to State maritime academies assisted under section 1304 of the Act, and $1,688,000 for expenses necessary for additional training provided under section 1305 of the Act; and

(c) $34,890,000 for other operations and training expenses.

Sec. 2. Section 615 of the Merchant Marine Act, 1936 (46 U.S.C. 1185), is amended to read as follows:

"Sec. 615. Notwithstanding any other provision of this Act, an operator receiving or applying for operating differential subsidy under this title may construct, reconstruct, or acquire its vessels of over five thousand deadweight tons in a foreign shipyard. Vessels constructed, reconstructed, or modified pursuant to this section shall be deemed to have been United States built for the purposes of this title, section 901(b) of this Act and section 5(7) of the Port and Tanker Safety Act of 1978 (46 U.S.C. 391(a)(7)): *Provided,* That the provisions of section 607 of this Act shall not apply to vessels constructed, reconstructed, modified, or acquired pursuant to this section."

Sec. 3. Section 1103(f) of the Merchant Marine Act, 1936 (46 U.S.C. 1273(f)), is amended by adding at the end thereof the following new sentence: "No additional limitations may be imposed on new commitments to guarantee loans for any fiscal year, except in such amounts as established in advance in annual authorization acts."

Sec. 4. The Secretary of Transportation shall not enter into new commitments to guarantee loans under section 1103(f) of the Merchant Marine Act, 1936 (46 U.S.C. 1273(f)) in an amount greater than $675,000,000 during fiscal year 1983.

Sec. 5. (a) Section 1104(a)(3) of the Merchant Marine Act, 1936, as amended (46 U.S.C. 1274(a)(3)), is amended by inserting after the word "Fund" the words ", or for which related obligations were accelerated and paid by the Secretary of Transportation,".

(b) Section 1104(h) of such Act (46 U.S.C. 1274(h)) is amended by inserting after the word "acceleration" the word ", assumption,".ge

(c) The first sentence of section 1105(a) of such Act (46 U.S.C. 1275(a)) is amended by inserting after the word "demand" the following: "(unless the Secretary of Transportation shall, in his sole discretion, have assumed and performed the obligor's rights and duties relating to such payment of principal and interest and any applicable fiduciary fees),".

(d) Section 1105(b) of such Act (46 U.S.C. 1275(b)) is amended to read as follows:

(b) In the event of a default under a mortgage, loan agreement, or other security agreement between the obligor and the Secretary of Transportation, the Secretary of Transportation may, at his option and sole discretion:

(1) notify the obligee or his agent of such default and the assumption by the Secretary of Transportation of the obligor's rights and duties relating to the payment of principal and interest under an obligation guaranteed under this title and any applicable fiduciary fees; or

(2) notify the obligee or his agent of such default and the obligee or his agent shall have the right to demand at or before the expiration of such period as may be specified in the guarantee or related agreements, but not later than sixty days of such notice, payment by the Secretary of Transportation of the unpaid principal amount of said obligation and the unpaid interest thereon. Within such period as may be specified in the guarantee or related agreements, but not later than thirty days from the date of such demand, the Secretary of Transportation shall promptly pay to the obligee or his agent the unpaid principal amount of said obligation and unpaid interest thereon to the date of payment."

(e) The first sentence of section 1105(c) of such Act (46 U.S.C. 1275(c)) is amended by inserting after the word "payment" the words "or assumption" and by inserting after "Secretary of Transportation", the first time it appears, the words, ", in his sole discretion,".

Sec. 6. Section 362(b) of Title XI, United States Code, is amended by inserting "(i)" before "Secretary of Housing and Urban Development" and by adding at the end thereof the following:

"(ii) the Secretary of Transportation to foreclose a mortgage on a vessel or vessels pursuant to the Ship Mortgage Act, 1920, as amended, held by said Secretary under the provisions of sections 1101-1110 or section 207 of the Merchant Marine Act, 1936, as amended; or".

Sec. 7. Commencing with fiscal year 1983, appropriation of funds to carry out the laws administered by the Federal Maritime Commission shall be subject to annual authorization.

Sec. 8. Funds are authorized to be appropriated in the amount of $10,378,000 for the use of the Federal Maritime Commission for the fiscal year 1983.●

By Mr. THURMOND:

S. 2337. A bill to amend title 10, United States Code, to establish a program to provide vocational training assistance to persons in technical programs leading to associate and community college degrees in return for a commitment for enlisted service in the Armed Forces; to the Committee on Armed Services.

SKILLED ENLISTED RESERVE MILITARY TRAINING ACT

Mr. THURMOND. Mr. President, I rise to introduce a bill entitled the "Skilled Enlisted Reserve Military Training Act." This measure is a companion to a bill introduced by a number of distinguished Members of the House of Representatives. It is designed to help resolve a critical need for skilled technicians in our Armed Forces at less cost compared to current training methods. It is an innovative concept for training enlisted personnel in technological skills at community and technical colleges.

Mr. President, the threat to our national security, which has been characterized as the "window of vulnerability," amounts to more than a need for advanced weapons systems. It encompasses the need for skilled personnel to operate and maintain these systems.

All of us are aware of the difficulty the Army and the Navy have encountered in both recruiting and retaining enlisted personnel capable of working in high technology areas, particularly in fields where the demand in industry also runs high. We have fallen into a pattern of paying exorbitant costs for short-term training to qualify enlistees in their specializations at the start of their tours of duty. Then we pay them equally exorbitant bonuses to persuade them to reenlist when their tours of duty end.

In countless instances, those education costs could be reduced if the armed services programed the same targeted training through established and accredited civilian institutions, particularly the community and technical colleges. These educational institutions have become our foremost delivery system of postsecondary occupational courses in the United States.

Mr. President, this legislative measure will provide the equivalent of a 2-year college scholarship, with each military service offering such scholarships in whatever fields of technology fit its particular skill requirements. The trainee would complete the courses in the specialization for which he enlisted, then complete a regular tour of active duty, or a longer term of enlistment in a Reserve component unit. The maximum college training period would be for 2 years. The maximum stipend would be for 18 months. The trainee would be obligated for 2 to 4 years active duty and a Reserve obligation, or 6 years in the Reserve components.

This proposal is an "up-front" GI bill. It provides the military services with a valid payback on their educational investment through an obligation after college training, rather than the military obligation preceding the education, as provided by a traditional GI educational incentive program.

At the present time, from a cost reimbursement standpoint, more than 75 percent of the military do not fully pay back their parent service until the third year of their enlistment; almost one-tenth have completed their 4-year enlistment and have left the military before the service has reached the break-even point on the investment in training.

Mr. President, under this proposal, the trainee will require very little additional military training investment—in either dollars or time—except for about 8 weeks of basic training, which should precede technical training. The military services will get a full, productive enlistment from the trainee after he has completed technical training, which is not counted as part of his enlistment obligation.

This bill will provide the military departments a flexible program for solving the military technical manpower shortage problem on a sustained basis. It does not mandate binding or constraining action on the military departments. Rather, it grants authority to the secretaries of the military services to develop educational programs to best meet their technical training needs.

The flexibility of vocational technical institutions makes the proposal of inestimable value to the services. For example, graduates of electronic technical training can fill any of 26 technical specialties in the Army, according to some studies.

The supply of graduates from this program can meet the military technical training requirements. There are over 1,000 technical community colleges and a like number of accredited National Association of Trade and Technical Schools. In addition, there are almost another 5,000 State and locally accredited vocational technical schools with quality output to meet military requirements.

Mr. President, this proposal is similar in concept to the approach the military has been using for years to fill its needs for physicians, surgeons, and dentists. Prospective doctors agree to a specified term of service beyond the years of their basic medical training and specialization, in return for the Government paying the cost of their medical education. The need today for technicians is just as critical as the longstanding need for doctors.

This bill is designed to give each military service the flexibility it needs to fit the program to its own requirements. Likewise, it gives the recruits the option of regular active duty with a Reserve obligation, or a Reserve obligation within the force structure of each military service's particular need.

For example, the Army has a pressing need for 250,000 technicians to bring Reserve units up to full strength. This critical need varies according to the mission, or weapons system, that each Reserve unit operates.

Mr. President, recruitment would be aimed at specific skills in Reserve units. Each recruit would likely start out with the regular 8 weeks of basic training and then move home to the assigned Reserve unit. The recruits would pursue full-time studies in the designated skills at the nearest community or technical college. The Reserve duty would enable them to adapt the technical training to the weapons systems in use in their assigned Reserve unit.

A careful review of the military manpower situation reveals that there are pressing needs for trained specialists in many areas in the regular forces. The parallel needs in Army Reserve Forces are at least tenfold greater.

There are serious shortages of electronic technicians, particularly in radar systems, computers, and fire control. There are critical manpower shortages in other technical areas, including: Instrumentation specialists expert in calibration and test gear, as well as maintenance and repair; machinists, heavy-equipment mechanics, and diesel mechanics; stenographers and word processors; and paraprofessionals in medicine, dentistry, and veterinarian medicine.

Our technical and community colleges have the capability to provide this type of technical training. In the comprehensive 2-year colleges across the country, there are accredited courses in all of these specializations. In most instances, for a specified course of study and skill program, the military services would have a variety of educational institutions in each region among which to choose.

Some of our Nation's experts in occupational studies who have specialized in Army and Navy training requirements are convinced the costs of current specialized training programs could be cut tenfold by this new concept.

Mr. President, it is estimated that the training cost alone per recruit is now running $100,000 and higher in at least three specializations. The same training could be programed in the comprehensive 2-year colleges for a small fraction of that cost.

The immediate manpower shortage is significant in both the Regular Army and the Regular Navy. It is estimated that 20,000 technicians are needed in each service. A majority of this number could be filled by graduates of the program being proposed by this legislation, with an estimated accumulated savings of $4 billion by 1986, according to some cost analysis reports. Our community colleges are a natural base for such training.

Mr. President, quality is equally as important as cost. It is clear that the military services cannot adequately staff the weapons systems already in place without professionally trained sources of skilled personnel. Our Armed Forces will be unable to introduce and operate more sophisticated weapons systems currently under development, unless they have a dependable flow of advanced technicians, which would be provided by this proposed measure.

This training concept would also benefit national productivity. The recruits going into Reserve units would, in most cases, be filling specializations for which the needs among private sector industries are just as acute as the needs of the military. Thus, the recruits would be building careers vital to the national economy, while at the same time filling a military obligation in an advanced system.

In summary, this training proposal will:

First, help solve a critical problem to train urgently needed technicians for our Armed Forces;

Second, cost less than comparable technical training programs currently conducted in the Armed Forces;

Third, improve readiness;

Fourth, provide a strong incentive for volunteers, and enhance retention, thereby reducing the need for the draft;

Fifth, provide a broader mobilization training base for technical skills for both the military services and industry; and

Sixth, help stimulate and revitalize the technical and vocational institutions in our country and quicken their response to the national challenge in productivity.

Mr. President, I am pleased to join with our colleagues in the House in pursuing this innovative and vitally needed program. I hope that both the House and Senate Committees on the Armed Services will schedule early hearings on this important measure and that other Senators will join me in supporting this new approach to military specialization training.

Mr. President, I ask unanimous consent that this bill entitled, "Skilled Enlisted Reserve Military Training Act," be printed in the CONGRESSIONAL RECORD at the conclusion of my remarks.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 2337

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled.

SHORT TITLE

SECTION 1. This Act may be cited as the "Skilled Enlisted Reserve Military Training Act".

FINDINGS AND PURPOSE

SEC. 2. (a) The Congress makes the following findings:

(1) The national defense readiness of the United States is increasingly dependent upon the use of technically sophisticated weapons.

(2) The number of technically skilled enlisted members of each of the Armed Forces, both on active duty and in the reserve components, is inadequate to operate and maintain the technically sophisticated weapons systems being introduced to modernize the Armed Forces.

(3) The community and technical colleges and institutes of the United States have the resources and capabilities to provide training in the technical specialities required by the Armed Forces.

(4) A program of vocational training assistance provided by the Department of Defense would give young men and women the opportunity to pursue a program of technical education and training leading to an associate degree simultaneously with the opportunity to pursue a training program preparing them for military service.

(5) Such a program would contribute to the recruitment into the Armed Forces of young men and women with aptitudes and interests in high technology fields and would contribute to the national defense readiness of the United States.

(6) The economic vitality of the United States would be strengthened through the establishment of such a program by increasing the number of persons having technical skills required to broaden the industrial base of the United States in critical skilled technical fields in which shortages have developed.

(b) The purposes of this Act are—

(1) to establish a program under which young men and women participate in a program of voluntary national defense preparedness, technical training, military training, and education developed and administered by the Armed Forces in cooperation with community and technical colleges and institutes; and

(2) to provide the United States with men and women trained in technical specialties critical to meeting national defense and military personnel needs in times of national emergency.

ESTABLISHMENT OF PROGRAM

SEC. 3. (a) Part III of subtitle A of title 10, United States Code, is amended—

(1) by redesignating chapter 108 as chapter 109; and

(2) by inserting after chapter 107 the following new chapter 108:

"CHAPTER 108—SKILLED ENLISTED RESERVE TRAINING PROGRAM

"Sec.
"2151. Definitions.
"2152. Establishment of program; service agreements.
"2153. Eligibility for membership.
"2154. Status of person upon signing agreement.
"2155. Status of person upon completing training program.
"2156. Penalties; exception.
"2157. Annual report.

"§ 2151. Definitions

"In this chapter:

"(1) 'Program' means a Skilled Enlisted Reserve Training Program established by the Secretary concerned under this chapter for an armed force under his jurisdiction.

"(2) 'Member of the program' means a person entering into an agreement with the Secretary concerned under this chapter for participation in the Skilled Enlisted Reserve Training Program of an armed force.

"§ 2152. Establishment of program; service agreements

"(a) For the purpose of obtaining adequate numbers of enlisted members with critical technical skills for service on active duty and in the reserve components, the Secretary of each military department, under regulations prescribed by the Secretary of Defense, and the Secretary of Transportation, with respect to the Coast Guard when it is not operating as a service in the Navy, may establish a Skilled Enlisted Reserve Training Program. Under such a program the Secretary concerned may enter into agreements described in subsection (b) under which the Secretary agrees to provide educational assistance in a technical field to a person in return for that person's agreement to perform a specified period of active and reserve enlisted service in the armed forces.

"(b) An agreement under subsection (a) shall provide (1) that the Secretary concerned shall provide educational assistance to the member of the program in accordance with subsection (c), and (2) that the member of the program, in consideration for that educational assistance, shall agree to serve on active duty and in a reserve component as provided in section 2153 of this title.

"(c)(1) An agreement under subsection (a) shall provide for payment by the Secretary concerned of 100 percent of the educational expenses incurred by a member of the program for instruction in a technical course of study approved by the Secretary at an accredited institution. Expenses for which payment may be made include tuition, fees, books, laboratory fees, and shop fees for consumable materials used as part of classroom or shop instruction. Payments for those expenses shall be limited to those educational expenses normally incurred by students at the institution involved. Such agreement may also provide for payment of a stipend in an amount to be determined by the Secretary concerned for each month the member is pursuing that course of study.

"(2) Educational assistance may be provided to a member of the program under the agreement until the member completes a course of insturction required for the award of an associate degree (or the equivalent evidence of completion of study of a technical course of study) by an accredited institution. However, a member of the program may not be provided assistance under this chapter for more than two academic years (or the equivalent) and may not be provided a stipend for more than 18 months. Secretary concerned may specify less than a two-year technical training period.

"(3) For purposes of this subsection, the term 'accredited institution' means a civilian college or university or a trade, technical, or vocational school in the United States (including the District of Columbia, Puerto Rico, Guam, and the Virgin Islands) that provides education at the postsecondary level and that is accredited by a nationally recognized accrediting agency or association recognized by the Secretary of Education.

"(d) The authority of the Secretary concerned to enter into agreements under this section is subject to the availability of appropriations for that purpose.

"§ 2153. Eligibility for membership

"To be eligible for membership in the program a person must—

"(1) be selected for membership under procedures prescribed by the Secretary concerned;

"(2) enroll in a course of instruction at an educational institution in at least one high technology specialty that is designated by the Secretary concerned as a critical military occupational specialty essential to strengthening the defense capabilities of the United States;

"(3) enlist in a reserve component of an armed force under the jurisdiction of the Secretary concerned for the period of time specified in clause (4); and

"(4) agree in writing that, upon completion of the course of instruction and at the discretion of the Secretary concerned, the person will either—

"(A) serve on active duty for a period of not less than two years to be specified in the agreement; or

"(B) serve in the Selected Reserve of the Ready Reserve of a reserve component under such terms and conditions as prescribed by the Secretary concerned for a period of not less than six years, to be specified in the agreement (including any period of service in active duty, in active duty for training, and in any other active or inactive status).

"§ 2154. Status of person upon signing agreement

"Upon signing an agreement under this chapter and becoming a member of the program, a person becomes a member of the armed forces and shall be placed in an element of the Ready Reserve of a reserve component of the armed forces.

"§ 2155. Status of person upon completing training program

"Upon completing the program provided for in the agreement and completing basic training, the member shall begin service in the armed forces as provided in the agreement in pay grade , as determined by the Secretary concerned based upon the technical qualifications of the member and the needs of the service.

"§ 2156. Penalties; exception

"(a) An agreement under this chapter is subject to section 2005 of this title.

"(b) The Secretary concerned, if the Secretary determines that the interest of the service so requires, may release any person from the program and discharge that person from the armed force under the jurisdiction of the Secretary.

"§ 2157. Annual report

"The President shall submit to Congress not later than December 1 of each year a report on the program. Each report shall include—

"(1) an evaluation of the program;

"(2) a determination of the feasibility of expanding the program; and

"(3) any recommendation for administrative or legislative actions with respect to the program that the President considers appropriate.".

(b) The tables of chapters at the beginning of subtitle A, and at the beginning of part III of subtitle A, of title 10, United States Code, are amended by striking out the item relating to chapter 108 and inserting in lieu thereof the following:

"108. Skilled Enlisted Reserve Training Program 2151
"109. Granting of Advanced Degrees at Department of Defense Schools. 2161".

AUTHORIZATION OF APPROPRIATIONS

SEC. 4. Effective for fiscal years beginning after September 30, 1982, there are authorized to be appropriated such amounts as may be necessary to carry out chapter 108 of title 10, United States Code, as added by section 3.

By Mr. PERCY (for himself, Mr. ROTH, Mr. SASSER, Mr. JACKSON, Mr. LEVIN, Mr. ARMSTRONG, and Mr. NUNN):

S. 2338. A bill to expand the membership of the Advisory Commission on Intergovernmental Relations to include elected school board officials; to the Committee on Governmental Affairs.

ADVISORY COMMISSION ON INTERGOVERNMENTAL RELATIONS

Mr. PERCY. Mr. President, today I am introducing legislation to expand the membership of the Advisory Commission on Intergovernmental Relations to include three elected school board officials. This legislation has been introduced in the House of Representatives by Congressman RAYMOND MCGRATH and has 162 cosponsors to date.

Mr. President, the ACIR is a federally supported organization established in 1959 to bring together representatives of the Federal, State, and local governments to consider common problems. The ACIR is charged with discussion of administration and coordination of Federal grant and other programs, addressing emerging public problems that are likely to require intergovernmental cooperation and recommendation of the most desirable allocation of governmental functions, responsibilities, and revenues among the several levels of government.

It is a job the ACIR has done very well and as a result is a highly respected group. Over the years it has made recommendations in the area of tax reform, regulatory reform, and revenue allocation. The very popular general revenue sharing program was developed by the ACIR.

The membership of the ACIR today is the same as it was in 1959. It consists of 3 private citizens, 3 Federal executive officials, 4 Governors, 3 State legislators, 4 mayors, 3 elected county officials, 3 U.S. Senators, and 3 U.S. Representatives, for a total of 26 members. I was privileged to serve from 1972 to 1975.

Mr. President, over the years, the ACIR has been petitioned on several occasions by school board officials for equal representation as a local unit of government. Each time, the ACIR has recommended that its membership not be expanded to include school boards or any other group. So for more than 20 years, while the role of school boards across the country has changed dramatically, the composition of this important Commission has remained unchanged.

Just what do school boards do that they should be represented on the ACIR?

School boards have grown into a very important element in the American intergovernmental system. By 1980, their expenditures were almost 39.8 percent of the local government total and their employees were 47.6 percent of total local government employees, as illustrated by the chart below.

DIRECT GENERAL EXPENDITURE, 1979-80, AND FULL-TIME EQUIVALENT EMPLOYMENT, 1980, COMPARING SCHOOL DISTRICTS WITH COUNTIES AND MUNICIPALITIES

	1979-80 direct general expenditure		1980 full-time equivalent employment	
	Amount (millions)	Percent	Number	Percent
School districts	$80,681.2	39.8	3,467,718	47.6
Counties	51,383.4	25.4	1,651,048	22.7
Municipalities	70,426.4	34.8	2,166,284	29.7
Total	202,491.0	100.0	7,285,050	100.0

Source: U.S. Department of Commerce, Bureau of the Census, Government Finances in 1979-80, Table 23; Public Employment in 1980, Table 9.

School districts today are virtually universal. They exist in 49 States—Hawaii has a State system. Ninety-four percent of school boards in this country are elected and 90 percent of all school districts are fiscally independent.

School districts today are not responsible solely for education. School districts run food service systems which involve $10 to $12 billion annually in the food processing and agricultural sectors of our economy. School districts maintain a transit fleet valued at $3.3 billion. In 1979, school districts collected more than $100 billion in taxes, about 7 percent of the GNP. This compares to 12 percent of GNP for all State and local units of government combined.

School districts today are engaged in a variety of activities. They provide services to the elderly, pre-school child care, emergency services in time of national or natural catastrophe, employment training centers, health services, community services, community centers, and recreational services.

It is the school board in each of these many districts that must decide how these activities will be implemented. In doing so, they are responsible for establishing and carrying out policies that affect millions of Americans. Like mayors and county commissioners, they hire administrators to carry out their policies. And like city and county governments, they are independent and responsible to those who elect them.

Mr. President, it is clear then that school districts and the boards that govern them are vastly more complex and sophisticated than they were in the 1950's when ACIR was established. In addition, ties to the Federal Government have grown significantly as Federal assistance has increased and Federal mandates have multiplied.

Many issues considered by the ACIR—block grants, State and local taxation, labor-management policies for State and local government, State and Federal mandating of local expenditures—not only affect school districts, but are key to their delivery of services.

Presently, the ACIR is engaged in a review of the so-called New Federalism. Its members are considering what responsibilities each level of government should assume and what, if any, roles should be swapped. Key questions about ending Federal involvement in a host of areas—including education, transportation and nutrition—are just as important, if not more important, to school districts as they are to other local units of government. Yet, school boards are not represented on ACIR. Therefore, they have no voice on these questions or on the recommendations made by the Commission, recommendations which could very well result in a commitment of resources only they control.

Mr. President, it seems clear to me that it is time to recognize through representation on ACIR that school boards are a necessary, important, and equal component of the intergovernmental system.

● Mr. SASSER. Mr. President, I rise to speak in support of Senator PERCY's legislation, S. 2338, passage of this bill will add an important dimension to the very fine work now being done by the Advisory Commission on Intergovernmental Relations. It will add three seats to the Commission to be filled by school board members. This, I believe, long overdue and I commend Senator PERCY for introducing this bill.

A large portion of local government resources are committed to the education function. Spending for schools comprises 36 percent of the total expenditures for local governments, and 44 percent of the total expenditures for local governments. And 44 percent of the total local government workers are employed by school districts. At the State level, too, a large part of the average budget is committed to education.

In fact, the largest single State-local government function is education.

That is why I believe that representatives of the school boards should be seated as voting members of the Advisory Commission that is responsible for the principal research on federalism.

The Commission studies and reports form the basis for bills at the Federal, as well as the State and local, levels of government that determine the direction of the Nation's domestic policy. School district governments should have a voice in these very influential recommendations.

Especially now, when the Advisory Commission of Intergovernmental Relations may be the focal point for policy discussions on the New Federalism alternatives before the Congress, the viewpoint of school district governments should be represented.

So, as a member—now serving my second term—of the Advisory Commission on Intergovernmental Relations, I heartily recommend to my Senate colleagues that they support this important legislation to seat members of school district governments on the Commission. And, as the ranking Democrat on the Intergovernmental Relations Subcommittee in the Senate, I endorse this bill.

I hope that it will have a speedy hearing so that it can be added to the law in time for us to have the invaluable perspective of the Nation's school boards on the New Federalism proposals soon to be presented to the Congress. I certainly depend on the advice of the Tennessee School Boards Association on matters pertaining to education. I would like to take this opportunity to compliment the work of the School Boards Association there.

Thank you very much for this opportunity to speak on behalf of the legislation.●

● Mr. JACKSON. Mr. President, I join Senator PERCY today as a cosponsor of this legislation to include elected school board representatives on the Advisory Commission on Intergovernmental Relations.

The act which established the Commission in 1959 declares its purpose to be to "bring together representatives of the Federal, State, and local governments for the consideration of common problems." I was in the Senate then and provided my support to such a concept because the complexity of modern life even then intensified the need for the fullest cooperation and coordination of activities among all levels of government. That complexity has multiplied, augmenting the need for this intergovernmental alliance.

Most all units and levels of government are represented on the Commission—the President's Cabinet, the Senate and House of Representatives, Governors, State legislatures, and city and county officials. The glaring omission is the local school districts.

More than 94 percent of all local boards are elected. We have close to 45 million students in public schools and nearly 2½ million teachers. More than $100 billion annually runs through school districts. The expenditures are over 35 percent of the total local government budget.

School districts deserve a voice in this intergovernmental system. If we truly mean to revitalize federalism and to locate power, authority, and revenue sources in State governments, we must recognize that school districts represent a very large segment of local government activity. The statistics above point to that.

It is time to add elected school board members to the Commission. I support Senator PERCY's effort to amend the law in this regard.●

● Mr. ROTH. Mr. President, I am pleased to join several of my colleagues today in sponsoring legislation to provide representation for elected school board officials on the Advisory Commission on Intergovernmental Relations (ACIR).

The provision of educational opportunity to all of our people is one of the most important responsibilities of government. Education is a means of improving the quality of life of our citizens today and it is an insurance policy for a healthy society in the future.

Of all of the levels of government in our federal system, it is local jurisdictions, and elected local school boards particularly, that bear the greatest burden of these educational responsibilities. Yet these governments frequently are not adequately represented in policy discussions that significantly affect their role as public educators. The legislation that I am cosponsoring today is an effort to rectify this situation.

The ACIR was established by an act of Congress in 1959 for the purpose of monitoring relationships in our intergovernmental system and recommending ways to improve governmental cooperation and effectiveness. Elected and appointed members of Federal, State, and local governments meet on a quarterly basis to review timely federalism issues, and to seek a more desirable intergovernmental fiscal and power balance. Throughout the course of its 23-year history the Commission has consistently provided excellent research on the nature of our complex intergovernmental system and the findings and recommendations that would do much to improve the effectiveness of the system. At no time in its history, however, has the work of the Commission been more important than at present as we discuss the important New Federalism changes in the roles and responsibilities of Government.

In order for the Commission to be fully effective in this effort, however, it is essential that all major governments be represented in the discussions. This is not the case, however, because of the absence of school board representation at the ACIR table. The proposal that we are introducing today will correct this problem.

Clearly school boards do play a major role in our intergovernmental system today, by virtue of the total size of their expenditures, the number of people they employ and the range of services they provide. Nationwide school boards expend nearly $100 billion on education related activities, representing nearly 30 percent of the State and local total. School boards employ nearly 3 million people across the Nation, almost 40 percent of the State and local total. Moreover, school board activities have a substantial impact on other industries including agriculture and food processing, transportation, construction, and building maintenance and repair.

The addition of school board members to the ACIR will guarantee that these broad education concerns are represented in the Commission's policy discussions, and will afford the other elected officials on the Commission a keener understanding of the concerns faced on a day to day basis of those in the education field.

By adding school board members to the ACIR we will improve the balance of the membership on the Commission and ultimately should improve the balance in the intergovernmental system. I urge my colleagues to support this proposal to expand the ACIR and improve the relationships among the major governments in our federal system.●

By Mr. BENSTEN (for himself, Mr. WALLOP, Mr. RIEGLE, Mr. JACKSON, Mr. CRANSTON, Mr. DODD, Mr. DIXON, Mr. STENNIS, Mr. SARBANES, Mr. ROBERT C. BYRD, Mr. TSONGAS, and Mr. LEVIN):

S. 2345. A bill to amend the Internal Revenue Code of 1954 to permit foreign pension plans to invest in the United States on a nontaxable basis for residential housing financing and investment purposes; to the Committee on Finance.

RESIDENTIAL HOUSING FINANCING AND INVESTMENT

● Mr. BENTSEN. Mr. President, I am introducing legislation today which would amend the Internal Revenue Code to attract new sources of capital for the U.S. housing market. This proposal would allow foreign pension plans to provide funds for residential U.S. real estate without the imposition of U.S. taxes on the income and gains earned by the plans.

The purpose of this proposal is to further assist us in meeting our housing capital needs. Many of the housing and capital formation incentives that are currently being discussed must fit within budgetary restraints, and they may not really add to the overall supply of capital for housing but merely shift capital from one sector to another. This proposal has the advantage of providing new housing capital for this country with little, if any, revenue loss. It identifies and combines two important sources of capital—foreign investment and retirement savings. It would put the United States in a position to derive benefits from the savings of others by having that savings invested here. In this connection, it is estimated that the total funds of pension plans maintained by companies in three countries alone—the United Kingdom, the Netherlands, and Japan—exceeds $200 billion.

My proposal will provide a favorable tax climate for attracting a significant share of new money for the U.S. housing market and it will do so in a way that is consistent with sound tax policy. Specifically, the proposal would eliminate the U.S. tax burden on all types of residential real estate investment by these plans—initial or secondary mortgage financing, holdings of mortgage-backed securities issued by Fannie Mae or Ginnie Mae, and direct investment in new or existing apartment complexes and single or multifamily construction. Since pension plans traditionally invest on a long-term basis, it seems to me that the investments that would be made as a result of this proposal usually would be stable and long-term investments.

Mr. President, this proposal—which represents a new and promising approach to help provide more affordable housing to Americans—is supported by the Democratic Caucus and also has bipartisan interest and support. Significantly, the enactment of the proposal would involve little or no revenue loss. In this regard, it is estimated that, for every $1 billion in new housing investment that is made under the proposal, the cost would be less than $10 million. Surely, this is an insignificant cost for attracting a new source of capital for U.S. housing financing and expansion purposes.

The proposal would exempt eligible foreign pension plans from tax on their income and gains from qualified residential housing investments in the United States. Qualified investments would include all types of residential debt financing customarily made by banks, et cetera, and equity interests in existing or new residential properties. The bill limits the exemption to foreign pension plans that are comparable in structure to U.S. pension plans which, under present law, generally could make such investments on a tax-free basis. Thus, the foreign plans would have to qualify for favorable treatment under the tax laws of the country in which they are organized. They would have to be funded with assets that are segregated from the assets of the employer, and they would have to be maintained primarily to provide retirement benefits for nonresident employees. The bill also includes a technical amendment that is necessary if U.S. life insurance companies are to be able to make qualified housing investments for foreign pension plans on a competitive, tax-exempt basis with banks, et cetera.

In summary, Mr. President, this is a very sensible and attractive proposal to tapping a new source of capital for the U.S. housing market.

Mr. President, I ask unanimous consent to print the bill in the Record immediately following my remarks.

There being no objection, the bill was ordered to be printed in the Record, as follows:

S. 2345

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. RESIDENTIAL REAL ESTATE INCOME OF CERTAIN FOREIGN PENSION PLANS.

(a) In General.—Subpart C of part II of subchapter N of chapter 3 of the Internal Revenue Code of 1954 (relating to withholding of tax on nonresident aliens and foreign corporations) is amended by inserting after section 897 the following new section:

SECTION 898. RESIDENTIAL REAL ESTATE INCOME OF CERTAIN FOREIGN PENSION PLANS.

"(a) In General.—For purposes of this title (and notwithstanding any other provision of such title), gross income does not include income, gains or other amounts derived by an eligible foreign pension plan from qualified investments in residential real property.

"(b) Definitions.—For purposes of this section—

"(1) Eligible Foreign Pension Plan.—The term "eligible foreign pension plan" means a trust, corporation or fund which is formed pursuant to, or as part of, a foreign pension plan which satisfies the following requirements—

"(A) the plan is maintained primarily to provide retirement or similar benefits to employees who are primarily nonresident alien individuals;

"(B) the assets of the plan are segregated from the assets of the employer or employers maintaining the plan pursuant to the laws of the foreign country in which such plan is maintained; and

"(C) under the laws of the foreign country in which the plan is maintained, the plan is exempt from income tax.

"If all of the assets of a trust, corporation or fund are held for the benefit of one or more foreign pension plans described in this paragraph, such trust, corporation or fund shall itself be considered to satisfy the requirements of this paragraph.

"(2) Qualified Investments in Residential Real Property.—The term "qualified investments in residential real property" means—

"(A) investments in qualified residential financing (within the meaning of section 128(d)(3), except for subparagraph (H) thereof, as in effect on January 1, 1982) within the United States, and

"(B) fee ownership or co-ownership of land or improvements thereon (including the ownership or co-ownership of assets through a partnership) and leaseholds of land or improvements thereon, if such land or improvements are designed for use as, or substantially consists of, dwelling units (within the meaning of section 167(k)(3)) within the United States.

"For purposes of this paragraph, stock, or a contract with reserves based on a segregated asset account (described in section 801(g)(1)(B)), shall be considered to be qualified investment in residential real property' if substantially all of the assets of the issuer of the stock, or of the account on which the contract is based, are invested in property described in subparagraphs (A) and (B)."

(b) Conforming Amendment.—Section 805(d) (relating to pension plan reserves of life insurance companies) is amended by adding the following new paragraph:

"(7) issued to an eligible foreign pension plan (within the meaning of section 898(b)(1)) if substantially all of the assets of the account on which such contract is based consist of qualified investments in residential real property described in section 898(b)(2)."

(c) The amendments made by this section shall take effect on January 1, 1982.●

● Mr. **WALLOP**. Mr. President, a little over 1 year ago, I joined with Senator Moynihan in the introduction of a bill which would exempt foreign pension trusts from tax on investment income. Today, I join with Senator Bentsen in the introduction of this bill, which is essentially identical to that which was introduced 1 year ago with one exception. This legislation will allow foreign pension trusts tax-exempt status to the extent that they invest in residential housing in this country.

As was noted when last year's bill, S. 502, was introduced, there is literally hundreds of billions of dollars in foreign pension trusts, with little of that amount being invested in the United States. It is a huge new capital pool, which is left largely untapped. To enable the residential housing market, which is suffering from an unprecedented lull in construction, to take advantage of this resource should be of the highest priority for this Congress. I would ask, however, that the Congress not limit its consideration of this concept to strictly housing, but to explore broadening its provisions to cover a broader sphere of investment opportunities as envisioned when Senator Moynihan and I introduced S. 502 last year.

Mr. President, I would submit that this change in the tax status of foreign pension trusts does not represent a radical departure in U.S. tax policy. Rather, it affords foreign pension trusts the same tax-exempt status that is presently experienced by U.S. pension trusts, provided the trust is a part of a "qualified plan."

In conclusion, I would urge my colleagues on the Senate Finance Committee to give this legislation and S. 502 the benefit of their full consideration. In my estimation, it is a very genuine opportunity to bring new capital into this country for not only residential housing, but a myriad of other investment opportunities. And while I do not feel that those investment opportunities should extend to U.S. farmlands, this invitation to bring new capital into our economy can only assist as we begin our economic recovery.●

By Mr. RIEGLE (for himself, Mr. Jackson, Mr. Baucus, Mr. Robert C. Byrd, Mr. Cranston, Mr. Dixon, Mr. Dodd, Mr. Ford, Mr. Leahy, Mr. Levin, Mr. Melcher, Mr. Randolph, and Mr. Tsongas):

S. 2346. A bill to amend the National Housing Act to provide additional authorization for the Government National Mortgage Association tandem program and to express congressional opposition to certain rescission, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

GOVERNMENT NATIONAL MORTGAGE ASSOCIATION

● Mr. RIEGLE. Mr. President, I am introducing legislation that would implement a portion of the Democratic emergency housing program announced last week by the distinguished Senator from Washington (Mr. Jackson). The major part of this package was incorporated in legislation I introduced yesterday (S. 2327), which would provide a broad economic stimulus to the housing industry.

The legislation I am introducing today would also accomplish stimulus for the housing industry by helping to assure rapid construction of 50,000 units of multifamily rental housing for low-income persons. Funds for these projects have already been appropriated but are the target of a proposed Presidential rescission. If that rescission is accepted, we will lose about 85,000 more jobs in the already depressed housing industry and aggrevate the worsening rental housing shortage in the country.

This legislation would express the sense of Congress that those projects that can go into construction within 12 months should not be rescinded. It also provides an additional $1.2 billion in GNMA tandem funds which will be used to reduce interest rates on these projects.

Mr. President, I ask unanimous consent that the bill be printed at this point in the Record.

There being no objection, the bill was ordered to be printed in the Record, as follows:

S. 2346

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

Sec. 1. (a) The Congress declares that multifamily rental housing projects that have received reservations of funds pursuant to the section 8 new construction or substantial rehabilitation programs, or pursuant to the low-rent public housing programs, and which can begin construction within twelve months of the date of the enactment of this Act, can provide an important stimulus to the housing industry and at the same time relieve rental housing shortages and improve housing opportunities for low-income people;

(b) It is therefore the sense of the Congress that rescissions proposed for these funds should be rejected and that the Secretary should take all reasonable steps to expedite construction of these projects.

Sec. 2. Section 305(c) of the National Housing Act is amended by striking out "$1,100,000,000" and inserting in lieu thereof "$2,300,000,000".●

By Mr. HELMS:

S. 2348. A bill to amend the Federal Meat Inspection Act, the Poultry Products Inspection Act, and the Egg Products Inspection Act to authorize the Secretary of Agriculture to determine the degree of inspection to be conducted in meat, poultry, and egg processing plants, and for other purposes; to the Committee on Agriculture, Nutrition, and Forestry.

MEAT, POULTRY, AND EGG PRODUCTS INSPECTION AMENDMENTS OF 1981

● Mr. HELMS. Mr. President, Thomas Jefferson once remarked:

> I am not an advocate for frequent changes in laws and constitutions. But laws and institutions must go hand in hand with the progress of the Human mind. As that becomes more developed, more enlightened, as new discoveries are made, new truths discovered and manners and opinions change, with the change of circumstances, institutions must advance also to keep pace with the times. We might as well require a man to wear still the coat which fitted him when a boy as civilised society to remain ever under the regimen of their barbarcus ancestors.

Mr. President, Jefferson was right. While we must remain true to essential principles, we should nevertheless allow Government regulations to change as private industry changes in today's dynamic marketplace.

An example may be found in the U.S. Department of Agriculture's system of inspecting food processing facilities. Over the years, many of these meat, poultry, and egg products processing plants have updated and changed through modern technology, and now our system of inspecting such plants should also be updated and changed while maintaining adequate protection for the consumer.

With this in mind, I am today introducing legislation to provide greater flexibility in the U.S. Department of Agriculture's system of inspecting meat, poultry, and egg products processing facilities.

This legislation will remain true to the essential principle of consumer safety, but will allow USDA's inspection system to change to fit the current circumstances of these processing industries.

It will provide the Secretary of Agriculture with discretion to determine the appropriate methods of food processing inspection on a plant-by-plant basis and to reduce the required number of shell egg surveillance visits from four to one per year. Only processing establishments with proven track records of compliance with processing standards and adequate quality control systems will be eligible. Also, this bill is limited to processing only and makes absolutely no change in the inspection requirements for meat and poultry slaughter or eggbreaking establishments.

I strongly endorse the concept of this legislation, but I am open to suggestions of ways to alter the specific language of this measure. For example, I understand that industry groups have expressed certain concerns which I hope will be explored in hearings and addressed in further committee consideration.

I am certainly pleased that this measure has received bipartisan support, with Senator Cochran, Senator Pryor, and Senator Andrews joining me in introducing it. I invite other Members of the Senate to join us as cosponsors. A number of industry groups favor this legislation, and it is actively supported by the administration.

It is worthy of such broad support. This legislation will allow our inspection system to respond to the modern conditions of 1982, in a way which will provide savings for the taxpayer while maintaining adequate protection for the consumer.

Mr. President, I ask unanimous consent that the bill be printed in the Record, along with a summary, a letter from the Secretary of Agriculture, and a joint letter from several industry groups.

There being no objection, the material was ordered to be printed in the Record, as follows:

S. 2348

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Meat, Poultry and Egg Products Inspection Amendments of 1981".

TITLE I—TO AMEND THE FEDERAL MEAT INSPECTION ACT

Sec. 101. Section 1(t) of the Federal Meat Inspection Act (21 U.S.C. 601(t)) is amended by inserting after the phrase "inspected and passed" the phrase, "or prepared in a USDA inspected establishment".

Sec. 102. Section 6 of the Federal Meat Inspection Act (21 U.S.C. 606) is amended by deleting everything before the proviso and inserting in lieu thereof: "That for the purposes hereinbefore set forth, the Secretary shall cause to be made, by inspectors appointed for that purpose, an examination and inspection of meat food products prepared for commerce in any slaughtering, meat-canning, salting, packing, rendering, or similar establishment. Such examination and inspection shall be conducted in such manner and with such frequency as the Secretary deems necessary and in accordance with regulations promulgated under this Act, based on consideration of factors which shall include, (1) the nature and frequency of the establishment's processing operations, (2) the adequacy and reliability of an establishment's product monitoring system, and (3) the establishment's history of compliance with inspection requirements, and such other factors as the Secretary may deem appropriate. All such products found to be not adulterated shall be marked, stamped, tagged, or labeled as "Prepared in a USDA inspected establishment"; and all such products found to be adulterated shall be marked, stamped, tagged, or labeled as "Condemned" and all such condemned products shall be destroyed for human food purposes, as hereinbefore provided. The Secretary may remove inspectors from any establishment which fails to so destroy such condemned meat food products. For the purposes of any examination and inspection, said inspectors shall have access at all times, by day or night, whether the establishment be operated or not, to every part of the establishment."

SEC. 103. Section 7(a) of the Federal Meat Inspection Act (21 U.S.C. 607(a)) is amended by inserting after the phrase "Inspected and passed" wherever it appears the phrase, "or 'Prepared in a USDA inspected establishment'".

SEC. 104. Section 7(b) of the Federal Meat Inspection Act (21 U.S.C. 607(b)) is amended by deleting the phrase "inspected at any establishment under the authority of this title and found to be not adulterated," and inserting in lieu thereof "inspected and passed or prepared in a USDA inspected establishment".

SEC. 105. Section 8 of the Federal Meat Inspection Act (21 U.S.C. 608) is amended by inserting after the phrase "inspected and passed" the phrase, "or 'prepared in a USDA inspected establishment'".

SEC. 106. Section 21 of the Federal Meat Inspection Act (21 U.S.C. 621) is amended by deleting ", or meat food product therefrom,".

TITLE II—TO AMEND THE POULTRY PRODUCTS INSPECTION ACT

SEC. 201. Section 6 of the Poultry Products Inspection Act (21 U.S.C. 455) is amended by redesignating subsection (c) as subsection (d) and inserting a new subsection (c) to read as follows:

"(c) That for the purposes hereinbefore set forth, the Secretary shall cause to be made, by inspectors appointed for that purpose, an examination and inspection of processed poultry products prepared for commerce in each official establishment processing such poultry products. Such examination and inspection shall be conducted in such manner and with such frequency as the Secretary deems necessary and in accordance with regulations promulgated under this Act, based on consideration of factors which shall include, (1) the nature and frequency of the establishment's processing operations, (2) the adequacy and reliability of an establishment's product monitoring system, and (3) the establishment's history of compliance with inspection requirements, and such other factors as the Secretary shall deem appropriate."

TITLE III—TO AMEND THE EGG PRODUCTS INSPECTION ACT

SEC. 301. Section 5(a) of the Egg Products Inspection Act (21 U.S.C. 1034(a)) is amended to read as follows: "For the purpose of preventing the entry into or flow or movement in commerce of, or the burdening of commerce by, any egg product which is capable of use as human food and is misbranded or adulterated, the Secretary, whenever processing operations are being conducted, shall cause to be made, by inspectors appointed for that purpose, an inspection of the processing of egg products, in each plant processing egg products for commerce, unless exempted under Section 15 of this Act. With the exception of egg breaking operations which shall be continuously inspected, such inspection shall be conducted in such manner and with such frequency as the Secretary deems necessary and in accordance with regulations promulgated under this Act, based on consideration of factors which shall include, (1) the nature and frequency of the establishment's processing operations, (2) the adequacy and reliability of an establishment's product monitoring system, and (3) the establishment's history of compliance with inspection requirements, and such other factors the Secretary may deem appropriate. Without restricting the application of the above to other kinds of establishments within its provisions, any food manufacturing establishment, institution, or restaurant which uses any eggs that do not meet the requirements of Section 15(a)(1) of this Act in the preparation of any articles for human food shall be deemed to be a plant processing egg products, with respect to such operations."

SEC. 302. Section 5(d) of the Egg Products Inspection Act (21 U.S.C. 1034(d)) is amended by deleting the words "at least once each calendar quarter" and inserting in lieu thereof "at least once each year".

TITLE IV—EFFECTIVE DATE

SEC. 401. This act shall become effective upon the date of enactment.

SUMMARY

The bill would amend the Federal meat, poultry, and egg products inspection Acts to provide flexibility to the Secretary of Agriculture in determining the degree of inspection to be conducted in processing plants. More specifically, it would make the following changes.

Title I would amend the Federal Meat Inspection Act in the following respects—

(1) the definition of the official inspection legend would be changed to include reference to products "prepared in a USDA inspected establishment". Under current law the official inspection legend refers only to products "inspected and passed".

(2) The current law requirement for examination and inspection of all meat food products prepared for commerce in specified establishments would be changed to authorize the Secretary to adjust the manner and frequency of such examination and inspection at any establishment as the Secretary finds necessary and in accordance with certain requirements specified in regulations. In connection with establishing the level of inspection, the regulations must provide for the Secretary to consider the following factors:

(a) The nature and frequency of the establishment's processing operation;

(b) The adequacy and reliability of the establishment's product monitoring system; and

(c) the establishment's history of compliance with inspection requirements. The Secretary may consider other appropriate factors as well.

[Note: The effect of this amendment would be limited to the examination and inspection of the preparation of meat food products only. The amendment would make no change in the current law requirements for inspection of slaughtering operations.]

(3) The current law requirement that all processed meat products inspected and found to be not adulterated must be marked "Inspected and passed" would be changed to require that such products be marked as "Prepared in a USDA inspected establishment" instead. Certain other technical conforming changes would also be made to make other provisions of the FMIA consistent with the new labeling requirement for processed meat products.

Title II would amend the Poultry Products Inspection Act to authorize the Secretary to adjust the manner and frequency of the examination and inspection conducted at establishments processing poultry products for commerce as the Secretary finds necessary and in accordance with certain requirements to be specified in regulations. The regulations must provide for the Secretary to take into consideration the same three factors described above in connection with the proposed amendment to the FMIA.

[Note: The amendment to the PPIA is functionally the same as the amendment to the FMIA; it likewise would make no change in the inspection requirements for slaughtering operations. The amendment to the PPIA does not change the statutory definition of the inspection legend or include the other conforming changes described for the FMIA, above, because of structural differences between these two statutes. Under the PPIA, all necessary conforming changes in labeling can be made in the regulations without amending the statute.]

Title III would amend the Egg Products Inspection Act in the following respects—

(1) The continuous inspection requirement is changed to authorize the Secretary to adjust the manner and frequency of inspection to be made of the processing of egg products as the Secretary finds necessary except in the case of egg breaking operations, which shall receive continuous inspection. In determining the level of inspection the Secretary is required to give consideration to certain requirements to be specified in the regulations. The regulations must provide for the Secretary to take into consideration the same three factors described above in connection with the proposed amendment to the FMIA. Current law requires that the Secretary provide continuous inspection whenever any egg products processing is conducted for commerce in any plant.

(2) The requirement that the Secretary conduct periodic inspections of the business premises, facilities, inventory, operations, and records of egg handlers is changed to provide for annual inspections in lieu of the current requirement for inspections on a quarterly basis.

DEPARTMENT OF AGRICULTURE,
OFFICE OF THE SECRETARY,
Washington, D.C., February 18, 1982.
Hon. GEORGE BUSH,
President of the Senate,
U.S. Senate, Washington, D.C.

DEAR MR. PRESIDENT: We enclose for the consideration of Congress a draft bill "to amend the Federal Meat Inspection Act, the Poultry Products Inspection Act and the Egg Products Inspection Act to authorize the Secretary of Agriculture to determine the degree of inspection to be conducted in meat, poultry and egg processing plants, and for other purposes."

Under these laws, USDA administers in-plant inspection programs which are designed to assure that consumers receive wholesome, unadulterated meat, poultry and egg products and that these products are properly marked, packaged and labeled. The Department also administers periodic inspection under the shell egg surveillance portion of the Egg Products Inspection Act. This Act requires that all shell egg handlers packing eggs for the ultimate consumer be visited at least once each calendar quarter to assure that eggs which are not fit for human consumption are being destroyed or diverted to nonhuman food use.

Federal involvement in meat inspection began with the Meat Inspection Act of 1890 as the result of concern over the wholesomeness of livestock and the sanitary conditions under which meat products were prepared in this country. Subsequent refinements of this law come with the enactment of the Federal Meat Inspection Act of 1906 and the Wholesome Meat Act of 1967. Combined with the passage of the Poultry Products Inspection Act of 1957, the Wholesome Poultry Products Act of 1968, and the Egg Products Inspection Act of 1970, these Acts, taken as a whole, represent a Federal commitment designed to assure the safety of meat, poultry and egg products distributed to consumers.

In view of the conditions which existed in the meat, poultry and egg industries at the time the major inspection laws were passed, it was determined that an intensive system of inspection was needed. This intensive inspection system involving the daily, on-site presence of inspectors has come to be known as "continuous" inspection. A less intensive, periodic review of other foods is conducted by the Food and Drug Administration under the provisions of the Federal Food, Drug and Cosmetic Act.

During the years in which USDA has conducted its inspection programs, processing methods have evolved from relatively simple procedures such as cutting and boning meat and hand-breaking eggs into highly sophisticated, technologically advanced operations. Food technology, as well as processing and information-gathering techniques, have changed greatly. There are now thousands of processed food products containing a wide range of ingredients. Mass production equipment has been introduced, and there is a greater variety of processes. Improved methods of monitoring processing operations also have been developed. With these innovations, continuous inspection is no longer necessary or practical in every instance.

USDA needs the flexibility to allocate its inspection resources in a way that will deal more efficiently and economically with the many different kinds of inspection situations faced today. Accordingly, the Department is recommending that the statutes authorizing meat, poultry and egg product inspection activities be changed to give the Secretary more discretion in determining appropriate methods of food processing inspection on a plant-by-plant basis and to reduce the required number of shell egg surveillance visits from four to one per year.

Factors to be considered by the Secretary in determining what inspection shall be necessary include: (1) the nature and frequency of the establishment's processing operations, (2) the adequacy and reliability of an establishment's product monitoring system, (3) the establishment's history of compliance with inspection requirements, and such other factors as the Secretary deems appropriate.

Making such changes in the law would continue to assure that all meat, poultry and egg products are safe and wholesome and would contribute toward controlling the cost of Federal meat, poultry and egg product inspection programs. Enactment of this legislation is expected to effect a cumulative $42.5 million savings in inspection activities over the next five years. As contained in the President's fiscal year 1983 budget this measure would reduce outlays by some $3.5 million.

The Office of Management and Budget advises that enactment of this legislation would be in accord with the Administration's program.

An identical letter has been sent to the Speaker of the House of Representatives.

Sincerely,

JOHN R. BLOCK,
Secretary.

NATIONAL BROILER COUNCIL,
Washington, D.C., March 17, 1982.
Hon. JESSE HELMS,
Chairman, Committee on Agriculture, Nutrition, and Forestry, Dirksen Senate Office Building, Washington, D.C.

DEAR MR. CHAIRMAN: We are pleased to have the opportunity to discuss with you legislation which has been developed by the U.S. Department of Agriculture authorizing the Secretary of Agriculture to determine the degree of inspection to be conducted in meat, poultry and egg products processing plants. The "Meat, Poultry and Egg Products Inspection Amendments of 1982" represents an initial but important step toward ending the requirement for continuous inspection in plants which process poultry, meat and eggs.

All U.S. meat and poultry sold in interstate commerce and for export is inspected by USDA prior to and at the point of slaughter. When such product is then processed in an establishment (i.e., made into frankfurters, bologna or the like), it must undergo further continuous reinspection by USDA. We believe that this continuous reinspection is no longer necessary and is an inefficient utilization of inspection resources. The further processing of poultry and meat products has been a highly sophisticated technology, utilizing improved methods of monitoring processing operations and product control. The reliance upon scientific product monitoring will provide more effective controls and safeguards.

The legislation developed by USDA will result in a savings of federal funds (USDA estimates as much as $42.5 million over the next five years), while still providing full consumer protection. The amendments to the poultry, meat and egg products inspection acts are also consistent with the cost-cutting and deregulatory efforts of the administration.

We would hope that you will view the legislation favorably, and take appropriate action toward enactment. During consideration of this legislation and during any hearings that may be held, we will likely be suggesting improvements and refinements to the bill.

In summary, we support USDA's effort to reduce the intensity of reinspection at processed meat, poultry and egg products establishments. We hope that you will be supportive of this effort and receptive to our suggestions for modifications to improve the legislation.

Thank you in advance for your consideration.

Sincerely,

C. MANLY MOLPUS,
President,
American Meat Institute.
DEWEY BOND,
Executive Secretary,
National Meat Canners Association.
LEE CAMPBELL,
President,
Poultry & Egg Institute of America.
GEORGE B. WATTS,
President,
National Broiler Council.
G. L. WALTS,
Executive Vice President,
National Turkey Federation.●

By Mr. DOLE (for himself and Mr. LONG):

S. 2350. A bill to revise subchapter S of the Internal Revenue Code of 1954 (relating to small business corporations); to the Committee on Finance.

THE SUBCHAPTER S REVISION ACT OF 1982

● Mr. DOLE. Mr. President, I am pleased to introduce the Subchapter S Revision Act of 1982. This bill already reflects nearly 5 years of careful study and represents a major step forward in the ongoing Finance Committee simplification project. This bill, which is cosponsored by Senator LONG in this Chamber and is being this day introduced by Chairman ROSTENKOWSKI and Ranking Minority Member CONABLE of the Ways and Means Committee in the House, would make a complete overhaul of subchapter S. This bill will for the first time since this subchapter was enacted in 1958 realize the full congressional intent to permit small businesses to elect to be taxed directly at the shareholder level.

SUBCHAPTER S IS IMPORTANT FOR SMALL BUSINESS

The rules of subchapter S permit election out of the second tier corporate income tax. In the past, however, these rules have been complex and unnecessarily burdensome on taxpayers. Even so, in 1976 over 16 percent of all corporations—a total of 393,000—were subchapter S corporations. This bill would greatly expand the opportunity for the use of subchapter S and remove many of the traps for the unwary that plague the present law.

THE PRINCIPAL IMPROVEMENTS OF THE BILL

I would like to identify three major areas in which the bill would make substantial improvement over present law.

ELIGIBILITY

First, the scope of subchapter S would be greatly expanded by permitting such corporations to receive passive income except in the case of corporations with accumulated earnings and profits. This latter change alone would remove a large volume of the litigation over the qualifying status of subchapter S corporations. Second, the number of shareholders a subchapter S corporation may have will be increased to 35. This will permit a wider contribution of capital to small business, and conform the number of shareholder rules to the numerical limits of federal securities laws for private offerings. Third, for the first time the potential blackmail power of an individual acquiring stock of a subchapter S corporation to terminate the subchapter S election will be terminated. Each of these rules will add substantially to the usefulness of subchapter S corporations.

THE OPERATING RULES

Even more important, however, are the improvements made in the operating rules for qualifying subchapter S corporations. Under present law, the character of income generally does not pass through to shareholders. Thus, for example, municipal bond income becomes taxable if received by a subchapter S corporation. Under the proposed bill, the character of income would be preserved, as in the case of partnerships. Second, income would be allocated to shareholders based upon the portion of a year that they held stock. Not only does this provide a far more accurate allocation of income, it effectively bars one of the most common income shifting abuses available under present law.

A third operating rule worth highlighting is that which permits carryforward of losses. The new rule prevents one of the worst traps for the unwary of present law. Currently, losses of subchapter S shareholders cannot be deducted in excess of a shareholder's basis in stock and debt of the corporation. Even if the corporation incurs a real, economic loss, it may not be deductible. Nor can it be carried forward. While the bill prohibits current deductibility to prevent use of subchapter S corporations as tax shelter vehicles, the bill will permit the carry forward of such deferred losses.

LIMITING ABUSES

Although subchapter S has proved full of pitfalls for the unwary small businessman, it has also offered an unintended bonanza for some sharp tax lawyers. The proposed bill would restore subchapter S to its intended role rather than an alternative vehicle for tax avoidance. Three changes that would be made help realize that goal. First, a simple deferral technique through the use of staggered tax years will be prohibited. Second, the daily income and loss allocation rule will prevent income shifting and the conversion of ordinary income into capital gain. Third, certain special benefits accorded corporations but not appropriate for a passthrough entity are limited.

FURTHER QUESTIONS

I want to emphasize that the bill as introduced clearly needs further technical consideration. A great virtue of the legislative process is that it provides extensive opportunity for public review of proposed laws, and in this case comments from the tax community would be especially valuable.

THE SECTION 385 REGULATIONS

While comments on all aspects of the bill are welcome, I would like to direct attention at two issues particularly. Both existing law and the present bill forbid subchapter S corporations to have more than one class of stock or to have certain types of stockholders. In order for a taxpayer to know whether he has met these requirements, he must know what definition of stock is to apply.

In the case of corporations not under subchapter S, what are sometimes referred to as subchapter C corporations, the courts treat some instruments that are titled debt as if they were stock. This has been known as the "thin capital" doctrine since it first arose in cases where the corporation had almost no regular stock and heavy debt.

The "thin capital" doctrine proved to be very uncertain in operation, and accordingly, Congress in 1969 authorized the Treasury to issue regulations to determine whether interests in a corporation were stock or debt. That proved to be as difficult an assignment for the Treasury as it had been for the courts, and it was over 10 years before proposed regulations were issued. The proposals aroused great controversy and to this date, 12 years after the legislation, have never gone into effect. They are currently being studied and revised by the Treasury.

The question which must be considered is whether a small businessman, in order to know whether his subchapter S election is valid, must test it against this enormously uncertain and unsatisfactory body of law defining "stock" in the context of subchapter C corporations.

The portion of the Internal Revenue Service under existing law was initially that the "thin capital" doctrine did indeed apply to subchapter S, and that position was taken to court in a series of cases. In every one of these cases, however, the "thin capital" doctrine was rejected, and finally the Service announced it would abandon the attempt to treat debt as if it were stock in cases like those it had litigated and lost. Since then the IRS has never taken to court a single case on the issue.

Certain points seem clear to me from this history and from staff review of this matter.

First. After a full-scale revision of subchapter S this matter should be resolved one way or another. Such a major point should not be left to a mere Service announcement as to current litigatory policy.

Second. The rule as finally adopted should in normal cases give the taxpayer the benefit of certainty as to whether he has or has not met the test.

Third. The "thin capital" doctrine as enunciated by the courts or the eventual Treasury regulations on the subject, if and when they are ever finalized, should not as such apply to subchapter S. The considerations which are probably the most important in a subchapter C context are simply not relevant to subchapter S. That is true, for example, of the very element of capital "thinness" itself.

The remaining question is whether the definition of stock in subchapter S can be simply left to the corporate charter or whether certain additional rules or limitations are necessary to prevent unintended tax results. There seems to be general agreement among the tax professionals that some such rules are necessary but there is not consensus as to whether these should or should not be part of the definition of stock, or exactly what the rules should be.

Our conclusion has been that the bill as introduced should simply not attempt to resolve this question, in the belief that introduction of the bill should not be further delayed. A final resolution of the issue will benefit from consideration by the full tax community, outside as well as inside the Government, and we would appreciate all comments on these complex questions.

PASSIVE INVESTMENTS

In general, the bill discards the limitation of present law that subchapter S corporations may not receive substantial passive investment income. An exception applies, however, to subchapter S corporations that have previously been subchapter C corporations and have a substantial earnings and profits account. For that limited class of corporations, the passive investment limitation is retained.

This, like the lack of resolution of the one class of stock issue, is more an admission we believe further consideration is necessary than a recommendation as to the final policy that should be enacted. So here, too, we look forward to receiving the comments of the tax community.●

● Mr. LONG. Mr. President, early in the 96th Congress, the Senator from Kansas (Mr. DOLE), and I announced a program for simplifying and improving the operation of the Internal Revenue Code. Rather than undertake the monumental task of reviewing the entire code at one time, we called for a series of bills, each of which would deal with one area of the tax law.

The first such bill, enacted in 1979 as Public Law 96-167, was limited to several rather technical changes simplifying certain aspects of subtitle F, which contains the procedural provisions of the code.

The next bill was the Installment Sales Revision Act of 1980, which completely revised and improved the tax treatment of an entire area of commercial transactions.

In this Congress our attention in the tax field has been concentrated on legislation to improve the economy. Nevertheless, a valuable side product of the Economic Recovery Tax Act was the substantial simplification of the rules on capital cost recovery and some simplification of the estate and gift taxes.

Now we are introducing another simplification bill covering subchapter S, which deals with corporations taxed on a passthrough basis. The bill as introduced represents an enormous amount of work by the staffs of the tax-writing committees and the Joint Committee on Taxation, as well as by the Treasury and a number of professional organizations and individuals outside the Government.

Subchapter S is an especially appropriate subject for simplification, since until now it has presented many unnecessary traps for the unwary. We hope that the new legislation will remove these traps and make subchapter S a practical choice for businesses who cannot afford the cost of the constant professional tax monitoring required by the present provisions.

The bill is also appropriately timed. The Economic Recovery Tax Act, which reduces the top individual rate to a level not far from the corporate rate and facilitates the use of trusts for holding the corporate stock, will make subchapter S attractive to many more companies. Such businesses should find the rules proposed in the new bill far easier to learn and work with than existing law.

It is also my hope that the professional community will study this proposal in depth and let us have the benefit of their comments. It is not our position that the bill as introduced is a final product which should be enacted immediately in its present form. The legislation involves several difficult technical issues which might be resolved differently. The legislative process affords extensive opportunity for the public to make known its views both to Senators and Representatives individually and through formal testimony at public hearings. Such public participation in the process should be particularly helpful on a bill of this type.●

By Mr. HELMS (by request):

S. 2351. A bill to authorize the Secretary of Agriculture to implement the Agreement on the International Carriage of Perishable Foodstuffs and on the special equipment to be used for such carriage (ATP), and for other purposes; to the Committee on Agriculture, Nutrition, and Forestry.

INTERNATIONAL CARRIAGE OF PERISHABLE FOODSTUFFS ACT

● Mr. HELMS. Mr. President, at the request of the Secretary of Agriculture, John R. Block, I am introducing a bill to implement the provisions of the Agreement on the International Carriage of Perishable Foodstuffs and on the special equipment to be used for such carriage (ATP).

The agreement was developed at the end of World War II under the auspices of the Economic Commission for Europe (ECE), one of the United Nations regional commissions. The ATP came into force on November 21, 1976, and now has 16 signatories: France, West Germany, Spain, Yugoslavia, Denmark, Austria, Italy, Luxembourg, Sweden, Belgium, the Netherlands, Norway, Finland, the United Kingdom, Bulgaria, and the U.S.S.R. Its primary objective is to establish uniform inspection requirements for the transportation equipment that moves perishable foodstuffs across national borders.

On March 20, 1980, the Senate unanimously approved U.S. excision to the treaty. However, before the State Department can actually sign this treaty, legislation must be enacted that would assign responsibility for administration of the treaty to the Secretary of Agriculture. That is the purpose of this bill.

More specifically, the agreement requires that insulated, refrigerated, or heated transportation equipment used to move perishable foodstuffs into contracting states be tested, certified, and marked to insure that such equipment is properly insulated and capable of maintaining a prescribed temperature within the equipment.

Signatory nations to the agreement can and frequently do impose national law on containers belonging to citizens on nonsignatory countries. Although American-owned and operated equipment consistently exceeds the ATP standards and specifications, the failure of this country to become a signatory to the agreement has many times resulted in our equipment being subject to harrassment and transportation delays by signatory governments having slight variances with the United States in their specification requirements.

As a signatory, the United States can invoke article 5 which exempts containers engaged in foreign commerce with sea crossings greater than 150 kilometers. Since this exemption would apply to all U.S. containers, future harassment by other contracting parties under the agreement would be unlikely.

In addition, as soon as the United States becomes a signatory to the agreement and the Department sets up the testing and certification program, manufacturers, owners, and operators of U.S. transport equipment can have their equipment tested and certified in the United States with the assurance that the U.S.-issued certificates will be recognized by all of the contracting parties.

It is important to note that the ATP does not mandate that all temperature-controlled containers be ATP certified. This legislation will simply enable container manufacturers and containership operators to obtain ATP certification if it is needed for operation in Europe.

Finally, as a signatory to the agreement, the United States will also be able to veto any proposed changes to the agreement that would not be in the best interests of the United States.

I ask unanimous consent that the bill and the original transmittal letter from the Secretary of Agriculture be printed in the RECORD at the conclusion of my remarks.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S. 2351

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "International Carriage of Perishable Foodstuffs Act".

FINDINGS AND PURPOSE

SEC. 2. The Congress hereby finds and declares that—

(a) The United States, as a member of the Economic Commission for Europe of the United Nations, participated in development of the ECE Agreement on the International Carriage of Perishable Foodstuffs and on the Special Equipment to be used for such Carriage (ATP), hereinafter referred to as "Agreement";

(b) The Agreement requires that equipment involved in international carriage be inspected, tested, and certified to specified standards and that perishable foodstuffs be maintained at specified temperatures during carriage;

(c) This Act will make it possible for equipment in the United States to be inspected, tested, and certified in accordance with the Agreement and the standards specified therein; and

(d) This Act will improve the conditions for preservation of the quality of perishable foodstuffs during transport, particularly in international trade, which will serve to protect existing trade and promote expansion of trade in perishable foodstuffs.

DEFINITIONS

SEC. 3. As used in this Act—

(a) The term "Agreement" means the Agreement on the International Carriage of Perishable Foodstuffs and on the Special Equipment to be used for such Carriage (ATP), and the Annexes and Appendices thereto, done at Geneva, September 1, 1970, under the auspices of the Economic Commission for Europe of the United Nations.

(b) The term "contracting party" means any country which is eligible under Article 9 of the Agreement and has complied with the terms of said article.

(c) The term "equipment" means the special transport equipment as defined in Annex 1 of the Agreement including but not limited to railway cars, trucks, trailers, semitrailers, and intermodal freight containers which are insulated only, or insulated and equipped with a refrigerating, mechanically refrigerating, or heating appliance.

(d) The term "perishable foodstuffs" means quick (deep)-frozen and frozen food products listed in Annex 2 and food products listed in Annex 3 of the Agreement.

(e) The term "international carriage" means transportation of perishable foodstuffs loaded in equipment in the territory of any country and unloaded in the territory of another country which is a contracting party, where such transportation is by:

(1) rail,

(2) road,

(3) any combination of rail and road, or

(4) sea crossing of less than 150 km, if preceded or followed by one or more land journeys as referred to in (1), (2), and (3) above, and shipped in the same equipment used for such land journey(s) without transloading.

(f) The term "United States" means the fifty States of the United States, the District of Columbia, the Commonwealth of Puerto Rico, Guam, America Samoa, the Virgin Islands of the United States, the Northern Mariana Islands, and any other territory or possession of the United States.

DUTIES OF THE SECRETARY OF AGRICULTURE

SEC. 4. The Secretary of Agriculture shall be the competent authority to implement the Agreement in order to ensure compliance with the standards specified therein and is hereby authorized to—

(a) designate appropriate organizations to inspect and/or test equipment;

(b) issue certificates of compliance in accordance with Annex 1, Appendix 1, paragraph 4 of the Agreement;

(c) prescribe such regulations as may be deemed necessary to implement the Agreement and administer this Act;

(d) make periodic onsite inspections of facilities and procedures used by those seeking certification and by organizations designed to test and/or inspect equipment under this Act;

(e) require submission of reports by those seeking certification and by organizations designated to test and/or inspect equipment under this Act;

(f) require maintenance of records by those seeking certification and by organizations designated to test and/or inspect equipment under this Act, such records to be made available to the Secretary upon request;

(g) inform contracting parties, through the Secretary of State, of all general measures taken in connection with the implementation of the Agreement; and

(h) take such other action as may be considered appropriate to implement the Agreement or administer this Act.

DUTIES OF THE SECRETARY OF STATE

SEC. 5. The Secretary of State, with the concurrence of the Secretary of Agriculture, may take such action as may be considered appropriate to assert and protect the rights of the United States under the Agreement.

FEES FOR TESTING AND INSPECTION

SEC. 6. Any organization designated by the Secretary of Agriculture to inspect or test equipment may establish reasonable fees to cover the costs of inspection or testing, such fees to be payable directly to the organization by those seeking inspection or testing.

AUTHORIZATION FOR APPROPRIATIONS

SEC. 7. There are hereby authorized to be appropriated to the Department of Agriculture for the fiscal year starting October 1, 1982, and for each fiscal year thereafter, such sums are as necessary but not to exceed $100,000 per fiscal year to carry out the provisions of this Act.

DEPARTMENT OF AGRICULTURE,
OFFICE OF THE SECRETARY,
Washington, D.C., April 16, 1981.

Hon. GEORGE BUSH,
President of the Senate,
Washington, D.C.

DEAR MR. PRESIDENT: Transmitted herewith for the consideration of the Congress is a draft bill to implement the Agreement on the International Carriage of Perishable Foodstuffs and on the Special Equipment to be Used For Such Carriage (ATP). That Agreement was developed under the auspices of the Economic Commission for Europe, a subsidiary body of the United Nations. The Senate ratified the Agreement by unanimous vote on March 20, 1980.

The Department of Agriculture recommends the draft bill be enacted.

This bill would provide that the Secretary of Agriculture have prime responsibility within the U.S. Government for administration of the Act and implementation of the Agreement. In essence, the Secretary would set up a program whereby manufacturers and owners of refrigerated ocean-going containers could have their equipment inspected, tested, and certified to the standards in the Agreement, for operation in Europe. Such inspections will be performed by private firms licensed by the Secretary.

The Secretary of State would be authorized to take such actions as required to assert and protect the rights of the United States under the Agreement.

In addition to the draft bill, we have attached a section-by-section analysis which provides further detail and rationale for the bill.

Enactment of this bill would require minimal additional budget authority for the USDA to administer the Act, as indicated in section 6 of the analysis.

The Office of Management and Budget has advised that there is no objection to the presentation of this proposed legislation from the standpoint of the Administration's program.

An identical letter has been sent to the Speaker of the House of Representatives.

Sincerely,

JOHN R. BLOCK,
Secretary.

A bill to implement the Agreement on the International Carriage of Perishable Foodstuffs and on the Special Equipment to be Used For Such Carriage (ATP), and for other purposes

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "International Carriage of Perishable Foodstuffs Act."

SEC. 2. DEFINITIONS

As used in this Act—

(a) "Agreement" means the Agreement on the International Carriage of Perishable Foodstuffs and on the Special Equipment to be Used for Such Carriage (ATP), and the Annexes and Appendices thereto, done at Geneva, September 1, 1970, under the auspices of the Economic Commission for Europe of the United Nations.

(b) "Contracting Party" means any state which: (1) is a member of the Economic Commission for Europe, or is associated with it under paragraphs 8 or 11 of its terms of reference, and (2) has become a Contracting Party to the Agreement in accordance with Article 9 of the Agreement.

(c) "equipment" means the special transport equipment as defined in Annex 1 of the Agreement, to include railroad cars, trucks, trailers, semi-trailers, and intermodal freight containers which are insulated only, or insulated and equipped with a refrigerating, mechanically refrigerating, or heating appliance.

(d) "perishable foodstuffs" means fresh and frozen food products which must be maintained at specified temperatures for the purpose of preserving product quality and prolonging storage life, and includes all those specific foodstuffs listed in Annexes 2 and 3 of the Agreement.

(e) "international carriage" means transportation of perishable foodstuffs loaded in equipment in the territory of any state and unloaded in the territory of another state which is a contracting party, where such transportation is by:

(1) rail,

(2) road,

(3) any combination of rail and road, or

(4) sea crossing of less than 150 km, if preceded or followed by one or more land journeys as referred to in (1), (2), and (3) above, and shipped in the same equipment used for such land journey(s) without transloading.

(f) "United States" means the several states of the United States, the District of Columbia, the Commonwealth of Puerto Rico, Guam, American Samoa, the United States Virgin Islands, the Northern Mariana Islands, and any other territory or possession of the United States.

SEC. 3. APPLICATION OF THE AGREEMENT

(a) The Agreement requires that equipment involved in international carriage be inspected and tested to specified standards, and that the perishable foodstuffs transported be maintained at specified temperatures.

(b) This Act provides for a program sponsored by the U.S. Government, whereby manufacturers and owners of equipment in the United States may have their equipment inspected and tested to the standards in the Agreement.

(c) The United States at the time of deposit of its instrument of accession will, in accordance with the option available under Article 10 of the Agreement, declare that the Agreement does not apply to carriage in the United States.

SEC. 4. DUTIES OF THE SECRETARY OF AGRICULTURE

The Secretary of Agriculture shall:

(a) have basic responsibility for administration of this Act and for implementation of the Agreement by the U.S. Government;

(b) as soon as practicable after the date of enactment of this Act, develop and issue regulations which shall include, but need not be limited to.

(1) procedures for inspecting and testing equipment in accordance with the Agreement,

(2) provisions for delegating to any public or private organization which the Secretary deems appropriate, the functions of inspection and testing of equipment; also the

name and address of each such organization, together with the functions delegated, the period of delegation, and the organization's schedule of fees, shall be published in the Federal Register and otherwise published as appropriate; such organizations may be required by regulation to maintain records which shall be made available to the Secretary upon request; and

(3) delineation of the responsibilities of manufacturers and owners of equipment which participate in the program;

(c) through the Secretary of State, inform the other Contracting Parties to the Agreement of all general measures taken in connection with implementation of the Agreement; and

(d) take such other action as he may consider necessary or appropriate to implement the Agreement.

SEC. 5. DUTIES OF THE SECRETARY OF STATE

The Secretary of State, with the concurrence of the Secretary of Agriculture, may take such action as he may consider necessary or appropriate to assert and protect the rights of the United States under the Agreement.

SEC. 6. AUTHORIZATION AND APPROPRIATION

There are hereby authorized to be appropriated to the Department of Agriculture for the fiscal year ending September 30, 1981, and for each fiscal year thereafter such sums as are necessary to carry out the provisions of this Act.

[Section-By-Section Analysis]

INTERNATIONAL CARRIAGE OF PERISHABLE FOODSTUFFS ACT

Section 2. This section provides definitions for "Agreement," "Contracting Party," "equipment," "perishable foodstuffs," "international carriage," and "United States," as those terms are used in the Act.

Section 3(a). This section sets forth the two basic requirements of the Agreement, (1) that equipment must be inspected and tested to certain standards, and (2) the foodstuffs transported must be kept at specified temperatures.

Section 3(b). This section points out that the inspection and testing program is under the sponsorship of the U.S. Government. Since the Agreement is one between governments, it is inherent that basic responsibility for such programs be vested in the government of each Contracting Party. Also, it should be noted that the Act does not make it mandatory that equipment of U.S. registry be inspected and tested. Rather, it is a matter of choice on the part of manufacturers and owners of equipment who may need such inspection and testing, and resulting certification, for operation in Europe.

Section 3(c). This section provides that, as regards the United States, the Act does not apply to domestic transport operations. The Article 10 referred to was placed in the Agreement at the behest of the United States, as we had no need or desire to apply the Agreement to transport operations in the U.S. The Agreement was developed by the Economic Commission for Europe, primarily to apply to transportation in Europe.

Section 4(a). This section designates the Secretary of Agriculture as the key official within the U.S. Government to have responsibility for administering the Act and implementing the Agreement.

Section 4(b). This section requires the Secretary of Agriculture to issue regulations covering procedures for inspection and testing of equipment. Further, this section authorizes the Secretary to delegate those functions to public or private organizations. In addition, the section requires the Secretary to specify the responsibilities of manufacturers and owners of equipment involved.

Section 4(c). This section requires, in accordance with Article 6, paragraph 1, of the Agreement, that the Secretary of Agriculture keep other Contracting Parties informed of the general measures taken by the United States in implementing the Agreement.

Section 4(d). This section provides authorization to the Secretary of Agriculture to take any other actions as necessary to accomplish the purposes of the Agreement.

Section 5. This section gives authority to the Secretary of State to take actions, with the concurrence of the Secretary of Agriculture, as required in connection with the rights of the United States as a Contracting Party to the Agreement. Mainly, this function would involve communicating to the Secretary-General of the United Nations the official views of the U.S. concerning application of the Agreement, recommended revisions, and related issues.

Section 6. This section provides for funding to the U.S. Department of Agriculture to administer the Act. The office within the USDA which would handle that function would be relatively small, consisting of three persons: One professional engineer, an assistant, and a secretary.

Actual costs for inspection and testing of equipment, including construction and operation of test facilities, will be borne by industry.

Manufacturers and operators of ocean-going refrigerated containers have expressed an urgent need to obtain the required certification to remain competitive with foreign manufacturers and carriers. Therefore, it is recommended that the program be put into effect as soon as possible with proportionate funding for the remainder of fiscal year 1981, and full funding for fiscal year 1982.●

By Mr. HELMS:

S. 2352. A bill to amend the Food Stamp Act of 1977, to improve the administration of the food stamp program and for other purposes; to the Committee on Agriculture, Nutrition, and Forestry.

FOOD STAMP ACT AMENDMENTS OF 1982

● Mr. HELMS. Mr. President, I am today introducing legislation to provide States with the option of establishing their own nutritional assistance programs in place of the food stamp program.

As chairman of the Committee on Agriculture, Nutrition, and Forestry, I constantly hear of the need for greater flexibility in the administration of the food stamp program. This approach will grant significant latitude to the States to tailor their own nutritional assistance programs.

Mr. President, this is a bold, new approach to nutritional assistance which merits the careful consideration and support of my colleagues. It is similar in concept to the block grant approach considered in the Senate several years ago sponsored by Senator Bellmon.

We need not be confined to the debates of the past as to how to manage the food stamp program and control its spiraling cost. Providing the States with the discretion on how to operate their programs will enable those States which wish to strike out in a new direction the option to do so without any coercion to those States who do not want to take such initiatives. This optional block grant approach allows federalism to work at its best, with maximum State flexibility.

The total level of funding for States which continue under the Federal system and for those which adopt the block grant approach is predicated on an authorization level of $10.367 billion—as assumed in the administration's fiscal year 1983 budget request.

States which remain under the Federal food stamp program will also have additional flexibility under the provisions of my bill. At the same time, they will be subject to more accountability for Federal dollars. The rate of overissuances in the current program, 10.5 percent, must not continue unaddressed. States which continue under the federal system would be required to reimburse the Federal Government for all errors in overissuances. State workfare programs would be required for able-bodied recipients. Measures to reduce the program's vulnerability to fraud are also included.

For States continuing under the federal system, it should also be emphasized that very few recipients will experience reduction in benefits on October 1, when these measures are scheduled to take effect. Benefit levels are scheduled to increase each October 1, under current law. If reforms can be scheduled to take effect on October 1—as I am proposing—the net impact on households will be marginal, and rarely result in an actual decrease in benefits received. Rather, benefit increases would be lessened. The provisions of this bill have been carefully studied and I believe are a sensitive approach to the reality of our current budgetary situation.

OPTIONAL BLOCK GRANT

Last year, Congress enacted a block grant for Puerto Rico established at $825 million annually. Under my proposal, States would be permitted to receive the same percentage of funding during fiscal year 1983 which they received during the 12 months ending March 31, 1982, in the form of a block grant.

For instance, my home State of North Carolina currently issues approximately 3 percent of all food stamp benefits issued outside Puerto Rico. Under my proposal, North Carolina would have the option of receiving 3 percent of the fiscal year 1983 authorization level—excluding the portion already designated for Puerto Rico—to operate a food assistance program of its own design in lieu of the Federal food stamp program.

The administration's non-Puerto Rico funding for fiscal year 1983 is $9,541.7 million—the non-Puerto Rico funding during fiscal year 1982 is estimated to be approximately $10.3 billion—this reduction is approximately $800 million—less than 9 percent reduction from fiscal year 1982 levels.

Maximum flexibility would be granted to each State to establish nutritional assistance programs designed to meet the needs of that State. Regulatory involvement by the Department of Agriculture would be minimal. The Department would not be permitted to override State plans of operation which meet the guidelines of the legislation. The General Accounting Office would be authorized to conduct investigations of the use of funds received by the States to insure compliance with the legislation. Provisions incorporated in last year's block grants against discrimination, prohibiting use of funds for construction purposes, and requirements for legislative involvement within the States are incorporated in the legislation as well. Indeed, the formula for the grant and its basic structure are modeled after the block grant provisions of the Omnibus Budget Reconciliation Act of 1981. However, participation in the low-income nutritional assistance block grant would be optional at the discretion of each State.

In addition to this major reform, this legislation would establish increased flexibility for those States which do continue to operate under the Federal program.

I have received numerous comments from local and State administrators who have suggested many of the provisions which are included within this bill. Others have been recommended by the General Accounting Office and decided upon after consultation with the Library of Congress to make the food stamp program more compatible with the aid to families of dependent children program.

This legislation includes alternative means for accomplishing the $2.3 billion in savings which has been proposed by the administration for the fiscal year 1983 budget. While I support the administration's total budget level reductions in the food stamp program, I believe that specific recommendations can be tailored in such a way to save tax dollars with less adverse impact on recipients who are truly in need of assistance.

Among the major proposals for cost savings are:

Requiring States to reimburse the Federal Government for all errors which result in overissuances of food stamp coupons for households. The national overissuance error rate of 10.5 percent among States is unacceptably high, especially in comparison to the lower error rates in programs in which the States share a percentage of the benefit costs—such as aid to families with dependent children and medicaid, 7.3 percent and 5 percent respectively. This proposal results in no reduction in benefits to individuals, but rather requires greater State accountability and repayment for errors. With Federal program costs of $9.5 billion in the 50 States for fiscal year 1983, almost $1 billion will be lost to errors unless this proposal is adopted. I believe the administration's proposal to establish reimbursement for errors above 3 percent is unnecessarily lenient.

Changing the basis of the scheduled October indexing of the thrifty food plan. Current law requires indexing of the thrifty food plan on October 1, 1982, based on the 21 months ending June 30, 1982. I would propose to base that indexing on the 18 months ending March 31, 1982. It should be emphasized that this proposal will result in less of an increase, rather than an actual reduction, in benefits. Indeed, in order to cushion the impact of all reductions, I am proposing October 1, 1982, implementation so that the indexing of the thrifty food plan will substantially offset the practical impact on recipients. Benefits will thus be increased by less than they otherwise would be under current law, but very few recipients will receive any nominal reduction in benefits.

Lowering the gross income limit from 130 percent to 100 percent of the income proverty guidelines. While the action taken last year to restrict program participation to those below 130 percent of poverty was a step in the right direction, I firmly believe that the limitation should be lowered to the poverty level itself. It should be noted that the gross income test adopted last year did not apply to households with elderly or disabled members, and my proposal would not alter those separate income guidelines.

Requiring each State to implement a workfare program for able-bodied food stamp recipients, or, in lieu of implementing workfare, reimbursing the Federal Government for 5 percent of the benefits issued within that State. It is certainly clear that American taxpayers do not begrudge paying for food assistance for households who are truly unable to provide for themselves. However, the continued and prolonged presence of able-bodied persons on the food stamp rolls cannot be afforded.

Lowering the earned income deduction from 18 percent of earnings to 15 percent of earnings. While the Department's statistics indicate that households are overcompensated for work-related expenses, I believe that the bulk of savings resulting from the administration's recommended total elimination can more wisely be accomplished through other proposals outlined above.

Increasing the benefit reduction rate from present 30 percent to 33.3 percent. This is the amount by which benefits are reduced for each additional dollar of income received by the household. The benefit reduction rate is supposed to be that percentage of income which is spent on food. The 30-percent figure was arrived at many years ago as a rounding down from one-third of household income. The benefit reduction rate is a reasonable focus for reform, but I believe that 33.3 percent is both a more accurate and preferable figure than the 35 percent recommended by the administration.

Counting the value of energy assistance received by food stamp households as income. The financial situation of food stamp households is currently understated by excluding the value of energy assistance benefits paid to, or on behalf of, the household.

Eliminating the $10 minimum benefit currently available to one- and two-person households. Current law provides that one- and two-person same households may receive $10 in benefits if they are eligible to participate even if they are actually entitled to only $2, $5 or so per month. Indeed, 50 percent of all minimum benefit households were actually entitled to no benefits and yet received $10 anyway. This amendment is designed to eliminate the $10 minimum and provide no more than the exact amount to which the household is due.

Other proposals, specifically aimed at areas of fraud, are:

Establishing, at State option, systems for recovering overpayments in food stamps through offset procedures against both Federal income tax refunds and unemployment compensation benefits which might otherwise be due to recipients or former recipients. Present law provides for means of collecting overissuances from households who continue to participate in the program through offsetting future benefits to recover the overissuance. However, households who are no longer participating in the program are often not forced to repay such overissuances. This provision would permit States to recover such overissuances through the Federal tax system and unemployment compensation benefits and parallels a similar provision adopted in the Omnibus Budget Reconciliation Act of 1981 which required such offsets for delinquent child support payments in the AFDC program.

Prohibiting an increase in food stamp benefits as a result of income lost in other programs due to a penalty. Benefit levels in the food stamp program are primarily a function of income. At the present time when an AFDC household's income is reduced in order to collect a prior overissuance due to fraud, food stamp benefits are actually increased. Several State investigators have noted that this anomaly serves to undermine the effectiveness of the AFDC sanction and to increase food stamp costs.

Establishing minimum disqualification periods for stores which violate the Food Stamp Act. Presently stores which sell ineligible merchandise for food stamps are suspended from participation in the program for as little as 30 to 90 days. Over half of the inspections made by the Office of Compliance of the Department of Agriculture notice that retail store fraud is just as serious as recipient fraud. Upon a first violation, a store would be suspended for 6 months to 5 years, 12 months to 10 years for a second violation, or permanently for a third violation, or any violation involving trafficking in food stamp coupons or authorization to purchase cards.

Establishing "expedited services" as a State option, for food stamp applicants, and eliminating current Federal requirement for expedited services provisions. Many States experience both significant fraud and administrative difficulties from having to process and issue benefits to some recipients within 3 days as required under expedited services provisions of current law. This legislation would remove this requirement and establish instead a State option with income and assets guidelines for eligibility.

Mr. President, I ask unanimous consent that a section-by-section summary of the bill be printed in the Record at the conclusion of my remarks.

There being no objection, the material was ordered to be printed in the Record, as follows:

Food Stamp Act Amendments of 1982

(Summary of Provisions)

TITLE I—DEFINITIONS

Section 101. Dine-out establishments. Eliminate the eligibility of restaurants to redeem food stamps (currently permitted for some elderly and disabled participants).

Section 102. Households. Defines household as any individual or group of individuals who live together and purchase food and prepare meals for home consumption. Elderly and disabled parents would continue to be permitted to apply as separate households. States would be granted the option of establishing criteria for individuals who live together to demonstrate that they do not purchase food or prepare meals together.

Section 103. Street vendors and specialty shops. Restricts house-to-house trade routes—so-called "rolling stores"—to rural areas; would be eliminated in urban areas.

Eliminates specialty shops which sell predominantly one food product line, for instance, bakeries, seafood and meat markets.

Section 104. Sale of accessory, snack, or dessert food items. Adds snack and dessert food items to the list of items excluded from food sales when determining eligibility of retail stores to participate in the program.

Section 105. Thrifty food plans. Changes the base period for updating the thrifty food plan in October of each year to the 18 months ending March 31, 1982, the 12 months ending March 31, 1983, and the 15 months ending June 30, 1984.

TITLE II—ELIGIBLE HOUSEHOLDS

Section 201. Income standards of eligibility. Lowers from 130 percent to 100 percent of the income poverty guidelines the gross income limit for most food stamp households. Households containing an elderly or disabled member would continue under the current income limitation.

Section 202. Nonrecurring lump-sum payments. Counts nonrecurring lump-sum payments as income in the month received. Amounts above 100 percent of poverty would be applied toward future months to determine length of ineligibility.

Section 203. Energy Assistance Payments. Energy assistance (Federal, State, and local) would be counted as income by households receiving such assistance.

Section 204. Standard deductions. Indexing of the standard deduction—presently $85—would be eliminated rather than resuming on July 1, 1983, as permitted under current law.

Section 205. Earned income deductions. Lower from 18 percent to 15 percent the earned income deduction.

Section 206. Payment of excess shelter expenses. Requires the use of actual paid utility expenses, rather than a standard utility deduction, when determining eligibility and benefit levels.

Section 207. Adjustment of excess shelter expense deductions. Indexing of the dependent care/excess shelter expense deduction—presently $115—would be eliminated rather than resuming on July 1, 1983, as permitted under current law.

Section 208. Social Security Act resources test. States would have the option of using (1) the assets test from the SSI program for households containing elderly and disabled, and (2) the AFDC assets test for the remainder of the food stamp caseload.

Section 209. Resource regulations. Eliminates the requirement that the Secretary follow regulations in force on June 1, 1977 when setting assets limitations for food stamp households, and thus allow for updating regulations and coordinating with other programs, such as AFDC.

Section 210. Financial resources. Limits the property which a participating household may exclude from being counted as resources to one home and surrounding lot (not to exceed 10 acres in a rural area). Would also establish compatible treatment with AFDC program by counting the cash value of life insurance policies, any pension program, and individual retirement accounts owned by applicants and recipients as assets available to the household.

TITLE III—ELIGIBILITY DISQUALIFICATIONS

Section 301. Expanded job search. Authorizes job search at the time of application for benefits.

Section 302. Period of ineligibility. Increases from sixty days to six months the disqualification period from participating in the program for households voluntarily quitting a job.

Section 303. Public employee strikers. Establishes that public employee strikers who are terminated from their employment because of their participation in an illegal strike be deemed to have voluntarily quit their jobs, and would thus be ineligible to participate in the food stamp program for six months, as specified in section 302.

Section 304. Parents and caretakers of children. Requires that a second parent in a household register for work when the youngest child reaches age 6. Currently the second parent is not required to register until the child reaches age 18.

Section 305. College students. Eliminates from eligibility to participate all college students between 18 and 60 who are mentally and physically fit.

Section 306. Hours of employment. Increases from 30 hours per week to 150 hours per month the minimum number of hours of work which would exempt a head of household from registering for work.

Section 307. Aliens. Requires that all income and assets of an ineligible alien count in a household's eligibility process, not just a pro-rata share as under current law.

TITLE IV—ISSUANCE AND USE OF COUPONS

Section 401. Cash change. Eliminates the issuance of cash change for amounts less than $1.00 (already prohibited for amounts over $1.00).

TITLE V—VALUE OF ALLOTMENT

Section 501. Benefit reduction rate. Increases from 30 percent to 33.3 percent the benefit reduction rate, the amount by which food stamp benefits are reduced for each additional dollar of counted income.

Section 502. Minimum allotment. Eliminates the $10 minimum benefit for one and two person households provided under current law. Households would receive no more than the exact amount to which they are entitled—the same as households larger than one and two person households.

Section 503. Income for other purposes. Removes the current law prohibition on counting food stamps as income for purposes of determining eligibility or benefit levels in other programs. Also permits taxation of benefits wrongfully received.

Section 504. Value of allotment for initial month. Clarifies that pro-rating of benefits for households also applies in any month of recertification. Pro-rating is already provided for initial month of participation in the program.

Section 505. Noncompliance with other programs. Prohibits foods stamp households from receiving an increase in benefits as the result of reduction in income from another welfare or public assistance program caused by failure to comply with requirements of the other program.

TITLE VI—APPROVAL OF RETAIL FOOD STORES

Section 601. Renewal of certificates of approval. Establishes license fee for retail stores to participate in the food stamp program of 1% of food stamp redemptions on $100, whichever is greater. States operating workfare programs would be permitted to receive 50% of the amount collected to be used for expenses associated with operating a workfare program.

Section 602. Bonds. Establishes the requirement that retail stores be bonded to cover the value of coupons which they accept and redeem in violation of the law.

TITLE VII—ADMINISTRATION

Section 701. Approval of State plan of operation. Prohibits the Secretary from requiring States to submit all printed material for approval before use by a State.

Section 702. Points and hours of certification and issuance. Eliminates the Secretary's authority to establish regulations for locations and hours of operation for certification and issuance offices within each State.

Section 703. Eligibility determinations. Requires States to verify income and household size, and other factors which by regulation the Secretary may require. Also permits States to verify additional factors, at State discretion.

Section 704. Representation of individuals. Restricts recipients for whom "authorized representatives" are permitted to heads of household who are elderly, blind, disabled, or employed full time.

Section 705. Disclosure of information. Permits the disclosure of the name, address, and benefit amounts of household receiving food stamps.

Section 706. Expedited coupon issuance. Eliminates the Federal requirement for "expedited services" for certain households. States would have the option of establishing expedited service processing in cases where gross income is under $85 and assets are under $100.

Section 707. Prompt reduction or termination of benefits. Permits a State agency to take immediate action to reduce or terminate a household's benefits if the agency receives clear, written information from the household that indicates such a benefit reduction or termination is required. Currently, State agencies must provide 10 days notice before taking any action to reduce or terminate benefits even when a household reports the change itself or request termination.

Section 708. Bilingual personnel and printed material. Removes Federal requirement for bilingual personnel and material; the use of bilingual personnel and material would be made optional, at the discretion of the States, rather than mandatory as under current law.

Section 709. Duplication of coupons and alternative assistance. Requires States which operate programs in which portions of the caseload have been "cashed out" (meaning the food stamp portion has been added as a cash payment onto another benefit program) to match the benefit rolls from their cashed-out program with their food stamp program to determine any duplicate recipients on a quarterly basis.

Section 710. Liens on homes. Permits States to impose liens against houses or other property owned by household members (which exceeds the average value within the State) in order to recoup a portion of the benefits received by the household when the property is transferred and no member of the recipient household is living in the home. States would retain 50% of all recoveries.

Section 711. Optional certification systems. Permits, rather than requires, States to use joint application processing for various groups of households, such as public assistance, SSI, etc.

Section 712. Interest and dividend income. Permits the Secretary, after consultation with the Inspector General, to require States to match the food stamp rolls with names of individuals receiving interest and dividend income (available under the Internal Revenue Code) for purposes of detecting unreported income or assets.

TITLE VIII—CIVIL MONEY PENALTIES AND DISQUALIFICATION OF RETAIL FOOD STORES

Section 801. Amount of penalty and length of disqualification. Increases penalties for retail stores which violate the Food Stamp Act. First violation, disqualification for 6 months to 5 years; second violation, disqualification for 12 months to 10 years; third violation, or any violation based on purchase of coupons or trafficking in coupons or authorization cards, permanent disqualification.

TITLE IX—COLLECTION AND DISPOSITION OF CLAIMS

Section 901. Food stamp intercept of unemployment benefits. Permits States to establish systems for intercepting unemployment compensation benefits from households who owe uncollected overpayments in the food stamp program. States could retain 50 percent of such recoveries.

Section 902. Food stamp intercept of Federal tax refunds. Permits States to submit names of individuals who have not repaid uncollected overissuances to the Internal Revenue Service. The IRS would subtract the amount owed before issuing any tax refund to such individuals. The States could retain 50 percent of such recoveries.

TITLE X—ADMINISTRATIVE COST-SHARING AND QUALITY CONTROLS

Section 1001. Alternative means of collecting overissuances. Specifies that State agencies may retain 50 percent of all overissuances which are recovered—either through procedures specifically designated in the Food Stamp Act or by State procedures.

Section 1002. State agency liability for errors. Requires that States reimburse the Federal Government for all errors in the food stamp program—as determined by the quality control data—which may be assessed on a monthly, quarterly, semiannually, or annual basis, at the discretion of the Secretary of Agriculture.

TITLE XI—AUTHORIZATION FOR APPROPRIATIONS

Section 1101. Authorization extension. Extends the authorization for the food stamp program for fiscal year 1983 at $10.337 billion, the level included in the President's 1983 budget, including the $825 million block grant for Puerto Rico.

TITLE XII—WORKFARE

Section 1201. Similar workfare programs. Specifies that States may use the administrative structure and operating procedures of another workfare program which meets the guidelines specified by the Secretary. Specifically allows States to use a workfare program set up in connection with the Aid to Families with Dependent Children program. The work obligation of the recipient would not be diminished, but rather the State could operate a consolidated workfare program instead of establishing a separate one specifically for food stamps.

Section 1202. Mandatory program. Requires States to establish workfare programs for able-bodied recipients, or to pay 5 percent of the monthly benefit costs of food stamps issued within that State.

Section 1203. College Students. Removes the current exemption from workfare participation for college students.

Section 1204. Hours of employments. Establishes 40 hours of workfare per week as maximum, or 40 hours in combination with any other form of work for compensation (in cash or in kind).

TITLE XIII—STATE BLOCK GRANT OPTION

Section 1301. State block grant option. Provides each State the option of receiving at the outset of the fiscal year the same percentage of the FY 1983 appropriations as that which the State received during the 12 months ending March 31, 1982 to operate a low income nutritional block grant within that State.

States would have the flexibility to design their own programs without interference from the Department of Agriculture. The General Accounting Office would be authorized to perform investigations to ensure that States comply with the Act. Funds could not be used for construction. Legislative involvement would be required.

TITLE XIV—MISCELLANEOUS

Section 1401. Institutional individuals. Prohibits participation by residents of drug addiction and alcoholic treatment and rehabilitation programs and removes their exemption from work registration and workfare obligations.

Section 1402. Rounding rules to round down to the nearest whole dollar the calculations of the thrifty food plan and individual household allotments.

Section 1403. Studies. Eliminates requirement for studies which have already been completed by the Department on the following subjects: improving the asset standards, the effect of eliminating the purchase requirement, recovering food stamp benefits from households whose calendar year income was more than twice the income standard, and the basis for indexing the food stamp program.

Section 1404. Wholesale food concerns. Eliminates wholesalers from eligibility to participate in the food stamp program.

TITLE XV—EFFECTIVE DATES

Section 1501. Effective dates. Provides that all changes made by 1981 legislation—Ominbus Budget Reconciliation Act and Agriculture and Food Act—and this bill will be effective by October 1, 1982.

S. 2352

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SHORT TITLE; TABLE OF CONTENTS

SECTION 1. (a) This Act may be cited as the "Food Stamp Act Amendments of 1982".

(b) The table of contents for this Act is as follows:

TABLE OF CONTENTS

Sec. 1. Short title; table of contents.
Sec. 2. References to the Food Stamp Act of 1977.

TITLE I—DEFINITIONS

Sec. 101. Dine-out establishments.
Sec. 102. Households.
Sec. 103. Street vendors and speciality shops.
Sec. 104. Sale of accessory, snack, or dessert food items.
Sec. 105. Thrifty food plans.

TITLE II—ELIGIBLE HOUSEHOLDS

Sec. 201. Income standards of eligibility.
Sec. 202. Nonrecurring lump-sum payments.
Sec. 203. Energy assistance payments.
Sec. 204. Standard deductions.
Sec. 205. Earned income deductions.
Sec. 206. Payment of excess shelter expenses.
Sec. 207. Adjustment of dependent care and excess shelter expense deductions.
Sec. 208. Social Security Act resources test.
Sec. 209. Resource regulations.
Sec. 210. Financial resources.

TITLE III—ELIGIBILITY DISQUALIFICATIONS

Sec. 301. Expanded job search.
Sec. 302. Period of ineligibility.
Sec. 303. Public employee strikers.
Sec. 304. Parents and caretakers of children.
Sec. 305. College students.
Sec. 306. Hours of employment.
Sec. 307. Aliens.

TITLE IV—ISSUANCE AND USE OF COUPONS

Sec. 401. Cash change.

TITLE V—VALUE OF ALLOTMENT

Sec. 501. Benefit reduction rate.
Sec. 502. Minimum allotment.
Sec. 503. Income for other purposes.
Sec. 504. Value of allotment for initial month.
Sec. 505. Noncompliance with other programs.

TITLE VI—APPROVAL OF RETAIL FOOD STORES

Sec. 601. Renewal of certificates of approval.
Sec. 602. Bonds.

TITLE VII—ADMINISTRATION

Sec. 701. Approval of State plan of operation.
Sec. 702. Points and hours of certification and issuance.
Sec. 703. Eligibility determinations.
Sec. 704. Representation of individuals.
Sec. 705. Disclosure of information.
Sec. 706. Expedited coupon issuance.
Sec. 707. Prompt reduction or termination of benefits.
Sec. 708. Bilingual personnel and printed material.
Sec. 709. Duplication of coupons and alternative assistance.
Sec. 710. Liens on homes.
Sec. 711. Optional certification systems.
Sec. 712. Interest and dividend income.

TITLE VIII—CIVIL MONEY PENALTIES AND DISQUALIFICATION OF RETAIL FOOD STORES

Sec. 801. Amount of penalty and length of disqualification.

TITLE IX—COLLECTION AND DISPOSITION OF CLAIMS

Sec. 901. Food stamp intercept of unemployment benefits.
Sec. 902. Food stamp intercept of Federal tax refunds.

TITLE X—ADMINISTRATIVE COST-SHARING AND QUALITY CONTROLS

Sec. 1001. Alternative means of collecting overissuances.
Sec. 1002. State agency liability for errors.

TITLE XI—AUTHORIZATION FOR APPROPRIATIONS

Sec. 1101. Authorization extension.

TITLE XII—WORKFARE

Sec. 1201. Similar workfare programs.
Sec. 1202. Mandatory program.
Sec. 1203. College students.
Sec. 1204. Hours of employment.

TITLE XIII—STATE BLOCK GRANT OPTION

Sec. 1301. State block grant option.

TITLE XIV—MISCELLANEOUS

Sec. 1401. Institutional individuals.
Sec. 1402. Rounding down.
Sec. 1403. Studies.
Sec. 1404. Wholesale food concerns.

TITLE XV—EFFECTIVE DATES

Sec. 1501. Effective dates.

REFERENCES TO THE FOOD STAMP ACT OF 1977

SEC. 2. Except as otherwise specifically provided, whenever in this Act an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of the Food Stamp Act of 1977 (7 U.S.C. 2011 et seq.).

TITLE I—DEFINITIONS

DINE-OUT ESTABLISHMENTS

SEC. 101. Section 3(f)(3) (as redesignated by section 1401(a) of this Act) is amended by striking out "private establishments" and all that follows through "prices,".

HOUSEHOLDS

SEC. 102. Section 3(h) (as redesignated by section 1401(a) of this Act) is amended—

(1) by striking out "or who, while living with others," in clause (1) of the first sentence and inserting in lieu thereof "and";

(2) by striking out "separate and apart from the others, or" in clause (1) of the first sentence and inserting in lieu thereof a comma;

(3) by striking out "together" the second time it appears in clause (2) of the first sentence;

(4) by inserting before the period at the end of the first sentence the following: ", or (3) at the option of the State agency, one or more individuals who while living with others, customarily purchase food and prepare meals for home consumption separate and apart from the others"; and

(5) by inserting after the first sentence the following new sentence: "Subject to the limitation of clause (2) relating to parents and children who live together, a State agency may prescribe criteria to determine whether one or more individuals who while living with others, customarily purchase food and prepare meals for home consumption separate and apart from the others qualify as a household under clause (3) of the preceding sentence.".

STREET VENDORS AND SPECIALITY SHOPS

SEC. 103. Section 3(j)(1) (as redesignated by section 1401(a) of this Act) is amended—

(1) by inserting ", in a rural area, a" after "thereof or"; and

(2) by inserting "a variety of" after "consists of".

SALE OF ACCESSORY, SNACK, OR DESSERT FOOD ITEMS

SEC. 104. Section 3(j)(1) (as redesignated by section 1401(a) of this Act) is amended by inserting after "spices," the following: "snack food items, such as potato chips, pretzels, and popcorn, and dessert food items, such as cakes, pies, cookies, and pastries,".

THRIFTY FOOD PLANS

SEC. 105. Section 3(n) (as redesignated by section 1401(a) of this Act) is amended by striking out "(6)" and all that follows through "twelve months ending the preceding June 30" and inserting in lieu thereof: "(6) on October 1, 1982, adjust the cost of such diet to the nearest dollar increment to reflect changes in the cost of the thrifty food plan for the eighteen months ending the preceding March 31, 1982, (7) on October 1, 1983, adjust the cost of such diet to the nearest dollar increment to reflect changes in the cost of the thrifty food plan for the twelve months ending the preceding March 31, (8) on October 1, 1984, adjust the cost of such diet to the nearest dollar increment to reflect changes in the cost of the thrifty food plan for the fifteen months ending the preceding June 30, and (9) on each October 1 thereafter, adjust the cost of such diet to the nearest dollar increment to reflect changes in the cost of the thrifty food plan for the twelve months ending the preceding June 30".

TITLE II—ELIGIBLE HOUSEHOLDS

INCOME STANDARDS OF ELIGIBILITY

SEC. 201. Section 5(c)(2) (7 U.S.C. 2014(c)(2)) is amended by striking out "130 per centum" and inserting in lieu thereof "100 per centum".

NONRECURRING LUMP-SUM PAYMENTS

SEC. 202. (a) Section 5(d) (7 U.S.C. 2014(d)) is amended by striking out clause (8) and redesignating clauses (9), (10), and (11) as clauses (8), (9), and (10), respectively.

(b) Section 5(f)(1) (7 U.S.C. 2014(f)(1)) is amended—

(1) by inserting ", other than income of the type described in subparagraph (C)," after "one year" in subparagraph (A); and

(2) by adding at the end thereof the following new subparagraph:

"(C) Household income for those households that receive income in the form of nonrecurring lump-sum payments, including, but not limited to, income tax refunds, rebates, or credits, retroactive lump-sum social security or railroad retirement pension payments, and retroactive lump-sum insurance settlements, shall be income of the household in the month received. The household shall be ineligible for participation in the food stamp program for the whole number of months that equals (i) the sum of such amount and all other income received in such month, not excluded under subsection (d), divided by (ii) the nonfarm income poverty guidelines applicable to such household. Any income remaining (which amount is less than the applicable monthly standard) shall be treated as household income received in the first month following the period of ineligibility determined under the preceding sentence.".

ENERGY ASSISTANCE PAYMENTS

SEC. 203. (a) Section 5(d) (7 U.S.C. 2014(d)) (as amended by section 202(a) of this Act) is amended—

(1) by inserting "and" after the comma at the end of clause (8); and

(2) by striking out the comma after "program" in clause (9) and all that follows through "to do so" at the end of clause (10).

(b) Section 2605(f) of the Low-Income Home Energy Assistance Act of 1981 (42 U.S.C. 8624(f)) is amended—

(1) by striking out "food stamps,"; and

(2) by inserting ", other than the Food Stamp Act of 1977" before the period at the end thereof.

STANDARD DEDUCTIONS

SEC. 204. Section 5(e) (7 U.S.C. 2014(e)) is amended by striking out the second sentence thereof.

EARNED INCOME DEDUCTIONS

SEC. 205. The third sentence of section 5(e) (7 U.S.C. 2014(e)) is amended by striking out "18 per centum" and inserting in lieu thereof "15 per centum".

PAYMENT OF EXCESS SHELTER EXPENSES

SEC. 206. Clause (2) of the fourth sentence of section 5(e) (7 U.S.C. 2014(e)(2)) is amended by striking out "expended" and inserting in lieu thereof "actually paid".

ADJUSTMENT OF DEPENDENT CARE AND EXCESS SHELTER EXPENSE DEDUCTIONS

SEC. 207. The fourth sentence of section 5(e) (7 U.S.C. 2014(e)) is amended by striking out "adjusted" and all that follows through "twelve months ending the preceding June 30," in the proviso.

SOCIAL SECURITY ACT RESOURCES TEST

SEC. 208. Section 5(g) (7 U.S.C. 2014(g)) is amended—

(1) by striking out "The" in the first sentence and inserting in lieu thereof: "(1) Subject to paragraph (2), the"; and

(2) by adding at the end thereof the following new paragraph:

"(2)(A) In lieu of the resource limitations provided for in paragraph (1), a State may, if it so elects, establish resource limitations provided for in subparagraph (B).

"(B)(i) In the case of a household which includes an individual who is—

"(I) entitled to supplementary security income benefits under title XVI of the Social Security Act;

"(II) receiving aid or assistance under a State plan approved under title I, X, XIV, or XVI of the Social Security Act;

"(III) 60 years of age or older; or

"(IV) entitled to benefits under title II of the Social Security Act on account of blindness or disability,

the resource limitations applicable under the supplemental security income program shall apply. If such household consists of only one member, the limitation under section 1611(a)(1)(B)(ii) of the Social Security Act (relating to an individual having no spouse with whom he is living) shall apply. If such household consists of more than one member, the limitation under section 1611(a)(2)(B) of such Act (relating to an individual who has an eligible spouse) shall apply.

"(ii) In the case of any household not described in clause (i), the resource limitations applicable to households of the same size as such household under the State's plan approved under part A of title IV of the Social Security Act shall apply.

"(iii) A State may elect to use the resource limitation established under clause (i) only, clause (ii) only, or both such clauses. The choice by a State to use the resource limitation under this paragraph in lieu of the limitation under paragraph (1) shall be uniform throughout the State.".

RESOURCE REGULATIONS

Sec. 209. The second sentence of section 5(g)(1) (7 U.S.C. 2014(g)(1)) (as amended by section 208 of this Act) is further amended by striking out ", in prescribing" and all that follows through "addition,".

FINANCIAL RESOURCES

Sec. 210. The second sentence of section 5(g)(1) (7 U.S.C. 2014(g)(1)) (as amended by section 208 of this Act) is further amended—

(1) by striking out "and" after "vacation purposes,"; and

(2) by inserting after "$4,500," the following: "any real property (other than a dwelling owned by a member of the household, the lot upon which the dwelling is situated, and, in rural areas, any real property not in excess of ten acres), any savings or retirement accounts (including individual retirement accounts), and the cash value of any life insurance policies and pensions,".

TITLE III—ELIGIBILITY DISQUALIFICATIONS

EXPANDED JOB SEARCH

Sec. 301. Section 6(d)(1) (7 U.S.C. 2015(d)(1)) is amended by inserting ", which may include a requirement that such reporting and inquiry commence at the time of application for assistance" after "Secretary" in clause (ii).

PERIOD OF INELIGIBILITY

Sec. 302. Section 6(d)(1) (7 U.S.C. 2015(d)(1)) is amended by striking out "sixty days" in the proviso in clause (iii) and inserting in lieu thereof "six months".

PUBLIC EMPLOYEE STRIKERS

Sec. 303. Section 6(d)(1) (7 U.S.C. 2015(d)(1)) is amended by adding at the end thereof the following new sentence: "An employee of the Federal Government, or State or political subdivision, who engaged in a strike against the Federal Government, a State, or political subdivision, as the case may be, and is dismissed from his job because of his participation in the strike shall be considered to have voluntarily quit such job without good cause.".

PARENTS AND CARETAKERS OF CHILDREN

Sec. 304. Section 6(d)(2) (7 U.S.C. 2015(d)(2)) is amended by striking out clause (C) and redesignating clauses (D), (E), and (F) as clauses (C), (D), and (E), respectively.

COLLEGE STUDENTS

Sec. 305. (a) Section 6(d)(2) (7 U.S.C. 2015(d)(2)) (as redesignated by section 304 of this Act) is amended by striking out clause (C) and redesignating clauses (D) and (E) as clauses (C) and (D), respectively.

(b) Section 6(e) (7 U.S.C. 2015(e)) is amended—

(1) by inserting "and" at the end of clause (1);

~~(2) by striking out "at least half-time" in~~ clause (2); and

(3) by striking out the comma at the end of clause (2) and all that follows through "amended".

HOURS OF EMPLOYMENT

Sec. 306. Clause (D) of section 6(d)(2) (as redesignated by section 305(a) of this Act) is amended to read as follows: "(D) employed a minimum of one hundred and fifty hours per month.".

ALIENS

Sec. 307. The last sentence of section 6(f) (7 U.S.C. 2015(f)) is amended by striking out "(less a pro rata share)".

TITLE IV—ISSUANCE AND USE OF COUPONS

CASH CHANGE

Sec. 401. Section 7(b) (7 U.S.C. 2016(b)) is amended by striking out the colon at the end of the first proviso and all that follows through "issued".

TITLE V—VALUE OF ALLOTMENT

BENEFIT REDUCTION RATE

Sec. 501. The first sentence of section 8(a) (7 U.S.C. 2017(a)) is amended by striking out "30 per centum" and inserting in lieu thereof "33.3 per centum".

MINIMUM ALLOTMENT

Sec. 502. The first sentence of section 8(a) (7 U.S.C. 2017(a)) is amended by striking out the colon after "dollar" and all that follows through "month".

INCOME FOR OTHER PURPOSES

Sec. 503. Subsection (b) of section 8 (7 U.S.C. 2017(b)) is amended to read as follows:

"(b) The value of the allotment to which an eligible household is entitled under this Act may not be considered income or resources for the purposes of any Federal, State, or local law relating to taxes.".

VALUE OF ALLOTMENT FOR INITIAL MONTH

Sec. 504. Section 8(c) (7 U.S.C. 2017(c)) is amended by striking out "of more than thirty days" in clause (2) of the last sentence.

NONCOMPLIANCE WITH OTHER PROGRAMS

Sec. 505. Section 8 (7 U.S.C. 2017) is amended by adding at the end thereof the following new subsection:

"(d) A household against which a penalty has been imposed for a failure to comply with a Federal, State, or local law relating to welfare or a public assistance program may not, for the duration of the penalty, receive an increased allotment as the result of a decrease in the household's income (as determined under section 5(d) and (e)) to the extent that the decrease is the result of such penalty.".

TITLE VI—APPROVAL OF RETAIL FOOD STORES

RENEWAL OF CERTIFICATES OF APPROVAL

Sec. 601. Section 9 (7 U.S.C. 2018) (as amended by section 1404(b)(4) of this Act) is amended by adding at the end thereof the following new subsection:

"(e)(1) In order to be eligible to continue to participate in the food stamp program, a retail food store must annually apply for and obtain renewal of the certificate of approval issued to it under subsection (a). In order to be eligible to obtain a renewal of its certificate of approval, a retail food store must apply for renewal thereof no later than one year after the date of the issuance of the certificate to such store under subsection (a) or ninety days after the date of en~~actment of the Food Stamp Act Amend~~ments of 1982, whichever is later, and annually thereafter. Except as provided in paragraph (2), renewal of a certificate shall be based on the criteria and procedure established for issuance of a certificate of approval under subsections (a) through (d).

"(2) In order to obtain renewal of a certificate of approval under paragraph (1) for any year, a retail food store must pay a fee of $100 or an amount equal to 1 per centum of the value of coupons redeemed by the store in the previous year, whichever is greater. If a State is operating a workfare program pursuant to subsections (a) through (g) of section 20, the Secretary shall transmit 50 per centum of the fees received from retail food stores within such State under this paragraph to the State agency of such State. A State agency shall apply any fees received under this paragraph toward the payment of expenses it incurs in the administration of subsections (a) through (g) of section 20.".

BONDS

Sec. 602. (a) Section 9 (7 U.S.C. 2018) (as amended by section 601 of this Act) is amended by adding at the end thereof the following new subsection:

"(f) In order to be eligible to participate in the food stamp program, a retail food store must furnish a bond to cover the value of coupons which the store accepts and redeems in violation of this Act. The Secretary shall, by regulation, prescribe the amount, terms, and conditions of such bond. If the Secretary finds that a retail food store has accepted and redeemed coupons in violation of this Act, the retail food store shall forfeit to the Secretary an amount of such bond which is equal to the value of coupons accepted and redeemed by the store in violation of this Act. A retail food store which forfeits a bond under this subsection may obtain a hearing on such forfeiture pursuant to section 14.".

(b) The first sentence of section 14(a) (7 U.S.C. 2023(a)) is amended by inserting "or a retail food store forfeits a bond under section 9(f) of this Act," after "section 9 of this Act,".

TITLE VII—ADMINISTRATION

APPROVAL OF STATE PLAN OF OPERATION

Sec. 701. Section 11(d) (7 U.S.C. 2020(d)) is amended by inserting after the first sentence the following new sentence: "The Secretary may not, as a part of the approval process for a plan of operation, require a State to submit for prior approval by the Secretary the State agency instructions to staff, interpretations of existing policy, State agency methods of administration, forms used by the State agency, or any materials, documents, memoranda, bulletins, or other matter, unless the State determines that the materials, documents, memoranda, bulletins, or other matter alter or amend the State plan of operation or conflict with the rights and levels of benefits to which a household is entitled.".

POINTS AND HOURS OF CERTIFICATION AND ISSUANCE

Sec. 702. (a) Section 11(e)(2) (7 U.S.C. 2020(e)(2)) is amended by striking out "points and hours of certification, and for" in the last sentence thereof.

(b)(1) Section 11(e) (7 U.S.C. 2020(e)) is amended by striking out paragraph (13) and redesignating paragraphs (14) through (21) as paragraphs (13) through (20), respectively.

(2) Section 7(f) (7 U.S.C. 2016(f)) is amended by striking out "section 11(e)(21)" and inserting in lieu thereof "section 11(e)(20)".

ELIGIBILITY DETERMINATIONS

Sec. 703. Section 11(e)(3) (7 U.S.C. 2020(e)(3)) is amended—

(1) by striking out "only" after "verification";

(2) by striking out "other than that determined to be excluded by section 5(d) of this Act";

(3) by striking out "and" after "Act)" and inserting in lieu thereof ", household size, and such other eligibility factors as the State agency determines to be necessary, including"; and

(4) by striking out ", whether questionable or not, the size of any applicant household and".

REPRESENTATION OF INDIVIDUALS

Sec. 704. Paragraph (7) of section 11(e) (7 U.S.C. 2020(e)(7)) is amended to read as follows:

"(7) that an applicant who is elderly, blind, or disabled or employed at least one hundred and fifty hours per month may be represented in the certification process and an eligible individual who is elderly, blind, or disabled or employed at least one hundred and fifty hours per month may be represented in coupon issuance or food purchase by another person so long as that person has been clearly designated to represent the applicant or eligible individual in coupon issuance or food purchase by the applicant or eligible individual and, in any case in which the certification process is concerned, so long as the designated individual is an adult who is sufficiently aware of relevant circumstances of the applicant or eligible individual;".

DISCLOSURE OF INFORMATION

Sec. 705. Section 11(e)(8) (7 U.S.C. 2020(e)(8)) is amended—

(1) by striking out "and" at the end of clause (A); and

(2) by inserting before the semicolon at the end thereof the following: ", and (C) such safeguards shall not prevent the use or disclosure of the name and address of a member of a household receiving a coupon allotment and the amount of the household's coupon allotment".

EXPEDITED COUPON ISSUANCE

Sec. 706. Paragraph (9) of section 11(e) (7 U.S.C. 2020(e)(9)) is amended to read as follows:

"(9) at the option of the State agency, for the provision of coupons on an expedited basis to categories of households designated by the State agency to be in immediate need because such households each have—

"(A) household income, as described in section 5(d), that is less than $85 per month; and

"(B) financial resources, as described in section 5(g), that do not exceed $100;".

PROMPT REDUCTION OR TERMINATION OF BENEFITS

Sec. 707. Section 11(e)(10) (7 U.S.C. 2020(e)(10)) is amended by inserting before the semicolon the following: ", except that in any case in which the State agency receives from the household a written statement containing information that clearly requires a reduction or termination of the household's benefits, the State agency may act immediately to reduce or terminate the household's benefits and may provide notice of its action to the household as late as the date on which the action becomes effective".

BILINGUAL PERSONNEL AND PRINTED MATERIAL

Sec. 708. (a) Section 11(e)(1) (7 U.S.C. 2020(e)(1)) is amended—

(1) by striking out "(A)"; and

(2) by striking out "and (B)" and all that follows through "English;".

(b) Section 11(e) (7 U.S.C. 2020(e)) (as amended by section 702(b)(1) of this Act) is amended—

(1) by striking out "and" at the end of paragraph (19);

(2) by striking out the period at the end of paragraph (20) and inserting in lieu thereof a semicolon; and

(3) by adding at the end thereof the following new paragraph:

"(21) at the option of the State agency, for the use of appropriate bilingual personnel and printed material in the administration of the program;".

DUPLICATION OF COUPONS AND ALTERNATIVE ASSISTANCE

Sec. 709. Section 11(e) (7 U.S.C. 2020(e)) (as amended by section 708(b) of this Act) is amended by adding at the end thereof the following new paragraph:

"(22) that the State agency verify, on at least a quarterly basis, and otherwise assure that an individual does not receive both coupons and benefits or payments referred to in section 6(g) or both coupons and assistance provided in lieu of coupons under section 17(b)(1);".

LIENS ON HOMES

Sec. 710. (a) Section 11(e) (7 U.S.C. 2020(e)) (as amended by section 709 of this Act) is amended by adding at the end thereof the following new paragraph:

"(23) at the option of the State agency, for the imposition by the State of a lien against any dwelling and real property owned by one or more members of an eligible household receiving assistance under this Act in order to recover all assistance provided to members of the individual's household under this Act which lien (A) may relate only to that portion of the value of the dwelling and real property that exceeds the average value (computed at least once every twenty-four months) of all dwellings and real property within the State, and (B) may not be satisfied until ownership is transferred and there are no longer any members of the eligible household residing in the dwelling;".

(b) The amendments made by this section shall apply to all assistance provided to a household under this Act on or after October 1, 1982.

OPTIONAL CERTIFICATION SYSTEMS

Sec. 711. Section 11(h) (as redesignated by section 1002(b)(1) of this Act) is amended by adding at the end thereof the following new sentence: "A State agency may elect to implement clause (1), (2), (3), or (4), or any combination thereof.".

INTEREST AND DIVIDED INCOME

Sec. 712. (a) Section 11 (7 U.S.C. 2020) (as amended by section 1002(b)(1) of this Act) is amended by adding at the end thereof the following new subsection:

"(m) In those States or parts of a State in which the Secretary, in consultation with the Inspector General of the Department of Agriculture, finds that it would be useful to protect the program's integrity, the Secretary may require the State agency, Inspector General, or both, to request and utilize information regarding the interest and dividend income of a household, available under section 6103(l)(8) of the Internal Revenue Code of 1954, to administer this Act.".

(b)(1) Section 6103(l) of the Internal Revenue Code of 1954 (relating to disclosure of returns and return information for purposes other than tax administration) (as amended by paragraph (2)) is amended by adding at the end thereof the following new paragraph:

"(9) Disclosure of return information to Federal, State, and local agencies administering federally funded needs-based programs.—

"(A) Return information from Internal Revenue Service.—The Secretary shall, upon written request, disclose return information from returns to officers and employees of the appropriate Federal, State, or local agency administering a federally funded needs-based program.

"(B) Restriction on disclosure.—The Secretary shall disclose return information under subparagraph (A) only for purposes of, and to the extent necessary in, determining an individual's eligibility for benefits, or the amount of benefits, under a federally funded needs-based program.".

(2)(A) Section 127(a)(1) of the Food Stamp Act Amendments of 1980 is amended by striking out "Subsection (i)" and inserting in lieu thereof "Subsection (l)".

(B) Paragraph (7) of section 6103(l) of the Internal Revenue Code of 1954 (relating to disclosure of returns and return information for purposes other than tax administration) is redesignated as paragraph (8).

(C)(i) Subparagraph (A) of section 6103(p)(3) of such Code (relating to records of inspection and disclosure) is amended by striking out "(l)(1), (4)(B), (5), or (7)" and inserting in lieu thereof "(l)(1), (4)(B), (5), (7), (8), or (9)".

(ii) Paragraph (4) of section 6103(p) of such Code (relating to safeguards) is amended by striking out "(l)(3), (6), or (7)" in so much of such paragraph as precedes subparagraph (A) thereof and inserting in lieu thereof "(l)(3), (6), (7), (8), or (9)".

(iii) Clause (i) of section 6103(p)(4)(F) of such Code is amended by striking out "(l)(6) or (7)" and inserting in lieu thereof "(l)(6), (7), (8), or (9)".

(iv) The first sentence of paragraph (2) of section 7213(a) of such Code is amended by striking out "(l)(6), (7), or (8)" and inserting in lieu thereof "(l)(6), (7), (8), or (9)".

TITLE VIII—CIVIL MONEY PENALTIES AND DISQUALIFICATION OF RETAIL FOOD STORES

AMOUNT OF PENALTY AND LENGTH OF DISQUALIFICATION

Sec. 801. Section 12 (7 U.S.C. 2021) is amended—

(1) by inserting "(a)" after "Sec. 12.";

(2) by striking out "up to $5,000" and inserting in lieu thereof "no less than $5,000";

(3) by striking out the second sentence and inserting in lieu thereof the following new subsection:

"(b) Disqualification under subsection (a) shall be—

"(1) for a reasonable period of time, of no less than six months nor more than five years, upon the first occasion of disqualification;

"(2) for a reasonable period of time, of no less than twelve months nor more than ten years, upon the second occasion of disqualification; and

"(3) permanently upon the third occasion of disqualification or a disqualification based on the purchase of coupons or trafficking in coupons or authorization cards."; and

(4) by designating the third sentence as subsection (c).

TITLE IX—COLLECTION AND DISPOSITION OF CLAIMS

FOOD STAMP INTERCEPT OF UNEMPLOYMENT BENEFITS

Sec. 901. (a) Section 13 (7 U.S.C. 2022) is amended by adding at the end thereof the following new subsection:

"(c)(1) A State agency may determine on a periodic basis, from information supplied pursuant to section 508 of the Unemployment Compensation Amendments of 1976 (29 U.S.C. 49b and 42 U.S.C. 603a), whether any individuals receiving compensation under the State's unemployment compensation law (including amounts payable pursuant to an agreement under a Federal unemployment compensation law) has received an uncollected overissuance.

"(2) A State agency may recover an uncollected overissuance—

"(A) through an agreement with the individual described in paragraph (1), to have specified amounts withheld from compensation otherwise payable to the individual and by submitting a copy of the agreement to the State agency administering the unemployment compensation law, or

"(B) in the absence of an agreement, by obtaining a writ, order, summons, or other similar process in the nature of garnishment from a court of competent jurisdiction to require the withholding of amounts from the compensation.

"(3) As used in this subsection, the term 'uncollected overissuance' means the amount of an overissuance of coupons, as determined under subsection (b)(1), which has not been recovered pursuant to subsection (b).".

(b)(1) Section 11(e) (7 U.S.C. 2020(e)) (as amended by section 710 of this Act) is amended by adding at the end thereof the following new paragraph:

"(24) at the option of the State, for procedures necessary to obtain payment of uncollected overissuance of coupons from unemployment benefits pursuant to section 13(c); and".

(2)(A) Section 303(e) of the Social Security Act (42 U.S.C. 503(e)) is amended—

(i) by redesignating paragraphs (3) and (4) as paragraphs (4) and (5), respectively; and

(ii) by inserting after paragraph (2) the following new paragraph:

"(3)(A) The State agency charged with the administration of the State law—

"(i) may require each new applicant for unemployment compensation to disclose whether or not the applicant has received an uncollected overissuance (as defined in section 13(c)(3) of the Food Stamp Act of 1977 (7 U.S.C. 2022(c)(3)) of food stamp coupons,

"(ii) may notify the State agency (as defined in section 3(m) of such Act (7 U.S.C. 2012(m)) to which the uncollected overissuance is owed that the applicant has been determined to be eligible for unemployment compensation if the applicant discloses under clause (i) that the applicant owes an uncollected overissuance and the applicant is determined to be so eligible,

"(iii) may deduct and withhold from any unemployment compensation otherwise payable to an individual—

"(I) the amount specified by the individual to the State agency to be deducted and withheld under this clause,

"(II) the amount (if any) determined pursuant to an agreement submitted to the State agency under section 13(c)(2)(A) of the Food Stamp Act of 1977 (7 U.S.C. 2022(c)(2)(A)), or

"(III) any amount otherwise deducted and withheld from the unemployment compensation pursuant to section 13(c)(2)(B) of such Act (7 U.S.C. 2022(c)(2)(B)), and

"(iv) shall pay any amount deducted and withheld under clause (iii) to the appropriate food stamp State agency.

"(B) Any amount deducted and withheld under subparagraph (A)(iii) shall for all purposes be treated as if it were paid to the individual as unemployment compensation and paid by the individual to the State agency to which the uncollected overissuance is owed as repayment of the individual's uncollected overissuance.

"(C) For purposes of this paragraph, the term 'unemployment compensation' means any compensation payable under the State law (including amounts payable pursuant to an agreement under a Federal unemployment compensation law).

"(D) A State agency to which the uncollected overissuance is owed shall reimburse the State agency charged with the administration of the State unemployment compensation law for the administrative costs incurred by the State agency under this paragraph which are attributable to repayment of uncollected overissuance to the State agency to which the uncollected overissuance is owed.".

(B) Section 303(e)(4) of the Social Security Act (as redesignated by subparagraph (A)) is amended by striking out "paragraph (1) or (2)" and inserting in lieu thereof "paragraph (1), (2), or (3)".

FOOD STAMP INTERCEPT OF FEDERAL TAX REFUNDS

Sec. 902. (a) Section 13 (7 U.S.C. 2022) (as amended by section 901 of this Act) is amended by adding at the end thereof the following new subsection:

"(d)(1) A State agency may inform the Secretary of the Treasury of the identity of an individual who has received an uncollected overissuance and the amount of the uncollected overissuance.

"(2) Upon receiving notice from a State agency pursuant to paragraph (1), the Secretary of the Treasury shall determine whether any amounts, as refunds of Federal taxes paid, are payable to the named individual (regardless of whether the individual filed a tax return as a married or unmarried individual). If the Secretary of the Treasury finds that an amount is payable, the Secretary of the Treasury shall withhold from the refunds an amount equal to the amount of the uncollected overissuance, and pay the amount to the State agency (together with notice of the individual's home address).

"(3) The Secretary of the Treasury shall issue regulations, approved by the Secretary, which prescribe—

"(A) the time at which a State agency must submit notice of an uncollected overissuance;

"(B) the manner in which the notice must be submitted;

"(C) the necessary information which must be contained in or accompany the notice; and

"(D) the amount of the fee that a State must pay to reimburse the Secretary of the Treasury for the full cost of applying the offset procedure.

"(4) The Secretary of the Treasury shall advise the Secretary, at least annually, of—

"(A) the State agencies which have furnished notices of uncollected overissuances under this subsection;

"(B) the number of cases in each State with respect to which the notices have been furnished under this subsection;

"(C) the amount of uncollected overissuances sought to be collected under this subsection by each State; and

"(D) the amount of the collections actually made under this subsection in the case of each State agency.

"(5) As used in this subsection, the term 'uncollected overissuance' means the amount of an overissuance of coupons, as determined under subsection (b)(1), which has not been collected pursuant to subsection (b) or (c), within three months of the determination of the overissuance.

"(6) An uncollected overissuance shall be subject to the offset procedure described in this subsection if the amount of the uncollected overissuance in the current or previous taxable years and any other amounts owed to the State agency under similar provisions of Federal law equals $100 or more.".

(b) Section 11(e) (7 U.S.C. 2020(e)) (as amended by section 901(b) of this Act) is amended by adding at the end thereof the following new paragraph:

"(25) at the option of the State agency, for procedures necessary to obtain payment of uncollected overissuances of coupons from Federal tax refunds pursuant to section 13(d).".

(c) Section 6402(c) of the Internal Revenue Code of 1954 is amended—

(1) by striking out so much of such subsection as precedes "The amount of" and inserting in lieu thereof the following:

"(c) OFFSETS.—

"(1) OFFSET OF PAST DUE SUPPORT AGAINST OVERPAYMENTS.—";

(2) by striking out "subsection" in the third sentence of paragraph (1) and inserting in lieu thereof "paragraph"; and

(3) by adding at the end thereof the following new paragraph:

"(2) OFFSET OF FOOD STAMP OVERISSUANCES AGAINST OVERPAYMENTS.—The amount of any overpayment to be refunded to the person making the overpayment shall be reduced by the amount of any uncollected overissuance of food stamp coupons (as defined in section 13(d)(5) of the Food Stamp Act of 1977 (7 U.S.C. 2022(d)(5)) owed by that person and with respect to which the Secretary has been notified by a State agency in accordance with section 13(d) of the Food Stamp Act of 1977. The Secretary shall remit the amount by which the overpayment is so reduced to the State agency to which the uncollected overissuance is due and notify the person who made the overpayment that so much of the overpayment as was necessary to satisfy the person's obligation for an uncollected overissuance has been paid to the State agency. This paragraph shall have priority with respect to an overpayment over a person's future liability for an internal revenue tax.".

(d) The amendments made by this section shall apply to taxable years ending after December 31, 1981.

TITLE X—ADMINISTRATIVE COST-SHARING AND QUALITY CONTROLS

ALTERNATIVE MEANS OF COLLECTING OVERISSUANCES

Sec. 1001. Section 16(a) (7 U.S.C. 2025(a)) is amended by striking out "section 13(b)(1) of this Act" in the proviso in the first sentence and inserting in lieu thereof "section 11(e)(23), subsections (b)(1), (c), and (d) of section 13, and any other means used by the State to recover or collect the value of any overissuance of coupons, except pursuant to section 13(b)(2) of this Act,".

STATE AGENCY LIABILITY FOR ERRORS

Sec. 1002. (a)(1) Section 16 (7 U.S.C. 2025) is amended—

(A) by striking out subsections (c), (d), (e), and (g) and redesignating subsections (f), (h), and (i) as subsections (d), (e), and (f), respectively; and

(B) by inserting after subsection (b) the following new subsection:

"(c)(1) As used in this subsection—

"(A) The term 'dollar value equivalent' means the value of allotments determined by multiplying the payment error rate for a fiscal year by the dollar value of all allotments issued during that fiscal year by a State agency.

"(B) The term 'payment error rate' means the percentage of all allotments issued in a fiscal year by a State agency which are—

"(i) issued to households which fail to meet the eligibility requirements established under section 5 or 6; and

"(ii) overissued to households which meet such requirements.

"(2) The Secretary shall institute an error liability program under which each State agency shall, other than for good cause as determined by the Secretary, pay to the Secretary or have withheld by the Secretary as described in paragraph (4), the dollar value equivalent of the State agency's payment error rate, as determined by the Secretary.

"(3) If the Secretary makes a claim against a State for payment under paragraph (2), that State may seek administrative and judicial review of such claim under the procedures set forth in section 14.

"(4) If a claim made against a State for payment under paragraph (2) is ultimately determined to be valid or is not contested by the State, it shall be collected by the Secretary through State payment, withholding amounts otherwise payable to the State agency under this Act, or other mechanisms authorized by the Federal Claims Collection Act of 1966 (31 U.S.C. 951 et seq.). Such a claim may be collected on a monthly, quarterly, semiannual, or annual basis, as determined by the Secretary.".

(2)(A) Section 11 (7 U.S.C. 2020) is amended—

(i) by striking out "subsections (h) and (i) of section 16" in subsection (e)(3) and inserting in lieu thereof "subsections (e) and (f) of section 16"; and

(ii) by striking out "sections 16(a) and 16(c)" in the last sentence of subsection (g) and inserting in lieu thereof "section 16(a)".

(B) Section 18(e) (7 U.S.C. 2027(e)) is amended—

(i) by striking out "16(g)" in the first sentence and inserting in lieu thereof "16(c)"; and

(ii) by striking out the second sentence.

(b)(1) Section 11 (7 U.S.C. 2020) is amended by striking out subsection (h) and redesignating subsections (i) through (m) as subsections (h) through (l), respectively.

(2)(A) Section 11(e)(2) (7 U.S.C. 2020(e)(2)) is amended by striking out "subsection (i)" and inserting in lieu thereof "subsection (h)".

(B) The first sentence of section 18(e) (7 U.S.C. 2027(e)) is amended by striking out "11(g) and (h)" and inserting in lieu thereof "11(g)".

TITLE XI—AUTHORIZATION FOR APPROPRIATIONS

AUTHORIZATION EXTENSION

Sec. 1101. The first sentence of section 18(a) (7 U.S.C. 2027(a)) is amended—

(1) by striking out "and" after "September 30, 1981;"; and

(2) by inserting "; and not in excess of $10,366,700,000 for the fiscal year ending September 30, 1983" after "September 30, 1982".

TITLE XII—WORKFARE

SIMILAR WORKFARE PROGRAMS

Sec. 1201. (a) Section 20(a) (7 U.S.C. 2029(a)) is amended—

(1) by inserting "(1)" after the subsection designation; and

(2) by adding at the end thereof the following new paragraph:

"(2) The Secretary shall promulgate guidelines pursuant to paragraph (1) which, to the maximum extent practicable, enable a political subdivision to design and operate a workfare program under this section which is compatible and consistent with similar workfare programs operated by such subdivision. A political subdivision may comply with this section by operating a workfare program pursuant to title IV of the Social Security Act or by operating any other workfare program which the Secretary determines is compatible and consistent with the program established under this section.".

(b) Section 20(b) (7 U.S.C. 2029(b)) is amended by striking out clause (4) and redesignating clauses (5) through (8) as clauses (4) through (7), respectively.

MANDATORY PROGRAM

Sec. 1202. Section 20 (7 U.S.C. 2029) is amended—

(1) by striking out "The" and all that follows through "Secretary to" in subsection (a)(1) (as redesignated by section 1201(a) of this Act) and inserting in lieu thereof the following: "A State in which the food stamp program is in operation shall submit a plan to the Secretary, in compliance with guidelines promulgated by the Secretary, and"; and

(2) by adding at the end thereof the following new subsection:

"(h) Notwithstanding subsections (a) through (g), a State in which the food stamp program is in operation may, in lieu of operating a workfare program pursuant to such subsections, pay to the Secretary 5 per centum of the value of coupons issued in the State during each month.".

COLLEGE STUDENTS

Sec. 1203. Section 20(b)(7) (as redesignated by section 1201(b) of this Act) is amended by striking out "(D) or".

HOURS OF EMPLOYMENT

Sec. 1204. Section 20(c) (7 U.S.C. 2029(c)) is amended by striking out "either" and all that follows through "thirty hours a week" and inserting in lieu thereof: ", when added to any other hours worked during such week by such member for compensation (in cash or in kind) in any other capacity, exceeds forty hours a week".

TITLE XIII—STATE BLOCK GRANT OPTION

STATE BLOCK GRANT OPTION

Sec. 1301. (a) The Act (7 U.S.C. 2011 et seq.) is amended by adding at the end thereof the following new section:

"STATE BLOCK GRANT OPTION

"Sec. 21. (a) As used in this section, unless the context otherwise requires, the term—

"(1) 'Attorney General' means the Attorney General of the United States.

"(2) 'Block grant State' means a State which is operating a low-income nutritional assistance program in accordance with this section.

"(3) 'Comptroller General' means the Comptroller General of the United States.

"(4) 'State' means the several States and the District of Columbia.

"(b)(1) A State may elect—

"(A) to operate a low-income nutritional assistance block grant program to finance expenditures for food assistance for needy persons within the State in accordance with this section, or

"(B) to have the Secretary operate the food stamp program within the State in accordance with sections 1 through 20.

"(2) If a State elects to operate a low-income nutritional assistance block grant program pursuant to paragraph (1)(A), the State shall give notice to the Secretary of such election at least thirty days before the beginning of the first fiscal year it elects to operate the program.

"(3) The Secretary shall make grants to block grant States in accordance with this section.

"(4) The Secretary shall retain each fiscal year, out of funds appropriated pursuant to the authorization contained in section 18 for such fiscal year, an amount which bears the same ratio to the total amount appropriated to carry out this Act (other than the amount apportioned pursuant to section 19(a) of this Act) as the amounts received by and benefits distributed in block grant States for the period beginning on April 1, 1981, and ending on March 31, 1982, under this Act and section 8 of the Act of December 31, 1973 (Public Law 93-233; 42 U.S.C. 1382e note) bears to the total amount received by all States for that period under such Acts.

"(c)(1)(A) The Secretary shall allot to each block grant State in each fiscal year, out of funds retained under subsection (b)(4) for such fiscal year, an amount which bears the same ratio to the total amount of funds retained under such subsection as the amount received by and benefits distributed in such block grant State for the period beginning on April 1, 1981, and ending on March 31, 1982, under the Food Stamp Act of 1977 (7 U.S.C. 2011 et seq.) and section 8 of the Act of December 31, 1973 (Public Law 93-233; 42 U.S.C. 1382e note) bears to the total amount received by all such block grant States for that period under such Acts.

"(B) Notwithstanding subparagraph (A), no block grant State may receive for any fiscal year an amount less than one-quarter of 1 per centum of the amount appropriated pursuant to the authorization contained in section 18 for such fiscal year which remains after the apportionment required by section 19(a). If one or more block grant States receive minimum allotments by virtue of this subparagraph, the total amount of funds available to other States shall be reduced by the total amount of allotments received by virtue of this subparagraph.

"(2)(A) If, with respect to any block grant State, the Secretary—

"(i) receives a request from the governing body of an Indian tribe or tribal organization within the block grant State that assistance under this section be made directly to the tribe or organization; and

"(ii) determines that the members of the tribe or tribal organization would be better served if grants to provide benefits under this section were made directly to such tribe or organization,

the Secretary shall reserve, from amounts which would otherwise be allotted to the block grant State under this section for the fiscal year, the amount determined under subparagraph (B).

"(B) The Secretary shall reserve for the purpose of subparagraph (A) from sums that would otherwise be allotted to the block grant State an amount which bears the same ratio to the block grant State's allotment for the fiscal year involved as the population of all eligible Indians for whom a determination has been made under this paragraph bears to the population of all individuals eligible for assistance under this section in the block grant State.

"(C) The sums reserved by the Secretary under this paragraph shall be granted to Indian tribes and tribal organizations on the basis of the relative number of individuals contained in the Indian tribes and tribal organizations for whom a determination has been made under this paragraph.

"(D) To be eligible for a grant under this paragraph in any fiscal year, an Indian tribe or tribal organization must submit to the Secretary a plan for the fiscal year which meets such criteria as the Secretary may prescribe by regulation.

"(d)(1) To be eligible for a grant under this section in any fiscal year, a block grant State must submit an application to the Secretary for the fiscal year. Each application shall be submitted at such time and in such form as the Secretary shall require.

"(2) No funds may be allotted to a block grant State for any fiscal year after the fiscal year in which such block grant State received funds under this section unless the legislature of the block grant State conducts public hearings, not less often than biennially, on the proposed use and distribution of funds to be provided under this section.

"(3) As part of the application required by paragraph (1), the chief executive officer of each block grant State shall certify in writing that the block grant State will—

"(A) assess on a regular basis the food and nutrition needs of needy persons residing in the block grant State;

"(B) use the funds made available to it under this section to raise the level of nutrition among low-income households residing in that block grant State;

"(C) designate a single agency which shall be responsible for the administration, or supervision of the administration, of the program for which funds made available under this section are used;

"(D) provide that fiscal control and fund accounting procedures will be established to assure the proper disbursal of and accounting for Federal funds paid to the block grant State under this section, including procedures for monitoring the program carried out by the block grant State with the assistance provided under this section;

"(E) provide for an audit (pursuant to paragraph (8)), not less often than biennially, of the block grant State's expenditures of amounts received under this section;

"(F) describe how the block grant State program will operate to carry out this paragraph, including a description of the assistance to be provided under the program, the recipients who will be eligible under the program, and the administering agency; and

"(G) comply with all the requirements of this paragraph and the public hearing requirement of paragraph (2).

"(4) The Secretary may not prescribe the manner in which the block grant States comply with paragraph (3). Each block grant State may prescribe, and the Secretary may not limit, standards of or requirements for eligibility for benefits under this section. Such standards or requirements may include a requirement for work or household contributions, or both, as a condition of eligibility for benefits under this section.

"(5) A grant made under this section may not be used by the block grant State, or by any person with whom the block grant State makes arrangements to carry out this section, for the purchase or improvement of land, or the purchase, construction, or permanent improvement of a building or other facility.

"(6)(A) The chief executive officer of each block grant State shall prepare and furnish to the Secretary a plan which describes how the block grant State will implement the assurances specified in paragraph (3). The chief executive officer of each block grant State may revise a plan prepared under this subparagraph and shall furnish a copy of the revised plan to the Secretary before its implementation.

"(B) A plan, including any revision of a plan, prepared under subparagraph (A) shall be made available for public inspection within the block grant State in a manner that will facilitate the review of, and comment on, the plan.

"(C) An Indian tribe or tribal organization which receives a grant under subsection (c)(2) shall not be a part of the plan submitted under this paragraph.

"(7) The Secretary may, upon a block grant State's request, provide technical assistance with respect to programs for the provision of assistance under this section, including technical assistance for the purpose of determining the feasibility of specific block grant plans under consideration by the block grant State.

"(8) Each block grant State shall provide for a biennial audit of the funds provided to such block grant State under this section and shall have such audit conducted by an entity independent of the agency administering activities or services under this section. The audit shall be conducted in accordance with generally accepted accounting principles. Within thirty days after the completion of the audit, the chief executive officer of the block grant State shall submit a copy of the audit to the legislature of the block grant State and the Secretary.

"(9) The Comptroller General shall from time to time evaluate expenditures by block grant States of grants made under this section in order to assure that expenditures are consistent with this section and to determine the effectiveness of the block grant State in accomplishing the purposes of this section.

"(e)(1) No person may on the ground of race, color, national origin, or sex be excluded from participation in, be denied the benefits of, or be subjected to discrimination under, a program or activity funded with funds made available under this section. Any prohibition against discrimination on the basis of age under the Age Discrimination Act of 1975 (42 U.S.C. 6101 et seq.) or with respect to an otherwise qualified handicapped individual as provided in section 504 of the Rehabilitation Act of 1973 (29 U.S.C. 794) shall also apply to such a program or activity.

"(2) Whenever the Secretary determines that there has been a failure to comply with paragraph (1) or any applicable regulation pertaining to paragraph (1), the Secretary shall notify the chief executive officer of the block grant State and request the chief executive officer to secure compliance. If within a reasonable period of time, not to exceed sixty days, the chief executive officer fails or refuses to secure compliance, the Secretary may—

"(A) refer the matter to the Attorney General with a recommendation that an appropriate civil action be instituted;

"(B) exercise the powers and functions provided under title VI of the Civil Rights Act of 1964 (42 U.S.C. 2000d et seq.), the Age Discrimination Act of 1975 (42 U.S.C. 6101 et seq.), or section 504 of the Rehabilitation Act of 1973 (29 U.S.C. 794), as may be applicable; or

"(C) take such other action as may be provided by law.

"(3) When a matter is referred to the Attorney General pursuant to paragraph (2)(A), or whenever the Attorney General has reason to believe there has occurred a pattern or practice in violation of this subsection, the Attorney General may bring a civil action in an appropriate United States district court for such relief as may be appropriate, including injunctive relief.

"(f)(1) The Secretary shall pay each block grant State the total allotment of funds for a fiscal year to which the block grant State is entitled under subsection (c) immediately after the Secretary has determined the amount of such allotment.

"(2) Payments made to a block grant State under this section for any fiscal year may be expended by the block grant State only in such fiscal year or in the succeeding fiscal year.

"(3) Any funds paid to a block grant State under subsection (c) which are not expended by the block grant State in the fiscal year for which they are paid or in the succeeding fiscal year may be expended by the block grant State on other social services provided pursuant to Federal law. The block grant State shall inform the Secretary of all such funds expended on other social services. If the block grant State elects not to expend all or part of the funds on other social services, the unexpended funds shall be returned to the Secretary and added to the amount made available for allotment to all the block grant States under subsection (b)(4) for the following fiscal year.

"(g)(1)(A) The Secretary shall respond in an expeditious and speedy manner to complaints of a substantial or serious nature that a block grant State has failed to use funds in accordance with this section or an assurance made under subsection (d)(3).

"(B) The Secretary, after adequate notice and an opportunity for a hearing conducted within the affected block grant State, shall withhold funds from a block grant State which fails to utilize its allotment substantially in accordance with this section or fails to meet an assurance made on behalf of the block grant State under subsection (d)(3).

"(2) A block grant State shall repay to the United States any amounts not expended other than in accordance with this section. Any amounts repaid to the United States in any fiscal year shall be added to the amount made available for allotment to all the block grant States under subsection (b)(4) for the following fiscal year. The Secretary shall (in the absence of repayment by the block grant State) offset the amounts against any other amount to which the block grant State is or may become entitled under this section.

"(3) The Comptroller General may conduct investigations of the use of funds received under this section by a block grant State in order to ensure compliance with this section.

"(4) In connection with an investigation conducted under this subsection, a block grant State shall make appropriate books, documents, papers, and records available to the Secretary and the Comptroller General, upon a reasonable request, for examination, copying, or mechanical reproduction on or off the premises of the entity concerned. The Secretary and the Comptroller General may not request information not readily available to a block grant State or require that information be compiled, collected, or transmitted in a new form not already available.

"(h) Whoever knowingly and willfully embezzles, misapplies, steals, or obtains by fraud, false statement, or forgery, any funds, assets, or property provided or financed under this section shall be fined not more than $10,000 or imprisoned for not more than five years, or both. If the value of the funds, assets, or property involved is not over $200, the penalty shall be a fine of not more than $1,000 or imprisonment for not more than one year, or both.

"(i)(1) The Secretary, in consultation with the Comptroller General, shall evaluate possible formulas for the allotment of funds to block grant States under subsection (c) which could be used as an alternative method of allotting funds described in subsection (c). The formulas shall provide for the equitable distribution of the funds to block grant States and take into account the population, number of low-income households, financial resources, levels of unemployment, and such other factors within the block grant States which the Secretary deems appropriate.

"(2) The Secretary shall report to the Congress on the evaluation conducted pursuant to paragraph (1) no later than June 30, 1983.".

(b) Section 3 (7 U.S.C. 2012) is amended by striking out "As" in the matter preceding subsection (a) and inserting in lieu thereof "Except as provided in section 21(a), as".

TITLE XIV—MISCELLANEOUS

INSTITUTIONAL INDIVIDUALS

Sec. 1401. (a) Section 3 (7 U.S.C. 2012) is amended by striking out subsection (f) and redesignating subsections (g) through (q) as subsections (f) through (p), respectively.

(b) Section 3(f) (as redesignated by subsection (a)) is amended—

(1) by striking out "(5), (7), and (8)" in clause (1) and inserting in lieu thereof "(6), and (7)"; and

(2) by striking out clause (5) and redesignating clauses (6), (7), and (8) as clauses (5), (6), and (7), respectively.

(c) The fourth sentence of section 3(h) (as amended by section 102 of this Act) is amended—

(1) by inserting "and" after "section 1616(e) of the Social Security Act,"; and

(2) by striking out ", and narcotics" and all that follows through "program".

(d) Section 3(i) (as redesignated by subsection (a)) is amended by striking out "section 3(p)" and inserting in lieu thereof "section 3(o)".

(e) Section 3(j) (as redesignated by subsection (a)) is amended—

(1) by striking out "(5), (7), and (8)" in clause (2) and inserting in lieu thereof "(6), and (7)"; and

(2) by striking out "subsection (g)(6)" in clause (3) and inserting in lieu thereof "subsection (f)(5)".

(f) Section 5(i)(2)(E) (7 U.S.C. 2014(i)(2)(E)) is amended by striking out "section 3(i)" and inserting in lieu thereof "section 3(h)".

(g)(1) Section 5(d)(2) (as redesignated by section 305(a) of this Act) is amended by striking out clause (C) and redesignating clause (D) as clause (C).

(2) Section 20(b)(7) (as redesignated by section 1201(b) of this Act) is amended by striking out "(F)" and inserting in lieu thereof "(C)".

(h) Section 10 (7 U.S.C. 2019) is amended—

(1) by striking out "section 3(k)(4)" and inserting in lieu thereof "section 3(j)(4)";

(2) by striking out "private nonprofit organizations" and all that follows through "programs,"; and

(3) by striking out the comma after "children".

(i) Section 11(d) (7 U.S.C. 2020(d)) is amended—

(1) by striking out "section 3(n)(1)" each place it appears and inserting in lieu thereof "section 3(m)(1)"; and

(2) by striking out "section 3(n)(2)" each place it appears and inserting in lieu thereof "section 3(m)(2)".

(j) Section 11(e)(19) (as redesignated by section 702(b)(1) of this Act) is amended by striking out "section 3(n)(1)" and inserting in lieu thereof "section 3(m)(1)".

(k) Section 20(b) (7 U.S.C. 2029(b)) (as amended by section 1201(b) of this Act) is amended by striking out clause (6) and redesignating clause (7) as clause (6).

(l)(1) Section 6103(l)(7)(C) of the Internal Revenue Code (relating to disclosure of certain return information by the Social Security Administration to the Department of Agriculture and State food stamp agencies) (as amended by section 712(b)(2) of this Act) is amended by striking out "section 3(n)(1)" and inserting in lieu thereof "section 3(m)(1)".

(2) Section 303(d)(3) of the Social Security Act (42 U.S.C. 503(d)(3)) is amended by striking out "section 3(n)(1)" and inserting in lieu thereof "section 3(m)(1)".

ROUNDING DOWN

Sec. 1402. (a) Section 3(n) (as redesignated by section 1401(a) of this Act) is amended by inserting "lower" after "nearest" each place it appears in clauses (6) through (9).

(b) The first sentence of section 8(a) (7 U.S.C. 2017(a)) is amended by inserting "lower" after "nearest".

STUDIES

Sec. 1403. (a) The second sentence of section 5(g)(1) (7 U.S.C. 2014(g)(1)) (as amended by section 210 of this Act) is further amended—

(1) by striking out "(1)" after "shall"; and

(2) by striking out ", and (2)" and all that follows through "1978".

(b) Section 8(a) (7 U.S.C. 2017(a)) is amended by striking out the second sentence.

(c) Section 17 (7 U.S.C. 2026) is amended by striking out subsections (d) and (e) and redesignating subsection (f) as subsection (d).

WHOLESALE FOOD CONCERNS

Sec. 1404. (a) Section 7(b) (7 U.S.C. 2016(b)) is amended by striking out "wholesale food concerns or" in the first proviso.

(b) Section 9 (7 U.S.C. 2018) is amended—

(1) by striking out "AND WHOLESALE FOOD CONCERNS" in the caption;

(2) by striking out "and wholesale food concerns" in the first sentence of subsection (a);

(3) by striking out "or wholesale food concern" in clause (2) of the second sentence of subsection (a);

(4) by striking out subsection (b) and redesignating subsections (c), (d), and (e) as subsections (b), (c), and (d), respectively; and

(5) as redesignated by paragraph (4), by striking out "or wholesale food concern" in the first sentence of subsection (b) and in subsection (c).

(c) Section 10 (7 U.S.C. 2019) is amended by striking out "approved wholesale food concerns or through".

(d) Section 12 (7 U.S.C. 2021) (as amended by section 801 of this Act) is amended—

(1) by striking out "AND WHOLESALE FOOD CONCERNS" in the caption;

(2) by striking out "or wholesale food concern" in subsection (a); and

(3) by striking out "or concern" in subsection (a).

(e) Section 14(a) (7 U.S.C. 2023(a)) is amended—

(1) by striking out "or wholesale food concern" each place it appears;

(2) by striking out ", wholesale food concern," in the first sentence; and

(3) by striking out ", concern," each place it appears.

TITLE XV—EFFECTIVE DATES

EFFECTIVE DATES

Sec. 1501. (a) Except as provided in section 902(d) of this Act, the amendments made by this Act shall become effective on October 1, 1982.

(b)(1) Section 117 of the Omnibus Budget Reconciliation Act of 1981 is amended by inserting before the period at the end thereof the following: ", but in no event later than September 30, 1982".

(2) Section 1338 of the Food Stamp and Commodities Distribution Amendments of 1981 is amended by inserting before the period at the end thereof the following: ", but in no event later than September 30, 1982".●

By Mr. BENTSEN (for himself, Mr. Chafee, Mr. Boren, Mr. Durenberger, Mr. Baucus, Mr. Bradley, Mr. Moynihan, Mr. Mitchell, Mr. Symms, Mr. Wallop, and Mr. Matsunaga):

S. 2353. A bill entitled the Life Insurance Taxation Act of 1982; to the Committee on Finance.

LIFE INSURANCE TAXATION ACT OF 1982

● Mr. BENTSEN. Mr. President, today I am introducing with Senator CHAFEE the Life Insurance Taxation Act of 1982. Our bill provides special temporary rules for taxing the income of life insurance companies. It would temporarily mitigate the adverse effects of certain defects in the existing rules for taxing these companies, pending a more extensive study of those rules and the means of permanently resolving the problems they have produced.

The rules enacted in 1959 to tax the income of life insurance companies are not working properly or fairly in today's economic environment. Those rules have presented the life insurance industry with immediate and significant problems. Enactment of our proposal is urgently needed to alleviate these problems on an interim basis.

Why is the 1959 law not working properly, and what problems does it create for life insurer? To be sure, the answers to these questions are complicated ones, just as complicated as the rules enacted in 1959 to tax these companies. At the base of the industry's troubles, however, are familiar culprits—inflation and high interest rates. The high inflation of recent years, coupled with high interest rates, have considerably increased the rates of return on the investments of life insurance companies just as for other institutional investors. But when life insurers have attempted to pass the benefits of these higher rates of return to their policyholders, they have encountered the phenomenon of an outmoded tax law which in some cases exacts, and in others threatens to exact, a level of tax that is well in excess of industry operating gains. This defect in the 1959 law is at the heart of the industry's problems.

The difficulties visited upon life insurers by the rules enacted in 1959 arise in several different settings. In one case we find most of the mutual companies, together with some of the older and larger stock companies which—like the mutuals—write dividend paying or "participating" policies. Under the 1959 law, the dividends that these companies pay to their policyholders are deductible in computing the companies' taxable income, but these deductions are in turn limited by a formula in the law keyed to the level of the companies' investment income. In 1959 this formula-based limitation presented little or no problem for these companies, for in the 1959 economy of relatively low interest rates the formula worked as it was expected to and effectively permitted the companies to deduct approximately 90 percent of the dividends they paid to policyholders. But then came inflation, and as a consequence the formula in the law began to malfunction and produce aberrant, unanticipated results. For these companies, which today attempt to pass along in their policyholder dividends most of the benefits of the current higher yields on investments, the net effect is that they can now deduct, as a practical matter, somewhat less than 60 percent of such dividends.

All of this translates into a mushrooming, ever-accelerating tax liability for these mutual and stock companies. The higher the rate of inflation, and the more inflated the investment yields, the greater is the increase in their tax burden. This, in turn, means that, as an ever-higher percentage of investment earnings is paid out in taxes, an ever-lower portion of these earnings can actually be paid to policyholders as dividends. The plight of these companies is amply illustrated in the industrywide statistics for the period from the enactment of the 1959 law through 1978. During this time, while Federal income taxes on all corporations grew 3 times and their after-tax income, like the gross national product and personal income, grew 4¼ times, the taxes on all life insurance companies increased 6 times and their gain from operations after taxes increased 4 times. The life insurance industry thus saw its share of the general corporate tax burden grow from 2.4 percent in the late 1950's to 4.2 percent in 1978, a 75-percent increase, even as it also witnessed a depression in the growth rate for permanent life insurance, leaving the industry with still less to invest in America's future.

In the face of this development, many of these companies employed various tax-planning methods in an effort to manage their steeply growing tax bills. In the late 1970's these methods included the use of modified coinsurance and similar arrangements, about which we have all heard a great deal lately. The Treasury Department has recently recommended that we act to prevent tax abuses by these companies through the use of ModCo and like arrangements, though the Treasury has not said what else should be done to correct the problems in the 1959 law that spurred the use of such arrangements in the first place. I do not think it advisable only to remedy a symptom; it is much preferable to cure the disease.

Quite apart from all this, there is a second, distinct setting in which inflation and high interest rates have not mixed well with the 1959 law. While much has been said about "ModCo" arrangements and the widely recognized troubles encountered by mutual life insurance companies under the 1959 law, little attention has been paid to this second problem area. This is the case of stock companies, mostly small and growing companies, which historically have written nondividend paying, or "nonparticipating," life insurance policies and annuities. These companies have sought, over a number of years, to provide values to their policyholders reflective of the higher investment yields that inflation has brought upon us. Since the maximum rate of interest that a company can permanently guarantee in setting a policy's benefits is limited by State law to a relatively low figure, these stock companies have enhanced their policies' values by guaranteeing to charge less than the maximum premium, or to credit interest in excess of the maximum permanent rate, on a temporary basis. Some of these companies have even guaranteed that these lower or indeterminate premium charges and excess interest credits will be determined in accordance with a specified formula or index.

In computing their tax liability under the 1959 law, these stock companies have reported as income only the premiums they actually received from their policyholders, and they have claimed deductions for the excess interest they credited to their policyholders. Recently, however, this treatment has been called into question. Some have asked whether, under the 1959 law, the maximum premiums the companies could have charged, but did not do so, might be reportable as income. They have also asked whether the excess interest the companies credited to their policyholders might be considered dividends to those policyholders, with only limited deductibility under the provisions of the 1959 law. If these questions are answered affirmatively, the net effect on these companies would be to increase their taxable income by first, the amount of the premiums they never actually received but could have charged, and second, the amount of the excess interest they credited to their policyholders. This would have the disastrous effect of placing these companies in the position of not being able to pass through to their customers most of the benefits of the current higher yields on investments.

Again, it should be evident from this that the 1959 law is seriously flawed and needs to be updated. The uncertainties in the law concerning indeterminate premiums and excess interest amply illustrate the deficiencies in applying to the economy of the 1980's statutory rules tailored to the economic conditions of the 1950's. They cast a pall over the business of the companies concerned.

I wish to emphasize that our bill is a stopgap measure only. It is intended to mitigate the effects of deficiencies in the 1959 law on an interim basis, pending a more extensive study of that law's complex provisions in order to develop permanent solutions to the problems that it has created. The changes made by our stopgap would thus be effective only for taxable years beginning after December 31, 1981, and before January 1, 1984, allowing time for such a study to occur. I might also point out here that the use of such a legislative device—a stopgap—has a firm place in the history of fashioning income tax laws for life insurance companies. Stopgap measures were also utilized in the decade preceding the adoption of the 1959 law while Congress, the Treasury, and the industry worked together to shape its provisions.

The Life Insurance Taxation Act of 1982 would provide a fairly simple, temporary solution to the life insurance industry's problems under the 1959 law by means of seven rules. First, to stop the acceleration of life insurers' tax liability stemming from the declining deductibility of policyholder dividends, and to provide a measure of certainty as to the treatment of indeterminate premium and excess interest contracts, a safety net would be written into section 809(f) of the Internal Revenue Code (the code). This safety net would assure that a mutual life insurance company could in any event deduct a minimum of 80 percent of its policyholder dividends in computing its taxable income. Further, a stock life insurance company would be permitted to deduct a minimum of 87½ percent of the aggregate of its policyholder dividends and the special deduction already permitted it for certain nonparticipating contracts. The 7½-percent differential between mutual and stock companies is intended to reflect the differing ownership interests in these two types of companies, responding to the concern that some part of the dividends paid to policyholders by a mutual company amounts to a return on their equity in the company and, hence, should not be deductible.

Second, 100 percent of all policyholder dividends paid on contracts covering qualified employee and retirement plans would be deductible. This would assure treatment of qualified plan funds held by life insurers on an equal footing with the tax-exempt treatment of such funds held by trustees. Such a rule is consistent with what Congress intended when it enacted the 1959 law.

Third, the $250,000 amount presently found in section 809(f) of the code would be raised to $1 million. This amount was originally provided in the 1959 law as a relief measure for small companies. The bill would simply adjust this small business provision to take account of inflation in the intervening 23 years.

Fourth, a segment of the formula employed in the 1959 law to adjust nonqualified life insurance reserves, found in section 805(c) of the code, would be modified. The purpose here is to correct a mathematical formula for revaluing reserves, known as the "Menge formula" or 10-for-1 rule, which is malfunctioning at the present high level of earnings rates.

Fifth, rules would be provided to clarify the basis upon which the consolidated taxable income of two or more affiliated life insurance companies is to be computed.

Sixth, to provide certainty for past taxable years, the Internal Revenue Service would be required to respect the treatment of indeterminate premiums and excess interest on companies' returns for taxable years beginning before January 1, 1982.

Seventh and finally, in response to the concerns previously voiced by the Treasury Department, the present provisions dealing with modified coinsurance arrangements which have permitted tax savings would be suspended for the stopgap period, and rules would be provided to preclude the effects of certain other potential tax-planning methods employing reinsurance. The bill would make it clear, however, that the Service is to respect modified coinsurance arrangements entered into before January 1, 1982, that made use of the election under section 820 of the code.

When the Treasury Department earlier expressed its concern with ModCo arrangements, it cautioned that revenues were and would continue to be impaired by such arrangements if Congress failed to act. The projected tax receipts from the life insurance industry for 1982 amount to about $1.7 billion if the treatment presently allowed ModCo arrangements is continued. The Bentsen-Chafee bill, on the other hand, would generate approximately $2.7 billion in revenues from the industry, $1 billion more than if the present rules (including ModCo arrangements) are continued. While the appropriateness of this $2.7 billion figure will undoubtedly be the subject of future debate, one should consider whether it merely represents a return to a reasonable level of revenue from the life insurance industry, departing from the unfairly inflated tax collections of the late 1970's.

Mr. President, the economic well-being of our Nation's life insurance business is a matter of great importance. Life insurance companies not only perform a crucial service in assuring the financial security of millions of American households, but also act as a major source of long-term capital to a substantial segment of our business community. This industry is of particular importance to us in Texas, where our domestic life insurers play a leading role in the personal and business economies of our State. Since we have already learned the dangers of penalizing savings and capital formation through our tax system, we should be careful that our rules for taxing life insurers do not adversely affect the means of savings for millions of our citizens and the source of a significant portion of the capital utilized by our business community.

I wish to emphasize again that our bill is a stopgap measure. It is my hope that this bill will be promptly enacted to assure fairness in the tax treatment of life insurers, and additional revenue for the Treasury, pending the more detailed study that is needed to find permanent solutions to problems involved in taxing the life insurance industry.

In addition to Senator CHAFEE and myself our bill is being cosponsored by Senators BOREN, DURENBERGER, BAUCUS, MOYNIHAN, BRADLEY, SYMMS, MITCHELL, WALLOP, and MATSUNAGA.●

● Mr. CHAFEE. Mr. President, today, I am joining Senator BENTSEN and several other members of the Finance Committee in cosponsoring legislation to correct some abuses as well as inequities found in the current tax laws affecting life insurance companies.

Our bill repeals the modified coinsurance provision as requested by the administration in its 1983 budget, and it makes other changes in the antiquated Life Insurance Company Tax Act of 1959 that will bring some order to the Federal taxation of this important industry. The bill will increase life insurance company tax liabilities by about $1 billion a year, according to industry sources.

Many tax experts in Government and in the industry acknowledge that major revisions need to be made in this part of the Tax Code. Since there is no time to accomplish this during the 97th Congress, our bill is a 2-year stopgap measure: One that balances the need to increase tax revenues with the need to make some short-term corrections in the Tax Code. Life insurance leaders, as well as many Members of Congress, have pledged to push ahead next with a more complete overhaul to make sure the industry is paying its fair share of taxes.

Mr. President, the bill we are introducing today is a constructive step in the right direction on this highly complex issue. We shall be working further with the Treasury and insurance industry to make sure the final product strikes the proper balance.

We cannot be entirely certain at this point that this particular proposal is the only answer available, or even the best answer. I have decided to cosponsor it, however, because it represents a major first step toward resolving this important tax policy issue.●

Mr. BOREN. Mr. President, I am pleased to join in introducing today legislation that will provide special temporary rules for taxing the income of life insurance companies.

Life insurance companies historically have played a vital role in our Nation's economy. This role goes far beyond that of providing lifetime protection to an estimated 148 million insurance policyholders. The Nation's life insurance companies have been a major and continuing source of long-term investment capital for this Nation's business. Life insurance companies have invested assets of over $500 billion in the economy. They have been the lenders for 40 percent of all outstanding corporate bonds. Last year alone the life insurance companies provided $28 billion of new investment capital.

As with other financial institutions, however, the life insurance business has been severely damaged by the national economic dislocations of recent years, especially the record-high interest rates. As interest rates have risen in the past several years, the market value of long-term investments made in earlier years by life insurance companies has declined at some companies by as much as 40 percent below their book value.

Furthermore, the role of this important industry is now being seriously eroded by the operation of the current law taxing life insurance companies. This law, the Life Insurance Company Income Tax Act of 1959, has been unchanged in over 20 years. The economic stresses that have occurred during those years—most especially the soaring rate of inflation and unprecedented high interest rates—have exposed serious flaws in the 1959 act that were masked under more stable conditions.

The special tax formula adopted in 1959 was developed at a time of low inflation—less than 1 percent—and stable yields from life insurance company investment portfolios—averaging less than 4 percent. The taxes paid by the industry in 1959 were half a billion dollars, about one-fortieth of the taxes paid by all corporations.

The life insurance tax law seemed to work well over the next 15 years—it provided a steady source of revenue for the Treasury and the business' share of taxes paid by all corporations increased only modestly. While the level of inflation increased during this period, its full impact on a company's investment yield was not yet felt. Thus, the tax formula's weaknesses were not exposed during a 15-year period in which the average rate of return on insurance companies' invested assets was rising slowly from 4 percent in 1960 to just over 6 percent in 1975.

As the interest rates soared during the 1970's, the 1959 formula generated a higher and higher level of taxes—making it more and more difficult to pass along the current high investment returns to policyholders.

The tax load on life insurance companies reached $3 billion in 1978 which was more than one twenty-fifth of total corporate taxes, nearly double the proportion in 1959. This occurred because the deductible percentage of dividends actually paid to policyholders was decreasing due to operation of the section 809(f) limitation during an inflationary period. The amount of such deductions lost had increased from less than $200 million per year during the first years the 1959 act was in force to about $3 billion in 1978 and nearly $4 billion in 1979. These lost deductions so inflated the life insurance companies' tax bills that their taxes were growing at the rate of 16 percent per year—more than 50 percent faster than their earnings.

Beginning in 1980, some companies made much greater use of a special tax election in the Internal Revenue Code (ModCo), section 820. Companies able to use this election were able to take deductions that otherwise would have been lost. Lost deductions in 1980 were more than $2 billion lower in 1980 than they had been in 1979. Taxes dropped by more than $1 billion.

The life insurance industry has been working for the last several years to develop proposals to make needed changes in the 1959 act. Recognizing, however, that a complete review of the 1959 act will not be possible this year, the industry has developed the interim legislation that I am cosponsoring today. This legislation would correct some of the act's most obvious breakdowns while still providing levels of revenue substantially above the current levels. During the 2-year period that the legislation would be applicable (tax years 1982 and 1983), the industry will continue to work with Congress and Treasury to develop a more permanent solution to the tax problems of the life insurance business.

The bill would make three changes to section 809(f) of the code to insure that companies can deduct a reasonable amount of dividends and similar amounts paid or credited to policyholders.

First, all dividends and similar distributions relating to qualified insured pension plans would be deductible. This provision would effectuate the clear original intent to exempt investment income attributable to these plans from current tax. Present law, contrary to this intent, operates to disallow deductions for many of these dividends thus subjecting this pension plan investment income to substantial tax.

Second, with respect to nonqualified business, mutual and stock companies would be allowed to deduct, respectively, a minimum of 80 percent and 87½ percent of policyholder dividends and other special amounts. This provision would give life insurance companies a more adequate deduction for the current high level of dividends they must pay to compete in today's environment of high interest rates.

Third, all companies would receive a full deduction of at least $1 million of policyholder dividends and other special amounts. The current amount allowed, $250,000, has remained unchanged for 23 years. This amendment would restore the assistance to small companies that this deduction was originally intended to provide.

The bill also contains provisions to clarify the treatment of consolidated tax returns filed by two or more life insurance companies. These provisions are necessary so that all companies are able to benefit from the changes concerning the deduction of dividends and other special amounts that I have just described.

The bill also amends the complex formula that is used to compute a company's exclusion for investment income required to be set aside for policyholders. The current "arithmetic 10-for-1" (Menge) formula does not work appropriately in the context of current high interest rates. The bill would replace this formula with a "geometric" version of the 10-for-1 rule. This geometric formula more accurately carries out the stated intent of the rule provided in the 1959 act.

Finally, the bill contains grandfather provisions to clarify the tax treatment of two items for years before the stopgap period. One provision would remove doubt about the tax treatment of companies using the modified coinsurance tax election in years before 1982. Another grandfathering provision would clarify that excess interest credited to policyholders in these prior years is fully deductible.

The bill would increase revenues from the life insurance industry by about $1 billion in 1982, an increase of about 60 percent from current levels.

Mr. President, this bill is the product of many months of study within the life insurance industry and reflects extensive discussions with Treasury and congressional staffs. While no panacea, the legislation responds reasonably to both the need for an appropriate amount of revenue and the special problems faced by the life insurance companies because the provisions of current law do not operate appropriately in periods of inflation and high interest rates. But this proposal is only a "stopgap" provision. When passed, Congress must then begin the task of a comprehensive review of life insurance taxation. I would urge the Joint Committee on Taxation to begin such technical review immediately, so that the Finance Committee can take early action on a more comprehensive reform package.

By Mr. CANNON:

S. 2354. A bill to amend subtitle IV of title 49, United States Code, to provide for more effective regulation of motor carriers of passengers; to the Committee on Commerce, Science, and Transportation.

BUS DEREGULATION ACT OF 1982

Mr. CANNON. Mr. President, today I am introducing S. 2354, the Bus Deregulation Act of 1982. During recent years the Congress has enacted a series of sweeping measures to deregulate household goods carriers, trucking companies, railroads, and the airlines. As a result, all of these industries are healthier, more vigorous, and much more competitive then they were. Now Congress has the opportunity to consider legislation for the intercity bus industry.

The bus industry is neither a glamorous nor a healthy industry. But it is nevertheless essential. It carries more passengers than any other mode of public transportation and it remains even more fuel efficient than rail passenger travel. Last month, the Commerce Committee held hearings on the bus industry and the regulation of the industry by the Interstate Commerce Commission. I believe it is fair to say that every witness at those hearings—whether from the industry, or from labor, or from government—agreed that the regulation of the industry should be changed. They did not, of course, all agree on what ought to be done.

The House has passed H.R. 3663, the Bus Regulatory Reform Act, which, as the name implies, is a reform bill rather than a deregulation bill. Numerous suggestions for changes have been made for that bill. The bill I am introducing today incorporates many of those changes while taking a different approach to the issue.

This bill deals with the issue of bus regulation by making a clear distinction between regular route service and other services. With respect to regular route service by bus companies—upon which many small towns are dependent for their only public transportation—this bill takes an approach which is similar to the modest reform proposals contained in the House bill.

With respect to other services offered by the industry, this bill takes a bolder approach involving much more deregulation. Let me give you an example. Travel agents can arrange tours and book transportation by air, ship, or rail without any license whatsoever from the Federal Government. However, to organize a tour which moves by bus, a person must be licensed by the Interstate Commerce Commission as a "tour broker." I must say that it seems silly for the Federal Government to license travel agents who arrange bus tours when it does not regulate travel agents who use other modes of transportation.

This bill would simply deregulate tour brokers. Travel agents, who can now arrange tours by air, rail, and ship would be allowed to arrange bus tours as well. The bill takes a similar straightforward approach to the deregulation of charter travel and contract operations. In short, this is a real deregulation bill for charter and special services but a reform bill for regular route services.

Mr. President, I understand that the administration and the bus industry are now trying to work out a compromise for the Senate to consider. In dealing with this issue, I hope the Senate will also consider the approach outlined in the bill introduced today.

I should stress that I am not committed to any of the specific language in the bill and that I believe this bill, like all of the others we have seen, can be considerably improved. I want to thank the House and the House Committee on Public Works for their thoughtful completion of H.R. 3663, and again, I want to thank the industry, the employees of the industry, and all the others who have commented on bus legislation and provided many helpful suggestions.●

By Mr. CANNON (for himself, Mr. GOLDWATER, and Mr. RIEGLE):

S. 2355. A bill to amend the Communications Act of 1934 to provide that persons with impaired hearing are insured reasonable access to telephone service; to the Committee on Commerce, Science, and Transportation.

TELEPHONE SERVICE FOR THE HEARING IMPAIRED

Mr. CANNON. Mr. President, next month, on May 6, the Commerce Committee will hold hearings on S. 604, a bill which would require that all telephones be compatible with hearing aids, and on the general issue of how our telephone system can best serve all citizens—including persons with hearing impairments. S. 604 addresses a serious problem experienced by many citizens but has been criticized as being too specific. Because the bill is tied to a specific technology, some fear that enactment would impede new technological developments in the future.

The bill I am introducing today is designed to focus on the problems experienced by persons with hearing impairments in using the telephone while, at the same time, attempting to avoid the possibility that any legislation will impair the development of new technology. Basically, this bill will:

First, direct the FCC to insure reasonable access to telephone service by persons with hearing impairments;

Second, direct the FCC to require the use of magnetic field/induction coils on coin-operated pay phones;

Third, permit the FCC to require similar phones in hospital rooms or in other locations frequently used by members of the public;

Fourth, permit the FCC to impose technical standards for hearing aids and telephones;

Fifth, permit the FCC to require consumer information labeling on hearing aids and telephones at time of sale; and

Sixth, direct the FCC to consider the costs and benefits to both hearing impaired persons and nonhearing impaired persons in any rulemaking and to insure that their rules do not block the development of new technology.

Mr. President, I ask unanimous consent that the bill be printed in the CONGRESSIONAL RECORD so that it will have broad distribution and may be used as a vehicle for discussion at the Commerce Committee's hearings on May 6.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 2355

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Congress hereby finds that—

(1) all persons subscribing to or otherwise receiving telephone service in the Nation should receive the best service which is technologically possible;

(2) currently available technology is capable of providing telephone service to some of those individuals who, because of hearing impairments, require telephone reception by means of hearing aids with induction coils, or other inductive receptors;

(3) the lack of technical standards ensuring compatibility between hearing aids and telephones has prevented receipt of the best service which is technologically possible; and

(4) adoption of technical standards is required in order to ensure compatibility between telephones and hearing aids, thereby accommodating the needs of individuals with hearing impairments.

SEC. 2. Title II of the Communications Act of 1934 (47 U.S.C. 201 et seq.) is amended by adding at the end thereof the following new section:

"TELEPHONE SERVICE TO PERSONS WITH IMPAIRED HEARING

"SEC. 225. (a) The Commission shall establish such regulations as are necessary to ensure reasonable access to telephone service by persons with impaired hearing.

"(b) In ensuring such access, the Commission shall require that coin-operated public telephones be designed, manufactured, and operated so as to be capable of coupling with hearing aids through the use of an induction coil or other inductive receptor. The Commission may also require that other telephones frequently used by the public (such as telephones in hospital rooms), or provided for emergency access (such as telephones in elevators), be similarly designed, manufactured, and operated.

"(c) The Commission may establish such technical standards as are required in order to ensure compatibility between telephones and hearing aids.

"(d) The Commission shall establish such requirements for the labeling of equipment and packaging materials for equipment as are needed to provided adequate information to consumers on the compatibility between telephones and hearing aids.

"(e) In any rulemaking to implement the provisions of this section, the Commission shall specifically consider the costs and benefits to all telephone users, including persons with and without hearing impairments. The Commission shall ensure that regulations adopted to implement this section do not discourage or impair the development of new technology.".●

By Mr. HART (for himself, Mr. HEINZ, and Mr. CRANSTON):

S. 2356. A bill to authorize negotiations directed toward opening foreign markets to U.S. exports of high technology products, and for other purposes; to the Committee on Finance.

HIGH TECHNOLOGY TRADE ACT OF 1982

● Mr. HART. Mr. President, I am today introducing the High Technology Trade Act of 1982. This legislation addresses an issue of paramount importance to America's economic future—the strength and international competitiveness of our high technology industries.

This bill focuses on high technology for a simple, yet profound, reason: High technology today, like steel before it, is seminal—it will provide the key technological infrastructure on which our economy will be built. The bill has three major provisions. First, it authorizes the President to negotiate, bilaterally or multilaterally, on high-technology trade and investment issues. Second, it affirms our commitment to national treatment in trade and investment. And third, it establishes a system to monitor and report on practices which distort trade and investment flows and to offer proposed remedies.

Before discussing the specific provisions of the bill in more detail, I would like to make two general points about it:

First, it is a pro-free-trade bill. Unlike sectoral reciprocity legislation which is narrowly focused on balancing trade bilaterally, this bill seeks across-the-board elimination of barriers for a broad range of high-technology products. This approach is positive; it tells the President to use the trade tools at his disposal to resolve disputes, rather than to close markets which exacerbate them. And it is farsighted; negotiating from today's leadership position will be much less costly than more intrusive government intervention should we fall behind.

Second, the bill, by itself, will not insure the future health and growth of our high-technology industries. Important as international issues are, our responses to these industries' domestic needs—for increased capital formation, adequate R. & D. channels and opportunities and adequate numbers of trained scientists and engineers—will be vitally important as well.

NEED FOR THE BILL

This bill is needed now: because high-technology industries are critical to our economy's future; because their growth is hindered by restrictive trade and investment barriers abroad; and because the Special Trade Representative must have negotiating authority to insure that GATT provisions keep pace with rapid developments in this area.

As I emphasized in a recent paper, "An Economic Strategy for the 1980's," high technology is transforming our economy—bringing a depth, scope, and magnitude of structural change comparable to the change brought by the industrial revolution.

The high-technology sector itself will grow tremendously in the next decade. Even more important, however, is the role high-technology products—semiconductors, robots, microchips, computer-aided manufacturing systems—will play in revitalizing our traditional manufacturing industries. By greatly boosting productivity, high-technology products can transform moribund manufacturing industries into modern, efficient, international competitors.

But our high-technology industries will not survive, let alone thrive, if they are unable to compete effectively in a free, open international trading environment. Today, restrictions on U.S. access to foreign markets and other forms of intervention by foreign governments reduce our ability to compete.

One industry that has experienced such practices is the semiconductor industry. Because economies of scale are particularly important in semiconductor manufacturing, American firms need to produce for the largest market. And of the total world market for semiconductors, fully 50 percent lies outside the United States. Access to international markets is vitally important.

Yet the Japanese Government, according to the Joint Economic Committee, has pursued a "clear and forceful" policy of restricting access to their domestic markets. "The Japanese market remains closed in significant respects to U.S. exports," the committee's annual report states.

The objective of U.S. policy, the committee recommends, "should be to maintain a climate in which an already highly successful industry can continue to flourish, and to guard against policies by other governments which might unfairly advantage their competing semiconductor sections to the detriment of ours."

I concur with the committee's recommendation. The bill I have introduced would meet this objective, not just for semiconductors, but for the entire high-technology sector. It would enable the United States to deal effectively with foreign government measures to protect and promote their high-technology industries by strengthening and expanding existing GATT provisions. And it would provide strong backing for administration efforts to make high technology a key priority at the November GATT ministerial.

On the question of focusing only on the high-technology sector, this bill is consistent with policy as described by William Brock, U.S. Trade Representative. In his testimony before the Subcommittee on Trade of the House Ways and Means Committee, Mr. Brock said:

> As opposed to taking a primarily reactive approach to sectoral problems, the U.S. Government would like to adopt a more forward-looking approach in the high-technology industries—a preventive perspective, both domestically and internationally.

This sectoral focus is not at odds with the GATT framework. The civil aircraft case provides a strong precedent of multilateral agreement on a sectoral issue achieved within GATT. That agreement was directed at eliminating the adverse effects of a myriad of trade-distorting measures, encouraging continual worldwide innovation, and insuring that producers of all signatory nations are provided fair and equal competitive opportunities. The high-technology sector is an even stronger candidate for international negotiation and agreement.

Thus, although I believe a sectoral approach to most international trade problems is neither necessary nor appropriate, a sectoral focus is the most effective approach to current high-technology trade issues.

PROVISIONS OF THE BILL

First, the bill authorizes a mandate for major new international negotiations to open markets for U.S. high-technology trade and investment, and provides the means for implementing any agreement. In short, new tariff negotiating authority is granted with respect to high-technology products. Existing trade laws provide a range of remedies to deal with unreasonable or unjustifiable foreign practices. However, the bill adds important flexibility to amicable and prompt international settlement of trade distortions that result from foreign governments' industrial policies. The bill also covers investment-related issues not covered by existing law, and should help avoid the need to take ill-advised trade actions in response to investment restrictions abroad.

Specifically, the bill authorizes the President to enter into bilateral or multilateral agreements to address specific problem areas: discriminatory public and private procurement; reduction and elimination of tariffs; national treatment of investment; access to joint research opportunities and results; the free flow of nonstrategic technology; and the monitoring of trade and investment activities. To carry out these agreements, the President may modify tariff treatment or submit proposed changes in U.S. laws to Congress.

By expanding the scope of Presidential response and allowing the President to address a wider range of unfair market barriers, such agreements should help insure the maintenance of the consensus achieved through mutual concessions which forms the foundation of GATT. Such bilateral agreements should be the stepping stone to establishment of a comprehensive multilateral framework for dealing with high-technology issues.

The second major provision—"national treatment"—essentially provides for U.S. firms operating in a foreign country to receive treatment equivalent to domestic firms. This is a widely advocated objective. The report of the Japan-United States Economic Relations Group recommended that U.S. production affiliates in Japan should "* * * be allowed by the respective governments to participate in government research and development and procurements on the basis of equal national treatment." National treatment extends to all areas, including access to capital markets and ability to recruit engineering talent. The JEC semiconductor study stated forcefully: "In electronics, open trade will require open borders and national treatment for foreign companies. The alternative is, simply, a fruitless segmentation of world markets and endless international trade conflict."

Finally, the bill contains a number of monitoring and reporting requirements. The Secretary of Commerce is directed to report annually to Congress, describing any policies of developed or advanced developing countries that significantly distort trade and investment flows and harm U.S. high-technology industries. It would also describe steps the administration proposes to take to remedy the adverse effects of those measures and of dumping or subsidization. The act's implementation will be monitored by the Secretary of Commerce who will report to the President on trade and investment levels and conditions of competition and market conditions. Such monitoring is strongly recommended in this year's annual report of the Joint Economic Committee: "* * * It is vital that the U.S. Government * * * become fully equipped to monitor developments in world semiconductor markets, especially Japan."

The bill in no respect requires the U.S. Government to depart from strict adherence to international obligations of the United States. U.S. trade laws provide the domestic means for the President to take action pursuant to U.S. rights under international agreements. While these rights do not always provide the means to solve international disputes, the measures authorized under the bill are discretionary and can be used solely in conformity with international agreements.

It is clear that the strength and vitality of the U.S. economy will depend significantly on the health of our high-technology industries. We must move toward an international trade and investment system that provides them the maximum opportunity for continued innovation and growth. This bill will help provide such a system, thereby meeting the dual objectives of helping to insure the continued health of high-technology industries and helping to strengthen and protect the multilateral GATT trading system.

Mr. President, I ask unanimous consent that the bill be printed in the Record.

There being no objection, the bill was ordered to be printed in the Record, as follows:

S. 2356

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "High Technology Trade Act of 1982".

SEC. 2. FINDINGS AND PURPOSE.

(a) Findings.—The Congress finds that—

(1) the growth and maintenance of an open world economy for trade and investment is in the national interest and in the interest of the United States high technology industries;

(2) international competition in high technology products is increasingly characterized by a high degree of government intervention through central planning, joint establishment of industrial objectives, subsidization, anticompetitive practices tolerated or fostered by government policy, denial of national treatment, nontariff and tariff barriers, investment performance requirements, access to preferential financing, and sponsorship of limited-access joint research projects;

(3) the strength, vitality, and innovativeness of United States high technology industries are essential to the national security and the national defense, the future development of the United States economy, and the competitiveness of United States industry in international trade; and

(4) domestic policies play a critical role in determining the international competitiveness of United States high technology companies, and therefore the United States should take into account the importance of providing a favorable domestic economic environment for United States high technology industries in order to preserve United States international competitiveness.

(b) Purposes.—The purposes of this Act are—

(1) to obtain and preserve the maximum openness with respect to international trade and investment in high technology, and

(2) to strengthen the international trading system as embodied in the General Agreement on Tariffs and Trade and related agreements.

SEC. 3. NEGOTIATING MANDATE.

(a) Presidential Authority.—The President is authorized to enter into such bilateral or multilateral agreements as may be necessary or appropriate to achieve the purposes of this Act.

(b) Agreements.—Agreements under this Act may include, but need not be limited to—

(1) a commitment that official policy of signatory countries will not discourage government or private procurement of foreign high technology products or services;

(2) the reduction and elimination of all tariffs on, and other barriers to, imports of high technology products, including, but not limited to—

(A) the acceleration of the full concession tariff rates on high technology products agreed to during the Tokyo Round of trade negotiations; and

(B) the elimination of any tariff which on the date of enactment of this Act is 5 percent ad valorem (or ad valorem equivalent) or less;

(3) a commitment to provide national treatment;

(4) a commitment to foster the pursuit of joint scientific cooperation by companies of signatory countries through such measures as financial participation, and technical and personnel exchanges, in areas of mutual interest; and

(5) a commitment—

(A) to guarantee participation by business entities of signatory countries in industry or industry and government-sponsored cooperative research and development projects and access to the results of such projects, and

(B) not to interfere with the outward flow of nonstrategic technology.

(c) Actions by President To Carry Out Agreements.—In order to carry out any agreement concluded under this Act, the President is authorized with respect to products which he deems to be high technology products—

(1) to proclaim, pursuant to the procedures governing tariff agreements in title I of the Trade Act of 1974, such modification or continuance of any existing duty-free or excise treatment, or such additional duties, as he determines to be required or appropriate; and

(2) to utilize the procedures contained in sections 102 and 151 of the Trade Act of 1974 (and corresponding provisions of law) in the event that changes in United States laws are required or appropriate.

(d) Changes in Law.—The President is authorized to include in any agreement concluded under this Act commitments to make changes in United States laws, regulations and policies that are considered necessary and appropriate to ensure the continued competitiveness in open international markets of the United States high technology industries. Such changes shall be considered by Congress as provided in subsection (c)(2) of this section.

SEC. 4. ADDITIONAL ACTIONS TO OBTAIN FOREIGN MARKET ACCESS.

(a) Determinations by President Regarding National Treatment.—

(1) In general.—In order to ensure that national treatment is accorded by a key country to—

(A) United States high technology companies for sales in such country, and

(B) United States persons for investments in high technology industries in such country, the President shall, on a continuing basis, determine whether such country is taking actions sufficient to provide national treatment in such country for United States exports of high technology products and United States investments in high technology industries.

(2) Basis of determinations.—The President shall base the determinations under paragraph (1) on such product categories as are deemed appropriate in accordance with the procedures established under such paragraph.

(b) Actions Involving Negative Determinations.—If the President determines under subsection (a) that a key country is not providing national treatment, the President shall promptly enter into consultations with such country with a view to establishing national treatment in such country and achieving the purposes of this Act. If such consultations do not provide the means to obtain this objective, the President shall promptly consider taking such actions within his power as he deems necessary or appropriate under trade agreements to which the United States is a party and under provisions of United States law.

SEC. 5. EFFECTS OF FOREIGN INDUSTRIAL POLICY.

(a) Report by Secretary of Commerce.—The Secretary of Commerce, in consultation with the United States Trade Representative and the High Technology Industry Advisory Committee established under section 6(c), shall analyze and report annually to the Congress—

(1) the extent to which any key country utilizes industrial policies or measures which significantly distort international trade or investment flows and which have or may have substantial adverse effects on any United States high technology industry; and

(2) the steps which the President is taking or proposes to take domestically and internationally to remedy any adverse effects determined under paragraph (1), including any adverse effect arising out of any action which results in the subsidization of articles imported into the United States or the sale of such articles at less than fair value in the United States market.

(b) Scope of Analysis.—The analysis under subsection (a) shall include an analysis of—

(1) any foreign government industrial policies and measures—

(A) which are designed to enhance, or having the effect of enhancing, the international competitiveness of a foreign high technology industry, or

(B) which increase the rate of savings and investment, decrease consumption, channel private or public financial or other resources to favored industries, or otherwise have the effect of increasing high technology exports, and

(2) specific foreign government industrial policies and measures such as—

(A) subsidies,

(B) toleration of cooperation among firms, or

(C) other anticompetitive activities, including allocation of product or geographic markets, exclusive of nonstrategic joint research and development activities, and other export-enhancing or import-inhibiting practices.

(c) Other Presidential Actions.—If the President determines under subsection (a) that a foreign country has foreign industrial policies or measures which—

(1) significantly distort international trade or investment to the detriment of any United States high technology industry; or

(2) may result in sales of articles at less than fair market value in the United States market or subsidization of articles imported into the United States and cause, or threaten to cause, material injury to any United States high technology industry,

the President shall take whatever steps within his power that he deems are necessary or appropriate (including entering into agreements) to obtain the elimination of such practices or offset their adverse effects.

(d) Definitions.—For purposes of this section, the terms "less than fair value" and "material injury" have the same meaning as in title VII of the Tariff Act of 1930 (19 U.S.C. 1671 et seq.).

SEC. 6. MONITORING OF KEY COUNTRIES; REPORTS.

(a) Analysis of Competitive Opportunities.—The Secretary of Commerce shall establish a mechanism to analyze high technology trade and investment patterns in key countries to evaluate competitive opportunities offered in foreign markets, and to further the objectives of this Act. The Secretary of Commerce shall prepare and publish annually a report to the President containing the results of his analysis which shall include, but not be limited to, information with respect to—

(1) United States exports and imports of high technology products to and from such key countries;

(2) direct and indirect investment flows;

(3) the conditions of competition in such countries, including the nature and extent of intercompany cooperation and coordination in joint research and development, market allocation, and the development and implementation of industrial objectives; and

(4) the nature and extent of government intervention, including the development of industrial objectives, the financing of research and development, the providing of financial, tax, and other incentives, and the directing of procurement.

(b) Report to the President.—

(1) Report.—The United States Trade Representative and the Secretary of Commerce shall, after consultation with the Advisory Committee established under subsection (c), report annually to the President with respect to measures enumerated in the report submitted under subsection (a)—

(A) which they consider to be violation of United States international agreements, or

(B) which are unjustifiable, unreasonable, or discriminatory and a burden or restriction on United States high technology products, services, or investments.

(2) Action by President.—The President shall consider what action may be taken under the laws of the United States and trade agreements to obtain the reduction or elimination of such measures.

(c) Advisory Committee.—The Secretary of Commerce and the United States Trade Representative shall—

(1) establish a High Technology Industry Advisory Committee comprised of representatives of interested high technology industries, and

(2) fully consult with the Committee with respect to actions under this Act relating to—

(A) the preparation of negotiating positions,

(B) the conclusion of any agreement,

(C) the imposition of any restriction, and

(D) the monitoring of the results of any such agreement or restriction.

The provisions of section 135(f) of the Trade Act of 1974 shall apply to the Committee.

SEC. 7. DEFINITIONS.

(a) Openness of Foreign Markets.—For the purpose of this Act, openness of international trade and investment shall be measured by reference to—

(1) the existence of structural barriers to United States trade and investment;

(2) structural advantages enjoyed by foreign companies by virtue of an absence of fully competitive market conditions in their home markets;

(3) the extent to which national treatment is afforded United States investments to produce and sell high technology products and services for sale in the local market of a major developed country;

(4) in the case of key commodity components (for example, random access memories (RAMs)), the extent to which sales in a major developed country of such products manufactured by United States companies in the United States or abroad, taking into account the relative size of markets, are less than sales of those products in other international markets where more open conditions of competition prevail; and

(5) such other factors as the United States Trade Representative and the Secretary of Commerce shall prescribe.

(b) National Treatment.—The term "national treatment" shall include, but not be limited to, treatment not less favorable than that accorded to any national with respect to—

(1) the freedom of establishment of a market,

(2) taxation and financial incentives,

(3) nonstrategic government purchasing and public contracts,

(4) internal regulations and practices, and

(5) freedom to participate in joint research and development activities and in other national programs designed to foster the growth of high technology industries.

(c) Key Country, Etc.—For the purpose of this Act—

(1) the term "key country" means Japan, the European Economic Community, any individual member country of the European Economic Community, Canada, and any foreign country (including any newly industrialized country) designated by the President as a key country for any purpose of this Act, and

(2) the term "newly industrialized country" means Korea, Taiwan, Malaysia, Brazil, Argentina, Hong Kong, Singapore, Spain, Mexico, and Israel.●

● Mr. HEINZ. Mr. President, today I am joining the Senator from Colorado (Mr. Hart) in introducing the High Technology Trade Act of 1982. Its purpose is to provide a negotiating mandate in the area of international high technology trade and investment, in order to open foreign markets to imports and investment.

The problems of international high technology trade and investment—an area vital to the United States and to all other nations—have reached a critical level and are impairing relations among trading nations. These problems demand special attention. The administration has committed itself to an aggressive response, emphasizing that high technology will be one of the major trade issues of the decade. U.S. Trade Representative William Brock included the challenges facing the U.S. high-technology industries on the list of U.S. high-priority items to be addressed at the GATT Ministerial. In his statement on U.S. trade policy, he assured us that future negotiating efforts within GATT would extend international discipline to this new sector.

In his testimony just last week before the International Trade Subcommittee, Ambassador Brock stressed the need for the legislation I am introducing today:

> Focus should be directed toward the need for multilateral consideration of high technology trade, a priority item in our work on the GATT Ministerial agenda, and one which many countries legitimately recognize as a critical area for economic development. I ask that Congress examine the reduction of barriers to trade in high technology goods, including the reduction of tariffs. Such a provision would give the President specific authority to reduce U.S. tariffs on high technology products in exchange for equivalent concessions.
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> Other legislative proposals also deserve more careful examination. There are areas which have not been fully examined. I refer to the erosion or rejection by some nations of industrial and intellectual property rights, especially in more technologically advanced products, or the impact of foreign industrial planning and county targeting on an open market such as ours. A thorough examination of these issues will be of benefit.

Mr. President, we are threatened by a rising incidence of neomercantilism. Our trading partners today are increasingly intervening in the normal flows of international trade and investment, with the intent of expanding exports and restricting access to their markets. This neomercantilism is most striking in the high technology industries. Governments of developed and advanced developing countries alike are unfairly protecting and promoting their industries while restricting foreign access to their own markets through a range of tariff and nontariff barriers and other trade-distorting measures such as government and joint government-industry planning and establishment of objectives, toleration of anticompetitive practices, investment performance requirements, subsidization, sponsorship of limited-access joint research projects, and preferential financial and taxation measures. In contrast, the U.S. market is substantially free of Government intervention, and is open to foreign imports and investment.

I will describe only a few of the many examples. In an effort to establish a unified European market and expand its share of the world market, the European Community has outlined a sweeping program of coordinated research design and production with particular attention devoted to microelectronics.

Individual European countries are going full steam ahead with a series of programs and policies which support and protect their high-technology industries. The French Government officially encourages the development of technologically advanced industries and related research. As part of its effort to promote the French integrated circuit industry, the Government will provide $150 million of financing over a 5-year span, and is sponsoring R. & D. projects and specific measures to increase production, as well as encouraging the assimilation of U.S. technology through joint ventures with U.S. firms. French high-technology industries receive additional support from measures—such as tax benefits for R. & D. efforts, discriminatory public procurement policies, and performance requirements—which are representative of the types of barriers our bill seeks to eliminate.

The level of government funding for research and development in Germany is another striking example. In 1978, for instance, the German Government financed 47 percent of total German R. & D. The German Government influences the development of its high-technology sector through a well-developed government-industry communications network composed of research institutions which administer government R. & D. funds, and advisory committees.

Through its new technologies program, the German Government has targeted certain key industries such as microelectronics, telecommunications, bioengineering and optic and control engineering, in an effort to insure the international competitiveness of German industry in all high-technology-related industries. Targeted industries receive government R. & D. funding on the basis of cost sharing.

Japan, too, has adopted a national policy of promoting its high technology information-based industries. Initial Japanese Government attention has focused on the semiconductor industry, where the Government coordinates a joint government-industry effort to improve the Japanese capacity in the greatest volume, fastest growing part of the market. This effort is specifically geared to overtaking the U.S. lead in that sector. The programs are aided by tax incentives, low interest rates, accelerated depreciation and debt-leveraged financing. Moreover, the Government's targeting of the semiconductor industry has made this a low-risk area, greatly improving access to private capital. Direct Government support of the industry is reinforced by a wide range of nontariff barriers and distortions to trade and investment.

The newly industrializing countries are all too willing to apply the same model. Those nations are increasingly aware that acquisition of foreign technology and their own technology-generating capabilities are integrally related to their development processes and to their ability to maintain any level of international competitiveness. They assume that infant industry protection, which aided development of low-technology industries, will also work in high-technology industries. The result is a pervasive use of performance requirements and other policies restricting market access, government monopolization and funding, and tax and financial incentives.

Brazil is a prime example. The Brazilian national development plan is aimed in part at achieving competitive strength in numerous industrial sectors through increased acquisition and use of high technology. As part of that effort market access for foreign firms representing a substantial competitive threat to Brazilian enterprises is denied or is severely limited. Through its computer program, for example, the Brazilian Government conditions foreign investment on the introduction over time of increased levels of Brazilian content. The Mexican Government similarly relies heavily on trade and investment restrictions and export incentives to promote its electronics and telecommunications industries.

These policies are self-defeating. Limiting imports and investment in computers, semiconductors, and other high-technology industries stunts growth instead of promoting it. Here is an area where the cost of attempting to "pick the winners" outweighs any possible benefits. Curbing freedom of trade and investment prevents thousands of businesses and engineers from being a part of the worldwide exchange which is necessary for high-technology industries to flourish.

If this movement is allowed to continue unimpeded, the result will be disastrous for all countries which participate in the international trading system. Our own interest is unquestionable. There is probably no other category of products more uniquely important to the United States.

Semiconductors are one example. Because of their defense-related uses, semiconductors and semiconductor technology are crucial to the U.S. national security. In addition, this is a core industry, feeding into all other major U.S. industries. Not only are semiconductors vital to the future growth and competitiveness of the U.S. computer, telecommunications and electronics instrumentation industries and to pioneer industries like robotics and genetic engineering, they are absolutely critical to the future health of our steel, automobile, and textile industries.

The crisis currently facing the U.S. semiconductor industry illustrates dramatically the adverse consequences of the types of policies this bill is aimed at eliminating. Our semiconductor industry is seriously threatened by foreign industrial policies. Absent a U.S. response, that threat will only increase in severity and will spread to other U.S. industries.

Foreign semiconductor producers are challenging U.S. dominance in those memory chip products which will be most important in the future. Although the U.S. industry currently has 63 percent of the overall market share in the 16K RAM—16,000 bits random access memory—market, it has only 30 percent of the market for the 64K RAM; expected to be the largest selling chip by 1985. Foreign producers are well positioned in the race to manufacture the 256K RAM. Leadershp in this sector is most important, since these are the most advanced, state-of-the-art products and demand for them is expanding at three times the rate for semiconductors as a whole.

Improved access to world markets is critical to the U.S. industry for two interrelated reasons. First, due to the structure and nature of the industry, access to capital and economies of scale are increasingly crucial. Second, if foreign industries are allowed to remain within their insulated environments of protection and support, our industries will ultimately be unable to compete.

This excerpt from the International Microelectronic Challenge best sums up the threat to this industry, and the challenge before us:

> Foreign governments have recognized the importance of semiconductor technology and have assisted the development of their indigenous industries through a variety of policies—restricting access to their domestic markets, granting state aids, and providing an officially supported customer base. These actions are having a serious effect on the international conditions of competition. The lead of U.S. firms in the world's commercial market is coming under increasing pressure. American companies are having difficulties both in gaining new access and maintaining existing access to important foreign markets. The industry can no longer rely on its technological lead as the principal means to gain access to foreign markets.
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> Governments around the world are supporting their national semiconductor industries as a national priority by adopting national policies and programs designed to provide a special economic environment beyond the benefits free market forces would generate. They are seeking to give their industries a competitive edge in the world market. What is disturbing about this challenge is not the competition itself. This industry has thrived on competition. What is disturbing is the fact that we may not ultimately be able to compete successfully unless the gap is narrowed between the deliberately supportive economic environment provided abroad and the environment existing in this country.
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> This challenge from Europe, Japan and other countries can be used as an opportunity for America to fashion public policy responses which are consistent to our economic philosophy.

The significance of the high-technology—and particularly the semiconductor—industries, and the consequent severity of the threat from foreign government policies was recognized in the 1982 Annual Joint Economic Report:

> An American approach to industrial development should emphasize industries which can act as Catalysts to economic development and job creation. A catalytic industry may be defined in any of several ways:
>
> As one with extensive backward and forward linkages in the economy, so that strong advantage in that industry leads to strong advantages in a wide array of final products. The steel industry played this role in past decades for a wide range of fabricated products. Today, the semiconductor industry is the catalytic center of industries as varied as computers, robots, telecommunications, and a host of electronic products.
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> The American semiconductor industry provides an example of a catalyst industry, because of its extensive linkages forward into mainframe computers and electronically controlled equipment of all types, and backward into high-quality technical education, and because the success of the industry depends on rapid market penetration and volume sales, which may be facilitated or impeded by government policy.
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> The objective of U.S. policy toward the semiconductor industry should be to maintain a climate in which an already highly successful industry can continue to flourish, and to guard against policies by other governments which might unfairly advantage their competing semiconductor sectors to the detriment of ours.

I would like to quote from a study of February 18, 1982, prepared for the Joint Economic Committee, entitled "International Competition in Advanced Industrial Sectors: Trade and Development in the Semiconductor Industry." I think it clarifies the challenge we face:

> These events signify much more than a loss of profits for U.S. firms in particular product categories in a single industry. They indicate the potential for an irreversible loss of world leadership by U.S. firms in the innovation and diffusion of semiconductor technology. Because the products of this industry are the crucial intermediate inputs in all final electronics systems, competition in the semiconductor industry will be at the center of competition in all industries which incorporate electronics into their products and production processes. Indeed, trade in integrated circuits and electronics in general is typical of competition in industrial goods between the advanced countries.
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> Market access in the products which these countries exchange between themselves depends on the management of complex processes of product development and manufacturing rather than simply on national differences in factor costs such as wages or raw materials. The corporate capabilities that afford a national advantage in high technology can be promoted by government policies for industry and trade. National competition in this industry is typical of the trade conflicts we may anticipate in all of the growing high-technology industries on which all advanced countries are depending. Indeed, the case of this one industry suggests that government policies can shape a nation's comparative advantage in trade. General issues aside, however, we shall argue that the outcomes on industrial competition in electronics will have a unique national importance.
>
> For the foreseeable future, the relative economic strength of all advanced industrial economics will rest in part on their capacity to develop and apply semi-conductor technology to product design and production processes. Thus the loss of leadership in this one industry would mean the loss of international competitiveness in many of the advanced technology sectors that have been the basis of a U.S. advantage since the Second World War.

Negotiations and agreements eliminating barriers to trade and investment for high-technology products and industries will benefit not only the United States, but every trading nation and the international system as a whole. There is no good substitute for open international trade—particularly for industries as dependent as these are on access to world markets and competition because of economies of scale and high levels of innovativeness. Shortsighted national policies focused on immediate benefits to individual national economies are counterproductive and divert us all from the most efficient course.

The United States has been the leader in liberalizing international trade. Now the progress we have achieved with our trading partners within the GATT forum is being undermined. Existing international mechanisms and present U.S. law are not adequate to deal with these issues. A specialized comprehensive approach to high-technology issues is needed.

High technology is not just another significant product sector. Defined by input rather than product, its parameters cut across other product sectors and will shift with time to encompass any product highly dependent on extensive research and development and constant innovation. These are the products generally in the forefront in determining any nation's industrial strength and future competitiveness. Singling out high technology trade problems for special focus is quite different from sectoral negotiations on a purely product-specific basis. No other category of products is as uniquely important to every nation.

Many of these problems involve issues which cannot be dealt with adequately under the existing GATT rules. High-technology products are by definition new and constantly changing. The adverse effects of current foreign government policies will be felt in the future and are not necessarily immediately apparent or quantifiable. A sectoral focus is mandated by the pervasiveness, diverse nature, and difficulty of quantifying the obstacles to free trade and investment in this sector. A comprehensive approach is the only truly effective alternative.

The United States has a clear strategic interest in retaining leadership in high-technology industries and in maintaining an industrial structure that facilitates the diffusion and innovation of these vital technologies. There is simply no reason to allow the evolution of this sector to be dictated by the policies of foreign governments. What is needed are American policies aimed at opening international markets abroad to rigorous competition from U.S. firms, and easing domestic constraints on the U.S. industry's ability to grow and compete. Such policies would make domestic and international markets function more efficiently. Failure to adopt such policies could generate serious long-run costs to the U.S. economy.

Events in the semiconductor industry provided the United States with a timely opportunity to reconsider U.S. policy responses to the generic problem of foreign government promotion of specific industrial sectors. Foreign industrial policies aimed at accelerating the shift out of agriculture into capital-intensive industries—such as autos—may have been acceptable in an era of U.S. economic hegemony, but they pose new problems when they serve as strategies to forge leadership in the advanced technology sectors upon which the U.S. future rests.

As the Joint Economic Committee study, "International Competition in Advanced Industrial Sectors: Trade and Development in the Semiconductor Industry" concluded with respect to one high technology industry:

> The semiconductor industry is at the heart of the transformation of industrial life being produced by information-processing technology. Its application to data processing, automated production, robotics, communications, and military systems is changing the goods we use, the way we make those products, and the means by which we communicate with each other. In the trade among the advanced countries, competitive position is gained by product differentiation and the management of sophisticated production systems, both of which will be shaped by the possibilities offered by integrated circuits. Consequently, in our view, the relative strength of the several advanced industrial countries in the next few decades will be significantly affected by differing national capacities to develop and apply these electronic component technologies.
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> The policy task is to reconcile the desire of the United States to maintain its position in the forefront of this industry with Japanese and European desires to situate their industries so they may also ride the wave of electronics into the future. The story told here of marketplace competition is also a tale of conflict between nations over the role of government in promoting and shaping growth sectors. In the 1980s trade debates about the government policies of procurement and promotion, rather than arguments about tariffs and quotas, will be central. The integrated circuit case, where government policies are so important, may prove to be a prototype for the trade conflicts of the next decade. The real danger is that each nation's pursuit of its own advantage will fragment this worldwide industry into a series of national markets insulated by policies of government procurement and subsidies.

Immediate expansion of foreign market access is the key in facing that challenge, and must be an American goal. The High Technology Trade Act of 1982 authorizes the President to negotiate and enter into agreements to achieve that goal, by eliminating barriers to high-technology trade and investment.

The bill is directed at ensuring that U.S. high-technology companies exporting to or investing in foreign countries receive national treatment—or treatment no less favorable than that accorded nationals of the foreign country. To that end, the President will consult with foreign governments that fail to provide national treatment, and should consultations fail, will take action as necessary and appropriate under trade agreements or existing law. Congress will receive annual reports on foreign industrial policies and trade and investment-distorting measures like those I have described, and on proposed administration responses. Finally, a mechanism to monitor high-technology trade and investment flows and competitive conditions in foreign markets will be established, as well as a High Technology Industry Advisory Committee.

SUMMARY OF THE BILL

The High Technology Trade Act of 1982 recognizes the importance of the U.S. high technology industries to the U.S. national security, defense, economy, and international competitiveness. It recognizes the importance of open international competition in high-technology industries and a favorable domestic environment for U.S. high technology industries. Foreign governments are increasingly restricting access to their markets and distorting trade and investment through government intervention. The purpose of the bill is to obtain maximum openness in international high technology trade and investment, and to strengthen the international trading system. (Sec. 2.)

The act authorizes the President to negotiate and enter into agreements directed at opening foreign markets. Openness is measured with reference to such nonexclusive factors as competition in more open markets, structural barriers facing U.S. companies, "national treatment," and structural advantages enjoyed by foreign industries. (Secs. 3 and 9.)

International agreements could include commitments to reduce or eliminate tariff and nontariff barriers—including an acceleration to 1982 of the tariff rates agreed to for 1987—a national treatment commitment, a commitment not to discourage procurement of U.S. high technology products, and other commitments insuring access for U.S. companies to projects involving financial and scientific cooperation. In order to carry out these agreements, the President may modify tariff treatment, make commitments to change U.S. laws, regulations, and policies as necessary, and submit to Congress proposed changes in U.S. laws. (Sec. 3.)

The President will determine on a continuing basis whether any major developed or newly industrialized country has failed to take actions to provide national treatment for U.S. exports and investments. National treatment is defined as treatment with respect to establishment, taxation and financial benefits, government-procurement, and participation in research and development and government sponsored programs, no less favorable than that accorded to nationals of the foreign country. The President will consult with any such nation, and should consultations fail to rectify the situation, will consider actions under existing trade agreements and U.S. law, as necessary and appropriate. (Secs. 4 and 7.)

The act contains a number of monitoring and reporting requirements. Any foreign government measures or industrial policies that distort trade and investment flows and adversely affect the U.S. high technology sector are to be reported to Congress annually by the Secretary of Commerce, working together with the Special Trade Representative and the High Technology Industry Advisory Committee; a committee of industry representatives established by this legislation. (Sec. 8). This report is also to outline the steps the administration is taking, or plans to take, to remedy the effects of sales at less than fair value, subsidization, or other unreasonable practices. (Sec. 5.)

The President is directed to promptly consider acting under existing trade agreements or legislation, in response to any foreign industrial policies or measures which significantly distort trade and investment flows, may result in subsidization of sales at less than fair value, and cause or threaten to cause material injury to any U.S. high technology industry, and is authorized to enter into agreements to eliminate those measures or offset their effects. (Sec. 5.)

Monitoring of the act's implementation will be conducted by the Secretary of Commerce, who will report annually to the President, describing trade and investment levels, competitive conditions and market conditions. (Sec. 6.) The U.S. Trade Representative and the Secretary of Commerce will report annually to the President on foreign practices which they consider to be violations of U.S. international agreements or which are unjustifiable or discriminatory and a burden or restriction on U.S. high technology products, services, or investments, and the President will consider taking action under the Trade Agreement Act of 1979, to reduce or eliminate those measures. (Sec. 7.)●

By Mr. SPECTER:

S.J. Res. 183. Joint resolution to authorize and request the President to issue a proclamation designating October 19 through October 25, 1982, as "Lupus Awareness Week"; to the Committee on the Judiciary.

LUPUS AWARENESS WEEK

Mr. SPECTER. Mr. President, I introduce a joint resolution to designate the week of October 19 through October 25, 1982, as "Lupus Awareness Week." Congressman Charles F. Dougherty of Philadelphia has already introduced House Joints Resolution 417 for this same purpose.

Most people are not familiar with lupus, neither the seriousness nor incidence of this disease. Unfortunately, it is little known mainly because even now its diagnosis is difficult and sometimes uncertain.

It is estimated that more than 500,000 Americans suffer with lupus. This makes lupus more prevalent than more familiar diseases such as muscular dystrophy, cystic fibrosis, rheumatic fever, pernicious anemia, Hodgkin's disease, and leukemia. In spite of the progress made in the treatment of lupus, more than 5,000 patients die of it each year.

Lupus is a chronic inflammatory disease affecting connective tissue. It may affect only the skin in some people; in others it may affect virtually any organ in the body, including the skin, joints, kidneys, brain, lungs, heart, blood, and immune system. Lupus can be present in varying degrees of severity, from mild to severe; in some victims the systemic form may be fatal.

The lack of awareness on the part of the general public and, in some cases, even on the part of the medical profession, creates a major problem as the disease is often misdiagnosed or diagnosed too late, when the damage to the patient is irreversible.

This is why an increased level of awareness developed through "Lupus Awareness Week" is so important to help overcome this disease.

Mr. President, I ask that the joint resolution be printed in the Record.

There being no objection, the joint resolution was ordered to be printed in the Record, as follows:

S. J. Res. 183

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the President is authorized and requested to issue a proclamation designating October 19 through October 25, 1982, as "Lupus Awareness Week", and calling upon the people of the United States to observe such week with appropriate ceremonies and activities.

By Mr. INOUYE (for himself, Mr. Abdnor, Mr. Andrews, Mr. Baucus, Mr. Boren, Mr. Boschwitz, Mr. Burdick, Mr. Cannon, Mr. Cohen, Mr. DeConcini, Mr. Domenici, Mr. Durenberger, Mr. Garn, Mr. Goldwater, Mr. Gorton, Mr. Hatfield, Mr. Hayakawa, Mr. Laxalt, Mr. Levin, Mr. Matsunaga, Mr. Melcher, Mr. Murkowski, Mr. Nickles, Mr. Proxmire, Mr. Riegle, Mr. Stevens, Mr. Symms, and Mr. Wallop):

S.J. Res. 184. Joint resolution to designate January 28, 1983, as "Native American Day"; to the Committee on the Judiciary.

NATIVE AMERICAN DAY

Mr. INOUYE. Mr. President, together with 27 cosponsors, I am introducing today a joint resolution designating January 28, 1983, as "Native American Day". The resolution calls on all government agencies and people of the United States to observe the day with appropriate programs, ceremonies, and activities.

Mr. President, our culture and our history have been greatly enriched by the contributions of native Americans to an extent which I think may not be understood by many of our citizens. Much of what we take for granted in everyday life originated with our country's first inhabitants.

It is highly appropriate, and indeed well overdue, that a national day be designated to recognize past and present contributions by native Americans. It is my hope that this day will be particularly observed in our schools so that American children may grow up with a broader understanding of their heritage. While we now seek the designation of "Native American Day" for only the coming year, it is also my hope that the significance of the occasion will lead to a perpetual designation which will not require annual renewal by Congress. There is no national day at present to honor native Americans. Several States have set aside one day or another to honor American Indians. The fourth Friday in September, for example, is recognized by several States because of its importance to many Indians. There have been efforts in recent years to obtain recognition for this even by Congress as a whole. We go a step further here in proposing a national day which will honor all native Americans throughout the United States. The date proposed is not occupied by other native American day celebrations but is chosen because it is free of competition for the attention of our schools.

Mr. President, I ask unanimous consent that the text of the joint resolution be printed in the Record.

There being no objection, the joint resolution was ordered to be printed in the Record, as follows:

S.J. Res. 184

Whereas Native Americans have made important contributions to the cultural and social history of the Nation; and

Whereas Native Americans are now assuming a greater role in the economic life of the Nation; and

Whereas it is appropriate to extend recognition to Native Americans for their achievements as citizens of the Nation: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That January 28, 1983 is hereby designated as "Native American Day". The President is authorized and requested to issue a proclamation calling upon all government agencies and people of the United States to observe the day with appropriate programs, ceremonies, and activities.

By Mr. DOLE (for himself, Mr. Huddleston, Mr. Jepsen, and Mr. Boren):

S.J. Res. 185. A joint resolution to establish a national policy on exports of U.S.-produced food and food products; to the Committee on Banking, Housing, and Urban Affairs.

U.S. AGRICULTURAL TRADE POLICY

● Mr. DOLE. Mr. President, I am today introducing a joint resolution for the consideration of the Senate which will affirm the opposition of Congress to any suspension of agricultural trade short of the most extreme circumstances. An identical resolution is being offered by Congressman Foley in the House of Representatives.

Mr. President, Agricultural trade policy is too vital to U.S. farmers and to our national interest to be perceived in any way as a partisan issue. Consequently, I am pleased that Senators Huddleston and Boren as well as the distinguished Senator from Iowa, Senator Jepsen, have agreed to cosponsor this resolution. I understand that the companion resolution in the House is being cosponsored by Congressman Findley.

A COMPLEMENT TO THE PRESIDENT'S SPEECH

Mr. President, I would hope that this joint resolution will be seen as a natural complement to the strong and positive statement which President Reagan made to the American Agricultural Editors' Association on March 22. In his remarks, the President ruled out the use of trade embargoes except in extreme situations and only when we have the cooperation of other trading nations. This resolution will put Congress on the record with the President in opposing self-defeating disruptions in farm exports.

Mr. President, I ask that the resolution be printed in the Record.

There being no objection, the joint resolution was ordered to be printed in the Record, as follows:

S.J. Res. 185

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled,

Whereas, the United States has historically been the world's greatest exporter of food and food products benefiting American farmers, the economy of the United States, and the people of the world;

Whereas, in the past 9 years, the stop and go export actions of the United States Government relating to U.S.-produced food and food products have threatened the reputation of the United States as a reliable supplier;

Whereas, these actions have not proved effective and have caused a climate of uncertainty with respect to the reliability of the United States as an exporter of food and food products;

Whereas, it is necessary to establish a clear policy with regard to exports of food and food products for the benefit of United States farmers, those who market our crops, and those who buy U.S.-produced food and food products at home and abroad; And,

Whereas, President Reagan on March 22, 1982, declared he will not use farm exports as an instrument of foreign policy except in extreme situations and as part of a broader embargo: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That Congress declares that as a national policy the United States Government should not interrupt the commercial export of food and food products, except as a part of a general embargo and in the most extreme circumstances that justify the united support of the free world community, including the active cooperation of the major trading nations of the world needed to make any such embargo effective.●

By Mr. DOLE (for himself, Mr. Andrews, Mr. Baucus, Mr. Bradley, Mr. Bumpers, Mr. Burdick, Mr. Cohen, Mr. Dixon, Mr. Gorton, Mr. Grassley, Mr. Hatch, Mr. Jepsen, Mr. Laxalt, Mr. Lugar, Mr. Matsunaga, Mr. Mitchell, Mr. Nickles, Mr. Percy, Mr. Quayle, Mr. Randolph, Mr. Sarbanes, Mr. Stafford, Mr. Stevens, Mr. Thurmond, Mr. Wallop, and Mr. Weicker):

S.J. Res. 186. Joint resolution to authorize and request the President to designate the week of September 19 through 25, 1982, as "National Cystic Fibrosis Week"; to the Committee on the Judiciary.

NATIONAL CYSTIC FIBROSIS WEEK

● Mr. DOLE. Mr. President, this year, along with 25 of my colleagues, I am introducing a resolution designating September 19–25, 1982, as "National Cystic Fibrosis Week." I take great pride in introducing this resolution, which, although simple in concept, will have a radiating effect that will touch the lives of thousands of infants, children, and young adults throughout this country who suffer the daily realities of living in the shadow of cystic fibrosis.

At this time in medical history, there is no known cure for the disease. However, medical progress has occurred in treatment techniques and research toward a cure. Advances in medications, therapy, and diagnostic procedures have extended the life expectancy of people with cystic fibrosis from 10 years to 21 years of age. Over the years, many of us have had the opportunity to vote for legislation supporting the research that brought about these advances. This research must continue, but progress in this area will be possible only if resources are made available through public and private support.

I feel a responsibility to the young people whose lives have been limited by cystic fibrosis to continue the good work initiated 2 years ago with passage of a similar resolution, and I have continued this annual tradition. By designating a special week in 1982 to generate public awareness of the special problems and needs of those afflicted with CF, as well as their families, we can greatly help to bring their message to the forefront of the public's attention. It is only through public education, which will lead to an improved understanding of the implications of CF, that we can realize the dream of eventually conquering this terrible disease, which cuts young lives short before they ever have a chance to reach full adult potential.

Mr. President, I think that it is important to be aware of the realities that CF victims have to cope with on a daily basis. The pain and trauma that they experience is serious in itself, but the impact on the families is equally devastating in financial as well as emotional terms.

Mr. President, I congratulate the Cystic Fibrosis Foundation on its tremendous efforts to generate awareness concerning the implications of CF. This organization has done much to promote support for research which will hopefully someday lead to a cure for cystic fibrosis.●

ADDITIONAL COSPONSORS

S. 178

At the request of Mr. Durenberger, the Senator from South Carolina (Mr. Hollings), and the Senator from Georgia (Mr. Nunn) were added as cosponsors of S. 178, a bill to amend the Powerplant and Industrial Fuel Use Act of 1978 to further the objectives of national energy policy of conserving oil and natural gas through removing excessive burdens on the production of coal.

S. 266

At the request of Mr. Mitchell, his name was added as a cosponsor of S. 266, a bill to establish a Federal Interagency Medical Resources Committee to insure the most efficient and effective use of Federal direct health care resources.

S. 1277

At the request of Mr. Hatch, the Senator from California (Mr. Cranston), and the Senator from Hawaii (Mr. Inouye) were added as cosponsors of S. 1277, a bill to restrict the authority of the Secretary of Health, Education, and Welfare with respect to the regulation of vitamin and mineral products for over-the-counter use.

S. 1450

At the request of Mr. Cannon, the Senator from Utah (Mr. Hatch), the Senator from Missouri (Mr. Eagleton), and the Senator from Nebraska (Mr. Zorinsky) were added as cosponsors of S. 1450, a bill to provide for the continued deregulation of the Nation's airlines, and for other purposes.

S. 1688

At the request of Mr. Specter, the Senator from Louisiana (Mr. Johnston) was added as a cosponsor of S. 1688, a bill to combat violent and major crime by establishing a Federal offense for continuing a career of robberies or burglaries while armed and providng a mandatory sentence of life imprisonment.

S. 1698

At the request of Mr. Denton, the Senator from Wisconsin (Mr. Kasten), and the Senator from Arkansas (Mr. Bumpers) were added as cosponsors of S. 1698, a bill to amend the Immigration and Nationality Act to provide preferential treatment in the admission of certain children of U.S. Armed Forces personnel.

S. 1810

At the request of Mr. D'Amato, the Senator from Pennsylvania (Mr. Heinz), and the Senator from Wisconsin (Mr. Proxmire) were added as cosponsors of S. 1810, a bill to amend the Federal Deposit Insurance Act regarding insured mutual savings banks which convert into Federal mutual savings banks.

S. 1840

At the request of Mr. Durenberger, the Senator from Vermont (Mr. Leahy) was added as a cosponsor of S. 1840, a bill to amend section 170 of the Internal Revenue Code of 1954 to increase the amounts that may be deducted for maintaining exchange students as members of the taxpayer's household.

S. 1861

At the request of Mr. Cannon, the Senator from Kentucky (Mr. Ford) was added as a cosponsor of S. 1861, a bill to amend the Internal Revenue Code of 1954 to simplify certain requirements regarding withholding and reporting at the source and to correct inequities regarding carryover of losses.

S. 1931

At the request of Mr. Schmitt, the Senator from Montana (Mr. Melcher), the Senator from Iowa (Mr. Grassley), the Senator from Alaska (Mr. Stevens), the Senator from Arkansas (Mr. Bumpers), and the Senator from New Mexico (Mr. Domenici) were added as cosponsors of S. 1931, a bill to amend title 5, United States Code, to entitle Civil Air Patrol cadets 18 years of age and older to compensation available to Civil Air Patrol senior members in event of disability or death, and to increase the level of compensation available to both.

S. 1947

At the request of Mr. Weicker, the Senator from Michigan (Mr. Riegle) was added as a cosponsor of S. 1947, a bill to improve Small Business access to Federal Procurement Information.

S. 1958

At the request of Mr. Dole, the Senator from Washington (Mr. Jackson), and the Senator from Massachusetts (Mr. Tsongas) were added as cosponsors of S. 1958, a bill to amend title XVIII of the Social Security Act to provide for coverage of hospice care under the medicare program.

S. 1968

At the request of Mr. Denton, the Senator from West Virginia (Mr. Randolph) was added as a cosponsor of S. 1968, a bill to clarify the application of the Clayton Act and the Federal Trade Commission Act with respect to certain joint ventures which promote the international competitiveness of U.S. businesses.

S. 2151

At the request of Mr. Robert C. Byrd, the Senator from West Virginia (Mr. Randolph) was added as a cosponsor of S. 2151, a bill to amend the Internal Revenue Code of 1954 to include modifications to chlor-alkali electrolytic cells in credit for investment in certain depreciable property.

S. 2172

At the request of Mr. Goldwater, the Senator from Alaska (Mr. Stevens), and the Senator from Kansas (Mrs. Kassebaum) were added as cosponsors of S. 2172, a bill to amend the Communications Act of 1934.

S. 2174

At the request of Mr. Thurmond, the Senator from Pennsylvania (Mr. Heinz), the Senator from Iowa (Mr. Grassley), and the Senator from Idaho (Mr. Symms) were added as cosponsors of S. 2174, a bill to recognize the organization known as American Ex-Prisoners of War.

S. 2183

At the request of Mr. McClure, the Senator from Georgia (Mr. Mattingly) was added as a cosponsor of S. 2183, a bill to make certain amendments to Public Law 92-195 relating to the protection of wild free-roaming horses and burros.

S. 2226

At the request of Mr. Lugar, the Senator from Nebraska (Mr. Zorinsky) was added as a cosponsor of S. 2226, a bill to amend the National Housing Act to provide for emergency interest reduction payments and for other purposes.

S. 2240

At the request of Mr. Stevens, the Senator from Georgia (Mr. Nunn) was added as a cosponsor of S. 2240, a bill to amend title 5, United States Code, to provide permanent authorization for Federal agencies to use flexible and compressed employee work schedules.

S. 2277

At the request of Mr. Mitchell, the Senator from Nebraska (Mr. Zorinsky) was added as a cosponsor of S. 2277, a bill to amend the Internal Revenue Code of 1954 to make certain changes to stimulate the housing industry.

S. 2298

At the request of Mr. Boschwitz, the Senator from Pennsylvania (Mr. Specter), and the Senator from New Mexico (Mr. Schmitt) were added as cosponsors of S. 2298, a bill entitled "The Enterprise Zone Tax Act of 1982."

S. 2299

At the request of Mr. Weicker, the Senator from Maryland (Mr. Sarbanes) was added as a cosponsor of S. 2299, a bill to provide for the issuance of a commemorative postage stamp to honor Roberto Clemente.

SENATE JOINT RESOLUTION 58

At the request of Mr. Hatch, the Senator from North Dakota (Mr. Burdick) was added as a cosponsor of Senate Joint Resolution 58, a joint resolution proposing an amendment to the Constitution altering Federal fiscal decisionmaking procedures.

SENATE JOINT RESOLUTION 160

At the request of Mr. Hayakawa, the Senator from Wisconsin (Mr. Kasten) was added as a cosponsor of Senate Joint Resolution 160, a joint resolution to designate July 9, 1982, as "National P.O.W.-M.I.A. Recognition Day."

SENATE JOINT RESOLUTION 161

At the request of Mr. Thurmond, the Senator from Colorado (Mr. Armstrong), the Senator from Texas (Mr. Tower), and the Senator from Georgia (Mr. Nunn) were added as cosponsors of Senate Joint Resolution 161, a joint resolution to designate the week commencing with the fourth Monday in June of 1982 as "National NCO/Petty Officer Week."

SENATE JOINT RESOLUTION 162

At the request of Mr. Roth, the Senator from Alaska (Mr. Murkowski), and the Senator from Arizona (Mr. DeConcini) were added as cosponsors of Senate Joint Resolution 162, a joint resolution to authorize and request the President to designate the week of June 20, 1982, through June 27, 1982, as "National Safety in the Workplace Week."

SENATE JOINT RESOLUTION 167

At the request of Mr. Durenberger, the Senator from Mississippi (Mr. Stennis), the Senator from Maryland (Mr. Sarbanes), the Senator from South Carolina (Mr. Thurmond), the Senator from Missouri (Mr. Danforth), the Senator from Florida (Mr. Chiles), the Senator from Wisconsin (Mr. Proxmire), the Senator from Florida (Mrs. Hawkins), the Senator from Hawaii (Mr. Inouye), the Senator from Montana (Mr. Melcher), the Senator from Arkansas (Mr. Pryor), the Senator from Maine (Mr. Mitchell), the Senator from Maine (Mr. Cohen), the Senator from Georgia (Mr. Nunn), the Senator from Oklahoma (Mr. Boren), the Senator from Montana (Mr. Baucus), and the Senator from Missouri (Mr. Eagleton) were added as cosponsors of Senate Joint Resolution 167, a joint resolution to commemorate the 100th anniversary of the Knights of Columbus.

SENATE JOINT RESOLUTION 169

At the request of Mr. Hollings, the Senator from Wisconsin (Mr. Proxmire), the Senator from Alaska (Mr. Murkowski), the Senator from California (Mr. Cranston), and the Senator from West Virginia (Mr. Randolph) were added as cosponsors of Senate Joint Resolution 169, a joint resolution to designate the week of April 18, 1982, as "National Architecture Week."

SENATE JOINT RESOLUTION 171

At the request of Mr. Percy, the Senator from South Dakota (Mr. Pressler) was added as a cosponsor of Senate Joint Resolution 171, a joint resolution with respect to nuclear arms reductions.

SENATE JOINT RESOLUTION 175

At the request of Mr. Kasten, the Senator from Minnesota (Mr. Durenberger), the Senator from Indiana (Mr. Lugar), and the Senator from Alabama (Mr. Heflin) were added as cosponsors of Senate Joint Resolution 175, a joint resolution authorizing and requesting the President to proclaim "National Junior Bowling Championship Week."

SENATE JOINT RESOLUTION 177

At the request of Mr. Jackson, the Senator from Nebraska (Mr. Zorinsky) was added as a cosponsor of Senate Joint Resolution 177, a joint resolution to express the sense of the Congress that the United States and the Soviet Union should engage in substantial, equitable, and verifiable reductions of their nuclear weapons in a manner which would contribute to peace and stability.

SENATE JOINT RESOLUTION 180

At the request of Mr. Weicker, the Senator from Michigan (Mr. Riegle), and the Senator from Louisiana (Mr. Long) were added as cosponsors of Senate Joint Resolution 180, a joint resolution to authorize and request the President to issue a proclamation designating the week beginning May 9, 1982, as "National Small Business Week."

SENATE CONCURRENT RESOLUTION 52

At the request of Mr. GARN, the Senator from Florida (Mrs. HAWKINS), the Senator from Alaska (Mr. MURKOWSKI), and the Senator from Maine (Mr. MITCHELL) were added as cosponsors of Senate Concurrent Resolution 52, a concurrent resolution expressing the sense of the Congress that members of the National Guard of the United States and the Reserve forces of the Armed Forces of the United States deserve public recognition for their vital contribution to our national defense and that members of these Forces need the support and cooperation of their civilian employers in order to train and remain ready to respond to national emergencies.

SENATE CONCURRENT RESOLUTION 69

At the request of Mr. TSONGAS, the Senator from Minnesota (Mr. BOSCHWITZ), the Senator from Illinois (Mr. PERCY), the Senator from South Carolina (Mr. HOLLINGS), the Senator from Arizona (Mr. DECONCINI), the Senator from Pennsylvania (Mr. HEINZ), the Senator from Nebraska (Mr. ZORINSKY), the Senator from California (Mr. HAYAKAWA), the Senator from Ohio (Mr. METZENBAUM), the Senator from Rhode Island (Mr. PELL), the Senator from Iowa (Mr. GRASSLEY), the Senator from California (Mr. CRANSTON), the Senator from Minnesota (Mr. DURENBERGER), and the Senator from Maryland (Mr. SARBANES) were added as cosponsors of Senate Concurrent Resolution 69, a concurrent resolution urging the Soviet Union to allow Ida Nudel to emigrate to Israel and for other purposes.

SENATE CONCURRENT RESOLUTION 72

At the request of Mr. GARN, the Senator from Arkansas (Mr. BUMPERS) was added as a cosponsor of Senate Concurrent Resolution 72, a concurrent resolution reaffirming that deposits, up to the statutorily prescribed amount, in federally insured depository institutions are backed by the full faith and credit of the United States.

SENATE RESOLUTION 299

At the request of Mr. WEICKER, the Senator from New York (Mr. D'AMATO) was added as a cosponsor of Senate Resolution 299, a resolution to designate May 4, 1982, as "International Franchise Day."

SENATE RESOLUTION 325

At the request of Mr. DIXON, the Senator from Maryland (Mr. SARBANES) was added as a cosponsor of Senate Resolution 325, a resolution expressing the sense of the Senate that a supplemental appropriation should be enacted to restore full funding of the WIN program.

SENATE RESOLUTION 343

At the request of Mr. MATHIAS, the Senator from Pennsylvania (Mr. HEINZ), the Senator from Delaware (Mr. ROTH), the Senator from Arkansas (Mr. PRYOR) were added as cosponsors of Senate Resolution 343, a resolution expressing the sense of the Senate with respect to beginning strategic arms negotiations with the Soviet Union.

SENATE CONCURRENT RESOLUTION 79—RECOGNIZING APRIL AS "FAIR HOUSING MONTH"

Mr. MATHIAS (for himself, Mr. KENNEDY, Mr. METZENBAUM, Mr. MOYNIHAN, Mr. TSONGAS, Mr. DURENBERGER, Mr. MATSUNAGA, Mr. GLENN, Mr. LEVIN, Mr. BRADLEY, Mr. LEAHY, Mr. STAFFORD, Mr. RIEGLE, and Mr. PROXMIRE) submitted the following concurrent resolution, which was referred to the Committee on the Judiciary:

S. CON. RES. 79

Whereas it is the policy of the United States to guarantee to every citizen the right of fair housing; and

Whereas this right and the responsibilities attendant on it are set forth in the National Fair Housing Law, Title VIII of the 1968 Civil Rights Act; and

Whereas every year since 1968 the month of April has been set aside each year for commemoration of the Fair Housing Law: Now, therefore, be it

Resolved, by the Senate (the House of Representatives concurring) That the month of April be Fair Housing Month and that the Congress of the United States hereby rededicates itself to the promulgation and practice of the letter and spirit of the Fair Housing Law so that fair housing will become a right that can be realized by every American.

● Mr. MATHIAS. Mr. President, April marks the 12th anniversary of the enactment of the fair housing law, known as title VIII of the Civil Rights Act of 1968. April 4 also marks the 12th anniversary of the tragic death of the father of the civil rights movement, Martin Luther King, Jr.

The resolution I am submitting today on behalf of several of my colleagues designates the month of April as "Fair Housing Month" and affirms Congress' commitment to the goals of the Civil Rights Act of 1968. Representative HAMILTON FISH, JR., is introducing a companion resolution in the House.

We have made significant progress in the past two decades in assuring to all Americans their civil rights and their civil liberties. Yet, in the past year, disquieting signs have appeared which suggest that the mandate for change which the American people bestowed in the 1980 elections has been taken as a license to declare open season on our civil liberties.

Some of the forces which have surfaced in our society recently threaten our historic commitment to protecting minority rights and will not, I fear, be easily be laid to rest.

Reports of the revival of the Ku Klux Klan throughout this Nation, the fear and intimidation which that group breeds upon and spreads, are signs that racism still lurks just below the surface in our society and will rear its ugly head whenever our attention appears to be diverted. In my own State of Maryland there have been instances of the Klan recruiting members in the high schools. Elsewhere the situation is the same.

In this disturbing atmosphere, I ask my colleagues to rededicate themselves to the promise of a dream—that no American, regardless of race, color, religion, national origin, or sex, shall be denied equal opportunity in life's endeavors.

One of the most basic endeavors in anyone's life is choosing where to live. Freedom of choice in where one lives is fundamental to how one lives. This right must not be abridged.

Assuring equal access to housing was but one of the dreams which Martin Luther King shared with this Nation in the 1963 march on Washington. Dr. King's stirring words still inspire us today:

> I have a dream that one day this nation will rise up and live out the true meaning of its creed: "We hold these truths to be self-evident, that all men are created equal" . . . I have a dream that one day my four children will live in a nation where they will not be judged by the color of their skin but by the content of their character.

Title VIII of the Civil Rights Act prohibits discrimination in the sale or rental of housing because of race, color, religion, national origin, or sex. Over 80 percent of the Nation's housing stock is subject to the fair housing law, while the remainder is covered by the Civil Rights Act of 1866 with respect to racial discrimination.

For the past 12 years, title VIII has served as the Federal big stick behind local and State efforts to assure equal access to housing. Title VIII, however, is not a perfect law because it does not provide effective enforcement powers in cases of alleged discriminatory housing practices. The Department of Housing and Urban Development, as well as State and local authorities, are only authorized to attempt conciliation between disputing parties—landlord and tenant, or seller and buyer.

This method of resolving fair housing complaints has proved to be inadequate. As former HUD Secretary Patricia Harris noted:

> The lack of adequate enforcement power has been the most serious obstacle to the development of an effective fair housing program within HUD. Our present authority is limited to a purely voluntary process of "conference, conciliation, and persuasion." I will not dwell upon the ironies associated with a law that mandates HUD to investigate and to establish the existence of violations of law, and then limits the Secretary to asking the discovered lawbreaker whether he wants to discuss the matter. Simply put, "conciliation" all too often has proved an inadequate means of securing compliance with the substantive provisions of title VIII.

The only alternative to this ineffective conciliation process for an individual complainant is to file suit in Federal district court. This is an exceedingly burdensome, time-consuming and costly way of settling individual discrimination cases.

Most persons who feel they have been discriminated against in the sale or rental of housing do not have the money for lawyers, the time to spend in court, or the luxury of waiting up to 2 years for their case to be heard. What is needed is a procedure which will freeze the real estate transaction in question for a brief time until the facts of the case can be determined. After all, the aggrieved person is really only interested in renting the apartment or buying the house in question, and is not interested in getting involved in lengthy, complicated, costly court proceedings.

Senators METZENBAUM, KENNEDY, WEICKER, MOYNIHAN, TSONGAS, PROXMIRE, GLENN, LEAHY, and BIDEN and I have once again introduced legislation to provide for an expeditious, inexpensive means for resolving individual housing discrimination cases without further burdening the courts. A companion bill has also been introduced in the House by Senator Hubert Humphrey, always in the forefront on civil and human rights, was a cosponsor of my bill in the 95th Congress. His perspective on the costs of all forms of discrimination, not only housing, is important to bear in mind.

> Even if discrimination cost this nation not one penny, we would have the moral obligation to eradicate it. But we must not close our eyes to the staggering costs we incur each year for our failure to open wide the doors of opportunity for every American.

We, in the Congress, must continue to be vigilant about fair housing and the guarantees of this Nation's civil rights laws so that the Federal Government leads the way in assuring fair housing and equal opportunity for all Americans.●

SENATE RESOLUTION 359—RESOLUTION RELATING TO ENVIRONMENTAL LAW ENFORCEMENT

Mr. LEAHY (for himself and Mr. HUDDLESTON) submitted the following resolution; which was referred to the Committee on Environment and Public Works:

S. RES. 359

Whereas protection of the environment has always been a bipartisan concern; and

Whereas reductions in the resources of the Environmental Protection Agency have already hindered and threaten to cripple implementation of statutory requirements to control pollution, enforcement of existing standards, and the maintenance of critically important research on environmental health and safety standards; and

Whereas Congress, in a strong bipartisan manner, has mandated that the Environmental Protection Agency undertake increased responsibilities in protecting the environment, safety, and health of all the citizens of the United States under the following laws:

(1) the Clean Air Act,

(2) the Federal Water Pollution Control Act,

(3) the Federal Insecticide, Fungicide, and Rodenticide Act,

(4) the Marine Protection, Research, and Sanctuaries Act,

(5) the Resource Conservation and Recovery Act of 1976,

(6) the Safe Drinking Water Act,

(7) the Solid Waste Disposal Act,

(8) the Toxic Substances Control Act, and

(9) the Comprehensive Environmental Response, Compensation, and Liability Act of 1980: Now, therefore, be it

Resolved, That it is the sense of the Senate that—

(1) an effective Federal environmental program is necessary for the protection of the health and well-being of citizens of the United States,

(2) in order to protect our environment and to meet expanded responsibilities mandated by law, the Environmental Protection Agency should be appropriated increased funds, and

(3) the President should submit a new budget for the Environmental Protection Agency for fiscal year 1983 reflecting these principles.

Mr. LEAHY. Mr. President, just as drunk drivers threaten our lives, illegal dumping of toxic wastes and poisons in the air and water threaten our health and our land. Without effective Federal environmental law enforcement, in the next decade the average citizen's exposure to toxic chemicals will double. The amount of sulfur in the air, which causes acid rain, will increase by 50 percent.

In the face of this doubling of environmental health threats, the Reagan administration is proposing cutting the Federal Government's environmental law enforcement agency—the Environmental Protection Agency by nearly 40 percent in just 2 years.

If the number of cars on the Nation's roads were doubling in the next 10 years, no Governor would propose cutting the State police force in half. Yet, this is just what will happen to the Environmental Protection Agency's budget this year. If these budget cuts are approved, EPA will be an endangered species.

Cutting EPA's budget in half means more midnight dumpers illegally dumping dangerous cargoes of chemicals.

Under the new budget, only two and one-half full-time workers will oversee the system designed to keep track of millions of shipments of hazardous chemicals each year.

These massive budget cuts mean increases in air pollution—and acid rain—because air pollution enforcement will be cut in half.

EPA will begin to regulate only 3 of the 37 hazardous chemical pollutants, even though over 3 billion pounds of these chemicals are released into the atmosphere each year.

EPA will wind down its research on the health effects of pollution from diesel engines, even though the use of diesel cars has tripled since 1978.

As a former prosecutor, I know any law enforcement agency—especially an agency like the Environmental Protection Agency, which must enforce very complex laws—must have the resources to do the job.

As a member of the Senate Appropriations Committee, I began the efforts which were successful in partially restoring EPA's 1982 budget.

However, the President's veto of the continuing resolution last year makes clear that it is not Congress stand on environmental protection that is the issue. It is the President's position. That is why this resolution goes beyond stating that the Reagan administration's budget cuts will cripple the Environmental Protection Agency and asks the President to introduce a new EPA budget. Unless the President receives the message from the American people that they demand a strong, effective Environmental Protection Agency protecting their health, the threat of a Presidential veto will preclude all but token additions to the Environmental Protection Agency's budget.

Mr. President, during the last 5 years of the last decade, Congress passed a series of new laws and made major changes in old laws, because the American people demanded protection from the cancer and disease which are the dark side of the chemical revolution that in so many other ways has benefited our society.

I am committed to rebuilding EPA's budget because I believe we must keep the promise that we made to the American people when we passed these laws.

The health of ourselves, our children, and our environment depends on it.

AMENDMENTS SUBMITTED FOR PRINTING

RADIO AND TELEVISION COVERAGE OF THE SENATE

AMENDMENT NO. 1348

(Ordered to be printed.)

Mr. SYMMS (for himself, Mr. HEINZ, Mr. HELMS, Mr. DENTON, Mr. EAST, Mr. MATTINGLY, Mr. HAYAKAWA, Mr. GOLDWATER, Mr. WARNER, Mr. THURMOND, Mr. McCLURE, Mr. BAKER, Mr. KASTEN, Mr. TOWER, Mr. GARN, Mr. HATCH, Mr. WALLOP, Mr. NICKLES, Mr. LAXALT, and Mr. GRASSLEY) proposed an amendment to the resolution (S. Res. 20) providing for television and radio coverage of proceedings of the Senate.

AMENDMENT NO. 1349

(Ordered to be printed.)

Mr. SYMMS (for himself, Mr. Heinz, Mr. Helms, Mr. Denton, Mr. East, Mr. Mattingly, Mr. Hayakawa, Mr. Goldwater, Mr. Warner, Mr. Thurmond, Mr. McClure, Mr. Baker, Mr. Kasten, Mr. Tower, Mr. Garn, Mr. Hatch, Mr. Wallop, Mr. Nickles, Mr. Laxalt, and Mr. Grassley) proposed an amendment to amendment No. 1348 to the resolution (S. Res. 20) supra.

NATIONAL NUCLEAR WASTE POLICY ACT

AMENDMENT NO. 1350

(Ordered to be printed and lie on the table.)

Mr. McCLURE (for himself, Mr. Domenici, Mr. Stafford, Mr. Simpson, Mr. Tower, Mr. Warner, Mr. Jackson, Mr. Hart, Mr. Randolph, Mr. Cannon, and Mr. Johnston) submitted an amendment intended to be proposed by them to the bill (S. 1662) to establish a limited program for Federal storage of spent fuel from civilian nuclear powerplants, to set forth a Federal policy, initiate a program, and establish a national schedule for the disposal of nuclear waste from civilian activities, and for other purposes.

Mr. McCLURE. Mr. President, I am introducing today for myself and Senators Domenici, Stafford, Simpson, Tower, Warner, Jackson, Hart, Randolph, Cannon, and Johnston, a printed amendment in the nature of a substitute for S. 1662, the National Nuclear Waste Policy Act.

This compromise text in the form of a substitute is intended to be offered at the time the Senate commences consideration of S. 1662 as original text for the purposes of further amendment. This compromise text has been developed over the past several months in extensive discussions between the respective leaderships of the Armed Services Committee, the Energy and Natural Resources Committee, and the Environment and Public Works Committee. The text represents the best rationalization of the differing versions of S. 1662 respectively reported by the three committees over the past 6 months. While this text may represent in the end the Senate's preferred approach to these issues, all of the cosponsors must reserve their right to offer perfecting amendments to this text as the Senate floor debate proceeds.

It would be the expectation of the respective committee leaderships to seek early scheduling of S. 1662 after the recess, at which time this printed amendment would be offered as original text for purposes of further amendment. At an appropriate time, the sponsors of the amendment also will request the Senate leadership to obtain a time agreement incorporating the amendment for that purpose to facilitate the Senate's consideration of the bill. To that end, the sponsors would request that any Senators with questions, comments, or proposed amendments to this amendment contact the respective committee staffs as early as feasible after the review of this text.

Mr. President, on behalf of all the sponsors of this amendment, and the three reporting committees, I cannot emphasize enough the urgent need for the Senate to proceed as soon as possible after the recess to consider S. 1662. The Senate passed similar legislation in July 1980, and the House passed companion legislation late that year. Because we were unable to complete negotiations with the House leadership in the short time available at the end of 1980, this Nation has been without a comprehensive nuclear waste policy for yet another 2 long years. The Reagan administration, both Houses of Congress, the States, environmental groups, and the electric and nuclear industries all would agree at least on the necessity of nuclear waste legislation to establish the legal, institutional, and programmatic directions for managing the increasingly serious challenge of mounting nuclear wastes. Seventy-two nuclear powerplants now provide approximately 15 percent of our total electric generation in the United States, and those numbers will be doubling in this decade. Consequently, we have no choice but to manage responsibly the nuclear spent fuel and high-level radioactive waste produced by those nuclear powerplants in generating this critical increment of our Nation's energy supply and economic lifeblood. We, therefore, must proceed to consider S. 1662 as early as possible to provide any predictable hope of enacting nuclear waste legislation in this Congress. On behalf of the sponsors, I urge all of our colleagues in the Senate to carefully review the text of this substitute amendment and be prepared as early as possible to proceed to fashion finally a Senate bill in the weeks ahead.

I ask unanimous consent that the amendment be printed in the Record.

Mr. WARNER. Mr. President, I am privileged to join with the distinguished Senator from Idaho in presenting this bill and urging our colleagues to consider it at the earliest possible time.

I commend the distinguished chairman of the Energy Committee for his ability to provide a reconciliation of a number of widely differing viewpoints on this vital piece of legislation.

May I ask of the Senator from Idaho, as we finally negotiated this amendment, How was the action of the Armed Services Committee which recommended the elimination from S. 1662 of those portions that would deal with defense nuclear waste, dealt with?

Mr. McCLURE. Mr. President, I am pleased to respond to the question of the Senator from Virginia, but before responding to the question may I take the opportunity to express my gratitude for the assistance of the Senator and of his staff. The Senator, being both a member of the Energy and Natural Resources Committee and of the Armed Services Committee, is in a very important position to influence the shape and the scope of this legislation, and his contributions have been invaluable to the efforts up to this time.

In response to the question the essential element, the essential question deals with whether or not we will merge the civilian programs and military programs so far as waste disposal is concerned and the draft would leave them separated as was the action taken by the Senate by majority vote in 1980.

That, of course, will be one of the contentious issues that will be faced when we bring this legislation to the floor. I am sure it will be debated fully. It is my personal conviction as well that this is the appropriate position for us to move forward and I am hopeful that when the Senate has concluded the debate, it will vote in 1982 as it did in 1980 to leave those programs separated.

Mr. WARNER. As I understand it, the defense nuclear waste provisions have been eliminated from this amendment as recommended by the Armed Services Committee with the exception of one area, the question of State's rights. Perhaps the chairman would comment on that for purposes of the Record because that is a very key provision.

Mr. McCLURE. I think the Senator from Virginia is referring to the question of how the State will be involved in the decisionmaking process.

Mr. WARNER. That is correct.

Mr. McCLURE. It is my hope that the compromise, which was pretty largely the work earlier of the Senator from New Mexico (Mr. Domenici), for full consultation and ultimate concurrence will be that which is followed as is proposed in this amendment.

Mr. WARNER. I agree as long as we can protect the security of classified information and the compromise amendment does just that. I thank the distinguished chairman of the Energy Committee.

Mr. SIMPSON. Mr. President, I am pleased to join my distinguished colleague from Idaho, the chairman of the Energy and Natural Resources Committee, in introducing this printed amendment to S. 1662, the National Nuclear Waste Policy Act. As my colleague has indicated, this amendment represents a compromise position between the three committees that have acted on this measure, and each of us, as individuals and on behalf of our committees, reserves the right to offer further amendments to this compromise text when the bill is considered by the Senate.

In that regard, Mr. President, there is one aspect of the compromise text in particular on which I would anticipate an amendment by the Environment and Public Works Committee. That is the application of this legislation to radioactive wastes produced by the atomic energy defense activities of the Department of Energy. The Environment and Public Works Committee version of the bill required that the President develop a plan for the permanent disposal of existing defense nuclear wastes. Our version of the bill further required that the President, in preparing this plan, affirmatively consider using the facilities to be developed under this bill for the disposal of defense wastes as well. Finally, our version required that the Department of Energy proceed with this commingled approach unless the President determines that national security needs require a separate defense-only disposal facility. These provisions are not included in the compromise text.

Mr. President, I believe that this bill should address the question of the disposal of our defense wastes, and I believe that the provisions in title VIII of the Environment and Public Works Committee version of the bill are an appropriate means for addressing this aspect of the nuclear waste problem. I therefore intend to offer, along with my distinguished colleague from Colorado, the ranking minority member of the Nuclear Regulation Subcommittee, an amendment to the bill to restore these provisions.

Mr. President, I believe that the introduction of this amendment today represents an important step forward, and I look forward to action by the Senate on this bill as soon as possible.

There being no objection, the amendment was ordered to be printed in the RECORD, as follows:

After the enacting clause strike out all that follows and insert in lieu thereof the following:

That this Act may be cited as the "National Nuclear Waste Policy Act of 1981".

TITLE I—FINDINGS AND PURPOSE

FINDINGS

SEC. 101. The Congress finds and declares that—

(a) a reliable system adequate to provide sufficient electrical energy to meet the Nation's current and anticipated needs is an essential part of a comprehensive national energy policy and is vital to national security and public welfare;

(b) an adequate electrical system requires a diversified base of primary energy sources in order to avoid excessive reliance upon any single alternative energy source;

(c) a diverse base of primary energy sources can be achieved only if each available source competes on an equal footing in decisions on the siting and construction of facilities for generating commercial electric power;

(d) nuclear energy can—

(1) make a significant contribution to national supplies of electricity;

(2) offer site-specific advantages in environmental impact, cost, and fuel availability over other primary sources of energy; and

(3) help reduce United States dependence on insecure sources of foreign oil;

(e) lack of an effective Federal policy for the interim storage of spent fuel and disposal of nuclear waste from civilian nuclear activities unreasonably burdens the choice of nuclear energy as an alternative primary source in decisions on siting and construction and operation of powerplants and unduly constrains efforts to establish a diverse base of primary energy sources;

(f) the persons owning and operating civilian nuclear powerplants have the primary responsibility for providing for the interim storage of spent fuel from civilian nuclear powerplants, but the Federal Government has the responsibility to provide sufficient capacity for interim storage of spent fuel for those civilian nuclear powerplants that cannot reasonably provide adequate onsite storage capacity when needed to assure the continued, orderly operation of the powerplant;

(g) the Federal Government has the responsibility for the disposal of high-level radioactive waste from civilian nuclear activities in order to protect the public health and the safety, the environment, and the common defense and security;

(h) the costs associated with the storage and disposal of nuclear waste from civilian activities should, to the greatest extent possible, be borne by the direct beneficiaries of such activities and should be considered in the selection or rejection of nuclear energy over alternative primary energy sources;

(i) the technology exists and is under development which would provide reasonable assurance that spent fuel and high-level radioactive waste can be safely disposed of and that disposal facilities for spent fuel and high-level wastes can be available when needed;

(j) nuclear wastes generated in the national defense program have been accumulating for more than thirty years, and spent nuclear fuel and nuclear wastes from the commercial industry are increasing rapidly;

(k) nuclear waste has become a major issue of public concern, and stringent precautions must be taken to ensure that nuclear wastes do not adversely affect the public health and safety of this or future generations;

(l) the siting, development, and loading of nuclear waste repositories are responsibilities of the Federal Government;

(m) public confidence in the ability of the Federal Government to manage a program providing for the safe and permanent disposal of nuclear wastes must be substantially increased if nuclear power is to contribute significantly to meeting the energy needs of the United States in the future;

(n) Federal nuclear waste disposal programs have been ineffective due to—

(A) inadequate coordination among the various Federal agencies and departments which have responsibilities relating to nuclear waste management; and

(B) the lack of a policymaking process which integrates the views of all Federal agencies and departments into a comprehensive Government-wide policy;

(o) the Secretary must increase his efforts to consult and cooperate with States and localities concerning Federal repository siting, development, and loading activities;

(p) a successful nuclear waste management strategy requires the full participation of State and local officials, Indian representatives and the public in a step-by-step, technologically sound program, to promote public confidence in the safe disposal of nuclear waste, consistent with the responsibility of the Federal Government to determine public health and safety matters related to such program; and

(q) the first step in a successful nuclear waste management strategy is the establishment of a national schedule for the development of programs and facilities for the storage and disposal of high-level radioactive waste and spent fuel in a timely manner.

PURPOSE

SEC. 102. The purpose of this Act is to—

(a) assume the Federal responsibility for the acquisition and interim storage of spent fuel from civilian nuclear powerplants where needed to assure the orderly operation of such plants, and for the disposal of high-level radioactive waste from civilian nuclear activities;

(b) establish a definite Federal policy for the disposal of high-level radioactive waste from civilian nuclear activities and a national schedule for developing the facilities and programs needed to carry out that policy in a timely manner;

(c) authorize the Secretary to—

(1) acquire or construct at least one facility for the interim storage of spent fuel from civilian nuclear powerplants not to exceed a specified total storage capacity; and

(2) establish systems for the long-term storage and disposal of high-level radioactive waste generated by civilian nuclear activities, and to develop, construct and put in operation the facilities comprising these systems;

(d) establish a system for financing the construction, operation, and maintenance of Federal storage and disposal facilities for high-level radioactive waste and spent fuel from civilian nuclear activities;

(e) improve coordination of Federal nuclear waste management programs; and

(f) provide for improved consultation and cooperation between the Department of Energy and States and localities concerning Federal storage and repository siting and development activities, consistent with the responsibility of the Federal Government to determine public health and safety matters related to such activities.

TITLE II—DEFINITIONS AND GENERAL PROVISIONS

SEC. 201. As used in this Act the term—

(1) "civilian nuclear powerplant" means a utilization or production facility required to be licensed under section 103 or 104b. of the Atomic Energy Act of 1954, as amended;

(2) "Commission" means the Nuclear Regulatory Commission;

(3) "disposal" means the long-term isolation of high-level radioactive waste or spent fuel in a repository;

(4) "environmental impact statement" means any document prepared pursuant to or in compliance with the requirements of section 102(2)(C) of the National Environmental Policy Act of 1969 (83 Stat. 852);

(5) "Secretary" means the Secretary of the Department of Energy;

(6) "spent fuel" means nuclear fuel that has been irradiated in and recovered from a civilian nuclear powerplant or from other civilian nuclear activities;

(7) "Department" means the Department of Energy;

(8) "Governor" means the Governor of a State, or successors to the Governor, during their respective terms of office, or their designees;

(9) "high-level radioactive waste" means the highly radioactive wastes resulting from the reprocessing of spent fuel, and includes both the liquid waste which is produced directly in reprocessing and any solid material into which such liquid waste is made;

(10) "repository" means a facility for the permanent, deep geologic disposal of high-level radioactive waste, transuranic contaminated waste, or spent fuel, whether or not such facility is designed to permit the subsequent recovery of such material, except for facilities to be used exclusively for research and development purposes containing an insignificant amount of such material;

(11) "storage" means retention of high-level radioactive waste, transuranic contaminated or spent fuel with the intent to recover such material for subsequent use, processing, or disposal;

(12) "affected State" means the State in which a monitored, retrievable storage facility or a repository is proposed to be located;

(13) "Indian tribe" means an Indian tribe, as defined in the Indian Self-Determination and Education Assistance Act (Public Law 93-638);

(14) "affected Indian tribe" means any tribe within whose reservation boundaries a monitored retrievable storage facility or a repository for high-level radioactive waste or spent fuel is proposed to be located, or whose federally defined possessory or usage rights to other lands outside of the reservation's boundaries arising out of Congressionally ratified treaties may be substantially and adversely affected by the locating of such a facility: *Provided*, That the Secretary of the Interior finds, upon the petition of the appropriate governmental officials of the tribe, that such effects are both substantial and adverse to the tribe;

(15) "site characterization" means the program of exploration and research, both in the laboratory and in the field, undertaken to establish the geologic conditions and the ranges of those parameters of a particular site relevant to the procedures under this part. Site characterization includes borings, surface excavations, excavation of exploratory shafts, limited subsurface lateral excavations and borings, and in situ testing needed to determine the suitability of the site for a geologic repository, but does not include preliminary borings and geophysical testing needed to decide whether site characterization should be undertaken; and

(16) "atomic energy defense activities of the Department" includes those activities and facilities of the Department of Energy carrying out the functions of—

(i) naval reactors' development and propulsion;

(ii) weapons activities, verification, and control technology;

(iii) materials production;

(iv) inertial confinement fusion;

(v) defense waste management; and

(vi) defense nuclear materials, security, and safeguards,

all as included in the Department of Energy appropriations account in any fiscal year for such functions; and

(17) "monitored retrievable storage facility" means a facility under Title V of this Act.

Sec. 202. (a) The provisions of Title I through VI of this Act shall not apply to the atomic energy defense activities of the Department, nor to any repository or monitored, retrievable storage facility used for the exclusive storage or disposal of spent fuel or solidified high-level radioactive waste produced only by the atomic energy defense activities of the Department.

(b)(1) The provisions of title VII shall apply to any repository or monitored, retrievable storage facility used for the storage or disposal of spent fuel or solidified high level radioactive waste produced by the atomic energy defense activities of the Department, if such repository or facility is required by existing law to be licensed by the Commission: *Provided*, That none of the provisions of Title VII shall require the release of classified national security information.

(2) For purposes of the application of Title VII to any repository or monitored, retrievable storage facility, the terms "spent fuel" and "high-level radioactive waste" include material generated in the atomic energy defense activities of the Department.

TITLE III—INTERIM STORAGE OF SPENT FUEL FROM CIVILIAN NUCLEAR POWERPLANTS

Sec. 301. (a) It is the policy of the Federal Government that—

(1) the persons owning and operating civilian nuclear powerplants have the primary responsibility for providing interim storage of spent fuel from such powerplants, by maximizing, to the extent practical, the effective use of existing storage facilities at the site of each civilian nuclear powerplant, by adding new onsite storage capacity in a timely manner where practical, and by the use of available privately owned and operated offsite storage facilities where practical;

(2) the Federal Government has the responsibility to encourage and expedite the effective use of existing storage facilities and the addition of needed new storage capacity at the site of each civilian nuclear powerplant; and

(3) the Federal Government has the responsibility to provide, as soon as possible, sufficient capacity for interim storage of spent fuel for those civilian nuclear powerplants that cannot reasonably provide adequate storage capacity at the site of the powerplant when needed to assure the continued, orderly operation of the powerplant.

(b) The policy under subsection (a) shall provide for—

(1) the utilization of available spent fuel pools at the site of each civilian nuclear powerplant to the extent practical and the addition of new spent fuel storage capacity where practical, either at the site of the powerplant or at an available privately owned and operated offsite storage facility; and

(2) the establishment of a federally owned and operated system for the interim storage of spent fuel at one or more away-from-reactor facilities with a limited capacity sufficient to prevent disruptions in the orderly operation of nuclear powerplants that cannot reasonably provide adequate spent fuel storage capacity at the powerplant site when needed.

Sec. 302. (a) The Secretary, consistent with such criteria as he prescribes under the policy set forth in section 301 and as are required under this section, shall offer to enter into, and may enter into, contracts with persons owning and operating civilian nuclear powerplants that the Secretary determines cannot reasonably provide by utilizing available spent fuel pools to the extent practical, by adding new spent fuel storage capacity at the site of the powerplant, by the transshipment of such fuel to another powerplant within the same utility system, or by utilization of available privately owned and operated offsite storage facilities, adequate spent fuel storage capacity at the powerplant site to ensure the continued orderly operation of the powerplant, through the maintenance of a full core reserve storage capability at the powerplant site: *Provided, however*, That the Secretary shall not enter into contracts for spent fuel in amounts in excess of the available storage capacity specified in section 305(a). Those contracts shall provide that the Federal Government will (1) take title at the powerplant site, to such amounts of spent fuel from the powerplants as the Secretary determines cannot be stored onsite, (2) transport the spent fuel to a federally owned and operated interim away-from-reactor storage facility, and (3) store such fuel in the facility pending further processing, storage, or disposal. The Secretary shall report to the Congress on an annual basis on the amount of spent fuel for which commitments have been made pursuant to this section.

(b) Not later than ninety days after the date of enactment of this Act, the Secretary shall propose, by rule, procedures, and criteria for making the determination required by subsection (a) that a nuclear powerplant cannot reasonably provide adequate spent fuel storage capacity at the powerplant site when needed to ensure the continued orderly operation of the powerplant through the maintenance of a full core reserve storage capability. The criteria shall identify the feasibility of reasonably providing such adequate spent fuel storage capacity, taking into account economic, technical, regulatory, and public health and safety factors, through the use of high-density fuel storage racks, fuel rod compaction, the transshipment of spent fuel to another powerplant within the same utility system, construction of additional spent fuel pool capacity, utilization of available privately owned and operated offsite storage facilities, or such other alternate technologies as the Commission may approve under section 311(b).

(c) Nothing in this Act authorizes the Secretary to take title to spent fuel, transport spent fuel, store or dispose of spent fuel or the waste products associated with spent fuel from a nuclear powerplant not located within the United States.

Sec. 303. A contract entered into under section 302 shall provide—

(a) for a one-time payment at the time the Federal Government acquires the spent fuel of a charge per unit of spent fuel, as such unit is defined by the Secretary, which charge is determined by the Secretary to be adequate to cover—

(1) the cost of transportation of such spent fuel; and

(2) the proportion of the costs of the construction and operation, maintenance and decommissioning of Federal interim away-from-reactor storage facilities, which proportion is associated with such spent fuel;

(b) for the retention by the owner of such spent fuel of a nontransferable right to the value of the remaining fuel resource less the costs of recovery, as determined at the time of recovery. The right ends when the Federal Government—

(1) takes action resulting in the recovery of the remaining fuel resource and gives to the owner of the right an amount of money equal to the value of the recovered fuel less the costs of recovery; or

(2) disposes of such fuel in a repository;

(c) that title to the spent fuel together with all rights to such fuel, except as otherwise provided in this Act, passes to the Secretary at the site of the powerplant at the time the Secretary takes possession of the spent fuel; and

(d) that the contract becomes effective when the interim away-from-reactor storage facility is available as determined by the Secretary by notice in the Federal Register.

SEC. 304. (a) The Secretary shall provide notice of intent to enter into such contracts by publishing notice in the Federal Register not later than one hundred and eighty days after the date of enactment of this Act. Such notice shall contain such information as the Secretary considers appropriate concerning proposed terms and conditions of such contracts.

(b) The Secretary shall establish the one-time payment charge per unit of spent fuel required by section 303(a) on an annual basis, based on calculation of the costs listed in section 303(a), and shall publish such annual one-time payment charge and the calculation thereof in the Federal Register. Each such annual one-time payment charge shall become effective thirty days after publication and shall remain effective for a period thereafter of twelve months as the charge for the costs listed in section 303(a) for any spent fuel, title to which is transferred to the Federal Government during that twelve-month period.

SEC. 305. (a) To the extent funds are available and in such amounts as are provided in appropriations Acts, the Secretary shall construct, acquire, or lease one or more away-from-reactor facilities for the interim storage of spent fuel from civilian nuclear powerplants with a total storage capacity at all such facilities of not more than two thousand eight hundred metric tons of uranium. The facilities shall—

(1) be made available in a timely manner to accommodate all spent fuel for which commitments have been made pursuant to section 302 of this Act; and

(2) be subject to a license under the provisions of section 202(3) of the Energy Reorganization Act of 1974 (88 Stat. 1233), as amended: *Provided*, That in determining whether to issue a license for such a facility, the Commission shall not consider the need for the facility. The Secretary shall submit to the Commission an application to construct, acquire or lease, and operate such facility not later than such date as necessary to accommodate in a timely manner all spent fuel requiring away-from-reactor storage pursuant to any determinations under section 302 of this Act. When the Secretary submits such an application to the Commission, the Secretary shall also submit a report to the Congress describing the amount of spent fuel for which commitments have been made pursuant to section 302 and the date by which the facility is needed to accommodate in a timely manner the storage of the spent fuel.

The Secretary shall not acquire any away-from-reactor facility under this section if the cost of acquiring the facility exceeds the cost of constructing a new away-from-reactor facility of equal capacity: *Provided*, That any new facility would be available when needed to satisfy the commitments made by the Secretary pursuant to Section 302(a).

(b) The Secretary, in providing for the transportation of spent fuel under this Act, shall utilize by contract private industry to the fullest extent possible in each aspect of such transportation. The Secretary shall use direct Federal services for such transportation only upon a determination of the Secretary of Transportation, in consultation with the Secretary, that private industry is unable or unwilling to provide such transportation services at reasonable cost. The authority of the Secretary to enter into contracts under this section shall be limited to the extent or in such amounts as are provided in appropriations Acts.

(c) The Secretary and the Commission, on a continuing basis, shall analyze and make projections of the availability when needed of spent fuel transportation casks required to support transportation requirements pursuant to subsection (b). The Secretary and the Commission are authorized and directed to take such actions as the Secretary and the Commission, respectively, deem necessary and appropriate to ensure the timely availability when needed of such spent fuel transportation casks.

SEC. 306. When an interim away-from-reactor storage facility is available, the Secretary shall take possession of and transport to a designated storage facility any spent fuel covered by a contract made under section 302 of this Act. The Secretary shall take this action within one year after the date on which the owner of such spent fuel provides notice in writing to the Secretary that such spent fuel is available.

SEC. 307. Funds made available to the Secretary for the purpose of—

(a) acquiring plant and capital equipment or land; or

(b) for planning, construction, or modification of facilities,

to make available facilities for the interim storage of spent fuel from civilian nuclear powerplants away from the reactor under any law making appropriations of funds or authorizations for appropriations of funds for the fiscal year ending September 30, 1979, or the fiscal year ending September 30, 1980, including funds authorized and appropriated for Project 79-1-p (away-from-reactor spent nuclear fuel storage capacity) in legislation authorizing appropriations for the Department of Energy for the fiscal year ending September 30, 1980, and as contained in the authorization for the Department of Energy pursuant to Title X, Subtitle A of the Omnibus Reconciliation Act of 1981, Public Law 97-35, for fiscal years ending on September 30, 1982, September 30, 1983, and September 30, 1984, shall be available to carry out the purposes of section 305.

SEC. 308. (a) In carrying out the provisions of sections 301 through 307 with regard to any facility for the interim storage of spent fuel from civilian nuclear powerplants which the Secretary is authorized by section 305(a) to construct, acquire or lease, the Secretary shall—

(1) as soon as practicable, but not later than ninety days after enactment of this section, notify in writing the Governor and the legislature of any State in which is located a potentially acceptable site for such a facility or an existing facility potentially suitable for interim storage of spent fuel of his intention to investigate that site or facility;

(2) during the course of investigation of such site or facility, keep the Governor and the legislature currently informed of the progress of work and results of the investigation;

(3) at the time of selection by the Secretary of any site or existing facility, but prior to undertaking any site-specific work or alterations, promptly notify the Governor and the legislature in writing of such selection;

(4) throughout the course of any subsequent work on that site or existing facility, furnish the Governor all relevant information on a current basis and provide him with the opportunity for review and comment from time to time.

(b) If within ninety days after the Governor has received notice of selection required by subsection (a)(3), the Governor notifies the Secretary in writing of his objections to the facility, the Secretary shall suspend further work on such facility and promptly transmit the Governor's objections together with the Secretary's comments and recommendations to the President.

(c) Unless within ninety days after receipt of the Secretary's notification under subsection (b) the President determines that such facility is essential to the national interest, the Secretary shall terminate activities specific to the facility. Such determination shall not be subject to judicial or administrative review.

(d) During the regulation and monitoring of the facility, the Governor or his designee shall have the right to be currently informed of all relevant information, and shall have the right to review and comment on such matters from time to time.

SEC. 309. Section 202(3) of the Energy Reorganization Act of 1974 is amended to read:

"(3) Facilities used primarily for the receipt and storage or disposal of high-level radioactive waste or spent fuel resulting from activities licensed under such Act or spent fuel from foreign reactors transferred under a subsequent arrangement authorized under such Act.".

SEC. 310. Transportation of spent fuel under section 306 shall be subject to licensing and regulation by the Commission and by the Secretary of Transportation as provided for transportation of commercial spent fuel under existing law.

SEC. 311. (a) The Secretary, the Commission, and other appropriate Federal officials shall take such actions as they consider necessary to encourage and expedite the effective use of existing storage facilities and the addition of needed new storage capacity at the site of each civilian nuclear powerplant consistent with—

(1) the protection of the public health, safety, and the environment;

(2) economic considerations;

(3) continued operation of the powerplant; and

(4) otherwise applicable law.

In taking such action, the Secretary, the Commission and other appropriate Federal officials shall consider the views of the population surrounding such powerplant.

(b) The Secretary, in consultation with the Commission, shall establish a cooperative program to assist and encourage the private development of alternate technologies for the storage of spent fuel at the sites of civilian nuclear powerplants, with the objective of developing one or more alternate technologies that the Commission can adopt by rule on a generic basis for use at the sites of all civilian nuclear powerplants without the need for additional site-specific approvals by the Commission to the maximum extent practicable. For the purposes of this subsection, "alternate technologies" shall include, but are not limited to, spent fuel storage casks.

SEC. 312. (a) Any person filing an application with the Commission after the date of enactment of this Act for a license, or for an amendment to an existing license, to expand the spent fuel storage capacity at the site of a civilian nuclear powerplant, through the use of high-density fuel storage racks, fuel rod compaction, the transshipment of spent fuel to another powerplant within a utility system, the construction of additional spent fuel pool capacity, or by other means, may submit a petition to the Commission for issuance of the license or license amendment on an interim basis prior to the conduct or completion of any required hearing upon such application. Any petition submitted under this section shall include a statement of the reasons why the application for the license or amendment was not submitted sufficiently in advance to eliminate the need for issuance of the license or license amendment on an interim basis. Such statement shall not prejudice the Commission's consideration of such petition.

(b) The Commission shall grant the petition submitted under subsection (a) and issue the license or license amendment on an interim basis if the Commission determines that—

(1) in all respects other than the conduct or completion of any required hearing, the requirements of law are met;

(2) in accordance with such requirements, there is reasonable assurance that the activities authorized by the license or license amendment during the interim period, in accordance with the terms and conditions of such license or license amendment, will provide adequate protection to the public health and safety and the environment during the interim period; and

(3) there is a reasonable expectation that refusal to grant the petition will prevent the petitioner from providing in a timely manner adequate capacity for spent fuel storage at the site of the powerplant to maintain a full core reserve storage capability:

Provided, however, that the Commission may not issue a license or license amendment on an interim basis for the first application received by the Commission for the license or license amendment to expand onsite spent fuel storage capacity by the use of a new technology not previously approved for use at any nuclear powerplant by the Commission. For the purposes of this section, the term "new technology" means a general type or means of storage expansion and not a site-specific proposal.

SEC. 313. (a) In any Commission hearing pursuant to section 189 of the Atomic Energy Act of 1954, as amended, on an application for a license, or for an amendment to an existing license, filed after the date of enactment of this Act, to expand the spent fuel storage capacity at the site of a civilian nuclear powerplant, through the use of high-density fuel storage racks, fuel rod compaction, the transshipment of spent fuel to another such powerplant within the same utility system, the construction of additional spent fuel pool capacity or dry storage capacity, or by other means, the Commission shall, at the request of any party, provide an opportunity for oral argument with respect to any matter which the Commission determines to be in controversy among the parties. The oral argument shall be preceded by such discovery procedures as the rules of the Commission shall provide. The Commission shall require each party, including the Commission staff, to submit in written form, at the time of the oral argument, all the facts, data and arguments upon which that party proposes to rely that are known at such time to that party. Only facts and data in the form of sworn testimony or affidavit may be relied upon by the parties during oral argument. Of the materials that may be submitted by the parties during oral argument, the Commission shall only consider those facts and data that are submitted in the form of sworn testimony or affidavit.

(b)(1) At the conclusion of any oral argument under subsection (a) of this section, the Commission shall designate any disputed question of fact, together with any remaining questions of law, for resolution in an adjudicatory hearing only if it determines that—

(A) there is a genuine and substantial dispute of fact which can only be resolved with sufficient accuracy by the introduction of evidence in an adjudicatory hearing; and

(B) the decision of the Commission is likely to depend in whole or in part on the resolution of such dispute.

(2) In making a determination under this subsection, the Commission shall designate in writing the specific facts that are in genuine and substantial dispute, the reason why the decision of the agency is likely to depend on the resolution of such facts, and the reason why an adjudicatory hearing is likely to resolve the dispute.

(c) No court shall hold unlawful or set aside a decision of the Commission in any proceeding described in subsection (a) because of a failure by it to use a particular procedure pursuant to this section unless—

(A) an objection to the procedure used was presented to the Commission in a timely fashion or there are extraordinary circumstances that excuse the failure to present a timely objection, and

(B) the court finds that such failure has precluded a fair consideration and informed resolution of a significant issue of the proceeding taken as a whole.

SEC. 314. In any proceeding on an application for a license, or for an amendment to an existing license, filed after the date of enactment of this Act, to expand the spent fuel storage capacity at the site of a civilian nuclear powerplant, through the use of high-density fuel storage racks, fuel rod compaction, the transshipment of spent fuel to another such powerplant within the same utility system, the construction of additional spent fuel pool capacity or dry storage capacity or by other means, the Commission shall not consider as alternatives the storage of spent fuel in away-from-reactor storage facilities.

TITLE IV—DISPOSAL OF SOLIDIFIED HIGH-LEVEL RADIOACTIVE WASTE AND SPENT FUEL

SEC. 401. (a) It is the policy of the Federal Government that—

(1) the Federal Government has the responsibility to provide for the permanent disposal of solidified high-level radioactive waste and spent fuel;

(2) spent fuel, unless otherwise processed, and solidified high-level radioactive waste must be permanently disposed of in a federally owned and operated repository;

(3) such permanent disposal in a repository shall occur without regard to interim storage of spent fuel pursuant to Title III and long-term storage of solidified high-level radioactive waste or spent fuel pursuant to Title V;

(4) the Federal Government has the responsibility to assure that repositories capable of safely disposing of solidified high-level radioactive waste and spent fuel are available with sufficient capacity when needed; and

(5) the Federal Government has the responsibility to demonstrate as soon as possible that solidified high-level radioactive waste and spent fuel can be disposed of in a manner that provides adequate protection to the public health, safety, and the environment.

(b) The policy under subsection (a) shall provide for—

(1) the establishment of a federally owned and operated program for the siting, development, construction, and operation of repositories capable of safely disposing of solidified high-level radioactive waste and spent fuel, which repositories are to be licensed by the Commission;

(2) a national schedule for accomplishing the regulatory and programmatic actions needed to achieve the objective of obtaining by December 31, 1989, a Commission authorization to construct the first full-scale, operational repository capable of safely disposing of solidified high-level radioactive waste and spent fuel, and achievement of operational status for the repository as soon thereafter as possible; and

(3) the development, construction, and operation of at least one test and evaluation facility for the purpose of developing the packaging, handling, and emplacement technology for solidified high-level radioactive waste and spent fuel needed to further the demonstration of disposal of such waste and spent fuel, with the objective of achieving operational status of one such facility by January 1, 1988.

DEVELOPMENT OF EPA STANDARDS AND NRC TECHNICAL CRITERIA

SEC. 402. (a) EPA STANDARDS.—Not later than January 1, 1982, the Administrator of the Environmental Protection Agency, pursuant to authority under existing law, shall, by rule, propose generally applicable standards for offsite releases of radioactivity from repositories capable of disposing of solidified high-level radioactive waste and spent fuel. Promulgation of these standards shall occur within a period not greater than one year after proposal.

(b) NRC TECHNICAL CRITERIA.—Not later than January 1, 1984, the Commission, pursuant to authority under existing law, shall, by rule, promulgate technical criteria for review of an application—

(1) for authority to construct a repository capable of disposing of solidified high-level radioactive waste and spent fuel, or

(2) for a license to emplace such waste and spent fuel in the repository.

Such criteria shall provide for the use of a system of multiple barriers in the design of the repository and shall include such restrictions on the retrievability of the solidified high-level radioactive waste and spent fuel emplaced in the repository as the Commission deems appropriate.

IDENTIFICATION OF SITES FOR REPOSITORIES

SEC. 403. (a) GUIDELINES FOR REPOSITORY SITE RECOMMENDATION.—Not later than 120 days after the date of enactment of this Act, the Secretary, in consultation with the Environmental Protection Agency, and the United States Geological Survey, and with the concurrence of the Commission, shall issue general guidelines for the recommendation of sites for repositories capable of safely disposing of solidified high-level radioactive waste and spent fuel. The guidelines shall specify factors that would qualify or disqualify a site from development as a repository, including factors pertaining to geologic criteria, the location of valuable natural resources, proximity to population, hydrology, geophysics, seismic activity, and nuclear defense activities. The guidelines shall require the Secretary to consider the various geologic media in which sites for repositories may be located and, to the extent practicable considering the schedule of actions contained in this title, to recommend sites in different geologic media. The guidelines also shall require the Secretary to consider the cost and impact of transporting to the respository site the solidified high level radioactive waste and spent fuel to be disposed of in the respository and the advantages of regional distribution in the siting of repositories. The Secretary shall use the guidelines established under this subsection in considering sites to be recommended under subsection (b).

(b) SITE RECOMMENDATIONS BY THE SECRETARY.—

(1) Not later than January 1, 1984, the Secretary shall identify and recommend to the President at least three sites that the Secretary determines are suitable for site characterization for the selection of the first repository. Not later than January 1, 1987, the Secretary shall identify and recommend to the President at least three additional sites, which the Secretary determines are suitable for site characterization for selection of subsequent repositories. The Secretary shall not recommend for characterization any area of a site used for the test and evaluation facility pursuant to section 407 that the Secretary determines would permit the physical integration of the test and evaluation facility and a proposed repository. Each recommendation of a site shall include a detailed statement of the basis for the recommendation. If the Secretary recommends a site to the President, the Secretary shall notify the Governor of the State in which the site is located and the Tribal Council of any affected Indian tribe of the Secretary's recommendation and the basis for such recommendation.

(2) Before recommending to the President any site for characterization, the Secretary shall notify the Governor of the State in which the site is located and the Tribal Council of any affected Indian tribe of the proposed recommendation, and the Secretary shall hold public meetings in the vicinity of the site to inform the residents of the area in which the site is located of the proposed recommendation and to receive their comments.

(c) PRESIDENTIAL REVIEW OF RECOMMENDED SITES.—

(1) The President shall review each site recommendation of the Secretary under subsection (b). Within sixty days after the submission of each recommendation for a site, the President in his discretion shall either approve or disapprove the site, and transmit his decision to the Secretary, to the Governor of the State in which each site is located, and to the Tribal Council of any affected Indian tribe. If the President disapproves any site, the Secretary shall make another site recommendation within sixty days after the President's disapproval. If the President fails to approve or disapprove any site in accordance with this paragraph during such sixty-day period, or within such period fails to invoke his authority under paragraph (2) to delay the determination, the site shall be considered to be approved.

(2) The President may delay for not more than six months his decision under paragraph (1) to approve or disapprove a site upon determining that the information provided with the recommendation is not sufficient to permit a decision within the sixty-day period referred to in paragraph (1). The President may invoke his authority under this paragraph by submitting written notice to the Congress, within such period, of his intent to utilize the authority provided under this paragraph. If the President invokes this authority under this paragraph but fails to approve or disapprove the site at the end of such six-month period, the site shall be considered to be approved.

(d) Any activity of the President or the Secretary under this section shall be considered a preliminary decisionmaking activity and shall not be subject to the National Environmental Policy Act of 1969 (83 Stat. 852).

SITE CHARACTERIZATION

SEC. 404. (a) The Secretary shall carry out in accordance with this section appropriate site characterization activities at each site approved under section 403. Site characterization activities shall be subject to the National Environmental Policy Act of 1969 (83 Stat. 852) only in the manner described in subsection (b)(1)(A) below.

(b)(1) Before proceeding to sink shafts at any site, the Secretary shall submit for such site to the Commission, to the Governor of the State in which the site is located, and to the Tribal Council of any affected Indian tribe, for their review and comment—

(A) an environmental assessment prepared pursuant to the Secretary's regulations implementing the National Environmental Policy Act of 1969 (83 Stat. 852) of the site characterization activities planned for such site, and a discussion of alternative activities for purposes of site characterization which may be undertaken to minimize such impacts;

(B) a general plan for site characterization activities to be conducted at such site, which plan shall include—

(i) a description of the site;

(ii) a description of the site characterization activities, including the extent of planned excavations, plans for any onsite testing of radioactive material or nonradioactive material, investigation activities that may affect the ability of the site to isolate any solidified high-level radioactive waste and spent fuel, and provisions to control likely adverse, safety-related impacts from site characterization activities;

(iii) plans for decontaminating and decommissioning the site if it is determined unsuitable for application for licensing as a repository and if any radioactive materials are used for site characterization; and

(iv) any other information required by the Commission; and

(C) proposals describing the possible form of packaging for the solidified high-level radioactive waste and spent fuel that would be emplaced in the repository.

(2) During the conduct of site characterization activities at a site, the Secretary shall report to the Commission, to the Governor of the State in which the site is located, and to the Tribal Council of any affected Indian tribe, on the nature and extent of such activities and the information developed from such activities.

(c) The Secretary, in consultation with the Commission, shall conduct such tests; and may conduct such research and development activities, as may be required to provide the necessary data for an application for a construction authorization by the Commission for a repository at the site and for the compliance with the National Environmental Policy Act of 1969 (83 Stat. 852). The Secretary shall report to the Commission, to the Governor of the State in which the site is located, and to the Tribal Council of any affected Indian tribe, on the tests conducted at a site pursuant to this subsection and on the information developed from such tests.

(d)(1) In conducting site characterization activities or tests pursuant to subsection (c)—

(A) the Secretary may use such radioactive materials at a site as the Secretary and the Commission deem necessary to provide data for the submission of an application for a construction authorization for a repository at the site;

(B) if radioactive materials are placed in a site, the Secretary shall limit the amount of radioactive materials to that quantity necessary to determine the suitability of the site for a repository and to provide data for the submission of an application for a construction authorization for a repository at the site; and

(C) any radioactive material used or placed on a site shall be fully retrievable.

(2) If characterization activities are terminated at a site for any reason, the Secretary shall remove any solidified high-level radioactive waste or spent fuel, or other radioactive materials at or in the site as promptly as practicable.

SITE APPROVAL AND CONSTRUCTION AUTHORIZATIONS

SEC. 405. (a) The Secretary shall recommend to the President not later than January 1, 1986, that the President approve one of the three initially characterized sites for the development of the first repository. The Secretary shall recommend to the President not later than January 1, 1989, that the President approve one or more additional sites from all of the characterized sites for the development of subsequent repositories. In making subsequent site recommendations and approvals, the Secretary and the President, respectively, shall consider the need for regional distribution of repositories and the need to minimize, to the extent practicable, the impacts and cost of transporting spent fuel and solidified high level radioactive waste. Prior to submitting each recommendation to the President for approval of a site, the Secretary shall hold public meetings in the vicinity of the site to inform the residents of the area in which the site is located of the determination of the Secretary and to receive their comments. Any recommendation made by the Secretary pursuant to this subsection shall be considered a major Federal action significantly affecting the quality of the human environment for purposes of the National Environmental Policy Act of 1969 (83 Stat. 852). A final environmental impact statement prepared pursuant to the National Environmental Policy Act of 1969 (83 Stat. 852), prepared by the Secretary, shall accompany the recommendation to the President to approve the site for a repository. With respect to the requirements imposed by the National Environmental Policy Act of 1969 (83 Stat. 852), this Act shall be deemed adequate consideration of the need for a repository, the time of the initial availability of a repository, and all alternatives to a repository for the isolation of spent fuel and solidified high level radioactive waste, and no further consideration of such matters shall be required. The Secretary shall only consider as alternate sites for the first proposed facility those sites recommended by January 1, 1984, by the Secretary pursuant to section 403(b) and approved by the President for site characterization pursuant to section 403(c). The Secretary shall only consider as alternate sites for subsequent proposed facilities those sites recommended by the Secretary by January 1, 1984, and by January 1, 1987, pursuant to section 403(b) and approved by the President for site characterization pursuant to section 403(c). Preparation of the final environmental impact statement by the Secretary in accordance with this subsection, with coordination and comments by the Commission and other interested agencies, shall satisfy the requirements of the National Environmental Policy Act of 1969 (83 Stat. 852) with regard to the selection of a site for, and the decision of the Secretary to construct and operate a repository: *Provided*, That this subsection shall not be construed in any way as amending the National Environmental Policy Act of 1969 (83 Stat. 852).

(b) The President shall approve or disapprove any recommendation of the Secretary pursuant to subsection (a) within sixty days after the recommendation is submitted. If the President disapproves any recommendation, the Secretary shall make another recommendation from among the characterized sites within sixty days after the President's disapproval.

(c) The Secretary shall submit to the Commission an application for authorization to construct a repository at each site approved by the President within ninety days after the date on which the President approves a site under subsection (b). The Secretary shall provide a copy of such license application to the Governor of the State in which the site is located and to the Tribal Council of any affected Indian tribe.

(d) Not later than eighteen months after the date on which an application is submitted under subsection (c), the Commission shall submit to the Congress a report describing the proceedings on the application undertaken through such date, including a description of—

(1) major unresolved safety issues, and the Secretary's explanation of design and operation plans for resolving such issues;

(2) matters of contention regarding the application; and

(3) any Commission actions regarding the granting or denial of the application.

(e) The Commission shall consider an application for authorization to construct a repository in accordance with the laws applicable to such applications, except that the Commission shall issue a final decision approving or disapproving the first such application not later than December 31, 1989, and the second such application not later than December 31, 1992. The Commission decision approving the first such application shall prohibit the emplacement in the first repository of more than seventy thousand metric tons of heavy metal from spent fuel and solidified high-level radioactive waste, until such time as a second repository is in operation.

(f) The Commission shall consider an application for authorization to construct a repository in accordance with the laws applicable to such applications, except that—

(1) the Commission shall only consider as alternate sites for the first proposed facility those sites recommended by January 1, 1984, by the Secretary pursuant to section 403(b) and approved by the President for site characterization pursuant to section 403(c),

(2) the Commission shall only consider as alternate sites for subsequent proposed facilities those sites recommended by the Secretary by January 1, 1984, and by January 1, 1987, pursuant to section 403(b) and approved by the President for site characterization pursuant to section 403(c), and

(3) the Commission shall rely on the environmental impact statement prepared by the Secretary pursuant to subsection 405(a) in issuing a final decision approving or disapproving the application to the extent possible, consistent with the independent responsibilities of the Commission as determined by the Commission, in order to minimize unnecessary duplication.

SEC. 406. The Secretary, the Commission, and other appropriate Federal officials shall take such actions as they consider necessary, consistent with the protection of the public health, safety, and the environment, to achieve operational status of a repository licensed under section 405(e) as soon thereafter as possible.

TEST AND EVALUATION FACILITY

SEC. 407. (a) Not later than January 1, 1983, the Secretary shall transmit to the Congress a proposal for at least one test and evaluation facility for the purpose of developing generically applicable packaging, handling, and emplacement technology for solidified high-level radioactive waste and spent fuel to further the demonstration of disposal of such waste and spent fuel. The proposal shall include site-specific designs, specifications, and cost estimates adequate to solicit bids for the construction of an initial facility, and a schedule for the construction of a facility, consistent with the objective of achieving facility operation not later than January 1, 1988. The proposal shall also include a detailed plan, schedule, and termination date for the generically applicable research and development activities proposed to be conducted at the test and evaluation facility.

(b) The Secretary may select an existing research and development site for the development of the test and evaluation facility. The Secretary shall not select any area of a site that the Secretary intends to recommend for characterization pursuant to section 403(b) that the Secretary determines would permit the physical integration of the test and evaluation facility and a proposed repository.

(c) The facility shall be designed to—

(1) accept a total of not more than three hundred packages of solidified high-level radioactive waste and spent fuel;

(2) permit continuous monitoring, management, and maintenance of the solidified high-level radioactive waste and spent fuel to be emplaced in the facility;

(3) accept waste and spent fuel packages incorporating multiple barrier design; and

(4) permit full retrievability of the waste and spent fuel to be emplaced in the facility.

(d) In formulating the proposal, the Secretary shall consult with the Commission and the Environmental Protection Agency, and shall transmit their comments on the final proposal to the Congress together with the proposal.

(e)(1) Preparation and transmittal of the proposal to the Congress is not a major Federal action significantly affecting the quality of the human environment within the meaning of section 102(2)(C) of the National Environmental Policy Act of 1969 (83 Stat. 852), but an environmental assessment prepared pursuant to the Secretary's regulations implementing the National Environmental Policy Act of 1969 (83 Stat. 852) shall be prepared on the proposal to accompany such transmittal.

(2) When Congress authorizes construction of the facility, the requirements of the National Environmental Policy Act shall apply, except that any environmental impact statement in connection with such facility need not consider the need for such facility or any alternative to the design criteria set forth in subsection (b), as they may have been amended by such subsequent congressional authorization.

(f) Notwithstanding any other provision of law, the test and evaluation facility authorized under this section shall not be subject to a license by the Commission: *Provided, however*, That the Secretary shall obtain the concurrence of the Commission in the siting, design, construction, and operation of the facility.

NATIONAL SITE SURVEY PROGRAM

SEC. 408. (a) The Secretary and the United States Geological Survey shall conduct a national site survey program, to be completed not later than January 1, 1986, for the purpose of identifying sites that may be suitable for site characterization for a repository in addition to those recommended by the Secretary under section 403(b).

(b) The national site survey program established by subsection (a) shall include every State that may contain acceptable sites for a repository. No State shall have the authority to prohibit or restrict any activity that the Secretary and the Director of the United States Geological Survey deem necessary to carry out the purposes of this section.

(c) The Secretary shall use the results of the national site survey program established by subsection (a) in identifying and recommending sites for the characterization of subsequent sites pursuant to section 403(b).

SEC. 409. The Secretary shall continue and accelerate a program of research, development, and investigation of alternative means and technologies for the permanent disposal of high-level radioactive waste from civilian nuclear activities, atomic energy defense activities of the Department, and Federal research and development activities. Such program shall include examination of various waste disposal options.

SEC. 410. (a) The Secretary, consistent with the policy set forth in section 401, is authorized and directed to enter into contracts with persons owning and operating civilian nuclear powerplants, and with persons owning spent fuel or high-level radioactive waste generated by civilian nuclear activities prior to the date of enactment of this Act.

(b) The contracts entered into under subsection (a) shall provide that in return for the payment of the fees established by section 603 (a) and (c) of this Act, the Federal Government, beginning at the time when one or more federally owned and operated repositories or monitored, retrievable storage facilities are in operation, will—

(1) take title to the spent fuel and high-level radioactive waste owned or generated by such person,

(2) transport the spent fuel or high-level radioactive waste to a federally owned and operated repository or monitored, retrievable storage facility, and

(3) store or dispose of the spent fuel or high-level radioactive waste.

(c) The contracts entered into under subsection (a) shall also provide for the retention by the owner of spent fuel of a non-transferrable right to the value of the remaining fuel resource less the costs of recovery, as determined at the time of recovery. The right ends when the Federal Government—

(1) takes action resulting in the recovery of the remaining fuel resource and gives to the owner of the right an amount of money equal to the value of the recovered fuel less the costs of recovery; or

(2) disposes of such fuel in a repository.

SEC. 411. Not later than January 1, 1983, the Secretary shall prepare and submit to the Senate and the House of Representatives a detailed management plan for the actions required by this title. The plan shall identify the major program objectives, milestones, decisions and critical path items that are required to achieve the objectives set forth in this title.

TITLE V—LONG-TERM STORAGE OF SOLIDIFIED HIGH-LEVEL RADIOACTIVE WASTE AND SPENT FUEL

SEC. 501. It is the policy of the Federal Government that—

(1) the Federal Government has the responsibility to provide for long-term storage of solidified high-level radioactive waste and spent fuel, consistent with the policies of Title III and Title IV;

(2) the Executive Branch and the Congress should proceed as expeditiously as possible to consider fully a proposal for the construction of one or more monitored, retrievable storage facilities to provide such long-term storage; and

(3) the Federal Government has the responsibility to assure that such facilities are available with sufficient capacity when needed.

SEC. 502. Within one year after the date of enactment of this Act, the Secretary shall transmit to the Congress a proposal for the construction of one or more monitored, retrievable storage facilities for spent fuel and solidified high-level radioactive waste. Such facilities shall be designed to—

(a) accommodate spent fuel without reprocessing, as well as solidified high-level radioactive waste, including solidified high-level radioactive waste from reprocessing of such spent fuel if such reprocessing is undertaken in the United States;

(b) permit continuous monitoring, management, and maintenance of the spent fuel and solidified high-level radioactive waste for the foreseeable future;

(c) provide for the ready retrieval of any spent fuel and solidified high-level radioactive waste for further processing or disposal by an alternative method; and

(d) safely contain such solidified high-level radioactive waste and spent fuel so long as may be necessary, by means of maintenance, including, but not limited to, replacement as necessary, of such facility.

SEC. 503. The proposal shall include—

(a) the establishment of a Federal program for the siting, development, construction, and operation of facilities capable of safely storing solidified high-level radioactive waste and spent fuel, which facilities are to be licensed by the Commission;

(b) site-specific designs, specifications, and cost estimates adequate to solicit bids for the construction of an initial facility which will support authorization to construct the first full-scale, operational facility capable of safely storing solidified high-level radioactive waste and spent fuel and achievement of operational status for the facility as soon thereafter as possible;

(c) a plan for integrating the facilities under this title with the interim spent fuel storage facilities authorized by title III and repositories authorized by title IV.

SEC. 504. In formulating the proposal, the Secretary shall consult with the Commission and the Environmental Protection Agency, and shall transmit their comments on the final proposal to the Congress together with the proposal.

SEC. 505. (a) Preparation and transmittal of the proposal to the Congress is not a major Federal action significantly affecting the quality of the human environment within the meaning of section 102(2)(C) of the National Environmental Policy Act of 1969 (83 Stat. 852), but an environmental assessment prepared pursuant to the Secretary's regulations implementing the National Environmental Policy Act of 1969 (83 Stat. 852) shall be prepared on the proposal to accompany such transmittal based upon available information regarding alternative technologies for storage of spent fuel and solidified high-level radioactive waste storage.

(b) When Congress authorizes construction of the initial facility, the requirements of the National Environmental Policy Act shall apply, except that any environmental impact statement in connection with such facility shall not consider the need for the facility, alternate sites for the facility, or any alternative to the design criteria set forth in section 502 of this Act as may have been amended by such subsequent congressional authorization.

(c) Any facility authorized under this title shall be subject to a license under section 202(3) of the Energy Reorganization Act of 1974 (88 Stat. 1233), except that in its consideration of the application filed by the Secretary for the initial facility, the Commission may not consider the need for the facility, alternate sites for the facility, or any alternative to the design criteria set forth in section 502 of this Act but shall comply with the requirements of the licensing process as otherwise provided by law.

SEC. 506. (a) Beginning the first fiscal year after the date of the enactment of this Act, the Secretary shall make annual impact aid payments to appropriate units of local government in order to mitigate social or economic impacts occasioned by the construction and subsequent operation of any facility within the jurisdictional boundaries of such local governments and authorized under this title.

(b) Payments made available to units of local government under this section shall be—

(1) allocated in a fair and equitable manner with a priority to those units of local government suffering the most severe impacts; and

(2) utilized by units of local governments only for (A) planning, (B) construction and maintenance of public services, and (C) provision of public services related to the siting of a facility authorized under this title.

(c) Payments shall be subject to such terms and conditions as the Secretary determines necessary to ensure that the purposes of this section will be achieved. The Secretary shall issue such regulations as may be necessary to carry out the provisions of this section.

(d) Payments under this section shall be made available solely from the fund established under section 601 of this Act and shall be available only to the extent provided in advance in appropriations Acts.

(e) The Secretary may consult with appropriate units of local government in advance of commencement of construction of any facility authorized under this title in an effort to determine the level of the payments such government would be eligible to receive under this section.

(f) As used in this section, the term "unit of local government" means a county, parish, township, municipality, or borough, including a borough in the State of Alaska, existing on the date of the enactment of this subsection, or other unit of government below the State which is a unit of general government as determined by the Secretary.

TITLE VI—FINANCIAL ARRANGEMENTS

SEC. 601. (a) There is hereby established in the Treasury of the United States a separate account to provide for costs directly related to (1) the acquisition, lease or construction, and operation of Federal away-from-reactor interim storage facilities for spent fuel in accordance with title III of this Act; (2) the development, including site selection and characterization, construction and operation of repositories for the disposal of such spent fuel or solidified high-level radioactive waste in accordance with title IV of this Act; (3) the development, including site selection, construction and operation of one or more test and evaluation facilities in accordance with title IV of this Act; (4) the development, including site selection construction and operation of facilities for the long-term storage of spent fuel or solidified high-level radioactive waste in accordance with title V of this Act; and (5) the related handling and transportation of such spent fuel or waste; and (6) research, development and investigation activities of the Secretary pursuant to section 409 required to support the activities described in items (1) through (5). Amounts appropriated under section 307 or otherwise appropriated to the Secretary to carry out any of the purposes of titles III, IV, V, and VI of this Act, all charges under section 303, receipts derived from the sale of any reprocessed fuel, all fees collected under section 603, and the proceeds from any obligations issued pursuant to section 602 of this title shall be deposited into the account.

(b) To the extent funds are available and in such amounts as are provided in appropriations Acts, the Secretary may draw on such account to carry out the purposes of titles III, IV, V, and VI of this Act: *Provided*, That the Secretary shall not construct or acquire any facility authorized under this Act unless the specific expenditure of funds for the initiation of such construction or acquisition is explicitly approved in an appropriation Act.

SEC. 602. (a) To carry out the purposes of this Act the Secretary may borrow money from the Treasury of the United States in amounts provided in appropriation Acts. The Secretary and the Secretary of the Treasury shall agree on terms, maturities, and conditions of the obligations, but the maturities may not be more than thirty years. The Secretary may redeem the obligations before maturity. The Secretary of the Treasury shall decide the interest rate of the obligations considering the average market of outstanding marketable obligations of the United States Government of comparable maturities during the month before the obligations are issued. The interest payments on such obligations may be deferred with the approval of the Secretary of the Treasury but any interest payment so deferred shall bear interest. Such obligations shall be issued in amounts and at prices approved by the Secretary of the

Treasury. The Secretary of the Treasury shall purchase any obligations of the Secretary issued under this section and for this purpose the Secretary of the Treasury is authorized to use as a public debt transaction of the United States the proceeds from the sale of any securities issued under the Second Liberty Loan Bond Act. Securities may be issued under that Act to purchase obligations from the Secretary under this section.

(b) Appropriations made available pursuant to section 307 of this Act and any other appropriations made to the Secretary to carry out the purposes of titles III, IV, V, and VI of this Act shall be repaid into the general fund of the Treasury out of the account, together with interest until the date of repayment at a rate determined by the Secretary of the Treasury taking into consideration the average market on long-term obligations of the United States during the fiscal year in which appropriations are made. The Secretary shall repay such appropriation together with interest within thirty years from the time at which such appropriations become available for expenditure after the date of enactment of this Act, and no appropriations to the Secretary are authorized to carry out the purposes of titles III, IV, V, and VI of this Act unless the amounts appropriated are deposited into the account established in section 601(a).

(c) The Secretary shall invest in United States Treasury instruments any surplus funds accruing in the account established by section 601 herein and the interest paid on such Treasury instruments shall accrue to the benefit of such account.

Sec. 603. (a) There is hereby imposed a mandatory fee in the amount of 1.0 mil per kilowatt-hour on electricity generated by civilian nuclear powerplants and sold on or after the date ninety days after the date of enactment of this Act. Such fee shall be for the purpose of paying the costs to be incurred by the Federal Government that are specified in section 601(a).

(b) The fee imposed by subsection (a) shall be collected by the person owning and operating each civilian nuclear powerplant and shall be paid to the Treasury of the United States and deposited in the separate account established by section 601. The person owning and operating a civilian nuclear powerplant who pays the fee to the Treasury of the United States pursuant to subsection (a) shall have no further financial obligation to the Federal Government for the long-term storage and permanent disposal of spent fuel, or the solidified high-level radioactive waste from spent fuel, which is removed from the nuclear reactor of such civilian nuclear powerplant after the date of enactment of this Act.

(c) Not later than ninety days after the date of enactment of this Act, the Secretary shall establish a one time fee per kilogram of heavy metal in spent fuel, or in solidified high-level radioactive waste, in an amount equivalent to an average charge of 1.0 mil per kilowatt-hour for electricity generated by such spent fuel, or such solidified high-level waste derived therefrom, to be collected from any person delivering to the Federal Government spent fuel, or solidified high-level radioactive waste derived from spent fuel, which was removed from a civilian nuclear powerplant prior to the enactment of this Act. Such fee shall be for the purpose of paying the costs to be incurred by the Federal Government for the long-term storage and permanent disposal of solidified high-level radioactive waste and spent fuel from civilian nuclear activities. Such fee shall be paid to the Treasury of the United States and shall be deposited in the separate account established by section 601. In paying such a fee, the person delivering spent fuel, or solidified high-level radioactive wastes derived therefrom, to the Federal Government shall have no further financial obligation to the Federal Government for the long-term storage and permanent disposal of such spent fuel, or the solidified high-level radioactive waste derived therefrom.

(d) Not later than one hundred and eighty days after the date of enactment of this Act, the Secretary shall establish procedures for the collection and payment of the fees established by subsection (a) and subsection (c). The Secretary shall annually review the amount of the fees established by subsections (a) and (c) above to evaluate whether collection of the fee will provide sufficient revenues to offset the costs as defined in subsection (a) herein. In the event the Secretary determines that either insufficient or excess revenues are being collected, the Secretary shall make a recommendation to the Congress for an adjustment of the amount of such fee. Any change in the fee shall be approved by the Congress and shall only apply to fees collected after any such change.

(e) Funds paid to the Treasury of the United States from the collection of the fees imposed by subsections (a) and (c) above and deposited in the separate account established by section 601 shall be available to pay the direct costs of constructing and operating any away-from-reactor facility pursuant to section 305 that would not otherwise be paid by the one-time payments collected pursuant to section 303 and deposited in the separate account established by section 601.

TITLE VII—STATE PARTICIPATION IN THE DEVELOPMENT OF REPOSITORIES AND MONITORED, RETRIEVABLE STORAGE FACILITIES FOR SOLIDIFIED HIGH-LEVEL RADIOACTIVE WASTE AND SPENT FUEL

Sec. 701. (a) The Secretary shall identify the States with one or more potentially acceptable sites for a repository or for a monitored, retrievable storage facility for solidified high-level radioactive waste or spent fuel within ninety days after the date of enactment of this Act. Within ninety days of such identification, the Secretary shall notify the Governor, the State legislature, and the Tribal Council of any affected Indian tribe in any affected State of the potentially acceptable sites within such State. For the purposes of this Title, the term "potentially acceptable site" means any site at which, after geologic studies and field mapping but before detailed geologic data gathering, the Department undertakes preliminary drilling and geophysical testing for the definition of site location.

(b) Each affected State and affected Indian tribe notified under subsection (a) as having potentially acceptable sites shall have the right to participate in a process of consultation and concurrence, based on public health and safety and environmental concerns, in all stages of the planning, siting, development, construction, operation, and closure of a repository or a monitored, retrievable storage facility that is required to be licensed by the Commission. Upon (1) the approval of a site for site characterization for such a repository, (2) the designation of a site for such a monitored, retrievable storage facility, or (3) the written request of the State or Indian tribe in any affected State notified under subsection (a) to the Secretary, whichever, first occurs, the Secretary shall promptly enter into negotiations with each such State and Indian tribe to establish a cooperative agreement under which the State or Indian tribe may exercise such right. Public participation in the negotiation of such agreement shall be provided for and encouraged by the Secretary, the States and the Indian tribes. The Secretary, in cooperation with the States and Indian tribes, shall develop and publish minimum guidelines for public participation in such negotiations, but the adequacy of such guidelines or any failure to comply with these guidelines shall not be a basis for judicial review.

(c) The cooperative agreement shall include, but need not be limited to, the sharing in accordance with applicable law of all technical and licensing information, the utilization of available expertise, the facilitating of permitting procedures, joint project review, and the formulation of joint surveillance and monitoring arrangements to carry out applicable Federal and State laws. The cooperative agreement also shall include a detailed plan or schedule of milestones, decision points and opportunities for State or tribal review and objection. Such cooperative agreement shall provide procedures for negotiating and resolving objections of the State or Indian tribe in any stage of the planning, siting, development, construction, operation, or closure of such a facility within the State. In the case of a proposed repository, the cooperative agreement shall also provide for compensation to the State or Indian tribe for (1) the cost of State or Indian tribe participation in the development of the facility, including the acquisition of any necessary independent technical and licensing information, and (2) impacts caused by the siting, development, construction, and operation of a repository. Further, the cooperative agreement in the case of a proposed repository shall provide a method for determining the appropriateness and amount of any royalty or assessment to the State or Indian tribe for the use of its property, location or other natural resource. Payments for any compensation, royalty or assessment to a State or Indian tribe pursuant to a cooperative agreement shall be made only to the extent provided in appropriations Acts and shall be made solely from the fund established under section 601. The terms of any cooperative agreement shall not affect the Nuclear Regulatory Commission's authority under existing law.

(d) For the purpose of this part of this title, "process of consultation and concurrence" means a methodology by which the Secretary (A) keeps the State or affected Indian tribe fully and currently informed about the aspects of the project related to any potential impact on the public health and safety, (B) solicits, receives, and evaluates concerns and objections of the State or affected Indian tribe with regard to such aspects of the project on an ongoing basis, and (C) works diligently and cooperatively to resolve, through arbitration or other appropriate mechanisms, such concerns and objections. The process of consultation and concurrence shall not include the grant of a right to any State or Indian tribe to exercise an absolute veto of any aspect of the planning, siting, development, construction, and operation of the project.

(e) The Secretary and the State or affected Indian tribe shall seek to conclude the agreement required by subsection (b) not later than one year after the date of notification under section (a). The Secretary shall report to the Congress annually thereafter on the status of the agreement approved under subsection (c). Any report to the Congress on the status of negotiations under subsection (b) of the agreement under subsection (c) by the Secretary shall be accompanied by comments solicited by the Secretary from the State or affected Indian tribe.

(f)(1) The Secretary shall notify the Governor, the State legislature and the Tribal Council of any affected Indian tribe in an affected State at least ninety days prior to submitting an application to the Commission for authorization to construct a repository or monitored, retrievable storage facility of the Secretary's intention to file such application.

(2) If at any time after the Governor or an affected Indian tribe has received the notice required under paragraph (1), but no later than ninety days after receipt of such notice, the Governor or the Indian tribe notifies the Secretary in writing of objections to the proposed repository or monitored, retrievable, storage facility, the Secretary shall promptly transmit such objections together with the Secretary's comments and recommendations to the Congress.

(3) If the Governor or the Indian tribe has filed objections in accordance with paragraph (2), the Secretary shall not submit such an application and shall suspend further site-specific activities on the proposed repository or monitored, retrievable storage facility if during the sixty-day period of continuous session following submittal to Congress of the objections, either House of Congress passes a resolution pursuant to section 703 stating in substance that the proposal for the repository or retrievable, monitored storage facility does not sufficiently address State or tribal concerns to permit the Secretary to apply to the Commission for an authorization to construct the facility.

Sec. 702. (a) For the purpose of this Act (1) continuity of session is broken only by an adjournment of Congress sine die; and (2) the days on which either House is not in session because of an adjournment of more than three days to a day certain are excluded in the computation of any period of time in which Congress is in continuous session.

(b) Sections 702 through 706 of this Act are enacted by Congress (1) as an exercise of the rulemaking power of the Senate and the House of Representatives, respectively, and as such they are deemed a part of the rules of each House, respectively, but applicable only with respect to the procedure to be followed in that House in the case of resolutions described by section 703 of this Act; and they supersede other rules only to the extent that they are inconsistent therewith; and (2) with full recognition of the constitutional right of either House to change the rules (so far as relating to the procedure of that House) at any time, in the same manner and to the same extent as in the case of any other rule of that House.

Sec. 703. For the purposes of this Act "resolution" means only a resolution of either House of Congress, the matter after the resolving clause of which is as follows: "That the   believes that the proposed development of a repository or monitored, retrievable storage facility at   within the State of   , which is the basis of objections transmitted to Congress by the Secretary of Energy on   , 19   does not sufficiently address State or tribal concerns to permit the Secretary to apply to the Nuclear Regulatory Commission for an authorization to construct such repository or monitored retrievable storage facility, the blank spaces therein being appropriately filled.

Sec. 704. (a) No later than the first day of session following the day on which objections by a State or Indian tribe are transmitted to the House of Representatives and the Senate under section 601(f), a resolution, as defined in section 703, shall be introduced (by request) in the House by the chairman of the committee to which the report is referred, or by a Member or Members of the House designated by such chairman; and shall be introduced (by request) in the Senate by the chairman of the committee to which the report is referred, or by a Member or Members of the Senate designated by such chairman.

(b) A resolution with respect to a proposed facility which is the basis of such objections shall be referred to the appropriate committees of the House and Senate (and all resolutions with respect to the same report shall be referred to the same committee) by the President of the Senate or the Speaker of the House of Representatives, as the case may be. The committee shall make its recommendations to the House of Representatives or the Senate, respectively, within forty-five calendar days of continuous session of Congress following the date of such resolution's introduction.

Sec. 705. If the committee to which is referred a resolution introduced pursuant to subsection (a) of section 604 (or, in the absence of such a resolution, the first resolution introduced with respect to the proposed facility which is the basis of such objections,) has not reported such resolution or identical resolution at the end of forty-five calendar days of continuous session of Congress after its introduction, such committee shall be deemed to be discharged from further consideration of such resolution and such resolution shall be placed on the appropriate calendar of the House involved.

Sec. 706. (a) When the committee has reported, or has been deemed to be discharged (under section 705) from further consideration of, a resolution described in section 705, it is at any time thereafter in order (even though a previous motion to the same effect has been disagreed to) for any Member of the respective House to move to proceed to the consideration of the resolution. The motion is highly privileged and is not debatable. The motion shall not be subject to amendment, or to a motion to postpone, or a motion to proceed to the consideration of other business. A motion to reconsider the vote by which the motion is agreed to or disagreed to shall not be in order. If a motion to proceed to the consideration of the resolution is agreed to, the resolution shall remain the unfinished business of the respective House until disposed of.

(b) Debate on the resolution, and on all debatable motions and appeals in connection therewith, shall be limited to not more than ten hours, which shall be divided equally between individuals favoring and individuals opposing the resolution. A motion further to limit debate is in order and not debatable. An amendment to, or a motion to postpone, or a motion to proceed to the consideration of other business, or a motion to recommit the resolution is not in order. A motion to reconsider the vote by which the resolution is agreed to or disagreed to shall not be in order.

(c) Immediately following the conclusion of the debate on the resolution with respect to the proposed facility which is the basis of such objections, and a single quorum call at the conclusion of the debate if requested in accordance with the rules of the appropriate House, the vote on final approval of the resolution shall occur.

(d) Appeals from the decisions of the Chair relating to the application of the rules of the Senate or the House of Representatives, as the case may be, to the procedure relating to a resolution with respect to the proposed facility which is the basis of such objections, shall be decided without debate.

Sec. 707. In considering any objections by a State or Indian tribe submitted to the Congress pursuant to this title, the Congress may obtain the views and comments of the Nuclear Regulatory Commission on such objections. The provision of views by the Commission shall not be construed as binding the Commission with respect to any licensing action pertaining to the facility which is the subject of such objections.

Sec. 708. (a) Notwithstanding any other provision of law, the provisions of this Title shall constitute the exclusive authority for any official of the Federal Government to enter into any agreement with any affected State and any affected Indian tribe (1) for participation in a process of consultation and concurrence in the planning, siting, development, construction and operation of a repository pursuant to Title IV of this Act or a monitored, retrievable storage facility pursuant to Title V of this Act or (2) for any other participatory right in the Secretary's decisions associated with the activities of planning, siting, development, construction and operation of a repository pursuant to Title IV of this Act or a monitored, retrievable storage facility pursuant to Title V of this Act.

(b) The provisions of this title shall constitute the exclusive rights of participation by an affected State or Indian tribe in the planning, siting, development, construction, and operation of a repository or a monitored, retrievable storage facility that is required to be licensed by the Commission: *Provided, however,* That nothing in this Act shall preclude any recognized right of any State or Indian tribe under existing law with respect to such a repository or monitored, retrievable storage facility.

CRIMINAL CODE REFORM ACT

AMENDMENT NO. 1351

(Ordered to be printed and to lie on the table.)

Mr. DENTON (for himself, Mr. Helms, and Mr. East) submitted an amendment intended to be proposed by them to the bill (S. 1630) to codify, revise, and reform title 18 of the United States Code; and for other purposes.

● Mr. DENTON. Mr. President, on behalf of Senators Helms, East, and myself, I have submitted for printing an amendment in the form of a substitute for S. 1630, the "Criminal Code Reform Act of 1981." This substitute is the product of many months of work and represents, I believe, a workable alternative to the bill as it was reported from the Committee on the Judiciary. This substitute is a composite of current law and the best features of S. 1630, which is itself a product of the earlier work done by the National Commission on Reform of Federal Criminal Laws.

As a member of the Judiciary Committee and a former cosponsor of S. 1630, I have come to appreciate the difficulties and pitfalls inherent in the preparation of a massive recodification of the Federal Criminal Code. It was, therefore, with a great deal of reluctance that I requested my staff and several consultants to prepare an alternative to the committee bill for a new Federal Criminal Code. I am, however, convinced that the passage of S. 1630 would be a mistake and that the full Senate should consider another approach that embodies a greater reliance on current law.

There is much that distinguishes this substitute from S. 1630. I would like to highlight briefly some of the more important additions that our substitute would make to the proposed Criminal Code.

First, it would establish a constitutionally enforceable death penalty for certain heinous crimes. The Judiciary Committee previously defined the challenge set by the Supreme Court for the Congress and the State legislatures as "one of designing a procedure and establishing criteria for the imposition of the death penalty that would bring the 'arbitrary and capricious' result flowing from unfettered discretion within constitutionally tolerable bounds." In developing a death penalty statute, we have relied upon the procedures and criteria set forth in S. 114, a death penalty proposal which is within those bounds and upon which the Judiciary Committee has acted favorably. The provision, as incorporated into our version of the Criminal Code, would provide that, after a conviction for which a penalty of death is authorized the court must hold a separate hearing on whether to impose the death penalty. The statute would leave largely unchanged the current laws that define offenses for which the death penalty may be imposed.

Second, our substitute for S. 1630 includes the provisions of S. 101, the DeConcini bill, which would modify the exclusionary rule. This modification of the Criminal Code provides that evidence would not be excluded from any Federal criminal proceeding solely because that evidence was obtained in violation of the fourth amendment to the Constitution, unless the court finds that such a violation was intentional or substantial.

Third, our substitute also contains S. 613, the Thurmond proposal that would treat serious acts of violence related to labor disputes as extortion for purposes of Federal criminal law.

Fourth, the substitute contains the latest version of the McClure-Volkmer bill to reform the 1968 Gun Control Act.

There are several important features of S. 1630 that we chose to keep in our substitute. These include, for instance, most of the procedural innovations in S. 1630, including pretrial detention, new definitions of insanity and competency, bail reform, and compensation for victims of crime. The changes made in the Federal rules of procedures, along with various changes made in sentencing and juvenile justice procedures, have been incorporated into our version of the bill.

We have replaced, however, the broad generalizations by which S. 1630 defines substantive criminal offenses with an equally organized but often more precise restatement of current Federal law. We have incorporated, by convenient cross reference, the bulk of criminal offenses outside of title 18 of the United States Code but have left the substance of those offenses in their original setting. In this manner, nontitle 18 offenses remain in the context where they most clearly reflect a given Federal policy or concern.

Just as the original S. 1630, our substitute repeals a large number of obsolete statutes such as those making it a Federal crime to detain a Federal carrier pigeon or to seduce a female passenger on a steamship. Moreover, we have sought to eliminate a number of other unnecessary provisions maintained even in S. 1630, such as, those statutes making it a crime to impersonate a 4-H Club member or misuse "Johnny Horizon," the fictional protector of public lands.

In a more serious attempt to strengthen the Federal Government's ability to punish leaders of organized crime, we have increased to life imprisonment the maximum possible penalty for a number of the racketeering offenses, For the first time, professional criminals involved in organized crime would face a penalty commensurate with the seriousness of their activities.

Whereas S. 1630 generally reduces sentences for all offenses, our substitute retains the tougher sentences found in current law and, also, eliminates our much abused system of parole.

By restoring and reorganizing many of the time-proven statutes found in current law, our version of S. 1630 would answer a large number of objections raised by both liberal and conservative organizations. It would, for instance, eliminate some provisions objected to by numerous business organizations, including provisions which expose manufacturers of dangerous products to possible prosecution for murder, provisions that would hold a corporation liable for actions of its agents even when the company explicitly prohibits such actions, and provisions that require a businessman to sequester this own records if he believes that a Government agency might wish to examine them in a future proceeding.

The substitute restores current law with regard to obscenity, prostitution, and sexual offenses, except in those instances where clarification and revision of current statutes is necessary.

We have returned to provisions of "current law" instead of defining several broad new offenses, such as obstructing a Government function by fraud or physical interference, because many have seen them as threats to constitutionally protected conduct.

In short, this recodification of the substance of current law addresses the justified concerns of business, religious, and civil liberties groups.

Mr. President, a recent article in the National Law Journal by Louis Linden, executive director of the National Association of Criminal Defense Lawyers, eloquently stated the case for this more judicious approach to recodifying the Federal Criminal Code. I would ask unanimous consent that it be placed in the record at this time.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the National Law Journal, Mar. 1, 1982]

TIME IS NOT RIGHT FOR MASSIVE REFORM OF CRIMINAL CODE

(By Louis Linden)

In the January 25 issue of The National Law Journal, Otto Obermaier argued that the time has come for us to finally approve a federal criminal code. Apparently, he believes that this is not only the right time, but that the code under consideration in Congress is the right code for the right time. He couldn't be more wrong on both accounts.

Ironically, he has identified the flaw in his argument but he has not recognized its importance. He states that, ". . . [C]riminal code reform will never be had if it becomes a vehicle for the achievement of partisan political goals by a transient political majority." The major problem with wholesale criminal code reform is intrinsic in the nature of the political process as we know it. This nature dictates that this is most emphatically not the time for wholesale reform and that there isn't a right time.

By definition, all political majorities are transient in a pluralistic democracy. Indeed, open access to majority power is the very heart and soul of such a system. Some majorities are more transient than others. It is likewise mistaken to think that "the achievement of partisan political goals" can ever be eliminated from the deliberations and decisions of such a body. Certainly there have been times when this motivation has been suppressed and deferred to a shared perception of the common good. But history shows us that these situations are few and far between. This is neither an indictment nor a commendation; it is simply a fact of life, the nature of the beast.

There can be no doubt that the public perceives crime as a most important issue. Whether the "crime problem" is actually as great a threat as believed by some is irrelevant. The effect upon the political process is governed by the old aphorism that what one believes to be real will be real in its consequences. If the voters at home perceive it to be real, it is real in Congress. The writers of the Constitution obviously foresaw this aspect of our system, which is why they bothered to write a supreme document at all. The Constitution protects individuals from what may be only passing perceptions becoming irretrievably bad law. It provides a long-term continuity that is not swayed by momentary passion.

In this context, it is valid to pose that the time of greatest public concern is the worst time for consideration and action. The basis of codification should be thorough, logical and rational analysis of the objective to be obtained and the means of obtaining that objective. Such an analysis is nearly impossible when conducted on the procrustean bed of public outrage. The political pressure generated by such an environment precisely militates against the dispassionate analysis that is necessary for a successful result.

For instance, the Moral Majority made a substantial effort to influence certain aspects of S. 1630 being considered by the Senate Judiciary Committee. The substantive changes demanded by the Moral Majority related to "moral issues," obscenity, prostitution and rape/sexual assault.

For the most part, definitions of these offenses were broadened to include more behavior than is the case under current law or under previous drafts of the criminal code. Obscenity (Sec. 1842) in particular was broadened to apply to virtually any sex-oriented publications, regardless of their "redeeming social value." The 16 years of testimony and drafting and redrafting and endless debate that Mr. Obermaier cites resulted in the draft that was before the committee. That work was washed away by the opinions and desires of an influential group that cannot be said to speak for the American people as a whole. Whether the amendments improved the draft is a value choice, but it certainly demonstrates a major problem in the procedure for creating a whole new code at one whack.

Another similar and related problem exists in the sheer magnitude of the task. Code reformers would have us believe that they have the capability to reform, streamline and improve the 3,000 or so criminal laws which exist in the U.S. Code. Mr. Obermaier maintains that this must be done to improve the ad hoc nature of these laws; yet he ignores the positive aspects of this "ad hoc" process. Admittedly, great disparities in wording and importance of statutes exist. However, he ignores a very important fact: That each of those laws was given individual consideration by the congressmen who enacted them. The piecemeal fashion by which they were created at least yielded an individual decision on the nature and wording of each statute. This is in stark contrast to the codification process.

In the process at hand, the entire body of federal criminal law is considered as a whole made up of constituent parts. The constituent parts are thereby diminished in importance. What previously had engendered extensive debate and contemplation becomes at best a bargaining chip to be traded off for other chips. It is doubtful that the time and effort devoted to the reporting out of a code will be anywhere near the aggregate time and attention devoted to the individual laws. The trading of chips, often called the art of compromise, is what politics is all about. To deny that criminal code reform is a creature of politics is to deny reality.

Comparison with codification by state legislatures is misleading. Mr. Obermaier opines that 34 states have already codified in the last 20 years. He then argues that the federal government should codify to promote what he describes as "wholesale improvements" in the other jurisdictions. While it makes one wonder who is leading whom, there are great differences between the roles and jurisdictions of the states and the federal government. The vast bulk of what was considered criminal under the common law is not a federal crime except where certain uniquely federal aspects are involved. The states have the luxury of creating structures and hierarchies that can be imposed upon the broadest possible base of proscribed conduct.

The federal task is more difficult. The limited jurisdiction of the federal criminal law is the result of a legislative deference to the doctrines of federalism. It is questionable whether the same uniformity enjoyed by the states is appropriate to the federal needs. Coherence and logical order is not undesirable, but the value of uniformity for uniformity's sake is dubious.

Outside of imposing this uniformity, it is difficult to say how codifying a very different set of laws will encourage the states to wholesale improvement. Substantive laws are not, as Mr. Obermaier would have us believe, analogous to the Federal Rules of Evidence. While practitioners may benefit from uniform procedural and evidentiary rules in courtrooms throughout the country, it does not logically follow that the interests vindicated in those court rooms are the same.

The codification that Mr. Obermaier champions also leads to a blurring of the distinction between technical and substantive change. Technical improvement would be served simply by putting all of the federal criminal statutes in one title and organizing them in logical groupings.

But the overhaul of the substantive provisions of the laws is qualitatively different. As lawyers, we have an innate desire for consistency and organization. The codification process currently underway subordinates the importance of the individual substantive law to the symmetry of arbitrary categories, guidelines and hierarchies. Even more obvious is the desire to make substantive reform as long as we are doing a technical reform.

Hence, Mr. Obermaier's suggestion that we include the president's recommendations for criminal law reform in the new code. Here the process of revision supplants codification and the judgments of one administration supplant the judgments of a dozen administrations. The complete process as envisioned by Mr. Obermaier is not a codification, but a complete remake of all federal criminal laws.

There is an alternative solution that is readily available to us, and it should be seriously considered. We must admit the magnitude of the task before us and address it is terms of practical political realities. The present Congress should undertake simply to place all federal criminal statutes under one title, organized in groups logically determined. Any attempt to remedy inconsistencies between laws should be avoided. After all, the Republic has not crumbled under the weight of these inconsistencies thus far, and its immediate demise due to these circumstances is extremely unlikely.

After this has been accomplished, and only then, should the Congress consider substantive revision of the law. Substantive revision will be done not in a wholesale fashion, but to one category of laws at a time. The process thus envisioned would be spread across several Congresses and a number of years. In spite of the years of staff work and debate that have already gone into this effort, the present codification movement is moving with a haste that will be detrimental to the quality of the finished product. We should take the time and do it right. Posterity is a harsh judge of quality.

Mr. DENTON. Mr. President, Mr. Linden argues that disparities and differences do, indeed, exist in current Federal criminal statutes but that each statute was considered and adopted individually by the Congress. This piecemeal fashioning, he believes, produced an "individual decision on the nature and wording of each."

By contrast, S. 1630 and its forerunners consider Federal law "as a whole made up of its constituent parts." I can assure the Senate that the individual importance of many criminal statutes has been lost sight of during consideration of S. 1630. During any radical recodification of our Nation's criminal laws, trading on individual statutes may be inevitable, but it is not wise. Many sacrifices of current law were made for little more than the sake of "uniformity." I believe that Mr. Linden is correct when he says that, "the codification process currently under way subordinates the importance of the individual substantive law to the symmetry of arbitrary categories, guidelines, and hierarchies." Mr. Linden advocates that the Congress simply place all Federal criminal statutes under one title, organized in logically determined groups.

Our substitute permits us to recodify Federal criminal law in just that manner, while enacting needed procedural reforms and repealing outdated statutes. Moreover, it avoids the fundamental deficiency in S. 1630, which Nicholase E. Calio pointed out in a recent monogram: "S. 1630," he contends, "replaces statutory language (particularly, traditional concepts of mens rea or criminal intent) enhanced and illuminated by hundreds of years of common law with new words and definitions subject to de novo interpretation by a modern Federal judiciary which is already unable to keep pace with its caseload."

I, too, believe that the time has come to create a systematic, consistent and comprehensive Federal Criminal Code to replace the hodgepodge that now exists. Our substitute is designed to fulfill that purpose and promote sound criminal justice. I urge its adoption.

Mr. President, at a later time, I will submit a number of technical amendments to this substitute.

NOTICES OF HEARINGS

SUBCOMMITTEE ON FEDERAL EXPENDITURES, RESEARCH, AND RULES

Mr. DANFORTH. Mr. President, the Subcommittee on Federal Expenditures, Research, and Rules will be holding a series of hearings on the administration's proposal for a uniform Federal procurement system, and various legislative proposals pending before the subcommittee which address individual problems not covered by the proposal.

The first series of hearings will focus on: First, the administration'a proposal for a uniform Federal procurement system, which was submitted to the Congress on February 26 of this year, and second, the administration's suggested legislation to implement the overall procurement system improvements identified in the proposal. The administration's legislative proposal is expected on April 30. Taken together, they represent what the administration believes is needed to improve the efficiency of the Government's procurement practices—a topic that has been receiving more and more attention from the Congress, the press, and the American people.

On Monday, May 30, the subcommittee plans to invite testimony from: First, the Office of Management and Budget, and its Office of Federal Procurement Policy; second, the Department of Defense; third, the National Aeronautics and Space Administration; fourth, the General Services Administration; and fifth, the General Accounting Office. On Wednesday, May 5, and Friday, May 7, the subcommittee plans to invite testimony from witnesses representing those who sell to the Federal Government, and other interested persons. The hearings are scheduled for room 3302 of the Dirksen Senate Office Building. On May 3, they are scheduled to begin at 9:30 a.m.; on May 5 at 2 p.m.; and on May 7 at 9:30 a.m.

The subcommittee's second series of hearings will look at specific problems not addressed in the proposal for a uniform Federal procurement system and legislative proposals pending before the subcommittee. On Wednesday, May 12 and Thursday, May 13, the subcommittee will invite testimony on: First, Senate Joint Resolution 93, and related proposals, which seek to reaffirm the policy of relying on the private sector to meet public requirements for goods and services; second, S. 1782, which proposes to eliminate retainage on Government construction contracts; and third, proposals to improve the effectiveness and fairness of the Government's contractor suspension and debarment programs. These hearings are scheduled for room 3302 of the Dirksen Senate Office Building, and are scheduled to commence at 2 p.m.

The subcommittee encourages the submission of written testimony by any interested person. Written submissions should be addressed to the Subcommittee on Federal Expenditures, Research, and Rules, 128 C Street NE., room 44, Washington, D.C. 20510. For additional information, interested persons should contact Pat Otto, chief clerk of the subcommittee, or its procurement counsel, William B. Montalto, at (202) 224-0211.

SUBCOMMITTEE ON WATER AND POWER

Mr. MURKOWSKI. Mr. President, I would like to announce for the information of the Senate and the public the scheduling of a public hearing before the Subcommittee on Water and Power to consider S. 956, to amend the Reclamation Safety of Dams Act of 1978 to authorize additional appropriations; S. 1573, to amend the Water Resources Development Act of 1976 with respect to Lake Oswego; S. 1621, to authorize the replacement of existing pump casings in southern Nevada water project pumping plants 1A and 2A; and S. 2177, to amend title III of the Colorado River Basin Project Act. The hearing will be held on Thursday, April 22, beginning at 10 a.m. in room 3110 of the Dirksen Senate Office Building.

Those wishing to testify or who wish to submit written statements for the hearing record should write to the Subcommittee on Water and Power, room 3104, Dirksen Senate Office Building, Washington, D.C. 20510.

For further information regarding this hearing you may wish to contact Mr. Russ Brown of the subcommittee staff at 224-2366.

SUBCOMMITTEE ON ENERGY REGULATION

Mr. HUMPHREY. Mr. President, I would like to announce for the information of the Senate and the public that S. 1966, a bill to eliminate the unnecessary paperwork and reporting requirements contained in the Public Utility Regulatory Policies Act of 1978, has been added to the agenda of the subcommittee hearing scheduled for Monday, April 19, at 10 a.m., in room 3110 of the Dirksen Senate Office Building.

For further information regarding this hearing you may wish to contact Ms. Marilyn Burkhardt of the subcommittee staff at 224-5205.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON FINANCE

Mr. HUMPHREY. Mr. President, I ask unanimous consent that the Finance Committee, along with the Joint Committee on Taxation, be authorized to meet during the session of the Senate at 2 p.m. on Thursday, April 1, to hold a markup to discuss spending reductions and revenue increase proposals within the jurisdiction of the Finance Committee.

The PRESIDING OFFICER. Without objection, it is so ordered.

ADDITIONAL STATEMENTS

ADMINISTRATIVE GAS DECONTROL IS WRONG

● Mr. SASSER. Mr. President, we are all aware of the high price of energy these days, and even more mindful of the potential costs of any legislative changes in the Natural Gas Policy Act of 1978.

Last week, I submitted testimony before two Senate committees, the Energy and Natural Resources Committee and the Appropriations Committee, on the matter of decontrolling natural gas through the back door. At that time I joined 31 Senators in cosponsoring a resolution, Senate Resolution 331, calling for an end to the administrative decontrol of natural gas by the Federal Energy Regulatory Commission.

Since then, it has been revealed that the Commission has already spent $25,000 and plans to spend up to $400,000 more to study new ways to accelerate the price increases for natural gas. Using these tax dollars in this manner could cost the consumer billions of dollars in increased inflation and direct gas costs.

I believe that this matter belongs before the full Senate, as well as before its committees of jursidiction.

I oppose this backdoor effort to administratively decontrol large volumes of our natural gas supplies while the administration claims that it will wait for next year to offer legislation to decontrol gas prices altogether.

Since 1977, natural gas prices have risen 30 percent each year. Consumers in my own State of Tennessee have written me, called me and sent me telegrams complaining that these high costs were hurting them in their businesses and in their homes. I ask unanimous consent that two such letters be printed in the RECORD at the end of my remarks.

But to summarize the words of my constituents, "Enough is enough."

With our economy at its current rate of output, with 8½ percent unemployment throughout the Nation and 12.2 percent in Tennessee, we cannot afford the additional business closings that would be caused by sharply higher gas prices.

The Council on Wage and Price Stability stated that the pressures on the economy of natural gas decontrol would be very negative. The Council estimated that decontrol would add 1 percent to our current level of unemployment and 3 percent to our current level of inflation.

Again, "enough is enough."

I believe that there are two areas in which the American people would be hurt most in their daily lives by the proceedings which the Federal Energy Regulatory Commission (FERC) is pursuing this month: In food prices and in the home.

If natural gas prices are decontrolled, farm costs could rise by an additional $8.2 billion by the end of 1984. Farmers will be badly hurt, and consumers would be hurt in turn, as nitrogen fertilizer prices triple over 3 years. Other prices will also soar to the detriment of the entire Nation.

The other cost would be to our Nation's households. According to the March Department of Energy report, 55 percent of our Nation's homes are heated with gas. The percentage is higher in Tennessee. Most of these people cannot afford the $1,000 it costs to change their gas burners over to coal or oil if gas prices go through the roof.

But what is FERC proposing? It would increase gas costs nationally by $48 billion over the next 3 years. In my own State of Tennessee, the additional cost of heating a home, thanks to the possible FERC ruling that may emerge next month, could be as much as $900 for a home in Memphis and $600 for a home in Nashville over 3 years.

And yet Commissioner Butler says that he hopes to act in the absence of congressional action to totally decontrol natural gas prices. The legislative decontrol that Congressman GRAMM and Senator JOHNSTON propose would cost the Nation over $50 billion, and my own State of Tennessee $3.2 billion in just 3 years, over a half of which would come directly from Tennessee household utility bills.

I find this impossible to support and I hope that the committee shares this view.

In 1978, Congress determined a schedule for easing the burden of the increases in natural gas prices under NGPA. Once again, I say that any change should be made by Congress.

It is ironic, and hypocritical, that an administration that constantly berates unelected officials for their habit of making law through bureaucratic fiat, would condone these actions by FERC. If it opposes the FERC procedures, then it should keep a bureaucrat from making national policy. If the administration supports FERC in this matter, then it should be honest with the American people and submit to Congress its proposal for gas price decontrol.

I believe that the administration is unwilling to take credit for the $18 billion in additional annual gas costs that this action would entail, but that it is taking shelter in the FERC ruling procedure to raise prices to the so-called market price.

Once again, "Enough is enough."

And so I hope that my colleagues join me as a cosponsor of Senate Resolution 331, a sense of the Senate resolution opposing the administrative raising of natural gas prices in advance of the schedule legislated in 1978.

I submit for the RECORD two letters that I received with reference to this matter.

The letters follow:

DENTO SCRAP MATERIALS, INC.,
Pulaski, Tenn., December 28, 1981.

Hon. JAMES SASSER,
U.S. Senate,
Washington, D.C.

DEAR SENATOR SASSER. I fully support your position in opposing the Deregulation of Natural Gas. I earnestly hope that you are successful in your efforts.

My Company employs 35 people in Pulaski and we are a major recycling firm in the processing of Ferrous and Non-Ferrous Scrap. Our recycling processes utilize natural gas as an energy source. Any radical increase in the price of natural gas would greatly add to the price spiral affecting our manufacturing costs and jeopardize the future of our people. It is most difficult for the small businessman without compounding his plight with higher energy costs.

On behalf of my employees and myself, your continued outspoken opposition will be appreciated.

Sincerely,

THEODORE D. LIPMAN,
President.

BOYS CLUBS OF KNOXVILLE, INC.,
Knoxville, Tenn., December 28, 1981.

Senator JAMES SASSER,
405 Russell-Senate Building,
Washington, D.C.

DEAR SENATOR SASSER: I want to applaud you on your efforts in trying to halt the push for the deregulation of natural gas. We are all aware of the increased cost in utility cost over the past few years and the suggested deregulation would again excel this expense. Ironically we are in the process of converting our boiler from burning fuel oil to natural gas, at a cost of $10,000. At the end of 1980 and through November 1981, we have spent over $56,000 for fuel oil and we are anticipating a reduction of at least 50 percent.

I appreciate your efforts and I support your stand. As a director of a non-profit organization, the deregulation would place another financial burden on our operations. I feel we have suffered enough through the recent federal cut backs.

Thanks again.

Sincerely,

JOHN LEE,
Executive Director.●

NATIONAL CONSTRUCTION INDUSTRY WEEK

● Mr. DURENBERGER. Mr. President, the week of February 28 through March 6 was National Construction Industry Week. This week emphasized the importance not only of that industry in America, but also of the role of women in construction and construction-related industries. It is important to note that many women and minorities are now involved in the construction industry and notice should be taken of the growing contributions they are making.

I submit for the RECORD the news release outlining just some of these advances.

The news release follows:

THE NATIONAL ASSOCIATION OF WOMEN IN CONSTRUCTION (NAWIC) SUPPORTS NATIONAL CONSTRUCTION WEEK

As a member of the national Construction Industry Council (NCIC) the National Association of Women in Construction (NAWIC) sponsored the 1982 Construction Industry National Legislative Conference held in February 28-March 2 in Washington, D.C. Jan L. Burger NAWIC President moderated an Affirmative Action panel. Seventy five NAWIC members attended this year's conference which has a registered attendance of 650 NCIC members. NAWIC has participated in this annual event for the past five years.

NAWIC is the only professional construction association which represents women employed in the construction or construction-related industries. There are approximately 9,000 NAWIC members—employees and employers—in the Association. Membership categories include: 5 percent trade/job-site personnel; 5 percent architects; 30 percent accounting/bookkeeping/controller; 45 percent administrative/management; and 15 percent clerical.

Educational opportunities are provided for NAWIC members and nonmembers through the NAWIC Educational Foundation. The Founder's Scholarship Foundation awards National Merit Scholarships annually to students pursuing a construction-related degree. NAWIC Education Foundation programs offer three basic programs: Introduction to Construction, a basic course in construction terminology offered to members and non-members; Certified Construction Associate, a home-study course, equivalent to a Construction Management degree upon certification by examination, offered to members and non-members; and Degree and Special Courses, a tuition assistance plan offered to members pursuing an education at the college level. The NAWIC Education Foundation is in the process of adding a fourth program which will be utilized to reimburse members enrolled in Apprenticeship Training.

The Association has been working diligently to assist trade associations, unions, and the industry at large, to interest women and minorities in careers in the construction trades. NAWIC is endeavoring to provide an avenue of preapprenticeship training through a special Training Program Committee (women in skilled construction trades) which has been established this year. When funding is available, it is anticipated that five NAWIC/All Craft Centers (the original one to be located in New York City) will be situated in strategic areas across the country. Each Center will be located in an area where there is an established NAWIC Chapter to lend a support system relative to training and job placement.●

CULTURAL EXCHANGES WORK

● Mr. BIDEN. Mr. President, international cultural exchanges are among the most valuable and least appreciated programs to promote better understanding of our people and our Nation.

We have firsthand evidence of the benefits of the Fulbright teacher exchange from David Menser, a teacher at Mount Pleasant High School in New Castle County, Del., who wrote an article for the Wilmington Evening Journal last January 12.

Mr. President, I commend Mr. Menser's thoughtful statement to my colleagues, and I ask that his article, "Cultural Exchanges Work," be reprinted in the RECORD.

The article follows:

[From the Wilmington, Del., Evening Journal, Jan. 12, 1982]

CULTURAL EXCHANGES WORK

Sir, may I ask you a personal question? What kind of gun do you have?

As much as some of us may not like to admit it, a large part of the impression that Britons have of America is associated with guns. The television programs we export to the BBC, with the notable exceptions of "Little House . . ." and "MASH", seem to be violent and gunny. The student who asked the question was not being glib; he wanted to know. That an adult, male, American might not have a gun did not occur to him. He was typical of many I met in Britain.

The purpose here is not to argue the pros and cons of guns. It is an argument for the continuation of government support for the Fulbright programs. I believe it is money well spent. It is money invested in the promotion of a better and more accurate understanding of our country. Good will is there in Britain in abundance. It is the legacy of World War II and the postwar years.

My wife and I found none of the old and anti-Americanism of the Yankee Go Home sort. What we did find, was an appalling ignorance of American life in the 1980s. The presence of 150 Fulbrighters can dispel much of that ignorance at a minimal cost to the American taxpayer.

Many Americans have some notion of what the Fulbright program is. The teacher exchange I took part in was one of the many facets of a larger program begun in the 1950s. Our particular exchange took place at all levels, from prekindergarten to university. The Americans came from all over the United States, from eastern Oregon to New York's Bronx, from Alaska and Hawaii. We were assigned to jobs all over the United Kingdom, inlcuding three who went to Northern Ireland.

For most of us, the year was not one spent in dusty libraries behind the ivy covered walls of some English university. We were teachers working in small villages, in community colleges in inner-city London, and large comprehensive high schools in cities like Manchester and Glasgow. Given our combined teaching assignments, we probably saw 5,000 students every day. Our exposure to students was enormous. Most of us also had exchanged living accommodations with our counterparts. We lived, shopped, walked and went to the pub and church in the communities where we taught. In our part of London, we rarely heard an American accent.

The total cost of the Fulbright program last year was about $340,000. Most of the costs are borne by the individual participants. Our salaries were paid by our home districts, but it is important to remember that our counterparts took over our classrooms. American teachers receive no financial assistance from the state or federal government. An estimate of the International Communications Agency, which administers the program, states that for each $1,000 spent to run the program, the average teacher spends another $5,000 out of his pocket.

I believe this is proper. While we were American ambassadors of a kind, we were also learning to our own benefit. It was enormously expensive to live in Britain last year. For most of the year London ranked as the most expensive city in the world, yet all of us felt the cost was worth it. Unlike the other governments, our government pays none of the living expenses for the teachers. In spite of this, there were 2,100 applicants for 100 positions, clear evidence that there are more than enough American teachers ready to pay their own way. No program is more cost effective.

Though we can pay our own way, what the individual teacher cannot do is arrange the exchange and it is this fact that costs the government money. The total spent by the U.S. government is used to administer, together with a similar agency in the British government, the placement of teachers on both sides of the Atlantic. An individual, except in those special cases where there is already a personal contact, simply does not have the resources.

Neither time nor space allow for much personal reminisence, but I hope you will permit me one. My wife had a colleague at the college, a kind, gentle and well-educated woman whose original home had been in Malaysia. She has traveled all over the world. In one of her conversations it came out that she had never been to the United States. When Edie asked why, she replied that she had always been afraid, Americans seemed so violent. After saying that she thought a moment and added, "But I've never really known an American before."

With this in mind, I cannot understand why the Congress is willing to let a program which has been so successful die. Other articles in these papers have told of successes in other Fulbright programs. I can only believe it is because of lack of understanding.

Here is a program that is successful and for the most part, self-supporting. It costs so little.

I completely understand the need for the government to economize. I appreciate the well known fact that each group in our society, including ex-Fulbrights, has its own project. At the same time I am convinced that if we do not defend the projects we believe are worthwhile, they will be left to die. I believe the teacher exchange program is worth defending.●

A TRIBUTE TO CURTIS LEROY CARLSON

● **Mr. DURENBERGER.** Mr. President, Curt Carlson is a classic example of the American dream at work. He climbed up the ladder of success by virtue of his own hard work, prudence, and perseverance. His efforts have created a huge economic enterprise that employs thousands of people.

I have known Curt Carlson for many years, and in that time, have come to recognize his true interest and concern for the future of America and the health of the American economy. It will be entrepreneurs like Curt Carlson who will lead us to the economic recovery of the coming years.

I ask that the attached article be printed in the CONGRESSIONAL RECORD.

The article referred to is as follows:

CAPITAL FORMATION

(By Maurice Barnfather)

In 1933, when he was 18 years old, Curtis LeRoy Carlson, one of five offspring of Swedish immigrant parents, got a school vacation job as a messenger—bellhop they called it then—at Minneapolis' Farmers & Mechanics Savings. It paid $50 a month, with a late night on Thursday for an extra 25 cents. A man can't get rich on that. Can't? Curt Carlson did. When the tellers at the bank needed weekend money before payday on Monday, young Carlson went in for some modest loansharking. Naturally, he doesn't put it quite like that. "I would give them $5 for the weekend, and they would pay me back $6 on Monday," he says. "There's no use thinking you're going to make money if you don't have the capital working for you."

That's stating precisely the principle on which Carlson has built his empire. At 67, Curt Carlson is 100% owner of one of the U.S.' largest private companies: Plymouth, Minn.-based Carlson Cos.—likely 1982 sales, $2 billion—which comprises 75 different businesses and has grown at a 33% compounded annual rate for the past 44 years. Carlson says his net worth is at least $500 million. Clearly, he enjoys playing the part of the dynamic, supersuccessful magnate.

The centerpiece of Carlson's contemporary chrome-and-glass office is a giant, brightly lit globe. He spins it and points to Iowa. In the restaurant business, Carlson owns the 285-outlet Country Kitchen chain. "That's a family restaurant," he says, moving right along to his obvious personal favorite, the TGI (thank God it's) Friday's chain. Friday's is a singles place, with bars on three levels so that hopefuls can check out Miss or Mister Rights no matter which bar they are propping up. "This year we'll add 17 to the already 50 locations," Carlson says proudly. "It's not the biggest thing we have, but one of the best." Friday's averages $3.6 million sales a year from each restaurant. "The highest of any chain in the country." Singles bars? What kind of business is that? A high cash generator, says Carlson. He bought the Friday's chain when it had only 11 restaurants and wanted to go public to raise capital. Carlson had capital, and used it to expand Friday's. It wasn't the sociology of singles that attracted him, it was their spending.

"The public votes with its dollar," he declares. "Get their dollar and you'll succeed." The many ways he has devised to pluck that dollar include Gold Bond trading stamps, food wholesaling, sports equipment, construction and interior design, catalog showroom selling, jewelry manufacturing, homebuilding. Carlson is a one-man conglomerate. He hasn't neglected real estate, where Carlson is planning to break ground shortly on a $300 million office complex with hotel and shops—the Carlson Center—straddling 300 acres of Minnetonka and Plymouth. "A kind of Hanging Gardens of Babylon," he quips.

The globe revolves. His hand lands on Egypt. Last year he opended the Radisson Oasis Hotel, near the pyramids outside Cairo. There are now 24 Radissons, 8,492 rooms, generating revenues of $117.4 million. Carlson smiles. "I like being an innkeeper," he says. But hotels average only a

5% return on investmemt. What is there to like in that?

Carlson smiles again and explains that hotels shelter profits from his other businesses. Under the new Accelerated Cost Recovery System of depreciation, real estate is depreciated over 15 years as opposed to the old rule of useful life. Furniture, fixtures, TVs can be depreciated over five years, and there are investment tax credits for elevators and escalators.

Carlson has the private businessman's view of profits: They should be made but not seen. "Profits are something you've got to pay tax on," he observes, leaning back in his well-upholstered leather chair. "Get cash flow from depreciation and you keep it." He estimates he has leveraged his capital 2-to-1, but this is no problem so long as there is cash flow to support the debt. Today's fearsome interest rates? "Costly," says Carlson. A threat? "Certainly not."

Carlson still drives his own fawn-colored Lincoln Continental to work. He pumps his own 23 gallons of gas at a station near the office. He prefers a quick lunch of Nachos—tortilla chips topped with jalapeño peppers and cheese—at a local Friday's, and is demanding of his employees. The corridor outside his office is known as Ulcer Alley. "If I find they are riding on the efforts of the rest of us, it's only a matter of time before. . . ." His finger makes an ear-to-ear slicing motion. "But if they're producing, I fall in love with them."

Each year his 25 top executives get a new car—one year a gold-colored Cadillac (after Gold Bond stamps), the next a blue Lincoln. Never a green car. "That's Sperry & Hutchinson's color," he says. "I hate it." To keep his managers happy, Carlson invests in a retirement trust an amount equal to one-fourth of their annual salaries. "Compounding is magic," says Carlson. "They don't pay taxes either until they take it out. That's a terrific incentive, a terrific means to hold them. They all have a lot to lose." Because of such golden handcuffs, Carlson rarely loses his best executives, many now millionaires.

So big is he on incentives that Carlson has an incentive program company selling to other businesses such plans as two weeks in Florida for the bestselling local Ford dealer. The motivation division of Carlson Marketing Group Inc. grossed $462.9 million (revenues) last year.

The quintessential entrepreneur, Carlson wouldn't feel at home in your typical big company. Nevertheless, he strongly recommends working for a big company as training for would-be entrepreneurs. He spent 18 months working for Procter & Gamble as a soap salesman after graduation from the University of Minnesota in 1937 with a degree in economics. Why P&G? Says Carlson: "Anybody starting his own business should go with a big company first. There are rules on making money, and you learn from a big company."

But it is essential that the entrepreneur spot his chance and make the break. Carlson's first big idea came indirectly. He was selling P&G's soap to grocery stores and noticed that any incentive—two for the price of one, a cents-off deal—boosted sales. But it was department stores that gave trading stamps. And Carlson saw they didn't fit. If you want that suit or that pair of shoes, stamps won't influence you. But why not grocery stores? "They sell identical items, all national brands. So everything else equal, the one giving stamps will have the advantage."

He was right, of course. His Gold Bond Stamp Co. was born in 1938. "Gold and Bond have good connotations," he says. "So I put them together, figuring that was better than calling it Carlson Stamps." The idea was simple. A grocer bought stamps from him for $14.50 and Carlson redeemed them for merchandise that cost him only $10—although the retail price was much higher. The spread between $10 and $14.50 covered his overhead and Carlson's profit came from the float—from the use of the money in the long interval between issuing the stamps and redeeming them for merchandise. At first the idea needed a little help, so his wife, Arleen, sporting a drum majorette's costume, would work the floor of the local grocery, telling cutomers what they were missing. By 1941 Carlson had 200 accounts, including gas stations and drugstores.

World War II was a problem. Shortages meant retailers didn't need the inducement of stamps to sell goods. Carlson even worked for a while in his father-in-law's children's clothing business. Nevertheless, he survived, and by 1952 he was ready for his most important deal, when he got the now $4.2 billion (sales) Super Valu Stores to begin giving Gold Bond stamps. The first year of that deal Carlson did $2.4 million in sales. By 1960 all but 1 of the 20 largest supermarket chains gave stamps, and Gold Bond was the third biggest in the business, after Sperry & Hutchinson and Top Value. It was then that Carlson, realizing that if everyone gave stamps their attraction would soon fade, began his diversification into hotels.

Regrets? "I've had a few," says Carlson with a wink. "You have to make mistakes if you're going to move forward." For example? "I went into meat packing, which was kind of stupid." But mistakes are to be learned from. Meat packing was losing money and Carlson couldn't stop the losses. Result: Thereafter he bought only profitable situations that he could expand with his capital—no turnarounds.

Will Carlson, one of the U.S.' 20 largest private companies, go public? "No way," he snaps. "I would go public tomorrow if no member of my family were interested in this business. But they are," he says, referring to Edwin (Skip) Gage, 41, husband of daughter Barbara. He's now president of Carlson Marketing Group Inc.

To keep ownership in the family, Carlson has devised a clever and elaborate distribution of his 100% shareholding after he retires. When will that be? He smiles. "I consider a goal as a journey rather than a destination. And each year I set a new goal."●

DEATH OF ESTONIAN PATRIOT MARKED

● Mr. DOLE. Mr. President, March 27, 1982, marked the first anniversary of the death of Dr. Juri Kukk, Estonian scientist and human rights activist. Dr. Kukk died in a Soviet prison hospital after having endured a hunger strike to protest his mistreatment at the hands of Soviet authorities.

Dr. Kukk had been sentenced to a 2-year term in a Soviet labor camp for allegedly slandering the Soviet political and social system, but his real crime, in the eyes of the rulers of the Soviet empire, was his Estonian patriotism and his public disenchantment with communism. In 1978, this esteemed member of the Soviet scientific community resigned from the Communist Party in protest against Soviet repression in Estonia. Because of this, I need hardly add, he was unemployed.

In the summer of 1979, Dr. Kukk and his wife applied to emigrate from this so-called workers' paradise and were refused permission to do so. In a short time, Juri Kukk was hauled into court for criticizing the Soviet Government, both in print and in his oral statements, and for calling his plight to the attention of foreign correspondents. Such activities are theoretically permitted by the Soviet Constitution, which claims to guarantee freedom of speech. But as Soviet citizens express it in private, "you can say whatever you want, as long as you've read it in 'pravda'."

And so, Juri Kukk was convicted, an almost foregone conclusion, for slandering the Soviet state and sentenced to labor camp No. 241-17 near the Arctic Ocean. This in itself is a violation of Soviet law, inasmuch as a 2-year term of imprisonment is supposed to be served in the republic where the crime allegedly took place.

HUNGER STRIKE IN PROTEST

Protesting against the entire series of unjust acts to which he had been subjected, Juri Kukk initiated a hunger strike prior to his trial and continued this strike to the very end, when he expired in the town of Vologda, about halfway between Moscow and Murmansk. When Dr. Kukk's widow, Silvi, arrived with five friends in Vologda to take her husband's remains back to Estonia for interrment in his native land, the authorities refused this request. In addition, they would not supply a death certificate, although this is the normal procedure.

And so, Juri Kukk, Estonian patriot and human rights activist remains buried far from his homeland. A post with his prison number enscribed upon it was considered a suitable marker until the authorities allowed his widow to place Dr. Kukk's name on the gravesite. Indeed, the Soviet imperialists would like very much that Dr. Kukk's name should disappear from the memory of his countrymen * * * that the ideals for which he stood should be forgotten by citizens of that proud nation on the Baltic that has suffered under the Soviet yoke for four decades.

But Estonians have not forgotten. They continue to cherish the memory of Juri Kukk, martyred for his patriotism. And neither do we forget, as we mark his death today. Neither has the Soviet Union ceased its harassment of those close to Dr. Kukk. I am reliably informed that packages mailed from abroad to Silvi Kukk are being returned to the senders with no apparent explanation. It would appear that there is no act, no matter how petty, to which the authorities are unwilling to stoop to persecute anyone who dares raise their voice against the injustice of the Soviet Empire.

Mr. President, I call upon the American Government and the American people to continue their unswerving support for the Estonian people, and for all prisoners of conscience such as Juri Kukk, until the day that the Soviet yoke is cast off its suffering captive peoples.●

SEVERE DEPRIVATION AS AN ENERGY STRATEGY

● Mr. JACKSON. Mr. President, on February 23, 1982, Secretary Edwards testified before the Committee on Energy and Natural Resources to discuss the administration's proposed budget for fiscal year 1983. In the course of his testimony he made the following statements:

> But Mr. Chairman, as you know, there is a tremendous amount of conservation going on today that is driven by the price of energy, and in industry, and in residences and personal lives. There are tremendous amounts of conservation going on.
>
> We have been trying to see how much effect the Government programs and outlays in conservation have had on conservation. We have only been able to trace about 5 percent of all the conservation that goes on in this country to Government outlays.

The chairman asked for a report substantiating the Secretary's statement and on March 23, the Secretary supplied for the record a report entitled, "Effects on Investment in Energy Conservation of DOE's Programs and of Market Forces" by Robert C. Marlay of the Office of Policy, Planning and Analysis, DOE.

This is a most interesting report, Mr. President. It effectively explains why Secretary Edward's Federal energy policy, which consists in part of abolishing Federal energy conservation programs and relying on—if nct celebrating—higher energy prices, is a failure. One must look behind the energy consumption statistics to see what is really happening in our economy as a result of higher energy prices.

Mr. Marlay states:

> Curtailment of energy consumption, declining labor productivity, lower standards of living and slowed economic growth appear to be the predominant market response to higher energy prices, at least in the near-term (last seven years).

Marlay goes on to say:

> In summary, the market has responded strongly and, perhaps, predictably to higher energy prices. It has not necessarily responded optimally from a policy point of view. Energy consumption has been reduced by as much as 12 quads from 1973 base year efficiency levels. This response is dominated by price-induced behavioral actions of a curtailment nature: reduce driving, lowered thermostats, non-heated rooms, changing consumer demand for industrial output and others. It has also depressed labor productivity, lowered standards of living, changed lifestyles, slowed economic growth, aggravated inflation, *and caused severe deprivation in some segments of society.* This type of market response can be expected to prevail for some time into the future and will likely become more prevalent as prices continue to rise faster than income. The large reductions in energy use per unit of GNP are not the result, primarily, of investments in technology. Of that portion of energy savings attributed to increased price, less than one-third and, perhaps, less than one-fifth, is due to investments in improved energy efficiency. Of these investment-type of responses, turnover of stock in the passenger automobile fleet and additions of new plants in industry appear to have contributed the most so far to improved energy efficiency; retrofit in industry and housing, the least. (emphasis added.)

Perhaps Secretary Edwards took too seriously President Reagan's facetious remark that energy conservation means freezing in winter and sweating in the summer.

While high energy prices appear to result primarily in energy conservation through deprivation, the type of energy conservation that can promote, not hinder, our economy's recovery from the effects of the economic recovery program, is that which encourages investments in more efficient uses of energy. That is where the Federal energy conservation programs can have an important effect. Mr. Marlay addresses this in his report, conceding that Federal energy conservation programs are responsible for about 5 percent of observed savings, but noting their powerful leverage on future investments in more efficient uses of energy.

Mr. President, I submit for the RECORD the report, "Effects on Investment in Energy Conservation of DOE's Programs and of Market Forces."

The report follows:

EFFECTS ON INVESTMENT IN ENERGY CONSERVATION OF DOE'S PROGRAMS AND OF MARKET FORCES

(By Robert C. Marlay)

This paper addresses three points relevant to the current policy debate on energy end-use, conservation and the Federal role. These points are: (1) the effects to date of DOE's programs on investment in conservation, (2) the effects to date of natural market forces, mainly higher energy prices, and (3) the likely effect in the future of eliminating Federal programs, relying instead on market mechanisms. Estimating such effects is a complex business analytically, with many varying disciplinary approaches. This paper performs no new analysis, but attempts to summarize what information is available today. Some highlights are:

EFFECTS OF FEDERAL PROGRAMS (INCLUDING TAX CREDITS)

The effects to date of DOE's conservation programs ($781 million in fiscal year 80) and tax credits ($620 million in fiscal year 80) on national energy consumption are small, probably accounting for less than 5 percent of the observed reduction in energy use per unit of GNP. The effects on investment in energy conservation, however, may be larger (this is reasoned below), but still less than 15 percent of the total.

This finding should not be unexpected. Many of the programs were not focused on the present or near-term, but on the longer-range future. Others were not even focused on conservation, but on such areas as emergency planning, energy impact aid and low-income assistance. In general, DOE's programs have focused on areas of alleged market failure where near-term payback, almost by definition is expected to be marginal. Longer-term payback, however, particularly form R&D programs may be higher.

Having had little effect on the whole does not mean that Federal programs are ineffective. Detailed cost-benefit analyses have shown that many of these programs are, indeed, cost-effective, some more so than tax credits. If some programs are not, others could take their place. The important issue is whether they are needed.

EFFECTS OF THE MARKET (PRICE)

The market has responded strongly to energy price signals. Significant energy savings have been achieved both by price-induced changes in consumption patterns (behavioral changes of a curtailment nature) and by investment in energy efficiency improvements. Curtailment actions appear to have dominated the market response to date. Energy efficiency improvements by way of capital investments have had secondary effects only.

For this reason, the effects of Federal programs (including tax credits) on investment may be larger than their effects on energy consumption. Investment is believed to have accounted for a relatively small part (one-third or less) of the overall market response. To the extent that Federal expenditures have focused primarily on promoting investment rather than on curtailment, their leverage on this type of response may have been greater than on the whole. This area needs study.

Curtailment of energy consumption, declining labor productivity, lower standards of living and slowed economic growth appear to be the predominant market response to higher energy prices, at least in the near-term (last seven years).

Technology based energy efficiency improvements have made their largest contributions in two areas, increased fuel economy in automobiles and new plants in industry, but their effects are still of a secondary nature, even in their respective sectors, compared to price-induced curtailment actions.

Investment in new technologies and turnover or modernization of existing capital stock are inherently much slower phenomena than behavioral decisions to do without. It should not be unexpected, then, that investment has had the lessor effect on the whole to date.

EXPECTATIONS ABOUT THE FUTURE

An energy conservation policy based solely on price will undoubtably reach a large and significant audience of potential investors in energy efficient technology. Whether they are sufficiently motivated by price to invest in a market decision, largely dependent on the cost of capital financing.

If high interest rates prevail, however, past behavior (the last seven years) will likely continue for some time into the future, that is, higher prices will induce further curtailment and more investment, but curtailment will continue to dominate the response.

For this reason, additional Federal initiatives aimed specifically at accelerating investment may be desirable. If they are, nonprice market incentives (tax credits, accelerated depreciation allowances, etc.) may be warranted. Federal programs (other than tax incentives) may be warranted on similar grounds.

The existence, a lack thereof, of Federal programs aimed at accelerating investment can have a measurable effect. Their need, however, must be determined on the basis of demonstrated market failures.

Market failure in the past may have been caused, in part, by Federal price controls and, in part, by a general unfamiliarity with conservation technologies and their potential. These barriers are now being removed. To the extent that some Federal programs were motivated on this basis in the past, a reassessment of their need must now take place.

Lastly, many questions about the market, its responses, its strengths and weaknesses, and the role for Federal programs and incentives need to be examined more carefully. These are central issues in the current debate and should have priority on any analytical agenda for the coming year.

GENERAL DISCUSSION

There is no doubt that the dramatic increases in energy prices since 1973 have had a profound effect on the U.S. economy. Today consumers pay, directly or indirectly, $400 billion a year for energy, 15 percent of GNP, and there is every sign that these costs will continue to rise faster than income in general.

One consequence of higher energy prices, to be sure, is reduced energy use per dollar of GNP. This ratio has declined by 13 percent since prices began to rise sharply in 1973. In earlier years, by comparison, energy and GNP appeared inseparable. As energy prices increase relative to other goods and services, there is a natural and expected market response to use less energy and, if possible, to substitute other goods and services instead.

The economic substitution of capital for energy through innovation, new or improved technologies and retrofit is one type of market response, often referred to as conservation or improved energy efficiency. In general, it means delivering the same energy service or comfort level with less energy and improved efficiency. There is also a second type of market response. This is the substitution of labor for energy or simply doing without. This is often called curtailment, self-denial, changing lifestyles or lowered standards of living. It is also called, confusingly, conservation.

Both types of market responses are operating (data is provided later). In the transportation sector, consumers are buying more efficient cars (improved energy efficiency) and driving less (curtailment). In the residential sector, homeowners are insulating their homes and lowering thermostats. In business, some industries are expanding with modern and energy efficient facilities, others are forced to shutdown. Obviously, millions of individual decisions must be made, many of them difficult ones, and the marketplace is particularly effective in bringing these about.

There is some evidence, however, that higher energy prices acting alone tend to evoke more of the curtailment type of market response than that which improves energy efficiency, especially in the shorter term. Technically speaking, the large increases in energy prices, combined with the pervasiveness of energy use in the economy in general, are believed to have caused a significant change in the preferred structure of the economy. The process of adjusting toward this new optimum has created a high demand for capital, driving upwards its price as well. As the prices of both energy and capital increase, there is a resulting shift in the economy away from both. The real price of labor, meanwhile, has remained constant or even declined slightly. The market response, predictably, is to use more of this input, driving down labor productivity. As labor productivity declines, by most measures, so does the standard of living.

THE EFFECT OF DOE'S PROGRAMS

Although enery consumption per dollar of GNP has risen and fallen at various times in the post-war period, the recent downward trend is a marked departure from historical behavior. The 1980 estimate of 51,400 Btu's per constant (1972) dollar of GNP is substantially below that of any other time in the last 30 years. This reduction roughly translates into about 12 quads of forgone energy use, based on 1973 efficiency levels, or about $60 billion in 1980 energy purchases.

It is unlikely that Federal conservation programs, including tax credits, have had a significant effect at this scale. Most of these programs were intended to serve less immediate purposes. A breakdown of fiscal year 1980 expenditures shows where the emphasis has been.

	Millions
Grants to schools and hospitals and low-income persons	$342.7
State planning grants	98.8
Transportation (R. & D. and info)	113.4
Buildings (R. & D. and info)	103.4
Industrial and multisector (R. & D. and info)	79.3
Energy impact assistance	43.0
Total DOE fiscal year 1980 expenditures	780.7
Corporate tax credits	190.0
Individual tax credits	430.0
Total tax expenditures	620.0

Approximately 40 percent of the DOE conservation budget in FY 80 was future oriented, focusing on research, development, demonstration and commercialization of high risk technologies. Such programs could have had little effect on either 1980 energy consumption or investment. Another 20 percent was of a planning nature, assisting state and local governments in preparing for energy emergencies, for the development of state energy management plans or for energy impact aid. These programs may have had some effect. The remaining 40 percent was in the form of grants to schools and hospitals and low-income persons for weatherization, intended primarily to offset the negative impacts of higher energy prices on specific segments of society rather than to motivate investment by the private sector. These programs have likewise had little effect on investment at the national scale.

Between 1975 and 1980, perhaps as much as $100 million (accumulated) has been spent on information or so-called outreach programs. These programs were intended to motivate investment and many have been effective. An evaluation of the Energy Analysis and Diagnostic Centers Program, for example, found that $5 of private investment actually resulted from each $1 of Federal outlay, with an additional two dollars planned for future years. Assuming an upper limit of $10 for $1, a total Federal expenditure of $100 million on outreach programs over several years could not have induced more than $1 billion in incremental private investment. Assume, furthermore, that all the other Federal programs induced an additional $1 billion in investment. Together, Federally induced investments above and beyond normal levels may have amounted to about $2 billion from 1975 to 1980. The energy savings resulting from these investments would be about $1 billion per year, or about 2 percent of the total 1980 response.

Residential and business tax credits for energy conservation have also induced investments. Treasury analysts assume only $1 of incremental investment for each $1 of tax credit. Others argue that the very existence of a tax credit stimulates interest in investments much more from a marketing point of view, than from a financial point of view. Conservation tax credit claims are projected for the 1980 tax year to be about $500 million for individuals and $200 million for corporations, implying a total conservation investment in that year of about $4.5 billion. Not all of this investment, however, was induced by the existence of tax credits. Much of it would likely have taken place anyway, without the tax credit. Assuming a $2-for-$1 effectiveness, tax credits may have induced $1.4 billion of incremental investment of the total of $4.5 billion in 1980.

Extending this analysis to tax years 1977, 1978 and 1979 (period affected), perhaps as much as $4 to $6 billion of accumulated incremental investment has been induced by the tax credits, so far. These investments would return, on the average, about $2 billion in energy savings per year. Adding this $2 billion (due to tax credits) to the $1 billion (due to information and other DOE programs), the combined effect to date would be about $3 billion per year, or about 5 percent of the total 1980 response ($60 billion).

Having had little effect upon the whole, however, is not to say that Federal programs have been "ineffective." The study of the Energy Analysis and Diagnostic Centers program, for example, shows that this type of focused program is two to five times more effective in motivating private investment (per dollar of Federal outlay) than the tax credits.

The real issue, then, is not so much one of effectiveness; less effective programs could always be replaced with more effective ones. Rather, it is whether Federal programs are needed at all, particularly in view of a large and apparently successful market response. This then shifts the focus of the debate, somewhat, away from the specifics of programs and measures of effectiveness, and more toward the market itself, its strengths and weaknesses.

THE EFFECT OF THE MARKET

If Federal programs, including those at the state and local level sponsored by the Federal government, account for less than 5 percent of the observed reduction in energy consumption per dollar of GNP, then the market must be responsible for the remaining 95 percent. Further, the apparent energy savings are significant, on the order of 12 quads. In this sense, the market has worked well, in both relative and absolute terms. Such savings could have been achieved only through a large collective response from millions of individuals. Price has undoubtedly motivated these actions and higher prices in the future will motivate even more.

In the context of the general discussion earlier, however, it is important to understand the specific nature of these actions. Some lead to fundamental improvements in energy efficiency, contribute to productivity, advance the Nation's economic growth and reduce future vulnerability to the negative impacts of embargo, disruption and energy price dictums. Others, however, force curtailment of energy use, depress labor productivity, aggravate inflation, change lifestyles, lower standards of living, cause severe deprivation in some segments of society and slow economic growth.

Knowing how much of each type of market response has taken place is relevant to the current debate because Federal programs which advance technology (such as research, development, demonstration and commercialization projects) and non-price market mechanisms which lower the price of capital (such as tax credits, financial incentives and direct assistance) are both targeted exclusively on promoting the first type of market response and obviating the second.

But what evidence is there to suggest how much of which is happening? The following paragraphs assemble some sketchy information on this question for each of three energy end-use sectors: transportation, residential buildings and industry.

In the transportation sector, some insight is gained by examining the case of the passenger automobile. Overall fuel consumption in 1980 was down 25 percent from a level that would have occurred had both travel behavior and automobile technology remained same as in 1973. For 1980 data, the breakdown is as follows:

	Percent
Decrease in auto travel	9.6
Decrease in travel speed	1.6
Decrease in vehicle size (interior volume)	1.8
Technology improvements in car MPG	10.2
Improved driver technique and owner maintenance	1.3
Total reduction below 1973 base case	24.5

Of this breakdown, technology improvements in car MPG (miles per gallon) and better maintenance (tune-ups, tire pressure monitoring, etc.) account for about one-half of the observed market response. The rest may be attributed to decrease in travel (reduced service), decrease in travel speed (substitution of personal time for energy) and decrease in vehicle utility as measured by interior volume (smaller cars).

In the residential area, energy consumption per household was about 12 percent lower in 1980 than it was in 1973. This is a significant change, but it is short of the 30 to 50 percent reduction DOE estimates is achievable—with no decrease in services or comfort provided—through cost-effective investments, averaging $2000 per household. Moreover, the 12 percent reduction appears to have been achieved largely by curtailment actions, rather than by investments in efficiency.

In gas-heated homes, for example, consumption for space heating was calculated by the American Gas Association to have been about 12 percent lower for the period 1972-1978 than for the period 1967-1972. AGA concluded that a large and variable behavioral component was involved, and that very little investment in retrofit had occurred.

AGA's conclusion is corroborated by other sources. Oak Ridge analysts, using EIA data, found that in 1977-1978 more than half of the U.S. households took no retrofit action. Similarly, IRS data show that only 7.8 percent of all households took advantage of the tax credit for residential conservation measures in 1978; the comparable figure for 1979 was 6.1 percent. The average investment claimed by these taxpayers, furthermore, was about $700, or about one-third the recommended level.

Together, these findings suggest that behavioral actions of a curtailment nature have dominated the residential sector's market response. The fraction of total savings attributable to investment in retrofit over the last seven years is certainly less than 40 percent and may be less than 20 percent.

In the industrial sector, 1980 energy consumption per unit of output (value added measure) was down more than 17 percent from that of 1973 base year efficiencies. Of this, the breakdown is estimated as follows:

	Percent
Shift in output mix	8.0
Continuation of 1954-73 trends	6.7
Accelerated improvements in energy efficiency	2.7
Total reduction below 1973 base case	17.4

The first category is a shift in structure of industrial sector output away from energy-intensive industries toward lighter manufacturing. This is believed to have been exogenously imposed on the sector by changing consumer demands away from energy-intensive goods they can no longer afford. The second is improved energy efficiency due to the addition of modern and more efficient facilities under normal growth conditions. These gains are consistent with long-term trends, even in times of declining energy prices. The third is accelerated energy efficiency, above and beyond normal trends, resulting from investment induced by higher prices.

The price induced response, therefore, is estimated to be that of the changed output mix, plus any accelerated energy efficiency improvements observed since energy prices began to rise sharply in 1973. Of the total market response in the industrial sector, less than one-fifth (2.7 percent of 17.4 percent) is attributed to accelerated investment in energy efficiency improvements.

SUMMARY OF MARKET EFFECTS

In summary, the market has responded strongly and, perhaps, predictably to higher energy prices. It has not necessarily responded optimally from a policy point of view. Energy consumption has been reduced by as much as 12 quads from 1973 base year efficiency levels. This response is dominated by price-induced behavioral actions of a curtailment nature: reduce driving, lowered thermostats, non-heated rooms, changing consumer demand for industrial output and others. It has also depressed labor productivity, lowered standards of living, changed lifestyles, slowed economic growth, aggravated inflation, and caused severe deprivation in some segments of society. This type of market response can be expected to prevail for some time into the future and will likely become more prevalent as prices continue to rise faster than income.

The large reductions in energy use per unit of GNP are not the result, primarily, of investments in technology. Of that portion of energy savings attributed to increased price, less than one-third and, perhaps, less than one-fifth, is due to investments in improved energy efficiency. Of these investment-type of responses, turnover of stock in the passenger automobile fleet and additions of new plants in industry appear to have contributed the most so far to improved energy efficiency; retrofit in industry and housing, the least.

FUTURE EFFECTS OF ELIMINATING FEDERAL PROGRAMS

In the longer-term, although not yet apparent from the experience of the last seven years, curtailment may give way to investment. Investment in new technologies and turnover or modernization of capital stock are inherently much slower phenomena than sudden decisions to simply do without. It should not be unexpected, then, that investment has had the lesser effect on the whole to date.

If high interest rates on capital prevail, however, investment in energy efficiency improvements will proceed even more slowly. Acceleration of investment, consequently, may be desirable. It has been linked to economic revival, improved labor productivity and the return to rising standards of living. If such arguments are convincing, then policy mechanisms could be installed in ways that are most effective for each sector or activity in the economy. Non-price market incentives such as investment tax credits and accelerated depreciation allowances, may be appropriate for some sectors. Federal programs, rather than market incentives, may be more appropriate in others, particularly in the areas of identified market failures or where tax-related incentives are not applicable.

If acceleration of investment is an objective, then presumably the best ways of achieving it can be found. Increased energy prices are beneficial means toward this end. Tax credits, if one believes the Treasury analysts, would appear to be somewhat ineffective, having low leverage (1:1 or 2:1) on incremental private investment per Federal dollar. Some DOE programs, if one believes the DOE analysts, would appear to be much more effective than tax credits, having higher leverage ratios, 5:1 or better.

While DOE programs have had little apparent effect on national energy consumption to date (less than 5 percent of observed savings), primarily for reasons of focus in time and purpose, they may have had a larger effect on investment. DOE's programs have focussed primarily on investment, hence, whatever impact they might have had on the whole may be attributed primarily to the investment portion. If the investment response is less than one-third of the whole, DOE's 5 percent of the whole may actually be 15 percent of the one-third.

A national energy conservation based solely on price, or on both price and non-price market incentives combined, without Federal programs, will likely reach a large and significant audience of potential respondants. The future effects of such a policy, however, are difficult to know. In general, the extent to which capital investments can be encouraged as energy prices rise, the more rapid the transformation of existing capital stock to new optimums and the less difficult and prolonged the period of adjustment.

The existence, or lack thereof, of Federal programs targeted on this objective can have a measurable effect on the rate of private investment. Whether or not Federal programs are advisable would appear to depend more on the issue of market failure and need, rather than on the issue of effect or effectiveness. If Federal action of one form or another is desired, then a subsidiary issue becomes important, that is, determining which programs or measures are more effective than others, per dollar of Federal outlay, whether they be program budget items or "tax expenditures."

Lastly, the marketplace is now in transition. Energy prices, in particular, have risen dramatically again in 1979 and 1980, oil has been decontrolled and natural gas price controls are gradually coming off. It is difficult to know whether market failures in the past will continue to be market failures in the future. Clearly, however, a thoughtful understanding of the market, its responses to price, its strengths and weaknesses, is a fundamental prerequisite to policy analysis. To this end, these issues should have priority on any analytical agenda for the coming year.●

THE HUMAN LIFE BILL

● Mr. EAST. Mr. President, I have been especially disturbed by some of the misstatements I have heard concerning the human life bill. In the interests of furthering my colleagues' understanding of that bill, I commend to them an article by Congressman HENRY J. HYDE, a sponsor of the bill, which appears in the latest issue of the Human Life Review. I ask that it be printed in the RECORD.

The article follows:

THE HUMAN LIFE BILL: SOME ISSUES AND ANSWERS

(By Henry J. Hyde)

Section 1. (a) The Congress finds that the life of each human being begins at conception.

(b) The Congress further finds that the fourteenth amendment to the Constitution of the United States protects all human beings.

Section 2. Upon the basis of these findings, and in the exercise of the powers of Congress, including its power under section 5 of the fourteenth amendment to the Constitution of the United States, the Congress hereby recognizes that for the purpose of enforcing the obligation of the States under the fourteenth amendment not to deprive persons of life without due process of law, each human life exists from conception, without regard to race, sex, age, health, defect, or condition of dependency, and for this purpose "person" includes all human beings.

Section 3. Congress further recognizes that each State has a compelling interest, independent of the status of unborn children under the fourteenth amendment, in protecting the lives of those within the State's jurisdiction whom the State rationally regards as human beings.

Those three sections of the pending Human Life Bill[1] present some of the most fascinating and legal and biological questions ever to face the Congress or the Courts.

Of course there are other controversial issues in this legislation, such as a proposed limitation of lower federal court jurisdiction, but the questions of when a human being's life begins, when personhood attaches and the constitutional power of Congress to make such determinations are of more interest to me and are presently engaging some of the finest medical and legal minds in the country.

Before addressing the question of when a human life begins, it is prudent to inquire whether an answer is possible, and also whether it makes any difference.

A certain amount of courage (or stubbornness—they are often the same) is required to press this inquiry in the face of the explicit contempt of such as A. Bartlett Giamatti, President of Yale, who advised his freshman class to avoid Moral Majority types as ". . . those who presume to know what God alone knows, which is when human life begins."

I am convinced that biology can tell us when an individual's human life begins. Wasn't the significance of the birth of Louise Brown that her conception was in a test tube?

It is instructive to study the semantic tactics of some academicians and biologists who support the abortion ethic. They choose to pose the relevant question as "when does human life begin?" and then to answer that there is no answer—we are dealing with an unsolvable mystery. But pose the question "when does an individual's life begin?" and answers are possible.

One need not be an historian to draw interesting parallels between the 17th Century astronomer Galileo and his struggle at the hands of "misguided ecclesiastics" unable to reconcile their theology with his notion of a unified cosmos. Today we see these roles exactly reversed, with many churchmen (among others) insisting that an individual's life begins at conception (and hence ought to be legally protectable) and some scientists and certain university presidents denying that such scientific information is even discoverable.

As for the need for such inquiry, it seems only sensible that Congress—which so often legislates on matters of life and death—seek to inform itself on when an individual's life commences. Legal consequences and constitutional rights come into play once we commence dealing with a human life. The time frame for attaching these consequences and rights cannot be a matter of indifference to responsible legislators.

The whole controversy became national in scope when the Supreme Court, in *Roe* v. *Wade* (410 U.S. 113, 1973), with Justice Blackmun speaking for the majority, asserted:

"We need not resolve the difficult question of when life begins. When those trained in the respective disciplines of medicine, philosophy and theology are unable to arrive at any consensus, the judiciary, at this point in the development of man's knowledge, is not in a position to speculate as to the answer."

As I read this statement, the Court is making at least three important points:

1. There is no consensus as to when life begins;

2. We (the Court) are therefore incompetent to make a declaration on this "difficult" question;

3. In any event, we don't need to do so to decide that the unborn is a non-person.

It is not disrespectful to note that Dred Scott stands for the proposition (among others, of course) that the Supreme Court is not infallible. Its self-confessed inability to determine when a human's life begins does not foreclose Congress from exploring the question.

Congress is uniquely structured to hold hearings and evaluate conflicting testimony as a basis for determining public policy. The business of Congress is legislation, and the business of the Courts ought to be adjudication.

It is crucial that we differentiate between several important interrelated but somewhat different terms—"actual human life," "biological human life" and "personhood."

One leading doctor, opposed to this legislation (Dr. Leon Rosenberg of Yale University Medical School) told the Senators during the hearing that he knows of "no scientific evidence which bears on the question of when actual human life exists." This assertion was roundly criticized in a letter to the magazine Science (July 31, 1981) from Dr. C. B. Goodhart of Gonville and Caius College, Cambridge, England, who replied in part:

"But, leaving aside the question of what the word actual means with its theological overtones, Rosenberg would surely agree that the new biological human life begins with the activation of the egg at fertilization. The fertilized egg is certainly human, since it belongs to no other species than Homo sapiens; it is certainly alive, since it can die (as good a definition of life as most!); and it certainly constitutes a uniquely separate human organism, no longer forming any part of its mother's body and already genetically as distinct from both of its parents as it will ever be, right from the start. It is no less a separate organism because at this stage it may not represent one single individual, being still capable of developing into monozygotic twins; if there are problems here, they are theological rather than biological ones, however.

"Presumably, what Rosenberg means is that there is no scientific evidence bearing on the question of the existence of the human person, as distinct from biological life. Since only a human can have the status of a person, this is not a problem which arises with the development of other animal species. The biological life of a chimpanzee, for instance, starts with the fertilization of the egg, as it does with a human, and it then regularly develops to maturity and death. It is only with humans that there is this further problem as to whether and when the developing organism begins to exist as a person."

Clearly, it is the law's task (rather than biology's) to determine what value society will place on this biological human life, once it has begun. If we are to postpone "personhood" until some arbitrary time after biological life has begun, we must accept the anomoly of a class of humans—alive—but not to be recognized as possessing the human rights inherent in every person. There are plenty of historical precedents for this (the institution of slavery, as an obvious example) but no confirmed utilitarian can doubt that involuntary euthanasia of handicapped infants, the aged and unwanted, and the abortion of the innocently inconvenient preborn are facilitated by simply classifying these defective or unwanted humans as non-persons.

The Fourteenth Amendment provides: "Nor shall any State deprive any person of life, liberty or property without due process of law." Could express words and intention be clearer in setting out a separate constitutional right to life?

Contrast this explicit constitutional guarantee of a right to life with the fuzzy foundation of the right to abortion which the Court said rested in a right to privacy it took them 105 years to discover.

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[1] Footnotes at end of article.

How can this right to life be secured or enforced if life cannot be defined? The Court pronounced itself incapable of providing a definition and thereby signed a death warrant for over one and a half million unborn children annually. In the face of this inaction by the Court, in response to this massive epidemic of destruction, Congress has the responsibility to provide a definition securing the right to life guaranteed by the Fourteenth Amendment to every human, even if it is just a tiny island of humanity known as the fetus.

If it is accepted that human rights have a hierarchy, then the right to life must be primal. It provides the foundation for the structure of all other human rights, including the newly discovered constitutional right of privacy.

Now science not only has an answer, but it has the answer to the question of life's beginnings. This answer is based on fact, not opinion, on reason and observation rather than emotion and speculation. Science is not tainted by religious or philosophical bias, nor should it be colored by pro-abortion or anti-abortion prejudice.

So let us advance our inquiry one logical step at a time, remembering we are not asking a generic question about human life but rather about when an individual's human life has its beginning.

It is worth noting that of all the 22 expert witnesses who testified before the Senate Subcommittee on the Separation of Powers (chaired by Senator John East, of North Carolina) on the medical and biological questions, none ever claimed that unborn children are not alive nor that they belonged to any species than human, or even that they were a part of the mother rather than a distinct individual human being.

Some, however, refused to acknowledge that "human being" means any individual which is genetically human. Rather they chose to define "humanness" with reference to various qualities of life that they deemed essential. But these were essentially philosophical or moral preferences having nothing to do with answering the medical-biological question "when does a human life begin?"

A fair summary of the voluminous testimony would conclude that the life of each human being (or any other individual belonging to a species that reproduces sexually) begins at conception. The male sperm cell and female egg cell, prior to conception, are only parts of the parents-to-be. When the sperm cell and egg cell unite in conception (a process also called fertilization) a new distinct individual being is created, of the same species as the parents.

Medical and biological literature universally agree on the origin of each human life. The report of Senator East's subcommittee has set out a representative sampling of this literature.[2]

Other testimony offered before the Subcommittee confirms that the life of each human being begins at conception. Though it was argued that human life is a continuum with no identifiable beginning, the words of Jerome Lejeune, M.D. (Professor of Fundamental Genetics, University of Rene Descartes, Paris, France) show that such arguments are not to the point of the Human Life Bill. "Life has a very very long history, but each individual has a very neat beginning—the moment of its conception." Dr. Watson Bowes, Professor of Obstetrics and Gynecology at the University of Colorado School of Medicine testifed that, "If we are talking, then, about the biological beginning of a human life or lives, as distinct from other human lives, the answer is most assuredly that it is at the time of conception—that is to say, the time at which a human ovum is fertilized by a human sperm." Dr. Bowes ended his prepared remarks by saying, "In conclusion, the beginning of a human life from a biological point of view is at the time of conception. This straightforward biological fact should not be distorted to serve sociological, political, or economic goals."[3]

WHEN IS A HUMAN BEING A PERSON?

Acknowledging that biological life commences at fertilization of the female egg by the male sperm, the crucial question yet remains, "What value shall we assign to this new genetic package, this new entity that is both alive and for the human species?"

Obviously we now go beyond a purely scientific inquiry and are in the realm of philosophy.

When one asks "What is a person?" the answer supplied by Robert E. Joyce, Ph.D., Chairman of the Philosophy Department of St. John's University in Minnesota, is helpful. He has written that:

"A person is essentially a being that is naturally gifted (not self-gifted) with capacities or potentialities to know, love, desire, and relate to self and others in a self-reflective way. The person is—not by self but by nature—able to be aware of who he or she is and able to direct his or her own self in accord with this nature. A tree acts in accord with its nature, but does not direct itself that way—it is not consciously a tree. A dog or a dolphin acts in accord with its nature, but does not and cannot direct itself as a self in accord with its nature. A person can. The person's dignity and freedom are, at least partly, based on his or her capacity for freely acting in accordance with nature, rather than merely existing. Our freedom as persons resides not so much in our ability to do as we please, but in our ability to act freely and deliberately as we were gifted."[4]

In his book, "Abortion, Law, Choice, and Morality," Daniel Callahan has said:

"Abortion is not the destruction of a human person—for at no stage of its development does the conceptus fulfill the definition of a person, which implies a developed capacity for reasoning, willing, desiring, and relating to others—but is the destruction of an important and valuable form of human life."[5]

This view harmonizes with that of the majority in *Roe* v. *Wade*. But in response to this, Professor Joyce asserts:

"I would suggest that a person is not an individual with a developed capacity for reasoning, willing, desiring, and relating to others. A person is an individual with a natural capacity for these activities and relationships, whether this natural capacity is ever developed or not—i.e., whether he or she ever attains the functional capacity or not. Individuals of a rational, volitional, self-conscious nature may never attain or may lose the functional capacity for fulfilling this nature to any appreciable extent. But this inability to fulfill their nature does not negate or destroy the nature itself, even though it may, for us, render that nature more difficult to appreciate and love. That difficulty would seem to be a challenge for us as persons more than it is for them.

"Neither a human embryo nor a rabbit embryo has the functional capacity to think, will, desire, read, and write. The radical difference, from the very beginning of development, is that the human embryo actually has the natural capacity to act in these ways, whereas the rabbit embryo does not and never will. For all its concern about potentialities, the developmentalist approach fails to see the actuality upon which these potentialities are based. Every potential is itself an actuality. A person's potential to walk across the street is an actuality that the tree beside him does not have. A woman's potential to give birth to a baby is an actuality that a man does not have. The potential of a human conceptus to think and talk is an actuality. Even the potential to actuation (called 'passive potency' by traditional philosophers) is itself an actuality that is not had by something lacking it."

These concepts argue that personhood is an endowment, not an achievement, and assert in Joyce's phrase that "Nature does not revolve around function. Function revolves around nature. Functions can come and go, but nature is dynamically stable."

Often pre-born children are referred to as possessing "potential human life." But a little reflection reveals this is grossly inaccurate. At any moment of its existence a whole living entity—whether a goldfish or a fetus—is either alive or it is not. If it is alive, it is what its nature is, even though it is incomplete in its functional development. This idea is sometimes expressed by stating that a pregnant woman always gives birth to a human being—not a puppy or a rabbit.

Thus there really is no such thing as a potentially living organism. It either is alive or it is not. It possesses great potentiality but is not itself potential life. Therefore the single-celled person at conception is fully possessed of its personhood. It is thus endowed, but will use its inherent potential to achieve. It is no less a person because its functions are as yet undeveloped and this cannot fully express its personality.

(This fact rejects the rationale for the pro-abortion term "prochoice." Presumably the choice is whether or not the pregnant woman is to have a baby. But she already has a baby implanted in her womb, needing only time and nourishment to be born. The "choice," then, is whether to carry the baby to term—let it live and be born—or to kill it through abortion. Every pregnancy terminates. Abortion seeks to exterminate a pregnancy.)

At its roots we have a conflict of immense proportions between the Quality of Life ethic and the Sanctity of Life ethic. If Darwinism is to govern the human aspects of our society, then indeed the handicapped, retarded, insane, sickly, terminally ill, incorrigably poor and the unwanted everywhere can be too much of a financial and emotional drain on those favored elite not so disadvantaged and who arrogate to themselves the crucial decisions as to who shall live and which of us fail to measure up—and thus should die. The implications of the Quality of Life ethic can be rather chilling depending on which group you belong to. I've often thought that the Quality of Life must have been pretty poor at Valley Forge where nearly 3000 men froze or starved to death. But to their everlasting glory, there was something more important to suffer and struggle for—and we should be grateful they shared this commitment.

It is not merely convenient—it is necessary—that combat soldiers dehumanize the enemy. this is the same necessary tactic employed by those advocating abortion in their war against the unborn—dehumanizing them.

That humanity (or humanness) is an objective fact rather than a subjective determination has important implications. If the latter were true, any human being that the state found undesirable could be re-defined as a non-person and hence disposable. Defenders of slavery justified their position in this manner.

The Philadelphia Inquirer in its magazine section of Sunday, August 2, 1981, published a feature story on "The Dreaded Complication." The complication so dreaded by abortionists is that the "products of conception" they seek to terminate will be born alive. The article describes a live 2½ pound baby boy who survived the abortion whereupon ". . . a nurse took the squirming infant to a closet where dirty linens were stored . . . it was nothing new."

Much needs to be written about the struggle between the two competing ethics, the Quality of Life versus the Sanctity of Life. Suffice it for the purposes of this article to say that this country's tradition and history reflect a deeply ingrained respect for the Sanctity of Life. The Declaration of Independence affirms this belief in the majestic words: "We hold these truths to be self-evident, that all men are created equal, that they are endowed by their Creator with certain unalienable rights, that among these are life, liberty, and the pursuit of happiness."

That some persons are unwanted or unloved does not exclude them from the family of humanity but, on the contrary, society must take special care of those who are least loved—if we maintain we are a caring and humane society.

As George Will has pointed out, we measure a society's ascent from barbarism by how it takes care of people. The unloved and unwanted are still human beings unless the State reserves the right of redefining them as sub-human. One of the clearest and most dispassionate outlines of the struggle is contained in a September 1970 editorial appearing in California Medicine—over two years before *Roe* v. *Wade* was decided:

"In defiance of the long-held Western ethic of intrinsic and equal value for every human life regardless of its stage, condition or status, abortion is becoming accepted by society as moral, right, and even necessary. It is worth noting that this shift in public attitude has affected the churches, the law and public policy rather than the reverse.

"Since the old ethic has not yet been fully displaced, it has been necessary to separate the idea of abortion from the idea of killing, which continued to be socially abhorent. The result has been a curious avoidance of the scientific fact, which everyone really knows, that human life begins at conception and is continuous whether intra- or extra-uterine until death.

"The very considerable semantic gymnastics which are required to rationalize abortion as anything but taking a human life would be ludicrous if they were not often put forth under socially impeccable auspice."

A final and troublesome question remains: Does Congress have the power to legislate in contradiction of a Supreme Court interpretation of the Constitution? In other words, is the Supreme Court really Supreme?

Professor Joseph P. Witherspoon, Maxey Professor of Law, University of Texas School of Law, has done the most exhaustive research I have seen on the problem. According to him, prior to adoption of the Thirteenth, Fourteenth and Fifteenth Amendments, various political leaders in America held that the Supreme Court could not bind the co-equal branches of the federal government so as to divest them of the power to perform their specific functions as delegated to them by the Constitution.

Thomas Jefferson, for example, stated his views as follows:

"To consider the judges as the ultimate arbiters of all constitutional questions—[is] a very dangerous doctrine indeed, and one which would place us under the despotism of an oligarchy. Our judges are as honest as other men, and not more so. They have, with others, the same passions for party, for power, and the privilege of their corps. Their maxim is, 'boni judicis est ampliare jurisdictionem,' and their power [is] the more dangerous as they are in office for life, and not responsible, as the other functionaries are, to the elective control. The Constitution has erected no such single tribunal, knowing that, to whatever hands confided, with the corruptions of time and party, its members would become despots. It has more wisely made all the departments coequal and cosovereign within themselves.[6]

"My construction of the Constitution is . . . that each department is truly independent of the others, and has an equal right to decide for itself what is the meaning of the Constitution in the cases submitted to its action, and especially where it is to act ultimately and without appeal.

"[Otherwise] [t]he Constitution . . . is a mere thing of wax, in the hands of the judiciary, which they may twist and shape into any form they please. It should be remembered, as an axiom of eternal truth in politics, that whatever power in any Government is independent, is absolute also; in theory only at first, while the spirit of the people is up, but in practice as fast as that relaxes. Independence can be trusted nowhere but with the people in mass."[7]

Similarly, President Andrew Jackson, in the message setting forth his veto of the Bank Bill on July 10, 1832, observed that—

"It is maintained by the advocates of the bank that its constitutionality in all its features ought to be considered as settled by the precedent and by the decision of the Supreme Court. To this conclusion I cannot assent . . .

"If the opinion of the Supreme Court covered the whole ground of this act, it ought not to control the coordinate authorities of the Government. The Congress, the Executive, and the Court must each for itself be guided by its own opinion of the Constitution . . . It is as much the duty of the House of Representatives, of the Senate, and of the President to decide upon the constitutionality of any bill or resolution which may be presented to them for passage or approval as it is of the supreme judges when it may be brought before them for judicial decision. The opinion of the judges has no more authority over Congress than the opinion of Congress has over the judges, and on that point the President is independent of both. The authority of the Supreme Court must not, therefore, be permitted to control the Congress or the Executive when acting in their legislative capacities, but to have only such influence as the force of their reasoning may derserve."[8]

The views of Thomas Jefferson and Andrew Jackson, as well as the similar views of James Madison,[9] were very influential with the framers of the Thirteenth, Fourteenth and Fifteenth Amendments and with the States that ratified these amendments.

In his debates with Senator Stephen A. Douglas, Abraham Lincoln had stated the nature and basis of the authority of the Congress to legislate in contradiction of a Supreme Court decision which it believed to be erroneous:

"We oppose the Dred Scott decision in a certain way . . . as a political rule which shall be binding on the voter, to vote for nobody who thinks it wrong, which shall be binding on the members of Congress or the President to favor no measure that does not actually concur with the principles of that decision. We do not propose to be bound by it as a political rule in that way, because we think it lays the foundation for spreading the evil (of slavery) into the States themselves. We propose so resisting it as to have it reversed if we can, and a new judicial rule established upon that subject."[10]

In his first inaugural address Lincoln stated one of the underlying reasons for the Republican Party position that Congress could by legislation give effect to an interpretation of the Constitution contrary to that of the Supreme Court:

"Nor do I deny that such decisions [of the Supreme Court on constitutional questions] must be binding in any case upon the parties to a suit as to the object of that suit, while they are also entitled to very high respect and consideration in all parallel cases by all other departments of the Government . . . At the same time, the candid citizen must confess that if the policy of the Government upon vital questions affecting the whole people is to be irrevocably fixed by decisions of the Supreme Court, the instant they are made in ordinary litigation between parties in personal actions the people will have ceased to be their own rulers, having to that extent practically resigned their Government into the hands of that eminent tribunal."[11]

Legal scholars dispute whether the Supreme Court's finding that the pre-born is a non-person (*Roe* v. *Wade*) can be challenged by an Act of Congress. It is the position of many that once the Court has adjudicated this issue only the Court itself can reverse its finding.

But the Court, in *Roe* v. *Wade*, asserted its own incompetency to determine when human life begins, pointing out what they termed the absence of consensus on this issue. This factual vacuum would no longer be present should the Human Life Bill be adopted and signed into law. After hearings, the taking and evaluating of testimony, the findings of Congress—based on these hearings—should, according to established legal precedents, receive great deference by the Court. After all, Congress, a coordinate branch of government, will have filled the Court's proclaimed factual vacuum with its own findings and so a further Congressional determination that each pre-born human life is also a person within the meaning of the Fourteenth Amendment presents the Court with a fundamentally different question of Constitutional law than in *Roe* v. *Wade*.

Once the factual issue of whether the preborn are human beings is determined in their favor, the Congress, based on this finding can properly declare each human life as endowed with personhood and hence protectable under the Constitution.

The legal environment, the legal landscape, will be different for the Court this time around. Instead of a vacuum there will be Congressionally legislated findings upon which to posit personhood and protection for the pre-born.

Of course the Supreme Court has the responsibility for interpreting the Constitution as it applies to specific cases. But where the Court confesses its inability to resolve questions that buttress such important and specific Constitutional rights—questions literally of life and death—is Congress powerless to do what it is uniquely structured to do, hold hearings, make findings and determine public policy?

As the East report states the issue, "The purpose of this legislation is not to impair the Supreme Court's power to review the Constitutionality of legislation, but to exercise the authority of Congress to disagree with the result of an earlier Supreme Court decision based on an investigation of facts and a decision concerning values that the Supreme Court declined to address."

The Human Life Bill will be reviewed by the Supreme Court, and thus the Court will have the last word. But in the interim, important dialogue will ensue between Congress and the Court and the void that supports *Roe* v. *Wade* will be supplanted by a legislative foundation that the Court will not and cannot be indifferent to.

The Fourteenth Amendment specifically forbids a State to deprive a person of life, and Section 5 of that Amendment expressly confers authority to Congress for the purpose of enforcing this guarantee through appropriate legislation. The Court is entitled to respect and deference in its adjudications and interpretations, but Congress likewise is entitled to respect and deference in its efforts to deal with questions of immense significance and fraught with profound public policy consequences.

To assert that Congress is necessarily impotent in the face of the Court's confessed impotence on the fundamental issue of when a human life begins is to concede a powerlessness on an issue of paramount importance that the Founding Fathers would be the first to reject, if not denounce.

The status of abortion, the existence and value to be accorded pre-natal life, are questions, in a democracy, that the elected representatives of the people must not be foreclosed from considering.

Anyone who has been involved in this controversy knows only too well that no subject generates emotional reaction more than abortion. Each side views the other as monstrously inhuman and uncaring—and thus demonstrates that each side does care, only from a different perspective and with a different set of values.

Ironically, support for protecting endangered species (the famous snail darter, for example) is a constant theme in Congress. "Save the Whale" organizations and legislation seeking to outlaw the trapping of wild animals have their effective spokesmen. Some Congressmen have even shared an ice floe with baby harp seals to dramatize their plight. But, strangely, many of those active in the cause of humane treatment for animals cannot bring themselves to much concern for the plight of the endangered unborn.

The heart of this issue, of course, is the humanity of the unborn. If you view the fetus as a blob of tissue, a sort of tumor, then surely it is disposable. But if you value the fetus as a pre-born child and respect human life as the ultimate value, all other considerations become secondary. Of course one's religious views can have an impact on whether the pre-born ought to be protected or not. Should you accept the notion that we humans are permitted to share with God as co-creators in the perpetuation of the human race, then clearly the act of conception (which is creation) takes on a special value.

This is not to say tha many persons whose lives embrace religious convictions do not support abortion, because indeed they do, including some clergy.

On the other hand, Bernard N. Nathanson, M.D., an admitted atheist, in his 1979 book "Aborting America"[12] relates his personal odyssey from being a prominent abortionist to becoming a pro-life advocate. He bases his present conviction that abortion is a moral wrong on the Golden Rule—the very basis for a civilized society. He is unable to answer the question as to why he changed so dramatically except to say, as a medical doctor, he opened his mind to "the data" on human life, and its beginnings.

The humanity of the unborn has been called the "13th floor of human society." Everyone really knows it's there, but it is often more convenient to pretend it's not.

I'm not sure I want to passively accept a society in which parents have been told they have no responsibility toward their unborn children, and in which children are told they have no responsibilities toward their parents. This doesn't fit my definition of the caring humane society we pretend to be.

The views expressed 41 years ago during World War II by Dr. Joseph D. Lee, a leader in modern obstetrical practice, which were printed in the 1940 edition of the Yearbook of Obstetrics and Gynecology are more relevant than ever:

"At the present time, when rivers of blood and tears of innocent men, women and children are flowing in most parts of the world, it seems almost silly to be contending over the right to life of an unknowable atom of human flesh in the uterus of a woman.

"No, it is not silly. On the contrary, it is of transcendent importance that there be in this chaotic world one high spot, however small, which is safe against the deluge of immorality and savagery that is sweeping over us. That we, the medical profession, hold to the principle of the sacredness of human life and of the rights of the individual, even though unborn, is proof that humanity is not yet lost . . ."

NOTES

[1] The three sections are quoted from the text of the current Senate version (S. 1741), re-introduced by Sen. Helms on Oct. 15, 1981; they differ somewhat in language (but little in content) from the original versions introduced by Sen. Jesse Helms in the Senate (S. 158) and by Rep. Henry Hyde in the House (H.R. 900) on Jan. 19, 1981; there is also another House version (H.R. 3225) at this writing.—Ed.

[2] The Committee Print of Sen. East's subcommittee hearings, held April 23–June 19, 1981, was reported to the Senate Judiciary Committee in December, 1981; the text of the Committee print (sans dissenting opinions), including the quotations from medical texts, is reprinted as Appendix A in this issue.—Ed.

[3] The Subcommittee heard much testimony in the same vein. Dr. Hymie Gordon, Professor of Medical Genetics and physician at the Mayo Clinic, testified that, "[t]he individuality of the unborn baby is established at the very first second of its conception." Later, Dr. Gordon elaborated: ". . . I think we can now also say that the question of the beginning of life—when life begins—is no longer a question for theological or philosophical dispute. It is an established scientific fact. Theologians and philosophers may go on to debate the meaning of life or the purpose of life, but it is an established fact that all life, including human life, begins at the moment of conception."

Later, Dr. Gordon remarked: "I have never ever seen in my own scientific reading, long before I became concerned with issues of life of this nature, that anyone has ever argued that life did not begin at the moment of conception and that it was a human conception if it resulted from the fertilization of the human egg by a human sperm. As far as I know, these have never been argued against."

Dr. Micheline Matthews-Roth, a principal research associate in the Department of Medicine at the Harvard Medical School, after reviewing the scientific literature on the question of when the life of a human being begins, concluded her statement with these words:

"So, in summary, it is incorrect to say that biological data cannot be decisive. In biology, as in any other branch of science, experiments repeated and confirmed by many different workers using many different species of organisms do, indeed, prove that a particular biological finding is true.

"And, so it is with the biological finding that an organism reproducing by sexual reproduction starts its life as one cell—the zygote—and throughout its existence belongs to the species of its parents. No experiments have disproved this finding.

"So, therefore, it is scientifically correct to say that an individual human life begins at conception, when egg and sperm both join to form the zygote, and that this developing human always is a member of our species in all stages of life."

[4] Robert E. Joyce, "When Does a Person Begin?" from "New Perspectives on Abortion" (Aletheia Books, 1981).

[5] Daniel Callahan, "Abortion, Law, Choice and Morality" (The MacMillan Co.: New York, 1970), pp. 497-498.

[6] Letter to William C. Jarvis, September 20, 1820, "The Writings of Thomas Jefferson" (Ford ed. 1899), 160.

[7] Letter to Judge Roane, September 6, 1819, as quoted by Rep. Philemon Bliss, Cong. Globe, 35 Cong., 2nd Sess (Feb. 7, 1859), App. 7.

[8] "Messages and Papers of the Presidents II" (Richardson ed. 1896), 576, 581-83.

[9] Elliot, "Debates of the Federal Constitution 4" (1836), 549-50.

[10] "The Collected Works of Abraham Lincoln I" (Basler ed. 1953), 494, 516.

[11] Richardson, "Messages and Papers of the Presidents 5" (1897), 9-10.

[12] Nathanson, "Aborting America" Doubleday & Co.: New York, 1979).●

TRIBUTE TO JUDGE CURRAN

● Mr. SPECTER. Mr. President, as a former district attorney, trial lawyer, and Member of this distinguished body, it gives me a special pleasure to pay tribute today to a man who this Sunday will receive one of the highest honors a layman in the Roman Catholic Church can be accorded. Judge Jim Curran of Pottsville, former member of the court of common pleas and president judge of Schuylkill County is being installed in the Order of Saint Gregory the Great, a very high recognition from his Holiness, Pope John Paul II. The formal installation of the judge into this order will come Sunday afternoon, Palm Sunday, at Saint Catherine of Sienna Cathedral in Allentown.

Judge Curran's achievements and successful endeavors are many, spread over a lifetime of outstanding service to his profession, the court, and his fellowman. He attended Kutztown State Teachers College, graduating in 1922, and several years later realized his lifetime desire to be a lawyer, by working his way through Dickinson School of Law, graduating in 1930. Seven years later, at an early age, he was appointed to the Schuykill County Count of Common Pleas, serving as president judge from 1959 to his retirement in 1978.

During World War II, he served in a host of community boards of organizations designed to aid in the war effort, including the Office of Price Administration. His several years of exception-

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al service earned him a special recognition of the President of the United States.

There are many examples of the judge's efforts for his fellowman which resulted in this high honor from the Papacy, but his 4 years of leadership as chairman and member of the board of trustees of Good Samaritan Hospital in Pottsville stand chief among them. Under his tenure, three major multimillion-dollar expansion projects were realized, providing an outstanding example of what community leadership can do.●

THE NUCLEAR ARMS FREEZE

● Mr. LEAHY. Mr. President, the senior Senator from Massachusetts has written perhaps the most compelling and eloquent statement I have seen in support of a comprehensive, global nuclear weapons freeze, and negotiated mutual weapons reductions.

His article was published in the Sunday, March 21 edition of the Los Angeles Times. I am submitting that article for the Record and urge each of my colleagues to read it.

Mr. Kennedy and the distinguished chairman of the Senate Appropriations Committee (Mr. Hatfield) have brought together concerned citizens, Members of Congress, religious and business leaders, and past government officials in a unified and determined call for a freeze and mutual verifiable arms reductions. Their resolution, which I am pleased to cosponsor, carries an urgent call for immediate arms reductions from Vermonters and others around the country, to the very forefront of the vitally important national debate on arms control.

I am especially pleased that the very issues I have been raising for years in Vermont and around the country have been given expression in this resolution—a resolution so sensible and important that it has stirred many who have been skeptical in the past of arms talks to propose freeze alternatives, however flawed or incomplete, of their own.

Mr. President, I cannot be more emphatic in urging that all of us in this body give serious thought to the ideas and arguments presented by Mr. Kennedy in his outstanding article.

The article referred to is as follows:

[From the Los Angeles Times, Mar. 21, 1982]

Can a Freeze Halt the Nuclear Arms Race?

(By Edward M. Kennedy)

Washington.—The issue of arms control—perhaps the most critical issue of our time, or of all time—has now reached the point of stalemate. Soviet President Leonid I. Brezhnev is offering a self-serving and unacceptable proposal to freeze nuclear weapons in Europe alone. The Reagan Administration properly rejects that, but refuses to respond with any comprehensive counteroffer. At the talks on intermediate weapons in Europe, the Administration has put forward a plan as unacceptable to the Soviets as theirs is to ours; as a results, the talks are stalled. The Reagan Strategic Arms-Reductions Talks (START) on strategic weapons have not begun, and no date for the discussion has been set.

Both sides are engaging in a dialogue of the deaf, making propaganda instead of talking peace. In the meantime, a grass-roots movement across the country, reaching from a ballot initiative in California to town meetings in New England, has called for a third alternative that can break the deadlock. That alternative, a global freeze on the nuclear arsenals of both sides, has been incorporated into a congressional resolution, which already has the support of 165 members of the Senate and the House. The resolution calls both for a global freeze and for the negotiation of reductions in American and Soviet weaponry.

The Administration and a number of other critics have reacted intensely and often inaccurately to the congressional proposal, which I am co-sponsoring with Republican Sen. Mark O. Hatfield of Oregon. It is important to make clear what the resolution does—and does not—mean.

First, we are not suggesting a continental freeze in Europe alone. That is the Brezhnev proposal—and we categorically reject it. We favor a comprehensive freeze. Administration officials have sought to blur the difference—and then have cited a range of conflicting statistics to attack our resolution. Secretary of State Alexander M. Haig Jr. first said it would leave the United States with a 6 to 1 inferiority in Europe; later, the President said it might be 3 to 1. It is baffling that on this basic question, the Administration cannot even keep its numbers straight. In fact, the Soviets have 2,004 available warheads in Europe, and we have 1,168. This does not count other American nuclear forces outside of Europe and at sea, which could be used to defend the NATO nations. Is the Administration suggesting that it would not call on these forces in the event of a crisis? Any such suggestion would represent a fundamental and destabilizing change in American policy.

Second, the global freeze proposed in the congressional resolution would not consign the United States to a position of global inferiority with the Soviet Union. The Administration asserts that it would, but advances no proof. Presidential Counselor Edwin Meese III has likened the U.S.-Soviet nuclear balance to a football game where one side is ahead 50-0. But the analogy, which is wrong even as it applies to Europe, is very far from the worldwide reality. The more relevant numbers are the count of strategic nuclear warheads: this country has 9,000 and the Soviets have 7,000. They are ahead in some areas, such as throw-weight; we are ahead in others, such as sea-based missiles. There is, perhaps for the first time in the atomic age, an overall nuclear balance.

Instead of worrying about a theoretical and exaggerated "window of vulnerability," we should focus on this window of opportunity for arms control. But the opportunity could shatter with a further escalation in weaponry, including a new round of the MX missile and the B-1 bomber on our side, and new generations of missiles already on the Soviet drawing board. Thus a freeze makes not only common sense, but strategic sense. For example, a freeze can ensure that nuclear reductions negotiated in the future will not be made meaningless by the development and deployment of new and destabilizing weapons. Together a freeze and reductions will move the United States and the Soviet Union to run the arms race in reverse. By combining these two policies, the freeze resolution goes beyond a codification of the existing nuclear balance, and could move us quickly toward more stable deterrence and a safer world.

Third, despite Administration rhetoric claiming that our proposal does not go far enough, the wording of the resolution plainly and explicitly calls for "mutual and major reductions" in existing nuclear stockpiles. Perhaps the President has not read the resolution itself. His Administration pays lip-service to reduction, but its arms-control policy is now going absolutely nowhere. Our government has a weapons policy, a massive and expensive buildup, but no effective peace policy. Today the two superpowers have in their possession the equivalent of 1 million Hiroshima bombs—nearly four tons of TNT for every man, woman and child presently living on this planet. A freeze would be a first, far-reaching step in the thousand-mile journey to reductions. Instead of piling overkill on overkill, why not start with a freeze?

Fourth, our proposal is not based on trust for the Soviet Union or tolerance of Soviet misdeeds in other areas. We do not accept the concept of reverse linkage—that we must accept Soviet repression in Poland and elsewhere in order to coax them into arms control. We should not enter upon a nuclear freeze or reductions because we like the Soviets or they like us, but because both of us prefer existence to extinction. Every measure we would take depends on strict verification. And our resolution does not call for unilateral action but for mutual agreement. It will not weaken, but strengthen our defenses. Some of the resources that are freed can be reallocated to our conventional military forces, which is where we do need to do more.

Finally, some critics have suggested that our resolution involves a dangerous excess of democracy—that it invites the public into a debate where only experts dare to tread. We do not share the notion that a professional elite deserves a monopoly on what could become the ultimate issue of personal survival for hundreds of millions of people. While the negotiators have been debating the nuclear version of the question of how many angels can dance on the head of a pin—which is, precisely how high can each side make the rubble bounce?—concerned citizens have developed and lobbied for a sane alternative. We regard it as a strength of our system that free men and women can stand up and speak out. They have offered a proposal in the American free marketplace of ideas, and every citizen of the world, including the people of the Soviet Union, who do not have the right to speak, will be in their debt if this initiative helps to postpone the moment of humanity's final conflict.

In reality, the nuclear-freeze resolution commands support not only in Congress and among religious and business leaders, but among many past officials of the Defense and State departments. They have seen the nuclear danger up close, and they know that a freeze followed by reductions may be our last great chance to avert the last great war. They know that we are rapidly nearing the point of no return in the nuclear arms race. Soon both sides will fear that the other has a first-strike capability that could destroy its deterrent. Once this point is passed, arms control may become little more than rulemaking for the rearrangement of the deck chairs on the Titanic. People in communities across America have seen the looming iceberg and they hope the captain will see it too. We cannot afford to live in a world of hair-trigger nuclear missiles, where human beings will have only minutes to decide whether to fire them, and where human error could launch an accidental nuclear exchange. This is not a way of life at all; it is a way to nuclear death.

In the second year of the Reagan Administration, apprehension about the nuclear danger has stirred our own nation and strained relations with our NATO allies. Both the Administration and the Soviet leadership deliver speeches about nuclear disarmament, while each relentlessly pursues the phantom of nuclear advantage. In the words of my colleague, Sen. Hatfield, "The result is upward arms management rather than downward arms control." There is broad agreement that the latest Soviet proposal for a limited freeze in Europe is unequal and unacceptable. But there is also an urgent need to challenge the Soviets to go further, to freeze more, to take a bigger step back from the brink. With the world trapped between the seemingly irreconcilable positions of the Administration and the Kremlin, only the emerging initiative for a nuclear freeze and reductions can break the deadlock that consistently defeats the chance for a stable peace.●

WHY NATO DOESN'T WORK

● **Mr. GOLDWATER.** Mr. President, many questions are raised today relative to NATO, why it works at all, why it does not work better, and where our responsibilities lie in the matter. Dr. Ronald Nairn, a New Zealander who is now an American citizen, one of the most knowledgeable men I have ever met concerning matters of the world, has written an excellent article which appeared in the Friday, March 26 issue of the Wall Street Journal. The title, "Why NATO Doesn't Work," should invoke the interest of all readers of the CONGRESSIONAL RECORD. I ask that the article appear at this point in the RECORD. The article referred to is as follows:

WHY NATO DOESN'T WORK

(By Ronald C. Nairn)

The de facto dissolution of NATO proceeds, but the wrong reasons are being given for the event. Whether Western Europe is or is not pulling its weight is not the cause. Neither is the European peace movement, even that small part of it known to be acting at the behest of the Soviets. Nor should the economic and cultural attractions of the Pacific Basin be construed as a strategic alternative to NATO. Isolationists no doubt abound, but isolationism is not a coherent alternative strategy for the U.S.

The core reason for the unworkability of NATO is this: For better or worse only a superpower can "balance" another superpower. And in a real alliance, a superpower cannot behave as a superpower.

An alliance presupposes an approximate equality of relationships between sovereign states. If it is to have a working life, an alliance presupposes that each member's voice has due weight because each member has not only affinity of interest, but the means to discharge its responsibility effectively. Effective alliances are rare in history, and they are short-lived.

We shouldn't make the mistake of confusing alliances with empire, either. The Warsaw Pact is an empire. By its charter, the Warsaw Pact is a series of bilateral relationships between the Soviet Union and pact members. In operation, the pact is political and territorial dominion by a central authority. Soviet action in East Germany in 1953, in Czechoslovakia in 1968 and in Poland today illustrates the point. The Brezhnev Doctrine, conferring upon the Soviet Union the right to "defend socialism" on the merits of the Soviet Politburo's judgment, currently sanctifies the empire's rationale.

But the decay of the Soviet empire, which probably began as far back as the Kronstadt Naval Revolt of 1921, may be slow. The ancient process of unregenerate use of terror is now supported by modern technology, which may delay decay.

NATO can't function as an empire, least of all under the aegis of the U.S. constitutionally, politically and culturally. Americans are incapable of making an empire function and the NATO members wouldn't accept such an American role in any case. So we come back to the alliance, a configuration, it is suggested, that is unworkable.

DENIGRATING ITS TRUE STATUS

A superpower cannot hold together an alliance (as opposed to an empire), especially during an extended peace. In these circumstances the superpower continuously denigrates its true status. Its overweening presence, especially in decision making, must be constantly adjusted downwards to preserve alliance "unity."

If the superpower dominates overtly (as it in reality does), it is said to "overreact"; it is "reckless." But if the superpower operates at low key, it "lacks credibility." As the superpower backs and fills, it is criticized for "vacillation," and not having a "coherent policy." All these charges have validity and can't be answered within any configuration NATO can devise.

Within the larger context of world strategy the U.S. and NATO do not have a fundamental common goal. NATO is concerned with the security of Europe. But the U.S., whether it likes it or not, is completely involved in the security of the world, a world in which Europe is but a single, albeit important, element.

There is an ancient foreign-policy maxim suggesting it is vital that Western Europe not fall under the domination of one power. This is basically a British concept. It makes sense for them. Today, however, this concept, though important, hardly has vital significance for the U.S. The most ardent militarist would agree with the most ardent pacifist that the vital element of military domination today is the "overkill" potential of nuclear, chemical and biological weapons, each with worldwide applications that belong solely to the two superpowers. Thus the old idea of fixed, vital geographic regions takes on a different meaning.

Today's vital region for the U.S. is not even the Panama Canal. It is the security of NORAD (the North American Air Defense Command), SAC bases, logistic support for missile submarines, airborne command posts and the like. An overall territory as vital gives way to a condition that is vital, and that condition is first to deter and in the event respond to the capacity of the USSR to destroy the U.S. or vice versa. Of these two conditions, immunity from nuclear blackmail is probably the more important. Thus the critical conditions of deterring nuclear war or preventing nuclear blackmail (we cannot talk of "winning" a nuclear war because no one knows how to define such a victory) is the indispensable definition of a superpower. The integrity of European geography is not singularly important to this condition. It is certainly not vital. And no amount of tinkering with NATO will alter this fact. Indeed NATO (and alliances in general) tends to exacerbate today's danger by multiplying the ways war could start without offering the means for tomorrow's commensurate benefit: deterring nuclear war and preventing nuclear blackmail.

Beyond tying the U.S. to a fixed geographic area, 10 other nations have none of America's superpower responsibilities and have dissimilar global interests, if any. The allies are bound to the U.S. by a treaty that says an attack on one is an attack on all. The presence on European soil of 350,000 U.S. troops plus a "tactical" nuclear force is a trigger that could fire the nuclear cannon in a bewildering variety of scenarios—none of which need be related to the vital concerns of the U.S. The future offers a worse scenario. As NATO deteriorates, U.S. forces will ultimately become hostages to the USSR; they will be a tripwire potentially able to invoke a war which, in Europe anyway, will be lost. Only the naive would assume that the USSR, or the West Europeans themselves, will not exploit this situation.

But the most pertinent argument against U.S. involvement in NATO is the most obvious. Thirty-five years after World War II, Europe is capable of looking after itself. Western Europe has approximately 250 million vigorous inhabitants possessing sophisticated technology, excellent management skills, a capacity for capital formation and a claim to some mutuality of interests. Unified they match about 80 million Russians plus about 170 million disparate peoples under Russian rule. It is appropriate to Western Europeans to forge an alliance among themselves. Assuming good bilateral relations between America and Europe's nations, it is in the Europeans' interest to control and direct their own affairs and free the U.S. for a true global role.

REALITIES DO NOT GO AWAY

Whether the U.S. can reorder its imagination to play a global role is obviously open to question. So is the capacity of Europe to accept new responsibilities. But potential deficiencies do not make realities go away.

In 1514, Henry VIII pioneered England's new navy. It began a revolution in naval architecture, in navigation, in fire power and other technological changes. Allied to this came gallant seamanship and a rethinking of strategy that came to its first realization in the Napoleonic Wars. Whether the geopolitics of the world changed for better or worse is not the question. Change came in full drama, but it took three centuries.

Over this past quarter of a century, not only has the nature of military and strategic change been extraordinary in effect, but the rate of change bewilders those who will not face its meaning. Today NATO has been superseded by such change. NATO now resembles an automobile to which has been attached a giant tractor wheel.

In a global sense, it is only the maintenance of the idea of liberty, rooted in Europe and viable in America, that offers practical circumstances to some billions of humanity for the realization of their material development. Both Europe and the U.S. would be true to the best in their traditions by seizing the opportunity to form a new relationship that provides each with autonomy to act without the constraints one imposes on the other.

The direct interests of Americans, of Europeans and of others who need liberty to pursue the civilizing process, demand that NATO be rethought. The pursuit of liberty demands that America extricate itself from the NATO bog and involve itself with strategies related to all the world. In turn, Europe should recognize that the Amerian superpower can remain a good friend and supporter even as it withdraws from being a formal, difficult ally.●

PRELIMINARY NOTIFICATION PROPOSED ARMS SALES

● Mr. PERCY. Mr. President, section 36(b) of the Arms Export Control Act requires that Congress received advance notification of proposed arms sales under that act in excess of $50 million, or in the case of major defense equipment as defined in the act, those in excess of $14 million. Upon receipt of such notification, the Congress has 30 calendar days during which the sale may be prohibited by means of a concurrent resolution. The provision stipulates that, in the Senate, the notification of proposed sales shall be sent to the chairman of the Foreign Relations Committee.

Pursuant to an informal understanding, the Department of Defense has agreed to provide the committee with a preliminary notification 20 days before transmittal of the official notification. The official notification will be printed in the Record in accordance with previous practice.

I wish to inform Members of the Senate that such notifications have been received.

Interested Senators may inquire as to the details of these preliminary notifications at the office of the Committee on Foreign Relations, room 4229 Dirksen Building.

The notifications follow:

Defense Security
Assistance Agency,
Washington, D.C., April 1, 1982.

In reply refer to: I-00921/82ct.

Dr. Hans Binnendijk,
Professional Staff Member, Committee on Foreign Relations, U.S. Senate, Washington, D.C.

Dear Dr. Binnendijk: By letter dated 18 February 1976, the Director, Defense Security Assistance Agency, indicated that you would be advised of possible transmittals to Congress of information as required by Section 36(b) of the Arms Export Control Act. At the instruction of the Department of State, I wish to provide the following advance notification.

The Department of State is considering an offer to a Middle Eastern country tentatively estimated to cost in excess of $50 million.

Sincerely,

Walter B. Ligon,
Acting Director.

Defense Security Assistance Agency,
Washington, D.C., March 29, 1982.

In reply refer to: I-12515/81ct.

Dr. Hans Binnendijk,
Professional Staff Member, Committee On Foreign Relations, U.S. Senate, Washington, D.C.

Dear Dr. Binnendijk: By letter dated 18 February 1976, the Director, Defense Security Assistance Agency, indicated that you would be advised of possible transmittals to Congress of information as required by Section 36(b) of the Arms Export Control Act. At the instruction of the Department of State, I wish to provide the following advance notification.

The Department of State is considering an offer to a Middle Eastern country for major defense equipment tentatively estimated to cost in excess of $14 million.

Sincerely,

Walter B. Ligon,
Acting Director.●

DEATH OF SILVESTRE ACOSTA

● Mr. RIEGLE. Mr. President, I was saddened to learn of the passing of a distinguished educator and community leader in Detroit Mich., Silvestre Acosta. Silvestre was truly a man of his community, and the sensitivity, kindness, and compassion that he showed toward his neighbors will long be remembered. He worked in quiet ways to better the lives of people around him; he possessed the tenacity and courage to strive for goals others thought unattainable. His positive outlook, spirit, and devotion served as an inspiration to all of us, and his loss is a loss to us all. Silvestre left his mark on many people and programs, especially in the area of bilingual education. In his honor, the name of a local publication has been changed to the "Silvestre Acosta Bilingual Resource Center Newsletter," and I ask that a tribute that appeared in that newsletter be printed in the Record.

The article follows:

Death of Silvestre Acosta

The tragic death of Mr. Silvestre Acosta on February 21, 1982, came as a great shock to all Detroit Public Schools' employees, but none greater than to members of the Bilingual Education Community of Region Two. Mr. Acosta was well known to administrators and school staff in the Region for his dedication to securing a quality educational program for bilingual youngsters.

Mr. Acosta began his career in Detroit in September of 1969. For the next ten years he was a teacher at the Webster Elementary School. In March of 1979, he was promoted to Junior Administrative Assistant and, in that capacity, served as the coordinator for the Bilingual Education Program in Region Two and as administrative head of the Bennett Bilingual Resource Center.

A pioneer in bilingual education at the state level, he helped establish the Webster Bilingual Program in 1971 and spearheaded the effort to get what is now Public Act 294 passed in 1974, thereby requiring bilingual education programs in state schools.

Mr. Acosta's devotion to the bilingual students in Region Two will long be remembered.●

POLISH CRISIS

● Mr. KASTEN. Mr. President, nearly 4 months have passed since martial law was imposed in Poland, and internal repression of the Polish people continues. Thousands of Poles are still being held against their will, and this morning's New York Times spotlighted the tales of brutality which are now filtering through to the West. I ask that this article, "From Polish Internment Prisons, Tales of Brutality," be printed in the Record.

The article follows:

From Polish Internment Prisons, Tales of Brutality

(By John Darnton)

Warsaw, March 31.—One day this week, letters written by martial law detainees were tossed out of the upper floors of a prison in the northern Polish town of Ilawa and fluttered down across the gray, barbed-wire topped wall onto the streets. They described a brutal assault inside the prison last Thursday.

The letters said that 50 to 60 guards went on a rampage around 7 p.m., opening cells on an entire floor and beating every prisoner they could lay their hands on. The guards appeared to be drunk or drugged, the letters said, and were operating under orders of a captain and the deputy warden.

Altogether, about 70 internees were beaten, four of them seriously enough to require hospitalization, which was denied to them at first.

The letters ask anyone who finds them to bring them to the attention of the Roman Catholic Primate, Archbishop Jozef Glemp, and to the public.

"Our personal safety is not assured," one letter said. "We can be dragged out of our beds at night and beaten."

INTERNEES START HUNGER STRIKE

The internees, believed to number 149, began a hunger strike on Saturday, demanding an investigation by the Ministry of Justice with the participation of the episcopate and the International Red Cross.

The brutality at Ilawa, the second such incident there, is not an isolated case. More and more instances of beatings of internees are coming to light in interviews with released detainees, family members of people still interned and political activists. Many of the incidents are known to the church.

On Jan. 19 at Zaleze prison near Rzeszow, internees were beaten and then punished by being put in isolation cells. One of the most severely injured was Zygmunt Leszyk from Cracow. Little is known about what sparked the incident, but the prison, which contained about 250 internees, was apparently the scene of a demonstration. Recently four internees were formally placed under arrest and stood trial on charges of organizing protests. The trial was suspended when one of the defendants was found physically unfit.

A DISPUTE LEADS TO BEATINGS

On Feb. 13 at Wierzchowo, a prison for young offenders, 32 internees were beaten inside their cells by riot police units called Zomo. The repression, said to be well planned and coordinated, apparently grew out of a dispute that began when some internees refused to leave their cells during a search because, they insisted, they had the right to be present while their personal belongings were examined.

On Feb. 13, an undetermined number of internees were beaten at a prison in Nysa because they persisted in singing songs and lighting candles in their cells to protest martial law. Among those hurt were M. Radajewski and Lothan Herbst, who heads the Wroclaw branch of the writers' union.

On Feb. 16, two internees at Ilawa, identified only by their last names, Pagacz and Adamek, were beaten when they refused to leave their cells.

Sometime in mid-February, Zbigniew Sekulski, a young songwriter and activist who has collected information for Amnesty International, the rights group, was beaten in a prison at Lowicz. Other internees said that, when he refused to remove a Solidarity button, he was taken into a corridor. They heard screams and then he was held for a few days in a single cell. When returned, he complained of pains in his ribs.

In the basement of the headquarters of the special Zomo police in Katowice, numerous internees were beaten before being sent to other detention centers, according to several reports. Among them were miners who participated in the strike at the Piast mine in the days after the imposition of martial law. Two of those most seriously hurt were Jozef Bocian and Jerzy Grzebieluch, a member of the suspended farmers' union.

Only in recent weeks was it discovered that 16 internees were still being held in the police station. Bishop Herbert Bednorz of Katowice has asked permission to enter the building.

Many of the beatings appear to stem from disputes over the interpretation of regulations, since internees are supposed to have special privileges such as unlocked cell doors, denied to criminals. In some cases, the internees have kept up their spirits by group singing—with lyrics that mock the Government or the Soviet Union—and this grates on the guards and prison wardens. Sometimes a crowd outside the prison joins in the singing.

"I think the tensions were deliberately introduced by the authorities," said one man released from Grodkow prison, outside of Wroclaw. He said the cell doors were opened on Christmas and were then abruptly closed, with searches, on New Year's Eve.

"Over a loudspeaker they warned us against group singing," he said. "So we all started singing. To try and break it up—because it was synchronized—they took away our watches, but we used the time signals over the loudspeakers as a cue. Then came the announcement of punishments—no walks, no letters, no parcels, no visits. We answered with a prison orchestra—spoons on tin plates and cups against the bars."

"SEA OF UNIFORMS" IN CORRIDOR

Suddenly, he said, the doors were flung open and there was "a sea of uniforms," hundreds of Zomo policemen lining the corridors and equipped for battle, with helmets, plastic shields and visors, and truncheons. A confrontation was put off, through negotiation, although the negotiators had nervous moments walking through a phalanx of cursing policemen.

They kept muttering how much they would love to kick our butts," the former internee said.

The authorities are sensitive to charges that internees, who now number 3,600, are being mistreated. The Government has depicted internment as a kind of forced stay in a guest house, emphasizing that the internees are not subject to the prison regime undergone by common criminals. The conditions are checked periodically by delegations from Parliament, the church and the International Red Cross, officials say.

Officials who have called in Western correspondents to complain about dispatches on internment conditions have said that there may well have been one or two instances in which zealous guards exceeded their orders. But they insist that the basic policy is to treat internees as humanely as possible.●

AMBASSADOR THEODORE E. CUMMINGS

● Mr. LUGAR. Mr. President, it was with great sadness late yesterday that I learned of the death of our most distinguished U.S. Ambassador to Austria, Theodore E. Cummings.

Ambassador Cummings' lifetime dedication to humanitarian endeavors, the arts, public service to his community and most recently as the President's representative to Austria are an outstanding example for all of us to follow.

Ambassador Cummings' personal dealings with people was also reflective of his gentle manner and innate kindness. I wish to extend my sincere sympathy to the family and many friends of Ambassador Cummings. Their loss is shared by the entire Nation.●

WEAPONS TESTING

● Mr. PRYOR. Mr. President, last fall during hearings on defense procurement in the Governmental Affairs Subcommittee I expressed concern about problems with weapons and equipment made available to American military personnel in the field.

Probably one of the most highly publicized weapons failures was that of the M-16 rifle. We know now that we were sending Army soldiers into battle in Vietnam with a rifle that had a very high failure rate. In James Fallows' book, "National Defense," the entire history of the development of the M-16 has been presented.

We are now engaged in a $1.6 trillion 5-year defense buildup. Very little attention, however, has been paid to the testing and evaluation of these new weapons systems. It is not only a question of how much we want; it is a question of how well our weapons are going to work in the field, in realistic testing environments.

I would like to share with my colleagues an excellent article in Reason magazine, April 1982, by Dina Rasor entitled "We Pay for Duds: How the Pentagon Cheats on Weapons Testing." I encourage all Senators to take a close look at this article.

I have spoken several times in the last few months of my concern about the illusion of strength that the United States seems to be trying to create. We are now living in a military world of computer simulations and paperwork armies, and if we are truly going to commit ourselves and our national resolve to a renewed military buildup, then it is of the utmost importance that we follow closely the development and testing of these new weapons systems to insure that in the future we are providing our young fighting men and women with reliable and trustworthy weapons.

I believe this matter requires congressional attention and I will be developing appropriate comments and proposals to address this problem in the Congress in the coming weeks and months.

I ask that the text of Ms. Rasor's article be printed in the Record.

The article follows:

We Pay for Duds: How the Military Cheats on Weapons Testing

(By Dina Rasor)

We will never know how many Americans killed in Vietnam were lost due to enemy fire or to the politics of the Pentagon bureaucracy. We do know that the Army sent soldiers to Vietnam knowing that their most commonly used weapon, the M-16 rifle, would fail. And the Pentagon sent to Vietnam a tank, the Sheridan M-551, that was giving the Army serious difficulties.

The unreliability of the M-16 rifle had been thoroughly established and documented in field tests at Ford Ord in 1965. Even though the solution was a simple change of powder, the Army sent the unfixed rifle to Vietnam. There it jammed frequently enough in combat to induce soldiers to write to their parents, girlfriends, and members of Congress to complain about their rifles and about their buddies dying with jammed rifles in their hands. After numerous lives were lost because of this failure, Congress held extensive, yet not well publicized, hearings on the tragedy.

Paul Hoven, a helicopter pilot in Vietnam claims that he "never recalled seeing a captured Viet Cong using an M-16," although the Viet Cong would use all types of old captured World War II rifles. He saw the rifle jam "all the time" in use by his door gunners, the crew covering the sides of the helicopters from attack. He himself used a captured Viet Cong rifle rather than risk his life with a jamming M-16.

If Hoven had been a tank commander in a Sheridan M-551 light tank, he would have felt no safer. According to the first official report on the tank, it had 16 major equipment failures, 123 circuit failures, 41 weapons misfires, 140 ammunition ruptures, and 25 engine replacements. For the tank's main gun, the Army used a "caseless" ammunition that was unsuited to the high humidity in that part of the world, so gunpowder would sprinkle down inside the tank around the soldier's feet—a problem that could make the tank a rolling bomb during enemy fire.

Like the M-16, the Sheridan was extensively tested before it was sent to Vietnam. The Army Test and Evaluation Command listed numerous combat safety and effectiveness problems, yet it continued to roll off the production lines. The program was termed a "billion dollar boo-boo" by Rep. Samuel Stratton (D—N.Y.) after an intensive investigation in 1969, again prompted by soldiers' complaints from Vietnam.

In the years since the Vietnam war, there have been many in-depth analyses of the "lessons" in foreign policy and national character learned by the United States. Sadly, a lesson of vital importance to our future national security has been overlooked or covered up: why the Vietnam war was full of examples of weapons failures and unrealistic weapon systems that cost in tax money, unfulfilled military missions, and our soldiers' lives.

What is supposed to protect the soldier and the taxpayer from a "dream weapon" that fails miserably in the real world? The Pentagon calls it "operational testing"—a series of realistic battlefield tests meant to weed out turkeys before they reach the soldier in the field. But it was deficiencies in operational testing that kept the Vietnam weapons failures from being caught. In spite of countless lives lost and weeks upon weeks of congressional hearings and repeated critical reports from the General Accounting Office, those deficiencies still exist today.

HOW DO YOU BUY A WEAPON?

As a defense "ombudsman" for a nonprofit taxpayer organization, I have had a firsthand opportunity to see what drives the Pentagon and Congress to continue to buy and use weapons that will fail. I first became acutely aware of this problem while investigating the Army's new main battle tank, the M-1. One could hardly find a more revealing case study of the way operational testing has been so deformed by the Pentagon bureaucracy and porkbarrel pressures that soldiers continue to end up with weapons that will fail them on a battlefield.

The process the Pentagon uses to procure our weapons is an enormous bureaucratic mass, full of charts, chains of command, and acronyms. But in a simplified form, the basic components of buying a weapon are these:

First, after a service (Army, Navy, or Air Force) decides, with congressional approval, to build a weapon, a program manager is selected. He sets up an office with a staff of perhaps 200 to 500 people in the research and development command of the service to implement the development and production of the new weapon.

At "milestone" points scheduled by each service, it is decided whether or not to continue with the weapon. At Milestone I, the initial decision to begin the program is made. Between Milestone I and II, advanced development begins, with separate components of the weapon being developed at the same time. At Milestone II, the issue is whether to proceed into "full-scale engineering development" (usually a billion-dollars-plus commitment). Few weapons are ever cancelled once full-scale engineering development is approved. Between Milestone II and III, the prototypes are redesigned and tested to provide the basis for a production decision. At Milestone III, the service decides whether to engage in limited production and further R&D or to proceed to full production of the weapon.

The milestone decisions are made in each service by a council representing several appropriate commands. Those decisions are reviewed by DSARC, the Pentagon's Defense System Acquisition Review Council.

Where does testing of weapons fit in the milestone maze? There are two types of testing, developmental and operational. This is how Russell Murray, former head of Department of Defense Program Analysis and Evaluation described the difference between them to the Senate Governmental Affairs Committee in October 1981:

"The object of developmental testing is to find out whether a new weapon meets its technical specifications. The object of operational testing is to find out if the weapon—even if it does meet its specs [specifications]—will really be useful in combat.

"Developmental testing is conducted by highly trained scientists, technicians, and specialists under tightly controlled, laboratory-like conditions. Operational testing is conducted out in the field by run-of-the-mill servicemen under conditions simulating wartime as closely as possible."

So it is the operational tests that are supposed to protect the soldier from exotic-weapon nightmares. After Milestone II and the full-scale engineering decision, operational testing should be more important than developmental testing and should be one of the major factors in any production decisions.

But when we move out of the ideal world of chains of command and reporting channels and decision schedules, we find that the system doesn't work as it's supposed to. In the real world of politics and bureaucracy and porkbarrel, it is doing no better than it did with the Vietnam era's M-16 and Sheridan tank. The system is still promoting expensive and ineffective weapons at the expense of our soldiers.

David Hackworth, a former full colonel in the Army who served in Vietnam and was considered one of the Army's top counterinsurgency experts, recently wrote in the Washington Post of this new generation of weapons:

"My bet, unless cooler heads prevail, is that during the next five years America will spend $1.5 trillion replacing Vietnam era junk with a new generation of junk. It will be more wonder junk—the latest marvels of the dreamers and schemers. The kind of junk that the military has been saddled with since the end of World War II. . . ." As Defense Secretary Caspar Weinberger ponders such difficult problems as the B-1 bomber program versus the Stealth and the $75 billion MX missile scheme, I would like to repeat the words of a country boy corporal when he first saw Taylor's incredibly expensive Davey Crockett nuclear rifle: "Sir, that thing just won't work on the battlefield." A few years later, of course, it was returned to weapon wonderland with thousands of other harebrained, half-baked flops. Luckily it came between wars and nobody was hurt except the taxpayer who paid millions for it."

Included in this new generation of weapons is the Army's M-1 Abrams tank—and we're not talking millions, but billions, of taxpayers' money. From January 1980 to January 1981 alone, the price of the tank, which has a nine-year history of cost overruns, rose from $1.5 million per tank to $2.5 million per tank—a million-dollar jump per unit in just one year. The cost of the tank is now around $2.6 million per copy—and growing. So to buy the planned 7,058 of the new wonder tank, being built by the Chrysler Corporation, the taxpayer will shell out at least $18 billion before the Army is through.

The M-1 tank program caught my eye early in 1981 because of its dramatic increase in price. Although a new tank may not be as glamorous an item to buy as a new jet or missile, several military sources have impressed upon me that it could well prove to be a more decisive factor in any war in the near-term future (although you will never get the Air Force to admit that). While many different aspects of the buying of the M-1 tank are open to criticism, the way it was tested and the way the test results were reported to Congress are dramatic illustrations of what is wrong with our testing and procurement bureaucracies in the Pentagon.

WHAT'S IN A TANK?

Known until recently under its experimental designation, the XM-1, the M-1 tank is the Army's third attempt in the past 15 years to build a new tank. Congress had turned down two previous attempts, the MBT-70 and the XM-803, as too costly and too complex and too failure-prone. So the Army's technical reputation was at stake when the M-1 program was formally begun in November 1972.

The M-1 has many new "wonder" features that the Army claims improve significantly on the current M-60 series' survivability, effectiveness, and mobility. These features include new "magic armor," called Chobham armor, made of a classified superalloy reinforced with fiberglass; "fire-resistant" hydraulic fluid; and a fire-detection and suppression system that is supposed to put out fires in the tank, including the engine, automatically. Its laser range finder tells the gunner instantaneously how far away an enemy target is, and its thermal imaging system assists targeting in darkness, smoke, and dust. The firing system is computerized, and, to improve shoot-on-the-move accuracy, an elaborate stabilization system keeps the tank turret pointed at the target when the tank is rolling. Although the tank weighs in at 60-plus tons, its 1,500-horsepower gas turbine engine (similar to that in an airplane) allows it to attain a speed of 45 miles per hour on a flat road.

All these items have helped to push up the program unit cost of the M-1 to three times that of our standard M-60A1s. But what we're getting, says the Army, is the largest, fastest, and best tank in the world, crucial in any attempt to meet the "projected Soviet threat."

Do the complex new features improve battlefield effectiveness? In June 1981, six NATO countries held a "tank olympics" in West Germany. The Americans' performance was feared by competitors because their M-60A3 tanks were outfitted with a thermal imaging device and a laser range finder similar to the new equipment in the M-1. The English also entered their tank with a laser range finder.

None of these advanced devices was included on the German-made Leopard IA4 and IA3 tanks entered by the Germans and the Belgians. The Germans, who have won these contests in the past, said they placed emphasis on training and tactics—and they won again in this contest, with the Belgians second and the Americans third. As Defense Week reported: "The competition is a test of marksmanship, yet the laser rangefinder in the U.S. and British tanks seemed to help them little. 'The optical rangefinder is better,' asserts a German tank commander."

So it is important to realize that the complex new features do not necessarily increase effectiveness in a real match and under high pressure. In this case, tactics and training won over new electronics systems. Furthermore, these advanced technologies increase maintenance and spare-parts headaches and decrease the percentage of weapons ready to fight. Keep this in mind as we go into the details of the M-1 tests.

If you strip away all the fancy additions and the computer-age refinements, you come down to a very few basic characteristics of a useful tank. First and foremost among these is the ability to move immediately and quickly at all times. This, in turn, requires that the tank run consistently and reliably under adverse combat conditions with few breakdowns. When the tank does break down, it must be easy to fix quickly. The Army calls these characteristics RAM-D (reliability, availability, maintainability, and durability). The RAM-D requirements for the M-1 have caused the Army a lot of grief, but they could also mean life or death to the soldier in the battlefield.

In Operational Test I (OT I) on prototype tanks in 1977, the Army found that the M-1 was having a lot of trouble with its RAM-D requirements. As a result of congressional pressure, continuations of OT I in 1978 and 1979 stressed RAM-D, and the Army extended OT II to check prescribed fixes for the RAM-D problems. Looking into this is where I ran into a key problem with our weapons procurement: institutions that begin to deform test data before they are transmitted to decisionmakers in the services, the Pentagon, and Congress.

GRADE INFLATION

In April 1980 the Army issued a report on the final phase of OT II testing of the M-1 at Fort Knox, Kentucky, in late 1979. When you glance through the executive summary, the tank appears to have been doing quite well. However, the data and comments in the rest of the thick report are a cry for help about a weapon system with serious problems.

The total mileage for the test was 16,070.4 miles, racked up by three tanks. During the testing period, 1,007 maintenance actions were recorded. Taken in raw form this would mean that the tank had a problem approximately every 16 miles. Of course, it is reasonable to conclude that at least some of these maintenance actions, which can range from changing a light bulb to replacing an engine, were not occasioned by major problems that would be serious in combat.

The Army, however, takes this logic far beyond the reaches of reality. In interpreting the raw data from the Fort Knox tests, the Army's "scoring conference," a group of senior officers and civilians, from various commands, threw out all but 171 of the 1,007 maintenance actions. This made the tank have a "chargeable" maintenance failure every 93.97 miles for the Army's definition called "system reliability," or, as the Army says, 93.97 mean miles between failures—MMBF. It just happens that the goal the Army had set for itself for this point in the tank's development was 90 miles between failures. (Note: the Army has another mission criterion, called "combat mission reliability," and in grading the tank in this area the scoring conference threw out all but 56.2 of the 1,007 maintenance actions and had the tank going 285.95 MMBF versus a required 272 MMBF).

When I saw these numbers in the OT II report, I thought that perhaps the scoring conference knew something about the tank of which I was unaware. But as I flipped through the computer printout of the failure log, I noticed that the operational test director (the officer out in the field directing the test of the tank) had also noted which tank failures required immediate maintenance so as to ward off much worse trouble. He did record these failures, and when I divided his number into the 16,000 miles of driving covered in the test, I found that the M-1 failed seriously every 34 miles.

The Army, of course, was not happy when I pointed out to members of the press, and they reported, that the tank was really failing every 34 miles, instead of the 93.97 miles claimed by the Army's scoring conference. But I found that I was not the first person to catch such "grade inflation" by a scoring conference.

In April 1980 hearings before the Defense Subcommittee of the House Appropriations Committee, Rep. Jack Edwards (R-Ala.) had been disturbed by "discounted" failures of the power train (the engine, transmission, and final drive) in the first phase of the OT II testing. During the hearing, Congressman Edwards handed a list of recorded but discounted failures to Army Gen. Donald R. Keith, who was explaining to the committee the M-1's progress:

"(a) June 27, 1979, engine No. 47, catastrophic failure—discounted.

"(b) August 13, 1979, engine No. 50, catastrophic failure—discounted.

"(c) August 23, 1979, engine No. 33, major failure—discounted.

"(d) September 26, 1979, engine No. 51, major failure—discounted.

"(e) July 6, 1979, transmission No. 27, catastrophic failure—partially discounted.

"(f) July 5, 1979, transmission No. 21, catastrophic failure—discounted.

"(g) August 27, 1979, transmission No. 17, catastrophic failure—partially discounted."

General Keith was not prepared to give Mr. Edwards an explanation during the hearings but later submitted to the committee the following:

"That is correct, these failures were discounted by both the Scoring and Assessment Conferences. Remember that our objective is to determine the inherent durability of the power train itself when it is operated and maintained properly. *Other components which cause the power train to fail as a result of their own failure are not charged against the power train. Instead, these other components are assessed in accordance with the XM-1 reliability scoring criteria. . . . Although these failures were discounted, corrective action was taken in every case through either a hardware or procedural change to preclude recurrence. In those instances where partial discounting was indicated, changes had been made and sufficient test miles had been accumulated on the new item to show that the problem had been partially corrected. In the case of the transmission (#27) with the thin wall casting, checks of production castings demonstrated that there were no recurrences. So, the bottom line is this:* only inherent design faults are charged against power train durability, *but corrective action is taken to preclude recurrence of all pattern type failures.* [Emphasis added.]

General Keith claims that the Army was trying to test only the inherent design problems of the power train. But remember, that is the purpose of developmental testing. In OT II the Army was well into operational testing that is supposed to assess the tank, warts and all, in a combat-like environment. The soldier under enemy fire is not going to care whether a catastrophic failure in his tank was caused by what General Keith calls an "inherent design fault" or by what a scoring conference thinks is a "non-chargeable" incident. In either case, he may well be dead.

Even after invoking the help of the scoring conference to improve the reported power-train durability, the Army fell way below its own requirement. The Army specification was that 50 percent of the tanks go 4,000 miles without overhauling any portion of the power train. At the end of OT II, only 22 percent of the tanks could do so—this figure was without the failures Congressman Edwards had asked about.

Later tests would show that the "corrective action" emphasized by General Keith did not improve the power-train durability. The probability of operating for 4,000 miles without an overhaul actually went down during the first part of Operational Test III. And in the final results of OT III, the power-train durability figure was 15 percent after scoring.

As for system reliability, the Army's reporting of OT III Fort Knox tests shows the same grade inflation that I'd found in earlier operational testing. This time, the scoring conference rated the M-1 tank at 160 mean miles between system failures, up from 93.97. But when I went through the OT III failure log and applied the OT II test director's immediacy criterion, I found that the tank's more realistically assessed MMBF had only improved from 34 to 43 miles.

In a report on testing of the M-1 released in January 1982, after I had done my own investigation of OT III results, the General Accounting Office levels the same charge against Army grading of the M-1:

". . .the Army's statistics mask the fact that the M-1 sustained many component and part failures that did not figure in the Army's scoring. . . . However, statistics developed by the Army which measured mean miles traveled between what the Army terms 'essential maintenance' . . . showed the tanks traveling 48 mean miles at Fort Knox [OT III] and 43 mean miles at Aberdeen [DT III] between essential maintenance demands. . . . These scores, however, did not figure in the official calculations."

As the GAO concluded:

"This [the Army's actual] scoring methodology may be appropriate for measuring whether or not the contractor has met hardware design requirements. In our opinion, it does not realistically assess the tank's reliability or maintainability in the hands of soldiers."

TESTING BIAS

Helping new weapons to make the grade by inflating test scores is one reason ineffective weapons make their way into soliders' hands. My investigations have led me to believe that inadequate testing—testing that is biased in favor of the new weapons—is another key factor.

For example, operational testing is supposed to be the one way to make sure an unrealistic and inoperable weapon system does not reach the battlefield. To accomplish this, it is vital that the weapon be maintained and operated by the same average personnel and soldiers who will take the weapon into battle. Conversely, "babying" their exotic weapons through operational testing is another way the armed services can cover up battlefield weaknesses.

Maj. Gen. Richard Lawrence was responsible for the last phase of the M-1's OT III testing at Fort Hood, Texas. In March 1981 he told the House Armed Services Committee that "crews and unit mechanics are supporting the system as they would in combat, and they are doing it exceptionally well."

While this operational testing at Fort Hood was in train, I was invited by Sen. TED STEVENS (R-Alaska), chairman of the Defense Subcommittee of the Senate Appropriations Committee, to accompany him to Texas to review the M-1's performance. Our entourage included three senators, four Senate staff members, and myself. Instead of just watching the M-1 perform, we all had a chance to drive the standard M-60A1 tank as well as the M-1 tank, compare the gun stations of the two, and fire the M-1's main gun.

Although this public relations show was carefully staged, I did manage to talk to two tank commanders as we drove the tank. One of them asked where I had gone to college and surprised me by bragging about having graduated from an Ivy League school. Later, the other tank commander also told me that he had graduated from a large eastern university. These are hardly typical of Army commanders in the field, particularly since four of the five commanders in every tank platoon are supposed to be sergeants, not officers.

Later in the tour of the M-1 facilities, we were taken to the maintenance depot. Although several of the mechanics were quite young, I was struck by the age of the man who showed us how the Army tests the tank's electronic components. He was easily over 45 years of age and not in military uniform. Although I could not tell whether he was a Chrysler contract employee (General Lawrence insisted no contractor personnel were involved at direct support levels), he certainly was not the type of man one would expect out in the field in a wartime situation.

It would not be the first time overly qualified operators and maintenance crews were used in operational testing of new weapons. The General Accounting Office (GAO) has caught the Air Force doing it, too. In a June 1978 report to Congress, the GAO charged that—

"Air Force systems are not always operated and maintained during IOT&E (initial operational test and evaluation) by personnel with qualifications similar to those who would operate and maintain the systems after they are deployed. In many cases, contractor personnel perform much of the required maintenance.

Clearly above average Strategic Air Command pilots (graduates of test pilot school) were used during the B-1 test program. Pilots used for the A-10 test program were considered to be more qualified than the average Tactical Air Command pilot. . . .

"Service maintenance personnel . . . were generally very high caliber with considerable experience working in their specialty area. They were usually much more highly qualified than personnel who will maintain the system after it is deployed."

The GAO concluded that, because of these and other testing deficiencies, "operational test results might not adequately reflect the performance, maintainability, and readiness of the systems in a realistic operational environment."

During Operational Test I (OT I) of the M-1 tank, the Army did do some testing that would be useful in seeing whether it would be more reliable on the battlefield than the standard M-60A1—they tested the tanks side-by-side. This is perhaps one of the best ways to find out whether a new system is worth buying or whether you would be better off modifying the old system.

The only problem is that the Army did not continue side-by-side testing throughout the development of the tank program. The following numbers may tell you why. In OT I at Fort Bliss, Texas, during 1977, driving over the same roads and using the same scoring conference measuring "system reliability," the M-60A1 went 493 mean miles between the failures (MMBF) compared to 77 MMBF for the M-1. The Army's discontinuation of comparative testing again skewed the results in favor of the new weapon.

A few years later the Army's Logistics Evaluation Agency looked back through M-60A2 testing records, to see how the M-1's performance was stacking up. As noted in the 1979 logistics report, which I obtained by a Freedom of Information Act request:

"A current comparison shows the M-60A2 tank was tested (engineering test/service test (ET/ST)) for a total of 26,667 miles and 622 performance maintenance reports were written. At approximately the equivalent XM1 test mileage (21,423), 1,752 performance reports have been submitted" or about 3½ times the M60A2 incidents. [Emphasis added.]

To place this in perspective, the M-60A2 was by far the most complex model of the M-60 series but significantly less "advanced" than the M-1. It has been widely recognized as a disastrous failure, so disastrous that all of the Army's 750 M-60A2s have been recalled from Europe. Despite the fact that the M-1 needed maintenance 3.5 times as often as the unacceptable M-60A2, the Army continued to push the M-1 tank program forward with unrealistic optimism and continued to praise the tank at every milestone and every attempted congressional review.

REPORT CARD MANEUVERS

How much of the bad news discovered during operational testing reaches Pentagon decisionmakers and Congress? It is very hard to find out how much is transmitted during the closed-door meetings of the Pentagon's Defense System Acquisition Review Council that reviews each service's milestone decisions. But it is not hard to see that the promoters of the weapon system—the program manager, the research and development factions, and even the services themselves—are constantly trying to turn in to Congress glowing report cards that obscure bad marks in "battlefield" testing.

I have observed first-hand the elaborate effort the Army has made to minimize glaring faults of the M-1. Important shortcomings of the tank were not reaching Congress through hearing testimony or through the congressional staffs and especially not during congressional tours to review the weapon system.

One of the standard reporting-to-Congress techniques was demonstrated during hearings before the House Armed Services Committee on March 18, 1981. Maj. Gen. Duard Ball, program manager for the M-1 tank, told the committee that the power-train durability number had reached 30 percent—even though it had recently slipped from 22 percent to 19 percent, as Maj. Gen. Louis Wagner, commanding general of the US Army Armor Center at Fort Knox, had conceded to the committee earlier the same day.

While General Wagner was talking about the durability figure in operational testing, General Ball was using a figure that combined operational and developmental testing—although he didn't mention that to the committee. Since developmental testing is done by scientists in ideal conditions, the numbers from developmental testing are usually higher. They are often combined with operational testing results to pull up bad "battlefield" scores.

The General Accounting Office (GAO) has caught the Navy glossing over weapons problems in the same way. In a 1979 report to Congress, "Need for More Accurate Weapon System Test Results to Be Reported to the Congress," the GAO found that on a Congressional Data Sheet (a congressionally mandated report card to Congress) for the Major Caliber Lightweight Gun System, the Navy had also combined developmental testing and operational testing—and had put the combined results under the heading "operational testing" with no qualifying statements. The GAO showed with a chart (see box) how misleading that type of reporting is to members of Congress trying to decide whether to vote to buy the weapon. In the same report, the GAO revealed that misleading report cards had been sent to Congress for eight other Navy or Air Force weapon systems.

MISLEADING REPORT CARDS

A GAO table showed actual test results versus the Navy's reported results:

Objective	Characteristic	Demonstrated performance according to the most recent	
		Operational test report (Feb 1977)	Congressional data sheet (Jan 1978)
300 rounds	Mean rounds between failure (overall)	214 rounds	305 rounds.
800 cycles	Mean cycles between failure	533 cycles	952 cycles.
150 hours	Mean time between failure	98 hours (no critical or major failures)	195 hours (no failures).

An internal Army document reveals how low test scores are jacked up:

ISSUE: RAMD

	Requirement	M1 DT III	
		As tested	Adjusted [1]
Reliability (MMBF):			
System	101	75	99
Mission	320	251	336
Durability:			
Power train	[2] .5/4000	[3] .34 (.21)	[3] .40 (.37)
Track	[2] 2000	950	950
Maintainability:			
Maintenance ratio [4]	1.25	1.71	1.35

[1] Adjusted based on demonstrated corrective actions; all corrections may not be in initial deployment talks.

[2] Miles.

[3] ( ) = combined DT/OT III value.

[4] On-vehicle, active maintenance manhours/operating hour (10 mph). Adjusted value reflects failure rate reduction (38 percent) and atypical tire modifications (12 percent).

On November 5, 1981, Gen. John W. Vessey, vice-chief of staff of the Army, gave the House Armed Services Committee the final Army picture of the tank's RAM-D testing just after the M-1's full-production decision. Although he told the committee that the numbers he presented were based on combined operational and developmental test scores, he did not give any hint of the relative contribution of each.

Nor did Vessey mention that the developmental scores were not actual test results but "adjusted" results. The chart on page 25, reproduced from a summer 1981 internal but unclassified Army briefing that was leaked to me, reveals how important this adjustment was in helping the Army "meet" its RAM-D requirements. The creative "adjustment" referred to is to assume away any failure for which some engineer has subsequently proposed a fix, whether or not the fix has been installed.

Even after adjustments for such fixes, the M-1's crucial power-train durability requirement had still not been met. Although General Vessey admitted this to the committee, he did not give any number. In the final phase of operational testing, it was 15 percent, compared to a 50 percent requirement.

In a 1980 report released to me in January 1982 after being sanitized (classified material removed), the General Accounting Office concluded that, even after 10 years of GAO prodding of the services and the Department of Defense to improve their reporting to Congress, major problems still remained. Among its findings:

"Congressional testimony for 11 of 36 systems we received either (1) included misleading or inaccurate data or (2) in our opinion, could have been improved by including additional data.

"Eight of 16 Navy and Air Force data sheets for fiscal year 1980 still omitted or misstated data identified during our previous review which in our opinion should have been reported.

"Budget justification data, including RDT&E description summaries, . . . contained the following:

"Misleading or incomplete statements of system capability (three systems).

"Misleading, incomplete, or inaccurate data on planned tests, test results, or operational experience (seven systems). . . .

". . . we identified . . . incomplete, misleading, or inaccurate reporting for 20 of 27 systems included in our review which have SARs (System Acquisition Reviews)."

THE M-1 ROLLS ON

To illustrate the way weapons testing is so deformed that it cannot serve its purpose, I have taken you through only one aspect of the M-1 testing—RAM-D. Deficiencies in many other, equally important, areas have not been fixed and are following the tank into full production and delivery to Europe. I discovered several very serious defects that appeared at the end of the testing of the M-1 but did not come to the fore in congressional testimony and review.

All the way through the troubled evolution of the M-1 testing, the Army has touted its "fire-resistant" hydraulic fluid and its fire-suppression system to protect the soldier from fires inside the tank. This is an important concern considering that, according to a top Israeli tank commmander in the 1973 Mideast war, 300 of the 800 Israeli tank crewmen killed in that conflict were burned to death by the flammable hydraulic fluid in their US-built M-60s.

On November 5, 1981, General Vessey told the House Armed Services Committee:

Crew survivability, appropriately allocated number one priority, has had the greatest effect on the design of the tank. The system combines armor of a special design, compartmented ammunition and fuel, flame resistant hydraulic fluid, and automatic fire detection and suppresion, *to provide unprecedented crew-protection. Effectiveness of these systems has been demonstrated conclusively through testing of both individual structures and a combat loaded tank against a variety of potential enemy munitions including small arms, large caliber tank and anti-tank munitions, and anti-tank mines. The results are impressive evidence of this tank's outstanding protection for its crew.* [Emphasis added]

Shortly after this testimony, I obtained a copy of an anonymous maintenance cable sent from Fort Hood, Texas, to the M-1 tank command in Warren, Michigan. The cable, dated October 1981 (after OT III, the last operational testing) listed many maintenance problems, but one item caught my eye:

"E. Hydraulic Fluid (FRH). The high pressure hose from the reservoir has failed twice causing severe fire damage to the tank. The FRH burn point is only 216 degrees F and flash point is 425 degrees F. Any conception that its use makes the Abrams tank fire proof is in error. A substitute more fire proof fluid should be used. As an interim solution, this hose should be shielded to divert any spray away from the hot engine."

Although the cable provided no further details about the two tank fires, the thought that these tanks did catch fire twice, with no one shooting at them, was very sobering.

The low burn and flash points of the hydraulic fluid is particularly disturbing because the exhaust from the M-1's unique turbine engine alone runs between 900 and 1,500 degrees F. There are other, less flammable, hydraulic fluids on the market. Commercial airliners use Skydrol, a much more flame-resistant hydraulic fluid.

A colleague of mine then pointed out that, since the tanks did receive severe fire damage, the automatic fire-suppression system must have failed. A few days later, our fears were confirmed. I obtained a copy of an Army Developmental Test III briefing, dating from the summer of 1981, that listed the fire-suppression system as a "critical hazard" for the M-1.

In December 1981 I asked Gen. Robert L. Kirwan, head of the Army's Operational Test and Evaluation Agency, whether he was satisfied that the M-1 had met its requirements enough to warrant full production. His reply:

"The M-1 tank was one of the most tested development acquisitions within the U.S. Army. The OTEA conducted thorough operational tests of the M-1 tank, reported and evaluated those tests, and presented its findings and evaluations of those tests to the appropriate decision makers. I am satisfied that our testing of the M-1 tank was accomplished adequately, professionally, and credibly."

Congress has approved funds for fiscal year 1982 for the M-1 to go into full production, and the Department of Defense has given the M-1 its official blessing as the US main battle tank. M-1s are now being shipped off to Europe.

CAPTURED TESTERS

Why doesn't someone do something about this? you may ask. They have tried. Since 1970 there has been an intense effort to get operational testing away from the promoters of the weapons—the research and development community in the services and the Pentagon—and into the hands of independent operational testers who would put the soldier above the politics of procuring weapons.

In 1970 a Blue Ribbon Defense Panel appointed by President Nixon, perhaps in reaction to weapons failures in Vietnam, studied several issues in defense procurement, including operational testing. The panel found, for the most part, that the Operational Test and Evaluation (OT&E) function of the services was not managing to weed out undesirable weapons.

The panel recommended sweeping reforms, including establishing an independent Operational Testing and Evaluation group in the Office of the Secretary of Defense (OSD) under civilian leadership and establishing a separate, independent Defense Test Agency. They also recommended that the OSD testing group, as well as the operational testing program in each service, have a substantial and separate budget from the R&D groups.

Under the Nixon administration, Undersecretary of Defense David Packard responded by setting up a testing group in OSD, but this group reported directly to the Pentagon's chief weapons developer and promoter, the Director of Defense Research and Engineering, who is responsible for all weapons R&D and procurement. Packard apponted a retired Army general, Gen. Alfred D. Starbird, to set up the organization. General Starbird had deep roots in the developer community; he had been program manager of the Army's Anti-Ballistic Missile System—a system plagued with problems that had been covered up in testing.

There is an ongoing debate in the Department of Defense (DOD) whether the service testing agencies and the OSD testing group are truly independent of the strong research and development community in DOD. I interviewed one person in the Pentagon who has been deeply involved in testing and prefers to remain anonymous for fear of his position. He claims that these procedural reforms are mere "window-dressing" and that the so-called independent testing agencies are still "captured" by the R&D factions in the Pentagon.

When I asked retired Adm. Isham W. Linder, the current director of DOD Test and Evaluation (the "independent" group set up during the Nixon administration), if his office is truly independent, he responded with an emphatic yes. He admitted that his funding comes from the Office of the Undersecretary of Defense for Research and Engineering but claimed this is only for convenience. He told me that he does consult with Dr. Richard DeLauer, the undersecretary of defense for Research and Engineering, but can go "straight to the Secretary of Defense" if he needs to. For the record: the DOD directory lists Admiral Linder a part of DeLauer's R&E department.

In Linder's office in the Pentagon, we talked about reporting systems and program managers who become overzealous "salesmen" for their weapons. He described the role of his office as one of "monitoring tests" and watching over the service's testing agencies. He is happy, he said, with the Navy's test agency, which has been in existence since the end of World War II, but noted that it took the other two services "a long time to accept the idea" of independent test agencies. He also expressed satisfaction with the Air Force test agency but confided that the Army's agency, OTEA, is "fighting for life" from an overbearing TRADOC, the Training and Doctrine Command for the Army.

I left the office feeling that Admiral Linder is confident of his agency and the service agencies' watch over our weapon systems. He certainly does not seem to be the sort of man who would allow flawed weapons onto the battlefield to threaten soldiers' lives.

And yet . . . one must look at the record during his "watch." As director of Defense Test and Evaluation since the spring of 1978, he has overseen the testing of the M-1 tank, the newest version of the Sparrow missile, and the Navy F-18 fighter—all of which have had major testing problems. We don't know whether Linder raised a fuss at closed-door Milestone reviews of these weapons, but the ultimate proof of his effectiveness is whether the testing he "monitors" stops weapons that will fail on the battlefield.

Maj. Gen. Robert Kirwan, director of the Army's Operational Test and Evaluation Agency, is adamant that his agency is independent and reports directly to the Army vice-chief of staff. "The OTEA zealously protects its independence so that its assessments remain unbiased," he said in a letter to me. Yet Admiral Linder is worried that OTEA is being swallowed up by the Army developer, TRADOC.

BATTLING THE SYSTEM

Most of the "mavericks" in the defense testing area prefer to remain anonymous because they are still reliant on the Pentagon. I did meet one, however, who pushes his independence about as far as he can and still remain in a position of power. He is Vice-Adm. Robert Monroe, currently the director of Research, Development, Test, and Evaluation for the Navy. He has only been in this position for a couple of years; before that he was the head of the Navy testing agency, OPTEVFOR (Operational Test and Evaluation Force).

After a few minutes into our first interview, it was apparent that Monroe, although he has been kicked upstairs, is still an operational tester at heart. He spoke in glowing terms of the importance of operational testing and how it must be separate from developmental testing. "I believe in these things," Monroe explained. "There is a constant fight to ensure that expediency doesn't take over and weaken the (weapons) system."

He outlined the dilemmas and pressures that face an operational tester under the current system. There is resistance to his recommendations by the program manager and the sponsors of each weapon. The program manager is "on occasion more success-oriented" and willing to "burn more bridges" and move ahead with a weapon that is not fully developed or tested. Decisionmakers want to keep moving ahead with a program so that the service's budget does not lose the dollars associated with it.

Monroe insisted, however, that the operational tester wins in this struggle and that the Navy test agency is independent and reports directly to the chief of Naval Services. The 1970 Blue Ribbon Defense Panel also reported that Navy operational testing was the "most logically organized." And DOD sources confirm that Navy testing is good but worry that the test results are often ignored by higher-level brass.

As commander of OPTEVFOR, Monroe did manage to stop the Major Caliber Lightweight Gun (the MK-71) and to delay production decisions on the Navy Harpoon missile and the newest model of the Sparrow missile, the AIM-7F. In our discussion, he went into great detail about stalling production of the Sparrow air-to-air missile because of reliability problems—extremely low mean flight hours between failure.

A DOD unclassified analysis of the Sparrow testing supports Vice-Admiral Monroe's claim of good testing:

"Testing conducted during IOT&E revealed or verified design and performance problems requiring major modifications. Early identification of these problems permitted the Navy (and the Air Force) to develop employment doctrine and tactics to minimize missile shortcomings.

"Adequate testing also provided the Services and DOD decision-makers with sufficient information to affect their decisions to delay production. . . ."

Yet the report also refers to the AIM-7F's "limited potential in the more demanding combat environment" and "the controversy surrounding the missile system itself." As the operational tester of the newest Sparrow, Monroe was able to hold out on the narrow reliability issue but was still unable to stop it because of its lack of effectiveness.

The Sparrow has been built in various forms since 1955. They were used in Vietnam and were one of the notable weapon disasters in that war. At $44,000 each (in 1968 dollars) they only killed the target, according to a recently declassified DOD study of Vietnam weapons failures, in 8 percent of the firing attempts. The testing of the new AIM-7F Sparrow was not done side-by-side the old Sparrow to see whether it improved on the major deficiencies of the old one. This new version is claimed to be more lethal, but this could only be established by extensive firings against multiple real aircraft targets. These extensive firings have not taken place. I have been told by several Pentagon sources that the missile, at $120,000 each, still is not a very effective weapon.

Even if Vice Admiral Monroe also fought against the missile because of its poor effectiveness as a weapon, he was fighting a Sparrow weapon "constituency" that had been growing since 1955. Faced with that type of opposition, he was lucky to be able to delay the Sparrow because of reliability problems.

During my second interview with Monroe, he emphasized that the Washington environment is not conducive to careful consideration of operational testing needs or results. He called Washington a "hyper-political town" where people take sides on weapon systems based on general liberal or conservative politics. He does not believe in the independence of the OSD testing agency and would like to get testing "out of Washington" and place more reliance on the operational testers in the field.

CAN WE WIN THIS WAR?

In 1977 a group of concerned defense experts in the Pentagon and President Carter's transition team, dismayed at the existing testing structure, took advantage of a new administration reorganization. They convinced then-Secretary of Defense Harold Brown that testing had to be pulled away from the influence of the R&D community in the Pentagon. Secretary Brown agreed to set up a new independent testing and evaluation office to, as he told Congress, separate "the analysis of operational test results from the personnel responsible for research and engineering, thereby providing me with completely independent evaluation." The plan called for splitting the testing in the Office of the Secretary of Defense, leaving developmental testing to the developers and operational testing to the new independent group.

The R&D community saw this attempt as a direct attack on their ability to move weapons through the system without criticism. The attempted "coup" only lasted a little over a year. The undersecretary of Defense for Research and Engineering at the time was William Perry. According to Rep. Les Aspin (D-Wis.), Perry had convinced Harold Brown to limit the staff of the new OT&E organization to 8 people instead of the recommended 22 and had made it impossible for the group to obtain a formal charter that would allow them to ensure adequate operational testing. They did find that several major weapons—the Pershing II missile, the Infrared Maverick missile, and the GBU-15 (a TV-guided missile)—had been prematurely pushed into the production stage despite serious failures during testing. But in October 1978 the independent OT&E office asked to be disbanded (a remarkable occurrence in any bureaucracy) because of the impossibility of carrying out its functions without an appropriate staff and charter.

Congressman Aspin learned about the death of the agency after he discovered that the telephone number had been changed. He objected to the demise of the office, but to no avail. When I interviewed him recently, he referred to the OT&E defeat as "an indication of lack of commitment to getting to the heart of the problems of military procurement."

So what is the solution to the inordinate power of R&D interests? How can we get effective and affordable weapons to the soldiers in the field?

Vice-Admiral Monroe's proposal to get testing out of Washington might work if all the operational testers were as hard-nosed as Monroe, if the test data were not laundered, and if decisionmakers would listen to the operational tester and make the hard decision to cancel a weapon that will not work. There are too many loopholes for the weapons promoters to slip through in Monroe's solution.

Kwai Chan, group director of the GAO's Institute for Program Evaluation, would like to see money appropriated for missions and have several types of weapons in each service compete for this mission budget. For example, we might have the mission of defeating an enemy tank, and the Air Force would compete with the Army to come up with the best solution. This could be a very productive idea if the services would cooperate and if testing were honest.

Several sources inside the Pentagon still believe in the possibility of an independent testing agency. One of them believes such a group could be successful if given "young and tough guys" who had not been trained in the old bureaucratic system. With the Reagan administration's moves to "decentralize" DOD, however, turning over major decision making to the services, it is unlikely that this is a viable option for some time.

It is patently clear that more governmental studies or investigations will not solve the problem. Additional paper reforms promise to be deformed by the bureaucracy to fit its need to survive and advance careers.

How can this overzealous, money-spending developer complex be reformed? As a defense "ombudsman," it has been very hard for me to understand why people in the bureaucracy are able to do such a basically evil thing as to send a soldier into battle with a weapon that they know will fail. Thomas Amlie, former director of the Navy Weapons Center at China Lake, who has been in the system over 20 years, shed light on the problem in a paper widely circulated in the defense community a few years ago:

"The DOD has all the symptoms of being corrupt, incompetent and incestuous, and is so to an alarming degree. This is not because of some sinister plot. . . Many of the players are aware that things are going badly and are unhappy because they do not have meaningful jobs where they can contribute. They are not, in the main, dishonest or incompetent, just caught in a very bad situation. . . . The bureaucrat soon learns that he who does nothing has a simple life and he who tries to do something gets in trouble. Even if the doer succeeds, he is seldom rewarded. All pressures are to maintain the status quo and not rock the boat because the Congress and Administration are willing to put up the money every year, independent of the results. . . .

"The basic reason for the problem is incredibly simple and will be incomprehensible to one who has not spent time in the system: there is no profit and loss sheet. Thus, there is no competition or incentive to produce. The goal of every good bureaucrat is to get an exclusive franchise on whatever it is he is doing. If nobody else is doing it, no one can measure how well or poorly he is doing it. . . . The only requirements are to stay busy, generate paper and make no mistakes. The reader tempted to criticize this behavior is invited to first imagine himself in the situation, complete with a large mortgage and children in college."

So to make sure we deliver affordable and effective weapons to the battlefield, we must have good and independent operational testing. But in order to have this type of testing, we must dramatically change the way the Pentagon procures its weapons.

Some simple but major changes would be to set up a testing system in which the developer and promoter of the weapon must turn the weapon over to the operational testers when the development tests end. Under the current system, these tests often run concurrently, OT and DT results are often muddled together, and there is not a distinct decision point to go or not to go with the weapon. Another improvement would be to fire people who cover up, lie, or attempt to promote a weapon system that is not working. This would send messages throughout the bureaucracy that successful weapons, and only successful weapons, can get people promoted. It is also essential for Congress to insist that test results be reported under oath.

One of the most effective changes would be to refuse to fund any new weapon that costs three times as much as its predecessor, to set a reasonable budget limit for each new weapon and refuse to change it, and to reward innovative people who produce inexpensive and effective weapons—in other words, insert a profit and loss sheet in weapons procurement.

These changes would require a giant change in attitude on the part of the Pentagon, Congress, and the general public. One of the first steps toward this change is to support honest operational testing and a stronger role for test results in the decision-making process. This first step is necessary to begin to weed out the generation of ineffective weapons that are still being produced, "fixed," and handed over to our soldiers.

Can we do this as a nation without another war filled with weapons failure horror stories and countless numbers of our sons unnecessarily lost?●

SUPPORT FOR THE JACKSON-WARNER RESOLUTION

● Mr. DOMENICI. Mr. Speaker, today I would like to announce my intention to support the Jackson-Warner resolution (S.J. Res. 177) dealing with nuclear arms control. I believe, as it is evident that a majority of the Senate also does, that the Jackson-Warner proposal represents the correct and prudent approach to the important issue of arms control and its relationship to national security. The remarks of the President during his news conference last night indicate that the administration also views this as the correct approach. I have been concerned that our past preoccupation with arms control led us to neglect the basic responsibilities of seeing to the existence of an adequate national security posture. There are all too many examples over the past decade—the so-called SALT decade—of unilaterally deciding to cancel or delay important defense-related actions in the forlorn hope that some magical SALT breakthrough would release us from the responsibility of seeing to our own defense. Regrettably, we are forced to deal with the legacy of that neglect today. Indeed, part of the serious economic situation we face today is complicated by the inescapable need to substantially increase—year to year—the level of funding for national security in order to make up for the lost momentum of a decade of SALT.

The President's remarks last night, coupled with the amount of support which this Jackson-Warner resolution has already achieved, have reassured me that there is little danger that the United States would repeat the mistakes of the previous SALT experience. It is apparent that we will not let emotional reactions about the consequences of nuclear competition—reactions which are altogether understandable and which I believe I share with the majority of Americans and people throughout the world—overcome the requirement that Government maintain a cool and hard-headed perspective about the nature of the military competition and inhibit the requirement to see to the security of the country. The administration will not, as this resolution implies, let the United States be frozen into a position of inferiority. We will keep the pressure upon the Soviet Union to agree to equable and verifiable reductions in the world's nuclear arsenals. We will recognize that deterrence is a dynamic, not static, situation which must be continually maintained. That process of maintenance is expensive and it is certainly a situation which, at its outer boundaries, holds the most horrifying scenarios of devastation. But that is part of the nature of the nuclear deterrence relationship we exist in today and we dare not shirk from its maintenance at this point.

I commend all Members of Congress, and all Americans, who have rightly pointed to the grave responsibilities and implications which the present nuclear environment entails. They are right to focus our attention on the matter as the highest priority issue to deal with. But I cannot support any measure which would again thrust the United States into the position of gambling with security.

I have great confidence that the deterrence relationship, if properly maintained, will provide mankind with the time to agree to the elimination of nuclear weapons. But it seems to me that deterrence maintenance, not unilateral and naive constraints, is the essential condition for such an agreement to occur.

I am pleased to join my other Senate colleagues in supporting Senate Joint Resolution 177.●

THE DISABILITY INSURANCE PROGRAM

● Mr. MOYNIHAN. Mr. President, in 1980, after the General Accounting Office investigated problems in the social security disability insurance—DI—program, Congress amended the Social Security Act to insure that only genuinely disabled persons receive DI benefits. The Disability Insurance Amendments of 1980 require the Social Security Administration to reexamine everyone now receiving DI benefits. Those found no longer disabled are to be removed from the benefit rolls.

These mandatory reviews, known as continuing disability investigations, began in March 1981. Evidence provided by the Social Security Administration itself indicates that a very great number of disabled persons are being removed from the rolls, along with those who no longer are infirm. In 1981, the State agencies that carry out DI reviews examined 351,000 cases. According to SSA, benefits were terminated in 45 percent of these cases. Persons denied benefits may appeal their case to an administrative law judge. Benefits were reinstated in 47 percent of the appeals.

That eligibility regulations are to be maintained scrupulously should be an elementary principle of government, but the evidence provided by SSA indicates that there are serious problems with the continuing disability investigations. As a result, on February 11, I joined with Senator METZENBAUM to introduce S. 2086, a bill to require SSA and the State agencies that carry out case reviews to adopt some procedural safeguards to protect those entitled to DI benefits. We have called upon the Senate Finance Committee to hold hearings on the problem, and I am confident those hearings will soon be held.

Hearings have already been held by the House Committee on Ways and Means Subcommittee on Social Security. At that time, my distinguished colleague, Senator RIEGLE, presented incisive testimony on the problem of continuing disability investigations, putting forth lucidly and thoroughly the problems disability insurance beneficiaries face. I commend it to the Senate, and ask that it be printed in the RECORD.

The testimony referred to is as follows:

Testimony of Senator Donald W. Riegle, Jr. on H.R. 5700—the Disability Amendments of 1982

Mr. Chairman and Members of the Subcommittee, I would like to thank all of you for providing me with the opportunity to testify here today on one of the most unpleasant and distressing issues before Congress today. I am referring to the massive assault the Federal Government has undertaken against our nation's disabled citizens. Some may consider these harsh words to be an exaggeration of the problem before us. However, I think a careful and detailed examination of the matter will substantiate my characterization of the current administration of Continuing Disability Investigations—CDI's—within the Social Security Disability Insurance Program.

I would like to congratulate you, Mr. Chairman, and you, Mr. Archer, for taking the leadership in fashioning a comprehensive bill designed to confront this most difficult problem. Your bill goes a long way toward dealing with many of the problems in current law that are resulting in extreme and often unnecessary hardship for thousands of disabled social security beneficiaries. I have some suggestions with regard to specific sections in H.R. 5700 which I think will strengthen the objectives of the legislation to protect the rights of beneficiaries while assuring that only eligible individuals are in receipt of benefits. However, I'd like to begin by briefly characterizing the problems with the administration of CDI's today, as I see them as a United States Senator and as a representative of the citizens of Michigan.

I think Congress acted reasonably when it required in the Social Security Disability Amendments of 1980 that all non-permanent disability cases be reviewed at least every three years and all permanent cases every seven years. No one wanted to see individuals, who had medically recovered or who had returned to substantial employment, continue to receive benefits in violation of Federal law. The rapid expansion of the Social Security Disability Insurance program during the nineteen seventies together with projected shortfalls in the Disability Insurance Trust Fund, made the tightening, of what was previously a rather lax administration, necessary if we were to assure that there would be sufficient funds available for legitimate beneficiaries.

However, the implementation of this provision in the 1980 Amendments, which the Reagan Administration voluntarily launched nine months earlier than required by law, has resulted in severe hardships for thousands of social security disability beneficiaries who are forced to go without benefits for many months, and who must demonstrate at several different levels within the appeals process, that their disabilities continue and that they remain eligible for social security disability benefits. This would not be so troublesome if the majority of individuals who were forced to go through this process were individuals who were no longer entitled to benefits. However, this is not the case. Almost two-thirds of the terminations of current beneficiaries by the Administration since their voluntary implementation of the review requirements of the 1980 Amendments, were reinstated after appeal. The most recent data shows that 69 percent of those individuals who are thrown off of the disability rolls, who are forced to find alternative funds for basic sustenance, perhaps by selling their homes or essential possessions they have earned after years in the work force, are later proven eligible for disability benefits. Even though these individuals will receive retroactive payments covering the period when their benefits were terminated, their previous financial status is often irretrievable. In addition, many of these individuals will lose up to 25 percent of their wrongfully terminated benefits for attorney's fees.

Clearly these figures are a serious indictment of the system and strong evidence that we need major revisions in the CDI procedures. Without swift action, the situation promises to get worse. The individuals who were initially chosen for reevaluation in the CDI program were selected from a group of individuals most likely to no longer be disabled for the purposes of benefits. And it is out of this group that only one-third who are initially terminated are permanently removed from the rolls. The poor correlation between the initial terminations and those terminations at the conclusion of the appeals process, promises to increase as less "error prone" cases are reviewed. It seems to me totally unacceptable to force the 2.9 million Americans who are currently receiving social security disability benefits to be subject to a review process that results in the wrongful termination of thousands of cases.

On a more personal level, I would like to take a moment to share with you some of the specific problems we are experiencing in Michigan as a result of the current administration of CDI's. In my seven regional offices in Michigan, we have seen our social security disability case load increase by as much as 95 percent since March of last year. In addition to individuals who have already received termination notices, my regional offices have been receiving regular phone calls from current recipients who are worried about their cases being reviewed and who are concerned about their prospects for being terminated.

Beneficiaries are not the only individuals contacting my offices expressing concern about the current CDI program. I have also been contacted by disability examiners from the Michigan State Disability Determination Office. These are the individuals at the front line of the disability review program. After holding meetings in my office with examiners, I found that the examiners feel that many of the terminations are wrong, but the new guidelines tie their hands so much that they are unable to do anything about it. They spoke of many instances when they have tried to "sneak" someone through who they knew as disabled as defined by law, only to have it reviewed at the Social Security headquarters in Baltimore and sent back to them for re-determination. The examiners explained that the new Program Operation Manual (POMS), the Federally issued manual which governs the determination of disability by the state agencies, makes significant changes in the previous criteria utilized for determining desability. This is especially evident in cases involving mental impairments, where vocational criteria are no longer considered and an IQ must be under 60. These rigid determinations have bizarre results, where individuals committed to the Michigan State Psychiatric Hospital are considered no longer disabled and have had their benefits terminated.

Heart disease is another area resulting in a high percentage of denials as a result of the new POMS. The manual is very specific about the degree of occlusion which must have occurred and require that treadmill and EKG evidence be presented. When a patient is unable to take a treadmill-EKG as a result of his or her doctor's advice, they are terminated because of lack of evidence to prove the claim. The Social Security Administration will not accept any tests or other evidence as an alternative to the treadmill.

This harsh and over-zealous attack on our nation's disabled citizens has resulted in unnecessary hardship and suffering. On Thursday November 5, 1981, a Lansing man who had been receiving social security disability benefits since 1967 as a result of a severe back injury, stood outside of the local Social Security office and killed himself with a shotgun shortly after discovering his disability benefits had been terminated. Numerous other suicides have been reported around the country as a result of CDI's. Another case being monitored by one of my regional offices in Michigan, concerns a 38 year old man who is terminally ill, suffering from leukemia, ploycythemia vera (a blood disease), chronic arthritis, hypertension, severe bone pain from both cancer and hepatitis, along with a severe personality disorder associated with a history of both drug and alcohol abuse. The Social Security administration says the extreme debilitating bone pain, associated with cancer, is no longer a factor for consideration. This man's problems are so severe, and he's so depressed, that the doctor will not allow the family to tell him his social security disability benefits have been terminated.

These are just a couple examples of a whole litany of cases that one could cite from my state and from every state in the Nation where the aggravation created as a result of the CDI reviews worsens heart conditions, hinders treatment for emotional and mental conditions, and in general, turns an already marginal existence into a nightmare.

I have some suggestions with regard to specific sections of H.R. 5700 which I would like, if there's no objection, to have inserted into the hearing record. However, I would like to commend the Subcommittee for moving forward with this needed legislation and treating this matter with the highest priority. As is evident from my earlier comments, I see this as a major problem within the Social Security Disability program, and I'm pleased that something is being done about it.

I did want to briefly mention that I particularly support the provisions of H.R. 5700 that extend the issuance of benefits during the appeals process. As I have already indicated, the provision in current law regarding the termination of benefits, is perhaps the greatest source of hardship for beneficiaries. In addition, I strongly support the provisions of the bill that extend vocational rehabilitation services to individuals who were terminated from the disability rolls as a result of a CDI review. This is an innovative approach for providing assistance to individuals who, while no longer disabled for purposes of receiving social security benefits, are nevertheless often in need of vocational and rehabilitation counseling and services.

In closing, I would like to reiterate my contention that the current administration of the Continuing Disability Investigations is resulting in cruel and unnecessary hardships for thousands of disabled Americans. We must seek ways to get Federal spending under control and to eliminate waste and fraud in government programs and activities. However, we must not approach that objective in a manner which results in the needless suffering of innocent bystanders. I believe that H.R. 5700 is an important first step in the right direction and I commend the Subcommittee for taking the leadership in this area and for providing me with the opportunity to share my thoughts with you today.

Thank you.

SPECIFIC COMMENTS ON H.R. 5700 BY SENATOR DONALD W. RIEGLE, JR.

Let me briefly discuss the specific provisions in H.R. 5700. The sections of H.R. 5700 that strengthen the reconsideration process, establish uniformity at the various levels of adjudication, and create a Social Security Court, all speak to the need to fine tune the review process with the objective of trying to reduce the number of reversals on appeal. My concerns about all of these provisions is that such fine tuning is achieved by significantly tightening and narrowing the definition of disability. The way in which this bill attempts to attack the problem of wrongful termination is—in essence—to redefine the definition of disability, eliminating many currently eligible individuals. I do not believe that Congress should narrow the already strict definition of disability in the Social Security Act and thereby disqualify individuals with the types of severe conditions I mentioned earlier in my testimony.

I strongly urge the Subcommittee to consider achieving uniformity in the decision-making process by requiring the Social Security Regulations and the Program Operations Manual (POMS) to be redesigned so as to be in conformity with the requirements in the Social Security Act and the judicial precedents established in Federal Court. As the bill is currently drafted, uniformity would be achieved by nullifying judicial precedents and by requiring the adoption of the new Regulations and strict POMS standards at all levels of adjudication. By adopting the Federal Court standards at the first level of re-examination, thousands of disabled beneficiaries will be spared the unnecessary anguish of wrongful termination.

I strongly support the provisions in the bill that extend the option of the recipient to continue to receive benefits after initial notification of termination until a face to face evidentiary hearing is held. This would establish uniformity with the current procedures in the SSI program and would lessen much of the hardship experienced by many beneficiaries who are currently thrown off the rolls in a number of weeks. A similar provision is contained in S. 1944, a bill introduced by Senator Levin, on December 11, 1981, of which I am a cosponsor. I am concerned, however, that the six month limit in H.R. 5700 for such continued benefits may be an insufficient amount of time in some parts of the country where there is a significant backlog of appeals.

I am also concerned about the provision of the bill that would close the record after reconsideration rather than after a hearing in front of an Administrative Law Judge (ALJ) which is the practice under current law. Many beneficiaries do not seek counsel until the ALJ hearing and therefore have inadequately developed records at the reconsideration level. Until we are assured that the reconsideration process will not continue to be pro forma reaffirmation of the initial determination, a fair and complete appeals proceedings can not be assured if the record is closed after the reconsideration level. I recommend the Subcommittee postpone the enactment of this provision awaiting evidence that the reconsideration process has become a meaningful level of review.

In addition, I am strongly opposed to the provision which alters the recency of work test. In a state like Michigan, where employment is a significant problem, many newly disabled individuals out of the work force for several years, due to their inability to find employment during difficult economic times, will be denied benefits. The objective of the Social Security Disability Insurance program to provide funds for lost wages due to a severe disabling condition, would still apply to individuals out of the work force for a few years due to their inability to secure employment.

I would also like to briefly discuss those sections of the bill that deal with vocational rehabilitation. I strongly support the concept that those individuals terminated from the Disability rolls as a result of CDI's are in particular need of vocational rehabilitation services and counseling. Many of these individuals whose benefits are terminated as a result of CDI's, have been on the disability rolls for many years and are almost immediately thrown into a position where they must either seek employment or sell off most of their possessions in order to qualify for welfare. The additional funds made available under this bill to provide these individuals with vocational rehabilitation services will help assure that no one is forced to seek welfare for lack of vocational and rehabilitation counseling. I would however strongly urge the Subcommittee to consider the proposed program outlined in S. 1987 for providing vocational rehabilitation funds to the states for SSDI and SSI beneficiaries and adapt this program to meet the needs of CDI's. This bill, of which I am a cosponsor, was introduced by Senator Cranston on December 16, 1981, and provides the states with adequate funds for the specific purpose of rehabilitating Social Security Act beneficiaries without additional strain to the Disability Insurance Trust Fund and could be easily modified so as to address the specific problems confronting newly terminated CDI's.●

THRIFT INDUSTRY BAILOUTS

● Mr. CHILES. Mr. President, it is no secret that the thrift industry has seen better times. Losses in the past months have been staggering and a large percentage of savings and loan associations in this country are now in serious trouble. Many more are beginning to experience difficulties. In my State of Florida alone, we have already experienced several mergers. These mergers have maintained the financial integrity of the troubled thrift institutions, but in no way have they addressed the underlying problems of the industry which include inflation and high interest rates. While many of us in Congress have been working hard on the interest rate and inflation questions and have endorsed resolutions assuring the public that their savings and deposits are safe and secure, I think we also have to acknowledge that to a large extent, the problems facing thrift institutions must be viewed in terms of Government mandated lending policies.

Recently, we have heard more and more about a so-called Government bailout of the thrift industry. I think this is an unfortunate characterization of the assistance the industry is seeking because it implies in some way that the industry in the past has not been able to efficiently and effectively conduct its business. In fact, this has not been the case. While some may argue that institutions took incorrect actions or actions too late to avoid the present situation, I think Congress must acknowledge that a large part of today's problems stem from the Government.

Twice during the mid-1970's regulatory agencies proposed adjustable mortgages that would have allowed lending institutions to react to free market conditions. Congress, however, applied considerable pressure to the agencies to drop these proposals and maintain the long entrenched, fixed-rate mortgage. Also, during this time, Congress declined to favorably act on legislation that would have allowed thrifts some additional flexibility to diversify their portfolios. Only recently have they been given such authority. Finally, during the late 1970's, the Government approved a 6-month money market certificate tied to the volatile 6-month Treasury bill. This action proved to be a problem because thrifts were not given adjustable earnings capabilities so they had no way to pay the increased market rates for very long without it affecting their earnings.

So before we start talking about Government bailouts of the thrifts and inferring all sorts of negative things about the industry, I would urge my colleagues to remember that a great deal of what faces this important industry today is not all of their own making, but rather has been caused by problems of the economy and the rules under which they were required to operate. Perhaps in this context we can better understand the thrift's desire to have the Federal Government do something about their problems and particularly their low yield, long-term portfolio components.●

NOTICE OF DETERMINATION BY THE SELECT COMMITTEE ON ETHICS

● Mr. WALLOP. Mr. President, it is required by paragraph 4 of rule 35 that I place in the CONGRESSIONAL RECORD this notice of Senate employees who propose to participate in a program, the principal objective of which is educational, sponsored by a foreign government or a foreign educational or charitable organization involving travel to a foreign country paid for by that foreign government or organization.

The Select Committee on Ethics has received requests for determinations under rule 35 which would permit the following named individuals to participate in a program sponsored by a foreign educational organization, the Chinese Culture University, in Taipei, Taiwan, from April 2 to 9, 1982.

Ms. Lynda Nersesian, staff of Agency Administration Subcommittee;

Ms. Ann Agnew of the staff of Senator KASTEN;

Ms. Mimi Feller of the staff of Senator CHAFEE;

Mr. Michael Naylor of the staff of Senator DODD;

Mr. Allen Moore of the staff of Senator DANFORTH;

Mr. Scott W. Martin of the staff of Senator BOSCHWITZ;

Ms. Patricia McDonald of the staff of Senator WALLOP.

The committee has determined that participation by the above-named individuals in the program in Taipei, Taiwan, at the expense of the Chinese Culture University, is in the interest of the Senate and the United States.●

RAFAEL HERNANDEZ-COLON ON THE CARIBBEAN BASIN INITIATIVE

● Mr. CRANSTON. Mr. President, among the finest and most eloquent of Puerto Rican leaders is former Governor Rafael Hernandez-Colon. Thus, I welcomed with great interest the thoughts of Governor Hernandez-Colon on the potentially devastating impact of the Reagan administration's Caribbean Basin initiative, thoughts which Governor Hernandez-Colon expressed at a recent Washington forum sponsored by the Carnegie Endowment.

Governor Hernandez-Colon cited the many disadvantages which hamper Puerto Rican competition with other beneficiaries of this initiative in the Caribbean. He called for new initiatives by the Reagan administration and Congress to remedy the potentially devastating consequences which certain ill-conceived aspects of the Caribbean Basin initiative could have on Puerto Rico.

I commend this excellent statement to the thoughtful attention of my colleagues and ask that it be printed in the RECORD at this point in its entirety.

The statement referred to is as follows:

STATEMENT BY RAFAEL HERNANDEZ-COLON ON THE IMPACT ON PUERTO RICO OF THE CARIBBEAN BASIN INITIATIVE

Before addressing the topic of my presentation this evening, I want to express my gratitude to the Carnegie Endowment and the American Foreign Service Association for providing me with this unique opportunity to exchange views with prominent individuals who, within their respective fields, can influence decision-making that affects Puerto Rico.

President Reagan has proposed a Caribbean Basin Initiative (CBI) with the objective of aiding the "well-being and security" of the Caribbean and Central American nations.

In the Commonwealth of Puerto Rico, we are well aware of the need for a politically stable Caribbean, and aware also that political stability requires economic vitality and growth. We warmly support efforts to aid our Caribbean neighbors to develop their economies. But, as much as we agree with the Plan's intentions, the fact is that Puerto Rico will not be a beneficiary, but a victim.

From the outset of the CBI idea, the Puerto Rican political leadership expected measures to be taken to promote the economic development of the Commonwealth under the umbrella of the Initiative. House Speaker Thomas P. ("Tip") O'Neill indicated that this was the intent of Congress also. During his recent trip to Puerto Rico, he said:

"We want to help the Caribbean. But let's help our own first, and then see where we go from there. We want to help our own, more than we help the others, even though we want to help the others for the peace of the world."

The Commonwealth relationship between the United States and Puerto Rico possesses sufficient flexibility to allow adjustments to be made, not only to face up to the problems which the CBI would present to Puerto Rico, but also to provide Puerto Rico with the necessary tools to re-establish strong economic growth. Since it mutually benefits Puerto Rico and the regional nations to build strong trade and investment relations, it seems clear that the Initiative should not pit the Commonwealth against its neighbors; nor is it necessary that their progress be built on Puerto Rico's decline.

In order to ascertain the necessity of adjustments in the statutory laws of the United States that constrain Puerto Rico, it is necessary first to examine the relationship between Puerto Rico's present economic condition and the consequences of the CBI. It is also necessary to examine the Reagan Administration's reaction to the recommendations submitted by the political sectors of Puerto Rico.

The Puerto Rican economy is increasingly plagued with alarming signals: Factories are closing continuously, the most dramatic example being the closing of the Commonwealth Oil Refining Corporation. The attraction of new industries is being outpaced by the departure of old ones, thereby creating a new loss of jobs and a 5% decline in real investment per year. Unemployment figures have reached depression levels. Our construction sector is virtually paralyzed. The government, facing a budget deficit, has had to resort to higher taxes. As a result, all local economists are predicting negative growth over the next few years. As we entered the 1980's, regression replaced stagnation.

In light of this adversity, Puerto Rico must restructure its economy to overcome the loss of federal aid, and to provide new jobs. The Caribbean Basin Initiative makes this task virtually impossible.

The keystone of the Caribbean Basin Initiative is a preferential trading arrangement under which Caribbean and Central American countries can export products to the United States duty-free for 12 years. The other components of the Initiative are complementary to the concept of a free trade arrangement. They include measures similar to those which Puerto Rico currently enjoys to encourage private investment, technical and marketing aid, export credit guarantees, political risk insurance, and direct U.S. aid for public projects.

If we exclude sugar, Puerto Rico's internal market will be the immediate target for the exports of agricultural products of the Caribbean. This is due to (1) our geographic size and location and (2) the nature of the Caribbean food products and similarity of our food consumption patterns. This includes meat exports, since the quality of meat from Caribbean countries is similar to that used in Puerto Rico. Thus, in the short run, the principal market that the United States is offering is not its own but Puerto Rico's.

Once investment for manufacturing begins to flow into Caribbean countries, another problem will besiege us. Many of the manufactured products these countries will be shipping to the United States are the same as those which now provide Puerto Rico with income and employment. Both in the attraction of American investment and in competition for markets for existing products, Puerto Rico is competitively disadvantaged by the CBI.

Because Puerto Rico operates within U.S. economic regulations, its economy is hobbled with many restrictions that beneficiaries of the CBI do not bear. As sovereign nations, these countries are free to set their own minimum wages and environmental regulations. We are not, because federal minimum wages and environmental laws apply to Puerto Rico. The CBI nations are free to eliminate duties on imported materials for manufactured goods. We are not. They are free to use the cheapest means of ocean-shipping—foreign flags. We are not. They are free to buy oil from Venezuela and Mexico at reduced prices. We are not. They are free to lure tourists through duty-free shops. We are not. They are free to protect their agriculture from food imports. We are not. I could go on and on citing the resulting inequities that will plunge the Puerto Rican economy into a regressive tailspin.

President Reagan has included several measures allegedly to insure that Puerto Rico will benefit and prosper. But these measures are totally inadequate either to prevent injury to Puerto Rico or to compensate us for injury. More importantly, by ignoring the bulk of Puerto Rican proposals, they reveal this Administration's gross insensitivity to our economic malaise. These measures demonstrate a lack of understanding of the strategies we need to pursue our development objectives. Due to our lack of resources and overpopulation, and due to our lower stage of economic development, we must manage our economy with a different strategy than that pursued on the mainland.

The Reagan Administration should face the obvious fact that exacerbating our economic conditions means that our people have fewer job opportunities and will be forced to rely on federal funds which, as we all know, are being severely reduced. Eventually, as the rug is pulled out from our economy, Puerto Rico will become a tropical South Bronx, a welfare ghetto in the Caribbean.

But it will be even worse than that. This treatment of Puerto Rico defies the most generous interpretation of fairness to a country which has agreed by compact to grant to the United States the conduct of our foreign affairs. It is indeed paradoxical that the United States should put forward a Plan to stabilize the Caribbean Basin which, by undermining Puerto Rico's economic development programs, will destabilize Puerto Rico: the foremost example of democratic values and solidarity with the United States in the Caribbean.

In light of the Reagan Administration's contentions regarding Cuban aid, comfort, or control of the Nicaraguan Junta or the Salvadorean guerrillas, one finds the Administration's cavalier handling of the effects of the CBI on Puerto Rico rather incongruous. Independence for Puerto Rico is a stated fundamental objective of Cuban foreign policy. A Marxist-Leninist party with proclaimed ties to Fidel Castro operates overtly on the island, committed to achieving independence for Puerto Rico by whatever means. In 1981, nine combat aircraft assigned to the Puerto Rican National Guard were blown up by the "Army for Puerto Rican National Liberation" (Macheteros), and no responsibility has yet been determined by the authorities. In 1980, a U.S. Navy bus was ambushed by the same group near the Sabana Seca Naval Base; two Navy persons were killed, and no responsibility has been determined for this incident either. The U.S. mainland—in particular Wall Street—has been subjected to various terrorist bombings, most still unresolved.

Now violence is not new to the Puerto Rican/mainland relationship due to our sometimes strained historical relationship. In the thirties, forties, and very early fifties, it was noncommunist and less sophisticated, but more widespread, intense, and fanatical than it is now—as shown in the uprising of 1950, or the Truman assassination attempt, or the armed attack of the U.S. Congress.

It took years of laborious economic, social, and political development under the enlightened democratic leadership of Munoz Martin to mute these upheavals and usher in a period of stability under the Commonwealth structure established in 1952. Local programs based on our fiscal and common market relationships with the United States gradually achieved one of the most spectacular rates of growth in the Caribbean. In the 1970's, however, changes well-known in the world economy undermined our growth; and misguided policies of current local administrators have compounded the problems of economic stagnation and thrown us into the regressive tailspin noted earlier.

Now, if on top of this you add the disconcerting effects of the CBI; it becomes clear that Puerto Rico will be headed towards social upheaval and tensions which will make it fertile ground for Marxist-Leninist operations of the sort that so far have had minimal success within the island, given our previous economic stability and growth.

Senator Cranston put this concisely in a statement delivered on the floor of the United States Senate on April 2, 1981. Speaking on the proposed budget cuts for Puerto Rico, he stated:

". . . there is a foreign policy issue and, indeed, a national security issue involved in this matter. There is now great emphasis on our interest in stability and in maintaining and developing friendships in the Caribbean, in Central America where there is the conflict in El Salvador, and in Latin America generally.

"If we show total disregard for the people of Puerto Rico, if we permit many Puerto Ricans to slide into even deeper poverty than they presently suffer, and conceivably contribute to economic and social turmoil on that island, plainly this will be very damaging to our national security interests in the Caribbean, Central America and Latin America.

"We should do all that we can to make a showcase of democracy and the free enterprise system in Puerto Rico. We should do all we can to make a vivid contrast on that island as against the situation in Cuba and other nations where the people are under Marxist or other systems. It would be a great disservice to our national interest to not understand the needs of Puerto Rico, not take them into account, and not act in accordance with those needs."

It is disconcerting also that the Reagan Administration has chosen to work only with the pro-statehood faction in Puerto Rico, led by the present Governor, ignoring the Legislature which is controlled by the pro-Commonwealth party and ignoring the Puerto Rican community at large. Such an approach can only afford a skewed perception of Puerto Rican political realities, mounting political tensions upon a people in a rapidly deteriorating economic condition.

The Reagan Administration still has time to reconsider its policies and ways of dealing with Puerto Rico. The political leadership from the democratic sectors in the island which represent a majority of the people is open and willing to engage in meaningful discussions with the Administration, which should seriously—and not for the sake of window dressing—try to receive and accommodate inputs from all sectors, particularly on this CBI situation.

The Legislature of Puerto Rico has presented to the Administration and to Congress a set of proposals geared to counter the CBI effects on Puerto Rico and to regain our economic momentum. Such proposals, if adopted, will maintain the stability of Puerto Rico, which is, I repeat, essential to the stability of the Caribbean Basin.

These proposals are the following:

Allow Puerto Rico to set its own tariffs and import controls, especially on agricultural products and on materials imported from foreign countries for use in manufacturing;

Suspend duties on goods purchased by tourists in Puerto Rico;

Eliminate Jones Act restrictions on maritime transportation in order to place Puerto Rico in the same competitive position as other Caribbean Basin nations;

Promote the growth and modernization of ship construction and repair in Puerto Rico;

Adopt an open skies policy for Puerto Rico;

Assist Puerto Rico in participating in the petroleum purchasing facility created by Mexico and Venezuela and available to Caribbean Basin nations;

Promote Puerto Rico as the center of higher education, of professional training, and of vocational training in the Caribbean;

Restructure the present level of federal transfer payments under various grants and categorical programs into a single block grant for Puerto Rico and its municipalities. This would be geared to an economic development program formulated and implemented by its Puerto Rican Executive and Legislative authority.

Finally, the optimum conditions under which Puerto Rico can complement the economic objectives of the Initiative are (1) the revitalization of our island's economic development and (2) the ability of Puerto Rico to establish more fruitful contacts with the countries in the Caribbean Region. A necessary first step in this regard would be a recognition of the Commonwealth's capacity to enter into bilateral and multilateral commercial relations with our neighbors.

It should be clear from these proposals that we are not asking for a bailout, nor for a safety net; nor are we seeking to be treated as a handicapped ward of the United States. We are seeking the authority and the means to assume responsibility to face our problems and to be an effective participant in an Initiative whose goals we share and which we can foster effectively because of our unique experience in economic development.

What we ask can best be put in the words which Winston Churchill addressed to the United States at the outset of the Battle of Britain:

"Give us the tools and we will do the task."●

BURLINGTON NORTHERN HOLDING CO.

● Mr. BAUCUS. Mr. President, last Friday I was privileged to chair a hearing before the Senate Judiciary Committee on the subject of the recent decision by the Burlington Northern Co. to create a holding company. One of the witnesses appearing at the hearing was the Congressman from North Dakota, BYRON L. DORGAN. Congressman DORGAN's statement was so well prepared and so thoughtful on this important issue that I thought it might be of interest to my colleagues. Therefore, I ask that Congressman DORGAN's statement be printed in the RECORD.

The statement follows:

STATEMENT OF U.S. CONGRESSMAN BYRON L. DORGAN

"A holding company is something where you hand an accomplice the goods while the policeman searches you."—Will Rogers

Mr. Chairman and Members of the Committee, we are here today to talk about railroad mergers and holding companies.

This issue is of very great concern to my state, to yours, and to the entire nation.

As you well know, the nation's longest railroad system, and number one grain hauler, the Burlington Northern, which is an economic cornerstone of our region, is rearranging itself into such a holding company. Instead of managing its affairs under one corporate roof, the BN is splintering off its various assets and enterprises—timber, coal, oil, gas, real estate, farm land, railroading, and others—so that these reside under separate roofs, linked only to a "holding company" to which they all, on paper, will belong.

Although this step is essentially just a rearrangement of the legal paper which defines the BN's existence, it is cause for alarm to all those who depend upon the Burlington Northern railroad to carry their grain and other products to distant markets.

According to the BN, the reason for setting up this complicated holding company structure is to give it more flexibility in developing its real estate, timber and coal holdings, and other assets, present and future. Under its current arrangements, it cannot develop its non-railroad ventures as much as it would like, because the Interstate Commerce Commission must approve any stock issues or other financial steps which might affect the railroad.

The ICC's timid interpretation of the law, however, has led to the view that it does not have this authority over holding companies. This interpretation has turned the holding company into an escape hatch for railroad executives in search of greener pastures.

This is why the BN has turned to the holding company form. It will isolate the railroad in a separate subsidiary, and this subsidiary alone will fall under the ICC's review. The BN will then be able to issue stock, and engage in other financing ventures, to its heart's content. It will be able to develop coal, buy an oil company, or do virtually anything else without the ICC or anyone else asking bothersome—to it—questions of the impact of these financing moves upon the railroad and upon those the railroad serves.

HISTORY TEACHES CAUTION

History counsels us to have great caution regarding holding companies that preside over sprawling empires that encompass many lines of business.

In the nineteen thirties, the collapse of the mammoth utility holding companies showed how fragile such structures can be in the face of hard financial times.

More recently, and more to the point, there was the collapse of the Penn Central, another railroad which got a gleam in its eye for the seemingly greener pastures of land and real estate development.

We should not push the comparison between the BN and the Penn Central too far. Certainly, there are differences in the mergers which formed these two companies and in the strength of the enterprises which resulted.

But there is no way that the formation of a holding company can bode well for the BN railroad. At the very best, the railroad will not grow substantially weaker. But even that is doubtful.

We must recall that the great mergers which comprised what is now the Burlington Northern, were justified—both by the BN and the ICC—largely on the grounds that the BN's coal, oil, and other holdings would greatly strengthen the merged railroad. The ICC, in its 1977 "Railroad Conglomerates and Other Corporate Structures" report, asserted that "the financial strength of BN is due in large measure to the existence and development of its nonrailway assets."

A WEAKER RAILROAD

To now strip these asssets from the railroad, and leave it standing bare, can only weaken the railroad. It can do nothing else.

This is not just a question of assets and finances, moreover. It is also a question of management time and attention. A management that wants to spend less time maintaining and running a railroad. It's that simple.

This is apparent in the BN's reason for forming the holding company in the first place. If the BN does not want the ICC judging its financial moves on the basis of their impact on the railroad, then doesn't this suggest that the company might have in mind some actions which the ICC might question? Might it not be thinking of moves that, in the ICC's eyes, could weaken the railroad? Otherwise, why would the BN be jumping through all the legal hoops necessary to get out from under the ICC's jurisdiction?

These concerns are not hypothetical. The BN is heading in this direction already.

OILMEN IN SADDLE

Consider the recent changes in the BN's top management. The company has moved two individuals into top corporate slots who are not railroad men, but oil men. The BN's new Chairman Richard Bressler, is a former Atlantic Richfield Executive Vice President who, according to Business Week (March 8, 1982), "has made no secret of his intention to build up the company's nontransportation business."

The new President of the BN railroad, Walter A. Drexel, is a former ARCO tax accountant. Mr. Drexel's role, again according to Business Week, is to "give Bressler the cash flow he needs to grow the holding company's resource ventures."

This is happening now. Last year, the BN announced its intention to abandon hundreds of miles of branch lines in North Dakota and in other states. It made clear that it was going back on its long-standing commitment to the farmers of this region, so that it could redeploy these assets in more lucrative ventures.

We have stopped most of those abandonments, for the time being. But the BN can attempt them again, at any time. Its current course virtually guarantees that it will do so.

BN'S "CASH COW"

More important is the recent shift in the corporation's internal financing. With the railroad starting to produce a healthy profit, the BN's management is turning it into what Business Week called a "cash cow"—a source of cash to finance the BN's non-rail ventures.

The BN's goal, according to the magazine, is to reduce the railroad to at most only one half of the BN's total business. Business Week deduces—with good reason—that to reach this goal, the BN might do what U.S. Steel recently did—buy up an oil company.

What will happen to the Burlington Northern railroad when its role in the BN's corporate structure is so diminished? What will happen when the BN's new go-go management is spending more time on minerals and real estate then on railroading, and when it starts looking at the capital demands of the railroad and at the relatively conservative returns on this capital? Might it not conclude that railroading is a drag?

Might it not conclude that it should start getting out of railroading, or at least greatly reduce its commitment in that area?

The BN's attention to other ventures will lead it down this path of thought, if it hasn't already. And once there, who will stop the BN from phasing down its commitment to the railroad or shucking it off entirely?

WHOSE BUSINESS?

Is this of any concern to us?

The question is not rhetorical.

The BN argues that it is a private business, and that as such, it is entitled to run its affairs any way it wants. If it wants to shift away from railroading and into greener and more exciting pastures, then that's its own business, so the argument goes.

But the Burlington Northern is not just another private business. It is a public utility, serving a vital transportation need for the producers of the states which it serves. The health and soundness of this utility is the public's business.

That is just the beginning. The BN is vested with a much larger public trust—one of the most generous ever bestowed upon a private corporation in the history of this country and probably of the world.

Over one hundred years ago, the people of this Nation granted to what is now the Burlington Northern Railroad over 40 million acres of choice public lands in the great western domains of the United States. We bestowed this largesse upon the Burlington Northern for one purpose and one purpose only—to enable this corporation to build and operate a railroad for the benefit of all the people of this Nation.

The land grants were a form of endowment, vested in trust to the Burlington Northern to ensure that farmers and business people would have a healthy and reliable form of transportation, and that commerce in our part of the country could grow and thrive.

The public land grants have made the Burlington Northern wealthy to a degree that is almost beyond comprehension. It holds 14.7 billion tons of economically mineable coal, more than any other company in the United States. It has 7.5 million acres of oil and gas rights, over a million acres of grazing land, and enough timber holdings to make it the 12th largest private owner of forest land in the United States.

We did not lavish this beneficence upon the Burlington Northern so that it could become rich. We lavished it so that our Nation could have the kind of railroad system it needs to prosper. It is our responsibility in Congress to make certain that this purpose is served. Nobody else can.

OFF THE HOOK?

The BN and other land grant railroads dispute this.

They want to reduce the great and enduring public trust vested in them to a sort of cash-and-carry bargain. One provision of the original land grants required the BN and the others to provide reduced-rate rail service to the government. The railroads now contend, in advertisements appearing in magazines and newspapers throughout the country, that by providing such service they have paid for their land grants ten times over.

Therefore, we are led to believe, they have no further obigations to the public in connection with these grants.

The BN itself asserted, in papers filed in a recent lawsuit in Seattle, that it now "holds these lands in fee like any other private party." In other words, it says it can now do whatever it pleases with those land grants. End of matter.

But that is not the end of the matter. It is only the beginning of our inquiry. Their claim is dubious. More important, it is utterly irrelevant.

FULL OF HOLES

The BN must be hoping that the people who read the indignant ads do not go back and read the Congressional studies and hearings from which they derive their claims. These are nothing short of shocking. Far from proving the railroads' case, they shoot it full of holes.

Let me mention just a few of the points that the railroads omit in arguing that they have paid for their land grants ten times over.

First, they totally omit the value of the timber, coal, oil, gas, and other resources on and under their land grants. Instead, they assume that these lands are just scrub prairie, nothing more. The Rockefeller family might just as well omit its stock and bond holdings from the value of its estate.

Perhaps we should offer to buy back the land grants for the value the railroads use in claiming they have repaid their land grants ten times over. I suspect that the railroads would quickly come forth with a somewhat higher appraisal.

Second, there is evidence that the allegedly "cut rates" the government received were not really cut rates at all. House testimony in 1944 by Mr. C. E. Childe, a member of the

Board of Investigation and Research which investigated the "discount" rates provided by land grant railroads, suggested that instead, the railroads jacked up their "regular" rates and played other games with their rate structures, so that they could offer the government "discounts" and still turn a profit.

In any case, the alleged discounts couldn't have been too unprofitable. Why would the non-land grant railroads have been so eager for this government traffic, if it was really as unprofitable as they say?

Third, the land grant railroads didn't even provide all the service that they attribute to themselves in calculating that they paid for their land grants ten times over. Instead, they lump into their side of the ledger the allegedly reduced rates provided voluntarily by their non-land grant counterparts. In fact, according to Mr. Robert E. Webb, Chairman of the Board of Investigation and Review, these primarily-Eastern railroads contributed more cut rate service, than the land grant railroads did.

In short, it appears that the land grant railroads are taking credit for service provided by others.

Fourth, an investigation in 1948 found that the railroads had overcharged the federal government by 10-12% of their billings during the Second World War. This amounted to approximately $650 million for the three years '43, '44, and '45. I have found no evidence that the railroads ever paid back these overcharges in any meaningful way, or that they included it in their calculation that they have paid for the land grants ten times over.

OUR LAST OPPORTUNITY

It is clear that Congress has never gotten to the bottom of this matter. The finding in the 1940s that the railroads had paid off the grants rested on evidence that is less than convincing. As I have suggested above, very important questions remain.

We should answer these questions. The Burlington Northern is about to march off with a sizable portion of this nation's patrimony, on the basis of a claim that may well be false. If we do not investigate this question now, we may never have an opportunity to do so again.

There is a more important point. The claim that the railroads have paid back their land grants, is utterly irrelevant.

The railroad land grants were not a cash-and-carry deal. They were an enduring public trust, an endowment for the continuing support of railroad service. The requirement of cut rates for the government was but one provision of the grants. It was not the entire bargain.

Congress provided in Section Twenty of the BN's original land grant that it intended for this grant to help in "keeping (the railroad) in working order."

A Congressional Research Service study of this question, undertaken at the request of myself and other members of Congress, concluded that ". . . it appears both from the language of the Northern Pacific grants and the legislative history surrounding their enactment that Congress did envision a constructed and operating railroad as the purpose and result of the land grants."

This is the standard which we must hold the recipients of these land grants, including the Burlington Northern.

TAXPAYERS WILL PAY—TWICE

And this is why the Burlington Northern's move to set up a holding company is the business of every taxpayer in this country, as well as of every person who relies on the Burlington Northern railroad.

If the Burlington Northern retreats from railroad service, then the burden will fall on our taxpayers. They will be asked to subsidize rail service, to buy or maintain branch lines, or even to take over some rail operations entirely. They will be forced to pay for the highways and other facilities necessary to replace service that the Burlington Northern no longer offers.

Our nation needs this transportation service and someone will have to provide it.

American taxpayers have already payed for this service once. They have already bestowed upon the Burlington Northern an endowment so generous as to defy the imagination, to enable it to provide transportation that our nation needs. It simply is not fair to expect our taxpayers to pay a second time, while the Burlington Northern or any other railroad walks away with this endowment and converts it to its own private gain.

The Burlington Northern's holding company will lead us down that path.

We must act now.

Here are a few of the steps that we should take.

1. INVESTIGATION OF LAND GRANTS

It is time for a complete Congressional investigation of the land grant question. We need to know what the railroads have, how they are using those grants, and whether the original purpose of those grants is being served.

We also need to get to the bottom of the railroads' claim that they have repaid their land grants ten times over. We need to ask why the many questions surrounding this claim have been swept under the rug for so long.

2. REAFFIRM INTERSTATE COMMERCE COMMISSION JURISDICTION

True to form, the ICC has gone to great lengths to find reasons why it can't do anything about railroad holding companies.

It seems plain that existing law gives the ICC at least some authority in this area. Even the Commission's 1977 report on railroad holding companies suggested as much.

Given the Commission's recalcitrance, however, we should enact legislation that explicitly affirms the ICC's jurisdiction. The holding company device should not be an escape hatch by which the Burlington Northern and others can avoid their responsibility to keep the financial health of their railroads as their top corporate priority.

3. REVIEW TAX PROVISIONS THAT JEOPARDIZE RAIL SERVICE

Tax loopholes are one of the primary engines driving the wave of mergers and acquisitions in railroading and other businesses. We must eliminate these loopholes both to protect rail service and to promote competition and individual initiative in our entire economy.

We must look in particular at the way the railroads are using the billions of dollars in new tax breaks we gave them in last year's tax bill. The new reductions were so generous that the Burlington Northern is expected to pay no federal income tax at all this year. The purpose of those tax breaks was to promote investment in railroad operations. Instead, the Burlington Northern and others seem inclined to use their hundreds of millions in new breaks to help provide cash for other ventures.

In other words, the railroads are using their tax breaks just as they have used their land grants—to enlarge their empires, as much as to serve the public.

This is nothing new. After examining the records of at least seven railroad holding companies, the 1977 ICC Report concluded that "since there is no evidence that the holding companies have reinvested these tax savings in the carriers, the savings have been employed to finance diversification and other noncarrier activities of the holding companies."

We should make certain that the railroads use their tax breaks for the purpose for which they were intended.

FORFEITURE OF LAND GRANTS FOR RAIL LINE ABANDONMENTS

The purpose of the rail land grants was to support rail service. If the railroads are not going to provide that service, then they should give back a portion of the land grants that we gave them.

I have introduced a bill that would accomplish this. My bill, The Railroad Accountability Act of 1981, (H.R. 5114, 5115) would require the railroads to forfeit their land grants to a state, in the proportion that they abandon service in a state.

This Act would also require the railroads to include land grant income in their branch line balance sheets when trying to justify a branch line abandonment to the ICC. This would prevent the railroads from wearing a tattered cloth coat before the ICC when actually they are rolling in land grant cash.●

PHOSPHATE MINING IN THE OSCEOLA NATIONAL FOREST

● Mr. CHILES. Mr. President, today I was pleased to present testimony before the Senate Energy and Natural Resources Subcommittee on Public Lands and Reserved Water on the issue of prohibiting phosphate mining in the Osceola National Forest in Florida. I have brought this matter to the attention of my colleagues in the Senate on several occasions and would like to share with the Senate the remarks I made during this morning's hearings.

I thank the chairman of the Senate Energy Committee (Mr. McClure), and the chairman of the subcommittee (Mr. Wallop) for scheduling this hearing. I feel this morning's session provided an excellent opportunity for the State of Florida, members of the Florida Congressional Delegation, and representatives of our State's environmental organizations to present a convincing case for why legislation needs to be enacted. I hope we will see favorable and expeditious action by the subcommittee on appropriate legislation in the near future.

The testimony referred to is as follows:

Statement of Senator Lawton Chiles

I appreciate having the opportunity to be here today to testify in support of legislation to prohibit phosphate mining in the Osceola National Forest in Florida. During my years in the U.S. Senate, I can't recall a single Florida issue that has so unified our State as the question of possible strip-mining in the Osceola National Forest. When the issue of phosphate mining first surfaced back in the early 1970's, the public outcry was loud and strong. That clear, strong voice of opposition from the people of Florida has not diminished over the years. Newspapers throughout the State of Florida continue to carry editorials fiercely denouncing the Administration's plan to lease the Osceola for phosphate mining. The Governor and Cabinet of the State of Florida strongly oppose the mining. The State Legislature has passed legislation in opposition to the mining. The State's regulatory agencies have worked vigorously to oppose the mining as have local and regional governments, and public interest groups. And finally, Mr. Chairman, the entire Florida Congressional Delegation has worked together in unified support of Federal legislation to resolve this long-standing controversy. Today your Subcommittee will have an opportunity to hear from these parties, and I am especially pleased to lend my voice to these who seek to protect this Forest from being permanently changed by possible strip-mining activity.

Mr. Chairman, permit me to put the present situation in an historical perspective.

Most of the Osceola National Forest is "acquired land", purchased with Federal funds rather than set aside from the public domain. These lands were approved for purchase under the authority of the Weeks Law of 1911, as amended, which directed the Secretary of Agriculture to recommend for purchase "lands (which) . . . may be necessary to the regulation of the flow of navigable streams or for the production of timber." According to a Congressional Report on the Osceola acquisition, the purchase of these lands was designed to promote timber managements as well as to protect the swamplands.

Since the Osceola National Forest was first set aside, the use of the Forest has grown to include such popular activities as hunting, fishing, camping and other recreational opportunities. In addition, the Forest has fostered a rich wildlife community. In all instances the opportunities afforded by the Osceola National Forest have been totally compatible with the Forest's primary purposes of timber management and wetland protection.

Now, Mr. Chairman, the Department of Interior is reviewing 41 preference right lease applications for phosphate mining covering 52,000 acres of the forest. If approved, mining could take place on almost one-third of the Forest's acreage. The possibility of strip mining in the Osceola National Forest is drastically inconsistent with the purposes for which these lands were originally acquired. Environmental studies have pointed to the adverse impact of strip mining on water resources, timber production, and swampland protection.

In addition, phosphate mining would significantly impact existing uses of the forest for recreation activities and would pose serious threats to wildlife habitats and populations found in the forest. Past studies, agency reports, and public testimony have provided a clear record of the adverse impact of strip mining on the forest and have, in my view, presented a convincing case that the exclusive use of these lands for intensive phosphate mining would be contrary to multiple-use management objectives of the Osceola National Forest.

I certainly recognize the critical importance of providing adequate phosphate supplies for our country, but I see no reason to destroy a national forest when alternative undeveloped phosphate deposits exist. Surely we should put the question of mining the Osceola aside at least until such a time when the supply of phosphate becomes critical, and the supply of recoverable phosphate has been exhausted on private or Federal lands on which the mining would have a lesser environmental impact, or which can be more effectively reclaimed. For the time being, Congress has a responsibility to recognize and protect the multiple uses and rich natural values associated with this forest resource.

For these reasons, I join with others in opposing the issuance of phosphate mining leases in the Osceola. At the present time none of the Osceola National Forest lease applicants have demonstrated they are "entitled" to a lease. This is a significant point, Mr. Chairman, that no rights to leases yet exist. However, what has taken place within the Department of Interior and the Department of Agriculture in conjunction with the processing of these lease applications will play a crucial role in the future determination of lease rights. For this reason, I want to outline, for the benefit of the Committee, the procedures taking place concerning these lease applications and the determination of lease rights.

The Mineral Leasing Act does allow the Department of Interior to lease phosphate and other mineral deposits located on acquired Forest lands. However, important provisions in the law clearly grant the Secretary of Agriculture, as the head of the executive department having jurisdiction over those lands certain authorities to "ensure the adequate utilization of the lands for the primary purposes for which they have been acquired or are being administered."

Under existing regulations, after a company demonstrates that a discovery of a minable reserve has been made, then a final showing must be made to prove the current profitability of the mining operation. This final showing, the so-called "valuable deposit" test takes into account, among other things, the costs of operating the mining, of complying with existing governmental regulations, and of meeting reclamation requirements. Forest Service stipulations, and environmental standards. Meeting the valuable deposit test is a condition precedent to issuance of preference right leases.

It is important to point out that, because the Forest Service can impose surface resource protection and reclamation stipulations, and because the costs for complying with these stipulations must be accounted for in determining whether or not a valuable deposit discovery has been made, there is some possibility that, if all environmental costs are taken into account, the deposits covered by the 41 lease applicants cannot be profitably worked.

On this point, I want to quote a portion of the letter sent to me by former Secretary of Agriculture Bob Bergland in December 1978. He said, "There are serious doubts that the deposits can be profitably worked when all environmental costs are taken into account. If this proves to be the case, then, the applicants will have failed to meet the valuable deposit test, and the Secretary of Interior will refuse to issue the leases."

Later in his tenure as Secretary of Agriculture, Secretary Bergland wrote to Interior Secretary Cecil Andrus requesting the Secretary to withhold leasing on the Osceola National Forest for the immediate future. In this May 1980 letter he said that technology is presently unavailable or unproven to assure mining could be carried out under conditions that would insure the adequate utilization of the lands for the primary purposes for which they have been acquired or are being administered.

Soon after the Reagan Administration entered office, I contacted the Secretary of Agriculture, Mr. Block, concerning the Department's position on the Osceola phosphate mining leasing question. In an April 1981 response to me Secretary Block indicated that the Department position was the same as that expressed by Secretary Bergland to Secretary Andrus in the previous Administration.

I was encouraged by this response. Then, a few months later, I began hearing reports about intense industry pressure on Interior regarding the pending lease applications. I knew efforts were underway in the Department of Interior to move forward quickly with processing the applications, but I was clearly distressed to learn that in trying to "speed up" the process, the Department was also trying to remove so-called "obstacles" to leasing, meaning past objections and concerns about projected mining activity.

One such incident involved a letter to Anne Gorsuch, Administrator of the Environmental Protection Agency, from the Assistant Secretary of Interior for Land and Water Resources. This June, 1981 letter was an apparent effort on the part of the Department of Interior to secure EPA's approval for the issuance of mining leases in spite of the strong reservations voiced by EPA in the past.

A position previously expressed by the Environmental Protection Agency stated that the issuance of the leases would lead to irreparable destruction of some 28,000 acres of the Osceola. A January, 1980 report to the Bureau of Land Management from the Agency recommended that no leases for phosphate mining be issued for the forest and that alternative approaches be explored to resolve the matter of the pending lease applications.

Another distressing incident occurred on October 22 when hearings were held on H.R. 9 before the House of Representatives Interior Subcommittee on Public Land and National parks. It was at this time the Department of Agriculture first announced its drastic departure from a previously stated position on the phosphate leasing question. During this hearing the Assistant Secretary for Natural Resources and Environment reported that the Administration believes the Osceola can be adequately reclaimed if strip-mining for phosphate. The Administration's testimony, as well as supportive industry testimony, has since been refuted by a comprehensive technical report prepared by Florida State officials. In addition, in its Committee Report on H.R. 9, the House Interior of Insular Affairs Committee has agreed that restoration of the Osceola National Forest after strip-mining is highly questionable. In spite of this rebuttal, however, the Administration insists on holding firm to its position on mining the Osceola and this philosphy has colored the Department's action on the pending lease applications.

On February 3, I was notified by the Chief of the Forest Service that work had been completed on the stipulations which will be used to determine of a valuable deposit has been discovered and if lease rights exist.

I strongly question these stipulations. I feel the DOA failed to develop strong and protective lease terms to adequately protect the Forest, disregarding recommendations of the EPA & USFWS. Among other things the stipulations allow for the creation of slime ponds on National Forest land. They allow for a proliferation of an unlimited number of permanent lakes. In addition, the stipulations permit mining operations to begin in wetland and hardwood swamp areas even though reclamation technology for restoring these types of lands has not yet been successfully proven.

For these and other reasons I wrote to Secretary of Agriculture, John Block, to request his review and reconsideration of these stipulations. He responded that he found these stipulations to be adequate. I appealed to Secretary of the Interior James Watt to suspend action on the lease applications until a review of the stipulations could be made. He also turned me down. I still feel these stipulations need review, now more than ever. These stipulations will allow significant alteration and damage to the Forest if phosphate mining ever takes place, and it will contribute to larger costs to the government if and when any lease rights are purchased.

The frustration remains, however, in that the Deparment of Interior is agressively processing the lease applications using the Forest Service stipulations in spite of voiced concerns by myself and others. Let me just say, Mr. Chairman, that I intend to continue monitoring the administration process of determining what, if any, rights exist to mine phosphate in the Osceola National Forest.

In any event, I feel Congress has a responsibility to reject outright the notion of strip-mining this small, productive, and popular forest resource. We need to ask, and then answer, several basic questions concerning phosphate mining in this Forest:

Can we today say for sure that if strip-mining is allowed to take place, then eventually these lands will be restored back to the Forest we know and appreciate today? Osceola? The answer is No, We Can't.

Can we say that the projected mining will not pose possible threats to wildlife populations and habitats found in the Osceola? The answer is No, We Can't.

Can we say that this mining won't run any risk of damaging the valuable Suwanee River system located immediately downstream from the lease areas? The answer is No, We Can't.

And, Mr. Chairman, is there today a critical need to develop the particular phosphate reserve underlying the Osceola National Forest. The answer is No, There Is Not.

Therefore, Mr. Chairman, the final question should be do the short-run benefits associated with mining this phosphate outweigh the long-range costs in terms of loss of these forest land resources? Clearly, the answer is No, They Do Not.

For this reason, legislation needs to be enacted to prohibit phosphate mining in the forest and set forth a procedure for dealing equitably with those lease applicants who may prove to have an entitlement to a mining lease. We are running a race against time to save the Osceola. For this reason, quick action by the Senate is necessary if we are to insure the continued use and protection of this forest resource.

In May of last year I introduced legislation in the Senate to accomplish the goal of protecting the Osceola National Forest from strip mining. This bill, S. 1138, is one of the proposals before the subcommittee today. In the fall of last year, the House subcommittee held a hearing on the leasing question and explored a variety of proposals designed to prevent strip mining in the Forest. As a result of this study, the House subcommittee reported legislation to the House of Representatives which represented a consensus on a number of issues. I was pleased that the subcommittee bill incorporated some of the provisions of my bill, S. 1138.

Under the provisions of the House subcommittee bill, the Secretary of the Interior is authorized to determine which of the lease applicants are entitled to a lease. Those lease applicants who are found to have a lease right could then exercise a number of options in lieu of being issued the phosphate mining lease. The company could exchange lease rights to lands in the Osceola for leases on other public lands. Or, the company could ask that the lease application be suspended until such time as Congress agrees to open up the Forest for mining. Or, the company could receive a monetary credit in the amount determined to the value of the lease right which could be used for bidding rights, bonus rental or royalty payments on other mineral leases. In addition, in lieu of the options outlined above, the Secretary of the Interior may also offer to purchase the lease right from the applicant.

When the House Subcommittee reported their proposal, I introduced a companion measure in the Senate, S. 1873, so that the Senate could begin to work hand in hand with the House on this important matter.

When H.R. 9 was considered by the full House Interior Committee, an amendment was offered which proposed a change in the procedure used to open up the Osceola to mining in the future if its phosphate deposits would be needed in the interest of the United States (Section 4(a)(4) of H.R. 9). The original proposals recommended that no leases be issued unless and until the Congress enacted legislation to allow mining to take place. The amendment adopted by the House Committee (and subsequently agreed to by the full House) proposes that no mining take place unless and until the President recommends to Congress that such mining is in the national interest. Under the provisions of H.R. 9 leasing could take place in the Osceola unless Congress disapproves of the recommendation by concurrent resolution within 90 days. Quite frankly, I would prefer that Congress reserve the power to determine if and when mining the Osceola is necessary. If, however, the Senate Committee agrees to give the President the authority to make this recommendation, I would hope this proposal could be changed.

Since it is Congress that will hopefully take the necessary step to protect this forest, I feel Congress should play a positive role in affirming a reversal of this decision and allowing mining to take place someday in the future. For these reasons, I would recommend that the Committee adopt language contained in section 1502 of the Alaska Lands Act (P.L. 96-487). This language would require Congress to approve the Presidential recommendation by enacting a joint resolution within 120 calendar days.

Mr. Chairman. The Committee is considering a number of proposals all aimed at achieving the same goal—the protection of the Osceola National Forest. While I am dedicated to saving the Forest, I am nonetheless, open to suggestions on how we go about achieving this protection. I want to be fair to the companies involved, and I want to be fair to the Nation's taxpayers. I am certainly not locked into any particular approach, and I will not object to any sound and sensible solution that can be worked out to resolve this problem. I want to commend Congressman Fuqua for his diligent and successful efforts in getting the House to pass H.R. 9. I hope the Members of this Committee will act quickly and favorably on similar legislation to ensure the continued use and protection of the Osceola National Forest.

Let me just mention, too, the wilderness areas in the other Florida National Forests being considerd by the Committee. These areas were studied and recommended by President Carter and the Forest Service in April, 1979 as a result of the RSRE II process. These areas have been approved three times by the House of Representatives and are non-controversial. It was unfortunate the Senate was unable to pass this legislation during the last Congress, and I hope the Committee will act on these wilderness proposals.

Thank you again for letting me testify on these public land issues which are so important to the people of Florida.●

HELENE MONBERG'S ACHIEVEMENT SCHOLARSHIP PROGRAM

● Mr. HART. Mr. President, I would like to call the Senate's attention to a local organization called the achievement scholarship program (ASP) and its founder and director, Helene C. Monberg. The story of this organization is one which, in many ways, exemplifies some of the finest qualities of the American spirit.

ASP provides "second chance seed-money" scholarships of $900 apiece to ex-offenders in the Washington area to help them move back into the community as productive citizens by giving them alternatives to prison in the form of education and job training. It is a tax-exempt organization which has been financed entirely by private contributions since its formation in 1973.

As of March 1, ASP had awarded 142 scholarships to 141 persons, of whom about 20 are still in college or special school or will be at the beginning of the next term. It expects to award 30 more scholarships this year to qualified applicants.

Although all ASP awardees are ex-offenders, their completion rate—those who graduate from college or complete their course requirements at special or trade schools—is about 20 percent, equal to that of the general population. More important, their recidivism rate is extremely low.

Among the practical programs carried on by ASP are:

Regularly scheduled "how to study" seminars to help the awardees succeed in school. The most recent seminar was held on February 27 under the direction of ASP Student Counselor Delavago Scruggs and ASP Awardee William Biggs.

A proposed pilot on-the-job training program. The Achievement Scholarship Committee, ASP's policymaking arm, unanimously voted on January 8 to establish this pilot program in conjunction with outside partners, including one probation officer and local business firms. The program will be launched later this spring.

An in-house on-the-job training program, which has been in practice since 1975. ASP always offers its own administrative jobs first to ASP awardees, and the organization usually has had at least one awardee on its staff since 1975. Achievement Scholarship Committee Chairman Bill Butler has set a goal for ASP to have its awardees ultimately take over the operation of the program.

The committee has expanded in recent months to obtain more input from local business and from awardees. It now includes four businessmen and women, and four awardees, and the expansion is continuing.

Mr. President, funding for ASP increasingly comes from foundations. Last year, about 40 percent of the organization's funding came from three foundations: the Mary King Estill Foundation of Corpus Christi, Tex.; the Louis Boehm Foundation of New York; and the Weyerhaeuser Foundation of Tacoma, Wash. Continued commitments from foundations and individuals will be vital, as the organization plans to increase its basic seed-money scholarship amount to $1,000 per awardee this fall—up from $520 at ASP's inception in 1973 and the present $900 amount.

ASP awardees and "graduates" are enjoying success in many fields today. Here are a few examples:

Edward Hill Jr., is a stringer for the Washington Post and has served as a student counselor for the University of the District of Columbia. He also coaches his son in many of his numerous sports activities.

Ronald D. Malcolm works for the National Center on Institutions and Alternatives in the Washington area.

Garland E. Reed is an assistant engineer for the Washington Suburban Sanitary Commission. He is also a registered real estate broker in the State of Maryland.

Shirley Thomas, who made the response for ASP when it was honored recently by the Big Sisters of the Washington Metropolitan Area, presently is attending the Columbia School of Broadcasting on an ASP scholarship, in addition to being a working wife and mother.

Several other former and present awardees, including ASP student counselor Scruggs and ASP awardee Biggs, work for the Federal and District of Columbia governments.

ASP works only through established parole and probation offices in the Washington area. Its scholarship awards are for education and training in college, trade, and special schools. Applicants must have completed high school or have passed their GED and must be recommended by their parole officers. They are screened by their parole officers and then by ASP to determine whether they are viable candidates for rehabilitation. They must keep up their grades to maintain their ASP awards. The money is paid by ASP directly to the college or school of the awardee's choice, solely for tuition and books.

Mr. President, I am sure my colleagues agree that ASP is a truly remarkable organization. I would be truly remiss if I did not make some mention of the fact that its existence was conceived and nurtured and is still sustained by its volunteer executive director, Helene C. Monberg. Helene is a constituent of mine—a native of Leadville, Colo., and Washington correspondent for several Colorado newspapers—with whom, I am sure, many of us in this Chamber are familiar.

As an example of her dedication to ASP, Helene has willed her Washington residence to the program on her death so that it may ultimately reach its goal of being operated and administered by its former awardees.

Helene undertook quite a challenge in 1973 when she started ASP, and she has spent countless hours on it—promoting, raising money, and tracking the progress of "her kids." Thus, I am most pleased to note that she has been honored recently for her work with ASP.

She was named a Washingtonian of the Year by Washingtonian magazine, duly honored in its January edition this year and at a banquet. Shortly thereafter, she was named a Woman of the Year by the Big Sisters of the Washington Metropolitan Area for her work on ASP. These awards, and previous one—it received a community service award in 1980 from the U.S. probation office of the U.S. District Court for the District of Columbia, and was cited in 1978 by the Committee on Economic Development of New York as one of 60 programs nationally that effectively work on training and employing the hard-to-employ, namely, the ex-offender—are a small token of thanks for the effort Helene has put into her work.

I take this opportunity, Mr. President, to offer my own congratulations to Helene Monberg for the excellent work she continues to do for the city of Washington. I urge my colleagues to join me in thanking her for her efforts, and to wish the achievement scholarship program continued improvement and success.●

THE SOLAR ENERGY RESEARCH INSTITUTE

● Mr. ARMSTRONG. Mr. President, the lifeline of our industrial economy is energy. Unfortunately, much of our energy supply is in the grasp of a foreign cartel which has raised oil prices to breathtaking levels. In the meantime, the Soviet Union is seeking to gain a stranglehold on the energy resources vital to Western survival, and has placed a ring of steel around the Persian Gulf, and at strategic points along the routes oil tankers must follow to get to our ports.

For these and other reasons, serious thinkers are deeply concerned about the energy future of our Nation.

But, as we struggle through these problems, the 688 men and women of SERI, working out of temporary facilities in the Denver West complex in Golden, are working on projects that have the potential to:

Provide Americans with abundant supplies of cheaper energy, enough to restore our energy independence, and perhaps even enough to make America once again, as it was in the first half of this century, the world's leading exporter of energy;

Reduce our dependence on Persian Gulf oil to the point where the Middle East no longer will be a tinderbox that could ignite World War III;

Provide the seed corn for new industries and technologies that could help restore America's economic preeminence; and

Provide us with sources of energy without the noxious byproducts of earlier forms which foul our air and water, or must be buried in caves deep underground or on the ocean floor. Indeed, the work that is being done now at SERI and at private research labs throughout the country could lead to an industrial world in which the very idea of a waste product is passé.

Much of the work being done now at SERI has about it a Buck Rogers flavor that those who assume the laws of the present must govern the future may have difficulty comprehending. Imagine a world in which:

Farmers who own land unsuitable for any other purpose will be able to "grow" oil to heat homes and fuel our automobiles, and derive from that land earnings many times greater than the profits presently being generated from our richest agricultural land;

Electricity is being generated directly from the sun in quantities sufficient to meet all the needs of entire communities, and

There is an alternative to gasoline, limitless in supply, with no danger of fire or explosion in the event of an accident, whose byproduct in combustion is water.

All this sounds wondrous and impossible, and it is hard not to think those who fantasize about such things have been sipping the wine of the dreamers. But what I have just described is no more miraculous or impossible than the telephone, the telegraph, the radio, and the phonograph were before dedicated men applied their genius to the bountiful prospects nature has laid before us. In fact, if I have a proper understanding of the progress that already has been made at SERI and elsewhere, we may be closer to all of these things than Thomas Edison was to the electric light on his 100th try to find a filament that could burn.

I had the privilege of spending some time at the Solar Energy Research Institute on a recent trip to Colorado. I was impressed by what I saw and heard, and I came away from SERI more optimistic about our Nation's energy future than have been in a long time.

SERI was authorized by the Solar Energy Research, Development and Demonstration Act of 1974, and opened its doors in July 1977 as the foremost national center for federally-sponsored solar research and development. SERI is managed by the Midwest Research Institute under contract from the Department of Energy. The SERI staff and contract personnel ballooned from 86 that first year to 996 by October 1980, and has now leveled off to 688 full- and part-time personnel, a level consistent with the maximum staff goal of 600 to 800 set by Paul Rappaport, the first SERI director.

SERI's mandate covered not just direct applications of solar technology, but the whole host of related, "soft" energy technologies such as biomass conversion, wind and hydroelectric technologies, ocean thermal and geothermal applications, and the institute suffered somewhat from a scattershot approach. In addition, although the core staff at SERI always has been composed of serious scientists and researchers, the institute in its early years had spent a sizable portion of its budget on programs designed to inform and educate the general public about the entire range of alternative technologies.

In 1981 SERI entered into the second, and what I expect to be the most productive phase of its young existence. SERI's mission is to conduct long-term, high-risk research of renewable energy technologies, and leave to the burgeoning solar industry in the private sector the responsibility for bringing to market those which have attained, or are approaching, commercial feasibility.

This is an appropriate division of labor. Experience has shown us that private efforts in applied research tend to be far more productive than Government efforts, when a payoff in the near term is in sight. But when the payoff is farther in the future, or when massive resources are required to get the R. & D. effort off the ground, then Government involvement is proper and desirable.

Present research and development activities at SERI focus upon four primary areas: Direct conversion of sunlight into electricity; direct production of fuels and chemicals from sunlight; applied heat transfer and indirect thermal conversion systems such as wind and ocean energy systems, and the research and development of materials and engineering required to support these activities.

I was especially intrigued with three SERI projects which, if any one of them proves commercially feasible, could revolutionize our economy.

SERI researchers have found that microalgae, very small aquatic plants that are relatives of the green film you can see on the top of stagnant ponds in summer, are able to synthesize oils directly. The oils the microalgae synthesize are either the kinds of oils used in food or in the manufacture of drugs, dyes and plastics, or hydrocarbons, the kind of oil we burn in our cars.

These microalgae grow best in saltwater and in saline basins like those that are slowly poisoning the Colorado River basin. SERI researchers think we can take what is now a major liability—these saline water sources—and turn them into a major economic asset. Once the best species of oil-producing algae are isloated, they could in effect be "planted" in useless saline water on what is now considered wasteland, and then harvested to produce valuable oils. The SERI researchers have identified some 86 million acres of low value land in the West that potentially would be suitable for this type of oil "farming." They think up to 60 tons per acre per year of algae could be harvested from those 86 million acres, and 90 percent of that weight would be usable oil. Would it not be great, at some future time when the OPEC sheiks gather together to jack up the price of their product, to be able to say to them: "No thanks, fellas, we'll grow our own."

Another SERI project could make it possible for us to dispense altogether with oil as an automobile fuel. SERI researchers have put into a Chevrolet Citation an engine that produces hydrogen from methanol alcohol, the kind of alcohol that can be produced from the byproducts of harvesting grain. The methanol/hydrogen engine is more efficient—by a factor of 20 percent—than the gasoline internal combustion engine it may replace, and does not emit noxious fumes into the atomosphere. SERI reseachers believe we shall able to produce methanol fuel more cheaply than we can buy gasoline, and get more miles per gallon of methanol than we get from conventional fuel.

An engine as fuel-efficient as this would revolutionize our automobile industry and cut deeply into oil imports. Before it can become a commerical reality, however, several problems will need to be solved. The prototype engine is very heavy and still has some bugs in it; it will need to be lightened and made consistently reliable, so it can be more cost-effective and competitive. Also, we will need to have a large and stable supply of methanol before prospective car buyers will take a look at this alternatives.

Still, automobile manufacturers are already seriously interested in this dynamic new engine. Japanese companies are developing the same idea and are very enthusiastic about its potential. Closer to home, General Motors has expressed a strong interest in SERI's new engine and will be taking it to Detroit for extensive testing in April. If those tests are encouraging, this revolutionary automobile could be cheaply available on the open market within 2 to 5 years, making the internal combustion engine a historical curiosity.

Perhaps even more exciting than the projects I have just described is the work SERI is doing on generating electricity directly from sunlight. Photovoltaic cells already provide electric power for spacecraft and for some homes and office buildings, and SERI researchers think we may be only a few years away from being able to provide electric power for entire communities directly from the Sun.

Photovoltaic cells are simple devices with a lifetime of 20 years and possibly more. The cells are made from silicon, which is the most abundant mineral on the planet. When sunlight falls on a single crystal silicon solar cell, some of that sunlight is converted into a minute charge of electric energy. Repeated constantly, this energy can be collected and stored to produce electricity like a battery.

In fact, a solar cell really is a kind of crude battery. A cell consists of two microthin silicon wafers, of slightly different textures, fused face to face. One slice represents a positive pole, the other a negative pole. When sunlight passes through the solar cell "sandwich" and reaches the area where the two silicon slices meet, chemical bonds are broken, and electrons freed. The electrons on the one hand, and the broken bonds on the other, are attracted to the opposite charges of the two wafers, and an electric current is formed.

If photovoltaic cells are such simple devices, and the silicon to make them is so abundant, why are they not already sprouting on rooftops throughout the country?

There are basically three reasons:

First, the Sun's energy is not concentrated the way energy in fossil fuels is. So it takes a lot of solar cells, spread over a large area, to produce as much electricity as could be produced from a pail of coal or a barrel of oil.

Second, photovoltaic cells are not very efficient, in that they cannot produce electricity around the clock the way fossil fuel systems can. Solar cells do not work at all at night, and work very poorly when the sun is behind a cloud. Also, solar cells produce energy in the daytime when the demand for electricity is less, and do not produce any electricity at night, when the demand is greater.

Third and most important, although the solar cell is a simple device, built with materials that are abundant and cheap, the process of manufacturing solar cells is, at present, very time consuming and expensive. The cells in use today have to be sawed carefully from silicon ingots. This requires expensive precision tools and a lot of time from skilled technicians, and about half of the silicon in each ingot is wasted as "sawdust" when the cells are ground down to the necessary thinness.

As a result of these and related factors, it costs about 10 times as much today to produce electricity from solar cells than from conventional systems. That is why you do not see photovoltaic cells on the shelf of the hardware store.

But SERI researchers think they are well on the road to finding a solution to all of these problems.

In order to solve the problem of diffused sunlight, SERI is working on multijunction solar cells that have the potential of converting 30/40 percent of the sunlight they receive into electricity—about double what we now get from conventional solar cells. In the multijunction system, semiconductors that respond to different parts of the solar spectrum are stacked one on top of the other to make a collector that is more efficient than conventional cells.

In order to solve the problem of where to get electricity when the sun is down, SERI is studying ways of storing electricity when the sun is shining so it can be used later when it is needed. One concept for storage would have homes and businesses equipped with solar cells sell their excess capacity to an electric utility, and buy it back when sunlight alone is not sufficient to meet their electrical needs. Would it not be nice to get a check from the power company for a change?

Finally, SERI is developing a means of "growing" wafer-thin sheets of silicon in thin filaments, each the proper thickness for a solar cell. All that would have to be done to make solar cells by this process would be to cut the filaments into lengths required for the cells and fuse them together. This would save considerable time over the conventional sawing and grinding process, and the waste of valuable silicon as "sawdust" would be eliminated.

If all three of these technologies prove out—and there is a reasonable chance that they will—it will not be long before it will be cheaper to generate electricity from the Sun than from any other means, and there is nothing the Arabs or the Russians can do to block our access to the Sun.●

CONTINUE THE PRESENT EDUCATION AID PROGRAMS

● Mr. JEPSEN. Mr. President, historically, Iowa has placed great emphasis on education. Iowans have traditionally had one of the highest literacy rates in the Nation. Our public and private education programs are second to none, offering a wide diversity of character and choice. The University of Iowa has produced many nationally renowned writers through its writers workshop; Graceland College in Lamoni offered opportunity to future Olympic decathlon champion Bruce Jenner.

President Reagan recently proposed major changes in educational assistance for students in his fiscal year 1983 budget. His educational program calls for drastic reductions in funding for basic educational opportunity grants (BEOG) or Pell grants and guaranteed student loans (GSL), and for the elimination of supplemental educational opportunity grants (SEOG), national direct student loans (NDSL), and assistance for graduate and preprofessional students in the form of GSL's.

I strongly disagree with these proposed changes and shall cast my vote in favor of maintaining funding for the majority of these essential programs at current levels.

Iowans are also deeply concerned with the future of vocational and adult education. I intend to thoroughly study the administration's proposals in this vital area to see that vocational and adult education will remain open and available to all. Our vocational program has greatly benefited Iowans and is one of the strongest in the Nation. At a time in the economic life of our country when programs of proven benefit such as these are greatly needed, I question the wisdom of substantial cutbacks and drastic reorganization.

Providing our Nation's students with accessible educational opportunity is a priority which must be maintained.

Let me briefly delineate the steps an average student goes through in applying for financial aid:

First. Students fill out a standardized financial aid form which includes detailed information on the student's and parents' incomes, assets, liabilities, et cetera, taken from their respective income tax forms. A private agency, the College Scholarship Service (CSS), analyzes this information and computes the estimated family contribution, in dollar terms that the student and family should be able to pay toward the student's education.

Second. The college or university receives this information and compares the estimated family contribution with the estimated total cost of education. The difference between the two is the student's need. This need the school then tries to make up in scholarships, work study—part-time jobs on campus—GSL referrals, and other Government funds such as BEOG, SEOG, NDSL, et cetera, if the student is deemed eligible for those funds.

Third. The school presents the student with the package.

This is the system all students who receive financial aid work under. It is expected that all students will work during the summer and estimated earnings from this employment are included in the estimated family contribution. Also, if a student is eligible for a guaranteed student loan he/she must secure those funds from a private lending institution.

This needs analysis is a very detailed process. It is tailored to each individual student according to his/her ability to pay. Students who receive BEOG, SEOG, and NDSL funds must show an actual need for those funds.

When we examine the proposed cuts in these programs that the administration is proposing, a frightening scenario develops. In Iowa, 30,000 students—nearly 30 percent of the total student population—go to college with the help of a Pell grant. The administration's cuts would eliminate educational opportunity for 12,000 of these students, or 40 percent of those receiving this aid.

This is a significant drop, expecially when considering that Pell grants are the fundamental source or foundation of higher educational assistance. They represent the first step in constructing the financial aid package for the needy student.

Loss of the institution-based supplemenetal educational opportunity grants and the national direct student loan program would further widen the gaping hope left by reduced Pell grants. Private colleges, in particular, have relied on these programs to help students meet the spiraling costs of higher education.

The outright elimination of graduate and professional students from the guaranteed student loan program, as advocated by the administration, would truly be devastating to some of our most talented and advanced students. This alone would affect 77 percent of the Drake University Law School and 78 percent of the college of veterinary medicine at Iowa State University. Clearly, this is not the direction to go at a time when we are looking for ways to advance and strengthen our economic health and maintain our leadership in the areas of technology and science.

While we must work to maintain the integrity of our educational assistance programs, that certainly does not mean they are immune to the hard reality of our current economic times. On the contrary, abuse does exist in the present system, and some tightening up is going to be done. I intend to introduce legislation in three areas which will help strengthen these programs by curtailing abuse.

First, all students requesting aid should meet standard needs criteria. Currently only those with family incomes above $30,000 a year must meet these criteria. The system would be tightened to provide that all students be subject to these requirements.

Second, I will introduce legislation proposing that stronger collection powers be given to the Justice Department to collect outstanding or delinquent accounts in the guaranteed student loan program. While the Department of Education has made commendable progress in reducing the number of delinquent accounts, more progress can be made in this area.

The current default rate for guaranteed student loans is 12 percent. The President, in his fiscal year 1983 budget, predicts that defaulted GSL's will grow by $546,300,000 for that year alone. This is simply too much.

Finally, I will propose that persons eligible for tax refunds from the Federal Government be denied those refunds if they are delinquent on payments for their guaranteed student loans. While I firmly believe that the only proper function of the Internal Revenue Service is the collection of taxes, I also find it unconscionable to refund money for assistance which they are under contract to pay back. Several States have adopted this measure on the State level, with some apparent success.

Those who have skipped out on paying back the Government for their student loans are the very people who have helped to give this worthy program a bad name. We should take no pity upon them. Neither should we condemn the future education of our worthy young people for this conscious and unforgivable action by a past generation. The past must not be permitted to rob the future. Rather, we must be prepared, as teachers and administrators over the years have done, to rap the knuckles of those who will not honor their obligations.

Concern has been expressed—and rightfully so—about the cost of these programs, especially when the Government is trying to tighten its belt. It is estimated that, on the average, $200 million a year in defaulted guaranteed student loans go uncollected. As I pointed out earlier, the estimate for 1983 is $546,300,000. The Department of Education estimates that $1.7 billion in loans have gone uncollected since the program's inception. This money could go a long way toward keeping the costs of these vital programs down.

I believe by putting our priorities in proper perspective, by providing a balanced program of aid and by belt tightening, we can insure our economic health and technological leadership. As Plato said, "The direction in which education starts a man will determine his future." Let us continue in the direction of the past 25 years and help those who truly need help to achieve their education, and thus determine a bright, strong future for our country.●

RECESS UNTIL 1:50 P.M.

Mr. THURMOND. Mr. President. I move that the Senate be in recess until 1:50 p.m.

The motion was agreed to and, at 1:35 p.m., the Senate recessed until 1:50 p.m.; thereupon, the Senate reconvened when called to order by the Presiding Officer (Mr. GORTON).

The PRESIDING OFFICER. In his capacity as a Senator from the State of Washington, the Chair suggests the absence of a quorum.

The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. BAKER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BAKER. Mr. President, I ask unanimous consent that the time for the transaction of routine morning business be extended until not later than 2:30 p.m., under the same terms and conditions as heretofore ordered.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BAKER. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. BAKER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BAKER. Mr. President, I am advised now that some Members may wish to speak as in morning business and cannot do so for the next little while. In order to accommodate the maximum convenience of Senators, I ask unanimous consent that the time for the transaction of routine morning business be extended until not later than 3:30 p.m., under the same terms and conditions as heretofore ordered.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BAKER. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. McCLURE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. HATCH). Without objection, it is so ordered.

THE NUCLEAR FREEZE

Mr. GLENN. Mr. President, in recent days we have had numerous resolutions introduced in Congress regarding the nuclear freeze. President Reagan addressed us last night in his evening news conference. I must say, Mr. President, that I was surprised by at least part of the statement the President made with regard to the situation in which we find ourselves vis-a-vis the Soviet Union concerning strategic nuclear weapons.

While in the President's opening statement he addressed us only in a general way, I was very surprised at his answer to one of the first questions that was put to him. I read from a transcript of the President's press conference last evening.

> Q. Mr. President, the experts say the Russians are far ahead of us in some nuclear weaponry and we are far ahead of them in terms of Polaris missiles and so forth. And we also have the capability of swift massive retaliation against the Soviets. Under those circumstances, why don't we seek negotiations for now and carry on to reduction. That way we can halt the making of doomsday weapons and save billions to help poor people?
>
> A. Helen, I know that there are people that have tried to figure this out. But the truth of the matter is that on balance the Soviet Union does have a definite margin of superiority—enough so that there is risk and there is what I have called, as you all know several times, a window of vulnerability. And I think that a freeze would not only be disadvantageous—in fact even dangerous—to us with them in that position, but I believe that it would also militate against any negotiations for reduction. There would be no incentive for them then to meet with us and reduce.

That is the end of the quote, although the President's statement went on into intermediate force negotiations, some figures on that, and the rest of the statement. But I would stress that in the middle of the President's response he made the following statement, which I will repeat again: "But the truth of the matter is that, on balance, the Soviet Union does have a definite margin of superiority."

Mr. President, I think this deserves considerable comment. I think it needs to be clarified for the American people. In fact, I think it needs to be clarified for various capitals around the world, for I am absolutely certain that that statement will be singled out and will be well noted by those in capitals around the world that do worry about whether we have strategic superiority or whether the Soviets have strategic superiority. I think the American people and all these capitals around the world need to remember that there are different bases on which you make judgments of who may or may not be ahead with regard to the strategic arms balance.

The President, as I see it, is making a narrow judgment based on one set of figures which can certainly be disputed by another set of figures. And let me go into that for just a moment.

If we look solely at strategic weaponry throw weight capabilities, or we look solely at strategic weapon megatonnage, then the President may be on firm ground in making his statement that the Soviets have a margin of superiority over us.

But I think the President should also consider the fact that numbers of warheads and accuracy are very major factors with regard to who is or who is not ahead in strategic nuclear weaponry. That was certainly not mentioned. In fact the basis for his judgment, as stated last night, was not given.

I would submit that the number of warheads and the accuracy of those warheads are to me a balancing factor, that more than outweighs the megatonnage or the throw weight advantage that the Soviets may have.

Now let me go into that just a little bit. Our estimate of the number of warheads, is that we have a grand total of around 10,000, without getting into classified figures. We have about 10,000 warheads on our strategic weapons systems.

The Soviets have some 7,000 warheads available. That means we have about a 3,000 warhead superiority, some 42 percent more warheads than the Soviet Union. And this does not even count the numbers of warheads that our allies, the British and the French, may also have. All of our estimates and our observations are that we have better accuracy with these 42 percent more warheads that we possess.

What this means then, Mr. President, is that it is my opinion that the United States of America is not second best to the Soviet Union in the strategic arms race. I do not want our allies to think so and I do not want the American people to think so. To substantiate the President's statement that the Soviet Union does have a definite margin of superiority, you need to base your comparison only on a megatonnage or throw weight criteria. But if you base it on numbers of warheads, which I think is a legitimate basis and one that I would rather rely on than just megatonnage or throw weight—then our 10,000 to the Soviet's 7,000, and the fact that we have better accuracy, leaves us far from being a second-rate nation.

I do not want our allies or any nations around the world to get the wrong impression that we have somehow let ourselves drift into second-rate status. In fact, I do not want to encourage the Soviet Union to think that they are the superior nuclear power in the world, which might even further tempt them to some stupid and irrational first strike.

Mr. President, in recent days numerous arms control resolutions have been introduced in Congress. There is the Kennedy-Hatfield, the Jackson-Warner, the Mathias-Eagleton, Hart, and Percy in the Senate, and Markey-Conte in the House. Over the next few months, the pros and cons of these resolutions will be fully aired and weighed by the appropriate congressional committees. Although each of them differs from the others, all of the resolutions have certain elements that are highly attractive.

The notion of a "nuclear freeze," for example, is simple, very neat, and appeals to nearly everyone. Do we not wish it were that simple? Many people also want the President to initiate talks immediately with the Soviet Union so that the process of limiting and reducing the nuclear arsenals of both sides can be undertaken with dispatch. Still others recognize the close connection between controlling and reducing the nuclear arsenals of the superpowers—vertical proliferation, as it is called—and halting the global spread of nuclear weapons—or horizontal proliferation, as that is called. In this respect, the Mathias-Eagleton resolution—which includes a concern for horizontal proliferation—can be viewed as complementing the Kennedy-Hatfield resolution, which focuses on the problems of vertical proliferation.

In large part, Mr. President, these resolutions all are responding to the concerns expressed by the "nuclear freeze" movement currently sweeping this country and, indeed, the world. From Great Britain to New England, Japan to California, and every place in between, the people are speaking out. They realize what monstrous consequences would flow from a nuclear exchange and fear that the chance—of stumbling into such a war is greater today than at any time since the Cuban missile crisis. People are also questioning the need for a continuing arms race at a time when both sides already possess enough bombs to literally obliterate each other several times over. The public wants these arsenals reduced, and they want them reduced now.

The Reagan administration's initial response emphasized that a "freeze" would put the United States at a disadvantage. But now, as of last night, the administration has signaled its support for the freeze resolution sponsored by Senators JACKSON and WARNER. The President also says that he wants to proceed with the so-called "START" negotiations for nuclear reductions.

Frankly, I am worried that some elements within the administration are still seemingly bound to "linkage," hoping to link the commencement of these talks with charged Soviet behavior in Poland, Afghanistan, or Central America.

If that view of linkage prevails within the administration, then we might legitimately question whether by START, the administration does not really mean "stop."

Mr. President, I think at least a part of the momentum behind the freeze movement springs from perceptions by many people, both in our own Nation and abroad, that the administration overemphasizes a Soviet plot behind nearly every foreign policy problem we face, making them very, very nervous about what we might do. These assumptions have caused the administration to talk, perhaps too casually about military solutions to such dilemmas as El Salvador, about the possibility of demonstration nuclear weapons explosions, or about winnable nuclear wars.

So it is no wonder not only Americans but others have become dismayed and have taken to the streets and the ballot boxes to express their concern.

Tough talk cannot take the place of a sound, coherent, and consistent foreign policy. It is one thing to recognize the danger of Soviet adventurism and to take action to reduce our vulnerabilities and those of our friends, but it is quite another thing to appear to much of the world to be overwilling for confrontation.

Mr. President, in my view, the nuclear freeze movement offers not only a challenge but also an opportunity. Americans are weary of promises that meaningful arms reduction talks are just around the corner.

They have become weary of it not only in this administration but were weary of it in the last administration.

This administration has been in office for 15 months or so, and our people want action, not promises; they want answers, not excuses. We dare not miss this opportunity to forge a bipartisan consensus on arms control and nuclear nonproliferation policies.

Again I say that the American people are speaking loud and clear, and people around the world are expressing their interest in the same subject. Congress must show that it is listening. But the challenge is to translate the call for a nuclear freeze into a comprehensive, a possible, and a doable arms control program.

In my view, a verifiable and mutual United States-Soviet nuclear freeze that does not sacrifice U.S. national security would be a very useful point from which to enter into negotiations on longer term arms control issues. How long such a freeze would be useful depends, of course, on how much progress is made in U.S.-U.S.S.R. arms limitation and arms reduction talks.

The nuclear freeze between the superpowers might also assist our efforts to resist the spread of nuclear weapons to smaller and smaller nations around the world, something I have been involved with for many years. The Nuclear Nonproliferation Act was put through several years ago in the hopes that we could prevent some of this horizontal proliferation.

The freeze would be a dramatic "affirmation by the superpowers that they are committed to article VI of the Nuclear Nonproliferation Treaty, NPT. That would help shore up support for the treaty at a time when many of the 112 nonweapon signatory states have openly questioned the value of their participation or their even remaining in NPT.

My concern about verification of arms control agreements, Mr. President, is well known. I believe that confidence in Soviet compliance is an essential ingredient in any comprehensive arms control program. Although the American people want to reduce the risk of war, they know that we cannot lower the danger merely by lowering our guard. We must have reasonable assurances that limits or reductions are mutual, that they are balanced, and that they are verifiable.

Needless to say, we can never achieve 100-percent certainty of Soviet compliance, so reasonable precautions must be taken. But we should not allow an overly restrict requirement for verfication or an insistence on foolproof cooperative measures to delay or stall consideration of prudent arms control.

Mr. President, paper proposals to express concern about this international problem are one thing, but if we are truly serious about the problem, then it seems to me that it is up to us to make very substantive proposals on which we can act. Any substantive proposal, it seems to me, has to have several very basic elements, a couple of which have not been addressed by any of the freeze proposals that I have seen so far.

Any proposal that tries to go through a step-by-step process by which we not only get control now but proceed into the future with a lessening of the nuclear weapons danger around the world must include, first, limits.

Second, it must provide a process for reductions.

It must provide, third, for nonproliferation, halting the spread of nuclear weapons to more and more nations while we try to get big weapons stockpiles under control.

Fourth, it must involve all the nuclear weapons states.

Thus, I call upon the administration to adopt a serious and a comprehensive arms control package that includes the following goals and means to those goals:

No. 1. to limit nuclear weapons expansion: A freeze through 1985 of testing, production, and deployment of strategic weapons at the SALT II levels, something both we and the Soviets are living with now. The only part lacking is the requirement for them to dismantle some 250 to 300 of their launchers. Otherwise both sides are living with that kind of limitation now.

So that is a doable thing and it is something we can start with now.

No. 2, to reduce existing weapons stockpiles: We must attempt at the earliest possible time to negotiate an agreement on balanced incremental reductions in strategic weaponry. Such reductions should both preserve deterrence and be adequately verifiable. This is a step which the administration has hoped to jump over, going to reduced weaponry in one fell swoop.

I would think it is much more logical to start with limitations and then proceed to reductions.

No. 3, while we are doing that, we want to prevent the spread of nuclear weapons. We must pursue the establishment of additional measures by nuclear supplier nations designed to halt the worldwide proliferation of nuclear weapons.

I would say that last year just before the Ottawa summit, this body passed, 88 to zero, a resolution asking the President to bring up this problem at the summit. That was shortly after the Israeli raid on the nuclear facility at Baghdad and the world's attention had been focused on the problem. It received short shrift in the considerations at Ottawa.

But we have another summit coming up, and I hope the President avails himself of that opportunity, at Versailles early this summer; to talk to the nuclear supplier nations not only about not sending reprocessing equipment, but not sending uranium enriching equipment to these nations around the world. Those kinds of transfers represent the primary two means of establishment of additional nuclear weapons states, something we have been trying very hard to prevent.

No. 4. To involve all nuclear weapons states in the process: A commitment to bring all nations possessing nuclear weapons into the negotiations and related activities at the earliest appropriate time.

Mr. President, it will do little good if we go through the first three steps of limiting, of reducing, and of preventing the spread if additional nuclear weapons states besides the United States and the Soviet Union embark on new weapons-building programs of their own which would, in effect, destabilize what we are trying to establish between ourselves and the Soviet Union. Those four things are very basic, it seems to me: To limit, to reduce, to prevent the spread, and to involve all nuclear weapons states in the process.

I might say the nuclear weapons states verified as of now are not only the United States and the Soviet Union but Great Britain, France, China, and you can also count in India which has set off a nuclear explosion. Whether you wish to call it a bomb, or a bomb capability is debatable, but they have shown the capability of setting off nuclear weaponry.

Mr. President, in Newsweek magazine last summer, there was an article on the nuclear threat. In that were listed those possessing nuclear weapons now as the United States, Soviet Union, Great Britain, France, China, and India. They also listed those believed capable of building a nuclear bomb to be Canada, West Germany, Italy, Israel, Japan, Pakistan, South Africa, and Switzerland. Those who could have the bomb within 6 years are Argentina, Australia, Austria, Belgium, Brazil, Denmark, Iraq, South Korea, the Netherlands, Spain, and Taiwan.

Those who could have the bomb in 7 to 10 years are listed as Egypt, Finland, Libya, and Yugoslavia.

I hope that last part with Libya involved does not come true in 7 to 10 years or 70 years, unless their policies change.

Mr. President, that list indicates the nature of the problem. Those four goals I mentioned—limiting, reducing, preventing the spread, and involving all nuclear weapons states in the process—are primary and fundamental. Beyond that, there are some other things I think should be approached in the longer run.

I think we must address the question of arms control in its totality, not just nuclear arms. The initiation of United States-Soviet negotiations to reduce conventional armaments, the mutual and balanced force reduction talks, should be run on a dual track with our negotiations on nuclear weapons. And on a more philosophic note, to ameliorate the major causes of global instability, we should have, as the Jackson-Warner proposal points out, a dialog with the Soviet Union aimed at focusing the genius, energy, and resources of our two peoples on the ancient enemies of mankind—poverty, hunger, and disease.

Additionally, I would automatically presume that to reduce the threat to our allies in Europe, a continuation of good faith efforts to negotiate limitations on intermediate-range nuclear weapons deployed on the European Continent must continue so that our European allies need have no concern that we are neglecting their interests and concerns.

Mr. President, back to my starting point at the beginning of this discussion, I was surprised at the President's statement last evening, reading it once again:

> The truth of the matter is that on balance the Soviet Union does have a definite margin of superiority.

The President was referring to strategic nuclear weapons in response to a question after his formal opening statement.

Mr. President, I think that needs to be clarified. As I said, I think it needs to be clarified not only for the American people, lest they lose confidence in our own strategic arms capabilities, it needs to be clarified for the rest of the world community and for the Soviet Union. I can only presume that the President based his judgment on the sole analysis of megatonnage and throw weight capability.

To me, a far more realistic method of judging our capability is the number of warheads and the accuracy of those warheads. In that department, we alone, not counting our allies, have some 10,000 deliverable nuclear warheads. The Soviets have some 7,000. So we have about 42 percent more warheads, and those warheads have greater accuracy than do the Soviets. I do not think, Mr. President, that we are a second-rate strategic arms power. I do not want our people to think so, the Soviet Union to think so, nor our allies to think we are any less than the best. That is not just American bravado or braggadocio, I think it is a cold analysis of numbers of warheads and accuracy.

I think the four basic goals I have outlined should go into any nuclear freeze or arms control program and should be given careful consideration.

It seems to me they establish a one-, two-, three-, four-type process leading to real and true nuclear arms control some time in the future. Just to call for a freeze without a process to back it up might work, but it is going to require more than we have indicated a willingness to negotiate so far. I hope the administration will move, first, to go with limiting nuclear weapons expansion; a freeze through 1985 of testing, production, and deployment of strategic weapons at SALT II levels.

Second, to reduce existing weapons stockpiles; an agreement on balanced, incremental reductions in strategic weaponry, such reductions being those that would assure deterrence and be adequately verifiable;

Third, to prevent spread of additional weapons; the establishment of additional measures by nuclear supplier nations designed to halt the worldwide proliferation of nuclear weapons;

And fourth, to involve all nuclear weapons states in the process; a commitment to bring all nations possessing nuclear weapons into the negotiations and related activity at the earliest appropriate time.

I yield the floor.

Mr. EAGLETON. Mr. President, I shall address another subject matter but before my distinguished colleague from Ohio leaves the floor, I commend him for his very cogent remarks. I have listened here, on the floor, and from the Speaker's box in the cloakroom. I know of no Member of the Senate who has devoted more of his time and talent to this question of nuclear arms control than the distinguished Senator from Ohio (Mr. GLENN). I think the four points he has laid out constitute a very rational, very sensible, measured approach to what is perhaps mankind's most agonizing problem. I salute him for his remarks.

REAGAN AGAIN MAKES SWEEPING ERRORS AT NEWS CONFERENCE

Mr. EAGLETON. Mr. President, along with millions of other Americans, I watched President Reagan's press conference last night. Once again, as in so many previous press conferences, the President either misstated or misleadingly stated the facts.

On the special supplemental feeding program for women, infants, and children—sometimes known by the acronym WIC—he said:

> In the same editorial they criticized the women, infant and children nutrition program. And I am sure at first glance they must have thought something had happened. It's been merged with another program and is in there at much greater money than it has ever had before.

The President was referring to a New York Times editorial published on March 31, 1982.

The facts are, that in fiscal 1982, the WIC program will operate at a level of $955.5 million and the maternal and child health block grant will operate at a level of $347.5 million, for a total of $1.3 billion. That is $1.3 billion for WIC and the maternal and child health block grant combined.

In fiscal 1983, however, the President recommends the merger of these two programs and a total of $1 billion to be spent on both.

So the President's statement last night in his press conference is flatout wrong.

On food stamp fraud, last night the President said as follows:

> And just recently we've been doing some investigating so that we can intelligently treat with a program of that kind, and we have found in the first investigation that 57 percent of the stores that were investigated are selling items for food stamps that are banned, that food stamps are—it's illegal to use food stamps to buy those things.

What the President didn't say was that this investigation was made in high risk grocery stores, that is stores with a previous track record of abusing the food stamp program. These are the Al Capone grocery stores. The President leaves the impression by his answer that nationwide there is a 57 percent error rate. The fact is that Al Capone stores have such a rate, not all stores.

Mr. President, I brought out these facts in a hearing this morning of the Senate Agriculture Appropriations Subcommittee and I hereby ask unanimous consent that an excerpt from the transcript of such hearing as it reflects on this matter be placed in the RECORD at the conclusion of my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

Mr. EAGLETON. Mr. President, a few weeks ago, President Reagan addressed the National Association of Manufacturers. Always the consummate performer, the President convulsed his audience by contrasting the few number of words in the Lord's Prayer and Gettysburg Address with the pages and pages contained in an Agriculture Department order setting the price of cabbage.

The President owned that he could not vouch for the accuracy of the figures, but he suggested that it was no matter, noting: "Possibly, the story is more folklore than fact. But, whichever, I think it's one case where a bit of folklore can convey a lot of wisdom."

I think there is insight in that remark, because I believe that President Reagan truly feels it is harmless to take a little banquet-circuit license with the facts if it helps to entertain his audience and to get his message across. But, when we are talking about programs to feed the hungry of this country, I think the President's responsibility goes a little further than giving his audience an after-dinner chuckle. His "bit of folklore" conveys not wisdom, but a deplorable prejudice against a program which is a lifeline for millions of Americans throughout this country. His apocryphal anecdotes, consistently repeated, betray an emnity for this crucial program and toward the people who are dependent on it. I am saddened to say this, but it is the only conclusion I can draw from the President's repeated flights of folklore and fantasy about this and other programs.

Just two more for the record, Mr. President.

The President makes so many misstatements in his press conferences that it is hard to keep up with them, but there are two more I wish to add at this point that came out of last night's presentation.

Last night the President claimed, "We have not touched social security."

Again, the fact is that last year's budget cuts included a $20 billion cut in social security over the next 5 years.

Then, once again from last night's press conference, the President stated, "We have in some of the hardest hit States extended the unemployment insurance."

The fact is, Mr. President, that the Reagan budget cut enacted last year actually ended extended unemployment benefits for most unemployed Americans.

For example, in Michigan, where unemployment is over 11 percent statewide and alarmingly higher than that in the Detroit area, extended unemployment benefits actually were terminated for a number of months because of the Reagan budget cuts.

So, once again, Mr. President, we have this usual Reagan cleavage, the cleavage between Reagan fiction and factual reality.

EXHIBIT 1

Excerpts from transcript of hearing before the Appropriations Subcommittee on Agriculture, Rural Development and Related Agencies, April 1, 1982.

Witnesses appearing in the following transcript:

Mr. John V. Graziano, Inspector General, U.S. Department of Agriculture.

Mr. Robert Sherman, Deputy Budget Officer, U.S. Department of Agriculture.

Mr. Henry Eschwege, Director, Community and Economic Development Division, General Accounting Office.

Mr. John Bode, Deputy Assistant Secretary for Food and Consumer Services, U.S. Department of Agriculture.

Mr. Andy Hornsby, Deputy Administrator for Regional Operations, Food and Nutrition Service, U.S. Department of Agriculture.

Senator EAGLETON. Let me ask this question and then yield to Senator Chiles after I ask this question.

Would this be a fair statement, Mr. Inspector General? Suppose in the Department of Agriculture budget we put in a new line item and the new line item was called "waste, fraud and abuse." So after we got through with the food stamp section of the budget, we put in a new item "fraud, waste and abuse," reduce the food stamp program $1 billion, strike a total. That would be an overly simplistic way of approaching the problem, wouldn't you say?

Mr. GRAZIANO. Yes, sir. I do not believe by reducing the budget for the food stamp program we would see an automatic reduction in fraud, waste and abuse. We would still have to address the problems.

Senator EAGLETON. You are absolutely correct.

* * * * *

Senator EAGLETON. Here are the accurate figures. For fiscal 1982, the year we are in, appropriated for WIC was $955.5 million, just a shade under a billion dollars. For maternal and child health, et cetera, fiscal 1982 appropriated $347.5 million. That totals $1,303,000,000. The President's 1983 budget proposal folds those two together as a block grant and funds it at a billion dollars.

I will ask the Department of Agriculture folks is that a fair reflection of the figures?

Mr. SHERMAN. That is correct, Mr. Chairman.

Senator EAGLETON. The President last night in his press conference, talking about how much he cared for the poor and threw around a lot of figures showing that he cared, concluded his long answer with this: "Well, what they didn't see was that we actually have more money in for that program than we had for others. In the same editorial"—he was complaining I think about a New York Times editorial—"in the same editorial they critized the Women, Infants and Children program—WIC—and I am sure at first glance they must have thought something had happened. Well, it's been merged into another and is there at much greater money than it has ever had before."

Let my repeat that. "I am sure at first glance they must have thought something had happened. It's been merged with another program and is in there at much greater money than it has even had before."

That is just a bold, bald, total mistatement, inaccurate in the extreme, because when you merge 955 and 345 and then say that adds up to billion and a billion is more than $1,303,000,000, you are totally and inexcusably misstating identifiable facts.

Now that is not your fault. You weren't whispering into the President's ear last night, were you.

Mr. ESCHWEGE. I am part of the Legislative Branch, Mr. Chairman.

Senator EAGLETON. But for the life of me I don't know where the President is getting his figures. He had a long coaching session yesterday. The network news says it is the longest coaching session he has had to prepare for a national press conference, and he did rattle off a lot of figures in his answers, including those I read into the record. But even with a long coaching session the President continues to misstate the facts, and then he wonders why the New York Times writes an editorial critical of his policies on nutrition, then he wonders why people come to the conclusion that he is inattentive to and unconcerned for the plight of the poor. And for the life of me I first don't know why he does it, and (b) I don't know how he thinks he can get away with it. He must know the New York Times prints the transcript verbatim after every presidential news conference. He must know there are people from these departments, budget officers, what have you, that have the figures. He must know sooner or later Congress will find out what the figures are. But he insists on doing that. It is part of his pattern and practice of misstating identifiable facts.

So I don't know how many millions of people watched the press conference last night. I suspect a vast audience. It preempted all three networks, and it should. Sometime we will have a Democrat in the White House and we will preempt.

So millions of people if they heard that answer last night will say, "Gee, the President is putting more money in WIC." How many millions of people will find out today the President just misstated the situation in the extreme. Some people will. There will be another editorial in some major newspaper now. If I were Meg Greenfield of the Washington Post I would be cranking out an editorial right now on WIC. I would have the true figures in it and say, "Mr. President, we stand by our earlier editorial and now we are standing by this new one. You are decimating the nutrition programs of this country. You are not telling the country the truth about the moneys that are going into nutritional programs."

Well, that is over and beyond your presentation here today. All right, sir, you were on conservation.

* * * * *

Senator EAGLETON. We have the Food and Nutrition Service people here and I think we will hear from them before we go on to the Commodity Futures Trading Commission.

Sir, would you give us your name and title, indicating the scope of your duties, and also the name and title of the gentleman with you.

Mr. BODE. Senator, I am John Bode, B-o-d-e. I am Deputy Assistant Secretary for Food and Consumer Services. The Food and Nutrition Service reports to our office.

With me is Andy Hornsby, H-o-r-n-s-b-y. He is Deputy Administrator for Regional Operations in the Food and Nutrition Service.

Senator EAGLETON. Are both of you Schedule C or career?

Mr. BODE. I am a political appointee. Mr. Hornsby is career.

Senator EAGLETON. Did you come straight off the farm, Mr. Bode?

Mr. BODE. No, sir, I was previously a staff member of the Senate Agriculture Committee.

Senator EAGLETON. This one?

Mr. BODE. Senate Agriculture.

Senator EAGLETON. Oh, the big one.

Here is why we asked you to come down. I am sure it was described to you over the phone. The President in his press conference last night said the following: "And just recently we have been doing some investigating so we can intelligently deal with a program of that kind"—he is talking about food stamps—"with a program of that kind, and we have found in the first investigation that 57 percent of the stores that were investigated are selling items for food stamps that are banned, that food stamps are—it's illegal to use food stamps to buy those things."

Can you shed some light on this? First of all, has this investigation culminated in any kind of a report?

Mr. HORNSBY. Senator, it is a series of investigations.

Mr. BODE. Senator, there is a series of investigations that have been conducted. The President is absolutely right in his report that in calendar year 1981 our investigations by our compliance staff in Food and Nutrition Service, in cooperation with our field offices, found that 57 percent of the stores investigated were accepting food stamps for ineligible items. There were 5,000 stores investigated out of a total of about 240,000 stores.

Senator EAGLETON. How was this investigation conducted? What would be a typical way one of your folks went into a typical supermarket and investigated?

Mr. BODE. There are a number of ways that these investigations could be spurred. They are not a random sample, if that is the point you are driving at. Typically, some complaint may have been received or, as I think you know, Senator, we monitor food coupon redemptions made by all of our retailers, and if something out of the ordinary develops and shows up in that computer monitoring, an unusually high level of redemptions, for examples, or some dramatic fluctuation level up in redemptions, that spurs and investigation.

I think there is a point that should be made in addition here. Almost all of these stores received a letter of warning prior to the investigation.

Senator EAGLETON. So these were sort of high-risk stores. I mean either private consumer complaint or warning letter or something. This probably wasn't a Georgetown Safeway.

Mr. BODE. We had reason to conduct the investigations going on. So they were the high-risk stores.

Senator Eagleton. This was not, bv your own testimony, the random sample pollster; these are high-risk stores.

Mr. Bode. That is correct. They are relatively high-risk stores.

Senator Eagleton. There are stores that trade in food stamps in a greater volume and with greater repetitiveness than, say, the Georgetown Safeway or Chevy Chase supermarkets out in posh Chevy Chase. There is nothing wrong with that.

Mr. Bode. And they have received a letter of warning they are suspect.

Senator Eagleton. Okay, the investigator goes in. Does he sort of hover around one of the checkout counters and see what is going on?

Mr. Bode. I will ask Mr. Hornsby to comment.

Mr. Hornsby. Let me explain that. The investigator will use one of two methods of investigating the store. He or she will either do it personally or they will hire local people or local ladies if they don't think they can fit with the normal clientele of the store, and will actually shop with food coupons through a series of transactions, generally give different transactions in the store, buying anything that can be purchased. And they are trained fairly well to avoid entrapment, to go in and purchase the item, let the merchant decide. We do not want any pressure.

Senator Eagleton. So some of these purchasers were shills—it is used in law enforcment. The hired shill went in and pushed a cart around, put some hamburger in it, put some beans in it, and then put some Pepsodent toothpaste in it.

Mr. Hornsby. Exactly right.

Senator Eagleton. And Pepsodent is prohibited.

Mr. Hornsby. Correct.

Senator Eagleton. Not just Pepsodent, but toothpaste is not purchasable through food stamps.

Mr. Hornsby. Correct.

Senator Eagleton. Then wheeled the cart up to the checkout counter and they ring up on the register and pay for it in food stamps.

Mr. Hornsby. Right.

Senator Eagleton. How many of these investigations were done by the hired shill route vis-a-vis the observing, a citizen pushing his or her cart through the checkout counter?

Mr. Hornsby. They were all done by either the investigators themselves or by a hired person to conduct the investigation. No citizens are involved.

Senator Eagleton. I find that sort of interesting. So the whole investigation was done either by an investigator himself throwing things in the cart or a hired shill threw things in the cart.

Mr. Hornsby. We call them investigative aides.

One Point. The investigative aids are supposed to be supervised, keeping them in observation at all times, make sure they don't have the opportunity to take any money with them in the store, they are only taking food stamps, and training them very carefully on what to shop for, and try to keep them under control and make sure they don't compromise the investigation by putting undue pressure on the store, such as "Please let me have the beer."

Senator Eagleton. Do you know if any of the investigators in any cases put a bottle of vodka in?

Mr. Hornsby. I would suspect in the course of 5,000 investigations vodka was purchased in some of them, but it would depend whether liquor is sold in grocery stores in that State. I would suspect some of our investigation reports disclosed vodka. I would bet on it. Liquor is an item that is a flagrant violation, and during the course of our investigations we escalate these purchase attempts into more flagrant violations if the store is willing to do so. The example you used of Pepsodent toothpaste, that is not a real serious violation. A bottle of vodka is a serious violation.

Senator Eagleton. Are you aware that Mrs. Jarrett, Assistant Secretary of Agriculture, said that the President was talking through his hat when in the earlier off-the-cuff remark he talked about the vodka matter?

Mr. Bode. Sir, she is my boss. I was not aware of the fact she used the case you talked about. I think her point was in that testimony that purchases of a bottle of vodka, which one usually assumes sells for more than $1, are not proper under our regulations.

Senator Eagleton. Well, we will get his exact quote. He had somebody buying an orange. We will let the quote speak for itself, and we will put Mrs. Jarrett's quotation in the record as well.

Let's get back to this investigation. Now Pepsodent is not a grievous violation.

Mr. Bode. It is not a violation we consider flagrant. In our investigations we are looking for flagrant violations.

Senator Eagleton. How about a bar of soap, is that permissible under food stamps?

Mr. Hornsby. We classify them into two groups of items, major items and minor items. The major items are items costing $5 or more—an item of alcoholic beverages or cartons of cigarettes, tobacco, alcoholic beverage and six-packs or more of beer, bottle of liquor. Minor items are non-food items costing less than $5, such as soap, washing powder, toothpaste.

Senator Eagleton. Let me get some of these, not so fast. Such as toothpaste.

Mr. Hornsby. Well, soap, hand soap.

Senator Eagleton. Bars of soap, cleaning powder.

Mr. Hornsby. Yes, any items that you buy in a grocery store that cost less than $5 we consider minor.

Senator Eagleton. Now the 57 percent violation rate at these high-risk targeted stores, does that 57 percent include a lot of these minor violations?

Mr. Bode. It includes the minor violations. As I think the President indicated, those were unauthorized sales.

Senator Eagleton. He didn't say major or minor, that is correct. He said unauthorized sales.

Now can you break down that 57 percent between major and minor and in so doing give us the error rate at these high-risk stores, highly targeted stores?

Mr. Bode. I am afraid we don't have that with us, but I am confident we can get it to you shortly for the record.

Senator Eagleton. Would you?

Mr. Bode. Yes.

Senator Eagleton. How soon is shortly?

Mr. Bode. Today.

Mr. Hornsby. Say exactly what you want one more time.

Senator Eagleton. Here is what I want. Five thousand stores were surveyed, not a random survey—and I am not quarreling with the methodology used. You picked high-risk stores, stores where you had a complaint, stores where the utilization of food stamps was very high, stores that had a warning letter, high-risk stores. And you found 57 percent——

Mr. Horsnby. Twenty-seven hundred of them.

Senator Eagleton. Twenty-seven hundred violations. And violations can be of two different types. For instance, in my religion we have venal sins and more significant ones. Sometimes the more significant ones are more fun than the venal ones. But this 57 percent error, my suspicion is the vast bulk of those were minor. My suspicion is the vast bulk of those were toothpaste, soap, cleansing powder, i.e., things under $5. What do you think about my suspicion?

Mr. Hornsby. No, I don't think that is correct. Out of 2,700 that were found to be violations, 1,754 were violations serious enough to warrant disqualification, removal from the food stamp program. So more than half were violations—the difference in that figure would be those minor violations.

Senator Eagleton. I stand corrected. That is what I am trying to get, some facts. So 1,754 out of the 2,700 were serious.

Mr. Hornsby. Yes, sir, serious enough to warrant a disqualification for 30 days to three years, depending on circumstances.

Senator Eagleton. How many of that 1,754 had previously received warning letters?

Mr. Hornsby. All of them.

Senator Eagleton. All of them?

Mr. Hornsby. Yes, sir. We don't disqualify a store until they have been warned unless we get into a spin-off investigation where you are in a store and they say, well, I won't buy these food stamps from but the store down the street might, I understand. The investigator will do what we call a spin-off investigation, and if serious violations are occurring we may disqualify that store without a warning. It is generally our practice never to investigate—we say investigate for a cause—until the store has been warned both verbally and in writing and it has been monitored. With limited resources, and covering 240,000 stores, you have got to pick out the high potential violators. And you should warn them. It helps in court. They can take us to U.S. District Court.

Senator Eagleton. These are the baddest of the bad guys?

Mr. Hornsby. Yes, sir.

Senator Eagleton. Now suppose out at the National Institutes of Health, the Cancer Institute, they have a hundred patients out there today with lung cancer and they wanted to ascertain the incidence of lung cancer related to smoking, and they surveyed those hundred people with lung cancer and found that 50 of them were heavy smokers. Would that be an accurate reflection, in your judgment, of the statistical incidence of smoking as it relates to lung cancer?

Mr. Bode. No, sir.

Senator Eagleton. It most certainly won't.

Mr. Bode. No.

Senator Eagleton. Now these 1754 baddest of the bad, all of whom have received warning letters, they are not 1754 typical supermarkets or typical grocery stores, are they?

Mr. Bode. No, sir.

Senator Eagleton. These are the cancerous stores. So we are investigating the incidence of cancerous fraud at a pre-determined group of stores that already are declared to be cancerous.

Mr. Bode. If one would want to use that analogy.

Senator Eagleton. And ergo, one comes up with a very high error rate, doesn't one?

Mr. Bode. Certainly, it's a nonrandom sample, as I think the President indicated, just one investigation.

Senator Eagleton. Are you going to write this up, this investigation?

Mr. Bode. We can certainly submit a report.

Senator Eagleton. Had you planned until your appearance here today to write this up?

Mr. Hornsby. We submit this information on a routine basis annually to the various committees on the Hill.

Senator Eagleton. But you didn't think enough of this to write it up in a report?

Mr. Bode. Well, it is regularly reported, sir.

Senator Eagleton. But you didn't find this so significant as to write a special report or a special memorandum or to reduce indeed this entire incident to a printed document or typewritten document. Have you reduced this to a typewritten document?

Mr. Hornsby. Yes, sir. We have reduced it.

Senator Eagleton. Did you bring the document with you?

Mr. Hornsby. We have previously submitted it to most of the committees.

Senator Eagleton. As a document?

Mr. Hornsby. As an answer to a question.

Senator Eagleton. Did you bring the document with you?

Mr. Hornsby. No, sir.

Senator Eagleton. Didn't I request you to bring the report with you?

Mr. Sherman. Yes, sir, you did. The information in the phone calls must have gotten misdirected, sir.

Senator Eagleton. Well, when we fininsh with you can you go to the phone and have a clerk or messenger bring down the document or the report?

Mr. Hornsby. Yes, sir. We can provide that today.

Senator Eagleton. I know you are out in——

Mr. Bode. Alexandria.

Mr. Hornsby. They have that information. We can provide it in a couple of hours.

Senator Eagleton. You ought to be able to provide it in 30 minutes. The report has been prepared, the document is prepared. It is just the transportation time.

Mr. Hornsby. Just the xerox.

Senator Eagleton. You won't go back and have a document written for me. I know you won't do that.

Mr. Hornsby. We will submit the same thing that has prevously been submitted.

Senator Eagleton. Did you put any kind of coding on it, had a red alert, important, vital? Did you flag this in some way?

Mr. Bode. No, sir, I am sure that that was not coded or flagged.

Senator Eagleton. Who did that document go to?

Mrs. Jarrett?

Mr. Hornsby. Sir, my term is questions and answers, that we submit on a regular basis and we do this annually. We have done it for years. We give our investigative results—and it will probably be a one-page question—the results of our retail investigations, and we give you the whole thing.

Senator Eagleton. One page?

Mr. Hornsby. I haven't seen it lately. More than one page.

Senator Eagleton. You have been testifying now for I guess 40-some minutes. You got all this down in one page?

Mr. Hornsby. More than one page.

Senator Eagleton. Does the Department of Agriculture have on its staff professional statisticians? I believe it does?

Mr. Bode. Sure we do.

Senator Eagleton. I guess practically no department in government issues more statistical document than the Department of Agriculture, so you have professional statisticians.

Mr. Bode. Yes, sir.

Senator Eagleton. Did they help you prepare this sample?

Mr. Bode. No, sir; this was an investigation that was a targeted investigation. It was not a random sample, and, to my knowledge, it has never been held out to be.

Senator Eagleton. The Inspector General left, didn't he? Did you consult the Inspector General in the preparation of this targeted sample?

Mr. Bode. The Inspector General is aware of and cooperates with the Food and Nutrition Service in this investigation.

Mr. Hornsby. The Inspector General's office delegates the authority to the agency to conduct retail investigations. They are the investigative arm of Agriculture. They subdelegate the authority to the Agency because of the sheer magnitude of the number of retail investigations that have to be conducted in a year. We have had this authority in FNS for about five years, and it is delegated to us. And they are very aware of it.

We report serious cases to the Inspector General on a regular basis in which they will go in and conduct criminal investigations of those stores that we suspect are trafficking in food stamps, wholesale Federal criminal violation. There is very close coordination with the Inspector General's office.

Senator Eagleton. Okay, if you would, please go to the phone and have them send down that memorandum or report.

Mr. Hornsby. Yes, sir. What we were referring to is in the green sheets, is the breakdown by states on the total investigations done and the results of those investigations. This is what I was referring to.

Senator Eagleton. Have you got a page that pertains to this specific subject matter about which we have been inquiring? I will put this entire page in the record. It is page 145 with a tiny little zero. I don't know what that means. But it is headed "Food Stamp Program," in caps. On the next line it is "Compliance Investigation, Violations and No Violations, Fiscal Year 1981."

And that lists the 50 states and it has positive cases (violations), negative (no violations). Then it has a column of totals.

Mr. Hornsby. That other sheet is the previous sheet there that says what led to those investigations. This is how many you see, the column "Monitoring visits," that is how many total stores.

Senator Eagleton. Number of monitoring visits.

Mr. Hornsby. Right, that is how many stores we go in to check and determine if it is worth investigating the store or not, is there evidence of violations. Number of monitored. 66,732. That is the total.

Senator Eagleton. Get me some xerox of this.

Mr. Hornsby. Here is another sheet with a bit of narrative on monitoring.

Senator Eagleton. And that is the only item that pertains to this?

Mr. Hornsby. Yes, sir.

Senator Eagleton. This is in the budget justification book, page 145e, and on this one page you discussed food stamp disaster assistance.

Mr. Hornsby. Grocery monitor.

Senator Eagleton. I am reading what is on the page. Then you have a paragraph automated quality control system and one paragraph on grocery monitoring. I will read that one.

"Food and Nutrition Service is continuing intensive monitoring of grocers and other redemption outlets to detect and penalize fraud and abuse. During Fiscal 81, FNS completed 166,732 monitoring visits. 29,141 compliance visits, and 4,727 compliance investigations of redemption outlets. More than 1,500 grocers were disqualified."

Mr. Hornsby. These are fiscal figures. The figures we are quoting were in calendar year.

Senator Eagleton. You didn't put attention, attention, we have a hot report on this?

Mr. Bode. No, sir.

Senator Eagleton. Just a rather matter of fact statement printed in with a lot of other statements in the budget justification.

We will xerox that.

All right, it you would, sir, Mr. Bode, go to the phone and ask them to send down by messenger the report or the whatever we call it that we previously alluded to.

Mr. Hornsby. This is what I was previously alluding to.

Senator Eagleton. This is the report?

Mr. Hornsby. Yes, sir.

Senator Eagleton. Well, let us not waste gasoline. You mean this is what they are going to accept?

Mr. Hornsby. Yes, sir, that was referring to what I said we previously submitted some information reporting the results of the investigations.

Senator Eagleton. Oh, this is it. Ain't much, is it?

Mr. Hornsby. We have other reports on this activity that are more detailed that we could provide this committee, and possibly has been provided earlier with a couple of pages.

Senator Eagleton. Well, do me one favor then. Talk to your best statistical folks out there at Agriculture and ask them if based on the methodology used in this investigation that culminated in those three benign sentences in the green sheets, whether the methodology used in terms of stores investigated would lead one to believe that there is a 57 percent error rate nationwide in the Food Stamp Program so far as the purchase of prohibited items is concerned.

Ask your statistical people.

Mr. Bode. Sir, I will ask them to confirm my statement, that I am sure it is not.

Senator Eagleton. Ask him to send me a letter on it.

So what the President should have said last night was that 57 percent of the most suspect stores in the country, the most grievous violating stores in the country, 57 percent of those stores were found to be in violation. It would be like saying that when Al Capone had a meeting at his house and he had Joe Bananas and Lucky Luciano and Killer Jones and Greasy Thumb Goozik, and they are all sitting around, they took a sample as to which amongst them was a daily communicant and found that none of them were daily communicants, therefore it was concluded there were no daily communicants in the United States any more.

But again the President with his great skill would leave the impression after last night's press conference, 57 percent error rate nationwide, that is the impression the President wanted to leave. That is the impression the President did leave. And the facts don't back that up.

Mr. Bode. With all due respect, Senator, I think the President's statement was that

that investigation yielded a 57 percent rate of unauthorized sales. There was nothing inaccurate in what the President said.

Senator EAGLETON. Of the most high risk, proven previous violator. It is an Al Capone situation. You will find a high crime rate in Al Capone's living room, you will find a lot of conspiracy taking place in Al Capone's living room, you will find a lot of prohibition violation in Al Capone's warehouse. But not every grocery store in the country is Al Capone and not every food stamp purchaser or utilizer is Al Capone.

Sure, you investigate the Al Capone's of this country and you will get some alarming statistics. I don't like Al Capone any more than the President or you, or his modern day successors.

But the President is the great communicator, and the great communicator mistakenly left the impression with the American people nationwide that 57 percent violation.

Okay, thank you very much. There is no need to send down a nonexistent report. I take as given these are the best documents you have on this subject matter and you have no other report or memo, no other study in your file over and above these three green sheets.

Mr. BODE. May I add several pages of our recently released, in early February, report on fraud, waste and abuse in the Nurtition Assistance Program includes a section on our compliance activities and we will send another copy of that to you.

Senator EAGLETON. Send that to me. Fine. Thank you very much.

FOOD STAMP PROGRAM

RETAILER–WHOLESALER ACTIVITY, FISCAL YEAR 1981

State	Number of store visits	Number of monitoring visits	Number of compliance visits
Alabama	918	234	684
Alaska	43	22	21
Arizona	559	493	56
Arkansas	1,925	1,587	338
California	6,614	4,881	1,733
Colorado	2,530	2,082	448
Connecticut	342	45	297
Delaware	374	341	33
District of Columbia	419	368	51
Florida	2,414	392	2,022
Georgia	1,234	117	1,117
Guam	87	55	32
Hawaii	426	292	134
Idaho	474	394	80
Illinois	3,911	2,756	1,155
Indiana	1,456	1,054	402
Iowa	1,650	1,455	195
Kansas	2,252	2,037	215
Kentucky	912	82	830
Louisiana	2,681	2,078	603
Maine	555	319	236
Maryland	1,218	1,037	181
Massachusetts	2,383	1,459	924
Michigan	2,550	2,048	502
Minnesota	1,094	654	440
Mississippi	1,081	616	465
Missouri	3,541	2,761	780
Montana	800	710	90
Nebraska	1,552	1,438	114
Nevada	176	134	42
New Hampshire	504	473	131
New Jersey	3,037	2,266	771
New Mexico	909	705	204
New York	4,462	3,071	1,391
North Carolina	744	269	475
North Dakota	446	381	65
Ohio	2,330	1,124	1,206
Oklahoma	1,022	819	203
Oregon	907	579	328
Pennsylvania	10,331	8,939	1,392
Puerto Rico	7,728	4,080	3,648
Rhode Island	288	162	126
South Carolina	491	252	239
South Dakota	154	112	42
Tennessee	2,754	1,313	1,441
Texas	4,992	3,327	1,665
Utah	1,598	1,255	343
Vermont	322	265	57
Virginia	2,045	1,745	300
Virgin Islands	84	42	42
Washington	1,261	1,050	211
West Virginia	1,868	1,539	329
Wisconsin	918	645	273
Wyoming	407	378	29
Total	95,873	66,732	29,141

FOOD STAMP PROGRAM—Continued

COMPLIANCE INVESTIGATIONS—VIOLATIONS AND NO VIOLATIONS, FISCAL YEAR 1981

State	Positive cases (violations)	Negative cases (no violations)	Total
Alabama	80	63	143
Alaska	4	4	8
Arizona	28	10	38
Arkansas	45	9	54
California	152	121	273
Colorado	10	23	33
Connecticut	22	10	32
Delaware	5	1	6
District of Columbia	7	7	14
Florida	114	71	185
Georgia	102	69	171
Guam	16	5	21
Hawaii	10	2	12
Idaho	9	3	12
Illinois	96	53	149
Indiana	36	17	53
Iowa	10	13	23
Kansas	15	17	32
Kentucky	79	55	134
Louisiana	98	70	168
Maine	8	5	13
Maryland	25	31	56
Massachusetts	94	43	137
Michigan	66	44	110
Minnesota	26	16	42
Mississippi	56	43	99
Missouri	44	38	82
Montana	5	17	22
Nebraska	10	3	13
Nevada	8	7	15
New Hampshire	9	3	12
New Jersey	91	37	128
New Mexico	20	17	37
New York	295	116	411
North Carolina	92	57	149
North Dakota	5	4	9
Ohio	108	103	211
Oklahoma	17	15	32
Oregon	31	27	58
Pennsylvania	131	74	205
Puerto Rico	251	180	431
Rhode Island	18	10	28
South Carolina	72	56	128
South Dakota	0	2	2
Tennessee	108	50	158
Texas	135	195	330
Utah	0	4	4
Vermont	6	7	13
Virginia	32	18	50
Virgin Islands	8	6	14
Washington	27	35	62
West Virginia	22	18	40
Wisconsin	20	33	53
Wyoming	4	8	12
Total	2,782	1,945	4,727

(Certain of the materials referred to in the hearing are as follows:)

Nearly three-quarters of food stamp recipients are children, the elderly and single parents who are heads of households.

Recent changes in food stamp law have reduced the number of persons eligible for the program by over 7 million.

The Food Stamp Act of 1977 reduced the number of eligible persons by 3.5 million.

The Food Stamp Act Amendments of 1979, 1980 and 1981 reduced the number of persons eligible for the program by another 4.2 million.

The number of students in the Food Stamp Program was reduced significantly as a result of the 1980 amendments to the law. Students now represent two-tenths of one percent of the food stamp caseload, or 47,000 persons.

FOOD STAMP DISASTER ASSISTANCE

The Food Stamp Act of 1977 provided for significant improvements in the control of food stamp issuance in disaster situations by authorizing the Department to establish eligibility requirements for use during disasters, rather than waiving such requirements as the previous law did. Although the emergency food stamp issuance procedures permit the suspension of normal program eligibility requirements, they provide for extensive screening of applicants. Income and assets limitations are to be applied and food stamps generally will not be issued to eligible households for periods of more than 30 days.

During Fiscal Year 1981, $13,849 in food stamps were issued on an emergency basis in a flood striken area in Ohio (June 19-26, 1981). Sixty-six households containing a total of 254 persons were assisted.

AUTOMATED QUALITY CONTROL SYSTEM

A nationwide automated quality control system is being implemented to enhance the responsiveness and consistency of the quality control review system. This system identifies certification and issuance errors, and determines a State's eligibility for enhanced Federal cost sharing or its liability for losses caused by administrative error.

The food stamp Automated Quality Control System will unify and streamline data reporting and processing, provide a monthly update of case review data in each State, support greater analytic use of all data, and significantly decrease the time between error detection and opportunity for correction. In short, the automation of the entire paperwork process will focus the attention of the quality control system where it belongs—error detection and correction of operating deficiencies in State program administrative processes. Time lag between error detection and error reporting will be diminished and reporting requirements will be streamlined.

Implementation of the new system will be completed during Fiscal Year 1982. At that time, State agencies will be able to enter Food Stamp Program quality control data, generate computerized reports, and use the various statistical analyses available in the system to detect errors and implement corrective action.

GROCER MONITORING

Food and Nutrition Service is continuing intensive monitoring of grocers and other redemption outlets to detect and penalize fraud and abuse. During Fiscal Year 1982, FNS staff conducted 66,732 monitoring visits, 29,141 compliance visits, and 4,727 compliance investigations of redemption outlets. More than 1,500 grocers were disqualified.

Mr. EAGLETON. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. BAKER. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mrs. HAWKINS). Without objection, it is so ordered.

BEST COPY AVAILABLE

ORDER OF PROCEDURE

Mr. BAKER. Madam President, I believe that we are prepared to start the adjournment sequence in a moment that I am sure other Senators have looked forward to as I have. I observe a smile on the face of some of our pages, and I can assure them they are no more anxious for that than we are.

AUTHORITY FOR CERTAIN ACTIONS DURING THE ADJOURNMENT

Mr. BAKER. Madam President, I ask unanimous consent that during the adjournment of the Senate over until Tuesday, April 13, 1982, messages from the President of the United States and the House of Representatives may be received by the Secretary of the Senate and appropriately referred, and that the Vice President, President pro tempore, and acting President pro tempore may be authorized to sign duly enrolled bills and joint resolutions.

I further ask unanimous consent that during the adjournment of the Senate over until Tuesday, April 13, 1982, committees may be authorized to file reports on Thursday, April 8, between the hours of 9 a.m. and 3 p.m.

ORDER FOR CERTAIN ACTIONS WHEN SENATE RECONVENES

Finally, I ask unanimous consent that when the Senate reconvenes on Tuesday, April 13, 1982, the reading of the Journal be dispensed with, no resolutons come over under the rule, the call of the Calendar be dispensed with, and following the time allocated to the two leaders under the Standing Order, there be a period for the transaction of routine morning business not to exceed 30 minutes in length, with Senators permitted to speak therein for not more than 5 minutes each.

Mr. ROBERT C. BYRD. Madam President, reserving the right to object—I have no objection.

The **PRESIDING OFFICER.** Without objection, it is so ordered.

Mr. BAKER. I thank the Chair and I thank the minority leader for his consideration and cooperation in that request.

ORDER OF PROCEDURE

Mr. BAKER. Madam President, there are a number of other items that must be dealt with now before we proceed under the provisions of the adjournment resolution, Senate Concurrent Resolution 78.

AMERICAN SALUTE TO CABANATUAN PRISONER OF WAR MEMORIAL DAY

Mr. BAKER. Madam President, first, I am prepared now to ask the Senate to proceed to the consideration of House Joint Resolution 435, which is a resolution providing for April 12, 1982, as "American Salute to Cabanatuan Prisoner of War Memorial Day." Is the minority leader prepared to do that? I would urge the minority leader to attempt to pronounce that name. [Laughter.]

Mr. ROBERT C. BYRD. There is no objection.

Mr. BAKER. I ask that the Senate proceed to the consideration of House Joint Resolution 435 at this time.

The **PRESIDING OFFICER.** The clerk will state the resolution by title.

The legislative clerk read as follows:

A resolution (H.J. Res. 435) providing for the designation of April 12, 1982, as "American Salute to Cabanatuan Prisoner of War Memorial Day."

The **PRESIDING OFFICER.** Without objection, the joint resolution will be considered to have been read twice by title.

The Senate proceeded to consider the joint resolution.

The **PRESIDING OFFICER.** The question is on the third reading of the joint resolution.

The joint resolution was ordered to be read a third time, was read the third time, and passed.

The preamble was agreed to.

Mr. BAKER. Madam President, I move to reconsider the vote by which the joint resolution was passed.

Mr. ROBERT C. BYRD. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

NATIONAL HOSPICE WEEK

Mr. BAKER. I am prepared now to proceed to the consideration of Senate Joint Resolution 170 on page 19 of today's Calendar of General Orders, if that is cleared for action by unanimous consent by the minority leader.

Mr. ROBERT C. BYRD. Madam President, there is no objection.

Mr. BAKER. I thank the minority leader.

I ask the Chair to lay before the Senate Joint Resolution 170.

The **PRESIDING OFFICER.** The clerk will state the resolution by title.

The legislative clerk read as follows:

A joint resolution (S.J. Res. 170) to designate the week of November 7, 1982 through November 14, 1982, as "National Hospice Week."

The Senate proceeded to consider the joint resolution.

The **PRESIDING OFFICER.** The question is on the engrossment and third reading of the joint resolution.

The joint resolution was ordered to be engrossed for a third reading, was read a third time, and passed.

The preamble was agreed to.

The joint resolution with its preamble, as agreed to, reads as follows:

S.J. RES. 170

Whereas hospice care provided in the United States has demonstrated that it is possible for people who are nearing the end of life to have appropriate, competent, and compassionate care;

Whereas providers of hospice care are interdisciplinary teams of physicians, nurses, social workers, pharmacists, physical and occupational therapists, psychological and spiritual counselors, and other trained community volunteers;

Whereas hospice services are provided by volunteer teams on an unintermittent basis, tailored to the needs of each individual patient and patient family;

Whereas the hospice care concept has not had the national recognition necessary to cause general public awareness of an alternate care system for the terminally ill;

Whereas lack of national recognition has caused many hundreds of patients and patient families to suffer unnecessary physical, emotional, and spiritual pain and grief attendant on terminal illness; and

Whereas hospice care is a realistic alternative to unnecessary suffering that allows terminally ill patients and their families the opportunity to live and die in peace and comfort in an environment of personal individuality and integrity: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the week of November 7, 1982, through November 14, 1982, is designated as "National Hospice Week" and the President of the United States is authorized and requested to issue a proclamation calling upon all government agencies, the medical community, appropriate private organizations, and the people of the United States to observe the week with appropriate forums, programs, and activities designed to encourage national recognition and support for the hospice care concept as a realistic and humane response to the needs of the terminally ill.

Mr. BAKER. Madam President, I move to reconsider the vote by which the joint resolution was passed.

Mr. ROBERT C. BYRD. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

URGING THE SOVIET UNION TO ALLOW IDA NUDEL TO EMIGRATE TO ISRAEL

Mr. BAKER. Madam President, I am prepared now to ask the Senate to consider Senate Concurrent Resolution 69, if the same is cleared on the minority side.

Mr. ROBERT C. BYRD. Madam President, that has been cleared on this side.

Mr. BAKER. I thank the minority leader.

I ask the Chair now to lay before the Senate, Senate Concurrent Resolution 69, a resolution relating to Ida Nudel, a Soviet citizen.

The **PRESIDING OFFICER.** The clerk will state the resolution by title.

The legislative clerk read as follows:

A concurrent resolution (S. Con. Res. 69) urging the Soviet Union to allow Ida Nudel to emigrate to Israel, and for other purposes.

The Senate proceeded to consider the concurrent resolution.

SENATE CONCURRENT RESOLUTION 69—URGING U.S.S.R. TO ALLOW IDA NUDEL TO EMIGRATE

Mr. PERCY. Madam President, I join in commending Senate Concurrent Resolution 69, urging the U.S.S.R. to allow Ida Nudel to emigrate, to my Senate colleagues.

Ida Nudel is one of the best known and best loved of Soviet refuseniks and prisoners of conscience. After years of attempting herself to emigrate to Israel, and working to help other longtime refusenicks and Soviet prisoners of conscience, Ida Nudel was arrested, tried, and convicted of hooliganism for hanging banners from her Moscow balcony calling attention to Soviet persecution of her.

She is now completing a sentence of internal exile in remote Siberia. Soviet authorities now have an opportunity finally allowing her to join her sister in Israel.

We in the Senate should take this opportunity to call to their attention the widespread concern in the West about her fate.

The **PRESIDING OFFICER.** The question is on agreeing to the concurrent resolution.

The resolution (S. Con. Res. 69) was agreed to.

The preamble was agreed to.

The concurrent resolution, with its preamble, reads as follows:

S. CON. RES. 69

Whereas the Universal Declaration of Human Rights and the International Covenant on Civil and Political Rights guarantee to all citizens the rights to freedom of religion, the right to hold opinions without interference, the right to freedom of expression, and the right to emigrate;

Whereas the Final Act of the Conference on Security and Cooperation in Europe commits the signatory nations to respect individual rights and freedom, specifically the right to emigrate to the country of one's choice to rejoin their relatives;

Whereas the Soviet Union has signed the Final Act of the Conference on Security and Cooperation in Europe, is a party to the Universal Declaration of Human Rights, and has ratified the International Covenant on Civil and Political Rights;

Whereas Ida Nudel has devoted her life to the plight of Jewish Prisoners of Conscience;

Whereas Ida Nudel is known as the Guardian Angel for her activities on their behalf;

Whereas Ida Nudel first applied to emigrate from the Soviet Union to Israel in 1971 in order to rejoin her only living relatives; and

Whereas Ida Nudel thereafter endured seven years of harassment and interrogation by the Soviet authorities;

Whereas Ida Nudel developed a heart condition in 1973 which was intentionally misdiagnosed as alcoholism, and therefore never treated properly;

Whereas in June 1978, Ida Nudel was convicted by the Soviet Government of "malicious hooliganism" for hanging a banner on her balcony which said "KGB, give me my visa";

Whereas Ida Nudel was then sentenced to four years of exile in Siberia after a trial in which no witnesses were allowed to testify in her behalf;

Whereas Ida Nudel is in grave physical danger, not only from her failing health, but from citizens around her who have been incited by the Soviet Government to harass and threaten her;

Whereas Ida Nudel is scheduled to be released from internal exile on March 20, 1982; and

Whereas Ida Nudel will again apply for emigration visa upon being released from imprisonment: Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That it is the sense of the Senate that the President, acting directly or through the Secretary of State, should—

(1) continue to express at every suitable opportunity and in the strongest possible terms the opposition of the United States Government to the forced exile of Ida Nudel;

(2) urge the Government of the Soviet Union to (A) provide her with adequate medical care, (B) accept Ida Nudel's visa application, and allow her to emigrate to Israel to join her relatives, in accordance with the Final Act of the Conference on Security and Cooperation in Europe, the Universal Declaration of Human Rights, and the International Covenant on Civil and Political Rights; and

(3) inform the Government of the Soviet Union that the Government of the United States, in evaluating its relations with other countries, will take into account the extent to which such countries honor their commitments under international law, expecially commitments with respect to the protection of human rights.

SEC. 2. The Secretary of the Senate shall transmit a copy of this concurrent resolution to the President with the request that he further transmit such copy to the Ambassador of the Union of Soviet Socialist Republics to the United States.

Mr. BAKER. Madam President, I move to reconsider the vote by which the concurrent resolution was agreed to.

Mr. ROBERT C. BYRD. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

DESIGNATION OF THE SOUTHERN NEVADA WATER PROJECT THE "ROBERT B. GRIFFITH WATER PROJECT"

Mr. BAKER. Madam President, on behalf of Senators LAXALT and CANNON I ask unanimous consent that the Energy Committee be discharged from further consideration of S. 1681, a bill to rename the southern Nevada water project, and I ask for its immediate consideration.

Mr. ROBERT C. BYRD. Madam President, there is no objection.

The **PRESIDING OFFICER.** Without objection, it is so ordered.

The clerk will state the bill by title.

The legislative clerk read as follows:

A bill (S. 1681) to designate the southern Nevada water project the "Robert B. Griffith Water Project".

The Senate proceeded to consider the bill.

The **PRESIDING OFFICER.** The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed for a third reading, was read the third time; and passed as follows:

S. 1681

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the southern Nevada water project, in Clark County, Nevada, shall hereafter be known and designated as the "Robert B. Griffith Water Project". Any reference is a law, map, regulation, document, record or other paper of the United States to that water project shall be held and considered to be a reference to the "Robert B. Griffith Water Project".

Mr. BAKER. Madam President, I move to reconsider the vote by which the bill was passed.

Mr. ROBERT C. BYRD. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. BAKER. Madam President, I am requested by the sponsoring Senators to note that when this bill was considered in the Energy Committee on yesterday that a full quorum of that committee was present and acted on this measure.

VETERANS' ADMINISTRATION AND DEPARTMENT OF DEFENSE MEDICAL SHARING ACT

Mr. BAKER. Madam President, I am prepared now to proceed to the consideration of the House message on S. 266, and if there is no objection from the minority, I will proceed to that at this time.

Mr. ROBERT C. BYRD. Madam President, there is no objection.

Mr. BAKER. Madam President, I ask that the Chair lay before the Senate a message from the House of Representatives on S. 266.

The Presiding Officer laid before the Senate the following message from the House of Representatives:

Resolved, That the bill from the Senate (S. 266) entitled "An Act to foster greater coordination and sharing of health-care resources between the Veterans' Administration and the Department of Defense, and to amend title 38, United States Code, to authorize appropriate coordination and sharing of such health-care resources; and for other purposes", do pass with the following amendments:

Strike out all after the enacting clause, and insert: That this Act may be cited as the "Veterans' Administration and Department of Defense Medical Sharing Act".

SEC. 2. (a) Section 5011 of title 38, United States Code, is amended—

(1) by inserting "(a)" before "The Administrator";

(2) by striking out "or for the transfer" and all that follows through "care for veterans,";

(3) by striking out "and domiciliary beds below the number established or approved on June 22, 1944" and inserting in lieu thereof ", domiciliary, and nursing home beds below the number established or approved under section 5010 of this title"; and

(4) by adding at the end the following:

"(b)(1) It is the sense of the Congress that there are opportunities for greater sharing and coordination of the medical resources of the Veterans' Administration and the Department of Defense which, if achieved, would be beneficial to both veterans and to members of the Armed Forces on active duty and which could result in reduced costs to the Government. Accordingly, the Administrator and the Secretary of Defense shall direct that the Chief Medical Director of the Veterans' Administration and the Assistant Secretary of Defense for Health Affairs, respectively, form an interagency committee to maintain oversight of opportunities for sharing of medical resources of the Veterans' Administration and the Department of Defense and to make recommendations to the heads of their respective agencies with respect to the sharing of those medical resources.

"(2) In addition to such other duties as may be assigned to them in order to carry out this subsection, the Chief Medical Director and the Assistant Secretary of Defense for Health Affairs (hereinafter in this section referred to as the 'Assistant Secretary') shall regularly—

"(A) assess the opportunities for sharing of existing medical resources between the Veterans' Administration and the Department of Defense;

"(B) keep the other apprised of plans for any additional medical facilities planned by their respective agencies (including the location of new facilities and the acquisition of major new medical equipment) with regard to the impact of such plans on opportunities for interagency sharing;

"(C) review the existing capabilities of the Veterans' Administration and of the Department of Defense with respect to direct health care (including support and administrative services) in order to identify opportunities for sharing that will not adversely affect the quality of, or the established priority of, care provided by either the Veterans' Administration or the Department of Defense; and

"(D) recommend to the Administrator and the Secretary of Defense policies and procedures designed to maximize the sharing of the medical resources of the Veterans' Administration and the Department of Defense.

"(3) In carrying out the duties prescribed by this subsection, the Assistant Secretary shall consult regularly with the Surgeons General of the Army, Navy, and Air Force.

"(4) The Chief Medical Director and the Assistant Secretary may each carry out their respective functions under this subsection through any other official designated for such purpose.

"(c) Not later than one year after the date of the enactment of this subsection, and after considering the recommendations of the Chief Medical Director and the Assistant Secretary submitted under subsection (b) of this section, the Administrator of Veterans' Affairs and the Secretary of Defense shall jointly establish guidelines for the sharing of medical resources by health care facilities of the Veterans' Administration and the Department of Defense. Such guidelines shall include provisions for the following:

"(1) The director, in the case of a health care facility of the Veterans' Administration, or the medical or dental officer in charge, or the contract surgeon in charge, in the case of a health care facility under the jurisdiction of the Department of Defense may enter into cooperative sharing agreements with health care facilities of the other agency. Under any such agreement, an individual entitled to direct health care in a facility of one agency may be provided medical care at the facility of the other agency.

"(2) Each agreement entered into pursuant to paragraph (1) of this subsection between the head of a facility of the Veterans' Administration and the head of a facility of the Department of Defense shall explicitly define the health care to be provided pursuant to such agreement. Services to be shared may include any medical resource, but the resources to be shared shall be negotiated and agreed upon by the heads of the facilties entering into the agreement.

"(3) Each such agreement shall ensure that the availability of direct health care to individuals who are not primary beneficiaries of the providing agency shall be on a referral basis and shall not, as determined by the directors or commanding officers participating in such arrangements, adversely affect the range of services, quality of care, or priority access for services of the primary beneficiaries of the providing agency.

"(d)(1) Whenever a beneficiary receives medical services from a providing agency other than the providing agency for which such beneficiary is a primary beneficiary, the providing agency shall be reimbursed for the cost of services provided based on any costing methodology agreed upon by the Administrator and the Secretary of Defense that is based on the cost of the services provided.

"(2) Any reimbursement under paragraph (1) of this subsection shall be credited to the appropriation and to the facility that provided the services.

"(e) The Administrator and the Secretary of Defense shall submit an annual joint report to Congress, to be submitted at the time the President's Budget for the next fiscal year is transmitted, with regard to—

"(1) the guidelines prescribed pursuant to subsection (c) of this section;

"(2) the opportunities for interagency sharing determined under subsection (b)(2) of this section;

"(3) the interagency sharing agreements entered into by health-care facilities of the Veterans' Administration and the Department of Defense;

"(4) the activities of the Veterans' Administration and the Department of Defense under such interagency sharing agreements;

"(5) the other interagency activities directed toward maximizing the efficient use of Federal health resources during the preceding fiscal year;

"(6) the progress of Federal interagency medical resource sharing during the preceding fiscal year;

"(7) the interagency coordination of Federal health resoures planning;

"(8) other major Federal activities to increase interagency sharing of Federal medical resources; and

"(9) such legislative recommendations as they consider appropriate to facilitate interagency sharing of health care resources.

"(f) For the purpose of this section:

"(1) The term 'direct health care' means health care provided to a beneficiary in a facility operated by the United States Government.

"(2) The term 'beneficiary' means a veteran who is entitled under this title to health care in Veterans' Administration facilities or a member or former member of the Army, Navy, Air Force, or Marine Corps who is entitled to medical and dental care under section 1074 of title 10.

"(3) The term 'providing agency' means the Veterans' Administration or the Department of Defense.

"(4) The term 'primary beneficiary', with respect to the Veterans' Administration, means a veteran who is entitled under this title to health care in Veterans' Administration facilities, and, with respect to the Department of Defense, means a member or former member of the Army, Navy, Air Force, or Marine Corps who is entitled to medical and dental care under section 1074 of title 10.

"(5) The term 'medical resource' means medical care resources and medical care support resources.

"(g)(1) Notwithstanding any other provision of this title, during a period of war, or a period of national emergency declared by the President or the Congress which involves the use of the Armed Forces of the United States in armed conflict, the Administrator, when authorized to do so by the President, may give a higher priority to the furnishing of hospital care, nursing home care, and medical services under chapter 17 of this title to members of the Armed Forces on active duty, as authorized by this section, than to any other group of persons eligible for such care and services with the exception of veterans with service-connected disabilities.

"(2)(A) The Administrator may contract with private facilities for the provisions by such facilities of hospital care and medical service described in subparagraph (B) of this paragraph during a period described in paragraph (1) of this subsection in which the President has authorized the Veterans' Administration to furnish priority medical care and services to members of the Armed Forces on active duty.

"(B) Hospital care and medical services referred to in subparagraph (A) of this paragraph are—

"(i) hospital care needed to treat a condition for which a veteran is receiving medical services under subsection (f) or (g) of section 612 of this title, in any case in which delay in furnishing such hospital care would, in the judgment of the Administrator, be likely to result in deterioration of that condition; and

"(ii) hospital care or medical services for the treatment of a medical emergency which poses a serious threat to the life or health of a veteran eligible for such care or services under chapter 17 of this title, if Veterans' Administration facilities are not capable of furnishing the care or services required because of the furnishing of care and services to members of the Armed Forces under paragraph (1) of this subsection.

"(C) The Administrator shall prescribe regulations to govern contracting under this paragraph.

"(D) The authority of the Administrator to enter into contracts under this paragraph is subject to the availability of appropriations for that purpose.

"(3) The cost of any care or service provided by the Veterans' Administration under paragraph (1) of this subsection shall be reimbursed to the Veteran's Administration by the Department of Defense at such rates as may be agreed upon by the Administrator and the Secretary of Defense and are based on the cost of the care or service provided. Amounts received under this paragraph shall be credited to appropriations available to the Veterans' Administration facility which provided the care or service.

"(4) Not later than the end of the 180-day period beginning on the date of the enactment of the Veterans' Administration and Department of Defense Medical Sharing Act, the Administrator and the Secretary of Defense shall enter into an agreement under which the Administrator and the Secretary shall agree to pursue planning activities and to establish procedures and guidelines under which this subsection shall be carried out. Not later than the end of the 365-day period beginning on the date of the enactment of such Act, the Administrator and the Secretary of Defense shall complete plans for the provision of hospital care and medical services under this subsection to members of the Armed Forces on active duty and shall submit such plans to the Committees on Veterans' Affairs and on Armed Services of the Senate and House of Representatives. Such plans shall be reviewed jointly by the Administrator and the Secretary of Defense not less often than annually, and any modification in such plans shall be reported to the Committees on Veterans' Affairs and on Armed Services of the Senate and House of Representatives within 30 days after such modification is agreed to.

"(5) Within 30 days after an authorization by the President under paragraph (1) of this subsection for the Veterans' Administration to provide priority hospital care and services to members of the Armed Forces on active duty (or as soon after the end of such thirty-day period as is reasonably practicable), the Administrator shall submit to the Committees on Veterans' Affairs of the Senate and House of Representatives a report of the Administrator's allocation of facilities and personnel in order to provide such care and services.".

(b)(1) The heading of such section is amended to read as follows:

"§ 5011. Sharing of Veterans' Administration and Armed Forces facilities".

(2) The item relating to such section in the table of sections at the beginning of chapter 81 is amended to read as follows:

"5011. Sharing of Veterans' Administration and Armed Forces facilities.".

Amend the title so as to read: "An Act to amend title 38, United States Code, to provide for greater coordination and sharing of the medical facilities of the Veterans' Administration and the Department of Defense.".

UP AMENDMENT NO. 871

Mr. BAKER. Madam President, I move that the Senate concur in the House amendments with a further Senate amendment which I send to the desk on behalf of the Senator from Wyoming (Mr. SIMPSON) and the Senator from California (Mr. CRANSTON).

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Tennessee (Mr. BAKER), for Mr. SIMPSON and Mr. CRANSTON, proposes an unprinted amendment numbered 871.

Mr. BAKER. Madam President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

In lieu of the matter proposed to be inserted by the amendment of the House to the text of the bill, insert the following:

That this Act may be cited as the "Veterans' Administration and Department of Defense Health Resources Sharing and Emergency Operations Act".

SEC. 2. (a) The Congress makes the following findings:

(1) There are opportunities for greater sharing of the health-care resources of the Veterans' Administration and the Department of Defense which would, if achieved, be beneficial to both veterans and members of the Armed Forces and could result in reduced costs to the Government by minimizing duplication and underuse of health-care resources.

(2) Present incentives to encourage such sharing of health-care resources are inadequate.

(3) Such sharing of health-care resources can be achieved without a detrimental effect on the primary health-care beneficiaries of the Veterans' Administration and the Department of Defense.

(b) The Congress makes the following further findings:

(1) During and immediately after a period of war or national emergency involving the use of the Armed Forces of the United States in armed conflict, the Department of Defense might not have adequate health-care resources to care for military personnel wounded in combat and other active-duty military personnel.

(2) The Veterans' Administration has an extensive, comprehensive health-care system that could be used to assist the Department of Defense in caring for such personnel in such a situation.

SEC. 3. (a) Section 5011 of title 38, United States Code, is amended—

(1) by inserting "(a)" before "The Administrator" the first place it appears;

(2) by striking out "and material" and all that follows through "this title," and inserting in lieu thereof "material, and other resources as may be needed to operate such facilities properly, except that the Administrator may not enter into an agreement that would result (1) in a permanent reduction in the total number of authorized Veterans' Administration hospital beds and nursing home beds to a level below the minimum number of such beds required by section 5010(a)(1) of this title to be authorized, or (2) in a permanent reduction in the total number of such beds operated and maintained to a level below the minimum number of such beds required by such section to be operated and maintained"; and

(3) by adding at the end the following new subsections:

"(b)(1) In order to promote the sharing of health-care resources between the Veterans' Administration and the Department of Defense (hereinafter in this section referred to as the 'agencies'), there is established an interagency committee to be known as the Veterans' Administration/Department of Defense Health-Care Resources Sharing Committee (hereinafter in this subsection referred to as the 'Committee').

"(2) The Committee shall be composed of—

"(A) the Chief Medical Director and such other officers and employees of the Veterans' Administration as the Chief Medical Director may designate; and

"(B) the Assistant Secretary of Defense for Health Affairs (hereinafter in this section referred to as the 'Assistant Secretary') and such other officers and employees of the Department of Defense as the Assistant Secretary may designate,

except that the size of the Committee shall be mutually determined by the Chief Medical Director and the Assistant Secretary. During fiscal years 1982 and 1983, the Chief Medical Director shall be the chairman of the Committee. During fiscal year 1984, the Assistant Secretary shall be the chairman of the Committee. Thereafter, the chairmanship of the Committee shall alternate each fiscal year between the Chief Medical Director and the Assistant Secretary. The agencies shall provide administrative support services for the Committee at a level sufficient for the efficient operation of the Committee and shall share the responsibility for the provision of such services on an equitable basis.

"(3) in order to enable the Committee to make recommendations under paragraph (4) of this subsection, the Committee shall on a continuing basis—

"(A) review existing policies, procedures, and practices relating to the sharing of health-care resources between the agencies;

"(B) identify and assess further opportunities for the sharing of health-care resources between the agencies that would not, in the judgment of the Committee, adversely affect the range of services, the quality of care, or the established priorities for care provided by either agency;

"(C) identify changes in policies, procedures, and practices that would, in the judgment of the Committee, promote such sharing of health-care resources between the agencies;

"(D) monitor plans of the agencies for the acquisition of additional health-care resources, including the location of new facilities and the acquisition of major equipment, in order to assess the potential impact of such plans on further opportunities for such sharing of health-care resources; and

"(E) monitor the implementation of activities designed to promote the sharing of health-care resources between the agencies.

"(4) Within nine months of the date of the enactment of this subsection and at such times thereafter as the Committee considers appropriate, the Committee shall make recommendations to the Administrator or the Secretary of Defense, or both, with respect to (A) changes in policies, procedures, and practices that the Committee has identified under paragraph (3)(C) of this subsection pertaining to the sharing of health-care resources described in such paragraph, and (B) such other matters as the Committee considers appropriate in order to promote such sharing of health-care resources.

"(c)(1) After considering the recommendations made under subsection (b)(4) of this section, the Administrator and the Secretary of Defense shall jointly establish guidelines to promote the sharing of health-care resources between the agencies. Guidelines established under their subsection shall provide for such sharing consistent with the health-care responsibilities of the Veterans' Administration under this title and with the health-care responsibilities of the Department of Defense under chapter 55 of title 10 and so as not to adversely affect the range of services, the quality of care, or the established priorities for care provided by either agency.

"(2) Guidelines established under paragraph (1) of this subsection shall authorize the heads of individual medical facilities of the agencies to enter into health-care resources sharing agreements in accordance with subsection (d) of this section and shall include guidelines for such agreements.

"(d)(1) The head of each medical facility of either agency is authorized to enter into sharing agreements with the heads of medical facilities of the other agency in accordance with guidelines established under subsection (c) of this section. Under any such agreement, an individual who is a primary beneficiary of one agency may be provided health care at a facility of the other agency that is a party to the sharing agreement.

"(2) Each such agreement shall identify the health-care resources to be shared.

"(3) Each such agreement shall provide, and shall specify procedures designed to ensure, that the availability of direct health care to individuals who are not primary beneficiaries of the providing agency (A) is on a referral basis from the facility of the other agency, and (B) does not (as determined by the head of the facility of the providing agency) adversely affect the range of services, the quality of care, or the established priorities for care provided to the primary beneficiaries of the providing agency.

"(4) Each such agreement shall provide that a providing agency shall be reimbursed for the cost of the health-care resources provided under the agreement and that the rate for such reimbursement shall be determined in accordance with the methodology agreed to pursuant to subsection (e) of this section.

"(5) Each proposal for an agreement under paragraph (1) of this subsection shall be submitted to the Chief Medical Director and the Assistant Secretary and shall be effective as an agreement in accordance with its terms (A) on the forty-sixth day after the receipt of such proposal by both such officials, unless earlier disapproved by either such official, or (B) if earlier approved by both such officials, on the date of such approval.

"(e) Reimbursement under any sharing agreement entered into under subsection (d) of this section shall be based upon a methodology that is agreed upon by the Chief Medical Director and the Assistant Secretary and that provides appropriate flexibility to the heads of the facilities concerned to take into account local conditions and needs and the actual costs to the providing agency's facility of the health-care resources provided. Any funds received through such a reimbursement shall be credited to funds that have been allotted to the facility that provided the care or services.

"(f) At the time the President's Budget is transmitted to Congress in any year pursuant to section 201(a) of the Budget and Accounting Act, 1921 (31, U.S.C. 11(a)), the Administrator and the Secretary of Defense shall submit a joint report to Congress on the implementation of this section during the fiscal year that ended during the previous calendar year. Each such report shall include—

"(1) the guidelines prescribed under subsection (c) of this section (and any revision of such guidelines);

"(2) the assessment of further opportunities identified under clause (B) of subsection (b)(3) of this section for sharing of health-care resources between the agencies;

"(3) any recommendation made under subsection (b)(4) of this section during such fiscal year;

"(4) a review of the sharing agreements entered into under subsection (d) of this section and a summary of activities under such agreements during such fiscal year;

"(5) a summary of other planning and activities involving either agency in connection with promoting the coordination and sharing of Federal health-care resources during the preceding fiscal year; and

"(6) such recommendations for legislation as the Administrator and the Secretary consider appropriate to facilitate the sharing of health-care resources between the agencies.

"(g) For the purposes of this section:

"(1) The term 'beneficiary' means a person who is a primary beneficiary of the Veterans' Administration or of the Department of Defense.

"(2) The term 'direct health care' means health care provided to a beneficiary in a medical facility operated by the Veterans' Administration or the Department of Defense.

"(3) The term 'head of a medical facility' (A) with respect to a medical facility of the Veterans' Administration, means the director of the facility, and (B) with respect to a medical facility of the Department of Defense, means the medical or dental officer in charge or the contract surgeon in charge.

"(4) The term 'health-care resource' includes hospital care, medical services, and rehabilitative services, as those terms are defined in paragraphs (5), (6), and (8), respectively, of section 601 of this title, any other health-care service, and any health-care support or administrative resource.

"(5) The term 'primary beneficiary' (A) with respect to the Veterans' Administration means a person who is eligible under this title (other than under section 611(b) or 613 or subsection (d) of this section) or any other provision of law for care or services in Veteran's Administration medical facilities, and (B) with respect to the Department of Defense, means a member or former member of the Armed Forces who is eligible for care under section 1074 of title 10.

"(6) The term 'providing agency' means the Veterans' Administration, in the case of care or services furnished by a facility of the Veterans' Administration, and the Department of Defense, in the case of care or services furnished by a facility of the Department of Defense.".

(b)(1) The heading of such section is amended to read as follows:

"§ 5011. Sharing of Veterans' Administration and Department of Defense health-care resources".

(2) The item relating to such section in the table of sections at the beginning of chapter 81 of such title is amended to read as follows:

"5011. Sharing of Veterans' Administration and Department of Defense health-care resources.".

(c) The Assistant Secretary of Defense for Health Affairs shall consult regularly with the Surgeons General of the Army, Navy, and Air Force in carrying out the duties and functions assigned to the Assistant Secretary in section 5011 of title 38, United States Code, as amended by subsection (a) of this section.

(d) The guidelines required to be established under subsection (c) of section 5011 of title 38, United States Code, as added by subsection (a) of this section, shall initially be established not later than 12 months after the date of the enactment of this Act.

SEC. 4. (a) Chapter 81 of title 38, United States Code, is amended by inserting after section 5011 the following new section:

"§ 5011A. Furnishing of health-care services to members of the Armed Forces during a war or national emergency

"(a)(1) During and immediately following a period of war, or a period of national emergency declared by the President or the Congress that involves the use of the Armed Forces in armed conflict, the Administrator may furnish hospital care, nursing home care, and medical services to members of the Armed Forces on active duty. The Administrator may give a higher priority to the furnishing of care and services under this section than to the furnishing of care and services to any other group of persons eligible for care and services in medical facilities of the Veterans' Administration with the exception of veterans with service-connected disabilities.

"(2) For the purposes of this section, the terms 'hospital care', 'nursing home care', and 'medical services' have the meanings given such terms by sections 601(5), 101(28), and 601(6) of this title, respectively.

"(b)(1) During a period in which the Administrator is authorized to furnish care and services to members of the Armed Forces under subsection (a) of this section, the Administrator, to the extent authorized by the President and subject to the availability of appropriations or reimbursements under subsection (c) of this section, may enter into contracts with private facilities for the provision during such period by such facilities of hospital care and medical services described in paragraph (2) of this subsection.

"(2) Hospital care and medical services referred to in paragraph (1) of this subsection are—

"(A) hospital care and medical services authorized under this title for a veteran and necessary for the care or treatment of a condition for which the veteran is receiving medical services at a Veterans' Administration facility under subsections (f) and (g) of section 612 of this title, in a case in which they delay involved in furnishing such care or services at such Veterans' Administration facility or at any other Veterans' Administration facility reasonably accessible to the veteran would, in the judgment of the Chief Medical Director, be likely to result in a deterioration of such condition; and

"(B) hospital care for a veteran who—

"(i) is receiving hospital care under section 610 of this title; or

"(ii) is eligible for hospital care under such section and requires such care in a medical emergency that poses a serious threat to the life of health of the veteran;

if Veterans' Administration facilities are not capable of furnishing or continuing to furnish the care required because of the furnishing of care and services to members of the Armed Forces under subsection (a) of this section.

"(c)(1) The cost of any care of services provided by the Veterans' Administration under subsection (a) of this section shall be reimbursed to the Veterans' Administration by the Department of Defense at such rates as may be agreed upon by the Administrator and the Secretary of Defense based on the cost of the care or services provided.

"(2) Amounts received under this subsection shall be credited to funds allotted to the Veterans' Administration facility that provided the care or services.

"(d)(1) Not later than six months after the date of the enactment of this section, the Administrator and the Secretary of Defense shall enter into an agreement to plan and establish procedures and guidelines for the implementation of this section. Not later than one year after the date of the enactment of this section, the Administrator and the Secretary shall complete plans for such implementation and shall submit such plans to the Committees on Veterans' Affairs and on Armed Services of the Senate and House of Representatives.

"(2) The Administrator and the Secretary of Defense shall jointly review such plans not less often than annually thereafter and shall report to such committees any modification in such plans within 30 days after the modification is agreed to.

"(e) The Administrator shall prescribe regulations to govern any exercise of the authority of the Administrator under subsections (a) and (b) of this section and of the Chief Medical Director under subsection (b)(2)(A) of this section.

"(f) Within 30 days after a declaration of a period of war or national emergency described in subsection (a) of this section (or as soon after the end of such 30-day period as is reasonably practicable), the Administrator shall submit to the Committee on Veterans' Affairs of the Senate and House of Representatives a report on the Administrator's allocation of facilities and personnel in order to provide priority hospital care, nursing home care, and medical services under this section to members of the Armed Forces. Thereafter, with respect to any fiscal year in which the authority in subsection (b) of this section to enter into contracts with private facilities has been used, the Administrator shall report within 90 days after the end of such fiscal year to those committees regarding the extent of, and the circumstances under which, such authority was used.".

(b) The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 5011 the following new item:

"5011A. Furnishing of health-care services to members of the armed forces during a war or national emergency.".

SEC. 5. (a) Section 1786(a) of title 38, United States Code, is amended by adding at the end the following new paragraph:

"(3) Notwithstanding any other provision of law unless enacted in express limitation of this paragraph, funds in the Veterans' Administration readjustment benefits account shall be available for payments under paragraph (1) of this subsection for pursuit of a program of education exclusively by correspondence in which the veteran or spouse or surviving spouse enrolls after September 30, 1981.".

(b) The amendment made by subsection (a) of this section shall take effect as of October 1, 1981.

SEC. 6. The Veterans' Administration medical center located at 1481 West 10th Street, Indianapolis, Indiana, shall after the date of the enactment of this Act be known and designated as the "Richard L. Roudebush Veterans' Administration Medical Center". Any reference to such medical center in any law, regulation, document, map, record, or other paper of the United States shall after such date be deemed to be a reference to the Richard L. Roudebush Veterans' Administration Medical Center.

In lieu of the amendment of the House to the title of the bill, amend the title so as to read: "An Act to amend title 38, United States Code, to promote greater sharing of health-care resources between the Veterans' Administration and the Department of Defense and to direct the Secretary of Defense and the Administrator of Veterans' Affairs to plan for the provision of health care by the Veterans' Administration during periods of war or national emergency to members of the Armed Forces on active duty; and for other purposes.".

The **PRESIDING OFFICER**. The question is on agreeing to the amendment.

The amendment was agreed to.

The motion was agreed to.

Mr. SIMPSON. Madam President, this measure is before the Senate now as a privileged matter in lieu of the formal conference report.

SUMMARY

Madam President, I rise in strong support of S. 266, the proposed Veterans' Administration and Department of Defense Health Resources Sharing and Emergency Operations Act. The provisions of S. 266, the Senate substitute amendment to the amendments of the House to S. 266, embodies a compromise reached after extensive negotiations between the two Veterans' Affairs Committees. S. 266 is designed to promote the coordination and sharing of health-care resources between the Veterans' Administration and the Department of Defense in order to reduce costs while inproving access to health care for beneficiaries of each agency. In addition, it would establish the Veterans' Administration health-care system as a primary reserve to the Department of Defense for treatment of combat casualties.

Madam President, I am most pleased that this final version of S. 266, which I believe to be a most equitable compromise, is ready to be voted on by the Senate. My esteemed colleague, Senator CHARLES H. PERCY, has been involved in the compromise process. the bill was originally referred to the Committee on Governmental Affairs and then sequentially referred to the Senate Committee on Veterans' Affairs. Senator PERCY has retained a very active interest in this legislation and this chairman has shared Senator PERCY's desire to improve the efficiency and effectiveness of Government programs in general. However, the committee, in negotiations with the House did not retain the provision, supported by Senator PERCY, which would have provided medical care to DOD dependents in VA facilities. Both the House Veterans' Affairs and Armed Services Committees were unwilling to accept provisions providing such authority. The veterans' service organizations and the VA's Chief Medical Director objected to this provision on the grounds that VA facilities are not presently equipped to handle either children or women in any significant numbers. They felt that to include such a provision would indicate congressional intent to modify VA hospitals to care for nonveterans.

The main portion of the bill addresses the VA and DOD equally in providing a mandate for the coordination and sharing of their health-care resources. An interagency committee, under the direction of the senior medical officials of the two agencies, would be responsible for reviewing policies, assessing further opportunities for sharing, providing guidance and engaging in related activities to foster effective interagency planning for resource utilization.

The remainder of the bill, Madam President, would amend title 38 to authorize specific agency actions in support of the coordination and sharing of health-care resources. A more lengthy and detailed discussion of provisions of the bill can be seen in the House/Senate joint explanatory statement which follows this statement.

Madam President, an amendment was offered by myself and the distinguished ranking minority member of the Veterans' Affairs Committee, Mr. CRANSTON, when S. 266 first passed the Senate. This amendment, which was accepted by the House in our negotiations, would provide for the continuation of entitlement to GI bill benefits for correspondence training at the level agreed to in the Omnibus Reconciliation Act of 1981, Public Law 97-35. Both the House and Senate Veterans' Affairs Committees agreed to reduce from 70 to 55 percent the amount payable by the VA for correspondence training after September 30, 1981. This reduction was accomplished with legislative savings in mind, and we felt it was a fair and equitable response to both the needs of the veterans and the need for fiscal restraints. After this action the conferees on H.R. 4030, which was the HUD and Indpendent Agencies Appropriations Act for fiscal year 1982, eliminated all payments for correspondence training for those enrolled after September 1981. This issue is an important one which addresses the difference between programs funded as entitlements versus those funded through appropriations. Section 1661(a) of title 38 provides that a veteran "shall be entitled" to educational assistance under the GI bill. Therefore, this is not a discretionary program and falls within the area of VA entitlements which are not funded through annual appropriations. The restoration of this program through S. 266 provides an important distinction between entitlement and authorized programs. A September 30, 1981 general counsel's opinion states that correspondence courses are unquestionably an entitlement under title 38. However, the VA has suspended payments for correspondence courses pending a resolution of this issue. I believe that restoration of correspondence benefits at the reduced rate in this bill would resolve the matter and allow the VA to continue payments to those eligible veterans who continue to enroll in correspondence training.

Madam President, in conclusion I wish to extend my sincere thanks to the distinguished ranking minority member from California, Senator CRANSTON, for his tireless and invaluable efforts in the compromise process as well as each and every committee member who supported the compromise unanimously.

Additionally, I would like to recall the efforts of Edward Kelty, no longer with the committee, who worked long and hard on this measure, staff director and chief counsel, Tom Harvey, Julie Susman, Laurie Altemose, and our editorial director, Harold Carter. Thank you as well to members of Senator CRANSTON'S very competent staff, Jonathan Steinberg, Edward Scott, Bill Brew, Ingrid Post, and Katie Burdick for their major contributions in this matter.

Madam President, I strongly support the compromise as an equitable and practical resolution on the differences between the original House and Senate versions of S. 266 and endorse its final passage by the Senate. Thank you, Madam President.

A House/Senate explanatory statement follows in lieu of the joint statement which would accompany a formal conference report. I ask unanimous consent to print it in the RECORD.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

EXPLANATORY STATEMENT OF SENATE BILL, HOUSE AMENDMENT (H.R. 3502), AND COMPROMISE AGREEMENT ON S. 266, THE "VETERANS' ADMINISTRATION AND DEPARTMENT OF DEFENSE HEALTH RESOURCES SHARING AND EMERGENCY OPERATIONS ACT"

CONGRESSIONAL FINDINGS

Both the Senate bill, in a freestanding provision, and the House amendment, in an amendment to title 38 of the United States Code, would express Congressional findings relating to the sharing of health-care resources between the Verterans' Administration and the Department of Defense (hereinafter generally referred to as "the agencies").

The compromise agreement would express such findings, the specifics of which are discussed below, in a freestanding provision.

The Senate bill would include a finding that there are opportunities for greater sharing between the agencies and that increased sharing would be beneficial to veterans, members of the Armed Forces on active duty, and other health-care beneficiaries of the agencies. The House amendment would include a finding in this regard limited to veterans and members of the Armed Forces on active duty.

The compromise agreement follows the House amendment, but the reference to member of the Armed Forces is not restricted to those on active duty.

The Senate bill, but not the House amendment, would include findings that greater sharing between the agencies would result in reduced costs by minimizing duplication and underutilization of health-care resources, that there are not adequate incentives to encourage such sharing, and that such sharing may be achieved without a detrimental effect on each agency's primary beneficiaries.

The compromise agreement contains these findings.

The Sentate bill, but not the House amendment, would include further Congressional findings relating to the role of the VA health-care system as a backup to the health-care resources of the Department of Defense in the time of war or national emergency.

The compromise agreement contains these provisions.

SHARING OF VA AND ARMED FORCES FACILITIES

Both the Senate bill and the House amendment would amend present section 5011 of title 38, relating to sharing of VA and Armed Forces health-care facilities, to make the provisions of the present section a new subsection (a). The Senate bill would add "other resources" to the list of items that may be subject to mutual-use or exchange-of-use agreements and would delete the prohibition against any such agreement that would result in a permanent reduction of the number of VA hospital and domiciliary beds to levels below the number established or approved on June 22, 1944, plus the estimated number required to meet the load of current eligibles, and replace that prohibition with one precluding any such agreement that would result in a permanent reduction of VA beds below any minimum number prescribed by law.

The House amendment would delete the above-mentioned reference to the June 22, 1944, VA hospital and domiciliary bed levels in the current-law prohibition and substitute a reference to VA hospital, domiciliary, and nursing home bed levels established or approved under section 5010 of title 38.

The compromise agreement contains the amendments proposed in the Senate bill with technical amendments to refer to section 5010(a)(1) of title 38 and reflect the amendments made in that section by section 108 of Public Law 97-72.

ESTABLISHMENT OF VA/DOD COMMITTEE

Both the Senate bill, in a freestanding provision, and the House amendment, in an amendment to present section 5011 of title 38, would establish a Veterans' Administration/Department of Defense Committee to promote the sharing of health-care resources between the agencies. The Senate bill would have as members of the Committee the VA's Chief Medical Director, the Assistant Secretary of Defense for Health Affairs (referred to as "the Assistant Secretary"), or their respective designees, and other employees mutually designated. The House amendment would have as members the Chief Medical Director and the Assistant Secretary or their respective designees.

The compromise agreement contains a provision, in an amendment to present section 5011 of title 38 (adding a new subsection (b) (1) and (2)), to establish, for the purpose of promoting health-care resources sharing, a "Veterans' Administration/Department of Defense Health-Care Resources Sharing Committee" (hereinafter referred to as the "VA/DoD Committee") with the Chief Medical Director, Assistant Secretary, and such other officers and employees of their respective agencies as they each designate as members. The size of the Committee would be mutually determined by the Chief Medical Director and the Assistant Secretary. The Chief Medical Director would chair the Committee in fiscal years 1982 and 1983, the Assistant Secretary would chair it in fiscal year 1984, and thereafter the chairmanship would alternate between them each subsequent fiscal year. Administrative support services for the Committee would be required to be provided by the VA and DoD on an equitable basis.

DUTIES OF VA/DOD COMMITTEE

The Senate bill would require the VA/DoD Committee to take certain actions, on a continuing basis, in order to promote coordination of health-care services between the agencies and to provide guidance to the agencies in regard to sharing health-care resources. The House amendment would require the Committee to take certain actions, regularly, to maintain oversight of opportunities for sharing medical resources between the two agencies and to make recommendations to the heads of the agencies with respect to such sharing.

The compromise agreement contains a provision that would require the Committee to take certain actions (described below), on a continuing basis, in order to enable it to make recommendations to the Administrator or the Secretary of Defense or both for promoting sharing of health-care resources between the agencies. (The term "health-care resources" would be broadly defined, as described below under the heading "Definitions".)

The Senate bill would require the Committee to take the following actions:

review existing policies and practices in regard to coordination and sharing of health-care resources between the agencies;

identify and assess further opportunities for the coordination and sharing of health-care resources between the agencies that would not adversely affect the quality of, or the established priorities for, care provided by either agency;

develop and recommend to the agency heads changes in existing policies and procedures to produce maximum feasible coordination and sharing of health-care resources between the agencies as authorized by title 38;

monitor plans of the agencies to acquire additional health-care resources and review the potential impact of such proposals on opportunities for such coordination and sharing as would not adversely affect the quality of, or the established priorities for, care provided by either agency; and

develop, in consultation with other agencies as directed by the President, a plan for the effective utilization of VA resources as a backup to DoD during a period of war or national emergency.

The House amendment would require the Committee to take the following actions:

assess the opportunities for sharing of existing medical resources between the agencies;

keep each agency apprised of the other's plans for any additional medical facilities and for the acquisition of major new medical equipment with regard to the impact of such plans on opportunities for sharing;

review the existing direct health-care capabilities of the two agencies in order to identify opportunities for sharing that will not adversely affect the quality, or the established priority, of care provided by either agency; and

recommend to the Administrator and the Secretary of Defense policies and procedures designed to maximize the sharing of medical resources by the two agencies.

The compromise agreement (in new subsection (b)(3) of section 5011) would require the VA/DoD Committee—in order to enable the Committee to make recommendations to the Administrator or the Secretary of Defense, or both, with respect to changes in policies pertaining to the sharing of health-care resources between the agencies—to take the following actions:

review existing policies, procedures, and practices relating to the sharing of health-care resources between the agencies;

identify and assess further opportunities for the sharing of health-care resources between the agencies that would not, in the judgment of the VA/DoD Committee, adversely affect the range of services, the quality of care, or the established priorities for care provided by either agency;

identify changes in policies, procedures, and practices that would, in the judgment of the VA/DoD Committee, promote such sharing of health-care resources between the agencies ("such sharing" refers to sharing that would not adversely affect the range of services, the quality of care, or the established priorities for care provided by either agency);

monitor the plans of the agencies for acquiring additional health-care resources in order to assess the potential impact of such plans on further opportunities for such sharing of health-care resources between the agencies; and

monitor the implementation of activities by the agencies designed to promote the sharing of health-care resources between the agencies.

The compromise agreement also contains a provision (new subsection (b)(4) of section 5011) requiring the VA/DoD Committee, within nine months of the date of enactment of this measure and thereafter as the Committee determines appropriate, to make recommendations to the Administrator of Veterans' Affairs or the Secretary of Defense or both with respect to changes in policies, procedures, and practices and other matters that would promote such sharing of health-care resources between the agencies as would not adversely affect the range of services, the quality of care, or the established priorities for care provided by either agency.

GUIDELINES FOR SHARING VA/DOD HEALTH-CARE RESOURCES

Both the Senate bill and the House amendment would require the Administrator and the Secretary of Defense jointly to establish guidelines for the sharing of health-care resources between the agencies. The Senate bill would require that the guidelines be established not later than nine months after the date of enactment; the House amendment, not later than one year after the date of enactment. The Senate bill would specify that the guidelines are for sharing to the maximum extent feasible consistent with the health-care responsibilities of the two agencies under titles 38 and 10, respectively, of the United States Code.

The compromise agreement (in new subsection (c)(1) of section 5011) would require the Administrator and the Secretary of Defense, after considering the recommendations of the VA/DoD Committee, jointly to establish guidelines to promote such sharing of health-care resources as would be consistent with the health-care responsibilities of the two agencies under title 38 and chapter 5 of title 10, respectively, and that would not adversely affect the range of services, the quality of care, or the established priorities for care provided by either agency. Section 3(d) of the bill would require the guidelines initially to be established within 12 months after the date of enactment.

The Senate bill would require that the guidelines include provisions for the following:

the director or commanding officer of each health-care facility under the jurisdiction of either of the two agencies shall, to the maximum extent feasible, appropriate, and consistent with the responsbilities of the agencies, enter into sharing agreements with the head of each health-care facility of the other agency in the same geographic area, under which agreements the eligible beneficiaries of one agency identified in the agreement may be provided health care at the facility of the other agency;

each agreement shall explicity identify the health-care resources to be shared, the health care to be provided, and the beneficiaries to be treated;

each agreement shall ensure that the availability of direct health care to individuals who are not primary beneficiaries of the providing agency shall be on a referral basis and shall not adversely affect the range of services, quality of care, or priority for services provided to that agency's primary beneficiaries;

each agreement shall be submitted to the Chief Medical Director and the Assistant Secretary on the same day and shall become an interagency agreement on the forty-sixty day following receipt, unless earlier disapproved by either official or, if earlier approved by both officials, on the date of approval;

each agreement shall provide for reimbursement to the providing agency based on a methodology, agreed upon by the Chief Medical Director and the Assistant Secretary, which provides appropriate flexibility to the heads of local facilities to take into account local conditions and needs and the actual costs to the facility that provided the care; and

the reimbursement shall be credited to the appropriations available to the facility which provided the care or services.

The House amendment would require that the guidelines include provision for the following:

the director of a VA health-care facility or the officer in charge of a DoD facility may enter into cooperative sharing agreements with health-care facilities of the other agency under which an individual entitled to direct health care in a facility of one agency may be provided care at the facility of the other agency;

each agreement shall explicitly define the health care to be provided, and services to be shared may include any medical resource that is agreed upon; and

each agreement shall ensure that the availability of direct health care to individuals who are not primary beneficiaries of the providing agency shall be on a referral basis and shall not adversely affect the range of services, quality of care, or priority access for services provided to the agency's primary beneficiaries.

The House amendment would also require that whenever a beneficiary receives medical services from the agency of which the individual is not a primary beneficiary, that agency shall be reimbursed based upon a costing methodology that is agreed to by the Administrator and the Secretary and is based upon the cost of the services provided, and that the reimbursement shall be credited to the appropriation and to the facility that provided the services.

Both the Senate bill and the House amendment would define the terms "beneficiary" and "primary beneficiary" in a similar manner (the principal difference between the two bills being that the Senate definitions would include dependents). The definitions of these terms adopted in the compromise agreement are described below under the heading "Definitions".

The compromise agreement (in new subsection (c)(2) of section 5011) would require the guidelines to authorize the heads of individual medical facilities to enter into sharing agreements in accordance with provisions in new subsection (d) of section 5011, which provide as follows:

the head of each health-care facility of either agency is authorized to enter into sharing agreements with the heads of health-care facilities of the other agency under which primary beneficiaries of one agency may be provided care at a facility of the other agency that is a party to the agreement;

each agreement must identify the health-care resources to be shared;

each agreement must provide, and must specify procedures designed to ensure, that the availability of health care under sharing agreements to individuals who are not primary beneficiaries of an agency shall be on a referral basis and shall not (as determined by the head of the facility of the providing agency) adversely affect the range of services, the quality of care, or the established priorities for care provided by the facility of the providing agency to that agency's primary beneficiaries;

each agreement must specify that the providing agency shall be reimbursed by the other agency at a rate to be determined pursuant to the provisions of new subsection (e) of section 5011, discussed below; and

each proposal for an agreement shall be submitted to the Chief Medical Director and the Assistant Secretary, and each such proposal shall be effective as an agreement in accordance with its terms on the forty-sixth day after receipt by both officials, unless earlier disapproved by either official, or if earlier approved by both officials, on the date of such approval.

The Committees note that by not including in the compromise agreement the geographic limitation on sharing authority contained in the Senate bill ("in the same geographic area"), it is their intent that the head of a health-care facility of one agency should have maximum flexibility to enter into sharing agreements with heads of health-care facilities of the other agency and that, although the Committees anticipate that the vast preponderance of sharing agreements will be entered into by geographically proximate facilities, such a result will occur only because the access to care by the agencies' beneficiaries would be greatest in the case of such facilities. With further reference to the Committees' intent that the heads of health-care facilities have maximum flexibility when entering into sharing agreements, the Committees note that such agreements would not have to cover all of the beneficiaries of the health-care facility of one agency but rather could be limited in their coverage to specific categories of individuals (such as all beneficiaries in need of treatment for a heart disease) as agreed to by the heads of the health-care facilities entering into a sharing agreement.

With reference to the provision in the compromise agreement specifying that the availability of direct health care under sharing agreements shall not adversely affect the range of services, the quality of care, or the established priorities for care provided by either agency, the Committees note that this provision would require that before a VA facility that acquires additional in-house medical or dental care capacity proceeds to share any of that capacity, that new capacity should be applied to the care of veterans who were being treated on a fee basis by virtue of the VA's prior lack of capacity to treat them (as provided for in section 601(4)(C) of title 38).

The Committees note that the House amendment, in making reference to beneficiaries who could receive care under a sharing agreement, referred to individuals "entitled" to health care in VA or DoD facilities. By using the term "eligible" for care in the compromise agreement, the Committees are expressing no view about which beneficiaries of either agency's health-care system may have legal entitlements to care or services, since resolution of that issue is not necessary to provide the authorization, set forth in the compromise agreement, for the two agencies to enter into sharing agreements.

The compromise agreement contains a further provision (new subsection (e) of section 5011) requiring the reimbursement under a sharing agreement be based on a methodology agreed upon by the Chief Medical Director and the Assistant Secretary that provides appropriate flexibility to the heads of local facilities to take into account local conditions and needs and the actual costs to the providing facility. Reimbursements would be required to be credited to funds that have been alloted to the facility that provided the care or services.

The Committees note that, in adopting this approach to reimbursement between the agencies emphasizing local flexibility and the actual costs to the providing facility of the care or services provided, it is their intention that the agencies be allowed to reimburse one another without reference to any standard rate or rates established by the Office of Management and Budget. The inflexible application of OMB standard rates has been cited as one barrier to greater interagency sharing under current law, and the Committees do not believe that it should be permitted to continue. In this regard, the Committees note the provision in the compromise agreement (new section 5011A(c)(1) of title 38 as propsed to be added by section 4(a) of the bill, discussed below) relating to reimbursement of VA by DoD for the care or services provided by the VA to active duty members of the Armed Forces in time of war or national emergency. That provision requires reimbursement "based on the cost of the care or services provided". As noted below, the Committees believe that it would not be inappropriate under that formulation for the agencies to rely on an OMB-determined standard rate because the rate of reimbursement in that context is not expected to be a significant factor in the making of arrangements for the VA to provide care for combat casualties.

REPORT ON SHARING OF VA/DOD HEALTH-CARE RESOURCES

Both the Senate bill and the House amendment would require the Administrator and the Secretary to submit an annual joint report to the Congress, at the time the President's Budget is transmitted to the Congress, on the agencies' activities in carrying out the provisions of the compromise agreement relating to the guidelines for sharing.

The compromise agreement contains a provision (new subsection (f) of section 5011), derived from the provisions of the Senate bill and the House amendment, requiring that the joint annual report include information with respect to:

the guidelines (and any revisions thereof) prescribed by the agencies pursuant to the compromise agreement provisions described above relating to those guidelines;

the assessment of opportunities for further sharing identified by the VA/DoD Committee pursuant to the compromise agreement provisions described above relating to that Committee;

the recommendations to the Administrator and the Secretary made by the VA/DoD Committee pursuant to those same compromise agreement provisions for changes in the policies, procedures, and practices of the agencies in order to promote sharing of health-care resources;

a review of sharing agreements entered into by the agencies pursuant to the guidelines and a summary of the activities of the agencies under those sharing agreements;

a summary of other planning and activities involving either agency (but not necessarily the other) in connection with promoting the coordination and sharing of Federal health-care resources during the fiscal year covered by the report as well as activities involving the two agencies but not pursuant to a sharing agreement entered into under section 5001; and

recommendations for legislation that the Administrator and Secretary consider appropriate to facilitate the sharing of health-care resources between the agencies.

DEFINITIONS

Both the Senate bill and the House amendment would include definitions of terms used in the provisions relating to interagency sharing.

The compromise agreement (in new subsection (g) of section 5011) would define various terms used in such provisions as follows:

"Beneficiary"—a person who is a primary beneficiary (a term also defined, as described below) of the VA or DoD.

"Direct health care"—health care provided in a facility operated by the VA or DoD.

"Head of a medical facility"—(A) in the case of a facility under the jurisdiction of the VA, the director, and (B) in the case of a facility under the jurisdiction of DoD, the medical or dental officer in charge or the contract surgeon in charge.

"Health-care resource"—any health-care resource, including hospital care, medical services, and rehabilitative services as those terms are defined in paragraphs (5), (6), and (8), respectively, of present section 601 of title 38, any other health-care service, and any health-care support or administrative resource.

"Primary beneficiary"—(A) with respect to the VA, a person who is eligible, under the provisions of title 38 (other than present section 611(b) of title 38, relating to non-veterans' eligibility for care in emergencies, present section 613 of title 38, relating to eligibility for care for certain dependents and survivors of veterans, or the provision of law proposed to be added by the compromise agreement provision (new subsection (d) of section 5011) relating to interagency sharing agreements) or any other provision of law, for care or services in VA health-care facilities, and (B) with respect to DoD, a member or former member of the Armed Forces who is eligible for care under present section 1074 of title 10, relating to eligibility for medical and dental care for members and former members of the uniformed services. The difference between this definition and that of "beneficiary" (described above) is that "primary beneficiary" is defined with reference to each agency and is used in a provision (new subsection (d)(3) of section 5011) precluding a sharing agreement from having an adverse effect on either agency's services to its own beneficiaries.

"Providing agency"—either the VA or DoD, determined according to which agency's health-care facility actually furnishes the care or services in question.

Both the Senate bill and the House amendment would require the Assistant Secretary to consult regularly with the Surgeons General of the Army, Navy, and Air Force in carrying out the compromise agreement provisions described above.

The compromise agreement contains this provision in a freestanding provision in section 3(c) of the bill.

VA CONTINGENCY BACKUP TO DOD

Both the Senate bill and the House amendment would amend title 38 to authorize the Administrator, in time of war, or during a period of national emergency declared by the Congress or the President involving the use of the Armed Forces in armed conflict, to give a higher priority to the furnishing of care and services in VA facilities to members of the Armed Forces on active duty than to any other group of persons eligible for such care and services with the exception of veterans with service-connected disabilities.

The House amendment, but not the Senate bill, would require that, before this authority to provide priority VA care and services to active duty members of the Armed Forces could be exercised, the President would have to authorize such action. The Senate bill would require the Administrator to prescribe regulations prior to exercising this new authority; the House amendment would require the Administrator to prescribe regulations only with reference to the exercise of the new authority to contract with private facilities (described below).

The compromise agreement contains a provision (subsection (a) (1) of new section 5011A) authorizing such priority care—without a requirement of advance Presidential authorization, but with a requirement that the Administrator prescribe regulations governing the exercise of this authority—and would extend the period during which this authority could be exercised to the period immediately following a period of war or national emergency so as to ensure that the VA could continue, after the cessation of hostilities, to care for the casualties from the period of armed conflict for such period of time as the national interest required.

The compromise agreement contains a provision (subsection (a) (2) of new section 5011A) specifying that the terms "hospital care", "nursing home care", and "medical servies" as used in new section 5011A have the meanings given such terms by section 601(5), 101(28), and 601(6) of title 38, respectively.

VA CONTRACT AUTHORITY IN WAR OR NATIONAL EMERGENCY

Both the Senate bill and the House amendment would provide authority for the Administrator to contract with private facilities for the provision of hospital care and medical services to certain groups of veterans, as discussed below, during a period of war or national emergency. The Senate bill would limit the exercise of this contracting authority to the extent authorized by the President; as described under the preceding heading, the House amendment would make the entire exercise of the contingency care authority by the VA dependent upon advance Presidential authorization. The Senate bill also would make the exercise of this authority subject to the availability of appropriations or of reimbursements to the VA from DoD for the costs of care rendered by the VA to active duty personnel pursuant to provisions of the compromise agreement described under the preceding heading; the House amendment makes the exercise subject just to the availability of appropriations.

The compromise agreement (subsection (b) of new section 5011A) would authorize the Administrator, to the extent authorized by the President and subject to the availability of appropriations or reimbursements, to enter into contracts with private facilities for the provision of hospital care and medical services to certain groups of veterans, as discussed below, during and immediately following a period of war or national emergency.

Under the Senate bill, the authority to contract with private facilities for hospital care or medical services for a veteran would be available to provide care and treatment for a condition for which a veteran is receiving medical services under title 38 provisions authorizing outpatient care (present subsections (f) and (g) of section 612) if the delay in furnishing the care at the VA facility concerned would, in the judgment of the Chief Medical Director pursuant to regulations prescribed by the Administrator, be likely to result in a significant deterioration of the veteran's condition. Under the House amendment, the contract authority for treatment of a veteran receiving VA medical services under the outpatient treatment provisions would be limited to hospital care and would be available in cases in which, in the Administrator's judgment, delay in providing care would likely result in a deterioration of the veteran's condition.

Under the compromise agreement (subsection (b)(1) and (2)(A) of new section 5011A), the Administrator would be authorized to enter into contracts with private facilities for such hospital care and medical services as are authorized under title 38 for a veteran and are necessary for the care or treatment of a condition for which a veteran is receiving medical services (outpatient treatment) at a VA facility under present subsection (f) or (g) of section 612 in a case in which the delay involved in furnishing the care at that facility or any other VA facility reasonably accessible to the veteran would, in the judgment of the Chief Medical Director, be likely to result in a deterioration of the condition. It is the Committees' intent that the VA should, in determining whether or not any other VA facility that could provide the needed care or services is reasonably accessible to the veteran, utilize the standard now applied by the agency for determining eligibility for fee-basis care because of geographic inaccessibility under present section 601(4)(C) of title 38.

The Senate bill would authorize the Administrator to contract with private facilities for hospital care for the treatment of a medical emergency which poses a serious threat to the life or health of a veteran eligible for care under chapter 17 of title 38 if the Chief Medical Director, pursuant to regulations prescribed by the Administrator, finds that the VA facility concerned is utilizing a substantial portion of its hospital care capability for the furnishing of priority care to members of the Armed Forces. The House amendment would provide similar contract authority for hospital care, as well as for medical services, in cases in which VA facilities are not capable of furnishing the care or services required because of furnishing care and services to members of the Armed Forces.

Under the compromise agreement (subsection (b)(1) and (2)(B) of new section 5011A), the Administrator would be authorized to enter into contracts with private facilities for hospital care for a veteran who is receiving VA hospital care or who is eligible for such care and requires hospital care in a medical emergency that poses a serious threat to the life or health of the veteran, if VA facilities are not capable of furnishing or continuing to furnish the care or services required because of furnishing care and services to members of the Armed Forces. This authority is broader than that included in either the Senate bill or the House amendment so as to ensure that if, in the case of war or national emergency, any veterans receiving VA hospital care for non-service-connected conditions or requiring hospital care on an emergency basis for such conditions are displaced by active-duty members of the Armed Forces pursuant to the new authority, the VA would have the authority to provide by contract for their continuing hospital care and, as generally authorized, necessary followup medical services.

Both the Senate bill and the House amendment would require that the cost of any care or services provided by the VA to members of the Armed Forces on active duty be reimbursed to the VA by DoD at rates as may be agreed upon by the Administrator and the Secretary of Defense based on the cost of the care and services provided, and that amounts received as reimbursements shall be credited to funds allotted to the VA facility that provided the care or services.

The compromise agreement contains this provision (subsection (c) of new section 5011A).

As noted above in the discussion of the compromise agreement provision relating to reimbursement between VA and DoD under sharing agreements, it does not seem inappropriate to the Committees for the reimbursement pursuant to this provision to be based on an OMB-determined standard rate since the rate of reimbursement in this context should not be a significant factor in the making of arrangements for the VA to provide care for combat casualties. Rather, the only significant purpose of the reimbursement formula in this context is to ensure that the VA is compensated fairly for the use of agency resources in support of DoD beneficiaries so that the costs of such care can be appropriately attributed and so that the VA will be able to continue to fulfill its primary mission of providing care to eligible veterans.

PLANNING FOR AND REPORTING ON CONTINGENCY BACKUP ROLE

The Senate bill, in a freestanding provision, and the House amendment, in a title 38 amendment, would require the Administrator and the Secretary of Defense, not later than 180 days after enactment, to enter into an agreement to pursue planning activities and establish procedures and guidelines for the VA to carry out the contingency backup function. The House amendment would further require that, not later than one year after the date of enactment, the Administrator and the Secretary complete the plans for the VA contingency backup function and submit them to the Committees on Veterans' Affairs and Armed Services of the Senate and the House of Representatives. The House amendment would also require a joint review of these plans not less often than annually and a report to the same committees within 30 days of any modification to the plans.

The compromise agreement in title 38 provision (subsection (d) of new section 5011A), would require the Administrator and the Secretary, not later than 6 months after the date of enactment, to enter into an agreement to plan and establish procedures and guidelines for the implementation of the VA's contingency backup role. This compromise agreement provision would also require that, not later than one year after the date of enactment, the Administrator and Secretary complete plans for the implementation of the VA's contingency backup role and submit them to the Committees on Veterans' Affairs and Armed Services of both Houses and would require joint reviews of the plans not less often than annually and a report to these committees on any modification of the plans, to be submitted within 30 days of the modification.

Both the Senate bill and the House amendment would require the Administrator, at a specified point following a declaration of war or national emergency, to report to the Committees on Veterans' Affairs on the Administrator's allocation of facilities and personnel to provide care and services to members of the Armed Forces on active duty. The Senate bill would require that this report be submitted within 90 days after the declaration of war or national emergency or as soon thereafter as reasonably practicable; the House amendment would require that this report be submitted within 30 days after the President authorizes the VA to provide care to members of the Armed Forces on active duty. The Senate bill, but not the House amendment, would also require the Administrator, after submitting the first report, to report periodically thereafter to the committees regarding the extent to which, and the circumstances under which, the Administrator has utilized the authority to contract with private facilities as would be provided in conjunction with the VA's assuming a contingency backup function.

The compromise agreement (in subsection (f) of new section 5011A) would require the Administrator to submit to the Committees on Veterans' Affairs, within 30 days after the declaration of a period of war or national emergency or as soon thereafter as reasonably practicable, a report on the allocation of facilities and personnel in order to provide priority care and services to members of the Armed Forces on active duty. The compromise agreement would also require that, not later than 90 days after the end of any fiscal year in which the authority to contract with private facilities to provide care and services to certain veterans during a period of war or national emergency has been used, the Administrator report to the Veterans' Affairs Committee regarding the extent of, and the circumstances surrounding, the use of this authority during that fiscal year.

CORRESPONDENCE TRAINING UNDER THE GI BILL

The Senate bill, but not the House amendment, would amend section 1768 of title 38, relating to VA educational benefits for correspondence course training, to provide for the continued payment of GI Bill benefits for correspondence course training.

The compromise agreement contains this provision with technical amendments designed to ensure that funds are available and payable in fiscal year 1982 for correspondence training benefits.

The Committees note that in a January 4, 1982, memorandum prepared in the VA General Counsel's office, the view was expressed that the Senate provision would not be effective in achieving its intended objective—ensuring that fiscal year 1982 Readjustment Benefits account funds, notwithstanding any provision of law limiting the availability of such funds, are available for correspondence benefits in accordance with the provisions of section 1786 of title 38 as amended by the Omnibus Budget Reconciliation Act of 1981 (Public Law 97-35). In light of that memorandum, technical changes have been made in this provision by the compromise agreement in order to make certain that the measure does achieve that objective.

VA MEDICAL CENTER INDIANAPOLIS NAMING

The Senate bill, but not the House amendment, would designate the VA Medical Center in Indianapolis, Indiana, as the "Richard L. Roudebush Veterans' Medical Center".

The compromise agreement contains this provision with a technical amendment to designate the center as the "Richard L. Roudebush Veterans' Administration Medical Center".

Mr. PERCY. Madam President, if this Congress is going to successfully trim the size of the Federal budget without jeopardizing vital services, we are going to have to scrutinize every Federal program to make sure it is being run with the utmost efficiency. This legislation, the Federal Interagency Medical Resources Sharing and Coordination Act, will promote such efficiency in the delivery of billions of dollars worth of medical care to Federal beneficiaries. It is not very often that we can pass legislation which will save millions of tax dollars while actually improving the quality of services provided Federal beneficiaries—yet that is precisely what S. 266 will do. I would like to express my deep appreciation to the distinguished chairman of the Senate Veterans' Affairs Committee, Senator CRANSTON, and the chairman of the House Veterans' Affairs Committee, Congressman MONTGOMERY, for their outstanding leadership on this issue.

In recent years, increasing concern has been expressed in the Congress over the spiraling costs of medical care in the Nation. As in the private sector, Federal agencies' costs to provide health care directly to beneficiaries have continued to rise, and substantial efforts have been made to find ways of holding down these costs without adversely affecting the quality of care.

Two years ago, I introduced the first legislation addressing the costly lack of sharing and coordination among the Veterans' Administration's and Defense Department's 308 hospitals. The introduction of this legislation followed a lengthy investigation by the General Accounting Office and the Governmental Affairs Committee. I am pleased to be the sponsor of S. 266 now before the Senate.

Examples of waste and inefficiency in the Federal Government's hospitals are plentiful. For instance:

In North Chicago, the VA and Navy operate hospitals less than a mile from each other. While the Navy's modern facility sits more than three-quarters empty because of a lack of doctors, forcing them to spend $3 million on private sector care, the VA nearby plans to spend $67 million in coming years on its crumbling 1905 era buildings. The VA enjoys a relative abundance of doctors. Current laws, regulations, and other problems have held up attempts to coordinate resources among the two Federal facilities.

For lack of a VA-Army agreement to share Boston VA orthopedic services, the Army flies dozens of patients from Boston to Walter Reed Hospital in Washington on its very expensive air evacuation system when more convenient and less costly treatment could be provided by the VA.

The purposes of this legislation are simple: To clear away the legal and administrative barriers to sharing, to create incentives at the local level, and to encourage the agencies to begin assessing money-saving opportunities for sharing and implement them expeditiously. The legislation also provides specific safeguards to prohibit sharing where it would adversely affect the quality of health care to Federal beneficiaries. Reaction to the bill has been nearly unanimous: This legislation is needed.

In moving this legislation through the House and Senate, several issues have been readied in which compromises have been worked out to the satisfaction of all sides. I am very pleased with the bipartisan support for the bill. There was one issue—whether military dependents should be allowed to be treated in VA hospitals under certain conditions—that we were unable to agree on. The final version of the bill would prohibit these patients from being treated under any conditions. I feel this is a mistake. Military dependents are now being treated in VA hospitals in many areas of the country on a space available, referral basis. While some have raised fears that these dependents would take beds needed by veterans, this simply would not be the case. There is absolutely no reason why a military dependent should not be able to have a CAT-scan or blood test—on an outpatient basis—at a VA hospital. VA doctors have said that such sharing could be continued without any adverse impact on the primary beneficiaries of the VA. I will ask the GAO to re-examine this issue over the next year as we implement the provisions of S. 266. Should this prohibition prove unworkable, I will move to amend S. 266.

We have a unique opportunity with this bill to save hundreds of millions of tax dollars while enhancing Federal direct health care. In view of the difficult decisions this Congress faces in trying to cut Federal spending, I urge that we pass this bill and others that can save tax dollars without creating hardships for Federal beneficiaries.

Before concluding my statement, I would like to extend my thanks to Mr. David Baine and his staff at the General Accounting Office for their outstanding work in this area. I also would like to thank the members and staff of the Federal Health Resources Sharing Committee, especially Mr. Steven Arnt, for their contributions to this legislation.

Mr. CRANSTON. Madam President, as the ranking minority member of the Committee on Veterans' Affairs, I am very pleased to join with the committee chairman, my good friend from Wyoming (Mr. SIMPSON), in offering and urging the Senate to support the pending substitute amendment to the House amendment to S. 266, this amendment being a compromise agreed to between the two Veterans' Affairs Committees, the distinguished Senator from Illinois (Mr. PERCY) on behalf of the Senate Governmental Affairs Committee, and the House Armed Services Committee, after extensive discussion and negotiations. This measure, which addresses the appropriate relationship between the health-care resources of the Veterans' Administration and the Department of Defense both in peacetime and in time of war or national emergency involving armed conflict, is an important measure and deserves our strong support.

Madam President, this legislation was first passed by the Senate on October 22, 1981, at which point I spoke at some length regarding the background of the legislation, focusing most specifically on the efforts of the Committee on Veterans' Affairs to meld together aspects of S. 266 as originally introducted on January 27, 1980, by Senator PERCY and an amendment—amendment No. 62 to S. 636—that I offered on June 9, 1981. I refer my colleagues and others with an interest in this background to my remarks during that debate which began on page S12252 of the RECORD for October 27, 1981. Following Senate action, the House took up H.R. 3502, legislation dealing with the same matters, substituted its provisions into S. 266, and returned S. 266, as so amended, to the Senate. As I noted a moment ago, the legislation as it is now before the Senate represents a compromise agreement on the versions as passed by the two Houses.

Madam President, as with all compromises, the measure before the Senate today—which I will refer to as the compromise agreement—does not contain all of the provisions of either of the versions passed by the two Houses, nor does it reflect in every detail the result I would like to have achieved. Nevertheless, I believe that it does represent an equitable resolution of the differences between the two Houses and very substantially vindicates the basic position of the Senate. I am convinced it is a good bill and, in many individual respects and in general, a superior measure to what was passed in either House.

Madam President, the provisions of the compromise agreement are fully described in the "Explanatory Statement" that the chairman of the committee (Mr. Simpson) has inserted in the Record as part of his remarks and which will be inserted in identical form by the Chairman of the House Veterans' Affairs Committee (Mr. Montgomery) when this measure is taken up in the other body in the next few days. I will, therefore, limit my remarks at this point to a brief discussion of some elements of the compromise agreement.

SHARING

Madam President, throughout committee consideration of this measure, I have been very supportive of the need for greater emphasis on the sharing of VA health-care resources between the VA and DOD. At the same time, however, I have been insistent that such sharing must not be permitted to have a detrimental impact on the ability of either of the two agencies to continue to provide quality health care to their respective beneficiaries under current law. I am very satisfied that this point of view has been recognized and is reflected in the provisions of the compromise agreement which relate to peacetime sharing. On this point, new subsection (d)(3) of section 5011 of title 38, United States Code, which would be added by section 3(a)(3) of the compromise agreement, provides, in relevant part, that each sharing agreement entered into by heads of health-care facilities of the two agencies—

> shall provide, and shall specify procedures designed to ensure, that the availability of direct health care to individuals who are not primary beneficiaries of the providing agency . . . does not (as determined by the head of the facility of the providing agency) adversely affect the range of services, the quality of care, or the established priorities for care provided to the primary beneficiaries of the providing agency.

Madam President, I believe that this provision strikes the appropriate balance. This legislation is designed to promote sharing of health-care resources between the two agencies in a way that should yield improved access to health care for the beneficiaries of the two agencies while resulting in economies in the operation of the two health-care systems through more efficient utilization of their resources. At the same time, the compromise agreement reaffirms the continued importance of the VA's health-care system in providing timely, quality health care to beneficiaries eligible for care under the VA's basic health-care legislative authorities in title 38, United States Code, and other applicable law, such as section 2 of Public Law 95-126 regarding VA health care for certain veterans.

Madam President, the compromise agreement provides for the establishment of an interagency committee, the Veterans' Administration/Department of Defense Health-Care Resources Sharing Committee, which will have the VA's Chief Medical Director and the Assistant Secretary of Defense for Health Affairs as its principal members. This VA/DOD Committee will be responsible for developing information relating to the sharing of health-care resources between the two agencies and for promoting such sharing. Under provisions in the compromise agreement, the VA/DOD Committee will make recommendations to the administrator of Veterans' Affairs or the Secretary of Defense or both—initially, within 9 months of the date of enactment of the legislation and thereafter as appropriate—regarding steps that could be taken to promote sharing. After reviewing the initial recommendations, the Administrator and Secretary—within 12 months of the date of enactment—will jointly establish guidelines to promote sharing. Once the joint guidelines are issued, decisions regarding actual sharing, although subject to central guidance, will take place at the local level. This approach places the emphasis on sharing at the local, operational level where appropriate determinations regarding capacity to enter into sharing agreements can be made. This stress on local initiation and flexibility is one of the most important features of this portion of the bill.

Madam President, when this measure was before the Senate last October, I duscussed two issues relating to peacetime sharing that were of particular concern to the Senator from Illinois (Mr. Percy)—namely, the treatment of dependents under sharing agreements and insuring local autonomy in developing reimbursement rates in conjunction with sharing agreements—and the Veterans' Affairs Committee's action on these issues in the bill as reported out of our committee.

During the development of the compromise agreement, it was not possible to prevail on the issue of treating dependents, although the emphasis on local autonomy was retained in the agreement. I know that Senator Percy—as do Senator Simpson and I—would prefer that the result as to dependents would be as passed by the Senate but the opposition to that result from our colleagues in the House was very substantial. I wish to thank the Senator from Illinois (Mr. Percy) for his understanding and cooperation in yielding on this point so that the compromise agreement, which we all agree addresses very important issues, could move forward today.

CARE FOR CASUALTIES OF ARMED CONFLICT

Madam President, in addition to providing a renewed emphasis on the sharing of health-care resources between the VA and DOD, the pending measure contains amendments to title 38 relating to the appropriate relationship of the health-care resources of the two agencies in time of war or national emergency involving the use of our Armed Forces in armed conflict when DOD facilities are unable to meet the increased demands resulting from combat casualties.

I consider the need to deal with that situation a very important matter and have urged that it be addressed in the context of the overall VA/DOD health-care resources relationship. I have long believed and stated that the VA should be the principal backup to the health-care resources of the Department of Defense in time of war or national emergency.

It has been very clear for a number of years that, in the event of major armed conflict, the Department of Defense would be unable to cope with more than a fraction of the anticipated casualties from such a conflict, and it is logical that the firstline backup to DOD in such a situation would be the VA health-care system. It is a large, comprehensive, nationwide system, and there is a natural linkage between the VA and DOD systems in that many beneficiaries of the DOD system become the beneficiaries of the VA at some point, a result that frequently occurs after a member of the Armed Forces is disabled in service and is then medically discharged.

Madam President, the compromise agreement would provide a basis for the VA to fulfill this contingency role by expressly authorizing the agency, during and immediately after a period of war or national emergency that involves the use of our Armed Forces in armed conflict, to provide hospital care, nursing home care, and medical services to members of the Armed Forces on a higher priority basis than to any other group of individuals other than veterans with service-connected conditions and by requiring the VA and DOD to plan for the VA to carry out this contingency role.

The specification of guidance for implementation of this new mission for the VA—which was established by section 108 of Public Law 97-72, a measure enacted last year that would require the VA to maintain a contingency capacity to assist the Department of Defense in time of war or national emergency—should remove any impediment to the VA's working closely with DOD to develop contingency plans and, in the tragic event that the agency's health-care resources are ever needed to support the DOD in time of war or national emergency, the mechanism should be in place to carry out such a supportive role.

Madam President, in conjunction with this new authority, the pending measure would also provide very specific and carefully drawn authority for the Administrator, in situations in which the VA is treating Armed Forces personnel under the new authority and with the approval of the President, to contract with private health-care facilities to provide health care under certain circumstances to specified categories of veterans. I believe that this is an important adjunct to the new contingency authority and demonstrates that, even in situations in which the agency is treating wartime casualties, it has continuing veteran-care obligations.

CORRESPONDENCE TRAINING

I am very grateful to my colleagues in the House of Representatives for agreeing to include in this measure the Senate provision that I proposed to restore the availability of GI bill payments to Vietnam-era veterans for correspondence training in the current fiscal year. I feel very strongly that it is both unfair and contrary to the purposes of the GI bill to terminate the opportunity for these veterans to use their GI bill benefits for this type of training. For certain Vietnam-era veterans—particularly those whose current employment situation or other circumstances pose scheduling conflicts with classroom attendance, those with disabilities that render regular classroom attendance infeasible, and those residing in areas where other forms of education or training are not available—correspondence courses represent the only practical alternative for using the GI bill for the training they have chosen to pursue.

Moreover, I believe that the modifications that the Congress made in this program in 1980 and 1981 (Public Laws 96-466 and 97-35), increasing from 10 percent to 30 percent and then to 45 percent the share of the cost of the courses that the veteran must pay, are sufficient to eliminate whatever abuses may have been present in this program that motivated the administration to recommend its termination. Thus, I am gratified that we have been able to sustain the Senate provision in S. 266 on this issue, with certain clarifying modifications, as noted in the above-referenced explanatory statement, in order to carry out more explicitly the purpose of the Senate provision.

Madam President, in anticipation of the enactment of this provision, which has an effective date retroactive to October 1, 1981, I urge the VA promptly to initiate the remedial and outreach efforts necessary to ensure—in light of the VA's earlier action, based on what I believe to have been an incorrect interpretation of Public Law 97-101, the HUD-Independent Agencies Appropriations Act, 1982, terminating the payment of correspondence training benefits for new enrollments after September 30, 1981—that all those who previously applied for these benefits this fiscal year and those who may wish to do so will be able to receive the benefits with respect to which this measure provides for clarification as to entitlement and availability of payment.

CONCLUSION

Madam President, as I noted earlier, I believe the compromise agreement represents a fair resolution of the differences between the two Houses. It gives full emphasis to peacetime sharing between the agencies while recognizing and respecting the separate missions and statutory authorities of the two agencies' health-care missions. Through the contingency authority provisions, it provides appropriate recognition of the fact that the relationship between the health-care resources of the two agencies should not be limited to peacetime efforts to reduce costs and eliminate duplication of effort but also must recognize the VA's vital role as the first backup to the DOD in time of armed conflict.

Including both the sharing and contingency provisions in the same measure recognizes that, although there may be a certain tension between the two facets of the relationship of VA and DOD health-care resources in terms of the capacities each agency maintains, they must be considered together and any efforts to reduce the capability or capacity of either agency must be undertaken with an awareness of the need to maintain the health-care resources of the two agencies to care for battle casualties in the event of armed conflict.

Madam President, I want to express my appreciation to my good friend from Wyoming (Mr. SIMPSON) for his cooperative spirit as we have worked to develop the compromise agreement as it is before the Senate today. I also want to note the fine efforts of the Senator from Illinois (Mr. PERCY) on the issue of the peacetime sharing of VA and DOD health-care resources. His great interest in and persistence on this issue have been instrumental in bringing this legislation to its culmination and he is to be congratulated. I also want to express my appreciation to my good friends on the House Veterans' Affairs Committee, the chairman (Mr. MONTGOMERY) and the ranking minority member (Mr. HAMMERSCHMIDT) for their fine work in developing this measure. It has been, as always, a pleasure to work with them.

Madam President, I also express my appreciation for their fine work on this bill to the staff members of the House Veterans' Affairs Committee, Mack Fleming, Rufus Wilson, Ralph Casteel, and Jack McDonell; to Bob Cover, assistant counsel, House Legislative Counsel's Office; and to members of our committee staff, Tom Harvey and Julie Susman on the majority staff, and Bill Brew, Ed Scott, Jon Steinberg, Babette Polzer, Katy Burdick, Ingrid Post, and Charlotte Hughes on the minority staff.

Madam President, the compromise agreement now before the Senate is a most worthy measure, and I urge my colleagues to support it.

AMENDING SECTION 235 OF THE NATIONAL HOUSING ACT

Mr. BAKER. Madam President, on behalf of the distinguished Senator from Indiana (Mr. LUGAR) and the distinguished Senator from California (Mr. CRANSTON) I send a bill to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will state the bill by title.

The assistant legislative clerk read as follows:

> A bill (S. 2344) to amend section 235 of the National Housing Act.

The Senate proceeded to consider the bill.

Mr. GARN. Madam President, I send to the desk a bill to extend the deadline for the 235 program until April 30, 1982.

On Monday the Senate passed an amendment to the House passed bill, H.R. 5708, and asked the House to come to a conference. In this conference I was completely prepared to reach a compromise on how to redistribute uncommitted 235 program funds and on the Olympic Coin Act. The House, however, would not agree to begin a conference on H.R. 5708. The hearings in the House on the Olympic Coin Act are scheduled now for April 6 and this 30-day extension provides time to formulate views on these issues.

With regard to the 235 program, I understand from HUD that preliminary fund commitments technically expired last night. The Senate Banking Committee members expect HUD to extend these commitments to the builders and others who held them on March 31 until the new April 30, 1982 deadline this bill creates.

The PRESIDING OFFICER. The bill will be considered to have been read twice by title. Is there further debate? If not, the question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed for a third reading, was read the third time, and passed as follows:

S. 2344

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the fourth sentence of section 235(h)(1) of the National Housing Act is amended by striking out "March 31, 1982" each place it appears and inserting in lieu thereof "April 30, 1982".

Mr. BAKER. Madam President, I move to reconsider the vote by which the bill was passed.

Mr. ROBERT C. BYRD. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

EXECUTIVE SESSION

Mr. BAKER. Madam President, I ask unanimous consent that the Senate now go into executive session to consider a nomination.

The PRESIDING OFFICER. Without objection, it is so ordered.

NOMINATION OF J. J. SIMMONS III TO BE A MEMBER OF THE INTERSTATE COMMERCE COMMISSION

Mr. BAKER. Madam President, as in executive session, I ask unanimous consent that the Senate consider the nomination of J. J. Simmons III, of Oklahoma, to be a Member of the Interstate Commerce Commission.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered. The clerk will report.

The legislative clerk read the nomination of J. J. Simmons III, of Oklahoma, to be a Member of the Interstate Commerce Commission.

The PRESIDING OFFICER. Without objection, the nomination is considered and confirmed.

Mr. BAKER. Madam President, I ask unanimous consent that the President be immediately notified that the Senate has given its consent to this nomination.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BAKER. Madam President, I move to reconsider the vote by which the nominee was confirmed.

Mr. ROBERT C. BYRD. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

LEGISLATIVE SESSION

Mr. BAKER. Madam President, I ask that the Senate now return to legislative session.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER FOR RECORD TO REMAIN OPEN UNTIL 5 P.M. TODAY

Mr. BAKER. Madam President, I ask unanimous consent that the RECORD remain open until the hour of 5 p.m. today for the introduction of bills, resolutions, the submission of statements, and for committees to file reports.

The PRESIDING OFFICER. Without objection, it is so ordered.

EXPRESSIONS OF APPRECIATION

Mr. BAKER. Madam President, may I take this opportunity to express may appreciation to the distinguished minority leader for his unfailing cooperation in the matter of trying to arrange the schedule and proceedings of the Senate in these last several, sometimes hectic and often difficult, months. As he has said often—and as I totally agree—it would be, if not impossible, certainly very difficult to operate the Senate if there was not a high level of cooperation by the leadership of both sides. That has always been the practice of the Senator from West Virginia, who has served both as majority leader, of course, and now as minority leader.

I once again would take this opportunity to express to him my deep appreciation for the very considerable cooperation, the very excellent cooperation that he has extended so often. He has been a staunch defender of his adversary position from time to time, and we have been necessarily on opposite sides of issues, but he has been equally staunch in the defense of the prerogatives of the leadership. He has been a good friend as well as a good colleague. It has been a delight to work with him for these several months of this session this year.

Mr. ROBERT C. BYRD. Madam President, will the majority leader yield?

Mr. BAKER. Yes, I yield.

Mr. ROBERT C. BYRD. Madam President, having been majority leader, I know precisely what it means to have cooperation from the other side of the aisle. I try to accord the kind of cooperation that I feel should be accorded by the minority to the majority because, after all, while both sides share the responsibility of moving the programs along and expediting the legislative process, the major responsibility rests on the shoulders of the majority. I very well know the value of having a minority leader who—while he must take adversary positions from time to time, and while he always must defend the interests of his colleagues on his side of the aisle—also recognizes the responsibility of the minority leader not to obstruct without good reason, not to delay unnecessarily, but rather to cooperate wherever he can.

The majority leader, Mr. BAKER, has been an outstanding majority leader. I say that without any equivocation. I say also that he has, in every instance—in every instance and without a single deviation that I can recall—been most considerate of the concerns and the rights and prerogatives of not only the minority leader but, more importantly than that, the rights and concerns and the prerogatives of the minority party in the Senate.

I congratulate him on his excellent leadership. I thank him for his consideration of the minority, which is characteristic of him. And I also thank him for referring to me as his friend. I am his friend; he is my friend. We, at times, and for reasons known to one another and to everyone associated with the Senate who knows anything about the operation of the Senate, from time to time we have to disagree without being disagreeable. But I could ask for no finer working relationship, and certainly as long as I cannot be majority leader—and may I say my burdens are much lighter as minority leader than they were as majority leader—but as long as the Republicans are in the majority here, I certainly rest well at night knowing that HOWARD BAKER is the majority leader.

(Mr. HATCH assumed the chair.)

Mr. BAKER. Mr. President, I cannot tell my friend, the minority leader, how much I appreciate the nature of his remarks. He knows that I reciprocate them and feel very keenly the sense of dual responsibility that we both hold.

EXTENSION OF TIME FOR ROUTINE MORNING BUSINESS UNTIL 3:45 P.M.

Mr. BAKER. Mr. President, I see the distinguished Senator from California on the floor. I believe he wishes to address the Chair. Mr. President, I ask unanimous consent that the time for transaction of routine morning business be extended to not past 3:45 p.m., under the same terms and conditions.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from California.

THE DESIRE OF IMMIGRANTS TO LEARN ENGLISH

Mr. HAYAKAWA. Mr. President, the first responsibility of any immigrant is to learn the language of his new homeland. This is necessary for that resident to become a participating and contributing member of his new society. In Los Angeles, I am pleased to report that an extraordinary adult education school is helping to accomplish this monumental task of educating non-English-speaking immigrants. Ten thousand adult students flow through E. Manford Evans Community School each day to learn English.

This school is an example of administrators, teachers, and a community who are willing to share the responsibility of indoctrinating immigrants to our language and culture. However, the tremendous enrollment and interest of the students in this school demonstrate an even more important principle—the desire of immigrants to learn English. Though more than half of the enrollment at Evans is Asian, its students span the globe. In one class 11 countries are represented, ranging from Cambodia to Columbia. But according to Mary Hurst, a teacher at Evans, the students have a common goal: "They want foremost to learn English, to speak and write it." Evans has a waiting list of 700 applicants which represent most of the recent immigrant groups, including those speaking Spanish and many Asian languages.

As you know, I have introduced Senate Joint Resolution 72, a proposed constitutional amendment to make English the official language of the United States. If the interest at Evans and other adult language schools around the country is any indication, our newly arrived immigrants share my belief that English is the language of our country, and they had better get busy learning it so that they can become contributing members of our society.

I hope my colleagues will take notice of this intense interest and awareness on the part of our immigrants of the need for a commonly spoken language in the United States. I commend E. Manford Evans Community Adult School in Los Angeles and other schools throughout the country which are meeting the language and socialization needs of our immigrants from around the world. I would like to call my colleagues' attention to an article that appeared in the March 7, 1982, edition of the Los Angeles Herald Examiner, written by Annie Nakao, which describes the excellent work of Evans and other adult language schools in the Los Angeles area. I ask unanimous consent that the article be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

ENGLISH TAUGHT HERE—TO 10,000 A DAY

(By Anne Nakao)

An unperturbed island in the mass of humanity oozing around him, a smiling Ed Morton conceded, "It's mobsville."

Morton is principal at E. Manford Evans Community Adult School in Los Angeles, where 10,000 immigrants flow through 31 classrooms each day to learn English.

At the 10:30 break on Monday morning, throngs of them and the cacophony of a dozen languages quickly filled the tiny courtyard nestled at Figueroa Street and Sunset Boulevard at the edge of Chinatown.

Pointing to an almost completed four-story annex, Morton said, "We could have filled that building at the beginning of this year . . . and still have this," gesturing at the one-story buildings now being used. "It should give you an idea of the need."

Evans is the single largest public educator of the newly arrived in Los Angeles, and the only one with a daylong English language program.

More than half of its enrollment is Asian—the vast majority being Indochinese refugees—but its students span the globe. In one class, 11 countries—from Cambodia to Colombia—were represented.

Counselor Angi Wong said for many the school is one of the few "non-threatening situations" a newly arrived immigrant faces.

"For many, this is the only source of information they have," Wong said. "In fact, some feel it's like their home."

Part of the Los Angeles Unified School District Adult Education Program, Evans is publicly supported. Students pay only for their books.

"On the public school basis—we are it," Morton said. "We're the only one that has a round-the-clock operation."

Those hours, which accommodate the schedules of its students, almost all of whom work full time, and a word-of-mouth reputation are the reasons Evans draws students from as far away as Long Beach and Lynwood, Morton said.

Many in the huge crowd that departed at 10:30 Monday morning were headed for restaurant and garment factory jobs in Chinatown.

Classes at Evans run from 6 a.m. to 10 p.m. in six time blocks. At the peak period from 8 a.m. to 1:30 p.m., 1,700 persons are matriculating through their studies.

"We just have a lot of bodies," Morton chuckled, peeping into an entry-level class, typically taught by bilingual teachers. There, the 49 students in Jenny Lew's bilingual Cantonese class were dutifully reciting, "Does Tom have a new shirt?"

In a Spanish bilingual class across the way, Argentine Margot Daniel was teaching students odd new words like "shoes" and "shirt."

In another building, Mary Hurst's advanced level five class was struggling with the infinitive form.

The average student takes about a year and a half to two years to gain sufficient English proficiency.

The program offers even levels of skills, but most students do not stay beyond level four, Wong said.

"They want enough basic English to get around and find work," Wong said.

The relentless pace of Evans' heavy schedule infects the school's 265 teachers.

That morning, Wong jauntily headed toward the teacher's lounge, where she bolted her tuna sandwich down for a quick lunch.

Beside Wong, a teacher munched on a salad while correcting papers. Another tried to conduct a staff meeting.

Ignoring the chaos around her, teacher Mary Hurst—whose darting eyes, gesticulating hands and exclamations like "Sensational!" and "Perfect!" are all teaching tools—says academic skills are what the students want most.

"They want foremost to learn English—to speak and write it," she said.

Wong feels the school offers more.

"Socialization skills—the nuances of living in American society," she said, adding that many students do not know "how to stand in line" or say "thank you" or "please."

"Little things like that will help them to blend into American culture."

For 21-year-old Vietnamese Hung Luong, school is "very nice," when he isn't struggling with the vagaries of sentence structure.

One of the boat people who drifted to Hong Kong from his city of Cantho, Luong is the sole member of his family to leave Vietnam.

For his friend, Then Tran, 24, pronunciation is a terror. Her plan after learning enough English is "to get a job, anything" so she can be on her own.

Luong and Tran are two of the lucky ones to be admitted to Evans, which, each year, is inundated with applicants.

Evans has a waiting list of about 700 applicants, and it isn't alone.

Long Beach City College officials report a waiting list of 1,200. When its English-as-a-second-language program began last October, all 500 slots were filled in a matter of hours.

MODERN WAY

Mr. HAYAKAWA. Mr. President, I am not pregnant, I have never been pregnant, and I will never be pregnant. I am among those who, because of gender, will never experience pregnancy and will never have to make the dreadful decision of whether or not to have an abortion.

Now, people in my condition make up only half of the national population, but we males occupy 97 of the 100 seats in this Chamber. As an overwhelmingly male body, we have the constitutional authority to collect taxes, regulate commerce, subsidize tobacco growers, and declare war, but we do not, I believe, have the moral authority or physical experience necessary to regulate the bodies of those who are differently constructed and so sadly underrepresented in this body.

Judy Mann had an interesting column in last Friday's Washington Post about Florida State Senator Pat Frank. "Pat" is short for "Patricia." I recommend the article to my colleagues and ask unanimous consent that it be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

MODERN WAY

(By Judy Mann)

Ancient female axiom: if men were the ones who had to give birth, there wouldn't be any babies. Modern feminist axiom: if men were the ones who got pregnant, there wouldn't be any argument over abortion. It's probably fortunate for all concerned that there's been no opportunity to prove this one way or another. But Florida State Sen. Pat Frank has come as close as anybody to giving the gentlemen in her statehouse an idea of what it would be like to have the shoe, as it were, on the other foot.

The occasion arose recently when a senator tried to correct an unconstitutional law restricting abortions for adolescents. In the same section of the statute was a requirement that a woman who wanted an abortion must first give notice to her husband that she intended to abort.

Frank proposed excising the requirement, arguing that the husband might not be the father. "We do have a section in our constitution that individuals do have a right to privacy. I maintained that violated the right of privacy."

Her colleagues argued that the husband has the right to know of his wife's pregnancy, even if the child were not his, because there is a legal presumption that he is the father and he might want the child.

The Senate tried to cut off debate, but failed after Frank pointed out that she was appalled at the prospect of a male-dominated Senate limiting to five minutes a debate affecting women throughout the state. The debate continued but the amendment removing notification was defeated on a voice vote.

Then, Frank turned the tables. "I said, all right, if you want to maintain that one partner has the right to know, what's good for the goose is good for the gander. If a husband has gotten another woman pregnant and she intends to abort, the wife of that husband should be given notice of the intent of that woman to abort. If the husband has the right to the possibility of preventing the abortion because he wants to have a child, then a woman who has a fertility problem may want to have a child that is her husband's by another woman."

There was, she says, "almost a gasp that came from the senators. It was, 'How could you do this?'" One of her opponents, she says, just stood up and said, "That's not fair," which is something women have been saying about some of these rules all along. There was, says Frank, applause from the galleries.

Then, she announced she had the votes to obtain a recorded vote on her proposal. "Several members around me said, 'Don't do that, please don't do that.' I said, 'Yes, I am.' So, we have a recorded vote with several members scuttling out of the room."

Her measure lost by only two votes, and it gave her a splendid opportunity to make a point about the inequity of some laws.

There are 36 men in the 40-member Senate. She wanted them to recognize that if the same bills that are being passed governing the behavior of women were written to govern the behavior of men, those laws would not have a chance of passage. "I just felt it was necessary to show how much of our legislation that deals with the rights of the body is so one-sided," she says.

The abortion bill is now off the calendar.

Frank describes herself as a moderate Democrat who has strong feelings about individuals' rights to privacy.

An opponent of homosexual rights recently came up with a bill aimed at making fornication between members of the same sex a more severe crime. It was headed for a committee on which Frank serves. "The chairman of the committee asked me what I was going to do. I said I was going to vote for it and was going to tack an amendment on." She said she didn't believe in extra-marital relations and had an amendment providing for the removal from office of any state senator violating the fornication statute.

The bill was quickly withdrawn.

Frank was appointed to fill an unexpired term in the Senate and was later elected in 1980. She remembers when voters, including women, did not support women candidates and when she had to run for the school board using the name "Pat," with no campaign pictures. That has all changed, she says, and women are "the backbones of my campaigns."

In a move that showed a certain confidence on her part, Frank demonstrated that if men insist on making up rules for women, women legislators can make up rules for men. Its a ploy that left her open to ridicule. But by risking ridicule she neatly nullified the ridiculous.

Mr. BAKER. Mr. President, I congratulate the Senator from California on his statement, and on his condition. [Laughter.]

PENDING BUSINESS—SENATE RESOLUTION 20

Mr. BAKER. Mr. President, I am prepared to move shortly for the adjournment of the Senate. Before I do so, may I inquire what will be the pending business when the Senate reconvenes on April 13 after the recognition of the two leaders under the standing order, any special orders, and the transaction of routine morning business as just provided for?

The PRESIDING OFFICER. At that time, the pending business and the unfinished business will be Senate Resolution 20 concerning television coverage of the proceedings.

Mr. BAKER. I thank the Chair.

ADJOURNMENT UNTIL TUESDAY, APRIL 13, 1982

Mr. BAKER. Mr. President, I see no other Senators seeking recognition, and I believe the time has come.

Mr. President, I move, in accordance with the provisions of Senate Concurrent Resolution 78, that the Senate now stand in adjournment until 12 noon on Tuesday, April 13, 1982.

The motion was agreed to; and, at 3:39 p.m., the Senate adjourned until Tuesday, April 13, 1982, at 12 noon.

CONFIRMATION

Executive nomination confirmed by the Senate April 1, 1982:

INTERSTATE COMMERCE COMMISSION

J. J. Simmons III, of Oklahoma, to be a member of the Interstate Commerce Commission for the remainder of the term expiring December 31, 1985.

The above nomination was approved subject to the nominee's commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.

EXTENSIONS OF REMARKS

TEMPORARY RULES FOR TAXING THE INCOME OF LIFE INSURANCE COMPANIES

HON. KEN HOLLAND

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 1, 1982

● Mr. HOLLAND. Mr. Speaker, the bill that I am introducing today would amend the Internal Revenue Code to provide temporary rules for taxing the income of life insurance companies.

Life insurance companies are taxed under special provisions of the Internal Revenue Code that were enacted in 1959. Due primarily to inflation and historically high interest rates, these provisions have simply not worked in recent years. As a result, the life insurance industry has been subject to rapidly escalating taxes, which have seriously impacted on its ability to provide low cost life insurance and to compete effectively for savings dollars. Some life insurance companies have obtained some relief from this tax burden by using a special provision in the Code called the modified coinsurance tax election.

There is general agreement that the provisions of the 1959 Act need substantial revision. The life insurance industry has worked for over 2 years to develop a comprehensive proposal to deal with the problems. However, there is also general agreement that we do not have time this year to consider a complete revision of the life company tax provisions. Accordingly, today, I am introducing a stopgap bill. The bill would be effective for taxable years beginning in 1982 and 1983. This would give the Congress time to develop a permanent solution to the critical tax problems of the life insurance industry. The bill is designed to deal temporarily with the major tax problems of the industry, while still producing levels of revenue substantially above those currently being paid.

The bill would suspend the modified coinsurance tax election. This is directly responsive to the Treasury Department's concerns about the current loss of tax revenues from the election. However, the bill also addresses, on an interim basis, the major defects in current law that are causing the substantial increase in taxes imposed on the life insurance industry.

It is essential that we correct these defects if we suspend the modified coinsurance tax election provisions. Otherwise the life insurance industry will be faced with an extremely unfair tax burden. This is illustrated by the following facts:

The life insurance industry's share of total corporate taxes almost doubled from 1959 to 1978 even though the industry's income increased at a lower rate than the income of corporations generally. Even with the modified coinsurance tax election, life insurance companies paid a larger percentage of corporate taxes in 1980 and 1981 than they did in 1959.

Under the 1959 Act as originally implemented, 90 percent of rebates to pol- icyholders in the form of dividends were deductible. Today, except for ModCo arrangements, only 50 to 60 percent of such amounts would be deductible.

This increase in taxes on life insurance companies under current law is harmful to policyholders, life insurance companies, and the economy in general.

Young, middle-income wage earners depend upon life insurance to provide for the security of their families. They have been hurt by excessive taxes which increase the cost of insurance.

Companies are hurt because excessive taxes reduce their ability to compete for savings dollars. Indeed, in some cases, the financial stability of companies may be jeopardized.

The economy is hurt if the tax laws discourage the purchase of life insurance by individuals because life insurance companies have traditionally been the source of about 30 percent of the Nation's long-term investment capital.

For these reasons we need this bill. Now let me describe its principal provisions.

The bill would make three changes to section 809(f) of the Code to ensure that companies can deduct a reasonable amount of dividends and similar amounts paid or credited to policyholders.

First, all dividends and similar distributions relating to qualified insured pension plans would be deductible. This provision would effectuate the clear original intent to exempt investment income attributable to these plans from current tax. Present law, contrary to this intent, operates to disallow deductions for many of these dividends thus subjecting this pension plan investment income to substantial tax.

Second, with respect to nonqualified business, mutual and stock companies would be allowed to deduct, respectively, a minimum of 80 percent and 87½ percent of policyholder dividends and other special amounts. This provision would give life insurance companies a more adequate deduction for the current high level of dividends they must pay to compete in today's environment of high-interest rates.

Third, all companies would receive a full deduction of at least $1 million of policyholder dividends and other special amounts. The current amount allowed, $250,000, has remained unchanged for 23 years. This amendment would restore the assistance to small companies that this deduction was originally intended to provide.

The bill also contains provisions to clarify the treatment of consolidated tax returns filed by two or more life insurance companies. These provisions are necessary so that all companies are able to benefit from the changes concerning the deduction of dividends and other special amounts that I have just described.

The bill would also amend the complex formula that is used to compute a company's exclusion for investment income required to be set aside for policyholders. The current "arithmetic 10-for-1" formula does not work appropriately in the context of current high interest rates. The bill would replace this formula with a "geometric" version of the 10-for-1 rule. This geometric formula more accurately carries out the stated intent of the rule provided in the 1959 Act.

Finally, the bill contains grandfather provisions to clarify the tax treatment of two items for years before the stopgap period. One provision would remove doubt about the tax treatment of companies using the modified coinsurance tax election in years before 1982. Another grandfathering provision would clarify that excess interest credited to policyholders in these prior years is fully deductible.

The bill would increase revenues from the life insurance industry by about $1 billion in 1982, an increase of about 60 percent from current levels. This revenue increase is reasonable for several reasons:

It eliminates the unintended tax benefits of modified coinsurance but adjusts the taxation of life insurance companies to deal appropriately with the distorting effects of high interest rates and inflation.

The life insurance industry will pay more than 4 percent of total corporate taxes, which by historical standards is more than its fair share.

Any greater tax would raise the cost of life insurance and discourage individuals from providing for their individual and family financial security through life insurance. This could lead to additional pressures on the social security system if it is forced to take a larger role than it currently has.

The bill would permit companies to deduct a portion of dividends to policyholders that represents a major step back toward the proportions companies could deduct when the law was first enacted.

Recent high interest rates have been principally due to inflation, and it is unfair to impose the kind of tax increase that would result in the absence of this bill.

The bill is the product of many months of study within the life insurance industry and reflects discussions with Treasury and congressional staffs. It responds reasonably to both the need for an appropriate amount of revenue and the special problems faced by the life insurance companies because the provisions of current law do not operate appropriately in periods of inflation and high interest rates. Finally, it provides the time needed for the Congress to review the subject of life insurance company taxation on a more comprehensive basis.

Mr. Speaker, I am including the text of the bill in the record of today's proceedings in its entirety.

H.R. 6045

A bill to provide special temporary rules for taxing the income of life insurance companies

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That subpart E of part I of subchapter L of chapter 1 of the Internal Revenue Code of 1954 ("the Code") is amended by inserting immediately before section 817 the following new sections:

"SEC. 816. SPECIAL TEMPORARY RULES.

"(a) Applicable Period.—This section applies with respect to taxable years beginning after December 31, 1981, and before January 1, 1984.

"(b) Modified Coinsurance.—

"(1)(A) Section 820 shall not apply with respect to taxable years to which this section applies.

"(B) For purposes of subpart B, if, for the taxable year immediately preceding the first taxable year to which this section applies, section 820 applied in respect of a reinsured insurance or annuity policy then (as of the beginning of such first taxable year) the reserve on the policy reinsured shall be treated as a part of the reserves of the reinsured and not of the reinsurer and the assets in relation to such reserve shall be treated as owned by the reinsured and not the reinsurer.

"(C) For purposes of subpart C, subparagraph (A) shall not apply in respect of insurance or annuity policies covered by modified coinsurance contracts as of the beginning of the first taxable year to which this section applies so long as such coverage with respect to such policies remains in effect, except that if reinsurance of some portion of insurance or annuity policies under a modified coinsurance contract is terminated, then the reserves with respect to such portion, and the assets in relation to such reserves, shall be treated as reserves and assets of the reinsured at the beginning of the taxable year in which such reinsurance is terminated.

"(2) Section 805(e) shall be read as not including interest payable after the date of the enactment of this paragraph by a reinsured to a reinsurer in connection with a coinsurance contract (other than interest on account of delay in making periodic settlements of income and expense items under the terms of the contract). This paragraph shall apply: for purposes of subpart B, to coinsurance contracts in existence on the date of enactment of this paragraph; and, for purposes of subpart C, to coinsurance contracts entered into after the date of enactment.

"(c) Limitation on Certain Deductions.—Subsection (f) of section 809 (relating to limitation on certain deductions) shall be read as follows:

" '(f) Limitation on Certain Deductions.—

" '(1) In General.—The amount of the deductions under paragraphs (3), (5) and (6) of subsection (d) shall not exceed the greater of:

" '(A) $1,000,000 plus the amount (if any) by which the gain from operations for the taxable year, computed without regard to such deductions, exceeds the taxable investment income for the taxable year; or

" '(B) the sum of—

" '(i) the portion of the deduction for dividends to policyholders (determined under section 811 (B)) that is attributable to contracts referred in section 805(d) (relating to pension plan reserves); and

" '(ii) so much of the base amount as does not exceed $1,000,000 plus, in the case of a mutual life insurance company, 80 percent of the excess of the base amount over $1,000,000, and, in the case of a stock life insurance company, 87½ percent of the excess of the base amount over $1,000,000.

For purposes of subparagraph (B)(ii), the base amount is the amount by which the deductions under paragraphs (3) and (5) of subsection (d) exceeds the amount determined under subparagraph (B)(i).

" '(2) Application of Limitation.—The limitation provided by paragraph (1) shall apply first to the amount of the deduction under subsection (d)(3), then to the amount of the deduction under subsection (d)(5), and finally to the amount of the deduction under subsection (d)(6).'

"(d) Elimination of Technical Defect in Determining Adjusted Life Insurance Reserves, Etc.—

"(1) Computation of adjusted life insurance reserves—paragraph (1) of section 805(c) (relating to definition of adjusted life insurance reserves) shall be read as follows:

" '(1) Adjusted life insurance reserves defined.—For purposes of this part, the term 'adjusted life insurance reserves' means—

" '(A) the means of the life insurance reserves (as defined in section 801(b)), other than pension plan reserves, at the beginning and end of the taxable year, multiplied by

" '(B) 0.9 raised to the power of n where n is the number (positive or negative) determined by subtracting—

" '(i) 100 times the average rate of interest assumed by the taxpayer in calculating such reserves, from

" '(ii) 100 times the adjusted reserves rate.'

"(2) Definition of adjusted reserves rate.—Paragraph (1) of section 805(b) (relating to definition of adjusted reserves rate) shall be read as follows:

" '(1) Adjusted reserves rate.—For purposes of this part, the adjusted reserves rate for any taxable year is the lowest of the average earnings rate, the current earnings rate, of 0.095.'

"(e) Consolidated Returns.—Subsection (f) of section 818 shall be read as follows:

" '(f) Consolidated Return Computations.—For purposes of this part, in the case of a life insurance company filing or required to file a consolidated return under section 1501 for a taxable year—

" '(1) The computations of the policyholders' share of investment yield under subparts B and C (including all determinations and computations incident thereto) shall be made as if such company were not filing a consolidated return.

" '(2) The amount of consolidated life insurance company taxable income under paragraphs (1) and (2) of section 802(b) shall be determined by taking into account the amount determined under such paragraphs as the separate life insurance company taxable income (including a case where deductions exceed income) of each life insurance company that is a member of the group. For such purpose, the determination of a company's taxable investment income and gain or loss from operations (after applying the limitation provided by section 809(f)) shall be made without regard to the taxable investment income or gain or loss from operations of any other company.

" '(3) If there is a consolidated net capital gain, then the partial tax referred to in section 802(a)(2)(A) shall be on the consolidated life insurance company taxable income reduced (but not below the sum of the amounts determined under section 802(b)(3)) by the amount of such consolidated net capital gain.'

"816A. CERTAIN FLEXIBLE AMOUNTS: CONSOLIDATED RETURNS

"(a) Amounts Before 1982.—

"(1) In the case of taxable years beginning before January 1, 1982, if a life insurance company treated amounts described in paragraph (2) as amounts which were not dividends to policyholders (within the meaning of section 811 of the Code) and as amounts not described in section 809(c)(1) (relating to premiums), such treatment shall not be disturbed.

"(2) The amounts to which paragraph (1) applies are—

"(A) amounts in the nature of interest accrued for the taxable year on insurance or annuity contracts pursuant to (i) an interest rate guaranteed or fixed before the period begins, or (ii) any other method (fixed before the period begins) the terms of which during the period are beyond the control and are independent of the experience of the company, whether or not the interest rate or other method was guaranteed or fixed for any specified period of time, and

"(B) any difference between the amount of premiums received or mortality charges made under rates fixed in advance of the premium or mortality charge due date and the maximum premium or mortality charge which could be charged under the terms of the insurance or annuity contract.

"(b) Amounts After 1982.—In applying this part for any taxable year beginning after December 31, 1981, no inference shall be drawn by reason of the enactment of subsection (a).

"(c) Consolidated Returns.—In the case of a taxable year beginning before January 1, 1982, if a life insurance company filed a consolidated return under section 1501 then any treatment of items in such return in a manner consistent with the principles of section 816(e) shall not disturbed."

SEC. 2. OTHER RULES.

(a) COINSURANCE CONTRACTS.—

(1) Subsection (b) of section 820 of the Code is amended by adding after paragraph (4) the following: "The determination for taxable years beginning before January 1, 1982, as to whether a contract is a coinsurance contract that satisfies the requirements of this subsection shall be made solely by reference to the terms of the contract."

(2) Subsection (c) of section 820 of the Code is amended by adding at the end thereof the following: "For taxable years beginning before January 1, 1982, the rules with respect to coinsurance contracts shall be applied in accordance with the regulations prescribed by the Secretary for purposes of this part as in effect on December 31, 1981."●

FARM CRISIS IN RURAL AMERICA

HON. JAMES L. OBERSTAR

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 1, 1982

● Mr. OBERSTAR. Mr. Speaker, as the storm clouds of a deepening farm crisis gather over countryside America, I want to share with my colleagues a story in Sunday's edition of the New York Times regarding the disastrous economic condition of rural America.

The article clearly describes the fiscal crisis our Nation's farmers are experiencing today. In my home State of Minnesota, State FmHA officials recorded delinquencies at the end of February on 7,885 of the 16,068 loans it has made to about 11,000 farmers. That is a delinquency rate of 49 percent.

The administration's response to the current rural crisis has been inadequate. I recently introduced H.R. 5711, legislation which, during the 1-year period following enactment, will require the Secretary of Agriculture to permit the deferral of the payment of principal and interest on, and forgo the foreclosure of, outstanding loans made under laws administered by the FmHA to farmers who are experiencing temporary economic hardships.

I urge you to join me in this effort to prevent rural America from experiencing another depression and cosponsor H.R. 5711.

U.S. FARMERS SAID TO FACE WORST YEAR SINCE 1930'S

(By Gregory Jaynes)

COLUMBIA, MO.—In barnyard argot or the drier language of the economist, the talk from the Middle West, the High Plains and the Rocky Mountains this spring is that the American farmer has not faced such a make-or-break year in nearly half a century.

On many an agrarian tongue is the word "depression."

Farm sales, the liquidation of assets to pay off debts or merely keep credit payments current, are being held in record numbers, and bankruptcies and foreclosures have soared.

"For everyone being foreclosed, there probably are 10 who are on the brink and ought to be—not in a moral sense but in a balance sheet sense at present prices," said Harold Breimyer, a University of Missouri agricultural economist. "There is an enormous amount of gambling that conditions will improve. There are literally thousands who cannot survive another low-income year."

In Denver, John Stencel, president of the Rocky Mountain Farmers' Union, said, "Production Credit Associations, co-ops, the Federal Land Bank, those people tell me that by this fall half of their borrowers could be in trouble. I always ask them what they mean by trouble, and they say, 'Well, half of our borrowers might not be able to continue.'"

HIGHEST DELINQUENCY RATE

In Knoxville, Iowa, Richard Hixson, vice president of the Iowa State Bank and an auctioneer at farm sales, said: "I booked four sales last night on the phone and listed two more today. I'd say that's five times as many as I was handling a year ago."

The national rate of delinquency on payments on loans from the Farmers Home Administration is now at 58 percent, the highest in memory. "I've never met a farmer who hadn't just had a bad year," said Stanley Weston, director of information at the Farmers Home Administration, commenting on how farmers love to complain. "But I've been in this business for 25 years and what I'm picking up now is really scary."

The United States Department of Agriculture estimates that the country's 2.4 million farmers were $194.5 billion in debt on Jan. 1. That is more than double the debt of 1975. In the same period, farm expenses have risen from $75.9 billion in 1975 to $141.5 billion in 1981. Net farm income in 1975, pumped up by Soviet grain purchases, stood at $24.5 billion. Last year, it was $22.9 billion.

In short, costs are up and income is down. Prices paid for crops, for instance, have risen 34 percent since 1977, but fuel prices have risen 113 percent. The farmer has responded by borrowing more, buying more and raising more—the nation produces roughly 60 percent more food than it consumes.

In the process, the farmer has created a vast surplus in a time when domestic and international demand has weakened. Into 1981, the American agricultural sector was still taking advantage of increasing land values to secure more credit to underwrite more expansion, or merely to stay afloat, and all the while, interest rates were climbing.

"If you take 1980 and 1981," said a top official in the Farmers Home Administration, a Democrat who declined to be identified, "it's the first time since 1933 and 1934 you had back-to-back years in which the cost of producing on the farm was more than what the farmer got for growing it."

He said that in comparing crop prices and growing costs per bushel, "You're talking about $2.75 for corn and $4.25 to $4.75 to produce it."

"Now," he went on, "one thing that has sustained this is they could hock their land, but now the price of farm land is softening. Now the banks and the farm credit system are saying, 'You used up all your credit and we're not going to be able to provide financing.'"

EITHER BORROW OF FOLD UP

"With interest rates what they are now," he concluded, "people who don't farm might can postpone borrowing, but the farmer has to go to that well every spring to borrow for fuel and all the other things that go into making a crop. Either that or fold up."

In the four months from Oct. 1, 1981, the date when the Federal Government's fiscal year begins, to Jan. 31 of this year, the Farmers Home Administration had 871 "voluntary liquidations," meaning the farmers sold out to satisfy debts, and the Government agency foreclosed on 421 farms. In all of 1980, the Government agency had 127 voluntary liquidations, and 133 foreclosures.

"I have noticed a tremendous increase in the number of farmers who come in and see me," said Fred Dannov, an attorney here in Columbia who represents farmers in bankruptcy proceedings. He said the number was up 50 percent over this time last year, declining to give his specific caseload. "The ones I see are mortgaged to the hilt," said Mr. Dannov. "Most of it is a simple matter of bail out."

When a bankruptcy is completed in Missouri, a farming couple is entitled to keep $15,000 worth of real estate, household furnishings not exceeding a value of $200 per item, clothing, a motor vehicle for the two of them that may not have a value of more than $2,400, and $750 worth of tools.

Joe W. Scallorns, the president of First National Bank and Trust Company in Columbia, said bankruptcies were not all that numerous lately, but added, "Up from almost nothing to noticeable is up. I'd be lying if I didn't say that." Taking an optimistic view, Mr. Scallorns said soaring money costs and low commodity prices were likely to weed out the inefficient farmers.

NOT MUCH INCENTIVE TO FARM

"The only people farming now want to farm," he said. "They love to farm. There's not much economic incentive in it anymore."

Dr. Breimyer, the agricultural economist, said that if he "were to guess I'd say that a fourth of all the farmers are in trouble, are on a fairly thin edge financially."

"There is a further element," he continued. "About half of all farmers now have substantial off-farm income, full- or part-time jobs, or the wife has a job, and the industrial recession is costing quite a few of those jobs. But the most excruciating human aspect is that farmers being forced off their land will have a difficult time getting an off-farm job. I'm a veteran of the Depression of the 30's, and the signals, the marks, the similar traits and characteristics are distressing."

"I was out in the countryside last week with some of my members," said Mr. Stencel of the Rocky Mountain Farmers Union, "and I haven't heard any scarier talk in the 12 years I've been president. They're talking about a full-blown depression. They're talking about trying to find a job in town, while many of our small businesses are laying off people now. The snowball effect in our small communities is already davastating, and they're talking about it getting worse in the fall."

SOME LOANS BEING EXTENDED

By the fall, the Reagan Administration says, the economic picture will be brighter, not darker. Although the most financially fragile farmers are being foreclosed or asked to liquidate, according to Federal authorities, Government lending institutions are continuing to extend old loans and to make new loans to enable farmers to make a crop. Loans for expansion or more equipment are rare, however.

In North Dakota, where the Farmers Union is just completing a statewide credit survey, Stanley Moore, the organization's president, said that it was "our judgment based on these surveys that all the credit agencies are trying to extend the best financial support they can to the farmers, although there will be some pressure on the part of these agencies to urge farmers to liquidate and get out."

Mr. Moore said that because the planting season in North Dakota came later than in the Corn Belt, there was a "time lag" in analyzing credit requirements and the situation was not yet clear there.

But Richard Hixon, the vice president of the Iowa State Bank, said the picture was already clear and clearly grim. "In The Des Moines Register last Sunday there were 31 farm sales," he said. "Normally when we get into this time of year the farm sales are over. We figure March 15 is it, because anyone continuing on after that already has their machinery purchased by that time. We start sowing oats the last of March, corn the 20th of April."

"JUST LIKE IT WAS BEFORE"

"One year ago last September I sold a farm at auction across the road," Mr. Hixson continued. "It brought $1,600 an acre. And here the other day a 160-acre farm brought $700 an acre, one year later. The older people coming into the bank, the ones who went through the last depression, they say it's just like it was before, only on a much, much larger scale."

For their part, farmers want to see commodity prices rise and interest rates sink. The Department of Agriculture would like to see an expanded international market for American agricultural products, and a diminished domestic production.

Interest rates, which have shored the value of the dollar abroad, making American products more expensive for foreign consumers, have not helped the Government market the agricultural surplus, and raising price supports to help the farmer would only insure that commodities sold overseas would be sold at a loss to the Federal Government. Too, with raised price supports, food prices for American consumers would rise proportionately.

"It's going to be traumatic on down the road," said Terry Barr, acting chairman of the World Agricultural Outlook Board of the Agriculture Department. "Rising food prices are going to upset the consumers more than declining farm prices. Any Administration is going to be more interested in cheap food prices than prosperous farmers. The consumer as a body is a larger political force."

Dr. Barr said more international markets for American goods, and agricultural shortages elsewhere in the world, would bail out the nation's farmers this year, but at some point Americans, who spend far less of their incomes on food than people in other nations, would have to become accustomed to more realistic prices.

"You've got to keep your farm sector viable and yet not create tremendous unrest in your consumer state," said Dr. Barr. "Right now it's an untenable situation. We've arrived at that spot between a rock and a hard place and some basic decisions have to be made. Something has to give."

"WE PRODUCE TOO MUCH FOOD"

If Marty Strange had his way, the United States simply would produce little more than it consumes. The head of a small farmer advocacy group, the Center for Rural Affairs in Walthill, Neb., Mr. Strange says, "We produce too much food in this country." He has three actions in mind:

"One, hone credit programs to new public purpose, not just to finance the capitalization of agriculture. Pay attention to social and production values, efficiency, economic opportunity. Secondly, protect the incomes of farmers but only within a range of efficiency. In other words, don't protect the incomes of very large farms. If they want to grow, let them, but don't protect their risk."

"And third," he said, "control supply. Stop producing for the export market, which is speculative, and target our production goals within the capacity of our resources. Right now we produce too much, exhausting our soil and water resources."

Federal bureaucrats, however, discount Mr. Strange's theories as too simplistic and say he has failed to take into account that, among other things, the country's 1981 agricultural trade surplus of roughly $27 billion offset almost half of the country's petroleum trade deficit.

In the event the matter is taken up with a farmer, theories go out the window anyway. "You can't farm $1,500-an-acre land," said Bandy Jacobs, who raises cattle, corn and soybeans outside Columbia. "It'll take you all you can produce just to pay the interest."

"The farmer always thinks it'll be better around the curve," Mr. Jacobs added. "He'll lose $5,000 on this one, turn around and buy another and say he'll make it back the next time. The farmer is the only man that'll sell something and say what'll you give me for it and buy something and say how much you gonna charge me?" ●

A REPORT EACH MONTH

HON. JOHN L. NAPIER

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 1, 1982

● Mr. NAPIER. Mr. Speaker, the Marlboro Field and Herald, a family-owned weekly newspaper in the Sixth Congressional District, has made special effort to keep its readers in touch with issues on a national level. The editor, my friend Bill Kinney, recently wrote an editorial calling for a monthly report by the President. I submit this editorial for the consideration of my colleagues.

A REPORT EACH MONTH

Last month we editorialized on President Ronald Reagan's great ability to communicate with the American people.

We commented that he was unusually gifted in this respect and we hoped he would continue to appear before the nation via prime time television to identify and amplify the concerns of this nation.

Since our editorial appeared, a great deal has transpired in the world.

President Anwar Sadat has been executed, leaving a great void in the Middle East and removing one of our staunchest defenders from the world scene. The possible sale of AWACS planes to Saudi Arabia has met with defeat in the U.S. House and faces a close battle in the U.S. Senate. To shore up our intelligence sources in this volatile area of the world, our military has placed AWACS on patrol in Egypt to keep in touch with Libyan and Sudanese activity.

Twice during his administration, the President has called on the public at large to contact their elected representatives in the Congress and urge support for his programs and plans.

And, twice this has worked effectively.

We wish to reiterate our stand that we feel the President would serve this nation well, and help implement his plans for change, if he would plan a regular monthly report to the nation.

We believe that the vast majority of Americans want to support the President in his efforts to bring financial stability to this nation. And, we believe, millions of doubters will join the movement if they see the facts clearly demonstrated.

We hope the President will consider such a proposal and use his skills as a communicator to help lead us into seeing the predicaments we face as he sees them.

No one has more access to better focus on the nation and world today than does he. Take this knowledge and couple it with his God-given talent for imparting confidence and information to others, and we think he offers us a potential monthly television event that would far outstrip all others. ●

LAW OF THE SEA

HON. JACK FIELDS

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 1, 1982

● Mr. FIELDS. Mr. Speaker, I wish to take this moment to warn my colleagues and the American public of another serious flaw in the Law of the Sea Treaty.

If this so-called treaty comes into force, all commercial vessels would be subject to increased harassment in the newly created "economic zones" reaching out 200 miles from the shorelines of all coastal states.

During earlier negotiating sessions, the United States was not able to secure high seas rules for vessel transit in these zones.

Instead of hard, clear rules, the relative clause in the treaty was left intentionally ambiguous, opening the door for politically preferential interpretations. Thus, while the U.S. State Department may apply one interpretation, a hostile coastal state—such as Libya—may subscribe to an opposite interpretation. Such ambiguity will swiftly contribute to the erosion of the high seas freedoms of navigation and overflight.

And what has the United States traded for this mess of uncertainty and erosion of high seas freedoms? We have only handed over two-thirds of the Earth and its living and mineral resources to the exclusive control of radical Third World states and the Soviet Bloc.

In Texas, Mr. Speaker, that kind of horse-swapping could easily get a man hanged.●

WISCONSIN COMPANY RECEIVES PRESIDENTIAL AWARD

HON. TOBY ROTH

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 1, 1982

● Mr. ROTH. Mr. Speaker, for decades, our Nation has been an advocate and practitioner of free trade. Unfortunately, too few of our corporations and small businesses take advantage of the opportunities presented by the export sector. For example, in 1980, the top 50 U.S. exporters sold $57 billion to foreign purchasers. These 50 corporations accounted, by themselves, for more than one-quarter of all of America's merchandise exports in 1980.

More companies must take advantage of the opportunities presented by the worldwide marketplace. We want to get our people back to work and want to see an early end to our Nation's economic slowdown. But in order to resume full production, our industries must have outlets for their products. Markets do exist throughout the world and our businessmen need to take advantage of the opportunities that are available in the export field. It is in their own self-interest, it is in the interest of their individual firms, and it is in the overall interests of America that they become more actively competitive in the international marketplace.

To encourage more small companies to enter into exporting, the Department of Commerce offers a full range of specialized services and assistance. Furthermore, the Commerce Department gives special recognition through the Presidential "E" Award to companies that make an outstanding, special contribution to our Nation's export expansion efforts.

This year, only some 50 such firms will be singled out for this prestigious award. I was therefore especially pleased to be asked to present, on behalf of President Reagan and Commerce Secretary Baldrige, an "E" Award to Paper Converting Machine Co. in Green Bay, Wis., on March 15, 1982.

Export performance in the paper-converting machinery equipment industry has been sluggish over the last several years. In fact, this industry has faced increasingly stiff foreign competition which brought the balance of trade in paper industries machinery from a 2 to 1 positive ratio in 1976 to a negative balance in 1979. Yet Paper Converting Machine Co. of Green Bay maintained its exports at a level above the industry average during a period when the imports-to-consumption ratio more than doubled. The efforts of that company to concentrate on designing machinery exportable to lesser developed countries is especially commendable. It is apparent that the company has consistently striven to maintain its export competitiveness in the face of increasingly severe competition by foreign producers.

This export record was noted by the President's "E" Award Committee when it recommended Paper Converting Machine Co. receive the President's "E" Award for contributions to the export expansion effort of the United States. This award commends the performance of that company as a model for other Wisconsin firms—and for firms throughout America—to follow in combating the challenges of the 1980's.

President Frederick Baer, his staff, and all of the employees of Paper Converting Machine Co. merit high praise for their achievements. They are proof that small and medium-sized businesses can compete in the international marketplace. I was pleased to be invited to participate in the awards ceremony, and hope that the example of this firm will be emulated by thousands more of our Nation's businesses.●

PLIGHT OF THE ENVIRONMENTAL PROTECTION AGENCY

HON. ALBERT GORE, JR.

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 1, 1982

● Mr. GORE. Mr. Speaker, today I am introducing, on behalf of myself, Mr. BROWN, Mr. UDALL, Mr. EMERY, Mr. JEFFORDS, Mr. MOLINARI, Mr. HOLLENBECK, Mr. BONIOR, Mr. WIRTH, Mrs. SCHROEDER, Mr. DINGELL, Mr. WAXMAN, Mrs. SCHNEIDER, Mr. SEIBERLING, and Mr. DOWNEY, a House concurrent resolution expressing the sense of the Congress that we will not stand by and let the Environmental Protection Agency be decimated. An identical resolution is also being introduced today by Senators LEAHY and HUDDLESTON.

As you are aware, the plight of the Environmental Protection Agency has reached grave proportions. At a time when the Agency's responsibilities for several crucial environmental statutes are just getting underway, EPA's budget, adjusted for inflation, will be slashed by 45 percent from 1981 funding levels. Despite poll after poll demonstrating the overwhelming support of the American people for our Nation's environmental safety net, and the crucial and sizable responsibilities EPA has for implementing these laws, its budget has plummeted from $1.352 billion in 1981 to $961 million in 1983, with even greater funding and personnel cuts in sight. These cuts, the suspension of numerous hazardous waste regulations, and the gutting of the enforcement program at the Agency, represent the most egregious abdication of EPA's responsibilities to protect human health and the environment.

Mr. Speaker, let me be more specific about the magnitude of the EPA budget cuts. Research and development programs at the Agency have been sliced to the bone. The administration's EPA budget will cut R. & D. 57 percent below the 1981 funding level, leaving key monitoring programs, health studies, air and water quality testing, and research into toxic chemicals severely crippled. State grants for technical assistance to these programs will dwindle to 31 percent of their previous levels, despite proposals to hand increasing responsibilities back to local governments for these programs.

EPA is giving every indication of rapid back-peddling on efforts to bring hazardous wastes under control. Referrals to the Justice Department for violations under the Resource Conservation and Recovery Act have fallen off sharply, and not a single case on the superfund priority list has been referred to Justice for litigation since this administration took office. This has brought a series of resignations and requests for transfers from Justice Department lawyers who have strenuously protested EPA's lack of enforcement action.

Funds for identifying other abandoned hazardous waste dumps and permitting operating facilities have been slashed from $115 million in 1981 to $75 million in 1983. The 115 sites listed as superfund candidates due to the imminent contamination and explosion threats many of them pose are not being cleaned up in a timely manner, although the fund will have accumulated $352 million in unspent funds by the end of next year. The Administrator of the Environmental Protection Agency seems content with a voluntary compliance program which I believe is extremely optimistic and will not get these sites cleaned up.

Programs to protect water quality and protect the public against the 55,000 toxic chemicals currently in commerce have fared similarly. A group of environmental organizations released a report yesterday entitled "Indictment: The Case Against the Reagan Environmental Program" which details this administration's environmental record. I recommend that you take a moment to look at the disheartening conclusions contained in this document.

These actions, if left unchecked, will take years to repair. The research data base will be lost, new Love Canals will continue to be created, and the morale of the employees at EPA will continue to fall. It is important that the message contained in this resolution be conveyed to the employees of the Environmental Protection Agency, the American public, and industrial polluters, that this agency will resume its responsibilities under our Nation's environmental protection laws.

The time has come, Mr. Speaker, for us to express our strong intention to prevent the abrogation of our environmental legislation through misuse of the budget process. The resolution expresses the sense of the House of Representatives that the Environmental Protection Agency should receive an adequate budget in order to carry out its responsibilities for protecting human health and the environment. The resolution also requests that the President submit a new budget for the Agency reflecting these principles, and, I believe, the expressed wishes of the American people. We cannot afford to rob the future in this way. If left unchecked, this is what these policy changes and budget cuts will do.

HOUSE RESOLUTION ON EPA BUDGET

Whereas protection of the environment has always been a bipartisan concern; and

Whereas reductions in the resources of the Environmental Protection Agency have already hindered and threaten to cripple implementation of statutory requirements to control pollution, enforcement of existing standards, and the maintenance of critically important research on environmental health and safety standards; and

Whereas Congress, in a strong bipartisan manner, has mandated that the Environmental Protection Agency undertake increased responsibilities in protecting the environment, safety, and health of all the citizens of the United States under the following laws:

(1) the Clean Air Act,

(2) the Federal Water Pollution Control Act,

(3) the Federal Insecticide, Fungicide, and Rodenticide Act,

(4) the Marine Protection, Research, and Sanctuaries Act,

(5) the Resource Conservation and Recovery Act of 1976,

(6) the Safe Drinking Water Act,

(7) the Solid Waste Disposal Act,

(8) the Toxic Substances Control Act, and

(9) the Comprehensive Environmental Response, Compensation and Liability Act of 1980;

Now, therefore, be it *Resolved by the House of Representatives* that it is the sense of Congress that—

(1) an effective Federal environmental program is necessary for the protection of the health and well-being of the citizens of the United States,

(2) in order to protect our environment and to meet expanded responsibilities mandated by law, the Environmental Protection Agency should be appropriated increased funds, and

(3) the President should submit a new budget for the Environmental Protection Agency for fiscal year 1983 reflecting these principles.●

NOTRE DAME HONORS MSGR. ANTHONY GOMES

HON. MARGARET M. HECKLER

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 1, 1982

● Mrs. HECKLER. Mr. Speaker, last week, the Notre Dame Club of Rhode Island and Southeastern Massachusetts bestowed its most valued honor on a man who has faithfully and energetically served the community and the university for nearly 50 years.

The Reverend Monsignor Anthony Gomes, pastor of Our Lady of the Angels Parish, was named "Notre Dame Man of the Year"—a tribute reserved for a graduate who has exemplified the heritage, tradition, spirit, and special qualities of the University of Notre Dame.

Monsignor Gomes' attachment to the University of Notre Dame has been aptly described as a unique bond that has stretched into a half-century of unremitting loyalty.

It is an attachment that began while he was a youth in Taunton, grew during his undergraduate days at the university when he earned varsity baseball letters, and matured in the subsequent 40-odd years.

To receive this honor is indeed fitting for Monsignor Gomes, who in June will celebrate the 40th anniversary of his ordination. Over the years, he has given generously of his time to his parishioners, to his community, and to his university.

He has carried with him the spirit of Notre Dame in each activity he participates—as diocesan director of the annual Catholic Charities Appeal or as fan of the Fighting Irish football team.●

UNEVEN TREATMENT OF VIETNAM VETERANS

HON. DANIEL B. CRANE

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 1, 1982

● Mr. DANIEL B. CRANE. Mr. Speaker, during the Senate debate on the Intelligence Identities Protection Act—CONGRESSIONAL RECORD, S2358-60, March 18, 1982—the issue of the Peace Corps and intelligence activity surfaced again. Senator ALAN CRANSTON restated his position that President Reagan's appointment of Thomas Pauken as Director of the ACTION Agency necessitated separating the Peace Corps from ACTION because Mr. Pauken had served his country in Vietnam as an Army intelligence officer.

In the course of his March 18, 1982 Senate speech and in a letter to the New York Times on December 9, 1981, Senator CRANSTON criticized Mr. Donald Thorson, an official of the ACTION Agency. Mr. Thorson answered Senator CRANSTON's remarks in a letter to the New York Times on December 21, 1981. However, the Times chose not to publish Mr. Thorson's reply.

In the interest of fairness I am submitting Mr. Thorson's letter for the CONGRESSIONAL RECORD. He makes some interesting comments on the uneven and often hypocritical treatment accorded Vietnam veterans. As a Vietnam veteran myself, I am appalled by the double standard applied to those of us who served in Southeast Asia.

The letter to the editor follows:

ACTION,
Washington, D.C., December 21, 1981.

MAX FRANKEL,
Editor, New York Times,
New York City, N.Y.

DEAR EDITOR: Senator Alan Cranston sent a letter to the New York Times (Dec. 16) accusing me, as an ACTION official, of "being willing to jeopardize a policy intended to protect the integrity of the Peace Corps and the safety of its volunteers." Some background information should put Senator Cranston's charges in perspective.

Senator Cranston led the opposition to Tom Pauken's nomination as Director of ACTION earlier this year on the grounds that his military service in Vietnam (Mr. Pauken was assigned to army intelligence) disqualified him for the position. The Senator argued that since the Peace Corps was part of ACTION (although autonomous) Mr. Pauken's nomination could be perceived as connecting the Peace Corps to "intelligence". Senator Cranston claimed that Pauken's nomination broke a 20-year tradition. He insisted that no one with any intelligence experience had ever served in a high position in the Peace Corps and that such a move would harm Peace Corps credibility and possibily even endanger volunteer lives (See Congressional Record, S11798).

First of all, Mr. Pauken's nomination did not represent a "break of a tradition" of "over 20 years". The Deputy Director of the Peace Corps from 1969-1971, Tom Houser, had served in army counter-intelligence during his military service in the mid-1950s. In other words, Mr. Houser, a former army counter-intelligence official, held the No. 2 position in the Peace Corps in the middle of the Vietnam war when hostility to American policies and suspicion of American motives ran rampant in the Third World.

If Senator Cranston was truly concerned about the "appearance of a connection with intelligence activity" why didn't he oppose Mr. Houser's nomination in 1969? Senator Cranston stated in his December 16th letter that "no information to that effect (intelligence activity) was brought to the attention of the Senate at the time of Mr. Houser's nomination." Surely, it is not too much to ask of a United States Senator to examine a Presidential nominee's record before giving his "advice and consent". After all, Senator Cranston obtained a detailed analysis of Mr. Pauken's military record in preparation for his confirmation hearings earlier this year.

Furthermore, it is significant that Mr. Houser was Deputy Director of the Peace Corps itself and involved in its day-to-day operations, whereas Mr. Pauken, as head of ACTION, has nothing to do with the policies of an autonomous Peace Corps.

Also, it should be noted that Peace Corps credibility was not damaged, nor was any volunteer harmed because Tom Houser was Deputy Director.

The question still remains: Why did Senator Cranston, oppose Mr. Pauken (a Vietnam veteran) on intellignece grounds, but support Mr. Houser (a 1950s veteran) with a similar army intelligence background?

Sincerely,

Donald Thorson,
Assistant Director for
Legislative Affairs.●

THE IMPRISONMENT OF JOACHIM DIETZSCH

HON. FERNAND J. ST GERMAIN

OF RHODE ISLAND

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 1, 1982

● Mr. ST GERMAIN. Mr. Speaker, I would like to call your attention to the plight of Joachim Dietzsch, a citizen of East Germany who has been imprisoned simply because he expressed a desire for freedom.

Mr. Dietzsch has been adopted as a prisoner of conscience by the Providence, Rhode Island Chapter of Amnesty International in the hope that international concern will pressure the German Democratic Republic to repeal this arbitrary and unfair sentence. In March 1981, Joachim Dietzsch was accused on unspecified grounds—possibly a charge of "impeding public and social activity"—and sentenced to 2 years in prison for publicly expressing his wish to emigrate from East Germany. His arrest constitutes a violation of the International Covenant on Civil and Political Rights which has been ratified by the GDR. Article 19 of this Covenant includes the right to express opinions "freely and publicly." In addition, Mr. Dietzsch's arrest infringes upon his right to freely emigrate as set forth in the Universal Declaration of Human Rights.

Mr. Speaker, the arrest and imprisonment of this young man is an appalling example of East Germany's complete disregard for basic human rights. Such disregard should not and will not escape the notice of freedom loving people throughtout the world, and I urge the German Democratic Republic to drop all charges and immediately release Joachim Dietzsch from prison.●

JUDICIAL REVIEW

HON. LARRY McDONALD

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 1, 1982

● Mr. McDONALD. Mr. Speaker, without question, the Federal judiciary has become a pervasive influence on our everyday lives. Federal judges have told us where our children will go to school, superseded our elected representatives and drawn their own plans for redistricting, and are even attempting to tell us who our telephone company will be. Yet, this power is wielded by judges who are appointed for life and therefore are removable only through impeachment or voluntary retirement. At present, except for impeachment, there is no opportunity to review the actions of these unelected Federal officials.

It is for that reason that I read with particular interest a resolution recently passed by the Georgia General Assembly. The resolution suggests a simple, yet effective, method of responsible review: The record of all Federal judges be reviewed every 8 years and that procedures be established to remove those judges who are found to be derelict in the performance of their constitutional duties.

I recommend to the careful attention and thoughtful consideration of my colleagues the following resolution of the Georgia General Assembly:

A resolution calling upon the United States Congress to pass an amendment to the United States Constitution which would require that the record of all federal judges be reviewed every eight years; and for other purposes

Be it resolved by the General Assembly of Georgia:

Whereas the framers of the Constitution of the United States, in their collective wisdom, established a marvelous and unique form of government; and

Whereas the government consists of a centralized form made up of three separate branches but with the ultimate power residing in the people; and

Whereas the legislative, executive, and judicial branches were each created to operate as a check and balance on the exercise of governmental power by each other; and

Whereas federal judges are appointed for life and are therefore removable only through impeachment or voluntary retirement; and

Whereas this system of selecting federal judges appropriately insulates them from the people and the government they serve; and

Whereas it is advisable to improve the manner of selecting and continuing in office the federal judges so that the interests of justice and the people can be best served: Now, therefore, be it

Resolved by the General Assembly of Georgia, That the Congress of the United States is requested to institute procedures to provide that the record of all federal judges be reviewed every eight years and that procedures be available to remove judges found to be derelict in the performance of their constitutional duties; be it further

Resolved, That this legislature calls upon the legislatures of each of the several states to adopt similar resolutions and to forward such resolutions to the Congress; be it further

Resolved, That copies of this resolution be forwarded to the President of the Senate and the Speaker of the House of Representatives of the United States and to all members of the Georgia delegation in Congress; be it further

Resolved, That copies of this resolution also be prepared and forwarded to the Secretaries of State and to the presiding officers of the legislatures of the several states.●

STUDENT FINANCIAL AID CUTS A SHORTSIGHTED PROPOSAL

HON. JAMES L. OBERSTAR

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 1, 1982

● Mr. OBERSTAR. Mr. Speaker, I commend to the attention of my colleagues a letter I received from Bonnie Gelle, library technician, Itasca Community College, Grand Rapids, Minn. Her letter cites several excellent examples of how financial aid affects a variety of students. In its modest, factual, unemotional statement of the case for continued Federal aid to education, this letter is an indictment of the Reagan administration's proposals to make further cuts in student financial aid.

Mrs. Gelle's letter follows:

Grand Rapids, Minn.

Dear Mr. Oberstar: I understand that massive cuts have been proposed by the Reagan Administration in student financial aid programs. I think this is a serious mistake and ask that you do your utmost to protect the education of American students who are now and will be depending on an extra hand to help them better their lot and provide better citizens for our country.

As a supervisor of students who are benefiting from work-study and grant programs, I am impressed by the dedication and willingness of these college students to work for their future. There's Carol, a divorced woman with three young girls, who without the money provided by Federal Work Study, would not have been willing to return to school but might be at home wasting her talents and living on welfare. There's hope for her future as she acquires some secretarial skills through the programs at Itasca. Her self-worth is enhanced and that alone is worth the money we provided for her education. Her children, drawing from her increased self-worth and confidence, are winners with her for their future is dependent on her todays.

There's also Susie, newly graduated from high school and pursuing her first two years of education at Itasca. Her parents can give her help but her work study is giving them a lift while giving Susie a work experience in a valuable area of the college operation. As a Library Aide during her work study time here the past two years, she has been a real asset and a student I've been proud to supervise.

There's also Ted, a father of two, whose wife is a nurse and the major provider in their family. Without some help from the financial aid programs, Ted might not be pursuing his educational goals.

My daughter will graduate from high school this year. My husband and I, while not comfortably rich on a combined income a bit over $30,000 a year, will probably be able to put her through a four year program with minor sacrifices. She will have her chance at education probably without financial aid. But I urge you, for the other three I named above and for millions of other college age students, who are the future of America, to do your best to preserve their chances. I'd be proud to know that my tax dollars were going toward their education and their future rather than toward someone's aim of world dominance.

Thank you very much.

Sincerely,

Bonnie Gelle,
Library Technician.●

TOBACCO MEETING

HON. JOHN L. NAPIER

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 1, 1982

● Mr. NAPIER. Mr. Speaker, America's agricultural strength is equally as important as its industrial might. To maintain this Nation on a strong economic basis, we must have a compatible combination.

As the representative of a district which provides a large portion of our Nation's tobacco products, I have made a continuing effort to focus attention on the importance of our tobacco industry and the effect of Government upon it.

Just recently, through the efforts of a bipartisan coalition, we were able to continue the economic underpinning of tobacco and maintain it as a viable link in our balance of trade. We know that the tobacco price support program will continue to face challenges by nontobacco-oriented interests if some changes are not made. That is why the House Agriculture Committee's Tobacco and Peanuts Subcommittee has been on a serious quest for information through field hearings.

These hearings are deemed important to the people who earn their livelihoods from tobacco. They are willing to participate in assisting Government and they came forth in great numbers to offer recommendations. In that light, I offer the following article which was printed in the Hemingway, S.C., Weekly Observer on February 18.

TOBACCO MEETING

It was a good feeling to attend the public meeting with the U.S. House Tobacco and Peanut Subcommittee.

The sensation was aroused by two facts. First, the crowd of farmers and warehousemen in attendance was inspiring. Some 800 people crowded into the auditorium at Florence-Darlington TEC to hear the testimony (many of them stood for the entire morning session). If that doesn't indicate that people from this area are interested in maintaining the tobacco program, what does?

Second, every person testifying before the committee agreed that the program must be changed in order to make it more viable. A major concern was how to strengthen the program so that anti-tobacco interests won't have such an easy time in future arguments against it.

In order to make sure that the program can be operated without costing taxpayers, many recommendations were offered to the committee. Three of them were suggested repeatedly.

First, an assessment to growers should be established. Second, the price support formula should be modified. And third, a fund or pool should be established in order to underwrite losses that could possibly come up in the future.

Like the congressmen on the committee told those in attendance, it is up to those in the tobacco family to recommend how the program should be changed. That is an important part of the entire process, because it is those people involved in the production and sale of tobacco which know the program the best.

One important thing to remember, however, is that the fight does not end now that the meeting is over. It is just beginning.

When the committee finishes conducting its public meetings in the five tobacco states, it will take the information it has gathered to Washington. That is where the real fight will take place.

It is imperative that every farmer, warehouseman and buyer stay on top of future tobacco proceedings, and that they support the efforts of the committee to make the tobacco program work beneficially for everyone.●

BUSINESS WEEK OPPOSES NFL ANTITRUST EXEMPTION

HON. JULIAN C. DIXON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 1, 1982

● Mr. DIXON. Mr. Speaker, I have on several occasions risen to denounce the arrogance which the National Football League has shown in seeking congressional enactment of legislation to effectively exempt the league from the Nation's antitrust laws. As I have pointed out, this proposed measure serves no useful public purpose, and in view of the record $2 billion television contract recently signed by the league and the three networks, has no economic justification whatsoever. Its sole effect would be to free the NFL from its present litigation involving its refusal to allow a replacement football franchise for the Los Angeles Coliseum while creating for it a special niche among American businesses.

Recently, Business Week, a publication not known for its revolutionary views, joined in denunciation of the NFL's attempt to solve its self-created antitrust problems through special-interest legislation, and I commend their editorial to the attention of my colleagues:

[From Business Week, Apr. 5, 1982]

FOOTBALL SHOULD COMPETE

In 1922 the Supreme Court, for reasons best known to itself, decided that baseball was not a business and granted it immunity from antitrust laws. Some congressmen want to end that immunity, but even while they ponder the move, the National Football League has started a drive to win antitrust immunity for itself. About the only thing more ridiculous than that idea would be for Congress to take it seriously.

Not even NFL Commissioner Pete Rozelle, the quarterback of football's lobbying effort in Congress, argues that football is not a business. In fact, he positively revels in the NFL's $350 million annual gross revenues and its new $1.9 billion contract for TV coverage rights for professional football games. But, complains Rozelle, "in professional sports, literally every action, every business judgment, and every decision of a league is now subject to attack under the antitrust laws." Rozelle may be amazed to learn that every other business faces exactly that same situation every day and that it is precisely the point of the antitrust laws.

Football's drive does not seem to be winning much support. But the NFL is planning to add two new teams, and talk is heard that they might wind up in Tennessee and Arizona if Senate Majority Leader Howard H. Baker Jr. (R-Tenn.) and Judiciary Committee member Dennis DeConcini (D-Ariz.), who, by no coincidence, represent those states, can be persuaded to shepherd the bill through the Senate. They should resist the temptation. Football team compete vigorously, even violently, on the playing field, and the businessmen who own them must accept competition in the marketplace.●

BEST IN THE WEST

HON. CHARLES PASHAYAN, JR.

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 1, 1982

● Mr. PASHAYAN. Mr. Speaker, collegiate basketball fans throughout our land can now sit back and analyze this past season and dream about the next campaign that will lead to Albuquerque, N. Mex., site of the 1983 National Collegiate Athletic Association Tournament. North Carolina won the 1982 edition in New Orleans, Georgetown University stole the favor and fervor of the fans, and in my hometown of Fresno, they are proudly proclaiming that the Bulldogs of Fresno State University were "the best in the West."

Fresno State and the Pacific Coast Athletic Association stand ready to receive some of the accolades usually reserved for the Atlantic Coast Conference or the Southeastern Conference; they have a firmly placed foot in the door.

Many of my constituents are proud members of the Red Wave, one of the few fan support groups that receive banner headlines and its own publicity. And as Fresno Bee sports columnist Bob McCarthy noted:

Off the Georgetown results (Fresno lost 58-40) FSU's basketball program might now be considered the best in the West, to go along with its No. 1 fans (Red Wave) and its numero uno coach (Boyd Grant). And there's always a demand for the best.

I should like to share with my colleagues some of the accomplishments of this year's winning combination by inserting the article from the Fresno Bee.

BEST IN THE WEST

(By Terry Betterton)

Boyd Grant had a good feeling Tuesday night—with good reasons.

The Fresno State University basketball coach held court at the Fresno Convention Center Exhibit Hall. He listed his reasons before an estimated 1,600 fans at the FSU basketball awards dinner, including:

The winningest team in FSU history, 27-3.

The winningest team in Pacific Coast Athletic Association history.

A third straight Sun Met Tournament championship.

Only the second PCAA team ever to finish the season ranked in the Top Ten.

A 47.1 defensive record, the sixth best in history.

Holding 20 of 30 opponents to 50 points or less.

The best basketball player in Fresno State history.

The last reason was Rod Higgins, who stole the show. The 6-foot-7 senior from Harvey, Ill., capped a brilliant career by being named the Bulldogs Most Valuable Player for the second straight year.

In fact, Grant noted, it was a unanimous vote by his teammates.

It was also an easy choice. He earlier received awards as the team's top scorer with a 15.1 average and leading rebounder with a 6.3 average. Add to that the Dr. Pepper Player of the Year award and Higgins was holding a full house.

If Grant needed any proof that Higgins ranks at the top of the Bulldog basketball honor roll, he need look no further than the alltime FSU statistic charts. Higgins is on nine different career lists: second in free-throw percentage, .805; third in field-goal percentage, .532; fourth in scoring, 1,402 points; fifth in field goals made, 554; sixth in free throws made, 294; seventh in assists, 200, and field goals attempted, 1,042; eighth in rebounds, 603; and ninth in free throws attempted, 365.

But Higgins shared the spotlight with several teammates.

Donald Mason was honored as the best defensive player after setting a school record with 52 steals. Tyrone Bradley, the junior guard who finished the season with a flurry, was named the most improved player.

Bobby Davis received the Bulldog Award. "He started when I asked, was a reserve when I asked," said Grant. "Maybe Bobby is the person that is the best example of what we are as a team."

Two other seniors shared the most inspirational award, reserve seniors Paul Reed and John Weatherspoon. "They will always be successes," said Grant. "It is not always the guys that play that turn out the best."

It was a special night, especially for the seven seniors on the team—Higgins, Mason, Davis, Reed, Weatherspoon, Dan Sezzi and Keith Postler—and a fitting conclusion to an emotional, successful, championship season.

Standing ovations were the order of the night. Grant got two, Higgins got two, the seniors as a group one. Even the pep band got a standing ovation.

When Grant was first introduced, the crowd stood and started chanting, "Defense, Defense." When the entire team was presented, the chant was "Go, Dogs, Go."

To the seven seniors, Grant gave a final bit of advice:

"I hope you will always be accountable and do your best—and be on time."

The last part drew the biggest laugh from Mason, who was suspended for one game after being late to a team meal.

"It has crossed my mind that we were only four games from winning it all," Grant said, referring to the fact that the Bulldogs reached the West Region semifinals of the NCCA playoffs.

FSU President Harold Haak said it all, as far as the fans were concerned: "We are here to honor, truly, the best in the West."●

THE ZEST FOR LIFE OF A PROUD ST. LOUISAN

HON. RICHARD A. GEPHARDT

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 1, 1982

● Mr. GEPHARDT. Mr. Speaker, I read recently in the St. Louis Globe-Democrat of the recovery efforts of a woman known and loved by many St. Louisans, Charlotte Peters. As a singer, entertainer, and talk show host for 21 years, Charlotte Peters won the hearts of many with her humor, compassion, and down-home jest for life. After helping so many through the difficult days of their lives, Charlotte Peters has been challenged by a series of misfortunes that have put her exuberance for life through a trying period. After the death of a beloved spouse and then several strokes, one might expect the enthusiastic fires that burned in Charlotte to quiet down. On the contrary, according to the accounts I have read, Charlotte continues to seek the best out of life and still tries to bring the best out of people with a song or a simple smile.

Missing from this account of the renewed vigor of Charlotte Peters is the big role she played in my first effort to win a seat in Congress in 1976. Whether it was visiting a senior center, appearing at civic and social meetings, or just stopping to talk to her many fans at a shopping center, Charlotte was an untiring booster of my candidacy. There were times when I thought her endorsement was worth the weight in gold of all the newpaper presses in my hometown.

Charlotte Peters touched my life in much the same manner that she did for countless others—with selfless enthusiasm. Her sense of community spirit has always been her trademark. At a time in her life when she could use an occasional boost from her many friends in St. Louis and in the entertainment business everywhere, I hope that more than a few take a moment to remember her and repay her for all those years of thankless, contagious enthusiasm for living.

I ask that the article from the St. Louis Globe-Democrat be inserted in the RECORD at this time.

RECOVERING CHARLOTTE PETERS HAS KEPT HER ZEST FOR LIFE, COLLINSVILLE FRIEND SAYS

(By Charles J. Oswald)

Zesty St. Louis singer-entertainer Charlotte Peters, who became a household name during the 1950s and '60s as the result of her popular television show, will meet with old show-biz friends when she touches down in Las Vegas for a week's vacation at Wayne Newton's Aladdin Hotel.

Mrs. Peters, who suffered a series of strokes two years ago, is well on her way to recovery and "still belts out a mean blues song," said her close friend, Gary Day of Collinsville.

The gregarious entertainer, who captivated St. Louis television audiences with her zany humor and exuberant songs, will celebrate "her 39th birthday" Monday, Day said.

Mrs. Peters was the star of radio and television shows for 21 years in St. Louis, recorded five record albums, performed in live stage productions here amd made numerous commercials.

She dropped out of the limelight in the mid-1970s after the death of her husband, William Peters, a sales representative for the Rhea Manufacturing Co., who died Nov. 21, 1974, after a lengthy illness.

Mrs. Peters' life took an abrupt change in 1970, when she was fired from her KTVI, Channel 2, show after publicly suggesting that the city bar a "Rock Festival of Life" sponsored by the radical Yippies group in Forest Park at the same time as a Boy Scout Camporee.

Six months later, her husband suffered a stroke, and she spent the next four years until his death caring for him.

In 1979, Mrs. Peters' life took still another turn when she suffered a series of strokes that left her speech impaired and was hospitalized at Deaconess Hospital for three weeks.

Since suffering the stroke, she has improved markedly and has remained active, serving as a volunteer nurse's aid at St. John's Mercy Medical Center, traveling, singing and shooting pool with her longtime pal Minnesota Fats.

"Her speech has gotten better," Day said, noting that "she almost lost it after the stroke."

"Charlotte did not lose her mental capabilities, and she can still belt out a song," Day said. "Just about every time we go somewhere where there is a band, Charlotte is asked to sing."

The singer's favorite nights out on the town frequently include a stop at the Robert E. Lee riverboat restaurant, where she teams up with her friends in the St. Louis Levee Band to sing old standbys like "Won't You Come Home", "All of Me" and "My Bill", Day said.

"Charlotte is a fishing freak," Day said. "She loves to go to the races, and she never loses. She likes the horses, and she plays a mean hand of poker. She's the busiest 're-tired' person I've ever seen."

Mrs. Peters learned to shoot pool from no less than "the greatest," Minnesota Fats, and frequently pays a visit to Fats' rural Illinois home near Du Quoin to brush up on her game.

While she has been semi-retired from the entertainment world since her stroke, her fan mail and correspondence with show business friends she made during her career continues unabated.

"She still gets lots of mail from her friends and fans," Day said, noting that Mrs. Peters makes a point of answering the daily deluge of mail.

Mrs. Peters is in the process of selling her large Webster Groves home to get a smaller, easier-to-care-for house, and still drives the mint-condition 1969 Mercury Marquis convertible her husband bought her as a gift in 1969—the same car she drove onto the set on her television show at Channel 2.

She is an active member in the St. Louis Council on World Affairs and an avid traveler.

She has been to Europe 10 times and plans an 11th trip sometime this summer, Day said. She also plans to spend some time touring and relaxing in the Caribbean after her trip to Las Vegas.

A native St. Louisan who grew up in the area of Lafayette Square, Mrs. Peters began her entertainment career after her marriage.

"I have an eight-grade education and I never had a music lesson," she said.

"This lady has never stopped wanting to learn things. She never lets her mind slow down," Day said, referring to Mrs. Peters' seemingly boundless energy.

"Her body might have retired, but her mind hasn't. She likes to swim and take long walks with her Shetland-collie dog, Katie," Day said.

One of the proudest moments in recent years came for Mrs. Peters in April 1981 when her son, Michael Peters, won the Pulitzer Prize for an editorial cartoon that appeared in the Dayton (Ohio) Daily News.

Peters, 38, was a staff artist with the Chicago Daily News before joining the staff of the Dayton paper in 1969.

Mrs. Peters' daughter, Mrs. Pat Schwarz, lives with her husband, Herbert, in St. Louis County.

During her planned trip to Las Vegas, Mrs. Peters hopes to renew old friendships with show-biz personalities Wayne Newton, who appeared on her television show several times before making it big, and Bob Hope, Day said.

"There isn't an entertainer that doesn't know Charlotte," Day said. "She's always got that twinkle in her eyes and she still has many many friend.".●

PAUL CRAIG ROBERTS: BEHIND THE DEFICIT HYSTERIA

HON. JACK F. KEMP

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 1, 1982

● Mr. KEMP. Mr. Speaker, one of the most curious aspects of the economic policy debate has been the sudden worry among Keynesians, who used to preach a moral imperative for deficit spending, over deficits. This is especially curious because we are now in the midst of a recession, which in Keynesian theory calls for pumping up demand by running deficits.

Does this mean that the liberal Keynesians have become fiscal conservatives? Not at all. As Dr. Paul Craig Roberts explains in today's Washington Post, those who decry the deficit really mean that they want to raise tax rates. They do not agree with those of us who believe that the way to balance the budget permanently is through spending restraint and incentives for economic expansion.

Dr. Roberts' argument carries all the more weight because he has been involved in the congressional budget process for many years and served with distinction as Assistant Treasury Secretary for Economic Policy. I commend his article to my colleagues.

The article follows:

[From the Washington Post, Mar. 30, 1982]

BEHIND THE DEFICIT HYSTERIA

(Paul Craig Roberts)

An almost forgotten economic theory, vanquished long ago by the Keynesians, has been resurrected in Washington. Old-times remembers it as the [British] Treasury view." It states that deficits drive the economy down because they impair confidence. Over the past few months "the Treasury view" has elbowed aside the monetarists and the supply-siders along with its Keynesian conquerors and taken over policy-making in Washington.

Keynes laid the reponsibility for the Great Depression at the feet of this theory, because it calls for reducing demand during recession in order to fight deficits. Yet the remnants of his once-proud disciples are strangely silent as an unholy alliance of senators and administration officials threatens once again to respond to recession deficits by tightening the economy's belt. Indeed, Keynesians are egging on the process of treating a faltering economy with austerity, a process they once likened to treating a loss of blood by bleeding the patient.

Recently I testified before the House Ways and Means Committee. On the panel that was testifying it were several notorious Keynesians, one—Paul Samuelson—crowned a Nobel laureate. As I listened to him excoriate the Reagan administration for bringing the ruin of deficits upon the country. I could not fight off the vision of this distinguished economist at work at his desk turning the pages of his multi-editioned textbook, which taught the virtues of deficits to the postwar generations, and stamping them "canceled." What was going on? Why all of a sudden were financial market participants panicked by budget deficits? All of them were born to budget deficits. Not only were they educated by Samuelson's text or its imitations, but the financial markets have known no other experience than budget deficits for the last 20 years.

As I listened to Samuelson warn the committee about the deficits caused by the tax cuts, it suddenly clicked, and the hidden agenda was revealed. It wasn't the deficits that disturbed him; it was the tax cuts.

The Keynesian revolution enshrined budget deficits as the primary policy tool for maintaining a growing economy and full employment. Strictly speaking, a tax cut is a legitimate Keynesian tool, and Keynesians themselves once employed it "to get the economy moving again."

But there was another facet to the Keynesian revolution—the Galbraithian one that stressed the dearth of public goods: there was an abundance of private goods—things like tail-fins—but nowhere near enough of the things we really needed, which only government could provide. Tax cuts could fuel the capitalist economy along, but they would allocate the society's resources into selfish and wasteful private goods serving ego needs manufactured by Madison Avenue. Deficits caused by increases in government spending programs, however, would permit the expansion of the public sector. They would also buy a lot of votes, and the policy was off and running.

That's why the personal income tax cuts have few friends in Washington. They threaten the expansion of the public sector and the vote-buying game that politics has become. That's why politicians and economists, who have reassured us so often of the palliative effects of budget deficits, now see disaster in the third-year tax cut.

Why else would they be going on about something as ordinary as a budget deficit, especially in 1983, a year of economic recovery? If anything, the deficit projected for 1983, at 3.1 percent of GNP, is smaller than normal recovery-year deficits of late. In 1976, when the economy was recovering from the 1974-75 recession, the deficit measured 4.5 percent of GNP. And in spite of (Keynesians would have said because of) the larger deficit, that recovery was stronger than the "rosy" one that the Reagan administration is predicting.

The deficit hysteria is a cover for wrecking the tax cuts and getting on with the business of government spending. The same politicians who are wringing their hands over the deficit are voting funding increases billions of dollars above the president's budget.

Maybe that's why the Keynesians are not protesting the resurrection of "the Treasury view." Let this old ghost scare away the timid tax-cutters, and soon government will be back to fighting recession with deficit spending. Keynesians don't really want to treat the whole economy with austerity, only the private sector.●

HELSINKI SINKING

HON. EDWARD J. DERWINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 1, 1982

● Mr. DERWINSKI. Mr. Speaker, the Pointer Economist Newspapers, serving suburban Cook County, Ill. maintain an excellent coverage of foreign policy issues. I was very impressed with their March 21 editorial which dramatically discussed the true factors involved in the Soviet signing of the Helsinki accords. I wish to insert the editorial for the attention of the Members:

[From the Pointer Economist, Mar. 21, 1982]

HELSINKI "SINKING"

Leonid Brezhnev signed the Helsinki Accords on European Security and Cooperation in 1975 because the document amounted to de facto Western recognition of postwar Soviet territorial gains. But the Helsinki agreement also included, at the insistence of Western leaders, pledges to promote human rights on both sides of the Iron Curtain.

Predictably, Mr. Brezhnev and company haven't lived up to their end of the bargain. Human rights advocates in the Soviet Union and Eastern Europe still tend to end up in the gulag somewhere, witness the fate of Solidarity's leaders in Poland.

The follow-up conferences provided for in the Helsinki agreement were intended as forums for discussion of any violations of the accords. Thus, Soviet and Polish officials felt constrained to sit relatively still in Madrid while listening to a litany of Western denunciations of the dictatorship of Warsaw.

Even so, it took something close to a Western threat to cancel the Madrid conference to get this "concession." And all the complaining in the world isn't likely to revive an independent labor union in Poland.

Whether the so-called Helsinki process is worth preserving depends in part on the Soviet bloc's willingness to permit open criticism by Western delegates in Madrid and succeeding conferences. If Western delegates are to be gagged in the name of preserving a "business-like" diplomatic atmosphere, as both Polish and Soviet delegates suggested in Madrid, the Helsinki process is a fraud wholly without redeeming value.

As it is, the Helsinki accords have been violated from the day they were signed by the Soviets, and the Helsinki "process" is hanging by a thread. The very next attempt to choke off debate on the Polish question or any other legitimate human rights matter would sever that thread.●

NATIONAL MEDICAL LABORATORY WEEK IS PROCLAIMED

HON. BOBBI FIEDLER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 1, 1982

● Ms. FIEDLER. Mr. Speaker, I am honored to bring to the attention of the House today an event which will occur during our upcoming district work period.

The Coordinating Council for Clinical Laboratory Technology, a national organization made up of several professional societies, has designated April 11-17, 1982, as "National Medical Laboratory Week." The purpose of this week is to inform the general public of the important role of the clinical laboratory professional within the total health care delivery system. In my own community, a new organization of medical laboratories has been formed to be known as the San Fernando Valley Chapter of the California Association for Medical Laboratory Technology.

Mr. Speaker, laboratory medicine and the laboratory professionals who practice it are a crucial aid to the physician. Technical personnel in medical laboratories are highly trained, highly educated individuals who perform a wide range of laboratory tests essential to the detection, diagnosis, treatment, and study of disease. These professionals work hand-in-hand with physicians providing the necessary data for accurate diagnosis. Yet, there is a critical shortage of qualified personnel to perform the over 25,000 lab tests performed weekly in the San Fernando Valley alone. One blood panel may include up to 24 tests performed by several individuals.

Medical laboratory professionals work in hospitals, clinics, research centers, universities, doctors' offices, and independent laboratories. They include pathologists, research scientists, medical technologists, lab assistants and ancillary personnel. Medical technologists, who perform the actual tests in the laboratories, receive their education in colleges and universities and in hospital schools of medical technology. Licensure of medical technologists in California requires a B.A. degree plus one year of clinical lab training or its equivalent.

There are approximately 350,000 medical laboratory professionals employed nationwide. The San Fernando Valley alone employs over 3,000 lab professionals in some 30 hospital, independent, or commercial laboratories.

In the lab, these professionals analyze blood and other body fluids for evidence of disease or infection. In a large laboratory, medical technologists often become specialists in several clinical laboratory disciplines such as immunology, toxicology, chemistry, microbiology, endocrinology, cytogenics, or nuclear medicine. Routine testing procedures include such common ones as cholesterols, blood alcohols, blood counts, blood sugars, PAP smears, and thyroid testing, among others. More specialized or sophisticated testing includes therapeutic drug monitoring, chromosome analysis, aminocentesis, analysis of poisons and drugs, and tissue section analysis.

Laboratory medicine has kept pace with other scientific and medical breakthroughs. Technological advances in testing procedures have significantly changed the role of laboratory professionals. Testing procedures which used to take hours when performed manually now take only minutes, even seconds, on computerized instruments and equipment now in most clinical laboratories. The results are more reliable and crucial diagnostic decisions based on test results are often made within a matter of minutes. However, there are also those tests which will always be performed manually and require from the laboratory professional individual care and attention exercised in a precise and accurate procedure.

Because laboratory medicine has remained behind the scene for so long, many people are unaware of the significance of the role it plays in modern medicine. It is my hope that National Medical Laboratory Week will be used to educate the public and inspire some young people to take up this satisfying and worthwhile profession.●

ROD FREEMAN, OUTGOING PRESIDENT OF THE LOMITA CHAMBER OF COMMERCE

HON. GLENN M. ANDERSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 1, 1982

● Mr. ANDERSON. Mr. Speaker, these are busy days for us in our Nation's Capital. But, while we wrestle with the many complex problems which face us today, we must never forget the many constituents in our districts who serve their communities in very important ways and do not receive adequate recognition. One of these individuals is Rod Freeman, who was honored earlier this year as outgoing president of the Chamber of Commerce in Lomita, Calif.

To the residents of Lomita, Rod needs little introduction. By his tireless involvement and commitment to numerous civic organizations he has clearly distinguished himself as a true leader in the community. A few of the groups which Rod has devoted his time and efforts to are the Los Angeles Junior Chamber of Commerce, the YMCA—Southbay Industry Section, the Vernon Chamber of Commerce, the California Dairy Industry Association, the Red Cross, the Printing Industries Association of Southern California, and the Al Malaikah Temple Guard.

Mr. Speaker, in these times when many of our constituents are not familiar with their neighbors and decline to get themselves involved with community projects, it is truly heartwarming to come across an individual such as Rod who has contributed so much to the improvement of his city. His devotion to Lomita clearly makes him one of my district's outstanding people.

My wife, Lee, joins me in congratulating Rod Freeman for a job well done. We extend our heartfelt best wishes and appreciation for the contributions he has made to the people and community of Lomita. We also send to Rod and his wife, Sheryl, and their five sons, Douglas, Dick, Dirk, Brett, and Reed, our sincere hopes for a bright and prosperous future.●

WE DON'T NEED AN F. D. R. MEMORIAL

HON. NEWT GINGRICH

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 1, 1982

● Mr. GINGRICH. Mr. Speaker, I am very concerned about proposals to erect a memorial to President Franklin Delano Roosevelt in West Potomac

Park. The chairman of the D.C. Taxicab Committee, Irving Schlaifer, recently testified before the House Administration Committee about his reasons for opposing the monument. I would like to share his remarks with my colleagues:

REMARKS OF IRVING SCHLAIFER

Mr. Chairman and Members of this Committee, my name is Irving Schlaifer. I am Chairman of the D.C. Taxicab Committee. I am also a professional sightseeing tour guide. I am speaking in behalf of those that I represent in the taxicab industry and the sightseeing industry.

Franklin Delano Roosevelt, our 32nd President, is on record saying, "That the only monument that he ever wanted in Washington, D.C. was something that would be no larger than his desk." We now have a handsome white stone marker, the size of his desk with his name on it, located in a small triangular shaped park at the southeast corner of 9th & Pennsylvania Avenue NW., on the northside of the National Archives Building.

All of us want to do something that really honors such a great president. But, it is an absolute sin to authorize the spending of more than $24,000,000, plus an annual operating cost of over $763,000 for the proposed FDR Memorial.

There is absolutely no need to spend these millions of dollars on the proposed FDR Memorial in West Potomac Park calling for a meandering 1,000 foot granite wall, 12 to 14 feet high around the western edge of the Tidal Basin, with waterfalls, fountains and sculpture.

The Nation's Capital is already saturated with more than enough monuments, memorial manmade waterfountains, waterfalls, waterpools and lakes. These manmade water fountains, waterfalls, waterpools, and lakes are expensive to build, operate and maintain. They are constantly being turned off or emptied to be worked on and repaired. They are constantly being turned off or emptied to save money. Believe me, nothing looks worse then to see them turned off. Imagine, if you would, seeing the beautiful Tidal Basin emptied of its water. It would look like an ugly ditch. Imagine, if you would, seeing the beautiful Potomac River emptied of its water. It, too, would look like an ugly ditch.

We now have the Berlin Wall built by the Communist in the city of Berlin, separating East Germany from West Germany. It leaves a very bad taste in everyones' mouths. Are we to see this proposed FDR Memorial become known as the Roosevelt Wall? Will it become known as the Roosevelt Taxpayers' Wailing Wall? Will it also leave a very bad taste in the American taxpayers' mouths?

There is a taxpayers' revolt going on now. The taxpayers are sick and tired of our elected officials wasting our hard earned tax dollars on grandiose memorials, monuments and public works projects. The taxpayers are going to the ballot boxes and are voting to replace those public officials that are guilty of wasting the taxpayers hard earned dollars.

Leave the West Potomac Park just as it is, a beautiful spacious park, separating the Jefferson Memorial from the Lincoln Memorial. Do not clutter it up with the proposed FDR Memorial. All that you need to do is change the name of the West Potomac Park to the FDR Memorial Park.

If the proposed FDR Memorial had no competition, it would become an instant success. Since it must compete with all of the other well established points of interest, such as, the White House, U.S. Capitol Building, U.S. Supreme Court, Library of Congress, F.B.I., Bureau of Engraving and Printing, Smithsonian Museums, National Art Galleries, Washington Monument, Lincoln Memorial, Jefferson Memorial, Shrine of the Immaculate Conception on the Catholic University grounds, Washington Cathedral, Mount Vernon the home of President George Washington, our first president, Georgetown, Embassy Row, etc., the proposed FDR Memorial will become an instant failure. The millions of visitors that now come to see all of the important points of interest in the Washington, D.C. area, just do not have the time and money to see it all. The sightseeing industry tour guides have to constantly juggle the time schedules to show what is most important for them to see. These millions of visitors to the Nation's Capital will get turned off by one more memorial.

A former Congressman Gray from Chicago, worked hard and sold the other Members of Congress the idea that the beautiful railroad station, the Union Station, should be changed into the National Visitors' Center. Over $60,000,000 was spent to do it. It became a complete failure. The National Visitors' Center was closed down. The railroad station will eventually be restored to its original use. But, it will probably cost over $60,000,000 to do it. Where will the money come from? From the poor taxpayers, of course!

Must we have the same thing happen to the proposed FDR Memorial? It just cannot compete with the other memorials, monuments, museums, art galleries, churches, etc. If the FDR Memorial had no competition, it would become an instant success. But, since it must compete with all of the other well established points of interest, the FDR Memorial will become an instant failure.

Franklin Delano Roosevelt was the only man to be elected to the U.S. presidency four times, and at that, in a row. He was a man for the times and above all, a man of action.

The proposed memorial for FDR, made up of a series of 12 to 14 feet high stone walls, a thousand feet long, is not fitting enough for such a great man.

FDR should have a living memorial, an exciting memorial, a useful memorial.

The new $100,000,000 Washington Convention Center is now being built and will be completed and opened to the public in 1983. It will be a place of action.

The city officials should rename the Washington Convention Center to the Franklin Delano Roosevelt Convention and Visitors' Center.

I urge the Members of Congress to call the Mayor of Washington, D.C. and the members of the D.C. City Council and urge them to publicly support changing the name of our now being built convention center to the FDR Convention and Visitors' Center. I am certain that they will be pleased to hear from you.

This concludes my statement.

I have several additional exhibits that I wish to include in the record being made today. Thank you for letting me place these additional exhibits in the RECORD.●

MARION CHAMBER OF COMMERCE • • • BUILDING A BETTER COMMUNITY

HON. JOHN L. NAPIER

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 1, 1982

● Mr. NAPIER. Mr. Speaker, recently an outstanding citizen in my district was presented the Distinguished Community Service Award by the Marion, S.C., Chamber of Commerce. I would like to present those comments for the RECORD which point with pride to the impact that one citizen can have on the countless lives within his community.

Cartrell A. Brown is a man who has lived life to its fullest. He has given of himself and used his limitless energy and knowledge for the betterment of his fellow human beings. These are the words his peers used to describe him:

DISTINGUISHED COMMUNITY SERVICE AWARD

This award recognizes persons in our town who, over the years and in some ways, have made contributions which made the community a better place for all of us. This room is full of people who have done just that, but all cannot be singled out for this honor. I like to think of this individual award as being one that actually recognizes the whole community and all of its citizens who serve so unselfishly. That individual speaks for us all. He acts for us all. He is an example of the kind of people we are. The persons who receive it are mirrors of the community. The man to whom we give the plaque tonight is truly a bright and shining mirror of what we are.

Mr. Cartrell A. Brown, affectionally known to all of us as Cartrell, came to Marion in 1948. I have known him all of those thirty-four years as a friend, a public servant, a professional in his field, and a gentleman—loved by his family, friends, and associates.

Cartrell was born in Chester in 1918 and spent his youth there. When this country went to war, he went right along with the rest of us. He served in the United States Army for three years. A month before he was released, he accomplished his greatest feat—he and Elsie Gallman of Newberry were married. She shares with him all of the things I will tell you about him in a moment. They have a daughter, and they are now proud grandparents.

Let me start by telling you about Mr. Brown's present status. In 1978 he was appointed City Recorder, or JUDGE as he is called. He sits on the high bench in the City Court Room and graces it with dignity and honor. He has a fine sense of humor about the work and the people with whom he deals—where humor is often a scarce commodity—but where it eases the strain of the tense atmosphere. He sees no white, no black, no yellow, no Baptist, no Methodist . . . nothing but the person in front of him and to whom he deals out justice with compassion.

Cartrell received his B.S. Degree in Agricultural Education from South Carolina State College in 1948. In November of that year he came to Marion as an employee of the Extension Service. In 1962 he was promoted to Associate County Agent. In 1972 he was promoted to District Rural Development Coordinator for the State. In 1976 he retired from the Extension Service. When those 28 years are added to the 3 in the Army and the 3 already served as City Judge, they make 35 years of dedicated public activity.

Cartrell is a member of St. John A. M. E. Church where he has been a member since 1948. He served as chairman of the Parsonage Committee, as a teacher of the ladies Sunday School Class, and presently serves as a senior on the Steward Board and on the Trustee Board.

In his city public life, he has served as a member of the Citizens Advisory Committee; a member of the County Planning Commission for economic, social, and housing development; and presently serves on the City Opera House Committee.

Cartrell's love for his work as a teacher and as a guide to others, which he learned so well in Extension Service, led him onward in that field of public endeavor. In 1971 he was elected as a member of the Board of Trustees of Marion School District No. 1, and he is there today serving as vice chairman. In 1977 he was appointed a member of the Board of Trustees of the Marion-Mullins Vocational School (this very school where we meet tonight) and he is still there—serving now as its chairman.

I do not want to end this presentation with this list of all of his community work without telling you that he prides himself as a barbeque chef, a part-time baby sitter, a hunter, and a fisherman who can tell just as tall tales as any of you sportsmen, a card player of renown among his friends, a person who raised pheasants and trained bird dogs and beagles, who even builds boats for a hobby. How he gets time to help Mrs. Brown with the Floral Shop is a mystery—maybe he doesn't as much as he brags about it. His close friends tell a host of wonderful and humorous stories about him.

All in all, he has served his community, his family, his church, and his fellow man. He is unselfish, much loved and highly revered. He is truly a mirror of the Marion community.●

THE PRESS AND INTELLIGENCE

HON. WM. S. BROOMFIELD

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 1, 1982

● Mr. BROOMFIELD. Mr. Speaker, I wish to draw the attention of my colleagues to an excellent editorial that appeared in the Detroit News on February 23 regarding the press and intelligence. It briefly states that while the press enjoys certain rights under our system of government, it also must fulfill its obligations in regard to objectivity, prudence, and accuracy. The editorial follows.

[From the Detroit News, Feb. 23, 1982]

A FINE LINE

The Washington Post reports that President Reagan has approved a CIA scheme involving Latin America paramilitary forces to disrupt the Cuban-Nicaraguan supply line to Salvadoran guerrillas. An Associated Press account quotes an unnamed "congressional source familar with U.S. plans in Central America" who assures, "the administration's focus is Nicaragua."

We suspect that in coming weeks some congressmen will condemn the president's Machiavellian methods, commentators will score the administration's "callous disregard for international law," and Phil Donahue will probably entertain the womenfolk by inviting a priest to recount his experiences with the noble Nicaraguans.

The United States has a curious and unnecessary problem. During the past two decades, the American press has gotten itself deep into the business of purposefully influencing foreign policy.

Consider this most recent "revelation" about the administration's "plans" for Central America.

People pick up their newspapers and learn that the president is considering covert action against a hostile government. Mind you, this is a forecast—not a story after the fact.

It's inconceivable that this, or any other administration, should be obliged to submit its intelligence strategies to a national media referendum. Yet this is precisely the effect of a news story that "leaks" possible strategies in advance.

We can't help but wonder what effect such "investigative" journalism would have had on the outcome of World War II.

What if the press had revealed that the U.S. Navy had broken the Japanese code, or that President Roosevelt was pressing scientists to build—ye gods—an atomic bomb? What if the journalists reported that various Allied diversions were merely a ruse to mask the Normandy landing?

There's a fine line between the public's right—and its need—to know everything the government is doing. And when those doings concern clandestine activities specifically directed by the president of the United States, the Media should exercise restraint.

Many American reporters now assigned to Central America are ignorant of the strategic implications of the leftist wave rolling through that part of the hemisphere. Aligning themselves emotionally with the rebels, they represent an extraordinary asset to the Soviet-Cuban axis, which is supplying and directing the guerrillas.

There's plenty to criticize about El Salvador's regime, but reforms have been implemented—yet they are all but ignored by U.S. journalists.

We have a suggestion. When you read a dispatch from Central America or watch TV films of the troubles there, ask yourself these questions: Does the reporter appear to be objective? Can you detect his sympathies? Is he revealing U.S. military secrets? Would his work please or displease Brezhnev and Castro?

Such questions, of course, don't add up to a perfect test. But asked over time, they will tell you something you should know.

NUCLEAR MADNESS

HON. RICHARD L. OTTINGER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 1, 1982

● Mr. OTTINGER. Mr. Speaker, I would like to commend the gentleman from New York (Mr. McHUGH) and the gentleman from Iowa (Mr. LEACH) and the others of my colleagues who initiated this vital debate on the nuclear arms race. It is the most critical issue ever to confront Congress.

I am pleased to participate in this historic effort to focus attention on the nuclear madness which the Reagan administration is seeking to promote. As one of the sponsors of the call to halt the nuclear arms race, I am gratified that an international grassroots effort has spread supporting a mutual United States-Soviet nuclear weapons freeze.

I can think of nothing more important to this Congress and the world than taking genuine steps for mutual arms reduction. That is why I am participating in this debate and why I am cosponsoring so many measures aimed at arms control, including House Joint Resolution 434, which calls on Washington and Moscow to adopt a mutual freeze on nuclear arms, followed by major systematic reductions in current arms levels.

The principal arguments against this nuclear freeze effort are that it would freeze the United States into a position of military inferiority to the Soviet Union. I must say that I feel that the people who are criticizing this freeze on that ground are doing so on an emotional and irrational basis because the important question really is not whether or not we have more weapons than the Russians of one kind or another, or of all kinds; the real question is, Do we have sufficient weapons and sufficient ability to deliver those weapons or to be able to deter any Soviet attack?

The question is: Do we have sufficient nuclear capacity so that if the Russians were to initiate a first strike, we could wreak unacceptable destruction on the Soviet Union, and do they know that? Clearly we do—and clearly they know it.

The fact of the matter is that the amounts of money that we are proposing to spend on increasing our nuclear arsenal is deterring our ability to have a strong national defense. The administration is projecting $1.6 trillion in defense costs over the next 5 years, and the chairman of the House Budget Committee (Mr. JONES) calculates it at $2.4 trillion. I mean that is just mind boggling.

I submit that this level of expenditures will undermine the security of the United States.

First of all, it is already causing us to have severe cutbacks in items in our national economy which are essential to our national defense. You cannot have a strong national defense without a strong industrial base. We are losing the industrial base on which we can base a strong national defense and we simply cannot afford to put all of the U.S. resources into more weapons that will not increase our security and not do the things which are necessary with our own society to make sure that if we are attacked we will indeed be able to respond.

One of the greatest threats to our national security is our dependence on foreign oil. We are cutting out, for alleged budgetary considerations, attributable largely to this spending on nuclear weaponry, all the efforts to get ourselves off of imported oil, and yet a sunken ship in the Strait of Hormuz represents a far more realistic threat to the entire industrial activity of the free world.

We are seeing a situation at the present time where our industries are collapsing, where our basic infrastructure of our industries, our highways and our bridges, are collapsing. We are seeing our mass transit system rapidly disappearing and we will soon become the only major nation in the world that does not have a national railroad system.

How can we have a strong national defense without the ability to get our people to and from their jobs, without the ability to get our goods to market? We are told because of this huge expenditure on nuclear weaponry and delivery systems that we do not have enough money to be able to educate our children, that we are going to have to end the financial support for people to attend graduate school and sharply curtail the financial support to enable people, regardless of their means, to attend college.

How on earth do you have a strong national defense in today's technological age where defense means missile systems and tanks and computer communications if you do not have an educated population?

The Reagan administration's stand on accelerating the nuclear arms race is the crowning glory of a myriad of senseless, destabilizing, and dangerous policies. It is thus especially gratifying to see so many Americans finally rise up against this huge, senseless nuclear arms buildup with its so-called tactical nuclear weapons and "winnable" nuclear wars and resist the administration's policies which are leading us on a course toward unprecedented nuclear calamity.

President Reagan has initiated the most massive buildup of nuclear weapons in U.S. history, yet it has not even defined a coherent military or foreign policy. The administration is planning a 6-year $222 billion expansion of nuclear forces, involving land, sea, and air-based missiles, space weaponry, civil defense systems, and more. In the next decade, Reagan's policies would add 17,000 new nuclear weapons to the 30,000 already existing in the U.S. nuclear arsenal.

The stated purpose of this policy is to achieve the capacity to fight and win a nuclear war—a goal as unattainable as it is dangerous. The administration defends its buildup by claiming that we are vulnerable to the Soviets. In response to our repeated calls for priority efforts to control the development, testing, and deployment of nuclear weapons, the administration has used distortions and inaccuracies to portray our present nuclear capability as inferior to the Russians.

There is only one important fact in this equation, however—it is not comparability that matters, but sufficiency—and we clearly have sufficient nuclear power—in fact, the United States has far more power than needed to destroy Russia should it attack—and Russia knows it. That is what matters—not whether we outnumber the Russians or they us in particular weapons systems.

Even using the administration's comparisons, however, the United States and the Soviet Union are in rough parity today, each possessing advantages and disadvantages in its nuclear weapons capability. For example, the United States leads the Soviets by 9,400 deliverable strategic nuclear warheads to 7,800, according to the Center for Defense Information. Moreover, our warheads are more survivable because of more diverse U.S. strategic force deployments.

Despite the clear sufficiency and even advantage in strategic nuclear warheads possessed by the United States, the administration has argued that the Soviets are at an advantage in nuclear "megatonnage." But, as Paul Warnke, former director of the Arms Control and Disarmament Agency, said in a recent interview which appeared in the New York Times:

> The fact that they might have a 2-megaton warhead compared to our modest ones of something like 400,000 tons of TNT only makes one difference: How big is the hole going to be where the high school used to be.

Again though, all of these comparisons are irrelevant. We have more than enough power for our security already. Despite the incredible redundancy of nuclear weapons, the Reagan administration wants to continue spending hundreds of billions of dollars to fuel the arms race, paralyzing our Nation's economy and social structures while perilizing international security.

The administration's continued development of more sophisticated nuclear weapons and delivery systems on this massive scale has created the impression that the United States is building a nuclear force to destroy the Soviet Union's nuclear arsenal in a preemptive attack. As the United States and Russia approach preemptive capabilities, we both become much less secure, requiring hair-trigger launch-on-warning policies. Enormous amounts of money will be spent and we will be less secure than ever.

As the military budget is absorbed by destabilizing nuclear weaponry, really needed expenditures are denied for conventional forces, spare parts, improved pay and technical training for our military personnel. We deny our soldiers sufficient education and training necessary to understand the tenets of military strategy and even how to operate the sophisticated weapons to which we entrust our national security. Thus, again we will be less secure ever.

But the nuclear arms race is not the only problem risking nuclear destruction of humanity. We need not only a freeze on nuclear weapons development but on the transfer of the materials and equipment for producing nuclear weapons.

The development of nuclear power on an international scale also carries with it the risk of increasing the number of countries that will have access to the technology and the materials for nuclear weapons. Specifically, nuclear enrichment and reprocessing facilities and breeder reactors are direct sources of bomb-quality materials—highly enriched uranium-235 and plutonium.

If countries decide to use these facilities to develop nuclear weapons, the rate of nuclear proliferation could increase and with it the chance of a provoked nuclear war or nuclear blackmail by terrorists, against which there is no defense. While we can deter Russia from nuclear war by making it suicidal, there would be no adequate response if a Qadhafi or an Arafat gains access to a nuclear bomb. The only realistic recourse is to prevent terrorists from gaining access to weapons.

During the past decade, the United States has expressed increasing concern over the proliferation risk associated with nuclear power.

By 1985, 25 nonweapon countries will have operational power reactors, each generating enough spent fuel to manufacture a score of bombs annually if the plutonium is separated from the fuel. More important, some of these countries plan to build reprocessing facilities that will enable them to separate the plutonium from spent fuel. Once separated, the plutonium could be put to weapons use quickly. Other countries have or are building enrichment plants that could be used to enrich uranium-235 to bomb grade levels.

The Reagan administration would greatly exacerbate this problem by condoning, even promoting the introduction and use of these sensitive nuclear technologies and materials on a commercial scale throughout the world. Once introduced, they would be impossible to safeguard effectively, providing too easy access to any terrorist group and nuclear weapons capability to countries that might use them for blackmail or in local conflicts if they got pressed to the wall.

The result could be incredible carnage in the late 20th century from the spread of nuclear weapons to other countries, and the possibility of a third country provoking a nuclear war between the United States and Russia.

The world's most volatile regions—the Middle East and South Asia—already include five countries reported either to have the capability to construct nuclear weapons or to be actively seeking that capability. In a worst case, Libya, Israel, Iraq, Pakistan, and India could all have nuclear weapons within a few years. The actions of these countries will not be independent of each other; the nations are connected in a complicated fashion by enmity and cooperation—thus, the acquisition of nuclear weapons by one of these nations is likely to generate similar actions by others. The region has suffered from major wars every few years; the introduction of nuclear weapons into these wars could threaten millions of deaths in the region, the destruction of the petroleum transportation facilities through which 40 percent of the Western world's oil must pass, and the threat of annihilation of much of the world's population through fallout or the provocation of wider nuclear conflict.

Even the fear that one of these nations was attempting to acquire nuclear weapons could lead to armed conflict. The Iraqi nuclear program already has been the subject of assassinations and an air attack with conventional munitions.

Of these five countries, three of their governments came to power through internal military takeovers. Nuclear weapons in such internally unstable countries may not remain in the hands of the national governments; subnational forces attempting a takeover are likely to try to seize the nuclear weapons. Sooner or later, nuclear weapons or the material for their manufacture may fall into the hands of smaller military units or terrorists groups.

The Middle East and South Asia is the most dangerous region for nuclear proliferation in the near future. But the capability to manufacture nuclear weapons reportedly has been sought by South Africa, South Korea, Taiwan, Argentina, and Brazil. And this is only the situation in the early 1980's. The acquisition of nuclear weapons by one country is likely to lead to a "chain reaction" in which the enemies or rivals of that country then feel that they must acquire nuclear weapons. Some politicians in Nigeria, for example, have already called for a Nigerian weapons program aimed at the possibility that South Africa will acquire nuclear weapons. The same applies for Syria vis-a-vis Iraq.

Proliferation need not stop with the acquisition of a few bombs of the type used by the United States against Japan at the end of World War II—weapons that in the context of a small nuclear war could cause millions of deaths. The next step can be thermonuclear weapons—raising the death toll to tens of millions of people or more. Or the next step may be long-range delivery vehicles spreading the threat of nuclear destruction to nations far removed from the regional conflict. In short, proliferation is a major international security threat; and it will certainly get worse if we do not take the lead with the other nuclear weapons powers to stop it.

For these reasons American policy has long featured a strong concensus opposed to the proliferation of nuclear weapons. The Reagan administration, however, it striving to undermine the good bipartisan U.S. example set by previous Presidents. Not only is Mr. Reagan indifferent to the proliferation risks posed by civilian nuclear technology, he has graphically illustrated that indifference by considering the use to make nuclear weapons of plutonium derived from spent fuel produced in civilian nuclear powerplants.

Even worse, he is considering, for the first time in our history, the export of sensitive reprocessing and enrichment technologies to nonnuclear weapons countries.

Such exports would have tragic consequences and must not be permitted. I intend soon to proposed legislation to block Mr. Reagan's thoughtless move. The United States simply must exercise its strongest leadership with its allies to prevent nuclear profits from overcoming the restraint necessary for nuclear-age survival.

Thankfully, there are Americans who are seeking to correct these irrational policies and to change our course away from nuclear devastation. They recognize that nuclear war is not winable, as this administration has claimed. And they realize the danger in spending hundreds of billions of dollars on a massive nuclear weapons buildup, without incorporating arms control and proliferation prevention into our national security policies.

I commend those who are resisting these senseless administration initiatives, and I pledge my efforts to do all I can to see that Congress does everything in its power to reverse those policies which come to us from the White House. Our efforts to stop this nuclear madness are essential if we are to live in a secure, stable, and peaceful world.

I am including in today's RECORD the text of House Joint Resolution 404, followed by the text of "The Call To Halt the Nuclear Arms Race." I commend both of these important resolutions to the attention of my colleagues:

H.J. RES. 404

A joint resolution on nuclear weapons freeze and reductions

Whereas the greatest challenge facing the earth is to prevent the occurrence of nuclear war by accident or design;

Whereas the nuclear arms race is dangerously increasing the risk of a holocaust that would be humanity's final war; and

Whereas a freeze followed by reductions in nuclear warheads, missiles, and other delivery systems is needed to halt the nuclear arms race and to reduce the risk of nuclear war;

Resolved by the Senate and the House of Representatives of the United States of America in Congress assembled,

1. As an immediate strategic arms control objective the United States and the Soviet Union should;

(a) pursue a complete halt to the nuclear arms race;

(b) decide when and how to achieve a mutual and verifiable freeze on the testing, production, and further deployment of nuclear warheads, missiles, and other delivery systems; and

(c) give special attention to destabilizing weapons whose deployment would make such a freeze more difficult to achieve.

2. Proceeding from this freeze, the United States and the Soviet Union should pursue major, mutual and verifiable reductions in nuclear warheads, missiles, and other delivery systems, through annual percentages or equally effective means, in a manner that enhances stability.

CALL TO HALT THE NUCLEAR ARMS RACE—PROPOSAL FOR A MUTUAL U.S.-SOVIET NUCLEAR-WEAPON FREEZE

The horror of a nuclear holocaust is universally acknowledged. Today, the United States and the Soviet Union possess 50,000 nuclear weapons. In half an hour, a fraction of these weapons can destroy all cities in the northern hemisphere. Yet over the decade, the USA and USSR plan to build over 20,000 more nuclear warheads along with a new generation of nuclear missiles and aircraft.

The weapon programs of the next decade, if not stopped, will pull the nuclear tripwire tighter. Counterforce and other "nuclear warfighting" systems will improve the ability of the USA and USSR to attack the opponent's nuclear forces and other military targets. This will increase the pressure on both sides to use their nuclear weapons in a crisis, rather than risk losing them in a first strike.

Such developments will increase hairtrigger readiness for a massive nuclear exchange at a time when economic difficulties, political dissension, revolution and competition for energy supplies may be rising worldwide. At the same time, more countries may acquire nuclear weapons. Unless we change this combination of trends, the danger of nuclear war will be greater in the late 1980s and 1990s than ever before.

Rather than permit this dangerous future to evolve, the United States and the Soviet Union should stop the nuclear arms race.

A freeze on nuclear missiles and aircraft can be verified by existing national means. A total freeze can be verified more easily than the complex SALT I and II agreements. The freeze on warhead production could be verified by the Safeguards of the

International Atomic Energy Agency. Stopping the production of nuclear weapons and weapon-grade material and applying the Safeguards to US and Soviet nuclear programs would increase the incentive of other countries to adhere to the Nonproliferation Treaty, renouncing acquisition of their own nuclear weapons, and to accept the same Safeguards.

A freeze would hold constant the existing nuclear parity between the United States and the Soviet Union. By precluding production of counterforce weaponry on either side, it would eliminate excuses for further arming on both sides. Later, following the immediate adoption of the freeze, its terms should be negotiated into the more durable form of a treaty.

A nuclear-weapon freeze, accompanied by government-aided conversion of nuclear industries, would save at least $100 billion each in US and Soviet military spending (at today's prices) in 1981-1990. This would reduce inflation. The savings could be applied to balance the budget, reduce taxes, improve services, subsidize renewable energy, or increase aid to poverty-stricken third world regions. By shifting personnel to more labor-intensive civilian jobs, a nuclear-weapon freeze would also raise employment.

Stopping the US-Soviet nuclear arms race is the single most useful step that can be taken now to reduce the likelihood of nuclear war and to prevent the spread of nuclear weapons to more countries. This step is a necessary prelude to creating international conditions in which:

Further steps can be taken toward a stable, peaceful international order;

The threat of first use of nuclear weaponry can be ended;

The freeze can be extended to other nations; and

The nuclear arsenals on all sides can be drastically reduced or eliminated, making the world truly safe from nuclear destruction.●

THE GRAIN ELEVATOR BANKRUPTCY BILL

HON. M. CALDWELL BUTLER

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 1, 1982

● Mr. BUTLER. Mr. Speaker, today I am introducing legislation to amend the Bankruptcy Code to provide for expedited determinations of interests in grain and the proceeds of grain held by debtors who own or operate grain storage facilities. I am pleased to be joined in this effort by my colleagues from Kansas (Mr. GLICKMAN), Iowa (Mr. BEDELL), New Jersey (Mr. RODINO), New York (Mr. FISH), California (Mr. EDWARDS), Oklahoma (Mr. SYNAR), Iowa (Mr. HARKIN), Nebraska (Mr. BEREUTER), Louisiana (Mr. HUCKABY), and Missouri (Mr. SKELTON) which I trust will help facilitate swift passage.

This measure is an appropriate response to a problem on which the Subcommittee on Monopolies and Commercial Law held 2 very useful days of hearings last month and regarding which many of us have heard from our constituents and others who are rightfully concerned. The nature of the problem is this: When grain elevators fail it is not just the owner or operator who is swept into the toils of the bankruptcy court. Those farmers who have delivered grain to the elevators suddenly find their sole marketable assets cannot be recovered or paid for. To the extent that there is delay in the process of ordering abandonment of the grain under section 554 of the Bankruptcy Code or determining ownership interests and relief from the automatic stay under section 362(d), those farmers, who are blameless in the bankruptcy, may be injured, perhaps grievously so.

My bill is based on a proposal recommended to our subcommittee by the National Bankruptcy Conference, a policy advisory body of eminent academics, judges, and practitioners who rendered invaluable assistance to the Judiciary Committee during the preparation of the 1978 code. In critical part it provides that the bankruptcy court "shall expedite the procedures for the determination of interests in and the disposition of grain and proceeds of grain, by shortening to the greatest extent feasible such time periods as are otherwise applicable for such procedures, and by establishing, by order, a timetable for the completion of each applicable procedure." The bill does not give the court an option. The bill is mandatory. The court must attempt to do this.

The bill, which is limited to grain of all kinds, specifies the considerations which should bear upon the shortening of the time periods, including among other factors any need of an entity claiming an interest in such grain or proceeds of grain for a prompt determination of their interest, any need of such entity for a prompt disposition of such grain, and the market for such grain. It sets a framework for expedition. It makes clear that sale of the grain can take place before resolution of all issues. It recognizes the expertise that can be gained from the appropriate State agency by requiring the trustee to consult with such agency before taking any action relating to the disposition of grain in the possession, custody, or control of the debtor or the estate.

In sum, this is a good bill, a workable bill, a bill which makes appropriate amendments to the code to respond to the legitimate concerns of farmers caught up in the consequences of a grain elevator bankruptcy for which they bear no responsibility themselves. I would welcome additional cosponsors.●

NUCLEAR FREEZE SPECIAL ORDER

HON. PATRICIA SCHROEDER

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 1, 1982

● Mrs. SCHROEDER. Mr. Speaker, when it comes to the issue of nuclear disarmament, Denver, Colo. contains some of the most aware, sensitive, and knowledgeable people around.

There is good reason for this. Denver sits dangerously close to Rocky Flats nuclear weapons production plant, Cheyenne Mountain Norad Center, the Air Force Academy, and Warren Air Force Base, possible site for the MX missile.

Allow me to insert for the RECORD statements made by these people in conjuction with the nuclear freeze special order that took place on Tuesday. They are the ones who know the true meaning of peace and the consequences of nuclear war.

Representative PATRICIA SCHROEDER,
U.S. House of Representatives,
Washington, D.C.

DEAR REPRESENTATIVE SCHROEDER: Thank you for the opportunity to submit testimony at the hearing on this crucial issue.

The Loretto Disarmament/Economic Conversion Committee grew out of the concern of the Sisters of Loretto, a community of over 700 Roman Catholic Sisters, about the escalating nuclear arms race. At a gathering of our community in 1979, the group unanimously declared "its commitment to an end to the production of nuclear weapons," stating, "We are particularly committed to encouraging and assisting in the urgent work of educating ourselves and others to the perils of the continued proliferation of nuclear arms. Rooted as we are in our Judaeo-Christian heritage, we view our opposition to nuclear weapons as an urgent moral imperative."

Since that time many members of our community, and the members of this committee in particular, representing the community, have worked, through education and action, to halt the arms race. In the past two years, the committee has especially promoted the Bilateral Nuclear Weapons Freeze Proposal.

When our work began, it was the hope of the community that in two or three years, such a reality as the mutual freeze on nuclear weapons would be in place—as a first step toward lessening the risk of nuclear war and reducing the huge nuclear arsenals of the two superpowers. However, to our great disappointment, not only has the freeze not been accepted by the executive branch of our government and by the Pentagon, but a military budget greater than ever before has been proposed. Indeed, the budget calls for so many advanced first-strike weapons that we fear that our country will be led, not by our leaders in Congress, but by the new generation of nuclear weapons themselves, their accuracy, speed, and design serving to set our policy.

We make our own the words of our church leaders who have called repeatedly for an end to the nuclear arms race, and who have urged "the continued development and implementation of policies which seek to bring these weapons more securely under control, progressively reduce their presence in the world, and ultimately remove them entirely." (National Conference of Catholic Bishops, November, 1976.)

Pope John Paul II, visiting Hiroshima over a year ago, pleaded for the abolishing of all nuclear weapons. More than 60 Catholic bishops in this country have spoken out forcefully in condemnation of the arms race, many of them specifically supporting the Bilateral Nuclear Weapons Freeze Proposal.

We affirm the clear position of the Catholic Church (a position surely shared by countless other Christian bodies, Jewish bodies, and other faith communities), stated by Cardinal Krol of Philadelphia in testimony before the Senate Foreign Relations Committee in September, 1979:

"(1) Our obligation to control the threat of nuclear destructiveness is more fundamental than the requirement to limit the possession of certain weapons.

"(2) The use of any strategic nuclear weapons whatsoever against any targets, even in response to prior Soviet use of them, is morally unacceptable.

"(3) Any threat to use the strategic nuclear arsenal is condemned. Even deterring the Soviet Union by threat of nuclear retaliation for aggression is out of bounds morally because it is immoral even to intend to do what is intrinsically immoral.

"(4) The church lends its moral authority to the quest for bilateral and legally sanctioned limits on weapons."

We stand in solidarity with the poor of the world, especially since we believe that the bloated U.S. military budget for nuclear arms represents an organized assault on the poor, illustrated by the many cuts in the federal budget that have done away with or greatly debilitated human service programs.

We are alarmed that some military planners in our government have spoken almost cavalierly about the possibility of waging and surviving a "limited" nuclear war. We urge that those planners listen to the many experts, especially the large number of physicians and scientists, who have pointed out the utter folly of believing that a nuclear war is survivable. We think that the federal government's renewed emphasis on civil defense plans in case of nuclear attack is a way of lulling the U.S. public into thinking that such "defense" is truly possible. We will not be lulled. We renew our commitment to speak out against the nuclear arms race and to urge many other citizens to make their voices heard in support of the Bilateral Nuclear Weapons Freeze Proposal.

We have been profoundly moved by the now famous article by Jonathan Schell recently published in The New Yorker. "It has sometimes been claimed that the United States could survive a nuclear attack by the Soviet Union," he wrote, "but the bare figures on the extent of the blast waves, the thermal pulses, and the accumulated local fallout dash this hope irrevocably. They spell the doom of the United States. And if one imagines the reverse attack on the Soviet Union, its doom is spelled out in similar figures."

We join with many others from U.S. faith communities and other groups, determined, with the help of God and with a dedication to stand for life and for peace, to work to avoid doomsday anywhere on our planet.

Sincerely in the cause of peace,

LORETTO DISARMAMENT/ECONOMIC CONVERSION COMMITTEE,

Sisters Mary Luke Tobin, Pam Solo, Anna Koop, Carol Dunphy, Cecily Jones, Mary Peter Bruce, Marie Francis Kenoyer, Paulette Peterson.

STATEMENT TO CONGRESSWOMAN PATRICIA SCHROEDER

Physicians for Social Responsibility/Denver, a local chapter of a 10,000-member organization of physicians, other health professionals, and concerned citizens, calls the attention of the Congress of the United States to these facts:

In the event of an all-out nuclear war, or a so-called "limited" nuclear war, the medical consequences alone in the United States would be devastating. To cite a single example, a one-megaton air burst over any large metropolitan area might produce 10,000 seriously burned casualties, according to many estimates. The entire United States has only 2000 specialized burn care beds. Crushing injuries from falling buildings, deafness and ruptured lungs from blast effects, acute radiation sickness producing vomiting, coma, and death, and all of these in combination—this is a likely outcome of nuclear war. Physicians, nurses, and other health professionals will be killed in numbers greater than the general population because they are concentrated in the cities. And their hospitals, their drugs and equipment, even electricity and fresh water—all these will be absent. Nuclear war would be a medical nightmare.

The unknown effects of nuclear war may be more deadly than the known effects. As the Office of Technology Assessment has noted, the calculation of the effects of nuclear war is filled with unknowns. Casualties would be higher than official estimates, because official estimates fail to consider victims of burns, radiation, and delayed fallout. The long-term increase in cancer of all types and birth defects will be staggering, based on the Japanese experience. Crops and forests will die off, producing incalculable effects on human life and the entire ecosystem. There is reason to believe that the ozone layer of our atmosphere—that fragile barrier that by its existence permits life to flourish on earth—will be damaged, possibly beyond repair.

In this context, civil defense and mass evacuation have no meaning except as a hoax. Effective civil defense requires deep underground blast shelters, hardened against direct hits by multi-megaton warheads, provided with oxygen, food, medical supplies, water, and the capacity to bury the dead. These would have to house a large fraction of the population for several months. Such a project is literally beyond the available resources. And what sort of world would face the emerging shelterees after months of hiding? A devastated world that would be unable to support them, or possibly any life. Similarly, to speak of mass evacuation is to deny reality and give false assurances. So-called "crisis relocation" zones would be known in advance and could be easily targeted. An evacuation itself would be an aggressive act, potentially persuading another nuclear nation to launch a first strike. And conditions for the evacuees would be bleak and barren. Colorado's "host areas" are rural communities with harsh climates, little water, and none of the services and structures that are needed to provide for the more than one million refugees from the Denver metropolitan area alone.

Our training in public health as doctors and other health professionals teaches us that nuclear war would be the final epidemic—an epidemic for which we can offer no realistic or effective medical care. Faced with such an awesome human and medical dilemma, the options are clear. There is no effective treatment; the remedy therefore must be prevention. The Denver chapter of Physicians for Social Responsibility urges the Congress to understand that the nuclear age has changed everything. What must change now is our very way of thinking.●

TRUTH IN FINANCIAL DISCLOSURE

HON. JIM SANTINI

OF NEVADA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 1, 1982

● Mr. SANTINI. Mr. Speaker, yesterday I introduced legislation to require "truth in financial disclosure" by the Members of the U.S. Congress. Because I believe that full disclosure of personal net worth lies at the very heart of an elected official's independence and integrity, I am sponsoring legislation which will make an "open book" of the personal financial records of Members of Congress. The voters of this country who give their elected officials their trust deserve nothing less.

H.R. 6017 will do three things:

First, require Members of Congress to file their income tax forms as a matter of public record in the House and Senate; second, require random audits by the Comptroller General of the United States of congressional financial disclosure statements; and third, close loopholes in the existing Federal financial disclosure law by requiring that Members of Congress report the precise value of their holdings, as opposed to simply reporting broad and meaningless ranges of financial worth.

Mr. Speaker and my fellow colleagues, I urge you to join with me in restoring public trust in elected officials by supporting my "truth in financial disclosure" legislation. Just last year, the General Accounting Office criticized existing congressional financial disclosure practices and called for an overhaul of the system to assure the public * * * "that the information contained in the public financial disclosure reports is complete and accurate." In 1980, the Congressional Quarterly pointed its finger at congressional financial statements saying they present "an open invitation for Members to conceal information." Yes, we already have an Ethics in Government Act, Mr. Speaker but we must act now to put teeth into that law, to make ethics in Government real and not illusory.

Of course, disclosure of personal worth by elected officials can be accomplished voluntarily without a new law and some of my colleagues have done so for years. My good friend Representative **Paul Simon** of Illinois is just one very fine example of a man who has released his full financial worth for over 25 years. We need not wait for passage of Federal legislation; the Members of this House of Representatives and Senate can step forward now, take the lead and set an example by releasing their 1981 income tax returns for public scrutiny. I pledge to release my own tax statements and I ask my fellow colleagues to join with me.

As servants of the American people, we owe them the highest standards of integrity and accountability. We chose to run for public office and we sought to earn the public trust. In return, we must demonstrate that we deserve the public's vote of confidence. Reform of financial disclosure law is absolutely critical to our American political process for two important reasons. First of all, before election to positions of public trust, the voters must know where existing and potential conflicts of interest lie. Second, once elected, Congressmen must not be allowed to use public office for their own personal enrichment.

Passage of the Truth in Financial Disclosure Act will be a step in the right direction. Until such legislation becomes the law of the land, however, Members of the United States Congress must "go the extra mile" and make full and complete financial disclosure on their own.●

HEAD START PARENTS APPEAL FOR PROGRAM

HON. GEORGE MILLER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 1, 1982

● Mr. MILLER of California. Mr. Speaker, I continue to get letters from Head Start parents who both testify to the ways in which this program has dramatically improved their lives and those of their children, and express their concerns about Head Start's future. We know that Head Start works; that Head Start is cost-effective. And yet, even today, it serves only 25 percent of the eligible children, and faces substantial erosion from inflation and cutbacks in supportive services (CETA, title XX, child care food, medicaid). We need to listen to the parents of Head Start children and keep this exemplary program working. Another letter from a Head Start parent follows:

> Head Start has given my children the opportunity to be with other children their age and learn so many things. They truly enjoy the classes, music, being with the other children. It has helped in so many ways. In this time it takes two parents working in order to make ends meet. The Head Start Program has given me the chance to help my family, because, when my child is at the center, I don't have to worry about the care she is receiving. If the program were cut to four hours the child would not get as much learning time. It would really affect my job also. The greatest strength of Head Start is the attention the children receive from the instructors and all the teaching they do to teach right from wrong. To help the parents in the raising of the child I can't think of a better program than Head Start. Everything they do is for the good of the children and the good of the community.
>
> Head Start Parent,
> *Waldson, Ark.*●

RUTH HERBERT, OUTGOING PRESIDENT OF THE LOMITA CHAMBER OF COMMERCE—WOMEN'S DIVISION

HON. GLENN M. ANDERSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 1, 1982

● Mr. ANDERSON. Mr. Speaker, since its inception, the women's division of the chamber of commerce in Lomita, Calif., has been a strong and positive force in the community. Earlier this year, its outgoing president, Ruth Herbert, was honored for her many contributions in 1981.

As president of the women's division, Ruth earned the highest respect of her peers and, in fact, the entire community. A graduate of the UCLA School of Nursing, Ruth moved to the city of Lomita in 1969. She immediately became very active in the civic, religious, and business affairs of her new community. Among other things, Ruth served 2 consecutive years as president of the local PTA, and was the 1980 recipient of the Lomita chamber's "Club Member of the Year" for the women's division. Also, Ruth made the time to become involved in her church activities and served as a Sunday school teacher. Ruth's dedicated service to her community, State, and country more than qualify her for this recognition.

As a nationwide community organization appealing to men and women who have the desire to become personally involved in making their cities a better place to live and work, the chamber of commerce was well suited for Ruth's qualifications and her enthusiasm.

Mr. Speaker, Ruth Herbert has demonstrated the highest competence and loyalty to the people of Lomita this past year. My wife, Lee, joins me as we proudly compliment her on a job well done. We now also offer to Ruth and her husband, Donald, and their two daughters, Heather Anne and Greta Mae, our best wish[illegible]r many more years of good fort[illegible] continued success, and happiness in the future.●

COMPOSITION OF THE MULTINATIONAL PEACEKEEPING FORCE FOR THE SINAI

HON. LEE H. HAMILTON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 1, 1982

● Mr. HAMILTON. Mr. Speaker, the Multinational Force and Observers (MFO) is a peacekeeping force now taking up positions in the Sinai in preparation for final Israeli withdrawals from the Sinai on April 25, 1982, pursuant to the peace treaty between Israel and Egypt signed in 1979.

This important force will have 2,664 members from roughly 11 countries.

I would like to bring to the attention of my colleagues a table listing those countries participating and a letter from the Department of State dated March 22, 1982, indicating the role to be performed by the respective states providing units for the peacekeeping force.

The material follows:

Contributors to Sinai multinational force and observers

Country and contribution:	*People involved*
U.S.: Light Infantry Battalion	808
U.S.: Logistic Support Unit	330
Fiji: Light Infantry Battalion	497
Colombia: Light Infantry Battalion	498
Australia and New Zealand (jointly): Ten Helicopters and their crews	124
France: Two Small Aircraft and One Cargo Plane	[1] 35
United Kingdom: Headquarters Staff (stenographers, file clerks, etc.)	35
Italy: Three Minesweepers (later, hopefully, patrol boats)	87
Netherlands: Signal Unit	81
Netherlands: Provost Marshal and MP's	23
Uruguay: Transportation Unit	73
Force Commander's Staff: Includes members from each participating state noted above plus four from Norway, i.e., the Force Commander and three staff officers	73
Total	2,664

[1] Plus.

Department of State,
Washington D.C., March 22, 1982.

Hon. Thomas O'Neill, Jr.,
Speaker of the House of Representatives.

Dear Mr. Speaker: On behalf of the President, and in accordance with Section 3(a)(2)(A) of the Multinational Force and Observers Participation Resolution (Public Law 97-132), it is my pleasure to notify you of those countries which have recently agreed to provide military personnel for the Multinational Force and Observers (MFO).

In addition to Fiji, Colombia, Uruguay and Norway, which had previously made commitments, the MFO is concluding agreements with Australia, New Zealand, the

United Kingdom, France, Italy and the Netherlands for contributions of personnel. The contributions of the respective countries are as follows:

Norway—four persons comprising the Force Commander and three staff officers.

Uruguay—a transportation unit consisting of seventy-three people.

Colombia—a light infantry battalion consisting of four hundred and ninety-eight people.

Fiji—a light infantry battalion consisting of four hundred and ninety-seven people.

Australia and New Zealand (jointly)—ten helicopters and crews consisting of one hundred and twenty-four people.

France—two small aircraft and one cargo airplane together with thirty-five people.

United Kingdom—a headquarters company consisting of thirty-five people.

Italy—three minesweepers together with eighty-seven people.

Netherlands—a signals unit and a provost marshal and military police group together totaling 104 people.

In addition, each participating country is providing a few staff trained officers to serve on the Force Commander's staff.

Other information with regard to U.S. participation in the MFO will be transmitted to the Congress as provided for in Section 6 of the Resolution.

With cordial regards.

Sincerely,

Powell A. Moore,
Assistant Secretary for
Congressional Relations.●

LOW-INCOME HOUSING NEEDS

HON. MARY ROSE OAKAR

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 1, 1982

● Ms. OAKAR. Mr. Speaker, on March 25, the Most Reverend James Lyke, auxiliary bishop of Cleveland, Mr. Henry J. Goodman, vice president of the Jewish Community Federation of Cleveland, and Mr. Stephen Hoffman, director of social planning and research of the Jewish Community Federation of Cleveland, testified before the Housing and Community Development Subcommittee. I would like to submit excerpts from their very relevant statements for insertion in the Congressional Record.

Mr. Chairman, I am Bishop James Lyke of Cleveland, Ohio. I am pleased to appear before you on behalf of the United States Catholic Conference, which is the national social action arm of the Roman Catholic Bishops.

* * * The Church's concern for housing stems from the belief that each individual possesses an inherent dignity because he or she is created in the image and likeness of God. Each person should have the opportunity to grow and develop his or her potential to the fullest extent possible. This development is threatened whenever social and economic forces dehumanize or degrade people.

In this context we should not ignore the impact that poor housing has on human dignity and development. The physical and social environment play important roles in the formation and development of the human person. We must not overlook the terrible impact that degrading and indecent living conditions have on people's perception of themselves and their future.

Poor people need decent housing which is affordable. This obviously requires an adequate supply of housing at costs within the means of low-income people. The President's Commission on Housing recently identified ten million renter households—one-fourth of whom are living in assisted housing—who require assistance if they are to live in decent housing at costs they can afford.

1. Cost of Housing.—The biggest problem for millions of low-income citizens is the financial burden of paying the rent. The poor pay a disproportionate amount of their income on housing. The median income for all renters who spent more than 35 percent of their income on rent in 1977 was only $4,000. By contrast, 62 percent of renters with incomes of $35,000 or more spent less than 10 percent of their income on housing. As income rises, the proportion paid for housing—particularly rental housing—decreases. Until last year federal housing programs responded to this disparity by assuring that families getting assistance pay no more than 25 percent of their income for housing. Even so, only a very small fraction of the poor benefit from housing assistance—8.1 percent of eligible households in 1978. These rising rental costs are especially burdensome on people who subsist at the poverty level and who confront rising prices and diminishing resources in meeting all of their basic necessities.

2. Housing Shortage.—Across the country there are hundreds of people waiting for decent shelter. The severe housing shortage is worst with regard to rental units. Indeed, we are gradually witnessing the disappearance of private low-rent housing. Rents in the private market are beyond the reach of low income Americans. According to the National Low Income Housing Coalition, there is a net loss of over 500,000 low rent units annually due to inflation, conversion, abandonment and other causes.

3. Preservation of Public Housing.—Public housing provides shelter for over three million people whose median income is approximately 27 percent of the national median income. In Cleveland, the local public housing authority is the landlord of 8-9 percent of the city's population (approximately 45,000 people). The average annual income per household as of December 31, 1980, was $3,330. According to the December 31, 1981 Cuyahoga Metropolitan Housing Authority, the waiting list was 2,431 families. It is vitally important that this housing be adequately maintained. The modernization of the existing stock is an immediate concern and must be given high priority; for, unless modernization is accomplished, the operating costs associated with high energy bills and depressed maintenance will continue to rise.

IMPACT OF LAST YEAR'S BUDGET CUTS

Last year's budget cuts have intensified the shelter needs of the poor. In reports from individual bishops, from Catholic Charities agencies, from inner city pastors, from organizers of self-help programs for the poor, from housing organizers and volunteers in parishes, we in the Church have heard essentially the same message: the cuts have hurt the poor severely.

As a Catholic bishop, I have listened carefully to the suggestion that the voluntary sector, and the churches in particular, can and should take up the slack caused by the budget cuts. This suggestion, that private charity can increase sufficiently to make key government programs unnecessary, ignores both history and reality. From a practical standpoint, it is simply not within the realm of possibility to suggest that the voluntary sector can replace major and necessary government programs. This suggestion is even more unrealistic in the area of housing. Certainly, the churches will continue to increase their efforts and resources to aid the homeless, but we cannot, by ourselves, fill the massive gap in low-income housing needs that already exists and is intensifying. While the charitable activity of religious institutions is increasing and will continue to increase, it cannot and should not substitute for the essential responsibility that government has to play in meeting basic human needs.

GOVERNMENT: ESSENTIAL ROLE

The essence of the message I would like to leave with you has to do with human rights and the role of government in guaranteeing and protecting those rights.

Pope John XXIII, in his encyclical, Pacem in Terris, listed the right to shelter as one of the most important of human rights. It follows directly from the right to life itself. The Catholic tradition views basic human rights as a kind of baseline, a set of material conditions which are essential for human dignity. The Church fully recognizes the significance of classifying shelter as a basic right. For rights are not matters of privilege or choice. They imply an obligation on the part of society, an obligation that ultimately rests on government.

FISCAL YEAR 1983 BUDGET CUTS

In the context of the basic principles of human rights which I have referred to, the Administration's Fiscal Year 1983 proposed reductions in the area of assisted housing are simply unacceptable. They represent a retreat from a long-standing bipartisan commitment to meeting the housing needs of the poor, and a large-scale abandonment of federal responsibility in meeting low-income housing needs. Without going into the specifics, however, let me highlight several areas of concern that I hope the Congress will consider.

I. MAINTAINING EXISTING STOCK

It is vitally important that the present stock of assisted housing be adequately maintained. The level of operating subsidies for public housing proposed by the Administration is clearly inadequate and should be increased.

II. RENT INCREASES

There should be no rent increases for the three million families living in low-income housing. The Administration's proposal to require tenants to pay their entire utility bills and to count food stamps as income could literally double or triple the rents for many households. Since rents would go up $3.00 for every $10.00 that the family receives in food stamps, it is the poorest tenants, those receiving maximum food stamp allotments, who would be the most severely affected. A welfare family in Mississippi or Texas living on an AFDC grant of only $100 a month would have its rent tripled. Similarly, tenants living in cold climates or poorly insulated units would find it impossible to pay high utility bills from their meager benefits.

III. RESCISSION OF ADDITIONAL SECTION 8 AND PUBLIC HOUSING

The housing that is now in the pipeline should be produced as rapidly as possible.

The proposal to rescind funds already appropriated and thus cancel hundreds of thousands of commitments for new or substantially rehabilitated units should be rejected.

IV. SECTION 8 RENT SUBSIDIES

Federal rent subsidies in "Section 8 existing" program would be reduced by 15-20 percent under the proposed "voucher" system. This proposal should be rejected, for even under the present system based on fair market rents, half of all households receiving Section 8 certificates are unable to find units within the allotted time period.

V. RURAL HOUSING

In many rural areas the housing crisis is at least as severe, if not worse, than in urban centers. The Administration's proposal to cut Farmers Home Administration rural housing programs to one-third of their present level should be rejected. The proposed cuts would have a devastating impact on needy rural Americans, many of whom live in already substandard housing.

VI. HOUSING TAX EXPENDITURES

The burden of the proposed cuts in federal housing expenditures falls most heavily on the people who can least afford housing. Those who propose the cuts argue that low-income housing assistance programs are too costly. Yet, the largest share of federal housing activity is not in direct subsidies to the needy but rather in indirect subsidies to middle and upper income people through the tax system. Housing tax expenditures—primarily, deductions of mortgage interest and property taxes by homeowners—are rising at an unprecedented rate.

We support the goals for homeownership that the tax incentives reflect. However, the use of these tax incentives raises questions of equity which must be addressed through public policy. The people who can least afford housing must not be unfairly singled out in the reductions in federal housing programs.

We welcome "The Housing and Community Development Amendments of 1982," H.R. 5731, legislation introduced by Chairman Gonzalez. We would urge, however, that the level of low-income housing assistance be increased. The rental housing production program, in particular, should require more subsidized units for lower income households.

In closing, I wish to emphasize that the debate over housing programs, as well as the larger debate over the federal budget, is not simply a debate about numbers and dollars and programs. It is about human beings—children, parents, the elderly—their joys and sorrows, their successes and failures, their hopes and dreams. It is about American families—about whether or not they will have enough food on the table, enough income to support them, a roof over their heads. It is, in short, a debate about human dignity.

EXCERPTS FROM STATEMENT OF STEPHEN H. HOFFMAN

My name is Stephen Hoffman and I am the Director of Social Planning and Research of the Jewish Community Federation of Cleveland.

The availability of subsidized housing sponsored by non-profit organizations under the 202 program has made it possible for America to deal with the new realities of demographics of older persons. Twenty years ago, one tended to classify older persons needing help as over the age of 65, physically or mentally impaired, and probably destined for an institution where his needs would be met.

Because of advances in medical science, a substantial segment of the over-65 group has been spared the great health problems of the past. Their problem boils down to economics—that for them is the difference between life and death. For many, subsidized housing has become the alternative to institutionalization or deterioration. We believe that federally subsidized housing is by far the better value—socially and economically.

A major positive aspect of the economics of subsidized housing is often overlooked. This housing undoubtedly delays, and often avoids, institutionalization in nursing homes. The average per capita subsidy at our subsidized buildings is approximately $5,000 to $6,000 a year. However, if these people had no alternative but to live in a home for the aged, and were supported by the Medicaid program, the same subsidy provided for them could cost between $18,000 and $20,000 a year. Where this develops, the savings to the government is probably at least $13,000 per person annually.

Our experience in Cleveland in this regard has been gained through the operation of two programs in our system of services. One building is called Council Gardens, run by the National Council of Jewish Women. It has 130 suites and was built under the original Section 202 low-interest loan program. An addition was recently opened under the present program. The average age of the person living there is 82. Ten percent are over 90. While everyone is able to function independently, a few residents have some moderate disabilities. There are programs with meals and social activities, as well as shopping assistance and the availability of a nurse for emergencies.

Our newest building is called the R. H. Myers Apartments. It is affiliated with one of our homes for the aged, Menorah Park. The average age of residents here is 81-and-a-half. All residents are able to live independently, although there are many with significant disabilities.

We have no doubt that many of the residents in the R. H. Myers Apartments would be in homes for the aged if this building and services did not exist. Let me cite a couple of examples of people who have been helped through these programs.

At Council Gardens there is a resident who has lost two legs to diabetes. He is being supported on SSI. Before moving to Council Gardens, he lived in an old house with a bathroom on the second floor, where he had to crawl upstairs to toilet himself. Now he lives in a special handicapped suite, in a barrier-free building. He is able to come and go as he pleases, cook for himself, and engage in activities. Services provided at Council Gardens and through our system of services, plus the subsidy from the Section 202/8 program, have made a world of difference to this person.

Another woman at Council Gardens is 39 years old and handicapped. As a child she was autistic and she did not speak for 20 years before moving into Council Gardens. She had been living in an illegally converted third-floor room in an old house in a Cleveland suburb. Since moving to Council Gardens, she has begun to speak again and is now working in a sheltered workshop sponsored by a local vocational agency. She regularly attends programs at the Jewish Community Center and interacts, along with her fellow tenants, with the more than 3,800 senior adults who make use of the activities there from week to week. Council Gardens is next door to our Jewish Community Center. The residents there, as well as other senior adults, have the opportunity to swim, to engage in discussion groups, craft programs, and similar activities that add purpose to their lives. No one has to feel they are locked in and must stare at four walls. Similar programs are offered to the residents of the R. H. Myers Apartments for the non-subsidized as well as the subsidized suites.

At Council Gardens the average income of the tenant is $428 a month, or $5,136 a year. The 202 program enables the tenant there to have a safe, clean, dignified environment at a cost that doesn't destroy them.

We did a survey three years ago that indicated that over 1,000 Jewish persons are known to be in need of and qualified for subsidized housing, in addition to those who currently live in a subsidized facility. We, therefore, created Jewish Community Housing, a nonprofit corporation, to help stimulate more subsidized housing, and received a HUD loan to build 100 units now under construction. But the need continues. Council Gardens has a waiting list of 240 people. The R. H. Myers Apartments has a waiting list of 300, for its 42 subsidized units, and over 100 for its market rate units at a time when the regular market in Cleveland is experiencing vacancies.

The Cuyahoga Metropolitan Housing Authority, our public housing authority in Greater Cleveland, has 7,000 suites in 25 buildings for older persons, with a waiting list of over 1,400 people. Here, too, the waits are for years. In suburban Cleveland alone, there are 3,800 elderly on waiting lists for various subsidized buildings, even though 2,100 suites have been built in Cuyahoga County during the last four years. Yet, under the plans projected by the administration, there will be only 325 new suites available for the entire State of Ohio, in the face of the need for thousands.

Nationally, the picture is very similar. Today:

One in every nine Americans is over the age of 65, and this will grow to one in eight by the year 2000.

Thirty-eight percent of the population is over the age of 75, and by the year 2000 they will represent nearly one out of two older persons.

The income of older Americans is about half that of the under-65 population, and elderly Americans are disproportionately represented among those that are in need of federally-assisted housing. More of them are poor and thus unable to afford suitable private housing. Elderly poor are often in worse economic straits than the non-elderly poor, partly because they are less able to find work to augment their inadequate income. Further, the elderly are more likely to have expenses for health problems.

We believe that the Section 202 Program is an important way for the government and our country to respond to these needs. It is also a way for the government and the private sector to work together to improve the quality of life of older persons.

EXCERPTS FROM STATEMENT OF HENRY J. GOODMAN

My name is Henry Goodman and I am a volunteer leader of the Jewish Community Federation of Cleveland of which I am vice-president.

The Jewish Community Federation of Cleveland is over 78 years old.

The Federation and its agencies have been engaged in a variety of housing programs over the last 20 years. We administer congregate living facilities for older persons and have made use of Section 236 and 202 programs in the past. We also have been involved in an intensive effort to revitalize and stabilize an integrated sururban community and to help preserve the housing stock there. Our work there is known as the Heights Area Project. It is involved in a neighborhood of Cleveland Heights, a suburb of Cleveland, Ohio. Over the last 11 years, we have provided private funds to make possible $640,000 in loans, which have enabled 208 families to purchase homes valued in today's market at close to $9 million.

The Federation and its agencies operate on revenues derived from private contributors, fees for service, and government funds. I believe that our programs represent one of the best examples of the way in which the government and the private sector have been able to work together to accomplish more for people than either could accomplish alone.●

A BILL TO AMEND THE FEDERAL MEAT INSPECTION ACT, THE POULTRY PRODUCTS INSPECTION ACT, AND THE EGG PRODUCTS INSPECTION ACT

HON. WILLIAM C. WAMPLER

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 1, 1982

● Mr. WAMPLER. Mr. Speaker, today I am joined by Congressman HAGEDORN in introducing legislation forwarded to the Speaker by the U.S. Department of Agriculture (Executive Communiction No. 3857) which would modify the Federal Meat, Poultry, and Egg Product Inspection Acts to authorize the Secretary of Agriculture to determine the intensity of inspection provided to individual processing plants. The bill applies only to processing operation—not slaughter operations.

Neither I nor Congressman HAGEDORN endorse this measure in its entirety or without qualification. We do, however, believe that circumstances in the meat, poultry, and egg processing plants have changed sufficiently that the concept of continuous inspection can be modified to some degree. Federal budgetary constraints now and into the future require us to look at just such a measure as this.

On the other hand, there are several issues raised by the changes proposed in this legislation that should be addressed in the hearings that hopefully will be held promptly to consider this important measure. Among other things, the Members will want to hear from industry and others regarding the amount of discretion the Secretary should have, and the plants should have, in determining whether and under what conditions certain establishments should be placed in a "noncontinuous" inspection category. The Members will want to examine whether the standards of "total quality control" in meat, poultry, and egg processing plants are adequately set forth in the legislation and are not vague and ambiguous for those who will be subject to the act. In addition, the Members no doubt will wish to know what type of legend will appear on the label that will not receive the continuous inspection that is currently in effect.

Finally, Members, of course, will wish to have as much information as possible about the results of the pilot program of "voluntary total quality control" that currently is in effect.

Under current laws, USDA administers inplant, daily inspection programs which are designed to assure that consumers receive wholesome, unadulterated meat, poultry and egg products and that these products are properly marked, packaged, and labeled. In addition, the Department also administers periodic inspection under the shell portion of the Egg Products Inspection Act. This act requires that all shell egg handlers packing eggs for the ultimate consumer be inspected at least once each calendar quarter to assure that eggs which are not fit for human consumption are being destroyed or diverted to nonhuman food use.

Federal involvement in meat inspection began with the Meat Inspection Act of 1890 when concern was raised over the wholesomeness of livestock and the sanitary conditions under which meat products were prepared. Most processing operations consisted largely of cutting, boning, and rendering within the same plant where the animals were slaughtered. Subsequent refinements in the law were enacted in the Meat Inspection Act of 1906 and the Wholesome Meat Act of 1967. The Poultry Products Inspection Act of 1957, the Wholesome Products Act of 1968, and the Egg Products Inspection Act of 1970 brought all poultry products under mandatory inspection.

As a result of the conditions which existed when these initial inspection laws were passed, it was determined that an intensive inspection system was required. Thus, the legislation called for "continuous" inspection—the onsite, daily presence of inspectors in slaughter and processing plants.

Since then, changes in volume, advanced technology, and industry competition have brought about a significant evolution in the nature and type of meat products prepared and marketed. As such, processing has become a separate operation from slaughter.

To accommodate these changes, manufacturers have modernized their plants and implemented their own quality control systems. In turn, USDA has designed new quality control methods to match industry's progress in processing meat products. In August 1980, the Food Safety and Inspection Service authorized a voluntary quality control system for meat and poultry processing plants. Presently, 48 plants are under voluntary total quality control and another 30 are in the approval process. Over half of the 48 plants are small to midsize establishments producing 10 million pounds or less annually.

In my own State of Virginia, two plants, one which prepares sandwich products and another which processes turkeys into various products have recently been approved for the total quality control program pilot project. A third plant is in the final stages of approval for such pilot project.

Mr. Speaker, the bill I am introducing will give the Secretary increased discretion to determine the degree of inspection that should be provided to processing plants. It would authorize the Secretary to use a series of uniform steps to determine, on an individual plant basis, whether something less than continuous inspection would achieve legislative standards for inspection. The criteria that follow would be used as a tool to gage a plant's capability of and dedication to monitoring its own production processes necessary to allow for less-than-continuous inspection. The criteria include: The type of product produced and the establishment's frequency of operation; the establishment's product monitoring system and its reliability; and its compliance history.

The greater discretionary authority would allow USDA to maintain or increase surveillance at those operations that require it and allocate inspection resources to other plants as needed.

Small plants that are not participating in the voluntary total quality inspection programs would not be penalized under this bill. USDA provides technical expertise to small plants. In addition, USDA-approved voluntary "partial" quality control programs and inplant quality programs are also available. Most plants already have some sort of a control program in place and the type and volume of product produced and the complexity and frequency of the processing operations affect the scope of quality control needed over the process.

The proposed legislation changes the current inspection legend from "inspected and passed" to "Prepared in a USDA inspected establishment". USDA feels that the sheer increase in volume of processed products has shifted the focus of meat and poultry inspection away from the product and to the process by which it is produced.

Finally, the bill would reduce the number of required visits to egg-breaking operations from four to one per year. Technological innovations in egg-breaking operations and product control systems have made less intensive inspections feasible.

The legislation is expected to reduce the FSIS budget expenditures by $2 million in 1983 and up to $26 million by 1989. Total program costs have doubled over the past decade and costs of processed product inspections have almost tripled—increasing from $25 million in 1970 to more than $71 million in 1980.

USDA has estimated that the number of processing inspectors would be reduced from 2,215 to 1,077 between 1983 and 1989. However, this would be accomplished by normal attrition and reassignment of inspectors to slaughter positions.

As I understand it, the American Meat Institute, the National Broiler Council, the Poultry and Egg Institute, the National Canners Association, the National Turkey Federation, and other trade groups have endorsed the "concept" of the proposal. However, they may, or will as the case may be, seek changes in the bill to make it acceptable to their membership.

I believe the bill has considerable merit and that hearings should be held to consider any changes that could be made in the legislation to accommodate all interested parties.

I would hope that Members will take time to comment on this legislation and advise either Congressman HAGEDORN or myself whether they believe it has merit and support.●

ROGER BACON BASKETBALL TEAM—AAA CHAMPS

HON. THOMAS A. LUKEN

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 1, 1982

● Mr. LUKEN. Mr. Speaker, I would like to call attention to what I believe to be a significant occasion for some young people in my district. Recently, the Roger Bacon High School basketball team won the AAA championship of the State of Ohio. The work that went into obtaining this title was indeed great and I would like to give both the team and the coaching staff the recognition they deserve.

This is the first time in its 54-year history that Roger Bacon has brought the State title back to Cincinnati. In 60 years of tournament competition, this is only the third time that the championship has been won by a Cincinnati team. I want to call to the attention of my colleagues the spirit, enthusiasm, talent, and determination which have made Roger Bacon High School the best in the State of Ohio.

Under the professional direction of Head Coach Bob Callahan, the Spartan basketball team has compiled a season record of 24 and 4. In advancing through the season competition, the Spartan team has faced, and upset some of the best basketball teams in the State.

The future is bright for players on the Roger Bacon team. To achieve such success requires commitment and competitive drive which will stay with these young people as they move into their future academic and athletic careers. I would ask all of my colleagues to join me in extending our warmest best wishes to the Roger Bacon basketball team, Father Jim Bok, principal, Coach Bob Callahan, and also the student body for their enthusiastic support.

The following people comprise the winning team for the State of Ohio and it was a job well done: Nick Bierman, Adrian Breen, Bill Chambers, Dave Eha, Don Hausfeld, Carl Johnson, Bruce Knolle, Logan Link, Mike Morrissey, Rob Niehoff, Rick Sander, and Greg Schildmeyer.●

SUPPORT OF FUNDING MYCOPLASMA RESEARCH TOWARD THE CAUSE OF ARTHRITIS

HON. BERKLEY BEDELL

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 1, 1982

● Mr. BEDELL. Mr. Speaker, several of my constituents have written to me recently with personal testimonies to an arthritis treatment they have received from a noted physician who has spent the last 30 years in our Nation's Capital, Dr. Thomas McPherson Brown.

After having some correspondence with Dr. Brown, I had the opportunity this week to have him testify as my guest before the House Appropriations Subcommittee on Labor, Health, Education, and Welfare. Dr. Brown is the director of the Arthritis Institute at the National Orthopedic and Rehabilitation Hospital in Arlington, Va., where he heads a team of researchers dedicated to the treatment of arthritis. I requested Dr. Brown to testify to tell of his research and of the importance of funds to continue his work. I am honored to share with you Dr. Brown's testimony and am confident you will find it informative.

The statement follows:

TESTIMONY OF THOMAS MCPHERSON BROWN, M.D.

I appreciate the honor of being invited to testify on behalf of the arthritis problem and the major needs for funding at the national level. I am Dr. Thomas McPherson Brown, Director of the Arthritis Institute of the National Hospital for Orthopaedics and Rehabilitation and former Chairman of the Department of Medicine at George Washington University where I served for 21 years.

The Arthritis Institute was founded in 1970 to continue a research objective we initiated 40 years ago. In 1949 at the 7th International Congress of Rheumatology we presented data which suggested that rheumatoid disease was due to an intermediate type virus-like microorganism known today as mycoplasma. At that time we realized the elusive nature of this newly recognized microorganism. We were also aware of the likelihood that years of research would be needed to develop techniques to reveal its presence and clarify its relationship to the disease. Over the years there have been only occasional periods of interest by others which served to delay research in this direction.

In 1972, however, an encouraging investigation was reported before this same appropriations committee. At that time Dr. Whedon, Director of the National Institutes of Arthritis, Metabolic and Digestive Diseases, cited a research study being carried out at the National Institutes of Health in swine which showed that mycoplasma induced a form of arthritis similar to that seen in man. On the basis of this work he stated "Heartening progress is being made to determine the cause of rheumatoid arthritis".

In the same year a Blue Ribbon Committee of prominent rheumatologists stated "It is unlikely we will be able to develop a generally effective treatment either for prevention or cure of the disease until the mechanism is clearly understood". The committee recommended "one of the most important lines of further study in arthritis research should be directed toward the identification of a possible viral or other infectious agent as the cause of arthritis." Despite these important statements, 10 years have passed again with minimal interest and research support directed towards the infectious cause. Recently there has been a resurgence of interest sparked by a report in The New England Journal of Medicine by two prominent microbiologists. They stated, "Not only is the mycoplasma hypothesis regarding rheumatoid arthritis possible it even seems to be more plausible."

At the present time major interest is being focused upon complexity of the immune mechanism. This direction appears to be taking us further away from the cause of the disease and the practical needs of the patient. In the clinical sense many patients are caught in a cross fire of drug uncertainty. On one hand the extraordinary toxicity of many standard arthritis remedies requires the utmost care by highly trained rheumatologists. On the other hand, in the vast rural areas of our country where there are no arthritis specialists available, most information the patients receive is negative with emphasis on avoiding quackery and unproven remedies.

They are told to be suspicious of special diets, vitamins, food supplements and the like which were proclaimed useful not so long ago by those same experts who declared rheumatoid arthritis to be primarily a metabolic disorder. It would appear that the authorities who have dictated policy over the past 35 years are themselves standing on shifting sands of uncertainty and there is a need for a consistent positive therapeutic direction based upon the cause of the disease.

The renewed interest in a virus approach to the rheumatoid process is congruent to our own investigative effort which has been pursued for nearly half a century. The most important aspect of this therapeutic program today, as it was in 1949, is our demonstration that sustained control of the disease is possible. With more than 30 years of experience we have found the treatment program we have evolved to be safe and less expensive than the standard empirical approach. We have also found it possible to treat all patients early in the disease wherever they might live. We have already begun two outreach programs in rural areas and they are highly effective and successful, modeled after our own center.

In two recent reports, one at the 15th International Congress of Rheumatology in Paris and the other at an International Symposium at the University of Arkansas, we described the use of the antimycoplasma approach in a series of totally disabled patients who were referred to us after seven years of standard therapy. They had all become totally unresponsive to treatment and had reached the point of "no return." These patients had been told by experts that nothing more could be done for them. The crucial test of the effectiveness of our program was demonstrated by the good response of this group of patients to our treatment plan over the subsequent five years. On this basic program these patients gained an average of 70% improvement and are still holding this gain.

These findings open the door for a new era of treatment directed toward an infectious cause. Success, however, in this new direction is dependent upon the specificity of the therapeutic design tailored to the individual patient.

Parenthetically, it should also be noted that many substances used empirically to treat arthritis over the years such as gold salts, quinine derivatives, even copper salts and bee venom all have a specific effect against mycoplasma. These findings add further support to the validity of the concept upon which this program rests.

In treatment, we have found certain safe antibiotics with specific antimycoplasma action. They must be used correctly to be effective, namely, to be given intermittently in low dosages and for a sufficiently long period to suppress mycoplasma toxin formation in conjunction with properly acceptable anti-inflammatory drugs. Reported negative results by others can be clearly traced to failure to conform to these precise therapeutic principals which we have described in publications over the years as essential for success.

In view of the substantial evidence supporting the mycoplasma etiology and the great practical need in directing treatment for the patients, I would strongly recommend that the committee give due consideration to special funding for extensive mycoplasma clinical research. Sufficient funds should be designated to enable at least three mycoplasma centers to conduct extensive clinical studies over a minimum five year period. The type of support should provide the necessary time for a properly qualified team of immunologists, microbiologists, biochemists and clinicians to reach significant conclusions without the pressures usually encountered in short term research where the concept of "publish or perish" often prevails.

I wish to thank the committee once again for the opportunity to present a plan of attack which places the patients' needs in the forefront and utilizes the most fundamental type of basic research to meet these needs throughout our land.●

SHIFTING WELFARE COSTS LACKS LOGIC AND MORALITY

HON. WILLIAM H. GRAY, III

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 1, 1982

● Mr. GRAY. Mr. Speaker, the residents of my home city of Philadelphia remain deeply concerned about the economic and budgetary policies of the present administration. They are particularly concerned that the administration's policies ask far too great a sacrifice from the elderly, the handicapped, the poor—particularly the working poor—and those who live in our inner city, urban neighborhoods.

In an effort to bring to the attention of my colleagues the depth of this concern, Mr. Speaker, I offer for the RECORD the following article from the Philadelphia Daily News of February 26, 1982. It is a commentary by Msgr. S. J. Adamo, and eloquently addresses the serious flaw in the administration's proposal to shift welfare costs from the Federal Government to the States:

[From the Philadelphia Daily News, Feb. 26, 1982]

SIMPLY STATED, SHIFTING WELFARE IS IMMORAL

(By Msgr. S. J. Adamo)

There is incredible irony in President Reagan's determination to transfer welfare programs to the 50 sovereign states. The irony lies in the fact that the Reagan administration claims to be deeply concerned about improving the moral climate of America. His White House, consequently, is the darling of the Moral Majority.

All this is ironic because the shift of welfare grants from Washington to the states is really an abdication of brotherhood, the fountainhead of morality. Today, the federal government is telling people it will no longer be their brothers' keeper; someone else will have to take care of the needy, if they wish to do so.

Of course, the excuse given is that Reagan wants to decentralize the government, to restore local autonomy, to re-establish federalism. This is a smokescreen to conceal the fact that Reaganomics has little concern for the poor. After all, why doesn't he return health care and education and Medicare to the states also? Why just welfare grants and food stamps? It is so arbitrary.

It is also immoral.

The care of the poor is a religious duty that rests on everyone. It is one of the oldest and most enduring precepts of the Scriptures. From the earliest times, men have been instructed by the prophets: "You shall not harden your heart nor close your hand to him in his need." (Deuteronomy 15:7) And after Christ's coming, the Apostle John wrote: "How can God's love survive in a man who has enough of this world's goods, yet closes his heart to his brother when he sees him in need." Clearly, then, generosity toward the needy is central to our Judaeo-Christian morality.

Yet Washington is forsaking the poor while uttering solemn pieties about its trust in God.

What difference does it make whether the federal or state government or private agencies provide for the needy? The difference is equity. The reason that Washington got involved in welfare provisions was the disparity in the provisions made by various states. Some were generous and compassionate; others were tight-fisted. The federal agencies were established to equalize help programs. In fact, Washington worked hand-in-hand with state agencies, providing more help for the poorer states and less for the wealthier ones.

Now this partnership is threatened. If Reagan's plan succeeds, the states will be on their own. If that happens, the poor will get less and less during an inflationary economy in which they need more and more simply to stay at levels already reached.

Misery is spreading throughout the land even before Washington abdicates its welfare role. Apparently the recent reductions in food stamps for the poor, as well as hot lunches for school children, have had a disastrous impact on countless Americans. Check with almost any food program run by a private agency and you will find out that the number of people coming for free meals in increasing daily. In some cases, mothers and children are eating at soup kitchens originally set up to care for bums and hobos and drifters.

It's a replay of the worst days of the Great Depression a half-century ago. But at that time, our government had neither the will nor the means to cope with the sudden economic collapse. Now it has the means but not the will.

Nor is the economy in a state of collapse; billions that should have gone to social programs for the betterment of the poor and middle class now have gone to building a monstrous war machine unlike any ever created in peacetime! Unconcerned about the growing misery throughout America, the Reagan administration wants to reduce welfare programs further. Handing them over to the states is a hypocritical way of achieving that aim without being blamed for it. But then, what can one expect from an administration that provides weapons and economic aid to governments that murder and torture their own people?

Any government that is immoral is not going to worry about people being ill-fed, ill-housed and ill-clothed. Indeed, they'll forget any and all problems as they dine on their thousand-dollar place settings in the White House.●

INDICTMENT: THE CASE AGAINST THE REAGAN ENVIRONMENTAL RECORD

HON. HENRY A. WAXMAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 1, 1982

● Mr. WAXMAN. Mr. Speaker, yesterday, 10 organizations which work dilegently and continuously to protect our environment issued a condemnation of the current administration—"Indictment: The Case Against the Reagan Environmental Record." These groups (Friends of the Earth, Natural Resources Defense Council, the Wilderness Society, Sierra Club, National Audubon Society, Environmental Defense Fund, Environmental Policy Center, Environmental Action, Defenders of Wildlife, and Solar Lobby) have banded together to draw an accurate and distressing picture of the Reagan administration's attack on clean air, clean water, hazardous wastes, toxics, national parks and many other resources which it is the Government's responsibility to protect for this and future generations.

It is particularly appropriate that this indictment has been issued during malicious attacks by the Reagan administration, industry, and some Members on the Clean Air Act and the Federal Insecticide, Fungicide, and Rodenticide Act. Industry and those in Government who believe that the self-interest of particular businesses takes precedence over the public interest are deliberately attempting to destroy some of the most important protections of our health and safety.

Tuesday, the full Energy and Commerce Committee began consideration of a bill to amend the Clean Air Act which would, if adopted, substantially destroy any hope we have of improving our air quality in the foreseeable future. Therefore, at this time, I insert in the Congressional Record the parts of the indictment relating to clean air and regulatory reform.

The article follows:

POLLUTION CONTROL

A dozen years ago there was no national program to protect the public from the hazards of pollution. The federal laws that were on the books were weak and ineffective, and pollution was getting worse. The problem could be seen, felt, tasted, and smelled. Scientific evidence of the seriousness of environmental degradation mounted. Human health, basic biological systems, recreation, and the natural beauty of our land and waters were being destroyed.

The American public decided to put a stop to it. They demanded action and over the ensuing decade the Congress responded, passing by overwhelming, bipartisan votes a series of strong and innovative laws mandating federal action to protect the nation from poisons in the air, in the water, and on the land. Among the statues enacted by Congress were:

Statute:	*Year passed*
Clean Air Act	1970
Clean Water Act	1972
Federal Insecticide, Fungicide, and Rodenticide Act	1972
Marine Resources, Research, and Sanctuaries Act	1972
Safe Drinking Water Act	1974
Solid Waste Disposal Act	1976
Toxic Substances Control Act	1976
Surface Mining Control and Reclamation Act	1977
Superfund	1980

These statutes were not the results of a brief fad or legislative caprice. They were major legislative initiatives enacted as a result of intense public concern with real problems that cause injury, sickness, death, and material devastation.

All of these laws, except for the Surface Mining Act, which is administered by the Office of Surface Mining in the Department of Interior, are the responsiblity of the Environmental Protection Agency. EPA has been devastated by budget cuts. OSM staff is being decimated. Both agencies have cut back sharply on enforcement and drastically weakened regulations. Neither is doing the job Congress told it to do.

AIR POLLUTION

The Clean Air Act, our flagship environmental law, is under attack. The Reagan Administration's legislative proposals, regulatory changes,and budget actions are crippling the nation's clean air program. They threaten to bring back an era of dangerous, damaging, dirty air.

PREAMBLE

Air pollution can kill people and make them ill; it attacks the natural environment; it destroys property. Air pollution of various kinds causes or aggravates cancer, emphysema, bronchitis, heart disease, and other diseases. Acid rain destroys lakes and forests. Ozone causes billions of dollars in crop damage.

The clean air legislation passed a dozen years ago and strengthened five years ago requires EPA, with the help of the states, to clean up our air. For a decade there was progress. A start has been made on controlling pollution from automobiles, powerplants, smelters, refineries, and scores of other sources.

But enormous tasks remain: ensuring that existing nationwide health standards are met; regulating highly toxic pollutants, such as benzene and arsenic, that are still uncontrolled; controlling acid rain, and inspecting existing controls to ensure that they continue to work.

CHARGES

Instead of tackling these tasks, the Administration has marched backwards, abandoning the goal of clean air.

Weakening National Clean Air Standards.—The Administration has proposed or supported amendments that would emasculate the Clean Air Act, has dragged its feet on issuing regulations the law requires, and has abolished or watered down existing regulations. Specifically, the Administration has called for amendments to the law that would:

Weaken health standards to cover only so-called "significant risks." This means abandoning protection of specially sensitive groups such as children, the elderly, people with heart and lung disease, and others. The Congress has already blocked this attack of health standards.

Allow deadlines for attaining the air quality standards that protect the public health to slip from 1982 and 1987 to as late as 1993.

Weaken auto emissions standards to allow more than a doubling of nitrogen oxide and carbon monoxide emissions—a change that would expose millions of people in as many as 16 major urban areas to continued unhealthy air.

Cripple the requirement that new cars must meet emission standards before they are sold and the provisions for recall when they do not.

Do away with requirements that, in polluted areas, new sources of pollution (such as powerplants, refineries, chemical plants) use the most effective pollution controls available.

Repeal protection for areas with air that is still clean, thus allowing new polluters to locate there and use less than the most effective pollution control technology.

Drastically weaken the carrot-and-stick provisions by which the federal government encourages states to adopt effective pollution control plans. Conscientious states that adopt good plans would be at the mercy of industries which threaten to move to states having weaker controls.

Allow greatly increased pollution of the air in National Parks and wilderness areas.

While mounting this assault on the law itself, EPA has taken administrative action to undo existing clean air requirements and has failed to issue long-overdue regulations. Some of these changes are subtle but far-reaching. For example, the Clean Air Act program to meet health standards in polluted areas depends on review by the states of proposals to build new industrial sources of pollution. Illegally redefining the word "source," EPA has effectively exempted most new polluting industrial installations from state reviews.

EPA has also:

Proposed to weaken by up to 5 times heavy truck emission standards, even though the National Commission on Air Quality found that emissions from heavy trucks must be controlled if we are to meet national health standards for air quality.

Proposed to weaken the automobile emissions standard for hydrocarbons to permit an increase of approximately 25 percent in hydrocarbon emissions (one of the constituents of photochemical smog).

Proposed to weaken particulate emissions standards for diesel automobiles, the fastest growing and least controlled part of the automobile fleet.

Failed to develop a particulate standard for diesel trucks.

Failed to set required standards for industrial boilers and the most dangerous fine particulates.

The Administration has even proposd a retreat in control of lead, a pollutant which is especially dangerous to children. EPA itself has sponsored recent research which shows that even extremely low blood levels of lead affect the brain patterns of young children. Yet EPA has:

Developed proposals to allow increased use of lead in gasoline, thereby increasing human exposure, most significantly the exposure of inner city children. These proposals reverse a longstanding policy of the federal government to protect the health of the nation's children by reducing lead in the environment.

Failing to Act on Toxic Air Pollution.—The Reagan Administration's failure to move on toxic air pollution is especially threatening to millions of Americans who live in the shadow of chemical plants, coke ovens, and other factories which emit chemicals that can cause cancer and other deadly diseases. Recent research indicates that as much as 10 to 20 percent of lung cancer is due to air pollution. According to EPA, more than 300 plants in 39 states and territories emit large amounts of unregulated chemicals that are known or suspected to cause cancer or other serious diseases. Yet, after years of study, EPA has:

Failed to act on a list of 37 pollutants which threaten severe hazards to human health.

Cut the budget for action on toxic air pollutants so sharply that it may be more than a decade before action on all these chemicals is even begun.

Failing to Act on Acid Rain.—From West Virginia to Maine, aquatic life in lakes and streams is dying. Thousands of lakes in Minnesota alone are in jeopardy, and hundreds are dead as sulfur from industrial stacks creates acid precipitation. In many states, acid rain is blamed for damaging forests and farmland and eroding buildings. Acid rain is a disaster that is real and growing.

The Reagan Administration claims that more study is needed before acting to control acid rain. The Administration opposes strengthening the Clean Air Act to mandate control measures. The Administration even seeks to weaken controls in current law limiting sulphur emissions from new plants. Even the words "acid rain" are out of fashion at EPA: Mrs. Gorsuch prefers the expression "non-buffered precipitation."

The Reagan Administration wants changes in the Clean Air Act to:

Exempt new large industrial coal-fired boilers from requirements that assure that a minimum percentage of sulfur oxides are removed from their emissions.

Allow extensions of deadlines for meeting sulfur dioxide standards, which would allow delays and relaxations until 1993.

The Reagan Administration is also, by administrative action, changing the sulfur emission levels allowed from existing sources. It has:

Increased authorized sulfur dioxide emissions by 1.5 million tons a year, a very significant amount. Nationwide SO_2 emissions are currently 29 million tons per year.

The Administration has also undone a requirement proposed two years ago that powerplants with tall smoke stacks must reduce their SO_2 emissions by 112,000 tons per year. Now, EPA:

Is requiring a reduction of only 166,800 tons per year of SO_2 emissions from powerplants with tall stacks. Since present SO_2 emissions from tall stacks are over 500,000 tons per year, this means that more than 333,000 tons will still be contributing to acid rain in states and nations downwind of the powerplants.

Although the Reagan Administration has provided extra funds for acid rain research ($22 million for FY 1983, up $12 million over FY 1982), the addition may have a fatal drawback if research is simply being "accelerated" for a 5-year study, instead of the 10-year study originally planned by EPA. Many of the most serious effects of acid rain do not show up in the first 5 years.

Decreasing Enforcement.—EPA has reduced the credibility and effectiveness of the entire regulatory program by a sudden and radical decrease in enforcement actions.

After a series of jolting reorganizations and sharp budget cuts, the cases filed in federal court have declined almost 75 percent since Mrs. Gorsuch took office.

Gorsuch personally undercut enforcement when she agreed in a private meeting with corporate officials to look the other way when Thriftway Refiners violated the Clean Air Act by increasing the amount of lead they put in their gasoline.

Reducing Research and Monitoring.—Budget cuts proposed by the Reagan Administration will cripple research for air programs. Overall, the Reagan budget for FY 1983 proposes cuts of 23 percent from the level of two years ago in air quality. Specifically, the Reagan Administration budget would:

Eliminate human epidemiological research on the health effects of air pollution.

Cut clinical research on health effects by 50 percent, eliminating investigation of volatile organic chemicals.

Cut research on hazardous air pollutants severely. The Agency will look at three hazardous pollutants in 1983. At that rate, it will take a decade to examine the list of substances deemed priority because of their threat to human health.

The budget for monitoring air programs and assisting states has also been drastically cut. The proposed Reagan budget for FY 1983 would:

Cut back by 40 percent monitoring of air quality to determine the levels and kinds of pollution already present in our air.

Cut grants and technical assistance to state air programs by 30 percent, thus crippling state efforts to implement clean air requirements.

REGULATORY REFORM

Under the cloak of "reform", the Reagan Administration is carrying out a program to eliminate protection of the public and participation by the public in the formation of environmental policy through regulation.

PREAMBLE

There is little economic incentive for industry to control pollution. The "free market" does nothing to protect wilderness or wildlife. It is only through governmental action that we have reduced pollution, created national parks, controlled the ravages of stripmining and, in general, sought to protect the quality of our lives. Much of what government does is accomplished by setting rules for private behavior. The Congress, in laws enacted to protect human health and the environment, has required federal agencies to make such rules.

CHARGES

Under the Reagan Administration, "Regulatory Reform" is a euphemism. In practice, it has come to mean reduced opportunities for public participation in policy making, increased opportunities for industry participation in government decisions, delayed action on many rules that are essential to protect the environment, health and safety, and increased emphasis on reducing costs to industry even where the result is increased risk for the public.

Putting Economics Ahead of Health and Safety.—Shortly after he came to office, President Reagan issued Executive Order 12291. That order allows the Office of Management and Budget (OMB) to review regulations both before they are proposed and again before they are promulgated, to order review of existing regulations, to delay regulations, and to require increased consideration of industry objections regarding the cost of a regulation. OMB has fulfilled its mandate with enthusiasm and a notable disregard for the human and environmental consequences of its actions. OMB is a budgetary agency. It has no environmental, safety, or health expertise.

OMB has exercised its authority over dozens of environmental regulations. The result has been suspension of pre-treatment regulations for industrial effluents, suspension of insurance regulations for hazardous waste handlers, and delay in the labeling of toxic substances in the workplace.

Deeming itself exempt from the fairness and openness requirements applicable to other agencies, OMB has operated in secret and served as a special conduit for private industry contacts.

Excluding the Public.—Throughout the Government, public access to information has been reduced. The Administration has proposed to cut back on the Freedom of Information Act, and agencies have already cut back on information they voluntarily disclose. The pattern is particularly obvious in the environmental area. Congress wrote unique and broad ranging public participation requirements into the environmental laws, because those laws are designed to protect the public. The Administration seems to regard public participation as an obstacle to smooth relations with industry.

Secretary Watt has proposed to reduce opportunities for members of the public to participate in decisions on leasing, land use, strip mining, and wilderness.

EPA Chief of Staff Daniel has recommended a sweeping revision of EPA public participation policies to reduce public access.

The Agriculture Department has proposed revisions to land management planning regulations for the Forest Service which substantially reduce requirements for public notice and opportunities for public comment in the planning process.

The Agriculture Department also withheld from the public, and finally released only under pressure, unfavorable comments on its soil conservation program.

EPA has destroyed hundreds of publications designed to provide information on pollution.

EPA has imposed severe constraints on the publication by its scientists of research results and scientific data.

The Administration's Regulatory Reform program seems to operate from the assumption that the public has little business interfering with government and that industry should not be required to reduce the level of environmental pollution, cancer-producing food additives, dangerous and defective products, or workplace hazards unless the public can prove that the economic value of health, safety, and environmental protection exceeds their cost to industry.●

EQUITY AND BALANCE

HON. CARL D. PURSELL

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 1, 1982

● Mr. PURSELL. Mr. Speaker, this week the steering committee of the group of members from the Northeast and Midwest known informally as the Gypsy Moths had an opportunity to testify before the Budget Committee during its review of proposals affecting the fiscal year 1983 budget. Among those testifying were FRANK HORTON, CLAUDINE SCHNEIDER, TOM TAUKE, and LARRY DENARDIS, who appeared along with Cochairman BILL GREEN and myself as chairman.

A number of our colleagues and others have asked to receive copies of our prepared statement. Accordingly, I thought it might be valuable to have the text entered into the RECORD.

Mr. Chairman and Members of the Committee, we thank you for the opportunity to testify in behalf of our group of Republicans from the northeast and midwest, known informally as the "Gypsy Moths." The program we will present today has been approved by our Steering Committee Members, who have put in countless hours trying to fashion budget proposals which will be fair to our region and which can attract significant support in the Congress. We on the Steering Committee have talked individually with Members of our full group and have their backing here today. Never in our memory have the difficulties in putting together a federal budget been greater than they are this year. More than ever, the process requires an atmosphere of close cooperation, careful deliberation, and meaningful compromise. Yet, the longer it takes, the more difficult that task becomes.

We recognize that the President and his Administration have taken on some very tough questions and have produced a bold set of proposals. We want to commend you, Mr. Chairman, and others of your colleagues on this Committee who have reached out in the spirit of conciliation and compromise in an effort to make the changes in the proposed budget that are necessary for its approval and effective implementation.

Our primary message can be summed up easily with the words "equity" and "balance." If the fiscal year 1983 budget is to address our nation's problems effectively, it must demonstrate equity and balance in at least three ways: (1) by region, (2) by program, and (3) by its effects on individuals and groups. Let us look at each of these areas in a bit more detail.

Regional Implications.—No area of the country has a monopoly on economic distress; however, there seems to be no question that a major portion of the current economic downturn is centered in the older industrial states of the Northeast and Midwest. Unemployment rates in January ranged from 16 percent in Michigan and 11.8 percent in Pennsylvania to just 4.6 percent in Wyoming and 5.9 percent in Texas. Experts predict that this trend will continue even while other regions of the country are expected to recover more quickly if the economy picks up later this year.

We strongly believe that it is in the nation's best interest to take advantage of our region's vast infrastructure and industrial base, including its array of skilled workers, research facilities and educational institutions. Common sense dictates that rather than allowing continued deterioration of these valuable resources, to be accompanied by higher and higher unemployment costs and welfare benefits, we should take determined, targeted actions to preserve and improve them in a manner that will result in meaningful and productive jobs in the private sector—jobs that will provide goods and services to a weak economy; revenues to strapped state and local governments; and hope to weary workers and their families.

The first step would be to maximize use and improve implementation of existing programs such as tax credits for rehabilitation of existing structures, hiring the chronically unemployed, and introducing new research and development activities. Next, we must seriously tackle the tough questions involved in developing a truly effective, jobs oriented federal policy for education, training and retraining. Finally, the private and public sectors must work together in a quest for more creative efforts than past programs have provided. We should look at such steps as modernizing the St. Lawerence Seaway, developing coal ports on the eastern seaboard, using pension funds for investments in housing and community development, providing incentives to develop goods for export, and freeing small businesses from unreasonable constraints.

America's strength stems in no small part from the fact that its various regions are parts of a single, economic whole. They are dependent on one another, each offering unique contributions and special resources the others lack. Federal policy works best when it encourages this positive relationship, while remaining sensitive to the varying fiscal and economic considerations of different states and localities.

For decades, the federal government has invested billions of dollars in laying the foundations for economic revival in the south and development of the west. Enormous outlays have been made for water and energy projects, such as the Tennessee Valley Authority, military bases, rural electrification, port construction, the space program and scores of others. However, as economic decline accelerates in the northeast and midwest, federal policy not only remains tilted toward development interests of the south and west, but changes are being made that actually exacerbate the situation. For example, the 18 states of the northeast and midwest receive only about 84 cents in value for every dollar they send to Washington through taxes. Meanwhile, the cuts being made in domestic programs fall most heavily on our region, while the increases in defense are headed more toward the south and west.

Programmatic Relationships.—While approximately $40 billion in domestic programs were cut last year, the same degree of scrutiny has not been given to military spending. The General Accounting Office, Republican and Democratic study committees, and many others have outlined billions of dollars in specific savings that could be made without adversely affecting national security. Looking for savings in this way can work only to focus greater attention on the best methods for achieving a truly effective defense, while at the same time enhancing the strength of the nation through an equally strong economy.

Another programmatic relationship about which we are deeply concerned involves that between financial investment and investment in people (what many have called "human capital"). 1981 was the year of expanding financial capital so as to assist business in providing the structures, machinery and other hardware needed for economic recovery. This year should be the year of expanding our commitment to the needs of developing the economic skills of people—development of "human capital." To do this we need to ensure an adequate number of qualified people to operate the machinery and provide efficient management, administration and other needed services. This can be done only through meaningful education, training and retraining at the elementary, secondary and postsecondary levels in close cooperation with the private sector. Congress has already pared education and training programs to their minimum, and we need to give greater attention to this issue during the balance of the 97th Congress.

Effects on Individuals and Groups.—Meanwhile, we should not allow any single type of individual or group to bear a disproportionate share of the burden. For example, we cannot forget the special needs of senior citizens, minorities, women and the poor. Our group continues to be committed to such programs as Medicaid, Social Security, Supplemental Educational Opportunity Grants, and others, as well as to their more effective management.

At the same time, states, localities and private enterprise do not have the capabilities to take over federal responsibilities instantly, without commensurate sources of new revenues. It is especially true in our region, where tax efforts are at their limits and businesses are struggling to survive. This can be exemplified by such actions as cutting back on Medicare or Medicaid without ensuring alternative steps to see that health care costs are met or reduced.

We recognize that the role of your Committee is not one of deciding either the structure or funding level of specific programs, and we do not intend to delve into a level of detail which would mire us in debate over line item numbers. That is not the purpose of a budget resolution, and it would be inappropirate for us to address programs in that degree of specificity at this time or in this forum. We will be working within the various authorization committees and appropriations subcommittees during the weeks ahead with that intent. Indeed, we will shortly be releasing a package of more specific program recommendations which we will take to the various authorizing committees. Rather, at this time we would like to present for your consideration a broader outlook on the budget and give you a number of recommendations relating to three major components of the First Budget Resolution you are trying to fashion: (1) savings in defense, water projects, agricultural subsidies and international affairs, (2) domestic discretionary programs, and (3) revenues.

Defense.—Last year our group proposed a $9 billion reduction in the President's FY '82 defense proposal and voted for the Roukema amendment for an across-the-board reduction. We simply are unwilling to exempt defense from the same scrutiny Congress is giving other programs. Members as diverse as the Chairman of the Senate Armed Services Committee and the Chairman of the House Appropriations Defense panel have agreed that the 20% increase in defense budget authority called for by the Administration for FY 1983 must be pared. In addition to looking for the waste and abuse we mentioned earlier, hard decisions should be made on specific programs, so as to help deal with the serious deficits projected for future years.

We suggest that the current request could undermine our long-term defense both economically and politically. We must assess realistically the threat we face from the Soviets (and we have no doubt that it is real) and balance that against the threat we face from inflation, interest rates and unemployment. High interest rates could damage the defense industry by drying up credit for plant modernization and by making it nearly impossible for skilled workers to move to new jobs.

We also warn this Committee and the Administration that insisting on this surge of military spending now undermines political support for a reasonable improvement of our defense posture over the long run.

Consequently, we recommend to this Committee a reduction of the President's defense proposal of at least $12-15 billion in outlays from what the President projects. We would also like Congress to give serious consideration to placing a maximum cap of 5% real growth in defense for 1983 over the current year. We recognize that the resulting reduction in budget authority is not necessarily going to result in huge reductions in outlays in 1983, but it will have a significant impact on future outlays, and we emphasize the importance of addressing the enormous deficits projected for the out years. We have let our manpower and readiness fall into disrepair in recent years and, thus, we will be recommending that these areas of operations and maintenance take priority over exotic hardware within defense budget planning.

Water Projects.—We are not naive about the political problems inherent in our traditional approach to legislation dealing with water projects. However, our group feels strongly that Congress is long overdue in showing the political courage necessary to attack water projects which are very expensive, have grossly inaccurate cost/benefit ratios, and in all too many instances threaten the environment. We think it is reasonable for this Committee to reduce the President's request for Function 300 by $450 million to reflect reductions in these projects. Again, we will be going to the Public Works and Appropriations Committees with detailed recommendations about which specific programs we are slating for elimination.

Agricultural subsidies.—Gypsy Moths are also concerned about the level of government subsidy to certain agricultural producers. While we recognize the significant merit of some agricultural programs, we do seriously question the reasonableness of others. Many of these subsidies are inflationary, they hurt the consumer, and they run counter to current efforts generally in the government to rely more heavily on private enterprise and the market system. We are especially concerned about government programs for tobacco, sugar, and peanuts.

International affairs.—We are willing to go along with the Administration on most international financial programs and economic assistance. However, we would cut the increase in concessional foreign military sales by $500 million, which would still leave a 60% increase. This is sufficient to continue funding of concessional sales to Israel and Egypt and to provide $339 million for discretionary use in support of foreign policy.

Domestic discretionary programs.—This is the area where most of the cuts were made last year. We cannot go back to the well here again, because there simply is not enough water. It comprises less than 6 percent of the total budget—somewhat over $40 billion—less than half of the most optimistic deficit projection for FY '83.

Yet, some of our most vital programs fall into this category. In addition to the "human capital" programs mentioned earlier, we would like to stress our commitment to energy, economic development, education, Medicaid, transportation, and several other areas vital to our region.

When it comes to energy, our region receives a "double whammy." While our long winters and cold temperatures require us to pay out billions of dollars in fuel costs, the producing states are reaping windfalls from both profits and taxes. With decontrol of oil prices, our region was promised adequate low income energy assistance, along with weatherization and other conservation programs to cut further fuel needs and costs. Now these programs are being cut, while increased severance taxes and the specter of natural gas decontrol lie on the horizon.

As we stressed earlier, effective economic development programs are clearly both a national and regional need. While our greatest numbers of jobless workers are in states such as Michigan, Indiana and Ohio, by the end of last year significant areas of unemployment were outside our region. Now is not the time to cut back, but to maintain efforts aimed at job creation and retention.

Revenues.—Finally, in order to address the deficit effectively, we recommend revenue increases of at least $25 to $30 billion. Our group is perfectly willing to look at the President's proposals and give them serious consideration, but we also have an extensive additional list of options that we have developed and about which we will be talking to the Leadership and the Ways and Means Committee at the appropriate time.

We can indicate now, however, that we will recommend repealing the "mistakes" made during the "bidding war" on the landmark tax bill last year, plugging "loopholes," and considering other changes that meet our criteria of equity and balance. For example, we would revoke the special advantages given the oil industry in the 1981 tax bill, repeal expensing of intangible drilling costs and accelerate elimination of depletion allowances. We would substitute a negative investment tax credit for the present practice of "selling" credits, tighten up the minimum tax for corporations and consider a number of excise tax changes.

During consideration of any of the difficult decisions we face in the weeks ahead, we feel it is essential to proceed in a bipartisan manner and to avoid pitting one region of the country against another. Although all of us, of course, must be concerned for the well-being of our regions, we must face our national responsibilities. In that connection, we share the concern of others at the proposed size of the deficit and its implications as to inflation and the crowding out of private sector access to financing. We want to take this opportunity to express our willingness to work with others to address these issues, even as we work to address the needs of our region.

Accordingly, we make these recommendations in the spirit of cooperation, deliberation and compromise that is needed to meet effectively our many problems. We pledge our time and best efforts in helping shape a budget that reflects that spirit.●

H.R. 6007—WEATHER MODIFICATION POLICY ACT

HON. JIM SANTINI

OF NEVADA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 1, 1982

● Mr. SANTINI. Mr. Speaker, this week Congressman BROWN, myself, and several concerned western Congressmen have introduced the Weather Modification Act of 1982. I believe weather modification is an up-and-coming, not to mention much-needed, technology. It is, to date, the most promising source of new water supply in the Colorado River Basin area. In dry regions of the Eastern United States, it is an answer to many of our agricultural problems.

As a cosponsor of the Weather Modification Research, Development, and Policy Act of 1982, I would like to stress the important advantages this bill provides for those of us in the arid, thirsty, West.

No. 1: It will increase our very limited water supply by generating better and greater water supplies.

No. 2: It will greatly improve water quality.

No. 3: It will increase hydroelectric power generation, which is of great significance in these energy-conscious times.

In addition, weather modification has the possibility of greatly benefiting agriculture as well as avoiding weather disruption and damage, the need for which can be easily witnessed by the detrimental events of the past winter seen in all parts of our country.

The General Accounting Office (GAO) stressed the need for weather modification in its 1979 report stating that:

> Congress should set forth a national weather modification research and development policy and direct that a program be developed with goals, objectives, priorities, and milestones.

Our Weather Modification Policy Act of 1982 provides this unified policy. It prescribes the needed interagency coordination plan necessary to make weather modification the effective technological tool it is capable of being.

Legislation of this same nature has been considered by previous Congresses but action is long overdue to meet our goal of establishing a national weather modification policy. It is clear that strong support for this needed legislation exists. We must now finish what we have begun, and finally make a national weather modification policy a reality.

I urge my House colleagues to join with me in this technologically sound, economically efficient endeavor to improve water supply and quality throughout the Nation. The Weather Modification Act of 1982 deserves your serious consideration and support.●

TOURISM IS BIG BUSINESS

HON. ROBERT E. BADHAM

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 1, 1982

● Mr. BADHAM. Mr. Speaker, in the course of debating the budget over the coming weeks, there will be serious attention given to many ways to cut spending. It is important, however, in these deliberations that contemplated budget reductions are not counterproductive. That is a concern of the Congressional Travel and Tourism Caucus on which I serve as vice chairman.

Tourism is a big business in America and around the world. While the success of campaigns to encourage tourism will always rest on the dedication and entrepreneurship of the private sector, there is a Federal role to coordinate and promote travel to the United States as a whole. The Federal Government has recognized that responsibility, and it was that recognition which led to the passage of the National Tourism Policy Act. The fiscal year 1983 budget proposal for the implementation of that act is now being considered in committee and I hope will be increased over the initial request, which was inadequate in light of this Federal recognition.

As the tourism industry begins to gear up for the peak travel seasons, there are some facts that I would like to put before this body that relate to the industry in my home State of California. These facts were provided to me by the California Hotel and Motel Association, which is the largest organization of its kind in America. I am grateful to the association's president, John McKennon, and their executive vice president, Edwin Sloan, for bringing this information to my attention.

When we speak of travel and tourism, we are talking about a trip of at least 100 miles that involves a minimum of 1 night away from home. Within those simple parameters, travel and tourism in California is now a $25.4 billion industry. Tourism is the No. 1 industry in California. California now leads the Nation in domestic travel and tourism receipts with 15 percent of the total.

Everyone in this Chamber represents people, jobs, and small business that depend on travel and tourism. It is not just the metropolitan centers or the national parks or the resorts that benefit from tourism. In fact, tourism means money for every county. In the California counties of Mono, Alpine, Mariposa, El Dorado, and Sierra, tourist dollars have a greater relative value than they do in Los Angeles or San Francisco.

We hear from State leaders of the urgency to increase their State revenue resources, especially in the context of the New Federalism. We should not overlook the tremendous contribution of tourism to our State coffers. Tourism in California in 1980 generated $842 million for State government. An additional $371 million was generated in sales and property taxes for county and municipal governments, including $129 million in hotel and motel room taxes alone.

Tourism is also a labor-intensive industry, which is all important to note when we are facing high jobless rates. In California hotels and motels during fiscal year 1981, there was an average of 11,016 jobs provided by the industry, with a payroll of $913,635,000. That does not even include the related food service industry located outside hotels and motels, which is in itself a $1.42 billion industry. In addition to jobs directly within the industry, another 577,700 California jobs are related to and supported by the travel and tourism industry.

Fortunately, the tourism industry is growing. While other major industries in California are facing difficult economic times—agriculture, auto production, and construction—travel and tourism continues to be comparatively healthy. Obviously, any Federal expenditure which goes toward increasing travel and tourism can be considered an investment in a healthy economy.

Besides insuring adequate funding for the implementation of the National Tourism Policy Act, there are other things that we in this Congress can do to foster growth in the industry. We can look to reducing visa requirements for nonimmigrant visitors, as the administration has proposed and supports. We can facilitate the entry of international visitors by proper coordination and staffing of the inspections services at international airports. We can prepare now to welcome foreign visitors to planned international events such as the 1984 Los Angeles Olympics.

Mr. Speaker, there are many ways the Congress can encourage and promote the tourism industry for America. I am proud of the many achievements that have been made in California and the example it has set for all States in fostering the development of travel and tourism.●

NATIONAL DAY OF REFLECTION

HON. CHARLES E. SCHUMER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 30, 1982

● Mr. SCHUMER. Mr. Speaker, Sunday will be the National Day of Reflection as proclaimed by Congress. I would like to thank my colleagues from New York, Mr. Kemp, and Mr. Rosenthal, for sponsoring this resolution.

The National Day of Reflection is designed to recognize the basic contribution of ethical values and principles to the well-being of our society. The National Day of Reflection also acknowledges the 80th birthday of the distinguished leader of the Lubavitch movement, Rabbi Menachem Mendel Schneerson, who is a resident of my district. Rabbi Schneerson has dedicated his life to the promotion of basic ethical values and principles, particularly among young people. I am extremely pleased that Congress has honored Rabbi Schneerson.

As the joint resolution which we passed this week states, "Society is presently concerned with the weakening of these principles that has resulted in crises that beleaguer and threaten the fabric of civilized society." We would certainly be better off today if the Members of this House were guided less by short-term political expedience and more by the ethical values which have been stated through the years by Rabbi Schneerson and other spiritual leaders.●

DEFENSE INDUSTRIAL SUPPLY CENTER CELEBRATES 20TH ANNIVERSARY

HON. CHARLES F. DOUGHERTY

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 1, 1982

● Mr. DOUGHERTY. Mr. Speaker, April 1 marks the 20th anniversary of the Defense Industrial Supply Center (DISC) and its mission of supply support to the Nation's Armed Forces.

Established as a field activity of the Defense Logistics Agency on April 1, 1962, DISC has for two decades, combined professional personnel talent with modern management techniques to provide its military customers throughout the world with responsive logistic support. DISC items are used by all the services in support of their multimillion-dollar weapon systems such as the Black Hawk and Huey Cobra helicopters, the Stratofortress, F-15, F-16, F-18, and E-3A (AWACS) aircraft, the M-60, and M-1 tanks, the Trident submarine and Poseidon missile, as well as the repair and overhaul of other military and space program equipment, including America's Space Shuttle.

In addition to supplying vital parts to our Armed Forces, DISC also provides emergency support in times of disaster. A 300-foot oil barge carrying over 2.8 million gallons of heavy fuel oil was grounded on a sandbar on the New Jersey coast and DISC arranged same-day truck pick up and delivery of 4 reels of 4-inch circumference nylon line for use by the Coast Guard to extricate the barge which had began to leak.

Another emergency request was received from Norway for helicopter cable assemblies for air-sea rescue work in conjunction with the collapse of a North Sea oil drilling rig. DISC also provided emergency service to the U.S.S. *Midway* when it was involved in a collision, furnished life-saving material for the Mount St. Helen's rescue mission, and supplied 2-inch circumference nylon line used for towing refugee boats floundering in the Florida Straits.

Commanded by Brig. Gen. Rano E. Lueker, USAF, DISC averages over 16,000 individual sales each calendar day of the year, with a catalog of over 780,000 industrial items. The DISC inventory totals nearly $600 million, with sales of over $466 million per year.

From its headquarters in northeast Philadelphia, DISC personnel maintain a constant flow of critical items 24 hours a day, 7 days a week to satisfy the supply needs of the military services.

Nearly 2,000 career civil servants and 33 officer logisticians representing each of the services, are responsible for the realization of DISC's mission. Because of the primary functions relating to procurement, supply, distribution, and technical analysis, the majority of employees are in the inventory manager, purchasing agent, and equipment specialist categories.

DISC, during its 20 years of service, has been responsible for the wholesale support of the military services with industrial type items. These include bearings, block and tackle, rigging and slings, rope, cable, hardware, metal bars, sheets and shapes, and electrical wire and cable.

DISC catalogs over 31 percent of the total DLA number of items with many items enjoying repetitive demand and high dollar sales characteristics. The center processes nearly 6 million requisitions yearly and renders bills to over 9,000 customers.

DISC has met the challenges of its first two decades squarely and surely. Its personnel now look forward to the future by continuing its role as a vital link in DLA's logistic chain from American industry to the U.S. Armed Forces through improved support at reduced costs.

As DISC completes its second decade of service, I personally extend my praise and appreciation to Brig. Gen. Rano E. Lueker, USAF, his officers and civilian personnel who have not only given so much to the successful accomplishment of their military mission but have also pioneered numerous and innovative community services programs in the Greater Philadelphia area.

The people of Philadelphia and the Nation can take justifiable pride in a fine job well done and to look forward to the continuation of DISC's vital role in the defense efforts of our country. ●

H.R. 5922

HON. EDWARD P. BOLAND

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 1, 1982

● Mr. BOLAND. Mr. Speaker, H.R. 5922, the urgent supplemental appropriations bill now under consideration by the House contains badly needed funds for a number of important programs. One of the programs which I believe to be most essential to the future of this Nation, and which is most urgently in need of additional funds, is the guaranteed student loan program.

As my colleagues know, the bill now before us will provide $1.3 billion in supplemental funding for student loan insurance. This amount exceeds President Reagan's supplemental request by $321 million. The President's request, however, assumed the enactment of legislation which would severely restrict participation in the higher education loan programs. Without the savings generated by these changes, money for the guaranteed student loan program will be exhausted in April.

It appears unlikely to me, Mr. Chairman, that Congess will make further changes in the guaranteed student loan program in the current fiscal year. I certainly could not support additional changes, coming as they would on the heels of the modifications contained in last year's reconciliation bill. Many of the reductions made by that legislation in the Federal student assistance program were in my judgment unwise, and I would hope that at some point in the not too distant future the Congress will reconsider them.

The recognition of the fact that the guaranteed student loan program needs additional funds to operate for the remainder of the fiscal year makes it incumbent upon us to provide those funds. Millions of young Americans look to this program to make possible their obtaining a college education. They are the future of this country and our investment in their education is an investment in that future. Attempts to reduce or eliminate student assistance programs may generate budget savings, but those savings will produce the worst kind of false economy. To successfully compete with other nations in the high technology environment of the next century, the United States will require as high a level of education among its citizens as possible. We only shortchange this country later by attempting to shortchange student aid programs now. I am not prepared to take that course and would hope that a majority of my colleagues are similarly inclined.

Passage of H.R. 5922 will demonstrate the support of this House for the student assistance programs. I urge my colleagues to express that support and give our young people a sign that Congress shares their determination to obtain as much education as their abilities allow.●

AN ANALYSIS OF INTERNATIONAL TRADE

HON. TOBY ROTH

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 1, 1982

● Mr. ROTH. Mr. Speaker, America's international trading position is a matter of increasing concern to Congress. More and more of our Members are addressing the issues of free trade, protectionism, reciprocity, nontariff trade barriers, and quotas. Many legislative alternatives have been put forth, some directed toward specific problems whereas others are more general in scope.

During these times of economic problems here at home, we must recognize and take avantage of the opportunities in the worldwide marketplace. At the same time, we must not lose sight of the basic point: It is the private sector of our economy, and our individual businessmen and women, who must function in whatever sort of economic environment that results from our actions.

At the recent convention of the Cast Metals Federation (CMF), international trade issues were examined in detail by the assembled delegates. My constituent, Albert Gruer, presented a thoughtful analysis of both the opportunities and the problems of doing business overseas. As he told his fellow delegates, the globe is shrinking in size and interdependence in growing. The American business community cannot isolate itself from this, but is going to have to learn how to compete in this new environment.

I believe that the points made by Mr. Gruer help to place into appropriate context the international trade issues that may be voted upon by Congress this year. I feel that this analysis will help all of us to obtain a fuller comprehension of what needs to be done so as to benefit our Nation's business community. I, therefore, commend the following speech to the attention of my colleagues.

AN ANALYSIS ON INTERNATIONAL TRADE DELIVERED TO THE CAST METALS FEDERATION BY ALBERT GRUER

On July 8, 1981, Ambassador Bill Brock, our U.S. Trade Representative, made a statement on U.S. trade policy before a joint Senate committee. From his remarks I quote:

"The U.S. is more dependent on international trade than at any time in recent history. Exports generate real income and new jobs, and imports increase consumer choice and competition in a wide range of goods and services.

"We are not only being increasingly challenged by the ability of other countries to produce highly competitive products but also by the growing intervention in economic affairs on the part of governments in many such countries. We should be prepared to accept the competitive challenge and strongly oppose trade distorting interventions by other governments.

"We will strongly resist protectionist pressures * * * while pursuing policies aimed at the achievement of open trade and the reduction of trade distortions and adhering to the principal of reciprocity in our trading relations.

"A high priority will be assigned to the reduction or elimination of domestic disincentives. Confusing, contradictory, and unnecessary complex laws and regulations adversely affect exports.

"While making more effective use of the Government's export promotion resources, the Department of Commerce is assigning a high priority to strengthening the foreign

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commerce services and improving export information efforts.

"U.S. agreements with our trade partners are predicated on the fact that trade must be a two-way street in a genuinely open trading system * * *. The administration will strictly enforce U.S. laws and international agreements relating to international trade, and specifically, our antidumping, countervailing duty, and similar structures are designed to neutralize or eliminate trade distortive practices * * *. In this regard, 'We will need full and active support from the private sector in identifying compliance problems and in seeking solutions.'

"Our policies toward adjustment will take into account the fact that economic vitality of certain sectors of our domestic economy is clearly essential to the national security. Where other nations have a natural competitive advantage, U.S. industry must either find a way to upgrade its own capabilities or shift its other resources to other activities * * *." However, "Where the foreign advantage is based on government subidies and other trade-distorting practices, U.S. policy will be to enforce U.S. trade laws and to work to eliminate such practices * * *." In this regard, "It is U.S. policy to place primary reliance on market forces to facilitate adjustment in affected industries. Import restrictions, subsidies to domestic industries, and other market distorting measures should be avoided. A better solution to the problems associated with shifts in competitiveness is to promote positive adjustment of economies by permitting market forces to operate."

Ladies and gentlemen, our position paper printed in the folders that you will be delivering to your Congressmen and Senators, is the CMF position on international trade. We essentially agree with the position taken by the administration. However, in CMF's position, we have noted specifically some areas that are related to the casting industry which should be of interest to our Senators and Congressmen. I suggest that you read it closely and discuss it as an important issue when you meet with your Congressmen and Senators during your visit here to Washington. If you do not see them and you leave the position papers at their office, or write them, make sure that you emphasize the importance of our position on international trade.

There is no question that international trade is becoming a subject of much attention in many industries today. It is not only affecting the cast metals industry but affects many other industries as well.

In this regard and as a result of its importance to us today and tomorrow, we have attempted to restructure the international trade committee by dividing it into two subcommittees. One is the export trade promotion committee with Tom Gutbrod of motor castings as the subcommittee chairman. The prime objective of this committee is to find out and disseminate to the members of CMF (and possibly to each of the trade associations of which we are comprised) those methods that should be used in trying to export castings. This would not only involve the dissemination of information on the "how-to", but also would bring to the attention of members those hurdles that must be overcome in the export of castings, such as duties, taxes, nationalistic tendencies, export restrictions, quotas, etc. Also because exporting is an area in which most of us have not participated, it certainly will involve a high degree of risk.

The other subcommittee is the fair trade subcommittee which is chaired by Bill Burke of Vulcan Foundry. The Fair Trade Subcommittee was set up to review trade practices as they relate to casting imports. Should the committee determine that a specific country or bloc of countries is violating trade agreements or treaties or is otherwise engaged in unfair trade practices, the committee would investigate these actions and recommend what remedial action should be taken by the industry consistent with the objectives of CMF.

If the recommended action is accepted by the CMF board, then that segment of the industry affected would be notified. Should producers of that segment wish to take remedial action, they would be asked for a funding commitment which would be collected in the name of the CMF Fair Trade Subcommittee and specifically segregated for the purpose of that action.

Should unfair trade practices of any foreign country or block of countries be such that they affect the entire foundry industry then the CMF board could commit CMF funds to support remedial action. At this point in time as you are all well aware, the producers of manhole castings and construction castings have been the most active participants in the fair trade subcommittee. They have organized themselves; have singled-out their product line; have their own committee within the subcommittee; have raised their own funds for labor action—even had one individual member foundry bring suit—and have information necessary to go to battle!

In the jobbing area, it's a little more difficult to be specific about the casting product line, but we all know we're being hurt directly and indirectly. Thus, I call upon you to become involved in the committee of international trade. Perhaps each State should have one representative from their State to participate on this committee.

We have several means of bringing to our attention unfair trade practices: 1. You could write to Bill Burke who is chairman of the subcommittee. 2. Likewise you could bring all of this to the attention of Walter Kiplinger. 3. You could funnel it through your state committees. 4. And in addition, bring it to the attention of Federal and State legislators, the Department of Commerce, etc.

I would be the first to admit that the subject of international trade is most complex and complicated and somewhat difficult to measure in absolute terms or statistics. We all have more than a gut feeling that it is adversely affecting us in a serious way in today's marketplace.

We have proposed to the CMF board that action be taken to try and define the size of the import market as it affects the casting industry. (Something we can really grab-hold of.) It has been stated by many that it can't be done. But we feel we can get a better handle on it even if some estimates have to be made. Kip has been working with some of our trade associations in trying to define this better and I am hoping that by our next meeting we will have more definite information.

I am sure many of you read much more than I do, but I have noticed more and more articles and news publications about the impact of foreign countries upon our U.S. economy. Let me cite just a few:

October 13, 1981, Wall Street Journal headlines: "Steel producers in Europe to cut exports to U.S.—move follows threat of trade war by American industry over surge in shipments."

At an annual conference of the International Iron and Steel Institute, U.S. producers aren't losing any opportunities to hand out warnings. U.S. companies have threatened legal action to curb shipments that they call unfairly priced and heavily subsidized.

A short time later in the Milwaukee Journal headlines: "Seven U.S. Steelmakers File Scores of Unfair Trade Suits Against European Steel Companies, Straining Already Weakened Trade Relations With the European Economic Community."

The suits accuse foreign producers of dumping or selling steel in the United States at prices below the cost of production.

October 20, 1981, in our newsletter from CMF—It stated that the GAO of the United States recommends that the Commerce and Defense Departments give the foundry industry more attention because of its importance to defense needs. Because of its importance to defense needs in addition to the number of foundries going out of business. The GAO report to the Secretary of Commerce states "We are concerned over trends in foundry closures and their impact on foundry capacity. Two possible explanations for these trends are the impact of Federal regulations and increasing imports."

December 23, 1981, Wall Street Journal headlines: "Nuts and Bolts—Ever-Rising Imports of Machinery and Parts Raise Fears in the U.S.—Besides Trade and Job Issues, Some Fret About Effect on the Defense Industry."

Just a few significant notes from that article—"Almost every valve used in the renovation of Standard Oil Co. of California's refinery near Pascagoula, Miss., was imported from Canada, Japan, or Europe—imports don't stop with cars and steel. Many of the Nation's other big industrial concerns increasingly turn to foreign manufacturers when they want to buy machinery, castings, valves, fasteners or any of a myriad of other 'nuts and bolts.' One half of the Nation's carbon steel valves are imported. In 1965 the United States exported 5 times more machine tools than it imported. In 1980 imports were nearly twice as much as exports * * *."

December 14, 1981, Business America: An article by Richard Barovick, contributing editor, on the multilateral trade negotiations adopted in mid-1979. The article states that Mr. Raymond J. Waldmann, Assistant Secretary of Commerce for International Economic Policy, recently told Congress there were three major ways of viewing our trade negotiations:

"The surveillance of other countries' activities in the trade sphere is the first and critical step in ensuring that U.S. rights are protected. * * *"

"Enforcement of U.S. rights under the six non-tariff measure codes adopted in the MTN is closely related to the surveillance activities. While experience with enforcement has been limited thus far, the Commerce Department has been actively encouraging U.S. firms to come forward with their problems in foreign government policies and rules * * *"

"Taking advantage of the multilateral trade negotiations agreement requires growing awareness by the U.S. business community of the availability of the codes and their benefits. An extensive public education program has been developed, but as Waldmann put it, 'much remains to be done in this area' * * *."

Also, in Business America—December 14, 1981, headlines: "Under Secretary Olmer Warns of U.S.-Japan Trade Imbalance."

He states in this article that the trade situation in autos and auto parts between Japan and the U.S. is symptomatic of the larger problem in our trade relationship with Japan—that is, the enormous U.S. trade imbalance with Japan which this year will exceed $15 billion, and might be $50 billion by 1990 if the trends aren't changed. It was Mr. Olmer's opinion that these staggering trade deficits with Japan are in general not the result of lack of competitiveness of U.S. products; nor caused by strong U.S. dollars or high U.S. interest rates; nor is it caused by U.S. apathy in developing the Japanese market. "As a matter of fact, the U.S. has a substantial 34 percent of the Japanese import of manufactured products, but the problem is that Japan does not import much in the way of manufactured products." He goes on to say that the fundamental reason for Japan's surplus is a profound inequality in our access to the Japanese economy, and this inequality is caused by a longstanding Japanese policy and practice which encourages exports and discriminates against imports.

On a recent trip to Japan by Secretary Baldrige and Under Secretary Olmer, they conveyed to the Prime Minister of Japan and other leaders of Japan the following points:

1. The imbalance is becoming a political issue which threatens to affect our total relationship.
2. We do not seek to redress the imbalance through restrictions on Japanese imports, but rather through an expansion of U.S. exports.
3. The administration and Congress are equally concerned and united in their insistence on effective Japanese measures.
4. Finally, and most importantly, the time for talks is over. The time for action on the part of Japan is now.

Iron Age—January 22, 1982, there appeared a short article which I am sure most of you had read headlines: "Foundries Find the Recession Cramping Their Capacity."

After going through the entire article as to the woes that face us, near the end an important comment is made: "The dark horse in foundry plans for the rest of the 1980's, whether they are captive or strictly a jobber, is trying to measure the impact of import competition."

The Wall Street Journal—January 26, 1982, headlines: "At a Crossroads—Japan Nears a Choice of Easing Trade Curbs or Facing West's Ire—Protectionist Pressure Rises, but the Japanese Criticize Failings of U.S., Europe."

In this article it is mentioned that the United States has listed 51 separate tariff and non-tariff barriers which include import quotas; and that they also include restrictive standards and inspection requirements that effectively shut out such American exports as cosmetics, food additives, autos, tobacco, medical supplies, semiconductors, and high-technology products.

American Metal Market—January 27, 1982, headlines: "Soft Outlook in Japan Could Pressure Exports"

This article is saying that despite rosier projections from the Japanese Government, most private think-tanks here expect another dull year for Japan's economy which could mean persistent pressures for continued high levels of export growth.

And I would like to bring to your attention one more situation. It is an article that appeared in the Milwaukee Sentinel on January 21, 1982, an article by Peter F. Drucker, taken from Industry Week. The title was "G.M.-Suzuki structure seen as a new multinational model". The article states: "The most significant * * *, and under publicized * * * event in global business last year was the acquisition by General Motors of a 5.3-percent interest in Japan's Suzuki Motor Co., Ltd.

"It suggests the kind of multinational arrangement that will dominate the business world of the future.

"The multinational of tomorrow will be comprised of autonomous partners, linked in a confederation rather than through common ownership," Drucker wrote.

"It will be shaped very much like the GM-Suzuki structure. It will integrate the labor resources of the Third World, where a tremendous number of workers are desperately in need of jobs, with the purchasing power of the developed countries."

"The new multinational will be held together by management and marketing," Drucker said. "No one unit will be the 'parent company'. No one will control. The relationship is one of mutual dependence rather than domination or subordination." "Suzuki's top management does not 'report' to GM even though Suzuki is a dwarf next to GM. And if its plans work, GM by 1980 will have become as dependent on Suzuki as a supplier as Suzuki will be dependent on GM as a customer." And then, Peter Drucker goes on to say, "GM did not buy Suzuki to sell cars, but to buy cars. The plan involves the purchase by GM during the 1980's of up to 800,000 minicars designed jointly by the two companies and built largely in automated Suzuki plants in Japan or in Suzuki-managed plants in the labor surplus countries of Southeast Asia, with distribution through GM dealers worldwide."

However, I need to remind you that many companies in the U.S. have much invested beyond the shores of America. They depend upon these foreign assets and facilities for their economic growth, and often for a supply of materials, parts, or manufactured items that are imported into America.

We feel in our committee that much of the attention in the past in the Cast Materials Federation has been placed on our domestic problems such as energy, OSHA, environment (clean air and water: and hazardous waste), EPA, regulatory reform, tax legislation and capital formation, etc. That is all well and good. We are proud to see that emphasis on these domestic problems have been effective in getting much of what we need or desire. It isn't until recently perhaps that we have begun to think about international trade and how it might be affecting us and probably irritating us! Thus the need for more participation from more of our members in our international trade committee. I am sure that each of you could play a part in helping us to be more effective in this area.

It must also appear to all of us that we all have a profound job ahead of us not only in managing our business and in structuring our manufacturing and marketing efforts insofar as our domestic trade is concerned, but also we are beginning to realize that the world is becoming broader in its interrelationships and very complex, and the globe is shrinking in size and interdependence is growing.●

SLOVENIAN SOCIETY HOME OF EUCLID, OHIO, HONORS JOHN AND TILLIE EVATZ

HON. DENNIS E. ECKART

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 1, 1982

● Mr. ECKART. Mr. Speaker, I would like to bring to the attention of Congress the commendable efforts of John and Tillie Evatz. Their selfless contributions to their community and their country have recently been recognized by the Slovenian Society Home in Euclid, Ohio.

The contributions of John and Tillie Evatz and the Slovenian Society Home have enriched our country with the culture and heritage of the Slovenian people. One need not look very far to see the contributions of the Slovenian people to our community and our country. Their culture, music, and dramatic and social arts are an indelible part of our society. They enrich our country with their vitality, their heritage, and their patriotism.

Mr. Speaker, I am pleased to join with the Slovenian Society Home and our Nation in honoring John and Tillie Evatz and to commend their efforts and those of the Slovenian community.●

ACCESS TO POSTSECONDARY EDUCATION ACT

HON. ALBERT LEE SMITH, JR.

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 1, 1982

● Mr. SMITH of Alabama. Mr. Speaker, I am pleased to introduce today my Access to Postsecondary Education Act, an alternative to other proposals for the guaranteed student loan program (GSL). My plan will save American taxpayers $3.5 billion in Federal outlays by 1987, while preserving access to postsecondary education for graduate students excluded from eligibility under other plans.

There is no question that there have been abuses in the GSL program. Taxpayers must not be required to fund low-interest loans for students who do not need them, for those who invest these Federal funds for personal profit, and for students not making satisfactory academic progress. At the same time, we must preserve access to higher education for capable students who want to better themselves, but who cannot afford to without Federal loan guarantees.

Most important, my plan returns the program to its original purpose: Insuring that only those who need loans will get loans. The Access to Postsecondary Education Act also narrows the substantial gap between the Federal cost of borrowing and the return on Government loans. It removes incentives for abuse by investors. The act reduces the effect through which the Federal Government gobbles up available credit needed by businesses, industries, and individuals for economic recovery. Further, my bill requires that students with small loans pay them back quickly, while preserving the full payment time for those who need to borrow substantial amounts to complete their education. Finally, my bill avoids abuse by students who fail to meet institutional requirements and who are terminated for academic nonperformance.

America's greatest resource is the ability of our young people to compete in the world market for high technology. It is clearly in our national interests to preserve graduate student eligibility in the GSL program and to correct program abuses. I call upon my distinguished colleagues in the House to join me today in assuring access to postsecondary opportunity while saving billions of hard-earned tax dollars.●

CALL TO CONSCIENCE VIGIL—SOLOMON ALBER

HON. LES AuCOIN

OF OREGON

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 1, 1982

● Mr. AuCOIN. Mr. Speaker, I am again honored to join my colleagues in our "Call to Conscience" vigil, the congressional effort to draw attention to the plight of the Soviet Jews. I commend Congressman LENT for organizing this demonstration of congressional concern for the victims of Soviet oppression.

Today I voice my concern for one courageous individual, Prof. Solomon Alber, whose story reflects the blatant anti-Semitism that is a part of official Soviet policy—a policy of harassment, arrest, and imprisonment of Soviet Jews. Professor Alber's thus-far futile efforts to leave the Soviet Union are repeated by thousands of other Soviet Jews refused visas for no other reason than a desire to emigrate to Israel.

We in the United States are watching with alarm the startling decline in Soviet emigration. The number of Jews allowed to leave the U.S.S.R. in February of this year was 283, the lowest figure since 1966. Indeed, the number of Soviet Jews permitted exit visas reached the lowest point in a decade in 1981, when 9,500 individual visas were granted, compared to 21,500 in 1980, and 51,000 permits in 1979.

Fueling our distress over the dramatic reduction in Soviet emigration are reports of escalating, systematic harassment—deliberate attempts to blot out Jewish cultural activity and religious observance. Soviet KGB officials, armed with threats of arrest, persist in conducting sudden raids, confiscating private property, and banning the teaching of Hebrew and other educational pursuits.

Soviet authorities have targeted the large community of Jewish scientists and academicians for intimidation and public degradation. Prof. Solomon Alber suffers from this very persecution. A mathematician and physicist, Professor Alber was head of the mathematics department at the Institute of Chemical Physics when he applied in 1975 for emigration visas for himself and his family—his wife, Elena, and his sons, Mark and Ilya. He was refused a visa to leave for Israel on the pretext of "state interest," and was soon demoted from his post. Elena, a physician, lost her job as a pathologist as well.

Elena has a serious pulmonary condition, yet was arrested last year and held for hours without cause or explanation. Professor Alber's son, Mark, passed the mathematics exam to enter the University of Moscow, but was denied admission and is now attending an institute for railway engineering, one of the few to which Jews are permitted.

Despite these demoralizing conditions, the Albers retain their hope, their faith, and their determination to leave the Soviet Union. Solomon Alber continues to work in the refusenik movement, actively seeking his family's freedom.

May we in Congress, inspired by the courage of Mr. Alber and his family, call on the President, Soviet Ambassador Dobrynin, and Soviet Premier Brezhnev to demand their freedom, the release of their fellow Jews, and the right to free thought, religion, and emigration.●

REMARKS OF HON. SILVIO O. CONTE REGARDING DAVID SAMIRAN

HON. SILVIO O. CONTE

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 1, 1982

● Mr. CONTE. Mr. Speaker, in 1911, David Samiran sailed from France to New York with the $37 required by law for entrance and a dream to work in the field of aviation.

Samiran enlisted in the Army Signal Corps, aviation section, to work with a small group of men who had high hopes and one airplane. During World War I, Mr. Samiran was promoted to master sergeant and sent overseas to maintain French and English airplanes. While in Poland, Mr. Samiran assisted in the typhus relief expedition and received the Polish Commemorative Cross for his participation.

Returning to the United States in 1920, Mr. Samiran discovered that 40 percent of all fatal airplane crashes were due to water in the gasoline. He perfected a device now known as a gas segregator to separate the water from the gasoline and in 1932 it became standard Air Force equipment. Today, the device is installed in all servicing trucks.

In 1941, Mr. Samiran was commissioned as a captain. Seven years of research and experimentation went into his invention of a single-point refueling system which is another milestone in aviation history. This refueling method reduced the number of men as well as the amount of time required to refuel an airplane. For his distinguished exceptionally meritorious service to the United States from May 1, 1944 to September 1, 1947, as project engineer for the single-point refueling system, Mr. Samiran received the Legion of Merit. This refueling system led to the development of inflight refueling and contributed greatly toward improved safety and reliability of jet engine aircraft.

On November 30, 1948, Mr. Samiran retired from active duty in the Air Force and retired with 31 years of commendable service and an outstanding contribution to aviation progress. His exceptional engineering ability and extreme devotion to duty is a fine reflection upon himself and the Air Force. To date, Mr. Samiran is credited with more than 40 time-, life-, and money-saving inventions. In addition, he still has several patent applications on file.

I am proud to bring the accomplishments of this fine patriotic American to my colleagues, Mr. Speaker.●

AMERICAN SPIRIT AND VALOR

HON. BILL HENDON

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 1, 1982

● Mr. HENDON. Mr. Speaker, I would like to take this opportunity to share with my colleagues an article that appeared recently in the Asheville Citizen (North Carolina) recounting the heroic deeds of Mr. Bobby Marlowe, Jr., of Oakley, N.C., which is in my 11th Congressional District. The 22-year-old unemployed printer demonstrated his compassion for his fellowman by singlehandedly pulling two men from their crushed and burning vehicle following an accident, while two other motorists stood idly by. Mr. Marlowe has been nominated for the American Red Cross Certificate of Merit, that organization's highest award for lifesaving, and the Governor's Bravery and Heroism Award from North Carolina Gov. James B. Hunt. I am proud to represent such a man in Congress and believe he represents the best in American spirit and valor.

[From the Asheville Citizen, Mar. 5, 1982]

Area Man Rescues Pair Trapped In Burning Cars

A crowd gathered and watched late Wednesday night as fire began to spread in two wrecked vehicles where two seriously injured men were trapped, but 22-year-old Bobby A. Marlowe plunged through the flames and pulled both victims to safety.

Marlowe, an unemployed printer from Oakley, spotted the wreck about 11:15 p.m. while driving home on U.S. 25-A after visiting his fiance in Hendersonville.

The accident happened about five miles south of Asheville, less than a mile from the Blue Ridge Parkway.

Rescue workers had not arrived when Marlowe drove by and stopped.

"People were just standing there looking at it," Marlowe said.

Despite Marlowe's efforts to get people in the crowd to help him, he was forced to work alone. "I have a feeling I said some very nasty things. Nobody would do anything to help."

Seconds after he had carried the second victim to safety, one of the vehicles exploded in a searing fireball.

"I was running back and 'bang.' It was a very loud noise, like a whooshing sound. Flames went everywhere," Marlowe said.

Both men were recovering from their injuries Thursday night in Memorial Mission Hospital. James Ernest Lindsey Jr., 30, of 180 Old Cisco Road, was listed in fair condition with two broken legs in the intensive care unit. Harley Denton Harris, also 30, of Arden, was listed in stable condition with head and neck injuries with a broken leg.

"I just thank the Lord he sent me there last night," Marlowe said.

Marlowe first pulled Lindsey from the wreck. Lindsey was pinned beneath a car that had collided nearly head-on with his Datsun pickup truck.

A small fire had started in one of the vehicles, Marlowe said. He pulled Lindsey about 40 feet away from the wreckage.

Spectators said Marlowe picked the vehicle up to free the man. "Somebody said I lifted the doggone thing. I don't remember," he said.

Marlowe said he covered Lindsey with his coat and ran back to the other car, where he heard more moaning.

"I felt through the fire to see if I could find anybody. There was no one in the driver's seat, but I found him on the floor in the back seat of the Ford. I don't remember how I got him out or if it was a two-door or a four-door," Marlowe said.

He said he cradled the man in his arms and ran with him to where the first victim had collapsed on the road's shoulder.

When he was 20 feet from the growing fire, one of the vehicles exploded with a roar.

Marlowe began treating the victims for shock and tried to stop their bleeding, utilizing his own first-aid treatment.

Miraculously, Marlowe was not seriously injured by the blaze. "I burned all the hair off my arms and my beard's scorched. And I still can't get all the blood off my hands," he said.

"I had a pretty good amount of rescue training and first aid from the Red Cross when I was a lifeguard. Both the fellows were bleeding badly and you could see they had some bad fractures."

Police and ambulance personnel arrived and began treating the two wreck victims. Trooper J. E. Baker with the State Highway Patrol got Marlowe's account of the incident.

Baker's report understates the bravery of Marlowe's act. Marlowe "pulled both drivers to safety," the report said.

Jimmy Hall, assistant chief of the Skyland Fire Department, praised the young man's actions. "He did a heroic thing when he jumped in there as other people were standing around," Hall said.

Marlowe was more modest about the role he played. "I just thank God those boys are all right and it didn't blow sooner. When I took my training, I made a promise between me and my God just to let me help someone before I went, too," he said.●

THE FLAG MAN OF OCEANSIDE

HON. ROBERT E. BADHAM

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 1, 1982

● Mr. BADHAM. Mr. Speaker, I would like to bring to your attention at this time the work of a great patriot, Alexander H. Kapitanski. Since 1976, Mr. Kapitanski, better known as the Flag Man of Oceanside has decorated numerous ceremonial functions including parades, banquets, and Boy Scouts and church functions. In so doing, he has given unselfishly of his time and money. During 1981 alone, he decorated 282 different functions in Orange, San Diego, Los Angeles, and Riverside Counties in California and displayed a total of 33,282 flags which is a record.

His great love of his country is further shown by the fact that Mr. Kapitanski, the son of Polish immigrants, left high school early to enlist in the Army during World War II. He served in Europe as an aerial and ground reconnaissance combat photographer and was cited for meritorious service as well as receiving the Bronze Star.

I know that Mr. Kapitanski's flag displays have been a real inspiration to those who have seen them. The Flag Man of Oceanside is truly a great American, and I want you to know how proud I am to have him as my constituent.●

REAUTHORIZING THE ENDANGERED SPECIES ACT

HON. THOMAS B. EVANS, JR.

OF DELAWARE

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 1, 1982

● Mr. EVANS of Delaware. Mr. Speaker, in the coming months the Committee on Merchant Marine and Fisheries and the full House will be considering legislation to reauthorize the Endangered Species Act. While I am sure that most Members of this body support the principle of protecting endangered species, specific aspects of the act have sometimes been the subject of considerable discussion. It is important that as my colleagues consider the Endangered Species Act, we do so in the context of what is happening to our natural heritage on a worldwide scale.

No one knows exactly how many plant and animal species inhabit the Earth, but it is on the order of 5 to 10 million. In testimony presented before the Subcommittee on Fisheries and Wildlife Conservation and the Environment, Dr. Peter H. Raven, director of the Missouri Botanical Garden, stated:

> * * * Something like a million species, amounting to about a quarter of the diversity of life on earth, will become extinct during the next 30 years or so—in other words, within the lifetime of a majority of those alive at the present day.

Even if one's only concern is the practical contribution of plants and animals to the welfare of the human race, the consequences of such a loss of biological diversity are serious indeed.

The contribution of wild species to the welfare of mankind in agriculture, medicine, industry, and science have been of incalculable value. These contributions will continue, if we protect our storehouse of biological diversity. Just as one example, in his statement before the subcommittee, Dr. Raven described how research on several species of evening primrose has turned up a fatty substance that may help us to avoid coronary heart disease and to cure such diseases as eczema and arthritis that afflict millions and millions of people. Members of this same plant family are protected under our Endangered Species Act. Who knows what secrets of medical science they hold?

The tragedy of losing plant and animal species to the void of extinction is that we are losing them at a pace far faster than we can evaluate their utility to man. The Honorable James L. Buckley, Under Secretary of State, recently stated:

> The maintenance of biological diversity is fundamental not only to maintaining life on earth over the long term, but also to achieving our economic development and quality of life goals over the nearer term. * * * Permitting high rates of extinction * * * is tantamount to bookburning; but it is even worse, in that it involves books yet to be deciphered and read.

Mr. Speaker, I believe that our wild plants and animals are not only uplifting to the human spirit, but they are absolutely essential—as a practical matter—to our continued healthy existence. I support reauthorization of a strong Endangered Species Act, one that vigorously protects our natural heritage at the same time as it provides for a timely balancing of environmental and economic interests on those rare occasions when the two are irreconcilably in conflict. Both elements are necessary if we are to have a strong, workable act.

Mr. Speaker, as my colleagues consider the Endangered Species Act, I hope that they will bear in mind the inestimable value of our wild natural heritage. This perspective was presented very nicely in a statement by Dr. Thomas Eisner, Jacob Gould Schurman Professor of Biology at Cornell University, before the Subcommittee on Fisheries and Wildlife Conservation and the Environment on February 22, 1982. For the benefit of my colleagues I ask that the following excerpts from Dr. Eisner's testimony be made a part of the RECORD.

STATEMENT OF DR. THOMAS EISNER

My name is Thomas Eisner. I am the Jacob Gould Schurman Professor of Biology at Cornell University. I am a member of the National Academy of Sciences, and the elected chairman of the Section of Biology of the American Association for the Advancement of Sciences, the largest scientific organization in the United States.

I am a research biologist in the field of chemical ecology. My interest is the chemistry of nature. For over twenty years my collaborators and I have been isolating, identifying, and studying the biological properties of new chemical substances derived from animals and plants.

What is an endangered species to the research biologist? Why do those of us who work on the chemistry of animals and plants, and who can envision the benefits to be derived from such research, feel that there is such a compelling need to protect endangered species?

* * * * *

Let me deal with some foreseeable consequences first. At the most basic level, species extinction means a diminution of biological diversity. A diminution of diversity, in turn, means a loss of some of the chemical treasure of nature. Let us not lose sight of our enormous dependence on this treasure. A large proportion of the chemicals in use in our present-day civilization were "invented" by nature, not by the chemist in the laboratory. Take just one example: medical chemistry. It has been estimated that fully 40 percent of all prescriptions written in the United States contain as their chief ingredients compounds derived from plants, including lower plants. It was through exploration of nature that these drugs were discovered. And such exploration has a long history of paying off. The Incas already knew of the antimalarial properties of the bark of the cinchona tree, from which quinine was later isolated, and the foxglove plant, the well-known source of the heart drug digitalis, was already in medicinal use in medieval time. But many of the most important plant drugs in current use were only recently discovered, including, for example, some of the antileukemic compounds and anticancer drugs such as vincristine, derived from the periwinkle plant and used in the treatment of Hodgkin's disease. There is no end to the potential for discovery of this sort in nature, because we have only begun the chemical exploration of nature. Two of the compounds that I mentioned, quinine and vincristine, belong to that major class of chemicals called alkaloids. Thousands of alkaloids are now known, including many that have practical uses. Yet only about 2 percent of the flowering plants—5,000 of some one-quarter million species—have been tested for presence of alkaloids. The majority of these compounds are still unknown, locked away in the unexplored world of plants. We are essentially no better informed about the natural distribution of the other major types of organic compounds.

Organic chemistry, the science that deals with the isolation and characterization of natural products, has made extraordinary progress in recent times. Great simplification has occurred in the procedures by which natural products are isolated from the complex mixtures in which they occur in nature, and minute amounts of a substance often suffice for its complete elucidation. To home in on the chemical unknowns of nature is now a less laborious task than it used to be, and the prospects for discovery are at an all time high. Yet even with accelerated exploration (an impossibility at current funding levels for basic research) the increased rate of discovery could not possibly keep pace with the rising tide of species extinction. Unless the erosion of nature is halted, much of what is now unknown will vanish before it is known. I find this prospect utterly distressing!

Please note that I have emphasized the importance of plants as depositories of useful chemicals. Plants are the source of most natural products in human use, and doubtless the source of vast numbers of additional useful chemicals yet unknown. Their diversity must be preserved, as must that of the invertebrates, those "lower" animals toward which we usually show no sympathy. They are, quite literally, a vast treasure of inestimable value. In our own laboratory, for example, in the last few years, working as a relatively modest group of 5 to 7 researchers, we have isolated (1) potential heart drugs from fireflies, (2) a cockroach repellent from a millipede, (3) a nerve drug from another millipede, and (4) shark repellents from a marine mollusc. There is really no telling what, in the line of novel biological materials, the lower animals might have to offer. Despite this, I am aware that some have proposed that plants and invertebrates be excluded from protection under the Endangered Species Act. Such proposals can be supported by neither scientific nor human welfare considerations. They reflect instead a misunderstanding of the reasons for preserving biological diversity so fundamental as to warrant the label "biological illiteracy."

Let me provide a concrete example. There is a group of invertebrates called Bryozoa or moss animals, that is little known even to most biologists. I happen to have a jar of Bryozoa with me, should any of you wish to have a look at them. All Bryozoa are aquatic; most are marine. A chemical has now been isolated from certain of these animals about which, I venture to predict, a good deal will be heard in the months to come. The compound, assigned the designation K-112 by the National Cancer Institute, happens to be an anticancer agent of extraordinary potency, effective in standard antileukemic tests at the strikingly low concentration of 35 parts per billion! The compound is being studied by a group of chemists, including my Cornell colleague Jon Clardy, who tells me that it is an entirely new type of antitumor agent. Following its identification, synthetic programs will doubtless be instituted aimed at producing a whole spectrum of molecular variants of this particular compound. Unexpected discoveries from unexpected sources—that is the rule of the day when one searches for natural products. Who would have guessed the presence of cancer drugs in moss animals?

My final point about the consequences of species extinction concerns what may well, in the long run, prove to be the most serious consequence. It is a consequence that biologists are only now beginning to appreciate, and may need some years to appreciate in full. Let me elaborate in brief. As a result of recent breakthroughs in genetic engineering—breakthroughs which have occurred since the Endangered Species Act was passed—a species must now be viewed as more than just a unique conglomerate of genes. It must be viewed also as a depository of genes that are potentially transferrable. The technology of gene transfer, nonexistent only a few years ago, is now beyond the stage of infancy. Genes can be transferred between microorganisms, they are beginning to be transferred between animals, and they will doubtless eventually be transferrable between plants. The implications of this technology are tremendous and the subject of intense current discussion. The extinction of a species, in light of these advances, takes on new meaning. It does not simply mean the loss of a single page from the library of nature, but the loss of an entire volume whose individual pages, were the species to survive, would remain available in perpetuity for selective transfer and modification of other species. The notion that species extinction means the loss of individual utilizeable genes must now be squarely faced.●

THE NEED FOR CONGRESS TO PASS THE DEFENSE INDUSTRIAL BASE REVITALIZATION ACT, H.R. 5540

HON. JAMES J. BLANCHARD

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 1, 1982

● Mr. BLANCHARD. Mr. Speaker, a recent article in the Christian Science Monitor underscores the pressing need for Congress to take action in modernizing our defense industrial base. That action can come through passage of H.R. 5540, the Defense Industrial Base Revitalization Act, a series of new major amendments to the Defense Production Act of 1950.

The House Subcommittee on Economic Stabilization has conducted numerous hearings on this overall problem. For example, Gen. Alton D. Slay, former commander of the Air Force Systems Command, told us only 1 week ago that the United States is "well on our way toward becoming a second-rate industrial power because we are forfeiting our competitive position in the world. . . ." He went on to point out that this was due to a lack of investment in R. & D. and in modern, productive plant and equipment, and through the lack of effective training and retraining systems for key future skills.

H.R. 5540 directly addresses these problems, and I am happy to report the bill was reported out of our subcommittee on March 24 by a vote of 19 to 3 with strong bipartisan support.

The text of the Christian Science Monitor article, which was published March 1, follows:

[From the Christian Science Monitor, Mar. 1, 1982]

REVVING UP DEFENSE INDUSTRY WON'T BE EASY

(By Brad Knickerbocker)

While Congress argues over whether to cut the 1983 Reagan defense budget by a relatively paltry $10 billion or $15 billion, another troubling question persists:

Will American industry be able to handle the trillion-dollar-plus Pentagon buildup that will occur through the mid-1980's?

There is general agreement that the defense industrial base today is far from what it should be. Long lead times, increasing dependence on foreign suppliers, shortages of skilled manpower, and aging plants and equipment are just some of the problems. Without major changes by government and industry, defense analysts agree, increased spending could simply accelerate inflation and add to the cost overruns that make the nation less secure.

In its first year, the Reagan administration has taken some steps toward solving a problem that continues to get worse. "But we are not there yet," says Fred Ikle, undersecretary of defense for policy. "And I am personally troubled that it takes so long to move ahead on this large and complex issue."

Symptoms of the problem include:

The National Science Foundation prediction of a 47 percent shortage in industrial engineers in the 1980s.

A possible shortage of 250,000 machinists by the mid-1980s, even without rapid growth in the U.S. arsenal, according to the Defense Science Board. Yet the average machinist in this country is 58 years old and may soon be retiring.

Of the 26,000 metal cutting and forming tools owned by the government, 20,000 are more than 20 years old and therefore inefficient, the Defense Science Board also reports.

Of the 61 individual materials or family groups in the strategic stockpile, shortfalls exist in 37 (23 of which are at less than half the approved level).

Thousands of U.S. defense contractors have folded or stopped taking Pentagon orders. As a result, bottlenecks occur and lead times lengthen. For example, the lead time for an F-16 jet fighter grew from 28 weeks in 1977 to 42 weeks three years later. Lead times for military jet engines and aircraft landing gear more than doubled over the same period.

"The unpredictability of defense spending has discouraged firms from modernizing," says Sikorsky Aircraft Company vice-president Harvey White. "Scores of contractors have quit the defense business for more lucrative work."

Says Jacques Gansler, a former Defense Department official who gathered much of this information in his book "The Defense Industry," "We're spending more and more dollars a year and getting less and less equipment."

"Without changes, we'll get increases in the cost of defense goods without strengthening our posture," Dr. Gansler told a recent gathering of government officials, military officers, business executives, and defense analysts at the Brookings Institution.

This is especially true, others note, since military planning under the Reagan administration is shifting from the "short-warning, short-war" scenario to conflicts of longer duration on many fronts. If there is a longer conflict, the General Accounting Office warns, "Huge gaps exist between when military stocks will be exhausted and when production will equal needs."

All aspects of Pentagon spending are scheduled to rise steadily over the next five years. But the increase in spending for new weapons (procurement and research and development) is even sharper, more so than during the Vietnam war. Economist Charles Schultze estimates this to be 16 percent per year between 1981 and 1985 for a five-year total of 80 percent.

"This implies the rather startling conclusion that some 30 percent of the increase in the 'goods producing' GNP (Gross National Product) over the next four years will go to the military," Dr. Schultze told the congressional Joint Economic Committee.

In other words, the defense industrial base could be severely strained by the increased defense buildup, the emphasis on mobility and readiness, and the goal of increasing "surge capacity" to meet military emergencies.

Among the steps taken by the Reagan administration to relieve this potential strain are these:

President Reagan has approved the first defense stockpile purchase program in 20 years. This is for $100 million in strategic materials, $70 million of which is for cobalt.

The administration has begun multi-year procurement of many weapons, including A-6 airplanes, Blackhawk helicopters, fleet oilers, and NATO Seasparrow missiles. Officials say this gives contractors greater stability and can result in savings of 10-20 percent over the long run. Multi-year initiatives for 1983 will add $578 million to that year's defense budget, but eventually save $815 million over five years, the Pentagon contends.

Similarly, the Pentagon plans to "surge" production of the controversial M-1 tank from 60 a month to 90 a month for six months in 1982 at an increased cost of $126 million. "That cost could be more than recovered after multi-year programming," said Defense Undersecretary Ikle.

Defense suppliers welcome multi-year contracting, but some are not so sure about the size of the potential savings. "We don't see anywhere near a 10-15 percent saving in multi-year contracts," said George Graff, president of the McDonnell Aircraft Company, which subcontracts on a multi-year basis.

The Defense Department has begun to "budget to most likely cost" as another means of increasing procurement stability for government and business. This means using a more accurate predicted inflation figure, including reserves for "technological uncertainties," and spending more money "up front" for productivity improvements. The Pentagon will get some unwanted help here from a 1982 defense appropriations bill amendment requiring Congress to be notified whenever estimated costs exceed a certain percentage.

Working against this, others note, may be the Reagan emphasis on decentralizing authority to the individual services. They will be put in the uncomfortable position of having to cut some programs if they are to "budget honestly." Part of the problem, it is generally recognized, is that the services as well as defense contractors have traditionally "bought in" to the defense budget by underestimating full costs for favored weapons.

The Reagan administration has increased its predecessor's 1983-87 military preparedness budget by 44 percent, from $5.2 billion to $7.5 billion. For example, the Army's manufacturing technology program is to be doubled.

The administration has launched what it calls "a new spirit of cooperation" with the defense industry, consulting more closely and seeking the advice of industry executives. To those concerned with President Eisenhower's warning of a "military-industrial complex" (or retiring Admiral Hyman Rickover's more recent charge that "political and economic power is increasingly being concentrated among a few large corporations"), Deputy Defense Secretary Frank Carlucci says the Pentagon still intends to "be tough in contract negotiations as part of the buyer-seller relationship."

While generally lauded for its actions to improve the defense industrial base thus far, the administration is being criticized on some important points. Antonia Handler Chayes, Air Force undersecretary in the Carter administration, says "cutting back on student loans will prevent a lot of potential engineers from even going to college." Others say the same about cuts in federal job-training programs.

Under pressure from Congress, Deputy Defense Secretary Carlucci added "increased competition" to the 31 "management principles" outlined last year to improve the acquisition process. Still, says Jacques Gansler "No large weapons have gone to dual sourcing [in effect, competition from design through production] which is the form of competition that can really save money."

"I think we are moving in the right direction," says Dr. Gansler. "However, we have an awfully long way to go."●

SALUTE TO THE NATIONAL FOUNDATION FOR ILEITIS AND COLITIS THIRD ANNUAL ROLF BENIRSCHKE CELEBRITY ROAST AND REVUE

HON. BILL LOWERY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 1, 1982

● Mr. LOWERY of California. Mr. Speaker, the San Diego Chapter of the National Foundation for Ileitis and Colitis received its charter in 1980. In just 2½ years, the membership has grown from an initial group of 30 concerned people and 1 dedicated physician to over 200 members and more than a dozen interested physicians. An astonishing spirit of personal concern for the welfare of one another and an intense sense of warmth, compassion, and understanding have developed among its members. The organization has become a refuge where the sick, discouraged, frightened, and dismayed can come to see that others who have ileitis or colitis are coping, living active lives, or enjoying a remission.

The educational programs of the San Diego chapter, which are presented by distinguished physicians and scientists from a variety of disciplines, have been enthusiastically received by more than 100 people who attend lectures and informative discussions every month. Providing information in terms that lay people can understand has been enormously successful in allaying fear, eliminating misconceptions, and stimulating hope.

The National Foundation for Ileitis and Colitis is the largest nonprofit agency in the field of digestive diseases. Although the foundation is only 16 years old, it has made a major impact on attitudes toward these diseases among the public, the Government, and the medical community.

Since NFIC was first organized in 1966 by a small group of dedicated lay people and physicians, it has grown to over 30 chapters throughout the country, sponsoring some 40 different investigative studies at major medical institutions. NFIC's research program has even expanded abroad where the foundation is funding research projects at the University of Leiden in the Netherlands and at Hebrew University-Hadassah Medical Center in Israel.

The foundation has earned universal respect for the integrity of its scientific research projects and its attempts to not only increase the number of qualified scientists working in research in the field of inflammatory bowel diseases, but to narrow the range of focus to those areas which are deemed most promising for substantive results, building continually on the data results of each completed study.

I salute the San Diego Chapter of NFIC in their fundraising effort, the Third Annual Rolf Benirschke Celebrity Roast and Revue to be held on May 1, 1982.●

ACTION ON NUCLEAR WASTE MANAGEMENT LEGISLATION A MUST

HON. DOUGLAS K. BEREUTER

OF NEBRASKA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 1, 1982

● Mr. BEREUTER. Mr. Speaker, although we in Congress often fancy ourselves as brilliant practitioners of the legislative process, occasionally the folk back home can insightfully pierce our armor of perceived omniscience and infallibility in policymaking. Excerpts from a recent editiorial in the Lincoln (Nebraska) Journal entitled "Dealing With Nuclear Waste Is Part of Nuclear Bargain" carry a clear message regarding the nuclear waste management problem which Congress continually seems incapable of addressing.

Now that the House Interior and Insular Affairs Committee has approved H.R. 3809, I hope that the other two committees of this body, the House and the Congress will move swiftly in order to pass this vital legislation yet this year. As the editorial below indicates, the time is long past for further delay. I hope all of my colleagues will read the following remarks and remember them as we prepare for debate on this issue:

> The overall problem of nuclear waste disposal is one which the United States just has not addressed; not in the military field nor in the civilian applications. We have temporized. We temporize still.
>
> But this is a practical problem which cannot be put off indefinitely.
>
> A nation which styles and thinks itself fundamentally protected by nuclear armaments and a people who routinely enjoy electrical energy generated by nuclear power plants ultimately must pay the costs, the full costs.
>
> We have yet to treat seriously the material and social byproducts of those military and civilian nuclear decisions.
>
> The cowardly—and immoral—national strategy appears to be to let future generations worry about all this, and pay for it as well.
>
> Precisely that same attitude years ago robbed the nation of great gobs of its most fertile farmland. Many Midwestern coal strip mines were throughtlessly operated, topsoil then being insufficiently regarded.
>
> Those of us who have shared in the benefits should be expected to pay for those benefits.
>
> Nuclear power may prove a Faustian bargain for all of mankind, but we've already bought into it.
>
> The clock isn't going to be rolled back—at least not on already operating plants.●

OUR NUCLEAR DEFENSE POSTURE

HON. EDWARD J. MARKEY

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 1, 1982

● Mr. MARKEY. Mr. Speaker, to hear President Reagan stand at his press conference on March 31 and criticize our nuclear defense posture was very disturbing. To say that the United States is vulnerable and that the Soviets could survive our retaliatory attack as the President did completely misstate the facts. The fact is the Soviets do not hold any clear advantage over the United States in nuclear forces.

The weapons deployment cycles of the two superpowers do not run in tandem. Various aspects of the two sides' weapons systems have developed at different rates. Also, both sides have concentrated on different weapons systems in building up their arsenals. The U.S. strategic nuclear forces, for example, have been distributed among three different delivery systems—land-, submarine-, and air-based—with the nuclear assets allocated most abundantly to the most survivable system—nuclear powered submarines. On the other hand, the bulk of the Soviet nuclear forces are land-based. While the Soviets lead the United States in launchers and throw-weight, the United States leads the Soviets in the number of warheads, 9,200 to 6,000. While the Soviet strategic submarine force is large and improving all the time, it is not equal to the U.S. strategic submarine force.

While the Soviets lead us in counterforce weapons, we lead them in the total number of MIRV'ed launchers, 1,100 to 900. The Soviets also have no bomber force to speak of while the United States has 26 percent of its missiles on intercontinental bombers.

The current forces of both sides are in a better balance now than at any other time. In terms of retaliatory capacity, the United States is in much better shape than the Soviet Union because it has wisely diversified its weapons systems while about 80 percent of the Soviet missiles are in vulnerable land-based silos.

The window of vulnerablility. The concern at this moment is the Soviet advantage in counterforce weapons. The Soviets are presently ahead of the United States in hard-target killing warheads, which can reach their targets quickly. The window of vulnerability theory supposes that in an extreme crisis, like the Cuban missile crisis, the Soviets might launch 200 of their SS-18's, each with 10 warheads, with high confidence that these 2,000 warheads would destroy almost all of the 1,000 U.S. fixed ICBM's. Other Soviet SLBM's and ICBM's presumably could destroy U.S. strategic bombers on the airfields and submarines in port. An American President would then be left in a quandry. The President could accept the initial casualties. Or he could fire the remaining missiles, thus inviting further devastation from a Soviet counterattack.

This scenario, however, is terribly flawed. It assumes that the Soviets could carry out a near-perfect attack, which few experts believe is possible. It assumes that an American President would allow 20 million or more Americans to die and not launch the remaining missiles. Even with a brilliantly executed Soviet first strike, the United States would retain the capability to kill more than 30 percent of the Soviet population and destroy more than 75 percent of Soviet industry, and at the same time hold warheads in reserve.

Whatever imbalances exist, the Conte-Markey/Kennedy-Hatfield resolution, it must be remembered, calls not only for a freeze, but also for a reduction in nuclear arsenals. It calls for a reduction in weapons such as the

Soviet SS-18 that increase instability. The Reagan administration is proposing a multibillion-dollar massive nuclear arms buildup that in the end will not eliminate the counterforce problem.

A negotiated freeze and reductions agreement, on the other hand, would address the counterforce problem by reducing the high-quality ICBM's the Soviets now have and by preventing both sides from deploying any more hard-target killing weapons.●

REAGAN BUDGET PROPOSALS ON ANIMAL HEALTH PROGRAMS

HON. TOM HARKIN

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 1, 1982

● Mr. HARKIN. Mr. Speaker, the Reagan administration budget makes reckless cutbacks in U.S. animal health programs. If enacted, these cuts will threaten every livestock producer in Iowa as well as the public health and safety.

Of primary concern is first, the proposed reductions and virtual phaseout of the brucellosis eradication program, and second, failure to recommend any funding for pilot projects to control and eradicate pseudorabies in swine.

BRUCELLOSIS

For brucellosis, the proposed cutback is as follows:

Fiscal years:	*Millions*
1982	$91
1983	60
1984	26
1985 and after	6

The essence of these cuts is to move away from a highly successful program toward a "voluntary vaccination control at the expense of the producer program." The proposed budget cuts will eliminate indemnity payments based upon fair market value and will eliminate, for all practical purposes, funds for Federal vaccination, primarily in the high incidence States of Texas, Louisiana, Mississippi, Florida, and Arkansas where every effort is now being made to vaccinate all animals on an accelerated basis. The $6 million budget residue slated for "brucellosis control" files in the face of every sound principle which has been established by the National Brucellosis Technical Commission, August 1978, for eradicating this highly transmittable and pathogenic disease.

Since 1950, $700 million has been spent to "control" brucellosis, and admittedly the program has had a checkered history. However, the No. 1 finding of the Technical Commission is that we can eradicate the disease and this led to the recently revamped uniform methods and rules which just became effective April 1 of last year.

All States have now implemented this program in addition to adopting many of the criticisms in the management of the program made by the General Accounting Office (GAO).

Since 1950, we have reduced the number of reported cases of human brucellosis—undulant fever—from 6,200 to 180 per year. The infection rate in cattle has been reduced from 5.6 percent in 1950 to 0.4 percent in 1981.

If these cuts are made, all progress made in controlling and eradicating the disease will be wiped out in a few years.

In fact, Dr. Harry Mussman, Administrator of the Animal and Plant Health Inspection Service (APHIS), recently testified before our committee that with no Federal effort, losses from brucellosis would soon exceed $1 billion annually, compared with the loss of $34 million last year.

States like Iowa, which are either free or nearly free of the disease, will be forced to retaliate against infected States. Barriers to the interstate movement of cattle, swine, and milk will result. Foreign nations will be reluctant to buy our cattle, particularly those which are now brucellosis free.

I say, let us give the revised program a chance to work, and I say it is working. For example, in the last year the number of infected herds in Iowa has dropped from 53 to 34 and similar reductions have been made in most other States.

As chairman of the Subcommittee on Livestock, Dairy, and Poultry, I intend to hold hearings later this spring to fully explore the impact of these cuts and to hopefully galvanize support throughout the livestock industry for continuing this program.

PSEUDORABIES

Last summer my subcommittee held a full day of hearings in Washington on the subject of pseudorabies control and eradication in swine.

The purpose of the hearing was to review USDA efforts to control the disease and to hear from the various segments of the swine industry with respect to USDA activities.

One clear and unanimous message that came from all segments of the industry was that pilot projects to control and eradicate the disease were needed immediately.

In fact, Dr. Mussman stated at that hearing that the USDA was in the process of requesting a $1.5 million supplemental appropriation request for fiscal year 1982. However, to date no request has been made by the administration to the Congress and no mention was made in the President's budget for fiscal year 1983.

To quote Dr. Mussman from our recent budget hearing before the committee:

> So, we're faced right now with several states already on board as far as the pilot project interest is concerned. They have indicated their commitment of money. The projects have been designed and we're simply not in the position to move forward with them at this time, neither now nor, according to the budget, for 1983. I find this very regrettable because the longer the whole situation is delayed, the greater the losses will be and the more difficulty we will experience in getting a handle on it.

Over 9 percent of all swine now have pseudorabies. A few years ago this was less than 2 percent.

The need for a Federal commitment to this disease is obvious. But this administration is ignoring the needs of the pork industry.

During recent consideration of the budget by the Committee on Agriculture, I successfully offered an amendment which recommends $1.5 million for pseudorabies pilot projects to the House Budget Committee. I am hopeful this recommendation will survive the budget process.●

A CENTURY OF SERVICE FROM MATSON NAVIGATION CO.

HON. GLENN M. ANDERSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 1, 1982

● Mr. ANDERSON. Mr. Speaker, this next Wednesday, the 10th of April, the Matson Navigation Co., will be celebrating its 100th anniversary of shipping service to the west coast of our country. The Matson Navigation Co., was launched in 1882 when Capt. William Matson, then a relatively young skipper 33 years of age, sailed the *Emma Claudina*, a three-masted schooner, from San Francisco to Hilo, Hawaii, with about 300 tons of foodstuffs, plantation supplies, and miscellaneous general merchandise aboard. On the return voyage to San Francisco, he carried sugar, coconuts, hides, and railroad ties.

The name "Matson" has been synonomous with the sea trade between the west coast and Hawaii ever since, and for many years was expanded to include Australia. But what changes we have seen in the vessels flying the Matson house flag in these past hundred years. In 1897 William Matson exchanged the *Emma Claudina* for the brigantine *Lurline*, which more than doubled his carrying capacity. And, in 1891, he entered the passenger trade with the wooden barkentine *Harvester*, which had a capacity of 10 passengers.

While a recitation of the divergent activities in which Matson has participated at various times, including ownership of an oil company, an airline, hotels, and mergers with other steamship operators is indeed impressive, what is most significant is that through this hundred years Matson people have never been content to rest on their laurels. They have a long string of firsts which are indicative of the progressive and forward-thinking nature of Matson.

Matson operated the first ship in the Pacific with electric lights. Matson operated the first ship with a cold storage facility. Matson operated the first offshore ship to burn oil instead of coal. In 1927, the SS *Malolo* was the fastest ship in the Pacific, with the speed of 22 knots. Matson, in 1956, was the first steamship line to establish an integrated research department at top management level. Two years later, Matson initiated containerized cargo shipments. In 1960 Matson began operating the first all-container carrier in the Pacific. Matson initiated the first "roll-on, roll-off" service to Hawaii. And Matson's last "first" is the development and operation of a new, computer controlled overhead crane container handling system on Terminal Island.

As you can see, Matson has been continuously on the move and making significant contributions to increase and productivity in the maritime trades. And, I am sure Mr. Speaker, that the next hundred years for Matson, will see equally important changes developed. My wife Lee joins me in congratulating Mr. Michael S. Wasacz, the current president and chief operating officer of Matson Navigation Co., Mr. John C. Couch, Matson senior vice president and southern California area manager, and all those associated with this fine company on the completion of a highly successful first 100 years, and extending our very best wishes to Matson as they commmence their second hundred years.●

ARMED FORCES COMMUNICATIONS AND ELECTRONICS ASSOCIATION

HON. FRANK R. WOLF

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 1, 1982

● Mr. WOLF. Mr. Speaker, I want to bring to your attention a fast-growing association in northern Virginia, the Armed Forces Communications and Electronics Association (AFCEA). I attended a ground-breaking ceremony on March 31, 1982, of the AFCEA at Burke Centre, Va. This organization is of the highest professional caliber and I am pleased that they have chosen to erect their own building in the State of Virginia. Not only do associations provide jobs for local residents, increased tax revenues, incentives for new businesses to support services, but what they do not do is also important: No polluting, no dumping, no smoking smoke stacks. They are an ideal industry keeping the environment clean and employing a very high caliber of professionals.

Despite recessionary trends around the world, the high productivity and ingenuity of AFCEA's 400 corporate members, and its 20,000 professionals, and the increasing Free World demands for and on the command, control, communications, and intelligence (C^3I) technology they create have produced a dramatic growth of resources and members for the association.

Many high technology forecasters look on the new AFCEA building as a sign of the times. Most recognize the advances that lie ahead will dwarf those of the past decade. In that march forward C^3I concerns will dominate international geopolitical discussions. AFECA's role in bringing together free world governments, industry, and armed forces will assume increased importance and visibility.

AFCEA is the renowned leader in the rapidly expanding field of high technology and provides a bridge between military, industry, and Government.

This leadership is important in AFCEA's field but also in Fairfax County and Virginia which are becoming magnets for high technology companies. The county and the State have the attractive resources like efficient transportation systems, reasonable labor costs, excellent educational systems, State-regulated employment costs, reasonable State and local financial policies, and a good overall business climate which are inviting to these companies. AFCEA's move will help focus even more attention on the unique qualities of our area.

I believe that high technology is the key to the State's economic development and that is another reason we should pay a special tribute to AFCEA. AFCEA's leadership is important not only to improve national and international security but also to the economy of our country.

In Congress, we have worked to allow certain tax advantages to spur this type of economic growth because private enterprise is the key to restoring prosperity in the country. It is encouraging to see organizations like AFCEA respond with such a vigor. This association and its private member corporations are an excellent example of the successful partnership that can develop when Congress, private corporations, and our State Government work together for the good of the State and the good of the Nation. It makes the world more productive and a better place to be.

Senator JOHN WARNER sent his congratulations and stated in his message:

> AFCEA, recognized leader in the area of electronics and engineering, encourages government, military, and industrial ideas on the vital issues of today. From this interaction, our Nation and the World derive the advantage of a melting pot of the best minds in these fields. Individuals and corporations involved in high-technology look to AFCEA for leadership; they will now look also to our fine State of Virginia as they seek to locate within an environment appropriate to the specialized nature of their business. For Virginia offers a favorable business climate, enhanced by excellent transportation and educational systems, a cream-of-the-Hi-Tech-crop labor force, unsurpassed life style * * * and all this within reach of the heart of the U.S. Government * * * the world's largest consumer of Hi-Tech goods and services.

Other dignitaries in attendance included Dr. Jon L. Boyes (VAdm. USN Ret.), international president of AFCEA, Judith H. Shreve, editor and publisher of SIGNAL Magazine, and Earle Williams, president of The BDM Corp.

AFCEA CORPORATE MEMBERS

SUSTAINING MEMBERS

ADC/Magnetic Controls Co., American Telephone & Telegraph Co., Long Lines Dept., Automation Industries, Inc., Vitro Laboratories Div.

BDM Corp., The BR Communications Barry Research Corp., Boeing Co., The Bolt Beranek and Newman Inc., Booz, Allen & Hamilton, Inc.

COMSAT General Corp., CSC Systems Group, Computer Sciences Corp., Cincinnati Electronics Corp., Continental Telephone Corp.

Digital Equipment Corp.

E-Systems, Inc., Electronic Data Systems Electrospace Systems, Inc.

Ford Aerospace & Communications Corp.

General Cable Co., General Electric Co., General Telephone & Electronics Corp., Gould, Inc., Government Systems Group, Grumman Data Systems Corp.

Harris Corp., Honeywell Inc., Avionics Div., Honeywell Information Systems, Hughes Aircraft Co.

ITT Telecommunications and Electronics Group—North America, International Business Machines Corp., Interstate Electronics Corp.

Kentron International, Inc.

Litton Industries, Inc., Lockheed Missiles & Space Co.

Magnavox Government and Industrial Electronics Co., Martin Marietta Corp., McDonnell Douglas Corp., MODCOMP (Modular Computer Systems, Inc.).

Norden Systems, Inc., United Technologies Corp., North American Philips Corp., Northrop Corp.

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Sanders Assoc., Inc., Singer Co., The Sylvania Systems Group, GTE Products Div., System Development Corp.

TRW Systems, TRW Inc., Tracor, Inc., Aerospace Group

United States Postal Service, United Telecommunications, Inc.

Western Electric Co., Inc., Western Union Telegraph Co.

GROUP MEMBERS

ABA Electromechanical Systems, Inc., AM International, Inc., ATACS Corp., AT&T International, Administrative Sciences Corp., Advanced Research and Applications Corp., Aerospace Corp., The Air-Ground Electronics Co., Inc., Alascom, Inc., Alden

Electronic & Impulse Recording Equipment Co., Inc., Alvaradio Industries, Inc., Amecom Div., Litton Systems, Inc., American Electronic Laboratories, Inc., American Radio Relay League, The American Satellite Company, American Telephone & Telegraph Co., Ampex Corp., Analytic Sciences Corp., The Analytical Systems Engineering Corp., Analytics Inc., Antekna, Inc., Div. of Itek Corp., Apex Airtronics, Inc., Applied Communications, A Division of Amstar Technical Products, Applied Data Research, Inc., Argosystems, Inc., Arinc Research Corp., Arvin/Echo Science Corp., Associated Industries, Astronautics Corp. of America, Atlantic Research Corp., Avionics & Missiles Group, Rockwell International, Aydin Corp.

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CPT Corp., CTEC Inc., Calculon Corp., California Microwave, Inc., Defense Electronics Div., Calspan Corp., Canadian Marconi Co., Carolina Telephone & Telegraph Co., Central Telephone Co. of Texas, Chesapeake & Potomac Telephone Co. (D.C.), The Chesapeake & Potomac Telephone Co. of Maryland, The Chesapeake & Potomac Telephone Co. of Virginia, The Cirtech Corp., Coastcom, Codex Corp., Colorado Video, Inc., Com Dev, Inc., Command, Control & Communications Corp., Commart, Inc., Commercial Telecommunications Group, Rockwell International, Communication Associates, Inc., Communications Co. (COMCO), Communications Industries, Inc., Communications Mfg. Co., Communications Satellite Corp., Compression Labs, Inc., Computer Data Systems, Inc., Computing Devices Co., Comstron Corp., Comtech Telecommunications Corp., Conrac Corp., Systems Group, Continental Electronics Mfg. Co., Control Data Corp., Cortronics Systems International, Craig Systems Corp., Cray Research, Inc., Cubic Communications, Inc., Cushman Electronics, Inc.

DMS Inc., Data Communications Systems Corp., Datametrics Corp., Dataproducts New England, Inc., Data Solutions Corp., Data Systems Analysts, Inc., Datotek, Inc., Datron Systems, Inc., Decisions and Designs, Inc., Delta Electronics, Inc., Dictaphone Corp., Special Markets Div., Digital Communications Corp., Digitech Data Industries, Inc., Dorne & Margolin, Inc., Dynair Electronics, Inc., Dynalectron Corp./Systems Services Div., Dynamic Sciences.

EASAMS Limited, EFRATOM, EMM, ENSCO, Inc. (Defense Group), EXTEL Corp., Eaton Corp., AIL Division, Electrac Space Electronics Laboratory, Inc., Electronic Industry Association of Korea, Electronic Systems Group, Rockwell International, Electronics, Missiles and Communications, Inc., Emerson Electric Co., Ericsson Corp., Exhibit Aids, Inc.

Fairchild Weston Systems, Inc., Fairchild Space & Electronics Co., Fluke B. V., Frederick Electronics Corp., Frost and Sullivan, Inc.

GENASYS Corp., Gandalf Data Communications Ltd., Garrett Manufacturing Ltd., General DataComm Industries, Inc., General Dynamics Corp., Genisco Technology Corp., Memory Products Div., Global Thermoelectric Power Systems Ltd., Grumman Aerospace Corp.

HDR Systems, Inc., HRB-Singer, Inc., Halcyon Communications, Inc., Halifax Engineering, Inc., Harris Data Communications Inc., Harris Digital Telephone Systems Div., Harris Government Systems Group, Harris-PRD Electronics Div., Harris-RF Communications Inc., Hawaiian Telephone Co., Hazeltine Corp., Hekimian Laboratories, Inc., Henkels & McCoy, Inc.—Engineering Div., Hermes Electronics Ltd., Hewlett-Packard Co., Electronic Measuring Instruments Div., Honeywell Inc., Defense Electronics Div.

IFR, Inc., IIT Research Institute, INCO, Inc., INTEQ Inc., IOCS, Inc., ITT Europe Inc., ITT World Communications Inc., Ideal Aerosmith, Inc., Indiana Bell Telephone Co., Inc., Informatics Inc., Infotec Development, Inc. (IDI), Infotron Systems Corp., Institute of Electrical and Electronics Engineers, Inc., Interconnect Planning Corp., Interlek, Inc., International Business Services, Inc., International Computing Co., Inter Systems, Inc. (ISI).

JAYCOR, Information Systems Div.

Karkar Electronics, Inc., Kearfott Div., The Singer Co., King Radio Corp., Korea Communications Engineers Co., Ltd., Korea Telecommunications Co., Ltd.

LMT Radio Professionnelle, Lexico Enterprises, Inc., LINKABIT Corp., Little, Arthur D., Program Systems Management Co., Loral Microwave Communications.

MAR, Inc., MRJ, Inc., MTS Co., Inc., Marconi Electronics, Inc., Materiel Telephonique, Le, McKay, G.E., & Company, Memorex Corp., Michigan Bell Telephone Co., Milcom Electronics Corp., Milcom Systems Corp., Miller Communications Systems Ltd., Miltope Corp., Mitel, Inc., MITRE Corp., The, Motorola, Inc., Communications Group, Motorola, Inc., Government Electronics Div., Motorola GMBH, Inc., Mountain States Telephone & Telegraph Co., The.

N. V. Philip Gloeilampenfabrieken, Network Strategies Inc., New England Telephone & Telegraph Co., New York Telephone Co., Nippon Electric Co., Ltd., Northern Telecom, Inc., Northwestern Bell Telephone Co.

ORI, Inc., Ocean Applied Research Div. of General Indicator Corp., Old Dominion Systems Inc., Optelecom, Inc., Optronics International, Inc., Oscillatek Corp.

PRB Associates, Inc. Pace, Inc., Pacific Northwest Bell Telephone Co., Pacific Telephone & Telegraph Co., The, Page Communciations International, Inc., Panafax Corp., Parade Rest Ltd., Paradyne Corp., Perry International, Inc., Philippine Communications Satellite Corp., Plantronics Wilcom, Plessey Semiconductors, Policy Sciences Div., CACI, Inc.—Federal, Power & Electronics Personnel Service Inc., Prodelin Inc., Production Industries, Inc., Pulsecom Div. of Harvey Hubbell, Inc.

Quintron Systems, Inc.

RCA American Communications, Inc., RCA Global Communications, Inc., REGCO, REL Inc., REPCO, Inc., RF Products, Inc., RFL Industries, Inc., Racal Electronics Ltd., Racal-Milgo Information Systems, Inc., Radiation Systems, Inc., Ramtek Corp., Rapicom, Inc., Raven Systems & Research Inc., Raycomm Industries, Inc., Raymond Engineering, Reaction Instruments, Inc., Roanwell Corp., Rohde & Schwarz Sales Co., Rolm Corp., Rosenberg Co., Arnold.

SAN/BAR Corp., SCI Systems Inc., SED Systems Inc., SESA-Honeywell Communications, SIGNATRON, SRI International, SRA Communications AB, STC/Communications Corp., Sabre Communications Corp., Santa Fe Corp., Satellite Business Systems, Scientific-Atlanta, Inc., Scientific Radio Systems Inc., Scientific Systems Services, Inc., Selby, Joyce, & Assoc., Selenia, S.P.A., Siemens Corp., Sierra Research Corp., Simpact Associates, Inc., Sodern, Softech, Inc., South Central Bell Telephone Co., Southcom International, Inc., Southern Bell Telephone & Telegraph Co., Southern Pacific Distributed Message Systems (SP/DMS), Southwestern Bell Telephone Co., Spargo, J., & Assoc., Sperry Division, Gyroscope, Sperry Corp., Sperry Univac Div., Sperry Corp., Sprague Electric Co., Standard Elektrik Lorenz Aktiengesellschaft (SEL), Standard Telephones & Cables Ltd., Stanford Telecommunications Inc., Stewart-Warner Electronics, Stommel Enterprises, Stoner Communications, Inc., Sunair Electronics, Inc., SysDes, Inc., Systemhouse Inc., System Planning Corporation, Systems and Applied Sciences Corp., Systems Architects, Inc., Systems Designers International Ltd., Systems Research Laboratories, Inc., Electronic Warfare Center.

T-CAS America, Inc., TIE/Communications, Inc., TRT Telecommunications Corp., TS Infosystems, Inc., Tadiran Israel Electronics Industries Ltd., Tandem Computers, Inc., TechDyn Systems Corp., Technical Materiel Corp., The, Technology Development of CA, Inc., Technology for Communications International (TCI), TECHPLAN Corp., Tecknit, Inc., Teksys, Inc., Tektronix, Inc., Telcom, Inc., Telecommunications Control Corp., Tele-Dynamics, Div. of AMBAC Industries, Inc., Teledyne Brown Engineering, a Div. of Teledyne Industries, Inc., Teletype Corp., Telex Communications, Inc., Hy-Gain/Turner Div., Telos Computing, Inc., Texas Instruments, Inc., Thomson CSF, Inc., Tii Industries, Inc., Time & Space Processing, Inc., Timeplex, Inc., Tone Commander Systems, Inc., Top Line Company, TransCanada Telephone System (TCTS), Transcom Electronics, Inc., Transtector Systems, Division of Konic International Inc., Tri-Star Electronics, Inc., Trompeter Electronics, Inc.

UNR-Rohn, Div. of UNR Industries, Inc., UTL Corp., Unger, P. T., Assoc., Unicom Systems, Inc., United States Telephone and Telegraph Corp., Universal Telecommunications Systems, Ltd.

Valtec Corp., Varian Assoc., Vega Precision Laboratories, Versitron, Inc., Vidar Div., TRW.

Wang Laboratories, Inc., Watkins-Johnson, Co., Western Tele-Communications, Inc., Western Union International, Inc., Westinghouse Electric Corp., Wilcox Electric, Inc., Winkelmann Corp., Wisconsin Telephone Co.

XMCO Inc., Xebec Corp. Xerox Corp.●

COMMEMORATING THE 64TH ANNIVERSARY OF THE DECLARATION OF INDEPENDENCE BY BYELORUSSIA

HON. F. JAMES SENSENBRENNER

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 1, 1982

● Mr. SENSENBRENNER. Mr. Speaker, I would like to take this occasion to commemorate the 64th anniversary of the declaration of independence by the Byelorussian people. Officially declaring their independence as a sovereign nation on March 25, 1918, they, nevertheless, were still an enclaved nation within present day Soviet Union. Having experienced only brief periods of quasi-independence since that time, the Byelorussian people remain, against their will, under the stronghold of the Soviet Union.

The Russification policies imposed on the Byelorussians over the years have resulted in a lower ethnic percentage within their own Republic with the number of great Russians increasing. In addition, the Byelorussian Republic, along with their Baltic neighbors, is experiencing a negative population growth—perhaps as a result of their forced assimilation into the life dictated by the Soviet Government. This phenomena is not only tragic, but may have serious consequences for these people in the not so far-off future.

Despite the Russification efforts of the Soviet Government, the Byleorussians' sense of nationalism is today as strong as ever. They are ever-striving for the self-determination and sovereignity which is theoretically granted them in the U.S.S.R's Constitution. As a citizen of the United States—a nation founded and existing on those very principles, I would like to remind my colleagues and all people who cherish freedom and individual rights, of the brave spirit of the Byelorussian people in their effort to be free. As Americans, we have a duty to remember the courage it takes for the Byelorussians to live under Soviet rule and still strive for the preservation of their national heritage.●

DOLLARS AWAY FROM SOCIAL PROGRAM

HON. EDWARD J. MARKEY

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 1, 1982

● Mr. MARKEY. Mr. Speaker, little discussed by the administration is the severe economic consequences of its massive arms buildup, which will drain billions of dollars away from needed social programs. The administration must realize, as the American public is beginning to, that the best defense for the buck lies at the negotiating table.

The nuclear weapons freeze and reductions resolution Representatives CONTE, BINGHAM, and I have introduced would enable the United States to have security at the lowest possible cost. An article in the March 29 issue of Christian Science Monitor by former U.S. diplomat Mark Garrison shows why our resolution, which has been introduced in the Senate by Senators KENNEDY and HATFIELD, makes good military sense and good economic sense.

NUCLEAR FREEZE: DOLLARS AND SENSE

(By Mark Garrison)

Two important political movements seem about to converge in the United States, one from the left and one from the right. The grassroots compaign for a bilateral freeze on nuclear weapons has begun to be felt in Washington, witness the joint resolution initiated by Senators Kennedy and Hatfield, cosponsored by numerous colleagues and endorsed by many private citizens. And from the other end of the spectrum, fiscal conservatives have joined moderates in advocating a cut in the rate of growth of defense spending in order to reduce projected deficits.

The nuclear weapons freeze is gaining momentum among voters from California to Vermont because it is a simple concept which answers the concerns of ordinary people about the growing danger of civilization's suicide. It gains force from a growing realization that more numerous, more powerful, and more accurate nuclear weapons will not give the U.S. more security from ordinary military pressure, and may make it even less secure from nuclear disaster.

Some who are disturbed by the Soviet military buildup may find the bipartisan freeze resolution introduced in the Congress more attractive than the freeze advocated by public groups such as the American Friends Service Committee. While the latter calls for an across-the-board freeze of all nuclear weapons and delivery systems, including medium-range weapons in Europe, the congressional resolution limits the freeze to strategic weapons. (Apparently failing to read the text of the resolution, the administration directed its criticism at the mistaken interpretation that it would simply freeze Soviet weapons in Europe.)

Unlike some other proposals, the congressional resolution envisages a negotiating route to the freeze, rather than unilateral initiatives to get it started. And, by singling out "destabilizing" weapons for special attention, it makes clear that weapons should be individually addressed in negotiations.

Although President Reagan complained that a freeze "doesn't go far enough," the congressional resolution in fact advocates that the strategic freeze be followed by "major" reductions, not limited to strategic forces and therefore embracing medium-range and even tactical weapons.

Meanwhile, prominent Republicans as well as Democrats are saying that in the face of projected budget deficits in coming years the defense budget cannot grow at the rate the administration desires. They should be listening with care to what the proponents of a nuclear freeze are saying. If nuclear "superiority" has become meaningless as well as unattainable for either side, why should we waste our money building useless weapons?

Some who have looked for savings in the strategic weapons program have concluded that, for example, eliminating the MX program would not save many billions in fiscal '83, since the heavy outlays will come later. But that should not deter those who are worried about the even larger deficits predicted for fiscal '84 and '85.

Others argue that nuclear systems are a cheap way to flex our muscles. Aside from being a dangerous cop-out, this argument is not based on sound facts. New strategic systems will not be cheap. Several are estimated by their advocates in the tens of billions of dollars, but if experience is any guide the eventual cost in some cases may be in the hundreds of billions.

Some systems which might be dropped as part of a negotiated freeze are potentially destabilizing as well as wasteful. Such as the MX missile—a tempting target if put into silos as planned. Others, such as the B-1 bomber, would not be destabilizing but might be wasteful. Sea-launched cruise missiles will not only stymie verification but could be more dangerous to the US than the Soviet Union if both sides build them, in view of America's more exposed coastal concentrations of industry and population. On the other hand, Trident submarines are expensive, but submarines are the most survivable and therefore the least destabilizing weapons and should be among the last to be frozen.

Several undertakings planned by the administration would not necessarily be banned by a strategic weapons freeze, although they could be considered for budget cutting purposes: air defenses, an expanded civil defense program, and improved command-and-control systems (which, for everyone's peace of mind, should not be significantly cut).

All of these items together might not fully meet the target for cutbacks in defense outlays called for by Senator Domenici, not to speak of Senator Hollings, especially in fiscal '83. But they would make a big dent. Every billion dollars cut from unnecessary and dangerous nuclear spending would be a billion that would not have to be cut from the muscle of conventional preparedness. And the growing ranks of Americans who feel threatened by the spiraling growth of nuclear weapons would breathe a little easier.●

EXPORT ADMINISTRATION ACT

HON. WILLIAM M. BRODHEAD

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 1, 1982

● Mr. BRODHEAD. Mr. Speaker, recently the administration announced changes in regulations implementing the Export Administration Act which remove Iraq from the list of countries that support international terrorism. This action ends the rigorous Government controls on the export to Iraq of equipment which can easily be converted to military use.

I strongly opposed this action in a letter to the President. I believe it seriously weakens U.S. antiterrorism controls, invites the misuse of American-made equipment against friendly nations and innocent civilians and sends conflicting signals on the true nature of our policy toward international-terrorism to friend and foe alike. It rewards Iraq, one of the bitterest opponents of the Camp David peace accords, with important trade concessions and ends congressional notification of commercial transactions with serious foreign policy implications, thereby removing these transactions from public scrutiny.

In a recent article in the Washington Post, Thomas Dine, executive director of the American Israel Public Affairs Committee and Aaron Rosenbaum discuss the foreign policy implications of the administration's efforts to woo Iraq. I would like to share this article, as well as my letter to the President, with my colleagues.

Article and letter follow:

HOUSE OF REPRESENTATIVES,
Washington, D.C., March 25, 1982.

Hon. RONALD REAGAN,
The White House,
Washington, D.C.

DEAR MR. PRESIDENT: I write to protest the recent changes in regulations implementing Section 6-I of the Export Administration Act which remove Iraq from the list of countries which support international terrorism and permit the sale of civil aircraft to countries already on the list. I believe these actions seriously weaken U.S. anti-terrorism controls and invite the misuse of American-made equipment against friendly nations and innocent civilians.

Iraq continues to sponsor and support, both politically and monetarily, some of the most extreme and hardline participant organizations in the PLO. These groups—The Popular Democratic Front for the Liberation of Palestine, the Abu Nidal Group and the Arab Organization of the 15th of May—have claimed responsibility for numerous recent acts of terrorism. The State Department's own report on human rights mentions "creditable reports of government-directed assassinations of Iraqi dissidents in other countries".

The sale of "civilian" aircraft to countries that support terrorism is an exercise in self-deception. Libya has demonstrated the military uses of such aircraft in the past. In view of the often-stated policy of this nation against international terrorism and nations that support it, I believe these changes send conflicting and confusing signals on the true nature of our policy to friend and foe alike.

I am also concerned that these actions will end Congressional notification of future sales, thereby removing them from public scrutiny.

Iraq and the other nations on the list of countries supporting terrorism are among the most vehement and vocal opponents to the Camp David peace proposals and the continued existence of our longtime friend and ally, Israel. To reward these nations with trade concessions puts corporate profits before principle and makes a sham of the Administration's stated anti-terrorist policies.

I strongly urge that the country of Iraq and civilian aircraft be restored to anti-terrorism controls, to insure a strong and continued U.S. commitment against international terrorism.

Sincerely yours,
WILLIAM M. BRODHEAD,
Representative in Congress.

MISTAKES: BEFRIENDING IRAQ . . .

Suddenly, like the footprint Robinson Crusoe discovered, the tracks of a policy begin to appear. First came word of the victories Iranian suicide squards had achieved over Iraqi army units. Then reports of a rapprochement between the Soviets and the mullahs in Iran. Leaks to the press recounted the weapons and spare parts Iran has been able to purchase from a variety of countries. They also documented Iran's renewed campaign to destabilized the conservative sheikdoms and kingdoms of the Persian Gulf. Then came the announcement that the United States had removed Iraq from the list of nations supporting international terrorism. Within days, a trial balloon was floated speculating on what arms and supplies the United States might now be able to provide to Iraq.

It appears that the Reagan administration is attempting to woo Iraq and to take its side in the war with Iran—a conflict that Iraq started.

Three approaches are converging: the administration's anti-Soviet drive, its move to stabilize the Persian Gulf and its approach to Arab-Israeli peace. But a tilt toward Iraq will much more likely hurt U.S. interests in these areas than promote them.

Iraq is doomed to lose its war with Iran. This is not just because the Iraqi strongman, Saddam Hussein, calculated incorrectly that the Iranian regime would collapse when he struck in September 1980. It is not just because Iraq's army has proved to be no more competent against Persians than it was against Kurds or Israelis. Rather, Iraq must lose because the Iranians have a clear purpose verging on fanaticism: even when they were losing, the ayatollahs showed none of the pragmatism and "good sense" that are the indispensable precursors of an admission of defeat.

The current war of attrition is an empirical win, for the Iranians know that the longer Saddam Hussein is bled in his war, the surer are the chances that the Iraqi army will overthrow him.

America's siding with Iraq, then, will not change the political outcome of the war. It will certainly not send a message to the mullahs, who demonstrated with the seizure of the American hostages their utter contempt for the United States. Favoring Iraq will give a powerful argument to Iranians favoring closer ties to the one-time Soviet "Satan," and to Soviet diplomats now offering blandishments to supicious mullahs. It will also give Iran a public justification for increasing its subversion of the Gulf sheikdoms.

The administration is moving toward the incredible point of rapprochement with Iraq because Washington's petrodiplomatic complex of Arabists, oil executives, international contractors and bankers has succeeded in establishing an image of Iraq as "moving away from the Soviets" and "not all that radical."

Curiously, this was an early Carter administration fantasy, beginning in 1977, when the rulers in Baghdad began to make major industrial purchases in Western Europe. They also moved to replace Egypt as the leader of the Arab world—this after having led the campaign to suspend Egypt from the Arab League at the two Baghdad conferences. With the demise of the Shah and the Soviet invasion of Afghanistan (an event in which the U.S.S.R. used Iraqi facilities), Saddam Hussein began to publicly condemn the presence of any superpower in South Asia and the Persian Gulf.

Iraq's promoters in the United States, such as national security adviser Zbigniew Brzezinski drastically misread Saddam Hussein's intentions. Iraq opposed a Soviet presence in the Persian Gulf because Iraq itself wanted to fill the vacuum left by the Shah. Iraq's opposition to America's own policies in the area was undiminished. Iraq accepted the slightly less maximalist Arab-Israel "peace" plank at the Baghdad conferences because it was by this means that Iraq could co-opt leadership of the Arab mainstream. In his remarks to the second conference, Saddam Hussein specifically reserved Iraq's right to oppose Israel's very existence. What he pledged was to suspend efforts to overthrow Arab regimes that publicly disagreed. This was hardly genuine moderation.

Iraq today may appear less visibly supportive of terrorism and less outspoken against Israel. This is, however, solely the product of the regime's preoccupation with both the war with Iran and Iran's renewed effort to stir up Iraq's Shiite majority against the secular-but-Sunni Moslem ruling group of Saddam Hussein. Iraq still supports its proxy in the PLO, the terrorist Arab Liberation Front, as well as the Arab Organization of the 15th of May. Moreover, Iraq remains a violent and paranoid place. Saddam Hussein rules through terror.

In essence, Iraq represents as bad a political investment as the United States could make. Iraq cannot, will not, help us. Likely, it cannot even help itself.●

THE SMALL BUSINESS FREE ENTERPRISE ACT

HON. RON PAUL

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 1, 1982

● Mr. PAUL. Mr. Speaker, according to recent studies, 9 out of 10 of the new jobs created in the years ahead will be created by small businesses. But thanks to the maze of Federal regulations, the punitive tax burden, and the inflationary environment poisoned by exorbitant interest rates, it is clear that we will enjoy only a fraction of the employment opportunities and other benefits that would otherwise be provided by innovative small businesses.

In order to remove from the shoulders of our smallest businesses some of the most stifling Federal burdens, I have just introduced the Small Business Free Enterprise Act, the text of which is printed below. This bill creates no new agencies or programs, and involves no expenditures. But it would do something far more important and effective: For businesses with 20 or fewer employees, my bill would:

First, provide a 100-percent reduction in social security taxes for all qualified employees, including self-employed persons,

Second, reduce the capital gains tax to 5 percent for businesses who receive no Government subsidies or other assistance,

Third, reduce the corporate income tax to a flat 5 percent,

Fourth, allow straight line, 1 year depreciation, no maximum,

Fifth, allow cash accounting,

Sixth, eliminate minimum wage requirements, and

Seventh, eliminate the jurisdiction of OSHA.

There is every reason to believe that these reforms would give rise to a burgeoning of small, family, and community-oriented enterprises.

The qualifying criterion is simple: 20 or fewer employees. Why so simple a criterion? No one could possibly argue that a person working for so small a firm is without alternatives. In fact, subsequent to the passage of my bill, we could expect a multitude of these tiny businesses in every community. In such a competitive atmosphere, every worker would have the option of quitting and working elsewhere if he is unsatisfied with his pay or working conditions. In this environment, workers become capable, once again, of looking out for their own welfare without a mass of stifling and meddlesome Federal regulations, which destroy the alternatives open to workers, constrain the sorts of contracts they can enter into, and thus, prevent them from pursuing their own best interests. The irony in our present, depressed economy is that in our zealousness to provide for workers' welfare and happiness, we have destroyed their alternatives and their opportunities for advancement.

I would like to call the attention of my colleagues to the following excerpt from a Time magazine article of December 21, 1981. The article discusses the Italian economy—to which our own economy bears increasing resemblance—which is largely sustained by the strength of its small business sector:

> Government-subsidized industries—steel, cement, autos, shipbuilding, airlines—are losing money at a rate of $5 million a day, partly from inefficiency, partly from political pressures . . .
>
> The drain on the economy from such losses would be considerably worse were it not for the nation of profit. Small business everywhere is surprisingly strong. In the Tuscan city of Prato (pop. 160,000), for instance, the profits of family owned textile businesses amounted to $1.5 billion last year . . . Prato has 15,000 factories, of which 13,000 employ ten or fewer people. The yellow-stucco houses present strange sights: family wash hangs out of the upstairs window, while lower floors are filled with spindles, looms, and dye vats . . .
>
> The most amazing sector of the nation of profit, however, is Italy's underground economy, which never shows up on the official statistics. It is a result of the scala mobile, the official wage scale that moves up or down with cost of living indices. Most moves have been up, of course, particularly after the three powerful national labor unions won drastically higher revisions in the wage scale in 1975. Employers responded by taking advantage of a section of the labor law that exempts companies with fewer than 20 workers not only from automatic wage increases but also from compliance with regulations on benefits, safety rules, and social security. Suddenly, larger companies were chopped into smaller ones. In many cases, workers defied their unions and helped with the chopping. They did so, explains Vito Scalio, a Christian Democratic member of Parliament and one time union leader, because workers believe that unions are out of date. Says Scalio: "They still insist on representing a proletariat that insists on growing out of the proletariat class and become entrepreneurs."
>
> One result of such industrial miniaturization was a 30 percent reduction in labor costs. Another has been a patchwork of local boomlets. In desperately poor Naples, back-alley businesses have grown so fast that Mayor Maurizio Valenzi can brag: "Naples exports 5 million pairs of gloves a year, yet we do not have a single glove factory." In the village of Paganico Sabino (pop. 450), a farming hamlet 50 miles northwest of Rome, the women sit together in the sun, gossiping and knitting while their men work in the fields. The knitting needles fly purely for profit; the women are working for Armani, Missoni, Fiorucci and other top designers. Once a fortnight, a designer's representative collects completed knitwear and drops off a new supply of wool—and crisp lira notes. No talk about working conditions, tax deductions, or social security.
>
> Such activities show up nowhere in official economic surveys, but they are substantial. At least a million people are employed in unreported businesses. A million others hold two jobs, one of them also unreported. An additional 300,000 Italians are self-employed. About 15 percent of the labor force, as a result, does not officially exist—and neither do its revenues. In the view of some economists, Italy's gross national product, estimated at $393 billion in 1980, has been understated by as much as 30 percent.
>
> This strange new version of il piccolo e bello (small is beautiful), has forced social scientists to do some rethinking. Explains University of Rome Sociologist Franco Ferrarotti: "In the 1960s we predicted that the Italian family was disappearing. We were absolutely wrong . . ."

I believe that this brief excerpt illustrates the sort of benefits that my bill would provide: A burgeoning of small, innovative enterprises, and all on a human scale. I would much prefer to extend these benefits over the whole of the economy, to businesses of any size. But since this seems impossible at present, I would ask my colleagues to at least permit our smallest businesses to be bastions of free enterprise. The only alternative is continued economic decline and stagnation.

The specific provisions of my Small Business Free Enterprise Act are lifted directly from the Free Enterprise Zone Act that I introduced in the last Congress. Most of the benefits that would have been provided within the zones of the old bill would now be made available to qualified small businesses. This new bill certainly could be seen as a complement to the enterprise zone legislation which has been proposed by the administration. However, I should point out that the constitutional requirement of uniform taxation raises certain questions about an enterprise zone bill which would not arise on a small business bill. This is why I have changed the orientation of my bill. I have no doubt that my new bill would still provide a significant stimulus to the economies of our poorest cities, without confining the benefits to these areas.

The text of the Small Business Free Enterprise Act follows:

H.R. —

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE: AMENDMENT OF 1954 CODE.

(a) Short Title.—This Act may be cited as the "Small Business Free Enterprise Act".

(b) Amendment of 1954 Code.—Except as otherwise expressly provided, whenever in this Act an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of the Internal Revenue Code of 1954.

TITLE I—INCENTIVES

Subtitle A—Social Security Tax Reduction

SEC. 101. REDUCTION IN SOCIAL SECURITY PAYROLL TAXES.

(a) General Rule.—Subchapter C of chapter 21 (relating to social security payroll taxes) is amended by redesignating section 3126 as section 3127 and by inserting after section 3125 the following new section:

"SEC. 3126. ELIMINATION OF EMPLOYEE AND EMPLOYER TAXES FOR EMPLOYEES OF QUALIFIED SMALL BUSINESSES.

"(a) In General.—If an employee is an eligible employee for any payroll period, each rate of tax specified in section 3101 or 3111 shall, for wages paid for such payroll period, be reduced by 100 percent.

"(b) Eligible Employee.—For purposes of subsection (a), an employee is an eligible employee for any payroll period if his employer is a qualified small business (within the meaning of section 1201(d)(2)) for such period."

(b) Clerical Amendment.—The table of sections for subchapter C of chapter 21 is amended by striking out the item relating to section 3126 and inserting in lieu thereof the following:

"Sec. 3126. Reduction in employee and employer taxes for employees of qualified small businesses.
"Sec. 3127. Short title."

Subtitle B—Reduction in Capital Gain Tax Rates

Sec. 111. Corporations.

(a) General Rule.—Subsection (a) of section 1201 (relating to alternative tax for corporations) is amended by striking out paragraphs (1) and (2) and inserting in lieu thereof the following:

"(1) a tax computed on the taxable income reduced by the amount of the net capital gain, at the rates and in the manner as if this subsection had not been enacted,

"(2) a tax of 5 percent of the lesser of—

"(A) the net capital gain, or

"(B) the net capital gain determined by only taking into account sales or exchanges of qualified property, plus

"(3) a tax of 28 percent of the excess (if any) of—

"(A) the net capital gain for the taxable year,

"(B) the amount of the net capital gain taken into account under paragraph (2)."

(b) Definition of Qualified Property.—Section 1201 is amended by redesignating subsection (d) as subsection (e) and by inserting after subsection (c) the following new subsection:

"(d) Definition of Qualified Property.—For purposes of this section—

"(1) In General.—The term 'qualified property' means—

"(A) any tangible property which was used predominantly by an entity in the active conduct of a trade or business, and

"(B) any interest in a corporation, partnership, or other entity,

if, for the most recent taxable year of such entity ending before the date of the sale or exchange, such entity was a qualified small business.

"(2) Qualified Small Business.—A person shall be treated as a qualified small business for any taxable year if—

"(A) such person is actively engaged in the conduct of a trade or business during such taxable year,

"(B) such person has at no time during such year more than 20 employees, and

"(C) such person receives no subsidies, grants, loans, or loan guarantees from federal, state or local governments for such taxable year."

SEC. 112. TAXPAYERS OTHER THAN CORPORATIONS.

Subsection (a) of section 1202 (relating to deduction for capital gains) is amended to read as follows:

"(a) Deduction Allowed.—If for any taxable year a taxpayer other than a corporation has a net capital gain, there shall be allowed as a deduction from gross income—

"(1) an amount equal to the lesser of—

"(A) the net capital gain, or

"(B) the net capital gain determined by only taking into account sales or exchanges of qualified property (within the meaning of section 1201(d)), plus

"(2) 60 percent of the excess (if any) of—

"(A) the net capital gain for the taxable year, over

"(B) the amount of the net capital gain taken into account under paragraph (1)."

SEC. 113. MINIMUM TAX.

Paragraph (9) of section 57(a) (relating to tax preference for capital gains) is amended by adding at the end thereof the following new subparagraph:

"(E) Sales of certain property not taken into account.—For purposes of this paragraph, sales or exchanges of qualified property (as defined in section 1201(d)) shall not be taken into account."

Subtitle C—Corporate Rate Reduction

SEC. 121. RATE REDUCTION.

Section 11 (relating to tax imposed on corporations) is amended by redesignating subsections (c) and (d) as subsections (d) and (e), respectively, and by inserting after subsection (b) the following new subsection:

"(c) Reduction in Rate of Tax for Corporations Which Are Qualified Small Businesssses.—If any corporation is a qualified small business (as defined in section 1201(d)(2)) for any taxable year, the amount of the tax imposed by subsection (a) on the taxable income of such corporation shall (in lieu of the amount determined under subsection (b)) be 5 percent."

Subtitle D—Other Incentives

SEC. 131. ACCELERATED DEPRECIATION.

(a) One Year, Straight Line Method.—Section 167 (relating to depreciation) is amended by redesignating subsection (r) as subsection (s) and by inserting after subsection (q) the following new subsection:

"(r) Rapid Depreciation for Qualified Small Businesses.—

"(1) In General.—In the case of any taxpayer who is a qualified small business (within the meaning of section 1201(d)(2)) for any taxable year, the taxpayer may elect to compute the depreciation deduction under this section with respect to any property placed in service during such taxable year by using the straight line method with a useful life of 1 year.

"(2) Coordination With Section 168.—Property to which an election under this subsection is in effect shall not be treated for purposes of this title as recovery property (within the meaning of section 168)."

(b) Full Investment Credit Allowed.—Subsection (c) of section 46 (relating to qualified investment) is amended by adding at the end thereof the following new paragraph:

"(10) Special Rule For Property Of Qualified Small Business.—Notwithstanding any other provision of law, the useful life, for purposes of this subpart, of any property with respect to which an election is in effect under section 167(r) shall be determined without regard to that election."

SEC. 132. OPTIONAL CASH METHOD OF ACCOUNTING FOR QUALIFIED BUSINESSES.

(a) General Rule.—Section 446 (relating to general rule for methods of accounting) is amended by adding at the end thereof the following new subsection:

"(f) Optional Cash Method.—

"(1) In General.—Any taxpayer who is a qualified small business (as defined in section 1201(d)(2)) for any taxable year may elect to compute taxable income—

"(A) under the cash receipts and disbursements method of accounting, and

"(B) without any requirement to use inventories under section 471.

"(2) Election.—An election under paragraph (1) may be made by any taxpayer without the consent of the Secretary for the taxpayer's first taxable year for which the taxpayer is a qualified small business."

SEC. 133. MITIGATION OF MINIMUM WAGE LAWS.

The Federal laws mandating a minimum wage shall not apply to any business and its employees for the period such business is a qualified small business (within the meaning of section 1201(d) of the Internal Revenue Code of 1954).

SEC. 134. MITIGATION OF OCCUPATIONAL SAFETY AND HEALTH ADMINISTRATION JURISDICTION.

The Occupational Safety and Health Act (and the rules and regulations issued pursuant to its authority) shall not apply to any business and its employees for the period such business is a qualified small business (within the meaning of section 1201(d) of the Internal Revenue Code of 1954).

TITLE II—EFFECTIVE DATES

SEC. 201. EFFECTIVE DATES.

The amendments made by this Act—

(1) insofar as they relate to subtitle A of the Internal Revenue Code of 1954, shall apply to taxable years beginning after December 31, 1982; and

(2) insofar as they relate to chapter 21 of such Code, shall apply to wages paid after December 31, 1982.●

COMMUNITY HELMSMAN HONORED

HON. RON de LUGO

OF THE U.S. VIRGIN ISLANDS

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 1, 1982

● Mr. de LUGO. Mr. Speaker, the residents of Frenchtown and St. Thomas recently honored one of their own, Mr. Allan Richardson, who has been at the community's helm for 15 years. Mr. Richardson was presented with the first annual "Appreciation Award" by the Frenchtown Civic Organization.

I bring this event to the attention of this body, because I feel that Mr. Richardson is an example for and an inspiration to his fellow volunteers across this great country. The activities of this man are indicative of the facts that giving of one's self and voluntarism is alive and well in America.

The youth of St. Thomas are the true beneficiaries of Mr. Richardson's dedication. His work with the Boy Scouts has taken him throughout the St. Thomas community and touched many young people. In addition, he has encouraged parents and children to communicate in order to share and transmit their rich heritage and culture. Mr. Richardson, along with other planners in Frenchtown, are planning to revive some of the old French games they played as children and teach them to their own children in pursuit of their cultural objective.

Mr. Richardson certainly has demonstrated determination and commitment in achieving his goal—regardless of the obstacles. He founded the Moby Dick Carnival Troupe which has been a stable of the St. Thomas Carnival for many years. Mr. Richardson also contributed to the expansion of the annual Father's Day celebration into a mini-carnival. The final development of the Joseph Aubain Ballpark can be listed in this outstanding citizen's credits.

It is clear that Mr. Richardson has given of himself to better the community in which he lives. The citizens of Frenchtown and St. Thomas gathered to show their appreciation for his selfless giving. Voltaire, the great French philosopher, has said that "appreciation is a wonderful thing; it makes what is excellent in others belong to us as well." Truly, the selfless giving of Mr. Richardson belongs to us all.●

NUCLEAR ARMS

HON. EDWARD J. MARKEY

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 30, 1982

● Mr. MARKEY. Mr. Speaker, I would like to add these thoughts to the debate we have had during the nuclear arms special orders. The freeze-and-reductions resolution we have introduced has received some criticism from supporters of SALT II. Let me say at the outset that I supported SALT II and I continue to support SALT II. And I also support the work of the arms controllers. I think the accomplishments of the arms controllers and the SALT II treaty are notable.

Congressman LES ASPIN, of Wisconsin, was correct in noting during this debate the distinction between the "peace movement" and the arms controllers. But what the gentleman from Wisconsin fails to realize is that the peace movement is not as starry-eyed as he portrays it. Also, the arms controllers and the SALT treaty have not achieved the resounding successes their supporters might like us to believe. A recent article by William H. Kincaid, executive director of the Arms Control Association, gives a very realistic assessment of the arms control record:

> Whether measured against its own objectives or against the pace of military innovation, the record of arms control has been weak. The classic statement of the goals of arms control is that it should reduce the risk of war, limit the damage if war comes, and cut the cost of preparing for war. Substantial progress toward any of these aims is difficult to discern over the last 25 years. Notwithstanding the revisionists, any impact on strategic programs is nearly as hard to assert unequivocally. Whether viewed as a means of ensuring strategic stability or of avoiding a costly commitment to an ineffective technology or both, the ABM Treaty is the only agreement to date with a detectable effect on a deployed or developmental system. The measure which most now agree would have avoided many of the strategic problems the U.S. faces today—prohibition of multiple, independently-targetable, re-entry vehicles (MIRVs)—was resolutely opposed as an unacceptable restraint on a "solution" to U.S. strategic problems. And assertions that other U.S. weapons have been designed to support arms control do not hold up under scrutiny.

As for SALT II, I would draw attention to comments made by former Under Secretary of State George Ball at a public forum on our resolution, which was held in the Senate last week by Senators KENNEDY and HATFIELD:

Our disappointing experience has clearly demonstrated that reductions of any significance or magnitude cannot be achieved under a system such as has been used in the SALT negotiations. Under that system the negotiators seek vainly to establish equivalencies of weapons systems—of their warheads, throw weights, and other recondite attributes—that in the nature of things cannot be equated. In such an effort, each side is the victim of its own competing vested interests. Each of the American services—the Army, the Navy, the Air Force—fights for a larger part of the turf—a greater share in the design and management of nuclear weapons. Each pushes hard for its own weapons system with the support of its own nuclear metaphysicians and engages in reciprocal back scratching to achieve that end. If SALT II proved anything, it was that a negotiation seeking to satisfy all competitive interests is totally unsuited to achieving effective reductions. After American negotiators have accommodated all these competing baronies and developed a negotiating position complete with fallbacks, they will have jettisoned all possibility of serious progress toward arms reduction.

I would also like to address the Jackson-Warner resolution in the Senate.

The resolution says:

> The United States should propose to the Soviet Union a long-term, mutual and verifiable nuclear forces freeze at equal and sharply reduced levels of forces.

This resolution does not call for a freeze. What it calls for is a completion of the arms race and then later on beginning a freeze and deep cuts. The problem is that the arms race can never be completed. It is a never-ending process. Both sides will just keep on adding bargaining chips to the table. In the end, we just have more weapons that make it more difficult to negotiate a cut.

Calling for a long-term freeze is just the same old tired line of "let me arm, so we can disarm later." History has shown that this becomes a never-ending race:

When we exploded the Hiroshima bomb in 1945, the Soviets exploded one in 4 years.

When we deployed the intercontinental bomber in 1955, the Soviets soon followed suit.

We exploded the hydrogen bomb in 1955. The Soviets exploded one a year later.

The Soviets tested an ICBM in 1957. We tested one a year later.

The Soviets launched Sputnik I in 1957. We launched our first satellite a year later.

We produced our first Polaris sub in 1960. The Soviets produced a comparable sub in 1968.

The United States produced multiple warheads (MRV's) in 1966. The Soviets had them 2 years later.

The Soviets deployed 64 defensive missiles around Moscow in 1968. We began construction of an ABM system in 1969.

We MIRV'd our warheads beginning in 1970. The Soviets began deploying MIRV's 5 years later.

The United States is developing cruise missiles. The Soviets, no doubt, will follow suit.

The Jackson-Warner resolution would insure that history keeps on repeating itself, and repeating itself, until we end up blowing ourselves off the face of the Earth.●

WATT'S NEW ATTACK ON WILDERNESS

HON. MARTIN OLAV SABO

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 1, 1982

● Mr. SABO. Mr. Speaker, there is presently active debate occurring on the question of whether mining and drilling should be permitted in wilderness areas. In a surprising move, Secretary Watt introduced a bill, the stated purpose of which is to protect these lands until the end of the century. However, its effects will be quite the contrary.

An editorial appeared in the Minneapolis Tribune on March 1, 1982, explaining the situation and the nature of Secretary Watt's latest action. I include it in the CONGRESSIONAL RECORD:

> WATT'S NEW ATTACK ON WILDERNESS
>
> When Interior Secretary James Watt says he wants to protect wilderness areas from mining and drilling for the rest of this century, environmentalists rightly wonder if there's a catch. There are several. Watt's proposal is a clever flanking attack on the wilderness system. It should be rejected. Congress should move soon to prohibit permanently any further leasing in existing federal wilderness areas.
>
> If Watt were interested in preserving wilderness from mining and drilling, he would not need complex new legislation. At most, he would need a simple amendment to the Wilderness Act. The Act permanently closes wilderness areas to mineral leases at the end of 1983. Watt has imposed a moratorium on leases through 1982. Thus, only during 1983 may further leases be granted. If Watt had environmental interests at heart he possibly could close that one-year window by extending his own moratorium. Should he want legislative endorsement, Congress would oblige.
>
> But Watt isn't acting from concern for wilderness, and he doesn't want that lease window closed. He would like to grant, not prohibit, wilderness-area leases to the mining and energy interests that now have 1,000 applications pending. Congress has frustrated every effort in that direction. One so angered Rep. Manuel Lujan, Jr. of New Mexico, ranking Republican on the House Interior Committee, that Watt was forced to impose the present leasing moratorium. He got the message: Don't mess with wilderness areas.
>
> With Congress disinclined to allow further wilderness leasing before the 1983 deadline, and the Wilderness Act providing permanent protection thereafter, Watt concedes nothing by offering to protect wilderness through the end of the century. In effect, he proposes to substitute temporary wilderness protection for the permanent protection that is already fairly well assured.
>
> Watt also would weaken the limited protection he offers. He proposes that the president be empowered to open wilderness areas for mining by declaring a national emergency. The president would define national emergency. Congress could overrule, but only by action of both houses with 60 days. The change is an unnecessary, subversive attack on the wilderness system. Under the existing Wilderness Act, the president at any time can ask Congress to lift the wilderness designation, and Congress, if convinced by the president's arguments, can oblige. In a true national emergency it is inconceivable that Congress would refuse. But the burden of proof rightly should rest, as it now does with those who want to disturb an existing wilderness, not with those who favor continued protection.

Watt's proposal does not represent a change of heart; only a change in tactics. Because he cannot work his will constraints of the existing Wilderness Act, he now seeks to change the act. Congress should reject his ploy.●

PURPLE HEART CELEBRATES 50-YEAR ANNIVERSARY

HON. WILLIAM J. COYNE

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 1, 1982

● Mr. WILLIAM J. COYNE. Mr. Speaker, as we celebrate the 250th anniversary of George Washigton's birth, we should also pause to remember the anniversary of a military medal which traces its origins to him—the Purple Heart.

This combat decoration, awarded to those wounded by the enemy in time of war, and given posthumously to next of kin in the name of those killed in action, had a 50-year anniversary of its own which coincided with Washington's birthday this year.

On February 22, 1932—the 200th anniversary of Washington's birth—the War Department revived a citation created by the general in Newburgh, N.Y., on August 7, 1782. Only three people actually received Washington's "Badge of Military Merit," and poor recordkeeping resulted in its disuse until research for the 1932 Washington Bicentennial renewed interest. The War Department established the Order of the Purple Heart for Military Merit, authorizing a badge with a likeness of Washington in bronze on purple enamel with a light bronze border.

In recognization of the 50-year anniversary of that action, I would like to share with my colleagues an article, "The Purple Heart Story," which appeared in the Jewish War Veterans Magazine.

THE PURPLE HEART STORY

The order of the Purple Heart for military merit, commonly called 'The Purple Heart," is an American decoration—the oldest military decoration in the world in present use and the first award made available to a common soldier. It was created by one of the world's most famed and best-loved heroes—General George Washington!

General Washington is often pictured as a cold, stern soldier, a proud aristocrat, a martinet. Perhaps he was all of these at times. Yet, we know he showed sympathy and concern for his troops, and was not too proud to pray, humbly on his knees, for his beloved country and for the men who served it, and him, so bravely and loyally. His keen appreciation of the importance of the common soldier in any campaign impelled him to recognize outstanding valor and merit by granting a commission or an advance in rank for the person concerned. In the summer of 1782 he was ordered by the Continental Congress to cease doing so—there were no funds to pay the soldiers, much less the officers!

Deprived of his usual means of reward, he must have searched for a substitute. Shortly after receiving the "stop" order from Congress, he wrote his memorable General Orders of August 7, 1782, which read in part as follows:

"The General, ever desirous to cherish virtuous ambition in his soldiers, as well as foster and encourage every species of military merit, directs that whenever a singularly meritorius action is performed, the author of it shall be permitted to wear on his facings, over his left breast, the figure of a heart in purple cloth or silk edged with narrow lace binding. Not only instances of unusual gallantry but also of extraordinary fidelity and essential service in any way shall meet with due reward. . . . The name and regiment of the persons so certified are to be enrolled in a Book of Merit which shall be kept in the orderly room. . . . Men who have merited this distinction to be suffered to pass all guards and sentinels which officers are permitted to do. . . . The road to glory in a patriot army and a free country is thus open to all."

Lost or misfiled for almost 150 years among War Department Records at Washington, D.C., this important paper came to light during the search for Washington's papers prior to the celebration of his Bi-Centennial in 1932. With it were the dramatic accounts of three soldiers who received the decoration at Newburgh, N.Y., at Washington's Headquarters. The Book of Merit has not been found. The U.S. War Department revived the Purple Heart decoration on February 22, 1932. The revived form is of metal, instead of perishable cloth, made in the shape of a rich purple heart bordered with gold, with a bust of Washington in the center and the Washington coat-of-arms at the top. The latter is believed to have been the source of the stars and stripes of the American Flag.

Intrinsically, the Purple Heart is the world's costliest military decoration—nineteen operations are required to make it from the rough heart stamped from bronze to the finished medal, plated with gold and enameled in various colors, suspended from a purple and white ribbon.

The Order of the Purple Heart is awarded to members of the armed forces of the U.S. who are wounded by an instrument of war in the hands of an enemy and posthumously to the next of kin in the name of those who are killed in action or die of wounds received in action. It is definitely a combat decoration.

An organization now known as "The Military Order of the Purple Heart," was formed in 1932 for the protection and mutual interest of all who have received the decoration. Composed exclusively of Purple Heart recipients, it is the only strictly "combat" organization extant.

Funds for welfare, rehabilitation and/or service work carried on by the organization are derived almost entirely from the annual distribution of its official flower, the Purple Heart Viola. These are assembled by disabled and needy veterans, many of whom receive little or no compensation from other sources. Thus, your contribution for a Viola serves a two-fold purpose—it helps the veteran who assembled it, and it enables the organization to do many things in behalf of hospitalized and needy veterans and their families.

The Purple Heart Viola on your lapel is evidence that you have not forgotten the price of liberty paid in the past and still being paid by those who have borne the brunt of battle in defense of America.

Close feminine relatives of Purple Heart recipients are eligible to belong to the Ladies Auxiliary of The Military Order of the Purple Heart, which does important work nationally and locally in Veterans' Hospitals. Further information about the Order and its Auxiliary may be obtained by writing: The Military Order of the Purple Heart, National Headquarters, Rosslyn, Box 9286, Arlington, Virginia 22209.●

LAST HIRED FIRST TO GO

HON. BARBARA A. MIKULSKI

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 1, 1982

● Ms. MIKULSKI. Mr. Speaker, our country is facing the highest unemployment rate it has experienced in decades. Loss of jobs is creating hardship for individuals and families everywhere. There is one group that is suffering disproportionately. They are the women and minority workers who were the last hired and are the first being fired. Many of these now laid-off workers were providing a crucial second income to their family, and many were the sole source of income for themselves and their families.

I would like to insert an article from the March 31 Baltimore Evening Sun which expresses, in very personal terms, the effects these layoffs are having on women in Baltimore. We must not lose sight of the effect that current economic policy is having on the individuals and families we are here to represent.

[From the Baltimore Evening Sun, Mar. 31, 1982]

POINT IDLING 2,000; WOMEN GONE AT GM

(By Stacie Knable)

Once there were 800 women hanging tires and sanding autos at Baltimore's General Motors Corp. assembly plant.

Now there are none.

In September, more than 10 years after hiring its first female assembly-line worker, GM's local plant laid off its last female line worker. Women now represent about one-fourth of all hourly workers on furlough at the Broening Highway plant, victims of a seniority system which prunes newest employees first.

For many of the women, building Chevrolets and Pontiacs was like a long love affair. Occasionally you grow sick and tired and desperately want to get out, but the security is just too sweet.

"I really liked my job. It gets boring, but I loved my job," says Ann Latham, laid off last September after 10 years at GM. "I felt I had it made. It offered really great benefits."

For Latham, a divorced mother of four, acceptance by the male autoworker came quickly.

"So many of them went out of their way to make me feel welcome, because I was just plain scared to death. I had no idea I could do it. I figured I'd be in there for an hour and they'd fire me," says 42-year-old Latham.

Rod Trump, vice president of Local 239 of the United Auto Workers, empathizes with the Baltimore autoworkers hurt by slumping car sales. And he realizes that the female work force has been hurt worst: "There is no question that hard times have wiped out the affirmative action program.

"But the biggest impact was on the young, whether female, black or yellow. The people that had babies to feed and houses to keep . . . everything was snuffed out," he said.

Carol Bonosaro, assistant staff director for congressional and public affairs at the U.S. Civil Rights Commission in Washington, agrees that hard economic times hurt women workers.

"It is quite clear that the greatest impact has been on women as a group and then minorities. This is logical, as women's participation in the work-force has been increasing each year," says Bonosaro. "What is happening there [government] is probably happening in other industries where seniority is the criterion."

Bonosaro notes that the weakening economy "will probably put affirmative action back a few steps, although vacancies do occur, even in a nongrowing economy.

Bonosaro adds that women subject to economic woes and layoffs will become more politically active, gaining "heightened sensitivity to economic issues. That certainly will be an issue to watch."

The purge of women at GM here seemed as remote a possibility as contract concessions in October 1979, when Rod Trump says "everything was wonderful."

Three months later, the long rash of layoffs began as 2,000 second-shift workers were furloughed. That affected the majority of the women, who were relegated to second-shift duty as men with generally higher seniority preferred day-shift work, according to Jack Summers, personnel director at the Southeast Baltimore facility.

Linda Thrappas remembers screwing on bumper brackets and clamping battery cables on the night shift Monday through Friday, sometimes on Saturday, in 1972. The hours weren't perfect, but GM was revving right along then—job security didn't require concessions and the plant didn't close regularly, as it already has seven weeks this year for "inventory adjustments."

Thrappas, 30, hated her job so much that "it was a relief to be laid off" last September.

"It's a money trap. It's excellent pay, and there's nothing else you can do, without skills, that pays anything close," says Thrappas, who worked on the chassis line while pregnant in 1973.

Returning to GM after maternity leave, Thrappas says she was reassigned to a much more demanding job: "They put me on a job that I just couldn't do. I had to load about a 40-pound muffler on the car, one every minute. There wasn't a man on the line who would do that job if he could help it."

Thrappas began hemorrhaging and was hospitalized, but she later returned to the same job.

"I'd just sit and cry on my breaks. Finally, I fussed so much, raised so much hell, that they transferred me to another job," she says.

While Thrappas found building cars side by side with men not always easy, she recalls many helping hands when her co-workers realized she struggled to do her job: "The men would come and do my work for five or 10 minutes just to give me a break. Once you're a part of a group and you're being [taken advantage of], you're a part of them. All of the workers are together."

One of Thrappas's fellow assemblers was her husband, also laid off in September. The couple is now divorced, and Linda Thrappas attributes much of the problem to working at GM.

"The biggest factor is financial disaster. He couldn't accept the fact that we'd have to have a different lifestyle," says Thrappas.

Thrappas plans to complete studies for a nursing degree, but not because she thinks GM will abandon Baltimore.

"The whole country has suffered, but I don't think GM will take the brunt of it. If GM goes under, so would the country," says Thrappas.

Gwendolyn Baylor, 31, and also unemployed, thinks she eventually will return to work at GM. Like Thrappas, she remembers when the cars rolled smoothly and quickly off the Broening Highway assembly line.

"At first, working at GM was just like going into a concentration camp. You'd go to work and you couldn't get out, because there was either so much work or else the line would stop," says Baylor.

Baylor liked her job on the truck line—and its benefits: "If not for GM, I wouldn't have been able to buy my house, my car, put braces on my son's teeth. I came from Turner Station and now I live near Sparrows Point.●

POSTAL SERVICE CRITICIZED

HON. CARROLL HUBBARD, JR.

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 1, 1982

● Mr. HUBBARD. Mr. Speaker, my constituents often write me to express their concerns about the service provided by the U.S. Postal Service. In that vein, I would like to share with my colleagues the views of one of those constituents, Rev. William J. Agee, pastor of the Northside United Methodist Church in Paducah, Ky., regarding the mail service in his own community. Mr. Speaker, I submit Reverend Agee's letter:

> DEAR SIR: I am writing this letter while very angry and I might add that this anger has been white hot for the last year. It is over our supposed great Postal Service. I have never seen an organization that is given more time off, allowed to foul up more and waste more than the United States Postal Service. It is the worst organization that we have within the framework of our federal government.
>
> Our mail service was supposed to be more efficient and better for higher rates. If anything it has gone to the dogs. We cannot get next day delivery of mail across the city of Paducah. We have a postman delivering our mail who has dropped from having the mail in the box by 1:30 p.m. till now it is 4:00 and 4:30 p.m. before we receive our mail. And then most of the time I have to take mail to people's houses three and four streets away.
>
> Now, they are placing outrageous rates on our small membership church to mail a newsletter to our members to keep many of them who are shut-ins abreast of what is happening in the church. I serve as the District Director of Church and Society for this district. I am strongly looking at mounting a campaign to see if we cannot get someone in office from our state who will represent us against President Reagan. If you cannot start turning some of this around, maybe we can in the future find some new blood to bring leadership to Washington and the government. This postal department would be an excellent starting place.
>
> Grace and Peace,
>
> WILLIAM J. AGEE, *Pastor.*●

VIRGIN ISLANDER RECEIVES RAFI AHMED KIDWAI AWARD

HON. RON de LUGO

OF THE U.S. VIRGIN ISLANDS

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 1, 1982

● Mr. DE LUGO. Mr. Speaker, the director of land grant programs at the College of the Virgin Islands was recently named the recipient of India's highest award for agricultural research. Dr. Darshan S. Padda received the prestigious Rafi Ahmed Kidwai Award which is given every 2 years by the Government of India for his "outstanding work in agricultural research."

The people of the U.S. Virgin Islands and the College of the Virgin Islands are very proud of Dr. Padda for this recognition. Dr. Arthur A. Richards, president of the College of the Virgin Islands summed it up when he said:

> This not only reflects the excellent quality of the College's personnel but also demonstrates the high level of expertise that we possess at our institution for undertaking international work.

Since Dr. Padda was unable to attend the award function in India, arrangements are being made for him to receive the award from the Indian Ambassador in Washington, D.C. The award consists of a check, a certificate, and a citation.

Dr. Padda has been a resident of St. Croix for more than 10 years and is employed by the College of the Virgin Islands as the director of the college's agricultural experiment station and the cooperative extension service. He received his Ph. D. in plant breeding from Cornell University and has done research and teaching in India and Florida before coming to the U.S. Virgin Islands.

Dr. Padda's previous honors include recognition by the American Society of Horticultural Science for his work on physiological genetics of beans, a distinguished service award for his work as vice president and editor of the agricultural and food fair, and a commendation plaque by the Virgin Islands Senepol Association for exceptional ingenuity and judgment in directing sound research and educational programs for the development of Senepol cattle.

He has authored more than 50 scientific publications. He is listed in the "Who's Who in World Agriculture" and is an active member in the International Society of Horticultural Science, American Society of Horticultural Science, and the Caribbean Food Crops Society.

Dr. Padda has provided exemplary service to the college and to the Virgin Islands community. Under Dr. Padda's leadership, the college's land grant programs have earned local, regional, and international reputations. The U.S. Virgin Islands certainly is fortunate to have a man of Dr. Padda's ability within its territorial boundaries.●

WATT CUTS AWAY AT WILDERNESS

HON. LES AuCOIN

OF OREGON

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 1, 1982

● Mr. AuCOIN. Mr. Speaker, Secretary Watt has recently proposed legislation, the stated purpose of which is to protect the wilderness from mineral leasing. An editorial appeared in the Salem Statesman-Journal on March 6, 1982, describing the legislation. I think the editorial represents how many Oregonians feel about this latest initiative out of the Secretary's office.

WATT CUTS AWAY AT WILDERNESS

Now that details are known, it can be stated that Interior Secretary James Watt's proposed "Wilderness Protection Act of 1982" is an insidious effort to undermine the Wilderness Act of 1964.

The provisions of his new legislation justify suspicions of Watt's motives in offering to abandon his campaign to sell mining leases in the wilderness.

While the bill purports to delay all mineral development in the wilderness until the year 2000, it would allow the president, acting unilaterally, to authorize development in the wilderness by declaring an "urgent national need." At present, wilderness designation cannot be altered without congressional approval.

The bill would transform the permanent prohibition on mineral development in the wilderness, which is to take effect at the end of next year, and terminate it in the year 2000. This would include National Park wilderness as well as the wilderness on land managed by the Forest Service and Bureau of Land Management.

Inventorying of wilderness for mineral resources is permitted now, as long as the wilderness character of the area is not disturbed. Under Watt's proposal, such inventorying could be expanded to use any equipment that does not require the building of roads.

With the use of helicopters, this could seriously and unnecessarily damage the wilderness character of the areas in which it occurred.

The proposed law is riddled with exemptions. For example, the wilderness protection areas in Alaska would be made available for oil and gas leasing. The present buffer areas around the wilderness would be withdrawn from protection.

One of the most distressing things about this proposed law is its "release" language. Congress, the Forest Service and the Bureau of Land Management have been studying the status of roadless areas for years.

Pressure is building for a final determination—wilderness or non-wilderness—on these lands. This is understandable. They are a volatile political issue.

This newspaper contends, however, it is not essential to decide the ultimate fate of all these lands now. Some should be put into forest harvest categories, with roads allowed. Some should be added to the country's stock of wilderness. The designation for much of the land should be left for future determination.

This proposed legislation would require that all roadless areas not included in the wilderness by Jan. 1, 1985 be released for uses other than wilderness. In other words, the Reagan administration, namely Watt, wants the decision made on all land before the end of its four years in office.

Whatever Watt can block from becoming wilderness in that length of time would be barred from wilderness from that time forward.

This proposal, parading under the misbegotten title of the "Wilderness Protection Act of 1982," would destroy or endanger the safeguards built around the few remaining natural regions of this country.

The best wilderness protective act we could take in 1982 is to leave the present legislation alone, so it can continue to do the task that Congress assigned to it 18 years ago.●

CALL TO CONSCIENCE VIGIL FOR SOVIET JEWRY

HON. WILLIAM M. BRODHEAD

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 1, 1982

● Mr. BRODHEAD. Mr. Speaker, I am happy to join with my colleague, Congressman NORMAN LENT, in the 1982 Congressional Call to Conscience Vigil for Soviet Jewry. This is a continuing effort begun in 1976 to bring to the attention of Congress and the public the continuing plight of Soviet Jews who are being detained in the Soviet Union because of that government's restrictive emigration policies.

I sponsored the Vigil for Freedom for Soviet Jewry in 1978 as part of this effort. At that time, I spoke on behalf of Alexander and Leah Maryasin and their daughter, Faina, who at that time had, for 5 years, repeatedly been denied permission to leave the Soviet Union and emigrate to Israel to join their oldest daughter.

I am sad to say that today, 5 years later, no progress has been made in their case. I once again speak on behalf of this family. They have suffered much because of their desire to rejoin their daughter in Israel.

The Maryasins live in Riga, Latvia, and applied for exit permission in 1973. They were refused, for no stated reason. This was only the first of many such refusals.

Apparently because of his application for emigration papers, Alexander Maryasin lost his executive post at a Riga manufacturing plant. His younger daughter was expelled from the university she was attending. Since then, the family has been jobless and has been forced to sell its possessions merely to survive. A hunger strike begun to bring attention to their desperate situation was officially ignored.

Recently, Leah Maryasin became inflicted with a brain tumor and nearly died in the operation which followed. Her attempts to receive specialized medical treatment for her condition have been ignored. The Government of Canada has offerred its assistance, and the Maryasins have once again applied for exit permission, this time based on medical emergency.

I earnestly hope that the Government of the Soviet Union will change its policies and help these people. They hold no state secrets and seek only to live their lives united with their daughter in Israel. The Maryasins, along with thousands of other Soviet Jews, have lost everything because of their desire to live in peace and freedom. It is my hope that this call to conscience will awaken others to their plight and strengthen our resolve to assist them.●

MINNESOTA IRON ORE MINING JOBS THREATENED BY PROPOSED BRAZILIAN ORE PROJECT AND WORLD BANK LOAN

HON. JAMES L. OBERSTAR

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 1, 1982

● Mr. OBERSTAR. Mr. Speaker, I rise to bring to the attention of the House of Representatives a pending $300 million loan application to the World Bank by Cia Vale do Rio Doce, a Brazilian Government-owned and controlled company. The purpose of the loan is to assist in the financing of what would be the world's largest iron ore development facility.

In my judgment this loan application is in violation of a World Bank policy which prohibits World Bank participation in projects which produce commodities already in substantial surplus in the world market.

The Carajas project, owned by C.V.R.D., is located in northern Brazil. A 1-million-ton-per-year pilot plant is nearing completion; the full-scale project is scheduled to be in operation by 1984. The Carajas project is expected to produce 15 million metric tons of iron ore for export in 1985, 25 million tons in 1986, and reach full production capacity of 35 million tons in 1987. Brazil's 1980 iron ore production was 80 million tons, while its raw steel production was 16.8 million in that same year.

If the Carajas project is carried through to planned production capacity, Brazil's iron ore tonnage in 1987 would be in excess of 105 million tons. Its domestic needs in that same year are estimated to be 27 million tons, with 78 million tons planned for export markets.

By comparison, total U.S. iron ore production in 1980 was 69.3 million tons. The largest U.S. iron ore processing plant, United States Steel's Minntac facility at Mountain Iron, Minn., has a production capacity of 18 million tons, but last year produced only 11 million tons.

Total world production of iron ore in 1979 was 838 million tons. Reports on future production of iron ore (free world, excluding the United States and Canada) show plans totaling 60 million tons of capacity at an estimated investment of $8.2 billion (1981 dollars) by 1987.

Development costs of the Carajas project are now estimated to be approximately $150 per ton. Development costs for Minnesota ore production have been approximately $50 per ton.

Because of the excess of iron ore in the world market, Brazil will be forced to subsidize production and sell the ore on the world market at prices far below production costs—in a word, dumping.

Clearly, the Carajas project will have a depressing effect upon the world market, already in excess production, and a devastating effect on the iron ore industries of the United States, Canada, Sweden, and Australia. Several iron ore facilities in those countries are now running at less than one-third of capacity and will be faced with additional cutbacks if the Carajas project is completed as scheduled.

We must put a stop to competition from competition by commodities produced abroad with the help of subsidies from foreign governments or international lending institutions. Such projects undercut the American economy and drive jobs out of the American workplace.

Mr. Speaker, I urge other Members of this House to join with the Congressional Steel Caucus in opposing the C.V.R.D. application and work vigorously for its defeat.●

HALTING THE ARMS RACE

HON. WILLIAM J. HUGHES

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 1, 1982

● Mr. HUGHES. Mr. Speaker, as a legislator, concerned citizen, and father of four children, I feel a strong sense of responsibility for the future of our country and the world. We have witnessed in recent decades a massive accumulation of nuclear armaments by the two superpowers and a disturbing expansion of nuclear capability among other nations of the world. Nuclear proliferation endangers us all, for day by day it makes nuclear war both more likely, whether by design or accident, and more thinkable to those who control the weapons.

I believe that, as leaders of a country we love and would perpetuate, it is vital that we work to arrest the acceleration of the nuclear arms race. We are responsible for the fate of our Nation, and we must support a sound solution to this growing danger. We cannot act in a way which would endanger our Nation or invite others to threaten us with nuclear armaments. Rather, we must advocate a balanced approach which requires the same risks and sacrifices by both superpowers.

We must therefore look to proposals which are both mutual and verifiable. We must strongly support efforts to bring a negotiated, equitable agreement with the Soviet Union which assures our safety and which imposes the same risks and responsibilities on each nation. Whether through START talks, a nuclear freeze initiative, or other means, dialog must be pursued with a true willingness to end the arms race and reduce the nuclear arsenals of the superpowers. Increasingly, our citizens demand it and, clearly, our future depends upon it.

LENORE CULLMAN—FIRST WOMAN HOSPITAL ADMINISTRATOR IN THE LOS ANGELES HARBOR AREA

HON. GLENN M. ANDERSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 1, 1982

● Mr. ANDERSON. Mr. Speaker, I take this opportunity to call my colleague's attention to the fact that earlier this year, Mrs. Lenore Cullman, R.N., was appointed to the position of administrator at Bay Harbor Hospital located in Harbor City, Calif.

Some of my colleagues may ask, "Why is this of any great importance or significance?" It is because when Mrs. Cullman received this appointment, she became the first woman hospital administrator in the Los Angeles South Bay and Harbor area.

Lenore received her bachelor of arts degree and R.N. from Coe College located in Cedar Rapids, Iowa. She earned a master's degree in education from California State University at Long Beach, where she graduated with honors and was elected to the Phi Kappa Phi honor society. Currently, she is pursuing a master's degree in health care administration. Lenore also holds a lifetime community college instructor credential from the State of California and is a member of the Hospital Council of Southern California's Directors of Nursing Council; the American Society for Nursing Service Administrators; and the National League for Nursing. She is also the chairperson of unit "E" of the California League for Nursing, and in concert with this is a member of the league's board of directors.

Immediately prior to Lenore's promotion to the administrator position, she had been serving as acting director of the Bay Harbor Hospital since November 1981. She also served as the hospital's assistant administrator for nursing and patient services for 3 years, and in this capacity was responsible for ancillary services, quality assurance/risk management programs, and dialysis operations. In addition to this, Lenore also serves on the hospital's long-range planning committee and chaired the Accreditation Committee.

Lenore's experience in the field prior to securing a position at Bay Harbor Hospital includes assignments as associate administrator for patient care services at Woodruff Community Hospital in Long Beach and Lakewood General Hospital, and as nursing administrator at Paramount General Hospital, Cerritos Gardens Hospital, and Los Alamitos General Hospital.

Lenore Cullman has earned the respect and admiration of many, not only for her involvement in community affairs, but also for the accomplishments of her professional career as a registered nurse and hospital administrator. Through her competence and persistence, she broke into a field where employment opportunities for professional women are not widespread. Her performance has truly been inspiring.

My wife, Lee, joins me in congratulating Lenore Cullman for a job well done. We extend our heartfelt best wishes and appreciation for the contributions she has made to her profession and to the people of the South Bay. We also send to her and her husband, Louis, and their children, Louis, Sally, and Laurie, our sincere hopes for a bright and prosperous future.●

HELEN UNSINN

HON. MICHAEL D. BARNES

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 1, 1982

● Mr. BARNES. Mr. Speaker, a couple of weeks ago, I lost a dear friend and a devoted staff member, Mrs. Helen Unsinn. She was one of a handful of early volunteers who worked on my first campaign, and she later became a bulwark of strength and dependability in my congressional office in Wheaton, Md. While we honor many great Americans in these pages, Helen, in her quiet way, epitomized what it means to care about one's country and to look after one's neighbor more than anyone I can think of—simply through living it, day by day.

As a final gift to Helen, I would like to submit for the RECORD the eulogy which I gave at her funeral:

The shock and sadness of losing Helen—the dearest, most selfless person many of us will ever know—brings us together today. Helen was a genuine friend to all of us.

Helen was, for her many friends, a person who was just always there—not imposing herself on anyone, not asking for anything, not making a scene—just there, doing whatever needed doing. In a world where everyone wants to be a chief, Helen was proud to serve as an Indian.

I first remember Helen, and Otto, from our days working together for the National Democratic Forum, an organization that tried to raise important national issues in the Democratic Party.

Typically, Helen was a volunteer. She was, always, a quiet, loyal worker, involved because she cared about her country and wanted, in her unassuming way, to make a contribution to its future.

When I decided to run for the U.S. House of Representatives, a decision many people thought was crazy at the time, Helen was there from the very beginning.

There are a very few people without whom there would never have been a Congressman Barnes.

Helen is one of those.

Her first job in my campaign was to put the names of friends and potential supporters onto 3 x 5 index cards and keep them filed. Our first file was a shoe box from a pair of shoes that belonged to my daughter Dillon. As Helen expanded the file, we gradually grew into other shoe boxes.

Helen joined Claudia and me and Kathy Carroll every day in Marie Bass's dark basement in Silver Spring for months. She treated that volunteer "job" just as she would have any other. She was dependable, on time, always there because she knew we needed her.

Gradually the campaign attracted other people, and we moved to a real office. We had a lot of shoe boxes with 3 x 5 cards. Helen still kept track of each one meticulously.

When I got elected—it was a shock to many people, but Helen said she had known all along I would—I was in a position for the first time to offer some rewards and favors, a few jobs. Helen asked me for nothing. And when I asked her what I could do for her, whether she would like one of the jobs, she said she'd just like to continue to volunteer some in my office, whatever needed doing.

I remember our first conversation about what she might do in my office. Couldn't she just continue taking care of the card files, she asked? I explained that we'd been able to put all those names and addresses on a computer, and that we didn't have to bother with all those 3 x 5 cards and shoe boxes anymore.

She looked a little downcast for a moment. I think she thought there might not be a role for her anymore. Which was, of course, the furthest thing from the truth.

She began working in my office, first two days a week, then three days a week. At first, she answered telephones and dealt with miscellaneous constituent problems that people called or wrote to me about. Gradually, she began to specialize in Social Security problems, especially the very difficult area of Social Security disability—where people who are in ill health and unable to continue to work apply through the Social Security system for disability benefits.

It is unfortunately routine for many of these applicants to be denied once, sometimes twice, before they finally have the opportunity to appear before a judge and have a greater chance of being accepted. This process can take months or longer, and, in the meantime, people can no longer work, they are without money, in ill health, and in many cases, very desperate. Helen counseled and held the hand of literally hundreds of such people. She learned the process thoroughly and while it was not appropriate for my office to try to influence a decision on a person's application, Helen kept track of the application as it made its way through Social Security, made sure the papers were filed properly, the medical reports were submitted. She acted as a liaison between doctors, their patients, the Social Security staff, whatever was necessary.

One case involved a 34-year-old man with a brain tumor. He had a wife and two small children. He had been able to care for them well, but when he got sick, he lost his job and eventually his benefits were exhausted. With his huge medical bills, his family's reserves quickly dwindled. He was desperate and depressed. Throughout the long months before his disability benefits were finally granted, Helen talked with this man and his wife on almost a daily basis. Helen suffered with them, and they clung to Helen.

Many others clung to Helen, too. I have received many, many beautiful letters from people unknown to me who thanked me for having Helen in my office and for what she did for them. People learned the hours and the days when Helen would be in the office; they did not hesitate to call her about anything. Helen even gave her home telephone number and told people to call her at home when they couldn't reach her in the office.

It is hard to imagine the corner of the big workroom in the Wheaton office without Helen—papers and files piled around her—on the telephone, her head down, deep in conversation with a troubled constituent.

It is hard to imagine a campaign without Helen. It's hard to picture coming into a fundraiser or a big event without Helen sitting at the front table signing everybody in, as she has always done, since my very first campaign event in September of 1977, since the early days of the National Democratic Forum, back in 1973 or 74, when Helen would register everyone and Otto would take the money.

There was no pretention or arrogance in Helen. She didn't work to make you like her. She only asked that people take her as she was. Her single ambition was to always *give* as much as she could—and then ask what more she could do. It might have been possible sometimes to forget Helen was there, because there was no fanfare about her. But then every once in a while, there would be a sudden explosion of laughter that was *only* Helen's—and we knew Helen was there. And of course whatever job she had been asked to do, got done, and done well.

To you, Otto, on behalf of Helen's many, many friends, on behalf of Claudia and my parents, on behalf of the Wheaton staff, the Capitol Hill staff, all the people associated with my campaigns and with the Democratic party in Montgomery County, I want to extend our heartfelt sympathy. We extend our hands and hearts also to you, Patricia and Victor and Daniel. We offer our help to you and other members of the family in any way possible in the coming weeks and months. I hope that we've been able to convey to you how much we share your grief.

While they are not here today, we want Helen's granddaughters to know of our love one day too—Helen, Summer, Alicia and Susan. She loved them above all else. She loved to be asked about them, to show their pictures, even to brag a little about them. For all of us in this room with small children, Helen was a surrogate grandmother, and none of us will ever forget her many gestures of love to our children.

One small example of that was a book that Helen gave to my daughter, Dillon, who is now six years old. A book of poetry by Shel Silverstein, it is called "Where the Sidewalk Ends." I'd like to read today a little of the poetry that Helen shared with my daughter and, I know, with other children:

NO DIFFERENCE

Small as a peanut,
Big as a giant,
We're all the same size
When we turn off the light.

Rich as a sultan,
Poor as a mite,
We're all worth the same
When we turn off the light.

Red, black or orange,
Yellow or white,
We all look the same
When we turn off the light.

So maybe the way
To make everything right
Is for God to just reach out
And turn off the light!

FORGOTTEN LANGUAGE

Once I spoke the language of the flowers,
Once I understood each word the caterpillar said,
Once I smiled in secret at the gossip of the starlings,
And shared a conversation with the housefly in my bed.
Once I heard and answered all the questions of the crickets,
And joined the crying of each falling dying flake of snow,
Once I spoke the language of the flowers . . .
How did it go?
How did it go?

It is so appropriate that the family wishes contributions in Helen's memory to go to Children's Hospital.

Finally, dear Helen, we will—after today—continue to refer to you as all of us often have in the past. But when we do, we will know that you are now among others like you and worthy of you.

We love you, Helen. We have never had a better friend.●

A TRIBUTE TO EDWARD "BROWNIE" TALERICO

HON. DONALD J. MITCHELL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 1, 1982

● Mr. MITCHELL of New York. Mr. Speaker, it gives me great pleasure to bring the attention of my colleagues to the distinguished accomplishments of Edward "Brownie" Talerico, of Utica, N.Y. On April 24, Branch 375 of the National Association of Letter Carriers will honor Brownie Talerico in recognition of his 20th year as branch president.

In addition, he has served for 10 years as a member of the New York State executive board. He is area local business agent. He has served on several national committees including the prestigious National Ratification Committee. He is the founder and editor of the award-winning Utica Letter Carriers Journal.

He is an active and dedicated member of his community. He is a recipient of the Boy's Club Golden Boy Award. He is a sponsor of the branch's hospital program for terminally ill children. He was an active participant of my Business Assistance Committee, an effort to coordinate the energies of business, labor, and government in area economic development endeavors. He is president of the Utica Columbian Association, a member of chapter 182 of the Disabled American Veterans, the Moose, and New York Senators Club.

A veteran of World War II, he served in the Pacific theater as a rifleman. He was nicknamed "Brownie" after a short ring career in the days of amateur bootleg boxing.

An active union member since his early years, he was a member of Local 440 of the Iron Workers Union and the Carpenters Union Local 125. He is a branch delegate to the Central New York AFL-CIO.

On the 20th anniversary of his presidency, I congratulate Brownie for his selfless dedication to his fellow workers, neighbors, and countrymen.●

DEEP OCEAN DISPOSAL OF DECOMMISSIONED NUCLEAR SUBMARINES

HON. WALTER B. JONES

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 1, 1982

● Mr. JONES of North Carolina. Mr. Speaker, I would like to call the attention of my colleagues to the Washington Post article on Saturday, March 27, entitled "Ocean Burial for Old Nuclear Subs." The article pertains to the Navy's plans to develop a draft environmental impact statement (EIS) as announced on January 14 in a notice in the Federal Register.

The draft EIS, scheduled for release this summer, will discuss two options for permanent disposal of nuclear reactor components and submarines. The options include disposal at Department of Energy landsites in either Savannah, Ga., or Hanford, Wash., and deep ocean disposal. The Navy has made preliminary evaluations which indicate that the U.S. coastline exhibits ocean areas that meet international site criteria. The Navy has investigated two initial sites, which include one area off the coast of California, approximately 160 nautical miles southwest of Cape Mendocino; and one area off the coast of North Carolina, approximately 200 nautical miles southeast of Cape Hatteras.

The Committee on Merchant Marine and Fisheries maintains jurisdiction over the Marine Protection, Research, and Sanctuaries Act of 1972 which regulates or prohibits the transportation of waste materials for the purpose of disposal in ocean waters seaward of the baseline. In order for the Navy to dispose of the decommissioned, defueled submarines in the ocean, it is required to submit formal application to the Environmental Protection Agency (EPA) for an ocean dumping permit. The Navy has not decided that the ocean option is the best alternative and more than likely will not be prepared to make a decision until the latter part of 1983.

The committee has conducted two oversight hearings to determine the existing records of, and possible impacts from, past ocean dumping practices that included low-level radioactive waste dumped between the years 1946 and 1967. The results of those hearings, and others conducted by the Congress, have shown that a considerable amount of uncertainty remains with respect to the exact locations and contents of approximately 90,000 containers of low-level radioactive wastes. At the same time, the scientific data available indicate that no environmental or public health hazard exists. Additionally, a recent General Accounting Office (GAO) report states that "scientists estimate that as much as 90 percent of the wastes dumped have already decayed to innocuous levels."

I am relieved that present scientific findings indicate no immediate hazard but I regard the disposal of radioactive waste in any environment as a move that we should approach cautiously and with the best management technologies. All too often the news media contain stories of toxic waste sites that have led to contamination of precious groundwater supplies or the closing of coastal waters to fishermen because of pollutant contamination. While permanent solutions are critically needed to aid the huge volumes of nuclear and solid wastes that are stockpiled around the Nation, the most feasible and environmentally safe mechanisms should be employed to protect our life-dependent resources.

With these considerations in mind, therefore, I would like to announce to my colleagues the plans of the Merchant Marine and Fisheries Committee to focus on the Navy's deep sea option for scuttling the submarines. I plan to schedule an oversight hearing later this spring, possibly in the vicinity of Cape Hatteras, to determine the possible environmental and health impacts that might be expected from such disposal techniques and to invite scientists and engineers to comment publicly on the deep ocean proposal.

For the convenience of my colleagues who may not have had the opportunity to read this article, I include this article, "Ocean Burial for Old Nuclear Subs," in its entirety, in the CONGRESSIONAL RECORD:

OCEAN BURIAL WEIGHED FOR OLD NUCLEAR SUBS

(By George C. Wilson)

The Navy is considering sinking its old radioactive submarines in the depths of the ocean, fresh evidence that the arms race is compounding the gigantic problem of disposing of nuclear wastes.

The Navy has five old nuclear-powered submarines waiting for burial, either in the ocean or on land. More subs will soon be lined up behind them.

"With over 100 nuclear-powered submarines in operation, the Navy is faced with eventual decommissioning of these ships at a future rate of possibly three or four per year over the next 30 years, and a permanent means of disposal must be developed that is environmentally acceptable," the Navy said in a statement signaling its intention to start assessing burial sites.

Today's nuclear attack submarines cost $850 million each, while the giant Trident missile sub has a price tag of about $1.3 billion.

One option for disposing of worn-out submarines is to take the nuclear fuel out and then dump the ships in deep parts of the Atlantic or Pacific. The other is to cut out the radioactive sections housing the power plant and send them to the Energy Department's burial grounds in Savannah, Ga., and Hanford, Wash.

A Navy spokesman said yesterday that his service is taking the first step toward finding a final resting place for nuclear submarines: preparing an environmental impact statement, a process expected to take about 18 months.

Although the Navy defangs its retired nuclear submarines by taking out the nuclear fuel, the metal in the power plant that surrounded it stays radioactive for years, with cobalt 60 the main source of radiation. However, the Navy stressed in its formal notice—printed Jan. 14 in the Federal Register—that it would take great pains to protect the environment and did not believe radioactivity from the subs would turn out to be a high risk.

Stressing that it has not decided which way to go, the Navy said sinking the submarines in deep water would be cheaper than land disposal. "If the sea disposal option were to be selected, the submarine reactor plant would be defueled and all the nuclear fuel would be removed from the ship," the Navy said. "Hull integrity would be restored and the ship prepared for towing and for flooding in such a manner that it would land on the ocean bottom intact with reactor plant containment maintained."

The Navy conceded that the radioactive metal in the reactor would rust out eventually, no matter whether the subs were buried in the ocean or on land, but it estimated that the release of radiation would be at safe, "negligible" levels by then. The study under way is designed to assess the risks.

If the Navy opts for sea disposal, the Environmental Protection Agency would have to grant a permit for a specific part of the ocean—a process that could take up to three years, including time for possible consultations with foreign governments as required by the London Dumping Convention. Land disposal would be quicker, with the administrative work taking between one and two years.

The Navy has been investigating as potential dumping grounds an area of the Atlantic 17,000 feet deep, 200 miles southeast of Cape Hatteras, N.C., and a spot in the Pacific about 14,000 feet deep around 150 miles southwest of Cape Mendocino, Calif.

Two U.S. nuclear submarines lie at the bottom of the Atlantic—the Thresher, lost in 1963, and the Scorpion, which sank in 1968. No one survived either sinking. There is also the likelihood that some Soviet nuclear-powered submarines have sunk. The Soviet Golf-class submarine that the Glomar Explorer tried to raise off Hawaii in 1974 was diesel-powered but carried nuclear missiles. It sank in 1968.

The Navy said it has detected radioactivity from cobalt 60 in the sea bottom near the Thresher and the Scorpion but not in the surrounding water, marine life or debris.

The Navy in 1959 dumped part of the power plant of the submarine Seawolf in 9,000 feet of water 120 miles off the Atlantic coast. "No significant effect on the marine environment is expected," the Navy said.

Concern about the health risks of burying radioactive material at sea or on land is sure to mount once the Navy tries to win public acceptance of a specific plan. Now awaiting decisions on their final resting places are the attack submarines Nautilus, expected to stay on land as a monument, Triton and Halibut and the missile subs Theodore Roosevelt and Abraham Lincoln.●

JESSE BRENT, WATERWAY STATESMAN

HON. DAVID R. BOWEN

OF MISSISSIPPI

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 1, 1982

● Mr. BOWEN. Mr. Speaker, last month the Nation and our State of Mississippi lost a great leader and many of us lost a close personal friend in Mr. Jesse Brent of Greenville.

He was not the kind of leader often extolled in these Halls, that is, a national political figure or statesman in the conventional sense, but he was a statesman, a leader of men and industry, a man with the standards, ideals, and ability that have made our Nation great.

Jesse Brent was born in 1912, in a small town in south Mississippi, Rockport, and he was raised in Vicksburg on the banks of the Mississippi River. At the age of 18 he went to work as a riverboat deckhand with the U.S. Army Corps of Engineers for $2 a day, the beginning of a long career on the waterways of America.

Later he and his father ran a boat service up the Yazoo and Sunflower rivers, supplying the Mississippi-Delta farm area northeast of Vicksburg. In the early 1940's he moved from Vicksburg north to another Mississippi River port, Greenville, and, along with Gilda McCool, Bilbo Williamson, and Percy LeMay, started the first towing company in Greenville.

In 1956 Jesse Brent sold his share of that company and started Brent Towing Co. with one towboat and two barges. With hard work, ambition, and foresight his company has grown to its present capacity of 22 towboats and 55 barges, employing over 600 people, making it one of the largest privately owned companies in the industry. In addition to the towing company, Jesse Brent also established Brent Marine Supply in 1961 and bought Superior Boat Works in 1966.

Jesse Brent must certainly be regarded as "the father of the towboat industry" in Greenville and the man most responsible personally for the economic development of that industry there than any other single man. As a result of his pioneering leadership and his encouraging the establishment of other firms, even though they might be competitors, Greenville now has 28 towboat-related corporations employing over 2,500 people with an annual payroll of more than $25 million.

From this leadership base in Greenville, Miss., he served as chairman of the board of the American Waterways Operators, a member of the executive committee of the Water Resources Congress, the board of directors of the National Waterways Conference, the Intracoastal Canal Association, and other waterway organizations.

Jesse Brent was not only a great national leader in the towboat and barge industry, but he was very active in grassroots politics, in civic, humanitarian religions and philanthropic activities. He served on the board of trustees of Millsaps College in Jackson, Miss., where I once taught; he was president of the Greenville Chamber of Commerce and the Greenville Community Fund, and a board member of the Delta Council and a leader in his Methodist Church.

Jesse Brent was nonpartisan in his political activities and was as willing to support an unknown candidate for public office, such as I was 10 years ago when I first ran for Congress, as he was established public figures.

The State of Mississippi, the waterway industry of the Nation, the city of Greenville, and a great many people throughout the Nation have all benefited from his leadership, his advice, his financial support, and his personal friendship.

His distinguished family will carry on in the great tradition that Jesse Brent has established. His wife, Ruth, is a community leader in her own right, and his sons, Howard and Lea, will continue to administer the company in their father's great waterway tradition; they and his other children, Betty Jo Hines and Barbara Wasson, and all of Jesse and Ruth Brent's 17 grandchildren and 9 great-grandchildren in a growing family of leadership and distinction will carry forward the virtues, ideals, and standards exemplified in the name and memory of a great Mississippian and a great American, Jesse E. Brent.●

NUCLEAR NON-PROLIFERATION ACT OF 1978

HON. MORRIS K. UDALL

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 1, 1982

● Mr. UDALL. Mr. Speaker, I would like to make a brief statement in support of a bill Mr. BINGHAM and I and more than 35 of our colleagues are introducing today to strengthen the Nuclear Non-Proliferation Act (NNPA) of 1978. Mr. BINGHAM has for many years been a motivating force behind congressional activity to stem the proliferation tide. We owe him much for his efforts.

It seems incredible that some 37 years after the first nuclear explosion we continue to be uncertain about the dangers of nuclear weapons spread and how much of a price we should be willing to pay to prevent it. We now have a President who said during his campaign that proliferation was none of our business. Fortunately his views moderated once he was forced to confront the harsh realities of office.

For those who believe proliferation to be a matter not deserving of our attention, I think it worth noting the dangers. First is that the likelihood of regional nuclear conflicts increases greatly with the number of nuclear weapons powers. As the number of nuclear nations increases, so does the likelihood that a regional conflict will trigger a nuclear war among the superpowers. The use of nuclear weapons by other countries, even if such use were limited to one area of the world, would tend to legitimize use of these weapons, thereby setting the stage for a holocaust whose dimensions defy comprehension. Along with the increased number of nuclear weapons goes the prospect of these weapons falling into the hands of irrational governments or terrorists.

For too many years we have been unable to adopt a clear policy based on acceptance of significant restrictions upon our own activities in order to prevent acquisition of nuclear weapons related technology by other countries. While proliferation has always been considered bad in principle the question has been how much we would be willing to pay to prevent it. The answer too often has been that we were not willing to pay very much. We came forth instead with rationalizations for giving our commercial interests priority over our proliferation concerns. We told ourselves either that proliferation did not make that much difference, or that there was nothing we could do to prevent it, or that the best course was to expend our involvement in international commerce because this would enhance our influence on the safeguards system intended to deter diversion of nuclear materials from peaceful to military uses.

Too often we closed our eyes to what was going on. Now five nations make no secret of their nuclear arsenals. In addition to these five nations, Israel more likely than not has a nuclear capability. India has tested a nuclear explosive. South Africa and Pakistan are way down the road. Argentina is getting itself in a position where it can produce nuclear explosive materials. Taiwan and South Korea could acquire nuclear explosives if they were to feel threatened.

It is with these ideas in mind that I am cosponsoring Mr. BINGHAM's legislation that seeks to strengthen existing law.

Our proposed bill deals with nuclear commerce that could contribute to an ominous spread of the ability to produce high-enriched uranium and plutonium which could be fabricated into nuclear weapons. Our proposed legislation would help to assure we do not bargain away existing constraints on nuclear exports in order to improve commercial prospects of our ailing nuclear industry. We must continue to establish and maintain a high standard for export licenses against which performance of other nuclear supplier nations can be judged. We must encourage other nuclear suppliers to follow our example.

Clearly our proposed legislation is but one piece in the continuing evolution of a program to prevent further nuclear weapons spread. Our policies and decisions must be designed to minimize the premature commercialization of plutonium as a reactor fuel. We should discourage use of reactors that use plutonium by convincing other governments that there is sufficient uranium and enrichment capacity to provide fuel for at least several decades.

Finally we should recognize the inadequacies of the International Atomic Energy Agency (IAEA) safeguards systems when we approve nuclear exports. We should be aware that the NRC has stated its concern "that the IAEA safeguards system would not detect a diversion—of nuclear explosive materials—in at least some types of facilities." The Commission also said that it was "not confident that the IAEA member states would be notified of a diversion in a timely fashion." In carrying out oversight of the NRC, I intend to make sure that the Commission subjects all license applications for nuclear exports to strict reviews that take full account of the limited capability of the IAEA safeguards.

In sum, our purpose is to place impediments in the way of acquisition of nuclear weapons by other countries. If we are successful, we will have paid a small price for having diminished the likelihood of a nuclear catastrophe.●

A RADIOACTIVE FALLOUT BILL

HON. DAN MARRIOTT

OF UTAH

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 1, 1982

● Mr. MARRIOTT. Mr. Speaker, today I am introducing a bill to remedy a situation of great injustice. For 30 years, the Federal Government has failed to behave responsibly, and it is now time for Congress to take matters into its own hands. This Government's record of disgrace must be cleared.

Between January 1, 1951, and July 31, 1962, the U.S. Government exploded a series of nuclear bombs. These tests were open atmospheric tests producing radioactive fallout clouds. Following a number of individual shots, fallout clouds were tracked through southeastern Nevada, southern Utah, and Arizona.

These were not unpopulated areas. Rather, there were at least 170,000 men, women, and children who lived within the shadow of the testing. They breathed the air that carried the radioactive fallout, drank the milk and ate the beef contaminated by the radioisotopes deposited on the ground and ingested by the cows. Throughout it all, the Government told these people that the radioactive fallout posed no harm.

Since that time, the health effects resulting from the atmospheric testing have become apparent. The incidence of cancer in these areas is extraordinarily high. The rate for leukemia alone tripled between 1950 and 1967. Families involved have been decimated by the radioactivity to which they were exposed. One southern Utah man I know lost his wife and nine other close relatives due to cancer, a highly improbable occurrence statistically.

The U.S. Government can no longer afford to ignore the plight of these patriotic American citizens who unwittingly became victims of our nuclear testing program.

My bill proposes a remedy. It is a simple attempt to deal in a fair and equitable, yet scientific way, with the painful results of actions undertaken during an unusual period in American history.

The bill amends Federal tort claims procedures, acknowledging the Federal Government's compassionate and inherent responsibility to these citizens. It presents a reasonable solution to the difficult to accept, yet unavoidable problem of direct causation on the part of our Government.

We know certain cancers are produced by radiation exposure. Clinically, we cannot distinguish whether or not one particular case was caused by radiation exposure and another was not. But, the overwhelming fact remains that the incidences of these cancer types are increasing in the areas where our Government performed nuclear testing. And the only conclusion we can draw, the only inherent and decent action we can take, is to accept that evidence and provide a remedy.

This is not to say we are providing blanket compensation to all cancer victims. Radioepidemiological studies can tell us what the probabilities are that any given cancer in a population was caused by radiation exposure. My bill would enable the court to use this evidence in determining those victims who have the highest likelihood of their cancer having been caused by exposure to the Nevada testing fallout. The evidence would be compiled in table form considering all the relevant factors of age, sex, cancer type, years from exposure to onset of cancer, and dose.

The bill also attempts to make old and current information regarding dose levels from the fallout available to plaintiffs. It requires the Secretary of Energy to publish charts giving environmental exposure levels for the different geographic areas involved.

My bill proposes a reasonable solution to a problem that should have been taken care of years ago. I urge my colleagues to support this legislation which only attempts to do what is fair, right, and just.

SECTIONAL ANALYSIS OF MARRIOTT BILL

PREFACE TO ANALYSIS

The bill does amend federal tort claims procedures to require the court in fallout cases to consider radioepidemiological evidence in reaching its conclusion and in making an award.

The burden of proof still rests with the plaintiff to demonstrate a reasonable likelihood of having received a particular dose of radiation from the fallout.

SECTION 2692—STANDING

In order to have standing, two criteria must be met:

1. Plaintiff must have been a resident of the United States or one of its territories during open air atomic tests conducted between January 1, 1951 and July 31, 1962;
2. Plaintiff must have a radiation-related cancer that was diagnosed after January 1, 1952; or
3. Plaintiff must be the estate of a deceased person who met conditions 1 and 2.

SECTION 2693—SECRETARY ACTION

Secretary of Health and Human Services must determine and publish a list of radiation-related cancers (within 60 days).

Secretary of Health and Human Services must develop and publish radio-epidemiological tables that estimate the probabilities that various radiation-related cancers could have been caused by radiation exposure (within one year of enactment):

Calculations must be for exposures ranging from 1 millirad to 1,000 rads.

Must consider relevant factors such as sex, age, type of cancer, etc.

Probability of causation is expressed in a percentage figure.

Secretary of HHS must publish formulas and data from which tables were derived.

Secretary should use the best available data and update every four years.

Secretary of Energy must develop and publish charts which give environmental exposure levels for different geographic areas:

Environmental exposure level is the level of radioactivity in the air.

Measurement will be expressed in Roentgens.

All tables and charts are to be promulgated under procedures which allow for consideration and comment by all interested individuals.

SECTION 2694—DISCOVERY OF INFORMATION

The intent of this section is to make available under Federal Rules of Civil Procedure all information and data relative to dose measurement and assessment.

Secretary of Energy must publish a descriptive bibliography of materials held by the Federal government.

Court is provided with access to classified materials for use in a case but without release to the public.

SECTION 2695—COMPENSATION

Compensation may be awarded by the court to anyone who has been found to have a Probability of Causation of 10% or higher.

Compensation is to be pro-rated with higher probabilities receiving larger awards.

	Percentage		
	10 to 29	30 to 49	50 to 100
Money points	$3,000	$4,000	$5,000
Maximum benefit	500,000		

For example: 10% Probability of Causation (PC), $30,000 award; 15% Pc, $45,000 award; 30% PC, $120,000 award; 40% PC, $160,000 award; 50% PC, $250,000; 70% $350,000; and 100% PC, $500,000.

The acceptance of such an award released any further claim against the government except if within ten years after acceptance an updating of the tables or formulas raises an individual's probability of causation.

SECTION 2696—STANDARD OF PROOF

Individual must demonstrate to the court a reasonable likelihood that a particular dose was received.

That dose will be the maximum credible dose which is a dose which is 95% probable to be at least as high as the dose he received.

If the individual fails to demonstrate this through a preponderance of the evidence, the court can determine the maximum credible dose. The court shall consider both external and internal exposure from ingested radionuclides in its determination of dose.

Presumption of validity is not given to Federal records.

SECTION 2697—EXCLUSIVE REMEDY

The procedure outlined is the only remedy available to persons claiming injury from radioactive fallout from nuclear testing.

Any award will not preclude the possibility of obtaining any other federally funded benefits.

SECTION 2698—STATUTE OF LIMITATIONS

A plaintiff must file action within two years after the date of enactment, or within two years of a cancer diagnosis, whichever is later.

SECTION 2699

Awards are non-taxable.

SECTION 2700—LIMITS ON ATTORNEYS FEES

Attorneys fees are limited to 10% of the first $100,000, and 5% of any excess.

Prescribes penalties—maximum of $5,000, or 1 year, or both.

SECTION 2701

Awards will not require a person to reimburse insurance companies.●

IMPROVEMENT IN THE EXTENDED UNEMPLOYMENT BENEFITS PROGRAM

HON. JOHN J. LaFALCE

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 1, 1982

● Mr. LAFALCE. Mr. Speaker, one of the most sorrowful, yet accurate, reflections of the failure of the Reagan economic program is the ever-increasing number of unemployed Americans. Nationwide, the unemployment rate is 8.8 percent. The number of unemployed persons for the month of February was 9.6 million, according to the Bureau of Labor Statistics. In my own western New York region the jobless rate for the Erie/Niagara Counties area is a horrendous 14.3 percent—the worst rate since the depression. In Orleans County, the unemployment rate was also unconscionably high: 14.1 percent; fortunately Monroe County was not nearly as bad, but its rate has also risen from 5.6 percent in January 1981 to 7.3 percent today.

Indeed, the total level of unemployment is actually higher, because these figures listed above do not reflect the people who have been unemployed for so long that they are not even counted among the Nation's jobless.

What is truly unfortunate is that not only is the economy causing hardship by increasing the number of Americans out of work, but the unemployment insurance system, itself—the system which is supposed to provide aid and sustenance to the families of unemployed workers—is also replete with inconsistencies and nonsensical provisions. Clearly it is an inequitable and ill-designed system which denies extended benefits for the workers in my congressional district which suffers chronic high unemployment, due to our reliance on the troubled auto and steel industries, while such benefits are paid in other States which are actually economically healthier. I can assure my colleagues that the unemployed workers of New York State are every bit as unemployed as their fellow citizens in Mississippi or California. Yet, in those States extended benefits are now being paid, while in New York State they have been cut off for well over a year.

Accordingly, today I am introducing legislation to revamp the system by which eligibility for extended unemployment benefits is calculated.

First, I must take a few moments to describe the current extended unemployment benefits system and how it operates to prevent citizens in some States from obtaining much-needed aid.

The extended benefits program provides up to 13 additional weeks of benefits to those individuals who have exhausted their regular unemployment benefits. Funding for the extended benefits program is shared equally by the Federal and State governments and is "triggered-on" when the insured unemployment rate (IUR) in a State is 4 percent and, in addition, is 120 percent higher than it was during the same period in the previous 2 years. Alternatively, a State may "trigger-on" when its IUR reaches a flat 5 percent. It is worth noting that under the terms of the Reconciliation Act, starting October 1, 1982, it will be even more difficult for a State to "trigger-on" because the State will have to reach a 5 percent IUR—and be 120 percent higher than during the corresponding period for the previous 2 years—or reach a flat 6 percent IUR.

What is crucial to understanding this system of determining benefits is that the IUR differs radically from the actual level of unemployment. This is because the IUR calculation only considers those persons who are covered by the unemployment insurance program. People who are out of work for so long that they no longer qualify for unemployment benefits and those individuals who have not worked long enough to qualify for coverage, are not included when the IUR is determined. Obviously, though, such people are very much a part of the unemployed work force.

Because of the anomalous way in which extended benefits are calculated, a State with many people who have been out of work for a lengthy period of time, and obviously has very high real unemployment, may have a very low IUR because many of the unemployed citizens no longer are covered by unemployment compensation.

As illogical as the IUR measure is during normal times, it is particularly inappropriate and harsh during a recession. The IUR is artificially low during a recession because by its very mathematical formulation it compares the number of people collecting benefits now—when unemployment is high—with the number of people employed in the work force a year ago—before the recesssion began. The resulting IUR measure makes the unemployment rate appear less than it is in reality.

The folly of the IUR is demonstrated by the fact that it is not used for determining benefits for any other Government program. The IUR is not used for determining funding for CETA prime sponsors, nor for economic development assistance nor for funding under the Defense Manpower Act or any other Government program which targets money to an area based upon that area's level of unemployment.

The IUR measure is used for just one reason: It is simple to calculate because it only counts those people who are actually collecting benefits at a given time. But, it is clearly inequitable when we realize that those people collecting benefits do not necessarily represent the true unemployment picture in a State. State eligibility rules for determining who collects unemployment insurance differ widely among States and, as pointed out earlier, the IUR system tends to ignore those areas which have high chronic underlying levels of unemployment—those areas most in need of extra assistance.

To keep in mind how inaccurate the IUR is as a measure of unemployment consider this: In New York State the total unemployment rate—as measured by the current population survey—is 9 percent. However, the IUR in New York State is only 4.15 percent—plus it is 97 percent higher than it was in the same period during the previous 2 years. This is far short of the needed 120 percent higher figure which is needed to "trigger-on" the State to extended benefits.

The bill which I am introducing makes some fundamental changes in the system by which extended unemployment benefits are determined. The bill eliminates the IUR calculation and permits a State to "trigger-on" to extended benefits when the seasonably adjusted unemployment rate for a State reaches 7 percent. The seasonably adjusted rate is calculated each month so it should not prove to be a problem to use this readily available statewide data for calculating eligibility for extended benefits.

The changes encompassed in my bill would have several beneficial features:

First; eligibility for extended benefits would be measured by a formula which more realistically portrays the unemployment picture in a State, than does the IUR calculation. The current population survey, unlike the IUR, does count those people who have exhausted regular unemployment benefits and are still looking for work—the very people who are supposed to be aided by the extended benefits programs.

Second, eligibility for extended benefits would be tied to a formulation with which people can identify. Nothing could be more galling to an unemployed worker than to hear that he cannot qualify for extended benefits because the insured unemployment rate must reach 4 percent when he or she knows for a fact that the true level of unemployment is 8, 10, 12 percent, or higher.

Third, my bill may very likely save money to the Federal and State governments. Under current estimates of the U.S. Department of Labor, somewhere between 35 and 46 States may "trigger-on" to the extended benefits program if it continues to operate under current law. Clearly, if benefits are paid in 46 States the extended benefits program will be very costly. The hallmark of my bill, however, is that it is neither too costly because it is too generous, nor inexpensive because it fails to provide aid where needed. Rather, it is fair because it targets the money for extended benefits where it is needed. Any program which provides aid must be based upon a system which distributes that money fairly and, which is perceived as being fair. Surely, the current IUR system does not meet those standards.

I have chosen a 7-percent seasonally adjusted rate for my bill because the national seasonably adjusted unemployment rate in July 1981, at the time the recession "officially" began was 7.2 percent. Therefore, the figure I am recommending represents a number which reflects the underlying unemployment rate which this country experienced prior to the most recent wave of economic adversity which has required our taking action to improve the system for figuring extended benefits.

Ultimately, of course, we need to embark upon an economic program which restores the health of our economy and returns workers to their jobs. In the meantime there are millions of Americans who are experiencing the pain and hardship of unemployment and we need to address their immediate fate.

This bill restores fairness and logic to the extended benefits program and will provide an extra measure of sustenance to those who sorely need additional benefits.●

THE LAW OF THE SEA NEGOTIATIONS

HON. JACK FIELDS

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 1, 1982

● Mr. FIELDS. Mr. Speaker, I submit for the record excerpts from a recent article by Mr. Basil N. Petrou on the subject of the Law of the Sea negotiations.

Mr. Petrou has double degrees in both law and business from the University of Chicago. In 1974, he was U.S. Treasury representative on the U.S. delegation to the Law of the Sea Conference. Mr. Petrou has extensive experience with and knowledge of the subject.

I call attention to this article particularly for those of the Congress who have been told that the Law of the Sea Treaty will usher in harmony and order on the world's oceans. The reality of the situation is that the reverse is more probable.

TREATY SUMMARY

The key provisions of the proposed, 180-page treaty are:

(1) The territorial sea of a coastal state is 12 miles wide with a 24-mile contiguous zone, wherein it can take measures to prevent violations of its territorial sea rights.

(2) The coastal state has "sovereign rights" over resources within an exclusive economic zone (the continental shelf) extending up to 200 miles off a nation's coast.

(3) If the continental shelf extends beyond 200 miles, the coastal state still retains sovereign control but will be "taxed" for resources exploited beyond the 200-mile limit. Developing nations importing minerals would be exempt from this tax.

(4) Vessel transit, laying of pipelines and overflight conditions are all set forth in detail for that area beyond coastal state jurisdiction.

(5) An International Seabed Authority will be set up to regulate and participate in the exploitation of the deep seabed. All deep seabed technology will be required to be transferred both to the Authority and to developing states.

(6) The Authority will be allowed to finance its operating costs by raising capital from member nations. No member will have veto power. According to U.N. principles, this would mean that the United States will be required to finance 25 percent of the operating costs while not being guaranteed representation on the Authority.

(7) Private companies will be subject to an up-front fee, yearly rent until production commences and, thereafter, production charges. Private companies in turn will receive only a share of their profits, all of which go to the Authority. Additionally,

conditions governing mining rights can be altered every five years and changed altogether after 15 years.

(8) Three courts or arbitral tribunals will be set up to handle disputes arising from the treaty.

U.S. POSITION: PAST AND PRESENT

At the first United Nations conference in 1958, the 90 participating nations (including the United States) agreed to give jurisdiction of the continental shelf to the coastal state. Additionally, general principles of law were specifically codified regarding freedoms of navigation, fishing, laying of submarine cables and pipelines, and overflight. At the second U.N. conference in 1960, the United States proposed a 6-mile territorial sea while most other nations favored a 12-mile limit. The 1960 conference failed totally.

In 1969, the U.N. General Assembly passed a resolution which declared that, until the establishment of an international regime following a comprehensive LOS treaty, exploitation of resources beyond the limits of national jurisdiction were prohibited, and that no claim to any part of that area or its resources would be recognized. The United States and most other developed nations voted against this "moratorium" resolution. Nevertheless, the resolution passed by a vote of 68 to 12.

In 1970, the United States called for an international conference on vessel transit issues and the deep seabed and agreed to a U.N. resolution prohibiting claims that would be incompatible with the international regime to be established. By doing so, it left the door open for the developing nations to press successfully for a comprehensive Law of the Sea conference covering all ocean issues.

Since 1976, there have been ten sessions of the Third Law of the Sea conference. In exchange for high seas freedom for vessel transit in a coastal state's exclusive economic zone and related protection against potential restrictions on vessel transit through international straits, the United States essentially has conceded the following points relating to a deep seabed authority:

(1) the right of the Authority to mine;

(2) a system for "banking" deep seabed sites;

(3) transfer of mining technology to the Authority;

(4) financing of the Authority by member states;

(5) a formula limiting deep seabed mineral production to projected growth in the nickel market; and

(6) periodic review by member nations of the rights granted to seabed miners.

By December 1980, government officials had completed their review of the U.S. position on the Law of the Sea treaty and all participating agencies supported continuation of the negotiations. These negotiations reconvened last August in Geneva where the U.S. delegation presented the following list of treaty changes:

(1) renegotiation of the present requirement to pay the Seabed Authority a 1-7% per year share of the volume or revenues realized from production on the continental shelf but beyond 200 miles;

(2) a permanent U.S. seat on the Seabed Council;

(3) deletion of any reference to production limits from the text;

(4) no mandatory transfer of company technology to developing nations although technology transfer to the Authority was acceptable; and

(5) a protection of investment clause to give private companies already operating in the deep seabed mine site priority before the treaty is ratified.

INVESTMENT IMPLICATIONS

Companies and nations desiring to exploit the ocean will now have to contend with Law of the Sea negotiations and the resulting potential treaty. Already seven consortiums have filed for licenses to begin exploring, hopefully by 1988. Four of the consortiums are led by U.S. companies: Lockheed Systems Co., Inc., Kennecott Corp. (Sohio), Essex Minerals Co. (U.S. Steel Corp.), and Inco, Inc.

These companies and others will have to deal with at least five areas of concern:

(1) INCREASED REGULATION:

Without an LOS treaty, ocean usage has been regulated by the acts of nations as they accede to, or oppose, an amalgam of national laws, assertions of territorial jurisdiction, international treaties, and decisions of the International Court of Justice. As a result, businesses that presently use ocean resources, travel the ocean surface, or drill the ocean floor are for the most part free to conduct their operations as they see fit until or unless challenged by a coastal state. The deep seabed area is now without widely accepted national or international jurisdictional claims. In June 1980, Congress passed the Deep Seabed Hard Mineral Resources Act which allows the United States to license seabed exploration after July 1, 1981, while delaying actual mining until January 1, 1988. Under this legislation (especially as it may be linked with similar legislation now on the books of other developed nations), private companies are free to operate under hospitable legal and economic terms.

But if LOS is accepted, exploitation of ocean resources would be more heavily regulated. That which is within 200 miles or on the "continental shelf" would be subject to extensive coastal state jurisdiction, while that which is beyond 200 miles would be subject to control by the new International Seabed Authority.

Not only will economic activity be subject to regulation, but there also can be a fine distinction between deep seabed economic activity and military uses tied to mining technology. It may be recalled that in 1974, Hughes Tool was thought to be mining for manganese nodules until several newspapers reported it was really attempting to recover a Russian submarine from the deep ocean floor.

With internationally agreed-upon expanded coastal state jurisdiction, some coastal states may feel comfortable in asserting this new jurisdiction for political advantages, such as an assertion that "hostile" military vessels had violated their expanded offshore jurisdiction. It also seems probable that foreign naval powers may have to demand rights to unhindered transit. The recent example of U.S. jets downing Libyan aircraft within Libyan-claimed "historic bays" may well be repeated in other parts of the world. Companies that operate as foreign offshore drilling entities may find themselves in the middle of such international squabbles.

(2) TAXATION:

Under the proposed LOS treaty, any production of seabed resources beyond 200 miles would be "taxed." On a nation's outer continental shelf, this means that mineral or hydrocarbon production beyond 200 miles would be subject to an international excise tax beginning at 1% of volume or value and escalating to 7% per year. The Authority would "tax" the host nation which undoubtedly would pass on this levy to the companies engaged in the venture. Additionally, most host nations would like see this excise tax as incremental to the normal income tax and royalty currently imposed. The IRS position on this tax is unclear, but because it is unique to oil and gas production and imposed over and above a foreign country's normal corporate tax, the IRS could argue that the payments should not be creditable against U.S. taxes. As a result, even though the deep water technology exists, private companies would be less willing to drill and produce on the continental shelf beyond 200 miles off a coast.

In the deep seabed, each private company would be subject to an initial $500,000 fee, $1 million a year in rent, and production charges thereafter. Supplementing these direct taxes, each company will be required to pick two sites, one of which the Authority will "choose" to mine itself. Not only are the start-up and production costs artificially high as a result of the Authority's "taxation," but all profits would go to the Authority to be shared by all participants. The productive and profitable organizations would be required to share their profits with those less efficient, causing their after-tax return to diminish even further. Thus, the Law of the Sea treaty can be expected to sharply reduce private exploration and mining of the deep seabed.

In addition to taxation beyond 200 miles, there is the possibility that coastal states would impose new direct or indirect taxes on vessels transiting coastal waters within the 200-mile limit even though prior experience and the intent of the treaty text suggests they would not immediately do so.

(3) TECHNOLOGY TRANSFER:

In addition to regulation and taxation, the LOS would requre a mandatory transfer of a company's deep sea technology to at least the Authority and maybe even to developing nations. As a result, even though major multinational companies have the technology to develop deep sea mining, there would be much less incentive to use it under LOS. If, then, the demand rises for ocean-produced resources, prices can be expected to rise faster, since the option of private deep seabed mining has been effectively stifled.

(4) TRANSIT CONTROVERSIES:

With an LOS treaty, commercial vessels would be subject to more harrassment due to the economic "zone" created offshore and managed by the coastal state. The United States was not able to get high seas rules for vessel transit in these zones. Instead, only general freedom of navigation and overflight and "other internationally lawful uses of the sea related to these freedoms" are expressed. This clause is intentionally ambiguous to such an extent that the Reagan Administration transition team reported that the treaty would "contribute to the erosion of the high seas freedom of navigation and overflight." The wording certainly opens the door for politically preferential interpretations.

(5) ESTABLISHED PRECEDENT:

And finally, long term, a new precedent would have been set concerning what has heretofore been considered res nullius, "something owned by no one." The Law of the Sea treaty would effectively state that the unknown reaches of the deep ocean should not be unowned, but rather commonly owned as mankind's heritage. Unfortunately, this common heritage would be dominated by Third World regulations. Because the ocean would have been so defined, the same is likely to be applied to other "unowned" resources and unregulated areas such as outer space (e.g. geostationary orbits above the earth) and Antarctica.

This precedent is all the more troublesome because the history of U.S. involvement in the Law of the Sea conference and support for a "common heritage" principle can only be corrected by active U.S. opposition to such claims during the remaining negotiations. It is the nature of international law that a nation must actively assert its opposition to such claims of jurisdiction and interpretations of treaty text as they are expressed in various ways by other nations. The greater the number of adherents to a treaty, the more assertive must be the dissenting nation.

The second general problem follows from this requirement that nations act on their beliefs. Regardless of whether or not President Reagan withdraws the United States from the Law of the Sea negotiations, the world is left with 10 years of deliberations during which the U.S. is on the record as favoring claims of coastal state jurisdiction which would prove harmful not only to business but also to military interests. Such U.S.-supported claims will come to haunt us during future bilateral negotiations and world court deliberations, where they can be used to indicate creation of customary international law by consensus. This is probably true even if the Law of the Sea conference totally collapses without a single nation signing the present draft treaty, something not likely to happen given the negligible costs to the Third World in signing the present draft treaty.

IMPLICATIONS FOR BUSINESS

The International Seabed Authority, as presently designed, would employ redistributionist policies aimed at transferring wealth through taxation and regulation. Income and technology would be taken from developed nations and given to the Third World. The global effects of this shift in income and wealth would cancel each other while creating no new wealth. However, the authority's policies would create vast inefficiencies causing a significant substitution out of activity in this potentially vast field of endeavor.

In essence, an LOS treaty would create an effective international wedge in the production, utilization and distribution of basic raw material resources. This would, of course, imply a reduced supply to the market, increased costs to the consumer, and a decrease in the price received by the producers of the "taxed" activity. Differing impacts on the future capital budgets of various industries would be expected. Those companies which have already invested capital would suffer immediate consequences. Such companies would include members of the seven consortiums which already have filed for licenses to mine the deep seabed.

The only businesses that are sure to prosper in the new world of Law of the Sea are those which help a coastal state police its 200-mile exclusive economic zone. These companies might include defense industries (especially radar and sonar equipment producers).

In the coming months, the key factors to look for in determining the business impact of the conference will be how the United States attempts to address the deep seabed issues. If the United States wins the changes it is seeking, then we might expect the United States to sign the treaty. This will mean (assuming Senate ratification) that deep sea mining firms will have to deal with the new seabed Authority. Deep sea mining production likely would suffer. However, if the U.S. asks for other concessions related to vessel transit in addition to the deep seabed changes, it will be a sign that the Reagan Administration is seeking to redraft the treaty along tighter lines and may well set the stage for an end to the conference. In this case, deep sea mining companies will operate under various countries' legislation and mining is likely to proceed if mineral prices justify it.

Whichever way the United States goes, other industries operating on the oceans or on the continental shelves will face the problems noted above. The result is likely to be a retreat to "safer havens" for oil companies drilling on the continental shelves and an increased awareness of political problems associated with vessel transit through expanded coastal state waters. This recognized safety of the U.S. outer continental shelf (OCS) combined with Secretary Watt's expanded OCS oil and gas leasing schedule may influence more oil companies to search these waters than would otherwise have been the case.

THE DILEMMA

A nation which does not believe in international law can walk away from a treaty it does not like or even one it has signed. Such a nation feels free to interpret international laws on a day-to-day basis. The United States is not such a nation. It has been in the forefront of developing international institutions and laws. For this reason, it is in a dilemma of its own making on the Law of the Sea.

Other nations know that the United States must honor its treaties and over time will be influenced by its early concessions on Law of the Sea issues as these concessions have been embodied in the draft treaty. Thus, it seems that no matter what the United States does in the next few months, it has helped create an economically and politically difficult future for itself on and under the oceans.●

HOUSE OF REPRESENTATIVES—*Monday, April 5, 1982*

The House met at 12 o'clock noon.

The Chaplain, Rev. James David Ford, D.D., offered the following prayer:

O Lord, we pray for all the gifts that bring wholeness to our souls, but especially for the virtues of compassion and forgiveness. Though we must often judge others and measure their success, may we not forget that no person is as he ought to be and all fall short of Your glory. Even as You have mercy on us, so teach us to show patience and understanding toward those with whom we live and work. Amen.

THE JOURNAL

The SPEAKER. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

MESSAGE FROM THE PRESIDENT

A message in writing from the President of the United States was communicated to the House by Mr. Saunders, one of his secretaries.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Sparrow, one of its clerks, announced that the Senate had passed without amendment a joint resolution of the House of the following title:

H.J. Res. 435. Joint resolution providing for the designation of April 12, 1982, as "American Salute to Cabanatuan Prisoner of War Memorial Day."

The message also announced that the Senate agrees to the amendments of the House with amendments to a bill of the Senate of the following title:

S. 266. An act to foster greater coordination and sharing of health-care resources between the Veterans' Administration and the Department of Defense, and to amend title 38, United States Code, to authorize appropriate coordination and sharing of such health-care resources; and for other purposes.

The message also announced that the Senate had passed bills, joint resolutions, and a concurrent resolution of the following titles, in which the concurrence of the House is requested:

S. 1629. An act to amend the Communications Act of 1934 in order to encourage and develop marketplace competition in the provision of certain broadcast services and to provide certain deregulation of such broadcast services, and for other purposes;

S. 1681. An act to designate the southern Nevada water project the "Robert B. Griffith Water Project";

S. 2344. An act to amend section 235 of the National Housing Act;

S.J. Res. 165. Joint resolution authorizing and requesting the President to proclaim 1983 as the "Year of the Bible";

S.J. Res. 166. Joint resolution designating April 28, 1982, as "National Nursing Home Residents Day";

S.J. Res. 170. Joint resolution to designate the week of November 7, 1982, through November 14, 1982, as "National Hospice Week"; and

S. Con. Res. 69. Concurrent resolution urging the Soviet Union to allow Ida Nudel to emigrate to Israel, and for other purposes.

PERMISSION FOR COMMITTEE ON ARMED SERVICES TO HAVE UNTIL MIDNIGHT, TUESDAY, APRIL 13, 1982, TO FILE REPORT ON H.R. 6030, DEPARTMENT OF DEFENSE AUTHORIZATION, 1983

Mr. PRICE. Mr. Speaker, I ask unanimous consent that the Committee on Armed Services have until midnight, Tuesday, April 13, 1982, to file a report on H.R. 6030, as amended, the fiscal year 1983 Department of Defense authorization bill.

The SPEAKER. Is there objection to the request of the gentleman from Illinois?

There was no objection.

STUDENTS VOICE CONCERNS OVER NUCLEAR ARMS AND CIVIL DEFENSE PROGRAM, AS WELL AS STUDENT AID

(Mr. PEYSER asked and was given permission to address the House for 1 minute, and to revise and extend his remarks.)

Mr. PEYSER. Mr. Speaker, this last Friday I had the opportunity of being at the University of Pennsylvania and addressing the student leadership of over 35 colleges around this country. The purpose of the meeting was to talk about student aid, which we did, and the total rejection by students of the President's program that would eliminate so many hundreds of thousands and, yes, millions of students from attendance at colleges and graduate schools.

But other subjects came up at the meeting, too, Mr. Speaker. One was a great concern over the President's definition of what a "nuclear freeze" was because they saw nothing expressed there except a continual nuclear arms race.

The second subject was the issue of talking of spending nearly $4 billion on a civil defense program that is never going to work in this country and that would be just a tremendous waste of money and an indication that we are trying to get ready for something when we really should not be considering this issue at all and ought to be working to reduce the nuclear arms and the strength of both the Soviet Union and the United States.

THE SO-CALLED SICK DEMOCRATS—LISTEN TO THEM

(Mr. SEIBERLING asked and was given permission to address the House for 1 minute, and to revise and extend his remarks.)

Mr. SEIBERLING. Mr. Speaker, an article has been brought to my attention that appeared in the Denver Post under the headline "Watt Says Sick Democrats Hope America Will Fail." It goes on to quote Secretary of the Interior James Watt as saying, "They want America to fail so they can grow. That's sick."

I will leave it to the Members to decide what is "sick" about that statement. Perhaps I should point out that this same James Watt said there were only two kinds of people, "Americans and liberals." When he was criticized for that, he said it was only a "joke." If so, it was a "sick" joke.

I would also like to point out that it was not the Democrats who passed Mr. Reagan's tax bill with its tremendous giveaways to the oil industry and its catastrophic effect on the deficit. It is not the Democrats who are threatening war and making belligerent statements, and it is not the Democrats who have cut aid for students, aid for the poor and the handicapped, and aid for women, children, and the elderly.

No, we Democrats want America to succeed. It is someone else who is dismantling the safety net that we built so laboriously over many years. And I suggest that it was the Democrats last year who were warning about the dangers of the so-called Kemp-Roth-Reagan tax bill, who were warning that there would be ruinous interest rates, and who were warning that most people would not be able to buy a car or a home if that program were adopted.

Mr. Speaker, sometimes the worst thing we can do to someone is to give him what he asks for. Last year Congress gave President Reagan every-

☐ This symbol represents the time of day during the House proceedings, e.g., ☐ 1407 is 2:07 p.m.

● This "bullet" symbol identifies statements or insertions which are not spoken by the Member on the floor.

thing he asked for. Unfortunately, the people of America, and especially the 9 million unemployed, are now suffering the consequences. Perhaps it is time that those "sick" Democrats were listened to.

NO ADVANCED ARMS TO JORDAN

(Mr. SKELTON asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SKELTON. Mr. Speaker, speculation over the administration's intentions to sell F-16 aircraft and Hawk antiaircraft missiles to Jordan has not abated, largely because the administration has not suggested otherwise. Without such assurances, the security of Israel, our friend and ally, will continue to be in jeopardy.

I am opposed to any administration proposal to sell F-16 aircraft or Hawk antiaircraft missiles to Jordan, a nation that is still technically at war with Israel. Providing Jordan with these sophisticated weapons systems would compromise Israel's qualitative and quantitative military edge in the Middle East, and imperil the delicate balance of power which has brought some peace to this strategically important region. Because of our vital interest in the Middle East, the sale of this military equipment would not be in the best interest of the United States.

I hope that my colleagues will join me in actively urging the administration to drop any consideration of selling advanced armaments to Jordan.

INTRODUCTION OF RESOLUTION TO THWART LEGISLATION CUTTING RETIREMENT PROGRAMS

(Mr. VENTO asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous matter.)

Mr. VENTO. Mr. Speaker, at the risk of being labeled a political Populist, I am introducing a resolution today that would amend the House rules to prevent, through the duration of the 97th Congress, legislation which would cut benefits, now or in the future, under all federally administered retirement programs.

Such action is absolutely imperative in light of the assault on retirement programs being waged on a broad front today. Those concerned about maintaining our commitments to retirees, must not be disarmed by the self-labeled "fiscally responsible" who have decimated the Tax Code, mangled public programs, and stimulated the most serious recession in five decades. Now, many of the same group that created this blueprint for an economic disaster are voicing "demands" for cuts in entitlement programs; that is, social security. The White House and some in Congress and the special interests who most benefited from the tax hemorrhage feel compelled to offer up retirees as a sacrifice.

My resolution will allow us to make the important point that cutting programs like social security and railroad retirement does not address the growing budget deficit. Cutting retirement benefits only achieves paper savings in the unified budget because the major retirement programs are not funded with general revenues. To reduce deficits, we must attack the hemorrhage of revenue lost through last year's tax bill and the greatly accelerated Pentagon spending program.

Mr. Speaker, as if we needed further indications of the White House true intentions after last May, we now have the Reagan-appointed social security trustees' April 1982 report. The tactics may have changed but the goal to cut social security and retirees remains intact.

However, the Washington Post, April 4, 1982, editorial, I believe, more accurately outlines the problem and therefore I place it into the RECORD at this time to provide some perspective and further justification for the legislative initiative that I have submitted today.

[From the Washington Post, Apr. 4, 1982]

SOCIAL SECURITY OUTLOOK

How much should older people worry about the future of Social Security? If you read the new report issued by the trustees of the Social Security system, you may be surprised to find that—at least for the next 20 years or so—there is not much cause for alarm.

Would that the rest of the federal budget were in as good shape as Social Security, when you get right down to it. Under the same economic assumptions the administration uses to project the rest of the budget, Social Security is not in any trouble at all for the rest of the century. Whereas the rest of the budget, under this interpretation, shows enormous deficits, the combined retirement, disability and Medicare payroll taxes are sufficient to cover all Social Security outlays.

We don't think that the administration's economic forecast is a prudent basis for planning a system as important as Social Security, of course. But the fact that the system would be in balance under economic conditions that the administration finds plausible is at least a good indication that Social Security's short-term difficulties are not so severe as to warrant major retrenchments in benefits. This should relieve the concerns of the many elderly people who now fear that major, permanent cutbacks in benefits are in the offing.

On the other hand, since it is likely that economic conditions will not improve as sharply as the administration hopes, Congress needs to make corrections to ensure that the combined trust funds do not run temporarily dry—a prospect that could occur within the next two years. The sooner corrective measures are taken, the less harsh the adjustment needed to tide the retirement and disability funds over the next few years until surpluses are expected to reappear.

Congress also should start thinking about Medicare. Unlike the case with the other two funds, Medicare's financial difficulties will continue to worsen unless some way is found to stop hospital costs from growing at more than twice the rate of inflation. With a fast growing elderly population and ever more elaborate methods of diagnosis and treatment, curbing Medicare costs may require substantial changes in the medical care system. If people don't want to change the system, then the costs will have to be recognized and a consensus developed on how best to pay them.

The trustees' report is a useful reminder that Congress can't afford to dally in covering the likely near-term shortfall in the retirement and disability funds—or to begin exploring ways to get Medicare costs under control. But the report should not be used as an excuse for making sharp and permanent cutbacks in benefit payments in the hope that the resulting surpluses in the trust funds will offset deficits elsewhere in the budget. The Social Security tax is an unforgiving tax—it hits lower wage earners hardest and makes no allowance for special needs and circumstances. If more money is needed to invest in defense or to service the national debt, the progressive income tax is the right way to finance such expenditures.

THE 17TH CENTURY CRISIS

(Mr. LEACH of Iowa asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. LEACH of Iowa. Mr. Speaker, the possibility of armed conflict over the Falkland Islands is a poignant reminder of the need for caution and restraint in arms sales abroad. As Argentina and Britain prepare to square off in a 17th-century sort of crisis over control of a remote island chain, there is a real danger that arms supplied by the United States to a Latin American military dictatorship will be used against one of our oldest and most important allies.

This situation has arisen at a time when there has been consideration within the administration of certifying that Argentina is eligible on human rights grounds for renewed U.S. arms sales. Yet, it is the eroding domestic popularity of the Argentine military government that has been cited as a major factor motivating the decision to move against the Falklands at this time. Argentina's reckless use of force to establish control over British territory should make it absolutely clear that its government lacks the responsibility that we should demand of those to whom we sell arms.

The perilous situation developing in the South Atlantic should prompt a reassessment on the part of the administration as well as Congress of the appropriateness of a foreign policy built disproportionately on arms transfers. The administration's fiscal year 1983 foreign assistance budget calls for a $1 billion increase in foreign military assistance. Congress should make it plain, however, that this is a time to reduce rather than increase the international flow of arms. Our economy as well as our principles would be better served by a new policy of restraint.

PERMISSION FOR COMMITTEE ON ENERGY AND COMMERCE TO HAVE UNTIL MIDNIGHT TOMORROW TO FILE CERTAIN REPORTS

Mr. SEIBERLING. Mr. Speaker, I ask unanimous consent that the Committee on Energy and Commerce may have until midnight tomorrow, Tuesday, April 6, 1982, to file certain reports.

The SPEAKER. Is there objection to the request of the gentleman from Ohio?

There was no objection.

THE EMIGRATION POLICY OF THE SOVIET UNION AND THE CAUSE OF SOVIET JEWRY

(Mr. LUNGREN asked and was given permission to address the House for 1 minute, and to revise and extend his remarks.)

Mr. LUNGREN. Mr. Speaker, in the past few months, when we have been talking about the Soviet Union, much discussion has been focused on the question of its nuclear might and its activities in Afghanistan and elsewhere, and one thing we ought not to leave out is what the Soviet Union is doing with respect to its Jewish citizens.

Dissident Jews were allowed to leave the country at an accelerated pace over the last number of years until the last year, when the number that were allowed out of the Soviet Union dwindled down to a precious few.

The Jewish community in my area, as well as members of the Jewish faith throughout the United States, are extremely discouraged by this. They have asked our State Department to look at the situation, and I think we as Members of Congress ought to make sure that the focus remains on the Soviet Union. They make many statements of protest about our concern when we talk about their human rights record, and here they are going about it again, denying people their rights to exercise their religion and then, when denied that, denying their right to leave the country so that they might freely exercise their religion elsewhere.

Mr. Speaker, we must not forget the cause of Soviet Jewry, and I ask my colleagues to remember that and to join me and keep the focus on the Soviet Union in this tragic circumstance.

BEREUTER SUPPORTS AID TO HOME BUYERS

(Mr. BEREUTER asked and was given permission to address the House for 1 minute, and to revise and extend his remarks.)

Mr. BEREUTER. Mr. Speaker, today I would like to rise once again to urge support of an amendment to be offered by Congressmen CORCORAN and EVANS of Delaware to the emergency supplemental appropriations bill.

This amendment would transfer $1 billion to State and local housing agencies to write down the interest rates on home mortgages. The money would not be new money but a transfer from the $15 billion previously allocated to the Synthetic Fuels Corporation for subsidies primarily of benefit to major oil companies.

I have had increased support for this proposal over the last weekend.

If the amendment is passed, it will use $1 billion to write down the interest on home mortgages from the current market rate to 12 percent through the years of mortgage revenue bonds, which are generally recognized as the most efficient housing assistance device, it would create up to 287,000 construction jobs, reducing construction unemployment by as much as one-third nationwide, and it would more than pay for itself in tax revenues.

IN SUPPORT OF THE PROMPT PAYMENT ACT

(Mr. McEWEN asked and was given permission to address the House for 1 minute, and to revise and extend his remarks.)

Mr. McEWEN. Mr. Speaker, I rise in strong support of H.R. 4709, the Prompt Payment Act.

This bill will accomplish what administrative rules and regulations have failed to do, which is to establish a strong incentive for the Federal Government to pay its bills on time. Under the Prompt Payment Act, agencies of the Federal Government which are delinquent in making their payment for properties or services by the required payment date will pay an interest penalty to the contracting business. Furthermore, the agency will be responsible to pay interest penalties out of funds already available for agencies' programs. Consequently, no new appropriations will be authorized.

The purpose of the Prompt Payment Act is simple, and its message to business is forthright. The provisions of the bill, which outline how the Federal Government will conduct its dealings, are equitable. The Federal Government requires taxpayers to pay their taxes on time or face a penalty. Likewise, it is only right for the American people to expect their Government to abide by the same rules. The passage of this legislation will indicate to the Nation the commitment of the Federal Government to conduct its affairs in a businesslike fashion. In addition, the Prompt Payment Act will visibly demonstrate a positive course of action by this Congress to be responsive to the concerns of small business.

Mr. Speaker, I urge my colleagues in the other body to follow the lead of the House of Representatives and insure immediate enactment of H.R. 4709, the Prompt Payment Act.

NATIONAL MATERIALS AND MINERALS PROGRAM PLAN AND REPORT—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES

The SPEAKER laid before the House the following message from the President of the United States; which was read and, together with the accompanying papers, referred to the Committee on Science and Technology:

To the Congress of the United States:

I am pleased to submit the National Materials and Minerals Program Plan and Report to Congress, pursuant to the National Materials and Minerals Policy, Research and Development Act of 1980.

This national minerals policy recognizes:

—the critical role of minerals to our economy, national defense, and standard of living;

—the vast, unknown and untapped mineral wealth of America and the need to keep the public's land open to appropriate mineral exploration and development;

—the critical role of Government in alerting the Nation to minerals issues and in insuring that national decisionmakers take into account the impact of their decisions on minerals policy; and,

—the need for long-term, high potential payoff research activity of wide generic application to improve and augment domestically available materials.

This policy is responsive to America's need for measures to diminish minerals vulnerability by allowing private enterprise to preserve and expand our minerals and materials economy.

RONALD REAGAN.

THE WHITE HOUSE, *April 5, 1982.*

□ 1215

NEED TO FORCE A CRISIS ON THE LIBERAL WELFARE STATE

The SPEAKER pro tempore (Mr. ROYBAL). Under a previous order of the House, the gentleman from Georgia (Mr. GINGRICH) is recognized for 60 minutes.

Mr. GINGRICH. Mr. Speaker, I want to talk today about the need to force a crisis on the liberal welfare state comparable to the crisis which Government spending and Government taxes and Government regulation have forced on the average American.

For a number of years now Americans have had to tighten their belts, cut spending, to face the need to do with less, to give up dreams, to postpone dreams, to tell their children they cannot take a vacation they intended or they cannot go to the college they wanted, or they cannot afford to open the business they had hoped for, or they cannot buy the house they dreamed of.

All of those things occurred in large part because the Federal Government spent more and more, took more and more out of our pockets, managed to spend even more than it took out of our pockets, ran up large deficits, created inflation, and left the mess we are now in.

This chart shows clearly that from 1978, long before Ronald Reagan entered the White House, to 1982, the real income of working Americans dropped and dropped precipitously from $189, as this chart indicates, to $167.91.

In real dollars, in other words, measured in 1977 dollars, the real gross weekly income of working Americans dropped over the last 4 years with a Republican in the White House, with a Democrat in the White House, and dropped rather substantially in terms of what people really can afford to buy, what kind of life they can afford to lead.

While life got tougher for working Americans and things became more difficult, what happened to the liberal welfare state? It went up and up and up. In fact, it almost doubled in the amount of money it spent from 1978 to 1982.

So we are faced with a crisis in which the pain for working Americans and unemployed Americans gets greater and greater, and the liberal welfare state blithely goes along increasing its share of your pocketbook, increasing its control over your life, changing small towns, neighborhoods, even great municipalities and yet not changing itself.

We must ask the question: If pain is so great for the American people, why is nothing happening to the liberal welfare state? The answer is we are faced with a do-nothing Congress which deliberately, as a matter of policy, is blocking the changes that would create jobs, end unemployment, increase real take-home pay, and help working Americans.

There is a deliberate strategy by the defenders of the liberal welfare state to complain and then recess, to attack and then adjourn, to criticize and then stall. Again and again the majority leader, the spokesman for the liberal Democrats in this House, stands up and attacks the President and then moves to adjourn for 2 or 3 weeks, attacks the Reagan program and then moves to recess for the week, attacks the policies that would bring down taxes, would bring down spending, would bring down interest rates, would create jobs, and then after attacking those policies promptly suggest that we do nothing.

So today and tomorrow, for example, we have pro forma sessions, which are pro forma for the American people, while their pain increases because the pro forma sessions are sessions in which nothing happens, are sessions in which the liberal welfare state continues to grow while the American people continue to shrink in real buying power, in real jobs, and in real hopes for the future.

These defenders of the liberal welfare state hope that the American people will be taken in by a policy of loud talk while ignoring the quite inaction. They hope, for example, their attack on the President last Saturday would be noticed, but their willingness to adjourn last Thursday would not be noticed. They hoped that people would believe their promises of concern and ignore their inaction.

In fact, these defenders of the liberal welfare state are worried because they know that the Reagan program is beginning to work. They know, for example, that the inflation which was the great cancer of 1980, inflation which was destroying the value of savings for retired Americans, inflation which was pushing some senior citizens to eat dog food, inflation which was crippling all of our futures, that inflation is now coming down. The taxes are being cut. The Government is being reformed. The spending is being cut.

There are the very first signs that we have already begun to control the most dangerous of those diseases, inflation, and if only we could get interest rates under control we would then begin to cease the other great disease unemployment and we would have a healthy America.

I would like to yield to my friend from California, Congressman LUNGREN, who has, I think, some very vital statistics that indicate just how decisively we have been defeating the demon of inflation.

Mr. LUNGREN. Will the gentleman yield at this time?

Mr. GINGRICH. I am happy to yield.

Mr. LUNGREN. I thank the gentleman.

As I have said on previous occasions on the floor, we not only, if we are to be honest with ourselves and the American people, have to look at the figures that we see before us now in terms of the inflation rate and in terms of interest rates but, to be completely honest, we have to look at where we would have been had we not enacted those changes that are now being criticized so roundly on the floor by Members of the other side of the aisle, and particularly by those who are members of the leadership of the liberal welfare state.

These are figures that we do not see in Newsweek, we do not see in the Washington Post, we do not see on national television broadcasts, but it seems to me these are extremely important figures for the American people.

The average American family of four with a 1980 income of $24,332, had $851 more in buying power in 1981 than it would have if inflation had remained at 1980 levels. That is equivalent to that family of four getting a tax-free payment from the Federal Government of $851.

As the gentleman pointed out with the respect to real average gross weekly earnings, they went down consistently from the beginning of the Carter administration to the end of the Carter administration. It is only when we now begin a real fight against inflation and begin an attack against the ever-accelerating rate of taxes, individual taxes and social security taxes on the average American, that they get any relief at all.

But some have said, "Well, the policies that we pursued last year did something for those over $20,000 but did nothing for those under." The statistics do not bear them out. A poverty level family of four with an income of $8,414 in 1980 would have saved almost $300 in purchasing power in 1981 as a direct result of lower inflation, almost $300. Elderly married couples with incomes of $16,113 in 1980 had $564 more in buying power at the cash register in 1981 as a result of lower inflation.

So when we look at the figures, it is obvious that cutting taxes and lowering inflation benefits all taxpayers. But actually lowering inflation alone benefits the poor more because they pay little or no taxes.

The average family of four will get $1,557 more in purchasing power in 1982 over its 1980 income of $24,332 than it would have if inflation had continued at Jimmy Carter's 1980 rate.

Again, where would we be in this year if we had those same trend lines that we had before we began our new program. The poverty level family of four will have $538, $538 more in purchasing power in 1982 than it had in 1980 on that income of $8,414 if inflation had continued at President Carter's rate. That elderly couple that we talked about a minute ago with an income of $16,113 in 1980 would have $1,031 more in purchasing power at the supermarket in 1982 than it had in 1980 under Jimmy Carter's inflation.

These savings are real, although they are not as immediately apparent as a tax cut because a tax cut increases the number of dollars in a paycheck.

Lowering the inflation rate increases the value of the dollars of that paycheck, or particularly with senior citizens the value of the dollars they already have in their pockets from savings over past years.

Both tax cuts and decreasing inflation mean increasing buying power and President Reagan's economic programs have provided both. That is something we are not getting across to the American people.

I heard speaker after speaker, including several this morning, who again criticize the administration's programs and said that they were a boon for the rich and they would hurt the poor. We have heard criticisms of that program suggesting that we ought to eliminate a major element of that program, the indexing of individual tax rates. It is awfully difficult to talk out of both sides of your mouth.

□ 1230

But if you are saying that the program we instituted last year did not help the poor, on the one hand, and on the other hand you argue against having the indexing of tax rates, you are absolutely inconsistent, because it is the poor, it is the poor and near poor who are affected most greatly by the impact of bracket creep, having been thrown into the tax brackets that were created in the 1960's not for the poor, but for the so-called rich. And if we take tax indexing away, it is the poor that will be hurt. If we take the third year of the tax cut away, it is the poor and the near poor and middle income America that will be hurt most of all. And if we are willing to do that, then we ought to stand up and say we are willing to do that. But if we think that those are the individuals who need to be helped, and those are the parts of the economy that need to be made much more vigorous if we are going to have an overall expanding economy, then we cannot go in that direction.

And, finally, Mr. Speaker, William F. Buckley, Jr., a writer of some note, asked in an article that appeared just yesterday in the New York Daily News:

> Have we heard any story on the national television networks which said "As of the month of February, President Reagan's program has resulted in an increased purchasing power to the poor of a sum twice as large as that which they will be giving up in marginal benefits?"

In other words, when articles have been done, whether it is in Newsweek called "Rich Man-Poor Man Reaganomics At Work," whether you watch nightly on the news, whether you read it in the Washington Post, whether you read it in the Los Angeles Times, they focus on the cut in marginal benefits of the poor and nearly poor and absolutely ignore the impact, the direct impact on the poor and the near poor, of a cut in the inflation rate. The purchasing power has increased every single dollar they have, and since they have less dollars and have to have more of their income committed to the essentials of life—food, clothing, housing, transportation—because those dollars mean more to them for those purposes, they are helped directly and far more directly than are the people in the higher income brackets.

So, Mr. Speaker, I would suggest that the gentleman from Georgia is to be commended for bringing to the attention of the American people that in fact the broad outlines of the Reagan program are working, and it is only because, in large measure, that the illness of the underlying economy was worse off than we had suspicioned that we have not had the economy react as agressively as we had thought it would by this time—that and the fact that many people out there are wondering whether we will be consistent with the tax cuts, with lowering the tax burden on the American people across the board, with lowering the staggering cost of the Federal Government, with deregulating where deregulation is appropriate. They are wondering whether now, as we temporize in this moment of recess for the Congress, we are going to come back and say, "Well, it has not worked fast enough, therefore stop what we are doing." They are more scared of the inconsistency of a program than they are of any program that we have in place.

Maybe we ought to go back to the Carter years, where in 1 year those who were serving at that time will recall that we had five separate budgets brought to us from the Carter administration. In 1 year we had a different economic program every month of that year because one time it would be stimulating the economy, the other month it would be slowing it down, the 1 month it would be trying to cut spending, the next month it would be increasing spending, 1 month they would be talking about cutting taxes, the next month they would be talking about increasing taxes; on again, off again, where the average American had no ability to plan for the future.

One of the essentials of the Reagan program was that we would have an overall 3-year program that people could rely on, they could have some faith in, they could have some security of knowing that when they planned for themselves, for their family members, for their church, for their local government, for their business, for any charitable institution they might belong to, that they could plan with the assurance that the Federal Government would act in certain ways over those 3 years.

If we go back now, Mr. Speaker, I would suggest that we will fail, we will fail not because of these programs, but because we failed to realize that these programs are working in some very essential ways.

A very large percentage of that interest rate that the gentleman from Georgia spoke about a minute ago is now a risk ratio, a risk premium that people are paying because they fear of the uncertainty of the future and the uncertainty of the Congress as to whether it will make changes in the future.

They fear whether inflation will get out of control next year, they fear whether we will have double-digit inflation again 2 years from now and whether, yes, Mr. Speaker, we will have an interest rate of 21½ percent.

One of the gentlemen who preceded the gentleman from Georgia in the well this morning during the 1-minute speeches said that the Reagan-Kemp-Roth program is a failure because of high interest rates. Well, I do not know about tremendous math, but I do know that 21½ percent was higher than 16½ percent when I went to school. Simple math shows you that is 5 percent higher, it is about 40 percent higher. That is where it was when this administration took office. If the gentlemen who were trying to defend what took place in the 4 years before this administration took office are suggesting that 21½ percent prime interest rate would be preferable to the American people over the 16-percent prime interest rate that is now prevailing, then I think they ought to say that openly and honestly and proclaim it from the rooftops. But if not, they ought to suggest to us how we would improve upon perhaps some of the details of the programs that we have presented.

Once again I want to thank the gentleman from Georgia for bringing this special order to the floor. It is not very often that we have the opportunity to talk about the consequences of our actions of last year in the context of where we would be without those actions. It is just like speaking in a vacuum about anything. You can say anything you want, but when you speak in terms of those facts, in terms of the complete scenario or the complete context, frankly, it shows that in many ways Reaganomics is working, and that rather than retreat on it, we should do some fine tuning around the edges of what we started here last year and not retreat.

I thank the gentleman for his time.

Mr. McEWEN. Mr. Speaker, will the gentleman yield?

Mr. GINGRICH. I yield to my good friend, the gentleman from Ohio.

Mr. McEWEN. Mr. Speaker, I, too, want to compliment the gentleman for bringing this matter to the American people and to followup the comments of my friend, the gentleman from California, and to just look at the facts. And the fact is that in the first quarter of last year, as we stood here at the beginning of this program, we had 18 percent inflation during the first quarter of last year, we had a 22½-percent interest rate, as he said, going up. And the facts are that that is the direction that this Nation was headed, and there are precious few people who will rise and not confess that the depression and recession that we are now experiencing are not the direct results of a very high interest rate, and those high interest rates, as we said, were 22½ percent and going up. Not only is it difficult to retard them, just to hold them steady, but now have been able to turn them around to the point where we have now dropped from 20 percent down to the 16-percent level.

What do we get in return for the improvement in that area? We follow the same leadership and hear the same statements that we should increase taxes, we should increase spending, and we should gut defense.

Well, no one needs to be a Ph. D. in history to understand that that is exactly what we have been doing for 30 years. If increasing taxes and increasing spending and gutting defense were the solution to this Nation's problems, we would not have any problems, because we have followed that for three decades.

The facts are that that is what has brought us to the scenario that the gentleman has there on the chart before us. The fact is that something different has to be done, the fact is that something different is being done, and we have the beginnings of the seeds of progress for the average American beginning to bear fruit. I encourage the gentleman from Georgia because I know that he has taken the leadership in bringing this to the sight of the American people, which is being blocked out by the leadership of this House, by the media hysteria. And on that point let me just add that the President gave us an example again this morning of a time that a national correspondent on the evening news gave some figures that the person making less than $10,000 was going to receive a tax cut in the neighborhood of $144, but the person making $80,000 a year would get a $15,000 tax cut. Well, of course, that is distressing to anyone, if that were the case, and so some research was done to find out how in the world someone could come up with these types of figures. We find out that on this national evening news broadcast this statement was made, and that it had taken the tax cut that immediately was effective for 1 year, it had taken the combined tax cut for 3 years for everyone making $80,000 or above for the entire Nation. In other words, for the person making $2 million, making $3 million a year, for the baseball players and others, their average cut over 3 years for the whole Nation would have been $15,000. Yet that national correspondent said on the evening news that it applied to anyone making $80,000 a year.

As I say, this type of media hysteria that refuses to face the facts, that refuses to concede that the policies that this Nation was embarked upon just 24 months ago were ruinous to the average family, make it necessary for this type of an action to be taken here on this floor today, and I compliment the gentleman for doing so.

Mr. GINGRICH. I thank the gentleman for his comments, and I think that we have to confront the fact that we are in a crisis of transition, that we are in a period where some things are working and other things are failing, that when the things that are working do succeed, that they are either ignored or downplayed or laughed at, that when gasoline prices drop, they are little noticed, but when we have 3 percent annual inflation rates, rates which in 1980 would have been thought impossible, which any candidate who would have offered them would have been laughed out of the race, when we have in January and again in February 3 percent annual rates of inflation, little is said about the positive side, and so the American people, much like a football team that is reminded of every fumble and not rewarded for every play that succeeds, are confused, disspirited, and all of us wonder, "Where then do we go?"

I think that we have to confront the fact that, while we are beginning to succeed with inflation, we have hard work to do, that interest rates must come down, and that interest rates can come down if the deficit of the Federal Government is reduced.

Let me note again that it is possible to change things, that our Constitution does in fact work, that three times last year—on the first budget resolution, on the reconciliation bill, and on the tax cuts—in 15-minute intervals, which is how this House votes, we decisively changed the future of America and the future of the liberal welfare state. And yet in each case, it took the will of the people, making themselves felt through their Representatives, to change things; that while things can happen, they can hardly happen during pro forma sessions, and they can hardly happen when people are not heard.

But there are only two ways to reduce deficits and bring down interest rates. We must either raise taxes or we must lower spending. Now, the country has clearly spoken. In California, in proposition 13, the country said, "Cut spending, do not raise taxes." In Massachusetts, in proposition 2, the country said, "Cut spending, do not raise taxes." In 1980, in the elections, the country said, "Cut spending, do not raise taxes." In most of the national polls, the country, by a margin of 80 to 12, says, "Cut spending, do not raise taxes."

Again and again, the American people say, "The liberal welfare state has failed. We recognize intuitively"—the average American intuitively could not cite the 1978 figure of $448 billion or the 1982 figure of $725 billion, but there is an intuitive, deep instinct that says, "Government in Washington has grown and grown, and grown, and it cannot continue; that rather than reach into my pocket and pay more in taxes, it is time for the Government to reach into its pocket and spend less."

Yet even though the most reliable national surveys indicate that 80 percent, 4 out of 5 Americans, want to cut spending, that only 12 percent, barely 1 out of 10, want to raise taxes, it is the 12 percent who dominate this Congress, it is the 12 percent who defend the liberal welfare state. And the fact is that every liberal welfare state interest group has spokesmen in this building and in this room.

There is a term here in Washington to explain this behavior. We have what are called iron triangles, literally a little triangle. One side of it is a private interest group, one side of it is a legislative committee or subcommittee, and one side is a Federal agency. An obvious one, for example, is farmers, through their various farm associations, the Agriculture Committee and the Department of Agriculture. It is called an iron triangle because it is as hard to break as a piece of iron. Historically, under the liberal welfare state, policy was made by building a majority of triangles. If you had enough little triangles backing you, you won the key votes. Every liberal welfare state interest group has paid staff on or near this Hill. Every liberal welfare state interest group has Congressmen it has elected, newsmen it has nurtured, people who understand its language, its programs, and its interests.

In a sense, when Ronald Reagan's steak goes into a liberal welfare state triangle, it comes out as hamburger. No matter how good the idea was to begin with, by the time the special interests of the liberal welfare state get done tearing it apart, by the time they get done exposing every detail, by the time they slant their questions and their code words, it ends up being torn to shreds.

□ 1245

The transition from a liberal welfare state to a conservative opportunity society is in fact precisely being hung up by the sheer power of the iron triangles of the liberal welfare state, and the power of their leadership, representing that 12 percent minority to hang tough in this building for tax increases rather than cutting spending.

News media coverage is frankly sometimes distorted, but more often it is simply uninformed or unfocused. All too often the new ideas, the new terms, the new leaders, are outside the cocktail party circuit of the liberal news media.

All too often newsmen and newswomen who grew up and went to liberal colleges, who have read liberal books, who understand liberal code words and have friends who work for liberal interest groups, simply find it easier to cover a story and report only the version of truth seen by their liberal friends.

It is easier to cover old ideas, old terms, and old leaders. So it is harder for those of us who are spokesmen for the conservative opportunity society to communicate than it is for the traditional leadership of the liberal welfare state. They hold the commanding heights of tradition of committee, of staff. They dominate the calendar, they can decide which witnesses to call, which day to hold the hearings and how to focus those hearings.

So the defenders of the liberal welfare state continue to do nothing in this building while hoping that their allies in the iron triangles of the liberal welfare state will slowly and steadily chew up the Reagan program. They believe that a strategy of inaction, while it will lead American business to fail, lead American workers to be unemployed, will lead to pain across America, that that strategy of inaction is good for the liberal welfare state and their allies.

Not only are they following a strategy of inaction, a strategy of playing golf instead of working at government, a strategy of taking recesses instead of getting the job done, they have the gall to then claim that it is Ronald Reagan who is responsible for the mess.

Now, Al Smith, a former Governor of New York, a great Democrat, a candidate for President, had a saying. He used to say, "Let's look at the record." And so let us take the charge that it is Ronald Reagan's mess and let us look at the record.

In 1952, when the most prominent liberal Democratic leader was first elected to the Congress, Ronald Reagan was making movies.

In 1954, when the most prominent liberal Democratic leader became part of the majority, Ronald Reagan had gone to "G.E. Theater."

In the 1960's, when the most prominent liberal Democratic leader joined the Rules Committee, Ronald Reagan was retired, thinking about running for office.

In the early 1970's, when the most prominent liberal Democratic leader had become majority leader, Ronald Reagan was Governor of California.

Let us look at 1978 when this chart begins, when the average gross pay was $189 and the Federal Government was at $448 billion.

Ronald Reagan was retired, doing a radio show, making speeches, but the liberal leadership of this Congress was aleady in place. They were already on the path that would destroy $21 of your take-home pay. They were already on the path that would create a 60-percent increase in the Federal budget, and yet they say, "Oh, no, it was that retired man in California, who is responsible."

In 1980, when Ronald Reagan was campaigning, the track was clear, our real take-home pay was collapsing, the liberal welfare state was continuing to accelerate, becoming an avalanche of programs, of redtape, of red ink, of high-interest-producing deficits, and yet they have the gall to turn, having controlled this Congress for 26 years, and with a straight face, having run this House for a generation.

It is hard to believe but I was 11 years old when the Speaker of this House and his party took control and yet I and my party are responsible for the mess.

When I was in high school, the Speaker of this House and his party ran the Congress, and yet it is my party that is responsible.

When I first went off to college, the Speaker of this House and his party were already running huge deficits, but it is my party's fault.

I would suggest that we have seldom seen such a total abdication of the responsibility of the citizen as we are seeing in the liberal Democratic leadership today in their willingness to blame a man who was in California for the problems they created and a willingness to blame a party that is still in the minority for the problems they have developed. And I do not think it will work.

I do not think they can blame Ronald Reagan's golf at the nearest country club. The country does not have that short a memory. But if those who are in power will not do anything, what can we do? If they go off and hide, what recourse do we have? In this sense I believe the American people may turn to good advantage the Easter recess, the work period that will bring many Members back home. For there are three steps we can take.

The first step is to force a vote to require a vote on a constitutional amendment to require a balanced budget. Why is that important? Why do we need a constitutional solution? Let me tell my colleagues a story.

As the Congressman from Georgia, I watched many mayors of Atlanta. Our most recent mayor, now retired, was Maynard Jackson, a great liberal Democrat, an advocate of the poor, a spokesman for the liberal welfare state, a man who in 8 years as mayor of Atlanta never ran a deficit, not once, not a penny. Why? Because in the 1930's, the city of Atlanta adopted a rule that said if the mayor runs a deficit he must pay it out of his personal pocket.

Therefore, mayors of Atlanta are very conservative with the people's money.

The current mayor of Atlanta is Andrew Young, again a great liberal, an advocate of the liberal welfare state, spokesman for the poor, a spokesman for public programs; and I wager a bet now that Mayor Young will not run a deficit in the years he is privileged to serve as mayor, that he will fiscally be more conservative than Ronald Reagan. Why? Because there is an institutional requirement that he will have to pay out of his own pocket if he runs a deficit.

Governor Carter, as Governor of Georgia, never ran a deficit, because it is illegal under the Georgia Constitution, yet President Carter, as President, piled up enough red ink to give us 21-percent interest rates and 14-percent inflation.

A constitutional amendment allows us to force discipline on the Congress and the President. It will signal to the interest rate market that we are going to bring spending under control, and the passage of a constitutional amendment to require a balanced budget by itself would be a major step toward having that kind of change.

That is why I favor the Conable-Jenkins-Hatch bill or a similar bill, to require a constitutional amendment that would give the American people the security that Government spending in the future will be controlled.

Second, we must cut spending. This Congress in the next few months will have a chance to choose between the path of the 12 percent to raise taxes and the path of the 80 percent to cut spending. It is our job to sit down and line by line, item by item, prune the Federal budget. If you have been laid off recently, you have to look at your family budget, you have to talk to your children about what their plans were for the summer, you have to look at their allowance, you have to look at the food budget. People who are laid off cannot just pass big deficits and hope the bank will honor their checks.

If you are a small businessman or business woman, and your business is right, you have got to sit down and look at every penny you are spending.

Only if you are the Federal Government can you spend and pass big deficits. And I think we must face the same discipline. We must undergo the same process as every American in bringing our spending under control.

So in the next few months it is our job to pass a budget that does bring down the deficit by cutting spending rather than rising taxes.

Third, we will face a debt limit. That debt limit will be a point in time when if it is not increased the Federal Government will not be able to borrow more money.

The most responsible thing we could do is force the Federal Government to a crisis, if we have not already passed a constitutional amendment, to require a balanced budget, and if we have not already passed a budget for 1983 that cuts spending.

Only by using the debt limit as a leverage point can we force the changes which clearly the liberal Democratic leadership of this body wants to avoid.

What is at stake? I asked Bob Disharoon, a realtor from Georgia, what impact an 11-percent interest rate would have and he said, "Well, people could buy houses, other people could build houses, lumbermen could start cutting trees again, furniture factories would start up, automobile plants would start up, we would begin to put people back to work, they would pay taxes again, we would begin to see prosperity return."

I said, "Would it really make that big a difference to get down to 11-percent interest rates?" And he said, "It is hard to exaggerate the impact on this country the optimism, the hope, the spirit that would emerge if we saw that we were getting spending under control, that our deficits were going to come down and that we were going to be able to have 11-percent interest rates."

Well, that is what is at stake.

Those Americans who have been laid off, or may be laid off, those Americans who worry about their retirement fund, those Americans who retire and worry about their children and grandchildrens' jobs, those Americans who worry about their businesses, those farmers who are directly affected by high interest rates. Every American has a chance to turn this recess into a turning point for America's future. It is really simple. If every American were to see their Congressman and say: First, insist on a vote for a constitutional amendment to require a balance budget; second, cut spending in that 1983 budget so that the interest rates would come down dramatically; and third, if we do not get those first two, vote to stop the debt limit.

If every American would take an opportunity during this recess to see their Congressman, then we would, in fact, be at a turning point, and we would begin to shift from a liberal welfare state to a conservative opportunity society.

That is what is at stake.

Thank you, Mr. Speaker.

EXPORT ADMINISTRATION ACT AMENDMENTS OF 1982

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Illinois (Mr. CORCORAN) is recognized for 5 minutes.

● Mr. CORCORAN. Mr. Speaker, today I am introducing legislation I believe will resolve some of the concerns of our foreign trading partners about the reliability of the United States as a supplier of goods, most significantly agricultural products. Despite the assurances we have received from President Reagan and others in the administration, the legacy of the Carter-Bergland 1979 grain embargo is still hampering our export efforts.

Our foreign buyers, burned in the past by this ill-conceived embargo ended in 1981 by President Reagan, are reluctant to sign long-term contracts for American goods. My bill will brighten opportunities for stable and increased exports. Specifically, the bill would prohibit the imposition of an embargo on exports unless the President has declared war or a national emergency, and delays the applicability of certain such embargoes to preexisting contracts for a period of 6 months after such disruptions occur. Furthermore, export curbs could not persist when the state of war or national emergency has come to an end.

Agricultural exports are tremendously important to our farmers in Illinois, where yields are high. Illinois has ranked first or second for many years in agricultural exports and near the top in total exports.

I will be discussing my legislation with Agriculture Secretary John Block today and am hopeful that the administration will support this bill, in light of the President's earlier remarks allaying embargo fears.

Mr. Speaker, under the circumstances I would hope we could have prompt consideration of this emergency legislation, and I urge my colleagues to support it. I am pleased to note that the Illinois Farm Bureau and the American Farm Bureau Federation are supportive of this bill.●

THE PLIGHT OF THE BAHA'IS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California, (Mr. PHILLIP BURTON) is recognized for 10 minutes.

● Mr. PHILLIP BURTON. Mr. Speaker, I would like to call the attention of my colleagues to the plight of the Baha'is, a religious minority in Iran. The Baha'is are facing the real possibility of extermination at the hands of the Iranian Government. Since the Khomeini government took power in Iran, at least 97 members of the Baha'i minority are known to have been slain and the recent escalation of persecution of the Baha'is threatens their survival.

There are about 300,000 Baha'is among Iran's population of 36 million. The Baha'is are peaceful, law-abiding citizens. Their religion denies the supremacy of Islam and instead reveres the founders of all the world's major religions as messengers of the same God throughout history. The Baha'is believe in world unity, universal education, and the equality of men and women. Because these beliefs do not coincide with those of the dominant Shiite Moslems, they face harassment, arrest, and execution. Amnesty International says the imprisonment and execution of the Baha'is "appears to indicate a deliberate government policy of religious persecution."

I would like to insert in the RECORD a letter I received from one of my constituents expressing their deep concern over Iran's denial of basic human rights to the Baha'is. The letter follows:

DEAR REPRESENTATIVE BURTON: I would like to call to your attention the fact that the 300,000 member Baha'i religious minority group in Iran is facing genocide at the hands of Khomeini's government through summary arrests and executions—simply because of their religious beliefs. Considered infidels because they are not Moslem, considered spies because their world center is in Haifa, Israel, women considered prostitutes because they meet side by side with men, children considered illegitimate because their parents were not married in the Moslem faith, (and therefore not allowed to attend schools or universities), dismissed from jobs, their homes, businesses, holy places, and cemeteries seized, the Baha'is are pressured to recant their faith. All of these steps are being taken against them in order to eradicate them from the face of the earth. Iranian consular officials all over the world are instructed to collect the names of Baha'is living outside Iran. Their passports are revoked and they will only be issued travel documents permitting their return to Iran.

Does any of this remind you of the steps that led up to the Holocaust and the deaths of over 6 million Jews?

The Baha'is are a non-violent, law-abiding, peaceful group of world citizens who believe in the oneness of mankind and the oneness of God. I urge you to speak out at the Congressional hearings on Human Rights, protesting this maniacal repeat of history—we really are "One planet, one people,—please".

Very truly yours,
RICHARD J. WEINER MARKS.
SHIRLEY M. MARKS.●

HEALTH PLANNING LEGISLATION

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California (Mr. WAXMAN) is recognized for 5 minutes.

● Mr. WAXMAN. Mr. Speaker, our current health planning laws expire at the end of this fiscal year. The Subcommittee on Health and the Environment has already begun a series of hearings to consider the many important issues in the renewal of this legislation. I am introducing a bill today to amend and extend the legislation to provide for reasonable and realistic health planning during the next 3 years.

Consideration of the renewal of health planning comes just as the Congress is being asked by the President to reduce hospital costs in the medicare and medicaid programs. To accomplish this, the President and some Members of the House have urged the repeal of regulatory programs, like health planning, which attempt to hold down health care costs. They argue for competition as a substitute.

I submit that in 1982 there is not a choice between competition and regulation. The administration's highly touted and long-delayed proposal to reform the health care system through competition has yet to be introduced. Its impact on the health care system, if passed, would take years. The Congressional Budget Office indicates that there are no features in any of the current competition proposals which would reduce Federal health care expenditures in 1983 and 1984.

We also are hearing a lot about the potential of prospective reimbursement as a way to slow increases in hospital costs. I believe it is generally a step in the right direction.

But regardless of how we pay hospitals, health planning is an essential component of any cost-containment strategy.

Under the current retrospective cost-reimbursement system, planning has restrained the rate of growth of hospital facilities by limiting beds and excessive capital expenditures that lead directly to higher hospital costs.

Health planning would be the foundation of any effective prospective payment system. In the face of unlimited growth of beds, services, and equipment prospective payment cannot limit the increase in total hospital expenditures.

In addition to restraining aggregate hospital costs, health planning can make capital allocation decisions in a way which the marketplace cannot. Planning takes account of not only profitability, but also the health care needs of all of our citizens, whether they live in inner-city, suburban, or rural areas.

We all know that unlimited—19 percent or more—increases in hospital costs cannot continue. Whether we have prospective reimbursement or our current retrospective cost-reimbursement system, it makes no sense for the Nation to build hospitals or to add expensive new medical equipment and then to refuse to pay for it.

To overbuild our hospitals and then to squeeze them into bankruptcy because of budgetary constraints would be the worst of policies. The repeal of health planning invites just such a disaster.

This bill continues Federal support for health planning and makes a number of important changes in our current planning system. States would no longer be required to have a health planning program but would be encouraged, through matching grants and increased control over health systems agencies, to maintain a strong statewide health planning effort. State certificate-of-need programs, which are used to control excess health care facilities and services, would be streamlined and focused on the major expenditures which are mercilessly driving up health care costs. And the extensive list of functions required to be performed by the health systems agencies under the current law would be dramatically reduced so that these community agencies could concentrate their efforts on inpatient health care services and costs.

The impact of these changes will mean stronger, better coordinated, and more effective State and local health planning. And that can only lead to lower health care costs. I urge all Members to consider this bill carefully and to support it.

I have attached a brief description of how the health planning program would work under this bill.

SUMMARY OF HEALTH PLANNING LAW AS AMENDED

States would no longer be required to have a health planning system. Federal funds would be provided to those States which choose to establish and maintain a statewide health planning system. Federal grants would be made to the State planning agency and matched with State funds and to those health systems agencies (HSA's) approved by the Governor of the State and matched with State or local funds.

STATE PLANNING AGENCY

The State planning agency would be designated by the Governor and would be eligible for funding of up to 75 percent of its operating costs.

The primary functions of the State agency would be to develop a State health plan, with the assistance of the HSA's, for all institutional health services in the State and to conduct a certificate-of-need (CON) program.

The CON program would provide for review and determination of need for institutional health services with annual operating costs exceeding $250,000; for capital expenditures in excess of $600,000; and for major medical equipment in excess of $400,000.

The State health coordinating council would advise the State agency in the performance of its functions.

States which receive Federal funds would have until September 30, 1983 to meet the requirements of the law. If they did not comply by then, they would no longer be eligible for grants.

Grants to State agencies would be authorized for FY 83-FY 85 at $32 million; $36 million, and $40 million a year respectively.

HEALTH SYSTEMS AGENCIES

The Governor could terminate the existing HSA's and redesignate their boundaries to cover all or a portion of the State.

The Governor would have to approve the designation of any new HSA.

The primary function of an HSA would be to assist the State agency in conducting health planning activities. HSA's would develop a local health plan for institutional health services and review applications for certificates of need for institutional health services.

A public HSA which is a public regional planning body or a unit of local government would not be required to have a separate governing body for health planning.

HSA's which receive Federal funds would have until September 30, 1983 to meet the requirements of the law.

For an HSA to be eligible for Federal funds in FY 83, the Governor would have to submit along with the HSA's application a plan for the collection by the HSA in FY 84 and FY 85 of non-Federal funds to meet the match requirements in those years.

For an HSA to be eligible for Federal funds in FY 84 and FY 85, it would have to collect non-Federal funds.

Grants to HSA's would be authorized for FY 83-FY 85 at $68 million, $74 million, and $80 million a year respectively.

CENTERS FOR HEALTH PLANNING

Grants would be authorized to continue three centers to provide technical and consulting assistance to State agencies and HSA's.

Authorizations would be for FY 83-FY 85 at $2 million, $2.5 million and $3 million respectively.●

□ 1300

SOCIAL SECURITY COST-OF-LIVING PROTECTION

(Mr. PICKLE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PICKLE. Mr. Speaker, there is a lot of speculation of late about reductions in the social security cost-of-living as part of a package to reduce our ballooning Federal budget deficits. And there is good reason for this speculation: The cost-of-living adjustment has been high in recent years; controlling the entitlement programs is seen by many as necessary to a stable Federal budget; and there are very few other places we can turn to get the kind of money we need quickly in order to make an impact on the deficits.

I am not afraid of making adjustments in the social security cost of living. One proposal for long-term adjustments in this area was included in a package Congressman BARBER CONABLE and I offered in the Ways and Means Committee last fall.

But I send out a warning that if we do reduce the social security cost of living to help balance our budget, the elderly of this country, and the workers supporting the system, have a right to expect something in return. Specifically, they should not be expected to take drastic reductions in the very important cost-of-living protection offered in social security without assurance that the Government will see that full benefits continue to be paid under adverse economic conditions and that the program will be maintained on a strong long-term financial basis.

GUAM'S ANGELA ALLEY IS 1982 CHERRY BLOSSOM FESTIVAL QUEEN

(Mr. WON PAT asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous matter.)

Mr. WON PAT. Mr. Speaker, it is with the greatest pride that I announce to our colleagues that the new 1982 Cherry Blossom Festival queen is the beautiful and charming Miss Angela Gayle Alley from Guam.

Queen Alley was crowned on Saturday night at the Cherry Blossom Grand Ball where she competed with young women from all of the States and territories for the honor of representing Washington, D.C., in the festival.

I am extremely pleased to know that Queen Alley has been chosen as this year's queen since it was my privilege to crown her earlier this month as the 1982 Cherry Blossom Festival princess from the Guam Territorial Society of Washington, D.C. The society is a hard-working group and has been selecting princesses to represent Guam since 1952. I know that I speak for all of Guam and for Mre. Cel Aguigui, the president of the society, when I salute Queen Alley and wish her well in the weeks and months ahead.

Queen Alley is a student at the University of Maryland and lives with her mother, the former Rose Bamba of Guam, in Oxon Hill, Md. She is the granddaughter of Mr. Jesus Bamba of Radio Barrigada, Guam.

I can think of no one more deserving to hold the title of Cherry Blossom Festival queen than Miss Alley. She is a hard-working and dedicated young woman who serves as secretary of the Guam Territorial Society. I am confident that she will do a wonderful job of representing this Nation, our Capital City, and Guam when she travels to Japan next month to take part in that country's Cherry Blossom Festival. It is fitting that the 1982 Cherry Blossom Festival queen be from the Pacific and we from Guam offer our sincere congratulations to Queen Alley and her royal court.

At this time I include the article from the Washington Post in the CONGRESSIONAL RECORD, as follows:

CELEBRATING THE PACIFIC SPIN

(By Jean M. White)

The 1982 Cherry Blossom Festival queen quickly found that "uneasily lies the head that wears a crown."

Angela Alley, the 20-year-old, 5-foot-3 University of Maryland sophomore who represented Guam in the princess sweepstakes, tottered a bit under the weight of the 5-pound-plus ceremonial crown with its one kilo of 14-karat gold and 1,585 pearls. She was glad to exchange it for a miniature model before joining the dance in the Grand Ballroom of Sheraton Washington on Saturday evening.

A spin of the roulette wheel of states to choose the queen was the big moment at the Cherry Blossom Grand Ball, with nearly 1,000 guests turning out to close Washington's 55th spring festival. They danced, cheered as the princesses from their home states paraded through the archway and listened to the singing of Barbara McNair.

"I'm so grateful that this year's queen also comes from the Pacific region," said Yukika Sohma as she presented a necklace to Alley as a gift from the Japan Cherry Blossom Association.

The 70-year-old Sohma headed the 26-member Japanese delegation to this year's festivities. She is the daughter of Yukio Ozaki, who as lord mayor of Tokyo was among those who arranged the gift of 3,000 cherry trees to the United States 70 years ago as a symbol of friendship between the two countries.

Alley wore the ceremonial Mikimoto crown for only a few minutes before it was taken back to the vault for safekeeping. She received her miniature model from another queen—Sugako Kugure, who is reigning as the 9th Cherry Blossom queen in Japan. The Mikimoto crown, created by the same craftsmen who work on imperial jewels, was presented to the National Cherry Blossom Festival by the Mikomoto Pearl Co. 25 years ago.

Besides the necklace and miniature crown, which she gets to keep, Alley will enjoy other prerogatives of royalty. She and her escort have been invited for a 12-day visit to Japan April 28 through May 9 to join in several Japanese cherry blossom festivals.

Among this year's princesses, chosen by state societies under their own rules, was Colorado's Kamai Higgins, a blind student at the Rehabilitation Center for the Blind and Deaf in Denver. Perri Sundt of Arizona was chosen Miss Congeniality by her sister princesses.

Alley is the granddaughter of Jesus Bamba of Radio Barrigada, Guam.●

IMPEACHMENT OF FEDERAL RESERVE BOARD MEMBERS CALLED FOR

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Texas (Mr. GONZALEZ) is recognized for 15 minutes.

(Mr. GONZALEZ asked and was given permission to revise and extend his remarks and to include extraneous material.)

Mr. GONZALEZ. Mr. Speaker, I rise in pursuance of the commitment that I made, as explained in my prior address to the House, with respect to the resolutions I have introduced asking for the impeachment of the Chairman of the Federal Reserve Board; and the second resolution, including the Open Market Committee, which of course means the Board itself because the Open Market Committee consists of the five private bankers plus the seven members of the Board. I stated, and I have offered for the record, my letter addressed to the chairman of the Judiciary Committee, the Honorable PETER RODINO, in which I asked for serious consideration of those resolutions.

Fully aware and cognizant of the fact that they sounded bombastic, flamboyant and in fact and indeed were interpreted by some who happened to comment on them, and also cognizant of the fact that it would be very difficult to chart new paths with the establishment of some precedents, though all fully within the context of the constitutional provisions that at the time of their writing clearly had in mind such cases as are presented to the American people in the past, is from a process of the Federal Reserve Board as its Chairman.

I also said that I had eventually received a reply from the Chairman, and also put that into the RECORD, in which the chairman of the Judiciary Committee indicated that he sympathized and appreciated the seriousness of my views and objectives and aims, but that the committee was so burdened with the pressure of work that it could not give attention on a formal basis to the resolutions in the immediate future, but that he was instructing the staff to review and analyze the matter. I waited several months, and then I indicated in my last remarks that I thought sufficient time had passed to indicate that I would be receiving no forthcoming such staff analysis, and that therefore, being that I am in dead earnest and with the most serious purpose in mind, that I would then have to do the only thing left to be done as a person, or indeed and in fact responsible and serious and in dead earnest, and that is to proceed on the floor of the House, to the forum available as if it were proceeding with a formal hearing before the Judiciary Committee.

So that today I initiate that promised proceeding, and I initiate it by first outlining in both general and broad terms the predicate for the jurisdictional cause and the righteousness of it under constitutional law and precedent in some particulars, and later in subsequent remarks I will develop the case. It seems to me tragic that such should be the case, because of a necessity I am very limited as to resources in the way of staff and other resources that are necessary, that naturally are available to the committee that is properly set up for that purpose. But, I will do the next best, and that is my best.

First, we must recognize that even though it sounds outlandish and far fetched, because usually impeachment is associated with a process directed toward the President or Vice President, there are other cases in which impeachment processes have actually successfully been conducted. I say successfully, because the impeachment process involves more than just actual initiation, which is the formulation of the bill of particulars known as a resolution of impeachment, which is a jurisdiction of the House of Representatives. Very few people realize that impeachment, to be fully ended, must also require an actual trial or judgmental procedure in the Senate, and there, depending on the value, you have the fulfillment of the charges or the lack of fulfillment of those charges.

Now, under article II, section 4 of the Constitution, it states:

> The President, the Vice President, and all civil officers of the United States shall be removed from office on impeachment or conviction of treason, bribery or other high crimes and misdemeanors.

Now, that is about as plain as anything could be, and it certainly does envision the susceptibility of, and properly under the jurisdictional wording of this constitutional section, of such officers as the Federal Reserve Board members and its Chairman, for certainly there could be no other definition of "all civil officers of the United States" under this particular section. The history of the formulation of this phrase is very interesting, because it clearly reveals that the members of the Constitutional Convention, the delegates who were writing the Constitution, even the so-called Committee of Eleven, and subsequently the Committee of Five, because the main burden depending on the particular policy that was under consideration or debate was delegated in the case of actually fine honing the phraseology to these committees, and so that this matter was very much debated and recorded.

Farrell, in his details on the deliberations of the Constitutional Convention, is one of the best sources, but there are other ancillary sources that for some reason or another, and I think the reason is plain, and that is that this was considered a highly important, critical issue at the time, so that at first when it was first considered and hotly debated such members as Delegate Mason wanted to use other phraseology. For example, such phrases as maladministration or malpractice.

Now, that is a very interesting thought. We hear about malpractice suits against doctors and lawyers and the like. Maybe it is not a bad idea to have malpractice suits against faithless and trustless or untrustworthy stewards of the most important function of all, and that is the fiscal and monetary policy of the country. But, it is interesting to note that those were the phrases first thought of, and the objection was very validly made by the Delegate James Madison in which he pointed out, and I think with a great deal of propriety, that in that case if such loose language were to be used, such as maladministration or malpractice or even negligence, that then there would be no executive branch officer of the Government immune from a vengeful Senate that could in times of passion be gotten to for political reasons and seek revenge on some hapless member of the executive branch family.

□ 1315

So that then Mason himself came in with the words that we now record, that is, "treason, bribery, or other high crimes and misdemeanors."

Now, there are also other constitutional limits, and all of these I have borne well in mind and very much weighed and evaluated before I advanced my pursuit of the impeachment process and advocated it in the case of the Federal Reserve Board. And that is that certainly there have been past actions, some of which I have documented and which are specific instances of not only malpractice but gross acts of dereliction amounting to conflicts of interest and to corruption.

I have pointed out in prior addresses that there is absolutely no accountability on the part of the Federal Reserve Board to anybody, whether to the executive branch or the Congress which gave birth to the Federal Reserve Board, although a lot of members and people act as if they did not. There is absolutely no accountability. There is no one who can pursue a scrutiny of some of the questionable activities that have arisen.

For example, we in the Congress—and this I have pointed out before—have only one agency that is at our command only in order to do even a half reasonable job of oversight or checking on the executive branch, and that is the General Accounting Office. But the General Accounting Office is specifically prohibited from going into the matter of the Federal Reserve Board.

Why? What is this so privileged high position and entity that does not bear even the minimum degree of accountability?

In fact, it has reached such absurd proportions, as I have also pointed out, that just recently the President had to meet in secret—in camera, as they say—with the Chairman of the Federal Reserve Board. To this day the American people have not been told what it was that the President discussed with the Chairman or what decisions were arrived at. Supposedly, from speculation in the press, they were discussing high interest rates or the damage therefrom on the economy or the monetary policy of the Federal Reserve Board. But we do not know. The President was meeting with the Chairman of the Federal Reserve Board as if he were meeting in a summit conference with some foreign potentate, and they did not even issue a communique after they finished. We still do not know.

Now, what kind of business is this? Since when is this lack of accountability sanctioned under our system?

This is precisely what was argued in the Constitutional Convention, and yet it was done with great respect in an attempt to preserve the independence of the executive branch and its employees from the improper encroachment of such other branches as this one or the judiciary. But the fact is that now it seems almost impossible to believe that even my colleagues on the Judiciary Committee have been under the impression that unless an allegation is based on an indictable offense, in other words, a high crime, there is actually no constitutional basis for an impeachment process. That is absurd, and in fact it was discussed in the Constitutional Convention and was considered then as not being so. There were reasons why there could be other than high crimes or even felonious conduct or indictable offenses, and for that reason the last two words, "and misdemeanors," were added—"high crimes and misdemeanors."

So, therefore, there is no question whatsoever that the basis and the general framework of reference, constitutionally speaking, are there for ample reason and for the Judiciary Committee to evaluate in a competent and a professional way.

The **SPEAKER** pro tempore. The time of the gentleman from Texas (Mr. GONZALEZ) has expired.

OLYMPIC COIN LEGISLATION INTRODUCED

The **SPEAKER** pro tempore. Under a previous order of the House, the gentleman from Illinois (Mr. ANNUNZIO) is recognized for 5 minutes.

● Mr. ANNUNZIO. Mr. Speaker, today I am introducing legislation that I honestly feel will solve the financial problems of the Los Angeles Olympic games and the U.S. Olympic Committee.

This legislation calls for the minting of 50 million, 90-percent silver, one dollar coins which would be sold directly by the U.S. Treasury. The profits from the sale of these coins would be split on a 70-30 basis between the U.S. Olympic Committee for use in training amateur athletes both at the Olympic and local level, and 30 percent going to the Los Angeles Olympic

Committee for the staging of the 1984 Olympic games.

Hearings on my legislation as well as other Olympic coin bills begins tomorrow before the House Consumer Affairs and Coinage Subcommittee which I am privileged to chair. The following is a brief summary of my legislation as well as a copy of the bill.

THE OLYMPIC COMMEMORATIVE SILVER DOLLAR ACT INTRODUCED BY FRANK ANNUNZIO—SECTION-BY-SECTION ANALYSIS

Sec. 1: The short title of the bill is the "Olympic Commemorative Silver Dollar Act".

Sec. 2: The bill authorizes the minting of up to 50 million 90 percent silver dollars of the same weight and size as the traditional American "cartwheels". They would contain .7734 ounce of pure silver. The design of the coins would be emblematic of the 1984 Olympic Games to be held in Los Angeles. The coins would be legal tender for their one dollar face value.

Sec. 3: The coins will be sold directly to the public by the Treasury at a price equal to their face value plus the cost of manufacturing, plus a surcharge of at least $10. The Treasury would make bulk sales at a reasonable discount to reflect the lower handling costs of bulk sales. The Treasury would accept prerelease orders at a special discount price.

Sec. 4: Monies spent and received from the sale of these coins would flow through the Coinage Profit Fund, which is a special Bureau of the Mint account that requires no budget authorization.

Sec. 5: Seventy percent of the surcharges would go to the United States Olympic Committee to train Olympic athletes, to support local or community amateur athletics, and to erect training facilities. Thirty percent of the surcharges would go to the Los Angeles Olympic Organizing Committee to stage and promote the 1984 Olympic Games. A $50 million advance would be paid within 30 days of the passage of the Act.

Sec. 6: The General Accounting Office would have the right to audit the United States Olympic Committee and the Los Angeles Olympic Organizing Committee to assure that the money they receive is spent for the specified purposes.

Sec. 7: The Secretary of the Treasury would make quarterly reports to Congress on the program.

Sec. 8: No coins would be issued before October 1, 1982 or after December 31, 1985.

H.R. 6069

A bill to provide for the minting of silver dollars with a design emblematic of the 1984 summer Olympic games which are to be held in Los Angeles, California

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SHORT TITLE

SECTION 1. This Act may be cited as the "Olympic Commemorative Silver Dollar Act".

COIN SPECIFICATIONS

SEC. 2. (a) Notwithstanding any other provision of law, the Secretary of the Treasury (hereinafter in this Act referred to as the "Secretary") shall issue one-dollar coins under this Act in such quantities as are necessary to meet the needs of the public, except that such quantity shall not exceed fifty million coins.

(b)(1) The one-dollar coins issued under this Act shall weigh 26.73 grams, have a diameter of 1.50 inches, and shall contain 90 percent silver and 10 percent copper.

(2) The Secretary shall determine the design of such one-dollar coin. Such design shall be emblematic of the 1984 Summer Olympic Games which are to be held in Los Angeles, California. On each such one-dollar coin there shall be a designation of the value of the coin, an inscription of the year "1984", and inscriptions of the words "Liberty", "In God We Trust", "United States of America", and "E Pluribus Unum".

(c) All one-dollar coins issued under this section shall be legal tender as provided in section 102 of the Coinage Act of 1965.

SALES OF THE COINS

SEC. 3. (a) Notwithstanding any other provision of the law, the one-dollar coins issued under this Act shall be sold to the public by the Secretary under such regulations as he may prescribe and at a price equal to one dollar plus the cost of issuing such one-dollar coins (including labor, materials, dies, use of machinery, and overhead expenses).

(b) The Secretary shall make bulk sales at a reasonable discount to reflect the lower handling costs of such sales.

(c) The Secretary shall accept prepaid orders for the one-dollar coins prior to the issuance of such coins. Sales under this subsection shall be at a reasonable discount to reflect the benefit of prepayment.

(d) All sales shall include a surcharge, established by the Secretary, of not less than $10 per coin.

(e) The Secretary shall not use any words, perform any act, or make any statement, written or oral, which would imply or indicate, or tend to imply or indicate, that any portion of the coins' sale price to the public constitutes a tax-deductible contribution.

COINAGE PROFIT FUND

SEC. 4. Notwithstanding any other provision of law—

(1) all amounts received from the sale of one-dollar coins under section 3 shall be deposited in the coinage profit fund;

(2) the Secretary shall pay the amounts authorized under section 5 from the coinage profit fund; and

(3) the Secretary shall charge the coinage profit fund with all expenditures under this Act.

DISTRIBUTION OF PROCEEDS

SEC. 5. (a) Seventy percent of the amount of all surcharges which are received by the Secretary from the sale of one-dollar coins under section 3 shall be promptly paid by the Secretary to the United States Olympic Committee. Such amounts shall be used to train United States Olympic athletes, to support local or community amateur athletic programs, and to erect facilities for the training of such athletes.

(b) Thirty percent of the amount of all surcharges which are received by the Secretary from the sale of one-dollar coins under section 3 shall be promptly paid by the Secretary of the Los Angeles Olympic Organizing Committee. Such amounts shall be used to stage and promote the 1984 Los Angeles Olympic Games.

(c) Not later than 30 days after the date of the enactment of this Act, the Secretary shall pay $50,000,000 to the United States Olympic Committee and the Los Angeles Olympic Organizing Committee as advance payments of amounts to be paid under subsections (a) and (b). Such advance payments shall be nonrefundable.

AUDITS

SEC. 6. The Comptroller General of the United States shall have the right to examine such books, records, documents, and other data of the United States Olympic Committee and the Los Angeles Olympic Organizing Committee as may be related to the expenditure of amounts paid under section 5.

REPORTS TO CONGRESS

SEC. 7. Not later than 45 days after the last day of each calendar quarter, the Secretary shall transmit a report to the Congress regarding the activities carried out under this Act during such calendar quarter. No such report shall be required with respect to any calendar quarter beginning after December 31, 1985.

TERMINATION

SEC. 8. No one-dollar coins shall be issued under this Act before October 1, 1982, or after December 31, 1985.●

CONGRESSMAN COELHO'S STATEMENT ON THE AGRICULTURAL TRADE NEGOTIATION ACT OF 1982

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California (Mr. COELHO) is recognized for 5 minutes.

● Mr. COELHO. Mr. Speaker, today I am introducing a bill that I hope will get the serious attention of all U.S. trading partners. My bill, entitled "The Argicultural Trade Negotiation Act of 1982" is designed to help remedy the problem of unfair trade practices by countries that trade with the United States.

It is a very simple piece of legislation. This measure very clearly requires all U.S. agricultural trading partners to extend to the United States the same trade concessions that we extend to them in our home market. If equivalent trade concessions are not provided by our trading partners, then this legislation directs the President within an 18-month period to impose trade restrictions on that country until those trade restrictions are lifted against imports from the United States.

If the President determines that any U.S. trading partner maintains quotas or employs licensing practices with respect to U.S. agriculture imports or subsidizes exports from their country, then that country's agricultural products will not receive "column one" tariff treatment from the United States until the illegal trade barriers are removed. This way, a tariff penalty is attached to any country that fails to observe the established rules.

U.S. customs law has a "two-column" tariff schedule. Column 1 is for the most-favored-nation (MFN) countries, and includes most of the GATT parties and certain others. Column 2 is for the non-MFN nations, primarily Communist countries, and has a higher rate of duty than column 1. This bill will broaden column 2 to include any country which imposes illegal trade barriers in the form of quotas, restrictive licensing systems, or export subsidies. If a country objects to this penalty, it can be removed upon a change in that country's trade practices. With this high price attached to illegal trade practices, it is my belief that discipline can be restored to world trade.

While I have been a strong advocate of free trade for many years, the United States can no longer afford to provide free access to our markets to nations which block similar treatment of U.S. commodities in their countries.

Although I am well aware of the fact that trade is critical to the United States, I am very tired of seeing our U.S. trading partners lag behind by not extending similar trade concessions to U.S. agricultural products. While I do intend for the United States to maintain our traditionally open markets for imports, I do think the time is right for our Government to be more forceful in demanding similar openness abroad.

My constituency is from the 15th District of the great State of California. Let me take a moment to point out how very important agriculture exports are to my native State of California. California leads the Nation in the production of specialty crop type agriculture. In fact, in my congressional district alone, over 220 commercial crops are produced. While California does have significant exports in cotton and wheat, California also has citrus fruits, peaches, plums, and a whole host of nuts and vegetables. For example, the State accounts for more than 90 percent of U.S. exports of raisins, dates, prunes, dried apricots, table grapes, almonds and walnuts. Though California is the Nation's leading producer of high-quality, specialty crops, this preeminence is useless if our products are denied access to the world's markets, a situation which California is seeing increasingly.

It is for these reasons that I introduce this bill today. I hope this legislation, which reflects my views and concerns about international agriculture trade, will help to get this serious trade issue in focus by Congress for study, review, and action.●

ACTION NEEDED NOW

The **SPEAKER** pro tempore. Under a previous order of the House the gentleman from Mississippi (Mr. WHITTEN) is recognized for 10 minutes.

Mr. WHITTEN. Mr. Speaker, on March 25, I pointed out here the serious situation facing the American farmers and thereby the Nation. Today, I have introduced House Concurrent Resolution 307 memorializing the President and the Secretary of Agriculture to use existing law to prevent foreclosure of thousands of farm loans. Similar action, of course, is necessary in many other areas.

Mr. Speaker, the resolution reads as follows:

HOUSE CONCURRENT RESOLUTION 307

Memorializing the President and the Secretary of Agriculture to declare a moratorium on farm loan repayments in order to protect the economy and the food supply of the Nation

Whereas, agriculture is the largest business in the United States and farm income is currently at its lowest level since the Great Depression, thereby threatening the economy of the Nation; and

Whereas, many individuals engaged in agriculture must carry large mortgages on their land and equipment which has been rapidly declining in appraised value due to current low prices and high production costs faced by the farmers; and

Whereas, farmers, through no fault of their own, are having loans called because the value of their collateral is declining below the amount required to secure outstanding loans; and prices received at liquidation sales are so low as to further reduce the value of collateral securing other outstanding farm loans: Now therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That, the President and the Secretary of Agriculture are hereby memorialized to immediately implement the authority provided by section 1981a of title VII of the United States Code, which provides as follows:

"§ 1,981a. Loan moratorium and policy on foreclosure

"In addition to any other authority that the Secretary may have to defer principal and interest and forego foreclosure, the Secretary may permit, at the request of the borrower, the deferral of principal and interest on any outstanding loan made insured or held by the Secretary under this chapter, or under the provisions of any other law administered by the Farmers Home Administration, and may forego foreclosure of any such loan, for such period as the Secretary deems necessary upon a showing by the borrower that due to circumstances beyond the borrower's control, the borrower is temporarily unable to continue making payments of such principal and interest when due without unduly impairing the standard of living of the borrower. The Secretary may permit interest that accrues during the deferral period on any loan deferred under this section to bear no interest during or after such period: *Provided,* That if the security instrument securing such loan is foreclosed such interest as is included in the purchase price at such foreclosure shall become part of the principal and draw interest from the date of foreclosure at the rate prescribed by law."

Such moratorium on repayments or rescheduling of loans will enable the borrower to remain in business and ultimately repay said loan.

Mr. Speaker, we need immediate action.

LEGISLATION TO IMPROVE EMPLOYEE PROTECTION IN AIRLINE INDUSTRY

The **SPEAKER** pro tempore. Under a previous order of the House, the gentleman from New Jersey (Mr. HOWARD) is recognized for 5 minutes.

● Mr. HOWARD. Mr. Speaker, today I am introducing legislation to improve the employee protection program established by the Airline Deregulation Act of 1978. The 1978 act was designed to insure that changes in the airline industry from deregulation would not have a disproportionate impact upon airline employees. To accomplish this objective, the 1978 act established two employee protection programs: A program of financial benefits for airline employees losing their jobs as a result of deregulation, and a program giving displaced airline employees a right of first hire on other airlines.

The 1978 act required the Department of Labor to promulgate implementing regulations 180 days after enactment. The Labor Department of the Carter administration proposed the necessary regulations shortly before it left office. However, the Reagan administration withdrew the regulations for further study and despite the clear requirements of law, no new regulations have been introduced. As a result, although thousands of airline employees have lost their jobs since deregulation, none of these employees has been able to take advantage of the employee protection program established by the 1978 act.

The Public Works and Transportation Committee has been considering legislation to change the employee protection program of the 1978 act. The bill I am introducing today is designed to aid in these deliberations by putting together a number of proposals which have been advanced to strengthen the 1978 act and to insure that airline employees get the type of program which was contemplated.

The introduced bill strengthens and improves the financial benefit and right of first hire programs established by the 1978 act. The financial benefit program is converted to an entitlement program, rather than a program contingent upon implementing regulations and appropriations, similar to programs established for rail and urban mass transit. Benefits under the program would be based on average prior compensation and would be limited to $1,800 a month.

The "trigger" of a 7½-percent reduction in carrier employment is eliminated as a prerequisite for participation in the program; under the bill all employees displaced by deregulation would be eligible for benefits. The bill also shifts to the employing carrier the burden of proof as to whether employee displacement was caused by deregulation.

The bill modifies the right of first hire provisions by extending the duty to hire to carriers which have been certificated since the 1978 act. Other modifications take account of problems with the 1978 act which have been raised by the airline industry. Under the bill, the right of first hire is limited to regions of the country. The bill further provides that flight crew members who take advantage of the right of first hire would give up their right of recall with their original employer.

With respect to both of the programs established by the 1978 act, the introduced bill requires implementing regulations to be established 150 days after enactment. Additionally, time deadlines are imposed on the agencies responsible for making decisions on employee claims.

In another area affecting airline employees, the introduced bill requires continuation of employee protective conditions—known as the Allegheny-Mohawk conditions—in airline merger cases, after sunset of CAB. These protective conditions have been imposed by CAB in merger cases for more than 30 years.

In conclusion, I believe that airline employees are entitled to the types of protective programs which were contemplated in the 1978 act. The bill I have introduced is designed to further legislative efforts to make the 1978 act a reality for airline employees.●

THE INCOME TAX SIMPLIFICATION ACT OF 1982

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California (Mr. PANETTA) is recognized for 15 minutes.

● Mr. PANETTA. Mr. Speaker, I am today introducing an improved version of legislation I offered earlier in this Congress providing for radical simplification of the Federal income tax. It is my hope that this bill can become the basis of a fundamental debate in the months and years ahead about our system of taxation.

Debate on the issue of taxation in this country has focused, over the past few years, on raising or reducing tax rates. While that debate has certainly been necessary, and while it has obviously produced very significant legislation, I do not believe the Congress has even begun to consider the real problems with the current system. If anything, last year's Economic Recovery Tax Act exacerbated the fundamental problems of the system—its complexity, its lack of fairness, and its irrationality.

"To tax and to please," said Edmund Burke, "is not given to men." But our income tax would have boggled even Burke's mind. The present Internal Revenue Code is riddled with countless exemptions, credits, exclusions, and hidden loopholes. The primary reason for this increasing complexity is the continuing use of the code as a vehicle for achieving societal goals that are unrelated to the raising of revenue. While we may agree with many of these goals, the laws taken together are a tangled mess, making it extremely difficult for most taxpayers to understand their rights and responsibilities.

In addition, the system encourages taxpayers to direct their resources toward investments which have no economic or productive value other than reducing their tax burden. The use of legal tax shelters—not to mention the huge illegal underground economy—costs the Government billions of dollars annually.

These terribly complex laws have led to the growth of an Internal Revenue Service bureaucracy—63 percent larger than it was just 20 years ago and about to be augmented by 5,000 more agents—which is forced by the ambiguity of the laws to establish arbitrary rules and regulations in order to carry out its enforcement responsibilities.

Finally, a fact of particular importance at this time, the use of tax breaks rather than direct spending or loan programs to achieve societal goals creates a strain on the Federal budget that is practically concealed, since we often do not think of tax breaks as expenditures. The burden is also similar to that imposed by entitlement programs in that once a tax break is written into the law, Congress cannot determine from year to year how much it wants to lose in revenue in order to finance it. Eligible taxpayers are legally entitled to their deductions, no matter what the cost.

I believe what the country needs—and what the American people want—is a return to a fair and simple system of taxation. The legislation I am introducing today, the Income Tax Simplification Act of 1982, would eliminate virtually all deductions, credits, and exclusions. Instead of the current tax rate that ranges from 12 to 50 percent, it would establish a flat rate tax of 19 percent on gross income minus basic business expenses. In addition, the legislation would provide substantial personal credits to be subtracted from tax owed—$1,000 for an individual, $1,000 for a spouse, $200 for each dependent, and $200 for each individual in a household who is blind or above age 65. These credits would be crucial, as they would prevent the kind of substantial tax increases that would normally be imposed on low- and middle-income taxpayers by the replacement of a graduated tax with a flat-rate tax.

This legislation is designed to be revenue neutral—in other words, it does not reduce revenues and it does not raise them. It addresses the issue of simplification, and as millions of Americans attempt to complete their tax returns before the April 15 deadline, there is no tax reform, no tax cut, and no new deduction that they can appreciate more than a simplified income tax.

Mr. Speaker, I believe there is increasing interest in the Congress among both Democrats and Republicans in this concept, and it is my hope that my colleagues will join me in sponsoring this measure. Simplifying the Federal income tax would certainly have the support of all of our constituents; it is an idea whose time has come.

At this point in the RECORD, I would like to insert the text of this legislation:

H.R. 6070

A bill to amend the Internal Revenue Code of 1954 to provide income tax simplification and reform

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE: AMENDMENT OF 1954 CODE.

(a) SHORT TITLE.—This Act may be cited as the "Income Tax Simplification Act of 1982".

(b) AMENDMENT OF 1954 CODE.—Except as otherwise expressly provided, whenever in this Act an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of the Internal Revenue Code of 1954.

TITLE I—INDIVIDUAL INCOME TAX RATES, ETC.

SEC. 101. INDIVIDUAL INCOME TAX RATES.

Section 1 (relating to tax imposed on individuals) is amended to read as follows:

"SECTION 1. TAX IMPOSED.

"There is hereby imposed on the taxable income of every individual, estate, and trust, a tax of 19 percent of such taxable income."

SEC. 102. INCOME TAX CREDIT FOR PERSONAL EXEMPTIONS.

(a) IN GENERAL.—Subpart A of part IV of subchapter A of chapter 1 (relating to credits allowable) is amended by inserting after section 32 the following new section:

"SEC. 33. PERSONAL EXEMPTIONS.

"(a) ALLOWANCE OF CREDIT.—In the case of an individual, there shall be allowed as a credit against the tax imposed by this subtitle for the taxable year an amount equal to—

"(1) $1,000 for the taxpayer; and an additional $1,000 for the spouse of the taxpayer if a joint return is not made by the taxpayer and his spouse, and if the spouse, for the calendar year in which the taxable year of the taxpayer begins, has no gross income and is not the dependent of another taxpayer;

"(2) $200 for the taxpayer if he has attained the age of 65 before the close of his taxable year; and an additional exemption of $200 for the spouse of the taxpayer if a joint return is not made by the taxpayer and his spouse, and if the spouse has attained the age of 65 before the close of such taxable year, and, for the calendar year in which the taxable year of the taxpayer begins, has no gross income and is not the dependent of another taxpayer;

"(3) $200 for the taxpayer if he is blind at the close of his taxable year; and an additional exemption of $200 for the spouse of the taxpayer if a separate return is made by the taxpayer, and if the spouse is blind and, for the calendar year in which the taxable year of the taxpayer begins, has no gross income and is not the dependent of another taxpayer; and

"(4) $200 for each dependent of the taxpayer—

"(A) whose gross income for the calendar year in which the taxable year of the taxpayer begins is less than $1,000, or

"(B) who is a child of the taxpayer and who (i) has not attained the age of 19 at the close of the calendar year in which the taxable year of the taxpayer begins, or (ii) is a student.

"(b) Special Rules and Definitions.—For purposes of subsection (a)—

"(1) Special rules relating to blindness.—

"(A) Determination of blindness.—The determination of whether the spouse of the taxpayer is blind shall be made as of the close of the taxable year of the taxpayer; except that if the spouse dies during such taxable year such determination shall be made as of the time of such death.

"(B) Blindness defined.—An individual is blind only if his central visual acuity does not exceed 20/200 in the better eye with correcting lenses, or if his visual acuity is greater than 20/200 but is accompanied by a limitation in the fields of vision such that the widest diameter of the visual field subtends an angle no greater than 20 degrees."

"(2) Special rules and definitions relating to dependents.—

"(A) No credit for certain married dependents.—No credit shall be allowed under subsection (a)(4) for any dependent who has made a joint return with his spouse under section 6013 for the taxable year beginning in the calendar year in which the taxable year of the taxpayer begins.

"(B) Child defined.—The term 'child' means an individual who (within the meaning of section 152) is a son, stepson, daughter, or stepdaughter of the taxpayer.

"(C) Student defined.—The term 'student' means an individual who during each of 5 calendar months during the calendar year in which the taxable year of the taxpayer begins—

"(i) is a full-time student at an educational organization described in section 170(b)(1)(A)(ii); or

"(ii) is pursuing a full-time course of institutional on-farm training under the supervision of an accredited agent of an educational organization described in section 170(b)(1)(A)(ii) or of a State or political subdivision of a State.

For purposes of this subparagraph, references to section 170 shall be to such section as in effect before its repeal by the Income Tax Simplification Act of 1982."

(b) Repeal of Deduction for Personal Exemptions.—Section 151 (relating to allowance of deductions for personal exemptions) is hereby repealed.

TITLE II—TAX REFORMS

SEC. 201. CREDITS AGAINST TAX.

Part IV of subchapter A of chapter 1 (relating to credits against tax) is amended by striking out all sections thereof other than—

(1) section 31 (relating to tax withheld on wages), and

(2) section 32 (relating to tax withheld at source on nonresident aliens and foreign corporations and on tax-free covenant bonds).

SEC. 202. ITEMS SPECIFICALLY INCLUDED IN GROSS INCOME.

(a) Prizes and Awards.—Section 74 (relating to prizes and awards) is amended by striking out subsections (a) and (b) and inserting in lieu thereof the following: "Gross income includes amounts received as prizes and awards."

(b) Group-Term Life Insurance Purchased for Employees.—Subsection (a) of section 79 (relating to group-term life insurance purchased for employees) is amended to read as follows:

"(a) General Rule.—There shall be included in the gross income of an employee for the taxable year an amount equal to the cost of group-term life insurance on his life provided for part or all of such year under a policy (or policies) carried directly or indirectly by his employer (or employers)."

(c) Unemployment Compensation.—Subsections (a) and (b) of section 85 (relating to unemployment compensation) are amended to read as follows:

"(a) In General.—Gross income includes unemployment compensation."

SEC. 203. ITEMS SPECIFICALLY EXCLUDED FROM GROSS INCOME.

Part III of subchapter B of chapter 1 (relating to items specifically excluded from gross income) is amended by striking out all sections thereof other than—

(1) section 102 (relating to gifts and inheritances), and

(2) section 115 (relating to income of States, municipalities, etc.).

SEC. 204. ITEMIZED DEDUCTIONS FOR INDIVIDUALS AND CORPORATIONS.

(a) In General.—Part VI of Subchapter B of chapter 1 (relating to itemized deductions for individuals and corporations) is amended by striking out all sections thereof other than—

(1) section 161 (relating to allowance of deductions),

(2) section 162 (relating to trade or business expenses),

(3) section 165 (relating to losses),

(4) section 176 (relating to payments with respect to employees of certain foreign corporations),

(5) section 183 (relating to activities not engaged in for profit),

(6) section 189 (relating to amortization of real property construction period interest and taxes),

(7) section 192 (relating to contributions to Black Lung Benefit Trust), and

(8) section 195 (relating to start-up expenditures).

(b) Amendments to Trade or Business Expense Deduction.—

(1) Repeal of deduction for appearances, etc., with respect to legislation.—Subsection (e) of section 162 (relating to appearances, etc., with respect to legislation) is hereby repealed.

(2) Repeal of partial deduction for treble damage payments under the antitrust laws.—Subsection (g) of section 162 (relating to treble damage payments under the antitrust laws) is amended by striking out "two-thirds of ".

(3) Repeal of special deduction for state legislators.—The subsection (h) of section 162 added by Public Law 97-34 (relating to State legislators' travel expenses away from home) is hereby repealed.

(c) No Deduction for Wagering Losses.—Subsection (d) of section 165 (relating to wagering losses) is amended to read as follows:

"(d) Wagering Losses.—No deduction shall be allowed for losses from wagering transactions."

SEC. 205. ADDITIONAL ITEMIZED DEDUCTIONS FOR INDIVIDUALS.

Part VIII of subchapter B of Chapter 1 (relating to additional itemized deductions for individuals) is amended by striking out all sections thereof other than—

(1) section 211 (relating to allowance of deductions),

(2) section 212 (relating to expenses for production of income), and

(3) section 215 (relating to alimony, etc., payments).

SEC. 206. SPECIAL DEDUCTIONS FOR CORPORATIONS.

Part VIII of subchapter B of chapter 1 (relating to special deductions for corporations) is hereby repealed.

SEC. 207. ITEMS NOT DEDUCTIBLE.

(A) Certain Capital Expenditures Not Deductible.—Section 263 (relating to denial of deduction for certain capital expenditures) is amended by striking out—

(1) subsection (c) (relating to intangible drilling and development costs in the case of oil and gas wells and geothermal wells), and

(2) subsection (d) (relating to expenditures in connection with certain railroad rolling stock).

(b) Disallowance of Certain Entertainment, Etc., Expenses.—

(1) In general.—Subsection (a) of section 274 is amended to read as follows:

"(a) Entertainment, Amusement, or Recreation.—No deduction otherwise allowable under this chapter shall be allowed for any item—

"(1) Activity.—With respect to an activity which is of a type generally considered to constitute entertainment, amusement, or recreation, or

"(2) Facility.—With respect to a facility used in connection with an activity referred to in paragraph (1)."

(2) Repeal of specific exemptions.—Subsection (e) of section 274 (relating to specific exemptions to application of subsection (a)) is hereby repealed.

SEC. 208. REPEAL OF EXCLUSION FROM INCOME FOR DIVIDENDS REINVESTED IN STOCK OF PUBLIC UTILITIES.

Subsection (e) of section 305 (relating to dividend reinvestment in stock of public utilities) is hereby repealed.

SEC. 209. DENIAL OF DEDUCTION FOR EMPLOYER CONTRIBUTIONS TO PENSION PLANS.

Section 404 (relating to deduction for contributions of an employer to an employees' trust or annuity plan and compensation under a deferred-payment plan) is amended to read as follows:

"SEC. 404. NO DEDUCTION FOR CONTRIBUTIONS OF AN EMPLOYER TO AN EMPLOYEES' TRUST OR ANNUITY PLAN OR COMPENSATION UNDER A DEFERRED-PAYMENT PLAN.

"If contributions are paid by an employer to or under a stock bonus, pension, profit-sharing, or annuity plan, or if compensation is paid or accrued on account of any employee under a plan deferring the receipt of such compensation, such contributions or compensation shall not be deductible under this chapter."

SEC. 210. REPEAL OF SPECIAL TREATMENT OF CERTAIN INSURANCE COMPANIES.

(a) Insurance Companies Subject to Corporate Tax.—Subsection (c) of section 11 (relating to exceptions from corporate income tax) is amended by striking out paragraph (1) and by redesignating paragraphs (2) and (3) as paragraphs (1) and (2), respectively.

(b) Repeal of Special Rules Relating to Banking Institutions.—Subchapter H of chapter 1 (relating to banking institutions) is hereby repealed.

SEC. 211. REPEAL OF DEPLETION DEDUCTION, ETC.

Subchapter I of chapter 1 (relating to natural resources) is hereby repealed.

SEC. 212. REPEAL OF EXCLUSION FOR U.S. CITIZENS AND RESIDENTS LIVING ABROAD.

Subpart B of part III of subchapter N of chapter 1 (relating to earned income of citizens of the United States) is hereby repealed.

SEC. 213. REPEAL OF NONRECOGNITION OF GAIN ON SALE OF PRINCIPAL RESIDENCE.

Section 1034 (relating to rollover of gain on sale of principal residence) is hereby repealed.

SEC. 214 REPEAL OF DEDUCTION FOR NET CAPITAL GAIN.

Part I of subchapter P of chapter 1 (relating to treatment of capital gains) is hereby repealed.

SEC. 215. REPEAL OF INCOME AVERAGING.

Part I of subchapter Q of chapter 1 (relating to income averaging) is hereby repealed.

TITLE III—CORPORATE INCOME TAX RATE REDUCTION

SEC. 301. CORPORATE INCOME TAX RATE REDUCTION.

Subsection (b) of section 11 (relating to amount of corporate income tax) is amended to read as follows:

"(b) AMOUNT OF TAX.—The amount of the tax imposed by subsection (a) shall be the sum of—

"(1) 3 percent of so much of the taxable income as does not exceed $50,000;

"(2) 6 percent of so much of the taxable income as exceeds $50,000 but does not exceed $100,000;

"(3) 9 percent of so much of the taxable income as exceeds $100,000 but does not exceed $150,000;

"(4) 12 percent of so much of the taxable income as exceeds $150,000 but does not exceed $200,000; plus

"(5) 15 percent of so much of the taxable income as exceeds $200,000."

TITLE IV—EFFECTIVE DATE

SEC. 401. EFFECTIVE DATE, ETC.

(a) EFFECTIVE DATE.—The amendments made by this Act shall apply to taxable years beginning after December 31, 1982.

(b) TECHNICAL AND CONFORMING CHANGES.—The Secretary of the Treasury or his delegate shall, as soon as practicable but in any event not later than 90 days after the date of the enactment of this Act, submit to the Committee on Ways and Means of the House of Representatives a draft of any technical and conforming changes in the Internal Revenue Code of 1954 which are necessary to reflect throughout such Code the changes in the substantive provisions of law made by this Act.●

HOUSE ARMED SERVICES COMMITTEE CALLS FOR $3 BILLION REDUCTION IN FISCAL YEAR 1983 DEFENSE AUTHORIZATION

(Mr. PRICE asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

● Mr. PRICE. Mr. Speaker, under leave to extend my remarks in the RECORD I include the following:

HOUSE ARMED SERVICES COMMITTEE CALLS FOR $3 BILLION REDUCTION IN FISCAL YEAR 1983 DEFENSE AUTHORIZATION

The House Armed Services Committee made reductions of nearly $3 billion in approving a fiscal year 1983 authorization bill for the Department of Defense, Committee Chairman Melvin Price announced today. The vote in committee to report the bill was 39 to 3.

The committee beat back amendments for substantially greater reductions in fashioning a bill to begin a buildup in strategic and conventional strength of the U.S. armed forces, Price said.

"I am proud of the committee for the diligence with which it labored to achieve early reporting of the bill," Mr. Price said. He added that he looked for the bill to come up on the floor of the House shortly after the Easter District Work Period.

The committee approved $180 billion for procurement, RDT&E, operations and maintenance, and civil defense for the fiscal year beginning next October 1. The measure, consistent with the committee's earlier recommendation to the Budget Committee, is designed to emphasize program growth beyond inflation in the investment and readiness areas of the defense budget.

The approximately $3 billion savings effected by the committee in the bill do not take into account additional savings that will be realized by deferral of the fiscal year 1982 supplemental request for the Department of Defense of approximately $1.4 billion. Mr. Price stated that at present the committee has no plans to report a fiscal year 1982 supplemental.

The committee recommended substantial reductions in Research, Development, Test and Evaluation ($1.7 billion) and in Operations and Maintenance (over $1 billion). In addition, by recommending reductions in personnel end strength, the committee supported an additional savings of $175 million.

The committee defeated amendments to substantially reduce or eliminate funds for the MX missile, two nuclear-powered aircraft carriers, the B-1 bomber, Pershing II, and Ground Launched Cruise Missile.

The committee focused special attention this year on implementation of the improvements in multiyear procurement procedures enacted as a result of committee initiatives last year. Of particular note is the Blackhawk helicopter where considerable savings are forecast as a result of multiyear procurement.

This year's bill highlights $1.7 billion in procurement for the National Guard and reserve forces through the addition of $1.211 billion, including the following increases designated for the reserve components:

$67.6 million for 12 AH-1S Cobra/TOW helicopters

$80 million for modification of 12 AH-1 helicopters

$51.9 million for 16 Chaparral fire units

$50 million for PIVADS

$76 million for aircraft modifications for A-7

$80 million for tactical and support vehicles and communications equipment for army reserve components

$336.8 million for 16 C-130H

$36.7 million for Electronics and Telecommunication Equipment for Air National Guard

10 A-10's and long lead for 20 additional

20 F-16's for Air National Guard

$50.4 million for P3 modifications for the Navy Reserve

$52.4 million for used C9 aircraft for the Navy Reserve

The committee made these major changes in aircraft procurement:

Army aircraft

Added $67.6 million for AH-1S Cobra/TOW Helicopter

Added $11 million for 6 additional C-12D Huron

Deleted $85.6 million for procurement and $61.7 million in advance procurement for the UH-60A Blackhawk helicopter

Navy aircraft

Added $178.6 million for procurement of 6 additional AV-8B Harriers, along with long lead funds for 12 more

Approved $2.44 billion for procurement and $283.7 million for advance procurement for 84 F-18's

Deleted $203.8 million for 18 SH-60B helicopters

Air Force aircraft

Added $318.2 million for procurement of 20 additional F-16's, as well as long lead for 20 more

Deleted $217.4 million for procurement and $163.3 million for advanced procurement for the F-15

For Army tracked combat vehicles, net reductions of $183.2 million were approved. The budget request was approved for the M113A2 Armored Personnel Carrier. The committee added $12.4 million for the M2/M3 Bradley fighting vehicle. $80.6 million was deleted for the M1 Abrams tank and $111.3 million for termination of the Army light armored vehicle program. $378.5 million was included for modification of tracked combat vehicles including the fire support team vehicle and improved TOW vehicle.

For Air Force missiles, the committee approved $882 million requested for the initial procurement of MX missiles, but deferred $282 million of the $564.4 million requested for MX interim basing. The committee also made additions related to MX program elements totaling $73 million.

The committee approved without change the $621.3 million requested for 440 Air Launched Cruise Missiles and the $490 million requested for 120 Ground Launched Cruise Missiles.

SHIPBUILDING

The committee approved the President's request for full funding of two nuclear-powered aircraft carriers. The committee believes these carriers are essential to maintain the existing force level of 13 carrier battle groups. By providing full funding now, the ships will be delivered nearly two years earlier at a cost savings of three-quarters of a billion dollars. Also approved were two Trident submarines at a cost of $2.485 billion.

The following three changes were made in the Administration's shipbuilding budget request:

The fiscal year 1982 supplemental request of $263.4 million for cost growth in four ship programs was included in the 1983 authorization bill.

$24.3 million for long lead procurement for an AGOS-SWATH ship was deleted.

$40 million was added to the request for FFG-7 class guided missile frigates with the stipulation that the funds are to be used solely for installation of an x-brand phased array radar to improve the performance of the missile fire control system.

The committee approved without change the following ships requested by the President:

$1.443 billion for two SSN-668 nuclear-powered attack submarines

$417.4 million for reactivation of the battleship *Iowa* and long lead for reactivation of the battleship *Missouri*

$322.6 million for the four TAKRX fast logistic ship conversions

$300 million for one TAHX hospital ship.

Legislative provisions were approved to prohibit the construction and conversion of a U.S. naval vessel, or a major component of the hull or superstructure of a U.S. naval vessel, in a foreign shipyard.

RESEARCH, DEVELOPMENT, TEST AND EVALUATION (RDT&E)

The committee approved $22.5 billion for Research, Development, Test and Evaluation. Out of several thousand RDT&E programs and projects in the fiscal year 1983 budget submission, the committee made numerous adjustments resulting in a net savings of more than $1.7 billion.

The committee provided $2.6 billion of the Administration's $2.7 billion request to support continued Research, Development, Test and Evaluation for the MX missile. The committee deleted $150 million which included termination of the continuous patrol aircraft.

Of particular note is the committee's recommendation for a complete reorientation of the High Energy Laser program. The committee believes that the Department of Defense should shift its current program emphasis from long wave-length chemical lasers and instead accelerate short wave-length high energy laser development—a higher potential technology.

Other major actions in the RDT&E account include:

$467.56 million reduction in the Administration's Ballistic Missile Defense Systems Technology program request. This action came as a direct result of the Administration's failure to select a basing mode for the MX missile and the committee's reluctance to accelerate a low altitude defense system for a yet to be defined basing mode.

The termination of the Army's $75.8 million Helicopter Improvement Program (AHIP) due to rising program cost estimates.

The addition of $117 million to continue the development and deployment of the 5-Inch Semi-Active Laser Guided Projectile together with the Seafire Electro-Optical Fire Control System in support of the Marine amphibious assault mission.

The committee fully supported the Air Force request to continue a competitive approach, based on reliability and durability considerations, to future fighter engine procurement. The committee agreed to provide $119 million to develop improvements to the F-100 engine, the engine currently in use in the F-15 and F-16 aircraft, and $54 million for continued development of the F-101 Derivative Fighter Engine. The Air Force plans to compete F-100 and F-101 for future engine procurements.

OPERATIONS AND MAINTENANCE (O & M)

The committee approved $68.4 million for Operations and Maintenance, an increase from last year of 2.4 percent in real program growth above inflation. This is a reduction in the Administration's request of $1 billion.

In the O&M account, the committee took the following actions:

Reduced the request by $618.4 million to effect economies and efficiencies in a variety of O&M accounts,

Saved $40.2 million through a moratorium on contracting out,

Increased real property maintenance by $295.2 million,

Added to quality-of-life programs by $70 million,

Provided Guard and Reserve increases in the amount of $30 million, and

Increased training by $61 million.

PERSONNEL

The committee's reductions would effect savings of nearly $200 million. The committee decreased the President's request by 5,000 for the Navy and by 4,300 for the Air Force. The active strength approved is, however, 30,500 above the fiscal year 1982 authorization.

Reserve strengths reflect the budget submission with one exception: the Coast Guard Selected Reserve was increased by 1,300 to 12,000.

Consistent with previous Congressional action on quality controls for new enlistees, the committee continued for an additional year the requirement that the Army recruit a minimum of 65 percent high school graduates among male recruits in fiscal year 1983.

Language approved by the committee directs the Secretary of Defense to charge reasonable prevailing rates for meals in the Pentagon's Executive messes based upon a survey of comparable eating facilities in the area.

In civilian personnel, the committee approved an increase of 14,560 to the Administration's request. This results from the addition of 17,000 personnel spaces previously withdrawn from the Administration's budget for functions programmed for future conversion to contract. Because the budget includes funding for these 17,000 positions, whether performed by Federal civilian employees or by private contractors, this action involves no additional cost.

The committee made offsetting reductions in civilian strength:

1,025 for the Army

415 for the Navy

1,000 for Defense Agencies

Further, reflecting growing concern that many functions presently performed by Federal employees are being converted to private contracts without adequate consideration of readiness and long-term cost implications, the committee recommended actions that have the effect of placing a one-year moratorium on contracting out.

CIVIL DEFENSE

In the area of Civil Defense, the committee approved the $252 million authorization requested by the President.●

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. Sensenbrenner) to revise and extend their remarks and include extraneous material:)

Mr. Rudd, for 60 minutes, April 6.

Mr. Gingrich, for 60 minutes, today.

Mr. Corcoran, for 5 minutes, today.

Mr. Lungren, for 60 minutes, today.

Mr. Gunderson, for 60 minutes, April 21.

(The following Members (at the request of Mr. Gonzalez) to revise and extend their remarks and include extraneous material:)

Mr. Phillip Burton, for 10 minutes, today.

Mr. Waxman, for 5 minutes, today.

Mr. Gonzalez, for 15 minutes, today.

Mr. Annunzio, for 5 minutes, today.

Mr. Coelho, for 5 minutes, today.

Mr. Whitten, for 10 minutes, today.

Mr. Howard, for 5 minutes, today.

Mr. Panetta, for 15 minutes, today.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

(The following Members (at the request of Mr. Sensenbrenner) and to include extraneous matter:)

Mr. Jeffords.

Mr. Williams of Ohio.

Mr. Hyde.

Mr. Broyhill.

Mr. McKinney.

Mr. Gunderson.

Mr. Corcoran.

Mr. Young of Florida in 10 instances.

Mr. Hansen of Idaho in 10 instances.

Mr. Sensenbrenner in two instances.

Mr. Gingrich.

Mr. Bereuter.

Mr. LeBoutillier in three instances.

Mr. Wolf.

(The following Members (at the request of Mr. Gonzalez) and to include extraneous matter:)

Mr. Solarz.

Mr. Stokes in three instances.

Mr. de la Garza in 10 instances.

Mr. Lantos.

Mr. Mazzoli in two instances.

Mr. Oberstar.

Mr. Boland.

Mr. Zeferetti.

Mr. Fountain.

Mr. Dyson.

Mr. Anderson in 10 instances.

Mr. Gonzalez in 10 instances.

Mr. Rosenthal in 10 instances.

Mrs. Bouquard in five instances.

Mr. Hamilton in 10 instances.

Mr. Brown of California in 10 instances.

Mr. Annunzio in six instances.

Mr. Jones of Tennessee in 10 instances.

Mr. Boner of Tennessee in five instances.

Mr. Hawkins.

Mr. Wyden.

Mr. Barnes in two instances.

Mr. Miller of California in two instances.

Mr. Weiss in five instances.

Mr. Hubbard.

Mr. Ford of Michigan.

Mr. Rangel.

SENATE BILLS, JOINT RESOLUTIONS, AND A CONCURRENT RESOLUTION REFERRED

Bills, joint resolutions, and a concurrent resolution of the Senate of the following titles were taken from the Speaker's table and, under the rule, referred as follows:

S. 1629. An act to amend the Communications Act of 1934 in order to encourage and develop marketplace competition in the provision of certain broadcast services and to provide certain deregulation of such broadcast services, and for other purposes; to the Committee on Energy and Commerce;

S. 1681. An act to designate the southern Nevada water project the "Robert B. Griffith Water Project"; to the Committee on Interior and Insular Affairs;

S.J. Res. 165. Joint resolution authorizing and requesting the President to proclaim 1983 as the "Year of the Bible"; to the Committee on Post Office and Civil Service;

S.J. Res. 166. Joint resolution designating April 28, 1982, as "National Nursing Home Residents Day"; to the Committee on Post Office and Civil Service;

S.J. Res. 170. Joint resolution to designate the week of November 7, 1982, through November 14, 1982, as "National Hospice Week"; to the Committee on Post Office and Civil Service; and

S. Con. Res. 69. Concurrent resolution urging the Soviet Union to allow Ida Nudel to emigrate to Israel, and for other purposes; to the Committee on Foreign Affairs.

SENATE ENROLLED BILL AND JOINT RESOLUTIONS SIGNED

The SPEAKER announced his signature to an enrolled bill and joint resolutions of the Senate of the following titles:

S. 2333. An act to amend section 209 of title 18, United States Code, to permit an officer or employee of the U.S. Government, injured during an assassination attempt, to receive contributions from charitable organizations;

S.J. Res. 67. Joint resolution to establish National Nurse-Midwifery Week; and

S.J. Res. 102. Joint resolution to authorize and request the President to designate the month of April 1982 as "Parliamentary Emphasis Month."

ENROLLED JOINT RESOLUTION SIGNED

Mr. HAWKINS, from the Committee on House Administration, reported that that committee had examined and found truly enrolled a joint resolution of the House of the following title, which was thereupon signed by the Speaker:

H.J. Res. 435. Joint resolution providing for the designation of April 12, 1982, as "American Salute to Cabanatuan Prisoner of War Memorial Day."

JOINT RESOLUTIONS PRESENTED TO THE PRESIDENT

Mr. HAWKINS, from the Committee on House Administration, reported that that committee did on April 1, 1982, present to the President, for his approval, joint resolutions of the House of the following titles:

H.J. Res. 410. An act to designate April 19, 1982, as "Dutch-American Friendship Day"; and

H.J. Res. 447. An act to authorize and request the President to issue a proclamation designating April 4, 1982, as the "National Day of Reflection."

ADJOURNMENT

Mr. GONZALEZ. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 1 o'clock and 20 minutes p.m.), the House adjourned until tomorrow, Tuesday, April 6, 1982, at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

3575. A letter from the Director, Defense Mapping Agency, transmitting notice of plans to study the conversion from in-house operation to contractor performance of DOD/Defense Mapping Agency (DMA), pursuant to section 502(a) of Public Law 96-342; to the Committee on Armed Services.

3576. A letter from the Assistant Secretary of the Air Force (Research, Development and Logistics), transmitting notice of plans to study the conversion from in-house operation to contractor performance of consolidation containerization points at Robins Air Force Base, Ga., and McClellan Air Force Base, Calif., pursuant to section 502 (a) of Public Law 96-342; to the Committee on Armed Services.

3577. A letter from the Chairman, Federal Financial Institutions Examination Council, transmitting the annual report of the Council covering calendar year 1981, pursuant to 12 U.S.C. 3305; to the Committee on Banking, Finance and Urban Affairs.

3578. A letter from the Chairman, Council of the District of Columbia, transmitting D.C. Act 4-169, "D.C. Administration of Oaths, Public Assistance Technical Clarification, and Police Service and Fire Service Schedule Approval Act of 1982," pursuant to section 602(c) of Public Law 93-198; to the Committee on the District of Columbia.

3579. A letter from the Chairman, Council of the District of Columbia, transmitting D.C. Act 4-168, "Veterans' Appointment Preference Extension Act of 1981," pursuant to section 602(c) of the Public Law 93-198; to the Committee on the District of Columbia.

3580. A letter from the Chairman, Council of the District of Columbia, transmitting D.C. Act 4-171, "Closing of a Public Alley in Square 254 Act of 1982," pursuant to section 602(c) of Public Law 93-198; to the Committee on the District of Columbia.

3581. A letter from the Chairman, Council of the District of Columbia, transmitting D.C. Act 4-170, "Closing of a Portion of a Public Alley in Square 1853 Act of 1982," pursuant to section 602(c) of Public Law 93-198; to the Committee on District of Columbia.

3582. A letter from the Secretary of Education, transmitting a draft of proposed legislation to consolidate existing Federal vocational and adult education programs, to simplify requirements for States and other recipients participating in Federal vocational and adult education programs, and to authorize certain State and national programs for the development of vocational skills and basic skills for persons whose employment would sustain or improve work force productivity and economic growth, and for other purposes; to the Committee on Education and Labor.

3583. A letter from the Secretary of Labor, transmitting a draft of proposed legislation to authorize adequate appropriations for the President's Committee on Employment of the Handicapped; to the Committee on Education and Labor.

3584. A letter from the Chairman, National Labor Relations Board, transmitting a report on cases heard and/or decided by the Board for fiscal year 1980, pursuant to section 3(c) of the Labor Management Relations Act of 1947, as amended; to the Committee on Education and Labor.

3585. A letter from the Secretary of the Treasury, transmitting a report on hazardous substance liability insurance, pursuant to Public Law 96-510; to the Committee on Energy and Commerce.

3586. A letter from the Fiscal Assistant Secretary, Department of the Treasury, transmitting the annual report on the financial condition and results of operations of the black lung disability trust fund, pursuant to section 3(c) of Public Law 95-227; jointly, to the Committees on Education and Labor and Ways and Means.

3587. A letter from the Comptroller General of the United States, transmitting a report on problems that the General Accounting Office has had with the Drug Enforcement Administration regarding access to records, pursuant to provisions of the Budget and Accounting Act of 1921, as amended; jointly, to the Committees on Government Operations, the Judiciary, and Energy and Commerce.

3588. A letter from the Assistant Secretary for Congressional Relations, Department of State, transmitting reports covering certain properties to be transferred to the Republic of Panama, pursuant to sundry provisions of public law; jointly, to the Committees on Foreign Affairs and Merchant Marine and Fisheries.

3589. A letter from the Acting Director, Defense Security Assistance Agency, transmitting a report that the Defense Department has provided certain defense articles, services, and training to El Salvador under the authority of Presidential Determination 82-5, pursuant to section 506(b)(2) of the Foreign Assistance Act of 1961, as amended; to the Committee on Foreign Affairs.

3590. A letter from the Attorney Adviser, Department of State, transmitting copies of international agreements, other than treaties, entered into by the United States, pursuant to 1 U.S.C. 112b(a); to the Committee on Foreign Affairs.

3591. A letter from the Inspector General, Department of Housing and Urban Development, transmitting a copy of his report entitled "Assisted Housing Program Matching Report," as required by OMB guidelines for the conduct of matching programs, pursuant to the authority of section 4(a) of Public Law 95-452; to the Committee on Government Operations.

3592. A letter from the Chairman, Federal Trade Commission, transmitting a report on the Commission's activities under the Government in the Sunshine Act during calendar year 1981, pursuant to 5 U.S.C. 552b(j); to the Committee on Government Operations.

3593. A letter from the Chairman, National Capital Planning Commission, transmitting a report on the Commission's activities under the Freedom of Information Act during calendar year 1981, pursuant to 5

U.S.C. 552(d); to the Committee on Government Operations.

3594. A letter from the Chairman, National Labor Relations Board, transmitting a report on the Board's activities under the Freedom of Information Act during calendar year 1981, pursuant to 5 U.S.C. 552(d); to the Committee on Government Operations.

3595. A letter from the Chairman, U.S. International Trade Commission, transmitting a report on the Commission's activities under the Government in the Sunshine Act during calendar year 1981, pursuant to 5 U.S.C. 552(b)(j); to the Committee on Government Operations.

3596. A letter from the Assistant Secretary of Interior on Territorial International Affairs, transmitting the annual report on the financial condition of the Commonwealth of the Northern Mariana Islands for the fiscal year ended September 30, 1980, pursuant to public law; to the Committee on Interior and Insular Affairs.

3597. A letter from the Assistant Secretary of the Interior (Indian Affairs), transmitting a request for an extension of time from April 3, 1982, to December 31, 1982, for the submission of proposed legislation concerning development of a reservation plan for the Paiute Indian Tribe of Utah, pursuant to 942 Stat. 317; 25 U.S.C. 761; to the Committee on Interior and Insular Affairs.

3598. A letter from the Under Secretary, Department of the Interior, transmitting a report entitled "Managing the Nation's Public Lands," pursuant to public law; to the Committee on Interior and Insular Affairs.

3599. A letter from the Director, Office of Congressional Relations, U.S. Department of Justice, transmitting a report on local jails in the Northeastern United States; to the Committee on the Judiciary.

3600. A communication from the President, and the National Executive Director of the Girl Scouts of the U.S.A., transmitting the 32d annual report of the organization, covering the fiscal year ended September 30, 1981, pursuant to section 7 of the act of March 16, 1950, as amended, and section 3 of Public Law 88-504 (H. Doc. No. 97-165); to the Committee on the Judiciary and ordered to be printed.

3601. A letter from the Chairman, Federal Maritime Commission, transmitting the Commission's annual report for fiscal year 1981, pursuant to sundry sections of public law; to the Committee on Merchant Marine and Fisheries.

3602. A letter from the Acting Secretary of Transportation, transmitting a final rule which identifies those State and local highway safety programs most effective in reducing accidents, injuries, and deaths, pursuant to section 1107(d) of Public Law 97-35; to the Committee on Public Works and Transportation.

3603. A letter from the Administrator, General Services Administration, transmitting a prospectus proposing completion of the Federal Triangle, Washington, D.C., pursuant to section 7 of the Public Buildings Act of 1959, as amended; to the Committee on Public Works and Transportation.

3604. A letter from the Assistant Secretary of the Army (Civil Works), transmitting the seventh annual report recomending deauthorization of various water resources projects, pursuant to section 12 of the Water Resources Development Act of 1974, as amended (H. Doc. No. 97-164); to the Committee on Public Works and Transportation and ordered to be printed.

3605. A letter from the Administrator, General Services Administration, transmitting the 1981 status report of the General Services Administration covering public building projects authorized for construction, alteration, and lease, pursuant to section 11(a) of the Public Buildings Act of 1959, as amended, 40 U.S.C. 610(a); to the Committee on Public Works and Transportation.

3606. A letter from the Chairman of the Board of Directors, Tennessee Valley Authority, transmitting the 48th annual report of the Board of Directors, pursuant to section 9(a) of the TVA Act; to the Committee on Public Works and Transportation.

3607. A letter from the Secretary of the Treasury, transmitting a report on net revenues from the windfall profit tax and their disposition for fiscal year 1981, pursuant to section 102(e) of the Crude Oil Windfall Profit Tax Act of 1980; to the Committee on Ways and Means.

3608. A letter from the Board of Trustees, Federal Hospital Insurance Trust Fund, transmitting the 1982 annual report of the Board, pursuant to section 1817(b) of the Social Security Act, as amended (H. Doc. No. 97-166); to the Committee on Ways and Means and ordered to be printed.

3609. A letter from the Board of Trustees, Federal Supplementary Medical Insurance Trust Fund, transmitting the 1982 annual report of the Board, pursuant to section 1841(b) of the Social Security Act, as amended (H. Doc. No. 97-167); jointly, to the Committees on Energy and Commerce and Ways and Means and ordered to be printed.

3610. A letter from the Comptroller General of the United States, transmitting a report on computer applications written in the cobol programing language (AFMD-82-4, April 1, 1982); jointly, to the Committees on Government Operations and Science and Technology.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

[Pursuant to the order of the House on Apr. 1, 1982, the following report was filed on Apr. 2, 1982]

Mr. FASCELL: Committee on Foreign Affairs. H.R. 5998. A bill to provide additional authorizations of appropriations for the fiscal year 1983 for the International Communication Agency, and for other purposes (Rept. No. 97-480). Referred to the Committee of the Whole House on the State of the Union.

REPORTED BILLS SEQUENTIALLY REFERRED

Under clause 5 of rule X, bills and reports were delivered to the Clerk for printing, and bills referred as follows:

[Pursuant to the order of the House on Apr. 1, 1982, the following report was filed on Apr. 2, 1982]

Mr. ZABLOCKI: Committee on Foreign Affairs. H.R. 5427. A bill to authorize support to Radio Broadcasting to Cuba, Inc.; with amendments; referred to the Committee on Energy and Commerce for a period ending not later than May 20, 1982, for consideration of such portions of the amendment recommended by the Committee on Foreign Affairs as fall within the jurisdiction of the Committee on Energy and Commerce under clause (1)(h)(12), rule X (Rept. No. 97-479, Pt. I). And ordered to be printed.

PUBLIC BILLS AND RESOLUTIONS

Under clause 5 of rule X and clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. BOLAND:

H.R. 6068. A bill to authorize appropriations for fiscal year 1983 for intelligence and intelligence-related activities of the U.S. Government, for the intelligence community staff, for the Central Intelligence Agency retirement and disability system, to authorize supplemental appropriations for fiscal year 1982 for the intelligence and intelligence-related activities of the U.S. Government, and for other purposes; to the Permanent Select Committee on Intelligence.

By Mr. ANNUNZIO:

H.R. 6069. A bill to provide for the minting of silver dollars with a design emblematic of the 1984 Summer Olympic games which are to be held in Los Angeles, Calif.; to the Committee on Banking, Finance and Urban Affairs.

By Mr. PANETTA (for himself and Mr. ANTHONY):

H.R. 6070. A bill to amend the Internal Revenue Code of 1954 to provide income tax simplification and reform; to the Committee on Ways and Means.

By Mrs. CHISHOLM:

H.R. 6071. A bill to amend the Immigration and Nationality Act to reform the procedures relating to asylum, and for other purposes; to the Committee on the Judiciary.

By Mr. COELHO:

H.R. 6072. A bill directing the President to take certain actions with respect to any country that does not provide the same trade concessions with respect to U.S. agricultural products or byproducts as the United States provides to agricultural products or byproducts of that country, and for other purposes; to the Committee on Ways and Means.

By Mr. CORCORAN:

H.R. 6073. A bill to amend the Export Administration Act of 1979 to prohibit the imposition of an embargo on exports unless the President has declared war or a national emergency, and to delay the applicability of certain such embargoes to preexisting contracts; to the Committee on Foreign Affairs.

By Mr. DERRICK:

H.R. 6074. A bill to repeal the special tax benefits provided during 1981 to Members of Congress and to provide for fair and equal taxation of Members of Congress; to the Committee on Ways and Means.

By Mr. DORGAN of North Dakota:

H.R. 6075. A bill to amend the Agricultural Act of 1949 to increase the levels of loans, purchases, and payments applicable to the 1982 through 1985 crops of feed grains and wheat; to the Committee on Agriculture.

By Mr. GUNDERSON:

H.R. 6076. A bill to establish a more efficient and economical price support program for milk, and for other purposes; to the Committee on Agriculture.

By Mr. HOWARD:

H.R. 6077. A bill to amend employee protection provisions of the Airline Deregulation Act of 1978 and to preserve employee merger protection after sunset of the Civil Aeronautics Board; to the Committee on Public Works and Transportation.

By Mr. HOWARD (for himself and Mr. Clausen) (by request):

H.R. 6078. A bill to provide for the recovery of certain capital and operation and maintenance expenditures assignable to commercial waterway transportation for certain Tennessee Valley Authority and Army Corps of Engineers inland waterway projects, and to authorize construction in specified circumstances; jointly, to the Committees on Public Works and Transportation and Ways and Means.

By Mr. HUBBARD:

H.R. 6079. A bill to amend the Economic Recovery Tax Act of 1981 to allow an election of the unlimited marital deduction and the qualified terminable interest rules for estates of decedents dying after August 12, 1981, and before January 1, 1982; to the Committee on Ways and Means.

By Mr. OTTINGER:

H.R. 6080. A bill to amend the Internal Revenue Code of 1954 to permit a taxpayer to reduce his windfall profit tax liability by 25 percent of the amount of excess profits taxes he has paid State governments; to the Committee on Ways and Means.

By Mr. PRICE (for himself and Mr. Dickinson) (by request):

H.R. 6081. A bill to provide the Department of Defense certain new permanent authorities, and for other purposes; to the Committee on Armed Services.

By Mr. SAWYER:

H.R. 6082. A bill to amend the Internal Revenue Code of 1954 with respect to the treatment of agricultural labor for purposes of the Federal unemployment tax; to the Committee on Ways and Means.

By Mr. TRIBLE:

H.R. 6083. A bill to rescind the tax benefits provided during 1981 to Members of Congress in the form of living expense deductions; to the Committee on Ways and Means.

By Mr. WAXMAN:

H.R. 6084. A bill to revise and extend the health planning authority of title XV of the Public Health Service Act; to the Committee on Energy and Commerce.

By Mrs. SNOWE:

H.J. Res. 457. Joint resolution to designate the week beginning May 9, 1982, as "National Small Business Week"; to the Committee on Post Office and Civil Service.

By Mr. BREAUX (for himself, Mr. Forsythe, Mr. Fields, Mr. Young of Alaska, and Mr. Lott):

H. Con. Res. 306. Concurrent resolution expressing the sense of the Congress concerning the ongoing negotiations with respect to a comprehensive Law of the Sea Treaty; to the Committee on Foreign Affairs.

By Mr. WHITTEN:

H. Con. Res. 307. Concurrent resolution memorializing the President and the Secretary of Agriculture to declare a moratorium on farm loan repayments in order to protect the economy and the food supply of the Nation; to the Committee on Agriculture.

By Mr. VENTO:

H. Res. 428. Resolution keeping retiree commitments; to the Committee on Rules.

MEMORIALS

Under clause 4 of rule XXII, memorials were presented and referred as follows:

316. By Mr. HANSEN of Idaho: Memorial of the Legislature of the State of Idaho, relative to hydroelectric generating projects; to the Committee on Energy and Commerce.

317. Also, memorial of the Legislature of the State of Idaho, relative to the MIA-POW situation in Southeast Asia; to the Committee on Foreign Affairs.

318. Also, memorial of the Legislature of the State of Idaho, relative to Taiwan; to the Committee on Foreign Affairs.

319. Also, memorial of the Legislature of the State of Idaho, relative to line item veto; to the Committee on the Judiciary.

320. Also, memorial of the Legislature of the State of Idaho, relative to *Chicago Bridge and Iron* case and H.R. 1983 and S. 655; to the Committee on the Judiciary.

321. Also, memorial of the Legislature of the State of Idaho, relative to amending the Constitution to balance the budget; to the Committee on the Judiciary.

322. Also, memorial of the Legislature of the State of Idaho, relative to a balanced budget; to the Committee on the Judiciary.

323. Also, memorial of the Legislature of the State of Idaho, relative to nuclear reactors; to the Committee on Interior and Insular Affairs.

324. Also, memorial of the Legislature of the State of Idaho, relative to nuclear reactors; to the Committee on Interior and Insular Affairs.

325. Also, memorial of the Legislature of the State of Idaho, relative to the land interchange program between the Bureau of Land Management and the U.S. Forest Service; to the Committee on Interior and Insular Affairs.

326. Also, memorial of the Legislature of the State of Idaho, relative to the Clean Water Act; to the Committee on Public Works and Transportation.

327. Also, memorial of the Legislature of the State of Idaho, relative to the possible termination of construction of certain nuclear powerplants; jointly to the Committees on Energy and Commerce and Interior and Insular Affairs.

328. By the SPEAKER: Memorial of the Legislature of the State of New York, relative to the Missing Children's Act; to the Committee on the Judiciary.

329. Also, memorial of the Legislature of the Commonwealth of Puerto Rico, relative to President Reagan's Caribbean Basin initiative; jointly, to the Committees on Ways and Means, Foreign Affairs, and Interior and Insular Affairs.

ADDITIONAL SPONSORS

Under clause 4 of rule XXII, sponsors were added to public bills and resolutions as follows:

H.R. 375: Mr. Winn.

H.R. 462: Mr. Foglietta.

H.R. 1193: Mr. Vento.

H.R. 1313: Mr. Shaw and Mrs. Collins of Illinois.

H.R. 4469: Mr. Broyhill.

H.R. 4657: Mr. Green, Mr. Lowry of Washington, and Mr. Vento.

H.R. 4821: Mr. Dannemeyer.

H.R. 4931: Mr. Hiler, Mr. Corcoran, Mr. Dunn, Mr. Wortley, Mr. Petri, and Mr. Robinson.

H.R. 5147: Mr. Roberts of Kansas.

H.R. 5158: Mr. Broyhill, Mr. Bliley, Mrs. Collins of Illinois, Mr. Markey, Mr. Mottl, Mr. Scheuer, Mr. Swift, Mr. Tauke, and Mr. Tauzin.

H.R. 5255: Mr. Roemer.

H.R. 5282: Mr. Weaver.

H.R. 5393: Mr. Yatron, Mr. Bingham, Mr. Howard, Mr. Shelby, Mr. Tauzin, Mr. Won Pat, Mrs. Heckler, Mr. Young of Alaska, Mr. Williams of Ohio, Mr. McDade, Mr. Wilson, Mr. Stenholm, Mr. Dannemeyer, Mr. Hansen of Utah, Mr. Lent, Mr. Lewis, Mr. Luken, Mr. Martin of North Carolina, Mr. Neal, Mr. Skeen, and Mr. Pepper.

H.R. 5404: Mr. Daschle.

H.R. 5459: Mr. Erdahl.

H.R. 5579: Mr. Hawkins and Mr. Lantos.

H.R. 5684: Mr. Weaver, Mr. Barnard, Mr. Howard, Mr. Horton, Ms. Oakar, and Mr. Corrada.

H.R. 5707: Mr. Pickle.

H.R. 5711: Mr. AuCoin.

H.R. 5729: Mr. Marriott.

H.R. 5800: Mr. Hiler.

H.R. 5825: Mr. Pashayan and Mr. Hendon.

H.R. 5833: Mr. Gingrich, Mr. Dougherty, Mr. Hertel, Mr. Murphy, Mr. Erdahl, Mr. McDade, and Mr. Stangeland.

H.R. 5872: Mr. Pritchard, Mr. Evans of Georgia, Mr. Forsythe, Mr. Rhodes, Mr. Erlenborn, Mr. Sunia, Mr. Wilson, Mr. Coelho, and Mr. Oberstar.

H.R. 5928: Mr. Forsythe, Mr. Duncan, Mr. Rahall, and Mr. Mitchell of New York.

H.J. Res. 363: Mr. Oxley.

H. Con. Res. 253: Mr. Oberstar and Mr. Williams of Montana.

H. Con. Res. 289: Mr. Skelton, Mr. Derwinski, Mr. Atkinson, and Mr. Davis.

H. Con. Res. 295: Mr. Derwinski.

H. Con. Res. 297: Mr. Bevill, Mr. Hiler, Mr. Robinson, Mr. Solomon, Mr. Staton of West Virginia, Mr. Coughlin, Mr. Murphy, and Mr. Roberts of South Dakota.

H. Con. Res. 298: Mr. Pepper, Mr. Fascell, Mrs. Kennelly, Mrs. Chisholm, Mr. Lowry of Washington, Mr. Rodino, Mr. Conyers, Mrs. Schroeder, Mr. Anderson, Mr. Walgren, Mr. Markey, Mr. Oberstar, Mr. Eckart, Mr. Washington, Mr. Leland, Mr. Kastenmeier, Mr. Young of Alaska, Mr. Sunia, Mr. Corrada, Mr. Kildee, and Ms. Mikulski.

H. Res. 374: Mr. Barnard, Mr. Daniel B. Crane, Mr. Madigan, Mr. Mazzoli, and Mr. Smith of New Jersey.

H. Res. 406: Mr. Lehman, Mr. Synar, Mr. Foglietta, Mr. Hall of Ohio, Mr. Ertel, Mr. Dougherty, Mr. Frenzel, Mr. Heftel, Mr. Gray, Mr. Dwyer, Mr. Mineta, Mr. Coelho, Mr. Guarini, and Mr. Lantos.

EXTENSIONS OF REMARKS

THE LAWYERS COMMITTEE ON NUCLEAR POLICY

HON. TED WEISS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, April 5, 1982

● Mr. WEISS. Mr. Speaker, nuclear weapons policy has been debated on moral, military, emotional, and strategic grounds. The legal issues of nuclear policy have, however, been generally overlooked.

The Lawyers Committee on Nuclear Policy, a newly formed organization, has studied this topic and produced a succinct, convincing statement on the illegality of nuclear weapons.

This statement argues that existing international law regarding war and the use of weapons makes nuclear weapons and policies that might lead to the use of such weapons illegal. I commend this statement, the text of which follows, to the attention of my colleagues.

STATEMENT ON THE ILLEGALITY OF NUCLEAR WEAPONS

Humanity has entered a critical period in its History as a species. Today's nuclear arsenals have the potential for annihilating a large segment of the world's populations, for devasting and contaminating vast areas of the earth's surface, and for producing unpredictable and uncontrollable biological and environmental consequences. In short, nuclear weapons threaten human survival itself.

Yet, the use of nuclear weapons once considered unthinkable is increasingly being contemplated by U.S. policy-makers. In fact, with Presidential Directive 59, the United States has officially adopted a counterforce strategy that envisions the use (including the first use) of nuclear weapons in a variety of conventional as well as nuclear settings. This shift in nuclear strategy is all the more troubling given the Reagan administration's position that the United States must be prepared to intervene, using nuclear capabilities if necessary, to protect U.S. interests wherever threatened. Thus there has developed in U.S. official policy a dangerous acceptance of the legitimacy and efficacy of using nuclear weapons to reverse international situations considered adverse to U.S. national interests.

Rather than preserving international peace as claimed, this nuclear strategy is likely to bring us closer to nuclear war. The insistence on a limited nuclear war option increases dramatically the prospect that nuclear weapons will be used in a crisis situation. Furthermore, the notion that the use of nuclear weapons can be kept from escalating into an all-out nuclear exchange is, as many experts have argued, highly questionable. Consequently, we believe there is a growing spectre of nuclear war, which requires us to undertake a fundamental rethinking of the status of nuclear weapons under international law.

The prevalent belief among the general public as well as policy-makers is that nuclear weapons are legal. This belief is based on the assumption that a state may do whatever it is not expressly forbidden from doing. The legality of nuclear weapons, however, cannot be judged solely by the existence or non-existence of a treaty rule specifically prohibiting or restricting their use. Any reasonable legal analysis must take into account all the recognized sources of international law—international treaties, international custom, general principles of law, judicial decisions and the writings of the most qualified publicists. Of particular relevance to the legality of nuclear weapons are the many treaties and conventions which limit the use of any weapons in war, the traditional distinction between combatant and non-combatant, and the principles of humanity including the prohibition of weapons and tactics that are especially cruel and cause unnecessary suffering. A review of these basic principles supports a conclusion that the threat and use of nuclear weapons is illegal under international law.

A basic source of the laws of war are the Hague Conventions of 1907, particularly the Regulations embodied in Hague Convention IV. The United States Air Force, in its most recent official publication (1976) on international law and armed conflict, states that these Regulations ". . . remain the foundation stones of the modern law of armed conflict." A fundamental tenet of these Regulations is the prohibition of wanton or indiscriminate destruction. The Regulations forbid, for example, "the attack or bombardment, by whatever means, of towns, villages, (and even individual) dwellings or buildings which are undefended."

The universally accepted Geneva Conventions of 1949 updated and greatly strengthened the 1907 Regulations. In particular, the Convention on "the Protection of Civilian Persons in Time of War" imposes additional detailed obligations on all belligerents to ensure the essential requirements for the health, safety and sustenance of the civilian population. A primary objective of these Conventions is to assure that "disinterested (outside) aid (can be) given without discrimination to all victims of war including members of the armed forces who on account of their wounds, capture or shipwreck cease to be enemies but become suffering and helpless human beings." The use of nuclear weapons of any type would inevitably result in massive violations of both the 1907 and 1949 rules.

Furthermore, restraints on the conduct of hostilities are traditionally not limited to those given explicit voice in specific treaty stipulations. Aware of the continuous evolution of war technology, the 1907 Hague Regulations contain a general yardstick intended exactly for situations where no specific treaty rule exists to prohibit a new type of weapon or tactic. In such cases, "the inhabitants and the belligerents remain under the protection and the rule of the principles of the laws of nations, as they result from the usages established among civilized peoples, from the laws of humanity, and the dictates of public conscience." In short, this general rule, known as the Martens Clause, makes civilized usages, the demands of humanity, and the dictates of public conscience obligatory by themselves—without the formulation of a treaty specifically prohibiting a new weapon. Any specific Convention solemnly prohibiting a specific new weapon or tactic, of course, would serve to reconfirm and strengthen the existing body of law.

Historically, the principles of humanity have been one of the primary sources of law limiting the violence permissible in war. Ever since the Declaration of St. Petersburg of 1868, the principles of humanity have been asserted as a constraint upon military necessity. The Declaration embodies what may be the twin ground rules of the laws of war: that "the right to adopt means of injuring the enemy is not unlimited" and that "the only legitimate object which States should endeavor to accomplish during a war is to weaken the military forces of the enemy."

The protection of civilians and neutral countries flows logically from the elementary distinction between combatant and non-combatant. The commitment to protect civilians and neutral countries also implies that weapons must be used selectively, and only against military targets. As stated by the International Red Cross Committee in its commentary on the 1949 Geneva Conventions, "the civilian population can never be regarded as a military objective. That truth is the very basis of the whole law of war." Without differentiating between military and non-military targets, the fundamental distinction between combatant and non-combatant becomes meaningless.

It is clear that the use of nuclear weapons in populated areas would result in the indiscriminate and massive slaughter of civilians. Moreover, even if nuclear weapons were used only against an enemy's strategic nuclear forces, the annihilation and extermination of the civilian population of the enemy would be an inevitable by-product. As the experiences of Hiroshima and Nagasaki amply demonstrate, the effects of nuclear weapons because of their very awesome nature cannot be limited to military targets.

The 1949 Geneva Conventions were adopted four years after the advent of the "nuclear age." It would therefore be illogical to assume that their provisions are not applicable to nuclear weapons from their provisions. Nor did any nuclear-weapons State or any of the 130-odd other States that ratified or acceded to the Geneva Conventions make any reservation to such effect. However, it would be impossible under conditions of nuclear warfare to carry out the obligations of the Geneva Conventions, just as it would also be impossible to live up to the universally binding rules of the Hague Conventions of 1907, all of which aim at preserving the minimum requirements for the continued survivability and viability of all societies involved in armed conflict. Hence, the use of nuclear weapons would inevitably result in the commission of war crimes on an enormous scale. This fact alone is sufficient to prohibit the use of nuclear weapons.

The use of nuclear weapons would also result, directly or indirectly, in the indiscriminate destruction of people of a particular nationality. If, for example, the stated

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● This "bullet" symbol identifies statements or insertions which are not spoken by the Member on the floor.

objective were the destruction of a nation-state, then the threat or use of nuclear weapons toward this end would violate at least the spirit of the Genocide Convention of 1948—which made the destruction of groups on racial, religious, or nationality grounds an international crime. To assume the legality of a weapon with the distinct capability to terrorize and to destroy an entire civilian population would make meaningless the entire effort to limit combat through the laws of war. As fragile as the laws of war may be, they must be supported, especially in the present setting where the risks to human survival are so great.

One of the most important law-making treaties, the United Nations Charter, establishes a legal duty for all states to refrain from the threat or use of force in their international relations except in self-defense or under the authority of the United Nations. Furthermore, the principle that a war of aggression warrants the highest degree of international opprobrium, namely, to be branded as an international crime, was affirmed by the Nuremberg Tribunals. These two principals have so often been unanimously reaffirmed by the General Assembly as to have become undisputed axioms of international law.

On the basis of these unquestioned principles of international law, the United Nations has repeatedly condemned the use of nuclear weapons as an "international crime." On November 24, 1961, for example, the General Assembly declared in Resolution 1653 (XVI) that "any State using nuclear or thermonuclear weapons is to be considered as violating the Charter of the United Nations, as acting contrary to the law of humanity, and as committing a crime against mankind and civilization." In Resolution 33/71-B of December 14, 1978, and in Resolution 35/152-D of December 12, 1980, the General Assembly again declared that "the use of nuclear weapons would be a violation of the Charter of the United Nations and a crime against humanity." As evidenced by these actions of the General Assembly, a consensus has been clearly emerging that the use of nuclear weapons contradicts the fundamental humanitarian principles upon which the international law of war is founded.

Yet, there is an influential school of thought which would deny the applicability of the existing laws of war to nuclear warfare. This school asserts that in an era of "total war" even the most fundamental rules can be disregarded if this enhances the chances for victory. This argument was urged in another context by some of the Nuremberg defendants, and indignantly rejected by the International Tribunal. The Tribunal's judgment warns that his "nazi conception" of total war would destroy the validity of international law altogether. Ultimately, the legitimacy of such a view would exculpate Auschwitz.

In sum, if the goal of the laws of war—to set limits on permissible violence—is to be realized to any serious degree, and if the fundamental principles of humanity are to be of continuing relevance to their interpretation, then it must be concluded that any threat of use of nuclear weapons is illegal. Global "survivability" is so elemental that the prohibition can be reasonably inferred from the existing laws of war. To conclude differently would be to ignore the barbaric and nefarious character of the use of nuclear weapons. As the laws of war embody the minimum demands of decency, exempting nuclear weapons from that body of laws would be abandoning even this minimum standard.

The genetic and environmental effects resulting from the use of nuclear weapons, alone, provide a compelling moral and humanitarian argument against their legality. But, as indicated above this is not the only basis for concluding that the threat or use of nuclear weapons is illegal. The unnecessary and disproportionate suffering resulting from their use; the indiscriminate nature of their effects for civilians and combatants alike; the uncontrollable radioactive fallout they set off; and their similarity in terms of effects to poison, poison gas, or bacteriological weapons (all of which are prohibited by the Hague Convention of 1907 and the Geneva Gas Protocol of 1925)—each is a sufficient basis for concluding that the threat or use of nuclear weapons is prohibited under existing international law. When taken together, these arguments provide overwhelming support for the conclusion that any threat or use of nuclear weapons is contrary to the dictates of international law.

So too, these arguments provide a sound legal basis for delegitimating and criminalizing the manufacture, possession, and ownership of nuclear weapons. If a course of action is illegal, then the planning and preparation for such an action are, by legal and moral logic, also forbidden. Moreover, the attack on the legality of manufacturing and possessing nuclear weapons is all the more necessary given the increasing prospects for the "accidental" use of nuclear weapons arising out of today's dangerous first strike strategies.

Our intention is not to score points in a battle of legal wits. What we wish to present to fellow lawyers, to governmental decision-makers, and to the public is the view that nuclear warfare would lead to results incompatible with fundamental rules of international law, elementary morality, and contrary to any rational conception of national interest and world order. In short, the very nature of nuclear warfare is destructive of all the values which law obligates us to preserve. While it is accurate to say that international law has not been as effective as it should have been in regulating state acts, international law is important to preserve our sense of humanity and to enhance the prospects for peace.

Reducing the likelihood of nuclear war must obviously, then, be the highest priority of our profession. To this end, the legal community needs to give its urgent attention to the study and implementation of the international law relating to nuclear weapons.●[1]

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[1] For a more extensive discussion of the legal arguments presented in this statement, see Richard Falk, Lee Meyrowitz, Jack Sanderson, "Nuclear Weapons and International Law," Center of International Studies, Princeton University, World Order Studies Monograph, 1981 and John Fried, "First Use of Nuclear Weapons—Existing Prohibitions in International Law," Bulletin of Peace Proposals, January 1981, pp. 21-29.

THE SHUTTLE IS GREAT BUT LET US NOT STOP THERE

HON. NEWT GINGRICH

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Monday, April 5, 1982

● Mr. GINGRICH. Mr. Speaker, all Americans are proud of the outstanding accomplishments of astronauts Jack Lousma and Charles Fullerton. Their courage and expertise guaranteed the success of another Shuttle mission.

There is no doubt the Space Shuttle is one of the greatest symbols of America's bold and adventurous spirit of our desire to settle the next frontier.

But we must be careful not to sit back and admire our present and past successes and not move bravely into the future. Making progress in the space program is like climbing a ladder; and the higher we climb, the farther into the future we can see.

Now is the time to look beyond the exciting opportunities we know the Space Shuttle will give us. Now is the time to look toward the next generation of space transportation.

David W. Lippy has some interesting thoughts in this light. I would like to share his ideas, which appeared in the New York Times, with my colleagues. I urge Congress to live up to the challenges he puts before us.

The article follows:

[From the New York Times, Nov. 23, 1981]

SPACE PROGRAM: ALL OUR EGGS IN FOUR BASKETS

To the EDITOR:

The space shuttle has been chosen as the primary space launch vehicle for both NASA and the Defense Department in the 1980's and beyond. But several important questions need to be raised about America's heavy reliance on one system for future space exploration.

Current plans call for four orbiters to deliver over 1,000 payloads in 450 manned launches from now to 1990. This schedule is in sharp contrast to that of the past decade, when 277 expendable vehicles were used to launch 343 payloads. The basic pattern was a one-to-one package—one satellite per rocket booster.

In the next decade, the United States plans to phase out this one-to-one concept and replace it with the re-usable shuttle. But in the interest of economy, we are relying on only four launch vehicles—creating a vulnerability of launch system reliability, redundancy and survivability.

Total dependence on four orbiters has obvious adverse consequences should even one of the vehicles experience a failure. We have no "insurance" of a large, expendable rocket-booster inventory. With backup systems having been phased out, a single failure followed by a protracted stand-down period would temporarily eliminate U.S. access to space.

The overall capacity of the shuttle depends on how quickly it can be readied for the next mission. We have no experience whatsoever in maintaining or servicing used space vehicles, and until such experience is acquired, the 160-hour turn-around time and 100-plus mission-lifetime for each of the four orbiters are questionable.

The economic viability of the shuttle as well is predicated on very fast turnaround times; slippages will have a markedly adverse effect on the overall launch capacity of the shuttle.

Other critical links have not been analyzed. Many contractors provide the components for the shuttle. Failures, strikes, fire and other mishaps far removed from the Kennedy Space Center itself could have severe adverse effects on turn-around time and vehicle availability.

Some of the companies relied on are specialized to the point of being the only near-term suppliers of various component parts. The temporary or permanent loss of a specialized manufacturing plant making the entire program.

The uncertainties of the budgeting process pose additional risks. Delays and procurement irregularities due to sporadic funding commitments may cause some producers to use their facilities for other purposes—increasing both lead times and component cost.

Another threat is the military one posed by the Soviet Union. Moscow has repeatedly characterized the shuttle as a major U.S. military asset. With only two launch sites, a number of unduplicated service facilities and minimal security surrounding the entire project, the system is an attractive target for sabotage.

All of the potential problems and vulnerabilities, as well as questions of performance, turn-around times, vehicle lifetimes and reliability, point to the necessity of augmenting and backing up the shuttle program.

In building the shuttle at a cost of over $15 billion, Americans have signaled their commitment to space exploration, but this commitment is not reflected in our plans for space exploration in this century. U.S. policy makers need to re-examine our national space policies in light of the vulnerabilities and potential problems surrounding the shuttle and move toward the security and insurance provided by supplemental launch vehicles. Long lead times in procurement of space hardware dictate that these decisions be considered now, not in the aftermath of a failure.

DAVID W. LIPPY.●

IS WASHINGTON NATIONAL AIRPORT SAFE?

HON. FRANK R. WOLF

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Monday, April 5, 1982

● Mr. WOLF. Mr. Speaker, I have been working for well over 1 year to provide a balanced system of air transportation for the Metropolitan Washington area, consistently expressing my concern about the underuse of Dulles Airport and the safety, noise, and congestion at National Airport. I would like to call the attention of my colleagues the following editorial broadcast on radio station WMAL-AM 630 on March 25 and 26 by Andy Ockershausen, executive vice president of WMAL, Inc.

NATIONAL AIRPORT

I'm Andy Ockershausen, Executive Vice President of WMAL, Inc., with an AM-63 opinion.

Northern Virginia Congressman Frank Wolf has asked the bottom-line question: Is Washington National Airport safe??

Wolf wants the National Transportation Safety Board to investigate safety at National, and we hope the NTSB does so, and soon!

As the owner, operator, and regulator of National, the FAA is in no position to examine itself. But the FAA can do one thing to improve travel conditions both in the air and on the ground in the area: It can order the airlines to move some of their flights from National to Dulles and BWI.

Even the most vigorous defenders of National have to concede there are problems there—the ground congestion is a mess; there's not enough convenient parking; and the Metro Station is not even in front of the main terminal.

The airlines can't shift flights to Dulles and BWI. The FAA must come up with an equitable plan and move them out of National in an orderly fashion.

It's going to happen sooner or later—whether Congress likes it or not—and the sooner the better in the public interest.

Please call us with your thoughts at 686-6363.●

JOHN CHANCELLOR—A NEW ASSIGNMENT

HON. EDWARD P. BOLAND

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Monday, April 5, 1982

● Mr. BOLAND. Mr. Speaker, on Friday, April 2, John Chancellor completed 12 years as anchorman on the "NBC Nightly News."

In one of the most important and demanding positions in broadcast journalism, Mr. Chancellor established a standard of excellence. His talents as a reporter and editor, his dedication, and his sense of fairness have earned him the respect of his colleagues and the trust of his viewers.

The "NBC Nightly News" anchor desk is but one of the posts in which John Chancellor has served with distinction during a career with the National Broadcasting Co. that has spanned three decades. From chasing police calls in Chicago to covering the civil war in Lebanon, from Moscow to more than a year as host and moderator of NBC's "Today" show, he has had an opportunity to perfect his craft under some of the most challenging conditions available to a journalist. He has covered American political campaigns, foreign revolutions, and the U.S. space program with a skillful combination of the precision he learned as a print journalist and the conversational style so necessary to a successful broadcast journalist.

Much has been written in recent years about the power of the network news programs to influence American public opinion. Given the complexity of many of the issues which confront this country and the world, and the apparent preference on the part of millions of Americans to get the news from television rather than newspapers, that power clearly exists. The trust which the public places on the people who report, write, and edit television news is enormous. The reason that trust is so seldom violated is because of the presence in the profession of people like John Chancellor. It is their competence, their commitment, and their integrity which has allowed broadcast journalism to achieve and sustain the appeal which it enjoys.

Mr. Speaker, as one of Mr. Chancellor's loyal viewers, my regret at his departure from the "NBC Nightly News" anchor desk is tempered by the realization that he will remain a part of the broadcast in his new assignment as commentator. I want to wish him continued success as he begins this new phase of his distinguished career.●

WHAT KIND OF CARIBBEAN DO WE WANT?

HON. BARNEY FRANK

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Monday, April 5, 1982

● Mr. FRANK. Mr. Speaker, the President has proposed a new initiative for the Caribbean Basin designed to bolster private investment in the region. Now that Congress is considering the President's proposal, it is important to take a look at the underlying social and political problems which have created the Caribbean's poor economic conditions and to determine how the President's proposal will improve these conditions.

J. F. Mitchell, the president of the New Democratic Party of the Grenadines has written an insightful analysis outlining the problems facing the region that have prevented its residents from achieving a higher standard of living. In his remarks, Mitchell warns of trends that tend to devalue our aid dollars, and our efforts to encourage trade and investment: The brain drain, the lack of family planning, and the lack of stable constitutional governments. The fundamental problem the region must face is poverty, says Mitchell. If there is to be true economic growth in the region, any U.S. initiative must address the low economic level of the vast majority of the people.

Mitchell convincingly argues that the true enemies of the people are the forces of corruption, overpopulation, poverty, and government abuse.

If the United States is to undertake a new policy of expanded economic investment in the Caribbean region, we

ought to do so in a way that will begin to build more stable societies in which the disparities of wealth, and the corruption in government, are reduced.

J. F. Mitchell's remarks follow:

What Kind of Caribbean Do We Want?

(By J. F. Mitchell)

Not since the Churchill-Roosevelt deal exchanging destroyers for land bases has there been any serious U.S. planning in the Caribbean. Once more security brings the U.S.-Caribbean relationship into focus; President Reagan has announced the Caribbean Basin Initiative. In 1940 the enemy was clearly distinguishable, and equally recognized to be such, both by the Caribbean and the United States. In 1982, however, although the U.S. may be single-minded in its position, the Caribbean with its political diversity cannot agree on a common enemy.

The recent decades of separate independence, and all the opportunities missed at political union, have created the opportunity for multiple sovereignty and in turn the right of the various Caribbean states to conflicting foreign policies. Although under the umbrella of the Caribbean Community there is the pious hope of foreign policy coordination, in fact, this has been confined to securing trade preferences or jobs for the boys in the international agencies. Many a plenary session of a Caribbean Foreign Ministers' meeting will issue a grand communique on a common position, but in practice Ministers are quite capable of striking their country's bilateral deal in private, much to the embarassment of foreign governments dealing with the Caribbean. A lot of time and effort can be wasted in trying to help the Caribbean if from the outset this insularity is not recognized. President Reagan's Caribbean Basin Initiative must therefore first of all come to terms with the heterogeneous nature of the sovereign states in the region, and their conflicting priorities.

Lest the underlying intention of the Caribbean Basin Initiative be to maintain the status quo in the Caribbean. I would like to point out that the status quo in the Caribbean is one of poverty. To talk therefore of maintaining the status quo means to advocate re-inforcing poverty. Policies of assistance to these islands must therefore guide change, or at least encourage the need for change. Sustaining the rule of political parties resistant to change merely postpones the resulting conflict. The political parties of the centre seeking orderly change are the natural allies of a self-confident America, and not those imposing so-called stability on a starving population.

The low economic level of the vast majority of our people remains the basic problem. Massive financial assistance is essential. But merely pumping money in will not of itself improve matters. The Caribbean Basin Initiative will be mainly money down the drain if the inherent weaknesses of the region, and the specific problems of each state are ignored.

Corruption and incompetent administration steadily consume huge portions of well-intentioned aid money; but I propose to discuss some of the other factors which drastically diminish the value of aid.

The population explosion negates many of the hard-earned tax-dollars poured into the region. Our population is doubling every twenty years. Can any of us really cope with a Caribbean population twice its present size by the turn of the century? Barbados, the citadel of common sense in the Caribbean is the only island that has announced, and proudly, nil population growth. Unfortunately the announcement of such a target in many islands could trigger a riot.

In projecting the quality of life desired in the Caribbean we must have the courage to ask the question: just how many people can these islands accommodate? Will St. Vincent with a per capita income of $250 for 115,000 people be able to cater for 230,000 by the year 2000? How can we cope with a country in which 50 percent of the population is under 18 years and 30 percent of the babies are produced by teenage mothers who do not even own their own bedroom?

The arguments about population control have been voiced time and time again, but as long as the problem exists, policy planners will have to come back to it, and it is important that we the policy makers spell out the problem clearly. We cannot expect others continually to pick up the bill for our indifference.

Finite resources cannot satisfy infinite growth. Oil crisis, lesson one. Other lessons like phosphate shortages for food production are waiting in the wings. And as elsewhere in the developing countries any development strategy for the Caribbean that excludes an ingredient of population planning will be doomed to failure. Nor will seminars for the elite be enough. Birth control appreciation has to be part of basic education that functions within the framework of enhanced economic opportunity. Wealthy Roman Catholics the world over ignore the Pope, and the problem is left with the uneducated poor. Poverty brings instability which brings repression and States of Emergency. Religious fanatics who oppose birth control support the imposition of States of Emergency and all the evils which come under that heading.

Next, the brain drain. The massive capital required for our recovery needs talent for conversion into growth. When the people who know how to make money work have vanished, recovery will be slow. The tragedy of Jamaica today is the loss of talent in the last decade. The executives, and the plumbers whose children are now at school in Miami will not return home to start reorganizing their family life. The confidence they lost in their country will not return after one election.

But above all it is the constitutional fabric in which our islands are unsuitably clothed which is the basic impediment to improvement of our low productivity. Transported Westminster is not working in these islands. Indeed Roy Jenkins of Social Democratic fame in Britain has enunciated in his Dimbleby lecture how the Westminster system is partly responsible even in Britain for industrial decline. No country has articulated more clearly than the United States the belief than productivity is tied to the political system. I agree. Extensive capital investment will not create self sustaining growth in an unproductive political system, be it in Poland or Haiti.

The constitutional systems in these islands befell us while America, languishing in Vietnam psychosis, allowed Britain to excuse herself from the problems she had created on America's doorstep. I know that American diplomacy deliberately left the islands up to the British, while Britain concerned itself with abandoning the islands. Our roads were abandoned, and so were our schools. Our health services in the Windwards do not match those of Martinique between us. Thus the United States must pick up the tab for American contributary negligence over the last two decades.

Stable government, it is said, is the real basis for economic growth. But stability cannot be derived from a system that establishes a government whose authority derives from a minority of the population. That system works in Britain where strong traditions have prohibited the unthinkable, where checks on maladministration through the Press, the Courts and Public Opinion are as strong as the Government itself. Not so in a small island where Government is the main employer, the main dispenser of patronage and the guardian of opportunity. And the financially eroded Press barely exhibits a shadow of the truth. The minority government becomes paranoid, and it becomes for example a legal offense, (and here I quote from the draft St. Vincent Public Order Act) "to have an intention to bring into hatred or contempt, or to excite disaffection against the Government." Furthermore, persons are to be detained who are suspected of having an intention of being about to commit an offense.

Foolish legislation, however "legal", can be a prime cause of instability. Authoritarianism sponsored in this fashion prescribes economic chaos. Criticism is an essential nourishment for the healthy growth of a society. When laws prevent criticism we inherit the infertile territory of callousness.

Without safeguards the Westminster System allows a minority to legislate themselves into an authoritarian regime. Effective participation of substantial areas of the population can be silenced. In the 1980 Trinidad elections the ONR party received 84,000 votes and no seats in Parliament, while the Alliance Parties won 83,000 votes and 10 seats. In the 1979 St. Vincent Election opposition parties secured 46% of the vote and two out of thirteen seats, thereby providing the government with a two-thirds majority capable of amending the constitution at will. Including those who did not vote the mandate for the government was a mere 34% of the electorate. And St. Vincent's record shows this type of power used to make the wife of a Government Minister the Leader of the Opposition.

It is within this framework of authoritarian tendencies that one must be cautious in defining security needs. Experience of Guyana has taught that defense expenditure, like elsewhere in the Third World is not directed at the external enemy, but at the citizens themselves, especially on election day.

But however repressive a regime becomes in the preservation of its own power it may be overthrown—witness the Shah of Iran and the Emperor of Ethiopia. Likewise an unworkable constitution cannot be assumed forever inviolate. Much of Africa has had to adapt to new constitutions to forge their developmental needs. France with its centuries of self reliance has found a new formula in our lifetime. Indeed the French model of ensuring that the government represents more than 50% of the electorate is a principle we should emulate. Nor should we forget the chaos out of which the Fifth French Republic was born. And we too should be allowed to evolve our appropriate constitutions in the attempt to bring sanity to our plural heritage.

Nor will we necessarily secure the formula for stability with one thrust. Trinidad and Tobago is a case in point. Not long ago exhaustive consultation produced the Republican formula, but the sudden profusion of oil wealth has created a new round of confusion. Autonomy for Tobago has pointed to the need for decentralization in Trinidad itself.

The heady rhetoric of self determination was supposed to come to an abrupt halt when the Independence flags were hoisted, even though several elements in the society remained adrift in a sea of selfishness. Decentralization is construed to be a threat to rulers. A free vote for autonomy is unpatriotic. But self determination is and will be a continuing process and can only be said to be realized when people enjoy a constitution that fulfills their lives.

The theory is put forward that autonomous territories will fall prey to Cuba or the Mafia as they are too small to manage themselves. But autonomists are not unmindful of the Cuban guns constantly hammering the hungry Eritreans. And those who disparage the Mafia are already victims. In St. Vincent's case more money is swindled through our offshore banks from U.S. accounts than our total annual budget.

Private agony multiplies into a public posture and in turn formulates foreign policy. The country that will help you shed your oppressor is your friend. Thus it is that internal frustration in Latin America breeds external support for the civil strife. The ingredients of that cocktail now exist in the Caribbean. Then the United States plunges in, not when democratic principles are first negated, but in the climax of the confrontation when reasonable men have long perished. For it is always the strategy of the extreme Left to destroy the Centre advocating reform so that oppression matures and international socialist solidarity can be upheld as the only avenue of salvation.

Democracy is a delicate young seedling in the Caribbean. Incipient authoritarianism threatens peace. Grenada today we must not forget is a product of cheated elections and the collapse of institutions under repression. It is the early signal attacks on democratic institutions that must be arrested. A sentence here or there in a law undermining free and fair elections does not seem to deserve anyone's attention until holy hell breaks loose. Guyana is the best example of legally perverse elections. St. Vincent has just established rigid control of the electoral process by the Executive, complete with clauses to undermine the secrecy of the ballot. Heaped on these abuses covert financing of wicked administrations simply postpones the retribution. Populations double in twenty years.

In the face of all the conflicts emerging out of our political systems, the U.S. should be mindful of the real areas of linkage that exist between the U.S. and the Caribbean. Hardly a tomato is grown except from seeds supplied by a U.S. firm. The same goes for lettuce, cabbages and every vegetable. And agricultural diversification is the main prerequisite of our development. What fertile ground for American influence.

Had Britain through its Commonwealth Development Corporation not imposed 220 volts/50 cycles, every piece of electrical equipment would be imported from the U.S. Indeed the sooner we can streamline our industrial energy to U.S. standards, the better.

Not a single tourist arrives in the Caribbean from Eastern Europe. Our agriculture, industry and tourism are linked to North America and Europe. Sooner or later, all unproductive adventurism into other areas will come home to roost. Some 4000 artists and writers from our area went to Cuba for Carifesta. None stayed. Had such a festival been held in New York, the authorities would still be searching for those specializing in criticism of U.S. culture.

Every single family in the Caribbean has relatives in the U.S. or Canada. For all these influences how can we not feel close to the U.S. and Canada?

However, ill-considered foreign policy by the United States in particular can destroy the influence of all these natural economic influences. Tyranny, victimization, arbitrary use of official power creating a terrible living situation in the islands, if supported by the U.S. will drive the population to emotional refuse elsewhere. The errors of policy that have created El Salvador stare us in the Caribbean and Latin America today. Let me repeat, the advocates of change and reform are the natural allies of the U.S.

It is within the framework of guiding change that lie opportunities for profitable investment through careful planning.

Development is about people. It ought not to be simply defined in terms of architecture, traffic jams, and joint communiques. When I look at the castles on an island like Mustique, rising out of the exquisite development plans, and compare them with the food on the plates of the original inhabitants nearby, I wonder what does progress mean? Capital injection that returns us to the slave plantation constitutes the path of despair. Had there been the slightest instinct for fair play or decency, some measure of parallel progress would have been possible. Not slums and castles.

I offer the concept of Parallel Progress between the investor and those on whom effort is invested, as a fundamental objective in any planning criteria.

One real area where the developed countries of this hemisphere can help us is in the field of education. Perhaps the greatest difference between rich and poor countries of the world is the quality of education. And the quality of a people's education affects seriously the quality of their lives. The higher fees for foreign students in the advanced countries is the saddest inequity imposed on poor countries in recent years. That you should impose this burden on our educational opportunity makes us all poorer. The foreign student of Canadian technology will tend to enhance Canadian exports to his country. And to deny us a glimpse of your standards of academic excellence enshrines chauvinism at home as a national objective and clothes our intellectuals with their unnecessary mantle of self-righteousness. Scholarships for study at all levels in academic and technical institutions in the U.S., Canada and Mexico and Venezuela should be a cornerstone of the Caribbean Basin Initiative. They should be awarded by a process of searching at the local levels, not simply allocated to governments as a hand-out to the children of Ministers, their cronies or their friends.

In the battle for the minds of the future generation of leaders what a great opportunity for influence is lost by not providing the opportunity to study at your institutions. It is not a relevant argument against scholarships that the trained people do not return. Some do, and those that do have more influence than the numbers suggest. And in any event, if they join the migrant community their influence at home cannot be ignored. A good education lasts a lifetime, or more, as parents influence their children, and investment in people is what development is all about. Investment in talent will in the long run yield better dividends than guns for the coast guard. The battle for the minds begins with the mind.

President Reagan has announced new aid for the Caribbean. How will this aid be dispensed? Will existing institutions be used or will a new expensive bureaucracy be created? Will the self-perpetuating Conference Industry simply produce more resolutions, more documents for libraries, more long-winded radio announcements?

Bilateral aid to the countries directly using criteria clearly established with defined performance schedules and re-evaluation mechanisms will be the optimum way to address the problem of aid dispensation. Care must be taken to identify the correct projects—those that will improve the lot of the poor. Very often aid only reaches the rich in poor countries. Evaluation should continue throughout the life of the project and continuity should be built in, irrespective of the government in power. Many Caribbean governments abandon projects started by their predecessors simply because of spite. Barbados abandoned a cement project but has to come back to it. I will give you an example in my constituency of the Grenadines. A study for an airport in Bequia was undertaken by British and Barbadian consulting firms along with the Caribbean Meteorological Institute and was completed in May, 1974 at a cost of $130,000. This followed the $600,000 Tourism Development Strategy in May, 1972, which also recommended an airport. When the government changed the project was dropped although no other project could help the people of the island more. Similarly the airport built on the island of Canouan in 1974 has not yet been declared a port of entry, for similar reasons. In the meantime less feasible projects with less social benefit and creating more burdens on the tax base, get priority.

President Reagan hopes to stimulate more private investment in the region. Private investors will do well to be guided more by the experience of existing investors in the country rather than by flowery assurances by government ministers at banquets in Washington. Let them research the government's performance, for example—how long does it take to get project approval? Are letters to the Prime Minister answered? Is bribery expected?

We are pleased that the United States has come to recognize the need for a new Initiative in the Caribbean and has re-discovered the importance of these islands. I trust that the value attached to the Caribbean will be matched by the calibre of U.S. diplomatic personnel assigned to the region. There is no substitute for intelligent understanding of the region's aspirations, and this could well prevent frequent spasms of diplomatic epilepsy.

I started this paper indicating how difficult it is for the United States and the Caribbean to find a common definition of the enemy. President Reagan has identified the enemy as a foreign force. In my view the enemies are already within our gates: rigged and unfair elections, bribery, corruption, poverty, overpopulation, constitutions that cheat large sections of the people, incompetence at the highest level, and the despair of the half-educated. Those who help us to destroy these enemies will be our friends.●

EASTWAY COMMUNITY MENTAL HEALTH CENTER CELEBRATES 25TH ANNIVERSARY

HON. TONY P. HALL

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Monday, April 5, 1982

● Mr. HALL of Ohio. Mr. Speaker, April 14, 1982, will mark the 25th anniversary of the Eastway Community Mental Health Center providing comprehensive services to residents of Dayton and Montgomery County, Ohio.

Eastway Community Mental Health Center was established in 1949 as an out-patient psychiatric clinic. It was funded by the State and staffed by part-time employees. In 1957, the center received its corporate charter as the Adult Psychiatric Clinic, and a full-time psychiatrist-director was hired. Also that year, the county passed a levy making it possible for the center to receive $80,000 over a 2-year period. It was the first clinic in Ohio to receive local funding.

Beginning in 1969, a number of changes were made as a result of the State community mental health services act and the establishment of the Montgomery County Mental Health and Mental Retardation Board. The clinic began consultation and education services to community care providers in 1970. The staff grew from 17 in 1971 to 21 in 1972, and the budget increased from $250,000 to $300,000. Direct services increased. Consultation and education programs were further developed. These changes were greatly supported by the passage of a 1.5 mil county mental health and mental retardation levy effective in 1973.

The name of the clinic was changed to the Eastway Community Mental Health Center, and was given the responsibility for providing mental health services to the 143,365 residents in the East Catchment area. The center became an integral part of a network of providers and coordinators of mental health services within Montgomery County.

The center's outpatient program was strengthened and decentralized. Branches were established to serve the northeast and southeast subcatchment areas. Another branch was established as a model comprehensive social services center in Dayton. Its services were integrated with those provided by the welfare department, children's services board, and the bureau of vocational rehabilitation. A 24-hour crisis service was created to provide around-the-clock emergency and screening services supporting all center components.

In cooperation with the Dayton Mental Health and Developmental Center, the outpatient staff began an after-care program. A supervised apartment adjacent to four hospital wards was tested, and eventually expanded. A day-care program away from the hospital was developed for patients discharged into the community. The after-care program has grown rapidly, and now involves a residential treatment center, several cooperative apartments, a day-care, partial hospitalization program, foster family living, and comprehensive case management services.

In the late 1970's, geriatric services were initiated and children were provided a full range of services. The responsibility for forensic psychiatry in several nearby counties was assumed by the center. More recent developments have focused on alcohol and drug abuse. A renewed emphasis has been placed on citizen participation and community awareness by utilizing ongoing community resources.

Despite recent funding cutbacks, the center maintains the same level of excellent service to area citizens. Though some consolidations were necessary, including a reduction of personnel, Eastway continues to provide economical, professional assistance to all persons in need despite economic or funding fluctuations.

Last year, the center handled about 3,500 cases requiring 66,099 hours of outpatient services. In addition, 12,880 hours were spent on community service, including speaking engagements, school programs, and working with community leaders.

As a State senator and now as a Congressman, I have had the great honor to work closely with the leaders of the Eastway Community Mental Health Center to address their legislative concerns on both the State and Federal level. I have always found the staff of the center to be truly dedicated to maintaining the highest quality services to the community. In an era when the effectiveness of government is being challenged, I can point without reservation to the center as one locally controlled government agency that is a model of efficiency in fulfilling a critical need.

The center is a dynamic organization constantly adapting to new conditions. While the face and structure of the Eastway Corp. obviously changes in response to individual and community developments, the center's commitment to enhancing the well-being of all Catchment area residents remains firm.

With a proud 25-year history, the Eastway Community Mental Health Center is ready to serve the community for many years to come.●

PRESIDENT REAGAN ON RIGHT TRACK REGARDING ARMS REDUCTION

HON. TOM CORCORAN

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Monday, April 5, 1982

● Mr. CORCORAN. Mr. Speaker, I want to take this opportunity to commend President Reagan for his efforts toward the goal of nuclear arms reduction as expressed at his news conference on March 31. The President has shown through his Geneva peace talks initiative that he is serious in seeking significant arms reductions through negotiations with the Soviet Union, and his latest proposal for truly legitimate, verifiable arms reduction deserves our full support.

I have, therefore, become a cosponsor of the bipartisan nuclear weapons resolution which the President has also endorsed. I believe this is the most sensible approach to take, and the President has expressed his willingness to begin discussions for long-term reduction as early as this summer. In his news conference the President stated that he wants "an agreement on strategic nuclear weapons that reduces the risk of war, lowers the level of armaments, and enhances global security." To this end he has my absolute support.●

THE IRS STRIKES—MAKING INCOMPETENT ASSESSMENTS

HON. GEORGE HANSEN

OF IDAHO

IN THE HOUSE OF REPRESENTATIVES

Monday, April 5, 1982

● Mr. HANSEN of Idaho. Mr. Speaker, another example of the heavy-handed and abusive tactics of the Internal Revenue Service in their tax collection practices—which would be stopped by passage of H.R. 4931, the Taxpayer Protection Act (TPA)—is the following letter I received from a tax preparer in the Eastern States.

> DEAR SIR: Please allow me to thank you for your efforts to tame the IRS, even a little bit. I know you have plenty of material to work on, but there is one thing I have not ever noted. That is the thousands of taxpayers who get a bill from the IRS and immediately grab their checkbook and pay it, without ever questioning the accuracy of the bill.
>
> It has been the experience of our office that ten to fifteen percent of these bills are incorrect. In fact, we had a client who did just that and paid the IRS collector $515. (At the time, the IRS owed this taxpayer $3.10). It took us seven years, from 1967 to 1974, to get this money back. We are still trying to get the interest.
>
> I wonder how long the American people are going to suffer from the arrogance, in-

competence, and specious interpretations of IRS agents.

Mr. Hansen, allow me to thank you again for all you have done and hope to do, but all you can accomplish as long as we have this progressive income tax and the IRS is to apply Band-aids to a cancer.

Of course, the government has to raise money by taxes but, in my opinion, the only nearly fair tax would be a national sales tax with exemptions for staple food and medicine.●

SIX GENERATIONS OF WOMEN

HON. TOM LANTOS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, April 5, 1982

● Mr. LANTOS. Mr. Speaker, I am delighted to announce a major event which occured last month in my district. The birth of Tara Kathlene Peters marked the existence of the only family in the "civilized world" having six generations alive. What makes this particular occasion unique is that all generations represented are female. According to the Guiness Book of World Records, never have six generations of women existed simultaneously. The birth of Tara Kathlene Peters immediately placed her family into the pages of extraordinary happenings of our time.

I would like to congratulate Tara's mother, Kimberly Peters; Tara's grandmother, Kathlene Jo Jacobi; Tara's great-grandmother, Kathlene Langella; Tara's great-great-grandmother, Olene Cox; and Tara's great-great-great-grandmother, Frankie Underwood.

I would like to submit the following article published in the Milbrae Sun on March 17 of this year.

NEW BABY MARKS SIXTH GENERATION

(By P. C. Fergusson)

Everyone knows by now that a 7 lb. 6 oz. baby girl born Friday morning in Redwood City is the only living sixth generation family member in the United States.

But what everyone doesn't know is that Millbrae *Sun* columnist Ben Langella is now a great grandfather.

Just like a journalist, "If there isn't any news, I make some," laughed Langella last week, hours after his new family member was born.

Dressed in a black tuxedo and white ruffled shirt, Langella was on his way to his *other* occupation (after staying up all night at Kaiser Permanente Hosptial) when he stole a few moments to tell his colleagues what being a member of this historic family is really like.

Besides writing a notoriously opinionated and much-read column for the *Sun-Leader*, Langella works as a ringside announcer at the San Francisco Civic Auditorium (among other places), and is a Vice President at Millbrae's Great Western Savings and Loan.

"I've always had a nose for news," said Langella last week. "But in all my years of writing, I've never come across a story like this one."

"The odds against having six generations living at the same time—it's incredible!" he said, obviously a little incredulous himself.

The new baby girl, Tara Kathlene Peters, is the latest addition to a matriarchal line as long as your arm, and then some.

Frankie Underwood ("Granny") started it all back in Dublin, Georgia when she gave birth to her first child, Olene, at the age of 18.

Granny, now 91, was born "when we were still fighting the Indians," said Langella, and she has personally seen the rise and fall of 16 American presidents.

"When she was young, women didn't even have the vote, now that's all that's left of her family. It's a small step for mankind, and a giant leap for womankind," Langella said.

Each member of this incredible clan married and gave birth before the age of 20, and each first born child was a girl.

Frankie begat Olene and Olene begat Kathlene and Kathlene begat another Kathlene and that Kathlene begat Kimberly and Kimberly, last week, begat Tara Kathlene.

Perhaps Langella's infamous nose for news had something to do with his marrying into this strong-blooded brood back in 1944.

Langella brought his bride from Georgia to the West Coast. The two have lived in Burlingame for the last 10 years. His granddaughter, Kimberly, with a little help from husband, George, put Redwood City on the map last week.

With stars in his eyes the usually cool columnist brimmed with excitement Friday evening.

"There was a media blitz for the birth the likes of which I haven't seen since the 49ers went to the Super Bowl," he said.

"Every television channel in the Bay Area showed up at the hospital including 2, 4, 5, 7, 11, 13, 14, and 36. There were national newsteams from the three big networks, and AP, UPI, and the Bay Area News Service. There was even a Spanish speaking channel there."

Even the President got into the act. The mother received a telegram from Ronald Reagan, congratulating her on the new arrival.

Langella got the word that the baby was on the way Thursday night at 10 p.m. He and his family, accompanied by the media, got to the hospital at 11 p.m.

The doctor in charge, Dr. Glenn Miller, said the production could take all night long. "But Kimberly fooled us. She went into the delivery room at 2:30 and at 3:07 the baby was born."

Members of channel seven's news team were allowed in the delivery room. They are producing a 30 minute documentary on the big event. Langella stayed in the waiting room, however, "I couldn't go in the room. I would have fainted," he said.

Today the family is the only one living in the "civilized world" with six generations, Langella said. "There have been 11 such families in the last 30 years, but none of them were all women," he said.

Just as Tara Kathlene entered the world, so she will enter the Guiness Book of World Records. And she knew she was a star, Langella said. "At seven hours old she was already posing for the cameras."

Sun photographer Ciro Buonocore was the first to get a still photograph of the baby. Congressman Tom Lantos showed up soon after the birth to share in the celebration. He promises to put the birth in the Congressional Record, Langella said.

Both doctors involved in the pre-natal care predicted the baby would be a boy, Langella said.

"Never let a doctor tout you on a horse, a baby, or the end of the world," he laughed.

But the 38-year-old grandfather knew all along that it would be a girl, he said. "It had to be. It makes such a great story. As soon as my granddaughter was married I started asking her when the famous baby would be born.

"As a newsman, I knew it had to be a girl. I planned it that way," he said.●

INVESTING IN OUR FUTURE: THE CASE FOR EXTENDING THE BUSINESS ENERGY TAX CREDIT

HON. RON WYDEN

OF OREGON

IN THE HOUSE OF REPRESENTATIVES

Monday, April 5, 1982

● Mr. WYDEN. Mr. Speaker, I testified today before the House Ways and Means Committee in support of my bill, H.R. 5340, which would extend the 1982 deadline for business energy tax credits under the Windfall Profit Tax Act of 1980. I want to share that testimony here in hope that more colleagues will join the 30 Members from both sides of the aisle who are cosponsors.

I introduced H.R. 5340 because I believe an investment in business energy tax credits is an investment in our future—an investment we, quite literally, cannot afford to pass up.

H.R. 5340 is a simple, straightforward piece of legislation—and for a purpose. The business energy tax credit in question—hereinafter referred to as the cogeneration tax credit—is due to expire December 31, 1982, unlike the majority of the conservation investment credits authorized under the Windfall Profit Tax Act, which do not expire until 1985.

By limiting the scope of H.R. 5340 to an extension of the cogeneration credit, I hoped to encourage Congress to act quickly. To fail to do so, would be to perpetuate an air of uncertainty that only deters business from making cost-effective energy investments.

In the interest of time, I will confine my remarks in support of extending the cogeneration tax credit to three major points:

First, the benefits of the tax credit as a business investment—and a productivity booster;

Second, the benefits of the tax credit as an insurance policy against energy supply vulnerability; and

Third, the cost of the tax credit to the Treasury versus its long-range revenue-raising potential.

But first, let me clarify that I refer to this credit as a cogeneration tax credit for shorthand purposes only. In reality, the credit applies to waste recycling equipment, equipment that converts coal into synthetic fuels or that uses coal as a feedstock, and other miscellaneous equipment such as heat exchangers, waste heat boilers, and automatic energy control system—as well as to cogeneration equipment not fueled by oil or gas.

THE BENEFITS TO BUSINESS

Business today is in a bind. Energy costs for business are rising; in fact, for many firms, energy costs represent the fastest growing component of their cost structure.

For example, in 1976, energy spending in the primary metals industry, on a proportional basis, represented more than 200 percent of pretax profits, compared with only 59 percent in 1966.

Similarly, in the pulp and paper industry—one of the mainstays of my home State, Oregon's, economy—energy spending accounted for more than 80 percent of pretax profits in 1976, up from 45 percent in 1966.

But, in an era of spiraling interest rates and chronic inflation, the up-front capital needed to change this situation is nearly impossible to come by.

The name of the game in periods of tight money is cash flow.

That is where the cogeneration tax credit comes in. By providing immediate, up-front capital, it will encourage industry to purchase cogeneration equipment, boilers, and burners that use fuels other than oil and natural gas, and conservation equipment.

The benefits can be seen not only in terms of energy saved—but also in terms of job stability, job creation, and economic growth.

After installing $11 million worth of cogeneration equipment, the president of a malting company in Washington State recently announced we would not only make money by selling power to the local utility, but would also be able to "better guarantee" his 150 employees that there will be jobs for them in the coming years.

And the president of a small investment/brokerage firm in Oregon wrote to me:

> In view of the cost effectiveness of these alternate energy sources, literally dozens of engineering, investment banking and law firms have invested substantial time in bringing themselves up to date in the area and now offer necessary support services. * * * Over the next few years, if the investment and energy tax credits are continued, a flurry of projects will be designed, financed, constructed and brought on line. To remove such credits at this critical time, would pull the rug out from nearly every such project now on the drawing board.

Why then, did the Treasury's Office of Tax Policy conclude in an October 1981, memo that a majority of Members of Congress would support repeal because they realize the "credits are ineffective?"

Because the Government has stood in the way of widespread use of the credit. Despite the existence of the cogeneration credit for more than 2 years now, the Treasury Department has yet to adopt final regulations setting out the investments that can qualify for the credit.

Thus, business has been unable to determine the parameters of the credit; unable to ascertain with certainty whether the conservation investments they had in mind would qualify for the credit.

I find the Treasury Department's failure to act reprehensible. Congress stated its intent that these credits be available to business. By failing to implement the regulations necessary to provide business with the proper guidelines, the Treasury Department has subjected business to the arbitrary whims of a faceless bureaucracy.

And if Congress allows the credit to simply expire at the end of this year, it will have only compounded the problem by turning its back on an experiment that was never given a chance to blossom.

AN INSURANCE POLICY AGAINST ENERGY VULNERABILITY

One of the strongest arguments on behalf of extending the cogeneration credit, is the energy conservation/energy independence argument.

Our dependence on foreign oil—still equal to 40 percent of our daily consumption—and the increasing instability in the Middle East are constant reminders of our permanent window of vulnerability.

It is a window through which we export roughly $50 billion per year to pay for our imported oil.

To close this window somewhat, we have embarked upon a $100 billion venture to create a rapid deployment force to protect the oilfields in the Middle East.

I submit that a far more cost-effective means of closing this window is to pay an annual premium of roughly $100 million in foregone tax revenues to insure steady progress and stability in the development of a viable and permanent investment in industrial energy efficiency and to facilitate the utilization of domestic coal.

The price of this policy is the price of our security.

I believe we get much more bang for the buck from the tax credit, as the potential energy efficiency gains in the industrial sector are endless.

And by emphasizing alternate energy sources, we can save now—and for the future.

It has been estimated that the immediate potential for energy savings through cogeneration equals 45,000 megawatts, or roughly the equivalent of 45 new thermal powerplants—and at far less cost.

Over the long haul, potential improvements in energy efficiency brought about through extension of the tax credit, could result in savings of the equivalent of 5 million barrels of oil per day by the year 2,000—the amount we presently import.

THE COGENERATION TAX CREDIT PAYS FOR ITSELF

We can predict these kinds of savings because the cogeneration tax credit, quite literally, pays for itself.

A study by Arthur D. Little, Inc., issued in November, 1981, shows that over the long-haul, increased revenues will outweigh the losses.

According to that report, for a given investment, in the year of the equipment's purchase, one can expect:

Decreased tax revenues from providing tax credits, and;

Increased tax revenues from the economic activity induced by the alternative energy investment.

Over an assumed 20-year life of the investment, the report showed:

Decreased tax revenues from the increased depreciation and operation/maintenance expenses, which are tax deductible;

Increased tax revenue from the decrease in fuel costs—as you know, energy expenses are deductible under section 162 of the Internal Revenue Code as "ordinary and necessary" business expenses, and;

Decreased tax revenues on the profits and wages of the companies that provided electricity and natural gas to the firm undertaking the conservation equipment investment.

The overall impact on Treasury revenues, according to the report, under an assumed energy inflation rate 9 percent above the general inflation rate, is:

> . . . [T]he net present value of the increase in revenue due to the decrease in tax deductible corporate expenses for conventional energy is large enough that the Treasury will actually profit on the tax credit program.

Given today's oil glut, some may question the propriety of an analysis using an energy inflation rate 9 percent above the general inflation rate.

But history has proven the danger of being lulled into a false sense of security by declining energy prices.

In just a couple of months in 1973 and 1974, the price of oil jumped from $3 per barrel to $14 per barrel.

And in 1979, again in the space of a few short months, the price of oil jumped to $40 per barrel.

The bottom line is that for every dollar of energy use saved by the investment, the Treasury in effect recovers increased tax revenues—revenues which would not have been collected but for the energy-saving capital expenditures.

CONCLUSION

In summary, I can only say that to forego extension of the cogeneration tax credit is to forego energy savings, energy independence, industrial expansion, and job security for Americans.

And that is a price we can ill afford to pay.

H.R. 5340 already enjoys the bipartisan support of some 30 of my colleagues. I hope the members of this committee will join us in pushing for its passage.

Thank you.●

WATT: NO FRIEND OF WILDERNESS

HON. NORMAN Y. MINETA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, April 5, 1982

● Mr. MINETA. Mr. Speaker, we have all watched with outrage and sadness as our Secretary of the Interior continues his crusade against our environmental and natural resources.

The most recent milestone in this campaign is the Secretary's proposal to revise our wilderness preservation laws. This proposal is a remarkable reversal of decades of national policy.

I am confident that Congress will see through this sham, and understand the threat to our resources that it contains. To assist in these deliberations, I would like to share with my colleagues an editorial from the Santa Clara News of February 24, 1982. This editorial points out the fundamental problems with the proposal.

The editorial follows:

WATT: NO FRIEND OF WILDERNESS

What's this? James Watt coming out against development in wilderness areas? You mean James G. Watt, President Reagan's secretary of the Interior, scourge of environmentalists, champion of oil companies, patron saint of strip mines?

Yep, same guy—and on nationwide TV, too.

When the environmentalists heard Watt on NBC's "Meet the Press" show Sunday, you could have knocked them over with a limp alfalfa sprout. Here was the arch-critic of conservationism, the bete noire of the backpackers, saying that he will ask Congress to forbid all drilling and mining in 80 million acres of wilderness at least until the end of this century.

"We think these lands are special lands and should be preserved in the natural state," Watt piously intoned.

After the shock came elation. "We congratulate the administration," gushed William A. Turnage, executive director of the Wilderness Society. "This is a victory for the American people and for wilderness preservation."

But as the euphoria faded it became clear that Jim Watt, Friend of the Wilderness is not quite as affable a fellow as he might wish to appear, and his proposal is not by a long chalk the total victory that conservationists at first made it out to be.

True, Watt wants to amend the 1964 Wilderness Act to protect the nation's designated wilderness areas from development at least until the year 2000, except in the event of a national emergency declared by the president and Congress. But there's a catch.

The catch is that Congress would adopt deadlines for deciding the final status of some 30 million additional acres currently under study for possible wilderness designation. This would mean that about 7 million acres of proposed National Forest wilderness areas could be opened up at the end of two years, and another 24 million acres now protected and under study, including a lot of California desert land, could be opened by the end of 1988.

By Tuesday morning, conservationists were damning the Watt wilderness plan as fervently as they had praised it on Sunday "Unquestionably a bad deal," said John McComb, Washington director of the Sierra Club. "A cynical sham," said Bern Shanks of the California Resources Agency. And Turnage of the Wilderness Society, reversing his field with a deftness that would do credit to an NFL punt return specialist, branded Watt's plan "an act of infamy."

McComb points out that under present law all the designated wilderness areas would be locked away from development—presumably forever, not just until 2000—as of Jan. 1, 1984. At most, Watt's proposal would protect these lands a year or so sooner. On the other hand, the deadline feature would "put a loaded gun to the head of Congress" and the conservationists.

Since lands under study would automatically be opened if Congress missed the deadlines, McComb observes, the developers would merely have to get Congress to stall a little—and when it comes to stalling, Congress wrote the book.

The Sierra Club doesn't want any deadlines for deciding the fate of potential wilderness areas. We think the deadline idea has some merit, it doesn't seem fair for the conservationists to lock up areas forever by delaying congressional action. But we don't see any need for slapping on a two-year or six-year deadline right now.

Domestic and world petroleum inventories are at record levels. After declining for 10 straight years, domestic crude oil production finally started to rise last year. According to the American Petroleum Institute, oil companies broke records for the number of new wells sunk in the United States in 1980 and 1981, and probably will break another in 1982.

Some analysts say the oil drilling boom has stretched the supply of materials and labor so thin that the energy companies can't even develop their existing leases fast enough; the oil industry disputes that. In any case, there obviously isn't an urgent need to open up the wilderness to oil and gas development right away. And, as the Sierra Club's McComb observes, we can always drill if we have to, but the destruction of wilderness is irreversible.

We'd advise Congress to go over Secretary Watt's wilderness proposal with a sharp and wary eye. As for the conservationists, they'd be wise not to welcome Watt into the fold just yet. The secretary may be singing the hymns, but that doesn't prove he's got religion.●

NATIONAL CHAMPIONSHIP

HON. L. H. FOUNTAIN

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Monday, April 5, 1982

● Mr. FOUNTAIN. Mr. Speaker, I would like to associate myself with the remarks made earlier by my distinguished colleague from North Carolina, IKE ANDREWS. Both of us are proud graduates of the University of North Carolina and its law school.

The final game of the National Collegiate Athletic Association basketball tournament was one of the most exciting and well played games in recent memory; and I join in congratulating Coach Dean Smith, the great North Carolina basketball team, the University of North Carolina, and Tar Heel fans everywhere.

Let me add that Georgetown also played extremely well, under the leadership of a great coach, John Thompson; and I am certain that both North Carolina and Georgetown will be major factors in future NCAA tournament play.

The true spirit of intercollegiate athletics was admirably displayed Monday evening. Two great teams met each other, fought hard, and displayed the true spirit of sportsmanship. While Carolina won the game and thus the national championship, both were victors in the true sense of the word because both teams gave their best in this final game of the season; and both reflected great credit upon their coaches, their schools, their respective fans and that wonderful and emotional sport—basketball.●

THE IRS STRIKES—AN ANGRY CITIZEN

HON. GEORGE HANSEN

OF IDAHO

IN THE HOUSE OF REPRESENTATIVES

Monday, April 5, 1982

● Mr. HANSEN of Idaho. Mr. Speaker, another example of a citizen's anger over the heavyhanded and abusive tactics of the Internal Revenue Service in their tax collection practices is expressed in the following letter to a congressional office from an angry citizen in a Northeastern State regarding the size of the tax burden and what the collected money is used for, as well as the means used in its collection.

Passage of my bill, H.R. 4931, the Taxpayer Protection Act (TPA) will at least correct the collection abuses which will remain if recently enacted tax and spending reductions provide relief for citizens as predicted.

DEAR SIR: I am in receipt of your appeal for support. I am sure that some of the abuses you list do exist and certainly are worthy of your time and attention to correct. I have forwarded the enclosed cards to my own congressmen.

At the same time I find myself not too enthusiastic for this in light of the far more oppressing tax burden that I and my married children face every day due to the fiscal irresponsibility of the Congress and the gross waste and corruption in the Welfare and Food Stamp programs. I am angry at the IRS, but not at them as such but what they symbolize. Weeky I stand in lines at the supermarket and see well dressed people use food stamps to buy luxury food and take their wasteful purchases out to a new car while I buy necessities and drive off in my eight year old wagon.

I hear the anger and frustration in my daughter's voice whose husband works two jobs and attends night school as they struggle to survive, while across the street the family doesn't work because they make more on welfare. I hear the amazed incredulity of my other daughter who accompanies a public health nurse to a home where a young unmarried woman has a baby every year to get a "raise" in welfare. I drive by the house daily of a man with four children who finally qualified for welfare after turning down respectable jobs the community had secured for him.

I am sickened at what the Congress has done to lay a useless tax burden on myself and my families, currying favor with society's drones, encouraging illegitimacy, destroying the moral and familial fabric of our nation.

Until you get this horrendous mess straightened out, that is where my priorities will lie. These are the causes I will support. As a clergyman I believe in helping the genuinely poor who are cast into their role by circumstances they cannot help. I am also Biblical enough to echo the words of St. Paul: If they won't work, don't feed them. I believe the present food stamp and welfare programs have done more to undermine the greatness of our nation than any other single cause. Attack these and I will provide support to you and any other Congressman who will attack the problem at its root.

Sincerely,

—— ——.●

LIBRARY FUNDING

HON. TED WEISS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, April 5, 1982

● Mr. WEISS. Mr. Speaker, public libraries, reeling from rising book costs and reduced budgets, are cutting hours and services, closing buildings and curtailing growth in their collections. In the midst of their struggles, the Reagan administration is attempting to wipe out Federal funding of libraries. The administration's 1983 budget contains nothing for library programs under the Library Services and Construction Act and the Higher Education Act.

Not content with terminating future library funding, the administration is flouting congressional intent by illegally withholding $20 million in 1982 appropriations approved last fall. Only $51.8 million has been released of the $71.5 million that Congress approved. The State of New York, joined by six other States, has filed suit in U.S. District Court, seeking a court order to end this illegal impoundment. The General Accounting Office has issued two rulings, the second accompanied by a detailed analysis, declaring this action to be illegal. The administration has requested a rescission for the $20 million. However, the Impoundment Control Act of 1974 prohibits impoundments from mandatory spending programs, such as the Library Services Act, during the period for congressional consideration of the request.

These efforts to weaken libraries are one more budget blow aimed at the poor, the elderly and the handicapped, the groups in our society that most need assistance. Under the Library Services Act, school dropouts learn to read at literacy centers. New immigrants receive language services that help them adjust to American society. The unemployed use job information centers to seek new employment. Individuals isolated by distance or handicap use bookmobile or mail services, all funded from the Federal level.

These are the bootstrap programs that help people improve their lives and work toward self sufficiency. They are particularly valuable in difficult economic times like the present. When the economy falters, demand for library services grows. People have more time but less money to spend on reading materials. But as they turn to libraries for more assistance, education, and recreation, their libraries are being forced to turn away from them.

Equitable access to information for all groups in our country is a goal worthy of Federal support. Other library programs supported by Federal funds also have purposes that transcend local interests. With Federal funds, States participate in multistate cooperative organizations and install or upgrade telecommunications systems. Resources of school, public and academic libraries are coordinated. National bibliographies are compiled that enable researchers across the country to locate vital facts and figures. Rare collections of art, pamphlets, and other materials are preserved for future generations. These programs will suffer serious damage under the Reagan budget.

School libraries are also cutting back as a result of Federal budget actions. Every level from grade school through graduate school is affected. Library programs for public schools under the Elementary and Secondary Education Act were crammed into a block grant with more than 40 other programs last year. School libraries now have to compete with other urgent needs for block grant funds. Higher Education Act library programs that would be terminated under the fiscal year 1983 budget plan have helped minority students enter library careers and have enabled struggling colleges to maintain their accreditation.

Meanwhile, libraries across the country are fighting just to maintain services. The information explosion in many fields of knowledge and the advance of modern technology burden libraries with heavy demands for new purchases. Yet, the cost of books and other written materials is rising rapidly—much faster than the Consumer Price Index. The termination of Federal public service employment programs was a blow to public libraries, which had relied heavily on CETA workers. The increase in the fourth class postage rate that libraries use will further strain library budgets. Measures originally instituted as emergencies—two libraries sharing a single staff, for example—are becoming permanent arrangements, and many libraries can no longer afford to expand their collections.

The administration's expectation that libraries will find other sources of support to compensate for the loss of Federal funding has no grounds in reality. State and local funds are stretched to the limit. Already, public libraries receive low priority in State and local budgets, because, unlike police or fire departments, they are often not perceived as essential services.

It is an error to assume, as President Reagan has done, that the cuts will not be noticed. The impoundment has already disrupted the planning, budgeting, and staffing of State and local library services. Hours have been reduced, book purchases suspended, and projects jeopardized. The 1983 budget proposals will impair library efforts to cooperate and share resources. They will terminate many of the programs that enable libraries to extend information and services to the disadvantaged. They will reduce the budgets of college and research libraries.

The sums involved are relatively minor in relation to the overall budget, and their effect on the Federal deficit will be imperceptible. Their impact on the American library system will be devastating.●

FOREIGN VERSUS DOMESTIC AID

HON. CARROLL HUBBARD, JR.

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Monday, April 5, 1982

● Mr. HUBBARD. Mr. Speaker, Julie Walker, a 9-year-old student at Lone Oak Elementary School in Paducah, Ky., wrote me recently to ask if the foreign aid budget will be cut on par with the programs that aid the poor and less fortunate citizens in this country. Miss Walker's comments reflect what many adults in my district are saying. I believe Miss Walker's comments should be shared with my colleagues and I wish to do so at this time:

DEAR MR. HUBBARD: I want to know if the Congress is going to cut as much money that they are giving other countries as they are cutting from our own poor people?

Sincerely yours,

JULIE WALKER.●

REAL WASTE OF TAX DOLLARS NOT AT HANDS OF D.C. GOVERNMENT

HON. STEWART B. McKINNEY

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Monday, April 5, 1982

● Mr. McKINNEY. Mr. Speaker, I am taking this opportunity to clarify the record, with respect to a recent occurrence in the Nation's Capital which has received some justified criticism. I am referring to the designation of "National Condom Week" by Planned Parenthood of Metropolitan Washington and a party culminating a week of events which was titled the "National Condom Week Rubber Disco".

It could be implied by reports of this event that it was a function of the District of Columbia government and that it was condoned by the Mayor. However, nothing could be further from the truth. The government of the District of Columbia did issue a proclamation declaring a Planned Parenthood Week, but the involvement of the local government ends at that point. Planned Parenthood of Metropolitan Washington sponsored National Condom Week to coincide with the locally designated "Planned Parenthood Week." A series of seminars and lectures were held as well as the rubber disco. I want to make it clear that this organization is not an element of the District of Columbia government, it is a private service organization.

Federal grant moneys received by this private group were apparently used to cover the expenses of the lectures and seminars and perhaps the party as well. If so, I find it to be a highly questionable use of the taxpayers' dollars. I sincerely hope that no one will attempt to accuse the District of Columbia government of sponsoring, organizing or in any way approving of the activities surrounding this incident.

I think the statement of Hon. Richard S. Schweiker, Secretary of the Department of Health and Human Services, explains the position of the administration on this matter, and the steps being taken to prevent similar occurrences. I am pleased to include it in the RECORD for the benefit of my colleagues:

STATEMENT BY RICHARD S. SCHWEIKER, SECRETARY OF HEALTH AND HUMAN SERVICES

"The use of federal family planning grant dollars to pay for so-called 'National Condom Week Rubber Disco' is tasteless and a flagrant example of irresponsibility and bad judgment at any time, but especially in these times of budget restraint.

"Federal family planning funds are to be spent to educate the public in the proper and safe use of contraceptives, including condoms. But this outrageously crude promotion reflects a callous disregard of the need to use precious taxpayers' dollars most effectively to help the needy.

"This program was a continuation of one funded by the last administration for several years and mention of it was buried in an application approved by a regional employee. I am directing that steps be taken to prevent a recurrence and have asked the Inspector General to investigate."

The National Condom Week Rubber Disco, according to promotional leaflets, was sponsored by Planned Parenthood of Metropolitan Washington.●

HEAD START PARENTS APPEAL FOR PROGRAM

HON. GEORGE MILLER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, April 5, 1982

● Mr. MILLER of California. Mr. Speaker, I continue to get letters from Head Start parents who both testify to the ways in which this program has dramatically improved their lives and those of their children, and express their concerns about Head Start's future. We know that Head Start works; that Head Start is cost effective. And yet, even today, it serves only 25 percent of the eligible children, and faces substantial erosion from inflation and cutbacks in supportive services—CETA, title XX child care food, medicaid. We need to listen to the parents of Head Start children and keep this exemplary program working. Another letter from a Head Start parent follows:

Both my son and daughter have attended Head Start and the improvement in their outlook is amazing. My daughter is in kindergarten now and the teacher says she is doing better than most students. My son, because of his sister, is doing extremely well in Head Start. The children get along in a family group much better and because we don't have to pay a sitter the financial situation has improved greatly. If not for Head Start I wouldn't be able to work because my job doesn't pay well enough for me to pay a sitter.

The best thing Head Start has offered my children is the nutrition program and the way it prepares them for school and getting along with other children in class-like situations. Head Start is vital to working parents. Without it welfare will be a mess.

HEAD START PARENT

Russellville, Ark.●

SUBURBAN CRIME: ROSLYN RESPONDS

HON. JOHN LeBOUTILLIER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, April 5, 1982

● Mr. LEBOUTILLIER. Mr. Speaker, one of the most consistently voiced concerns of my constituents is the increase in crime. With each meeting that I hold with my constitutents either here or at home, crime—and a demand for greater action against it—is discussed.

Hardly a day goes by that I do not receive at least a few letters about the increasing rate of burglaries and vandalism in Nassau County, N.Y.

Nassau County is especially hard hit, but Nassau is part of a larger, national crime problem that demands attention by leaders at all levels of government, education, the media, and the general public.

A nationwide survey recently revealed that 54 percent of Americans feel that there was more crime in their neighborhoods in 1980 than in any previous year. When 1981's figures emerge, I am sure that the number of those fearing crime will have risen along with the crime rate itself.

In 1980, an astonishing one in four American households experienced a physical assault or theft of property.

This is especially true in Nassau County. The rates of burglaries and vandalism, in particular, have shown an alarming rate of increase.

The Roslyn News of Roslyn, N.Y., has consistently addressed community concerns with sensitivity. The News, under the editorial supervision of Pat Weiner, spoke eloquently and pragmatically to the local and national concern about crime in a March 4, 1982, editorial

Roslyn's problem is America's problem. The News' thoughts bear benefit for each community that is wresting with a similar problem.

I wish to reprint for the benefit of my colleagues the Roslyn News' March 4 editorial:

[From the Roslyn News, Mar. 4, 1982]

THE RECENT CRIME WAVE

The problem of crime in the suburbs is not new—although it appears to be growing in dimension each week. What started out as a series of burglaries have now escalated, in many cases, to armed robbery and destructive vandalism.

For us to repeat to our readers what the police tell us—that Roslyn has been plagued less by crime than many surrounding areas—does not help those residents whose property or person have been violated. They want a solution to this mounting concern. So enormous has the problem become on Long Island that residents of Valley Stream and North Baldwin have, in recent weeks, held community meetings with the Nassau County Police and public officials to attempt to drive home to them their fear of the growing lawlessness.

To blame the police for this suburban crime wave, we feel, is simplistic and nonproductive. They are doing the best they can with an understaffed force, which until recently, was forbidden by the courts to hire more men and women.

Perhaps what some of the villages ought to consider is forming auxiliary police forces, which have been used successfully in such villages as Westbury. They often serve as additional eyes and ears in a community.

We would suggest that the Greater Roslyn Area also consider calling a community-wide meeting with town, county, and police officials present to exchange views on how best to marshal its forces against the present local crime wave.

There are no easy answers to the plague of crime, which caused many suburbanites to flee the city orginally. We do know that panic and vigilantism are not the solutions—As they were not in New York.

At this point it is almost gratuitous to caution our readers to lock their doors and windows, not leave expensive jewelry or silver around, and to report any suspicious persons in their neighborhoods to the police. That is just an initial precaution, we feel, and one that is almost elementary.

We must, however, come to grips with the larger picture—one that we fear is almost reminiscent of Jules Feiffer's decade-old surrealistic play, "Little Murders."

That play dealt with a society so inured to violence that murders became an everyday happenstance, barely acknowledged by its populace. Like drug addiction in the sixties and seventies, this latest societal plague must be dealt with by the whole community together with all its institutions—police, schools, social agencies, and government officials.●

FREEZE THE PRODUCTION OF NUCLEAR WEAPONS

HON. PETER A. PEYSER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, April 5, 1982

● Mr. PEYSER. Mr. Speaker, as one of the original 122 cosponsors of the House resolution to freeze the production of nuclear weapons, I have listened with great interest to the debate that has gone on for many hours on the floor of the House discussing this resolution. Much has been said concerning the number of nuclear warheads that both the Soviet Union and the United States possess, and much has been said of the destructive power and the ability to destroy millions and millions of people.

It has occurred to me that though we all are motiviated by the best of intentions, that is of saving our country and the world from destruction, we perhaps have inadvertently become far too impersonal. What we are really saying is that in the past year a genuine concern has been developing, not only among ourselves and the people of the United States, but among people throughout the world, that our children and theirs might not have a world to live in and that we might all perish. It is a grim and horrible thought, and, frankly, one that we do not let ourselves dwell on for a very long time.

What becomes so absurd in this situation is that we do have the power to do something about it—namely, as the resolution indicates, to bring a halt to the production of nuclear weapons, to request that the Soviet Union do the same and that compliance be verified by both sides. After this has been accomplished, we can then set about reducing the number of existing nuclear warheads, once again verified by both sides. If the Soviet Union should reject this proposal, we would obviously be no worse off than we are today. However, it would commit us to continue spending billions and billions of dollars, and would move us closer to a potential holocaust.

The talk being proposed by the administration that they will be pleased to make this kind of a move as soon as we produce enough nuclear warheads to make us equal with the Soviet Union, is really outrageous. In the first place, while the Soviets have more of a certain type of missile than we do, we have more of another type of missile than they do; and if everybody is going to have to get even first, we are just going to continue doing exactly what we have been doing for the past 20 years.

My own credentials, verifiable by the record, of supporting a strong defense for the United States, I believe, put me in the position of being able to say at this time, that to continue with a nuclear arms race that is helping to destroy our own domestic economy, as well as unsettling our allies, serves no purpose whatsoever. It is because we have great strength that we can make and should make this proposition to the Soviet Union.

I have listened to all the arguments in opposition to this resolution. All the arguments come down to the basic premise that you "can't trust the Russians". I do not want us to trust the Russians or anybody else. We have the technological skills today, if it is agreeable to the Soviet Union, to verify whether missiles are being produced or placed anywhere in the Soviet Union or in its satellites.

I have also heard the argument advanced that we have to talk tough and act tough so that the Soviet Union knows we mean business. I have never seen an example of when two major forces are facing each other, talking tough and acting tough has done anything but provoke a fight. I think Teddy Roosevelt stated the case very properly when he said, "speak softly but carry a big stick." We have the big stick. We know it. The Soviet Union knows it, and the rest of the world knows it.

It is time we took a positive initiative. It is time we took affirmative steps to direct our energies to the things that really matter in life today. I certainly hope that the American public continues to speak out on this issue and let the President and the Congress know how they feel.●

GUNDERSON MILK MARKETING IMPROVEMENT ACT OF 1982

HON. STEVE GUNDERSON

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Monday, April 5, 1982

● Mr. GUNDERSON. Mr. Speaker, the importance of having an adequate supply of dairy products at reasonable prices cannot be overemphasized. It was for this very reason that Congress enacted the dairy price support program in 1949.

In recent years, we have experienced an overproduction problem in the dairy industry that, of course, becomes a problem for the Federal Government as well since it must purchase all surplus production to maintain the support level for milk.

In response to the current disparity between production and consumption, Congress chose to support milk at fixed support prices in the 1981 farm bill rather than as a percentage of parity. This action was unprecedented in the 32-year history of the dairy price support program.

As I predicted during the debate on the farm bill, the result of this action on total production has been negligible. About the only thing that has happened is that a few fine young family dairy farmers have been forced out of business because of the cost/price squeeze.

Mr. Speaker, I am today introducing the Milk Marketing Improvement Act of 1982 that is designed to remedy the current overproduction problem and decrease the cost of the dairy price support program to the Government while, at the same time, directing price support to those dairy farms for which it was originally intended and preserving the family farm structure of the dairy industry.

These goals will be accomplished through the creation of a National Dairy Board that has the authority, in times of serious overproduction, to institute a system of supply management.

NATIONAL DAIRY BOARD

The bill would establish a National Dairy Board made up of eight dairy producers, one dairy processor, two representatives of the general public, and the Secretary of Agriculture or his designee. Members would be appointed by the President and confirmed by the Senate.

SUPPORT LEVEL

Milk would be supported at 70 percent of parity with annual adjustments.

INDIVIDUAL MARKETING BASES

Every farmer who is producing milk at a dairy production facility will be assigned a base equal to the most recent 3 years of marketings from that production facility. If a facility has not been in operation for 3 years, then the farmer will receive a base equal to the annual marketings from that facility, but not less than 350,000 pounds.

Bases may not be transferred from one dairy production facility to another. Rather, if a farm is sold, the purchaser obtains the existing base of the production facility on the farm.

A producer who rents the production facility of another also rents the base associated with the facility, or the portion of it assigned to him by the owner. If a renter changes farms, he assumes the existing base of the new production facility, or the portion assigned to him.

A sole producer can neither hold nor rent more than one base at any time.

The legislation also sets up a State Dairy Commission in each State made up of five producers from the State appointed by the Secretary of Agriculture. This commission is responsible for establishing bases of not less than 350,000 pounds for new producers at production facilities without an existing base. The commission may also adjust the bases of existing producers in certain hardship cases.

IMPLEMENTATION OF SUPPLY MANAGEMENT

The Federal Government is required to purchase the first 3.5 billion pounds of surplus dairy production in any milk-marketing year plus surplus production equal to the amount by which expected imports of milk, dairy products, and casein exceed the average imports of those products in the most recent 3 milk-marketing years.

If the National Dairy Board estimates that total milk marketings will exceed commercial consumption by more than that amount in any milk-marketing year, it is authorized to prescribe a percentage reduction expected of every dairy producer from his base.

To accomplish this reduction and to purchase excess production above that which the Government must purchase by law, the Board is authorized to establish two levels of assessments.

ASSESSMENTS

If a dairy producer reduces his marketings in line with the percentage established by the Board, he will receive the full support price for his milk and no assessment.

If a producer markets above the percentage reduction but below his base, he will receive an assessment on that portion of his marketings that exceed the percentage reduction established by the Board.

If a producer markets above his base, he will receive an assessment on that portion of his marketings that exceed the percentage reduction but are less than his base, and an even greater assessment on that portion of his marketings that exceed his base.

USE OF ASSESSMENTS

Assessments will first be used to purchase any surplus production above that which the Government must purchase by law so that 70 percent of parity may be maintained. Assessments will also be used to pay the expenses of the National Dairy Board.

RESULTS FROM IMPLEMENTATION

Supply management under this legislation will be implemented only when serious overproduction is anticipated by the National Dairy Board in an upcoming milk-marketing year. If implemented, the plan will encourage production reductions by rewarding those producers who reduce marketings in line with the recommendations of the National Dairy Board.

For example, assuming a herd of 40 cows with each cow producing 12,500 pounds of milk, variable production costs of $8 per hundredweight, and an average cull cow price of $400, a dairy producer who reduces his marketings by 10 percent under the Milk Marketing Improvement Act will have $2,125 greater income before expenses than producing at 100 percent of his base in fiscal year 1983 under the current farm bill.

At the same time, enactment of this legislation could save the Federal Government up to $1.3 billion in outlays on the dairy price support program in fiscal year 1983.

Clearly, the Milk Marketing Improvement Act of 1982 will solve the present overproduction problem, decrease the cost of the dairy program to the Federal Government, and preserve the family farm structure of the dairy industry. It also achieves the present goals of the dairy price support program of insuring an adequate supply of wholesome dairy products to consumers at reasonable prices and an adequate price to the dairy producer for his products.

For these reasons, Mr. Speaker, I urge my colleagues to join me in cosponsoring this important legislation ●

THE IRS STRIKES TERROR IN A TAXPAYER'S HEART

HON. GEORGE HANSEN

OF IDAHO

IN THE HOUSE OF REPRESENTATIVES

Monday, April 5, 1982

● Mr. HANSEN of Idaho. Mr. Speaker, many examples have been documented of the heavyhanded and abusive tactics the Internal Revenue Service uses in its tax collection practices.

The following article by Byron Farwell, a historian and mayor of Hillsboro, Va., in the Sunday Outlook section of the April 4, 1982, Washington Post, cleverly tells of the unfortunate trauma the IRS has developed among taxpayers and how self-serving audit process of the IRS is not so much geared to accuracy as to getting all it can from the terrified taxpayer—witness first the minor $3 writeoff followed later by an unchallenged $8,000 refund.

These abusive practices would be stopped by passage of H.R. 4931, the Taxpayer Protection Act (TPA).

IF THE IRS CALLS, SEND YOUR WIFE

(By Byron Farwell)

In my youth, when I still thought men could be reformed, I taught a weekly literature class to prisoners in a Michigan penitentiary. There I met a remarkable man who had no fear of the Internal Revenue Service. I never met another such. He was a forger, a sweet man with a boundless faith in the generosity and forgiving nature of mankind. A fool as well as a felon, of course.

It has been nearly 10 years now, but I shudder still: We, my wife and I, were audited.

I had the misfortune one year to make what was for me a great deal of money—so much, in fact, that my friendly H&R Block tax consultant told me that I must pay an enormous sum in addition to what I had already paid. This dreadful news came in the following year, of course, when we were so poor that we could have qualified for food stamps. Such roller-coaster family economics must be the lot of many—farmers, auto workers, the Hunt brothers—but I have since been told that nothing so alerts the IRS, sends flags flying and alarm bells ringing, and so arouses the killer instincts of its agents as eratic levels of income. "Normal" people, law-abiding folks, have steady incomes, like the IRS bureaucrats themselves.

When the notice from the IRS arrived, announcing that there were some questions they wanted to ask about my income tax form, I did what every God-fearing, righteous, thoroughly honest taxpayer would do: I panicked.

Ruth, my gallant, courageous and foolish spouse, told me to fear naught, for she would handle the entire matter. After all, it was no big deal: Didn't H&R Block advertise that if there was any problem he would be at our side at the IRS and explain all? I went on my knees and kissed the hem of her blue jeans.

Confidently, Ruth picked up the telephone and dialed the number of the storefront office H&R had used during the tax season. (We had been in Europe for the previous 11 years; we had simply signed where we were told to sign.) The storefront tax office had, naturally, closed in May. I believed I fainted.

Courageously and persistently, Ruth telephoned until she tracked down H&R Block's regional office in Baltimore—a remote city of which we knew little. I was catatonic. However, it was finally arranged that she would meet a man in Falls Church. She did; the nice man said he would go with her on any day the IRS bureaucrat would talk with her. An appointment was arranged. Then for three days—three days of tension and fear as far as I was concerned—she went off each morning to sit in the interrogation room of the Internal Revenue Service. I made rapid strides towards becoming an alcoholic.

Each evening, when Ruth returned from the IRS, I hid the remains of my bitten fingernails and the scotch bottles and, summoning all my cool, calmly asked how the tax business was progressing. Her answers, always the same, did not reassure me. She sat silent while the tax consultant and the IRS man talked. It was, she said, rather like a tennis match, for she turned her head from one to the other as they spoke; and, like a tennis match as far as she was concerned, she understood nothing.

On the fourth and final morning I went with her to the dreaded IRS office and met the dreadful young IRS agent who was causing me such distress. Throughout this terrible ordeal, I clung to a statement I had often heard quoted, that the IRS wanted every penny due to the United States Government, but not one cent more. Surely I could not be sent to prison for honest mistakes made by H&R Block—at least not for long: 10 years maybe.

At last, when all the arcane conversation was finished, when all the numbers had been added and subtracted and my gross personal income recomputed, it was determined that not only had we paid all of the taxes we should have, but we had paid $3 more. Then came the most illusion-shattering experience of my life: The smiling IRS man offhandedly asked us to forget it, for it would cost the government $100 in paperwork to repay us. Shameful to confess, I was so relieved that I consented.

Such an experience with such a happy ending might have quieted the fears of even the most paranoid of taxpayers, but this was soon followed by another happy experience which caused the paranoia to linger. The tax expert who told us we owed the additional enormous sum was not the same as the tax expert who computed our tax the following year, the year of our poverty. The latter concluded that we had overpaid the year before by about $8,000; he made out a form requesting a refund and, trembling, I signed it. Shortly after the IRS audit, a letter arrived from the IRS. Sweating and fumbling, I tore open the letter and a check tumbled to the floor, a check for the $8,000 plus interest computed at 6 percent. There was no letter of explanation. The IRS had, it seemed, simply agreed that we had overpaid.

It was all perfectly legal, of course. So I am told. My first tax expert had merely made a mistake which the IRS officials instantly recognized—when it was pointed out to them. Still I shuddered. And I continued to shudder, fearing every day that the IRS would say it was all a terrible mistake and that I must repay the money plus 20 percent interest. Now, at last, I can relax. Seven years have passed and I believe (let no one correct me if I am wrong) that the statute of limitations saves me from ever worrying again—until April 15.●

PROMINENT LAWYERS ORGANIZE TO OPPOSE U.S. INTERVENTION IN CENTRAL AMERICA

HON. TED WEISS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, April 5, 1982

● Mr. WEISS. Mr. Speaker, President Reagan's militaristic approach to the situation in Central America is facing increasing popular opposition. Recently, I learned that many prominent lawyers from around the country have formed a new organization, the Lawyers Committee Against U.S. Intervention in Central America, to oppose any form of U.S. military intervention in Central America. I applaud the formation of this important new group and look forward to working with them to end improper U.S. military involvment in this troubled region.

I would like to enter into the RECORD a statement announcing the committee's formation and explaining its guiding principles.

LAWYERS ANNOUNCE FORMATION OF LAWYERS COMMITTEE AGAINST INTERVENTION IN CENTRAL AMERICA AND CONDEMN ELECTIONS IN EL SALVADOR

Lawyers from throughout the United States today announced the formation of the Lawyers Committee Against U.S. Intervention in Central America. Concerned over increased fighting and tension in the region, the called Reagan's intervention in Central America illegal and expressed concern that the United States would become involved in a regional conflict similar to that in Indochina.

CONDEMN UPCOMING ELECTIONS

The Lawyers Committee condemned as a sham the election scheduled for this weekend in El Salvador and believe that the elections are intended as a pretext to permit continued U.S. military assistance. The elections are a fraud because:

(1) Elections cannot be held in the midst of a civil war where people do not have the democratic freedom necessary to participate meaningfully in the electoral process.

(2) The ongoing human rights violations by the government make participation in the election process by opposition forces impossible and subjects potential candidates to death by government condoned death squads.

(3) There is more than a substantial likelihood that the military will interfere in the election process as it has done throughout the years in El Salvador.

(4) All parties are not permitted to participate in the election, particularly the main opposition, the FDR/FMLN. Moreover, the FDR/FMLN had its potential leading candidates killed by the government.

(5) The Salvadoran Bar Association has stated that conditions do not exist in the country for the holding of free elections.

(6) The Electoral Commission in El Salvador advised candidates to remain outside the country and to refrain from in-person campaigning.

The lawyers concluded that elections would only be meaningful after negotiated settlement to the fighting and urged the inclusion of the FDR/FMLN in all such negotiations.

CALL COVERT ACTIONS AGAINST NICARAGUA AN ILLEGAL, UNDECLARED WAR

The committee further charged Reagan with violating the U.S. Constitution by, in effect, declaring war on Nicaragua by the authorization of covert military activities against that country. In addition, the Charters of the United Nations and the O.A.S. which bind the United States, bar the use of force to settle disputes between nations. They make negotiation of disputes an obligation not simply an option.

Among the organizers of the Committee are Robert Potter, Esq., of Patterson, Belknap & Webb in New York City; Dr. William Thompson, Esq., of the United Presbyterian Church; Victor Goode, Esq. and Vernon Mason, of the National Conference of Black Lawyers; law professors Arthur Kinoy, Denise Carter-Bennia and John Quigley; Marilyn Clement and Frank Deale of the Center for Constitutional Rights; Michael Ratner, Esq., President of the National Lawyers Guild; Jose Antonio Lugo, Esq., of the Puerto Rico Institute for Civil Rights; Ramsey Clark, Esq., Barney Dreyfus, Esq., San Francisco; Linton Joaquin, Esq., Los Angeles; Lisa Brodyaga, Esq., Harlingen, Texas; Ellen Yaroshevsky, Esq., Seattle; Lory Rosenberg, Esq., Boston; Barbara Dudley, Esq., San Diego; Ted Lieberman, Esq., Philadelphia

STATEMENT OF PRINCIPLES OF THE LAWYERS COMMITTEE AGAINST U.S. INTERVENTION IN CENTRAL AMERICA

Lawyers and legal principles played an important part in ending the tragic military involvement of the United States in Vietnam. Now, faced with a situation in Central America displaying many similarities to the Vietnam era, we are determined to learn from the lessons of history, rather than repeat its mistakes.

We therefore call on all lawyers, law students and other members of the legal profession to unite around the following principles based on U.S. and international law:

Principle 1. We oppose any form of direct or indirect U.S. military intervention against Central America.

Principle 2. We oppose any form of covert action or economic pressure by the United States, whether directly or through intermediaries, aimed at destabilizing governments in the region.

Principle 3. We oppose U.S. military and economic aid to Central American governments engaged in gross violation of internationally recognized human rights.

Principle 4. We favor free elections to determine the will of the people of the region when there exist the necessary conditions for such elections to serve as the free and informed expression of opinion.

Principle 5. We believe that the potential of any local war for escalating into a nuclear holocaust imposes a special responsibility to seek peaceful solutions to conflicts. We favor political rather than military solutions to conflicts in Central America, which are the result of a century of repression and exploitation. We believe, along with the governments of France and Mexico, that mass popular organizations, such as the FDR/FMLN in El Salvador, must be included in negotiations seeking such political solutions.●

HUMAN RIGHTS—BALTIC STATES

HON. DON BONKER

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Monday, April 5, 1982

● Mr. BONKER. Mr. Speaker, Ambassador Max Kampelman, who has led our delegation so ably at the Madrid Conference on Security and Cooperation in Europe restated the U.S. position on the Baltic States on March 3. He said:

> The Baltic States of Latvia, Lithuania and Estonia understand the meaning of imperialism and the loss of liberties that follow it. Between 1918 and 1939, these three Baltic States were proud members of the world's community of free nations. In 1940, consistent with the earlier Molotov-Ribbentrop Pact, these nations were forcibly annexed by the Soviet Union. The United States condemned that annexation then, and we reaffirm our opposition to it now. We do not recognize the forcible incorporation of the Baltic States into the Soviet Union. Our commitment to the principles of liberty and self-determination requires no less.

By calling attention to Soviet imperialism in Estonia, Latvia, and Lithuania, Ambassador Kampelman underscores the U.S. commitment to freedom and self-determination and reminds all that the United States has not forgotten the plight of the Baltic States. I commend Ambassador Kampelman's remarks to the attention of all my distinguished colleagues.

AMBASSADOR KAMPELMAN'S REMARKS BEFORE PLENARY ON MARCH 3, 1982

Mr. Chairman, on Friday, the head of the Soviet delegation spoke of "imperialism." It is not my purpose today to engage in a fruitless discussion of Marxist ideology. Thinking of his comments, however, I was struck by the fact that he spoke on our last working day in February; and that during the month of February, Estonians and Lithuanians throughout the world were marking their countries' declarations of independence.

The Baltic states of Latvia, Lithuania and Estonia understand the meaning of imperalism and the loss of liberties that follow it. Between 1918 and 1939, these three Baltic states were proud members of the world's community of free nations. In 1940, consistent with the earlier Molotov-Ribbentrop Pact, these nations were forcibly annexed by the Soviet Union. The United States condemned that annexation then, and we reaffirm our opposition to it now. We do not recognize the forcible incorporation of the Baltic states into the Soviet Union. Our commitment to the principles of liberty and self-determination requires no less.

Lenin, in his first decree to the second all-Russia Congress of Soviets, known in the communist world as the "Decree of Peace," said on the first day that he took power:

"If any people is held by force in defiance of its expressed wish . . . is not given the right of decision, free from every duress, by free elections, without the presence of those armed forces of the incorporating state or any more powerful state, of what form of national existence it wishes to have . . . then the incorporation of such a state should be called annexation, an act of seizure and force."

We have here indeed an act of "annexation," an "act of seizure and force" against the Baltic states.

I am well aware that the Soviet Union calls itself a "socialist" state and that by definition, its underscored definition, it can never be guilty of imperialism, regardless of what it may do. There is an American saying: "If it walks like a duck, talks like a duck and looks like a duck—it's a duck." Some may wish to call the duck a goose, or a chicken, Mr. Chairman. But it is still a duck. The acts of aggression against the three Baltic states were acts of imperialism.

I respectfully suggest to the Soviet authorities that those nations of the world which, in the course of their own histories, have experimented with imperialism have learned that there are decided limits to imperial attainments. Those that have abandoned the imperial mode have found relief from its burdens, not regret at their loss. Universal opinion today rejects the right of any power to conquer and subjugate other peoples. Furthermore, former imperial powers have learned that they gain little from their efforts. I suggest that the Soviet Union is now finding that its imperial objectives, its dangerous adventurism have proven to be and will continue to be extremely expensive, an unnecessary burden.

The Helsinki Final Act will have renewed meaning and strength for all of us when that lesson is finally learned and acted upon.●

CONTRA COSTA TIMES CHASTISES WATT

HON. GEORGE MILLER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, April 5, 1982

● Mr. MILLER of California. Mr. Speaker, later this month the Subcommittee on Public Lands and National Parks will conduct a very important hearing in San Francisco on wilderness proposals currently before the Congress.

Mr. Speaker, these hearings, come at a critical time in our history. The wilderness lands and the park lands of this country, are under assault once again, not just from developers, drillers, clearcutters, and mining companies, but from the most unlikely of places: the Department of the Interior, and especially Secretary James G. Watt.

While overlooking long delays in the production of mineral resources from lands already under lease to private developers, the Reagan administration has decided to expand rapidly the amount of lands open to oil, gas, and other mineral development. Not even the National Parks or wilderness areas are immune from the administration's policies.

In Contra Costa County, we recently had a brief encounter with these unjustified leasing practices. The Bureau of Land Management announced that it was considering lease sales for oil and gas rights in the East Bay regional park district. After unanimous opposition from local park officials, private citizens, and myself, BLM dropped the leasing proposal.

That experience, however, has deeply affected the attitude of the press and the public concerning the policies of Secretary Watt and the Department of the Interior. These concerns were very well stated in a recent editorial in the Contra Costa Times which I would like to share with my colleagues.

The editorial follows:

[From the Contra Costa Times, Feb. 24, 1982]

WILDERNESS "CONCESSIONS" MISLEADING

This weekend, we thought we had found something nice to say about Secretary of the Interior James Watt. News stories indicated that he had proposed banning oil leasing and mining in some 80 million acres of national wilderness areas. But on closer inspection the proposal turns out instead to be a threat to wilderness areas. Initially, Watt seemed to be making a concession on behalf of wilderness protection. However, what Watt told reporters in a televised interview Sunday and what emerged when environmentalists studied the draft of the legislation he was supporting turned out to be two vastly different things.

On closer scrutiny it became apparent that the 1964 Wilderness Act would have banned all oil leasing and mining in wilderness areas anyway after 1984, when a clause allowing limited leasing expires. When Watt took office, he had invoked that mostly unused loophole in the 1964 Act to push for immediate exploitation of wilderness areas. His retreat from that position this weekend actually covered a proposal to reconsider many of the protections contained in the current law.

In addition, he proposed accelerating the exploitation of some 530 million acres of non-wilderness, areas, including areas proposed for wilderness protection by the federal Bureau of Land Management.

Of course, it's true that a certain amount of this concern with resources is merited. The federal government owns about one-third of the land in this country, and that vast acreage undoubtedly includes critical energy and strategic resources we now import.

But what is needed in the nation's approach to the future of its wilderness areas in reasonable balance between environmental concerns and the need to make maximum use of our natural resources. Watt's stewardship as Interior Secretary and his record of favoring unlimited exploitation of undeveloped areas before his appointment reflect little of that balance.

Only Watt would have the nerve to disguise an attack on wilderness protections as a concession to conservationists. The move becomes almost comical when you realize his policies posed the threat in the first place. "It's like Watt is asking Congress to tell him to quit beating his wife," said one observer.

It's the same kind of double-edged move as the administration's recent decision not to ask for wholesale changes in the Endangered Species Act, now undergoing congressional committee hearings. The administration decided not to provoke a pitched battle by rewriting the law. But then why should they when the same ends can be accomplished administratively?

In the past year, Watt has halted any new listing of endangered plants or animals, and budget cuts have made it virtually impossible to do anything for the ones already listed.

It's a tragically shortsighted move, since protecting such species is a practical necessity, not a homo sapien concession. The mineral resources Watt is so intent on exploiting are not nearly so valuable as the biological resources which took billions of years to develop.

Currently, human beings are plowing, burning, paving and fencing land at such a rate that an estimated one species per day becomes extinct. We're getting so good at biological carnage that the rate of extinction could rise to one species per hour by the end of the century, when Watt wants to consider opening wilderness areas to strip mines and oil rigs. Such estimates are undoubtedly conservative, since many of the species now disappearing in lush habitats like tropical rainforests have never even been "discovered" by the clumsy "masters" of the earth.

Human beings have never been notably humble creatures, and are likely to shrug or sniff when faced with an appeal on behalf of one bug, or weed, or another.

Yet biologists are just starting to understand the immense complexity of living systems and the way they interact. They're only dimly beginning to understand how cutting down rainforests could lead to permanent droughts in the wheat-growing regions of the United States. They've only got a few meager clues to the complexity of food chains which could be affected by airborn pollution. Some suggest, for instance, that a worldwide dust cloud caused by an asteroid's collision with earth 60 million years ago may have blocked enough of the sun's rays to set off a biological chain reaction which extinguished 50 percent of the earth's living species—including all of the dinosaurs.

More pedestrian are the concrete benefits humans have harvested from the most unlikely creatures. A year-round variety of corn discovered just before its Mexican habitat was plowed under may have immense effects on agriculture. The endangered evening primrose may help cure heart disease; the lowly sea squirt may contain chemicals which inhibit viruses and tumors; the endangered Bay Checkerspot butterfly may yield clues on how to fight medflies. A majority of medicines in use today originated in the laboriously evolved systems of living creatures.

There is simply no calculating the practical benefits lurking in even the humblest of living creatures and no overestimating the chain-reaction effect of the wholesale destruction of other species practiced by homo sapiens.

That's why it would be utterly irresponsible not to extend the endangered species act or to starve its implementation through budget cuts. The fate of our wilderness areas is intimately connected with the survival of many plant and animal species, since it offers the only totally undisturbed habitat. These wilderness areas are like a biological storehouse, and short-term exploitation would be as stupid as burning the Library of Congress to fuel a power plant.●

TRIBUTE TO THE CITY OF SANTA BARBARA

HON. ROBERT J. LAGOMARSINO

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, April 5, 1982

● Mr. LAGOMARSINO. Mr. Speaker, it is my privilege today to pay tribute to the city of Santa Barbara, Calif., as it celebrates its bicentennial year in this year of our Lord, 1982.

It was in 1542 that the explorer, Juan Rodriguez Cabrillo, became the first European to lay eyes on the site that would one day become the thriving city it is today.

The city of Santa Barbara began as a Spanish outpost set among the Chumash Indian Tribe in 1782, with the dedication of the Royal Presidio by Father Junipero Serra, founder of the historic California Mission chain. The Royal Presidio was the last such military outpost built by the Spanish Empire in the New World. It became the first permanent settlement of white men in the Santa Barbara area.

A key event in the early history of Santa Barbara was the founding of the Santa Barbara Mission, by Father Lasuen of the Franciscan Order in December 1786. The Santa Barbara Mission would come to be known as the Queen of the California Missions, due in part to its extraordinary beauty and location. The mission was also the commercial hub of the area following the Fransiscan tradition of work and faith.

During the first 70 years of the city's existence, the flags of Spain, Mexico, independent California, and the United States, flew at various times over the Presidio. The city was officially incorporated by the new California Legislature on April 9, 1850.

Santa Barbara's development accelerated dramatically with the completion of Stearns Wharf in 1871, a facility establishing Santa Barbara as a real seaport. This enhanced and enlarged the city's commercial base and paved the way for a successful fishing industry that still flourishes today, boasting the largest gill netting fleet in southern California.

Santa Barbara also distinguished itself early as a cultural center in California—with the establishment of the first opera house in southern California—and today is the home of the Music Academy of the West, the Santa Barbara Symphony, Santa Barbara Museum of Art, Museum of Natural History, Santa Barbara Historical Society Museum, and Santa Barbara Botanic Garden.

This history of Santa Barbara is not without its tragedies, as evidenced by the devastating earthquake of 1925, which caused extensive damage throughout the city. Immediately after the quake, the city, encouraged by the Community Arts Association, set up an Architectural Board of Review. Present-day Santa Barbara evolved from that disaster as a weave of old Spanish traditions, modern community spirit, and progressive city building; refreshingly different from the typical small city.

Today, its citizens continue to carry out this tradition to make the community not only beautiful, but distinctive—a jewel of American cities.●

EL SALVADOR ELECTIONS: MANDATE FOR PEACE

HON. ROMANO L. MAZZOLI

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Monday, April 5, 1982

● Mr. MAZZOLI. Mr. Speaker, last week, as the final ballots in El Salvador were being tallied, it became more clear than ever that the democratic process had won a major victory in that war-torn country.

It is estimated that over 1 million Salvadorans—out of a total population of some 4.5 million—defied the threats of guerrillas and made their way to the polling places to cast their ballots for peace. Some estimate that this represents close to 80 percent of the eligible voters in that tiny nation. This is really an overwhelming turnout considering that in the United States in the 1980 Presidential election only 67 percent of the voting age population registered to vote, and a mere 59 percent actually voted.

The tremendous turnout in El Salvador—in spite of the boycott by the left-wing guerrillas and their pledge to disrupt the elections—demonstrates undeniably that the people of El Salvador want—more than anything—peace, and surcease from the violence of the left and the right.

We, as the leading democratic Nation in the world, must honor this Salvadoran mandate for peace by ending military assistance and expanding economic and humanitarian aid to that country. And, in return for our economic aid, we should press for a broadly based coalition government to be installed which would, in the democratic tradition, incorporate a wide range of viewpoints and get down to the task of bringing a lasting peace to the land.

The success of these free elections means a better day for the Salvadoran people. A better day they so desperately deserve.●

LAW OF THE SEA TREATY

HON. JACK FIELDS

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Monday, April 5, 1982

● Mr. FIELDS. Mr. Speaker, the recent issue of Policy Review, published by the Heritage Foundation, carries an article by W. Scott Burke and Frank S. Brokaw on the subject of the Law of the Sea Treaty.

The article provides concise background on the Treaty negotiations and the steps which have led to the current sorry situation. The article makes clear that the Law of the Sea Treaty and its worldwide organizational scheme represents not a real effort toward order and resource development, but rather a drive to establish a radical and socialistic ideology as the new foundation for international law.

The draft treaty is suffused with the ideology underlying the New International Economic Order (NIEO), which is a plan for the total alteration of the world economic system in order to transfer wealth, resources, and political power from the West to the Third World and the Soviet bloc.

There are those who refuse to see the ideology of this Treaty; or seeing it, refuse to believe it has meaning. The underlying ideology of the Treaty is the well-spring from which flows the dangerous provisions and precedents of the text. Because past U.S. negotiators have either ignored or embraced the fundamentals of this ideology, there has resulted the present unfortunate consequences of a treaty that harbors long-term threats to the security and prosperity of the American people. Sadly, there is little evidence that the current U.S. delegation has grasped the meaning and power of ideology in this process.

Mr. Speaker, excerpts from the article follow.

[From the Policy Review, Spring 1982]

LAW AT SEA

(By W. Scott Burke and Frank S. Brokaw)

* * * * *

Even before the first session of UNCLOS opened in Caracas in 1973, the United States and the other interested western nations made a concession that was to influence greatly the outcome of the proceedings. They agreed that all issues relating to the law of the sea would be negotiated and resolved at UNCLOS. Addressing so many difficult issues in the same negotiations ensured that the proceedings would be mired in complexity, and that concessions in one area would be traded for benefits in another. Moreover, because all states were entitled to participate, patterns prevalent in other multi-lateral fora appeared in UNCLOS. Anti-western rhetoric and Third World demands for resource transfers became important elements in the proceedings. Because most participants had few if any tangible interests in the law of the sea, they could advance ambitious ideological demands on nations with an important stake in a successful outcome. Because Third World agreement was required for the convention to become effective, western negotiators were strongly influenced to make concessions to states whose only negotiating asset was the right to assent to or to reject the treaty; western concessions were traded for the promise of signatures.

THE COMMON HERITAGE

Deep seabed mining consists of the harvest from the ocean floor of nodules containing manganese, cobalt, nickel, and copper. Only a few developed nations possess the capital, technology, and human resources sufficient to exploit the seabed. The Group of 77 lacks any capacity for this undertaking. Therefore, it would be expected that in negotiations regarding the law to be applied to this activity, the West could virtually dictate the terms of the agreement. That they did not is explained in part by the power of ideas to shape important events.

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Western negotiators apparently perceived the definition of the Common Heritage principle as an ideological abstraction and therefore of little consequence. More concerned about freedom of navigation because of its immediate military importance than about the rules to be applied to an uncertain and as yet non-existent business activity, the United States acquiesced in the Third World approach. Accordingly, the Group of 77's concept of the rights over the seabed determined the boundaries of the debate and ensured that whatever seabed mining regime emerged from UNCLOS would reflect the collectivist Res Communis variant of the Common Heritage principle rather than the version favorable to the West.

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THE NEW INTERNATIONAL ECONOMIC ORDER

The draft treaty is suffused in its seabed mining provisions with the ideology underlying the New International Economic Order (NIEO) demanded by the Group of 77. It would create a "regulatory structure capable in the long run of furnishing the developing countries with the economic and political tools that will enable them to achieve to their satisfaction, at least within the context of the sea, the ideological goals" of the NIEO.

The NIEO is a plan for the thorough alteration of the world economic system in order to transfer wealth from the West to the Third World.

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One of the principles of the NIEO incorporated in the draft treaty is that the Third World states should be empowered to compel resource transfers from the West through institutions and procedures beyond the control of donor nations. The draft convention advances this objective by providing for the supranational taxation of private licensees and mandatory transfer of their technology.

Most previous transfers to the Third World came in the form of direct grants or loans from developed nations or in loans from international lending institutions controlled by the West. Such transfers are determined by those making the grants, not by the recipients. With the exception of humanitarian programs, most foreign assistance is designed to advance the interests of the donor nations. Friendly regimes are favored and adversaries penalized. In stark contrast, involuntary transfers would "institutionalize the availability of Northern resources—which, in turn and by definition, increases the measure of choice of Third World leaders, parties and movements."

Until recently, it has been universally assumed that policies that increase the influence of a nation in other states were advantageous because they encourage desired behavior and make detrimental actions by others less likely. In the case of the United States, aid generally has been designed to resist the spread of communism and, in recent years, to dissuade states from gross human rights violations. To the extent that American resources are transferred involuntarily to Third World states, the ability of the United States to influence recipients and achieve these aims is reduced. Moreover, involuntary transfers undermine the sovereignty of donor nations and circumvent the institution by which citizens of democratic nations make their government accountable. The draft treaty's deep seabed mining regime would lead to such transfers and would establish a precedent for such practices in other contexts. American concurrence in such a scheme would legitimate demands for similar practices in existing institutions such as the International Monetary Fund and the World Bank and will help the Group of 77 to set the agenda for future discussions of the international economic system.

NATIONAL SECURITY

Most advocates of the draft treaty concede that its seabed mining provisions are not ideal. Elliot Richardson, for example, states that they have "serious deficiencies." However, they assert that because other features of the draft are advantageous, the treaty as a whole should be approved. In particular, they claim that the provisions regarding passage through straits so greatly advance American interests that they justify overlooking the offending features.

Discussions of international law are often artificial and conducted at an unrealistically high level of abstraction. Western commentators frequently write as if such norms were the same as the domestic laws of their homelands, violation of which can be severely punished. Yet whatever standards formally prevail in international law are unenforced by a supra-national policeman. In fact, if one state violates international law, for example, impeding the rightful passage of another state's warships, no court will compel the violator to obey the law. Unless the aggrieved nation either uses force or threatens credibly to do so, it must endure the violation of its rights under international law. The American reaction to Libya's attempt in 1981 to obstruct the passage of American naval vessels in the Gulf of Sidra illustrates the conduct that must be undertaken periodically by any nation whose interests are harmed by a violation of international law. Seizure of the American hostages by Iran in 1979 in flagrant violation of international law and despite United Nations resolutions and International Court of Justice injunctions demonstrates the impotence of international law when the offending state does not fear military retaliation. Any legal convention governing the sea will depend ultimately upon the willingness of aggrieved nations to punish violators.

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Treaty advocates claim that if a regime were created that guaranteed free transit through straits, confrontations and military actions to enforce passage rights under current unstable international norms would be avoided. They argue that the draft convention established such a regime and that attempts to limit straits passage will be more frequent if the UNCLOS regime is not accepted.

The draft treaty provides that "all ships and aircraft enjoy the right of transit passage, which shall not be impeded," and defines transit passage as "the exercise in accordance with this Part of the freedom of navigation and overflight solely for the purpose of continuous and expeditious transit of the strait." It also provides that "[a]ny activity which is not an exercise of the right of transit passage remains subject to the other applicable provisions of this Convention." This clause means that whoever defines "transit passage" and determines whether a specific transit conforms to that definition may be entitled legally to deny passage under the regime.

"Transit passage" is a concept given birth by UNCLOS. It is a right that depends upon the adherence by transiting vessels to various requirements set forth in the treaty.

* * * * *

It is uncertain who, under the convention, is entitled to determine whether the requirements for transit passage have been fulfilled. The interpretation favored by treaty advocates emphasizes the context in which the negotiation occurred and unilateral statements and interpretations by western negotiators in the course of UNCLOS. Others argue that the treaty would permit straits states to "unilaterally determine that a particular transit, in given circumstances, violates [the applicable provisions], hence is not a 'transit passage' in the meaning of the convention and may be prohibited entirely or permitted only upon the fulfillment of conditions imposed by the coastal state."

If straits states assumed the right to enforce the treaty's transit passage provisions, they would possess wide discretion to prohibit transits they viewed unfavorably. To prevent passages they opposed, they could invoke the indefinite, hortatory principles of the United Nations Charter (compliance with which is required for transit passage) or the draft treaty's prohibition of the use or threat of force.

The interpretation unfavorable to the major seapowers is not necessarily correct. It is, however, plausible or arguable, and therefore likely to be used by straits states in the future when expedient. The American interpretation is not assured of universal acceptance. Therefore, transit rights will not be conclusively established and accepted by all but will remain dependent upon the willingness of the great seapowers to use or threaten force to compel others to accept their interpretation. Because this is about the same as the current situation, the straits provisions of the draft treaty do not represent a great advance and cannot justify the treaty's unfavorable aspects or the treaty as a whole.

THE NATIONAL INTEREST

The Americans are pragmatic. They are interested in results, not words, and tend to believe that abstract or ideological discussions are pointless and irritating. They are often willing to concede a point of principle in return for some tangible benefit. This is especially true of lawyers, who frequently represent the United States in international negotiations. They are well paid: as litigators, to extract money from or avoid payments to adverse parties, and as commercial lawyers, to draft business agreements that protect the financial interests of their clients. Their focus is upon practical, concrete, immediate matters; except for constitutional lawyers, ideology plays virtually no role in their legal representations.

This approach can be dangerous when transferred to multilateral fora where concessions on an ideological formulation in return for an immediate benefit can have unfortunate conseqences. When the purpose of a negotiation is not to settle a dispute within an accepted legal framework but to create such a framework, philosophical distinctions and ideology are particularly important. No matter how significant the tangible, short-term benefits, a legal regime based upon values inimical to American interests will be damaging in the long run because it will justify future demands based upon those values. Once the ideology from which such demands spring has been accepted in principle by the United States in a treaty, opposition to the new demands they foster in different contexts will be difficult to rationalize or justify.

The proper course for the United States to follow must be based upon weighing the costs and benefits of concurrence in whatever results from the effort to renegotiate the draft against rejection and withdrawal from UNCLOS proceedings. Renegotiation will be difficult. Concessions made years ago must be retracted and those who won those concessions must be persuaded to agree to their retraction. The strong ideological commitment of the Group of 77 to the NIEO which underlies the deep seabed regime makes very unlikely their agreement to American demands for change.

The threat to go it alone remains America's strongest negotiating asset. The credibility of this threat may, however, have been somewhat undermined by the decision to renegotiate in the face of discouraging prospects for success, In any event, tinkering with the mining regime would be unsatisfactory because it would not alter its ideological underpinnings and would still constitute agreement in principle with many of the basic tenets of the NIEO. Unless the deep seabed regime were completely changed, this ideology would be assimilated into international law and would justify escalating demands by the Group of 77 for additional concessions from the West.

Refusal to continue the negotiations would have evoked hostile comments from Third World spokesmen, as would withdrawal in the event renegotiation proves unsuccessful. Beyond such denunciations, the cost to the United States of outright rejection would be small. Negotiations with other states capable of exploiting the seabed could commence. Congress would enact laws to provide miners with secure tenure. The ability of naval vessels to traverse straits unimpeded would remain dependent on the willingness of concerned nations to use force to guarantee passage. Because the Soviet Union is the only country capable of resisting determined American efforts to maintain such rights, and because its own mobility is of equal or greater importance to its security, the risks in this context entailed in withdrawal are similarly small.●

HUMAN RIGHTS—"A DREAM?"

HON. DON BONKER

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Monday, April 5, 1982

● Mr. BONKER. Mr. Speaker, Richard Cohen, a brilliant columnist with the Washington Post who writes with great conviction and passion, recently wrote:

> * * * I would like us once to be on the side of history. It would have been nice to have won in Vietnam and China before that. It would have been terrific to have been the Shah's enemy and the friend of the people of Iran. It would have been just great to have not been the buddy of the Somoza family in Nicaragua and the pal of every dictator who sends his money to Switzerland and his children to American military schools. Maybe then things would have turned out differently. Maybe then we would not be looking into the face of anti-American zealots like Khomeini. * * * It is a perversion of history that a totalitarian regime like the Soviet Union gets to use the rhetoric of social progress and we get stuck on the side of privilege and reaction. * * *

I would like to commend to the attention of my distinguished colleagues Mr. Cohen's entire column which was published on March 14, 1982.

[From the Washington Post, Mar. 14, 1982]

PIPE DREAM

(By Richard Cohen)

I have a dream. I dream that someday the United States will be on the side of the peasants in some civil war. I dream that we will be the ones who will help the poor overthrow the rich, who will talk about land reform and education and health facilities for everyone, and that when the Red Cross or Amnesty International comes to count the bodies and take the testimony of women raped, that our side won't be the heavies.

It would be nice for once if our side did not wear gaudy military uniforms and hide their eyes behind dark glasses. I would love it if our guys wore the suspenders and the wide hats and slept at night in the countryside instead of behind the guarded walls of some villa with a wife and a mistress and a Mercedes Benz.

I suppose that what I am saying is that I would like us once to be on the side of history. It would have been nice to have won in Vietnam and China before that. It would have been terrific to have been the Shah's enemy and the friend of the people of Iran. It would have been just great to have not been the buddy of the Somoza family in Nicaragua and the pal of every dictator who sends his money to Switzerland and his children to American military schools. Maybe then things would have turned out differently. Maybe then we would not be looking into the face of anti-American zealots like Khomeini.

It would have been wonderful if we were the country the Sandinstas turned to when they started their revolution in Nicaragua. Why not? We believe in democracy and in equality and in freedom. This is the country that was formed in a revolution and that to this day is so unremittingly democratic that, at the Republican National Convention, the

55-mile-per-hour speed limit was denounced as government oppression.

Even now you have to wonder why we have this argument with Nicaragua. Why do we have to bolt in panic from any country that calls itself Marxist or socialist? So what if it is. China is communist and it is our new buddy. Its chief enemies are other communist countries: the Soviet Union and Vietnam. The Vietnamese, in turn, fight the Cambodians and the Cambodians fight each other. Communist cohesiveness exists only in American myth.

No matter. We are sort of at war with Nicaragua. The President has authorized $19 million so the CIA can "destabilize" the Sandinista regime. When the Libyans allegedly sent 10 or 12 terrorists here to "destabilize" our government, we predictably went nuts. Nations can not do these sorts of things to other nations. So why then are we doing it to the Nicaraguans?

Once again, we are the heavies. Once again, we play the role of the bully. We are, after all, past masters at destabilization. We have destabilized Nicaragua before with the Marines and we destabilized Guatemala with the CIA and we tried to destabilize Fidel Castro at the Bay of Pigs, but he just would not destabilize. Now Castro is our implacable enemy.

Only a dreamy romantic could overlook the realities of big power politics. You sometimes have to make unholy alliances—deal with the sort of people you would not have to dinner. History can ensnarl you. We are paying now in Latin America for the sins of the United Fruit Co., for a patronizing view of Central and South Americans that showed itself in a thousand movies starring women who wore bananas on their heads.

And only an idiot could overlook that rhetoric is only words. The North Vietnamese had terrific slogans, but they were silent about boat people. Sometimes oppressive right wing regimes are replaced by more oppressive left wing ones—sometimes atrocious ones like the Khmer Rouge in Cambodia.

But that's no reason to settle always for the status quo, to attach ourselves like barnacles to whoever is in power and to compel the forces of change to look elsewhere for support. It is a perversion of history that a totalitarian regime like the Soviet Union gets to use the rhetoric of social progress and we get stuck on the side of privilege and reaction. It would be nice to proclaim our ideals, to have the poor and underprivileged of the world look to us—shout our slogans and consider us their friend.

There are difficulties with this, I know. Practical considerations, I know. Don't worry.

It's just a dream.●

LONG ISLANDER'S NEWEST HALL OF FAMER: BISHOP JOHN R. McGANN

HON. JOHN LeBOUTILLIER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, April 5, 1982

● Mr. LeBOUTILLIER. Mr. Speaker, four times each year for the past 24 years, Long Island's Sky Island Club has hosted a luncheon to honor and recognize outstanding achievers in their fields.

On Wednesday, March 17, 1982, the Sky Island Club inducted the newest member of the L.I. Hall of Fame in ceremonies noting the numerous accomplishments of Bishop John R. McGann, Bishop of the Diocese of Rockville Centre, which encompasses all of Nassau and Suffolk counties.

John McGann was ordained into the priesthood on June 3, 1950, at the Seminary of the Immaculate Conception in Huntington, N.Y. He served the people in various parishes around Long Island for the next 20 years.

In 1970 he was appointed Auxiliary Bishop of Rockville Centre, and in 1971 was awarded a doctor of laws degree by St. John's University. In 1977 he obtained a doctor of humanities degree by Molloy College.

On June 24, 1976, Bishop McGann was installed as Bishop of Rockville Centre Diocese and assumed the responsibility of spiritually guiding the 1,100,000 Roman-Catholics living on Long Island. Since then he has been instrumental in adapting the many Vatican II changes, as well as developing a permanent deaconate program that is extremely visible in ministering to the needs of many Long Islanders.

Bishop John R. McGann is a dynamic leader of the Catholic community and a sincerely humane individual. By his cheerfulness he gives inspiration and hope to all who come in contact with him. It is extremely apparent that he is willingly and truly serving the Lord with gladness.

Submitting these remarks into the CONGRESSIONAL RECORD extends official recognition to Bishop John R. McGann for his numerous contributions to Long Island. I bid best wishes and sincere tribute to a fellow Long Islander and fine American. Congratulations to Bishop McGann, member of the Long Island Hall of Fame of the Sky Island Club.●

A DAY OF REFLECTION IN HONOR OF A REVERED LEADER OF THE LUBAVITCH MOVEMENT

HON. STEPHEN J. SOLARZ

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, April 5, 1982

● Mr. SOLARZ. Mr. Speaker, I rise today to pay tribute to one of the outstanding moral and religious leaders of our time, the revered Rabbi Menachem Mendel Schneerson, the worldwide leader of the Lubavitch movement.

Yesterday, April 4, marked the 80th anniversary of the birth of this holy man who has dedicated his entire life to upholding the highest ethical and moral principles embodied in the Seven Noahide Laws. As teacher and guide of the Lubavitch community, he has encouraged his followers to live exemplary lives in conformity with the law of God and of man. Over the years he has demonstrated his compassion and commitment to the well-being of his fellow man, and demanded the highest standards of charity and brotherly love among his followers.

In recognition of the unique role that Rabbi Schneerson plays in the world religious community, the Congress last week passed a joint resolution honoring this holy man and proclaiming his birthday as a "Day of National Reflection."

For in these troubled times it is essential that we pause from time to time and consider the vital role traditional ethical and moral values play in maintaining our society as a just and humane one. It is important after reflection, that we reaffirm our commitment to these principles, since they are the very bedrock of a decent society. To lose sight of them would be to weaken our Nation, and risk our children's heritage.

And so today, I am happy to have this opportunity to pay tribute to this man, and to express my own personal admiration and appreciation for all that he has done throughout his long and exemplary life. I consider myself extremely fortunate to have known Rabbi Schneerson for many years, and to have seen what a force for good he has been not only in Brooklyn but throughout the world. Our Nation has benefited immensely both from the inspiration and encouragement which has provided to his followers, and to his and their efforts to maintain our country's commitment to the highest moral principles.

May the Lubavitch community continue to grow and prosper under the blessed leadership of this holy man.●

THE TIMES VS. REAGAN: DISTORTING THE RECORD

HON. HENRY J. HYDE

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Monday, April 5, 1982

● Mr. HYDE. Mr. Speaker, as we laboriously inch our way through the budget process, we have all been inundated with charges that the Reagan administration is deliberately hurting the disadvantaged of our society. With few exceptions, the print and electronic media have waged a relentless battle to convince Americans that compassion is an unknown quantity in the Reagan White House. One would think the Democratic National Committee was directing the tone and content of the news—especially that appearing in the New York Times and the Washington Post.

As the budget battle rages, it is ever more important that we be informed by the facts—not political fiction or partisan polemics. I therefore offer for my colleagues' information the following editorial which appeared in the April 1, 1982 New York Post:

THE TIMES VS. REAGAN: DISTORTING THE RECORD

The New York Times does itself no service as a newspaper of record by repeating daily its deceptive assertions that President Reagan is maltreating the poor.

It devoted its main editorial yesterday to a farrago of misleading statements designed to show that programs that benefit children are being severely cut, or eliminated. Let us go through the charges:

The Times says many poor teenagers will not be able to avoid pregnancies because family planning programs have been cut by 25 per cent. Which programs? What has been cut is a block grant to states in which a single family program is included—and the expectation is that the states running that block grant will save 25 per cent in lower administrative costs.

Further, the Times ignores two other family planning programs for teenagers—the Maternal and Child Health Care program, part of another block grant to the states, and the Adolescent Life Program, boosted by $5.3 million over last year to $16 million and dealing specifically with teenage pregnancies.

The Times says the WIC (women, infants, children) program of special food and care for nursing mothers and their babies has been cut 30 per cent. Not so. The program is being merged with the Maternal and Child Health Care program to save $180 million a year in costs and serve more than 1.5 million women and children a month—far more than WIC served in a full year.

The Times says the immunization program has been cut from 6.3 million children in 1981 to vaccinate only 3.8 million next year. Yes, but the drop in numbers is because a catch-up program to treat all children not previously vaccinated has been completed. There are only between 3.5 and 4 million children needing vaccination next year and the Administration intends to go on vaccinating them and the children of following years.

The Times says last year school lunches were cut 30 percent. They were not. Federal outlays were cut 17.6 per cent from $3.46 billion to $2.85 billion between 1981-2 to reduce the subsidy for families with annual incomes above $16,000—and there have been no further cuts.

In fact, over 23 million children, 53 per cent of all school children in the country, are getting some form of subsidized school lunch. Families with $16,000 or more either pay a small fee or have their kids "brown bag" it.

The Times says the Administration wants to chop $1.1 billion from Aid to Families with Dependent Children, the main welfare program, and claims that "while the cost of living is going up 10 per cent, assistance would go down 18 per cent." Nonsense.

First, the typical welfare family—accounting for 85 per cent of the program—has not been touched.

Second, that 18 per cent is not the reduction for a typical recipient but the reduction on the federal share of a national average.

Third, the cost of living is not going up by 10 per cent but coming down; the drop in inflation means a family of four at the poverty level has $375 more purchasing power than it would have had if inflation had continued at its rate under the Carter Administration.

Finally, the welfare benefit level is not set by the federal government but by the states.

By tightening eligibility the Administration enables the states to provide larger benefits to the needy. So far 21 states have done just that.

The Times says 2 million needy students will be hurt by cuts in loan and grant programs. Nonsense again.

The Administration has merely slowed the rate of growth of the government's fastest growing entitlement program by tightening eligibility for students from families with over $30,000 annual income. This does not preclude them from loans—so long as they prove need. This is surely reasonable to avoid the abuse of $2500 loans to students going to Community College with much lower tuition fees. In any case, there is an auxiliary program providing loans at market rate.

The Times is not alone in its relentless pursuit. The Washington Post and the three TV networks trumpet the same distortions.

When will they discover that Reagan's proposed direct payments to the poor over the next five years will not be reduced but will be increased by no less than 33 per cent?●

NUCLEAR FREEZE

HON. WILLIAM H. GRAY III

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Monday, April 5, 1982

● Mr. GRAY. Mr. Speaker, the Reagan administration's refusal to negotiate seriously with the Soviets on arms reduction talks until the United States has reached a point of military superiority is creating an arms race which the American public cannot afford.

The United States already has more nuclear warheads than the Soviet Union, and by producing and testing new nuclear weapons, the United States only encourages the Soviets to do the same. They are not going to sit idly by and watch the Americans stockpile nuclear arms. In fact, the Soviet chief of staff recently proposed drastic measures to modernize Soviet strategic forces to put his country on equal footing with, what he called, the Reagan administration's "active preparations for a nuclear war."

The policy of "peace through strength," which this administration advocates, only heightens tensions between our two countries. Nuclear weapons are no longer a deterrent to war but a threat to peace. Each side spends hundreds of billions of dollars on weapons which should be used to improve our respective economies.

I am concerned about the defense and national security of this Nation and, while I support a strong national defense, I am concerned that the administration has gone too far in cutting our domestic programs to finance a needless defense buildup. Because of this concern I have cosponsored legislation which calls for the United States and Soviet Union to seek a mutual and verifiable freeze on testing, producing, and deploying nuclear weapons, and then to negotiate the reduction of nuclear warheads.

I urge the President and his advisers to heed the interest of the American public and Members of Congress in seeking a reduction of nuclear arms, employing a nuclear freeze, and beginning serious negotiations with the Soviet Union as soon as possible to end this latest round of the cold war.●

THE IRS STRIKES—AGENTS CALL IT GESTAPO

HON. GEORGE HANSEN

OF IDAHO

IN THE HOUSE OF REPRESENTATIVES

Monday, April 5, 1982

● Mr. HANSEN of Idaho. Mr. Speaker, many examples have been documented of the heavy-handed and abusive tactics the Internal Revenue Service uses in its tax collection practices—practices which would be stopped by passage of H.R. 4931, the Taxpayer Protection Act (TPA).

No example is more shocking than a letter I received from an IRS agent in the Northeast, who has worked for the Agency for a number of years, complaining of abusive acts of the IRS against both taxpayers and employees and strongly advocating corrective action.

His complaint of Gestapo tactics, along with the following excerpts from a November 15, 1981, CBS-TV "60 Minutes" exposé of IRS abuses, entitled "Pay Up Or Else," where Morley Safer interviewed many agents, are illustrative of the growing concern for reform among conscientious employees of the Agency itself.

The letter follows:

DEAR SIR: Yes, there should be a strong clampdown upon the illicit activities of the IRS. I know of many such acts first-hand because I have worked for this institution for over 6 years. I can tell you of many more abusive acts committed by some of my colleagues and supervisors (the latter probably being the worse of the lot).

Would you believe the fact that at the time President Reagan was shot at, during the assassination attempt, several of the IRS employees burst out in laughter upon hearing the tragic news? They gathered around a television, on Government time, and watched with glee at the bad news. This happened at the (office) where I am a tax auditor. That was a shameful act.

The passage of H.R. 4931 may bring about changes which are long overdue to help alleviate the plight of the taxpaying public. Some legislation may also be needed to assist dissenting IRS employees from harassment from the Gestapo tactics of this institution as well.

I sincerely hope that this letter will not jeopardize my employment. I wish you the best of luck in your efforts to have the immediate passage of H.R. 4931.

Sincerely,

AUDIT THE TAX MAN

("60 Minutes" Agents Interview)

CHARLES SHEFKE (Agent). The IRS is probably the most pernicious organization that the Federal Government, our legislators, have ever created. And if I had to parallel it with any other kind of organization in the world, I would parallel it with the KGB, probably the Gestapo.

MORLEY SAFER. We talked to a revenue agent still working for the IRS and four other agents who recently left the service. Jack Elliott was an agent for the IRS for more than twelve years. Gary Dutloff left after seven years. Sharon Fields resigned after six years. Bob Braun is still a working revenue agent in a Pontiac, Michigan office. And Charles Shefke who quit he says because he, like the others, was being asked to intimidate relatively innocent small fry.

CHARLES SHEFKE. The poor taxpayer who wants to come up and be up front and tell you his story and tell you what's wrong literally exposes himself to getting the worst treatment that IRS can lay on him.

GARY DUTLOFF. If the revenue agent wants to, he or she can attach any property publicly available belonging to the taxpayer who is more than ten days delinquent in paying the taxes.

SAFER. So, in effect, does not need a warrant?

DUTLOFF. Does not need a warrant, does not need to see a judge.

BOB BRAUN: The revenue officer is essentially, when it comes down to a bottom line on it, a prosecutor, a judge, and a jury, and then he's the cop that goes out and executes it also.

SHEFKE. Justice Marshall said that the power to tax includes the power to destroy and we enforce the tax laws and we go out and destroy people. We literally destroy their life, their livelihood, everything.

* * * * *

SHEFKE. The revenue officer on the front line can go out and do that to people and in point of fact, if he's the kind of revenue officer they want, that's what he will do. They do want to intimidate the American people. They do want to scare them.

SAFER: Why such brutish behavior when the IRS had already made an agreement with Bishop to pay off his tax debt? An internal IRS memorandum, for example, shows the kind of pressure that is exerted on its men in the field. From Manchester, New Hampshire—"look over your inventory select one good taxpayer account for seizure action." A Grand Jury in Forth Worth recently indicted two IRS officers on charges of falsifying nearly two hundred federal tax records in order to meet office production quotas.

You still work for the IRS, Bob?

BOB BRAUN: I do.

SAFER: Is all this familiar stuff to you?

BRAUN: Absolutely.

SAFER: Does it still go on?

BRAUN: To a very great extent, yes. The whole idea of things being done for their statistics, for the number. If you want to move ahead, and go into management, which supposedly where all good revenue officers are supposed to wish to be, the way to get there is to have a good track record in seizures.

GARY DUTLOFF: Eighty percent to eighty five percent of the management meetings would deal with comparative statistics. Each manager would wear those statistics on their, on their sleeve.

CHARLES SHEFKE: In all the time I was in the service. I probably made fifty or sixty seizures. I can think of only two cases where a seizure was really warranted. And in point of fact, had I not seized the property, had I given the taxpayer an opportunity to pay the taxes, we would have collected more than I got in the seizure.●

TRIBUTE TO GENEVIEVE NOVICKY

HON. LYLE WILLIAMS

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Monday, April 5, 1982

● Mr. WILLIAMS of Ohio. Mr. Speaker, there are many unheralded public officials throughout the United States. In my district, Genevieve Novicky has just retired as the clerk of Boardman Township, Ohio. "Gen" Novicky has been successful in all she has attempted: successful parent, community leader, political party activist, and active participant in her church.

On behalf of the residents of the 19th Congressional District, I extend best wishes and good luck to Genevieve Novicky on her future goals and other aspirations.

After a lifelong commitment of purpose and success, she has worked long and hard for her retirement that is justly deserved.

I ask permssion to insert numerous newspaper accounts that signify the depth of Mrs. Novicky's community involvements.

MRS. NOVICKY RESIGNS AS BOARDMAN TREASURER; MRS. TAYLOR NAMED

Genevieve Novicky, Boardman Township clerk and treasurer for the last eight years, resigned Monday and will be succeeded by Ann W. Taylor.

Mrs. Novicky notified the trustees in a letter March 5 that she would retire March 31 and would move to Orlando, Fla., shortly after Easter. She said she had been instructed by her physician to move to a warmer climate because of a pulmonary condition.

Mrs. Taylor has worked in the clerk's office for the last 10 years and will fill the remainder of Mrs. Novicky's term ending in December 1983.

Referring to Mrs. Novicky, Trustee Robert Bannon said he would miss "the pretty good exchanges we have had over the years. She has done a tremendous job for the township."

Trustee chairman, Atty. William Houser, said, "It has been a pleasure working with her over the years. She has given much of herself and her time to making the township a better place to live."

Of her successor, Mrs. Novicky said, "I have no fears about leaving the township in her hands."

April 5 has been set aside by the trustees as Genevieve Novicky Day in Boardman. A party in her honor is being planned.

When offered a last chance to comment officially, Mrs. Novicky gently reminded the trustees that the "Welcome to Boardman" signs along the entrance roads need refinishing.

She said she has an offer of free paint and Robert Schaal, township administrator, said he heard local service clubs had volunteered to do the painting.

Mrs. Novicky also suggested a monument to Elijah Boardman, the founder of the township.

"We have so much that is beautiful and new in the township, but we need something for the children to look at to remind them of what came before," she said.

Mrs. Novicky is a native of Youngstown and a daughter of Dr. Joseph and Mary Istocin Sofranec. She is a graduate of Ursuline High School and received a teaching degree at Kent State University.

She taught in the parochial school system until her marriage to Henry E. Novicky in 1940. They had seven children. Mr. Novicky died in 1970 and she returned to teaching.

Involved in government and politics for the last 25 years, she had been president of the county Republican Women's Club and a member of the executive board of the Republican Central Committee.

She has served as a Republican precinct committeewoman for 25 years and is now secretary of the county executive committee.

Over the last few years, she has been gathering information and writing a history of the local Slovak community here, of Sts. Cyril and Methodius parish, and of Boardman Township.

In addition, she is vice president of the Mahoning County Association of Township Trustees and Clerks and is vice president of the Municipal Employee's Safety Division of the State Association of Trustees and Clerks.

Mrs. Taylor lives on Beechwood Road. She was born in Buffalo and came to Youngstown as a child. She is a 1955 graduate of South High School and studied education at Miami University at Oxford.

She had been employed by the Youngstown Sheet and Tube Co. downtown and later at the general offices in Boardman, and lived in Atlanta, Ga., and Memphis, Tenn., before returning to the township in 1970.

She began working in the clerk's office in 1972.

A member of Westminster Presbyterian Church, she has two children, David and Tammy both students at Boardman High School.

GENEVIEVE NOVICKY WILL RESIGN FROM TOWNSHIP CLERK POST

(By John A. Darnell, Jr.)

Due to continuing health problems, Boardman Township Clerk, Genevieve Novicky will retire at the end of March. In a letter dated Mar. 5 to Boardman Trustees and "the people of Boardman," the clerk said doctors had advised her to move to a warmer climate as soon as possible. She has had problems with bronchial asthma.

First elected in Nov., 1975, the clerk said "In my years with Boardman Township, I realized a life-long dream, to be actively engaged in government, serving the people of Boardman to the best of my ability.

"It has been an honor and a pleasure to work with dedicated officials, policemen, firemen, road workers, and all those who make Boardman the best place in the world to live."

"Through recent years when Boardman has spread out and grown so rapidly, there has also been a corresponding growth in a lively community spirit that has brought the people of Boardman closer together. Being a part of that period of Boardman's history is a privilege that I will treasure forever."

Mrs. Novicky also credited her staff members, Ann Taylor, Marge Nally and Sue McMurray "in keeping Boardman's record perfect through every audit."

Following her formal resignation, Boardman Trustees, by statute, will have thirty days to appoint a successor. If none is named within that time period, county court judges will appoint a new clerk

Mrs. Novicky has been very active in community affairs. She was the organizer of the Boardman Township Employees Safety Committee, an organization that has been credited with saving township government some $20,000 in Workmen's Compensation payments.

She served on the Boardman Township Bicentennial Committee and local history has been one of her favorite pastimes.

Mrs. Novicky helped to co-author two historical leaflets on Boardman about Olde St. James Church and the Boardman Cemetery, and was the author of the "Slovak History of Mahoning County." She has been attempting for several months to get a memorial to Boardman's founding father, Elijah Boardman, erected in Boardman Park. Mrs. Novicky was also a key motivator in getting Olde St. James declared a national historic landmark.

She is current secretary of the Mahoning County Republican Party and also vice president of the Municipal Employees Safety Council of Ohio, as well as vice president of the Mahoning County Association of Township Trustees and Clerks.

Following her resignation she will move to Florida.

GEN WILL BE MISSED

Since her election as Boardman Township Clerk in Nov. 1975, Genevieve Novicky has played an active role in Boardman Township. Her enthusiasm for her job and her community serve as an example for all.

When requested to help, to do a specific job, whatever, Gen has always given her best effort. She has never seemed to fit the role of a politician, but has been more like a constantly-caring mom, as she did what she could in the best interests of Boardman Township. Sometimes for Gen the trials and tribulations of public duty made her wonder if all the effort was worth it; but she always reached inside herself and always found more that enough zest to accomplish the job.

Gen will be missed. . . .●

HOUSE CONCURRENT RESOLUTION 290

HON. JAMES M. JEFFORDS

OF VERMONT

IN THE HOUSE OF REPRESENTATIVES

Monday, April 5, 1982

● Mr. JEFFORDS. Mr. Speaker, on March 18, on rollcall No. 29, I was listed in the wrong column. As Members will recall, this was the vote on House Concurrent Resolution 290, a noncontroversal resolution reaffirming to the American people their insurance on savings deposit accounts.

Since computers do not generally make mistakes, I guess the only explanation is that I pressed the wrong button. In the thousands of votes I have cast over 8 years, I have probably pushed a lot of buttons in ways that have not always been appreciated by any number of interest groups. This is the first time it was unintentional.

House Concurrent Resolution 290 passed the House by a 382 to 7 margin, but the vote should have been 383 to 6. The mistake was brought to my attention by a gimlet-eyed Vermont banker, who must have found the listing very curious indeed.

This is the first and I hope last time I have ever felt it necessary to apologize for a vote. The error would not have been possible on a controversial issue, or when the tally is anything but overwhelmingly lopsided. Believe me, Mr. Speaker, from now on even the most routine votes are going to be double checked. Vermonters can rest assured that their federally insured savings accounts are safe and secure, and that their Congressman has not joined some strange economic cult.

Thank you, Mr. Speaker.●

IF YOU THINK EDUCATION IS EXPENSIVE TRY IGNORANCE

HON. LEO C. ZEFERETTI

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, April 5, 1982

● Mr. ZEFERETTI. Mr. Speaker, it is essential to the future of the United States that postsecondary student aid programs continue to receive full funding. When President Eisenhower initiated a Federal program to guarantee every student the right to higher education despite their personal resources, he stated: "* * * the security of the Nation requires the fullest development of the mental resources and technical skills of its young men and women." Later, President Kennedy said: "The education of our people is a national investment. It yields tangible returns in economic growth, an improved citizenry and higher standards of living." I fully agree with both of these former Presidents—as well as Johnson, Nixon, Ford, and Carter—that it is the responsibility of this Nation's leaders to make available to all our young people the finest available education.

This is why I urge my colleagues to join me in cosponsoring House Joint Resolution 422. The administration's proposed cuts in student loan programs constitute a shameful retreat from the 25 years, bipartisan commitment to equal opportunity in attaining a higher education. House Joint Resolution 422 expresses the sense of the House of Representatives that the Pell grant, supplemental education opportunity grant, college work study, State student incentive grant programs, and the national direct student loan program, should all be fully funded. The resolution also expresses the sense of the House that no legislative changes should be made in the guaranteed student loan program, especially those changes recommended by the administration which would deny graduate and professional school students GSL loans.

Whether the economic faith of our elected leaders be Keynesian, supply-side, or monetarist, increased support for education and scientific research deserve the highest priority. It is ironic that President Reagan, with his commitment to the largest military buildup in our Nation's history, is the first to abandon the Federal commitment to insure for every American the opportunity to receive the finest possible education. By turning a blind eye to the vital relationship between education and national security, President Reagan has made it virtually impossible for the United States to have the kind of military posture and robust economy which he asserts to support.

The future of America is not being served by the administration's proposals to dismantle Federal aid to higher education. Obviously, the individual students impacted by the President's proposals will be the most hurt. Whether dependent upon Pell grants, guaranteed student loans, social security, or other educational loans or payments, these young Americans were confident the U.S. Government would remain consistent to its 25-year commitment to higher education. But regardless of the impact upon individual Americans, the profound loss will be to our Nation as a whole. The open society we seek, the productivity of our Nation's industries, the quality of health care and other professional services, not to mention our military preparedness—all of these will ultimately suffer the consequences. This is why I urge my colleagues to vigorously support House Joint Resolution 422 and oppose further cutbacks in our commitment to the education of tomorrow's leaders.●

HOW MUCH IS AMERICA WORTH?

HON. JAMES T. BROYHILL

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Monday, April 5, 1982

● Mr. BROYHILL. Mr. Speaker, on March 21, 1982, Capt. Eugene B. "Red" McDaniel, U.S.N. (retired), Vietnam POW addressed chapel services at Valley Forge Military Academy and Junior College in Wayne, Pa.

A native of eastern North Carolina, Eugene "Red" McDaniel was born on a farm in Craven County in 1931. He grew up in Kinston and graduated from Campbell College in 1952 and from Elon College in 1955. In 1956 he earned his Navy wings and served with several carrier-based squadrons before he deployed to Southeast Asia in 1966.

On May 19, 1967, Red McDaniel was shot down on his 81st combat mission over North Vietnam, while flying the A-6 Intruder. He was listed as "missing in action" until 1970 when the Hanoi government acknowledged that he was being held prisoner. He was released March 4, 1973, after the Vietnam cease-fire.

Captain McDaniel served as commanding officer of U.S.S. *Niagara Falls* and as commanding officer of the aircraft carrier U.S.S. *Lexington*. He retired from the Navy after serving as director of Navy-Marine Corps liaison with the U.S. House of Representatives from 1979 to 1981.

When Red McDaniel returned home from Vietnam, he was awarded the Navy's highest award for bravery, the Navy Cross. His other military decorations include two Silver Star Medals, Legion of Merit with Combat "V," Distinguished Flying Cross, three Bronze Stars with the Combat "V," five individual Air Medals, seven Strike/Flight Air Medals, two Navy Commendations with Combat "V," and two Purple Hearts for wounds resulting from torture he endured as a POW. When Red McDaniel completed his tour with Congress, the Secretary of the Navy personally presented him with a second Legion of Merit Award.

Red McDaniel was one of the most brutally tortured prisoners of war during the Vietnam conflict. This torture resulted from his active role in camp communications during an organized escape attempt by fellow prisoners. He is the author of "Before Honor," ("Scars and Stripes" in paperback), a book telling about his 6 years in a Communist prison.

Mr. Speaker, we offer our congratulations to Captain McDaniel, who was honored by Valley Forge Military Academy and Junior College on March 21. I believe it would be beneficial to the Members of the House to read Captain McDaniel's remarks which he delivered that day.

The remarks follow:

HOW MUCH IS AMERICA WORTH?

(By Eugene B. McDaniel, Captain, U.S.N. (Retired))

"Nothing Is Worth Dying For." Those words appeared in an Ivy League campus newspaper ad announcing a rally to protest draft registration. Nothing is worth dying for? What have we done to America that would cause one of her bright young minds to say, "Nothing is worth dying for?"

Now not one of us wants to die. God forbid that any young American ever again will have to go to war and give his life for his country. I have tasted war and I can tell you that war is hell! I have two sons. Michael graduated from the Academy in 1980 and Dave is a college senior. I pray that it will never be necessary for my sons to go to war. But I hope I never hear them say, "Nothing is worth dying for."

But before we judge the young man who said those words—that young man who feels no deep sense of commitment to anything—perhaps we should examine our own hearts to find the depth of our own commitments. Just how far would we go to protect our country, our freedom, our families, our faith? Just how precious are these things?

Six years in a Communist prison camp—deprived of family, freedom, country—six years in a Communist prison camp gives a man time to reflect—and reason to reflect—on the value of those blessings we take so lightly: our families, those people in our lives who give us purpose and meaning; our country, that land of our birth which has nourished us and given us so much prosperity; our freedom, that precious heritage that allows us to think what we want to think, say what we want to say, believe what we want to believe; our faith, that belief in a great God who had his hand on the founding of this nation and has so richly blessed us as a people.

What is America worth to you? If you were not comfortably settled in your seat in this auditorium this morning, what would you be willing to do to attain the freedom that America offers? Cuban refugees have risked their lives to escape from that Communist island and reach America. Boat people from Indo-China have put to sea in small leaky vessels in the waters off Vietnam, desperately hoping for America. Throughout our history people have taken great risks to attain America. In spite of our many problems—the economy, unemployment—we are still the greatest, the strongest, and the kindest nation in the world. If you don't believe that, leave it for six years as I did.

America is a land of opportunity. America is a land of prosperity. America is a land of freedom. Our Declaration of Independence signed 205 years ago represented a commitment to freedom. Fifty-six of our Founding Fathers laid their lives, liberty and honor on the line when they signed the Declaration of Independence. They paid a high price for their commitment to freedom. In the War for Independence, nine were killed in action, five died as prisoners of war, 12 had their homes burned, several lost sons, one man's wife died in prison, and 17 went broke. The legacy of our Founding Fathers is described in the words of Thomas Paine: "Those who expect to reap the blessing of freedom must, like men, undergo the fatigue of supporting it." Let us not forget the price of our freedom. Since America became a nation 205 years ago, we have fought wars around the globe in freedom's name and have paid a terrible price in human sacrifice for our freedom.

How much is America worth? We are faced today with economic crisis. If we are to survive as a free nation, we will have to restore the nation's economic health. Our people are being asked to tighten their belts and make some sacrifices to solve our economic problems. But the mail comes into the offices on Capitol Hill, "Cut the budget, but don't cut mine." "Tear down the walls of big government, but don't use my brick." Are we willing to "bite the bullet" and make some sacrifices to save America? Just how much is America worth?

What about our national defense? What price are we willing to pay for the defense of this nation? Those who say we can't afford a strong defense during this time of economic trouble are living in a dream world. Unfortunately, in the area of national defense, we cannot do what we would like to do and think we can afford. We have to do what enemy actions force us to do. The price of peace is to remain strong. We had best be strong and not need it than the other way around. Are we willing to "pay any price, bear any burden" to protect the security of this nation?

Americans need to renew our commitment to our country, to our freedom. And America needs to renew her commitment to God, for we are a nation founded on a faith in God. The Declaration of Independence says: "We hold these truths to be self-evident, that men are endowed by their creator with certain inalienable rights." God is the source of our rights as Americans; not the Constitution, not the courts, not the Congress. The Constitution, the courts, the Congress, all the branches of our government, exist to preserve and protect the rights that were given to us by God when He created us in His own image. The Declaration of Independence is, first of all, a declaration of dependence on God. Without God, America has no basis for our rights and freedoms.

Soon after America became a nation, a young French journalist named Alexis de Toqueville came to our country to answer the question, "What makes America great?" He looked for the greatness of America in our fields and in our forest, in our mines and in our commerce, in our Congress and in our Constitution. But, he said, "not until I went into the churches of America and heard the pulpits aflame with righteousness did I understand the secret of her genius and power. America is great because America is good. And if America ever ceases to be good, America will cease to be great."

Six years a long way from home taught me to love this country. Those six years taught me to know the meaning of courage. I learned that courage is not the absence of fear—because I was afraid—but courage is the presence of faith.

I have faith today in my country and in her people and in my God.

Those six years taught me to pray. And I pray today for the young man who said, "Nothing is worth dying for", that he may know—and that you and I may know also—if there is nothing worth dying for, then there is nothing worth living for.●

CECIL COUNTY FARMER

HON. ROY DYSON

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Monday, April 5, 1982

● Mr. DYSON. Mr. Speaker, I would like to call to the attention of my colleagues in the House of Representatives a recent article which appeared in the Cecil County Whig newspaper, profiling Mr. Edgar "Duty" Hevelow, a lifelong farmer in Cecil County, Md. Mr. Hevelow's comments, I believe, illustrate the current plight of the American small farmer and the changes the industry has undergone.

It is my feeling that Mr. Hevelow correctly captures the mood and attitudes of the small farmer and I encourage the Members to consider his remarks.

HEVELOW'S SEEN FARMING CHANGES

Edgar (Duty) Hevelow has been farming in Cecil County all his life, and he has seen a lot of changes.

"Since 1940, I've seen farming evolve from horses to tractors to no-till," Hevelow said.

Hevelow tills a total of 1,000 acres, including the 160 he owns. "The more acreage you have, the less you have to make per acre," Hevelow said.

"The small farm is a thing of the past," he said. "A small farmer might survive, but he might not make much either."

"With the equipment there is today, one man could till 1,000 acres by himself if he had to," Hevelow said.

"Volume has to be the answer to making a living in grain farming," he said, "but as rents get higher, it gets harder to make out."

"I don't know if no-till is the solution to all the problems, but it saves moisture," he said. "Any time you save moisture you increase your yield."

"Last year two fields were planted side by side—one with no-till and one with conventional planting. The one planted conventionally wilted, while the one planted no-till didn't."

"No-till will definitely help the crop, and it will help stop erosion, too," he said.

"Knowing when to sell is the biggest problem in grain farming," said Hevelow.

"The futures market isn't worth a plug nickel," Hevelow said. "But you can't figure the market out from day-to-day let alone from year-to-year."

"With the price of grain what it is today, no one is going to get rich," he said. "The sad part is that one farmer has to lose in order for the other to make a dollar."

"The price we want just isn't there," said Hevelow, "but somehow we seem to get by."●

AN HISTORIC EVENT: THE SUPREME COURT HEARS FROM THE DEAF

HON. JOHN LeBOUTILLIER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, April 5, 1982

● Mr. LEBOUTILLIER. Mr. Speaker, March 23 saw an historic first not only for the U.S. Supreme Court, but also for the handicapped persons of our Nation.

With the help of a computerized video display screen, Attorney Michael A. Chatoff argued before the Supreme Court. The display screen allowed Mr. Chatoff to read the questions posed by the Justices and opposing attorneys.

Mr. Chatoff, a Brooklyn University Law School graduate, is deaf.

Mr. Chatoff's accomplishment marked a special and encouraging event that I hope will be repeated, and soon become common practice in all of the courts of our land. Considering the progress and advances made in the technology, teaching methodology, and public attitude toward the handicapped, Mr. Chatoff will likely see many others who will follow in his footsteps.

It is my hope that the events of March 23 will be oft-repeated. It is also my hope that barriers that presently block the handicapped will be removed, and allow for the maximum mobility by each and every handicapped person in America.

The case which brought Mr. Chatoff to the Highest Court in our land was one in which the Supreme Court was called upon to decide whether a Westchester County, N.Y., school district was required by law to provide a sign-language interpreter for Amy Rowley, who is a deaf fourth-grader from Cortland, N.Y. Amy is in the top half of her class.

Who knows? Someday Amy Rowley may herself stand where Mr. Chatoff stood.

I wish to bring Dena Kleiman's reportage of the March 23 event to the attention of my colleagues:

[From the New York Times, Mar. 24, 1982]

HIGH COURT GIVEN PLEA FROM DEAF FOR THE DEAF

(By Dena Kleiman)

WASHINGTON, March 23.—In a stirring plea on behalf of a 10-year-old deaf girl from northern Westchester County, a 35-year-old graduate of Brooklyn Law School today became the first deaf lawyer to argue before the United States Supreme Court.

With the help of a computerized video display screen, the lawyer, Michael A. Chatoff, who can speak but not hear, communicated with the nine Justices during oral arguments by reading their questions and then speaking back to them.

"This is a tough world, and it is going to be as tough for Amy as it is for every other child," said Mr. Chatoff in halting, dissonant speech, as the Justices leaned forward in their seats to be able to hear. "If she's going to be able to compete she must receive an education equal to those of other children."

FIRST TIME FOR SUCH EQUIPMENT

It was the first time the Court had permitted the use of special electronic equipment in the courtroom. It do so specifically for this case, in which it must decide whether a Westchester school district may be required by law to provide a sign-language interpreter for Amy Rowley, a deaf fourth-grade student from Cortlandt, N.Y., who is in the top half of her class.

It was also the Court's first opportunity to define what Congress meant in the Education For All Handicapped Children Act of 1975, which says that all handicapped children are entitled to a "free appropriate public education."

Raymond G. Kuntz of Bedford Village, N.Y., who represented the Westchester school district, argued that the District Court's ruling in favor of Amy's interpreter had established a costly precedent that could result in an explosion of similar cases.

He challenged the jurisdiction of Federal courts in determining the "appropriate" educational program of a handicapped child, contending that it was a matter for state education officials. He argued that so far as Amy was concerned, the school district had already exceeded its obligations under law by providing her with a wireless FM hearing aid, a speech therapist and other special attentions, including the installation of a special Teletype machine that allowed the school to communicate with Army's parents—both of whom are deaf—without relying on the telephone.

"I don't know how you distinguish Amy's case from all other cases," said Mr. Kuntz.

CASE COULD HAVE BROAD IMPACT

The case could have broad impact on school districts across the nation that now provide special services for 4 million deaf and other handicapped school youngsters. The districts are grappling—in light of dwindling Federal assistance—with whether school districts can afford what is required of them.

The Federal Government now provides about 4 percent of New York State's $1.4 billion special education budget for the handicapped, according to state education officials.

As Mr. Chatoff began his argument, the courtroom with its Doric marble columns and heavy maroon velvet curtains was silent. The only people standing were Mr. Chatoff and a sign-language interpreter, who was in the rear of the courtroom so that deaf spectators could understand. Mr. Chatoff's uncertain voice echoed through the chamber until Justice Sandra Day O'Connor asked him a question.

Initially, Mr. Chatoff continued speaking, unaware of the Justice's remarks until an assistant, seated to his right, pulled his arm. The lawyer then leaned over to the video screen to read the Justice's question, paused briefly, then stood erect once again to respond.

"Will your interpretation of the statute mean that every school board may be required to have an interpreter for every deaf child in the country?" Justice John P. Stevens asked at one point. Again Mr. Chatoff paused to look at the screen.

"Not every deaf child can be educated in a public school," Mr. Chatoff responded. "This case involves Amy and only Amy."

The cost of a full-time sign-language interpreter is from $20,000 to $25,000, according to the State Education Department. Amy's sign-language teacher is paid $8,000 a year on a sliding-scale basis for substitute teachers, according to officials of the Hendrick Hudson School District.

Under the specially installed system in the Court, a stenotypist in the courtroom typed the argument into a computer system on a terminal set up in an adjoining corridor. The computer then translated the stenographic shorthand into English and almost instantly displayed the transcript on Mr. Chatoff's screen. The system was developed by Gallaudet College, a national college for the deaf in Washington.

Mr. Chatoff, who had successfully argued the case in two lower Federal courts with the help of a note-taking assistant, lost his hearing during law school as a result of an illness. He could not use a sign-language interpreter during today's argument because, like most other adults who lose their hearing after childhood, he has not acquired sufficient skill in sign and lip reading.

One of the questions before the Court was: Does an "appropriate" education mean one that enables a child to become a "functioning member of Society" as the Hendrick Hudson Central School District in Peekskill, N.Y., argued in opposing Amy's interpreter?

Or does it mean giving a handicapped child such as Amy what the Federal District Court in New York ruled was "an opportunity to achieve his full potential"?

Nancy and Clifford Rowley first approached the Hendrick Hudson School District in 1976 before Amy entered kindergarten. When Amy was in the first grade the school district's committee on the handicapped concluded that she could receive an "appropriate" education without an interpreter—a finding that was later supported by the state's Commissioner of Education.

Mr. Rowley, who is a research chemist, and Mrs. Rowley, who is trained as a teacher of the deaf, were present at today's argument. They said they had left Amy for the day with friends.

The Court is expected to decide the case before the end of its term in June or July.●

REGARDING NATIONAL HOUSING ACT EXTENSION VOTE

HON. CHARLES B. RANGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, April 5, 1982

● Mr. RANGEL. Mr. Speaker, I rise today regarding a vote taken on the National Housing Act Extension under suspension of the rules March 23, 1982. Unfortunately, despite my strong support for the bill, my vote was misrecorded, and I was counted among those voting against the extension.

The vote as recorded reflects neither my sentiments nor my intent. Quite the contrary, section 235, which was up for extension, is the kind of program that is absolutely essential as the recession deepens. It protects both the needs of those families who otherwise would be unable to afford a house because of high interest rates and it protects the needs of the builders who are unable to sell their houses, again because of high interest rates.

I strongly support section 235, and I applaud its extension on March 23. I regret only that my vote was counted in the wrong column.●

NEW YORK STATE ASSEMBLY SUPPORTS NUCLEAR FREEZE

HON. JONATHAN B. BINGHAM

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, April 5, 1982

● Mr. BINGHAM. Mr. Speaker, support for the idea of freezing the nuclear arms race continues to snowball, and events of the last week demonstrate that the Reagan administration is wincing under the pressure. The idea of negotiating a mutual halt to further testing, production, and deployment of nuclear missiles and warheads has such a tremendous appeal, however, that I do not think the Reagan administration will succeed in its attempt to convince the public that real reductions in nuclear arms are only possible after real increases by the United States.

One of the leading organizations to rally around the nuclear weapons freeze idea is the New York State Assembly, which has twice passed legislative resolutions endorsing the concept, most recently on March 15, 1982. A similar resolution was passed on June 8, 1981. I am including the full text of the resolution at this point in my remarks:

STATE OF NEW YORK,
THE LEGISLATURE,
Albany.

Legislative Resolution—Assembly No. 405

In Assembly: By The Committee on Rules (at the request of Messrs. Hinchey, Siegel, Barbaro, Behan, Ms. Dugan, Farrell, Ferris, Grannis, Green, Harenberg, Ms. Jacobs, Koppell, Lafayette, Lewis, Mrs. Lipschutz, McCabe, Murtaugh, Ms. Newburger, Orazio, Passannante, Pillittere, Proud, Smoler, E. C. Sullivan, Weprin and Wilson):

Legislative resolution memorializing the Honorable Ronald W. Reagan, President of the United States to propose to the Soviet Union a mutual, verifiable nuclear weapons moratorium

Whereas, Both the Soviet Union and the United States possess the nuclear capability for swift and mutual destruction; and

Whereas, Development of nuclear arsenals is an increasing reality in other nations; and

Whereas, It has been stated by experts in defense planning that there is no such thing as the ability to defend one's country against a nuclear attack; and

Whereas, The future of our nation and all civilization may depend upon our ability to agree with the leaders of the Soviet Union on an expeditious and mutual reduction of our nuclear arsenals which can lead the way to world nuclear disarmament; now, therefore be it

Resolved, That this Legislative Body calls upon the President of the United States as Commander-in-Chief to propose to the Soviet Union a mutual, verifiable nuclear weapons moratorium, immediately halting the testing, production and deployment of all nuclear warheads, missiles and delivery systems and memorializing Congress to apply the funds saved thereby for civilian purposes; and be it further

Resolved, That a copy of this Resolution, suitably engrossed, be transmitted to the Honorable Ronald W. Reagan, President of the United States, and to the President of the Senate of the United States, to the Speaker of the House of Representatives of the United States and to each member of the Congress of the United States from the State of New York.

By order of the Assembly,
CATHERINE A. CAREY,
Clerk.

Adopted in Assembly on March 15. 1982 (Seal).●

STOP REAGAN ON RAILROAD RETIREMENT

HON. FLOYD J. FITHIAN

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Monday, April 5, 1982

● Mr. FITHIAN. Mr. Speaker, I would like to take a moment to voice my total opposition to the administration's proposals to eliminate the present railroad retirement system. I have cosponsored Congressman MARLENEE's resolution, House Resolution 394, expressing the sense of the House that the administration's proposal not be adopted. I hope my colleagues will also join in this fight to preserve the rights of railroad retirees.

The administration's proposal is irresponsible. It has been sprung on railroad retirees and employees still contributing to the system without prior consultation with these groups. Though they will have to live with the results, they have been given no chance to see that the proposed changes would serve their needs.

In fact, the proposal will not work to their benefit. It would splinter unemployment benefits among 50 various State programs. It would dump 1.5 million railroad retirees into the financially troubled social security system for tier I benefits—in the process cutting benefits for 60/30 retirees, their spouses and others. It would make tier II benefits the responsibility of some as-yet unformed private corporation whose actions would depend upon the problematic agreements of 20 unions and 50 to 60 railroads.

Among the many letters I have received on this proposal, the theme is clear: "I am writing to request that our pension be saved * * * without the retirement pension we would live in need," is what a disabled retiree with 28 years service wrote.

"I am a single woman who has worked 38 years for a railroad and paid into the retirement fund, planning on this money for retirement, which is only 5 years off, and now to be faced with this is traumatic," wrote another. Vernon Eads of Lafayette asked me, "How can this be done without consulting the people affected?" and added, "I will be reaching retirement in just a matter of months."

John Lesniewski, vice president of U.T.U.'s Local 1534 in Crown Point, wrote about railroad benefits, "railroad workers have paid for down through the years both through payroll deduction and through contract concessions. These benefits were not given to us. We earned them and we paid for more than mere social security and State benefits!!"

It is no wonder that railroad employees and railroad retirees are afraid of the harm they could suffer under such a chaotic proposal. It is no wonder that they feel betrayed by this proposal. In fact, they have supported the present system and planned their lives and their retirements around it. They trusted that when the U.S. Government made a commitment to them, our Government would keep it. For too many of these workers, for all of these retirees, it is too late to go back and redesign their retirement plans because the administration wishes to renege on a long-standing agreement.

I opposed last year's effort to cut railroad retirement benefits. I am opposing this year's administration effort to kill the railroad retirement system. The administration's proposal represent a loss of service, a loss of benefits, and a betrayal of trust for railroad employees and railroad retirees. I will not be party to such a proposal.●

JOHN REED OF "REDS," HOW DID HE REALLY DIE?

HON. LARRY McDONALD

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Monday, April 5, 1982

● Mr. McDONALD. Mr. Speaker, we have seen page after page written about the film, "Reds," depicting the real story of one of the only Americans buried in the Kremlin. John Reed, that American, was totally in love with a girl originally from Oregon named Louise Bryant, who accompanied him to Russia.

Not too many have followed the fact that after John Reed's death, Louise Bryant married one William Bullitt after leaving Soviet Russia. This was the same William Bullitt who would later become Ambassador to France, and the Soviet Union.

On January 20, 1982, the Overseas column of The Review of The News, featuring the writing of Hilaire duBerrier, rendered a detailed account of those later years of Louise Bryant after she left Soviet Russia. DuBerrier was quite close to Louise Bryant in her declining years following her divorce from William Bullitt. For the benefit of my colleagues, I would like to share DuBerrier's account of why and how John Reed really died. In essence, it relates what happens when a befuddled, so called idealistic American, becomes aware of Communist reality. Mr. duBerrier's short article follows:

[From The Review of The News, Jan. 20, 1982]

OVERSEAS

Film reviews fill a great deal of space in French magazines. In recent weeks, fatuous writers about the movie world have been working overtime to build up an audience for Reds. This is the propaganda film on John Reed, the young revolutionary from Harvard whose body reposes in the wall of the Kremlin, and John's love for Louise Bryant, a beautiful girl from Portland, Oregon, who followed him to Russia.

No doubt the movie will be as much of a box-office success in France as it has been in America. But to your correspondent, perusing each word of the glowing reviews and hugging his memories, there is only a wistful sadness. As a young American in Paris I envied the men who helped the beautiful Louise out of taxis before canopied entrances guarded by obsequious doormen. How lovely she was in the early Thirties when from a distance I admired her on the arms of the sort of men whom headwaiters recognize. She was already divorced from the wealthy William Bullitt, and after an illness in Paris the transition from lovely and sought-after woman to faded beauty seemed to come overnight. When the inner sparkle was gone, even her clothes, which had seemed striking, somehow lost their charm.

As the men whom I had envied began avoiding her, I sort of inherited her and listened to her stories across cafe tables, or pored over the books and photographs littering the unkept attic room she had rented in an old building on Rue Guynemer, beside the Luxembourg Gardens.

Most of the books Louise Bryant owned bore inscriptions from the authors, like the one with the dedication, "To My Darling Louise, from d'Annunzio." Also amid the clutter were the volumes Six Months In Red Russia and Moscow Nights, which she had penned herself. There were countless photos of Louise weeping over John Reed's coffin with Lenin and Trotsky beside her, and other shots of soldiers parading before the coffin in Red Square while Louise stood between the leaders of the revolution. An envelope covered with dust as though it were about to be thrown away turned out to contain a letter signed by Marshal Michel Ney which someone had given her as a gift.

Louise was living in that sordid garret because Mr. Bullitt had not raised her monthly allowance after the dollar fell. He knew she was drinking more and more, and a larger supply of money would only hasten her decline. Although enjoying her company, my young ego was nonetheless hurt by the thought that if she were not drinking and still the beautiful Louise whom I used to wish were on my arm, the handsome men whose photographs covered the walls would be sitting across from her instead of me.

Whether in the attic apartment or on the terrace of Le Dôme or Le Select, at a certain point in her drinking there was a story Louise never failed to tell. It began at Moscow in a stormy session with Lenin during which Louise said John had shouted: "Your revolution retained its purity [only] for a fortnight, and I am going home and cry it from the rooftops!" Fortnight is not a word commonly used by Americans, but no matter how many times Louise told me of that scene with Lenin, the wording never varied. It was then, she said, that Lenin sent John to Baku, "so he could see with his own eyes what was happening." Lenin knew, according to Louise, that an epidemic was raging there. She thought it was typhus. When John Reed returned to Moscow in October of 1920 he was dying, and Lenin's doctors, she believed, administered treatment they knew would kill him so that his body could be used for propaganda.

The next day she would be sober and deny she had ever said anything of the kind. Why? I never knew. Yet each time she drank too much and told the story of John Reed's death she would become indignant if told that she had denied it when sober. Of a certainty nothing of this appears in the celluloid propaganda epic. By all accounts the film, which glorifies the Harvard revolutionary, ends with John Reed's miserable death in a Moscow hospital and does not go on to Louise's marriage to William Bullitt three years later, or to their divorce in 1930, nine years before Mr. Bullitt was to visit the office of Prime Minister Edouard Daladier as U.S. Ambassador to France.

The Prime Minister, knowing nothing of Mr. Bullitt's admiration for John Reed, told the Ambassador that a Soviet spy named Alger Hiss had penetrated the top level of the Roosevelt Administration. The Ambassador seemed unimpressed. "Hiss isn't a name," he replied. "It is the noise a snake makes." Of course that episode is not in the film saga of John Reed and Louise Bryant, anymore than the story of Louise's tragic end.

A letter reached me in 1936. Louise, it said, had taken her seat at her usual table at Le Select where she ordered a double gin, drank it down with a gulp, gave a little cough, and slumped over the table. She was dead.

BUDGET PARALYSIS MUST END

HON. TED WEISS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, April 5, 1982

● Mr. WEISS. Mr. Speaker, the Federal budget for fiscal year 1983 proposed by President Reagan is an economic, political, and moral disgrace. This document represents a philosophy that is blatantly hostile toward those in need, responsive only to those who have much, and completely oblivious to the painful economic recession that grows more serious each day. Its fiscal irresponsibility has even made it an embarrassment to many congressional members of the President's own party. This budget is an insult to the American people.

President Reagan was impressive last year in selling his economic program and budget priorities to Congress. What was even more impressive, however, was how quickly his program failed and how rapidly he is losing credibility with the American people. His budget proposal must now be completely rewritten. Our task is to prepare a responsible alternative budget that begins to correct the many errors of last year's Reaganomics program.

Last summer, after his tax cut plan had been approved by Congress, President Reagan said its passage marked "A new renaissance in America" which would put the Nation on the road to "That new era of prosperity we all want." But the President learned—or should have learned—an important lesson since then: Economic reality is not easily swayed by rhetoric, even Presidential rhetoric.

The largest tax cut in our Nation's history—complete with excessive accelerated depreciation allowances that will slash corporation income tax liabilities, a weakening of the windfall profits tax and other oil tax reductions, and flush assortment of giveaways including the leasing provision which enables corporations to buy and sell tax deductions—has not led to economic prosperity. This brazen raid on the U.S. Treasury has left us with structural annual deficits far in excess of $100 billion for the foreseeable future, and a declining economy. Planned deficits of this magnitude are excessive and irresponsible, especially when the administration pursues such a tight monetary policy. The painful result has been persistently high interest rates that have choked off investment and caused rising unemployment.

But the promotion of the tax cut last summer included only the most optimistic scenarios. These corporate and personal income-tax reductions, the President and many leaders in the business community asserted, would stimulate investment and production. The supply-side rhetoric was loud and simplistically appealing, but it proved to be vastly overrated and shallow.

Last spring I said the President's program "is the old trickle-down theory dressed up in new language. And it will not work." Several months later the architect of the President's plan, David Stockman, revealed in the now famous Atlantic Monthly article that "It's kind of hard to sell trickle-down so the supply-side formula was the only way to get a tax policy that was really trickle-down. Supply-side is trickle-down theory."

That shop worn trickle-down rationale for giving big tax cuts to big business and the wealthy did not work in the 1920's when tried by Calvin Coolidge. The Roaring Twenties collapsed into the Great Depression. A leading banker reflected after the stock market crash: "Capital kept too much, and labor did not have enough to buy its share of things." That valuable lesson was lightly dismissed last summer by the supply-side true believers, and now the frightening parallel emerges. Professional economists for the first time in 50 years are seriously questioning whether we could experience a similar economic collapse. Despite its infamous ancestry, the supply-side rhetoric was well-packaged as a new idea, an innovative response; and it was a hot news story so the media peddled it uncritically.

The President, continues to cling to this historically tarnished, economic theory. He refuses to compromise with Congress on basic fiscal matters, absolutely refuses to accept revision and reduction of his beloved tax bill. He refuses to negotiate on this budget even with members of his own party, despite the largest number of unemployed since the Great Depression, despite near-depression levels of unemployment in over 10 States, despite the high interest rates that threaten to choke off investment, kill the auto and housing sectors, and delay recovery, despite little sign that the economic recovery will be soon or robust, despite the utter failure of his own reactionary program. The President continues to remain in his own, distorted little world—void of any understanding of the realities of hardship and suffering. Ronald Reagan is a prisoner of his own narrow economic vision.

The President's vision about government spending is also rigid ideologically. In his mind, Federal spending to meet human and social needs is inflationary whereas Pentagon purchases are not. Under this absurd pretense, the administration advocates a fundamental shift in budget priorities. During the past year, in fact, roughly $40 billion was cut from social programs and added to the Defense Department. Absolute Federal spending in this current budget did not decline; it increased by approximately 7 percent. Our Nation has experienced the most dramatic transfer of public funds ever from programs which attempt to aid individuals and communities to the purchase of more bombs, missiles, and nuclear weapons.

Now, we must ask directly: Will spending a trillion and a half dollars for defense in the next 5 years really enhance our national security? How much should we legitimately spend for defense? But far more important than "how much" is on what. How many nuclear weapons? Submarines? Do we really need these weapons?

Virtually no one in the administration seems concerned with these questions. On defense, the President's slogan must be "the more the better," without any apparent regard for need, for purpose, for cost. For example, his budget contains a $5 billion appropriation for producing B-1 bombers. These planes could not be airborne until 1986 and according to the Pentagon would be superseded after only 4 or 5 years by the Stealth bomber. Could Congress really consider producing these planes at an average cost of $533 million each? How could we reconcile this foolish waste of billions of Federal dollars while our mass transit systems are aging and in need of repair?

How could we consider increasing defense authorization, as the President requests, by over $40 billion when the Pentagon has been consistently so wasteful and inefficient? As David Stockman acknowledged: "The whole question is blatant inefficiency, poor deployment of manpower, contracting idiocy, and hell * * * I think there is a kind of swamp of $10 to $20 to $30 billion worth of waste that can be ferreted out if you really push hard." A recent issue of Common Cause's magazine reported some specific examples:

[Dollars in billions]

Projects	Original cost estimate	Current cost estimate
Blackhawk helicopter (1971)	$2.58	$7.74
M1 tank (1972)	5.18	18.8
Nuclear attack submarine (1971)	7.09	14.57
Guided missile frigate (1973)	4.59	10.39
F-16 fighter (1975)	9.95	20.34
Air-launched cruise missile (1977)	3.7	6.0

Do these examples inspire confidence? Is our Nation so rich we can afford such waste? And at a time when so many needs are left unmet?

The fiscal 1983 Federal budget proposal would transfer another $40 billion from valuable social programs to military spending projects. How would this stimulate an economic recovery? How could we cut funding for employment and training programs when over 10 million people are seeking and unable to find jobs? Does the temporary glut on the international oil markets justify reducing energy conservation programs by 95 percent, as the President wants, or cutting mass transit operating subsidies by 38 percent? Should urban aid programs like the Economic Development Administration be seriously cut or eliminated when they have been proven effective? Has our society really become so insensitive that we should agree to a 35-percent reduction in handicapped education funding? Do we value education so little that we could narrowly limit access to higher education to middle and lower income students by slashing Federal student aid funds? Why does our President not want our shut-in elderly and our schoolchildren to be well fed? How could cutting food stamps do anything but cause hunger and pain?

Reducing Federal funding of these programs is not reducing "waste, fraud, and abuse" in government. The major funding reduction in so many social programs can be viewed only as a mean-spirited destruction of the last 50 years of progressive reform. Consider the number of major programs that the President wants to cut over these first 2 fiscal years; according to the New York State Office of Federal Affairs, the following programs would be reduced in real terms (after adjustment for inflation) from the fiscal year 1981 funding level if the President's budget is adopted: CETA employment and training programs (84 percent), Sewage treatment grants (42 percent); Social service block grants (48 percent); Community-service block grants (97 percent); Child welfare block grants (42 percent); Child nutrition (25 percent); Low-income energy assistance (45 percent); Nutrition assistance for women, children and infants (44 percent); Community health block grant (36 percent); Community development block grant (20 percent); Urban development action grants (49 percent); Economic Development Administration (100 percent); Noninterstate highway (44 percent); Mass transit operating grants (44 percent); Mass transit capital grants (43 percent); Highway interstate transfer (64 percent); Elementary and secondary education (67 percent); Vocational and adult education (50 percent); Education for the handicapped (43 percent); Other elementary and secondary education (100 percent); and on and on.

These programs were established to provide a governmental response to well documented needs. These human and social needs have not disappeared simply because President Reagan chooses to ignore them.

Despite his pious statements about compassion, every feature of the President's budget harms our poorest citizens who most need a helping hand from Government. The reduction in CETA funding limits the opportunities of those at the bottom of the economic ladder to gain jobs skills and training experiences. The combined cuts in medicaid, food stamps AFDC, and low-income energy conservation assistance is a deliberate attack on the 45 million Americans, 21 percent of our population, who are poor or near-poor. Over one-fourth of all children under age 18 are included in this lower income class. If these programs are cut how will their lives be affected? And if we walk away from our commitment to educational opportunities, what will their futures be like? The President's cuts in student aid programs are a divisive attack on the lives of the present and the future poor.

The strongest virtue of this Nation is our common belief in fairness and opportunity. We have been spared the social tension and polarization by class that have dominated other nations because we have extended opportunities for achievement and advancement through education, training and special assistance. Ronald Reagan's budget threatens to destroy this American ideal, threatens to destroy our sense of community, threatens to destroy the social consensus on fairness and equity. This budget is a thinly veiled attack on the poor, the elderly, the disadvantaged, the unskilled, and the children of America. It is a recipe for social strife and class tensions. It is a hostile threat to all who value our heritage, our security, and our social stability.

Mr. Speaker, we have a major responsibility—indeed an historic one—to preserve government as a compassionate, benevolent institution in our modern society. We must shape a budget that provides adequate funding levels for vital domestic programs, limit defense spending to responsible and manageable levels, repeals many of the fiscally irresponsible features of the tax cut adopted last summer, and takes bold steps to stimulate a rapid economic recovery. We need a Federal budget that incorporates the wisdom of Thomas Paine, who said:

> We hold that (?) the moral obligation of providing for old age, helpless infancy, and poverty, is far superior to that of supplying the invented wants of courtly extravagance.●

EXCERPT FROM "A SUMMIT CONFERENCE"

HON. MARTIN OLAV SABO

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Monday, April 5, 1982

● Mr. SABO. Mr. Speaker, under leave to extend my remarks in the RECORD, I include the following:

A SERMON DELIVERED BY DR. HOOVER T. GRIMSBY, CENTRAL LUTHERAN CHURCH, MINNEAPOLIS, MINN. ON FEBRUARY 21, 1982

I would hope that you would have the courage to read the lead article in the Lutheran Standard for February 3, written by Robert McNamara, who was the Secretary of Defense for Presidents Kennedy and Johnson. As such, he should know what he is talking about. It is a disturbing and frightening article, but there is an element of hope. He mentions this: in the world today nations are dedicating $500 billion a year for weapons, and 36 million people are under arms or in armies. What McNamara says is that you can't buy peace or security by excessive arms. I think that we have to underline that word "excessive" because between the United States and Russia alone we have enough fire-power to kill every human being on Earth six times, sixteen times over. And that, my friends, is overkill. And to me, that is excessive.

But I guess what was so disheartening on the trip to the Far East was to see that the nations that could afford it the least are going bankrupt trying to defend themselves against what they say will be the oppressors. If there was any place where there was a paranoid experience and feeling it was in China as over against Russia.

But what is the hope? McNamara said that one of the most unusual things that has happened during this particular century is that we have become concerned with international development, and that this ultimately will, to his mind, prove to be the best possible way for a path to peaceful world.

The Council of Churches of the World recently called together a hearing session at the Free University of Amsterdam in order to discuss and hear what was happening with regard to the buildup of nuclear weaponry. There was a group of 8 people who were the listeners and they listened to the witnesses of 37 different people from 37 different countries.

Probably the most interesting comment at the session was made by a Russian scientist from the Science Academy of Moscow. He said this:

"I would like to remind you that in the history of the world there have been 4,500 wars that have killed four billion people. That is the approximate population of the Earth today. During the Second World War, 20 million people were killed in Russia alone." and then he went on, in a very vivid way, attempting to show the overwhelming and devastating power of one nuclear bomb which had the value of one megaton.

The Russian scientist used an unusual, unexpected illustration. He said that seven angels of the Book of Revelations, who had seven cups full of the final plagues of God were able to bring about a devastation which was less than one nuclear bomb of the category that I have described to you. Imagine a Russian using an illustration of the Book of Revelations and the seven angels bringing about the seven plagues of God, and consider what a proper, appropriate relationship it is. Why? Because we know that we have great social, economic, and political issues here in the United States.

However, the issue of our time is whether or not we are going to survive. McNamara said that we not only have the power to wage war, but the power to destroy civilization as well.

At the Council of the Churches of the World Conference, the former Prime Minister of Sweden spoke. He made reference to a mass demonstration of the previous week—a peace demonstration in Holland involving some 350,000 people. This demonstration against a probable nuclear holocaust led the former Prime Minister to say ". . . that I am sure that the people themselves will rise up and call a halt to the arms race." He then quoted Dwight D. Eisenhower, who said, "I think that the people want peace so much that the day is here when governments have to get out of the way and let them have it."

We arrived in Japan at the city of Fukioko, which is located directly between Hiroshima and Nagasaki—the two cities that were decimated by the two atomic bombs which we dropped. The city of Fukioko had just held the observance of the 36th year after the dropping of those bombs and the holocaust there which followed. There were 40,000 people gathered in that square around the dome that remains as a visible example of what can happen.

A quarter of a million people were incinerated at that time, and people are still dying as a result of the atomic fallout.

The people at the 36th observance released some 1,500 doves as symbols of peace. Prime Minister Sukiyoko was there, and he assured the throng that had gathered there that Japan would never possess, build or introduce a nuclear weapon. He said, on behalf of the people of Japan (the only nation that has suffered the conflagration of nuclear weapons), that there is no limit to outrage against atomic and nuclear war.

Yes, there is a need for a summit conference—a summit conference of all peace-loving people of the world, beginning with ourselves. If there is anything apparent from the event, circumstance, and amazing experience that happed to Peter, James, and John on the mount of the transfiguration, it is this: We are here to bring about life, and not death, to bring about peace and not war.●

RESOLUTIONS RELATING TO THE CENTENNIAL OF THE KNIGHTS OF COLUMBUS

HON. WILLIAM D. FORD

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Monday, April 5, 1982

● Mr. FORD of Michigan. Mr. Speaker, on Wednesday of last week, the House agreed to a resolution (H. Res. 418) to recognize the 100th anniversary of the founding of the Knights of Columbus. The gentleman from Connecticut (Mr. DENARDIS), sponsor of a similar resolution, commended the committee for its action. And everyone involved seemed very pleased that the House had been able to honor this fine organization, which has done so much for the Nation.

I was somewhat startled, and deeply saddened, therefore, to hear remarks in the House the following day which called this process into question. At that time, my young colleague, whom I regard with respect and affection, the distinguished gentleman from Connecticut (Mr. DENARDIS) accused me and my committee of misconduct in the handling of the matter.

PARTISANSHIP

I particularly take exception to the gentleman's claim that a committee, which prides itself on cooperating with the minority, had engaged in partisan manipulation. I feel obliged, on behalf of my committee, to respond strongly to that assertion. Mr. Speaker, at this point in the RECORD I would insert a list of memorial and commemorative matters handled on the floor by our committee in the most recent session:

COMMEMORATIVE AND MEMORIAL RESOLUTIONS TAKEN UP IN THE HOUSE BY THE COMMITTEE ON POST OFFICE AND CIVIL SERVICE 97TH CONGRESS, 1ST SESSION

Bill No. and subject	Member	Number of sponsors
H.J. Res. 72: National Patriotism Week [1].	Mr. Anderson	232
H.J. Res. 84: National Diabetes Week	Mr. Forsythe	232
H.J. Res. 124: Blinded Veterans Day [1]	Mr. Montgomery	232
H.J. Res. 141: Schoolbus Safety Week	Mr. Evans (Georgia)	[2] 72
H.J. Res. 155: Jewish Heritage Week	Mr. Addabbo	236
H.J. Res. 162: Women's History Week [1].	Mrs. Mikulski	215
H.J. Res. 182: Vietnam Veterans Recognition.	Mr. Albosta	257
H.J. Res. 191: National Children's Day	Mr. Guyer	[2] 9
H.J. Res. 197: National Scleroderma Week [1].	Mr. Panetta	244
H.J. Res. 202: African Refugee Relief Day [1].	Mr. Dixon	235
H.J. Res. 212: National Cystic Fibrosis Week.	Mr. Conte	217
H.J. Res. 213: POW/MIA Recognition Day [1].	Mr. Hollenbeck	233
H.J. Res. 214: National Family Week [1].	Mr. Marriott	250
H.J. Res. 243: World Food Day [1]	Mr. Simon	[2] 157
H.J. Res. 260: American Enterprise Day [1].	Mr. Lott	[2] 160
H.J. Res. 263: Nurse Recognition Day	Mr. Lujan	225
H.J. Res. 268: Hungarian Freedom Fighters.	Mrs. Fenwick	226
H.J. Res. 293: Energy Education Day [1].	Mr. Solomon	235
H.J. Res. 302: National Port Week [1]	Mr. Biaggi	[2] 4
H.J. Res. 331: Mother-in-Law Day	Mr. Bingham	[2] 66
H.J. Res. 352: Bald Eagle Month [1]	Mr. LaFalce	[2] 136
H.J. Res. 379: National Jaycees Week [1].	Mr. Daschle	[2] 1
H.J. Res. 87: Commodore Barry Day [3]	Mr. Mathias	[2] 5
H. Res. 85: Solidarity Sunday	Mr. Biaggi	[2] 130
H. Res. 123: Commending Agents McCarthy and Parr and Officer Delahanty.	Mr. Solomon	[2] 1
H. Res. 139: Concern over Pope John Paul II.	Mr. Derwinski	[2] 1
H. Res. 145: Italian-American Heritage	Mr. Rinaldo	[2] 103

[1] In cases in which the Senate acts first, it is the companion resolution to those listed which is actually taken up on the floor.

[2] The committee requires that Members demonstrate "substantial" support for such resolutions through cosponsorship. In rare and important instances the committee will waive the requirement.

[3] No companion House measure was introduced.

During the past session, the committee calendar indicates that the Committee on Post Office and Civil Service presented 27 of these resolutions to the House. The principal sponsors of 14 were Democrats and 13 were Republicans. In fully half of those 27 cases, the committee had to chose between two or more similar resolutions. In the majority of cases in which the committee had to choose across party lines, Democratic sponsored measures were preempted by resolutions sponsored by Republicans.

For extremely compelling reasons, but very infrequently, the committee will waive its requirement that a Member obtain majority cosponsorship prior to consideration. In these decisions, the minority has been treated with equal fairness. During the last session, the committee acceded to seven such requests by Democrats and six by Republicans.

CHRONOLOGY OF RESOLUTIONS RELATING TO THE KNIGHT OF COLUMBUS

In his statement to the House on Thursday, the gentleman from Connecticut laid out, in considerable detail, a chronology starting from his introduction on February 3 of a resolution (H. Res. 344) to honor the centennial of the Knights of Columbus:

> Hence, just a few minutes ago, I moved to correct that situation and remove a grave injustice not only to many of my colleagues but really in effect to the rules and procedures of this great body. I want it known for the record that the chronology of events that I have just described is a true and accurate accounting of the steps leading to the resolution of what should have been a joyous occasion for all. Unfortunately it has been slightly marred by partisan controversy. I do not intend by this recitation to impugne the motives of anyone who was involved in this, but one has to admit that we have witnessed in the last 48 hours a highly unusual action, one which, without the correction which has just occured, would bring great disgrace upon this body.

I believe I have responded adequately, and with substantial documentation, to the charge of partisanship. But my colleagues have been informed that I have brought "disgrace upon this body" and having, as chairman of the committee, slightly different recollections of the chronology, I feel obliged to address in some detail, the handling of these resolutions.

On February 3, the gentleman introduced his resolution and at some subsequent point contacted both the chairman of the committee and the chairman of the subcommittee, Mr. GARCIA. The gentleman from New York and I gave him the same advice we give to all our colleagues in the same situation. The longstanding practice of the committee requires Members to demonstrate substantial support by obtaining cosponsorship of the majority of Members.

If a Member is interested enough to work at it, it can be done. Last year, the gentleman from New York, (Mr. ADDABBO) got the same advice when he introduced a resolution (H.J. Res. 155) relating to Jewish Heritage Week; 3 weeks later, he came back with 236 cosponsors and we took the matter to the floor. At about the same time, the gentleman from Michigan (Mr. ALBOSTA) was given the same advice on his resolution (H.J. Res. 182) regarding recognition of Vietnam era veterans; it took him 4 weeks to get 257 cosponsors.

I wished the gentleman from Connecticut luck in his efforts. I authorized my own name to be counted toward his goal and I retained the resolution at full committee to enable us to act quickly if he met some success. Two months later, the centennial of the Knights of Columbus arrived and House Resolution 344 did not yet have a single cosponsor. Two days after the centennial, the gentleman from Massachusetts, a respected Member of this House and of the Knights of Columbus, came to me and specifically asked me to call up the resolution of the gentleman from Connecticut.

I explained to the gentleman the practice of the committee and I explained that the rule was fair and necessary. Without some threshold requirement, these resolutions would proliferate, become frivilous, and eventually have to be banned altogether.

At times, the committee does relax the rule; if a Member has made a serious and good faith effort to recruit the requisite cosponsorship and some special date or event requires action, the committee will sometime yield and, as I have said, does so as often for the minority as the majority.

But the record demonstrated no such effort by the gentleman from Connecticut. Two days after the centennial, he was still the only sponsor of his resolution.

I advised the gentleman from Massachusetts that, if there was ever a situation for which I would hope to see an exception, the centennial of the Knights of Columbus, a group I respect and admire, was certainly that case. But an exception for a single-Member resolution would establish a difficult precedent and expose the committee to similar pressures in the future.

The response of the gentleman from Massachusetts was forceful and immediate. He introduced his own resolution and stationed himself at the entrance to the floor; I am aware of no one who got through the door without signing.

It was clear that the gentleman from Massachusetts fully intended to do the work needed to get adequate cosponsorship and I had no doubt he would be successful. But, as he had only a few minutes left that day and subsequent sessions through late April were to be pro forma, the resolution would be delayed a full month. And, the fact of the matter is that I really wanted to pass a resolution for the centennial of the Knights of Columbus and the gentleman from Massachusetts gave me what I had waited for through 2 months, without result—a clear, firm, and good-faith effort to comply with the committee's rules—which I could present to the committee as a legitimate cause to waive them. In any event, I finally agreed to call up the resolution and this House honored the Knights of Columbus, by unanimous action.

IDENTICAL AND SIMILAR RESOLUTION

The following day the gentleman from Connecticut came to the floor and revealed what no one but he and his file cabinets had known until that morning's RECORD was published—that the gentleman had gathered 77 cosponsors. The gentleman charged that "many Members of this body who thought they were cosponsors * * * had been excluded" and went on to charge that these Members had been done a "grave injustice." If any injustice was done to these Members, it was by the resolution's principal sponsor, who never bothered to add even one of their names to his resolution until after another resolution had been agreed to by the House.

I was advised by the Speaker that the gentleman from Connecticut wished to ask unanimous consent to alter the record of proceedings to add these sponsors to House Resolution 418. I had no desire to cause the gentleman any embarassment, so the committee consented to this unusual procedure.

But the gentleman from Connecticut proceeded to address the House to charge that the centennial of the Knights of Columbus had been "marred." I asked the committee staff to check if there was any difference between the two resolutions and they reported that there was none. The gentleman had desired that the House take official cognizance of the anniversary and the House had done so; it had done so in a form identical to that proposed by the gentleman from Connecticut.

Of course, one resolution listed the gentleman's name first and the other did not. But that is a matter entirely within this House and, in no way, "marred" the event for the Knights of Columbus.

The gentleman from Connecticut engaged in a colloquy at the conclusion of his remarks with a colleague who verified that the two resolutions were identical and they agreed that in their entire careers in Congress they had never seen such a thing. The congressional careers of the gentlemen total 4 years and I can assure them that, in my 18 years, I have seen it happen thousands of times. Between 12,000 and 15,000 measures are introduced in each Congress; since the majority are similar or identical, committees are required to make choices daily. As I have already stated, when our committee has to make a choice, last year's statistics indicate that a minority measure is more likely to be selected.

What I have never seen, during that period, is a Member come to the floor and make accusation against a committee which has met his substantive goal simply because he received less personal credit than that to which he felt entitled.

I am not unsympathetic to the frustration of the gentleman from Connecticut. He came to this House last year and has been a conscientious Member. On February 2, he cosponsored his 148th through 151st measures, resolutions to amend House Rules to require recorded votes on congressional pay raises, to commend the Italian Government for their rescue of General Dozier, to designate April as "Parliamentary Emphasis Month," and a second resolution relating to General Dozier's rescue.

But, the next day, after 13 months in office, the gentleman was prepared to introduce the first measures under his own name. The very first bill he ever introduced in Congress was the resolution relating to the Knights of Columbus. I can certainly understand his zeal and enthusiasm. And I can certainly understand his disappointment.

But I hope the gentleman realizes that the Knights of Columbus had already been around for 99 years when he came to the House, and the House itself for 192 years. They did not discover each other with the gentleman's arrival in Washington with an original, copyrightable idea. The first congressional initiative to commemorative this specific event was undertaken the year before the gentleman from Connecticut arrived in Washington, when the gentleman from Massachusetts (Mr. MOAKLEY), the former Member from Rhode Island, Mr. Beard, and 34 colleagues introduced legislation (H.R. 7653, 96th Congress) which sought to have a commemorative stamp issued in honor of Father McGivney on this 100th anniversary of his founding of the Knights of Columbus.

The gentleman from Connecticut said that the events of last week violated the "rules and procedures of this great body." I wish to make clear that the gentleman from Massachusetts, the chairman of the subcommittee responsible for the rules of the House, was entitled to the resolution under every customary practice of the House. He had the right based on prior advocacy of the issue, seniority, previous membership on the committee, and larger cosponsorship at the time of consideration. Yet, from the outset, his request was for action on the resolution of the gentleman from Connecticut. The only concern of the gentleman from Massachusetts, throughout the proceedings was to honor an organization of which he has been a devoted member for many years.

He was successful in his efforts and, if one's only concern is to honor the Knights of Columbus, they should be delighted by this accomplishment. Let us not besmirch this well-deserved aniversary commendation by quarreling over the sponsorship of the resolution.●

TIME TO PUT AMERICA BACK TO WORK

HON. TED WEISS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, April 5, 1982

● Mr. WEISS. Mr. Speaker, we now have the largest number of unemployed, involuntarily part-time workers, and discouraged workers who have dropped out of the labor market since the beginning of World War II. The official unemployment rate for February was 8.8 percent. Over this weekend we found out the unemployment rate for March was 9 percent—only reached once before since 1939. Indeed, a Labor Department official testified 3 weeks ago that the unemployment rate could rise above 10 percent before the economy begins to recover. At this depression level of unemployment, approximately 11 million people who want and seek work will not be able to find jobs, not to mention the additional millions who have stopped looking or can only find part-time work.

As each day passes, it becomes more clear to all of us that the President's economic program is not working. Even some of the most loyal supporters of Reagan's massive budget and tax cuts are losing confidence in his Hooverian program. But the problem is far greater than the President's loss of credibility by the public and the loss of support by business leaders: For the first time in 50 years professional economists are seriously questioning the possibility of a major economic collapse like the one we experienced during the Great Depression.

No longer can we afford the luxury of hoping that the economy will begin to recover in a matter of weeks, as the President keeps promising. Congress cannot wait for the President to acknowledge these uncomfortable realities and his pathetic policy failures. We cannot wait until the economy reaches crisis conditions before we take corrective action.

In the introduction of the "Philosophy of History," Friedrich Hegel wrote:

> What experience and history teach is this—That people and governments never have learned anything from history, or acted on principles deduced from it.

There have been no indications that Ronald Reagan will ever disprove Hegel's cynical conclusion. It is incumbent, therefore, that Congress reassert its responsibility now to restore economic growth by enacting a bold legislative package that emphasizes training and employment programs and public infrastructure improvements. We cannot allow this ahistorical administration to ignore the established economic or social justifications for maintaining our public investment in people and in our communities.

This President trumpets the religion of supply-side economics—an updated version of the historically tarnished trickle-down theory—but it ignores the volumes of empirical evidence that investments in human capital have been at least as important in determining our rate of economic growth as investments in physical capital. Roughly two-thirds of the value added in manufacturing, for example, can be attributed to labor input while only 12 percent results from capital input. Continued investment in human capital—through education, training, and employment opportunities—is a traditional and necessary supply side investment that we must continue to support if we are serious about regaining economic growth.

Indeed, many projections of the future include changing demographic trends leading to a tightened labor market and the continued transition of our economy toward the production of high-technological goods and labor-intensive services. If these projections are correct, our Nation will benefit tremendously from the public investment we make now to educate, train, and retrain our labor force to adapt to these new tasks. With a strongly competitive and dynamic world economy, now is not the time to reduce our investment in human capital.

On the microlevel as well, there are clear economic benefits to individuals and society from the existing employment and training programs. In evaluating these programs, for example, the National Commission for Employment Policy concluded:

Each $1 invested in on-the-job training returned $2.28 in social benefits—including reduced welfare dependency;

Each $1 invested in Job Corps returned approximately $1.39 to society;

Each $1 spent on classroom training returned $1.14 to society.

On economic grounds alone, would Congress be prudent to invest fewer of our Nation's resources into these programs? By contrast, what will be the social return from the administration's tax cut adopted last summer?

Adequately funding employment and training programs is far more than an astute economic investment. It is a clear statement of our commitment to extending new opportunities to those who one expert called the "labor market leftovers—those with limited skills, experience, and credentials, the victims of stunted opportunities, discrimination and bad luck, the residents of poverty areas and declining labor markets, and those whose individual, family, or cultural problems undermine successful performance in the workplace."

Our Nation must not ignore the needs of those at the bottom of the economic ladder. They need special assistance which we, as a humane society, must provide. To neglect this social responsibility, to be blind to the problem is wrong. We should strengthen these ladders of economic achievement, not dismantle them; expand opportunities, not limit them. The administration's proposed cuts in these programs leaves an empty rhetoric lauding individual initiative and a social hypocrisy that destroys what little hope these people still hold.

The urgency of the current economic decline and rising unemployment forces us to consider legislation far beyond extending these programs at present funding levels. In that light, I offer the following central principles for national policy to achieve full employment:

First, increase appropriations for current training and employment programs, through the existing prime sponsor system, that are designed to increase the self-sufficiency of the disadvantaged and meet the present and future skill needs of the economy. The degree of national commitment to these programs is more important than technical restructuring, integration with other programs, and precise reforms which we all agree are necessary and appropriate.

Second, the private sector must be involved in planning and managing local training programs. The participation of business leaders is especially important in assessing present and future regional labor market needs, coordinating various training programs to improve efficiency, and establishing objectives for continuing employment programs. Training and retraining programs for the highly specialized skills, however, should be organized on the industry level, rather than individual firms, and be partially financed by all firms in that industry.

Third, expand existing youth programs to provide positive work experiences. We have learned that supported work experiments for youth have led to a reduction in crime. Why, then, do we allow the teenage unemployment rate to remain over 20 percent? And the unemployment rate of minority teenagers of over 40 percent?

Fourth, establish a structure for counter-cyclical public works projects that enables all levels of government to rationally plan necessary public improvements and infrastructure so that they can be rapidly undertaken during periods of rising unemployment. According to a recent study, "America in Ruins":

One of every five bridges in this country requires major rehabilitation or reconstruction;

Many of our harbor facilities are unable to service efficiently world shipping coming to American docks;

The 756 largest urban areas will require between $75 billion and $110 billion over the next 20 years to maintain their water systems;

Over $40 billion must be spent in New York City alone during the next 5 years to repair, service, and rebuild basic public infrastructure;

Over $25 billion will be required during the next 5 years to meet current water pollution control standards.

These public works are vital to our Nation. Federal funds should be provided for these projects in a counter-cyclical fashion so that jobs would be created when construction in the private sector declines.

Fifth, additional descretionary funding should be provided to State and local employment programs to assist older, dislocated, or reentering workers through specially designed educational, training, or retraining programs; through improved labor market information, placement, and counseling; and relation assistance. For these forms of transtitional aid, a matching grant or voucher could be given directly to the individuals considered most in need and most likely to benefit.

Sixth, counter-cyclical public employment program should be reestablished to serve as employer of last resort for people who have exhausted their unemployment insurance benefits, and phased out gradually whenever unemployment rates decline to below a specified level. In a society in which the work ethic is so widely and strongly held, we must not neglect public employment programs—especially as the unemployment lines lengthen.

Seventh, continued experimentation with partial wage subsidies for targeted groups of disadvantaged workers such as the handicapped should be attempted and evaluated. This form of assistance may be necessary for some willing workers with special handicaps to acquire jobs and sustain employment.

I fully realize that these suggestions are bold and consequently intimidating to some. However, we are rapidly facing crisis economic problems, which the Reagan program has compounded. Simply extending the current CETA programs in not enough. Congress must be stronger, bolder to prevent a cataclysmic economic disaster, and this is the sort of program we must seriously consider.●

SENATE COMMITTEE MEETINGS

Title IV of Senate Resolution 4, agreed to by the Senate on February 4, 1977, calls for establishment of a system for a computerized schedule of all meetings and hearings of Senate committees, subcommittees, joint committees, and committees of conference. This title requires all such committees to notify the Office of the Senate Daily Digest—designated by the Rules Committee—of the time, place, and purpose of the meetings, when scheduled, and any cancellations or changes in the meetings as they occur.

As an additional procedure along with the computerization of this information, the Office of the Senate Daily Digest will prepare this information for printing in the Extensions of Remarks section of the CONGRESSIONAL RECORD on Monday and Wednesday of each week.

Any changes in committee scheduling will be indicated by placement of an asterisk to the left of the name of the unit conducting such meetings.

Meetings scheduled for Tuesday, April 6, 1982, may be found in the Daily Digest of today's RECORD.

MEETINGS SCHEDULED

APRIL 13

9:30 a.m.

Commerce, Science, and Transportation

Surface Transportation Subcommittee

To hold hearings on proposed legislation authorizing funds for the railroad safety program, Department of Transportation.

235 Russell Building

11:00 am.

Commerce, Science, and Transportation

To hold hearings on the nomination of Charles Luna, of Texas, Ross E. Rowland, Jr., of New Jersey, and Robert D. Orr, of Indiana, each to be a member of the Board of Directors of the National Railroad Passenger Corporation.

235 Russell Building

APRIL 14

9:00 a.m.

Energy and Natural Resources

Public Lands and Reserved Water Subcommittee

To hold hearings on S. 1777, establishing the permanent boundary of Acadia National Park on Isle au Haut off the coast of Maine; S. 1872, extending the period for grazing privileges afforded to privately owned lands within the Capitol Reef National Park in Utah; and S. 2218, providing for the development and improvement of the recreation facilities of Gateway National Recreation Area, New York City, and for utilization of its energy resources.

3110 Dirksen Building

9:30 a.m.

Finance

International Trade Subcommittee

To hold hearings on budget proposals for fiscal year 1983 for the U.S. Customs Service of the Department of the Treasury, U.S. International Trade Commission, and the Office of the U.S. Trade Representative.

2221 Dirksen Building

Judiciary

Agency Administration Subcommittee

To hold hearings on the Supreme Court case Feres against United States as it relates to private claims.

2228 Dirksen Building

10:00 a.m.

Appropriations

Labor, HHS, Education, and Related Agencies Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1983 for activities of the Secretary of Health and Human Services.

1114 Dirksen Building

Environment and Public Works

Environmental Pollution Subcommittee

To hold hearings on proposed legislation authorizing funds for the endangered species program.

4200 Dirksen Building

2:00 p.m.

Appropriations

Labor, HHS, Education, and Related Agencies Subcommittee

To continue hearings on proposed budget estimates for fiscal year 1983 for activities of the Secretary of Health and Human Services.

1114 Dirksen Building

Governmental Affairs

Federal Expenditures, Research and Rules Subcommittee

To hold oversight hearings on the implementation of the Paperwork Reduction Act Public Law 96-511.

3302 Dirksen Building

APRIL 15

9:00 a.m.

Appropriations

Interior and Related Agencies Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1983 for the Land and Water Conservation Fund, and to receive testimony from congressional witnesses.

1318 Dirksen Building

9:30 a.m.

Finance

Savings, Pensions and Investment Policy Subcommittee

To hold hearings on S. 2298, establishing an enterprise zone program for dealing with the problems of economically depressed areas in the United States.

2221 Dirksen Building

Labor and Human Resources

To hold hearings on proposed authorizations for the National Science Foundation.

4232 Dirksen Building

10:00 a.m.

Appropriations

HUD-Independent Agencies Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1983 for the Office of Science and Technology Policy and the Council on Environmental Quality.

1224 Dirksen Building

Appropriations

Labor, HHS, Education, and Related Agencies Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1983 for activities of the Secretary of Education.

1114 Dirksen Building

Energy and Natural Resources

Public Lands and Reserved Water Subcommittee

To hold hearings on S. 1999, providing for the establishment of the Wolf Trap Farm Park in Virginia; and S. 1540, revising the boundaries of the Saratoga National Historical Park in New York.

3110 Dirksen Building

Select on Indian Affairs

To hold oversight hearings on the tribally controlled community college program.

6226 Dirksen Building

2:00 p.m.

Appropriations

Labor, HHS, Education, and Related Agencies Subcommittee

To continue hearings on proposed budget estimates for fiscal year 1983 for activities of the Secretary of Education.

1114 Dirksen Building

APRIL 16

9:00 a.m.

Labor and Human Resources

Employment and Productivity Subcommittee

To resume hearings on productivity in the American economy.

4232 Dirksen Building

9:30 a.m.

Finance

Savings, Pensions and Investment Policy Subcommittee

To continue hearings on S. 2298, establishing an enterprise zone program for dealing with the problems of economically depressed areas in the United States.

2221 Dirksen Building

APRIL 19

9:30 a.m.

Labor and Human Resources

Aging, Family and Human Services Subcommittee

To hold oversight hearings on title X of the Public Health Service Act relating to health aspects of teenage sexual activity.

4232 Dirksen Building

10:00 a.m.

Commerce, Science, and Transportation

Merchant Marine Subcommittee

To hold hearings on proposed legislation authorizing funds for fiscal year 1983 for the Maritime Administration, Department of Transportation, and the Federal Maritime Commission.

235 Russell Building

Energy and Natural Resources

Energy Regulation Subcommittee

To hold hearings on S. 1885, to place electric utilities, including members of registered holding company systems, on the same basis as nonutilities to encourage their investment in cogeneration and small power production facilities, and S. 1966, eliminating the unnecessary paperwork and reporting requirements contained in the Public Utility Regulatory Policies Act of 1978.

3110 Dirksen Building

Environment and Public Works

Environmental Pollution Subcommittee

To resume hearings on proposed legislation authorizing funds for the endangered species program.

4200 Dirksen Building

APRIL 20

9:00 a.m.

Appropriations

Interior and Related Agencies Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1983 for certain functions of the Indian Health Service, Department of Health and Human Services, and the Geological Survey, Department of the Interior.

1318 Dirksen Building

9:30 a.m.

Appropriations

State, Justice, Commerce, the Judiciary and Related Agencies Subcommittee

To Hold hearings on proposed budget estimates for fiscal year 1983 for the Department of State, focusing on the Office of the Secretary and administration of foreign affairs.

S-146, Capitol

Labor and Human Resources

Business meeting, to consider proposed legislation authorizing funds for health programs and the National Science Foundation.

4232 Dirksen Building

10:00 a.m.

Appropriations

HUD-Independent Agencies Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1983 for the Environmental Protection Agency.

1224 Dirksen Building

Energy and Natural Resources

Business meeting, to consider pending calendar business.

3110 Dirksen Building

Environment and Public Works

Business meeting, to resume markup of proposed amendments to the Clean Air Act (Public Law 95-95).

4200 Dirksen Building

11:00 a.m.

Foreign Relations

Business meeting, to consider pending nominations and other committee business.

4221 Dirksen Building

1:00 p.m.

Judiciary

Immigration and Refugee Policy Subcommittee

To hold joint hearings with the House Subcommittee on Immigration, Refugees, and International Law of the Committee on the Judiciary on S. 2222, revising and reforming U.S. immigration laws.

2228 Dirksen Building

2:00 p.m.

Appropriations

Foreign Operations Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1983 for foreign assistance activities of the Department of the Treasury.

1318 Dirksen Building

Appropriations

Labor, HHS, Education, and Related Agencies Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1983 for activities of the Secretary of Labor.

1114 Dirksen Building

Environment and Public Works

Regional and Community Development Subcommittee

To hold hearings on S. 2250, authorizing funds for fiscal years 1983, 1984, and 1985 for programs of the Disaster Relief Act of 1974, and for administrative expenses of the Federal Emergency Management Agency, and restricting the long-range response and recovery provisions of the act to natural catastrophes.

4200 Dirksen Building

Select on Intelligence

Closed business meeting, to resume consideration of proposed legislation authorizing funds for fiscal year 1983 for intelligence activities of the United States.

S-407, Capitol

APRIL 21

9:00 a.m.

Appropriations

Defense Subcommittee

To resume hearings on proposed budget estimates for fiscal year 1983 for the defense establishment, focusing on global commitments.

1224 Dirksen Building

9:30 a.m.

Appropriations

State, Justice, Commerce, the Judiciary and Related Agencies Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1983 for the Small Business Administration, Federal Communications Commission, Equal Employment Opportunity Commission, and the Maritime Administration.

S-146, Capitol

Environment and Public Works

Transportation Subcommittee

To hold hearings on proposed legislation authorizing funds for the Federal aid highway program.

4200 Dirksen Building

10:00 a.m.

Appropriations

Labor, HHS, Education, and Related Agencies Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1983 for the Employment and Training Administration, Department of Labor.

1114 Dirksen Building

Appropriations

Transportation and Related Agencies Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1983 for the Federal Railroad Administration of the Department of Transportation, and Amtrak.

1318 Dirksen Building

Energy and Natural Resources

Business meeting, to consider pending calendar business.

3110 Dirksen Building

Labor and Human Resources

Education, Arts, and Humanities Subcommittee

To hold hearings on S. 1889, authorizing funds for fiscal year 1983 and 1984 for the establishment of a national institution to promote international peace and resolution of international conflict.

4232 Dirksen Building

2:00 p.m.

Environment and Public Works

Transportation Subcommittee

To continue hearings on proposed legislation authorizing funds for the Federal aid highway program.

4200 Dirksen Building

APRIL 22

9:00 a.m.

Appropriations

Interior and Related Agencies Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1983 for certain functions of the Forest Service, Department of Agriculture.

1318 Dirksen Building

9:30 a.m.

Appropriations

State, Justice, Commerce, the Judiciary and Related Agencies Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1983 for certain programs which fall within the jurisdiction of the subcommittee, receiving testimony from the public witnesses.

S-146, Capitol

Labor and Human Resources

Aging, Family and Human Services Subcommittee

To hold hearings on promoting voluntarism in America.

4232 Dirksen Building

10:00 a.m.

Appropriations

Labor, HHS, Education, and Related Agencies Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1983 for the Labor-Management Services Administration, Pension Benefit Guaranty Corporation, and the Employment

Standards Administration, Department of Labor.
1114 Dirksen Building

Energy and Natural Resources
Water and Power Subcommittee
To hold hearings on S. 956, authorizing additional funds for programs of the Reclamation Safety of Dams Act (Public Law 95-578), S. 1573, restoring Lake Oswego, Oreg., as a nonnavigable water of the United States, S. 1621, providing for the replacement of certain cast steel pump casings at the southern Nevada water project, and S. 2177, providing for the inclusion of ordinary fluctuations in costs for the construction of distribution and drainage facilities for non-Indian lands.
3110 Dirksen Building

Environment and Public Works
Environmental Pollution Subcommittee
Business meeting, to mark up S. 1018, prohibiting and Federal Government from funding commercial and residential growth on undeveloped barrier beaches and islands.
4200 Dirksen Building

2:00 p.m.
Appropriations
Labor, HHS, Education, and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1983 for the Occupational Safety and Health Administration (OSHA), and the Mine Safety and Health Administration, Department of Labor.
1114 Dirksen Building

APRIL 23

9:30 a.m.
Banking, Housing, and Urban Affairs
Consumer Affairs Subcommittee
To hold hearings on the role of the Federal Reserve Board in the operation of automated clearinghouse services.
5302 Dirksen Building

10:00 a.m.
Appropriations
Labor, HHS, Education, and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1983 for Bureau of Labor Statistics, departmental management services, and the President's Committee on Employment of the Handicapped, Department of Labor.
1114 Dirksen Building

Appropriations
Transportation and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1983 for the Urban Mass Transportation Administration, Department of Transportation.
1318 Dirksen Building

Energy and Natural Resources
To hold hearings on the world petroleum outlook.
3110 Dirksen Building

Labor and Human Resources
Education, Arts, and Humanities Subcommittee
To hold hearings on S. 2002, proposed Bilingual Education Amendments of 1981, and other related proposals.
4232 Dirksen Building

APRIL 26

9:00 a.m.
Commerce, Science, and Transportation
Communications Subcommittee
To hold hearings on S. 2172, creating a jurisdictional framework to apportion the authority regulating cable systems between the Federal and State governments, and providing for a competitive marketplace for cable systems in the telecommunications industry.
235 Russell Building

10:00 a.m.
Appropriations
Transportation and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1983 for the Federal Aviation Administration, Department of Transportation.
1318 Dirksen Building

Energy and Natural Resources
Energy Regulation Subcommittee
To hold oversight hearings to review programs administered by the Office of Federal Inspector, Alaska Natural Gas Transportation System, and the Economic Regulatory Administration and Federal Energy Regulatory Commission, Department of Energy.
3110 Dirksen Building

Environment and Public Works
Environmental Pollution Subcommittee
To hold hearings on proposed authorizations for programs of the Resource Conservation and Recovery Act.
4200 Dirksen Building

Labor and Human Resources
Education, Arts, and Humanities Subcommittee
To resume hearings on S. 2002, proposed Bilingual Education Amendments of 1981, and other related proposals.
4232 Dirksen Building

APRIL 27

9:00 a.m.
Appropriations
Interior and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1983 for the Office of the Federal Inspector, Alaska Natural Gas Transportation System, Bureau of Mines of the Department of the Interior, and the National Endowment for the Arts.
1318 Dirksen Building

Commerce, Science, and Transportation
Communications Subcommittee
To continue hearings on S. 2172, creating a jurisdictional framework to apportion the authority regulating cable systems between the Federal and State Governments, and providing for a competitive marketplace for cable systems in the telecommunications industry.
6226 Dirksen Building

9:30 a.m.
Banking, Housing, and Urban Affairs
Securities Subcommittee
To hold hearings on S. 1869, S. 1870, S. 1871, and S. 1977, bills revising or repealing certain provisions of the Public Utility Holding Company Act of 1935.
5302 Dirksen Building

Labor and Human Resources
Labor Subcommittee
Business meeting, to mark up S. 1785, increasing the penalties for violations of the Taft-Hartley Act, requiring immediate removal of certain individuals convicted of crimes relating to his official position, broadening the definition of the types of positions an individual is barred from upon conviction, increasing the time of disbarment from 5 to 10 years, escrowing a convicted officials's salary for the duration of his appeal, and clarifying the jurisdiction of the Department of Labor relating to detection and investigating criminal violations relating to ERISA.
4232 Dirksen Building

10:00 a.m.
Appropriations
HUD-Independent Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1983 for the National Science Foundation.
1224 Dirksen Building

Appropriations
Labor, HHS, Education, and Related Agencies Subcommittee
To hold oversight hearings on programs of the Departments of Labor, Health and Human Services, Education, and related agencies.
1114 Dirksen Building

Energy and Natual Resources
Business meeting, to consider pending calendar business.
3110 Dirksen Building

Environment and Public Works
Business meeting, to resume markup of proposed amendments to the Clean Air Act (Public Law 95-95).
4200 Dirksen Building

2:00 p.m.
Appropriations
Labor, HHS, Education, and Related Agencies Subcommittee
To continue oversight hearings on programs of the Departments of Labor, Health and Human Services, Education, and related agencies.
1114 Dirksen Building

APRIL 28

9:30 a.m.
Appropriations
State, Justice, Commerce, the Judiciary and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1983 for certain programs which fall within the jurisdiction of the subcommittee, receiving testimony from public witnesses.
S-146, Capitol

Governmental Affairs
Oversight of Government Management Subcommittee
To hold hearings on S. 2059, revising the special prosecutor provisions of the Ethics in Government Act of 1978, to insure independent investigations of high-ranking Federal officials and to remove inequities in the present law.
3302 Dirksen Building

10:00 a.m.
Appropriations
Labor, HHS, Education, and Related Agencies Subcommittee
To continue oversight hearings on programs of the Departments of Labor, Health and Human Services, Education, and related agencies.
1114 Dirksen Building

Appropriations
Transportation and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1983 for programs which fall within the jurisdiction of the subcommittee, receiving testimony from congressional and public witnesses.
1318 Dirksen Building

Commerce, Science, and Transportation
Communications Subcommittee

To continue hearings on S. 2172, creating a jurisdictional framework to apportion the authority regulating cable systems between the Federal and State Governments, and providing for a competitive marketplace for cable systems in the telecommunications industry.

235 Russell Building

Energy and Natural Resources

Business meeting, to consider pending calendar business.

3110 Dirksen Building

Environment and Public Works

Business meeting, to mark up S. 1018, prohibiting the Federal Government from funding commercial and residential growth on undeveloped barrier beaches and islands.

4200 Dirksen Building

Labor and Human Resources
Education, Arts, and Humanities Subcommittee

To hold oversight hearings on the implementation of guidance and counseling programs of the Department of Education.

4232 Dirksen Building

1:30 p.m.

Conferees

On S. 1193, authorizing funds for fiscal years 1982 and 1983 for the Department of State, authorizing funds for fiscal year 1982 for the Arms Control and Disarmament Agency, authorizing funds for fiscal years 1982 and 1983 for the International Communications Agency, and authorizing funds for fiscal years 1982 and 1983 for the Board for International Broadcasting.

S-116, Capitol

2:00 p.m.

Appropriations
Labor, HHS, Education, and Related Agencies Subcommittee

To continue oversight hearings on programs of the Departments of Labor, Health and Human Services, Education, and related agencies.

1114 Dirksen Building

APRIL 29

9:00 a.m.

Appropriations
Interior and Related Agencies Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1983 for fossil research and development and fossil construction programs of the Department of Energy.

1318 Dirksen Building

Commerce, Science, and Transportation

Business meeting, to consider pending calendar business.

235 Russell Building

9:30 a.m.

Appropriations
State, Justice, Commerce, the Judiciary and Related Agencies Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1983 for international organizations, Securities and Exchange Commission, and the Federal Trade Commission.

S-146, Capitol

Judiciary
Criminal Law Subcommittee

To resume hearings on proposals providing for a ban on the manufacture or sale of nonsporting handguns, mandatory sentences for the use of a firearm in committing a felony, and a preclearance procedure for the sale or transfer of any handgun.

Room to be announced

10:00 a.m.

Appropriations
Labor, HHS, Education, and Related Agencies Subcommittee

To continue oversight hearings on programs of the Departments of Labor, Health and Human Services, Education, and related agencies.

1114 Dirksen Building

Appropriations
Transportation and Related Agencies Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1983 for programs which fall within the jurisdiction of the subcommittee, receiving testimony from congressional and public witnesses.

1224 Dirksen Building

Environment and Public Works

Business meeting, to resume markup of proposed amendments to the Clean Air Act (Public Law 95-95).

4200 Dirksen Building

10:30 a.m.

Veterans' Affairs

To hold hearings to receive AMVETS legislative recommendations for fiscal year 1983.

Room to be announced

1:30 p.m.

Conferees

On S. 1193, authorizing funds for fiscal years 1982 and 1983 for the Department of State, authorizing funds for fiscal year 1982 for the Arms Control and Disarmament Agency, authorizing funds for fiscal years 1982 and 1983 for the International Communications Agency, and authorizing funds for fiscal years 1982 and 1983 for the Board for International Broadcasting.

S-116, Capitol

2:00 p.m.

Appropriations
Labor, HHS, Education, and Related Agencies Subcommittee

To continue oversight hearings on programs of the Departments of Labor, Health and Human Services, Education, and related agencies.

1114 Dirksen Building

APRIL 30

9:30 a.m.

Environment and Public Works
Transportation Subcommittee

Business meeting, to mark up proposed legislation authorizing funds for the Federal aid highway program.

4200 Dirksen Building

10:00 a.m.

Appropriations
Transportation and Related Agencies Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1983 for programs which fall within the jurisdiction of the subcommittee, receiving testimony from congressional and public witnesses.

1318 Dirksen Building

MAY 3

9:30 a.m.

Governmental Affairs
Federal Expenditures, Research and Rules Subcommittee

To hold hearings on proposed legislation improving the efficiency of the Federal procurement system.

3302 Dirksen Building

10:00 a.m.

Commerce, Science, and Transportation

Business meeting, to consider pending calendar business.

235 Russell Building

2:00 p.m.

Appropriations
Labor, HHS, Education, and Related Agencies Subcommittee

To hold hearings to receive testimony from public witnesses on proposed budget estimates for fiscal year 1983 for certain programs under the subcommittee's jurisdiction.

1114 Dirksen Building

MAY 4

9:00 a.m.

Appropriations
Interior and Related Agencies Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1983 for the Smithsonian Institution, Woodrow Wilson International Center for Scholars, and the Advisory Council on Historic Preservation.

1318 Dirksen Building

9:30 a.m.

Environment and Public Works

Business meeting, to resume markup of proposed amendments to the Clean Air Act (Public Law 95-95).

4200 Dirksen Building

Labor and Human Resources

To hold oversight hearings on the Office of Federal Contract Compliance Programs, Department of Labor.

4232 Dirksen Building

10:00 a.m.

Appropriations
Labor, HHS, Education, and Related Agencies Subcommittee

To hold hearings to receive testimony from public witnesses on proposed budget estimates for fiscal year 1983 for certain programs under the subcommittee's jurisdiction.

1114 Dirksen Building

Energy and Natural Resources

Business meeting, to consider pending calendar business.

3110 Dirksen Building

2:00 p.m.

Appropriations
Labor, HHS, Education, and Related Agencies Subcommittee

To hold hearings to receive testimony from public witnesses on proposed budget estimates for fiscal year 1983 for certain programs under the subcommittee's jurisdiction.

1114 Dirksen Building

MAY 5

9:30 a.m.

Commerce, Science, and Transportation

To hold hearings on the nominations of Vice Adm. James S. Gracey, U.S. Coast Guard, to be Commandant, and Rear Adm. Benedict L. Stabile, U.S. Coast

Guard, to be Vice Commandant, each for the U.S. Coast Guard.
235 Russell Building

Labor and Human Resources
Business meeting, to consider pending calendar business.
4232 Dirksen Building

10:00 a.m.

Appropriations
HUD-Independent Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1983 for the National Aeronautics and Space Administration.
1224 Dirksen Building

Appropriations
Labor, HHS, Education, and Related Agencies Subcommittee
To hold hearings to receive testimony from public witnesses on proposed budget estimates for fiscal year 1983 for certain programs under the subcommittee's jurisdiction.
1114 Dirksen Building

Energy and Natural Resources
Business meeting, to consider pending calendar business.
3110 Dirksen Building

Environment and Public Works
Environmental Pollution Subcommittee
Business meeting, to consider proposed legislation authorizing funds for programs of the Resource Conservation and Recovery Act, Marine Protection, Research and Sanctuaries Act, and the Federal Water Pollution Control Act.
4200 Dirksen Building

2:00 p.m.

Appropriations
Labor, HHS, Education, and Related Agencies Subcommittee
To hold hearings to receive testimony from public witnesses on proposed budget estimates for fiscal year 1983 for certain programs under the subcommittee's jurisdiction.
1114 Dirksen Building

Environment and Public Works
Environmental Pollution Subcommittee
Business meeting, to mark up proposed legislation authorizing funds for the Endangered Species Act.
4200 Dirksen Building

Governmental Affairs
Federal Expenditures, Research and Rules Subcommittee
To resume hearings on proposed legislation improving the efficiency of the Federal procurement system.
3302 Dirksen Building

MAY 6

9:00 a.m.

Appropriations
Interior and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1983 for the U.S. Fish and Wildlife Service, Department of the Interior, and the National Capital Planning Commission.
1318 Dirksen Building

Commerce, Science, and Transportation
Communications Subcommittee
To hold hearings on S. 604, requiring all new telephone receivers to be equipped with hearing aids for the handicapped.
235 Russell Building

9:30 a.m.

Appropriations
State, Justice, Commerce, the Judiciary and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1983 for the care of the U.S. Supreme Court Building by the Architect of the Capitol, U.S. International Trade Commission, Federal Maritime Commission, and the Marine Mammal Commission.
S-146, Capitol

Labor and Human Resources
Business meeting, to consider pending calendar business.
4232 Dirksen Building

10:00 a.m.

Appropriations
Labor, HHS, Education, and Related Agencies Subcommittee
To hold hearings to receive testimony from public witnesses on proposed budget estimates for fiscal year 1983 for certain programs under the subcommittee's jurisdiction.
1114 Dirksen Building

Environment and Public Works
Business meeting, to resume markup of proposed amendments to the Clean Air Act (Public Law 95-95).
4200 Dirksen Building

2:00 p.m.

Appropriations
Labor, HHS, Education, and Related Agencies Subcommittee
To hold hearings to receive testimony from public witnesses on proposed budget estimates for fiscal year 1983 for certain programs under the subcommittee's jurisdiction.
1114 Dirksen Building

MAY 7

9:30 a.m.

Energy and Natural Resources
Energy and Mineral Resources Subcommittee
To hold hearings on S. 1877, S. 1908, S. 1909, and S. 1941, bills providing for the reinstatement and validation of certain U.S. oil and gas leases, S. 2095, directing the Secretary of the Interior to issue a certain oil and gas lease, and S. 2146, extending the lease terms of various Federal oil and gas leases.
3110 Dirksen Building

Governmental Affairs
Federal Expenditures, Research and Rules Subcommittee
To continue hearings on proposed legislation improving the efficiency of the Federal procurement system.
3302 Dirksen Building

10:00 a.m.

Appropriations
Labor, HHS, Education, and Related Agencies Subcommittee
To hold hearings to receive testimony from congressional witnesses on proposed budget estimates for fiscal year 1983 for certain programs under the subcommittee's jurisdiction.
1114 Dirksen Building

Environment and Public Works
Toxic Substances and Environmental Oversight Subcommittee
Business meeting, to mark up proposed legislation authorizing funds for environmental research and development programs; and other pending business.
4200 Dirksen Building

MAY 10

10:00 a.m.

Commerce, Science, and Transportation
To hold hearings on S. 1929, establishing an Interagency Committee on Smoking and Health to coordinate Federal and private activities to educate the public about the health hazards of smoking.
235 Russell Building

MAY 11

9:00 a.m.

Appropriations
Interior and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1983 for the National Endowment for the Humanities, Institute of Museum Services, and the Office of Surface Mining, Department of the Interior.
1114 Dirksen Building

9:30 a.m.

Appropriations
State, Justice, Commerce, the Judiciary and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1983 for the Judiciary.
S-146, Capitol

Labor and Human Resources
Aging, Family and Human Services Subcommittee
To hold hearings on the extended family.
4232 Dirksen Building

10:00 a.m.

Appropriations
HUD-Independent Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1983 for the National Institute of Building Sciences, Federal Home Loan Bank Board, and National Credit Union Administration.
1224 Dirksen Building

Energy and Natural Resources
Business meeting, to consider pending calendar business.
3110 Dirksen Building

Environment and Public Works
Business meeting, to resume consideration of proposed legislation authorizing funds for programs which fall under its legislative jurisdiction.
4200 Dirksen Building

MAY 12

10:00 a.m.

Energy and Natural Resources
Business meeting, to consider pending calendar business.
3110 Dirksen Building

2:00 p.m.

Governmental Affairs
Federal Expenditures, Research and Rules Subcommittee
To hold hearings on Senate Joint Resolution 93, and related proposals, reaffirming the policy of relying on the private sector to meet public requirements for goods and services, S. 1782, eliminating retainage on Federal Government construction contracts, and proposed legislation improving the effectiveness and fairness of the Federal Government's contractor suspension and debarment programs.
3302 Dirksen Building

MAY 13

9:00 a.m.
Appropriations
Interior and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1983 for territorial affairs of the Department of the Interior.
1114 Dirksen Building

10:00 a.m.
Environment and Public Works
Business meeting, to resume consideration of proposed legislation authorizing funds for programs which fall under its legislative jurisdiction.
4200 Dirksen Building

1:30 p.m.
Appropriations
Interior and Related Agencies Subcommittee
To continue hearings on proposed budget estimates for fiscal year 1983 for territorial affairs of the Department of the Interior.
1114 Dirksen Building

2:00 p.m.
Governmental Affairs
Federal Expenditures, Research and Rules Subcommittee
To continue hearings on Senate Joint Resolution 93, and related proposals reaffirming the policy of relying on the private sector to meet public requirements for goods and services, S. 1782, eliminating retainage on Federal Government construction contracts, and proposed legislation improving the effectiveness and fairness of the Federal Government's contractor suspension and debarment programs.
3302 Dirksen Building

MAY 14

9:30 a.m.
Labor and Human Resources
To hold hearings on the nominations of William L. Earl, of Florida, Harold R. DeMoss, Jr., of Texas, Clarence V. McKee, of the District of Columbia, Marc Sandstrom, of California, Howard H. Dana, Jr., of Maine, William F. Harvey, of Indiana, William J. Olson, of Virginia, George E. Paras, of California, and Robert S. Stubbs II, of Georgia, each to be a Member of the Board of Directors of the Legal Services Corporation.
4232 Dirksen Building

MAY 18

10:00 a.m.
Appropriations
HUD-Independent Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1983 for the Department of Housing and Urban Development.
1224 Dirksen Building

Environment and Public Works
Business meeting, to consider pending calendar business.
4200 Dirksen Building

Select on Indian Affairs
To hold oversight hearings on the implementation of Indian education programs.
6226 Dirksen Building

MAY 19

10:00 a.m.
Appropriations
HUD-Independent Agencies Subcommittee
To continue hearings on proposed budget estimates for fiscal year 1983 for the Department of Housing and Urban Development, and the Neighborhood Reinvestment Corporation.
1224 Dirksen Building

Environment and Public Works
Toxic Substances and Environmental Oversight Subcommittee
To resume hearings on S. 1866, revising regulatory procedures relating to safe drinking water requirements, and S. 2131, authorizing funds through fiscal year 1986 for the safe drinking water program.
4200 Dirksen Building

Select on Indian Affairs
To continue oversight hearings on the implementation of Indian education programs.
6226 Dirksen Building

MAY 24

10:00 a.m.
Appropriations
HUD-Independent Agencies Subcommittee
To receive testimony from public witnesses on proposed budget estimates for fiscal year 1983 for certain programs under the subcommittee's jurisdiction.
1224 Dirksen Building

MAY 25

10:00 a.m.
Appropriations
HUD-Indpendent Agencies Subcommittee
To receive testimony from public witnesses on proposed budget estimates for fiscal year 1983 for certain programs under the subcommittee's jurisdiction.
1224 Dirksen Building

Environment and Public Works
Business meeting, to consider pending calendar business.
4200 Dirksen Building

MAY 26

10:00 a.m.
Environment and Public Works
Toxic Substances and Environmental Oversight Subcommittee
To resume hearings on S. 1866, revising regulatory procedures relating to safe drinking water requirements, and S. 2131, authorizing funds through fiscal year 1986 for the safe drinking water program.
4200 Dirksen Building

JUNE 9

9:30 a.m.
Select on Indian Affairs
To hold hearings on law enforcement problems on Indian reservations including the authority and effectiveness of the Bureau of Indian Affairs police, tribal police, and the Federal Bureau of Investigation, and the quality of U.S. prosecution of criminal offenses.
6226 Dirksen Building

SEPTEMBER 21

10:30 a.m.
Veterans Affairs
To hold hearings to receive American Legion legislative recommendations for fiscal year 1983.
318 Russell Building

HOUSE OF REPRESENTATIVES—*Tuesday, April 6, 1982*

The House met at 12 o'clock noon.

The Chaplain, Rev. James David Ford, D.D., offered the following prayer:

With grateful hearts, O Lord, we praise You for all the gifts of this season, for the dawning again of hope and new life. We recognize that the days of nations and people are full of contrasts of light and darkness and conflicts great and small. Help to make strong our faith that we will press on toward the brightness of a better day that trusting in Your grace, we will be the people You would have us be and do those good things in love and minister to our world in need. In Your holy name, we pray. Amen.

THE JOURNAL

The SPEAKER. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

AUTHORIZING THE SPEAKER TO ACCEPT RESIGNATIONS AND APPOINT COMMISSIONS, BOARDS AND COMMITTEES, NOTWITHSTANDING ADJOURNMENT

Mr. WRIGHT. Mr. Speaker, I ask unanimous consent that, notwithstanding any adjournment of the House until Tuesday, April 20, 1982, the Speaker be authorized to accept resignations, and to appoint commissions, boards, and committees authorized by law or by the House.

The SPEAKER. Is there objection to the request of the gentleman from Texas?

There was no objection.

DISPENSING WITH CALL OF PRIVATE CALENDAR ON TODAY

Mr. WRIGHT. Mr. Speaker, I ask unanimous consent that the call of the Private Calendar be dispensed with on today, Tuesday, April 6, 1982.

The SPEAKER. Is there objection to the request of the gentleman from Texas?

There was no objection.

DISPENSING WITH CALENDAR WEDNESDAY BUSINESS ON WEDNESDAY, APRIL 21, 1982

Mr. WRIGHT. Mr. Speaker, I ask unanimous consent that the business in order under the Calendar Wednesday rule be dispensed with on Wednesday, April 21, 1982.

The SPEAKER. Is there objection to the request of the gentleman from Texas?

There was no objection.

LEGISLATIVE PROGRAM

(Mr. MICHEL asked and was given permission to address the House for 1 minute.)

Mr. MICHEL. Mr. Speaker, I take this time to proceed for 1 minute for the purpose of inquiring of the distinguished majority leader about the program after our return from the Easter recess.

Mr. WRIGHT. Mr. Speaker, will the gentleman yield?

Mr. MICHEL. I am delighted to yield to the majority leader.

Mr. WRIGHT. On April 20, Tuesday, the House would meet at noon and have the Private Calendar and then five bills under suspension. We would have perhaps more, but at least these:

H. Res. 200, expressing the sense of the House of Representatives with respect to the unjust imprisonment of Benedict Scott by the Government of the Soviet Union;

H. Con. Res. 205, expressing the sense of Congress with respect to violations of human rights by the Soviet Union in the Ukraine;

H. Con Res. 218, expressing the sense of Congress with respect to the treatment of the Government of the Soviet Union of Mart Niklus;

H.J. Res. 230, imploring the U.S.S.R. to allow Dr. Semyon Gluzman and family to emigrate to Israel; and

H. Res. 269, calling upon the U.S.S.R. to permit the emigration of Yuli Kosharovsky and his immediate family to Israel.

We would expect that votes demanded on those suspensions might be held on Wednesday. There is a plan, if I understand correctly, that the Queen of the Netherlands might be received in the House at 3:30 p.m. on Wednesday.

Any further program would be announced later. As the gentleman would know, of course, conference reports may be brought up at any time.

Mr. MICHEL. Mr. Speaker, I thank the majority leader, and I yield back the balance of my time.

COMMUNICATION FROM THE HONORABLE THOMAS B. EVANS, JR.

The SPEAKER laid before the House the following communication from the Honorable THOMAS B. EVANS, JR., a Member of the U.S. House of Representatives:

MARCH 31, 1982.

Hon. THOMAS P. O'NEILL, Jr.,
Speaker, House of Representatives,
Washington, D.C.

DEAR MR. SPEAKER: This is to inform you that a deposition subpoena to testify and produce documents was delivered to my office on or about March 19, 1982 in *Rose Hall, Ltd., et al.* v. *Chase Manhattan Overseas Banking Corp. and Holiday Inns, Inc., et al.*, Civ. Action No. 79-182 (D. Del.) a civil action pending in the United States District Court for the District of Delaware. The same request has been sent to all the members of the Delaware delegation, plus Congressman Hyde, Congressman Vander Jagt, and former Senator Schweiker.

Sincerely,

THOMAS B. EVANS, Jr.,
Member of Congress.

CONTINUED IMPOUNDMENT OF LIBRARY FUNDS

(Mr. PEYSER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PEYSER. Mr. Speaker, just 2 months ago, the GAO released its initial report to me indicating that the administration was illegally impounding $20 million in library funds, moneys this Congress had appropriated and the President had signed into law. Under pressure of Mr. Stockman, the GAO agreed to review the entire findings in great detail, which they did, and nearly 2 weeks ago released another detailed report confirming the illegal impoundment of funds.

In spite of assurances received personally from the White House that these moneys would be released, no moneys have been released, and the indication is now that OMB is going to contest the whole issue.

Mr. Speaker, it seems to me it is time that the House act and take action that forces Mr. Stockman either to come before this Congress and explain his stand, or that we force this money to be released. This illegal impoundment of funds is helping to destroy libraries throughout this country and costing hundreds and hundreds of jobs.

CALL FOR CEASE-FIRE IN EL SALVADOR

(Mr. GONZALEZ asked and was given permission to address the House for 1 minute and to revise and extend

☐ This symbol represents the time of day during the House proceedings, e.g., ☐ 1407 is 2:07 p.m.

● This "bullet" symbol identifies statements or insertions which are not spoken by the Member on the floor.

his remarks and include extraneous matter.)

Mr. GONZALEZ. Mr. Speaker, yesterday I had the privilege of meeting with an international group of Christians who are fasting and praying for peace in El Salvador and Central America. Among them is the president of the Maryknoll Sisters of the United States, the 1980 Nobel Peace Prize laureate, Adolfo Perez Esquivel, the president of the Nation Council of Churches, and a distinguished lay theologian. The people in the fast come from numerous countries, represent numerous religious backgrounds, and stand together for just one thing: an end to violence and bloodshed, and a commitment to justice and decency.

What these people have to say is worth listening to, and what they say is this: Stop the killing. They have sent a message asking for a cease-fire in El Salvador. There has been an election, and it is time to work through democratic processes. They believe, and rightly, that if the bloodshed goes on, the election in El Salvador will have meant nothing. They believe, and rightly, that the only legitimate power is a power that serves to promote justice and peace, power that serves the people. They believe, and rightly so, that brutality and violence in the long-run gain nothing. They believe, and rightly so, that ultimately commonsense has to prevail, and therefore the time to stop the violence is now, before it goes further.

The group sent messages today to both sides in El Salvador, asking them to initiate discussions to end the warfare. I am including in the RECORD a translation of those messages, the originals of which are in Spanish:

NAPOLEON DUARTE,
President of the Republic of El Salvador,
President of the Nation:

The International group of Fast and Prayer, gathered in Washington asks the Salvadorean Government.

For a truce to the armed fighting as a good will gesture in order to initiate negotiations without conditions between the parties, the only possibility for a just and human solution for the Salvadorean people.

Greetings to you.

In the name of the International Group.

ADOLFO PEREZ ESQUIVEL,
Nobel Peace Prize.

APRIL 5, 1982.

To the Democratic Revolutionary Front of El Salvador:

The International group of Fast and Prayer, gathered in Washington, asks as a good will gesture for a truce to the armed fighting and in the same sense we have asked the President Napoleon Duarte, in order to initiate negotiations without previous conditions between the parties, only possibility for a just and human solution for the Salvadorean People.

Signed for the International Group.

ADOLFO ESQUIVEL,
Nobel Peace Prize.

WASHINGTON, D.C., *April 5, 1982.*

CREATING A NATIONAL INDUSTRIAL STRATEGY

(Mr. LUNDINE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. LUNDINE. Mr. Speaker, America is beset by an industrial decline which threatens our economic future, our national security, and the well-being of millions of Americans. The causes of this decline are varied and the solution must be no less comprehensive. Today, I am introducing legislation which will lead us toward that comprehensive response. I am pleased that my colleagues, LEE HAMILTON and DAVE BONIOR, are joining me as original cosponsors of the National Industrial Development Act.

What are the multiple sources of decline to which this bill responds? Productivity and product quality have diminished. Imports have invaded domestic markets while American goods have failed to compete abroad. Investment has lagged in many sectors as has the commercial application of advances in technology. Soaring energy prices have rendered plants and equipment prematurely obsolete. Business strategies have often been shortsighted. We have not supplied the number of engineers and other skilled workers which a more complex economy demands. Nor have American managers moved to restructure their work organizations in ways that will maximize the contributions of increasingly sophisticated employees. Government, too, has failed to sustain its support, even in those areas such as transportation and other infrastructure, or research, which lie traditionally within its domain.

The untimely convergence of these and other factors has produced startling deterioration. The auto, steel, and construction industries provide the most immediate evidence of distress. But there are similar signs of trouble—ranging from the merely ominous to the outright alarming—in the machine tool, textile, glass, rubber, chemical, consumer electronics, and even semiconductor sectors.

According to the latest figures from the Federal Reserve Board, total industrial production is the same today as it was in 1977. For durable consumer goods, output is significantly lower than in 1977 even for business equipment it is roughly the same as 3 years ago.

Surveying "Industry Outlooks for 1982," Business Week recently observed, "In its basic manufacturing sector, especially, the U.S. has wrenching readjustments to make." The article noted that in the last 3 years alone, sales of Japanese cars have jumped from 12 to 22 percent of the U.S. market. Moreover, imports account for "a quarter of the domestic machine tool market," and "a fifth of all steel consumed annually in America." By the end of 1981, American steel mills were operating at 60 percent of capacity.

"Even in energy and natural resource industries, there are difficulties," the Business Week survey continued. "Oil and nonferrous metals have been seriously affected by the near collapse of the U.S. auto industry. And coal and forest products need big infusions of money to compensate for decades of underinvestment and bad development decisions."

The Department of Commerce's recent U.S. Industrial Outlook notes that in the decade from 1968 to 1978, private nonfarm productivity grew annually by only 1.4 percent, which has actually declined since, annual growth in output was only 2.9 percent, and import penetration jumped from 4 to 7.5 percent in manufacturing goods.

In constant dollars, shipments were lower in 1978 than in 1972 for a number of major industries, including cotton, wool, and circular knit mills; mobile homes; sawmills and planing mills; men's and boy's apparel; concrete products; fabricated structural metal; tires and inner tubes; brick and structural clay tile; footwear; and textile, woodworking, rolling mill, and special industry machinery.

According to a recent issue of the Monthly Labor Review, between 1969 and 1979, employment fell by 25 percent in the radio and television manufacturing sector. Employment also declined in household appliances, metal stampings, fabric and thread mills, flat glass, and railroads, among other sectors. Such declines stand out in sharp contrast to the extraordinary increase in the labor force which occurred in this period.

Even those sectors which were looked upon as key sources of future growth seem less robust today. In explaining its negative forecast for chemical companies, Business Week notes that "U.S. demand for petrochemicals will probably never again reach the levels of the 1970's." Similarly, last week's London Economist repeated warnings about the fate of semiconductors. "American microchip companies are beginning to recover pride in their leadership of innovation, after a long bout of shocks from the Japanese. This revival of confidence may be premature."

These dispiriting statistics and forecasts should not obscure the fact that American companies still hold solid leads in many markets, and that American productivity levels are still the highest in the industrialized world. Yet, there has been alarming slippage in our competitive position.

The seriousness of the situation suggests that America must not drift further into the 1980's without a national industrial strategy. The extraordinary range of factors involved suggests that an industrial strategy will only succeed if it is built upon consensus and cooperation among all of the parties affected: Business, labor, government, and the consuming public. And the catalog of troubled businesses also suggests that an industrial strategy must address three concerns: Those businesses experiencing structural decline, these sectors which anticipate competitive difficulties in the years ahead, and those high-technology businesses with strong growth potential. This last group, if properly nurtured, can offset the dislocation in more mature industries.

Despite the industrial reality confronting us, there are those who still resist an explicit response. Some contend that revitalization of our industrial base is unnecessary. America, they argue, is undergoing a normal transition to a service economy. Such arguments are dangerously shortsighted. They ignore the fact that manufacturing of marketable goods is still the engine that drives our economy. They fail to recognize that basic industries are precisely what the "service sectors"—advertising, financial, marketing, consulting, legal, accounting—often serve. In short, such arguments mistake a postindustrial society for a nonindustrial one. Felix Rohatyn delivers perhaps the best rebuttal to these arguments when he asks, "Is it rational to let all of our basic industries go down, one after another, in favor of some mythical service society concept in which everyone will be serving everyone else, but no one will be making anything?"

Others who reject the need for an industrial strategy suggest that industrial revitalization will occur as part of a more general program of economic recovery. Thus, proposals for an industrial policy have become entangled in disputes over the likely success or failure of President Reagan's economic program. This is unfortunate. Surely, industrial development is influenced by business cycles and the macroeconomic environment, but it is also a distinct concern. The argument for a national industrial policy does not rest on economists' gloomy forecasts about the administration's plan.

The fact is that, even if we accept Mr. Reagan's optimistic projections, there is no guarantee that increased investment, prompted by last year's tax cut, will necessarily occur in distressed industries. Even if we accept that Government regulation is responsible for undermining key industries, there is no assurance that deregulation alone will revive those moribund sectors today. Even if millions of new jobs are created in a less restricted economy, it is far from certain that this same marketplace will provide the trained manpower with the appropriate skills to fill them. In short, regardless of the macroeconomic policy which the Congress and the President may pursue, America must give special attention to the problems of key industrial sectors.

The intensifying debate over Reaganomics must be born in mind, however, in fashioning an industrial policy. Industrial development is fraught with major controversies. No policy can hope to surmount them if it is beset by the kinds of factional disputes which already confront the President's program. What is needed, then, is some mechanism for forging a consensus among potential adversaries—a consensus strong enough to bridge the points of controversy.

What are those sources of controversy? To begin with, there is serious disagreement about basic information. Today's debates over industrial development rarely move beyond the first stage in which each special interest groups uses selective data to reinforce its own analysis of the problem and to refute all others. Bad management, unfair foreign "dumping," regulatory burdens, a declining work ethic—each culprit has, in turn, been convinced by whichever side marshaled the right statistics.

Even in those instances where agreement is reached on a set of facts or an interpretation of circumstances, controversy does not subside. Rather, each party to the problem soon realizes that every solution requires substantial sacrifice from someone. As with any "zero-sum" situation, a battle is waged over who will make that sacrifice. The problem-solving process is soon subverted by power politics.

Finally, on those occasions when a solution is decided upon and implemented, controversy may still persist. Those who are not parties to the final agreement or who feel they are making disproportionate sacrifices may well resist or counterattack.

The adversarial mode of problem solving which underlies these controversies has served America reasonably well for most of this century. It encouraged each side to commit 101 percent of its energies to "winning" and that motivation was often what propelled our economy forward. Sometimes we were led down blind alleys when the "wrong" side won, but such mistakes seemed a small price to pay in an era of continuous growth. While the problems were never as black and white as adversaries might paint them, neither were they so complex as to defy dialectics.

Now, those conditions have changed. The adversarial mode of problem solving is a luxury which America can no longer afford in an era of marginal growth and precarious stability. Moreover, the problems have become much more complicated and the numerous parties to each of those problems have acquired sufficient power, if not to win the disputes, at least to stall their resolution.

A new mechanism for problem solving must embody these principles: First, all principal parties to a problem must participate in its resolution; second, that resolution must be grounded in data and information which is credible; third, the resolution must be based on a consensus; and fourth, there must be accountability among those who have agreed to the solution. No institution in America today fulfills these requirements.

Certainly, Congress does not answer this need. While it may represent labor, business, environmental, and other groups, it cannot really negotiate an agreement among those interests. Similarly, Congress does not really produce consensus. It is often said that Congress practices the art of compromise, but such compromises may as often be unworkable hybrids of opposing positions as solutions born of true consensus.

Finally, Congressmen, by themselves, are ill equipped to make complex economic judgments about individual sectors.

The Chrysler loan guarantee, approved by Congress in 1979, foreshadows the kind of industrial policy questions which will confront America with increasing frequency in the years ahead. Without passing judgment on Congress ultimate decision in the Chrysler case, it is clear that the process by which that decision was reached is unsuitable. With no advance warning, and with little expertise is assessing the economics of the automotive sector, the House and Senate Banking Committees were forced to make a rapid decision with enormous ramifications. No consensus was reached on the origins of the sector's crisis, and sober analysis of Chrysler's or the entire sector's prospects for the future was often clouded by political rhetoric from both sides.

Executive agencies have some advantages over Congress as problem solvers. It is easier for a department to play the neutral facilitator, bringing together outside groups. The Tripartite Steel Committee, for example, has forged a consensus among business, labor, and government officials on such issues as trigger price mechanisms and environmental controls. For a brief period, the Commerce Department's shoe industry program succeeded, through similar collaboration, in reviving a very troubled sector.

But a single agency is too narrow to look at the full industrial picture. And, these experiments in cooperative policy formulation are subject to the political changes which govern all agencies. The shoe program faltered with the departure of an Under Secretary; the Tripartite Steel Committee was dissolved by the current administration. Most significantly, agencies—unlike Congress—have no electoral constituency. Thus, the public may well feel that its interests will not be protected, that the crucial boundary between collaboration and collusion will be transgressed.

America needs a new institutional mechanism for industrial problem solving. Today, I am proposing formation of a quadripartite National Industrial Development Board. Such a Board would bring together, in equal numbers, chief executives of major businesses, presidents of major unions, national political leaders—Cabinet Secretaries and Members of Congress, and major representatives of the public interest—particularly those groups who are challenging the economic status quo in America, such as environmentalists, consumerists, minorities, educators, and innovative entrepreneurs.

Board members will be appointed by the President—but only from nominees forwarded to him by the Speaker of the House, the majority leader of the Senate, and the minority leaders of both Chambers. Members' terms will be for 6 years. The Board will meet at least once every 2 months and members, or their one designated alternate, must attend these meetings. The stipulation that Board members must be major leaders in their respective sectors—business, labor, government, and public, and the critical nature of their responsibilities, insure that this will not become another "blue ribbon panel" whose recommendations are routinely shelved and forgotten. The Board will be given a full staff, expected to be around 200 in number, and $8 million in annual funding to fulfill its duties. The Board will be strictly advisory. But its lack of decisionmaking authority will augment the likelihood of consensus. The Board will be less subject to the corrosive effects of special-interest lobbying.

The Board's purpose will be to develop a consensual response to key problems of industrial revitalization. Its specific responsibilities will include these three: First, recommending industrial development priorities for the United States; second, recommending solutions to particular problems of industrial policy which are referred to the Board by congressional committees or executive agencies; and third, providing credible, consensus-backed information on the domestic and global economic situation.

On a more general level, we can expect the Board to exert a stabilizing economic influence. Ronald Muller, whose insightful book, "Revitalizing America," sets forth a compelling case for an Industrial Development Board, speculates on this broader effect. As the Board begins to achieve consensus on various aspects of an industrial strategy, Muller points out, "the confidence necessary to lure savings out of their present havens and overcome shortfalls in capital formation" should emerge. "Now, for example, big money is in hiding partly because of uncertainty over questions of energy and regulation (and inflation) but also because investors do not know from one day to the next (what policies to expect from Washington)."

How will the Board fulfill its three specific responsibilities? In pursuing its first task, the Board will report on the international competitiveness of individual sectors, their importance to the Nation's economy, whatever restructuring of those industries—as well as adjustment policies for affected workers and regions—seem advisable, and initiatives in both the public and private sectors which can achieve these goals. In conducting these assessments, the Board will address the three categories of businesses to which I alluded earlier: Sectors which are experiencing structural decline, sectors which can anticipate difficulties in coming years, and those high-technology industries which have strong potential growth in the years ahead.

The Board is expressly directed to proceed on the premise that "most sectors of the economy are necessary and can survive if they adapt sensibly to new markets, technologies, organizational designs and relationships between labor and management." In other words, the Board will avoid designation of "winners" and "losers" in American industry.

On the other hand, the Board is expected to highlight necessary transitions. Decline in some industries is inevitable and requires structural adjustment. The United States will always need automobile production, but both Detroit and Washington must recognize that Americans from now on are unlikely to replace their cars every 4 years. A healthy steel industry is essential not only to our national security but to hundreds of domestic manufacturers. Yet, we must confront the global reality of overcapacity in steel. By formulating consensus adjustment policies, the Board can ease these difficult transitions.

A brief annual report to the President and Congress is required in this legislation. The relevant House and Senate committees will consult with the Board on its findings and forward to each Chamber their evaluation of the report. In this, as in all other reports which the Board may issue, the Board is expected to achieve the maximum degree of consensus among the four sectors it represents. I believe such reports can have a highly beneficial effect in creating a workable industrial strategy for the United States.

The second function of the Board will be to recommend solutions to particular policy questions which are referred to it by a congressional committee or executive agency. I have already mentioned the Chrysler loan guarantee as an example of this kind of issue. Congress deliberations in that instance would have benefited from the dispassionate analysis and consensual recommendations of an Industrial Development Board.

Now, a similar issue has arisen which provides a perfect example of the potential value of the Board. Within the last few weeks, intense lobbying has encouraged a substantial portion of the House to cosponsor "local content" legislation for the automobile industry. This legislation has enormous ramifications, particularly in the area of trade; quite probably, its effects are broader than those of the Chrysler loan guarantee.

I share my colleagues' concern about the rapid erosion of America's auto sector, and I sympathize with the plight of the thousands of workers who have lost their jobs as a result of that decline. But, I fear we are again rushing toward a simple solution without adequate analysis of the full industrial picture.

For a moment, let us contemplate how a more effective response to America's auto woes might emerge if an Industrial Development Board were in place. Instead of locking ourselves permanently into a protectionist "local content" measure, Washington could impose a temporary import quota while domestic auto manufacturers adjust to the new structures of the market. Yet, we cannot blithely assume U.S. firms will readjust simply because a quota is imposed. As Robert Reich and Ira Magaziner remind us, in their excellent new book "Minding America's Business," in the 6 years following implementation of steel import quotas in 1968, capital expenditures of domestic steel producers actually declined.

What is needed, then, is a negotiated solution to the auto crisis. That is where the National Industrial Development Board can play its role. The Board calls before it executives from the automobile manufacturers. The candid challenge is posed: "If the Federal Government imposes temporary import quotas, what can you give in return? What comparable commitments will you make to insure readjustment of the auto sector?" Next, the relevant unions are summoned by the Board and the same questions are put. Solutions begin to emerge; factions grope toward consensus. To be sure, some will probably plead for regulatory relief as the lone solution. But, the Board's consumer, environmental, and government representatives would scarcely acquiesce in such a one-sided response. In short, the Board can negotiate a harmonious package of readjustment policies—to be undertaken concurrently by labor, management, and government—and present that package to the Congress.

The third major function of the Board would be to serve as a reliable source of information on the domestic and international economy. A crucial part of this duty is what might be called the early warning function—providing advance notice of shifts in international markets and threats to the competitiveness of domestic industries.

Economic policymaking over the last several years has been dominated by sudden and unexpected blows to American industry. We seem to act only when a crisis is upon us. Some people imagine that this permits America to avoid having an industrial policy. It is a pleasant fiction. In fact, practicing "crisis response" only condemns our industrial policy to being ad hoc and reactive when it should be anticipatory and consistent.

I am often told that the business community will oppose an Industrial Development Board as an "interventionist" proposal. But the fact is that the last 20 years of "crisis response"—whether the crisis has been environmental pollution or a bankrupt Lockheed—has itself yielded Government intervention. Frankly, I think the business community is beginning to realize this—and to realize, as well, that the accumulation of unanticipated crises begins to undermine business confidence and economic stability. Accordingly, I believe that the "early warning function" of an Industrial Development Board should be welcomed, even in the business community.

Extending the time horizon of industrial policy is especially crucial, given all the biases toward a "short-term view" in the business and Government sectors. Henry Kaufman, the noted wizard of Wall Street, once noted that in the financial world, "the short-term view is tomorrow, the mid-range view is next week, and the long-term view is the end of the quarter." It is undeniable that corporate managers—who are answerable to stockholders for the current value of their holdings and whose own bonus is often pegged to annual profits—is discouraged from taking the long-range view. Similarly, Congress can rarely look beyond its biannual elections. Union officials often work within the framework of a 2- or 3-year labor contract. We need an industrial board which can afford to take the longer view of industrial policy.

The formation of another Federal entity may well be viewed with skepticism and even hostility in today's environment of public sector retrenchment. But there is a difference between streamlining government and straitjacketing it. In our commendable pursuit of Federal austerity, we must not lock the public policy process into outmoded structures. A National Industrial Development Board should not be viewed as a new appendage to the Washington bureaucracy. It represents, instead an adaption to a changing society—one in which cooperative development must supplant the adversarial conventions which today threaten the survival of American industry.

One of the reasons that American industry is threatened is precisely that other Western countries have adapted to the new era of cooperation and consensus much faster than we have. As Messrs. Reich and Magaziner point out:

> Mechanisms were developed in these countries for consensus-forming among the major economic constituencies—managers, owners of industrial enterprises, trade unions, banks, and government. The French planning systems, the Japanese MITI advisory councils, and the regular German roundtables, all provide forums in which various industrial constituencies could meet.

This collaborative spirit is emerging in the United States. Today, there are hundreds of labor-management committees in individual workplaces throughout the country. In addition, there are more than 25 municipal committees in which local labor, business, and, usually, Government representatives have joined together to address a community's economic problems. Finally, in a few cases, tripartite committees have been formed at the national level to examine the problems facing certain business sectors. I have already mentioned the Tripartite Steel Committee which the Reagan administration regrettably has abolished.

Similar national committees have operated in the retail food and construction industries. Yet, these have been largely ad hoc, with no statutory basis and therefore subject to changes in leadership and personal commitment. The time has come to take a further step—to formally incorporate a mechanism for cooperative problem solving in our industrial policymaking process.

We do not need an ironclad national plan; we do not want a detailed timetable. We are not searching for a step-by-step economic prescription. But, if we look to the successful economic development activities of communities and States in America, we will observe that they have succeeded by "looking ahead," by laying the groundwork, by building a consensus around a growth strategy. My home city of Jamestown, N.Y., has returned from the brink of economic calamity by pulling business and labor and management together in support of a concerted economic development program, a strategy for the future. Today, we often see articles about surprising "business growth" in unexpected places like North Carolina. But that State's highly touted Research Triangle did not just appear overnight. It is the product of concerted effort; I can remember that plans were being laid for such development when I was a college undergraduate in North Carolina many years ago. It is time that the Federal Government took its cue from these successes, time that we rid ourselves of the "crisis response" mentality, time that we brought leaders of the major sectors in our society together to develop a consensual strategy that will guarantee America's industrial vitality in the years ahead.

U.S. POLICY AND THE SECURITY OF ISRAEL

(Mr. McHUGH asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. McHUGH. Mr. Speaker, in recent testimony before the House Foreign Operations Subcommittee on which I serve, Under Secretary of State James Buckley described the Reagan administration's objectives in the Middle East as twofold; namely, "the search for a just and lasting peace and the urgent requirement that friends in the region be secure against external threats."

Mr. Buckley then went on to suggest that—

> These objectives are mutually reinforcing. No peace is possible unless the nations of the region are secure from outside coercion, and security will not be achieved if we fail to address the underlying sources of conflict and instability.

In short, the Reagan administration would have us believe that a just and lasting peace is the justification for its policy of selling some of the most advanced weaponry in the U.S. inventory to various Arab nations. As we know, the administration has already won approval for its plan to sell AWACS to Saudi Arabia, and there is reason to believe that it may also be planning to sell mobile Hawk antiaircraft missiles and F-16's to Jordan.

While we are told that such sales will make various Arab nations feel more secure and thus more willing to participate in the peace process, the Reagan administration has no satisfactory response when questioned as to how the sale of such sophisticated weaponry will encourage Israel to feel more secure or to take additional risks for peace.

The fact is that Israel and Egypt are the only states in the region that have taken risks for peace to date. It is also a fact that Israel is deeply concerned about the possibilities for renewed aggression from the east. Given its past experience with her neighbors and their continuing refusal to take any steps to make peace with Israel, that concern is clearly justified.

In short, the Reagan administration's policy should be a cause for concern. Instead of being mutually reinforcing, its twin objectives appear mutually contradictory.

Having said this, the policy would perhaps be more understandable if the administration was moving to reassure Israel of continuing U.S. support. Unfortunately, three of its recent budget decisions raise serious questions as to whether that is the case.

The first decision relates to the refusal of the administration to implement a directive from the conference managers on the fiscal year 1982 foreign aid appropriation bill. As you may recall, the conferees on that legislation, of which I was one, directed the State Department to disburse the $806 million in economic assistance that we provided for Israel within 30 days of the bill's signing. We directed the State Department to take this action in order to help Israel avoid having to seek costly interim commercial financing.

Unfortunately, the Reagan administration has ignored this directive. When I first learned of this, I drafted a letter to Secretary Haig urging him to disburse the funds as directed. Yet, despite the fact that all but one of my colleagues on the Foreign Operations Subcommittee signed that letter, the Reagan administration has refused to do so.

A second cause for concern is the administration's decision to seek a reduction in grant military assistance for Israel in fiscal year 1982. As you know, we passed a 2-year foreign aid authorization bill last year. That bill included a provision for $550 million in grant military assistance for Israel in fiscal year 1983. However, the Reagan administration has only requested $500 million in such grant assistance, which of course will not meet the existing authorization.

While this is the first time that any administration has called for a reduction in aid to Israel, the Reagan administration has offered no explanation for its decision. Are we to seriously believe that such a step would be reassuring to Israel, or encourage Israel to take additional risks for peace? I think not.

Finally, as my colleagues will recall, the foreign aid authorization bill that we passed last year provided that all of our economic assistance to Israel would be in the form of a grant. However, the Reagan administration is now proposing that only two-thirds of that assistance be in the form of a grant. The remaining third would be in the form of a loan, which Israel would be required to repay.

Israel's debt service payments to the United States already exceed the ESF funds that she receives from the United States. In recognition of that fact and in an effort to avoid further strains on the economy of Israel, Congress decided to provide economic assistance to Israel in the future on a grant basis. However, the Reagan administration would have us reverse that decision.

As I said, Mr. Speaker, these budgetary decisions by the administration are disturbing, especially when viewed in the context of arms sales proposals now under consideration within the administration and recent statements by Secretary Weinberger suggesting that the United States should redirect its support away from Israel. Clearly, Israel cannot afford to engage in an economic war of attrition with its Arab neighbors. Now should it be expected to stand by while the Reagan administration punishes it while rewarding neighbors who have done nothing to advance the cause of peace?

For that reason I believe that we must reject the administration's call to reduce grant military aid to Israel. We must reject its call to provide some of our economic assistance on a nongrant basis. We must write our intentions into the law so that they cannot be disregarded by the administration. And we must review any future proposed arms sales to Israel's Arab neighbors with the greatest caution.

EXECUTIVE ORDER ON SECRECY

(Mr. BROWN of California asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous matter.)

Mr. BROWN of California. Mr. Speaker, last Friday the President signed the Executive order on national security information, replacing the one signed by President Carter in 1978. This latest Executive order carries several major flaws, all of which have been amply described and decried in the press and in hearings before the Congress in recent weeks.

I regret to say that the administration, in the person of Presidential Counselor Mr. Meese, must be condemned for misleading the American public and the Congress as to its intentions regarding this Executive order. When drafts of the order were made known, there was a loud outcry of disapproval, drawing fire from a broad spectrum of parties, including the press, constitutional scholars, civil libertarians, historians, archivists, the communications and information industry, university presidents, and science and technology professional societies.

Mr. Meese twice publicly denied excesses in classification, stating that—

> [T]he current controversy over a draft Executive Order that could greatly expand government secrecy actually was the fault of an overzealous bureaucracy trying to have its own way * * * the official policy is to decrease the number of classified documents to those that are actually vital to the national security. * * * But the bureaucracy * * * tried to expand classification.

He then assured us, "You will find that is being corrected in the current drafts."

Now we find that Mr. Meese's assurances were empty: By the White House's own admission, there is not one single clause in the order that reduces classification or increases declassification. This kind of ambivalent speech was also seen during last year's debate on the Executive order on intelligence. Mr. Meese assured us at the time that there was "absolutely nothing * * * which would expand the ability of the CIA to engage in domestic spying." This turned out to be false as well.

Now Mr. Meese is an honorable man, and we should not presume that he has been altering the truth. We can only assume that he was speaking in ignorance, which in itself is not reassuring.

The Executive orders raise a much more serious question; namely, "Who is going to participate in the debate and the decisionmaking?" The stakes in this issue are very high; we are talking about major impacts on our scientific, technological, and industrial base, to say nothing about freedom of the press, openness in government, and abridgements of constitutional protections. Matters of this gravity call for public participation at the highest levels.

Yet his administration's whole approach has been not only to further restrict the flow of scientific and other information, but to hold at close quarters the policy decisions as to what will be restricted, and by whom. Admiral Inman, Deputy Director of the CIA, stated last January that the justifications for secrecy might be even more sensitive than the material being kept secret, leaving the public no recourse. The Executive order just signed was rewritten partially to prevent judicial review, and the administration has actively excluded congressional review in the redrafting. If the administration's position is only know when regulations are issued, there is no possibility of a significant public input. Where, then, are the checks and balances?

Administration officials have repeatedly prefaced their statements on this subject by commentary to the effect that "a balance must be struck between the competing interests of national security and our democratic freedoms." Yet, the evidence is ample that it is only lipservice that is being paid to that notion. The most glaring example is the removal of the "balancing test" in the new Executive order. A proper balance is precluded as well by the narrow spectrum of opinions sought during the redrafting.

The Executive order is but the latest round in the administration's concerted effort to clamp down on what it sees as a "dangerous loss of sensitive information to the Soviets." Officials are particularly concerned with scientific and technical know-how, to which the Eastern bloc countries—like all other nations—have easy access in our free and open society. These are well-meaning concerns; none of us want to see classified national defense information reaching those who can turn it to military advantage against us.

The administration, however, has used this justification to propose broad and sweeping amendments to existing laws and regulations, ranging from the Freedom of Information Act, to export controls, and access of the press to Government officials.

Opponents point out that many of the proposed measures will not only be simply ineffective, or impossible to manage (such as asking all scientists to submit their work for prepublication clearance), but they could only be implemented at great cost to our most cherished democratic values: Freedom of the press, openness and accountability in government, academic freedom, and the unimpeded flow of scientific information that has been the basis for our technological and economic leadership. There are economic costs as well, such as the loss of multimillion-dollar contracts to foreign competitors, when U.S. firms are prevented from exporting U.S.-made goods.

I am pleased that, despite the administration's evident desire to keep the debate to a small circle, there is growing public interest in these issues, as can be seen from coverage in the general press, and public radio and television. It is incumbent on the Congress to respond to this public concern and not allow such important policy decisions to be made by a bureaucracy out of the public view.

I commend to my colleagues a short an succinct statement on this subject, by one Edward Teller, not known for harboring leftist tendencies or being a Soviet sympathizer.

[From Chemical and Engineering News, Apr. 5, 1982]

EDWARD TELLER TALKS ABOUT SECRECY IN SCIENCE

Edward Teller, the father of the H-bomb who is now senior research fellow at Hoover Institute, Stanford University, is well known for his views on secrecy in science. Here are some of the things he told C&EN:

"Secrecy is not security. The price paid for secrecy in terms of slowing down development and in terms of alienating us from our allies may not be worth paying—particularly as we are so very poor in keeping secrets.

"It is my general belief that" basic research should not be classified.

"U.S. interaction with foreign graduate students should be encouraged. I certainly would not want to shield Soviet graduate students from indiscreet questions from their fellow American graduate students. Such questions might be more effective if they came from fellow students rather than the U.S. government.

"Restriction on the flow of information should be flexible, fashioned after the model of industrial secrecy. Industries, in general, do not keep ideas secret. They do keep secret the details of processes, blueprints, occasionally products. Know-how is easier to keep secret than an idea.

"We are no longer the leaders in military technology. The Soviets are ahead of us in many respects. We also are no longer in the lead in civilian products. In many cases, the Japanese, French, Germans, and Swedes are ahead of us. Now what sense does it make to keep our technology secret in those instances in which others know more than we do and don't keep their technology secret? To effectively keep technology from the Soviets, therefore, requires collective action, not just the U.S. acting alone.

"I am for open scientific meetings [open to scientists from all countries]: I am completely against secrecy. But, if a scientific society, in its justified indignation over what is going on in Poland, does not want to meet with Soviet scientists, I certainly would go along with that. However, I think that decision should be made by individuals or groups of individuals like societies. I would hate to see that under the control of the government. From the point of view of defense, scientific meetings are not important; here, industrial secrecy is more important. From the point of view of expressing a protest, however, that protest will be more powerful if it comes from chemists acting as chemists."

□ 1215

THE 70TH ANNIVERSARY OF PRESENTATION OF CHERRY TREES TO THE UNITED STATES BY MAYOR OF TOKYO

(Mr. ZABLOCKI asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. ZABLOCKI. Mr. Speaker, exactly 70 years ago, in 1912, the cherry trees surrounding the Tidal Basin in our Nation's Capital, which have evoked the admiration and delight of succeeding generations of Americans, were presented to the United States by the then-mayor of Tokyo, the late Mr. Yukio Ozaki.

Last week, this historic anniversary occasion was marked by a visit to Washington of a group of distinguished Japanese citizens. The leader of the delegation is Mrs. Yukika Soma, daughter of the late Mayor Ozaki—whose gesture of friendship and goodwill is recalled each year at this time in connection with the annual Cherry Blossom Festival.

I am personally delighted to have this opportunity to pay tribute to Mrs. Soma and other members of her delegation who come from Oshika, a village located in the prefecture of Nagano; from Chiba township in the Chiba prefecture—both north of Tokyo; and from Tokyo itself. These individuals have traveled a considerable distance and at great personal expense to help us commemorate this anniversary occasion, and we owe them all a debt of gratitude and respect.

Mr. Speaker, at a time when United States-Japan relations are at a critical stage—perhaps the most critical since the end of World War II—it is well to recall this extraordinary initiative on the part of Mayor Ozaki. The visit of Mrs. Soma and her compatriots serves as a reminder of the enduring bonds of friendship which exist between the peoples of the United States and Japan and of the important influence of Japan on our own society and culture.

I also wish to extend my appreciation to Mrs. Elizabeth Gordan, founder of the American National Cherry Blossom Festival Association, for bringing this historic visit to the attention of the Committee on Foreign Affairs.

FEDERAL SUPPLEMENTAL UNEMPLOYMENT COMPENSATION ACT OF 1982

(Mr. FORD of Tennessee asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. FORD of Tennessee. Mr. Speaker, I am introducing legislation to provide 13 additional weeks of unemployment benefits to those jobless workers who have exhausted all available unemployment compensation assistance.

Last week's announcement by the Department of Labor that the national unemployment rate is 9 percent is one more signal that the recession is getting worse and economic recovery is a long way off. Despite administration claims to the contrary, there is no mistaking the seriousness of the problem we are facing or the hardship unemployed workers and their families are experiencing.

Nearly 10 million persons are unemployed. Unemployment has been above 8 percent for the past 6 months. In many States, such as my home State of Tennessee, the jobless rate is in double digits. In January, the most recent month for which data is available, 260,000 persons received final regular unemployment insurance payments. The volume of final payments under the existing Federal-State extended benefits program is projected to increase sharply in the next few weeks.

Our current unemployment insurance program, which provides a maximum of 39 weeks of unemployment benefits to jobless workers, is simply inadequate in the face of this recession. The recession is deeper and has lasted longer than anyone ever anticipated. While the administration continues to promise that better days are "just around the corner," such promises cannot pay food bills or mortgages. The workers who continue to suffer are in desperate need of the relief this legislation will provide.

The program I am proposing is limited in scope and is designed to address a clearcut economic emergency. It is not a substitute for a healthy economy, increased job training, new investment, and increased opportunities. But temporary relief provided by the program is justified in light of the hardship the recession has inflicted on jobless workers and their communities. Behind the unemployment statistics are men and women out of work through no fault of their own who want to be productive. Most have worked all of their lives. The jobless are not asking for a handout. This legislation will help them meet their basic needs during this difficult period.

The legislation I am proposing would provide qualified persons additional weeks of benefits equal to one-half of the number of weeks of State benefits he or she was entitled to receive. No one, however, could receive more than 13 additional weeks of benefits or a total of 52 weeks of benefits—26 weeks under the regular State program, 13 weeks under the Federal-State extended benefits program, and 13 weeks under my legislation. The benefits provided by the legislation would be payable under the same "trigger" used for the existing Federal-State extended benefit program.

When the economy does begin to recover, local industries are going to need their trained work force back on the job. If workers have been forced to give up their homes, split up their families, and seek work in another part of the country because of the length of the recession, the recovery is going to be slow in getting started. The temporary help my legislation will provide will assist jobless workers and industry in riding out the Reagan recession.

FALKLAND ISLANDS CRISIS—THE BITTER FRUIT OF THE ADMINISTRATION'S EFFORT TO USE ARGENTINA

(Mr. SEIBERLING asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SEIBERLING. Mr. Speaker, it is ironic, to say the least, that the first fruit of the Reagan administration's ill-conceived efforts to cozy up to the ruthless Argentine dictatorship may well have been to lead the Fascist junta now running that tragic country into believing that they could get away with an attack on the Falkland Islands' dependency of America's oldest and most faithful ally, Great Britain. The tragedy was further compounded when President Reagan, in an amazing display of ambivalence between right and wrong, refused to take a public position against Argentina's outrageous act of aggression, saying that he did not like to take sides "between friends."

Between friends, indeed. Since when was the Argentine junta a friend of the United States? The President's attitude will lead many to believe earlier reports to the effect that the administration was secretly attempting to get the junta to set up a clandestine paramilitary operation against Nicaragua. Certainly it is appropriate for the administration to use diplomatic and other means short of force to pressure the Nicaraguan regime into moderating its internal policies and refraining from giving military support to the Salvadoran guerrillas. However, that policy would ring truer if equal concern were shown to pressure the far bloodier totalitarian regime of Argentina to moderate its policy and to make an accounting for the thousands of its citizens who have "disappeared" without a trace.

Perhaps it is not too late for the administration to redeem its previous errors in dealing with Argentina. It can do this by bringing maximum pressure to bear on Argentina to withdraw its military forces and to work out a diplomatic solution which will restore a semblance of respect for international law by Argentina and will also serve the interests of the population of Falkland Islands, who are largely English-speaking and who must view with grim foreboding the prospect of permanently being subjects of the Argentine police state.

THE FUTA AMENDMENTS ACT OF 1982

(Mr. BLILEY asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous matter.)

Mr. BLILEY. Mr. Speaker, since its creation in 1939, the Federal Unemployment Tax Act (FUTA) has rarely been revised. FUTA, which provides a dedicated tax to fund unemployment insurance (UI) and employment service (ES) programs throughout the country, is a complex system of earmarked revenues, grants, allocations, and hold-harmless reimbursements. It was created to fill a void which no longer exists. And with each passing year, numerous problems have arisen that threaten the solvency of the FUTA system. And as States become more self-reliant and modern in ES and UI programs, the Federal Government has become even less so.

For this reason, I and over 65 of my colleagues are today introducing the FUTA Amendments Act of 1982. My friend, Virginia Senator JOHN W. WARNER, will be introducing identical legislation in the other body with similar support.

Mr. Speaker, these amendments must be enacted to avert disaster. FUTA cannot fund itself any longer. Witness the alarming frequency with which the Congress must now infuse general revenues into FUTA to keep it solvent. These amendments will return FUTA to solvency without any increase in taxes. I urge my colleagues to join me in this time of serious, if not historic unemployment, and restore FUTA to solvency, for the good of the Federal budget, the States, and most importantly, for the good of unemployed Americans.

ATTACHMENT

[Charts 1 and 2 referred to not printed in RECORD.]

Chart One diagrams the manner in which Federal Unemployment Taxes are distributed once collected from employers. Employers now pay two taxes: One Federal, one State. The Federal tax, or FUTA, amounts to 0.7 percent of the first $6,000.00 wages on covered employees. Of that 0.7 percent, 0.25 percent provides revenue to fund the Federal components of FUTA: Extended Benefits; Supplemental Benefits; and the Federal Unemployment Account, which makes advances to States unable to meet benefit payment obligations.

The remaining 0.45 percent is distributed to the States for administering their Unemployment Insurance (UI) and Employment Service (ES) programs, as prescribed by Federal law. Distribution of these administrative funds is highly complex, involving a "formula" under the Employment Training Administration (ETA) which may involve as many as 90 separate variables. This distribution is made in accordance with Section 5(b) of the Wagner-Peyser Act, which gives the Secretary of Labor virtually limitless discretion to distribute these funds.

In some years, a formula is used. In others, historic allocations determine future allocations. There is relatively little, if any, uniformity in the distribution methodology. And as a result of the factors taken into account by the Labor Department, nearly half of the United States receive less than their employers contribute in FUTA taxes. Further, in times of severe unemployment, these "loser States" are even further put upon to minister to the needs of their citizens.

This situation has left many States in the position of telling their unemployed that they simply cannot find them jobs because the State's FUTA taxes are being allocated to other, needier States. The irony here is brutal. An unemployed worker in a State with good historic unemployment must go jobless because another worker, perhaps even of the same trade and age, may be assisted because he resides in a State with poor historic employment.

Yet, if situations were reversed, it would only mean that current "loser States" would become "winners", and vice versa. A more realistic, flexible policy is necessary.

Chart Two illustrates proposed funding for administration under the FUTA Amendments Act of 1982. It is important to note that neither State taxes nor the Federal FUTA components—Extended Benefits and the Federal Unemployment Account (Supplemental Benefits expired in 1978) have been changed. Only the administrative funding operations have been re-structured.

This is the heart of the Bliley Proposal. Change funding of administration to allow States to retain FUTA taxes they collect for the Federal government, while maintaining the strong, unswerving commitment to a healthy, revitalized interstate employment program.

Chart Three shows (in 1981 figures) how much States received in allocations for administration from the Department of Labor (Column One) and how much interest States received from Federal investment of FUTA revenues. Columns Four through Six show how, under the Bliley Proposal, States may opt to retain a portion of the 0.45 percent of FUTA for administration, or 0.40 percent, and in many cases increase annual revenues. When combined with the potential earnings from State's new ability to invest this money at a higher rate (Virginia is now realizing approximately 16 percent yields on State investments), only ten (10) States show an administrative funding shortfall, down from twenty-four (24) under the current system.

The remaining 0.05 percent not retained by States opting to collect and retain FUTA is deposited into what is essentially an "escrow account"—an account for assisting those States whose retained FUTA is still insufficient to meet administrative obligations. As can be seen from Column Seven (7), in adding up national impact, the country as a whole will realize a net gain of over $600 million.

Yet the ten (10) shortfall States have an aggregate shortfall of roughly $55 million. Any State experiencing an administrative shortfall automatically triggers access to the "escrow account", which has an aggregate balance of nearly $200 million, or over three times the necessary amount to compensate States experiencing administrative shortfall.

This proposal has already received very favorable consideration by the Interstate Conference of Employment Security Administrators (ICESA). This proposal was unanimously supported by the 20-member Finance Committee of ICESA, at their annual meeting in Nashville, Tennessee the week of March 15, 1982. This committee represents a broad cross-section of States around the country, both "winners" and "losers". Involved in the drafting process were Employment Commissioners from both categories of States, and the final FUTA Amendments Act of 1982 has received their unanimous endorsement.

CHART 3.—IMPACT STATEMENT USING 1981 DATA—CURRENT SYSTEM VERSUS PROPOSED

[In millions of dollars]

State	Present system		Proposed legislation					Proposed legislation	
	FUTA collections returned to State by DOL for administration	Interest earned by Treasury on trust fund balances (9.8375 percent)	Collected for administration (0.40 percent)	Interest to be earned on administration 13 percent [1]	State managed trust fund potential interest if invested at 13 percent [1]	Potential FUTA funds available from outstanding uncollected FUTA dollars (250,000,000) [1]	Bottom line impact cols. 3 through 6 minus cols. 1 and 2	Portion of FUTA collections passed to Treasury (0.25)	Available resources in grants to State's acc. (0.05)
	(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)
National total	2,025.4	990.6	1,761.8	229.0	1,510.2	125.0	610.0	1,099.5	219.4
Alabama	30.8	8.1	25.3	3.3	10.7	1.7	2.1	15.8	3.1
Alaska	18.7	8.5	4.6	.6	11.2	.4	−10.4	2.9	.6
Arizona	25.6	25.5	19.9	2.6	33.8	1.4	6.6	12.5	2.5
Arkansas	19.8	0	14.2	1.8	4.9	1.0	2.1	8.9	1.8
California	262.2	292.7	206.0	26.9	386.8	14.7	79.5	128.7	25.8
Colorado	25.6	10.8	24.3	3.2	14.3	1.7	7.1	15.2	3.1
Connecticut	30.1	0	28.0	3.6	15.0	2.0	18.5	17.5	3.5
Delaware	5.7	0	4.8	.6	1.1	.4	1.2	3.0	.6
District of Columbia	13.3	0	7.3	.9	1.9	.5	−2.7	4.5	.9
Florida	46.6	78.4	73.1	9.5	103.6	5.3	66.5	45.8	9.1
Georgia	35.2	45.2	41.1	5.3	59.7	2.9	28.6	25.7	5.1
Hawaii	10.1	9.9	7.4	1.0	13.1	.5	2.0	4.7	.9
Idaho	15.0	8.0	6.0	.8	10.6	.4	−5.2	3.7	.8
Illinois	93.2	0	94.6	12.3	27.8	6.8	48.3	59.2	11.8
Indiana	39.1	19.7	42.3	5.5	26.0	3.0	18.0	26.5	5.3
Iowa	22.8	10.0	20.1	2.6	13.2	1.4	4.5	12.5	2.5
Kansas	16.7	21.2	17.3	2.2	28.0	1.3	10.9	10.7	2.2
Kentucky	22.0	2.4	21.9	2.8	3.2	1.5	5.0	13.8	2.7
Louisiana	27.9	20.3	31.9	4.1	26.8	2.2	16.8	19.9	4.0
Maine	11.8	.1	7.4	1.0	.2	.5	−2.8	4.6	.9
Maryland	27.6	37.8	28.1	3.7	49.9	2.0	18.3	17.5	3.5
Massachusetts	48.2	28.2	46.8	6.1	37.2	3.3	17.0	29.2	5.9
Michigan	122.0	0	65.5	8.5	24.9	4.6	−18.5	41.0	8.2
Minnesota	30.1	.2	31.9	4.1	.3	2.2	8.2	20.0	4.0
Mississippi	20.3	22.7	14.9	1.9	30.0	1.0	4.8	9.3	1.8
Missouri	42.9	7.8	36.0	4.7	10.3	2.5	2.8	22.5	4.5
Montana	10.0	1.9	6.1	.8	2.6	.4	−2.0	3.8	.8
Nebraska	13.8	7.8	10.2	1.3	10.3	.8	1.0	6.4	1.3
Nevada	15.3	12.3	9.4	1.2	16.3	.6	−.1	5.8	1.2
New Hampshire	6.7	7.7	7.3	.9	10.1	.5	4.4	4.5	.9
New Jersey	71.3	0	60.2	7.8	27.5	4.2	28.4	37.7	7.5
New Mexico	12.0	9.2	8.1	1.1	12.2	.6	.8	5.0	1.0
New York	178.6	55.1	134.6	17.6	72.9	9.6	1.0	84.2	16.8
North Carolina	38.2	56.0	45.8	6.0	74.0	3.3	34.9	28.7	5.7
North Dakota	9.8	1.3	3.9	.5	1.7	.3	4.7	2.4	.5
Ohio	76.8	0	83.0	10.8	25.2	5.9	48.1	51.9	10.4
Oklahoma	27.0	18.5	22.3	2.9	24.5	1.6	5.8	13.9	2.8
Oregon	34.6	32.0	20.2	2.6	42.3	1.4	−.1	12.6	2.5
Pennsylvania	127.4	0	88.6	11.5	52.5	6.3	31.5	55.3	11.1
Puerto Rico	17.8	0	15.4	2.0	9.1	1.1	9.8	9.7	1.9
Rhode Island	13.4	0	7.3	.9	5.1	.5	.4	4.5	.9
South Carolina	22.3	18.1	22.2	2.9	23.9	1.6	10.2	13.8	2.8
South Dakota	7.5	.7	3.6	.5	.9	.3	−2.9	2.2	.4
Tennessee	25.7	17.0	32.2	4.2	22.4	2.2	18.3	21.0	3.2
Texas	89.3	23.5	124.6	16.2	31.1	9.0	68.1	77.8	15.6
Utah	23.6	5.5	9.4	1.2	7.3	.6	−10.6	5.8	1.2
Vermont	5.5	0	3.5	.5	2.6	.3	1.4	2.2	.4
Virginia	24.3	7.0	39.9	5.2	9.2	2.8	25.8	22.6	5.0
Washington	47.4	34.4	32.2	4.2	45.4	2.2	2.2	20.1	4.0
West Virginia	15.2	0	11.9	1.5	3.4	.8	2.4	7.5	1.5
Wisconsin	40.9	18.4	34.7	4.5	24.3	2.5	6.7	21.7	4.3
Wyoming	7.7	6.7	4.5	.6	8.9	.4	0	2.8	.6

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[1] Represents potential new sources of revenue to State's previously unavailable.

Note: Proposed system—0.4 percent administration; 0.05 percent grant's to State's account (represents unallocated resources of $219,400,000, nationally to States adversely affected); 0.25 percent FUTA collections passed to Treasury for loans and EB's; 0.70 percent total FUTA tax.

Source of col. 6—Projections of outstanding uncollected FUTA taxes in 1981, National Commission on Unemployment Insurance.

Calculation of col. 6—Assume an efficient State managed FUTA system could recover 50 percent of outstanding funds. We distributed $125,000,000 to the States by their percentage share of total national FUTA collections (0.7).

Calculation of col. 7—Cols. 3 through 6 (minus) cols. 1 and 2.

Calculation of col. 8—Passed to Treasury for outstanding loans, EB's.

Calculation of col. 9—Grants to States account passed to Treasury for redistribution to State's adversely affected by new legislation.

Calculation of col. 5—If col. 2 interest is 0—examples of potential interest if 1981 November ending balance for trust fund invested at 13 percent annual rate. Illinois = 214,100,415 × 13 percent = $27,833,054; Michigan = 191,190,008 × 13 percent = $24,854,701; Pennsylvania = 403,681,694 × 13 percent = $52,478,620. If col. 2 interest greater than 0—multiply interest in col. 2 × 1.3214 to obtain interest at 13 percent (i.e. percent increase in interest 9.8375 to 13 percent is 0.3214. Example: Alabama, $8,100,000 × 1.3214 = $10,700,000.

Calculation of col. 2—Interest earned on trust fund balances through November 1981.

Source: Research and Analysis Division, Virginia Employment Commission, Mar. 29, 1982.

IN MEMORIAM: ROBERT J. COELHO

(Mrs. HECKLER asked and was given permission to address the House for 1 minute and to revise and extend her remarks and include extraneous matter.)

Mrs. HECKLER. Mr. Speaker, I speak with sadness today. The city of Attleboro in my congressional district has lost a fine educator and a beloved friend. Robert J. Coelho, Attleboro superintendent of schools, passed away unexpectedly on April 2—a profound loss to the entire community.

In extending my sympathy to Robert Coelho's family and friends, I would like to insert an editorial on him that appeared in the April 5 issue of the Attleboro Sun-Chronicle. The editorial is aptly titled "A Man With Vision."

A MAN WITH VISION

In the untimely death of Superintendent of Schools Robert J. Coelho, the people of Attleboro have lost a man with a vision.

His career in Attleboro, and the vision, began as a teacher in 1955 at Lincoln School in South Attleboro from which he rose to the top education post in the city, where he continually displayed his dedication to quality education in Attleboro. He was talented enough to go elsewhere, to higher paying jobs, but he never abandoned his vision for Attleboro.

He designed the city's modern school system, and oversaw its operation during its most tumultuous years. Overcrowding, double sessions, extraordinary personnel problems and, in recent years, tremendous budget pressures were some of the problems he faced.

But he persevered.

His professionalism and sincerity were admired by all, no matter which side they took on the tremendously emotionally issues affecting our schools in the past decade.

He oversaw the addition of two elementary schools to the system and an addition to the high school which more than doubled its size.

He was selected several times to work on state programs, the most recent, the establishment of educational goals for the entire commonwealth. Education and community service were his life.

Bob Coelho was a humanitarian, always ready to lend assistance in programs whether as a leader or follower. Somehow, the work always resulted in success.

If Attleboro has a fine education system, as both state and local officials acknowledge, it was under Bob Coelho's guidance that made it what it is. His vision and commitment to quality education for all our children no matter what their problems, should be an inspiration to his successor, for city officials and for the people of Attleboro.

Bob Coelho was an achiever; we'll miss him dearly.

INDIVIDUAL TAX CUTS MUST BE PRESERVED

(Mr. DREIER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DREIER. Mr. Speaker, we are now about 1 week away from the time when most Americans trudge to the post office to mail their tax returns to that model of "efficiency and fairness"—the Internal Revenue Service. While I believe Americans are still paying far too much to finance our majestic Federal Government—this puzzle palace on the Potomac—we have taken steps to see that Americans are paying less in taxes this year.

Of course, the bulk of the tax reduction will only take effect during the next 2 years. Now, however, we are hearing many Members of this body call for a halt to these tax cuts. These individuals would no doubt like to see a return to the times when the Federal Government taxed and taxed and grew and grew. I might also point out that these same individuals are benefiting from one of the most outrageous tax dodges ever created—one which allows each Congressman to claim a $75 deduction for each day Congress is in session. This self-serving windfall tax break for Congress will cost taxpayers millions of dollars this year and yet we hear no call for repeal of this tax cut.

Mr. Speaker, our choice is clear. We must preserve the individual tax cuts while repealing our own overly generous and undeserved tax break. We owe this to ourselves, but more important, to the American people.

IT'S TIME TO ACT ON EXPORT TRADING COMPANIES LEGISLATION

(Mr. HYDE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. HYDE. Mr. Speaker, at a time when there is strong concern for the rising unemployment rate, there is legislation awaiting action before committees of this body that could create over 300,000 new jobs nationwide by 1985. In addition, this legislation could increase the GNP by approximately $30 billion, and could reduce the Federal deficit by more than $11 billion—all at little or no cost to the taxpayer.

The proposed Export Trading Companies Act passed the Senate in April 1981 by a vote of 93 to 0. House versions of the legislation have well over 100 cosponsors. It enjoys broad bipartisan support. It has the strong backing of President Reagan, and was supported by the previous administration as well. The National Governors Association has twice adopted resolutions urging its passage. It enjoys strong support across the board in the business community.

Why—you may ask—with such strong support has this legislation not yet been approved? The fact is that the Democratic majority of the Judiciary Monopolies and Commercial Law Subcommittee has so far failed to hold a markup of the bill, despite promises to do so.

In contrast to this inaction, our trading partners in Japan, West Germany, France, and Hong Kong are using this most successful tool of export trade to their advantage, and our considerable disadvantage.

The large Japanese export trading companies, provide a variety of services such as marketing, shipping, customs brokerage, insurance, and auxiliary trade services. With the support of their government, they are flourishing, as is Japan's export trade. In fact, most of the large trading companies in Japan have a more extensive U.S. network of offices than the average midsized American firm.

The legislation awaiting action in committee seeks to make U.S. goods and services more competitive in the world market by encouraging the formation of American export trading companies. And who would benefit most from this legislation? The small and midsized firms of this country which currently do not export, due to a lack of experience and/or capital, and which need the most assistance during this time of economic stress. The Commerce Department has estimated that every $1 billion increase in exports will create 31,000 jobs.

Mr. Speaker, what are we waiting for? With unemployment unacceptably high, with a trade deficit of over $100 billion in the past 5 years, with record numbers of small businesses in serious trouble, here is a proposal that demands action. I urge my colleagues to join me in calling upon the House Judiciary Committee chairman to let him know that we oppose any further delay in approving this badly needed legislation.

EFFECT OF ADMINISTRATION'S 1983 BUDGET PROPOSAL FOR IMPACT AID

(Mr. DAUB asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DAUB. Mr. Speaker, today I am introducing a sense of the House resolution which addresses the serious effects which this administration's 1983 budget proposal for impact aid would have on hundreds of local school districts. Specifically, I am focusing on the effect such a proposal would have on districts impacted by a military installation.

My resolution reaffirms the long-recognized Federal responsibility to provide an in-lieu-of-tax payment to those school districts with a tax-exempt military installation nearby or within the district. Further reductions in funding for military dependents would either curtail basic services, place a disproportionate tax burden on local homeowners, or instigate the development of drastic alternatives with regard to the financial relationship between school districts and military installations.

The trend taking place—that of a reduced Federal compensation for local school districts which are providing quality education for our Nation's military dependents—concerns me, and the time has come to act in behalf of the children of our Nation's military men and women.

For that reason, my resolution calls for the immediate transfer of responsibility for compensating these local school districts to the Department of Defense. I urge my colleagues to join with me in this effort.

TO THE REVIVAL OF WOLF TRAP

(Mr. WOLF asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous matter.)

Mr. WOLF. Mr. Speaker, we were all saddened this past Sunday night as we learned of the devastating fire at Wolf Trap Farm Park in Vienna which is part of the 10th Congressional District of Virginia. This is a loss not only for the Nation's Capital area, but for the millions of people from all over the country and around the world who have enjoyed an evening at Wolf Trap. But out of this tragedy there is already a growing community spirit among citizens, businesses, and government that Wolf Trap will live again—and be stronger than ever.

I am tremendously encouraged by the outpouring of support which has surfaced to rebuild this truly national cultural treasure which is operated by our National Park Service: President Reagan phoned to express his concern to Mrs. Catherine Filene Shouse, the marvelous inspiration and benefactor behind Wolf Trap; artists who have delighted audiences at the park such as Beverly Sills, Bob Hope, Burt Reynolds, singer-composer Paul Williams, have also called Mrs. Shouse to tell her they stand ready to do what is necessary to see that Wolf Trap is rebuilt; Secretary Watt of the Department of the Interior has pledged his support.

I have also communicated with our colleague, Chairman SID YATES of the Interior Subcommittee on Appropriations, who is supportive of the effort to rebuild the center.

I was at the Interior Department in 1971 when Wolf Trap was rebuilt after another disastrous fire. I have watched the Park grow and become one of the Nation's greatest cultural resources. Its appeal to the young and old, rich and poor, lovers of opera and bluegrass alike, has made it a monument to the American diversity which has made our country so great.

The fundraising effort to rebuild Wolf Trap began in spirit the very night of the fire and now is the time to make definite plans. It will take a partnership of efforts by the Government, private sector, and citizens; but the Federal Government must take the lead as it has in the past. I call on my colleagues, many of whom have already expressed their support, to be the good neighbors you are in the Washington area to demonstrate to Washington and the world that Wolf Trap will have a bright future.

I would also like to bring to the attention of my colleagues an editorial in today's Washington Post which points out the effort already under way to revive Wolf Trap.

[From the Washington Post, Apr. 6, 1982]

TO THE REVIVAL OF WOL TRAP

How excruciating it must have been for Catherine Filene Shouse to watch in the night from the rolling grounds of her beloved Wolf Trap Farm Park as those huge, wind-whipped flames savaged the Filene Center—destroying at age 11 what had become one of the country's most popular cultural assets. Certainly for all the millions from the capital area and from around the world who have savored the pastoral magic of Wolf Trap on a summer's night, spring's tragedy was depressing enough. But please turn now, if you mourn the loss, to the obvious and immediate response: to rebuild.

Everyone can help—just as everyone, rich and poor, could and did enjoy Wolf Trap—and already, many have said they will; there have been heartwarming offers of everything, from supplies to volunteer construction work to donations of all sizes. Such contributions are a fitting and essential tribute to the generosity and the show-must-go-on spirit of Mrs. Shouse, donor of the 117 acres on which the center stood as well as of the money that built the structure.

Neither the foundation nor the federal government, which has operated the facility, can be expected alone to underwrite the revival of Wolf Trap. But with public support, this season's entertainment can proceed in at least some makeshift way at the park--while out of the charred ruins of Sunday night can rise a new Filene Center for the years beyond.

The campaign is in motion on an encouraging note: President Reagan called Mrs. Shouse to express his personal concern and to note that his administration would support a reconstruction effort. Nancy Reagan, too, has offered to help. Northern Virginia Rep. Frank Wolf, who was with the Interior Department 11 years ago when fire severely damaged the center even before it could open, reported similar pledges of cooperation from Interior and from Capitol Hill, where swift efforts should be made to come up with necessary federal funds for the recovery. And in the office of Rep. Sidney Yates, who heads the House subcommittee that would act, there is critical support for a federal effort in concert with private assistance.

Private enterprise—local and national, large and small—can pitch in; so can the many entertainers whose financial well-being surely has been strengthened by their engagements at Wolf Trap over the seasons. The foundation stands ready to address the challenge of rebuilding—and welcomes your encouragement and calls, as the switchboard may allow, to 938-3810. The postmaster general has agreed to set aside a special box for contributions, which can be mailed to Wolf Trap, Washington, D.C. 20260. If ever there were a time or an opportunity to thank Mrs. Shouse for the great source of inspiration and entertainment that she and her family made possible, this is it.

CONGRESS SHOULD ADDRESS HOUSING INDUSTRY'S PROBLEMS

(Mr. EVANS of Delaware asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. EVANS of Delaware. Mr. Speaker, I hope that no one in this body needs to be reminded of the condition of the housing industry, an industry that permeates our entire economy and affects potential home buyers, realtors, home builders, savings institutions, and small business people all over this great land of ours. Yet, Congress has failed to address this serious national problem.

I had planned, together with my colleague from Illinois (Mr. CORCORAN), on introducing an amendment to the urgent supplemental appropriations bill to give Members a real choice: A real choice of continuing subsidies to major oil companies and huge, immensely profitable, multinational corporations, or assistance to home buyers and home builders and small businessmen all across America.

I might say that our initiative to help home buyers is supported by a growing number of our colleagues on both sides of the aisle. Home builders and home buyers and the tens of thousands of American craftsmen who depend on the housing industry for jobs need assistance now.

This Congress should not be taking a recess without addressing this very serious national concern.

☐ 1230

REMOVAL OF NAME OF MEMBER AS COSPONSOR OF H.R. 3144

Mr. GOLDWATER. Mr. Speaker, I ask unanimous consent to have my name removed as a cosponsor of the bill (H.R. 3144) to provide for the conveyance of certain lands to D-Q University in the State of California.

The SPEAKER pro tempore (Mr. PEYSER). Is there objection to the request of the gentleman from California?

There was no objection.

JAPANESE SUBWAY CARS FOR NEW YORK CITY

(Mr. McEWEN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. McEWEN. Mr. Speaker, I, along with thousands of unemployed auto workers in Ohio, was shocked to learn that the New York Metropolitan Transportation Authority last week announced the signing of a $274.5 million contract to purchase 325 subway cars to be manufactured by Kawasaki Heavy Industries, Ltd., a Japanese firm. Because no Federal assistance is involved, the Buy America provisions of U.S. law do not apply. The Export-Import Bank of Japan, a government agency, will loan $126 million to help finance the purchase.

According to an MTA spokesman, the effective interest rate on the loan is 12.25 percent. I am highly disappointed at the action by MTA and its chairman, Richard Ravitch, and his announcement that they plan to buy an additional 1,000 cars in the next 5 years and is negotiating with additional manufacturers. I believe it is time for the labor leaders and all of us in this country to get committed to providing jobs for Americans that pay taxes in this country.

ANNUAL CHERRY BLOSSOM FESTIVAL

(Mr. MINETA asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. MINETA. Mr. Speaker, at a time when each day's newspaper seems to bring more bad news, it is a delight to once again have the annual Cherry Blossom Festival to bring some light and cheer into our lives.

There was an unusually pleasant aspect to this year's celebration. Participating in the ceremonies was Yukika Sohma, the daughter of the mayor of Tokyo who first sent us these lovely trees 70 years ago as a token of friendship between our country and Japan.

Much has changed in those 70 years. But the value of beauty, grace, and friendship remains unquestioned. The trees we have come to love so much are beautiful in their own right. They also reflect the friendship between our two countries. May we always appreciate these trees, the people who brought them here, and the principles of international friendship and cooperation that they represent.

COMMUNICATION FROM THE CLERK OF THE HOUSE

The SPEAKER pro tempore laid before the House the following communication from the Clerk of the House of Representatives:

WASHINGTON, D.C.,
April 2, 1982.

Hon. THOMAS P. O'NEILL, Jr.,
Speaker, House of Representatives, Washington, D.C.

DEAR MR. SPEAKER: This is to inform you that I have recently received a subpoena issued on or about March 3, 1982 from the United States District Court for the Eastern District of New York requiring production of certain records within my custody relating to official functions of this office.

Sincerely,
EDMUND L. HENSHAW, JR.,
Clerk, House of Representatives.

COMMUNICATION FROM THE CLERK OF THE HOUSE

The SPEAKER pro tempore laid before the House the following communication for the Clerk of the House of Representatives:

WASHINGTON, D.C.,
April 2, 1982.

Hon. THOMAS P. O'NEILL, Jr.,
Speaker, House of Representatives, Washington, D.C.

DEAR MR. SPEAKER: I am writing to inform you that pursuant to the provisions in House Rule L (50), ¶5, that I have determined to comply with a subpoena earlier served upon me, notification of which was laid on the table on March 22, 1982, for records relating to the official functions of my office.

Sincerely,
EDMUND L. HENSHAW, Jr.,
Clerk, House of Representatives.

GOOD NEWS FROM EL SALVADOR

The SPEAKER pro tempore (Mr. PEYSER). Under a previous order of the House, the gentleman from Arizona (Mr. RUDD) is recognized for 60 minutes.

Mr. RUDD. Mr. Speaker, 15 months ago we inaugurated a new President—a new President who brought a vigorous new approach to the solutions of the problems confronting this Nation and the world.

By their votes, the people of this Nation indicated they wanted a change in direction and this President offered a change.

He promised to try and reduce Federal spending. He promised to try to cut the destructive high inflation rate. He promised to reduce the unwarranted and unnecessary Federal interference in our daily lives.

With the help, in some cases reluctant help, of the 535 Members of Congress, this President has made a new beginning.

He was not able to reduce Federal spending, but he did cut by more than half the request for increased Federal spending. He was not able to eliminate all the unnecessary redtape, but he was able to reduce the number of pages of regulations printed in the Federal Register from 73,000 to 51,000.

He was not able to end inflation, but he did cut the rate, which had been in double digit figures for most of the previous administration, down to an annualized rate in the month of March of less than 4 percent.

For the past 5 or 6 months we have been provided with a consistent diet of bad news.

The morning newspaper headlines and the evening television news emphasize what they perceive to be wrong with the President's program and ignore what many common folk perceive to be right with the President's program.

Nowhere has this consistent criticism of the Reagan administration been more pernicious than it has been in the reports of Central and Latin America, and particularly the reports from El Salvador.

Mr. Speaker, now I call your attention to some good news and to underscore the importance of this good news. Permit me to review in some detail what has been going on in El Salvador.

Mr. Speaker in land area this nation is about the size, of your own State of Massachusetts. It is bordered by Guatemala on the north, Honduras on the east, and Nicaragua on the southeast, with about 135 miles of frontage on the Pacific Ocean. About 5 million people live in El Salvador.

El Salvador became independent of Spain in 1821 and of the Central American Federation in 1841. About 10 percent of the population is Indian, about 89 percent is of mixed Spanish and Indian blood, and about 1 percent Caucasian.

Since achieving independence, the Salvadorans have, in company with all of their neighbors, struggled with a succession of authoritarian rulers. And, again, like most of its neighbors, there is both great wealth and great poverty. The political rulers—clasping hands with the military or sometimes vice versa—have attempted to maintain the status quo by preserving the privileges of the wealthy and preventing any upward mobility on the part of the poor.

But the thirst for freedom was not to be denied and in January, 1931, in what most observers believe was a free election, Arturo Araujo was elected President.

Araujo had campaigned on a platform of better education, better transportation, and jobs for ordinary Salvadorans, and industrialization for the nation as a whole.

The new President had been educated at Oxford. He had seen the way in which class fluidity and mass prosperity had appeared in England after the Industrial Revolution. He wanted to bring the benefits of an industrialized economy to his people.

The privileged class, accustomed to using military power to protect their material possessions, staged a coup, led by the Vice President, Gen. Maximiliano Hernandez Martinez.

The followers of Hernandez sincerely believed the only way they could retain their riches was by keeping the majority of the people poor. This quite naturally led to a belief on the part of the poor that the only way they could gain a better economic condition was to take the wealth from the rich.

Neither side understood at all what Arturo Araujo had attempted to accomplish, and quite naturally as they have in every other disturbed corner of the world, the Communists became active in El Salvador. Their present leader is a man named Shafik Handal of Palestinian ancestry.

In 1972, Jose Napoleon Duarte was elected President, defeating the candidate of the PCN (Partido De Concilacion Nacional)—the political arm of El Salvador's military.

This party had been ruling El Salvador for about 40 years and they were not about to let a mere election change the course of events. Duarte was beaten and forced to flee the country.

In 1979, a group of young Army officers ended the 45-year rule of the PCN group, deposed the present, Carlos Humberto Romero, and Duarte—back from exile—was made President.

The Government under Duarte's direction began to move toward land reform, toward better economic and educational opportunities, and toward a full democracy.

But, of course, their progress was not fast enough to please the Marxists. They wanted to rebuild Salvadoran society on Soviet and Cuban models.

This, then, is the background of the struggle in El Salvador. John Kurtwill, a contributing editor of the National Catholic Register and editor of Policy Digest accuses the American press of romanticizing the guerrilla forces and refusing to grant any credibility to the reforms attempted by President Duarte.

It is estimated there are only about 5,000 leftist guerrillas operating in El Salvador. Guerrillas who are receiving their arms from Russia through Cuba and Nicaragua.

On the extreme right, there are about 5,000 followers of the old regime. This far right group would wipe out the land, educational, and economic programs of the Duarte regime and return to the rigid military control of the past.

The far left wants to expropriate all the land, nationalize all businesses, and create a Soviet state. To accomplish this end, they have waged relentless guerrilla warfare on the innocent people of El Salvador.

One writer reviewing the Salvadoran situation said,

> The goal of terrorism all along has been to make the people cry out, "basta, ya—enough, bring us peace no matter what you have to do."

Would the establishment of a Soviet model government in El Salvador bring peace and dignity and opportunity to the Salvadoran people? What they are demanding is "expropriation without right to indemnification of all properties, in the hands of the oligarchy; subsequent redistribution as collective, communal, or state properties; management of the national economy on the basis of a system of national planning." Mr. Speaker, does this modus operandi of the Soviet Communists sound familiar?

We should keep in mind that such demands voiced by guerrillas in other lands have never brought peace, justice, or opportunity. And, if this is questioned, we should solicit an answer from the Poles, from the Afghans, from the Cubans, and most recently from the Nicaraguans.

Now, let us relate the good news. The guerrillas called for and attempted to produce a nationwide strike. This was to demonstrate to the leaders of El Salvador that the guerrillas enjoyed the popular support of the people.

But the people refused to strike—even though the guerrillas committed hideous acts such as murdering a businessman, by mutilation, who counseled his employees against striking.

The guerrillas are attempting to destroy what little economic strength remains in El Salvador. They wantonly destroy buses, they blow up powerplants, they dynamite roads.

Is this to show their concern for the plight of the average Salvadoran? No! It is not; it is to intimidate the people.

But the good news is the people refused to be intimidated. They did go to the polls. They did vote. They said, "We want a chance to determine our own destiny in a peaceful manner."

The elections in El Salvador completely vindicated the policy of this administration. We do not say the government in El Salvador is perfect or not without fault. But we do say, and they helped to prove, that the people of El Salvador prefer ballots to bullets.

Now let me direct your attention to those cassandras who have been pretending to see in El Salvador a second Vietnam—ridiculous. Consider the logistical differences. Vietnam was half the world away. Transport can reach El Salvador by air in a few hours.

In Vietnam the regulars of the North were a powerful, disciplined military force, easily supplied by the Soviets through China.

The guerrillas in El Salvador are small in number, poorly trained, and their supply routes could be easily interdicted.

I bring this up not to suggest that the United States should send troops to El Salvador, but to emphasize how ridiculous the claim that if we support the legitimate government in El Salvador—the only legitimate government—it will lend to a prolonged 10-year military involvement.

Recently a resolution was offered. It was suggested that the House of Representatives urge the established government in El Salvador to invite the guerrillas to join the government and to commerce negotiations for a political settlement.

This is essentially the same proposition being urged by Mexico and France.

I voted against that proposal. For the legitimate government of El Salvador—particularly now that it has been chosen in an open, free election—to invite the leaders of the left to participate would be to legitimize the terrorists activity.

Let those guerrillas who truly long for a betterment of conditions in El Salvador—as individuals—put down their arms and their bombs and go to work to improve the economy and to make democracy a reality.

I promised good news and there is good news in the American economy. The reduction of the inflation rate is a remarkable accomplishment. The President's new and different attitude toward the role of the Federal Government in our everyday lives is a remarkable change.

We spent billions to create the Great Society and are we better off for all that public money spent? The crime rate in every category is up.

We spent billions of public money in the "war on poverty." There is still great misery and poverty in this country.

The Reagan administration understands that you cannot give somebody something without ultimately destroying the recipient of your gift. The Reagan administration is determined to get the Government out of the way and to encourage the individuals to be responsible for their own destiny, with an assist for all those who are genuinely incapable of caring for themselves.

As I go about the 4th District in Arizona, I find the people expressing new confidence and new hope. Sure things are difficult right now, they say, but it is going to be better.

When I visit the young people I find them sober and serious and determined to make progress on their own.

Just this spring an amazing thing has occurred. Organized labor has voluntarily accepted a reduction in wages and fringe benefits in order to keep their industries in a better competitive position.

The President's proposal to improve our defense capability is under constant attack in the media. But the people I talk with—the workers, and the taxpayers, and the homeowners, and the businessmen—have a clear understanding that in order to survive, we must be strong.

Last week one of my supporters and political advisers cautioned me about being too bold and forthright in my support of President Reagan. "President Reagan's popularity is way down you know," he said. "The polls tell us so. A great many people do not approve of what he is doing. It would be better if you talked more about ELDON RUDD and less about Ronald Reagan."

Well, my friends Ronald Reagan is the only leader we have who has demonstrated an understanding of the problems which confront us and a determination to do something about them. He is taking his lumps in the press, but on the scorecard that really counts—that is the one kept in the heart of every loyal American—I think Ronald Reagan is earning high marks.

And, because I believe he is right when he says we must reduce taxes—we must reduce Federal spending—we must reduce Federal regulation—I shall continue to support him at every opportunity because I, too, believe those things are right for this Nation.

Mr. Speaker, the American people have the courage, and the understanding, and the wisdom, and the commonsense to recognize that to return to the ways of the past would lead to ultimate disaster.

□ 1245

TRIBUTE TO A YOUNG HERO

(Mr. YOUNG of Missouri asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. YOUNG of Missouri. Mr. Speaker, today, I would like to take just a moment to salute a young man from my district in St. Louis County. The youngster is Scott McKenzie and he is only 6 years old.

On March 20, Scott showed courage beyond his young years when he, his 3-year-old sister, Carrie, and a 4-year-old playmate Kyle Naes, were attacked in the backyard of Scott's home by a vicious dog. As the animal lunged toward the children, Scott courageously pushed his sister and their friend onto a backyard jungle gym, out of the way of the attacking animal. Unfortunately, Scott did not have time to follow them to safety. Unable to outrun the dog, he was knocked to the ground and bit severely in the face, chest, back, and arms. His left ear was severed in the attack.

Scott's sister, Carrie, also acted courageously. She got off the jungle gym and ran to her house to get her parents. Her father, Chuck McKenzie, is a policeman in suburban Vinita Park. Mr. McKenzie shot the dog twice before it bounded away over several neighborhood fences. The animal was killed moments later by another policeman in a nearby park.

Scott was rushed to the hospital where he received more than 1,000 stitches to close the wounds he received from the dog's bites. Surgeons who operated on the boy apparently worked some sort of miracle because they were able to take the boy's ear that was retrieved from the dog's stomach and implant the ear under the boy's scalp for future reconstruction.

Scott's courage and concern for his sister and his playmate saved both of them from harm. Unfortunately, his incredible bravery was not enough to sustain him from injury as well. Scott now faces extensive outpatient and inpatient surgical care. Doctors say it may take up to 5 years of reconstructive plastic surgery to repair the young boy's face and his left ear. The latest word is that Scott seems to be facing this surgery with the same manner of courage and fortitude that saved his sister and their friend. His parents, Chuck and Debbie McKenzie, also show the same type of courage that they had instilled in their young son.

Now the McKenzie family is facing thousands of dollars of medical bills in the next few years as Scott recovers from these severe injuries. Officials of the school where Scott attends first grade have set up a fund to help pay the medical costs that may not entirely be covered by the family's insurance.

Mr. Speaker, I think the courage and maturity shown by little 6-year-old Scott McKenzie are worthy of a moment's recognition in the U.S. Congress. While Scott's suffering and pain are indeed tragic, I am hopeful that he can gain additional courage to face his ordeal through the knowledge of the inspiration his incredible act of bravery has shown us all.

REAGANOMICS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California (Mr. LUNGREN) is recognized for 60 minutes.

Mr. LUNGREN. Mr. Speaker, over the last few months we have heard many statements made in the well during 1 minutes and during special orders relating to the state of the economy. Increasingly from the other side of the aisle those comments have taken the form of criticism, and in some cases, if I may say, bitter criticism.

Mr. Speaker, it seems to me we have to look at what has been done by this Congress under the leadership of the President in the last year and surely reflect on whether we want to call it a failure, and whether we want to turn it around.

In my view, Mr. Speaker, if President Reagan loses we all lose, because if Reaganomics fails, the American people fail. The reason I say that is basically Reaganomics is based on a faith in the ability of the individual American to make decisions for himself and for herself, and if the premise of Reaganomics is wrong, then, in fact, the thought that the American people have the capability of making many individual decisions for themselves is also wrong.

Over the years as President Reagan, prior to the time he assumed the Presidency, traveled throughout the Nation, and made speeches in many of the districts around the country, he could probably be best characterized as the everyman of American politics—one who went around the country and spoke to the heart and soul of America, one who uttered what I would refer to as simple truths. They were simple truths such as the fact that the U.S. Constitution was essentially and primarily a document by which we were able to restrain the power of Government, not the power of individuals. That excessive taxation is dangerous and that, in fact, excessive taxation ultimately dampens the individual spirit, and thus it dampens and stunts the growth of the economy with all of the repercussions that has. That excessive regulation serves no one well except those who were in the no-growth movement. As the president of the NAACP said a number of years ago, it is awfully easy in Washington, D.C., to talk about the limits, the era of limits, the era of the no-growth movement if you happen to be a 35- or 30-year-old White House assistant making about $40,000 or $50,000 a year, but if you happen to be a member of the minority, a teenager, a black teenager, unemployed in the ghetto, you cannot accept the idea of a no-growth economy. Ultimately a no-growth economy means that there is no prospect for you to get into the mainstream of American society and certainly into the mainstream of the economy in the United States. He also talked about the simple truth that excessive Government spending, particularly at the Federal level, has devastating effects on the economy.

When the President spoke about these things as he went around the country, he found a responsive chord in the American people. I guess what we must ask here today, Mr. Speaker, is, Was that response of the American people a wrong response? Was it somehow misguided? Was it somehow in error or was it in fact correct?

What did those truths the President spoke about for so many years lead him to do when he came here to Washington? They led him to embark on an economic program that basically could be boiled down to four points:

First, that we must restrain the spending of the Federal Government. We accomplished some of that last year. We managed to rein in the excessive growth of the Federal Government, to bring the annual rate of increase of Federal spending from 16 percent which had been the level at which it had accelerated year after year to somewhere around 10.4 percent. Amazingly, when we were here last year and we started to vote on the budget, we thought we were bringing it down even more than that. We thought we were bringing it down in the range of 7 percent. But in fact, with a major element of the economy being in the area of entitlements or uncontrolled spending, despite all we did last year total Federal spending rose at an annual rate that was still 10.4 percent at the end of the year. Nonetheless, we made progress.

□ 1300

The second thing the President suggested and which we voted on here in the House was an idea of tax cuts, tax cuts for the individual citizens of America, along with some tax cuts for the business sector. The President was absolutely adamant that we must have individual tax relief. He wanted a 30-percent across-the-board 3-year phased-in program. However, after he had compromised here with the House of Representatives, and the U.S. Senate, he got a 25-percent across-the-board cut that was not phased in as quickly as he wanted.

Somehow, we decided to put it off so that the first part of this individual tax cut only took place in October of last year.

The second phase, of course, is to go in on July 1 of this year, and the next phase to go in July 1 of the next year.

Many of us feel that we would not be in the recessionary doldrums that we find ourselves today, if we had accelerated the application of those individual tax cuts as this President promised he wanted to do when he was running for the Presidency well over a year and a half ago.

Had we done that, I doubt that you could find any economist to suggest that we would have the level of unemployment that we have today. Nor would we have the economy in the doldrums that we find ourselves in today.

The third factor of the President's program was regulatory reform. The gentleman from Arizona (Mr. RUDD) has already referred to the numbers that give us an idea of how much we have cut back in the regulatory monster that we have created over the years here in Washington, D.C. We have managed to cut back by over a third on the numbers of pages of regulations that we had promulgated last year in the Federal Register.

So we made some progress, by cutting the number of pages by a third, but we still have over 50,000 pages of new regulations that were promulgated last year. Although we managed to cut in half the number of regulations, we still have only made a beginning on the regulatory reform package.

The fourth thing the President suggested that we ought to have as a major element of Reaganomics was a stable monetary policy. It seems to me that although there has been some movement in that direction, the Federal Reserve Board still has not completely learned the science, or perhaps better expressed, the art of having a stable monetary policy. In fact, some people are still uncertain as to how they will achieve that. Nonetheless, I think there is overall agreement that stability in monetary policy is essential.

Although these programs have just begun, we have had suggestions that they have already proven to be a failure. The detractors talk about the unemployment rate, and I would have to say, Mr. Speaker, that, yes, the unemployment rate is unacceptably high. We recognize it, the President has said so, the President recognizes it. Had his program been in place with the tax cuts at the time he first proposed, we may very well have avoided the situation we find ourselves in right now, in terms of all unemployment.

Another factor is the fact that we have had, according to some experts, the highest sustained rate of unemployment since World War II over the past 6 years. The President has been in the White House only for the last year. This indicates that it is a long term, rather than a short-term problem.

Mr. Speaker, when we look at some of the other results it seems to me they have received scant attention in the press and scant attention here on the floor. Yesterday when I entered into the special order that the gentleman from Georgia (Mr. GINGRICH) had, I related in detail some Bureau of Labor statistics indicating that every single sector of the individuals in America, no matter where they find themselves in the economy, is better off with respect to purchasing power because of the programs we put into effect.

We talk about how the average family of four with a 1980 income of $24,332 had actually almost $851 more in purchasing power in 1981 than they would have if inflation had continued at 1980 rates.

Similarly, the poverty level family of four with $8,414 in income in 1980 would save almost $300, $294 to be exact, in purchasing power in 1981 as a result of lower inflation.

Similarly, an elderly married couple with an income of $16,113 in 1980 would have saved $564 in purchasing power in 1981 as a result of lower inflation, specifically, I believe, because of the policies of this administration.

Now what does that mean? It means, for instance, if you take the benefits that may have been cut from the poverty level family of four, the marginal benefits they would have received had we not enacted some of the cuts were more than made up for in the increase in purchasing power that they have.

The difficulty, however, is in having people understand and appreciate that even though the dollars behind the dollar sign are not greater in their paychecks, the purchasing power of those same dollars is greater. The value of the dollar is greater because the inflation rate is not nearly as high.

That means they can buy more for their family then they could the year before, or they could this year, if the inflation rate had continued at the rate that prevailed the year before.

What does it mean for next year?

When we come up with the figures at the end of this year what will this mean?

Well, if the inflation rate continues to maintain itself at the rates we are seeing now, that average family of four will get more than $500 back in purchasing power in this current year as compared with its 1980 income of $24,332, based on inflation at the Jimmy Carter rates of 1980. We have the same thing with the poverty level family of four that would have $538 more dollars this year than they would have had if the inflation rate continued at the prevailing level during the Carter administration.

The elderly couple with the income of $16,000 would have $1,031 more in purchasing power this year than they would have had if the inflation rate continued at the levels that prevailed when President Carter was in office and when we had very, different policies than those pursued by this President.

What does this mean? It suggests to me that those who criticize the programs that we have put into effect, even though they have only been in place a short time, and are not completely implemented carry the burden of proving that alternative programs, which of course, we would expect them to identify, would do a better job than those we now have in place.

They should suggest to us, if they disagree with the President's policies of spending restraints, tax cuts, regulatory reform and a stable monetary policy how things would be better if we went back to the spendthrift days of just a few years ago. How would things be better if we, as some have suggested on the other side of the aisle repealed the tax cuts that we passed last year and have just implemented in the last few months? How would things be better for the economy if instead of trying to reduce the regulatory burden we put the tremendous regulatory cap back on in all of its glory? How can we abandon the hope and the goal of a stable monetary policy.

If they are suggesting that following their policies will get us in a better position than we are today, they must explain openly, here on the floor, why those policies which were followed for 4 years in the previous administration, did not work then but somehow would work now.

It seems that we forget in a very short period of time what those other policies brought us. Let us take a quick look at them.

When President Carter took office in January 1977 the inflation rate stood at 4.8 percent. My colleagues will recall that President Carter called that rate appallingly high when he was running for the office of the Presidency.

Remember that January unemployment rate that year was 7.5 percent, the prime interest was 6¼ percent, and that was just 1977, and 3-month Treasury bills paid an interest of 4.6 percent.

What happened after 4 years of following the policy that some who have criticized this President's policies would suggest that we bring about again? Well, after 4 years of that policy, inflation stood at an annual rate of 12.4 percent. For the second year, we had double-digit inflation based on the CPI. In January 1981 unemployment was at 7.4 percent, approximately where it had been when the President took office. It had barely budged. The cost of money had shot through the ceiling. The prime interest rate when President Carter left office was 21.5 percent. We all agree that the prime interest rate is too high today at 16 or 16½ percent, but it was 21.5 percent then. Three-month T bills at that time yielded 14.7 percent.

What does that mean? It means we had gone from an inflation rate of 4.8 percent to an inflation rate of 12.4 percent, almost triple in that period of time.

What have we done in terms of the prime interest rate? We had gone from 6.25 percent to 21½ percent in more than tripling the prime interest rate. In the 3-month T bills—the amount of interest that we have to charge with respect to getting the Government its money out in market—we have gone from 4.6 percent to 14.7—again almost triple.

Now what happened after 1 year of President Reagan's administration. Well, the previous year's inflation rate, 1981, was down to 8.9 percent, the first time in 3 years it had been below double digit.

The January unemployment rate was 8.5 percent. It had risen somewhat.

The prime interest rate was down to 15.75 percent, and 3-month Treasury bills had dropped to a yeild of 12.5 percent. In every single indication, with the major exception, and it is an exception, and one we have to deal with, that of unemployment, the economic indicators were in a positive fashion.

Now what is the problem with unemployment?

The problem with unemployment is there are long-term difficulties in this economy which will not be taken care of within a couple of months, and many of those things have to deal with those very elements that the President has attempted to reverse here in this seat of Government.

If we do not control the size of spending of the Federal Government, we tend when we have to go out and borrow, to depress the private sector borrowing market so that the housing starts are down, so that industries, heavy and light, are unable to go out and get money so that they can expand or even maintain themselves and continue the jobs that are already out there.

If we are going to increase jobs in this country we are going to have to have productivity rates on an incline, rather then a decline, and with all of these other statistics—another one that is extremely important is that during the last 3 years of the Carter administration, we had negative productivity growth for 3 years in a row. That shows an underlying weakness in the overall economy, caused mostly by the overwhelming influence of the Federal Government.

We have to deal with the excessive taxes, because when the tax rate is too high, it tends to crowd out initiative, and to dampen the ability and ingenuity of the average American to work, save, invest, and help expand this economy in a healthy manner.

And so we have to attack the essential difficulties that we find in the economy if we are going to make long-term employment gains in this country.

Now when we talk about inflation rates, a lot of people say, "How do you translate that? What does that mean? What are we talking about regarding savings in the pockets of the American people?

Well, when we talked about the inflation rate of last year, 8.9 percent on an annual basis, what happended this year? We brought the inflation rate down to 3.5 percent at the beginning of this year. It is now running somewhere around 3½ and 4½ percent per year. What does that mean? That means that in the space of less than 2 years we basically have taken 10 percent out of the inflation rate. This means that the average American gets a simple raise next year, or even at the same pay that he was receiving last year, he will have 10 percent more purchasing power than he otherwise would have had.

It is something that we have had to deal with for a long time and we failed to deal with here in the Congress.

The annualized inflation rate was under 4 percent in January of this year, it was less than 3 percent in February of this year, the producer price index fell at an annual rate of 1.2 percent in February, which was the first monthly decline in 6 years. Most analysts are beginning to say that we apparently are beginning to really defeat the inflation spiral which is based on the expectations of continuing inflation with everyone, particularly the average American.

Average retail gas prices shot upward from 88.2 cent in 1979 to $1.22 in 1980, a jump of 38.4 percent. Remember after price decontrol people suggested the President was wrong for having that price decontrol. Gas prices did rise, but only 10.8 percent over the previous year, to $1.35 per gallon.

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And now what happened? In December of this past year, the average retail price was down to $1.34.8 per gallon, and in January 1982 it was again down. So the President's policy on decontrol has worked in taking off those governmental strictures that basically caused us to rely more on foreign producers and less on domestic producers, and basically put ourselves in a self-proclaimed and self-created blackmail relationship with foreign producers, primarily OPEC.

The housing component of the CPI rose 15.2 percent in 1979, 13.7 percent in 1980, and only 10.2 percent in 1981.

Financing, taxes, and insurance on housing which rose almost 30 percent in 1979—27.5 percent—increased by 23.3 percent in 1980, and in the first year of this administration by 17.9 percent. In other words, the rates that had prevailed 2 years before have declined by almost 10 percent.

Now, this means that in the long run the American people are going to be far better off than they would have been had we followed the policies of the previous administration.

Are there problems today? Certainly there are problems today. Have we solved all of them? No, we have not solved all of them.

But should we take a "U" turn in the road and go back to the failed policies of the past? I do not think so, Mr. Speaker.

And what are the American people telling us? Recently there was a nationwide poll in which it was largely proclaimed that the lead question and answer dealt with whether or not the American people supported Reaganomics. And we heard on radio and saw on television and read in the newspapers that about 56 percent of the people no longer supported Reaganomics.

However, when you looked at the following when they broke down the elements of Reganomics as I have mentioned here today, they found that the American people overwhelmingly supported each and every component of Reaganomics.

What does this suggest? Perhaps that Reaganomics has become a dirty word because everything that has gone wrong at all with the economy is blamed on it. I am just surprised that the next eruption of Mount St. Helens has not already been blamed on Reaganomics. They seem to have done a good job in making that a dirty word.

But when you talk about the elements of Reaganomics, the American people want them. They understand that we have been overtaxed. They understand we have been overregulated. They understand we have spent too much here. And they understand that we have borrowed too much here in the Federal Government.

What are they telling us? They are telling us that they do not blame the President of the United States for the current economic difficulties. That is what the latest polls have shown nationwide. And just this Sunday in the Washington Post, Haynes Johnson, certainly not an open or closet conservative, a writer in the Washington Post, had a large piece in which he talked about accompanying Peter Hart, a Washington pollster that I understand primarily conducts surveys for the Democratic Party, dealing with what they referred to as a focus session in Asheville, N.C. This is where you go and you get representative individuals from a community and sit down and speak with them at some depth about different issues.

And what was the prevailing attitude? The prevailing attitude was, to quote Mr. Johnson, "That Reagan is winning the political struggle. In people's minds here, in Asheville, N.C., blame for the Nations's economic problems lies more with the Congress than with the President."

Now, what does that mean? That means that the American people recognize that we hold the purse strings here in Washington, D.C. We are the ones, as an institutional collective body, that have over the years passed the programs, appropriated all of the spending, allowed all of the deficit spending, agreed to all the borrowing. Now when the chickens come home to roost we cannot blame them on the new farmer in town.

What are they also telling us? They are telling us that even though they recognize that they individually may be a little less well off economically this year than they were the year before they are more optimistic about the future.

Let me just refer to one individual, Mr. J. D. Jackson, who has a real estate company down in Asheville, N.C. He said that he worries about conditions because his business is suffering, but he says, "I find myself a little worse off, but attitude-wise I am better off. I am more optimistic about the future. I find myself"—and this is key—"I find myself having faith and trust in the administration policies versus what I felt 2 years ago."

Another Member said that she felt herself "better off mentally."

There was also the sense, said Mr. Johnson, voiced by several, that the pain of the moment was unfortunate but necessary and stemmed from past practices and policies in Washington.

"America has been on a long binge," said Mr. Benjamin McKenzie, another businessman. "Now we are suffering part of the hangover."

This means that the American people still, in their hearts and minds, believe in what President Reagan has stood for so many years, what he has spoken about for so many years, what he has been consistent with for so many years, what he prevailed upon the Congress to pass last year, and that they are saying make some changes here and there.

It is said that they are not unconcerned about the deficit. In fact, they are very concerned about the deficit and said if it were absolutely necessary to postpone some tax cuts, they would be willing to do that. They would be willing to make that sacrifice.

But, you know, the American people know that that is not what is necessary. What is necessary is the Government, their representatives here in Washington, those of us in the House, those of us in the Senate, to somehow get the gumption and the guts to realize that spending has gone completely out of control here; that we cannot give away everything without trying to find where we are going to pay for it; that it is easy to have the responsibility of handing out money if you don't worry about the responsibility of taking it in.

We had a Member from the other side of the aisle who did not return this last year as a result of votes of the people of his district, who has appeared in the newspapers now because he now went back and started a bar in his own district. And he said something that I thought—maybe it ought to be up there right next to "In God We Trust"—he said, "I have got to pay my bills or I go out of business. And in all my years in Congress we never had to worry about that. We don't worry about things down there."

We know the mayor of New York, when he was here, voted for just about every spending program that came down the pike.

What did he say last year when he started criticizing us for spending? He said, "I was dumb when I was in Congress. I didn't worry about these things. And Congress doesn't worry about those things."

Unfortunately, sometimes it takes Members to leave this House before they realize that you cannot long deal with the Federal budget any different than you deal with the family budget. We could no more deal with our family situations in terms of continually paying out more than we take in, going further and further into debt; we could no more do that than, frankly, escape prison as individual citizens if we continued to bounce checks year after year.

And in a sense, that is what we are doing here, or have done here. We have bounced checks on the trust of the American people. We have devalued their currency year after year after year, because we have decided that it is easier to spend and spend, elect and elect, tax and tax, borrow and borrow. And we just cannot do that any more.

The President has come before us and presented a comprehensive program, the most far-reaching comprehensive program of an economic nature that we had here in years. We passed it in part. We certainly passed it in principle. And now when we have some of the difficulties in a settling out period, some of us, some in this House, want us to turn tail and run. And I do not think that is what the American people want.

We have got to get the message across that what we enacted last year was basically an alternative to the failed policies of the past, and that if one is to be fair about judging where we are now, and the efficacy of the programs that we passed in the last year, one has to compare it to something else. And one has to compare it to the alternatives that are presented. And to the extent that those alternatives sound a retreat and tell us to go marching off in a different direction, I think we ought to reject those alternatives.

Because, Mr. Speaker, as I suggested at the beginning of this special order, if President Reagan fails, we fail. If his policies do not stand the test of time, the assumptions upon which they are built will not stand the test of time. And frankly, it means that those of us who came here to Washington, including the President, saying that those who preceded us have faith in big government, we have faith in the people, will have failed, too. And that means the American people will have failed.

Mr. Speaker, I yield back the balance of my time.

THE BUDGET

The **SPEAKER** pro tempore. Under a previous order of the House, the gentleman from Iowa (Mr. TAUKE) is recognized for 20 minutes.

● Mr. TAUKE. Mr. Speaker, in the continuing discussions of the budget, there are three recurring themes which I think merit our critical reexamination. They are, first, that we cannot make cuts in defense spending without seriously damaging our national security posture; second, that we cannot impose tax measures without impairing the President's economic recovery program; and, third, that we cannot reduce nondefense spending without hurting the poor. One or more of these propositions are usually propounded by those with vested interests or holding highly partisan political viewpoints. Unquestioned acceptance of any of them impedes our progress toward the bipartisan consensus we must ultimately achieve. Given that we are to reduce the projected deficits, both in fiscal year 1983 and the out years, and I believe we must, no such proposition can be sacrosanct.

Our task, I submit, is to reduce the enormous deficits which threaten to starve the Nation's credit market and to do it with a commonsense, compassionate, and equitable approach to budgetary priorities. We must use commonsense in identifying those components of the budget whose unrestrained growth is primarily responsible for the deficits and in acting to curb their growth; in protecting and strengthening programs in education, research and development, job training, and other areas that are critical to achieving and maintaining economic vigor and growth; in maintaining and in fine tuning a tax policy conducive to economic recovery and growth; and in providing reasonably and adequately for our defense. We must be compassionate in our treatment of our needy and disadvantaged, insuring that they do not suffer undue hardship in any restructuring of the programs which constitute their "safety net." Finally, we must be equitable in distributing the burdens of our economic difficulties; no individual group or region should share them disproportionately.

There is no mystery concerning the identity of the budget components fueling the deficit. They are, as table 1 shows, payments to individuals; that is, the entitlement programs; defense; and the interest on the national debt. All have been growing at rates considerably in excess of rates of increase in prices, wages, and nominal GNP. Clearly these rates are not sustainable. Large budget components cannot increase for long at rates exceeding economic growth without creating insurmountable deficits. Yet we are asked to increase defense spending at the highest peacetime rate in our history, and we have programed into our laws, through an inappropriate COLA indexing scheme, indefinite and unrestrained growth in entitlements. Moreover, the deficit monster we are creating feeds on itself. If we do not control dificit spending, we are going to be facing the ominous specter of budgets whose most significant component is the interest on debt represented in earlier deficits.

Table 1 is revealing in one other respect. The domestic discretionary programs—included in the other human resources and all other categories—constitute a relatively smaller portion of the budget and have already been cut significantly in fiscal year 1982. We can, and should, continue to scrutinize these discretionary programs for potential budgetary savings, but we cannot in fairness and commonsense look again to them exclusively while omitting from our purview the much larger defense and entitlement components.

DEFENSE

We all recognize the responsibility of the Federal Government to provide for a strong national defense. But that should not blind us to two facts about the proposed defense budget: First, it is more than we can afford; and second, the money is not being wisely spent, we do not need, nor can we afford, a 17-percent increase in the Pentagon budget. A 5-percent annual real growth rate in defense spending will permit us to meet our international commitments, improve compensation for the men and women who serve our Nation, step up our readiness, meet the Soviet challenge, and still save $8 billion in the next fiscal year and tens of billions more in the years thereafter.

We have found that we cannot solve our social problems by throwing money at them. Similarly we should not expect to achieve a sound defense by merely buying more and more expensive, sophisticated military hardware. What I am suggesting is that there are components in a strong defense posture other than quantifiable military strength as represented by the number of men under arms and the number of items of military hardware available.

We Americans are not a militaristic people. We are uncomfortable managing a powerful peacetime military establishment and with using it as an instrument of policy. When our sense of national purpose is clear to us, we can muster our resources for a phenomenal military effort, as evidenced in World War II. But without this clear sense of purpose, we are ineffective, as our Vietnam experience amply demonstrates. We need to project an image to ourselves, to our allies, and to the uncommitted, of a nation which is a model of economic success, military strength, and opportunity and compassion for its citizens. To achieve this we must establish and maintain a balanced set of national priorities. In the present context of peacetime and economic recession, we should ask for a more restrained growth in defense spending conductive to economic recovery and for continued funding of vital energy health, education, and welfare programs.

There are a number of compelling reasons, apart from the question of affordability, for restraining growth in defense spending. The decline in major weapons systems procurement in the 1970's has diminished our defense industrial base. Our economy has experienced a shift toward high technology and service-oriented industries and away from the basic hardware and heavy machines that have long been and still are the staples of the industrial complex required for defense production. Although there may be sufficient prime contractors bidding for major weapons systems contracts, there is a shortage of potential subcontractors and a shortfall in their capacity to produce the necessary subcomponents. Many subcontractors have gotten out of defense production because of its uncertainties and low profit potential. There is also a shortage of the skilled engineers, technicians, and machinists required for a massive defense buildup. True, the market forces unleashed by increased military spending will ultimately correct these deficiencies. But it is unrealistic to expect that they will be overcome immediately.

We can also expect a better performance from our military planners if we provide for more limited, but more predictable patterns of growth in defense spending. We do not get the best mix of strategy, forces, and equipment when we alternately curtail spending and then offer blank checks to our military leaders. Such large swings in funding promote a climate of waste and inefficiency. Let us offer the more modest but sustainable buildup consistent with 5 percent real growth in the defense budget. On the average, this rate is only 2 percent short of that asked for by the President over the next 5 years. Yet it would save $8.3 billion in fiscal year 1983 and $98.1 billion over 5 years.

How are we to effect the fiscal year 1983 savings? Where should we offer less than the President has asked? I hope not in the area of operation and maintenance. It would be shortsighted to sacrifice readiness in the interest of acquiring new weapons systems, many of which are of arguably questionable cost effectiveness. Rather, we should make some hard choices among these new procurement programs and seek further improvements in efficiency. Reports by the House Appropriations Committee and the Congressional Republican Study Committee last year found 46 ways the armed services mishandle funds, representing at least $15 billion in potential savings. Outgoing Comptroller General Stoats cited a number of measure which, if implemented, could save DOD over $10 billion annually. Secretary Carlucci have made a commendable beginning with cost reducing management initiatives but much more can be done.

The strength of our defense rests not only on its Armed Forces but also on the continued availability of adequate energy, economic stability, and the skills and will and vigor of our people. In our zeal for strengthening the Armed Forces and reducing discretionary spending, let us be wary of budget cuts which undermine this base of support.

ENTITLEMENTS

The largest budget component (see table 1) is entitlements ($348.3 billion in outlays). Table 2 shows a detailed analysis of entitlement program spending. Most programs may be classified as either means-tested or as directed toward the elderly and disabled. The $50.5 billion, 17-percent increase in entitlements from fiscal year 1981 to fiscal year 1983 is primarily in the latter category. Social security accounts for $35.5 billion of this increase; medicare accounts for $10.9 billion; Federal retirement for $3.6 billion. Military retirement payments (not included in table 2) have increased by $2.8 billion.

Have these increases in social security and retired pay represented only the necessary increases to safeguard the elderly against the ravages of inflation to the same degree as wage earners are protected by increases in wages? By all accounts the answer is no. The Consumer Price Index, to which social security and retirement payments are indexed, has consistently exceeded a similar wage index over the past decade. As a result older retirees now receive significantly greater benefits than new retirees at the same level and length of service. Simple demographics dictate that we cannot allow this disparity to continue. The growing ratio of retirees to wage earners portends increasing wage earner burdens. We must ask higher income retirees to share to some extent the burdens of budget reductions. The American Association of Retired Persons (AARP), the American Legion, and the Disabled American Veterans have all indicated a willingness to accept curbs on the rate of growth of entitlements if applied equitably and across the board.

The potential savings from bringing cost-of-living adjustments more nearly in line with wage increases is enormous. Various proposals have been made to compute indexing by using CPI—2 percent or using two-thirds CPI, for example. CBO estimates that with two-thirds CPI on social security, the savings would be $5.4 billion in fiscal year 1983 and $76.3 billion over 5 years. These proposals have been rightfully criticized as destructive of the buying power of those recipients below or near the poverty level and totally dependent on social security. We should not and need not ask them to share in the sacrifices.

According to a recent AARP-sponsored study made by Data Resources, Inc., the number of persons 62 and over below the poverty line ($4,000 for an individual, $5,000 for a couple) would increase from 4.1 million in 1980 to 4.6 million in 1985 under the two-thirds CPI proposal. No more than 15 percent of persons 65 or older, however, are under the poverty line. Moreover, the poor receive lower average benefits than the nonpoor. Therefore, more than 60 percent of the social security beneficiaries currently receive monthly benefits of less than $400, yet those receiving more account for over 60 percent of the total social security benefits. Exempting the poor from the reductions in COLA's would diminish the cost savings only slightly.

Let us not also that COLA's for the maintenance of an income security safety net are necessary but that a COLA for the readajustment of an annuity contract for guaranteed income is less justifiable. Ordinarily, in the private sector, payments on such annuities bear a direct relationship to the premiums and do not reflect unanticipated inflation.

A reasonable and administratively simple alternative is variable COLA indexing according to the level of benefits. We might, for example, provide the full CPI-based COLA on the first $400 of monthly benefits, thereby safeguarding all who are at or near the poverty line. The rate for COLA adjustment could then be successively decreased with increasing amounts of benefits.

Other COLA formulations with a more gradual decrease in COLA rate with increasing benefit levels are possible and perhaps more equitable. It is clear, however, that very significant savings are possible without hurting the poor and without denying the reasonable income security expectations of all other beneficiaries. In the interest of equity we should consider possible similar COLA adjustments in the retirement and other non-means-tested entitlements.

DISCRETIONARY PROGRAMS

In our commitment to maintain the so-called safety net of social programs, we have failed to recognize what is happening to those programs which pull people up out of the safety net and into the mainstream of society. If we continue down this path, we will be creating a permanent welfare class—group of people with no hope of escaping dependence on government. That is lousy social policy. We should at least maintain the current levels of funding for those programs which were cut substantially last year—the student aid programs, the job training programs, the programs for children. We should look upon spending for programs for energy, education, health, and job training as investments in our future.

Our energy position has improved dramatically under deregulation. We have had increased conservation, more domestic oil exploration, and lessening of our dependence on foreign oil, and a weakening of the OPEC cartel. Nevertheless, our long term energy future remains clouded by volatile Mideast politics and the growing Soviet threat in the Persian Gulf area. It is therefore premature to drastically reduce or eliminate Federal support of alternate energy and conservation research and development and of conservation grants to improve energy efficiency. A Federal coordinating role in energy preparedness and emergency planning also remains necessary.

Education is the primary vehicle for upward mobility in the economic strata of our society. It is also the underpinning of our technological capability and the quality of life we have come to enjoy. It is wise to continue funding of those programs which support widespread availability of educational opportunity.

Our Government has an obligation to help the increasing number of individuals, who because of the recession or as a consequence of the shift from a product-oriented to a more service-oriented economy, find themselves unemployed. It is simply good economics to help the unemployed gain the skills which make them employable. Each 1 percent increase in unemployment translates to a $25 billion increase in the Federal deficit. Continued funding of employment and training programs, as well as some new training initiatives, are in order.

There are other discretionary programs which cannot survive the kind of scrutiny this budget needs. In particular, many expensive public works projects should be canceled or delayed. These include the Clinch River breeder reactor, the Tennessee-Tombigbee Dam, and other water resources projects. Many of these are environmentally unsound and have high cost-benefit ratios.

A freeze on overall domestic discretionary spending would allow continued funding of the vital programs in energy, health, education, and job training. The increases required for inflation compensation can be found in reduced public works funding.

REVENUES

The curbs on defense spending and entitlement growth that I am proposing would produce significant savings relative to the President's budget. A portion of these savings compensate for the cuts I would restore in discretionary programs. The net savings relative to the President's budget is approximately $5 billion. A far greater deficit reduction is called for. Our remaining alternative is to seek new revenues.

I do not urge tax measures whose primary effect is to impede savings and investment. We should not consider any increase in payroll taxes, nor should be reverse the basic provisions of the Economic Recovery Tax Act of 1981. Yet there are changes in that act which should be made. The safe harbor leasing provision which was intended to provide investment incentive to corporations with little or no tax liability, through the mechanism of "selling" unused investment tax credits, has allowed profitable corporations to escape taxation by "buying" these credits. This provision should be repealed. Certain other tax incentives have become obsolete and might be repealed. They include giving a tax credit rather than a dediction on royalties paid by oil companies to foreign governments, and the expensing of intangible oil and gas drilling costs. Repeal of these provisions would provide $3.7 billion in additional revenue in fiscal year 1983 and over $40 billion over 5 years. Another $1.1 billion is saved in fiscal year 1983 if we do not enact the windfall profit tax reduction proposed in the President's budget.

There are many other tax measures which should not significantly impair economic recovery. By simply limiting the deduction that can be taken for a business lunch to half its costs, annual revenues would increase by $1.9 billion. I find in my district substantial support for increasing taxes on liquor and cigarettes. Doubling these excise taxes would produce $5.1 billion in additional fiscal year 1983 revenue. These examples demonstrate that it is a reasonable goal to seek additional revenue, beyond that provided by the President's proposed changes, in an amount exceeding $20 billion.

The bottom line is this. We can reduce the fiscal year 1983 deficit by $25 billion without impairing national security, the social program safety net, or the foundation set a year ago for economic recovery. It means the Federal Government would cut its demand for borrowed money by about one-quarter. That would leave more money at cheaper rates for the home buyer, the farmer, the person who wants to buy a new car, the small business. It would mean more jobs.

I do not suggest that this proposal is the answer or that it will instantly solve all of our problems. But I strongly believe it represents a giant stride in the right direction.

TABLE 1.—1983 BUDGET: FEDERAL OUTLAYS BY SELECTED CATEGORIES [1]

[Outlays in billions of dollars]

Selected categories	Fiscal year—			Percent change (1981-83)
	1981 (actual)	1982 (estimate)	1983 (estimate)	
Human resources:				
(a) Selected payments for individuals	$297.8	$332.5	$348.3	+17
(b) Other human resources programs	47.7	43.7	37.5	−21
Subtotal, human resources	(345.5)	(376.2)	(385.8)	+12
National defense	159.8	187.5	221.1	+38
Interest	82.5	99.1	112.5	+36
All other	99.7	94.0	81.7	−18
Undistributed offsetting receipts	−30.3	−31.5	−43.5	+44
Total, outlays	657.2	725.3	757.6	+15
Consumer Price Index change [2]				+14

[1] Fiscal year 1983 budget (February 1982).

[2] The consumer price index change from calendar year 1981 average to calendar year 1983 average (estimate) is 14 percent.

Source: Fiscal year 1983 budget.

TABLE 2.—1983 BUDGET: HUMAN RESOURCES—SELECTED PAYMENTS FOR INDIVIDUALS [1]

[Outlays in billions of dollars]

Programs	Fiscal year—			Percent charge (1981-83)
	1981 (actual)	1982 (estimate)	1983 (estimate)	
Retirement and disability:				
(a) Social security (OASDI)	$138.0	$154.6	[2] $173.5	+26
(b) Federal employee retirement and disability	17.5	19.4	21.1	+20
(c) Veterans' service-connected compensation	8.4	9.5	10.2	+21
(d) Railroad retirement	5.3	5.7	0.4	−93
(e) Special benefits for disabled coal miners	1.8	2.0	1.8	±0
Subtotal, retirement and disability	(171.0)	(191.2)	(207.0)	+21
Unemployment compensation	19.7	25.2	22.6	+15
Assistance to students	4.5	4.7	4.1	−9
Medicare	[3] 39.1	[3] 45.7	[3] 51.0	+30
Means-tested programs:				
(a) Medicaid	16.9	17.9	17.1	+1
(b) Food stamps	11.3	11.2	10.3	−8
(c) Other food and nutrition assistance	4.9	4.3	3.4	−31
(d) Housing assistance	6.9	8.2	8.9	+28
(e) Supplemental security income	7.2	7.9	8.9	+24
(f) Aid to families with dependent children (AFDC)	8.5	8.1	5.9	−31
(g) Veterans' nonservice connected pensions	3.8	3.9	4.1	+7
(h) Earned income tax credit, refugees, energy and other	4.0	4.2	[4] 5.0	+25
Subtotal, means-tested programs	(63.5)	(65.7)	(63.6)	±0
Total, payments for individuals	297.8	332.5	348.3	+17
Net change through proposed legislation	—	(−1.1)	(−11.1)	—
Consumer Price Index change [5]	—	—	—	+14

[1] Fiscal year 1983 budget (February 1982).

[2] Includes $3.6 transfer from railroad retirement.

[3] Net of premiums and collections ($3.3, 3.9 & 4.4B).

[4] Includes $1.7B for "combined welfare administration". Composed of deductions of $0.8B from medicaid and $0.9B from AFDC. The 1983 food stamp amount includes $0.5B for administration.

[5] The consumer price index change for calendar year 1981 average to calendar year 1983 average (estimate) is 14 percent.

Source: Fiscal year 1983 budget. ●

A BILL TO COORDINATE THE HOUSING PROGRAMS OF HHS AND HUD

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Connecticut (Mr. McKINNEY) is recognized for 5 minutes.

● **Mr. McKINNEY.** Mr. Speaker, today I am introducing legislation to encourage the Department of Housing and Urban Development (HUD) and the Department of Health and Human Services to work together—instead of against each other—in the effort to provide housing for needy Americans. It may surprise many of my colleagues to learn that these two agencies are at odds, and I should emphasize that this circumstance is by no means intentional. However, I view it as one of the major problems facing our housing policy. Let me explain.

Traditionally, we think of HUD as the primary agency which provides housing assistance. Indeed, HUD has a wide variety of programs, most of which require landlords to meet minimum housing standards for rental units.

At the same time, however, the Department of Health and Human Services spent at least $5 billion last year on housing assistance. This assistance took the form of direct payments to AFDC recipients who, in turn, used that money to purchase housing on the open market. Unlike HUD, however, HHS mandates no minimum standards to be met by landlords who house these recipients. As a result, landlords can and do receive the full amount of this assistance money regardless of the condition of their buildings. In a tight rental market, this system thereby sustains a demand for substandard housing and assures a steady cash flow to landlords who rent substandard units. It is estimated that 50 percent of the housing units occupied by recipients of the AFDC program are considerably below accepted standards for safe and decent housing.

The legislation I have introduced today is intended to end this dichotomy—a dichotomy in which HUD is working to improve our housing stock while HHS is subsidizing a substandard stock. It would accomplish this goal by authorizing the Secretary of Housing and Urban Development to encourage States and units of local government to develop programs which encompass both HUD and HHS funds to assist lower income families. Policy and program development would be developed at the local level, where the housing needs of the poor are known and where the programs needed to remedy housing problems are best understood. While local programs could differ, they must all provide for the improvement of housing quality for lower-income families.

Once plans are developed, States and localities can apply to the HUD Secretary for the funds needed to carry out the proposal. The legislation provides an authorization of $50 million for the Secretary's discretionary fund, which should be used to fund at least 20 local demonstration projects. Once these projects have been completed, it is my hope that Congress will get about the business of straightening out this housing debacle once and for all.

Mr. Speaker, our rental housing crisis is simply too critical to let the existing conflict between HUD and HHS continue. It is the cornerstone of our Nation's housing policy to provide decent, safe, and sanitary housing for all Americans. And yet, we are funding a $5 billion program which effectively frustrates this goal. I submit that we can correct this insanity through a modest financial incentive for States and localities. In return for this incentive we will take a giant step toward the realization of our stated housing policies.●

ANDREW BIEMILLER

The **SPEAKER** pro tempore. Under a previous order of the House, the gentleman from California (Mr. PHILLIP BURTON) is recognized for 5 minutes.

● Mr. **PHILLIP BURTON**. Mr. Speaker, with considerable grief and a sense of loss I learned this past weekend of the death of Andrew J. Biemiller, a former Member of this body and chief lobbyist for the AFL-CIO for many years. In addition to his warm and enriching friendship, I had the privilege of working with Andy on important civil rights and social welfare legislation.

Andy had a keen understanding of the legislative and political processes and used that knowledge to promote legislation that not only assisted union members, but millions of disadvantaged Americans as well.

His interest in legislation extended well beyond the interests of labor unions to include in later years support for environmental legislation—much of which would never have passed without labor support. In an interview shortly before he retired, he said:

> We are American citizens as well as members of trade unions. We have a real interest in clean air, water, and so forth. And we're going to be in those fights.

I share the sorrow of his wife Hannah and their two children. I am certain they are joined in their grief by the millions of union members who benefited from his great work.

For the benefit of my colleagues I would like to include a statement released by the AFL-CIO:

STATEMENT

Andrew J. Biemiller, who served as the labor movement's chief lobbyist for more than 20 years and played a leading role in the passage of civil rights and social welfare legislation, died of congestive heart failure at Suburban Hospital on April 3. He was 75.

Biemiller retired in December 1978 as director of the AFL-CIO Department of Legislation, a post he had since 1956. He served in Congress for two terms in the 1940s representing a district in Milwaukee, Wis. In the 1930s he served in the Wisconsin legislature.

AFL-CIO President Lane Kirkland and Secretary-Treasurer Thomas R. Donahue said in a statement that:

Andrew J. Biemiller was the voice of American labor on Capitol Hill for a generation, and trade unionists of today and tomorrow will benefit from the pioneering legislative work he did on behalf of all Americans.

The esteem in which he is held by members of both parties and both Houses of Congress gives ample testimony to the integrity he maintained in his work. He brought honor to the term "lobbying" and left labor's legislative representatives the legacy of his credo of effective, factual presentation of labor's case.

We admired him as a national legislative tactician, we cherished him as a friend and we shall always remember him for his unswerving dedication to trade union ideals.

Biemiller was born in Sandusky, Ohio, and graduated from Cornell University. He taught at both Syracuse University and the University of Pennsylvania. He was an early Socialist before joining up with the trade union movement and the Wisconsin Progressive Party in Milwaukee in the 1930's He worked as a union organizer for the American Federation of Labor and served in the legislature where he was a floor leader for the Progressives. He was a member of the American Federation of Teachers.

In his years in Congress from the Milwaukee swing district he became a leader of the liberal-labor coalition and developed an expertise on parilamentary rules and procedures.

At the Democractic Party Convention in 1948 he joined with the late Hubert Humphrey to bring about adoption of a strong minority report supporting civil rights that led to the Dixiecrat walkout and shaped the forces that led to the Truman victory that year.

Biemiller is survived by his wife Hannah in Bethesda, Md.; a son Dr. Andrew Biemiller, Jr., of Toronto; a daughter Nancy Boerup of Wooster, Ohio, and four grandchildren.●

A SOLUTION TO OUR WATER PROBLEMS

The **SPEAKER** pro tempore. Under a previous order of the House, the gentleman from Oregon (Mr. AuCoin) is recognized for 5 minutes.

● Mr. **AuCOIN**. Mr. Speaker, today I have introduced legislation to help this country avoid a serious crisis, a resource crisis like the oil embargo of 1973.

Remember 1973: Reduced petroleum supplies forced Americans to line up for gasoline and to reduce consumption of petroleum products; we were seriously inconvenienced because we had become accustomed to consuming large amounts of a limited resource for which we had few substitutes.

Before long we will face a crisis of similar magnitude, a water shortage.

Every day farmers, automobile makers, homemakers, industrialists, and citizens consume 107 billion gallons of water. Water keeps the economy moving; it is a coolant, a lubricant, and a component of many products; it irrigates crops, moves freight, and generates electricity; we drink water; without it we would perish.

By the year 2000 we will be using 306 billion gallons of water every day; yet, while our consumption triples our supplies will not. We will not be able to substitute for water. We can find new sources and learn to use less pure water, but we will always need water. Parts of the country recently suffered severe water shortages. It happened last summer, in New York and Connecticut. And every year, people in the Southwest compromise so that others may share their water. We face limited shortage now; when our demand triples and our supplies do not, we will be confronted by critical water shortages.

The bill I have introduced will help us lead the country around the coming crisis. It calls for the reauthorization of programs administered by the Office of Water Research and Technology, programs that are developing a complete understanding of our present situation and of our options for enhancing substitute supplies.

These important national programs include the State water resources research centers, financed under a Federal-State cost-sharing agreement and federally maintained test facilities and research contracts for the development of saline water conversion technologies.

To those who say this broad approach to water research is unwarranted, I offer this: We are trying to solve our energy problems through a multifaceted research program in fission, fusion, coal liquification, and gasification, secondary and tertiary extraction techniques, and solar energy, to name just a few. No lesser effort will solve the water crisis we know we are about to face.

We must address the coming crisis now; confront it with thorough understanding of the entire water resources system. We must know system hydrology, pollution effects, treatment methods, efficient alternative processes, and many other aspects of the system. New technology must be investigated and developed; scientists must be encouraged to pursue uninvestigated areas. The provisions of the existing law, reauthorized by this bill, provide the encouragement while fostering continued development of technology with which American scientists have led the world.

Our advanced desalting technology could contribute to the alleviation of imminent water shortages. Desalted water is water; it can be used as any other water can be used. In the Southwest, vast reserves of brackish water await purification and use by residents and industrialists. Until our technology has been developed that water will sit underground, unused. My bill can bring utilization of that abundant resource closer.

In short, this bill would provide money to advance our technology, and to advance a broad-based solution to our water problems. It would help preserve our heretofore broad approach to the water problem. And most importantly, it will help avert a national crisis.●

NEW ECONOMIC DEVELOPMENT LEGISLATION

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Minnesota (Mr. OBERSTAR) is recognized for 30 minutes.

Mr. OBERSTAR. I thank the Speaker. Today I am joined by my colleague from Pennsylvania, Mr. CLINGER, and other Members of Congress from both sides of the aisle, in introducing new economic development legislation to continue and improve upon the programs now conducted by the Economic development Administration and to implement the finish-up program the Appalachian Governors have proposed for the Appalachian Regional Commission.

This is a bipartisan bill which we believe is compatible with the philosophy of the Reagan administration.

The bill has two titles. Title I is the National Development Investment Act. Title II is the Appalachian Regional Development Act.

The National Development Investment Act of 1982 is not simply a rewrite of existing law but a totally new concept, a fresh, new look at economic development, addressing the needs of the 1980's and using the experience and building upon the capabilities established over the past 20 years by local economic development units of government.

The centerpiece of the new legislation is the development investment strategy, under which an area would chart its own course toward economic self-sufficiency. The bill provides grants for construction and reconstruction of public facilities. It concentrates assistance on small business. It encourages various levels of government and the private sector to work together. It limits investment to distressed areas only.

The bill wipes the slate clean in the matter of area designation by abandoning that concept. Applicants from areas now designated, and new applicants, must under the new bill prove with each application that they meet the distress criteria. Gone is the entitlement for every feature of the current program. The burden of proof shifts from the Federal Government to the local area, which knows whether or not it is in trouble economically.

A mayor does not neet Uncle Sam to come in and tell him he has problems. Assistance must go to an area meeting the distress criteria without regard for the level of government submitting the application.

A small distressed area within a larger nondistressed area will be reached for the first time under this legislation. For example, take a county that is doing reasonably well economically, with the unemployment rate at or slightly below the national average. A city within that county, however, may exceed the national unemployment rate or exceed the national distress measurement under the other criteria of the bill. That one part of a county could be eligible for assistance under this legislation.

Under the existing Public Works and Economic Development Act, an area once designated remains designated even if it is no longer distressed. And assistance can go anywhere within the designated area, even to a relatively well-off community in a larger area of distress.

□ 1300

Designation, in effect, under the current economic development legislation became an entitlement program, which the new legislation repeals.

Unemployment and per capita income will be considered as factors to measure distress, but distress will no longer be enough. Proposals will be selected for funding on the basis of their potential for solving the area's economic problems, including the level of participation by the private sector.

The major criticism of the current Economic Development Act is that a very large portion of the country is eligible. That criticism, we believe, is laid to rest in our new bill.

In the area of intergovernmental and private sector relationships, the bill recognizes the changes in State and local governments that have occurred over the past 20 years. These governments have now developed the capability to direct their own destinies to a much greater extent than when EDA was first established in 1965, or when its predecessor was enacted in 1961.

The Federal role, therefore, has been restricted in this new approach to faciliating coordination of investment between various levels of government and the private sector, and to provide a 50-percent funding match rather than a 75-percent match, to give local government and the private sector a greater stake in the program's success. To the extent feasible, the new bill encourages States, development districts, and larger cities to work with distressed areas within their jurisdictiosn and to provide the resources and expertise smaller areas may not have, and to help them prepare their applictions, and to provide follow through services and support after projects have been completed.

We recognize that the private sector has a major role in economic development, and that the goal of economic development is a private sector job. The new bill, therefore, requires a showing that the private sector will make a commitment to the overall success of the public investment.

The major change in the economic development process in this new bill is the requirement for a comprehensive, coordinated development investment strategy, instead of an application for a single, isolated project which may or may not address the real problems of the community, and certainly, as the program has operated, for addressing the problems of a State.

The new bill does away with the "projects for projects' sake" approach of the past and requires areas, in cooperation with larger jurisdictions where possible, county, State, multicounty districts, to work out strategies which look beyond an isolated project. The strategy would require the area to analyze its economic problems, to inventory its full store of resources, both public and private, and to integrate all investment, whether to be funded by this legislation or other Federal, State, or local programs, into a comprehensive, long range, achievable course toward economic self-sufficiency.

The legislation focuses on the needs of the 1980's: On private sector jobs; on small business, which studies have shown to be the major source of jobs; and on repair and rehabilitation of the Nation's deteriorating infrastructure, as well as on construction of new public capital, buildings, facilities that may be required.

The bill also provides grants for locally administered revolving loan funds, primarily to help small business with capital for startup and for expansion of existing operations. It also provides emergency economic assistance to communities whose major employer is about to close its doors.

The bill will provide $425 million each year over 3 years for grants for public facilities, and $75 million a year for planning and strategy development.

Title II covers the Appalachian Regional Commission. This title puts into legislative language the finish-up program proposed by the Appalachian Governors for the Appalachian Regional Commission. The chairman of the ARC, Gov. John Brown of Kentucky, testified at our hearings in Huntington, W. Va. This is a modest and pragmatic plan of action to sustain economic recovery and continue the already well begun economic program of the Appalachian region toward national economic standards. It provides a 3 to 5 year finish-up program for the nonhighway programs of ARC while declining authorizations; $83 million annually for 1983 through 1985, and $75 million for 1986 through 1987. It reduces the maximum nonhighway grant from 80 to 50 percent.

Under the highway program, the bill directs funding of the priority highway routes, accelerates construction of the Appalachian Highway System, to be completed by 1990. We authorize $250 million a year for the highway program.

The Subcommittee on Economic Development will hold hearings on this and related bills April 27, 28, and 29. We anticipate having a subcommittee markup during the following week, and to report a bill out in time to meet the budget requirements by May 15.

I also want to emphazise that we welcome and encourage constructive suggestions from all interested parties, and of course, especially from the Reagan administration, whom we have welcomed from the first to participate in developing this legislation.

Mr. Speaker, I ask unanimous consent to include the text of the National Development Investigation Act at this point in the RECORD.

The **SPEAKER** pro tempore. Is there objection to the request of the gentleman from Minnesota?

There was no objection.

The text of the National Development Investment Act is as follows:

H.R. 6100

A bill to amend the Public Works and Economic Development Act of 1965 and the Appalachian Regional Development Act of 1965

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

TITLE I—NATIONAL DEVELOPMENT INVESTMENT

SECTION 101. The Public Works and Economic Development Act of 1965 is amended to read as follows:

"This Act may be cited as the 'National Development Investment Act'.

"TITLE I—DEVELOPMENT INVESTMENT ASSISTANCE

FINDINGS AND PURPOSES

"SEC. 101. (a) The Congress reaffirms the proposition that this Nation's economic strength is derived from the health of its regions, States and local communities, both rural and urban, and that national interest dictates the maintenance and enhancement of economic vitality at the subnational level.

"(b) Congress also recognizes that economic conditions and political relationships change and that legislation must address these changes.

"(c) Congress further affirms that this legislation is designed to make government more efficient and responsive by supporting the following principles: leave to private initiative all the functions that citizens can perform privately; use the level of government closest to the community for all public functions it can handle; utilize cooperative intergovernmental agreements where appropriate to attain economical performance and popular approval; reserve national action for residual participation where State and local governments are not fully adequate and for the continuing responsibilities that only the national government can undertake.

"(d) The private sector remains the ultimate generator of employment and economic growth, but the public sector must reverse decades of infrastructure neglect as a necessary concomitant to private business stability and expansion. State and local governments now have a greater capacity than in previous decades to direct their own destiny, in part because of past Federal efforts; this new capacity must be incorporated in any new legislation at the national level. America's increased involvement in international trade has brought both challenges to some industries, and opportunities for others; these challenges and opportunities must be addressed. Capital shortages will for the foreseeable future curtail the Nation's ability to meet public and private investment needs; it is therefore imperative to marshal the resources of all levels of government and the private sector to create the critical mass of capital and other assets needed to generate growth. Finally, there is a continued need to assist in adjustment of change, which is the only permanent feature of our national, regional, and local economies.

"(e) In recognition of these constants and changes, Congress finds it an appropriate role for the Federal Government to foster the coordination of investments between the public and private sectors and to promote long-term economic development partnerships at the State and local levels, in both rural and urban areas.

"(f) The purposes of this Act are therefore—

"(1) to establish a framework within which Federal, State, and local governments, and the private sectors, in urban and rural areas, can combine their resources to achieve economic development in all parts of the Nation;

"(2) to help create a strong investment climate which promotes the expansion and retention of job opportunities for local residents; and removes economic barriers in local areas which impede the free market forces;

"(3) to build, rehabilitate, and repair public infrastructure where it is inadequate to support and encourage private investment in the area;

"(4) to recognize and rely upon improved State and local governments' capacity to direct their own destinies;

"(5) to link public and private funds to foster coordination of resources between these sectors, in order to leverage the maximum investment in the long-term economic vitality of all areas;

"(6) to facilitate local and regional economic adjustment and economic development diversification in a changing national economy, by assisting State and local efforts to foresee adverse economic changes; to prevent their consequences where possible, to respond as necessary; and to achieve economic self-sufficiency;

"(7) to assist in relieving capital shortages and fill local credit gaps which impede private business startups and expansion; and

"(8) to assist communities and industries to respond to the opportunities and challenges of a world increasingly knit together by international trade.

"ELIGIBLE ACTIVITIES

"SEC. 102. Upon application of a State, economic development district, unit of local government, Indian tribe, or private or public nonprofit organization established for economic development purposes which meets the eligibility criteria hereinafter established by this Act, the Secretary is authorized to make a grant for a portion of the cost, as provided in section 108 of this Act, of projects submitted in a development investment strategy. Development investment assistance may be for the following purposes—

"(1) the construction, repair, rehabilitation and improvement of public facilities, including the acquisition of land and other public works improvements to encourage and support private development;

"(2) revolving loan funds to promote the establishment and growth of small businesses and to retain indigenous firms and entrepreneurs which contribute to the creation, retention, and expansion of private sector jobs;

"(3) to conduct feasibility studies, site preparation, and other technical assistance to prepare for development and to enhance the investment climate; and

"(4) development activities which address and prevent economic dislocation and facilitate economic adjustment including assistance to promote employee stock ownership plans and which contribute to economic diversification and long-term economic vitality of the area.

"APPLICATIONS

"SEC. 103. (a) A State may apply for a grant under this title for an eligible project within any unit of local government within the State, other than a unit of local government with a population of 50,000 or more, if such unit meets the requirements of section 105 and is not within the boundaries of an economic development district.

"(b) A unit of local government within a State, other than a unit of local government with a population of 50,000 or more, which meets the requirements of section 105 and is not within the boundaries of an economic development district may apply for a grant under this title for an eligible project within such unit, but only if such unit consults the State in the preparation of the grant application.

"(c) An economic development district may apply for a grant under this title for an eligible project within any unit of local government within such district if such unit meets the requirements of section 105.

"(d) A unit of local government within an economic development district may apply for a grant under this title for an eligible project within such unit if such unit meets the requirements of section 105, but only if such unit consults the economic development district in the preparation of the grant application.

"(e) An Indian tribe may apply for a grant under this title.

"(f) A unit of local government with a population of 50,000 or more which meets the requirements of section 105 and is located outside an economic development district may apply for a grant under this title for an eligible project within such unit.

"(g) In the case of a unit of local government which has a population of 50,000 or more, is located outside of an economic development district, and does not meet the requirements of section 105, a private or public nonprofit development organization representing an area which meets the requirements of section 105 and is within such unit may apply for a grant under this title for an eligible project within such area, but only if such organization consults such unit in the preparation of the grant application.

"APPLICATION FOR GRANT

"SEC. 104. (a) An application for a grant under this title shall include, but need not be limited to—

"(1) a certification that the area for which the grant is to be made meets the distress requirements set forth in section 105;

"(2) a certification relative to the performance of any responsibilities which the Secretary has agreed to accept under section 306 of this Act; and

"(3) a development investment strategy prepared in accordance with section 106.

"(b) In approving applications for grants under this title, the Secretary shall consider the purposes of this Act as set forth in section 101 of this Act, including but not limited to the following:

"(1) the severity of distress in the area for which the grant is to be made;

"(2) the ratio of private sector investments committed in such area to the amount of the grant applied for;

"(3) the extent to which the appropriate State and local governments have undertaken or agree to undertake other related actions to encourage economic development and the expansion of employment opportunities;

"(4) the effectiveness of the development investment strategy and the degree to which the proposed project contributes to its implementation (including the strategy's relationship to economic problems identified in the strategy), expands employment opportunities in the existing labor market, provides incentives to retain indigenous private businesses, expands or improves public facilities, and encourages private investment; and

"(5) the extent to which the strategy and activities are consistent with State and local goals and priorities and contribute to long-term economic growth and private sector employment opportunities and establish an overall strengthened economic and business environment which will be self-sustaining.

"DISTRESS REQUIREMENTS

"SEC. 105. (a) In order to be eligible for a grant under this title, the applicant must certify that any activity or project to be funded under such grant will be carried out or located in an area which meets any one of the following criteria:

"(1) the area has a per capita income of 80 percent or less of the national average;

"(2) the area has an employment growth rate below the national average over the most recent 5-year period for which statistics are available;

"(3) the area has a population loss over the most recent 5-year period for which statistics are available;

"(4) the area has an unemployment rate above the national average for the most recent 24-month period for which statistics are available; or

"(5) the area has experienced or is about to experience a sudden economic dislocation resulting in job loss that is significant both in terms of the number of jobs eliminated and the effect upon the employment rate of the area.

"(b) Documentation of distress shall be supported by Federal data, when available, and in other cases by data available through the State government. Such documentation shall be accepted by the Secretary unless it is determined to be inaccurate. The most recent statistics available must be used.

"DEVELOPMENT INVESTMENT STRATEGY

"SEC. 106. (a) Except as provided in subsection (b) of this section, an applicant for a grant under this title shall prepare a development investment strategy for the area for which the grant is sought which—

"(1) identifies the economic development problems sought to be addressed by the grant;

"(2) identifies past, present, and projected future economic development investments in such area and public and private participants and sources of funding for such investments;

"(3) identifies the extent to which the development investment strategy takes into account—

"(A) availability of developable land and space in the area;

"(B) public works, public service, and development facilities in the area;

"(C) availability of low-cost capital;

"(D) tax policy on investments in the area;

"(E) level of skill of the labor force; and

"(F) ability of State and units of local government to pr0vide financial assistance in the management and implementation of the strategy;

"(4) sets forth a strategy for addressing the economic problems identified in paragraph (1) and discusses the manner in which the strategy, will solve such problems;

"(5) provides a general discussion of the projects necessary to implement the strategy, and estimate and analysis of the costs and anticipated benefits of implementing the strategy, and an estimate of the timetables for completion of such projects; and

"(6) provides a summary of public and private resources which are expected to be available for such projects.

"(b) In any case in which a unit of local government is the eligible applicant under subsection (b) or (d) of section 103, the unit of local government shall consult the State or economic development district, respectively, in the preparation of a development investment strategy. In any case in which a private public nonprofit development organization within a unit of local government is the eligible applicant under subsection (g) of section 103, the unit of local government shall consult with the organization in the preparation of a development investment strategy.

"PRIVATE SECTOR INCENTIVES

"SEC. 107. (a) To stimulate small business development and to promote internal economic growth which contributes to an improved local tax base and the creation of permanent employment opportunities, the Secretary is authorized to make grants to an applicant to establish a revolving loan fund to be used for making loans or guaranteeing loans to small businesses for initial or working capital, or the purchase of facilities or equipment. In addition, loans or guarantees may be made to businesses where a relatively small amount of capital is needed to complete financing necessary to retain the business in the area.

"(b) No grant for the establishment or recapitalization of a revolving loan fund shall be made for more than $1,000,000.

"(c) No loan or guarantee shall be made from a revolving loan fund which has received a grant under this title unless the financial assistance applied for is not otherwise available from private lenders on terms which in the opinion of the administrator of the revolving loan fund will permit the accomplishment of the project.

"(d) Any applicant for a grant for a revolving fund shall give assurances that amounts of any loan which are repaid to the revolving loan fund will be available only for the purposes set forth in subsection (a).

"(e) No loan or guarantee may be made from a revolving loan fund which has received a grant under this title unless the applicant for such loan or guarantee provides reasonable assurance of repayment of the loan.

"(f) The Secretary may make additional grants for a portion of the cost, as provided in section 108(b) of this Act, of recapitalization of a revolving loan fund, taking into consideration the past performance of such fund.

"(g) The grantee of any grant for a revolving loan fund shall administer the fund and the United States shall exercise no control over the administration of such fund.

"FEDERAL SHARE

"SEC. 108. (a) The amount of any grant for a project for any eligible activity described in paragraph (1) of section 102 shall be that amount which when added to amounts available from all other sources is sufficient to complete such project, except that in no event shall the amount of any grant under this title exceed 50 per centum of such cost of completing the project as determined at the time of the grant application. No additional funds shall be granted or otherwise made available under this Act for any such project for which a grant has been made under this Act.

"(b) The amount of any grant for the establishment of a revolving loan fund under paragraph (2) of section 102 shall not exceed an amount which is equal to the amount of funds available from all other sources for the establishment of such revolving loan fund. The amount of any additional grant for the recapitalization of a revolving loan fund previously established with a grant under this Act shall not exceed an amount which is equal to one-third of the amount of funds available from all other sources for such recapitalization.

"(c) In the case of a grant to an Indian tribe, the Secretary may reduce or waive the non-Federal share.

"LIMITATION

"SEC. 109. Not more than 15 per centum of the appropriations made pursuant to this title may be expended in any one State.

"OBLIGATION OF FUNDS

"SEC. 110. (a) Not later than May 31 of each fiscal year, the Secretary shall obligate for grants under this title not less than 50 percent and not more than 60 percent of the funds appropriated for such fiscal year pursuant to this title.

"(b) Not later than September 30 of each fiscal year, the Secretary shall obligate for grants under this title the remaining funds appropriated for such fiscal year pursuant to this title.

"AUTHORIZATION OF APPROPRIATIONS

"SEC. 111. There is authorized to be appropriated to carry out this title, to be available until expended, $425,000,000 per fiscal year for each of the fiscal years ending September 30, 1983, September 30, 1984, and September 30, 1985.

"TITLE II—INVESTMENT STRATEGY, PLANNING, EVALUATION, AND DEMONSTRATION

"INVESTMENT STRATEGY AND PLANNING

"SEC. 201. (a)(1) The Secretary is authorized to make grants for economic development planning, including the preparation of development investment strategies under section 106 of this Act and the payment of administrative expenses, to States, economic development districts, Indian tribes, counties which meet the distress requirements of section 105 of this Act and which are located outside of economic development districts, and those other units of local government having populations of 50,000 or more which meet such distress requirements and which are located outside of economic development districts. Such planning shall be a part of a comprehensive planning process and shalll be a continuous process involving public officials and private citizens in analyzing local economies, defining development goals, determining project opportunities, and formulating and implementing a development program.

"(2) Any State economic development plan prepared with assistance under this section shall be prepared by the State with the active participation of units of local government and economic development districts located in whole or in part within such state and shall set priorities and goals for economic development within such State. Each State receiving assistance under this subsection shall submit to the Secretary an annual report on the planning process assisted under this section.

"(3) Any economic development planning by an economic development district or a unit of local government for which a grant is made under this section shall be consistent with the State economic development plan for the State in which such district or unit is located.

"(b) Grants under this section shall be used, to the maximum extent possible, to provide logical coordination of investment for community facilities, economic development, manpower training, and transportation services.

"(c) Any applicant for assistance under this section shall give assurances that it will provide project planning, financial analysis, marketing, management, feasibility studies, and other technical and financial assistance to communities and neighborhoods within its boundaries.

"EVALUATION AND DEMONSTRATION

"SEC. 202. (a) The Secretary is authorized to conduct a program of evaluation of Federal, State, and local development investment efforts in order to—

"(1) assist in determining the causes of unemployment, underemployment, severe economic adjustment problems, and chronic distress in areas and regions of the United States;

"(2) assist in formulating, implementing, or improving programs at the National, State, or local levels which are designed to increase employment in private firms, assist depressed industry sectors, or otherwise promote economic development or adjustment.

"(b) The Secretary is authorized to conduct any demonstration program to test the feasibility of new ways to increase productivity and growth and the understanding of regional and local economies, to foster innovative technology and research in the field of economic development, to match the labor force with projected labor markets, to improve United States competitiveness, or to encourage economic diversity and regional balance.

"(c) Programs authorized under subsections (a) and (b) of this section may be carried out by the Secretary acting through the staff of the Department, in cooperation with or by the provision of funding to other departments or agencies of the Federal Government, or by contract.

"FEDERAL SHARE

"SEC. 203. The amount of any grant under section 201 shall not exceed 75 per centum of the cost of economic development planning or for the preparation of a development investment strategy. In determining the amount of the non-Federal share of costs under this section, the Secretary shall give due consideration to all contributions both in cash and in kind, fairly evaluated, including but not limited to space, equipment, and services. In the case of a grant to an Indian tribe under section 201, the Secretary may reduce or waive the non-Federal share.

"OBLIGATION OF FUNDS

"SEC. 204. Not later than December 31 of each fiscal year, the Secretary shall obligate for grants under section 201 all of the funds appropriated for such fiscal year pursuant to this title (other than those funds available for purposes of section 202).

"AUTHORIZATION OF APPROPRIATIONS

"SEC. 205. (a) There is authorized to be appropriated to carry out this title, to be available until expended, $75,000,000 per fiscal year for each of the fiscal years ending September 30, 1983, September 30, 1984, September 30, 1985.

"(b) Of sums authorized to be appropriated under subsection (a) of this section, not to exceed $15,000,000 in each of the fiscal years ending September 30, 1983, September 30, 1984, and September 30, 1985, shall be available for the purposes of section 202.

"TITLE III—ADMINISTRATION

"DEFINITIONS

"SEC. 301. For purposes of this Act—

"(1) the term 'economic development district' means—

"(A) an economic development district designated on or before January 1, 1982, under section 403(a)(1) of the Public Works and Economic Development Act of 1965; and

"(B) any district within a State which is designated by the Secretary, which district is of sufficient size or population and contains sufficient resources to foster economic development on a scale involving more than one county;

"(2) the term 'employee stock ownership plan' has the meaning given such term by section 4975(e)(7) of the Internal Revenue Code of 1954;

"(3) the term 'Indian tribe' means the governing body of a tribe, an Indian authority or tribal organization or entity, an Alaskan Native Village, or any Indian group which is recognized as an Indian tribe by the Secretary of the Interior;

"(4) the term 'unit of local government' means any city, county, town, parish, village, or other general purpose political subdivision of a State;

"(5) the term 'small business' means a business that is independently owned and operated, is not dominant in its field of operations, and meets such other criteria as the Secretary, after consultation with the Administrator of the Small Business Administration, may be regulation establish, including but not limited to, numbers of employees and dollar volume of business by industrial classes;

"(6) the term 'Secretary' means the Secretary of Commerce; and

"(7) the term 'State' means the several States, the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, Guam, American Samoa, the Trust Territory of the Pacific Islands, and the Commonwealth of the Northern Marianas.

"APPOINTMENT OF ASSISTANT SECRETARY

"SEC. 302. The Secretary shall administer this Act with the assistance of an Assistant Secretary of Commerce, created by section 601 of the Public Works and Economic Development Act of 1965. Such Assistant Secretary shall perform such functions as the Secretary may prescribe.

"CONSULTATION WITH OTHER PERSONS AND AGENCIES

"SEC. 303. (a) The Secretary is authorized from time to time to call together and confer with any persons, including representatives of labor, management, agriculture, and government, who can assist in meeting the problems of area and regional unemployment or underemployment.

"(b) The Secretary may make provisions for such consultation with interested departments and agencies as he may deem appropriate in the performance of the functions vested in him by this Act

"ADMINISTRATION OF ASSISTANCE

"SEC. 304. No grant shall be approved under this Act unless the Secretary is satisfied that the project for which Federal assistance is granted will be properly and efficiently administered, operated, and maintained.

"POWERS OF THE SECRETARY

"SEC. 305. In performing his duties under this Act, the Secretary is authorized to—

"(1) adopt, alter, and use a seal, which shall be judicially noticed;

"(2) hold such hearings, sit and act at such times and places, and take such testimony, as he may deem advisable;

"(3) request directly from any executive department, bureau, agency, board, commission, office, independent establishment, or instrumentality information, suggestions, estimates, and statistics needed to carry out the purposes of this Act; and each department, bureau, agency, board, commission, office, establishment or instrumentality is authorized to furnish such information, suggestions, estimates, and statistics directly to the Secretary;

"(4) acquire, in any lawful manner, any property (real, personal, or mixed, tangible or intangible), whenever deemed necessary or appropriate to the conduct of the activities authorized by this Act;

"(5) procure by contract the temporary or intermittent services of experts and consultants or organizations therefor as authorized by section 3109(b) of title 5, United States Code, compensate individuals so employed at rates not in excess of $100 per diem, including travel time, and allow them, while away from their homes or regular places of business, travel expenses (including per diem in lieu of subsistence) in accordance with section 5703 of title 5, United States Code, for persons in the Government service employed intermittently, while so employed;

"(6) sue and be sued in any court of record of a State having general jurisdiction or in any United States district court, and jurisdiction is conferred upon such district court to determine such controversies without regard to the amount in controversy; but no attachment, injunction, garnishment, or other similar process, mesne, or final, shall be issued against the Secretary or his property. Nothing herein shall be construed to except the activities under this Act from the application of sections 517, 547, and 2679 of title 28, United States Code; and

"(7) establish such rules, regulations, and procedures as he may deem appropriate in carrying out the provisions of this Act.

"CERTIFICATION

"Sec. 306. (a) The Secretary may discharge any of his responsibilities relative to a project for which a grant may be made under title I of this Act by accepting a certification by the applicant of the applicant's performance of such responsibilities. The Secretary shall promulgate such guidelines and regulations as may be necessary to carry out this section.

"(b) Acceptance by the Secretary of an applicant's certification under this section may be rescinded by the Secretary at any time if, in his option, it is necessary to do so.

"SAVINGS PROVISIONS

"Sec. 307. (a) No suit, action or other proceedings lawfully commenced by or against the Secretary or Assistant Secretary or any other officer in his official capacity or in relation to the discharge of his official duties under the Public Works and Economic Development Act of 1965, shall abate by reason of the taking effect of the provisions of this Act, but the court may, on motion or supplemental petition filed at any time within twelve months after such taking effect, showing a necessity for the survival of such suit, action, or other proceeding to obtain a settlement of the questions involved, allow the same to be maintained by or against the Secretary or Assistant Secretary or such other officer of the Department of Commerce as may be appropriate.

"(b) Except as may be otherwise expressly provided in this Act, all powers and authorities conferred by this Act shall be cumulative and additional to and not in derogation of any powers and authorities otherwise existing. All rules, regulations, orders, authorizations, delegations, or other actions duly issued, made, or taken by or pursuant to applicable law, prior to the effective date of this Act, by any agency, officer, or office pertaining to any functions, powers, and duties under the Public Works and Economic Development Act of 1965 shall continue in full force and effect after the effective date of this Act until modified or rescinded by the Secretary or such other officer of the Department of Commerce as, in accordance with applicable law, may be appropriate.

"ANNUAL REPORT

"Sec. 308. The Secretary shall make a comprehensive and detailed annual report to the Congress of his operations under this Act for each fiscal year beginning with the fiscal year ending September 30, 1983. Such report shall be printed and shall be transmitted to the Congress not later than February 1 of the year following the fiscal year with respect to which such report is made.

"PREVAILING RATE OF WAGE

"Sec. 309. All laborers and mechanics employed by contractors or subcontractors on projects assisted by the Secretary under this Act shall be paid wages at rates not less than those prevailing on similar construction in the locality as determined by the Secretary of Labor in accordance with the Davis-Bacon Act, as amended (40 U.S.C. 276a-276a-5). The Secretary shall not extend any financial assistance under this Act for such project without first obtaining adequate assurance that these labor standards will be maintained upon the construction work. The Secretary of Labor shall have, with respect to the labor standards specified in this provision, the authority and functions set forth in Reorganization Plan Numbered 14 of 1950 (15 F.R. 3176; 64 Stat. 1267; 5 U.S.C. 133z-15), and section 2 of the Act of June 13, 1964, as amended (40 U.S.C. 276c).

"RECORD OF APPLICATIONS

"Sec. 310. The Secretary shall maintain as a permanent part of the records of the Department of Commerce a list of applications approved for a grant under this Act, which shall be kept available for public inspection during the regular business hours of the Department of Commerce. The following information shall be posted in such list as soon as each application is approved: (1) the name of the applicant, (2) the amount and duration of the grant for which application is made, and (3) the purposes for which the proceeds of the grant are to be used.

"RECORDS AND AUDIT

"Sec. 311. (a) Each recipient of a grant under this Act shall keep such records as the Secretary shall prescribe, including records which fully disclose the amount and the disposition by such recipient of the proceeds of such grant, the total cost of the project or undertaking in connection with which such grant is given or used, and the amount and nature of that portion of the cost of the project or undertaking supplied by other sources, and such other records as will facilitate an effective audit.

"(b) The Secretary and the Comptroller General of the United States, or any of their duly authorized representatives, shall have access for the purpose of audit and examination to any books, documents, papers, and records of the recipient that are pertinent to assistance received under this Act.

"AUTHORIZATION OF APPROPRIATIONS

"Sec. 312. there is hereby authorized to be appropriated for salaries and administrative expenses to carry out the provisions of this Act $30,000,000 for the fiscal year ending September 30, 1983, $35,000,000 for the fiscal year ending September 30, 1984, and $40,000,000 for the fiscal year ending September 30, 1985. Appropriations authorized under this Act shall remain available until expended unless otherwise provided by appropriations Acts. Any contract entered into pursuant to this Act shall be effective only to such extent and in such amounts as may be provided in advance in an appropriation Act.".

TITLE II—APPALACHIAN REGIONAL DEVELOPMENT

Sec. 201. This title may be cited as the "Appalachian Regional Development Act Amendments of 1982".

Sec. 202. The sixth sentence of subsection (a) of section 2 of the Appalachian Regional Development Act of 1965 is amended by striking out the period at the end thereof and inserting in lieu thereof the following: "and in severly distressed and underdeveloped counties lacking resources for basic services.".

Sec. 203. Subsection (b) of section 105 of the Appalachian Regional Development Act of 1965 is amended by striking out the period at the end thereof and inserting in lieu thereof the following: ", and not to exceed $5,800,000 for the two-fiscal-year period ending September 30, 1984 (of such amount not to exceed $900,000 shall be available for expenses of the Federal cochairman, his alternate and his staff), and not to exceed $5,800,000 for the two-fiscal-year period ending September 30, 1986 (of such amount not to exceed $900,000 shall be available for expenses of the Federal cochairman, his alternate, and his staff), and not to exceed $2,900,000 for the fiscal year ending September 30, 1987 (of such amount not to exceed $450,000 shall be available for expenses of the Federal cochairman, his alternate, and his staff).".

Sec. 204. Paragraph (7) of section 106 of the Appalachian Regional Development Act of 1965 is amended by striking out "1982" and inserting in lieu thereof "1987".

Sec. 205. (a) Subsection (g) of section 201 of the Appalachian Regional Development Act of 1965 is amended by striking out the period at the end thereof and inserting in lieu thereof a semicolon and the following: "$215,000,000 for fiscal year 1983; $234,000,000 for fiscal year 1984; $250,000,000 for fiscal year 1985; $270,000,000 for fiscal year 1986; $289,000,000 for fiscal year 1987; $312,000,000 for fiscal year 1988; $337,000,000 for fiscal year 1989; and $364,000,000 for fiscal year 1990.".

(b) Subsection (h)(1) of section 201 of the Appalachian Regional Development Act of 1965 is amended by striking out "70 per centum" and inserting in lieu thereof "80 per centum". The amendment made by the preceding sentence shall apply to projects approved after March 31, 1979.

Sec. 206. Subsection (c) of section 214 of the Appalachian Regional Development Act of 1965 is amended by striking out "December 31, 1980" and inserting in lieu thereof "October 1, 1987" in the first sentence, and by inserting "authorized by title 23, United States Code" after "road construction" in the second sentence.

Sec. 207. Part B of title II of the Appalachian Regional Development Act of 1965 is amended by adding at the end thereof the following new section:

Sec. 215. the Commission is authorized to make grants to States and public and nonprofit entities for projects, approved pursuant to section 303 of this Act, which will—

"(1) assist in the creation or retention of permanent private sector jobs, the upgrading of the region's manpower, or the attraction of private investment;

"(2) provide special assistance to severely distressed and underdeveloped counties which lack financial resources for improving basic services;

"(3) assist in achieving the goal of making primary health care accessible in the region; or

"(4) otherwise serve the purposes of this Act.".

Sec. 208. Clause (2) of subsection (b) of section 224 of the Appalachian Regional Development Act of 1965 is amended to read as follows: "(2) to enable plant subcontrtactors to undertake work theretofore performed in another area by other subcontractors or contractors;".

Sec. 209. Section 224 of the Appalachian Regional Development Act of 1965 is amended by adding at the end thereof the following new subsection:

"(d) Notwithstanding any other provision of this Act, grants with funds authorized under this Act shall not, after October 1, 1982, exceed 50 per centum of the costs of any project approved under this Act (except projects under section 201); but such grants may increase the Federal contribution to any project, notwithstanding limitations in other Federal laws, to such percentage as the Commission determines within the limitations in this Act.".

SEC. 210. Section 401 of the Appalachian Regional Development Act of 1965 is amended by adding at the end thereof the following: "In addition to the appropriations authorized in section 105 for administrative expenses, and in section 201(g) for the Appalachian development highway system and local access roads, there is authorized to be appropriated to the President, to be available until expended, to carry out this Act, $166,000,000 for the two-fiscal-year period ending September 30, 1984; $158,000,000 for the two-fiscal-year period ending September 30, 1986; and $75,000,000 for the fiscal year period ending September 30, 1987.".

SEC. 211. Section 405 of the Appalachian Regional Development Act of 1965 is amended by striking out "1982" and inserting in lieu thereof "1987".

NATIONAL DEVELOPMENT INVESTMENT ACT—SUMMARY

WHAT ACTIVITIES ARE FUNDABLE?

Construction, repair, rehabilitation and improvement of public facilities, including land acquisition.

Revolving Loan Funds to help small business, and to retain and assist expansion of existing local firms.

Emergency economic adjustment.

Technical assistance.

Employee Stock Ownership Plans.

New.—Emphasis on reconstruction providing infrastructure to support development; a grant which is converted into a locally administered revolving loan fund; focus on small business, and retention of local firms rather than "smokestack chasing."

WHO MAY APPLY?

States.

Districts.

Counties and Cities of 50,000 or more, outside Districts, and meeting distress criteria.

Counties, cities under 50,000, and other units of local government, plus community-based organizations, if they meet distress criteria.

Indian tribes.

New.—Various levels of government are encouraged to work together where possible, combining the resources, both technical and monetary, of the State, District or City with the needs of the local unit of government, Makes small distressed area in larger, non-distressed, area eligible for the first time.

HOW IS NEED DETERMINED?

Distress must be demonstrated with each application:

Per capita income.

Unemployment rate.

Sudden or threatened severe economic dislocation.

New.—Instead of one-time, permanent designation, burden of proof shifts from Federal Government to applicant; applicant must requalify every time it applies for assistance.

WHAT WILL THE APPLICATION LOOK LIKE?

An application will be very simple. It will contain:

(1) Certification by the applicant that it meets the distress criteria.

(2) Certification by the applicant that it will comply with applicable laws and requirements.

(3) A Development Investment Strategy.

New.—The simplicity of the application. The Strategy itself should be concise and can be drawn up by the applicants without need of expensive, voluminous documentation. The local community rather than the Federal government certifies that it meets distress criteria.

WHAT IS A DEVELOPMENT INVESTMENT STRATEGY?

The Strategy is the centerpiece of the new bill. Instead of applying for a single, isolated project, the applicant will be required to draw up an entire Strategy:

Diagnosing the nature of its economic distress.

Inventorying all its resources, including those from the private sector.

Addressing elements necessary to promote local economic development.

Identifying past, present and future economic development investments, including those from other Federal programs.

Linking these investments into a coherent framework within which future investments will be fitted.

Providing a general discussion of the project necessary to solve the economic problems.

Establishing a timetable for these investments.

New.—The Strategy is new, getting away from the project-by-project approach and initiating a long-term, carefully planned and implemented course toward economic self-sufficiency; encouraging levels of government to work together on the application, and on follow-through after the grant is made; and relying on the capacity of States, Districts and Cities to direct their own destinies without Federal interference.

FUNDING SELECTION CRITERIA

The Secretary is given further criteria against which to measure the probable success of the Strategy, including:

Severity of distress.

Amount of private sector involvement in the Strategy (not necessarily in any individual project).

Effectiveness of the Strategy, and degree to which the proposed project contributes to its implementation.

Extent to which the Strategy is consistent with State and local goals and priorities.

New.—"Distress" is not enough; this bill requires potential as well, to make these scarce resources leverage as many other dollars as possible, and to coax out the maximum new and retain the maximum existing private sector jobs.

WHAT ABOUT THE PRIVATE SECTOR?

Overall strategy development is dependent on private sector involvement and commitment. In addition, grants are available to set up Revolving Loan Funds, administered by the applicant with no further control by the Federal government. Loans and loan guarantees from the RLF may be made to small business for initial working capital, or to purchase facilities or equipment. Further, RLF loans or guarantees may be made to other businesses where a relatively small amount is needed to complete a financing package to keep any size business in an area.

The initial grant is limited to $1 million or less, although the RLF may be recapitalized.

Loan recipients must not be able to find financing elsewhere in the private sector.

New.—Once the grant is made, the RLF is in local hands. Loans are targeted to small and indigenous businesses, which, testimony has shown, are responsible for creation of the vast majority of jobs.

WHAT IS THE FEDERAL SHARE?

The Federal share will be 50 percent of the total project cost.

The Secretary may reduce or waive the non-Federal share for Indian tribes.

New.—Applicant areas are required to have a greater stake in process than previously.

WHAT OTHER ASSISTANCE IS AVAILABLE?

Planning: States, Districts and local governments meeting distress criteria, may receive planning grants for their on-going planning efforts. This includes grants to assist in preparing a Development Investment Strategy.

Evaluation and Demonstration: The Secretary may provide discretionary funding for evaluation and demonstration programs.

Federal share: up to 75 percent.

HOW MUCH MONEY IS AVAILABLE, AND FOR HOW LONG?

$425 million for each of 3 years for development grants.

$75 million for each of 3 years for planning Strategy development, and Evaluation and Demonstration.

APPALACHIAN REGIONAL DEVELOPMENT AMENDMENTS OF 1982—SUMMARY

Provides for 5-year finish-up of Appalachian non-highway programs with declining authorizations.

Accelerates construction of Appalachian Highway System to complete in 1990.

Establishes dollar limits on the cost of completing the Appalachian Highway System.

Implements proposal of Appalachian Governors.

Reduces the maximum non-highway grant from 80 percent to 50 percent.

Targets funds to more economically distressed counties, primarily to provide safe drinking water and waste disposal.

Concentrates on finish-up of ARC health programs in 3 years by extending basic services to counties without facilities.

Encourages regionwide private investment for job creation and retention.

Authorizes $83 million annually for 1983-1985, $75 million for 1986-1987 for area redevelopment program.

Authorizes $215 million in FY '83 for Appalachian Highway Program, $2.2 billion total ARC Highway Program 1983-1990.

Directs funding of priority routes, concentrates on linking N-S, E-W corrdors and fills critical gaps in the Appalachian Development Highway System.

Outlines modest, pragmatic plan of action to sustain economic recovery and continue economic program of region toward national economic standards.

Mr. OBERSTAR. Mr. Speaker, at this point I yield such time as he may consume to my colleague from Pennsylvania (Mr. CLINGER) and commend him for his forthright participation in the development of this legislation and for the many constructive ideas that he and other of our colleagues on the subcommittee have offered in the preparation of this legislation

Mr. CLINGER. Mr. Speaker, I thank the gentleman very much for yielding to me, and I commend him for his leadership in introducing this bill.

Mr. Speaker, I am most pleased to join with the gentleman from Minnesota (Mr. OBERSTAR) and with colleagues on both sides of the aisle in introducing this unique bipartisan initiative which addresses the economic needs of our distressed communities.

I do not believe that there is anyone among us here today who will question the fact the economic growth in this Nation has become stagnated. The basic infrastructure systems that have enabled our communities to achieve econmic growth are crumbling.

It is for precisely that reason we are here today to introduce this legislation, which is aimed at rebuilding the economic base of our Nation's distressed areas.

Let me make one point very clear. This is not another Government handout program that simply shovels millions of dollars in Federal funds toward isolated economic development projects. The past has demonstrated clearly that approach simply does not work.

Rather, we are involving the Federal Government in a new and limited approach which maintains a Government role in the economic development process and insures that both private industry and local communities will play a key role in building the components necessary to support industry and attain economic stability.

The Economic Development Administration has attempted to meet this need in the past. And while it has been successful in some instances, in many others it was not. A new approach is needed which builds on the experience of the past to meet the complex needs of today's distressed communities. And that approach must center on utilizing the human infrastructure investment that the Federal Government has made at the local planning levels over the years.

The National Development Investment Act being introduced today creates a new agency, through the Department of Commerce which will get America's distressed communities looking at solutions to their own problems based on the realistic resources available to them.

To that end we have developed the concept of the "Development Investment Strategy," which is simply a long term, carefully planned community course toward economic self-sufficiency.

This legislation requires that certain key factors must be considered by a community which intends to apply for assistance under this act. They include:

> Factors which experience shows must be present or capable of being developed if any investment in ED is going to be successful;
>
> The availability of land and space in the area;
>
> Existence of public works, public service and development facilities in the area;
>
> Availability of low-cost capital;
>
> A reasonable tax policy on investments in the area;
>
> Presence of a sufficient labor force with the requisite level of skill; and
>
> Ability of state and units of local government to provide financial and technical assistance in the management and implementation of the proposed strategy.

A key factor in the success of this proposal is the involvement of the private sector. In this bill, the level of private sector dollars committed to a community's development is important in the Secretary's selection of those projects to receive funding. In other words, the more private sector dollars are leveraged by public investment the better the chance for selection. That represents a major departure from the approach to economic development taken by EDA in the past, but one which, I believe, will prove vitally important in the future.

That approach is also in keeping with the President's economic recovery plan which stresses private sector involvement as a key to the economic development process.

We have attempted to produce a bill which does not measure economic distress or well-being along party lines. This important measure makes a united commitment to assisting our distressed communities in an innovative fashion based on coupling a community's existing resources with a limited amount of Federal assistance to produce a workable, cohesive, and well-planned approach to economic self-sufficiency.

Mr. OBERSTAR. Mr. Speaker, I thank the gentleman for his statement. Again, I want to thank the gentleman most sincerely for his constructive suggestions that have so contributed to the building of a sound piece of legislation, which to be sure, will go through some evolutionary review as we continue through the hearing and markup process, but which nonetheless is a sound and responsible step toward economic development.

I also want to take this opportunity to thank the gentleman from California (Mr. CLAUSEN), the ranking minority member of the Committee on Public Works and Transportation, for his intense interest and constructive suggestions; I wish to thank the gentleman from Arkansas (Mr. HAMMERSCHMIDT), for his recommendations, all of which have contributed to strengthening of this legislation.

● Mr. CLAUSEN. Mr. Speaker, today many areas of our Nation are being hard hit by high interest rates and other economic maladies which were created by the irresponsible fiscal monetary policies of the past.

The National Development Investment Act of 1982 we are introducing today clearly develops a comprehensive strategy to help our distressed communities move toward economic self-sufficiency based on increased private-sector involvement and a limit Federal grant program.

The strategy is designed to achieve the maximum participation of local people and local government in the decisionmaking process.

It is important to note that the statement of purpose of this bipartisan act closely follows the theme developed by the National Association of Counties (NACO), which directs us as a nation to:

> Leave to private initiative all of the functions that citizens can perform privately; use the level of government closest to the communities for all public functions it can handle; utilize cooperative intergovernmental agreements where appropriate to attain economical performance and popular approval; reserve national action for residual participation where State and local governments are not fully adequate; and for the continuing responsibilities that only the National Government can undertake.

I feel especially proud to have been a part of the First Home Rule Congress of NACO as the delegate from California when this theme was adopted.

In those areas where Federal involvement is required, it is essential that we make every Federal dollar do the work of two and that we look to approaches which are both workable and affordable. I believe that the direction of this legislation fully meets those criteria.

I have associated myself with both the rural and urban enterprise zone bills, and I believe that the legislation which we introduce today dovetails with that concept as endorsed by the President in his state of the Union address.

Economic distress is neither Democrat nor Republican, rural or urban. the solutions to this problem cannot be partisan either, and I think that the presence here today of my colleagues from both sides of the aisle indicates our interest in seeking out solutions—not creating issues. It is my sincere belief that in this spirit of unity we can accomplish the difficult task of setting our communities, large and small, on the road to economic self-sufficiency.

THEME: HOME RULE

"Leave to private initiative all the functions that citizens can perform privately; use the level of government closest to the communities for all public functions it can handle; utilize cooperative intergovernmental agreements where appropriate to attain economical performance and popular approval; reserve national action for residual participation where state and local governments are not fully adequate; and for the continuing responsibilities that only the national government can undertake."

Strong local government is the foundation of our Republic.

DON H. CLAUSEN,
Member of Congress, California.●

THE FALKLAND ISLANDS-MALVINAS CRISIS: A QUESTION OF PRINCIPLE

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Wisconsin (Mr. ZABLOCKI) is recognized for 10 minutes.

● **Mr. ZABLOCKI.** Mr Speaker, the sudden confrontation between the United Kingdom and Argentina, which is less than a week old, is a matter of serious concern and intense disappointment to the United States. However bizarre and unlikely the circumstances—it represents a crisis between two countries with which the United States not only maintains normal and friendly relations, but also important treaty commitments.

The United Kingdom, our staunch and traditional ally during two world wars in this century, is a bulwark of NATO, to which this administration and all previous postwar administrations have assigned the highest priority. In the affairs of this hemisphere, Argentina is expected to play a highly significant role, which can become crucial to the fulfillment of longstanding U.S. foreign policy objectives.

Because of the gravity—and indeed, delicacy—of the current, still-unresolved situation, this would not appear to be an appropriate time for inflamatory rhetoric. It is, on the contrary, a time for some circumspection and restraint.

There is, however, an overriding principle at stake here, which transcends all other considerations. It involves the forcible, unprovoked invasion of the territory of one nation by the armed forces of another. It involves a serious matter of precedent: If the United States or the world community condones the forcible acquisition of territory—the boundaries of which may, and I stress the word may, be based on historical injustice—there is no telling where this process may lead.

If we wish to maintain some semblance of international order, we cannot afford to acquiesce in the blatant invasion and occupation of one state by another—on the basis of a historic claim.

In one respect, at least, the Falkland Islands—or Malvinas—crisis is virtually unique in terms of contemporary history, that is, since the founding of the United Nations: We are not confronting here a local insurrection, which is being assisted by outside force. There are no "oppressed" Argentine minorities on these islands calling for "liberation" and a change of the status quo. Instead we are talking about naked aggression by the armed forces of one country over the unwilling inhabitants of another. There is not conceivable issue of self-determination at stake in this region.

Mr. Speaker, the United States does not—and should not—involve itself in the substance of this dispute. The question of sovereignty of these islands is beyond the purview of our competence. We fervently hope that this dispute may be resolved peacefully and our only role, if we have a role, is to offer our good offices for mediation, as President Reagan has just announced his willingness to do.

Our Government, and I believe a majority of the Congress, supports the text of the resolution adopted by the U.N. Security Council on April 3—by a vote of 10 to 1. It is a short and simple resolution which calls for a "diplomatic solution" to differences, but it also embodies the principles of the U.N. Charter, which we will ignore at our peril.

The text of the resolution follows:

FALKLAND ISLANDS: TEXT OF RESOLUTION ADOPTED BY TEN VOTES TO ONE IN THE U.N. SECURITY COUNCIL ON SATURDAY, APRIL 3

Recalling the statement made by the President of the Security Council on 2 April 1982 calling on the Governments of Argentina and the United Kingdom to refrain from the use of threat or force in the region of the Falkland Islands (Islas Malvinas),

Deeply disturbed at reports of an invasion on 2 April 1982 by armed forces of Argentina,

Determining that there exists a breach of peace in the region of the Falkland Islands (Islas Malvinas),

1. Demands an immediate cessation of hostilities;

2. Demands an immediate withdrawal of all Argentine forces from the Falkland Islands (Islas Malvinas);

3. Calls on the Government of Argentina and the United Kingdom to seek a diplomatic solution to their differences and to respect fully the purposes and principles of the Charter of the United Nations.●

□ 1345

IMPEACHMENT OF FEDERAL RESERVE BOARD CALLED FOR

The **SPEAKER** pro tempore. Under a previous order of the House, the gentleman from Texas (Mr. GONZALEZ) is recognized for 60 minutes.

Mr. GONZALEZ. Mr. Speaker, in yesterday's proceedings I left off with an incomplete discussion of the preliminary outlining of the predicate or basis for the consideration of impeachment of the Chairman of the Federal Reserve Board as well as the Board itself. It will be recalled I introduced two resolutions along that line in the last session, and also two accompanying reform bills, one having to do with the continuation of what historically was envisioned by the Congress that approved the 1913 Federal Reserve Board Act as a continuing responsibility on the part of the Congress, which gave birth to the Federal Reserve Board.

There are so many Members of the Congress, so many citizens and so many persons in business in leadership positions that seem to be under the impression that the Federal Reserve Board is an autonomous, independent, unaccountable agency, and nothing could be further from the truth. The fact is that the Federal Reserve Board is a creature of congressional action, the 1913 Act. I have outlined that history on previous occasions, so there is no need to waste time.

The main reason for my getting up is to complete yesterday's initial phase of the impeachment description, of a process constitutionally granted and which, whether we like it or not, whether we wish to admit it or not, we are charged with the responsibility of upholding. It seems, as I explained yesterday, that it has generally been conceived, because there is also great ignorance concerning impeachment, its constitutional description and authority as well as the precedence and the history of those occasions in which that particular section of the Constitution known as article II, section 4, has been invoked, so there are many, many misconceptions in and out of the Congress.

The main hurdle is trying to leap over that wall of ignorance. I expect that as a challenge. Also to explain further, as I said yesterday, that this is an obedience to the fact that my request for serious consideration of my resolutions by the proper committee, the Committee on the Judiciary of the House of Representatives, has answered in the person of its chairman, the distinguished chairman from New Jersey, that it could not in the foreseeable future give serious consideration but that in the interim instructions would be forthcoming to the staff, I presume the legal staff of that committee, to review my resolutions and to analyze, and apparently give me the benefit of that analysis, which I have not received. So, therefore, I am proceeding on the basis that I have been denied that consideration, and that I will proceed as if the House of Representatives itself is sitting as the Committee on the Judiciary in order to make the case which really should be developed by the proper committee. This is the reason the committee was set up to begin with.

Impeachment is actually accusatory in nature. It is not, as some people do not comprehend, a conviction or a trial process in itself insofar as the House of Representatives is concerned. I explained that in view of the fact that most of the thinking, most of the precedence has to do with the impeachment processes insofar as they involve Presidents, that lost sight of is the fact that other precedents have been established involving other officials of the Government. Unfortunately most of those precedents have to do with the officers in the third branch of the Government or the judiciary. Judges have been impeached, and they have not been impeached on the basis of a criteria that some Members of the Congress, present Congress as well as past Congresses have advanced, and that is under the definition of the Constitution, the commission of an act of treason or bribery or high crimes and misdemeanors, really meaning something that would be tantamount to a charge criminal in nature involving the status degree of indictable offense.

This, of course, is not so. If it were so, the plain language of the Constitution would not recite high crimes and misdemeanors. Certainly misdemeanors seldom are indictable offenses even though, of course, you have gradation defined in criminal law in the various statute books of the 50 States. But the precedents are that the act of impeachment, and what was intended in the phraseology of article II, section 4, was envisioned, and we have it preserved for us by the Founding Fathers who wrote the Constitution assembled in the Constitutional Convention, and who disputed and debated at great length this particular section, its meaning, its significance, the scope they conceptualized for it, and the exact wording. I explained that yesterday so there is no need to repeat myself.

Today I merely wish to conclude what I started yesterday by explaining further that my procedure envisions generally the base of that last clause, and that is "high crimes and misdemeanors." I also intimated yesterday that I would think that specificity—this was a very, very favorite word during the impeachment proceedings on the matter of Richard Nixon some 6 or 7 years ago—so that specificity I think is an ingredient and, therefore, it is my intention to bring forth specific instances, specific acts, and specific dates and specific accusations and charges.

But more importantly, also, the fact that the impeachment process does not necessarily have to involve charges of a criminal nature, but ones that would be defined in law as civil in nature as reflected in the last two words of that sentence "and misdemeanors."

I am fully prepared and certainly would never had envisioned the procedure of impeachment had I not been prepared. It is just with a great deal of sadness that I realize that even this would be necessary after so many years of neglect by the Congress in the exercise of its responsibilities toward the people of this country. After all, what is involved here is the most important issue confronting the American republic as to its well-being economically; that is, its fiscal and monetary policies that have been torn away from the people themselves in the sense that there is no accountability to the people through its chosen agents, whether it is the executive branch, the President and the Vice President, or the first branch of Government, the representative branch, the Congress. There is no accountability.

I have brought this out in a series of prior addresses to the full House. I have done so many, many times, as far back as 18 years ago. The fact that little action has followed is certainly no fault of mine, but due I think to other things that have coincided of equal seriousness and gravity that also I think have been abdicated by the representative branch of the Government. Again that is something aside and for some other discussion.

At this point I wish to round out the discussion yesterday by saying that in following the route of making out the case for impeachment, which as I say and repeat, ought to be done on the committee level, but what I am constrained and compelled to do on the House floor, that my principles to be followed as a rationale will be passed on all of the constitutional precedents, all of the historical precedents, even in the mother country that has been the source and the fount of our institutional life, England, and also the precedents and the historical experiences in other jurisdications of a lesser nature than national, that is the States and the States courts, and the juridical, Anglo-American juridical tradition, and following the Anglo-American juridical concepts and methods of procedure.

So generally I will say that I will proceed under what in a Latin legal phrase is described as ejusdem generis. In order words, with respect to that last phrase and the misdemeanors, high crimes and misdemeanors, the charges that will be envisioned in this impeachment process, and I will say by way of explanation that the two resolutions I have presented have been couched in the general but necessary constitutional wording. But the specificity of it is what I am referring to now, and I will follow the general principle of construction known as ejusdem generis. That simply means in plain language that we will not stretch or reach out for some instances in which we will be bordering on the outer limits that the Constitution itself has already placed, a bill of attainder, for example, that is for acts committed in the past that now would be defined as wrongful.

We know well enough that certainly that is constitutionally prohibited, so that is our outer boundary.

The other boundary would be that which was reflected in the discussion in the Constitutional Convention when men as preeminent and legally prepared as James Madison and Mason and others discussed the wordage, and Mason was suggesting that perhaps one word that could be used was "malpractice" or "maladministration." This was objected to improperly, as I said yesterday.

Finally, the words "high crimes and misdemeanors," certainly because again the idea was to be fully protective of all of the respect of the proper authorities vested in those officials known as civil officials, because this is what the Constitution says is subject to impeachment, all civil officials of the United States, not just the President or the Vice President, but all civil officials. And why not? I mean, how else could the Constitution have been written and not have provided for the only defense from those who would usurp improperly or misuse or delegate to themselves the kind of power that was inimicable to the processes defined in our form of government, or to those who would be so grossly derelict, wantonly neglectful, as one of the phrases used by Mason reminds us.

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So with all of that in mind, and under the general provision of ejusdem generis, the specificities that I will outline and develop as we go along, I will make it in accordance with that which that phrase reflects, which means of the same kind or class or category or the same gravity. In other words, we are not going to stray out to try to find misdemeanors that would be in this connection, certainly farfetched and improper just to make a case.

CHICAGO TRIBUNE REPORTS OLYMPIC COIN CONTROVERSY FAIRLY

The SPEAKER pro tempore (Mr. Young of Missouri). Under a previous order of the House, the gentleman from Illinois (Mr. Annunzio) is recognized for 5 minutes.

● Mr. ANNUNZIO. Mr. Speaker, that the issue of striking commemorative coins for the 1984 summer Olympics has caused a heated debate among the Members of Congress is surely an understatement. We have heard countless arguments concerning both the merits and shortcomings of the pieces of legislation now under consideration. In an effort to clear the air, I would like to share with you a March 21, 1982, Chicago Tribune article which presents an accurate and straightforware appraisal of the situation.

There have been so many different accounts of the controversy that it is becoming increasingly difficult to separate fact from fiction. To say the very least, some of the media accounts are certainly misleading. In my mind, the Chicago Tribune article summarizes my understanding of the various positions rather well. Regardless of the individual merits of any proposal, it is of the utmost importance that we all have a clear understanding of the contours of the debate before we deliberate over the alternatives.

I think that it is fair to say that there has been considerable misunderstanding concerning my objections to the bills calling for numerous coins to be sold through private marketers. For example, the March 29, 1982, issue of Sports Illustrated states the following:

> It can be assumed that opposition to Annunzio would be great, and that the bill's progress through the remainder of the legislative process would be assured * * * perhaps this is what worries Annunzio, and why he so stubbornly persists in his lonely stand.

Well, no, it is not. I have been a Member of Congress since 1964 and I have never fought for the sake of fighting. The Chicago Tribune article accurately reports that:

> Annunzio objects to the program because it will be run by the private marketing group which consists of Occidental Petroleum Corporation; Lazard Freres, the international firm; and the Franklin Mint.

I vehemently object to the marketing of Olympic commemorative coins by the private interests proposed in these bills. It was the scandals associated with private marketing of coins that led to the termination of commemorative coinage in 1954. In addition, I see no reason why a private group should reap the profits from the sale of our Government's commemorative coinage. The more times you slice the pie, the smaller the piece becomes.

Apparently, my position concerning the number of coins to be minted is also misunderstood. According to a March 27, 1982, Los Angeles Times article:

> The Annunzio Subcommittee staff circulated a draft of changes in the coin bill that would have authorized only 17 coins, rather than the 25 allowed under the Senate-passed bill. When the Olympic interests and the private marketers agreed to 17 coins, "Annunzio suddenly demanded only 10. * * * Every time you knock down one of his straw men, he raises another one," complained F. Don Miller, executive director of the U.S. Olympic Committee.

The fact of the matter is that I never agreed to 17 coins, nor did I switch my position to 10 to frustrate the Olympic Committee. The Chicago Tribune correctly states my position:

> Annunzio also objects to the coin bill as it was passed by the Senate because it provides for 25 different coins to be minted, a number thought to be excessive by Annunzio and may coin collectors. * * * The Los Angeles Committee and the marketing group agreed recently to 17, but Annunzio contends that is still too many.

The cost of owning a complete set of coins under this provision would be prohibitive, possibly as high as $8,000. In addition, multiple issues are confusing and discouraging to the buying public. Many Americans have written to me saying that they will not be able to afford to participate in a program involving more than a few coins.

In this light, the importance I have placed on the views of the American Numismatic Association is clearly warranted. There have been a number of allegations that this coin collectors' group opposes the Olympics and is only interested in the minting of rare collectors' items. Sports Illustrated reports that:

> The American Numismatic Association, a collectors' group, objects to the number and variety of coins to be issued.* * * critics of the A.N.A. call it an elitist group that disapproves of mass sales of commerorative coins.

The American Numismatic Association, like the U.S. Olympic Committee, is a federally chartered organization. Its membership of 40,000 includes many of this country's most avid coin collectors. The Chicago Tribune article states that:

> Annunzio said, "The individuals who undoubtedly will make up the largest purchasers of these coins are very definitely opposed to such a large program."

It then quotes a letter I received from the American Numismatic Association:

> The bill is "an ill-considered piece of legislation that will not accomplish the primary task assigned to it, that of raising money to support the Olympic Games.

This clearly indicates that this organization is worried that the plan proposed by the supporters of the private interest legislation will not sell enough coins to make money for the Olympics. If the coins will not sell, the multiple coin bills are useless pieces of legislation.

When it comes right down to it, the issue here is money—funds for our athletes. The issues are not stonewalling, retreating from agreements, or fighting for the sake of fighting. We need a bill that proposes the minting of commemorative coins to be sold to the public with the proceeds going where they belong. I see no reason to mint numerous coin designs that no one will buy. I cannot understand why some of the profits should be siphoned off to private interests. I believe that my new proposal offers a straightforward plan to commemorate the 1984 summer Olympics and raise money for our athletes. After all, the shortest distance between two points is a straight line.

So that all of the Members will have the opportunity to read an unbiased account of the Olympic commemorative coin controversy, I have included the entire text of the Chicago Tribune article below:

ANNUNZIO WANTS OLYMPIC COIN DEAL IN MINT CONDITION

(By Dorothy Collin)

WASHINGTON—One of the opening rounds of the 1984 Olympic competition is being fought on Capitol Hill this month, but the contest is not for athletic glory—it's for money.

The fight is over Olympic commemorative coins, which would be minted by the United States government and sold to benefit the U.S. Olympic Committee. Who else would benefit is one of the reasons for the fight.

On one side is the Los Angeles Olympic Organizing Committee, a group of financial and political heavy-hitters that would market the coins, and many powerful members of Congress and the Reagan administration.

One the other side is Rep. Frank Annunzio (D., Ill.), chairman of the House Subcommittee on Consumer Affairs and Coinage, which has jurisdiction over legislation authorizing the coins.

The Senate unanimously passed the Olympic Coin Act in December and a similar bill was introduced in the House. So far, Annunzio has blocked any action on it.

The coin act sets up a program through which the coins would be minted, the receipts with the Los Angeles Committee in turn, would share the money with the U.S. Olympic Committee.

They money involved is not nickel-and-dime. Though all figures are estimates, the Los Angeles committee and the Olympic committee would get $30 million "the day the bill is passed" and about $150 million altogether, a source said.

But even that could be peanuts. Various estimates from both sides show sales could be between $500 million and $1 billion, depending on the number of different coins designed and offered as series.

Annunzio objects to the program because it will be run by the private marketing group, which consists of Occidental Petroleum Corp.; Lazard Freres, the international banking firm; and the Franklin Mint.

"There have been so many scandals connected with private coin sales in the past that there has not been a commemorative coin issued in more than a quarter of a century," Annunzio said in a "Dear Colleague" letter to House members March 9. "The Olympic Coin Act of 1981 contains all the ingredients of past coin scandals."

An aide to the Chicago congressman said past coin scandals included marketing abuses by private marketers "whose one idea was enriching themselves."

He contended that the Olympic commemorative coin group fits into "another troublesome pattern." "For 10 months, Annunzio has been asking the coin group and the Los Angeles people to provide copies of the contracts on marketing, and they have refused," the aide said.

Annunzio also objects to the coin bill as it was passed by the Senate because it provides for 25 different coins to be minted, a number thought to be excessive by Annunzio and many coin collectors.

The Los Angeles committee and the marketing group agreed recently to reduce the number to 27, but Annunzio contends that is still too many and that collectors won't buy them.

"Coin collectors might have to pay as high as $8,000 to purchase a complete Olympic coin set," Annunzio said on the House floor. "The individuals who undoubtedly will make up the largest purchasers of these coins are very definitely opposed to such a large program."

He read a letter from the American Numismatic Association saying collectors feel the bill is "an ill-considered piece of legislation that will not accomplish the primary task assigned to it, that of raising money to support the Olympic Games."

"I can only conclude that the entire coin program could wind up not as a money maker for the Los Angeles Organizing Committee, but rather as a financial disaster," Annunzio said.

The Los Angeles committee doesn't see it quite that way. It contends it faces financial disaster if the coin program is not passed.

"If we don't get these funds, there will be a long list of losers in the Olympic movement," said Peter Ueberroth, chairman of the organizing committee.

"The biggest loser will be the U.S. athletes who will not have the funds to properly prepare for the games," he said.

Just how much profit or loss to the government would be involved is a question of some interest to the General Accounting Office.

Annunzio asked the GAO to look at the program. It is still preparing a report, but it has raised issues about the program in a statement to Annunzio's staff.

The most intriguing question for the GAO was whether the coins would be marketed in such a way that they would be tax deductible.

If the coins were offered as a "gift" in return for a "contribution" to the Olympic Committee, then they might be considered a deduction, a GAO official said.

"That's what got the GAO interested," he said. "We are talking big bucks."

How big? Perhaps $400 million to $500 million, according to the official.

"If they were tax deductible, the revenue loss would be greater than if Congress just gave the money to the Olympics," an Annunzio aide said.

The GAO has not been able to find out how the coins will be marketed, according to the official. "Not that the question has not been asked," he said. "There just has been no response."

A spokesman for the Los Angeles committee said, "We never considered that they would be sold as a tax deduction."

Another Los Angeles committee source said the coins probably would be marketed through large department stores and American Express, which often sends out flyers offering medals from the Franklin Mint, a private manufacturer of collectables such as medals.

Annunzio has introduced his own coin bill, which authorizes the minting of 25 million silver dollars to commemorate the Olympics. The coins would be sold by the United States Mint, not by a private group, and the profits would be split between the U.S. Treasury and the U.S. Olympic Committee.

The Los Angeles committee says it must have a House decision by March 31 or the contract with the marketing group will run out.●

MONTHLY LIST OF GAO REPORTS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Texas (Mr. Brooks) is recognized for 5 minutes.

● **Mr. BROOKS.** Mr. Speaker, the monthly list of GAO reports includes summaries of reports which were prepared by the staff of the General Accounting Office. The February 1982 list includes:

NATIONAL DEFENSE

Who is Watching the Defense Dollars? Acc. No. 117447, AFMD-82-26, February 5.

Improvements Still Needed in Recouping Administrative Costs of Foreign Military Sales. Acc. No. 117454, AFMD-82-10, February 2.

DOD has Serious Problems with Care and Maintenance of Conventional Ammunition. Acc. No. 117452, PLRD-82-27, February 9.

Consolidated Space Operations Center Lacks Adequate DOD Planning. Acc. No. 117451, MASAD-82-14, January 29.

The Army's Multiple Launch Rocket System is Progressing Well and Merits Continued Support. Acc. No. 117440, MASAD-82-13, February 5.

DOD's Beef Procurement Program Still Needs Improvement. PLRD-82-32, February 17.

Letter reports

Voucher approval procedures at the Peninsula Branch of the Defense Contract Audit Agency. Acc. No. 117487, PLRD-82-30, January 12.

MX program cost and schedule milestones could be adversely impacted if some matters are not resolved. Acc. No. 117486, NASAD-82-17, Febraury 10.

DOD's Foreign currency fluctuation Fund for Military Construction should exist as a repository to cover both currency losses and gains. ID-82-80, February 16.

Allegation concerning production of artillery barrels at the Watervliet Arsenal, New York, PLRD-82-48, February 25.

INTERNATIONAL AFFAIRS

Forging a New Defense Relationship with Egypt. ID-82-48, February 5.

U.S. International Communication Agency's Overseas Programs: Some More Useful than others. Acc. No. 117496, ID-82-1, February 11.

Assistance to Haiti: Barriers, Recent Program Changes, and Future Options. ID-82-13, February 22.

Departments of Energy and Commerce Programs to Promote Solar Products in Foreign Markets. Acc. No. 117498, ID-82-17, February 12.

Letter reports

United States overpays for Suez Canal transits. Acc. No. 117497, ID-82-19, February 10.

SCIENCE, SPACE, AND TECHNOLOGY

NASA Must Reconsider Operations Pricing Policy to Compensate for Cost Growth on the Space Transportation System. MASAD-82-15, February 23.

The Impact of Budget Cuts on Three Directorates of the National Science Foundation. PAD-82-25, January 10.

ENERGY

Producing More Fuel-Efficient Automobiles: A Costly Proposition. Acc. No. 117520. CED-82-14, January 19.

Accelerated Onshore Oil and Gas Leasing May Not Occur as Quickly as Anticipated. EMD-82-34, February 8.

Letter reports

GAO's response to the Department of Energy's comments on "Better Oversight Needed for Safety and Health Activities at DOE's Nuclear Facilities." Acc. No. 117489, EMD-82-36, January 27.

NATURAL RESOURCES AND ENVIRONMENT

Impediments to U.S. Involvement in Deep Ocean Mining can be Overcome. Acc. No. 117448, EMD-82-31, February 3.

A new Approach is needed for the Federal Industrial Wastewater Pretreatment Program. CED-82-37, February 19.

Mineral Data in the Forest Service's Roadless Area Review and Evaluation (RARE II) is Misleading and should be Corrected. EMD-82-29, February 4.

Land Use Issues; A GAO Perspective. CED-82-40, February 25.

Letter reports

Reorganization of the Office of Surface Mining. Acc. No. 117435, CED-82-32, January 18.

Proposed consolidations of Smokejumper Bases in the Forest Service's western regions. CED-82-39, February 9.

AGRICULTURE

Food, Agriculture, and Nutrition Issues for Planning. Acc. No. 117441 CED-82-27, February 4.

Letter reports

Comments on USDA's program report and environmental impact statement-November 1981. Acc. No. 117449, CE-82-41, January 29.

Better ways to provide for use of agricultural information. CED-82-46, February 26.

COMMERCE AND HOUSING CREDIT

Can the Federal Communications Commission Successfully Implement its Computer II Decision? Acc. No. 177444, CED-82-38, January 29.

Letter reports

Proposed transfer of postal carriers from Seapines Station to Atlantic Station in Virginia Beach, Virginia. GGD-82-49, February 26.

TRANSPORTATION

Alaska Railroad: Federal Role should End: Some Management Problems Remain. CED-82-9 February 25.

Letter reports

Impact on the Federal Government if the combined Continental Airlines and Texas International Airlines fail to meet their financial obligations. Acc. No. 117500, CED-82-33, February 3.

Applicability of Public Law 89-306 to the Federal Aviation Administration's procurement of computers for the air traffic control system. AFMD-82-47, February 18.

HEALTH

Physician Cost-Containment Training can Reduce Medical Costs. Acc. No. 117394, HRD-82-36, February 4.

Letter reports

Medicare equalization factor payments to group practice prepayment plans should be stopped. HRD-82-39, February 18.

Review of selected medicare independent dialysis facility audits. HRD-82-42, February 22.

INCOME SECURITY

Food Stamp Workfare-Cost Benefit Results Not Conclusive; Administrative Problems Continue. CED-82-44, February 19.

VETERANS AFFAIRS

Legislation Needed to Prevent Loss of Millions From Mentally Incompetent Veterans' Estates. HRD-82-1, February 10.

Letter reports

The Veterans Administration needs to improve its quality assurance program for medical supply and equipment items. PLRD-82-44, February 23.

GENERAL GOVERNMENT

A $4 Billion Census in 1990? Timely Decisions on Alternatives to 1980 Procedures Can Save Millions. GGD-82-13, February 22.

Despite Recent Improvements, Bank Supervision Could be More Effective and Less Burdensome, GGD-82-21, February 26.

Federal Review of Instrastate Branching Applications Can Be Reduced. GGD-82-31, February 24.

Dishonored Checks are a Drain on District of Columbia Resources. Acc. No. 117495, GGD-82-23, February 12.

Federal Agencies Negligent in Collecting Debts Arising From Audits. AFMD-82-32, January 22.

Proposal to Lower the Federal Compensation Comparability Standard has not been Substantiated. Acc. No. 117436, FPCD-82-4, January 26.

Assessment of Certain Planning Activities of the Ohio-Kentucky-Indiana Regional Council of Governments. GGD-82-25, January 25.

The Treasury Department and its Bureaus can Better Plan for and Control Computer Resources. GGD-82-9, February 22.

GPO Needs to Analyze Alternatives to Overcome Physical Limitations in Government Printing Operations. Acc. No. 117395, PLRD-82-20, January 4.

GSA Nonstores Procurement Program Falls Far Short of its Objectives. PLRD-82-36, February 24.

The National Credit Union Administration Should Revise Liquidation Procedures to Reduce the Net Cost of Credit Union Liquidation GGD-82-26, February 19.

Information on Selected Aspects of Federal Reserve System Expenditures. Acc. No. 117521, GGD-82-33, February 12.

Letter reports

Alleged fraud and mismanagement in the Office of Industrial Security International, Brussels, Belgium. Acc. No. 117351, PLRD-82-28, December 31.

The Office of Management and Budget should document budgetary cost and savings estimates from personnel ceiling reductions. FPCD-82-23, January 15.

Review of financial activities of the Colegio Cesar Chavez. Acc. No. 117488, HRD-82-35, January 20.

Federal employee use of off-campus college and university programs. Acc. No. 117378, FPCD-82-14, January 29.

Department of Energy should exercise more oversight of maintenance and repairs of its multiprogram laboratories. Acc. No. 117399, PLRD-82-33, February 3.

Computation of cost-of-living allowances for Federal employees in foreign areas could be more accurate. Acc. No. 117439, FPCD-82-24, February 8.

Computation of cost-of-living allowance for Federal employees in nonforeign areas could be more accurate. FPCD-82-25, February 8.

The President's proposal of three new deferrals of budget authority totalling $1,758.3 million and revisions to eleven previously reported deferrals totalling $191.3 million. OGC-82-8, February 12.

Foundations problems were encountered during construction of the Federal Office Building and Courthouse in Splringfield, Mass. PLRD-82-39, February 22.

Changes are needed in the proposed departmental review and evaluation of the Puerto Rico Block Grant. CED-82-50, February 24.

Change is needed in overseas staffing procedures to better ensure consistency with U.S. program objectives. ID-82-22, February 25.

The "Monthly List of GAO Reports" and/or copies of the full texts are available from the U.S. General Accounting Office, Distribution Section, Room 1518, 441 G Street NW., Washington, D.C. 20548. Phone (202) 275-6241.●

THE MILWAUKEE JOURNAL'S FRANK AUKOFER DISCUSSES U.S. POLICY TOWARD CUBA

The **SPEAKER** pro tempore. Under a previous order of the House, the gentleman from Wisconsin (Mr. REUSS) is recognized for 10 minutes.

● Mr. REUSS. Mr. Speaker, Frank A. Aukofer of the Milwaukee Journal's Washington Bureau, and a former president of the National Press Club, has an interesting piece in the April 5 Milwaukee Journal on some of the challenges and opportunities in the Caribbean presented by Cuba. I commend Mr. Aukofer's thoughtful piece to all who are concerned with our Caribbean policy:

Now that the El Salvador election has provided the Reagan administration with at least partial vindication of its Central American policies, the administration has an opportunity to leapfrog into a leadership position there and in the rest of Latin America as well.

But it would take the sort of common sense, boldness and guts that sent President Richard Nixon to Communist China and made President Jimmy Carter victorious in his fight to return the Panama Canal to Panama.

President Reagan should announce his willingness to give the Guantanamo Bay Naval Base back to Cuba.

DIFFICULT TO MAINTAIN

Gitmo, as it is called by military people, is an isolated albatross, maintained with great difficulty as a training base on the southeastern coast of Cuba.

The United States has been there since the Spanish-American War of 1898. As part of the US price to end its military occupation of the island in 1903, Cuba agreed to lease the base to the US. A subsequent treaty in 1934 gave the US a perpetual lease on the 28,820-acre area, but Cuba retained ultimate sovereignty.

After the Cuban revolution and the severing of US-Cuba diplomatic relations on Jan. 4, 1961, Guantanamo Bay became a fenced-off enclave, heavily guarded by US Marines on one side and Cuban troops on the other.

There is no contact between Gitmo and Cuba, except for about 100 Cuban civilian workers who cross no man's land every day. They have been employed on the base since before the revolution, but they are reaching retirement age, contributing to what the House Armed Services Committee has called a severe problem of maintaining an adequate work force there.

6,000 AMERICANS

Gitmo currently is home for about 6,000 Americans, the majority of them dependents of military personnel. Forces that include 1,748 Navy personnel, 500 Marines, several dozen soldiers and Coast Guardsmen, and 364 civilian employees.

Most of them probably would rather be somewhere else. The area is extremely hot and humid, with pesky, constantly-biting insects, and it lacks decent recreation facilities and other amenities. A housing shortage prompted the administration to request $25.4 million in next year's budget to build 200 units of family housing.

The Navy likes Guantanamo Bay because it is a superb deep-water port, located on one of the largest and best-protected harbors in the Western Hemisphere. About 70 ships visit there each year so crews can undergo refresher training.

But we don't need Gitmo. At various times over the last 20 years, the Pentagon has entertained the idea of closing the base, but it has been kept open mainly for foreign policy considerations—as a continued irritant to Fidel Castro.

USEFUL FOR TRAINING

Retired Rear Adm. Gene R. LaRocque knows Gitmo well, having first visited there on a battleship in 1940. Before his retirement, LaRocque was a command officer at sea, served seven years in the Pentagon on strategic planning with the Navy and the Joint Chiefs of Staff, and spent another seven years at war colleges.

At one point in his career, LaRocque was director of Pan-American affairs for the Navy, and his last active duty post was as director of the Inter-American Defense College, which trains officers from the U.S. and Latin American countries. Now LaRocque is director of the Center for Defense Information, a private research and educational organization that monitors the U.S. military.

"From a military point of view, Guantanamo Bay is very useful as a training base," LaRocque said in an interview. "But we have other training bases, in Puerto Rico, Florida and so on.

"From a strategic point of view, the Navy doesn't need it. It's only a few minutes' flight from Homestead Air Force Base in Florida. We can control those same waters just as easily from Florida as from Cuba, so we don't need it."

OCCUPATION RESENTED

"As far as Latin America is concerned, my long experience with Latin American countries is that they resent our occupation of one of their lands, regardless of its government," LaRocque said.

A major concern among military men who would keep Gitmo is that turning it over to Cuba would be the same as giving the base to the Russian Navy. But that need not necessarily be so.

No one is suggesting that the US simply pull of Guantanamo Bay. Any agreement would be subject to negotiations, which are not unheard of between the two countries. Secretary of State Alexander Haig met last summer in Mexico City with Cuba's vice-president, Carlos Rafael Rodriguez, to discuss Central America.

Although many Americans are probably unaware of it, some US-Cuban relations already are governed by a series of so-called "understandings' between the US and the Soviet Union. The first grew out of the Soviet missile crisis in 1962, when the Soviets withdrew strategic nuclear weapons from Cuba with the understanding that the U.S. would not invade Cuba to overthrow its government.

Another understanding, in 1970, is that the Soviet Union will not use Cuban ports for strategic operations. The third understanding, in 1979, is that the Soviets would not send combat troops to Cuba in the future.

So there is no reason why, as part of an agreement to return Guantanamo Bay to Cuba, that the United States could not insist on excluding the Soviet Navy from the base.

An agreement also could include other things, either as understandings or specific provisions. For example, the U.S. might even extract a promise from Cuba to stop supporting leftist guerrillas in El Salvador.

But the biggest benefit to the United States would be its heightened image in Latin America and the Caribbean. Turning Guantanamo Bay back to the Cubans would be a convincing demonstration that the U.S. indeed wants to help and live in harmony with its neighbors, and would go a long way toward changing the administration's image as a supporter of the Latin American right wing.

As a way to cripple left-wing arguments that the U.S. harbors imperialistic ambitions in Latin America, the turnover of the base is potentially as important as the treaty that ultimately will give the Panama Canal to Panama.

In addition, giving the base back to Cuba would remove a major irritant between the two countries, leading perhaps to a reduction in Cuban adventurism in Africa and Latin America, as well as to a resumption to trade. Normal relations with Cuba would achieve more stability in Central America than all the troops and military aid we might pump in there in a crisis.

"If we want to have some good influence in the Caribbean Basin and accelerate President Reagan's program there, any negotiations on Guantanamo would have a salutory effect," LaRocque said. "We could exercise some leadership in that area instead of just waiting until things start to disintegrate. It's a matter of the best interests of the United States."

There is no question that any move by Reagan to return Guantanamo Bay would produce howls of rage from the right wing in the United States. But the president is a tough cookie. He could do it.●

STRATEGIC WEAPONS NEGOTIATIONS: IT'S TIME TO START

(Mr. SEIBERLING asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. SEIBERLING. Mr. Speaker, the administration so far has chosen to respond to the nuclear freeze movement by arguing that a freeze is not a satisfactory way to commence strategic arms negotiations. What they have failed so far to recognize, or at least to admit, is that public opinion is not demanding a particular approach to the negotiations. What the people are insisting upon is an end to the nuclear arms buildup and negotiations to get rid of the stockpiles that now menace the survival of the human race. In other words, it is time to start START.

Friday's Washington Post contained a very thoughtful article by William G. Hyland, a senior associate of the Carnegie Endowment for International Peace, concerning the pros and cons of the nuclear freeze issue. Mr. Hyland suggests that rather than negotiating at the outset a complicated freeze or reductions package:

> Why not concentrate on those weapons that cause real strategic concerns, the weapons that could be used in a surprise attack or a first strike.

Mr. Hyland also makes a very cogent point that the "United States ought to move now to combine the European talks with new SALT talks, and break down the artificial distinction between intermediate and intercontinental weapons."

He suggests that we could offer to give up the potential threat to Soviet ICBM's from the MX and Pershing II and the U.S.S.R. could give up the threat to the United States and Europe from the SS20 and SS18. This would eliminate 4,000 missile warheads. The remaining nuclear weapons could then be put into the main START negotiations.

As Mr. Hyland says:

> If a freeze isn't acceptable, and a complicated formula for reducing warheads, megatonnage and missile throwweight, etc., takes too long, why not make the Soviets a simple proposition and start START.

The full text of Mr. Hyland's article follows these remarks:

FREEZE AND ANTI-FREEZE

(By William G. Hyland)

We are going to be bombarded with oratory, rhetoric, facts and figures about nuclear weapons and nuclear war. The campaign has already started, and will get worse as the weather improves. One issue is whether to freeze all nuclear weapons, then reduce. The anti-freeze group, which now includes the president, argues that a freeze gives up critical leverage that will force the Soviets to negotiate, so it proposes that we build up, then reduce and then freeze. Both sides seem casually to accept the proposition that the risk of war is related to the sheer number of nuclear weapons and the risk could be significantly lessened if the numbers were frozen or reduced.

Wars rarely, if ever, have started because of an excess of arms. The notion that they have is a residue of the 1920s, when it was widely and erroneously believed that the Great War of 1914 had originated in the heavy armaments of the two coalitions. No historian believes this. Britain entered that war for geopolitical reasons, when the Germans marched into Belgium and brought German power to the channel ports. Twenty-five years later, a poorly armed Great Britain went to war because it would no longer tolerate the expansion of Hitler's domain. Nuclear weapons are of course, radically different. But nothing in our postwar history suggests that the East-West confrontations and crises have grown in proportion to the size of nuclear arsenals. Two extremely dangerous crises erupted when the U.S.S.R. had no nuclear weapons or only a very few: the Berlin blockade of 1948 and the Korean War in 1950. Khrushchev started another massive Berlin crisis in 1958 on the strength of a missile gap bluff. Later, a dangerous confrontation took place in Cuba when the U.S.S.R. had a handful of ICBMs and the United States had only about 200. In fact, since that great crisis 20 years ago, conflicts between Moscow and Washington have multiplied, and nuclear arsenals have grown, but with fewer and fewer confrontations.

Defenders of freeze argue that we have 9,000 strategic warheads and the Soviets 7,000 and that is enough. Maybe so. The danger arises, however, because of threats created by certain categories of strategic nuclear weapons, not because of the total number. To freeze all weapons is tantamount to saying that a short-range missile in Germany is of the same weight and value as a Soviet ICBM. Freezing also invites a horde of questions: can old weapons be replaced with new ones, Can a short-range weapon be substituted for long-range ones? With patience, these questions could be negotiated.

The anti-freeze alternative of a U.S. build-up in strategic weapons, then a freeze, and then reductions, may be a good political counter, but it is no more realistic as an arms control proposition than the simple freeze. Do our weapons become bargaining chips, or will the Soviets wait for us to close the gap? The debate threatens to degenerate into abstractions.

Rather than negotiating a complicated freeze or reduction package, why not concentrate on those weapons that cause real strategic concerns, the weapons that could be used in a surprise attack or a first strike, i.e., accurate ICBMs with multiple warheads, of which the Soviet SS18 is the world's heavyweight champion. The Soviets claim that our MX is a contender for that title, and that our new U.S. Pershing missile to be based in Germany is in the first-strike category because it could reach Soviet targets in only a few minutes.

Given these worries, a simple proposition suggests itself: we forgo some or all of our MX missiles and the U.S.S.R. gives up some or all of its SS18s for openers. True, such a proposal trades future U.S. draft choices for the Soviet first team. We give up the paper plans for the MXs in old silos where we really don't want them, and the Soviets give up about 308 real missile silos. But we could build 500 MXs, and we may not be at all eager to abandon it, even though it seems to be the Flying Dutchman of strategic weaponry. And the United States is putting on the table some other chips. After all, we are at the beginning of a new cycle of weapons—the B1, the Trident submarines and two missile system, various cruise missiles—and the Soviets are resting on the laurels of the past 10 years. They stand to gain much more than we from the resumption of SALT bargaining. So an entrance price, trading the MX for the SS18, is not a bad deal. But it is not enough. There is still the problem of the European imbalance. We cannot solve our problems at the expense of our allies.

Brezhnev has graciously conceded that he will freeze his 300 SS20 missiles ranged against Europe and China, and even take some down. The U.S. proposal is for both sides to give up all intermediate-range missiles, which means we give up 108 "first-strike" Pershing missiles in Europe.

The United States ought to move now to combine the European talks with new SALT talks, and break down the artificial distinction between intermediate and intercontinental weapons. We could offer a new opening deal: the United States will give up the potential threat to Soviet ICBMs from the MX and the Pershing, and the U.S.S.R. would give up the threat from the SS20 and SS18. In short, zero MX, zero Pershings, zero SS20s, zero SS18s. About 4,000 missile warheads would disappear. The remaining weapons—cruise missiles, medium-range aircraft, bombers, older missiles etc.—could be put into the main SALT/START negotiations, which could continue without interruption in Geneva under a new name.

This is a heavy price to ask of the Soviet Union. Probably Brezhnev will not pay it; he may get it all for nothing. But it could be the beginning of bargaining. It reflects something of the real world of strategic anxieties; each side would be trying to alleviate strategic threats. If a freeze isn't acceptable, and a complicated formula for reducing warheads, megatonnage and missile throwweight, etc, takes too long, why not make the Soviets a simple proposition and start START.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. Nelson (at the request of Mr. Wright), for today, on account of a death in the family.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. Solomon) to revise and extend their remarks and include extraneous material:)

Mr. Lungren, for 60 minutes, today.

Mr. Tauke, for 20 minutes, today.

Mrs. Heckler, for 5 minutes, today.

Mr. McEwen, FOR 5 MINUTES, TODAY.

Mr. McKinney, for 5 minutes, today.

(The following Members (at the request of Mr. Oberstar) to revise and extend their remarks and include extraneous material:)

Mr. Phillip Burton, for 5 minutes, today.

Mr. AuCoin, for 5 minutes, today.

Mr. Oberstar, for 30 minutes, today.

Mr. Zablocki, for 10 minutes, today.

Mr. Gonzalez, for 15 minutes, today.

Mr. Annunzio, for 5 minutes, today.

Mr. Coelho, for 5 minutes, today.

Mr. Brooks, for 5 minutes, today.

(The following Member (at the request of Mr. Gonzalez) to revise and extend his remarks and include extraneous material:)

Mr. Reuss, for 10 minutes, today.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

Mr. Hawkins, and to include extraneous matter notwithstanding the fact that it exceeds two pages of the Congressional Record and is estimated by the Public Printer to cost $1,071.

(The following Members (at the request of Mr. Solomon), and to include extraneous matter:)

Mr. Goldwater.

Mr. Lent.

Mr. Nelligan.

Mr. Napier.

Mr. Findley in two instances.

Mr. Dreier.

Mr. Rousselot in five instances.

Mr. Conte in two instances.

Mr. Chappie.

Mr. Lewis.

Mr. Hyde.

Mr. Derwinski.

Mr. Philip M. Crane.

Mr. DeNardis.

Mr. Duncan.

Mr. Daub.

Mr. Evans of Delaware in four instances.

Mr. Sawyer.

Mr. Atkinson.

Mr. Michel.

(The following Members (at the request of Mr. Oberstar), and to include extraneous matter:)

Mr. Wright.

Mr. Phillip Burton.

Mr. Yatron.

Mr. Stokes in three instances.

Mr. Bonker in two instances.

Mr. Lundine.

Mr. Sabo.

Mr. Dyson.

Mr. AuCoin.

Mr. Dwyer in two instances.

Mr. Mineta in two instances.

Mr. Hamilton.

Mr. Rosenthal.

Mr. Fithian.

Mr. Weiss in four instances.

Mr. Schumer.

Mr. Biaggi in six instances.

Mr. Miller of California in two instances.

Mr. Oberstar in three instances.

Mr. Reuss.

Mr. Bennett.

Mr. Jones of Tennessee.

Mr. Conyers.

Mr. Heftel.

Mr. John L. Burton.

Mr. Skelton.

Mr. Roybal.

Mr. Murtha.

JOINT RESOLUTION PRESENTED TO THE PRESIDENT

Mr. HAWKINS, from the Committee on House Administration, reported that that committee did on April 5, 1982, present to the President, for his approval, a joint resolution of the House of the following title:

H.J. Res. 435. An act providing for the designation of April 12, 1982, as "American Salute to Cabanatuan Prisoner of War Memorial Day."

ADJOURNMENT

Mr. GONZALES. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to.

The SPEAKER pro tempore. Pursuant to the provision of Senate Concurrent Resolution 78 of the 97th Congress, the House stands adjourned until 12 o'clock meridian, Tuesday, April, 20, 1982.

Thereupon (at 2 o'clock and 1 minute p.m.), pursuant to Senate Concurrent Resolution 78, the House adjourned until Tuesday, April 20, 1982, at 12 o'clock noon.

EXPENDITURE REPORTS CONCERNING OFFICIAL FOREIGN TRAVEL

Report of House committee concerning the foreign currencies and U.S. dollars utilized by it during the fourth quarter of calendar year 1981 in connection with foreign travel pursuant to Public Law 95-384 is as follows:

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON RULES, U.S. HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN OCT. 1 AND DEC. 31, 1981

Name of member or employee	Date		Country	Per diem[1]		Transportation		Other purposes,		Total	
	Arrival	Depature		Foreign Currency	U.S. dollar equivalent or U.S. currency[2]	Foreign Currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]
Barriere, John E	10/9	10/16	Canada	714	600	238	200			952	800
Committee total					600		200				800

[1] Per diem constitutes lodging and meals.

[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

RICHARD BOLLING, Chairman, Mar. 16, 1982.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

3611. A letter from the Assistant Secretary of State (Congressional Relations), transmitting notice of the Department's intention to consent to a request by the Government of Jordan to provide TOW missile maintenance and repair training to Government of Lebanon Army personnel, pursuant to section 3 of the Arms Export Control Act; to the Committee on Foreign Affairs.

3612. A letter from the Assistant Secretary of State (Congressional Relations), transmitting a report certifying that the security assistance programs of the United States for the fiscal year 1982 are in compliance with the requirements of section 502B of the Foreign Assistance Act of 1961, as amended; to the Committee on Foreign Affairs.

3613. A letter from the Executive Director, Committee for Purchase from the Blind and Other Severely Handicapped, transmitting a report on the Committee's activities under the Government in the Sunshine Act during calendar year 1981, pursuant to 5

U.S.C. 552b(j); to the Committee on Government Operations.

3614. A letter from the Information Officer, Postal Rate Commission, transmitting a report on the Commission's activities under the Government in the Sunshine Act during calendar year 1981, pursuant to 5 U.S.C. 552b(j); to the Committee on Government Operations.

3615. A letter from the Executive Secretary, National Mediation Board, transmitting a report on the Board's activities under the Government in the Sunshine Act during calendar year 1981, pursuant to 5 U.S.C. 552b(j); to the Committee on Government Operations.

3616. A letter from the Deputy Administrator of General Services, transmitting a followup report on the recommendations contained in August 25, 1980, report of the Advisory Committee on Federal Pay, pursuant to section 5(b) of the Federal Advisory Committee Act; to the Committee on Government Operations.

3617. A letter from the Vice President, Federal Land Bank of Columbia and Federal Intermediate Credit Bank of Columbia, transmitting the annual report of the farm credit retirement plan, Columbia District, pursuant to law; to the Committee on Government Operations.

3618. A letter from the Vice President for Government Affairs, National Railroad Passenger Corporation, transmitting the Corporation's monthly itemized report of revenues and expenses, pursuant to section 308(a)(1) of the Rail Passenger Service Act, as amended; to the Committee on Energy and Commerce.

3619. A letter from the Chief of the Forest Service, Department of Agriculture, transmitting a copy of the management plan and legal description and maps for the Salmon Wild and Scenic River, Idaho, pursuant to section 3(b) of Public Law 90-542; to the Committee on Interior and Insular Affairs.

3620. A letter from the Commissioner, Immigration and Naturalization Service, Department of Justice, transmitting copies of orders suspending deportation under the authority of section 244(a)(1) of the Immigration and Nationality Act of 1952, together with a list of the persons involved; to the Committee on the Judiciary.

3621. A letter from the Administrator of General Services, transmitting a prospectus proposing the acquisition of space by lease for the partial consolidation of the headquarters activities of the International Communications Agency in Washington, D.C.; to the Committee on Public Works and Transportation.

3622. A letter from the Assistant Secretary of the Army (Civil Works), transmitting a Corps of Engineers report on the Brunswick Harbor, Ga., phase I general design memorandum, pursuant to section 101(a) of the Water Resources Development Act of 1976; to the Committee on Public Works and Transportation.

3623. A letter from the Assistant Secretary of the Army (Civil Works), transmitting a Corps of Engineers report on the Camden metropolitan urban study, in response to resolutions of the Senate and House Committees on Public Works adopted March 20, 1973, and April 11, 1974, respectively; to the Committee on Public Works and Transportation.

3624. A letter from the Chairman, National Research Council, transmitting a report entitled "Causes and Effects of Stratospheric Ozone Reduction: An Update," prepared by the Academy to assist the U.S. Environmental Protection Agency in carrying out its responsibilities, pursuant to section 153 of the Clean Air Act; to the Committee on Energy and Commerce.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Ms. OAKAR: Committee on Post Office and Civil Service. H.R. 4703. A bill to amend section 3620 of the Revised Statutes with respect to payroll deductions for Federal employees; with an amendment (Rept. No. 97-481, Pt. I). And ordered to be printed.

Mr. DINGELL: Committee on Energy and Commerce. H.R. 3637. A bill to provide for jurisdiction over common carriers by water engaging in foreign commerce to and from the United States utilizing ports in nations contiguous to the United States; with amendments (Rept. No. 97-419, Pt. II). Referred to the Committee of the Whole House on the State of the Union.

PUBLIC BILLS AND RESOLUTIONS

Under clause 5 of rule X and clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. FORD of Tennessee (for himself and Mrs. Heckler):

H.R. 6085. A bill to provide a program of Federal supplemental unemployment compensation; to the Committee on Ways and Means.

By Mr. MITCHELL of Maryland:

H.R. 6086. A bill to amend the Small Business Act and the Small Business Investment Act of 1958; to the Committee on Small Business.

By Mr. AuCOIN:

HR. 6087. A bill to extend authority to the Secretary of the Interior with respect to water resources research and development and saline water conversion research and development programs; to the Committee on Interior and Insular Affairs.

By Mr. BLILEY (for himself, Mr. Bafalis, Mr. Wampler, Mr. Rousselot, Mr. Leland, Mr. Collins of Texas, Mr. Whitehurst, Mr. Martin of North Carolina, Mr. Mottl, Mr. Miller of Ohio, Mr. Trible, Mr. Kindness, Mr. Parris, Mr. Johnston, Mr. Frost, Mr. Coats, Mr. Dan Daniel, Mr. Robert W. Daniel, Jr., Mr. Brown of Ohio, Mr. Weber of Ohio, Mr. Butler, Mr. Fuqua, Mrs. Martin of Illinois, Mr. Chappell, Mr. Robinson, Mr. Marriott, Mr. Sensenbrenner, Mr. Jeffries, Mr. Gramm, Mr. Wortley, Mr. Young of Florida, Mr. Gingrich, Mr. Paul, Mr. Ireland, Mr. Fields, Mr. Brown of Colorado, Mr. Roth, Mr. Shaw, Mr. Petri, Mr. Lowery of California, Mr. Hutto, Mr. Hiler, Mr. Benedict, Mr. Craig, Mr. Wolf, Mr. Tauke, Mr. Skeen, Mr. McEwen, Mr. Courter, Mrs. Boggs, Mr. Daub, Mr. Hartnett, Mr. Nelson, Mrs. Holt, Mr. Smith of Oregon, Mr. McCollum,, Mr. Barnard, Mr. McDonald, Mr. Duncan, Mr. Lagomarsino, Mr. Roberts of Kansas, and Mr. Winn):

H.R. 6088. A bill to provide that States may enter agreements with the United States under which the States will retain a portion of the Federal unemployment tax for purposes of administering the unemployment compensation program and the employment service program as currently provided by Federal law, to allow States to retain unemployment compensation funds in State-managed funds, and for other purposes; to the Committee on Ways and Means.

By Mr. BOLAND (for himself, Mr. Mineta, and Mr. Conte):

H.R. 6089. A bill to amend the act of October 15, 1966 (80 Stat. 953; 20 U.S.C. 65a), relating to the National Museum of the Smithsonian Institution, so as to authorize additional appropriations to the Smithsonian Institution for carrying out the purposes of said act; to the Committee on House Administration.

By Mr. CARMAN:

H.R. 6090. A bill to amend the Internal Revenue Code of 1954 to allow individuals a deduction for commuting expenses incurred on public mass transit; to the Committee on Ways and Means.

By Mr. FAUNTROY (for himself and Mr. Seiberling):

H.R. 6091. A bill to designate the Mary McLeod Bethune "Council House" in Washington, D.C., as a national historic site, and for other purposes; to the Committee on Interior and Insular affairs.

By Mr. FITHIAN:

H.R. 6092. A bill to amend titles XVIII and XIX of the Social Security Act to provide more adequate coverage of the services of mental health specialists under the medicare supplemental benefits program and under medicaid programs; jointly, to the Committees on Ways and Means and Energy and Commerce.

By Mr. GIBBONS:

H.R. 6093. A bill to implement the Nairobi protocol to the Florence Agreement on the Importation of Educational, Scientific, and Cultural Materials, which protocol was opened for signature on March 1, 1977, and for other purposes; to the Committee on Ways and Means.

H.R. 6094. A bill to authorize appropriations for the U.S. International Trade Commission, the U.S. Customs Service, and the Office of the U.S. Trade Representative for fiscal year 1983, and for other purposes; to the Committee on Ways and Means.

By Mr. GUARINI:

H.R. 6095. A bill to amend the Federal Reserve Act to provide that the President shall appoint additional members to the Board of Governors of the Federal Reserve System to represent the interests of small business, organized labor, agriculture, and small financial institutions; to the Committee on Banking, Finance and Urban Affairs.

By Mr. HEFTEL:

H.R. 6096. A bill to amend the Internal Revenue Code of 1954 to provide that certain provisions relating to annual accrual method of accounting for corporations engaged in farming be extended to corporate joint ventures, and for other purposes; to the Committee on Ways and Means.

By Mr. KOGOVSEK (for himself, Mr. Brown of Colorado, Mr. Coelho, Mr. Lewis, Mr. Santini, Mr. Cheney, Mr. Clausen, Mr. Chappie, Mr. Thomas, Mr. Dreier, and Ms. Fiedler):

H.R. 6097. A bill to amend the Colorado River Basin Salinity Control Act to authorize certain additional measures to assure accomplishment of the objectives of title II of such act, and for other purposes; to the Committee on Interior and Insular Affairs.

By Mr. LeBOUTILLIER:

H.R. 6098. A bill to modify and enlarge the authority of the Helen Keller National Center for Deaf-Blind Youths and Adults to operate and maintain, as a national resource, facilities and services for deaf-blind persons; to the Committee on Education and Labor.

By Mr. LUNDINE (for himself, Mr. Bonior of Michigan, and Mr. Hamilton):

H.R. 6099. A bill to establish a National Industrial Development Board for purposes of formulating policy recommendations for industrial development in the United States; to the Committee on Banking, Finance and Urban Affairs.

By Mr. OBERSTAR (for himself, Mr. Clinger, Mr. Howard, Mr. Clausen, Mr. Roe, Mr. Hammerschmidt, Mr. Mineta, Mr. McEwen, Mr. Edgar, Mrs. Bouquard, Mr. Fary, Mr. Ertel, Mr. Flippo, Mr. Deckard, Mr. Rahall, Mr. Applegate, Mr. Albosta, Mr. Sunia, Mr. Perkins, Mr. Mollohan, Mr. Bevill, Mr. Gaydos, Mr. Stokes, Mr. Bowen, Mr. Sabo, and Mr. Vento):

H.R. 6100. A bill to amend the Public Works and Economic Development Act of 1965 and the Appalachian Regional Development Act of 1965; jointly, to the Committees on Public Works and Transportation and Banking, Finance and Urban Affairs.

By Mr. McGRATH:

H.R. 6101. A bill to amend title 18, United States Code, to permit the transportation, mailing, and broadcasting of advertising, information, and materials concerning lotteries authorized by law and conducted by a nonprofit organization, and for other purposes; to the Committee on the Judiciary.

By Mr. McKINNEY:

H.R. 6102. A bill to authorize the Secretary of Housing and Urban Development to encourage States and units of general local government to upgrade housing for certain lower income families; to the Committee on Banking, Finance and Urban Affairs.

By Mr. MILLER of California:

H.R. 6103. A bill to amend the Fair Labor Standards Act of 1938 to provide that an employer who violates section 6 or 7 of that act shall be liable to the employee involved for three times the amount of wages involved in the violation, and for other purposes; to the Committee on Education and Labor.

By Mr. REUSS:

H.R. 6104. A bill to amend the Internal Revenue Code to allow an equal investment interest deduction limitation for taxpayers controlling a corporation through an employee ownership plan as exists under current law for other taxpayers controlling an enterprise; to the Committee on Ways and Means.

By Mr. SAWYER:

H.R 6105. A bill to amend title 18, United States Code, to provide criminal penalties for the mailing of identification documents bearing a false birth date; to the Committee on the Judiciary.

By Mr. SOLOMON:

H.R. 6106. A bill to provide for the issuance of apostage stamp to commemorate the 200th anniversary of the birth of Martin Van Buren, the eighth President of the United States, at Kinderhook, N.Y., on December 5, 1782; to the Committee on Post Office and Civil Service.

By Mr. SOLOMON (for himself, Mr. McGrath, Mr. Porter, Mr. Albosta, Mr. Crockett, and Mr. Eckart):

H.R. 6107. A bill to amend the Internal Revenue Code of 1954 to provide a credit against income tax for up to $750 of the cost of purchasing a new highway vehicle; to the Committee on Ways and Means.

By Mr. YOUNG of Florida (by request):

H.R. 6108. A bill to amend the Internal Revenue Code of 1954 to exclude from gross income amounts received as annuities under the Civil Service Retirement Act; to the Committee on Way and Means.

By Mr. SOLOMON:

H.J. Res. 458. Joint resolution designating December 5, 1982, as "Martin Van Buren Day"; to the Committee on Post Office and Civil Service.

By Mr. CONTE (for himself, Mr. Mitchell of Maryland, Mr. McEwen, Mr. Fauntroy, Mr. Applegate, Mrs. Holt, Mr. Davis, Mr. Lowry of Washington, Mr Boland, Mr. Roe, Mr. Wortley, Mr. Corrada, Mr. Frank, Mr. Vento, Mr. Downey, and Mr. Lehman):

H. Con. Res. 308. Concurrent resolution expressing the sense of the Congress that any change to section 334 of the Social Security Act amendments of 1977 (Public Law 95-216) not require any beneficiaries to pay back spouses' and survivors' benefits already received; to the Committee on Ways and Means.

By Mr. FORD of Michigan (for himself, Mr. Derwinski, Mr. Addabbo, Mr. Annunzio, Mr. Archer, Mr. Barnes, Mr. Beilenson, Mr. Benjamin, Mr. Bingham, Mr. Blanchard, Mrs. Boggs, Mr. Boland, Mr. Boner of Tennessee, Mr. Bowen, Mr. Brodhead, Mr. Brooks, Mr. Broomfield, Mr. Butler, Mrs. Chisholm, Mrs. Collins of Illinois, Mr. Conte, Mr. Corcoran, Mr. Corrada, Mr. Courter, Mr. William J. Coyne, Mr. Daub, Mr. de la Garza, Mr. DeNardis, Mr. Derrick, Mr. Donnelly, Mr. Dornan of California, Mr. Dougherty, Mr. Downey, Mr. Dwyer, Mr Eckart, Mr. Fascell, Mr. Fauntroy, Mr. Fazio, Ms. Ferraro, Mr. Fish, Mr. Fithian, Mr. Ford of Tennessee, Mr. Forsythe, Mr. Frenzel, Mr. Gejdenson, Mr. Gilman, Mr. Ginn, Mr. Green, Mr. Guarini, Mrs. Heckler, Mr. Hertel, Mr. Hollenbeck, Mr. Horton, Mr. Howard, Mr. Hughes, Mr. Hyde, Mr. Jeffries, Mr. Kemp, Mr. Kildee, Mr. Lantos, Mr. Leath of Texas, Mr. Lehman, Mr. Lent, Mr. Levitas, Mr. Lewis, Mr. McGrath, Mr. Marks, Mrs. Martin of Illinois, Mr. Matsui, Mr. Mattox, Ms. Mikulski, Mr. Mineta, Mr. Moffett, Mr. Molinari, Ms. Oakar, Mr. Ottinger, Mr. Panetta, Mr. Pepper, Mr. Peyser, Mr. Porter, Mr. Pritchard, Mr. Reuss, Mr. Rinaldo, Mr. Ritter, Mr. Roe, Mr. Rosenthal, Mr. Santini, Mr. Scheuer, Mr. Schumer, Mr. Shamansky, Mr. Simon, Mr. Skelton, Mr. Smith of New Jersey, Mr. Smith of Pennsylvania, Mr. Solarz, Mr. Traxler, Mr. Udall, Mr. Washington, Mr. Waxman, Mr. Weiss, Mr. Whitehurst, Mr. Wirth, Mr. Won Pat, Mr. Wyden, Mr. Yates, and Mr. Zeferetti):

H. Con. Res. 309. Concurrent resolution to congratulate Hadassah, the women's Zionist organization of America, on the celebration of its 70th anniversary; to the Committee on Post Office and Civil Service.

By Mr. DAUB:

H. Res. 429. Resolution expressing the sense of the House of Representatives that the Federal program of impact aid with respect to the children of military personnel should be transferred to the Secretary of Defense; jointly, to the Committees on Armed Services and Education and Labor.

MEMORIALS

Under clause 4 of rule XXII, memorials were presented and referred as follows:

330. By the SPEAKER: Memorial of the Legislature of the State of Idaho, relative to a replacement production reactor in Idaho; to the Committee on Armed Services.

331. Also, memorial of the Legislature of the State of Nebraska, relative to railroad retirement benefits; to the Committee on Energy and Commerce.

332. Also, memorial of the Legislature of the State of New York, relative to the Polish Refugee Act of 1982; to the Committee on the Judiciary.

333. Also, memorial of the Legislature of the State of Colorado, relative to designating April 30 as Vietnam Veterans' Day; to the Committee on Post Office and Civil Service.

334. Also, memorial of the Legislature of the State of New York, relative to a nuclear weapons moratorium; jointly, to the Committee on Armed Services and Foreign Affairs.

335. Also, memorial of the Legislature of the State of Michigan, relative to foreign-made automobiles sold in the United States; jointly to the Committees on Energy and Commerce and Ways and Means.

336. By Mr. RUDD: Memorial of the Legislature of the State of Arizona, relative to peace through strength; jointly, to the Committees on Foreign Affairs and Armed Services.

ADDITIONAL SPONSORS

Under clause 4 of rule XXII, sponsors were added to public bills and resolutions as follows:

H.R 1193: Mr. Scheuer.

H.R. 1852: Mr. Pashayan and Mr. McCloskey.

H.R. 1918: Mr. Barnes, Mr. Conyers, and Mr. Long of Louisiana.

H.R. 2280: Mr. Fary, Mrs. Holt, and Mr. LaFalce.

H.R. 2488: Mr. Lowry of Washington.

H.R. 3607: Mr. Napier.

H.R. 4070: Mr. Watkins, Mr. Goodling, and Mr. John L. Burton.

H.R. 4653: Mrs. Roukema, Mr. Parris, Mr. Wolpe, and Mr. Hopkins.

H.R. 4957: Mr. Peyser, Mr. Hutto, Mr. Williams of Montana, Mr. Simon, Mr. Lantos, Mr. Pritchard, Mr. Washington, Mr. Frank, and Mr. Heftel.

H.R. 5006: Mr. DeNardis, Mr. Gejdenson, Ms. Oakar, and Mr. Tauke.

H.R. 5158: Mr. Waxman.

H.R. 5163: Mr. Rinaldo, Mr. Mineta, Mr. Gilman, and Mr. Bingham.

H.R. 5192: Mr. Brodhead, Mr. de la Garza, Mr. Martin of North Carolina, and Mr. Mitchell of Maryland.

H.R. 5211: Mr. McKinney.

H.R. 5324: Mrs. Heckler and Mr. Dreier.

H.R. 5437: Ms. Mikulski, Mr. Hoyer, Mr. Duncan, Mr. Pritchard, Mr. Akaka, Mr. Jones of North Carolina, Mr. Dan Daniel, Mr. Gejdenson, Mr. Tauke, Mr. Murphy, Ms. Ferraro, Mr. Lee, Mr. Peyser, Mr. Mitchell of Maryland, Mr. Lowry of Washington, Mr. Frenzel, Mr. Ginn, Mr. Schumer, Mr. Solarz, Mr. Whitehurst, Mr. Stokes, Mr. Crockett, Mr. Hyde, Mrs. Schneider, Mr. Weber of Ohio, Mr. Hertel, Mr. Ritter, Mr. Lehman, Mr. Brown of California, Mr. Long of Maryland, Mr. Glickman, Mr. McHugh, Mr. Eckart, Mr. Young of Florida, Mr. Roemer, and Mr. Jacobs.

H.R. 5441: Mr. Wilson.

H.R. 5459: Mr. Clay.

H.R. 5533: Mr. Edgar, Mr. Sunia, and Mr. Rosenthal.

H.R. 5583: Mr. Siljander.

H.R. 5596: Mrs. Fenwick and Mr. Leach of Iowa.

H.R. 5653: Mr. AuCoin, Mr. Traxler, Mr. Synar, Mr. Richmond, Mr. Downey, Mr. Pepper, Mr. Rodino, Mr. Crockett, Mr. Gejdenson, Mr. Wilson, Mr. Bonior of Michigan, Mr. Dymally, Mr. Rosenthal, Mr. Dellums, Mr. Yates, Mr. Washington, Mr. Ritter, Mr. Vento, Mr. Sensenbrenner, Mr. Watkins, Mr. Courter, Mr. Santini, Mr. Addabbo, Mr. McHugh, Mr. Petri, Mr. Gingrich, Mr. Forsythe, Mr. Sunia, Mr. De Lugo Mr. Glickman Mr. Lungren, Mr. Gephardt, Mr. Shannon, and Mr. Roemer.

H.R. 5705: Mr. Au Coin, Mr. Beard, Mr. Benedict, Mr. Bingham. Mr. Bonior of Michigan, Mr. Carney, Mr. Cheney, Mrs. Chisholm, Mr. Conyers, Mr. Dowdy, Mr. Downey, Mr. Edgar, Mr. Evans of Delaware, Mr. Fauntroy, Mr. Fazio, Ms. Ferraro, Mr. Fish, Mr. Ford of Michigan, Mr. Fowler, Mr. Gejdenson, Mr. Hawkins, Mr. Hefner, Mr. Holland, Mr. Hunter, Mr. Leath of Texas, Mr. Loeffler, Mr. Martin of North Carolina, Mr. McHugh, Mr. McKinney, Ms. Mikulski, Mr. Miller of California, Mr. Mitchell of Maryland, Mr. Moffett, Mr. Oberstar, Mr. Patterson, Mr. Peyser, Mr. Reuss, Mr. Richmond, Mr. Roybal, Mr. Shannon, Mr. Stark, Mr. Stokes, Mr. Vento, Mr. Weiss, Mr. Wilson, Mr. Edwards of Alabama, and Mr. Derrick.

H.R. 5762: Mr. Gray, Mr. Panetta, Mr. Wyden, Mrs. Bouquard, and Mr. Rosenthal.

H.R. 5834: Mr. Ratchford, Mr. Dowdy, Mr. Brodhead, Mr. Heftel, Mr. Kazen, Mr. Rose, Mr. Dwyer, Mr. Pepper, Mr. Dyson, Mr. Robinson, Mr. Bonior, of Michigan, and Mr. Leach of Iowa.

H.R. 5852: Mr. Forsythe, Mr. Edgar, Mr. Gingrich, and Mr. Derwinski.

H.R. 5900: Mr. Bliley, Mr. Cheney, Mr. Clausen, Mr. Corrada, Mr. Derwinski, Mr. Dougherty Mr. Fascell, Mr. Fields, Mr. Forsythe, Mr. Mitchell of New York, Mr. Pritchard, Mr. Weber, of Ohio, Mr. Whitehurst, Mr. Wilson, Mr. Badham, and Mr. McCollum.

H.R. 5911: Mr. Bailey of Pennsylvania, Mr. Stangeland, Mr. Kazen, Mr. Oberstar, Mr. Benedict, Mr. DeNardis, Mr. Fish, Mr. Wyden, Mr. Pickle, Mr. Tauke, Mr. Downey, Mr. Gingrich, Mr. Guarini, Mr. Richmond, Mr. Martin of New York, Mr. Fauntroy, Mr. Frank, Mr. Evans of Georgia, Mr. LaFalce, Mr. Weiss, Mr. Dixon, Mr. Albosta, Ms. Oakar, Mr. Gray, Ms. Ferraro, Mr. Dwyer, Mr. Panetta, Mr. Vento, Mr. Corrada, and Mrs. Bouquard.

H.R. 5924: Mr. Bennett, Mrs. Chisholm, Mr. Lagomarsino, Mr. Gingrich, Mr. Wolf, Mr. Napier, Mr. Dyson, Mr. Jeffries, Mr. Daub, Mrs. Holt, Mr. Dougherty, Mr. Lee, Mr. LeBoutillier, Mr. McClory, Mr. McKinney, Mr. Edwards of Oklahoma, Mr. Sunia, Mrs. Bouquard, Mr. Frank, Mr. Mitchell of Maryland, Mr. Bafalis, Mr. Hiler, Mr. Gunderson, Mr. Roberts of South Dakota, and Mr. Solomon.

H.R. 5976: Mr. Lujan, Mr. Lagomarsino, Mr. Wortley, and Mr. Weber of Ohio.

H.J. Res. 151: Mr. Anthony, Mr. Corcoran, Mr. Young of Florida, Mr. Dowdy, Mr. McHugh, Mr. Snyder, Mr. Waxman, and Mr. Richmond.

H.J. Res. 418: Mr. Lowry of Washington, and Mr. Gore.

H.J. Res. 440: Mr. Alexander, Mr. Barnes, Mr. Bingham, Mr. John L. Burton, Mr. Corrada, Mr. Crockett, Mr. Daub, Mr. Evans of Georgia, Mr. Fary, Mr. Fazio, Mr. Frank, Mr. Frost, Mr. Green, Mrs. Holt, Mr. Horton, Mr. Jeffords, Mr. Long of Maryland, Mr. Madigan, Ms. Mikulski, Mr. Moakley, Mr. Panetta, Mr. Rinaldo, Mr. Roe, Mr. Savage, Mr. Scheuer, Mr. Solarz, Mr. Sunia, Mr. Vento, Mr. Weiss, Mr. Winn, and Mr. Wyden.

H. Con. Res. 214: Mr. Young of Missouri, Mr. Campbell, Mr. Stump, Mr. Washington, Mr. Thomas, Mr. Levitas, Mr. Tauke, Mr. Peyser, Mr. Shaw, and Mr. Ford of Michigan.

H. Con. Res. 283: Mr. AuCoin, Mr. Wolpe, Mr. Smith of New Jersey, Mrs. Byron, and Mrs. Schroeder.

H. Con. Res. 293: Mr. Barnes, Mr. Beilenson, Mrs. Chisholm, Mrs. Schroeder, Mr. Weiss, Mr. Forsythe, Mr. Moffett, Mr. Richmond, Mr. Wolpe, Mr. Bingham, Mr. Fazio, Mr. Kildee, Mr. Dwyer, Mr. Mitchell of Maryland, Mr. Edgar, Mr. Matsui, Mr. Lundine, Mr. Edwards of California, Mr. Minish, Mr. Weaver Mr. Gejdenson, Mr. Bedell, Mr. Washington, Mr. Coughlin, Ms. Mikulski, Mr. Vento, Mr. Oberstar, Mr. Horton, Mr. LaFalce, Mr. Markey, Ms. Ferraro, and Mr. Gray.

H. Con. Res. 297: Mr. Badham, Mr. Jacobs, Mr. Roemer, and Mr. Wortley.

H. Res. 265: Mr. Deckard and Mr. Dowdy.

H. Res. 397: Mr. Shumway, Mrs. Fenwick, Mr. Fary, Mr. Walgren, Mr. Mineta, Mr. LeBoutillier, Mr. Wolf, Mr. Stenholm, Mrs. Schneider, Mr. Fascell, Mr. Addabbo, Mr. Atkinson, Mr. Hughes, Mr. Dornan of California, Mr. Young of Florida, Mr. Donnelly, Mr. Moorhead, Mr. Siljander, Mr. Dwyer, Mr. Beard, Mr. Bliley, Mr. Barnes, Mr. Lantos, Ms. Oakar, Mr. Wilson, and Mr. Daniel B. Crane.

H. Res. 420: Mr. Molinari, Mr. Boland, Mr. LeBoutillier, Mr. Gray, Mr. Addabbo, Mr. Weiss, Mr. Weber of Ohio, Mr. Frank, Mr. Smith of New Jersey, Mr. Waxman, Mrs. Chisholm, Mr. Matsui, Mr. Stangeland, Mr. Winn, Mr. Edgar, Mr. Sunia, Mr. Conte, Mr. Dellums, Mr. Yates, Mr. Panetta, Mrs. Schroeder, Mr. Roe, Mr. Brodhead, Mr. Rosenthal, Mr. Marriott, Mr. Lent, Mr. Forsythe, Mr. Peyser, Mrs. Fenwick, Mr. Ford of Tennessee, Mr. Ritter, Mr. Lagomarsino, Mr. Dwyer, Mr. Fauntroy, and Mr. Scheuer.

H. Res. 426: Mr. Gore, Mr. Lewis, Mr. Rousselot, Mr. Dougherty, Mr. Nelligan, Mr. Hiler, Mr. Weber of Minnesota, Mr. Trible, Mr. Wolf, Mr. Bereuter, Mr. Lungren, Mr. Rogers, Ms. Fiedler, Mr. Craig, Mr. Clausen, Mrs. Fenwick, Mr. Bailey of Missouri, Mr. Walker, Mr. Kemp, Mr. Loeffler, Mr. Hopkins, Mr. Gradison, Mr. Frenzel, Mr. Dreier, Mr. Petri, Mr. McGrath, Mr. Whitehurst, Mr. Robert W. Daniel, Jr., Mr. Daub, Mr. Lagomarsino, Mr. Forsythe, Mr. Stump, Mr. Railsback, Mr. Taylor, Mr. Corcoran, Mr. Broyhill, Mr. Moore, Mr. Hammerschmidt, Mr. Carney, Mr. Gunderson, Mr. Johnston, Mr. Gregg, Mr. Levitas, Mr. Duncan, Mr. Roberts of Kansas, Mr. Fields, Mr. Hunter, Mr. Spence, Mr. Coughlin, Mr. Butler, Mr. Martin of North Carolina, Mr. Lowery of California, Mr. Young of Florida, Mr. Vander Jagt, Mr. Bafalis, Mr. Clinger, Mr. Mitchell of New York, Mrs. Snowe, Mr. Tauke, Mr. Leach of Iowa, Mr. Brown of Colorado, Mr. Coleman, Mr. Winn, Mr. Bliley, Mr. Weber of Ohio, Mr. Roth, Mr. Barnes, and Mr. Derwinski.

DELETIONS OF SPONSORS FROM PUBLIC BILLS AND RESOLUTIONS

Under clause 4 of rule XXII, sponsors were deleted from public bills and resolutions as follows:

H.R. 3144: Mr. Goldwater.

EXTENSIONS OF REMARKS

JOSEPH RAUH DENOUNCES REAGAN'S CIVIL RIGHTS RECORD

HON. PHILLIP BURTON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 6, 1982

● Mr. PHILLIP BURTON. Mr. Speaker, the Reagan administration is guilty of many transgressions against the interests of the people of this Nation, but the most heinous is its record on civil rights. Joseph Rauh, a champion of civil rights for decades, recently gave a speech to the Women's National Democratic Club denouncing this record. He said that "the Reagan administration is engaged in a counterrevolution against the civil rights gains of minorities and women over the past three decades." Mr. Rauh's speech is an eloquent and informative discussion of the specific actions President Reagan has undertaken to destroy these gains.

The speech follows:

Late one evening some months ago, I picked up the phone in my office and the voice at the other end said: "Mr. Rauh, you've been working for the cause of school integration a long time and I just have to help. You should know that Education Secretary Terrel Bell is philosophically opposed to enforcing civil rights and he has put it all down on paper in a letter to Senator Laxalt that I have here." At great personal risk, this Education Department employee sent me a copy of the letter and here is what Secretary Bell, whose sworn duty it is to see that the laws of the land are faithfully executed, wrote to the good Senator: ". . . the Federal courts may soon be after us for not enforcing civil rights laws and regulations. Your support for my efforts to decrease the undue harassment of schools and colleges would be appreciated. It seems that we have some laws that we should not have, and my obligation to enforce them is against my own philosophy. Hopefully, the new administration and the new majority in the United States Senate can join in an effort to make some long overdue changes and improvements in civil rights laws."

That incident was one more confirmation of what was becoming increasingly clear from all sides: That the Reagan Administration is engaged in a counter-revolution against the civil rights gains of minorities and women over the past three decades, but there are countless proponents of civil rights inside the Government with the dedication of the 1960s marchers who, together with the 160 organizations of the Leadership Conference on Civil Rights and the millions of civil rights supporters throughout the country, will in the end bring down this counter-revolution. I venture to predict here and now that whoever stands at this podium during the next Administration will happily announce that the Reagan civil rights counter-revolution is dead.

Yet even a short-lived counter-revolution is a very real cause for sadness. For this is the first Administration in my remembrance that has tried to turn back the clock on civil rights. I have spoken from this platform many times since I came to Washington in the New Deal and every time, while complaining that we were not moving fast enough against discrimination and segregation, I was able to point to progress towards the goal of an integrated and equitable society. The Roosevelt Administration produced the first Executive Order requiring contractors with the Federal Government to hire and promote without regard to race, creed, color, or national origin. The Truman Administration broadened antidiscrimination efforts to Government employment and the Armed Services. President Eisenhower signed into law the first Civil Rights Act since the Civil War and sent troops to uphold the law on school desegregation in Little Rock. The Kennedy and Johnson years saw the greatest advances of all in the civil rights laws of 1964, 1965 and 1968. The Nixon Administration, albeit with judicial prodding, ended tax exemption for private segregated schools. The Ford Administration extended the Voting Rights Act and broadened it to include our Hispanic citizens. The Carter Administration moved on affirmative action in many areas, none more important than the appointment of women and blacks to the federal judiciary. Always the progress was slower than the civil rights movement demanded, but always there was progress, perceptible progress—until this past year.

Today, for the first time in eight Administrations, we are going full speed the wrong way, as even a partial roll call of this Administration's civil rights horrors will demonstrate:

With callous disregard of the rulings of the federal courts and the action of the Nixon Administration, the Reagan Administration announced it was giving the benefit of federal tax exemption to segregated private schools. The unfairness of this federal subsidy to segregation was so obvious and the public outcry against tax exemption so fast and furious that the Administration has twice shifted its position since then, first, urging Congress to act and when that did not come off, going back to the courts. Nobody knows what the legal situation is today, but I venture to predict, as I did the night the Administration first announced its pro-tax exemption policy, segregated private schools will not end up tax exempt.

The Administration covertly supports the Helms-Johnston Amendment to the Justice Department authorization bill which, among other things, would strip the federal courts of authority to order integration of the public schools where the only way to accomplish this is through busing. I happen to believe that busing is far preferable to segregation and that the Constitution, as the Supreme Court has made clear, requires busing where that is the necessary route to the desegregation of our public schools. But whether you believe that or not, it should be clear on all sides that the issue here is not busing but the continued vitality of the United States Constitution. In effect, Helms-Johnston amends the equal protection clause of the Constitution by taking away from the courts the right to enforce school integration and, if Congress can do that where school integration is concerned, it can reverse any Supreme Court interpretation and enforcement of the Constitution with which it disagrees and no right of an American citizen is safe. Small wonder the American Bar Association, once itself a bastion of segregation, has charged that this type of legislation would create "the most serious constitutional crisis since our great Civil War." Yet, although House Judiciary Committee Chairman Rodino has asked the Justice Department for an opinion on the constitutionality of Helms-Johnston, the Administration stays silent, hoping the bill will be enacted without it having to take a position.

The fight for Helms-Johnston is not ours in the civil rights movement alone. The Supreme Court's abortion decision is equally at stake—as sure as night follows day, if Helms-Johnston is enacted there will be a similar uprooting of the abortion decision. School prayer will be next and heaven knows what will follow. But possibly most important of all, Helms-Johnston will shake the very foundation of our constitutional system.

Let me suggest that the Helms-Johnston people know not what they do. Some day a desperate and frustrated radical-left Congress may attack the institution of private property which today is guaranteed by constitutional provisions such as "just compensation", "obligation of contracts" and "due process" for deprivation of property. It would indeed be a monumental irony if the leaders of such a future radical Congress were to use as precedent today's conservative efforts to nullify the Constitution.

Desegregation of public education has slowed to less than a crawl as Secretary Bell refuses to enforce laws which, as he says, are "against my own philosophy." Only last week a Federal District Judge found that the Department of Education was extensively violating court orders on elementary and secondary school desegregation, concluding that contempt sanctions may be required to secure compliance. Similarly, Secretary Bell has abandoned court-ordered Criteria for the desegregation of higher education and now, 28 years after the historic *Brown* desegregation decision, much of American higher education remains substantially segregated. And only last week the Administration exempted Guaranteed Student Loans from coverage under civil rights laws protecting women, minorities and the handicapped and Bell even wanted to exempt additional student loan programs.

The Justice Department which shares the responsibility for desegregation of public education either does nothing or joins in the anti-civil-rights side of the case as it did earlier this week in the Seattle case. Indeed, Assistant Attorney General Reynolds, who is supposed to be enforcing civil rights, has proudly announced that "We are not going to compel children who don't choose to have an integrated education to have one." Until Mr. Reynolds spoke, everyone had assumed that the law of the land forbids freedom to choose segregation.

● This "bullet" symbol identifies statements or insertions which are not spoken by the Member on the floor

The Administration continues its efforts to disrupt extension of the Voting Rights Act. Even though the House passed a strong Voting Rights extension law by a more than 10 to 1 margin and more than 60 Senators have endorsed that House-passed bill, the Administration continues its effort to weaken the bill. What Administration spokesmen Attorney General Smith and Senator Orrin Hatch want is a requirement that there must be proof of intent to discriminate before a voting rights violation can be found. This is a plain and simple effort to make it harder to enforce voting rights; if the effect is discriminatory, why not just stop it?

Take a city with 9 Councilmen elected at large by a constituency 40% black, none of whom ever get elected to the City Council. Everybody in the city knows why the at-large voting continues and everybody knows what the effect of that at-large voting is—an all-white City Council. But legal proof of intent to discriminate is difficult if not impossible, especially if the at-large system of voting was adopted a long time ago and the people who backed it are no longer around. "Intent" in this situation is simply a code word for dilution of civil rights.

One of the worst outrages of this Administration is its attack upon the independence of the United States Civil Rights Commission. Over its 25-year lifetime, the Commission has done as much for civil rights as any govenmental body, federal, state, or local. It has criticized, pushed, and prodded every Administration regardless of party or personal considerations. Now this Administration has deprived the Commission of its historic independence by firing the Chairman and other strong-minded members of the Commission and seeking to replace them with more amenable types.

The Administration's appointments to civil rights positions are shocking. The number one civil rights enforcement officer in any Administration is the Attorney General, and Mr. Smith, having lived in a world of discriminatory clubs and corporations, has manifested only insensitivity to civil rights. The Leadership Conference's recent study on the Justice Department's enforcement of civil rights goes even farther, stating that the "basic qualities of fairmindedness and fidelity to law are lacking." At least Terrel Bell, in the almost equally important civil rights spot of Education Secretary, is candid; he set forth his own negative philosophy on civil rights enforcement in his letter to Senator Laxalt.

When it comes to minority appointments, they can only be deemed an insult to the minorities of the nation. William Bell was the Administration's candidate for Chairman of the Equal Employment Opportunity Commission; his only experience in that field was running an employment agency which could not get anybody employed. When Bell fell by the wayside—thanks in large part to the work of Senator Thomas Eagleton—the Administration appointed Clarence Thomas whose qualifications for the job are two-fold: as Assistant Secretary of Education for Civil Rights, he has been found in violation of court orders dealing with elementary and secondary education and, as a conservative spokesman, he has opposed the very affirmative action for women and minorities that his EEOC job would require him to promote. As concerns Sam Hart, the Administration's now-withdrawn candidate for the Civil Rights Commission, no one has suggested any possible qualification for the job and that might be as good a place as any to stop this roll of horrors.

So, one asks, what of the future? Our first task as Democrats is to put our own Democratic Party house in order. It is a scandal that the proposal to take away the jurisdiction of the federal courts in the field of school integration, the Helms-Johnston Amendment, was written and introduced by a Democratic Senator, Bennett Johnston, backed by the leader of the Democrats in the Senate, Robert Byrd, supported by the ranking Democrat on the Senate Judiciary Committee, Joseph Biden, and voted for by half of the Senators on the Democratic side. In what was probably the most important civil rights struggle in this Administration to date, the Democrats were found wanting.

But there is an opportunity to redeem the image of our party on civil rights in the Democratic-controlled House of Representatives. If the Democrats in the House will stand firm behind Speaker O'Neill, Judiciary Committee Chairman Rodino, and Subcommittee Chairman Edwards, Helms-Johnston can still be blocked there. I can think of no greater service that this historic Democrat Club can perform than to contact every Democratic House member and let him or her know that our Party stands four-square behind the constitutional rights of all and we will not allow those rights to be endangered or eroded by the device of taking away jurisdiction from the federal courts.

Since Hubert Humphrey's great platform victory at the 1948 Democratic National Convention, the Democratic Party has been the party of civil rights. It should not now become a pale imitation of the Reagan Administration. Last year the Democrats failed to provide real alternatives to the Reagan budget and the Reagan tax proposals, even cravenly accepting the disastrous rise in military expenditures. The Democratic budget and tax proposals were so close to the Republican ones that the public could not possibly understand what the Administration was up to. Let us not repeat that performance this year on the question of civil rights and the jurisdiction of the federal courts. Let us stand firm and arouse the Nation to the clear and present danger to the Constitution and the rights it guarantees.

These are bad days for civil rights' proponents and no doubt we are in for more of the same for the immediate future. Yet I believe that Roy Wilkins, Martin Luther King, Jr., and A. Philip Randolph, those three giants of the civil rights movement, would tell us how much harder the struggle was in their day and how we cannot long fail if only we all stand together resisting every encroachment on civil rights from wherever it may come. Over the past decades, we have built a foundation for civil rights in the country that can resist erosion even from this Administration and on which we can rebuild and expand when this counter-revolution ends. Our job, yours and mine, is to resist this Administration whenever it denies a child an integrated school, or refuses to help a minority person or woman to be hired or promoted, or fails to protect a citizen whose vote is being diluted. Our job, in a word, is to minimize the damage until that day in November, 1984, when civil rights rebuilding and advance can once again begin.●

HELP THE CHILDREN

HON. THOMAS B. EVANS, JR.

OF DELAWARE

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 6, 1982

● Mr. EVANS of Delaware. Mr. Speaker, I rise in strong opposition to the proposed cuts in funding for child immunization programs and nutrition programs for women, infants, and children (WIC). These cuts would seriously hinder the health and development of our youth, and thereby hinder the growth of this Nation.

It is widely confirmed that health and nutrition during prenatal stages and early childhood permanently affect the development of a child throughout his lifetime. Several Federal programs have helped improve the health of low-income mothers and children. This has resulted in improving the quality of life for millions of Americans who might otherwise never have had a chance to live normal, productive lives. If we cut these programs, we are turning our back on their future, and our Nation's future as well.

The proposed fiscal year 1983 combined funding for WIC; the Maternal and Child Health block grant (MCH); and the commodity supplemental food program (CSFP) is $1 billion, a reduction of $331.7 million over the current levels. The funding for the child immunization program has been increased by $1 million this year, to a level of $29 million. Yet due to inflation, this funding will have a reduced effect. For many, these cuts will undoubtedly mean restricted access to health care, lower levels of nutrition, fewer immunizations, and lower quality care during pregnancy.

These programs are threatened because there are a few who want to find an easy way to reduce the budget deficit. While we must continue to reduce the annual percentage increase in Federal spending, we simply cannot single out programs such as WIC and child immunization. It would be counterproductive to our goals if we undermind the growth and future of our children, who are indeed, the very embodiment of our future.

It would be pennywise and dollar-foolish to try and balance the budget on the backs of those least able to help themselves. The principles that made this Nation great—principles that include taking care of those who cannot wholly provide for themselves—cannot be abandoned. If we are ever to break the vicious "circle-of-poverty," we must assist those least able to help themselves—particularly the children of this country.●

NEW PENALTIES FOR MANUFACTURERS OF FALSE IDENTIFICATION

HON. HAROLD S. SAWYER

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 6, 1982

● Mr. SAWYER. Mr. Speaker, we are all aware of the tragic news stories about teenagers who have had too much to drink and who have been injured or killed in a car or motorcycle accident. Teenage alcohol abuse is a problem which faces nearly every community in America and which is, I am sorry to say, staggering in its proportions. The National Institute on Alcohol Abuse and Alcoholism estimates that there are more than 3 million adolescents between the ages of 14 and 17 who engage in substantial alcohol consumption.

Where teenage liquor use is involved, nowhere is the old maxim "alcohol and gasoline don't mix" more applicable. The records of the U.S. Department of Transportation for 1980 indicate that more than 3,200 16 to 19 year olds were involved in fatal alcohol-related motor accidents.

It should be remembered, though, that excessive drinking by young people also has other very serious results. Personal health, family life, and academic performance often deteriorate and alcohol abuse can even lead to the use of harder drugs, vandalism, and violence.

All across the country communities are beginning to come to grips with this important issue. Because of the excellent leadership and determination of organizations like Mothers Against Drunk Drivers (MADD), State and local governments are raising the drinking age, toughening drunk driving penalties, and better enforcing these laws.

While this is a problem which essentially must be solved at local level by parents, schools, police, and judges, I am today introducing a bill which will provide Federal help in limiting the access of minors to liquor. In researching this subject, I discovered that about a dozen American companies specialize in manufacturing official-looking identification documents like birth certificates, social security cards, and drivers' licenses without checking on the personal information supplied by the purchaser. These companies advertise their services particularly heavily around high school and college campuses and are especially prone to mailing identifications out with false birthdates on them.

Increasingly, under-age young people are spending a few dollars to order these identification documents which falsely show they are 21 years old and then use the documents to buy liquor. This has become such a problem in my home district in Michigan that the state police are now establishing a 13 county area in which they are about to begin clamping down on these false identification documents, in particular, and teenage alcohol abuse in general.

The bill which I am introducing today is almost identical to one introduced by my distinguished colleague, Senator GORDON HUMPHREY of New Hampshire on February 2. Quite simply, the bill will impose a Federal criminal penalty of $1,000 or 1 year imprisonment, or both, for every identification document mailed to a minor by a company if the company has not officially verified the birthdate of the purchaser. If the purchaser is under 21 and has not provided a correct birthdate, the company will either deny the teenager the identification document or risk Federal prosecution.

At a time when teenage alcoholism and alcohol abuse are reaching crisis proportions, I am hopeful that the joint efforts of Federal, State, and local authorities can greatly reduce this easy access to liquor and better protect our communities and our young people.

I urge my colleagues to join me in this effort to restrict the use of false identification by minors.●

MARY McLEOD BETHUNE HISTORIC SITE

HON. WALTER E. FAUNTROY

OF THE DISTRICT OF COLUMBIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 6, 1982

● Mr. FAUNTROY. Mr. Speaker, I have introduced today a bill which seeks to preserve the rich heritage provided this Nation through the life and work of Mary McLeod Bethune, renowned educator, national political leader, and founder of the National Council of Negro Women.

While Bethune Cookman College in Florida stands as a tribute to the outstanding contribution made by Mrs. Bethune as a leading figure in education, her work as a public figure during the New Deal administration of Franklin D. Roosevelt and afterwards is directly associated with her work in Washington, D.C., at Council House. Council House served as the last official residence of Mrs. Bethune as well as the first national headquarters of the National Council of Negro Women. It was also from Council House between 1936 and 1949 that she simultaneously administered the Bethune Cookman College, served as director of the Division of Negro Affairs of the National Youth Administration, and became a national and international leader.

Council House, located at 1318 Vermont Avenue NW., in Washington, D.C., was also a significant center for the development of strategies and programs which advanced the interests of black women and the black community. Heads of state, government officials, and leaders from around the world were received there, including Eleanor Roosevelt, Ralph Bunche, Madame Pandit of India, President Tubman of Liberia, Dr. Charles Drew, and many others. It also serves as the site of the Mary McLeod Bethune Memorial Museum and the National Archives for Black Women's History. The archives houses the largest manuscript collection of materials pertaining to black women and their organizations, including extensive correspondence, photographs, and memorabilia relating to Mrs. Bethune. Both the archives and the museum actively collect artifacts, clothing, artwork, and other materials which document the history of black women and the black community.

The purpose of the bill is to assure the preservation, maintenance, and interpretation of Council House. The bill is also aimed at assuring the continuation of the Mary McLeod Bethune Memorial Museum and the National Archives for Black Women's History.

The bill would designate Council House as a national historic site. It would authorize and direct the Secretary of the Interior to enter into a cooperative agreement with the National Council of Negro Women, who would continue to own and operate the site.

I urge Members to cosponsor this important legislation and to support it when it reaches the floor.●

MALDEN HIGH SCHOOL BAND

HON. EDWARD J. MARKEY

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 6, 1982

● Mr. MARKEY. Mr. Speaker, I take great pride in bringing to the attention of my colleagues in the House a recent concert performance on the steps of the Capitol Building. On Friday, 130 high school students from my native city of Malden, Mass., shared their outstanding musical talent with people here in Washington, D.C. This visit to our Nation's Capital, as well as an exchange program visit to Hanover, PA., was paid for by the band members themselves. During the past few months, these resourceful students sold jewelry, candy, and Christmas ornaments to raise what funds are needed to finance their trips.

On Saturday, the Malden group joined with the Hanover High School

Band for another concert in historic Gettysburg, Pa.

The students were accompanied by band director Mel Blackman and his assistants Miss Carol Blake, Mr. Mark Kaplan, Mr. and Mrs. Vin Marcia, and Mr. Paul Nelso of the Malden High School Band Parents Association.

This trip is the latest milestone for the Malden High School Band. Just recently, the group's jazz band ensemble was awarded first prize at a competition at Southeastern Massachusetts University in Dartmouth. The Malden High School Band is a great source of pride to its community.

Members of my staff who were on hand to welcome this talented group of young musicians to Washington were impressed by their performance. I join with all those who were fortunate enough to hear the Capitol concert in saluting these young people.●

DESIGNATION OF MAY 9-15 AS NATIONAL SMALL BUSINESS WEEK

HON. OLYMPIA J. SNOWE

OF MAINE

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 6, 1982

● Mrs. SNOWE. Mr. Speaker, yesterday I introduced a House joint resolution asking President Reagan to proclaim the week beginning May 9 as National Small Business Week. The small business segment of our American economy is vital but unheralded. I think it is high time we stopped for a moment to consider the contributions that the small business community nationwide has made.

Many do not realize that the small and independent business men and women of this country provide our Nation with 55 percent of its jobs and is the backbone of the economy. Two out of three new jobs originate within the small business community. Almost 40 percent of the gross national product springs from the small business sector. Furthermore, small business accounts for over 50 percent of all innovations.

Mr. Speaker, it is only through the efforts and aspirations of the small and independent business owners of this country that we can maintain our economic strength. We should formally recognize these efforts by adopting the proclamation that I have offered here. We must continue to aid this integral cog of our economy through the development of economic policies and programs designed to further cultivate their successful growth. I urge my colleagues to join me by cosponsoring this resolution.●

TWO DENTON MARYLANDERS EXHIBIT THE SPIRIT OF VOLUNTEERISM

HON. ROY DYSON

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 6, 1982

● Mr. DYSON. Mr. Speaker, today I would not only like to commemorate the anniversary of the Volunteer Development Corps, but also single out the achievements of two of its volunteers.

On April 7th, the Volunteer Development Corps celebrates its 12th anniversary. This organization was created with the sole purpose of providing short-term, volunteer technical help to cooperatives in developing countries.

The VDC is supported partly by a grant from AID and in part by organizational donors. Yet its principal resource is not dollars but the voluntary services of experienced, highly qualified men and women.

In its first 12 years, the VDC has sent 240 volunteers into developing countries to undertake specific assignments at the request of cooperatives and Government agencies.

Two of these volunteers, Mr. and Mrs. O. O. Stivers of Denton, Md., were asked to go to Santa Cruz, Bolivia, to assist the Cooperativa Rural de Electrification (CRE) in stimulating the use of electricity, especially in ways that would expand the agriculture. CRE was established in 1970 and is today the largest electric cooperative in the world. Yet unless their members progressed beyond the one light bulb and a radio stage, its future was bleak.

Mr. Stivers had served 26 years as power use adviser for the Choptank Electric Cooperative of Denton, Md. His wife, Doris, had been a home economics teacher in the public school system for 24 years and had been with the Maryland Cooperative Extension Service, University of Maryland, for 12 years. By themselves, they each possessed impressive credentials, but working together, they formed an imposing combination.

In Bolivia, they helped the CRE devise ways to show farmers, homemakers, and small businessmen how they could increase their incomes by using electricity. They demonstrated to CRE's employees how this is essentially a one-on-one, grassroots effort, and how each farmer could develop his own plan for expanding production by using kilowatt hours. They also taught them the methods to show each homemaker how to save money by cooking with electricity instead of bottled gas, and other electric appliances.

Some of this was done in group sessions, with civic groups, in teaching classes, in both boys and girls schools and in cooperation with universities. The Stivers helped to develop a 20-minute slide show to help tell the story and used this slide presentation to generate enthusiasm for CRE's work among the businessmen who sold the equipment and appliances and the bankers who lent the money to buy them.

Most importantly, they showed CRE's employees how they could begin immediately. Quoting from their experiences:

> We saw TV antennae sprouting from mud-walled huts with palm-leaf roofs. We talked with families newly arrived from Bolivia's crowded Altiplano, literally with nothing but a machete and government title to one hectare of land. We learned what backwoods really means—no mail service, no car or bicycle or even a horse, no way even to walk out during the 4-month rainy season, relieved only by voices on the radio. We saw a craftsman whittling three or four broom handles a day. With only a small power lathe, he could turn out 20 an hour.

Mr. Speaker, as a Marylander and as an American, I am proud of the work of Mr. and Mrs. Stivers. They made substantial progress in Bolivia. Before they left, CRE's staff was implementing many of the techniques they had been taught. Their work has greatly enhanced the living conditions of many Bolivians and will continue to do so in the future.

The Volunteer Development Corps is also to be commended for the fine work they do. They work organization-to-organization, without either American Government or the overseas government being involved in the projects. The VDC provides the technical assistance—no big loans, no grants—just technical help. Its goal is to help persons in developing countries one step at a time, not with grandiose projects.

By their work in Bolivia, the Stivers and the VDC really demonstrate what it means to be an American.●

COMMEMORATING THE FRENCH EXPLORER: RENE ROBERT CAVELIER—SIEUR LA SALLE

HON. F. JAMES SENSENBRENNER

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 6, 1982

● Mr. SENSENBRENNER. Mr. Speaker, on this occasion, I would like to ask you and all my colleagues to join me in commemorating the 300th anniversary of the second voyage of the French explorer—Rene Robert Cavelier, Sieur La Salle. It was during this voyage that, on April 9, 1682, La Salle succeeded in canoeing down the Mississippi River and reached the Gulf of Mexico. At this juncture, he proclaimed the Mississippi Basin for

France and named it Louisiana. In so doing, La Salle acquired, in name, the most fertile half of the North American continent for France.

Born in 1643, by the age of 31, La Salle had already become the most successful French fur trader in North America, having begun this career in Montreal and eventually monopolizing the fur trade in the Lake Ontario region. In May of 1678, King Louis XIV granted La Salle his consent to explore the Mississippi River to its mouth, along with the right to establish as many forts as he wished. During the ensuing voyages, La Salle set up many trading posts, built the first commercial sailing vessel on Lake Erie, and worked with the Seneca Indians who taught him how to make long overland journeys. When La Salle and his expedition skirted the west shores of Lake Michigan, he stayed overnite in sites presently named Washington Island, Two Rivers, Sheboygan and South Milwaukee—all cities of present-day Wisconsin. Being a Representative from the State of Wisconsin, I take added pleasure in making these remarks today.

Four years after King Louis granted his authority, La Salle at last saw for the first time the river he had dreamed of for so long—the great Mississippi. Tracing the Mississippi from its joining with the Illinois River to its mouth in the Gulf of Mexico, La Salle thus completed the exploration of this mighty river which had begun with the expeditions of his countrymen Louis Jolliet and Father Marquette.

Today, 300 years later, we should take this opportunity to remember Rene Robert Cavelier, Sieur La Salle, as well as his fellow Frenchmen, who was so vital to the exploration and settlement of the New World. For it was men like him—filled with courage, ambition, and a thirst for discovery who helped form the pioneering spirit in the lands of the wilderness we now call the United States of America.●

CONGRESSMAN NELSON EULOGIZES C. V. GRIFFIN, SR.

HON. DON BONKER

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 6, 1982

● Mr. BONKER. Mr. Speaker, today my good friend and colleague, the gentleman from Florida, Mr. NELSON, is delivering the eulogy at the funeral of his beloved cousin, Mr. C. V. Griffin, Sr. Mr. Griffin was one of the giants of the Florida citrus industry and is a prominent personality in the history of Florida. I would like to share the text of Congressman NELSON's eulogy with my colleagues at this point in the RECORD.

THE PASSING OF AN ERA * * * C. V. GRIFFIN, SR.

(By Congressman BILL NELSON)

I tried to explain to my son Billy about Griff's passing in words that a six year old could understand. I told him that Griff had gone on to live with Jesus, and that he was happy now. But I explained we are very sad because we miss him.

I said this to Billy because I wanted him to have an appreciation of his heritage and know of the passing of an era.

Clarence Vaughn Griffin, Sr. was named for my father. He is the youngest of three children of the late William Allen and Kathryn Nelson Griffin.

After graduating from high school in Kansas and spending a year in Chicago, my father and my Uncle Charlie prevailed upon Griff in 1923 to come to the "land of promise", the State of Florida and to attend the University of Florida. They helped Griff financially as he started his studies.

Once here, Griff saw the potential of Florida real estate, a potential that became reality during his life of seventy-eight years. On the occasion of the boom collapsing in 1926, he entered the citrus business and launched a career that made him one of the giants of the industry.

We all know of his contributions to citrus—the 1949 Citrus Code and the Florida Citrus Commission.

We all know of his success as a grower and shipper, a large landholder, and a real estate entrepreneur.

Worldly success touched him again and again. He tried to "retire" in 1956 after selling his citrus business but he couldn't. In later years, one of Griff's favorite pastimes was to drive his car through the well-manicured groves, telling his guests of the high productivity of his trees and the efficiency of his man-made lakes which fought Jack Frost during the Winter.

Why was he successful?

Certainly, a keen business mind, plenty of business and political savvy, and knowing the right people—were some contributors to his worldly success.

And work hard he did! Mr. Justice Roberts remembers "he used to call me at 4 in the morning and I would ask, 'You just getting in?' And he'd say, 'No, just getting up.'" At age 29 he had a stroke that paralyzed his left side and he could not drive for 8 years. But he worked and he used the telephone and he made it big.

Yet, with all those admirable traits, it is my judgement that Griff's success was he knew how to promote. He loved it . . . and he was the best!

With enthusiasm, he promoted the State of Florida, its citrus, its real estate, and its citizens.

His knowledge of making something successful by creating interest in it, was honed in part, by building a considerable clientele for a hotel in Sarasota. He did this with consummate skill—for the Yankees flocked to his hotel during the Winters.

To be successful you have to believe in what you're doing and Griff did. He even enjoyed selling lots, sometimes at an auction, to build his beloved Howey-In-The-Hills. He was especially proud of the excellence in education offered by the Howey Academy. And it was a heartbreak for him to find out about the use of drugs in the school.

He was unabashedly a patriot and gave good measure of himself supporting politicians he believed in. His successful political promotion included U.S. Presidents and a Who's Who of Florida Government including Fuller Warren, B. K. Roberts, Willis McCall, Doyle Conner, George Smathers, Bruce Smathers, Ed Gurney, and Bill Gunter. I was the last beneficiary of his political advice and assistance.

A most important part of Griff's life are his good friends. They are too numerous to name, you know them, some of them are pallbearers today. They have and will describe him as "a true friend", "a great American", and "salt of the earth". Wilson McGee says, "He met his death with a noble heart and mind. He died as he had lived".

No doubt he lived well, but he lived simply. Although he was an uncommon man, Griff always had the common touch.

Griff was a rugged individual, not one to quickly show his affections or emotion. But he loved deeply and he still does . . .

He loves his four children. How many times have I heard Griff talk with pride about his children, particularly his youngest daughter Cheryl whom he escorted down the aisle at what was a beautiful family wedding in Howey. He has been a devoted and loving brother to his sister Goldie with whom he religiously visited until his illness prevented him from traveling. How fulfilled he was with his wife Elsie, who shared his companionship and love so unselfishly.

Well, it is the passing of an era . . . the passing of a special breed of man symbolized by rugged individualism and toughness. It took a special breed of cracker pioneer like C. V. Griffin, to settle, develop, and promote Florida in those days.

It took this unique kind of man who could walk at ease with both Presidents and just folks.

And frequently Griff would take walks with his German Shepherd, Stein, and he would enjoy what God had provided. Now he lives with God in Heavenly places.

His legacy is a fine family and eighteen grand and great grand-children, devoted friends, a well-endowed charitable foundation, and a better Florida.●

FAIR SHARE IN TAXES

HON. THOMAS B. EVANS, JR.

OF DELAWARE

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 6, 1982

● Mr. EVANS of Delaware. Mr. Speaker, this Congress now faces the urgent need to narrow the unacceptably large deficit in the budget proposed by the Reagan administration. This simply must be done if we are to lower interest rates, put the unemployed back to work, and bring about true and lasting economic recovery.

As we go about developing an acceptable budget for the coming fiscal year, it is essential that we be fair and equitable. No one single segment of our population should be singled out to bear a disproportionate share of the costs of fighting high interest rates, unemployment, and inflation.

This concept is particularly important as we examine ways to balance the Federal tax burden. Instances where wealthy corporations and individuals escape their tax responsibilities must be eliminated. Closing these loopholes is not a tax increase, it is tax equity.

Recently, the Washington Post published an editorial regarding the need for all of us to pay our fair share in taxes. I ask that it be included at this point in the RECORD:

[From the Washington Post, Apr. 6, 1982]

WHO PAYS TAXES?

How would you prefer to go about raising taxes? The question is not an idle one. The closing of the enormous federal budget gap can't be achieved by cutting spending alone. An acceptable program to reduce the deficit will have to include hefty tax increases—or at least smaller reductions than the administration has promised. One good way to reduce the generalized pain of raising taxes is to concentrate increases among those people who currently aren't paying their fair share of the tax burden.

The most obvious candidates for a tax hike are that large—and growing—number of people who cheat the government outright. Middle-of-the-road estimates place "underground income" at more than $350 billion a year with resulting tax losses of about $100 billion. Some of this income comes from illegal sources—primarily drug dealing, bribery, stolen goods and prostitution. But most of it—perhaps 75 percent—is gotten legally by people who simply choose to conceal it from the IRS. Some of these people are low-earning waitresses and cabdrivers who "forget" to report tips. The biggest offenders, however, are business proprietors and professionals and investors who "skim" cash from transactions, barter goods and services with clients, or fail to report dividends, interest and capital gains.

The tax evaders are the primary targets of a set of proposals being developed by Senate Finance Committee Chairman Robert Dole with the general endorsement of the Treasury Department. Other committee members, however, including Sens. Steven D. Symms and Max Baucus have questioned whether substantial improvements in compliance can be realized as long as the tax code remains riddled with loopholes that—however different their legal status—appear to the average citizen as little more than an excuse for rich people to subsidize their vacations, hobbies and entertainment at the expense of other taxpayers.

The specialists and lobbyists who guard the tax code will hasten to explain how important to economic growth is each and every one of these loopholes. They may neglect to mention, however, that—whatever the presumed rationale at the time of enactment—many preferences have outlived their economic usefulness. Other preferences exist only because they were needed to offset the biases in investment decisions that were created by earlier preferences. If all of these exclusions and deductions were eliminated, income tax rates could be cut almost in half—a much better and more stable incentive for work and saving than the most finely crafted set of tax incentives.

The gains from simplifying taxes and stepping up compliance go well beyond the immediate increase in revenues. The United States, unlike some European countries, has been fortunate in that most people pay their taxes honestly and promptly. This is an enormous public benefit, because it means that the tax burden can be distributed equitably with a minimum of harassment. Tax evasion, however, is on the rise. Higher taxes or a growing distrust of government may be part of the reason, but experience in other countries suggests that tax evasion feeds on itself. The more people indulge in it, the more others will follow—and that's a trend with ominous consequences for more than next year's deficit.●

CONGRATULATIONS C-SPAN

HON. PHILIP M. CRANE

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 6, 1982

● Mr. PHILIP M. CRANE. Mr. Speaker, one of the most important liberties protected by our constitution is freedom of speech, freedom of the press, and the first amendment. In the 20th century expression of this right has been greatly promoted by the advent of the telecommunications industry. Now, more than ever, public scrutiny can be brought to bear on issues of the day, with attendant opportunities to speak, read, and write about the issue.

A perfect example of how this is so can be found in C-Span, the Cable Satellite Public Affairs Network. This is a nonprofit corporation funded by the cable TV industry. Since its inception on March 19, 1979, the size of the audience it serves and the amount of coverage it provides has grown tremendously. It now reaches 10.5 million homes with a broad range of public affairs programing, 16 hours a day, 7 days a week. Their coverage includes the Congress, when it is in session, House and Senate committee hearings, coverage of the National Press Club, and important agency hearings, as well as other media-related events. On April 5, C-Span's above service began broadcasts over their own permanent satellite channel.

A well-informed citizenry with the freedom to speak and act under the first amendment, in an uninhibited fashion, is one of the strongest guarantees of liberty we have as a people. C-Span is a perfect example of the telecommunications industry serving our historically unprecedented form of government, and the liberties protected by the first amendment. I congratulate C-Span on a job well done and look forward to their increased service of this great Nation.●

CANADIANS WORRIED ABOUT REAGAN BUDGET

HON. JAMES L. OBERSTAR

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 6, 1982

● Mr. OBERSTAR. Mr. Speaker, the Canadian Government recently registered concern over the effect that proposed Reagan budget reductions would have on joint United States-Canadian efforts to improve the water quality of the Great Lakes. Enactment of the President's budget would cripple the Great Lakes National Program Office in Chicago which monitors local government compliance with the 1978 Water Quality Agreement, negotiated between the United States and Canada.

Unfortunately, the Chicago office is only one of several Great Lakes environmental units that are scheduled for reduction or termination. Last year's budget reductions forced the closing of the Great Lakes Basin Commission and the Great Lakes program for radiation. Research units threatened this year include the Large Lakes Research Station in Grosse Ile, Mich., the Great Lakes Research Laboratory in Ann Arbor, and the entire national sea grant program.

I would like to share with my colleagues an article from the April 5, Washington Post which highlights the reaction of our northern neighbors to some of these proposals. It is obvious that the Reagan administration's refusal to compromise on its unacceptable budget proposals is beginning to have international repercussions.

The article follows:

CANADA WORRIED ABOUT EFFECTS OF BUDGET CUTS ON GREAT LAKES

(By Ed Petykiewicz)

The Canadian government, worried that the federal budget's environmental spending cuts are jeopardizing joint efforts to clean up the Great Lakes, is stepping up pressure on the Reagan administration to fulfill its commitments.

In a cable sent last week, the Canadian government warned it may seek formal consultations between the two countries because of growing concerns that the United States will not meet obligations set by the Great Lakes Water Quality Agreement of 1978.

The confidential message also requested a detailed briefing on the impact of the administration's latest spending proposals on U.S. commitments to protect the Great Lakes.

The cable is the latest sign of growing strains between the two neighbors over a series of environmental issues, including acid rain. Previous Canadian messages have not been answered, despite repeated requests, according to a spokesman at the Canadian embassy.

"We are very concerned about the latest budget proposals, especially in light of last year's cuts, which still have not been explained to us," the spokesman said.

Under the Reagan administration's current and budget proposal, research efforts and programs to combat pollution in the Great Lakes would receive $3.8 million in fiscal 1983, compared with $13.7 million in 1982 and $18.8 million in 1981. The proposed budget cuts would eliminate several key research programs in the Midwest.

"The question of the American commitment to resolve this issue is important," Canadian Ambassador Allan E. Gotlieb said while fielding questions after a speech at the Johns Hopkins School of Advanced International Studies.●

KNIGHTS OF COLUMBUS

HON. LAWRENCE J. DeNARDIS

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 6, 1982

● Mr. DeNARDIS. Mr. Speaker, last week a resolution to acknowledge March 29, 1982, as the 100th anniversary of the founding of the Knights of Columbus and to commend such organization for a century of dedicated public service passed the House by unanimous consent. It is only fitting, I believe, that this group, which has done so much to serve our Nation, should receive our Nation's recognition on the occasion of its centennial. The gratitude of this body for the works of the Knights is evidenced by the bill's long list of cosponsors, 89 in all:

LIST OF COSPONSORS

Addabbo, Hon. Joseph P.
Annunzio, Hon. Frank
Benjamin, Jr., Hon. Adam
Blanchard, Hon. James J.
Bliley, Hon. Thomas J.
Boggs, Hon. Lindy
Boland, Hon. Edward P.
Byron, Hon. Beverly B.
Clinger, Jr., Hon. William F.
Collins, Hon. James M.
Conte, Hon. Silvio O.
Corrada, Hon. Baltasar
Courter, Hon. James A.
Daschle, Hon. Thomas A.
de la Garza, Hon. Eligio
DeNardis, Hon. Lawrence J.
Derwinski, Hon. Edward J.
Dingell, Hon. John D.
Donnelly, Hon. Brian J.
Dornan, Hon. Robert K.
Dwyer, Hon. Bernard
Dyson, Hon. Roy
Early, Hon. Joseph D.
Fauntroy, Hon. Walter E.
Fish, Jr., Hon. Hamilton
Ford, Hon. William D.
Forsythe, Hon. Edwin B.
Frank, Hon. Barney
Frenzel, Hon. Bill
Gephardt, Hon. Richard A.
Heckler, Hon. Margaret M.
Hiler, Hon. John
Holt, Hon. Marjorie S.
Horton, Hon. Frank
Howard, Hon. James J.
Hoyer, Hon. Steny H.
Jacobs, Jr., Hon. Andrew
Jeffries, Hon. James E.
Kemp, Hon. Jack F.
Kennelly, Hon. Barbara B.
Kildee, Hon. Dale E.
LaFalce, Hon. John J.
Lagomarsino, Hon. Robert J.
Lee, Hon. Gary A.
Lent, Hon. Norman F.
Long, Hon. Clarence D.
Lowery, Hon. Bill
Lungren, Hon. Dan
Madigan, Hon. Edward R.
Markey, Hon. Edward J.
Martin, Hon. Lynn
Mikulski, Hon. Barbara A.
Miller, Hon. George
Minish, Hon. Joseph G.
Mitchell, Hon. Donald J.
Moakley, Hon. Joe
Moffett, Hon. Anthony Toby
Molinari, Hon. Guy
Mollohan, Hon. Robert H.
Nelligan, Hon. James
Oberstar, Hon. James J.
Ottinger, Hon. Richard L.
Oxley, Hon. Michael G.
Panetta, Hon. Leon E.
Pepper, Hon. Claude
Peyser, Hon. Peter A.
Ratchford, Hon. William R.
Regula, Hon. Ralph S.
Rinaldo, Hon. Matthew J.
Rodino, Jr., Hon. Peter W.
Roe, Hon. Robert A.
Russo, Hon. Marty
Sabo, Hon. Martin O.
Schumer, Hon. Charles
Shannon, Hon. James M.
Smith, Hon. Christopher H.
Smith, Hon. Joseph F.
St Germain, Hon. Fernand J.
Stark, Hon. Fortney H.
Staton, Hon. David Michael
Studds, Hon. Gerry E.
Tauke, Hon. Thomas J.
Vento, Hon. Bruce F.
Volkmer, Hon. Harold L.
Won Pat, Hon. Antonio Borja
Yatron, Hon. Gus
Zablocki, Hon. Clement J.

And I am sure that the passage of this resolution was particularly gratifying to those 42 of my colleagues who are members of the order:

KNIGHTS OF COLUMBUS MEMBERS

Addabbo, Hon. Joseph P.
Andrews, Hon. Ike F.
Biaggi, Hon. Mario
Bliley, Hon. Thomas J.
Boland, Hon. Edward P.
Coelho, Hon. Tony
Conte, Hon. Silvio O.
Derwinski, Hon. Edward J.
Dingell, Hon. John D.
Donnelly, Hon. Brian J.
Dornan, Hon. Robert K.
Dwyer, Hon. Bernard
Dyson, Hon. Roy
Early, Hon. Joseph D.
Fary, Hon. John G.
Florio, Hon. James J.
Hiler, Hon. John
Hyde, Hon. Henry J.
Kazen, Jr., Hon. Abraham
Kildee, Hon. Dale E.
LaFalce, Hon. John J.
Lujan, Jr., Hon. Manuel
Luken, Hon. Thomas A.
Madigan, Hon. Edward R.
Markey, Hon. Edward J.
McDade, Hon. Joseph M.
McGrath, Hon. Raymond
Minish, Hon. Joseph G.
Moakley, Hon. Joe
Nowak, Hon. Henry J.
O'Neill, Jr., Hon. Thomas P.
Obey, Hon. David R.
Rinaldo, Hon. Matthew J.
Rodino, Jr., Hon. Peter W.
Rostenkowski, Hon. Dan
Roth, Hon. Toby
Roybal, Hon. Edward R.
Russo, Hon. Marty
Stanton, Hon. J. William
Volkmer, Hon. Harold L.
Young, Hon. Robert A.
Zablocki, Hon. Clement J.

On the day of the anniversary, my wife and I had the special privilege of attending the memorial mass and centennial banquet of the Knights of Columbus. These were two of the most moving and uplifting events in which we have ever had the honor of participating. The mass was celebrated in New Haven, Conn., in the church of Saint Mary where, as a parish priest a century ago, Father Michael J. McGivney founded the Knights of Columbus. His Excellency, Most Rev. John F. Whalon, S.T.D., archbishop of Hartford and principal celebrant and His Excellency, Most Rev. Charles P. Greco, D.D., supreme chaplain, homilist, and concelebrant led the congregation in solemn reflection on and joyous thanks to Father McGivney and God Almighty for the great success of the Knights of Columbus in serving their fellow man. The other distinguished ministers of the mass included: John Walshe, who delivered the first reading; Gerald O'Brian, delivering the second reading; Rev. G. Thomas Burns, presenting the Gospel; Rev. James Cunningham, O.P., offering the prayer of the faithful; Pamela Jackson, cantor; and Rev. Gene Gianelli and Rev. Kevin D. Robb, O.P., masters of ceremonies.

Following the mass, the guests proceeded to the splendid centennial dinner, at which it was my privilege to deliver the greetings. The program of festivities also included the invocation by the Most Rev. Basil H. Losten, bishop of Stamford; remarks by Rev. G. Thomas Burns, pastor of St. Raphael's Parish of Livingston, N.J., Rev. James J. Cunningham, O.P., pastor of Saint Mary's Church of New Haven, and John W. McDevitt, past supreme knight; an address by the Most Rev. Daniel P. Reilly, bishop of Norwich and State chaplain; and the benediction by the Most Rev. Walter W. Curtis, bishop of Bridgeport. It was an occasion of joy and warm fellow feeling for all.

Both the mass and the dinner were most enlightening as to the life and times of the founder of the Knights of Columbus, Father Michael McGivney. I would like to take this opportunity to say a few words about this outstanding American. Himself bereft of his father at an early age, Father McGivney was sensitively aware of the plight of widows and their children during the latter half of the 19th century. Many men who immigrated to our country at that time, seeking a better life for themselves and their families, found jobs requiring strenuous and often dangerous labor. They often died young, leaving families without means to sustain themselves.

Father McGivney decided to do something about the problem. On October 2, 1881, this young New Haven priest gathered together a group of his parishioners in the basement of St. Mary's Church and enunciated his plan for an organization of Catholic men to help the wives and children of their deceased brethren. His next actions demonstrate Father McGivney's devotion to two higher authorities. First, he sought the approbation of the Pope. The Knights of Columbus were to serve first and foremost God and the Catholic Church. Second, he requested the recognition of the government, and on March 29, 1882, Governer Bigelow signed into law Special Act 133 of the Connecticut Legislature incorporating the Knights of Columbus as a legal entity. All of the Knights' activities since their founding have demonstrated their unquestionable dedication to God and country.

Of course, the membership and functions of this noble order have burgeoned spectacularly since 1882. The Knights of Columbus now has 1.35 million members across the country and around the world, and has contributed greatly to an endless list of needy causes, including aid to the underprivileged and mentally handicapped, religious counseling, medical research, help to Vietnamese refugees, assistance to senior citizens, college scholarships, and on and on. But it is precisely the same spirit as motivated Father McGivney in the basement of his church 100 years ago that motivates the activities of the Knights of Columbus around the world today, and that is the undying spirit of charity, unity, fraternity, and patriotism.●

THE MILWAUKEE BAR ASSOCIATION HONORS BRUNO BITKER

HON. HENRY S. REUSS

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 6, 1982

● Mr. REUSS. Mr. Speaker, on February 17, 1982, the Milwaukee Bar Association passed a resolution honoring Mr. Bruno Bitker for his outstanding contributions to our country and the world in his efforts to bring about universal peace through law—a well-deserved honor for a great man. The text of that resolution follows:

RESOLUTION

Whereas, Bruno Bitker was born in Milwaukee on February 5, 1898, studied at Cornell University, and practiced law in Milwaukee from 1923 onwards, and

Whereas, Bruno Bitker has served his city and state as a member of the Sewerage Commission of Milwaukee from 1931 to 1953; as Special Counsel to the Governor of Wisconsin in 1937; as Counsel for the State Banking Commission in 1938; as Wisconsin State Counsel District Director of the OPA from 1942 to 1944; as Chairman of the State Public Utility Arbitration Board in 1947; as Chairman of the Milwaukee Committee on Living Cost and Food Conservation in 1947; as Chairman of the Milwaukee Commission on Economic Study in 1948; as a member of the Mayor's Commission on Human Relations from 1948 to 1952; as Federal Court Trustee of the Milwaukee Rapid Transit line from 1950 to 1952; as a member and officer of the Governor's Commission on Human Rights from 1947 to 1956; as Chairman of the Municipal Commission on Mass Transportation in 1954; as Chairman of the Governor's Commission UN from 1959 to 1976; and as a member and Chairman of the Wisconsin Advisory Committee to the U.S. Commission on Civil Rights from 1960 to 1971; and

Whereas, Bruno Bitker has represented his country as the U.S. Delegate to the International Conference on Local Governments in Geneva in 1949; as a member of the National Citizens Commission on International Cooperation in 1965; at the U.S. National Commission for UNESCO from 1965 to 1971, on the President's Commission for the Observance of Human Rights Year in 1968 and 1969; as the U.S. Civil Leadership Delegate to Germany in 1964; as the U.S. Representative at the International Conference on Human Rights in Teheran in 1968; as Consultant to the Department of State in 1968 and 1969; as a Delegate at the Human Rights Conference in 1972; and as the U.S. Representative to the UN Seminar on Human Rights in Geneva in 1978; and

Whereas, Bruno Bitker has served his community as Trustee for the Adv. Council of the Milwaukee Art Institute from 1957 to 1978; and in recognition of his many achievements has received the Milwaukee Citation for Distinguished Public Service in 1944, the Amity Award in 1950, and the Junior Achievement Award in 1959; and

Whereas, Bruno Bitker has served and represented the legal profession as a member of the Milwaukee, Wisconsin, and American Bar Associations, as Chairman of the International Human Rights Committee of the American Bar Association; as a member and past president of the Federal Bar Association in Milwaukee; as a member of the American Society of International Law and its Human Rights Panel; as a member of the World Peace through Law Center in Geneva; as a Lecturer in the Division of Continuing Education at Marquette University in 1961; and as the U.S Representative at the 1st World Conference of Lawyers in Athens in 1963, in Geneva in 1967, in Belgrade in 1971, and in the Ivory Coast in 1973.

Now therefore, be it resolved, That the Milwaukee Bar Association honors and bestows recognition upon Bruno Bitker for his services and leadership in this city and state, and for his outstanding contributions to our country and the world in his efforts to bring about universal peace through law.●

MINERAL LEASING POLICY

HON. SILVIO O. CONTE

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 6, 1982

● Mr. CONTE. Mr. Speaker, one of the most controversial issues the Congress has had to deal with in recent years is how best to balance the need for oil, gas, and minerals with the need to preserve the recreational, scenic, and wildlife wilderness areas. Year after year, the debate arises, and year after year, following the usual name calling and heated exchanges, we fail to make truly meaningful strides.

The Wilderness Act of 1964 empowered the Secretary of Interior to issue oil and gas exploration leases on a discretionary basis. This law does not preclude the Secretary from withholding leasing authority if wilderness value, for example, is seen as an overriding value of importance. Thus, the Secretary of Interior is not compelled to issue a maximum number of leases before the December 1983 expiration date of his authority.

Congressman Mo UDALL and I have cosponsored a resolution to call attention to the need to establish a set of basic principles to be used as guidelines in formulating future mineral leasing policies, and to go on record with our belief that wilderness areas should be the last areas of our land where mineral exploration should occur. In view of the fact that our highly industrialized society has a natural appetite for oil, gas, and minerals, we need to get a better hold on our criteria for issuing exploration and development leases. This is nothing more than sound land management policy, not for any one interest group, but for all citizens.

I hope that as the debate over our leasing policies continues, this resolution, with its basic principles of guidance, will bring some semblance of reasoning to the controversy, and help facilitate a healthy debate over what our needs really are. Our needs for natural resources are important and we are cognizant of those needs. By the same token, our needs for maintaining the wilderness are important too, and we are cognizant of those needs.

As our lands continue to be explored and developed, and our policies set to govern such exploration and development, let us try to hold on to some principles and balanced reasoning in the debate over what constitutes the most pressing need. I ask you to join Mr. UDALL and me in a step in that direction, and support House Resolution 427.●

BURNS & McDONALD ENGINEERING CO., INC., HONORED WITH OUTSTANDING ENGINEERING ACHIEVEMENT AWARD

HON. EUGENE V. ATKINSON

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 6, 1982

● Mr. ATKINSON. Mr. Speaker, I wish to congratulate the Burns & McDonnell Engineering Co., Inc., for being honored with an Outstanding Engineering Achievement Award from the National Society of Professional Engineers in its 16th annual national competition.

This award was presented to Burns & McDonnell for their sewage treatment plant design. This design uses existing technology in a unique way that should save future communities millions of dollars in construction and operation costs. The design uses only 3 pieces of mechanical equipment compared with the 10 to 20 in other systems. It eliminates many of the pumps, pipes, and tanks required in traditional plants, resulting in lower costs all around. Burns & McDonnell estimates that the design could cut construction costs by up to 60 percent, operation and maintenance costs by up to 45 percent, and land area costs by up to 50 percent.

This award-winning system is built in self-sufficient modules. Therefore, allowing a city or an industry, which experiences seasonal demands, to build a number of basins for use in the peak season, then close them down during the off-season. Energy savings from this flexibility is considerable. The new system can also be installed in existing waste-water facilities as additional capacity or as a modification. Further, the system is quiet and virtually odor-free.

Self-sufficiency can also aid airports, factories, powerplants, or military installations located miles from the nearest sewer hookup. These facilities can process their own waste water independently and recycle the cleaned water directly back into their industrial processes. This ability to recycle the same water is especially important for water-short regions of the country.

Burns & McDonnell sought an innovative way to process waste water because the Little Blue Valley Sewer District needed a plant they could not afford. The new plant can do the work of sewage treatment plants costing more than twice as much and requiring less energy, factors which saved Little Blue $30 million.

The Environmental Protection Agency gave Burns & McDonnell the funds to build and operate a pilot project. In addition, it officially classified the design as "innovative and alternative" which means the EPA guarantees the design works, and the Federal Government will pay 85 percent instead of 75 percent of the design costs of the sewage treatment plant.

Mr. Speaker, during a time when the construction of waste-water treatment plants are being criticized because of cost overruns and unsatisfactory performances, I think it is only fair to recognize Burns & McDonnell for their unique and inexpensive design. I am sure that this system with its innumerable benefits will aid many communities that before would have been unable to afford a needed waste-water treatment plant.●

HIGH INTEREST RATES: AN ECONOMIC CRISIS THAT CAN BE SOLVED

HON. THOMAS B. EVANS, JR.

OF DELAWARE

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 6, 1982

● Mr. EVANS of Delaware. Mr. Speaker, the American people are beginning to tire of the seemingly endless arguments over what is causing interest rates to remain at intolerably high levels. They want action to bring those rates down.

High interest rates are the single most cause of immense human suffering in our country today—unemployment, economic stagnation, forced bankruptcies, mortgage, and loan defaults. And whatever the cause may be, one unalterable fact remains: If interest rates are not brought down substantially that human suffering will not only continue but will grow more severe.

I believe we have the means at our disposal to bring down interest rates—rapidly and dramatically. We need only to act with courage and resolution.

I have long been proposing a number of initiations that will help bring down interest rates. These proposals have unfortunately have been stalled by some in the administration, and in Congress, who prefer endless rhetoric to making hard choices.

This inertia is unfortunate, for if all were to see the larger picture it would be clear that the following initiatives could be put into effect without gouging of Government programs for people truly in need, without abandoning the basic foundations of the President's economic program such as individual tax relief, and without sacrificing such vital interests as our national security.

Furthermore, these initiatives would also work toward increasing the equity and fairness of the administration's comprehensive economic program. In order for any Government program to have a reasonable chance for success it must have the support of a road segment of the American people. To achieve that support, the program must be perceived as evenhanded, equitable, and fair. Rightly or wrongly, that is not now the case with the comprehensive economic program.

Here are some ways in which I feel interest rates can be brought down—while simultaneously improving the equity of the administration's economic policies:

First, Congress must signal its determination to narrow the budget deficit by reducing expenditures. This can be accomplished without hurting people truly in need through such legislation as my Coastal Barrier Resources Act—which would end the Federal Government's unnecessary and unwise subsidies for private development of fragile, storm-prone barrier islands. Estimated savings: Up to $500 million a year for the next two decades, and there are similar opportunities for billions in additional savings.

Second, Congress must signal its determination to further narrow the budget deficit by increasing revenues. This can be accomplished without delaying or repealing the individual tax cuts through such legislation as the Bankruptcy Improvements Act. This legislation would end current abuses of bankruptcy laws and separate those individuals who truly cannot pay their debts from those who can, but would rather not. Estimated revenue increase: $1 billion a year, or more.

Third, Congress must signal all segments of the economy that everyone is going to pay their fair share of the tax burden—no more, certainly, but just as important, no less. In brief, we must act immediately to close tax loopholes by, among others: restricting the lease sale provision whereby successful corporations can buy the losses of other businesses to eliminate their own tax bill; by establishing a minimum tax for large, profitable corporations and wealthy individuals; and by tightening the windfall profits tax on oil companies. Closing tax loopholes is not a tax increase; it is tax equity.

Fourth, Congress must signal its determination to assure that all Federal agencies and departments—including the Pentagon—share equally in the burden of cutting the runaway growth of Government. Foremost should be an acceleration of our efforts to eliminate waste, abuse, and mismanagement from Government spending. The President's appointment of a Private Sector Survey Commission, which I have long recommended, was a step in the right direction. Congress should now direct that Commission to eliminate waste and inefficiency in every area—including defense spending. I firmly believe we could reduce the growth in defense spending by $10 billion without jeopardizing our national security.

Fifth, Congress must act—now—to provide short-term emergency relief for those segments of the economy hardest hit by intolerable interest rates; but any such action must not aggravate the already bloated Federal deficit.

I recently sought to introduce, along with my colleague from Illinois, Congressman TOM CORCORAN, an amendment to the urgent supplemental appropriations bill which had been scheduled for House consideration on March 31. Our amendment would transfer $1 billion from already appropriated but unallocated funds from the Synthetic Fuels Corporation—

SFC—to provide emergency assistance to people who want to buy homes but cannot afford current mortgage interest rates.

This $1 billion would be administered by State and local housing agencies to make mortgages more affordable in conjunction with mortgage revenue bond issues. Such badly needed assistance could provide up to 8.7 billion dollars' worth of 12-percent home mortgages, and generate 348,000 home sales over the next 18 months; over 287,000 construction and construction-related jobs in the next year; and over $1.8 billion in increased tax revenues at the Federal State, and local level due to accelerated business activity.

I would remind my colleagues, to use the President's words, this is not a "budget busting bailout." These are previously appropriated funds for fiscal year 1982. The choice is clear: continued subsidies for huge, immensly profitable, multinational energy companies, or help—now—for our Nation's homebuilders and construction workers and those thousands of American families who want to achieve the American dream of owning their own home.

Taken together, these initiations would not only provide some immediate relief, they would also work to narrow the Federal deficit and reduce interest rates.

We can—immediately—assist severely depressed segments of the economy without risking another surge in inflation. We can put tens of thousands of Americans back to work. We can increase Federal revenues without going back on our pledge to provide tax relief for average Americans. And we can add a new measure of fairness and equity to the administration's economic program—thereby improving immeasureably our chances for success in achieving real economic recovery.

The time for rhetoric is past—both in the White House and in Congress. It is time for action.●

OUR WILDERNESS AREAS MUST BE PROTECTED

HON. GLENN M. ANDERSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 6, 1982

● Mr. ANDERSON. Mr. Speaker, the National Wilderness Preservation System, established in 1964 by the Wilderness Act, was created by Congress with the intent to provide the American people with an "enduring resource of wilderness." I fear, however, that the programs currently being promoted by the Department of the Interior will have a contrary effect to that desired by the Congress and the American people, both in 1964 and today.

Specifically, I fear that the Department of the Interior seeks to exchange a proposed short-term moratorium on mining and drilling in wilderness areas for the longrun vulnerability of those same pristine areas. Yet, it was precisely the longrun protection of our priceless natural heritage that Congress desired when it passed the Wilderness Act of 1964.

I do not think that any reasonable citizen could or should object to the development of resources that are clearly vital to our Nation's security. I do believe, however, that few citizens would tolerate widespread devastation of pristine wilderness areas. I strongly believe that wilderness areas are unique resources of enduring and priceless value. Based on the mail I have received from my constituents, I am convinced that the values delineated by the Wilderness Act continue to be held by the majority of Americans.

Mr. Speaker, I would like to insert into the Congressional Record the following editorials from two respected and prominent newspapers, widely read in my district of California, the "Los Angeles Times" and the "Long Beach Press-Telegram." These two editorials, written in late February of this year, illustrate that, in spite of adverse economic conditions, the values Californians hold for their country's wilderness areas remain strong. I hope that these editorials will be read and considered by the Department of the Interior's policymakers.

[From the Los Angeles Times, Feb. 24, 1982]

LOOSE IN THE WILDERNESS

The olive branch that Interior Secretary James G. Watt seemed to extend in the fight over the nation's wilderness areas turns out to be a cactus.

During a Sunday appearance on NBC's "Meet the Press," Watt said he would ask Congress this week to amend the Wilderness Act of 1964 to block the exploration for minerals in any wilderness area until the year 2000.

That sounded at first like a good deal for people who have fought for years to preserve some of America's forests and mountain slopes in their natural state.

But, when the Sunday promise was reduced to writing, it turned out to be a step backward for the wilderness.

First, the present law closes wilderness areas to mining and oil production indefinitely starting at the end of 1983. Under the Watt proposal, wilderness lands would automatically be reopened to leasing in the year 2000. To keep them closed, Congress would have to go back through the whole protection fight again.

Second, the one concession that Watt would make is a moratorium on leasing between now and 1983. The original law allowed applications for leases for 20 years. No Interior secretary had ever encouraged leasing in the wilderness. Watt did. So his concession deals with a problem that he created.

On close examination, it is not a concession at all. Congress already has the authority to close wilderness areas to leasing when it thinks they are being threatened.

In fact, Watt's proposal is a direct result of a move by Congress to do just that—a move led by Rep. Manuel Lujan Jr. (R-N.M.), ranking minority member of the House Interior Committee. Lujan was so disturbed by an effort to drill for oil in a New Mexico wilderness area that he proposed shutting down all 78 million acres of the National Wilderness Preservation System at once.

Other sections of the draft bill make it clear that Watt is not softening his crusade to open wilderness areas to mining and energy production, but is trying to soften the law.

For example, federal officials are evaluating 64 million more acres of wilderness area that Congress is considering for inclusion in the national wilderness system.

The Interior Department draft bill would set deadlines for Congress to make up its mind on the new acreage. If Congress missed the deadlines, the land would be up for grabs again.

That is a sly notion. Congress is not good at meeting deadlines.

Watt argues tht the nation must explore for resources more aggressively; he stresses the dangers of depending on foreign countries for such strategic minerals as chromium and platinum.

But a recent study by a top U.S. resource economist says that only about 1% of the country's untapped oil will be found in wilderness areas. The Interior Department's own basic-resources handbook says there is no chromium in the United States worth mining, and very little platinum, inside or outside wilderness areas.

It seems clear from these geological reports that wilderness areas have little to offer the nation but natural grandeur. They are parts of North America that remain as they always were—uncluttered by traffic, free of pollution, places where no slabs of concrete separate people from the their land.

These havens of raw nature are worth fighting to preserve, as Congress has made clear in its first reactions to the Watt draft.

Watt should acknowledge that he is wrong on the issue, and stop trying to force his way into the wilderness disguised as a friend of nature.

[From the Long Beach Press-Telegram, Feb. 25, 1982]

AH, WILDERNESS: WATT'S NEXT?

Congress should reject James Watt's latest plan to 'save' the wilderness.

For the briefest of moments on Sunday it looked as if Interior Secretary James Watt had been reborn as an environmentalist. In a television interview program, he said he would ask Congress for a moratorium to the year 2000 on drilling for oil and gas and mining for coal and minerals on nearly 80 million acres of wilderness.

It sounded like a turnabout by the environmentalists' Wilderness Enemy No. 1. No such luck. When copies of the proposed legislation began to make the rounds in Washington Monday, it became apparent, the Watt plan was just a covert attempt to slip oil, gas and coal companies into what remains of America's wilderness.

Under the Wilderness Act of 1964, companies wishing to look for oil, gas and coal would have to obtain permission to do so by Dec. 31, 1983. After that date, designated wilderness areas would have been permanently beyond their grasp. Faced by that deadline, companies whose main product is energy have been pushing for the approval of roughly 1,000 oil and gas lease applications in 200 wilderness areas in 25 states.

By proposing legislation that would extend the ban for 18 years, Watt was, in essence, trying an end run around the Wilderness Act and the 1983 deadline. On Jan. 1, 2001, the ban would have been over—and the wilderness areas would have been open, once more, to uncontrolled exploitation.

Watt's Sunday "conversion," it is now clear, was also a clumsy attempt to get by Congress.

About 20 million acres of land are being considered for designation as sanctioned wilderness areas. Although formal protection has not yet been extended to these lands, development on them has been halted. Under Watt's new approach, these lands would come under the government's protective wing only if Congress acted by deadlines to be set by Watt. Since any deadline could easily be subverted by any one of a hundred legislative delaying tactics, many of those 20 million acres, no doubt, would soon be crawling with heavy land-moving machines.

Watt's attempts to bypass existing legislation, to manipulate Congress and to sidestep the national desire to protect America's wilderness areas were ill-advised. Unlike the wilderness, Watt's plan should be allowed to wither away.●

WALT MICHAELS, FOOTBALL GREAT, TO BE HONORED

HON. JAMES L. NELLIGAN

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 6, 1982

● Mr. NELLIGAN. Mr. Speaker, on April 18, the Borough of Swoyersville in Luzerne County, Pa., will pay tribute to one of its most famous sons—Walt Michaels. It is with pleasure that I join with the residents of Swoyersville and the Wyoming Valley in saluting one of the finest players in modern pro football history.

The son of Polish immigrants, Walt Michaels first distinguished himself as an outstanding high school athlete before going on to play fullback, guard, and linebacker at Washington & Lee. Walt was drafted by the Cleveland Browns in 1951.

While a linebacker for the Browns, he played on two National Football League championship teams, five divisional winners and was selected to play in the Pro Bowl 4 straight years—from 1957 through 1960. He began his coaching career as a defensive line coach for the National Football League's Oakland Raiders in 1962, and joined the New York Jets the following year in a similar position.

In 1977, Walt was named the head coach of the New York Jets. Since then, he has been selected National Football League Coach of the Year by several media organizations.

Walt is a member of one of the Nation's best-known football families. His brother Lou was a standout placekicker and defensive end who played in the National Football League for 11 years after earning All-America honors as a tackle at Kentucky. Their mother Mary was named National Football League Mother of the Year in 1966.

Walt is married to the former Betty Yuhas of Swoyersville. The Michaels have four children: Mary Ann, Walter, Jr., Mark, and Paul.

Mr. Speaker, I join with the residents of the 11th Congressional District of Pennsylvania, which I am privileged to represent, in saluting the achievements of this outstanding athlete and coach.●

CENTRAL AMERICA AND THE CARIBBEAN ARE NOT STRATEGICALLY IMPORTANT TO THE U.S.

HON. GEORGE E. BROWN, JR.

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 6, 1982

● Mr. BROWN of California. Mr. Speaker, an unspoken assumption in the debate over U.S. policy in Central America and the Caribbean is that these are vital areas of the utmost importance to the United States in strategic terms. The very geographical proximity seems to make this proposition self-evident, and the existence of the Panama Canal would appear to render the strategic importance of the region unchallengeable.

As with so many other implicit assumptions in our foreign policy, this one, too, can benefit from a more rigorous examination. Such an inquiry has been under way by Dr. Abraham F. Lowenthal, a scholar at the Wilson Center of the Smithsonian Institution. Dr. Lowenthal is a Caribbean and Central American specialist, and has written an excellent article on this subject in the spring 1982 issue of the Wilson Quarterly. Unfortunately, the length of that article precludes placing it in the RECORD for wider dissemination within the Congress. In its stead, I am placing an article by Dr. Lowenthal, which appeared in last Sunday's Washington Post Outlook section.

As surprising as it may seem, it is his carefully studied conclusion that the Caribbean and Central America are not strategically important to the United States. Just as the generals are always fighting the last war, judgments as to the stragtegic importance of any one region have typically been made in terms that would make sense in World War II. In this day of shrinking global distances, air transport, instant communications, and long-range missiles, we must use different measures for the strategic importance of one or another region.

Among such measures are the degree and extent of international trade, the transmigration of peoples, and general cultural interaction between the United States and the region. Because of our sheer size in terms of trade, our ability to absorb migratory waves, and as well as the immense cultural influence we have over the countries of the region, the United States exerts a powerful presence. The reverse cannot be said to be so valid.

Even the Panama Canal, while still useful, cannot be said to be essential in the old sense. A shrinking share of U.S. trade passes through the canal, and it is unthinkable that any Panamanian Government, whatever its color, would choose to reduce a major source of its income.

In economic terms, the importance of the region to the United States has decreased. By 1978, U.S. investment in the Caribbean, for example, amounted to only 2.5 percent of direct U.S. foreign investment. Today, the United States depends on no commodity imported from the Caribbean.

The real importance of the region to the United States should be seen in humanitarian terms. It is unconscionable that we should continue to pursue the cyclical policy of neglect followed by extreme military concern, with no regard to the genuine needs of the region. While the region is not of major economic importance to the United States at present, an enlightened foreign policy that would spur its economic development could render the area a major trading partner to the mutual benefit of all parties. A Caribbean Basin initiative that ha two thirds of its resouces going to one country, and in security assistance at that, is not at all the kind of policy that can bear future benefits.

I commend the following article to my colleagues.

LET THE LATINS HAVE THEIR TURMOIL IN PEACE: IT'S THE ONLY REASONABLE POLICY OPTION WE'VE GOT

(By Abraham F. Lowenthal)

It is obvious by now that the United States is caught in a deepening morass in Central America. Every week brings more bad news: political and military reverses for the groups our government is backing in the region; further evidence that many elements of Central America's security forces are brutal and corrupt; desperately incompetent attempts by the Reagan administration to influence public opinion; and a widening gap between what is at stake in Central America and the means available to advance U.S. interests.

Is there any way out of this disturbing mess? To answer that question, we need to focus on the range of choice left to the United States, to define which results would be acceptable and achievable—and which would be dangerous and unacceptable.

The Reagan administration's approach to Central America is based primarily on exaggerated fears and unrealistic aims. It derives more from a desire to display national strength than from a sense of national self-confidence. And it stems more from projecting extraneous concerns upon Central America than from assessing the region's own realities and significance.

The welter of contradictory statements emerging from various parts of the administration suggests that the U.S. government thinks of Central America as a stack of dominoes, being tipped primarily by external (Cuban and Soviet) pressure. The administration believes that a revolutionary triumph in El Salvador would lead almost ineluctably to leftist victories in the other Central American nations. The possibility of several insurgent victories is thought ultimately to threaten oil-rich Mexico (and problems for Mexico, it is said, would inundate the United States with refugees). More immediately, the administration apparently fears that leftist regimes in Central America would jeopardize U.S. security and other interests: maritime routes, the Panama Canal, and other assets.

Taken together, those interests are regarded as "vital"—more so, according to Secretary of State Alexander Haig, than those for which so many tens of thousands died in Vietnam. To protect these interests—and to preserve U.S. influence and prestige—the Reagan administration provides military training and equipment, sends advisers, steps up economic assistance, considers (and probably undertakes) covert paramilitary intervention, refuses to rule out direct military involvement, and eschews negotiations that might involve redistributing power.

The Reagan administration's fears are largely unfounded, its concept of what is at stake in Central America is unwarranted, its assessment of Central America's dynamics is inadequate, and its chosen instruments are ill-chosen to achieve even those goals that are attainable.

The realities are as follows:

The insurgencies in Central America are primarily indigenous, not inspired or controlled by the Soviets or the Cubans. Cuba is no doubt supporting the guerillas, and a panoply of other external actors are involved: the United States and the Soviet Union, Israel and the PLO, Argentina and Venezuela, the European Social Democrats and the Christian Democrats, the human rights activists and the anti-communist international movement. But none of these actors is as important as what is happening internally. Whatever their source, guns do not fire themselves.

Each Central American country is different. Events in any one nation surely will affect trends in another, sometimes importantly, but internal conditions in each country are crucial. Costa Rica's future, for example, will be more affected by its own economic quandary than by El Salvador's civil war.

The probable effect on Mexico of a region-wide turn to the left in Central America would be to strengthen conservative forces. The most likely way to increase the chances of a left-nationalist anti-U.S. movement in Mexico would be to undertake U.S. military action or detectable paramilitary intervention in Central America.

The real threat to U.S. security, even from region-wide leftist victories, is strictly limited. The one clear imperative is to prevent a strategic threat from being introduced in Central America. Strategic weapons have been kept out of Cuba for 20 years by agreement between the United States and the Soviet Union. There is no reason to believe that it would be easier for the Soviet Union to introduce such highly provocative (indeed, unacceptable) weapons into the vulnerable nations of Central America than into its close and consolidated ally in Cuba.

U.S. economic interests in Central America are scant. No other significant and tangible U.S. interests are engaged, except insofar as Central American migration expands and creates a new set of U.S. interests. Central America's future need not be any more "vital" for the United States than we make it. The more the administration escalates its rhetoric, the more it creates a self-fulfilling prophecy.

The central issue for the Reagan administration is its perception that "losing" a confrontation in Central America will further undermine U.S. influence elsewhere and—not incidentally—weaken the administration's own political standing. To point out that this wound would be largely self-inflicted—the administration chose, after all, to "draw a line" in El Salvador, perhaps because Soviet expansionism is easier to "stop" where it is not occurring than where it is—does not solve the problem. The way to reduce the troubling prospect that a setback in Central America will weaken the United States elsewhere, however, is not by forcing an unwinnable confrontation, but by seeking a diplomatic solution.

The Reagan administration appears to desire in Central America is a cluster of friendly, stable nations which hold honest elections and respect human rights, welcome U.S. private investment, and support Washington internationally. In short, the Reagan administration wants congenial, prosperous neighbors.

That goal is not realistic. No matter what the U.S. government does (or does not do), Central America in the next several years will be unstable, economically distressed, strife-torn, and unable to build and sustain effective political institutions. U.S. investors will not flock to Central America. Some of the region's most stable countries may turn out to be the most independent of the United States. Hegemony will not be easily reimposed.

What, then, should be done? How can the United States reverse the drift toward disaster in Central America?

The first step is to focus on how to avoid the worst.

The worst that could possibly happen in Central America would be to blunder into a global war with the Soviet Union. That ultimate tragedy is improbable, but the chain of consequences leading from a possible U.S. invasion of Cuba all the way to Armageddon is not harder to imagine than the process which led from the assassination of an Austrian archduke to World War I.

The United States should immediately take steps, therefore, to reassure the Soviet Union that our government will continue to respect Cuba's territorial integrity, as we expect full adherence by the Soviet Union to other aspects of the 1962 agreements which settled the missile crisis.

Apart from world war, the worst reasonably feared course in Central America would be prolonged U.S. military involvement in Central America's civil turmoil. U.S. military intervention would strengthen anti-American forces throughout Central America, Latin America and the whole Third World, fuel major conflicts with key allies, fracture consensus within the United States, and distract attention from more serious national and international problems.

A quick, decisive and "successful" U.S. military intervention is simply not in the cards. Even if it were, it would be a course to avoid. U.S. military intervention would blur the important distinction between the international role of the United States and that of the Soviet Union, and would perpetuate precisely the forms of international behavior we are trying to end. Ultimately, too, the regime imposed or reinforced by U.S. intervention would likely be forced out by intransigently anti-U.S. forces, enraged by the interventionist role of the United States.

The way to avoid all these profoundly undesirable results is by making it crystal clear that the United States will not undertake military or paramilitary intervention in Central America. The administration should voluntarily and formally clarify that force will only be contemplated to remove a clear and present security threat, and then only under multilateral auspices of the Organization of American States. If the administration persists in keeping its (rhetorical) options open, Congress should impose further restrictions on the executive.

Another result the United States should be trying to avert is the decisive military victory of anti-U.S. leftist forces over those with whom we have been aligned in Central America. The more clearly military a victory of the insurgents, the less influence the United States and other forces for moderation will have after a leftist triumph—and the greater the demonstration effect elsewhere in the region. It would be in the interest of the United States, therefore, to move the forum of confrontation in El Salvador from the battlefield to the negotiation table—an arena where the economic strength and political influence of Mexico, Venezuela, and the United states will be more relevant.

The most likely outcome in Central America in the intermediate term is protracted and expanded civil war. The United States should do all it can to help avoid this: by supporting international efforts at mediation, by working with all relevant parties to curtail arms flows from ourselves and others to the region, by supporting economic development programs in countries (like Costa Rica) where viable policies are threatened, and by trying to support moderate groups in each country. All these courses should be pursued, but they may very well not be enough to co-opt the insurgents.

It may be, therefore, that the best we can realistically hope for in Central America is the establishment in the next several years of independent, nationalist, left-leaning, even Marxist-Leninist regimes. Some of these regimes, like the current Sandinista junta in Nicaragua, may well be friendly to Cuba and to the Soviet Union, especially if they come to power with Cuban help and against the will of the United States.

If U.S. policy permits, however, all these nations should still be inserted firmly within the international capitalist economy. They will still be dependent on trade, finance, technology and investment from the United States, and they will be accessible to U.S. influence. They will still be interested in U.S. economic assistance, which is likely to be far more effective as a constructive influence on behavior than predictably counterproductive threats

Not even this result will be easily achieved. If the administration continues to "draw lines," to threaten, to reject negotiations, to undermine international efforts at mediation, and to grasp at straws to justify its stance, it will leave itself no choices but humiliation or intervention.

One can hope, however, that today's elections in El Salvador, however they turn out, will give the Reagan administration a chance to change its course.

The way to do so is clear: to rule out U.S. military intervention; to seek renewed multilateral backing to prohibit the introduction of extra-hemispheric military bases in the region; to support fully Mexico's effort to negotiate a political solution, and genuinely to accept profound changes in Central America, even when they diminish immediate U.S. influence. There is no other way out.●

COLORADO RIVER BASIN SALINITY CONTROL ACT AMENDMENTS OF 1982

HON. RAY KOGOVSEK

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 6, 1982

● Mr. KOGOVSEK. Mr. Speaker, I, along with several of my colleagues, am introducing today a bill to amend the Colorado River Basin Salinity Control Act of 1974. This legislation will authorize certain additional measures in the program to assure accomplishment of the objectives of title II of Public Law 93-320.

The Colorado River is one of our Nation's most valuable resources. It includes some of our great scenic wonders, such as the Grand Canyon and Lake Powell, which are enjoyed by all of our citizens. It is the sight of some of our most distinguished engineering achievements such as Hoover and Glen Canyon Dams. It provides water and energy to approximately 17 million citizens in one-twelfth of the United States, ranging from farms and small communities in Colorado and Wyoming to the huge industrial complex of Los Angeles, our third largest city. Furthermore, development of the vast mineral resources of Colorado and Wyoming, as well as mitigation of growth impacts hinge on the use of the waters and energy from the Colorado River Basin. How wrong was Lt. Joseph Ives, one of the Colorado River's first explorers, when he dismissed the region saying,

> It seems intended by nature that the Colorado River, along the greater portion of its lonely and majestic way, shall be forever unvisited and undisturbed.

We are now faced with a new challenge on the Colorado, one which requires that we advance our understanding of its problems and bring new technology to resolve them. In 1974, Congress recognized that both nature and man contributed to the increasing salinity of the Colorado River, and it was reaching its limit of usefulness. The total annual salt load in the river at Imperial Dam near the Mexican border is estimated to be approximately 10 million tons. In our urban areas, this reduces the useful lives of our utility distribution systems, home, business and industry piping, fixtures, and heating vessels, increases water treatment and conditioning costs, and prevents reclamation and reuse without costly desalting techniques. High salinity harms our agricultural areas by limiting the crops that can be grown, and the productivity of the soils. Salt buildup in our ground water basins will destroy their use as natural reservoirs. Furthermore, continued increases in salinity levels on the river are of deep concern to the Republic of Mexico, who suffers similar damages to its economy.

Research by the Bureau of Reclamation has put an annual price tag of $100 million on the damages caused by this salinity today, and estimates that it will more than double by the turn of the century if the corrective steps authorized by the 1974 Colorado River Basin Salinity Control Act are not continued and expanded. We have learned a great deal since Congress acted in 1974, and we can now develop a more effective program to implement salinity control measures to carry out the objectives of the original act. These objectives include the Federal-State adopted policy for the Colorado River Basin which requires that salinity levels in the lower mainstem be maintained at or below 1972 levels while the States continue to develop their compact entitled waters. Therefore, I am introducing today, with some of my colleagues from the Basin States, legislation to implement new strategies and programs to overcome this problem.

The bill provides for the authorization of six new units, and also includes specific administration and congressional oversight of final implementation plans of such units prior to construction. It allows for joint ventures with industrial water users so that brackish and saline basin waters, rather than fresh water, can be beneficially used for industrial purposes. Furthermore, it provides for improving interconnected canal and lateral systems with all but the salinity benefits being paid for by the water users benefited by the program. The legislation authorizes the development of a salinity control program on lands administered by the Bureau of Land Management, as well as the implementation of a voluntary onfarm salinity program through the Department of Agriculture. This approach takes full advantage of the capability of Agriculture's agencies in lieu of the "programs available" approach currently being followed. Finally, the bill contains two features which are important to those concerned about Federal spending. It provides an obligation by non-Federal interests to repay the costs of Department of Agriculture programs in the manner previously established for Department of the Interior programs. In addition, it requires continued studies and evaluations of the overall cost effectiveness to better define the program.

Mr. Speaker, the essence of this legislation is that it is "preventative medicine" for the Colorado River Basin. It wil permit us to avoid more costly salinity control techniques now, and in the future. The bill has the full support of the seven Colorado River Basin States and demonstrates the continued effort of those States to resolve their problems in a cooperative manner. By maintaining these salinity objectives, my State and the other States of the Upper Basin can continue to develop the water supplies allocated to them under the Colorado River compact and prevent further damage to our downstream neighbors including the Republic of Mexico.

I believe this is an important step in resolving a serious pollution problem in one of our largest rivers, and I urge my colleagues to join me in enacting this legislation.●

CUTTING FUNDS FOR CHILDHOOD IMMUNIZATION—SHORTSIGHTED RISK WITH LONG-TERM CONSEQUENCES

HON. MARIO BIAGGI

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 6, 1982

● Mr. BIAGGI. Mr. Speaker, of all the proposals in the President's fiscal year 1983 budget request, perhaps none are as damaging as his proposals to cut funds for valuable health maintenance programs for those of all ages. It is a well-established fact that the old adage, "An ounce of prevention is worth a pound of cure" neatly applies to the proposals to slash childhood immunization programs which have proven their effectiveness in preventing disease in those who are some of the most vulnerable of our population.

The following article from the Los Angeles Times appropriately describes the importance of this small, but effective program—and the consequences we face without it. I commend it to my colleagues attention as we discuss the merits of the President's fiscal year 1983 budget proposals in the weeks ahead.

PUTTING CHILDREN IN DANGER OF DEATH; IMMUNIZATION, A GOOD FORM OF MEDICINE, WOULD BE CUT

(By Carol Levine)

On the long trip home from a New England vacation, my daughters chatted eagerly about Louisa May Alcott's house and Paul Revere's ride. My son, then 6 years old, sat between them, uncharacteristically solemn. What, I finally asked, did he remember most about the trip?

"That old cemetery we visited," he replied. "The one with all the funny carved stones that you read out loud." A long pause. "I didn't know that children could die."

Tragically, children do die—of accidents, birth defects and cancer, among other causes. But in this country, in this decade, and with very few exceptions, children do not die of illnesses like whooping cough and diphtheria, which ravaged entire communities in colonial times and threatened children as recently as the 1950s.

Nor are large numbers of children crippled by polio, or left permanently damaged by the complications of measles and mumps, or afflicted with birth defects like deafness or retardation because their mothers contracted rubella (German measles) during pregnancy. Only about 10 cases of paralytic polio are reported each year. A few generations ago, nearly every child contracted measles; within a few years the disease may be eliminated, the federal Center for Disease Control predicts.

These devastating childhood diseases can be prevented by immunizations, and since the early 1960s (and with a special push starting in 1977) the center has been funding grants to the states through its childhood immunization program, providing half the doses of polio, rubella, measles and mumps vaccine distributed in the public sector.

This program has saved lives and reduced suffering. Moreover, as Dr. H. David Banta, assistant director of the Office of Technology Assessment, pointed out in testimony to a congressional committee on Feb. 4, it is that rarest of medical interventions: one that actually saves money. The costs of immunization are much lower than—perhaps one-tenth—the costs of treating sick children, not even counting projected losses in their future productivity.

Why then should anyone want to cut a successful effort at federal-local cooperation that has no history of abuse? Has any child been vaccinated who didn't need or deserve to be?

Yet if the program's proposed budget for 1983 is approved, the number of children immunized will drop by 2 million. The Reagan Administration has proposed $21.9 million in funding, just about the same amount that was provided by the continuing budget resolution passed by Congress on Dec. 15. (The Administration had earlier proposed a budget of under $16 million.)

The difference is that an average 25-percent increase is expected in the cost of the vaccine supplied to the Center for Disease Control by the Merck, Sharp & Dohme and Lederle pharmaceutical companies. The higher costs are due to inflation and less advantageous contracts based on the purchase of smaller quantities of vaccine.

Each year, the center estimates, 5.4 million to 5.6 million pre-school children who receive immunizations through public funding need either basic immunization or booster shots. In addition, 3 million to 4 million school-age children have not been adequately immunized, and 13.6 million children have never received mumps vaccine. These unimmunized children are primarily those from the families of the urban and rural poor and undocumented immigrants.

Surely the policy-makers in Washington do not want these children to get sick or, worse yet, to die. But they are willing to take a chance in the belief that others will step in to close the gap. Perhaps the states will increase their share of the funding. Perhaps charitable doctors will immunize poor children without charge. Perhaps parents will pay on their own, choosing vaccines over bread, clothing or transportation.

Perhaps. But the history of the immunization program shows that, when federal spending has declined, the number of reported cases of a particular disease has increased. And, even though the states now have potential sources of additional income through the maternal-and-child-health block grants and preventive health grants, the competing pressures for these funds are certain to be severe.

Only a sustained federal commitment can maintain the public interest in controlling childhood diseases. Even in previous administrations, when funding levels were higher, poor children did not have equal access to medical care. But, in this Administration's budget priorities, poor children have suffered most—through cuts in Medicaid, food stamps, school-lunch programs, maternal-and-child-health grants, grants to crippled children and more.

One medical program will not redress all the inequities in these children's lives. But how can we deny any child basic protection against communicable disease? Immunization is good medicine, sound economics and humane care. An Administration that proclaims its support of the family should also support the needs of children.●

SMALL BUSINESS AND FARMERS BENEFIT FROM CORRECT USE OF SAFE HARBOR LEASING

HON. HAL DAUB

OF NEBRASKA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 6, 1982

● Mr. DAUB. Mr. Speaker, the Economic Recovery Tax Act of 1981 set in motion basic structural improvements in our economy. They were desperately needed.

We finally reduced taxes. We finally acted to encourage savings. We finally provided business incentives to invest in new equipment—to retool and modernize America for the future.

Long overdue, we finally responded to our capital needs with a comprehensive economic recovery plan designed to improve our Nation's lagging productivity and our ability to compete in the world marketplace. As a Congressman with a business background, I thought these actions made good economic sense then and I still do.

One aspect of this economic stimulus package that has been the subject of intense criticism was the safe harbor leasing provision. Although the foundaton of this law is basically sound, that being to allow the incentives for capital expansion and modernization to be useful to concerns that are currently unprofitable. This is important in as much as it was our intent to assist these unprofitable enterprises in particular.

My concern today is not to suggest reform of the safe harbor leasing law, although I believe reforms are necessary to avoid certain abuses. Nor is it to recount the advantages available to the distressed auto manufacturers. The airlines and others who badly need new equipment to strengthen their operations and ensure continued if not increased employment.

What I intend is to draw attention to today is the opportunity and advantage available to two groups who have been little discussed in the current controversy. Those two groups are the agricultural and small business communities.

Although agricultural and small business involvement is not that extensive yet nor much publicized, the interest and future potential for such beneficial activity is apparent.

High interest rates are creating severe problems across the entire economic spectrum. Businesses are having to close their doors. Cash flow problems are abundant. Expenditures for new equipment are being postponed.

In the area of agriculture alone, indebtedness this year will reach a record high of approximately $200 billion. Interest charges on that debt will be staggering. According to the American Farm Bureau Federation, net farm income will fall to the "lowest level since the depression of the 1930's." Agricultural exports will decline for the first time since the late 1960's. Coming from a State where both agriculture and small business are prevalent, I recognize that they are the backbone of our economy. There can be no recovery without their overall involvement.

I believe it should be more widely discussed that during these times of high interest rates, safe harbor leasing could prove to be particularly helpful to small business and especially the farming industry. Particularly in the areas of financing new equipment and interest rate relief, the new provision is quite helpful to agriculture. By entering into a leasing arrangement, the farmer can realize significant interest savings. Interest rates for purchase of new equipment can be cut by as much as 8 to 9 percent.

For example, the Allis-Chalmers Credit Corp., is offering the farmer an opportunity through a safe harbor leasing arrangement to purchase equipment at a finance rate as low as 9.9 percent. Information on the lease/ownership plan is readable, understandable, and to the point.

Because the lease purchase or full-payout lease may now be treated as a true lease for Federal income tax purposes. This means that additional tax benefits are available to the lessor which can inure to the benefit of the customer. A combination of a low interest rate, the ability to expense the entire lease payment, and to acquire ownership at the completion of the lease for a nominal amount.

The bottom line, in the case of an offer currently available to the farmer by the Allis-Chalmers Credit Corp., is that by purchasing equipment valued at $50,000 under Safe-Harbor the purchaser pays $8,000 less than he would if he acquired the property at the 13.9 percent rate available under conventional purchase.

It appears clear that the advantages of Safe-Harbor are available not only to Chrysler or Eastern but to the family farm or the small, independent business. This example I cite is only to illustrate that it is altogether possible to use Safe-Harbor to assist our struggling agriculture and small business communities. I am confident that if we allow Safe-Harbor to remain intact that such activity will grow and expand and by so doing will enhance the ability of our agricultural and small business communities to prosper.

Small business and farming involvement is, therefore, evident. Interest in more leasing activity is apparent. What, then, are the problems? The law is new, and Treasury regulations have not been out long. As new as the law is, I doubt if many rural bankers, farmers, fertilizer, feed, and implement dealers even have heard of safe harbor leasing. Even if they have, the legal costs to understand the provision and accounting costs to file are often more than what the farmer or small business owner can afford.

The new law is certainly not perfect. The regulations are confusing. Modifications will have to be made to allow more involvement.

Retention with maybe some modification, yes, but not repeal. The concept is sound; it deserves a chance to work. What is needed is a good educational process by other companies similar to what Allis-Chalmers provides that reaches the small business and agriculture communities. March 2, 1982, Senate Small Business Committee testimony made this point quite clear.

Mr. Speaker, let us not change this course toward economic recovery in midstream. A certain, consistent economic policy that will lead us toward more national productivity, providing more jobs for Americans will, in the long run, be best for our national economic health.●

SOCIAL SECURITY

HON. SILVIO O. CONTE

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 6, 1982

● Mr. CONTE. Mr. Speaker, I am today introducing a concurrent resolution concerning a very distressing problem that will soon be affecting many of our older constituents. We hear much in the news about the problems of the social security program, a recent poll published in the Washington Post showed that very few people continue to have faith in the system.

In 1977, we made amendments to the Social Security Act to help preserve the financial integrity of the system. Those amendments were supposed to protect the system until the 1990's—but last Friday's Post contained an article that claimed both old age and disability trust funds will run out of money in 1982—a little sooner than we expected.

One of the changes in the 1977 amendments was to eliminate the spouses' benefits for those spouses who receive a public pension. Recognizing that many people were counting on both incomes, we provided a 5 year "grandfather" period for persons who become eligible prior to December of this year. Finally, we decreed, the persons who receive two pensions after this coming December will have the social security benefit offset dollar for dollar from the public pension, and the rules would be enforced "as they were in January of 1977."

This meant, of course, that a man had to prove financial dependency on his wife in order to receive both social security and a public pension; otherwise, his pension was offset immediately and he did not receive the "grandfather" protection accorded to women.

In March of 1977, in their landmark Goldfarb decision, the Supreme Court ruled that any financial dependency test unconstitutionally discriminated against men. But since the offset was being enforced as it was in effect in January of 1977, nothing further happened: Men continued to have their social security spouses' benefits offset, and women did not.

In December of 1981, a Federal district court in New York held this "exception clause" to be unconstitutional, and used the Goldfarb decision as its precedent. Since it was not a class-action suit, this decision (Rosofsky against Schweiker) applied only to the plaintiff. The United States has appealed to the Supreme Court.

Even though the Court is some months away from a decision, it is quite probable that they will require the Social Security Administration to devise some sort of plan to make the pension offset equitable. I think they have four choices. The first is that they can do nothing, which the Court would not accept.

The second option is for social security to pay back all men whose pensions were offset since 1977, at a cost to the system of $300 to $350 million. The third and fourth options are what concern me.

These would be some sort of beneficiary payback, requiring all persons who have received both the spouses' benefit and a public pension to either pay back the benefits they have received, or begin to offset them immediately. We cannot allow this to happen. One of my constituents writes that she will be living on an income of $500 per month if she does not receive both incomes. How can someone pay rent, electricity, heat, and every other item on just $500 a month?

To prevent this needless worry to our older constituents who will be affected by this change in the laws, I am introducing this concurrent resolution with my colleagues, Mr. MITCHELL of Maryland, Mr. MCEWEN, Mr. FAUNTROY, Mr. APPLEGATE, Mrs. HOLT, Mr. DAVIS, Mr. LOWRY, Mr. BOLAND, Mr. WORTLEY, Mr. CORRADA, Mr. FRANK, Mr. VENTO, Mr. DOWNEY, Mr. LEHMAN, and Mr. ROE. This resolution expresses the sense of the Congress that any remedy for the Rosofsky decision not be one that involves a beneficiary payback.

We must do something to preserve the trust our older constituents have placed in us.●

THE CHESTUEE SMALL FARM DEMONSTRATION PROJECT

HON. JOHN J. DUNCAN

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 6, 1982

● Mr. DUNCAN. Mr. Speaker, the family farm has long been a symbol of American determination, independence, and cooperation. It is a symbol we cherish and seek to preserve, but one which, in this age of high technology, inflation, and urban living, is increasingly threatened. It takes some of the farmers' determination and cooperation to keep this institution alive.

McMinn and Monroe County farmers have displayed this spirit in the past 4 years, and with the aid of the Department of Agriculture, have made it possible for the family farm to remain a symbol in east Tennessee. Before 1978 these farms were losing crops to flooding, erosion, and pollution. Poor management of land and excessive upland farming were contributing to the pollution of the Chestuee Creek watershed. The silt would fill the creek's channel causing flooding several times each year and carrying away valuable cropland.

The 900 farms on this 77,000 acre area were not wealthy enough to invest in new technology. Most made less than $20,000 a year in gross farm income. The farmers did not have the sophisticated land management expertise to pull out of this cycle of flooding, erosion, and pollution. The cycle continued, however, and as the floods came, these farmers would see between 20 and 40 tons of soil per acre washed away.

This cycle not only endangered the farms of the Chestuee Creek watershed, but also the health of the citizens of Englewood. The pollution taxed the abilities of the town's water treatment facilities. Nearby Madisonville was forced to close its plant on the Chestuee because of the pollution and silt.

Had this cycle continued, the family farm might have vanished from the Chestuee Creek watershed. In 1978, however, something was done. That year, the Rural Development Committees of Monroe and McMinn Counties applied for a small farm demonstration project under the agricultural conservation program. The Chestuee project was selected as the best in the Nation, and was 1 of 10 to receive funding. As the largest of the projects, to be administered by the Agricultural Stabilization and Conservation Service, Chestuee received $220,000 in 1978.

It took a determined and cooperative effort to make this project, in 4 short years, a great success. The Department of Agriculture can point with pride to the accomplishments of this program. These accomplishments have been achieved by providing funds directly to the farmers that needed them. No funds were used for administrative purposes.

The objectives of the Chestuee small farm demonstration project were to help the small farmers treat the conservation problems on their own farmland, demonstrate the effectiveness of the agricultural conservation program through cooperative efforts of Federal, State, and local agencies and organizations, and increase the income earning capacity of small farmers. These objectives were met by efforts on all levels to aid the small farmer.

Cost-share assistance was provided at a 90-percent level to encourage farmers to carry out conservation practices aimed at reducing soil and water conservation problems. During the project period, 1,553 individual requests were filed for cost-sharing assistance at the counties Agricultural Stabilization and Conservation Services offices. Locally elected county committees would review and issue approvals on an individual farm basis. The ASCS county offices were able to administer this program without additional personnel or funds. This made it possible for the greatest return to be realized on the over $1 million allocated to the farmers over the 4-year period.

Other Federal, State, and local agriculture groups also gave assistance to the farmers in the Chestuee area. The Soil Conservation Service prepared 366 new farm conservation plans and revised 21. The Farmers Home Administration provided loans under their regular programs to assist farmers. Through the extension service information about the Chestuee project and its benefits was distributed. Field personnel worked with the landowners interested in applying for assistance, since many of these farmers had not previously participated in Federal farm programs.

Today, because of these efforts, 80 percent of the conservation needs prior to the project have been completed. Over 150 water improvement reservoirs have been constructed to reduce flooding, sediment, and provide increased recreational opportunities. Acres of critically eroded land have been stabilized under the project, and animal waste disposal systems have been constructed to reduce water pollution. The result has been a break in the cycle of flooding, erosion, and pollution.

Another, an equally important result, has been a rebirth of the spirit of independence and cooperation between the farmers and the Government. Next week farmers and agriculture officials will gather to celebrate the successful conclusion of the Chestuee watershed small farm demonstration project. They do so with the knowledge that goals have been met and the tradition of the family farm preserved.

I believe this is more than a celebration of the completion of one project. It is also the celebration of Government working for and with the people to provide a new beginning. Here we can see the Government economically, and efficiently providing needed assistance. It has done so by bringing its resources to break a deteriorating cycle and building the trust of those who could use these resources. This is cooperation.

We can also see these farmers taking advantage of the education and assistance made available to build upon for their future needs. I suppose everyone has heard the saying, "Give a man a fish, and he can eat for a day. Teach a man to fish, and he can eat for a lifetime." This is what the Agricultural Stabilization and Conservation Service has done. It has laid the foundations from which the farmer can freely build. This is independence.

All this, however, could only be accomplished through the determination of all parties to attain a goal which was worthwhile. The family farm will remain with us so long as we follow this spirit. The Chestuee watershed was a demonstration project, and it has shown us a great deal about farming. But it has also shown us what is possible when we follow the ideals which have made this a great country, ideals which have come to us from the family farm.

IN TRIBUTE TO HONORABLE ANDREW J. BIEMILLER

HON. FRANK ANNUNZIO

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 6, 1982

• Mr. ANNUNZIO. Mr. Speaker, I rise in tribute to the Honorable Andrew J. Biemiller, former Member of Congress from the State of Wisconsin, who died on April 3, 1982, at the age of 75, after dedicating his long and brilliant career to human justice and to the betterment of the living conditions of the working man. I was proud to call Andy my friend. His respect for and understanding of the needs and wants of working Americans and those disadvantaged by fate are reflected by his splended record of accomplishment during his distinguished life of service.

Andy Biemiller began his life of exemplary leadership as a delegate to the Philadelphia Central Labor Unon in 1929, and beginning in 1932, as a labor relations counselor, organizer, and executive board member of the Milwaukee Federation of Trade Councils and the Wisconsin State Federation of Labor. He was a member of the Wisconsin State assembly from 1937 to 1942, and was a floor leader from 1939 to 1941.

In 1941, Andy was appointed Special Assistant to the Vice Chairman for Labor Production of the War Production Board, where he remained until 1944. He was then elected to a seat in the House of Representatives, and served in both the 79th and the 81st Congresses. From 1951 to 1952, he was a Special Assistant to the Secretary of the Interior, and then went on to serve as a member of the Legislative Committee of the American Federation of Labor. It was in 1956 that he was elected the director of the AFL-CIO legislative department.

Mr. Biemiller also served as a member of the Citizens Advisory Committee of the Outdoor Recreation Resources Review Committee, a member of the National Petroleum Council, a labor adviser to the U.S. Delegation to the General Agreements of Tariffs and Trade Conference, and a member of the Labor-Management Advisory Committee for the Atomic Energy Commission.

Mr. Speaker, Andrew J. Biemiller dedicated his life to the betterment of his fellow citizens and compiled an outstanding record on civil rights, social welfare, and health care legislation for all Americans during his distinguished career. Few men gave more of themselves to progress for the working man and woman or had a more compassionate understanding of human problems. His dedication to high standards was an inspiration to his friends and fellow citizens, and his devotion to human improvement and human compassion will long be remembered by those of us who had the privilege of working with him.

Mrs. Annunzio and I extend our deepest sympathy to his wife, Hannah, his son, Andrew, his daughter, Nancy, and his four grandchildren.●

BIAGGI POLISH REFUGEE ASSISTANCE ACT GAINS SUPPORT IN NEW YORK LEGISLATURE

HON. MARIO BIAGGI

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 6, 1982

● Mr. BIAGGI. Mr. Speaker, I am pleased to report to my colleagues that both the New York State Assembly and State Senate approved resolutions urging "immediate passage" of my bill, H.R. 5384, to lift the current numerical limitations on the number of refugees we admit from Poland in 1982.

Martial law was brutally imposed over the citizens of Poland almost 5 months ago. Prior to the imposition, and very recently since the relaxation of passport rules, thousands of Polish citizens have fled their homeland and are seeking asylum. As the resolutions indicate, "there are already 30,000 Polish refugees in Austria, thousands more can be expected should General Jaruzelski fulfill his promise to relax Poland's passport laws."

The need for my legislation is based on the fact that there is currently a 9,000 limit on the number of refugees which can be admitted to the United States from all of Eastern Europe. Within that number, there is a further limit of 5,000 refugees from Poland. Just in the first 6 weeks of martial law, more than 1,000 Poles applied for refugee status and on an annualized basis; this could well exceed the limit.

I urge my colleagues to give their support to my legislation, for, as the greatest freedom-loving Nation in the world, we cannot deny access to any person fleeing tyranny.

At this point in the RECORD, I wish to insert the text of the legislation approved by the State legislature:

(State of New York—The Legislature)

LEGISLATIVE RESOLUTION: SENATE NO. 348—ASSEMBLY NO. 434

In Senate: By Senators Bartosiewicz, Ackerman, Beatty, Berman, Bernstein, Bogues, Bruno, Connor, Floss, Galiber, Gazzara, Kehoe, Knorr, Marino, Markowitz, Masiello, Mega, Mendez, Ohrenstein, Perry, Solomon, Stachowski, Volker, Weinstein and Winikow:

In Assembly: By the Committee on Rules (at the request of Messrs. Gorski, Butler, Casale, D'Andrea, Fossel, Hinchey, Kisor, Madison, Mazza, Morahan, Murtaugh, Orazio, Parola, Perone, Robles, Ruggiero, Skelos and Talomie):

LEGISLATIVE RESOLUTION URGING IMMEDIATE PASSAGE OF THE POLISH REFUGEE ACT OF 1982

Whereas, United States Senator Patrick Moynihan and Congressman Mario Biaggi are sponsors of the Polish Refugee Act of 1982; and

Whereas, This Act is specifically concerned with granting asylum to refugees who have fled Poland to avoid religious or political persecution since the current imposition of martial law upon the beleaguered people of that beloved nation; and

Whereas, Under present law, only nine thousand refugees can be admitted to the United States from all of Eastern Europe; only five thousand can be admitted from Poland; and

Whereas, There are already over thirty thousand Polish refugees in Austria; thousands more can be expected should General Jaruzelski fulfill his promise to relax Poland's passport laws; and

Whereas, The plight of these beleaguered Polish refugees is a challenge to the compassion of all; their exile is a consequence of their effort to emulate the free and unfettered institutions of our beloved country; and

Whereas, Mere words cannot express the cruel and confused condition of exile, nor may brief phrases make manifest the forlorn yearnings of those deprived of their beloved homeland; and

Whereas, It is, moreover of the interest of our nation that its most treasured traditions be preserved and extended; and

Whereas, We number among those vital traditions, the compassionate extension of asylum to those who suffer persecution for the sake of religious or political conviction; and

Whereas, It is our circumspection that the Tree of Liberty is best watered by the exercise of its components; and

Whereas, Upholding the indigenous right of all nations to self-determination, it is, moreover, the sense of this Legislative Body to urge the immediate passage of the Polish Refugee Act of 1982; now, therefore, be it

Resolved, That this Legislative Body pause in its deliberations and most emphatically urge the Congress of the United States to immediately pass the Polish Refugee Act of 1982; and be it further

Resolved, That copies of this Resolution, suitably engrossed, be transmitted to President Ronald W. Reagan, to Speaker of the House of Representatives, Thomas P. O'Neill, Jr., to Senate Majority Leader, Howard Baker, to Senator Daniel Patrick Moynihan and Congressman Mario Biaggi.

By order of the Senate,

STEPHEN F. SLOAN, *Acting Secretary.*

By order of the Assembly,

CATHERINE A. CAREY, *Clerk.*

Adopted in Senate on March 10, 1982.

Adopted in Assembly on March 15, 1982.●

A SALUTE TO STATE REPRESENTATIVE IKE THOMPSON

HON. LOUIS STOKES

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 6, 1982

● Mr. STOKES. Mr. Speaker, it is a great honor for me to pause and salute one of Ohio's foremost legislators—my good friend, State Representative Ike Thompson. Because of his numerous and varied contributions to the residents of the 13th House District and the State of Ohio, there will be an appreciation dinner for State Representative Thompson on May 22, 1982 in Cleveland. I ask my colleagues to join in saluting Ike Thompson on that special occasion.

Mr. Speaker, there is a unique kinship between State Representative Ike Thompson and myself. As the State representative for the 13th House District, Ike represents many of my constituents in the Ohio General Assembly. Through this association, I have developed a respect for the quality of leadership, representation, and service he has afforded our mutual constituents.

Mr. Speaker, the caliber of service Ike Thompson has provided has resulted in the respect of his colleagues and the leadership of the Democratic Party in the statehouse.

Ike Thompson was first elected to the State house of representatives in January 1971. Since 1971, Ike Thompson has made many legislative achievements and attained key committee assignments in the State house of representatives.

Currently, State Representative Thompson is the chairman of the transportation and urban affairs committee and the chairman of the Ohio Task Force on Bridges. In this capacity, Ike Thompson has demonstrated commendable leadership in assessing the transportation and specifically bridge problems in the State.

Moreover, Mr. Speaker, State Representative Thompson has been the catalyst for linking the work and ideas of State legislators on this subject with members of the Ohio congressional delegation to maximize assistance to Ohio residents.

Mr. Speaker, in my estimation, this is characteristic of the kind of leader Ike Thompson is. He is innovative and usually explores all options in order to deliver quality service to 13th District residents and Ohioans. This has been the hallmark of his public service career.

In addition to his two chairmanships, State Representative Thompson is a member of the important commerce and labor committee, the health and retirement committee and the interstate cooperation committee. It is my understanding that he has done an exceptional job on each committee.

Mr. Speaker, before his election to the State house of representatives, my good friend, Ike Thompson was involved in personnel relations for the Weatherhead Co. in Cleveland. Through the years, he was a key union official with the company on behalf of Local 463 of the United Auto Workers Union. Prior to that, Mr.

Speaker, Ike attended Fenn College and Cleveland State University.

Mr. Speaker, because of his many contributions of time and energy to various community groups coupled with his legislative achievements, Ike Thompson has been afforded the name recognition and respect given to few individuals in the city of Cleveland. This recognition and respect, seemingly have enhanced his desire and determination to bring quality existence and services to people from every socioeconomic sector in Ohio.

Because of this continued commitment, Mr. Speaker, it is not hard to understand how Ike Thompson has amassed such an exhaustive list of accomplishments. They include "Man of the Year" by the 13th District Civic League, "Outstanding Legislator" from former Speaker A. G. Lancione, "Ohioan of the Year" from the Ohio Civil Service Employee Association.

In addition to these honors, my good friend is the vice chairman of the Cuyahoga Democratic Party, a member of the 17th, 20th, 24th, 25th and 27th Ward Democratic Clubs, the Forest Hill Parkway Area Council, the NAACP, the PTA and board chairman of the 13th District Civic League.

Mr. Speaker, as my colleagues can conclude, my good friend, State Representative Ike Thompson is a man of seemingly endless energy. Through his public service career and civic affiliations, he has maintained his commitment and concern for the people. On behalf of the people, I salute Ike Thompson on a job well done.

At this time, Mr. Speaker, I ask my colleagues to join me and the residents of the 21st Congressional District in saluting an exemplary legislator and friend of the people—State Representative Ike Thompson.●

SHARED HOUSING ASSISTANCE ACT

HON. EDWARD R. ROYBAL

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 6, 1982

● Mr. ROYBAL. Mr. Speaker, on March 31 I introduced H.R. 6015 the Shared Housing Residence Assistance Act to allow the use of the section 8 rental assistance certificate in shared housing arrangements. I was joined by my colleagues: Mr. HAMMERSCHMIDT, the ranking minority and Mr. SANTINI, the ranking majority members of the Subcommittee on Housing and Consumer Interests of the Select Committee on Aging which I chair. This legislation provides an opportunity to assist older persons at no additional cost to the Federal Government, and in many cases would result in savings in Federal rental assistance subsidies. The legislation does not expand the eligibility pool for the section 8 certificate. It merely allows those persons already eligible for rental assistance to use the certificate in a "shared housing" arrangement.

Present HUD regulations require that each living unit have a private bathroom and separate cooking and food storage equipment. This regulation makes it impossible for individuals living, or wanting to live, in a shared housing arrangement, from receiving rental assistance under section 8. A shared housing arrangement can generally be described as the use of a large home where each of the participants has a private room, but share the rest of the house including the bathroom and kitchen facilities.

For purposes of this legislation, shared housing is a residential property which includes a multifamily housing project where the residents share the facilities and includes 2 unrelated individuals, one of whom is 60 years or older or is handicapped.

My Subcommittee on Housing and Consumer Interests recently held a hearing to evaluate this living arrangement. We heard testimony regarding the way current laws tend to penalize many older Americans who reside in shared housing. Testimony presented highlighted the fact that the Federal subsidy required to support one section 8 unit can generally support three units in a shared housing arrangement.

The removal of obstacles for the development of shared housing was established as the third housing priority by the delegates to the 1981 White House Conference on Aging. House sharing is not a new idea, but it is gaining popularity due to the serious shortage of affordable housing. Increased energy and home maintenance costs, condominium conversions, housing displacement, and the scarcity of affordable rental units require the identification and promotion of housing alternatives. In addition to the many economic and social benefits from living together, residents have the advantage of enjoying both private and common space. Shared housing holds the promise of providing a cost-effective alternative through better use of the existing housing stock. Testimony presented at the hearing by Mr. Philip Abrams, General Deputy Assistant Secretary for Housing, supported the concept of shared housing as a cost-effective use of the existing housing stock. At a time when inflation is causing many hardships for older Americans, we should not deny the elderly benefits they are entitled to simply because they seek an innovative housing alternative. We need to eliminate unnecessary regulations and barriers which stand in the way of effectively using the housing we have.

I urge all my colleagues to join us in cosponsoring this important piece of legislation.●

SEARS, ROEBUCK TAKES ACTION WHILE CONGRESS FIDDLES

HON. HENRY J. HYDE

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 6, 1982

● Mr. HYDE. Mr. Speaker, export trading companies legislation has been languishing lo these many months in the suffocating grasp of the Judiciary Committee's Subcommittee on Monopolies and Commercial Law.

Despite widespread bipartisan support, those movers and shakers who control the flow of legislation in the House have some obscure objectives to this bill, and hence, its legislative stagnation.

The French must have a word for the state of mind that permits sharp criticism of our lackluster economy and high unemployment by those who admittedly refuse to mark up legislation that addresses in a responsible fashion these concerns.

No wonder the public patience with Congress is wearing thin.

I submit for your close review an article which appeared in the April 2 edition of the Chicago Tribune, relating how Sears, Roebuck & Co. is attempting to deal with this inexplicable stalemate.

The article follows:

SEARS SHUNS TRADE DEBATE

(By R. C. Longworth)

In an ever-changing world, the United States Congress can be relied on to defend the old verities. In fact, it occasionally defends them so well that part of the country remains mired in the past, while the rest of the world goes galloping into the future.

This is one lesson behind the announcement Tuesday that Sears, Roebuck & Co. plans to form an export trading company that will help itself and other American firms, particularly smaller ones, sell to foreign markets.

In so doing, Sears simply sidestepped a debate in Congress about laws governing American trading companies. Unfortunately, American banks, which would be Sears' natural competitors in this area, are still stymied by the laws.

Export trading companies are old hat in other countries. They operate overseas on behalf of companies back home. They seek out markets and handle paperwork, advertising, marketing, billing and many other chores for companies too small to do them on their own.

Over the years, these companies, such as Japan's Mitsui, have thrived. So has their nations' trade. Some, like Belgium, export up to half their GNP; the United States relies on exports for 14 percent of its income.

There are about 300 American export trading companies, all small compared with the foreign competition. As Harris Bank trade expert Albert Naveja says, this reflects the "national attitude that trade is something you do when you can't do anything domestically."

The stunting of U.S. export trading companies has two basic reasons:

American banks are forbidden to own trading companies. While banks overseas have become major sources of invested capital, American banks are restricted by populist hostilities against banks participation in any form of commerce.

Antitrust laws hamper trading companies. The Justice Department traditionally bristles at any cooperation by American companies to promote sales abroad. There is a 64-year-old law giving trading companies some antitrust protection, but it's so vague that many would-be traders consider it a leaky shield at best.

This is where Congress comes in. Adlai E. Stevenson, the former Democratic senator from Illinois, sponsored a bill that would let banks own part of trading companies and let the government give prior certification for trading companies, guaranteeing that they wouldn't be hit later by any antitrust suits. Stevenson also said this certification should come from the Commerce Department, which favors trading companies, rather than the Justice Department.

Stevenson's bill was passed by the Senate unanimously, then died in the House of Representatives. Another version, sponsored by Sen. John Heinz (R., Pa.), was passed again by the Senate, again unanimously, then sent to the House, where it sits now, mired in a triple bog of three House committees.

The administration favors it but is too preoccupied with the budget to give it much help. Few people expect it to be passed in this session.

There are several congressional objections: that the trading companies should not be exempt from antitrust laws, that the Commerce Department has no business giving exemptions, that banks are evil folk and to be kept at length.

While Congress jaws, the world moves on. As noted above, America's competitors have turned their trading companies loose, with no antitrust restrictions or bank participation limits.

Now companies like Sears, which are moving rapidly into financial services but are not themselves banks, are setting up their own trading companies.

"It's conceivable that we might eventually be (as big as) Mitsui," Philip M. Knox Jr., Sears general counsel, said, "but that won't happen overnight."

Knox said Sears had decided to go ahead without waiting for Congressional action but conceded that present U.S. laws would tend to handcuff it overseas.

The banks are not only handcuffed but shackled. Several of Chicago's biggest banks have had teams ready for years to set up their own trading companies, but they are growing weary waiting for Congress, especially when companies like Sears make nonsense of the whole debate.

"They (Congress) are living under the misapprehension that the world is still flat," says Robert Walker, associate general counsel at Continental Bank. "Those ancient rules that commerce and banking don't mix are falling daily. Everybody is in the banking business today—or rather, the marketplace is creating a new kind of financial institution."●

NUCLEAR ARMS REDUCTION

HON. THOMAS B. EVANS, JR.

OF DELAWARE

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 30, 1982

● Mr. EVANS of Delaware. Mr. Speaker, Soviet leader Brezhnev has proposed his version of a nuclear arms freeze. This comes at a time when proposals of a similar nature are gaining increased attention in Congress, and by the administration.

There is no single issue before this body that carries such weight or demands more complete attention from each Member of Congress. A nuclear attack is so horrible to contemplate that we must continue to do all we possibly can to convince the Soviet Union that neither side could win, and the existence of humanity itself would be at grave risk.

The single greatest threat to our country, and all other nations in the world, is the ominous destructive potential of nuclear weapons. Mutual and verifiable reductions in these deadly arsenals by the Soviet Union and the United States must be of the highest priority for both governments.

I would agree with those who say a freeze is not enough; what we truly need is a real reduction in the number of nuclear weapons. I would also point out that, while unbalanced situations that jeopardize our national security are unacceptable, there simply has to be a halt in production of these weapons by both sides in order to have meaningful reductions. We cannot back away from the brink of a nuclear holocaust without first halting our charge toward it.

All Americans must continue to pledge support for a real, negotiated, bilateral reduction in the number of nuclear weapons, and for all nations to stop building these instruments of global destruction.●

ANTIRELIGIOUS VIOLENCE IS A NATIONAL PROBLEM REQUIRING AN IMMEDIATE SOLUTION

HON. MARIO BIAGGI

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 6, 1982

● Mr. BIAGGI. Mr. Speaker, last year, I introduced H.R. 2085 a bill to impose stiff new Federal penalties against those persons who engage in acts of religious violence and vandalism. One of the most prevalent of all problems involves the physical destruction of religious buildings and facilities.

On March 31, the Washington Post in its District Weekly section ran a feature article entitled "Violence in the Church: Attacks on Parishioners, Theft and Vandalism Rise." It provides graphic illustrations of the kinds of acts which my bill seeks to outlaw. This problem is by no means limited to the Washington metropolitan area. It must be viewed by my colleagues as the national crisis that it is. I therefore urge the House Judiciary Committee to schedule early hearings on my legislation so we can reaffirm our long-standing position that freedom of religion must be preserved.

The Washington Post article follows immediately.

[From the Washington Post, Mar. 31, 1982]

VIOLENCE IN THE CHURCH: ATTACKS ON PARISHIONERS, THEFT AND VANDALISM RISE

(By Alice Bonner)

Many of Washington's churches have become the targets of an unprecedented number of burglaries, robberies and other crimes to which houses of worship long seemed immune. Clergy and church workers are also facing an increasing amount of unpredictable, sometimes violent, behavior by frustrated, destitute street people who come to them for aid.

Apprehensive and fearful because of the recent increase in crime and violence, church leaders say they are installing bars and alarm systems and hiring guards.

But the ministers say they are uncomfortable with the notion that even the church must bar its windows and lock its doors.

"I think it's times we are in: people are getting more desperate, there's more homelessness, more unemployment, more despair," said the Rev. Ernest Gibson, executive director of the Greater Washington Council of Churches.

"I don't think churches are being targeted because of some antagonism toward religion; I think it's the worsening of economic conditions, and how its affects the poor and deprived element of the city," he said.

"There is no question that churches are vulnerable," said the Rev. John Steinbruck, pastor of Luther Place Memorial Church at 14th Street NW and Thomas Circle. Steinbruck occasionally has to bodily remove inebriated or disturbed persons from the church although he usually relies on "gentle persuasion," a firm touch and his 220-pound presence.

Steinbruck's wife, Erna, who operates a day center for homeless women in the basement of Mount Vernon Place United Methodist Church, 900 Massachusetts Ave. NW, said the fear some feel is based on "the potential (for violence) that is always there" in working with street people. She recalled a time when a mentally imbalanced woman shot at, but didn't harm, a center volunteer at close enough range to leave powder burns on her clothing.

"Some of them really scare me. . . . A lot of them carry some kind of weapon, a little knife or whatever, (and) when you are out on the street, maybe they feel it is a deterrent," Erna Steinbruck said.

In the basement of Mount Vernon Place United Methodist Church, a woman known for hearing imaginary voices was sitting quietly watching television when, without warning or provocation, she reached out and smashed the face of another woman sitting beside her with a length of pipe, Erna Steinbruck said.

The Steinbrucks are not alone in their concerns.

Steve Wilson quit his job last week, after four years as building manager at St. Stephen and the Incarnation Episcopal Church at 16th and Newton streets NW, because of growing violence in the church. He said he has been scalded with hot water and slugged with a coffee pot while trying to keep a destitute man out of the senior citizens' meal line. In another incident, in which he interrupted an assault on an old man in the church's men's room, he was slashed at by a man with a razor blade in each hand.

He believes churches are "unprepared to deal with desperate, hungry people."

While violence has been increasing, church members say crime has risen as well. Four times since August, the Israel Metropolitan Christian Methodist Episcopal Church at 557 Randolph St. NW has been burglarized, not counting a series of purse snatchings and thefts of handbags from the kitchen area. The Rev. Raymond Williams said robbers have hidden in the church during nighttime wakes or sermons until the church was locked, and then broken out, taking office equipment and microphones.

"It's almost frightening to our members and to me to enter the church and not know what you will find," Williams said.

Members of the Johnson Memorial Baptist Church, 800 Ridge Rd. SE, have lost communion table ornaments, microphones, candelabra and other items in a recent increase of night burglaries. The Rev. Rodney Young, the pastor, said such burglaries are not new in his part of town.

"It was when the CETA programs began to be reduced—that was the inception of the increase of burglaries in churches, which says to me that the unemployment situation contributes to the cause," Young said.

The Rev. Gibson, who is also pastor of the First Rising Mount Zion Baptist Church in Shaw, said the era in which "churches were more sacred and more highly respected" is past, and he advises all clergy not only to secure their buildings but also to instruct congregations on security.

"I think the attacks on church persons or property is minimal and the unusual rather than the usual," Gibson said, "(But) what has increased a great deal is attacks on churches in terms of robberies. . . . The robber gains entry to the church by some ruse while persons are there in prayer meetings or the like, and the individuals get robbed. That's the new twist."

Eight city churches have been the scene of an armed robbery since November. The rash of robberies has apparently subsided, police say, but no arrests have been made.

The Rev. Frank D. Tucker, who was robbed at gunpoint earlier this year in the First Baptist Church at Randolph Street and New Hampshire Avenue NW, agreed that there is "anxiety and even vulnerability that is present when there is a community ministry and you are open to provide a service." His church runs a day-care center, a senior citizens center, Girl Scout and Boy Scout programs and other youth programs.

"It's the impact of the runaway drug scene in our community, the wasteland of moral breakdown, (and the) moral decay in our society," Tucker said. "We don't have the same kind of respect for the traditional values we have had in times past," said Tucker, who also blames the incidents on the economic policy of the Reagan administration.

"People are hungry, they are frustrated, and people who would not ordinarily have done things like this are becoming more desperate to deal with their personal dilemmas, whether drug sickness or the starvation of their families," Tucker said.

Many churches have installed elaborate alarm systems, electronic surveillance equipment, locks and window bars or hired security guards to protect their members and property.

All Souls' Unitarian Church at 16th and Harvard Streets NW lost typewriters, film projectors and other equipment to robberies in the past year. Now the church has installed an alarm system that tracks the location of any intruder inside the labyrinthine structure, and the Sunday collections are taken by escorted ushers directly to a cage room, like a walk-in safe, said church administrator Patrick Dixon.

"It seems like black-on-black crime," said Williams, pastor of Israel Metropolitan church. "Black folk know black churches. They know when we say praise God from whom all blessings flow, we leave the money up at the altar." Williams said he has also seen a recent "evil streak" in which vandals or robbers paint profanity on inner walls and drop the paint cans in the church.

The recent rise in violence and crime has thrown some clergymen into self-analysis and reexamination of their mission, while others believe churches should concentrate on protecting their members and property.

"It might be we aren't really the caring community we ought to be," Williams said.

"We're not willing to give in to the siege mentality and become a quivering convocation and therefore lose our sense of care and love for the community," said the Rev. Timothy Dissmeyer of Mount Vernon Place United Methodist Church, where, even on bright sunny Sunday mornings, church members have been victims of purse snatchings and vandals have smashed a "priceless" stained glass window. But "it's a very fine line" between cowering and protecting the church, he added.

Church council director and pastor Gibson says, "Everyone feels there is a need, and security is a part of our way of life in these days, especially in areas where robberies, break-ins and anti-social behavior are part of the life scene."

Even some churches untouched by the attacks are affected, as their members react with wariness and apprehension. Many ministers say they have had to take security measures that seem antithetical to the churches' mission.

"There is just marked fear, especially among the senior citizens," said the Rev. Robert L. Pruitt, pastor of Metropolitan AME Church, 15th and M streets NW. Although Metropolitan seems protected by its proximity to the Soviet embassy and other large institutions, Pruitt said, its evening programs are poorly attended because members are afraid to come out after dark. He has rescheduled evening Lenten services to noon.

Two weeks ago, the Mount Vernon Place Church started a new procedure for handling its Sunday collections: ushers now pass the plates "in view of 400 people" through a special door leading from the auditorium into a treasurer's office, which is protected by an alarm system.

Tucker's church, First Baptist, has installed an extensive security system to protect the 1,800-member congregation as well as participants in the day-care and senior citizen programs, Tucker said. Elderly members are now provided transportation from their homes to the church.

Williams said Israel Metropolitan first hired a security guard, then replaced him with iron bars, and gates on all the entrances.

He also said he has given up the long nighttime hours he used to spend in prayer at the church; and he makes sure he locks himself in his office. In general, Williams said, he is "more prayerful and very careful."

The Rev. Jack Woodard, rector of St. Stephen and the Incarnation Episcopal Church, stands 6-foot-6-inches tall. Nevertheless, he has begun to keep a police stick in his desk drawer. The church's building manager and security guard are similarly equipped.

On a recent rain-drenched afternoon, a man—just out of jail, smelly, hungry and apparently demented—entered Woodard's office, and in desperation told him of a "red devil sitting on my shoulder," urging him to do violent things.

It was but one example of the growing nervousness Woodard said he feels from the almost daily visits from frustrated, needy people, many of them with apparent psychiatric problems.

Yet Woodard and many other ministers insist that the church will not shirk its responsibilities to its members or the destitute.

"One thing we feel very strongly about here at St. Stephen's and that is that we will not close our doors to street people. We will continue to be the kind of church we want to be. Vulnerability is part of the ministry," said Woodard.

"St. Stephen's is here to help anybody who comes in peace," he continued, adding that the church would not hesitate to call the police in cases of violence or crime. "We love people, but we are not pigeons."●

LITTLE KNOWN FACTS ABOUT TODAY'S ECONOMY

HON. BARRY M. GOLDWATER, JR.

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 6, 1982

● Mr. GOLDWATER. Mr. Speaker, amidst all the doommongering we hear and read about today's economy, I occasionally find a piece that does paint a brighter picture and, in my opinion, one deserving of attention.

The April 5 Wall Street Journal had just such a column and I encourage all my colleagues to study it carefully. I particularly recommend a close look at the last paragraph of the article. I believe that we should remember the old adage "accentuate the positive." Unfortunately, the press does not often share that sentiment.

HERE'S GOOD NEWS TO SPRINKLE ON THE BAD

(By Alfred L. Malabre, Jr.)

NEW YORK.—Perspective, Mr. Webster tells us, is the ability to see things in true relation to one another. It's useful, among other places, in dealing with the economic outlook. Accordingly, today's column amounts to an unabashed, unbalanced attempt—knowing full well that bad news sells more papers than good news—to supply some good-news perspective at a time when bad news grabs the larger headlines.

A few questions may be where to start:

Have interest rates in the latest recession fallen more or less sharply than normal for a business-cycle downturn? Does the economy provide jobs for more or less of the working-age population now than in most years of the post-World War II era? Are businesses failing at a record rate?

The answers may come as a surprise:

For all the talk about how high and sticky today's interest levels appear, rates generally have dropped more sharply than usual since the recession's start last summer. For instance, the prime rate, the commercial-paper rate and the federal-funds rate all have dropped more sharply in this recession's course than they fell, on average, in the seven earlier recessions that punctuate postwar prosperity.

For all the talk about a scarcity of jobs, today's economy generated jobs for a near-record proportion of working-age Americans. At about 57%, today's employment rates remains within a whisker of the 59% high reached in 1979. The current level easily tops levels prevailing until the mid-1970s.

(A startling statistic: In 1953, when only 2.5% of the labor force was jobless, the employment rate was two percentage points lower than now. Today's employment rate would be higher still, analysts say, if the date could take into account a huge rise in off-the-books jobs. Behind the paradox of higher joblessness alongside higher employment levels: the economy's inability to spawn jobs fast enough to accommodate a steep climb in job-seeking by women.)

There's also much talk about businesses failing with depression-level regularity. But the record-book tells another story. In 1961, at the start of the long 1960s expansion, 64 of every 10,000 businesses went under. If the latest recession persists much longer, a rate higher than the 1961 figure could come; in a recent 12 months, 62 of every 10,000 firms failed. For now, however, 1961 remains the record year for the postwar era. And its failure rate doesn't remotely approach 150-plus rates reached in the depressed 1930s.

Another concern often voiced by some economy-watchers is that the Federal Reserve may be keeping too tight a lid on the money supply, and that this must stop or a bad economy will soon become a horrible economy. In fact, the money supply not only has been on the increase during the latest recession, but it has risen faster than usual in a slump.

The Federal Reserve's largess is even more extraordinary when the money numbers are stripped of growth reflecting higher prices. Even the inflation-adjusted money supply is substantially larger now than at the recession's start. In contrast, it declined in every other recession in the last two decades.

Much concern also is expressed about the burden of debt and the shadow this casts over the economic outlook. In fact, the burden of monthly payments of morgage-plus-installment debt has eased markedly since mid-1979, when it exceeded 28% of after-tax income. In recent months, this debt-burden rate has approximated 25%. At the same time, a lower percentage of installment loans shows up as delinquent in this recession than in the relatively mild 1980 recession or the severe 1973-75 recession.

By almost any standard, the corporate-debt picture appears bleaker. For instance, at approximately 1.4, the ratio of long-term to short-term corporate debt is lower now than in any recent recession.

There may be less to this deterioration, however, than meets the eye. Much of the short-term debt is automatically renewed under corporations' lines of credit with banks. Thus, companies in effect have long-term credit at variable rates, instead of the usual long-term debt at fixed rates that could prove extremely burdensome in a less strained economic environment.

"In some ways, this is a healthier situation for corporations," says Martin Feldstein, the Harvard economist who is also president of the nonprofit National Bureau of Economic Research in Cambridge, Mass. "If the banks weren't willing to do business this way, corporations would have to borrow much more without what amounts to a floating interest rate."

Still another worry is the reluctance of corporations to step up their investment plans, despite such supply-side incentives as faster write-offs for depreciation of plant and equipment. This reluctance, however, is by no means exceptional in light of the fact that a recession developed last summer. In recessions, companies invariably become saddled with rising amounts of idle capacity. By no coincidence, investment outlays, adjusted for inflation, invariably fall, often steeply.

That has been the pattern, at least, until now. Recent surveys find that this year's investment outlays, adjusted for inflation, will roughly match those in 1981. But 1981 was a record year. If the 1982 total comes anywhere close to last year's amount, the real news would be the sturdiness, not the weakness, of corporate spending through a recessionary period.

All this good news may not sell many papers, but it should provide a bit of balance for all the unmitigated bad news that keeps hogging the headlines.●

LASTING PEACE AND SECURITY

HON. JOHN H. ROUSSELOT

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 6, 1982

● Mr. ROUSSELOT. Mr. Speaker, lasting peace and security—what does this mean? A world without war, where no one is able to threaten another, where children can grow up without the worry of war or destruction? This is a definition that would seem to satisfy the House of Representatives, the Senate, the administration, and the growing nuclear freeze movement. But how do we achieve these honorable goals? There are those who would have us believe that all it takes is a unilateral nuclear arms freeze on the part of the United States and all else will fall into place. Mr. Speaker, this belief is based on a combination of wishful thinking and ignorance.

An editorial from the April 2 edition of the Wall Street Journal does an excellent job of describing the situation this country is being forced into by those who do not understand the full consequences of what they are supporting. I urge my colleagues to read this editorial very carefully—the future of this country may depend on us understanding the basic principle of what it is saying.

[From the Wall Street Journal, Fri. Apr. 2, 1982]

FIRST THINGS FIRST

President Reagan devoted a hefty chunk of his Wednesday night press conference to arms control. "My goal," he said, "is to reduce nuclear weapons dramatically, assuring lasting peace and security." To this end, he continued, the U.S. is negotiating with the Soviet Union over conventional and theater nuclear forces in Europe, and Washington planners are preparing for talks on strategic nuclear weapons, possibly as soon as this summer.

We are certain of Mr. Reagan's sincerity in wanting, just as we all do, "lasting peace and security." We are equally certain his remarks are aimed at appeasing the current "nuclear freeze" movement. What we find so disturbing in these developments, however, is the widening dichotomy between the arms control debate and the real world.

When Senators Kennedy and Hatfield introduced their "freeze" resolution, the ink had only just dried on the State Department's "yellow rain" report. It is a compilation of masses of refugee and defector reports, medical evidence, intelligence information and scientific analysis of "yellow rain" samples, and it draws the inescapable conclusion that the Soviet Union and its proxies are actively engaged in chemical and biological warfare in Loas, Cambodia and Afghanistan. Deputy Secretary of State Walter Stoessel asserted March 22: "The Soviet Union and its allies are flagrantly and repeatedly violating international laws and agreements."

The Soviet Union is violating no mere bilateral agreement; rather, it is breaching the two most widely recognized arms control treaties in the world. The Geneva Protocol of 1925 bans "the use in war of asphyxiating, poisonous or other gases, and of all analogous liquids, materials and devices" and also prohibits "bacteriological methods of warfare." The other treaty is the 1972 "Convention on the Prohibition of the Development, Production and Stockpiling of Bacteriological (Biological) and Toxin Weapons and on Their Destruction." It was signed by 111 countries and is the only true disarmament agreement because it requires the destruction of any existing weapons.

How can President Reagan address the issue of arms control without mentioning yellow rain? How can he square his intention to conduct negotiations on new treaties with the Soviets in the knowledge that more than 10,000 people in Southeast Asia and Afghanistan have been killed with weapons banned by solemn international law? How can Senators Kennedy and Hatfield propose a "freeze" resolution without first demanding further investigation of the Soviet violations of the Biological Weapons Convention, which they voted to ratify in 1974?

But instead of responses to these troubling questions, the response to the Brezhnev "freeze" proposal was a noisy campaign in this country to remind us of the horrors of nuclear war. New England town meetings called to discuss potholes and sewer problems were invited to vote their abhorrence of nuclear holocaust. The New Yorker runs an endless doomsday musing and Time once more plasters the famous mushroom cloud on its cover. Herblock gives his all to the irony of a family picnic framed by that awful cloud.

The thrust of all this is so utterly mindless as to be beyond belief. The only issue, now or ever, is how to avoid nuclear calamity. Do you do it by yielding to Soviet intimidation or by resisting? Either way, the outcome is uncertain, but we think resistance is far safer than appeasement. The men in the Politburo, all products of a hard school, have utter contempt for weakness and appeasement will only encourage them to press us toward the kind of desperate position that will imperil both sides.

A vital preliminary to further arms negotiations thus becomes a U.S. demand that the Soviets answer our charges of past violations, specifically the use of yellow rain. This demand must be pressed at the UN, at the Helsinki Accord talks, in the existing arms negotiations and at a special emergency meeting of the signatories of the 1972 Convention. It simply is not responsible for American leaders to negotiate arms agreements when there is such powerful evidence of Soviet disregard for past commitments.

We are quite aware that our argument does not engender hope for successful arms control or reduction. But wishful thinking is never helpful in politics; indeed, it is extremely dangerous. We all want peace, we all hate the bomb. But some of us are not ready to capitulate, either to the Soviet Union or our own fears.●

ENTERPRISE ZONE TAX ACT OF 1982

HON. J. WILLIAM STANTON

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 31, 1982

● Mr. STANTON of Ohio. Mr. Speaker, as ranking minority member of the Banking, Finance and Urban Affairs Committee, I am pleased to join in this bipartisan effort to launch an enterprise zones experiment in this country. This proposal represents a new and innovative approach to the problems of depressed urban areas.

I think it has great promise. We should give it a try.

Rather than relying on Federal grants and rigid guidelines, the enterprise zone concept stresses local-State cooperation complemented by Federal regulatory and tax relief to create jobs and revitalize concentrated areas of distress in American cities and rural towns. It involves no direct Federal appropriations, except for modest administrative costs, and is entirely in harmony with the President's New Federalism concepts.

The fact that this urban initiative is strongly backed by President Reagan and has drawn significant bipartisan backing in both this body and the Senate, underscores its special appeal and augurs well for prompt and favorable consideration by Congress. I will do everything in my power to expedite consideration of the Enterprise Zone Tax Act of 1982 in my committee and I urge my colleagues on the Ways and Means and Judiciary Committees of this body to do the same.

Mr. Speaker, I like the stress in this proposal on encouraging job-creating investments and business activity in zone areas by the private sector. I like the emphasis on providing relief from local, State and Federal taxes, and from local, State, and Federal regulations. I like the premium this bill places on grassroots innovation to create the climate essential to redeveloping distressed cities and towns.

As I have indicated, since this program keyed to the concept of removing Government burdens rather than providing Government subsidies, it will involve almost no Federal appropriations. This contrasts with past efforts which emphasized huge Government outlays and heavy regulations, which generally have been unsuccessful. In spite of the expenditures of billions of Government dollars in our inner cities in the past two decades, many of these are even worse off than before. More of the same approach is futile, and advocating those past policies is intellectually sterile. A new approach is needed.

Mr. Speaker, this bill envisions that factors of poverty, unemployment, and economic distress would be considered to make an area eligible to be declared an enterprise zone. This is not, however, an entitlement program. A distressed area would have to be designated by both the city and State government, and those two governments would then apply to the Department of Housing and Urban Development to have the area named an enterprise zone.

The Federal designation process would be competitive, with no more than 75 zones to be selected over 3 years. The nature, quality, and strength of the State and local incentives—tax relief, regulatory relief, service improvements, and possibly other contributions—would be the primary criteria for selection. For example, the State and city could propose reductions in State and local income taxes, property taxes, and sales taxes. They could propose deregulation in such areas as zoning, occupational licensing, permit requirements, and building codes. They could propose service improvements by contracting out for services. They could appropriate their own funds to make loans and to run job-training programs, for example, or to use Federal revenue-sharing funds or black grants in the zone.

Mr. Speaker, the keynote here is State and local creativity. No single package of State and local contributions would be required. Cities and States can gage best what is needed to make an enterprise zone succeed in their particular cases. The diversity of proposals which we anticipate will be developed is ideal for an experimental program of this kind. But this is a competitive program, and only the best applications will be chosen, in other words those which seem to offer the greatest chance of success because of substantial State and local government commitment.

Federal contributions to an approved zone would consist of a series of tax incentives to encourage both capital-intensive and labor-intensive activities and deregulation.

Major features of the proposed Federal tax package include: a tax credit for capital investments in an enterprise zone; an income tax credit to employers for wages paid to zone employees; a special income tax credit for wages paid to zone employees who were disadvantaged when hired; an income tax credit to zone employees for wages earned in zone employment; and the elimination of capital gains taxes within the zone.

Under this proposal, Federal regulatory bodies would be given discretionary authority to relax or eliminate regulatory requirements within enterprise zones, in accordance with standards set by Congress, but only if they do not affect health, safety, or civil rights and, I stress, only on the specific request of the State and local governments involved.

Mr. Speaker, this proposal has the strong backing of HUD and Treasury, as well as the President and his administration. It seeks to remove Government barriers to businessmen who can create jobs and economic growth. It seeks to build upon the talents and abilities already present in our distressed cities and towns. It summons the kind of imaginative and innovative local leadership and private initiatives which can bring renewed hope for our ailing communities.

Mr. Speaker, enterprise zones are not a panacea nor a speedy fix for our troubled cities, and while exaggerated expectations should be tempered, it holds real promise for a better future. I am pleased to cosponsor this significant initiative and urge its prompt consideration.●

RURAL ELECTRIFICATION ADMINISTRATION ADMINISTRATOR'S MEMO

HON. JERRY LEWIS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 6, 1982

● Mr. LEWIS. Mr. Speaker, in concert with the Reagan administration's efforts to reduce Government encroachment into the private sector, the Rural Electrification Administration is initiating a revised program for loan and loan guarantees. I am submitting the Administrator's report which details some of the proposals:

During the past several weeks, I had the privilege of participating in the Annual Meetings of both the electric and the telephone cooperatives of this Nation. Anyone who might have attended those conferences would have been impressed by the "people power" that was assembled in Atlanta and San Francisco.

And although I was graciously received, I couldn't help but note that the substantial reductions proposed for the REA funding programs during the coming fiscal year are causing concern for some co-op people.

However, I also heard many leaders of local electric and telephone cooperatives expressing support for these needed reductions. Such comments are admirable illustrations of the vision and foresight that has historically characterized the leadership of the rural electrification program. Such men are ready to support reductions in these programs in order to assure that "economic recovery" will be a reality.

REA loans and guarantees are a substantial part of the Federal borrowings that have created an intolerable burden upon the sources of available credit. In 1974, Federal borrowings totaled only $24.4 billion. In 1983, they are expected to total more than $200 billion. By accepting, for a time, a fair proportion of the reduction in Federal borrowings, REA can do its part in the gigantic effort to revitalize the economy of America.

The long-term benefits of a renewed economy would be a most acceptable reward for the short-term sacrifice of a reduced program level.

Rural electric and telephone cooperative leaders, such as were present at the Atlanta and San Francisco conferences, are well prepared to understand that often important long-term goals can be attained only at the cost of some immediate inconvenience.

The lives of agricultural people are made up of situations that entail today's sacrifice in order to make possible the goal of tomorrow. The purchase of the new family car is delayed until after the harvest of the crops that was made possible by expenditures for seed, tillage, fertilizer, etc., of a year earlier.

The worn tractor is driven one more season so that the daughter's college tuition costs can be met. That most desired vacation is postponed in order to assure that family funds will be available to pay for Mama's expected operation.

The Administration's proposals include reductions in the levels of both insured and guaranteed loan funds, and recognize the need for rural electric systems to obtain $2.5 billion from non-REA sources without a federal guarantee. A large portion of this latter type financing will be for the purchase of pollution control facilities which can be obtained at reduced interest rates.

I am confident that we will be able to take care of the essential needs of borrowers within the recommended levels. The loan programs established for fiscal year 1982 will be completed to the fullest possible extent.

I am certain that all of you are familiar with the proposed budget figures, so I will not repeat them. However, I believe that as we move into this latest phase in the evolution of the REA programs, it is important that everyone has a clear understanding of the issues involved.

REVOLVING FUND

During fiscal year 1982, the Rural Electrification and Telephone Revolving Fund sold $683 million worth of Certificates of Beneficial Ownership (CBO's) to the Federal Financing Bank (FFB) in order to fund about 50 percent of its cash needs, because debt collections were not sufficient to fund advances. FFB gets its money from the U.S. Treasury, which, in turn, gets its funds from public borrowings and from tax collections. Therefore, that $683 million is part of the Government borrowing which increased the United States federal debt to more than a trillion dollars.

As of September 30, 1981, REA had sold CBO's totaling $2.6 billion at a composite interest rate of 11.096 percent. During the month of March 1982, REA supplemented collection proceeds by borrowing from the U.S. Treasury at the rate of 14.25 percent. So although a revolving fund is used to finance the needs of electric distribution and telephone systems, this financing does not come without cost. The difference between the 5 percent charged for most REA loans and the 14 plus percent REA has to pay for a portion of these funds is a direct cost that must be borne by the taxpayers of this country.

IMPACT OF INTEREST RATE ON CONSUMERS' BILLS

The number of distribution borrowers required to obtain a portion of their financing needs from outside sources will increase. However, this should not place an excessive burden upon most systems. Even if REA were to provide only 50 percent of distribution borrowers' loan needs, instead of the present 70 percent, the composite interest rate a borrower would pay on a new loan would increase by only 1.8 percentage points and the impact of that one additional loan on the total interest expense of the borrower would be very small: the average interest rate on total long-term debt outstanding would increase by only about 0.29 percentage points on the average. During calendar year 1980 REA distribution borrowers were paying an average rate of only 4.06 percent on their total long-term outstanding. Thus, a change to a 50/50 loan split would have increased the average interest rate to only 4.35 percent.

REA borrowers have benefited from a history of low cost capital provided by REA. As of the end of 1981, REA had approved electric loans totaling more than $9.8 billion at the 2 percent rate, and $5.8 billion at the 5 percent rate. As a result, the average interest rate on long-term debt outstanding is far less for REA distribution borrowers than for investor-owned utilities. The IOU's paid an average 8.1 percent during calendar year 1980.

Reductions in the proportionate amount loaned by REA will have little impact on bills paid by the ultimate consumer, except in a few specific situations which can be examined by REA on a case-by-case basis. For the distribution systems, the average interest expense represents only 4.5 percent of the consumer's bill. Other items are far more significant. For example, power cost alone accounts for about 70 percent of the average consumer's bill. So even if the small component which makes up interest cost increases gradually, the impact will be relatively small.

REA LOANS FOR HEADQUARTERS FACILITIES

This Administration is serious about belt tightening. We seek to use the limited resources of the Rural Electric and Telephone Revolving Fund in delivering electric and telephone service to rural America. In order to prevent the depletion of the Revolving Fund, some adjustments have to be made, such as those set forth in the Federal Register notice which announces REA's intention to give priority to loans for line and substation construction necessary for actual delivery of electric and telephone service.

REA is not opposed to its borrowers having adequate headquarters facilities, but they should not be constructed with low-interest money.

"TAX BREAKS" FOR IOU'S

The "tax relief" available to investor-owned utilities is also available to all corporations which actually pay income taxes. Cooperatives, however, with few exceptions, have qualified for exemption for income taxes for decades. Moreover, the tax breaks being offered to the investor-owned utilities generally only defer payment of income taxes and, therefore, will result in larger actual tax payments in later years when depreciation accruals are no longer possible on plant for which accelerated depreciation was taken.

The purpose of these tax breaks is to enable all corporations, including utilities, to spend money that would otherwise be paid in income taxes for the construction of necessary plant facilities and thereby provide jobs and incomes subject to income taxes.

Rural consumers, unlike most urban consumers, will continue to receive the benefit of subsidized loans and loans under federal guarantees at less than rates charged by the money market for debt and equity capital.●

MILLER BILL TO HALT WORKER EXPLOITATION

HON. GEORGE MILLER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 6, 1982

● Mr. MILLER of California. Mr. Speaker, I am introducing legislation today to strengthen enforcement of the Fair Labor Standards Act by substantially increasing penalties against unscrupulous employers who exploit workers in violation of the law.

Last year, the Subcommittee on Labor Standards, of which I serve as chairman, conducted a prolonged investigation into the resurgence of sweatshops and other types of substandard, exploitative labor conditions in the garment trades in this country. Almost simultaneously, and unbelievably, the Secretary of Labor, who has the statutory responsibility of protecting workers from exploitation, announced that he was planning to lift the 40-year ban on industrial homework in several industries, thus sanctioning at-home sweatshops.

Industry, labor organizations, and State enforcement personnel, as well as numerous Department of Labor experts who would speak only off-the-record, assured me that the Secretary's action would make enforcement of the fair labor laws a total impossibility. Over 150 members of this body joined a number of former Secretaries of Labor from both Republican and Democratic administrations in vigorously opposing Secretary Donovan's ill-advised decision.

Fortunately, the unanimity of public opposition forced the administration to back down from its proposal to allow domestic sweatshops to flourish.

But despite this chorus of criticism, the Secretary has gone ahead with regulations permitting industrial homework in one major segment of the garment industry.

The subcommittee's investigation of sweatshops revealed a severe defect in the enforcement of the fair labor laws which Secretary Donovan promised us a year ago he would correct through legislation. In the midst of the sweatshop hearings, the Secretary told participants in a dinner meeting of the Business Roundtable that he would recommend changes in the fair labor laws to punish more severely those employers who exploit their workers by paying less than the wage rate required by Federal law.

This legislative proposal was to be the cornerstone of the administration's war on exploitation of workers. Now, nearly a year later, no legislation has been proposed. Five times the Secretary has promised to send legislation to the Congress. None has ever arrived.

We can all judge for ourselves the seriousness of the administration's commitment to prevent the exploitation of workers. But we cannot wait any longer—American workers cannot wait, legitimate businessmen cannot wait—for this administration to make good on its promises to protect workers. In fact, the only action by this administration in the last year has been to reduce drastically the number of enforcement agents charged with protecting workers.

Mr. Speaker, I was under the impression that this is a law-and-order administration. The law should be as vigorously enforced against the unscrupulous employer who exploits his employees as it is against the mugger in the streets. The Secretary recognized this when he promised to support legislation to toughen penalties for violators, but he has done nothing to follow up on that promise.

So, today, I am introducing the legislation which I first recommended last spring, and which is very similar to legislation endorsed that very same night by the Secretary before the Business Roundtable.

My bill addresses the two fundamental flaws in the Fair Labor Standards Act's effort to protect workers from illegal wages. Under the current law, when a lawbreaking employer is caught paying subminimum wages, he must pay only what he ought to have been paying the worker initially. If the Department of Labor cannot find the underpaid worker, the back wages are simply returned to the employer.

Where is the disincentive to exploit labor? The worst that can happen is that the employer pays the amount he ought to have been paying all along. The best thing that can happen, from the lawbreaker's viewpoint, is that the underpaid worker is never found, in which case the employer simply pockets the additional wages and profits by his exploitation.

The General Accounting Office has confirmed that this weak enforcement scheme encourages the exploitation of workers. In May 1981, GAO concluded,

> We found that many employers willfully violated the Act and that current enforcement actions have not resulted in penalties that would deter these violations. Without penalties, the worst that happens to employers when they are found in violation is that they must repay the back wages they should have paid initially.

Mr. Speaker, when a worker is paid less than the legal wage, when the Government has to undertake a search for that worker, when legitimate manufacturers and contractors are undercut by unscrupulous employers who know that they run little risk in exploiting their workers—when these situations occur, the integrity of the law has been challenged and a grave wrong has been committed. A tougher enforcement policy is essential.

My legislation requires an employer who has underpaid his workers to pay them three times the amount of the underpayment. If the Labor Department is not able to locate the worker within 3 years, my bill requires that the money be paid to the Treasury rather than be returned to the lawbreaker.

Mr. Speaker, under the current penalty provisions, crime pays. Nothing is risked by cheating workers who are often too frightened to challenge underpayments. Under my bill, which embodies the very concepts endorsed by Secretary Donovan, the financial lure to cheat workers is eliminated. I was very critical of the Secretary's well-publicized raids on a few sweatshops last year because they struck me as theatrical stunts rather than a committed policy of enforcing the law against substandard working conditions and substandard wages. If the Secretary, if the Reagan administration are serious about protecting the rights of workers, and if they are serious about enforcing the law of this land, they will endorse this legislation and exert influence to assure its enactment.

The "bent-backed women of the sweatshops" of whom a Labor Department publicist wrote last year, and millions of other working people throughout this country who are laboring at subminimum and illegal wages, are still waiting for the Secretary to follow up on his commitment to help them. This legislation provides him that opportunity, and I look forward to working with the administration in moving it through the Congress this year.

H.R. —

A bill to amend the Fair Labor Standards Act of 1938 to provide that an employer who violates section 6 or 7 of that Act shall be liable to the employee involved for three times the amount of wages involved in the violation, and for other purposes

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) section 16(b) of the Fair Labor Standards Act of 1938 (29 U.S.C. 216) is amended—

(1) by inserting "(1)" after "(b)";

(2) by amending the first sentence to read as follows: "Any employer who violates section 6 or 7 of this Act shall be liable to each employee affected in the amount of three times the unpaid minimum wages or unpaid overtime compensation, as the case may be.";

(3) in the third sentence by striking out "An action to recover the liability prescribed in either of the preceding sentences" and inserting in lieu thereof the following:

"(2) An action to recover the liability prescribed in paragraph (1)"; and

(4) in the sixth sentence (A) by striking out "this subsection" and inserting in lieu thereof "this paragraph", and (B) by redesignating clauses (1) and (2) as clauses (A) and (B) respectively.

(b) Section 16(c) of the Fair Labor Standards Act of 1938 is amended—

(1) in the first sentence by striking out "under subsection (b) of this section to such unpaid minimum wages or unpaid overtime compensation and an additional equal amount as liquidated damages" and inserting in lieu thereof "to bring an action under subsection (b)(2) for such wages or compensation";

(2) by amending the second sentence to read as follows: "The Secretary may bring an action in any court of competent jurisdiction to recover three times the unpaid minimum wages or unpaid overtime compensation, as the case may be."; and

(3) in the third sentence (A) by striking out "the first sentence of such subsection" and inserting in lieu thereof "the first sentence of paragraph (1) of such subsection", and (B) by striking out "unpaid minimum wages or unpaid overtime compensation under sections 6 and 7 or liquidated or other damages provided by this subsection" and inserting in lieu thereof "the amounts".

(c) Section 17 of the Fair Labor Standards Act of 1938 (29 U.S.C. 217) is amended by adding at the end the following: "Any sums recovered by the Secretary on behalf of an employee in an action under this section shall be held in a special deposit account and shall be paid, on order of the Secretary, directly to the employee or employees affected. Any such sums not paid to an employee because of inability to do so within a period of three years shall be covered into the Treasury of the United States as miscellaneous receipts."●

JERRY MOLLI—KING OF TAILORS

HON. LOUIS STOKES

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 6, 1982

● Mr. STOKES. Mr. Speaker, in the city of Cleveland, quality tailoring, competitive soccer, a love for police work, and good opera have one important link—my good friend Jerry Molli. I take this opportunity to pay special tribute to this master craftsman and exceptional human being.

Mr. Speaker, my colleagues from the Cleveland metropolitan area in the House are very familiar with the legend and the man, Jerry Molli. I use both of those words to describe Jerry because he has become a legend in his own time. More importantly, his professional achievements and civic associations have earned him the respect of both people in high places as well as the average Clevelander.

Mr. Speaker, just as important as his almost instant name recognition amongst the top male executives in Cleveland is that this Italian-born immigrant has been able to mesh easily dramatically different goals in his life. As the song goes, Mr. Speaker, Jerry Molli has dared to dream the impossible dream and succeeded. This fact makes Jerry Molli a very rare kind of human being.

Mr. Speaker, the backdrop for any illustration of Jerry Molli literally can be seen and heard by visiting his tailor shop on West 6th Street in Cleveland. As a customer walks across the threshold of his shop, the first thing that greets the person is soft opera music in the background and almost life-size pictures of Rocco Scotti, Enrico Caruso, and Luciano Pavarotti.

The second thing that meets the eyes of customers in Jerry Molli's shop are the numerous awards for excellence in tailoring and plaques from various groups, most notably police associations. The survival of the store itself in the old garment district in Cleveland is a trophy to the tailoring achievements of Jerry Molli.

Third, Mr. Speaker, the element which completes this backdrop is the friendliness extended to each customer.

Mr. Speaker, the pleasant atmosphere which I just painted is reflective of the personality and dreams of Jerry Molli. That is what this tribute is all about—the dreams and achievement of those dreams of Jerry Molli.

Although he is not an accomplished opera singer, Jerry shares some of the qualities of the opera great Luciano Pavarotti. Pavarotti is the king of the high "C's" and Jerry is the undisputed king of the tailoring business in Cleveland. Jerry Molli is also a noted soccer enthusiast, part-time policeman and proud of his heritage as an Italian-American citizen. Finally, Mr. Speaker, he is a shining example and the source of energy for his entire staff.

With that backdrop complete, I think that it would be appropriate to give some biographical notes on Jerry Molli. By doing so, his various goals and the development of them will become apparent to my colleagues.

Mr. Speaker, Jerry Molli was born in 1932 in Pastene, Italy. Quite early in his life, he began learning the art of tailoring from craftsmen in Benevento, Italy. Fate was an important factor in his decision to pursue tailoring and garment designing as a vocation.

This desire, initially, to learn about the tailoring business was not voluntary. Jerry Molli was urged by his mother to take up some trade after he accidentally broke the window of a 22-room palace with a soccer ball.

Thereafter, Jerry spent every afternoon perfecting his craft as a tailor and tailoring his skills as a garment designer. At age 17, he left his hometown and went to the big city to learn more about designing suits from master designers. After 1 year, Jerry Molli returned to his hometown to practice his craft.

However, unable to find work because of an overabundance of good tailers, the young Jerry Molli developed a new dream. That dream was to become a member of the "Carabinieri", a type of police in Italy. Unfortunately, this dream never came true for him while Jerry lived in Italy.

Shortly after that time, Mr. Speaker, Jerry Molli came to the United States. Although he left his homeland in Italy, he never lost sight of his dream of becoming an accomplished tailor or soccer player or policeman.

When he arrived in this country, Mr. Speaker, Jerry Molli assumed a position with the Cannon Tailors in the garment district in Cleveland. Until 1962, he worked for Brinkman and Cleary, which was another respected tailoring establishment in the Cleveland area. By virtue of this experience and exposure, Jerry Molli developed the reputation as the man with the prescription for any garment or clothing design problem.

After becoming one of the master tailors and true craftsmen in Cleveland, Jerry Molli started his own firm and moved to a location on West 6th Street in Cleveland. It did not take him long to attract customers from all over the city of Cleveland. Those customers include FBI officials, Federal judges, Members of Congress, military personnel, State officials, and some media personalities.

Now, Mr. Speaker, I could easily end the success story of Jerry Molli at this point. However, there is still much more to tell about the legendary Jerry Molli of Cleveland.

Mr. Speaker, as I mentioned at the beginning of this tribute, Jerry's enthusiasm for being a soccer player led to his study of tailoring in the first place. Therefore, it is not so difficult to believe that he still belongs to a soccer club. Jerry and some of his friends, years ago, purchased a professional soccer franchise and named the team the Cleveland Stars. His soccer clubs have won numerous trophies in athletic competitions.

Mr. Speaker, the fact that Jerry reached two dreams is remarkable. However, even more astonishing is the fact that my friend has managed to reach still another dream—the desire to be a policeman.

In 1973, Jerry Molli became a Deputy Sheriff through the Cuyahoga County Sheriff's Department. He has completed the Ohio Law Enforcement Officer Training Course and received full police power throughout the county. Currently, he works under the administration of Sheriff Gerald T. McFaul in the motorcycle unit and is an active member in other police organizations like the Metropolitan Crime Bureau and the Buckeye Sheriff's Association.

Mr. Speaker, the important link between quality opera, soccer, tailoring, and police work should be evident. That all-important link is my good friend and living legend in Cleveland—Jerry Molli. At this time, I ask my colleagues to join me in applauding the achievements of Jerry Molli. He is one of the very few people I know who dared to dream seemingly impossible dreams and made them realities.●

TRIBUTE TO ROBERT J. ZELLER

HON. MARIO BIAGGI

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 6, 1982

● Mr. BIAGGI. Mr. Speaker, last month one of our distinguished leaders of the banking industry, Robert J. Zeller, retired as chairman and chief executive officer of the Dollar Savings Bank of New York. As one who has worked closely with Bob Zeller on a number of major economic development projects for the Bronx, I know that his effective leadership and genuine concern for the community he has so admirably served will be sorely missed.

The best evidence of his abilities is Dollar's prominent position of strength in the thrift industry as the seventh largest savings bank in the Nation. How many among us have witnessed and nurtured the growth of a company in the midst of the Great Depression into a nearly $3 billion operation?

In addition, civic, banking and real estate organizations have long sought his talent and judgment in a variety of roles. He is a member of the Bronx Advisory Board of the Manufacturers Hanover Trust Co. and plays a vital role in the Savings Banks Association of New York State serving on the committee on Federal Government regulations, committee on New York City government relations and committee on legislation. Mr. Zeller is a director of the Mutual Savings Bank Fund Inc. and the Savings Banks Trust Co.

He has been active in civic affairs for the past 40 years and is a prominent leader in many health service and fund-raising organizations. As New York's ranking member on the House Select Aging Committee, I have been especially impressed by Mr. Zeller's leading advocacy for improved health care and programs for senior citizens. He has personally and successfully intervened in many cases where he has received an appeal to preserve the individual dignity of a troubled senior citizen.

Mr. Zeller serves as president and director of the Andrew Freedman Home, chairman of the Bronx County Division of the United Way of Tri-State, chairman of the finance committee for the committee for economic development and a member of the New York Urban Coalition Steering Committee.

In addition, he currently serves on the Real Estate Board of New York, Westchester County and Bronx County, and as a past member of the board of governors, he was cited in 1973 for outstanding community service.

During Mr. Zeller's tenure, the bank's local community mortgage investment within its service area has grown dramatically. He was a leading proponent of the good repair clause and this initiative resulted in both State and Federal legislative efforts to reinforce this law so that housing decay would be prevented and eliminated. Mr. Zeller's dedication to preserve good housing stock championed the early alert inspection program, which mandates early and more regular inspections of mortgaged buildings, and this has substantially promoted neighborhood stabilization throughout the metropolitan area.

Mr. Zeller was past post commander of the Peter Minuit Real Estate Post of the American Legion, past president of the Savings Bank Auditors and Comptrollers Forum, past president of St. Thomas Lutheran Church. He has provided invaluable guidance in developing the highly regarded community service programs of the Resurrection Lutheran Church Council.

Robert J. Zeller served with distinction as an officer in the Medical Corps during World War II, and continued to serve our country in the U.S. Army Reserve where he retired as a lieutenant colonel.

Mr. Zeller's deep concern for the city of New York and particularly the Bronx community has been an inspiration to all who have known and worked with him to build a better quality of life for his fellow man.

Mr. Speaker, spirit and effort like this can rebuild our cities. My colleagues, Representatives ROBERT GARCIA, PETER PEYSER, and JONATHAN B. BINGHAM, join me in saluting Mr. Zeller on his outstanding record of service and achievement.●

SUPPORT GROWS FOR DISTRICT HEATING LEGISLATION

HON. JAMES L. OBERSTAR

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 6, 1982

● Mr. OBERSTAR. Mr. Speaker, on March 15, the gentlewoman from Rhode Island (Mrs. SCHNEIDER) and I introduced H.R. 5833, a bill to broaden the lending authority of the Synthetic Fuels Corporation to include district heating and cooling and municipal waste to energy, or resource recovery projects.

The legislation developed from two hearings of the Northeast-Midwest Congressional Coalition which Representative SCHNEIDER and I held last year, and extensive discussions with the Conference of Mayors and district heating and cooling and resource recovery organizations.

The House Energy and Commerce Subcommittee on Fossil and Synthetic Fuels, chaired by the gentleman from Indiana (Mr. SHARP), April 2 held hearings on the current status of the Synthetic Fuels Corporation. I would like to submit, for the RECORD, the testimony presented by myself and the gentlewoman from Rhode Island in favor of H.R. 5833, as well as letters of support from the National League of Cities, National Association of Counties, Consumer Energy Council of America, and the International District Heating Association.

STATEMENT OF HON. JAMES L. OBERSTAR

Mr. Chairman, we want to commend you for holding hearings today on the Synthetic Fuels Corporation and to thank you for considering our legislation. The future of the Synthetic Fuels Corporation has been the center of increasing debate in our country. Your hearings, Mr. Chairman, provide Members of Congress and representatives of industry with the best possible forum for discussing and studying some new directions the Synthetic Fuels Corporation might take in the years ahead.

On March 15, Rep. Claudine Schneider and I introduced H.R. 5833, legislation which would broaden the authority of the Synthetic Fuels Corporation to permit the Corporation to fund district heating and cooling and municipal waste-to-energy projects. The legislation represents the products of two hearings to the Northeast Midwest Congressional Coalition which Rep. Schneider and I held last year, and of extensive discussions with the Conference of Mayors and district heating and resource recovery organizations.

The purpose of the legislation is to:

Broaden the lending authority of the Synthetic Fuels Corporation to include district heating and cooling. These projects would be eligible for all forms of financial assistance available from the Corporation.

Amend Section 132 of the Energy Security Act, relating to loans made by the Synthetic Fuels Corporation, by adding a new section—Section 132a—authorizing price support loans for municipal waste to energy projects.

Stipulate and require that 25 percent of the financial assistance available from the Synthetic Fuels Corporation be directed to district heating and cooling and municipal waste to energy projects.

Requires the Board of Directors of the Synthetic Fuels Corporation to assure that the Corporation is organized and staffed so as to effectively evaluate, process and review applications for district heating and cooling and municipal waste to energy projects.

District heating is an American technology invented in 1877. It is a system of delivering hot or cold water or steam from a central thermal source through pipes to customers for space heating and cooling and industrial processes. District heating and cooling is a flexible energy distribution system that can obtain heat from any number of fuels and deliver it to many different customers. The central source may be from the waste heat of an electric power plant, refuse incineration, industrial process, geothermal sources, manufactured sources or coal. This technology is used widely in Denmark, Sweden, West Germany, France, Italy, and the Soviet Bloc. It is gaining acceptance in Japan. West Germany has set a goal of 25% of all residential heating from district heating/cogeneration in 10 years. District heating provides 60% of home heating in Sweden and 75% reduction of sulphur in the atmosphere.

District heating can achieve 85-90% fuel efficiency and such systems can be cost-effective in 48 states. By comparison, kinetic energy derived from an electric turbine uses only 30% of the energy potential of a conventional fuel burn. District heating harnesses the remaining by-product which would otherwise be released into the atmosphere or waterways as waste.

District heating and cooling systems have been getting increased attention in these days of energy conservation and "appropriate energy technology", particularly in the district and state I represent, which have been pioneers in America's use of district heating. Minnesota is the home of some of the oldest systems in the nation. Furthermore, my home area, the Mesabi Iron Range, has some of the largest residential systems in the world. In Virginia, MN, 90 percent of the commercial district and 75 percent of the residential area are linked to the community's system. Virginia claims the largest number of metered customers of any district heating system in the world.

District heating, like so many other conservation efforts, was derailed by the decades of cheap oil and gas enjoyed in this country during the post-war decades until 1973. The relentless increases in energy prices in the past seven years have forced a revival of interest throughout the country, in the private and public sectors in district heating.

From the standpoint of energy cost and availability, communities with district heating systems will look particularly attractive to industries, businesses, and families that need reliable sources of heat, electricity, and cooling.

District heating and cooling also offer the very attractive prospect of stabilizing heating and cooling costs for business, industry and residential consumers, through its broad-based distribution of costs. Only 25 percent of the annualized cost of supplying thermal energy through district heating and cooling is in fuel costs; 75 percent is in capital costs. This suggests that fuel price inflation will be less of a factor in future energy pricing for district heating and cooling customers than for other systems.

District heating and cooling systems can be a means of promoting new technology in the energy field. As the new technologies mature, they can be incorporated into an existing district heating and cooling system at relatively low risk. District heating systems can become a convenient channel for new suppliers and new users to enter the energy market.

I believe that the Synthetic Fuels Corporation should be broadened to include energy options applicable to all regions of the country in order to spread out this much-needed investment capital. The entire Northeast-Midwest is virtually eliminated from consideration of Corporation-supported projects. The regional inequity in Corporation spending will only strengthen growing oppostion to the Corporation within our region.

There are benefits for states interested in developing district heating and cooling systems. If district heating were developed in all Minnesota communities over 5,000 people, the total heat delivered by the year 2000 would be 44 trillion Btus per year. This is about 3.5 percent of the state's projected primary energy demand in the year 2000. Since about 60 percent of this would be cogenerated, the heat would be produced by fuel also used to generate electricity. Cogeneration would save 28 trillion Btus of energy per year. This is equivalent to 200 million gallons of oil per year.

So why isn't every city in the United States scrambling to convert to district heating? Because of the high costs of financing these projects. The assistance provided through the Synthetic Fuels Corporation would mitigate impediments and promote development of these innovative energy technologies. I firmly believe that, as a matter of public policy, government, federal, state, and local, has a responsibility to stimulate the development of initiatives like district heating.

Mr. Chairman, at a time when the Administration and Congress are telling America's cities that there will be no funds for new programs, and less money for existing programs, your Subcommittee is appropriately focusing on an energy source that is as old as the century. District heating and cooling are old processes that Congress, state and local governments, and the American people are wisely giving a new look.

STATEMENT OF HON. CLAUDINE SCHNEIDER

Thank you, Mr. Chairman, for the opportunity to testify today. I think our presence here indicates that the Synthetic Fuels Corporation has run into trouble and is losing support here in the Congress. Before the SFC commits billions of dollars to promote synthetic fuels development, I believe that we need to consider whether we are making a balanced investment in energy supply.

I have joined with Congressman Oberstar in introducing H.R. 5833, which would open the SFC to allow financing for district heating and cooling, and waste-to-energy projects. If the Synthetic Fuels Corporation is to survive, I believe that it must provide for a fairer distribution of federal capital for energy development.

The SFC as it stands reserves its lending authority for the fossil fuel industries—which already seem to have plenty of capital—to underwrite their development of synthetic fuels. Our bill would reserve some of those loans for urban technologies, so that our cities—which are always short of capital, even in good times—can put people to work to build their own innovative energy supply systems.

The SFC as it is currently written does not really address the chronic dependence of oil-consuming cities on the actions of producers and suppliers over which they have no control. H.R. 5833 offers cities the chance—by investing in district heating and urban waste-to-energy projects—to take their energy future into their own hands.

Waste-to-energy systems, otherwise known as waste recovery plants, are like district heating and cooling systems in that the economics over the life-cycle of the plant are very attractive. In addition, waste recovery offers cities the advantage of being able to burn garbage to produce steam for heat or electricity, instead of dumping it in landfills, where it may contaminate groundwater supplies, or pose other environmental hazards.

Unfortunately, a serious obstacle has emerged to discourage investment in waste recovery. If a recovery plant is to be economical, it needs a large and steady supply of waste for reprocessing. However, the fees that a new plant would have to charge for the garbage it processed into energy are relatively expensive in the early years of operation. Right now, it is still relatively cheap in the short run for most cities to dispose of their waste in landfills. The volume of waste that a recovery plant must receive to become economical is therefore likely to be reduced to a trickle, as its supply is diverted to cheaper landfills.

The dilemma is compounded by the fact that many cities are beginning to run out of landfill space, and may face a waste disposal crisis in the not-too-distant future. The challenge we face is how to develop the solution—waste recovery—before the problem—dwindling landfill space—gets out of hand.

After several working sessions with representatives from the Conference of Mayors, we decided to direct the financial assistance available through our proposed legislation for urban waste recovery to price support loans. The loan would represent the difference between the set standard price of imported oil, and the cost of the energy the waste plant would displace.

This mechanism would allow the plant to increase its revenues in the early years of operation—the increased revenues would in turn be used to help reduce the tipping fees charged to the city for waste reprocessed at the plant. Waste recovery would then be a more economical alternative to landfill in many cases, and could be developed before existing landfills are depleted. The price support loan would extend for seven years, which would give the recovery plant time to become economically self-sufficient.

As Members of the Subcommittee are aware, what we are proposing with regard to waste recovery is not really new. The original legislation authorizing the Synthetic Fuels Corporation contained a title for financing waste recovery plants. Unfortunately, the funding for that title got lost in the shuffle—all we are left with is financing for fossil fuel technologies which, although important, are probably not going to lower energy costs in American cities at any time in the near future.

The energy potential of waste recovery plants—up to 220,000 barrels of oil-equivalent a day—is great. That potential exists in dozens of American cities—San Francisco, New York, Hartford, Warwick, Baltimore, San Diego, Trenton, Savannah, and Philadelphia, to name a few.

H.R. 5833 would help to make that potential a reality for the oil-dependent cities of America's industrial heartland.

NATIONAL LEAGUE OF CITIES,
Washington, D.C., April 1, 1982.

Hon. PHILIP R. SHARP,
Chairman, Subcommittee on Fossil and Synthetic Fuels, Committee on Energy and Commerce, U.S. House of Representatives, Washington, D.C.

DEAR MR. CHAIRMAN: I am writing in behalf of the National League of Cities to urge your prompt and favorable consideration of H.R. 5833, sponsored by Representatives Oberstar and Schneider.

With the severe reductions proposed by the administration in its EPA and energy conservation and renewable resource budgets, at a time when state and local governments have already been forced to accept disproportionate reductions in federal funds, it is difficult to understand continued multibillion-dollar subsidies to the private sector for profit-making initiatives. More importantly, cities—as consumers—are importers of energy. One of the few means cities have to decrease energy prices is to become involved as suppliers through district heating or cooling systems, or through municipal waste-to-energy projects such as Indianapolis is pursuing.

In our view, there should be a much greater sense of equity in allocating scarce budget resources. Of particular concern to our members is that those federal funds which are utilized be directed to benefit those most in need and least able to obtain the necessary capital financing through the private markets.

Consequently, we would urge your serious consideration of the Oberstar-Schneider proposal. It merits your Committee's support and early approval.

Sincerely,

GEORGE GROSS,
Director of Federal Relations.

NATIONAL ASSOCIATION OF COUNTIES,
Washington, D.C., March 30, 1982.

Hon. PHIL SHARP,
Rayburn House Office Building,
Washington, D.C.

DEAR REPRESENTATIVE SHARP: The National Association of Counties (NACo) would like to commend you on holding hearings on H.R. 5833, the "Synthetic Fuels Corporation, Amendments of 1982." NACo has long felt that in establishing the Synthetic Fuels Corporation, Congress failed to include within its scope of activities a number of significant project types. High on this list of omissions are district heating and cooling and municipal waste-to-energy projects.

NACo is strongly supportive of the provision of H.R. 5833 extending the Corporation's loan authority for the above projects. We also feel that for this extension to have a practical effect that the Corporation must have staff which can evaluate these technologies and that a specified percentage of the overall funding be set aside for these projects. Both of these latter concerns are positively addressed in H.R. 5833.

Again, we would like to commend you on holding these hearings. We hope that they are the beginning of timely consideration of an important issue. NACo is very interested in working with you on this matter and hopes that we might be called upon for advice and assistance.

Sincerely,

MARK I. CROKE,
Legislative Representative.

CONSUMER ENERGY COUNCIL OF AMERICA,
Washington, D.C., April 1, 1982.

Hon. PHILIP R. SHARP,
Chairman, Subcommittee on Fossil and Synthetic Fuels, Washington, D.C.

DEAR MR. CHAIRMAN: The Consumer Energy Council of America (CECA), a broad-based coalition of major national consumer, labor, farm, public power, rural electric cooperative, senior citizen, farm, urban, and low income organizations, is writing to express its support for H.R. 5833, the Synthetic Fuels Corporation Amendments of 1982.

H.R. 5833, which would earmark 25 percent of Synthetic Fuels Corporation monies for district heating and cooling and municipal, waste-to-energy projects, would help to ensure a broad mix of energy resources in this country. Although the Energy Security Act of 1980 recognized biomass as a significant fuel source which deserves federal support, biomass programs have been eviscerated in the budget battles of the past year. As a synthetic fuel which receives little federal support, biomass should rightfully come under the umbrella of the Synthetic Fuels Corporation.

Of all the synthetic fuels, biomass is the most readily available and technically mature energy resource. Biomass is clearly a cost-effective local resource that deserves the support of the Synthetic Fuels Corporation.

The Consumer Energy Council of America urges you to lend your full support to H.R. 5833.

Sincerely,

ELLEN BERMAN,
Executive Director.

INTERNATIONAL DISTRICT HEATING ASSOCIATION,
Washington, D.C., April 1, 1982.

Hon. PHILIP R. SHARP,
U.S. House of Representatives, Rayburn House Office Building, Washington, D.C.

DEAR MR. SHARP: The International District Heating Association is a not-for-profit, incorporated, technical association founded in 1909 for the advancement of and exchange of information about district heating. IDHA represents utilities, municipalities, universities and other physical plant systems engaged in the supplying of thermal energy in the form of steam, hot and chilled water for heating, cooling and process use. It also represents manufacturers of equipment of district systems and engineers involved in the design and development of systems. The membership is involved in and greatly concerned with the most efficient use of energy, the planning and development of central cities and other high density areas, the conservation of investment in the industry and the protection of the environment in an intelligent and rational manner.

IDHA would like to state its support for H.R. 5833, the Synthetic Fuels Corporation Amendments of 1982. The development of district heating systems is highly capital intensive, but their creation, particularly those utilizing refuse for fuel, can have a strong positive economic effect on the growth of our cities. Jobs are created through the building of systems and by the industries attracted to stable energy sources. In evaluating the economics of the systems it must be kept in mind that most district heating systems in the U.S. are over 50 years old and the economics of new systems should be based on similar long term distribution of energy. With the provision of capital for the initial development of district systems through the amendments, cities would gain new control over their economic and energy futures.

The professionals represented by the International District Heating Association represent both the public and private sector. They are all aware of the difficulties in developing the financing for a major enterprise in these times of high interest rates and tight money. Through the proposed Amendments to the Synthetic Fuels Act, greatly needed assistance would be provided for the initial development of energy saving district systems. Any new systems developed should have strong economic feasibility, but once that potential is clear barriers should be removed to allow the system to make its contribution to the community.

Sincerely,

NORMAN R. TAYLOR,
Executive Director.●

H.R. 5750: A UDAG FOR HOUSING

HON. CHARLES E. SCHUMER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 6, 1982

● Mr. SCHUMER. Mr. Speaker, in recent weeks we have heard a great deal about the crisis that faces the Nation's housing industry, and about the need for an emergency stimulus program to save the industry. To be sure, with housing starts at their lowest point and construction industry unemployment at its highest point in the postwar era, a crisis does exist. Beyond the crisis in the industry, however, lies a genuine housing crisis. This crisis is nowhere more evident, nor more severe, than in the rental housing market, yet not one of the emergency proposals that I have seen even mentions rental housing. An emergency program for rental housing, such as building out the section 8 pipeline, would help ease the crisis and enable the Government to fulfill funding commitments that have already been made, but it will not end the crisis, and it will not provide the justification for ending all Federal assistance for the production and rehabilitation of new rental housing. An ongoing program will still be required; our responsibility should be to make that program as workable and cost effective as possible.

On March 8, I introduced legislation which addressed the unprecedented crisis in the Nation's rental housing market in a way that is fundamentally different from current programs. The bill, H.R. 5750, directs the Secretary of Housing and Urban Development to provide assistance to State and local governments to finance the production and rehabilitation of affordable rental and cooperative housing. This program, working in conjunction with an adequately funded exisiting housing support program, can form the basis of a comprehensive, cost-effective strategy for addressing the needs of those citizens who are not being served by the private market. In fact, it has been included in, and dovetails with, the comprehensive housing bill introduced last week by Chairman HENRY GONZALEZ of the Housing Subcommittee.

The program I am proposing is a fuller, more refined version of legislation I introduced in the last session. This effort is the result of close collaboration with Senator CHRISTOPHER DODD, of Connecticut, as was last session's bill, and the House Housing Subcommittee.

The symptoms of the rental housing crisis are abundant. Vacancy rates are at their lowest level since this statistic has been recorded. Overcrowding is increasing for the first time in many years. Although the number of units with serious defects has declined steadily in the postwar era, over 5 million lower income families still live in physically inadequate housing. Without a doubt, insufficient income is a major problem for these families, but, as the number of insufficient units indicates, it is not their only problem, as the administration would have us believe. There is no shortage of demand in any segment of the rental market. The shortage lies in the supply.

Despite the large numbers of families who prefer or are forced to rent, virtually no unsubsidized rental housing is being built. Private capital has sought other opportunities. Banks, investors, and developers no longer view rental housing as an attractive investment. Recent changes in the depreciation schedules for rental housing have made it more attractive than it used to be, but changes in the depreciation schedules of other assets have actually made housing even less attractive compared to these assets than it was previously. Upper income families have opted for the inflation protection and tax advantages of homeownership, thus skimming off the only potential source of demand for new unsubsidized rentals built at today's interest rates. At the same time, many families, locked out of the single-family market by high interest rates, are forced to remain in rental units or in houses they have outgrown, thus choking off a vital source of rental vacancies. The National Association of Home Builders estimates that at current rates only 11 percent of American families can afford to buy a home. The inescapable conclusion is that the current gap between the supply and demand of rental housing will grow larger. Experts ranging from the National Association of Home Builders to the Brookings Institution estimate this gap at about 200,000 units per year.

A comprehensive survey recently completed in New York City—where close to 70 percent of the population are renters—presents a clear view of the depth of the problem. Overall vacancy rates plunged from 3 percent in 1978 to 2.1 percent in 1981. For lower income renters the vacancy rate was even lower, at 1.8 percent. For moderate-income renters the situation was the worst of all, with vacancies at 1.6 percent. New York's rental crunch got worse even though there was a net increase of 8,000 units in the city, the first increase in a decade.

Yet, instead of assisting the production of new rental units, the administration has proposed to support fewer units of existing housing with less assistance per unit than ever before. It views the housing crisis as an affordability problem rather than a supply problem. The potential success of a strict affordability approach can be predicted by considering what would have happened in New York City if there was no section 8 production program operating for the past 3 years, but only the section 8 existing housing program. First, there would have been a net decrease in the number of units in the city, since the 8,000-unit increase is more than accounted for by the section 8 construction program. More importantly, the existing certificate program itself would have been less effective. The current waiting list for section 8 existing certificates is 6 years long—the wait is similar in other cities—and over 30 percent of those who finally receive certificates must return them because they cannot find a unit that fits the program. The evidence is clear: We must do something to increase the supply of rental units available in the market, or housing vouchers will be ineffective, and will only lead to higher rents, not new units.

The goal of H.R. 5750 is to increase the supply of rental housing available in supply-constrained areas for families without other reasonable and affordable housing opportunities in the private market. Briefly, the program would work like this:

HUD would make funds available to State and local governments to assist in the production and rehabilitation of modest rental housing in areas experiencing severe shortages. Local governments would apply for these funds on behalf of an in conjunction with housing developers, including nonprofit and cooperative corporations.

Applications would detail the location of the project, the cost, and work to be performed. They would request an amount of assistance sufficient to reduce rents to a level affordable by families with moderate incomes, and to reduce rents in at least 20 percent of the units to a level affordable by lower income families without further assistance. The application may call for assistance to be used as a grant, a loan, an annual interest reduction payment, or in any other way that will reduce rents efficiently. This provision gives local governments considerable flexibility, allowing them to design projects that fit their needs.

Projects would be judged competitively. The selection criteria reward those projects which do the most to alleviate shortages in areas of need, contribute to neighborhood development, and mitigate displacement, and those applicants which have a demonstrated record of meeting their assisted housing needs. In addition, the criteria provide incentives for minimizing the amount of Federal assistance requested and maximizing the local governmental and private contribution.

This program will provide more housing for less money than the section 8 program. The $1.3 billion authorized in H.R. 5750 will add between 60,000 and 100,000 units of rental housing, depending on the mix between new production and rehabilitation. In contrast, only 10,000 units could be assisted with an equal amount under the section 8 construction program. In addition, this program does not require that the Federal Government commit itself to spend money 30 years in the future, which has been one of the most persistent and damaging criticisms of the section 8 program. Without these long-term commitments, Congress will regain control over annual housing expenditures.

This program is perhaps best thought of as the housing equivalent of the urban development action grant program, because it brings the principles of that highly successful program to a housing program for the first time. First, assistance is provided only to fill the gap between reasonable construction or rehabilitation costs and what the market can support. Second, assistance is flexible. Third, projects will represent a Federal-local-private partnership, with the center of responsibility for housing decisions shifted to the local level. Fourth, Federal assistance will leverage non-Federal governmental and private contributions in as favorable a ratio as possible. Fifth, assistance is targeted to areas most in need, to be selected according to objective measures of housing need, such as overcrowding, vacancy rates, and the amount of substandard housing.

Some who oppose this program are likely to argue that this is a middle-income housing program and that we should only provide assistance to the lowest income families. I believe that this argument is sincere, but that it overlooks three important considerations. First, the program is designed to let localities determine their housing needs and use Federal assistance to help meet them. It is assumed that one major need is providing housing for lower income families; for this reason a locality's record in meeting this need is a principle factor to be used in selecting projects to be assisted. At least 20 percent of the units in each project must be set aside for low-income families, but this is an absolute minimum; localities may design projects which set aside whatever fraction of the units they determine will result in a viable project that fits into their overall housing strategy.

Second, as noted earlier, there is a desperate need to increase the basic supply of modest rental housing. Renters are simply not being served by the private market. Tight markets put upward pressure on rents, pressure which hurts lower income families the most. Given that, unfortunately, housing assistance is not likely to become an entitlement program soon, if we can put some slack into excruciating tight markets, we will alleviate some of this pressure, and serve all renters well—those low-income families who do not receive Federal assistance as well as those who do.

Finally, this program represents a fundamental departure from the current approach to assisted housing. Although it stands alone as a production vehicle it is designed to serve as one element in a comprehensive housing assistance strategy. As outlined in the bill Chairman GONZALEZ introduced last week, that strategy includes funding for section 8 existing housing certificates, loans for the construction of elderly and handicapped housing, sufficient funding for public housing modernization, operating subsidies, and production, and a single-family production assistance program. I believe that this strategy is a sound approach to meeting the Nation's housing needs in a balanced, fair, and efficient manner.

Mr. Speaker, I include the text of H.R. 5750 in the RECORD:

H.R. 5750

A bill to stimulate the production and rehabilitation of multifamily rental housing

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SHORT TITLE

SECTION 1. This Act may be citied as the "Rental Housing Production and Rehabilitation Act of 1982".

STATEMENT OF PURPOSE AND AUTHORITY

SEC. 2. (a) The purpose of this Act is to increase the Nation's stock of rental and cooperative housing and to reduce the housing costs of the residents of such housing by encouraging the construction and rehabilitation of multifamily rental housing projects and cooperative housing projects for families and individuals without other reasonable and affordable housing alternatives in the private market.

(b) The Secretary of Housing and Urban Development (hereafter referred to in this Act as the "Secretary") shall, to the extent approved in appropriation Acts, provide financial assistance to carry out the purpose of this Act with respect to multifamily rental housing and multifamily cooperative housing if such cooperative housing is owned by limited dividend corporations, private nonprofit corporations, or other nonprofit corporations or limited dividend entities eligible under section 221(d)(3) or (e) of the National Housing Act.

(c) Such assistance shall be made available by the Secretary to states, units of local government, or designated agencies of States or units of local government which apply for such assistance in a form and manner prescribed by the Secretary and which are selected for such assistance on the basis of the eligibility and selection criteria and other conditions set forth in this Act.

(d) States, units of local government, or agencies thereof which receive such assistance shall utilize it to stimulate the construction or rehabilitation of rental or cooperative housing projects described in subsection (b) by providing—

(1) capital grants;

(2) loans;

(3) interest reduction payments;

(4) grants to finance the purchase of land; or

(5) other comparable assistance, which the Secretary deems appropriate to carry out the purposes of this Act, designed to reduce project debt service cost.

AREA ELIGIBILITY CRITERIA

SEC. 3. To be eligible for assistance under this Act, a project must be located in an area which is experiencing a severe shortage of decent rental housing opportunities for families and individuals without other reasonable and affordable housing alternatives in the private market. The Secretary shall issue regulations, consistent with the preceding sentence, which set forth minimum standards for determining areas eligible for assistance. Such standards shall take into account the extent and change in the level of poverty, housing overcrowding, the amount and duration of rental housing vacancies, the amount of substandard rental housing, the extent of rental housing production lag, and such other objectively measurable conditions specified by the Secretary which are consistent with the first sentence of this section.

PROJECT SELECTION CRITERIA

SEC. 4. In selecting projects for assistance under this Act from among the eligible projects, the Secretary shall make such selection on the basis of the extent—

(1) to which the project or projects described in the application reduce the severe shortage of decent rental housing opportunities in the area for families and individuals without other reasonable and affordable housing alternatives in the private market;

(2) of non-Federal public and private financial or other contributions which reduce the cost of the project or projects;

(3) to which the project or projects contribute to neighborhood development and mitigate displacement;

(4) to which the applicant has established a satisfactory performance in meeting assisted housing needs; and

(5) to which the assistance requested from the Secretary will provide the maximum number of units for the least cost, taking into consideration cost differences among different areas and differences among the types of projects and tenants being served.

ALLOCATION OF ASSISTANCE

SEC. 5. In providing assistance under this Act, the Secretary shall seek to assure a reasonable distribution among eligible areas in different geographic regions, between metropolitan and nonmetroplitan areas, and between States and units of local government or their designated agencies, based on the Secretary's determination of the prior and current capacities of those entities to develop and implement housing initiatives. In addition, the Secretary shall make a reasonable distribution of assistance among newly constructed, substantially rehabilitated, and moderately rehabilitated projects on the basis of local housing needs and prevailing local housing market conditions identified in the application for assistance.

AMOUNT OF ASSISTANCE

SEC. 6. The amount of assistance provided under this Act with respect to a project shall be the least amount which the Secretary determines is necessary to provide, through the construction or rehabilitation of such project, decent rental or cooperative housing of modest design which is affordable for families and individuals without other reasonable and affordable housing alternatives in the private market, including an amount necessary to make rents for units described in section 7(a)(2) affordable for persons and families whose income does not exceed 80 per centum of the median income of the area.

TERMS AND CONDITIONS OF ASSISTANCE

SEC. 7. (a) Assistance under this Act may be provided with respect to a project only if—

(1) the owner has entered into such agreements with the Secretary as may be necessary to assure compliance with the requirements of this section, to assure financial feasibility of the project, and to carry out the other provisions of this Act;

(2) the owner agrees that, during the 15-year period beginning on the date on which 50 per centum of the units in the project are occupied (or in the case of a moderately rehabilitated project, are completed), at least 20 per centum of the units the construction or rehabilitation of which is provided for under the application shall be occupied, or available for occupancy by, persons and families whose income does not exceed 80 per centum of the area median income;

(3) the owner agrees—

(A) to pass on to the tenants any reduction in the debt service payments resulting from the assistance provided under this Act;

(B) not to discriminate against prospective tenants on the basis of their receipt of or eligibility for housing assistance under any Federal housing assistance program; and

(C) not to convert the units to condominium ownership (or in the case of a cooperative, to condominium ownership or any form of cooperative ownership not eligible for assistance under this section);

during the 15-year period beginning on the date on which the units in the project are available for occupancy (or in the case of a moderately rehabilitated project, are completed);

(4) any mortgage secured by the property—

(A) has a principal amount which is not more than the amount which could be insured for the project under section 207 of the National Housing Act; and

(B) bears a rate of interest and contains such other terms and conditions as the Secretary determines are reasonable;

(5) the project is newly constructed or substantially or moderately rehabilitated, contains five or more dwelling units, and is used predominantly for residential purposes; and

(6) the State or unit of local government which receives the assistance certifies to the satisfaction of the Secretary that the assistance will be made available in conformity with Public Law 88-352 and Public Law 90-284.

(b)(1) The Secretary shall provide that if the owner or his or her successors in interest fail to carry out the agreements described in paragraphs (1), (2), and (3) of subsection (a) during the applicable period, the owner or his or her successors in interest shall make a payment to the Secretary in an amount which equals the total amount of assistance provided under this Act with respect to such project, plus interest thereon (without compounding), for each year and any fraction thereof the loan was outstanding, at a rate determined by the Secretary taking into account the average yield on outstanding marketable long-term obligations of the United States during the month preceding the date on which the assistance was made available.

(2) Notwithstanding any other provision of law, any assistance provided under this section shall constitute a debt, payable in the case of any event described in paragraph (1), secured by the security instruments given by the mortgagor to the Secretary.

(c)(1) A mortgage on a project assisted under this Act may be insured under title II of the National Housing Act.

(2) Section 817 of the Housing and Community Development Act of 1974 is amended—

(A) by striking out "and" after "1966,"; and

(B) by inserting after "and 1970" the following: ", and the Rental Housing Production and Rehabilitation Act of 1982".

(d)(1) Rents charged for units described in subsection (a)(2) in any such project shall be approved by the Secretary. In approving such rents, the Secretary shall provide that tenants of such units are charged not more than 30 percent of their adjusted income for rent, including utilities, and shall require that not less than 30 days prior written notice of any increase in rents be provided to such tenants.

(2) Any schedule of rents submitted by an owner to the Secretary for approval shall be deemed to be approved unless the Secretary

informs the owner, within 60 days after receiving such schedule, that such schedule is disapproved.

LABOR STANDARDS

SEC. 8. Any contract for assistance pursuant to this Act shall contain a provision requiring that not less than the wages prevailing in the locality, as determined or adopted (subsequent to a determination under applicable State or local law) by the Secretary, shall be paid to all architects, technical engineers, draftsmen, and technicians employed in the development, and all maintenance laborers and mechanics employed in the operation, of the lower income housing project involved; and shall also contain a provision that not less than the wages prevailing in the locality, as predetermined by the Secretary of Labor pursuant to the Davis-Bacon Act (49 Stat. 1011), shall be paid to all laborers and mechanics employed in the development of the project involved, and the Secretary shall require certification as to compliance with the provisions of this section prior to making any payment under such contract.

AUTHORIZATION

SEC. 9. There is authorized to be appropriated for assistance under this act not to exceed the sum of $1,300,000,000 for fiscal year 1983.●

CONGRESSMAN FORD OF TENNESSEE SALUTES THE 125TH ANNIVERSARY OF THE AMERICAN INSTITUTE OF ARCHITECTS

HON. HAROLD E. FORD

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 6, 1982

● Mr. FORD of Tennessee. Mr. Speaker, as we approach the 125th anniversary of the American Institute of Architects, the organized voice of our country's architectural profession, it is appropriate to reflect upon the enormous contribution this profession has made to our society.

Who can imagine our Nation's great cities without such landmarks as the Empire State Building or the Washington Monument? This fine tradition began with the colonists. On the eastern seaboard, the predominant style was English, but the French, Spanish, and Dutch added their stylistic influences as the country grew. A number of monumental projects—the establishment of Washington in 1800, the Philadelphia Centennial Exposition in 1876, and the 1893 World's Columbian Exposition in Chicago reflect the national aspirations of the 19th century. The strong-willed independent personalities of the Chicago school artistically exploited the new building techniques of iron, steel, glass, and concrete. The most dramatic result of these developments was the skyscraper, a quintessence of American ingenuity that reflected the dramatic rise in land values and business concentration during the great building boom of the 1880's.

This spirit of prosperity alternated with the turmoil of the early part of the 20th century to form contemporary architectural thought. The new wave of immigrants brought many distinguished architects to our shores. Their logic and search for perfection of form developed the international period, which was eagerly sponsored by corporations desirous of expressing their corporate images architecturally. Modern architects have continued to combine building technologies with design innovations to create exciting new visual forms. In many urban centers, lobby atriums literally re-create the outdoors inside. Plazas bring people together for every imaginable public celebration, and fountains and sculpture gardens provide a restful alternative to the day's busy work schedule. The architect's achievements touch every aspect of our lives.

In my great hometown of Memphis, Tenn., architects have designed shopping malls, industrial parks, and residential subdivisions that blend well with our natural terrain and environment. Perhaps most exciting is the revitalization of our downtown area. Architects are currently working on several important projects. One of the foremost is the restoration of Beale Street, home of the blues. This four-block area has been designated a national historic district by the National Trust for Historic Preservation. The area is famous for its influence on W. C. Handy, father of the blues. When completed, restaurants, music halls, and boutiques will please visitors from around the world. It took a team of dedicated architects many hours to conceptually link the development's disparate elements. Tirelessly, they held many public meetings to explain their concepts and solicit community support. Without them, the Beale Street project would not be a reality today.

Plans are also underway to revitalize our magnificent riverfront along the mighty Mississippi River. Highlighting this effort is the development of Mud Island, a $60-million undertaking which features the world's only museum dedicated to a river. A 4,000-seat amphitheater, a marina, and a river walk add to the experience. Mud Island will open July 4, in what surely will be one of the summer's most exciting events. Once again, local architects made it happen.

Nationwide, many new design vistas are ahead of us. Our country continues to face the limitations of our natural and economic resources. We have expanding urban populations that require housing, recreational, and employment opportunities. Our suburbs, too, are growing older and more troubled. Architects stand ready to address these problems, competently and imaginatively. The architect's creative use of new materials and construction methods continue to meet the demands of inflation without compromising the quality of our environment. They inspire and challenge us to look toward the next century, while remembering the proud accomplishments of our design heritage.

We can be thankful, Mr. Speaker, that yesterday's architects respected their environment. For a glimpse into the environment of tomorrow, we have only to examine the architect's drawing boards of today. Our design professionals are a national treasure no less than the great architectural forms they create. It is my honor to salute them on the occasion of their 125th anniversary.●

FORT WORTH PLANT MARKS 40TH YEAR IN KEY ROLE OF NATION'S DEFENSE

HON. JIM WRIGHT

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 6, 1982

● Mr. WRIGHT. Mr. Speaker, on a tranquil spring day in 1941, a cow grazed in a muddy pasture west of Fort Worth and had the place pretty much to herself.

To a fisherman on Lake Worth just to the north, there was no sign that the peaceful meadow stretching southward from the shoreline was about to fulfill a date with history.

Yet it was here, on April 18, 1941, that ground was broken for an aircraft factory whose planes would form America's first line of defense for decades to come.

Exactly 1 year later, the plant went into feverish wartime production of the legendary B-24, whose wings were to blacken the skies over America's enemies in both Europe and the Pacific in World War II.

Today that same plant, operated continuously since its opening by General Dynamics Corp., and its predecessor companies, is preparing to observe its 40th anniversary of service to the defense of our country. A special ceremony will be held in the plant on Monday, April 19.

Few of the plant's personnel today were on hand for the groundbreaking back in 1941. Taking part in the historic ceremony that day were Fort Worth's Mayor, Amon G. Carter, officials of the U.S. War Department, and Maj. Reuben H. Fleet, founder and the president of Consolidated Aircraft Corp.

Consolidated was one of the companies that was later merged to form General Dynamics, whose Fort Worth division, headed by Herbert F. Rogers, operates the mile-long assembly plant today.

Still known by oldtimers in the area merely as "the bomber plant," the installation bears the official title of Air Force Plant No. 4. Since its opening in 1942, the plant has produced nearly 5,000 military aircraft for the United States and friendly nations.

The gigantic plant has been the anvil on which superb teams of designers, engineers and craftsmen have built each new generation of aircraft—the B-24 Liberator, the B-32 Dominator, the B-36 Peacemaker, the B-58, the F-111, and finally the F-16 Fighting Falcon, the most versatile fighter-bomber in the world today.

The F-16, which is manned by only one pilot and flies at more than twice the speed of sound, can carry nearly twice the munitions load of its historic old forebear, the B-24, which required a crew of 10.

The maneuverability, versatility, and economy of the F-16 have prompted the U.S. Air Force to order 1,985 of the Fighting Falcons, and nine friendly countries have announced plans to buy 600 more. The industries of five nations—the United States, Belgium, Denmark, the Netherlands, and Norway—are jointly building various parts of the plane. Besides the one in Fort Worth, assembly lines for the F-16 are in operation in Belgium and in the Netherlands.

Thus the F-16, conceived, designed, and built in Fort Worth, constitutes the largest international military coproduction program in history. The new fighter will be, in the years ahead, the free world's first line of defense.

Since its opening 40 years ago, the Fort Worth plant has had an annual average employment level of 16,648 men and women. These employees have earned a total of more than $5.6 billion. The average annual employee salary has increased nearly tenfold since the first B-24 rolled off the line.

Sales during the four decades have exceeded $20 billion and, because of sound management and a dedication to quality work, the division has earned nearly $1.2 billion.

The annual payroll today is $406 million. Each payroll dollar generates approximately $3 in other jobs, businesses and benefits for the Fort Worth regional economy. Thus the impact from the payroll alone will be $1.2 billion this year.

Thousands of subcontractors across the Nation also benefit. In 1981, the Fort Worth plant purchased $895 million in materials and services in 48 States and the District of Columbia.

Texas clearly receives most of the financial benefits from the plant. A total of 2,238 Texas businesses received $168 million in contracts in 1981. This amount, combined with the $406 million payroll, directly introduced $574 million into the Texas economy. It is estimated that the plant thus generates more than 40,000 jobs for Texans.

But these economic benefits, as impressive as they are, would be less than welcome unless we, as neighbors of General Dynamics, knew that it was fulfilling its basic fundamental role of providing the best possible value for America's defense dollar. We are Texans, but first we are Americans.

We are proud to have the General Dynamics plant as our neighbor because we believe it builds for our Nation's defense the best military airplanes in the world.

So as our friends and neighbors who work in this important defense installation prepare to observe the 40th anniversary of their plant, their fellow citizens in Tarrant County, in Texas and in the United States at large, can offer them a well-deserved salute for their outstanding contribution to the defense of our country.●

RICHSTONE CENTER: A COMPREHENSIVE APPROACH TO CHILD ABUSE

HON. GLENN M. ANDERSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 6, 1982

● Mr. ANDERSON. Mr. Speaker, the existence of child abuse in our society is a tragic fact whose frequency is too often overlooked, for it is an uncomfortable subject of which people do not like to be reminded. The abused child is in a particularly difficult situation, for his or her problem is not one that can be solved by dealing exclusively with the child. If a child suffers from acute appendicitis, the mother or father recognizes that a problem exists, takes the child to a doctor and then to a hospital where the offending appendix is removed. In the case of the abused child, however, the mother or father would perhaps not recognize the problem or would be ashamed and not seek assistance. Even if the problem is acknowledged and assistance sought, the solution is still difficult for it is the parents as well as the child who must be treated.

The South Bay area in California is fortunate to be served by the Richstone Family Stress Center for the Prevention of Child Abuse, a private, nonprofit organization dedicated to the treatment of the abusive family. The peculiar, vague nature of the problem of child abuse demands the bold and comprehensive solution that Richstone provides under the leadership of Executive Director Dorothy Courtney and Clinical Director Elaine Struhl. Rather than dealing exclusively with the child or the parents, Richstone approaches the problem from the perspective of treating the family as a unit. Although Richstone offers individual counseling for parents and individual counseling for children, the goal is to improve the overall communication and relationships of the family. Other services offered by Richstone include a therapeutic nursery program for the preschoolers, a parent-support group with child care provided, dinners to provide the opportunity for social interaction, house calls from staff members, and a 24-hour telephone line for all families.

Richstone is a model center and more than willing to share its experience and knowledge with others. Last year, for instance, members of the staff made more than 31 presentations to community and professional groups. Richstone has also offered, in conjunction with El Camino College, a parenting class, an excellent way to introduce hesitant parents to the Richstone agenda.

Mr. Speaker, I believe that Richstone offers an excellent example of a private, community-based approach to dealing with one of society's ills, and I offer it for my colleagues' consideration as a model organization.●

HEAD START PARENTS APPEAL FOR PROGRAM

HON. GEORGE MILLER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 6, 1982

● Mr. MILLER of California. Mr. Speaker, I continue to get letters from Head Start parents who both testify to the ways in which this program has dramatically improved their lives and those of their children, and express their concerns about Head Start's future. We know that Head Start works; that Head Start is cost-effective. And yet, even today, it serves only 25 percent of the eligible children, and faces substantial erosion from inflation and cutbacks in supportive services (CETA, title XX, child care, food, medicaid). We need to listen to the parents of Head Start children and keep this exemplary program working. Another letter from a Head Start parent follows:

> Head Start has made my child more aware of the different races and to accept them without prejudice. He learns a lot of educational things he wouldn't learn at his age if it weren't for Head Start. Head Start has made us more aware of the things our child does when we are away. It brings us closer together and makes us appreciate being together after a long day. If there were no Head Start I could not manage financially. My husband is temporarily disabled and if I had to pay regular day care fees I wouldn't even make enough to pay rent and utilities. If there were only a half-day program, I would have no one to pick my child up or nowhere for him to be the rest of the day. I could not take off work at that time everyday because I also work in a day care center

and the children could not be left. The best thing about Head Start is that it gives the parents the opportunity to work and still have a say in the care of their child.

HEAD START PARENT,
Russellville, Arkansas.●

ANTISEMITISM—ALL ANTIRELIGIOUS VIOLENCE AND VANDALISM MUST BE STOPPED

HON. MARIO BIAGGI

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 6, 1982

● **Mr. BIAGGI. Mr. Speaker, last year I introduced H.R. 2085, a bill to impose stiff new Federal penalties against those persons who carried on acts of antireligious violence and vandalism. My bill was prompted in many respects by the proliferation of antisemitism in this Nation. This problem has shown tremendous growth in the past 2 years, especially in the Northeast.**

Antisemitism takes many forms—some as blatant as the painting of a swastika on a sacred synagogue or as subtle as the publishing of a telephone directory which purposely excludes Jewish names. Such a publication has been discovered in Saco, Maine, according to an article in a recent Jewish Press.

I find this type of antisemitism as deplorable as all other types. It has no place in a democratic society which prides itself on allowing its citizens the freedom of religion. All those who seek to interfere with the free exercise of these beliefs should be punished severely.

I assure my colleagues that this is but one example of a very large and burgeoning national problem. We in Congress cannot escape our responsibilities any longer than we need to pass strong legislation, such as my bill H.R. 2085.

At this point in the RECORD I wish to insert the aforementioned article: New Christian Directory: Sorry, No Jews Allowed.

The article follows:

NEW CHRISTIAN DIRECTORY: SORRY, NO JEWS ALLOWED

(By Yaakov Rodan)

SACO, MAINE.—It's no different from any other telephone directory: There's supermakets, legal advice—even blueberry pie featured in this publication.

One catch however, if the product or owner is Jewish, it won't appear in the directory.

It's called the Christian Telephone Directory and around here Barry J. Hough and his friends are publishing it.

Mr. Hough does not claim that the services in his directory will be any cheaper of better than those in different publications.

Just Christian.

"It's miracle," said Mr. Hough, a layman "It's our first publication."

"I'm not saying that anybody who listed has rates any more reasonable than other businesses.

"But with the ideals of Christians they should perform to the best of their ability," he said.

Apparently, Mr. Hough's ideal is striking a sympathetic chord in many. Already, the born-again Christian and his associates have published 30,000 copies of the directory. The men charge advertisers $35 per every three lines of copy.

Mr. Hough's directory may be unique for New England but it is just one of many such publications in the United States. Christian-only directories have been published in numerous locations in the South.

The main opposition to such publications come from Jewish leaders. In San Francisco, the Anti-Defamation League sued the owners of a Christian directory operating in that area.

The ADL and the publishers came to an agreement which halted the exclusivity of the directory.

Opposition to the Saco directory appears mild, however. "To tell you the truth. I didn't know anything about it," an employee of Saco's Temple Beth-El told THE JEWISH PRESS.

But the rabbi of the congregation, Harry Z. Sky, is aware of the directory—and he's bothered by it.

"All of it is divisive," he said.

"I just can't believe the ordinary citizen of Maine will go for that kind of stuff."●

ONE VOICE FOR DEMOCRACY: A HOUSE UNITED

HON. BERNARD J. DWYER

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 6, 1982

● **Mr. DWYER. Mr. Speaker, I am proud to insert for the record the speech of Susan E. Beck of Woodbridge, N.J., our State's winner in the recent Voice of Democracy contest conducted each year by the Veterans of Foreign Wars.**

Susan's message is at once simple and profound. She strikes a telling analogy between the efforts made routinely in building and maintaining a home, and those waged in founding this great Nation of ours. Her words must strike a responsive chord in all of us who value our democracy and realize the responsibility we all share in protecting it.

A vacant lot stood near my home for nearly a year. I would pass this patch of green every day, and it remained untouched, until one day a "sold" sign appeared on the lawn. Only a few days later, the area bustled with activity. The sign was gone, and the green covered with men and machinery—all sharing a common interest—the construction of a home. As these men had a goal, so did our forefathers—the building of a democracy, the building of our United States.

The laborers, each skilled in a different area, began working together to build the foundation of the house. They all held the same dream, despite their differing abilities. Our forefathers were too a diverse group, for each possessed talent in a different area. They were united, however, by their desire to build the foundation for a democratic America. The result: the Constitution of the United States has withstood the years well, having been designed to last through generation after generation as a concrete symbol of our nation's beliefs.

The crew then began to build the wooden frame of the house. Piece by piece, the skeleton of this dwelling took shape. In this way, we built upon our Constitution and formed a government of the people, by the people, and for the people.

Traditions, morals, and values formed the brick, plaster, and paint on our home—the United States. These beliefs enhanced and enriched our lives, for as each house on a block has a different appearance than another, so each family on a block holds different beliefs than another. Through the different traditions present in our country, we have been able to adapt our governmental system to the needs of all.

Since the building of the house, some of the paint has peeled, but the area has always been quickly repainted. The family living in the house has committed itself to the maintenance of their home. We, too, by living in the United States have committed ourselves to the maintenance of our democracy. This is a strong responsibility, and we have accepted its challenge well.

We maintain our democratic system, and thus build America together, by following the traditions handed down to us from our parents. These traditions exemplify the morality that first built America. By following these tradtions, we set an example for others to follow. It is only through a determined, unified effort by all that the freedoms and privileges we enjoy can be preserved. These privileges can and are sometimes taken advantage of or misused, but by our commitment to building America together, we can suppress this immorality and injustice.

Many citizens of the United States help to build America without even realizing it. Simply by obeying the law, a citizen enables others to enjoy their freedom without danger or worry. Others gave their most precious possession, their lives, in order to build America. For these people, the building of a better America was their only commitment—a quality we should all try to exemplify.

In the foundation of our nation—the Constitution—we are granted certain inalienable rights; among them—the right to vote. This is one of our most powerful tools in the building of America together, for by voting carefully, we can select representatives who will promote and build on our great democratic system.

In conclusion, we are building America together in the same way that our forefathers built America during the beginning of our nation. Through the unified commitment of each and every American to uphold our values and traditions, we can continue to maintain the greatness of the United States, and to build America together.●

NATIONAL ECONOMIC POLICY FOR THE EIGHTIES: WHERE DO WE GO FROM HERE?

HON. NORMAN F. LENT

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 6, 1982

● Mr. LENT. Mr. Speaker, I rise to direct the attention of my colleagues to a most interesting and learned discussion of this Nation's economic problems. I refer to the remarks of Mr. Willard C. Butcher, chairman of the Chase Manhattan Bank of New York at a recent alumni business conference at New York University's Graduate School of Business. In his address Mr. Butcher provided an incisive analysis of the reasons for our present economic woes, and offered some thoughtful advice on dealing successfully with them.

I call attention to Mr. Butcher's main premise which holds that the Reagan administration's economic program of tax cuts, tax incentives, and Federal fiscal restraint does offer hope of return to economic stability growth, if continued. Mr. Butcher's thorough discussion of this premise gives concrete evidence that thoughtful and informed members of the business community appreciate the value and validity of the President's economic program.

I commend to my colleagues the full text of Mr. Butcher's remarks, in the belief that his words will contribute a great deal of solid information to our ongoing discussion of economic policy.

NATIONAL ECONOMIC POLICY FOR THE EIGHTIES: WHERE DO WE GO FROM HERE?

President Brademas, Dean May, distinguished alumni and friends of the Graduate School of Business: I am honored by the invitation to address this distinguished conference, and I salute New York University on its 150th year.

The Chase Manhattan Bank has had a long and warm relationship with NYU, and each year we draw some of our finest "executive timber" from the ranks of GBA.

We find that graduates of this business school are particularly well suited to a career at Chase, primarily for three reasons. One, they are exceptionally well trained. Two, they display a continuing eagerness to learn. And three, they already possess that most elusive of commodities—a New York City apartment.

So for all these reasons then, I'm delighted to share my Saturday afternoon with you.

Today, as advertised, I would like to discuss the U.S. economy and our present economic policy; to consider recent achievements and failures and, in essence, raise the question: where do we go from here?

I might say that "Economic policy" is one of those subjects about which a political columnist once advised, "If it looks complicated—immediately lose interest." Until recently, many Americans seemed to apply this dictum to their mounting economic problems.

They seemed content with a national economic policy that encouraged lavish spending for Government services and discouraged investment for productive purposes.

And they seemed resigned to the depressing drone of new "highs": High interest rates; high inflation rates; and chronically high unemployment.

In the 1970s, the situation became far more critical than most people realized. For example, during the decade just past:

Our Nation's average business investment as a percentage of gross national product sank lower than Japan's, lower than that of France, Germany, Belgium, and Italy—and even lower than that of Great Britain, which, until recently, was hardly the model of an economy to which we would aspire.

The increase in average annual productivity in the U.S. also dewindled to a level far below that of most other industrialized nations.

At the same time, government spending in the U.S. climbed to over 20 percent of GNP—more than double the rate in Japan and higher than any other industrialized nation, again with the exception of the U.K., with whom, however, we are in a virtual last-place tie.

Fortunately in my view—and not a moment too soon—in the late 1970s. The American people seriously began to question previous policy initiatives. Gradually, through the elections of 76, 78 and certainly 1980—the American people expressed their will to reverse the dangerous direction in which our economy was headed.

And that's exactly what our new government set out to do. Certainly the so-called Reagan economic program has as its overall objective. A change in policy direction. In its first year, the Administration implemented a program of tax cuts, tax incentives, and fiscal restraint—a policy direction, if continued, and a program, if allowed to work, does offer the hope of a return to economic stability and growth.

I underscore the phrases: "if continued" and "if allowed to work."

Regrettably, a number of elements in our society—including too many members of the business community—have risen up in opposition to the basic policy directions of the new economic program. Clearly, the Administration's program offers no panacea, and in a moment, I'll touch on several areas where I believe improvements are badly needed. But there is no doubt in my mind that the program's goals are correct, and eminently better for our society than the well-meaning but misguided policies that preceded them.

Obviously, the economic program has not been helped by the recession—which began, by the way, before any of the new policies became effective. Business conditions today are not good. And as unemployment rises, the hue and cry of the critics intensifies.

But I believe we must steadfastly resist capitulating to these skeptics. If we forfeit this opportunity to reverse our economic course, I fear we may not soon get another chance.

Whatever the doubters and skeptics say, the broad majority of our citizens, in the final analysis, believe the Administration's objectives are irrefutable.

We have to encourage more capital formation.

We have to stimulate more investment.

And we have to reinforce a flagging private sector.

Stated another way, we have to retrieve our nation's economic resources from the Government and return them to their rightful owners—namely, 228 million individual Americans.

And that, in a sentence, is what I believe the Administration's economic program is all about and why it is so critical that we not lose our resolve to see the program through.

Rather than naysaying the program, I think we should concern ourselves with trying to improve it. Here, I would concentrate on three critical areas; the Federal deficit, Government overregulation and monetary policy.

The Federal deficit last year reached $58 billion. It now seems likely that the 1982 deficit may be in the area of $80 to $90 billion, with some analysts forecasting that a $100 billion deficit is reachable.

"Reachable" maybe. But if sustained for several years, intolerable.

Intolerable not because I say so, or because David Stockman says so, or because the phrase "national debt" is such a handy excuse for failure.

A deficit of that size is intolerable because it brings massive Federal borrowing, strains, the Nation's credit resources, and depletes capital for productive use.

It invites higher interest rates, renewed inflation, and further economic stagnation.

To my mind, the answer lies not in increasing taxes but rather in continuing a determined reduction of Government spending.

To put this spending in some perspective, 20 years ago during the Kennedy Administration, total Government expenditures did not exceed $100 billion. That's less than we now pay for interest alone on the national debt. More important, today's budget is 7½ times as high as the last budget of the Kennedy Administration.

So clearly, our challenge today is to cut back spending. Let's take a look at our nation's 1982 federal budget of some $725 billion.

As I mentioned, $100 billion of that budget—about 14 percent—pays the interest on the national debt—and I think we can all agree that we can't default on that. But if sizable deficits continue, I can see the day when the total income of the U.S. will go just to service this debt. So it's imperative that we begin to attack the spending which results in federal deficits.

Spending on defense this year is about $190 billion. The whole question of how much to spend on national defense is a difficult one. On the one hand, it seems clear to me that we have neglected our defense in recent years. Few people realize that under President Kennedy, defense represented almost 48 percent of total government spending. This year, by contrast, defense represents about 26 percent of total government spending. Perhaps more important, defense spending in the Kennedy Administration equaled 9 percent of GNP. Today, it equals less than 6 percent of GNP. On the other hand, the defense budget should not be immune from the same kind of thoroughgoing examination for waste and duplication to which all government programs must be subject.

Beyond defense, 13 percent of the budget or $96 billion is for the general functions of the government. A category from which we've done most of the cutting so far and where there is a limit on how much more we can cut.

And that leaves 47 percent or $342 billion in the largest single budget category—the so-called entitlement programs. These programs experienced staggering cost increases during the decade of the 70s. For example:

Social security programs increased by 381 percent.

Civil service retirement programs increased by 548 percent.

And the food stamp program increased by an incredible 1,783 percent.

In this fiscal year alone, entitlements are expected to rise by another $50 billion or 16 percent—when the underlying inflation rate has declined to around the 7 percent level. Clearly, entitlement expenditures are out of control.

I am not suggesting that we abruptly terminate such programs of necessary assistance. Not at all. But I am suggesting that escalator clauses and liberalized definitions of who qualifies for what have crept into these programs and pushed their cost far beyond intended—or affordable—limits.

And if the Administration's program is ultimately to succeed, it must bring these costs back to reality. The answer is as simple—and as complex—as that.

A second key area for renewed Administration effort is dealing with excessive Government regulation.

The clarion call by citizens everywhere to "get the government off our backs" finally has registered with elected officials. A great many more politicians today understand that while some government regulation is necessary and proper, much is not. And each carries a cost. "A billion here and a billion there," as Senator Dirksen used to say, "and pretty soon it adds up to real money."

The Reagan Administration has capitalized on this new recognition by registering some notable gains:

Vice President Bush's Task Force on Regulatory Relief claims to have helped save close to $7 billion through modifications of existing regulations.

Unnecessary pollution standards in the auto industry have been rescinded—which may save $1.5 billion in equipment costs on U.S. cars.

And the government has ended its probe of TV advertising, dismissed legal action against IBM, and dropped its 10-year-old suit to break up a so-called "shared monopoly" of breakfast food producers. (Apparently, the threat of Alpha-bits and Sugar Snaps cornering the market had been greatly exaggerated.)

While these gains are a good start, much more must now be done.

Speaking now purely as an "impartial observer," I think one industry that could benefit mightily from a fortified dose of deregulation is banking. For years, the banking industry has been weighted down by anachronistic laws and regulations that deprive consumers of a fair return on their savings and inhibit U.S. banks from competing equally with foreign banks and non-bank competitors. The result has been a steady diminution in the amount of the nation's financial resources in the hands of the banking system.

Here again, federal authorities recently have begun to ease regulatory burdens on banks. Indeed, with technological and competitive pressures increasing and with consumers becoming more sophisticated in financial matters—bank regulators have had little choice to do otherwise.

I could spend the rest of the weekend detailing our nation's pressing need to modernize its financial structure, but that's another lecture—for which I'm available, Dean May, if you've got the nerve to invite me back.

Let me just say here that in banking, as in other industries, one would hope that the pace of deregulation accelerates rapidly in the near future.

Now, let me turn to a third economic issue I believe we must confront immediately—namely, establishing a credible monetary policy.

This has a couple of elements. First, the Federal Reserve Board has a clear responsibility to maintain a monetary policy that guards against inducing "cheap money." But now is not the time for the Fed to be dogmatic in its monetarist zeal. Interest rates today are too high—unnecessarily high, in my judgment, especially in view of the way inflation has come down.

The Administration too, in my view, must share the blame. On the one hand, it has called on the Fed for greater monetary restraint. And on the other hand, it has called for lower interest rates. Obviously, the Fed can respond to either request—but not to both at once.

What has resulted from this schizophrenic approach to monetary policy has been an economy thwarted by yo-yoing interest rates at historically high levels.

The most recent example came this past Monday, when my bank reluctantly had to increase its prime commercial lending rate because the cost of our funds over the past week had significantly increased.

I believe a monetary policy—more sensitive to the level of interest rates and less sensitive to short-term fluctuations in monetary aggregates—would be a better course.

Again, what our nation desperately needs now is lower interest rates. The longer that interest rates remain high, the longer it will take for our economy to recover and for the Administration's program to be given a chance to work.

In calling for a monetary policy more sensitive to the level of interest rates. I am not for a moment advocating either "loose money" or increased inflation.

Monetary growth that reflects productive investment and economic expansion does not carry the same inflationary consequences as money growth that feeds consumption.

This argument was amply demonstrated in the 1950s and 60s in Germany and Japan.

During this period, Germany's average inflation rate was low—about 2 percent, the same as the United States. Japan's inflation rate was a bit higher at 4 percent. Monetary growth rates in the three countries, however, were strikingly different: a low 3 percent in the U.S., and a much higher 9 percent in Germany, and 12 percent in Japan.

The high rates of monetary expansion in Germany and Japan did not spur high inflation because they were accompanied by rapid, real economic growth—more than double that of the U.S. growth rate of about 3 percent. So in both Germany and Japan, a higher rate of money growth was not inflationary.

Thus, I believe, we need to allow the money supply to grow in tandem with the economy and not be a drag on it or a prod to it.

We should not let the current recession distort the fact that we as a Nation have embarked on a bold, new course of action. The policies implemented last year were designed to halt a ruinous economic decline and spare the Nation greater poverty and pain. To reinstate discredited programs, to reinstitute regulations, or to reimpose burdensome taxes would be a tragic mistake.

With a concerted effort to improve in the areas I've touched on this afternoon, I believe the economic policies enacted last year can work.

But they need time, and they will require the patience of all of us. I, for one, believe it will be worth the wait.●

A SALUTE TO PAUL M. WELLS

HON. LOUIS STOKES

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 6, 1982

● Mr. STOKES. Mr. Speaker, it is a pleasure for me to join with the members of the Laborers' Union Local 1099 of the Municipal, County, and State Employees Laborers' International Union of North America, AFL-CIO, in tribute to its president and business manager—Mr. Paul M. Wells. On May 14, 1982, there will be a testimonial in Cleveland for Mr. Paul M. Wells. I take this opportunity to congratulate him on an exemplary job.

Mr. Speaker, my good friend, Paul, has worn many hats within this great local union organization. With every position he assumed, Paul carried three goals with him.

The first was to serve the best interest of the union members. The second goal, Mr. Speaker, was to perform his job to the best of his ability. The third and final goal was to make the motto "In Union There Is Strength" a reliable tool for each member.

Mr. Speaker, I am pleased to report today that holding steadfastly to those goals, Paul M. Wells has made an indelible mark on the union and the lives of the union members in Cleveland.

In many respects, Mr. Speaker, Paul Wells has been the tower of strength for the Laborers' Union Local 1099 starting from the days when the union movement in Cleveland was in its infancy to the present. He has nurtured and guided the development of the local 1099 for the past 20 years. During that time, Paul has been one of the major forces facilitating the growth of the union.

Mr. Speaker, for countless years, Paul M. Wells has been a strong and faithful union man. He served as steward for over 6 years and became the local's president in 1970 and business manager in 1974.

At this juncture, I think that it would be appropriate to share pertinent biographical information on this distinguished union man with my colleagues.

Paul Wells attended the Ohio State University Labor Education and Research Service and graduated from the Harvard University School of Business trade union program in 1972.

A lifetime resident of Cleveland, Ohio, Paul's dedication to aiding the community, in many respects, mirrors the kind of community involvement he encouraged the union and the membership to undertake. He is a board member of the Cuyahoga County Republican Executive Committee, the Blue Cross of Northeast Ohio, Labor Advisory Council, the Cuyahoga County employee referral program and the Carnegie Roundtable. His name is associated with many worthwhile and productive organizations in Cleveland.

Mr. Speaker, in terms of the union, for his dedication and achievement, Paul Wells has received both local and national recognition by union members. He is a delegate to the Cleveland AFL-CIO Federation of Labor, the Cleveland Building and Construction Trades Council and the Laborers' District Council of Ohio.

It is evident, Mr. Speaker, that Paul M. Wells has been the guardian and force behind the Laborers' Union Local 1099 in Cleveland for many years. Just as important, Mr. Speaker, is the fact that Paul M. Wells, through his actions in the community, epitomizes the principles of the union movement. He has held steadfastly to those goals and helped to make them a reality for his union members.

At this time, I ask my colleagues to join with me, the testimonial committee and the members of the Laborers' Union Local 1099 in saluting Paul M. Wells for a job well done and best wishes for continued achievements for the union, the city of Cleveland and the Nation.●

OVERTURNING EXCLUSIONARY RULE NO PANACEA FOR CRIME

HON. JOHN CONYERS, JR.

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 6, 1982

● Mr. CONYERS. Mr. Speaker, one of the proposals recomended by the Attorney General's Task Force on Violent Crime, and endorsed by the administration as part of its anticrime effort, is a legislative attempt to modify the constitutional rule that prohibits prosecutors from profiting by use of evidence illegally seized by the police. This proposal, unfortunately, is just another example of the administration attempting to improve its public image by taking advantage of a common misperception that the so-called exclusionary rule will have substantial effect on the ability to arrest, charge, or convict criminals. Rather, as the following column by Prof. William Greenhalgh of Georgetown Law Center (chairperson of the committee on legislation of the ABA Criminal Justice Section) so aptly demonstrates, this proposal will have no substantive impact other than a diminution of the rights and welfare of the citizens of this country. I strongly recommend this article to my colleagues who are interested in achieving real progress against crime, rather than just the appearance of progress.

[From the Washington Post, Mar. 30, 1982]

THIS IS NO WAY TO FIGHT CRIME

(By William W. Greenhalgh)

As crime and the fear of crime increasingly govern the public's daily lives, the search for solutions has understandably become more and more desperate. Nevertheless, we should remain alert to the dangers of answers that not only offer false promise, but, more important, trample on cherished constitutional principles. The current legislative movement to eliminate or modify the federal 4th Amendment exclusionary rule is a case in point.

The 4th Amendment provides: "The right of the people to be secure in their persons, houses, papers and effects, against unreasonable searches and seizures, shall not be violated, and no warrants shall issue, but upon probable cause, supported by Oath or affirmation, and particularly describing the place to be searched and the persons or things to be seized."

Few advocates of a free and orderly society would dispute this principle in theory. While on the one hand it guarantees all citizens protection against unreasonable government searches and seizures, on the other it provides a system for searches an seizures when probable cause for them exists. Unfortunately, however, power is a heady thing. Experience has demonstrated numerous instances in which state and federal law enforcement officers have tried to limit the amendment's applicability by illegally searching—that is, searching without a warrant—those they would like to see convicted of criminal activity.

In 1914, the Supreme Court attempted to remedy this situation on the federal level. Its *Weeks* v. *U.S.* decision required the federal courts to exclude from consideration at criminal trial all evidence collected in violation of the 4th Amendment. In 1961, in *Mapp* v. *Ohio*, the court used the 14th Amendment's "due process" clause to extend this "exclusionary rule" to the states.

Now Congress is considering several bills and the administration is proposing to sponsor another to modify the rule, arguing that it allows criminals to escape federal conviction when the excluded evidence is crucial to the prosecution's case. The American Bar Association vehemently opposes such efforts as unconstitutional, unwarranted and unnecessary.

Because Congress has no authority to pass legislation that violates the Constitution, it lost its power to legislate the abolition of the exclusionary rule when the Supreme Court in Mapp declared the rule to be an essential part of the 4th and 14th amendments. Now the rule can only be nullified by constitutional amendment or a reversal of the Mapp decision.

A less radical approach pending in the Senate recognizes the rule in cases where there is an "intentional or substantial" violation of the 4th Amendment but not in other cases—in effect, sanctioning some illegal searches and seizures. This legislation, like the broader proposal to abolish the rule outright, is a violation on its face because it effectively abolishes the objective standard of reasonableness that has been the law for 67 years.

The administration has recommended legislation to admit evidence illegally obtained in the course of a reasonable, "good faith" search. The rationale is that since application of the exclusionary rule is not anticipated by the offending officer in such cases, it will not act as a deterrent to his actions. The ABA again objects. For over 100 years the Supreme Court has consistently rejected the so-called "good faith" test. Objectivity—not subjectivity—must be the rule of law.

Since Congress has no authority to legislate a change in the exclusionary rule, are we "stuck" with a rule we would be better off without? Our response is an emphatic "no." Public policy alone militates against the proposed legislation. By creating a lesser standard in federal courts, its passage would exhume the "silver platter" doctrine that allowed federal courts to admit evidence illegally seized by state officers, or vice-versa, thereby destroying any semblance of uniformity of 4th Amendment decisional law in federal and state criminal proceedings.

Moreover, the exclusionary rule should be retained because it works. Since its imposition, federal law enforcement has come a long way toward living and working well without the need of unlawful searches and seizures.

Not only does the federal exclusionary rule work, it works without greatly affecting the disposition of cases. The overwhelming percentage of guilty pleas and convictions in federal courts provides ample proof that the rule has not stultified either federal law enforcement or judicial determination.

The current rhetoric that the rule is responsible for legions of criminals going free on "technicalities" is absolutely refuted by several recent studies. In one survey undertaken by the prestigious Institute for Law and Social Research "less than 1 percent of all arrests were refused by the prosecutor with an indication that the police failed to protect the arrestee's right to due process." In another, due process questions appeared to have "little impact on the overall flow of criminal cases after arrest." A General Accounting Office report confirms this minimal impact of the exclusionary rule on conviction rates.

The American Bar Association joins with the administration, Congress and the public in recognizing the need to undertake concerted and effective measures to reduce crime in America. But it emphatically opposes legislation to abolish or modify the exclusionary rule as an easy answer to our crime problem. Constitutional issues aside, congressional changes in the rule will undercut law enforcement professionalism, engender decades of litigation over various new tests and result in very few additional criminals ending up behind bars.

And in the bargain, we will—perhaps forever—have casually tossed aside a valued constitutional protection on which this country was founded.●

TIME TO REVAMP THE FED'S MONETARIST POLICIES

HON. BENJAMIN S. ROSENTHAL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 6, 1982

● Mr. ROSENTHAL. Mr. Speaker, I am distressed by the persistence of extremely high interest rates in our economy even after inflation has cooled and the economy has grown very weak. Although the President's budget is partly to blame, the Federal Reserve's continued adherence to monetarism, which dictates that there must be a rigid limit imposed on the growth in some arbitrarily defined financial statistics called the money supply, is, I believe, an important contributing factor to the persistence of repressively high interest rates.

What makes the present situation so distressing is that I see no early resolution of the problem, no easy return to economic prosperity. On the contrary, the Federal Reserve, in its rigid adherence to the theory of pure monetarism has lost touch with its public responsibilities to promote economic prosperity. Inflation control is not the only objective of monetary policy. Economic prosperity and stable financial markets are equally important objectives of sound monetary management. But the Fed appears not to care about these important concerns.

The Fed is surely not blind to what is happening to the economy. Unemployment is at 8.8 percent and rising. Business failures and mortgage delinquencies are occurring at rapidly increasing rates. Interest rates, measured in real terms adjusted for inflation, are currently at the highest levels since the Great Depression. Under these conditions, it is economic suicide for the Fed to maintain interest rates at such levels in spite of the rapidly deepening economic slump.

A growing body of opinion shares this same conclusion. A very important recent expression of this is found in Hobart Rowen's column entitled, "It Is Time To Relegate Monetarism to a Museum" that appeared in the Washington Post on Sunday, March 28, 1982, which I commend to my colleagues.

The article follows:

[From the Washington Post, Mar. 28, 1982]

IT IS TIME TO RELEGATE MONETARISM TO A MUSEUM

(By Hobart Rowen)

Milton Friedman, the noted economist, has made a career of jumping on the Federal Reserve Board. It almost never does anything right, in the Friedman view—and over a long stretch, going way back to the Big Depression, there is plenty of blemish on the Fed record.

Professor Friedman, a Nobel award winner, gets a lot of attention not only because he is one of the nation's most distinguished economists, but also because he is one of the most articulate. And as the founder of the monetarist school of economics, he has had a profound effect on the thinking of economists and governments all over the world.

The Reagan administration adopted his basic belief that a slow, stable growth in the money supply is the correct—and only—strategy necessary to control inflation. If it grows too fast, inflation is the result. If it doesn't grow enough, the economy doesn't grow enough. If the growth is erratic, then financial markets are erratic.

Friedman is said to be the president's favorite economist, telling him it's okay to slash taxes as the best way to reduce the size of government—even a 25 percent maximum rate would work. It's a mutual admiration society: on "Meet the Press" last week, Friedman labeled Reaganomics "a great triumph."

But the truth is that Reaganomics has led the nation to the brink of economic disaster, and the monetarist approach blueprinted by Friedman, endorsed by Reagan and carried out by the Fed has acted not just to squeeze out inflation in the economy, but also to crunch real growth to the point of creating a recession.

So Friedman has to find an excuse for failure of the monetary policy, and his excuse is that the Fed hasn't been doing what it was supposed to do. The Fed's overall money growth targets are okay, but he complains that one week the money policy is too tight, and the next week it is too easy. By pursuing such a "roller-coaster" or "yo-yo" approach, he argues, the Fed has eroded the confidence of the business community in the Reagan program, and thus should take the blame for economic instability and high interest rates.

Even when confronted with evidence that he may have overstated the case—or, God forbid, may actually be wrong—he won't admit it. Federal Reserve Chairman Paul Volcker, for example, testified before the Senate Banking Committee that there is no "obvious link" between the growth rate of monetary aggregates and "our current economic problems."

If there were, Volcker asks, how come countries whose economic performance we tend to admire—like Japan, Switzerland, and West Germany—have so much wider swings in their rates of monetary growth?

Volcker supplied committee Chairman Jake Garn (R-Utah) with figures for the narrowly defined money supply growth last year that showed a range between minus and plus of 138 points for Japan, 60 for West Germany, 56 for Switzerland, and only 29.5 points for the United States. The only better record among industrial powers—if stability is some kind of virtue—was Italy (which, incidentally, had one of the highest inflation rates!).

On "Meet the Press," Friedman brushed these statistics aside as "wholly meaningless." He told a questioner that Germany, Switzerland, and Japan can get away with wide fluctuations, because "over a period of years, [they have] demonstrated the credibility of their long-run patterns. You can have the widest fluctuations in a short run, provided everybody is confident that over the longer run you will attain your target.

"The Federal Reserve has not, in fact, achieved its targets over the longer run. It has no credibility, and the real harm which these fluctuations is doing is that it destroys the credibility of the Fed's targets."

But the record shows that the Fed has pretty much done what Reagan demanded of it. True, in 1980, it slightly overshot the target range for M1, the narrowly defined money supply that Friedman now focuses on. And in 1981, it considerably undershot it. However, looking at M2, a much broader measure of the money supply, the Fed was just about on the mark last year.

Interestingly enough, after having said a year ago that M2 was the be-all and end-all of money measurement, Friedman has reverted to M1 as his guide, although many other experts think that the vast innovation that has taken place in financial markets makes M1 much less meaningfull.

For example, there was a huge bulge in M1 in January that agitated Friedman and other monetarists. But as Boston Federal Reserve Bank President Frank Morris pointed out recently at a conference in Atlanta, most of the bulge occurred in interest-paying checking accounts. This was probably "a defensive buildup of precautionary balances . . . that in earlier times would have been largely reflected in an increase in savings accounts."

In other words, people edgy about the economy may have decided at that time to hold extra money in "NOW"-type checking accounts, which are federally insured rather than in higher yielding money market funds, at least temporarily. The bulge, as Morris says, didn't mean that an inflationary surge was under way, or that the Fed had lost control, or had to rush to change its policy.

". . . it seems to me that the monetary aggregates, particularly M1, have been rendered obsolete by innovation and the computerization of the financial system," Morris said.

The Fed's recent scorecard has certainly not been perfect, but on the whole, considering the difficulties of combatting an inflationary White House fiscal policy, it's not bad. Even if it were physically possible to hold the supply of money rock steady in the exact middle of a target range (which many respected monetary analysts doubt), there is no reason to believe that there is a predictable relationship between a stable money supply and the economy.

Gyrations in interest rates are not due to short-term money supply fluctuations, but, as Henry Kaufman says, to monetarism itself. It's the monetarist fixation with the money supply that "creates interest rate volatility."

But given the monetarist mania created by Friedman and his followers, and which has swept up the Fed itself (and large segments of the press), the panicky money markets have gotten "hooked" on the weekly M1 growth figures published every Friday. Any big bulge—regardless of the reason—sends interest rates soaring.

If there is a ray of hope, it is that the slavish devotion to monetarism is finally being questioned. Ferment for a change is reflected not only in the Morris speech, but also in an earlier one by New York Federal Reserve Bank President Anthony Solomon, and in testimony by Kaufman.

What's needed is not a new set of technical measures (as demanded by Friedman) to make money growth patterns even more rigid, but a complete breakaway from monetarism so that the nation once again can follow a sensible monetary policy that doesn't focus exclusively on interest rates or the money supply.

In today's computerized era, with a whole new range of money market and other financial instruments that can constantly shift in their composition, no one knows how to define money, much less control it—not even Milton Friedman. It's time to move monetarism out of the Fed to a quiet historical study corner in the Smithsonian.

The most important thing the Congress can do now is make the Fed more accountable for its actions. As an independent agency whose members have 14-year terms, the Federal Reserve cannot effectively be held accountable by the electorate. It is very timely, therefore, that the Congress give prompt consideration and passage to a measure recently introduced by Mr. Conyers, the Federal Reserve Reform Act (H.R. 5066), which I am cosponsoring.

This bill will shorten the terms of the Fed Board members to 5 years, make the Fed chairman's term of office coincide with that of the President, and eliminate the present voting role of the presidents of certain Federal Reserve Banks in the policymaking Open Market Committee. In this way the administration in control of the White House will exercise direct control over the Federal Reserve Board's membership and can in turn be held accountable by the voters.●

A TRIUMPH OF DETERMINATION: RUTGERS LADY KNIGHTS

HON. BERNARD J. DWYER

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 6, 1982

● Mr. DWYER. Mr. Speaker, I commend to my colleagues the outstanding achievements of the Rutgers University women's basketball team, victors in this year's Association of Interscholastic Athletics for Women national basketball championships.

The Lady Knights of Rutgers, our State university, upset top-seeded Texas, 83-77, to capture the national title—the first ever won by a Rutgers athletic team, men's or women's.

Rutgers Coach Theresa Grentz attributed the victory to determination, leadership, and maturity.

All that and more were in evidence on that last Sunday in March when our team defied the odds and emerged the victors both in numbers and in spirit.

The Lady Knights' singular achievement deserves our warmest appreciation and commendation. They are a tribute to the State of New Jersey and national athletics.●

BUILDING AMERICA TOGETHER

HON. CECIL (CEC) HEFTEL

OF HAWAII

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 6, 1982

● Mr. HEFTEL. Mr. Speaker, I am pleased to share with my colleagues a speech written by the Hawaii State winner of the Voice of Democracy contest, sponsored by the Veterans of Foreign Wars of the United States and its Ladies Auxiliary. James Walter Matthews (Jimmie), an 11th grader living in Honolulu, wrote this speech, and has won a trip to Washington, D.C., and a chance to compete for a national scholarship. I am proud to submit Jimmie's speech in the RECORD, and recommend it to my colleagues.

1981-82 VFW VOICE OF DEMOCRACY SCHOLARSHIP PROGRAM

HAWAII WINNER: JAMES W. MATTHEWS

The easiest way to consider how we "build America together" is to think of our country as a large mansion under construction. Technically the house has been completed, but the inhabitants work constantly to revise and improve upon the existing construction. The mansion has 50 separate wings, some large and some small, but none with control over the others. Each of the wings sends members to the central planning committee, which in turn directs the continuous work being done. The plans that this committee adopts are carried out by a head foreman, at this moment Ronald Reagan. He exerts a powerful influence on the direction of the construction, but neither he nor the committee may deviate from the original blueprint for the mansion, our Constitution. This document sets certain restrictions on the builders so that the work done will not violate the intentions of our founding fathers. These men broke the ground and laid the foundation. It has proven to be a strong base, one without serious faults or deficiencies. We have stood on it for over 200 years, and it is as strong now as it was first laid. So this mansion of the United States has the advantages of good organization and solid structure.

Even then, final success depends on the workers. They work most ambitiously, for they know that what is good for the mansion is also good for them. And this is the significance of the word "together", for this great cooperation has made possible the prestigious accomplishments of our nation. For example, in 1960 our President, John Fitzgerald Kennedy, committed the total force of our 200 million people to an effort that culminated in Apollo 11. The mind, body, and spirit of a nation were behind the space program, an example of voluntary cooperation that few countries have been able to match. When Neil Armstrong set foot on that dusty surface of the Moon, it was not only his personal triumph, but a triumph of all Americans.

Another example of successful cooperation, though on a much smaller scale, came to light in 1978. Experts verified then that two Illinois high school students, after hard work, had discovered the world's largest prime number. This had been a puzzle with which professional mathematicians has struggled to no avail. In accomplishing this feat, the two teenagers showed the world the power of cooperation, and made other nations respect the educational system that produced them.

However, our successes have come not only in the field of science. There have been notable triumphs in the field of team athletics. Our teams have dominated men's basketball ever since it was introduced as an Olympic sport. And just last year the spirit of the entire country was aroused by the astounding victory of our Olympic hockey team. Those young men, through their singular determination, were able to change the mood of a nation. People flew Old Glory with pride. The Star-Spangled Banner was a hit again. And "I Love America" became the slogan of the day. But it couldn't have happened without teamwork and cooperation. Without people working together. In each of these triumphs a labor was accomplished. A leak in the roof was patched, a furnishing replaced. Bit by bit, the mansion is improved. And we build America together.●

TRIBUTE TO NORMAN A. BERG

HON. ED JONES

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 6, 1982

● Mr. JONES of Tennessee. Mr. Speaker, a distinguished American last week completed nearly four decades of exemplary service toward improving the natural resources and economic livelihood of our continent.

Norman A. Berg has been a career civil servant of the USDA Soil Conservation Service for all those years, Chief of the agency for almost 3 years, and the second-ranking leader of the agency for a decade before that.

The contributions he has made to strengthen agriculture, improve water quality, and to the intelligent expansion of communities are truly remarkable. His retirement from active Federal service on April 2 we hope is merely a steppingstone to continued strong involvement in helping resolve important natural resource issues.

Mr. Berg has helped make the Soil Conservation Service the finest corps of dedicated, responsive professional conservationists in the world. He has enhanced its capabilities for action, improved its performance toward accomplishing conservation objectives, achieved wider public understanding of conservation needs, and maintained excellent working relationships with organizations and agencies at every level.

At the same time, Mr. Berg has proven a skilled diplomat in Departmentwide efforts to redirect conservation programs, as well as in joint United States-Canadian efforts over a 6-year period to demonstrate the relationships between land use practices and Great Lakes water quality.

In my years on the House Agriculture Committee, I have never known a more open, responsive, and creative leader of Federal agency. He has been unfailingly helpful to the Congress in providing technical information on which to base new legislative initiatives, such as the special areas conservation program for targeting Federal assistance to those geographic areas with the most urgent soil erosion and related problems, and several other concepts now embodied in the Agriculture and Food Act of 1981. He has provided valuable testimony in formal hearings as well as in day-to-day briefings, and he has generously provided knowledgeable employees of the agency to aid in developing concepts that meet both congressional and administration objectives.

A charter member of the Senior Executive Service, the top of the U.S. civilian leadership, Mr. Berg was among the first to receive the Presidential rank award as a meritorious executive. At the time of his retirement he was under consideration for the SES's highest accolade, the distinguished executive rank award. He also has won the USDA's highest honor, the Distinguished Service Award.

Throughout his career, Mr. Berg has been prolific as a speaker, writer, teacher, and student and has proven himself unusually adept at translating new ideas, methods, and technical developments into agency and departmental action. He also has excelled in working with soil and water conservation districts as well as State conservation agencies to increase their effectiveness and sharpen their program capabilities, greatly improving both the accomplishment of the present and the promise of the future in local soil and water conservation achievement.

I know that my colleagues join me in saluting Norman A. Berg for an eminent career that, in the words of his Canadian counterparts, has represented "admirable service not only to agriculture in Canada and the United States, but to society generally."●

REAGANOMICS—DEJA VU?

HON. MICHAEL D. BARNES

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 6, 1982

● Mr. BARNES. Mr. Speaker, I am pleased to submit for the CONGRESSIONAL RECORD an analysis of the historical antecedents of Reaganomics written by Rick Heyman, who recently won the U.S. Capitol Historical Society's Historian of the Year Award in Montgomery County, Md.

Mr. Heyman is a senior at Charles Woodward High School in Rockville, Md. His work, "Reaganomics—Deja Vu?", demonstrates that the supposedly novel "supply side" economics practiced by the administration is closely related to the "trickle down" economics of the past. I commend it to my colleagues as valuable reading:

REAGANOMICS—DEJA VU?

(By Rick Heyman)

The Reagan administration describes its economic plan as "a major departure from past policies." Although the Administration's policy employs the "futuristic" theories of supply side economics, in reality the President's plan differs only slightly from the Revenue Acts of 1924-1928 (which employed the "trickle down" theory) and the Tax Reduction Act of 1964 (which employed demand side economics). All three plans cut expenditures and slashed taxes.

REAGAN ECONOMICS

The program the President presented to Congress focused upon five major changes in governmental policy which the Administration deemed essential to economic recovery:

1. Cut the growth of Government spending. From 1977 to 1981 Federal spending increased at an annual rate of 13.3%. The Administration estimates that the growth in spending between 1981 and 1984 will be reduced to 5.5% per year.

2. Reduce taxes to remove disincentives to work, save, invest and produce. The centerpiece of the Administration's program is the Kemp-Roth tax bill which proposes a 30% tax reduction over 3 fiscal years:

> These [the 30% tax cut] reductions are essential to restoring strength and growth to the economy by reducing the existing tax barriers that discourage work, saving, and investment. Individuals are the ultimate source of all savings and investment.

The President feels that:

> The most insidious tax increase is the one we must pay when inflation pushes us into higher tax brackets. As long as inflation is with us, taxes should be based on real income. * * * Federal personal income taxes should be indexed to compensate for inflation, once tax rates have been reduced.

Thus to reward work, higher taxes via "bracket creep" must be reduced. By rewarding work, the Administration feels it will be rewarding savings, and therefore "reduced tax burdens and increased private saving will provide funds for productive investment." To reward investment, depreciation reform and business tax reductions will "increase incentives for capital expansion, resulting in higher productivity."

3. Remove "tentacles" of excessive government regulation.

4. Work with the Federal Reserve Board to "establish a stable, sound, and predictable monetary policy." The Administration feels that "stable monetary supply, combined with expanding productive capacity, will bring about a reduction of the inflation rate."

5. Balance the Budget. The Office of Management and Budget estimates that if the President's program is implemented, the Budget totals between 1980 and 1986 would be as follows:

BUDGET TOTALS

[In billions of dollars]

Fiscal year	Receipts	Target	
		Expenditures	Deficit (−) surplus (+)
Actual 1980	520.0	579.6	−59.6
Estimate 1981	600.3	650.3	−54.9
1982	650.3	695.3	−45.0
1983	709.1	732.0	−22.8
1984	770.7	770.2	+0.5
1985	849.8	844.0	+5.8
1986	940.2	912.0	+28.2

These estimates reflect tax and spending reductions proposed as part of the President's program for economic recovery; proposed increases in defense spending; and revised estimates of receipts and outlays resulting from revised economic assumptions.

The Administration feels that the program, if enacted as proposed, will lead the U.S. into an economic promised land:

> The decline in tax rates is likely to generate both strong economic improvement and impressive gains in receipts, paving the way for a balanced budget. . . . The reduced size of the public sector will free up the resources for a strong, rapidly growing private sector. . . . The reduced Federal share of GNP under the new budget plan, reinforced by monetary stability, will signal a sharp reduction in future rates of inflation, and will thus have beneficial effects on financial, labor, product, commodity, and foreign exchange markets. As inflationary expectations moderate, interest rates will decline and business confidence will improve. Long-term capital markets will recover, making possible the refinancing of corporate balance sheets. Wage and price demands will become less aggressive. Commodity prices will stop rising, and the dollar will strengthen in foreign exchange markets. Tax burdens will ease. Better fiscal policies will become the basis for economic revival.

An equally important part of the President's domestic policy is his commitment to "restore our defenses." In 1962, defense expenditures accounted for 47.8 percent of the budget. The President plans to reverse recent trends by increasing defense spending from 24.7 percent of the budget in Fiscal Year 1981 to 33.2 percent in Fiscal Year 1984.

This naturally will change the balance between spending for domestic programs and spending for defense. As shown below, the emphasis in Federal spending has been moving sharply away from defense to domestic programs. For every dollar spent on defense:

Domestic program spending per dollar of defense spending

Fiscal year:	
1961	$1.70
1964	1.90
1965	2.10
1980	4.32
1985 (Proposed)	3.00

By cutting social programs and expanding defense spending, the President is attempting to keep both his campaign promise to reduce Federal spending and to increase national preparedness. At the same time, these policies have definite but sometimes contradictory implications for the economy.

MELLON ECONOMICS

Contrary to what the Administration and proponents of Kemp-Roth infer, many of the President's "new" theories have direct antecedents in those of Secretary of the Treasury Andrew Mellon, who served under

Presidents Harding, Coolidge, and Hoover. Mellon based his tax policy on what has become known as the "trickle down effect" that "if recipients of the highest incomes were sufficiently free of restraint and taxation, investment of their savings would insure prosperity filtering down through the economy."

The economy in 1923 was just starting to recover from the economic ills following the demobilization after World War I. Mellon urged in that year that the whole tax program be revised. He argued that the wealthy would not invest in industry when the government was taking so large a percentage of their profits. Without investments by the rich, "new fields of economic enterprise" could not be developed. President Harding agreed, saying that a tax cut was "a requisite to the revival of business activity in this country."

The death of President Harding gave uncertainty to the prospects of a tax cut. When Calvin Coolidge reviewed the situation, he too agreed that a tax cut was necessary, but only if it were accompanied by tax reform. The Coolidge-Mellon Revenue Act of 1924 was proposed to Congress to reduce private and corporate tax rates and to enact a series of tax reforms. The Coolidge Administration received strong criticism on the bill:

The conservatives desired the burden to be lifted most quickly from the wealthy, who could thereby use the amounts hitherto earmarked for taxes to develop national industry and therefore national income. The liberals, on the other hand, believed that excess-profits, estate and inheritance, and income taxes should be continued at the high rates, with the primary alleviation given those in the lower brackets. President Coolidge and Secretary Mellon were subjected to bitter attacks for not sharing this view.

The Revenue Act of 1924 was a compromise between the two factions. Coolidge and Mellon got a 25 percent rebate on earned income, yet corporate taxes remained the same and estate taxes increased. Coolidge felt that it did not "represent a sound permanent tax policy" because it was "tax reduction not tax reform" and both reduction and reform should be promoted "upon an economic and not a political basis." He concluded that the act would "throttle initiative and new enterprise."

Despite his strong reservations, Coolidge signed the bill. The prosperity which followed the enactment of the Revenue Act of 1924 gave him the political leverage he needed to pass several revenue acts between 1926 and 1928. Unlike the taxcut of 1924, these acts included tax reform: personal and corporate taxes were lowered and the estate tax was cut in half. Moreover, the excess-profits and automobile sales taxes were eliminated.

Federal income tax receipts showed that Mellon's plan to cut taxes in order to increase future receipts proved to be effective. The Federal government received $1.842 billion in taxes in 1924; in 1925, after the taxcut, only $1.762 billion; but by 1929, income taxes brought $2.331 billion into government coffers.

While they were cutting taxes, Coolidge and Mellon were also cutting expenditures: from $3.697 billion in 1923 to $3.506 in 1924 and down to $3.483 billion in 1927. Good fiscal planning, high tariffs, and the absence of the post-New deal social safety net allowed the Federal government to operate on a surplus during most of the 1920's.

KENNEDY-JOHNSON ECONOMICS

The only other time both taxes and expenditures were cut was in 1964 with the Tax Reduction Act of 1964. Personal income tax rates were reduced from a 20-81% scale to 14-70% over a two year period; corporate rates went from 52% to 48%, and small corporation taxes dropped from 30% to 22%.

Kennedy entered office during a recession. Inflation was high and unemployment was at 6.7%, up from 5.3% in January 1960. Many theories on economic recovery were put forth during 1961 and 1962, but the President and his economists settled on tax reduction in mid-1962.

Kennedy unveiled the basic outline for his tax and budget proposals before the conservative Economic Club of New York. In this landmark speech he said that the biggest problem confronting the economy was "the burden on private initiative imposed by our present tax system . . . that . . . reduce the financial incentives for personal investment, effort, and risk-taking." Kennedy promised reduction of non-defense spending, emphasizing his own interest in balancing the budget, and "held out the vision of tax reduction as the surest route to budget-balancing." Herbert Stein, a noted economist, made the following insightful comments on the economy and President Kennedy's plan:

The emphasis was no longer, as it had been in the summer of 1962, on the danger of an imminent economic decline. The economy was rising and the object of the tax program was to insure and accelerate the continuation of the rise. This would be done by removing the drag caused by an excessively burdensome wartime tax structure which both siphoned off purchasing power and stifled incentives to invest and produce. Tax reduction would promote the expansion of production, employment, and incomes, thereby raising the revenues despite the reduction of the tax rates. It was the best and probably the only route to a balanced budget.

Although the Kennedy plan seemed revolutionary, it was only partially so. Kennedy mixed the "new economics of the flexible use of fiscal policy to achieve high employment" with the "old Puritan ethic of balancing the budget and the old Mellon philosophy of reducing taxes to stimulate growth." This mix of old and new formed the core of President Kennedy's proposals.

Once again, the death of a President caused a drastic change in the nature of a landmark tax bill. When passed, the Act contained as much Johnson's demand side theories as Kennedy's supply side economics.

Johnson faced a dilemma when he entered office: he too felt that the country sorely needed a tax cut, yet the budget was already in the red (by $9 billion) and Congress was unlikely to pass a tax cut during a deficit. Johnson said: "In my judgement, we could have our budget intact or we could have our tax cut, but Congress would not give us both." Therefore, he ordered cabinet members to "Start reviewing the budget, start cutting expenditures; nothing is sacred."

On January 20, 1964, Johnson presented the finished package to Congress. In his impressive speech, he outlined the plan for tax reduction and fiscal restraint:

By combining efficiency with expansion, frugality with compassion:

1. We shall hold the fiscal 1965 budget below the fiscal 1964 budget, and cut the deficit in half;

2. We shall strengthen our programs to meet pressing human needs, fully satisfy our defense requirements and respond to the demands of economic progress;

3. And we shall, at the same time, provide an unparalleled fiscal stimulus to the economy.

Speedy passage of the tax cut.

1. Will cut tax collections by $8.8 billion in 1964.

2. Will cut corporate tax . . . by $1.5 billion in 1964.

3. Will in fact provide a greater net stimulus to the economy in terms of production, income and profits than any other peacetime year in history.

These gains [in Gross National Product, consumption and profits] will at long last lead to a balanced budget in a balanced economy at full potential. . . . The $11 billion tax cut will challenge American businessmen, investors, and consumers to put their enlarged incomes to work in the private economy to expand output, investment, and jobs. . . . If we are to master these problems [unemployment, lack of productivity advancements, labor force growth, unused capacity, wasting potential, and balance of payments deficits] we must above all enact the tax bill not in one or two or three months, but now; not in diluted but in strengthened form."

President Johnson got the bill passed, but when enacted if differed from Kennedy's original plan. Kennedy proposed the cut be "spaced over three fiscal years and a . . . reduction in the budget—excluding defense, space programs, and interest." Yet Johnson's plan spaced the cut over two years and cut the Defense Department budget.

The main difference between the two plans, however, was how Kennedy and Johnson wanted people to spend their tax cuts. Kennedy included savings incentives, hoping that the public would invest their tax savings and thus provide the necessary capital for business expansion. Johnson, however, was more concerned with full employment and increased production. Johnson felt that increased private spending in the private sector would provide the necessary stimulus to the economy.

OLD PRINCIPLES IN NEW TIMES

President Reagan has often been accused of proposing simplistic solutions to complex problems. His economic program is no different. "Our program for economic recovery," the President said, "does not rely upon complex theories or elaborate government programs. . . . The principles are easily understood." He goes on to state that only "politics-as-usual stands in the way of lower inflation, increased productivity, and a return to prosperity."

In a campaign speech, Candidate Reagan, referring to his proposed tax cut, said: "It has worked before and it will work again." By saying this, Mr. Reagan acknowledges that his plan is not new. The majority of it is simply rehashed Coolidge-Mellon and Kennedy-Johnson.

Mellon's idea of cutting taxes to increase future receipts is the theory behind Kemp-Roth. President Coolidge was the first to cut taxes and expenditures at the same time, which is what the Administration proposes to do now. This approach to budget balancing has been proven effective, so the Administration's adoption of this theory is quite sound.

President Reagan's tax proposals follow Mellon's trickle down theory. The policies assume that the wealthy and big business are likely to invest the most, spurring economic growth, thus aiding everyone. However, the role of the wealthy in accumulating investment capital has changed considerably in the past 50 years (considering the much larger and more sophisticated nature of the middle class in the 1980's), thus introducing doubt as to the validity of the theory in today's economy.

The theories behind the President's program may be Mellon's, but the actions behind the proposed program are heavily from Kennedy and Johnson. Again, adherence to the past may not have the desired consequences, because conditions are considerably different today.

First, the economy in 1964 was beginning to recover from a recession and only needed a boost to achieve prosperity. In 1980, the economy is much sicker, with high inflation, high unemployment and high interest rates. Moreover, steep rises in oil and other energy prices combined with increased costs due to environmental protection measures have created a situation recognized by President Reagan as being "historically unique."

Second, President Johnson wanted people to spend their tax cut and thus offered no incentives to save. Reagan, like Kennedy, wants people to save their money, yet unlike Kennedy offers no incentives to save. Without these incentives, people will most likely spend their tax cuts, which was healthy in 1964 but would be highly inflationary now. Mr. Reagan may have recognized this, for in recent discussions with the Democratic opposition the President implied that he may lower taxes on investment returns, thus providing reasons for private savings.

Third, the drastic increases in defense spending that the President proposes may be highly inflationary. After the initial success of the Tax Reduction Act of 1964, inflation rose because of the increased war effort in Vietnam. The President's plan to double defense spending between 1981 and 1986 could so fuel inflation that the President's optimistic economic assumptions would be grossly mistaken.

President Reagan's plan is based on sound economic theories. However, the economy in 1981 is not the same as it was in 1924 or 1964 and thus the results will be different. Moreover, the President's mix of economic theories with his demands for less government regulation and more defense spending is potentially dangerous. Only time will tell if Reagan's historically-based plan will bring prosperity or depression.●

SUPPORT FOR S. 2333

HON. NORMAN Y. MINETA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 6, 1982

● Mr. MINETA. Mr. Speaker, I fully support the action taken by this House last week when it adopted S. 2333 permitting an official or employee of the U.S. Government injured during an assault on or assassination of the President, Vice President or Member of Congress to receive contributions from charitable organizations. Dedicated public employees, injured while serving their country, should not have to face the financial burden of their injuries alone. These people are deserving of the support and appreciation of the American public. S. 2333 is designed to help women and men such as the press secretary of the President, Mr. James Brady, who has suffered greatly since he was injured during an attempt on the life of the President last year. Mr. Brady's continued courage and sense of humor throughout his ordeal is a reminder of the fine qualities shared by the many women and men who work hard everyday on behalf of the people of the United States. I applaud the action of Congress and urge the President to sign this legislation.●

MAR LIN CITIZENS HOSE COMPANY

HON. GUS YATRON

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 6, 1982

● Mr. YATRON. Mr. Speaker, I rise today to pay tribute to the Mar Lin Citizens Hose Company, who will be celebrating their golden anniversary this year. Fifty years ago in May, the Mar Lin Citizens Hose Company was chartered and they began providing their community with effective fire protection services. Since that time, this volunteer fire company has made an outstanding contribution to the protection of individuals and property of their area.

At the beginning of their service, this excellent hose company participated in numerous local fund-raising events in order to generate the necessary funds required to purchase a firetruck and a firehouse. In the fall of 1941, a 1928 Cadillac pumper was purchased and construction was started on a new building. This structure was completed and occupied in January 1942. In 1946, a new truck was purchased which served the company until 1978. In order to better facilitate the needs of the community, they determined that a new, better equipped truck would be necessary in conjunction with a larger building. They purchased a new 1979 FMC, 750 gal/min pumper, financed by a combination of the company's savings and two separate loans. Payments for the loans are totally provided from allocations given to the company from the local township government which are provided from the Federal Revenue Sharing program.

At the same time, the Mar Lin Company broke ground for the construction of a new firehouse. Funds for this project have been provided totally from accrued savings and from continued fundraising projects. Almost all the construction has been performed by the members themselves thereby limiting the costs of construction to basically the cost of the materials. The completion of this building is coinciding with their 50th year celebration.

A banquet will be held Saturday, April 24, 1982 and a building dedication and truck house celebration will be held on Saturday, June 12, 1982.

At the banquet, the Mar Lin Citizens Hose Company will honor three charter members who, for the past 50 years, have provided dedicated, faithful service to their organization and community. These outstanding individuals are: Mr. Louis Dallago, Mr. Frank Dallago, and Mr. Frank Orlosky, Jr. A fourth member to be honored is Metro Wyda who has given over 40 years of service to the company and who served as their first truck foreman and later as fire chief for a number of years. He presently is actively involved as both trustee of the organization and self-proclaimed caretaker and custodian of the new building. The fifth award will be presented to the wife of deceased member, Peter Zedonick, in appreciation for the 40 continuous years he served as treasurer and his diligent fiscal management.

I know my colleagues will join me in wishing the Mar Lin Citizens Hose Company continued success and in applauding the outstanding service they provide in their community.●

BATAAN DEATH MARCH

HON. PAUL FINDLEY

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 6, 1982

● Mr. PAUL FINDLEY. Mr. Speaker, on April 1, the House passed House Joint Resolution 435 to pay special tribute to the 36,000 Americans captured by the Japanese during the fall of Bataan and Corregidor in the Philippines.

Forty years ago in April these Americans, along with the captured Filipinos, were made to march for up to 10 days without food, water, or medicine on what is referred to as the "Bataan Death March." Before they reached Camp O'Donnell, more than 10,300 people, including women and children, died.

The survivors of this horror were then taken to Cabanatuan, where incredibly cruel and inhumane treatment continued, and 3,000 more died between May of 1942 and February of 1945. On September 2, 1945, the remaining prisoners were freed. Of the original 36,000 captured Americans, fewer than 7,000 survived this tragic ordeal.

Forty years later there are 3,015 survivors who still remember this painful time in their lives. For them and for the families of those who did not survive, Congress passed this resolution. In addition, the President of the Republic of the Philippines, Ferdinand Marcos, himself a survivor of Bataan, has declared April 12 as the "Ruby Reunion for Peace" in the Philippines, inviting all Americans who took part in this tragic event to return to his country for a week-long commemoration of this important time in both our histories. Further, he has agreed to build a memorial in honor of the Americans who died at Cabanatuan.

Certainly these people who endured such a tragic and horrid experience deserve our recognition as well, as do the families of those who did not survive. It is important that we not forget their suffering. The "American Salute to Cabanatuan Prisoner of War Memorial Day" is indeed a fitting and appropriate tribute to all involved.●

A RESIDENCE FOR PAGES

HON. CHARLES E. BENNETT

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 6, 1982

● Mr. BENNETT. Mr. Speaker, I rise today to express my support for providing a residence for pages so as to alleviate their continual housing problems.

On the weekend of March 20 to 21, the pages were once again involved in their annual mock congress. The pages, who so ably serve us in the House and Senate, debated in subcommittees to determine what legislation they would like to see brought to the House floor. The first and foremost legislation to be considered by the mock congress was a bill to establish a residence for pages, and it passed by a unanimous vote. I believe that all who have sponsored pages recognize the difficulty of obtaining housing for them. At the moment there are only a few boardinghouses in the area. Several pages have been forced to seek lodging in expensive and inadequate apartments.

The time is ripe to provide the pages, both male and female, with a dormitory-style residence. The total amount of rent paid each month by the pages would surely help defer the cost of this structure and provide a safe and more unified atmosphere for these hard-working young people. The legislation authorizing such a page home was passed in 1970, and it is time to get on with building this project. I certainly hope the Appropriations Committee will fund it this year.●

PRIVATE SECTOR ROLE IN JOB TRAINING

HON. AUGUSTUS F. HAWKINS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 6, 1982

● Mr. HAWKINS. Mr. Speaker, as the Congress deliberates employment and training proposals, there are some proponents who endorse the idea of giving the business community carte blanche approval to run public job training programs without serious regard to whether businesses are capable or willing to undertake this vital social responsibility. This is a heavy burden for most private businesses to carry, given the reality of the shrinking public dollar targeted for these programs. Businesses generally are preoccupied with the short-term profit motive and have not demonstrated enthusiastic commitment to long-term job training programs on their own initiative, particularly those programs targeted to the economically disadvantaged.

Active participation of the private business community in public job training programs is, however, a key component to insure permanent unsubsidized private sector jobs for program participants. Indeed, I am in favor of giving the private sector greater responsibility in job training programs—H.R. 5320, my employment initiative pending before the Congress, reflects this. A cooperative partnership between local government and local business, I believe, is the most sensible role for the private sector in shaping manpower policies. This partnership concept provides an opportunity for greater local flexibility by the government and business leaders who are most knowledgeable and sensitive to local needs. In concert, they can appreciate the economic and social realities of their local communities and can best devise programs to address their local problems.

The threat of dismantling the current local delivery system in employment and training programs for one that is controlled by the States and the private sector is a risky proposition. I urge the proponents of probusiness involvement in job training to divert their energies away from trying to discredit a system that works and instead seek a more effective partnership between business and local government.

Following are a few of the letters the Subcommittee on Employment Opportunities has received from the private sector reflecting some of the concerns outlined above:

UNION OIL CO. OF CALIFORNIA,
Santa Rosa, Calif., March 25, 1982.
Hon. DAN QUAYLE,
Chairman, Senate Subcommittee on Employment and Productivity, Dirksen Senate Office Building, Washington, D.C.
Hon. AUGUSTUS F. HAWKINS,
Chairman, House Subcommittee on Employment Opportunities, Rayburn House Office Building, Washington, D.C.

DEAR SENATOR QUAYLE AND CONGRESSMAN HAWKINS: A few days ago, I wrote to you officially as Chairperson of the Private Industry Council in Sonoma County here in California. At that time, I presented our Council's general perspectives on issues pertaining to the development of new job training legislation to replace the Comprehensive Employment and Training Act. I am writing today to address one specific concern.

I have heard reports that, in last week's testimony at the joint hearings held by your Subcommittees, the National Alliance of Business (NAB) spoke in support of S. 2184, the Administration's job training bill. NAB representatives evidently stated that S. 2184 reflected the view point of American business on the need for a new federal job training system.

Please be aware the S. 2184 does not reflect our Council's perspective. We strongly support the important principles of 1) a partnership for job training, based on concurrence, between local government and local business and 2) program flexibility and control in and by local communities. S. 2184 does not establish a strong private sector role at the local level; would create a new, unneeded state bureaucracy; could result in eliminating services in many areas of the Country; severely limits flexibility to design programs to meet the needs of local areas; and denies local government and business leaders the opportunity directly and effectively to plan the services which would be delivered in their own communities. Worst of all, S. 2184 does not strengthen, but in fact weakens, the cooperative partnership for job training which have been established between local business and government.

Of the four bills before the Congress, I would like to state my personal support for H.R. 5320, the Community Partnership for Employment and Training Act. This bill respects the principle of local control, significantly reforms the federal job training system without wasting the expertise which now exists with local Private Industry Councils and other structures, and provides for a strong private sector role in a cooperative partnership with local government.

I urge you and other members of the Subcommittees to work toward a final bill which permits program planning and decision making by local government and business people working together in a partnership at the local level.

Very truly yours,
DIANE K. PARDINI.

CONTROL DATA CORP.,
Minneapolis, Minn., March 22, 1982.
Hon. AUGUSTUS F. HAWKINS,
House of Representatives, Rayburn House Office Building, Washington, D.C.

DEAR CONGRESSMAN HAWKINS: Your efforts to secure timely enactment of national employment and training legislation this year deserve strong support. Creation of a public/private partnership to reduce unemployment by improving basic skills and providing jobs training is clearly in the national interest, and Control Data has already demonstrated its feasibility. The benefits to the economically disadvantaged, local communities and business, particularly at a time of rising unemployment, have been evident.

Hopefully your committee will authorize sufficient appropriations to make a substantial national training effort possible. Given the very sharp cuts in the CETA program in 1981, it is especially important that budget authority not be reduced below fiscal year 1982 levels. In addition, careful consideration should be given to the relative responsibilities of the federal, state, and local governments in the arrangement of an appropriate national delivery system.

Sincerely,

WILLIAM C. NORRIS.

TACOMA-PIERCE COUNTY
PRIVATE INDUSTRY COUNCIL,
Tacoma, Wash., February 22, 1982.

Hon. AUGUSTUS F. HAWKINS,
U.S. House of Representatives, Chairman, Employment Opportunities, Rayburn House Office Building, Washington, D.C.

DEAR CHAIRMAN HAWKINS: As chairman of the Tacoma-Pierce County Private Industry Council (PIC) I would like to share the thoughts of the business community on the reauthorization of employment and training legislation soon to be considered by Congress. Our local PIC is a subcommittee of the area Economic Development Board (EDB) which is comprised of representatives of business and industry as well as government who are interested in promoting the development of Tacoma-Pierce County. It is the lead business-backed group in the community and provides input in planning Urban Development Action Grant projects, Housing and Urban Development projects, Economic Development Administration initiatives, as well as programs under the current Title VII of CETA. Over the years, the EDB and the PIC have developed considerable expertise in the area of economic development including federal employment and training programs.

The PIC has considerable interest in the future of employment and training programs as part of an overall economic policy revitalizing this country's economy. Such programs must address the training needs of both business and industry and the labor force participants, including our low-income, unemployed citizens. Key to economic recovery is an increase in worker productivity. The PIC is in a position, organizationally and experience-wise, to ensure that federal dollars will address these needs at the local level.

At a recent work session, PIC members studied the existing proposals for reorganizing the employment and training system. While the PIC supports the concept of a single block grant, it is preferable that the grant be allocated to local governments, not to the states. Since the initiation of Title VII, we have developed excellent relationships with the prime sponsors of Tacoma and Pierce County. We do not see a need to add the state to the system at this time and feel that allocating funds to local government will ensure that the greatest amount of resources will reach the eligible clients as intended. Additionally, we have long advocated the reduction of the administration and red tape which deter business from actively participating in training programs. This can best be accomplished at the local level, and allocating money through the state will only add to this administrative burden.

The PIC desires to maintain its role in designing local programs and evaluating those efforts under the future employment and training system. As I stated before, we now have the expertise to achieve results. We are not, however, interested in administering or operating programs directly. We have neither the financial capacity nor the willingness to assume the potential liability. As essentially volunteers, we are willing to leave this function to the existing prime sponsors' professional staffs.

The funding mechanism and the role of the PIC are the two major issues. We do support the concept that maximum flexibility be afforded local governments to define policy and operational procedures appropriate for their areas. Flexibility should be extended to determining whether stipends are to be paid to individuals in training, methods of client selection for training, and the types of programs to be funded. The determination of performance standards should be the prerogative of the PIC and be based upon local economic conditions. The actual standards could be negotiated with the Department of Labor.

I would like to emphasize that the issues I've discussed here resulted from thoughtful deliberations by the PIC members themselves, particularly those representing business. We feel the most logical approach to reauthorization is to build on the best of what we have learned by participating in Title VII

Sincerely,

LINN E. LARSEN,
Chairman.

PRIVATE INDUSTRY COUNCIL,
Canton, Ohio, February 12, 1982.

Congressman AUGUSTUS HAWKINS,
Rayburn House Office Building,
Washington, D.C.

DEAR CONGRESSMAN HAWKINS: We are writing to communicate our views after reviewing the major elements of legislation proposed to replace the Comprehensive Employment and Training Act of 1973, as amended.

Our Council has been in existence as an organization for nearly three years after a fairly lengthy and in-depth process of determining the degree and scope of our involvement in local employment and training efforts. In cooperation with local elected officials we have been planning and overseeing such efforts for approximately two years under Title VII of CETA. Day to day administration and operations have been carried out by a Managing Director with the bulk of services, administration, and evaluative analysis provided by local Prime Sponsor staff. We find this arrangement to be effective, efficient, and results-oriented. Therefore, we are concerned when we interpret some of the legislative proposals as dismantling a fairly-well organized structure and replacing it with something as yet to be adequately defined.

In our opinion, employment and training policy is something that requires definition at the national level in terms of establishing overall goals and intent, generally outlining suggested services, specifically defining the recipient population, and providing adequate funding. To move this responsibility to the state level would insure no policy at all, guarantee fragmentation of goals, and cause confusion as to the definition of "adequate funding." It is our belief that Federal legislation and funding should provide long-term continuity for these major elements while it respects the flexibility and ability of local communities to identify local needs and priorities and provide for them within the parameters of both the spirit and intent of the broader legislation. These basic elements appear to be quite adequately covered through Titles II abc and VII of the existing CETA legislation while at the same time significant consideration is given to special Federal and States' needs and programs.

We would like to provide the following specific information regarding the major elements of employment and training legislation based on our experience here:

Period of authorization: As contained in the Hawkins and Quayle Proposals we concur with the concept of "permanency" to provide continuity for national policy and goals. Should the need ever cease the legislation can be rescinded. In the meantime, funding levels can be determined by increasing or decreasing need. Simultaneously, we urge a stability of funding to enhance long range planning concepts.

Funding process: We subscribe to the Hawkins proposal for direct appropriate response to the concept of national policy and goal-setting which is implemented locally. Some funds should be earmarked for special Federal and States' needs as they have in the past.

Planning and operational authority: We support the notion of a single joint Council as representative of the local Prime Sponsorship specified in the current CETA Act. We envision the composition of the Council as that presently defined under Title VII of CETA with decisions subject to the Governing Board of local elected officials as the initial source of accountability.

Services: We are in agreement with those specified in CETA which are paralleled closely in replacement proposals. We think the concept contained in the Quayle Bill for limited work experience for youth in the private sector should be expanded to include adults. We urge renewed emphasis on cooperative relationships among occupational training institutes, school systems, employers organized labor, government, and community agencies with each recognizing appropriate roles without fear or jealousy.

Service delivery areas: We subscribe to the current Prime Sponsor structure as both viable and proven. Labor market area lines are invisible to job seekers and political jurisdictional boundaries are not barriers to employment in the next county. The significance of structure and definition is one of accountability, not service. Residency is important to the client in terms of service relationship, but it is more important in light of employment opportunities. For example, residents of Canton work in Akron and vice-versa. Each uses the other's training facilities and placement opportunities. The fact that they are separate Prime Sponsors creates no obstacles to the effectiveness of both. The idea of less Prime Sponsors covering larger areas may be initially attractive, but it has yet to be proven that it is administratively less costly. Service only takes place where an individual lives and struggles. In the main, industry views its plant locations as relatively self-contained, individual profit centers.

Broad policy is made at corporate or regional offices, but local control of operations and administration is essential for continued effectiveness and profitability. We submit this concept as the most suitable for a national employment and training system.

Accountability and liability: Since we are dealing with the trust of public funds, we believe that this is properly placed in the hands of local elected officials who know best the ramifications and how best to account for it. Shifting such accountability into the hands of the private sector moves the funds into different accounting systems and into a realm where the additional responsibility is neither sought or desirable. The private sector has much to offer by way of management consultation, training efforts priorities, and job market projections, but has no more to offer than the government by way of securing ultimate accountability. This rests on the basic integrity of the people responsible. We believe that the merging of public and profit accounting systems is a bad idea. For the same reason staff personnel should be employed by local government to ensure clear-cut local lines of responsibility, accountability, operational and administrative authority.

Performance standards: We agree with both Congressman Hawkins and Senator Quayle that performance standards and measurements need to be different for adults and youth. We side more with the Hawkins provisions on this point but would like the Quayle proposal of "achievement in employability competency" for youth incorporated. We also see the need for including some productivity/cost standards.

Stipends (allowances): We suggest the consideration of a mid-point concept between the Quayle and Hawkins proposals on this issue. In addition to providing minimum wage for limited work experience, we subscribe to the need for payment of supportive services. However, in terms of allowances for training we suggest local option payment at up to 60 percent of minimum wage under a weekly maximum, provided that no other forms of adequate subsistence are available.

Recipient population: We support the concepts of a single Title serving adult and youth specifically and separately. We also concur with the present eligibility measurement of 70 percent of the lower living standard income level which overall does a creditable job of indentifying that 7 percent or less of the population most in need. "Displaced" workers will eventually and appropriately become eligible under current methods of computation of income. Local priority ranking does well in singling out those individuals requiring the most assistance. However, we believe that too many mandatory set-asides for particular programs and population segments, as provided in the Jeffords Bill, will create an unmanageable and untrackable system. If it is deemed desirable to mandate a youth/adult ratio we suggest that this be done on a level of participation rather than a percent of funds. Costs vary greatly for similar services in different parts of the country.

For whatever form the finished product may take, we close with one final thought. Government oversight of such programs tends to focus on administrative and regulatory compliance with productivity effectiveness and results seemingly as an afterthought. This approach guarantees top-heavy and unnecessary administrative costs.

Local plans submitted to the Federal level should consist of overall concepts, needs, and priorities; basic budgets; and an outline of projected results. Detailed planning occurs only within the local level. Systems audited and found to be in compliance and procedurally sound need not be monitored and audited as frequently as those that are not. Structures assessed as solid and without mismanagement, abuse, and relatively free of inexperience and human error do not require the same management attention from the Federal level as those that are not. A change in management emphasis by the government can significantly reduce administrative costs.

This correspondence is submitted with the hope that the information it contains is helpful in designing effective employment and training legislation.

Sincerely,

JOHN C. THOMPSON,
Council Chair.

Attachment.

THE PRIVATE INDUSTRY COUNCIL OF WAYNE AND STARK COUNTIES, INC.

EXECUTIVE COMMITTEE

Mr. John C. Thompson, Chair, Manager, Hourly Personnel, The Timken Company.

Mr. Charles B. Scheurer, Vice-Chair, Vice-President, Industrial Relations, Diebold, Inc.

Dr. James G. Hyre, Superintendent, Canton City Schools.

Mr. John M. Kelleher, Executive Director, Canton-Stark-Wayne, CETA Consortium.

Mr. Joseph N. Smith, Secretary-Treasurer, Director, Canton Urban League.

MEMBERSHIP

Ms. Janet C. Buehler, President, Restaurant and License, Beverage Association of Stark County.

Mr. Christopher L. Dutton, Attorney-at-Law, Day, Ketterer, Raley, Wright & Rybolt.

Mr. Harold L. Hall, Assistant Superintendent, Stark County Department of Education.

Mr. Charles A. Dougherty, President, Industrial Tool Company, Inc.

Ms. Kay Greenleaf, Executive Director, Wayne County Community Action Agency.

Mr. Hugh Jae, Director of Industrial Placement, Mt. Union College.

Mr. Bernard P. Jenkins, President, B. P. Jenkins, Inc., General Contractor.

Mr. John J. Lucas, Jr., Executive Director, Victory Economic Development Corporation.

Ms. Marilyn M. Prather, Vice-President of Human Resources, United National Bank & Trust Company.

Mr. Daniel R. Sciury, 2nd Vice-President, AFL-CIO Greater Canton Council.

Mr. Richard A. Juenemann, Executive Vice-President, Capital Plastics, Inc.

Mr. William McGeorge, Director, Urban Redevelopment Department, City of Canton.

Mr. Stephen A. Robbins, Assistant Executive Director for Human Resources, Timken Mercy Medical Center.

Mr. Fred A. Yenny, President, Stark Technical College.

PRIVATE INDUSTRY COUNCIL,
OF THE CITY OF LOS ANGELES,
January 13, 1982.

SUSAN GRAYSON,
Subcommittee on Employment Opportunities, Rayburn House Office Building, Washington, D.C.

RECOMMENDATIONS REGARDING CETA REAUTHORIZATION FROM LOS ANGELES AREA PRIVATE INDUSTRY COUNCILS

Over the past three months, representatives from the six Private Industry Councils in the Los Angeles area—Glendale, Long Beach, Los Angeles City, Los Angeles County, Pasadena, and Torrance—have met to develop a consolidated position statement on issues related to the reauthorization of legislation governing Federally-funded employment and training programs.

The Los Angeles area Private Industry Councils strongly endorse the continuation of Federally-funded employment and training programs. This endorsement reflects the conviction of the majority of PIC members (including business representatives) that such training programs represent a valuable resource for the business community, as well as for disadvantaged persons.

The area Private Industry Councils have agreed that the following principles should form the basis of future employment and training legislation:

Continued high priority should be given to serving primarily the economically disadvantaged. (Glendale dissents.)

Funds should be allocated in block grants awarded to local Prime Sponsors and should not be awarded through the states.

Programs should be developed and administered at the local level.

Maximum flexibility and latitude should be allowed at the local level, consistent with broadly-defined Federal guidelines and requirements for program accountability to meet planned objectives. Grants should be administratively simplified, with a minimum of regulations and paper work.

The private sector (including labor, small and minority businesses) must continue to play its partnership role in program development, planning, and administration.

In addition to these general principles, the area Private Industry Councils endorse the following recommendations (with individual dissents as noted):

There should be a system of additional incentives to encourage more systematic linkages among Prime Sponsors (wherever there is an overlap of Prime Sponsors serving the basic labor market area).

Prime Sponsors should develop a system for coordinating the participation of the private sector (business and labor), schools, vocational education, state employment service, and economic development.

Coordination of planning and implementation between employment and training programs and economic development should be especially encouraged.

Commitment of Federal funds on a multi-year basis is needed to enable PICs and Prime Sponsors to fund training programs in higher skilled occupations which require a longer training period, to make commitments on training support to companies which are planning for future expansion or diversification, and to participate in economic development projects which have a multi-year timetable.

Employment and training programs should be assessed in terms of their success in placing participants in unsubsidized employment and/or in meeting other locally-established program outcomes which are employment-related. Quality as well as quantity of job placements should be considered in the assessment criteria.

Performance contracting should be encouraged under employment and training programs.

A portion of block grant funds should be designated for services to youth. A commitment should be obtained from the school system and vocational education, specifying how each would participate in the program. Prime Sponsors should be permitted to work out agreements with local educational institutions in terms of a locally developed plan, and no specific proportion of funding should be mandated for school districts in the legislation.

The Councils believe that a valuable and necessary role for community-based organizations is to serve as intermediaries between business and program participants by performing recruiting, providing orientation, job preparation, and training, and arranging supportive services for the economically disadvantaged. They may also work directly with private industry. Individual community-based organizations should have equal opportunity, based on their individual capabilities and the service delivery composition of the Prime Sponsor, to play a role in the implementation of programs and delivery of services through the PIC.

The program of tax credits for employers who hire the disadvantaged should be continued, but it should be broadened to cover all economically disadvantaged groups. (Glendale dissents.)

It is suggested that tax credits might be given to employers who provide training without direct Federal subsidy. (This would be of particular relevance to larger employers).

Union concurrence on employment and training programs (where there is a collective bargaining agreement) should be retained, and review and comment provisions should be maintained for all other employment and training programs. (Glendale dissents.)

New legislation should continue to require that all employment and training participants who receive wages while in training (i.e., on-the-job training and work experience participants) should be paid the prevailing wage. (Glendale dissents.)

All labor standards in the current law should be retained.

It is recommended that the new employment and training legislation encourage coordination between the Department of Defense and Department of Labor. Appropriate provisions should be made to include the economically disadvantaged, wherever possible, in job opportunities and training programs created in defense (Glendale dissents.)

Publicly supported work programs should be an allowable activity for individual Prime Sponsors under the new employment and training legislation to the extent that the PICs (or their equivalent) give their concurrence on plans and spending of federal funds.

The views of individual Private Industry Councils which are in dissent from recommendations above, or which endorse additional recommendations, are attached. If you need any further information, please contact Kathy Schreiner, Executive Director of the Los Angeles City Private Industry Council at (213) 485-6120 or 6516.

Charles F. Horne, Jr.,
Chair, Los Angeles County Private Industry Council.

Joe Saucedo,
Chair, Long Beach Private Industry Council.

Jean Anderson,
Chair, Private Industry Council of the City of Torrance.

Leslie N. Shaw,
Chair, Private Industry Council of the City of Los Angeles.

Aulden Schlatter,
Chair, Glendale Private Industry Council.

Donald Pfeiffer,
Chair, City of Pasadena Private Industry Council.

Addendum From Torrance PIC

There must be maximum flexibility in designing employment and training programs to be responsive to the needs of the local business community and the unemployed. It is essential that employment and training programs provide services to those most in need; but individual groups to be targeted must be determined by each community based upon local conditions, rather than mandated nationally.

The Glendale Private Industry Council strongly endorses the continuation of Federally funded employment and training programs. The preceding recommendations are endorsed with the following modifications:

(1) The definition of disadvantaged be expanded to include other criteria in addition to economic.

(2) Tax credits for employers who hire the disadvantaged continue to be targeted and not broadened to cover all economically disadvantaged.

(3) Union concurrence not be mandated for all employment and training programs.

(4) New legislation not require that participants in training be paid prevailing wage.

(5) Department of Defense contracts not require any jobs or training programs to be filled by economically disadvantaged.●

KEEP EDUCATION STRONG

HON. IKE SKELTON

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 6, 1982

● Mr. SKELTON. Mr. Speaker, the administration is jeopardizing the future security and livelihood of the United States through its drastic and shortsighted cuts in Federal education spending.

Since coming to office, the administration has been taking systematic steps to dismantle the entire Federal commitment to education, a commitment which recognizes that education is fundamental to the best interests of our Nation. Federal spending on education, under the administration's plan, would be reduced to $10.3 billion in fiscal year 1983, and cut by another $1 billion in fiscal year 1984. These figures are in comparison to nearly $15 billion committed to education programs just 2 years ago. Budget authority for a number of programs, including title I, the education block grants enacted last year, Pell grants and work-study programs for college students, would be cut to less than half their 1981 levels by 1984. Several other programs of aid to college students would be abolished, including guaranteed student loans for graduate and professional students. The administration is also proposing discouraging reductions in funding for vocational and adult education and handicapped education.

Mr. Speaker, we all recognize the need to control the Federal budget and to eliminate the national debt. We also believe that education must remain under local authority and control. Unfortunately, however, the administration cannot see that the education which we provide our children today will determine the strength and vitality of our Nation tomorrow. In the interest of our Nation's future, we cannot afford the cuts the administration is proposing for American education.●

ANDREW J. BIEMILLER

HON. TED WEISS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 6, 1982

● Mr. WEISS. Mr. Speaker, the American labor movement and the working people of this country lost a good friend and valiant servant when Andrew J. Biemiller passed away on Saturday. I want to take this brief opportunity to honor Mr. Biemiller, pay tribute to his many achievements and express sympathy to his family and many friends.

To those who mistakenly perceive the labor movement as simply just another special interest group, I strongly urge that special attention be given to Andrew Biemiller's career as chief lobbyist for the AFL-CIO. During his 22 years of service in this capacity, Mr. Biemiller was honest, clear, and objective in advocating full employment measures, worker safety protection, and many other labor issues important to all working people. Perhaps more important, however, was his advocacy of legislative measures that contributed to the improvement of the general welfare of the Nation, sometimes even at the immediate expense of labor's own objectives.

Several examples demonstrate his strong humanitarian commitment and determined leadership. Mr. Biemiller played a significant role in encouraging liberal Members to add an equal employment provision to the Civil Rights Act of 1964, despite the opposition of the Kennedy administration. He also played a key role during the Johnson administration in assisting the passage of much of the Great Society legislation and opposing Senator Dirksen's attempt to overturn the Baker against Carr equal population decision of the Supreme Court. In both cases, Mr. Biemiller and the leadership of the AFL-CIO sacrificed their organization's immediate goals to promote and defend major social reform which was in the best interests of the general public. Indeed, Mr. Biemiller felt that his greatest accomplishment was his strong opposition to President Nixon's Supreme Court appointments of Clement F. Haynsworth and G. Harold Carswell—hardly what one might expect of labor's chief lobbyist.

Andrew Biemiller was conscientious, thoughtful, honest, and committed. He cared about the people he encountered in Congress, the people he represented, and the working people whose lives were improved by the legislation he sought. His life serves as one of the finest examples for young people who wish to enter a career of public service. He was deeply loved and respected. He will be deeply missed by all who knew him.●

FIREARM OWNER'S PROTECTION ACT

HON. DAVID DREIER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 6, 1982

● Mr. DREIER. Mr. Speaker, I believe that this Congress must make every effort to protect the constitutional right of all law-abiding citizens of the United States to keep and bear arms. The misguided attempts by legislators and proponents of so-called gun control to ban the sale or possession of handguns must not be allowed to succeed given the mandate of the second amendment.

H.R. 3300, the McClure-Volkmer Firearm Owner's Protection Act, takes major steps toward protecting citizen's second amendment rights. I was an early cosponsor of this important bill and continue to support it strongly. I am outraged that the House Judiciary Committee has not held hearings on this bill, and I urge my colleagues on that committee to do so immediately. Government harassment of legitimate gun owners and dealers must be brought to an end.

Furthermore, I believe that outlawing handguns would not cause a reduction in violent crime. Instead, stiffer penalties and tougher criteria in setting bail are needed if crime is to be reduced. I have cosponsored a bill that would establish a mandatory 5-year prison term for anyone convicted of committing a Federal crime involving the use of a firearm. Additionally, I am cosponsoring legislation that authorizes a judge to consider the danger to the community posed by a person charged with a noncapital offense when determining whether to release that person on bail.

This Congress must promptly take actions such as these if we are to deal effectively with violent crime while at the same time defending the right of citizens to keep and bear arms. I am firmly committed to supporting legislation which will maintain and protect the rights of gun owners in the United States.●

BOY SCOUT TROOP 379—A DISTINGUISHED 50 YEARS

HON. NORMAN Y. MINETA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 6, 1982

● Mr. MINETA. Mr. Speaker, next month, one of the outstanding Boy Scout troops in the Nation, Troop 379, sponsored by the Koyasan Buddhist Temple in Los Angeles, will celebrate its 50th anniversary.

Comprised primarily of Japanese American youths, Troop 379 was founded in 1931 and within 4 years, attained the distinction of being named the outstanding Boy Scout troop in the United States. As a signal honor to the troop in 1935, President Franklin D. Roosevelt, through the national headquarters of the Boy Scouts of America, invited the entire troop to the 1935 National Jamboree. The jamboree, which was to be held in Washington, D.C., was later canceled by the President due to an outbreak of polio in the East.

Many of the Scouts from Troop 379 served in the U.S. Armed Forces during World War II and two were killed in action in Italy while serving with the famed 442d Regimental Combat Team. They were Cpl. Yoshiharu Aoyama, who received posthumously the Bronze Star, the Silver Star, and the Purple Heart for gallantry in action, and Lt. Kei Tanahashi, who was a scoutmaster with Troop 379.

During its 50 years of service to the community, Troop 379 has had a total of 680 Scouts in its program. Probably the most outstanding record of the troop is the number of Eagle Scouts in its ranks. A total of 177 Scouts attained the highest rank of the Boy Scout program, or 26 percent of all the youths became Eagle Scouts during the troop's long history. The ratio of Eagle Scouts to the number of Scouts in the program is one of the highest in the Nation, and the high percentage was maintained for 50 years.

Another national standard may have been set in 1956 when 15 Scouts from Troop 379 became Eagle Scouts at a single court of honor.

Of special interest is the drum and bugle corps of the troop. Organized in 1932, the corps is considered the oldest continuous Boy Scout drum and bugle corps in the Nation. The group has consistently won State drum and bugle corps competitions against older non-Scout groups and has marched in most of the famous parades throughout the State.

In addition to attending many national jamborees, the troop has also participated in International Boy Scout Jamborees. In 1937, the troop made a goodwill tour to Japan and has since made similar trips to Japan in 1962, 1968, 1971, and 1978. The troop is planning to attend the Eighth Nippon Boy Scout Jamboree in Japan during the summer of 1982.

Boy Scout Troop 379 will celebrate its golden anniversary on May 22, 1982, in Los Angeles. Expected to attend are hundreds of former members of the troop, including some of the original members of the 1931 group. Mr. Speaker, on behalf of all my colleagues, I want to heartily congratulate Boy Scout Troop 379 on its 50 years of distinction.●

ANTONIN SVEHLA

HON. EDWARD J. DERWINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 6, 1982

● Mr. DERWINSKI. Mr. Speaker, as we will be in adjournment on the 15th of April, I would like to bring the attention of the Members to the 109th anniversary of the birth of Antonin Svehla, the Prime Minister of Czechoslovakia from 1922 to 1929.

Antonin Svehla was largely responsible for the successful development of the first free Czechoslovak Republic. Under his leadership, the nation of Czechoslovakia flourished and became one of the most prosperous countries in Eastern Europe. One of the greatest achievements was his land reform policy which made it possible for thousands of small farms to develop and grow.

Upon achieving the distinction of Prime Minister of Czechoslovakia, Svehla began a distinguished career as a statesman and a successful leader of his people. Although he never received the international recognition that he richly deserved, Svehla led his country in accordance with the democratic principles which he had studied.

The memory of Antonin Svehla lives on in the minds and hearts of his countrymen to whom he dedicated his life, and he remains a symbol of inspiration to all who value freedom and true national independence. Although he served his country for a short time, Antonin Svehla is one of the greatest statesmen in the history of Czechoslovakia.●

BUILDING AMERICA TOGETHER

HON. GENE CHAPPIE

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 6, 1982

● Mr. CHAPPIE. Mr. Speaker, each year the Veterans of Foreign Wars of the United States and its ladies auxiliary conduct a Voice of Democracy contest. This year over 250,000 secondary school students participated in the contest. The theme of the contest this year was "Building America Together."

I am pleased to submit for the Record the winning speech from California which was written by Todd M. Turner of Millville, a student at Enterprise High School.

1981-82 VFW VOICE OF DEMOCRACY SCHOLARSHIP PROGRAM

Building America Together. A New England harpooner, calmly and carefully coiling his whale line in preparation for the chase. A New York shopkeeper, busily scooping out flour for a waiting customer. A Wisconsin school marm, textbook in hand, readying her students for the day's lesson. A tough, brawny, absolutely fearless miner, digging for silver in the Comstock Lode. It was men and women like these who, together, built the foundation for this country. People of diverse skills and talents from every corner of the land. And they were the backbone of our bustling young nation, contributing day in and day out, to America's spectacular growth and progress.

The building of a nation is no new thing in world history. Many were built long ago that are still around today. But many rose to colossal power and just as quickly, fell back into the dust from whence they came.

The building of America is a story of movement, of travel and transportation. It is a story of people spreading out across a vast unexplored continent and building a mighty nation of men and women who are not afraid of new places or strange surroundings.

The building of America is a story of communication, of town criers and newspapers, The Pony Express and the United States Mail, of radio, television and satellites. If the railroads bound the nation together with bands of steel, the telephone and telegraph bound the people together with copper wires.

The building of America is also a story of business, big business and small. It is the story of giant corporations and huge industries, of mail order houses and department stores, of supermarkets and chain stores with branches in a hundred cities and it is a story of the old-fashioned, small-town general store where you could buy almost anything in the world you need, or just sit around and chat with your friends.

Finally, the building of America is a story of traffic, of shiploads of immigrants crossing the sea lanes to the new world, of long lines of prairie schooners trekking westward across the continent, of steam boats snorting up and down the Mississippi. Today, sleek automobiles streak endlessly across the broad highways that crisscross the nation, and in the skies above America the rumble of mighty airplane jets never ceases. In the cities, traffic clogs the streets so seriously that many shake their heads in despair. Horns blow, brakes squeal, and engines sputter, but traffic continues to move. The progress of America will also face obstacles and delays, but it is my concern that we continue to go forward as we have throughout history.

What it all narrows down to, the building of America is a story of people. Before constructing a mighty nation, our ancestors had to fight for and win our independence. This success aroused a feeling of unity. This togetherness inspired the dedicated, hardworking men and women to build our cities, tend our farms, tame our wildernesses and shape our nation's proud heritage. And this unity is what makes America special.

Now, in the eighth decade of the twentieth century, the New England harpooner has been replaced by the Longshoreman, the school marm has given way to the trained specialist. The brawny miner's work has been made easier with heavy equipment and the shopkeeper may spend more time punching the keys of a computer than scooping flour. But the spirit of free enterprise still flourishes, and the common goals of freedom, love, peace, and prosperity still unite the people of this great land. These goals were not easily acquired, nor are they easily retained. It is up to you and me to see to it that the unity of this nation is a candle whose flame never flickers, dims, or weakens. Its light must be eternal. As long as there is an America, there must be a candle, and as long as there are Americans, there must be that light.

PAULINE LONG LOWMAN

HON. JOHN L. NAPIER

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 6, 1982

● Mr. NAPIER. Mr. Speaker, one of the stalwart institutions of the Nation is its fourth estate. The great, diverse mass of newspapers, magazines, broadcast facilities, and other journalistic efforts which our Constitution not only protects but inspires exists as a true statement of our dedication to the principles of democracy. When we mention news media or press, we often think in terms of the Washington Post or CBS News, but while those organizations are among the largest and most famous members of the fourth estate, they tower over much of the Nation's media only in terms of size and recognition.

Out there in the hinterlands, the small presses grind on and the local broadcast stations meet their deadlines, providing the truth much closer to home. South Carolina has a long and proud history of journalism, as old and as solid as this Nation itself.

One point of history I would like to feature is the recent election of Pauline Long Lowman of North Myrtle Beach as the first woman president in the 106-year history of the South Carolina Press Association. Another point I would like to make is that Polly Lowman could not give her North Myrtle Beach Times newspapers away 11 years ago. Today, that publication has become one of the leaders in the State's weekly newspaper ranks.

Polly Lowman began her newspaper career 11 years ago, February 24, 1971, with the first issue of the North Myrtle Beach Times, a weekly newspaper that has won 42 State press association awards in the last 8 years and 10 national awards for advertising and community service.

Among the top awards won by the Times are: General Excellence as the State's best weekly newspaper, Best Special Edition, Best Advertising Promotion, First Place for Community Service, Best News Photo, Best Feature Photo, Best Sports Photo, First Place for In-Depth Reporting, and First Place for Best News Story. The Times has won eight blue ribbon designations by the National Newspaper Foundation for service to the community.

Polly Lowman has a long track record of leadership in professional and civic organizations. For most of her 35 years before starting her own newspaper, Polly had been extremely active on the State and local level in garden club work.

Ms. Lowman was born in Little River, S.C., and has lived in North Myrtle Beach for 28 years. She is the mother of two sons, Robert Reeves Lowman, Jr., 27, and Michael Duane Lowman, 20.

Among her lists of accomplishments and honors are:

In 1970 selected Outstanding Young Woman of America.

Career Woman of the Year by Grand Business and Professional Women's Club in 1971-72 for North Myrtle Beach.

King Award recipient as South Carolina Newspaper Woman of the Year in 1973 by the SCPA.

She is a member of Myrtle Beach Area Chamber of Commerce, charter member of the Grand Strand Press Association, member of the South Carolina Press Association, National Newspaper, and member of Society of Professional Journalists (SDX) on the State and national level.

In 1977 she received the Gaughf-Thompson Award from the Grand Strand press Association for outstanding service to the community.

In 1979 first honorary member of the collegiate division of the South Carolina Press Association (SCPA).

Elected to the South Carolina Press Association board of directors in 1977 then treasurer of that organization in 1979, second vice president in 1980 and first vice president in 1981; and now, 1982 first woman president of the South Carolina Press Association in the organization's 106 years.●

OPERATION DRIVER EXCELLENCE

HON. ROY DYSON

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 6, 1982

● Mr. DYSON. Mr. Speaker, I would like to bring to the attention of my distinguished colleagues a worthwhile program entitled "Operation Driver

Excellence." This program, sponsored by the American Veterans of World War II, Korea-Vietnam (AMVETS), is in its 16th year.

Maryland's AMVETS are holding the program in Maryland. Mr. J. Hugh Nichols, a Howard County executive, is the host for this year's program. It will be held on Sunday, April 18, 1982, 10 a.m. at the County Government Building Center, 3430 Court House Drive, Ellicott City, Md.

This competition is open to all high school students in the State who have completed an approved drivers training course within the past year. The winner of Maryland's finals will compete for scholarships totaling $25,000 at the National Final held in Rosemont, Ill., May 15 and 16.

Driving an automobile is a privilege and encompasses many responsibilities. Proper training and education is a critical component for the beginning driver if safe driving records are to be assured. "Operation Driver Excellence" promotes an alert, able, and responsible driver through education, awareness, and competition.

Mr. Speaker, I most heartily support this program and the efforts of AMVETS in promoting it. I urge my distinguished colleagues to support "Operation Driver Excellence" in their own States and I would encourage Marylanders to attend.●

THE HAZARDS OF OVERCLASSIFICATION

HON. LEE H. HAMILTON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 6, 1982

● Mr. HAMILTON. Mr. Speaker, only a few months after his controversial Executive order which allows the Central Intelligence Agency to conduct activities within the United States, President Reagan has issued an even more disturbing order. Effective in August, it will alter the way we classify sensitive information and will reverse many sound policies of classification which have remained essentially unchanged through several administrations.

The system of classification now in effect was instituted by President Roosevelt and expanded by President Truman in response to a sharp increase in the volume of sensitive information during World War II and the cold war. However, it soon became apparent that a system devised to protect our secrets was also being used to hide waste, abuse, and embarrassment; moreover, it was denying Congress and the public the opportunity to debate both domestic and international issues in an informed manner. The dilemma was, and still is, that the dangerous, fast-paced nature of current events makes two conflicting demands: More secrecy in Government and better access to information for policymakers, including Congress.

Ever since the days of the Truman administration, Presidents have emphasized the hazards of overclassification. President Eisenhower's order of 1953 reduced the number of agencies authorized to classify; President Kennedy's order of 1961 established the concepts of automatic declassification and downgrading; President Nixon's order of 1972 led to a policy best summarized by the statement, "When in doubt, do not classify"; and President Carter's order of 1978 required declassifiers to use a balancing test to determine whether public interest in disclosure might outweigh the need for secrecy.

Each of the changes in this series of executive orders have arisen from a recognition of the evils inherent in overclassification—evils which are not always what they seem to be. Ironically, overclassification results in the disclosure of too little and too much information at once. Justice Stewart may have stated the point most succinctly:

> * * * when everything is classified, then nothing is classified, and the system becomes one to be disregarded by the cynical or the careless and to be manipulated by those intent on self-protection and self-promotion * * * the hallmark of a truly effective internal security system would be the maximum possible disclosure, recognizing that secrecy can best be preserved only when credibility is truly maintained.

Under current procedure, a document is classifiable if it falls into one of several categories and if its unauthorized disclosure could reasonably be expected to cause indentifiable damage to national security. The general presumption is that doubt whether the document should be classified implies that it should not be. President Reagan's new order will overthrow this scheme by adding several new categories, dropping the requirement that expected damage be identifiable, and making the general presumption that classification is in order where there is doubt. Also, it will eliminate the balancing test.

Of greater importance than specific provisions of the new order is its departure from the overall direction taken by previous administrations. President Reagan has undone with a stroke of the pen the years of work to create an aura of Presidential support for the principles that declassification is as important as classification, that it is wrong to overclassify, and that decisions to classify should be thoughtfully taken. In addition, he will in effect be rewriting legislation tied to the system of classification, including some espionage laws, the Freedom of Information Act, and the pending Intelligence Identities Protection Act.

Overclassification has more of an effect on the proper functioning of Congress than one might imagine. In principle, Members of Congress are supposed to have access to classified material, and constitutionally they are allowed to discuss sensitive material in public if it pertains to valid legislative duties. In practice, however, overclassification makes quite a difference. Many legislators hesitate to discuss secret documents even if they think the classification is unjustified. Given the tight schedules on Capitol Hill, most lawmakers are unwilling to spend time getting such documents declassified. Also, the level of classified information presented in closed briefings varies with the Members of Congress who attend, and Members who have direct access to most classified material, such as those who serve on the Intelligence Committees, are restricted by internal rules in what they may discuss with their colleagues. Overclassification breeds mistrust between Congress and the administration, friction grows when legislators can find out more from the newspaper than they can from the administration. Overclassification also increases the likelihood that claims of executive privilege will lead to a constitutional clash.

As a member of the House Intelligence Committee, I appreciate the fact that access to certain information must be restricted. But as a member of the House Foreign Affairs Committee, I know how difficult it is to formulate and explain foreign policy when the administration acts on undisclosed information, when the access to sources is overly restricted, or when the release of information is unnecessarily delayed. My impression is that Congress' current access is not what it should be. The President's proposal will impair it further.

Since the President is determined to proceed by fiat toward greater secrecy, it may be wise for Congress to refashion the way it handles sensitive information. We might also follow the suggestion of three congressional committees and enact, for the first time, a statutory system of classification—one which would embody the ideas that protecting and disseminating information are not sole prerogatives of the President and that national security is well served when Congress has ready access and is able to share information with the public.

Congressional access to information is no mere convenience; it is a necessary condition of effective democracy. In general, a democracy simply cannot be governed well if the citizenry and its elected legislature are kept in ignorance. Only in rare circumstances is information so sensitive that it should be withheld.

Those who would withhold information by classifying it should bear the burden of proof that its disclosure would compromise national security. I am convinced that President Madison's words still retain their vitality and cogency today:

> A popular government without popular information or the means of acquiring it, is but a prologue to a farce or a tragedy; or perhaps both. Knowledge will forever govern ignorance; and the people who mean to be their own governors must arm themselves with the power which knowledge gives.●

TRIBUTE TO VICTOR BLANCO

HON. JOHN H. ROUSSELOT

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 6, 1982

● Mr. ROUSSELOT. Mr. Speaker, I rise to pay tribute to the accomplishments and leadership of Victor Blanco, a dedicated American and astute businessman, who has made many outstanding contributions to the Hispanic community, the Republican Party and California.

Victor was the prime mover behind the first Hispanic movement on behalf of the California Republican Party. During his years of distinguished service to Republican politics, he has been chairman of "Latin Americans for Reagan" in 1976, and of "California Hispanics for Reagan" in 1980. Victor is currently coordinator of the National Hispanic Advisory Committee to the Republican National Committee, and recently served as chairman of the Hispanic Republican Convention, which boasted over 1,000 participants.

In addition to his outstanding contributions to the world of politics, Victor has been in the forefront of the revolution in medical technology; the application of this technology has done much to alleviate suffering. He is president and chief executive officer for Blanco Laboratories and Automated Biochemical Analysis. In 1979, Victor founded Blanco and Allaina Partnership, for the purpose of providing state of the art technology in the clinical laboratory field. Victor is a former president of the California Association of Medical Laboratory Technologists, Los Angeles Chapter; he has also served on the National Advisory Council of the Small Business Administration.

Accomplished in everything he undertakes, Victor Blanco is an asset to all the organizations he has most generously shared his time with. Recently the Orange County chapter of the California Republican Hispanic Council honored him for his commitment to excellence. Well wishers at the dinner included: Representative DORNAN, Julio Gonzales, Tom Fuentes, Mrs. Lois Lundberg, Cruz F. Sandoval and Richard Hernandez, among others.

I, too, would like to congratulate Victor Blanco on his contributions to the betterment of our community and our world. I think I can speak for the entire House of Representatives in commending Victor Blanco for his pursuit of excellence, and wishing him the best of success in the future.●

CYPRUS SPECIAL ORDER APRIL 22

HON. OLYMPIA J. SNOWE

OF MAINE

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 6, 1982

● Mrs. SNOWE. Mr. Speaker, on April 22, my colleagues on the Foreign Affairs Committee, Mr. BROOMFIELD, the ranking minority member; and Mr. YATRON will be holding a special order to address the need to a prompt and peaceful settlement to the Cyprus conflict.

It has been 8 years since the Turks invaded the island and displaced 200,000 native Cypriots and occupied 40 percent of the land. The time is long overdue for a solution to this problem. I commend my colleagues for taking this special order and I urge all Members to take part in this important discussion.●

PERSONAL EXPLANATION

HON. LAWRENCE J. DeNARDIS

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 6, 1982

● Mr. DENARDIS. Mr. Speaker, a speaking engagement prevented me from participating in two rollcall votes on Thursday, April 1, 1982. I wish to have the RECORD show that, had I been present, I would have voted "no" on rollcall No. 50 and "yes" on rollcall No. 52.●

INVESTMENT IN THE HUMAN MIND

HON. CLARENCE D. LONG

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 6, 1982

● Mr. LONG of Maryland. Mr. Speaker, the secret of America's greatness from its very beginning has been its insistence on education for everybody.

An organization has just been formed in Baltimore County, Md., to protest cuts in the Federal education budget.

The Baltimore County Coalition on Federal Funding for Education includes 24 organizations which have joined to form Project HELP (help education lobby politicians). Members of Project HELP are: Americans for Democratic Action; Archdiocese of Baltimore; Association for Children with Learning Disabilities; Baltimore County Board of Education; Baltimore County Chamber of Commerce; Baltimore County Coalition or Handicapped and Children's Council; Baltimore County Public Schools; Baltimore County Special Educations Advisory Committee; Coalition of Public Employees; Coalition on Zoning; Congress of Administrative and Supervisory Educators of Baltimore County; Council for Exceptional Children; Department of Recreation and Parks; District Advisory Council of Baltimore County ESEA Title I; League of Women Voters; Maryland Congress of Parents and Teachers, Inc.; Maryland Home Economics Association; Maryland State Board of Education; Maryland State Teachers Association; Parent Teachers Association Council of Baltimore County; Private Industry Council; Retired Teachers Association of Baltimore County; Teachers Association of Baltimore County; and Vocational Education Advisory Council.

The goal of the coalition is simple: "To support Federal funding for education at the level appropriated in fiscal year 1981 and encourage no further cuts in education."

I share Project HELP's concern about the lack of wisdom in these cuts.

The interest of this administration in stimulating investment in modernization and expansion of private industry is commendable. It makes little sense, however, to stimulate investment in machinery and equipment if we curtail the investment in the human mind, for it is this investment that has given us the greatest return—not only economically, but also in terms of political stability and social progress.●

DR. ISADOR GITTELSOHN HONORED FOR MEDICAL SERVICE

HON. HAROLD C. HOLLENBECK

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 6, 1982

● Mr. HOLLENBECK. Mr. Speaker, on April 17, Dr. Isador Gittelsohn of River Edge, N.J., will be honored as "Man of the Year" by the Cpl. Charles M. Wallach Post of the Jewish War Veterans of the U.S.A. As a practicing physician for 53 years, Dr. Gittelsohn has earned a distinctive reputation as a compassionate and dedicated medical professional. Forty-nine of those years have been spent in River Edge where he has delivered several generations of babies and has been featured on a major New York City TV news program as one of the few doctors who still makes house calls.

Evidence of Dr. Gittelsohn's humanitarianism goes back to World War II when, because of a shortage of doctors in Bergen County, he worked as a volunteer at Hackensack Hospital once a week from midnight to 8 a.m.

During the war years and again from 1978 through 1980, he served as police surgeon in River Edge and was a member of the borough's civilian defense department. Over the years, his dedication to his community has brought him honors from the River Edge Women's Club and the River Edge mayor and city council. He also received the Police Benevolent Association's Good Citizen Award, the Crime Detectives' of New York and New Jersey Award, the Pascack Valley Hospital Appreciation Award and the Hackensack Hospital Award for long and meritorious service.

Dr. Gittelsohn is a member of the Bergen County Medical Society, the New Jersey Medical Society, the American Medical Association, the American Geriatric Association, and is a charter member of the American Academy of Family Physicians and of the Pascack Valley Hospital where he was director of pediatrics for 9 years.

I am proud to offer Dr. Isadore Gittelsohn my congratulations on his well-deserved recognition for his achievements and to express my sincere appreciation for his continued efforts to make our communities a better place in which to live.●

HUMAN RIGHTS—AFGHANISTAN

HON. DON BONKER

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 6, 1982

● Mr. BONKER. Mr. Speaker, more than 2 years have passed since the brutal invasion of Afghanistan by the Soviet Union, and the atrocities against the civilian population continue unabated. French doctors, who are operating clandestine relief missions in the mountains and valleys of Afghanistan, report attacks against defenseless towns and villages in order to demoralize the local population. Deliberate attacks by Soviet forces on the civilian population of Afghanistan is an ominous turn in that war.

Dr. Claude Malhuret, executive director of the Paris-based Médecins Sans Frontières reports:

> The Russians have been conducting a reign of terror. We feel it is now up to world public opinion to pressure the Russians into stopping such atrocities.

I would like to commend to the attention of my distinguished colleagues an article which appeared in the Times of London on March 22, 1982, entitled, "Soviet 'atrocities' condemned by doctors":

[From the Times, Mar. 22, 1982]

SOVIET ATROCITIES CONDEMNED BY DOCTORS

For the past year and a half, three French medical organizations have been discreetly operating clandestine relief missions in the mountains and valleys of resistance-held Afghanistan. In recent weeks, they have become increasingly outspoken against what they consider to be atrocities against the civilian population by the Soviet occupation forces.

At present, the Paris-based Médecins sans Frontières (MSF), Aide Médicale Internationale (AMI) and Médecins du Monde (MDM), whose medical teams are active in war zones elsewhere in the world including Cambodia, Kurdistan and El Salvador, are the only Western humanitarian groups to work inside Afghanistan on a permanent basis.

About 25 volunteer men and women, mainly French but with a sprinkling of Belgians and Swiss, are now running clinics, dispensaries and itinerant aid programmes in eight different provinces at any one time for periods of up to six months.

Originally, the French organizations had hoped that by keeping their activities low key—and consisting primary of providing basic health care in the insurgent-controlled areas—the Russians would leave them alone. But the presence of foreign doctors among the Afghans is known to irk the Kabul regime. Not only do they serve as morale boosters for the resistance but also as constant witnesses to conditions inside the country.

Three French-run hospitals in the Panjshir valley north of Kabul, the Haxarajat and Paktya province were suddenly attacked by Soviet MiGs and helicopters over a two-day period last November. Medical staff and patients narrowly escaped.

Regarding this as a deliberate intimidation tactic, the doctors of MSF and AMI decided to publicly upbraid the Russians by explaining their position to the media. They said that they were also deeply concerned by an upsurge in recent months of communist attacks against towns and villages intended to demoralize the local population and deny support to the guerrillas.

The French doctors have not come across any direct evidence of chemical warfare by the Russians but have heard numerous reports from Afghans that point to its use. Some victims, they said, bore traces such as blackened skin, blisters and other symptoms, that seemed to suggest chemical attacks.

In one case, the doctors examined a male victim with body burns which they said could have come from napalm or a similar chemical.

"The Russians have been conducting a reign of terror," said Dr. Claude Malhuret, executive director of MSF. "We feel it is now up to world public opinion to pressure the Russians into stopping such atrocities." Western military analysts have also recently drawn attention to what they feel to be a more brutal attempt by the Russians to crush resistance.

Returning French teams in some cases have been able to provide first-hand evidence of communist bombardments and military incursions.

One AMI team, which returned earlier this month after spending the winter in the Panjshir valley, north of Kabul, said that they had seen 13 aerial attacks since December. French doctors were also present when an estimated 15,000 Soviet and Afghan troops launched an offensive against the valley in early autumn.

More recently, the team said, they had retreated severely injured Afghans during an 11-day sweep in early February by mainly Soviet troops in Kohistan at the mouth of the Panjshir valley. According to Marie-Paul Soleiler, an AMI nurse, local resistance leaders and refugees had told them that more than 1,000 civilians and guerrillas had been killed including at least 400 Afghans executed by the Russians. She said that according to the report they had recovered "most of them were machine-gunned but they also took 18 white-bearded old men from a village called Bulareh, doused them with petrol and burned them".

With most Afghan doctors having fled the country or living in the communist-occupied towns, perhaps as many as eight million Afghans in the resistance-held regions are forced to rely on this small, scattered handful of foreign doctors for medical care.

Relying primarily on public donations for support, the organizations are trying to send more missions to Afghanistan. At the moment there are no British doctors working inside Afghanistan but the French are keen to combine efforts with other countries.●

H.R. 6092: ADEQUATE COVERAGE FOR MENTAL HEALTH SPECIALISTS UNDER MEDICARE AND MEDICAID

HON. FLOYD J. FITHIAN

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 6, 1982

● Mr. FITHIAN. Mr. Speaker, I rise today to support H.R. 6092. A bill to amend social security to provide more adequate coverage of the services of mental health specialists—clinical social workers, clinical psychologists, and psychiatric nurse specialists—under the medicare and medicaid supplemental benefits program. This much-needed legislation would insure that qualified mental health providers and specialists will be directly reimbursable under these social security programs, without any Federal requirement of physician supervision of referral. Senator DONALD W. RIEGLE, Jr., of Michigan, will shortly introduce a companion bill on the Senate side. This bill with minor changes is similar to H.R. 3373, a bill I introduced on September 10, 1981.

Even though this bill will expand eligible providers of outpatient mental health services, it will not alter the ceiling on reimbursement, nor will it change the 50-50 copayment provision currently established by law for outpatient mental health services under medicare and most medicaid plans. The purpose of my bill is primarily to offer elderly and low-income beneficiaries greater options in their search for a mental health provider and to save valuable health care dollars.

The existing law allows a medicare or medicaid beneficiary to obtain mental health services only from a physician—who may not have even been trained as a mental health specialist. The three other core mental health specialists are excluded—clinical social workers, clinical psychologists, and psychiatric nurse specialists.

As in so many other areas, the States have demonstrated the leadership in establishing programs that allow a beneficiary to have freedom of choice in selecting his or her mental health specialist. Several States including Idaho, California, Colorado, Maryland, Utah, Wisconsin, New York, and Virginia have enacted freedom of choice laws mandating coverage for the services of clinical social workers in all mental health insurance programs.

Many private insurance companies have issued policies providing coverage for social workers as mental health specialists. In addition, many of the most important government employees organizations recognize the need to reimburse social workers for their mental health services. For some time the Department of Defense's CHAMPUS program has been directly reimbursing clinical psychologists for mental health services, and last year implemented a pilot demonstration project for independently reimbursing psychiatric nurses and clinical social workers for their services.

We as a nation must recognize that the mental health delivery system has changed drastically in the last two decades, with States and private insurance companies providing the leadership. Now the time has come for the Federal Government to recognize the need to make a fundamental change in the social security system by broadening and expanding coverage to include direct reimbursements to all of the mental health specialists.

The 1978 President's Commission on Mental Health recommended that all existing private and public health insurance systems, including medicare, as well as any future national health insurance program, should provide for mental health care in the "most appropriate and least restrictive setting; and the consumer should have a choice of provider and provider systems." Certainly the reimbursement of clinical social workers, clinical psychologists, and psychiatric nurse specialists makes available a wider range of therapeutic services. Nondiscriminatory coverage of all four core professions would give the elderly and the poor the same freedom of choice which is enjoyed by CHAMPUS beneficiaries. The present system of financial reimbursements clearly works at cross-purposes with other Federal efforts to improve the mental health delivery system.

The underserved mental health populations—rural residents, small town dwellers, the urban poor and racial and ethnic minorities—are particularly impacted by the existing system of financial reimbursement for mental health services. As a Congressman from northwestern Indiana—largely small towns and rural areas—I can directly attest to the limited mental health resources in these communities. Many towns are without a doctor, and a psychiatrist is many miles away. Under these circumstances it only makes sense to utilize the other mental health services which are available. Why should a patient seeking mental health services be forced to drive many miles to a distant town simply because it is the only way under the existing law to get reimbursement for these services.

The present system of financial reimbursement for mental health services includes only physicians who are the least available and the most costly. Although physicians and psychiatrists play an important role in the mental health system—since they alone can prescribe medication—they treat only a small portion of beneficiaries. Clinical social workers provide more psychotherapy to individuals and groups in a variety of settings, including hospitals, outpatient clinics, community mental health centers, health maintenance organizations, private and public agencies and in private practice. In fact, clinical social workers provide services to many more patients than psychiatrists, clinical psychologists, or psychiatric nurse specialists. A 1978 survey of mental health manpower, published by National Institute of Mental Health, found that 42 percent of all mental health treatment in federally funded community mental health centers was provided by clinical social workers. The time has come to recognize those mental health specialists that provide the bulk of the services and establish a system that allows them to be directly reimbursed for their services.

Importantly, H.R. 3373 legislatively defines at the Federal level the professional standards and the type of educational requirements that are necessary for each of the four traditional mental health disciplines under which they can practice independently. I have specifically spelled out the proposed definitions of clinical social workers, clinical psychologists, psychiatric nurse specialists, and psychiatrists. By adopting these strict educational requirements, as well as State licensure and/or certification, I am confident that only highly qualified practitioners will become reimbursable under the law.

Again, many of the States and professional organizations have taken the lead in establishing licensing and certification laws, as well as minimum requirements for education and experience. Clinical social workers, for example, are subject to State licensing and certification laws in 26 States, containing a majority of the Nation's population. The professional organizations are actively working to establish a minimum standard for independent unsupervised practice of at least a masters degree in social work plus 2 years of postgraduate supervised clinical experience. In addition, the National Registry of Health Care Providers in Clinical Social Work and the National Association of Social Workers Clinical Registry certifies clinical social workers who meet these requirements of education and experience. Is it not time that the Federal Government implement the same strict standards that already exist in numerous States across the country?

Most importantly, increasing the availability of mental health services to our Nation's social security recipients by including clinical social workers, clinical psychologists, and psychiatric nurse specialists will not result in huge cost increases for the program. In fact, there is every indication that the overall cost of our national health care programs would decline. How is this possible in an age of rapidly escalating prices and inflationary pressures? First, the utilization of less costly outpatient psychotherapy has been shown to decrease the need for more costly inpatient psychiatric care. It simply costs much more to treat people in a hospital setting. Second, psychiatrists simply charge more for their services than other mental health specialists. If we as a nation could further utilize these other core mental health providers, we could reduce the cost of psychotherapy. A recent survey of psychotherapy finances concluded that of 1,284 respondents the highest percentage of psychiatrists report charging "$60 or more" for individual psychotherapy sessions, while clinical social workers charge $40 per session, and clinical psychologists charge $50 per session. Consequently, the reimbursement of clinical social workers and clinical psychologists actually costs less than psychiatrists.

Third, a recent study by the National Institute of Mental Health pointed out that the utilization of mental health services resulted in decreased utilization of physical health services. This data is not shocking news. General practice physicians have long been aware of the high percentage of patients who are suffering physical symptoms; for example, spastic colon and migraine headaches, caused by underlying nervous and mental disorders. Other studies confirm these findings. A pilot study conducted by the Group Health Association of Washington, D.C., revealed that patients who received short-term outpatient psychotherapy reduced their usage of general medical services and of X-ray and laboratory services by approximately 30 percent. Another study by Kaiser-Permanente over a 16-year period with mental health benefits concluded that patients who underwent short-term psychotherapy showed a reduction of almost 75 percent in medical utilization over a 5-year period. Consequently, it is possible to decrease physical health services which have become exceedingly costly.

Fourth, it is possible to increase coverage to include other core mental health specialists without raising overall costs. A study by the Union Labor Life Insurance Co. of New York City and Bankers Life Insurance Co. of Des Moines, Iowa, demonstrated that it was not necessary to raise premiums because of their inclusion of social workers as core mental health specialists. In fact it is possible to obtain more services for less money.

Fifth, the use of other core mental health providers would reduce the cost of hospital, medical, and surgical costs while stimulating worker productivity and increased profits in private industry. A pilot program conducted by a clinical social worker at a Kennecott Copper plant in Salt Lake City, Utah showed the cost-effectiveness of an onsite, outpatient mental health program. Over a 1-year period, the employees involved showed a significant reduction in absenteeism—from 5.8 working days per month to 2.93 days, a drop of 40.5 percent—and in hospital, medical and surgical costs—from $109.04 per person per month to $56.91 per person per month, a reduction of 48.7 percent. Over the same period the control group—those not involved in the outpatient mental health program—showed a 2-percent increase in absenteeism and a 7.7-percent increase in hospital, medical, and surgical costs. Consequently, we as a nation can actually reduce the overall costs of our mental health programs while expanding the scope of mental health services and fully utilizing other core mental health specialists.

The existing mental health delivery system includes four core professional groups, but medicare and medicaid does not recognize these contributions because it only directly reimburses physicians. Ironically, it reimburses the least available, the most expensive, and the smallest group of mental health specialists. We as a nation must take advantage of the mental health services provided by clinical social workers, clinical psychologists, and psychiatric nurse specialists. We cannot continue to neglect these fundamental human resources within our communities across the country. The time has come to directly reimburse these other mental health specialists for their services under medicare and medicaid.

For much too long, mental health programs in general have been relegated to second-class status and the contributions of clinical social workers, clinical psychologists, and psychiatric nurse specialists have been ignored and forgotten. The general public has not known or understood the complex mental and emotional problems experienced by millions of Americans nor appreciated the services provided by mental health specialists.

We must now remove these inequities in the law by amending the existing medicare and medicaid programs. I respectfully urge my colleagues in the House to join me in cosponsoring H.R. 6092 and supporting its passage in the 97th Congress. A copy of the bill is reprinted as follows:

H.R. 6092

A bill to amend titles XVIII and XIX of the Social Security Act to provide more adequate coverage of the services of mental health specialists under the medicare supplemental benefits program and under medicaid programs.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) the first sentence of section 1861(r) of the Social Security Act is amended by inserting, immediately before the period at the end thereof, the following: ", or (6) except for the purposes of section 1814(a) other than (a)(2)(A), section 1835 except (a)(2) and (b)(1), and subsections (j), (k), (m), and (o) of this section, a mental health specialist, but (unless clause (1) of this subsection also applies to him) only with respect to functions which he is legally authorized to perform as such in the State in which he performs them".

(b) Section 1861 of such Act is further amended by adding at the end thereof the following new subsection:

"Mental Health Specialist

"(bb)(1) The term 'mental health specialist' means an individual who is a clinical psychologist (as defined in paragraph (2)), a clinical social worker (as defined in paragraph (3)), a psychiatric nurse specialist (as defined in paragraph (4)), or a psychiatrist (as defined in paragraph (5)).

"(2) The term 'clinical psychologist' means an individual who (A) is licensed or certified at the independent practice level of psychology by the State in which he so practices, (B) possesses a doctorate degree in psychology from a regionally accredited educational institution, or for those individuals who were licensed or certified prior to January 1, 1978, possess a master's degree in psychology and are listed in a national register of mental health service providers in psychology which the Secretary of the Department of Health and Human Services deems appropriate, and (C) possesses two years of supervised experience in health service, at least one year of which is postdegree.

"(3) The term 'clinical social worker' means an individual who (A) possesses a master's or doctor's degree in social work, (B) after obtaining such degree has performed at least two years of supervised clinical social work, and (C) is licensed or certified as such in the State in which he practices, or if such State does not license or certify clinical social workers, is listed in a national register of social workers who, by education and experience, qualify as health care providers in clinical social work.

"(4) The term 'psychiatric nurse specialist' means an individual who (A) is licensed to practice nursing by the State in which the individual practices nursing, (B) possesses a master's degree or higher degree in psychiatric nursing or a related field from an accredited educational institution, and (C) is certified as a psychiatric nurse by a duly recognized national professional nurse organization.

"(5) The term 'psychiatrist' means a physician who (A) is described in clause (1) of section 1861(r), and (B) is board certified by the American Board of Psychiatry and Neurology or has successfully completed a minimum of three years of approved graduate medical training in psychiatry.".

(c) The amendments made by subsections (a) and (b) of this section shall be effective in the case of services furnished after the date of enactment of this Act, and the amendments made by subsection (c) shall be applicable in the case of services furnished in any calendar year after calendar year 1980.

SEC. 2. (a) Section 1905(a) of the Social Security Act is amended—

(1) by striking out "and" at the end of paragraph (16),

(2) by redesignating paragraph (17) as paragraph (18), and

(3) by inserting immediately after paragraph (16) the following new paragraph:

"(17) services of a mental health specialist (as defined in section 1861(bb)); and".

(b) Section 1902(a)(13)(C)(ii) of such Act is amended by striking out "numbered (1) through (16)" and inserting in lieu thereof "numbered (1) through (17)".●

STRAIGHT TALK FROM SENIOR CITIZEN LUD ANDOLSEK

HON. JAMES L. OBERSTAR

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 6, 1982

● Mr. OBERSTAR. Mr. Speaker, the retired American has experienced the full crushing weight of Reagan economics.

Those of us in Congress who care about programs enacted to insure senior Americans a decent standard of living should be encouraged by the increasing determination with which older Americans are working to preserve critically important programs.

Lud Andolsek, former U.S. Civil Service Commissioner, and now president of the National Association of Retired Federal Employees, offers straight talk cutting to the basic political realities of the struggle facing retired Americans.

I would like to include for the RECORD Mr. Andolsek's speech of March 3 to the Federal Managers Association, entitled, "It's Time To Fight Back."

IT'S TIME TO FIGHT BACK

(By L. J. Andolsek)

I haven't kept track of the number of times I have been privileged to meet with your fine organization, but it must be coming close to an even dozen. Of course, I've been in touch with your Executive Director, Bun Bray, many times between meetings and lean on him for advice and consultation.

Each time in the past, I have come as a Presidential appointee—a member of the Civil Service Commission—and I have labored under all of the constraints that the term implies. You know the theme: "Now Lud, don't give away the store, or the White House will come down on you." I've always been a political person, as you know, but I've had to restrain myself. And I might add, I have made a commitment to my present organization that while I plan to be political, I will not be partisan.

So today the wraps are off. There are no constraints. I'm on your side, and I'm going to say some things that will scare the hell out of you—and, I hope, some things will stir you to action.

There are two common pegs that will underlie everything I say to you:

1. These are dog days for federal workers, both active and retired.

2. To protect what we've worked years and years to achieve, we have to take off the kid gloves and fight back. We have to learn how the political game is played. We have to play the game hard. And we have to become good at the art of being political.

First, let me set the stage, and if I brand myself as a lifelong liberal in the process, I make no apologies.

In my lifetime, I've seen many politicans who saw gains to be made in flailing the bureaucracy. But this is the first Administration that—after election—seems hell bent on destroying the bureaucracy. It would perhaps be charitable to think and say, "Forgive them, Father, for they know not what they do." But my fear is that severe damage may well be done because they know well what they are doing, and they simply do not grasp the consequences.

Let me illustrate my point:

The other day, a friend of mine was talking to a group of federal retirees. A very responsible person—a professional man who had devoted his working life to public service—stood up and related an absolutely frightening story.

He said he had been born and raised in the midwest, and was somewhat accustomed to attacks on the bureaucracy as a reader of the Chicago Tribune. When he was around family and friends, he continued, there were times when he was more inclined to say, "I am a veterinarian," rather than say, "I am a civil service veterinarian." But he outgrew that inhibition, and learned to say with pride: "I am a civil servant. I work for the agency that has produced wash-and-wear fabrics, concentrated orange juice, the Beltsville turkey (that has all breast and no bones), and the greatest crop yield per acre for any country on the face of the earth."

But the man continued: "Now my daughter is finishing graduate school. She has worked summers in government, and has heard government discussed at the dinner table all of her life. The other day, I suggested that she consider a career in government."

Then came the frightening punch line. He said: "She looked me straight in the eye, and using words not fit to be repeated in public, she told me in unmistakable terms why government is the last place she'd want to work."

Consequences. * * * ? You've got it. If RIFs and threats of RIFs don't permeate the air, what does? If insults to the bureaucracy and to the people in it are not commonplace, what is? And if the highly desirable people we should be trying to attract are instead being turned off by the mention of public service, what lies ahead for the republic?

Going beyond the pervasive climate, let's look at some of the visible evidence that the man on Pennsylvania Avenue is playing hard ball—with your livelihood, and with your earned benefits.

Exhibit A: RIFs, Furloughs, and Firing. I don't need to cite numbers, for this of all groups, but it is all too apparent that the objective of "getting government off the people's back" translates to the practice of reducing federal employment, and more specifically, reducing the cost of government—a furlough of say one day per day period might sound more desirable than a RIF notice, but it still comes down to a 10 percent cut in pay.

Exhibit B: A decision to cut the cost of health insurance by reducing the extent of coverage sounds appealing, until it is you or a member of your family that is going into the hospital.

Exhibit C: A "pay cap" of 4.8 percent, when comparability calls for 15 percent, will sure as hell save dollars, but it might well prove to be the worst way to balance the budget.

Exhibit D: The elimination of one cost-of-living adjustment for retirees may not be all that painful, but the dice keep rolling. Why not a postponement of COLA's? Why not something less than 100 percent indexation? Why not a "cap" on retirement benefits, just like we have "caps" on pay—you know the beat, and the beat goes on. And on. And on. And it seems not to matter a whole lot that each cut—real or proposed—is the denial of a solemn promise made, a shirking of a moral commitment. What seems to matter is cutting costs—but as I have stated, at what long-term price to the quality of the work force?

One final element in the matter of stage-setting. What are the motivations of those who would treat public employees like dirt, and what are their techniques?

I have no doubt that President Reagan is sincere in his belief that the first step on the way to a sound economy is to curb government spending. And we can't honestly fault him for pursuing that objective. But we do have the right to hope that he will begin to show some human compassion in where the cuts are made. I firmly believe that federal employees, active and retired, are willing to pay their fair share in balancing the budget, but to date they are being asked—no, forced—to carry more than an equal load.

And still on the subject of motives. I think there are some folks out there whose motives are suspect. I think they see a continuing attack on the bureaucracy, and the people in the bureaucracy, as a means to feather their own nests. You know very well what I am getting at: Their advertisements end on the note, "If you want to see this attack continued, send us money."

Moving from motives to techniques, we have seen in recent months two instances in which it is not the mercenaries in the market place but the people appointed by the President who are using exaggerations and deceptions to win support for the President's program.

In one case, the head of OPM was using "dynamic" projections, which produced big numbers, when he briefed the press on the unfunded liability of the retirement system. But he was using the statutory procedures, which produce a much smaller figure, in determining the amount of interest to be paid by the government.

In the second case, Mr. Stockman's office released a "fact sheet" which greatly exaggerated the numbers of retired federal workers receiving the minimum social security benefit, and which likewise greatly exaggerated the amount they received in annuities.

It goes without saying that we called both deceptions to the attention of Congress.

THE BUDGET PROPOSALS

I am sure you are aware that the Administration is now proposing to reduce retirement benefits by (1) limiting cost-of-living adjustments to the lesser of the CPI increase or the annual pay increase, and (2) imposing "caps" on certain Federal annuities.

We have asked the leadership of Congress to reject these proposals because:

1. The Administration apparently does not know why annuities were indexed in the first place.

2. The Administration is using faulty assumptions by not recognizing the value of tax-exemptions for Social Security.

3. Congress has already eliminated those features that were presumed to over-compensate retirees.

4. The President's proposals would subject annuities to the same degree of politics—and Presidential arrogance—that now pertain to pay.

5. The Administration erroneously concludes that key workers are being lured out of government by "excessive" retirement benefits, when in fact they are being driven out by a parsimonious pay policy.

6. It is unreasonable to equate retirement income, a single source, with active worker salary, because active workers have benefit of promotions and longevity increases as well as periodic pay adjustments.

CALL TO ACTION

I have devoted enough time to the climate that I characterize as dog days for civil servants, and to the motivations of the people who are out to do us in.

Now I will get down to bedrock and ask you to bring the resources of your fine organization to bear in the fight to retain what we've got.

First, I would say that while "image" is a problem, the issue is bigger than image. It's a pocketbook matter. Or perhaps more plainly, a matter of survival. I don't think your organization nor mine can wave a magic wand and get the editorial writers to stop writing adverse editorials. The real arena, where we will either win or lose the battle, is in the Congress rather than the media.

The question, then, is how to succeed.

I believe we have to follow a dual course—whether we are dealing with pay and benefits for active workers or benefits for retired workers.

The first road is education. We must explain why it is in the public interest to attract and keep the quality of men and women who will get the public's work done. And why it is contrary to the public interest to demoralize and humiliate the good men and women who have elected to serve the public.

This road is not easy, for two reasons: (1) Those who would dismantle the public service are good at the art of persuasion, and they are experts in the matter of placing blame where it does not belong; (2) good deeds by civil servants are simply not newsworthy. The press thrives on controversy and colorful catch-phrases, and there's not much of a market for good deeds and accomplishment.

The second road we must follow is the road of practical politics—and believe me, we've got to shed any hang-ups we might have that politics is a dirty word. To repeat myself, being political does not mean being partisan.

We have to realize that elected officials are mortal human beings, not automatically endowed with full knowledge of all the issues. We have to arm the newcomers and the neutrals with solid facts that support our interests, and we have to dispel the myths and half-truths that our opponents serve up.

And when it comes to those who share the Administration's view that the shortest way to a balanced budget is the decimation of the public service—and who make it clear that their minds are set on this course—we have to play some hard-ball ourselves. To dispel any questions about my meaning, let me say it in the fewest possible words: We have to help our friends get elected, and we have to help our foes find other employment. I'm not speaking in partisan political terms, for our friends might wear either the Republican label or the Democrat label, and our foes might have earned the label of Boll Weevils by the nature of their votes.

I have been a civil servant long enough to know that my words might be creating a lump in the pit of your belly, for you are saying to yourself: "Wait a minute; this guy is trying to get me involved in hard core politics, and the Hatch Act prohibits political activity."

No, I'm not suggesting that you violate the Hatch Act, or any other law. I'm suggesting that you use your muscle, your organization, and your know-how, to protect your rights and benefits within the law.

The Hatch Act does not prohibit you from paying your dues to your organization. But you do have a voice in saying how your dues should be spent by your elected officers. And with an old pro like Bun Bray at the helm, I'll guarantee that he will get your message.

The Hatch Act does not dictate your votes, nor deny your constitutional right to petition the Congress, nor your right to make a political contribution to the candidate of your choice. What I'm saying is that there are practical steps you can take without violating the law.

The Hatch Act does not forbid you to write a letter to a newspaper, in which you dispel the half-truths and exaggerations that someone else has served up. Nor does it prevent you from explaining the virtures of an effective public service to a civic or community group. But if you hide behind the Hatch Act to remain silent when the demagogs are trying to do you in, then you are begging for second-class citizenship. And a public servant worth his salt should insist on being treated as a first-class citizen, for he has earned nothing less.

Finally, I don't want to intrude into the internal affairs of your Association, nor to dictate that your Association must always be in 100 percent agreement with mine on all issues, nor am I unaware of the fact that the concerns of active and retired workers may sometimes differ.

But I will say, with deep conviction, that if there has ever been a time when organizational unity was needed, that time is now. We must have organizational discipline, for if every single member of every single organization chooses to march to a different drummer, we are inviting nothing but trouble. No single organization representing federal workers and retirees can sit back and say "Let the other fellow do it," for the job is too big for any one organization to carry alone. The threat is so big that the work—and the expense of the work—must be shared.

My Association is straining its every fiber to fight the good battle for retired folks, and we never miss the chance to give a plug to active workers.

Our most recent initiative has been the creation of a political action fund that we call NARFE-PAC. We are asking all of our 500,000 members to contribute voluntarily to that fund, and we intend to use the proceeds to help our friends get elected and our foes to find other employment.

If your Association does not have such a fund, may I suggest that you should consider starting one. Contributions qualify for the tax deduction, and they must be voluntary.

I'm simply asking you and your fine organization to go out and do the kinds of things that must be done—in harmony with our Association and with all others whose ox is being gored.

The alternative is a loss of pay and benefits such as we have not seen since the great depression.●

SECRETARY OF STATE ALEXANDER M. HAIG'S SPEECH AT GEORGETOWN UNIVERSITY

HON. ROBERT H. MICHEL

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 6, 1982

● Mr. MICHEL. Mr. Speaker, Secretary of State Haig made an important speech this morning concerning nuclear arms, conventional forces, American policy, and world peace. At this point I wish to insert in the RECORD the full text of the speech made by Secretary Haig at Georgetown University:

ADDRESS BY HON. ALEXANDER M. HAIG, JR.

PEACE AND DETERRENCE

It is a melancholy fact of the modern age that man has conceived a means capable of his own destruction. For thirty-seven years mankind has had to live with the terrible burden on nuclear weapons. From the dawn of the nuclear age, these weapons have been the source of grave concern to our peoples, and the focus of continuous public debate. Every successive President of the United States has shared these concerns. Every administration has had to engage itself in this debate.

It is right that each succeeding generation should question anew the manner in which its leaders exercise such awesome responsibilities. It is right that each new administration should have to confront the awful dilemmas posed by the possession of nuclear weapons. It is right that our nuclear strategy should be exposed to continuous examination.

The strategy of nuclear deterrence

In debating these issues, we should not allow the complexity of the problems and the gravity of the stakes to blind us to the common ground upon which we all stand. No one has ever advocated nuclear war. No responsible voice has ever sought to minimize its horrors.

On the contrary, from the earliest days of the post war era, America's leaders have recognized the only nuclear strategy consistent with our values and our survival—our physical existence, and what makes life worth living—is the strategy of deterrence. The massive destructive power of these weapons precludes their serving any lesser purpose. The catastrophic consequences of another world war—with or without nuclear weapons—make deterrence of conflict our highest objective, and our only rational military strategy in the modern age.

Thus, since the close of World War II American and Western strategy has assigned a single function to nuclear weapons: the prevention of war, and the preservation of peace. At the heart of this deterrence strategy is the requirement that the risk of engaging in war must be made to outweigh any possible benefits of aggression. The cost of aggression must not be confined to the victims of aggression.

This strategy of deterrence has won the consistent approval of the Western peoples. It has enjoyed the bipartisan support of the American Congress. It has secured the unanimous endorsement of every successive allied government.

Deterrence has been supported because deterrence works. Nuclear deterrence and collective defense have preserved peace in Europe, the crucible of two global wars in this century. Clearly neither improvement in the nature of man, nor strengthening of the international order have made war less frequent or less brutal. Millions have died since 1945 in over 130 international and civil wars. Yet nuclear deterrence has prevented a conflict between the two superpowers, a conflict which even without nuclear weapons would be the most destructive in mankind's history.

The requirements for Western strategy

The simple possession of nuclear weapons does not guarantee deterrence. Throughout history societies have risked their total destruction if the prize of victory was sufficiently great, or the consequences or submission sufficiently grave. War, and in particular nuclear war, can be deterred, but only if we are able to deny an aggressor military advantage from his action, and thus ensure his awareness that he cannot prevail in any conflict with us. Deterrence, in short, requires the maintenance of a secure military balance, one which cannot be overturned through surprise attack, or sudden technological breakthrough. The quality and credibility of deterrence must be measured against these criteria. Successive administrations have understood this fact and stressed the importance of an overall balance. This administration can do no less.

The strategy of deterrence, in its essentials, has endured. But the requirements for maintaining a secure capability to deter in all circumstances have evolved. In the early days of unquestioned American nuclear superiority the task of posing an unacceptable risk to an aggressor was not difficult. The threat of massive retaliation was fully credible as long as the Soviet Union could not respond in kind. As the Soviet Union's nuclear arsenal grew, however, this threat began to lose credibility.

To sustain the credibility of Western deterence, the concept of flexible response was elaborated, and formally adopted by the United States and its NATO partners in 1967. Henceforth, it was agreed that NATO would meet aggression initially at whatever level it was launched, while preserving the flexibility to escalate the conflict, if necessary, to secure the cessation of aggression and the withdrawal of the aggressor. The purpose of this strategy is not just to conduct conflict successfully if it is forced upon us, but more importantly to prevent the outbreak of conflict in the first place.

Flexible response is not premised upon the view that nuclear war can be controlled. Every successive Allied and American Government has been convinced that a nuclear war, once initiated, could escape such control. They have therefore agreed upon a strategy which retains the deterrent effect of a possible nuclear response, without making such a step in any sense automatic.

The alliance based its implementation of flexible response upon a spectrum of forces, each of which plays an indispensible role in assuring the credibility of a Western strategy of deterrence. At one end of the spectrum are America's strategic forces, our heavy bombers, intercontinental missiles, and ballistic missile submarines. Since NATO's inception, these forces have been the ultimate guarantee of Western security, a role which they will retain in the future.

At the other end of the spectrum are the alliance's conventional forces, including U.S. troops in Europe. These forces must be strong enough to defeat all but the most massive and persistent conventional aggression. They must be resistant and durable enough to give political leaders time to measure the gravity of the threat, to confront the inherently daunting prospects of nuclear escalation, and to seek through diplomacy the cessation of conflict and restoration of any lost Western territory. The vital role which conventional forces play in deterrence is too often neglected, particularly by those most vocal in their concern over reliance upon nuclear weapons. A strengthened conventional posture both strengthens the deterrent effect of nuclear forces, and reduces the prospect of their ever being used.

Linking together strategic and conventional forces are theater nuclear forces, that is NATO's nuclear systems based in Europe. These systems are concrete evidence of the nature of the American commitment. They are a concrete manifestation of NATO's willingness to resort to nuclear weapons if necessary to preserve the freedom and independence of its members. Further, the presence of nuclear weapons in Europe ensures the Soviet Union will never believe that it can divide the U.S. from its Allies, or wage a limited war with limited risks against any NATO member.

The strategy of flexible response and the forces that sustain its credibility reflect more than simply the prevailing military balance. Western strategy also reflects the political and geographical reality of an Alliance of fifteen independent nations, the most powerful of which is separated from all but one of the others by four thousand miles of ocean.

Deterence is consequently more than a military strategy. It is the essential political bargain which binds together the Western coalition. Twice in this century, America has been unable to remain aloof from European conflict, but unable to intervene in time to prevent the devastation of Western Europe. Neither we nor our allies can afford to see this pattern repeated a third time. We have, therefore, chosen a strategy which engages American power in the defense of Europe, and gives substance to the principle that the security of the Alliance is indivisible.

The task ahead

During the past decade the Soviet Union has mounted a sustained buildup across the range of its nuclear forces designed to undermine the credibility of this Alliance strategy. Soviet modernization efforts have far outstripped those of the West. The development and deployment of Soviet intercontinental ballistic missiles now pose a serious and increasing threat to a large part of our land-based ICBM force. A new generation of Soviet intermediate range missiles are targeted upon our European Allies.

In the last ten years, the Soviets introduced an unprecedented array of new strategic and intermediate range systems into their arsenals including the SS-17, SS-18, and SS-19 ICBM's, the Backfire bomber, the Typhoon submarine and several new types of submarine-launched missiles, and the SS-20 intermediate range missile. In contrast, during this same period, the U.S. exercised restraint introducing only the Trident missile and submarine, and the slower air breathing cruise missile.

In order to deal with the resulting imbalances, President Reagan has adopted a defense posture and recommended programs to the U.S. Congress designed to maintain deterrence, rectify the imbalances, and thereby support the Western strategy I have outlined.

His bold strategic modernization program, announced last October, is designed to ensure the maintenance of a secure and reliable capability to deny an adversary advantage from any form of aggression, even a surprise attack.

The President's decision, in his first weeks in office, to go ahead with the production and deployment of the Pershing II and ground launched cruise missiles, in accordance with NATO's decision of December 1979, represents an effort to reinforce the linkage between our strategic forces in the United States, and NATO's conventional and nuclear forces in Europe. A response to the massive buildup of Soviet SS-20's targeted on Western Europe, this NATO decision was taken to ensure that the USSR will never launch aggression in the belief that its own territory can remain immune from attack, or that European security can ever be decoupled from that of the U.S.

The improvements we are making in our conventional forces—in their readiness, mobility, training and equipment—are designed to ensure the kind of tough and resilient conventional capability required by the strategy of flexible response.

It is important to recognize the interrelationship of these three types of forces. The requirements in each category are dependent upon the scale of the others. Their functions are similarly linked. The Soviet Union understands this. That is why they have consistently proposed a pledge against the first use of nuclear weapons, an idea which has achieved some resonance here in the West.

NATO has consistently rejected such Soviet proposals, which are tantamount to making Europe safe for conventional aggression. If the West were to allow Moscow the freedom to choose the level of conflict which most suited it, and to leave entirely to Soviet discretion the nature and timing of any escalation, we would be forced to maintain conventional forces at least at the level of those of the Soviet Union and its Warsaw Pact allies.

Those in the West who advocate the adoption of a "no first use" policy seldom go on to propose that the United States reintroduce the draft, triple the size of its Armed Forces, and put its economy on wartime footing. Yet in the absence of such steps, a pledge of no first use effectively leaves the West nothing with which to counterbalance the Soviet conventional advantages and geopolitical position in Europe.

Neither do Western proponents of a "no first use" policy acknowledge the consequences for the Western Alliance of an American decision not to pose and accept the risk of nuclear war in the defense of Europe. A "no first use" policy would be the end of flexible response, and thus of the very credibility of the Western strategy of deterrence. In adopting such a stance, the United States would be limiting its commitment to Europe. But the alliance cannot function as a limited liability corporation. It can only survive as a partnership, to which all are equally and fully committed—shared benefits, shared burdens, shared risks.

Another concept which has recently attracted interest is that of a freeze on nuclear weapons. While being sensitive to the concerns underlying this propsoal, we have had to underscore the flaws in such an approach. A freeze at current levels would perpetuate an unstable and unequal military balance. It would reward a decade of unilateral Soviet buildup, and penalize the United States for a decade of unilateral restraint. As President Reagan stressed last week, such a freeze would remove all Soviet incentive to engage in meaningful arms control designed to cut armaments, and reduce the risk of war.

Much of the argumentation for a nuclear freeze revolves around the question of how much is enough. Each side possesses thousands of deliverable nuclear weapons. Does it then really make any difference who is ahead? The question itself is misleading, as it assumes that deterrence is simply a matter of numbers of weapons, or numbers of casualties which could be inflicted. It is not.

Let us remember, first and foremost, that we are trying to deter the Soviet Union, not ourselves. The dynamic nature of the Soviet nuclear buildup demonstrates that the Soviet leaders do not believe in the concept of "sufficiency". They are not likely to be deterred by a force based upon it.

Let us also recall that nuclear deterrence must work not just in times of peace, and moments of calm. Deterrence faces its true test at the time of maximum tension, even in the midst of actual conflict. In such extreme circumstances, when the stakes on the table may already be immense, when Soviet leaders may feel the very existence of their regime is threatened, who can say whether or not they would run massive risks if they believed that in the end the Soviet State would prevail.

Deterrence thus does not rest on a static comparison of the number or size of nuclear weapons. Rather, deterrence depends upon our capability, even after suffering a massive nuclear blow, to prevent an aggressor from securing a military advantage, and prevailing in a conflict. Only if we maintain such a capability can we deter such a blow. Deterrence, in consequence, rests upon a military balance measured not in warhead numbers, but in a complex interaction of capabilities and vulnerabilities.

The military balance, crisis management and the conduct of American diplomacy

The State of the military balance, and its impact upon the deterrent value of American Forces cast a shadow over every significant geopolitical decision. It affects on a day-to-day basis the conduct of American diplomacy. It influences the management of international crises, and the terms upon which they are resolved.

The search for national interest and national security is a principal preoccupation of the leaders of every nation on the globe. Their decisions and their foreign policies are profoundly affected by their perception of the military balance between the United States and the Soviet Union, and the consequent capacity of either to help provide for their security or to threaten it.

More important still, perceptions of the military balance also affect the psychological attitude of both American and Soviet leaders, as they respond to events around the globe. For the foreseeable future the relationship between the United States and the Soviet Union will be one in which our differences outnumber points of convergence. Our objective must be to restrain this competition, to keep it below the level of force, while protecting our interests and those of our allies. Our ability to secure these objectives will be crucially influenced by the state of the strategic balance. Every judgment we make, and every judgment the Soviet leadership makes will be shaded by it.

Thus the Soviet leadership, in calculating the risks of subversion or aggression, of acquiring new clients or propping up faltering proxies, must carefully evaluate the possibilities and prospects for an effective American response. Soviet calculations must encompass not only American capabilities to influence regional developments, but American willingness to face the prospect of U.S.-Soviet confrontation, and consequent escalation. American leaders, for their part, must go through comparable calculations in reacting to regional conflicts, responding to Soviet adventurism, and seeking to resolve international crises in a manner consistent with U.S. interests.

Put simply, our own vulnerability to nuclear blackmail, as well as the susceptibility of our friends to political intimidation, depends upon our ability and willingness to cope credibly with any Soviet threat. A strong and credible strategic posture enhances stability by reducing for the Soviets the temptations toward adventurism, at the same time that it strengthens our hand in responding to Soviet political-military threats.

Arms Control and nuclear deterrence

In no area of diplomacy does the military balance have greater effect than in arms control. Arms control can reinforce deterrence, and stabilize a military balance at lower levels of risk and effort. Arms control cannot, however, either provide or restore a balance we are unwilling to maintain through our defense efforts.

Just as the only justifiable nuclear strategy is one of deterrence, so the overriding objective for arms control is reducing the risk of war. The essential purpose of arms control is not to save money, although it may do so. Its purpose is not to generate good feelings, or improve international relationships, although it may have that effect as well. Arms control's central purpose must be to reinforce the military balance, upon which deterrence depends, at reduced levels of weapons and risks.

On November 18, President Reagan laid out the framework for a comprehensive program of arms control designed to serve these objectives. He committed the United States to seek major reductions in nuclear and conventional forces, leading to equal agreed limits on both sides. Last week he reviewed the steps we have taken:

In Geneva we have put forth detailed proposals designed to limit intermediate range nuclear forces, and to eliminate entirely the missiles of greatest concern to each side. This proposal has won the strong and unified support of our allies.

In Vienna, we are negotiating, alongside our allies, on reductions in conventional force levels in Europe. These negotiations have gone on without real progress for over eight years. Because we are now facing diplomatic atrophy, we must urgently consider how to revitalize East-West discussions of conventional force reductions, and stimulate progress in these talks.

Our highest priority, in the past several months, has been completing preparations for negotiations with the Soviet Union on strategic arms. Here, too, we will be proposing major reductions to verifiable, equal agreed levels. Here, too, we will be presenting detailed proposals when negotiations open.

The prospects for progress in each of these areas of arms control depend upon support of the President's defense programs. This imperative has been caricatured as a policy of building up arms in order to reduce them. This is simply not true. As President Reagan's proposals for intermediate range missiles make clear, we hope that we never have to deploy those systems. But we must demonstrate a willingness to maintain the balance through force deployments if we are to have any prospect of reducing and stabilizing it through arms control.

Negotiations in the early 1970's, on a treaty limiting anti-ballistic missile systems provide an historic example. At the time, the Soviets had already built a system of ballistic missile defenses around Moscow. The United States had deployed no such system. Arms control offered the only means of closing off an otherwise attractive and expensive new avenue for arms competition. Yet it was not until the American administration sought and secured congressional support for an American ABM program that the Soviets began to negotiate seriously. The result was the 1972 treaty limiting anti-ballistic missile systems, which remains in force today.

This same pattern was repeated more recently with intermediate range missiles. For years the Soviets had sought limits on U.S. nuclear forces in Europe, but refused to consider any limits upon their nuclear forces targeted upon Europe. Only after NATO took its decision of December 1979 to deploy U.S Pershing II and ground launched cruise missiles did the USSR agree to put its SS-20 missiles on the negotiating table.

In the area of strategic arms, as well, there is litle prospect the Soviet Union will ever agree to equal limits at lower levels unless first persuaded that the United States is otherwise determined to maintain equality at higher levels. It is, for instance, unrealistic to believe that the Soviet Union will agree to reduce the most threatening element of its force structure, its heavy, multiwarheaded intercontinential missiles unless it is persuaded that otherwise the United States will respond by deploying comparable systems itself.

For many opposed to reliance on nuclear weapons—even for defense or deterrence—the issue is a moral one. For those who first elaborated the strategy of deterrence, and for those who see to maintain its effect, this issue is also preeminently moral. A familiar argument is that, in a nuclear age, we must choose between our values and our existence. If nuclear weapons offer the only deterrent to nuclear blackmail, some would argue we should submit, rather than pose the risk of nuclear conflict. This choice, however, is a false one. By maintaining the military balance and sustaining deterrence, we protect the essential values of Western civilization—democratic government, personal liberty, and religious freedom—and preserve the peace. In failing to maintain deterrence, we would risk our freedoms, while actually increasing the likelihood of also suffering nuclear devastation.

As human beings and free men and women, we must reject this false alternative, and avoid the extremes of nuclear catastrophe and nuclear blackmail. In the nuclear age, the only choice consistent with survival and civilization is deterrence.

An eminent theologian once described our age as one in which "the highest possibilities are inextricably intermingled with the most dire perils." The scientific and technological advances so vital to our civilization also make possible its destruction. This reality cannot be wished away.

Americans have always been conscious of the dilemmas posed by the nuclear weapon. From the moment that science unleashed the atom, our instinct and policy has been to control it. Those who direct America's defense policies today share completely the desire of people everywhere to end the nuclear arms race and to begin to achieve substantial reductions in nuclear armament.

Confronted by the dire perils of such weapons, America has responded in a manner that best preserves both security and peace, that protects our society and our values and that offers hope without illusion. The strategy of deterrence has kept the peace for over thirty years. It has provided the basis for arms control efforts. And it offers the best chance to control and to reduce the dangers we face.

Deterrence is not automatic. It cannot be had on the cheap. Our ability to sustain it depends upon our ability to maintain the military balance now being threatened by the Soviet build-up. If we are to reinforce deterrence through arms control and arms reduction, we must convince the Soviets that their efforts to undermine the deterrent effect of our forces will not succeed.

The control and reduction of nuclear weapons, based on deterrence, is the only effective intellectual, political and moral response to nuclear weapons. The stakes are too great and the consequences of error too catastrophic to exchange deterrence for a leap into the unknown. The incentives for real arms control exist and we have both the means and the duty to apply them.

Let us be clear about our objectives in the nuclear era. We seek to reduce the risk of war and to establish a stable military balance at lower levels of risk and effort. By doing so today, we may be able to build a sense of mutual confidence and cooperation, offering the basis for even more ambitious steps tomorrow. But above all, we shall be pursuing the "highest possibility" for peace.●

HUMAN RIGHTS—EL SALVADOR

HON. DON BONKER

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 6, 1982

● Mr. BONKER. Mr. Speaker, Secretary of State Alexander Haig announced within days of the inauguration of the Reagan administration that international terrorism would replace human rights violations as the focus of U.S. foreign policy. Yet, day after day and month after month, the administration, by its actions and/or lack of action, has alined the United States with regimes that practice terrorism against their own people.

The latest example of this spectacle is a report that the Reagan administration is cozying up to Robert D'Aubuisson, a right-wing, former Salvadoran army officer.

Former U.S. Ambassador Robert E. White described D'Aubuisson as a pathological killer and the person linked repeatedly to incipient military coups and paramilitary terrorist activities. Because of his alleged role in the murder of Archbishop Oscar Arnulfo Romero and his other terrorist activities, D'Aubuisson had been banned from entering the United States since May of 1980.

Now, Thomas Enders, Assistant Secretary of State for Inter-American Affairs, is saying that D'Aubuisson will be allowed to enter the United States. If Reagan administration officials are really concerned about terrorism, they should not be associating our country with individuals who engage in that activity. Double-talk and double standards are no substitute for policy.

I would like to commend to the attention of my distinguished colleagues an article which appeared in the Boston Globe of March 17 which further details the sordid activities of Mr. D'Aubuisson.

The article follows:

[From the Boston Globe, Mar. 17, 1982]

SALVADOR HOPEFUL TIED TO SLAYINGS

(By Katharine Koch)

WASHINGTON.—The governments of the United States and El Salvador have possessed for nearly two years documents that link the leading right-wing contender in El Salvador's current election campaign to death squads whose operations are believed to have included the assassination of Salvadoran Archbishop Oscar Arnulfo Romero.

Copies of the documents, seized from former army major Roberto D'Aubuisson in May 1980, have been obtained by The Globe. D'Aubuisson is regarded by most observers as the most powerful of the right-wing contenders in El Salvador's March 28 election for a constituent assembly.

Neither the US nor Salvadoran governments, however, has taken official action on the information, which points to D'Aubuisson as a key figure in an international paramilitary network.

In El Salvador, there has been no vigorous investigation into the Romero murder, no action against the active-duty officers linked to the death squads and no prosecution of D'Aubuisson, the former national guard intelligence officer now emerging as the potential leader of a rightist coalition that may come to power in the elections.

Information in the documents connects D'Aubuisson to the Miami under world, but a US law-enforcement source said that information was not made available to appropriate investigative authorities.

D'Aubuisson reportedly tried to eat some of the papers when he and a group of civilian and military colleagues were arrested in May 1980 in connection with an alleged coup conspiracy and the documents were seized. Col. Adolfo Arnoldo Majano, a member of the Salvadoran junta at the time, who ordered the arrest of the group, has authenticated The Globe's copies. They also have been examined and authenticated by former US ambassador to El Salvador Robert E. White and US intelligence analysts.

The documents were turned over to the Salvadoran junta and military high command, but the men were released after 72 hours for "lack of evidence." A Salvadoran military source said the matter was not pursued because it implicated members of the high command, D'Aubuisson had been cashiered from the national guard after the former military regime was ousted in October 1979.

The papers underscore the reasons for US concern about the unexpectedly strong showing D'Aubuisson is making in the current campaign as head of the Nationalist Republican Alliance (ARENA), which has promised to undo the US sponsored reforms of El Salvador's civilian-military junta.

But given the Salvadoran failure to prosecute, the documents also raise questions about the Reagan Administration's recent certification that the Salvadoran military is trying to curb human-rights abuses.

D'Aubuisson has said that if elected, he will "exterminate" leftist guerrillas fighting the government within three months and try the president of the US-backed junta, Jose Napoleon Duarte, for treason, D'Aubuisson views Duarte's Christian Democratic Party as "red on the inside." ARENA blamed the Christian Democrats for a shooting in which D'Aubuisson was grazed on the shoulder late last month.

The Chiristina Democrates, ARENA and the conservative Nationalist Conciliation Party are the main parties in a field of six running in the March 28 elections for a constituent assembly and interim president. Leftists are boycotting the election, arguing that participation would cost them their lives.

The captured documents include propaganda to discredit US policy in El Salvador, a plan for a coup and a daily log of meetings, expenditures, arms lists and the composition of hit teams. Also in the documents is a list of names, addresses and phone numbers of a number of businessmen from El Salvador's oligarchy, some of whom now live in the Miami area and in California. Also listed are expenses for trips to Costa Rica and Guatemala. One US analyst said the organization and materiel mentioned in the papers constituted "the best terrorism that money can buy."

Among the papers is the outline for an "Operation Pina," which US and Salvadoran sources identified as the plan for the murder of Archbishop Romero on March 24, 1980. It calls for a team composed of a driver, a killer and four security guards. The equipment includes a night-sight scope, a .257-caliber Robert's rifle, four automatic pistols and grenades.

According to reports from the Salvadoran Archbishopric, Romero was killed by a single .25-caliber cartridge shot into the heart, fired from the side of a small chapel while he was delivering afternoon Mass. Four men were seen escaping into a waiting red car. The documents contain repeated references to gasoline and repair expenses for a "red car."

A judge initially assigned to investigate the murder fled El Salvador after his life was threatened. Despite repeated requests from church officials, the case has not been pursued by Salvadoran authorities.

The "physical elimination" of Romero and more than 100 other persons is called for in another of the captured papers, signed by the "Secret Anti-Communist Army." The list includes leading members of the Christian Democratic Party as well as then-US Ambassador White. Another document attempts to associate White with Archbishop Romero's murder, saying that "Cuban Communist assassins" killed Romero within days of White's arrival in El Salvador.

White has testified before Congress that the State Department has "compelling if not 100-percent conclusive evidence" that D'Aubuisson ordered the Romero assassination. A State Department official, however, said the D'Aubuisson documents were considered "an internal matter" for El Salvador.

The seized documents contain few explicit references to D'Aubuisson. At one point, he is listed only as "Roberto" with a telephone number. In another document, he is named as "Boby." But investigators say the connections between D'Aubuisson and the activities in the papers are clear.

One of the key documents, for example, is the diary by Capt. Alvaro Rafael Saravia. Saravia is widely considered D'Aubuisson's right-hand man. The diary contains lists of arms purchased that one expert said added up to "a very lethal force." The arsenal ranges from pistols to submachine guns, with such accoutrements as bullet proof vests, telescopic sights and the M10 silencer common to Latin American paramilitary groups based in southern Florida. Daily expenses totaling thousands of dollars are meticulously listed for haircuts, safe house, meals, "muchachas," flights to Guatemala and payments to bodyguards and members of the El Salvador Treasury Police. The expenses include $280 "to contract 20 men" and $80,000 "to the Nicaraguan," believed to be a hired killer.

Another paper outlines a coup plan that would have put D'Aubuisson and two associates on the junta in place of Col. Majano, a progressive officer later ousted, and two other civilians. The coup was dropped after US officials refused to support it.

The US embassy in San Salvador, White has said, obtained copies of the D'Aubuisson documents and forwarded them to the State Department in both the original Spanish and English translation in May 1980, with the recommendation that their contents be analyzed and pursued.

At the time of his detention, D'Aubuisson was already a figure of concern to Washington. He had threatened the American charge D'affaires on Salvadoran television and his US visa had been revoked. D'Aubuisson later appeared in Washington illegally and was deported. In March 1981 he claimed credit for a shooting attack on the US embassy in San Salvador.

One of the businessmen associated with D'Aubuisson in the papers is Ricardo Sol Meza, one of the businessmen associated with D'Aubuisson in the documents, was later detained in connection with the January 1981 murder of American labor experts Michael Hammer and Mark Pearlman in San Salvador. Sol Meza was subsequently released on a legal technicality. Another suspect, Hans Christ, is free on bail in Miami.

The American Institute for Free Labor Development (AIFLD), chief advising agency to the Salvadoran land reform program and employer of the two Americans, has conducted a private investigation and said it has evidence showing that, in addition to Sol Meza and Christ, "high-ranking officers in the (Salvadoran) security forces" are directly implicated in the murders.

Under US pressure, a National Guard sergeant and five corporals were arrested last month for the murder of four American churchwomen in El Salvador in December 1981. However, in congressional testimony, White testified that two of the women "appeared on the death list . . . from the military commandant" of Chaletenango Province. The Salvadoran government closed its investigation with the arrest of the six guardsmen.

In its certification last January that an improved human-rights situation in El Salvador justified continued military aid, the Reagan Administration stated that the Salvadoran government was "achieving substantial control over all elements of the armed forces." Assistant Secretary of State for Inter-American Affairs Thomas O. Enders told the House Foreign Affairs Committee that "over 1,000 soldiers" had been transferred or otherwise removed "for abuses of authority to their cooperation with the violent right." The Salvadoran government has supplied lists of 218 national police, 59 national guardsmen, 19 treasury police and 35 army soldiers cashiered from active duty to members of Congress. None of the names mentioned in conjunction with the paramilitary organization of D'Aubuisson is on those lists.

A Salvadoran military source said that, besides D'Aubuisson and Saravia, who were already cashiered, none of the some 20 officers named in the seized documents is known to have been removed from active duty. Among those associated with the D'Aubuisson network are Col. Manuel Edmundo (Chele) Palicios, currently commander of the Salvadoran 1st Army Brigade. Maj. Denis Moran, whom AIFLD charges was involved in the murder of the two American land reform advisors, currently military attache in Chile; Maj. Roberto Staben, who was detained with D'Aubuisson and who is today a high-ranking cavalary officer, listed in the documents beside several payments; Lt. Rodolfo Lopez Sibrian on active duty in the national guard; and others whose current assignments have not been established.●

SENATE—*Tuesday, April 13, 1982*

The Senate met at 12 noon, and was called to order by the President pro tempore (Mr. THURMOND).

PRAYER

The Chaplain, the Reverend Richard C. Halverson, LL.D., D.D., offered the following prayer:

Father in Heaven, we commend to Your gracious comfort and care Senator and Mrs. Robert C. Byrd, their daughter, and her family in the tragic death of grandson Michael.

Lord Thou hast been our dwelling place in all generations. Before the mountains were brought forth, or ever Thou hadst formed the earth and the world, from everlasting to everlasting Thou art God.—Psalm 90: 1-2.

Gracious Father, the Senators have heard many voices during the recess and often the voices are conflicting. They heard many voices from the people; they heard the voice of special interests; they have remembered their own words as they spoke to their people in their campaigns. They have heard the voice of the administration, the voice of their party, the voices of their peers. Now they must listen to the voice of conscience. Grant, O God, that they may be still and listen to Thy voice.

As they listen, study, ponder, and discuss, give them special wisdom to sift and sort and filter the voices so that out of debate and decision may come truth and justice and righteousness, that the will of God may be done on Earth as it is in Heaven. We ask this in the name of Jesus Christ whose life was a total commitment to Thy will. Amen.

RECOGNITION OF THE MAJORITY LEADER

The PRESIDENT pro tempore. The majority leader is recognized.

Mr. BAKER. Mr. President, I thank the Chair.

EXPRESSIONS OF SYMPATHY TO SENATOR AND MRS. ROBERT C. BYRD ON LOSS OF THEIR GRANDSON

Mr. BAKER. Mr. President, may I take this opportunity to express, I am sure on behalf of the entire Senate, our deepest sympathy to the distinguished minority leader, to Mrs. Byrd, and to their family on the loss of their grandson, Jon Michael Moore. As was stated in the prayer by the Chaplain this morning, the grandson was 17 years old. He was tragically killed in an automobile accident only a short distance from his home in Leesburg, Va.

He is survived by his mother, by his father, and, of course, by his grandparents, our colleague, Senator BYRD, and his wife Erma. I am sure every Senator joins me in extending to this family our deepest sympathy over this tragic loss.

Mr. President, I ask unanimous consent to have printed in the RECORD this week's poem entitled "The Flight of Youth," in memory of Jon Michael Moore, the grandson of Senator and Mrs. Robert C. Byrd.

There being no objection, the poem was ordered to be printed in the RECORD, as follows:

THE FLIGHT OF YOUTH

There are gains for all our losses,
There are balms for all our pain:
But when youth, the dream, departs,
It takes something from our hearts,
And it never comes again.

We are stronger, and are better,
Under manhood's sterner reign:
Still we feel that something sweet
Followed youth, with flying feet,
And will never come again.

Something beautiful is vanished,
And we sigh for it in vain:
We behold it everywhere,
On the earth, and in the air,
But it never comes again.

—*Richard Henry Stoddard* [1825-1903]

ORDER OF PROCEDURE

Mr. BAKER. Mr. President, I believe under the order previously entered before the adjournment of the Senate for the Easter recess that the reading of the Journal has been dispensed with.

The PRESIDENT pro tempore. The Senator is correct.

Mr. BAKER. That no resolutions shall come over under the rule.

The PRESIDENT pro tempore. The Senator is correct.

Mr. BAKER. That the call of the calendar has been dispensed with.

The PRESIDENT pro tempore. The Senator is correct.

Mr. BAKER. That following the recognition of the two leaders under the standing order, there shall be a period for the transaction of routine morning business.

The PRESIDENT pro tempore. The Senator is correct.

Mr. BAKER. Mr. President, may I inquire of the Chair the terms for the transaction of routine morning business?

The PRESIDENT pro tempore. Not to exceed 30 minutes, with Senators allowed to speak for 5 minutes each.

Mr. BAKER. I thank the Chair.

Mr. President, I believe I am correct in saying that at the conclusion of morning business, under the rule the unfinished business, Senate Resolution 20, will recur as the pending business.

The PRESIDENT pro tempore. That would not normally occur until 2 p.m.

Mr. BAKER. Yes; but at 2 p.m., the Chair will lay before the Senate the unfinished business, which is Senate Resolution 20; is that correct?

The PRESIDENT pro tempore. The Senator is correct.

Mr. BAKER. May I inquire of the Chair, is it not also correct that the so-called Symms amendment to Senate Resolution 20 will be the pending question at that time?

The PRESIDENT pro tempore. There are two Symms amendments. No. 1349 will be pending.

Mr. BAKER. I thank the Chair.

Mr. President, I anticipate that the Symms amendment to Senate Resolution 20 will consume this day, and that there is no likelihood that the Senate will be in session late today. I expect that we will recess well in advance of the normal hour of 6 p.m.

Mr. President, some effort is being made to arrive at a time certain to vote on or in relation to the Symms amendment on tomorrow.

I expect to resume debate, Mr. President, on the resolution itself, Senate Resolution 20, or any other amendment that is offered to that resolution, on Wednesday and Thursday. But for those who are interested in this particular resolution and the substance of it, as I know the distinguished Senator from Louisiana is, and whom I observe on the floor at this time. I do not anticipate general debate on Senate Resolution 20 during this day, and I do not expect votes on Senate Resolution 20 except as there may be procedural votes in relation to a quorum.

Mr. President, on tomorrow, I anticipate that, in addition to consideration of Senate Resolution 20 and amendments thereto, including the Symms amendments, it may be possible to proceed to the consideration of certain items on the Executive Calendar. There will be votes then tomorrow. I do not anticipate that there will be record votes today.

On Thursday, I expect, Mr. President, that we will continue consideration of Senate Resolution 20 as that is necessary, and it probably will be necessary. I would not anticipate that the Senate will be in session absent extraordinary circumstances then on Friday.

● This "bullet" symbol identifies statements or insertions which are not spoken by the Member on the floor.

ORDER FOR RECESS FROM 12:30 P.M. UNTIL 2 P.M. TODAY

Mr. BAKER. Mr. President, I ask unanimous consent that following the recognition of the two leaders under the standing order and the transaction of routine morning business not past 12:30 p.m., the Senate then stand in recess until 2 p.m. so that Members may attend party caucuses which will be conducted off the floor.

The PRESIDENT pro tempore. Without objection, it is so ordered.

ORDER OF PROCEDURE

Mr. BAKER. Mr. President, I have no further need for my time under the standing order, and I will be pleased to yield time to any Senator seeking recognition or yield control to the distinguished acting minority leader, if he wishes.

Mr. PROXMIRE. Mr. President, I thank the distinguished majority leader.

Mr. President, we will not need the time, but I thank the majority leader very much.

Mr. BAKER. Mr. President, I yield back my time under the standing order.

RECOGNITION OF THE ACTING MINORITY LEADER

The PRESIDENT pro tempore. The acting minority leader is recognized.

Mr. PROXMIRE. I thank the Chair.

CONDOLENCES TO SENATOR ROBERT C. BYRD ON LOSS OF GRANDSON

Mr. PROXMIRE. Mr. President, I want to join the distinguished majority leader in offering my condolences to Senator Robert C. Byrd on the loss of his grandson. I can hardly conceive of a tragedy that is greater than losing a child or a grandchild. In this case I understand that Michael, Senator Byrd's grandson, was particularly close to Senator Byrd. He was a very bright young man, and Senator Byrd made sure that he had a thorough grounding in American history, particularly the history of the U.S. Senate.

All of us feel the deepest kind of sympathy and sorrow at the loss of this young man just at the beginning of his life at the age of 17.

Mr. President, I yield to the Senator from Louisiana whatever time he may desire from the minority leader's time.

The PRESIDENT pro tempore. The Senator from Louisiana.

Mr. LONG. Mr. President, the Senator from Louisiana and all Senators were distressed to learn that Jon Michael Moore, the grandson of our very able minority leader, Mr. Robert C. Byrd, had passed away in a tragic automobile accident. I can recall from my youth how easily young people can get involved in such accidents; in fact, it can happen to anyone. It is especially tragic that Michael, who had such a wonderful future, with a fine education and every incentive to provide leadership to this Nation in the future, has been taken from our midst at such an early age. My sympathies, as well as those of my wife, Carolyn, go to Senator Byrd's family, particularly to Bob and Erma Byrd, knowing how much they are suffering from their loss at this moment.

It is my hope, Mr. President, that with God's help the minority leader and his wife, Erma, will soon be back among us to provide us with the leadership and the inspiration they have bestowed upon this body so many times in the past.

Mr. President, we may not always understand why these things happen, but religion has taught me, as well as the minority leader and his wife to accept the fact that the good Lord has his reasons for taking loved ones away from us.

WE CANNOT BE AFRAID TO SPEAK OUT

Mr. PROXMIRE. Mr. President, in a small article recently published in the Washington Post, an elderly man revealed that he could have saved a Jewish pencilmaker from a Georgia lynch mob. That is, if he had told the truth in a sensational 1915 murder trial, a case that contributed to the resurgence of the Ku Klux Klan and the birth of the Anti-Defamation League, Leo Frank would not have been killed.

Mr. Frank was sentenced to death for killing 14-year-old Mary Phagan at a pencil factory, had his sentence commuted, but was later hanged in an oak grove by a mob of vigilantes who called themselves the Knights of Mary Phagan.

The Washington Post reports that Alonzo Mann now asserts that he is sure Frank was innocent of the murder and that the prosecutor's star witness actually killed the girl. The Post quotes Mann as saying, "At last I am able to get this off my heart." The terrible guilt he feels stems from his knowledge that he could have saved Mr. Frank had he spoken out.

Mr. President, we possess the opportunity Alonzo Mann lost, on a much larger scale. We have the opportunity to speak out and save not just one life, but possibly millions of lives.

The United States must speak out and add our voice to the 85 other nations who have already ratified the Genocide Convention. In doing so we would be adding our support, our crucial support, as a superpower and leader in the human rights course, to the international effort to prevent genocide from occurring. And preventing the unspeakable nightmare of genocide is clearly less difficult than attempting to halt it or seek remedies once such madness has begun.

Mr. President, the United States must not be afraid to speak out, to put its name on the record with this profoundly moral statement.

For these reasons, I urge my colleagues to ratify the Genocide Convention.

I yield the floor, Mr. President.

ORDER OF BUSINESS

Mr. BAKER. Mr. President, may I inquire, are there matters held at the desk at this time under the provisions of rule XIV?

The PRESIDENT pro tempore. There is a bill, S. 2148, which normally would be read a second time, but will be in morning business.

ROUTINE MORNING BUSINESS

The PRESIDENT pro tempore. There will now be a period for the transaction of routine morning business.

PROTECTION OF UNBORN HUMAN BEINGS

The PRESIDING OFFICER (Mr. Symms). The clerk will read S. 2148 a second time.

The assistant legislative clerk read as follows:

A bill (S. 2148) to protect unborn human beings.

Mr. BAKER. Mr. President, on behalf of the distinguished Senator from North Carolina (Mr. Helms), I object to consideration of S. 2148 under the provisions of rule XIV.

The PRESIDING OFFICER. Under rule XIV, the bill will go to the calendar.

ORDER OF PROCEDURE

Mr. BAKER. Mr. President, I believe, by unanimous consent, the Senate will recess automatically at 12:30 until 2 p.m.

The PRESIDING OFFICER. The majority leader is correct.

Mr. BAKER. At that time, the matter under consideration will be Senate Resolution 20, and the perfecting amendment by the distinguished occupant of the chair will be the pending question.

The PRESIDING OFFICER. The Senator is correct.

Mr. BAKER. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. LONG. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

MISS SHELBY WALKER COMMENDED ON SPEECH CONTEST AWARD

Mr. THURMOND. Mr. President, it has come to my attention that one of my constituents, Miss Shelby Walker of Hampton Park Christian School in Greenville, S.C., has been awarded second place in the Southern Regional Friends of Free China "I Speak for Freedom" High School Speech Contest.

Her essay relates to Taiwan and develops the theme of "How Freedom Affects Progress." I commend her on both the content of her composition and the clarity of her thought. It is refreshing to find such quality penmanship about the serious issues that face our Nation today by a person of such young age.

Mr. President, I ask unanimous consent to have this speech printed in the RECORD.

There being no objection, the speech was ordered to be printed in the RECORD, as follows:

A TESTIMONIAL OF FREEDOM

In 1776 the author of Common Sense penned this plea: "O ye that love mankind! Ye that dare oppose not only the tyranny, but the tyrant, stand forth! Every spot of the old world is overrun with oppression. Freedom hath been hunted round the globe . . . O receive the fugitive and prepare in time an asylum for mankind." Two hundred and six years later we still enjoy the benefits of progress in this asylum that Thomas Paine so loved: America. Yet freedom is still a fugitive in most countries today and will certainly become a figitive to our free lands unless we open our eyes to what is already obvious: the positive relationship that exists between freedom and progress. Let's look at freedom and how it affects economic growth, cultural development, and individual ideas.

The effect of freedom on economic growth is perhaps nowhere better demonstrated than in the classic example of Taiwan. According to the February, 1979 edition of Reader's Digest, Taiwan is an astounding accomplishment. In 1968, the United States ceased economic aid to Taiwan. But despite that fact, during 1977 the economy of Taiwan increased by eight point one percent in real terms. By 1977, its standards of living were twice as high as mainland China. This tiny country was also the eighth largest trading partner with the United States in the year of '77. All of this was accomplished by a free group of people, free of support. What was their motive? Simply the fact that they were able to pursue a goal for themselves. If they worked hard, they were rewarded by individually receiving the profits. Economic progress hinged upon their freedom.

The effects of freedom on culture are also positively demonstrated. Countries that have permitted a relative amount of freedom have always produced more than their share of great literary works. As a rule, the only literary works originating in countries with repressive governments have been critiques and satires from their own societies. The New York Times has recently reported the sad story of two oriental journalists who must pay a large price—imprisonment—for publishing critiques of their government on mainland China. When freedom ebbs, great musical artists also seem to disappear. Communist East Germany has not produced anything near a Brahms or Beethoven; neither has Soviet Russia produced the likes of a Tchaikovsky. And from a more recent example, it is ironic that a country as massive as mainland China is barren, while tiny Taiwan can produce a great conductress such as Helen Quach. It is ironic, but it is not surprising, since the arts in mainland China must be utilitarian in nature, and always glorifying of the government. Repression has never been the friend of creativity. Although education exists in repressive countries, it is only a tightly censored form designed to control the mind. For years after Communist takeover of Red China, Chinese children knew nothing more of their heritage than "Mao." Thus it is clear that freedom affects cultural development.

Last, and most important, freedom's effect on the progress of individual ideas is undeniable. It is here that freedom must take its first effect. While Alexander Solzhenitsyn was in his prison camp in Russia, he learned a very important lesson—one we wouldn't expect to be learned under such conditions.

He found what it meant to be truly free. It is when a man is free in his own mind that he is the freest, no matter where he is. The freedom to think is a privilege of which individuals can rarely be robbed. Chiang Kai-Shek refused to be robbed of this freedom. It was freedom to think that caused him to comprehend the difference between liberty and repression and to act on that comprehension by preserving the liberty of the free Chinese on Taiwan. To ask a man who is free in his own mind to remain subject to repression is to ask him to endure a great contradiction against himself. With every defector and with every refugee that is successful in leaving any Communist land, we can be assured of many others who are not successful, and who must endure this contradiction.

Unlike Thomas Paine, those of us in America who were born into freedom have never seen her as a fugitive. Paine was right: "What we obtain too cheap, we esteem too lightly." Through Taiwan's example, let's learn to appreciate the progress that freedom brings, and the effect that freedom has on the economics, the culture, and the ideas of man. Let's be thankful that in freedom's absence there are still men like Russia's Sakharov, and mainland China's untold dissidents who plead with their countrymen to receive their fugitive: freedom. And together, in America and Taiwan, let's vow that in our countries we must never, never allow freedom to become the fugitive.

SHELBY WALKER,
Hampton Park Christian School.

LATE PAYMENTS BILL NOW NEARING ENACTMENT

Mr. SASSER. Mr. President, I am happy to report to my colleagues that late payments legislation is now nearing enactment. On the first day of the 97th Congress, I introduced legislation, S. 30, which provided for interest penalties to Government agencies that were late in paying their bills. The General Accounting Office has estimated that 40 percent of all Government bills are not paid on time.

S. 30 and a companion measure S. 1131, the Delinquent Payments Act of 1981, were the subject of extensive hearings by the Senate Governmental Affairs Subcommittee on Federal Expenditures, Research, and Rules chaired by my distinguished colleague, Senator DANFORTH.

S. 1131 was passed by a unanimous vote in the Senate on December 15, 1981. A companion measure was also passed unanimously by the House of Representatives on March 23, 1982.

I am confident the few remaining technical differences between House and Senate versions of late payments legislation will be worked out shortly and that a late payments bill will soon be signed into law.

Mr. President, the small businessmen of this country will be well served by this legislation once it is signed into law. As evidence of that fact, I ask unanimous consent that an editorial in support of late payments legislation which recently appeared in the April 6, issue of the Washington Report of the U.S. Chamber of Commerce be printed in the RECORD.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

PAYING BILLS ON TIME

In the next few weeks, Congress is likely to send to the White House a bill that should provide financial relief to businesses that contract with government.

This legislation also should provide a measure of satisfaction to most other Americans.

Conferees are ironing out minor differences in Senate- and House-passed versions of the Prompt Payments Act. This legislation would require federal agencies to pay their bills on time or face interest penalties.

Both bodies' bill would establish a 30-day standard for agency payments to firms contracting with them for goods or services.

The House bill would impose penalties when payments are more than 15 days overdue. The Senate measure does not provide a 15-day grace period; interest would begin accruing on the 31st day.

Enactment of the Prompt Payments Act in either form should alter the long-standing pattern of late agency payments to contractors, many of whom have been forced to borrow substantial sums to cover operating expenses while awaiting payments from government agencies.

Congress deserves thanks for its action on this worthwhile legislation from those firms that do business with government.

And lawmakers deserve at least a self-satisfied smile from the rest of us, who once a month must grit our teeth and mail checks to cover our bills.

INTERGOVERNMENTAL COOPERATION AND REGULATORY REFORM

Mr. SASSER. Mr. President, officials of State and localities now have greater freedom to advise Federal agency administrators about Federal rules and regulations due to an amendment which Senator **Durenberger** and I offered to the Regulatory Reform Act.

State and local officials are accountable to Federal agencies, as well as to the Congress, for running a significant number of Federal programs. The administration estimate of grant-in-aid outlays for 1982 is $91.2 billion. That is why it is imperative that State and local officials have an opportunity to participate at the earliest stages of the development of policies affecting the programs for which they are answerable.

The Durenberger-Sasser amendment to the regulatory reform bill will permit a high degree of intergovernmental cooperation in the development of Federal rules and regulations. I commend my colleague, Senator **Durenberger** for the bipartisan way in which this amendment was forged and accepted as part of the regulatory reform bill.

Mr. President, I ask unanimous consent that a letter from John J. Gunther, executive director of the U.S. Conference of Mayors, which tells of the importance of this provision to State and local governments be printed in the Record immediately following the conclusion of my remarks. I also ask unanimous consent that a letter from Francis B. Francois, executive director of the American Association of State Highway and Transportation Officials on the same matter be printed in the Record immediately following the conclusion of my remarks.

There being no objection, the letters were ordered to be printed in the Record, as follows:

U.S. Conference of Mayors,
Washington, D.C., March 31, 1982.

Hon. Jim Sasser,
260 Russell Senate Office Building,
Washington, D.C.

Dear Senator Sasser: I wanted to take a moment to express our gratitude to you and your staff for the tremendous effort you put forward on behalf of state and local governments in adding language exempting us from the provisions of the Federal Advisory Committee Act. (FACA)

As you are well aware, we have been working on this amendment for over three years, and we are most appreciative of the fact that you have been our constant companion in seeking to remedy the problems created by FACA.

Your remarks on the FACA amendment to the Regulatory Reform Act demonstrated again your keen understanding of the problems faced by Mayors and other local and state officials in attempting to shape and implement federal programs. Most importantly, they reflected your sensitivity to the nature of the intergovernmental partnership shared by federal, state and local governments.

Again, thank you for your assistance on this important piece of legislation. We believe it will go a long way to serve the public interest at all levels of government by assuring that officials designing, funding and implementing programs are free to consult with one another.

Best regards.

Sincerely yours,
John J. Gunther,
Executive Director.

American Association of State Highway and Transportation Officials,
Washington, D.C., March 26, 1982.

Hon. James R. Sasser,
U.S. Senate
Washington, D.C.

Dear Senator Sasser: We want to extend our warmest thanks to you for your part in amending the Regulatory Reform Act (S. 1080) during its consideration in the Senate, to change the Federal Advisory Committee Act so that we can once again conduct effective and open dialogue with our counterparts in the Federal agencies.

There is no question that the decision of the Court in the Center For Auto Safety case curtailed the effectiveness of relationships between AASHTO and its member state departments of highways and transportation and the federal transportation agencies, and that it has at times caused undue delays in making decisions, misunderstandings that could have been avoided by more open communication, and needless expense. We are pleased at reference to this Court decision by the Senate and at having it included in the Congressional Record. For the sake of an improved Federal system, we hope your amendment will lay the issue to rest, and that it will now be accepted by the House.

We again thank you for your efforts, and stand ready to be of assistance wherever possible.

Very truly yours,
Francis B. Francois,
Executive Director.

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Is there further morning business? If not, morning business is closed.

RECESS UNTIL 2 P.M.

Mr. LONG. Mr. President, it is my understanding that having dispensed with the quorum call the Senate will stand in recess until the hour of 2 p.m.

The PRESIDING OFFICER. The Senator is correct.

The Senate, at 12:31 p.m., recessed until 2 p.m.; whereupon, the Senate reassembled when called to order by the Presiding Officer (Mr. Lugar).

The PRESIDING OFFICER. The Senator from New York.

Mr. MOYNIHAN. Mr. President, I ask unanimous consent that the Senate proceed as if in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MOYNIHAN. I thank the Chair.

THE FALKLAND ISLANDS

Mr. MOYNIHAN. Mr. President, this is the first occasion that the Senate has been in session since April 2, when the Argentine Government, without provocation and without right or cause, invaded and occupied the Falkland Islands in the South Atlantic Ocean. It is, therefore, appropriate, Mr. President, that we should consider this matter at the outset of the first day on which we return.

Mr. President, I wish to place this issue in a context which is perhaps not sufficiently appreciated, neither in the Nation nor, perhaps equally, in our Government.

This is not the first act of violence or aggression in the world since the signing of the United Nations Charter, with its provision in article 2, section 4, that:

> All members shall refrain in their international relations from the threat or use of force against the territorial integrity or political independence of any state, or in any other matter inconsistent with the purpose of the United Nations.

This is, I reiterate, not the first act of aggression, of armies crossing boundaries. It is only the most recent. One needs only think of Afghanistan, think of Cambodia, think of the bleak history of the world over the last two decades in that regard.

This is, however, the first occasion since the end of the Second World War, and the formation of the North Atlantic Treaty Organization, that nationals of a NATO member have fallen under foreign military rule.

I repeat, Mr. President, because this is the context in which I desire to speak: The invasion by the Argentine military of the Falkland Islands and their occupation is the first occasion since the establishment of NATO in 1948 that nationals of a NATO member have been subjected to military occupation by another power. This demands the greatest attention of our Nation, as well as the other members of the Alliance, and requires the closest attention as to how we respond and the context in which we respond.

I propose the NATO context.

There is perhaps, Mr. President, one almost equivalent event. It occurred in 1960, when the armed forces of the Republic of India, in violation of the United Nations prohibition of article 2, section 4, invaded the Portuguese enclave—the United Nations would call it a colony—of Goa on the west coast of India.

The matter was brought to the Security Council, and Adlai Stevenson, then our permanent representative, spoke at length and with great force to the justice of the Portuguese claim that the Charter had been violated, that India was in violation, that Indian forces ought to withdraw.

A resolution was introduced in the Security Council, calling on the Indians to withdraw.

However, as a demonstration of its alinement with the Republic of India, the Soviet Union vetoed the resolution. The aggression continued and the conquest was consolidated, and to this day it has not been reversed. Clearly it will not be.

Indeed the only persisting consequence of India's invasion of Goa, is that Goa is off limits to U.S. Ambassadors. For all other purposes, the state now has been absorbed by a larger province. During my tenure as Ambassador to India, certainly, I was instructed not to visit the former Portuguese territory, and I assume that the prohibition still exists.

There can be no question, though, that Goa was a colony, as would generally be understood in the terms of General Assembly Resolution 1514, known informally as the U.N. Charter of Decolonization.

Goa was clearly a colony. There had been a native Indian population there when the Portuguese arrived in the 16th century. They took over the territory and subjected the local population to whatever decrees they chose. There was no exercise of the principle of "self-determination of peoples," a principle asserted in the first article of the U.N. Charter. Goa was inhabited by a population distinctly different than the Portuguese, previously resident in a different part of the world. That the institutions of the U.N. would agree this was a colony was insured by what the British called the "salt water rule"—which is that a nation can only have colonies if it must cross salt water to reach them. Thus the Soviets can with impunity maintain colonies on the continguous edge of their nation without rousing anti-colonial sensibilities in the U.N.

The case of the Falkland Islands is altogether different. The Falkland Islands are territory of a NATO member and cannot be considered a colony in the same sense as Goa, as I shall explain momentarily. These islands have now been invaded by an outside power, and nationals of this ally are now under the effective control of the military of that power.

The Falkland Islands were an uninhabited group of islands of the kind that were encountered in significant number during the 16th century, in the age of circumnavigation, when European sailors first crossed all the great oceans of the world. They were subsequently settled by Britons, by Welsh sheepherders in the main. Now, having been invaded and occupied by Argentine Armed Forces, the Argentines commence the first effort to make a colony of the Falkland Islands in the sense that would normally be acknowledged at the United Nations. A colony could emerge from this context because Argentina is invading a country with a different language, with almost an entirely separate history, using its forces in a classic military maneuver to subjugate another people.

On the day following the invasion, the Security Council was clear on this. In effect, the Security Council said, "let us have no talk of colonialization. If there is any colonialization here, it is by the Argentines." The Security Council resolution on this matter was explicit, with a terseness that suggests the case was overwhelming.

On April 3, the Council adopted a resolution that said:

> The Security Council,
>
> Recalling the statement made by the President of the Security Council on 2 April 1982 calling on the Governments of Argentina and the United Kingdom to refrain from the use of threat or force in the region of the Falkland Islands (Islas Malvinas);
>
> Deeply disturbed at reports of an invasion on 2 April 1982 by armed forces of Argentina.
>
> Determining that there exists a breach of peace in the region of the Falkland Islands (Islas Malvinas),
>
> 1. Demands an immediate cessation of hostilities;
>
> 2. Demands, an immediate withdrawal of all Argentine forces from the Falkland Islands (Islas Malvinas);
>
> 3. Calls on the Government of Argentina and the United Kingdom to seek a diplomatic solution to their differences and to respect fully the purposes and principles of the Charter of the United Nations.

On this occasion, Mr. President, in contrast to what happened with respect to Goa, and possibly to suggest that there was a different perception, the Soviet Union did not cast its veto. Only one nation voted against the resolution: Panama, as a measure of Latin American solidarity, I assume. I do wish, however, it had not done that. The day may come when Panama will wish the United Nations Charter to protect it.

To say that the U.N. Security Council was emphatic in its denunciation of the Argentine action, Mr. President, is not at all to say that the issue of the sovereignty of the Falkland Islands is not a matter of dispute. Title to the islands is clearly disputed. It is a condition that is as common in international law as it is in domestic law. The Falklands are, as I have said, one of the many uninhabited islands discovered in the age of circumnavigation and only subsequently settled. One is reminded of the manifest surprise of a succession of Soviet diplomats at the U.N., who having extended their remarks at some length on the unhappy circumstances of the natives of the Indian Ocean island of Diego Garcia, overwhelmed by British and now American masters, when they learned that the only natives of Diego Garcia were flora and fauna. No people lived there before the British arrived.

International courts, when dealing with disputed claims, do not look for the perfect title. Professor Leo Gross of the Fletcher School of International Law and Diplomacy, one of the world's leading authorities, perhaps the leading authority, on such matters, informs us that the courts will simply seek the party with the better title. Here there can be no doubt that the British have the better title to the Falklands.

In international law, there have been, traditionally, three tests of title of sovereignty. One is the test of history. Second is the test of effective possession. Third is the test of display of sovereignty. Mere protest extended over time does not make any addition to a disputed claim. There can be no question that, with respect of the three accepted tests—of history, of effective possession, of display of sovereignty—the British claim is overwhelmingly the better.

The fact that the Argentines have protested this claim for 150 years and more does not add to the strength of their case. It weakens it for the simple fact that protest, extended over long periods of time, unaccompanied by any change in the circumstance protested, in fact erodes the grounds for the protest. That the Argentines may have protested the situation for 150 years or more does not change the fact that they have not been able to change it and, indeed, it strengthens the mirror image, which is the effective display of sovereignty by the British.

Mr. President, if you will look at a map of the Falkland Islands, you will see their history written there in the same manner as is written the history of many of the islands encountered in the course of the great circumnavigations. There is a Port Salvador, which is obviously a Spanish name. There is a place called Choiseul, which is a French name. But overwhelmingly, you find English names, like Queen Charlotte Bay. Queen Charlotte, of course, was the consort of George III.

I noticed this name on the map because the trout stream at the bottom of the hill on which my farm is located in New York State is Charlotte Creek—it was named in the same era, for the same person. There is Carcass Island, there is Berkeley Sound, and there is the capital, Stanley, and the like.

To further illustrate the point about the mutilingual Europeanization of the region during this period, Cape Horn nearby is named not because this particular promontory looks like a horn, but rather for the Dutch city of Hoorn, with two "o's."

The history of these islands is perhaps not history well enough known. For the benefit of my colleagues, I will relate a bit of it.

Since the 16th century, Britain, France, Spain, and Argentina have claimed the Falklands. As I say, you can find one Spanish name, you can find one French name, though you find in the main British names. The islands were discovered, evidently, during Ferdinand Magellan's great circumnavigation of the globe in 1520.

That, for some reason, is not as clear as it might be; if he did find them, he left no trace. For the British, in 1592, a Captain John Davis ran upon the islands and claimed them for the British Crown. It was the practice in those days, and not disputed—certainly not disputed where there were no occupants. In 1690, a century later, the islands were named for Viscount Falkland, who was then treasurer of the Royal Navy.

The Spanish abandoned the Falklands in 1811, having been most recently in occupation. This was done as part of Spain's general withdrawal from the region after the beginning of the South American rebellions of Simon Bolivar. Agentina declared its independence in 1810, and the Spanish later withdrew. The Argentines got to the island in 1820 and raised their flag but did not establish a settlement until later, according to some accounts not until 1829.

In 1831, they having built a fort, they seized three American sealing ships. We were now beginning that great era of sealing and whaling in the South Atlantic.

The Americans were part of those fleets. In 1831 three of our ships were seized by Argentine forces, and the U.S. ship *Lexington*, under the command of Commander Duncan, was dispatched to release the American ships. He did that and more. Perhaps beyond his orders, he destroyed the Argentine fort. These actions were undertaken at the direction of the U.S. Consul in Montevideo, but President Andrew Jackson subsequently validated and authorized what he had done.

In 1833, the British, who had the largest sealing and whaling fleet in the region, resolved that they did not want to see happen to their ships what had happened to the Americans. There are no rights or wrongs in the behavior of these captains. It was behavior common at the time. But the fact is the British took over the Falklands then, settled them, and commenced the administration of the Falkland Islands which has continued in every year for 150 years.

One of the key naval battles of the First World War, the "Battle of the Falkland Islands," took place in 1914 between the German and British fleets in that area.

For the last several decades, negotiations have been conducted by Britain with the Falkland Islanders and Argentina. The British have in recent years sought to satisfy the Argentine claim. The British did not declare this dispute nonnegotiable. They negotiated. They are no more reasonable than the next nation perhaps but they have negotiated this.

It is a fact that in the signing of the U.N. Charter, which was to be done in alphabetical order, Argentina chose not to sign first, lest the British, in signing, put in some reservation on the subject of the Falkland Islands. The British did not do so, but one is reminded that these two nations have been discussing the matter for some time now.

In 1980, a British special negotiator, Nicholas Ridley, led a delegation to the Falkland Islands to determine if there was a way to resolve Argentina's claim. It is generally understood that three suggestions were made.

The first could be described as the "Andoran option" of joint British-Argentine administration. Andora of course is the small principality in the Pyrenees between Spain and France. It is jointly ruled by the President of the French Republic and the Bishop of Seo deUrgel. It is an arrangement dating from the Middle Ages—the President of France having long since inherited the sovereign rights of the French bishop who had originally been cosovereign and has worked out fine.

Second, there was put forward what could be called "the Hong Kong solution." The British would acknowledge the sovereignty of Argentina, as the British acknowledge the sovereignty of China over the islands down the river from Canton, but they then could lease them back for an extended period.

Finally, there was a proposal to do nothing, to maintain the status quo.

It was the vote of the islands' legislative council, cast 7 to 1, in January a year ago, that the third option would be chosen. The people of the islands said they desire to remain Britons; they want sovereignty to remain with the British.

It does nothing but bring great credit to the British people and to Prime Minister Thatcher to point out that, throughout this matter, she has said that the will of the islands' inhabitants must be the primary determinant of the outcome of the issue of sovereignty and control. That is a democratic assertion; a representative government must be bound by the will of people.

It surely cannot be in the economic interests of Great Britain to sail this huge fleet halfway around the world in the interests of 1,800 subjects and several hundred thousand sheep. But what would Britain stand for in the world if issues of principle did not, on an occasion such as this, overcome any interests of economy or otherwise?

I suggest, Mr. President, first of all, that the facts are so overwhelming here that the British need not fear that they would do any injustice to their own subjects if they were to take this matter to the International Court of Justice. They can do this very much in the manner that the United States and Canada have agreed to have resolved outstanding issues in the Gulf of Maine.

That is to say, under the revised rules of the court, a special chamber can be established to hear a case—a chamber, in effect, comprised of judges whom the disputing parties wish to hear the case. In the issue between the United States and Canada, it was stated that should the judges they hope to see on the bench of this special chamber not be chosen in the secret ballot by which they are chosen, the parties would go to arbitration. They were chosen.

I hope the U.N. Security Council resolution will be abided by, that the Argentine forces will withdraw, and that the British and the Argentines will agree to take the case to the World Court.

Secretary of State Haig has recently put to himself demands which few persons could sustain in this matter. He could, I suggest, propose that the issue be taken to the international courts. I am confident the British position would be upheld, and that would be the proper forum.

However—and with this I commence to conclude, if I may ask the distinguished Presiding Officer to bear with me just another moment—our Secretary of State should make absolutely clear that there is nothing to mediate between a country using force without provocation and a country resisting that use of force.

Mr. President, that is what NATO is about. I began these remarks by saying that we must consider this question in the NATO context. This is not a question of colonization or decolonization. It is not a question of the South Atlantic, nor a question of the Western Hemisphere. This is the first time in the history of the NATO alliance that nationals of an ally have been occupied by military force—nationals and territory.

If we do not stand by Britain in this moment of mild inconvenience and remote danger, who can ever suppose that we will stand by Britain or any of our other allies in the event of a grave and urgent challenge of the kind NATO is designed to resist?

It is not the case that there could be no better formula for insuring that such a grave and urgent challenge arises than to demonstrate our unwillingness to face a mild and remote one?

This is exactly the situation that President DeGaulle envisioned when he took France out of the military wing of NATO. This is the test of DeGaulle's hypothesis, that we would not stand by our allies. This is the test of our understanding of the alliance.

Mr. President, I see that my distinguished friend from Maryland has risen.

Mr. MATHIAS. Mr. President, will the Senator from New York yield for a brief question?

Mr. MOYNIHAN. I am happy to do so.

Mr. MATHIAS. Mr. President, as I listened to the Senator from New York, my mind recalled the words spoken by the late President John Fitzgerald Kennedy, when he received a degree from Yale University, that he had then attained the best of both worlds—a Harvard education and a Yale degree.

I thought at the time that President Kennedy was really guilty of a rather churlish display of Cantabrigian arrogance. However, having listened to the Senator from New York and having followed very carefully the historical development of the title to the Falkland Islands which he has offered the Senate today, I say to the Senator from New York that I now believe there is at least a scintilla of evidence to support President Kennedy's statement.

My question is this: The Senator from New York places a value on the question of self-determination, which is fundamental to this whole issue, is it not?

Mr. MOYNIHAN. It is fundamental.

Mr. MATHIAS. And it is a principle that has to be sustained by the United States beyond any other questions that are involved.

Mr. MOYNIHAN. Beyond any other question that comes before the world community.

Mr. MATHIAS. And there really cannot be any illusions on the part of the American people on this particular principle.

Mr. MOYNIHAN. There cannot be. There ought not to be any. Nor should there be on the part of the administration. We cannot be impartial in this matter.

The Senator from Maryland and I were both graced and blessed by the friendship or the company on occasion of President Kennedy. There was another line that President Kennedy was fond of quoting. It was from Dante, in which he said: "The hottest places in hell are reserved for those who in a moment of moral crisis maintain their neutrality."

We cannot be neutral on this issue.

We should be prepared to let an international court adjudicate the administrative question, but not to adjudicate the principle.

Mr. MATHIAS. There is no adjudication of that principle.

I sent a message to the Ambassador of Great Britain just last Friday stating that I had no question in my mind that what was at stake was the issue of self-determination.

Mr. MOYNIHAN. What I meant, if I may say, is that one could with great security ask the International Court of Justice, the Special Chamber in particular, to say "is this not the case?" because the answer would be yes that it is the case.

Mr. MATHIAS. And it is fortunate for us that it also involves NATO obligations. It would be a much more uncomfortable position to the United States if our NATO obligations were in conflict with the principle of self-determination.

Mr. MOYNIHAN. I thank the Senator from Maryland for that point. I mean it is clear we have friends in the Western Hemisphere who are unsettled, who recognize a division between their hemispheric loyalties and their loyalties to the charter. We have a Rio Treaty in which we are fellow participants with Argentina. But it is to the NATO connection that we must address our first concern because it is our greatest concern. It cannot be otherwise. It is a fact that history has given us. It has not been our choice.

I thank the Senator from Maryland for his remarks.

Mr. MATHIAS. I thank the Senator from New York for the very eloquent and illuminating remarks he has offered the Senate because I think it adds something to the national understanding of what has up to now been a rather distant and exotic subject.

Mr. WARNER. Mr. President, has the Senator yielded the floor?

Mr. MOYNIHAN. Mr. President, if my friend from Virginia will allow me two small matters to conclude, it will not take but 2 minutes.

Mr. WARNER. Mr. President, I just wish to commend the distinguished Senator from New York for his special insight into this problem and the courage with which he expressed his convictions here today.

I yield to the Senator.

Mr. MOYNIHAN. I thank the Senator from Virginia.

Mr. President, at the conclusion of my remarks I ask unanimous consent that an illuminating and forceful essay by Thomas Franck, a professor of international law at New York University Law School, entitled "Falkland Crisis Erodes Rule of Law," which was published last week in Newsday, be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From Newsday, Apr. 9, 1982]

FALKLAND CRISIS ERODES RULE OF LAW

(By Thomas Franck)

The Falkland Islands may be small, underpopulated and remote, but the issues raised by the conflict over their possession are transcendent, immediate and dangerous.

At one level, what is at stake is approximately 6,000 craggy square miles (an area slightly larger than Connecticut) in the remote Southwest Atlantic and a chunk of Continental Shelf that may contain oil.

At a more profound level, the dispute raises questions, the answers to which may determine whether mankind survives by wit and discretion or extinguishes itself in a fit of pique.

The first issue is basic to human rights and peace: May a population be transferred from one "owner" to another against its will, like a baseball player?

On this, the United Nations Charter and international law are absolutely clear. Self-determination is a basic right of all peoples and a cornerstone of friendly relations among nations.

In its challenge to Great Britain, Argentina is not the first country to assert a right of "historic title" to a territory taken from it a century or two ago. In 1974, Morocco set out to "liberate" what had been the Spanish Sahara, against the clearly registered will of the population living there. A year later, the International Court ruled overwhelmingly that the preference of the inhabitants must take priority over the rights of a neighboring state based on an old claim.

There are only about 1,800 people living in the Falklands. Does that make a difference?

Nowhere in the UN Charter, or in international law generally, is the right of self-determination limited to large populations. Logically, such a line is virtually impossible to draw.

What about Djibouti (population 65,000), St. Vincent (90,000), the Seychelles (50,000) or Belize (120,000)? All these former colonies have freely determined their future by choosing independence. Conversely, the 5,000 inhabitants of St. Pierre and Miquelon, at the mouth of Canada's St. Lawrence River, and the 27,000 people of Gibraltar have determined their future by deciding to remain French and British, respectively.

In only two instances has self-determination of a population been denied—one being the case of Spanish Sahara, the other East Timor, a former Portuguese colony annexed in 1975 by Indonesia. In both cases, there has been severe fighting and bloodshed ever since.

Clearly, the UN charter is right: Respect for self-determination is the cornerstone of peaceful relations among nations.

Even more important is the charter's principle that states refrain from the use of threat or force in their international relations. It is this fundamental rule that the Security Council reiterated Saturday when it overwhelmingly demanded that Argentina immediately withdraw all its forces from the islands, which they occupied the day before.

Unfortunately, the prohibition on unilateral use of force has been eroding ever since the charter's adoption in 1945, and with frightening acceleration in the last five years. Among the precursors to the Falklands takeover, we can count the Vietnamese invasion of Cambodia, the Soviet Union's seizure of Afghanistan, Israel's air strike against Iraq's nuclear reactor and Iran's capture of the U.S. Embassy in Tehran.

Mankind is perched precariously on a thin ledge of civilization overhanging a dark chasm. That ledge is supported by nothing more than the gradual accretion of a public belief that certain kinds of conduct are simply unthinkable, that some options must never be exercised under any circumstances.

Each time a state takes the law into its own hands—whether in a good or bad cause—it makes the unthinkable thinkable, thereby destroying another buttress supporting civilization's frail ledge.

Once a violent option has been exercised, the process of making the thinkable once again unthinkable is rather like putting toothpaste back into the tube. A first step, however, is for the international community to rally behind the violated principle and restate it as forcefully as possible. That, at least, the United Nations has done.

Mr. MOYNIHAN. Mr. President, I express my gratitude to Professor Franck for the clarity of his exposition of this matter. His view is a bit at variance with mine but for that reason probably the more compelling.

JACK ROSENTHAL—PULITZER PRIZE WINNER

Mr. MOYNIHAN. Mr. President, last evening we learned with great pride in New York that Mr. Jack Rosenthal, of the New York Times, had received the Pulitzer Prize for editorials written in 1981. His are, indeed, compelling and extraordinarily important editorials. The Pulitzer Committee wisely chose to award a very rare prize to one of the most insightful and thoughtful citizens of New York.

Mr. President, I ask unanimous consent to have printed in the RECORD these editorials so that the Nation in future years might know and have easily accessible reference to the editorials thought to be the finest written in the United States last year.

There being no objection, the editorials were ordered to be printed in the RECORD, as follows:

[From the New York Times, Apr. 13, 1982]

SKETCHES OF PULITZER PRIZE WINNERS

EDITORIAL WRITING—JACK ROSENTHAL

Serving as deputy editor of The New York Times editorial page since 1977, Mr. Rosenthal was cited for writing on "a wide range of concerns" from the national reaction to the freeing of the Iranian hostages to national intolerance toward fat people. Mr. Rosenthal, 46, joined the Washington bureau of The Times in 1969 and has been chief urban affairs correspondent, assistant Sunday editor and editor of The New York Times Magazine.

[From the New York Times, Jan. 25, 1981]

THE WEEK OF THE SPLIT SCREEN

Inauguration is always a time for emotions. The Outs try, with mixed success, to keep stiff upper lips as they pack up. The Ins, sure that theirs is a triumph of principle, not just party, flaunt furs and dance till dawn. The feelings of both are understandable and healthy, releasing the energies that keep the political merry-go-round turning. But this year, the emotional climate is vastly more complex; roller coaster is more like it. What energies will be released now?

On Tuesday, Ronald Reagan, recently of Pacific Palisades, Calif., 90272, was skillfully demonstrating who's in charge now by taking America on a tour of his Washington. "Standing here, one faces a magnificent vista, opening up on this city's special beauty and history . . ." he said as the television cameras swept across the heroic monuments. A rare Inaugural moment, yet it was hard to pay attention. One's mind keep slipping into split screen, with the other side turned to that unseen airport in Teheran.

It was like that all week. Yes, it was said for departing Democrats; but there was also exhilaration. The poignant picture of Amy Carter in tears at leaving her friends must be paired with the jubilant one of her father embracing former hostages. Yes, it was joyful for arriving Republicans. But they had to share their moment of triumph. As they celebrated in Washington, the country was watching first the door of an airplane in Algiers, then 52 Americans making their way along perhaps the oddest but most welcome diplomatic receiving line ever formed.

Triumph, loss, pride, relief, patriotism, humiliation—all mixed. And before long, anger, as stories of mistreatment filtered back. Sgt. Rodney Sickmann told his family on the phone: "When we got off the plane we set our watches ahead 2,000 years." Those who still had their watches, that is; Richard Morefield had to fight to keep his wedding ring. Others told of solitary confinement, beatings, elaborate death threats. Jimmy Carter characterized the mistreatments of the hostages as "acts of barbarism."

Small wonder that a Detroit man said, "I'm damn mad"; that a young woman in Baton Rouge said, "Let's bomb them"; that Americans everywhere were angry. They were reflecting the split-screen torment: ceremonial patriotism on one side, wounded patriotism on the other. The crisis has imparted a deep unease. Just as the hostages have to go through a period of psychological decompression, so will the country. The sense of relief may be profound and the direction of the energies released unpredictable.

Which will triumph: an angry desire for revenge, or reasoned self-interest? Since hawks tend to support him, Mr. Reagan has a strong capacity to guide their passions—and his initial direction is excellent. He says he intends to honor the commitments made to Iran. And Senator Baker, the Republicans' new Senate majority leader, wisely urges everyone to take it easy: "The wound is too fresh for us to try to formulate a policy at this time."

What remains to be done is to help the public understand that Iran remains important to American interests. Why, before the Iranian revolution, did the United States feel the need to maintain 50,000 Americans there or to provide Iran with billions in modern arms and intelligence equipment? Because America and the West would turn purple without oil imports from the Middle East. The need for those imports is the energy noose, and if an independent Iran should founder, who doubts that there might soon be a Soviet hand on the rope?

At the moment, the public still sees a split screen, with vengence on one side and vital interest on the other. It will soon be evident how well President Reagan can focus attention on the right one.

[From the New York Times, Feb. 1, 1981]

THE LAST PLACE TO CUT THE BUDGET

For the moment, the hardest job in the Reagan Administration belongs to David Stockman, the young budget director. How shall the budget be cut? It's up to him to figure out which agencies should be chopped off at the knees and which should sacrifice merely a finger to two. There are, naturally, no volunteers. But in a period of boiling inflation, the budget must be cut and the man with the hatchet deserves, if not sympathy, at least suggestions of the most important priorities. Here is the most important one: hunger.

Robert Kennedy helped mobilize the country against hunger, but not many remember that it was Richard Nixon who pledged to end hunger in America. In a decade, the nation has done just that. A medical team toured the country in 1969 and found widespread hunger and malnutrition. A similar survey in 1979 found that malnutrition has substantially disappeared. America has hung a safety net under society. It is called food stamps.

Some conservatives ridicule throwing money at social problems. But food stamps—coupons that poor people can use to buy food with—have fed the hungry. Food stamps, and associated programs, may be the overreaching social achievement of our era. This year, the nation will spend $11 billion on stamps to help feed 22 million people, one American in ten.

Yet what are the noises now coming out of the Administration? Alarm; fear that this very growth denotes waste, fraud, freeloaders. It is said that food stamps are among the first things to cut in the budget, saving billions. It is said that all must share the burden. What that means is, let's cut holes in the bottom of the safety net.

How can those who use food stamps do their "share"? Some recipients can give up all their stamps, or all of them can give up some stamps. Reducing eligibility standards could reduce participation by cutting off the "richest" of the poor. But who are they? Mostly they are elderly sick people or the working poor, precisely the kind of people the Reagan Administration wishes to support.

What about cutting benefits? Recipients now get stamps worth, on average, about 40 cents a meal. Is there any humane way to cut that when a paper cup of coffee costs 35 cents? Even 40 cents hardly covers the cost of Washington's bare-bones "thrifty" diet. Surely Mr. Stockman cannot wish to be remembered for a policy of "Let them eat coffee."

In truth, the food stamp program has been subject to continuous reform in recent years. A million and a half people have been declared ineligible, including 150,000 college students. Virtually all present recipients fall below the Federal poverty line. To cut the program at all, let alone by one-fourth, is to create hunger.

Perhaps cutting other programs would require more sacrifice than taking food out of the mouths of the politically helpless poor, elderly and disabled. If so, let that be clearly demonstrated first. But until then, it is mindless—and cruel—to weigh hunger on the same budget scale as dams, dairy subsidies or interstate highways. Feeding the hungry is the last place to cut the budget.

[From the New York Times, Mar. 1, 1981]

IMMIGRATION AND THE MISSING NAIL

Who should decide which foreigners are allowed into the United States, the foreigners or the United States? In a responsible society, the question would answer itself. But that's not the way things now work in the United States.

We are a rich and generous country given to bragging about our immigrant origins. When there is obvious need, we live up to the romantic images of Miss Liberty and the Golden Door, taking in waves of freedom fighters or boat people. But romance notwithstanding, there is no longer any such thing as unlimited immigration. A million people are waiting in line to enter the United States legally; millions more are eager to jump the line; and the nation must choose which to let through the door.

The United States now purports to choose, to make its own rational immigration policy. But, in great part the policy is made by hundreds of thousands of individual foreigners who slip into the country illegally in the process. America loses.

Undocumented farm workers from Mexico, for instance, may be brave and industrious. But each takes a place that, if society were choosing fairly, might be assigned instead to a refugee from Somalia, a sister from Korea or a more deserving Mexican applicant. The country is not now making the choice. The more the system spins out of control, the more Americans lose patience with Government—and perhaps with any immigration at all.

How should the country regain control of its own immigration choices? A blue-ribbon commission, led by the Rev. Theodore Hesburgh of Notre Dame, has just provided a careful and reasonable way. Wars are lost for lack of a horseshoe nail; as the commission shows, creating a rational immigration policy turns on a nail called worker identification. That is:

If the United States wants to decide how much immigration to permit, it must do a far better job of controlling illegal immigrants.

If the United States wants to control illegal immigrants better, it needs a far better enforcement system than the starving Immigration Service's, and without requiring the Reagan budget-cutters to find much new money.

If the United States wants effective but economical enforcement, the surest way is through employers, who now are legally free to hire illegal aliens and in any case have no good way to check an employee's status.

If the United States wants to make an enforcement system effective by making employers culpable, employers must have a reliable way to screen out illegal aliens, without discriminating against legal residents who look or sound foreign.

The Hesburgh Commission could not agree on exactly how to do this. Some members would have workers show forge-resistant Social Security cards. But that conjures up police-state images to others. They would institute an automated call-in system, like that used with credit cards.

Still, whatever the differences over method, almost the entire commission strongly agrees on the need for some secure identification system. One way or another, it's the nail without which the country will keep losing the illegal immigration war.

Now the public focus shifts: to Alan Simpson, Wyoming Republican and new chairman of the Senate immigration subcommittee; to Romano Mazzoli, Kentucky Democrat and new immigration subcommittee chairman in the House. Most of all, attention turns to the Reagan Administration, which has so far evaded the commission—and the issue. Until they act, American immigration policy will stay in foreign hands.

[From the New York Times, Mar. 29, 1981]

CHARITY

What has Ronald Reagan declared war on? If, as first appeared, the enemy is America's economic straits, then many of us, suspending neutrality or partisanship, are willing to enlist. But increasingly we're dogged by the suspicion that he also has another enemy in mind: the philosophy of social justice this country has evolved over the last 50 years.

"I don't think people are entitled to any services," says Budget Director Stockman. Martin Anderson, the President's chief domestic adviser, says, "People are quite benevolent. That's good. But it's quite a different thing for people to demand that they have a right to a certain amount of income or services." And elsewhere the Administration says that services chopped out of the Federal budget can be supplied by the states, or business or volunteers.

In other words, there is no such thing as social obligation. There is only charity—someone else's charity. If that is the Administration's philosophy, it deserves to be denounced.

First, some semantic business. Standing alone, the budgeteers' word "entitlements" certainly does sound arrogant. The poor are not constitutionally entitled to any services they deem necessary. But there are some things people should not have to beg for.

Food, for instance, or safe housing, or a lawyer when there's trouble. Would Mr. Stockman or Mr. Anderson deny a sick person access to a hospital emergency room? Surely not. Is that an entitlement to medical services? Call it what you will.

Americans are a generous people, exceedingly generous. Carl Bakal has written that our collective private philanthropy comes to about $180 a day for each man, woman and child in the nation. In Canada, it's $35. There is a vast role for private philanthropy; there may even be a case for enlarging it. Maybe, when Federal job programs are chopped back, industry could help pick up the slack. Maybe, when funding for legal services is eviscerated, private law firms could step in. Maybe. But two problems get in the way.

If this idea of charity, of supplanting Federal social justice with private voluntary action, is sincere, then why does the Administration not pursue it?

The genial host, corporate persuader and Great Communicator in the White House needs no lessons in stimulating the private sector. Has he invited the heads of the 100 biggest companies to the White House to encourage them to create a private job program large enough to offset his budget cuts? Has he assembled partners from large law firms and urged them to provide surrogate legal services?

No. Which raises the suspicion that his Administration is much less interested in proving theories than in abandoning social welfare altogether.

Even if the Administration now injected action into this theory of voluntarism, it would not suffice.

Deep down, society knows that. Consider jobs. Franklin Roosevelt wrote to a friend in 1934 that "I cannot say so out loud yet, but I hope to be able to substitute work for relief." In 1965, Lyndon Johnson and Henry Ford II launched their then-celebrated, soon-forgotten JOBS program. Richard Nixon, Gerald Ford and Jimmy Carter all had similar ideas. One after another, under the pressure of this merger or that retrenchment, they disappeared.

But assume that a voluntary jobs program could work. How much more can voluntarism do, generally? Federal spending constitutes three-fourths of the total spent for social welfare. Even if Mr. Reagan could mobilize every one of the 800,000-odd charitable institutions, he could not begin to replace Government's role in providing services that help people ranging from alcoholics to lactating mothers.

The Federal Government has undertaken so many services because society has learned that the states alone cannot combat hunger, that volunteers alone cannot provide minimal medical care. Society has turned to the Federal Government because it is the logical place to address such needs, through the organization of voluntary programs like VISTA, or the Foster Grandparent program that Mrs. Reagan has taken to heart.

That Washington is the logical place doesn't mean it is necessarily efficient, or effective, or even humane. But to say "no entitlements," or "let the states do it," or "let the private sector do it" is a barely varnished way of saying "Don't do it." And that is not a war against inflation. It is a war against the poor.

[From the New York Times, Apr. 5, 1981]

RAGERS AND FATALISTS

Unity: It was a week for Americans to draw together, first in shock, then in gratitude for miracles. The President seems speeding toward recovery; so do his brave defenders; and each day brings new hope for James Brady, his genial press secretary.

Division: Good news overtook bad so quickly that people were soon free to indulge in two quite different responses. They formed not partisan or ideological blocs but emotional alignments—those who reacted to the shooting with rage and those who reacted with fatalism.

"My reaction," said Maureen Reagan, "is fury and rage and anger that in this country this kind of garbage is still going on. We have got to stop it and we have got to stop it right now."

"If you sit around and worry," said Gerald Ford, "if you are apprehensive when you go out to see somebody or to have a meeting or make a speech, you just can't operate the way you ought to as President . . . you have to let it get out of your mind and go ahead with the business of the day."

Ragers felts an instant need to demonstrate revulsion, to do something. Some jumped on perceived shortcomings in Secret Service protection. Some insisted that Presidents must be still more insulated from the public. One Senator proposed limiting their appearances to closed-circuit television. Others found the suggested link between the shooting and a 1976 movie confirmation of their worst fears about the contagion of screen violence.

Fatalists recoiled from the entreaties for instant action. They marveled at how well the Secret Service did—at Timothy McCarthy, who put his body between the President and the blazing gun, at Jerry Parr, whose whole career came down to the instant he thrust the President into the car. Accepting the need for the security that already constrains Presidents, fatalists resisted a complete bubble, cutting off altogether the live contact on which political skill feeds. They were skeptical that censoring screen violence could do much good. Son of Sam's horrors were not triggered by filmed violence but by orders from a 6,000-year-old devil, transmitted through a dog.

To divide public reaction into these categories obviously exaggerates. There is middle ground. One can honor the Secret Service for what it did do—and welcome scrutiny of what it may not have done. And there is room for ragers and fatalists alike to think about what might reasonably be done to reduce violence in American life. There are two sides to the problem—lunatics and guns. Both bear thinking on.

The tide of concern for civil liberties and civil rights in the last 15 years has affected attitudes toward mental patients. Mental hospitals have been reviled as snakepits and cuckoo's nests—not to mention costly. State after state has adopted the doctrine of "the least restrictive environment." Old patients are let out; psychiatrists complain about the daunting difficulty of committing new ones.

Demonstrably, most mental patients are not dangerous. But some are, and in the process of their "deinstitutionalization," the ordinary citizen becomes desensitized to the presence of strange behavior. When alarming, or merely pitiful, public conduct is no longer noticed, a wise society should think harder about protecting the mentally ill, and itself. Closer control of troubled people might not prevent assassination attempts, any more than closer control of guns would necessarily discourage someone determined to shoot a President. But both steps could curtail ordinary violence and crime.

There is no cogent argument for permitting free access to handguns. People with a legitimate need for them should not balk for a moment at sensible controls. But cogency is not the problem; it is politics.

Only after Robert Kennedy's murder was it possible to overcome the vaunted gun lobby and enact a modest handgun control law. Is further progress possible now? Perhaps, and one political figure has special standing to make it possible. Think what a breakthrough it would be if President Reagan, as he leaves the hospital this week, were to endorse reasonable handgun controls. What a victory it would be for rage, and fatalism, and life.

[From the New York Times, Apr. 20, 1981]

THE MODEL ASSASSIN

Even as President Reagan recovers from the attempt on his life comes a startling report from California. Sirhan Sirhan, who assassinated Robert Kennedy in June 1968 is scheduled for release in the summer of 1984, and then on to asylum in Libya. How come so soon? He has been, says a prison official, "a model prisoner" and the parole agency is determined to treat him like any other murderer. What a false sense of fairness. What a disservice to the country.

When Sirhan was convicted in 1969, the jury sentenced him to die in the gas chamber. In 1972, while his appeal was pending, he was spared by a coincidence. California eliminated the death penalty. That meant the maximum sentence was life, with the possibility of parole. Possibility, however, did not automatically mean eligibility. He won a parole date only because the California Adult Authority insisted on treating him like other murderers. Typically, they serve about 16 or 17 years before winning parole. By George, then Sirhan would get the same consideration.

A new parole agency, the Board of Prison Terms, has since been established. But it, too, insists on handling the Sirhan case "in the manner normally accorded to all life prisoners." Even if the board now wanted to treat the case differently, a spokesman says, it's too late, there is no authority to rescind Sirhan's parole date.

It is a tenet of democracy that the life of an ordinary citizen is as precious as that of someone rich, famous or powerful. But that is not the same as arguing that one murder is the same as another. Even the California board now sets a minimum term of 19 years for someone who kills a prison guard compared with 17 or 15 years for a more routine street killing.

Even these distinctions do not describe the order-of-magnitude difference of Sirhan's crime. Assassination is an attack not merely on an individual life but on the political life of the country. It has to be measured on a different scale, a principle recognized in the enactment of specific Federal laws relating to assassination attempts on the President, Vice President or members of Congress.

It mocks society to deny this difference by treating Sirhan "normally." Consider the possible effect on deterrence. It may be impossible to stop an assassin willing to exchange his life for that of the President. But California invites a deranged or fevered mind to make a much different calculation: if I can stand 16 years in prison, a brave martyr to my friends, then I can expect to be lionized for life in Libya.

To treat Sirhan "normally" also mocks the opponents of capital punishment, by making their opposition look like opposition to punishment, period. These people include Edward Kennedy, who in an act of surpassing humanity in 1969, urged that Sirhan's death sentence be reduced to life imprisonment. If the ultimate effect of such humane appeals turns out to be life in Libya instead of in prison, who will believe in an alternative called life with no parole?

Is that what his term should be? We have no desire to be vengeful; we do not necessarily oppose his release, at some point, though we do not know what that point is. What we do know is that to deal with Sirhan as just another murderer communicates something about the value American society places on itself.

California parole authorities still can't or won't send the message—to lunatics, foreigners and society—that America thinks its political life is worth more than 16 years in prison. So the nation must now look to Governor Brown and the California legislature. What message do they wish to send? What kind of prisoner do they regard as the model assassin?

[From the New York Times, May 7, 1981]

THE ELECTION WAS OVER

Don't try to tell Charles Manatt that there's no projection-infection problem in national elections. He's now chairman of the Democratic National Committee, but last Nov. 4 he was walking a North Hollywood precinct for a California Congressman. Though the polls were still open, television had already projected the Reagan win. "In three different households," he recalls, "people said, hadn't I heard—the election was over. There was no point in going to vote."

Since his candidate lost by 800 votes, Mr. Manatt has reason for thinking that projections make a difference—not in Presidential elections but in other races. Some West Coast contests turned on as few as 25 votes. If projections (and Jimmy Carter's quick concession) discouraged even a few late voters from going to the polls, they may have been decisive.

Is there a remedy? In hearings today, Senator Mathias' Rules and Administration Committee will explore that question, and at least two interesting answers. One strikes us as clearly preferable, but either would be better than doing nothing.

The network news divisions seem skeptical about the problem. NBC News finds no serious study showing that projections have actually influenced outcomes. Accept that. Still, it remains easily imaginable that projection could mean infections. That being so, what harm is there in trying to avoid it?

One remedy would be for the networks voluntarily to abandon projections, as proposed jointly by the League of Women Voters, the Committee for the Study of the American Electorate and other groups: "There is one night every four years when the people should be allowed their full and fair opportunity to speak, when . . . their story should be told as it unfolds. Political projections . . . should be used sparingly, if at all."

The advocates mean to be constructive, and they believe in freedom of the press. Yet their proposal leaves us uneasy. The freedom and duty to inform is eroded as certainly by a successsion of voluntary, constructive means as by hostile assaults. If there were no other remedies, this one might warrant scrutiny. But there is another: the 24-hour voting day.

This is not a new idea; it was advanced in 1964 by CBS's Frank Stanton. Voting places in each time belt would be open a full 24 hours, opening and closing simultaneously. This would address the projection problem. And it might well encourage voter turnout, especially if coupled with Representative Mario Biaggi's appealing proposal to move Election Day to Sunday.

The 24-hour vote would not wholly eliminate the projection problem; there might be a temptation to report, even before the period ends, on election-day survey interviews. But the voters would be left with only one truly key precinct—their own.

[From the New York Times, May 29, 1981]

THE PORNOGRAPHY OF FAT

(By Jack Rosenthal)

Every era needs its own taboos, its own pornography. What is the pornography of modern America? Certainly not sex, not in a time when the most explicit devices and images are available over the counter or the television cable. But if our pornography is not sex, then what is?

Death, said Geoffrey Gorer, a British anthropologist, in the British magazine Encounter 25 years ago. Through the Victorian years, he wrote, sex was unmentionable—while death was unremarkable: "Children were encouraged to think about death . . . The cemetery was the centre of every old-established village." But gradually, as talk about sex became more open, death became unmentionable. Mr. Gorer could remember no modern novel or play with a deathbed scene of the kind familiar to Victorian and Edwardian authors.

At the time, the argument had the crystal ring of insight. Now, alas, one hears a dated clank. It may still be questionable to take children to funerals. But death has become wholly mentionable; as for deathbed scenes on stage, one quickly thinks of Tom Conti, or Mary Tyler Moore, in "Whose Life is It, Anyway?"

If neither sex nor death constitute the contemporary pornography, then what does? Anthropologists tell of primitive peoples who attach as much shame to eating as to excretion. There is reason to think our society does something similar—and that our pornography is fat.

A facet of it became evident in "Tom Jones," the 1963 movie. "In one incomparable scene," Bosley Crowther wrote in The Times, Joyce Redman and Albert Finney "make eating a meal an act so lewd, yet so utterly clever and unassailable, that it is one of the highlights in the film."

That, however, was only one facet. The pornography of fat offers a choice of pleasures. One can, with a racy sense of tasting forbidden fruit, plunge into gluttony. Or, resisting, one can become a modern puritan, telling others how unhealthy—how repugnant—it is to be fat.

This second pleasure seems to offer richer satisfaction. Indeed, if some of us sometimes feel a compulsion to eat, the rest of us seem to feel a constant compulsion to gloat. Society sends an unending stream of stern signals: A young Providence woman, 5 feet 1 inch and 210 pounds, is fired as a home health aide because of her weight . . . the Los Angeles school board issues rules requiring weight loss among teachers . . . Wisconsin officials halt an adoption because of overweight. How much? The husband, 6 feet 2 inches, weighs 215 pounds, and his wife, 5 feet 7 inches, weighs 210.

Such harsh moralizing may have reached its perverse ultimate a few years ago in the X-rated movie "Behind the Green Door." Among the circus-related sexual acrobatics was a segment in which an exceptionally gross circus fat lady was observed writhing in explicit sexual pleasure. See, the movie was saying, what's really disgusting is not sex, but fat.

The social pressure against obesity no doubt benefits the general health. What's troublesome is that we are all so humorless about it, so relentless, so determined to punish the overweight. People who think of themselves as enlightened in every other respect become, on the subject of fat, every bit as blue-nosed as, say, the Moral Majority.

Last winter Jack Kamerman, of the sociology faculty at Kean College in New Jersey, told a Times reporter: "Not only are the overweight the most stigmatized group in the United States, but fat people are expected to participate in their own degradation by agreeing with others who taunt them."

He's right; and his observation exposes in us all an intolerance more obscene and far more damaging than any form of pornography.

[From the New York Times, June 16, 1981]

COLD-STOVE LEAGUE

"On Friday," writes a man we know who likes his baseball, "I would have gone home after work, had dinner and then settled down to watch the Yankees on TV. But since there was no game, I grabbed a sandwich at the deli and went to see 'Raiders of the Lost Ark.' Entertaining, but I went home in a sour mood nevertheless. On Saturday, when I might have watched part of the game before going to a party, I finished 'Gorky Park' and still got to the party too early.

"On Sunday, I got into an argument with a friend who's delighted with the strike. He thinks baseball is the most boring sport ever invented. Normally, I'm patient with baseball critics. If they can't appreciate its constant potential for the heroic, the sly and the unpredictable, that's their loss. This time, I was surprised by my passion. Why so short-tempered, I wondered? I think it's because I'm afraid of something.

"Deep down, I know baseball is just as crass and unruly as the real world, but I prefer the illusion: baseball as an amiable, ordered world contained within the neat geometry of a stadium. Colonel and cab driver alike can argue with fine equality about a player trade or a ninth-inning bunt. The rules are known to all, and the unending variations are available to all for interpretation.

"Strike or no strike, the need for the small change of conversation persists. Already I hear people talking in the corridors the way they do in the wintertime, in what the sports writers call the Hot Stove League. The strike, says an Oriole rooter, is a hidden blessing to the Yankees, giving its injured pitchers time to heal. Perhaps not, says a Yankee fan; it may be a curse, cooling off the intensity that produced 9 wins in their last 11 games.

"But soon the speculation will turn stale. The longer the strike lasts, the more games that are wiped out and the more statistics that are defiled, the more the illusion of shared order will be defiled as well. Then baseball will look just as messy as the world outside the stadium. What I wonder is, do the owners and the players understand that? What I'm afraid of is that illusions only die once."

[From the New York Times, Dec. 27, 1981]

THE WAR AGAINST THE POOR

Ronald Reagan's anti-poverty program has three fronts. One is the social safety net, protecting "those with true need." A second is voluntarism, private charity to offset Federal cuts. The third and most important is economic recovery, the rising tide that John Kennedy said would lift all the boats. As the Administration ends its first year, the poor are losing on all three fronts—and so badly that a question begins to reverberate: what is Mr. Reagan warring against, poverty or the poor?

"We will continue to fulfill the obligations that spring from our national conscience. . . . All those with true need can rest assured that the social safety net of programs they depend on are exempt from any cuts."

That was how the President introduced the safety net last February. Its seven programs were only a partial net to begin with, protecting some middle-class benefits while omitting programs that, on their face, help the very poor.

Even so, there have been sharp cuts even in the exempt programs. School lunch and breakfast programs were in the safety net. Yet about 300,000 poor children no longer get lunch in school. Summer youth jobs were in the safety net. Those funds have been cut 27 percent.

Meanwhile, programs that should have been in the net have also been cut, even savaged. Since the Nixon Administration, it has been national policy to eliminate hunger. Food stamps have been a well-targeted way to meet that goal. Yet a million people in need will lose their food stamps altogether and most of the 22 million recipients will suffer reductions.

"With the same energy that Franklin Roosevelt sought Government solutions to problems, we will seek private solutions."

Big Government is not the only way, the President told a business audience in October. Exactly right: there is a deep strain of decent, charitable instincts in American society and Mr. Reagan has appointed a 44-member commission to find new ways to reach private resources. It is a commendable exercise. It is also a fig leaf.

How much can private supplant public services for the poor? Few of them send their children to private schools, use limousines and taxis or hire guards. They lose most from cuts in Federal funds for elementary and secondary schools, or urban mass transit or law enforcement. Governors and mayors understand the cuts: poor people feel them.

In all, Mr. Reagan has so far cut about $25 billion in social spending. If business giving, $2.7 billion last year, were to double, it would barely fill 10 percent of the gap. Even the Administration acknowledges the point. "I wish the words 'fill the gap' had never been used," says Mr. Reagan's assistant for voluntarism.

"Our aim is to increase our national wealth so all will have more, not just redistribute what we already have, which is just a sharing of scarcity."

When the President said that last February, the inflation rate was nearly 12 percent. Now it is down below 10. Much to the good—but at what price? The unemployment rate was 7.5 percent a year ago; it is 8.4 percent now. That means about a million more people are out of work (and extended unemployment insurance benefits are no longer as readily available). An ebbing tide lifts no boats.

Mr. Reagan believes that, if the Administration persists in its program, the tide will turn. A more apt maritime image is offered by Herbert Stein, economic adviser to President Nixon: "If the captain of the ship sets out from New York harbor with a plan of sailing north to Miami, 'Steady as you go!' will not be a sustainable policy, and that will be clear before the icebergs are sighted."

For poor people, the issue is not an abstract matter of ideology, or whether the Administration is right to keep the faith and wait. For them, the questions are simple: what do they do in the meantime? Why, when the Administration is so willing to increase windfall oil profits or reduce inheritance taxes, is so much of the burden heaped on their backs? In short, what safety net? What voluntarism? What rising tide?

There is only one way in which Mr. Reagan's poverty program has provided for the poor. It is the way prescribed by Reaganaut theoreticians, notably George Gilder in "Wealth and Poverty," the book widely circulated in the Administration earlier this year. "In order to succeed," he wrote, "the poor need most of all the spur of their poverty."

Mr. MOYNIHAN. Mr. President, I add another remark, as we get too solemn in these matters, that the news editor of the New York Times last evening said to Mr. Rosenthal that the Pulitzer Prize had done one thing certain for him—it had guaranteed what would be the third, fourth, and fifth words of his obituary.

ASSESSING REAGAN'S DOOMSDAY SCENARIO

Mr. MOYNIHAN. Mr. President, there appeared in this Sunday's New York Times a compelling article by Hans Bethe and Kurt Gottfried on the "Doomsday Scenario" that the administration seems to be offering us in strategic matters, and I ask unanimous consent to have it printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

ASSESSING REAGAN'S DOOMSDAY SCENARIO

(By Hans A. Bethe and Kurt Gottfried)

ITHACA, N.Y.—Rarely, if ever, has the government of a great power proclaimed its vulnerability to devastating attack by a dangerous adversary. Common sense dictates that a moral weakness should not be advertised. Yet that is what President Reagan and his aides have done: They have stated in the starkest terms that soon we shall have no credible deterrent against a Soviet first strike!

This assertion cannot mean what it says. It is, instead, a reckless move to marshal support for new weapons that are intended to regain the nuclear superiority America once enjoyed.

Let us look at the facts. The United States has three strategic forces that can drop 9,500 hydrogen bombs into the Soviet Union. Of these, 23 percent are on land-based missiles (intercontinental ballistic missiles), some 52 percent on submarine-launched missiles, and 25 percent on intercontinental bombers. The Soviet Union can launch about 7,000 hydrogen bombs at us; of these, 79 percent are on ICBM's, 20 percent in submarines, and 1 percent on aircraft. Our missiles are considerably more accurate, and the Soviet Union has compensated for this by building larger warheads.

The Russians have put most of their nuclear "eggs" into one basket—land-based missiles. They were forced to do so because of their technological backwardness and geographical position. Their submarines are inferior to ours; they have no bomber bases close to us, while ours encircle the Soviet Union; and they have not been able to develop cruise missiles, which are now revitalizing our bomber fleet. Their ICBM force is so large because that is all they can do well.

Should present trends continue, the Soviet Union will have more-accurate ICBM's in a few years. By that time, however, many of our submarines will be able to destroy Soviet missiles in their silos.

It is against this background that one must assess the Reagan doomsday scenario: The new Soviet missiles will be able to eliminate our ICBM's in a bolt from the blue; we would not be able to retaliate because enough Soviet weapons would survive our counterattack to devastate the United States; thus, we would have no choice but to yield to all Soviet demands.

This scenario pretends that United States and Soviet ICBM's face each other in a universe decoupled from the real world. It assumes that these highly complex systems, which have only been tested individually in a quiet environment, would perform their myraid tasks in perfect harmony during the most cataclysmic battle of history; that our weapons will not improve, while the Soviet Union's leap ahead. It assumes that we would be helpless when well over half our nuclear warheads have survived, and that a Soviet attack on our ICBM's which would kill at least 20 million Americans by radioactive fallout, would not provoke us into pulverizing the Soviet Union with our submarines. Only madmen would contemplate such a gamble. Whatever else they may be, the Soviet leaders are not madmen.

What then is the true rationale for the Administration's stance? Judging from many statements by some of its most prominent figures, the public must conclude that there is a significant faction in the Administration that believes in and aspires to nuclear superiority. This group contends that our technological and economic prowess make this a realistic goal and that its attainment would yield rich political dividends.

Neither of these conclusions is correct, as post-1945 history demonstrates. For two decades, we were immune to Soviet nuclear attack while the Russians lay at our mercy. Did that vulnerability deter them from blockading Berlin, absorbing Czechoslovakia, crushing the revolt in Hungary? On the contrary, it impelled them to a dangerous attempt to place missiles in Cuba in a futile effort to gain some semblance of a deterrent. It imbued them with the determination to build a credible nuclear force, whatever the cost. And only when they reached that goal did they begin to negotiate seriously, as exemplified by SALT I.

The "window of vulnerability" to a Soviet first strike does not exist. In reality, the security of all inhabitants of the Northern Hemisphere is eroding because of the irresponsible policies of both superpowers. While millions of ordinary citizens have come to recognize that security is not measured in megatons, those in positions of power continue to act as if nuclear weapons were spears or shotguns.

If the President wishes to close the true "window of vulnerability," he should pay close heed to his aroused constituents. His personal prestige and political record give him a historically unique opportunity to lead us in entirely new directions.

Mr. MOYNIHAN. Mr. President, I simply wish to add that in all of the range of authority in matters of nuclear war, nuclear peace, and nuclear strategy, none today can speak with greater authority than Hans Bethe. A refugee from Nazi Germany, he arrived here at a very young age. He immediately associated himself with the American war effort and he was standing next to Oppenheimer at Alamogordo. Bethe was present at the creation. When he speaks he should be heard, and he speaks with great alarm in this article.

Mr. President, I thank you for your patience and courtesy. I thank my friend from Virginia for allowing me to continue with these matters while he has matters of pressing importance.

Mr. WARNER. I thank the distinguished Senator from New York. It is always a pleasure to be in the Chamber when he is speaking.

ORDER OF PROCEDURE

The PRESIDING OFFICER. The Senator from Virginia is recognized.

Mr. WARNER. Mr. President, I yield momentarily to my distinguished colleague from Maryland.

Mr. MATHIAS. Mr. President, I thank the Senator from Virginia.

The PRESIDING OFFICER. The Chair would state before the Senator commences that he will require unanimous consent if we are to proceed as if in morning business.

Mr. WARNER. Mr. President, I will yield momentarily to my distinguished colleague from Nebraska. I will not consume more than 1 minute, if that is agreeable.

Mr. EXON. Mr. President, the question of the Chair and the question of my friend from Virginia undoubtedly involve Senator SYMMS, with whom I visited. I thought we were proceeding as if in morning business. I have about 10 minutes of time that I would like to use while the Senate is in that mode before we proceed to the matter before us.

The PRESIDING OFFICER. The Chair will respond to that by saying that the Senator from New York asked unanimous consent to proceed as if in morning business. That call might be renewed by the Senator at the appropriate time. The Senator from Virginia has the floor, and the Chair recently asked if he wished to make that unanimous-consent request.

Mr. WARNER. Mr. President, I do ask unanimous consent to proceed as if in morning business for no more than 2 minutes for my purposes, and then I would be happy to yield the floor to my distinguished colleague who is so patiently waiting.

THE 240TH BIRTHDAY OF THOMAS JEFFERSON

Mr. WARNER. Mr. President, it is interesting to note that as Congress reconvenes to begin what may prove to be one of the greatest feats of political diplomacy—namely, the acceptance of a budget everyone is having difficulty accepting, and the determination of indeterminable national priorities * * * for defense and social spending programs—that today is also the 240th birthday of this Nation's third President, Thomas Jefferson.

Jefferson was a man who helped his colonial colleagues understand many of the ironies and paradoxes of his time. He was a man who brought logic out of the illogical, and reason out of the unreasonable. He was a scholar in an unscholarly age, and a gentleman in an era of ungentlemanliness.

Thomas Jefferson, farmer, statesment, inventor and author * * * drafted the Declaration of Independence, and founded the University of Virginia. He believed in the abilities and rights of all men, and he opposed with a vengeance the tyranny of ignorance.

As a Virginian, I am proud to claim Jefferson among my Commonwealth's kindred. He served his State with honor and his Nation with distinction. He was a leader in the world of his day and of ours.

Most frequently, I enjoy recalling Jefferson the farmer. Though his statements embodied in the Declaration are more popularly remembered and his proclamations on education renowned, it is his deep sense of appreciation for nature and the labor for nature's bounty which graphically depict the fullness of Jefferson * * * the true Renaissance man. On the occasion of his 240th birthday, I ask unanimous consent that some of Thomas Jefferson's statements on agriculture be inserted in the RECORD.

There being no objection, the excerpt was ordered to be printed in the RECORD, as follows:

STATEMENT BY THOMAS JEFFERSON ON AGRICULTURE

Agriculture is our wisest pursuit, because it will in the end contribute most to real wealth, good morals and happiness. Agriculture is the basis of the subsistence, the comforts and the happiness to man.

A prosperity built on the basis of agriculture is that which is most desirable to us, because to the efforts of labor it adds to the efforts of a great proportion of soil . . .

Agriculture, manufacturer, commerce and navigation, the four pillars of our prosperity, are the most thriving when left most free to individual enterprise. Protection from casual embarrassments, however, may sometimes be reasonably interposed.

Cultivators of the earth are the most valuable citizens. They are the most vigorous, the most independent, the most virtuous, and they are tied to their country, and wedded to its liberty and interests, by the most lasting bonds. As long, therefore, as they can find employment in their line, I would not convert them into mariners, artisans or anything else.

Those who labor in the earth are the chosen people whose breasts He has made His peculiar deposit for substantial and genuine virtue. It is the focus in which He keeps alive that sacred fire, which otherwise might escape from the face of the Earth.

THE GROUNDBREAKING CEREMONIES FOR THE VIETNAM VETERANS MEMORIAL

Mr. WARNER. Mr. President, in 1964, thousands of America's young men and women began what would be an 8-year ordeal for our Nation. Before it was over, it would involve 2.7 million of this country's people—57,414 of whom would lose their lives. And when it ended, our citizens would be divided in their opinion and some even resentful toward those who had served our Nation on the battlefields of Vietnam.

Many years have passed since the first days of that war. Much soul searching and much introspection has been done by those who served, and by those who stayed behind.

On March 26 of this year, the lengthy healing process from that war reached a significant milestone. Vietnam veterans finally saw the beginning of this Nation's long overdue recognition and appreciation for the service and sacrifice made in a war nobody wanted and nobody wanted to remember. The ground was broken for the Vietnam Veterans Memorial—a massive granite and statuary tribute to all who fought—who lived and died.

The groundbreaking ceremony for the memorial was itself a moving tribute to those who served in Vietnam. The ceremony was also a tribute to those who have labored these many years to make the dream of recognition a reality.

The words of those who participated in the ceremony reflected an eloquence and a perspective we often attribute to another era in our Nation's history. Those words portrayed a philosophy and a demeanor not popularly associated with the Vietnam war. And, most importantly, they expressed a Nation's gratitude—and perhaps for the first time an awareness—that we are a united people who have learned the true lesson of Vietnam—victory can only be ours if we give our full support and follow those who must fight to preserve it.

Mr. President, the groundbreaking ceremony for the Vietnam Veterans Memorial in Constitution Garden—between the Washington Monument and the Lincoln Memorial—was a historic event. It was an event forever to be recorded in the annals of our land.

With a great sense of pride in those Vietnam veterans who fought for our freedom and who have labored to make the memorial possible, I now ask unanimous consent that the full transcript of the Vietnam Veterans Memorial groundbreaking ceremony be made a part of the RECORD of the Congress of the United States so that it will be available to generations of Americans.

I thank the Chair.

There being no objection, the transcript was ordered to be printed in the RECORD, as follows:

VIETNAM VETERANS MEMORIAL GROUNDBREAKING CEREMONY

WELCOME BY JOHN P. WHEELER III, DIRECTOR, VVMF

To you Vietnam veterans who traveled here from your states to be with us, and to the friends and family who came to remember those who gave their lives, and a special welcome to the children who are with us this morning. This is a big day for your moms and dads. Your moms and dads have been brave and now America is saying, "Thank you."

Our Master of Ceremonies is Jan Craig Scruggs. He is the President of the Vietnam Veterans Memorial Fund. He was a soldier in the 199th Light Infantry Brigade in the Vietnam War. He was wounded in action.

JAN C. SCRUGGS, PRESIDENT, VVMF

I'd like to thank you, Jack, for that very kind introduction. And special thanks to the United States Marine Corps Band, under the direction of Captain Timothy Foley, for their very stirring introduction opening.

And let me welcome each and every one of you here today to this historic groundbreaking for the Vietnam Veterans Memorial.

Our success is owed to many who are here on the stage, and many who are seated nearby as honored guests, and others who couldn't attend today, such as Pearl Bailey, Mr. Bob Hope, Vernon Jordan, First Lady Nancy Reagan, and others who have done a great deal to help. We owe thanks to many people—just too many to mention—but, nonetheless, we of the Memorial Fund extend our thanks to all.

After graduating from high school, I was among the thousands of young people who volunteered for combat in Vietnam. By the end of my tour, half of the men in my company had been killed or wounded. Many of them gave their lives while performing incredible acts of heroism and many now are in wheelchairs or have other disabilities that they would not have had, had they not served their country.

But, upon returning home, I, like many others, found that being known as a Vietnam veteran was a very dubious distinction. And perhaps the true story of the Vietnam veteran who returned home as an amputee and who was told that it served him right for going to Vietnam expresses the psychological quagmire that Vietnam veterans have for too long endured.

The American people were divided by that war and the divisiveness was deep and bitter. But one point that all Americans can agree upon is that Vietnam veterans deserve recognition and appreciation for their sacrifices.

This Memorial will help provide that long overdue recognition, because this will be known as the Memorial built by the American people. The funds for this Memorial came from junior high schools in Illinois, from college campuses in Massachusetts, from patients in VA hospitals, from workers—members of the AFL-CIO, their locals—people throughout America took part in this effort. And I speak for all the Vietnam veterans when I say to the American people, "Thank you. Thank you for remembering us. Thank you for helping to build this Memorial."

Because of the overwhelming support that we have received from the people and from organizations like the American Legion and the Veterans of Foreign Wars, this grand Memorial is being built. And it will be a beautiful and fitting tribute.

From the point just before me, two walls will extend nearly 250 feet each—one towards the Lincoln Memorial, the other towards the Washington Monument. Before the walls will stand a statue of an American serviceman. And over the Memorial will fly proudly the flag of our great nation.

Vietnam veterans have waited a long time to receive the recognition that this Memorial will provide and we have worked long and hard to get this Memorial finished. But today, we see our dream becoming a reality. So let this Memorial recognize the Vietnam veteran and let this Memorial begin the healing process and forever stand as a symbol of national unity.

Thank you.

TRANSCRIPT OF JACK W. FLYNT, NATIONAL COMMANDER, AMERICAN LEGION

On a battlefield far from here, in a time now a decade or more ago, a young American died. He was one American and he was every American who ever gave his life in the service of his country. He died, he thought, alone. But a comrade held him close to comfort his last moments and to vow to see him home. Today, that vow has been kept.

We don't know that young American's name for sure. But we do know who he was. He was our son, our brother, our father, our friend. He was a Vietnam veteran. And one day soon his name will be engraved in granite on this site.

To him, and to hundreds of thousands of other young Americans like him—those who died and those who lived—the nation finally pays tribute.

The courage and valor with which American Vietnam veterans fought the war, the suffering and the loneliness they bore when they returned home, and the furious battle they waged to see this Memorial built, are finally at an end.

The frustration and confusion of the American people, long willing but unable to express their gratitude and appreciation to a generation of unselfish patriots, is finally at an end.

And the divisiveness and discord that marked the Vietnam war and must threaten this very Memorial itself, is no more. America's Vietnam veterans have accomplished that. We, of the American Legion, are proud to have had the opportunity to participate in this great undertaking and we look with immense pride on the honor Vietnam veterans have bestowed on themselves by honoring their vow to bring their comrades home.

By their accomplishments, they have assured that the fate of the ancient Hebrews, described in the apocryphal book, Ecclesiastes, Chapter 44, Verse 9, will not befall their departed comrades. Quote—

"And some there be will have no memorial, who are perished as though they had never been and are become as though they had never been born and their children after them."

That is the Vietnam veterans' greatest victory.

Thank you.

Transcript of Cooper T. Holt, Executive Director, Veterans of Foreign Wars

Thank you very much, national sponsoring committee, directors and staff of the Vietnam Veterans Memorial Fund, distinguished guests, fellow veterans, ladies and gentlemen.

First of all, I wi[illegible] to express the regret that our Nation[illegible]mander was unable to be here this morning. However, he has sent us his official representatives: our National Senior Vice Commander in Chief, Bob Curio from Arizona, and our National Junior Vice Commander in Chief, Cliff Olson from the great state of Massachusetts.

My friends, nearly 18 years ago, Dr. Martin Luther King, Jr. spoke to thousands of his fellow citizens from the nearby steps of the Lincoln Memorial. During that famous speech, you will recall, Dr. King every so often would pause and then intone, "I have a dream." His dream was for the full freedom of American black citizens. Dr. King's address is now a moving part of our common heritage.

Jan Scruggs, also my friends, had a dream. Jan, a wounded infantry veteran of the Vietnam war, sought to create an accord out of our bitterest military experience since the Civil War. As does the Veterans of Foreign Wars of the United States, Jan Scruggs knows the difference between hating the war yet honoring the warrior. He has been the catalyst and has made happen a Memorial to 2.7 million Americans who fought in Vietnam that will serve to unify and not further divide us.

That we meet here today, ladies and gentlemen at all, is a near miracle. But Jan made his impossible dream a living reality.

And, speaking for the Veterans of Foreign Wars of the United States, I am proud to know that our Posts and our Auxiliaries have contributed to date a quarter of a million dollars to the Memorial Fund. These are dollars already contributed, with more to come, not mere statement of future intent. And I'm also happy to report to you that, in 1979, the first large contribution to Jan Scruggs and this Memorial was from the Veterans of Foreign Wars. Among the nearly two million members of the VFW, we number well over one half million veterans of the Vietnam war. And today I have these veterans, my newest comrades, very much in mind on this day, which is their day.

Their courage and their dedication was so magnificant that mere pity, my friends, would be an insult. In honoring the brave and the good Americans who fought in Vietnam, we honor ourselves.

Jan, the Veterans of Foreign Wars of the United States salute you and all who made this impossible day come true.

Thank you.

Transcript of Hon. John W. Warner, United States Senator

I stand here this morning on this hallowed ground, not as a U.S. Senator, not as a former Secretary of Navy, but as a Private in the rear ranks of the band of courageous men led by Jan Scruggs.

I'm reminded of the immortal words of Winston Churchill when he said, "Never have so many owed so much to so few." And, indeed, those words are owing to Jan Scruggs and his group who brought this Memorial on this hallowed ground.

Indeed it is hallowed ground, because it will be embraced forever by George Washington to the left, our first President, and Abraham Lincoln on our right, who taught us the meaning of freedom and equal justice for all.

And soon, on these grounds, will also be built a memorial to the 56 signers of the Declaration of Independence, who had made sacrifices to bring forth this land in which we live today--sacrifices no less, no greater, than those made by the veterans of Vietnam.

I pray God that this nation never again must send forth men or women to make such sacrifices in the cause of freedom. But, if this nation does respond to that call, then let us remember the lesson of Vietnam. For victory can only be ours if we support and follow those who must fight to preserve it.

Thank you.

Transcript of Hon. Charles McC. Mathias, Jr., United States Senator

I have never been more convinced than I am at this moment that this is the right thing to do, this is the right time to do it, this is the right place and this is the right way to do it.

When Jan Scruggs, as he said, first came to see me in 1979, I thought he had a good idea. And, when John Warner and I introduced the bill which ultimately was co-sponsored by every single member of the United States Senate, an almost unique occurrence, I thought we were on the proper course.

But, as I meet with all of you here today and look around, I'm struck by the rightness of what we are doing.

Because over there, on the horizon to the east, is the dome of the Capitol, the symbolism of the rule of law that guarantees the freedom and liberty of the men and women of America, the freedom and liberty that we know we must defend.

And just a little this side of the Capitol, the towers of the Smithsonian that represent civilization, the civilization that we want to preserve.

And that great obelisk, dedicated to the first patriot in America, which itself says, "patriotism."

And then this wonderful grass, touched by the green of springtime, the very soil of the America that we love and the America for which the Vietnam veterans fought and so many died.

And then here, close at hand, brooding, serene, the Lincoln Memorial, the very temple of reconciliation.

So, within our view, are the real treasures of America, the treasures of America that we spread out in homage to the veterans of Vietnam. And we dedicate this ground to them and to the principles for which they served and for which they died.

Transcript of Hon Charles S. Robb, Governor of the Commonwealth of Virginia

Thank you, Jan, distinguished guests, fellow Vietnam veterans, ladies and gentlemen.

I was one of the lucky young men that served in Vietnam. I served a thirteen month tour and I returned home safely to an understanding and loving family. That was not the case of all those who served in Vietnam.

Indeed, in the Company that you just referred to, that it was my privilege to command, over a hundred of those young men received the Purple Heart for wounds incurred in battle, and some of those scars will be with them for the rest of their lives. And some 23 young men are going to be memorialized in this particular Memorial. There are at least two cases where the men literally died in my arms, and I thought about those men for a long period of time. It was always difficult, when you returned to a combat base, to try to respond to the questions from their parents and loved ones, "How and Why."

I wasn't always able to answer the "why" and this Memorial doesn't attempt to answer the question of "why," but it does say that we cared and that we remembered. And that's terribly important to all of us and, especially, to the families of those men and women who gave their lives in Vietnam.

To all of you who have made this possible, I say thank you.

Transcript of Brig. Gen. George B. Price United States Army, Retired

Thank you, Jan. Words can hardly express my gratitude for being invited to participate in such a historic occasion. And I would like to take the liberty of reciting, if you will, George Skypeck's words from Vietnam that says, "I was that which others did not want to be. I went where others feared to go and did what others failed to do. I asked nothing from those who gave nothing and reluctantly accepted the thought of eternal loneliness, should I fail. I have seen the face of terror, felt the sting cold of fear and enjoyed the sweet moments of love. I have cried, pained and hoped. But, most of all, I have lived times others would say were best forgotten. At least some day, I will be able to say that I was proud of what I was, an American soldier serving his country."

It is with that thought in mind that I believe we must recognize that, to our left, is an era, that the distinguished President Washington felt that we had a nation, under God, worth bringing together to be ruled by the people.

That concept was challenged during Mr. Lincoln's era and it was during that period that one nation, under God, with liberty and justice for all, took on new meaning.

And that concept was challenged again during the Vietnam era, where some elected to question whether or not our country was, in fact, the best experiment in democracy that the world has ever known. And we survived that.

And it was during a period when the people said the youngsters did not care, that they stepped forward in great numbers and served and some lost their life and to them we are eternally grateful.

And, as we stand here today there are some distinguished Vietnam veterans still manning the guns that guard our shores and still serving with distinction. And for that, we should be grateful.

But I can say to you that, as I stand here this is a coming together of all of us who believe in what American is all about and who believe that we can still improve on this experiment of democracy and follow the lead by Jan Scruggs and those of the Vietnam Veterans Memorial, by saying let's put aside those things that kept us apart and bring us together as one country, under God, with liberty and justice for all.

We still have a lot of work to do, but thank God for people like Jan Scruggs.

Transcript of Hon. Charles T. Hagel, Deputy Administrator of Veterans Affairs, Veterans Administration

Thank you, Jan Scruggs, for your magnificent work, and for all of you who've had a role in making this groundbreaking in the ultimate success, the Monument dedication, hopefully, later this year to be a reality.

This is a particularly poignant week for me. I served in the Ninth Division at the Mekong Delta, with my brother Tom, for one year in 1968. It was this week, fourteen years ago, that my brother Tom and I were crossing a river on a patrol when the first squad of our Company tripped Claymore mine trip wires and the first squad, ahead of my brother and I, were killed. The names of those squad members will be part of the 57,000 names remembered and inscribed in this Memorial. And I think it's essential that we also remember the 2,500 MIAs that are all part of this Memorial and this recognition.

We know, from 5,000 years of recorded history, that Memorials are not built for the past but because of the past. Memorials are built for the future.

We also must know, and understand, that there is no glory in war, only suffering. That's why we recognize those who have gone before us and that's why we continually try and understand and learn, from wars and from that suffering that has been part of mankind since the beginning.

However, a nation like America, a nation that is the leader of the free world, has certain responsibilities. We must not allow a tide of timidity to overcome our future dealings in this world as a result of a debatable involvement in a faraway land in Vietnam.

The historians will debate our involvement. Let the historians debate that. But let us, as Americans, those who have appreciated who have gone before us, who we honor in this Memorial and all of those two and a half million men and women who served in Vietnam very honorably, let us remember that we still have the future. We still have our children and their children and we must make certain that the United States remains the leader of the free world. And where there is a sliver of hope of liberty in a land far away, let us not be intimidated to consider our resources and what we can do to maintain that liberty and bring freedom to others.

George Bernard Shaw once said that "Liberty means responsibility." That's why most men dread it. It's a heavy burden to carry. But it's a burden that we, as free people, have selected to carry. And we have an obligation, especially to those who are honored by this Memorial, to carry on that tradition.

Teddy Roosevelt said that, "For an individual and a nation, there is but one indispensable requisite and that's character." There was great character among our American Vietnam veterans. There is great character in this land and everywhere today, thanks to Jan Scruggs and Senator Warner and Senator Mathias and others, there is great character.

I appreciate very much an opportunity to play a small role in this very special day and thank you for coming.

Transcript of Chaplain Max D. Sullivan, United States Army

As we stand here to witness to Americans of this day and to those to come, we remember another day, another generation, young warriors sitting beside gravel roads, in foxholes, on flight decks and in wardrooms—vulnerable, fearful, yet casual, the outrageous fun, popcorn and beer and American intimacy. As we stand here to set apart this place—this earth will remain another place, another earth, of jungle, of mountains, of rice paddies, and the calm, beautiful seas.

May this ground be a holy place of tribute for all those who served, who were obedient to the call of our nation, for those men and women who sacrificed at home, for those warriors who served and who came back, for those yet not home, for those for whom we await an accounting and, above all, for those whose names will be engraved in stone.

Oh Lord, our God, may this ground be a holy place of tribute to those obedient sons and daughters who forever lost their youth.

May this ground be a holy place of healing for the conflicting emotions of that terrible, divisive war, conflicting feelings of laughter and the tears, the fun and the fears, the caring, the cruelty, the loving and the hating, the guilt and, oh yes, the pride.

Oh Lord, our God, make this a holy place of healing. May this ground be a holy place of learning for those who will pause here to reflect on ideals worthy of sacrifice, on patriotism worthy of tribute, on the magnificent obedience of our young citizens.

Oh Lord, our God, make this a holy place of learning.

As we turn this earth, let this become a holy place, a place of tribute, a place of healing, a place of learning. Oh Lord God, let it be so.

Amen.

Transcript of Jan C. Scruggs, President, VVMF

These words are the true story of a young Marine killed in Vietnam, written by Philip Caputo and from his book, "A Rumor of War." And I quote his eloquent words that he used to remember his friend.

He writes, "We never left our wounded on the battlefield. We brought them off, out of danger and into safety, even if we had to risk our own lives to do it. That was one of the standards we were expected to uphold. I knew I could not have done what Levy had done. Pulling himself up on his wounded legs, he had tried to save the corpsman, not knowing that the man was beyond saving. And he had probably done it as he had everything else—naturally and because he thought it was the right thing to do.

"So much was lost with you, so much talent and intelligence and decency. You were the first from our class of 1964 to die. There were others, but you were the first and more: you embodied the best that was in us. You were a part of us, and a part of us died with you, the small part that was still young, that had not yet grown cynical, grown bitter and old with death. Your courage was an example to us, and whatever the rights or wrongs of the war, nothing can diminish the rightness of what you tried to do. Yours was the greater love. You died for the man you tried to save. You were faithful. Your country is not. As I write this, eleven years after your death, the country for which you died wishes to forget the war in which you died. Its very name is a curse. There are no monuments to its heroes, no statues in small-town squares, no plaques, nor public wreaths, nor memorials. For plaques and wreaths and memorials are reminders, and they would make it harder for your country to forget the Vietnam war."

Well, thank God that America has not forgotten the Vietnam war nor have they forgotten the Vietnam veteran.

I would now like to ask the press people to please stand behind the line of the shovels instead of in front of them. And I would now like to ask the groundbreakers to get into position, assemble, take your shovels.

Sandie Fauriol. Ladies and gentlemen, pick up your shovels. Put your blades to the earth. Okay, break ground!

Following is a list of those participating in the groundbreaking:

Marvin Allen, Texas.
Steve Anderson, Maryland.
Robert L. Ashworth, Washington.
Frank A. Athanason, Military Order of the Purple Heart of the USA.
Congressman Don Bailey, Pennsylvania.
BGen. George L. Bartlett, USMC, Ret, Marine Corps Association.
Michael Beasley, Virginia.
Chaplain John D. Benson, Col., USA, Ret, Oklahoma.
Larry Besson, Illinois.
Dwayne Brokenbek, Govt. Veterans Outreach Asst. Center.
Congressman David E. Bonior, Michigan.
Clint Brown, Texas.
Ambassador Ellsworth Bunker, Idaho.
Thomas Burch, Georgia.
Chaplain Wm. E. Calbert, LtCol, USA Ret, Military Chaplains Association.
Jeff Carey, Maryland.
Arthur Cherry, D.C.
Col. Francis S. Conaty, Jr., Virginia.
Bob Conley, Arizona.
Milton Copulos, Florida.
David Cox, Illinois.
Robert C. Cummings, Virginia.
Emogene Cupp, Kentucky.
Jim Davis, Pennsylvania.
General Michael S. Davison, USA Ret, California.
David DeChant, Kansas.
Michael Dodge, Vermont.
Robert W. Doubek, Illinois.
Sterling Doughty, Maine.
Ronald Drach, Disabled American Veterans.
Quinton Evans, D.C.
John Fales, Jr., Blinded Veterans Association.
Paul Fanton, Maryland.
Jack W. Flynt, The American Legion.
Joe Frank, Jr., Missouri.
Robert H. Frank, Nevada.
Ruth Frye, Gold Star Mothers.
Col. John Greenwood, USMC, Oregon.
Ronald F. Gibbs, New Mexico.
S/Sgt. D. A. Gross, USMC, California.
M/Sgt. Alfred P. Guest, USAF, South Carolina.
Charles T. Hagel, Veterans Administration.
Doug Hartman, Hawaii.
Thomas J. Haynes, Indiana.
Doug Hartman, Hawaii
BGen. James A. Herbert, USA, Ret, U.S.O.
Cooper T. Holt, Veterans of Foreign Wars of the U.S.
Col. Earl P. Hopper, USA, Ret, National League of Families.
Phillip G. Hough, Virginia.

Congressman Duncan Hunter, California.

Charles R. Jackson, Non Commissioned Officers Association.

G. William Jayne, Alaska.

George Kaye, Fleet Reserve Association.

Capt. Cy L. Kammeier, USMC, Ret, Marine Corps League.

Maj. Robert M. Kimmitt, USA, Montana.

Fred King, Arkansas.

Thomas C. Kouyeas, D.C.

John J. Maddux, Jr., Tennessee.

Ed Manear, U.S. Maritime Commission.

LtGen. Leroy J. Manor, The Retired Officers Association.

Gordon Mansfield, Paralyzed Veterans of America.

Senator Charles McC. Mathias, Jr., Maryland.

William Marr, Virginia.

George W. Mayor, Jr., Wisconsin.

Grace Maria Mcalister, Wyoming.

Carl McCardin, New York.

Sgt. Maj. George F. Meyer, First Marine Division Association.

Charlotte Miller, Maryland.

YN CM John C. Mitchell, USCG, Florida.

John C. Morrison, Utah.

Jimmy Mosconis, Florida.

Fred Mullen, Maryland.

Jock F. Nash, Ohio.

Maj. John Parsels, USA, Ret., Georgia.

Thomas W. Pauken, ACTION.

Dennis Peaslee, Connecticut.

Edward T. Pendarvis, South Carolina.

Al Poteet, Virginia.

Senator Larry Pressler, South Dakota.

BGen. George B. Price, USA, Ret., Mississippi.

Bud Randall, Pennsylvania.

M/Sgt. Charles A. Reider, Air Force Sergeants Association.

Command Mst. Chief Donald F. Rhamy, USN, Texas.

E. Philip Riggin, Michigan.

Scott Robart, New Hampshire.

Governor Charles S. Robb, Virginia.

Morgan Ruph, AMVETS.

Col. Donald E. Schaet, USMC, Ret., New Jersey.

Jan C. Scruggs, Vietnam Veterans Memorial Fund.

Dyke E. Shannon, Florida.

Shaun M. Sheehan, North Dakota.

Austin Smith, Maryland.

Charles "Pat" Smith, Colorado.

Spurgeon R. Somers, Maine.

Robert W. Spanogle, Minnesota.

Dewey C. Spencer, Arkansas.

Brian M. Stanley, Massachusetts.

Harris B. Stone, D.C.

Chaplain Max D. Sullivan, USA, Illinois.

Tom Suproc, Rhode Island.

John Sutter, National Assn. of Concerned Veterans.

BGen. Richard Sweet, Association of the U.S. Army.

Ted Sypko, New Jersey.

Brian Thacker, Congressional Medal of Honor Society.

Paul Thayer, The LTV Corp., VVMF Corp. Advisory Board.

Bruce Thiesen, California.

MajGen. Charles J. Timmes, USA Ret., Virginia.

SFC. David L. Toland, USA, Nebraska.

Elvin C. Toppin, North Carolina.

Mark Trock, Illinois.

Sumner A. Vale, Maryland.

Bob Valentine, Iowa.

Lynda Van de Vanter, Vietnam Veterans of America.

Willie Walker, Maryland.

Jere W. Wallace, Maine.

Senator John W. Warner, Virginia.

John P. Wheeler III, Vietnam Veterans Leadership Program.

Regina Wilk, New York.

June A. Willenz, American Veterans Committee.

Peter Wilson, Massachusetts.

John O. Woods, Louisiana.

Jerry Yates, V.F.W. Post 1830, VA Central Office.

Joseph C. Zengerle III, Delaware.

Robert W. Zweiman, Jewish War Veterans of the USA.

MEDICARE COVERAGE FOR HOSPICE PATIENTS

Mr. WARNER. Mr. President, I am pleased today to announce my cosponsorship of S. 1958, legislation which extends medicare coverage to hospice patients.

With the origination of hospices in the United Kingdom, hospices in the United States have quickly gained in popularity as an alternative method of care to hospitals. Since the opening of the first hospice, 8 years ago, there are now almost 400 hospices throughout the Nation, more than 10 of which are in the Commonwealth of Virginia.

Hospice care is a comprehensive inpatient, home and bereavement care program. While hospice care is not appropriate for all of the 250,000 medicare-eligible Americans who will die of terminal diseases in 1982, clearly hospices offer a cost-effective, humanitarian alternative to that of hospitalization.

This bill affords the opportunity to all those who have less than 6 months to live, the possibilities of living out their lives in an environment most closely assimilated to that to their home—while at the same time providing the same medical conveniences that hospitals do.

Despite broad public and private support for medicare reimbursement for hospice care, current law does not provide coverage of this benefit. S. 1958 will amend part A, title 18 of the Social Security Act to allow medicare eligible patients to use their benefits to obtain services from hospice programs of care.

Mr. President, I am pleased to cosponsor this worthy legislation. S. 1958 gives the medicare-eligible patient a choice which virtually every study on the topic shows is no more expensive, and often less costly, than the present alternatives available to them.

I thank the Chair and I now yield the floor to my colleague from Nebraska.

Mr. EXON addressed the Chair.

The PRESIDING OFFICER. The Senator from Nebraska is recognized. He will have to ask unanimous consent——

Mr. EXON. Mr. President, I ask unanimous consent to proceed for 10 minutes as if in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

SENATOR EXON RECEIVES A LETTER FROM THE REPUBLICAN PRESIDENTIAL TASK FORCE

Mr. EXON. Mr. President, I received this most impressive letter from the President, a letter that I hold in my hand, and I ask unanimous consent that it be printed, along with the enclosures, in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

REPUBLICAN PRESIDENTIAL TASK FORCE,
March 24, 1982.

J. JAMES EXON,
Governor of the State of Nebraska, Lincoln, Nebr.

DEAR FRIEND: As your President, I am calling upon you to make a most unusual sacrifice.

Not the kind of sacrifice that a national emergency might require of you or your children or your grandchildren to protect our shores from invasion.

I pray that will never happen—but today I still must ask you to volunteer.

And I must ask you to sacrifice for your country—in order to keep our Republican majority status in the Senate.

For this reason, I am personally inviting you to become a member of the "Republican Presidential Task Force."

And you are urgently needed. Here's why:

Right now we Republicans only have a slim 4 vote majority lead in the Senate. That's all!

It took us 26 long years to gain 16 Senators to get that narrow majority. But the Democrats need only gain four seats in the November '82 elections to win it back from us!

This means that all the programs I am trying to get through on your behalf may be in jeopardy if we don't act fast.

Believe me, I'm not asking everyone to join this club—only proud, flag waving Americans like you who I know are willing to sacrifice to keep our nation strong.

I am working with the National Republican Senatorial Committee . . . our Party's only official committee that concentrates exclusively on the United States Senate . . . in an effort to build a Task Force of grassroots Republicans . . . who are willing to join together to build a war chest to help us keep a Republican majority in the Senate.

Remember—November 2, 1982 is just around the corner!

And the "Republican Presidential Task Force" is a must for every Republican who is serious about keeping a Republican majority in the Senate.

I am calling upon you to become a charter member of the Task Force.

In honor of this occasion, I have ordered a special Medal of Merit to be struck.

And Senator Bob Packwood, Chairman of the Task Force, will present you with your Medal of Merit.

I think it's beautiful and impressive . . . though a bit large for informal wear, so there's a lapel pin (an exact reproduction of the Medal of Merit) to be worn proudly everyday.

Also, your name will be entered in my "Honor Roll" book and remain with my permanent papers.

I am placing a copy of this Honor Roll on file so that everyone can see your name on this vital document, along with the other true Republicans who are making this country strong again.

Equally exciting, I've commissioned Senator Packwood to dedicate a full size American flag at a special ceremony in the Rotunda of our Nation's Capitol Building.

And I've asked Bob to send this personal memento to you so that you can proudly fly it as I will on every day that's important to America.

And as a member of the Task Force, Senator Packwood will also be sending you a Task Force Membership Card with a toll-free, unlisted, members only Washington hot-line number on the back.

It's not for constituent services . . . there are regular channels for that.

But Task Force members can call or write any day to get an accurate up-to-date report on issues that are being discussed in the Senate.

You will also be receiving a special *insider's report* called "The Force" so you can know exactly what is happening on Capitol Hill and across the country.

And Bob is planning on writing you special *personal* letters to keep you informed of any issues that he feels the Task Force should be taking immediate action on.

I believe that the "Republican Presidential Task Force" will be one of the strongest action groups in America.

That's why Bob Packwood and I decided to launch the "Republican Presidential Task Force." We must maintain our Republican majority status in the Senate!

And that's why I'm asking you to become a Task Force member and send $120 a year (i.e., $10 a month) and more when possible. I realize this is a sacrifice—but sacrifice is what made this country great.

I cannot carry this burden alone. I am only one man. It will be your regular monthly contribution that will carry us to victory.

So I urge you to check the "YES" box on the enclosed Acceptance Form and mail it with your check today.

Remember, this is an *exclusive club*—and every member is dedicated to keeping a Republican majority in the Senate. And the Democrats are coming after us in 1982. They want to defeat our 12 Republican incumbents up for re-election.

So tough days are ahead . . . days that call for sacrifice!

That's why I'm hoping you'll accept my personal invitation now to join this Task Force by sending your contribution of $120 (or $10 for the first month) without delay.

Sincerely,

RONALD REAGAN.

P.S.—If you truly share my vision of America then I urge you to join the "Republican Presidential Task Force."

Thanks so much for reading my letter, and, please, I need your answer within 10 days.

RONALD REAGAN.

REPUBLICAN PRESIDENTIAL TASK FORCE
ACCEPTANCE CERTIFICATE

DEAR PRESIDENT REAGAN:

☐ YES, I accept your *personal* invitation to join the Republican Presidential Task Force.

I'm excited that together we're seizing this once in a lifetime opportunity to maintain republican control of the U.S. Senate.

☐ I pledge $120.00 for Charter Membership.

☐ Enclosed is my $120.00 payment in full.

☐ Enclosed is my first payment of $10.00. And I promise to pay the balance over the next eleven months.

I understand my name will be added to your special "Honor Roll." And that this historic document will be kept forever with your permanent papers.

Signature

J. JAMES EXON,
Governor of the State of Nebraska.

REPUBLICAN PRESIDENTIAL TASK FORCE
BENEFITS OF MEMBERSHIP

1. Medal of Merit: President Reagan's personally commissioned Medal of Merit. The golden Medal of Merit is awarded only to Presidential Task Force members. Its rarity and meaning will increase with the years.

Your personal Medal of Merit includes a handsome presentation case. Displayed in home or office, the President's Medal of Merit is a beautiful and positive way to show you're working to make America better.

2. Lapel Pin: The Medal of Merit Lapel Pin. A beautifully detailed reproduction of the Medal of Merit itself.

Wear this golden pin proudly with suits, dresses or even in shirtsleeves everyday to signal your special relationship with President Reagan.

3. Ceremonial Flag: A unique, full-size American Flag. Dedicated at the President's direction by a special ceremony in the Rotunda of our Nation's Capitol Building.

Truly a collector's piece you will fly with pride on every day that's important to America.

4. Card: Your embossed Presidential Task Force Membership Card.

The card reveals your toll-free, unlisted, members only Washington hot-line telephone number. Your private way to learn of important Senate developments.

Also revealed, our members only Washington mailing address. Your super-fast way to contact President Reagan and every Republican in the United States Senate.

And when you visit Washington, your personal membership identification number will allow you to call ahead on the hot-line for your special United States Senate Gallery Pass. It's all part of membership in President Reagan's Task Force.

5. Honor Roll: Your name will be inscribed on the President's Honor Roll of Americans and be kept forever with Ronald Reagan's permanent Presidential Papers.

Perhaps someday your grandchildren or great-grandchildren will see you name linked historically with President Reagan himself on the unprecedented part of America's future heritage.

6. The Force: You'll receive "The Force": a special insider's briefing on the real stories behind what's happening at the White House, on Capitol Hill and around the world.

"The Force" goes only to Presidential Task Force members and will help you tell friends and neighbors the truth about major events.

7. Action-Alert: Special "Action-Alert" letters from Senator Bob Packwood and other national leaders. These personal letters will concentrate on vital matters the President and our Senators believe the Presidential Task Force should take immediate action on.

They're a real chance for teamwork and effective action to make America better.

Mr. EXON. Mr. President, although the letter and attached materials have just been ordered printed, I wish to make some brief quotes from that letter. The letter is addressed to me.

It starts out:

DEAR FRIEND: As your President, I am calling upon you to make a most unusual sacrifice.

Not the kind of sacrifice that a national emergency might require of you or your children or your grandchildren to protect our shores from invasion.

I pray that will never happen—but today I still must ask you to volunteer.

And I must ask you to sacrifice for your country—in order to keep our Republican majority status in the Senate.

For this reason, I am personally inviting you to become a member of the "Republican Presidential Task Force."

Believe me, I'm not asking everyone to join this club—only proud, flag waving Americans like you who I know are willing to sacrifice to keep our nation strong.

I am calling upon you to become a charter member of the Task Force.

In honor of this occasion, I have ordered a special Medal of Merit to be struck.

And Senator Bob Packwood, Chairman of the Task Force, will present you with your Medal of Merit.

I think it's beautiful and impressive . . . though a bit large for informal wear, so there's a lapel pin (an exact reproduction of the Medal of Merit) to be worn proudly everyday.

Also, your name will be entered in my "Honor Roll" book and remain with my permanent papers.

I am placing a copy of this Honor Roll on file so that everyone can see your name on this vital document, along with the other true Republicans who are making this country strong again.

Equally exciting, I've commissioned Senator Packwood to dedicate a full size American flag at a special ceremony in the Rotunda of our Nation's Capitol Building.

And I've asked Bob to send this personal memento to you so that you can proudly fly it as I will on every day that's important to America.

And as a member of the Task Force, Senator Packwood will also be sending you a Task Force Membership Card with a toll-free, unlisted, members only Washington hot-line number on the back.

I cannot carry this burden alone. I am only one man. It will be your regular monthly contribution that will carry us to victory.

Sincerely,

RONALD REAGAN.

Attached to that is an acceptance certificate and some pictures of the Republican task force benefits of membership and what you will get.

Mr. President, I unselfishly bring this letter to the attention of my colleagues so that they can share my enthusiasm and rejoice with me in my elation in this informative and unique opportunity presented personally to me by the President of the United States. I say personally because that word is employed several times in this communication.

At first I believed this to be some sort of a practical joke since the postmark was April Fool's Day. But then when I got into the body of the letter I thought the President was serious since he took the time from his very busy schedule to write, and I quote, "a proud flag-waving American like me." Certainly the President of the United States, being a prudent man, would carefully think out his expressions before signing a personal letter of such magnitude to me.

Mr. President, what grabbed me the most was President Reagan's early reference to, and I quote, "possible sacrifices" and "volunteerism" on the part of my family, not the kind though, according to the President, and I quote, "of a sacrifice that a national emergency might require of you or your children or your grandchildren to protect our shores from invasion."

I was indeed reassured when our leader "great communicated" to me immediately thereafter in the letter "I pray that will never happen."

But then while the President may not have known, he actually was not asking too much in his first scenario. The little woman and I just love rounding up the three children and the five grandchildren, aged 11 months through 11 years, for a frolicking day at a secluded beach reconnoitering in defensive guerrilla tactics. We have discovered that sand castles are superior to foxholes to escape the initial enemy beach bombardment. When we get the President's ceremonial flag, medal of merit, lapel pin, embossed card and the security of the honor roll, the Exon platoon will be invincible, come hell or high water.

With the promised inside literature like "The Force," "Action Alert," and **Bob Packwood**'s personal letters, we will be well fortified with reading material during the battle lulls. If we do get into trouble, there is always the toll-free hotline to the President and the Senate leadership.

The other good news is that the President and the junior Senator from Oregon have made up and that the President has commissioned him. During the AWACS controversy the President indicated that he never wanted **Bob** in his foxhole again ever. Last month the Senator said the President did not seem to know what he was talking about.

Mr. President, the more I consider the contradictions in this personal letter from President Reagan the more grotesque and absurd it becomes. Things are going so well on the domestic and international scenes that this obviously is no time for rank and file partisanship and overstatement.

This leads me to the conclusion that the letter was a hilarious April Fool's joke after all and should be so considered by any American so lucky to receive it.

As the President said, "Let's pray on that."

Mr. President, I yield the floor.

TELEVISION AND RADIO COVERAGE OF SENATE PROCEEDINGS

The PRESIDING OFFICER. The clerk will report the unfinished business.

The assistant legislative clerk read as follows:

> A resolution (S. Res. 20) providing for television and radio coverage of proceedings of the Senate.

The Senate resumed consideration of the resolution.

AMENDMENT NO. 1349 TO AMENDMENT NO. 1348

Mr. SYMMS addressed the Chair.

The PRESIDING OFFICER. The Senator from Idaho.

Mr. SYMMS. I thank the Chair.

Mr. President, when we adjourned prior to the Easter recess the pending business before the Senate was Senate Resolution 20, and the pending business under that resolution is my amendment to reaffirm the 1962 joint resolution on Cuba.

Since that time there has been some discussion of this both in and out of the administration, and Senator **Percy** and others have proposed a motion to table this amendment.

I just want to bring my colleagues up to date on where we are and what the pending business is and what the purpose of my amendment is. First, I would like to quote from Senator **Percy**'s "Dear Colleague" letter, because I think it does make a very significant point in support of my amendment. Senator **Percy** said:

> The purposes of the Symms amendment are ones that we can all support: resistance to Cuban aggression and subversion in the hemisphere, prevention of Soviet bases in Cuba, and support for self-determination of the Cuban people.

Now, let me restate the several important purposes of my amendment which, Mr. President, incidentally, has 21 Senate cosponsors, and on the resolution as it was originally introduced as Senate Joint Resolution 158.

First, and most significantly, this amendment reaffirms the law of the land on American policy toward Cuba as embodied in Senate Joint Resolution 230, which was passed overwhelmingly by a bipartisan majority of both Houses in September 1962. Second, it reaffirms the Monroe Doctrine first announced in 1823 and the Rio Treaty of 1947. Third, my amendment has several policy thrusts. It expresses the determination of the United States to prevent, by force if necessary, the Soviet-backed Communist regime in Cuba from engaging in aggressive or subversive activities in any part of the Western Hemisphere.

It expresses the American determination to prevent the Soviets from establishing a military base in Cuba. It states American support for the freedom and self-determination of the Cuban people. The amendment is fully consistent with, and supportive of, President Reagan's Caribbean policy announced on February 24, 1982.

Mr. President, I might make the point that I did have communication from the State Department this morning. The State Department's comments on this pending business is that:

> The 1962 Cuba resolution continues to reflect U.S policy towards Cuba as it has in every administration since 1962.

Now, it is obvious that the administration is not out in front on this issue but, on the other hand, that statement is certainly reflective of State Department and administration support of the amendment.

Senator **Percy**'s principal argument for asking to table this amendment in his "Dear Colleague" letter, was:

> Because of the obvious national importance and diplomatic sensitivity of these issues, we think the Senate should withhold action * * * on the proposal * * * until the (Senate Foreign Relations) Committee has heard testimony and made recommendations to the Senate.

I fully agree with Senator **Percy** that the amendment is of great national importance. I also agree that the Senate Foreign Relations Committee should have hearings on the amendment. That is why I have referred it to that committee twice.

On February 2, 1982, Secretary Haig promised the Senate Foreign Relations Committee that he would testify on Cuba at the earliest convenience of the committee. But the Senate Foreign Relations Committee has been unable to have those hearings or to receive the testimony. I think there may be obvious reasons that the Secretary is very busy right now. However, on five separate occasions, the committee has been unable to get the Secretary to testify.

Now, I would say, Mr. President, that I recognize that the administration has its problems and that there are a great many other things going on in the world that affect the United States foreign policy vis-a-vis our adversaries the Soviets. But I think that we should recognize that there are many circumstances that are taking place here that I believe call for some some response on the part of the Government of the United States. And that part of the Government which I have the opportunity to be part of, the U.S. Senate, is the only place that I can speak to respond to what is happening in the Caribbean Basin.

Under other circumstances, I might be inclined to wait on this issue and not have a vote. However, I think it is very obvious what is happening in the Caribbean Basin and I think it makes for a state of urgency that this body should speak, and speak very forthrightly, that we want to uphold what the current policy of the United States is. As I said, this resolution continues to reflect U.S. policy toward Cuba as it has been in every administration since 1962. That is the statement from the State Department. That is certainly my position. And I think we should vote on that and make a very clear signal about the situation in the Caribbean so that there could be no misunderstanding of where the United States stands on the issue of the Soviet-Cuban threat.

Soviet President Brezhnev has been engaging for the past month, in my opinion, in nuclear blackmail of the United States in making a threat to activate Soviet nuclear bases already in Cuba. No one has yet responded. Moreover, CIA Director Casey, Joint Chiefs of Staff Chairman General Jones, Under Secretary of Defense Fred Ikle, and even President Reagan himself, have stated publicly that the Soviets have violated the Kennedy-Khrushchev agreement of 1962, which ended the 1962 Cuban missile crisis. Thus, there is an urgent need for the Senate to vote on whether or not to stand up to Soviet nuclear blackmail, reaffirm the Monroe Doctrine, and oppose Soviet offensive military bases in Cuba.

While the Senate has been concerned with various concepts for a freeze in nuclear weapons deployment, also proposed by Brezhnev, the Soviets have been provoking another Cuban missile crisis. Defense Secretary Weinberger has stated that the United States would deal with such a Soviet strategic threat from Cuba the same way we did in 1962. This is precisely what my amendment attempts to do, and I think it is time we vote on this.

Accordingly, at some point—and I would anticipate, I say to my colleagues, at some point tomorrow, when Senator PERCY returns, if he chooses to continue to make that motion to table this amendment—I will be making a case in opposition to that tabling motion, because I think that there is a danger, if the motion were tabled, that it might be misinterpreted; that it would be a signal that we no longer have existing law and policy toward Cuba and what we do have is no longer valid.

Now, some issues have been raised and I will just speak to them briefly. One would be the question one of my colleagues asked me about here on the floor earlier. Senator MATHIAS asked about how the amendment reaffirming the 1962 Cuba resolution would impact on the War Powers Act. That question was also raised in Senator PERCY's Dear Colleague letter.

I think, Mr. President, that the 1962 Cuban resolution is not in conflict, in the first place, with the War Powers Act. More importantly, this amendment to Senate Resolution No. 20 is not a joint resolution and it will not be going to the House for action. It will in no way impact any law of the land. It will be a statement on behalf of the Senate of the United States that we want the policy of this country to be to uphold what the current law is.

I hope that we could, at some point in the coming legislative session, reaffirm our policy and I hope that the Senate Foreign Relations Committee will have hearings and a resolution with respect to American policy in the Caribbean Basin. But I think, for now, that we need to give a very strong signal to the world that we still uphold the current law as it now is.

With respect to the War Powers Act, the 1962 Cuban resolution would state, even if the President did deem it necessary for any reason, heaven forbid, that force were necessary in the Caribbean, that he would still then be under the 1973 War Powers Act. So I do not believe that we need to worry about that.

If the amendment were approved by the Senate, which I fully expect, it will not have any effect on current law, because the House will not be acting on this resolution. The Cuban resolution, however, would have a political effect because it will indicate to the Soviets and the Cubans that we are certainly in opposition to their efforts toward subversion and aggression in Latin America, and that we are not going to tolerate but will stand up to Soviet nuclear blackmail.

In addition, Mr. President, there is further reason to conclude that the 1962 Cuban resolution does not conflict with the 1973 War Powers Act. The language of the Cuban resolution is policy language. It uses the phrase "U.S. determination in regard to U.S. policy towards Cuba." It is a statement of policy, and the intent as such does not state specific authorization for the President to use force to oppose the Soviet-Cuban threat.

Therefore, were the President to decide to use military force against the Soviet-Cuban threat, after 60 days he would still be required to get specific congressional authorization under the War Powers Act, because that certainly still is law and this resolution in no way would change that particular process.

(Mr. ANDREWS assumed the chair.)

Mr. SYMMS. Mr. President, I think that we have witnessed a great many troubles in the world in the last 22 years since the takeover of Cuba by Castro and the Communist subversion of that country. There have been a great many problems, and one wonders how the world might have been had we handled things differently in the early sixties with respect to the Cuban situation.

I have personally speculated many times that had the United States in the early sixties displayed a position of much more firmness, much more resolve, the good people of Cuba would be living in a much better climate today, certainly one with much more freedom and more opportunity, and that we might not have had nearly as many problems around the world because of our failure to resolve this question of allowing Soviet backed communism in Cuba.

But that water is under the bridge. It is now 1982. We do have a problem. We are witnessing the efforts on the part of those in Cuba to introduce support and aid to a Marxist-Leninist revolution in El Salvador and other parts of Central America. I think there is no place in the world where the United States needs to focus our foreign policy with any greater intensity than right in the soft underbelly of the United States, Latin America, and Cuba. There is no place that we need to make a better effort to understand the problems of our neighbors close to us in this hemisphere and to our south. This is one of the reasons why I have chosen to bring this resolution to the Senate at the first opportunity, so that we could speak to this issue and fully air the crisis, fully air the situation, that exists.

Mr. President, I want to make a few more points in support of the amendment so that they will be available for our colleagues to see in the RECORD for the vote which I anticipate will come tomorrow.

On March 18, 1982, Defense Secretary Weinberger appeared on the NBC-TV "Today" show. Weinberger was asked what the United States would do if the Soviets had nuclear weapons in Cuba. Weinberger responded: "If there is any kind of threat of that sort, that is, Soviet Nuclear or offensive weapons in Cuba, I would assume we would deal with it in the same way we did in the 1960's." Under further questioning, Weinberger added: "I'm talking about whatever it would be necessary to do, so as not to have missiles in Cuban area . . ." Weinberger was thus stating that the United States would resist Soviet missiles or bombers in Cuba, Mr. President. My amendment is designed to reinforce just such a U.S. policy.

Now Soviet President Brezhnev himself has threatened to activate Soviet strategic nuclear offensive forces which may already be in Cuba. Brezhnev has tried to brandish these Soviet nuclear weapons in Cuba, in a blatant attempt at nuclear blackmail. Brezhnev stated on March 16, 1982, in a speech to the Congress of Soviet Trade Unions in Moscow, that:

> If the Governments of the United States and its NATO allies, in defiance of the will of the nations for peace, were actually to carry out their plan to deploy in Europe hundreds of new American missiles capable of striking targets on the territory of the Soviet Union, a different situation would arise in the world. There would arise a real additional threat to our country and its allies from the United States.

Brezhnev then added threateningly:

> This would compel us to take retaliatory steps that would put the other side, including the United States itself, its own territory, in an analogous position. This should not be forgotten.

Soviet spokesmen in Pravda have Moscow reportedly made clear after Brezhnev's speech that Brezhnev was threatening to activate Soviet offensive nuclear weapons bases already in Cuba. So Brezhnev was already brandishing Soviet nuclear weapons in Cuba and engaging in a policy of nuclear blackmail much like Nikita Khrushchev so unsuccessfully attempted back in 1962.

Mr. President, we should bear in mind that the Soviet diplomat Vasily V. Kuznetsov, now Deputy Foreign Minister and Politbureau member, stated back in November 1962 to President Kennedy's special representative at the United Nations, that never again would the Soviets back down to U.S. power in a crisis as they were forced to do in Cuba in October 1962. Mr. Kuznetsov in fact was promising 20 years ago to stage another Cuban missile crisis, only the second time around the Soviets would turn the tables and try to force the United States to back down. It could be a Cuban missile crisis in reverse. This is in fact what is occurring right now, in 1982, in Cuba. The Soviets are openly violating the Kennedy-Khrushchev agreement of October 1962 by keeping strategic offensive nuclear bases in Cuba.

What is the evidence of Soviet violation of the Kennedy-Khrushchev agreement, Mr. President? Let me summarize it once again in the following 11 points:

First. The Soviet strategic submarine base built at Cienfuegos, complete with a new nuclear warhead handling facility, new piers, and reportedly even having new submarine pens being constructed.

Second. The many visits during the 1970's to the Cienfuegos strategic submarine base of Soviet strategic offensive Golf and Echo class submarines, carrying long-range strategic offensive missiles equipped with nuclear warheads.

Third. The Soviet TU-95 Bear heavy intercontinental bombers, capable of carrying nuclear bombs or nuclear air-to-surface missiles, which have been regularly flying to Cuba in recent years. There are reportedly nine Cuban airfields capable of handling TU-95 Bears.

Fourth. The 40 Soviet nuclear delivery capable MIG-23/27 fighter-bombers deployed in Cuba.

Fifth. The several nuclear-missile-equipped Soviet naval task force visits to Cuba in 1981, which cruised around the periphery of the Caribbean, directly threatening vital Venuzeulan, Mexican, and American oilfields.

Sixth. The Soviet combat brigade in Cuba, equipped with tanks, armored personnel carriers, long-range artillery, and supported by long-range air transport capabilities.

Seventh. The 66,000 tons of Soviet military equipment shipped to Cuba during 1981, three times more than in 1962.

Eighth. The long-range Soviet Shaddock-type naval and land-based, mobile, nuclear-warhead equipped cruise missiles seen paraded in Havana in 1964, 1965, and 1966. These missiles have a range of 1,550 nautical miles, which is even greater than the 1,200-mile range of the Soviet SS-4 MRBM's supposedly removed from Cuba in 1962.

Mr. President, I have a picture of these Soviet Shaddock-type long-range cruise missiles in the Chamber for any Members who will be interested in looking at the pictures of the Soviet nuclear missiles on display in Cuba.

Ninth. The fact that 4 of the 42 Soviet SS-4 MRBM's were never confirmed by U.S. aerial reconnaissance photographs as having been removed from Cuba in 1962, and may have remained in some of the many caves of Cuba.

Tenth. The fact that Soviet Frog strategic offensive missiles carrying nuclear warheads with a range of about 37 miles were paraded in Havana in 1965.

Eleventh. The fact that the number of Soviet Migs and tanks in Cuba has tripled since 1962. These are the most important offensive ground warfare weapons.

Mr. President, as Defense Secretary Weinberger has stated, the United States will resist Soviet strategic offensive nuclear bases in Cuba in 1982, just as we did in 1962. What Mr. Weinberger seems to be asking for is precisely a reaffirmation of the September 1962 joint resolution on U.S. determination in Cuba, which I am proposing. This reaffirmation would be the perfect response to the authoritative statements by JCS Chairman General Jones, CIA Director Casey, and Under Secretary of Defense Ikle, that the Soviets are very clearly violating the Kennedy-Khrushchev agreement of 1962. A reaffirmation of the 1962 resolution would also be the perfect expression of solid support from the U.S. Senate for Defense Secretary Weinberger's call for firm measures to resist Soviet violation of the Monroe Doctrine and to oppose Soviet-Cuban aggression and subversion in the Western Hemisphere.

Mr. President, the former Foreign Minister of Costa Rica, Mr. Gonzalo Facio, 3 months ago, told U.S. journalist Jeffrey St. John that the Soviets were already staging a Cuban missile crisis in reverse. We need to show strong Senate support for firm U.S. action against renewed Soviet-Cuban provocation.

Former Costa Rican Foreign Minister Gonzalo Facio stated in an interview 3 months ago:

> The object of the current Communist offensive in Central America is Mexico and its vast oil riches and its geographical proximity to the United States. If the Reagan administration does not soon take prompt action, the whole Central American region will go to the Communists in Havana and Moscow by default.

Mr. Facio is correct. He has also stated that the Caribbean crisis facing President Reagan is even more dangerous than the Cuban missile crisis of 1962.

Mr. President, the vote tomorrow for my amendment will be a vote for the Monroe Doctrine and a vote for the prevention of the continued Soviet military buildup in Cuba. It will be a vote for opposing Soviet-Cuban aggression and subversion in the Western Hemisphere.

Mr. President, in many parts of the country, there is a great deal of talk about immigration now. One can hardly pick up a national publication without seeing some article pertaining to the immigration problems that we face as a nation. I think it is interesting to note that the Communist countries around the world build walls to keep their people in and the capitalist countries, the free countries, have to build walls to keep people out.

Yet, somehow, we have been losing this propaganda war. I think it is high time, and the sooner the better, that we make a very clear, consistent policy so we can straighten out and recognize that there is an ideological difference between Communists and Americans, and go on the offensive with some of the virtues of our system and some of the humanitarian aspects of our country. That way, we can be much, much more successful in our foreign policy.

Mr. President, it is noteworthy, I think, that I mention in talking about an immigration policy, that I had some constituents call me this morning from Idaho to discuss with me what the potential immigration policy of the U.S. Government should be. I made the point to them that if the United States does not resolve a clear, concise policy and reaffirm what the law of this land is and enforce this law with respect to the Caribbean Basin, the argument about immigration policy is going to become very academic in the United States as the people in Mexico, once they are threatened with a Marxist-Leninist revolution, start voting with their feet and start fleeing across a 2,100 mile border into the United States. So I think it is critical.

I appreciate the support I have received from the 20 cosponsors of this resolution, including the distinguished Senator from North Carolina (Mr. HELMS), the majority leader, and many others who cosponsor this resolution. I hope that my colleagues will give it a resounding vote of confidence to give the administration the support that they need to have the firm resolve for a clear, concise American policy right in our own backyard. Mr. President. If we cannot conduct our foreign affairs in our own backyard, heaven help us in trying to settle any disputes that might come up between our friends or foes alike in parts far removed from the Caribbean or the United States.

CUBAN MISSILE UNDERSTANDING

Mr. MATHIAS. Mr. President, no living American who had attained the age of reason by 1962 will forget the high state of tension which existed at the time of the Cuban missile crisis. Yet, much about that critical episode in United States/Soviet relations remains shrouded in mystery and secrecy. There is much talk these days about agreements made between the United States and the Soviet Union with respect to Cuba. Yet one American participant in that crisis has described those "agreements" to me as so much "mush."

Stephen Rosenfeld had an excellent editorial in the April 2 Washington Post entitled "That Cuban Missile Understanding" which points to the confusion with respect to what was agreed to in 1962. I ask unanimous consent to have Mr. Rosenfeld's article printed at the end of my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered. (See exhibit 1.)

Mr. MATHIAS. Mr. President, I say all this because, whereas the distinguished Senator from Idaho, Mr. Symms, certainly has the best interests of the United States at heart in the amendment he is offering, it is not equally certain that the amendment will be beneficial. The record of what was agreed to and what was not agreed to in 1962 has not been made available to the Senate. The Senate Foreign Relations Committee has not received the informed testimony of this administration and, perhaps of greater importance, the testimony of participants in the events of 1962.

Therefore, I would hope that the committee could have the opportunity to consider the full implications of Mr. Symms' amendment before it comes to a vote.

Exhibit 1

THAT CUBAN MISSILE UNDERSTANDING

(By Stephen S. Rosenfeld)

With Washington threatening to "go to the source" in Cuba and with Moscow hinting it may put nuclear weapons there, it is a good time to check the no-invasion, no-offensive-weapons understanding that ended the 1962 Cuban missile crisis. One thing you find by going back is that Kenndey's and Khrushchev's (still unpublished) exchange is apparently being widely misread by the Reagan administration and by others arguing for a hard line.

CIA Director William J. Casey, for instance, when asked whether the arrival of new MiG23s in Cuba violates the 1962 terms told U.S. News & World Report on March 8: "Oh, sure it does because the '62 agreement said the Soviets would send no offensive weapons, and it also said there would be no export of revolution from Cuba. The agreement has been violated for 20 years."

On Wednesday, The Wall Street Journal recalled editorially that Kennedy had said after the crisis (on Nov. 20), "if all offensive weapons are removed from Cuba and kept out of the hemisphere in the future, under adequate verification and safeguards, and if Cuba is not used for the export of aggressive Communist purposes, there will be peace in the Caribbean."

The impression is being conveyed that the Kremlin is violating its word by shipping in "offensive" weapons and exporting revolution, and may violate it further by emplacing new missiles. President Reagan, while saying Wednesday night—accurately—that putting missiles into Cuba would be a "total violation," added that "there's been other (unspecified) things we think are violations." All this opens the possibility of dropping the bar against an invasion of Cuba.

Well. The Kremlin is shipping in MiG23s and, unquestionably, is exporting revolution.

But there is no evident basis for claiming that these acts violate the 1962 terms.

To comment on the first, I rely on a summary of the public record by Raymond L. Garthoff of the Brookings Institution, a retired diplomat, in the Political Science Quarterly, Fall 1980.

The "offensive military equipment" that Kennedy pronounced unacceptable on Oct. 22, 1962, included the ballistic missiles and "jet bombers, capable of carrying nuclear weapons"—IL28s. But Cuba's MiGs of the day (21s) were never declared "offensive," either in their fighter-interceptor or fighter-bomber version. Nor, as the 1962 understanding was updated by word and practice over the years, did the United States ever so proscribe the MiG23s (of both versions) that started showing up in 1978: they were few and not fitted out for nuclear arms.

As for the suggestion that the export of revolution violates the 1962 terms, the Soviets in 1962 did not forswear revolution. Nor did Kennedy say they had. He did list (Nov. 20) what "Chairman Khrushchev . . . agreed" to do: remove and keep out offensive systems, permit follow-up verification and safeguards. The United States, he went on, agreed not to invade.

Later in the same statement, he added another condition to his no-invasion pledge; it is the one often cited now—"if Cuba is not used for the export of aggressive Communist purposes." But he did not contend Khrushchev had agreed to it. In the next breath he spoke of "subversion from Cuba" as something we would be continuing to try to halt by other means.

If the Soviets keep "offensive" weapons out of Cuba, is the United States still bound by its no-invasion pledge? The pledge was limited by Khruschev's undertaking to arrange verification and safeguards. The Kremlin never delivered.

In 1970, however, Henry Kissinger, thinking to button down the Soviet no-offensive-weapons pledge, "reaffirmed" (as he put it in his memoirs) keeping hands off Castro. Inexplicably, he dropped the verification and safeguards condition, asking nothing in return. On Sept. 25, 1970, moreover, briefing the press about a threatened Soviet sub base at Cienfuegos, he indicated that the Kennedy no-invasion condition—that Cuba not be used to export aggressive Communist purposes—had no standing.

Is all this academic? I think not. Soviet-American understandings or agreements are special, to make or to break. The 1962 understanding embodied the vital if not the supreme interests of both sides. Its collapse or even its substantial erosion could have the most dire consequences. Tampering with the terms, or suggesting that the other side is, is playing with fire.

Mr. HELMS. Mr. President, I wonder if the Senator will yield without losing his right to the floor and with the understanding that, upon his resumption, it will not be considered a second speech?

Mr. SYMMS. I am happy to yield to the Senator.

The PRESIDING OFFICER. The Senator from North Carolina is recognized.

Mr. HELMS. Mr. President, the able Senator from Idaho is absolutely right. This amendment simply reaffirms what this Senator believes to be a timely and necessary manner a long-standing commitment of the United States to contain Soviet aggression, and, specifically Soviet expansionism in this hemisphere. It also addresses our historical dedication to the preservation of liberty and independence in the Americas. I am delighted to be a cosponsor of the amendment of the Senator from Idaho.

Mr. President, this is one of those occasions when I differ with the distinguished chairman of the Committee on Foreign Relations (Mr. Percy). There is one specific aspect of today's debate which perhaps ought to be discussed. Some members of the Committee on Foreign Relations have repeatedly expressed their desire for the deliberations to which Senator Percy refers in his "Dear Colleague" letter. We have not only suggested, we have repeatedly requested committee hearings on the substance of the Symms amendment, that is, the policy of the United States concerning Cuban activities in the hemisphere.

Normally, I would agree that any matter ought to be considered by the relevant committee; but when there has been a demonstrable obstruction of such deliberations, I think the Senator from Idaho and the Senator from North Carolina and others are entitled, if not obliged, to proceed with the offering of this amendment.

Having said that, Mr. President, I emphasize that I have done the best I know how to cause such hearings to be conducted. Three months ago, I requested that the staff of the Committee on Foreign Relations begin preparations for hearings and briefings on the Kennedy-Khrushchev accords, which addressed the substance of the pending amendment.

I happen to be chairman of the Subcommittee on the Western Hemisphere of the Committee on Foreign Relations, and I instructed staff personnel to proceed to set tentative dates for precisely the kind of hearings which Senator Percy has deemed desirable.

On at least five occasions—there may have been more than that, but I recall five occasions—the State Department has flatly refused the invitation of our subcommittee to come and discuss this issue.

Is it not fair to ask, what kind of game they are playing? What is it that they do not want disclosed to the American people? They have been silent on this point.

I am not a sensitive human being, and I know how games are sometimes played in this town, but I would say that the distinguished Secretary of State has bordered on being discourteous in the way he has failed to respond to the request that he come and discuss this issue before the Subcommittee on the Western Hemisphere.

Mr. President, I am sure that most, if not all, members of the Committee on Foreign Relations are unaware of the many opportunities our subcommittee has offered the State Department for discussing these issues. There is no question about the subcommittee being the proper forum.

Members of the Foreign Relations Committee might recall that Secretary Haig, during the most recent appearance before the committee on February 2, told me that he would come, and I quote, at our "earliest convenience" to discuss these matters. That very day, I formally issued an invitation to Secretary Haig, by letter, to come before the subcommittee, in light of his desire to do so at his "earliest convenience."

What happened? As part of those games that are played in this town—most frequently, I believe, by the U.S. State Department—I had a call from the liaison of the Department that Secretary Haig suddenly did not see fit to come.

On March 16, I again asked Secretary Haig to appear before the subcommittee. At that time, I took note of a statement by Mr. William Casey, Director of the CIA, in an inteview published the week before in U.S. News & World Report, to the effect that the Kennedy-Khrushchev accords had been broken by Cuba virtually since the day these accords were reached 20 years ago.

I invited Mr. Haig, and what happened, Mr. President? The distinguished Secretary of State declined again. This is the same Secretary of State who had said he would come at our "earliest convenience."

I think the American people have a right to know the facts about a lot of issues that concern this country. I consider it more than passing strange that our Government exhibit any hesitation about letting the American people know precisely what was the agreement between President Kennedy and Nikita Khrushchev. Surely much of this information is readily available.

Various people in the State Department have said, "There are drawers full of this material. You wouldn't want to go through it."

I have replied, "Yes, I would. Ship it all up here. Let's look at it."

However, time and time again, in one way or another, they always say, "Well, we can't do it now."

What they are saying is that the American people do not have a right to know what kind of agreement was made by the then President of the United States with Nikita Khrushchev.

Mr. President, does somebody have something that he or she does not want the American public to know? Or do they not trust the American people with information about how their country enters into agreements—this one 20 years ago?

Mr. President, the pending amendment is just plain commonsense, offering fairness and equity to the American people, who have a right to know what their Government, which they are financing, is doing and has been doing in terms of foreign affairs.

I have said, and I reiterate, that invitation after invitation has been repeatedly declined. Just before the Easter recess, the committee scheduled hearings with Secretary Haig to have an overview of Central America on April 2. This broad subject could well have included some discussion on these matters, after the date was fixed, Senator Percy came to me and said, "I have to be out of town. Would you mind chairing these hearings?"

I said, "Not at all. I will be glad to do it."

Somehow, when word got down to Foggy Bottom that we were serious about having hearings and serious about finding out, among other things, about the Kennedy-Khrushchev accords—and there went the hearings.

We—meaning the Senator from North Carolina and other subcommittee members, so far as I know—were not advised by Secretary Haig that he was not coming. I finally learned about that indirectly. I then sent Mr. Haig a telegram, on March 30, suggesting that, since the timing might be inappropriate for public hearings on a broad range of subjects, that the timing might be just right for a closed session concentrating on the Kennedy-Khrushchev accords and on their contemporary effect on our relationship with Cuban and Soviet initiatives in this hemisphere, the issue addressed by the Symms amendment.

Would you believe that to this moment I have not had any response from the distinguished Secretary of State? Again, he sent word indirectly. He said, "I do not want to come." He canceled his appearance with a telephone call to Senator Percy, calling him out of a hearing. I was at my desk, down the hall, at the time. He did not call me. I recall seeing Senator Percy shortly thereafter, on the elevator just after a vote; and he said, "Al Haig says he does not want to come."

I said, "What? Again, he cannot come?"

Mr. President, there is no possible excuse for the Senate not voting on this question now. The State Department has been given every opportunity to come up here and discuss this matter. We have even offered closed sessions in the unlikely event that there is something involved in this information that might be harmful if it were made public.

Now is certainly not the time for anyone to say to me, "Oh, wait a minute, we have to have committee hearings," because we have tried to have committee hearings over and over again. In this context that amounts to an evasive tactic, bordering on a charade, and I think it is orchestrated from Foggy Bottom, simply because they do not want to come up here and talk about a matter which I think is of utmost importance.

As to proper consideration, we have been willing to have that all along. It is the State Department, and perhaps some members of the Foreign Relations Committee, who have not wanted proper deliberation.

It seems to me rather clear that any indecisiveness by the Senate regarding the Symms amendment would be taken by the opponents of the United States as a signal that we are ready to renegotiate our dedication to freedom and peace in this hemisphere. I say to you, Mr. President, that freedom is not negotiable.

Let us face it. The Symms amendment is a duly considered restatement of longstanding policy. That is all it is. It does not pretend to be anything more or less. And the State Department, including the distinguished Secretary of State, Mr. Haig, has consistently refused to be a part of the deliberations.

Mr. President, the intransigence of any other body who thus attempts to impede the deliberations in this Senate should not deter us; and I do hope that every Senator will support the Symms amendment and do so forthrightly and unhesitatingly, thereby letting their constituents know, and letting the world know that the United States is firm in its opposition to internationally instigated revolution and terror, and offensive threats to this country's security on the part of the Soviet Union in its puppet government, its surrogate in Cuba.

I command the able Senator from Idaho for offering this amendment. I am proud to be a cosponsor of it and I want him to know that I will help in any way possible.

Mr. SYMMS. I thank the distinguished Senator from North Carolina very much, and I will yield to my good friend from West Virginia, but I do know from my friendship on the Public Works Committee with my friend from West Virginia that he was a very good friend of the late President John F. Kennedy, and I think it is interesting to note that it was John F. Kennedy who said in his inaugural address:

> Let every nation know, whether it wishes us well or ill, that we shall pay any price, bear any burden, meet any hardship, support any friend, oppose any foe in order to assure the survival and the success of liberty. This much we pledge and more.

I think, Mr. President, that is very consistent with what the distinguished Senator from North Carolina referred to when he said freedom and peace in the Western Hemisphere are not negotiable, and I thank the distinguished Senator from North Carolina for his support and I appreciate it.

Mr. President, I will yield to the Senator from West Virginia but I ask unanimous consent that I do yield for the purpose of discussion and statement and I do not lose my right to the floor and that my succeeding remarks are still part of the speech.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from West Virginia.

Mr. SYMMS. I yield to my friend from West Virginia.

Mr. RANDOLPH. Mr. President, I request the able Senator from Idaho to yield to me for some brief comments. Is that possible?

Mr. SYMMS. That is right. I yield to the Senator from West Virginia under the terms of the unanimous-consent agreement.

The PRESIDING OFFICER. The Senator from West Virginia.

Mr. RANDOLPH. I thank the Presiding Officer.

Mr. President, I began by indicating that I served in the Senate at the time when President Kennedy was the Chief Executive of our Republic. Only for the record, it was my privilege, since mention has been made of the Environment and Public Works Committee, on which I share responsibility with Senator SYMMS, that I also had the opportunity and responsibility to be a member of the Committee on Labor and Public Welfare with John Kennedy when he was a Member of the Senate, before becoming the President of the United States.

Perhaps noteworthy, in degree, is the fact that all three of the Kennedy brothers served on the Labor and Public Welfare Committee—John Kennedy, Robert Kennedy, and Edward Kennedy. A membership on that committee gave me the opportunity to work on matters of jurisdiction which were of interest to and concern to all of us.

I ask the Senator from Idaho, why it is that he has no Democratic Members of the Senate as cosponsors in connection with the presentation of Senate Resolution 20?

Mr. SYMMS. I will just say to my good friend from West Virginia it certainly is not because they have not been invited because I have repeatedly personally invited the Members and corresponded with them and sent personal letters to particularly all of those who were in the Senate at the time that the last vote was taken on this issue in 1962.

I might say to my good friend from West Virginia I received several assurances of support that they would vote for the resolution but they did not particularly wish to cosponsor it.

But as the Senator from West Virginia knows because as he knows he was here in 1962 and had voted for this same language in 1962, the vote was 86 to 1 in favor of this language, and as a matter of fact, the 1 vote who voted against it was a Senator from Vermont who thought that the language was too soft.

I would certainly say to my good friend from West Virginia that I would love to include him as an original sponsor of this resolution if he wishes to do so.

Mr. RANDOLPH. Mr. President, I have come to the floor this afternoon to indicate that the affirmation earlier given would be a reaffirmation by me in connection with the pending amendment to Senate Resolution 20. I ask unanimous consent that I be included as a cosponsor with those Senators whose names I read on the amendment as it is now pending.

Mr. SYMMS. I thank the Senator very much.

The PRESIDING OFFICER. Without objection, the Senator will be included as a cosponsor.

Mr. RANDOLPH. I wish to inquire further and I state for the Record that I did object to the offering of the amendment on the resolution (S.J. Res. 170) which I had presented to the Senate for the national hospice week legislation. I wanted him to understand that in so doing it was not because of the content of his amendment but only in the nature of that legislation which I felt should be passed without encumbrance, even of debate.

I hope my colleague understands my position in reference to this hospice measure which was passed by the Senate unanimously.

Mr. SYMMS. I thank the Senator very much. I think the Senator's cosponsorship of this resolution certainly makes that very clear, and I appreciate that. I did understand the Senator's reservation at the time.

Mr. RANDOLPH. I believe there is a feeling that becomes more pronounced in the United States, more so than perhaps in prior years, in recent years, as to the attention that we must give to the doctrine of our former President, James Monroe. The Monroe Doctrine, of course, was in 1823, as has been stated by the earnest Senator who presents this legislation.

Sometimes it takes us a long time to come back to some earlier truth and, perhaps, in the country now there is beginning to be a realization that some of the doctrines of George Washington are worth studying very carefully after a long period of years. The doctrines of Thomas Jefferson; the doctrines of Franklin Roosevelt; the doctrines of any of our Presidents of the United States are important in their historical perspective. We begin to study anew and to reflect and we begin often to not only evaluate but to reevaluate them.

There is no one within the Senate, and I say no one within the Congress, who would indicate today that Cuba is a friendly neighbor. What is the comment of my colleague from Idaho to that statement?

Mr. SYMMS. Why, I think the Senator is quite correct that Cuba, due to the political leadership in Cuba of Fidel Castro, as a proxy of the Soviets in this hemisphere, becomes not only unfriendly to the best interests of peace and security in that region of the world and the southern part of the United States but has become unfriendly to us, and I think that is very sad and unfortunate because the Cuban people—and I have had the opportunity to visit Cuba in recent years since the Castro takeover—actually, I think, would like to be friends with the United States.

But there is a tremendous propaganda machine that goes on all the time. There is an ideological war, a brainwashing, if you will, of anti-American propaganda constantly.

Before the Senator came to the floor, we were talking about the immigration problem in this country and the necessity for us to stand firm so that we will not have everyone in Latin America come into the United States.

I have made the comment many times though that when the 100,000 Cubans came last year to seek freedom and asylum in the United States the only reason we do not have several millions of that 10 million population is because most of them cannot swim 90 miles, because life is tough in Cuba. There are no consumer goods, there is no productivity; the country did at one time have a much happier population. They had a people who were free and able to seek some opportunities for themselves in a market condition.

That is no longer the case. They work where they are told to by the Government. They have very few consumer goods from which to choose. They have very few choices about what they can do with their lives and, more importantly, they have practically no freedom.

I think it was very heart warming to me—I went to a Catholic church when I was there just to look and see if I could find some people who might be friendly toward the United States. A man came up to me with tears in his eyes who said, "You are an American, aren't you?" He said, "Oh, we wish we could be friends with Americans and how we would love to have them visit in Cuba, and get rid of the Communist dictatorship we have here." He could speak English. It was heart warming to see the look in his eyes and to know that there are still those kinds of people there.

But there is no question about what the Senator from West Virginia is talking about, that Fidel Castro has been an absolute cancer to a sound American policy in the Western Hemisphere, and it has been allowed to grow and to cause us problems, and it is long overdue for us to reassert and reaffirm what our posture and our position should be.

I thank the distinguished Senator not only for his friendship here in this body but for his support on this important amendment, to speak to this issue.

Mr. RANDOLPH. Mention has been made of the action in connection with the airlift. I remember—it is not improper for me at this time to say, that I recall—an appointment which I made with Senators Holland and Smathers of Florida at the time of the beginning of the airlift.

I felt then, as I feel today, that it was wrong for the United States of America to institute an airlift for which we were the country paying the cost. I have never felt that that was a sound policy. In other words, we were shuttling aircraft back and forth to Cuba at the expense of the American taxpayers, disregarding any quotas that we have had through the years for those nationals of countries who might be coming into the United States.

I well realize and I agree with the words of George Washington in his Farewell Address, words which were never delivered but written by the first President of our Republic. In that address he said, "Citizens who by birth or choice of a common country, that country has the right to concentrate your affections."

A reading of the English language will indicate the word "affections" meant a commitment, a belief then, perhaps more than now, that the word "affections" was understood to be the native born and the naturalized.

Washington referred to these people, I reemphasize, as "those citizens who by birth or choice of a common country, that country has the right to concentrate your affections."

Yes, I felt the airlift was wrong, and I said to my good friends and able colleagues, Spessard Holland and George Smathers, that perhaps if they could be leaders in a movement to see that the airlift not continue, not in their best political interests—I did not discuss it from that standpoint—but from the interests of the State of Florida, and ultimately the United States of America. I have no criticism of either one of these men, except to say that, as I look back, I wonder why there was not some concerted effort—perhaps I was at fault, perhaps others were at fault. Some might say, "You were not at fault because what you wanted to do was not the right course."

Now let us say somewhat over 20 years later, it is not always best to try to pin down precisely what might have been done.

I feel from my standpoint it is the time to speak. I am not attempting to discuss Secretary Haig and his reluctance to see this amendment move through the Foreign Affairs Committee or the subcommittee which has been mentioned by our friend, Senator HELMS from North Carolina. I am saying that there can and should be a way whereby the Senate of the United States can express its approval or disapproval of the pending resolution.

I note the name of the helpful majority leader, HOWARD BAKER of Tennessee, as a cosponsor of the amendment proposed by Senator SYMMS. Can you give us further information as to the attitude of the majority leader in reference to this matter? I am not attempting to try to determine the methodology by which we can come to grips on a vote on this question. I know the majority leader, as a cosponsor with others, will do what he seems to be able to do at the right time in bringing this matter to an actual vote. Would it be proper for the Senator to discuss any conversations he may have had with the majority leader?

Mr. SYMMS. I would say to my good friend from West Virginia that in my discussions with the majority leader I do know that he will be voting against a motion to table this resolution. I do not know further as to what his intentions would be, but I do know that he indicated to me personally he would be voting against the motion to table.

I think it is his intention to seek the first vote on this resolution sometime tomorrow afternoon and to resolve this question so that we can go on with Senate Joint Resolution 20, the question of television in the Senate.

Mr. RANDOLPH. Mr. President, it does no particular good and perhaps not too much harm to be personal in a matter of this kind. I remember a man who was a friend of mine, James B. McCauley, who went to Cuba and established a business there, not for monetary return only to him, but to give employment. He was successful in our country and had been encouraged by the people within Cuba to establish a plant on that island. He did so.

There was a change of government leadership. I will not go into details, but, after the change, he went to check on what was being done at his plant because of rumors and definite information he had. He attempted to drive his auto to the factory outside of Havana. He was pulled over to the side of the road. He was thrown from the car. This man who served in the forces of the United States as a pilot. The car was burned while he was forced to look at its destruction. The plant that he had in Cuba was expropriated and he never received one penny of payment for that action which included the plant itself moving from his hands into the hands of those who are now in charge of that country.

And when I speak of those hands, I speak, in not an attempt to be dramatic, of the hands of Fidel Castro, when he was in the Capitol after he had become an "agrarian reformer" in Cuba. And he said—and I remember the words—"We come as your friends. We are your friends." I believe the record is replete with no friendship.

I have believed always in the efforts of men and women throughout the world to understand one another, to counsel with one another, in the hope that peace might ultimately come to the peoples of this Earth. And yet, I sometimes wonder if it can be a reality.

We make mistakes in what we do. I recall I offered in the mid-1940's legislation to create a Department of Peace in this country, a Secretary of Peace for our Nation. And the years come and they pass quickly, sometimes slowly, as we look back and see that those efforts which were made at that time. They were looked on a fantasy with no substance to them.

I am gratified again to see at least the stirrings toward the thinking of men and women of good will everywhere, including America. The idea of our Peace Academy is now approached differently from the Department of Peace or the Secretary of Peace, I hoped we might establish one or both in the 1940's. Now we have had a Commission appointed through the action of the Congress. That Commission for 1 year studied the idea of the Peace Academy. A Peace Academy, as we would have a West Point or an Annapolis or any of the other of the academies. A Peace Academy where students would delve into the problems of conciliation.

It is a long process, sometimes, to understand other peoples and for them to understand us. But I do report that which is already known. The Commission—people who were very, very capable in doing the job as members—after very careful study, they have recommended in favor of the idea of a Peace Academy in the United States of America.

The hearings to be conducted by the Subcommittee on Education, Arts and Humanities will begin on April 21 on the Peace Academy proposal itself. I hope members will give attention to looking more carefully into the reasons why this particular period in a volcanic world, not only of the Earth but of the minds and hearts and bodies of men and women, that we think, of the positiveness that might come from an action toward the establishment of a Peace Academy within the framework of the Government of the United States.

Mr. President, having talked without notes, having stood in the Chamber because I thought this was the time that I should come here and assure—perhaps reassure—the Senator from Idaho that there must not be a constant blocking of the actual voting on the amendment or the tabling motion of the amendment, in the Senate.

I am grateful for Senator SYMMS' understanding of my request to speak today. I had not cleared this request with him. I came here, hopeful that I might make constructive comments during the pending debate.

Mr. SYMMS. I thank the Senator very much for his very enlightened remarks, not only from years and years of experience and wisdom that he has accumulated here in the Congress, but certainly from his heart. I appreciate that so much.

Mr. President, I ask unanimous consent that Senator RANDOLPH be added as a cosponsor of this amendment, and also that he be added as a cosponsor to the original resolution that is pending before the Senate Foreign Relations Committee with the same language as this amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. SYMMS. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. BAKER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. ABDNOR). Without objection, it is so ordered.

TECHNOLOGY TRANSFER: SELLING THE SOVIETS THE ROPE

Mr. ARMSTRONG. Mr. President, America's budgetary woes would not be nearly so severe if our economy were not groaning under the strain of financing two military budgets: Our own, and a significant portion of the Soviet Union's.

President Reagan has proposed spending the incredible sum of $1.6 trillion over the next 5 years in order to counter the awesome Soviet military buildup of the last decade and a half.

Defense expenditures of this magnitude will impose a heavy burden on a U.S. economy already reeling from the consequences of too much Government spending, taxing, and regulation. But such defense expenditures will be required if Americans are to be kept safe, free, and out of war.

The great irony for Americans who will be asked to tighten their belts in order to pay for our defense needs is that much of the additional money that must be spent on defense is required to offset Soviet weapons that probably could not have been built without our assistance.

It is hard to put a price tag on the additional burden heaped on our taxpayers by our reckless trade policies with the Soviet Union. But if it were not for these policies, we likely would not need the MX missile or the B-1 bomber to counter Soviet weapons we helped the Russians build.

Even more difficult to calculate, but far more important, is the human suffering that has been caused by Communist aggression, aggression made possible, in large part, by unwitting American and Western European aid.

In the last 10 years alone, the United States and other Western nations have sold to the Soviet Union and its satellites more than $50 billion worth of sophisticated technical equipment the Communists could not produce themselves. This equipment has been used to produce nuclear missiles, tanks, and armored cars, military command and control systems, spy satellites, and air defense radars. In addition, the Soviets have been able to purchase entire factories, designed and built by Western engineers and financed in large part by American and Western European banks. Much of the production of these factories is devoted to the manufacture of military transport, ammunition, and other logistical items for the Soviet war machine.

It is difficult to overstate the extent to which the West has contributed to the military threat that now endangers our very existence. Consider that:

In 1972, President Nixon authorized the sale to the Soviet Union of 164 precision ball bearing grinders manufactured by the Bryant Chucking Grinder Corp., of Vermont. These grinders can manufacture tiny ball bearings to remarkably precise specifications—a 25-millionth of an inch—the precision necessary to build the inertial navigation systems for multiple warheads on intercontinental ballistic missiles (ICBM's). The Soviets had tried to buy the Bryant grinders in 1961, but President Kennedy had turned them down on national security grounds.

Shortly after the sale of the Bryant grinders, the Soviets began deploying a new generation of ICBM's which were 10 times more accurate than their predecessors, and which, for the first time, were capable of carrying multiple warheads. Soviet deployment of these new monster missiles took our intelligence community by surprise. We had assumed it would be years before the Soviets would have the technology to MIRV their warheads and to obtain the accuracies we estimate for the SS-17, SS-18, SS-19, and SS-16/20 ICBM's. Nobody in the West knows for sure how much the Bryant grinders may have assisted the Soviet ICBM program, but intelligence officers have a built-in suspicion of coincidences.

The U.S. contribution to the new generation of Soviet ICBM's may have begun earlier, in the late sixties, when Soviet military research scientists were permitted to study at the Massachusetts Institute of Technology. Their U.S. hosts were most accommodating. Not only were the Soviet scientists brought up to speed on the latest U.S. technological developments, they were permitted to tour plants where the technology was being put to work for the Department of Defense.

Our contribution to the Soviet missile program did not end there. The Soviets were also able to obtain microprocessors important in missile guidance systems and computers which can be used to design nuclear warheads.

One thing certain is that we are paying a heavy price for our overly generous dealings with the Russians. The new Soviet missiles are capable of destroying all our land-based missiles in a surprise attack. A nuclear Pearl Harbor, literally "unthinkable" just a few years ago, is no longer so unthinkable to the generals in the Kremlin. It is because of the new vulnerability of our ICBM force that the Pentagon is now seeking to deploy the MX missile, which ultimately could cost us $100 billion or more.

Also in 1972, U.S. participation was authorized in the construction of the Kama River and Zil truck plants. The Kama River plant, near the city of Neberezhnyye, is the largest heavy truck plant in the world, able to produce 250,000 trucks and half again as many diesel engines annually. The plant was built almost entirely with $500 million worth of Western-supplied equipment, technology and know-how, and financed in part by loans from American banks. Our intelligence agencies believe a substantial portion of the Kama River and Zil plants is devoted to the military, producing not only military trucks, but engines for Soviet armored personnel carriers, missile launchers, and components of the latest Soviet main battle tanks. Most of the Soviet soldiers who rode into Afghanistan rode in vehicles produced in these plants and two others, Gaz and Minsk, that also received large infusions of Western technology and were financed in part by Western banks.

The Western contribution to the mobility of the Red army is threatening not only the liberty of the Afghans, but our own industrial lifeline as well. The Red army always has been very large, but in the past it could not go very far from the Soviet Union, or stay there for very long, because its logistics base was too small. Now, thanks in large part to us, the Soviets have the capability to project military forces rapidly into the Persian Gulf, threatening the vital oil resources there.

These Western contributions to the Soviet war machine are the result of our belief in the civilizing and pacifying effects of trade and cultural ties with the Soviet Union and an alarming failure to discriminate among various types of trade.

The Soviets have a world view that is radically different than our own. Communist Party boss Leonid Brezhnev told a meeting of Warsaw Pact leaders in Prague that détente was, from a Soviet perspective, a means of lulling the West into a false sense of security while the Soviets acquired from the West technology that would make possible Soviet military domination of the world by the mid-1980's.

This always has been the Soviet view of East-West trade. Hear the testimony of Aleksandr Solzhenitsyn, who knows from bitter experience how the Communist mind works:

> I must say that Lenin foretold the whose process. Lenin, who spent most of his life in the West and not in Russia, who knew the West much better than Russia, always wrote and said that the Western capitalists would do anything to strengthen the economy of the USSR. They will compete with each other to sell us goods cheaper and sell them quicker, so that the Soviets will buy from the one rather than from the other. He said: they will bring it themselves without thinking about their future. And, in a difficult moment, at a Party meeting in Moscow, he said: "Comrades, don't panic, when things go very hard for us, we will give rope to the bourgeoisie, and the bourgeoisie will hang itself." Then Karl Radek . . . who was a very resourceful wit, said: "Vladimir Ilyich, but where are we going to get enough rope to hang the whole bourgeoisie?" Lenin effortlessly replied: "They'll supply us with it."

Westerners, I am sorry to say, lived down to Lenin's expectations. In 1918, even before the Bolsheviks had consolidated power in Russia, businessmen—including representatives of several prominent Wall Street banking firms—were clambering over themselves in their eagerness to gain concessions from the new Soviet state.

Lenin's policy of doing business with Western capitalists caused him problems with less perceptive Bolsheviks. At a party meeting in 1920, Lenin—in terms that would be echoed 50 years later by Brezhnev in Prague—felt compelled to reassure his comrades that: "Concessions do not mean peace with capitalism, but war on a new plane."

This "war on a new plane" was, from the Soviet perspective, enormously successful. Lenin granted some 350 concessions to Western firms, including General Electric, Westinghouse, International Harvester, RCA, Alcoa, Du Pont, Ford, and Standard Oil of New York (Mobil). This massive infusion of Western capital, technology, and know-how worked a miracle on Russia ravaged by 7 years of war and civil war. By 1930, when a semblance of order had been restored to the Soviet economy, all but a handful of these firms had their property expropriated without compensation.

Undaunted by what should have been an eye-opening experience, Western businessmen again flocked to the Soviet Union when invited by Stalin to participate in his first 5-year plan. Again, the Western contribution to the Soviet industrial base was massive. In 1944 Stalin told Eric Johnston, then the president of the U.S. Chamber of Commerce, that two-thirds of the large industrial projects in the Soviet Union had been built with American assistance.

It is difficult to overstate how much all this contributed to Soviet military and industrial might. Antony Sutton, author of the authoritative three volume study "Western Technology and Soviet Economic Development," declares flatly: "There is no such thing as Soviet technology."

Sutton exaggerates, but not by much. Even a prominent Soviet scientist, in a cocktail party conversation with his American counterpart, jocularly acknowledged that the most prolific Soviet inventor is "Comrade Reguspatoff." Reguspatoff is shorthand for "Registered U.S. Patent Office."

Clearly, a comprehensive reexamination of our trade policies with the Soviet Union and her satellites is long overdue.

Our first and foremost concern should be to keep out of Soviet hands goods, technology, and know-how that helps the Soviets build sophisticated weapons they could not otherwise build. We are at a critical point. The Soviets have many more of most weapons than we do. But we have been able to maintain rough military parity because, in most instances, our systems are much better than theirs. Now we are in grave danger, not simply of losing, but of giving away this vital technological edge. Our problem is compounded by the fact that advances in the most vital areas—computers, microprocessors, high-energy lasers, et cetera—are made first in the commercial sector, and only later applied to military uses. But the Soviets put military purposes first. So we simply must have strict and comprehensive controls on these so-called dual use technologies.

We also must take a closer and harder look at the sale to the Soviet Union of industrial goods and processes which are not in themselves threatening, but which permit the Soviets to devote more of their own resources to military purposes. A case in point are the Caterpillar tractor-pipelayers they want to use in building a natural gas pipeline from Siberia to Western Europe. The Soviets want to buy the Caterpillar pipelayers not because they do not know how to build tractors—that is no big secret—or because they do not have tractor plants in which to build them; we helped build a number of tractor plants for them in the 1930's. No; the reason why the Soviets want to buy American pipelayers instead of building their own is because their tractor plants are all pretty much full up—building tanks. They do not want to cut back on their tank production. We, on the other hand, should want that very much. If the Soviets were building more tractors and fewer tanks, we probably would not be forced to spend $12 billion to modernize our tank force.

There are some who say we should not try to curb the sale of American products—including high-technology products which clearly are being put to military use—to the Soviet Union because "if we don't sell it, someone else will."

This argument is, of course, morally flawed. Just because there are dope peddlers who sell dope to small children does not mean we have to install vending machines in the school cafeteria to dispense marihuana, cocaine, and amphetamines.

But this argument is also practically flawed. In a number of highly critical areas, computers and microprocessors in particular, the United States has technology which is unavailable anywhere else. And in many areas where hardware as capable as our own can be obtained elsewhere, the software, that makes the hardware go, cannot be.

Finally, what makes a great nation different from simply a large nation is its ability to lead. All the nations with technology comparable to ours in the West trade much more with us than they do with the Soviet Union, and rely on us rather than the Soviet Union for their protection. Through a combination of the carrots and sticks at our disposal, we ought to be able to persuade these nations—most of which are allied to us—to tighten up their own technology export policies.

There are others who say we should not impose restrictions on trade with the Soviets for fear of lost opportunities for American business. Certainly, the prospect of winning a piece of the

Russian market has bedazzled businessmen for decades. The total volume of our trade with the Soviet Union is only one-third of our volume with Taiwan, and only 10 percent of United States-Soviet trade was in the high-technology goods which help build the Soviet war machine.

Another area which requires a much closer look are our cultural, scientific, and educational exchange programs with East bloc countries. Virtually every Soviet exchange student in the United States in here to learn more of the hard sciences which the Soviet Union trails the West. Western students in the Soviet Union, on the other hand, are permitted to study only such subjects as "A comparative Semantic Analysis of Verbal Aspect in Russian and Serbo-Croatian" and similar humanistic studies which give no clue as to Soviet technological development, or the application of that technology to Soviet military purposes. We have learned from bitter experience how damaging these seemingly innocent exchange programs can be. As noted above, the new generation of Soviet ICBM's probably had their genesis in an exchange program at MIT. There are more recent examples. In the mid-1970's, a Soviet scientist was given permission to study under a University of Michigan professor who happened to be a leading authority on fuel-air explosives. That scientist is back in the Soviet Union now, heading up the Soviet R. & D. effort on fuel-air explosives.

Finally—and in the long run most important—we need to reexamine the fundamental premises on which our détente relationship with the Soviet Union is based. We need to seriously consider the totality of our military, scientific, political, commercial, cultural, and other relationships with the U.S.S.R. and emphasize those which promote peace and/or U.S. interest and terminate those which increase tensions or Soviet war capability.

The fundamental premise of détente was that the more we traded with the Soviet Union, the more dependent their economy would become on ours. But, as the debate over the Polish loans makes clear, precisely the opposite has happened. Instead of making the Soviets more dependent on the West, our trade policies have given them an entirely new weapon with which to threaten our security.

The awful truth is summarized by an old Polish proverb which goes as follows: "If you owe 1,000 zlotys, the bank owns you. But if you owe a million zlotys, you own the bank." Most trade with the Communist bloc is financed by loans from Western banks, often at absurdly low interest rates guaranteed by Western governments. By the end of 1980, Soviet bloc nations owed nearly $70 billion to the West, about four times what we loaned under the Marshall plan to revive Western Europe at the end of World War II. That debt is expected to rise to $120 to $140 billion by 1985 if the present lending pattern continues unabated. If we permit the debt to mount that high, the Soviets will be able to undermine the entire financial structure of the West simply by doing something they have already done before—declare they will not repay the loans.

The time for another Soviet repudiation of debt may be drawing near. In 1976 the Soviets created an ingenious financial gambit to obtain the Western technology they wanted via loans taken out by their satellites. The Soviets got the goods, and the satellites got the bill. This was a bad deal for the satellites, but with Soviet troops occupying their countries, they did not have any choice but to go along. Now the game is just about over. Poland and Romania already are unable to repay their loans; Hungary and East Germany are not far behind. Their debts already are much larger than any realistic assessment of their ability to repay them. And although the Soviet Union has been careful to heap most of the burden onto the shoulders of its subject nations, Soviet hard currency debt also has expanded sharply, and is expected to rise further in the next few years.

The case of Poland is instructive. Poland is flat broke. Without additional loans, the current martial law regime will be unable to make interest payments on the money it already owes, much less actually repay those loans. Aside from naked military force, all that is keeping the present puppet government in power are the excessibly lenient credit terms the West has granted, and is continuing to grant, to Poland.

Right now, the Soviet Union is enjoying the best of both worlds in Poland. The Soviets enjoy the benefits of conquest—they installed the puppet government in Poland—while we in the West pick up the costs of occupation.

But all that could be reversed overnight if Western governments would require their bankers to recognize the obvious and write off the Polish loans as bad debts. Poland would not be able to borrow another dime in the West. The Soviets would be left with nothing but bad choices. Either they would have to assume the burden of supporting the Polish economy themselves, or let the Polish economy collapse. If the Soviets decide to bail out the Polish economy—and after it the Romanian, Hungarian, and East German economies—each ruble they would spend would be one ruble less they could devote to their war machine. On the other hand, if the Soviets let the Polish economy collapse, in all likelihood the martial law regime would collapse with it. The Soviets then would have to choose between permitting the very real possibility of an anti-Communist government being formed in Poland, or intervening with military force. Military intervention would have serious economic and political consequences for Russia. The Red army is not designed for long-term deployment beyond its borders, and the maintenance of a force the size required to occupy Poland would impose a huge drain on the Soviet economy. Furthermore, Soviet soldiers putting out fires in their own backyard would be in no position to threaten Western interests in the Persian Gulf, Africa, or elsewhere in the world.

But Western governments, including, I am sorry to say, our own, have so far refused to take this obvious step. The reason given is the potential losses to Western banks of writing off the Polish loans.

These fears are exaggerated. At present, Poland owes about $26 billion to the West, of which a little more than $3 billion is owed to the United States. Of the United States, about $1.2 billion is owed to private banks, and the remainder to the Government itself. The Polish debt in private hands is spread fairly evenly among our 10 largest banks. Default would cost these banks little more than embarrassment over having made bad loans, and a reduction in their annual profits.

European bankers, especially West German ones, would suffer more. Poland owes about $6 billion to West Germany, of which approximately $3 billion is owed to the West German Government. The remainder of the debt is spread among nearly 100 private banks. Some of these banks would suffer substantial losses if forced to write down the Polish loans entirely, but all would survive. At least that is the assessment of our Ambassador to West Germany, Arthur Burns, who, as a former Chairman of the Federal Reserve, is in a position to know.

If the consequences to the West of a Polish default would be more severe, as some bankers allege, that is all the more reason for forcing default now. If Poland is forced into default now, the costs to the West pretty much can be restricted to a dimunition of earnings. But if we permit East bloc debt to rise to the vicinity of $120 to $140 billion, then a Communist repudiation of debt could cost millions of Americans and Europeans their life savings, and ultimately their freedom.

Permitting Poland to go into default now also could put the kibosh on the Yamal pipeline, the No. 1 Soviet goal in their current 5-year plan. The Yamal pipeline is a $10 to $14 billion project to build a 3,600-mile natural gas pipeline from northwestern Siberia to West Germany. Much of the technology and most of the capital required to build the pipeline would come from the West.

The security of the West is seriously threatened by completion of the Yamal pipeline. It is expected to supply up to 30 percent of West Germany's natural gas needs when completed in the 1990's. In a future crisis, the Soviets could say: "Do what we want, or we will turn off the gas."

That is only the worst aspect of the Yamal pipeline. There are two others that are nearly as bad. The infusions of Western capital to build the pipeline, and, later, proceeds from the sale of Siberian gas will earn the Soviets $6 to $8 billion a year in badly needed foreign exchange with which to buy Western technology to pump into their war machine. In addition, the Soviets plan five spurs within the Soviet Union from the main pipeline. Each spur would go to the 5 major military-industrial complexes where most of the 135 Soviet plants devoted primarily to building arms are located. The Soviets are running out of oil and coal. They need the natural gas and they need our help to drill and ship in order to keep their war industries running at full capacity in the latter part of this decade.

Finally, there is an aspect to the Yamal pipeline that should turn the stomachs of humanitarians everywhere. The Soviets are experiencing a labor shortage which will become severe by the 1990's. There are not enough hands to do all the manual labor that needs to be done on the pipeline, and there are not enough amenities in Siberia to entice Soviet workers to go there voluntarily. So the Soviet Government is likely to use what is, for all practical purposes, slave labor to help construct the pipeline. Mikhail Makarenko, a Soviet dissident who was an inmate of Soviet concentration camps as recently as 1978, says he is certain the Soviets will use concentration camp labor for much of the pipeline work. Furthermore, there are indications the Soviets will import up to 500,000 Vietnamese to do manual labor. The Vietnamese are being taken primarily from "politically unreliable" elements of what used to be South Vietnam and being sent to the Soviet Union for indefinite periods of time. The Vietnamese have little say in the matter. This is the price the Soviets are exacting for keeping the Communist government in Vietnam afloat economically. The use of what is, for all practical purposes, slave labor in the construction of the Yamal pipeline should be reason enough to prevent Western participation in it.

I have painted a grim picture of where our reckless trade policies with the Soviet Union have been leading. Clearly, things have reached a crisis. But in times like these it is important to remember that the Chinese words for "crisis" and "opportunity" are one and the same. If we recognize the consequences of our folly and take proper corrective action, we can thwart Brezhnev's plan for world dominion.

Our strength and Russian weakness is economic, not military. The Soviets are depending on us to continue to supply them with "the rope" until they have enough to hang us. But there is still time to yank the rope away.

REAGANOMICS: RECOVERY OR RUINATION

Mr. MOYNIHAN. Mr. President, on April 5, I attended a forum at the Roslyn High School in Roslyn Heights, N.Y., sponsored by the Nassau County Democratic Committee—a committee ably chaired by Mr. Martin Mellman. The subject of the forum was "Reaganomics: Recovery or Ruination." While there, I was presented with a petition concerning the President's economic program that has been circulated by Charles F. and Dorothy Spahn, the wording of which is striking in its simplicity. Mr. President, I ask unanimous consent that the petition together with its list of signatories, be printed in the RECORD.

There being no objection, the petition was ordered to be printed in the RECORD, as follows:

APRIL 5, 1982.

Senator DANIEL P. MOYNIHAN,
U.S. Senate,
Washington, D.C.

RESOLUTION

Whereas President Reagan's programs submitted to Congress contain:

1. Cuts in school lunches.
2. Cuts in food stamps.
3. Cuts in welfare.
4. Cuts in immunization program for school children.
5. Relaxation in safety requirements for children's toys.
6. Cuts in funds for the handicapped including the deaf-blind.
7. Relaxation of pollution control for industrial and automobile emissions.
8. Postponement of requirements for safety belts or air bags in new automobiles.
9. Cuts in funds for inspection of mines.
10. Relaxation of safety and sanitary requirements for nursing homes.

Whereas if the above programs of President Reagan were adopted by Congress, it would result in:

1. More hunger.
2. More malnutrition.
3. More brain damaged children.
4. More illness.
5. More injuries.
6. More deaths.

Resolved That President Reagan's programs are dangerous to people's health and, therefore, should not be adopted by Congress.

LIST OF SIGNATURES

Charles F. Spahn, 87 Maple Street, Roslyn Hts. 11577.

Dorothy V. Spahn, 87 Maple Street, Roslyn Hts. 11577.

Henrietta Rueffberg, 32 Pebble Lane, Roslyn Hts. 11577.

Zarl Golotte, 74 Mayloft Lane, Roslyn Heights.

Mollie De Toma, 26 Sycamore Drive, Roslyn 11576.

Charles Gron, 55 Circle Drive, Syosset 11791.

Pearl Sashin, 14 Pinetree Lane, Roslyn Heights, 11577.

Anne Bernhart, 8 Sycamore Drive, Roslyn 11576.

Gladys Klepper, 23 Regent Place, Roslyn 11576.

Eva Weitzer, 39 Edwards Street, Roslyn 11577.

Beverly Hunter, 44 West Drive, Manhasset 11030.

Estella Joraa, 53 Circle Drive, Roslyn Heights 11577.

Mario Defforio, 26 Sycamore Drive, Roslyn.

Syrie Freedman, 4 Circle Drive, Syosset 11791.

Bernard Seltz, 8 Spruce Drive, Roslyn.

Blanche Winnick, 63 Par Reevay Drive, Roslyn.

Hanna Pichenny, 1 Knollwood Road, Roslyn 11576.

Bette and Ed Fisher, 29 Eton Road, New Hyde Park 11040.

Joseph and Ruth Kerthnan, 225-11 Hillidi Avenue, Queens Village 11427.

Fay B. Weiner, 30 Tocun Path, E. Hills 11577.

Evelyn Goedstod, 27 Midland Road, E. Hills 11577.

Virginia M. Rotumno, 91 Pt. Washington Boulevard, Roslyn.

Seymour Hunter, 44 West Drive, Manhasset 11576.

Lillian Orloff, 16 Redwing Lane, Levittown 11756.

Walter Orloff, 16 Redwing Lane, Levittown 11756.

Suskin Kressel, 128 Shield Street, Garden City.

Eleanor Kressel, 128 Shield Street, Garden City.

Helen Glannon, 1621 N. Boulevard, Roslyn 11576.

Sidney Robbins, 10 Fernwood Drive, Roslyn Hts., N.Y.

Bobbie Robbins, 10 Fernwood Drive, Roslyn Hts., N.Y.

Muriel Rosenfeld, 103 Barburry Lane, Roslyn Hts., N.Y.

William Rosenfeld, 103 Barburry Lane, Roslyn Hts., N.Y.

Jeanette O'Brien, 15 Crab Tree Lane, Roslyn, N.Y.

Charlotte Gershwin, 15 Crab Tree Lane, Roslyn, N.Y.

Lilly Handelman, 10 Saxon Court, Glen Cove, N.Y.

Theresa Meyer, 93 Maple Street, Roslyn Hts., N.Y.

Charles Meyer, 93 Maple Street, Roslyn Hts., N.Y.

Mary Meyer, 93 Maple Street, Roslyn Hts., N.Y.

Sylvia Wald, 1820 Andrew Road, E. Meadow, N.Y.

AFGHANISTAN

Mr. MOYNIHAN. Mr. President, while public attention in the United States is now focused on the struggle to strengthen democratic institutions in El Salvador, a little-noticed battle for freedom continues to be waged in the distant land of Afghanistan.

More than 2 years after the Soviet military occupation of Afghanistan, popular resistance to Communist rule remains strong. Despite the presence of over 80,000 Soviet soldiers, the people of Afghanistan have managed to reassert local authority over virtually all of the country. Rosanne Klass, director of the Afghanistan Information Center and Freedom House, the highly respected monitor of human freedoms around the world, has estimated that as much as 90 percent of the country may be in the hands of Afghan freedom fighters.

Significantly, defections from the ranks of the Soviet-backed puppet government continue to swell the ranks of the resistance movements.

The New York Times reports the defection of the most prominent Afghan official to date, Mr. Abdul Rahman Pazhwak, who has recently escaped to India. There, the former diplomat hopes to foster greater cooperation among the various resistance movements.

Mr. Pazhwak, who served his country as Ambassador to London and New Delhi, as well as Permanent Representative to the United Nations, has proposed that the United Nations Security Council undertake new efforts to convene an international conference on Afghanistan. The purpose of such a conference would be to establish a new government in Kabul following U.N.-supervised elections.

While the Soviets clearly are not now inclined to agree to such a proposition, it is important that their refusal to cooperate be emphasized to the international community. The administration must press for greater U.N. attention to the situation in Afghanistan.

I trust that our distinguished Ambassador to the United Nations, Jeane Kirkpatrick, is inclined to do so. I urge officials at the Department of State in Washington to support her in these efforts.

Mr. President, for the information of Senators, I ask unanimous consent that the article from the New York Times about Abdul Rahman Pazhwak be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the New York Times]

AFGHAN EX-ENVOY SUPPORTS REBELS

(By Michael T. Kaufman)

NEW DELHI, MARCH 30.—An Afghan diplomat who served as ambassador to London, New Delhi and the United Nations declared himself today in support of the rebels in his country, which he fled a week ago.

The diplomat, Abdul Rahman Pazhwak, who had been president of the General Assembly during the Middle East crisis of 1967, said that while he was 63 years old and suffering from a stomach ulcer, he was eager to travel anywhere to foster unity among the competing guerrilla groups and to solicit foreign assistance to pressure Moscow to withdraw its occupying forces from Afghanistan.

Mr. Pazhwak had been recalled from his last post as Ambassador to London at the time of the original coup that brought the first of three Marxist governments to power. He said he was kept under house arrest until Babrak Karmal was swept into the presidency in the wake of the Soviet intervention 27 months ago. "Since then I have been in retirement in Kabul," said the diplomat, who was also once president of the United Nations Commission on Human Rights.

Mr. Pazhwak said he had been invited several times by Mr. Karmal to participate in his Government but said that he has refused. "When Russians occupied my country I thought it was my duty to join my people in their struggle in any way that I possibly could. As soon as I was able to leave my sick bed I decided to find ways to join the freedom fighters," he said.

FAMILY LEFT IN AFGHANISTAN

He explained that he was able to obtain a visa to come to India for medical treatment but that he had no intention of returning to the home where he has left his wife and three brothers. "Obviously, I weighed the risks of leaving them before I came," he said.

Mr. Pazhwak, who is the most prominent former Afghan official to have made his support for the rebels public, said that while he belonged to no particular resistance group he had been in constant contact with Islamic rebels while in Kabul. He said he believed that the strength of the ruling party had decreased from 60,000 to less than 30,000 after the Soviet intervention, and he estimated that close to 40 per cent of the leadership "including many with good positions," maintain their own links with the guerrillas.

According to the former diplomat, the Russians only maintain control of the country during daytime, and guerrilla resistance is being maintained. He said that the recent party conference was derailed by resistance activity and by deep splits within the ruling party. He said that 18 delegates to the conference were killed in separate attacks by the Islamic guerrillas, and he named the president of Kabul University, its chief administrator and three professors as having been among the victims. Furthermore, he said that the ending of the congress after two days instead of its full six-day schedule was proof of its failure.

Meanwhile, Western diplomats said that four university staff members were reportedly killed in what appeared to have been political attacks. The diplomats said that three professors had been shot to death, although it was unclear whether the assailants were members of another Marxist faction or Islamic guerrillas. The diplomats also said that their sources in Kabul insisted that Azia Ur-Rahman Sayedi, the president of Kabul University, had been killed; there were some reports that he had been shot and others that he had been poisoned. Like Mr. Pazhwak, the diplomats reported that it now appeared certain the ruling party's congress was suddenly curtailed and ended in disarray.

He said he had devised his own plan for resolving the situation. It calls for the convening of an international conference on Afghanistan that would include the five permanent members of the United Nations Security Council—the United States, Britain, France, the Soviet Union and China—as well as the countries that border Afghanistan and perhaps other interested countries such as India. He said the purpose of the conference would be to establish a new Government in Kabul through United Nations-supervised elections.

MESSAGES FROM THE PRESIDENT RECEIVED DURING THE ADJOURNMENT

Under the authority of the order of the Senate of April 1, 1982, the Secretary of the Senate, on April 5, April 7, and April 12, 1982, received messages from the President of the United States submitting sundry nominations, which were referred to the appropriate committees.

(The nominations received on April 5, April 7, and April 15, 1982, are printed at the end of the Senate proceedings.)

MESSAGE FROM THE HOUSE RECEIVED DURING THE ADJOURNMENT

Under the authority of the order of the Senate of April 1, 1982, the Secretary of the Senate, on April 5, 1982, received a message from the House of Representatives stating that the Speaker has signed the following enrolled bill and joint resolutions:

S. 2333. An act to amend section 209 of title 18, United States Code, to permit an officer or employee of the U.S. Government, injured during an assassination attempt, to receive contributions from charitable organizations;

S.J. Res. 67. Joint resolution to establish National Nurse-Midwifery Week;

S.J. Res. 102. Joint resolution to authorize and request the President to designate the month of April 1982 as "Parliamentary Emphasis Month"; and

H.J. Res. 435. Joint resolution providing for the designation of April 12, 1982, as "American Salute to Cabanatuan Prisoner of War Memorial Day".

Under the authority of the order of the Senate of April 1, 1982, the enrolled bill and joint resolution were signed by the President pro tempore (Mr. THURMOND) on April 5, 1982.

ENROLLED BILL AND JOINT RESOLUTIONS PRESENTED

The Secretary of the Senate reported that on April 5, 1982, he had presented to the President of the United States the following enrolled bill and joint resolutions:

S. 2333. An act to amend section 209 of title 18, United States Code, to permit an officer or employee of the U.S. Government, injured during an assassination attempt, to receive contributions from charitable organizations;

S.J. Res. 67. Joint resolution to establish National Nurse Midwifery Week; and

S.J. Res. 102. Joint resolution to authorize and request the President to designate the month of April 1982 as "Parliamentary Emphasis Month."

REPORTS OF COMMITTEES RECEIVED DURING ADJOURNMENT

Under the authority of the order of the Senate of April 1, 1982, the following reports of committees were submitted on April 8, 1982:

By Mr. DOMENICI, from the Committee on the Budget, without amendment:

S. Res. 347: Resolution waiving section 402(a) of the Congressional Budget Act of 1974 with respect to the consideration of S. 1233.

By Mr. TOWER, from the Committee on Armed Services, without amendment:

S. Res. 360: An original resolution waiving section 402(a) of the Congressional Budget Act of 1974 with respect to the consideration of S. 2248; referred to the Committee on the Budget.

By Mr. ROTH, from the Committee on Governmental Affairs:

Report to accompany the bill (S. 854) to promote the orderly conduct of international relations by facilitating the operation of foreign missions in the United States, thereby promoting the secure and efficient operations of the U.S. missions abroad (Rept. No. 97-329).

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. TOWER, from the Committee on Armed Services, with an amendment in the nature of a substitute and an amendment to the title:

S. 2248. A bill to authorize appropriations for fiscal year 1983 for procurement, for research, development, test, and evaluation, and for operation and maintenance for the Armed Forces, to prescribe personnel strengths for the Armed Forces and for civilian personnel of the Department of Defense, and for other purposes (Rept. No. 97-330) (together with additional views).

EXECUTIVE REPORTS OF COMMITTEES

The following executive reports of committees were submitted:

By Mr. HATCH, from the Committee on Labor and Human Resources:

Tony E. Gallegos, of California, to be a member of the Equal Employment Opportunity Commission, for the remainder of the term expiring July 1, 1984.

By Mr. ROTH, from the Committee on Governmental Affairs:

Joseph Robert Wright, Jr., of New York, to be Deputy Director of the Office of Management and Budget.

THE NOMINATION OF JOSEPH ROBERT WRIGHT, JR.

The Committee on Governmental Affairs, to which was referred the nomination of Mr. Joseph Robert Wright, Jr. to be the Deputy Director of the Office of Management and Budget, having considered the same, reports favorably thereon and recommends that the nomination be confirmed subject to the nominee's commitment to respond to requests to appear and testify before duly constituted committee of the Senate.

SUBMISSION OF NOMINATION

The nomination of Joseph Robert Wright, Jr. to be Deputy Director of the Office of Management and Budget was received by the Senate on March 25, 1982. The nomination was subsequently referred to the Committee on Governmental Affairs.

EDUCATION AND EXPERIENCE

Mr. Wright attended the Cascia Hall Prep School from 1950 to 1956. After graduating, he studied at the Colorado School of Mines and received a B.S. in Petroleum Engineering in 1961. He then continued his advanced education at Yale University, and in June of 1964 he was granted a Masters degree in Industrial Administration.

After earning his degree from Yale, Mr. Wright spent two years in the United States Army. Then, in 1965 he became a Vice President of Booz, Allen and Hamilton in New York City. The nominee remained in that position until 1971.

At that time Mr. Wright commenced his public service career. First, he held the position of Deputy Director of the Bureau of the Census from 1971 to 1972. Mr. Wright then moved to the Department of Commerce to become the Deputy Director of the Social and Economics Statistics Administration. After a year in that position, he transferred to the Department of Agriculture to become the Assistant Secretary for Administration. He remained in that capacity until the end of the Ford Administration in 1976.

After that period of government service, Mr. Wright left Washington to become the President of Citicorp Retail Services, a wholly owned subsidiary of Citicorp. In 1981 he returned to the government as the Deputy Secretary of the Department of Commerce. He is presently serving in that capacity.

COMMITTEE ACTION

Under procedures established by the Committee for considering nominations, a detailed biographical and financial information questionnaire was submitted to Mr. Wright. The Committee also requested that the nominee respond to pre-hearing questions in writing. These questions concerned both substantive policy matters relating to the mission of the Office of Management and Budget and specific actions Mr. Wright intends to take as the Deputy Director of that agency. Both the biographical and financial information, and the responses to the pre-hearing questions are appendices to this report. It is the policy of the committee that a nominee's financial disclosure statement is not reproduced or published as a part of the hearing record. However, this information is retained in the Committee offices for inspection by the public.

Committee procedures call for an independent review of a nominee's background. This includes a review of any investigative reports compiled concerning the nominee, including the Federal Bureau of Investigation's summary report on the background of Mr. Wright and an interview with him. All of these requirements were met during the Committee's investigation, and a confidential staff report, which concluded that no further investigation is necessary, was filed with the Chairman and the Ranking Minority Member and made available to all other members of the Committee.

On March 30, 1982, Mr. Wright appeared before the Committee on Governmental Affairs to testify on his appointment to be Deputy Director of the Office of Management and Budget. Mr. Wright was introduced to the Committee by the Junior Senator from Oklahoma, Senator Nickels.

COMMITTEE RECOMMENDATION

Based on its review of Mr. Wright's responses to the biographical and financial questionnaire, the FBI investigative report, the responses to the pre-hearing questions, personal interview with the nominee, and the testimony and responses to questions at the hearing itself, the Committee believes that Mr. Wright is well qualified by reason of education, experience and integrity to be the Deputy Director of the Office of Management and Budget.

ROLLCALL VOTE IN COMMITTEE

The Chairman polled the Committee on March 31, 1982, to recommend that the nomination of Mr. Wright to be Deputy Director of the Office of Management and Budget be confirmed. The response was unanimous.

BIOGRAPHICAL AND FINANCIAL INFORMATION REQUESTED OF NOMINEES

A. BIOGRAPHICAL INFORMATION

1. Name: Joseph Robert Wright, Jr.

2. Address:

Current: 3043 P Street, NW., Washington, D.C. 20007.

Mailing: Deputy Secretary, Department of Commerce, Washington, D.C. 20230.

3. Date and Place of Birth: 9/24/38, Tulsa, Oklahoma.

4. Marital status: Legally separated, Elizabeth Perry Wright.

5. Names and ages of children: Tiffany Wallace Stowell, 16.

6. Education:

Yale University—1961-63, MIA, 1964.

Colorado School of Mines—1956-1961, BS, 1961.

Cascia Hall Prep School—1950-56, High School, 1956.

7. Employment Record:

Deputy Secretary, Department of Commerce, 1981-Present.

President, Citicorp Retail Services, NYC, 1976-1981.

Asst. Sec./Admin., USDA, Washington, D.C., 1973-1976.

Dep. Dir./SESA, DOC, Washington, D.C., 1972-1973.

Dep. Dir./Bureau of Census, Washington, D.C., 1971-1972.

VP, Booz, Allen & Hamilton, NYC, 1965-1971.

U.S. Army, Washington, D.C. 1963-1965.

8. Government Experience:

Deputy Secretary, DOC, Washington, D.C., 1981-Present.

Asst. Sec./Admin., USDA, Washington, D.C., 1973-1976.

Dep. Dir./SESA, DOC, Washington, D.C., 1972-1973.

Dep. Dir./Bureau of Census, Washington, D.C., 1971-1972.

9. Business Relationships: Director, Anchor Gasoline Corp.

10. Memberships:

Young Presidents Organization.

Colorado School of Mines Alumni Association.

11. Political affiliations and activities:

Registered Republican.

Contributions to Republican Candidates made through family in Tulsa, Oklahoma, in Presidential and Congressional elections—made in name of Joe R. Wright, Anchor Gasoline Corp., or Canal Refining Corp.

12. Honors and Awards:

Young Presidents Organization.

Who's Who in World—1980.

Who's Who in America—1976, 77, 78, 79, 80.

Who's Who in Government—1975, 76.

Who's Who Among Students in Colleges & Universities—1963.

Outstanding Young Men in America—1965.

13. Published Writings: None Published.

14. Speeches: Four prepared speeches are attached—normally I departed substantially from the prepared speech but maintained the flavor and content.

15. Selection:

a. a. Do you know why you were chosen for this nomination by the President? For my background in business, management and government.

b. What do you believe in your background or employment experience affirmatively qualifies you for this particular appointment? This position at OMB requires a good knowledge of government operations, program levels, and budget process. It also helps in this environment to have a business background and some understanding of economics.

B. FUTURE EMPLOYMENT RELATIONSHIPS

1. Will you sever all connections with your present employers, business firms, business associations or business organizations if you are confirmed by the Senate? All connections with Citicorp were severed when stock options were exercised on 3/31/81.

2. Do you have any plans, commitments or agreements to pursue outside employment, with or without compensation, during your service with the government. No.

3. Do you have any plans, commitments or agreements after completing government service to resume employment, affiliation or practice with your previous employer, business firm, association or organization? No.

4. Has anybody made a commitment to employ your services in any capacity after you leave government services? No.

5. If confirmed, do you expect to serve out your full term or until the next Presidential election, whichever is applicable? Yes, I plan to.

C. POTENTIAL CONFLICTS OF INTEREST

1. Describe all financial arrangements, deferred compensation agreements, and other continuing dealings with business associates, clients or customers.

Financial arrangements

Partnership in Real Estate with Mr. Jerry McManis, Washington, D.C., listed below:

622/624 7th Street, N.E., Washington, D.C.

814 C St., N.E., Washington, D.C.

1130 W. Lafayette, Baltimore, Maryland.

345 Abercorn, Savannah, Georgia.

(The above are shown under B.1.b. (page 4)—all amounts shown are for my half only).

Deferred Stock Purchase Plan with Citicorp was exercised on 3/31/81.

Participation in 13 oil/gas wells listed under B.4 (page 5).

2. Indicate any investments, obligations, liabilities, or other relationships which could involve potential conflicts of interest in the position to which you have been nominated. Only family-ownership in oil/gas/coal company—Anchor Gasoline Corp./Canal Refining Company.

3. Describe any business relationship, dealing or financial transaction which you have had during the last ten years, whether for yourself, on behalf of a client, or acting as an agent, that could in any way constitute or result in a possible conflict of interest in the position to which you have been nominated. None.

4. Describe any activity during the past ten years in which you have engaged for the purpose of directly or indirectly influencing the passage, defeat or modification of any legislation or affecting the administration and execution of law or public policy.

As Deputy Secretary of Commerce, I testified on issues primarily concerning the Department of Commerce. Occasionally I would get into testimony on general government operations/activities.

5. Explain how you will resolve any potential conflicts of interests, including any that may be disclosed by your responses to the above items.

I will not be involved in any issues regarding the oil, gas or mining industries.

I will not participate in any particular official business in which a retained financial interest is involved.

6. Do you agree to have written opinions provided to the Committee by the General Counsel of the agency to which you are nominated and by the Attorney General's office concerning potential conflicts of interest or any other legal barriers to your serving in this position? Yes.

D. LEGAL MATTERS

1. Have you ever been disciplined or cited for a breach of ethics for unprofessional conduct by, or been the subject of a complaint to any court, administrative agency, professional association, disciplinary committee, or other professional group? No.

2. Have you ever been investigated, arrested, or charged or held by any federal, state or other law enforcement authority for violation of any federal, state county or municipal law, regulation or ordinance, other than a minor traffic offense? No.

3. Have you or any business of which you are or were an officer ever been involved as a party in interest in any administrative agency proceeding or civil litigation? Not to my knowledge.

4. Have you ever been convicted (including pleas of guilty or nolo contendere) of any criminal violation other than a minor traffic offense? No.

5. Please advise the Committee of any additional information, favorable or unfavorable, which you feel should be considered in connection with your nomination. None.

RESPONSES TO PREHEARING QUESTIONS FOR THE NOMINATION OF JOSEPH R. WRIGHT, JR. TO BE DEPUTY DIRECTOR OF THE OFFICE OF MANAGEMENT AND BUDGET

I. NOMINATION PROCESS AND POTENTIAL CONFLICTS

Question 1.—Is there any issue currently under consideration by the Office of Management and Budget from which you may have to disqualify yourself? If so, please explain.

I am advised by OMB Counsel that there are no issues now before OMB and none likely to arise that would require my disqualification under federal law. I will of course refrain from participation in any particular matter as defined by 18 U.S.C. Section 208. I intend, however, if confirmed, to go beyond the requirements of law in effecting my disqualification as to matters coming before OMB. Because of my financial holdings in the oil, gas and coal industries, I will disqualify myself from participating in major matters specific to the pricing, taxation or subsidization of oil, gas or coal. Such a step, I am advised by OMB Counsel and by the Office of Government Ethics, goes beyond the requirements of law.

Question 2.—How were you selected to be nominated to serve as the Deputy Director of the Office of Management and Budget? Were any conditions, expressed or implied, attached to your nomination?

I was asked by the President to serve as Deputy Director. No conditions, expressed or implied, were attached to my nomination.

Question 3.—Have you made any specific commitments with respect to the basic policies and philosophy you will seek to implement as Deputy Director? If so, please describe these commitments.

I have made no specific commitments regarding the basic policies and philosophy under which I will operate if I am confirmed as Deputy Director of OMB. I, of course, believe in and fully support the President's basic policies and philosophy, which I believe will reduce the size and burdensomeness of government, increase its efficiency and improve the private sector economy.

II. ROLE OF OMB

Question 1.—What do you consider to be the mission of OMB, and what will your basic responsibilities be as the Deputy Director?

The mission of OMB is not essentially different from what it has been for many years. Above all, OMB is a part of the Executive Office of the President, an arm of the presidency, and its primary mission is to see that the policies of the President are carried out. One of those policies, of course, is to reduce the growth of government spending, and the best-known role of OMB is that of examining in detail the budgets of the many agencies of government, seeking means of achieving lower levels of spending, and preparing the budget for the President's consideration. While OMB does make judgments and decisions on the budget, all such decisions, as you know, can be appealed to the President by the affected agency.

As a result of the Paperwork Reduction Act of 1980 and President Reagan's Executive Order 12291 OMB has major new responsibilities in the area of regulation. My answers to subsequent questions submitted by the Committee elaborate on that role.

OMB has other duties and missions as well, such as preparing executive orders, clearing legislative proposals and testimony by other agencies to assure conformity with the President's program, monitoring the complex system of grants-in-aid to state and local governments, and conducting government-wide activities in the field of management, among others.

My responsibilities as Deputy Director will include all aspects of OMB's activities, but I expect to devote particular attention to its management role.

Question 2.—Do you believe that the organization of OMB, as currently structured, is effective? Are there any areas or functions within OMB which you believe must be emphasized or to which you feel additional staff or resources must be assigned?

There has been a dramatic increase in OMB's workload over the last fifteen months. For those who are primarily budget analysts, this has included Reconciliation, two major revisions of the President's 1982 Budget and three Continuing Resolutions.

OMB has also assumed important new responsibilities in the area of regulatory reform—including review of roughly 2,700 government regulations and over 4,800 paperwork clearances in 1981.

The Management staff has compiled an impressive record in combating waste, fraud and abuse—including the establishment of the President's Council on Integrity and Efficiency, the debt collection program and an initiative to reduce unnecessary government publications and audio-visual materials.

This expanding workload has been accomplished with a steady reduction in staff. In comparison to 682 permanent positions allocated to OMB during the first year of the Carter Administration, OMB staffing levels in 1982 fell to 610. And we have proposed a further reduction in the President's Budget submission for 1983.

Despite the fact that OMB's workload has increased dramatically while its personnel resources have declined, we can still carry out our basic mission. We must continue to look for ways to economize and improve the operation of OMB, however. This will require some minor changes, but the basic OMB structure that exists today serves us well and deserves to be maintained.

III. MANAGEMENT ISSUES

Question 1.—As you know, one of the original reasons for creating the Office of Management and Budget from the old Bureau of the Budget in the early 1970's was to establish firmer management controls at the Federal level. Unfortunately, the activities directly concerning the budget alway seem to overshadow the management problems. In your view, what should be done to rectify this imbalance?

First, I think that we can agree that the initial phase of the Reagan Administration has been unusually active for the budget analysts in OMB. This Administration inherited a budget and set of economic conditions which required immediate, herculean, and sustained effort by the OMB leadership and staff to put the President's Program for Economic Recovery into budget proposals for the Congress to consider.

As the Congress completes action on 1982 appropriations and begins to consider the 1983 proposals, there will be a shift of attention to the management implications of the enacted budget. I would hope to be in a position to work on establishing a stronger management role for OMB—one which will exert firm leadership across-the-board using the leverage that can be obtained with a clearly defined management agenda and strong departmental leadership.

Question 2.—Should the Office of Management and Budget exert a system-wide effort to manage the Federal government or should its role be restricted to more narrowly focused special projects?

I believe that the Office of Management and Budget should pursue its Government-wide management responsibilities in the context of clearly enunciated overall goals and priorities. As a former program manager, assistant secretary for administration, and deputy secretary, I have first-hand knowledge of the confusion and frustration that can develop from an episodic or narrow ad hoc management focus from OMB.

The Office of Management and Budget should provide strong and sustained leadership with broad management objectives clearly understood by agency managers. Within this framework there may still be a need for the Office of Management and Budget to invest some of its resources in specific areas. For example, OMB has special efforts underway to improve Government-wide debt collection and travel management.

Question 3.—What are the appropriate activities of the management arm of OMB? Is a single office with both budgetary and management responsibility a realistic arrangement? Should we consider an alternative that would divide these two responsibilities between two separate offices?

The appropriate activities of the management arm of OMB can be summed up as the synthesis and communication of the President's management initiatives and priorities followed by the monitoring and evaluation of agency implementation of those initiatives and priorities. I am among those who believe that to function successfully, the management arm must be intimately associated with the President's resource planning and decisionmaking apparatus.

In my view it is not only realistic to maintain the arrangement of a single office with both budgetary and management responsibilities, it is preferable to the alternative that would divide the two functions. A separate management office would lose a great deal of effectiveness without the leverage afforded by its close association with the resource allocation process. If you separate the two parts, each would tend to try to replace the lost part. This could lead to a loss of efficiency and a larger Executive Office.

IV. FEDERALISM

Question 1.—Once a legislative plan is developed and passed by Congress, what part do you feel OMB should take in the transition to the "new Federalism?"

I see an active and continuing role for OMB in implementation of the Federalism Initiative, subsequent to Congressional passage of the 1982 block grants. This role would be largely coordinative and supportive of the agencies which are currently responsible for administering the affected programs. This would include review of agency implementing regulations, responding to financial management and funding issues, and providing comprehensive and timely information to state and local officials as they prepare for taking over their new responsibilities. We would also, for example, assist the agencies, which have direct responsibility for implementing the Federalism Initiative, in explaining and promulgating the procedures to be followed by states in the assumption of their new responsibilities.

OMB will discharge its responsibilities under the Paperwork Reduction Act and Executive Order 12291 to ensure that agency implementation rules and rulings conform to the intent of that Act, and meet the President's standards for well-justified rulemaking. At the same time, OMB staff will be available, as during last year's block grant implementation process, to assist agency staff and other Executive Branch personnel in ensuring that the public is adequately informed about the consequences of such monumental legislation.

Question 2.—OMB has a strong Intergovernmental Affairs Division which was responsible for many management functions in the area of federal assistance programs. That division has been severely reduced in size, and its functions are now unclear. What is your view of how this division should be structured? What role should federalism play in managing federal assistance programs?

On the basis of my initial discussions with OMB management and professional staff, it is my opinion that OMB continues to have a strong Intergovernmental Affairs Division. It is true that this Division has undergone a reduction in personnel over the last several months. This has been necessitated by the constraints on operating funds for the OMB institution as a whole.

It is my understanding that the role of the Division and its requisite level of personnel are currently under study. I intend to participate heavily in the final decisions with regard to this role and the allocation of personnel for the Division.

I can assure you that I am fully aware of the need for retaining a strong technical and managerial capability in this area as we move forward with restructuring and simplifying the current grant-in-aid system. The continued movement toward block grants and the ultimate transfer of responsibilities under the Administration's Federalism initiative also will place strong demands on OMB. We will ensure that adequate capability exists to meet this challenge.

Question 3.—Recently the Geographic Distribution of Federal Funds (GDFF) was terminated. This report had proven to be invaluable to states and localities as well as the Congress for it listed the state-by-state distribution of federal assistance programs. Do you plan to strengthen other information systems, such as FAADS, to ensure that adequate information is available on federal assistance programs?

Yes. We have already taken steps to strengthen the quality and timeliness of information systems which report data on grants-in-aid.

We have placed added emphasis on our efforts to improve the quality of FAADS reporting. This system coupled with the Federal Aid to States report done by Treasury and data collected by the Census Bureau provide a much more accurate source of information on federal assistance than did the GDFF. We are working closely with the agencies, states, and your own information staff office as FAADS is refined. In fact, the states are so interested in this system that 13 of them have volunteered to commit resources to analyzing FAADS reports for their states and provide periodic feedback to OMB and the agencies on problems and opportunties for improvement.

In addition, the Census Bureau will assume operational responsibility as the Executive Agent for FAADS on April 1. Census has already taken a strong interest in improving the system and, as you know, it brings valuable expertise to bear on information systems of this type.

We have also worked with the agencies and the states to improve the quality and timeliness of the Budget Information for States report which OMB provides to aid the states in their budget decision-making. This report includes a state-by-state distribution of federal funds for 45 of the largest formula grant programs. This year these programs accounted for over 80 percent of federal assistance funds requested in our budget. We managed to improve its timeliness so that it was available to the state officials for use in their executive-legislative budget deliberations.

V. FEDERAL BUDGET PROCESS

Question 1.—There is widespread agreement that the passage of the Congressional Budget and Impoundment Control Act of 1974 was a positive step. Do you agree? Do you have any suggestions on how the process could be revised to make it more effective?

The Congressional Budget and Impoundment Control Act was an important positive step for two basic reasons:

It provided a mechanism to require that the Congress consider individual spending legislation actions in the context of budget totals.

It provided an orderly mechanism for the executive branch to propose, and the legislative branch to act on the reservation of funds.

There is a wide range of suggestions on improving the process from the very technical to the fundamental. On the technical side, I would favor evaluating the impoundment reporting aspects of the Act to eliminate unessential paperwork and improve efficiency. More fundamentally, the Administration has supported bills to amend the Act to include controls on Federal credit, and the suggestion of making the first resolution binding rather than advisory has considerable appeal.

It is more difficult to respond to questions on improving the congressional budget resolution and appropriations process. What the Budget Act did essentially was to set up congressional procedures. These procedures have changed and evolved through time and can continue to do so without changes in the basic legislation. I agree with most observers that it would be desirable for the legislated schedule of budget actions to be maintained, but I also understand fully why this is very difficult to do.

In summary, I would be uneasy about attempting any wholesale revision of the process before making a greater effort to operate within the existing requirements. In any case, the Congressional budget process is entirely a Congressional prerogative and not a matter for the executive branch to change or reform.

Question 2.—There has been increasing discussion of the possibility of a two year budget process. Do you have any comments on the viability of a biennial Federal budget?

First, it is important to understand that it is an over-simplification to state that we have an annual budget. It is true that the President submits an annual budget under the Budget and Accounting Act of 1921. However, there has been an increased emphasis—particularly on the part of this administration—on treating the annual budget in a multi-year context.

Furthermore, in terms of legislative action, the budget is a combination of annual, bi-annual, and multi-year budgeting. At one extreme, some parts of the budget not only are subject to annual appropriations, but annual authorizations as well. At the other end of the spectrum, interest on the public debt is paid under a permanent, indefinite appropriation that is essentially no-year budgeting. Entitlement programs that are financed through trust funds may continue for long periods of time without legislative action. Fully-funded defense systems are an example of multi-year budgeting.

In the short run, given the tremendous challenge we face in slowing the momentum of Federal spending, the President and the Congress need to exert maximum effort on an annual basis. It is not clear at this point that biennial budgets would achieve more restraint than the current system, though from the Congressional perspective I can understand the attractions of a biennial budget in terms of savings of time and other advantages.

Question 3.—Would you be in favor of changes in the current impoundment process that would allow Congress to reject rescission proposals? Would you support any other changes in the impoundment process?

The law already provides the Congress with the power to reject rescission proposals by simply not acting on them within 45 days of continuous session. This 45-day congressional consideration period gives the Congress an opportunity to review the merits of the President's proposals. If a rescission bill has not been passed within the prescribed period, then funds must be made available for obligation. The Congress has used this procedure this fiscal year to reject two proposed rescissions of Air Force procurement funds and has rejected more than half of the rescissions proposed in the 1974-80 period.

The current process seems to be working reasonably well. Information is being reported to the Congress on the withholding of funds, and the Congress has been able to overturn impoundments as it desires. I would favor any changes that would eliminate unnecessary paperwork or improve reporting procedures.

Question 4.—The use of reconciliation last year has been criticized by some as usurping the prerogatives of the Congress. Do you believe a revision in the guidelines affecting reconciliation is warranted?

Reconciliation did not usurp the prerogatives of the Congress because it was the Congress itself that established the mechanism and rules by which reconciliation was achieved. Under the circumstances of a dramatically deteriorating economy and a budget that was out of control, the process was clearly justified.

As the Director has stated in testimony before this Committee, we need to learn from last year's experience. For example, if major authorization bills are up for renewal, it may be desirable to follow conventional procedures and not include them in the reconciliation process. In addition, the inclusion of dollar spending limits in the reconciliation bill, in retrospect, probably made the bill unduly complex and unnecessarily redundant with the appropriations process.

However, I can see considerable future value in a reconciliation bill of more limited scope than what was proposed last year. In particular, experience would indicate that reconciliation may be the only effective means of achieving reform of entitlement programs.

Question 5.—What would you consider the proper budget treatment of "off budget" agencies? Should they be put back "on budget", or should their current budget treatment continue?

During the past year, OMB has emphasized repeatedly that it is the total drain on the Nation's capital caused by Federal activity that is important. This includes taxes to finance the on-budget activities and the off-budget activities, and Federal claims on credit markets. Viewed in this context, placing the off-budget activities on-budget would have no real effect unless it resulted in reduced Federal activity. In that regard, I am concerned that activities that are financed outside the official budget totals tend to escape some of the scrutiny they would otherwise receive.

Most off-budget outlays result from lending activities, largely conducted through the Federal Financing Bank. The FFB's outlays do not come from programs that the FFB operates itself. Rather, the FFB finances lending programs within the Government by purchasing their debt securities or purchasing obligations that they have guaranteed. The operation of these programs remains both legally and administratively with the agencies that borrow from the FFB or provide the guarantees. Therefore, the Administration's emphasis is on controlling them through the credit budget. In this way, these credit programs are controlled at their source, rather than through the FFB.

The significant non-credit activities are the Postal Service and the strategic petroleum reserve account. In the case of the Postal Service, the subsidy to the Service is included as an on-budget item and, therefore, it is not primarily a fiscal issue. As you know, the Administration did not propose that financing of procurement for the strategic petroleum reserve be excluded from the budget, but we have deferred to the Congress on this matter.

Question 6.—Proposals have been offered which would subject Federal credit activities and Federal regulatory compliance costs to more formal discipline under the budget process. What is your view of the desirability of requiring a credit budget and a regulatory budget?

Requiring a credit budget and a regulatory budget are two very different matters.

OMB has developed an effective and detailed structure for the credit budget covering direct Federal and Federally-guaranteed lending activity. The programs and accounting systems involved are understood to an increasing degree by the Congressional Budget Office and the appropriate Congressional Committees. I would strongly support further congressional action to strengthen the credit budget concept and further integrate it into the overall congressional budget process. The Administration continues to review credit programs with great care and submit to the Congress the legislative language necessary to maintain adequate constraints on Federal credit activity.

A regulatory budget is conceptually much more difficult to develop and is impractical at this time in a comprehensive sense. As you know, OMB has undertaken a major effort to review regulatory activities by Federal agencies in order to make sure that the costs to the private sector are fully justified. In some cases these costs are relatively clear and can be aggregated, just as direct budget costs are. However, looking at Federal regulations across the whole spectrum of the economy, it is not conceptually possible at this time to establish sufficiently precise totals on the net cost of regulation.

While a regulatory budget has many appealing aspects, in practice it would be exceedingly difficult to implement. For example, there would inevitably be disputes about the cost estimates for any given regulation. Thus, while the regulatory budget should continue to be studied, we currently have no plans to implement one.

In connection with this question, it should be noted that the policies adopted under Executive Order 12291 are proving to be effective in disciplining the federal regulatory process and controlling regulatory costs. In many ways, the approach adopted by the Executive Order is preferable to a regulatory budget.

Question 7.—Over three quarters of the Federal budget is referred to as "uncontrollable" in any given year. As you know, this fact greatly restricts the ability of OMB to direct Federal budget priorities. How do you feel we can gain control over these "uncontrollables?"

I do not accept the conventional definition of "relatively uncontrollable outlays." Obviously, outlays from legally binding contracts and other commitments, as well as payments for interest, are ultimately uncontrollable as the payments come due. However, so-called relatively uncontrollable outlays also include entitlement programs and other mandatory spending, such as commodity price supports. Last year's reconciliation bill was a dramatic demonstration that these "uncontrollable" programs can be controlled. I anticipate that the Administration's entitlement reforms that are before the Congress this year will provide another concrete example of controlling these programs.

VI. REGULATORY REFORM

Question 1.—What is your opinion of the legality and effectiveness of Executive Order 12291, which gives OMB oversight authority of the regulatory activity of the executive agencies?

Executive Order 12291 establishes a set of economic principles and procedures to guide the formulation of regulatory policy within the framework of existing law. If a statute expressly or by necessary implication precludes the consideration of benefits or costs or alternatives by an agency during its rulemaking, then those provisions of Executive Order 12291 requiring such consideration would not apply. If a statute or a court order establishes a date for a rulemaking action, then Executive Order 12291 can't delay that action. In other words, if Congress or the Courts have spoken on a matter, then the Executive Order process will conform to that expression. The entire function of the Order it to ensure that the discretion delegated to regulatory officials by Congress is exercised in an economical and efficient manner. This is quite clearly an appropriate exercise of the President's constitutional obligation to see that the laws are faithfully executed.

The purposes of the Executive Order are to control the growth of regulation and to ensure that individual regulations are well-reasoned and economically sound. I believe the Executive Order has been effective. While most of the regulations submitted to OMB for review in 1981 were found consistent with the Executive Order as submitted, the discipline imposed by the Order's policies and procedures has resulted in a substantial decline in the volume of regulatory activity. For example, the number of final regulations published in the Federal Register from February through December 1981 was 21 percent lower than during the same period in 1980. The number of proposed regulations declined by one-third. The recent vote on the Laxalt-Leahy bill (94-0) is a vote of confidence in the Executive Order process in that the bill enacts major tenets of the President's regulatory relief program and specifically endorses executive office review of regulations.

Question 2.—Should this authority be extended to the independent regulatory agencies?

While independent regulatory agencies are exempt from the Executive Order, we believe they should be subject to similar requirements. The Laxalt-Leahy bill, which the Administration supports, contains cost-effectiveness provisions similar to those of the Executive Order and would apply to virtually all regulating activities of the independent agencies.

Question 3.—Do you believe that the activities of the President's regulatory relief task force should be both open and on the public record? Would you recommend any changes to better accomplish this goal?

At the present time, we advise members of the public that any factual information given to OMB and the Task Force during rulemaking should be transmitted to the agencies to be included in their rulemaking files. In addition, OMB staff are required to send copies of all materials sent to OMB from outside parties about regulations to files in a public reading room especially established for that purpose. All the correspondence submitted to the Task Force as a result of the Vice President's March 19, 1981 request for suggestions of existing rules to be reviewed are also available to the public. Thus, the activities of the Task Force are already open and public to a substantial degree. Any further changes with regard to the Task Force or OMB procedures should occur in the context of the regulatory reform legislation.

Question 4.—How has OMB's enforcement of the Paperwork Reduction Act been affected by the resource demands of Executive Order 12291? Does the Office of Information and Regulatory Affairs need more personnel and a higher level of appropriations to meet the demands of both the Paperwork Reduction Act and Executive Order 12291?

OMB's responsibilities under the Paperwork Reduction Act are complementary with its responsibilities under the Executive Order. They both seek to reduce the burden on the private sector of federal information collection and regulatory programs and to encourage agencies to seek the least burdensome alternative, consistent with law, to achieve public policy objectives. While the OIRA staff are kept very busy in fulfilling their responsibilities, an increase in personnel and appropriation is not needed at this time.

Question 5.—Under the Paperwork Reduction Act of 1980, OMB has the authority to approve requests from the agencies for reporting forms. It appears that this authority has been used to delay agency regulatory actions and has been, in this Administration, a tool to enforce its regulatory reform agenda as set forth in Executive Order 12291. Do you expect to change the manner in which the Paperwork Reduction Act will be implemented? Is it proper for the Act to be used to delay agency actions and enforce changes in agency regulations?

OMB does not use its authority under the Paperwork Reduction Act to enforce its regulatory reform agenda under the Executive Order. OMB's paperwork reviews are based on the statutory guidance provided in the Paperwork Reduction Act. The Act directs OMB to evaluate agency information practices to determine their adequacy and efficiency, and to determine whether the collection of information by an agency is necessary for the proper performance of its functions will have practical utility for the agency.

Question 6.—Do you feel that delays in the development of regulations to implement statutory mandates could be further minimized so that threats to human and safety could be lessened?

Any regulation that responds to an emergency situation—for example, any situation that poses an imminent threat to health and safety—is exempt from the Executive Order's procedures. In other situations, the requirements of the Order—essentially that regulations be well-reasoned and economically sound—may increase the time needed to develop a regulation. Of course, the alternative may be a poorly-reasoned, hastily-developed regulation that is unnecessarily burdensome and doesn't achieve its objectives, including health and safety objectives.

OMB has worked very hard to ensure that its procedures under the Executive Order do not result in delays. For the vast majority of regulations submitted to OMB, review under the Executive Order is completed in a matter of days.

VII. GOVERNMENT REORGANIZATION

Question 1.—I know that you have represented the Administration in the development of the Department of Energy reorganization proposal. Will you and your office have a continued role in this effort once you have moved to OMB?

As you know, OMB has overall responsibility within the Executive Branch for reorganization proposals. Former Deputy Director Harper took an active role in the development of the DOE Proposal; I would expect to continue to participate in this effort in my new capacity.

Question 2.—Some government agencies, for example the U.S. Fire Administration, have been effectively reorganized by being "zeroed out" of the Federal budget. Is this use of the budget to reorganize government appropriate or should such reorganizations be carried out through submission of legislative proposals to abolish agencies?

The Federal Government has long operated under the two-stage process of authorizations and appropriations. The authorization process essentially establishes the kinds of activities the Federal Government may undertake. The appropriations process controls the levels at which these programs will be financed. It is, of course, typical for appropriations to be constraining in the sense that they do not permit programs to operate at the maximum possible level authorized. In fact, it is common for some activities that are authorized to remain completely unfunded. Therefore, when the President feels that an activity is of low priority, it is entriely appropriate that he recommend no appropriations for that activity, and for the Congress to respond as it sees fit.

VIII. OVERSIGHT OF GOVERNMENT

Question 1.—Waste and fraud in the management of federal programs will be a serious concern of the Government Affairs Committee during this session. How can OMB assist the Committee in its evaluation of federal mismangement? Do you have any ideas on administrative means which could be used by OMB to reduce fraud and inefficiencies in federal programs?

I believe that OMB can be of assistance to the Committee in its evaluation of federal mismangement and can develop effective administrative means for reducing fraud and inefficiencies in federal programs in two ways: (1) by continuing to work closely with and to support the efforts of the Inspectors General and the Assistant Secretaries for Management in the individual departments and agencies, and (2) by focusing its own attention and resources on the entire concept of improving management in government programs.

I would like to concentrate on strengthening the "M" in OMB by dealing with across-the-board management improvement as a continuing theme and major OMB responsibility. OMB already is working on several projects in this area that are having positive results. For example, I understand that OMB has active projects in audit follow-up and internal control that to my mind represent positive administrative means to get at the systems problems that produce fraud and inefficiencies in federal programs.

Question 2.—Do you plan to take any steps to curb wasteful or inappropriate consulting contracts and procurement?

Yes. We plan to closely monitor the effectiveness of recent OMB initiatives to curb any inappropriate use of consulting contracts by Federal agencies. These initiatives resulted in a $162 million reduction in consulting and related services during FY 1981, and we anticipate an additional $500 million reduction in FY 1982. Actual expenditures will be increased by 3 percent when comparing FY 1981 and FY 1983 data—but that reflects a real decrease of 10 percent in constant FY 1981 dollars.

OMB's current initiatives to further tighten management controls over consulting and related services contracts include the development of additional guidelines. We are currently analyzing public and agency comments received on drafts published in the Federal Register.

We plan to monitor the implementation of a number of actions we have taken to curb waste in procurement; including:

A directive to agencies to reduce wasteful end of year spending.

A requirement that agencies develop advance procurement planning procedures.

The development of training material in ethics and standards of conduct for procurement personnel.

The halving of procurement of high vulnerability items such as furniture and other equipment and publications until agencies submitted detailed plans.

We currently have underway the development of:

Job performance and training materials for auditors and investigators in detection and prevention of waste, fraud, and abuse in procurement; and

An internal control for procurement guidelines as part of OMB Circular No. A-123 on internal controls.

Question 3.—As you know, this Committee has been actively involved in the issue of travel management. I was quite pleased with the work of the Interagency Travel Management Improvement Project. Will you continue the efforts to control federal travel expenditures?

Yes. I have already received a briefing by OMB staff on the progress being made by the OMB-led task force to implement the recommendations of the Interagency Travel Management Project.

Last July, after the President reviewed the report on strengthening Federal travel management prepared by the Project staff, he directed the lead agency heads to implement the study recommendations, with overall coordination by the Director of OMB.

The Travel Management Improvement Group, created last August, is chaired by OMB and consists of representatives of the four agencies with major travel policy authorities—State, Defense, GSA, and Office of Personnel Management. The Group has been working since last September on ways to improve control and management of agency travel expenditures. The improvements under consideration, as I understand it, will require legislative as well as administrative actions and are laid out over an implementation period of up to a year in length.

Question 4.—It has been more than thirty years since the Congress passed the Budget and Accounting Act in 1950, but 36 percent of all agencies are not yet in compliance with this Act, and these agencies control over 50 percent of the federal budget. What initiatives do you plan to take to insist on compliance with this Act?

We are going to press for compliance with the Act. As you know, it requires the General Accounting Office to:

Establish accounting principles after consultation with OMB and Treasury and in consideration of the needs of executive agencies;

Cooperate with agencies in developing accounting systems; and

Approve accounting systems that are adequate.

The GAO grants approval of accounting systems in two phases:

Principles and standards, and

Systems design.

With regard to the first phase, principles and standards, only one percent of agency systems remain unapproved. However, only 64 percent of systems designs have been approved, and this is an unacceptable situation.

Comptroller General Bowsher recently launched a review of ways to streamline the approval process. We are meeting with him and other members of the Joint Financial Management Improvement Program next month to discuss this issue and other financial priorities. At that time, we hope to agree on an appropriate role that OMB can play in expediting the review and approval process. It may be that we can build upon the recent OMB experience in updating and approving the fund control systems of the major departments and agencies under the authority of the Antideficiency Act.

Question 5.—As head of the President's Council of Integrity and Efficiency, on what areas do you intend to focus the Council's resources?

The President's Council on Integrity and Efficiency was created to strengthen the Inspector General Program and to coordinate and implement Government policies concerning integrity and efficiency in Federal programs. It has an active program underway that I believe is completely consistent with these purposes. I plan to chair the Council in a manner that will continue to support these purposes.

The President's Council, of course, was created without an independent source of resources. Its resources are only what the members provide. So far, I understand the members have been very supportive of all the Council's interagency and governmentwide projects. I believe that this support will continue and should be focused, as it currently is, on plans for coordinated government-wide activities; standards for management, operation, and conduct of IG activities; development of a well-trained, highly skilled corps of auditors and investigators; and interagency projects. I am very pleased by the Council's ability to be active and effective on the interagency front while still recognizing and respecting the importance of the individual IG's autonomy and objectivity. I believe this is a sound approach.

Question 6.—Do you believe that RIFs are an effective means to reduce both the size and waste of the Federal Government?

RIFs are certainly effective in the sense that they do get reductions accomplished when attrition would take too long. However, a RIF also is a very clumsy and expensive method of making reductions. For example:

A RIF of 100 employees may affect several times the initial number because of "bumping" and "retreat" rights.

An employee who is qualified "on paper" for another job may not really be well suited for that position.

The pay-saving features of the RIF process mean that people who get bumped down to lower-level positions must still get their original salaries for an extended time period.

Because seniority is given heavy weight, RIFs hit young people, women and minorities with disproportionate impact.

Furloughs may be a viable alternative where the agency problem is a short-term one, such as funding to get through the fiscal year. However, when the problem requires permanent personnel reductions, a reduction in force is required if attrition, even in combination with furloughs, cannot be counted on to achieve the objective.

I want to stress that the basic Administration objective of reducing the size of our government's workforce is a desirable one, which is generally supported by the Congress and the public. When attrition would be too slow, and the RIF process is the only practical way to reach reduced staffing levels in a reasonable time, the process now in the law will have to be used.

I also want to stress that this Administration is especially concerned that everything possible is done to assist displaced Federal employees. We are disturbed by recent allegations that some agencies are not doing as much as they should. If personnel offices are overwhelmed by other work associated with RIFs, we are urging that agencies set up *managerial* task forces to counsel and assist employees who are being RIFed and to aid in their outplacement.

IX. RELATIONS WITH CONGRESS

Question 1.—Do you agree without reservation to respond to any reasonable summons to appear and testify before any duly constituted committee of the Congress if you are confirmed?

Yes.

Question 2.—Are you willing to provide such information as is requested by such committees?

I do not foresee any situation in which I would not be willing to provide such information in response to any reasonable request of a duly constituted committee of the Congress.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second time by unanimous consent, and referred as indicated:

By Mr. LUGAR (for himself, Mr. DURENBERGER, Mr. PRYOR, Mr. ABDNOR, Mr. FORD, and Mr. BOSCHWITZ):

S. 2357. A bill to prohibit export restrictions that interfere with existing contracts for the exportation of such commodities; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. McCLURE (by request):

S. 2358. A bill to authorize the Federal Energy Regulatory Commission to collect fees and charges for services, benefits, privileges, and authorizations granted in administering its regulatory programs, and for other purposes; to the Committee on Energy and Natural Resources.

S. 2359. A bill to amend section 6 of the Colorado River Storage Act (70 Stat. 109); to the Committee on Energy and Natural Resources.

By Mr. WARNER (for himself and Mr. HARRY F. BYRD, JR.):

S. 2360. A bill to provide that States may enter agreements with the United States under which the State will retain a portion of the Federal unemployment tax for the purposes of administering the unemployment compensation program and the employment service program as currently provided under Federal law, to allow States to retain unemployment compensation funds in State-managed funds, and for other purposes; to the Committee on Finance.

By Mr. LUGAR (for himself and Mr. GARN) (by request):

S. 2361. A bill to amend and extend certain Federal laws relating to housing, community and neighborhood development, and related programs, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. ARMSTRONG (for himself, Mr. PROXMIRE, Mr. KASTEN, Mr. SCHMITT, and Mr. CHAFEE):

S. 2362. A bill to abolish the Synthetic Fuels Corporation; to the Committee on Energy and Natural Resources.

By Mr. DURENBERGER (by request):

S. 2363. A bill to amend the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970; to the Committee on Governmental Affairs.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. DOMENICI:

S. Res. 361. A resolution to commemorate the 100th anniversary of the organization of the E. Romero Hose and Fire Co. of Las Vegas, N. Mex.; to the Committee on the Judiciary.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. LUGAR (for himself, Mr. DURENBERGER, Mr. PRYOR, Mr. ABDNOR, Mr. FORD and Mr. BOSCHWITZ):

S. 2357. A bill to prohibit export restrictions that interfere with existing contracts for the exportation of such commodities; to the Committee on Banking, Housing, and Urban Affairs.

PROHIBITION OF CERTAIN EXPORT RESTRICTIONS

● Mr. LUGAR. Mr. President, I rise today to bring to the attention of the Senate a matter of utmost importance to this Nation's agricultural sector and to the foreign nations which depend upon the United States to supply a major portion of their food needs. The legislation that I am introducing would prohibit the Government of the United States from imposing restrictions upon the export of agricultural commodities which would interfere with valid export contracts, provided the contract was entered into prior to the time such export restrictions are imposed.

As a result of continuing uncertainty following a mistaken foreign policy decision several years ago, nations which relied solely upon the United States for an uninterrupted flow of food products are now seeking alternative suppliers of grain. This has ultimately led to greater competition for U.S. exporters from other grain-producing countries such as Brazil, Argentina, Australia, and Canada.

Mr. President, our farmers are the most efficient in the world and can compete favorably with any other country if given a fair chance. However, our farmers are severely disadvantaged by a market that is not operating freely because our export sales are threatened by uncertainties in the current trade environment. These uncertainties are creating a situation in which buyers and sellers of agricultural product do not have confidence that existing contracts will be honored.

At the moment, we are experiencing the worst of all possible situations. The Soviet Union continues to buy grain freely on the world market. Yet the constant threat of a U.S. grain embargo has helped to drive farm prices down substantially. It is not the Soviet Union which suffers because of this uncertainty; it is the American farmer who suffers.

We must make an irrevocable commitment to our trading partners that the United States will honor all export contracts that are entered into in good faith. We must protect the right of our farmers and grain exporters to sell our farm products abroad. To do otherwise destroys the credibility of the United States as a reliable supplier, which in turn threatens future export sales and depresses the income of farmers.

Let me remind my colleagues of the tremendous contribution that our farm exports make to this Nation's economy. Since 1970, the value of U.S. agricultural exports has increased more than sixfold, reaching $44 billion in 1980-81. Export volume has more than doubled in these same years. Our agricultural trade balance has been in surplus in each of these years, rising from $1 billion in 1970 to over $26 billion during the last fiscal year. This surplus helps to offset our chronic nonagricultural trade deficit, a deficit which exceeded $50 billion last year.

Agricultural exports provide about one-fourth of U.S. farm income and the harvest from almost two-fifths of our cropland is sold in foreign markets. Agricultural exports also generate jobs—more than 1 million people are working full time in farm-export-related jobs. Beyond this, agricultural exports generate additional business activity: Every dollar that is returned to the United States from farm exports is more than doubled in business activity in the general economy.

I am well aware that an argument can be made that this legislation will hamper the President's ability to carry out American foreign policy. I reject this view. I do not believe that any historical evidence indicates that agricultural embargoes are an effective tool of foreign policy. Agricultural embargoes do not provide the kind of sanction that deters foreign aggression.

Former President Carter's grain embargo against the Soviet Union provides a good case in point. Not one Soviet soldier was removed from Afghanistan because of President Carter's grain embargo. After a brief period of adjustment, the Soviet Union proceeded to supply its grain needs from other exporting nations. Who was hurt by the U.S. embargo? Surely not the Soviet Union. Our policy ought to be one in which we attempt to earn as much as possible from our grain exports. If the Soviet Union wishes to purchase food because it cannot grow enough on its own, let us extract the highest price possible and compel the Soviet Union to utilize its scarce foreign exchange reserves.

It simply cannot be in our national interest to give the President authority to do what it is unwise to do. An agricultural embargo does not represent a firm stand against foreign expansionism; it represents a bankrupt policy in which difficult policy decisions have been avoided.

We must facilitate, not impede, a vigorous agricultural export policy. This legislation is an important first step in achieving this objective. It is a step which will not add a single dollar to the Federal budget. I urge my colleagues to join with me in supporting this legislation.

Mr. President, I ask unanimous consent that the text of this bill be printed in the RECORD at this time.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 2357

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That notwithstanding any other provision of law, the Government of the United States shall not impose any restrictions upon exportation of agricultural commodities which interfere with valid contracts for the exportation of such commodities entered into prior to the date such export restrictions are imposed and which provide for the delivery of such commodities for exportation within 180 days of the date such export restrictions are imposed.●

By Mr. McCLURE (by request):

S. 2358. A bill to authorize the Federal Energy Regulatory Commission to collect fees and charges for services, benefits, privileges, and authorizations granted in administering its regulatory programs, and for other purposes; to the Committee on Energy and Natural Resources.

COLLECTION OF CERTAIN FEES BY THE FEDERAL ENERGY REGULATORY COMMISSION

● Mr. McCLURE. Mr. President, at the request of the administration, I send to the desk for appropriate reference a bill to authorize the Federal Energy Regulatory Commission to collect fees and charges for services, benefits, privileges, and authorizations granted in administring its regulatory programs, and for other purposes.

Mr. President, this draft legislation was submitted and recommended by the Federal Energy Regulatory Commission, and I ask unanimous consent that the bill and the executive communication which accompanied the proposal from the Chairman of the Federal Energy Regulatory Commission be printed in the RECORD.

There being no objection, the bill and letter were ordered to be printed in the RECORD, as follows:

S. 2358

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Federal Energy Regulatory Commission shall be authorized to collect charges and fees and to retain and use the moneys collected for its operating expenses as described in this Act.

SEC. 2. (a) DEFINITIONS.— For purposes of this Act—

(1) "adjusted costs" includes the anticipated direct and indirect costs to the Government of administering a program during a fiscal year minus fees anticipated to be collected for services or benefits rendered under the program during that fiscal year under section 2 of this Act or title V of the Independent Offices Appropriations Act of 1952 (31 U.S.C. § 483a);

(2) "natural-gas company" has the same meaning as that term has under section 2(6) of the Natural Gas Act (15 U.S.C. § 717a(6));

(3) "public utility" has the same meaning as that term has under section 201(e) of the Federal Power Act (16 U.S.C. § 824(e));

(4) "jurisdictional gas deliveries" means the total volume of natural gas that is sold by a natural-gas company to any person, except another natural-gas company, and excludes the natural gas that is sold to a person who later resells the natural gas in interstate commerce.

(b) ANNUAL CHARGES TO BE ASSESSED.—

(1) Each natural-gas company that has an effective certificate of public convenience and necessity under section 7(c) of the Natural Gas Act (15 U.S.C. § 717f(c)), shall pay to the United States a reasonable annual charge in an amount fixed by the Commission to reimburse the United States for the adjusted costs of administering the Natural Gas Act (15 U.S.C. §§ 717 *et seq.*). The annual charge for each natural-gas company shall be computed based on its proportional share of the total jurisdictional gas deliveries during the previous fiscal year or on a method for apportioning the adjusted costs that the Commission determines to be fair and equitable.

(2) Each public utility shall pay to the United States a reasonable annual charge in an amount fixed by the Commission to reimburse the United States for the adjusted costs of administering parts II and III of the Federal Power Act (16 U.S.C. §§ 824-25r), except for the regulation of cogeneration and small power production under sections 201 and 210 of that Act (16 U.S.C. §§ 824 and 824i). The annual charge for each public utility shall be computed based on its proportional share of the kilowatt hours transmitted under interchange power agreements and the gross jurisdictional kilowatt hours sold by all public utilities during the previous fiscal year or on a method for apportioning the adjusted costs that the Commission determines to be fair and equitable.

(3) Each common carrier subject to regulation by the Commission shall pay to the United States a reasonable annual charge in an amount fixed by the Commission to reimburse the United States for the adjusted costs of administering the regulation of oil pipelines. The annual charge for each common carrier shall be computed based on its proportional share of the total jurisdictional volumes transported during the previous fiscal year or on a method for apportioning the adjusted costs that the Commission determines to be fair and equitable.

(c) FEES TO BE ASSESSED.—In addition to its authority under title V of the Independent Offices Appropriations Act (31 U.S.C. § 483a), section 10(e) of the Federal Power Act (16 U.S.C. § 803(e)), and section 2(b) of this Act, the Commission may fix and collect fees and charges for applications, requests, grants or approvals of licenses, abandonments, curtailments, exemptions, rate or tariff authorizations, or any other authorization under its jurisidiction to reimburse the United States for the services or benefits rendered by the Commission under its regulatory programs and for costs incurred by the Commission to serve an independent public interest. Fees and charges under this section shall be computed based on methods that the Commission determines by rule to be fair and equitable.

(d) WAIVER.—The Commission may, by rule or order, waive all or part of an annual charge or fee assessed under this Act.

SEC. 3. When so specified in appropriations acts, any monies collected by the Commission may be retained and used for operating expenses when these monies are not earmarked for specific programs of other departments and agencies, notwithstanding the requirement in other law that monies be paid into the Treasury as miscellaneous receipts.

SEC. 4. This Act takes effect on October 1, 1982.

FEDERAL ENERGY
REGULATORY COMMISSION,
Washington, D.C., March 10, 1982.

Hon. GEORGE BUSH,
President of the Senate,
Washington, D.C.

DEAR MR. PRESIDENT: Enclosed is proposed legislation "to authorize the Federal Energy Regulatory Commission to collect fees and charges for services, benefits, privileges and authorizations granted in administering its regulatory programs, and for other purposes."

THE PURPOSE OF THE LEGISLATION

The purpose of the bill is to make clear the Commission's authority to reduce the costs of energy regulation to the taxpayer by recovering a greater share of those costs, in the form of annual charges and user fees, from energy companies that operate under Commission license or authorization. The Commission now has explicit authority to impose annual charges on hydropower companies under section 10(e) of the Federal Power Act (16 U.S.C. § 802(e)). The proposed bill would give it comparable authority over natural gas companies, electric utilities and oil pipelines.

Title V of the Independent Offices Appropriations Act of 1952 (IOAA) (31 U.S.C. § 483a) states the sense of Congress that regulatory licenses, privileges or other authority should be self-sustaining to the fullest extent possible, and, to that end, impowers agencies to collect fees and charges. However, the Commission's fees and charges under the IOAA have been challenged in the United States Court of Claims. These suits question the Commission's authority to recoup expenses associated with contested hearings, rulemakings, and other essential elements of the regulatory environment in which energy companies hold operating privileges. The proposed bill is designed to supplement the Commission's authority under the IOAA by specifying that the Commission can assess and collect annual charges and user fees to reimburse the United States for regulatory costs not otherwise recovered under existing law. The annual charge for each company would be computed on the basis of the company's share of total energy deliveries or sales in a fiscal year. Annual charges and user fees could also be based on other methods the Commission found fair and equitable. Similar authority to impose annual charges on regulated entities (apart from the Commission's own authority over hydropower companies) is now vested in the Securities and Exchange Commission under section 31 of the Securities Act of 1934 (15 U.S.C. § 78ee).

COST AND BUDGETARY DATA

Enactment of this legislation would cause no increase in the Commission's budgetary requirements. It would result in an estimated reimbursement to the United States of approximately an additional $30-40 million of the funds appropriated for this agency in the first year after enactment.

Sincerely,

C. M. BUTLER III,
Chairman.●

By Mr. McCLURE (by request):

S. 2359. A bill to amend section 6 of the Colorado River Storage Act (70 Stat. 109); to the Committee on Energy and Natural Resources.

LEGISLATION TO AMEND THE COLORADO RIVER STORAGE ACT

● Mr. McCLURE. Mr. President, at the request of the administration, I send to the desk for appropriate reference a bill to amend section 6 of the Colorado River Storage Act (70 Stat. 109).

Mr. President, this draft legislation was submitted and recommended by the Department of the Interior, and I ask unanimous consent that the bill and the executive communication which accompanied the proposal from the Assistant Secretary of the Interior be printed in the RECORD.

There being no objection, the bill and letter were ordered to be printed in the RECORD, as follows:

S. 2359

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 6 of the Colorado River Storage Project Act (70 Stat. 109) is amended by deleting the phrase "On January 1" in the fourth sentence and substituting in lieu thereof "On May 1".

U.S. DEPARTMENT OF THE INTERIOR,
OFFICE OF THE SECRETARY,
Washington, D.C., March 25, 1982.

Hon. GEORGE BUSH,
President of the Senate,
Washington, D.C.

DEAR MR. PRESIDENT: Enclosed is a draft bill "to amend section 6 of the Colorado River Storage Act (70 Stat. 109)".

We recommend that the bill be referred to the appropriate committee for consideration and that it be enacted.

The draft bill changes the date from January 1 to May 1 by which the Secretary is required to submit to the Congress the Colorado River Storage Act (Act) annual financial report. The change in the fiscal year-end date from June 30 to September 30 has made it difficult for the Department to comply with the due date for the report imposed by the Act. The report requires actual cost data for more than 30 participating projects in addition to the Storage Project as well as a considerable amount of interface between several Bureau divisions and regional offices and with the Department of Energy, Western Area Power Administration. Projections of costs and revenues must be determined in order to prepare Exhibit 5 of the report which reflects the historical and projected repayment of the reimbursable Federal investment and shows the rate of progress, year by year, in accomplishing full repayment. We believe the change from January 1 to May 1 will give us an adequate amount of time to prepare the report and forward it to the Congress in a timely fashion.

The Office of Management and Budget has advised that there is no objection to the presentation of this draft legislation from the standpoint of the Administration's program.

Sincerely,

GARREY E. CARRUTHERS,
Assistant Secretary.●

By Mr. WARNER (for himself and Mr. HARRY F. BYRD, JR.):

S. 2360. A bill to provide that States may enter agreements with the United States under which the State will retain a portion of the Federal unemployment tax for purposes of administering the unemployment compensation program and the employment service program as currently provided under Federal law, to allow States to retain unemployment compensation funds in State-managed funds, and for other purposes; to the Committee on Finance.

INEQUITIES IN FEDERAL UNEMPLOYMENT TAX SYSTEM

Mr. WARNER. Mr. President, I rise today to introduce legislation which seeks to redress the current inequities in the Federal Unemployment Tax Act (FUTA), while at the same time insuring that States experiencing high unemployment have adequate Federal reserves in which to rely upon.

In recent years, Congress has been unable to target adequate administrative dollars to meet employment situations existing in individual States. The result has been that both Congress and the States are limited in their ability to develop solutions to the basic problems of providing employment services and adequate unemployment benefits.

This was most recently evidenced in the emergency supplemental appropriations bill Congress approved to offset the estimated 37-percent reduction in total employment security administrative funds—which resulted from congressional reductions in the fiscal year 1982 budget.

Currently, the combined State trust funds are $7 billion in debt, and in fiscal year 1983, this indebtedness is expected to rise to $13 billion. This debt is being offset through the infusion of Federal general revenue dollars.

To prevent the further erosion of this vital financial system, and to insure adequate safeguards for the administrative portion of FUTA, either legislative relief must come or next year an increase in the FUTA tax will be necessary to offset current financial losses. My legislation should prevent this from occurring, while at the same time affording States the realization of additional revenue for administrative programs and State trust funds.

Mr. President, my bill has four basic objectives. It provides a funding formula which should prevent the financial worsening of the combined State's trust funds. It retains the State/Federal partnership in meeting employment demands while at the same time reducing Federal oversight.

This legislation increases funding opportunities without increasing taxes. And it provides an equitable return of the employer's FUTA dollars for the operation of the employment services.

The time has come in which a change in the current funding structure would not only improve the system, but would also insure that individual State interests and needs are being met.

As you are aware, the Social Security Act of 1935 established a national unemployment insurance program. The Wagner-Peyser Act of 1933 established the employment service program. Funding for both programs was provided by a payroll tax on employers. The tax later became known as the Federal Unemployment Tax Act.

The current FUTA tax rate is set at an actual 0.7 percent, which employers pay on the first $6,000 in wages for each employee.

This tax is collected by the IRS, and sent to the Department of Treasury to finance the administration of each State's program for employment services, the extended unemployment account, and the Federal unemployment account—the amount repayable to States with depleted reserves.

The IRS uses an estimated 2,000 employees and between $25 to $45 million annually in FUTA resources to collect the tax.

The amount returned to each State for the administration program fund is determined by a complicated formula with more than 90 components, as established by the Labor Department.

Currently, 0.45 percent of the 0.7 percent FUTA tax is dedicated to States for their administrative programs. However, due to the Labor Department's formula, many States receive substantially less than this amount once it is returned to them by the Federal Government.

The first major component of my bill allows each State, at its option, to retain its own portion of administrative FUTA taxes. This differs from current law, which dictates that it be funneled through the Treasury Department, at the rate of return annually determined by the Labor Department.

Under this legislation, the total FUTA tax paid by the employer will remain the same. However, for States choosing to not continue participation in the current Federal program, many will retain a larger share of their original administrative FUTA taxes.

My legislation provides that 0.40 percent be dedicated to States collecting and administrating their own FUTA program, with the balance being sent to the Federal Government for the financing of the grants to State's fund, and the temporary and permanent Federal extended benefits account.

The 0.05 supplemental funding source—from 0.45 to 0.40 percent—will guarantee that adequate Federal funding for States with high unemployment remain available. This fractional percentage would also remain available on the Federal level for States whose tax base is inadequate to fund an employment assistance system.

An added attraction is that interest earned on the money retained by States would produce additional revenue for operation, an option current law does not provide.

Under this bill, participation in the program would be strictly optional. Any State wishing to opt out of the Federal FUTA system may do so. All current Federal requirements for State employment offices and services will be retained. The bill merely gives States an opportunity to run their own administrative programs, guaranteeing a 100-percent return on the administrative portion of the FUTA tax.

Mr. President, I ask that a computer analysis of my proposal be included in the RECORD. The data used is based on the Department of Labor's 1981 figures, and clearly shows the financial gains most States will realize under this proposal.

Additionally, there is a second component of this bill. This second section will allow States to manage and maintain their own unemployment insurance trust funds.

Under current law, States collect and deposit taxes earmarked for unemployment insurance into trust funds. However, the Federal Government controls all individual State trust fund accounts. Historically, Federal investments on these moneys have been less than 10 percent, while most States experience short-term interest on deposits in the 15- to 16-percent range.

This legislation will permit States to manage and maintain their own trust fund investments. As with the first section of the bill, this section is also optional to the States.

Should a State choose to manage its own trust fund, it will accrue several financial advantages over the current system—regardless of the percentage of unemployment in that State.

These include providing additional funds which would bolster the State's economy, resulting from the increased interest on investments. The higher interest yield will also bolster the financial solvency of the unemployment insurance trust funds. Additionally, improved collections could be achieved—it is estimated that $200 to $250 million currently goes uncollected.

The new State/Federal relationship provides for a clear division of responsibility through a signed agreement between the Department of Labor and the State selecting either/or both options: Collecting and managing the FUTA tax and the management of the State trust fund.

The Labor Department shall monitor the agreements with the States. Failure of a State to comply with the agreement shall, after proper administrative review, result in tax penalties for the State.

If a State fails to comply with the administrative provision of the agreement, a 0.3-percent additional tax would be added to the 0.7-percent FUTA tax. The U.S. Treasury would receive the additional 0.3 percent for deposit in the Federal trust fund.

The borrow and repayment procedures provided by title XII of the Social Security Act and the Omnibus Reconciliation Act of 1981 have not been modified. The ability of the States to borrow from the Federal unemployment account remains intact and unchanged.

Mr. President, the advantages of my proposal are clear. On an optional basis, it permits the States to manage their employment services previously dependent upon Federal appropriation and Department of Labor discretion.

This legislation provides new funding sources for additional revenue estimated to be between $525-$600 million previously not available to the States through improved FUTA collection, and increased interest on FUTA and benefit trust funds. Additionally, the bill provides for reduced Federal expenditures for administration, regulation, and payroll through the States collection of the FUTA tax.

The bill maintains a State/Federal relationship while giving the States flexibility in program operation, control, and long-range planning. It also provides for the continued 50-50 financing of the extended benefits program by the State and Federal Governments, while at the same time assuring funding stability and maintenance of effort for the employment service, unemployment insurance, and labor marketing information functions.

My legislation eliminates the duplicate tax collection on the employer by reducing the Federal Government collection of FUTA. It also reduces paperwork for the employer through joint filing of FUTA taxes and State's taxes with just one collection agent—the State.

Mr. President, since the beginning of this year I have been developing this legislation with a number of concerned individuals. These include Congressman Bliley from the Third District of Virginia, Congressman Wampler from the Ninth District of Virginia, Governor Robb, and a bipartisan group of the Virginia State Legislature, and particularly the senior members of the Virginia Employment Commission, whose comments and suggestions have been invaluable. I extend a special thanks to all of them, and the many other interested parties from around the country who have assisted in this endeavor.

Mr. President, I urge my colleagues to support this legislation. Already it has been hailed as "the first spoke in the wheel of New Federalism". Support for this bill will give States the opportunity to increase their FUTA revenues and once again provide adequate employment services to workers and employers. It is time we do all we can to assist those who—through no fault of their own—find themselves unemployed.

I ask that my remarks and a copy of my bill be printed in the Congressional Record.

There being no objection, the bill and analysis were ordered to be printed in the Record, as follows:

S. 2360

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

STATE ADMINISTRATION OF UNEMPLOYMENT COMPENSATION AND EMPLOYMENT SERVICE PROGRAMS

Section 1. (a)(1) Chapter 23 of the Internal Revenue Code of 1954 (the Federal Unemployment Tax Act) is amended by redesignating section 3311 as section 3310 and inserting after section 3310 the following new section:

"SEC. 3311. STATE ADMINISTRATION OF UNEMPLOYMENT COMPENSATION AND EMPLOYMENT SERVICE PROGRAMS.

"(a) **State Agreements.**—Any State which is willing and able to do so may enter into an agreement under this section with the Secretary of the Treasury and the Secretary of Labor under which—

"(1) the Governor of such State, or such State's legislatively designated agency, shall, acting as an agent of the Secretary of the Treasury, collect the tax imposed under this chapter on wages attributable to such State (as determined under section 3302(d)(2));

"(2) the State shall retain a portion of such tax collected equal to—

"(A) 0.40 percent of the total wages (as defined in section 3306(b)), with respect to which such tax was collected by such State; and

"(B) 60 percent of any penalty collected by such State with respect to such tax,

to be used by such State for administration of the State's unemployment compensation law and public employment offices, except as otherwise provided in subsection (o); and

"(3) the State shall promptly pay to the Secretary of the Treasury, to the credit of the Employment Security Administration Account in the Unemployment Trust Fund (established under section 901 of the Social Security Act), the remaining portion of such tax and penalties not retained by the State under paragraph (2).

"(b) **Use of Unexpended Funds.**—

"(1) Any funds (including any interest earned thereon) retained by a State in accordance with subparagraph (B) of subsection (a)(1) which are not expended by such State for administration of the State's unemployment compensation law or public employment offices shall be deposited by the State into such State's unemployment fund for use in payment of unemployment compensation.

"(2) Notwithstanding sections 3304(a)(4) and 3306(f) of this Code and section 303(a)(5) of the Social Security Act, funds retained by a State under subsection (a)(1)(B) may be deposited into the State's unemployment fund and subsequently withdrawn for purposes of administration of the State's unemployment compensation law or public employment offices.

"(c) **Secretarial Approval.**—

"(1) The Secretary of the Treasury and the Secretary of Labor shall enter into an agreement with any State under this section which is willing and able to do so unless—

"(A) the Secretary of Labor determines that such State does not have a State unemployment compensation law approved under section 3304 or that such law does not include the provisions set forth in section 303 of the Social Security Act and in sections 8 and 9 of the Act of June 6, 1933 (commonly known as the Wagner-Peyser Act), except that to the extent that the Secretary of Labor determines that any such provision is inconsistent with the provisions of this section, he may waive such requirement; or

"(B) the Secretary of the Treasury determines that the State is not able to properly collect and pay over the tax imposed under this chapter in accordance with the requirements of subsection (a).

"(2) The Secretary of Labor or the Secretary of the Treasury may refuse to enter an agreement under this section if he determines, within 90 days after a State requests to enter such agreement, that the State cannot meet any requirement of this section. The Secretary of Labor or the Secretary of the Treasury may declare a State to be in violation of an agreement entered into under this section if he determines that the State is not meeting any requirement of this section. Any such refusal or declaration shall be subject to administrative review by the Secretary making such refusal or declaration, and to judicial review, in the same manner as a determination made by the Secretary of Labor under sections 303 and 304 of the Social Security Act. In the case of a declaration of violation, the penalty provisions of subsection (f) may not take effect until after completion of such administrative review, and may not take effect until the beginning of the next taxable year beginning after completion of such administrative review. In the case of either a refusal or a declaration of violation, the burden of proof shall be on the secretary to show that the State cannot meet, or is not meeting, any requirement of this section.

"(d) PAYMENTS UNDER OTHER PROVISIONS OF LAW.—Any State having an agreement under this section shall not be eligible to receive payments under title III or title IX of the Social Security Act or under the Act of June 6, 1933 (commonly known as the Wagner-Peyser Act) for the purpose of administration of the State's unemployment compensation law or public employment offices.

"(e) EFFECTIVE DATE OF AGREEMENT.—Any agreement under this section shall become effective with the beginning of a taxable year and may not be terminated.

"(f) PENALTY FOR VIOLATION OF AGREEMENT.—

"(1) In the case of any State which is declared to be in violation of an agreement under this section, and such declaration becomes effective for any taxable year in accordance with subsection (c)(2), the total credits otherwise allowable under section 3302 (after applying the provisions of such section) for any employer subject to the unemployment compensation law of such State for such taxable year shall be reduced (but not below zero) by 10 percent of the tax imposed with respect to wages paid by such employer during such taxable year which are attributable to such State.

"(2) In the case of any State with respect to which such a declaration remains effective for more than one consecutive taxable year, the amount of such total credits shall be further reduced by an additional 10 percent of such wages for each such consecutive taxable year.

"(3) For purposes of paragraphs (1) and (2), the definitions and special rules set forth in section 3302(d) shall apply in the same manner as they apply to section 3302(c).".

(2) The table of sections of chapter 23 of such Code is amended by striking out the item referring to section 3311 and inserting in lieu thereof the following:

"Sec. 3311. State administration of unemployment compensation and employment service programs.
"Sec. 3312. Short title.".

(3) Section 3304(a)(4) of such Code is amended—

(A) by striking out "and" at the end of subparagraph (A);

(B) by inserting "and" at the end of subparagraph (B); and

(C) by adding at the end thereof the following new subparagraph:

"(C) on and after the date of the enactment of this subparagraph, amounts in such fund may be used by the State for administration of its unemployment compensation law and public employment offices;".

(4) Section 3306(f) of such Code is amended—

(A) by striking out "and" at the end of paragraph (1);

(B) by striking out the period at the end of paragraph (2) and inserting in lieu thereof "; and "; and

(C) by adding at the end thereof the following new paragraph:

"(3) on and after the date of the enactment of this paragraph, amounts in such fund may be used by the State for administration of its unemployment compensation law and public employment offices.".

(5) Section 3501 of such Code is amended by striking out "The taxes" and inserting in lieu thereof "Except as otherwise provided in section 3311, the taxes".

(b) (1) Section 302(a) of the Social Security Act is amended by inserting ", other than a State having an agreement under section 3311 of such Act," after "Federal Unemployment Tax Act".

(2) Section 303(a)(5) of the Social Security Act is amended by inserting before the semicolon at the end thereof the following: ": *Provided further*, That on and after the date of the enactment of this proviso, amounts in such fund may be used by the State for administration of its employment compensation law and public employment offices".

(3) Section 301(c)(3)(A) of the Social Security Act is amended by inserting ", not including amounts retained by States under section 3311 of such Act," after "Federal Unemployment Tax Act".

(c) Subsection (d) of section 901 of the Social Security Act is ameended by redesignating paragraph (2) as paragraph (3) and by inserting after paragraph (1) the following new paragraph:

"(2) (A) The Secretary of the Treasury is directed to transfer from the employment security administration account to the Federal unemployment account an amount equal to 100 percent of the additional tax received under the Federal Unemployment Tax Act with respect to any State by reason of the reduced credit provision of section 3311(f).

"(B) Any amount transferred pursuant to subparagraph (A) shall be credited against, and shall operate to reduce, the balance of advances made under section 1201 to any State in proportion to such State's respective share of the total of such balances.".

STATE MANAGEMENT OF STATE UNEMPLOYMENT FUND

SEC. 2. (a) Section 3304 (a) (3) of the Internal Revenue Code of 1954 is amended by inserting before the semicolon at the end thereof the following: ", or, at the option of the State, be maintained and managed as a separate fund by such State (in which case all earnings on such fund shall be credited to and form a part of such fund)".

(b) Section 3306 (f) of the Internal Revenue Code of 1954 is amended—

(1) by striking out "(f) Unemployment Fund.—For purposes" and inserting in lieu thereof the following:

"(f) UNEMPLOYMENT FUND.—

"(1) For purposes";

(2) by redesignating the former paragraphs (1), (2), and (3) (as amended by section 1 (a) (4) of this Act) as subparagraphs (A) through (C), respectively; and

(3) by adding at the end thereof the following new paragraph:

"(2) In the case of any State which chooses to maintain and manage its own unemployment fund rather than maintain an account in the Unemployment Trust Fund such choice must be made on a taxable year basis.".

(c) Section 3302 (c) (2) of the Internal Revenue Code of 1954 is amended by inserting "or fund" after "unemployment account".

(d) Section 303 (a) (4) of the Social Security Act is amended by inserting before the semicolon at the end thereof the following: ", or, at the option of the State, be maintained and managed as a separate fund by such State (in which case all earnings on such fund shall be credited to and form a part of such fund)".

(e) Section 901 of the Social Security Act is amended—

(1) in subsection (d) (1), by inserting "or pay" after "transfer";

(2) in subsection (d) (1) (A) (ii), by inserting ", or paid to," after "account of";

(3) in subsection (d) (1) (B), by inserting ", or, in the case of a State which maintains and manages its own unemployment fund, to such State," after "such additional tax" the first place it appears;

(4) in subsection (d) (2), by inserting "and payments" after "transfers"; and

(5) in subsection (f) (4) (A), by inserting "or payment" after "transfer".

(f) Section 903 of the Social Security Act is amended—

(1) in subsection (a) (1), by inserting before the period at the end thereof the following: ", or, in the case of any State which maintains and manages its own unemployment fund, shall be paid to such State at the beginning of the succeeding fiscal year";

(2) in subsection (a) (2), by inserting "or paid" after "transferred" each place it appears;

(3) in subsection (b) (1)—

(A) by striking out "shall, in lieu of being so transferred" and inserting in lieu thereof "or payment to such State shall, in lieu of being so transferred or paid";

(B) by inserting "or pay" after "shall transfer";

(C) by inserting "or to such State" after "account of such State"; and

(D) by inserting "or payment" after "available for transfer";

(4) in subsection (b)(2), by inserting ", or paid to a State," after "account of a State"; and

(5) in subsection (c)(1), by inserting ", or paid to a State," after "account of a State".

(g) Section 904(e) of the Social Security Act is amended by inserting ", other than a State agency of a State which maintains and manages its own unemployment fund" after "each State agency".

(h) Section 905(c) of the Social Security Act is amended by inserting ", or for payment to States maintaining and managing their own unemployment funds," after "Trust Fund".

(i) Section 1201 of the Social Security Act is amended—

(1) by inserting ", or, in the case of a State which maintains and manages its own unemployment fund, shall pay in monthly installments to such State," after "Unemployment Trust Fund";

(2) by inserting "or payment" after "transfer"; and

(3) by inserting "or paid" after "transferred".

(j) Section 1202(a) of the Social Security Act is amended—

(1) by inserting ", or may make payment from the State's unemployment fund into the Federal unemployment account," after "Federal unemployment account"; and

(2) by striking out "request" and all that follows and inserting in lieu thereof "request or paid, and the Secretary of the Treasury shall promptly transfer or credit such amount in reduction of the balance.".

(k) Section 204(e) of the Federal-State Extended Unemployment Compensation Act of 1970 is amended by inserting before the period at the end thereof the following: ", or, in the case of a State which maintains and manages its own unemployment fund, by payment from the extended unemployment compensation account to such State".

RESPONSIBILITIES OF SECRETARY

SEC. 3. (a) The Secretary of Labor shall be responsible for maintaining the following activities and functions which support and contribute to the quality of the labor exchange system in each State and which preserve the national requirements of such a system: test development and research; maintenance of an occupational and industrial classification system; and exchange of labor among the States. The Secretary of Labor shall be responsible for maintaining such efforts as have been contracted with States with respect to federally mandated retirement and fringe benefits for employees of State Employment Security Agencies.

(b) The States, through the Governor's office or legislatively designated agency, shall be required to maintain the employment and unemployment efforts in accordance with the provisions of the Wagner-Peyser Act and the Social Security Act. States shall be required to maintain an actuarily sound employment and unemployment system.

CHART 3.—IMPACT STATEMENT USING 1981 DATA—CURRENT SYSTEM VERSUS PROPOSED

[In millions of dollars]

State	Present system		Proposed legislation					Proposed legislation	
	FUTA collections returned to State by DOL for administration	Interest earned by Treasury on trust fund balances (9.8375 percent)	Collected for administration (0.40 percent)	Interest to be earned on administration 13 percent [1]	State managed trust fund potential interest if invested at 13 percent [1]	Potential FUTA funds available from outstanding uncollected FUTA dollars (250,000,000) [1]	Bottom line impact cols. 3 through 6 minus cols. 1 and 2	Portion of FUTA collections passed to Treasury (0.25)	Available resources in grants to State's account (0.05)
	(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)
National total	2,025.4	990.6	1,761.8	229.0	1,510.2	125.0	610.0	1,099.5	219.4
Alabama	30.8	8.1	25.3	3.3	10.7	1.7	2.1	15.8	3.1
Alaska	18.7	8.5	4.6	.6	11.2	.4	−10.4	2.9	.6
Arizona	25.6	25.5	19.9	2.6	33.8	1.4	6.6	12.5	2.5
Arkansas	19.8	0	14.2	1.8	4.9	1.0	2.1	8.9	1.8
California	262.2	292.7	206.0	26.9	386.8	14.7	79.5	128.7	25.8
Colorado	25.6	10.8	24.3	3.2	14.3	1.7	7.1	15.2	3.1
Connecticut	30.1	0	28.0	3.6	15.0	2.0	18.5	17.5	3.5
Delaware	5.7	0	4.8	.6	1.1	.4	1.2	3.0	.6
District of Columbia	13.3	0	7.3	.9	1.9	.5	−2.7	4.5	.9
Florida	46.6	78.4	73.1	9.5	103.6	5.3	66.5	45.8	9.1
Georgia	35.2	45.2	41.1	5.3	59.7	2.9	28.6	25.7	5.1
Hawaii	10.1	9.9	7.4	1.0	13.1	.5	2.0	4.7	.9
Idaho	15.0	8.0	6.0	.8	10.6	.4	−5.2	3.7	.8
Illinois	93.2	0	94.5	12.3	27.8	6.8	48.3	59.2	11.8
Indiana	39.1	19.7	42.3	5.5	26.0	3.0	18.0	26.5	5.3
Iowa	22.8	10.0	20.1	2.6	13.2	1.4	4.5	12.5	2.5
Kansas	16.7	21.2	17.3	2.2	28.0	1.3	10.9	10.7	2.2
Kentucky	22.0	2.4	21.9	2.8	3.2	1.5	5.0	13.8	2.7
Louisiana	27.9	20.3	31.9	4.1	26.8	2.2	16.8	19.9	4.0
Maine	11.8	.1	7.4	1.0	.2	.5	−2.8	4.6	.9
Maryland	27.6	37.8	28.1	3.7	49.9	2.0	18.3	17.5	3.5
Massachusetts	48.2	28.2	46.8	6.1	37.2	3.3	17.0	29.2	5.9
Michigan	122.0	0	65.5	8.5	24.9	4.6	−18.5	41.0	8.2
Minnesota	30.1	.2	31.9	4.1	.3	2.2	8.2	20.0	4.0
Mississippi	20.3	22.7	14.9	1.9	30.0	1.0	4.8	9.3	1.8
Missouri	42.9	7.8	36.0	4.7	10.3	2.5	2.8	22.5	4.5
Montana	10.0	1.9	6.1	[illegible]	2.6	.4	−2.0	3.8	.8
Nebraska	13.8	7.8	10.2	1.3	10.3	.8	1.0	6.4	1.3
Nevada	15.3	12.3	9.4	1.2	16.3	.6	−.1	5.8	1.2
New Hampshire	6.7	7.7	7.3	.9	10.1	.5	4.4	4.5	.9
New Jersey	71.3	0	60.2	7.8	27.5	4.2	28.4	37.7	7.5
New Mexico	12.0	9.2	8.1	1.1	12.2	.6	.8	5.0	1.0
New York	178.6	55.1	134.6	17.6	72.9	9.6	1.0	84.2	16.8
North Carolina	38.2	56.0	45.8	6.0	74.0	3.3	34.9	28.7	5.7
North Dakota	9.8	1.3	3.9	.5	1.7	.3	4.7	2.4	.5
Ohio	76.8	0	83.0	10.8	25.2	5.9	48.1	51.9	10.4
Oklahoma	27.0	18.5	22.3	2.9	24.5	1.6	5.8	13.9	2.8
Oregon	34.6	32.0	20.2	2.6	42.3	1.4	−.1	12.6	2.5
Pennsylvania	127.4	0	88.6	11.5	52.5	6.3	31.5	55.3	11.1
Puerto Rico	17.8	0	15.4	2.0	9.1	1.1	9.8	9.7	1.9
Rhode Island	13.4	0	7.3	.9	5.1	.5	.4	4.5	.9
South Carolina	22.3	18.1	22.2	2.9	23.9	1.6	10.2	13.8	2.8
South Dakota	7.5	.7	3.6	.5	.9	.3	−2.9	2.2	.4
Tennessee	25.7	17.0	32.2	4.2	22.4	2.2	18.3	21.0	3.2
Texas	89.3	23.5	124.6	16.2	31.1	9.0	68.1	77.8	15.6
Utah	23.6	5.5	9.4	1.2	7.3	.6	−10.6	5.8	1.2
Vermont	5.5	0	3.5	.5	2.6	.3	1.4	2.2	.4
Virginia	24.3	7.0	39.9	5.2	9.2	2.8	25.8	22.6	5.0
Washington	47.4	34.4	32.2	4.2	45.4	2.2	2.2	20.1	4.0
West Virginia	15.2	0	11.9	1.5	3.4	.8	2.4	7.5	1.5
Wisconsin	40.9	18.4	34.7	4.5	24.3	2.5	6.7	21.7	4.3
Wyoming	7.7	6.7	4.5	.6	8.9	.4	0	2.8	.6

[1] Represents potential new sources of revenue to State's previously unavailable.

Note: Proposed system—0.4 percent administration; 0.05 percent grant's to State's account (represents unallocated resources of $219,400,000, nationally to States adversely affected); 0.25 percent FUTA collections passed to Treasury for loans and EB's; 0.70 percent total FUTA tax.

Source of col. 6—Projections of outstanding uncollected FUTA taxes in 1981, National Commission on Unemployment Insurance.

Calculation of col. 6—Assume an efficient State managed FUTA system could recover 50 percent of outstanding funds. We distributed $125,000,000 to the States by their percentage share of total national FUTA collections (0.7).

Calculation of col. 7—Cols. 3 through 6 (minus) cols. 1 and 2.

Calculation of col. 8—Passed to Treasury for outstanding loans, EB's.

Calculation of col. 9—Grants to States account passed to Treasury for redistribution to State's adversely affected by new legislation.

Calculation of col. 5—If col. 2 interest is 0—examples of potential interest if 1981 November ending balance for trust fund invested at 13 percent annual rate: Illinois = 214,100,415 × 13 percent = $27,833,054; Michigan = 191,190,008 × 13 percent = $24,854,701; Pennsylvania = 403,681,694 × 13 percent = $52,478,620. If col. 2 interest greater than 0—multiply interest in col. 2 × 1.3214 to obtain interest at 13 percent (i.e. percent increase in interest 9.8375 to 13 percent is 0.3214. Example: Alabama, $8,100,000 × 1.3214 = $10,700,000.

Calculation of col. 2—Interest earned on trust fund balances through November 1981.

Source: Research and Analysis Division, Virginia Employment Commission, Mar. 29, 1982.

By Mr. LUGAR (for himself and Mr. GARN) (by request):

S. 2361. A bill to amend and extend certain Federal laws relating to housing, community and neighborhood development, and related programs, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

HOUSING AND COMMUNITY DEVELOPMENT AMENDMENTS OF 1982

● Mr. LUGAR. Mr. President, today, by request, I am introducing, along with Senator GARN, the Housing and Community Development Amendments of 1982. I ask unanimous consent that a section-by-section analysis of the bill be printed in the RECORD.

There being no objection, the analysis was ordered to be printed in the RECORD, as follows:

Section-by-Section Explanation and Justification

TITLE I—COMMUNITY AND NEIGHBORHOOD DEVELOPMENT

RENTAL REHABILITATION

Section 101 would amend title I of the Housing and Community Development Act of 1974 to create a new Rental Rehabilitation Program. This new initiative will help preserve the Nation's rental housing stock in low- and moderate-income neighborhoods and assist very low-income tenants. The need for rental rehabilitation is clear: of 26 million renter-occupied units in the Nation, 1.8 million are seriously deficient and another 2.6 million have significant inadequacies. Furthermore, continuing deterioration and abandonment of rental units is accelerating the decline of many urban neighborhoods.

In order to provide low-income housing assistance at a fraction of previous costs, the Department proposes to rely primarily on the Modified Section 8 Existing Housing Program to bridge the "affordability gap" for very low-income renters in the private market. To ensure that the modified certificate approach works smoothly, a supporting program to rehabilitate rental units is necessary. The Rental Rehabilitation Program will answer the concern expressed by some that certificate assistance will be inadequate because affordable units will not be available to certificate holders. By providing States and local governments with the ability to produce modestly rehabilitated units where needed, the new initiative will minimize the occurrence of localized rental unit shortages which may otherwise occur within some markets and neighborhoods.

The proposed Rental Rehabilitation Program addresses the need to upgrade rental properties through allocations to larger cities, urban counties, and States of both cash grants (Rental Rehabilitation Grants) and contract authority for rental assistance payments for tenants (Modified Section 8 Existing Housing). The new initiative would replace HUD's current Section 312 Rehabilitation Loan and Section 8 Moderates Rehabilitation Programs.

(1) Rental Rehabilitation Grants, allocated on a needs basis, would be used by local and State governments to help reduce owners' costs of rehabilitating rental properties in low- and moderate-income neighborhoods. This reduced-cost financing would make rehabilitation feasible in those areas where the after-rehabilitation, free-market rent for units will be affordable to persons receiving rental assistance through Modified Section 8 Existing Housing.

(2) Modified Section 8 Existing Housing ("modified certificates") would offer very low-income tenants the opportunity to lease rehabilitated units and other standard housing stock at rental payments which they can afford. Contract authority for certificates would be allocated for local and State governments in the same proportion as their rental rehabilitation grants.

Program funds are to be used in low- and moderate-income neighborhoods, selected according to locally established criteria. Grants to local and State governments will have no restrictions regarding the number of units in buildings to be assisted; unlike previous HUD programs, no distinction is made between single family and multifamily properties. All structures and units must meet the Section 8 Existing Housing Quality Standards after rehabilitation. Local and State governments are given broad discretion in providing rental rehabilitation funds to individual property owners. For example, public monies may be given as outright grants (reducing the rehabilitation funds which property owners need to obtain from private sources), deferred payment loans (to be repaid on sale of the building), or low-interest loans repayable to the public agency.

In order to encourage a high level of participation by private lenders in project financing and underwriting, assistance provided under the new progam may not exceed 50 percent of the cost of rehabilitating each individual property. If additional public funds are needed to meet local and State Program objectives, Community Development Block Grants or other public monies may be used to further assist individual projects.

A key feature of the new program is the separation of the rehabilitation and rental subsidies, and a reliance on private market forces to encourage owner participation and availability of rehabilitated units for very low-income families. Unlike HUD's current Section 8 Moderate Rehabilitation Program, the Rental Rehabilitation Program would not require property owners receiving assistance to agree to rent limitations and guaranteed low-income occupancy imposed by government in connection with the program. Instead, a program performance standard would encourage participating governments to select neighborhoods and properties in which eighty percent of initial after-rehabilitation market rents (i.e., rents without special program rent limits) will fall below the applicable payment standard for modified certificates, and thus be affordable to very low-income tenants holding certificates.

Consistent with the general rules of the Modified Section 8 Existing Housing Assistance Program, tenants receiving certificates under the rental rehabilitation initiative may live in units of their choice. Thus, they may elect to remain in units rehabilitated under the program or to move to any other dwelling of their choice. This means that long-term, low-income occupancy is rehabilitated structures is not guaranteed through the new program. However, the performance standard on after-rehabilitation rents mentioned above would push rental rehabilitation activity into areas where such rents are most likely to continue to be affordable by very low-income renters with modified certificates and low- and moderate-income families and individuals without certificates.

The program separation between rehabilitation and rental subsidies will have fundamental implications for financial underwriting and management of individual structures. Since certificate holders in assisted properties may move out of their units at any time, subject to any lease requirements, owners cannot depend on a HUD-guaranteed rental income stream. Instead, property financial underwriting, including repayment of rehabilitation debt, has to make sense even if buildings have no certificate holders renting units. Real market rents—rents which unsubsidized tenants are actually willing to pay for rehabilitated units in the areas where assisted structures are located—would serve as the basis for the underwriting of rehabilitation projects supported by this program.

It is anticipated that local and State governments, interested in stretching the impact of their rental rehabilitation funds, will generally limit the amount of assistance to each individual project to the minimum amount needed to make the project work.

Since this program does not provide for guaranteed tenants and/or subsidies attached to individual units, property owners must work to keep current tenants satisfied and, if vacancies occur, to attract new renters. Thus, owners will be under market place pressure to maintain building services and conditions once rehabilitation is completed.

In short, the proposed rental rehabilitation program brings the free market place back into HUD's assisted housing programs. As a result of this fundamental shift in approach, the Federal Government will be able to assist a significantly larger number of property owners and very low-income tenants than current programs could for the same amount of money. Analysis shows that the proposed Rental Rehabilitation Program can provide comparable assistance to that provided under the Section 8 Moderate Rehabilitation Program to 40 percent more families and to 40 percent more units at the same cost.

Specific provisions of the proposal are as follows. Subsection (a) provides basic authorization to the Secretary to make rental rehabilitation grants to States and units of general local government. Grants would be made available to help support the rehabilitation of privately owned real property to be used for primarily residential rental purposes. Up to $150 million of amounts appropriated under title I of the 1974 Act for FY 1983 would be available for rental rehabilitation grants in that year.

Subsection (a) would also authorize HUD to make available contract authority under the Modified Section 8 Existing Housing Program for use in connection with rental rehabilitation programs. The special allocations of these certificates are expected to be used primarily to enable tenants of structures to be upgraded under the program to remain in their units after rehabilitation. However, these certificates may also be used to assist tenants displaced as the result of rehabilitation activities and to implement the more general purposes of the Modified Section 8 Existing Housing Assistance Program, i.e., to assist other very low-income tenants in obtaining decent, safe, and sanitary housing. For example, certificates could be given to qualified families on Section 8 waiting lists with referral to vacant units rehabilitated with program funds.

Subsection (b) establishes provisions for the allocation and reallocation of resources provided under the new section. Paragraph (1) makes cities with populations of 50,000 or more, urban counties (as defined under title I of the Housing and Community Development Act of 1974), and States eligible for rental rehabilitation grants. The Secretary would allocate amounts, taking into account such factors as low-income renter population, rental housing market conditions, overcrowding of rental housing, the condition of the rental housing stock, and other appropriate objectively measurable conditions. These factors are intended to assure that program funds are targeted to areas of greatest need. The actual allocation system will be determined once relevant 1980 Census data are available.

Paragraph (2) gives the Secretary authority to make several key adjustments in the allocation amounts established under paragraph (1). First, the Secretary may establish minimum allocation amounts for grants to cities and urban counties representing program levels below which conduct of a local program would not be feasible. HUD is currently planning a minimum allocation amount of $100,000 which would generate a program volume of at least $200,000 (due to the 50% leveraging requirement). Funding "allocations" of less than the minimum amounts would be added to the allocation for the States where the relevant cities and counties are located, and these localities would be eligible for assistance from the States in undertaking rental rehabilitation activities.

Second, the Secretary is authorized to make annual performance adjustments, not to exceed 15 percent in amounts added or deducted, to city, urban county, and State allocations, based on an annual review of each grantee's progress in meeting program performance requirements. The Secretary would establish program performance criteria, including performance in achieving the result that at least 80 percent of the initial after-rehabilitation rents for assisted properties, on a free-market basis, are within the applicable payment standard for modified certificates. If a city or urban county qualifies for a direct allocation of funds above the minimum program amount, it would receive a grant even if this performance adjustment reduces the grant below the minimum level.

Paragraph (3) provides for allocation of contract authority for modified certificates for grantees on a basis proportional to the allocation of rental rehabilitation grant funds. It also authorizes the Secretary to include a provision in the annual contributions contracts for these certificates to ensure that use of the rental rehabilitation grants and modified certificates is effectively coordinated.

Paragraph (4) authorizes the Secretary to make annual program reviews and audits of local and State efforts to ensure that grant recipients are carrying out their activities in a timely manner and consistent with program guidelines, and that they have a continuing capacity to carry out the program in a timely manner. This paragraph also authorizes the Secretary to adjust, reduce, or withdraw resources made available under the program, with the limitation that resources already expended on eligible activities may not be recaptured or deducted from future resources to be made available. Resources which become available as a result of these funding adjustments (and actions under section 111 of the 1974 Act) are to be reallocated to other States and localities during the year in which they become available. These review and grant adjustment features are comparable to those in the Community Development Block Grant Program.

Paragraph (5) authorizes the Secretary to establish the maximum levels of rental rehabilitation grants which individual governments may receive in a single year under the program. Although States and localities with effective programs may receive funds above their initial allocations, their receipt of funding reallocations will have an upper limit. This provision will minimize the incentive for local governments to overstaff or spend funds too quickly in a "grantsmanship" effort to get more funds.

Paragraph (6) provides that funds not obligated by States and localities to specific projects at the end of a fiscal year will be added to funds available for the general allocation in the next year under subsection (b).

The rental rehabilitation program would not require participating governments to submit an application before receiving annual funds. Subsection (c) does, however, require program participants to prepare an annual statement containing a description of their rental rehabilitation programs by December 31 of each year in which activities are being carried out. Copies of the statement would be made available to the public and submitted to HUD.

Subsection (d) contains a series of key program requirements. Paragraph (1) provides that rental rehabilitation grants can only be used to rehabilitate structures which are located in low-and moderate-income areas defined and designated by the grant recipient and which are to be used primarily for residential rental purposes. Paragraphs (2) and (3) establish the requirements that all assisted rehabilitation meet the section 8 Housing Quality Standards, and that program funds only cover 50 percent of project rehabilitation costs, as defined by the Secretary. Paragraph (4) prohibits participating governments from imposing special rental limitations on property owners assisted with rental rehabilitation funds. The rental of units in properties rehabilitated under the program would be subject to the same State and local requirements as any comparable rehabilitation undertaken without Federal assistance. This feature is crucial to the cost-efficient, market-based characteristic of the Rental Rehabilitation Grant Program.

Paragraph (5) prohibits owners of structures assisted with program funds from refusing to rent to tenants solely because they are receiving Section 8 rental assistance. Paragraph (6) requires participating jurisdictions, in designing and operating their programs, to require property owners to be personally liable for payment of debts incurred. This provision is designed to encourage an increased sense of owner responsibility for individual assisted projects during and after rehabilitation. It will also tend to encourage program participation by owners with a greater interest in long-term rental income rather than the syndication of tax benefits.

Paragraph (7) prohibits States and localities from using program funds for the costs of administering their rental rehabilitation efforts. Localities and States are expected to use Community Development Block Grant or other public funds to support the administrative costs of operating their rental rehabilitation programs.

Subsection (e) contains provisions relating to State rental rehabilitation programs. Paragraph (1) limits State use of rental rehabilitation resources to jurisdictions and unincorporated areas which do not receive direct allocations under subsection (b). States may either establish their own programs, working directly with property owners in the eligible areas, and/or distribute the resources to individual jurisdictions. In order to give States time to gear up for the program, States would be able to opt not to administer a rental rehabilitation program in fiscal year 1983. HUD will administer the State's allocations during 1983 in any State exercising this option. After fiscal year 1983, States will be expected to assume responsibility for administering their programs.

Subsection (f) gives the Secretary authority to establish by regulation relocation standards for the new program. These rules will only apply to the fiscal year 1983 HUD-operated State program, as provided for in subsection (e).

Subsection (g) provides that program participants will be responsible for supporting national historic preservation objectives in their rental rehabilitation efforts, working with State Historic Preservation Officers on any projects where national historic preservation standards cannot be met. It also exempts the new program from provisions of the National Environmental Policy Act and other related laws and authorities.

Section 101(b) would exempt rental rehabilitation grants from the "lump sum" drawdown provisions of section 104(g). Subsection (c) contains a technical, conforming amendment. Subsection (d) would require program grantees to certify in advance of funding that their programs will be conducted and administered in conformity with applicable civil rights requirements.

URBAN HOMESTEADING

Section 102(a) would reduce the fiscal year 1983 funding authorization for the urban homesteading program from $13.467 million to $12 million, and would authorize the appropriation of such sums as may be necessary for the program for fiscal year 1984.

Of the $12 million requested, $9 million would be used for the existing urban homesteading program. This represents a program level sufficient to meet anticipated program demand for fiscal year 1983. The remaining $3 million would be used to carry out the Multifamily Homesteading Demonstration Program proposed in subsection (c).

Subsection (b) contains a series of amendments to permit HUD and the governmental entities carrying out urban homesteading programs to charge consideration in connection with the transfer of homestead properties to the entities and to the ultimate owner-occupants, respectively. Existing law requires HUD to transfer properties to local entities without payment, and requires conveyance of the property to the homesteader to be "without substantial consideration." If the consideration received for a property by a local entity exceeds that charged by HUD for the property, half of the excess would have to be remitted to HUD.

These amendments recognize the fact that free transfer is not always necessary to successful homesteading. Thus, HUD would be given discretionary authority to set a transfer price for individual homesteading properties at a level conducive to attract homesteaders, while at the same time stretching scarce Federal resources over more homesteading properties. States and localities would be free to charge whatever consideration they deem appropriate for these properties, with the caveat that half of their "gain" would have to be refunded to HUD.

Subsection (c) would authorize HUD to demonstrate the feasibility and desirability of using a variety of homesteading and related techniques to encourage the reuse of HUD-owned multifamily properties for primarily residential use, in which the dwelling units would be under a cooperative or condominium form of ownership. The Secretary would transfer suitable properties to the State or local government, which would be responsible for managing the disposition and rehabilitation of the property at the local level. The transfer would include such terms and conditions as would be agreed between the Secretary and the responsible agency, including the right of the Secretary to assure that such use in fact occurs.

The program would be designed to spur local interest in dealing with deteriorated multifamily housing stock in creative and innovative ways. Among other things, HUD would encourage new approaches to multifamily homesteading, such as "condosteading". "Condosteading" would permit homesteaders to build equity, and could be used to encourage people of middle income to invest and live in deteriorated buildings and neighborhoods. HUD would also encourage creative financing techniques for rehabilitation, which would result in the maximum leverage of public funds.

The Multifamily Homesteading Program would concentrate on the transfer of properties with approximately 30 units (to the extent available), to coincide with the precepts of the proposed Rental Rehabilitation Program. This would also allow for the transfer of a greater number of properties.

The Budget assumes participation by up to 15 localities and the transfer of at least 15 properties, with an average acquisition price of $200,000 (30 unit properties at $6,500 per unit average). Since the Department intends to vary the level of subsidy for property acquisition by requiring a down payment or equity commitment by the homestead entity, the total number of transfers could increase by as much as 50 percent.

Finally, the proposal would authorize the use of homesteading funds for technical assistance in connection with the demonstration program.

REPEALERS

Section 103 would repeal several HUD community development and related authorities. Subsection (a) would repeal the Rehabilitation Loan Program contained in section 312 of the Housing Act of 1964. This Program authorizes direct loans to property owners and tenants to finance the rehabilitation of residential and business properties.

These functions are eligible for funding under a number of existing eligible activities in the Community Development Block Grant Program. For example, section 105(a)(4) includes as an eligible activity the rehabilitation of buildings and improvements, including the financing of public or private acquisition of privately owned properties for rehabilitation and the rehabilitation of those properties. Section 105(a)(14) provides that block grants may be used, among other things, to finance the rehabilitation of commercial or industrial buildings or structures and other commercial or industrial real property improvements. Finally, section 105(a)(15) allows block grants to be used for a wide range of rehabilitation activities undertaken by neighborhood nonprofit groups, local development corporations and minority-enterprise small business investment companies. In addition, special funding for rental rehabilitation is proposed in the Department's Rental Rehabilitation Initiative. In light of these existing and proposed authorities, continuation of the Section 312 Program is no longer desirable.

The proposal would, however, retain provisions of section 312 concerning the creation and uses of the program's revolving fund. These provisions would be retained to insure that funds for servicing and liquidating section 312 loan contracts would be available until September 30, 1983 or until the assests and liabilities of the fund are transferred to the revolving fund for liquidating programs, whichever is earlier. An amendment to accomplish the transfer of the fund will be included in the Department's proposed fiscal year 1983 appropriation legislation. The provision also would make clear that the monies in the revolving fund for liquidating programs may be used for necessary expenses (including the use of private contractors) for servicing and liquidating section 312 loans.

Subsection (b) would repeal the Surplus Land Program contained in section 414 of the Housing and Urban Development Act of 1969. Section 414 permits the General Services Administration to transfer surplus Federal real property to HUD and the Department of Agriculture for sale or lease at fair value for use for predominantly low- and moderate-income housing.

Since its inception, this program has been infrequently used. Only seven properties have been transferred since 1970. This limited activity over such a long period does not justify the costs involved—staff, travel etc.—in maintaining the program. Moreover, the program is administratively inefficient, since it interjects HUD and FmHA between GSA and the ultimate purchaser/lessee of the property involved.

In addition to repealing section 414, this proposal would permit HUD and FmHA to dispose of surplus property within 120 days after the effective date of this Act if either Secretary had requested GSA to transfer the land prior to the effective date of this Act. This is necessary to assure that adequate time is afforded the Secretaries to complete processing of projects in the pipeline at the time of enactment of the 1983 legislation.

Section 414 presently provides that land conveyed to a private entity will revert to the United States if it is used for other purposes within 30 years (20 years with Federal approval) after its transfer for use as low- and moderate-income housing. The repealer specifically provides that this provision will continue to be in force and effect for all properties transferred pursuant to section 414 to which it applies.

Subsection (c) would repeal provisions of the Urban Renewal, Open Space Land and Neighborhood Facilities Programs in order to reduce Federal involvement in decisions which are more appropriately made at the local level.

Paragraph (1) of subsection (c) would repeal section 106(g) of the Housing Act of 1949. This provision requires localities to obtain a transient housing study before an Urban Renewal Plan can provide for the construction of hotels or other transient housing in the Urban Renewal area. The study is to assure that there is a need for this type of housing in the area. This requirement would be deleted, since the decision concerning whether to permit transient housing is one that should be made by local authorities who are most familiar with local zoning and marketing conditions.

Paragraphs (2) and (3) of subsection (c) would eliminate provisions in the Open Space Land and Neighborhood Facilities Programs which prohibit the conversion of land or property obtained with assistance under the Programs for uses other than those intended at the time the grant was made, without prior Federal approval. These changes would give the locality complete discretion in determining the appropriate use of its land or property, and would thereby promote the effort to decentralize the decisionmaking process and speed its return to local control. The locality in which the land and/or property is situated is best able to determine what is the most appropriate use of its resources and whether or not a conversion to another use is consistent with its needs and objectives.

Specific provisions to be repealed include:

Section 703(d) of the Housing and Urban Development Act of 1965. This authority prohibits the Secretary from approving a conversion in the use of neighborhood facilities during a 20-year period following the grant, unless HUD finds that the conversion is in accordance with the then-applicable program of health, recreational, social, or similar community services in the area, and is consistent with comprehensive planning for the development of the community in which the facility is located.

Section 704 of the Housing Act of 1961. This provision allows the Secretary to approve a conversion of open space land to other purposes only where HUD finds that (1) there is other comparable land available for substitution; (2) it is needed for orderly growth and development; and (3) it is in accord with the comprehensive plan for the urban area.

Section 705 of the Housing Act of 1961, which requires prior approval by the Secretary of the Interior before open space land involving historic or architectural purposes can be converted for other uses.

The second sentence of section 706 of the Housing Act of 1961, which gives the HUD Secretary general authority to deny approval of the conversion of land for which a grant was made to acquire interests to guide future urban development.

TITLE II—HOUSING ASSISTANCE PROGRAMS

ALLOCATION AND USE OF ASSISTED HOUSING AUTHORITY

The Department's FY 1983 Budget for low-income housing programs consists of the following major elements:

$1.8 billion of budget authority for public housing modernization under the Comprehensive Improvement Assistance Program contained in section 14 of the United States Housing Act of 1937;

10,000 units of Section 8 new and substantial rehabilitation for use with the section 202 Housing for the Elderly or Handicapped Programs;

106,615 units under the new Modified Section 8 Existing Housing Assistance Program contained in section 202 of this Act, broken down as follows:

60,615 certificates designated for the conversion of units now under the current Existing Housing Program, 30,000 certificates estimated to be used in conjunction with the Rental Rehabilitation Program proposed in section 101 of this Act, 10,000 certificates estimated to be used with the sale of HUD-held properties (Property Disposition), 5,000 certificates to be available to the tenants of those public housing units to be sold or demolished during the fiscal year, 1,000 certificates to be available for those Section 8 New Construction contracts that are not renewed at the end of their five-year contract term; and

The conversion of 5,000 units of Section 23 Leased Housing to the present Section 8 Existing Program.

Since the entire program for fiscal year 1983 is proposed to be funded through recaptured authority, no additional authority under section 5(c) of the 1937 Act is being requested for that year. In order to implement the program, however, section 201 would repeal section 213(d) of the Housing and Community Development Act of 1974 and section 5(c) (2) and (3) of the 1937 Act.

Section 213(d) requires HUD to allocate housing assistance on the basis of the relative needs of different areas and communities so far as practicable, establishes the range of allocations for nonmetropolitan areas at not less than 20 nor more than 25 percent of the total amount of such assistance, limits the reallocation of funds outside States in which they were initially allocated, and contains the 15 percent Headquarters Reserve. Given the Department's proposed program for fiscal year 1983 and beyond, it makes little sense to retain section 213(d). That section specifically exempts Comprehensive Modernization Assistance from its coverage. Moreover, it is inconsistent with the proposed uses of the new Section 8 Modified Certificate Program. Conversions of units assisted under other 1937 Act provisions to the new program and provision of assistance in connection with the Property Disposition Program bear no necessary relationship to an area's relative need or location; allocation of modified Section 8 assistance for use in the Rental Rehabilitation Program would be governed by a separate allocation process. To the extent an allocation system is needed for the relatively small number of section 202 units, an equitable procedure could be established administratively.

Section 5(c) (2) and (3) of the 1937 Act imposes, among other things, percentage limits on the amount of contract authority which can be used for new and substantially rehabilitated units as opposed to existing units for fiscal years 1981 and 1982. These provisions, if retained, could apply to recaptured and/or carryover funds from those years which are proposed to be used to carry out the 1983 program. Since the percentage and other requirements of these provisions are inconsistent with the Department's 1983 program, they should be repealed.

MODIFIED SECTION 8 EXISTING HOUSING ASSISTANCE PROGRAM

Section 202 would amend Section 8 of the United States Housing Act of 1937 to create a new component under the Section 8 Existing Housing Assistance Program intended to serve as the cornerstone of HUD's future assistance to needy households.

These amendments draw upon HUD's experience with the Experimental Housing Allowance Program (EHAP), and would improve upon the present Section 8 Existing "Finder's Keeper's" program in several important respects. Instead of providing maximum rent ceilings based upon published Fair Market Rents (FMR's), under the modifications a "payment standard" would be used, based on the rental cost in a particular area of modestly priced standard housing of various sizes and types. This standard would be used, in combination with appropriate data about family income, to determine the Federal subsidy amount to be provided. A family would be permitted to rent above the payment standard amount, but would not receive additional subsidy when it did so. At the same time, a family also would be permitted to rent below the payment standard amount (provided that the selected unit met prescribed housing quality standards) without reduction of the subsidy amount. The program thus contains a "shopper's incentive" which serves both to contain the inflationary impact on rents that is experienced in the current program and, more importantly, to permit assisted families the similar range of choice between housing and other needs that they would exercise if utilizing only their own money.

The absence of a maximum rent provision would have several beneficial effects:

Increased opportunities for families to improve their housing and neighborhoods. Although housing markets are complex, in general the price of rental housing can be viewed as a continuum reflecting quality and location. Thus, the present role of FMR's severely limits the opportunities families have to improve their housing and neighborhoods. Without a rent ceiling, families would be able to choose units in neighborhoods with less concentration of low-income residents, furthering the legislative goal of promoting economically mixed housing and the Departmental goal of increased opportunity for all people to live where they choose.

In the EHAP, which also did not have a rent ceiling feature, over half of the participating families chose units above the equivalent of FMR and paid the additional cost themselves. Families like these, who are willing to forego other consumer items in order to live in better units or in better neighborhoods, should be permitted to do so.

Greater equity among eligible families. Many families are now living in housing which costs more than the FMR for Section 8 Existing housing. The rent ceiling feature excludes these families from participating in the present Section 8 program, ironically, because of the high value they place on housing. (The Section 8 Research program has found that a few families do downgrade their housing in order to get within the FMR.)

Easing pressures on FMR's. In the EHAP, rents of units followed the rents in the market at large. In the Section 8 Existing Housing Program, however, there is a heavy concentration of rents near the FMR. There are several reasons for the concentration, but a major cause is the search for units in the narrow band of housing just under the FMR. Another reason is the perception that if a unit is in the program it can be rented at FMR, even if it was previously rented below it. In a survey of Section 8 landlords, many stated that they raised their rents to meet the FMR. All of these factors have the effect of pushing rents in that segment of the market up to FMR.

Because rents are pushed up to FMR, or even above FMR's to the maximum exception rent, and because the effect of the ceiling is to exclude units above this limit from the program, the present system creates constant pressures for raising FMR's, or for authorizations to use exception rents.

Comparisons of rent changes for EHAP and Section 8 Existing Housing Program recipient families that do not move demonstrate the difference a ceiling makes. These families in Section 8 experienced an increase of 8 percent in rent. In EHAP, without the ceiling, similar families' rents increased on average less than 2 percent.

Under the new program, the monthly assistance payment available for a family would be the amount by which the area's payment standard exceeded 30 percent of the family's monthly adjusted income. This amount would be controlled only by a "minimum rent" exception providing that in no case may the assistance payment be more than the amount by which the actual rent for the dwelling unit (including amounts allowed for separately metered utilities) exceeds the higher of (1) 10 percent of the family's income or (2) the portion of any welfare assistance payment which is specifically designated to meet housing costs.

For example, assume a payment standard of $300 and a family with an adjusted monthly income of $400. Deducting $120 (30 percent of adjusted income) from the payment standard would provide the family with a maximum subsidy of $180 a month ($300 - $120 = $180). This $180 would be the actual subsidy payment, unless the "minimum rent" exception clause in the payment standard formula produced a lower figure. For example, assume that the family's (gross) income is $475.00 a month, and that the rent (including utilities paid by the tenant) for the family's chosen unit is $220 a month. Subtracting 10 percent of the family's income ($47.50) from unit rent would result in a figure of $173.50 ($220 - $47.50 = $173.50). Since this is less than the subsidy produced by the payment standard-based formulation, it would reduce the subsidy. On the other hand, a $230 a month rent would call for the family's receipt of the full $180 monthly subsidy, since the minimum rent calculation at that level ($230 - $47.50) would equal $180.50, and thus the payment standard calculation, and not the minimum rent, would govern. In either of these cases, as is evident, it takes the selection of a unit whose actual rent is substantially below the payment standard before the minimum rent provision becomes applicable.

Generally, families paying more than the payment standard for rent will contribute more than 30 percent of their adjusted income to the gross cost of housing chosen by them. On the other hand, to the extent that a family chooses housing at a cost below the payment standard, the family's contribution will be reduced.

But a household which rents a unit below the payment standard would not have its subsidy reduced. The tenant would be able to keep all savings in connection with finding an acceptable unit at a cost below the amount of the subsidy plus the family's rent contribution. The proposal would thus provide the household with a strong incentive not to pay more for a unit than its market value. This "shopper's incentive" would, of course, be subject to and limited by the minimum rent provision.

The program would be administered by the public housing agencies which currently administer the Section 8 Existing Housing Program. These agencies include local housing authorities which also own public housing units, as well as State and regional agencies and a number of other local public entities.

Under the new program, initial eligibility would be limited to households with incomes at or below 50% of area median family income. Families would continue to receive assistance until such time as income increased to the point where the subsidy was zero or until the end of the annual contributions contract terms, whichever came first. However, an important exception is provided for families which were previously receiving assistance under the United States Housing Act of 1937. A family whose assistance is being converted to the new program from another Section 8 program, or a family in public housing whose unit is scheduled to be demolished, could qualify for assistance under the new program even though family income was above 50% of median, based on the family's previous qualification for assistance under the Act.

Families qualifying for assistance under the program will be able to select housing from among the existing private rental stock. In some circumstances (for example, in the Rental Rehabilitation Program) the family's receipt of a certificate may be based upon its occupancy of a particular housing unit which is being upgraded or rehabilitated with Federal assistance. Others may receive a certificate based on their occupancy of a unit in a formerly assisted project that HUD has had to acquire and resell.

In such circumstances, the family may be welcome to continue to occupy the same unit, receiving the benefit of the certificate and its subsidy. However, such a family would not be required to occupy that unit as a condition to the receipt of its certificate. The certificate could be used in connection with that unit, or for any other standard unit the family chooses.

The unit selected by the family would be subject to an initial inspection to assure that it met housing quality standards established by the Secretary, before any subsidy assistance could be provided under the program. Subsequent inspections would be made at least annually to assure that the unit continues to meet such standards; otherwise the subsidy would be discontinued unless the family moved or the owner agreed to make necessary repairs.

The specific amendments to section 8 proposed to implement these modifications involve several steps. First, an amendment to section 8(b) of the United States Housing Act of 1937 is proposed to permit, under Annual Contributions Contracts (ACC's) executed after enactment of the Housing and Community Development Amendments of 1982, assistance contracts using the new payment standard for family-selected existing housing. It is anticipated that all new ACC's providing Section 8 Existing Housing subsidies after Fiscal Year 1982 will be under the modified program, except for "project-based" Existing Housing subsidies in connection with Rent Supplement, Section 236 and Section 23 Conversions.

Section 8(c) is proposed to be amended to retain most of the features of the current Section 8 program intact, but aspects of that authority formerly contained in section 8(d) have been merged into subsection (c) as well. Thus, subsection (c) would describe program elements which pertain to assistance contracts based upon a maximum monthly rent, while subsection (d), completely revised, would describe the new component of the Section 8 Existing Housing Assistance Program.

Proposed section 8(c)(8) (which has start the same designation under current law) has been amended to clarify that the requirements of that paragraph apply to newly constructed or substantially rehabilitated section 8 units. This was in fact the original intent of the provision, as made clear by the Conference Report on the Housing and Community Development Amendments of 1981.

Proposed new subsection (d)(1) requires the Secretary to establish payment standards (based on dwelling size and type) for different market areas, and states that these standards shall be used to determine the maximum monthly assistance which may be paid for any family. Payment standard levels shall be designed so as to assist families in securing decent, safe and sanitary housing, while providing assistance to the greatest possible number of families.

Payment standards (and fair market rents in section 8(c) as proposed to be revised) are required to be published in the Federal Register. However, the proposal would not make the determination of these amounts a "rulemaking." While the Department may well find it necessary to consult with the public concerning the appropriate level of FMR's and payment standards, these are essentially fact-based determinations which would be adjustable as appropriate to meet economic exigencies, rather than being subject to the delays occasioned by publication for comment.

Proposed revised section 8(d)(2) sets out the basic formula for determining the assistance to be made available for a family renting a unit under the modified program. The formula provides that the monthly assistance payment shall be the amount by which the (local) payment standard exceeds 30 percent of the family's monthly adjusted income.

However, this formula is subject to a "minimum rent" exception. The assistance payment amount also may not exceed the amount by which the actual rental cost (rent to the owner plus allowances for utilities paid directly by the tenant, if any) exceeds the greater of 10 percent of family income or welfare rent.

Thus, the minimum rent exception places a cap on the assistance payment and assures that a significant contribution toward the cost of the dwelling is made by the assisted family. Finally, the provision limits the maximum amount of the monthly assistance payment for any family to the amount by which the payment standard exceeds 30 percent of the family's monthly adjusted income at the time it enters the program. This feature is intended to assure that available contract authority will be adequate to provide assistance to the family for the duration of the five-year ACC term.

Families receiving assistance under the modified program will also be able to move to other areas—even other States—and retain their right to receive housing assistance under the program, but the amount of assistance available to a family making such a move would continue to be limited to the amount by which the payment standard exceeded 30 percent of the family's monthly adjusted income at the time the family first received assistance.

Proposed revised sec. 8(d)(3) provides that only families determined to be very low-income (i.e., at or below 50 percent of area median) may qualify for assistance under the modified program, unless the family had been previously receiving assistance under the United State Housing Act of 1937. Preference is required to be given to families which, at the time they are seeking assistance, occupy substandard housing, are involuntarily displaced, or are paying more than 50 percent of family income for rent.

The first two of these preference criteria are already included in the United States Housing Act of 1937. The 50 percent of income for rent preference criterion is proposed for addition as a new statutory preference, in recognition of the fact that rent burden is a factor to be considered in determining those in need of housing assistance. Administrative action to add the new preference category to the public housing and section 8(c) preference criteria is being undertaken by regulation.

However, proposed subsection (d)(4) would authorize the Secretary to override the normally applicable preference criteria in order to use annual contributions contract authority for special purposes. Thus, the Secretary under the modified program could use certificates for (1) families who previously were assisted under the public housing or present Section 8 program, (2) eligible families occupying units in formerly assisted projects acquired by the Secretary, or (3) families in units being rehabilitated under the proposed Rental Rehabilitation Program.

Subsection (d)(5) provides a rule applicable to so-called "vacancy payments" in the modified program. Payments for vacant units would be limited to the month during which the tenant leaves the unit.

Under subsection (d)(6), assistance payment contracts under the modified program would be limited to a term of five years or less. PHA's would be required to inspect a unit selected for occupancy by a family holding a certificate, to determine that the unit met housing quality standards set by HUD before any assistance payment could be made. Thereafter, the contract would require annual or more frequent houisng quality standard inspections by the PHA during the contract term. If a dwelling unit failed inspection, no assistance payment could be made unless the failure was promptly corrected and the PHA verified the correction.

Section 8(j) of the United States Housing Act of 1937, authorizing special terms and conditions for section 8 assistance to families renting manufactured homes and spaces or manufactured home spaces, is also revised to accommodate a certificate program for such units.

AMENDMENTS AFFECTING TENANT RENTS OR CONTRIBUTIONS

Section 203 proposes certain changes in the 1937 Act and in the gradual implementation provisions of the Omnibus Budget Reconciliation Act of 1981 occasioned by the proposed modified certificate program amendments contained in Section 202 of this bill. The requirement for annual review of family income has been moved from section 8(c)(3) to section 3(a) of the Act, to make the same annual recertification requirement applicable to both the present Section 8 authorities and the new modified Section 8 program.

The rent payment formula in section 3(a) of the Act is revised to provide that the 3(a) formula does not apply to "rents" paid by certificate holders under the modified Section 8 Existing Housing Program. (A similar, but not identical formula for determining assistance levels under the modified program is set out separately in a proposed revised section 8(d)(2) of the 1937 Act.) Certificate holders under the modified program will pay "rent" at levels higher or lower that those provided for in 3(a), depending upon the price of housing selected by those families and the amount of subsidy produced by application of the payment standard formula.

Section 3(b) of the Act is proposed to be amended to clarify that the Secretary may establish income ceilings higher or lower than 50 percent of median on the basis of the Secretary's findings that such variations are necessary because of unusually high or low family incomes. The Secretary already has this adjustment authority for establishing income ceilings higher or lower than 80 percent of median, and comparable authority at 50 percent of median is appropriate, especially in light of the continued shift of emphasis toward assistance for very low-income families.

Section 322(i) of the Omnibus Budget Reconciliation Act of 1981 gives the Secretary discretion to provide for the gradual phase-in of the rent increases (from 25 to 30 percent of adjusted income) enacted last year for tenants receiving assistance when that Act was enacted. Rent increases resulting from this phase-in and from changes in Federal laws dealing with what benefits can be "counted" as income for housing assistance purposes are limited by this provision to 10 percent a year.

Subsection (c) of this section would amend section 322(i), first, to provide also for the gradual phase-in of rent increases caused by the shift to a payment standard-based modified certificate program, second, to extend the gradual phase-in feature of the 1981 Act to tenants occupying assisted housing at or before the time regulations implementing the modified certificate program become effective, and third, to raise the annual percentage limit on rent increases from 10 percent to 20 percent.

The amendments would require the Secretary to assure that no family assisted at the time the modified certificate amendments are implemented would experience an increase in rent or contribution, as appropriate, greater than 20 percent in any 12-month period, if that increase were attributable to (1) percentage-of-income increases mandated by the Omnibus Budget Reconciliation Act of 1981; (2) modified certificate program amendments in this bill and (3) any other provision of Federal law redefining which governmental benefits are required or permitted to be considered as income. Any combination of these factors—which would otherwise cause a family's statutory contribution toward the cost of assisted housing to increase by more than 20 percent a year—would be limited to 20 percent per year, until the full effect of the (1981 and 1982) amendments is realized. In addition, the amendments would apply 1981 and 1982 gradual implementation provisions to the determination of a family's contribution under the new modified certificate program.

Tenants who were not occupying assisted housing at the time the modified certificate amendments are implemented would be subject to immediate rent payment or contribution determinations in accordance with applicable law, with no "phase in". However, any such tenant who was occupying assisted housing at the time of a (future) change in Federal law redefining which governmental benefits are required to or may be considered as income would have the effect of such a change in law limited by a 20 percent increase cap.

INCREASED AUTHORITY FOR PAYMENTS FOR OPERATION OF LOWER INCOME HOUSING PROJECTS

Section 204 would amend section 9(c) of the United States Housing Act of 1937 to authorize appropriations for payments for operation of low-income housing projects of not to exceed $1,075,000,000 for the fiscal year beginning on October 1, 1982, and such sums as may be necessary for the fiscal year beginning on October 1, 1983.

The 1983 estimate reflects adjustments in operating subsidies based on proposed procedural and regulatory changes affecting tenant rent payments and PHA operations, more efficient PHA management, increased support anticipated to be provided by State and local governments and anticipated savings which are estimated to result from ongoing efforts to improve the energy efficiency of public housing projects. Included in the adjustments is the impact of increasing the maximum allowable tenant rent contribution to 27 percent of income in 1983 for existing public housing tenants (to reflect the second-year increment of increasing the rent-income ratio to 30 percent of income by 1986) and charging 30 percent of income for all new public housing tenants. The Administration also is proposing legislation to include Food Stamps in the calculation of tenant income and increase the maximum percentage that rents can be increased in any single year from 10 percent to 20 percent.

DEMOLITION OF OBSOLETE PUBLIC HOUSING

Section 205 would amend section 14 of the United States Housing Act of 1937 to make the criteria for public housing demolition the same under the Comprehensive Improvement Assistance Program as under section 6(f) of the Act (dealing with the close-out of public housing projects). Thus, HUD could approve applications for demolition of public housing where the project or any portion of it proposed for demolition is obsolete as to physical condition, location or other factors, making it unusable for housing purposes, and no improvement program is feasible. Applications for partial demolition incident to a program of modifications could be approved subject to a determination that the demolition would help to assure the useful life of the project.

The proposed amendment would also permit the approval of assistance for demolition of unusable public housing projects without regard to the general application requirements pertaining to section 14(b) funding, in similar fashion as applications for funding of special purpose needs under section 14(i). The general application requirements, which relate to planning and management, have little relevance to applications exclusively for demolition of such housing. As application for such funding is more closely analogous to a recognized special purpose needs application, and should be handled in the same manner. Applications which include partial demolition incident to the rehabilitation of other remaining units would still be subject to the general application requirements for funding of applications under section 14(b).

The proposal would not continue section 14(f)'s requirement that PHA's undertake timely replacement of units demolished. This requirement could result, if continued, in costly operation of clearly obsolete projects or parts of projects solely because there are insufficient resources available to provide replacement units. Use of the section 6(f) criteria for funding eligibility would assure that demolition decisions are made on the basis of the condition of the project in question. At the time applications are approved, the Secretary would be required to determine that decent, safe, sanitary and affordable relocation housing was available, as under the current section 14. In order to protect tenants displaced by demolition, HUD would be authorized to make available Modified Section 8 Housing Certificates for them. A total of 5,000 Modified Section 8 Existing Housing Certificates are budgeted in fiscal year 1983 for tenants of public housing units that are sold or demolished.

PURCHASE OF PHA OBLIGATIONS

Section 206 would repeal section 329E of the Omnibus Budget Reconciliation Act of 1981. That provision places an aggregate limit of $400 million on the amount of contracts HUD can enter into for payments to the Federal Financing Bank (FFB), after October 1, 1981, to cover the difference between tax-exempt rates of public housing obligations purchased by the Bank and the higher cost to the Bank of financing such purchases with funds it borrows at taxable rates. The authorized amounts would be adequate for the financing through the FFB of only $276 million in public housing authority obligations. In contrast, about $1.2 billion of new loan approvals will be made in each of fiscal years 1982 and 1983, which will require financing in the short-term tax-exempt market by fiscal year 1985. In addition, $17.1 billion of short-term notes will be sold on the private market in 1982. This total includes the rollover of previous short-term financing, some of which may be rolled over several times during the year.

This provision unduly restricts HUD's ability to continue use of the FFB as a financing mechanism for public housing obligations. The Bank offers a means of providing permanent financing for the obligations on a taxable, rather than a tax exempt, basis. The limit contained in the Reconciliation Act would force HUD to finance a large portion of public housing debt through either the costly and uncertain mechanism of short-term, tax-exempt notes or the sale of long-term, tax-exempt bonds on the private market. The Administration generally opposes use of tax-exempt financing because of the hidden and significant revenues forgone through use of this mechanism.

The repeal of section 329E would return HUD to the position of being able to rely on the authority of the Federal Financing Bank Act of 1973 for the use of the Bank for public housing financing. As in the past, the volume of financing would be controlled through HUD's appropriation Act.

OPERATING ASSISTANCE FOR TROUBLED MULTIFAMILY HOUSING PROJECTS

Section 207(a) would amend section 201 of the Housing and Community Development Amendments of 1978 to delete the Secretary's discretionary authority to provide operating subsidies under section 201 to troubled multifamily housing projects which, though HUD-assisted, are not covered by a mortgage which is insured or was formerly insured under the National Housing Act. Under existing section 201(c)(1)(A), projects which are assisted under the section 236 program of the National Housing Act or the rent supplement program of the Housing and Urban Development Act of 1965 are eligible for assistance, even if not covered by a mortgage insured under the National Housing Act.

This proposal would restore the coverage of the "troubled projects" program to that originally proposed by the Department in 1978. It would permit scarce resources to be directed toward insured projects so as to prevent mortgage assignments and foreclosures and mitigate otherwise potentially excessive losses resulting from insurance claims, as well as to avoid substantial rent increases and physical deterioration in HUD-assisted projects for which the Department has a direct responsibility. Responsibility for further assistance to projects which are not insured by HUD should be borne by State and local government.

The amendment also would have the effect of limiting the requirements of section 202 of the Housing and Community Development Amendments of 1978 to HUD-insured projects. Section 202 requires the Secretary to assure, among other things, that tenants of projects eligible for troubled projects funding have a chance of participate in certain project management decisions and are permitted to organize tenant associations to represent tenant interests.

Extension of these requirements to State-aided, uninsured projects appears to have been unintentional. The Senate provision from which section 202 was drawn applied only to HUD-insured projects. The conference report indicates that the Senate provision was adopted, with an amendment to "conform" its coverage to that of the troubled projects program. Research has indicated no conscious intent to apply section 202's provisions to State-aided projects. The Department believes that the proposed change is appropriate, since the relationship between the responsible State agencies and tenants of State-aided projects should be a matter for these parties to work through without Federal intervention.

Section 207(b) would amend section 236(f)(3) of the National Housing Act to extend through September 30, 1984 the period during which amounts in the section 236 rental housing assistance fund may be approved in appropriation Acts for use in the Troubled Projects Program. Existing law subjects the making of payments from the fund to approval in an appropriation Act, and prohibits any amount from being so approved for any fiscal year beginning after September 30, 1982.

This proposed amendment is necessary to permit amounts in the rental housing assistance fund to be used for the Troubled Projects Program during fiscal years 1983 and 1984. The Department intends to request approval, in the HUD appropriation Act for fiscal year 1983, to use the $24 million expected to be received in the rental housing assistance fund during that year.

HOUSING FOR THE ELDERLY AND HANDICAPPED

Section 208 would amend section 202(d)(2)(B) of the Housing Act of 1959 to delete the requirement (added in 1978) that non-profit entities receiving loans for developing housing for the elderly and handicapped must include, on their governing boards, members selected in a manner to assure significant representation of the views of the community in which the project is located.

A significant number of national organizations which are active sponsors of Section 202 housing have objected strenuously to this requirement. The sponsors have pointed out that, as national organizations, it is impossible for them to have representatives on their governing boards from all communities in which they may wish to operate. Similar concerns have been expressed by State-wide housing corporations, as well as county and community groups, which find it difficult to have representatives from all areas in which they intend to operate. The existing requirement of section 202 curtails participation by many organizations which have been organized specifically to share resources and to develop a more comprehensive and coordinated approach to providing housing for the elderly or handicapped. Moreover, with the exception of one or two isolated cases, there is no evidence of the need for this provision.

TITLE III—PROGRAM AMENDMENTS AND EXTENSIONS

EXTENSION OF FEDERAL HOUSING ADMINISTRATION MORTGAGE INSURANCE PROGRAMS

Section 301 of the bill would extend for two years (through September 30, 1984) the authority of the Secretary of Housing and Urban Development to insure mortgages or loans under certain HUD-FHA mortgage or loan insurance programs contained in the National Housing Act. A one-year extension is proposed for the section 235 program of homeownership for lower income families.

Under existing law, the authority of the Secretary of Housing and Urban Development to insure mortgages and loans under these programs will expire on September 30, 1982. After that date, the Secretary may not insure mortgages or loans under any of the major HUD-FHA insuring authorities contained in the National Housing Act, except pursuant to a commitment to insure issued before that date.

Insuring authorities which will expire on September 30, 1982 and are proposed for two-year extension include those for the following HUD-FHA mortgage or loan insurance programs: title I—property improvement and manufactured home loan insurance; section 203—basic home mortgage insurance; section 207—rental housing insurance; section 213—cooperative housing insurance; section 220—rehabilitation and neighborhood conservation housing insurance; section 221—housing for moderate-income and displaced families; section 222—mortgage insurance for servicemen; section 223—miscellaneous housing insurance, including insurance in older, declining urban areas and for existing multifamily housing projects and hospitals; section 231—housing for the elderly; section 233—experimental housing; section 234—condominiums; section 237—special mortgagors; section 240—homeowner purchases of fee simple title; section 241—supplemental loans for multifamily housing projects, health facilities and energy conserving improvements; section 243—homeownership for middle-income families; section 244—mortgage insurance on a co-insurance basis; section 245—mortgage insurance on graduated payment mortgages; and title X—land development. The text of the extension for section 245 appears in the proposed rewrite of that provision in section 316 of this bill.

The proposed extensions of the above-listed mortgage insuring authorities are designed to guarantee the continued availability of FHA mortgage insurance and thus to maintain and enhance the Department's capacity to contribute to achievement of the national housing goal of "a decent home and a suitable living environment for every American family."

Last year, an extension of one year only was requested for section 235 of the National Housing Act, in order to assure that units in the pipeline could be insured. Amendments contained in the Housing and Community Development Amendments of 1981 and in the International Banking Facility Deposit Insurance Act (Public Law 97-110, approved December 26, 1981) provided special instructions regarding the Secretary's authority to enter into new contracts for assistance payments in connection with section 235 mortgages.

First, the Secretary may not enter into new assistance payments contracts after March 31, 1982, except pursuant to a firm commitment (i.e., an insurance commitment) issued on or before that date.

However, an exception to the March 31, 1982 firm commitment cutoff date is provided for "other" commitments which were "issued by the Secretary prior to June 30, 1981, reserving funds for housing to be assisted under [section 235] where such housing is included in [an Urban Development Action Grant project]."

Finally, Public Law 97-110 provided still another exception to the March 31 firm commitment cutoff date for "other" commitments which meet all the following criteria:

Issued on or before September 30, 1981;

Involve section 235 housing to be developed on land which was municipally owned on that date; and

Involve a local government contributing at least $1000 per unit from CDBG funds and $2000 per unit of additional funds to assist the section 235 housing.

Section 235(h)(1), which governs section 235 assistance payments, goes on to provide that "in no event may the Secretary enter into any new contract for assistance payments . . . after September 30, 1983."

It is unclear that all categories of persons seeking assistance payments contracts described in section 235(h)(1) of the Act will have adequate opportunity to secure firm commitments for insurance before September 30, 1982—the current law's expiration date for insurance under section 235(m). Since section 235(m) only authorizes insurance after September 30, 1982 pursuant to commitments to insure made before that date, some of the persons sought to be assisted by the above-discussed section 235(h) "saving" provisions might be unable to secure an insured mortgage unless the insuring authority is extended. The proposed amendment would provide, however, for unconditional termination of section 235 insuring authority after September 30, 1983.

Extensions have not been included for the following provisions of the National Housing Act: section 235(q) (countercyclical economic stimulus), section 236 (rental and cooperative housing for lower income families), section 232 (nursing homes), section 242 (hospitals), title VIII (armed forces-related housing) and title XI (group practice facilities).

The section 235(q) authority (countercyclical economic stimulus), scheduled to expire on September 30, 1982, is not proposed for extension. This emergency authority has never been activated.

Section 236 was also extended for one year by the Housing and Community Development Amendments of 1981 to permit projects in the pipeline to be processed. Most such projects have now been processed or cancelled, and those still in the pipeline have secured commitments which will make possible the provision of insurance after September 30, 1982 pursuant to a commitment to insure made before that date. Thus, there is no necessity to extend the insuring authority.

An extension of the authority to provide insurance for nursing homes and intermediate care facilities under section 232 is not being sought beyond the present September 30, 1982 expiration date. Nursing homes and intermediate care facilities are eligible for Medicare and Medicaid reimbursement. Many such facilities currently in existence have been developed and financed without the benefit of federally insured mortgages. Section 232 has not been a high-volume mortgage insurance program, and there appears to be no reason to believe that the private market cannot meet the financing needs of such facilities in the absence of the section 232 program.

The Section 242 hospital insurance program similarly would appear to require no extension. The Administration's attempts to bring cost containment to the health and medical sector, plus the fact that many areas are already over-bedded due to excess hospital facilities, suggest that only a very limited need exists for financing hospitals. Since the private market has provided financing to many of the hospitals currently in existence, and appears quite capable of meeting credit needs in those few cases where new hospital construction is appropriate, extension of section 242 is not being sought beyond the current expiration date of September 30, 1982.

The authority to insure armed forces housing under title VIII of the National Housing Act (sections 809-810) is not proposed for extension beyond the current September 30, 1982 expiration date. These programs have been inactive for several years; no insurance was written under their authority during fiscal year 1981, and no applications for insurance are currently pending.

Finally, there has been little activity under the Title XI authority to insure Group Practice Facilities, suggesting that whatever need exists is being met adequately by the private market. Accordingly, no further extension of this authority is being sought.

Under all four of these programs—section 232, 242, Title VIII and Title XI—commitments to insure entered into before the scheduled September 30, 1982 expiration date will be honored after that date.

FEDERAL HOUSING ADMINISTRATION GENERAL INSURANCE FUND

Section 302 would amend section 519(f) of the National Housing Act to authorize the appropriation of such sums as may be necessary to cover losses of the General Insurance Fund. Existing law contains an overall ceiling on the amounts which may be appropriated for this purpose.

Losses sustained as a result of the sale of acquired property are not a function of the amount authorized for appropriations to restore the losses. The losses represent the difference between the purchase price of units acquired through the Department's insurance activities, expenses incurred through maintenance and repair and the proceeds realized from sale of these properties. The authorization does not limit the loss but merely places a limitation on the amount which may be sought in recompense for losses already sustained. The present authorization limitation requires the Department to seek an increase in the amount authorized for appropriation before an appropriation to restore the losses can be enacted. The proposal would simplify this process by authorizing the appropriation of the sums necessary for this purpose.

RESEARCH AUTHORIZATIONS

Section 303 would authorize the appropriation of $20 million in fiscal year 1983 and necessary sums for fiscal year 1984 for the Department's Research and Technology Program. Particular areas of study in fiscal year 1983 will include:

Strategies for increasing the efficiency and effectiveness of assisted-housing programs through reforms of existing programs and evaluation of alternative programs;

Analysis of (1) the relationship between tax policies and housing, (2) alternative housing finance mechanisms (such as alternative mortgage instruments), (3) financial institution regulation and reform, and (4) alternative tax and other financial incentives for housing;

Ways to reduce the component costs of housing (costs of development, building, financing, and operating);

Development and dissemination of better methods for community management and delivery of local government services;

Identification of successful neighborhood strategies;

Analyses of new or improved alternatives for urban economic development, including an examination of enterprise zones, the role of small businesses, regulatory and tax relief, public finance and tax policy, changes in capital investment by cities, the impact of Federal tax and grant policies on central cities, and the formulation of a viable and realistic urban policy; and

Issues related to fair and nondiscriminatory housing.

ELIMINATION OF REQUIREMENTS THAT FHA INTEREST RATES SET BY LAW

Section 304 would amend the insuring authorities in the National Housing Act which are proposed for extension beyond fiscal year 1982 (except section 235) to allow an insured mortgage or loan to bear interest at a rate agreed upon by the borrower and the lender. These authorities are: title I—property improvement and manufactured home loan insurance; section 203—basic home mortgage insurance; section 207—rental housing insurance; section 213—cooperative housing insurance; section 220—rehabilitation and neighborhood conservation housing insurance; section 221—housing for moderate-income and displaced families; section 231—housing for the elderly; section 234—condominiums; section 240—homeowner purchases of fee simple title; section 241—supplemental loans for multifamily housing projects, health facilities and energy conserving improvements; and title X—land development.

The proposal would repeal section 3 of P.L. 90-301—HUD's interim authority to establish maximum FHA interest rates—as well as section 4 of that Act, which established a commission on interest rates which expired in 1969.

The amendment to section 235 would provide for continuation of the Secretary's authority to set interest ceilings, essentially in the same manner as is authorized under present law in Public Law 90-301. This reservation of authority for purposes of section 235 mortgages is necessary to close out, during fiscal 1983, the section 235 homeownership program for lower income families. Since the section 235 subsidy is the difference between the actual interest rate on the mortgage and a below market rate set by HUD, to allow negotiated interest rates in this program might prove prohibitively expensive. Since the authority to insure under section 235 is proposed for expiration on September 30, 1983, the need for a continuation of Secretary-established interest ceilings is only temporary.

The administered ceiling on the FHA contract interest rate has outlived its usefulness. The ceiling is an outdated manifestation of concern that some lenders would take advantage of buyer ignorance and charge an "above market" rate of interest. Mortgage rates were relatively stable in the post-WW II years by today's standards, but differed among various regions of the country. This difference reflected the relatively greater demand for funds in some areas and the immobility of mortgage funds across regions. In the interest of promoting a truly national mortgage market and facilitating the flow of funds between regions, FHA attempted to set a national mortgage rate.

Over the years the perception had developed that, by setting a ceiling, FHA determines mortgage interest rates. This is simply not the case. FHA mortgages are sold to investors at market yields. Investors discount the loans to bring the yield up to those available on alternative investments. These discount "points" can be ultimately passed on to borrowers, typically in the price charged by the seller.

Mortgage markets are now national in scope and extremely competitive. Homebuyers can readily obtain information on the going rate for a mortgage loan, and can negotiate for themselves a market interest rate. Thus, the ceiling is no longer needed.

The recent volatility in interest rates has made the ceiling extremely difficult to administer. The FHA ceiling must reflect current market interest rates if homebuyers are to obtain mortgage credit. When interest rates move by as much as five discount points within a week, as they have recently, it becomes increasingly difficult to administer the contract interest rate effectively.

In summary, the FHA will follow the conventional mortgage market by letting the borrower and lender determine the mortgage interest rate.

TREATMENT OF FHA SINGLE FAMILY MORTGAGE INSURANCE PREMIUMS

Section 305 would amend the single family insuring authorities of the National Housing Act to exclude the amount of the mortgage insurance premiums paid at the time the mortgage is insured from the applicable maximum mortgage and down payment requirements. These changes are intended to complement the Department's proposed revision to the single family insurance premium collection structure. Under this plan, the Department will, by regulation, require the purchaser to pay at the time of settlement the total expected amount of premium due, based upon the average expected term of the loan. The premium will be calculated on a discounted present value basis and will be considered as an eligible expense, included within the amount of the approved loan.

This new procedure will result in significant reductions to the workload of the Department, and also will free loan servicers from the monthly remittance requirement on new loans. The change is expected to have only a small impact on the home purchaser's monthly payment requirement, while increasing premium receipts early in mortgage life.

Under current law, however, the amount of the mortgage insurance premium payable at settlement is included in the amount of the principal obligation of the loan against which the statutory maxima are applied. If the higher amounts contemplated by the new procedure were similarly included, there would be a corresponding decrease in the insurable mortgage amount attributable to the dwelling being purchased. The proposed amendments would prevent this result by excluding the amount of the premium from the maximum mortgage determinations. Similarly, since insurance premiums are presently included in determining down payment amounts, the amendments would exclude them from down payment determinations. The amendments would, however, not reduce the amount of insurance protection which is afforded the lender.

NON-OCCUPANT SINGLE FAMILY MORTGAGORS

Section 306 would provide higher maximum mortgage amounts for non-owner-occupant, one- to four-unit dwellings insured under section 203(b) of the National Housing Act.

Present law limits the principal amount of an owner-occupant mortgage which may be insured under section 203(b) to the lesser of specified dollar amounts or loan-to-value ratios. Thus, the maximum insurable amount for a typical single family home is the lesser of $67,500 or the sum of 97 percent of the first $25,000 of value and 95 percent of the remainder. Section 203(b)(8) of the Act limits the maximum insurable amount for investor-owners to 85 percent of the owner-occupant ceiling. Thus, for a typical single family home, the limit is 85 percent of $67,500, or $57,350.

This amendment would set the investor limit at the lesser of the otherwise applicable dollar amount or 85 percent of the otherwise applicable loan-to-value ratio for owner-occupied units. This would make the maximum dollar amount which may be insured for investors the same as that for owner-occupants, while at the same time retaining existing restrictions on the percent of value which could be insured for investor-owners. The proposed change would help stimulate investor interest in one- to four-unit dwellings, thereby resulting in increased rental housing supply.

PREMIUM CHARGES FOR INSURANCE OF ALTERNATIVE MORTGAGE INSTRUMENTS

Section 307 would authorize the Secretary to increase, if necessary, premium charges for insurance of mortgages involving alternative financing mechanisms such as graduated payments, adjustable interest rates, shared appreciation, or growing equity.

Section 203(c) of the National Housing Act authorizes the Secretary to vary premium charges for the insurance of mortgages under the separate sections of title II of the National Housing Act, but premium charges among mortgages insured under a particular section of the Act must be uniform. The alternative mortgage plans proposed to be authorized pursuant to revised section 245 and proposed new sections 247, 248 and 249, (and other alternative mortgage instruments which may be developed under existing authority) may require additional premium charges to make the provision of insurance actuarially sound. Alternative financing mechanisms are intended to be used in conjunction with existing basic mortgage insurance statutes contained in title II. Thus, for example, a single family home with an adjustable rate mortgage might be insured "under" section 203(b), "pursuant to" section 247. This amendment would make clear that, when alternative financing is used in conjunction with a particular section of title II authorizing insurance, the Secretary may provide for premium charges which are not the same as those which would be applicable to a level payment mortgage insured under the same section, and that premium charges applicable to such alternative mortgage instruments may exceed 1 percent per year where necessary.

MODIFICATION OF FHA DEBENTURE TERMS

Section 308 would eliminate the statutory requirement that any debentures issued by the FHA in payment of insurance claims be redeemable at par. Mortgagees frequently use these debentures for payment of insurance premiums under the various insurance programs. Permitting lenders the option of redeeming debentures at par in exchange for premiums has had a serious impact on the actuarial calculations involved in writing mortgage insurance in a manner consistent with sound financial management. Debentures submitted for redemption usually are worth substantially less than par. This is because the interest rate on these debentures is tied, at the time of origination, to the prevailing rate on outstanding long-term Treasury obligations, and that rate does not necessarily reflect the prevailing market rate at the time of redemption. The debentures so used, therefore, can result in a significant loss of FHA insurance fund revenues.

DISCRETIONARY AUTHORITY TO REGULATE RENTS AND CHARGES

Section 309(a) would remove language in section 207 of the National Housing Act mandating that the Secretary regulate project rents and rates of return, and would substitute discretionary authority in the Secretary to provide for such regulation. This change (and the parallel amendment of section 234(d)(2) contained in subsection (b)) would conform these authorities to other National Housing Act multifamily authorities (sections 220(d)(2)(A), 221(d)(4), and 231) which provide for discretionary authority to regulate rents and charges.

The purpose of these changes is to permit the Department to deregulate rent levels in unsubsidized insured projects. Deregulation is expected to help assure the financial stability of insured projects, and will reduce administrative costs for the Department by eliminating the review and processing of applications for rent increases.

It should be noted that such deregulation would have applicability, not only to future unsubsidized project mortgages, but to existing mortgages as well. After appropriate regulatory changes were promulgated pursuant to these amendments, existing mortgagors would be invited to amend their regulatory agreements to remove requirements for HUD approval of rent increases. The Department would, however, reserve the right to resume regulation of rents and charges for any such project in the future.

MORTGAGE INSURANCE FOR MANUFACTURED HOME PARKS FOR THE ELDERLY

Section 310 would amend section 207(b)(2) to permit the insurance of manufactured home parks designed exclusively for occupancy by the elderly. Present law states that the insurance of section 207 mortgages is intended to facilitate particularly the production of rental accommodations "suitable for family living." Section 207(b)(2) goes on to prohibit the provision of insurance under section 207 unless the mortgagor certifies under oath that there will be no discrimination "by reason of the fact that there are children in the family. . . ."

The proposed amendment would retain this basic rule, but would provide language clarifying that exception may be made with regard to manufactured home parks designed exclusively for the elderly. Recent surveys indicate that about one-third of all manufactured home units are occupied by elderly persons. Since section 207 is the only authority for insuring manufactured home parks, the change in section 207(b)(2) proposed in this section of the bill is necessary to meet the need for insurance to develop parks designed, constructed and managed for occupancy exclusively by the elderly.

INCREASED MORTGAGE LIMITS FOR SUBSTANTIAL REHABILITATION

Section 311 would amend the mortgage limit provisions of Sections 220, 221(d)(3) and 221(d)(4) of the National Housing Act to facilitate refinancing to perform substantial rehabilitation. Currently under these provisions, the limits on mortgages for substantial rehabilitation of properties are 90 percent of the sum of the cost of repair plus the value of the property before rehabilitation. However, where there is an existing mortgage, and application to insure a new mortgage under one of these provisions is made, the mortgage limits would be 90 percent of the sum of the estimated cost of repair plus the existing indebtedness (rather than the value of the property before repair). The amendment would delete the latter formula, so that the mortgage limits would be the same for refinancing as it is for new financing for substantial rehabilitation.

The limitation involving existing indebtedness for refinancing in the current laws prevents owners from realizing any of their equity if they wish to rehabilitate a project and retain ownership. This forces sales of the properties if the owners are to realize any equity from the projects. This limitation is contrary to a policy of encouraging rehabilitation and retention of rental property by present owners. As a result of this inequity, many projects requiring rehabilitation cannot receive the benefits of rehabilitation without the sale to another owner.

ASSIGNMENT OF SECTION 221(g)(4) MORTGAGES TO THE GOVERNMENT NATIONAL MORTGAGE ASSOCIATION

Section 221(g)(4) permits mortgagees holding section 221 mortgages which are not in default to assign them—twenty years from the date of insurance endorsement—to the Secretary, and to receive the benefits of insurance.

The purpose of this amendment is to authorize the Secretary to direct mortgagees exercising this assignment option to deliver the mortgage and credit instruments directly to the Government National Mortgage Association. Upon such an assignment to GNMA, the rights of the mortgagee would be identical to those provided in the present law. The amendment proposal would, however, establish a more effective process within HUD for dealing with these assignments. GNMA, acting as agent for the Secretary, would take delivery of the mortgages and would pay for them with debentures issued pursuant to the current procedure outlined in section 221(g)(4). These debentures would be debited against the FHA fund. Upon sale of the loans, GNMA would provide the proceeds to FHA. GNMA would be reimbursed for all administrative costs.

Without this amendment, FHA could continue to be responsible for taking assignment and servicing these mortgages, but an increase in staffing in HUD's Office of Finance and Accounting would be required, since that office is not prepared to take on the additional responsibility caused by the forthcoming eligibility of numerous section 221 mortgages for 20-year assignment.

Explicit statutory authority to instruct mortgagees to transfer these mortgages directly to GNMA would eliminate the paperwork and time delays within HUD involved in requiring receipt of the mortgages by the Office of Finance and Accounting, and subsequent transfer to GNMA for purposes of handling debenture issuance and subsequent sale of the mortgages.

GNMA has the greater experience in handling such sales, and will also be in a position to "space" its sales, so that HUD mortgages will not be sold in competition with GNMA's own mortgage sales.

TERMINATION OF SECTION 221 BUY-BACK PROVISION

Section 313 would amend section 221(g)(4) of the National Housing Act to eliminate the "buy-back" feature of that provision with respect to commitments to insure under section 221 entered into after the effective date of the Housing and Community Development Amendments of 1982. Section 221(g)(4) now permits mortgagees to assign to HUD current mortgages which are in their 20th year of amortization. HUD exchanges the mortgages for debentures at the going rate for the face value of the outstanding debt. The proposal would only affect those mortgages for which commitments to insure were made after the effective date of the provision.

Because of the current high interest rates, it has become more and more advantageous for mortgagees to assign mortgages to HUD and take debentures at the "going rate" of interest. This proposal would avoid expected future losses to the FHA insurance funds based on business transacted after the provision's effective date.

MORTGAGE INSURANCE FOR CONDOMINIUMS

Section 314 would amend section 234(c) of the National Housing Act to allow insurance of any condominium unit in a project that has been approved by the Secretary. The proposal expands HUD's authority to permit insuring individual condominium units in a project by eliminating the conditions to such insurance contained in existing law. Under current law, HUD may insure individual condominium units if one of the following conditions is met: (1) the project is or has been FHA-insured or VA-approved; (2) there are less than 12 units in the building; or (3) if the building has 12 or more units, it is more than a year old.

Elimination of these conditions would lessen the constraints on insured financing for condominium units and would result in expanded homeownership opportunities. Additionally, the proposal would simplify the insuring process and eliminate the amount and degree of FHA review and regulation.

This proposal would also bring HUD into line with what the Veterans Administration has been doing for several years. Since 1974, the VA has allowed insurance for any condominium unit. The enactment of identical FHA and VA condominium insuring authorities would facilitate implementation of section 905 of the Housing and Community Development Amendments of 1978, which as part of the paperwork reduction program, suggested that HUD, VA, and FmHA develop uniform application and other requirements for single family and multifamily programs.

REMOVAL OF RESTRICTION ON FHA CO-INSURANCE

Section 315 would strike the second and third sentences of section 244(d) of the National Housing Act. These provisions limit the amount of mortgages and loans which may be insured on a coinsured basis by the FHA to 20 percent of the aggregate principal amount of all mortgages and loans insured under Title II of the Act. The 20 percent limitation also applies separately to multifamily and single family mortgages.

With respect to multifamily mortgages, HUD anticipates fewer insurance applications in both FY 1982 and FY 1983, as well as a drop in the overall amount of multifamily mortgage insurance written. This will occur at a time when HUD has developed regulations for coinsurance for purchase or refinancing of multifamily properties (under section 223(f)) and for private lender financing of new construction or substantial rehabilitation (under section 221).

State Housing Finance Agencies already may coinsure and perform delegated processing under section 221, which accounts for approximately two-thirds of FHA's multifamily business. The coincidence of diminishing overall multifamily insurance activity and increased policy and program emphasis upon coinsurance makes the existing 20 percent limitation of section 244(d) a severe inhibiting factor in carrying out FHA multifamily operations. Removal of the restriction will permit a more extensive and more effective FHA multifamily insurance program than would otherwise be possible.

With respect to single family insurance, HUD estimates that both applications and the amount of insurance written will increase in FY 1982 and FY 1983. In FY 1981, coinsurance written represented about 1.25 percent ($156 million) of single family insurance written ($12.5 billion). Although single family operations may continue to work within the 20 percent limit for the present, as in multifamily operations, HUD will be making improvements in its coinsurance regulations with a view toward making the coinsurance approach more attractive to lenders. HUD anticipates a substantial increase in coinsurance activity as a consequence.

The benefits of coinsurance are clear and compelling: it maximizes the role of the private sector, it reduces processing time through delegated processing, and it limits HUD's exposure to losses through risk sharing. By removing the current 20 percent restriction, increased cooperation and direct involvement of the private sector in FHA insurance programs will be possible.

ALTERNATIVE MORTGAGE INSTRUMENTS

Section 316 would expand the Secretary's authority to insure mortgages using alternative mortgage instruments. Subsection (a) would amend section 245 of the National Housing Act to consolidate the separate authorities now contained in section 245(a) and (b) into a single graduated payment mortgage (GPM) authority for one- to four-family dwellings in accordance with the more generous limitations now contained in section 245(b), and to eliminate certain restrictive features of the present section 245(b) GPM program. In addition, amendments are proposed in revised subsection (c) to make possible the use of GPM's for multifamily projects.

The proposed revisions to section 245(b) would delete the threshold requirement that a mortgagor be unable reasonably to afford to finance a purchase by means of any other mortgage insurance program. This change would make any otherwise qualified mortgagor eligible for an insured graduate payment mortgage.

Second, the requirement limiting section 245(b) insurance to mortgagors who have not owned dwelling units within the preceding three years would be stricken.

Finally, restrictions on the number of mortgages or the aggregate amount of initial principal obligation of mortgages insured under section 245 are also proposed to be removed.

Section 245(c) as proposed to be amended would provide authority for GPM's for multifamily insured projects. A major deterrent to the production of multifamily housing is the high cost of financing. Availability of GPM's would assure lower principal and interest payments on the mortgage in the early years of a project. Later, as debt service payments increased, reasonable rental increases would cover these costs. Use of the GPM approach in the multifamily context would assist the badly sagging rental housing market without the help of Federal subsidies.

GPM's for multifamily projects would not, however, have requirements identical to those applicable to single family insuring authorities. The initial principal obligation of a multifamily mortgage would not be permitted to exceed the percentage of value or replacement cost required by the particular title II insuring authority with which the GPM authorization was linked. During the term of the mortgage, the principal obligation (including interest deferred and added to principal) would not be permitted to exceed the property's projected value at any time.

Projected value of a multifamily project would be determined in the same manner as under current section 245 for single family dwellings—by means of a HUD calculation based on the initial value of the property, projecting increased value at a rate not to exceed 2½% per year.

Subsection (b) would provide authority for HUD to insure single-family Adjustable Rate Mortgages (ARM's) on a limited basis. Under the authority, insurance activity would be limited to 125,000 mortgages in any fiscal year. Interest rate adjustments would be indexed to a national interest rate index which the Secretary of HUD would specifically approve in regulations.

These FHA-insured adjustable rate mortgages would include safeguards for the consumer. To protect participating homeowners, statutory limits would control the size and frequency of interest rate adjustments. A limit of one adjustment per year, with maximum increases in the interest rate of 1 point a year and 5 points over the life of the mortgage, would be established. The mortgagee would be required to provide information to the mortgagor describing particular features of the variable rate mortgage, including a hypothetical "worst case" payment schedule.

At present, HUD cannot insure a mortgage financed with a variable interest rate. If inflation rates and interest rates remain high, the ARM is likely to become a primary mortgage instrument available to a purchaser in the conventional market. In that event, it would be desirable for FHA to be able to offer a choice between ARM's and fixed-rate mortgages.

Section 316(b) proposes a new section 248 of the National Housing Act which would provide authority for HUD to insure Shared Appreciation Mortgages (SAM's) for single-family housing. Insurance activity would be limited to 50,000 mortgages in any fiscal year.

Because of current economic conditions, including high and volatile interest rates, alternative mortgage instruments such as the SAM should be insurable by FHA in order to supplement the standard, fixed-rate mortgage, and to provide homebuyers with an alternative to the Department's Graduated Payment Mortgage (GPM) program and the proposed Adjustable Rate Mortgage (ARM). SAM's make possible substantial reductions in down payments, early year monthly mortgage payments or both, in return for a percentage share of any appreciation accruing to the property. The SAM is particularly well suited to prospective secondary market purchasers; to the extent effective yields are keyed to property appreciation, such mortgages in most cases will provide a direct hedge against inflation.

Under the proposal, a lender's share of the appreciated value of the property would be due and payable at the time the insured property is sold or transferred, or, in the event there is no such sale or transfer, upon payment of the mortgage.

By regulation, safeguards for buyers and owners would include maximum sharing provisions and full disclosure of the terms and conditions of the mortgage contract.

In the event of a default, the mortgagee would have a right to make an insurance claim, but insurance benefits would not include the mortgagee's share of net appreciated value.

This proposal reflects HUD's intent to serve first-time homebuyers, and to generally upgrade the Department's insuring authority to be responsive to current needs and effective in the current mortgage market.

Section 316(b) would also provide authority for HUD to insure Shared Appreciation Mortgages (SAM's) for multifamily housing.

In addition, subsections (c) through (f) would amend sections 207(c)(3), 220(d)(4), 221(d)(6), and 231(c)(5), respectively, to allow HUD discretion to insure loans which do not completely amortize over the loan term.

Current economic conditions have made the production of multifamily rental housing difficult. A particular problem facing the multifamily housing industry is the reluctance of lenders to invest in fixed-rate mortgages of 30 or 40 years duration. Alternatives to traditional long-term mortgage instruments need to be insurable by HUD in order to stimulate unsubsidized rental construction.

The multifamily SAM will allow HUD to insure loans of 15 years or longer which have level payment amortization schedules which would completely amortize in 30 years or less. Mortgagors would be allowed to take advantage of the generally lower interest rates available for shorter term financing.

Under the proposal, a lender's share of the appreciated value would be due and payable at the time the insured property is sold or transferred or at the expiration of the loan term.

Used either in tandem or separately, the multifamily SAM proposal and the proposed discretion in the Secretary to insure mortgages which do not provide for complete amortization will substantially lower the monthly mortgage payments on multifamily loans and thereby encourage the production of rental housing.

STRUCTURAL DEFECTS IN INSURED PROPERTY

Section 518(a) of the National Housing Act authorizes the Secretary to make expenditures to correct or compensate for structural defects in single family homes which were approved for FHA insurance prior to construction. Section 317 would amend section 518(a) to specify that the Secretary may also correct or compensate for structural defects in FHA-insured new homes which were approved for loan guaranty by the Veterans Administration prior to construction.

Section 203 of the National Housing Act states that VA loan guaranty, insurance or direct loan approval prior to the beginning of construction may be substituted for the Secretary's approval. The proposal would clarify that VA approval is the equivalent of the Secretary's for purposes of correcting or compensating for structural defects.

TIME OF PAYMENT OF PREMIUM CHARGES

Section 318 would amend section 530 of the National Housing Act to clarify that the Department's obligation to collect mortgage insurance premiums on a monthly basis, and to charge interest for late payment of monthly premiums, applies only to the Department's single family programs. The amendment would permit continuation of the existing practice of collecting premium payments from multifamily mortgagees on an annual basis, with interest payable only in the case of late remittance of the annual payment.

In the past, HUD has not required monthly collection of premiums for its multifamily mortgages. Premiums for those programs are paid by the mortgagor in advance and are escrowed by the mortgagee. Collection of these premium payments on a monthly basis would increase paperwork and would be staff-intensive. It would also unnecessarily disrupt existing finance and accounting operations, which are geared to annual receipt of such payments.

As amended, section 530 would continue to require that premiums be paid "promptly upon their receipt from the borrower" in the case of the single family programs, but would require, for all other insuring authorities, that premiums be paid "promptly when due to the Secretary" (i.e., annually). Interest payable to the Secretary would continue to be required for late payment of premiums, but such interest would accrue beginning twenty days after the mortgagee's receipt of premium payments from the borrower in the case of single-family mortgages, while in the multifamily programs, interest would be due for the period beginning twenty days after the premium payment's due date.

SINGLE FAMILY MORTGAGE INSURANCE ON INDIAN RESERVATIONS

Section 319 would add a new section to title V of the National Housing Act authorizing the Secretary to insure a mortgage covering a one- to four-family dwelling executed by a member of an Indian tribe covering property located on an Indian reservation without regard to limitations in the NHA, such as those regarding marketability of title, or any other statutory restriction which impedes the availability of mortgage insurance on Indian lands. The insured dwelling would have to be a principal residence.

The unique nature of the ownership of land on Indian reservations and laws governing the disposition of Indian land makes lenders unwilling to provide mortgage financing for housing on reservations. HUD cannot induce lenders to make mortgage loans by providing insurance because the National Housing Act has requirements for insurability relating to marketability of title that cannot be met by Indian reservation land. The proposal would enable the Secretary to make mortgage insurance available without regard to such statutory restrictions. Mortgages insured under this section would be obligations of the General Insurance Fund.

PROPERTY DISPOSITION AND RELATED AMENDMENTS

Section 203 of the Housing and Community Development Amendments of 1978 established policies and procedures for the management and preservation of HUD-owned multifamily housing projects. The statute directs HUD to manage and dispose of these projects in a manner that would protect the financial interests of the Federal Government and be less costly to the Federal Government than other reasonable alternatives by which the Secretary could strengthen the goals of (1) preserving housing units for use by low- and moderate-income families; (2) preserving and revitalizing residential neighborhoods; (3) maintaining the existing housing stock in a decent, safe and sanitary condition; (4) minimizing involuntary tenant displacement; (5) minimizing demolition; and (6) maintaining the project for the purpose of providing rental or cooperative housing. The statute also requires the Secretary to assure displaced tenants in covered projects the right to return to a repaired unit, to occupy another HUD-owned unit, to obtain assistance under the United States Housing Act of 1937 or receive any other appropriate relocation assistance.

Section 320 would amend section 203 to remove most of these restrictions on the management and disposition of HUD-owned property. The proposal would retain the requirement of 203(d)(1) of the Act that, whenever tenants of any HUD-owned multifamily rental project are to be displaced, the Secretary shall inform them of their pending displacement and of any available relocation assistance. More importantly, the proposal would authorize the Secretary to provide assistance under the new Modified Section 8 Existing Certificate Program to any very low-income tenant (50 percent of area median income or below) in HUD-owned projects assisted under the section 236, 221(d)(3), rent supplement or section 202 (other than section 8-assisted) programs. (Section 8-assisted 202's are excepted, since all previously assisted section 8 recipients will be eligible to receive a Modified Certificate, irrespective of their incomes.)

The Secretary's authority under section 203(e) of the 1978 Act—permitting the Secretary to request mortgagees to accept partial insurance benefits in lieu of an assignment—also would be retained.

Finally, the proposal would repeal section 367(b) of the Multifamily Foreclosure Act of 1981, which authorizes and, in some cases, directs the Secretary to require a purchaser at a foreclosure sale to continue to operate the project in accordance with the terms of the section 312 loan program or insurance program under which assistance was originally provided.

The proposed amendments are designed to remove the current restrictions on the management and disposition of HUD-owned properties so that the Secretary can handle these properties on a business-like basis. The present law mandates a bias toward the continued use of the property for low- and moderate-income housing, without a realistic regard for the economic consequences to the government of such continued use. This is especially true given the more limited potential for success of already financially troubled projects.

The proposed amendments would permit the Secretary to dispose of properties on a sound economic basis, while extending to eligible tenants displaced from assisted projects the benefits of the proposed Modified Section 8 Existing Certificate Program.

PREVENTION OF FRAUD AND ABUSE IN HUD-ASSISTED PROGRAMS

Section 321 contains a number of provisions to help prevent fraud and abuse in HUD's assisted programs. Subsection (a) would require an applicant for assistance under HUD programs involving loans, grants, interest subsidies, other financial assistance of any kind or mortgage or loan insurance to (1) include his or her social security number or employer identification number on forms designated by the Secretary and (2) sign a consent form authorizing the Secretary to verify and audit information furnished by the applicant and authorizing other government agencies and private sources to release information related to the determination of eligibility or benefit level or post-verification thereof. Information provided pursuant to this subsection would have to be confidential except for use pursuant to this section as determined by the Secretary.

Such information could include, but would not be limited to, wages, unemployment compensation, VA benefits, and benefits under the Social Security and Food Stamp Acts. Failure to comply with the requirements of this subsection would be grounds for rejection of the application or termination of participation in the program involved. The Secretary would define the term "applicant" for purposes of this subsection.

Subsection (b) would amend section 303(d)(1) of the Social Security Act to authorize State unemployment agencies to release information to HUD and public housing agencies concerning applicants' wage information and unemployment benefits.

Subsection (c) would provide that the entity responsible for determining eligibility and/or level of benefits under the United States Housing Act of 1937, section 101 of the Housing and Urban Development Act of 1965 or section 221(d)(3) or 236 of the National Housing Act, including PHA's and owners of such projects, shall deny participation in the particular program benefits to any applicant who knowingly and willfully made false or misleading statements, concealed any relevant facts or otherwise violated these Acts or any of their regulations.

Subsection (d) would amend section 214(b) of the Housing and Community Development Act of 1980 to extend the prohibition against financial assistance to certain aliens to include the 221(d)(3) program.

The Department must have social security numbers and employee identification numbers in order to make efficient and effective reviews of assistance eligibility and level, to reduce administrative error, and detect fraudulent transactions. The social security numbers are the only uniform and accurate means of identification, and their uniqueness makes it possible accurately to identify individuals in records of other agencies. Provision of the social security numbers and the applicant's consent to the Secretary obtaining data from other agencies, as required by subsection (a), would enable HUD to verify the accuracy of applicants' information and, accordingly, prevent fraud and abuse. The requirement to provide social security numbers is similar to that used in the food stamp program to prevent fraud. Additionally, the General Accounting Office has recommended enactment of such legislation on a government-wide basis.

Access to data bases maintained by State unemployment agencies, as authorized by subsection (b), is needed to enable the Department to undertake post-audit, quality control, and other investigative reviews based on computer matching to such data bases. This amendment would help the Department to assure that complete and accurate information has been submitted by beneficiaries of HUD programs. The Department of Agriculture has been given similar authority in connection with its Food Stamp program.

Subsection (c) would provide clear statutory authority for public housing agencies and owners of projects assisted under the section 8, rent supplement, section 221(d)(3) and section 236 programs to disqualify applicants from eligibility for admission or for continued benefits if the applicant has made false and misleading statements or concealed relevant facts. The public housing agencies and owners of assisted projects would follow up and verify information affecting eligibility and benefits level based on data furnished by the Secretary. By allowing resolution of such matters at the local level, several goals are achieved. The Department will be providing a means for combating fraud, assisting in debt collection efforts, and allowing for greater local administration of the program.

Since the 221(d)(3) program also provides a financial benefit to tenants, it should be included, as provided by subsection (d), along with the other rental assistance programs in the prohibition against financial assistance to aliens. Also, the amendment is needed to prevent the anomalous situation where some of the tenants in a section 221(d)(3) project are subject to the section 214 prohibition (rent supplement tenants) while others are not.

AMENDMENT OF REAL ESTATE SETTLEMENT PROCEDURES ACT OF 1974

Section 322 would amend the Real Estate Settlement Procedures Act by repealing sections 8, 9, 13, 14, and 16 and by making several other minor changes.

Subsection (a) would repeal sections 8, 9, 13, 14, 15 and 16. Repeal of section 8 (Prohibition against Kickbacks and Unearned Fees) is proposed for two reasons. First, the Department has found that the abuses associated with direct cash payments of kickbacks do not occur so frequently on a nationwide basis as to warrant a Federal criminal statute and penalty. Second, developments in the settlement service industries in recent years indicated that this provision may impede the evolution of new, innovative methods for the delivery of settlement services, such as the voluntary packaging of such services, which may ultimately lower consumer costs.

Section 9 (prohibiting seller-required use of a particular title company) is proposed for repeal because the Department has never been able to identify a significant abuse of the consumer in the area of seller-selection of the title insurer. While developers might pass on the cost of blanket mortgage title work directly to consumers by referring or requiring use of the title company doing the blanket mortgage search, such costs are invariably passed on to the consumers in any event. Moreover, difficult title problems, which the project insurer is willing to insure against because it has thoroughly examined the Record, might become an exception on another company's policies. This may frustrate settlement unnecessarily.

Sections 13, 14 and 15 relate to demonstrations and reports which have been completed, and are being repealed as obsolete. Finally, section 16 (relating to the Jurisdiction of Courts) is being repealed, because the repeal of sections 8 and 9 would make it meaningless.

Subsections (b) and (c) of the Act make conforming changes in the Act's purposes and definitions occasioned by the repeals in subsection (a).

Subsection (d) would amend section 4(b) of the Act to delete the requirement that the borrower be permitted to examine the settlement form the day before settlement. The Department's experience indicated few consumers took advantage of this disclosure opportunity and many received the information from closing agents voluntarily. Additionally, the Good Faith Estimates disclosures required by section 5(c) of RESPA have proven sufficiently accurate to give a general idea of the total cost of settlement. Therefore, elimination of this requirement would not have an injurious effect on consumers, but would remove the Federal government from one aspect of residential real estate transactions.

Subsection (e) amends section 5 of the Act relating to distribution of booklets to clarify the law and to reflect the existing practice of the Department of furnishing only the text for the booklet while the lenders themselves purchase the booklets from vendors.

Subsection (f) makes a technical change in section 10 of the Act (Escrow Accounts), relating to escrow collection. In a very few circumstances (primarily involving real estate taxes), the existing statutory formula for the prepayment of taxes and insurance has provided insufficient funds to meet the obligation when it first comes due after closing. The amendment would permit a sum to be collected sufficient to avoid a shortage from occurring.

Subsection (g) is a technical amendment to section 12 of the Act, deleting a reference to section 6, which has already been repealed.

HOUSING COUNSELING ASSISTANCE

Section 323 would amend section 106(a) of the Housing and Urban Development Act of 1968 to eliminate all funding for grants and contracts under the Housing Counseling Assistance Program and other activities specified in that section. In this regard, the Secretary's authority to make grants or contract for housing counseling and other activities as authorized by section 106(a) would be stricken. The authorization for appropriations under 106(a)(3) for housing counseling would be repealed.

Additionally, section 101(e) of the Act, which authorizes housing counseling assistance for mortgagors under section 235(i) or 235(j)(4) of the National Housing Act, would be repealed. Finally, section 230(d) of the National Housing Act, which directs the Secretary to provide housing counseling to persons assisted under the TMAP program, would be repealed.

Localities can use other sources of Federal revenues (such as community development block grants and general revenue sharing) to fund the activities specified in the above authorities. Accordingly, all authority to appropriate funds for grants and contracts for these purposes (including the Housing Counseling Assistance Program) would be eliminated. However, HUD's authority to provide information, advice and technical assistance for the purposes contained in these provisions would remain unchanged.

For example, HUD staff could continue to work with housing counseling agencies that provide mortgage default and rent delinquency counseling on a voluntary basis. The HUD staff activity would include approving counseling agencies and providing technical assistance, making referrals of delinquent mortgagors to counseling agencies, and using counseling agencies to help keep forbearance agreements current. The only expenditures to the Federal government under section 106(a) for the provision of these services would be the salaries and related expenses of the HUD employees involved.●

By Mr. ARMSTRONG (for himself, Mr. PROXMIRE, Mr. KASTEN, Mr. SCHMITT, and Mr. CHAFEE):

S. 2362. A bill to abolish the Synthetic Fuels Corporation; to the Committee on Energy and Natural Resources.

ABOLISHING THE SYNTHETIC FUELS CORPORATION

Mr. ARMSTRONG. Mr. President, today, my colleagues and I are introducing a bill to abolish the U.S. Synthetic Fuels Corporation.

Two years ago, Senator PROXMIRE and I led a broad-based coalition opposing creation of this $88 billion Federal program to stimulate a synthetic fuels industry in this country. I was involved in that effort not because I felt synthetic fuels were unimportant. On the contrary, I feel now, as I did then that a vigorous synthetic fuels industry is an essential ingredient in this Nation's recipe for energy independence. Nor did I oppose the creation of the Synthetic Fuels Corporation because I felt there was no proper role for the Federal Government. There are good reasons of public policy and national security that justify Federal involvement in such a critical and ambitious national effort. What I objected to was the magnitude of that Federal involvement, the enormity of the budgetary risk, and the unnecessary scale of environmental impact.

At the time, as my colleagues will remember, there were two synthetic fuel proposals before the Senate: The Synthetic Fuels Corporation program, which eventually prevailed, and the Defense Production Act program. The latter, I felt, was the better approach. It consisted of some $3 billion in Federal incentives and was designed to set up demonstration plants representing a wide range of innovative technologies; the syncrude products were to be reserved mainly for security-related uses.

In addition, the Defense Production Act program was strictly limited to loan guarantees and purchase commitments, while the Corporation is empowered to undertake these obligations in addition to price guarantees, direct loans, and even joint ventures. Ed Noble, the current Corporation Chairman, has said he intends to limit Federal involvement to loan, purchase, and price guarantees—and I think this is a very businesslike approach, as far as the type of support is concerned. As for the magnitude of that support, however, I felt the $3 billion program—coupled with the strong incentive of energy investment tax credits—was preferable to an $88 billion program and was as far as the Federal Government needed to go in setting up this important new industry. By a fairly narrow margin, my colleagues disagreed and both programs were ultimately enacted.

This bill invites the Senate to reconsider the debate we had 2 years ago and, in light of developments, correct an $88 billion mistake. By repealing the Synthetic Fuels Corporation portion of the Energy Security Act of 1980, we will leave intact a lean, practical, and effective synthetic fuel program that will provide adequate incentives without resorting to pointless, sugar-daddy subsidies.

The Energy Security Act authorizes a two-stage synfuels program: Phase 1 appropriations can be as high as $20 billion and the phase 2 ceiling is $68 billion. In 1980, Congress also created the energy security reserve—a special account at the Treasury—and appropriated more than $17.5 billion in phase 1 moneys dedicated to subsidies for commercialization of a synthetic fuel industry. Prior to February 9 of this year, when the Synthetic Fuels Corporation became fully operational, the Department of Energy awarded subsidies to three synthetic fuel projects: $2.02 billion in loan guarantees to the Great Plains coal gasification project; $1.1 billion in loan guarantees to the TOSCO oil shale project; and $400 million in purchase guarantees to the Union oil shale project.

After the Corporation became operational, it inherited supervision of the two oil shale commitments. Under this bill, all three commitments will be kept, though supervision of them will be the responsibility of the Department of Energy or a successor agency. The Corporation has selected five finalists for the next round of funding. The Corporation will not make any irrevocable commitments to any of these companies for several months yet, and I hope it would not do so until Congress has had a chance to reconsider the scope of its mission.

The financing of these programs is a kind of budgetary shell game, in which the taxpayers are kept guessing. The energy security reserve at the Treasury is an onbudget item, although it functions like a line of credit. Funds flow from it to the Corporation in a complicated series of bookkeeping adjustments, which would add directly to the deficit if the Federal Government would have to back up any of its guarantees. Termination of the Corporation will allow OMB to extinguish the energy security reserve, the total of which is now around $15 billion, and put an end to all this fiscal sleight of hand.

Moreover, termination would have a direct and immediate budgetary impact that would significantly reduce the Federal deficit. It would save $186 million in actual outlays for fiscal years 1983-87 as estimated by the Congressional Budget Office. In the long term, failure of a guaranteed synthetic fuel enterprise could have enormous onbudget implications, potentially adding billions to the Federal deficit at a time that is not so very distant. Similarly, price guarantees represent potentially huge budget exposure and could lead to cash outlays in the hundreds of millions of dollars during the late 1980's and in the 1990's, if syncrude is not cost competitive. Experts concede that projects begun now will not turn out products that are competitive with conventional fuels when they are completed 5 or even 10 years down the road.

Nor would syncrude be seen as a panacea which will end U.S. reliance on imported oil. The act set production goals of 500,000 barrels per day (bpd) by 1987 and 2 million bpd by 1992—while current imports are around 3 million bpd—and the Corporation has already indicated that these goals are unrealistic and will probably not be met. The declining international oil prices, inflation-caused cost overruns on synthetic fuel plants, the uncertainty of these new technologies and the potential environmental harm all combine to emphasize that a crash program is unwise and that a more careful, less expansive approach is needed.

First, I would like to discuss the macroeconomic considerations. Today's frail economy is already paying a heavy price for massive and unwise Federal borrowing. The Office of Management and Budget has conducted econometric studies that clearly demonstrate the direct link between Federal credit demands and interest rates. A mere 1-percent increase in Federal borrowing as a proportion of the GNP, or about $26 billion in new credit demand, would mean:

In the first year, inflation would rise 0.6 percent and the yield on 20-year Government bonds would rise by 0.5 percent.

In the second year, debt monetization would magnify the inflationary trend and result in a 1-percent increase in the inflation rate; the 20-year bond rate would be up 1 percent.

Ultimately, when the economy would have stabilized, the new credit injection would have boosted the inflation rate a full 2.25 percent; and increased the 20-year bond rate by 2 percent.

There is only so much loan capital available at any given time and, as ballooning Federal borrowing absorbs more and more of this finite amount, non-Federal borrowers have to bid up interest rates on the remaining credit. Consider the alarming growth of Federal credit demands in the last 17 years:

Federal borrowing as a percent of available capital

Fiscal years:	
1965-69	16
1970-74	21
1975-79	27
1980	36
1981	44
1982	47
1983	52
1984	54

Clearly the Federal Government, with the sharpest elbows of any borrower, is crowding the private sector out of the credit markets. Note that, from 1965 to 1969 when the Federal Government used only one-sixth of the available loan capital, the prime rate averaged only 6 percent. Now that the Federal Government soaks up nearly half of the loan capital in the country, the prime rate is 16.5 percent. OMB has calculated that, during 1983, the Federal Government will undertake $49 billion of new direct loan obligations and a staggering $98 billion of new loan guarantee commitments. By comparison, in 1981, the Federal Government made direct loans worth only

$26.1 billion and loan guarantees of only $28 billion.

Such borrowing, and the projected future borrowing, must be brought under control to curb high interest rates and other market disruptions. The Synthetic Fuels Corporation is a very good place to begin controlling Federal borrowing.

Federal financing puts Government sponsored projects at the head of the line for capital and, since the projects financed in this manner are mainly those that would not be financed in the unsubsidized market, the effect is literally to drain capital away from relatively more efficient and attractive projects to those that are, at least in the judgment of the private capital markets, less efficient and attractive. This disruption of the free flow of credit reduces the efficiency of America's capital stock. Such disruption and loss of efficiency may be justified on the scale of a few billion to help get the strategic synfuels industry off the ground, but this time of national economic crisis is certainly not the moment to risk an $88 billion disruption.

Now I would like to specifically discuss oil price and supply trends. In the early 1970's oil was selling for a couple of dollars a barrel, but it peaked at around $40 just a few years ago. The OPEC price-fixing cartel managed, for a few years, to hold prices at levels that were absurdly and artificially high. But now the law of supply and demand is working its magic on the international oil market. Demand for oil has proved to be surprisingly elastic. When oil prices doubled after the Iranian revolution in 1979, demand registered a precipiticus decline—it was cut by a whopping 10 percent.

In this country, decontrol of oil prices and phased decontrol of some natural gas prices have inspired a massive national effort toward energy conservation. Our industrial sector now uses less energy to produce goods that are more energy efficient; the energy needed to produce a dollar's worth of gross national product has dropped a staggering 20 percent since 1973, and other Western countries have even more impressive records. U.S. conservation efforts have kept today's total energy consumption at the oil equivalent of 35 million barrels per day (bpd)—about half this amount is oil, the other half is other energy consumption—or 5 million bpd less than forecast prior to the 1973 embargo.

The effect has been dramatic. Gasoline dropped 10 cents a gallon last year and experts are saying that, by the end of this year, it will drop nationwide to match many areas in the country where it is already below $1. The price of home heating oil dropped around 8 cents this winter. Perhaps a more revealing indicator of petroleum price trends is the futures market, where traders are anticipating a further decline by the end of this month. William Brown, director of energy and technology studies at the Hudson Institute has predicted the price of oil will gradually settle to $15 per barrel. Merrill Lynch, Pierce, Fenner & Smith, Inc., recently released an analysis that indicated Wall Street is already valuing crude oil at $20 a barrel in assessing the worth of oil company shares.

In 1973, industry leader Exxon Corp. estimated that non-Communist oil demand would grow to 95 million bpd by 1985; at the end of last year, however, we had reached a mere 48 million bpd and now Exxon has predicted that figure will not even reach 60 million bpd until the turn of the century. U.S. crude imports have dropped by more than half in the last 3 years alone, and are currently around 3 million bpd.

But, while the oil-importing countries have been successfully curbing their energy appetites, oil exporters have grown desperately dependent on these massive infusions of foreign currencies. So much so, in fact, that any significant decrease in revenues can destabilize whole societies. The shoe is plainly on the other foot now; Libya was in the vanguard of the OPEC embargo, but now the international oil markets have improved to the point where President Reagan has decided to ban oil imports from that country. As demand is reduced, OPEC will either have to cut production or drop prices to keep pace with the market and bolster the OPEC economies that are constructed entirely on the shifting sands of oil revenues.

Although the world price of oil is supposedly tied to the Saudi Arabian standard of $34 per barrel, Iran and Venezuela are selling well below that level and the spot market is only around $28. When the conflict between Iraq and Iran is resolved, those countries will exacerbate OPEC's problems by almost doubling their total wartime production of 2.5 bpd. Meanwhile, non-OPEC oil exporters like Great Britain and Mexico are keeping intense downward pressure on prices, chasing petrodollars in a shrinking market. Britain, for example, has slashed its price by $5.50 in the last few months alone; this has created considerable disarray within OPEC, which is already pumping less oil than in any year since 1969. Moreover, only four OPEC members are producing enough oil to balance their current accounts: Saudi Arabia, Qatar, Indonesia, and the United Arab Emirates.

OPEC is in serious trouble. The facade of uniform pricing is cracking apart, although it remains to be seen whether the cartel can be patched back together. The SFC was created in 1979, largely as a response to that year's doubling of oil prices; ever increasing prices for imported crude were forecast, with the expectation that expensive synthetic fuel technologies would be competitive when they came on line. That supposition is very much in doubt.

Does all of this mean we should abandon our national synthetic fuel effort? Of course not. But a dispassionate review of recent economic trends emphasizes that prudence and commonsense call for us to scale down this massive program which was enacted at a time when a sky's the limit, do something even if it is wrong psychology gripped Congress.

Finally, and in some ways most importantly, there are solid environmental reasons to develop synthetic fuels at a measured pace rather than on a crash basis. I have long left that the only way we can move significantly toward energy independence, while protecting the environment of this country, is to develop our energy alternatives in a gradual and determined manner. A headlong rush toward development of our energy resources, could bulldoze aside essential environmental concerns. A crash program, especially on the scale envisioned by the Energy Security Act, is likely to have far more adverse environmental impacts than multiple, diverse, small-scale efforts undertaken within the financial discipline of private markets.

In Colorado, where synthetic fuel development has already begun to have a sharp impact, we are especially concerned about the environmental aspects of so large a program of subsidies to this emerging industry. What it will mean for our pristine western vistas, our scarce water supplies, our small communities, and our agricultural way of life are very troubling questions to which the answers are by no means clear. Because synthetic fuel industries are very young technologically, we know very little about the environmental impact they may actually have; our knowledge is limited to the fact that this impact would be very significant.

Hand in hand with environmental impacts are the socioeconomic impacts that come from sponsoring massive synthetic fuel projects in areas that have underdeveloped infrastructures. In the West, where many of these projects will be sited, it is no exaggeration to say that socioeconomic impacts could impair the quality of life enjoyed by hundreds of thousands of people.

No State is willing to become an energy colony for the rest of the country. Oil shale, Colorado's predominant synthetic fuel industry, is already moving ahead quickly—some say too quickly—and has State and local officials scrambling to keep one step ahead of the many problems caused by rapid growth.

The economic discipline of the private market, unless completely distorted by massive Federal involvement, can greatly assist efforts to keep synthetic fuel development from getting completely out of hand.

Two years ago, during the debate on the Energy Security Act, I pointed out that the fastest, cheapest, and most environmentally sound way to produce "more" oil is to step up conservation measures. This has been proven true by the tremendous strides we have made in this area during recent years. We can do more. With decontrol of energy prices, regulatory reform, energy investment tax credits, sensible Federal investment in the development of alternative energy and limited Federal involvement in a prudent synthetic fuel program, we can further improve this country's pattern of energy consumption.

Mr. President, at this point I would like to have printed in the RECORD certain statements in support of this legislation.

There being no objection, the statements were ordered to be printed in the RECORD, as follows:

STATEMENT OF NATIONAL ENVIRONMENTAL GROUPS

We are pleased to announce our support for the Armstrong/Proxmire Bill to terminate the Synthetic Fuels Corporation (SFC). Largely exempted from the normal budget process and lacking defined environmental responsibilities, the Corporation was a bad idea from the start. In fact, the SFC was originally packaged and sold on False Premises. The public was told that:

Synthetic Fuels from coal, tar sands and oil shale were a cost-effective, readily-available alternative to insecure supplies of oil.

Synthetic Fuels development would occur in an environmentally acceptable fashion.

Federal intervention would successfully spur the development of a commercial synthetic fuels industry.

This government subsidization would not cost the taxpayers money.

The lure of $17.7 billion in federal assistance has only encouraged the proliferation of immature and unsound projects. Enormous project cost overruns, costly purchase and price guarantee request which exceed the market price of oil, and the withdrawal of private sponsors from many projects only underscore the fact that synthetic fuel technologies are not such a sure-bet. They are high risk ventures which will inevitably cost the American taxpayers billions of dollars.

Moreover, little progress has been made in resolving serious environmental, health and safety problems associated with synthetic fuels development. A commercial scale synfuels plant will release more than a million tons of air, water and solid waste pollutants every year. While industry assures us that it will be able to meet the provisions of existing laws, many pollutants from synthetic fuels processes are not well regulated and very few standards currently exist for the industry.

Yet, the federal government is dismantling environmental research efforts in this area, and its program to assist states with the permitting of these facilities has languished. These actions only increase the difficulty of developing the industry in an environmentally acceptable fashion.

The existence of a Synthetic Fuels Corporation is not good energy, economic or environmental policy. Billions of dollars in SFC assistance may enrich synthetic fuels promoters, but the public has nothing to gain. Indeed, by obligating scarce federal dollars to subsidize the rapid commercialization of this industry, we are likely to wind up as double losers: paying for potential environmental disasters on the one hand and making multi-billion dollars bail-out payments for projects which private industry will not support with its own money.

This is clearly a program which the American people cannot afford.

Environmental Action,
Environmental Defense Fund,
Environmental Policy Center,
Friends of The Earth,
Izaak Walton League,
National Audubon Society,
Natural Resources Defense Council,
Sierra Club,
Solar Lobby,
The Wilderness Society,
Western Organization of Resource Councils.

STATEMENT BY JAMES D. "MIKE" MCKEVITT

The small and independent business owners represented by NFIB are in support of the Armstrong-Proxmire legislation to terminate the Synthetic Fuels Corporation. NFIB members voted 57 to 34 percent against such a corporation.

At a time when all of us should be seeking ways to reduce the federal deficit, there is no justification for a program which costs the taxpayers twelve billion dollars.

The small entrepreneurs of this country believe that when there is a market for synthetic fuels, sufficient private sector capital will be available for commercial production. In the meantime, we oppose the existence of a government-sponsored corporation, using taxpayer dollars to enter the energy business.

STATEMENT BY MERILYN REEVES

The League of Women Voters of the United States enthusiastically supports the Armstrong/Proxmire bill to terminate the Synthetic Fuels Corporation (SFC). In an era of extreme budget austerity, the use of federal funds to subsidize expensive, inefficient and potentially environmentally dangerous technologies is the height of folly. The SFC is an unnecessary and inappropriate drain on the federal budget, diverting funds from more worthy efforts such as conservation, food stamps, housing and Aid to Families with Dependent Children.

The League believes that conservation—using energy more efficiently—should be the central feature of U.S. energy strategy. Federal assistance to synthetic fuels, whether through the SFC or the Department of Energy budget, favors high cost, high risk projects—requiring long lead times—over proven conservation and solar programs that offer the greatest potential short-term energy supplies. The Synthetic Fuels Corporation leads the country in the wrong direction at the wrong time.

INDEPENDENT PETROLEUM
ASSOCIATION OF AMERICA,
Washington, D.C., March 10, 1982.

Hon. WILLIAM L. ARMSTRONG,
Dirksen Senate Office Building,
Washington, D.C.

DEAR BILL: I have noted with interest the efforts of you, Congressman Hank Brown and others to abolish the federally funded Synthetic Fuels Corporation.

The Independent Petroleum Association of America, which represents more than 12,000 independent oil and gas producers in the United States, for many years has recognized the advisability of developing new sources of energy as alternatives to conventional fuels.

However, just as we advocate freedom from government controls of crude oil and natural gas pricing, we feel as strongly that governmental subsidy of any area of the energy producing industry is as unworkable and unwarranted as price controls.

We believe that the multiple benefits of the free market currently are being borne out by the success of President Reagan's crude oil decontrol order of last January. Development of the most cost efficient alternative fuels will only come about through sound business decisions based on inter-fuel competition in the free market. But if synfuels development was not viable as a competitive venture when crude oil prices averaged $35 per barrel a year ago, then certainly it is less viable now when the price is $30 a barrel and apparently still falling. Government subsidization in such an uncertain climate is just pouring tax dollars in a sinkhole.

You and Congressman Brown are to be commended for your recognition of these principles.

With all good wishes, I am
Sincerely,
LLOYD N. UNSELL.

NTU RESPONSE TO ARMSTRONG-PROXMIRE LEGISLATION TO REPEAL SYNFUELS CORPORATION

WASHINGTON, D.C.—The National Taxpayers Union announced today their support of the Armstrong-Proxmire Bill abolishing the U.S. Synthetic Fuels Corporation.

"We have consistently opposed the concept of a Synthetic Fuels Corporation. The National Taxpayers Union encourages development of alternative energy sources through the private sector without federal subsidies," said Jill Greenbaum, lobbyist for the National Taxpayers Union.

The Armstrong-Proxmire Bill would terminate the corporation and urge the U.S. Treasury to receive all of the corporation's unspent funds. The Congressional Budget Office estimates that over the next five years $186 million in administrative expenses would be saved.

The Synthetic Fuels Corporation was established by Congress in 1980 with the intent to relieve the dependence upon foreign oil stemming from the assumed energy crisis. The Corporation was authorized as part of the Energy Security Act. Congress appropriated $5 billion for the Department of Energy to initiate a synfuels program under the Defense Production Act and $6 billion for a quasi-governmental Synthetic Fuels Corporation. The Corporation will have $12.2 billion of its own and about $1 billion more carried forward from the interim DOE synfuels program by this June.

"We believe the total cost to the taxpayer should be reflected as part of the growing deficit rather than continue to be considered 'off the budget,'" stated Ms. Greenbaum.

The declining trend in electrical energy consumption reported by the House Science and Technology Committee in November, reflects the growing awareness by the consumer to save, not waste energy. All indications are that this is not a temporary trend, and coupled with prudent private sector development of alternative energy sources, there is no need to continue funneling huge sums of taxpayer dollars through the ill-born Synfuels Corporation.

Faced with huge deficits and persistently high interests rates, it is more important than ever to encourage private initiatives in developing synthetic fuels.

We hope that all members of the Congress will support Senators Armstrong and Proxmire and vote for the taxpayer by disestablishing the Synfuels Corporation.

The National Taxpayers Union, a non-profit, non-partisan organization is the oldest and largest organization lobbying on behalf of the American taxpayer.

Mr. PROXMIRE. Mr. President, today I am pleased to offer with Senator ARMSTRONG and several distinguished colleagues a bill to end the Synthetic Fuels Corporation. It is time to end our experiment with inflated synthetic fuels projects which disrupt our credit markets but do not deliver on their promise of achieving energy independence.

The Synthetic Fuels Corporation is an idea whose time has passed.

In the fall of 1979, the Banking Committee unanimously rejected the creation of a Synthetic Fuels Corporation. Instead, our approach to synthetic fuels development was modest and gradual.

Unfortunately, our bill lost out to a more grandiose scheme proposed by the Carter administration and the Senate Energy Committee.

We stated in our report on S. 932, the Energy Security Act, that--

> Creating a Federal corporation for the sole purpose of managing a synthetic fuels program is inconsistent with the committee's intent to minimize Federal interference with and involvement in synthetic fuels development efforts.

The Banking Committee's approach to synthetic fuels also favored assistance only to the smallest projects necessary to demonstrate individual technologies. This minimized the risks to American taxpayers of potential project failures.

We recognized that most synthetic fuels technologies were "in a relatively primitive and untested state of development" and even the infusion of large amounts of Federal dollars would not make them competitive with conventional fuels.

All these go-slow signals were ignored by the legislation which set up the Synthetic Fuels Corporation. The first projects to be funded through the energy security reserve, as well as the finalists for first round funding are large, expensive, and underfinanced.

But unlike 1979, when synthetic fuels plants were only at the dream stage, we have had enough experience with synthetic fuels plants to know where they can go wrong. And we have had enough experience to know it is time to withdraw our support for the Corporation.

Times have changed since the Synthetic Fuels Corporation was first proposed. Oil imports have dropped substantially and even the price of oil is starting to decline. Conventional fuel exploration has increased while conservation has taken hold.

None of these trends was very evident in 1979. Instead, the Energy Security Act which gave us the Synthetic Fuels Corporation was passed against a background of hysteria brought about by the Iranian hostage crisis.

Oil consumption patterns and increased exploration are not the only differences since 1979. Our economic condition has worsened and many other energy projects have been cut.

While only a small amount of Synthetic Fuels Corporation expenditures appear on budget, even cutting these expenses can make a considerable difference. We can cut $186 million in outlays by eliminating only the first 5 years of administrative costs associated with running the Corporation.

Far more dramatic are the effects on off-budget expenditures; the Snythetic Fuels Corporation is entitled to draw on $17.7 billion in the energy security reserve to fund price guarantees, loan guarantees and purchase commitments for synthetic fuels. In addition, the Corporation also has the authority to make some direct loans and cooperative agreements although such projects have a lower priority.

DOE has already committed over $3 billion in loan guarantees to two projects, Tosco and the Great Plains coal gasification plant and made $400 million in price guarantees to another project.

These loan guarantees were made through the Federal Financing Bank and are really no different than direct outlays because all of the Bank's funds come from the Treasury.

Although these expenditures do not appear in the budget, they increase the deficit nonetheless.

Funding of snythetic fuels projects also drives up interest rates by competing with private borrowing for scarce resources and diverts capital from other, more productive areas which receive no subsidies.

Creating the Corporation was unwise in 1979. It is an even worse idea today.

By Mr. DURENBERGER (by request):

S. 2363. A bill to amend the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970; to the Committee on Governmental Affairs.

UNIFORM RELOCATION ASSISTANCE AND REAL PROPERTY ACQUISITION POLICIES ACT AMENDMENTS OF 1982

● Mr. DURENBERGER. Mr. President, it gives me great pleasure to introduce, by request of the Director of the Office of Management and Budget, a long-overdue bill to amend the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970.

These amendments are the result of 9 months of close collaboration between the Subcommittee on Intergovernmental Relations and OMB's Intergovernmental Affairs Division. They represent the first effort under President Reagan's administration to implement a comprehensive reform of a complex, crosscutting Federal mandate, and I am especially pleased to be a part of this process. Accordingly, even though there are several points in this bill over which the administration and I disagree—so strongly, in fact, that I plan to introduce amendments in committee to resolve these issues—I greatly commend the overall thrust of this legislation to introduce a more rational concept of federalism into the implementation of an important Federal policy.

PURPOSE

The Uniform Act, which this legislation would amend, is based on the constitutional principle that persons who have their property taken by Government under the power of eminent domain are entitled to "just compensation." It establishes a uniform policy for all Federal agencies, specifying basic acquisition procedures and minimum levels of compensation, whenever a person is displaced by a Federal, or federally assisted, program. Particularly, the act updates just compensation to include moving and other expenses associated with moving to a replacement dwelling. In so doing, it broadens the protection afforded individuals from having to bear a disproportionate share of the cost of Federal programs designed to benefit the public as a whole.

However, while the constitutional roots of these protections accord a strong Federal purpose to the Uniform Act, it has, in its implementation, reflected much that is wrong with our Federal system. Because well over 90 percent of all federally funded programs which result in displacement are grants-in-aid, it largely falls upon State and local agencies to administer the act's provisions. Yet the act allows each of the 16 Federal departments and agencies whose programs are subject to the act to promulgate different regulatory requirements. It provides little or no flexibility to allow a matching of the individual's needs with the resources and goals of communities. It regularly results in unintended windfalls to some, while excluding others entirely. So even while the act symbolizes the Federal responsibility to insure that Government policies are carried out fairly and equitably, it has also come to be synonymous with popular characterizations of unresponsive and inefficient, Big Government.

EFFECT OF AMENDMENTS

The Uniform Relocation Act Amendments of 1982 comprehensively address each of these problems, for the most part, in a constructive manner. Key goals of the legislation include reducing Federal intrusions and burdens on State and local government; broadening the act's coverage to include other legitimate classes of displaced persons; raising moving ceilings to compensate for inflation; and eliminating windfalls, program duplication, and abuses in the implementation process. However, the administration would accomplish these reforms while so drastically narrowing the act's applicability as a condition of Federal financial assistance that, according to the Advisory Commission on Intergovernmental Relations, only a handful of GSA, Interior and Defense programs would remain covered. I greatly oppose this narrowing, and plan to do all that I can to insure that such an approach does not succeed.

Chief among the administration's initiatives to narrow the act is a provision that would limit coverage to persons displaced by programs where the Federal Government has direct responsibility with respect to specific site of project approval decisions. This definition is thought by some in the Federal Highway Administration to exclude not only all block grants, but most of the Federal highway program as well. Thus, if enacted in its present form, the administration's bill could exclude over 90 percent of those persons currently covered under Uniform Act protections.

In addition, the administration intends to exclude from Uniform Act protections all persons displaced by Federal code enforcement programs. This exclusion appears to be based on a distinction between displacement that is the result of condemnation for a public purpose under code enforcement, as opposed to under right-of-way powers. If this is the case, I do not agree. Where two different program activities produce the same result—displacement—it is only fair that there be similar protections afforded the individuals affected.

The philosophy of New Federalism underlying the administration's approach to these amendments is both understandable and arguable. Essentially, it reflects the belief that the Federal Government should play a limited role in encumbering the decisions of State and local governments. Although I support this general proposition, I would not advocate its extension to our basic constitutional protections, such as the principle of "just compensation." Nor would I apply it to those Federal statutes designed to update and expand upon such principles.

More positively, I would assert that even in the absence of those narrowing aspects which I oppose, the New Federalism agenda would be largely implemented by these amendments. For example, State and local decisionmaking will be significantly enhanced. Federal intrusions and administrative burdens will be minimized. Even the costs associated with any expanded coverage sought by these amendments will be balanced by the savings created in the area of reduced windfalls and redefined entitlements. In short, the sound management principles incorporated in this legislation are fundamentally consistent with President Reagan's mandate to improve the responsiveness and efficiency of the Federal Government.

Mr. President, we have before us a golden opportunity to significantly improve upon an important Federal law that restrains the actions not of individuals, or the private sector, but Government. Americans have the right to feel confident in the good intentions of their Government. I can only hope that in debating the Federal purpose in securing this right, we do not lose sight of the fact that the matter has already been settled. The Constitution requires that people receive "just compensation."

Mr. President, I request that a copy of the amendments, a section-by-section analysis, and a letter transmitting this bill to the Congress be printed into the Record.

There being no objection, the material was ordered to be printed in the Record, as follows:

S. 2363

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Uniform Relocation Assistance and Real Property Acquisition Policies Act Amendments of 1982."

TITLE I—GENERAL PROVISIONS

DEFINITIONS

Sec. 101. (a) Section 101(1) (42 U.S.C. 4601(1)) of the Uniform Relocation Assistance and Real Property Acquisition Policies Act is amended by deletion of the following two phrases: "(except the National Capital Housing authority)" and "(except the District of Columbia Redevelopment Land Agency)".

Sec. 101. (b) Section 101(3) of such Act (42 U.S.C. 4601 (3)) is amended to read as follows—

"(3) The term 'State agency' means any entity which has eminent domain authority under State law, except public utilities, and except where State statute specifically provides that a private entity shall not be subject to the provisions of this Act".

(c) Section 101(4) of such Act (42 U.S.C. 4601(4)) is amended—

(1) by inserting after the phrase "United States" the following: "except where the Federal government has no direct responsibility with respect to specific site or project approval decisions and,"; and

(2) by inserting a comma after "insurance" and inserting "or mortgage interest subsidy to a person"; and

(d) Section 101 (6) of such Act (42 U.S.C. 4601(6)) is amended to read as follows:

"(6) The term 'displaced person' means—

"(A) any person who moves from real property, moves personal property from real property, or moves a business or farm operation, as a direct result of a written notice of intent to acquire by any displacing agency such real property for a program or project undertaken by a Federal agency, or with Federal financial assistance; or

"(B) solely for the purpose of subsections (a) and (b) of Section 202, and Section 205, any person who moves from real property or moves personal property from real property—

"(i) as a direct result of the written order of any displacing agency to vacate other real property, on which such person conducts a business or farm operation, for a program or project undertaken by a Federal agency, or with Federal financial assistance;

"(ii) as a direct result of substantial rehabilitation or demolition for a program or project undertaken by a Federal agency, or with Federal financial assistance."

(e) Section 101 of such Act (42 U.S.C. 4601) is amended by adding at the end thereof the following new subsections:

"(10) The term 'suitable replacement dwelling' means any dwelling that is decent, safe, and sanitary; adequate in size to accommodate the occupants; affordable; in an area not subject to unreasonable adverse environmental conditions; similar in type of improvement to the displacement dwelling; in a location generally not less desirable than the location of the displaced person's dwelling with respect to public utilities, facilities, services or the displaced person's place of employment; and is available on the private market, unless the person is receiving public assistance for housing.

"(11) The term 'displacing agency' means any Federal agency, State, State agency, or person furnished Federal financial assistance which causes a person to be a displaced person.

"(12) The term 'lead agency' means the cabinet-level department, agency, or other entity designated by the President to coordinate implementation of the Uniform Act under Section 213 of this Act.

TITLE II—UNIFORM RELOCATION ASSISTANCE

DECLARATION OF FINDINGS AND POLICY

Sec. 201. Section 201 of the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 (42 U.S.C. 4621) is amended to read as follows:

"DECLARATION OF FINDINGS AND POLICY

"Sec. 201. (a) The Congress finds and declares that—

"(1) displacement as a direct result of programs or projects undertaken by a Federal agency, or with Federal financial assistance, is caused by a number of activities, including rehabilitation, demolition, and acquisition;

"(2) displacement occurs in a variety of social, economic, geographic, and legal circumstances; relocation assistance policies must provide for sufficient flexibility to assure fair, uniform and equitable treatment of all affected persons; and

"(3) the displacement of businesses often results in their closure; minimizing the adverse impact of displacement of businesses is essential to maintaining the economic and social well-being of communities.

"(b) This title establishes a uniform policy for the fair and equitable treatment of persons displaced as a direct result of programs or projects undertaken by a Federal agency, or with Federal financial assistance, in order that such persons shall not suffer disproportionate injuries as a result of programs designed for the benefit of the public as a whole. It is the intent of Congress that—

"(1) the primary purpose of this title is to minimize the hardship of displacement on persons displaced as a direct result of programs or projects undertaken by a Federal agency or with Federal financial assistance;

"(2) Federal agencies shall carry out this law in a manner which minimizes waste, fraud, and mismanagement;

"(3) the administration of this Act shall, to the maximum extent feasible, minimize unnecessary administrative and program costs borne by States and State agencies through the promulgation of economical regulatory requirements, and the delegation of substantial administrative discretion to the States;

"(4) uniform procedures for the administration of relocation assistance shall, to the maximum extent feasible, assure that the unique circumstances of any displaced person are taken into account and that persons in essentially similar circumstances are accorded equal treatment under this Act;

"(5) for the purpose of determining the unique circumstances of a displaced person, the goals of the displacing agency, the unique resources at its disposal for administering relocation assistance, the overall housing and other needs of the community, and the preferences and needs of the displaced person shall be taken into account as appropriate; and

"(6) the improvement of housing conditions of economically disadvantaged persons under this title shall be undertaken, to the maximum extent feasible, in coordination with existing Federal, State, and local governmental programs for accomplishing such goals."

MOVING AND RELATED EXPENSES

SEC. 202. (a) Section 202(a) of the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 (42 U.S.C. 4622(a)) is amended—

(1) by striking out the matter preceding paragraph (1) and inserting in lieu thereof the following:

"(a) Whenever a program or project to be undertaken by a displacing agency will result in the displacement of any person, the head of the displacing agency shall provide for the payment to the displaced person of—";

(2) by striking out "and" at the end of paragraph (2);

(3) by striking out the period at the end of paragraph (3) and inserting in lieu thereof "; and"; and

(4) by adding at the end thereof the following:

"(4) actual reasonable expenses necessary to reestablish a displaced business at its new site, but not to exceed $10,000".

(b) Section 202(b) of such Act (42 U.S.C. 4622(b)) is amended by striking out all that follows "may receive" and inserting in lieu thereof "an expense and dislocation allowance, which shall be determined according to a schedule established by the Head of the lead agency."

(c) Section 202(c) of such Act (42 U.S.C. 4622(c)) is amended to read as follows:

"(C) Any displaced person eligible for payments under subsection (a) who is displaced from the person's place of business or farm operation, and who is eligible under criteria established by the Head of the lead agency, may elect to accept the payment authorized by this subsection in lieu of the payment authorized by subsection (a). Such payment shall consist of a fixed payment in an amount to be determined according to criteria established by the Head of the lead agency, except that such payment shall not be less than $1,000 nor more than $20,000. A business shall qualify as a business under Section 101(7) of this Act on grounds other than its rental to another person of any part of the real property."

REPLACEMENT HOUSING FOR HOMEOWNER

SEC. 203. Section 203(a) of the Uniform Relocation Assistance Real Property Acquisition Policies Act of 1970 (42 U.S.C. 4623(a)) is amended—

(1) by striking out "comparable" and all that follows through "market" in paragraph (1)(A) and inserting in lieu thereof "suitable replacement dwelling";

(2) by striking out paragraph (1)(B) and inserting in lieu thereof the following:

"(B) The amount, if any, which, if applied to reduce the mortgage balance on the replacement dwelling, would reduce the principal and interest combined on the replacement dwelling to the same level as the payment on the displacement dwelling, assuming the same term and outstanding principal balance. Notwithstanding, if the term of the mortgage on the replacement dwelling were shorter than the term of the mortgage on the displacement dwelling, the shorter term would be used in the payment computation, and if the principal amount of the mortgage on the replacement dwelling is lower than the balance of the mortgage on the displacement dwelling, the computation shall similarly reflect the lower of the two amounts. Such amount shall be paid only if the dwelling acquired by the displacing agency was encumbered by a bona fide mortgage which was a valid lien on such dwelling for not less than one hundred and eighty days prior to the initiation of negotiations for the acquisition of such dwelling. If, for any reason, such payment cannot be computed according to the method prescribed in this Section, the head of the lead agency shall authorize the use of another method of computation."; and

(3) by striking out paragraph (2) and inserting in lieu thereof the following:

"(2) The additional payment authorized by this section shall be made only to a displaced person who purchases and occupies a decent, safe, and sanitary replacement dwelling within one year after the date on which such person receives final payment from the displacing agency for the acquired dwelling or the date on which the displacing agency's obligation under Section 205(c)(3) of this Act is met, whichever is later, except that the displacing agency may extend such period for good cause. If such period is extended, the payment under this Section shall be based on the costs of relocating the person to a suitable replacement dwelling within one year of such date. With the consent of the displaced person, the head of the displacing agency may waive the requirement that a suitable replacement dwelling be decent, safe, and sanitary for good cause, due to the unique circumstances of the displaced person.".

REPLACEMENT HOUSING FOR TENANTS AND CERTAIN OTHERS

SEC. 204. Section 204 for the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 (42 U.S.C. 4624) is amended to read as follows:

"REPLACEMENT HOUSING FOR TENANTS AND CERTAIN OTHERS

"SEC. 204. (a) In addition to amounts otherwise authorized by this title, the head of the displacing agency shall make a payment to or for any displaced person displaced from any dwelling unit not eligible to receive a payment under Section 203 which dwelling was actually and lawfully occupied by such displaced person for not less than ninety days prior to the initiation of negotiations for acquisition of such dwelling, or, where displacement is not caused by acquisition, any other event which the head of the lead agency may prescribe. Such payment shall consist of the amount necessary to enable such person to lease or rent for a period not to exceed two years, a suitable replacement dwelling. For the purpose of this subsection the amount referred to shall equal the lesser of (A) $3,000 or (B) 24 times the amount obtained by subtracting from the monthly housing costs for a replacement dwelling 30 per centum of the displaced person's gross monthly income. For the purpose of the preceding sentence, the term 'gross monthly income' means the total monthly income of all adult members of the household, including, though not limited to, supplemental income payments from public agencies.

"(b) Any displaced person eligible for payments under subsection (a) may elect to receive in lieu thereof either Federal low income housing assistance or similar State or local governmental assistance if such assistance is available at the time of displacement and such person is otherwise eligible for such assistance. The failure of any such person to make such an election shall be taken into account when evaluating the eligibility of such person for any Federal or federally assisted low income housing assistance program during the two years following the date on which such person received the payment authorized under subsection (a) of this section.

"(c) Any person eligibile for a payment under subsection (a) may elect to apply such payment to a downpayment on, and other incidental expenses pursuant to, the purchase of a suitable replacement dwelling if such person does not receive other governmental financial assistance toward such purchase. Notwithstanding, a displaced homeowner who has occupied the displacement dwelling for at least 90 days but not more than 180 days prior to the initiation of negotiations for the acquisition of such dwelling shall, at the discretion of the head of the displacing agency, be eligible for the maximum payment allowed under this subsection, provided that such payment shall not exceed the payment such person would otherwise have received under section 203(a) of this Act had the person occupied the displacement dwelling for 180 days prior to the initiation of such negotiations.

"(d) With the consent of the displaced person, the head of the displacing agency may waive the requirement that a suitable replacement dwelling be decent, safe, and sanitary for good cause. No payment shall be made under this section to any person (i) who is determined by the head of the displacing agency, according to criteria established by the head of the lead agency, to have occupied the displacement dwelling principally for the purpose of obtaining assistance under this Title, or (ii) who has been a displaced person for the purposes of this section during the two years preceding displacement, except that the head of the displacing agency may waive this requirement for good cause."

RELOCATION ASSISTANCE COORDINATION AND ADVISORY SERVICES

SEC. 205. Section 205 of the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 (42 U.S.C 4625) is amended to read as follows:

"RELOCATION ASSISTANCE COORDINATION AND ADVISORY SERVICES

"SEC. 205. (a) The head of any displacing agency shall assure that the relocation assistance advisory services described in subsection (c) are made available to all persons displaced by such agency. If such agency head determines that any person occupying property immediately adjacent to the property where the displacing activity occurs is caused substantial economic injury as a result thereof, the agency head may make available to such person such advisory services.

"(b) The Secretary of Housing and Urban Development shall assign a high priority for assistance under the programs referred to in Sections 204(b) and 206(b) of this Act to persons eligible under such Section. To the extent practicable, the Secretary shall also require that federally assisted State and local governmental low income housing assistance programs assign priority for assistance to such persons. To the extent practicable, the Administrator of the Small Business Administration and the heads of other Federal agencies administering programs which may be of assistance to displaced persons shall make available technical assistance under subsection (c)(5) and expedite the applications for such assistance by such persons.

"(c) Each relocation assistance advisory program required by subsection (a) shall include such measures, facilities, or services as may be necessary or appropriate in order to—

"(1) determine, and make timely recommendations on, the needs and preferences, if any, of displaced persons for relocation assistance;

"(2) provide current and continuing information about sales prices and rental charges on suitable replacement dwellings for displaced homeowners and tenants and suitable locations for businesses and farm operations;

"(3) assure that no person will be required to move from the person's dwelling unless the person has been given a reasonable choice of opportunities to move to a suitable replacement dwelling;

"(4) assist a person displaced from the person's business or farm operation in obtaining and becoming established in a suitable replacement location;

"(5) supply information concerning other Federal programs which may be of assistance to displaced persons, and technical assistance to such persons in applying for assistance under such programs; and

"(6) provide other advisory services to displaced persons in order to minimize hardships to such persons in adjusting to relocation.

"(d) The head of any displacing agency shall coordinate the relocation activities performed by such agency with other Federal, State, or local governmental actions in the community which could affect the efficient and effective delivery of relocation assistance and related services.

"(e) Whenever two or more Federal agencies provide financial assistance to a displacing agency or displacing agencies other than a Federal agency, to implement functionally or geographically related activities which will result in the displacement of a person, the heads of such Federal agencies may by agreement designate one such agency as the cognizant Federal agency whose procedures shall be utilized to implement the activities. If such agreement cannot be reached, then the head of the lead agency shall designate one such agency as the cognizant agency. Such related activities constitute a single program or project for purposes of this Act."

HOUSING REPLACEMENT BY FEDERAL AGENCY AS LAST RESORT

SEC. 206. Section 206 of the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 (42 U.S.C. 4626) is amended to read as follows:

"HOUSING REPLACEMENT BY FEDERAL AGENCY AS LAST RESORT

"SEC. 206. (a) If a program or project undertaken by a Federal agency, or with Federal financial assistance, cannot proceed on a timely basis because suitable replacement dwellings are not available, and the head of the displacing agency determines that such dwellings cannot otherwise be made available, the head of the displacing agency may take such action as is necessary or appropriate to provide such dwellings by use of funds authorized for such project. The States may enact statewide standards for the implementation of this section, provided that such standards assure that persons in essentially similar circumstances receive equal treatment under this Act. The head of the lead agency shall certify that such statewide standard is in accord with the policy of this Act. In the event that a State does not enact such standards, the head of the lead agency shall require that this Section may be used to exceed the payment ceilings established in Sections 203 and 204 only on a case-by-case basis, for good cause.

"(b) Whenever housing replacement as a last resort will result in the provision of housing for persons who are otherwise eligible for low income housing assistance, the requirement that the displacing agency provide suitable replacement housing may be met through the provision of low income housing assistance by a program or project undertaken by a Federal agency, or with Federal financial assistance.".

FEDERAL SHARE OF COSTS

SEC. 207. (a) Section 211(a) of the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 (42 U.S.C. 4631(a)) is amended to read as follows:

"(a) The cost to a displacing agency of providing payments and assistance pursuant to Titles II and III shall be included as part of the cost of a program or project undertaken by a Federal agency, or with Federal financial assistance. A displacing agency, other than a Federal agency, shall be eligible for Federal financial assistance with respect to such payments and assistance in the same manner and to the same extent as other program costs."

(b) Section 211(b) of such Act (42 U.S.C. 4631 (b)) is amended by striking out the second comma and all that follows "required by" through "available", and inserting in lieu thereof "State law which is determined by the head of the lead agency to have substantially the same purpose and effect of such payment under this section."

ADMINISTRATION

SEC. 208. Section 212 of the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 (42 U.S.C. 4632) is amended to read as follows:

"ADMINISTRATION

"SEC. 212. (a) A displacing agency shall prevent unnecessary expenses, duplications of functions, and government competition under this Act and promote the efficient and effective delivery of relocation assistance services by carrying out such functions through any governmental instrumentality having an established organization for delivering such services, or any individual, firm, corporation, or association.

"(b) The use of private sector delivery systems shall, whenever feasible, incorporate competition among alternative service providers in order to minimize costs.".

REGULATION

SEC. 209. (a) Section 213 of the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 (42 U.S.C. 4633) is amended to read as follows:

"REGULATION AND ADJUDICATION

"SEC. 213. (a) The President shall designate a lead agency.

"(b) The head of the lead agency shall—

"(1) develop, publish, and promulgate, with the active participation of other departments and agencies responsible for funding relocation and acquisition actions, and in full coordination with State and local governments, such rules as may be necessary to carry out this Act;

"(2) assure that relocation assistance activities under this Act are coordinated with low income housing assistance programs or projects by a Federal agency, or a State or State agency with Federal financial assistance;

"(3) monitor, in coordination with other Federal agencies, the implementation and enforcement of this Act, and report to the Congress, as appropriate, on any major issues or problems with respect to any policy or other provision of this Act.

"(4) perform other duties as may be provided by law as relate to the purposes of this Act."

ELIGIBILITY

SEC. 210. Section 216 of the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 (42 U.S.C. 4636) is amended by inserting the following before the period at the end thereof: ", except as otherwise provided in this title".

TRANSFER OF SURPLUS PROPERTY

SEC. 211. Section 218 of the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 (42 U.S.C. 4638) is amended by striking out "all amounts received" and inserting in lieu thereof "all net amounts received."

REPEALS

SEC. 212. Sections 214, 215, 217, and 219 of the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 (42 U.S.C. 4634, 4635, 4637, and 4639) are hereby repealed.

TITLE III—UNIFORM REAL PROPERTY ACQUISITION POLICY

UNIFORM POLICY ON REAL PROPERTY ACQUISITION PRACTICES

SEC. 301. (a) Section 301(2) of the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 (42 U.S.C. 4651(2)) is amended by inserting the following before the period at the end thereof: "except the head of the displacing agency may forego an appraisal where the acquisition of such property is a donation, or is a voluntary sale with a selling price of not more than $700, and the seller, after being fully informed of the acquiring agency's obligation to conduct such appraisal, relieves the agency of such obligation. At the election of the owner or the owner's designated representative, the owner shall be provided with a written justification for the amount determined to be just compensation".

(b) Section 301(9) of such Act (42 U.S.C. 4651(9)) is amended to read as follows:

"(9) If the acquisition of only a portion of a property would leave the owner with an uneconomic remnant, the head of the acquiring agency shall offer to acquire that remnant. For the purposes of this Act, an uneconomic remnant is a parcel of real property in which the owner is left with an interest after the partial acquisition of the owner's property and which the head of the acquiring agency has determined has little or no value or utility to the owner."

(c) Section 301 of such Act (42 U.S.C. 4651) is amended by adding at the end thereof the following sections—

"(10) Nothing in this Title, or in any other provision of law, shall be construed to prevent a person whose real property is being acquired in connection with a project under this Title, after the person has been fully informed of his right to receive just compensation of such property, from making a gift or donation of such property, or any part thereof, or any interest in, or of any compensation paid therefor, to a displacing agency, as said person shall determine.".

"(11) In all instances where a Federal agency directly acquires land within the boundaries of a State, no law, rule, or regulation of that State shall be preempted by any Federal law, except as required for the national security of the United States, or unless specifically provided for by the Congress of the United States.

TITLE IV—EFFECTIVE DATE

Sec. 401. The provisions of this Act and the amendments made by this Act shall take effect twelve months from the date of enactment of this Act, except that Sections 213, of the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, as amended, and section 401 of this Act shall take effect on the date of enactment of this Act.

The Uniform Relocation Assistance and Real Property Acquisition Policies Act Amendments of 1982

SECTION-BY-SECTION ANALYSIS

Definitions

Section 101(a)

Section 101(1): This section eliminates reference in the Act to the National Capital Housing Authority and the District of Columbia Redevelopment Land Agency. If the proposed amendments are enacted these entities are included in the new definition of 'State agency', as having power of eminent domain.

Section 101(b)

Section 101(3): This section expands the definition of a "State agency" to include a private corporation that has the power to take private property for public use (eminent domain), except that public utilities are exempted, as are any entities specifically exempted from Uniform Act responsibilities under State law. Such an exemption would, presumably, have to be debated in the State Legislature. Persons displaced by such private entities for a Federal or federally assisted project currently do not qualify for assistance under the Act. Public utilities are exempted from the Act because they cause very little displacement, and would strenuously object to being covered by the Act.

Section 101(c)

Section 101(4): This section limits the applicability of this Act by defining "Federal financial assistance" to Federal programs in which the Federal government makes specific site or project decisions. The intent is to not encumber State/local government administration of "block grants", while maintaining the applicability of this Act to displacement caused or approved by the Federal government.

Section 101(d)

Section 101(6): The definition of "displaced person" for the purposes of triggering certain benefits—moving costs (section 202 (a) and (b)) and advisory services (section 205)—is expanded to include persons directly displaced through Federal or federally assisted rehabilitation or demolition activities. Persons displaced by non-acquisition activities are not presently covered under the Act, but are covered by separate relocation regulations. The expanded definition of "displaced person" consolidates under the Uniform Act 13 different HUD regulations requiring relocation assistance for persons directly displaced by Federal or federally assisted non-acquisition activities. It also ensures that persons displaced by such programs do not have uneven rights and entitlements solely due to the type of displacing activity.

Section 101(e)

Section 101 is expanded by adding three new definitions:

Section 101 (10) "Suitable Replacement Dwelling": This term is established to be used in place of "Comparable Replacement Dwelling " wherever it occurs in the Act. Comparability has resulted in substantial red tape, expense, and windfalls in the implementation process. If comparable replacement housing is available it is intended that the displaced person still have the option of relocating to such housing; however, where comparable housing is not available, suitable housing may be used to satisfy the displacing agency's responsibility for providing replacement housing.

Section 101 (11) "Displacing Agency": This term is established to consolidate under a single term all the sources of displacement, including Federal agencies, State agenices, States, and persons furnished Federal financial assistance, solely for the purpose of making the law easier to read and understand.

Section 101 (12) "Lead Agency": This term defines the department, agency, or other body that shall be designated by the President pursuant to section 213 to implement uniform regulations.

Policy

Section 201

Section 201: This section, which presently stipulates only that the Act is to provide for the fair and equitable treatment of persons displaced by Federal or federally assisted programs designed for the benefit of the public, is significantly expanded under a new Statement of Findings and Policy.

(a) Section 201(a): The Findings subsection establishes that federally caused displacement occurs under rehabilitation and demolition activities, as well as acquisition activities; that flexibility in the Act to meet the unique circumstances of displaced persons is fair and equitable; and that minimizing the adverse impact displacements have on businesses is vital to the economic well-being of communities.

(b) Section 201(b): The Policy subsection states that the administration of the Act shall minimize unnecessary administrative and program costs borne by State and local governments through economical regulations and the delegation of substantial discretion under the Act to the States; that Federal agencies shall implement steps to minimize waste, fraud, and mismanagement; that uniformity should be subordinate to the need for flexibility in administering the Act; that persons in essentially similar circumstances are to be accorded equal treatment; and draws a distinction between the Act's goals of minimizing the hardship of displacement on individuals and improving the housing conditions of the poor, indicating that the latter be integrated with existing housing programs as much as possible. A major purpose of these revisions is to ensure that uniformity exists among Federal regulations, but not necessarily at the local level where unique circumstances should be taken into consideration. However, where the circumstances of two or more persons are in most respects essentially similar—a relatively narrow concept—then the accordance of uniform rights and entitlements under the Act is intended.

Moving and Related Expenses

Section 202

Section 202(a): This section is rewritten to make it easier to understand. Also, a subsection is added (Section 202(a)(4)) to the effect that reasonable expenses, of up to $10,000, necessary to reestablish a business at its new site are compensable under the Act. The additional amount, though not large, should help small businesses adjust to displacement. This is to correct the problem in the present law that businesses receive substantially fewer rights and entitlements under the Act than do individuals. Under current practice some of the cost of public policy is externalized to the business sector, notwithstanding the fact that individuals own business and may suffer severe economic harm as a result of displacement.

Section 202(b): This section is amended to eliminate the ceiling and floor on the amount paid in lieu of itemized expenses for moving and other expenses associated with relocating, and to delegate the setting of such payments to the head of the lead agency. Removing the ceiling allows the payment to be adjusted upward for inflation. This corrects the incentive for persons to itemize actual expenses and thereby increase the attendant paperwork burden, when the in-lieu payment is so low as to be uneconomical. Removal of the floor will help to avoid windfalls presently resulting when persons are displaced from missions or "flop houses".

Section 202(c): This section is amended to raise the current $10,000 ceiling on the amount a displaced business or farm operation may receive in lieu of itemized expenses for moving and other expenses associated with relocating to $20,000; to delete the requirement that this amount be determined based on the annual income of such concern in favor of criteria to be developed by the head of the lead agency; and to require that persons whose sole business was the renting of the displacement property to others shall not qualify for this payment. The increased ceiling is to adjust the ceiling for inflation, since it is currently so low as to make it economic for businesses to itemize actual expenses, and increase the paperwork burdens of implementing agencies accordingly. The new payment criterion is established to provide displacing agencies with greater flexibility. The current criterion has proven very difficult to administer, and has resulted in its abuse purely as a method to speed up projects. Finally, the restricted definition of a business is to prevent windfalls and abuses presently benefiting owners of rental property who have little or nothing to move.

Replacement housing for homeowner

Section 203

Section 203(a): This section is amended to eliminate the requirement that persons be relocated to comparable replacement dwellings in favor of a requirement to relocate such persons to suitable replacement dwellings (section 203(a)(1)(A)); to change the method by which people are compensated for higher mortgage payments for their replacement dwelling to reflect current market conditions through the use of the "buydown" method (Section 203(a)(1)(B)); to allow the head of the displacing agency to extend, for good cause, the new year period in which a person must relocate to a replacement dwelling in order to receive a payment under this section, except that payments are to be computed based on the one year rule; and to allow him to waive the requirement that persons relocate to decent, safe, and sanitary (DSS) housing for good cause due to the unique circumstances of the displaced person. The corrected computation formula is to eliminate a number of unintended windfalls occurring under the present law. The one year rule is to clarify a displacing agency's obligation under the Act where displacement is substantially later than the final payment date—a continuing source of controversy. This is because when agencies lease back property to the displacee for a period of years, inflated land and relocation costs may be significantly higher at the actual time of relocation. However, an agency waiver of the one year rule is included as a fairness provision The DSS waiver gives persons and State and local agencies greater flexibility.

Replacement housing for tenants and certain others

Section 204

Section 204(a): This section is amended to replace the requirement that relocation be to a comparable replacement dwelling with the requirement that relocation be to a suitable replacement dwelling; and to eliminate the $4,000 ceiling in favor of a formula that pays the lesser of (A) $3,000 or (B) 24 times the amount obtained from subtracting 30% of the displacee's monthly income from the monthly housing cost at the replacement dwelling. The suitability standard is substituted to eliminate windfalls under the comparability standard. The revised payment formula is to reflect the intent that rental subsidies should be based on the person's ability to pay. This makes the effect of this section mildly redistributive, since its application would mainly be to subsidize those not well off.

Section 204(b): This section is amended to allow persons eligible to receive a payment under this section, who are otherwise eligible for low income housing assistance programs that are either federally administered or assisted, to elect instead to receive such housing assistance provided that it is available; but where such person opts for the cash payment, this is to be taken into account by Federal or federally assisted agencies when determining such person's eligibility for public housing assistance during the four years following the date on which such person received the cash payment. This is to allow agencies to use public housing to satisfy their requirements under the Act, and to eliminate windfalls that benefit persons who receive double housing subsidies.

Section 204(c): This section is amended to eliminate the requirement that persons who elect to apply the ceiling amount allowed under this section toward a downpayment on, and expenses pursuant to, the purchase of a replacement dwelling match any amount over $2,000; to provide that payments under this subsection not be more than they would be under subsection (a); to provide that such person is not to receive other governmental assistance toward such purchase other than federally insured or guaranteed loans or any amount in excess of what he would have received under 204(a); and to provide that homeowners who do not meet the 180 day residency requirements, but meet the 90 day residency requirements for tenants, remain eligible for the full $4,000 payment under this section, as is currently the case. The elimination of the matching requirement is to eliminate the burdensome paperwork that occurs under the current procedure. The limit of payments to the amount the person would otherwise have been eligible for under subsection (a) is to eliminate the use of higher payments as an inducement to homeownership. The "other assistance" clause is to eliminate overly generous or double subsidies. The homeowner clause is a technical adjustment to accommodate the limitation in benefits for tenants under this subsection to those under subsection (a).

Section 204(d): This section is amended to allow the head of the displacing agency to waive the requirement that persons relocate to decent, safe, and sanitary housing for good cause due to the unique circumstances of the displacee. This is to eliminate rigidities under the current law. It is also amended to make persons ineligible for payments under this section (i) if they are found to occupy the dwelling principally for the purpose of receiving assistance, or (ii) if they have been paid under this section in the past two years, except as waived by the head of the displacing agency. This is aimed at eliminating unintended windfalls to persons who camp "one step ahead of the bulldozer".

Relocation assistance coordination and advisory services

Section 205

Section 205(a): This section is amended to require the Secretary of Housing and Urban Development to assign a high priority for assistance to persons who choose under section 204(b) to receive public housing assistance instead of a cash payment; and to assure that other Federal agencies, such as the Small Business Administration, whose programs are of assistance to displaced persons to take practicable measures to provide technical assistance in preparing applications for such programs, and to expedite the consideration of such applications. This is to ensure better coordination of governmental programs, and to better target such resources toward minimizing the hardships that result from Federal programs.

Section 205(b): This section is amended to eliminate the requirement to provide information on the availability of comparable replacement dwellings in favor of suitable replacement dwellings; to include farm operations among the businesses for which information on alternative locations must be provided; and to eliminate the requirement that a person not be made to move unless given a reasonable choice to move to a comparable dwelling in favor of a suitable replacement dwelling. The substitution of suitability for comparability is based on the same rationale as established in Section 101 (10). The inclusion of farm operations under this provision is for equity purposes.

Section 205(e): This section is added to require that when two or more Federal agencies are providing assistance to a geographically or functionally related activity, the agencies will agree on a cognizant agency whose procedures which will apply to such activities. This is to eliminate red tape and paperwork burdens where regulations may be the same, but procedures differ. It will also serve to equalize payments. However, the intent is also that such cognizant agencies be established on a project-by-project basis, not in perpetuity.

Housing replacement by Federal agency as last resort

Section 206

Section 206(a): This section is amended to establish that the unavailability of suitable, as opposed to comparable replacement sale or rental dwellings, will determine whether last resort housing must be provided; subject to lead agency certification, States may establish statewide standards for the use of this section, provided that these standards require that persons in essentially similar circumstances are accorded equal treatment; where there is no State law, the lead agency shall promulgate a regulation to the effect that this section may not be used to exceed the payment ceilings under sections 203 and 204, except on a case-by-case basis, for good cause. The substitution of suitability for comparability is based on the same reasons established under Section 101(10). The transfer of regulatory responsibilities to the States is to give the Act greater flexibility than is now the case. The minimum Federal standard is to eliminate inequities as a result of divergent agency missions, subject to some cost-benefit consideration.

Section 206(b): This subsection is added to establish that a displacing agency's obligation to provide replacement housing under this section shall be met, whenever practicable, with existing public housing programs, and that the costs attributable to the provision of such housing shall be borne by the displacing agency. This is to emphasize the need for greater coordination of government programs.

Federal share of costs

Section 207

Section 211(a): This section is amended to delete outdated language establishing coverage under the Act for projects undertaken before July 1971. "State agency" is expanded to "displacing agency" for the purpose of clarity.

Section 211(b): This section is amended to expand the payments for which a displacing agency is eligible to receive any payment which serves essentially the same purpose as those provided for in the Act. This is to give States greater flexibility in designing relocation assistance programs than is now the case.

Administration

Section 208

Section 212: This section is amended to expand those functions a displacing agency may contract out to private firms or nonprofit organizations. This is to eliminate government competition whenever possible.

Regulation and adjudication

Section 9

Section 213: This section is amended to require the President to establish a lead agency in a department, agency or other body. The lead agency issues uniform, government-wide regulations for use by all Federal agencies in administering the Act; coordinates, with the assistance of other agencies, relocation activities under subchapter II of the Act with Federal and federally assisted public housing programs; and performs other duties that pertain to the purposes of the Act. The uniform regulatory requirement is to eliminate burdensome paperwork caused by multiple Federal agency regulations.

Eligibility

Section 210

Section 216: This section is amended to require that payments made under Section in 204 of the Act will be considered in determining the recipient's eligibility for low income housing assistance. Currently such payments are not to be considered as income.

Transfer of surplus property

Section 211

Section 218: This section is amended to establish that the amount to be paid to the General Services Administration by a State after it disposes of surplus property transferred to the State by the Federal government pursuant to a Federal of federally assisted project will reflect only the net amounts received for such property, rather than all amounts as is currently the case. This compensates the States for the cost of marketing such property.

Repeals

Section 12

Sections 214, 215, 217 and 219 are repealed.

(a) Section 214: This section which pertains to the requirement to submit a report on displacement, and which lapsed in 1975, is repealed.

(b) Section 215: This section, pertaining to the authority of the head of any Federal agency to make loans for planning for relocation assistance activities by non-profit organizations, etc., is repealed due to the fact that this provision has never been implemented.

(c) Section 217: This section, which pertains to the Act's applicability to the now-defunct Department of Housing and Urban Development Model Cities Program, is repealed.

(d) Section 219: This Section, which pertains to the Act's applicability to a new-defunct program in New York city, is repealed.

Real property acquisition

Section 301(a)

Section 301(2): This section is amended to allow the head of the acquiring agency to forgo an appraisal where the acquisition of the property is a voluntary taking with a selling price under $700, or a donation, and the seller, after being fully informed of his right to an appraisal, waives such right; and to ensure that the owner or his representative is provided with a copy of a written justification of the approved appraisal. The appraisal waiver for donations is to provide greater flexibility for State and local governments; the waiver for voluntary sales of $700 or less is to protect the displacing agency from having to provide an appraisal where the value of the property is so low as to make an appraisal uneconomical. The appraisal justification is to facilitate "government in the sunshine".

Section 301(b)

Section 301(9): This section is amended to define an uneconomic remnant of property as one with little or no utility to the owner which is left after the partial acquisition of his property for a Federal or federally assisted project; and to direct the head of an agency administering a federally funded program to offer to acquire such an uneconomic remnant so that the owner or occupant would be eligible for the full benefits under the Act. This provision eliminates both ambiguities and the resulting inequities that result, particularly, where the character of a farm is changed by a partial acquisition.

Section 301(c)

Two new paragraphs are added to Section 301:

Section 301(10): Donations are allowed under this provision, notwithstanding the Constitutional requirement that just compensation be paid. The Act currently does not provide for such actions, and donations must, in turn, be allowed under agency authorizing legislation.

Section 301(11): A non-preemption provision is added to establish the supremacy of State law of eminent domain when a Federal agency is directly administering a taking. The intent is that condemnation under eminent domain be conducted in accordance with State rather than Federal eminent domain law. Over 95 percent of all acquisitions under the Act are so conducted; however, the 5 percent directly administered by Federal agencies (e.g., Interior, Corps) are not. This section would improve uniformity in Federal law and regulations, and would implement the Administration's concept of federalism.

Effective date

Section 401

Section 401: This section is added to establish that, with the exception of the lead agency provisions, the effective date of the Act is 12 months after the date of enactment. The 12 month lead time on the other provisions of the Act are to allow the Federal agencies and the States to develop conforming laws and regulations.

Executive Office of the President,
Office of Management and Budget,
Washington, D.C., March 25, 1982.

Hon. George Bush,
President of the Senate,
Washington, D.C.

Dear Mr. President: I am transmitting, for referral to the appropriate Committee, a legislative proposal entitled, "Uniform Relocation Assistance and Real Property Acquisition Policies Act Amendments of 1982."

The proposed legislation would amend the Uniform Relocation and Real Property Act of 1970. That Act, which is generally applicable to agencies of the Federal government, established a uniform policy of fair and equitable treatment for persons displaced by Federal programs or Federally-assisted programs. In particular, the Act made available a number of benefits for persons displaced by the Federal government, including, for example, moving expenses incurred in relocating to a new home, and certain advisory assistance, as well as establishing uniform policies to govern acquisition of real property by Federal agencies.

It has come to our attention that since the enactment of the original Uniform Relocation and Real Property Act a number of problems have arisen in its application. These problems, many of which were cited in a 1978 Report of the General Accounting Office, "Changes Needed in the Uniform Act to Achieve More Uniform Treatment of Persons Displaced by Federal Programs," generally concern eligibility requirements for assistance under the Uniform Act, benefits available to persons displaced by Federal activity, and administrative procedures followed under the Act.

The amendments we are proposing would, we believe, ensure more equitable treatment for persons displaced by Federal action and would do so in a manner that is efficient and cost effective. Our amendments will help see to it that those who do need help under the Act get it and that the help they get—financial or otherwise—is useful and appropriate to their circumstances. Our proposed amendments will also, we believe, go a long way toward guaranteeing a consistent and evenhanded application of the Uniform Relocation and Real Property Acquisition Act by all Federal agencies. Overall, the amendments will result in greater efficiency and equity and reduced administrative costs in the implementation of the Uniform Act.

Sincerely,

David A. Stockman,
Director.●

ADDITIONAL COSPONSORS

S. 1664

At the request of Mr. **Roth**, the Senator from Tennessee (Mr. **Sasser**) was added as a cosponsor of S. 1664, a bill to amend title 10, United States Code, to allow supplies under the control of departments and agencies within the Department of Defense to be transferred to the Federal Emergency Management Agency as if it were within the Department of Defense and to amend the Federal Civil Defense Act of 1950 to authorize the Federal Emergency Management Agency to loan to State and local governments property transferred to such agency from other Federal agencies as excess property.

S. 1817

At the request of Mr. **Moynihan**, the Senator from Rhode Island (Mr. **Pell**) was added as a cosponsor of S. 1817, a bill to further the national security of the United States and the Nation's economy by providing grants for foreign language programs to improve foreign language study for elementary and secondary school students and to provide for per capita grants to reimburse institutions of higher education for part of the costs of providing foreign language instruction.

S. 1929

At the request of Mr. **Hatch**, the Senator from New Jersey (Mr. **Bradley**) was withdrawn as a cosponsor of S. 1929, a bill to amend the Public Health Service Act and the Federal Cigarette Labeling and Advertising Act to increase the availability to the

American public of information on the health consequences of smoking and thereby improve informed choice, and for other purposes.

S. 1958

At the request of Mr. DOLE, the Senator from Virginia (Mr. WARNER) was added as a cosponsor of S. 1958, a bill to amend title XVIII of the Social Security Act to provide for coverage of hospice care under the medicare program.

S. 2078

At the request of Mr. HART, the Senator from Michigan (Mr. RIEGLE), the Senator from North Dakota (Mr. BURDICK), the Senator from Hawaii (Mr. MATSUNAGA), the Senator from Maryland (Mr. SARBANES), and the Senator from Missouri (Mr. EAGLETON) were added as cosponsors of S. 2078, a bill to prohibit the use of funds for the production of lethal binary chemical munitions.

S. 2080

At the request of Mr. KASTEN, the Senator from Nevada (Mr. CANNON), the Senator from Alabama (Mr. HEFLIN), the Senator from Nebraska (Mr. ZORINSKY), the Senator from Indiana (Mr. QUAYLE), and the Senator from Oklahoma (Mr. Nickles) were added as cosponsors of S. 2080, a bill to amend the Federal Election Campaign Act to provide that all persons must comply with the act.

S. 2124

At the request of Mr. PRESSLER, the Senator from New Mexico (Mr. SCHMITT) was added as a cosponsor of S. 2124, a bill to provide relief from honey imports.

S. 2148

At the request of Mr. HELMS, the Senator from Nebraska (Mr. ZORINSKY) was added as a cosponsor of S. 2148, a bill to protect unborn human beings.

S. 2155

At the request of Mr. KASTEN, the Senator from Oklahoma (Mr. NICKLES) was added as a cosponsor of S. 2155, a bill to require a foreign country be declared to be in default before payments are made by the U.S. Government for loans owed by such country or credits which have been extended to such country which have been guaranteed or assured by agencies of the U.S. Government.

S. 2202

At the request of Mr. ARMSTRONG, the Senator from Utah (Mr. GARN) was added as a cosponsor of S. 2202, a bill to amend the Colorado River Basin Salinity Control Act to authorize certain additional measures to assure accomplishment of the objectives of title II of such act, and for other purposes.

S. 2267

At the request of Mr. HEINZ, the Senator from Michigan (Mr. LEVIN), the Senator from Minnesota (Mr. DURENBERGER), the Senator from Ohio (Mr. GLENN), the Senator from Alaska (Mr. MURKOWSKI), the Senator from Alabama (Mr. HEFLIN), and the Senator from Florida (Mrs. HAWKINS) were added as cosponsors of S. 2267, a bill to amend the Internal Revenue Code of 1954 to allow the Secretary of the Treasury to waive the interest penalty for failure to pay estimated income tax, for elderly and retired persons, in certain situations.

S. 2274

At the request of Mr. ROTH, the Senator from Washington (Mr. JACKSON) was added as a cosponsor of S. 2274, a bill to amend the Inspector General Act of 1978 to establish Offices of Inspector General in the Department of Defense, the Department of Justice, and the Department of the Treasury, and for other purposes.

S. 2278

At the request of Mr. EAST, the Senator from North Carolina (Mr. HELMS) was added as a cosponsor of S. 2278, a bill to provide a policy of promoting public sector procurement of goods and services from profitmaking business concerns, and for other purposes.

S. 2291

At the request of Mr. DIXON, the Senator from Tennessee (Mr. SASSER) was added as a cosponsor of S. 2291, a bill to require the Secretary of Agriculture to disseminate farm income estimates.

S. 2327

At the request of Mr. JACKSON, the Senator from North Dakota (Mr. BURDICK) was added as a cosponsor of S. 2327, a bill to amend the National Housing Act to provide for an emergency homeownership program, to authorize assistance to avoid mortgage defaults caused by adverse economic conditions, and for other purposes.

S. 2335

At the request of Mr. WEICKER, the Senator from Maine (Mr. COHEN), the Senator from Utah (Mr. HATCH), the Senator from Florida (Mrs. HAWKINS), and the Senator from Mississippi (Mr. COCHRAN) were added as cosponsors of S. 2335, a bill to amend the Internal Revenue Code of 1954 to provide that any small issue which is part of a multiple lot shall meet the requirements of the small issue exemption.

S.2346

At the request of Mr. JACKSON, the Senator from North Dakota (Mr. BURDICK) was added as a cosponsor of S. 2346, a bill to amend the National Housing Act to provide additional authorization for the Government National Mortgage Association tandem program and to express congressional opposition to certain rescissions, and for other purposes.

SENATE JOINT RESOLUTION 110

At the request of Mr. HATCH, the Senator from Nebraska (Mr. ZORINSKY), and the Senator from New Mexico (Mr. DOMENICI), were added as cosponsors of Senate Joint Resolution 110, a joint resolution to amend the Constitution to establish legislative authority in Congress and the States with respect to abortion.

SENATE JOINT RESOLUTION 156

At the request of Mr. KASTEN, the Senator from Georgia (Mr. MATTINGLY), the Senator from Minnesota (Mr. BOSCHWITZ), the Senator from Delaware (Mr. BIDEN), the Senator from Oklahoma (Mr. NICKLES), the Senator from Mississippi (Mr. STENNIS), the Senator from Maryland (Mr. MATHIAS), the Senator from Arizona (Mr. DECONCINI), the Senator from Hawaii (Mr. MATSUNAGA), the Senator from Kansas (Mr. DOLE), and the Senator from Hawaii (Mr. INOUYE) were added as cosponsors of Senate Joint Resolution 156, a joint resolution to designate April 9, 1982, as "POW-MIA Commemoration Day."

SENATE JOINT RESOLUTION 158

At the request of Mr. SYMMS, the Senator from West Virginia (Mr. RANDOLPH) was added as a cosponsor of Senate Joint Resolution 158, a joint resolution expressing the policy of the Government of the United States of America with respect to the Government of Cuba.

SENATE JOINT RESOLUTION 167

At the request of Mr. DURENBERGER, the Senator from Nevada (Mr. CANNON), and the Senator from Georgia (Mr. MATTINGLY) were added as cosponsors of Senate Joint Resolution 167, a joint resolution to commemorate the 100th anniversary of the Knights of Columbus.

SENATE JOINT RESOLUTION 172

At the request of Mr. HELMS, the Senator from Utah (Mr. GARN), the Senator from Illinois (Mr. PERCY), the Senator from Indiana (Mr. LUGAR), the Senator from Mississippi (Mr. COCHRAN), the Senator from Kentucky (Mr. HUDDLESTON), and the Senator from Kansas (Mr. DOLE) were added as cosponsors of Senate Joint Resolution 172, a joint resolution designating Baltic Freedom Day.

SENATE JOINT RESOLUTION 175

At the request of Mr. KASTEN, the Senator from Iowa (Mr. GRASSLEY) was added as a cosponsor of Senate Joint Resolution 175, a joint resolution authorizing and requesting the President to proclaim "National Junior Bowling Championship Week."

SENATE JOINT RESOLUTION 180

At the request of Mr. WEICKER, the Senator from Utah (Mr. GARN), the Senator from Iowa (Mr. GRASSLEY), the Senator from Arkansas (Mr. PRYOR), the Senator from Idaho (Mr. SYMMS), and the Senator from Mississippi (Mr. COCHRAN) were added as cosponsors of Senate Joint Resolution 180, a joint resolution to authorize and request the President to issue a proclamation designating the week beginning May 9, 1982, as "National Small Business Week."

SENATE CONCURRENT RESOLUTION 70

At the request of Mr. **Sasser**, the Senator from Georgia (Mr. **Nunn**) was added as a cosponsor of Senate Concurrent Resolution 70, a concurrent resolution relating to federally insured deposits.

SENATE CONCURRENT RESOLUTION 75

At the request of Mr. **Pressler**, the Senator from Nebraska (Mr. **Zorinsky**) was added as a cosponsor of Senate Concurrent Resolution 75, a concurrent resolution to preserve fiscal year 1980 impact funding levels, with adjustments for inflation.

SENATE CONCURRENT RESOLUTION 79

At the request of Mr. **Mathias**, the Senator from Connecticut (Mr. **Weicker**) was added as a cosponsor of Senate Concurrent Resolution 79, a concurrent resolution recognizing the month of April as "Fair Housing Month."

SENATE RESOLUTION 299

At the request of Mr. **Weicker**, the Senator from New York (Mr. **Moynihan**), the Senator from Alaska (Mr. **Stevens**), and the Senator from Hawaii (Mr. **Inouye**) were added as cosponsors of Senate Resolution 299, a resolution to designate May 4, 1982, as "International Franchise Day."

SENATE RESOLUTION 325

At the request of Mr. **Dixon**, the Senator from Massachusetts (Mr. **Kennedy**), and the Senator from Texas (Mr. **Bentsen**) were added as cosponsors of Senate Resolution 325, a resolution expressing the sense of the Senate that a supplemental appropriation should be enacted to restore full funding of the WIN program.

AMENDMENT NO. 1348

At the request of Mr. **Randolph**, his name was added as a cosponsor of amendment No. 1348 proposed to Senate Resolution 20, a resolution providing for television and radio coverage of proceedings of the Senate.

AMENDMENT NO. 1349

At the request of Mr. **Randolph**, his name was added as a cosponsor of amendment No. 1349 proposed to Senate Resolution 20, a resolution providing for television and radio coverage of proceedings of the Senate.

SENATE RESOLUTION 360—ORIGINAL RESOLUTION REPORTED DURING ADJOURNMENT WAIVING CONGRESSIONAL BUDGET ACT

Under the authority of the order of the Senate of April 1, 1982, Mr. **Tower**, from the Committee on Armed Services, reported the following original resolution on April 8, 1982; which was referred to the Committee on the Budget:

Resolved, That pursuant to section 402(c) of the Congressional Budget Act of 1974, the provisions of section 402(a) of such Act are waived with respect to the consideration of S. 2248, a bill to authorize appropriations for fiscal year 1983 for procurement, for research, development, test, and evaluation, and for operation and maintenance for the Armed Forces, to prescribe personnel strengths for the Armed Forces and for civilian personnel of the Department of Defense, and for other purposes.

Such waiver is necessary because section 402(a) of the Congressional Budget Act of 1974 provides that it shall not be in order in either the House of Representatives or the Senate to consider any bill or resolution which, directly or indirectly, authorizes the enactment of new budget authority for a fiscal year, unless that bill or resolution is reported in the House or the Senate, as the case may be, on or before May 15 preceding the beginning of such fiscal year.

For the foregoing reasons, pursuant to section 402(c) of the Congressional Budget Act of 1974, the provisions of section 402(a) of such Act are waived with respect to S. 2248 as reported by the Committee on Armed Services.

SENATE RESOLUTION 361—RESOLUTION TO COMMEMORATE THE ANNIVERSARY OF THE E. ROMERO HOSE AND FIRE COMPANY OF LAS VEGAS, NEW MEXICO

Mr. DOMENICI submitted the following resolution; which was referred to the Committee on the Judiciary:

S. Res. 361

Whereas the E. Romero Hose and Fire Company was organized in 1882 by citizens of the town of Las Vegas, New Mexico, for the purpose of fighting fires in that town;

Whereas the firefighters are volunteers who sacrifice their time and risk their lives to protect the people and property of Las Vegas, New Mexico;

Whereas the E. Romero Hose and Fire Company remains to this day a volunteer fire department, with only drivers being paid;

Whereas the company still possesses its original bylaws and the original hose cart, which was pulled by volunteers when it was purchased in 1882;

Whereas the company is officially the oldest fire department in the State of New Mexico, having been incorporated by the Territorial Corporation Commission on May 9, 1888; and

Whereas this company has remained in continuous operation since its inception in 1882, and still provides its courageous and valiant services to the community of Las Vegas, New Mexico: Now, therefore, be it

Resolved, That the Senate extends its congratulations to the E. Romero Hose and Fire Company of Las Vegas, New Mexico, on the occasion of its 100th anniversary, and commends the E. Romero Hose and Fire Company for a century of exemplary public service rendered in the unselfish, volunteer spirit which lies at the heart of our Nation's strength.

Sec. 2. The Secretary of the Senate is directed to transmit a copy of this resolution to the E. Romero Hose and Fire Company of Las Vegas, New Mexico and to Mr. Tony Ludi, Sr., chief of the company.

● Mr. DOMENICI. Mr. President, I rise today in recognition of a truly outstanding organization in my home State of New Mexico. This Memorial Day, the E. Romero Hose and Fire Company of Las Vegas, N. Mex., will celebrate its centennial. Since 1882, this company, the oldest fire department in New Mexico, has provided continuous service to the community of Las Vegas. It is and has always been a volunteer fire department; to this day, only the drivers are paid.

In 1881, a fire in the plaza area of Las Vegas destroyed an entire block of property. Following that disaster, the citizens of Las Vegas took decisive action to protect themselves and their property from the dangers of fire. On January 1, 1882, the first volunteers gathered to start a fire department, which was named after Eugenio Romero, a business merchant whose name was drawn out of a hat. Bylaws were written and the company, which at first had only a hose cart but no horses to pull it, began a century of valorous service.

The work of this company typifies the volunteer spirit that is vital to the strength of any community, and of which President Reagan has spoken so eloquently. It is all too easy for us to be caught up in our own concerns, and to ignore the needs of our neighbors. Hence, the volunteers of the E. Romero Hose and Fire Company are an inspiration to us all. I hold them up as an example for all Americans to see.●

AMENDMENTS SUBMITTED FOR PRINTING

EXTENSION OF EXPIRATION DATE OF SECTION 252 OF THE ENERGY POLICY AND CONSERVATION ACT

AMENDMENTS NOS. 1352 AND 1353

(Ordered to be printed and referred to the Committee on Energy and Natural Resources)

Mr. DURENBERGER submitted two amendments intended to be proposed by him to the bill (S. 2332) to extend the expiration date of section 252 of the Energy Policy and Conservation Act.

STRATEGIC PETROLEUM RESERVE AND INTERNATIONAL ENERGY AGENCY

● Mr. DURENBERGER. Mr. President, I am today submitting two amendments to S. 2332, a bill to extend the authorization for U.S. participation in the programs of the International Energy Agency. I would ask that these amendments be referred to the Committee on Energy and Natural Resources for hearings and further consideration.

My first amendment would require the President to prepare a new drawdown plan for the strategic petroleum reserve consistent with the provisions of the Energy Policy and Conservation Act which is the basic legislative authorization for SPR. This amendment would require that the President transmit a drawdown plan for SPR to the Congress by September 30 of this year. Such a plan would be subject to congressional review according to the procedures described in EPCA.

This amendment is necessary because today the United States stands unprepared to respond in any meaningful way to disruptions of supply in world petroleum markets. Although there are a variety of energy laws on which the President could build a disruption management program, he has chosen to go forward without any specific plans at all. In recent legislation the Congress attempted to give the President complete discretion to design whatever program he thought best. That bill was vetoed by the President and after intense lobbying by the administration, the Senate sustained the veto. The President argued that he already had sufficient authority to design programs to protect public health and safety.

The Energy Policy and Conservation Act does authorize the President to allocate domestic oil supplies in coordination with the programs of the International Energy Agency. But we have no specific plans to do so. The Emergency Energy Conservation Act does authorize the President to impose demand constraints in the event of an energy emergency. But we have no specific plans to do so. Again, the Energy Policy and Conservation Act provides the President authority to build and use a strategic petroleum reserve to respond to energy emergencies. And although we are rapidly filling the reserve, we have no specific plans to use it.

It seems to this Senator that we are once again inviting a repeat of past mistakes. Without specific plans we are inviting midnight regulations that go into effect on an emergency basis with unnecessary and unacceptable impacts on the petroleum market.

I share with the President a firm commitment to the marketplace and market allocations of basic commodities. But no economist that I have read claims that a marketplace can provide efficient allocations in every situation. And the petroleum marketplace, controlled as it is by an international cartel, is a borderline case even in the best of times.

The failure to plan is most serious in the case of the strategic petroleum reserve. We now have 250 million barrels of oil in the reserve worth in the range of $8 billion. And this Congress will be asked to appropriate more billions for this purpose in the coming year. I have always been a firm advocate of SPR fill rates. I have voted for every increase and against every cut. I have done so because the SPR is our best line of defense against the disruptions of foreign supply. I have done so, because large quantities of SPR oil give us the opportunity to rely as much as possible on the marketplace for petroleum allocation.

Last year I joined with 15 other Senators to introduce legislation that provided the President a limited set of authorities to respond to an energy disruption. The theory of that legislation was that if we did the right things in the initial stages of a shortfall, we would never reach a point that required Government allocations and price controls. Allocations and price controls were a last resort for a very severe disruption in that legislative plan. The first resort was distribution from the SPR.

The goal for the strategic petroleum reserve is 750 million barrels. That much oil would allow us to compensate for a complete cutoff of our current import levels for 6 months. We are not to the 750-million-barrel goal, as yet. We are only at 250 million barrels. Even at that level, SPR distribution could be an important element in stabilizing markets during the early periods of a disruption. But we have no plan to use this oil. No Senator can tell his constituents how we plan to use $8 billion worth of Government oil in the event that our supply is interrupted. No refiner or marketer who is trying to decide the appropriate level of private inventories knows what role the Government inventories will play in the next shortfall. Rational ordering of the marketplace is not possible under these conditions.

There are some apparently who are of the belief that any plan to drawdown SPR will discourage creation of private stocks. On the contrary, I think the failure to have a plan produces this result. And I think that a plan, properly constructed, could, in fact, encourage private stocks by making it clear to all refiners that those who go into a shortfall unprepared will not be bailed out by the Government. SPR oil is not being stockpiled as a bailout for the refineries. It is being stored to protect the Nation's economy. At some point we will use it. Being well-prepared requires that both refiners and users know where that point is and what is expected of them if they are to be part of the drawdown plan.

Mr. President, my second amendment relates to the programs of the International Energy Agency.

Section 252 of the Energy Policy and Conservation Act was passed by the Congress in order to facilitate the participation of the U.S. energy companies in the activities of the International Energy Agency. These activities were to be in connection with preparation and participation in IEA programs designed for severe petroleum supply interruptions triggered by the provisions of the International Energy Agency agreement.

On December 10, 1981, the United States entered into an agreement to deal with "sub-trigger" supply problems which might also invoke petroleum price and allocation authorities.

Mr. President, my amendment would restrict the application of section 252 of the Energy Policy and Conservation Act to those situations which involve the IRA 7-percent trigger and to those situations only. Since section 252 includes authority for price and allocation controls and since the Congress has made it clear that these authorities should only be used in severe disruptions, this restriction is most appropriate.

Mr. President, I ask unanimous consent that these amendments be printed in the RECORD.

There being no objection, the amendments were ordered to be printed in the RECORD, as follows:

AMENDMENT No. 1352

On page 1, after line 5, insert the following new section

"STRATEGIC PETROLEUM RESERVE DRAWDOWN PLAN

"SEC. 2. On or before September 3, 1982, the President shall transmit to the Congress a drawdown plan for the Strategic Petroleum Reserve consistent with the requirements of section 154 of the Energy Policy and Conservation Act. Congressional review of such drawdown plan shall be in accordance with the provisions of section 159 of the Energy Policy and Conservation Act.".

AMENDMENT NO. 1353

On page 1, after line 5, insert the following new section:

"LIMITATION ON CERTAIN INTERNATIONAL ENERGY PROGRAM ACTIVITIES

"SEC. 3. Add at the end of section 252 of the Energy Policy and Conservation Act the following new subsection:

" '(m)(1) The authority granted by this section shall not be effective for the purpose of certain international energy program activities pursuant to the December 10, 1981, International Energy Agency agreement entitled, "Decision on Preparation for Future Supply Disruptions" concerning disruptions in oil supply which do not reach the seven percent level required to trigger the emergency allocation system.

" '(2) For the purpose of this subsection, such activities mean—

" '(A) any activation of questionnaires A and B, connected with procedures established for the emergency allocation program; and

" '(B) the development and implementation of measures to supplement the market forces,

to deal with disruptions in oil supply which do not reach the seven percent level required to trigger the emergency allocation system.' ".●

NOTICES OF HEARINGS

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. McCLURE. Mr. President, I would like to announce for the information of the Senate and the public, the scheduling of a public hearing before the Committee on Energy and Natural Resources.

On Friday, April 16, beginning at 10 a.m. in room 3110 of the Dirksen Senate Office Building, the committee will hold a hearing to consider the following nominations: Samuel K. Lessey, Jr., to be Inspector General, U.S. Synthetic Fuels Corporation for a term of 7 years; and Robert W. Gambino to be Deputy Inspector General, U.S. Synthetic Fuels Corporation for a term of 7 years.

Those wishing to testify or who wish to submit written statements for the hearing record should write to the Committee on Energy and Natural Resources, room 3104, Dirksen Senate Office Building, Washington, D.C. 20510.

For further information regarding this hearing, you may wish to contact Mr. David Doane of the committee staff at 224-7144.

Mr. President, I would like to announce for the information of the Senate and the public the scheduling of public hearings before the Committee on Energy and Natural Resources.

On Thursday, April 29 at 10 a.m., the committee will hold a hearing on S. 2332, to extend the expiration date of section 252 of the Energy Policy and Conservation Act. Staff contact: David Doane at 224-7144.

On Monday, May 3 at 9:30 a.m., the committee will hold a hearing on S. 2305, the Federal Energy and Mineral Resources Act of 1982. Staff contact: Tony Bevinetto at 224-5161.

On Monday, May 10 at 10 a.m., the committee will hold a hearing on S. 1844, the Coal Distribution and Utilization Act of 1981. Staff contact: Gary Ellsworth at 224-7146.

On Tuesday, May 18 at 10 a.m., the committee will hold an oversight hearing on Federal property management and disposal. Staff contacts: Gary Ellsworth (224-7146) or Tony Bevinetto (224-5161).

Those wishing to testify or who wish to submit written statements for any of these hearings should write to the Committee on Energy and Natural Resources, room 3104, Dirksen Senate Office Building, Washington, D.C. 20510.

SUBCOMMITTEE ON INTERGOVERNMENTAL RELATIONS

Mr. DURENBERGER. Mr. President, I would like to announce that the Subcommittee on Intergovernmental Relations of the Governmental Affairs Committee has scheduled a legislative hearing on an administration bill to amend the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 (Public Law 91-646). The focus of this hearing will be on a provision to exempt block grant programs from Uniform Act coverage under the New Federalism and on a provision to prohibit the use of Federal eminent domain law from preempting State law.

The hearing will be conducted at 2 p.m. on April 22 in room 3302, Dirksen Senate Office Building. Those wishing to submit written statements to be included in the printed record of the hearing should send five copies to Ruth M. Doerflein, clerk, Subcommittee on Intergovernmental Relations, room 507, Carroll Arms Building, Washington, D.C. 20510.

For further information on the hearing, you may contact Paul Hewitt of the subcommittee staff on 224-4718.

SUBCOMMITTEE ON PUBLIC LANDS AND RESERVED WATER

Mr. WALLOP. Mr. President, I would like to announce for the information of the Senate and the public that S. 1999, to amend the act to provide for the establishment of the Wolf Trap Farm Park in Fairfax County, Va., will not be considered at the subcommittee hearing scheduled for Thursday, April 15.

SUBCOMMITTEE ON ENERGY REGULATION

Mr. HUMPHREY. Mr. President, I would like to announce for the information of the Senate and the public that the subcommittee hearing previously scheduled for Monday, April 26, to consider programs under the Office of the Federal Inspector for the Alaska natural gas transportation system, the Economic Regulatory Administration, and the Federal Energy Regulatory Commission, has been rescheduled for Friday, April 30, beginning at 10 a.m. in room 3110 of the Dirksen Senate Office Building.

ADDITIONAL STATEMENTS

NUCLEAR FIRST USE DOCTRINE

● **Mr. MATHIAS.** Mr. President, last week four thoughtful and distinguished public figures—McGeorge Bundy, George F. Kennan, Robert S. McNamara, and Gerard Smith—called into question the wisdom of the longstanding Atlantic alliance doctrine that the United States would be willing to be the first to use nuclear weapons to defend against aggression in Europe. In an article in the spring issue of Foreign Affairs magazine, they proposed that the United States and the Soviet Union jointly renounce first use of nuclear weapons.

Several weeks ago, I called on the President to initiate a new round of strategic arms negotiations with the Soviet Union on an urgent basis and earlier last month a number of my colleagues called for a freeze on nuclear weapons production.

All of these efforts are reflections of the overwhelming desire of the peoples of the world to reduce the risk of nuclear war. All of them deserve attention.

Action on the questions of resuming arms control negotiations and a nuclear freeze rests with the President. However, the Senate is in a position to undertake the action that logically follows from the proposal of the Messrs. Bundy, Kennan, McNamara, and Smith—that is, to commission an expert and objective study of the first-use doctrine and to explore in detail all that a mutual renunciation by the Soviet Union and the United States of nuclear first use might entail.

Therefore, I have asked the chairmen of the Armed Services and the Foreign Relations Committees to commission such a study immediately. Thereafter, it would be my hope that each committee could conduct hearings to examine the concept from its own perspective.

Normally considerations of economy would militate against my submitting such a lengthy article for publication in the CONGRESSIONAL RECORD. I am making an exception in this case because every Member of the Senate, not just the members of the Armed Services and Foreign Relations Committees, should seriously examine this proposal and its implications for our total defense effort. To that end, I ask that the article from the spring issue of Foreign Affairs, entitled "Nuclear Weapons and the Atlantic Alliance," be printed in the RECORD.

The article follows:

NUCLEAR WEAPONS AND THE ATLANTIC ALLIANCE

(By McGeorge Bundy, George F. Kennan, Robert S. McNamara, and Gerard Smith)

We are four Americans who have been concerned over many years with the relation between nuclear weapons and the peace and freedom of the members of the Atlantic Alliance. Having learned that each of us separately has been coming to hold new views on this hard but vital question, we decided to see how far our thoughts, and the lessons of our varied experiences, could be put together; the essay that follows is the result. It argues that a new policy can bring great benefits, but it aims to start a discussion, not to end it.

For 33 years now, the Atlantic Alliance has relied on the asserted readiness of the United States to use nuclear weapons if necessary to repel aggression from the East. Initially, indeed, it was widely thought (notably by such great and different men as Winston Churchill and Niels Bohr) that the basic military balance in Europe was between American atomic bombs and the massive conventional forces of the Soviet Union. But the first Soviet explosion, in August 1949, ended the American monopoly only one month after the Senate approved the North Atlantic Treaty, and in 1950 communist aggression in Korea produced new Allied attention to the defense of Europe.

The "crude" atomic bombs of the 1940s have been followed in both countries by a fantastic proliferation of weapons and delivery systems, so that today the two parts of a still-divided Europe are targeted by many thousands of warheads both in the area and outside it. Within the Alliance, France and Britain have developed thermonuclear forces which are enormous compared to what the United States had at the beginning, although small by comparison with the present deployments of the superpowers. Doctrine has succeeded doctrine from "balanced collective forces" to "massive retaliation" to "mutual assured destruction" to "flexible response" and the "seamless web." Throughout these transformations, most of them occasioned at least in part by changes in the Western view of Soviet capabilities, both deployments and doctrines have been intended to deter Soviet aggression and keep the peace by maintaining a credible connection between any large-scale assault, whether conventional or nuclear, and the engagement of the strategic nuclear forces of the United States.

A major element in every doctrine has been that the United States has asserted its willingness to be the first—has indeed made plans to be the first if necessary—to use nuclear weapons to defend against aggression in Europe. It is this element that needs reexamination now. Both its cost to the coherence of the Alliance and its threat to the safety of the world are rising while its deterrent credibility declines.

This policy was first established when the American nuclear advantage was overwhelming, but that advantage has long since gone and cannot be recaptured. As early as the 1950s it was recognized by both Prime Minister Churchill and President Eisenhower that the nuclear strengths of both sides was becoming so great that a nuclear war would be a ghastly catastrophe for all concerned. The following decades have only confirmed and intensified that reality. The time has come for careful study of the ways and means of moving to a new Alliance policy and doctrine: that nuclear weapons will not be used unless an aggressor should use them first.

II

The disarray that currently besets the nuclear policy and practices of the Alliance is obvious. Governments and their representatives have maintained an appearance of unity as they persist in their support of the two-track decision of December 1979, under which 572 new American missiles of intermediate range are to be placed in Europe unless a satisfactory agreement on the limitation of such weapons can be reached in the negotiations between the United States and the Soviet Union that began last November. But behind this united front there are divisive debates, especially in countries where the new weapons are to be deployed.

The arguments put forward by advocates of these deployments contain troubling variations. The simplest and intuitively the most persuasive claim is that these new weapons are needed as a counter to the new Soviet SS-20 missiles; it may be a recognition of the surface attractiveness of this position that underlies President Reagan's striking—but probably not negotiable—proposal that if all the SS-20s are dismantled the planned deployments will be cancelled. Other officials have a quite different argument, that without new and survivable American weapons which can reach Russia from Western Europe there can be no confidence that the strategic forces of the United States will remain committed to the defense of Western Europe; on this argument the new missiles are needed to make it more likely that any war in Europe would bring nuclear warheads on the Soviet Union and thus deter the aggressor in the first place. This argument is logically distinct from any concern about the Soviet SS-20s, and it probably explains the ill-concealed hope of some planners that the Reagan proposal will be rejected. Such varied justifications cast considerable doubt on the real purpose of the proposed deployment.

An equally disturbing phenomenon is the gradual shift in the balance of argument that has occured since the need to address the problem was first asserted in 1977. Then the expression of need was European, and in the first instance German; the emerging parity of long-range strategic systems was asserted to create a need for a balance at less than intercontinental levels. The American interest developed relatively slowly, but because these were to be American missiles, American planners took the lead as the proposal was worked out. It has also served Soviet purposes to concentrate on the American role. A similar focus has been chosen by many leaders of the new movement for nuclear disarmament in Europe. And now there are American voices, some in the executive branch, talking as if European acceptance of these new missiles were some sort of test of European loyalty to the Alliance. Meanwhile some of those in Europe who remain publicly committed to both tracks of the 1979 agreement are clearly hoping that the day of deployment will never arrive. When the very origins of a new proposal become the source of irritated argument among allies—"You started it!"—something is badly wrong in our common understanding.

A still more severe instance of disarray, one which has occurred under both President Carter and President Reagan, relates to the so-called neutron bomb, a weapon designed to meet the threat of Soviet tanks. American military planners, authorized by doctrine to think in terms of early battlefield use of nuclear weapons, naturally want more "up-to-date" weapons than those they have now; it is known that thousands of the aging short-range nuclear weapons now in Europe are hard to use effectively. Yet to a great many Europeans the neutron bomb suggests, however unfairly, that the Americans are preparing to fight a "limited" nuclear war on their soil. Moreover neither weapons designers nor the Pentagon officials they have persuaded seem to have understood the intense and special revulsion that is associated with killing by "enhanced radiation."

All these recent distempers have a deeper cause. They are rooted in the fact that the evolution of essentially equivalent and enormously excessive nuclear weapons systems both in the Soviet Union and in the Atlantic Alliance has aroused new concern about the dangers of all forms of nuclear war. The profusion of these systems, on both sides, has made it more difficult than ever to construct rational plans for any first use of these weapons by anyone.

This problem is more acute than before, but it is not new. Even in the 1950s, a time that is often mistakenly perceived as one of effortless American superiority, the prospect of any actual use of tactical weapons was properly terrifying to Europeans and to more than a few Americans. Military plans for such use remained both deeply secret and highly hypothetical; the coherence of the Alliance was maintained by general neglect of such scenarios, not by sedulous public discussion. In the 1960s there was a prolonged and stressful effort to address the problem of theater-range weapons, but agreement on new forces and plans for their use proved elusive. Eventually the proposal for a multilateral force (MLF) was replaced by the assignment of American Polaris submarines to NATO, and by the creation in Brussels of an inter-allied Nuclear Planning Group. Little else was accomplished. In both decades the Alliance kept itself together more by mutual political confidence than by plausible nuclear war-fighting plans.

Although the first years of the 1970s produced a welcome if oversold détente, complacency soon began to fade. The Nixon Administration, rather quietly, raised the question about the long-run credibility of the American nuclear deterrent that was to be elaborated by Henry Kissinger in 1979 at a meeting in Brussels. Further impetus to both new doctrine and new deployments came during the Ford and Carter Administrations, but each public statement, however careful and qualified, only increased European apprehensions. The purpose of both Administrations was to reinforce deterrence, but the result has been to increase fear of nuclear war, and even of Americans as its possible initiators. Intended as contributions to both rationality and credibility, these excursions into the theory of limited nuclear war have been counterproductive in Europe.

Yet it was not wrong to raise these matters. Questions that were answered largely by silence in the 1950s and 1960s cannot be so handled in the 1980s. The problem was not in the fact that the questions were raised, but in the way they seemed to be answered.

It is time to recognize that no one has ever succeeded in advancing any persuasive reason to believe that any use of nuclear weapons, even on the smallest scale, could reliably be expected to remain limited. Every serious analysis and every military exercise, for over 25 years, has demonstrated that even the most restrained battlefield use would be enormously destructive to civilian life and property. There is no way for anyone to have any confidence that such a nuclear action will not lead to further and more devastating exchanges. Any use of nuclear weapons in Europe, by the Alliance or against it, carries with it a high and inescapable risk of escalation into the general nuclear war which would bring ruin to all and victory to none.

The one clearly definable firebreak against the worldwide disaster of general nuclear war is the one that stands between all other kinds of conflict and any use whatsoever of nuclear weapons. To keep that firebreak wide and strong is in the deepest interest of all mankind. In retrospect, indeed, it is remarkable that this country has not responded to this reality more quickly. Given the appalling consequences of even the most limited use of nuclear weapons and the total impossibility for both sides of any guarantee against unlimited escalation, there must be the gravest doubt about the wisdom of a policy which asserts the effectiveness of any first use of nuclear weapons by either side. So it seems timely to consider the possibilities, the requirements, the difficulties, and the advantages of a policy of no-first-use.

III

The largest question presented by any proposal for an Allied policy of no-first-use is that of its impact on the effectiveness of NATO's deterrent posture on the central front. In spite of the doubts that are created by any honest look at the probable consequences of resort to a first nuclear strike of any kind, it should be remembered that there were strong reasons for the creation of the American nuclear umbrella over NATO. The original American pledge, expressed in Article 5 of the Treaty, was understood to be a nuclear guarantee. It was extended at a time when only a conventional Soviet threat existed, so a readiness for first use was plainly implied from the beginning. To modify that guarantee now, even in the light of all that has happened since, would be a major change in the assumptions of the Alliance, and no such change should be made without the most careful exploration of its implications.

In such an exploration the role of the Federal Republic of Germany must be central. Americans too easily forget what the people of the Federal Republic never can: that their position is triply exposed in a fashion unique among the large industrial democracies. They do not have nuclear weapons; they share a long common boundary with the Soviet empire; in any conflict on the central front their land would be the first battleground. None of these conditions can be changed, and together they present a formidable challenge.

Having decisively rejected a policy of neutrality, the Federal Republic has necessarily relied on the nuclear protection of the United States, and we Americans should recognize that this relationship is not a favor we are doing our German friends, but the best available solution of a common problem. Both nations believe that the Federal Republic must be defended; both believe that the Federal Republic must not have nuclear weapons of its own; both believe that nuclear guarantees of some sort are essential; and both believe that only the United States can provide those guarantees in persuasively deterrent peacekeeping form.

The uniqueness of the West German position can be readily demonstrated by comparing it with those of France and the United Kingdom. These two nations have distance, and in one case water, between them and the armies of the Soviet Union; they also have nuclear weapons. While those weapons may contribute something to the common strength of the Alliance, their main role is to underpin a residual national self-reliance, expressed in different ways at different times by different governments, which sets both Britain and France apart from the Federal Republic. They are set apart from the United States too, in that no other nation depends on them to use their nuclear weapons otherwise than in their own ultimate self-defense.

The quite special character of the nuclear relationship between the Federal Republic and the United States is a most powerful reason for defining that relationship with great care. It is rare for one major nation to depend entirely on another for a form of strength that is vital to its survival. It is unprecedented for any nation, however powerful, to pledge itself to a course of action, in defense of another, that might entail its own nuclear devastation. A policy of no-first-use would not and should not imply an abandonment of this extraordinary guarantee—only its redefinition. It would still be necessary to be ready to reply with American nuclear weapons to any nuclear attack on the Federal Republic, and this commitment would in itself be sufficiently demanding to constitute a powerful demonstration that a policy of no-first-use would represent no abandonment of our German ally.

The German right to a voice in this question is not merely a matter of location, or even of dependence on an American nuclear guarantee. The people of the Federal Republic have demonstrated a steadfast dedication to peace, to collective defense, and to domestic political decency. The study here proposed should be responsive to their basic desires. It seems probable that they are like the rest of us in wishing most of all to have no war of any kind, but also to be able to defend the peace by forces that do not require the dreadful choice of nuclear escalation.

IV

While we believe that careful study will lead to a firm conclusion that it is time to move decisively toward a policy of no-first-use, it is obvious that any such policy would require a strengthened confidence in the adequacy of the conventional forces of the Alliance, above all the forces in place on the central front and those available for prompt reinforcement. It seems clear that the nations of the Alliance together can provide whatever forces are needed, and within realistic budgetary constraints, but it is a quite different question whether they can summon the necessary political will. Evidence from the history of the Alliance is mixed. There has been great progress in the conventional defenses of NATO in the 30 years since the 1952 Lisbon communiqué, but there have also been failures to meet force goals all along the way.

In each of the four nations which account for more than 90 percent of NATO's collective defense and a still higher proportion of its strength on the central front, there remain major unresolved political issues that critically affect contributions to conventional deterrence: for example, it can be asked what priority the United Kingdom gives to the British Army of the Rhine, what level of NATO-connected deployment can be accepted by France, what degree of German relative strength is acceptable to the Allies and fair to the Federal Republic itself, and whether we Americans have a durable and effective answer to our military manpower needs in the present all-volunteer active and reserve forces. These are the kinds of questions—and there are many more—that would require review and resolution in the course of reaching any final decision to move to a responsible policy of no-first-use.

There should also be an examination of the ways in which the concept of early use of nuclear weapons may have been built into existing forces, tactics, and general military expectations. To the degree that this has happened, there could be a dangerous gap right now between real capabilities and those which political leaders might wish to have in a time of crisis. Conversely there should be careful study of what a policy of no-first-use would require in those same terms. It seems more than likely that once the military leaders of the Alliance have learned to think and act steadily on this "conventional" assumption, their forces will be better instruments for stability in crises and for general deterrence, as well as for the maintenance of the nuclear firebreak so vital to us all.

No one should underestimate either the difficulty or the importance of the shift in military attitudes implied by a no-first-use policy. Although military commanders are well aware of the terrible dangers in any exchange of nuclear weapons, it is a strong military tradition to maintain that aggressive war, not the use of any one weapon, is the central evil. Many officers will be initially unenthusiastic about any formal policy that puts limits on their recourse to a weapon of apparently decisive power. Yet the basic argument for a no-first-use policy can be stated in strictly military terms: that any other course involves unacceptable risks to the national life that military forces exist to defend. The military officers of the Alliance can be expected to understand the force of this proposition, even if many of them do not initially agree with it. Moreover, there is every reason for confidence that they will loyally accept any policy that has the support of their governments and the peoples behind them, just as they have fully accepted the present arrangements under which the use of nuclear weapons, even in retaliation for a nuclear attack, requires advance and specific approval by the head of government.

An Allied posture of no-first-use would have one special effect that can be set forth in advance: it would draw new attention to the importance of maintaining and improving the specifically American conventional forces in Europe. The principal political difficulty in a policy of no-first-use is that it may be taken in Europe, and especially in the Federal Republic, as evidence of a reduced American interest in the Alliance and in effective overall deterrence. The argument here is exactly the opposite: that such a policy is the best one available for keeping the Alliance united and effective. Nonetheless the psychological realities of the relation between the Federal Republic and the United States are such that the only way to prevent corrosive German suspicion of American intentions, under a no-first-use regime, will be for Americans to accept for themselves an appropriate share in any new level of conventional effort that the policy may require.

Yet it would be wrong to make any hasty judgment that those new levels of effort must be excessively high. The subject is complex, and the more so because both technology and politics are changing. Precision-guided munitions, in technology, and the visible weakening of the military solidity of the Warsaw Pact, in politics, are only two examples of changes working to the advantage of the Alliance. Moreover there has been some tendency, over many years, to exaggerate the relative conventional strength of the U.S.S.R. and to underestimate Soviet awareness of the enormous costs and risks of any form of aggression against NATO.

Today there is literally no one who really knows what would be needed. Most of the measures routinely used in both official and private analyses are static and fragmentary. An especially arbitrary, if obviously convenient, measure of progress is that of spending levels. But it is political will, not budgetary pressure, that will be decisive. The value of greater safety from both nuclear and conventional danger is so great that even if careful analysis showed that the necessary conventional posture would require funding larger than the three-percent real increase that has been the common target of recent years, it would be the best bargain ever offered to the members of the Alliance.

Yet there is no need for crash programs, which always bring extra costs. The direction of the Allied effort will be more important than its velocity. The final establishment of a firm policy of no-first-use, in any case, will obviously require time. What is important today is to begin to move in this direction.

V

The concept of renouncing any first use of nuclear weapons should also be tested by careful review of the value of existing NATO plans for selective and limited use of nuclear weapons. While many scenarios for nuclear war-fighting are nonsensical, it must be recognized that cautious and sober senior officers have found it prudent to ask themselves what alternatives to defeat they could propose to their civilian superiors if a massive conventional Soviet attack seemed about to make a decisive breakthrough. This question has generated contingency plans for battlefield uses of small numbers of nuclear weapons which might prevent that particular disaster. It is hard to see how any such action could be taken without the most enormous risk of rapid and catastrophic escalation, but it is a fair challenge to a policy of no-first-use that it should be accompanied by a level of conventional strength that would make such plans unnecessary.

In the light of this difficulty it would be prudent to consider whether there is any acceptable policy short of no-first-use. One possible example is what might be called "no-*early*-first-use;" such a policy might leave open the option of some limited nuclear action to fend off a final large-scale conventional defeat, and by renunciation of any immediate first use and increased emphasis on conventional capabilities it might be thought to help somewhat in reducing current fears.

But the value of a clear and simple position would be great, especially in its effect on ourselves and our Allies. One trouble with exceptions is that they easily become rules. It seems much better that even the most responsible choice of even the most limited nuclear actions to prevent even the most imminent conventional disaster should be left out of authorized policy. What the Alliance needs most today is not the refinement of its nuclear options, but a clear-cut decision to avoid them as long as others do.

VI

Who should make the examination here proposed? The present American Administration has so far shown little interest in questions of this sort, and indeed a seeming callousness in some quarters in Washington toward nuclear dangers may be partly responsible for some of the recent unrest in Europe. But each of the four of us has served in Administrations which revised their early thoughts on nuclear weapons policy. James Byrnes learned the need to seek international control; John Foster Dulles stepped back somewhat from his early belief in massive retaliation; Dwight Eisenhower came to believe in the effort to ban nuclear tests which he at first thought dangerous; the Administration of John F. Kennedy (in which we all served) modified its early views on targeting doctrine; Lyndon Johnson shelved the proposed MLF when he decided it was causing more trouble than it was worth; and Richard Nixon agreed to narrow limits on anti-ballistic missiles whose large-scale deployment he had once thought indispensable. There were changes also in the Ford and Carter Administrations, and President Reagan has already adjusted his views on the usefulness of early arms controls negotiations, even though we remain in a time of general stress between Washington and Moscow. No Administration should be held, and none should hold itself, to inflexible first positions on these extraordinarily difficult matters.

Nor does this question need to wait upon governments for study. The day is long past when public awe and governmental secrecy made nuclear policy a matter for only the most private executive determination. The questions presented by a policy of no-first-use must indeed be decided by governments, but they can and should be considered by citizens. In recent months strong private voices have been raised on both sides of the Atlantic on behalf of strengthened conventional forces. When this cause is argued by such men as Christoph Bertram, Field Marshal Lord Carver, Admiral Noel Gayler, Professor Michael Howard, Henry Kissinger, François de Rose, Theo Sommer, and General Maxwell Taylor, to name only a few, it is fair to conclude that at least in its general direction the present argument is not outside the mainstream of thinking within the Alliance. Indeed there is evidence of renewed concern for conventional forces in governments too.

What should be added, in both public and private sectors, is a fresh, sustained, and careful consideration of the requirements and the benefits of deciding that the policy of the Atlantic Alliance should be to keep its nuclear weapons unused as long as others do the same. Our own belief, though we do not here assert it as proven, is that when this possibility is fully explored it will be evident that the advantages of the policy far outweigh its costs, and that this demonstration will help the peoples and governments of the Alliance to find the political will to move in this direction. In this spirit we go on to sketch the benefits that could come from such a change.

VII

The first possible advantage of a policy of no-first-use is in the management of the nuclear deterrent forces that would still be necessary. Once we escape from the need to plan for a first use that is credible, we can escape also from many of the complex arguments that have led to assertions that all sorts of new nuclear capabilities are necessary to create or restore a capability for something called "escalation dominance"—a capability to fight and "win" a nuclear war at any level. What would be needed, under no-first-use, is a set of capabilities we already have in overflowing measure—capabilities for appropriate retaliation to any kind of Soviet nuclear attack which would leave the Soviet Union in no doubt that it too should adhere to a policy of no-first-use. The Soviet government is already aware of the awful risk inherent in any use of these weapons, and there is no current or prospective Soviet "superiority" that would tempt anyone in Moscow toward nuclear adventurism. (All four of us are wholly unpersuaded by the argument advanced in recent years that the Soviet Union could ever rationally expect to gain from such a wild effort as a massive first strike on land-based American strategic missiles.)

Once it is clear that the only nuclear need of the Alliance is for adequately survivable and varied second strike forces, requirements for the modernization of major nuclear systems will become more modest than has been assumed. In particular we can escape from the notion that we must somehow match everything the rocket commanders in the Soviet Union extract from their government. It seems doubtful, also, that under such a policy it would be necessary or desirable to deploy neutron bombs. The savings permitted by more modest programs could go toward meeting the financial costs of our contribution to conventional forces.

It is important to avoid misunderstanding here. In the conditions of the 1980s, and in the absence of agreement on both sides to proceed to very large-scale reductions in nuclear forces, it is clear that large, varied, and survivable nuclear forces will still be necessary for nuclear deterrence. The point is not that we Americans should move unilaterally to some "minimum" force of a few tens or even hundreds of missiles, but rather that once we escape from the pressure to seem willing and able to use these weapons first, we shall find that our requirements are much less massive than is now widely supposed.

A posture of no-first-use should also go far to meet the understandable anxieties that underlie much of the new interest in nuclear disarmament, both in Europe and in our own country. Some of the proposals generated by this new interest may lack practicability for the present. For example, proposals to make "all" of Europe—from Portugal to Poland—a nuclear-free zone do not seem to take full account of the reality that thousands of long-range weapons deep in the Soviet Union will still be able to target Western Europe. But a policy of no-first-use, with its accompaniment of a reduced requirement for new Allied nuclear systems, should allow a considerable reduction in fears of all sorts. Certainly such a new policy would neutralize the highly disruptive argument currently put about in Europe: that plans for theater nuclear modernization reflect an American hope to fight a nuclear war limited to Europe. Such modernization might or might not be needed under a policy of no-first-use; that question, given the size and versatility of other existing and prospective American forces, would be a matter primarily for European decision (as it is today).

An effective policy of no-first-use will also reduce the risk of conventional aggression in Europe. That risk has never been as great as prophets of doom have claimed and has always lain primarily in the possibility that Soviet leaders might think they could achieve some quick and limited gain that would be accepted because no defense or reply could be concerted. That temptation has been much reduced by the Allied conventional deployments achieved in the last 20 years, and it would be reduced still further by the additional shift in the balance of Allied effort that a no-first-use policy would both permit and require. The risk that an adventurist Soviet leader might take the terrible gamble of conventional aggression was greater in the past than it is today, and is greater today that it would be under no-first-use, backed up by an effective conventional defense.

VIII

We have been discussing a problem of military policy, but our interest is also political. The principal immediate danger in the current military posture of the Alliance is not that it will lead to large-scale war, conventional or nuclear. The balance of terror, and the caution of both sides, appear strong enough today to prevent such a catastrophe, at least in the absence of some deeply destabilizing political change which might lead to panic or adventurism on either side. But the present unbalanced reliance on nuclear weapons, if long continued, might produce exactly such political change. The events of the last year have shown that differing perceptions of the role of nuclear weapons can lead to destructive recriminations, and when these differences are compounded by understandable disagreements on other matters such as Poland and the

Middle East, the possibilities for trouble among Allies are evident.

The political coherence of the Alliance, especially in times of stress, is at least as important as the military strength required to maintain credible deterrence. Indeed the political requirement has, if anything, an even higher priority. Soviet leaders would be most pleased to help the Alliance fall into total disarray, and would much prefer such a development to the inescapable uncertainties of open conflict. Conversely, if consensus is re-established on a military policy that the peoples and governments of the Alliance can believe in, both political will and deterrent credibility will be reinforced. Plenty of hard questions will remain, but both fear and mistrust will be reduced, and they are the most immediate enemies.

There remains one underlying reality which could not be removed by even the most explicit declaratory policy of no-first-use. Even if the nuclear powers of the Alliance should join, with the support of other Allies, in a policy of no-first-use, and even if that decision should lead to a common declaration of such policy by these powers and the Soviet Union, no one on either side could guarantee beyond all possible doubt that if conventional warfare broke out on a large scale there would in fact be no use of nuclear weapons. We could not make that assumption about the Soviet Union, and we must recognize that Soviet leaders could not make it about us. As long as the weapons themselves exist, the possibility of their use will remain.

But this inescapable reality does not under cut the value of a no-first-use policy. That value is first of all for the internal health of the Western Alliance itself. A posture of effective conventional balance and survivable second-strike nuclear strength is vastly better for our own peoples and governments, in a deep sense more civilized, than one that forces the serious contemplation of "limited" nuclear scenarios that are at once terrifying and implausible.

There is strong reason to believe that no-first-use can also help in our relations with the Soviet Union. The Soviet government has repeatedly offered to joined the West in declaring such a policy, and while such declarations may have only limited reliability, it would be wrong to disregard the real value to both sides of a jointly declared adherence to this policy. To renounce the first use of nuclear weapons is to accept an enormous burden of responsibility for any later violation. The existence of such a clearly declared common pledge would increase the cost and risk of any sudden use of nuclear weapons by either side and correspondingly reduce the political force of spoken or unspoken threats of such use.

A posture and policy of no-first-use also could help to open the path toward serious reduction of nuclear armaments on both sides. The nuclear decades have shown how hard it is to get agreements that really do constrain these weapons, and no one can say with assurance that any one step can make a decisive difference. But just as a policy of no-first-use should reduce the pressures on our side for massive new nuclear forces, it should help to increase the international incentives for the Soviet Union to show some restraint of its own. It is important not to exaggerate here, and certainly Soviet policies on procurement are not merely delayed mirror-images of ours. Nonetheless there are connections between what is said and what is done even in the Soviet Union, and there are incentives for moderation, even there, that could be strengthened by a jointly declared policy of renouncing first use. At a minimum such a declaration would give both sides additional reason to seek for agreements that would prevent a vastly expensive and potentially destabilizing contest for some kind of strategic advantage in outer space.

Finally, and in sum, we think a policy of no-first-use, especially if shared with the Soviet Union, would bring new hope to everyone in every country whose life is shadowed by the hideous possibility of a third great twentieth-century conflict in Europe—conventional or nuclear. It seems timely and even urgent to begin the careful study of a policy that could help to sweep this threat clean off the board of international affairs.

IX

We recognize that we have only opened this large question, that we have exhausted no aspect of it, and that we may have omitted important elements. We know that NATO is much more than its four strongest military members; we know that a policy of no-first-use in the Alliance would at once raise questions about America's stance in Korea and indeed other parts of Asia. We have chosen deliberately to focus on the central front of our central alliance, believing that a right choice there can only help toward right choices elsewhere.

What we dare to hope for is the kind of new and widespread consideration of the policy we have outlined that helped us 15 years ago toward SALT I, 25 years ago toward the Limited Test Ban, and 35 years ago toward the Alliance itself. Such consideration can be made all the more earnest and hopeful by keeping in mind one simple and frequently neglected reality: there has been no first use of nuclear weapons since 1945, and no one in any country regrets that fact. The right way to maintain this record is to recognize that in the age of massive thermonuclear overkill it no longer makes sense—if it ever did—to hold these weapons for any other purpose than the prevention of their use.●

BUREAU OF RECLAMATION'S 80TH BIRTHDAY

● Mr. LAXALT. Mr. President, in just 2 short months—on June 17, 1982, to be precise—the Interior Department's Bureau of Reclamation will mark the completion of 80 years of outstanding service to the people of the West. During that time, water from Reclamation reservoirs and canals have literally transformed the arid regions of our Western States into some of the most productive farmland anywhere in the world. The Bureau's facilities include more than 670 dams and 51,000 miles of canals, pipelines, laterals, and tunnels. Reclamation reservoirs offer outstanding recreational opportunities for millions of people. Reclamation powerplants provide clean, low-cost electricity for millions of individual users. Mr. President, Reclamation project facilities will continue delivering benefits for years to come, and new Reclamation projects are still being built.

It is of great significance that on the eve of the Bureau of Reclamation's 80th birthday, the Senate will have an opportunity to play a key role in charting the Bureau's future course. Formal consideration will begin soon on a bill to modernize the 1902 Reclamation Act, in particular its provisions dealing with farm size and eligibility to receive low-cost irrigation water. Mr. President, the importance of Reclamation reform was highlighted very effectively by Robert N. Broadbent, the Commissioner of Reclamation, when he addressed members of the Colorado River Water Users Association at their annual meeting held in Las Vegas, Nev. In his address, Commissioner Broadbent gives an informative sketch of the Bureau of Reclamation and the part it will play in the future of western water resource development. I commend the Commissioner's remarks to the attention of my colleagues and request unanimous consent that the excerpts from his address be printed in the Record at this time.

The excerpts follow:

The "New" Bureau of Reclamation

I had planned to speak to you today about the "new" Bureau of Reclamation—that is, about the new directions the Administration is going in the Reclamation program, what we've done so far, and where we'll we going in the years ahead.

Instead, what I'd like to do is give a highly condensed sketch of the "new" Bureau of Reclamation, and devote the remaining time to the subject of modernizing the 1902 Reclamation Act. That is the Bureau of Reclamation's number one priority, and the real "keystone" to our plans for the future.

To set the tone for the "new" Bureau of Reclamation, we promptly restored the Bureau's traditional name. It was no secret that the Reagan Administration—and practically everyone in the water resource community—regarded the awkward name "Water and Power Resources Service" as a temporary aberration. Going back to the right name for the Bureau set the tone for our programs. They are based on respect for the traditional role of water resource development in the West and on recognition of the Bureau of Reclamation in performing that role down through the years. The temporary name, by contrast, totally ignored the accomplishments of the Bureau of Reclamation in developing the American West. And the temporary name was full of negative connotations of the so-called "hit list" and the Carter Administration's "war on the West."

We didn't want to be negative. We want to be positive.

The Reagan Administration and the "new" Bureau of Reclamation believe in western water development. We recognize water as vital to the continued prosperity of this part of the country. In all the discussions and deliberations over how western water resource goals are to be reached, you can be confident that this Administration solidly supports western water development.

To get water development going again, we faced some basic facts:

Economic recovery comes first;

Water is principally a State right; and

State and local support is essential.

National economic recovery has got to come first. That means more investment by States, localities, and other non-Federal entities in future water projects. It means innovative financial packages for investment in hydropower and water supply facilities. And it means more of a State-Federal partnership in a process which, until now, has been too heavily controlled and financed out of Washington, D.C.

We want decisionmaking returned to the greatest degree possible to the people affected by the decisions. And we don't want to finance water projects solely by increasing the national debt.

While facing economic realities, we have been working to ease the non-financial burdens.

Deregulation was a key part of the Republican platform that Ronald Reagan was elected on. Accordingly, deregulation has a high profile in the Reagan Administration.

As part of our work to become good neighbors to the people affected by what we do, we have contacted a wide range of public and private officials. We have asked for their help in identifying burdensome regulations that could be revoked or simplified. People have been responding positively.

Governors and water agency officials, irrigators, municipal water user groups, and technical and trade associations have responded. They have helped us focus on dozens of government rules and procedures that could be simplified or done away with. We have followed through with official recommendations for making the needed improvements, and we are starting to get results.

Deregulation, States' rights, financial innovations, and continued support for water resource development—those are the main themes of the "new" Bureau of Reclamation. We are preserving the traditional values of the Reclamation program. We are moving into the future with some solid policies that will keep the Reclamation program going on a sound, business-like footing. I am proud to be at the head of that effort.

I am especially pleased that Congress is once again giving serious attention to updating the Reclamation law. It is time that the impasse over acreage limitation and excess lands be resolved. To one degree or another, there are excess lands problems in each of the 17 Reclamation States. The problems created by the outdated law are extremely complex. Congress has tried twice before to resolve the situation. Both times they were unable to complete legislative action.

Getting Reclamation law modernized is not going to be easy. The job of Congress in this matter is to examine the original purpose of the Reclamation program, decide how best to tailor it to fit today's economic and agricultural conditions, and to package the result in a way that will attract and achieve a consensus.

The last part is going to be the hardest. Different interests are holding fast to some conflicting positions. Congress will be faced with forging those widely diverging points of view into a product that represents the public interest.

Not everyone with a viewpoint on farm size is willing to compromise. Oddly enough, some of the groups with the most hard-line positions are the ones with the least at stake in the outcome of the problem.

If Congress is guided by a spirit of accommodation and reconciliation, I am confident a workable solution can be reached. Reclamation law was never intended to reward smallness for its own sake, nor to penalize farmers for operating successfully enough to expand their irrigated acreage. Acreage limitation was intended to curb speculation in Federally irrigated farmland by making water available to bona fide farmers and by discouraging land brokers.

As the main Administration witness at the Senate and House hearings, Secretary Watt commended Congressman Lujan and Senator McClure for introducing their bills on updating Reclamation law. He reaffirmed his pledge to work with the Senate and the House Committees to move that legislation along.

The Secretary's testimony began with a tribute to the value of the Reclamation program to the United States:

1980 production of $[illegible].4 billion in crops on lands irrigated with Reclamation water;

Municipal water for over 19 million people;

45 billion kilowatt-hours of power generated in 1980;

Recreation opportunities for 67 million people a year;

Plus flood control, fish & wildlife habitat, and other benefits.

Even lawmakers occasionally need to be reminded of the tremendous returns our country receives from the relatively modest investment it has made in Reclamation.

The Secretary acknowledged the current complicated regulatory scheme, which acts as an artificial constraint. Under Federal court decisions, he said, the Interior Department has no choice but to go ahead with rules implementing an outdated, counterproductive law.

Secretary Watt commented in detail on provisions of Congressman Lujan's bill and Senator McClure's bill. Then he offered some improvements.

The most important change suggested by the Secretary is establishing a single ownership limit of 960 acres to apply throughout the Reclamation West. For larger landholdings, on leased land, Federal water would still be available, but the landholder would pay the full cost of water used on all land over that 960-acre limit.

We support unlimited leasing, but not unlimited subsidies.

In our view, a landholding over 960 acres should not be granted an unlimited Federal water subsidy.

The 960-acre limitation, with full cost pricing for water above the 960-acre limit, would be fair to all concerned and would be easy to administer.

For those larger farms, Secretary Watt recommends "full cost" repayment. It means exactly that: full cost.

Instead of calculating interest at the rate that was in effect when a project was built, we believe it should be calculated at what it is actually costing the Treasury today. The full cost rate only applies to the larger farms, and only to the part of their operations over 960 acres. The overwhelming majority of farms, therefore, would not be affected. And for those larger farms that would be affected, we believe it is fair to ask for a return to the U.S. Treasury of the amount it is actually costing the government to finance the project costs associated with the excess lands.

With those changes, we believe the longstanding problem over accommodating current farm operations to an outmoded law can be solved.

Secretary Watt's proposals are workable and fair. Congress should be able to form a consensus around them and pass a bill based on those proposals. President Reagan will be able to sign a bill like that, and we will be able to bring a troubling and complicated chapter of Reclamation history to a successful conclusion.

I personally am pleased and encouraged that the overall Reclamation outlook is strongly positive. We are working on an Administration proposal for substantially shortening the time required to get projects from the planning stage to the construction stage. A faster track for the planning and authorization processes will save time and money. Our work on eliminating burdensome regulations is one ingredient in the effort to speed things up. Streamlining the environmental impact statement process, which we are also doing, is another. Our ongoing construction projects are being completed. And we are hoping for a new project start in 1983.

I am gratified by the positive feedback we have been getting from individuals and groups in the Reclamation West. Our message—affirming balance in natural resources decisionmaking, pledging to be good neighbors to those affected by what we do, and upholding the principles of sound stewardship for our land and water resources—has struck a responsive chord throughout the West. We're glad to know that you think we're on the right track.

I would like to conclude by reminding you of the seriousness of purpose with which this Administration is tackling economic recovery. President Reagan summed it up very pointedly in his televised Address to the Nation on September 24, 1981. He described the massive interest payments on the national debt and talked about the pressures for more spending, and said, "Well, what all of this is leading up to is, 'What do we plan to do?' Last week I met with the Cabinet to take up this matter. I'm proud to say there was no handwringing, no pleading to avoid further budget cuts. We all agreed that the 'tax and tax, spend and spend' policies of the last few decades lead only to economic disaster. Our government must return to the tradition of living within our means and must do it now. We asked ourselves two questions," the President said, "and answered them: 'If not us, who? If not now, when?' "●

TAX INDEXING

● Mr. **ARMSTRONG**. Mr. President, Monday's Wall Street Journal describes "Tax indexing as the very heart of tax reform." The Wall Street Journal is right. The inclusion of tax indexing in last year's tax bill is considered by many thoughtful observers to be the most important single tax reform ever. In essence, tax indexing means Americans will never pay higher taxes because of inflation.

I urge my colleagues to read all the reasons why the Wall Street Journal believes tax indexing must remain intact.

The article follows:

TAX BOMB

Last year's tax package contained a UXB (unexploded bomb) called tax indexation. Because it has received so relatively little attention, it is emerging as the favorite expendable for members of Congress who want to scuttle the tax cuts. They are kidding themselves if they think the voters aren't going to notice.

Indexing is the very heart of tax reform. Due to take effect in 1985, after the scheduled 5%-10%-10% rate cuts, it is designed to protect taxpayers thereafter against bracket creep. Bracket creep means that taxpayers whose incomes climb apace with inflation get pushed into higher and higher tax brackets, even though their real incomes remain constant; real, after-tax incomes, needless to say, are thus eroded. Indexation would adjust individual tax brackets (including the zero brackets) and personal exemptions each year to net out the impact of inflation.

Congress is beginning to wake up to what a terrible thing it did to itself when it passed the indexing provision: It outlawed the automatic tax increases that for years have permitted it to have larger revenues to spend without asking voter permission. As Harvard economist Martin Feldstein points out, for each 1% rise in the inflation rate, the government can count on at least a 1.6% rise in revenues.

Studies have shown that the combination of bracket creep and massive Social Security tax increases have doubled the effective tax rate on middle-income families in the last decade. At the rate of taxation and inflation we were experiencing before the 1981 reforms, a family of four earning only $10,000 would have had its effective tax rate more than double in just three years, according to a 1980 study by the Advisory Commission on Intergovernmental Relations.

This was truly insidious. Not only did Congress escape accountability for raising taxes, but it acquired a very large stake in allowing inflation to continue eroding the nation's wealth and productive base. It was only when the tax revolt spread through the states and finally erupted in the election of Ronald Reagan and a Republican Senate that Congress finally adopted indexing.

The states that have indexed have learned just how much they were profiting from bracket creep. Minnesota, for example, estimates it has lost $900 million in revenues since it indexed four years ago. Although such estimates seldom take account of the depressive effect continued rises in taxes would have had on economic activity, it is no wonder Congress wants to reclaim what it surrendered.

With a free ride on taxes, our elected representatives have built all kinds of automatic increases into their budgets. Social Security payments go up automatically; federal pensions increase even faster. Special interests charge that they've been cut to the bone if their subsidies don't rise by at least the rate of inflation.

The big projected deficits Washington is trying to use as a fright wig to drive the voters into giving up the tax rate cuts they won last year do not really reflect a reduction in taxes; the rate cuts will only about compensate for bracket creep. The projected gaps, then, just demonstrate how much the government has come to depend on hidden tax increases to pay its bills.

A key issue in the current Washington debate is whether the tax rate cuts will force Congress to restrain its spending impulses. The would-be index scuttlers would have us believe that legislators have become so manic that they will merely rush headlong towards larger and larger deficits until the world comes to an end.

We doubt it. Canada, for example, indexed in 1974. The deficit promptly shot up—but that was due to expenditures which had already been committed. National government spending as a percent of GNP topped out in 1975 and has been coming down ever since.

National experiences are not always transferable, but we prefer to think that the U.S. Congress is as capable of fiscal responsibility as Joe Clark and Pierre Trudeau if it gives itself half a chance. Indexing is more than half a chance. It imposes a requirement, one that was long overdue and one which should not be tampered with.●

SENATOR SARBANES SALUTES BALTIMORE PROJECT SURVIVAL HONOREES

● Mr. SARBANES. Mr. President, the renaissance and rebirth of the city of Baltimore has been widely heralded and acclaimed for the vitality and spirit that this unique achievement has created.

This have been an effort of the entire community, led by some of the very best public officials in the country, working closely with talented and dedicated individual citizens concerned about the quality of urban life and opportunitites for all the people. Baltimore is a shining example of an urban partnership in which the entire community has joined in a cooperative effort at every level.

For the past 12 years, an important part of that spirit has been Project Survival, which has contributed greatly to the growth and development of deserving young people in Baltimore's inner city. As the basketball and educational program of the Urban Services Agency, Project Survival has sponsored scholarships, tutoring and classroom instruction, career guidance and college placement services, basketball clinics, and summer leagues to motivate students to achieve academic and athletic excellence.

I am extremely pleased to report that, as part of its fourth annual testimonial, Project Survival is honoring two distinguished Marylanders: Jim Parker, former Baltimore Colts all pro tackle, and Allen "Dickie" Burke, Baltimore city police officer and founder of Recreation on Wheels, also known as Operation Champ.

Ohio State Coach Woody Hayes once called Jim Parker "the finest all-around football player I ever coached." After he was named to the All-American Team for 3 successive years, he was named the Nation's outstanding lineman in 1956 and was awarded the Outland Trophy. The following year, the Baltimore Colts made him their No. 1 draft choice and Jim went on to enjoy an exceptional professional career marked by an impressive array of prestigious awards, including the Ohio Governor's Cup Award and induction into the Pro-Football Hall of Fame. Now that his pro-football days are over, Jim Parker remains an active leader in his community and a shining example to Maryland youth.

Dickie Burke, a native Baltimorean and graduate of Douglass High School and Morgan College, excelled in sports, resulting in his induction into the Morgan Hall of Fame, and played professional basketball with the Baltimore Mets. After several years with the Baltimore Police Department, Officer Burke helped form and direct the Western Police Youth League to improve relations between police officers and youth through recreational and cultural programs. His efforts helped make Baltimore one of 10 pilot cities in the Nation to participate in the Recreation on Wheels Program for Inner City Youth. Because of these and his many other accomplishments, Dickie Burke is today recognized as one of the great pioneers in fostering youth programs and racial understanding in the police departments of America's great cities.

This testimonial to Jim Parker and Dickie Burke has been organized by many of Baltimore's leading citizens. Coach Earl C. Banks, who served with national distinction for many years as head football coach at Morgan State University, is chairman of the event. John H. Murphy III, the distinguished chairman of the board of the Afro-American Newspapers, is vice chairman and City Council President Walter Orlinsky is working as chairman for business and industry support. Honorary chairmen include the Governor of Maryland, Harry Hughes; the mayor of Baltimore, William Donald Schaefer; and former Baltimore Colts great, Jonnny Unitas.

Mr. President, Dickie Burke and Jim Parker are an inspiration to their fellow athletes, to their community, and to the many young people who have been touched by their examples of sportsmanship and much-deserved success. I ask my colleagues to join me and the many other friends and supporters of Project Survival in honoring these outstanding gentlemen.●

RESOLUTION ADOPTED BY CONNECTICUT STATE BOARD OF EDUCATION ON FEDERAL EDUCATION PROGRAMS

● Mr. WEICKER. Mr. Speaker, I commend to my colleagues a resolution regarding the effects of the proposed New Federalism on education, which was unanimously adopted by the Connecticut State Board of Education on April 7, 1982.

To justify proposals for substantive changes in legislation and drastically reduced Federal funding, the administration has repeatedly stated that the results of these proposals would be to increase flexibility for State and local governments and reduce administrative burdens on the educational agencies under the legislative statutes. To assume that State and local governments will function more efficiently with less Federal assistance is erroneous and misleading. In addition, to assume that education programs such as those under the Education for All Handicapped Children Act will be as effective with major changes in their statutes and regulations is wishful thinking. The only result we can be certain of is that reduced Federal regulations and decreased funds will result in fewer services to less individuals and diminished educational opportunities in general.

It is evident that the State and local governments are not embracing this New Federalism as a means for improving the educational system of our Nation. Representatives from the State and local levels of government have expressed their concern about the administration's attempt to remove the Federal role from education.

I am pleased that the Connecticut State Board of Education in its resolution has called for continued Federal funding at the 1981 level or higher, retaining the Department of Education, and encouraging State and local flexibility without diminishing the equal rights and opportunities for all citizens. Furthermore, the resolution calls for assurance from the Federal Government that public education be reestablished as a matter of highest national priority.

Mr. President, I ask that the text of the resolution be printed at this point in the RECORD.

The resolution referred to is as follows:

CONNECTICUT STATE BOARD OF EDUCATION,
HARTFORD

Whereas the President of the United States of America has delivered to Congress his State of the Union message for 1982 and his proposed Budget of the United States Government for Fiscal Year 1983; and

Whereas the President has proposed a 1983 education budget that—

Transforms the present Department of Education into a Foundation for Educational Assistance;

Makes block grants out of the vocational education programs and handicapped education programs;

Reduces by more than 40 percent the total grant awards for elementary and secondary education from $116.9 million in 1980-81 to $68.6 million for 1983-84;

Transfers 28 education programs to other federal agencies; and

Whereas the proposals of the President of the United States will waste human capital and will create future hardships for children in our schools through—

Severe cuts in funds for vocational education, in an age of high technology and automation when it is critical to modernize and upgrade vocational education;

Diminishing support for special education, thus undermining both the progress made in educating the handicapped to be productive citizens and the hope provided to their parents;

Reduction in resources for bilingual education;

Cutbacks in programs for the educationally disadvantaged;

Deletion of the special milk programs and the summer food service program; and

Whereas investment in the development of human resources that will result in a well-educated citizenry is critical to the well-being of this nation and its citizens, and should be a continuing commitment of the federal government: Now, therefore be it

Resolved, That the Connecticut State Board of Education urges the President to reconsider and it requests, in the national interest as well as in the interest of the towns and cities of the state and the citizens whose lives are being affected, that the Congress, particularly the Senators and Congressmen representing the State of Connecticut, make every effort to—

Continue the federal funding for education to the 1980-81 level or higher;

Encourage state/local flexibility without diminishing the equal rights and opportunities of all citizens, without discrimination;

Keep the Department of Education;

Consider carefully the President's recommendations, evaluating each of its own merits and, to avoid passing legislation and making changes in a crisis situation, act only after careful study, and

Insure that the education of children in this nation's public schools be reestablished as a national priority and that such education be supported and properly administered in a federal/state/local partnership; insure that public education be reestablished as a matter of highest priority at the local, state, and federal levels,

and empowers the Secretary to take the necessary action.●

PERMISSION FOR COMMITTEE ON ARMED SERVICES TO FILE REPORT ON S. 2248 UNTIL 6 P.M. TONIGHT

Mr. BAKER. I ask unanimous consent that the Committee on Armed Services have until 6 p.m. tonight, Tuesday, April 13, to file a report to accompany S. 2248, the Department of Defense Authorization bills for 1983 and for other purposes.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER FOR RECESS UNTIL 10:30 A.M. TOMORROW

Mr. BAKER. Mr. President, I ask unanimous consent that when the Senate completes its business today it stand in recess until the hour of 10:30 a.m. on tomorrow.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER FOR THE RECOGNITION OF CERTAIN SENATORS ON TOMORROW

Mr. BAKER. Mr. President, I ask unanimous consent, first, after the recognition of the two leaders under the standing order, that the following Senators be recognized on special order for not to exceed 15 minutes: Senators BAKER, STEVENS, MATHIAS, KASSEBAUM, DANFORTH, and CHAFEE.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER FOR ROUTINE MORNING BUSINESS ON TOMORROW

Mr. BAKER. Mr. President, I ask unanimous consent that after the recognition of the two leaders under the standing order and the Senators to be recognized on special order, there be a period for the transaction of routine morning business in which Senators may speak for not more than 5 minutes each, and to extend from the time of the expiration of the special orders until not past the hour of 12:30 p.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

TIME LIMITATION PROPOSAL ON PENDING SYMMS AMENDMENTS

Mr. BAKER. Mr. President, at 12:30 p.m. the Senate will resume consideration of Senate Resolution 20 to provide for television coverage in the Senate, at which time an amendment by the distinguished Senator from Idaho (Mr. SYMMS) will be the pending question.

I will not put this unanimous-consent request at this time, but it will be my intention to attempt to gain unanimous consent to provide that on the Symms amendment which, I presume, is the second-degree Symms amendment—

The PRESIDING OFFICER. The Senator is correct.

Mr. BAKER. There be 3 hours under the control of the Senator from Idaho (Mr. SYMMS); 2 hours equally divided between the chairman of the Committee on Foreign Relations (Mr. PERCY) and the ranking minority member (Mr. PELL) or their designees, and that at the conclusion of that time or the yielding back thereof the Senate proceed to vote back-to-back in relation to the two Symms amendments.

I repeat, I will not put that request at this time, but it is my hope that during the morning hour tomorrow or during leaders' time or another appropriate time we may be able to clear that request so that we can provide certainty for the rollcall vote or votes in relation to the Symms amendments.

After the Symms amendments are dealt with, Mr. President, if further amendments are to be offered, they will, or course, be taken up in sequence. It is my hope that we can complete consideration of Senate Resolution 20 this week.

EXECUTIVE CALENDAR

Mr. President, there are certain other matters that may be dealt with tomorrow, including treaties that are on the Executive Calendar. An effort will be made to clear those at some time in advance of the effort of the leadership on tomorrow.

RECESS UNTIL 10:30 A.M. TOMORROW

Mr. BAKER. Mr. President, I know of no further business to be transacted by the Senate today, and I see no Senators seeking recognition.

I move, Mr. President, in accordance with the order just entered, that the Senate now stand in recess until the hour of 10:30 a.m. on tomorrow.

The motion was agreed to; and at 4:42 p.m. the Senate recessed until Wednesday, April 14, 1982, at 10:30 a.m.

NOMINATIONS

Executive nominations received by the Secretary of the Senate April 5, 1982, under authority of the order of the Senate of April 1, 1982:

Department of State

James Eugene Goodby, of New Hampshire, a Career Member of the Senior Foreign Service, class of Minister-Counselor, for the rank of Ambassador during the tenure of his service as Vice Chairman, U.S. Delegation to the Strategic Arms Reductions Talks (START) and Department of State Representative.

National Advisory Council on Women's Educational Programs

The following-named persons to be Members of the National Advisory Council on Women's Educational Programs for the terms indicated:

For the remainder of the term expiring May 8, 1983:

Lilli K. Dollinger, of Texas, vice Rhine Lana McLin.

For a term expiring May 8, 1983:

Mary Jo Arndt, of Illinois, vice Kathleen Elaine Humphrey, term expired.

Marge Bodwell, of New Mexico, vice Paul Parks, term expired.

Marcilyn D. Leier, of Minnesota, vice Bernice Sandler, term expired.

Virginia Gillham Tinsley, of Arizona, vice Eliza Macaulay Carney, term expired.

For a term expiring May 8, 1984:

Judith D. Moss, of Ohio, vice Susan Margaret Vance, term expired.

Marie Sheehan Muhler, of New Jersey, vice Carolyn L. Attneave, term expired.

Susan E. Phillips, of Virginia, vice Ellen Sherry Hoffman, term expired.

Eleanor Knee Rooks, of Tennessee, vice J. Richard Rossie term expired.

Maria Pornaby Shuhi, of Florida, vice Sister M. Isolina Ferre, term expired.

Helen J. Valerio, of Massachusetts, vice Anna Doyle Levesque, term expired.

For a term expiring May 8, 1985:

Betty Ann Gault Gordoba, of California, vice K. Jessie Kobayashi, term expiring.

Gilda Bojorquez Gjurich, of California, vice Jewel Limar Prestage, term expiring.

Irene Renee Robinson, of the District of Columbia, vice Maria Concepcion Bechily, term expiring.

Judy F. Rolfe, of Montana, vice Virginia Foxx, term expiring.

Eunice S. Thomas, of Georgia, vice Barbara M. Carey, term expiring.

In the Navy

Adm. James D. Watkins, U.S. Navy, for appointment as Chief of Naval Operations in the Department of the Navy for a term of 4 years pursuant to title 10, United States Code, section 5081 (a), and (b).

Admiral Watkins, having been designated for command and other duties of great importance and responsibility in the grade of admiral within the contemplation of title 10, United States Code, section 601, for this appointment while so serving.

In the Air Force

Gen. David C. Jones, U.S. Air Force, (age 60), for appointment to the grade of general on the retired list pursuant to the provisions of title 10, United States Code, section 1370.

Executive nominations received by the Secretary of the Senate April 7, 1982, under authority of the order of the Senate of April 1, 1982:

DEPARTMENT OF JUSTICE

Stanley I. Marcus, of Michigan, to be U.S. attorney for the southern district of Florida for the term of 4 years vice Jacob V. Eskenazi, deceased.

In the Army

The following-named officers for appointment in the Regular Army of the United States, in their active duty grades, under the provisions of title 10, United States Code, sections 531, 532, and 533:

Colonels

Keefe, Francis L., 032-12-7605

Lieutenant Colonels

Barbernitz, John P., 220-20-0838
Bell, Robert E., Jr., 193-22-0015
Birnkammer, Eve, 073-26-7950
Freeman, Kenneth S., 574-12-7414
Gruber, Robert C., 211-24-7520
Kita, Edward J., 358-14-5069
Norrod, Forrest P., Jr., 458-56-9743
Widdle, Thomas H., 348-01-3052
Wilson, Howard H., 728-12-9961

Majors

Dillion, William P., 072-34-0105
Hendrickson, J. F., 369-42-5957
Kounk, Clinton M., 320-36-2540
Kramer, Harry C., 231-54-2541
Mercher, Lee A., 504-54-0306
Moffitt, William, 579-54-8975
Myers, Raymond G., 251-66-9335
Shaw, Joel D., 255-72-3459
Smith, Jimmy M., 260-64-8784
Zurcher, Robert E., 177-36-3666

In the Navy

The following-named Naval Reserve Officers Training Corps candidates to be appointed permanent ensign in the line or staff corps of the U.S. Navy, subject to qualification therefore as provided by law:

Beasdale, Donald J.
LaLonde, Harold H.
Lee, Rocky R.

The following-named candidates in the Enlisted Commissioning Program to be appointed permanent ensign in the line or staff corps of the U.S. Navy, subject to qualification therefore as provided by law:

Aboc, Jovito Q.
Nachtsheim, Timothy
Uncel, Mary J.
Young, Judy H.

Cmdr David C. Swearingen, Medical Corps, U.S. Naval Reserve, to be appointed a permanent commander in the Medical Corps of the U.S. Navy, subject to qualification therefore as provided by law.

The following-named enlisted candidates to be appointed permanent ensign in the Medical Service Corps of the U.S. Navy, subject to qualification therefore as provided by law:

Apel, Renee L.
Bourrie, Francis D.
Bowling, Gregory
Buck, Deborah M.
Collins, Mary K.
Connor, John J.
Davis, Glorianne M.
DeWeese, Harold T.
Dulac, Sharon E.
Durbin, Joseph L.
Ekstrom, Syble L.
Friedrichsen, Neil G.
Godlewski, Stanley, Jr.
Greer, Kathleen K.
Henderson, Carl D.
Henry, Richard A.
Hill, Hardy L.
Isley, Wynett A.
Johnson, Robert R.
Manning, Mark D.
McGivern, Steven T.
Olson, Conrad W.
Osment, Howard T.
Plunkard, Larry L.
Reese, William V.
Saunders, John L., Jr.
Steinhauser, Elenamaria D.
Thacker, R.S.
Werner, Joseph J., Jr.
Whetstone, Roger D.

Capt. John T. Collins, Medical Corps, U.S. Navy, to be appointed a permanent captain in the Medical Corps in the Reserve of the U.S. Navy, subject to qualification therefore as provided by law.

The following-named U.S. Navy officers to be appointed permanent commander in the Medical Corps in the Reserve of the U.S. Navy, subject to qualification therefore as provided by law.

Larson, James L.
Nettles, Willard H.
Ross, Gerald W.

Creighton G. Bellinger, ex-Naval Reserve officer, to be a permanent commander in the Medical Corps in the Reserve of the U.S. Navy, subject to qualification therefore as provided by law.

The following-named medical college graduates to be appointed permanent commander in the Medical Corps in the Reserve of the U.S. Navy, subject to qualification therefore as provided by law:

Campaigne, Robert J.
O'Neil, Bernerd L
Skuza, John J.

Executive nominations received by the Secretary of the Senate April 12, 1982, under authority of the order of the Senate of April 1, 1982:

Department of Justice

William S. Price, of Oklahoma, to be U.S. attorney for the western district of Oklahoma for the term of 4 years vice David L. Russell, resigned.

William A. Kolibash, of West Virginia, to be U.S. attorney for the northern district of West Virginia for the term of 4 years vice James F. Companion, resigned.

In the Air Force

Gen. Robert C. Mathis, U.S. Air Force, (age 54), for appointment to the grade of general on the retired list pursuant to the provisions of title 10, United States Code, section 1370.

SENATE—*Wednesday, April 14, 1982*

(Legislative day of Tuesday, April 13, 1982)

The Senate met at 10:30 a.m., on the expiration of the recess, and was called to order by the President pro tempore (Mr. THURMOND).

PRAYER

The Chaplain, the Reverend Richard C. Halverson, LL.D., D.D., offered the following prayer:

Let us pray.

Thy word reminds us, O Lord, that "there is no authority but of God, the authorities that be are ordained of God" and that those in authority are "God's servants for good." I pray for those Senators who face election in the fall. Give them special wisdom as they plan their campaigns. Raise up for them the strongest and wisest possible staffs who will maximize every opportunity for contact with the people. Help those who are having difficulty raising campaign funds. Protect them against selfish interests which would exploit them for political advantage. Help the Senators to know that Thou art able to influence, in righteous ways, those who would support campaigns without attaching unworthy conditions.

Teach them, Lord, that they can really trust Thee to help them with hard realities—like money and staff and favor with the people. Protect their families, Lord, against all of the abuses so common to public life, especially during elections. Help them to have time with their loved ones. As they move more and more into the heat of campaigns, give them special grace to keep their values straight and their priorities in order. Strengthen them as they pursue the difficult task of Senate responsibilities and campaign necessities. Above everything, Lord, help them to take Thee seriously as the one from whom "promotion cometh," who "puts down one and puts up another."

We ask this in the name of Him with Whom is all power and authority and rule, Jesus Christ, the Lord. Amen.

RECOGNITION OF THE MAJORITY LEADER

The PRESIDENT pro tempore. The majority leader is recognized.

Mr. BAKER. I thank the Chair.

THE JOURNAL

Mr. BAKER. Mr. President, I ask unanimous consent that the Journal of the proceedings of the Senate be approved to date.

The PRESIDENT pro tempore. Without objection, it is so ordered.

SENATE SCHEDULE

SPECIAL ORDERS

Mr. BAKER. Mr. President, there are special orders for this morning for the recognition of Senators BAKER, STEVENS, MATHIAS, KASSEBAUM, DANFORTH, and CHAFEE for not to exceed 15 minutes each. I ask unanimous consent that the time allocated to those Senators be aggregated and given to the control of the distinguished Senator from Rhode Island (Mr. CHAFEE).

The PRESIDENT pro tempore. Without objection, it is so ordered.

ROUTINE MORNING BUSINESS

Mr. BAKER. Mr. President, after the recognition of the two leaders under the standing order and after the execution of the time provided for by special order, there will be a period for the transaction of routine morning business to extend not past the hour of 12:30 p.m. in which Senators may speak for not more than 5 minutes each. If there is no need for that amount of time for the transaction of routine morning business and the hour of 12:30 p.m. has not arrived, it is the intention of the leadership to ask the Senate to proceed to the consideration of Senate Resolution 20, at which time the Symms amendment will be the pending question at an earlier hour.

SENATE RESOLUTION 20

Mr. President, as I indicated on yesterday, I would like to arrange a unanimous-consent agreement to provide for a time certain to vote on the Symms amendment at perhaps 2 o'clock. That agreement is being submitted on both sides and I hope to have a further announcement to make later this morning.

In the meantime, Senators should be on notice that there will be votes today. In addition to the vote on or in relation to the Symms amendment, there may be other amendments or motions. I also expect general debate on Senate Resolution 20, the underlying resolution, or on any amendment or motion with respect thereto.

Mr. President, the Senate will be in today until the normal hour of no later than approximately 6 p.m.

ORDER FOR RECESS UNTIL 10:30 A.M. TOMORROW

Mr. President, I ask unanimous consent that, when the Senate completes its business today, it stand in recess until the hour of 10:30 a.m. on tomorrow.

The PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. BAKER. Mr. President, I have no need for the remainder of my time under the standing order. I am prepared to yield to any Senator seeking recognition.

Mr. LONG. Will the Senator yield?

Mr. BAKER. Yes, I yield to the Senator from Louisiana.

Mr. LONG. Mr. President, may I say to the Senator that I may not be present in the Chamber at all times during the day. While I wish to address myself to Senate Resolution 20 and discuss it publicly sometime today and again tomorrow, I would have no objection to voting on the Senator's amendment at 2 o'clock. Whatever the Senator wants to make in his request, I will be glad to go on record as being for it.

Mr. BAKER. I am most grateful to the Senator from Louisiana. We will continue, then, to try to get that clearance.

I might say to the Senator from Louisiana, who does have a special interest in Senate Resolution 20, I say with great regret, in opposition to it, at least so far, that I will not make any unanimous-consent request or motion in respect to Senate Resolution 20 during this day unless he is present and on the floor or unless I have notified him well in advance of that.

Mr. LONG. Mr. President, I would appreciate it if the Senator would notify me in advance before he makes a unanimous-consent request with reference to Senate Resolution 20, because if I know what it is, I might be able to clear it in advance.

Mr. BAKER. That is the reason for the request, and I will give the Senator that assurance.

Mr. LONG. I thank the Senator.

Mr. BAKER. Mr. President, I am prepared to yield any of the remainder of my time under the standing order to any Senator or to the acting minority leader, if he wishes.

RECOGNITION OF THE ACTING MINORITY LEADER

The PRESIDENT pro tempore. The acting minority leader is recognized.

Mr. LEVIN. Mr. President, I thank the majority leader. There is no need for that time. We yield back our time.

Mr. BAKER. I thank the acting minority leader.

● This "bullet" symbol identifies statements or insertions which are not spoken by the Member on the floor.

Mr. President, I yield back the remainder of my time under the standing order, as well.

RECOGNITION OF SENATOR CHAFEE

The PRESIDENT pro tempore. The Senator from Rhode Island is recognized.

Mr. CHAFEE. Mr. President, I notice the Senator from California is in the Chamber. If he wishes any time now, he could take a few minutes. How much time do we have under our order, the combined time? Is it 45 minutes?

The PRESIDENT pro tempore. Ninety minutes.

Mr. CHAFEE. Does the Senator from California wish to use any time now?

Mr. HAYAKAWA. I would be grateful to the Senator from Rhode Island if he could yield me about 3 minutes.

Mr. CHAFEE. That would be fine.

S. 2130—ORPHAN DRUG BILL

Mr. HAYAKAWA. Mr. President, I recently joined Senator NANCY KASSEBAUM in sponsoring S. 2130, which she introduced on February 23, 1982. This legislation will encourage the development of drugs for rare diseases and conditions, commonly known as orphan drugs. The high development cost and a relatively small market limit availability, thus resulting in limited commercial value to the manufacturers.

Many people suffer tremendously from rare diseases and conditions because they cannot obtain orphan drugs. S. 2130 will insure their availability. It is a comprehensive bill that concentrates on three major points:

First, it provides flexibility in drug approval requirements. This will help lower regulatory costs incurred when testing orphan drugs with small test populations, while maintaining assurances of drug safety and efficacy.

Second, it will create an Interagency Committee on Orphan Drug Development, to be headed by the Assistant Secretary of Health. It is important to note that this will not require any financial commitment.

Third, it provides for financial incentives for the development of orphan drugs in recognition of cost factors which currently discourage their production.

I believe that S. 2130 is sound legislation. It imposes no additional costs to the Federal Government and relaxes regulations overly burdensome to manufacturers, while maintaining safety and efficacy. It is also a truly humanitarian step toward relieving the pain and suffering of millions of people with rare diseases.

DISABLED VOLUNTEERS HELP VETERANS

Mr. HAYAKAWA. Mr. President, the quality of patient care at some of America's veterans hospitals has been substantially improved as a result of the hard work and dedication of disabled volunteers. In an exciting article by Karen Draper for the Veterans of Foreign Wars magazine entitled "Disabled Volunteers Help Veterans," this fine assistance, provided by disabled volunteers, is acclaimed.

The belief that doing for others is the best way of helping oneself is the philosophy which motivates these dedicated workers. Having once been patients, these special volunteers seem to have a better understanding of the feelings and concerns of hospitalized patients. These cheerful and willing workers provide many fundamental, but essential services to hospitalized veterans. Without their presence many needs would not be fulfilled.

I was particularly inspired by the tremendous work of Mrs. Elizabeth "Bess" Janker, a Californian, who at the age of 93 years still works every day at Palo Alto VA Medical Center. Her many, many hours of selfless hard work and dedication have earned her the respect and love of all who have had the pleasure of meeting her.

Currently, I am sponsoring a resolution, now before the House of Representatives, which proclaims the week of November 7 through November 13, 1982, "National Disabled Veterans Week"; a week to thank America's disabled veterans for doing their patriotic duty during times of crisis and conflict. This week can also be a time to remember the special problems of all handicapped citizens and applaud them for their noble efforts—despite their disabilities.

I recommend Mrs. Draper's article to my colleagues and I ask unanimous consent that it be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

DISABLED VOLUNTEERS HELP VETERANS

(By Karen Draper)

Many handicapped people not only are able to take advantage of America's limitless opportunities to be productive and useful citizens, they also take time from their own lives to serve others, a fact highlighting National Volunteer Week, April 18–24.

Like able-bodied volunteers, they seem to live by the familiar adage that those who give also receive.

Of the 75,000 volunteers who assist in the VA's network of hospitals and nursing homes, several thousand are handicapped. The VFW provides 4,566 of these volunteers and more than 673,532 hours of service each year.

This army of volunteers is administered by the VA's Voluntary Service founded in 1946. The VFW and seven other organizations assisted in its establishment. The National Advisory Committee of Voluntary Service is composed of 45 member organizations, including the VFW and its auxiliary.

"Handicapped volunteers share a common bond with hospitalized veterans," says Ed Rose, director of Voluntary Service, "as they, too, have been on the receiving end of medical care and know the value of a cheerful, helpful volunteer."

In Indiana, veteran Howard V. Logan, a life member of the VFW Post 908 and legally blind, is a volunteer at the VFW Medical Center in Indianapolis, where he counsels patients six days a week.

A strong desire to assist veterans led Logan, a retired electrician, to the hospital 14 years ago.

His assignment as a veterans' benefit counselor with more than 26,000 volunteer hours to his credit has won him the appreciation and admiration of patients and staff.

In Mississippi, Mrs. Gladys M. Lossing, a member of Auxiliary 6473 in Jackson, has volunteered more than 23,000 hours of service at the Jackson VA Medical Center. She was injured playing basketball as a youth and must wear an elevated shoe to compensate for one leg being three inches shorter than the other.

Despite this disability, she has led an active life and found fulfillment in volunteering her time and talent to assisting others.

Her experience as a military wife developed a keen sense of appreciation for the needs and concerns of servicemen and veterans. She cites this as the dominant reason she gives 100 days a year to volunteer work.

For several years she served as a hostess in USO clubs in the many cities where her husband was assigned. Returning to her native town in Mississippi, she became Gray Lady chairman for the county Red Cross chapter, which sponsors VA hospital visitations. Since 1950, she has participated in the daily activities surrounding patient care and hospital services at the Jackson Medical Center.

The staff at the Jackson hospital credits Mrs. Lossing with instilling high patient morale through her courteous, helpful and tactful manner. She has also inspired others to become hospital volunteers by making them feel needed and welcome.

When asked her formula for volunteer work, she says, "We volunteers must be good listeners, be agreeable, but most of all, be ourselves."

In Texas, Robert C. Harris, though an amputee, has been a key volunteer in the Infection Control Program at the Audie L. Murphy Memorial Veterans Hospital in San Antonio.

A veteran of World War II, Harris began volunteer work at the VA hospital after retiring as a supervisor with a local F. W. Woolworth Co. store. He now processes microbiological data used in the hospital's Infection Control Program. This task requires great accuracy, organization and an enormous amount of patience and sensitivity.

While serving as a VA volunteer, Harris underwent a surgical amputation of his leg. He surprised hospital staff members when he appeared in a wheelchair to perform his usual task. Even when he was learning to use an artificial leg, a period of frustration and discomfort, staff members say he continued to remain cheerful, optimistic and helpful.

In California, Elizabeth (Bess) Janker, 93 years old, is a United Voluntary Service volunteer at the Palo Alto VA Medical Center. Until three years ago, Mrs. Janker drove to the hospital seven days a week, volunteering up to 12 hours each day. Because of failing eyesight, however, she was forced to give up driving. But she refused to stop her volunteer work. To get to work now, she walks. As secretary in the hospital's Chaplain Service, she has amassed 27,000 hours of service over 22 years. During this lengthy period she initiated improvements in the operation of the chaplain program. When asked why she volunteers, Mrs. Janker replies, "I love the fellows and they love me." Her dedication has earned the love, respect and admiration of all who come in contact with her, say hospital employees.

In spite of their own personal disabilities, Logan, Harris, Mrs. Lossing and Mrs. Janker have managed to serve others. Their only payment is the gratitude they receive from staff and patients and the personal satisfaction and the knowledge that they are needed.

These four are only a few of the many handicapped Americans who have made their own lives richer by helping others.

Mr. **HAYAKAWA**. Mr. President, I thank the distinguished Senator from Rhode Island.

Mr. **CHAFEE** addressed the Chair.

The **PRESIDENT** pro tempore. The Senator from Rhode Island is recognized.

(Mr. **HAYAKAWA** assumed the chair.)

THE URGENT NEED FOR ARMS CONTROL

Mr. CHAFEE. Mr. President, in the past month, four separate resolutions dealing with arms control talks and the need to halt the nuclear arms race have been introduced in the Senate. Combined, these resolutions have engaged nearly the entire membership of the Senate in cosponsorship of some form of arms control resolution. Clearly, arms control is an issue of the highest national importance.

Mr. President, today I would like to review some of the issues surrounding the nuclear arms race and to outline my own thinking on several of the issues which I believe deserve our attention.

I will be joined in this review by several of my colleagues and I look forward to hearing their views on these issues and to benefiting from their thoughts and insights.

We will soon be considering in the Senate a defense budget of over $200 billion. As we struggle with the difficult choices involving that budget, questions about our nuclear strategy and the forces necessary to implement it must necessarily be of paramount concern. It is my opinion that considerations of arms control should be an important part of our overall deliberations and debate. Unfortunately, that may not be the case, and it is partly for that reason that I want to take this time today to review some important issues relating to our defense strategy, our nuclear force posture and the need for strategic arms control.

ARMS CONTROL AND NATIONAL INTEREST

When I say that arms control considerations should be an important part of our defense planning, I do not mean that we should make our strategic decisions based solely on the requirements of arms control. What I do mean to argue is that by taking into account the arms control objectives we have established and by working consistently to attain them, we can arrive at a more rational and better structuring of our own forces. We can have more accurate and reliable estimates of the threat we face from the other side.

We can have, in short, from arms control negotiations and an arms control agreement, an improved security environment. That is what it is all about.

Viewed in this manner, I believe we can agree that arms control can and must form an important part of our national security policy.

If I could make just one point on this whole issue, it would be that arms control agreements are worth pursuing because they are in our security interest.

That is why we should embark on arms control agreements, because they are in the best interests of the the United States of America. Arms control agreements lessen the risks of nuclear confrontation. They make it possible to plan force modernizations and force structures rationally.

If we know what we will be allowed to have through arms control agreements, if we know the limitations, then we know how much can be spent and how much cannot be spent. We could thus plan and structure our forces with a good deal more sense than we can now when there is not an agreement in force between the two superpowers.

In addressing the need for arms control, it would be naive to think that there are any simple solutions or that there can be a quick fix. Indeed, the experience of the past 20 years—and the last 2 years, in particular—has demonstrated that the control of nuclear arms will be a long, slow, and unfortunately tedious process.

Americans have not been by habit keen on engaging in long, slow, and tedious processes. The American attitude is to get something done and done quickly. But we have to have patience. We have to be prepared for the long haul in arms control agreements.

Several events and developments have conspired to make the negotiation of a realistic arms control agreement with the Soviet Union even more difficult now than it has been in the past.

On the political side, the Soviet invasion of Afghanistan, the events in Poland, and the continuing adventurism of the Soviets in various parts of the world have heightened American suspicions of Kremlin intentions. These actions of the Soviets have played into the hands of those who oppose any talks with the Soviets on arms control.

Indeed, there are many in our Nation who feel we are always being had, that somehow the Soviets can always outdeal us in any kind of an agreement.

That is not true. I do not believe history has proven that so, certainly in connection with strategic arms agreements. But, nonetheless, it is a suspicion that exists in our Nation.

That is one problem, the political actions that have taken place.

On the other side, the technological front, both the Soviets and the United States are now modernizing their strategic arsenals and building more and newer types of weapons.

Neither side, for obvious reasons, is eager to negotiate away its newest strategic arms, particularly those that have been developed but not yet deployed.

Finally, arms control negotiations now include, for the first time, the possibility of restraints and limits on intermediate range or so-called theater nuclear forces based in Europe, rather than simply concentrating on the intercontinental weapons each side has trained on the other. Our European allies increasingly see themselves caught in the middle, and their views must be considered, even if this further complicates the process of negotiation.

REALISTIC EXPECTATIONS

It is important that we be realistic about what arms control will produce and what it will not produce.

Arms control will not produce disarmament tomorrow, nor even a decade from now.

Arms control will not eliminate the need for a strong American defense, or for American military readiness, or for the necessity for great expenditures in support of this military readiness.

Arms control will not make the Russians and the Americans fast friends, or will it eliminate conflicts in the future. The Soviets and the United States will continue to be political adversaries for a long time, but that should have nothing to do with embarking on talks. We enter talks for our own self-interest, not as a form of good conduct award to the Soviets.

"Linkage"—linkage which connects Soviet good behavior on the rest of the globe with proceeding with the strategic arms limitations talks—makes no sense when it results in reducing our own security.

Part of the problem in evaluating the success or failure of past arms control efforts lies in the different standards which different people have applied. Some have argued, for example, that past arms control agreements have been a failure because they did not halt the Soviet military buildup.

This is an unfair judgment which largely misses the point of what previous strategic arms control agreements sought to accomplish.

What did we try to do in our past agreements in SALT I and SALT II?

While it is true that Soviet military expenditures—including those on strategic nuclear systems—have increased at a steady and rapid rate, we should not attribute this to "failure" of previous agreements. Rather, those agreements represented but the first step in a long process. SALT I and SALT II did succeed in achieving what they were intended to accomplish; namely, to place limits on certain systems, subject to verification, while allowing both sides to proceed on other weapons under the umbrella of rough equivalence.

Neither SALT I nor SALT II was intended to reduce or restrain the entire Soviet military effort. Nor, for that matter, were these agreements designed to halt the growth in American strategic arms. The deployment, for example, of the MX missile and the Trident submarine were clearly allowed under SALT II.

SALT I and SALT II were modest achievements along the hard road to arms control. They were essential first steps toward our ultimate goal, which must be reductions.

But you cannot reach the goal in the first try. SALT I and SALT II served to help stabilize the strategic balance and to place the arms race within certain limits, certain ceilings.

It has been argued, of course, that the Soviets received an unfair advantage in the bargaining of the past.

I do not share that view; but, even if I did, my response would be that we should not abandon arms control negotiations, but pursue them more vigorously.

Nuclear weapons are unlike any other weapon ever devised by man. The one tragic use of these weapons which history has witnessed still serves as a powerful reminder of the potential for widespread destruction should they ever be unleashed in a full-scale nuclear exchange.

Our experience in Hiroshima and Nagasaki taught us something. We learned from the experience with nuclear weapons and the experience since the end of World War II that strategic nuclear arms are not suitable for achieving normal military objectives. The uniqueness of strategic nuclear weapons lies in the fact that their purpose is to deter the outbreak of conflict and to deter the use of similar weapons by any potential adversary.

Former Secretary of Defense Melvin Laird, with whom I had the privilege of serving in the Department of Defense, has recently made precisely this point. Writing in the Washington Post on Monday, April 12, Mr. Laird stated:

> These weapons of mass destruction may be important for political purposes, but they are useless for military purposes. They do increase enormously the dangers of military confrontation. Our true strategic military needs have little to do with nuclear weapons except to deter their use against us.

For over three decades, the United States has relied upon strategic nuclear arms as the fundamental focus of our deterrent strength. The underlying concept has not been to achieve and maintain superiority over the Soviet Union, as such, but to purchase and maintain arms sufficient to the point that no aggressor would dare threaten us or use his weapons against us or our allies. The ability to inflict unacceptable damage on the Soviet Union, even after absorbing a Soviet first strike, has always constituted the bedrock of deterrence.

We are now asked to spend huge additional sums to modernize our strategic nuclear arsenal. Major programs are underway for all three components of the Triad—our land-, air-, and sea-based forces. On land, we are going ahead with the MX missile under the budget submitted. In the air, we are going ahead with the B-1. Our sea-based forces are continuing with the Trident. Much of this modernization is necessary, given the age of our own forces, the ongoing buildup by the Soviet Union, and the absence of an arms control agreement which would curtail the Soviet's own strategic program.

But the question must be asked: Will this Nation be more secure after this modernization? Are we going to be better off? Can this modernization alone, without arms limitation agreements, enhance our own security or that of our allies? Can we ever hope to achieve anything approaching superiority over our principal adversary? The answer to these questions is clearly "No."

Just as we would never allow the Soviet Union to attain a strategic advantage over us, so they will not allow us an advantage over them. We are not going to be able to outspend the Soviets into oblivion. Moreover, at levels of armament as high as those currently possessed by both the United States and the Soviet Union, the notion of militarily significant superiority is without meaning, for at such high levels, marginal differences have negligible significance.

It is the existing condition of rough parity that is precisely what gives each side a common stake in negotiated arms control agreements. These agreements would maintain equivalence, contribute to stable deterrence, and, in the long run, lead to reductions both in the numbers of nuclear weapons possessed by each side and in the money spent to acquire and maintain them.

The U.S. defense budget is not unlimited. If we are to budget our resources for defense wisely, if we are to purchase the maximum amount of security for our dollars, we should be spending our money on those forces most likely to be needed for those conflicts which are much more likely to occur than nuclear war.

Mr. President, what is the problem? What is the greatest danger we now confront? It is not a nuclear war; it is a conventional war of some type. What good are the British nuclear weapons in the Falkland Islands dispute? That is not a situation for nuclear arms. Nuclear arms, as Secretary Laird said, are for deterrence against a nuclear attack.

We, in the United States should be improving the readiness and capabilities of our conventional forces, increasing their ability to deter nonnuclear conflicts and to protect United States and allied interests throughout the world.

In the absence of meaningful arms control agreements, the pressure will be ever upward on that portion of the defense budget that is devoted to strategic expenditures, at the expense of conventional forces.

RECOMMENDATIONS

Where, Mr. President, do we go from here?

Let me outline the actions I believe should be pursued as matters of high priority:

First, I believe it is imperative that both sides continue to adhere to the terms of the SALT II agreement, an agreement which, of course, we recognize the U.S. Senate has not ratified. Nonetheless, we should adhere to it and, indeed, we have been adhering to it. This treaty provides a basis for future negotiations and it gives us some stability in the strategic relationship between the two superpowers. So, first, stick to the terms of the SALT II agreement.

Second, we should continue the ABM Treaty in force. The treaty comes up for review this year, and there may be calls for its abrogation or for substantial modifications by those who have become enamored with new technologies for ballistic missile defense. Pursuing such fantasies would be a mistake.

Not only do I believe that the technical problems of ballistic missile defense have not been solved, but I also believe that those who call for the treaty's abrogation have failed to recognize what its absence would mean for strategic stability. The Soviet Union, if permitted to defend all of its land-based missiles, would enjoy greater benefits than the United States, and the balance would be less equal. Abrogation of the ABM Treaty would further dim the prospects for future strategic arms control agreements. Any changes to the ABM Treaty should be the subject of the most careful scrutiny and the most deliberate negotiations.

So, first, stick to SALT II agreement.

Second, adhere to and continue with the ABM Treaty.

Third, we should commence talks on strategic arms limitations as soon as possible—and that means we must not miss the administration's target of this summer.

I commend the administration for the target they have set. This Senator, for one, will give every bit of support to those talks, and I believe we should move forward as swiftly as possible.

Mr. President, we stand today at a historic juncture. Just as we are being asked to make far-reaching decisions on the shape of our strategic forces, we also have the opportunity to bring fresh effort and new insights to the strategic arms control process.

The nuclear arms race is a dark cloud over the future of mankind. The time is now more critical than ever before to move resolutely to halt the self-defeating race and to bring increased security and well-being to the American people and the world as a whole.

Mr. MATHIAS addressed the Chair.

The PRESIDING OFFICER (Mr. HUMPHREY). The Senator from Maryland is recognized.

Mr. MATHIAS. Mr. President, I thank the Senator from Rhode Island, on behalf not only of the Senate but also of the American people, for the thoughtful statement he has made. It is of greater value because of the personal credentials the Senator from Rhode Island can invest in the judgments he has made and which he has delivered to the Senate this morning.

He has been the Secretary of the Navy. He has been forced, by the responsibilities of that office, to think in a professional way about the defense problems of this country, about the security of the United States of America. So, when he talks about the dangers of the nuclear arms race, he is talking as a professional, as one who has really thought about this problem and has not simply been caught up by a wave of emotion. He has been faced with the hard facts of national defense.

Of course, his experience as a member of the U.S. Marine Corps in World War II lends support and strength to the statement he has made today. No one can doubt the patriotism and personal commitment which is apparent to those of us who know the Senator from Rhode Island.

Almost a month ago, a dozen Members of the Senate, including the Senator from Rhode Island and the Senator from Washington, who is also on the floor, joined to submit Senate Resolution 343, calling on the President to immediately "invite the Soviet Union to begin nuclear arms negotiations with respect to (1) strategic arms held by or proposed to be developed by either superpower; and (2) control of the proliferation of nuclear weapons and technology."

The administration has not responded to this call. No firm date has been set for the beginning of negotiations. But we are not alone in seeking such negotiations. The majority of the American people, according to the polls, support negotiations to reduce the risk of nuclear war.

The reluctance of the administration to embark on such negotiation reminds me of John Adams' observation to Thomas Jefferson: "By the time the Revolution occurred, a revolution had already taken place in the minds of the people."

In this instance, too, the American people are out in front of their leaders. Today, after 3½ decades of attention to other matters, American public attention is focused on this central issue of our time—how to reduce the risk that nuclear war will ever occur.

This is an important development. As one who was at Nagasaki and was at Hiroshima within a matter of weeks after the bombs fell on those two cities—a tragedy brought about by two relatively small nuclear devices by current standards—I have to be heartened by the attention that is now being given in this country to what the horrible consequences of a nuclear conflict would be for all mankind.

However, the fact is that we have not had any strategic arms negotiation with the Soviet Union since June of 1979, close to 3 years. In the intervening 3 years, both the Soviet Union and the United States have been vigorous in their efforts to improve their strategic weapons arsenals both qualitatively and quantitatively. I have elsewhere drawn attention to the serious negative implications for arms control of some of these specific programs.

Reducing the risk of nuclear war is the most urgent task that I think faces us today, and the pursuit of that task requires us to talk to and negotiate with the Soviet Union. We may not approve of the behavior of the Soviet Union. We may be properly suspicious of their actions and of their motives. But we both occupy a limited space on the same fragile planet, and we both have the capacity to make the planet uninhabitable. We both have a stake in a peaceful future, and we both need to talk to each other about this subject.

So our urgent responsibility must be to return to strategic arms negotiations with the Soviet Union. I have come to the conclusion that the Reagan administration has had the time necessary to prepare for these negotiations, and I believe that the time to start "start" is now.

This conclusion is underscored by an interesting pair of columns that appeared yesterday in the Washington Post, placed in juxtaposition to each other on the op-ed page: one, by Joseph Kraft, entitled "Let's Go Sensibly at Arms Control," and the other, by James Jackson Kilpatrick, entitled "But by All Means, Let's Go." When you get Joe Kraft and Jack Kilpatrick in agreement on this subject, the time to start is now.

Mr. President, I ask unanimous consent to have these columns printed in the RECORD.

There being no objection, the columns were ordered to be printed in the RECORD, as follows:

LET'S GO SENSIBLY AT ARMS CONTROL . . .

(By Joseph Kraft)

The administration is now declassifying a broad range of information relative to the stockpiles of nuclear weapons in the United States and Russia. The new numbers show that this country's arsenal is lower than at any time since 1958. The modernization program now being pushed by the Reagan administration will add a few hundred weapons—not the 17,000 widely reported.

The Russians, of course, have raised significantly the number of nuclear weapons in their arsenal. Even so, the levels are not such that either side has a clear incentive for attack. On the contrary, the nuclear balance remains relatively stable. It can be made safer by sensible arms controls.

At the moment, to be sure, the arms control prospect does not seem overwhelmingly bright. A group of high officials, centered in the Pentagon, argues forcefully that the United States is far behind the Russians in military power. They want to assure an American defense buildup before they close with Moscow on arms control. The president, judging by many offhand comments, appears to sympathize with that view.

But Washington is dominated by a budgetary crunch that is producing a strong push for cuts in defense spending. There are also swelling movements, here and in Europe, for nuclear disarmament. In response to their pressure, the Reagan administration has already begun talks at Geneva with the Soviets on intermediate-range missiles based in Europe. It has promised to initiate Big Two negotiations this summer on long-range missiles—the so-called Strategic Arms Reduction Talks, or START.

The Pentagon planners expect to contain the arms control sentiment by proposals for very deep cuts in nuclear weapons. The cuts would impinge more heavily on the forces of the Soviet Union than on those of the United States. The probability is that the Russians would reject the offer, thus leaving the United States free to move ahead with the defense buildup.

But the Pentagon proposals are technical and complex. They involve something called units of account, which mix numbers of launchers with numbers of warheads and amounts of throw weight. They demand elaborate provisions for inspection and verification. They are thus highly vulnerable to counterproposals that are political and simple—proposals that meet the public appetite for limits on nuclear weapons, and that are easy to understand.

Secretary of State Alexander Haig is the chief exponent of the simple, political approach. He has stood off the Pentagon in bureaucratic talks at the technical level. He has used uncertainties in Poland to postpone approval of the Pentagon initiatives. He has plans to urge upon the president proposals that are negotiable with the Russians.

The president, on his own motion, has already showed receptivity. In a seemingly casual remark, made without heavy staff input, Reagan declared that he would announce the American position on START at a special disarmament session of the United Nations General Assembly in June. He invited Leonid Brezhnev to come to the U.N. also, and suggested the two men might get together.

Moscow has not said no. And it appears that the Reagans are interested if Brezhnev's health holds up. It might, in that connection, be useful to point out that an appearance at the U.N. requires much less in the way of protocol appearances than a visit to Washington. But whatever the consequences of the president's gambit, the fact that he made it is highly revealing. Reagan may not be deeply into megatons and counterforce, but he understands the politics of peace.

In those conditions, a certain discipline imposes itself on those of us keen for arms control. It is not useful to push the administration to the wall with proposals for a freeze that—as the numerous versions make clear—is extremely hard to define. Nor does it help to insist on moves—such as non-first use of nuclear weapons—that weaken the administration's bargaining power in crisis situations, such as those obtaining in the Near East and the Falkland Islands.

It is useful, of course, to keep up the pressure. But the fruitful way is by coming forward with simple, straightforward proposals. One example is the suggestion, by Prof. Sidney Drell of Stanford that both sides agree to limit the total number of launchers and warheads held by each to 10,000. Another is the scheme put forward by former White House aide William Hyland, whereby this country would abandon plans for a new missile, MX, if Russia agreed to scale down deployment of its giant missile, the SS18. Such ideas, instead of confronting the administration as a whole, deal cards to the proponents of arms control in the inside.

. . . BUT BY ALL MEANS, LET'S GO

(By James J. Kilpatrick)

This is the perfect time of year in our capital city—a time of tulips and daffodils and cherry blossoms, of greening willows and warming sun. For the next several weeks Washington will be the most beautiful capital in the world, lovelier than London, more enchanting than Paris.

It is thus a most appropriate time to think of Washington in flames, of Washington destroyed.

For the first time since we incinerated the people of Hiroshima, 37 years ago come August, Americans are beginning to think upon such things. We are beginning to comprehend the consequences of atomic war. The spring brings a stirring of imagination, of apprehension, and if God please, of determination also.

It is an astonishing development in our public affairs, this awakening from a deep sleep. From time to time in these 37 years, generally on anniversary observances, we have heard talk of Hiroshima. We have been kept informed of nuclear tests, of new members joining the multinational nuclear club. Our political leaders have engaged in well-publicized debates upon the limitation by treaty of nuclear arms.

Yet it is a curious thing. It is only now, in this spring of 1982, that both here and abroad the unthinkable is being truly thought. Three books about atomic war are scheduled for April publication; the news magazines are filled with analyses and interviews; two earnest resolutions, impressively sponsored, are pending in the Senate. Last week, after a faltering start, Mr. Reagan seized the initiative. He proposes face-to-face talks in June with Leonid Brezhnev on measures that might be taken now toward arms control.

Victor Hugo once remarked upon the impossibility of resisting an invasion of ideas. That is what we are seeing this spring. Some of the invading ideas are horrifying. The idea of Washington in ruins is such an idea. We are beginning to understand, in ways we could not or would not understand before, what nuclear holocaust would mean.

Other ideas, constructive ideas, are gathering force. A conviction is growing that the mind of man, having conceived the idea of self-destruction, is equally capable of conceiving self-salvation. An earthly Armageddon is avoidable. Means can be found—prudent, achievable means—for preventing the ultimate, irreversible madness of nuclear devastation.

In this awakening process, we grow impatient with petty haggling over imaginary numbers. What earthly difference does it make if the Soviet Union has 7,868 megatons of destructive capacity and we have only 3,505 megatons? Is it really material that we have 9,480 warheads and the Soviets have but 8,040? Does any person seriously suppose that if we were to double our nuclear arsenal, while the Soviets obligingly stood still, such "parity" would have meaning?

I doubt that the figures have meaning even to the military or the diplomatic mind. The theory of mutual assured destruction is a fine theory. It lacks only the virtue of reality. A point was reached long ago at which both the United States and the Soviet Union had such monstrous arsenals that further accretions became senseless. These have been 37 years of lunacy, of idiots racing against imbeciles, of civilized nations staggering blindly toward a finish line of unspeakable peril.

The immediate necessity is to call a truce, to stop the further buildup of nuclear weapons by either side. Such a freeze, we are told, would leave a dangerous "imbalance" of nuclear arms in Europe, but this is the kind of hypothetical tally-stick computation by which medieval penitents once counted their indulgences. Dangers are relative; risks can be calculated. Where is the greater danger and the greater risk—in accepting this supposed imbalance or in continuing the perilous race?

No one would minimize the difficulties in reaching an accord with the Soviet Union, but neither should these problems be magnified. In any event, the effort must be made, and it must be made now.

Mr. GORTON. Mr. President, I am pleased to join my colleagues, led by Senator MATHIAS, and Senator CHAFEE, in discussing the necessity for nuclear arms control. I find it heartening to see this vital question finally receiving political attention. I appreciate the efforts of Senator CHAFEE in arranging this forum for the benefit of all of us.

An increasing awareness of nuclear armament issues was readily apparent during my last week at home. The knowledge and concern of the citizens of Washington State about the debate over nuclear arms control, as well as the wealth of suggestions for future national strategic policies had notably increased over the last few months. It can be fairly said that our discussion here today, as well as the Senate resolutions on arms control recently introduced, are a reflection of our increasing awareness and that of our countrymen of the peril of nuclear holocaust.

There was a central theme to nearly every question and comment I heard on this issue: A consistent call for a safer and saner world. In my opinion, that world will only come about when the ever-increasing stockpiles of nuclear arms are controlled, restricted, reduced, and—if at all possible—eliminated.

Throughout my trip, I was asked to explain my personal perceptions about the future of the arms race and my preferences for American strategic policy. Having had the opportunity to share those views with my constituents, I welcome this opportunity to share them with my colleagues.

Mr. President I am, as you know, a cosponsor of Senator MATHIAS' resolution calling for talks with the Soviet Union on both existing and proposed nuclear armaments. The resolution also insists—correctly, I believe—that these talks encompass the proliferation of nuclear arms and how better to control that proliferation. I found the Mathias resolution—particularly as compared to other measures introduced on the arms race—to be the best focused and most compelling. The values of Senator MATHIAS' approach are three in number.

First, the resolution emphasizes the critical prerequisite for arms control: that the two sides talk. Arms control cannot be accomplished unilaterally. Any such policy would not only almost certainly risk the loss of national independence and personal liberty but would also be likely to increase the chances of armed conflict. The initiation of a meaningful dialog is the vital first step toward nuclear arms control.

A second highlight of the resolution proposed by my distinguished colleague from Maryland is that it does not include assumptions and speculation about the relative balance of power between ourselves and the Soviet Union. For the Senate to assert any such assumptions compromises the American negotiating position and can only detract from, rather than, contribute to the prospects for an agreement. Let the negotiators—our experts and theirs—answer such questions.

Perhaps the greatest virtue of the Mathias approach is the resolution's call for the inclusion of nonproliferation talks. Consideration of nonproliferation broadens the scope of the talks so as to encompass all of the arms control issues necessary actually to reduce the potential for the use of nuclear arms. Further, nonproliferation is an issue which should provide additional common ground for concern, and may help us focus on the fact that these talks are not simply designed to reduce a bilateral threat, but are to counter a nuclear menace which involves a multitude of nations and quarrels.

Finally, not to talk—and not to talk soon—is to guarantee a status quo of escalation. Only by considering all aspects of nuclear proliferation will there be any promise of real success, and only by painstakingly considering the entire issue can we hope for a genuinely safer future.

I thank Senator CHAFEE and my colleagues for this opportunity to discuss the nuclear arms control issue here today.

Mr. CHAFEE. Mr. President, I wish to thank the distinguished Senator from Washington for his excellent contribution to this discussion today and for the support which he has evidenced for so long for significant arms control discussions with the Soviet Union.

As the Senator from Washington mentioned, he is a cosponsor with others, including myself, of the resolution submitted by the distinguished senior Senator from Maryland urging arms control limitation talks.

I also wish to thank the senior Senator from Maryland for his very fine statement and the kind words he said about my contribution to these efforts.

Mr. President, as both the Senator from Maryland and the Senator from Washington pointed out, the country is way ahead of the political leaders on this issue. No matter where we go in our some States across the Nation—here the Senator from Maryland and I coming from the east coast of the United States, the Senator from Washington from the west coast, the senior Senator from Illinois obviously coming from the heartland of the country—no matter where it is the same plea from the people: "Let us start on these nuclear strategic arms limitation talks to curb this insanity that is going on in which nation after nation, and particularly the two superpowers, are engaged in this destabilizing race."

There is the costliness of it, but more than that, there is the danger that it presents to the world. This is a world danger. It is not just a danger to the United States or danger to the Soviet Union. No one in his right mind believes that these two nations could engage in a nuclear exchange without it destroying the whole world as we know it. The global ecosystem and the food chain would be upset, and the world would never be the same as it is today.

Mr. President, I give credit to all of those who are bringing this message to the people. I particularly give credit to the distinguished former Ambassador to the Soviet Union and a great citizen, Thomas Watson, who has spoken on this subject throughout the country and is one of the premier civilian spokesmen on behalf of nuclear arms limitation talks.

Mr. President, I see some of my distinguished colleagues here, and I am glad to yield to them any time that they wish.

Mr. PERCY. Mr. President, I commend Senator CHAFEE and Senator MATHIAS for organizing this colloquy on nuclear arms control. There is no single issue more deserving of our attention than halting the costly and destabilizing nuclear arms race. It is imperative that we in Washington understand why Americans from all walks of life, from all educational levels, and from all parts of the political spectrum are now demanding that we move without further delay to end this mindless weapons competition.

Last month, I had the opportunity to participate in a town meeting in Winnetka, Ill., which vividly illustrated why this grassroots movement is gaining such momentum and force. At this jam-packed meeting, which was the largest such gathering on the North Shore of Chicago in which I have ever been involved, one clear and consistent signal came through: Americans are anxious and indeed frightened by the prospect of nuclear war in their lifetime. There is anxiety over reckless statements that nuclear war might be survivable or winable. There is anxiety over the plan to add 17,000 warheads to our arsenal over the next 10 years. And most of all, there is anxiety over the delay in opening negotiations with the Soviets on strategic arms reductions.

The time for negotiations is past due. I am encouraged by President Reagan's recent statement that the new Strategic Arms Reductions Talks (START) should be underway by this summer and fully support his proposal that President Brezhnev meet with him in June at the U.N. Second Special Session on Disarmament. Nonetheless, past administration estimates as to when START might start have come and gone, yet we still do not have a date certain for commencing this vital undertaking.

Mr. President, I join with my colleagues this morning in urging the President to move immediately and decisively to initiate these long overdue negotiations. Let there be no more delays and no further postponement of final decisionmaking on START. The time for action is now.

Mrs. KASSEBAUM. Mr. President, I appreciate the Senator from Rhode Island yielding to me because I am proud to join with him in the colloquy this morning on the Mathias resolution.

Mr. President, there is a consensus forming on what must be considered the ultimate foreign relations issue—nuclear disarmament.

At present it is a threshold consensus. It merely says that the American people and their Western allies want to see an end to the nuclear arms race.

This consensus, reflected in the nuclear freeze movement, did not form overnight. It has been in the making since Hiroshima.

During subsequent years, through Democratic and Republican administrations alike, our policy has been that a nuclear war is both unsurvivable and unthinkable, that there is no way in which nuclear weapons could be employed that would not involve the high probability of general nuclear disaster. If survivability was an issue at all it was an issue for all mankind, not merely an issue for those who expect to be on the winning side of a nuclear war.

Writes Jonathan Schell in "The Fate of the Earth":

> Of all the hopes of human beings, the hope that mankind will survive is the most modest since it only brings us to the threshold of all the other hopes. In entertaining it we do not yet ask for justice or for freedom or for happiness or for any of the other things that we may want in life. We do not even necessarily ask for our personal survival. We ask only that we be survived.

This hope of "being survived," Mr. President, was at the heart of Eisenhower's "open skies" proposal, Kennedy's test-ban treaty, Nixon's SALT I, Ford's Vladivostok agreement and Carter's SALT II. Recently it was the inspiration for President Reagan's "zero option" offer to reduce our nuclear arsenals in Europe. More recently it motivated his invitation to Leonid Brezhnev to meet this summer to begin a new round of global disarmament talks.

But survival in the nuclear sense is paradoxial. The strategists tell us that in order for mankind to survive the nuclear age it must insure that nuclear war is not survivable. This seemingly convoluted logic, translated into the policy of deterrence, has nonetheless prevented nuclear war for the last three decades.

That brings us to the question of whether deterrence alone can prevent a nuclear war for the next three decades. And that in turn brings us to the current nuclear debate.

On one side we have those who believe deterrence will continue to work only if we close the so-called window of nuclear vulnerability by building even more nuclear weapons. On the other side we have those who, counting up the thousands of nuclear weapons in the world already, have their doubts.

This latter argument, the nuclear freeze argument, says that enough is enough. It says that disarming the world is not as difficult as the State Department and the Pentagon would have us believe. The United States and the Soviet Union merely have to stop making nuclear weapons and begin reducing their stockpiles from there.

The freeze movement, whatever one might think of its strategic merits, has created a welcome pressure for negotiations. It has inspired a valuable, forthright national debate that I hope will be expanded to include not only the number of nuclear weapons but the companion issues of nuclear testing and proliferation. I would hope this debate remains constructive rather than divisive.

Discussing U.S. nuclear potential, Secretary of State Alexander Haig said this:

> It is right that each succeeding generation should question anew the manner in which its leaders exercise such awesome responsibilities. It is right that each new administration should have to confront the awful dilemmas posed by the possession of nuclear weapons. It is right that our nuclear strategy should be exposed to continuous examination.

I would add, Mr. President, that we also expect such an examination to reflect in its bipartisan nature the gravity of what is being examined—the future of mankind.

In addressing the other resolutions before the Senate, Mr. President, I feel it would be wrong for us to bind the hands of this President or any President on an issue as critical and as complicated as strategic nuclear disarmament. The language of any resolution, however well-meaning, that narrows U.S. options can easily increase the difficulty of mutual nuclear disarmament, not decrease it.

I do not believe it constructive for Congress to detail how strategic arms controls are to be negotiated. The Senate's constitutional role, to advise and consent with respect to treaties, applies after, not before, a treaty is negotiated. Therefore, Mr. President, I have cosponsored the resolution introduced by the distinguished Senator from Maryland (Mr. MATHIAS). It does not prejudge the negotiating position of the President. It does not tell him what he must do and not do to achieve meaningful arms control.

To quote the resolution:

> The President should immediately invite the Soviet Union to begin nuclear arms negotiations with respect to 1.) Strategic arms held by or proposed to be developed by either superpower; and 2.) control of the proliferation of nuclear weapons and technology.

Strategic arms reductions may be an impossible dream, an ideal in a world which is anything but ideal. But what, Mr. President, is the alternative?

George Kennan has said it best:

> We are confronted here with two courses. At the end of one lies hope—faint hope, if you will, uncertain hope, hope surrounded with dangers, if you insist.
>
> But at the end of the other lies, so far as I am able to see, no hope at all. Can there be—in light of our duty to the continuity of the generations—any question as to which course we should adopt?

I thank the Chair and I yield the floor.

Mr. CHAFEE addressed the Chair.

The PRESIDING OFFICER. The Senator from Rhode Island.

Mr. CHAFEE. Mr. President, I would like to thank the distinguished Senator from Kansas for that very fine statement. I think the points she raised were excellent ones, particularly the point she made that it is not her objective, nor should it be the objective of the U.S. Senate, to in any way bind the President's or our negotiators' hands in talks with the Soviet Union on strategic arms limitations. I completely concur with that.

The purpose of this colloquy, at least from my point of view, is to give us each a chance to set forth our thoughts on this extremely important subject and to indicate to the administration the urgency that we believe exists for proceeding as soon as possible with these talks. We also wish to reflect to the administration the feeling we have sensed from our constituencies, from the people, that this subject must be dealt with because of the peril that confronts the world unless something is done, and done swiftly.

Mr. DANFORTH addressed the Chair.

The PRESIDING OFFICER. The Senator from Missouri.

Mr. DANFORTH. Mr. President, I would like to thank Senator CHAFEE for his leadership in putting together today's colloquy. It is a further opportunity for the U.S. Senate, this greatest of all deliberative bodies, to set aside some time to address our attention to what is clearly the most important moral issue in the history of the world. The most important moral issue in the history of the world is to prevent the annihilation of creation, and that is what would be involved in a nuclear war.

One problem with this whole issue is that a nuclear war is so terrible that we prefer not to think about it. A nuclear war has often been called the unthinkable, and because it is unthinkable we prefer not to address our attention to it. It is just too terrible. We would much rather get on to other matters such as, for example, whether or not we should televise the Senate. Now there is an issue on which we can focus attention and address and have strong differences of opinion.

But whether we decide to televise the Senate or not televise the Senate we are not going to blow up as a consequence of that decision.

The nuclear issue, by contrast, is one which is so large and which is so terrible that it is very hard to keep it foremost on our minds, and we do not. It is not on the front burner. It has not been on the front burner of national attention. It has been very much on the back burner and it has particularly been on the back burner since it was clear that the SALT II Treaty was not going to be ratified by the Senate.

Therefore, it has been secondary. We have been talking about the economy, we have been talking about school prayer, we have been talking about everything else we can think of except the problem of nuclear destruction.

But what has happened in the last couple of months has been remarkable, and maybe providential, and that is for one reason or another, because of the concern of Europeans, because of the fact that a freeze resolution was introduced in the Senate, for one reason or another the question of how to control nuclear weaponry has been moving from the back burner on to the front burner.

Today's colloquy, which has been organized by the Senator from Rhode Island, is a further opportunity to keep that issue on the front burner, to direct national attention to the question of preventing nuclear destruction.

Now, the freeze resolution is very easy to comprehend. In fact, in the single word "freeze," is something that is very attractive and can succeed. It can be put on a bumper sticker and it has been put on bumper stickers—"freeze." For that reason, the freeze resolution has served a real purpose, because it has further focused attention on this very crucial issue, this unthinkable question.

My own view—and I share the view of Senator MATHIAS, and I share the view of Senator CHAFEE and others—is that the freeze strategy is not the best strategy to achieve the desired result; that is to say, that if we were to say that we should have a freeze right now, that would be a statement that the presence of the SS-18, the existence of the SS-18, the very large multiwarhead, very accurate ICBM that is held by the Soviet Union is not really destabilizing and that we can freeze the present state of affairs with that very large destabilizing weapon in place. Nor does it seem to me that stability and peace in the world is acquired by a unilateral declaration by the United States.

Clearly, if we are going to have a more peaceful world and a more stable world, it requires more than a unilateral position by our country. It requires a negotiated position, and an agreed-upon reduction entered into by both the United States and the Soviet Union.

So, it seems to me that the question really now is one of strategy. If we can agree that the threat of nuclear war is real, if we can agree that the concept of a winnable nuclear war is not only wrong but is crazy, then the question is: "Well, how do we go about it?"

It would be my hope that, for starters, the United States and the Soviet Union could agree upon a single breakthrough, and the single breakthrough would be to, at the very least, get rid of the largest, most destabilizing of the ICBM's; that the United States and the Soviet Union could perhaps agree that in exchange for the dismantling of the SS-18, we would not proceed with the MX program. Now that would be a starter which would remove the possibility of the so-called first-strike counterforce attack. And it would seem to me that that would be a very practical line for the United States and the Soviet Union to pursue.

But I think that if we are going to be pursuing that sort of approach, if we are going to begin making initiatives ourselves as a country in the area of nuclear arms control, it is going to call for continued attention on the part of the Congress of the United States and indeed on the part of the American people. This is one area where the American people have seized the leadership. And I welcome their leadership. I think it is going to have to continue to be a matter of popular concern in the years to come.

Mr. LONG. Will the Senator yield?

Mr. DANFORTH. Certainly.

Mr. LONG. Does the Senator view inspection as being essential to any effective agreement for nuclear control between the Soviet Union and the United States?

Mr. DANFORTH. I view verification as being, obviously, important. It is important not to simply trust what another country tells us. There has to be a means of verification.

I think that the question of how the verification is achieved is a technical issue more than a political issue; that is, it is possible, I suppose, that it can be achieved by satellite monitoring or by flyovers and so on. And I think that that is particularly true with respect to the large ICBM's. I think that that would be a particularly ready area to pursue with respect to monitoring.

Mr. LONG. Does the Senator really think that by flyovers or by inspection from satellites one could really be sure that the Soviet Union was not building ICBM's under sheds and positioning them under sheds in various places and that they were not, for example, working by night to move them around so that they would deceive us, as they have been known to deceive others in other situations?

Mr. DANFORTH. Let me say, again, I think that the question of monitoring technique is more of a technical question, more of a question for engineers and scientists than it is a question for a politician. But I do believe that it is possible to attain verification. And I do believe that it is particularly possible to attain verification for the most stable destablizing of all the weapons systems.

Mr. MATHIAS. If the Senator will yield just a moment on that point, I would agree with the Senator from Missouri that this is a highly technical aspect of the problem and one upon which we are dependent on experts. I, myself, have great difficulty when my television is not quite in tune. My wife tells me that I am hopeless in even getting it into focus. I would have to very quickly call an expert in dealing with electronics problems.

But I would say to the Senator from Louisiana that, of course, there are many tools available for verification. For example, one of the most important clauses in the SALT II treaty, which both the Soviet Union and the United States have agreed not to contravene even though it has not been ratified, is that which prohibits the encryption of telemetry, so that we may know the kind of capabilities that are built into the missiles that are being developed by the other side. We can read their telemetry just as they can read our telemetry. And that becomes an effective tool for verification. It is not just the Mark I Eyeball that you have to rely on. There are these other tools, and all of them are going to need to be employed.

But what the Senator from Louisiana has raised that is so important is that verification is becoming harder. As the sophistication of nuclear weapons grows dramatically year by year, the difficulty of verification increases. And that is why this is an urgent problem. That is why time presses us. That is why we cannot just say we will wait until we get around to it, because, by the time we get around to it, verification may become so difficult that arms control, as we have known it in the past in the SALT era, may become a near impossibility.

So let us get on with it. As the Senator from Missouri has said often in the past, let us do something. And I think that is the cry that people are uttering all over the country.

Mr. LONG. May I say that I share the Senator's objectives. The question in my mind and I think many others, has been whether we can persuade the Soviet Union to work with the United States on some basis that we can feel that we are not being victimized by the kind of duplicity that that government has been known to practice. And the one answer might be to gradually move these atomic weapons out to sea, with the understanding that both sides would have areas in which they would confine their submarines and their nuclear stockpiles, in the hope that neither one would keep them on trail or on fire; that is, in a position that they could be fired immediately, so that it would take certain preparation before the missiles could be fired from either side to keep, hopefully, a surprise attack from being launched on either side.

But the stumbling block, in my view, has been that we were never able to persuade the Soviet Union to agree to any arrangement whereby those of us who would have to ratify it were confident that we were not going to be victimized by the bad faith of those on the other side. And I hope at some point that we can overcome that objection, because that seems to be the sticky point up to now.

Mr. DANFORTH. There is no doubt in my mind that verification is an essential ingredient in any arms control arrangement between the United States and the Soviet Union. It is also my judgment that the Soviet Union has not been known to verbally state accurate positions with respect to its present military buildup. And so I think that it would be wishful thinking to say, "Well, we can just rely on their word." Realism is a necessary ingredient in any arrangement between the United States and the Soviet Union.

I do not think that we can simply engage in wishful thinking. On the other hand, it is clear to me that there is a mutual self-interest on the part of both of our countries to try to reduce, to hopefully manageable proportions, the tension that is now existent between the United States and the U.S.S.R.

I believe that the way to proceed is precisely the way that has been put forward by the Senator from Maryland, that is to get on with the SALT process. I think that a negotiated bilateral arrangement between two countries is infinitely preferable to simply an announcement of, "Well, let us freeze."

I do not see any simple approach to resolving the issue, but I do believe that the whole question of arms control has suffered, particularly in the last slightly more than 2 years, by the fact that it has been understated as an issue, it had been understated as a concern, and it has been put far back in the back of our minds.

I might add one further point: It is not simply a question of trying to control nuclear arms buildups between the United States and the U.S.S.R. which is at stake. I hope we would not forget that the whole question of nuclear proliferation is perhaps even more dangerous than the problem that exists between our two countries. Consider the fact that the first atomic bomb was detonated in 1945. At that time, and for 5 years, only one country had a nuclear weapon. Then a second country joined, and there were only two members of the nuclear club. Now there are somewhere between six and nine countries with atomic weapons.

We read in the newspaper in connection with the Falkland Islands problem that Argentina is not far off from developing its own nuclear weaponry. What a threat that would be, if you have a country, Argentina, which feels certain domestic problems, economic turmoil, unrest within, and it attempts to divert the attention of its citizens from internal problems by focusing on the Falkland Islands. Give that regime a nuclear capability and then what is going to happen?

If the United States and the Soviet Union cannot reach some sort of mutal accommodation with respect to the relative positions of our two countries and our own nuclear capability, it would seem to me clear that at the very least we could arrange a mutual agreement that it is in the best interest of each of our countries to devise some sort of a deterrent or some sort of way of checking this expansion of the number of countries which have nuclear capability and which can develop nuclear capability. The estimates are that by the end of this century perhaps a couple dozen or maybe three dozen separate countries will have nuclear weapons. Well, consider in how many hands the nuclear button would be held. Consider how many regimes turning over every 4 or 5 years, a decade or so, would have the ability to begin a nuclear war.

I would hope that our focus would be on the bilateral problem, yes—that is obviously essential—but at the same time that we would not lose sight of the question of a nuclear proliferation and the need to somehow contain that problem.

Whatever progress is made will be difficult. There is no doubt about that. There are a lot of problems, as the Senator from Louisiana has pointed out, but I do believe that we have to get on with it. We cannot just say, "Well, this is too difficult. The nuclear genie is out of the bottle. Forget about that. We can never put it back. Let us go back and talk about televising the Senate."

We have to think about the unthinkable. We have to think about unthinkable problems. We do have a duty as Senators and as citizens of this country and, indeed, of the world, to give a much higher priority to this very serious problem.

I compliment the Senator from Maryland for his excellent resolution, and the Senator from Rhode Island for his leadership in putting today's colloquy together.

Mr. CHAFEE. Mr. President, I thank the distinguished Senator from Missouri for the contribution he has made today. This is a subject he has been interested in for a long time. He gave a very thoughtful speech on this floor about 3 weeks ago on this subject. He particularly addressed at that time the matter of nuclear proliferation. I think the points he has made are excellent.

How in the world can we have the moral leadership to urge these other nations—how many are there? Is it 7, is it 15? As the Senator said, it could be two dozen by the end of this century. How in the world can we urge them to forgo the development of weapons, to abide by various rules, if we are not in the position of saying, "We have done everything we can: we have entered into an agreement with the other major superpower in the world to curtail, to put caps on, to bring about limitations and reductions in the number of weapons"?

The two things go together: First, we must have these SALT talks or START talks begin. Name them anything. The name makes no difference. After they have begun, we will have the moral suasion to go out to other nations, in conjunction, I would hope, with the Soviet Union, and say, "Look, let us stop this whole business."

Mr. MATHIAS. If the Senator will yield at that point, I think it needs to be emphasized again and again and again that time is running out. This is not something on which we have the luxury of waiting until we are ready to act.

The point that is made by the Senator from Missouri, and repeated very forcefully by the Senator from Rhode Island, is that proliferation has become a part of the scene, and that I do not think is fully appreciated. Not only are there a dozen nations that now hold the bomb or the capability to make the bomb, but I am advised that there are some 25 privately owned corporations around the world that have the resources and the technology to make nuclear weapons.

This is not to imply that making a nuclear weapon is easy and that you can go out into your garage on a Sunday afternoon and put one together. But the fact is that this is becoming a curse that may not be able to be controlled. Today I believe, as the Senator from Rhode Island has suggested, it would have great moral force if the two superpowers could come to some agreement. But it may not have either moral force or practical value if we put it off to the point that the nuclear weapons are so widely held by dictators and even by subnational units so that what we decide is virtually irrelevant.

The point is that we have to start now and that, I think, is the value of the discussion which has been led today by the Senator from Rhode Island.

Mr. CHAFEE. I thank the Senator from Maryland for those thoughts. He has summed it up so well. The time is now.

I would like to address the point that the Senator from Louisiana raised, with his usual capability to get right to the heart of a matter.

The Senator from Louisiana raised the subject of verification. I would like to stress this in connection with verification: Agreements are not based on trust. It is not a question of the necessity of trusting the Soviets. There is not any trust involved in a SALT agreement.

What it is based upon is our ability to verify the actions of the Soviet Union. I have complete confidence in our verification capability and, indeed, there is, as the Senator from Missouri mentioned, a high incentive for the Soviets not only to enter such an agreement but to abide by it.

It is clear that there has been no violation by the Soviets of SALT I nor of SALT II to date. There were occasions when the Soviets did something which we immediately picked up, and there are occasions when we did something which they immediately picked up, which might have been interpreted as violations. But we have a commission to resolve these matters and I can repeat here that there have been no violations by either party that can go under the heading of intentional violations.

Furthermore, we have confidence in our verification system. It is not that we believe things might have happened that we did not pick up. We are capable of picking up these things, of monitoring the treaty.

Mr. President, in summation here, let me say the time to move ahead is now. There is no time to spend in delay. We must move forward as swiftly as possible with strategic arms control talks, for the sake of our Nation and, just as importantly, for the sake of the whole world.

Mr. President, I do not believe there are others prepared to speak on this and I am prepared to yield back the remainder of the time.

ROUTINE MORNING BUSINESS

The PRESIDING OFFICER. Under the previous order, there will now be a period for the transaction of routine morning business for not to extend beyond the hour of 12:30 p.m., with statements therein limited to 5 minutes each.

Mr. CHAFEE. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. PROXMIRE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The **PRESIDING OFFICER**. Without objection, it is so ordered.

ARE BATTLESHIPS VULNERABLE?

Mr. **PROXMIRE**. Mr. President, the debate over the vulnerability of battleships, by its nature, forces both sides of the argument to examine history for precedents on survival. Proponents of aircraft carrier survival, for example, often use statistics from World War II to support their contention that such vessels can be hit by conventional bombs and still retain a measure of operational status.

Of course, most of these arguments are specious, since the type of armament likely to be used against any capital ship today is vastly more sophisticated, accurate, and capable of one-shot kills.

Therefore, it is with great interest that I have noted an analysis of World War I and World War II battleship vulnerability prepared by Waldo Chamberlin, an emeritus professor of history at Dartmouth College. Examining each engagement where battleships were attacked in World War II, Professor Chamberlin concludes:

> During the war thirty-two battleships were sunk, or so severely damaged that they had to return to, or remain in their bases. Of these, seventeen were so badly damaged as to be immobilized—ten by aircraft, three by submarines, and one each by destroyers, mines or fire from other battleships. Fifteen were sunk—seven by aircraft, three by submarines, two by destroyers, and three by fire from other battleships.

We are bringing out of mothballs two and perhaps four World War II type battleships. The ships, their hulls, shielding and armor, are the same as World War II. But modern technology has greatly increased the lethality of the attacking weapons. Further, intelligence on the positioning of the vessel is now highly accurate and timely. Under these conditions, the vulnerability issue takes on a much more ominous texture.

Mr. President, I ask unanimous consent that the article and chart be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

THE BATTLESHIP MYTH

(By Waldo Chamberlin[1])

The decision to remove from "mothballs" (to modernize and renovate) the battleships *New Jersey* and *Iowa* at a cost of about $700 million (and then the *Missouri* and *Wisconsin* for a further $700 million, or a total of $1.4 billion) may be the most conspicuous of what Mr. Stockman has called the Pentagon's "swamp" of "blatant inefficiency . . . contracting idiocy" and "waste." The publicly stated reasons for de-mothballing battleships are, (1) use as gun platforms to support Marine Corps amphibious landings, and (2) invulnerability. Neither is viable. Whoever briefed the members of Congress who voted for the de-mothballing, either did not know, or failed to provide information on the history of modern battleships. The first of these was the British *H.M.S. Dreadnought*, commissioned in 1906 as the first "all-big-gun" ship, combining greater tonnage, heavier armor protection, more speed, and guns of larger caliber to create a ship much more powerful than any other then afloat. Thereafter, all battleships were "dreadnoughts," which became virtually a name for a class of ships. What is often overlooked is the fact that these battleships were built to be relatively invulnerable to attack from other battleships in a conflict between battle fleets. They were not built to bombard shore artillery, nor was their armor designed to protect them from torpedoes or mines.

To date there has been no public statement by the Defense Department as to where the *New Jersey* and *Iowa* might be used, but to understand what is involved, some knowledge of the record of the use of battleships to support amphibious landings is necessary. Battleships have been so used only at the Dardanelles in 1915, and in World War II in the Pacific and at Normandy. In each instance, they were effective only against shores undefended by heavy artillery and aircraft. In 1915 battleships cleared the way for an invasion of Gallipoli, but the army was unable to capitalize on the temporary advantage thus obtained. In the Pacific in World War II, battleships supporting amphibious landings never had to face opposition where there was both heavy artillery and aircraft. The only real opposition to the battleships was, as at Guadalcanal, Japanese cruisers and battleships. In Normandy the battleships were opposed by German heavy artillery, but the Allies had control of the air.

The only Soviet territories against which battleships might be used are the Kola and Kamchatka peninsulas, all other shores requiring attack through terribly hazardous inland passages. Such beaches as might be attacked are defended by heavy artillery, aircraft and missiles that would sink battleships long before they could get within the 25 mile range of their 16 inch guns. The only beaches where battleship support of amphibious landings might be effective, are the undefended, or lightly defended areas of weak third-world countries. To spend a billion dollars for such limited purposes is surely within the "swamp" of Pentagon "waste"; particularly when equally, or more effective smaller missile carrying ships can be had at a fraction of the cost.

The myth that battleships are invulnerable, or "highly survivable," is just plain wrong. World War I was hardly started when a German submarine sank three British armored cruisers within a few minutes. The *Aboukir*, the *Hogue*, and the *Cressy* did not have the armor of battleships, but the Admiralty was made painfully aware of the vulnerability of warships to torpedo attack. A month later further vulnerability was demonstrated when *H.M.S. Audacious* was sunk by a mine. On May 31st, 1916 the battle of Jutland was the last great confrontation between battlefleets. The British Grand Fleet had twenty-eight dreadnoughts, to sixteen for the German High Seas Fleet, but the British turned away from an attack by German torpedo boats, a maneuver that "probably cost Jellicoe the decisive victory almost in his grasp".[2] That same night Jellicoe decided not to turn east to prevent the High Seas fleet from returning to its bases, because of fear of German mine fields. This is evidence of the World War I vulnerability of battleships to mines and torpedoes.

World War II was underway for only six weeks when a German U-boat penetrated the British base at Scapa Flow and, with three torpedoes, sank the battleship *Royal Oak*. During the war thirty-two battleships were sunk, or so severely damaged that they had to return to, or remain in their bases.[3] Of these, seventeen were so badly damaged as to be immobilized—ten by aircraft, three by submarines, and one each by destroyers, mines, or fire from other battleships. Fifteen were sunk—seven by aircraft, three by submarines, two by destroyers, and three by fire from other battleships.

So much for the myth of the invulnerability of battleships. With modern guided missiles, satellites and other technologies, it is difficult to understand how anyone can believe that the *New Jersey* or the *Iowa* will ever get within the twenty-five mile range of their sixteen inch guns to support an amphibious landing.

FOOTNOTES

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[1] Emeritus Professor of History at Dartmouth College.

[2] Potter, E. B. and Nimitz, Chester W. (eds.), *Sea Power a Naval History* (Prentice Hall, 1960), p. 448.

[3] List of battleships immobilized or sunk. An asterisk (*) denotes ships whose names appear in both the immobilized and sunk categories, because, in each case, the immobilization precedes the sinking.

	By aircraft	By submarine	By mines	By destroyer	By battleship
Immobilized:					
Italian	Cavour, Littorio, Dulio, Guilio, Cesare, Vittorio				
United States	Maryland, Nevada, Tennessee				South Dakota
Great Britain	Barham*	Queen Elizabeth, Valiant, Malaya			
Japanese				Yamato*	
German	Bismarck*	Tirpit	Scharnhorst		
Sunk:					
United States	Arizona, California, Oklahoma, West Virginia				
German	Tirpit*				Bismarck*
Japanese	Musashi, Yamato*	Kongo		Fuso, Yamashiro	Kirishima, Hiei
Great Britain		Barham,* Royal Oak			

Note: Total immobilized 17, total sunk 15, grand total 32.

FREEDOM FOR WALLENBERG

Mr. PROXMIRE. Mr. President, Raoul Wallenberg, a Swedish diplomat during World War II, helped approximately 30,000 Hungarian Jews escape Nazi occupation by issuing them false Swedish passports.

Wallenberg has been missing since the Soviets liberated Budapest from the Germans. In 1957, the Soviets announced that Wallenberg had died of a heart attack in 1947. Yet, there are those who claim to have seen him as recently as 1975 and 1979.

As reported by The Spotlight, the Simon Wiesenthal Center in Los Angeles recently held a dinner dedicated to Wallenberg's release from internment in the Soviet Union.

Following the dinner for Wallenberg, Liberty Lobby Chairman Robert Bartell honored Simon Wiesenthal, who has been searching for Wallenberg since 1969. He proclaimed:

> We are grateful to Simon Wiesenthal, a man who has been heavily publicized in The Spotlight, for his help in trying to bring pressure on the Soviet Union to free Raoul Wallenberg.

Indeed, both Wallenberg and Wiesenthal deserve commendation—Wallenberg for the lives he saved during World War II, and Wiesenthal for his dedication to pursuing ex-Nazis.

Mr. President, what better way exists to honor these two men than for the Senate to ratify the Genocide Convention, a treaty conceived following the Holocaust of World War II? Designed to insure the punishment of those who would exterminate a national, ethnical, racial or religious group, the treaty has been ratified by 85 nations—virtually every advanced nation in the world except the United States. Furthermore, when the American Bar Association contacted every branch of our armed services in 1976, each branch responded that the Genocide Treaty merited our support.

I therefore suggest that the time for the United States to ratify the Genocide Treaty has come.

Madam President, I suggest the absence of a quorum.

The PRESIDING OFFICER (Mrs. KASSEBAUM). The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. BAKER. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BAKER. Madam President, it is now 12:10 p.m., and it is possible for morning business to extend until 12:30 p.m.

I wonder if any other Senator has any other matter he wishes to take up.

Mr. EXON. Madam President, I advise the majority leader I will need about 2 minutes in morning business.

Mr. BAKER. All right.

May I first ask for unanimous consent on a time limitation agreement? And then I am prepared to yield the floor for that purpose.

Mr. EXON. I am happy to accommodate the majority leader if he will allow me a limitation of 3 minutes.

Mr. BAKER. Of course, the Senator has 5 minutes, and if he needs more, we will provide more.

Mr. EXON. I thank the majority leader.

TIME LIMITATION AGREEMENT ON THE PENDING SYMMS AMENDMENTS

Mr. BAKER. Madam President, I believe this request now has been cleared on both sides, and I will state it for the consideration of the acting minority leader and others.

I ask unanimous consent that at no later than 12:30 p.m. today, the Senate resume the unfinished business, Senate Resolution 20. Further, I ask that on the pending Symms amendments there be the following time agreement: 2 hours under the control of the Senator from Idaho (Mr. SYMMS); 2 hours equally divided between the chairman of the Foreign Relations Committee and the ranking minority member or their designees; and that at the conclusion of that time or yielding back thereof, the Senate proceed to a vote in relation to the pending Symms amendments.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BAKER. I thank the Senator from Nebraska for permitting me to offer this agreement at this time, and I say for the benefit of Senators who may be listening in their offices that at the conclusion of the remarks by the Senator from Nebraska I anticipate there will probably be no further need for time for transaction of routine morning business, and it may be that the Chair will close morning business in advance of 12:30 p.m.

Then the next order under this order is the Chair I believe will lay before the Senate the unfinished business at approximately 12:15 or 12:20 p.m.

I yield the floor.

(The remarks of Mr. EXON at this point in connection with the introduction of legislation are printed under Statements on Resolutions Submitted.)

The PRESIDING OFFICER. Is there further morning business?

Mr. LONG. Madam President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. SYMMS. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

THE NEED FOR ONSITE VERIFICATION UNDER ARMS CONTROL PROPOSALS

Mr. SYMMS. Madam President, I was in my office this morning and listening on and off to serveral of my colleagues who were discussing the problem of nuclear disarmament, SALT agreements, ABM treaties, and so forth, and I listened with great interest, but there seems to be one element that thus far has been missing in this entire debate to any degree and it has always been a great concern to me, and that is the question of onsite verification of the Soviets.

I think it is well and good for us to work toward a goal which we all wish to see of a world that has a lessening of tension and a world that has less capability in terms of blowing mankind into smithereens, but I think until the Soviets are prepared for onsite verification it is going to be very difficult for us to ever really truly achieve any kind of meaningful disarmament or meaningful reduction in the threat that we face on this Earth.

I hope that in any agreement that this administration would sit down and deal with the Soviets we make one uncompromising understanding with them, and that would be that we must have onsite verification. The day the Soviet Union says that they are ready to allow American technicians and scientists to go into the Soviet Union and investigate and have a look at what their capabilities are and start a true dismantling process and we can allow Soviets to come here for the same privilege, then I think mankind can certainly have some assurances of avoiding what we would all like to avoid in the future, and that would be the best way to achieve any kind of true disarmament that could bring about a peaceful solution between us and our adversaries, and I hope that that could be a part of the debate that we would discuss that one understandable question, and that is that we need onsite verification of physical inspection on the ground in the Soviet Union. Of course, we have offered it to them many times in the past, and they have always refused.

I think that that is the big underlying problem that this country faces, and the sooner we make that the central focus of our negotiations and if we could actually get some agreements from the Soviets, then I think we could see some real progress and some real headway made toward a disbanding of so many nuclear weapons that would then be unnecessary.

I yield back the floor, and I think the Senator from Arkansas is seeking recognition.

Mr. BUMPERS. Madam President, are we in morning business, or am I entitled to speak?

The **PRESIDING OFFICER.** The Senator is correct.

THE CHILDHOOD IMMUNIZATION PROGRAM

Mr. **BUMPERS.** Madam President, I have spoken many times about preventive health programs, particularly the childhood immunization program. Today I wish to point out to my colleagues that there is going to be a continuing struggle over the 1983 budget as far as the immunization program is concerned.

I am not going to repeat the dramatic progress this country has made in the last 3 or 4 years in immunizing all of our children against preventable childhood diseases, but I do want to point out that, under the President's projected budget for 1983 for this program, the number of children immunized is going to fall from 6.3 million in 1981 to an estimated 3.8 million in 1983.

The major reason is not that the President is proposing a large cut in the program, even though we are currently spending $2.5 million less than fiscal year 1981, but the fact that immunization costs have gone up 44 percent in the past 2 years and are anticipated to go up another 15 percent next year. So, you can see in the amount of money we are talking about, not only are we cutting it slightly but it will not even begin to buy as much vaccine.

The primary purpose for my being here this morning, Madam President, is to point out that two columnists, William Raspberry and George Will, have both written excellent articles in support of the immunization program. They have both hit very hard on the major reason why this program needs to be funded, and that is very simple: it is the most cost-effective program the U.S. Government administers. For every dollar we spend on the immunization program we get back about $90 in terms of health care savings and fewer lot man-hours of work.

Madam President, I ask unanimous consent that these two articles be printed in the Record.

There being no objection, the articles were ordered to be printed in the Record, as follows:

[From the Washington Post, April 9, 1982]

DON'T CUT IMMUNIZATIONS

(By William Raspberry)

Measles is virtually nonexistent. Polio is all but wiped out. A number of childhood diseases, some with potentially crippling effects, no longer are serious health problems.

That is the near-miraculous good news of a campaign, led and financed by the federal government, to get America's children immunized against these once-prevalent diseases.

The bad news is that the Reagan administration now proposes to cut back on the immunization program. It won't appear on the books as a cut: in these inflationary times, few things do. In fact, the president's fiscal 1983 budget calls for a modest increase in immunization funds over last year—$29 million as opposed to $28.3 million. But health officials say the $29 million would leave them about $5 million short of what is needed to immunize the same number of children as in fiscal 1981, when the immunization budget was $30.9 million.

In any case, we're talking peanuts: molehills of expenditures for mountains of benefits, including money benefits. For not only do the immunizations prevent the pain and suffering of the childhood diseases; they are also far, far cheaper than the cost of treating the diseases.

Administration officials insist that it isn't just false economy that has produced the proposed cutback in immunizations. Precisely because the program has been so successful, they say, nearly all America's children are immunized already, and the additional money simply isn't needed.

There's no questioning the success of the program. There were 21,000 cases of polio in 1952. Last year there were six.

But as Jane Stein of the National Journal notes, "The heart of the cost issue is the problem of the hard core of low-income children who don't receive immunizations . . . These children are difficult and expensive to reach because they require tracking down by school nurses and public health authorities."

As for the notion that the program has been so successful that only a modest effort is needed to sustain it now, Stein makes this point:

Between 1966 and 1968, the government spent $21 million on measles vaccinations, and the number of reported cases of measles dropped from 160,000 a year to only 22,000. Then in 1969, when a specific vaccine for rubella (German measles) was licensed, the government decided to put all its money into the rubella vaccinations. "With the pubic coffers bare," says Stein, "immunity against [other forms of] measles fell, and the number of cases rose to 70,000 by 1971."

Measles incidence fell back to 30,000 in 1971 after the government resumed its immunization program.

The National Journal reported a similar trend in the case of polio vaccinations. At one point, as much as 90 percent of the population had received the vaccine. Then government outlays for the polio immunizations fell to some $6 million a year, and the percentage of Americans who were protected from the disease fell to between 65 and 75 percent. Alarmed federal officials increased their outlays to $17 million, and immunization levels soared.

The whole sequence is entirely predictable, according to H. David Banta, a health official with the congressional Office of Technology Assessment. "When federal investment in vaccines falls, the doses administered in this country fell." And when the dosages decrease, the incidence of the diseases increases.

If Reagan's budget people don't understand this, they ought to talk to the people at the Center for Disease Control in Atlanta, where they have been pleading for an extra $5 million or so: a few million dollars to prevent diseases that might require a few billions in medical care.

As the oil-filter man puts it, we can pay now or we can pay later.

[From the Washington Post, April 11, 1982]

A SHOT IN THE ARM

(By George F. Will)

Recollected in tranquility, his tenure as secretary of health, education and welfare seemed to Joe Califano to have been an almost unbroken chain of controversies. But it was not entirely so:

"For every dollar spent on polio vaccine, our society saves $90 in [health care and rehabilitation] costs, the highest cost-benefit ratio of any public health program. . . . There isn't much controversy about even the most aggressive attempts to immunize children against the childhood diseases."

Today, however, there is controversy about almost everything, even about what it is that people are disagreeing about. For example, at his press conference last week President Reagan showed unusual pique when complaining, with obvious sincerity, about accusations that his budget is unfair to the poor. He said:

". . . [i]n an editorial in the paper this morning, that struck at us because they said that we were—had less money for vaccinations for children and therefore there was going to be more sickness and perhaps more child death. Well, what they didn't see was that we had—we actually have more money in for that program than we've had for others.

What the editorial (in The New York Times) said was:

"Washington pays to immunize children against dread diseases. In 1981, the total was 6.3 million children. The 1983 budget would vaccinate only 3.8 million."

If the president was asserting that his fiscal 1983 budget calls for more dollars for immunization than the fiscal 1982 budget, he was correct. But the Times was correct enough.

In fiscal 1981, spending for immunization was $30.9 million. That funded immunization of 6.3 million children, about 40 percent of all children immunized that year. In fiscal 1982, funding declined to $28.3 million. The fiscal 1983 budget stipulates $29 million. But at this level, the number of immunizations will be substantially reduced—perhaps halved.

The cost of vaccines is soaring. Only about half the nation's children are immunized by private doctors. And the most expensive publicly funded vaccinations are disproportionately for poor children, who must be tracked down. Thus cutbacks in immunizations will have a regressive policy effect there is apt to be more sickness, especially among poor children.

The seven infectious diseases include polio (which can result in paralysis), measles (one in 1,000 cases involves encephalitis, which can produce death or brain damage), rubella (German measles, which can produce birth defects when it strikes a pregnant woman), mumps, whooping cough, diphtheria and tetanus. Studies demonstrate an inversely proportional relationship between the amount of funding for control of diseases such as polio and measles and the incidence of these diseases.

In 1952, there were 21,000 cases of polio. Last year there were six. Before the development of the measles vaccine, almost every child had measles by age 15. Because of federally supported immunization there was a 90 percent decrease between 1966 and 1969. Then, because of decreased federal funding, there was a threefold increase by 1971. Today the disease is 99 percent conquered. New York city has more muggings per day than it has cases of measles per year. For less than the cost of one hour of Social Security ($17 million) measles could be eliminated in America by the end of this year. Instead, the disease may make a comeback.

By requiring immunizations before children enter school, all 50 states acquire a moral obligation to make vaccinations available to the poor. States should increase their spending to compensate for federal insufficiency. But many will not, and communicable diseases do not respect state lines.

Of course parents should not be complacent, or thrifty in ways that jeopardize their children's health. But federal policy should not jeopardize children who were careless when choosing parents.

Immunization is a government program that works spectacularly well. It is a facet of governments greatest achievement of this century, the public health improvements that have bred complacency about numerous diseases that, until a few generations ago killed millions and terrified everyone else.

As a result of the last rubella epidemic, there are 30,000 children who will require $2 billion in special care. Conservatives understand that there are occasions when governments must arm in order to disarm; they should understand that sometimes governments must spend in order to restrain future spending. A challenge for conservatives is to prove that government can be hardheaded without being hardhearted.

A niggling attitude about vaccinations does not help. Rather, it helps those who say conservatives think protectable human life begins at conception and ends at birth.

Mr. BUMPERS. Madam President, I yield the floor.

The PRESIDING OFFICER. Is there further morning business?

Mr. EXON. Madam President, I wish to commend once again my colleague from Arkansas for taking the prime lead in recognizing the unsatisfactory and unwarranted cutbacks by the administration in the child immunization program.

The Senator from Arkansas and I stood on the floor some time last year and were unsuccessful by rather a few votes, as I remember it, in reversing the actions against that program at that time.

Of all the Federal programs I have ever looked at from the standpoint of the cost-benefit ratio to the taxpayers in meeting human need and suffering and to cut down the costs of the Federal and State governments in the future, no program that has ever been enacted by Congress has done more than the child immunization program.

I am a cosponsor of the actions that have been initiated by the Senator from Arkansas in this regard, and I just hope our colleagues will not brush aside once again this program in the interests of following the administration line.

If the administration understood this program they would be for it. I think they simply have not been able to comprehend the magnitude of the positive results from a very comparatively small expenditure of Federal funds.

Once again I thank my friend from Arkansas for his leadership on this issue.

Mr. BUMPERS. I thank the Senator from Nebraska for his excellent comments.

FIRST USE: NO UNILATERAL RENUNCIATION

Mr. HATCH. Mr. President, the latest issue of Foreign Affairs contains an extremely provocative article. Written by four distinguished gentlemen, McGeorge Bundy, a former national security adviser to Presidents Kennedy and Johnson; Robert S. McNamara, Secretary of Defense in those same administrations; George Kennan, Ambassador to the Soviet Union in 1952, and Gerard Smith, the Chief Delegate to the United States-Soviet Strategic Arms Limitation Treaty (SALT) talks under President Nixon and an Ambassador at Large in the Carter administration, the article has stirred considerable debate in this country over the possible first use of nuclear weapons. Entitled "Nuclear Weapons and the Atlantic Alliance," the article was a bold attack on the policies of the Reagan administration. They attempt to lay the responsibility for the policy of first use of nuclear weapons at the feet of the current administration, knowing full well that they, themselves, were instrumental in the formulation and development of the policy.

The authors shroud their comments in the rhetoric of the "freeze" movement. To quote:

> It is time to recognize that no one has ever succeeded in advancing any persuasive reason to believe that any use of nuclear weapons, even on the smallest scale, could reliably be expected to remain unlimited.

This type of analysis fails to acknowledge that the policy was designed for deterrence, with the intent of preventing any type of warfare from breaking out. The resulting peace in Europe for the past generation is evidence that the policy has succeeded. This peace has developed and continued over a period of time when countless numbers of small outbreaks of warfare have occurred throughout the globe. To publicly renounce any first use of nuclear weapons would, as the authors acknowledged, place a much heavier burden upon the conventional defense of NATO.

While we believe that careful study will lead to a firm conclusion that it is time to move decisively toward a policy of no first use, it is obvious that any such policy would require a strengthened and confidence in the adequacy of the conventional forces of the alliance, above all the forces in place on the central front and those available for prompt reinforcement.

Once again the authors fail to adequately address the cost of increasing our conventional defenses. This cost is not just one-time procurement costs, but involves a long-term cost of both manning and maintaining these conventional weapons systems. The authors have mentioned an increasing reliance upon new high technology weapons to overcome Soviet advantages in some areas and I would submit to my colleagues here in the Senate that many of the critics of such weapons systems are the very same persons who would support the position now being taken by Messrs. Bundy, McNamara, Kennan and Smith.

The authors have mentioned the special relationship between the Federal Republic of Germany and the United States, suggesting that this relationship should be continued and nurtured. Once again they have overlooked many of the problems facing the relationship between these two countries. Public opinion, fanned by the growing peace movement throughout Western Europe has resulted in some disturbing results. In a recent poll published by the Allensbach Institute, Germany's leading public opinion research organization, it showed a majority of West Germans would welcome reunification with East Germany on the conditions that the country became neutral and leave NATO and that there should be a vote on what the country's "social order" should be. Three years ago, the concept had 38 percent in favor and 34 percent against; figures now show 53 percent in favor and 20 percent opposed. To remove the nuclear umbrella at this juncture in time would serve only those interested in promoting the current Soviet propaganda campaign, asserting that the United States is no longer interested in the security of Europe, but would use the people of Europe as a buffer zone against a possible attack upon the United States. Those of us who must deal with these problems on a day-to-day basis realize a more responsible position must be taken.

Mr. President, a very incisive editorial appeared in the Baltimore Sun this past week. This editorial, entitled "The Nuclear Debate," responds to the article in Foreign Affairs in a poignant manner. The Sun points out that:

> There is a perception right now that the Soviet Union has gained clear superiority in the field of intermediate-range land-based missiles targeted on European objectives.

As we all know, perception is worth much more than reality in the world of diplomacy and negotiations. As long as the enemy is perceived to be superior, or even equal, there will be a reluctance to attack. This is the principle we have lived with in Europe for over 35 years. To unilaterally renounce first use of nuclear weapons would be a clear signal, a dangerous signal, to the Soviets that any aggression by them would be tolerated in the view of our current shortfall of conventional strength.

I do not suggest that we will automatically resort to use of nuclear weapons, but that we retain the right to make our decision based upon the situation.

I ask unanimous consent that the editorial may be printed in the RECORD.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

[From the Baltimore Sun, Apr. 11, 1982]

THE NUCLEAR DEBATE

Robert McNamara, McGeorge Bundy, George Kennan and Gerard Smith have urged the United States to renounce "first use" of nuclear weapons. In effect these former architects of U.S. nuclear policy are asking the Reagan administration to dismantle a building they themselves helped design. They want to tear down a deterrent strategy that, for all its faults, has helped prevent World War III for 37 years. It is a wrecking job President Reagan and Secretary of State Alexander Haig want no part of—for good reasons.

First, Messrs. McNamara, Bundy, Kennan and Smith don't really mean what they say. In their broadside in Foreign Affairs quarterly, they state that the growing destructive power of nuclear weapons "has made it more difficult than ever to construct rational plans for any first use of these weapons by anyone." Fair enough. But at the end they concede that even if NATO and the Soviet bloc adopt a policy of no-first-use, "no one on either side could guarantee beyond all possible doubt that if conventional warfare broke out on a large scale there would in fact be no use of nuclear weapons." In other words, a no-first-use policy is no more credible than a first-use policy.

Second, Messrs. McNamara, Bundy, Kennan and Smith assume a greater readiness on the part of NATO to cross the great "firebreak" between conventional and nuclear weapons than really exists. In anticipation of the Foreign Affairs article, Secretary Haig pointedly noted that NATO strategy "retains the deterrent effect without making such a step in any sense automatic." In other words, a first-use policy is no more credible than a no-first-use policy.

Then what is the argument about? Like most nuclear theorizing, it is essentially much like a medieval dispute about the unknowable. The argument seems to be about military strategy but in truth it has more to do with political perception.

There is a perception right now that the Soviet Union has gained clear superiority in the field of intermediate-range land-based missiles targeted on Europeans objectives. In the early postwar era West Europeans could take refuge first in the U.S. nuclear monopoly and, later, in U.S. nuclear superiority. But once the Russians achieved parity, West Europeans wondered if the United States really would risk destruction in order to defend NATO territory. Henry Kissinger, in 1979, told our allies to stop demanding "assurances that we cannot possibly mean or, if we do mean, we would not want to execute." With regional nuclear balance tilting in Soviet favor, is it any wonder that there is a European peace movement?

The Kremlin has moved to exploit this advantage by proclaiming a readiness to freeze deployments now that 300 SS-20 missiles are in place and by stating a readiness to pledge no-first-use. Such blandishments have their effect in democratic societies. The nuclear buildup is madness, and so is the thought of destroying the earth by using them. So it is easy enough to go for a freeze and no-first-use. Unfortunately, it is also a mug's game.

The Russians have no more desire to blow up the world than we do. But they do desire political sway over all of Europe; they will not hestiate to exploit a perceived nuclear superiority to this end. That's why the current anti-nuclear weapons campaigns is too simplistic. That's why Mr. Reagan is so ill-advised in ascribing nuclear "superiority" to the Soviet Union. That's why the first priority in U.S. policy should be an immediate call by the president for talks on significant, verifiable arms reductions. Only in this way, can he regain control of Western nuclear policy.

THE CARIBBEAN BASIN INITIATIVE

Mr. ZORINSKY. Mr. President, the economic well-being of the Caribbean nations is important to the United States. However, the manner in which raw material prices are supported should be given consideration and study to see that there in no unfair competition to U.S. producers. For example, the proposed 12-year duty-free status for Caribbean sugar is cause for concern. A recent State Department press briefing revealed that the largest suppliers in the area—the Dominican Republic, Guatemala, and Panama—would be permitted to ship additional quantities of sugar duty-free, bringing the total for such to 780,000 metric tons from the Dominican Republic, 210,000 metric tons from Guatemala and 160,000 metric tons from Panama. This would amount to approximately one-fourth of our imports.

Permitting these additional duty-free imports of sugar is not consistent with an economically sound domestic sugar industry. World prices have slipped to approximately 10.5 cents per pound. This compares to the 1981 farm bill support rate which ranges from 17 cents in 1982, beginning October 1, to 18 cents in 1985. The low world price is less than the average cost of producing sugar in competing countries and is sharply below the cost of producing sugar domestically, even on the most efficient terms.

Market access does not, therefore, answer the problem of the Caribbean nations. It most certainly is not the answer to a depressed domestic industry. For example, a major refiner this past week has announced a 37.8 percent reduction in contracted acreage for 1982 in Kansas, Nebraska, Colorado, and Wyoming, and the closing of plants at Ovid, Colo., and Bayard, Nebr., for this production season.

The obvious overall remedy for the sugar crisis is a meaningful increase in the price range of the International Sugar Agreement to profitable levels and a comparable increase in the U.S. sugar stabilization program level. I am further concerned that the sugar proposal will have the effect of subverting the authority of the Secretary of Agriculture under section 22 of the Agricultural Act of 1935, to limit the import of products which either interfere with the conduct of a domestic farm commodity stabilization program or reduce the quantity of a product processed domestically. The language of section 22 is quite clear in declaring that:

> No trade agreement or other international agreement heretofore or hereafter entered into by the United States shall be applied in a manner inconsistent with the requirements of this section.

Until some actions are taken to undergird the sugar prices in the world market, Mr. President, I regard it as unwise to make trade concessions such as are proposed in the administration's Caribbean Basin initiative.

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Is there further morning business? If not, morning business is closed.

TELEVISION AND RADIO COVERAGE OF SENATE PROCEEDINGS

The PRESIDING OFFICER. Under the previous order, the Senate will now resume consideration of Senate Resolution 20, which the clerk will state by title.

The bill clerk read as follows:

> A resolution (S. Res. 20) providing for television and radio coverage of proceedings of the Senate.

The Senate resumed consideration of the resolution.

AMENDMENT NO. 1349 TO AMENDMENT NO. 1348

The PRESIDING OFFICER. Who yields time?

Mr. SYMMS addressed the Chair.

The PRESIDING OFFICER. The Senator from Idaho.

Mr. SYMMS. I made an inquiry, Madam President, Is the Senate to recess at 12:30?

The PRESIDING OFFICER. No, there is no such order. Senate Resolution 20 is now under consideration.

Mr. SYMMS. Senate Resolution 20 is now under consideration.

I would just say, Madam President, for the recollection of my colleagues, that when we left off yesterday before the Senate was my amendment which expresses the determination of the United States to prevent by force, if necessary, the Soviet-backed Communist regime in Cuba from engaging in aggressive or subversive activities in any part of the Western Hemisphere.

It expresses American determination to prevent the Soviets from establishing a military base in Cuba. It states American support for the freedom of and self-determination of the Cuban people.

This amendment is totally consistent and supportive of President Reagan's Caribbean policy announced on February 24, 1982.

It is the identical language that is now the law of the land. As a matter of fact, this resolution passed the Senate in 1962 by a vote of 86 to 1. It passed the House in 1962 and was signed by President Kennedy. It reaffirms the Monroe Doctrine and the Rio Treaty of 1947, and has those policy thrusts that I mention.

Madam President, at this point our colleague, Senator HAWKINS, is in Florida today and will not be able to be here on the floor. I ask unanimous consent that she be added as a cosponsor of this amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. SYMMS. I might say that any other Members who wish to join with the now 23 cosponsors will certainly be welcome. It is not a bipartisan resolution that is before the Senate.

The PRESIDING OFFICER. Who yields time?

Mr. SYMMS. Madam President, there may be some concern among some Senators about the approval of the 1962 Cooper resolution during a crisis in the Western Hemisphere. But in my view the current Falkland Islands crisis between Great Britain and Argentina has nothing to do with this resolution opposing Soviet-Cuban aggression in this hemisphere. The Soviets and the Cubans are not directly involved in the Falkland Islands crisis and the crisis has no bearing whatsoever on the Soviet-Cuban threat to the United States in this hemisphere.

No matter how a Senator may feel about the British or the Argentine position on the crisis, I believe it should have no bearing on Senate deliberations about how to deal with the Soviet-Cuban threat.

The 1962 Cuban resolution should be considered on its own merits and the Falkland Islands crisis is really a side issue which is not relevant, in my opinion, to the Soviet nuclear blackmail and the Soviet-Cuban aggression which are taking place in the Caribbean basin today.

I think if there ever has been a time in our foreign policy, in our deliberations on foreign policy, where the United States needs to show some resolve and needs to stand firm it is today, and it is certainly in the Caribbean basin. This is virtually in our own backyard, and particularly to the Americans who live in the Southwestern part of the United States, they are very, very close to the crisis, and also in the Southeastern part of the United States, and particularly I say the Southwest because if the United States allows a continuation of the communization of Central America it will only be a short time, and I fear it will be too short a time, until we will be witnessing thousands and maybe millions of our friends from Mexico voting with their feet and walking across the border between Mexico and Texas to escape the next revolution.

This is directly related to what we are seeing happening in El Salvador where there has been substantial evidence given to us by the Secretary of State and others that very clearly points to the fact that the Cubans are responsible in a large part for the supplying of the arms and the wherewithal for those revolutionaries and terrorists in El Salvador. They are working through Nicaragua and into El Salvador, and they have made it very clear that their goal is not El Salvador but their goal is Mexico.

I think for us to see it in any other light is only asking for a crisis that we must head off at this point. I think this is a time when the Senate needs to vote very firmly to give the Secretary of State and the President the backing so that they can enter into the negotiations that have to be conducted.

This resolution, in my opinion, strengthens the hands of our State Department, it strengthens the hands of the administration in terms of making any kind of meaningful negotiations with both our friends and our adversaries in the Caribbean Basin.

Madam President, for those who were not here yesterday, I did say this, but I will repeat it: the State Department made the following statement which was conveyed to me yesterday, and this is their statement on this resolution, and that is that the resolution continues to reflect U.S. policy toward Cuba as it has in every administration since 1962.

I think it is highly significant that the Reagan administration now is publicly supporting the 1962 resolution, which is the law of the land.

Madam President, I think I might raise one more issue that I am sure Senator PERCY will be bringing up when he does get to the floor, and that is the question of the War Powers Act. He mentioned this in his "Dear Colleague" letter and I think it would be proper that I answer that in case there are some Members of this body that have some concerns about how the 1962 resolution affects the War Powers Act.

In my opinion, the amendment reaffirming the 1962 resolution is, first, only to Senate Resolution No. 20. So if the amendment is approved by the Senate, which I fully expect, it will not have the effect of expressing the will of Congress and will not be new law. This is because the House will not act on Senate Resolution No. 20 and the President will not be asked to sign it into new law. Senate approval of the 1962 Cuban resolution will have a political effect only. It will express the will of the Senate in regard to opposing Soviet-Cuban subversion and aggression, and it will show the world that the United States is willing to stand up to Soviet nuclear blackmail.

In addition, there is further reason to conclude that the 1962 Cuban resolution does not conflict with the 1973 War Powers Act. The language of the Cuban resolution is policy language. It uses the phrase: "U.S. determination in regard to U.S. policy toward Cuba." It is a statement of policy and intent and, as such, it does not state specific authorization regarding the time or place for a President to use force to oppose the Soviet-Cuban threat.

Therefore, if the President were to decide to use military force against the Soviet-Cuban threat, he would still be required to get specific congressional authorization after 60 days. The War Powers Act is still the law and none of the provisions in the War Powers Act have been waived in this resolution.

I think, Madam President, that under normal conditions the Senate might wait patiently for action to be taken on this. But I think, we need only look at what is happening, and the brazen threat that the Soviet Union has been making and the statements that we have heard from CIA Director Casey on how the Soviets are violating and the Cubans are violating the Kennedy-Khrushchev agreement. Chairman JONES has made that statement, and Under Secretary of Defense Fred Ikle has made that statement, and even the President himself has said publicly that the Soviets have violated the Kennedy-Khrushchev agreement, which ended the 1962 Cuban missile crisis. Thus, in my opinion, there is an urgent need for the Senate to vote on whether or not to stand up to the blackmail that is being offered this country by the Soviets in the Caribbean basin today, reaffirm the Monroe Doctrine and have a stand of a firm policy based on principal and a foreign policy that will be easily understood by our friends and adversaries. Madam President, I reserve the remainder of my time.

(Mr. SPECTER assumed the Chair.)

The PRESIDING OFFICER. Who yields time?

Mr. PELL. Mr. President, I shall support a motion to table the amendment proposed by Senator SYMMS.

A vote on that amendment at this time would be inappropriate. Senator SYMMS has touched upon a number of complex foreign policy issues which are of central concern to the Foreign Relations Committee. The committee agrees that these issues are of the greatest national importance and, as such, deserve full, indepth consideration. Thus, the committee has worked to schedule timely hearings on the Symms proposal and also on measures proposed by other Senators regarding U.S. security policy in Central America and the Caribbean. Comprehensive hearings have now been scheduled for the firm date of April 27. Markup of all pending legislative proposals will follow shortly on May 4.

Senate action on the Symms proposal before that time would lack the carefully considered context that the Foreign Relations Committee will provide. Also, premature Senate consideration might overlook various issues surrounding any proposed use of force in the Caribbean, including questions which arise under the war powers resolution in 1973.

All of us are looking for an approach in Central America and the Caribbean that is both forceful and fruitful. Seeking to observe some of the issues firsthand, Senator Leahy, Senator Kassebaum, and I have all recently traveled to the region. We have all concluded that there is a definite role for the Congress to play in formulating proper U.S. policy in the area. The Senate should proceed in that role in a timely fashion, but we should also proceed in a way that fully examines the best ways to go. I am happy to support a motion to table the amendment at this time.

Mr. President, I yield as much time as she may desire to the Senator from Kansas.

Mrs. KASSEBAUM. I thank the Senator from Rhode Island.

Mr. President, I was very interested, while I was presiding, to hear Senator Symms' comments on his amendment, which certainly I can understand, and I can understand his interest in raising it. But I also think that there are some very serious thoughts that should be given to whether this is the time to reiterate the amendment's intent.

The amendment presently pending would reaffirm a joint resolution, as the Senator from Idaho has stated, that was passed by Congress and signed by President Kennedy in the fall of 1962, just prior to the Cuban missile crisis. Certainly, I have no difficulty in supporting the objectives of the Symms amendment: resisting Cuban aggression or subversion in the hemisphere, preventing Soviet military bases in Cuba, and promoting the self-determination of the Cuban people. I believe we would all join in that statement.

However, I think it is vital during a politically sensitive period like the present one in Central America that the Committee on Foreign Relations have an opportunity to consider the political impact, and possible legal implications, of reenacting this resolution. We have a number of related proposals before the committee and have scheduled hearings later this month to consider them and to mark them up on the 4th of May. Senator Symms himself will be invited to testify at those hearings, as will other Senators who have proposals of a similar nature. The views of the Reagan administration will be heard as will those of a number of public witnesses.

Mr. President, the Symms amendment would commit the United States to "prevent by whatever means may be necessary, including the use of arms, the Marxist-Leninist regime in Cuba from extending, by force or the threat of its aggressive or subversive activities to any part of this hemisphere."

This proposal raises a number of issues which justify a more thorough examination by the committee. Those issues include the possible effects of enactment upon U.S. diplomatic and economic efforts in the region, the implications of passage in terms of the war powers resolution, and the effects on various negotiations now under way.

It seems to me it is restating, at a time that we should not, a message that limits us in considering the statement of the broadest possible initiative and being able to take the broadest possible innovative diplomatic initiative in that region.

The Foreign Relations Committee would also like an opportunity to be fully briefed by our intelligence agencies as to the current information on Soviet activities in Cuba. We, therefore, ask that Members join us in voting to table this amendment until the committee has had an opportunity to consider these questions.

Mr. SYMMS addressed the Chair.

The PRESIDING OFFICER. The Senator from Idaho.

Mr. SYMMS. Mr. President, I appreciate the concern that my friend from Kansas, Senator Kassebaum, has expressed, the points that she made. But I want to make it very clear, first, it is always politically sensitive when you are dealing in areas of foreign policy. There is never a time. Historically, we always have a reason why we cannot do it this week, we cannot do it next week, we cannot do it the next week. So there will never be a time when the very security of the United States of America is not going to be a politically sensitive issue.

I should also like to tell my friend from Kansas—I see that she has left the Chamber—that this resolution in no way places any limitation on any future negotiations or agreements that this administration should make.

On the contrary, this resolution will only strengthen the hand of the Secretary of State, of the President, and of others that have the responsibility for our negotiations and our dealings for the United States in the Caribbean basin.

All this does is affirm the law of the United States. In fact, this statement is only on a Senate resolution which will not be carrying the weight of law. In effect, the Senate, by affirming this present situation, present resolution, which is the law of the land, I might mention, will only be strengthening the hand—and, in fact, we are doing them a favor—of those who may be put in a position to talk to the Nicaraguan Government or talk to the Cuban Government in the future, because it will show a firm posture on the part of the Senate of the United States, a position of strength, a unified United States that is not about to deal away and negotiate over the future security of this Nation's freedom and liberty.

I reserve the remainder of my time.

The PRESIDING OFFICER. Who yields time?

Mr. PERCY addressed the Chair.

The PRESIDING OFFICER. The Senator from Illinois is recognized.

Mr. PERCY. Mr. President, I urge the Members of the Senate to support a motion to table this amendment at the present time. Several members of the committee, including the ranking minority member of the committee, Senator Pell, and my distinguished colleague from Kansas, the leader of the U.S. observer group to the elections in El Salvador, Senator Kassebaum, as well as Senator John Glenn, one of the Senate's most knowledgeable military experts, joined with me over the recess in a letter urging our colleagues not to vote for the Symms proposal at this time.

I ask unanimous consent to place the text of that letter into the Record at this point, and to elaborate on our reasons for taking this position.

There being no objection, the letter was ordered to be printed in the Record, as follows:

U.S. Senate,
Committee on Foreign Relations,
Washington, D.C., April 8, 1982.

Dear Colleague: The pending business when the Senate reconvenes on April 13 is an amendment offered last week by Senator Symms to reenact the 1962 joint resolution relating to Cuban activities in the hemisphere. We believe that Senate action on the proposal should be postponed until the Foreign Relations Committee has had an opportunity later in the month to consider it along with other pending proposals. We therefore ask that you support a motion to table the amendment at this time.

Senator Symms' amendment was originally offered as S.J. Res. 158 and subsequently as a substitute for Senator Robert Byrd's proposed amendment (S. 2179) to the War Powers Resolution concerning the use of U.S. combat forces in El Salvador. Both measures were referred last month to the Foreign Relations Committee and will be the subject of a hearing scheduled for April 27 and a mark-up set for May 4. We expect that there will also be other proposals coming before the Committee this month concerning the use of force in the Caribbe-

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an and Central America. Because of the obvious national importance and diplomatic sensitivity of these issues, we think the Senate should withhold action on all of these proposals until the Committee has heard testimony and made recommendations to the Senate.

The purposes of the Symms amendment are ones we can all support: resistance to Cuban aggression and subversion in the hemisphere, prevention of Soviet bases in Cuba, and support for the self-determination of the Cuban people. The operative section would reaffirm U.S. determination "to prevent by whatever means may be necessary, including the use of arms, the Marxist-Leninist regime in Cuba from extending, by force or the threat of force its aggressive or subversive activities to any part of this hemisphere."

However, reenactment or reaffirmation of the resolution at this time raises several important questions of law and policy. One such issue is the effect of reenactment upon the existing requirements of the War Powers Resolution. The Cuban Resolution was passed in September 1962, just prior to the Cuban missile crisis, and remains on the statute books. But its legal status was significantly altered by the War Powers Resolution of 1973. Partly as a result of our experience with a series of broad Congressional mandates for the use of force, ranging from the Formosa Resolution of 1955 to the Tonkin Gulf Resolution of 1964, the War Powers Resolution set out clearer procedures for Congressional authorization, including the requirement that beyond a 60-day period for emergency action the President would require "specific authorization" from Congress to continue combat operations. Reenactment or reaffirmation of the Cuban Resolution at this time, coming after the passage of the War Powers Resolution, might be regarded as just such authorization for military action, thereby removing the necessity for Congressional review and approval of specific U.S. combat operations in the region.

The Symms amendment also raises broader questions about the role of the United States in the Caribbean and Central America which the Committee has been addressing in a series of hearings in recent weeks. Both the language and the timing of specific initiatives should be carefully chosen to maximize our constructive impact on the region. Therefore, the Committee would like the opportunity to consider the implications of the Symms amendment and other proposals and to make its own recommendations prior to Senate action on them. We hope you will support us in moving to table the Symms amendment next week.

Sincerely,

Charles H. Percy,
Chairman.
Nancy Landon Kassebaum,
U.S. Senator.
Claiborne Pell,
Ranking Minority Member.
John Glenn,
U.S. Senator.

Mr. PERCY. Mr. President, in diplomacy, as in politics, perceptions are often more important than realities.

In taking up this resolution at this time, we must consider how it is likely to be perceived by those who read it and what effect it is likely to have on their attitudes and behavior toward the United States. Whatever our meaning and intentions may be, we must consider whether our words will effectively convey those intentions, or whether they might mislead and distort our overall objectives in the region.

The issue before us therefore is not whether we support the stated purposes of Senator Symms' proposal—resisting Cuban aggression and subversion, preventing Soviet military bases in Cuba, and promoting the true self-determination of the Cuban people—but whether, on balance, its passage by the Senate at this time and in this form will actually advance those objectives and other objectives we have in the region. We all undoubtedly share the stated objectives; they continue to reflect an aspect of U.S. policy toward the region. But the basic point is that they are only one aspect of that policy. The danger in passing this resolution now—during a particularly sensitive time for U.S. relations with countries in the region—is that one part of our policy will be confused as the whole of our policy. We do not want to give the impression that it is only Soviet and Cuban adventurism which concern us, and that we assume there is Communist mischiefmaking behind every problem in the region.

This is utterly simplistic. No one who knows anything about the region would assume that it can be defined in those terms. We do not want that implication made by the U.S. Senate at this particular time.

Likewise, we do not want to imply that the use of armed force is our preferred way of dealing with the region and that we are quick to threaten military force as a solution to our problems.

Here we are, in the midst of a major effort by the Secretary of State and the President of the United States to use our good offices to prevent the use of force between the United Kingdom and Argentina. We say diplomacy is the right way to solve this problem, not to just try to blast each other out of the water, to fail to take into account the number of lives that would be involved. We argue, use diplomacy first.

If that fails, then military force may be a last resort. But you do not use it first.

Unfortunately, we the United States, are already perceived—unfairly certainly—by some of our European allies and by other friends in the Western Hemisphere, that we are resorting to force and the use of force in Central America as the only, the principal, and the sole means of solving problems in this area.

Mr. SYMMS. Mr. President, will the Senator yield?

Mr. PERCY. I will yield at a proper time.

But at the same time, we have to be certain that we know and we recognize, our citizens recognize, churches across this country recognize, that force of arms in Central America is not the only way to solve that problem, just as in Vietnam we found that force of arms—600,000 American troops, countless lives, injured, maimed, going on for years—a military solution could not be found. It had to be found in other ways.

The implication that the sole means of approach here might be a military solution, I think, would be an unfortunate implication at this time, even though it may not be, and probably is not, the intention of the sponsors of this resolution.

While we may intend our audience to be only in Havana and Moscow, it is also inevitably in Bonn, in Ottawa, in Mexico City and, more importantly, among the peoples of those countries and others. Nothing would more distort our efforts in the Caribbean and Central America than to convey the impression that our orientation is a military one. That has simply not been the case, as the Members of this body know too well, certainly members of the Foreign Relations Committee, who have spent so much time on this effort, know that well.

The United States has been involved in the often-painful process of promoting more peaceful and democratic solutions to the problems of El Salvador. We have joined with other governments in the region in developing a Caribbean Basin initiative which emphasizes economic development and closer commercial ties with the region, and we are now actively pursuing the prospects for a wider consensus to reduce the level of violence and the possibilities of confrontations in the area. We cannot afford to undercut such efforts, and the good will on which they depend, by sending out signals which—however well-intended—might be misread or distorted.

We know our adversaries have no hesitancy whatsoever in disregarding our intentions, disregarding what the true purpose may be, and distorting and exploiting in every way they possibly can what is said may be well intended, but may also be subject to misinterpretation and distortion. Such distortion occurs the minute this body acts in a precipitate way, without proper hearings, without full consideration of the matter, and without going through the proper committee process on a matter as important as this. Certainly, that is why the ranking minority member of the committee, that is why the distinguished Senator from Kansas, who has just returned as the head of the official observer team in El Salvador, urge the Senate not to act precipitately now.

What is the emergency, Mr. President? Why do we have to rush ahead? What are we trying to prove to whom?

Are we sure we are not just handing once again a hatchet into the hands of our adversaries who say, no, the United States really is not interested in the economic well-being of this area. The Americans are just using the Caribbean initiative as a camouflage.

They might say that really, what we are looking at is nothing but an east-west issue, a battleground, and we are going to fight it out.

That would be a distortion, that would be misleading, it would be dangerous for this country to be put in that position at this time.

That is why, Mr. President, it is the intention of the committee to consider the Symms proposal in the context of our broader objectives in the Caribbean and Central America and along with other proposals which are before the committee. We have planned all along for a series of hearings, at which Senator SYMMS will be invited to testify, as well as administration and public witnesses. It is my expectation that out of those hearings will come committee proposals, possibly including a resolution or legislation, which include the points urged upon us by Senator SYMMS, but which also reflect our other objectives in the region—objectives that have long been worked on by the administration, long worked on by the Committee on Foreign Relations, and I think they are objectives that will be shared by the Senate as a whole.

Mr. President, despite the Senator's implication yesterday that the Reagan administration supports Senate passage of this measure, it is my understanding that the administration shares the concerns I have expressed about taking such action at this time, and the danger that it will be misread and might be counterproductive to our efforts in the region.

That was reconfirmed back to the Senate Foreign Relations Committee staff as recently as this morning.

Let me turn now to a second aspect of this proposal which must be considered by the committee. That is the effect it might have on the procedures laid out in the War Powers Resolution of 1973. As our "Dear Colleague" letter indicates, we are concerned about the possible implications of reenacting or reaffirming the 1962 Cuba resolution in an era when Congress has rightly become much more cautious about endorsements in advance of military initiatives by the President.

Certainly, our former colleague Senator Javits, the distinguished Senator from New York, and Senator STENNIS coauthors of the War Powers Act legislation, adopted overwhelmingly by the Senate and the House, vetoed by President Nixon, overridden overwhelmingly by the Senate, clearly pointed out that the commitment of troops and the implications that we would commit troops must be an action of the Congress of the United States. We cannot be allowed to get into a Gulf of Tonkin situation which Presidents interpreted as carte blanche to go right ahead and pour troops into Asia. If there is one message that has come from the American people, it is let us not let Central America, El Salvador, become another Vietnam. For that reason, the Senate Foreign Relations Committee, other appropriate committees, and the Senate itself should be extraordinarily cautious not to pass a measure which might be interpreted as advance authorization for the use of military force despite the fact that the President has certified and indicated clearly to me and to other members of the Committee on Foreign Relations that no United States combat force are planned or contemplated in this particular conflict.

Given the track record of such open ended resolutions, and the tendency of the executive branch to expand their significance—and I say every Executive—I think it is a bad precedent, once we have clearly laid down the law in the War Powers Act, to start modifying, fudging, changing, providing loopholes, that could be used in certain circumstances.

Particularly in the heat of crisis, we question whether the Senate wants to endorse the use of force without knowing the circumstances which might warrant its use. The original resolution, as Members will recall, was passed at the beginning of the Cuban missile crisis, when an imminent threat to the security of the United States was clearly involved. One of the areas the committee wishes to examine this month is the matter of current Soviet military involvement in Cuba, and we have scheduled a briefing by the intelligence agencies to consider the available evidence before we are asked to vote on and take action on an important measure of this kind.

I know of no threat to this country at present which are in any way comparable to the advanced deployment of Soviet intermediate range nuclear missiles—the danger which prompted congressional action on the original Cuba resolution.

It is not our intention now, nor was it ever the intention of the authors and original supporters of the war powers resolution, to hamstring the President and prevent him from taking actions critical to the defense of this country. I am certain that he could count on the unanimous support of the Senate to respond to any serious threat to American security. It is simply part of our constitutional responsibility, as reflected in the war powers resolution, to insist on knowing the justification for specific military actions, if and when they may be needed, before lending our authority to initiatives involved.

I realize that Senator SYMMS' amendment or his resolution, in this case, would not become law as such. However, as many veterans of this institution are well aware, measures which are first approved by the Senate as sense of the Senate resolutions or in a form that does not initially contemplate House concurrence often have a way of returning in the form of legislation or legislative amendments, proposals that are hard to resist once the Senate is on record in support of them.

In fact, I have stood here many times and have had someone say, on a piece of legislation, "Well, after all, here is the record. You voted for it as a sense of the Senate resolution. Are you now going to vote against the same thing as a law?" That is said without taking time to explain that the one affects the power of the President to act and the other is just a sense of the Senate to which we agree many times because it does not have the binding effect of legislation.

In fact, Senator SYMMS has already made his intentions clear by introducing his original resolution as a joint resolution requiring House concurrence and Presidential signature.

His second version was also in the form of an amendment to legislation. Those are the measures presently before the Foreign Relations Committee.

I feel confident that if the Senate decides to support this proposal today, it will have to confront the same proposal before very long in binding legislation. Furthermore, in terms of our concerns about the political and diplomatic impact of passage at this time, the fact that the resolution would not technically be law would make little difference.

Finally, I should like to address the Senator's argument that we cannot afford to delay Senate consideration of this amendment for a month in order to allow the normal opportunity for committee hearings, discussions, and reporting.

The Foreign Relations Committee received Senator SYMMS' proposed joint resolution on March 5 and the second version of his proposal on March 9. We have scheduled a series of hearings and briefings related to it, including administration testimony on April 20, public witnesses on April 27, and an intelligence briefing on the same day. We expect to consider that resolution for markup on May 4.

In short, the committee will have dealt with the Symms proposal within about 2 months—not an inordinate delay at all, as such matters go, and certainly not an indication of delay or avoidance of the issues it raises.

I address this question to Senator SYMMS: In his experience in the Senate, when a resolution has been introduced, how many times has a committee acted as promptly? There are resolutions sitting around here for years on which hearings have never been called. Not only have we scheduled hearings, we have also scheduled witnesses; we have scheduled closed intelligence briefings; and we have scheduled a markup—all within a period of 2 months of the time of the original proposal being submitted. Can we find precedent for something ever being acted on that promptly by a committee?

Is there any real reason why the committee process should be overruled and waived? What is the emergency that now is standing before us which requires that we move this precipitately in a situation as delicate as we now face? El Salvador at this time, approximately 2 weeks after its election, simply has not been able to put together a government. The head of our Senate delegation and observers, Senator KASSEBAUM, urges the Senate not to act precipitately on this resolution today.

I do not like to table resolutions offered by fellow Republican Senators. I do not like to do that at all. On the other hand, I have a great reverence for the committee system. Many times I will sustain a committee's request that it be given the opportunity to take a look at the legislation. I just supported today's concurrent reference of a resolution involving food sales to China, which is clearly the jurisdiction of the Foreign Relations Committee; but I want to have the Committee on Agriculture, Nutrition, and Forestry act concurrently, so long as they do it with great dispatch. I have done that for 15 years.

However, in the same light, I think it would be inappropriate for the chairman of the committee not to want to take a look at it when its membership feels that we should take a look at this, and we have already scheduled it.

What is the reason for this emergency? Has not the committee acted with due dispatch on this resolution?

(Mr. WARNER assumed the chair.)

Mr. SYMMS. Mr. President, I commend the Senator from Illinois for the leadership he is giving the Foreign Relations Committee. I think he knows that this is one Senator who has a personal interest in his success as chairman of the Foreign Relations Committee. I wish him every success.

As a result of a private discussion I had with the Senator from Illinois on the floor one day, I withheld the amendment, waiting until the election had taken place in El Salvador. I withheld the amendment so that it could jeopardize in no way what might happen when those good people went to the polls. We have witnessed what has happened: a massive turnout of the population of El Salvador; in some cases, people having to bypass firefights; waiting for hours to get to the polls—in a clear repudiation of what Fidel Castro and his Marxist-Leninist guerrillas stand for in El Salvador. The people repudiated that.

This amendment, in my opinion, is the minimum that the U.S. Senate can do to give endorsement of a policy. All this is doing is strengthening the hand of those people in our Government who have the responsibility to engage in any negotiations we may have in the Caribbean. This in no way is going to weaken that.

The State Department yesterday gave me the statement that all administrations since 1962 have reaffirmed the 1962 resolution. I think that for us not to stand up today and vote for reaffirmation of the 1962 resolution will be misinterpreted. If the motion to table should be agreed to, I believe it would be very unfortunate, because, in my opinion, it would then be misintrepreted; and Fidel Castro would say that the U.S. Senate does not stand up to what their present law is.

In my opinion, we are doing the State Department a favor, whether they realize it or not. I should like to see this amendment agreed to unanimously, so that the State Department, when they talk to the Cuban Government or to the Soviet Government, could say, "Here is the way the American people stand. We are not willing to negotiate our freedom and our security in our own back yards. Now, let us start from this point, and we will be able to have some meaningful negotiations."

The Senator from Illinois earlier mentioned the concern about nuclear disarmament. I share that concern. However, I mentioned on the floor earlier today, before the Senator came to the Chamber, that never once have the Soviets or the Cubans said there could be onsite verification of missiles in Cuba or the Soviet Union.

I can understand that, as a farm boy from Idaho. If you go in and look, you can see what they are hiding.

I think this is very timely in view of the elections in El Salvador and timely in view of the brazen statements Brezhnev has made in recent weeks in terms of what they would do, that they were going to try to counteract anything with respect to U.S. policy in Western Europe by putting an analogous force in Cuba.

I think that with these statements it is a clear-cut case of the Soviets and the Cubans pushing, pushing, and pushing the United States, and I think this would be very helpful for Secretary Haig and for our President in any future negotiations that it will in no way limit what they can negotiate. It will in no way limit it. But it will strengthen their hand and, in my opinion, if this motion were tabled then this would be the wrong signal. It would be misinterpreted. The Senator's committee will have hearings. Something may come out to amend the effect of the law, and it may be something that this Senator will support.

But as far as today is concerned, I think there has not been one statement from anyone in our Government, not from the Secretary of State, not from the President, not from the Secretary of Defense, not from the CIA Director Casey, not from Under Deputy Secretary Stoessel. They all stated clearly the Soviets and Cubans are in violation of the 1962 accords, but none of them have put a statement back of disapproval of it.

This is our opportunity to disapprove what we know is going on in the Caribbean Basin, and I think that is the reason I choose today to offer it. I would have preferred to have it on a joint resolution so that it could go to the other body and so that it could be acted on so we could reaffirm it as a congressional intent for a strong posture in our negotiations, but this happened to be the only vehicle available to attach it to before we left for the Easter recess, and that is why it was attached on that date.

I thank the good chairman. As I said, there is no Senator in this Chamber who wishes him better success in his chairmanship of the Foreign Relations Committee, and there is no Senator here that will be more willing to make those efforts successful, but I think in this issue it is critical, it is timely; it is timely insofar as the elections in El Salvador that we say something about this, some statement to give those people in those countries hope that the United States is going to be a reliable friend, a reliable supporter, a reliable opponent of those people in the world who would take away from the freedom and the liberty of the very people who are our friends and neighbors.

I thank the Senator.

Mr. PERCY. I thank my distinguished colleague. I have great affection for him and have enjoyed working with him on many issues, and I appreciate what he has had to say about wishing to leave such complex matters as this to the judgment, many times, of the Foreign Relations Committee, and it would be helpful.

Would the Senator agree that it would be desirable, however, for us to have a bipartisan approach in foreign policy, wherever we possibly can, in the spirit of Vandenberg, another Midwestern Republican who distinguished himself by reaching out to say, "Look, partisanship ends at the water's edge; we should have bipartisanship, and let us try to forge such a program"? In that same spirit I have reached out, written extensively in publications about the necessity for bipartisanship, have spoken on it many times with foreign nationals and have had reassurance back from many of them that at long last we now are again appearing to have bipartisanship. Is that a desirable objective?

Mr. SYMMS. Absolutely, and that is why I was so delighted yesterday when Senator RANDOLPH from West Virginia joined me as a cosponsor of the resolution.

I agree with the Senator that we must have a bipartisan foreign policy.

Mr. PERCY. Good, if it is in matters of foreign policy. Unfortunately we do not have the privilege of having JENNINGS RANDOLPH and the distinguished Senator from Idaho on the Foreign Relations Committee. They have expertise in other areas. Senator PELL and Senator GLENN certainly represent bipartisanship in this regard. Senator KASSEBAUM and the chairman of the committee represent bipartisanship.

Having answered that question in the affirmative, could I ask this question of the Senator: Does he feel that to implement a good foreign policy we should also not only have bipartisanship but, wherever possible, we should be supportive of and back up and work with the executive branch of Government, the President of the United States—we as Republicans particularly when we have a Republican President—and do helpful things, no unhelpful things? Would the Senator agree with that assertion?

Mr. SYMMS. I think that there is no question but what that is something the Senator would agree with.

I point out to my good friend from Illinois, the chairman of the committee, that when this passed the Senate the last time, it passed by a vote of 86 to 1, and the one person who voted against it was a Republican Senator from Vermont who felt that the language was too soft and too easy on Communist subversion.

Mr. PERCY. In what year?

Mr. SYMMS. In 1962.

Mr. PERCY. That was 1962, under a very critical situation quite unlike the situation we face today. Our national security is not now being threatened. I see no overt attempt. I see no alert. I see no mobilization. I do not see the White House as it was in 1962 under crisis management of the Cuban missile crisis at that particular time. Is there any reason we should compare them?

But to go back to the assertion of the distinguished Senator from Idaho that it is desirable to work with the administration, the chairman of the Foreign Relations Committee and the majority leader of the Senate, Senator BAKER, have received the administration's position. Speaking in behalf of the President, the Secretary of Defense, and the Secretary of State, the administration's spokesman has this to say:

> Because of the troubled situation in the Caribbean today we do not find the Symms restatement resolution helpful to our overall efforts in that region now.

Why would we try to second guess the President of the United States, the Secretary of State, the Secretary of Defense, the chairman of the Foreign Relations Committee, and the ranking minority member of the Foreign Relations Committee, who have promised hearings, who have scheduled the distinguished Senator to be a witness, who have indicated ahead in time of our formalized statement much of what is embodied may then be taken into account? But the distinguished Senator has said that we face an emergency. We have to respond? Why? Because Khrushchev—Brezhnev has said something? Do we have to jump through a hoop every time Brezhnev says something?

I do share the Senator's concerns about Soviet President Brezhnev's valid threats of retaliation if NATO goes ahead with the planned deployment of Pershing missiles in Europe. Brezhnev's statements clearly imply that they would consider reactivating their plans for nuclear missiles in Cuba. However, if it is the purpose of the Symms amendment to be an adequate response to that kind of threat from the Russians, I would have to say it should be much more directly worded to do so. The Foreign Relations Committee will certainly want to consider whether a more direct response is indeed called for.

We may work together on language. Senator SYMMS may decide that maybe stronger language, more direct language, more meaningful language could be called for after we analyze and appraise the entire situation.

Once again, however, I think such a response should be considered in the light of 1982, not in the light of 1962, just reiterating what is already policy anyway.

As to Senator HELMS' criticism of the administration that they have not been willing to come before the committee to discuss aspects of the Cuban equation, I was frankly not aware of the extent of Senator HELMS' efforts in this regard. Since those invitations to Secretary Haig were issued almost entirely by his Subcommittee on Western Hemisphere Affairs rather than by the full committee, I did not know of all of them. I understand, however, that the occasions he referred to were invitations to the Secretary and that only once or twice were their actual times agreed to, which the Secretary of State then had to cancel for one reason or another. Nevertheless, I share his insistence that the committee must have an opportunity to discuss with Secretary Haig in the near future—and in closed session if necessary—the matter of Soviet activities in Cuba and Cuban activities in the region. In particular, I think we must pursue the question of possible Soviet violations of the understandings reached in the early 1960's and 1970's with respect to offensive nuclear weapons in Cuba.

It is not my impression that the Secretary has deliberately avoided such consultations with the committee, but I can understand Senator HELMS' concerns that we have waited too long to have such a session. I will work with him to assure that it takes place as soon as possible.

In conclusion, Mr. President, I think the Senate would not be well advised today to approve this amendment. We intend to pursue the issues raised by this amendment actively in committee during the next few weeks and to report to the Senate in the near future our views on this proposal and others relating to the region. I do not think it would be helpful to U.S. policy in the region—including the policies with respect to Cuba which are endorsed in the Symms proposal—to pass this amendment in isolation from our other initiatives.

I do not say that at times I do not ask the committee chairmen in light of certain emergency situations to waive their right to hold a hearing on a particular issue. But never have I ever asked for immediate consideration of a proposal without the committee chairman's approval, just as in the case of the joint referral this morning to the Agriculture Committee. We deferred to the request of that chairman and we will not report out the foreign assistance bill, possibly involving Public Law 480 sales to the Peoples Republic of China, without this measure going before the Agriculture Committee and having the benefit of their expertise, their hearings. I have been promised early hearings and expeditious handling of this matter.

In this case it is the judgment of the chairman, the ranking member and other members of the committee and the administration, that acting at this time would not be helpful in this particular situation.

I will not in any way prejudice or change the expedited schedule we have for holding hearings. I do not want to table, but if we push this ahead, we will certainly have to move to table the amendment.

It would be my hope, however, that the Senator would reason this out and with the expressed opinion of the administration, the State Department speaking for the President and for the Secretary of State, and with the committee's opinion, it would be my hope that he would withdraw the resolution and not have to go through the process of a vote on a tabling motion.

I trust the Senator will ask unanimous consent to withdraw his amendment at this time. Otherwise, I hope that Members will join me and other members of the Committee on Foreign Relations in tabling it until the committee has been able to consider it more deliberately and go into a markup, which the committee chairman and the ranking member have promised, for no later than May 4.

I think at that time we will have much more information, we will be in a much better position. I would not want to have any Senator in a position of having done something that could be exploited and used by our adversaries against us, that could depict us as taking an action that would send the wrong signal at the wrong time to a very vital part of the world.

Mr. SYMMS. Mr. President, I will soon be yielding to Senator MATTINGLY for a statement. But before I do I cannot pass up this opportunity where I feel I should comment on the distinguished chairman's statement about the threat today.

If there was a threat to the United States of America, I would say, Mr. President, in 1962 compared to what was happening in Cuba—and, in my opinion, we will not go back over history again—I think history will show that the United States chose the wrong place to do battle with the forces of the Soviet Union when they chose to go to Vietnam instead of going to Cuba in the early 1960's.

We could have resisted communism much easier, much simpler, and with much less strain on the finances and the blood of this country, in a fashion, and we would have liberated those people of Cuba in 1962. I regret it did not happen.

But if the threat was serious in 1962 it is even more serious in 1982 because in 1962 the United States held a superior nuclear tactical and strategic, any kind of, military advantage, economic, and so forth, over the Soviets, over what we hold today.

There was no parity in those days. The United States did have a great superiority in capability to deliver, in a capability to field troops, in any category that we look at.

Today the role is quite reversed. There are 11 separate clear violations of the Kennedy-Khrushchev agreement, and I know that the distinguished Senator has brought in what the administration statement is. But it is very contradictory. Only yesterday they told me they supported the thrust of this resolution, as have all administrations since 1962.

Repeatedly, Secretary Haig, the President, Mr. Casey of the CIA, General Jones, Under Secretary of Defense Ikle, Secretary of Defense Weinberger have all repeatedly cited violations of the Kennedy-Khrushchev agreement, and President Reagan himself has done so. So even if it was a threat in 1962 it is even more of a threat today.

We are witnessing a concerted effort at the communization of Latin America, and I have yet to see a strong, clear cut, firm position of the United States, and I think it is high time that we have it and that we stand up and recognize on which side we are.

It is an ideological struggle. We now have an opportunity, in view of the elections that took place in El Salvador, and I think it is time for this Congress to speak to that and to stand up in support of those people who love freedom and in support of those people about whom President Kennedy stated so clearly in his inaugural address in 1960 that we support any friend and oppose any enemy to the cause of liberty.

At this time I yield to the Senator from Georgia.

Mr. MATTINGLY. Mr. President, I wish to thank the distinguished Senator from Idaho. I have sat here and listened to both his statement and the statement of the distinguished chairman of the Committee on Foreign Relations.

When I look back I recall some of the same remarks being made when we were debating the Commodity Credit Corporation resolution that we had in trying to prevent some of the money being used to bail out the banks that had money which they loaned to Poland.

Mr. President, I rise today in support of the Symms amendment and commend him for bringing it before the Senate. This is an opportunity to affirm the law of the land. But more importantly an opportunity for us, as representatives of a free people, to demonstrate our resolve to maintain and promote freedom in this hemisphere.

The Symms amendment allows this body to reaffirm the action it took in September of 1962 when it passed Senate Joint Resolution 230. In addition, by voting in favor of this amendment, we demonstrate our continuing support for the Monroe Doctrine as proclaimed in 1823 and the Rio Treaty of 1947.

Mr. President, I fail to see the argument as advanced by those who oppose this amendment or who may want to table it. The two arguments that I have heard opposing this amendment are, first, that it may in some way interfere with the war powers resolution of 1973; and second, that some members of the Foreign Relations Committee want to hold hearings on it.

Now, Mr. President, I will leave until another day a discussion of the war powers resolution; however, I will point out to my colleagues that I do not see how the passage of this amendment in any way interferes with the operation of that resolution. I say that for one simple reason, the passage of this amendment is not binding and does not have the force of law. This measure, if adopted by us, would not be sent to the House nor would it be signed by the President of the United States. Therefore, the passage of this amendment simply allows us to express our resolve to abide within this body on the rule of the law as it presently exists and on a set of principles which I believe the majority of this Chamber support.

Indeed, the letter I received from four of my colleagues calling for a motion to table or not to pass the Symms amendment clearly states that "the purposes of the Symms amendment are ones we all can support * * *."

Well, Mr. President, if that is the case, I fail to understand where the merit is in the opponents arguments concerning this amendment.

The other argument that I have heard advanced is that some members of the Foreign Relations Committee want to hold hearings on the measure.

Now, Mr. President, I have the greatest respect and the greatest admiration for the chairman of the Foreign Relations Committee, Mr. PERCY, and its other members. However, I must say that since the passage of this amendment would not have the force or effect of the law and since Senator PERCY states in his own letter that the purposes of the Symms amendment are ones we can all support, I fail to see the need to hold hearings to basically allow this body to reaffirm approximately 160 years of basic U.S. policy.

It seems to me that what we are asked to do here today should be extremely easy for us as a deliberative body to do, especially, in light of the constant attempts by our adversaries in our own hemisphere to instigate, support, and spread a doctrine that is totally opposed to everything we as a nation stand for.

Mr. President, I believe that the Senate must act directly on this matter. We must send the right signal from this Chamber to all those who are waiting for a firm message to be sent on the issue of noninterference in this hemisphere. We must not hesitate. The message must be unequivocal in expressing our intentions. The Symms amendment clearly meets this test. I ask my colleagues not to vote for tabling this amendment but to vote to support it and the principles for which it stands.

Mr. SYMMS. Mr. President, I thank the Senator from Georgia very much for that very enlightened statement. I could not agree with him more that if we do not have an agreement with the thrust of it, why not say it and send the message down south and, as far as that is concerned, give that kind of support to the State Department so that they will be negotiating in any future negotiations they may have from a position of strength.

Mr. President, I reserve the remainder of my time.

Mr. PELL addressed the Chair.

The PRESIDING OFFICER. The Senator from Rhode Island.

Mr. PELL. Mr. President, I think what we are examining here is the substance of the matter, rather than the procedure. What we should be concerned with is the procedure. And, as one who has always believed in orderly procedure in the Senate, unless there is a great demand for speed, a resolution of this sort, no matter whether one agrees with it or disagrees with it, should be referred to the appropriate committee. This has nearly always been the procedure in the past.

In this case, with the committee's consideration of this amendment, with the Senator from Idaho as a witness, I am sure that some form of the measure not too different from his own would be reported out by the committee. But I do not see the extreme urgency or any reason for it to be taken up by the Senate at this time, bypassing the regular procedure.

Also, commenting on the point that was made by the Senator from Idaho as to this amendment being of help to the State Department, I would like to read into the RECORD from Assistant Secretary of State Alvin Drischler.

> DEAR SENATOR BAKER: While recognizing its non-binding nature, every Administration since the Kennedy Administration has affirmed the 1962 resolution as a statement of actual U.S. policy toward Cuba. Because of the troubled situation in the Caribbean today, however, we do not find the Symms re-statement resolution helpful to our overall efforts in that region now.

This, it seems to me, is about as clear, simple, short, and articulate a representation of the State Department's viewpoint as you could get. They obviously would prefer it not be passed. I think that is another reason to support the formal procedural course of not acting favorably on this measure at this time, but tabling it for future consideration.

Mr. President, I suggest the absence of a quorum, the time to be equally divided between both sides.

The PRESIDING OFFICER. Is there objection? Hearing no objection, the clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. SYMMS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. SYMMS. Mr. President, I would like to make inquiry on the time remaining for the proponents and opponents of the amendment.

The PRESIDING OFFICER. The Senator from Idaho has 98 minutes remaining, the Senator from Illinois has 20 minutes remaining, and the Senator from Rhode Island has 50 minutes remaining.

Mr. SYMMS. I thank the Chair. I yield myself 10 minutes.

The PRESIDING OFFICER. The Senator from Idaho is recognized.

Mr. SYMMS. Mr. President, we have talked and heard a great many concerns raised. Most of the concerns seem to be whether or not we should be voting on this today and whether or not it is timely. I think that it certainly is timely today. I would just like to make a few more points to reinforce the necessity that the Senate speak to this issue and do so today and do so in a very strong and affirmative fashion. Because, for many, many years, and we can trace back the history of the foreign policy of this country, normally historically it has failed at different times because of our lack of resolve to make a determination of just what the position of the United States is. I wish to go back through a few points that have been brought up by my colleagues and reassert what I believe the issues are that are before us today.

First, I want to reiterate, Mr. President, the significant Soviet activities that are now going on in Cuba. General Jones, the current Chairman of the Joint Chiefs of Staff, Congressman KEMP of New York, and others have made outright accusations of the Soviets of clear-cut violations of the Kennedy-Khrushchev agreement. The Soviet acts which violate the agreement, according to numerous press reports over the years, are as follows:

The Soviet strategic submarine base built at Cienfuegos, complete with a nuclear warhead handling facility.

The visits of Soviet *Golf* and *Echo* class submarines to Cienfuegos, carrying strategic nuclear warhead-equipped, long-range missiles.

The Soviet TU-95 Bear heavy bombers, which regularly fly to Cuba.

The 66,000 tons of Soviet military equipment shipped to Cuba in 1981, three times more than was shipped there in 1962.

One does not have to ask a very hard question to get an answer to find out where all of the arms and equipment in Latin America have been coming from to arm the Marxist-Leninist guerrillas that have been very active in that part of the world.

The nuclear-missile-equipped Soviet naval task force tours of the Caribbean in 1981, threatening vital oilfields in Latin American countries, as well as potential oil supplies to this country.

The Soviet combat brigade in Cuba.

Mr. President, I think it is important to have available the Kennedy-Khrushchev agreement of 1962 in addition to this, not only for the historical point of it for our colleagues, but also for the public. Accordingly, we have made a text of that Kennedy-Khrushchev agreement available. I placed it in the RECORD previously to this, and it is available for the public. It is so clear what those violations are.

I add, Mr. President, that our President now faces a very, very difficult problem. In fact, in the soft underbelly of the United States, the Caribbean basin, Fidel Castro, in my opinion, has become a real cancer, clearly threatening the American security.

I mentioned General Jones, but in addition to General Jones, Director Casey of the CIA made the following statement on March 8, 1961.

The question was: "Does what is happening now in Cuba violate the 1962 Kennedy-Khrushchev agreement ending the missile crisis?"

The answer by Director Casey: "Oh, sure it does, because the 1962 agreement said the Soviets would send no offensive weapons, and it also said there would be no export of revolution from Cuba. The agreement has been violated for 20 years."

Mr. President, I think it is also useful to cite exactly what the chairman of the Joint Chiefs of Staff, General Jones, actually said on the Soviet violations of the Kennedy-Khrushchev agreement of 1962. Congressman JACK KEMP asked General Jones the following question on March 4, 1981, in open hearings before the House Budget Committee:

Congressman KEMP:

> You talked about the global threat, General Jones. I wanted to ask you, is it not true that those Mig-23 jets on the docks of Cuba, and with new helicopters in Cuba, and a massive infusion of military equipment by the Soviets into Cuba, that there is a de facto, if not a de jure violation by the Soviet Union of understandings that this country has (had) with them * * *.

General Jones answered:

> We interpret it (Soviet actions in Cuba) as a violation. * * * In my judgment, they (the Soviets) have gone beyond the 1962 accords and have gone beyond clearly the Monroe Doctrine (in) Central America. They (the Soviets) are now the dominant military power in the Caribbean by a wide, wide margin. They (the Soviets) are building up Nicaraguans to be the dominant military power in Central America.

Mr. President, I would also like to mention a colloquy between my colleague Senator DENTON and Under Secretary of Defense for Policy, Dr. Fred Ikle, on March 11, 1981. At that time, Under Secretary Ikle, in effect, appeared to confirm the New York Post headline of March 11, 1982, "Nuke Bases in Cuba." Moreover, Ikle stated that the 1962 Kennedy-Khrushchev agreement had been eroded away to nothing by Soviet actions.

Mr. President, on Sunday, March 14, Congressman ROBERT DORNAN of California was interviewed on NBC's "Meet the Press" program. Congressman DORNAN cited new Soviet submarine pens being built at Cienfuegos in Cuba, and Soviet Mig-27 nuclear-capable fighter-bombers being deployed in Cuba. Representative DORNAN has therefore joined JACK KEMP, General Jones, CIA Director Casey, Under Secretary Ikle, and myself in accusing the Soviets of violating the Kennedy-Khrushchev agreement of 1962. Since that time, President Reagan made the same accusation.

I think it is very timely, and I say to my friends, both Republican and Democrat alike, on the Foreign Relations Committee who are asking to table this motion, that there could be nothing that would be a sign of a weak negotiating position from this administration that would be worse than to table this amendment. It would send the wrong signal. It would, in my opinion, be a signal to show that the United States is losing its will.

This is a political question. This is not a question of military might and power. This is a question of do we, the United States, have the courage to stand up for those people, in this hemisphere particularly, who are trying to resist being subverted by Soviet domination and by Cuban domination, by external forces that would have an intervention into those countries for a Marxist-Leninist revolution.

I think it is very timely that we act on this today, because there is never a time when we should delay making a very clear and concise position with respect to our foreign policy.

Before I go into the specific aspects of the Kennedy-Khrushchev agreement that are being violated, I would like to refer again to this copy of the New York Post. As I mentioned, the headline and feature story "Nuke Bases in Cuba" was in effect confirmed as accurate by Under Secretary Ikle. I would also like to make my colleagues aware of several other Soviet actions in Cuba which are largely unknown but which further violate the Kennedy-Khrushchev agreement:

First, there are pictures in both Cuban and Miami, Fla., newspapers of Soviet long-range, nuclear warhead-equipped, surface-to-surface cruise missiles being paraded in Havana in 1964, 1965, and 1966. Two types of long-range cruise missiles were shown, one naval, called the SS-N-12 Shaddock, and the other launched from truck trailers. Both of these types of missiles have a range estimated to be greater than 1,450 nautical miles, which is comparable to the Soviet SS-4 Sandal, medium range ballistic missiles deployed to Cuba in 1962.

Second, there are several authoritative published reports that not all of the Soviet SS-4 MRBM's were withdrawn in 1962. At that time the Soviets publicly admitted having 42 SS-4 MRBM's in Cuba, and pledged to withdraw them all. But according to various authoritative published reports, only 38 of the 42 Soviet SS-4 MRBM's were actually observed by U.S. intelligence aerial reconnaissance photography as actually being withdrawn. Where are the remaining 4 MRBM's? In some of the many Cuban caves is the obvious answer.

Third, according to the CONGRESSIONAL RECORD of September 20, 1962, the day the original Senate Joint Resolution 230 was so overwhelmingly approved, the Soviets had 75 Mig jet fighters in Cuba and 250 tanks. But according to the testimony of Under Secretary Ikle on March 11, 1982, there are now over 200 Soviet Mig fighters and over 650 Soviet tanks in Cuba. The number of Soviet Mig's in Cuba has thus almost tripled, and the number of Soviet tanks in Cuba has likewise almost tripled. Moreover, the Soviets have given the Cuban Navy two *Foxtrot* attack submarines, which are offensive weapons capable of interdicting vital U.S. shipping lanes throughout the Caribbean.

Fourth, in 1966 there were photographs of Soviet FROG surface-to-surface nuclear-warhead equipped tactical missiles being paraded in Havana. These missiles have short range, but their range is sufficient to attack targets in the United States and they too, have never been withdrawn.

Mr. President, the above evidence can be added to the evidence I cited earlier of Soviet violation of the Kennedy-Khrushchev agreement. I would now like to cite the relevant portions of this agreement, which are being violated:

> * * * work to cease on offensive missile bases in Cuba and for all weapons systems in Cuba capable of offensive use to be rendered inoperable * * * you (Khrushchev) would agree to remove these weapons systems from Cuba under appropriate United Nations supervision, and undertake * * * to halt the further introduction of such weapons into Cuba * * * Khrushchev stated that we (the Soviets) have instructed our officers * * * to take the necessary measures to stop the construction of the facilities indicated—missile sites—and to dismantle and return them to the Soviet Union. I consider my letter to you as firm understandings on the part of both our governments which should be promptly carried out.

The PRESIDING OFFICER. The Chair, just as a courtesy, brings to the attention of the Senator that he requested 10 minutes. Of course, he controls the time.

Mr. SYMMS. Mr. President, I yield myself such time as I may need.

Mr. President, in conclusion, I would like to point out that about a month or so ago the Tidewater Conference of Republican leaders unanimously passed a resolution which explicitly left open the option for the United States to use force if our interests are threatened in Latin America. This resolution is very similar to the wording of the Amendment now being offered.

As I have said, I have invited bipartisan support of this amendment, and we are happy that Senator RANDOLPH has joined with us in support of it. I think it certainly is timely, and I urge that Senator PERCY not move to table this amendment. I think it would be a mistake. It is my intention that we will vote on this resolution, and we will do so yet today. I urge my colleagues to support the resolution, to give a strong bipartisan support of a strong position for the United States in the Caribbean basin and in Latin America, in view of what has happened in recent weeks in El Salvador, with the elections that went so very favorably in opposition to those forces who are trying to overthrow the government of that country by force, and in opposition to the Communist Marxist-Leninist backed guerrillas that are operating in El Salvador that are being funded, armed, fed, and clothed by our Soviet-Cuban adversaries in that region of the world.

Mr. President, I suggest the absence of a quorum. I ask unanimous consent that the time be charged equally against both sides.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. SYMMS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. COCHRAN). Without objection, it is so ordered.

Mr. SYMMS. Mr. President, I think we have made the case earlier today that the threat that existed in 1962 in Cuba is even more magnified today and that the timing of this resolution is very appropriate, in view of what has happened in El Salvador in recent weeks—specifically, the very successful election there in which the people of El Salvador repudiated the extension of Castro's power into El Salvador.

I wish to go back for a few moments and talk about the history of what happened on the floor of the Senate in 1962 and other things that have happened historically with respect to our foreign policy in connection with the North-South Axis, the Monroe Doctrine, and other important documents and treaties in which we have been engaged.

First, I think it is very interesting to talk about what Senator Smathers of Florida pointed out in 1962, when Joint Resolution 230 was on the floor of the Senate.

He pointed out that the Rio Treaty of 1947, the 1954 Act of Bogota, the Costa Rica communique of 1960, and the Punta del Este communique of 1961 were very important statements of American hemispheric policy. Senator Smathers argued:

> Each of these documents states clearly that it is the duty of the nations of the Western Hemisphere to band together in action to stop any outside power from coming in and exercising its influence contrary to the principles of democracy as we understand them in the Western Hemisphere.

Senator Smathers added:

> . . . inroads . . . have been made by the Communists in Cuba, and the danger to the Whole hemisphere of having the Communists in Cuba (is growing).

Senator Smathers concluded:

> The main purpose of the resolution is to indicate to the world more specifically, and more directly to the Communist governments in Cuba and Moscow, that the people of the United States are actively supporting the President of the United States in whatever action he deems it necessary to take to prevent any action by the Castro regime in Cuba which would threaten the Security of the United States or of any of the other countries of Latin America. . . . overall (S. Res. 230 of 1962) is a clear, strong statement that we will do everything we can to prevent Communist infiltration into the Western Hemisphere.

Mr. President, back on September 20, 1962, the distinguished Senator from Utah, Senator Moss, stated:

> Our policy is to rid the hemisphere of the Castro regime and the Soviet influence.

It is worthwhile to remind ourselves what the Monroe Doctrine we are reaffirming actually states. I quote from President Monroe's message of December 2, 1823:

> We owe it, therefore, to candor and to the amicable relations existing between the United States and those powers to declare that we should consider any attempt on their part to extend their system to any portion of this hemisphere as dangerous to our peace and safety . . . it is impossible that the allied powers should extend their political system to any portion of either continent without endangering our peace and happiness.

It is also worth remembering what the Kellogg-Briand Treaty of 1928 stated about the Monroe Doctrine. In article II it said:

> The United States regards the Monroe Doctrine as a part of its national security and defense. Under the right of self-defense allowed by the treaty must necessarily be included the right to maintain the Monroe Doctrine, which is part of our system of National defense. . . .

Mr. President, President Grover Cleveland said the following about the Monroe Doctrine on December 17, 1895:

> The doctrine upon which we stand is strong and sound because its enforcement is important to our peace and safety as a Nation, and is essential to the integrity of our free institutions and the tranquil maintenance of our distinct form of government.

In June 1914, Secretary of State Elihu Root stated:

> The doctrine is not international law, but it rests upon the right of self-protection and that right is recognized by international law. The right is a necessary corollary of independent sovereignty. It is well understood that the exercise of the right of self-protection may, and frequently does, extend in its effect beyond the limits of the territorial jurisdiction of the State exercising it . . . Since the Monroe Doctrine is a declaration based upon this Nation's right of self-protection, it can not be transmuted into a joint, or common, declaration by American States, or any number of them. It is to be observed that in reference to the South American governments, as in all other respects, the international right upon which the declaration expressly rests is not sentiment or sympathy or a claim to dictate what kind of government any other country shall have, but the safety of the United States. It is because the new governments can not be overthrown by the allied powers "without endangering our peace and happiness" that "the United States cannot behold such interposition in any form with indifference."

In June 1914, Prof. Theodore Woolsey stated:

> There are now three fundamental principles which characterize the policy of President Monroe as it was and as it is. First, the Monroe Doctrine was a statement of policy originated and maintained by reason of self-interest, not of altruism. Second, it was justifiable by reason of the right of self-defense (which is a recognized principle of international law). Third, it called no new rights into being, therefore, whenever it oversteps the principle of self-defense reasonably interpreted, the right disappears and the policy is questionable because it then violates the rights of others. . . . The Monroe Doctrine is based upon the rights of self-defense. This is the first law of nations as of individuals.

As Senator Miller stated on September 20, 1962, in the same debate with Senator Smothers and Senator Moss:

> . . . Back in 1919, there was no doubt in the minds of Senators over the fact that the Monroe Doctrine is an expression of our inherent right of self-defense. There should be no doubt about it today.

Mr. President, as the late President John F. Kennedy stated in 1962:

> We face a relentless struggle in every corner of the globe that goes far beyond the clash of armies or even nuclear armaments. The armies are there, and in large number. The nuclear armaments are there. But they serve primarily as the shield behind which subversion, infiltration, and a host of other tactics steadily advance, picking off vulnerable areas one by one in situations which do not permit our own armed intervention. . . . Our security may be lost piece by piece, country by country, without the firing of a single missile or the crossing of a single border.

And President Kennedy further stated in 1962:

> If at any time the Communist buildup in Cuba were to endanger or interfere with our Security in any way, including our base at Guantanamo, our passage to the Panama Canal, our missile and space activities at Cape Canaveral, or the lives of American citizens in this county, or if Cuba should ever attempt to export its aggressive purposes by force, or the threat of force, against any nation in this hemisphere, or become an offensive military base of significant capacity for the Soviet Union, then this country will do whatever must be done to protect its own security and that of its allies.

That, Mr. President, is really the essence of what this discussion is about today, and I might quote further from what President Kennedy said earlier on January 20, 1961. He said:

> Let every nation know, whether it wishes us well or ill, that we shall pay any price, bear any burden, meet any hardships, support any friends, oppose any foe, in order to assure the survival and the success of liberty. This much we pledge and more.

Mr. President, when we look back at what the significance of the Monroe Doctrine is, I think that it would be a sad day indeed if it should be the decision and the wisdom of the Senate to table this amendment to Senate Joint Resolution 20 because what it would be in effect saying is that we are not going to stand behind those statements of the great statesmen of the past, of the people from whom I quoted, Secretary Root, for example, who makes the case so clearly that the Monroe Doctrine is based on the principle of international law and that law being that every nation has a right to self-defense. And it is very clear that the security of the United States is in jeopardy if we allow for a domino theory to take place on the mainland of the Americas in Latin America. It is most certainly the case.

And I might just quote another statement that President Kennedy made when he called for the affirmation of American determination to resist Soviet and Cuban aggression and military threats in the Caribbean, and he predicted in 1960 that "Soviet missile power will be the shield behind which they will slowly but surely advance through Sputnik diplomacy, limited brushfire wars, indirect nonovert aggression, intimidation, subversion, internal revolution, increased prestige or influence and the vicious blackmail of our allies. The periphery of the free world will slowly be nibbled away."

So I say, Mr. President, I think that the threat that existed when this originally passed the Senate and the House of Representatives and was signed into law in 1962 most certainly is more of a problem to us today than it was in 1962.

Mr. President, I shall suggest the absence of a quorum, and I ask unanimous consent that the time be charged equally to both sides.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. SYMMS. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. WEICKER addressed the Chair.

The PRESIDING OFFICER. The Senator from Connecticut.

Mr. WEICKER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. WEICKER. Mr. President, I rise in support of what I understand will be a motion to table——

The PRESIDING OFFICER. Who yields time?

Mr. WEICKER. Will the Senator from Illinois yield me 10 minutes?

Mr. PERCY. I yield 10 minutes or whatever time the Senator requires.

Mr. WEICKER. I thank the chairman.

Mr. President, I rise to support the motion that will be made by the distinguished Senator from Illinois, the distinguished chairman of the Committee on Foreign Relations, to table the amendment of the distinguished Senator from Idaho.

I am delighted that the distinguished Senator from Idaho has brought this matter to the floor for debate; indeed, it would be my hope that the matter of our involvement in the Caribbean, more particularly as it relates to Cuba, would be debated at length and that whatever policies have held sway during the past 20 years would, by virtue of such debate, be changed.

The fondness of the Senator from Idaho for the policies of the sixties is understandable. The amendments he has offered and his comments harken back to that hallowed time when President John F. Kennedy went eyeball to eyeball with the Soviets, and they blinked. It was a high watermark of sorts for American influence and control of the international scene, a point to which many seek to return today.

Well, unfortunately the world has changed a bit since October 3, 1962. The early revolutionary regime in Cuba is now throughly institutionalized and is in complete control of that island. The bipolar politics of the cold war have given way to a multipolar system in which regional powers and leaders exercise in many cases more influence than the so-called superpowers. More than a dozen Latin American states that were colonies then are now independent nations, asserting their legitimate rights to self-determination. The style and substance of the U.S. role in the region has evolved from policies of paternalism and intervention to a more enlightened and constructive policy of mutual cooperation, as represented by President Reagan's Caribbean Basin initiative, which I strongly support. Locking ourselves into the policies of 1962, and by analogy to those of 1823 and 1947, may be good for public relations or saber-rattling purposes, but it is bad foreign policy.

In recent months there has been considerable interest and optimism created by the proposal of Mexican President Lopez Portillo to negotiate and end to the conflict in El Salvador. These feelings have been widespread throughout the Congress and have been expressed by none other than Secretary of State Haig himself. An essential part of that proposal is regional negotiations between the United States and Cuba and Nicaragua. Senate passage of these amendments would throw a diplomatic wrench into the delicate discussions which are in progress on this matter.

As the Senator from Illinois has pointed out, hearings and a markup session have been scheduled by the Foreign Relations Committee on these matters. I hardly think that the reaffirmation of a 20-year-old policy, which the administration has already repeatedly affirmed in many ways, is such an urgent priority that the Senate's hand must be forced in this way. The Senator from Idaho has stated that he fears that tabling his amendment may be misinterpreted as a change in national policy. I would say that the responsibility for sending such a signal would lie with those who raise such a critical matter before the Senate or even the Foreign Relations Committee is ready to act.

Mr. President, I suppose what bothers me most about these amendments is that they call for a reaffirmation, pure and simple, of a policy that 20 years of history have proven to be a failure. I ask the proponents of this amendment; has this policy we are reaffirming succeeded in keeping the Soviet Union out of Cuba or the Caribbean? Has it succeeded in putting an end to or at least a leash on Mr. Castro? Has it contributed to our involvement in the problems of the region so that we can resolve conflicts there? The answer to all these is clearly "No." I suggest to the contrary that our policy with respect to Cuba has resulted in a momentous defeat by default for the United States in Cuba and a functional isolation of the United States from the region.

In the battle for the hearts and minds of the Cuban people, the United States has completely surrendered the field to the Soviet Union. Whether or not we think it is justified, the Cubans take tremendous pride in what they have accomplished over the last 20 years and by Caribbean standards they have come a long way.

When I visited Cuba in 1980 I saw the contributions to the economic development of the island that had been made not just by the Soviets but by the British, the Canadians, the Italians, the Japanese, the Swedes, the French, and so on and on. I was appalled. Where was my country, the United States? Where were the American businessmen, the doctors, the teachers, the builders, and all those who can show the Cubans the best of what America is and has to offer? Nowhere to be seen was there anything American. We have chosen to squander a golden opportunity and, in the process, foster the anti-American feelings and the dependence upon the Soviets which are so inimical to our interests.

So I will vote, Mr. President, in support of a motion to table the Symms amendment No. 1348, and I applaud the Senator from Illinois for taking this necessary procedural step to insure that this body acts carefully and wisely in this matter.

Mr. President, I would like to direct some further comments to my good friend from Idaho if he would care to respond to them.

Mr. PELL. Before the Senator does, Mr. President, will he yield?

Mr. WEICKER. I certainly yield.

Mr. PELL. I would like to congratulate the Senator from Connecticut on his speech. I realize we are getting into a little more substance than procedure with respect to the problem.

As the Senator knows, the ground for voting to table is a procedural one, but as long as he has brought up the question of substance, I want to completely congratulate him on his viewpoint.

I also have been to Cuba. I was the last Senator to go there after Castro came in, and I went back in 1974 with the senior Senator from New York, Mr. Javits. I, too, was struck by the lack of American influence that we have there.

We started out with a country in which there was a great deal of sympathy toward the United States and a sense of rapport.

What has happened over the years? I think we frankly created a Frankenstein there by isolating it into the arms of the Soviet Union. There was one major invasion, the Bay of Pigs, which was aborted; the CIA sought to assassinate a chief of government; and then we wonder why Cuba is now the greatest exporter of virulent communism in the world today, with the numbers of soldiers outside her shores on a scale of United States and Soviet forces serving on foreign soil.

I think we should take the words of the Senator from Connecticut to heart and adjust our policies. Through contact and normalization of relations we should try to bring Cuba back to where she belongs as part of the inter-American system.

The administration now has indicated that it is willing to enter into talks with Cuba, and in fact the process is underway as evidenced by Secretary Haig's meeting with the Cuban Vice President last November and by General Walters' meeting with Fidel Castro in Havana last month. I support these initiatives of the administration.

Mr. WEICKER. I thank the distinguished Senator from Rhode Island for his very kind remarks.

Let me say this as to the matter of procedure and substance. As I indicated at the outset of my speech, substance is exactly what ought to be addressed. I do not see why Senators like the distinguished Senator from Rhode Island, this Senator and others who have advocated a change in policy, should have to defend our positions. I think the Senator from Idaho and those who back this kind of rhetoric are the ones who should defend the position which, in effect, keeps in place a policy that has managed to put the Soviet Union right in the middle of this hemisphere.

This, in its final impact, I believe, is a pro-Soviet amendment that we have here presented by the Senator from Idaho. The Soviet Union runs willy-nilly through the Caribbean, and because the United States will not enter into that field of battle and compete——

Mr. SYMMS. Mr. President, will the Senator yield on that point?

Mr. WEICKER. I will be glad to yield on that point.

Mr. SYMMS. I thank the Senator for yielding. To say that this is a pro-Soviet amendment, the fact with people in Cuba who wanted to go back and liberate their friends in Cuba during the 1960's and 1970's and were not allowed to by this Government, because we were respecting the Kennedy-Khrushchev agreement, which said as long as the Cubans did not export Marxist-Leninist revolution, as long as they did not put offensive weapons in Cuba, we would respect that and not allowing, disallowing those people who wanted to help Cubans seek self-determination, in effect. That is one of the reasons why Castro is still there.

I would quite agree with the Senator from Connecticut that the foreign policy has failed, but not for the same reasons. I would also say that the standard of living in Cuba certainly is not better than it was before 1958 when Castro took over. The contrary is true. Cuba is one of the poorest countries in Latin America today, when, at one time, it was one of the more affluent countries by Latin American standards.

Our policy has not been one that this Senator would like to have, but the fact that we have kept and protected and harbored Castro, we have allowed an ideological war to take place. There has been no sale of ideas about the virtue and humanitarian aspects of capitalism that could bring forth opportunities and upward mobility for the Cuban people. All that has happened has been the United States has protected Cuba from anybody that might want to go in and establish a government, establish a beachhead, so to speak, establish a revolution to liberate the Cubans.

At the same time, Castro has violated the Kennedy-Khrushchev agreement. And I have made it very clear on the floor that there has been 11 such violations. It has been cited by the President himself; by General Jones; by the Director of the CIA, Mr. Casey; and by Under Secretary of Defense Fred Ikle; and by Secretary Weinberger. It was cited on numerous occasions, clear-cut violations of the Kennedy-Khrushchev agreement. And yet the United States stands idly by as though there is nothing wrong.

It is no wonder that Fidel Castro is able to have more troops outside of his country than any other country in the world, except for the United States and the Soviet Union. It is no wonder, because there is no effort made in this ideological struggle for the hearts and minds of the people in Cuba on the part of the United States.

I have said many times that what we need to be doing is going on the offensive with our foreign policy, on an ideological foreign policy, to sell those ideas that have made this country great and to help those people with real economic growth and real opportunity. The only thing that keeps the Cuban economy going today is the foreign aid program from the Soviet Union.

I would say to the Senator from Connecticut that, quite the contrary, this amendment is a very pro-United States amendment. It is based on the very basic principle of international law that every nation has a right to defend itself from those who want what you have. And this is a clear-cut case. If this amendment is not passed, it is not in the best interest of the long-term security of the United States. This amendment should be passed today. It should not be tabled. We should have a clear policy that the United States is willing to defend itself and to stand up for those virtues.

Mr. HELMS. Will the Senator yield?

Mr. SYMMS. The Senator from Connecticut has the floor.

Mr. WEICKER. I was yielding to the distinguished Senator from Idaho. I appreciate his comments. I would be delighted to yield to the distinguished Senator from North Carolina.

Mr. HELMS. Will the Senator yield so I could ask a question of the Senator from Idaho?

Mr. WEICKER. Yes, I yield to the Senator from North Carolina.

Mr. HELMS. I thank the Senator from Connecticut.

I am a little puzzled by a note placed on our desk signed by Al Drischler. Has the Senator read this into the RECORD?

Mr. SYMMS. Mr. President, I would say to the Senator from North Carolina that this was the newest position, I guess, of our State Department. Yesterday the message that I was given from the State Department said that this resolution was consistent with U.S. foreign policy toward Cuba for all of the administrations since 1962. Now, today, they have added this other caveat.

Mr. HELMS. I was just going to say, if the Senator from Connecticut will yield 1 more minute, that this little note signed by Mr. Drischler, "Acting"—it does not say acting what—is a contradiction of everything I have heard from the administration until this very minute. They have said, "hurray."

The **PRESIDING OFFICER.** Will the Senator suspend? The Chair has to advise the Senator that the time yielded to the Senator from Connecticut by the Senator from Illinois has expired.

Mr. PELL. Mr. President, I will yield more time to the Senator.

Mr. WEICKER. Will the Senator yield 10 minutes?

Mr. PELL. I yield 10 minutes to the Senator from Connecticut.

I would point out to the Senator from North Carolina that Mr. Drischler is Acting Assistant Secretary of State for Congressional Relations. I did read the text of this policy statement into the RECORD, where the State Department states specifically:

> We do not find the Symms restatement resolution helpful to our overall efforts in that region now.

Mr. HELMS. Certainly it did not come down from Mount Sinai if it was signed by an acting something or other.

Mr. WEICKER. Mr. President, again I will restate a few of the matters that were covered in my brief opening remarks, which were touched upon by the distinguished Senator from Idaho when he referred to the quality of life in Cuba pre-Castro. The fact is that Cuba, in 1958, was based on a society where only a small minority of the people, plus those American tourists that came in, could enjoy education and health care and housing, and all those things which are the basic rights of all people throughout the world.

I do not yearn for the good old days of Fulgencio Batista in Cuba. Indeed, what Batista did in Cuba is exactly what is repeated time and time again throughout the Caribbean, central America, and South America, and which gives ground for communism to come in to exploit it and to grow.

Does the Senator from Idaho, for example, recognize the fact that under Batista education was the privilege of the elite and now, because of an aggressive education initiative by the Government, by the latest figures of the United Nations, literacy in Cuba is 96 percent? That is all the people, not some American tourists, not some mafioso in their gambling casinos, not a few businessmen, not those who exploited all the people of Cuba. No; what we are talking about now is a nation that has access to education, a nation that has access to health care, and a nation that has access to housing. Imperfect, certainly, by our standards. Nothing to be desired by any American.

But to say this country is worse off in 1982 than it was in 1958 fails to recognize the exact problem that we are confronted with in this part of the world, which is that Cuba has used herself as a showcase as to what can be achieved by a system of government somewhat different than the paternalism offered by the United States in the past or by the form of dictatorship offered by Batista.

What I am suggesting to the Senator is that I do not want my generation to live with the policy that he wants to continue to extend which permits the Soviet Union to grow in Central America and the Caribbean and South America. And it will continue to grow until the basic necessities of life are available to all the people of those nations.

Mr. SYMMS. Will the Senator yield on that point?

Mr. WEICKER. Of course, I yield.

Mr. SYMMS. Mr. President, I say to the Senator that I visited Cuba, the American section of Cuba, in 1962 at the time of the crisis, but I visted since as a Member of Congress. What the Cuban people do not have is they do not have an opportunity to decide how they want to live their lives. The Cuban people are not happy.

I would also say that the Senator from Connecticut, in my opinon, is making the wrong comparison. I am not going to defend Batista on the floor of the U.S. Senate or what he stood for. But the comparison is often made wrong. Comparing Batista to John F. Kennedy or Dwight David Eisenhower, and of course, he is not a good leader. But to compare what kind of a government might have evolved from the Batista government to Fidel Castro, I think that surely we could have done better than to have Fidel Castro, who is, without a question, causing the United States and the security of this very town, this very city, Washington, D.C., the security of the people of this country, and threatens the happiness and the opportunity for happiness of Americans by continually trying to export a revolution.

I visited some of the schools in Cuba. They brag about their numbers, certainly. They compare 1956, 1957, during a time of revolution, to 1958, at the time when they were engaged in a war, with today. Of course, their numbers are up with the numbers of children who go to school. But what are they teaching them? All about the Marxist revolution.

The standard of living in Cuba, if you cut off the foreign aid to Cuba, they are not even producing enough to feed themselves in Cuba. Now, that is not a very good compliment, in my opinion, to what Castro has brought to Cubans.

Castro has not given Cubans the opportunity to live their own lives. But what happened with the 100,000 people once he opened the gates and let them jump on the boats to leave?

I say to my friend from Connecticut that if the Cuban people knew how to swim 90 miles, we would have 10 million of them living in Florida today.

Mr. WEICKER. I respect the comments of the good Senator from Idaho. There is no question that when you want to achieve materialistic success, you make a tradeoff, in this case the tradeoff was freedom. Freedom is what the Cuban people gave up. Because of the quality of freedom they had under Batista, they were willing to accept no freedom under Castro, the only difference being that with no freedom under Castro, they did get a few things that gave them a better lifestyle.

If I were a Cuban, I would certainly swim to the United States, too, because there is far better here than there is there. But that is not the point. The point is we should be comparing apples with apples, oranges with oranges, Cuba with Central America, with South America.

The fact remains that the United States is not there. It is not competing. It is permitting the vacuum to continue. As long as the vacuum continues, the partnership will be Cuba and the Soviet Union.

Is the Senator from Idaho afraid that we in the United States are going to be affected by Cuban communism—if we open up our doors, that we are in some sort of military peril, that we are in some sort of ideological peril, intellectual peril, religious peril?

I see the fastest way to get rid of the Soviet Union and their communism is to open the doors, to permit Americans to go ahead and do what they do best, whether it is in the area of education, medicine, agriculture, business, whatever. This is what is going to remove the Soviet Union from this part of the world.

But all we have right now in terms of a foreign policy, which has gone on through Democratic and Republican administrations, is name calling across the Florida Straits.

Our platform statements—I can speak for my own party—offer simply more of the same, rather than a new constructive policy. I give credit to this administration, to the Reagan administration for being the first one to recognize the overall needs of the region and what needs to be done in terms of the elimination of communism from our hemisphere. As much as I disagree with the President on the matter of El Salvador, there is no question about the fact that he has recognized the macroproblem in the area.

I do not agree with all aspects of it, but he is going to have my support on the Caribbean Basin Initiative, because it means the United States, for the first time, will set foot on the ballfield.

I am afraid most Americans labor under the illusion that Cuba sits there in isolation and other nations are doing what we are doing. The only difficulty with that is that all the products in the land are from Canada, from Spain, from Japan, from England, from West Germany, from France. Everybody is there but the United States of America.

Insofar as the United States of America is concerned, I think we had 328,000 Americans visit Cuba in the last 5 years.

Then there are those who say, "Well, wait until they run out of spare parts. Then they will have to come to the United States."

There is nothing American on the island left any more that needs any spare parts.

I am suggesting that I have enough faith in the democratic ideals of this Nation, I have enough faith in the products of this Nation and the people of this Nation that I want to open it up between Cuba and ourselves, because the minute that happens it is the United States and the matters that we believe in that will prevail.

But to call for an extension of the policies of 1962 and the 1800's and all of the rest of it, that is the same philosophy that was here on the floor saying, "Let's maintain our hold on the Panama Canal."

Agreeing to the Panama Canal Treaties is one of the best things the United States ever did. It was a great achievement of our generation, first as the canal was the technological achievement of its generation. The fact that the United States in 1980 stepped to bat as the biggest kid on the block and said to one of the smallest nations, "We are going to deal with you as an equal," set the stage for a kind of relationship which will kick communism out of our hemisphere.

I want a change of policy. I do not want generation after generation threatened by missile crises and Soviet troop crises and boatlifts and whatever have you. Somebody is going to pay in blood for this policy, when we can very well resolve these difficulties through peaceful means, through the economic development of the area, through the fact that the United States is willing to compete, willing to participate with the rest of the world in its relationship with Cuba and not leave Cuba in isolation, in a vacuum, with the Soviet Union.

There has been a deterioration during the period of the very policy that the Senator espouses. What has happened since 1962?

In 1962, we did not have the Soviet Union with such a powerful presence in the area. We have it now, 20 years later, as a result of the very policy which the Senator from Idaho advocates here on the floor.

As I say, I am not in a position to determine what it is this administration will or will not do. Some of its rhetoric has been as bombastic in relation to Cuba as that of other administrations. But for the first time, there is the possibility that we are going to get to do what needs doing, which is to establish, in a formal way, relationships with the Cuban people to have a U.S. presence there.

When there is a U.S. presence and the vacuum is broken, it is only a matter of time before the Soviet Union is removed from this hemisphere. But as long as we sit here and look upon this scene in the most simplistic of terms and feel that name calling is going to be accepted by someone who desires an education for his children or a roof over his head or medicine or food, believe me, communism will continue to spread.

The type of policy which is advocated in this amendment is the reason we have El Salvadors, the reason we have Nicaraguas the reason we have Guatemalas—this very type of policy. These are textbook cases, as was Cuba at the end of the fifties of how communism comes to flower.

The PRESIDING OFFICER. The Chair advises that the time yielded by the Senator from Rhode Island has expired.

Mr. WEICKER. Mr. President, I ask for 5 minutes.

Mr. PELL. Mr. President, I yield another 5 minutes.

Mr. WEICKER. Mr. President, certainly President Reagan is to be complimented for breaking out of the mold, for suggesting that we do take a broad view of the problems of this part of the world, our part of the world. Secretary of State Haig is to be complimented for the fact that while he has not committed himself to any discussions with either Nicaragua or Cuba, he has sat down with Lopez Portillo, a leader of this part of the world, to understand how this part of the world, Central America, the Caribbean, and South America, thinks. They do not think as Americans. The sooner that we look to those who are a part of our world and seek out their advice, rather than try to impose the American solution, the faster we are going to get the Soviet Union out of this hemisphere. We are not going to do it by force of arms, we are not going to do it by rhetoric, and we are not going to do it by American military advisers. We are not going to do it by—as the Carter administration suggested, by sailing the U.S. fleet through the Caribbean in some sort of a display of strength.

None of that is a foreign policy. All of that contrubutes to the growth of communism in our hemisphere.

Is there anybody who doubts that militarily we could go ahead and squash Cuba? Certainly there is no doubt in the Senator's mind that if we wanted to do that, we could. If we did, however, we would lose not only this hemisphere but probably the whole world. So why not try the other road? The other road is to establish the presence of the United States in a constructive and positive way.

I have no reason to believe that if the hand of friendship were extended, it would be accepted by many. Indeed, most of the world that recognizes Cuba and has relations with Cuba, trades with them, finds it amazing that this great Nation of ours has some sort of a fixation where it refuses to enter into dialogs and into trade and into relations with this little, tiny spot on the globe that sits off our southern coast.

It is true, Mr. President, that, sooner or later, if we allow that vacuum to continue, there will be some sort of military confrontation and blood will be shed on both sides, when it never needed to have been that way.

I hope, again to get to the technical aspects of the situation we find ourselves in, that, No. 1, we shall table the amendment of the distinguished Senator from Idaho and, No. 2, that the Senate Foreign Relations Committee, under its distinguished chairman, CHARLES PERCY, and its distinguished ranking member, CLAIBORNE PELL, will conduct a thorough examination of what the U.S. role is in this part of the world.

Last, as one who has been a critic in many instances of this administration and will continue to be on much of their domestic policy, I think they are to be applauded on this matter of the Caribbean for recognizing that there has to be something different in terms of policy if we are, indeed, to break this Gordian knot that has existed now for some 24 years.

Mr. President, in all those matters, it is essential that the United States of America walk onto that field and compete with the Soviet Union, that we break the vacuum, and that we do so not by force of arms or by virtue of our superiority of arms, but by virtue of the superiority of the democratic ideals we believe in, by the superiority of the products we produce, and ultimately, by the superiority of the men and women who are the fiber of this Nation. You cannot do that long distance. You have to do it face-to-face.

The PRESIDING OFFICER. Who yields time?

Mr. SYMMS. Mr. President, first, I want to make a couple of comments; then I shall yield to Senator THURMOND.

I do not disagree with the thrust of the goals that the Senator from Connecticut talks about. I think it is a travesty to America's historical foreign policy of the last 40 years to recognize that the Communist countries build walls to keep people in and we have to build walls to keep people out from the free world countries, and we are losing the propaganda war.

I think the problem he overlooks is what are the Cubans doing? They have troops in Somalia, Angola, Nicaragua, and there is evidence that they have been supporting guerrilla takeovers in El Salvador. What kind of security does that give to the United States?

Mr. President, we talk about whether we could squash Cuba? Of course, militarily, we could. But go ask the people in Afghanistan how nice things are with what the Soviets are doing. The Soviets have been taking one country after another and I say that the domino theory is a reality. It is something we live with.

Go talk to people in Southeast Asia, where we lost the Vietnam war. People say we do not want another Vietnam in El Salvador. You bet we do not want another Vietnam in El Salvador, because we lost in Vietnam and we are talking about our own back yard when we talk about El Salvador. We shall have an immigration problem in this country that will be unimaginable when we have millions of people voting with their feet and walking across the 2,100-mile border of the United States with Mexico.

I say we should reorganize the U.S. foreign policy on a North-South axis and realize that we have to start getting along with our friends in Canada, our friends in Mexico, our friends in Latin America, and certainly in the Caribbean Basin.

I think we should be doing better with people in Cuba, we should not be in an ideological war with them. We should be, as the President said in his campaign, bombing the people of the Soviet-dominated countries with the Sears, Roebuck catalog so they can see what the free nations can produce. I agree with that, but it is difficult to do when the leaders of Cuba and the Soviet Union make it their stated goal that they wish to overthrow us and their definition of peace is their writing the rules and ruling the situation and having us do exactly what they tell us.

Mr. President, I think the goals of the Senator from Connecticut are certainly laudable. I can share those goals. I would like to see the United States have a commercial influence, an influence not only on the commercial aspects but on the moral and the spiritual aspects of the people in Cuba. But I do not see the opportunity for that to happen as long as there is a leader in Cuba who makes it his stated goal to help do in the United States of America and all those things which make this country great.

I think it is very difficult to deal with that and I think we make a mistake when we try to make the comparisons of Batista and Somoza, to compare them with America's leaders. We should compare them with what has taken place. Mr. President, I say to you that the people of Nicaragua are not as well off today as they were 3 or 4 or 5 years ago under the Somoza regime. I say the people of Cuba are not as well off today as they were because they are not producing enough in Cuba today to sustain their very livelihood.

I yield as much time as he may need to the distinguished President pro tempore of the Senate, Senator THURMOND, of South Carolina.

Mr. THURMOND. Mr. President, I shall make my remarks very brief.

Mr. President, I am pleased to be a cosponsor of the amendment offered by the distinguished Senator from Idaho, relating to U.S. policy toward the Government of Cuba.

This amendment simply reaffirms and supports existing U.S. law, signed by President Kennedy in 1962, with respect to the situation in Cuba. It contains language that I am sure each Member of this body can support. It calls for U.S. resistance to Cuban aggression and subversion in this hemisphere, prevention of escalation in the number of Soviet bases and Soviet influences in Cuba, and support for the fundamental principle of self-determination for the Cuban people.

I am concerned that too few Americans realize the seriousness of the threat that the present Communist government of this island country poses to the well-being of the hemisphere in which we live. The Marxist Castro regime in Cuba has exported its subversion to Central America. Cuban activities have assisted in the overthrow of the Government in Nicaragua, in deterioration of the situation in Guatemala, and in the guerrilla violence in El Salvador. How long—I repeat, how long--must we stand idly by as our neighbors to the South are engulfed by the Communist cancer?

Mr. President, there are also internal factors within Cuba that are a source of concern. Defense analysts estimate Soviet military shipments to Cuba in 1981 tripled from 1980 and are increasing again this year. This places Russian military exports to Cuba at their highest level since 1962.

Recently, Soviet-made heavy bombers, of the TU-95 class, have been based west of Havana. A second squadron of Mig-23 ground attack fighters was reported being uncrated in Cuba. These intercontinental aircraft make Castro's air force second only to ours here in the Western Hemisphere.

The fact remains that the controversial 4,000-member Soviet combat brigade is still stationed in Cuba. It has been reported that this very same brigade was recently sent to East Germany on a nuclear weapons securing training mission.

Additionally, we must be reminded of the new nuclear submarine facilities that are being built along the Cuban coast.

Finally, we cannot be oblivious to the announced threat of Soviet President Leonid Brezhnev to place SS-20 nuclear warhead missiles in Cuba if the United States goes ahead with its plans to place Pershing missiles in Europe.

Moreover, Mr. President, this amendment is fully consistent with President Reagan's recent Caribbean policy proposals. He views the Caribbean region as a vital strategic and commercial area for the United States. We cannot afford to allow Cuba to be the dominant force in this area. We must take steps to insure that Castro does not continue to hamper our efforts to improve the social and economic well-being of the people in the Caribbean Basin and in Central America.

Mr. President, I feel that it is essential that we take a strong stance in our relations with Cuba. It would be a most serious mistake to be submissive or imprudent in our dealings with Castro. The adverse ramifications of allowing this Russian surrogate to spread its destabilizing influence throughout our hemisphere are unmeasurable.

For these reasons, Mr. President, I support the Symms amendment. I hope our Senate colleagues will take notice of this most serious situation by going on record in support of this initiative.

Mr. President, I repeat: What does this resolution do? It calls for U.S. resistance to Cuban aggression and subversion in this hemisphere. Who is opposed to that?

This resolution calls for prevention of escalation in the number of Soviet bases and Soviet influences in Cuba. Who could be opposed to that?

It calls for support for the fundamental principle of self-determination for the Cuban people. Who could be opposed to that?

What is wrong with this resolution? This is an American resolution. This is a resolution that stands for America. The idea of it being a Soviet resolution is ridiculous.

This resolution will let the Soviets along with Cuba and the world know exactly where we stand. We have hesitated and fooled around and taken so much time in making decisions on this matter that the world does not know where we stand.

The world deserves to know where we stand on the Cuban situation. The world deserves to know that we object to the Cuban troops that were sent to Angola, which, with Soviet weapons, caused that country to fall to the Communists. The world deserves to know about the Communists who went into Mozambique. The world deserves to know about the 26,000 Cuban troops that were sent to Ethiopia. The world deserves to know about the Cuban troops that assisted in the takeover of Nicaragua and that have been assisting in El Salvador.

Mr. President, now is the time to go on record. We are doing nothing here except reaffirming the present law, the law that was passed under President Kennedy. That is all we are doing. It was a good law then; it is a good law now to reaffirm.

The PRESIDING OFFICER (Mr. HATCH). Who yields time?

Mr. SYMMS. Mr. President, I thank the distinguished President pro tempore of the Senate for those very articulate and very inspiring words, and I commend him for that.

I believe that if we could reenergize our foreign policy to make a very clear statement of purpose as to where the United States stands and what our goals are, it would not jeopardize peace and tranquility but would enhance them, because it would make things much more clear as to where the United States stands.

I wish to make a few more points. I think we are reaching the hour at which we will be voting. In fact, I do not know whether any other speakers seek time.

I ask the Senator from Rhode Island: Does he have more Senators who wish to speak?

Mr. PELL. I should like to yield 15 minutes to the Senator from Connecticut; otherwise, I have no other speakers at this time.

Mr. SYMMS. Mr. President, as soon as we relinquish the floor, we will be able to do that. I know that Senator BYRD would like to leave early this afternoon, and I hope we can respect his wishes, so perhaps the Senator from Connecticut will not take 15 minutes.

I wish to make it very clear, in addition to what Senator THURMOND has said, that the Caribbean region has many vital aspects for our security and our commercial security. President Reagan has stated:

> Nearly half of our trade, two-thirds of our imported oil, and over half of our imported strategic minerals pass through the Panama Canal or the Gulf of Mexico. Make no mistake, the well-being and security of our neighbors in this region are in our own vital interest.

President Reagan described the nature of the threat from Soviet-backed Cuba when he said:

> Cuba and its Soviet backers * * * (have) trained, armed, and directed extremists in guerrilla warfare and economic sabotage as part of a campaign to exploit troubles in Central America and the Caribbean. Their goal is to establish Cuban-style Marxist-Leninist dictatorships. Last year, Cuba received 66,000 tons of war supplies from the Soviet Union, more than in any year since the 1962 missile crisis.

Of course, the President is aware of what the Cubans are up to. In my opinion, the exportation of terrorism, guerrilla activity, arms, equipment, training, and so forth, has very little to do with the schoolchildren in Cuba about whom they often brag that they are trying to encourage and give an opportunity for a better life.

I urge my colleagues to vote down the tabling motion and to vote in favor of this amendment, to make a clear and positive statement in support of the posture of the United States.

I am in total agreement with what the President is trying to do with his Caribbean statement and the speeches he has recently delivered and the position the administration has taken, for an additional effort for the United States to have a strong posture in the Caribbean, based on economic recovery for many of those countries.

Mr. President, I reserve the remainder of my time.

Mr. PELL. Mr. President, I yield 15 minutes to the Senator from Connecticut.

Mr. WEICKER. I thank the distinguished Senator from Rhode Island.

Mr. President, I do not want to reaffirm, and I hope this body does not reaffirm, the policies of the past 24 years.

I think the Bay of Pigs was bad policy when it took place, and it is bad policy now. President Kennedy's initiatives in this area of the world were bad policy then, and I think they are bad policy now. The policy of every subsequent administration, Democrat and Republican, in this area has been bad policy and is bad policy now.

I do not want to reaffirm any of it. I want a foreign policy for our generation.

It is absolutely mind-boggling that the Soviet Union, thousands and thousands of miles away, plays any sort of substantial role in the Caribbean or Central America or South America.

We hear a great deal about what the Cubans are exporting in terms of revolution, in terms of military might. I should like to comment on that for a few moments, if I may, and relate it to my visit a year and a half ago to Cuba.

Nobody is going to stand here and extol the Cubans for exporting revolution to Ethiopia and Angola. But let me assure you that Africa will swallow the Cubans as it has swallowed the Europeans, as it has swallowed any nation that has walked onto that continent. However, what should concern my colleagues is the situation I am about to describe.

In the last several days of that visit, I had occasion to visit what used to be the Isle of Pines, now called the Isle of Youth. It has some 60 senior high school complexes, many of which are indigenous to the students of various foreign nations. The high school complex I visited was populated by 600 Namibian students. English is their native language.

Here you have 600 Namibian students getting their education courtesy of the Soviet Union and Cuba. Throughout that educational institution, yes, there are pictures of Marx and Lenin, and you may rest assured that they are getting one whale of an education in Marxism and Leninism, in the ways of the Soviet Union, in the ways of Cuba.

Now these 600 high school kids are going to go back to Namibia with an education courtesy of the Soviet Union and Cuba. They will become the political leaders of that nation. They will become the doctors of that nation. They will become the military leaders of that nation. They will become the business leaders of that nation. This will be by virtue of an education courtesy of the Soviet Union and Cuba.

Now there is a threat. There is a real threat. The die, as far as these future leaders are concerned, has been cast, and it will be very difficult to change it for decades. Now I ask, in this great Nation of ours with all of our fine educational institutions—and I come from a State that has as many as any other State, Yale, Trinity, Wesleyan, University of Connecticut, acre upon acre, the finest educational establishments in the world—how many Namibians have we had here in the United States in the past 2 years? Two, by virtue of any sort of government exchange program. How do we think we are going to win the battle in Africa, in Central America, in South America, in the Caribbean, anywhere, on that kind of basis? Six hundred Namibian students education courtesy of the Soviet Union and Cuba; two Namibian students education courtesy of the United States of America.

There is where the battle is being fought and we are losing it.

I can extend that to every other area of human aspiration in the Western Hemisphere, in the southern Western Hemisphere as well as Africa and other parts of the world. It is absolutely essential that this Nation compete as it is totally capable of competing, not running a few arms on the stage at the last moment of history a la El Salvador, but rather creating those conditions which then have a situation which rejects the appeals of communism.

It is true, as the Senator from Idaho said, the Cubans are not happy and that should reemphasize the point that I am trying to make that indeed they were willing to exchange their freedom for an education; they were willing to exchange their freedom for food, for medical care, for housing. They do not have the choice that they once had, but then they did not have any choice before, and they did not have housing, they did not have education, they did not have medicine, and they did not have food.

Those who came in the last exodus from Cuba to the United States obviously came here for what it is that our Nation has to offer. No one is arguing that. But indeed if you do not want to have any more Cuban refugees or refugees from other parts of the world then you must allow those parts of the world to have an infrastructure that keeps its people at home. American arms do not achieve that. American rhetoric, yelling Communist across the Florida Straits, does not achieve that.

That is why I am delighted the Senator from Idaho brought this issue to the floor of the Senate. Procedurally or not, this is the proper moment to debate the foreign policy that has been a massive failure, which brings our part of the world to the edge of conflict every now and then, which creates the human tragedy that we have seen in the Cuban refugees.

I think that certainly there is enough intelligence here and down in the executive branch of Government to create a policy that holds out a far greater hope insofar as the people of our part of the world are concerned while at the same time ridding ourselves of the Soviet presence.

I almost felt like offering a substitute resolution here which in effect would condemn the latest invasion by a rightwing regime of a territory of our good ally Great Britain. Never mind thinking about or speculating as to what is going on in our part of the world. There we have it, naked, outright aggression, period.

We are trying to play some sort of peacemaker's role in all this, but I find it ironic that we do not have resolutions on this floor condemning that action.

Make no mistake about it, we cannot gain respect in the world if we accept any form of totalitarianism. It is fine for us to condemn the regimes of Fidel Castro and other governments which have leftwing leanings, but if we are going to do that then we better go after the dictators and the Fascists and the exteme right. To this point, that is something we have played with, the dictators and the Fascists. That is what has been convenient in terms of our foreign policy. That is what we have been silent on, and the whole world does not understand that.

I have total faith, as I said earlier, both in what it is that we stand for and what it is that we have to offer and open up the doors between our two nations. They have been closed too long. No one agrees with Fidel Castro or communism, or the suppression of rights within his nation. But he is there, and he has now been there for about 24 years, and he is going to be there tomorrow and the next week, and I suggest that that reality be recognized.

We already have in the sense that they have a diplomatic interests section here, and we have one down there. I think the time has come to talk. That does not mean we have to agree. We talk with almost every other nation in the world except the one that is closest to us with the exception of Mexico and Canada. Because we have not, the Soviets are the beneficiary.

Clearly the time has come not to reaffirm but to change, and I suppose the reason why I speak for this change as passionately as I do right now is that unless it is changed there will be another El Salvador next week and another one the following year and another one the following year. In every one of those instances the presence of American arms and American personnel will not change the final outcome one iota. The change that we all aspire to in terms of having every nation in our part of the world be free has to be started now and not in the reaffirmation of any old policies of the 1800's and the 1950's, or whenever, but a totally new outlook which gives our part of the world what we have always given to the whole world—hope and the willingness to believe in the ideals that sent each one of us here to the Senate.

I hope that this amendment will be tabled, but more importantly that all of us urge this administration to continue its pioneering efforts in the directions of new policies for the Caribbean.

I yield the floor.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. PERCY. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. PERCY. Mr. President, I move to table——

Mr. PELL. Mr. President, if the Senator will yield?

Mr. PERCY. I yield first, before I make the tabling motion, to Senator DODD. I believe Senator DODD is the last speaker who intends to speak on this issue.

The PRESIDING OFFICER. The Senator from Illinois has no time to use. All remaining time of the Senator from——

Mr. PELL. Mr. President, I yield 5 minutes to the Senator from Connecticut.

The PRESIDING OFFICER. The Senator from Connecticut.

Mr. DODD. Mr. President, I will be very brief. I apologize to my colleagues for not arriving earlier to engage in this debate. Several comments which I want to make may have already been made by others with regard to the Symms amendment, so if I am somewhat redundant I apologize. But I do not want to let this hour go by without expressing my deep concern about this amendment and the implications that it poses for the conduct of our foreign policy in this hemisphere.

This is not 1962. Events in the world are not static. Things do change. This country, our country, the United States, is a different place from what it was in September of 1962.

Latin America has changed in the last 20 years, and while, unfortunately, we still have a Marxist-Leninist government in Cuba, we even find the present administration engaged at the highest levels in discussions trying to seek some way whereby we might lessen the tensions in the Caribbean and Central American region.

Certainly we have to view this resolution as a throwback to the days of the cold war and to the missile crisis in the fall of 1962.

In that day and under those circumstances this amendment may very well have made sense. But the question is whether or not it makes sense in 1982—under the present circumstances that exist in the Caribbean and Central American area.

My concern is that they do not, and that we would be making a serious mistake were we to adopt this resolution without allowing for the proper hearing process to go forward with the Senate Committee on Foreign Relations so that we can fully discuss all of the issues raised by this amendment. Among others, these issues include the following:

First, this amendment ignores the evolution of United States-Cuban relations. As I mentioned a moment ago, the Reagan administration has already had very high level meetings with top Cuban officials. We do not know specifically the outcome of those talks. But it would seem to me very premature, indeed, for us to now support and pass this amendment which could set us back on the road to trying to engage Cuba in some meaningful negotiations.

Second, this resolution flies in the face of the recent Mexican proposal for negotiations regarding Central America and the need to involve Cuba in those negotiations if they are to have any real chance of success.

We have a real opportunity for negotiations as a result of the Mexican proposal which, I think, we ought to try to take advantage of if we are going to reduce the possibility of armed conflict in the Caribbean and Central American region.

I do not know if the Mexican proposal will work. It may fail. But it seems to me we would make a tragic mistake if we scuttle that proposal by passing this amendment.

Third, this resolution raises some very serious questions about the war powers resolution and the terms under which American military forces can be committed to combat overseas.

Since 1962, we have passed the war powers resolution. I think we ought to consider the implications of this amendment in light of the war powers resolution.

Finally, Mr. President, I suggest that this resolution resurrects the ghost of the Tonkin Gulf resolution by giving the President virtually a blank check to undertake whatever military action he deems appropriate without obtaining a declaration of war or without any further congressional involvement.

So, with these points in mind, Mr. President, I strongly urge my colleagues today to either support a tabling motion or, if this comes to a vote up or down, to reject this pending measure.

It is a dangerous amendment, one that I think may cause far more difficulty than the author of it would intend. It seems to me we ought to go through the regular process here, despite the emotions, despite the concerns we all feel about what is occurring in the Caribbean area. This, I think, would set us back on the opposite road and in the opposite direction. For these reasons, it ought to be rejected.

Mr. President, I thank my colleague from Rhode Island for his comments. From what I am told, he and the chairman of the committee, as well as my colleague from Connecticut, have spoken eloquently in opposition to the pending measure. I join with them in their comments and remarks.

Mr. LEVIN. Mr. President, I will vote to table Senator Symms' amendment. The 1962 resolution is currently the existing policy of the United States and properly so. To reaffirm it now will do nothing to strengthen this current policy, but will instead only serve to raise questions about our resolve for all the other policies of the United States that we do not reaffirm.

(By request of Mr. RANDOLPH the following statement was ordered to be printed in the RECORD:)

● **Mr. DeCONCINI.** Mr. President, although I was unable to be here today to cast my vote in favor of the Symms amendment, I want to state that the Symms amendment has my full support. Without a doubt this amendment reaffirms American policy toward Cuba as it was put forth in Senate Joint Resolution 230 which passed overwhelmingly in September 1962. Current circumstances make the reaffirmation of this policy critically important. In fact, not since the Presidency of John F. Kennedy has the United States acted with purpose and a sense of mission in the world arena. Traditionally, we have stood as a bastion of personal freedom and democracy; a beacon of hope in a world under seige from the forces of repression. Have we forgotten the thousands of men and women who have given their lives in that cause? Have we forgotten the ideals that suffuse our Declaration of Independence and Constitution?

We cannot have an effective or meaningful foreign policy unless it grows out of a set of shared national values. Henry Kissinger gave us brilliant diplomacy—but in a moral vacuum. His was the diplomacy of expediency. The Soviet Union bases its foreign policy upon a vision of the world as it might be; it shares no consensus with the United States. Its rules of conduct are far different from our own.

American foreign and military policy must reflect the twin goals of freedom and democracy. Recent events in Afghanistan have put to rest any wishful thinking that the Soviet Union has given up its revolutionary ideal. America must become revolutionary in the pursuit of freedom. We cannot afford simply to react to crises; we must act aggressively to support incipient democracies and to defeat totalitarianism. One thing is sure: If we stand timidly by while the Soviet Union gains ground on every continent, we will soon be standing alone in the world.

I have become convinced that we must begin to reevaluate and redefine American foreign policy goals in Central and South America. Since the Presidency of James Monroe, we have recognized a special concern for this area. The nations of Central and South America are hemispheric neighbors.

Yet, contrary to the imperative of the Monroe Doctrine, we have allowed a foreign power to exert influence over these neighbors. Since the days of the Cuban revolution and the missile crisis, the Kremlin has steadily increased its influence within the government of Fidel Castro. Today, Castro is little more than a puppet—almost totally dependent upon the Soviet Union for economic and military support.

At the bargain basement price of $3 to $4 billion annually—about the same amount that the Government Accounting Office estimates that the Department of Health and Human Resources squanders in fraud and abuse each year—the Soviet Union has purchased a remarkably effective foreign policy weapon, Cuba. Acting as the Kremlin's surrogate, Cuba is the cutting edge of the Soviet-style imperialism in Africa and Latin America. This extremely clever arrangement allows the Soviet leaders to expand their activities without presenting the United States with a direct challenge. The 50,000 Soviet-trained and Soviet-armed Cuban troops that are presently engaged in at least 10 nations are sold as volunteer freedom fighters. A similar number of Russian troops in those same countries would be viewed differently, although their purpose would be identical.

Since the Cuban revolution, the United States has been extraordinarily inept at either understanding the thrust of Soviet policy or mustering any effective counterstrategy. In the two decades since we broke off diplomatic relations with Cuba, the Russians have made steady progress in our traditional sphere of influence. Our only victory was during the missile crisis which itself was precipitated by a Soviet miscalculation. However, even that apparent victory was transformed to advantage by the Soviets. As part of the price for the withdrawal of the missiles was an American commitment to undertake no action directed against the Castro regime. In essence, the Soviet Union was assured of a continuing base of operations 90 miles off the American coastline.

Cuba has played a vital role in Soviet policy both in Africa and Latin America. Prior to the Russian-Cuban connection, Soviet foreign policy in the Third World had not met with much success. By using Cuba to press its revolutionary goals, the Soviets avoid the heavy-handedness that tends to frighten Third World countries. It is a far different proposition in the minds of those countries' leaders when Cubans send a military contingent than if the Soviets did. More importantly, it is a far different proposition in American minds as well.

The success of the Russian-Cuban connection bears eloquent witness to the gullibility and the hypocrisy of many Third World nations and not a few Americans. Castro mouths the shibboleths of nonalinement to hide the sword of aggression. The majority in the U.N. General Assembly fall into line proclaiming Cuban troops in Africa as volunteers in defense of freedom and democracy. In the same breath, the Soviet Union is proclaimed a peace-loving friend of democracy while the United States and Israel are branded imperialist aggressors. The real tragedy is that strains of that same enchanted lullaby can be heard in the corridors of our own State Department.

The ultimate irony of the Russia-Cuban connection lies in the fact that it was forged out of the failure of communism. Castro's revolution was genuinely indigenous, and the regime it replaced was unquestionably corrupt. But it replaced bad with worse—much worse. Political repression, including murder and torture, and severe economic privation have been the hallmarks of Castro's communism. Only massive infusions of rubles and rifles have kept Cuba from total collapse. In recent years, the Russians have kept the wolf at bay at a cost of between $8 and $12 million a day—and, the socialist dream is an economic nightmare.

But there was a lesson in this, a lesson blindly ignored by those who preferred blissful ignorance. The lesson is that socialist revolutions do not produce the propaganda book outcome of oppressed masses emerging arm-in-arm into a new era of economic progress, social equality, and political freedom. They substitute one set of oppressors for a worse set; harsh and brutal regimes are transformed into harsher and more brutal ones. Worse yet, the one skill that Communist-type revolutions have perfected is the ability to exercise almost total control, virtually eliminating the possibility of a counter revolution. In the absence of outside intervention, a Communist style revolution is almost irreversible.

This, unfortunately, is the reality—it is the reality of 20th century experience and it is the reality of Cuba. Yet, we persist in delusion. We romanticize left-wing revolutionaries and we decry right-wing dictators. American policy too often finds itself fence sitting, incapable of translating this lesson into action. In the face of all evidence, we still cannot bring ourselves to choose between the lesser of the evils; we listen to the siren song of revolutionary propaganda with its enticing promise of agrarian reform and non-Communist groups participating in leadership councils. In the end, we find ourselves tacitly supporting Sandinistas in Nicaragua or the Manley regime in Jamaica. Today in El Salvador the same quandary consumes us; let us pray that we will have the commonsense to learn from past mistakes.

Quite frankly, I believe our policy has been nonsense. It is abundantly clear what Cuba is, what Cuba is doing, and who Cuba is doing it for. I do not advocate any effort by the United States to reverse the Cuban revolution. If the Cuban people want to endure the economic privations and the political repressions associated with Castro's communism, that is their business. However, when they seek to export that misery to other Latin American nations, I believe the United States has a solemn obligation to say "No!"

The United States should begin with a simple statement to the Cubans—we will no longer tolerate your efforts to foment revolution in Latin America and we will use all means necessary to prevent you doing so. If the Cubans persist in, for example, sending shipments of arms to rebels in El Salvador and elsewhere, American forces should interdict Cuban ships and aircraft. Where the Cubans are the conduit of Soviet funds to rebel groups, the United States should counter that assistance with equivalent assistance.

Unless we recognize Cuba for what it is—a surrogate for the Soviet Union—we will find the values of democracy and freedom undermined in our hemisphere. The truth is, the Cuban free ride has gone on long enough. To the extent that the Cubans are acting for the Soviets, they are the enemy and must be treated accordingly.●

Mr. DODD. Mr. President, I yield back whatever time I have remaining.

Mr. PELL. I thank my colleague, neighbor, and friend, from Connecticut.

The time is obviously ripe for a motion to table to be made. I think that honor belongs to the chairman of the committee, so I yield to the chairman of the committee for his motion.

Before doing so, I yield back the remainder of my time.

The PRESIDING OFFICER. Does the Senator from Idaho yield back the remainder of his time?

Mr. SYMMS. Yes.

The PRESIDING OFFICER. All time has been yielded back.

Mr. PERCY. Mr. President, I move to table amendment No. 1348, the underlying amendment, and ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from Illinois (Mr. PERCY) to table the amendment (No. 1348) of the Senator from Idaho (Mr. SYMMS). The yeas and nays have been ordered and the clerk will call the roll.

Mr. BAKER. I announce that the Senator from Maine (Mr. COHEN), the Senator from Alabama (Mr. DENTON), the Senator from Arizona (Mr. GOLDWATER), the Senator from Florida (Mrs. HAWKINS), the Senator from Wisconsin (Mr. KASTEN), the Senator from Alaska (Mr. MURKOWSKI), the Senator from Oregon (Mr. PACKWOOD), the Senator from Vermont (Mr. STAFFORD), and the Senator from Alaska (Mr. STEVENS) are necessarily absent.

I further announce that, if present and voting, the Senator from Alabama (Mr. DENTON), the Senator from Florida (Mrs. HAWKINS), and the Senator from Wisconsin (Mr. KASTEN) would each vote "nay".

Mr. CRANSTON. I announce that the Senator from Montana (Mr. BAUCUS), the Senator from Nevada (Mr. CANNON), the Senator from Florida (Mr. CHILES), the Senator from Arizona (Mr. DECONCINI), the Senator from Montana (Mr. MELCHER), the Senator from Maine (Mr. MITCHELL), the Senator from Georgia (Mr. NUNN), the Senator from Michigan (Mr. RIEGLE), and the Senator from Massachusetts (Mr. TSONGAS) are necessarily absent.

I further announce that the Senator from Vermont (Mr. LEAHY) is absent on official business.

I further announce that, if present and voting, the Senator from Michigan (Mr. RIEGLE) and the Senator from Arizona (Mr. DECONCINI) would each vote "nay."

The PRESIDING OFFICER. Are there any other Senators in the Chamber wishing to vote?

The result was announced—yeas 41, nays 39, as follows:

[Rollcall Vote No. 80 Leg.]

YEAS—41

Baker
Biden
Boschwitz
Bradley
Bumpers
Byrd, Harry F., Jr.
Byrd, Robert C.
Chafee
Cranston
Danforth
Dixon
Dodd
Durenberger
Eagleton
Exon
Ford
Glenn
Gorton
Hart
Hatfield
Hayakawa
Huddleston
Inouye
Johnston
Kassebaum
Kennedy
Levin
Long
Lugar
Mathias
Matsunaga
Metzenbaum
Moynihan
Pell
Percy
Proxmire
Quayle
Sarbanes
Stennis
Tower
Weicker

NAYS—39

Abdnor
Andrews
Armstrong
Bentsen
Boren
Burdick
Cochran
D'Amato
Dole
Domenici
East
Garn
Grassley
Hatch
Heflin
Heinz
Helms
Hollings
Humphrey
Jackson
Jepsen
Laxalt
Mattingly
McClure
Nickles
Pressler
Pryor
Randolph
Roth
Rudman
Sasser
Schmitt
Simpson
Specter
Symms
Thurmond
Wallop
Warner
Zorinsky

NOT VOTING—19

Baucus
Cannon
Chiles
Cohen
DeConcini
Denton
Goldwater
Hawkins
Kasten
Leahy
Melcher
Mitchell
Murkowski
Nunn
Packwood
Riegle
Stafford
Stevens
Tsongas

So the motion to lay on the table amendment No. 1348 was agreed to.

Mr. PERCY. I move to reconsider the vote by which the motion was agreed to.

Mr. GLENN. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 1244

Mr. RANDOLPH. Mr. President, I ask for order.

The PRESIDING OFFICER. The Senate will be in order. The Senator from West Virginia has the floor. Let us show the proper courtesy.

Mr. RANDOLPH. Mr. President, I call up my amendment No. 1244, which is at the desk.

The PRESIDING OFFICER. The amendment will be stated.

The assistant legislative clerk read as follows:

The Senator from West Virginia (Mr. RANDOLPH) proposes an amendment numbered 1244.

Mr. MOYNIHAN. Mr. President, may we have order?

The PRESIDING OFFICER. The Senator from New York is correct. The Senate will be in order. The well will be cleared. The aisles will be cleared. The Senators will take their seats. The Senate will be in order so the Senator from West Virginia may be heard.

(Mr. ABDNOR assumed the chair.)

Mr. RANDOLPH. Mr. President, the amendment is not long, and it is something about which I feel very deeply. I ask that the clerk read the amendment.

The PRESIDING OFFICER. The amendment will be stated.

The assistant legislative clerk read as follows:

The Senator from West Virginia (Mr. RANDOLPH), for himself and Mr. ROBERT C. BYRD, Mr. HART, Mr. ZORINSKY, Mr. BURDICK, Mr. DODD, Mr. FORD, Mr. PRYOR, Mr. BUMPERS, and Mr. GOLDWATER, proposes an amendment numbered 1244:

At the end of the resolution add the following:

SEC. 4. Rule XII of the Standing Rules of the Senate is amended by adding at the end thereof the following new paragraph:

"(5) When yeas and nays are ordered on the floor, each Senator shall vote from the assigned desk of the Senator.".

Mr. RANDOLPH. Mr. President, I often feel, in a sense, embarrassed when I address the Presiding Officer with the words: "Mr. President, a point of order. The Senate is not in order." It is not a role that I relish.

Mr. President, I am in my 24th year as a Member of the U.S. Senate. During this period I have seen the deterioration of the Senate from the standpoint of disorderly conduct in this body, during consideration of business brought before us. Especially that lack of order which is practiced through what I call oftentimes inadvertence, oftentimes overemotionalism, and oftentimes the desire for conferences.

Many times I have gone to the galleries, and looked down into this Chamber during the course of rollcalls. Members have difficulty hearing the legislative clerk call their names. The pending votes are very crucial votes; and the tally, as it proceeds, indicates the closeness of the issue.

I respect the judgment and the conscience of my colleagues, although as a group I cannot respect their action in reference to the disorder, the lack of order, on rollcalls that take place in this Chamber.

I have spoken at length on this matter dozens of times. I say again that what I have done over a period of months has not been something I really wanted to do. I hestitate whenever I make a point of order that the Senate is not in order.

I do not want to speak of the dignity of the Senate. I do not think that really is an issue. I remember the Senate in those earlier years of my service when, practically on all occasions, Senators were either sitting in their chairs, at their desks, or in some instances standing, as I always do, and having their names recorded on rollcalls.

The difference between now and prior years is something that saddens me. I wonder what people who are sitting in the gallery really think about the Senate as we vote on an important amendment, such as the Symms amendment which we have just concluded. When they see the milling about—and I use the word advisedly—of Senators on the floor, especially in the well of this Chamber. What is their reaction?

We are not to speak to the galleries, and I have tried to never do that. I speak to the issues here, hoping always that there are some colleagues who might be present and hear what I have to say, as yesterday I spoke in this body on the Symms amendment.

Very valuable time is lost in this Chamber as we attempt over and over and over to restore order in this body. I have talked with the legislative clerks. They have a very difficult time even to recognize Senators who are attempting to vote.

I wish the RECORD to indicate those who are cosponsors of the pending amendment: Senators ZORINSKY, HART, BURDICK, DODD, FORD, PRYOR, BUMPERS, GOLDWATER, and ROBERT C. BYRD, the Democratic leader.

Mr. President, I appreciate that while I have been speaking, there has been order in the Chamber. I recognize that the able Senator from New York (Mr. MOYNIHAN) is ready to discuss this matter. There may be others in the Chamber who will wish to discuss it. I hope that we can have an expression of the Senate on this matter in the next few days.

Although I believe strongly in the amendment, I want Senators to know that if it is rejected, I am not going to be angry at anyone. However, I am very much in earnest about this subject. I do not want to make any references to trials in this body, but I believe that, in a sense, the Senate is on trial in a matter of this kind. Some Members, perhaps not having thought about it as much as I have and perhaps not feeling that it is as important as I believe it to be, may not want such a voting to occur. I feel it to be in the best interests of the orderly process of debate and of casting votes on important subjects that each Member sit or stand at his or her desk—the desk which is assigned to us; with our name plate attached—and vote yes or no.

It would not so much be a return to tradition of the yesteryears but it might be a rebirth within the Senate itself of that decorum and good manners which I believe perhaps in this country we continue to observe. If there is to be television in the Senate, the public certainly has a right to see the Members of this body in a posture of decorum and not milling around like players in a rowdy and unruly hockey match. Our guests in the galleries might define it as some sort of a soccer game that is going on.

I do not want to be too lighthearted in my words but only to reaffirm my belief in not so much the dignity of the Senate, but the decorum of the Senate. Members might even be able to think quietly in this Chamber, rather than to have the constant disturbances, the noise, even the turmoil, which takes place when rollcalls are taken.

Mr. LONG. Mr. President, will the Senator yield at that point?

Mr. RANDOLPH. Yes, I yield.

Mr. LONG. First let me say that I will vote for the Senator's amendment. It seemed to the Senator from Louisiana many times Members met down in the well during a vote—it tends to happen because some Senator wants to see how the vote is going. He wants to see how other Senators are voting in an effort to make up his mind how he should vote. That does not reflect too well on Senators and it will not look too good on television if the Senate should be televised. It would appear every time that Senator X comes in to vote he has to go down to see how other Senators voted before he can make up his mind how he wants to vote.

In addition to that, of course, it offers leaders for both sides, our Senate leaders, the managers of the bill and the opponents an opportunity to buttonhole someone, and I have done it many times—I am not here to apologize—I just say it is a fact—to speak to someone and try to persuade him on one side or the other.

Really, Senators should come and know more about what they are voting on when they enter the Chamber than have to go down to the well and ask someone.

So, in any event, if the Senate is to be on television, that practice should be stopped.

Now the Senator knows there is one other reason that Senators tend to accumulate down at the well and that is when we have a rollcall vote especially late in the evening and Senators are anxious to go home. They will all line up at the desk the moment that the first name has been answered; then the clerk will permit them to record themselves and be on their way. Now, that is a convenience that Senators would like to keep but I would submit that if we want to keep that convenience, we could do it in a better fashion, by installing a voting machine. If we wish to retain the convenience of simply going down to the desk and telling the clerk how we want to vote and vote before one's time comes, that could be achieved by installing a voting machine in the Senate. A Senator could simply push a red button or a green button and record himself with a repeater that shows how he is to be recorded and he would not need to stay and answer his name in that event. The clerk could go ahead and call the roll as is ordinarily the case except where Senators want to have a back-to-back vote in which event they would like to use the voting machine without waiting for the clerk to call their names.

I simply say that any problem that the Senator's amendment might occasion Senators or any inconvenience it might occasion any individual Senator could be handled by installing a voting machine if that gave Senators any problem at all. And I will offer such an amendment before this matter is disposed of.

I do think the Senator's amendment is well taken. The current situation gives the impression the Senate is not in order when Senators all accumulate in the well. It creates a confusion that is not appropriate to the Senate, and, as the Senator suggested, that is a matter of disorder that was not the case when the Senator came to the Senate, and it was not the case when the junior Senator, now the senior Senator, from Louisiana came to the Senate.

It is simply an untidy practice that developed down through the years, and the Senator has a very good point in saying that we should stop that, we should go back to the day when the Senator sits in a seat and votes from his desk when they call his name.

I think that this is an ideal time to offer the amendment because if the Senate should be on television we should stop presenting that messy impression to the people of the country, including those in our galleries.

Mr. RANDOLPH. I thank the knowledgeable Senator from Louisiana who from long experience speaks on the pending amendment. I am very grateful for his support.

Mr. MOYNIHAN. Mr. President, will the Senator, formerly my distinguished chairman and always my friend, yield for a question?

Mr. RANDOLPH. Yes, I yield.

Mr. MOYNIHAN. I understand that it is his purpose to require that Senators vote from their desks.

Mr. RANDOLPH. That is correct.

Mr. MOYNIHAN. But not necessarily to require that they remain at their desks throughout a rollcall, which sometimes takes 20 minutes or, so that the exchange of views and information that takes place in the cloakrooms and outside the Chamber could continue.

Mr. RANDOLPH. That is correct. We have various rooms around this Chamber where Members can confer, even if Senators were talking in the cloakrooms or even if Senators were standing to the rear of the desks. I would try always to understand that. I am not in any sense straitjacketing our members.

Mr. MOYNIHAN. The Senator does know, as do few Members of this body, that important exchanges of views frequently take place during rollcalls. He also knows that many amendments come spontaneously, in response to a debate or another Member's remarks, and there is no way to know much in advance what they are or to solicit the judgment of other persons, friends and experts inside and outside the Congress.

Many is the time I have asked the Senator from West Virginia what was his view on an amendment, and he either confirmed my own view or raised doubts in my mind.

Understanding the Senator's intention—having consulted him—I would ask if I could become a cosponsor of the amendment.

Mr. RANDOLPH. I would be delighted; in fact, I would be buttressed in this quest for a vote.

Mr. MOYNIHAN. I would also make the point that the appropriateness and the propriety of the Senator's proposal is enhanced by the very desks of which he speaks. These are not just any desks. They have been in this body from its founding 190 years ago.

Mr. RANDOLPH. 193 years in the Senate, yes.

Mr. MOYNIHAN. 193. For the longest time, as the Senator from West Virginia knows as few others would know, the desks were much smaller than they are today, and much simpler in their design.

Mr. RANDOLPH. That is right.

Mr. MOYNIHAN. For the first four decades of the Senate's existence, moreover, they were the whole of the facilities available to a Senator. Then, in the 1830's, the small box we now have on top was added. This addition, of the box with its drawer, was like adding a Senate office building in those days.

One Member of the body who could be cheerfully fraudulent in such matters, then the senior Senator from New Hampshire, declined. He thought that in the interests of his reelection he would decline the incredible extravagance of this addition. To this day, the senior Senator from New Hampshire always sits at Daniel Webster's desk, the only desk in the Chamber which does not have the 1840 addition, the extra drawer. How much in public revenues was actually saved by that move I do not know; that is not part of our history.

I relate the story to illustrate the fact that these desks are part of our history, and I very much agree we should vote while standing at them. At the same time we should recognize that legitimate exchanges of information do take place during a rollcall, and ought to take place. To some extent the culmination of the debate frequently takes place during the rollcall. We should maintain a modicum of decorum by voting from these historic desks which we are privileged for a brief period to occupy before passing them on to our successors.

So I congratulate the distinguished chairman, the Senator from West Virginia, and I appreciate his willingness to allow me to cosponsor it.

Mr. RANDOLPH. May I for just a moment comment, and then I will yield to my able colleague from Louisiana (Mr. JOHNSTON) if he would want me to. I recall so very well the former Republican leader in this body, Senator Everett Dirksen of Illinois. I remember that he always voted from his desk wherever that desk might be.

But in keeping with your philosophy of that which takes place before the rollcall is actually being recorded, he would move up and down that aisle as if he were an oldtime evangelist under the tent somewhere talking to the people.

Freedom of movement is necessary when you appeal to people, and I would not want that to be stymied or stultified in this body. I do not ask that you speak in any certain place. I am only saying that when that rollcall comes that that is a very, very important decisionmaking process and there ought to be in a sense, not a solitude but rather a quiet Senate, saying yes or no upon matters that concern millions of people in this country and, perhaps, have an effect, either positive or negative, in the thinking of the people of the world.

Mr. MOYNIHAN. I thank the chairman for his remarks.

May I say, with the greatest affection, that when he began by saying "I remember," I was startled that he went on to remember Everett Dirksen. I thought he was going to say he remembered when they were putting these boxes on. [Laughter.]

Mr. RANDOLPH. I have been accused of being here during the Lincoln administration, not just the Franklin Roosevelt administration.

Mr. MOYNIHAN. You, sir, were a Member of Congress from the outset of the Roosevelt administration.

Mr. RANDOLPH. From the outset.

But I do take this moment—we are not too hurried—to tell a story, either legendary or true.

Abraham Lincoln was besieged by, let us say, a constituent, but certainly by a citizen who was urging the President to nominate him for the judgeship of a court. Correspondence went to the man indicating there could be no consideration of his desire to serve in that judgeship because there was a judge who was sitting in that court. There was no vacancy. But he continually seemed to try to impress upon President Lincoln that he was ready, very much ready.

It is said that on a warm Sunday afternoon in Washington he broke by the staff of the President at the White House and went to the portico on the south side of that historic structure. Lincoln was just rocking, resting, contemplating, perhaps in an easy chair, and he said:

> Mr. President, I come again to ask to be nominated to this judgeship.

Lincoln is said to have looked up and said:

> I won't be able to nominate you or appoint you.

The man said he could not understand. It was only about 1 hour, perhaps 1½ hours ago that a boating accident took place on the Potomac River and the judge in question was drowned.

Lincoln supposedly said:

> I am still sorry. I will not be able to appoint you.

He said:

> I can't understand what has happened.

Lincoln is supposed to have said:

> Well, I think you should know that I have already nominated the man who shoved him in.

The President made his decision in earnest. I am constantly thinking of today and of tomorrow. I love this body, as all Members do. I love the legislative process. I still love not the pretense of good manners but really good manners, and there are good manners involved here in the pending amendment, as well as the transaction of the business of the Senate for the people of this Republic.

I thank my friend.

The PRESIDING OFFICER. Without objection, the request of the Senator from New York to be added as a cosponsor of this amendment is so ordered.

Mr. JOHNSTON. Mr. President, I have a good friend who is a headhunter. He is not a headhunter in the old native sense but a headhunter for electronics companies which get some of the best and brightest and most highly motivated people in America to be an executive with whether it be IBM or another electronics or computer company. He is so good at the job that he wrote a book about it, and he said to me one day:

> Do you know what the one quality in a job that everyone looks for above everything else is?

I immediately, of course, thought about salary. But I thought it must not be salary because he asked the question in a way that indicated that I would know. So I said:

> Well, it must not be salary. Is it, would it be, mental challenge?

He said "No." I said:

> Would it be working conditions?

He said "No." I said:

> Would it be the people you work with?

He said "No." I went through a list of other things and he said "No." He said:

> The thing that people, at least highly motivated people, more than anything else look for in a job is recognition.

Then it immediately occurred to me, as the Sun breaking over the horizon at the dawn, exactly what he meant, because as someone who is in the political business, which is a business which constantly seeks the limelight, I knew exactly and precisely what he was talking about.

I think we ought to keep that truth, and indeed it is a truth, in mind as we debate the larger question here—not the Randolph amendment so much, which is a nice addition to this argument, but as we debate the larger question—of whether we ought to have TV in the Senate, and we ought to keep in mind the basic motivation of highly motivated people is to seek recognition.

As a practical matter, what that means, Mr. President, is if we have the three networks, channel news, public television, and who knows what else, as visitors with their electronic eyes in this Chamber, we are going to basically change the way we do business, because that emotion which resides in even the most humble of us is going to come to the fore and we are going to seek that recognition. Indeed, Mr. President, we are going to have to seek that recognition whether we want to or not, because even if we are so humble as not to want to get on the electronic eye, our constituents are going to insist that we do, either because they want to see us or because they wonder why we were not doing our job, why we were absent from the floor, why we failed to speak out on social security or whether we ought to blockade Cuba or whether we ought to have payments to the old people or low income energy assistance or a whole plethora of issues, so broad as to encompass most every aspect of what we do business in here, which if we fail to speak out on it our constituents would not understand.

So I can see, Mr. President, that our lives would be basically changed. Now the Randolph amendment is one occasion of how our lives would be changed, probably a change for the better, as my dear friend from West Virginia points out, about the courtesy and decorum of the Senate. It probably would change it for the better. But the point is, Mr. President, that it is this TV resolution that brings that kind of thing to the fore and it is going to change our lives in the Senate more dramatically and in more basic ways than improving the decorum.

It is going to mean that we are going to have to spend inordinate amounts of time back in our offices thinking up a clever phrase. What is it that will attract the attention of CBS news? What will Roger Mudd like to hear when he puts it on the 7 o'clock news? What is it that will be notable about that speech?

We will have speechwriters and we will be back in our offices—when we are in our offices, which will be a decreased amount of time—wondering about the clever phrase. What is it that attracts 30 seconds of television? And after all, that is about all the time the networks can give to a particular issue, unless it is a really overriding issue. Well, it tends to be more the clever phrase rather than the reasoned argument, it tends to be more emotion than substance. I mean, how many reasoned arguments can you make in 35 seconds of prime time or, for that matter, in 90 seconds? And 90 seconds for an issue on the evening news, Mr. President, is an amount of time rarely given to any issue.

How much time will this issue right here get on the evening news? Twenty seconds? Maybe 25 seconds, when you have the announcer as well as some Senator speaking out on it.

Mr. President, this would basically change the way we do business, because we would have to be here on the floor both to speak and to show our presence here to the country.

Mr. President, I have been a participant in television in a legislative body as a member of the Louisiana Legislature. We had television. Now, to be sure, It was not wall-to-wall television, because the Louisiana Legislature did not merit wall-to-wall television, even in Baton Rouge, La.

However, when the great electronic eye was on—and you could tell when it was on because there was a little red light that would come on, on the camera, so you could well see when it was on—I can tell you, Mr. President, when it was on, the heat of the debate, the length of the debate, the kind and quality of the debate were basically and drastically changed without fail and almost without reference to who the speaker was.

There were a few of us, maybe, as I say, that were humble enough not to be influenced by that, but most of the members of that body, Mr. President—and in all seriousness even the speaker who speaks to you now—was influenced by the fact that maybe, just maybe, that big red light would catch something dramatic and interesting that you had to say and you could watch yourself on the 7 o'clock news. It happened every time, Mr. President, and that changed the quality of the debate.

Now, that was in the Louisiana Legislature, where the camera might be on only for 30 or 40 minutes or maybe an hour on a particularly hot issue. With wall-to-wall television coverage, Mr. President, we would have Senators here every day seeking to make a record on the television.

Mr. LONG. Will the Senator yield at that point?

Mr. JOHNSTON. I will, indeed.

Mr. LONG. The Senator must keep in mind, that if we are going to have the Senate on gavel-to-gavel television coverage, presumably what is said on the floor would be available to everybody. Anybody that wants it could have it, the networks or anyone else.

Now, under those circumstances, if one were to participate in the debate and simply ask a question or make a statement based on the best information he had, which proved to be in error, that is available to your opposition.

For example, I am told that the NCPAC that does all this negative political advertising is busily engaged taking information from tapes that they find over on the House side that they can use against Members of the House whom they wish to oppose.

So that a Senator would necessarily have to be very careful about saying something that might expose his ignorance, innocent though it may be.

The Senator can recall, I am very sure, when President Ford was on a joint television debate with former President Carter and President Ford, in the course of the debate, made some reference to some country, which I do not recall.

Mr. JOHNSTON. Poland.

Mr. LONG. And it indicated that he had very inadequate knowledge about Poland. And I do not recall what the exact point was, but that was an issue all over the whole country. Everybody got upset about the fact that President Ford, being President of the United States, did not know any more about Poland than to say what he said on television.

Mr. JOHNSTON. If the Senator will yield, the thing that worries me more than that is, for example, an issue like minimum payment on social security. That issue passed this body unanimously. Unanimously, we said we ought to restore the minimum payment on social security. Now I felt very strongly we ought to restore it. When it came around in the first instance, I voted against the cut. So I did not have to be convinced. But I did not come over here and make a speech on that, Mr. President. I say to my colleague, I do not know whether my colleague did or not, being on the Finance Committee, maybe he did.

Mr. LONG. If it would have been on television, I would have. It turns out we were not on television, so I did not make the speech.

Mr. JOHNSTON. And we were able to dispose of that in just a few hours, because the die was cast, the cloth was cut, it was all set to go and everybody knew it. And just a few participants got out here and made their little talks and then, unanimously, we voted for it.

But if that electronic eye had been observing those proceedings, how many Senators would have had to come out here and make a speech for the old folks? Why, all of us would have been here. And we would not have expanded the knowledge of the Senate one iota. We would not have enlightened the debate or learned anything more about social security. All that would have happened is that we would have consumed the time on the floor here, which could better have been consumed in the Finance Committee or the Appropriations Committee or even in our offices learning something about some issue, rather than chronicling to the people back home how strong we are in support of the old folks, or whatever the issue is.

Now, does the Senator not agree with that?

Mr. LONG. Yes; and when Sandra Day O'Connor came in to be a Justice on the Supreme Court, almost 50 percent of the Senators made speeches. The other 50 percent would have had to make speeches. Everybody would have had to make a speech on what a great day it was that Sandra Day O'Connor was being nominated to be a Justice on the Supreme Court of the United States.

Mr. JOHNSTON. You could not put your statement in the RECORD, as I believe I did, if I recall correctly, on Sandra Day O'Connor. I came in to record myself in favor of women's rights. I put my statement in the RECORD and did not take the time of the other Senators.

But if the television had been on, you would have to come over here and read that statement and take the time of the Senate. And I just do not know how we would ever get our business done if we had the television going.

Mr. LONG. If the Senator will yield further, the Senator would not only come over to read his speech, he would rehearse it before he got here, perhaps memorize it, and get down to where he really had it in apple pie shape.

When a manager of a bill stands here to present the committee's views on that bill, the Senator knows full well—and he has done the same thing I have done, I am sure—many times one takes a big statement and reads about the first page and reads the last page and puts all the rest of it in the RECORD.

So that everybody who wants to read it can plow through all the technical explanations of all the provisions in that bill. And it is useful for legislative history purposes.

But that is not the speech one would make and not in that fashion if we were on television. He would rehearse himself a speech and practice it. When he makes a speech, undoubtedly, on television, the way this thing is planned, you would not see all the empty chairs. You would see the man standing there making a speech, orating away. So he would jazz his speech up, try to make it appear that he was persuading Senators to see it his way, when practically no one were here to hear it to begin with, and take a half hour or so explaining his bill when, as a practical matter, everybody knew what was in it to begin with.

Mr. JOHNSTON. And they are probably for his bill anyway. I can see him right now. He would be out here waving his arms and speaking to his colleagues maybe with a grand gesture, and the Chamber would be empty, might not even have the press up there in the gallery to hear him.

But when you would see it on the 7 o'clock news that night, it would look as though he were making the grandest speech on the most difficult issue, taking the most courageous stand, and the most persuasive Senator that their State ever elected.

Mr. LONG. Mr. President, furthermore, is the Senator aware of that little recording studio down below where a Senator can go and make a TV film to be shown in his home State or be interviewed for television?

I do not know how many hours that studio is active down there, but I would venture it is a great number of hours. It is available to Senators to go down and make a little tape or have an interview and send it to their home State, or just make a statement and send it out to people back home.

I was told many years ago by a young man who worked there that a Senator would come a lot nearer getting himself elected by going down there and making a TV film than he would by all the hard committee work he did and all the hard work he did out here on the floor, just sending a TV film back home about once a week to keep the folks aware of what he was doing for them.

All that time that is spent down there in that recording studio would be spent doing the film up here. That Senator is not going to waste his time down below in the TV studio recording all these messages to send back home when he can make them right out here on the Senate floor, then lift them off the tape and send them down.

One might just check and review how much time they are spending down there recording what Senators want to say for the folks back home, but they would be doing all that up here. All of that would have to be taken down by the Official Reporters of Debates. And mind you, it would be mostly repetitious of what had already been said by other Senators.

Right now, I do not know what my colleague thinks about the matter, but my impression is that one reason it takes so long to get things done in the Senate is that the average Senator talks twice as much as necessary. He makes twice as many speeches as necessary, and the average speech is twice as long as necessary. That would be doubled again.

If I might just impose on the Senator, it makes me think of the time when I was a boy trying to raise some pigeons. My mother got me some pigeons. I had a nice pigeon coop, but the pigeons would fly away. They would not stay there.

My mother said she would teach me how to keep the pigeons inside their home. She told me to get a mirror. Sure enough, I put the mirror there in front of the pigeons so they could see themselves. They would fight to stay in front of the mirror, peck each other and shove each other aside to get in front of that mirror.

We would have to provide the time for Senators to preen themselves for television every day, and all that time taxpayers would be paying to keep all the other people around here, paying for doorkeepers and paying for people to take down the RECORD, writing down all the things that are being said.

Mr. JOHNSTON. If the Senator will yield, does he think we might also have to have a makeup studio located right in the cloakroom there somewhere?

Mr. LONG. No doubt. No doubt. But to touch on the point that I started in the first instance, in addition to the surplus verbiage that we would have to contend with, it would also interfere with debate in that Senators would be reluctant to ask a question which legitimately should have been part of the give and take of debate here, simply seeking information from the manager of the bill or from one debating it who had thorough knowledge from careful study of the subject.

There would be a strong tendency and urging from a staff, "Look, if you do not know the answer, do not ask the question. It would make it look like you are not fully informed."

That tends to interfere with the function of the Senate. In fact, when I first came to the Senate, I once asked one of the older Senators—a senior Senator, Carl Hayden—who served perhaps more years than anyone here, about what it took to be an effective Senator. He said among the talents that would make an effective Senator was that of being a good schoolteacher, that a person who knew how to explain something to people had training to make a good Senator because that is much of what the job was here, to explain to a Senator what was in a piece of legislation in a way that he could understand the message.

That function would tend to be dispersed as people sought to speak to a broader gallery.

In many respects, it would delay and impede, and tend to encourage Senators to constantly be here making a campaign for their own reelection at the expense of the taxpayer.

I am not entirely against the taxpayers helping an honest man to run for office. I sponsored the $1 checkoff to help pay the expense of a Presidential campaign, to ease the burden on Presidential candidates through private contributions, but there is a limit to how much this Senate Chamber should be used to promote Presidential campaigns. That would create additional problems for us.

Mr. JOHNSTON. Mr. President, I want to take a moment to congratulate my senior colleague from Louisiana for fighting a tough battle out here in the national interest. This is a classic example of one of those issues not really well understood back home. I have not received any letters from Louisiana telling me not to let the Senate get on TV. Those few letters that I do get say that the public has a right to know, that we ought to turn the glare of publicity on the public's business so that they can understand how their business is run.

That is a very appealing argument, and for someone who has never been in this body, it makes perfect sense. For those of us who have, Mr. President, I will be very honest; I do not see two sides to this argument.

I say to my friends who back this, and I say it in all good grace, I do not even see two sides to this argument.

How anyone could say that having television in this body, when we know that the certain result is going to be in terms of the time it is going to take, the way it is going to change the way we do business, is very distressing to me.

I want to say that my colleague, my senior colleague, has recognized that national interest. I know he has not done this for political gain, because there is no political gain in opposing TV in the Senate. I can guarantee there is no political gain in it. But sometimes the national interest has to rise above the political desires of the moment.

My colleague, true to his usual style, has risen above his own political interests and has fought this battle. As I told him a long time ago, I am going to stand with him on this, not just because he is my colleague, although I have stood with him on occasions simply for that reason, but in this case because I know he is right. I have seen the experience of the Louisiana Legislature and what it did to us down there. I can multiply that by about 25 times and get 25 times as bad a result here on the floor of the U.S. Senate with wall-to-wall coverage.

Mr. LONG. Will the Senator yield at that point?

Mr. JOHNSTON. Yes, I yield.

Mr. LONG. Let me ask the Senator further if he is not familiar with those situations where the burden of statesmanship requires a good Senator in justice to his own conscience and in duty to his country to speak out for the unpopular cause?

I can think of no more recent example than when the Senator from Hawaii (Mr. INOUYE) defended the Senator from New Jersey Mr. Williams and explained Mr. Williams' side of the argument to the Senate.

That was a courageous thing for any Senator to do. The public had been pretty well convinced that Senator Williams had made a bad mistake, that he had done wrongful conduct that would justify expelling him from the Senate and that we should expel him. But there was a lot to be said for Mr. Williams' side of the argument. There were Senators who thought that he had been treated very unfairly.

Senator INOUYE stood here and explained the side of the argument about the injustices that had been done by the FBI, the way Senator Williams' rights had been abused, the way he had been led into this situation, the misconduct, as he saw it, of the FBI in connection with this matter. What the Senator from Hawaii did was an act of courage that, in my judgment, was statesmanship.

I am not saying he was necessarily right. I am saying he thought he was right. If one thinks that, his duty is to get up and say so if he thinks that people do not understand the issue as he thinks he does understand it.

That took courage and I think every Senator in this body appreciated the courage and the statesmanship of the Senator from Hawaii in acting as he did on that occasion. But how much more difficult is it for a person to do the same kind of thing if you have to do it on television? Mind you, everybody knows he is doing it. But how much tougher is it to assume that same burden when he has to carry that same fight to an audience of 200 million people, all of whom have read that Senator Williams is a bad fellow and ought to be kicked out of the Senate and from what they have read of it, they are predisposed to believe the worst?

Mr. JOHNSTON. Mr. President, I agree with my colleague. I see the distinguished Senator from Tennessee on his feet and in this spirit of statesmanship and doing the politically unpopular thing—I have seen the Senator from Tennessee do that a number of times. He has been listening attentively to this debate. I hope and think and am optimistic that maybe he is ready to recant his position and, even though it is unpopular, join us in this great fight to keep the traditions of the U.S. Senate where, for 199 years, they have been and have served this Nation so well.

I yield the floor, Mr. President.

Mr. BAKER. Mr. President, I do not know many Members of this group I have a greater respect for than the two Senators from Louisiana. They are not only my colleagues, but they are my friends, and I respect them for their point of view almost as enthusiastically as I disagree with them.

I think they are wrong and I hope, indeed, they will recant their views and join us in support of the proposition that, simply put, would provide a guarantee that the Senate will conduct the public's business in a public way.

Mr. President, my friend from Louisiana, the junior Senator (Mr. JOHNSTON), said that he could not see two sides to this argument. You will not see any side of the argument if we pursue the logic of the position that we should exclude electronic coverage of the Senate proceedings. Does that mean as well that we are going to empty the galleries? Because, after all, television coverage simply extends the opportunity for more Americans to see the transaction of their business at this place.

Does that mean that we are going to exclude television coverage from committees, which we have authorized? And so much of the Senate's work is done in committee and it is so often covered by television, sometimes live television—I think with good effect. But if we extend that logic, does it mean that committees should no longer be permitted television coverage of their proceedings?

Perhaps it is a far extension of this argument, Mr. President, but I think not very far, when I say that maybe we should no longer have a verbatim transcript of what we do here. We have not always had a verbatim transcript of the proceedings of the Senate, as indeed, it is only a fairly recent development in the history of the Congress of the United States that we have regularly published a daily journal of verbatim transcripts of our proceedings. The Congressional Globe was the title given to the record of the Senate proceedings in the early years of the Republic, and it was nothing more than an editor's summation of the general activities of Congress.

Does it mean, Mr. President, that we should impose a ban of silence on Members of the Senate, who would be forbidden to discuss outside of this Chamber the transaction of the public's business in this room? These suggest themselves, Mr. President, as another side to the argument.

I do not believe that any Member of this body would urge that the public's business should be conducted in private except in those extraordinary cases where unusual sensitivity in the national interest would require it, as in matters of national defense or extremely sensitive diplomatic undertakings. We have done that and we do it from time to time and we would, indeed, continue to do it if there were live television coverage in the Senate.

Mr. President, I reiterate what I said when we began this debate weeks ago: I believe that television coverage of the Senate is the simple extension by electronic means of the public gallery. I believe that if the electronic means of television coverage had been available in Philadelphia or in New York, it would have been inaugurated with the beginning of the Congress. We shall celebrate the 200th anniversary of the Senate of the United States in a few years and I expect if television had come 200 years ago, we would not be having this argument, because our Founding Fathers were so dedicated to the idea that the American public would escape the tyranny of star chamber proceedings as given us by our parent nation, England, the British Empire, that they guaranteed that public debate would be conducted in the congressional forum and that the courts would be open to public scrutiny. We have elaborated and extended that concept through the Freedom of Information Act, through a whole array of sunshine laws and other statutory and rulemaking guarantees that the public indeed has a right to know and should have maximum access to deliberations of those of us who hold the public trust. We are fiduciaries of the sovereignty of this Nation and we act in the name of the people we represent. They are entitled to know what we do.

Mr. President, the point was made by the distinguished senior Senator from Louisiana that his admiration for the Senator from Hawaii (Mr. **Inouye**) in undertaking a difficult and impossible task, perhaps, was very great. I rival any Member of this Chamber in my admiration for **Danny Inouye**. He is a courageous man, a great Senator. I wish he were a Republican. But, Mr. President, I do not doubt for one moment that **Danny Inouye** would have done precisely the same thing in that Williams case with television as he did without it. I do not think it would have made a particle of difference. And I do not think it would make a difference to any Member of this body in the matter of executing the demands of his conscience and the determination of great public issues and small ones.

Mr. President, we are making a mountain out of a molehill. Television will come to the Senate someday because the country will demand it. They see the House of Representatives on television. It is not as if we were going to be on the 6:30 news. As the saying goes, we are not exactly prime time players. But it is going to be on cable, maybe occasionally on over-the-air broadcasts. It is going to be continuous, gavel-to-gavel, I hope and trust.

Men and women of this Nation will have the free option to watch or not to watch. I am astonished at the number of people who do watch. I am amazed at the number of people who read the **Congressional Record**, including my mother. My mother served the Congress of the United States in the House of Representatives. I am probably the only Member of this body who gets letters from and writes to his mother periodically on positions he has taken on the floor of the Senate.

Mr. President, television will come to this body someday. The question is, When? When will we make sure that the people of the United States have an opportunity to see, to hear, to understand, to examine, to approve, or to disapprove our actions and conduct as the trustees of their public faith?

Mr. President, I believe that cost should not be an overriding issue in this debate. I do not wish to belittle the arguments of my colleagues who think otherwise, but we owe it to the American public to conduct their business in a public place. Although no one needs to be reminded of the astonishing sums we deal with daily, last year we appropriated 748 billion 404 million of the American taxpayers' hard-earned dollars. I disagree with those who say that those same taxpayers would begrudge the expenditure of $2.1 million to allow them to watch this process take place.

This is not to imply that 2.1 million dollars is an insignificant expenditure, but I believe the merits of this proposal are publicly and historically cost-effective. During the past year, several studies have been conducted to assure that quality pictures can be made of every Member, while he or she speaks, at the least possible cost to the public. The figure I cite is actually much less than the originally estimated cost of installing cameras and the associated equipment, due in part to a recently developed lens which will allow the use of less expensive minicameras. Although eight cameras would provide optimum coverage of debate, the Senate Recording Studio has determined that six can do the job perfectly well.

I urge my colleagues to weigh the benefits of opening the Senate floor to the radio and television media. In my mind, the benefits far outweigh and more than justify the costs.

Mr. President, I ask unanimous consent that the detailed breakdown of the $2,093,206 installation expenditures be printed in the **Record** at this point.

There being no objection, the material was ordered to be printed in the **Record**, as follows:

Installation expenditures

Engineering firm to design and supervise installation of system	$135,000
Employment of 2 engineers	65,000
Preparation of control room	195,000
Preparation of gallery	29,000
Lighting engineer and new lights	85,000
Pan and tilt equipment	566,500
Audio system	116,000
Cameras	235,240
Lenses	114,000
Rack and console equipment	16,224
Audio/video cable correctors	19,643
Video equipment	117,344
Audio equipment	11,365
Character generator	33,200
Routing switcher	32,115
Studio switcher	60,000
2 audio tape machines	15,000
2 video tape machines	192,604
Intercom system	4,971
Total installation	*2,093,206

*Annual recurring operational expenditures for each year following the initial year is estimated to be approximately $485,000 ($420,000 for salaries for 14 employees and $65,000 for maintenance and repair).

Costs (Assuming a Senate Run System)

Installation of remote controlled cameras:	
Eight studio cameras, lights, cable, audio improvements and control room equipment (optimum system):	
Architect's estimate	$3,616,000
Senate Recording Studio estimate	2,993,228
Six mimicameras, lights, cable, audio improvements and control room equipment (adequate system):	
Senate Recording Studio estimate	2,093,206
Annual maintenance:	
Fiscal year 81 House budget	65,000
Architect's estimate	200,000
Annual operating cost (salaries for 14 employees)	420,000
Video Archival Service (annual) Library of Congress estimate	93,000

User Charges.—The House provides the signal to positions in the press gallery free of charge.

FEES FOR REPRODUCTION OF TAPES; HOUSE BROADCASTING SYSTEM CHARGES

Audio	Reel-to-reel	Cassette
30 minutes	$32	$24
60 minutes	56	43

Video	1" Reel-to-reel	¾" Cassette
30 minutes	$184	$104
60 minutes	272	176

The actual cost to the House Broadcasting System ¾" video cassettes is $15.13 for 30 minutes and $21.47 for 60 minutes. The difference is added to help defray some expenses of the operation.

Mr. MOYNIHAN. Mr. President, will the Senate majority leader yield for a question?

Mr. BAKER. I yield.

Mr. MOYNIHAN. I wonder whether the majority leader has had the opportunity to make a list of the legislatures of democratic nations which already do televise their proceedings, in whole or in part?

I had the pleasure recently of visiting Ottawa, where for some time now the Canadian House of Commons has been televised. They describe the coverage of the roving camera as being an electronic Hansard, which simply records the statements of members. As the CONGRESSIONAL RECORD does here, their Hansard, in an abbreviated form, does there.

Is it not the case that this practice is widespread, even as widespread packages as the admission of the print press? Although the presence of the press came late in the development of parliamentary institutions, it did come, and has never since been questioned.

Is this not simply an extension of that principle, and has it not been adopted in many of our parliamentary nations?

Mr. BAKER. It has indeed. Also, I must say to my friend from New York that it is a growing phenomenon, more and more, of parliamentary groups in other nations as well as legislatures in the States of our Nation, which are coming to the view that electronic coverage is a logical and desirable extension of the public's right to know and a reasonable and rational method for preserving the deliberations of the legislative systems for the examination of this generation and future generations.

I do not know the numbers, but they would be interesting. As it happens, I have a quotation from a former Speaker of the Canadian House of Commons, the Honorable James Jerome. This is a quotation in that respect, and it might be of interest to the Senator from New York, who has spoken on this subject. Talking of the Canadian Parliament, Mr. Jerome said:

> Today's Parliamentary coverage is infinitely more accurate. Journalists know what they say is being compared to what people heard and actually saw on the screen, and that makes reporters more careful.

I would not presume to say that any of our friends in the press gallery are ever less than totally accurate, but I must acknowledge that it is a comforting thought that the former Speaker of the Canadian House of Commons expressed in saying that simultaneous coverage and electronic recording of the actual proceedings is indeed a testimonial to the accuracy of the proceedings here.

Mitchell Sharp, who became Government House leader in 1974, said:

> The debate over televising the House had gone on for nearly a decade. Parliament was becoming irrelevant to Canadians. Issues were being filtered through a screen of media commentators. A three-day debate would rate a three-minute summary on the news. Members would give 30-second reenactments for the TV cameras outside the House that bore little resemblance to the original episode. Parliament was suffering. It was time to act.

Mr. President, how remarkably similar to our own experience. Every one of us, at one time or another, having engaged in an important debate on the floor of the Senate, has left this place to go to the third floor, to the Senate radio and television gallery, and attempt either to reenact that forceful speech or to summarize it in a more attractive way.

The argument is made that actions of the Senate are sometimes unseemly, that we are dilatory, and that it would be unattractive to the people of this country if they could see what we actually do. What does that mean? Does that mean we are going to proceed in secret?

We are what we are, Mr. President. We are what we are, and there should be no effort to conceal it. We are what we are, warts and all, and the public should have an opportunity to judge that. We should not have the opportunity to conceal that from the scrutiny of the sovereign, the people of this country.

I do not mean to overdramatize this issue, but I doubt that there are many in this Chamber who are unaware of the intensity of my commitment to this subject. I believe that opening the Senate to electronic coverage for broadcasts, in the first instance, for recording on video tape,for this generation and future generations, has the potential for a major impact on the quality of congressional government in the United States. Not to do it now that it is available is roughly akin to saying that during the Civil War, Mathew Brady should have been forbidden to keep the negatives, the glass plate negatives, of those historic scenes he recorded during the Civil War.

Mr. President, we are not only missing an opportunity, but also, we are failing to discharge an obligation to this generation and future generations. How great it would be if we could see firsthand the great senatorial debates that occurred down this corridor, in the old Senate Chamber, which led, unhappily, to the War Between the States.

How great it would be if we could see those Senators who eclipsed even the Presidency itself in the importance they contributed to the formulation of the policies of this Nation in trying to arrive at reconciliation and compromise to avoid the War Between the States. But we cannot do so, because it was not possible to record it then. However, it is now possible.

I am not prepared to say that the debate—certainly some of the debate—that occurs in this Chamber has less potential significance than that debate during the middling part of the 19th century.

Mr. President, I do feel keenly on this subject. I intend to pursue it. I believe we can win it. I think the country demands it; Congress requires it. It is important to the Nation. It will improve the quality of the legislative product that is produced from this body.

I believe it will avoid one great pitfall, and perhaps this will be of interest to some of my colleagues who should consider the subject of the relative standing of the House of Representatives and the Senate of the United States.

Many of you have been back in your home States, and you have had someone come up and say, "I didn't see you on television" during this or that debate. You think about it for a moment.

The first time or two it occurred, I wondered what they were speaking of. Then I found out that they were talking about the House of Representatives, because they had watched on cable television in their communities or, in some cases, on-the-air broadcasts. They had watched the debate on such issues as the revision of the tax code, the reconciliation bill, the budget fight last year.

One person came up to me and said, "Howard, you're not doing your job. I watched and watched and never saw you up there."

My point is that the House of Representatives will become the dominant congressional branch of the Government of the United States, simply because the public has access to their proceedings, if we do not provide similar access here.

One may say, "Is that not an appeal to our vanity?" My answer is, of course not. It is a simple statement of fact: That if we are to earn and maintain the trust of the people we represent, who have given us their proxy to vote their sovereign judgment, they are entitled to know what we say, when we do it, and how we do it, in their name.

Mr. MOYNIHAN. Mr. President, would the majority leader yield for a comment?

Mr. BAKER. I am happy to yield.

Mr. MOYNIHAN. The majority leader has mentioned the uses that posterity would have for the record we can make—and I am sure will soon be making—by recording on video tape the proceedings of the Senate. That is, in a sense, an educational process, to render easier efforts of Americans to learn about their past.

It is also the case that it is the continuing responsibility of any generation to teach its young people about its form of government in order that they may continue that form of government when they succeed to the responsibilities of adults.

Is it not the case that live television coverage of a significant debate, brought into classrooms as an illustration of public debate of an issue under deliberation, from first to last, would be a teaching tool of enormous value? Video tape cassettes of such debates, would be a teaching device of the greatest possible interest to students, unsurpassed in the clarity of its illustration of what goes on in Congress.

It has not been an easy thing for the press or for the teaching profession, at any level, quite to explain what Congress is like. Would not this bring it into better focus?

Mr. **BAKER**. Yes, it would indeed, and I would expect that to occur with great regularity because I think everyone will acknowledge that the visual impact, total impact of television by the addition of the visual dimension is so great that it far outshines any other method of communicating, not only to the young generation but to all of us the essence of the system by which we synthesize the majority view in Congress and the Halls of Congress.

It is a remarkable system that we have, and it does not lend itself to description on the written page and certainly not in the textbook of the classroom to describe how Members on both sides of the aisle can cross those aisles to give common support or opposition to a particular issue that often transcends party lines or regional boundaries, or to show that there can be a sharp disagreement and dispute as we have here on this issue but still have a very deep devotion to our adversary, our colleague and a respect for his point of view put in a way that is appealing to me to illustrate that in Congress we have developed an American talent and that is a decent respect for differing points of view.

Mr. President, that does not always exist, perhaps it does not even exist to the same degree in the halls of our State legislatures, and I am fairly sure that it does not exist to the same degree in the parliamentary bodies of other nations, but I observe here, not just because the Senate is a fairly tight, compact, and small group, but because there is a special precedent, there is a special tradition in history, that there is a decent respect for differing points of view and the fieriest sorts of debate can occur without the caustic anmosity that often accompanies basic disagreement on important public issues, that never comes through on the printed page, but that is the essence of Congress. That is the essence of the American system, that we not only have the right to govern ourselves by the majority view but we have the maturity to understand that disagreement, that debate, is the very essence of the system by which we produce what I believe is the political genius of the American people to make remarkably right decisions as we have done now for more than two centuries. That does not come through on the printed page.

Television, Mr. President, not only communicates, on the verbal level, I believe it communicates on the intuitive or nonverbal level as well. I believe people can instinctively decide that they like or dislike a particular point of view, based in part on the words spoken, based in part on the sincerity of the person involved, and based in part on other factors which go into the human evaluation that in turn humanizes the government and the process of government.

Television is a medium of infinitely greater capacity to communicate on tape and on the air.

Mr. **MATHIAS** and Mr. **RANDOLPH** addressed the Chair.

Mr. **BAKER**. Mr. President, I have two good friends seeking my attention. I will yield first to the distinguished Senator from Maryland.

Mr. **MATHIAS**. I am happy to defer to the Senator.

Mr. **BAKER**. I yield then to my friend from West Virginia who has for so long been my chairman and I expect that it is his amendment on which we are speaking now and I apologize to him for wandering off the subject, but as he observes, I often warm to my own enthusiasm, and I yield now to the Senator from West Virginia.

The **PRESIDING OFFICER**. The Senator from West Virginia.

Mr. **RANDOLPH**. Mr. President, I wish to make an observation and couple it with perhaps a question to the able and always helpful majority leader. I am grateful for his yielding to me and I hold no priority over the Senator from Maryland (Mr. MATHIAS) who sits behind the majority leader at this moment. I believe that the majority leader knew I was standing for quite some time and he had not had the opportunity to turn to see the able Member from Maryland who might also be desiring to question or make observations following the very cogent comment that has been made by my friend the Senator from Tennessee.

While we are considering Senate Resolution 20, I would not want to divert from the essence of television coverage, except to say that during this period of consideration of the resolution there are the necessities to think in terms of the Senate being worthy of a body in connection with the practices that occur in the transaction of legislation. As Napoleon Bonaparte said, "Nothing is more difficult and, therefore, more precious than to be able to decide."

What I am saying is this: I am not a carping critic. I am the opposite. I am very, very worried, and I hope it is shared by the majority leader, that we continue in this body to have important meetings of subcommittees and committees while there is equally or perhaps even more important legislation being considered in this Chamber. As committee members, we are conducting business or are listening to testimony of American citizens, many of them coming across the country, at their own expense, not representing a corporate body or even an association—coming to testify before our subcommittees and committees while the Senate is in session. These men and women are speaking to us about their concerns. The bells ring, a rollcall is in progress, and we stop that hearing process and hurriedly come to the Chamber.

We are often considering an amendment which has not been printed or has not remained at the desk overnight. It may be an amendment that has been very quickly scribbled, drafted—I am not saying its content is wrong—and then the amendment is sent to the desk and our diligent clerk reads it. Sometimes I know that he has difficulty in reading it because it has been scribbled so hurriedly by the person who presents the amendment. Many times the author of the amendment will say "I ask that the further reading of the amendment be dispensed with," not so much that he wants to talk too quickly but he knows the difficulty of the clerk in actually reading what has been put on paper.

We find a Senator or Senators rushing from the Dirksen Building, rushing from the Russell Building, soon to rush from the Hart Building, to come to this Chamber to vote on an amendment which we are not totally prepared to vote on. the amendment sometimes has taken only 10 minutes or even less when it is called up.

It is my belief that it would be conducive to better practice within the Senate if amendments were printed and laid on the desk overnight.

It seems to me that amendments, as they are now offered, would do as much as we are doing now to make the committee system less effective than it should be because of the interruptions I have just mentioned.

One rushes into this Chamber, voting very quickly and then runs back to the subcommittee or the committee. Sometimes we have the problem of coming here and voting and returning to the committee only to return in a few minutes to vote on another amendment.

This leads to the further suggestion, perhaps recommendation, that there must be some better way to conduct business in a fashion that will reflect credit on the men and women who are determined to assess with a knowledge of the subject which we are asked to make a decision on.

I suggest to the majority leader and my colleagues who are here at this time that we should have legislative and committee days. I realize there is difficulty in making that arrangement. But certainly it is the indication that I have, which I reflect not only for myself but for others, that if we were to take a portion of the day and have it given over to the committees, and then a portion of the day given over to the floor action that it would provide a greater degree of orderly process. I realize we do that to a certain degree at the present time. But the majority leader knows that over and over the committee has permission to go beyond the meeting of the Senate itself, moving sessions, very important hearings, into the afternoon.

Having made these observations, I would inquire if the majority leader thinks there is some validity in what I have said?

(Mr. RUDMAN assumed the chair.)

Mr. BAKER. Yes, Mr. President, I believe there is great validity in what the Senator says.

He points out very properly that in any event the operations of the Senate need to be rationalized so that there is an appropriate time and a dependable time for the session of the Senate and the conduct of committee business.

In the years I have been here I have seen that tried two or three times with varying success, but it needs to be done again. We need to consider that.

It also leads me then, Mr. President, to another conviction I have, another view I have, of the Senate, which is not involved directly in the question of television coverage of the Senate but, perhaps, indirectly. You know, in so many ways I think the Senate has lost its character and quality as a great national forum for debate. It is not a criticism of the Members because much of the debate does not engage the attention of all Members, and there are other and competing requirements for their time, whether it is committee work or constituent work, meetings in their offices or even time to read, so it is difficult to keep Members on the floor.

But the Senate's greatest asset, the crowning jewel of the Senate tradition, is that because of the uniqueness and the speciality of its rules, and the compactness of its size, that it lends itself to the role of the principal forum for the debate and disposition of public issues. I would like to see us get back to that.

It may be at some future time we ought to have very much shortened hours for debate but require Members to be here, to the extent that you can require Members to be here, to encourage them to be here.

It may be that we need tighter rules or at least practices on how we schedule matters and how we give notice of them in advance so that Members can be present and prepared for that debate.

To the extent that it is possible there should be foreknowledge of the amendments to be offered, as the Senator from West Virginia very properly points out.

I would not favor seeing a prohibition on unprinted amendments because the situation changes in the course of deliberation on issues and sometimes it is absolutely essential that we have the opportunity to offer an amendment on the spur of the moment, it seems to me.

But all of the points the Senator from West Virginia makes are valid points, and I can assure him I would be happy to join with him and with others in trying to arrive at a more rational method for the allocation of time and the expenditure of the energy of Members so that we may do so in a more appropriate way.

Mr. President, while I have interrupted the Senator from West Virginia, may I inquire of him, since his amendment is the pending amendment, if it is his intention to ask for a record vote on it today, because if he does not, I will not, and if not, I am prepared to say there will be no more record votes today.

Mr. RANDOLPH. I said at the time I offered the amendment that I was not thinking of a decision on a rollcall today. I am willing to have the vote come when it is accommodating to as many Members as possible.

Mr. BAKER. Mr. President, I thank the Senator from West Virginia.

In view of that, I wish to announce there will be no more record votes today.

Mr. MATHIAS. Mr. President, will the Senator yield very briefly to me?

Mr. BAKER. Yes, I yield.

Mr. MATHIAS. The remarks of the Senator from West Virginia recall to my mind a conversation I had with a charming and intelligent lady during the Watergate investigation. She said to me that she watched every minute of that investigation on television, and she observed that when the bells could be heard ringing in the background, Senator Ervin would announce that there was a vote on the Senate floor, and all the Members would get up and walk out of the room. There would be a little hiatus in the television coverage. Then a few minutes later they would all troop back into the room and resume their seats and the proceedings would go forward.

She said to me:

> Now, tell me, Mac, how can those men make those important decisions in such a short time?

Now that question opens up one of the arguments for television in the Senate. We need to present the whole picture to the American public. They ought to see the continuity of the discussion that is proceeding on the Senate floor. That conversation had slipped from my memory until something triggered it in the comments of—the very graphic comments of—the Senator from West Virginia, in describing the process here in the Senate.

But why I interrupted the majority leader in what he was saying—and I appreciate his yielding—is because he has touched a point of great importance with respect to the power of television to convey concepts, ideas, information, and facts, and there is no better illustration of it than in the RECORD that is on our desks today, the RECORD for April 13, where you will find on page S3367 and thereafter the remarks of the distinguished Senator from New York (Mr. MOYNIHAN).

We all know that in a previous incarnation, the Senator from New York exercised his talents brilliantly in an academic environment, and those few Members who were present yesterday afternoon had the benefit of hearing Professor MOYNIHAN lecture on the history of the Falkland Islands. Well, now, this is a subject which might not at some moments in time, grip the Nation, but it is a subject of vital interest and importance to the American people today.

Three or four Members of the Senate heard it and, yes, it is true that those into whose hands this RECORD may fall will have a chance to read it. But with all due respect to Professor MOYNIHAN, I am afraid that number will not be very large.

But had there been television coverage, had that lecture on the history of the Falkland Islands been available to the number of people that it ought to have been, then the American people might well have understood what is at stake in the dispute between Great Britain and Argentina. The American people would have better understood the necessity for the heroic efforts of Secretary Haig in flying to London, from London to Buenos Aires, and from Buenos Aires back to London. They would have understood the kind of involvement the United States faces in a dispute which was not originally our own, but which does put at risk a principle to which we are devoted, and which does put at risk the interests of an ally to whom we are closely bound.

This would all have been available to the American public, which does not understand today, as to the Falkland Islands, whether it is just a late-blooming Gilbert and Sullivan operetta or whether it bears the seeds of world war III. That is what could have been available yesterday had the television cameras been turned on the Senator from New York, who, in his own inimitable way, gave the Senate a history lesson on the background of the Falkland Islands dispute.

I thank the majority leader for yielding.

Mr. MOYNIHAN. Mr. President, I thank the Senator from Maryland for his generous remarks.

Mr. BAKER. Mr. President, I have no desire to interrupt the Senator from West Virginia if he wishes to continue in debate on his amendment, or any other Senator. But I am prepared at this time, since it is 5:30 in the evening, to ask the Senate to go into a period for the transaction of routine morning business so other matters can be attended to.

Mr. RANDOLPH. That is agreeable.

(By request of Mr. RANDOLPH the name of the Senator from Michigan, Mr. RIEGLE, was added as a cosponsor of amendment No. 1244.)

ROUTINE MORNING BUSINESS

Mr. BAKER. Mr. President, I ask unanimous consent that there now be a period for the transaction of routine morning business to extend not past the hour of 6 o'clock in which Senators may speak.

The PRESIDING OFFICER. Without objection, it is so ordered.

TUITION TAX CREDIT

Mr. HOLLINGS. Mr. President, reports circulating in the media indicate that President Reagan tomorrow will make good on a campaign promise and come forth with his version of the tuition tax credit plan—all in violation of other campaign promises to balance the budget and lessen governmental involvement in the private affairs of the citizen. This plan was of dubious merit 4 years ago when the Senate joined me in rejecting it. It has, in my opinion, even far less appeal today.

Since we will likely have ample opportunity to debate this proposal in the weeks ahead I will be brief in my comments in opposition to it at this time. I will, Mr. President, call attention to the lead editorials in today's Washington Post and New York Times. As one who has invested a considerable amount of time in reviewing this issue I believe these editorials are right on point. And, I would like to call attention to an article by Dr. David W. Breneman entitled "Saying No to Tuition Tax Credits," which appeared in the Brookings Bulletin. Dr. Breneman has a well-deserved reputation for thoughtful analysis and this article is no exception.

Mr. President, I ask unanimous consent that these articles be printed in the RECORD at the conclusion of my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

Mr. SHILLING. Mr. President, on this floor in August 1978, I said that careful study convinces me that the tuition tax credit proposal would turn our Nation's education policy on its head, benefit the few at the expense of many, proliferate substandard segregation academies, add a sea of red ink to the Federal deficit, violate the clear meaning of the first amendment of the Constitution, and destroy the diversity and genius of our system of public education. Today I am more convinced than ever that this statement is true. Like other advocates of tuition tax credits, President Reagan is apparently suffering from the misconception that the Government has an equal duty to both public and private schools. Therein lies the fallacy. The Government's duty to the public is to provide public schools. The duty of the Government toward private schools is to leave them alone. That is fundamental.

Mr. President, the economic difficulties confronting the Nation are truly significant. We face record deficits. The administration has proposed another round of sizable budget cuts in an effort to rein in the scope and size of Federal spending. Yet in this crisis in Federal budgeting Mr. Reagan proposes this uncontrollable entitlement program that promises to cost billions of dollars. While I am advised that his plan will be a "modest" one that seeks to "establish the idea of tuition tax credits in principle," I am confident, Mr. President, that the true scope of the program will come through.

Given the fact that the Packwood-Moynihan version, S. 550, is estimated to cost $4 to $7 billion annually when fully implemented we have a good appreciation for where President Reagan's proposal is headed. Make no mistake, I, for one, would oppose tuition tax credits without the current budget crisis casting such an ominous cloud because there are compelling other reasons, but, in light of the severe economic problems we face, I find it unconscionable that this proposal is presented.

In addition to the cost factors which I have outlined, I opposed the tuition tax credit scheme because it reverses sound educational policy. The Federal Government's role in elementary and secondary education is relatively recent and it is designed to supplement, not supplant, the State and Government's role. Therefore Federal assistance to those schools has been directed toward providing targeted, categorical assistance to help needy and disadvantaged students in both public and private schools. Never has the Federal Government provided these schools with general assistance.

General assistance would interject Federal control and undermine the efforts of State and local governments, ironically something this administration states it seeks to resist. Now, under the Reagan plan, this policy would be reversed, but only for students attending private schools would there be any benefit. With his $500 tax credit Mr. Reagan would provide students in private schools with four times the assistance that is currently provided for the needy public school student. And, if you can believe it, all this occurs when the Reagan administration is significantly reducing spending for Federal education programs that serve the Nation's disadvantaged children.

Take title I as an example. The original fiscal year 1981 appropriation for title I was $3.5 billion. This was reduced through rescission enacted last year to $3.1 billion. And, although the Budget Reconciliation Act authorized $3.48 billion for title I, the fiscal year 1982 continuing resolution resulted in the program being further reduced to $2.88 billion. The fiscal year 1983 budget request proposes a rescission of $412 million in fiscal year 1982, and a level of $1.9 billion for fiscal year 1983.

Currently 11 million children qualify for assistance under the title I program, but only 45 percent of them receive assistance. The funding levels advocated by the administration are predicted to result in approximately 2 million low-achieving children losing services and thousands of schools being eliminated from the program.

According to all recent evaluations of title I, including the administration's statements, this has been a very successful program. And, Mr. President, I ask unanimous consent that two articles appearing in the State newspaper of Columbia, S.C., discussing the effect of title I on the children in South Carolina be printed in the RECORD at the conclusion of my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 2.)

Mr. HOLLINGS. To make the case even worse, Mr. President, the title I program is not an isolated case. Other valuable education programs are receiving similiar cuts. I suggest that if Mr. Reagan can find additional money to start an uncontrollable entitlement to subsidize private education that he should first reexamine the policies of his administration if he is interested in providing for the education of all the children of this Nation. This Nation has fared well since its birth, and much of the incredible success we have enjoyed can be traced to the investment we have made in education and the conscientious effort we have made to insure that access to equal educational opportunity is provided for all of our children.

The administration's policy of taking from the valued programs that

provide a helping hand to a needy child and give him the ability and capacity to care for himself only serves to weaken the Nation. The tuition tax credit program is destructive of the educational system that is the envy of the world.

Last, Mr. President, I oppose the tuition tax credit proposal because it is unconstitutional. The U.S. Supreme Court so ruled in the Nyquist opinion in 1973. Because the overwhelming majority of students attending private schools attend schools established for religious purposes the Court held that assistance of this type constituted a violation of the "establishment clause" of the first amendment of the Constitution.

In the upcoming weeks we will have the opportunity to fully debate this matter. I am confident that when the record is made a clear and convincing case against tuition tax credits will be evident and this scheme will once again be rejected as it has in every State referendum—13 since 1966, most recently the District of Columbia.

Daily reports are forthcoming on the President's affirmative action program to bolster his image with the poor of the land. Might I suggest that rather than change his image it is his policies that need change.

EXHIBIT 1

[From the Washington Post]

SUBSIDIZING PRIVATE SCHOOLS

The tuition tax credit, a bad idea that President Reagan now reportedly intends to revive, has a certain melancholy perfection to it. This tax credit is bad law, for it probably would infringe the Constitution. It is bad economics, for it would create another large tax subsidy and add to the budget deficit. It is bad public policy, for it is assault on the public school that, for most American families, is a center of community life.

What's to be said in behalf of the tuition tax credit? Not much, except that many parents with children in private or parochial schools would like the federal government to help pay their tuition. Mr. Reagan is apparently about to propose contributing $500 per child through the simple device of letting the parents take that much off their income tax payments—with the inevitable cash pay-out to those whose taxes aren't that high.

When people are unsatisfied with public services, they have an unchallenged right to set up their own parallel services privately. If you don't want to use the city swimming pools, you can build your own. But you aren't entitled to public funds to help you pay for it. If you think that the police protection is inadequate, you can hire your own watchman. But you can't reasonably ask for tax money to pay him. The same rule applies to schools.

It applies with special force to those schools that have been established for religious purposes, to provide children with a kind of education that the public schools must not offer. A tax credit of $500 is a direct payment to a parent, just like a check for $500 from the Treasury. A federal payment to a parent to provide religious training for a child raises an issue on which the First Amendment is pretty clear.

The cost of this subsidy would be something over $2 billion a year. By an illuminating coincidence, that is just about the amount by which Mr. Reagan has proposed to cut federal spending on education next year. With the tuition tax credit, he would alter his budget significantly. It would mean that he was no longer cutting federal funds for education. He would only cut spending on public schools, and on aid to college students. Instead, he would swing those billions of dollars to support of the private schools. Aside from any other aspect of this unhappy venture, is there anyone in Congress who thinks that Mr. Reagan and his budget have $2 billion to spare for this purpose?

But there is much more at stake here than money. The tuition tax credit would be a powerful subsidy, encouraging private schools and eroding the public ones. Whatever their shortcomings and exasperations, the public schools are among the most valuable and productive of this country's institutions. They are central to the way the country works. They are the places where most Americans learn the meaning of opportunity, equality and democracy. To the extent that the Reagan administration weakens the public schools, it will have weakened—inadvertently but inevitably—the values for which it stands.

Mr. Reagan has not yet publicly committed himself to a campaign to get this tuition tax credit through Congress. He still has time to reconsider.

[From the New York Times, Apr. 14, 1982]

PRIVATE SCHOOL AID IS STILL A BAD IDEA

Perhaps to pacify a constituency that is angered by cuts in college aid, President Reagan is about to propose tuition tax credits for the parents of private-school children. The idea is awful and the timing is worse. Financing private and parochial schools through tax subsidies endangers public education and diverts Federal funds from worthier projects.

The contemplated credit against Federal taxes would go to parents with children in any nonpublic school. Although the details of the Reagan plan are not yet known, it would in three years authorize a credit of up to $500 a child, at a total cost of $1.5 billion. An income ceiling would limit the benefit to families burdened by tuition.

The Administration contends that such credits would foster educational choice. Poor public education, it is said, is not the fault of parents who withdraw their children; they should not bear the costs of private school unaided. Besides, it is argued, stiffer competition will shake up moribund public school systems. As New York's Senator Daniel Patrick Moynihan says in favor of credits, "We do not build and maintain strong and vibrant public schools by turning them into educational monopolies."

But there's nothing fair about a competition if one contender starts out ahead. Nonpublic schools already have an edge because they admit whom they please and expel troublemakers or slow learners. Public schools must take all who enroll and find it hard to throw anyone out.

Then, too, Mr. Reagan's tax subsidies would presumably flow also to schools organized by fanatic cults and blatant racists. Does he really mean to tap the Treasury on their behalf?

Senator Moynihan says tax credits are not meant to supplant Federal aid for public schools. Yet when coupled with White House plans to halve compensatory education aid for the public schools, that would be precisely the effect this year.

For a time, the threat of tax credits served to jolt public education out of its lethargy. In New York and other places, public schools now show encouraging signs of improvement. Tuition credits would jeopardize that fragile recovery and undermine the principle that government should finance education that is available to all.

[From the Brookings Bulletin]

SAYING NO TO TUITION TAX CREDITS

(By David W. Breneman)

As concern about the quality of public education grows, more and more families are turning to private schools as an alternative. The Reagan administration has promised to support this trend by introducing legislation for a tuition tax credit that would allow families to reduce their federal income tax liability by some fraction of the tuition charges incurred. Details of the administration proposal, promised for 1982, are not known at this writing, though numerous bills have been introduced by members of Congress in recent years.

In what follows, I describe the possible effects of tuition tax credits from the perspective of one who opposes them. What vision of the educational future under tuition tax credits could be so distressing as to cause one to argue against their enactment? How can an economist, of all people, question the value of a policy that would expand individual choice? Is opposition based on little more than a sentimental attachment to an outmoded concept of the "common school"? What evidence can be used to evaluate the proposal?

In addressing these questions, I begin by examining the lessons one can draw from the financing of higher education, particularly undergraduate student aid. Although there are many differences in the ways higher education and elementary and secondary education are financed, tuition tax credits for higher education have often been proposed, and it is noteworthy that the higher education community has reached a broad consensus that the idea is a bad one. A careful look at the reasoning that led to this conclusion may reveal points applicable to elementary and secondary education.

LESSONS FROM HIGHER EDUCATION

Throughout most of the last decade, the debates in Washington on undergraduate student aid were carried on under the categories of "access" and "choice." These were really code words, with the first referring to policies that guarantee a student's ability to afford at least one college or university, the second to policies that guarantee the ability to pay for colleges charging a wide range of prices. "Access" thus became synonymous with policies throught to favor low tuition public institutions, while "choice" meant policies favoring high tuition private institutions.

Another way of looking at the distinction is to think of college-going behavior as involving two decisions: whether to enroll, and then where to enroll. Some members of Congress argued that the federal role should be limited to ensuring access for all qualified students, with choice viewed as a luxury, while others argued that choice was an equally essential element in a sound policy for higher education. The outcome of these debates is a cumbersome system of federal grants and loans, with grants heavily tilted toward access and loans toward choice. Although there have been some slips from the principle of basing eligibility for student aid on family income—most notably in the Middle Income Student Assistance Act of 1978, which made subsidized loans available to all students—federal aid has largely been directed to specific needy students rather than across the board, regardless of need.

Given this rich array of need-based student aid programs, tuition tax credits would serve no public purpose. It is implausible that the kind of credits typically proposed—for example, 50 percent of tuition with a maximum of $500 credit—would have any influence on either the decision whether to enroll or where to enroll. Needy students are much more generously and effectively served by grants and loans, while the educational decisions of wealthier families not eligible for such aid are unlikely to be influenced by a $500 credit on an investment that costs from $4,000 to $11,000 a year. Even the decision where to enroll would be little affected because, unlike elementary and secondary schools, virtually all public colleges charge tuition.[1] Thus, in economic terms, a higher education tuition tax credit is inefficient, altering no one's behavior but providing a substantial windfall to families with children in college.

While it is fashionable now to stress the incentive effects of changes in the tax code, even the most ardent supply-sider would be hard pressed to find such effects here. But the revenue loss created by a tuition tax credit for higher education would be sizable, amounting to $2 billion or more annually, depending on its configuration. The higher education community suspects, rightly I believe, that the Reagan administration will attempt to offset some (or all) of this revenue loss by further cutbacks in student aid, which would have a severe impact on most colleges and their students. Given a choice between an across-the-board $500 tuition tax credit versus grants and loans to needy students, student aid is clearly the more efficient way to finance enrollments.

Nor does the tuition tax credit score well on the criterion of equity. Despite student aid, enrollment in higher education still correlates closely with family income. Consequently, a disproportionate share of the benfits would go to higher income families. Using the Brookings tax file, I estimated in 1977 that 45 percent of a nonrefundable tuition tax credit of $250 would go to the 14 percent of all families with adjusted gross incomes in excess of $25,000, while only 8.6 percent of the benefits would go to families with adjusted gross incomes less than $10,000. While refundability (the payment of a negative income tax to families without sufficient tax liability to earn the credit) would improve the distribution, it still remains regressive.

In sum, tuition tax credits for higher education are inefficient, inequitable, and expensive, imposing a heavy drain on Treasury revenues without creating any offsetting social benefits. The accepted public purposes of ensuring student access as well as choice in higher education are met more effectively and at less cost through grant and loan programs. It is difficult to produce reasonable arguments for such a credit, and little intellectual interest remains in the subject.

Such is not the case for an elementary and secondary education credit, where the educational stakes are much higher and the arguments considerably more interesting. To understand the difference, consider how the financing of elementary and secondary education differs from that of higher education. Public schools, unlike public colleges, do not charge tuition; hence, a tuition tax credit for elementary and secondary schooling would markedly change the relative costs to parents of public and private schools by reducing the price differential by the amount of the credit. One would expect parents to respond with a shift of unknown size from public to private schools. Much of the interest and debate focuses on the size and socioeconomic composition of the group likely to shift.

Moreover, in the eyes of both supporters and detractors, a tuition tax credit challenges the principles that have guided the organization and financing of elementary and secondary education in this country for a century or more. There is widespread concern that in moving toward tuition tax credits or vouchers, the way is being opened to radical change in the organization and delivery of schooling, a concern not present when aid was extended to private colleges and their students. Those who have lost faith in the public schools find this prospect appealing and one of the strong points of the proposal; others who believe that the public school system, with all its flaws, still represents the best and most equitable way to provide education to all young people, are reluctant to embark on a set of changes whose outcome cannot be clearly seen. One's stance toward tuition tax credits comes down to a judgment regarding the likelihood that gains would outweigh losses.

To complete the comparison with higher education, what can be said about the equity and expense of tuition tax credits for elementary and secondary schooling? Because attendance is nearly universal, the income distribution of families of elementary and secondary students is more representative of the population at large than is that of college students; however, families with students currently enrolled in private schools have incomes well above the median for all students. Although such data are sketchy, James Coleman and associates report that families of students in private secondary schools had a median income in 1980 of $23,200 compared to $18,700 in public secondary schools.[2] Thus, the distribution of the credit to families with students already enrolled would be regressive. What is not known is how that distribution would be changed by additional families opting for private schools. Similarly, the total cost of a credit cannot be established with certainty because the size of the enrollment response is not known. What is clear is that families of the more than 5 million students currently enrolled would receive a windfall that must be tallied as deadweight loss when reckoning the efficiency of this tax expenditure.

What about the argument that parents with children in private schools are being unfairly double-taxed because they are forced to pay for the public schools even though they have chosen a private alternative? Shouldn't the tuition tax credit be viewed as a partial (and just) step toward correcting this double taxation?

This argument goes to the core of what it means to provide any service collectively. It can be reduced to absurdity if extended to all public services. The state provides public parks, but if I choose to go to the Greenbrier, should I receive a resort tax credit? If I choose to join a country club rather than swim in the public pool or play golf on the public course, should I receive a recreation tax credit? The only way to avoid such "double taxation" is to provide no service publicly and collectively if it is possible to provide it privately, a position that few would defend. For an activity such as education that is widely perceived to have public as well as private benefits, exclusive reliance on private suppliers would strike many people as a particularly questionable policy. The logical policy choice for someone bothered by the double-taxation issue would be to support educational vouchers, not tax credits, an issue beyond the scope of this article.

IMPACT ON DEMAND

How large an enrollment shift would be triggered by enactment of a $500 tuition tax credit? The only honest answer is that no one knows. With roughly 90 percent of the school population enrolled in tuition-free public schools, we lack the necessary variation in prices required to estimate demand curves. Moreover, the response to a change from no tuition to some tuition is likely to be quite different from the response to a comparable increase from one positive price to another. What is reasonably certain is that the response will be stronger the greater the percentage of cost covered and the higher the maximum credit allowed. But I know of no way to make other than a guess regarding the response to any particular plan, such as 50 percent of costs up to a $500 maximum.

I suspect that such a credit would not cause a very large enrollment shift from public to private schools, though the response probably would vary from region to region and city to city. I assume that many families with children currently enrolled in public schools can afford to switch to private schools without a tuition tax credit, but are well enough satisfied with the public schools not to exercise that option. I would not expect such families to change their behavior in response to a relatively modest tax credit. I also assume that many low income families would remain unable to afford private schools even with a tuition tax credit. Thus, I would expect most of the response to occur among lower middle income families for whom the credit would provide the necessary economic incentive.

We have no way of knowing, of course, what percentage of these families want to make such a change and are held back only by cost. It seems plausible to assume, however, that the number of families who want to switch and would respond to a $500 credit would not represent a large percentage of the public school population. If this speculation is correct, then the bulk of the tax benefits would be pure windfalls to those with children already enrolled in private schools, a high price to pay for the relatively few families whose dcecisions might be affected.[3]

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[1] Indeed, one of the reasons the private colleges have lost their enthusiasm for tuition tax credits is that politically feasible credits would be worth as much to a student in a public as in a private college, but would pay a higher percentage of the tuition in a public college. The net effect might be to shift some students toward public colleges.

[2] James Coleman, Thomas Hoffer, and Sally Kilgore, "Public and Private Schools," a report to the National Center for Education Statistics, March 1981, p. 53.

[3] To make this clear, suppose that the families of the 5 million students currently enrolled in private schools all qualified for the $500 credit at a cost to

IMPACT ON SUPPLY

If we know very little about the demand for private education that a tuition tax credit would create, we know even less about the potential supply response of existing schools and possible new entrants. In considering the demand side of this market, we can draw on established economic theory for some clues regarding the behavior of families, since analysis of the demand for education does not differ significantly from analysis of the demand for other services. On the supply side, however, we have less theoretical understanding of the behavior of nonprofit institutions in general and of schools in particular. The economic theory of the firm is not easily applicable because profit-making schools are excluded from most tax credit proposals. In the absence of a profit incentive, the factors that might motivate an existing school to expand or prompt someone to start a new school are far from clear. Religious affiliation has been an important motivating force in the past, as has been the desire to experiment and try new education philosophies. It is not clear how such motivations could be translated into quantitative estimates of response to a tuition tax credit.

If a million additional students were to apply for admission to private schools for the next academic year, how many could be accommodated? The answer in the short run would require information on the amount of unused capacity in the private schools. Some private schools probably are undersubscribed and could add students to existing classes without hiring additional teachers or leasing more space; others could add more classes by simply hiring new teachers. I assume, however, that most private schools know how large they want to be and would resist expansion beyond that size. A major selling point of private education is the smaller school and class size, an important qualitative aspect of the package that parents buy. It is reasonable to expect the more attractive private schools to react to additional applicant pressure by increasing selectivity rather than by expanding to accommodate larger numbers.

In the longer run, a more important issue than the response of existing schools is the extent to which new schools will open—a question that leads to the well-springs of educational entrepreneurship in our society. Which individuals or groups would seize the opportunity provided by the tax credit to open new schools, and why would they do so? Religious motivation is likely to be the most dynamic force operating in this market, particularly in light of the boom in Christian academies in recent years. Apart from such religious groups, I can think of no other organized sources of educational entrepreneurship, leaving the remaining supply response to the initiative of individuals who see an opportunity to start a small school—"Mom and Pop" operations, as it were. Ironically, many of these new schools would probably be housed in rented buildings of public schools that have been closed.

I can foresee a 20 percent increase in private school enrollments taking place in three to five years through a combination of increased enrollment in existing schools and the opening of new ones; beyond that, my vision falters. In quantitative terms, a loss of roughly a million students would not be a disaster for the public schools, but the effect on quality could be much greater than this number suggests.

EDUCATIONAL QUALITY

Two arguments, apparently similar but in fact quite different, are advanced by proponents of tuition tax credits. Both stress the value of increasing choice, but for different reasons. The first contends that tax credits would encourage greater educational choice for families, making it financially possible to choose among a diverse group of educational providers, consistent with the values of diversity and pluralism. The ability to choose is defended as an abstract value in its own right, not as a means to any particular end, such as improving educational quality. Choice, diversity, and pluralism are not viewed as instrumental values, but as ends in themselves.

The second argument is of a different sort, alleging that increased choice will lead to increased educational quality in both public and private schools. An analogy is drawn directly from economics, with its emphasis on the benefits of competition in the marketplace. By denying public schools a captive enrollment, those schools will have to attract students through the quality of their educational programs; schools of poor quality will simply die out. Thus, tuition tax credits will serve as a needed tonic to the entire educational system, forcing public as well as private schools to earn their support by surviving the rigors of the marketplace.

The second argument springs so naturally to the mind of an economist (and to all practical people who remain intellectually captive to an introductory economics course) that there is danger that little thought will be applied to it. The argument would be more interesting if we were considering the merits of an educational voucher system rather than tuition tax credits, for vouchers would create a setting more like the economist's model of a competitive market. With vouchers, the distinction between public and private schools would become meaningless, for the subsidy that currently goes directly to the public schools would be distributed to families instead. Each supplier would receive public funds only by attracting students; there would be no publicly provided institutional support. Whether a voucher system would produce better education is by no means certain, but at least something resembling a true marketplace would be at work. That is not the case with tuition tax credits.

Were a tax credit enacted, the vast majority of youngsters would remain in public schools. Families who were most dissatisfied with the public schools and were on the economic margin of choice would shift to private schools. If the number of defectors were not too large, might not some public school principals be relieved to see these families go, particularily if they had been outspoken in their criticism and had given the principal and teachers a hard time?

A tax credit does not threaten the existence of public schools or undermine their claim on state and local resources; it is not as dramatic a change as vouchers would be. If a principal and teachers within a particular school are ineffective and resistant to change, it seems unlikely that the loss of a few students would compel them to mend their ways. Indeed, the departure of those parents who care and complain might simply make life easier for them. The main hope for change in such a school—the presence of concerned parents who will keep prodding and pushing for improvement—will be lost but the school will survive, stunting the lives of those students unfortunate enough to remain. Could anyone defend this outcome as a desirable public policy, reflecting the presumed benefits of competition?

This argument owes an intellectual debt to Albert O. Hirschman's Exit, Voice, and Loyalty, subtitled "responses to decline in firms, organizations, and states."[4] Hirschman's central point is that we are often too quick to accept the economist's view that competition is the only or the best way to improve the performance of organizations. The book contrasts the economist's solution to poor performance—"exit," taking one's business elsewhere—with the political scientist's emphasis on "voice," working within the organization to improve it. Particularly in the case of large public bureaucracies, Hirschman argues that voice may be more effective than exit, for a bureaucracy may not be threatened by the departure of its most vocal critics. My concern is that a tuition tax credit would not provide enough competition to force public schools to respond, while it would ease the departure of those families most likely to keep the pressure on for change.

Hirschman's analytical apparatus is not fully applicable, for the option of a state monopoly in education—despite the rhetoric of some tax credit supporters—is simply not possible. With or without tuition tax credits, private schools exist and will continue to exist, and no one seriously proposes that they be shut down. Hence, some parents are financially able to "exit" from the public schools without tuition tax credits, diluting the impact of "voice" as an effective strategy. That being so, the real issue in evaluating tuition tax credits is the difficult balancing of gains for some against losses for others.

I would not expect enactment of a tuition tax credit to result in a general improvement of public education; rather, I believe the quality of public schools would decline. The gainers would be those families who were financially enabled to shift from public to private school and the losers those students who remained behind, particularly in schools where the tax credit led to the loss of a significant number of brighter students. I know of no easy or obvious way to sum up the gains and losses, a task that each of us must do implicitly in evaluating tuition tax credits. My own judgment is that losses would exceed gains, and hence my opposition to the proposal on educational and social grounds. Supporters of tuition tax credits should not be allowed to concentrate solely on the educational benefits for the few that the credit would create; the losses must also be reckoned and a judgment reached regarding the net benefit to society. Reasonable people can differ on that assessment, but both sides of the ledger must be included.

My main concern is the split between public and private schools that could develop along socioeconomic class lines. The public schools in many areas could become educational wastelands, ignored but tolerated by a society that has seen fit to take care of the more demanding parents through private alternatives. Some would argue that we have already reached that stage in many

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the Treasury of $2.5 billion. If another 1 million families shifted to private schools because of the credit, the cost to the Treasury would increase to $3 billion. To provide choice for these 1 million families therefore would cost $3 billion, or $3,000 per child.

[4] Albert O. Hirschman, "Exit, Voice, and Loyalty" (Harvard University Press, 1970).

inner cities. Perhaps we have, but tax credits could only worsen the prospects for such schools. The danger is that we may think tuition tax credits would dispose of the problem by making it possible for the more ambitious families to buy their way out.

Precisely because tuition tax credits are not likely to solve the problems of inner city schools, it is important to challenge those who advocate them. Indeed, the tuition tax credit represents an unfortunate compromise between public monopoly and a free market in education that fails to realize the potential benefits of either. Surely we can do better.

EXHIBIT 2

[From the State Sun, Mar. 14, 1982]

ENTITLED TO LEARN

(By John Norton)

State Superintendent of Education, Charlie G. Williams will admit to preaching a sermon on occasion, but he's not a fire-breathing evangelist.

When he talks about Title I—the federal government's compensatory program for educationally disadvantaged children—his tone is characteristically professional and matter-of-fact.

But the content of his message is clear. He's a true believer in the program that added $55 million to South Carolina's public school budgets this year.

"Title I was part of that Great Awakening in the mid-1960s," he says, "when this nation faced up to the fact that we had a mass of human beings that weren't profiting from a lot of institutions—including public education."

Children of poverty-level families often were squeezed out of a public school system that wasn't set up to meet their needs, Williams says.

"The programs were not geared to them; the materials were not printed for them. And once they got behind, and then severely behind, there was no one trained to deal with them."

The children who were set adrift "ended up being grossly under-educated. Just as often, they dropped out of the system altogether."

What Title I did, Williams says, was "to attempt to alter the system so these children could profit from it like middle-class, college-bound kids historically have profited from it.

"Title I has become the most sophisticated remedial program that we have in this state or would have had," Williams says. "It made it possible to provide the most efficient teaching programs that money could buy.

"It's provided the teachers and the materials to zero in on children's specific learning problems. It works for boys and girls. And we couldn't have done the same thing with state and local dollars."

Title I is on the minds of Williams and most other South Carolina school administrators a lot these days.

The program, which was funded nationally at a $3.5 billion level in 1980, was an early target of Reagan administration budget-cutters. Last spring, the president proposed cuts of up to 25 percent in the Title I budget for next fall. In a show of strength that surprised many in the administration, Title I supporters in Congress managed to limit the cut to about 4 percent.

The administration hasn't given up. In his budget message last month, President Reagan proposed a 20 percent recision in next fall's Title I appropriation, with other cuts to follow. Under the administration plan, Title I would be cut to $1.5 billion in 1984.

Jack Seurynck, Title I director in the state Department of Education, says this year's 4 percent cut, when coupled with inflation, already has hit South Carolina school districts hard.

During the 1980-81 school year, 108,000 of the state's 600,000 public school children received special instruction through Title I. That figure fell to 86,000 this year, and Seurynck projects that if Reagan's 20 percent cut goes through, only 69,000 children will be served next fall.

The cut could have a similar effect on Title I personnel—87 percent of which, Seurynck says, are involved in direct classroom instruction. Last year, South Carolina had 4,589 Title I teachers, aides and administrators. The number dipped to 3,627 this year, and Seurynck estimates a drop to 2,902 next fall if the 20 percent recision is approved.

Approval is far from certain, however. In Washington, Title I advocates, including Rep. Carl Perkins, chairman of the House Education and Labor Committee, are gearing up for two weeks of intense, pro-Title I lobbying, beginning March 16.

School officials and trustees from several South Carolina school districts, including Richland District One, plan to be on hand to plead the case for Title I.

"It's important for teacher and staff morale to remember that we're not talking about a definite 20 percent cut," Williams says. "We're talking about a proposal by the president. But the question before school people, who are now planning next year's budgets, is how they will deal with things if the president's proposals are approved.

"It's obvious that if you plan on the liberal side and put people under contract, and then the president wins his rescission, you're going to be in trouble."

Title I harks back to 1965, when Congress declared its intention to finance a nationwide program tailored to the special educational needs of children whose early childhood experiences had left them, for one reason or another, educationally disadvantaged.

The program got its bureaucratic nametag from the fact that it was the first chapter or "title" in the Elementary and Secondary Education Act of 1965. Last year, Congress agreed to fold Title I into the new Education and Consolidation Act of 1981. Beginning next fall, it will be known as "Chapter One," indicating its place in the new law.

Since 1965, about 90 million children have been served by the program, including 5.5 million this year.

The federal government has pumped more than $20 billion through the Title I pipeline into selected public school classrooms all over the country. A disproportionate share of those billions has flowed into the South—the result of a formula that distributes the money based largely on the concentration of low-income families in each school district.

Purely in terms of dollars, South Carolina has benefited handsomely from Title I. Its 92 school districts have split nearly half a billion dollars since 1966, when the state's first Title I project was approved.

Ironically, that first grant application—stamped "0001"—was written by Charlie Williams himself.

"I was director of instructional materials for Richard School District One," Williams remembers. "The Title I rules and regulations were very general at that time, and no one was really sure what an acceptable project would look like.

"After the project was approved, the State Department of Education duplicated it and sent it out to school districts because of the lack of any kind of guidelines. A good many districts used it just so they could get a program going."

That kind of uncertainty and lack of focus marked the early years of Title I, Williams says.

"There's no doubt that the development of Title I into a program targeted directly at the needs of children from poverty-level families was gradual and evolutionary," says the state superintendent.

"The federal government put massive dollars behind a program without any history or experience to draw on, so it's not surprising that it was refined over time."

In the late 1960s, school boards and administrators frequently spent Title I money on band equipment, gym bleachers and other items that had little relationship to the program's purpose of strengthening basic skills.

"The pressure was always there to respond to immediate needs," Williams recalls. "If the boiler blew up at a non-Title I school, then the money to replace it came from state and local funds. But if the boiler was in a Title I school, then you might well end up with a Title I boiler."

By 1974 or 1975, however, tighter regulations and increased audits forced school districts to spend the funds exclusively on the education of students with severe educational deficiencies.

The students weren't always poor. Although income level determined which schools were eligible for Title I funds, any child in that school who scored below a certain level on standardized achievement tests could receive special assistance.

By the 1977-78 school year, more than 20 percent of South Carolina's 600,000-plus public school students were getting Title I help. Most fell in the bottom quarter on the screening tests. Another 25 percent met the eligibility requirements, but the money wouldn't stretch far enough to reach them.

"We've always had more children in academic difficulty in Title I schools than we've actually had programs to serve them," Williams says. "Even with a massive appropriation of more than $50 million in recent years, we have not served all the children who are eligible or in need."

Today, Title I programs focus primarily on reading and math skills. One national researcher has said there is no truly typical Title I program, that "it's about 14,000 local programs with tremendous variety among them."

In South Carolina, two basic Title I models are most common. Many schools use a Title I learning center or resource room, where students come for a period or two a day. Others prefer to send teachers and aides into regular classrooms where they work in small groups with Title I-eligible children.

Although Title I provides money to purchase special instructional material, many researchers point to the low student-teacher ratio that can be purchased with federal dollars as the program's greatest advantage.

Many districts in South Carolina, using both teachers and trained aides, are able to bring the ratio down to 6-to-1, considerably below regular classroom levels that run as high as 30-to-1.

How well does Title I work?

A 10-year study recently released by the National Assessment for Educational Progress cited large gains made during the 1970s by black elementary students—gains it attributed to compensatory education programs like those financed by Title I.

And a new study just published by the U.S. Department of Education concludes that Title I has been so successful that "a 15-year decline in educational achievement is beginning to reverse, particularly among low-achieving groups."

But most public school officials, at least privately, will admit that every Title I program is not a five-star success story.

"Some of them have been very weak," says one South Carolina school superintendent who doesn't want his name used. "They've been poorly thought out and poorly administered and staffed by teachers who really weren't qualified to get the job done."

A 1981 evaluation by the U.S. Department of Education cited state studies showing that Title I students showed gains as low as 3 percent and as high as 44 percent over comparable students who were not in the program.

A recent study by the U.S. General Accounting Office also found that effectiveness varied widely in a group of programs studied. But the GAO placed much of the blame on the Education Department, which it said has not done a good enough job marketing highly successful Title I program models in the nation's school districts.

In South Carolina, where the effectiveness of Title I programs is measured annually with standardized tests, Title I students have shown steady improvement over normal expectations.

Title I Director Seurynck says that in the period between 1977 and 1980, Title I reading and math programs across the state doubled their annual rate of gain.

"Not only are we gaining annually," he told a recent meeting of district superintendents, "but there appears to be a trend toward a bigger gain each year than the year before."

Although every school district in South Carolina receives some Title I money, the pain of cutbacks is felt more acutely in some than others. Wealthier districts have relatively fewer Title I-eligible schools and—somewhat ironically—more funds available to provide locally financed remedial instruction.

At the other end of the spectrum are districts such as Clarendon One, headquartered in Summerton near the shore of Lake Marion.

The system is more than 99 percent black—whites fled to segregated private schools long ago—and more than 90 percent of the district's 1,600 pupils are eligible for free or reduced-price school lunches.

A majority of the pupils is also Title I eligible, and each of the district's four schools receives a hefty injection of the federal funds each year—although the money has never stretched far enough to serve everyone who's eligible.

"There's probably not another district in South Carolina that's hurt more when these funds are cut," says Alonzo P. Swinton, superintendent of Clarendon One. "If it's inevitable that funding will fall to a minimum, it will have a drastic effect on us."

The Clarendon district, which has little industry and a weak tax base, received about $575,000 in Title I funds this year—a figure considerably higher than the $435,000 Swinton anticipates from local tax revenue.

"Other than the state Education Finance Act, Title I is the biggest source of money that we have," Swinton says.

Like many other school districts in South Carolina, Clarendon One's title I budget includes carryover funds from previous years that provide a small hedge against the fallout from congressional budget wars.

Mrs. Doris Holladay, coordinator of federal programs for the district, says the carryover money means the district could withstand a one-year cut of up to 15 percent without losing staff, although other parts of the program might have to be trimmed.

"Beyond that, we would just try to establish our priorities and use whatever money we had,' she says. "I think the school board will probably want to spend whatever funds we have in the places where we are having the most success."

In Summerton, as in most of the state's school districts, Title I has proved most effective in the lower grades, and those programs would be the last to go.

Some districts, including Columbia's Richland One, have already eliminated high school Title I math and reading classes and have begun to trim back middle school programs. Summerton has managed to hang on to four high school and middle school teachers, but if further cuts are required, those teachers will be the first to lose their jobs or be shifted to non-Title I assignments.

Like school administrators the country over, Swinton and Mrs. Holladay had mixed feelings in the beginning about the Reagan administration plans for shaking up federal education programs.

At one point it appeared that school systems might suffer relatively small cuts in funding, in return for major cuts in federal regulations and monitoring.

"That would have been a good tradeoff," Swinton says, "but what we have now, it looks like, is many of the same regulations and a lot less money."

Mrs. Holladay is convinced that "some of the regulations have been unreasonable and sometimes to the detriment of education."

As an example, she points to a Title I rule that prohibits sharing of Title I supplies and equipment with students who are not in the program.

"This is a small school district without many resources," she says, "and we could stretch things like a Title I projector, which will last a long time, a lot further."

But the state superintendent takes issue with school administrators who say Title I has been overburdened with regulation.

"The regulations really have not been unreasonable," Williams says. "I think it's the only way you could have kept (Title I money) from becoming general aid. The regulations that have developed over time have made it a focused program aimed at a target population of educationally deprived children."

The Reagan administration recently released its proposed regulations for the new "Chapter One." Although the rules are streamlined, Suerynck says the basic requirement that the money be used to give extra help to educationally disadvantaged children hasn't changed.

Williams doesn't anticipate much change in the amount of paper work districts have to complete, and he says most school administrators prefer to have the paperwork on hand if they're going to be held accountable for how the money is spent.

He agrees that somewhere down the road, another administration might ask hard questions about how the money was spent. "You've got to have the documentation if you're going to be held accountable," he says.

Education secretary Terrel H. Bell has testified before Congress on several occasions that the administration's proposals to halve Title I funding have nothing to do with the quality or success of the program.

"I know, and I can testify to this committee, that our Title I programs are successful," he told the House Education and Labor Committee last May.

In October, Bell told the House Appropriations Committee that when he served as U.S. Commissioner of Education in the Ford administration, he was not able to make a strong defense of Title I. But "after being away from here five years and coming back, I can tell you that American education has learned how to educate disadvantaged children," he said.

Bell said the president's economic recovery plan mandated cuts in every department, and since Title I was a major Department of Education budget item, "it was hard for me to go any place but to Title I."

Williams is openly disdainfull of Bell's argument and what he views as the general Reagan policy of getting federal government out of education.

"I don't think really that the people who are charting the course of this country at this point in time are adequately separating all of the issues that touch on the well-being of the nation," he says.

"These things are being dealt with on a dollar level and a political level. The educational level of this nation's children—including those served by Title I—is a national interest, analogous to defense, and not just the interest of the 50 states or 15,000 school districts.

"You have to look down the road a long way—not 10 years or 20 years, but 50 years perhaps—to see clearly what the consequences are if we fail to educate all the children in this democracy."

SOMETIMES I CRY, IT'S SO HARD FOR SOME TO MAKE PROGRESS

(By John Norton)

To get to Lower Lee Primary School, take S.C. 154 out of Bishopville, ride the hump over Interstate 20 and plunge headlong into soybean and cotton country.

Drive for nine miles, past weatherbeaten country stores, crumbling shanties, double-wide mobile homes and the occasional farmer's palace. Don't be fooled by the sporadic clusters of small, modern houses. This is poor country—dirt poor. The brightly painted homes are government subsidized housing visible remnants of "the Great Society."

Further down the road, a green, oversized, portable classroom houses another, less visible holdover from Lyndon Johnson's war on poverty.

Lower Lee Primary fits snugly under one arm of the "T" formed by S.C. 154 and Secondary Road 325. The low, red-brick building is surrounded by empty winter fields. At one end is a crushed-stone parking lot, fronting a mud puddle the size of a small pond. The green portable stands at the other.

The puddle was once the site of the Lower Lee Elementary School, built in 1927 and pulled down two years ago when a new building was completed and the school was reorganized to serve 250 children from kindergarten through third grade.

In the front window of the new annex, a colorful childlike sign declares: "The kids in this school are Number One!" A lot of them are Title One, too.

Inside the roomy, free-standing classroom, Frederica Parrott and Pearline Scarborough are putting 12 second-graders through their paces. It's a Title I math class, and the children are among 60 in the small school selected for the intense, individualized instruction Title I is designed to deliver.

The federally funded program has provided millions of dollars to the Lee County public school system for concentrated, "compensatory" reading and math instruction since it was created in 1965.

Although any child who lags behind is eligible for Title I instruction, the size of a school district's Title I budget is set by the level of poverty in the area it serves. Poverty is rampant in Lee County, and last year alone the county schools received more than $1 million in Title I aid—about a fifth of the total school budget.

Even so, the funds don't reach far enough. The children served in the Lower Lee Title I resource center are generally those with the very lowest scores on standardized achievement tests, Ms. Parrott says.

"If you go and talk to the teachers in the regular classes, they can give you a list of their students who need to be here. But we can only handle so much with what we have," she says.

Ms. Parrott is a classroom veteran at age 28. She's in her fourth year as a Title I teacher at Lower Lee, before that, she did a three year stint as a fifth-grade instructor at Bishopville Middle School.

She's a native of the county, educated at Mt. Pleasant High School near Lynchburg. She earned her teaching degree as a commuting student at Francis Marion College in Florence and is certified in elementary and early childhood education.

Lee School Superintendent Frank Bouknight says Frederica Parrott is one of the best teachers he's got.

The 10:10 math class is drawing to a close, and the lively but orderly second-graders are gathering their hats and coats.

"Line up quietly at the door," Ms. Parrott tells them.

Today's subject has been money, and Ms. Parrott and Ms. Scarborough—in a gentle and positive way—have given new meaning to the expression "nickel and dime you to death." But Ms. Parrott glances at the clock and decides there's time to squeeze in yet a little more learning.

"Joseph, if you buy something, is that getting more money or giving some away?"

"Giving some away!" Joseph shouts.

"How many nickels in a dime, Deborah?"

"Two!" the bright-eyed, pig-tailed girl calls back.

"And how many pennies in a nickel?"

"Five!" a half-dozen children scream back as they run out the door and head back to their regular classrooms.

It's 11:05—lunchtime for Ms. Parrott. But she's "just brought an apple today" and would rather talk about Title I, anyway.

Like many front-line educators, Frederica Parrott hears a lot of rumors about the effects of federal cutbacks, but she isn't certain exactly what has been proposed or what impact those proposals will have on the Title I program in Lee County.

"But I can say this," she says. "If Reagan were to cut our money, I think it would be a terrible thing. If they cut out Title I, they will be doing a great disservice, especially to our area.

"Many of our children start out at a great disadvantage. We don't have great libraries here or cultural events or many of the kinds of activities children are exposed to in other areas.

"Some parents are eager to help their children, and if you send some activity home, they work hard with them and will call you to ask for more. But other parents don't do that. It's not always that they don't want to—they just can't. They don't have the education or the time or the understanding.

"So Title I is crucial to this community. The extra help they get in this program is the biggest chance some of these children have to get ahead."

Ms. Parrott is aware of the criticism that Title I requires too much paperwork, but she says the daily charts and score sheets just go with the job of individualizing instruction.

"I'm not going to fool you." she says. "Sometimes I throw all of this paperwork on the floor and scream. But you pick it back up and look and see that these three children need this skill, and so you spend a week trying to help them get it.

"What I'm saying is—the paperwork has a purpose. The Title I funds let you work with these children on an individual basis, and the paperwork helps you make the most of that opportunity."

Although some children make impressive gains on test scores during the year, Ms. Parrott says that's not always the best measure of Title I's effectiveness.

In the early grades, some children are so lacking in pre-reading skills that the tests don't always accurately measure their progress.

"You will get a child who comes in and doesn't know colors, or the difference between 'over' and 'under'—or even where he lives. And then by Christmas, he's beginning to read parts of words. That's real progress, believe me.

"Sometimes I cry, it's so hard for some to make progress," she says. Then she points around the resource center at the piles of special instructional material paid for by Title I. "But think how much harder it will be without this."

The rumor mill has it that some centers will be closed next fall to make up cuts in the Title I budget. If that happens, Ms. Parrott speculates that a teacher with more seniority might replace her, and she could find herself back in a regular classroom.

"A lot of people might think I defend Title I so strongly because my job's on the line," she says. "But I would rather see a teacher with more seniority move in here than see this center close."

Frank Bouknight shares cramped quarters on a Bishopville back street with a half-dozen other Lee County school administrators. His modest office is furnished with hardback chairs and a crooked, faded print of George Washington.

Bouknight, 35, is a white native of the county. He became superintendent in 1976, assuming the leadership of a school system that is 86 percent black.

Two-thirds of the county's white school-aged children have abandoned the public system since 1970, when court-ordered desegregation began. Most of them ended up at nearby Robert E. Lee Academy or in private schools in neighboring Sumter County.

Bouknight is a fierce defender of federally funded compensatory education. He describes Title I as the chief dividing line between South Carolina education of the 1950s and the 1980s—and the best hope young blacks and whites have of breaking out of the cycle of poverty.

"If you're from a disadvantaged home or for some reason you didn't get the advantages, then you're in trouble in our society," he says. "Title I is about the only way to catch up."

More than half of Lee County's 3,600 public school children are in a Title I math or reading class, Bouknight says.

This year, Title I is paying for 19 teachers and 41 aides who teach reading and math from the primary to the high school level. The district has 22 learning centers in eight schools.

"We're committed to our Title I teachers, who are some of the best we have, and our first cuts have been aides," Bouknight says. "But the 20 percent cut Reagan is talking about—we probably won't be able to make that without cutting out teachers.

"If the cuts keep coming, we'll take it from grade 12 and go down. The last grade to go will be the first grade.

"Without Title I, you'll go back to a 'get-it-if-you-can' approach," he says. "Teachers simply won't be able to give these children the amount of extra attention they need to catch up.

"What you'll have—again—is schools for the middle class and lower middle class. It's ironic, but test scores probably will go up. And the reason will be that your failure and dropout rate will increase dramatically as students fall further and further behind."

Bouknight says he doesn't have the money in his local budget to replace any lost funds for the remedial program, and the prospects for additional local taxes are bleak.

"I'll be frank with you," Bouknight says. "Some folks in power want to go back to the 1950s where these people dropped out of school and went to work on the farms. But there's no cotton to pick now. They'll be on unemployment or welfare.

"There are some people in this country," he says, "who are quite willing to accept that these people will never break out of the cycle of being poor and disadvantaged."

TITLE I'S DISADVANTAGED HAVE A CHAMPION IN HAYES MIZELL

(By John Norton)

A battle is brewing in Washington over administration proposals to cut Title I funding, and Hayes Mizell is in the thick of it.

Mizell, who directs the Columbia-based Southeastern Public Education program, is a long-time advocate of public school integration and federal programs for disadvantaged children. As such, he's been championing the cause of Title I since the late 1960s, when he first testified before Congress on the program's behalf.

In 1979, President Jimmy Carter named Mizell Chairman of the National Advisory Council on the Education of Disadvantaged Children—a group established by Congress to advise the government on Title I programs nationwide.

He still holds that post, although his positions on federal education issues have frequently been at odds with the Reagan administration.

"The council is scheduled to go out of business this summer as part of the administration's reorganization," Mizell says. "I guess the White House felt it wasn't worth the trouble to replace me for that short period of time."

Mizell wears two hats these days. He directs the activities of the council staff, which he says "has been trying to play an informational and catalytic role on the Washington scene" as the debate rages about the future of Title I.

Mizell also carries out his duties as director of the Southeastern Public Education Program, a private policy group that has joined national organizations such as the American School Boards Association and the National Education Association in a "Coalition to Save Title I."

How does he reconcile his roles as adviser and advocate?

"I don't have much of a problem with that," Mizell says. "So far as my work with the council goes—it's the national advisory council for, not against, the education of disadvantaged children. We believe that it is our responsibility to make sure that Title I works for disadvantaged children, and that takes adequate funding.

"That also happens to be the position of the Southeastern Public Education Program."

As a member of the Coalition To Save Title I, Mizell has been assigned a list of 20 key people in the Southeast who might have an effect on congressional decisions. "My role has been to share information with them, and I try to keep them up-to-date about cuts and policy changes in Title I and other federal education programs."

Mizell also dreamed up a pro-Title I newspaper, which the coalition is distributing nationwide, and convinced National Public Radio to produce a Title I segment—which aired last Monday—for its "Morning Edition" program.

Mizell has testified twice before Congress since October on the need to hold Title I funding at its $3.4 billion 1980 level.

"I don't say that the world will not go on without Title I. But Title I has raised our consciousness about the needs of certain children and our expectation about the quality of education they can receive," he says.

"The problem, it seems to me with all these cuts in social programs is that the bottom line is this: You're talking about people who in different ways have to have a greater degree of attention than the rest of us.

"They somehow have not learned to go through the maze like the rest of us rats, and so they've got to have some extra help."

Since 1970, the Southeastern Public Education Program has received a series of grants from the Carnegie Foundation to work with Title I parent advisory councils, which until recently were required by federal law.

That exposure to Title I programs in South Carolina school districts has convinced Mizell that compensatory education is not likely to survive if it has to depend heavily on state or local funds.

He says that when South Carolina school districts began to face small cutbacks in Title I last spring, most of them did not move to preserve their programs with local money, even though they might be working well.

TELEVISION AND RADIO COVERAGE OF SENATE PROCEEDINGS

Mr. ROTH. Mr. President, as a cosponsor of this important legislation, I am pleased to speak in its support today. A great deal of the debate that has occurred relative to televising the proceedings of the Senate has focused on the question of its impacts on the quality of debate and in general the form taken by the entire deliberative process of the Senate.

Several weeks ago the distinguished majority leader observed very astutely how the composition of our 100 Members reflected a cross section or composite of the American political debate, a collection of varying skills, wide-ranging experiences and diverse values.

Our greatest achievements throughout the history of our country have occurred because we have proven that there is a means by which representatives of a nation reflecting the many strengths as well as weaknesses of its people can come together to consider the important issues of the day and generally make decisions that reflect the needs and desires of that constituency as a whole while protecting the rights of individuals.

Possibly the most important element in the success of this system has been its openness, its exposure to thorough public scrutiny. It is important because it has so effectively brought the citizenry very actively into the political process. It has informed them of the substance of the issues and sensitized them to the concerns of other interests. This scrutiny in turn has forced their representatives to be responsive to constituent concerns.

So I for one believe that this openness is our greatest strength. And I feel that those who are fearful that the scrutiny of the TV camera will result in a great deal of posturing by speechmakers and a misperception by the public of the deliberative process do not give the American public a great deal of credit in terms of being able to judge what they see.

The telecommunications technology of the day in many ways suggests dramatic sociological change. Some of this we have already experienced, some we are certain we can anticipate. But in my mind the telecasting of Senate debate presents no threat. It represents the opportunity to increase the American public's role in its governing process and it builds on the most important pillar supporting that process.

Mr. GARN. Mr. President, I am pleased today to add my voice to those calling for adoption of Senate Resolution 20, to provide for live televison and radio coverage of the proceedings of the Senate. I am a cosponsor of the resolution with the distinguished majority leader and have been a supporter of the concept of televised proceedings of the Senate throughout my service in this body. In fact in January of 1975, as a days-old Member of this body, I joined our former colleague, the late Senator Lee Metcalf, as a cosponsor of Senate Resolution 39, providing for radio and television coverage of Senate proceedings. It might even have been the first thing I ever cosponsored in this body. On several occasions since then, I have supported other similar resolutions, none of which the Senate saw fit to act upon.

In May of 1979, I introduced a resolution of my own to provide for radio and television coverage of the then-expected debate on the SALT II Treaty. When no action was forthcoming on that measure, I introduced the same language as an amendment to another bill, but withdrew it in favor of continuing negotiations on the conduct of the expected SALT debate. As we all know, that debate was never held, and when that issue died, so did the question of televising the debate, since it was only directed then at that specific issue. But there was widespread support for broadcasting that debate.

I believe if the Senate had, in fact, taken up the SALT II Treaty, we would have done it under the gaze of the television cameras. The reason was a compelling one: It would have been the most significant discussion of foreign policy and national security issues in modern times. It would have been a debate, the outcome of which would have been a critical policy determination affecting the very security of every man, woman, and child in this country. A decision of that magnitude demands the understanding and support of the American people. The Senate's debate would have provided them with that understanding and formed the basis for that support.

The Senate is now at a time when virtually every act begins to take on a similar weight in its impact on the American people. We are entering—we are in the midst of—a watershed era in American political history. The political changes of the past 2 years have been only just short of revolutionary, as we have seen a change in Government and the coming to power of a President with fundamentally different views of the role of Government in our society. His programs and policies have forced all of us to stop and take stock of our own perceptions about Government's role in getting this country back on its feet.

We have a budget debate before us which bears the same sort of potential for lasting impact on all Americans that the SALT II Treaty bore. In fact, with a major focus of the debate on the question of defense spending requirements, and the impact those decisions will have on the new administration's ability to negotiate arms reductions, many of the same issues will be discussed that would have been raised in a SALT II debate.

My point is that we are talking about basically the same sort of thing now that we were in 1979, when there was such broad support for televising the SALT II debate. The issues have not changed that much; they have simply been put into a broader context as part of the bigger picture. And certainly the need for the public to be informed has not lessened.

If we have learned anything in the last several months of public discussion about the budget, it is that no program, whether it is conceived by a President, or enacted by the Congress, can succeed if it lacks public support. And we all know that no program of the vastness and complexity needed to address the problems we face will emerge from this legislative process in the same form it came into it. The essence of the process is to find, through painstaking effort, the common points on which the majority can agree. No matter how strongly we individually feel about our own ideas going into the debate, we accept the outcome as the best that can be hoped for and allow it to become the law of the land.

The only way we can do that in good conscience is to have gone through the debate—made our best efforts to win our points but in the end accepting the will of the majority. Why should we expect any less of the public? Why should we not give them the opportunity to participate—even if only as observers—in this democratic process of building a consensus? I believe we should, and I believe we will have a greater change for public policy to succeed if the public has, in effect, been there at its creation.

Many of our colleagues are worried about presenting a less than favorable image of the Senate if we allow floor proceedings to be televised. I understand their concerns. They are worried that the public will not understand what they see on the Senate floor—the empty seats, the private conversations, the apparent lack of attention, the hodge-podge of activity on the periphery as Senators mingle and cluster in small groups and staff members go about their duties. All of this can be confusing and distracting to those who are unfamiliar with the Senate's proceedings. What those with these concerns are forgetting is that the reason these appear to be strange goings-on to people is because they have not seen them before. They have not had a chance to sit in the gallery and watch the Senate proceedings enough to learn that all of these unexpected activities serve a purpose; that is part of the legislative process.

Our colleagues who raise these concerns are raising them in an environment where proceedings of the Senate have not been televised. There is no evidence, from the experience of other legislative bodies who have televised their proceedings, that these concerns remain of any real consequence. There is nothing wrong with being seen as we are. To raise those concerns as objections to televising proceedings, one would have to raise them as reason to eliminate the public galleries. Thousands of people sit up there every year, and watch what happens on the floor. Has that ever caused any problems? Certainly not. In fact, those people who have sat there are far more likely to understand the nature of the Senate as an institution, and that understanding, I believe, forms the basis for them to accept it as the real human institution it is. They are far more likely to respect his proceedings because of that insight. At least they are far less likely to misunderstand it, or expect too much of it.

I am very proud of the fact that the Senate is a collection of people trying their best to do the difficult job of establishing the basic guidelines for governing a vast, complex nation in challenging and difficult times. When the public understands that, we will all be better for it, and the institution and each of us as part of it will gain from the greater closeness to the people we are elected to serve.

Some of us are critical at times of the media, when we believe they have only superficially covered what transpires on the floor of the Senate. We are even more wounded when we believe press accounts have been unduly selective, or then biased, in their coverage. This resolution will not eliminate that concern. But it will provide that the entirety of what goes on here is available to the public. Those who watch the proceedings can draw their own conclusions about what takes place. Furthermore, the media, knowing that their own viewers have access to the entire proceedings, will have an added incentive to insure that they are presenting as truly accurate and complete a picture as possible within the limits of their medium of what has taken place.

Whatever the disadvantages, real or imagined, I believe they are outweighed by the positive good that will be done for the Senate as an institution, as a result of increased awareness and understanding on the part of the public as to what this body is really all about.

I therefore urge my colleagues to join in adopting this resolution and open the Senate up to the full light of day. I have enough confidence in the institution, and in my colleagues, to believe the result will be positive and beneficial to our democratic process.

Thank you, Mr. President.

MEMBERSHIP IN THE UNITED NATIONS

Mr. BAKER. Mr. President, I am prepared now to call up Calendar Order No. 472, Senate Concurrent Resolution 68, if the distinguished Senator from New York, the principal author of that resolution, wishes to proceed at this time.

Mr. MOYNIHAN. Mr. President, I thank the distinguished majority leader for his courtesy in proceeding to the concurrent resolution at this time.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

A concurrent resolution (S. Con Res. 68) regarding membership in the United Nations General Assembly.

The Senate proceeded to consider the concurrent resolution (S. Con. Res. 68) regarding membership in the United Nations, which had been reported from the Committee on Foreign Relations with amendments, as follows:

On page 2, line 2, after "is", insert "illegally".

On page 2, line 4, strike "and privileges", and insert "to participate".

On page 2, line 5, after "Nations", insert "or any specialized agency of the United Nations,".

On page 2, line 7, strike "will", and insert "should".

On page 2, line 9, after "Assembly", insert "or such United Nations agency".

On page 2, line 11, after "Nations", insert "or to the specialized agency involved".

On page 2, line 13, after "That", insert "it is the sense of the Congress that".

On page 2, line 14, strike "is directed to", and insert "should".

The cosponsors of the concurrent resolution are: Mr. MOYNIHAN, Mr. ROBERT C. BYRD, Mr. MATHIAS, Mr. DECONCINI, Mr. PROXMIRE, Mr. BRADLEY, Mr. CANNON, Mr. FORD, Mr. INOUYE, Mr. BURDICK, Mr. PRYOR, Mr. PRESSLER, Mr. BOREN, Mr. COHEN, Mr. JOHNSTON, Mr. DIXON, Mr. SARBANES, Mr. LEVIN, Mr. HATCH, Mr. HART, Mr. WARNER, Mr. HARRY F. BYRD, JR., Mr. MURKOWSKI, Mr. DURENBERGER, Mr. GRASSLEY, Mr. EAGLETON, Mr. HOLLINGS, Mr. CHILES, Mr. EAST, Mr. EXON, Mr. LONG, Mr. LUGAR, Mr. HEINZ, Mr. MATTINGLY, Mr. BOSCHWITZ, Mr. D'AMATO, Mr. BAUCUS, Mr. METZENBAUM, Mr. ZORINSKY, Mr. MITCHELL, Mr. SASSER, Mr. PACKWOOD, Mr. NICKLES, Mr. DANFORTH, Mr. MELCHER, Mr. JACKSON, Mr. RIEGLE, Mr. KENNEDY, Mrs. HAWKINS, Mr. WEICKER, Mr. QUAYLE, Mr. SPECTER, Mr. TSONGAS, and Mr. KASTEN.

Mr. MOYNIHAN. Mr. President, I would like to call attention to the sad fact of which he is so vividly and genuinely aware that Senator ROBERT C. BYRD of West Virginia, who was the original cosponsor of this resolution, would, in any but the present unhappy circumstances, be here to join me in moving the resolution.

If the Senator from Tennessee would wish to join, it would certainly be an honor to the 54 cosponsors of Senate Concurrent Resolution 68.

Mr. BAKER. Mr. President, it would be an honor to me and I would appreciate it if the Senator from New York would add me as a cosponsor.

Mr. MOYNIHAN. Mr. President, I so request.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MOYNIHAN. Mr. President, I ask unanimous consent that an essay of mine on this matter which was recently published in the New York Post be printed at this point in the RECORD.

There being no objection, the essay was ordered to be printed in the RECORD, as follows:

[From the New York Post, Apr. 7, 1982]

IT'S TIME FOR THE U.S. TO RALLY BEHIND ISRAEL

(By Senator DANIEL MOYNIHAN)

On February 5, 1982, the UN General Assembly adopted what might have seemed just another of the scurrilous, untruthful, unwarranted condemnations of the State of Israel which have been a regular feature of that defiled sanctuary since it passed the resolution equating Zionism and racism in 1975. But it wasn't just the latest. This resolution was different.

It declared that Israel is "not a peace-loving member state (of the United Nations)." This might seem tame language compared to some of the recent hysterics. But it happens to be deadly, for it is a direct reference to Chapter II of the United Nations Charter which states that in addition to the original signators of the Charter, membership in the UN would be open to "peace-loving states."

In a word, General Assembly Resolution ES 9/1 sets the stage for the expulsion of Israel. Moreover, Article 12 of the Resolution calls for the complete isolation of Israel by all the nations of the world, as well as from the UN itself.

Some people may wonder if it matters—membership in the UN that is. It does, more so for Israel, perhaps, than for other nations. Israel is part of the former British Mandate of Palestine set up under the League of Nations. The UN is successor to the League with respect to mandates. There is, then, a sense in which the legal status of Israel as a nation derives from the UN. And the UN has after each of the last two wars in the Middle East passed resolutions affirming the world community's commitment to the right of Israel to exist, free from aggression.

That aggression has been constant. Wars have come at regular intervals (1967, 1973); low level conflict has continued between wars.

Having failed to vanquish Israel in battle, the Arabs have undertaken a diplomatic assault with the full support of the Soviet bloc. They mean nothing less than to use the United Nations to deny Israel what the UN orginally provided: legitimate and recognized status among the nations of the earth.

The question, raised anew by the Feb. 5, 1982 resolution, is what the U.S. will do about it. Will the U.S. respond, resist the attack upon Israel, or will it acquiesce?

It happens that we have had a test of this before. In 1975, the majority in the International Labor Organization began the same tactic. Israel was denied membership in the regional grouping to which it belonged, becoming a kind of internal outcast. Anti-Israeli resolutions began to be adopted with regularity.

I was then our UN ambassador. With the full support of Secretary of State Kissinger in Washington, I drafted a letter declaring that if these anti-Israeli attacks did not stop, we (the U.S.) would leave the ILO and take our money with us.

Two years went by (the required notice time). The ILO hadn't changed. We quit and stopped making our payments. As the U.S. provided about a quarter of the ILO budget (as it does with the UN and all its specialized agencies), the ILO was on the verge of bankruptcy. Even sooner, it had a change of heart. Henceforth, it would stick to legitimate issues concerning workers and management.

Surely that is the only way to head off the action that is clearly contemplated by the General Assembly. Not to leave the UN, as such. The U.S. must remain in the Security Council, which is the only body that can legally expel any member. But if the General Assembly goes through with its illegal action, it must be put on notice that, we will not simply shrug it off.

Accordingly, on March 11, I introduced a bipartisan concurrent resolution in the Senate while Jack Kemp did the same in the House. My cosponsor was John Warner, Republican of Virginia. Kemp's was Jonathan Bingham, Democrat of New York, and also former ambassador to the UN Economic and Social Council.

Our proposition was direct. Congress would instruct the Secretary of State to warn the UN immediately that the expulsion of Israel from the General Assembly would mean the end of U.S. participation in the Assembly and an end to our payment of all assessed contributions. Period.

In no time there were 54 Senate cosponsors. Jack Kemp had similar broad support in the House. Everybody seemed to support this direct and simple message.

But wait. We forgot the Department of State.

The State Dept. was nervous.

Our resolution had been referred to the Committee on Foreign Relations. The Department wrote the chairman, Sen. Charles Percy: Please don't mention Israel by name. Please don't threaten any action. "We believe it would not be wise for the Administration to declare specifically what the U.S. response would be to a successful challenge to Israel's rights to UN membership."

I don't know which is more offensive. To object to mentioning Israel by name—as if our friendship was an embarrassment (and at a time when more and more of Israel's enemies are refusing to use her name, referring instead to the "Zionist entity")—or declining to put any real muscle behind our protest.

It is a formula for futility. It is a guarantee that up and down the UN corridors and in the chanceries of the world, the whisper will be continuous: "Notice that they do not mention Israel, that they don't say they will do anything. This was at the behest of the State Dept. They *won't* do anything."

The test remains. Will the White House back us on the floor? If not, we let down a beleagured and increasingly-desperate democratic ally.

When the General Assembly voted in 1975 to declare that "Zionism is a form of racism . . ." we had 55 votes with us in opposition. Last month we were down to 21. What *must* Israel be thinking? And who can blame them? When the State Dept. doesn't even want the United States Congress to mention her by name. Shame.

● Mr. HEFLIN. Mr. President, today I am rising to address a matter which I feel is of great importance to the futures of the United States, and free people everywhere. Senator MOYNIHAN and several other distinguished Members of this body have submitted Senate Concurrent Resolution 68, regarding membership in the General Assembly of the United Nations. I am proud to have added my name to the growing list of Senators who have cosponsored this resolution.

On February 15, 1982, the General Assembly of the United Nations, by a vote of 86 to 21, condemned Israel for taking steps to annex the Golan Heights. This resolution also called for all nations of the world to totally isolate Israel in all fields. Many observers believe this action is merely the groundwork for an expulsion, suspension, or denial of accreditation of the delegation from the State of Israel.

Mr. President, such action would be a violation of the charter of the United Nations, in addition to being a totally hypocritical slap in the face of Israel and every other democracy in the world.

First, to address the point of such prospective action being a violation of the United Nations charter, let me point out that the Charter stipulates that United Nations' member nations may be suspended by the General Assembly only "upon the recommendation of the Security Council." Therefore, it is plain to see that any type of denial of the credentials of Israel, or any country, by the General Assembly, without an appropriate recommendation by the Security Council, would be a clear violation of these standards of conduct.

Looking to the point of hypocrisy of this condemnation, we see language alleging that Israel is not a peace-loving nation, and has not carried out its obligations under the U.N. Charter. We should make no mistake about it—this language of condemnation for Israel condemns all other democracies in the world, as well.

Israel is a democratic nation with leaders elected by the citizens of that nation. Their Government was not placed in power as the puppet of some other country; in fact, Israel was created and chartered by this very same United Nations that now condemns it.

Our relationship with Israel is based on friendship and deep-rooted common ideals of democracy. A community of interests has characterized our relationship for over 30 years and through eight American administrations. These interests include a strong belief in the strength of democracy and a fervent hope for continued world peace.

The resolution currently before this body would propose two steps. First, U.S. participation in the General Assembly would be withheld. It is not proposed that the United States withdraw from the United Nations. Our membership on the Security Council would continue, with all the rights and protections it provides our Nation and our friends, but we do not have to participate in and passively condone the absurdities of the General Assembly.

The second step proposed by this sense of the Congress resolution is that the United States withhold its assessed contribution to the United Nations until any illegal expulsion is reversed. As previously stated, expulsion of anyone totally by the General Assembly is illegal and without right, and just as we should not particpate in or passively condone such absurdities, neither should we have to pay the bill for them.

It is time for us to stand up and show that we will not allow outrageous distortions of fact such as this to go unnoticed. It is time to state a position on this question.

Adoption of this resolution will send an important message to the world that the United States will not stand idly by while Israel, or any peace-loving democracy, is suspended or expelled from the General Assembly.

I hope that every Member of this body recognizes the urgency of this situation. I urge speedy approval of this resolution, and the message it will send to all nations of the world—that the United States shall stand beside the other peace-loving democracies of the world.

The committee amendments were agreed to.

The concurrent resolution, as amended, was agreed to.

The preamble was agreed to.

The concurrent resolution, as amended, and the preamble, are as follows:

Whereas the United Nations was founded on the principle of universality of membership; and

Whereas the charter stipulates that United Nations members may be suspended by the General Assembly only "upon the recommendation of the Security Council"; and

Whereas any move by the General Assembly that would illegally deny Israel or any other democratic state its credentials in the Assembly would be a direct violation of these provisions of the charter: Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That if Israel or any other democratic state is illegally expelled, suspended, denied its credentials, or in any other manner denied its right to participate in the General Assembly of the United Nations or any specialized agency of the United Nations, it is the sense of Congress that the United States should—

(1) suspend its participation in the General Assembly or such United Nations agency; and

(2) withhold its assessed contribution to the United Nations or to the specialized agency involved until this illegal action is reversed; and be it further

Resolved, That it is the sense of the Congress that the Secretary of State should communicate to the member states of the General Assembly of the United Nations what the Congress has herein resolved.

Mr. BAKER. Mr. President, I move to reconsider the vote by which the concurrent resolution was agreed to.

Mr. MOYNIHAN. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

THE EXECUTIVE CALENDAR

Mr. BAKER. Mr. President, there are two items on the Executive Calendar for today which are cleared on this side for consideration by unanimous consent.

I would invite the attention of the distinguished acting minority leader to Calendar Order Nos. 714 and 715, nominations for the Equal Employment Opportunity Commission and the Executive Office of the President and inquire if the minority is prepared to proceed at this time.

Mr. MOYNIHAN. Mr. President, I am authorized to speak for the minority, and I can report that at this point only Calendar No. 714 appears to have been cleared on our side, with no prejudice whatever to the other nomination. If the majority leader would show his unfailing courtesy, I would ask that the second matter be held over.

Mr. BAKER. Yes. I thank the Senator from New York and, of course, I would be pleased to do so.

EXECUTIVE SESSION

Mr. BAKER. Mr. President, I ask unanimous consent that the Senate now go into executive session for the purpose of considering solely Calendar Order No. 714, the nomination of Tony E. Gallegos, of California, to be a member of the Equal Employment Opportunity Commission for the remainder of the term expiring July 1, 1984.

The PRESIDING OFFICER. Without objection, the Senate will go into executive session.

The nomination will be stated.

EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

The legislative clerk read the nomination of Tony E. Gallegos, of California, to be a member of the Equal Employment Opportunity Commission.

The PRESIDING OFFICER. Without objection, the nomination is considered and confirmed.

Mr. BAKER. Mr. President, I move to reconsider the vote by which the nominee was confirmed.

Mr. MOYNIHAN. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. BAKER. Mr. President, I ask unanimous consent that the President be immediately notified that the Senate has given its consent to this nomination.

The PRESIDING OFFICER. Without objection, it is so ordered.

LEGISLATIVE SESSION

Mr. BAKER. Mr. President, I ask unanimous consent that the Senate now return to legislative session.

The PRESIDING OFFICER. Without objection, it is so ordered.

CAR ACCIDENTS MAJOR CAUSE OF DISABILITIES

Mr. DOLE. Mr. President, April 14, is a special day for me, so I have attempted over the years to comment on matters of concern to the disabled. On April 14, 1945, I received combat wounds that have had a major impact on my life. As a result, I have developed special concerns for the disabled, and, as a Representative and as a Senator, have participated in legislative efforts to assist handicapped Americans.

Although much attention has been focused on those who are handicapped from birth, disease, or in service to their country, very little media attention has been given to those who become disabled because of auto accidents. Although a major plane crash instantly becomes front page headlines, the impact of the sudden violence of car accidents is incremental—a steady number of deaths pile up week after week, month after month, year after year. Just this morning, an article in the Wall Street Journal described "Death on the Road." It states that each week about 900 people die in the sudden violence of U.S. auto accidents, with drinking and speeding at the top of the list of causes. Last year, 49,125 people died in traffic accidents nationwide. This is about as many Americans as were killed during the entire Vietnam war. On top of these statistics, an additional 3.5 million are injured, with 250,000 of these injured seriously enough to be hospitalized. Included in the results of such tragedies are about 3,000 people who are crippled for life.

It is time revive a national interest in traffic-safety concerns. Those who have to live with the tragic results of careless driving on the part of others are all to well aware of the life and death threshold and how quickly one can become disabled in an instant.

Mr. President, although there are many programs that deal with education and the rehabilitation of the handicapped, there is very little that is being done as a prevention approach. I held hearings last November on the drunk driving problem which is plaguing our Nation by killing about 50,000 persons annually and results in a major cause of epilepsy and paraplegia among many of the over 750,000 persons injured by drunk drivers each year. The call for an effective Federal response is compelling and demanding, as I witnessed today while attending a ceremony at the White House where the President signed an Executive order establishing a National Commission on Drunk Driving.

Every major holiday weekend, radio station blast warning about the number of anticipated fatalities—these statistics could touch any of our lives. Each of us should take a personal responsibility for our own driving habits. By setting a good example for other, the tragic results of traffic accidents may be kept at a minimum.

Mr. President, we will only see a reduction in drunk driving when solicitous public attitude toward drunk driving are no longer a joking matter at public or private social events where alcohol is served and guests and friends are allowed to drive home drunk. Tough State law that are not enforced are a direct result of duplicitous social values that on one hand legally recognize the drunk driver as the menace he truly is, but on the other finds many citizens, judges, jurors, and prosecutors thinking "there but for the grace of God go I." When people begin thinking of themselves as walking in the shoes of the victim or the victim's family rather than in the place of the apprehended driver, perhaps then we will be prepared to face the grim reality of drunk driving deaths and maiming. We should all drive with an awareness that we have other people's lives to protect, as well as our own.

SUNSHINE DISTRICT, BOY SCOUTS OF AMERICA—PROJECT GILA SOAR

Mr. SCHMITT. Mr. President, the Sunshine District of the Boy Scouts of America (Yucca Council) recently completed a major conservation project in New Mexico known as Project Gila Soar. This project which involved over 250 young men and women working in cooperation with the U.S. Forest Service, performed various conservation tasks in the Gila National Forest.

These tasks included the planting of trees in an effort to curb soil erosion; the constructing of dikes and the rerouting of four drainages in an effort to control flooding; the erecting of wooden rail fences to replace old and missing fencing; constructing traffic control barriers to control vehicle access and prevent further site deterioration and vegetative disturbance; improving various trails, including widening the trail tread enough to accept wheelchairs; and other tasks, such as trash collection and removal, and tree trimming.

The performance of these activities accomplished multiple goals. Necessary repair and maintenance of park facilities was achieved. In addition, Project Gila Soar provided a great opportunity for Sunshine District Scouts to perform activities to demonstrate their Scouting skills and to advance in rank.

Had the U.S. Forest Service performed these tasks on their own, the cost would have amounted to approximately $20,000. However, with the aid of the Scouts, the cost of this project was only $2,000 for raw materials. This volunteer effort saved the taxpayers $18,000.

It is obvious to me that the successful completion of this project shows not only dedication and a sense of accomplishment by these Scouts, but also a feeling of pride in themselves and pride in their community. I congratulate the Sunshine District Scouts for a job well done and for providing an example of how much can be accomplished at the local level through spirit, cooperation, and determination.

OWYHEE NUGGET

Mr. SYMMS. Mr. President, "The end of an era"—it seems we hear that phrase so often it has almost lost its meaning. But in the case of the Owyhee Nugget and Rodney and Leona Hawes, of Marsing, Idaho, it is a very accurate and telling description.

Rodney and Leona Hawes recently ended 47 years of editing and publishing the Owyhee Nugget. Without doubt, the Nugget has been one of the most colorful and unique newspapers published in the West. It has a style of its own, not surprisingly similar to the strongly individualistic attitude of its publisher and editor, Rodney Hawes and his wonderful wife, Leona.

Mr. and Mrs. Hawes and their newspaper have been an integral part of the history of Owyhee County. They have always accurately reflected the very real concerns and attitudes of their readers and fellow citizens. I congratulate Rodney and Leona for 47 years of "good news" and for their positive impact on their community.

I will never forget that when I first decided to run for public office in 1972, I took my handwritten announcement statement, which I had drafted at our Sunnyslope ranch, and crossed the Snake River into Marsing, where Rodney willingly set it in type and printed several hundred copies so that I could distribute it to the media in the State. It was a rather unorthodox statement that was enthusiastically printed by a rather unorthodox newspaperman. Nineteen hundred and seventy-two brought me success and Rodney and Leona Hawes played a big part in that.

Wayne Cornell, a talented writer with the daily Idaho Press-Tribune, in neighboring Canyon County, recently told the story of the Hawes' 47 years of editing and publishing the Nugget. I ask unanimous consent that this informative article be published in the RECORD. I also extend my best wishes for success to the new owners of the Nugget, Mick and Kyle Hodges, as they begin to fill the giant footsteps left by Rodney and Leona Hawes.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

AN OWYHEE ORIGINAL BRINGS AN END TO AN ERA

(By Wayne Cornell)

Late on the evening of March 3, 1982, Rodney Hawes, editor and publisher of the weekly newspaper serving Marsing, fed the last sheet of newsprint into his well-worn press.

The grippers on the press cylinder grabbed the paper, and the cylinder rotated, pressing the newsprint against the raised lead type locked into page forms on the press "bed." Their grippers than latched onto the sheet, pulled it clear off the cylinder and deposited it on the pile of already printed sheets at the far end of the press.

Editor Hawes, standing on the operator's platform, watched the sheet slide into place on the finished pile. He reached down and pushed a button and the press rolled to a stop. As the room became quiet, Rodney Hawes leaned forward and, for a moment, rested his head on the press feed board and covered his face with his hands. He did it to hide the tears marking the end of his 47 years in the newspaper business.

Hawes could hardly be blamed for his emotion. For nearly half a century he and his wife Leona have published The Owyhee Nugget, a newspaper with its roots in the early mining camps in the Owyhee Mountains and a history spanning 117 years.

The March 4 edition not only marked the end of the Hawes' publishing career, but also brought closer the end of the letterpress or "hot type" printing process in Idaho.

On March 11 The Owyhee Nugget was delivered to Marsing readers with a new look and a new name on its mast. The edition was the first published by modern offset printing methods.

For centuries, newspapers were printed from raised type, first made from wood and later from cast lead. In the 1950s, a new printing process known as "offset" appeared. The offset printing method does not require raised type and is a sophisticated version of the old duplicating machine. By the late 1970s most newspapers in the country had shifted to offset. The Hawes' paper was one of the last holdouts. With the Nugget shifting to offset, only two newspapers in Idaho, those in Council and Kendrick, now print by the old letterpress method.

The retirement of Rodney and Leona Hawes also marks the departure of one of the last of the classic "country" newspaper editors from the printing scene. Hawes was famous for his sometimes scathing attacks in print on public officials and others who happened to get his dander up. The attacks sometimes came in the form of editorials (always on the front page) and often simply popped up in regular new stories.

Hawes didn't limit his editorial attacks to local subjects. The Nugget was one of the few newspapers in the state that did not belong to the Idaho Newspaper Association. On at least one occasion, the Marsing publisher used his front page to direct a barrage at the INA, criticizing the effectiveness of that organization and its leadership.

Hawes is the first to admit that he's made a few enemies during his 47-year publishing career. He is quick to point out, however, that he has also acquired a great many friends over the years.

At their home on the banks of the Snake River, the Hawes have collected a great many momentos. In one corner, mounted on the bed of an old press, is a big brass steam engine bell, a gift form the president of Union Pacific. Nearby is a wagon wheel, made by hand by Mike Hanley, a Jordan Valley rancher and historian. Hanging on an old coat rack is a pair of leather chaps bearing the emblem of the Owyhee Cattlemen's convention at Silver City.

Hawes considers his paper's support of the Owyhee Cattlemen to be one of his real career accomplishments. As a life-long resident of Owyhee County, the retired editor has always felt a kinship with the ranchers.

In 1935 Hawes, who was still in high school, went to work for Charles and Carrie Pascoe, owners of the Nugget. The paper was then based in Bruneau, having moved to that Community from Silver City in 1912.

In the late 1930s Hawes and his bride Leona purchased the Nugget from the Pascoes. On May 5, 1940, the newspaper was moved to Marsing.

Until the late 1970s the Hawes lived in quarters attached to the back of the newspaper office in downtown Marsing. The old family quarters are now being remodeled by the Hodges.

The old cases full of handset type, the Linotype typesetting machine and presses that the Hawes used for more than 40 years will be removed from the Nugget office and transfered to the Idaho Historical Society in Boise.

Reviewing his term as editor, Hawes said he feels one of his greatest accomplishments was his campaign for Highway 78, the road that connects the Homedale-Marsing area with Grand View and Bruneau. He said the road was originally little more than a dirt track. Today the paved highway is a major transportation link, making it possible for farmers and ranchers in the more isolated areas to move their produce to market.

Why did the Hawes stay with the old letterpress printing system while most weekly newspapers were switching to offset printing?

"We saw the change coming," observed Leona Hawes, "but we didn't see any reason for learning the new process at such a later date."

Can a small weekly newspaper like the Nugget survive?

"There will always be a place for a weekly newspaper that does the job," Hawes said. "You get a paper that cares. Its personal.

"The key to a successful weekly is down-to-earth, good, common, logical sense. The people are looking for that.

"All our lives we've cared for people and they've cared for us. We're proud of the fact that we've served three generations."

The new Nugget publishers say one of their main reasons for buying the newspaper was because of their belief in Idaho.

Mick Hodges said he is familiar with the Marsing area, having attended school there as a youngster. Hodges began his career in the insurance industry, working his way up the corporate ladder. But he said he recently reached a point in his career where, in order to advance, he would have to leave the state. Instead of moving, the couple purchased the Marsing paper.

"Idaho's too important to us to leave," Hodges said.

The new owners are determined to succeed, despite the fact that neither has any newspaper experience. Mick said he feels his background as an English major in college will help. Kyle, a registered nurse, is learning the ins and outs of reporting through on-the-job training.

"When we started I thought Mick would be handling the newspaper himself," Kyle said. "The main thing I'm trying to do now is get to know the people of the community. The toughest part of learning to be a reporter is sorting out the opinion from fact when you talk to someone."

The Hodges have some specific ideas about the future direction of the Nugget. They plan to continue the paper's avid support of the cattle industry. In addition they plan to expand the agricultural coverage.

The new owners officially took over publication of the Nugget during the first week in March. Hawes said he and his wife will "hang around" until the end of the month, cleaning 47 years of memories out of the office and answering questions the new publisher might have.

A public official who was the object of several editorial attacks by Hawes, probably best summed up the career of the retiring "country editor."

"I'm pretty philosophical about the whole thing, the official said. "The key point is this: A few years after I'm gone, few people will remember that I was ever here. Whether he was right or wrong, Rodney will end up in the history books dealing with Owyhee County."

MORTGAGE REVENUE BOND LEGISLATION

Mr. ROTH. Mr. President, in the very near future I plan to introduce legislation to facilitate the ability of State and local governments to issue mortgage revenue bonds. As my colleagues are aware, mortgage revenue bonds became a popular vehicle for financing homes for low- and moderate-income homebuyers in the late seventies. Forty-nine States issued bonds to create capital for single-family home mortgages at below market rates.

In 1979, Congressman Ullman introduced legislation, H.R. 5741, which, in effect put a halt to all mortgage bond activity by retroactively removing the tax-exempt feature of the bonds. The provisions of H.R. 5741 were added to the Omnibus Reconciliation Bill of 1980, and, as a result, restrictions were placed on bond issues. At that time, however, those of us who fought to preserve the mortgage revenue bond program were assured that a workable mortgage revenue bond program would still be possible. This has not been the case. For a number of reasons only $45 million in bonds were issued up until October 1981 and then according to a recent working paper issued by the Congressional Budget Office, 31 issues totaling $1.68 billion were issued in November and December, nearly all of which required cash contributions from the issuer. Issuers who are unable to make cash contributions are now effectively excluded from operating a program. For those who are able to make some cash contribution, it may be preferable to provide enough latitude in the program to allow a buy down of mortgage interest rates, especially in tight bond markets.

At a time when housing starts are at the lowest point since World War II and when few can afford to purchase a home with an average 17.5 percent conventional mortgage rate, it makes no sense to bar a program which affords home ownership possibilities and in which virtually every State has experience to activate immediately. Furthermore, the Joint Tax Committee has indicated that legislation to facilitate mortgage revenue bonds would have no budgetary impact. It is for these reasons that I will introduce my legislation.

Two bills dealing with mortgage revenue bonds were introduced in the Senate earlier this session, S. 1348, introduced by Senator SASSER, and S. 1656, introduced by Senator DURENBERGER, of which I am a cosponsor. In addition, a bill has been introduced in the House by Congressman DOWNEY, H.R. 5944. My bill incorporates some of the features of all of these measures. Hearings were held in the Finance Committee on October 16, 1981 on S. 1348 and S. 1656. Subsequently, an amendment to H.R. 4717 was offered and passed by the Senate in December. This amendment made slight modifications in the arbitrage limitations, provided that reserves need not be sold at a loss when no longer needed to secure mortgage amounts, and made some modifications for multifamily rental projects. This bill is currently in conference. Enactment of these provisions is uncertain at this time and I, therefore, will include them in my bill, though I plan to raise the arbitrage limitation.

The legislation I will introduce has the following components: First, it raises the current arbitrage limitation from 1 percent to 1¼ percent. The technical nuances of arbitrage are numerous and complex. In essence, arbitrage is the margin of profit over the bond yield which enables State and local bodies to cover their costs and risks related to the issuance on the bonds. This area has been the subject of considerable debate due to the fact that variations in cost assumptions and data bases will indicate wide discrepancies in what would allow for a viable program. However, there is now a general consensus that the 1 percent limit is too low to allow for operation of a self-sufficient program. Overly restrictive limitations on arbitrage make it likely that an issuer will have to contribute initially to do a bond issue, at a time when most State and local bodies have no surplus cash, or make up any negative cash flow over the 30-year life of a typical bond issue. These uncertainties heighten the risks to investors, forcing bond yields upwards and resulting in higher interest rates which negates the effect of serving low- and middle-income homebuyers. Second, the current legislation limits mortgages from bond proceeds to first time homebuyers. My bill will change this to allow existing homeowners to participate in up to 20 percent of the bond proceeds. Third, my bill raises the purchase price limitation contained in current law from 90 percent of the average area purchase price to 110 percent of the average area purchase price on nontargeted areas. These provisions allow issuers more latitude in conducting a bond program. Fourth, my bill will remove the registration requirement presently in effect for these bonds. Currently, no other tax exempt bonds are required to be registered; therefore, it would be more appropriate to enact this type of restriction at one time for all types of bonds. Fifth, current law provides that the dollar amount of reserves held by an issuer must be reduced as mortgages are paid off since higher reserves no longer are needed to secure these mortgage amounts. As with the amendment adopted by the Senate in December, my bill will provide that this rule will not apply to the extent it requires the disposition of any asset at a loss in excess of the amount of undistributed arbitrage profits on nonmortgage investments. Sixth, my bill includes a technical clarification of residency and income requirements for multifamily housing and duration of the targeting requirement as passed by the Senate in December. With respect to multifamily projects financed through tax exempt bonds where current law requires that 20 percent of any such project be targeted for low- and moderate-income persons, this amendment defines such persons as those individuals with 80 percent or less of area median income. This targeting requirement will remain in effect in my legislation for a minimum of 10 years or half of the life of the bond issue. Finally, my bill will change the Sunset provision of the current legislation from December 31, 1983 to December 31, 1985. When the restrictions on bond issues were first enacted they were given a 3-year life. As so few bonds have been issued under the current statute, my bill would merely extend this 3 year period.

Today the homebuilding industry continues to be extremely depressed due to high interest rates which make it virtually impossible for anyone to purchase their own home and this occurs at a time when more homebuyers, as a result of maturation of the baby-boom generation, will be entering the marketplace than ever before. What alternatives are in place for relief? There are virtually no alternatives. The realization of a truly workable mortgage revenue bond program could provide an alternative. The use of these bonds would enable thousands of people to purchase their own homes, create jobs in the construction industry, and expand the local economy. Additionally, mortgage revenue bonds have the advantage of accomplishing these objectives with a minimum of Government interference and can be more responsive to local needs and demands. They are also less costly to the Federal Government than any other similar type of direct housing relief. I hope my colleagues will join me in this effort to revitalize a program which virtually every State can utilize immediately to bring some much needed relief for housing.

RECOGNITION OF THE RAMAPOUGH MOUNTAIN INDIANS AS THE RAMAPOUGH MOUNTAIN INDIAN TRIBE

Mr. THURMOND. Mr. President, I ask unanimous consent to have printed in the RECORD Legislative Resolution No. 96 of the New York State Assembly, which has been received in the office of the President pro tempore, and which relates to recognition of the Ramapough Mountain Indians as the Ramapough Mountain Indian Tribe.

There being no objection, the resolution was ordered to be printed in the RECORD, as follows:

LEGISLATIVE RESOLUTION—ASSEMBLY NO. 96

Whereas, According to the Department of State's Division of Legal Services for Community Affairs, most Indian Tribes were recognized either through treaty relationships or through dealings with the State over a period of time; and

Whereas, Most of these relations and treaties preceded New York Statehood, and those recognized generally had or have a reservation; and

Whereas, Although New York does recognize Indian Tribes in order to qualify for State-run aid programs, it is the United States Department of the Interior's Bureau of Indian Affairs that has regular application procedures for obtaining federal recognition and federal aid; and

Whereas, Recent court decisions highlight the importance of the Federal Government rather than the State in relations with Indian groups; and

Whereas, The State of New York is willing to study suitable statutes providing these rather isolated and disadvantaged people with advantages that could include tax exemptions and student tuition credits; and

Whereas, The New York State Legislature publicly and formally supports the Ramapough Mountain Indians in their struggle for recognition as the Ramapough Mountain Indian Tribe; and

Whereas, The goal of the Tribe is to become a self-determined community by developing programs to solve the economic problems of their community, decrease the school drop-out rate for their youngsters, supplement the income of their senior citizens, teach their handicapped simple skills so that they may support themselves, and promote awareness of their Indian ancestry: Now, therefore, be it

Resolved, That this Legislative Body pause in its deliberations to memorialize the Honorable Ronald W. Reagan, President of the United States and the Congress of the United States to do all within the powers of their offices to formally recognize the Ramapough Mountain Indians as the Ramapough Mountain Indian Tribe: And be it further

Resolved, That copies of this Resolution, suitably engrossed, be transmitted to the Honorable Ronald W. Reagan, President of the United States, to the President Pro Tem of the Senate, to the Speaker of the House of Representatives, to each Member of Congress from the State of New York, to Ronald Van Dunk, Chief of the Ramapough Mountain Indians, 26 Boulder Avenue, Hillburn, New York, to Richard Stahlman, Tribal Historian, 7 Main Beach Road, Ringwood, New Jersey 07456 and to the United States Department of the Interior's Bureau of Indian Affairs.

TAKING IMMEDIATE STEPS TO CURB THE SOURCES OF ACID RAIN

Mr. THURMOND. Mr. President, I ask unanimous consent to have printed in the RECORD Resolution No. 007 of the Minnesota State Legislature, which has been received in the office of the President pro tempore, and which relates to taking immediate steps to curb the sources of acid rain.

There being no objection, the resolution was ordered to be printed in the RECORD, as follows:

RESOLUTION 007

Whereas, acid rain is becoming our number one environmental problem across the United States and Canada with a potential of destroying agricultural crops, forestry, aquatic life, and causing damage to structural buildings; and,

Whereas, the long-range transport of atmospheric pollutants can cause acid rain far from the emission source and is a growing interstate and international problem; and,

Whereas, current provisions in the Clean Air Act are not adequate to address the problems of acid rain, and present and future generations will be more adversely affected by delayed action; and,

Whereas, acid rain contributes to the increasing levels of heavy metal concentrations in public reservoirs and waterways which can pose a potential threat to human health; and,

Whereas, acid rain has destroyed aquatic life in lakes, retarded certain forest and agricultural crop growth, and corroded metals and public buildings and statues; and,

Whereas, in the Voyageurs National Park and our own Boundary Waters Canoe Area, recent tests show high acidity in the lakes which scientists fear will cause serious damage to their ecosystems if the conditions remain unchecked; and,

Whereas, the problem of acid rain is a serious threat to the tourism component of Minnesota's economy and the friendly relations with our neighbors in Canada; Now, therefore, be it

Resolved by the Legislature of the State of Minnesota that the President and Congress should take immediate action to reduce the sources of acid rain by amendment to the Clean Air Act, or by separate legislation, and by providing adequate funding to the Environmental Protection Agency for monitoring and enforcement. Be it further

Resolved that the Secretary of State of the State of Minnesota is instructed to transmit certified copies of this resolution to the President of the United States, the President and Secretary of the United States Senate, the Speaker and Chief Clerk of the House of Representatives of the United States, to the Minnesota Senators and Representatives in Congress, and to the Ambassador of Canada to the United States.

SUPPORT OF A MUTUAL FREEZE WITH THE SOVIET UNION ON THE TESTING, PRODUCTION, AND DEPLOYMENT OF NUCLEAR WEAPONS AND DELIVERY SYSTEMS

Mr. THURMOND. Mr. President, I ask unanimous consent to have printed in the RECORD Resolution No. 006 of the Minnesota State Legislature, which has been received in the office of the President pro tempore, and which relates to support of a mutual freeze with the Soviet Union on the testing, production, and deployment of nuclear weapons and delivery systems.

There being no objection, the resolution was ordered to be printed in the RECORD, as follows:

RESOLUTION 006

Whereas, the horror of a nuclear holocaust is universally acknowledged; and,

Whereas, all cities in the northern hemisphere could be destroyed by nuclear warfare in 30 minutes; and

Whereas, the United States has enough nuclear weapons to destroy every Soviet city of [illegible] 000 at least 40 times and the Soviet can destroy ours 22 times; and

Whereas, the current strategy of the Soviet Union and the United States together calls for the production of at least 20,000 additional nuclear warheads and a new generation of delivery systems during the next decade; and,

Whereas, the federal government is planning to spend more than $1 trillion on the military in the next five years and at least $100 billion of that will go for nuclear weapons resulting in an unbalanced budget, major unemployment, and high interest rates; and,

Whereas, Minnesotans will pay about $400 million in federal tax dollars for nuclear weapons in 1982 alone; and,

Whereas, the expenditure of this Minnesota money on nuclear weaponry rather than basic human services will reduce federal support to Minnesotans for mass transit, agriculture, housing, education, energy, medical care, and many other programs; Now therefore, be it

Resolved by the Legislature of the State of Minnesota that it supports a mutual freeze by the United States and the Soviet Union on the testing, production, and deployment of nuclear weapons and of missiles and new aircraft designed primarily to deliver nuclear weapons. Be it further

Resolved that the Secretary of State of the State of Minnesota is directed to transmit certified copies of this memorial to the President of United States, the Secretary of the State of the United States, the President and Secretary of the United States Senate, the Speaker and Chief Clerk of the United States House of Representatives, and to the Minnesota Senators and Representatives in Congress.

CONTROL OF UNFAIR FOREIGN COMPETITION AND THE DUMPING OF SPECIALTY STEELS IN THE UNITED STATES MARKETS

Mr. THURMOND. Mr. President, I ask unanimous consent to have printed in the RECORD House Resolution No. 149 of the House of Representatives of the Commonwealth of Pennsylvania, which has been received in the office of the President pro tempore, and which relates to control of unfair foreign competition and the dumping of specialty steels in the U.S. markets.

There being no objection, the resolution was ordered to be printed in the RECORD, as follows:

HOUSE RESOLUTION NO. 149

Whereas, Specialty steels are an essential industrial material and, therefore, the domestic industry is a strategic resource necessary to national defense; and

Whereas, The United States can, and must, maintain an adequate level of self-sufficiency and production capability in specialty steels, including a skilled and adequate labor force; and

Whereas, The economic base of the specialty steel industry has been seriously eroded in recent years by the damaging flow of imports of specialty steels and products containing these materials; and

Whereas, Under pressure of excessive imports, unemployment has climbed as high as forty percent in the specialty steel industry during recent years; and

Whereas, American privately-owned specialty steel producers compete in the marketplace with foreign companies which are government-owned, subsidized, or directed and do not have to meet the disciplines of our free-market system; and

Whereas, The specialty steel industry has always favored development of open, fair, and mutually beneficial world trade—it is not protectionist; and

Whereas, The problem of assuring that foreign companies compete fairly and legally confronts the specialty steel industry, many other industries, and our entire economy. As the major open-world market, our Nation faces industrial stagnation—reduced job opportunities—and a declining standard of living, unless new understandings and rules relating to trade can be developed with foreign governments; and

Whereas, The specialty steel industry is experiencing massive layoffs due to the unfair dumping of foreign specialty steel; and

Whereas, Unfair competition and the dumping of foreign steels in United States markets is causing substantial and lasting hardship for Pennsylvania citizens employed in the specialty steel industry; therefore be it

Resolved (the Senate concurring), That the General Assembly of the Commonwealth of Pennsylvania memorialize the President of the United States, the Congress, and the International Trade Commission to take prompt and aggressive action to control unfair foreign competition and the dumping of specialty steels in the United States markets; and be it further

Resolved, That copies of this resolution be sent to the President of the United States, the presiding officers of both Houses of Congress, each member of Congress from the Commonwealth of Pennsylvania, the International Trade Commission, along with its United States trade representative, and the Department of Commerce.

A COWBOY'S PRAYER

Mr. PRESSLER. Mr. President, the distinguished majority leader has brought a pleasant new dimension to our floor proceedings with his weekly reading of a selected poem. Through this practice, which he started last October, Senator BAKER gives recognition to famous and lesser known poets and provides some pleasurable passages for the RECORD which, as we all know, can often be ponderous.

Today I would like to follow Senator BAKER's fine example by offering for the RECORD a poem by South Dakota's cowboy poet Badger Clark.

Clark was born in Albia, Iowa, in 1883, but his family moved to Dakota Territory when he was an infant and Clark grew up in the Black Hills, in the boisterous town of Deadwood. As a youth he journeyed to Cuba and lived for a few years on the Caribbean isle before returning to the States to work on a ranch in Arizona, near the Mexican border. He began to write easygoing Western rhymes for pure pleasure during these years in Arizona cow country. He was later surprised at how readily his poems were accepted for publication by newspapers and magazines.

Clark returned to his home State while still a young man, settling down in Hot Springs, in the southern Black Hills of South Dakota. He continued to write lyrical verse about the big sky, vast reaches of land, and above all the freedom of the "wild west." He was soon named poet laureate of South Dakota, a post he held until his death in 1957.

Two books of Clark's poems were published in the early 1900's. The first "Sun and Saddle Leather," appeared in 1915 and was reprinted several times; the second "Grass Grown Trails," was published in 1917. A third book of poems, "Sky Lines and Wood Smoke," was published in 1935. The copyright on this volume was held by Francis Case, a former distingusihed member of the U.S. Senate from South Dakota.

Clark was a deeply religious man, but he eschewed starched collars and coats and was more comfortable by a campfire than in church. This is clear in one of this most famous works, "A Cowboy's Prayer."

Clark once commented on the wide popularity of this sincere and simple poem. "I didn't really intend for the pious cowboy to become a revivalist," he said, "but it isn't likely that a little religious emotion will hurt anybody in America just now." Mr. President, I ask unanimous consent that this poem by Badger Clark be printed in the RECORD.

There being no objection, the poem was order to be printed in the RECORD, as follows:

A COWBOY'S PRAYER

(By Badger Clark)

Oh, Lord, I've never lived where churches grow. I love creation better as it stood
That day You finished it so long ago And looked upon Your work and called it good.
I know that others find You in the light That's sifted down through tinted window panes,
And yet I seem to feel You near tonight In this dim, quiet starlight on the plains.
I thank You, Lord, that I am placed so well, That You have made my freedom so complete;
That I'm no slave of whistle, clock or bell, Nor weak-eyed prisoner of wall and street.
Just let me live my life as I've begun And give me work that's open to the sky;
Make me a pardner of the wind and sun. And I won't ask a life that's soft or high.
Let me be easy on the man that's down; Let me be square and generous with all.
I'm careless sometimes, Lord, when I'm in town, But never let 'em say I'm mean or small!
Make me as big and open as the plains, As honest as the hawse between by knees,
Clean as the wind that blows behind the rains, Free as the hawk that circles down the breeze!
Forgive me, Lord, if sometimes I forget. You know about the reasons that are hid.
You understand the things that gall and fret; You know me better than my mother did.
Just keep an eye on all that's done and said And right me, sometimes, when I turn aside,
And guide me on the long, dim trail ahead That stretches upward toward the Great Divide.

ELIZABETH DOLE: "A CLEAR MANDATE TO REBUILD OUR DEFENSES"

Mr. TOWER. Mr. President, during the recess, on April 2, 1982, Elizabeth H. Dole, Assistant to the President for Public Liaison, addressed the National Rifle Association's annual dinner in Philadelphia.

Incidentally, this marked the first time in the 111-year history of the NRA that a woman addressed this banquet.

During her remarks, Mrs. Dole succinctly outlined the administration's position in what she called: "The President's effort to halt the rush to doomsday."

She pointed out to the NRA delegates the importance of the administration's priorities in the defense area saying:

> The American people expressed their concern about our future course fifteen months ago. They elected President Reagan with a clear mandate to rebuild our defenses. And the President has responded with a series of decisions designed to ward off the would-be aggressors.

Mr. President, I ask unanimous consent that Mrs. Dole's entire remarks be printed in the RECORD so that the country can have the benefit of her views.

There being no objection, the address was ordered to be printed in the RECORD, as follows:

ADDRESS BY ELIZABETH HANFORD DOLE

I'm deeply honored by your invitation to make history as the first woman to address an NRA banquet in 111 years. Perhaps that is because, as one who has spent the last ten years working in government, I've learned all about that "arsenal of bureaucracy" in Washington, D.C. As a White House staff member, who reads the daily newspapers in our nation's capital, I also know something about potshots, light weapons and heavy artillery.

Before leaving for Philadelphia today, the President asked me to convey his best wishes for a successful event and his deep thanks for your support. I don't need to tell you how proud he is to be a card-carrying member of the National Rifle Association. He's asked me several times to make sure you are taking good care of his rifle, presented to him by several of your leaders in an Oval Office ceremony last December and now showcased in your museum.

There's a story about a distinguished looking gentleman who entered a fashionable New York sporting goods store and asked to see some shotguns. The clerk, sizing him up as a man of means, brought out a handsome English model priced over $4,000. "It's a splendid gun," the customer said, "but a little expensive for what I have in mind."

So the clerk went out and fetched a Belgian weapon, with a price tag of $650. "Still a little too dear for me," the customer told him. This time the clerk brought back a Winchester mass production stock model, priced at $119.95. A smile broke out the customer's face at last. "That will do just perfectly," he told the clerk. "After all, it's only a small wedding."

Now, Washington, D.C. is a place where shotgun weddings take place all the time—but not, I hasten to add, for Bob and me. And certainly not between the Reagan Administration and this organization. In fact, you have been the President's staunch ally in many causes, above all in the freedom of the American people to live their own lives without interference or dictation from Washington. It has never been a marriage of convenience—but a partnership of people who share the same objectives and nurture the same hopes for America.

Nowhere is this more so than in the Constitutionally guaranteed right to bear arms. I would remind you of the words contained in the 1980 Republican platform—the credo of the party and the President now in office . . .

"We believe the right of citizens to keep and bear arms must be preserved. Accordingly, we oppose federal registration of firearms. Mandatory sentences for commission of armed felonies are the most effective means to deter abuse of this right. We, therefore, support Congressional initiatives to remove those provisions of the Gun Control Act of 1968 that do not significantly impact on crime but serve rather to restrain the law-abiding citizen in his legitimate use of firearms."

I need hardly add that this plank was strongly supported by the President as well as by Senator James McClure, co-sponsor of the McClure-Volkmer Bill.

The President feels the time is past when government can expect to harass its own citizenry. It is the President's view that the time has come to write a prohibition on such activities into law—and make it stick. The President believes that we can protect law abiding gun owners while at the same time cracking down on criminals involved in the illegal use of firearms.

That, of course, is but one of many priorities you and this Administration have in common. Together, we envisage an America where government is once more the people's servant, and not their master. We see an America where people can afford to enjoy the fruits of their labor—instead of surrendering that bounty to the voracious appetite of tax collectors and bureaucratic regulators.

In the last 15 months, President Reagan has done much to make that vision become reality. Thanks to his leadership—and thanks to the vocal support of millions of citizens like yourselves—we are giving this country back to the people who made it great, and defended it bravely. We have launched the greatest relief program ever—for the American taxpayer. We are putting $750 billion back into your pockets—and we are entrusting you to make the decisions that will move your economy off dead-center.

We have finally begun to tighten the belt on Washington—while continuing to care for those in genuine need. For any who doubt that commitment, I would call their attention to the 95 million Americans who will eat a federally-subsidized meal tomorrow—or the 5 million college students aided by federal dollars in pursuit of a degree—or the one million aspiring jobholders being trained with federal funds—or the 3½ million who live in federally-subsidized housing.

This Administration is not playing partisan politics—only accepting the honest fact that government can no longer spend with reckless abandon. We are cutting taxes—cutting the rate of growth in spending—reducing excessive regulation—and pursuing a stable economic climate within which to make plans. We are doing all this because the old ways have failed. And because we want something better than paternalism for the poor—we want to offer them a hand up not just a hand out. We want a hardpressed middle class to keep more of what it earns. As they grow to adulthood, we want our children to have the same opportunity to enjoy the independence that comes with self-support.

Most of all, we want them to inherit a world at peace, where no one rattles a sword and no one drags a chain. And that brings me to yet another priority which you and this administration share.

Perhaps no audience in America understands the distinction between defensive and offensive weapons better than this one. Surely, none has been more generous in its support for an America whose defense is adequate to her needs. For you understand that great nations must shoulder great responsibilities. They must be willing to spend dollars for defense, unless they want to spill blood on some distant battle field. You understand the difference between outlaws and the law-abiding—not only in our own neighborhoods, but in the global community. You understand strength as a deterrent to wrongdoers. And you have never hesitated to go public with that realistic assessment of the dangerous world in which we live.

And so it is, that this evening, in the midst of a worldwide debate on arms and arms control, I would like to spend a few minutes on this country's position—and this President's efforts to halt the rush to doomsday.

On Wednesday night, President Reagan issued a call to both sides on the nuclear divide to sit down and negotiate genuine and lasting, verifiable reductions in the atomic arsenals accumulated since the end of World War II. He endorsed the Jackson-Warner resolution which seeks a reduction in such weapons, and an easing of tensions among the nuclear superpowers. In concert with our European allies, the United States is sitting at a negotiating table in Vienna this very minute—working toward a reduction of conventional weapons on that ancient continent twice ravaged by war in this century. At talks in Geneva, we have already proposed to the Soviets the elimination of all intermediate-range missiles. And soon, perhaps as early as this summer, we will embark on a new round of talks, in an effort to hasten a return to the civilized behavior the President recalled in his remarks Wednesday night.

But negotiation, like marriage, takes two. It has little hope of success without incentives for both sides to negotiate in good faith. No one more than Ronald Reagan hopes for an early end to the endless stockpiling of weaponry. But to freeze weapons at their existing imbalance would achieve nothing but a global stamp of approval on the Soviets' nuclear superiority. Or, to use a domestic comparison, it would be the ultimate example of taking guns away from those who have them only for self-defense—while leaving them bristling in the trigger-happy hands of international lawbreakers.

There is nothing new in the desire to spend less on national defense. During a debate on the subject in 1789, in our constitutional convention held not far from this hall, one delegate got to his feet and moved that "the standing army be restricted to 5,000 men at any one time." This prompted George Washington, as presiding officer, to suggest an amendment of his own—to provide that no foreign enemy shall invade the United States with more than 3,000 troops at any time.

Freezing an imbalance of arms would be just about as effective as that original freeze on the size of standing armies. It would put pressure on this country and little or none on the Soviets. It would not materially advance the cause of nuclear disarmament—on the contrary, it would all but destroy the justification for any genuine arms reduction. No—the nuclear status quo is too deadly to enshrine permanently. President Reagan understands that thoroughly, and that is why he is inviting the Soviets to invest more commitment and less propaganda in stemming the arms spiral.

The Soviets claim to harbor strictly defensive notions. Tell that to the people of Afghanistan. Tell it to the residents of Warsaw and Gdansk. In fact, this "strictly defensive" military machine has been expanding at an alarming rate for the past 15 years. As a land power, you wouldn't think that Soviet defense requires maritime superiority—yet that's what they've spent tens of billions of dollars to achieve. Equipped with a land army already considerably larger than our own, you wouldn't think that Soviet defense would require adding scores of fresh divisions and four times as many tanks—and yet that's exactly what they've done. As a nation saddled with economic woes, whose people are deprived of consumer goods and basic necessities, you wouldn't think that Soviet defense alone could justify spending $85 billion more than the United States over the last ten years. And yet, that's exactly what they've done.

And what have they gotten for their money? An empire whose cracks are showing. A guerilla war in the rugged mountains of Afghanistan. An expansive solar system of economically impoverished satellites. And rising hostility wherever people value freedom and the opportunity to create a better life for themselves. The Soviets portray their military buildup as a necessary response—a circling of the wagons, if you will, to protect the motherland from hostile forces ranged around her borders. In fact, their paranoia is directed less at outside forces than those within. The only thing greater than their fear is their ambition. And so it is that the Reagan Administration finds itself confronted with a drastically different balance of power than anything known in the last twenty-five years.

Those pacifists who march in European streets have an understandable interest in protecting their homelands from a nuclear holocaust. But they must not forget in their zeal for peace that it is not strength but weakness which tempts the aggressor. They of all people should understand the lessions of Munich and the locust years that followed. And they should likewise grasp the dangers of a world in which the United States lowers, not only her voice, but also her flag. We, no less than they, must come to terms with a world in which American resolve is all that stands between a tense balance and a global reign of terror. Either we accept that burden, or we place every value we hold dear in peril.

The American people expressed their own concern about our future course 15 months ago. They elected President Reagan with a clear mandate to rebuild our defenses. And the President has responded with a series of decisions designed to ward off would-be aggressors.

The strategic package he announced last September can close the window of vulnerability which we otherwise would have faced—if we proceed to strengthen our strategic forces year after year as planned and urged by the President.

His decisions on the modernization of major nuclear forces were based on a similar long-term view. He had to choose not just one new weapon system, but several major components at the same time.

For the sad but inescapable truth is that virtually every part of our strategic forces is in need of both modernization and strengthening. The Minuteman system for missile basing was decided on more than 20 years ago. The mainstay of our present bomber force, the B-52, was chosen some 30 years ago, forcing our pilots to fly planes older than themselves. The only comparable across-the-board review of strategic force needs occurred back in 1955, when Dwight Eisenhower was in the White House, and the U.S. decided to proceed with the ICBM and new system for bomber basing and air defense.

Much has been said about the U.S. military build-up. What exactly, does it consist of? Basically, it contains five mutually reinforcing elements:

First—We plan long neglected improvements in our command and control systems. This will enable us to better operate all parts of the triad: land, sea and air.

Second—We will modernize our strategic bomber fleet to replace our 30-year-old B-52's, so we can continue to have an ability to penetrate Soviet air defenses by manned bombers.

Third—We will deploy new, heavier, and far more accurate submarine-launched ballistic missiles—in many ways, the most survivable of all defense systems.

Fourth—We will undertake a step-by-step plan to improve the strength and accuracy of the new MX land-based missiles (which are far more accurate and which carry 10 warheads apiece). We will also seek out ways to reduce the vulnerability of the MX.

Fifth—We will improve our strategic defenses as yet another means of discouraging and deterring attack.

We will not neglect our conventional capabilities—far from it. We intend to place special emphasis on those areas which have suffered the most during the long years when our defenses were allowed to decay. That means improving the overall readiness, sustainability, and modernization of our forces. It means bolstering our military's ability to respond to conventional challenges. It means getting on with the unglamorous yet critical task of providing more spare parts, more ammunition, more fuel and more training so that those who must be proficient in the use of weapons can have the time they need to develop their skills properly.

In rebuilding our land forces, we will not neglect those who fly our flag on the vast oceans and the inland seas. For access to the seas is vital if we are to protect our interests abroad as well as the crucial lines of supply that now bring us scarce materials from all over the world. A strong Navy is the only way to insure this ability—and we are rebuilding ours so that it will be very strong indeed. We are upgrading the rapid deployment force.

And we are finally rewarding our men and women in uniform with more than pretty words and empty gestures. Last October, our military personnel received a pay raise of 14.3%. It was long overdue, and well-deserved. And it's no coincidence that the President not long ago was able to announce that all four services have met their manpower quotas for the first time since the all-volunteer force was introduced in 1973.

Because of the President's leadership in changing our national attitudes about those who serve, recognition of military service for what it is—the protection of our freedom—and appreciation for the men and women who perform those jobs is growing as rapidly as is their level of pay. Our enlistment and reenlistment rates are significantly improved. The importance of this cannot be exaggerated. Because history has proved again and again, that the tenacity, and character of a nation is reflected in those who wear its uniform and carry its arms.

I would be remiss if I did not point out a myth that is being perpetrated by our detractors—that we are taking social dollars to fund weapons. One needs only to look at the record to see that today's Defense Department expenditures account for 28.5% of the Federal budget and 6.3% of GNP. In the 1950's and '60's, defense was between 40-50% of the budget and between 8-9% of GNP. And in the intervening years, Soviets have spent half again as much as the U.S. on military—defense claims 6% of our GNP and 15% in the USSR. This President is tackling the problems of cost and clearly understands the need for increased efficiency and effectiveness. As he said in his Wednesday night press conference, he looks forward to the recommendations of his citizens task force, which will review the Defense Department with a fine-tooth comb. Already, some progress has been made in controlling waste.

For example, the Pentagon has obtained congressional approval to commit funds for several years, rather than in the traditional year-by-year approach. This one reform will save the taxpayers over $300 million this year alone. It is also working with American industry to realize economies from large lot buying, more efficient scheduling of production facilities, and a reduction in administrative burdens in the process of renegotiating contracts.

Overall, changes in the way the nation's military does business has saved the American taxpayer nearly four and a half billion dollars. But that is only a beginning. And in the months ahead, you can be sure that defense will not be equated with a blank check. Some in the Congress would like to make the military a scapegoat for their own failure to reduce federal spending. We won't let it become a scapegoat—but neither will we let it become wasteful.

Ultimately, of course, the defense of America rests in her factories and schoolrooms, as well as her missile silos and submarines. This Administration is committed body and soul to restoring our economic as well as military strength. We still have a ways to go. But look at the progress already made. Tonight, there are no Americans held hostage to foreign street mobs—or to double digit inflation here at home. Tonight, we're closer to an economy that is stimulated, not shackled, by Washington. Tonight, we're closer to a foreign policy that encourages American greatness instead of American retreat.

These economic gains are early harbingers of recovery, signs that have strong implications for future prosperity. And the return of American prosperity is the most compassionate program anyone can offer.

In the words of Thomas Paine, these are times that try men's souls. We need more than summer soldiers and sunshine patriots. If we believe in the principles of free enterprise that made our country great, we must stand up for them again, today. We must draw anew on the individual strength, ingenuity and vision that built America.

But our gaze is not set on the past. It is firmly fixed on tomorrow. We must not mortgage our children's future to pay for the mistakes of today. The choice before our generation is grave but clear: We must either face and solve our problems now or surrender to them forever.

We are not the only people at a crossroads. For many the requirement for courage and sacrifice is far greater. In Poland, where citizens must meet in secret to resist military tyranny, courageous workers still struggle underground. They have recently published a plea for continued resistance "so that our children do not have to be ashamed of us," so that our children, "will have a chance to grow up as free and courageous people."

You and I already enjoy that freedom, a freedom that must be defended as well as enjoyed. Our President has pledged to defend it at home and abroad. Together, we can, and must, honor that pledge. Our children deserve freedom. Our conscience demands it. Let history record that we responded positively to both.

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mr. Saunders, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session, the Acting President pro tempore laid before the Senate messages from the President of the United States submitting sundry nominations which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

NATIONAL MATERIALS AND MINERALS PROGRAM AND REPORT—MESSAGE FROM THE PRESIDENT—PM 125

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States, together with an accompanying report; which was referred to the Committee on Energy and Natural Resources:

To the Congress of the United States:

I am pleased to submit the National Materials and Minerals Program Plan and Report to Congress, pursuant to the National Materials and Minerals Policy, Research and Development Act of 1980.

This national minerals policy recognizes:

- —The critical role of minerals to our economy, national defense, and standard of living;
- —The vast, unknown and untapped mineral wealth of America and the need to keep the public's land open to appropriate mineral exploration and development;
- —The critical role of government in alerting the Nation to minerals issues and in ensuring that national decision-makers take into account the impact of their decisions on minerals policy; and,
- —The need for long-term, high potential payoff research activity of wide generic application to improve and augment domestically available materials.

This policy is responsive to America's need for measures to diminish minerals vulnerability by allowing private enterprise to preserve and expand our minerals and materials economy.

RONALD REAGAN.

THE WHITE HOUSE, *April 5, 1982.*

PRESIDENTIAL APPROVALS

A message from the President of the United States reported that he had approved and signed the following bills and joint resolution:

On March 30, 1982:

S. 262. An act for the relief of Dolly Akers, Fort Peck Indian Reservation, Mont.

On April 1, 1982:

S. 892. An act to amend the Federal Grant and Cooperative Agreement Act.

S. 1937. An act to extend the expiration date of section 252 of the Energy Policy and Conservation Act.

On April 6, 1982:

S. 634. An act to authorize the exchange of certain lands in Idaho and Wyoming.

S.J. Res. 102. Joint resolution to authorize and request the President to designate the month of April 1982 as "Parliamentary Emphasis Month."

On April 13, 1982:

S. 2333. An act to amend section 209 of title 18, United States Code, to permit an officer or employee of the U.S. Government, injured during an assassination attempt, to receive contributions from charitable organizations.

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, which were referred as indicated:

EC-3133. A communication from the General Counsel of the Department of Defense transmitting a draft of proposed legislation to retain the defense dependent's schools within the Department; to the Committee on Armed Services

EC-3134. A communication from the Inspector General of the Department of Housing and Urban Development transmitting, pursuant to law, a report entitled "Assisted Housing Program Matching Report"; to the Committee on Banking, Housing, and Urban Affairs.

EC-3135. A communication from the Secretary of the Treasury transmitting, pursuant to law, the report of the Commission established to study and assess the policy of the United States concerning the role of gold in the domestic and international monetary systems; to the Committee on Banking, Housing, and Urban Affairs.

EC-3136. A communication from the Secretary of Commerce transmitting a draft of proposed legislation extending the authorization for appropriations under the Marine Protection, Research, and Sanctuaries Act; to the Committee on Commerce, Science, and Transportation.

EC-3137. A communication from the Under Secretary of the Interior transmitting, pursuant to law, its annual report on the management of the Nation's public lands; to the Committee on Energy and Natural Resources.

EC-3138. A communication from the Secretary of Commerce transmitting a draft of proposed legislation to implement the Nairobi Protocol to the Florence Agreement; to the Committee on Finance.

EC-3139. A communication from the Assistant Secretary of State for Congressional Relations transmitting a draft of proposed legislation to raise the salary level of the Counselor of the Department from Executive Level IV to Executive Level III; to the Committee on Governmental Affairs.

EC-3140. A communication from the Secretary of Agriculture transmitting, pursuant to law, the fiscal 1981 report of the Forest

Service; to the Committee on Agriculture, Nutrition, and Forestry.

EC-3141. A communication from the Acting Under Secretary of Defense transmitting, pursuant to law, the annual report on the Defense Industrial Reserve; to the Committee on Armed Services.

EC-3142. A communication from the Secretary of Housing and Urban Development transmitting, pursuant to law, a report on housing needs and conditions of the handicapped; to the Committee on Banking, Housing, and Urban Affairs.

EC-3143. A communication from the Secretary of Commerce transmitting a draft of proposed legislation to authorize appropriations under the National Advisory Committee on Oceans and Atmosphere Act; to the Committee on Commerce, Science, and Transportation.

EC-3144. A communication from the Vice President and Washington Counsel of the Consolidated Rail Corporation, transmitting, pursuant to law, a revised transmittal letter for the 1981 annual report of Conrail; to the Committee on Commerce, Science, and Transportation.

EC-3145. A communication from the Secretary of Energy transmitting, pursuant to law, an annual report on the use of various bidding systems for Outer Continental Shelf lease sales; to the Committee on Energy and Natural Resources.

EC-3146. A communication from the Administrator of the General Services Administration transmitting, pursuant to law, a prospectus for the proposed completion of the Federal Triangle, Washington, D.C.; to the Committee on Environment and Public Works.

EC-3147. A communication from the Assistant Secretary (Administration) of the Department of the Treasury transmitting, pursuant to law, a report and notice of a proposed revision to the Internal Revenue Service System of Records entitled "Individual Master File (IMF)"; to the Committee on Governmental Affairs.

EC-3148. A communication from the Director of the Office of Federal Procurement Policy transmitting, pursuant to law, an appendix to a proposal for a uniform Federal procurement system, submitted on February 26, 1982; to the Committee on Governmental Affairs.

EC-3149. A communication from the Chairman of the U.S. Merit Systems Protection Board transmitting, pursuant to law, the Board's annual report for calendar year 1981 and the Board's report on the "Appeals Received, Decided and Completed Within 120 Days in 1981"; to the Committee on Governmental Affairs.

EC-3150. A communication from the Assistant Secretary for Indian Affairs of the Department of the Interior transmitting, pursuant to law, a proposed plan for the distribution of the funds awarded to the Hoopa Valley Tribe; to the Select Committee on Indian Affairs.

EC-3151. A communication from the General Counsel and the Chairman of the National Labor Relations Board transmitting, pursuant to law, the Board's report of its activities concerning the implementation of the Freedom of Information Act during calendar year 1981; to the Committee on the Judiciary.

EC-3152. A communication from the Secretary of Education transmitting a draft, with analysis, of proposed legislation to consolidate Federal programs assisting vocational and adult education; to the Committee on Labor and Human Resources.

EC-3153. A communication from the President and the national executive director of the Girl Scouts transmitting, pursuant to law, the fiscal year 1981 report of the Girl Scouts of America; to the Committee on Labor and Human Resources.

EC-3154. A communication from the Secretary of Education transmitting, pursuant to law, a report on evaluation of program operations and educational effects required under title I of the Elementary and Secondary Act; to the Committee on Labor and Human Resources.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. THURMOND, from the Committee on the Judiciary, without amendment and with a preamble:

S. Res. 299. Resolution to designate May 4, 1982, as "International Franchise Day".

S.J. Res. 167. Joint resolution to commemorate the 100th Anniversary of the Knights of Columbus.

S.J. Res. 180. Joint resolution to authorize and request the President to issue a proclamation designating the week beginning May 9, 1982, as "National Small Business Week."

S.J. Res. 184. Joint resolution to designate January 28, 1983 as "Native American Day".

S.J. Res. 186. Joint resolution to authorize and direct the President to designate the week of September 19 through 25, 1982, as "National Cystic Fibrosis Week".

EXECUTIVE REPORTS OF COMMITTEES

The following executive reports of committees were submitted:

By Mr. THURMOND, from the Committee on the Judiciary:

James P. Hickman, of West Virginia, to be U.S. Marshal for the southern district of West Virginia for the term of 4 years;

William T. Hart, of Illinois, to be U.S. district judge for the northern district of Illinois;

John A. Nordberg, of Illinois, to be U.S. district judge for the northern district of Illinois;

Walter E. Black, Jr., of Maryland, to be U.S. district judge for the district of Maryland;

Michael A. Telesca, of New York, to be U.S. district judge for the western district of New York;

Robert W. Merkle, Jr., of Florida, to be U.S. attorney for the middle district of Florida for the term of 4 years;

James L. Fyke, of Illinois, to be U.S. Marshal for the central district of Illinois for the term of 4 years.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second time by unanimous consent, and referred as indicated:

By Mr. GORTON (for himself and Mr. JACKSON):

S. 2364. A bill to modify the city waterway navigation channel project, Tacoma Harbor, Wash., to redefine the project boundaries; to the Committee on Environment and Public Works.

By Mr. HUMPHREY:

S. 2365. A bill to expand and extend programs relating to alcohol abuse and alcoholism and drug abuse; to the Committee on Labor and Human Resources.

By Mr. DOLE:

S. 2366. A bill to set aside certain surplus vessels for use in the provision of health and other humanitarian services to developing countries; to the Committee on Commerce, Science, and Transportation.

By Mr. LUGAR (for himself and Mr. GARN) (by request):

S. 2367. A bill entitled the "Transit Assistance Act of 1982"; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. PRESSLER:

S. 2368. A bill to require the President to take certain actions to obtain relief from nontariff trade barriers imposed by foreign countries against agricultural goods produced in the United States; to the Committee on Finance.

By Mr. DOLE (for himself, Mr. DANFORTH, Mr. BOREN, Mr. ROTH, Mr. JOHNSTON, Mrs. KASSEBAUM, Mr. LAXALT, Mr. DURENBERGER, Mr. SYMMS, and Mr. WALLOP):

S. 2369. A bill to amend the Internal Revenue Act of 1954 to clarify the standards used for determining whether individuals are not employees for purposes of the employment taxes, and for other purposes; to the Committee on Finance.

By Mr. DODD (for himself and Mr. TSONGAS):

S. 2370. A bill to amend the Foreign Assistance Act of 1961 to require specific authorization for the provision of additional military personnel, security assistance, or defense articles for, or for carrying out certain intelligence activities with respect to, any country in Central America, and for other purposes; to the Committee on Foreign Relations.

By Mr. SASSER (for himself, Mr. INOUYE, Mr. ANDREWS, and Mr. JOHNSTON):

S. 2371. A bill to amend the Internal Revenue Code of 1954 to allow a credit against tax for contributions and payments to sheltered workshops; to the Committee on Finance.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. EXON:

S. Con. Res. 80. Concurrent resolution relating to interest rates; to the Committee on Banking, Housing, and Urban Affairs.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. HUMPHREY:

S. 2365. A bill to revise and extend programs relating to alcohol abuse and alcoholism and drug abuse; to the Committee on Labor and Human Resources.

ALCOHOL ABUSE AND ALCOHOLISM AND DRUG ABUSE AMENDMENTS OF 1982

● Mr. HUMPHREY. Mr. President, this morning I am introducing legislation which will reauthorize both the activities of the National Institute on

Alcohol Abuse and Alcoholism and the National Institute on Drug Abuse for 2 years.

The devastation which alcohol and drug abuse causes this Nation annually demands the coordinated response of Federal, State, and local governments as well as voluntary efforts. One recent study conducted by the Alcohol, Drug Abuse and Mental Health Administration (ADAMHA) estimates that the cost to the U.S. economy of alcohol and drug abuse in 1977 was in excess of $65 billion. Needless to say, that rather astounding number does not take into account the pain, suffering and family disruption that can never be assigned a monetary value.

The need for continued Federal leadership in addressing this national problem is obvious. Last year the Budget Reconciliation Act established the alcohol, drug abuse and mental health block grant to allow the States to allocate funding for treatment programing within their areas. I believe this was an important innovation in establishing the appropriate roles of the Federal, State, and local governments and the voluntary sector.

Last year the Senate Subcommittee on Alcoholism and Drug Abuse held extensive oversight hearings to evaluate the research and prevention programing of the National Institute on Alcohol Abuse and Alcoholism and the National Institute on Drug Abuse. During the research hearings the subcommittee heard scientists, researchers, and program administrators testify about the grant review process, the placement of the Institutes in ADAMHA, and the effectiveness of this country's research efforts in the field of alcohol and drug abuse.

During the prevention hearing the subcommittee heard from administration officials as well as State and local program administrators and members of the voluntary sector who are crucial in the pursuit of effective prevention programing. These hearings assisted the subcommittee in assessing the most beneficial and effective roles of the Federal Government, the State government and the voluntary sector.

The results of those hearings are reflected in the legislation I am introducing today. This legislation focuses the Federal effort on programs which are truly national in scope; that is on research, information dissemination, technical assistance to the States, and the encouragement of investigations, demonstrations and studies.

While I believe it is necessary to move treatment decisions to the States and look forward to the successes the block grant will produce, I believe that research is a critical national imperative in order to produce advances in treatment methods, screening techniques, prevention programing as well as a greater understanding of the physical effects of alcohol and drugs. These activities must continue to be the focus of the Federal Government.

In addition, perhaps the most important national function is the dissemination of information once it has been acquired. To spend vast amounts of money on research and have it shared by only a few expert scientists in the field would be unforgiveable. The decline indicated in the annual "High School Senior Survey" in the regular use of marihuana by this Nation's young people has been a tribute to the efforts of all those institutions and organizations who have been actively disseminating information to the public to dispel the misconceptions about marihuana.

Indeed, testimony at subcommittee hearings last year indicated that marihuana is a dangerous substance with serious health and behavioral consequences. This information must be made readily available to the public. Too often I have heard from individuals and groups who have been unable to obtain Government publications on drug abuse because they have been out of print or otherwise unavailable. I hope that this legislation will make clear that dissemination of information is one of the most important functions of the Federal Government.

In addition, this legislation will streamline and make more useful the reports which must be submitted by the institutes. These reports have been consolidated and made biennial in the case of the National Institute on Drug Abuse, and triennial for the National Institute on Alcohol Abuse and Alcoholism. Finally, I have asked that the report on the Federal strategy be biennial.

In summary, this legislation will streamline some of the current procedures, will eliminate reports which are costly and ineffective because they are too frequently written, and will emphasize the importance of the Federal effort's concentration on strictly national functions, that is, information dissemination, research, technical assistance, and coordination of strategy.

I ask unanimous consent that the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 2365

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Alcohol Abuse and Alcoholism and Drug Abuse Amendments of 1982".

TITLE I—ALCOHOL ABUSE AND ALCOHOLISM

REFERENCE

SEC. 101. Except as otherwise specifically provided, whenever in this title an amendment or repeal is expressed in terms of an amendment to, or a repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of the Comprehensive Alcohol Abuse and Alcoholism Prevention, Treatment, and Rehabilitation Act of 1970.

SHORT TITLE

SEC. 102. The first section is amended by striking out "Prevention, Treatment, and Rehabilitation" and inserting in lieu thereof "Research and Prevention".

CONGRESSIONAL FINDINGS AND DECLARATION OF PURPOSE

SEC. 103. (a) Section 2(a)(3) (42 U.S.C. 4541(a)(3)) is amended by striking out "$43,000,000,000" and inserting in lieu thereof "$49,000,000,000".

(b) Section 2(b) (42 U.S.C. 4541(b)) is amended to read as follows:

"(b) It is the policy of the United States and the purpose of this Act to provide leadership in the national effort to reduce the incidence of alcoholism and alcohol-related problems through—

"(1) a continued Federal commitment to research into the behavioral and biomedical etiology, the treatment, and the mental and physical health and social and economic consequences of alcohol abuse and alcoholism;

"(2) a commitment to—

"(A) extensive dissemination to States, units of local government, community organizations, and private groups of the most recent information and research findings with respect to alcohol abuse and alcoholism, including information with respect to the application of research findings; and

"(B) the accomplishment of such dissemination through up-to-date publications, demonstration, educational programs, and other appropriate means;

"(3) the provision of technical assistance to research personnel, services personnel, and prevention personnel in the field of alcohol abuse and alcoholism;

"(4) the coordination, in cooperation with all governmental and nongovernmental sources of assistance for alcohol abuse and alcoholism, of Federal, State, and local planning for, and effective use of, Federal assistance to States to meet the urgent needs of special populations;

"(5) the provision of a Federal response to alcohol abuse and alcoholism which recognizes the importance of State decisionmaking with respect to treatment needs;

"(6) the development and encouragement of prevention programs designed to combat the spread of alcoholism, alcohol abuse, and the abuse of other legal and illegal drugs;

"(7) the development and encouragement of effective occupational prevention and treatment programs within Government and in cooperation with the private sector; and

"(8) the provision of a Federal response to alcohol abuse and alcoholism which encourages the greatest participation by the private sector, both financially and otherwise, and concentrates on carrying out functions relating to alcohol abuse and alcoholism which are truly national in scope.".

REPORTS BY THE SECRETARY

SEC. 104. Section 102 (42 U.S.C. 4552) is amended—

(1) by striking out paragraphs (1) and (2) and inserting in lieu thereof the following:

"(1) submit to the Congress on or before the expiration of the one-year period beginning on the date of enactment of this Act, and every three years thereafter, a report which shall include—

"(A) a description of the actions taken and funds expended under this Act, and an evaluation of the effectiveness of such actions and expenditures;

"(B) a description of the extent to which Federal programs and departments are concerned and are dealing effectively with the problems of alcohol abuse and alcoholism;

"(C) current information on the health consequences of using alcoholic beverages;

"(D) a description of current research findings with respect to alcohol abuse and alcoholism;

"(E) such recommendations for legislation and administrative action as the Secretary considers appropriate; and

"(F) such other information as the Secretary considers appropriate;"; and

(2) by redesignating paragraphs (3) and (4) as paragraphs (2) and (3), respectively.

ABOLITION OF INTERAGENCY COMMITTEE

SEC. 105. Section 103 (42 U.S.C. 4553) is repealed.

RESEARCH

SEC. 106. SECTION 501(b) (42 U.S.C. 4585 (b)) IS AMENDED—

(1) by striking out "make available" in paragraph (1) and inserting in lieu thereof "disseminate";

(2) by inserting "including the development of curriculum materials," after "appropriate means," in paragraph (1);

(3) by striking out paragraph (3) and inserting in lieu thereof the following:

"(3) make grants to universities, hospitals, laboratories, and other public or nonprofit institutions, and individuals for projects for such research, investigations, experiments, demonstrations, studies, and evaluations as are recommended by the National Advisory Council on Alcohol Abuse and Alcoholism and such Council shall give special consideration to projects relating to—

"(A) the relationship between alcohol abuse and domestic violence;

"(B) the effects of alcohol use during pregnancy;

"(C) the impact of alcoholism and alcohol abuse on the family, social systems, and health service systems;

"(D) the relationship between the abuse of alcohol and other drugs;

"(E) the effect on the incidence of alcohol abuse and alcoholism of social pressures, legal requirements respecting the use of alcoholic beverages, the cost of such beverages, and the economic status and education of users of such beverages;

"(F) the cost and effectiveness of treatment, prevention, and intervention among youth, women, and the elderly; and

"(G) the interrelationship between alcohol use and other health problems;"; and

(4) by inserting "or the impact of alcohol abuse on other health problems" before the semicolon in paragraph (5).

AUTHORIZATION OF APPROPRIATIONS

SEC. 107. The first sentence of section 504(a) (42 U.S.C. 4587(a)) is amended by inserting before the period a comma and "$24,813,000 for the fiscal year ending September 30, 1983, and $24,813,000 for the fiscal year ending September 30, 1984".

TITLE II—DRUG ABUSE

REFERENCE

SEC. 201. Except as otherwise specifically provided, whenever in this title an amendment or repeal is expressed in terms of an amendment to, or a repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of the Drug Abuse Prevention, Treatment, and Rehabilitation Act.

SHORT TITLE

SEC. 202. The first section is amended by striking out "Prevention, Treatment, and Rehabilitation" and inserting in lieu thereof "Research and Prevention".

CONGRESSIONAL FINDINGS

SEC. 203. Section 101 (21 U.S.C. 1101) is amended—

(1) by striking out "is rapidly increasing" in paragraph (1) and inserting in lieu thereof "has rapidly increased";

(2) by striking out "abuse, especially heroin addiction," in paragraph (3) and inserting in lieu thereof "abuse";

(3) by striking out "drug abuse, especially the causes, and" in paragraph (5), and inserting in lieu thereof "the";

(4) by inserting "and State" before "drug abuse programs" in paragraph (6);

(5) by striking out paragraphs (7), (8), (10), and (11);

(6) by redesignating paragraphs (9), (12), (13), and (14) as paragraphs (7), (8), (9), and (10), respectively;

(7) by striking out "the Federal Government" in paragraph (7) (as redesignated by clause (6) of this section) and by inserting in lieu thereof "Federal and State governments"; and

(8) by inserting "State activities and" before "Federal international" in paragraph (9) (as redesignated by clause (6) of this section).

DECLARATION OF NATIONAL POLICY

SEC. 204. Section 102 (21 U.S.C. 1102) is amended to read as follows:

"§ 102. Declaration of national policy.

"The Congress declares that it is the policy of the United States and the purpose of this Act to utilize the comprehensive resources of the Federal Government to provide a leadership role in reducing the incidence, as well as the social and personal costs, of drug abuse in the United States and to develop and assure the implementation of a comprehensive, coordinated long-term Federal and State strategy to combat drug abuse. To reach these goals, the Congress further declares that it is the policy of the United States and the purpose of this chapter to meet the problems of drug abuse through—

"(1) a continued Federal commitment to research into the behavioral and biomedical etiology of, the treatment of, and the mental and physical health and social and economic consequences of, drug abuse;

"(2) a commitment to—

"(A) extensive dissemination to States, units of local government, community organizations, and private groups of the most recent information and research findings with respect to drug abuse, including information with respect to the application of research findings; and

"(B) the acomplishment of such dissemination through up-to-date publications, demonstrations, educational programs, and other appropriate means;

"(3) the provision of technical assistance to research personnel, services personnel, and prevention personnel in the field of drug abuse;

"(4) the coordination, in cooperation with all other governmental and nongovernmental sources of assistance for drug abuse, of Federal, State, and local planning for, and effective use of, Federal assistance to States to meet the urgent needs of special populations;

"(5) the provision of a Federal response to drug abuse which recognizes the importance of State decisionmaking with respect to treatment needs;

"(6) the development and support of community-based prevention programs;

"(7) the development and encouragement of effective occupational prevention and treatment programs within the Government and in cooperation with the private sector; and

"(8) the provision of a Federal response to drug abuse which encourages the greatest participation by the private sector, both financially and otherwise, and concentrates on carrying out functions relating to drug abuse which are truly national in scope.".

ELIMINATION OF ANNUAL REPORT

SEC. 205. Section 207 (21 U.S.C. 1117) is repealed.

REVIEW OF NATIONAL DRUG ABUSE STRATEGY

SEC. 206. Section 305 (21 U.S.C. 1165) is amended by striking out "each year" and inserting in lieu thereof "each even-numbered year, beginning with 1982".

REPORTS

SEC. 207. (a) Section 405(b) (21 U.S.C. 1172(b)) is amended:

(1) by striking out "with respect to each fiscal year" in the matter preceding paragraph (1);

(2) by inserting "including a description of current research findings with respect to drug abuse," after "United States," in paragraph (1);

(3) by striking out "and" after the comma the last place it appears in paragraph (4);

(4) by striking out the period at the end of paragraph (5) and inserting in lieu thereof a comma and "and";

(5) by inserting after paragraph (5) the following new paragraph:

"(6) current information on the health consequences of marihuana use and such proposals for legislative and administrative action as the Secretary considers appropriate."; and

(6) by striking out "each year" in the last sentence and inserting in lieu thereof "each even-numbered year, beginning with 1984".

(b) Effective January 15, 1984, the Marihuana and Health Reporting Act (42 U.S.C. 242 note) is repealed.

AUTHORIZATION OF APPROPRIATIONS FOR RESEARCH

SEC. 208. Section 503(c) (21 U.S.C. 1193(c)) is amended by inserting before the period a comma and "$41,733,000 for the fiscal year ending September 30, 1983, and $41,733,000 for the fiscal year ending September 30, 1984".

DISSEMINATION OF MATERIALS

SEC. 209. Section 301 of the Public Health Service Act (42 U.S.C. 241) is amended by adding at the end thereof the following new subsection:

"(c) In carrying out subsection (a)(1), and in order to educate the public with respect to the health hazards of drug abuse, the Secretary shall take such actions as may be necessary to ensure the complete and widespread dissemination of up-to-date publications of the National Institute on Drug Abuse relating to the most recent research findings with respect to such health hazards.".●

By Mr. DOLE:

S. 2366. A bill to set aside certain surplus vessels for use in the provision of health and other humanitarian services to developing countries; to the Committee on Commerce, Science, and Transportation.

USE OF CERTAIN SURPLUS VESSELS BY LIFE INTERNATIONAL

● Mr. DOLE. Mr. President, the bill I am introducing today would set aside certain surplus vessels for use by a private, nonprofit organization in providing health care and other humanitarian services to developing countries.

In a time of budget cuts, this is the kind of contribution the private sector can make to help our country maintain its tradition of good will and charity to those in need.

The leadership of the organization, Life International, has a long history of providing human service, both nationally and internationally. After a careful search of available ships, Life International has chosen the ships specified here to house the facilities necessary to provide health education, training, care, technical assistance and other humanitarian services to the people of developing countries. A large number of medical, technical, maritime and related professionals, as well as concerned citizens across the Nation, have already volunteered their services and financial support to insure this project's success.

In addition to providing a valuable humanitarian service, Mr. President, Life International's use of the vessels will incur no cost to the Government. The vessels in question—the *PE 2 General Nelson M. Walker* and the LSD vessels *Shodwell, Casa Grande, Rushmore, Donner, Whetstone, Tortuga,* and *Colonial* have already been transferred to the Maritime Administration.

Through this legislation and prior arrangements between Life International, the Maritime Administration and the Navy, the surplus vessels will be set aside for 5 years, during which time Life International will raise through the private sector the funds necessary to lease or purchase, retrofit and staff the ships. As a precaution, a provision has been included in the bill that would revert the ships back to the Maritime Administration's discretionary use if the necessary funds have not been reached by the end of that 5-year period. If adequate funds are secured, which appears very likely at this point, leasing or purchasing arrangements will be finalized by Life International and the Maritime Administration.

A recall provision has also been inserted into the legislation. This would insure that the set-aside guarantee would not apply during any time in which the vessels are needed for national security purposes. Although the vessels are noncombatant, and their use as fighter ships is highly unlikely, this provision insures that the project can in no way jeopardize national security.

At a time when the budget deficit has put a strain on foreign aid, it is encouraging to see private charitable organizations such as this helping to fulfill our Nation's humanitarian goals.●

By Mr. LUGAR (for himself and Mr. GARN) (by request): S. 2367. A bill entitled the "Transit Assistance Act of 1982"; to the Committee on Banking, Housing, and Urban Affairs.

TRANSIT ASSISTANCE ACT OF 1982

● Mr. LUGAR. Mr. President, I am introducing the administration's transit bill by request and I ask that it be printed along with the section-by-section analysis.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S. 2367

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

AMENDMENTS TO THE URBAN MASS TRANSPORTATION ACT OF 1964

SHORT TITLE

SEC. 1. This Act may be cited as the "Transit Assistance Act of 1982".

AMENDMENTS TO SECTION 3 DISCRETIONARY CAPITAL GRANT PROGRAM

SEC. 2. (a) Section 3(a)(2)(A) of the Urban Mass Transportation Act of 1964 (49 U.S.C. 1601 et seq.) (hereinafter referred to as the "Act"), is amended—

(1) by striking out "and" at the end of clause (i);

(2) by striking out the period at the end of clause (ii) and inserting in lieu thereof "; and"; and

(3) by adding at the end thereof the following new clause:

"(iii) sufficient capability to maintain the facilities and equipment.".

(b) The second sentence of section 4(a) of the Act is amended by striking out "80 per centum of the net project cost" and inserting in lieu thereof "50 per centum of the net project cost".

(c) The first sentence of section 4(c)(3)(A) of the Act is amended by striking "; and $1,580,000,000" and all that follows down through and including "1983" and inserting "and" immediately following "1981;".

ADMINISTRATIVE EXPENSES AND CAPITAL FORMULA PROGRAM AUTHORIZATIONS

SEC. 3. (a) Effective October 1, 1982, section 4(d) of the Act is amended to read as follows:

"(d) There are authorized to be appropriated for administrative costs, including salaries and expenses necessary to carry out the functions of this Act, such sums as may be necessary.".

(b) Effective October 1, 1982, section 4(e) of the Act is amended to read as follows:

"(e)(1) To finance grants under sections 3, 4(i), 8, 9, and 16(b)(2) of this Act there are authorized to be appropriated not to exceed $1,861,000,000 for the fiscal year ending September 30, 1983; $1,920,000,000 for the fiscal year ending September 30, 1984; $2,205,000,000 for the fiscal year ending September 30, 1985; and $2,280,000,000 for the fiscal year ending September 30, 1986. Any amounts so appropriated shall remain available until expended.

"(2) Of the amount available under paragraph (1) for each such year, the Secretary shall make available:

"(A) 10 percent for grants under sections 3, 4(i), and 16(b)(2); and

"(B) 90 percent for grants under sections 8 and 9.

"(3) To finance grants under sections 18 and 21 of this Act there are authorized to be appropriated not to exceed $75,000,000 for the fiscal year ending September 30, 1982; $75,000,000 for the fiscal year ending September 30, 1983; $75,000,000 for the fiscal year ending September 30, 1984; $75,000,000 for the fiscal year ending September 30, 1985; and $75,000,000 for the fiscal year ending September 30, 1986, except that no funds are authorized to be appropriated for grants under section 18 after September 30, 1984. Any amounts so appropriated shall remain available until expended.".

RESEARCH AND TRAINING

SEC. 4. Effective October 1, 1982, section 4(f) of the Act is amended to read as follows:

"(f) There are authorized to be appropriated to carry out the purposes of sections 6, 10, and 11 of this Act aggregate sums not to exceed $51,600,000 by September 30, 1982; $96,600,000 by September 30, 1983; $143,600,000 by September 30, 1984; $190,600,000 by September 30, 1985; and $237,600,000 by September 30, 1986. Any amounts so appropriated shall remain available until expended.".

AMENDMENTS TO SECTION 5 FORMULA GRANT PROGRAM

SEC. 5. (a) Section 5(a) of the Act is amended—

(1) by striking out paragraph (1)(B) and inserting in lieu thereof the following:

"(B) There are authorized to be appropriated for the purposes of this paragraph, $900,000,000 for the fiscal year ending September 30, 1981; $791,100,000 for the fiscal year ending September 30, 1982; $440,000,000 for the fiscal year ending September 30, 1983; and $175,000,000 for the fiscal year ending September 30, 1984.";

(2) in paragraph (2)(B), by striking out "and" and all that follows down through and including the period at the end thereof and inserting in lieu thereof the following: "$158,200,000 for the fiscal year ending September 30, 1982; $130,000,000 for the fiscal year ending September 30, 1983; and $65,000,000 for the fiscal year ending September 30, 1984."; and

(3) in paragraph (3)(B), by striking out "and" and all that follows down through and including the period at the end thereof and inserting in lieu thereof the following: "$86,300,000 for the fiscal year ending September 30, 1982; $70,000,000 for the fiscal year ending September 30, 1983; and $35,000,000 for the fiscal year ending September 30, 1984."

(b) Section 5(a) of the Act is amended in paragraphs (a)(1)(A)(i), (a)(2)(A)(i)(1), and (a)(2)(A)(ii)(1) by striking out "as shown by the latest available Federal census;" and inserting in lieu thereof ", except that sums shall be apportioned and allocated using data from the 1970 decennial census for one-half of the sums appropriated and the remainder shall be apportioned and allocated on the basis of data from the 1980 decennial census;".

(c) Section 5(c)(4) of the Act is amended—

(1) by inserting "(A)" before "Sums";

(2) by designating the second sentence as subparagraph (B), and by striking out "Any" and inserting in lieu thereof "Prior to October 1, 1982, any"; and

(3) by adding at the end thereof the following new paragraph:

"(C) After September 30, 1982, any amounts remaining unobligated by the Secretary at the end of such period or which are deobligated by the Secretary after the end of such period shall be added to the amount available under section 4(e)(1).

"(D) Apportionments for fiscal year 1975 shall be deemed to have lapsed on September 30, 1977 and apportionments for fiscal year 1976 shall be deemed to have lapsed on September 30, 1978.".

(d) Section 5(d)(1) of the Act is amended by adding at the end thereof the following: "The Secretary shall not approve a project for the payment of operating expenses after September 30, 1984.".

(e) Section 5(g) of the Act is amended—

(1) by striking out "and" at the end of paragraph (1);

(2) by striking out the period at the end of clause (2) and inserting in lieu thereof "; and"; and

(3) by adding at the end thereof the following new paragraph:

"(3) sufficient capability to maintain the facilities and equipment.".

(f) Section 5(i)(3) of the Act is amended to read as follows: "(3) an assurance that any public mass transportation system receiving operating assistance under this section has a locally developed process to solicit and consider public comment prior to raising fares or reducing transit service.".

(g) Section 5(m) of the Act is repealed and section 5(n) is redesignated as section 5(m).

CAPITAL FORMULA PROGRAM FOR URBANIZED AREAS

SEC. 6. Section 9 of the Act is amended to read as follows:

"CAPITAL FORMULA PROGRAM FOR URBANIZED AREAS

"SEC. 9.(a) To make grants under this section, the Secretary shall apportion sums appropriated pursuant to section 4(e)(1) and made available pursuant to section 4(e)(2)(B). Such sums shall be made available for expenditure in urbanized areas or parts thereof on the basis of a formula under which urbanized areas or parts thereof will be entitled to receive an amount equal to the product of—

the total amount so apportioned multiplied by the ratio which the non-Federal mass transportation operating revenue of such urbanized area, or part thereof, bears to the total national non-Federal mass transportation operating revenue of all urbanized areas in all the States, except that no urbanized area or portion thereof which is within one State shall receive in excess of 20 percent of the total amount apportioned under this subsection.

As used in this subsection, the term 'non-Federal mass transportation operating revenue' shall include fares, State and local non-capital subsidies, and other non-capital transit revenues, but shall not exceed, for any urban area or part thereof, the actual annual operating expenses of such urban area or part thereof that are not paid with Federal assistance provided under this Act.

"(b)(1) Grants under this section shall be available to finance the planning, acquisition, construction, and improvement of facilities and equipment and spare parts for transit vehicles for use, by operation or lease or otherwise, in mass transportation service. Such grants shall not be available for the construction of new fixed-guideway systems or extensions to existing systems other than exclusive facilities for buses. New fixed-guideway systems or extensions do not include those projects covered by letters of intent or full-funding contracts in effect on the effective date of this amendment or those projects within the federally agreed upon scope for the Washington, D.C. metropolitan area transit system.

"(2) Of the amounts available for grants under subsection (a) not less than 2.5 percent of each apportionment shall be made available to finance transportation planning activities under section 8 of this Act and the deployment of innovative demonstration results. Nothing herein shall prevent recipients from using additional funds available under section 9 for planning purposes. If the amount set aside under this paragraph exceeds local needs, the Governor or designated recipient may, with the concurrence of the metropolitan planning organization, apply to the Secretary for a waiver of all or part of this set-aside.

"(3) The Federal grant for any project under this section shall equal 75 percent of the net project cost, as determined under section 4(a). The remainder shall be provided in cash, from sources other than Federal funds.

"(c)(1) To receive a grant under this section for any fiscal year, a recipient:

"(A) shall continue to comply with Title VI of the Civil Rights Act of 1964, and subsections (e)(2), (f), and (g) of section 3 of this Act; and

"(B) shall also submit a statement of activities to be funded under this section prepared pursuant to subsection (e), a description of its proposed use of funds, and the certifications required by this section.

"(2) Upon receipt of the statement, description, and certifications described in paragraph (1), after finding that a recipient is in compliance with paragraph (1)(A), and after compliance with the National Environmental Policy Act using the provisions of subsection (f) or otherwise, the Secretary shall make the amounts determined pursuant to subsection (a) available to the recipient.

"(d) To receive a grant under this section, the recipient must certify that—

"(1) the recipient has or will have the legal, financial, and technical capacity to carry out the proposed project;

"(2) the recipient has the authority to apply for the grant under this section;

"(3) the recipient will carry out the project in compliance with the Uniform Relocation Assistance and Land Acquisition Act of 1970, section 7, and subsections (a) and (b) of section 13 of this Act;

"(4) the recipient will have satisfactory continuing control, through operation, lease, or otherwise, over the use of the facilities or equipment assisted hereunder and will maintain such facilities and equipment in operational order;

"(5) except for bus procurements pursuant to section 12(b)(3), the recipient will use competitive procurements, as defined or approved by the Secretary, will not use procurements utilizing exclusionary or discriminatory specifications, and will carry out procurements in compliance with section 401 of Public Law 95-599;

"(6) the recipient will comply with the National Flood Insurance Act of 1968;

"(7) the recipient has complied with the requirements of subsection (e); and

"(8) the recipient has available and will provide funds from other than Federal sources as required by subsection (b).

"(e) In order to permit public examination and appraisal of statements to be submitted under subsection (c), to enhance the public accountability of recipients, to stimulate private sector transportation solutions, and to facilitate coordination of activities with different levels of government, each recipient shall—

"(1) make available to the public information concerning the amount of funds available under this section and the range of activities that the recipient proposes to undertake with such funds,

"(2) develop a proposed statement concerning activities to be funded in consultation with interested parties, including private transportation providers,

"(3) publish a proposed statement in such manner to afford affected citizens, private transportation providers, or as appropriate, local elected officials an opportunity to examine its content and to submit comments on the proposed statement and on the performance of the recipient, and

"(4) hold one or more public hearings to obtain the views of citizens on mass transportation.

In preparing the final statement, the recipient shall consider any such comments and views, particularly those of private transportation providers, and shall, if deemed appropriate by the recipient, modify the proposed statement. The final statement shall be made available to the public.

"(f)(1) In order to assure that the policies of the National Environmental Policy Act of 1969, and other provisions of law which further the purposes of such Act (as specified in regulations issued by the Secretary) are most effectively implemented in connection with the expenditure of funds under this section, and to assure to the public undiminished protection of the environment, the Secretary, in lieu of the environmental protection procedures otherwise applicable, may, under regulations issued by him, provide for the release of funds to recipients who assume all of the responsibilities for environmental review, decisionmaking, and action pursuant to such Act, and such other provisions of law as the regulations of the Secretary specify, that would apply to the Secretary were he to undertake such projects as Federal projects. The Secretary shall issue regulations to carry out this subsection only after consultation with the Council on Environmental Quality.

"(2) The Secretary shall approve the release of funds in accordance with the procedures authorized by this subsection only if, at least fifteen days prior to such approval and prior to any commitment of funds, the applicant has submitted to the Secretary a request for such release accompanied by a certification which meets the requirements of paragraph (3). The Secretary's approval of any such certification shall be deemed to satisfy his responsibilities under the National Environmental Policy Act of 1969 and such other provisions of law as the regulations of the Secretary specify insofar as those responsibilities relate to the applications and releases of funds for projects to be carried out pursuant thereto which are covered by such certification.

"(3) A certification under the procedures authorized by this subsection shall—

"(A) be in a form acceptable to the Secretary;

"(B) be executed by the chief executive officer or other officers of the applicant qualified under regulations of the Secretary;

"(C) specify that the applicant has fully carried out its responsibilities as described under paragraph (1) of this subsection; and

"(D) specify that the certifying officer (i) consents to assume the status of a responsible Federal official under the National Environmental Policy Act of 1969 and each provision of law specified in regulations issued by the Secretary to the extent that as the provisions of such Act or other such provisions of law apply pursuant to paragraph (1) of this subsection, and (ii) is authorized and consents on behalf of the applicant and himself to accept the jurisdiction of the Federal courts for the purpose of enforcement of his responsibilities as such an official.

"(g)(1) The Governor, responsible local officials, and publicly owned operators of mass transportation services, shall designate a recipient or recipients to receive and dispense the funds apportioned under subsection (a) for urbanized areas with populations of 200,000 or more. As used in this section, the term 'designated recipient' refers to the recipient selected according to procedures required by this paragraph or section 5(b)(1).

"(2) Sums apportioned under subsection (a) for urbanized areas with populations less than 200,000 shall be made available to the Governor. These sums shall be fairly and equitably distributed by the Governor. The Governor shall submit annually a report to the Secretary concerning the allocation of funds made available under this paragraph.

"(3) Sums apportioned under this section shall be available for obligation by the Governor or designated recipient for a period of three years following the close of the fiscal year for which such sums are apportioned. Any amounts so apportioned remaining unobligated at the end of such period shall be added to the amount available for apportionment under section 4(e)(2)(B).

"(h) The Secretary shall not approve a grant for a project under this section unless he finds that such project is part of the approved program of projects required by section 8 of this Act.

"(i) As soon as practicable after receiving the submissions required in this section, the Secretary shall enter into an annual projects agreement with the Governor, his designee, or the recipient of the urbanized area.

"(j) Each recipient of assistance under this section shall submit to the Secretary, at a time determined by the Secretary, a statement concerning the use of funds made available under this section, together with an assessment by the grantee of how such use compares to the statement of activities identified under subsection (c). The recipient shall, at least on an annual basis, make available independently-conducted reviews and audits as may be deemed necessary or appropriate by the Secretary to determine whether: (1) the recipient has carried out its activities in a timely manner and has a continuing capacity to carry out those activities in a timely manner; and (2) the recipient has carried out those activities and its certifications in a manner which is not plainly inconsistent with the requirements of this Act and other applicable laws. The Secretary may make appropriate adjustments in the amount of the annual grants in accordance with the Secretary's findings under this subsection, and may reduce or withdraw such assistance or take other action as appropriate in accordance with the Secretary's review and audits under this subsection.

"(k) The provisions of section 1001 of title 18, U.S.C. apply to any certification or submission under this Act. In addition, if any false or fraudulent statement or related act within the meaning of section 1001 of title 18, U.S.C. is made in connection with a certification or submission under this Act, the Secretary may terminate and seek appropriate reimbursement of the affected grant or grants directly or by offsetting funds available or to be available under this Act.

"(l) A recipient may request the Secretary to approve its procurement system. If, after consultation with the Office of Federal Procurement Policy, the Secretary finds that such system provides for competitive procurements, the Secretary shall approve such system. Such approval shall be binding until withdrawn. A certification from the recipient under subsection (b)(5) is still required.

"(m) No Federal requirements under this Act other than those specified in this section shall apply to grants made under this section."

OPERATING COSTS FOR UNIVERSITIES

SEC. 7. Section 11(b) of the Act is repealed, and section 11(a) is amended by striking out "(a)" immediately following "SEC. 11.".

FEDERAL PROCUREMENT FACTORS

SEC. 8. Section 12(b) of the Act is amended by adding at the end thereof the following new paragraph:

"(3)(A) The Secretary may, at least annually, establish a benchmark price which represents the maximum amount of Federal participation in the acquisition of buses by a recipient of funds under this Act."

"(B) Whenever the Secretary establishes a benchmark price for any type of bus pursuant to paragraph (A), any recipient of funds under this Act may elect to have such benchmark price apply to its procurement of that type of bus. If a recipient makes such an election and certifies that it has a competitive procurement system, then the procurement of that bus shall be exempt from all Federal procurement requirements, including Office of Management and Budget Circular A-102 and Life Cycle Costing provisions.".

LABOR STANDARDS

SEC. 9(a) Section 13(c) of the Act is amended—

(1) by striking out "Labor" and inserting in lieu thereof "Transportation"; and

(2) by adding at the end thereof the following: "This subsection shall not extend to employees of private mass transportation companies who provide shared-ride transportation services on demand or on a flexible schedule."

(b) Upon enactment of these amendments, the Director of the Office of Management and Budget is authorized to provide for the transfer or other disposition of personnel, positions, assets, liabilities, grants, contracts, property, records, and unexpended balances of appropriations, authorizations, and other funds held, used, arising from, available to, or to be made available in connection with the transfer of functions herein required. The Director of the Office of Management and Budget may establish a reasonable transfer date other than the effective date of these amendments.

AMENDMENTS TO THE REPORTING SYSTEM

SEC. 10. Section 15(b) of the Act is amended by inserting ", 9 or 21" immediately after "section 5".

AMENDMENTS TO THE SPECIAL NEEDS PROGRAM

SEC. 11. (b) Section 16(b)(2) is amended by striking out "4(c)(3) of this Act, 2 per centum" and inserting in lieu thereof "4(e)(1) and made available pursuant to section 4(e)(2)(A) of this Act, an amount."

AMENDMENTS TO FORMULA GRANTS FOR NONURBANIZED AREAS

SEC. 12. (a) The second sentence of section 18(a) of the Act is amended by striking "as shown by the latest available Federal census" and adding in lieu thereof "except that such sums shall be apportioned and allocated using data from the 1970 decennial census for one-half of the sums appropriated and the remainder shall be apportioned and allocated on the basis of data from the 1980 decennial census."

(b) The first sentence of section 18(b) of the Act is amended by adding after "urbanized areas," "except that the program of projects shall not include any project for the payment of subsidies for operating expenses after September 30, 1984"; and

(c) Section 18(c) of the Act is amended by adding after the first sentence the following: "After September 30, 1982, any amounts remaining unobligated at the end of such period or which are deobligated at the end of such period shall be added to the amount available for apportionment under section 4(e)(3).".

CAPITAL FORMULA PROGRAM FOR AREAS OTHER THAN URBANIZED AREAS

SEC. 13. Section 21 of the Act is amended by striking out section 21 and inserting in lieu thereof the following:

CAPITAL FORMULA PROGRAM FOR AREAS OTHER THAN URBANIZED AREAS

"SEC. 21. (a) The amounts available for grants under this subsection shall be apportioned by the Secretary to the Governor of each State for use in areas other than urbanized areas. The Governor shall be entitled to receive an amount equal to the amount available under this subsection multiplied by the ratio which the population of areas other than urbanized areas in the State bears to the total population of areas other than urbanized areas in all States. The Secretary shall use the latest available Federal census to calculate these ratios.

"(b)(1) Grants under this section shall be available to finance the planning, acquisition, construction, and improvement of facilities and equipment and spare parts for transit vehicles for use, by operation or lease or otherwise, in mass transportation services.

"(2) Of the amounts available for grants under this section, not less than 2.5 percent shall be used to finance transportation planning activities in accordance with section 8 of this Act. Nothing herein shall prevent recipients from using additional funds available under section 21 for planning purposes. If the amount set-aside under this paragraph exceeds local needs, the Governor may apply to the Secretary for a waiver of all or part of this set-aside.

"(3) The Federal grant for any project under this section shall equal 75 percent of the net project cost, as determined under section 4(a). The remainder shall be provided in cash from sources other than Federal funds.

"(c)(1) Sums apportioned under this section shall be made available to the Governor and shall be fairly and equitably distributed. The Governor shall submit annually a statement to the Secretary concerning the allocation of funds made available under this paragraph.

"(2) Sums apportioned under this section shall be available for obligation by the Governor for a period of three years following the close of the fiscal year for which such sums are apportioned. Any amounts so apportioned remaining unobligated at the end of such period shall be added to the amount available for apportionment under section 4(e)(3).

"(d) Subsections (c), (d), (e), (f), (i), (j), (k), and (l) of section 9 of this Act shall apply to the Governor for grants awarded under this section.

"(e) The Governor may transfer an amount of the State's apportionment under this section to supplement funds apportioned to urbanized areas with populations less than 200,000 under section 9(a) of this Act. The Governor may also transfer an amount of the apportionment for urbanized areas with populations less than 200,000 under section 9(a) of this Act to supplement funds apportioned under this section.

INTERCITY BUS SERVICE

SEC. 14. Section 22 of the Act is repealed.

WATERBORNE TRANSPORTATION DEMONSTRATION PROJECT

SEC. 215. Section 320(b) of the Surface Transportation Assistance Act of 1978 (Public Law 95-599) is amended by adding at the end thereof the following: "No funds are authorized to be appropriated to carry out the provisions of subsection (a) after September 30, 1982.".

REPEAL OF SAFETY AUTHORITY

SEC. 16. Section 107 of the National Mass Transportation Assistance Act of 1974 (Public Law 93-503) is repealed.

SAVINGS PROVISION

SEC. 17. Notwithstanding the revisions made by these amendments, the Federal share of the total project cost of any project covered by a full funding contract or letter of intent in effect on the effective date of this amendment shall not be changed.

THE SECRETARY OF TRANSPORTATION,
Washington, D.C., April 12, 1982.

Hon. GEORGE BUSH,
President of the Senate,
Washington, D.C.

DEAR MR. PRESIDENT: The Department of Transportation is transmitting for your consideration and reference the Transit Assistance Act of 1982, a bill to amend the Urban Mass Transportation Act of 1964 to provide authorizations for appropriations and for other purposes.

This bill makes important changes in the structure of Federal transit assistance to begin to shift decision-making responsibility from Federal to State and local authorities. The bill would create a capital formula program for transit assistance and would phase-out transit operating assistance by the end of fiscal year 1984. The proposal would authorize federal funding for fiscal years 1983 through 1986. Authorizations for the four-year period ending 1986 would total approximately $9.7 billion.

CAPITAL ASSISTANCE

This bill would add a new section 9 to the Urban Mass Transportation Assistance Act of 1964, as amended (UMT Act), which would allocate through this section 90 percent of transit capital funds by formula. This new section would authorize $7.4 billion in capital funds to be distributed through a capital formula program for urbanized areas over 50,000 population. The Federal share for the capital formula program would be 75 percent.

The section 9 formula program funds would be eligible for capital purposes only, including planning, acquisition, construction, deployment of innovative demonstration results, and improvement of facilities and equipment. Capital activities would include the direct costs of spare parts for transit vehicles where the expected service life of the spare part exceeds one year. Federal participation in the cost of spare parts will enhance the ability of transit operators to keep their equipment in service and help to protect the original Federal capital investment in these items. New rail starts and rail extensions would not be eligible activities under section 9.

The capital program funds would be distributed based on a "revenue match" formula. Under this new formula each urbanized area would receive an apportionment equal to its share of the total national non-Federal mass transportation revenues (including State and local assistance).

A major advantage of this formula is that it allows the Federal government to provide assistance based on transit service use and revenues and the strength of local commitments to mass transportation. Thus, this formula allows Federal funds to be utilized in an efficient and cost-effective manner.

DISCRETIONARY CAPITAL

Under this proposal, the remaining 10 percent of the transit capital grant authorizations would be reserved for existing Section 3 discretionary grants. The federal/local match for discretionary funds would be 50/50. These funds would continue to be administered on a discretionary basis by the Secretary and provided a means to meet capital needs that cannot be accommodated through the formula apportionments. This fund would also provide a degree of flexibility at the Federal level in meeting emergency or extraordinary demands.

OPERATING ASSISTANCE

The bill would authorize $915 million for operating assistance through fiscal year 1984. The Administration remains committed to the phase-out and elimination of operating assistance by the end of fiscal year 1984. The proposed funding levels would reflect a reduction to 62 percent of the fiscal year 1982 level in fiscal year 1983, a reduction to 27 percent of fiscal year 1982 levels in fiscal year 1984 and elimination in fiscal year 1985. This phase-out will give State and local governments and transit agencies the opportunity to make necessary adjustment to their programs and funding mechanisms.

Tiers I and II, the two operating assistance tiers allocated on the basis of population and population density, would be apportioned based half of the 1980 and half on the 1970 census. Retaining the use of the 1970 census for fifty percent of the funds appropriated for tiers I and II will lessen the abrupt impact of the 1980 census results upon current recipients of section 5 operating assistance. Some existing section 5 requirements would also be repealed in this section.

SMALL COMMUNITY AND RURAL FORMULA CAPITAL AND OPERATING GRANT PROGRAM

The bill would authorize $300 million for public transportation assistance in small communities and rural areas for FY 1983 through FY 1986. Under this proposal the current Section 18 program would be phased out in parallel with Section 5, so that all operating assistance would be phased-out by the end of FY 1984. At the same time, a new Section 21 would be authorized to provide a capital formula program for non-urbanized areas. These funds would be apportioned based on each State's share of the national non-urbanized and rural population. The Section 21 non-urbanized area capital formula program would be implemented in the same manner as the urbanized area program in Section 9.

PROGRAM REQUIREMENTS AND CERTIFICATIONS

Consistent with the idea of increasing local discretion, various other program features and requirements will be simplified or eliminated. The bill provides for local self-certification that recipients are meeting a number of existing Federal requirements. This certification process would provide for greater simplicity and flexibility for State and local governments. It would reduce the complexity of applications and thus the paperwork burden at all levels of government. Finally, it is consistent with the Administration's philosophy of placing greater responsibility for program implementation at the State and local level.

OTHER PROVISIONS

A transfer of responsibility under Section 13(c) from the Secretary of Labor to the Secretary of Transportation, to provide greater flexibility to ensure that these labor protections are administered consistently with transportation policy.

A change in present procurement requirements which would allow the Secretary to determine a benchmark price for buses.

The Office of Management and Budget has advised that the enactment of this proposed legislation would be in accord with the program of the President.

Sincerely,

DREW LEWIS.

SECTION-BY-SECTION ANALYSIS

SECTION 1—SHORT TITLE

This Act may be referred to as the Transit Assistance Act of 1982.

SECTION 2—AMENDMENTS TO SECTION 3, DISCRETIONARY CAPITAL GRANT PROGRAM

This section amends the Federal discretionary capital grant program for State and local transit systems. The section 3 program will provide the Secretary a degree of flexibility to meet special capital needs that cannot be met through an annual formula. The discretionary program will also be available to fund existing Federal commitments for transit systems presently under construction.

Section 2(a) of the bill amends the section 3 program to require that recipients of capital grants have the technical and financial capability to maintain facilities and equipment that are purchased with Federal funds. Since operating assistance is proposed to be phased out, there is a Federal interest in ensuring that operating costs are not turned into capital costs by deferring maintenance. However, the Federal Government will not prescribe specific maintenance activities, because that is a local responsibility.

Section 2(b) of the bill revises the Federal share for section 3 capital projects. The statute currently requires the Federal Government to pay 80 percent of a project's costs. The amendment would revise the section 3 capital share to 50 percent. This amendment would reduce the demand on the discretionary resource and promote greater deliberation on the part of potentials and local officials with respect to local financial capacity, transit operating economic and efficiency before turning to the Federal Government for these discretionary funds.

Section 2(c) of the bill revises section 3 authorizations by discontinuing authorizations under section 4(c)(3)(A) after fiscal year 1982. Section 3 authorizations will continue under section 4(e) of the Urban Mass Transportation Act as amended by section 3 of the bill.

SECTION 3—ADMINISTRATIVE EXPENSES AND CAPITAL FORMULA PROGRAM AUTHORIZATIONS

Section 3(a) of the bill authorizes appropriations for administrative costs to carry out the UMT Act. Current authorizations expire after fiscal year 1982. Such sums as are necessary are proposed to be authorized for administrative expenses. This section also deletes an authorization for a program to conform to the program changes made by section 7 of the bill.

Section 3(b) of the bill amends section 4(e) and provides authorizations under section 4(e)(1) for fiscal year 1983 through fiscal year 1986 for the section 3 discretionary capital grant program, the section 4(i) innovative methods and techniques grant program, the section 8 planning program, and the section 9 urbanized area capital formula program and the 16(b)(2) program to meet special needs of the elderly and the handicapped. These authorizations total $8.311 billion and are proposed in lieu of the combined authorizations for the fiscal years 1983 through 1986 previously proposed by the Administration in S. 1160 and H.R. 3702 for the section 3 discretionary capital grant program and for the capital bus program (Tier IV) of the section 5 urban formula grant program. This amendment stipulates that, of the amounts available under section 4(e)(1), the Secretary shall make available a total of 10 percent for grants under the section 3 discretionary program, the section 4(i) innovative methods and techniques program and the section 16(b)(2) program, and a total of 90 percent for grants under the section 9 capital formula program for urbanized areas and the section 8 planning program.

The authorization levels for the fiscal years 1984 through 1986 include amounts carried over from an adjustment to the special funding available for rail construction in the Washington, D.C. metropolitan area under P.L. 96-184. These adjustments are being proposed to avoid a duplication of construction funding sources.

Section 3(b) of the bill also provides authorizations under section 4(e)(3) for the section 18 formula grant program to other than urbanized areas and for the newly created section 21 capital formula program to other than urbanized areas. This provision authorizes $75 million for the non-urban grant programs in each fiscal year from 1983 through 1986. Section 3(b) of the bill permits concurrent funding of the sections 18 and 21 programs during fiscal years 1983 and 1984, but prohibits any new authorizations for section 18 after fiscal year 1984.

SECTION 4—RESEARCH AND TRAINING

This section authorizes and extends the programs for research, development, demonstration, and training expenses. These authorizations are expressed cumulatively. Budget authority which is not appropriated would be available to be appropriated in later years. This structure addresses the long-term nature and schedule variability of the research projects administered under the transit program.

SECTION 5—AMENDMENTS TO SECTION 5 FORMULA GRANT PROGRAM

The current section 5 formula capital and operating grant program for urbanized areas is not authorized after fiscal year 1982. The amendments proposed by this section create a gradual phase out of operating assistance grants by fiscal year 1985. Beginning in fiscal year 1982, the section 5 formula capital grant program would be incorporated within the section 9 program created by section 6 of this bill.

Section 5(a) of the bill contains the authorizations for the first three tiers of section 5. These are sections 5(a)(1), 5(a)(2), and 5(a)(3), respectively. Operating assistance authorizations are contained in sections 5(a)(1), 5(a)(2), and 5(a)(3) and are proposed only through fiscal year 1984. The authorizations for the capital only tier of section 5, tier IV, have been added to the unitary authorization for the section 3 discretionary program, the section 4(i) innovative methods and techniques program, the section 8 planning program, and the section 9 urbanized area capital formula program and the section 16(b)(2) program to meet the special needs of the elderly and the handicapped. The operating assistance will be gradually reduced after fiscal year 1982 to give State and local governments time to adjust their programs and funding mechanisms. The amounts proposed are shown in the following table.

PROPOSED SECTION 5—OPERATING ASSISTANCE AUTHORIZATIONS

[In millions of dollars]

	1983	1984	1985	1986	Total
5(a)(1), proposed	440	175	0	0	615
5(a)(2), proposed	130	65	0	0	195
5(a)(3), proposed	70	35	0	0	105
Total proposed					915

Section 5(b) of the bill provides for one-half of the funds appropriated under tiers I and II, the two operating assistance tiers determined on the basis of population and population density, to be apportioned and allocated on the basis of the 1970 Federal census and the other half to be allocated and apportioned on the basis of the 1980 Federal census. The Federal operating assistance program is being phased out by 1985. Retaining the use of the 1970 census for fifty percent of the funds appropriated for tiers I and II in fiscal years 1983 and 1984 will lessen the negative impact upon current recipients of section 5 operating assistance. Section 5(b) of the bill is similar to a Congressional instruction for tiers I and II in the DOT Appropriation Act, 1982 (P.L. 97-102) and would continue this instruction through fiscal year 1984.

Section 5(c) of the bill amends the formula grant program to revise Federal lapse provisions. Since the operating assistance tiers will be phased out by 1985, apportionments that have not been obligated by designated recipients within four years of the date of original apportionments cannot be added to these operating assistance tiers. The amendment provides that after September 30, 1982, funds that are not obligated by the Secretary within the four year period or are deobligated when a project is closed out after the end of the four year period of availability, will be added to the unitary authorization for the sections 3, 4(i), 8, 9, and 16(b)(2) programs.

The last sentence of section 5(c)(3) of the bill corrects a technical problem with the lapse of 1975 and 1976 apportionments. The Act had never been amended to reflect the change to a new Federal fiscal year in 1976 that changed the lapse of funds from June 30 to September 30. This amendment reflects that change and is consistent with the budgetary documentation that has been provided to Congress since the inception of the section 5 program.

Section 5(d) of the bill contains the amendment that ensures that no new operating assistance projects will be approved by the Secretary after the close of Fedral fiscal year 1984. No new authorizations are provided for the first three tiers of section 5 after fiscal year 1984. The apportionments can, however, continue to be used for capital projects until the funds lapse.

Section 5(e) of the bill adds a maintenance requirement to section 5 that is similar to the maintenance requirement added to section 3 by section 2(a) of this bill.

Section 5(f) of the bill amends the current Federal requirement regarding public hearings prior to changes in fares or service. This requirement has been the impetus for a Federal regulation that transit operators have found burdensome. Many transit operators have mechanisms to consider public comment already and the current Federal statute reduces local flexibility.

This amendment would continue the requirement of a public comment process, but that public comment process can be locally determined. The requirement would be a condition only of operating assistance grants, and so the Federal requirement will be phased out when operating assistance is phased out.

Section 5(g) of the bill repeals the current Federal requirement that transit operators who receive Federal funds must provide off-peak service to elderly and handicapped persons at half-fare. This requirement is being repealed because it is a Federal intrusion into the non-Federal area of determining local fares. Many areas already have their own special fares for special groups of users. The timing of these fares, their level and eligibility should be locally determined and not dictated by the Federal Government.

SECTION 6—CAPITAL FORMULA PROGRAM FOR URBANIZED AREAS

This section creates a capital formula program for projects in urbanized areas. The principal benefits of the capital formula program include greater simplicity, enhanced predictability in funding, and greater flexibility for State and local governments. More specifically, the capital formula program would turn much of the control now exercised at the Federal level over to State and local governments, allow UMTA to administer more effectively its complete range of program and policy activities by reducing staffing requirements associated with a large discretionary program, and reduce the paperwork burden at all levels of government.

Capital formula program assistance for urbanized areas would be delivered on the basis of a revenue matching formula set forth in the new section 9(a). Section 9(a) provides that each urbanized area will receive an apportionment equal to its share of the total national non-Federal mass transportation operating revenue, although no urbanized area or portion thereof which is within one State can receive more than 20 percent of the total amount apportioned by formula. As used in the statute, non-Federal mass transportation operating revenue includes passenger fares; transportation revenues—special fares, school bus, freight and tariffs, charter service and auxiliary transportation revenues; non-transportation revenues; direct taxes levied by transit systems; State and local cash grants and reimbursements; State and local special fare assistance; and subsidies from other sectors of operations. Non-capital subsidies and revenues are those that are available for other than capital expenses.

The term "operating revenues" is intended in this section to refer to the funds used to pay ordinary, day-to-day costs of providing public transportation. It is intended that these terms exclude any items that are of a capital nature, such as equipment purchase or rental, repayment of earlier bond issues, land leases and any types of "creative financing" used to obtain equipment and facilities.

Section 9(b)(1) would limit the use of the capital formula program funds to mass transportation capital activities. Capital activities would include the purchase of spare parts for transit vehicles where the expected service life of the spare part exceeds one year. This would permit the purchase of items such as compressors and engine blocks that maintain the usefulness of vehicles.

The capital formula program funds cannot be used to construct new fixed-guideway systems or extensions to existing systems. Exceptions are made for exclusive busway facilities, for projects covered by existing letters of intent and full funding contracts, and for the federally agreed upon scope of the Washington, D.C. metropolitan area transit system. This section would not preclude the use of funds for the modernization of existing rail and other fixed-guideway systems.

Section 9(b)(2) would provide a funding source for section 8 planning activities and for the deployment of innovative demonstration results. In order for local decisionmakers to make intelligent decisions regarding transportation projects in their communities, it is important that they be provided with adequate information. This requirement would ensure, in a non-intrusive way, that planning activities take place. Section 9(h) would apply section 8 planning requirements to the section 9 program. Section 9(b)(2) would set aside 2.5 percent of each apportionment for planning and the deployment of innovative transit techniques. Upon application by the Governor in areas under 200,000 and the designated recipient in areas of 200,000 or more, the Secretary would be able to waive the required set aside. The Governor or recipient would have to apply with the concurrence of the metropolitan planning organization.

Section 9(b)(3) would provide a 75 percent Federal share for section 9 grants.

Subsections (c), (d), (e), (f), and (h) of section 9 set forth a number of Federal requirements as a condition of assistance. Under subsection (c), UMTA would continue to enforce Title VI of the Civil Rights Act of 1964, and the private enterprise participation, charter bus and school bus provisions of the UMT Act. In addition, in order to receive a section 9 grant, a recipient would certify (1) legal, financial and technical capacity; (2) authority to apply; (3) compliance with the Uniform Relocation Assistance and Land Acquisition Policies Act of 1970, and the relocation provision of the UMT Act; (4) compliance with the Davis-Bacon Act; (5) continuing control; (6) except as provided for bus procurements pursuant to the new section 12(b)(3), compliance with competitive procurement systems and the Buy America provision of the Surface Transportation Assistance Act of 1978; (7) compliance with the National Flood Insurance Act of 1968; (8) compliance with the public hearing requirements set forth in the new section 9(e), and (9) ability to meet the local share requirement.

Section 9(e) would require each recipient to prepare a proposed statement of activities and objectives. This statement would provide information concerning the amount of funds available to the recipient under section 9 and the range of activities that the recipient proposes to undertake under those funds. The recipient would be required to publish the statement for public examination and hold at least one public hearing to obtain the views of citizens. After considering public comments, the recipient would prepare a final statement which would also be available to the public.

Section 9(f) would permit recipients "to stand in the shoes" of the responsible Federal official with respect to the provisions of the National Environmental Policy Act of 1969 and other statutes concerning the environment. This provision is identical to an environmental provision in the Housing and Community Development Act of 1974 for the Community Development Block Grant. It enables the recipient to assume all responsibilities for environmental review, decision-making and action. The subsection stipulates that the Secretary would issue regulations in consultation with the Council on Environmental Quality for the implementation of this provision.

Section 9(g)(1) provides for the selection of designated recipients to receive and dispense funds for urbanized areas of 200,000 or more. This provision differs from the section 5 designated recipient provision in that section 9(g)(1) does not include the sentence in section 5(b)(1) which requires that certain public transportation providers automatically become designated recipients. Moreover, not all designated recipients may wish to enter into annual projects agreements with UMTA, in which case UMTA will be dealing directly with the recipients of the funds. Hence the use in some cases of the word "recipient" rather than "designated recipient," makes it clear that the recipient of the funds (which in some cases may not be a designated recipient) must meet the self-certification and other requirements in section 9.

Section 9(g)(2) provides for the fair and equitable distribution by the Governor of section 9 funds for urbanized areas with populations under 200,000 and section 9(g)(3) provides for section 9 funds to remain available to the Governor or designated recipient for a period of four years. Both paragraphs (2) and (3) parallel provisions in the existing section 5 urban formula program.

As described above, section 9(h) would apply the section 8 planning requirements to section 9 grants.

Section 9(i) specifies that the Secretary would enter into an annual grant agreement as soon as practicable after receiving the submissions required under section 9.

Section 9(j) sets forth the audit requirements. The provision would require the recipient to make such reviews and audits as the Secretary deems appropriate. These reviews and audits would take place at least annually and would indicate whether the recipient has and can continue to carry out its activities in a timely manner and in a manner that is not plainly inconsistent with the requirements of the UMT Act.

Under section 9(k), any recipient which submitted a false or fraudulent statement or certification would be subject to criminal penalties under Title 18 of the United States Code. Title 18 would apply to the section 9 recipients whether or not section 9(k) were included in this bill. However, section 9(k) was included to clearly emphasize the importance which DOT places on an accurate self-certification process.

Section 9(l) is designed to provide an optional mechanism for the recipient of section 9 funds to seek DOT approval that it has a competitive procurement system. Section 9(l) ensures that a review of a recipients procurement system by the Department of Transportation is binding on the Department of Transportation until withdrawn. The recipient must still agree to follow the procurement system.

Finally, section 9(m) would ensure that no additional requirements under the UMT Act would encumber the section 9 capital formula program.

SECTION 7—OPERATING COSTS FOR UNIVERSITIES

This section repeals this special program to establish and operate transportation education programs at colleges and universities. This program was added to the Act in 1978 but has never received appropriations from Congress. The authorization for appropriations contained in section 4(d) of the Act is deleted by section 3 of this bill.

DOT will continue to provide grants to colleges and universities to conduct specific research and training activities under the existing section 11(a). However, in a time of dwindling transit funding, establishment of Transportation Education Centers as presently provided for by section 11(b) of the Act could commit DOT to pay for general overhead and salary costs associated with the operation of centers that would represent non-productive costs to the Department. Section 11(a) provides adequate flexibility for DOT to involve universities in the urban transportation program.

SECTION 8—FEDERAL PROCUREMENT FACTORS

This section would allow the Secretary the authority to determine benchmark prices for buses. Section 8 of the bill would give recipients the ability to include additional items or features at their own cost. Once a recipient has elected to use the benchmark price to purchase buses and certified that it has a competitive procurement system, that recipient would no longer be required to comply with Attachment O of OMB Circular A-102 or any other Federal procurement requirements.

SECTION 9—LABOR STANDARDS

Section 9(a)(1) of the bill would transfer the responsibility under section 13(c) from the Secretary of Labor to the Secretary of Transportation. This would allow greater flexibility to ensure that these labor protections are administered consistently with transportation policy. Section 9(b) of the bill would authorize the Director of OMB to provide for the transfer of personnel, and other resources required by the transfer of section 13(c) responsibility from the Secretary of Labor to the Secretary of Transportation. This provision would also enable the Director to establish the date of transfer.

The implications of the section 13(c) labor protection provision of the UMT Act as it relates to paratransit services are potentially far reaching in terms of cost and applicability and have prohibited the development of paratransit services by public transit operators. Paratransit could be a useful means of providing solutions to certain transportation problems facing our nation's urban areas. Accordingly, the development of these services should be encouraged. Section 9(a)(2) of this bill would exempt such privately-provided service from section 13(c) and thereby encourage transit providers to develop paratransit services.

SECTION 10—AMENDMENTS TO THE REPORTING SYSTEM

This section extends the reporting requirements of section 15 of the UMT Act to the recipients of grants under sections 9 and 21. Section 15 currently requires recipients of section 5 urban formula grants to provide UMTA with certain public mass transportation financial and operating information using a uniform system. This information has been helpful to Federal, State, and local governments in assessing public transportation needs.

SECTION 11—AMENDMENTS TO THE SPECIAL NEEDS PROGRAM

Section 11 of the bill is a technical amendment to ensure that the 16(b)(2) program continues to be eligible for Federal funding.

SECTION 12—AMENDMENTS TO FORMULA GRANTS FOR NONURBANIZED AREAS

Section 12(a) of the bill provides for one-half of the funds appropriated under the section 18 formula grant program for non-urbanized areas to be apportioned and allocated on the basis of the 1970 Federal census and the remaining half to be apportioned and allocated on the basis of the 1980 Federal census. This provision parallels an amendment to section 5 to lessen the negative impact of census changes. Section 12(a) of the bill is similar to a Congressional instruction for section 18 in the DOT Appropriation Act, 1982 (P.L. 97-102) and would continue this instruction through fiscal year 1984.

Section 12(b) of the bill provides that the Secretary cannot approve operating expenses for the section 18 program after September 30, 1984. This provision parallels the phase out of operating assistance in the section 5 urban formula program.

Section 12(c) of the bill is a technical change to ensure that lapsed section 18 funds recycle into the proper authorizing section.

SECTION 13—CAPITAL FORMULA PROGRAM FOR AREAS OTHER THAN URBANIZED AREAS

Section 13 of the bill repeals section 21 of the Act. Section 21 presently authorizes grants for the terminal development program. This program was created in 1978 and has never received appropriations from Congress. The terminal development program is unnecessary because it describes project activities that can be found under broader UMTA programs. Allocation and priorities for funds should be shaped by the level of local commitment, the degree of local need, and the annual national priorities for Federal funds rather than by narrow categorical grant programs like the terminal development program.

Section 13 of the bill creates a new section 21 of the Act which embodies a separate capital formula program for capital projects in non-urbanized areas. The new section 21 is designed to be consistent with the capital formula program for urbanized areas provided for in section 9. The new section 21 program springs from an acknowledgment that the proliferation of transit programs in non-urban areas calls for an equal and even-handed approach in servicing the capital projects of non-urbanized, as well as urbanized, mass transportation systems.

The capital formula program for non-urbanized areas would be made available on the basis of the formula set out in the new section 21(a). Each State would be entitled to receive a portion of the total amount of funding available which corresponds to that State's share of the national non-urbanized and rural population.

The new section 21(b)(1), would limit the use of capital formula program funds, as does section 9(b)(1), to mass transportation capital activities. As under section 9, capital activities would include the purchase of spare parts for transit vehicles where the expected service life of the spare part exceeds one year.

The new section 21(b)(2) would set aside 2.5 percent of the new section 21 apportionment for planning activities. As with section 9(b)(2), this set aside seeks to ensure rational decision-making and may be waived by the Secretary.

The new section 21(b)(3) would provide a 75 percent Federal share for section 21 grants.

The Governor must distribute the new section 21 funds in a fair and equitable manner. These funds are available for obligation by the Governor for four years and may, at the Governor's discretion, be transferred to smaller urbanized areas. The new section 21(e) would also permit the Governor to transfer funds from smaller urbanized areas to rural areas.

Most of the requirements of the section 9 capital formula program for urbanized areas would also apply to the new section 21 grants.

SECTION 14—INTERCITY BUS SERVICE

This section repeals section 22 of the UMT Act. Section 22 authorizes grants for intercity bus service. The program, like the section 21 terminal development program, was created in 1978 and has never received appropriations from Congress. The project activities set forth in this program can be funded under other UMTA programs. To the extent that section 22 authorizes grants for operating expenses in intercity bus service, eliminating this provision is consistent with the phase-out of operating assistance.

SECTION 15—WATERBORNE TRANSPORTATION DEMONSTRATION PROJECT

This section amends section 320 of the Surface Transportation Assistance Act of 1978 (P.L. 95-599) to ensure that no funds are appropriated for the high-speed waterborne transportation demonstration project in New York after September 30, 1982. Given the present economic condition, the Department of Transportation should concentrate its resources on basic transportation services and avoid high cost, special purpose demonstration projects.

SECTION 16—REPEAL OF SAFETY AUTHORITY

This section repeals section 107 of the National Mass Transportation Assistance Act of 1974 (Public Law 93-503). Section 107 requires DOT to investigate transit equipment, facilities, and operations funded by UMTA which create a serious hazard of injury. If the Secretary finds an unsafe condition in a bus, subway, or light rail system, grants funds can be withheld.

Section 107 currently puts UMTA in the position of being both banker and policemen for transit systems. UMTA's primary role under the UMT Act is to provide technical and financial assistance to transit systems. The section 107 safety provision diverts UMTA from its primary mission. UMTA's small staff gives it very limited capacity to undertake comprehensive safety investigations. If this investigation safety role is proper for the Federal Government, it could be done better by agencies that have more staff resources and the investigatory expertise to carry it out.

Section 107 also places transit authorities in anomalous situations because section 107 is unlike other Federal safety statutes. For instance, the Federal Railroad Safety Act (Public Law 91-458) gives the Federal Railroad Administration (FRA) comprehensive authority over commuter passenger railroads. The statute provides for due process and permits FRA to levy fines. Section 107 does not have similar provisions. Therefore, a transit authority who operates both commuter rail lines under FRA jurisdiction and subway lines under UMTA jurisdiction is subjected to two different statutes, two different standards and two different penalties.

Section 107 can be overly intrusive on local operations. Transit service that is confined to a local area should not give rise to a Federal transit safety role. The fact that the Federal Government assists local housing, for example, has never necessitated a specific statute so that a Federal grant agency would enforce elevator safety. Local transit safety should be a matter of State and local concern. UMTA will continue to offer technical assistance on safe technologies, equipment, and design and help transit authorities develop local safety programs. This is a better approach than the reactive process established in section 107 and is a better use of UMTA's limited staff resources.

SECTION 17—SAVINGS PROVISION

This provision has been added to provide the full funding contracts and letters of intent existing as of the date of enactment of this legislation will continue to be funded at the Federal share level set forth in any such full funding contract or letter of intent, notwithstanding the revised Federal share levels proposed in this legislation. This preserves the status quo with respect to such full funding contracts and letters of intent.●

By Mr. PRESSLER:

S. 2368. A bill to require the President to take certain actions to obtain relief from nontariff trade barriers imposed by foreign countries against agricultural goods produced in the United States; to the Committee on Finance.

AGRICULTURAL TRADE LEGISLATION

Mr. PRESSLER. Mr. President, today I am introducing legislation to require the President to take certain actions to obtain relief from nontariff trade barriers imposed by foreign countries against agricultural goods produced in the United States.

The bill would require the President to take action against restrictive trade barriers imposed by other nations. When it is determined that trade barriers are harming the growth of U.S. agricultural exports, the President would be required to implement trade restrictions on all products imported from the other country involved, equal to the losses caused by their restrictions on U.S. products.

Presently, Japan and the EEC restrict our agricultural products, while we permit their goods to enter the United States freely. For example, the Japanese food agency marks up the price of the U.S. wheat to flour millers 76 percent. The Japanese system is out-lined by the following chart:

Price per bushel received by South Dakota wheat farmer	$3.58
West coast export price	4.64
Landing price in Japan	5.50
Price charged by the Japanese government to Japanese flour mills—grain trade is controlled centrally	9.50

In addition to marking up the price of U.S. wheat, the Japanese restrict meat imports with quotas, government buying, programs and domestic pricing markups to make imported meat less competitive. Japan sets a general beef quota each year and that quota was reduced from 134,000 metric tons in 1980 to 126,000 metric tons in 1981. A quasi-governmental agency, the Livestock Industry Promotion Corp., controls 90 percent of Japan's beef purchases. The LIPC has approved only 20 U.S. meat processing plants to export meat to Japan. The United States has over 6,000 federally inspected plants that could export meat. The Japanese price markup system more than doubles the cost of the beef to the consumer. The following chart illustrates the markup system:

Charges against U.S. beef entering Japan

Actual import cost and transportation (pound)	$3.74
Japanese duty (25 percent)	.94
Import expenses	.23
Wholesale markup	1.11
Retail markup	1.51
Consumer cost at the market (pound)	7.53

The EEC also has a number of nontariff barriers on U.S. agricultural products. In addition, they provide export subsidies for many agricultural products such as wheat and dairy products. About 60 percent of the cost of the EEC dairy program is used for export subsidies and wheat exports are subsidized at around $2 per bushel. These subsidies allow them to compete unfairly on the international market.

The legislation I am introducing today would give the President a tool with which he could retaliate against these unfair trade practices. This legislation is an effort to gain the attention of the Japanese, to show them that we are serious about eliminating nontariff barriers to free trade. I also want to make sure that agriculture is not left out in any future trade legislation or negotiations. The bill is not an attempt to create a protectionism atmosphere or give the United States an unfair advantage, but rather to persuade foreign countries to eliminate their unfair trade barriers and work toward free trade.

Mr. President, I urge my colleagues to join me in support of this legislation and I ask unanimous consent that the legislation be printed in the Record.

There being no objection, the bill was ordered to be printed in the Record, as follows:

S. 2368

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. FINDINGS: STATEMENT OF PURPOSE.

(a) Findings.—The Congress finds that—

(1) trade in agricultural goods is a vital part of the United States economy;

(2) many countries are increasingly imposing nontariff trade barriers on the importation of United States agricultural goods;

(3) such barriers include, but are not limited to, the market domination of national monopolies and cartels, quotas, discriminatory restrictions on licensing and foreign exchange, local content requirements, minimum export requirements, discriminatory health, safety, testing, grading, or environmental standards, discriminatory tax policies, and other discriminatory restrictions;

(4) the effect of such barriers has been to discriminate against imported agricultural goods and to deny the benefits of trade on a reciprocal basis; and

(5) such discrimination—

(A) results in a less open trading system and a distortion of the market system, and

(B) works to the disadvantage of all countries, particularly countries (including the United States) which adhere to a free market system.

(b) Purpose.—It is the purpose of this Act to encourage—

(1) adherence to the principles of the existing international trading system, and

(2) the operation and development of a fair and open international trading system, by promoting the principles of reciprocal market access for agricultural goods.

SEC. 2. AMENDMENTS TO THE TRADE ACT OF 1974.

(a) Imposition of Reciprocal Trade Restrictions.—Chapter 1 of title III of the Trade Act of 1974 (19 U.S.C. 2411 et seq.) is amended by adding at the end thereof the following new section:

"SEC. 307. IMPOSITION OF RECIPROCAL TRADE RESTRICTIONS.

"(a) Determination by the President.—The President shall—

"(1) within 90 days after the date of the enactment of this section, identify any foreign country that imposes nontariff trade barriers on the importation of agricultural goods produced in the United States that burden or restrict United States commerce or impair the growth of markets in that foreign country for agricultural goods produced in the United States; and

"(2) within 120 days after such date of enactment, prepare a list of all countries determined under paragraph (1) to impose nontariff trade barriers on agricultural goods produced in the United States, together with a description of the nontariff trade barriers so imposed.

The President may, at any time after the end of the 90- and 120-day periods described in paragraphs (1) and (2) of this subsection, make a determination described in paragraph (1) with respect to a country and add to the list described in paragraph (2) that country and the nontariff trade barriers imposed on agricultural goods produced in the United States by that country.

"(b) Action on Petitions and Resolutions.—

"(1) Filing of Petitions.—Any interested person may file with the United States Trade Representative a petition that sets forth allegations that a foreign country is imposing nontariff trade barriers on the importation of agricultural goods produced in the United States that burden or restrict United States commerce or impair the growth of markets in that foreign country for agricultural goods produced in the United States.

"(2) Action by Trade Representative.—Upon the filing of a petition under paragraph (1) of this subsection, the United States Trade Representative shall, within 60 days after the filing of such petition, determine on the record, after an opportunity for a hearing, whether the allegations set forth in the petition are true. The United States Trade Representative shall inform the President of any determination made pursuant to this subsection that any such allegations are true. If unable to make a determination within the 60-day period described in this paragraph, the United States Trade Representative may extend that 60-day period by an additional period of 30 days if the Trade Representative notifies the parties involved of the extension and the reasons therefor.

"(c) Imposition of Reciprocal Restrictions.—In any case in which the President determines pursuant to subsection (1) of the United States Trade Representative determines pursuant to subsection (b) that a foreign country is imposing nontariff trade barriers on the importation of agricultural goods produced in the United States that burden or restrict United States commerce or impair the growth of markets in that foreign country for agricultural goods produced in the United States, the President shall, within 60 days after such a determination, and notwithstanding any trade agreement in effect between the United States and that foreign country, impose trade restrictions on the importation of all products of that foreign country into the United States which will have an economic effect equivalent to the nontariff trade barriers imposed by the foreign country. Such trade restrictions with respect to that foreign country shall remain in effect until the President, acting through the United States Trade Representative, determines that the foreign country has removed the nontariff trade barriers determined to exist pursuant to subsection (a) or (b).

"(d) Responsibilities of Trade Representative.—The United States Trade Representative shall—

"(1) issue regulations concerning the filing of petitions under this section;

"(2) keep any person filing a petition under this section regularly informed of all determinations and developments concerning the petition; and

"(3) submit a report semiannually to the House of Representatives and the Senate describing the petitions filed under this section and the determinations made (and the reasons therefor) pursuant to the filing of the petitions.

"(e) Publication in Federal Register.—The President shall publish in the Federal Register each determination made pursuant to subsection (a) and all actions taken pursuant to subsection (c). The United States Trade Representative shall publish in the Federal Register each determination made pursuant to subsection (b).

"(f) Report to Congress.—The President shall report to the Congress the results of all determinations made pursuant to subsection (a) and all actions taken pursuant to subsection (c).

"(g) Judicial Review.—Any determination of the United States Trade Representative under subsection (b) shall be subject to appeal and review as a final agency action in accordance with chapter 7 of title 5, United States Code.

"(h) **Definition.**—For purposes of this Act, the term 'agricultural goods' shall mean: any raw or processed agricultural product (including, but not limited to, meat or meat byproduct, poultry, grain, rice, oilseeds, citrus fruit or citrus fruit product, and timber or timber product).".

(b) Conforming Amendment.—The table of contents of the Trade Act of 1974 is amended by inserting immediately after the item relating to section 306 the following new item:

"Sec. 307. Imposition of reciprocal trade restrictions.".

By Mr. DOLE (for himself, Mr. DANFORTH, Mr. BOREN, Mr. ROTH, Mr. JOHNSTON, Mrs. KASSEBAUM, Mr. LAXALT, Mr. DURENBERGER, Mr. SYMMS, and Mr. WALLOP):

S. 2369. A bill to amend the Internal Revenue Code of 1954 to clarify the standards used for determining whether individuals are not employees for purposes of the employment taxes, and for other purposes; to the Committee on Finance.

INDEPENDENT CONTRACTOR TAX CLASSIFICATION AND COMPLIANCE ACT OF 1982

● Mr. DOLE. Mr. President, today I am introducing legislation to clarify the standards for determining whether an individual compensated for the provision of services is an independent contractor or an employee, for tax purposes, and to establish new measures to improve tax compliance by individuals whose compensation as independent contractors is not subject to mandatory wage withholding. Joining me in cosponsoring this legislation are Senators DANFORTH, BOREN, ROTH, JOHNSTON, KASSEBAUM, LAXALT, DURENBERGER, SYMMS, and WALLOP.

The bill provides a statutory safeharbor definition of independent contractors, which a business can elect to rely upon in determining that certain workers are not employees for tax purposes. The bill preserves the commonlaw test as an alternative standard. It also provides for new compliance measures that should substantially improve the level of tax compliance in the independent contractor sector, in particular, by improving business compliance with existing information reporting rules.

THE INDEPENDENT CONTRACTOR TAX CLASSIFICATION AND COMPLIANCE ACT OF 1982

This bill deals with two problems that have been of serious concern to the Congress for some time: Clarifying the circumstances when a business can safely treat certain workers as independent contractors rather than employees, and improving the level of tax compliance among independent contractors who are exempt from the wage withholding provisions generally applicable to employees.

THE CLASSIFICATION PROBLEM

Since the early 1970's the Internal Revenue Service has undertaken an aggressive campaign to audit the employment tax liabilities of business taxpayers. In this effort the IRS has tried to recharacterize as employees many individuals who were traditionally considered independent contractors. This increase in audits, and retroactive tax assessments, has imposed a great burden on many businesses that relied upon longstanding characterization of certain workers as independent contractors. Much of the problem with the IRS reclassification campaign stemmed from the absence of clear statutory rules defining the difference between an employee and an independent contractor for tax purposes.

Independent contractors are required to make estimated tax payments on a quarterly basis, and to pay self-employment taxes to the social security system. Accordingly, they are generally exempt from the wage withholding rules applicable to employees.

To a business, the distinction between an independent contractor and an employee is important precisely because businesses are not required to withhold on payments to independent contractors, or to pay social security or unemployment taxes on such payments. Thus, if the IRS prevails in reclassifying certain workers as employees, a business that contracted with an independent contractor to have services performed can become an "employer," liable for a very large retroactive assessment of employment taxes which were not withheld or paid to the Treasury. Indeed, in many cases, even where the IRS is unsuccessful in its reclassification efforts, the burden of defending against a large retroactive assessment can be very onerous.

THE COMPLIANCE PROBLEM

The IRS campaign to recharacterize independent contractors as employees was prompted, in part, by well-meaning, legitimate concern that certain independent contractors were not reporting all of their compensation, thereby avoiding their fair share of income tax liability. From the perspective of the IRS, reclassifying workers as employees was a quick and easy solution to this tax compliance problem, because the estimated level of tax compliance for employees subject to wage withholding is in excess of 99 percent, according to the IRS. Nevertheless, this approach to improving compliance was not only unduly burdensome to business, it was counterproductive, since the IRS actually lost many cases where it tried to reclassify independent contractors as employees. Moreover, since 1978 Congress has prevented the IRS from proceeding with its reclassification campaign, because of the unreasonable burdens this campaign imposed on business taxpayers.

PRIOR LEGISLATIVE PROPOSALS

In 1979, this Senator first introduced a bill to clarify the status of workers providing services as independent contractors. At that time the IRS again sought to sidestep the classification issue by seeking to require wage withholding for all workers, regardless of their status. This IRS proposal was never adopted, since many Members thought that withholding was an inappropriate, impractical, and overly burdensome response to the legitimate concerns of the IRS. It was felt that some other approach was needed, but in the last several years Congress has been unable to develop a satisfactory answer to the IRS concerns with tax compliance in the independent contractor sector. Similarly, Congress has been unable to provide permanent relief to businesses subject to the threat of IRS reclassification efforts.

TEMPORARY RELIEF EXPIRES IN JUNE

Since 1978, Congress has provided a temporary solution to the reclassification problem by allowing businesses to continue to treat workers as independent contractors if there was a "reasonable basis" for treating them as independent contractors in the past. When I sponsored the first such measure, the Intention was simply to preserve the status quo until Congress had an opportunity to fashion a permanent solution. When the first temporary measure expired at the end of 1980, this Senator was reluctantly forced to offer an additional 18-month extension of the status quo. The present moratorium expires on June 30, 1982. It is plainly time for Congress to provide a permanent solution to the classification problem, together with improved compliance measures for the independent contractor sector. That is why I am today introducing the Independent Contractor Tax Classification and Compliance Bill of 1982.

THE SCOPE OF THE "SAFE-HARBOR" BILL

The Independent Contractor Tax Classification and Compliance Bill of 1982 provides clear standards which a business can elect to rely upon to determine that certain workers are not employees for tax purposes. The bill preserves the common-law standard as an alternative test for classifying workers, and also provides that the new "safe-harbor" standards are relevant for tax purposes only. Under no circumstances are the safe-harbor provisions to be considered in determining an individual's employment status for any other purposes.

OVERVIEW OF THE SAFE-HARBOR TESTS

In order to meet the safe-harbor test, there are several formal requirements that must first be satisfied. The worker and the person for whom the work is being performed (the service-recipient) must agree, by written contract, that the service will be performed by the worker as an independent contractor. The written contract, executed before the service is performed, must apprise the worker of his self-employment tax responsibilities, and his disqualification for various employee benefits under the tax law. Finally, the service-recipient must file all required information returns for his payments to the worker.

In addition to these preliminary formal requirements, the worker must actually be an independent business person, as demonstrated by his satisfying three requirements. First, the worker must control the aggregate number of hours he works, and substantially all the scheduling of his hours. Second, if the worker has a principal place of business, it cannot be provided for him by the service-recipient, unless a fair rental is paid. Third, the individual providing services as an independent contractor must be an economically independent business person, a requirement that can be met in two ways: The worker must either risk income fluctuations—because he is paid on the basis of sales or other output, rather than the number of hours worked—or he must have a substantial economic investment in tangible assets used in the performance of the service.

DETAILED ANALYSIS OF THE SUBSTANTIVE SAFE-HARBOR TESTS

The safe-harbor tests contained in this bill are very similar to the tests contained in the safe-harbor bill I introduced last year, S. 8. Some changes have been made following extensive consultations with IRS and Treasury officials, as well as industry representatives.

THE "CONTROL OF HOURS" TEST

The first test requires that the worker, rather than the service-recipient, have control over the aggregate number of hours worker, as well as substantially all of the scheduling of his hours. This test is almost identical to the "control of hours" test contained in S. 8. This bill, however, provides that certain extraneous factors—specifically, government regulations, contractual obligations of the service-recipient, coordination of work imposed by third parties, and general limitations on access to the service-recipient's premises—may be disregarded in determining whether the worker controls the scheduling of his hours.

A worker will plainly satisfy both parts of this test if he is hired simply to accomplish a particular result, without regard to the amount of time spent, or the time or day (or night) his services are performed. For example, an insurance salesman controls his hours and the scheduling of his hours for purposes of this test if he is hired and compensated only for selling insurance policies, is not required to maintain regular hours or work any minimum amount of hours, and is free to contact his potential customers at the times he sees fit. However, a salesman who is required to work a particular minimum number of hours on a regular basis, or to attend customers during particular office hours specified by the service-recipient, will not meet the control of hours test, since the service-recipient controls the aggregate minimum amount of hours worked and more than an insubstantial amount of the scheduling of the hours worked.

When a worker is hired on an hourly basis, or hired to perform tasks that must be performed within a certain minimum amount of time, the control of hours test can still be satisfied in the nature of the relationship between the worker and the service-recipient is such that the worker is free to accept or refuse specific jobs as he sees fit, and substantially free to schedule the times at which he performs the services. For example, a truck owner-operator may contract with a shipping company to haul a load of goods from New York to Los Angeles, with a specific contract deadline. If the nature of the legal and economic relationship is such that, say, when the owner-operator arrives in Los Angeles he is free to decline a subsequent contract offered by the company to haul additional goods from Los Angeles to New York, then the owner-operator will meet the requirement that he control the aggregate number of hours worked. However, if the trucking company can effectively require the owner-operator to accept the contracts that the company offers, the owner-operator will not be deemed to be controlling the aggregate number of hours worked, since the company can control the minimum amount of work performed, much as if the owner-operator were an employee. A similar analysis would apply to a dump truck owner-operator performing services at a construction site. If the dump truck owner-operator is effectively precluded from refusing contracts with a particular general construction contractor, then the control of hours test would not be satisfied.

In the previous example of the truck owner-operator, the owner-operator must still meet the requirement that he control the scheduling of his hours worked. However, the owner-operator will not be deemed to fail this requirement merely because Government regulations limit the number of hours he can drive per day, or because the shipping company's contract with its customer requires the goods to be delivered by a certain date. Similarily, if the services performed by the dump truck owner-operator are coordinated with services performed, for example, by the operator of a backhoe, that coordination will not disqualify the dump truck owner-operator from meeting the scheduling test if the coordination is imposed by a party, (for example, the owner of the building being built) other than the service-recipient. The scheduling test could also be satisfied if the dump truck owner-operator's services were subject to scheduling control only to meet the service-recipient's contractual obligations to the building owner.

The scheduling control that may not be exercised by the service-recipient under this test is the control typically exercised by an employer, that is, requiring that the worker begin work no later than a certain time and continue working until a certain time. Accordingly, the bill provides that if work is performed on the premises of the service-recipient and access to the premises is generally limited to a specified period of time, the worker may still meet the scheduling test so long as, within the period of limited access, the worker controls the scheduling of his hours. In such a case, of course, the service-recipient is not exercising control over the worker's scheduling in the manner typically exercised by an employer, but is merely imposing outer limits on the time the worker can begin, and the latest time until the worker may continue to work.

Similarly, if a service-recipient coordinates the order or manner in which certain work projects are performed on a worksite, but the worker, such as a drilling rig welder, still controls the scheduling of the hours he works, in the sense that he determines when he will begin and end work, the scheduling test would be satisfied.

THE "PLACE OF BUSINESS" TEST

The second substantive test is that the worker's principal place of business with respect to the service may not be provided for him by the service-recipient, unless a fair rental is paid to the service-recipient. Of course, the worker need not maintain a principal place of business at all. If he does, however, it cannot be provided by the service-recipient without payment of a fair rental.

There are often situations where salesmen—for example, in the real estate or insurance industry—are provided with a desk, telephone, or other basic business accommodations on the service-recipient's premises. The bill clarifies that such facilities are not deemed a principal place of business if the individual performs substantially all the services he performs for the service-recipient away from the service-recipient's premises.

The "place of business" test in this bill is substantially the same as the "place of business" test contained in S. 8.

THE "ASSETS" OR "INCOME FLUCTUATION" TEST

The final test is designed to insure that the worker is economically independent from the service-recipient, in a manner that is typical of an independent contractor, and foreign to the traditional *employer-employee* relationship. This test can be satisfied in two alternative ways. The first alternative requires that the individual risk fluctuations in his income as a service provider because he is not paid on an hourly basis, but is paid on the basis of sales, or the successful completion of certain services. An individual satisfying this alternative is economically independent from the service recipient because he is not assured of any substantial economic return for the time he spends providing services for the service recipient.

The second alternative requires that the individual bear economic risk because of a substantial economic investment by the individual in assets used in the performance of the service. The individual meeting this test may be paid by the hour, and may thus be assured a minimum amount of remuneration for his labor. But the individual may nevertheless bear economic risk in his activities as a service provider because he supplies assets that are of significant value in the performance of the services, and has a substantial economic investment in such assets. This test could be met by a dump truck owner-operator, or the owner-operator of a cement-mixing truck, who is paid on an hourly basis, but provides his own equipment, and therefore risks economic loss if he is unable to obtain more jobs on a continuing basis.

The investment required by this test may be by purchase or lease, and there is no fixed rule against buying or leasing an asset from a service recipient. However, the bill contemplates that the nature of any such investment will be scrutinized, in relationship to the remuneration received by the individual from the service recipient, to determine whether the individual is truly bearing substantial economic risk. If the individual has both a leasing arrangement and a long-term service contract with a service recipient, the two contracts may effectively nullify any substantial economic risk on the part of the individual. However, the fact that a service recipient sells, finances, or leases an asset to an indivdial will not automatically disqualify that arrangement from satisfying this test. The test in all cases will be whether the individual bears economic risk in his activities as a service provider because of a substantial economic investment in tangible assets of significant value in the performance of the services.

Even when the assets are purchased or leased from a third party, this test looks to the nature and the amount of the remuneration received from any service-recipient to determine whether the worker's investment is substantial. For example, a long-term service contract with one service recipient, guaranteeing a minimum amount of remuneration over a long period of time, may nullify any economic risk in the worker's ownership of certain assets used in providing services to that service recipient. But where the worker owning or leasing assets must contract with numerous service-recipients in order to recoup his investment costs and profit from his activities as a service provider, the worker would ordinarily satisfy the test.

In some cases, workers provide their own hand tools, but the cost of the tools are not such as would create a substantial economic risk for purposes of this assets test. The worker providing such tools may, in certain cases, be permitted to treat the cost of using his car, pickup, or van as a business expense, because the tools are too heavy or bulky to carry or transport on public transportation. In such cases, the bill provides that the tools themselves must meet the "substantial investment" test, without counting any vehicle used primarily to transport the worker and his tools, samples or similar items.

A vehicle used primarily for performing services, however, is not excluded under this rule. Moreover, if certain tools or equipment are affixed to a vehicle used for transporting the worker, the value of the tools and equipment affixed to the vehicle may be considered part of the worker's qualifying investment. For example, if a contract welder regularly drives to construction sites in a truck—a welding rig—to which is affixed a welding forge, gas tanks and welding equipment, the equipment could be considered part of the worker's investment even though the basic truck, itself, might be disqualified.

MEASURES TO IMPROVE TAX COMPLIANCE IN THE INDEPENDENT CONTRACTOR SECTOR

In addition to the safe-harbor classification provisions, this bill proposes new compliance measures that should substantially improve voluntary tax compliance in the independent contractor sector.

IMPROVING INFORMATION RETURN COMPLIANCE

The key to better voluntary tax compliance in the independent contractor sector is improved information reporting on payments by service-recipients to independent contractors. Information returns give the IRS the ability to make certain that independent contractors are accurately reporting their gross business receipts. In addition, when copies of information returns are provided to the taxpayer, at tax time, the taxpayer is reminded of the precise amounts required to be included in his tax return.

With one exception, of limited application, this bill does not create any new information reporting or recordkeeping requirements. The major problem with current law is not the information reporting rules on the books, but rather the fact that there is substantial noncompliance with these rules. A key compliance provision of this bill is a new penalty system designed to put teeth in the information reporting requirements for the first time.

In essence, the bill treats accurate information reporting as the keystone of improved tax compliance in the independent contractor sector. This approach is essential because of the absence of withholding on payments to independent contractors. Under this bill, a service-recipient making payments of compensation to an independent contractor would face substantial penalties for failing to file information returns with the IRS, or for failing to report such payments to the independent contractor, at tax time. Instead of a fixed-dollar penalty, the bill would impose a percentage penalty based on the amount of compensation that was not properly reported. For example, if payments of $2,500 were not properly reported (to the IRS and the taxpayer) the penalty could be as high as $250, 10 percent of the amount not properly reported. If the information report was merely late (by up to 4 months), or was filed on time but reported less than the full amount required to be reported, or if the payor reported properly to the IRS, but failed to provide a copy of the report to the payee, the penalty imposed would be a percentage smaller than 10 percent, depending on the circumstances. Of course, these penalties apply ony to businesses failing to file required information reports and statements.

In addition to this basic penalty of up to 10 percent of the amount not properly reported (with a smaller percentage penalty for partial violations, incomplete reports, and late filings), an additional penalty would be imposed if the service-recipient was a multiple offender. In any calendar year, so long as the service-recipient properly reports at least 90 percent of information returns required on payments to independent contractors, no additional penalty is imposed. But if more than a tenth of the required reports are not properly filed, the total penalties are increased to up to 20 percent of the amounts not reported. If more than a fifth of the reports are not filed, the total penalties will be increased to up to 30 percent of the amounts not properly reported. (Again, if the service-recipient has committed multiple violations, but the violations consist of partial violations, incomplete reports, or late filings, the percentage penalties will be smaller.)

In all cases, of course, no penalties will be imposed if a failure, or violation, is due to reasonable cause and not to willful neglect. But, in the worst possible case, where a flagrant violator completely *fails to file more* than a fifth of the required information returns, the total penalty can be as high as 30 percent of the amounts not properly reported. (For example, if a business is required to file returns on 100 contractors receiving $1,000 each per year, and fails completely to report information on half of them, the total penalty imposed would be $15,000. That penalty is precisely equal to 30 percent of the amounts not properly reported, that is, $50,000).

Because the penalties are graduated, there is little cause for concern that minor mistakes or slipups will result in unduly harsh penalties. However, the same graduated penalty system should give businesses a substantial incentive to properly comply with the information reporting rules already on the books.

This system should also discourage intentional nonfiling of information returns, and intentional filing of incomplete returns.

Under the bill, these penalties technically apply only to information reports for payments by persons in a trade or business to other "persons" as compensation for services. This statutory reference to "persons" receiving compensation for services tracks the statutory language of current law which requires reports on payments to all "persons", a term which technically includes corporations. The Treasury, of course, will have regulatory authority to limit application of these rules to payments to individuals if it determines that reports on payments to corporations are unnecessary.

INFORMATION REPORTING FOR DIRECT SELLERS

The only new reporting or recordkeeping requirement created by this bill is a requirement applicable to direct sellers of consumer goods for resale in the home on a buy-sell or deposit-commission basis. These direct sellers will be required to file information reports with the IRS on the total amount of gross purchases by their sales representatives, if the amount of purchases by their representative in any year is over $5,000 (excluding goods which cannot be resold, such as catalogs or display items). As an alternative, direct sellers may elect to file regular information returns for sales commissions at a lower annual dollar threshold ($50 per year, per recipient, instead of $600). To qualify for this election, the direct seller must also file annual information reports identifying substantially all of their active sales force. In all cases, copies of the information reports must be sent to the representative.

When a direct seller is required to file more than one type of information report for the same sales representative (for example, a gross purchases report together with a commission report, or a commission report together with an identifying report) the direct seller should be allowed to file both reports on one form. The bill contemplates that this rule, as well as other rules regarding the proper forms for information reporting, would be promulgated through Treasury regulations.

The information that can be obtained from these reports should be helpful to the IRS compliance effort. Moreover, providing copies of the reports to direct selling representatives should help remind them of their tax responsibilities at tax time.

WITHHOLDING IN CERTAIN CASES

Finally, this bill also applies to the independent contractor sector the temporary withholding rules proposed in the Dole-Grassley Taxpayer Compliance Improvement Act of 1982 (S. 2198), for situations where an independent contractor fails to supply an accurate identifying number to the service-recipient.

THE PROBLEM OF OVERSTATED DEDUCTIONS

The compliance measures of this bill are directed primarily to the problem of unreported and underreported income. Of course, Treasury Department studies, as well as recent news reports, clearly indicate that unreported income is only part of the tax compliance problem. Overstated deductions are also a serious problem, among self-employed individuals and taxpayers generally.

Where the problem of overstated deductions exists, the IRS may need to develop improved audit techniques. In addition, some changes in IRS tax forms may be helpful to discourage taxpayers from taking questionable or fraudulent deductions. Although this bill does not directly deal with the problem of overstated deductions by independent contractors, it should substantially improve voluntary tax compliance by reducing the amount of unreported income on the part of independent contractors.

HEARINGS HAVE BEEN SCHEDULED

It is imperative that Congress act on the independent contractor issue before the end of June, when the present moratorium on IRS reclassifications expires. I am therefore pleased that the distinguished Senator from Iowa, Senator GRASSLEY, Chairman of the Finance Subcommittee on Oversight of the Internal Revenue Service, has announced that his subcommittee will hold a hearing on the bill on April 26, 1982.

In drafting this bill we have worked closely with interested members of the public, as well as the IRS and the Treasury Department. I am confident that this bill reflects a sound, compromise position that can be supported by business as well as the administration.

The safe-harbor provisions of this bill should work to provide much needed certainty in classifying workers for tax purposes. At the same time, I believe that this bill does not permit any workers now classified as employees under the common law to switch their status to that of an independent contractor without substantial changes in the nature of their relationship with their employer. I know that the Treasury Department would be concerned if this were a real possibility. Accordingly, I would be happy to listen to any comments they have if there are any specific examples of current law employees who would, under this bill, be able to switch over to independent contractor status without a substantial change in their relationship to their employer.

As to the industry's concerns, I believe this bill describes within its safe harbors the majority of independent contractors whose service-recipients are in serious risk of unreasonable IRS reclassification efforts. This bill does not describe all independent contractors, however, and for that reason it retains the common law as an alternative standard. I cannot emphasize strongly enough that the safe-harbor provisions are not designed to replace the common law, but are merely designed to provide a clearer legal standard for a large number of workers who do fall clearly within the narrow tests this bill provides.

COMMENTS INVITED REGARDING PROCEDURAL ISSUES IN EMPLOYMENT TAX AUDITS

This bill, if enacted, should go a long way toward providing business taxpayers with greater certainty in classifying their workers for tax purposes. But this bill may not solve all of the problems associated with IRS employment tax audits.

Some workers who qualify as independent contractors under the common law will not qualify under the safe-harbor provisions of this bill. A business classifying such workers as independent contractors may be subjected to an IRS reclassification effort, notwithstanding the existence of judicial precedent, or an IRS ruling, justifying the decision to classify the workers as independent contractors under the common law.

Some have suggested that when a business has acted reasonably, and in good faith, in classifying certain workers as independent contractors, it may be inappropriate to subject that business to the risk of a retroactive assessment for the full amount of the taxes it failed to withhold from its workers. In certain cases, the workers themselves may have paid their correct income and social security self-employment taxes, notwithstanding the absence of withholding. But the business may have difficulty obtaining the records necessary to show that the workers' taxes were paid. In other cases, the sheer magnitude of a retroactive assessment may deter a business from contesting an IRS reclassification, even where the business was justified in treating its workers as independent contractors. The threat of a large retroactive assessment may induce settlement with the IRS in cases where the business was entirely correct in its actions.

For these reasons, and others, it may be appropriate for Congress to consider limiting the extent to which employment status reclassifications could result in large retroactive assessments, where a reasonable basis existed for a business decision to classify workers as independent contractors.

Congress might also wish to consider other procedural changes that might ease the threat of retroactive reclassifications, such as providing a declaratory judgment procedure for employment classification issues, or allowing prepayment Tax Court review of employment tax assessments. Still other suggestions for procedural reforms have been advanced in the past, and perhaps there are new ideas as well.

At this time, I am not committed to any particular approach. But I am concerned about the procedural problems that may remain, even if this bill is passed, for certain businesses whose workers are not described in the safe-harbor provisions. Accordingly, when this bill is considered in the Finance Committee, I would welcome comments from the Treasury Department and the IRS, as well as interested representatives from business and labor, regarding procedural problems in the employment tax area and possible legislative responses.

Mr. President, I ask unanimous consent that the bill be printed in the Record.

There being no objection, the bill was ordered to be printed in the Record, as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE; AMENDMENT OF 1954 CODE.

(a) Short Title.—This Act may be cited as the "Independent Contractor Tax Classification and Compliance Act of 1982".

(b) Amendment of 1954 Code.—Except as otherwise expressly provided, whenever in this Act an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of the Internal Revenue Code of 1954.

SEC. 2. ALTERNATIVE STANDARDS FOR DETERMINING FOR PURPOSES OF EMPLOYMENT TAXES WHETHER INDIVIDUALS ARE NOT EMPLOYEES.

(a) In General.—Chapter 25 (relating to general provisions relating to the employment taxes) is amended by adding at the end thereof the following new section:

"SEC. 3508. ALTERNATIVE STANDARDS FOR DETERMINING FOR PURPOSES OF EMPLOYMENT TAXES WHETHER INDIVIDUALS ARE NOT EMPLOYEES.

"(a) General Rule.—Notwithstanding any other provision of this subtitle, solely for purposes of this subtitle (other than chapter 22) and chapter 2, if all of the requirements of subsection (b) are met with respect to service performed by any individual—

"(1) such service shall be treated as being performed by an individual who is not an employee, and

"(2) the service-recipient shall not be treated as an employer with respect to such service.

"(b) Requirements.—The requirements referred to in subsection (a) are as follows:

"(1) Control of hours worked.—The individual controls the aggregate number of hours worked and substantially all of the scheduling of the hours worked.

"(2) Place of business.—

"(A) In general.—No principal place of business of the individual (if any) with respect to the service is provided by the service-recipient unless the individual pays such service-recipient rental which, under the facts and circumstances, is a fair rental.

"(B) Special rule for determining principal place of business.—For purposes of subparagraph (A), no place of business which is provided an individual by a service-recipient with respect to any service shall be treated as a principal place of business of such individual with respect to the service if substantially all of the service performed by the individual for the service-recipient is not performed at such place of business or any other place of business provided by the service-recipient.

"(3) Investment or income fluctuation.—

"(A) In general.—The individual—

"(i) has an investment in tangible assets used by the individual in connection with the performance of the service, but only if—

"(I) such assets are of significant value in the performance of the service, and

"(II) such investment is a substantial economic investment in light of the nature and amount of the remuneration received for the service, or

"(ii) risks income fluctuations because more than 90 percent of the remuneration (whether or not paid in cash) for the performance of the service is directly related to sales or other output rather than to the number of hours worked.

"(B) Special rules.—

"(i) Certain vehicles not taken into account.—An investment by an individual in any vehicle which is used primarily to transport the individual (and any tools, samples, or similar items) shall not be taken into account for purposes of subparagraph (A)(i).

"(ii) Other output.—For purposes of subparagraph (A)(ii), the term 'other output' includes the performance of services but does not include piecework.

"(4) Written contract and notice of tax responsibilities.—

"(A) Written contract.—The individual performs the service pursuant to a written contract between the individual and the service-recipient—

"(i) which was entered into before the performance of the service, and

"(ii) which provides that the individual will not be treated as an employee with respect to such service—

"(I) for purposes of the Federal Insurance Contributions Act, the Social Security Act, the Federal Unemployment Tax Act, and income tax withholding, and

"(II) for purposes of the employee benefit provisions specified in subsection (e)(2).

"(B) Notice of tax responsibilities.—The individual is given written notice (in such contract or at the time such contract is executed) which is designed to ensure that the individual understands his responsibilities with respect to the payment of Federal self-employment and income taxes.

"(5) Filing of required returns.—The service-recipient meets the requirements of section 6041A in respect of such service at the times prescribed therefor (including extensions thereof) unless the failure to meet such requirements is due to reasonable cause and not to willful neglect.

"(c) Definitions and Special Rules.—

"(1) Service-recipient.—For purposes of this section, the term 'service-recipient' means the person for whom the service is performed.

(2) Section not to apply to certain individuals.—This section shall not apply to an individual described in paragraph (3) of section 3121(d) (relating to certain agent-drivers, commission-drivers, full-time life insurance salesmen, homeworkers, and traveling or city salesmen). For purposes of the preceding sentence, the determination of whether an individual is described in such paragraph (3) shall be made without regard to whether or not such individual is also described in paragraph (1) or (2) of section 3121(d).

"(3) Special rule for contracts entered into before January 1, 1983.—With respect to written contracts entered into before January 1, 1983, subsection (b)(4)(A) shall be deemed to be satisfied if—

"(A) such written contract clearly indicates that the individual is not an employee (either by specifying that the individual is an independent contractor or otherwise), and

"(B) the notice described in subsection (b)(4)(B) is provided before January 1, 1983.

"(4) Special rule for determing control of scheduling of the hours to be worked.—For purposes of subsection (b)(1), an individual shall not be treated as not controlling any scheduling of hours worked merely because such individual's control is limited as a result of—

"(A) government regulatory requirements,

"(B) operating procedures and specifications the service-recipient is required by contract to comply with (other than a contract with such individual),

"(C) the coordination of the performance of the service with the performance of other services but only if such coordination is done by a person other than the service-recipient or a related person, or

"(D) the control of access to any premises by the service-recipient but only if such individual controls the scheduling of hours during the period during which such access is granted.

"(d) No Inference Where Standards Are Not Met.—If not all of the requirements of subsection (b) are met with respect to any service—

"(1) nothing in this section shall be construed to imply that the service is performed by an employee or that the service-recipient is an employer, and

"(2) any determination of such an issue shall be made as if this section had not been enacted.

"(e) Relationship to Other Provisions of Law.—

"(1) In general.—Except as provided in paragraph (2), the fact that all of the requirements of subsection (b) are met with respect to service performed by an individual—

"(A) shall not be construed to imply that, for purposes of any provision of law other than chapters 2, 21, 23, and 24, the service is not performed by an employee or the service-recipient is not an employer, and

"(B) any determination of such an issue shall be made as if this section had not been enacted.

"(2) Individual not entitled to exclusion for certain benefits.—If all of the requirements of subsection (b) are met with respect to service performed by an individual, such individual shall not be treated as an employee for purposes of applying the provisions of—

"(A) section 79 (relating to group-term life insurance purchased for employees),

"(B) section 101(b) (relating to employees' death benefits),

"(C) sections 104, 105, and 106 (relating to accident and health insurance or accident and health plans),

"(D) section 120 (relating to group legal service plans),

"(E) section 127 (relating to educational assistance programs),

"(F) section 129 (relating to dependent care assistance programs), and

"(G) so much of subtitle A as relates to contributions to or under, or distributions under, a stock bonus, pension, profit sharing, or annuity plan, or by a trust forming part of such a plan.

Subparagraph (G) shall not apply to individuals treated as employees under section 401(c)(1) (relating to self-employed individuals).".

(b) Amendment of Social Security Act.—Section 210 of the Social Security Act is amended by adding at the end thereof the following new subsection:

"ALTERNATIVE STANDARDS FOR DETERMINING WHETHER INDIVIDUALS ARE NOT EMPLOYEES

"(p) Notwithstanding any other provision of this title, the rules of section 3508 of the Internal Revenue Code of 1954 shall apply and any reference in such section to chapter 2 or 21 of such Code shall be deemed to include a reference to this title.".

(c) Clerical Amendment.—The table of sections for chapter 25 is amended by adding at the end thereof the following new item:

"Sec. 3508. Alternative standards for determining for purposes of employment taxes whether individuals are not employees.".

SEC. 3. INFORMATION REPORTING REQUIREMENTS FOR PAYMENTS OF REMUNERATION FOR SERVICES AND DIRECT SALES.

(a) General Rule.—Subpart B of part III of subchapter A of chapter 61 (relating to information concerning transactions with other persons) is amended by inserting after section 6041 the following new section:

"SEC. 6041A. RETURNS REGARDING PAYMENTS OF REMUNERATION FOR SERVICES AND DIRECT SALES.

"(a) Returns Regarding Remuneration for Services.—If—

"(1) any service-recipient engaged in a trade or business pays in the course of such trade or business during any calendar year remuneration to any person for services performed by such person, and

"(2) the aggregate of such remuneration paid to such person during such calendar year is $600 or more,

then the service-recipient shall make a return, according to the forms or regulations prescribed by the Secretary, setting forth the aggregate amount of such payments and the name, address, and identification number of the recipient of such payments. For purposes of the preceding sentence, the term 'service-recipient' means the person for whom the service is performed.

"(b) Direct Sales of $5,000 or More.—

"(1) In general.—If—

"(A) any person engaged in a trade or business in the course of such trade or business during any calendar year sells consumer products to any buyer on a buy-sell basis, a deposit-commission basis, or any similar basis which the Secretary prescribes by regulations, for resale (by the buyer or any other person) in the home, and

"(B) the aggregate amount of the sales to such buyer during such calendar year is $5,000 or more,

then such person shall make a return, according to the forms or regulations prescribed by the Secretary, setting forth the aggregate amount of such sales and the name, address, and identification number of the buyer to whom such sales are made.

"(2) Election not to have subsection apply.—

"(A) In general.—Any person may elect, in such form and manner and at such time as the Secretary may prescribe by regulations, not to have this subsection apply with respect to returns required to be filed for any calendar year.

"(B) Effect of election.—If any person makes an election under subparagraph (A) for any calendar year—

"(i) subsection (a) shall be applied with respect to such person for such calendar year by substituting '$50' for '$600', and

"(ii) the requirements of subsection (g) shall apply with respect to such person.

"(3) Definitions.—For purposes of paragraph (1)—

"(A) a transaction is on a buy-sell basis if the buyer performing the services is entitled to retain the difference between the price at which the buyer purchases the product and the price at which the buyer sells the product as part or all of the buyer's remuneration for the transaction, and

"(B) a transaction is on a deposit-commission basis if the buyer performing the services is entitled to retain the deposit paid by the consumer in connection with the transaction as part or all of the buyer's remuneration for the transaction.

"(c) Certain Services Not Included.—No return shall be required under subsection (a) or (b) if a statement with respect to such services is required to be furnished under section 6051, 6052, or 6053.

"(d) Applications to Governmental Units.—In the case of any payment by the United States, a State or political subdivision thereof, or the District of Columbia, or any agency or instrumentality of any one or more of the foregoing, any return under this section shall be made by the officer or employee having control of the payment or appropriately designated for the purpose of making such return.

"(e) Statements To Be Furnished to Persons With Respect to Whom Information Is Required To Be Furnished.—Every person required to make a return under subsection (a) or (b) shall furnish to each person whose name is required to be set forth in such return a written statement showing—

"(1) the name, address, and identification number of the person required to make such return, and

"(2) the aggregate amount of payments (or sales) to the person required to be shown on such return.

The written statement required under the preceding sentence shall be furnished to the person on or before January 31 of the year following the calendar year for which the return under subsection (a) was made.

"(f) Recipient To Furnish Name, Address, and Identification Number; Inclusion on Return.—

"(1) Furnishing of information.—Any person with respect to whom a return or statement is required under this section to be made by another person shall furnish to such other person his name, address, and identification number at such time and in such manner as the Secretary may prescribe by regulations.

"(2) Inclusion on return.—The person to whom an identification number is furnished under paragraph (1) shall include such number on any return which such person is required to file under this section and to which such identification number relates.

"(g) Returns of Direct Sellers Who Elect Not to Have Subsection (b) Apply.—

"(1) Returns.—If any person elects not to have subsection (b) apply with respect to any calendar year, such person shall make a return, according to the forms or regulations prescribed by the Secretary, setting forth the name and identification number of each buyer with respect to whom such person had aggregate sales described in subsection (b)(1) of $50 or more during the calendar year.

"(2) Statements to be furnished to person with respect to whom information is required to be furnished.—Every person making a return under paragraph (1) shall furnish, not later than January 31 of the year following the year for which such return is made, to each person whose name is set forth in the return a written statement showing the name, address, and identification number of the person making such return.".

(b) Penalties.—

(1) In general.—Subchapter A of chapter 68 (relating to additions to tax and additional amounts) is amended by redesignating section 6660 as section 6661 and by inserting after section 6659 the following new section:

"SEC. 6660. ADDITIONAL AMOUNTS WITH RESPECT TO RETURNS REQUIRED BY SECTION 6041A.

"(a) Failure To File and Incorrect Filings.—

"(1) In general.—In the case of each failure—

"(A) to make the return required by subsection (a) or (b) of section 6041A, or to furnish the statement required by section 6041A (e), with respect to any person on the date prescribed therefor (determined with regard to any extension of time for filing), or

"(B) to include on any return or statement described in subparagraph (A) the entire amount required to be included,

there shall be paid (upon notice and demand by the Secretary and in the same manner as tax) with respect to each such failure, unless it is shown that such failure is due to reasonable cause and not due to willful neglect, by the person failing to make such return, to furnish such statement, or to include such amount, the amount determined under paragraph (2).

"(2) Determination of amount.—

"(A) In general.—The amount determined under this paragraph shall be equal to the product of—

"(i) 1 percent for each month (or portion thereof) during which the failure continues (but not in excess of 5 percent), multiplied by

"(ii) the amount required to be included in the return or statement involved in such failure which was not included in such return or statement.

"(B) Minimum penalty.—In the case of a failure described in paragraph (1)(A), the amount determined under this paragraph shall not be less than $50.

"(C) Special rules for direct sellers.—In the case of a failure involving—

"(i) a return under section 6041A(b), or

"(ii) a statement under section 6041A(e) relating to such return,

subparagraph (A)(i) shall be applied by substituting '⅕ of 1 percent' for '1 percent' and '1 percent' for '5 percent'.

"(b) SURCHARGE IN THE CASE OF MULTIPLE VIOLATIONS.—

"(1) IN GENERAL.—There shall be added to any amount required to be paid under subsection (a) by any person with respect to any failure during any calendar year an amount equal to the percentage of such required amount determined in accordance with the following table:

"If the noncompliance percentage is—.	The percentage is—
Over 10 but 20 or less	100
Over 20	200.

"(2) MINIMUM NUMBER OF FAILURES BEFORE SURCHARGE IMPOSED.—No amount shall be added under paragraph (1) if the total number of failures by the person with respect to which an amount is required to be paid under subsection (a) for any calendar year is 10 or less.

"(3) NONCOMPLIANCE PERCENTAGE DEFINED.—For purposes of paragraph (1), the term 'noncompliance percentage' means a percentage equal to the ratio which the total number of failures of such person under subsection (a) for any calendar year bears to the total number of returns and statements which are required to be filed by such person under section 6041A during such calendar year.".

(2) PENALTY FOR FAILURE TO FILE SECTION 6041A(g) RETURN OR STATEMENT.—

(A) RETURNS.—Paragraph (2) of section 6652(a) (relating to returns relating to information at source payments, etc.) is amended to read as follows:

"(2) to make a return required by—

"(A) section 6041A(g) (relating to returns of direct sellers), or

"(B) section 6052(a) (relating to reporting payment of wages in the form of group-term life insurance).".

(B) STATEMENTS.—Section 6678(1) (relating to failure to furnish certain statements) is amended—

(i) by inserting "6041A(g)(2)," after "6041(d),", and

(ii) by inserting "6041A(g)(1)," after "6041(a),".

(3) STATUTE OF LIMITATIONS.—Section 6501(c) (relating to exceptions on limitations on assessment and collection) is amended by adding at the end thereof the following new paragraph:

"(8) FAILURE TO FILE OR FURNISH CERTAIN INFORMATION RETURNS.—Except as provided in paragraphs (1), (2), and (4), in the case of a failure to file or furnish a return or statement described in section 6041A, the tax under section 6660 may not be assessed, or a proceeding in court for the collection of such tax may not be begun without assessment, more than 6 years after the last date for filing such return or statement (determined with regard to any extension of time for filing).".

(c) WITHHOLDING OF TAX IN CERTAIN CASES.—Section 3402 (relating to withholding at source) is amended by adding at the end thereof the following new subsection:

"(s) EXTENSION OF WITHHOLDING TO CERTAIN PERSONS WHERE IDENTIFYING NUMBER MISSING OR INCORRECT.—

"(1) IN GENERAL.—If, in the case of a return described in subsection (a) of section 6041A, a qualified payee with respect to such return—

"(A) fails to provide a required identification number, or

"(B) provides an incorrect required identification number.

then the person required to file such return shall deduct and withhold from the amount of any payment required to be included in such return a tax equal to 15 percent of such amount.

"(2) AMOUNTS AND PERIODS OF WITHHOLDING.—

"(A) FAILURE TO SUPPLY NUMBER.—In the case of a failure described in paragraph (1)(A), the tax under paragraph (1) shall be deducted and withheld on any amount which is paid during any period during which a required identification number has not been provided (or during the 7-day period following such period).

"(B) INCORRECT IDENTIFICATION NUMBER.—In the case of an incorrect required identification number described in paragraph (1)(B), the Secretary shall notify the qualified payee that the qualified payee has 60 days to correct such number. If the qualified payee fails to correct within such 60-day period, the tax under paragraph (1) shall be deducted and withheld on any amount which is paid during the period—

"(i) beginning on the 8th day after the date the Secretary notifies the payor that the payee has an incorrect required identification number, and

"(ii) ending on the 8th day after the date the Secretary notifies the payor that such number has been corrected.

"(C) MINIMUM AMOUNT REQUIRED BEFORE WITHHOLDING.—No amount shall be deducted and withheld with respect to any payment required to be included in any return described in paragraph (1) unless the aggregate amount of such payment and all previous payments during the period for which such return covers exceeds the minimum amount which must be paid before such return is required to be filed.

"(3) DEFINITIONS AND SPECIAL RULES.—For purposes of this subsection—

"(A) QUALIFIED PAYEE.—The term 'qualified payee' means any person with respect to whom a payment is made if such payment is required to be included in any return described in paragraph (1), other than—

"(i) the United States or any agency or instrumentality thereof,

"(ii) any State or political subdivision thereof,

"(iii) an organization which is exempt from taxation under section 501(a), or

"(iv) any foreign government or international organization.

"(B) REQUIRED IDENTIFICATION NUMBER.—The term 'required identification number' means an identifying number which is required to be furnished under section 6041A(f)(1).

"(C) AMOUNTS FOR WHICH WITHHOLDING OTHERWISE REQUIRED.—No tax shall be deducted or withheld under this subsection with respect to any amount for which withholding is otherwise required by this title.

"(D) APPLICATION FOR NUMBERS.—The Secretary shall prescribe regulations for exemptions from the tax imposed by paragraph (1) during periods during which a person is waiting for receipt of a required identification number.

"(E) AMOUNTS REQUIRED TO BE INCLUDED IN RETURNS.—The determination as to whether a payment is required to be included in any return described in paragraph (1) shall be made without regard to any minimum amount which must be paid before a return is filed.

"(F) COORDINATION WITH OTHER SECTIONS.—For purposes of this chapter (other than subsection (n)), and so much of subtitle F (other than section 7205) as relates to this chapter, payments of amounts to a qualified payee shall be treated as if they were wages paid by an employer to an employee.".

(d) APPLICATION WITH SECTION 6041.—Subsection (a) of section 6041 (relating to information at source) is amended by inserting "6041A (a) or (b)" before "6042(a)(1), 6044(a)(1)".

(e) CLERICAL AMENDMENTS.—

(1) The table of sections for subpart B of part III of subchapter A of chapter 61 is amended by inserting after the item relating to section 6041 the following new item:

"Sec. 6041A. Returns regarding payments of remuneration for services and direct sales."

(2) The table of contents for subchapter A of chapter 68 is amended by striking out the last item and inserting in lieu thereof the following:

"Sec. 6660. Additional amounts with respect to returns required by section 6041A.

"Sec. 6661. Applicable rules.".

SEC. 4. EFFECTIVE DATES.

(a) ALTERNATIVE STANDARDS.—

(1) IN GENERAL.—Except as provided in this subsection, the amendemnts made by section 2 shall apply to service performed after the earlier of—

(A) June 30, 1982, or

(B) the date of the enactment of this Act.

(2) TRANSITIONAL RULES.—

(A) WRITTEN CONTRACTS.—A written contract shall be required under section 3508(b)(4) of the Internal Revenue Code of 1954, as added by section 2, only with respect to services performed after December 31, 1982.

(B) PERSONS TREATED AS EMPLOYERS.—If, with respect to service performed after the date determined under paragraph (1) and before January 1, 1983—

(i) the requirements of section 3508(b) of such Code, as so added, are met with respect to such service, and

(ii) the person performing such service was treated as an employee for purposes of such Code,

then the provisions of section 3508 of such Code, as so added, shall not apply with respect to such service.

(3) EXCLUSIONS FROM GROSS INCOME.—The provisions of section 3508(e)(2) of such Code, as so added, shall apply to amounts paid after the date determined under paragraph (1).

(b) REPORTING REQUIREMENTS AND PENALTIES.—

(1) IN GENERAL.—The amendments made by subsections (a), (b)(1), (b)(3), (d), and (e) of section 3 shall apply to payments made after December 31, 1982.

(2) DIRECT SALES.—The provisions of section 6041A(b) of such Code (as added by section 3), and the amendments made by subsection (b)(2), shall apply to sales described in such section 6041A(b) made after December 31, 1983.

(c) WITHHOLDING.—The amendments made by section 3(c) shall apply to payments made after December 31, 1983.●

By Mr. DODD (for himself and Mr. Tsongas):

S. 2370. A bill to amend the Foreign Assistance Act of 1961 to require specific authorization for the provision of

additional military personnel, security assistance, or defense articles for, or for carrying out certain intelligence activities with respect to, any country in Central America, and for other purposes; to the Committee on Foreign Relations.

FOREIGN ASSISTANCE TO CENTRAL AMERICA

● Mr. DODD. Mr. President, for myself and the distinguished Senator from Massachusetts Mr. TSONGAS, I introduce today a bill designed to insure full congressional participation in the decisionmaking process regarding U.S. involvement in Central America.

I ask that the bill be appropriately referred and that it be printed in the RECORD, together with a full explanation of the measure as contained in a "Dear Colleague" which Senator TSONGAS and I circulated March 18, 1982.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S. 2370

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That chapter 1 of part III of the Foreign Assistance Act of 1961 is amended by adding at the end thereof the following new section:

"SEC. 620F. SPECIFIC AUTHORIZATION REQUIRED FOR ADDITIONAL MILITARY PERSONNEL, SECURITY ASSISTANCE, OR DEFENSE ARTICLES FOR, OR CERTAIN INTELLIGENCE ACTIVITIES WITH RESPECT TO, ANY COUNTRY IN CENTRAL AMERICA.—(a) Notwithstanding any other provision of law—

"(1) no United States military personnel may be introduced into or assigned or detailed to a country in Central America if such introduction, assignment, or detail would cause the number of United States military personnel present in a country to exceed the number of United States military personnel present in such country 30 days before the date of enactment of this section;

"(2) no security assistance may be furnished, directly or indirectly, for a country in Central America or for any organization, group, movement, or individual in such country;

"(3) no defense article in the stocks of the Department of Defense may be leased under chapter 6 of the Arms Export Control Act or loaned under chapter 2 of part II of this Act to a country in Central America or to any organization, group, movement, or individual in such country; and

"(4) no intelligence or intelligence-related activity, other than an activity intended solely for the collection of necessary intelligence, may be carried out, directly or indirectly, with respect to a country in Central America;

unless—

"(A) there is specific authorization for the provision of such personnel, assistance, or article, or for the carrying out of such activities;

"(B) the Congress has declared war; or

"(C) in the case of the introduction of United States military personnel into hostilities or into situations where imminent involvement in hostilities is clearly indicated by the circumstances (other than under clause (A) or (B)), such introduction is necessary to defend the United States from attack or to evacuate United States citizens or nationals from a country in Central America.

"(b) The Congress hereby expresses its determination to consider in the most expeditious manner practicable any request by the President for specific authorization under this section.

"(c) For purposes of this section—

"(1) the term 'Central America' means Guatemala, Honduras, El Salvador, Nicaragua, and Costa Rica;

"(2) the term 'security assistance' means—

"(A) assistance under chapter 2 (military assistance), assistance under chapter 4 (economic support fund assistance), chapter 5 (military education and training), or chapter 6 (peacekeeping operations) of part II of this Act;

"(B) sales of defense articles or services, extensions of credits (including participations in credits) and guarantees of loans under the Arms Export Control Act;

"(C) any license in effect with respect to the export of defense articles or defense services to or for the armed forces, police, intelligence, or other internal security forces of a foreign country under section 38 of the Arms Export Control Act; or

"(D) military assistance or any assistance described in clause (A), (B), or (C), which is provided under section 614 of this Act without regard to any provision of this Act or of the Arms Export Control Act;

"(3) the term 'specific authorization' means—

"(A) in the case of the provision of personnel, security assistance, or defense articles, the enactment of legislation which authorizes and appropriates (or otherwise provides) funds or otherwise establishes the level of program activity and which—

"(i) approves of an activity, program, project, operation, or country with respect to which such personnel, assistance, or article is proposed to be made available, and which approves of the number of such personnel, amount of such assistance, or value of such article, as justified by the President in his presentation materials transmitted to the Congress; or

"(ii) expressly provides for the availability of such personnel, assistance, or article only for a particular country and only in certain numbers of personnel, certain amounts of assistance, or certain valuation of articles; or

"(B) in the case of any intelligence or intelligence-related activity (other than an activity intended solely for the collection or necessary intelligence), the specific approval by the Committee on Foreign Relations, the Select Committee on Intelligence, and the Committee on Appropriations of the Senate and the Committee on Foreign Affairs, the Permanent Select Committee on Intelligence, and the Committee on Appropriations of the House of Representatives for the carrying out of such activity in a particular country in Central America.

"(4) the term 'United States military personnel' means members of the Armed Forces of the United States, including members of the Armed Forces participating in any multinational force, and other personnel of the Department of Defense other than such members or personnel who are required for the security of the diplomatic mission and consular posts of the United States in a country.

"(d) The provisions of this section shall terminate two years after the date of enactment of this section.".

COMMITTEE ON FOREIGN RELATIONS,
Washington, D.C., March 18, 1982.

DEAR COLLEAGUE: There is no question that the American public has become increasingly concerned about the direction of the Administration's policy toward the nations of Central America, both individually and collectively. And it is very clear that the public fully expects the United States Congress to fulfill its institutional responsibility by responding to this concern and by providing a national forum where this policy can be seriously considered and debated.

Because we share this concern and because we firmly believe in the need to respond to it, we have drafted the enclosed legislative proposal the purpose of which is to ensure full Congressional participation in the development of United States policy toward our Central American neighbors. In broad outline, this proposal will require, upon enactment, and for two years thereafter, prior Congressional authorization for sending U.S. military personnel or furnishing U.S. military or security assistance to the Central American nations. In addition, it will require prior approval of any planned or continuing covert or paramilitary-related activity conducted in or with respect to Central America.

This proposal is purposefully designed to address the Administration's apparent militaristic approach to Central America, its seemingly open-ended military commitment to El Salvador and its determination, if press reports are accurate, to undermine or destabilize the Government of Nicaragua. This proposal, in our view, is a counterweight to the Administration's vow to rule out nothing in its dealing with Central America and its intense preoccupation with Soviet-Cuban involvement in the region. The Congress must play a more active role in redirecting a policy that has become as confused as it is dangerous.

Not surprisingly, the public, no less than our strongest and closest allies, sense this confusion and danger and are asking that the Administration's policy be carefully scrutinized and evaluated at each step along the way. And Congress has the clear-cut Constitutional responsibility to respond and to guarantee a full and complete debate on the role of the United States in Central America.

In the final analysis, this is nothing more or less than what our system of checks and balances was designed to accomplish. And with respect to the United States role in Central America, we are determined to make the system work. We will do so by offering the legislative proposal described above as an amendment to the Administration's Caribbean Basin Initiative, which will be submitted to the Congress shortly.

The principal features of the bill are as follows:

1. Prior specific authorization by Congress of all security assistance programs for the nations of Central America. This would include the Foreign Military Sales Program, the Economic Support Fund Program, the Military Assistance Program, the International Military Education and Training Program, and leases and licenses of defense equipment.

2. Prior specific authorization by Congress of any security assistance provided under Special Presidential Authority (Sec. 614 of the Foreign Assistance Act) and the Defense Stockpile Drawdown authority (Sec. 506 of the Foreign Assistance Act) for Central America.

3. Prior specific authorization by Congress of any reprogramming request for security assistance for Central America.

4. Prior specific authorization by Congress of any defense personnel dispatched to Central America above current levels.

5. Prior specific approval by six Congressional Committees (House Foreign Affairs, Appropriations, Intelligence and Senate Foreign Relations, Appropriations, and Intelligence) of any planned or continuing covert action in Central America.

6. The bill does not affect the President's authority to protect the security of American lives and property in Central America.

7. The bill applies to only Central America (Costa Rica, El Salvador, Guatemala, Honduras and Nicaragua) and the provisions of it will expire two years after enactment.

In summary, then, we see this proposal as a temporary, but necessary, measure to ensure full Congressional partnership in the development of U.S. policy toward Central America at this critical juncture in our relations with that region. In offering this proposal, we wish to emphasize that it is of limited duration and limited scope. It applies only to Central America and contains no prohibition on U.S. involvement in the region. Rather, it mandates Congressional participation in determining the nature and extent of our involvement.

Sincerely,

Christopher J. Dodd,
U.S. Senator.
Paul E. Tsongas,
U.S. Senator.●

By Mr. SASSER (for himself, Mr. Inouye, Mr. Andrews, and Mr. Johnston):

S. 2371. A bill to amend the Internal Revenue Code of 1954 to allow a credit against tax for contributions and payments to sheltered workshops; to the Committee on Finance.

SHELTERED WORKSHOP TAX CREDIT ACT OF 1982

Mr. SASSER. Mr. President, I rise today to introduce S. 2371, the Sheltered Workshop Tax Credit Act of 1982. I introduce this legislation in order to help the American business community and sheltered workshops throughout the country form a close working relationship that will help sheltered workshops grow and expand in the years ahead.

Before I briefly describe this legislation, let me first say a few words about sheltered workshops and their importance to handicapped individuals.

In my judgment, sheltered workshops and rehabilitation centers represent some of the finest examples of community caring and self-help that exist today. They are beacons of hope for thousands of handicapped individuals whose indomitable spirit is helping them become productive members of our society.

These institutions extend a helping hand and a healthy hope to the handicapped. They are workplaces which respect the individual dignity of handicapped individuals.

In short, the 4,400 workshops and rehabilitation centers throughout this Nation are more than just places of work. They are places of caring, compassion and love. They are places where the individual self-worth of handicapped Americans is renewed on a daily basis.

In Bristol, Tenn., for example, we have a very successful rehabilitation center: 170 people come there every day in order to learn work skills and contribute in their own special way to the world of work.

I understand that there are 50 more people on the waiting list to be accepted to the center. I am told that if the center were fully expanded, it could serve some 300 individuals.

But the success of sheltered workshops cannot be measured in dry statistics. It is measured by the day-to-day work that they do in providing training and rehabilitation for the handicapped.

Sheltered workshops and regional centers have had a phenomenal growth in this country. In 1961, there were 541 workshops which served about 30,000 individuals. Now we have 4,431 workshops, and they employ some 198,000 workers.

In Tennessee alone there are more than 100 workshops and rehabilitation centers working with handicapped individuals day in and day out.

But I do not have to remind my colleagues that times often remain difficult for the handicapped. Our country and our State are being rocked by high unemployment, high interest rates, and a lack of economic growth. And this year we may see Federal vocational rehabilitation funds reduced by a third, from $925 million to about $625 million.

Federal budget cuts and a declining economy place the handicapped at a disadvantage.

So we must continue to seek alternative ways of keeping sheltered workshops and rehabilitation centers thriving in the years ahead.

That is why I am introducing the Sheltered Workshop Tax Credit Act of 1982. This legislation will provide a permanent business tax credit for contributions to sheltered workshops effective January 1, 1981.

It will permit businesses to contribute up to $5,000,000 per corporation to these centers and reduce their tax liability on a dollar-for-dollar basis. It will permit small and large businesses to get the maximum benefit for their contributions to a sheltered workshop.

With this legislation, workshops and rehabilitation centers would be able to increase their fundraising activities at the local level.

Initial estimates by the Joint Taxation Committee indicate that my legislation could help assure as much as $100 to $150 million in increased business contributions to sheltered workshops annually.

I hope that American business will continue to work with the handicapped so that the handicapped can continue to contribute their skills and spirits to our economy.

Mr. President, I am happy to note that S. 2371 has already received a strong show of support in Tennessee. The legislation has been endorsed by the Bristol Regional Rehabilitation Center in Bristol, Tenn.; the Sunshine Sheltered Workshop of Knoxville, Tenn.; Helping Hands of Hawkins County, Tenn.; the Michael Dunn Center of Kingston, Tenn.; the Tri-Center Adult Enrichment Center of Lexington, Tenn.; and the Tennessee State Department of Finance and Administration. I have also received letters of commendation for S. 2371 by several workshops in the neighboring State of Virginia.

Mr. President, I ask unanimous consent that letters from the Bristol Regional Rehabilitation Center and the Tennessee State Department of Administration in support of S. 2371 be printed at this point in my remarks.

There being no objection, the letters were ordered to be printed in the Record, as follows:

Bristol Regional
Rehabilitation Center, Inc.,
Bristol, Tenn., April 6, 1982.

Senator Jim Sasser,
Russell Building,
Washington, D.C.

Dear Senator Sasser: It was very good to have you with us last Friday and to know of your interest in the handicapped citizens of our state and county.

The legislation you propose to introduce on April 13, 1982, is most exciting. I believe that it will assist sheltered workshops and industry alike by further strenghening the natural bond that exists between them. I also believe that it answers the call of the current administration to find new and creative ways to solve our problems when possible at a local level. Certainly, it has the advantage of keeping local dollars in the local community thus creating more employment and training opportunities for our handicapped fellow citizens.

Again, I would like to thank you for taking the initiative on this most important matter. It is most personally gratifying to me and to all connected with the Bristol Regional Rehabilitation Center.

I wish you all sorts of success and stand ready to help in any way necessary.

Sincerely,

Welthy H. Soni,
Director.

Department of Finance
and Administration,
Nashville, Tenn., February 19, 1982.

Hon. James R. Sasser,
Russell Senate Building,
Washington, D.C.

Dear Senator Sasser: I commend you for sponsoring legislation which would encourage business and industry to become more supportive of accredited sheltered workshops as a result of tax incentives.

I have reviewed the discussion draft of your bill and hope you will be successful in gaining its passage.

Sincerely,

Helen A. Allen,
Assistant Commissioner.

Mr. SASSER. Mr. President, I also want to acknowledge the contributions that many people in the Bristol Regional Rehabilitation Center have made to this legislation. In particular, Ms. Welthy Soni, director of the Bristol Center, Mrs. Gwen Fleming and Mrs. Dot Mattison, two distinguished members of the board of the Bristol Center, have been very helpful in developing this legislation.

I would also like to thank Mr. James Fransen of Senate legislative counsel for his assistance in drafting S. 2371.

I would also like to commend my distinguished colleagues, Senator INOUYE, Senator ANDREWS, and Senator JOHNSTON for their cosponsorship of S. 2371.

I have introduced many pieces of legislation in the Congress. I have introduced them all for the benefit of the people of Tennessee. But I can certainly say that this legislation will always have a special place in my heart, for it springs from the work and the love of all the good people in the Bristol Regional Rehabilitation Center and in sheltered workshops throughout Tennessee and the Nation.

Mr. President, I ask unanimous consent that immediately following my remarks, a summary of S. 2371 be printed along with the full text of S. 2371, the Sheltered Workshop Tax Credit Act of 1982.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

SUMMARY OF SHELTERED WORKSHOP TAX CREDIT ACT OF 1982

The bill provides for an income tax credit of up to $5,000,000 for contributions to sheltered workshops. There are 4,431 sheltered workshops in the country which assist some 198,163 workers.

The credit is not refundable. It is only good to the extent that the taxpayer has taxable income. (i.e. if a taxpayer has only $2 million in taxable income and takes the full $5 million contribution, he may only take a credit of $2,000,000.)

The bill provides for a 3 year carry-back and a 15 year carry-forward for the tax credit so that the credit can be spread over a number of years. Thus, in the above example, a corporation could take a $2 million credit in one year and then allocate the remaining $3 million dollars over the remaining time.

The bill provides that the credit may not be used by a "paper" or "shell" corporation that is controlled by another corporation which has made the maximum contribution. Only one credit may be used by a controlled group of corporations.

A business taxpayer may not use this credit and also take a deduction as a charitable contribution for the same contribution.

The tax credit is only good for contributions to "sheltered workshops" certified by the Department of Labor or workshops administered by State and local governments.

It is estimated that the bill would produce some $100 million to $150 million a year in additional business contributions to sheltered workshops throughout the country.

The bill would take effect on January 1 1982.

S. 2371

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) subpart A of part IV of subchapter A of chapter 1 of the Internal Revenue Code of 1954 (relating to credits allowable) is amended by inserting immediately before section 45 the following new section:

"SEC. 44H. CREDIT FOR PAYMENTS TO SHELTERED WORKSHOPS.

"(a) IN GENERAL.—There shall be allowed as a credit against the tax imposed by this chapter for the taxable year an amount equal to the aggregate amount of charitable contributions (within the meaning of section 170 (c)) of the taxpayer to a qualified sheltered workshop.

"(b) LIMITATIONS.—

"(1) MAXIMUM DOLLAR AMOUNT.—The amount of the credit allowed under subsection (a) with respect to any taxpayer shall not exceed $5,000,000.

"(2) LIABILITY FOR TAX.—

"(A) IN GENERAL.—The credit allowed by subsection (a) for any taxable year shall not exceed an amount equal to the tax imposed by this chapter for the taxable year, reduced by the sum of the credits allowed under a section of this subpart having a lower number designation than this section, other than credits allowable by sections 31, 39, and 43. For purposes of the preceding sentence, the term 'tax imposed by this chapter' shall not include any tax treated as not imposed by this chapter under the last sentence of section 53(a).

"(B) CARRYBACK AND CARRYOVER OF UNUSED CREDIT.—

"(i) ALLOWANCE OF CREDIT.—If the amount of the credit determined under this section for any taxable year exceeds the limitation provided under subparagraph (A) for such taxable year (hereinafter in this paragraph referred to as the 'unused credit year'), such excess shall be—

"(I) a sheltered workshop credit carryback to each of the 3 taxable years preceding the unused credit year, and

"(II) a sheltered workshop credit carryover to each of the 15 taxable years following the unused credit year.

and shall be added to the amount allowable as a credit by this section for such years. If any portion of such excess is a carryback to a taxable year ending before January 1, 1982, this section shall be deemed to have been in effect for such taxable year for purposes of allowing such carryback as a credit under this section. The entire amount of the unused credit for an unused credit year shall be carried to the earliest of the 18 taxable years to which (by reason of subclauses (I) and (II)) such credit may be carried, and then to each of the other 17 taxable years to the extent that, because of the limitation contained in clause (ii), such unused credit may not be added for a prior taxable year to which such unused credit may be carried.

"(ii) LIMITATION.—The amount of the unused credit which may be added under clause (i) for any preceding or succeeding taxable year shall not exceed the amount by which the limitation provided under subparagraph (A) for such taxable year exceeds the sum of—

"(I) the credit allowable under this section for such taxable year, and

"(II) the amounts which, by reason of this paragraph, are added to the amount allowable for such taxable year and which are attributable to taxable years preceding the unused credit year.

"(c) DEFINITIONS AND SPECIAL RULES.—For purposes of this section—

"(1) QUALIFIED SHELTERED WORKSHOP.—The term 'qualified sheltered workshop' means a sheltered workshop which—

"(A) is certified by the Department of Labor to provide for the employment of handicapped persons at special minimum wages pursuant to section 14(c) of the Fair Labor Standards Act of 1938, or

"(B) which is administered by a State or local government.

"(2) AGGREGATION OF EXPENDITURES.—

"(A) CONTROLLED GROUP OF CORPORATIONS.—In determining the amount of the credit under this section—

"(i) all members of the same controlled group of corporations shall be treated as a single taxpayer, and

"(ii) the credit (if any) allowable by this section to each such member shall be its proportionate share of the payments giving rise to the credit.

"(B) COMMON CONTROL.—Under regulations prescribed by the Secretary, in determining the amount of the credit under this section—

"(i) all trades or business (whether or not incorporated) which are under common control shall be treated as a single taxpayer, and

"(ii) the credit (if any) allowable by this section to each such person shall be its proportionate share of the increase in qualified research expenses giving rise to the credit.

The regulations prescribed under this subparagraph shall be based on principles similar to the principles which apply in the case of subparagraph (A).

"(3) ALLOCATIONS.—

"(A) PASSTHROUGH IN THE CASE OF SUBCHAPTER S CORPORATIONS, ETC.—Under regulations prescribed by the Secretary, rules similar to the rules of subsections (d) and (e) of section 52 shall apply.

"(B) ALLOCATION IN THE CASE OF PARTNERSHIPS.—In the case of partnerships, the credit shall be allocated among partners under regulations prescribed by the Secretary.

"(d) DENIAL OF DOUBLE BENEFIT.—No deduction or credit shall be allowed under any other provision of this chapter with respect to any amount for which a credit is allowed under subsection (a).".

(b)(1) Subparagraph (A) of section 55(c)(4) of the Internal Revenue Code of 1954 (relating to credits) is amended by inserting "44H(b)(2) (A)," before "53(b)".

(2) Subsection (c) of section 381 of such Code (relating to items of the distributor or transferor corporation) is amended by adding at the end thereof the following new paragraph:

"(30) CREDIT UNDER SECTION 44H.—The acquiring corporation shall take into account (to the extent proper to carry out the purposes of this section and section 44H, and under such regulations as may be prescribed by the Secretary) the items required to be taken into account for purposes of section 44H in respect of the distributor or transferor corporation.".

(3)(A) Section 383 of such Code (relating to special limitations on unused investment credits, work incentive program credits, new employee credits, alcohol fuel credits, foreign taxes, and capital losses), as in effect for taxable years beginning with and after the first taxable year to which the amendments made by the Tax Reform Act of 1976 apply, is amended—

(i) by inserting "to any unused credit of the corporation under section 44H(b)(2)(B)," after 44G(b)(2),", and

(ii) by inserting "SHELTERED WORKSHOP CREDITS," after "EMPLOYEE STOCK OWNERSHIP CREDITS," in the section heading.

(B) Section 383 of such Code (as in effect on the day before the date of the enactment of the Tax Reform Act of 1976) is amended—

(i) by inserting "to any unused credit of the corporation which could otherwise be carried forward under section 44H(b)(2)(B)," after "44G(b)(2),", and

(ii) by inserting "SHELTERED WORKSHOP CREDITS," after "EMPLOYEE STOCK OWNERSHIP CREDITS," in the section heading.

(C) The table of sections for part V of subchapter C of chapter 1 is amended by inserting "sheltered workshop credits," after "employee stock ownership credits," in the item relating to section 383.

(4) Subparagraph (C) of section 6511(d)(4) of such Code (defining credit carryback) is amended by striking out "and employee stock ownership credit carryback" and inserting in lieu thereof "employee stock ownership credit carryback, and sheltered workshop credit carryback".

(5) Section 6411 of such Code (relating to quick refunds in respect of tentative carryback adjustments) is amended—

(A) by striking out "or unused employee stock ownership credit" each place it appears and inserting in lieu thereof "unused employee stock ownership credit, or unused sheltered workshop credit";

(B) by inserting "by a sheltered workshop credit carryback provided by section 44H(b)(2)" after "by an employee stock ownership credit carryback provided in section 44G(b)(2)," in the first sentence of subsection (3);

(C) by striking out "or an employee stock ownership credit carryback from" each place it appears and inserting in lieu thereof "an employee stock ownership credit carryback, or a sheltered workshop credit carryback from"; and

(D) by striking out "research and experimental credit carryback)" in the second sentence of subsection (a) and inserting in lieu thereof "research and experimental credit carryback, or, in the case of a sheltered workshop credit carryback, to an investment credit carryback, a new employee credit carryback, a research and experimental credit carryback, or an employee stock ownership credit carryback)".

(c)(1) Subsection (b) of section 6096 of such Code (relating to designation of income tax payments to Presidential Election Campaign Fund) is amended by striking out "and 44G" and inserting in lieu thereof "44G, and 44H"

(2) The table of sections for subpart a of part IV of subchapter A of chapter 1 of such Code is amended by inserting after the item relating to section 44G the following new item:

"Sec. 44H. Credit for payments to sheltered workshops.".

(d) The amendments made by this section shall apply to taxable years beginning after December 31, 1981.

ADDITIONAL COSPONSORS

S. 1688

At the request of Mr. Specter, the Senator from Hawaii (Mr. Inouye), and the Senator from Alaska (Mr. Murkowski) were added as cosponsors of S. 1688, a bill to combat violent and major crime by establishing a Federal offense for continuing a career of robberies or burglaries while armed and providing a mandatory sentence of life imprisonment.

S. 1838

At the request of Mr. Proxmire, the Senator from Minnesota (Mr. Durenberger) was added as a cosponsor of S. 1838, a bill for the relief of Cesar Noel Orantes.

S. 1947

At the request of Mr. Weicker, the Senator from Florida (Mr. Chiles) was added as a cosponsor of S. 1947, a bill to improve Small Business access to Federal Procurement Information.

S. 2001

At the request of Mr. Hatch, the Senator from Iowa (Mr. Grassley), and the Senator from Wyoming (Mr. Simpson) were added as cosponsors of S. 2001, a bill to amend the Lanham Trademark Act to prohibit any State from requiring that a registered trademark be altered for use within such State and to encourage private enterprise with special emphasis on the preservation of small business.

S. 2043

At the request of Mr. Humphrey, the Senator from Oklahoma (Mr. Nickles) was added as a cosponsor of S. 2043, a bill to amend title 18, United States Code, to provide criminal penalties for the mailing of identification documents bearing a false birthdate.

S. 2048

At the request of Mr. Cranston, the Senator from Alabama (Mr. Heflin), the Senator from Louisiana (Mr. Long), and the Senator from Florida (Mrs. Hawkins) were added as cosponsors of S. 2048, a bill to amend title 38, United States Code, to restore eligibility for burial benefits in the case of certain veterans of war whose bodies are not claimed, and for other purposes.

S. 2061

At the request of Mr. Moynihan, the Senator from Nevada (Mr. Cannon) was added as a cosponsor of S. 2061, a bill to provide for the conservation, rehabilitation, and improvement of natural and cultural resources located on public and Indian lands, and for other purposes.

S. 2086

At the request of Mr. Metzenbaum, the Senator from Connecticut (Mr. Weicker) was added as a cosponsor of S. 2086, a bill to amend title II of the Social Security Act to provide for certain procedures to accompany reviews of continuing eligibility for disability insurance benefits.

S. 2124

At the request of Mr. Pressler, the Senator from Montana (Mr. Melcher) was added as a cosponsor of S. 2124, a bill to provide relief from honey imports.

S. 2149

At the request of Mr. Boren, the Senator from South Carolina (Mr. Hollings), the Senator from Hawaii (Mr. Inouye), the Senator from Montana (Mr. Baucus), and the Senator from Arkansas (Mr. Pryor) were added as cosponsors of S. 2149, a bill to provide for deferrals on repayment, and a moratorium on foreclosures, of Farmers Home Administration farm loans for borrowers temporarily unable to make payments due to circumstances beyond their control.

S. 2158

At the request of Mr. Danforth, the Senator from Maryland (Mr. Sarbanes), the Senator from Nebraska (Mr. Exon), the Senator from Oregon (Mr. Hatfield), the Senator from Ohio (Mr. Metzenbaum), the Senator from Kentucky (Mr. Huddleston), the Senator from South Carolina (Mr. Hollings), the Senator from Hawaii (Mr. Inouye), the Senator from Florida (Mrs. Hawkins), the Senator from Washington (Mr. Jackson), and the Senator from Kentucky (Mr. Ford) were added as cosponsors of S. 2158, a bill to amend title 23, United States Code, to authorize and direct the payment of an incentive grant for highway safety programs to any State in any fiscal year during which the statutes of the State include certain provisions relating to driving while intoxicated; to establish a national driver register, and for other purposes.

S. 2159

At the request of Mr. Danforth, the Senator from Kentucky (Mr. Ford) was added as a cosponsor of S. 2159, a bill to amend the Bankruptcy Act to provide that judgment debts resulting from a liability which is based on driving while intoxicated shall not be discharged.

S. 2218

At the request of Mr. D'Amato, the Senator from New York (Mr. Moynihan) was added as a cosponsor of S. 2218, a bill to provide for the development and improvement of the recreation facilities and programs of Gateway National Recreation Area through the use of funds obtained from the development of methane gas resources within the Fountain Avenue landfill site by the city of New York.

S. 2263

At the request of Mrs. Hawkins, the Senator from South Dakota (Mr. Abdnor), the Senator from Delaware (Mr. Biden), and the Senator from North Dakota (Mr. Andrews) were added as cosponsors of S. 2263, a bill to amend the Controlled Substances Act to provide increased penalties for illegal distribution of controlled substances in or adjacent to elementary and secondary schools.

S. 2297

At the request of Mr. HATCH, the Senator from Iowa (Mr. GRASSLEY), and the Senator from Alabama (Mr. DENTON) were added as cosponsors of S. 2297, a bill to amend title II, United States Code, to improve the protection for shopping centers and their tenants under the Bankruptcy Code.

SENATE JOINT RESOLUTION 159

At the request of Mr. ROTH, the Senator from Wyoming (Mr. SIMPSON) was added as a cosponsor of Senate Joint Resolution 159, a joint resolution entitled the "White House Conference on Productivity Act."

SENATE JOINT RESOLUTION 181

At the request of Mr. D'AMATO, the Senator from Hawaii (Mr. INOUYE), the Senator from Texas (Mr. BENTSEN), the Senator from Alabama (Mr. DENTON), the Senator from Connecticut (Mr. WEICKER), the Senator from Iowa (Mr. GRASSLEY), the Senator from Washington (Mr. JACKSON), the Senator from Alaska (Mr. MURKOWSKI), the Senator from California (Mr. CRANSTON), and the Senator from Colorado (Mr. ARMSTRONG) were added as cosponsors of Senate Joint Resolution 181, a joint resolution to authorize and designate the President to issue a proclamation designating April 25 through May 2, 1982, as "Jewish Heritage Week."

SENATE JOINT RESOLUTION 185

At the request of Mr. DOLE, the Senator from Mississippi (Mr. COCHRAN), the Senator from South Dakota (Mr. ABDNOR), the Senator from Missouri (Mr. DANFORTH), the Senator from South Dakota (Mr. PRESSLER), and the Senator from Texas (Mr. BENTSEN) were added as cosponsors of Senate Joint Resolution 185, a joint resolution to establish a national policy on exports of U.S. produced food and food products.

SENATE CONCURRENT RESOLUTION 62

At the request of Mr. HATCH, the Senator from Georgia (Mr. MATTINGLY) was added as a cosponsor of Senate Concurrent Resolution 62, a concurrent resolution to congratulate Hadassah, the Women's Zionist Organization of America on the celebration of its 70th anniversary.

SENATE CONCURRENT RESOLUTION 75

At the request of Mr. PRESSLER, the Senator from South Dakota (Mr. ABDNOR) was added as a cosponsor of Senate Concurrent Resolution 75, a concurrent resolution to preserve fiscal year 1980 impact funding levels, with adjustments for inflation.

SENATE RESOLUTION 299

At the request of Mr. THURMOND, his name was added as a cosponsor of Senate Resolution 299, a resolution to designate May 4, 1982, as "International Franchise Day."

SENATE RESOLUTION 352

At the request of Mr. METZENBAUM, the Senator from Rhode Island (Mr. PELL), and the Senator from Hawaii (Mr. INOUYE) were added as cosponsors of Senate Resolution 352, a resolution to oppose the elimination of or reduction in the cost-of-living adjustments (COLA's) in social security benefits prior to the time that the National Commission on Social Security Reform has reported its findings and recommendations.

SENATE RESOLUTION 353

At the request of Mr. BUMPERS, the Senator from Tennessee (Mr. SASSER), the Senator from Rhode Island (Mr. CHAFEE), and the Senator from Maryland (Mr. SARBANES) were added as cosponsors of Senate Resolution 353, a resolution expressing support for preventive health programs.

AMENDMENT NO. 1244

At the request of Mr. MOYNIHAN, his name was added as a cosponsor of amendment No. 1244 proposed to Senate Resolution 20, a resolution providing for television and radio coverage of proceedings of the Senate.

AMENDMENT NO. 1349

At the request of Mr. SYMMNS, The Senator from Florida (Mrs. HAWKINS) was added as a cosponsor of amendment No. 1349 proposed to Senate Resolution 20, a resolution providing for television and radio coverage of proceedings of the Senate.

SENATE CONCURRENT RESOLUTION 80—CONCURRENT RESOLUTION RELATING TO INTEREST RATES

Mr. EXON submitted the following concurrent resolution which was referred to the Committee on Banking, Housing, and Urban Affairs:

S. CON. RES. 80

Whereas real interest rates (the difference between given rates and the underlying inflation rate) are excessively high by historical standards;

Whereas these high interest rates have been a major cause of our country's current deep recession, and a sustained economic recovery is unlikely without lower interest rates;

Whereas high interest rates have been a cause of increased unemployment, and have hurt businesses which are particularly sensitive to high interest rates, including the housing industry and thrift institutions, the automobile industry, farmers, and others;

Whereas the Federal budget deficit is becoming larger in part because of rapidly increasing net interest costs;

Whereas American exports, including agricultural exports, are suffering because our own high interest rates have diminished the buying power of foreign currencies and such high interest rates threaten a deepening worldwide recession;

Whereas lower real interest rates in our country would allow for an economic recovery, reduce Federal deficits through lower net interest costs and greater economic growth, help interest-sensitive businesses and industries, increase export demand, and provide for better relations with our allies.

Whereas interest rates are directly affected by the money supply targets set and observed by the Board of Governors of the Federal Reserve System; and

Whereas the Board of Governors of the Federal Reserve System is subject to the direction of Congress: Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That it is the sense of the Congress that—

(1) the Board of Governors of the Federal Reserve System shall increase 1982 monetary targets to encourage interest rates to fall;

(2) the Board of Governors of the Federal Reserve System and the Administration shall work together to set targets for the remainder of 1982 which are consistent with economic recovery and a fiscal policy which provides for a balanced budget by no later than the mid-1980's; and

(3) if fiscal policy or new economic conditions require a change from the direction set forth by this resolution, the Committees on the Budget of the Senate and the House of Representatives, the Committee on Banking, Housing, and Urban Affairs of the Senate, and the Committee on Banking, Finance and Urban Affairs of the House of Representatives shall be so advised by the President or the Board of Governors of the Federal Reserve System.

SEC. 2. The Secretary of the Senate shall transmit a copy of this resolution to the Board of Governors of the Federal Reserve System and the President.

Mr. EXON. Mr. President, today I am offering what I believe is a most important concurrent resolution which deals with high interest rates.

The resolution directs the Board of Governors of the Federal Reserve, which under our system of government is responsible to Congress, to increase its monetary targets for 1982 to encourage interest rates to fall. The resolution directs the Board of Governors of the Federal Reserve and the administration to work together to set targets for the remainder of 1982 which are consistent with economic recovery and a fiscal policy which provides for a balanced budget by no later than the mid-eighties.

Action by Congress along these lines is needed right now. Although I am convinced that the only long-term solution to our economic difficulties is to change fiscal policy to match income with outgo, in the short-term passing a resolution of this nature is one thing we can do to give our economy a chance to begin to recover yet this year.

Mr. President, it is becoming more and more obvious with each day that passes that any new and more intensive constriction of the money supply will result in absolutely strangling a 1982 economic recovery. Yet with the current targets a further tightening is almost certain to happen. The risks of Congress inaction are far greater than any risks which would be associated with the passage of this concurrent resolution. This resolution deals only with 1982, and the risk of this action refueling the fires of inflation is small compared to the risk of sliding further into an already worsening recession.

Furthermore, this resolution calls upon the Federal Reserve Board and the administration to work together on setting new 1982 monetary targets, so that monetary policy and fiscal policy will be coordinated.

Mr. President, the time has come for Congress to take economic matters into its own hands. The ultimate responsibility for not only fiscal policy, but also monetary policy, rests with Congress. I urge my colleagues to consider and enact this resolution.

AMENDMENTS SUBMITTED FOR PRINTING

ENERGY POLICY AND CONSERVATION—S. 2332

AMENDMENT NO. 1354

(Ordered to be printed and referred to the Committee on Energy and Natural Resources.)

Mr. JACKSON submitted an amendment intended to be proposed by him to the bill (S. 2332) to extend the expiration date of section 252 of the Energy and Policy Conservation Act.

● Mr. JACKSON. Mr. President, on March 31, 1982, the Senate passed S. 1937, which extended the antitrust immunities provision in section 252(j) of the Energy Policy and Conservation Act for 60 days. The bill was enacted on April 1, 1982, as Public Law 97-163. This act enables oil companies to participate in the international energy program without violating U.S. antitrust laws.

S. 1937, as reported, extended this immunity from April 1, 1982, until June 30, 1985. I was prepared to offer an amendment on the floor in the nature of a substitute to S. 1937, which would not have disturbed the extension until June 30, 1985, but which would have added other matters related to emergency preparedness. However, because the leadership was unable to obtain unanimous consent to consider these and other amendments, the Senate agreed to simply provide for a 60-day extension of the antitrust immunity. On April 1, Senator McClure introduced S. 2332 which would extend the antitrust immunity until July 1, 1983. Therefore, the Senate will again face this issue in May.

Today, I am introducing an amendment to S. 2332, which is essentially the same amendment which I intended to offer to S. 1937.

Mr. President, this amendment has its roots in the President's veto message which he submitted to the Senate when he vetoed S. 1503, the Standby Petroleum Allocation Act. The President vetoed S. 1503 for a number of reasons, but principal among them was his contention that first, he already has ample authorities under existing law to respond to a petroleum supply disruption, and second, the strategic petroleum reserve will form the backstop for our economy in the event of a disruption. His veto message said:

> Today I have ample powers to take the steps necessary to protect national security, meet our treaty obligations and assure essential public health and safety functions.

I have already described to my colleagues in the debate over S. 1503 why there is substantial doubt as to whether the President in fact has sufficient authorities to cope with a severe petroleum supply interruption. I cited in particular an internal memorandum of the Cabinet Council that indicated that even the Justice Department and Department of Energy advocated the enactment of additional emergency authorities. Nevertheless, it is imperative that the Government develop contingency plans to implement whatever authorities do exist. We cannot wait until the crisis hits to begin planning what to do. Yet, in hearings before the Committee on Energy and Natural Resources, the Assistant Secretary in charge of emergency preparedness testified that detailed contingency plans do not exist yet. Therefore, the legislation that I am introducing would require the President to submit to Congress by September 1, 1982, a report describing his authorities to respond to a petroleum supply disruption.

In addition, the President must submit in his report comprehensive contingency plans by which he would implement the authorities under existing law. Mr. President, I would emphasize that nothing in my amendment would provide any petroleum allocation authority to the President.

The second objective of this amendment is to require the President to take advantage of the current glut of oil on the world market and to establish an aggressive effort to fill the strategic petroleum reserve. In his veto message on S. 1503, the President said:

> The current world oil situation, with declining prices and ample supplies, provides the best opportunity for future preparedness. This is why the administration continues to add to the Strategic Petroleum Reserve as fast as permanent storage becomes available.

The President used the term "permanent storage" as a qualifier because in fact the SPR program is not seeking to buy oil in any significant quantities right now, despite the glut of oil on the market at rock-bottom prices. The oil already under contract for delivery to the SPR is sufficient to fill the available permanent storage capacity. In hearings before the Committee on Energy and Natural Resources, witness after witness has testified that there is abundant storage capacity available in the private sector at very attractive rates which the Government could lease as interim storage and fill with oil while the permanent storage facilities are under construction. Not only could we achieve 500 million barrels in storage approximately 2 years earlier than under existing plans, we could very well save money in the process. The spot price of OPEC crude oil is about $5 per barrel less than the contract price for OPEC crude. Unless we turn to interim storage we cannot take advantage of this bargain on the spot market.

My amendment would require the President to fill the SPR at 300,000 barrels per day until 500 million barrels are in storage. Current law requires the President "to seek to fill" at 300,000 barrels per day until 750 million barrels are in storage.

I should hasten to say that I believe that current law would permit the President to lease facilities for temporary storage of SPR oil. My intent with this amendment is to clarify existing law so that no one can hide behind arguments that there are legal impediments to the use of interim storage as a means of accelerating the rate of SPR oil procurement.

In addition, the amendment would require a 300,000 barrel per day fill rate until 500 million barrels are in storage. Existing law requires the President "to seek to fill" at 300,000 barrels per day until 750 million barrels are in storage. In changing the 750 million to 500 million barrels, there is no intent on my part to imply that the SPR should ultimately contain less than 750 million barrels or even less than 1 billion barrels, which was the original size visualized in 1975. Rather, a 500 million barrel SPR is the minimum size national reserve that we should achieve as soon as possible. Thereafter, the SPR could be enlarged at perhaps a lesser pace.

I am including a summary of my amendment and I would ask unanimous consent that my amendment and a summary of it be printed in the Record.

There being no objection, the amendment and summary were ordered to be printed in the Record, as follows:

Strike everything after the enacting clause and insert the following:

EXTENSION OF CERTAIN INTERNATIONAL ENERGY PROGRAM AUTHORITIES

Section 1. Subsection (j) of section 252 of the Energy Policy and Conservation Act (42 U.S.C. 6272(j)) is amended by striking out "June 1, 1982" and inserting in lieu thereof "July 1, 1983.".

CONTINGENCY PLANNING

Sec. 2. Title II of the Energy Policy and Conservation Act, relating to standby energy authorities, is amended by adding at the end thereof the following new part:

"Part C—Report to Congress on Petroleum Supply Disruption Authorities

"Sec. 271. The President shall submit to the Congress no later than September 2, 1982, a report containing—

"(a) a memorandum of law describing the nature and extent of the authorities available to the President under existing law to address a substantial reduction in the amount of petroleum products available to the United States, and

"(b) comprehensive contingency plans (including alternative options) by which the President would implement the authorities described under subsection (a).".

STRATEGIC PETROLEUM RESERVE AMENDMENTS

SEC. 3. (a) Section 160(c) of the Energy Policy and Conservation Act (42 U.S.C. 6240(c)) is amended to read as follows:

"(c)(1) The President shall immediately undertake, and thereafter continue (subject to paragraph (2)), crude oil acquisition, transportation, and injection activities at a level sufficient to assure that crude oil in permanent or interim storage facilities in the Strategic Petroleum Reserve will be increased at an average annual rate of at least 300,000 barrels per day.

"(2) The requirements in paragraph (1) shall cease to apply when the quantity of petroleum products stored within the Strategic Petroleum Reserve is at least 500,000,000 barrels.".

(b) The effective date of subsection (a) shall be July 1, 1982.

"(c) Section 159(f) of the Energy Policy and Conservation Act (42 U.S.C. 6240(f)) is amended by deleting the word "and" at the end of paragraph (3), by inserting a ";" in lieu of the "," at the end of paragraph (4), and by inserting a new paragraph (5) as follows:

"(5) the storage of crude oil in interim storage facilities,".

(d) Section 167 of the Energy Policy and Conservation Act (42 U.S.C. 6247) is amended by adding at the end thereof the following:

"(e) Except as provided in paragraph (2), nothing in this part shall be construed—

"(1)(A) to limit the Account from being used to meet expenses related to interim facilities for the storage of crude oil for the Strategic Petroleum Reserve, or

"(B) to require the preparation of a proposed amendment to the Strategic Petroleum Reserve Plan prior to the storage of crude oil in interim storage facilities.

"(2) The use of the Account in the manner described in subparagraph (1)(A) in any fiscal year shall not exceed 10 percent of the total amounts obligated from such Account in any such fiscal year.

"(f) No action related to the storage of crude oil in existing facilities for interim storage in the Strategic Petroleum Reserve shall be deemed to be 'a major Federal action significantly affecting the quality of the human environment' within the meaning of that term as it is used in section 102(2)(C) of the National Environmental Policy Act of 1969.

"(g) Crude oil stored in interim storage facilities pursuant to section 160(c)(1) shall be considered to be in storage in the Strategic Petroleum Reserve.".

IMPACT STUDY

SEC. 4. (a) The President shall analyze the impact on the domestic economy and on consumers in the United States of reliance on market allocation and pricing during a severe oil supply shortage. Such analysis shall—

(1) examine the equity and efficiency of such reliance,

(2) distinguish between the impacts of such reliance on various categories of business (including small business) and on households of different income levels,

(3) specify the nature and administration of monetary and fiscal policies that would be followed including emergency tax cuts, emergency block grants, and emergency supplements to income maintenance programs, and

(4) describe the likely impact on the distribution of petroleum products of State and local laws and regulations (including emergency authorities) affecting the price or allocation of petroleum.

Projections must be made of the effect of the disruption on the price of motor gasoline, home heating oil and diesel fuel and on Federal tax revenues, Federal royalty receipts and State and local tax revenues.

(b) Within one year after the date of the enactment of this section, the President shall submit a full and detailed report to the Congress containing the analysis required by subsection (a) along with such recommendations as the President deems appropriate.

CONTINUATION OF PETROLEUM PRODUCT INFORMATION COLLECTION

SEC. 5. Part A of title V of the Energy Policy and Conservation Act (42 U.S.C. 6381 and following) is amended by adding at the end thereof the following new section:

"PETROLEUM PRODUCT INFORMATION

"SEC. 507. The President or his delegate shall, pursuant to authority otherwise available to the President or his delegate under any other provision of law, collect information on the pricing, supply, and distribution of petroleum products at the wholesale and retail levels, on a State-by-State basis. Such information shall be substantially of the same type as was collected during September 1981 by the Energy Information Administration in connection with the Emergency Petroleum Allocation Act of 1973.".

SUMMARY OF SENATOR JACKSON'S AMENDMENT TO S. 2332

IEA Anti-trust Immunity Extension

SEC. 1 extends the IEA anti-trust immunity until July 1, 1983, the same date contained in S. 2332, as introduced.

Contingency Plans

SEC. 2 requires the President to submit to Congress by September 1, 1982, a report describing his authorities to deal with a petroleum supply disruption and describing his contingency plans for implementing those authorities.

Strategic Petroleum Reserve

SEC. 3 requires the President "to fill" the SPR at 300,000 barrels per day beginning July 1, 1982, and to maintain this rate until 500 million barrels are in storage. (Current law requires the President "to seek to fill" at 300,000 B/D until 750 million barrels are in storage.)

Up to 10 percent of the funds obligated from the off-budget SPR Petroleum Account may be used to meet expenses associated with interim storage facilities for the SPR.

(a) No amendment to the SPR Plan is required for the administration to commence interim storage.

(b) Interim storage in existing facilities does not require an Environmental Impact Statement.

Studies from S. 1503 Conference Report (Sections 4 and 5)

(a) SEC. 4, Impact Study, appeared in a modified version as sec. 3 of S. 1503 conference report. Requires the President to submit a report analyzing the impact on consumers of reliance on the free market and includes Sen. Bradley's recycled revenues study. The President must include in his report the likely impact of State and local allocation and pricing laws on the distribution of petroleum in a disruption and projections of certain petroleum prices and government revenues during a disruption.

(b) SEC. 5 appeared as sec. 284 in S. 1503 conference report and was known as the Railsback amendment. Requires collection of information on petroleum distribution on a State-by-State basis under existing law.●

AUTHORITY FOR COMMITTEES TO MEET

SUBCOMMITTEE ON FEDERAL EXPENDITURES, RESEARCH AND RULES

Mr. SYMMS. Mr. President, I ask unanimous consent that the Subcommittee on Federal Expenditures, Research and Rules, of the Governmental Affairs Committee, be authorized to meet during the session of the Senate at 2 p.m. on Wednesday, April 14, to hold an oversight hearing to discuss Public Law 96-511, the Paperwork Reduction Act.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON PUBLIC LANDS AND RESERVED WATERS

Mr. SYMMS. Mr. President, I ask unanimous consent that the Subcommittee on Public Lands and Reserved Water of the Committee on Energy and Natural Resources be authorized to meet during the session of the Senate on Wednesday, April 14, at 9 a.m., to hold a hearing to discuss S. 1777, a bill to establish a permanent boundary of that portion of the Acadia National Park as lies within the town of Isle au Haut, Maine; and S. 1872, a bill to amend the act establishing the Capitol Reef National Park in the State of Utah to provide for the development and improvement of the recreation facilities and programs of Gateway National Recreation Area through the use of funds obtained from the development of methane gas resources within the Fountain Avenue landfill site by the city of New York.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON THE JUDICIARY

Mr. SYMMS. Mr. President, I ask unanimous consent that the Committee on the Judiciary be authorized to meet during the session of the Senate on Wednesday, April 14, to discuss pending calendar business.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON FOREIGN RELATIONS

Mr. SYMMS. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on Wednesday, April 14, at 3:30 p.m., to hold a briefing on the United States-China-Taiwan situation.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON AGRICULTURAL CREDIT AND RURAL ELECTRIFICATION

Mr. SYMMS. Mr. President, I ask unanimous consent that the Subcommittee on Agricultural Credit and Rural Electrification of the Committee on Agriculture, Nutrition, and Forestry, be authorized to meet during the session of the Senate on Thursday, April 15, at 2 p.m., to hold a hearing on S. 2314, a bill to authorize funding levels for loan programs administered by the Farm Home Administration.

The PRESIDING OFFICER. Without objection, it is so ordered.

ADDITIONAL STATEMENTS

NUCLEAR FREEZE

● Mr. GARN. Mr. President, we are hearing more and more about a "nuclear freeze," and unless I miss my guess, we are going to hear a whole lot more in the next few months. The heat is on, the pressure is being turned up, and you can bet it will continue. The tack right now is to picture the entire country as marching in the streets, demanding a unilateral freeze, one that, we are told, the Soviets will "surely" emulate.

We have heard all this before, of course. During his confirmation hearings, Paul Warnke's views of "apes on a treadmill" received a great deal of attention. I thought his views silly then, and told him so. I continue to think they are silly, and they are no more persuasive when put forward in terms of a "nuclear freeze" than they were in the SALT II context.

Mr. President, I advocated genuine nuclear arms reduction. I continue to advocate it. I opposed the SALT II treaty then, and would today, because it did not constitute genuine arms reduction. The same applies to the talk of a "nuclear freeze." I would welcome steps which would lead to a genuine reduction in the tension in international affairs that rules the world today. The simple question is whether this "nuclear freeze" is likely to reduce those tensions, or to make them worse.

Two retired admirals, with whom I have not always agreed in the past, have recently written on this subject. They identify, quite accurately, I think, the motives behind the current push for a "nuclear freeze," with the motives that underlay the push for a SALT II treaty. They are also particularly adept at analyzing the real, as opposed to the intended, consequences of such a freeze. I think they are right on the money, and that their analysis is very valuable.

So that my colleagues may share it, I ask that their column be printed in the RECORD.

The column follows:

[From the Washington (Utah) Times, Mar. 30, 1982]

IS "NUCLEAR FREEZE" PROPOSAL JUST SALT II RESURRECTED?

(By Elmo Zumwalt and Worth Bagley)

The ease with which Leonid Brezhnev is able to dupe numbers of free world leaders while pursuing his evil aims is reminiscent of Hitler's successes in the Chamberlain era. The latest example of Chamberlainism is the proposed bipartisan resolution on nuclear weapons introduced in Congress under the leadership of Sens. Ted Kennedy and Mark Hatfield and Reps. Edward Markey, Silvio Conte, and Jonathan Bingham.

We think that, if passed, the resolution would bring deep elation to the Kremlin.

The operative language of the resolution provides:

"1. As an immediate strategic arms control objective, the United States and the Soviet Union should: (A) pursue a complete halt to the nuclear arms race; (B) decide when and how to achieve a mutual and verifiable freeze on the testing, production, and future deployment of nuclear warheads, missiles and other delivery systems; and (C) give special attention to destabilizing weapons whose deployment would make such a freeze more difficult to achieve.

"2. Proceeding from this freeze, the United States and the Soviet Union should pursue major, mutual and verifiable reductions in nuclear warheads, missiles, and other delivery systems, through annual percentages or equally effective means, in a manner that enhances stability."

IMMENSE ADVANTAGES

In the lineup of today's central strategic nuclear systems, the Soviet Union has immense advantages over the United States: twice the prompt area destruction capability, twice the throw weight, thrice the megatonnage, and quadruple the prompt hard target kill capability with ballistic missiles. Realistic assumptions indicate that in an all-out nuclear exchange the U.S.S.R. would kill 100 to 160 million Americans while losing 10 to 20 million Soviet citizens. Congress thus rejected and Moscow deeply coveted the SALT II agreement that would have frozen these advantages.

In the lineup of the theater nuclear weapons in Europe, the Soviet Union has achieved similar advantages in recent years: two to three times the number, six times the area destruction capability, 10 times the throw weight, and 25 times the megatonnage. Here again, Brezhnev's recent proposal to freeze such weapons would ratify the Soviet theater nuclear superiority.

The "complete halt" proposed in items 1 (A) and 1 (C) above, if carried out, would have the effect of providing indefinitely for Soviet nuclear superiority at both the central strategic and European theater level. It would prevent NATO from carrying out its agreed deployment of 572 Pershing and cruise missiles to Europe, in partial compensation for the 300 more powerful Soviet SS-20 missiles, with their three warheads each, which are already in Europe. And it would directly overturn the congressional decision not to ratify SALT II.

Thus, the proposed joint resolution, if carried out, would have the effect of accomplishing for Brezhnev what he sought to accomplish by an approved SALT II and an implemented freeze of European nuclear weapons.

EVERY INCENTIVE TO STALL

With this guaranteed superiority, Moscow would have every incentive to stall indefinitely on the reductions proposed in item 2.

Moreover, the call for a "verifiable" freeze is fatuous pettifoggery in the light of continuing Soviet refusal to permit the requisite on-site inspections to detect cheating. Our government has compiled irrefutable evidence that the Soviet Union is currently in blatant violation of the 1925 Geneva Protocol and the 1972 Biological Warfare Convention as well as in violation of the rules of civilized behavior in its clandestine biological and chemical warfare against Afghan nationals and anti-Communist Laotian guerrillas.

It would have been much more relevant and useful for the congressional sponsors of the joint resolution to have called for a joint resolution asking the United Nations to investigate these Soviet violations of international law and for a congressional investigation of these and other Soviet violations of arms control agreements. In this way the Congress and the U.S. public could better be provided a base to evaluate the realism of any subsequent verification proposals with the Soviet Union.

Item 1(C)'s proposal to "give special attention to destabilizing weapons whose deployment would make such a freeze more difficult to achieve" is dangerously misleading. In actual fact, the Soviet Union already has deployed its destabilizing weapons, the 308 huge SS-18 super missiles with their 10 warheads which give the Soviet Union its first-strike capability to destroy almost all of the U.S. ICBMs, unlaunched bombers, and in-port submarines. Until recently, it has been U.S. policy not to build a similar first-strike capability.

If we are to be able to force Moscow to negotiate seriously on this issue, the Kremlin must perceive that the MX missile and an accurate Trident II are being built. If this resolution were passed, congressional support for going forward with these programs would decrease.

The freeze resolution is a political gimmick to capitalize on the increasing popularity of the free world anti-nuclear movement, similar to what Chamberlain sought to accomplish when, in returning from appeasing Hitler at Munich, he heralded the "peace in our time" that led to World War II.

THE LAW OF THE SEA

● Mr. EAST. Mr. President, one of the most unsettling aspects of our foreign policy in recent years has been the part this country has played in drafting the proposed treaty on the Law of the Sea, an agreement that would go a long way toward establishing the "new international economic order" that the Third World has been advocating in recent years. It would be difficult indeed to imagine an agreement that would compromise American values more than this one does. The treaty would place the future development of the oceans in the hands of an international body with the power to tax, fix prices, set limits to production, control marketing operations completely, and enforce the transfer of technology from multinational corporations to the Third World. Some have suggested

recently that our country might accept the treaty if temporary concessions were made to the American corporations that would be doing the initial work of exploring the seabed. It would be a grave mistake for us to follow such a course as long as the treaty contains any provision for a global cartel.

In view of these recent developments, I would like to share with my colleagues an article from the April 16, 1982, edition of the National Review entitled "How To Give Away Your Future: Law of the Sea" which shows how dangerous it would be for our country to accept the agreement. The author, William R. Hawkins, is a professor of economics at Radford University in Radford, Va. Mr. President, I ask that this article be printed in the RECORD.

The article follows:

[From the National Review, Apr. 16, 1982]

HOW TO GIVE AWAY YOUR FUTURE: LAW OF THE SEA

(By William R. Hawkins)

"No national interest could justify ceding sovereign control of two-thirds of the earth's surface to the Third World." One could add that not only national interest but sound economics and political philosophy would also fail to justify such a transfer of sovereignty. Yet this is precisely the threat that confronts the United States at the Law of the Sea Conference—a threat which Leigh S. Ratiner, who made that statement, came to know quite well as chief U.S. negotiator at the Conference during the mid-seventies.

The Law of the Sea Conference (LSC) was established under the auspices of the United Nations in 1973, though preparations for such a conference had been in progress for many years before that. The Tenth Session, which opened in March of last year, was meant finally to produce a treaty governing the use of all the world's oceans, the sea life therein, the minerals beneath, and the air above. This expectation was, thankfully, dashed by the last-minute intervention of the Reagan Administration.

On March 2, 1981 Secretary of State Alexander Haig announced that there were "serious problems" with the proposed treaty and ordered the U.S. delegation not to allow the negotiations to be concluded until the State Department had throughly reviewed the matter. A week later, the day before the conference was to open, George H. Aldrich, and six of his aides were removed as U.S. delegates. Aldrich, who had been Acting Special Representative of the President at the LSC, was a holdover from the Carter Administration. In announcing the change, the State Department said that President Reagan wanted to appoint his own people to the delegation and to make a "clean break" with the past.

The Reagan Administration was following a GOP platform plank, which said that "Multilateral negotiations have thus far insufficiently focused attention on the United States' long-term security requirements." The LSC was specifically listed as a problem area: negotiations, said the platform, "have served to inhibit United States exploration of the seabed for its abundant natural resources." The development of new sources of supply for minerals as well as for energy is critical to the long run security and prosperity of the West. The oceans have the potential for meeting a large portion of this need.

Attention has focused in the past on drilling for oil and natural gas on the continental shelf and more recently on the mining of manganese nodules in the deep seabeds beyond the shelf. There are two million square miles of shelf area where oil and gas might be found; estimates of 500 billion barrels of oil and 1.5 quadrillion cubic feet of natural gas are not uncommon. Manganese nodules, meanwhile, actually contain about 30 percent manganese; they also contain nickel (1.4 percent), copper (1.2 percent), and cobalt (0.25 percent). The U.S. is dependent on imports for 98 percent of its manganese, 94 percent of its cobalt, and 73 percent of its nickel.

Manganese is an important industrial metal used in steel making. Manganese alloys are used in aircraft components, mining machinery, railroad track, and heavy equipment of all kinds. Nickel is also important for steel alloys, as is cobalt, which is often used in conjunction with chromium to produce heat-resistant alloys for jet engines. So far, Zaire has a near monopoly on the export of cobalt, but in recent years Soviet-armed guerrillas have disrupted Zaire's production. The most important raid was in 1979, shortly after the USSR had made a surprise purchase of a two-year supply of cobalt on the world market. Secretary Haig is right to worry.

It is estimated that there are up to 16 billion tons of manganese nodules in the Pacific Ocean alone. Nodules also exist in the Atlantic and Indian Oceans. Several international consortia, including groups headed by Kennecott, Lockheed, U.S. Steel, and Inco, would like to develop nodule mining, but they are afraid to commit the billions of dollars needed because of uncertainties surrounding the Law of the Sea Conference.

The proposed Law of the Sea is flawed in nearly every aspect. Its provisions are heavily weighted against the industrialized nations and their international companies. Its proposed supranational bureaucracy would strangle economic development. Finally, at bottom, it rests on a philosophical foundation that is wholly fallacious—and dangerous.

As outlined, the treaty would establish a Seabed Authority modeled on the UN General Assembly. The Authority would operate on the basis of one-nation/one-vote and would thus have a permanent Third World majority; it would have exclusive control of the issuance of licenses for private and state companies to mine the deep-seabed beyond territorial waters; it would have the power to tax companies engaged in ocean mining, the revenues to go to support the Authority and Third World nations unable to participate in ocean mining themselves; it would fix prices, set limits on production, and control marketing operations of ocean resources; and it would establish programs for the transfer of technology from multinational corporations to Third World nations.

OUR LEVERAGE: MONEY

The Seabed Authority would place unprecedented power in the hands of an international agency in which the U.S. and other industrial countries would have minimal influence. Having its own source of revenues, the Authority would be immune from the only leverage industrial nations now have on such agencies: finances. (The U.S. is expected, incidentally, to provide $250 million in interest-free loans and loan guarantees to establish the Authority.) It would be the ultimate redistributive mechanism. A Third World majority of have-nots would be enthroned in a position to regulate and tax the technologically advanced corporate entities of the haves.

Richard A. Frank, head of President Carter's National Oceanic and Atmospheric Administration, concedes that "even if amended by the United States, the treaty would represent U.S. acquiescence in multilateral and fairly democratic decision-making on resources and abandonment—in the first serious encounter over the new international economic order—of U.S. control commensurate with its interests as a producer, consumer, and donor. The treaty would place restrictions on a previously free market and require U.S. financing of a multilateral competitor."

The multilateral competitor to which Mr. Frank refers is "the Enterprise." The Enterprise would be a supranational mining corporation established by the Seabed Authority to develop the oceans in competition with private corporations. Private companies would even have to cooperate in this process, since the Authority would have the power to require that private corporations share their technology with the Enterprise and do much of the exploration work for it.

As bad as this seems, it was initially even worse. The Group of 77 (a coalition of underdeveloped nations, actually numbering 114), which has been largely responsible for the LSC, originally wanted to freeze private enterprise out of the oceans entirely. Under its plan, the Enterprise would have been a monopoly. In 1976 Secretary of State Henry Kissinger persuaded the Group of 77 to compromise and allow private companies to compete with the Enterprise. Even so, however, the Seabed Authority could very easily rig the game so that private companies would be dissuaded from entering the oceans, thus creating a de facto Enterprise monopoly. In such an event, the Enterprise would become a ready-made cartel for the underdeveloped nations.

Private mining companies can foresee the following disincentives if the Law of the Sea is ever adopted: Licenses and Fees: The proposed fee for processing a license is $100,000, plus $1 million per year for exploration. For commercial development, a combination of fees and profit-sharing would be established. Even then, there is no guarantee that any specific company would be able to obtain a license. One can well imagine the criteria the Authority might insist upon, such as ending trade with South Africa or Israel, or participating in joint ventures with Third World companies.

Production and Price Controls: Clearly these could make private operations uncompetitive either with the Enterprise or with Third World nations which now produce minerals for export. Such states would surely lobby to prevent ocean mining from undercutting their position. The Authority is not likely to side with private companies against such a lobby. Production quotas almost beg to become part of a protectionist policy.

Lack of a grandfather clause

There is nothing in the treaty which obligates the Authority to award a license to a company already engaged in mining a particular site. While this is not a major problem at the moment, because seabed mining is a new field, it has served as a deterrent to companies which might otherwise have started exploration.

Mandatory transfer of technology

Third World nations constantly complain that Western corporations "withhold" technology from them through patents and secrecy. And so they do—for a perfectly good reason. New technology is expensive to develop, and companies can only recover their investment in research if they retain exclusive use of a new method. The profits from new techniques are thus an important incentive to scientific progress.

These problems are neither trivial nor subtle. How, then, did the United States allow itself to get so deeply involved?

The Group of 77 has never made a secret of its intentions to use the LSC to redress the economic balance between the rich and poor nations. The same countries which pushed for the LCS in 1973 pushed for the Declaration for the Establishment of a New International Economic Order in the 1974 General Assembly. However, the U.S. had its own reasons for going along with the LSC.

In the 1960s the U.S. became concerned at the trend among coastal states toward extending their claims to territorial waters beyond the traditional three-mile limit. In 1958 only 18 states claimed waters beyond three miles, but by 1968 there were 43 states claiming 12 or more miles. This was deemed to be a threat to the freedom of the seas, particularly in terms of navigation but also in terms of fishing rights, which were unlimited in international waters. The military was also concerned about the impact on fleet movements and security of submarines.

The advent of the LSC has not halted this trend: by 1978 the number of states claiming territorial waters of 12 or more miles had grown to 69, 11 of which claimed waters out to two hundred miles. The U.S. entered the LSC with the limited goal of trading some concessions on profit-sharing from ocean mining for restraints on territorial claims.

There has been some muted success on this point. The treaty recognizes 12 miles as the standard for territorial waters; it then grants the coastal states another 188 miles beyond this as their "economic zone," within which they will exercise sovereignty over all resources, living and non-living. However, freedom of navigation through the zone is allowed as it would be in international waters. This meets the minimum American goal, though just barely. Territorial waters have been expanded, and the economic zone does shift most of the continental shelf, with its potentially rich oil and natural-gas deposits, from international to national waters.

The price that was paid for this minimal achievement was very high: the granting of all of the ocean's deep-sea resources to the care of the Seabed Authority. Obviously, this is scarcely what anyone could call a balanced set of concessions. Thus we need to look elsewhere for the roots of the American position, and we find them in a philosophical concept which, although flawed, is backed by the weight of liberal world opinion.

This concept, repeated in countless UN and LSC documents and echoed by American delegates and Presidents for over a decade, is that the oceans are the "common heritage of mankind." The United Nations, operating on the fiction that it represents mankind as a whole, believes it is the institution which should manage this "common heritage," through its creation, the Seabed Authority. The treaty actually states that "all rights in the resources of the Area are vested in mankind as a whole, on whose behalf the Authority will act."

TWO VIEWS OF THE SEA

George Aldrich, before he was removed from his post, provided an example of this thinking when he told a meeting of the National Association of Manufacturers that "in my judgment, there are only two ways of treating these common areas for legal purposes: either we can consider them available for national appropriation, like North and South America in the fifteenth and eighteenth centuries and Africa in the nineteenth century, or we must consider them not available for national appropriation, like the high seas since at least the days of Hugo Grotius."

There are several things wrong with this statement. First, it runs afoul of the old adage that when something belongs to everyone, it is truth belongs to no one. This is the rock upon which all socialist theories about common ownership break. And out of this wreckage emerges the totalitarian reality of socialism—an institution which does own everything, and which is hostile to private enterprise and obstructive of progress.

Secondly, to rest the creation of such an entity on Hugo Grotius will not hold. If the nations of the world wish to grant control of the oceans to an international agency, they must first assert their own right to that control. Grotius would no more have recognized the Seabed Authority's claim to regulate the oceans than a claim by Spain.

Thirdly, the analogy to European colonialism is perhaps more apt than Aldrich realized. The era of European expansion brought more prosperity to more people than ever before in history. The pursuit of national advantage and private profit produced results far beyond the dreams of even the most optimist central planner. An open frontier on the oceans would again bring to the fore the capitalist-industrial nations of the West, which alone have the technology, finances, and organizations (in the form of the multinational corporation) to develop the new resources—not to mention the military power to protect what is developed.

If territorial claims to the oceans are to be avoided, the only logical course is to return to the true meaning of the freedom of the seas as understood in international law down to the present. Freedom of the seas meant (and means) the right to use the seas unobstructed. In the past this has meant the right to navigate through or above the oceans carrying whatever cargo one wanted. The United States has on more than one occasion gone to war in the name of such freedom. But this doctrine has also covered fishing in international waters in a way that provides a useful precedent. If fishing is the equivalent of mining the oceans for their living resources, then mining is the equivalent of fishing the oceans for their non-living resources.

Of course, there are differences between fishing and mining. Mining requires a permanent presence at a specific site, which translates into a need for secure property rights. A maritime code, recognized by the international community, which would give ocean mining companies confidence in the protection of their operations is highly desirable. Unfortunately, it would also be highly unlikely in the current international political environment.

Concepts of rights to and protection of private property, which have a long tradition in Western law, are alien to the outlook of most Third World and socialist states. There is no prospect that the world community will reach a philosophical agreement on this matter.

Therefore, if mining operations are to commence in the oceans, those doing the mining will have to be assured of their rights by the United States and other maritime nations. This could either be done on a unilateral basis, with each nation providing protection for the operations of its own nationals, or by a convention among the states that would be both the primary producers and the primary consumers of ocean resources. Either alternative would be preferable to the sacrifice of U.S. interests to a treaty dominated by states and values hostile to the West.

At various times during the LSC negotiations, American diplomats have made veiled threats to opt for just such an alternative. In 1978, Elliot Richardson, who has been intimately involved in the LSC for many years and still is involved despite shakeups elsewhere, told Congress that "Seabed mining can and will go forward with or without a treaty. . . . We have the means at our disposal to protect our ocean interests. . . . And we will protect those interests if a comprehensive treaty eludes us." In commenting on Richardson's remarks, Forbes reminded its readers that the United States has a navy and the United Nations does not.

Richardson, of course, still wants a comprehensive treaty and has warned that "if we go it alone, we might find ourselves denounced for lawless behavior." Still, it is time to conclude that the costs of avoiding this risk are too high.

A step, albeit small and in somewhat the wrong direction, was taken toward a unilateral approach to the oceans on June 28, 1980, when President Carter signed the Deep Seabed Hard Mineral Resources Act. This Act, which rolled through Congress with little opposition or fanfare, has at its core a useful principle. It is to govern U.S. ocean operations in the absence of an international treaty, based on the traditional right of governments to regulate (and protect) the activities of their citizens wherever they may be, without a formal extension of the claims of sovereignty to foreign territories.

The Act repeats many of the errors of the LSC. It pays homage yet again to the "common heritage of mankind" notion, and it provides for the setting aside of part of the revenues from ocean development for use by the Third World. It concentrates much more on the regulation of ocean mining than on the protection of such mining. Worst of all, it prohibits the issuance of any licenses for commercial development of the seabed until January 1988, in order that the LSC be given enough time to reach a comprehensive agreement. The Act is to give way to any Law of the Sea treaty which the U.S. ratifies.

In order to provide a foundation for American corporations to operate in the open seas, the Act would have to be radically amended or superseded by new legislation. Still, it is a start, because it indicates that Congress is becoming impatient with the LSC negotiations. Starting from this initiative, the U.S. should reject the LSC, thus paving the way for the opening of the oceans to development by American companies under American protection. The participation of other companies and countries can be directly negotiated to the mutual advantage of those involved, but outside an LSC or UN framework.

But failing complete rejection of the LSC, several possibilities remain. The Conference could set its sights a bit lower and concentrate on individual issues where it would be easier to reach a consensus—issues such as the status of key straits and other international waterways in light of the extension of territorial claims or certain environmental questions. It is possible that serious moves into the oceans by the United States would prompt others to make concessions along lines advantageous to the U.S., though the gap to be closed is very large. The LSC could also become a forum for a U.S.-led ideological counter-offensive in behalf of the true meaning of freedom of the seas. Such efforts cannot be expected to produce many quick converts, but it would be very healthy to see representatives of the U.S. (and other Western nations) proudly defend the philosophies upon which their societies built their present high levels of civilization. As Robert W. Tucker warned in his important book "The Inequality of Nations," "Either the old order will be reaffirmed by those who for the time continue to hold predominant power or a new order will be established by those seeking to displace the established power holders."●

MR. LOREN ZINGMARK BEFORE NORTHWEST IOWA POWER COOPERATIVE ON THE PICK-SLOAN MISSOURI BASIN PROGRAM

● Mr. ABDNOR. Mr. President, Mr. Loren Zingmark, general manager of East River Electric Power Cooperative, Inc., Madison, S. Dak., appeared on Tuesday at the annual meeting of the Northwest Iowa Power Cooperative to discuss the Pick-Sloan Missouri Basin program, particularly how it has benefited downstream States and how South Dakota has "come up short."

Mr. Zingmark has told it as it is, and I hope my colleagues from the States of the Missouri River Basin will heed his words. Either we hang together or we will hang separately. Either we honor our commitments to each other or we are doomed to conflict from which there will be no winners, at least not in the Missouri River Basin. I do not relish such conflict, particularly since it is so unnecessary, but it is unavoidable if South Dakota's downstream neighbors persist in their efforts to do us ill by blocking the water development to which we are entitled in return for our sacrifice for their benefit.

The text of Mr. Zingmark's remarks follows:

REMARKS BY LOREN ZINGMARK

In order to place today's controversies concerning the Missouri River in proper perspective, I believe it is important to review some of the history of the Pick-Sloan Plan that led to the major developments on the Missouri River.

Go back with me to the first recorded flood stage of twelve to seventeen feet in 1844 or the severe flooding that occurred in 1881 and chronically through the 1920's. Because of these problems, Congress directed the Corps of Engineers to study ways in which these problems could be avoided.

In 1927 the Corps of Engineers completed what is known as House Document 308, a 1245-page description of methods of providing storage in the Missouri Basin to achieve flood control, irrigation, navigation and power development.

Clearly, however, the attention of the nation was not focused on water resource development in those depression days of the late 1920's and 1930's and the gathering war clouds that afflicted Europe and Japan. So, like so many things the impetus for moving forward was only partially addressed when, under the leadership of then President Franklin D. Roosevelt, the construction of the Fort Peck dam began in 1933 as a public works project.

It took severe flooding once again in the early 1940's to refocus attention to the problem. In 1943 it is recorded that seven feet of water covered the Omaha airport. It was then that national planners perceived that this continued disruption of the heartland of America that produced an enormous amount of its goods for the welfare of its citizens and comprised one-sixth of the land mass of the United States had to be addressed, if for no other reason than it posed a threat to the war effort of World War II.

Against that backdrop, then, two plans were advanced, one by Lewis Peck, who was the Missouri River Division Engineer, and later became the Chief of Engineers, and one by a regional engineer of the Bureau of Reclamation, W. Glen Sloan, were proposed to solve the problems of the Missouri River basin From the marriage of these two proposals was born the Flood Control Act of 1944 which was later renamed in honor of the two gentlemen that authored the major elements of it, the Pick-Sloan Plan.

The authorizing document of the Pick-Sloan Plan is Senate Document 191 that was considered by Congress in April, 1944. That Senate document, along with House Document 475, identified navigation, flood control, irrigation, power production, the restoration of surface and ground water supplies, furnishing municipal water supplies, abatement of stream pollution, silt control, fish and wildlife preservation, and recreation as the key features of the 1944 Flood Control Act.

It's interesting to look at the Senate Document 191 and understand the views of those persons involved in it at that time. According to Senate Document 191 it was to be "a plan for the conservation and control of the water reservoirs of the entire Missouri River Basin." Surely a radical proposal for that day. It was predicated on "yield for the greatest good to the greatest number of people."

It proposed irrigation development for 5,307,700 acres of land in the Basin and hydro power with a capacity of 758.5 megawatts.

South Dakota's proposed share of that irrigation development was set at 972,510 acres, a figure to which I will refer a little later. But the key to the development of the Pick-Sloan Project was probably most clearly enunciated by then Chief of Engineers, Major General E. Reybold, who, in a letter to the Commissioner of Reclamation dated April 25, 1944 stated in part: "Since reservoirs on the mainstem are the most beneficial from the standpoint of flood control below Sioux City and are vitally needed for cyclic storage, I consider the maximum practical amount of storage must be provided on the mainstem in North and South Dakota."

This, then clearly outlined the major tradeoffs in the development of the Pick-Sloan Plan and it is important for us to remember that these are the same sort of issues that we're still debating today.

What were those tradeoffs? First, trade reservoir storage space by permanently flooding large areas of South Dakota, North Dakota and Montana to accommodate flood control in return for irrigation development in these upper basin states. South Dakota, for example, permanently flooded over 500,000 acres of Missouri River bottomlands in order to do its part in the development of the Pick-Sloan Plan.

The second major tradeoff concerned the same type of upstream-versus-downstream fight that we see today but were centered primarily on the use of water for such things as irrigation and power production versus downstream navigation. This tradeoff was resolved and by a key amendment to the Act, known as the O'Mahoney-Milliken Amendment, which stated, "The use for navigation, in connection with the operation and maintenance of such works herein authorized for construction, of waters arising in States lying wholly or partly west of the ninety eighth meridian shall be only such use as does not conflict with any beneficial consumptive use, present or future, in the states lying wholly or partly west of the ninety eighth meridian, of such waters for domestic, municipal, stock water, irrigation, mining or industrial purposes."

It should be noted that Iowa lies wholly east of the ninety eighth meridian. This key amendment broke the deadlock between upstream and downstream states by guaranteeing water use by those upstream states—not just a chance to look at large reservoirs.

The third major tradeoff or feature of the Pick-Sloan Plan was that the hydro power developed would be shared among the states of the Basin without regard to the location of those plants which would produce that power.

Briefly, then, let's look at the record of what has happened as a result of this far reaching legislation. First, six mainstem reservoirs have been constructed on the Missouri mainstem which provide for 74.3-million acre feet of storage. That's 24.2-trillion gallons of water. Of that amount 58-million acre feet are dedicated to flood control.

Presently the Pick-Sloan reservoirs furnish water for 268,717 acres for irrigation. Of that amount 24,100 acres are in South Dakota. Recall then the promise that was made to South Dakota in 1944 to have over 970,000 acres of irrigation development. Compare that to 38 years later and see 24,000 presently being irrigated.

Hydro development has far exceeded the initially proposed 758 megawatts of development. Today 2,398 megawatts of installed capacity produces between 10- and 12-billion kilowatt hours of energy annually. That power is delivered over approximately 7,400 miles of federal transmission lines and 90 substations to 230 preference customers and also furnishes large blocks of power for our friends in the private power companies.

Of the firm power, South Dakota preference customers receive 22 percent of the total. Iowa receives about 14.5 percent of the firm power that is delivered. Of the firm power that is marketed, the upstream states that bore the burden of the construction on the mainstem dams, namely South Dakota, Montana and North Dakota, presently receive about 42 percent of the firm power that is marketed while Iowa, Minnesota and Nebraska, who largely received the benefits of flood control, receive about 58 percent of that firm power. Another interesting statistic is the stabilizing influence of the dams on the mainstem has added approximately 188,000 acres of prime cropland along the river which would never have been possible to farm with the uncertainties of the prospect of annual flooding.

And the Plan has worked, and worked well.

For flood control the savings in terms of dollars have been enormous. Since 1954 when the mainstem reservoirs were initially operated as integrated units, there has been cumulative savings from flood control of $1.537-billion. $450-million of that savings occurred in 1977 alone. Compare these savings to the total federal investment in the Pick-Sloan of about $1.15-billion.

No more does Omaha or St. Louis have to contend with the killer floods that afflicted them in the twenties, thirties and forties. Records indicate that in 1952 flood waters crested at 30 feet in Omaha. Unlike Ft. Wayne, Indiana, which just last month dominated the national news because of severe flooding, downstream states in the Missouri Basin need no longer fear for their lives or property because of flooding. It is important also not only to measure the savings in flood control in dollars but remember that it has undoubtedly resulted in significant savings of lives.

Recreation on the Missouri River furnished 10 million visitor days in 1981. Wildlife has certainly been enhanced and a major beneficiary of the construction of the mainstem dams has been the maintenance of a nine foot deep, 300 foot wide navigation channel that provides an eight month navigation season that in recent years has allowed annually for over 3-million tons of commodities to be shipped from Sioux City on south. Approximately one-third of those commodities has been farm produce.

With that record, then, why do we have the raised interest and conflict that seems to be intensifying today. I think it dates back to 1973 and the beginning of the oil crises and the energy crisis that has prompted significant interest by major energy corporations in the Missouri River as a source of water for future energy development.

Like it or not, our region is blessed in Wyoming, North Dakota and Montana with enormous amounts of coal which, in order to be used, need enormous amounts of water. The U.S. Bureau of Reclamation in their 1977 Water for Energy study estimated that 1-million acre feet could be made available for the purposes of energy development without affecting the other uses on the river.

While there has been much uproar lately about the amount of water being used for industrial purposes, the most famous of which is the sale by the state of South Dakota of 50,000 acre feet of water to ETSI, for a coal slurry pipeline, there presently is less than 100,000 acre feet of water that is permitted to major energy users.

I might note that the Basin AVS plants and ANG coal gasification account for 36,000 acre feet of that amount. Compare that for a moment with the Corps' estimate of evaporation losses on the six mainstem reservoirs of between 1 to 2.5 million acre feet annually. Nonetheless, however, it does raise significant questions that must be addressed in a calm and rational manner as to what the future uses of the Missouri River mainstem system will be, which brings me back to the history of the Missouri. The lessons that I think we need to remember.

First, if the states in the Basin fight among one another, we will very likely *all* be the losers. I call your attention to the $12-million federally funded High Plains Study that is looking at methods to replenish the Oglalla aquifer, which is particularly deficient in the High Plains area of Texas.

In October of 1980 the EXXON Corporation in Omaha, Nebraska, boldly announced their consideration of a plan to divert 1.7-million acre feet of water from the Missouri River for synthetic energy development programs in the Rocky Mountain areas of Colorado. EXXON estimated the cost of water per barrel of oil would represent less than one percent.

My point is that the elements are there for those of us that have a vested interest in the region to all lose those basic benefits that presently exist. If, and I don't intend to point any fingers in this, but if we can't sit down and negotiate constructively and avoid political rhetoric and the divisive fights amongst ourselves, I believe that we will stand a much greater chance of losing the focus of this region's true industry, namely agriculture, and the value that the Missouri River can have to its future development for both up and downstream states.

While South Dakota has been cast in the role of the bad guy by selling some water for energy, I ask you to consider the small step forward for water development in South Dakota, not as an effort to deprive downstream states of any of the benefits that we certainly continue to agree, you should enjoy. But rather as a substitute for a very small portion of that which was promised to us as our part of developing controlling downstream flooding and averting the continuing and devastating downstream damage.

South Dakota did its part by furnishing one-half million acres for the construction of the dams. I don't deny we have also benefitted enormously from those dams, but the primary benefit that we were promised of irrigation development has not occurred and very frankly, will probably not occur at least to the scale that was envisioned in 1944.

Therefore, South Dakota is looking at the Missouri River and how it can use what it believes is a fair and yet modest entitlement of a portion of the water that otherwise would have been used for irrigation to foster some state development of municipal water supplies, rural water systems and state irrigation projects.

The second lesson we should learn is that the issues that pit upstream and downstream states in the Basin are not new. They may be created by different and changing pressures, but they are not new.

In the past the conflicts were settled by compromise, negotiation and an overall view to quoting Senate Document 191 to "yield for the greatest good to the greatest number of people." It is our responsibility to remind our leaders at both the state and Federal level of this goal. If we do not do so the water future of this Missouri Basin is indeed bleak.

Once again, let me remind you that South Dakota has benefitted from the Missouri River, but in terms of the overall concept and major benefits that have occurred as a result of that development, South Dakota has come up short.

But, let us not divide our house and be conquered by those outside interests from the Basin that I believe will do everything they can to throw gasoline on the fire of the fight between the upstream and the downstream states of the Missouri Basin and while we fight, and then walk away with the real prize which is the future entitlement to use of the Missouri River.●

PROPOSED ARMS SALES

● Mr. PERCY. Mr. President, section 36(b) of the Arms Export Control Act requires that Congress receive advance notification of proposed arms sales under that act in excess of $50 million or, in the case of major defense equipment as defined in the act, those in excess of $14 million. Upon such notification, the Congress has 30 calendar days during which the sale may be prohibited by means of a concurrent resolution. The provision stipulates that, in the Senate, the notification of a proposed sale shall be sent to the chairman of the Foreign Relations Committee.

In keeping with my intention to see that such information is available to the full Senate, I ask to have printed in the RECORD a notification which has been received.

The notification follows:

DEFENSE SECURITY ASSISTANCE AGENCY,
Washington, D.C. April 13, 1982.

In reply refer to: I-02154/81ct.

Hon. CHARLES H. PERCY,
Chairman, Committee on Foreign Relations, U.S. Senate, Washington, D.C.

DEAR MR. CHAIRMAN: Pursuant to the reporting requirements of Section 36(b) of the Arms Export Control Act, we are forwarding herewith Transmittal No. 82-18, concerning the American Institute in Taiwan's proposed Letter of Offer to the Coordination Council for North American Affairs for defense articles and services estimated to cost $60 million. Shortly after this letter is delivered to your office, we plan to notify the news media.

Sincerely,

JAMES H. AHMANN,
Lieutenant General, USAF.

TRANSMITTAL NO. 82-18

Notice of Proposed Issuance of Letter of Offer Pursuant to Section 36(b) of the Arms Export Control Act

(i) Prospective purchaser: Coordination Council for North American Affairs (CCNAA), Pursuant to Public Law 96-8.

(ii) Total estimated value:

	Millions
Major defense equipment[1]	$0
Other	60
Total	60

[1] As defined in section 47(6) of the Arms Export Control Act.

(iii) Description of articles or services offered: Cooperative Logistics Supply Support Arrangement for spare parts and supplies to support U.S. origin aircraft now in Taiwan's inventory.

(iv) Military department: American Institute in Taiwan (AIT) for the U.S. Air Force (KBS).

(v) Sales commission, fee, etc., paid, offered, or agreed to be paid: None.

(vi) Sensitivity of technology contained in the defense articles or defense services proposed to be sold: None.

(vii) Section 28 Report: Included in report for quarter ending 30 June 1981.

(viii) Date Report Delivered to Congress: April 13, 1982.

POLICY JUSTIFICATION

COORDINATION COUNCIL FOR NORTH AMERICAN AFFAIRS ON BEHALF OF TAIWAN—COOPERATIVE LOGISTICS SUPPLY SUPPORT ARRANGEMENT

The proposed Letter of Offer and Acceptance (LOA) provides for the sale of spare parts and supplies to support U.S. origin aircraft now in Taiwan's inventory. The estimated value of the proposed sale is $60 million.

This sale will provide the spare parts necessary for Taiwan to maintain its U.S. origin aircraft (provision of this equipment is consistent with requirements in Public Law 96-8).

This FMS case represents the Taiwan Air Force's estimated annual logistical support requirements.

This sale of this equipment and support will not affect the basic military situation in the region.

Procurement of these items and services will be from private contractors.

Implementation of this sale will not require the assignment of any U.S. Government or contractor personnel to Taiwan.

There will be no adverse impact on U.S. defense readiness as a result of this sale.●

PRELIMINARY NOTIFICATION OF PROPOSED ARMS SALES

● Mr. **PERCY**. Mr. President, section 36(b) of the Arms Export Control Act requires that Congress receive advance notification of proposed arms sales under that act in excess of $50 million or, in the case of major defense equipment as defined in the act, those in excess of $14 million. Upon receipt of such notification, the Congress has 30 calendar days during which the sale may be prohibited by means of a concurrent resolution. The provision stipulates that, in the Senate, the notification of proposed sales shall be sent to the chairman of the Foreign Relations Committee.

Pursuant to an informal understanding, the Department of Defense has agreed to provide the committee with a preliminary notification 20 days before transmittal of the official notification. The official notification will be printed in the RECORD in accordance with previous practice.

I wish to inform Members of the Senate that such a notification was received on April 8, 1982.

Interested Senators may inquire as to the details of this preliminary notification at the offices of the Committee on Foreign Relations, room 4229 Dirksen Building.

The notification follows:

DEFENSE SECURITY ASSISTANCE AGENCY,
Washington, D.C., April 8, 1982.

In reply refer to: I-00861/82ct.

Dr. HANS BINNENDIJK,
Professional Staff Member, Committee on Foreign Relations, U.S. Senate, Washington, D.C.

DEAR DR. BINNENDIJK: By letter dated 18 February 1976, the Director, Defense Security Assistance Agency, indicated that you would be advised of possible transmittals to Congress of information as required by Section 36(b) of the Arms Export Control Act. At the instruction of the Department of State, I wish to provide the following advance notification.

The Department of State is considering an offer to a North African country for major defense equipment tentatively estimated to cost in excess of $14 million.

Sincerely,

JAMES H. AHMANN,
Lieutenant General, USAF.●

DISABILITY PURGE RUINOUS TO MANY

● Mr. **METZENBAUM**. Mr. President, I have introduced legislation to correct an outrageous situation currently taking place in the social security disability program. In the name of cost savings, the Social Security Administration is reviewing current beneficiaries and terminating benefits in almost half of the cases. While it is likely that there are some persons on the rolls who do not deserve to be there—each of us have heard examples of such cases—the meat ax approach which this administration is using has resulted in many truly disabled persons having their benefits taken away. Many of these persons are near elderly and have been receiving benefits for a number of years. Many have no other source of income.

The Los Angeles Times recently published an enlightening article on this subject entitled "Disability Purge Ruinous to Many." Mr. President, I ask that the complete text of this article be printed in the RECORD. Something must be done to make Members aware of the seriousness of this situation.

The article follows:

[From the Los Angeles Times, Mar. 21, 1982]

DISABILITY PURGE RUINOUS TO MANY

(By David Treadwell and Marlene Cimons)

WASHINGTON.—A 42-year-old, small-town Ohio woman—divorced and the mother of two teen-age children—suffers from severe heart and lung diseases and needs regular doses of oxygen around the clock. But last October, Social Security officials decreed she no longer was disabled and thus no longer entitled to government help.

Desperate, the woman appealed her case. Yet despite a letter from her doctor stating that "she is just barely alive, let alone able to work," she again was denied her $549 monthly benefit. Only after the commissioner of Social Security himself, John A. Svahn, read of her plight and ordered a quick review did an administrative law judge rule in the woman's favor.

The Ohio woman is one of the countless Americans whose lives are being disrupted, and sometimes destroyed, as a result of a little-publicized drive by the Reagan Administration to purge ineligible beneficiaries from the roles of the Social Security Administration's $22-billion-a-year program of disability insurance.

500,000 CASES REVIEWED

No one questions the need to ensure that disability payments—now going to almost 7 million Americans sidelined from work because of severe illness or injury—are made only to qualified recipients. More than 500,000 disability cases are being reviewed this year, with a termination rate of 45%.

But an investigation by Times reporters indicates that there are perhaps thousands of cases like the Ohio woman's—some less dramatic but no less devastating—in which beneficiaries are being cut off in the crackdown, despite clear records of long-term disability. Indeed, panic and anxiety, induced at least in part by sudden cutoffs of disability benefits, have been implicated since the crackdown began.

And many other recipients whose cutoffs are questionable have been unable to understand or cope with the Social Securty Administration's complex procedures for review of their cases. This is especially true, social workers and others involved with the disabled say, of individuals suffering from mental illness—a large category of the system's beneficiaries.

A Times survey of hundreds of pages of documents and interviews with scores of past and present government officials, congressmen, physicians, attorneys, disability insurance experts, social workers, mental health advocates and the disabled themselves show that.

Beneficiaries have been lopped from disability rolls even though both their doctors and the Social Security Administration's own physicians agree that the individuals cannot perform even ordinary day-to-day functions of living.

RECIPIENTS DENIED BENEFITS

Recipients have been denied benefits even though they meet the so-called listing of impairments used by Social Security to determine whether a person is capable of work.

Terminations have occurred as a result of inadequate medical or psychiatric examinations by physicians under contract to Social Security to perform consultative evaluations.

Disability payments have been canceled without up-to-date medical evidence to support the termination.

"Social Security is using seriously flawed procedures in its investigation of the continuing eligibility of current recipients of disability benefits," said Sen. Howard M. Metzenbaum (D-Ohio), who has requested a General Accounting Office investigation of the problem.

"I think what they're doing is arbitrary, capricious and illegal," said Wilbur J. Cohen, secretary of Health, Education and Welfare in the Administration of former President Lyndon B. Johnson and president of Save Our Security, a coalition of 100 national organizations. "You're dealing with sick and disabled people, some of them neurotic, some of them psychotic, some of them unemployable."

"This is really alarming," said Nancy Rosen, social worker at an Evanston, Ill., halfway house for mental patients. "We have people who have been on disability for years suddenly being reviewed and cut off. And nothing we say to justify their staying on seems to make any difference."

"I'm glad I'm getting my benefits back," the Ohio woman, whose name is protected by government privacy laws, said last week. "I couldn't have lived without it. I just really, really feel sorry for all the others who should be on disability and aren't anymore."

Administration officials are aware of the problems that have developed because of their cost-cutting drive.

In an interview with The Times, Social Security Commissioner Svahn said he is looking at possible measures to relieve some of the distress that has been caused by the Administration's policies. "We're very concerned about this," he said, conceding that "mistakes have been made."

INSURERS PRAISE CRACKDOWN

However, the Administration's crackdown was praised by private disability insurers. "In the business world, this would be normal procedure," said R. C. Ellis, executive vice president of Mutual of Omaha and head of a special committee on Social Security disability for the International Claims Assn. "I have read some of the 'horror stories' in the papers—but I also know this: These people all have recourse. They can appeal."

But the complex appeals procedure can take months to run its course. Denied their disability payments in the meantime, many former recipients turn to welfare and food stamps.

In many cases, truly disabled beneficiaries taken off the rolls appear to be the victims of overzealous disability examiners. And some examiners say their decisions are more likely to be reviewed by their superiors for continuing a client than for terminating him.

"I'm not going to get paid more if I cut someone off," said Michael Lomax, president of the National Assn. of Disability Examiners and operations consultant for the Nebraska state disability determination agency. "But it does work as a subtle reminder: 'Hey, if I don't cease (terminate) this claim, it will get reviewed.' "

Other beneficiaries have found their checks cut off through an overly stringent application of the regulations governing disability. "The current adjudicative climate . . . seems to be one of deny, deny, deny," a Wisconsin state official complained in a memorandum in December to the regional Social Security office in Chicago.

And, as in any other federal program, still other beneficiaries have been eliminated because of honest mistakes or oversights on the part of adjudicators.

To be sure, thousands of unqualified beneficiaries have been taken off the roles. And even the harshest critics of the Administration's drive agree that most disability examiners and other Social Security workers approach their jobs conscientiously and in good faith.

INFLUENCED BY POLITICS

But, as disability insurance experts point out, determining whether a person with physical or mental impairment is truly disabled—especially in borderline cases—is partly a subjective judgment. And within the Social Security system, those subjective judgments are influenced by the political climate set by the Administration.

"You can have vastly differing decisions depending on whether the climate says, 'When there is reasonable doubt, deny it,' " said Sam Crouch, former disability insurance director for Social Security who played a key role in writing many of the guidelines still used in determining disability.

For whatever reasons terminations are made, the consequences—particularly for those who have little or no resources to fall back on—are often devastating. Among the examples turned up by a Times investigation:

Commer Foskey, 40, a rural Georgian with two teen-age daughters is faced with going on welfare to survive. Foskey has had three major operations and has been in and out of hospitals 29 times by his own count as the result of a work-related injury that ruptured two discs in his back. Yet he was cut from the disability rolls in October after drawing benefits for eight years.

The decision was based on a Social Security medical review that neglected to evaluate his extreme pain or his dependency on pain-killing drugs. "They said I should get work as a gas station attendant," says Foskey, who is blind in one eye and has limited vision in the other. "I can't hardly read the gas pump."

KIDNEY PATIENT SEEKS AID

Adeloipa Hernandez, 56, of El Monte, Calif., is threatened with a strenuous—and potentially costly—legal battle to get back on disability. In 1973, after almost two years of dialysis treatment, she underwent a kidney transplant operation.

The new organ has functioned well, but the drugs she takes to avoid rejection of the kidney produce frequent back and joint problems along with fungus and bladder infections. Yet last summer Social Security told her she was no longer disabled—despite a report by one of its own doctors that she was totally incapable of working.

Hubert Tuttle, 46, of Lansing, Mich. is one of the dozen or so reported suicides around the nation linked directly or indirectly with disability cutoffs. Tuttle, father of two college-age daughters, had been a machine shop foreman until he suffered a severe back injury.

Despite his almost constant pain, his family said, he had a cheerful personality and good humor. But when Social Security reviewed his case and ruled that he was ineligible for benefits, Tuttle drove to the agency's local office and shot himself with a 16-gauge shotgun.

"They are playing God," a note he left behind said. "I cannot live on welfare."

Administration officials now are aware of such problems and have taken at least one step to soften the impact of the stricter examination of disability cases.

Svahn, a Reagan appointee who also was among the inner circle of officials who helped design the President's overhaul of welfare when Reagan was governor of California, announced last week that he is eliminating a rule requiring back-billing of beneficiaries where a retroactive determination of medical recovery is made.

Under that rule, if a review of a beneficiary's eligibility concludes that his disability actually had ended a year ago, Social Security can bill the beneficiary for payments received since then.

"It makes little sense to decide that a person had medically recovered in the past and must repay us benefits, when the delay in our determination is the fault of the system rather than the individual," Svahn said.

The Social Security Administration actually runs two separate disability programs: Disability Insurance, which is financed through payroll taxes and pays benefits to disabled workers and their families based on the worker's past earnings, and Supplemental Security Income, which is funded by general revenues and pays benefits to low-income blind and disabled persons based on proved need.

About 2.9 million workers and 1.8 million family members get Disability Insurance benefits, with the average disabled worker receiving $413 monthly, plus $398 for a spouse and two children, according to the latest figures.

SUPPLEMENTED BY STATES

Another 2.3 million individuals and couples receive Supplemental Security Income, with the average individual drawing $181 a month and the average couple getting $214. States sometimes supplement these federal benefits, which would raise the average benefits.

To be eligible under either program, an individual must be unable to engage in any "substantial gainful activity" by reason of a medically determinable physical or mental impairment that is expected to last at least 12 months.

The government always has performed about 150,000 to 160,000 follow-up checks each year on beneficiaries under both programs, but usually only on people who, at the time they began receiving benefits, has been expected to recover. Rhoda Greenberg, director of Social Security's Office of Disability Operations, said the termination rate in those cases generally has been more than 50%.

Two years ago, under the Administration of former President Jimmy Carter, Congress ordered Social Security to review the cases of people with nonpermanent disabilities at least once every three years. Those with permanent disabilities were to be re-examined every five to seven years.

Congress also called for a step-up in the number of cases to be reviewed, originally to start last January.

But shortly after Reagan took office—prompted by a General Accounting Office report that as many as 584,000 people receiving Disability Insurance benefits may not currently be disabled and may be costing the government more than $2 billion annually—the Administration moved up the timetable for beginning the review by nine months.

Following the GAO report's recommendation, Svahn also ordered the additional reviews to concentrate solely on Disability Insurance recipients, because the potential payoff from uncovering unqualified benefits was higher given the higher benefits paid under that program.

Now 360,000 cases are being reviewed annually, in addition to the regular 150,000 to 160,000 ordinarily reexamined. As a result of the accelerated review process, the Administration predicts it will save $372 million this year, $730 million in 1983 and more than $1 billion in 1986. The termination rate, now 45%, is expected to fall in succeeding years because most of those cases likely to be terminated will be discovered early in the crackdown.

Administration officials contend that lax management and overly generous benefits in the past have caused the disability rolls to become swollen with "welfare riders"—at a staggering cost to the nation's taxpayers.

And despite the troubles experienced in this initial phase of the speedup in re-examinations—troubles the Administration hopes to have smoothed out soon—the process generally is working well and the number of erroneous terminations is far less than critics claim, these officials say.

But the critics maintain that it is just the speedup that has led to what they consider the current crisis in Social Security disability. They contend staffs are inadequate to handle the increased volume of claims.

In Illinois, for example, the state agency that handles Social Security disability claims has only one psychiatrist on its staff of part-time doctors who have the final say-so on disability claims.

Dr. Edward Ference, chief medical examiner in the Illinois Division of Disability Adjudication Services, admitted that "by far the great majority" of review cases involve mental disabilities and that many non-psychiatric doctors are passing judgment on such cases. But, he said, "this is not a serious problem because staff physicians are well-versed and . . . get ongoing training in the psychiatric area."

A suburban Chicago psychiatrist, who has done consultative examinations for the state agency for the last 10 years, disagrees. "They're doing something medically improper," said the psychiatrist, who asked that his name not be used for fear of reprisal. "It's like me judging a surgical case. I could guess but I don't have the expertise."

CRITICAL OF PROCESS

Robert M. Ball, commissioner of Social Security under former Presidents John F. Kennedy, Johnson and Richard M. Nixon, also is critical of the accelerated review process.

"They should have gone more slowly. There wasn't all that big a rush," Ball said. "It's terrible what they're doing. I think they're going to get reversed all over the place."

Beneficiaries terminated after a review can request consideration by the state agency if they are dissatisfied with the initial decision. If they are again denied benefits, they can appeal to an administrative law judge. Ultimately, appeals can be carried to federal court.

Records show a beneficiary who has been terminated has just about even odds of having those benefits restored if he goes to an administrative law judge.

Several of the judges have openly criticized what they describe as the dubious manner in which the review process is being made and what they consider to be flagrant errors being committed by state agencies in deciding whether beneficiaries are capable of working.

"Every judge I know has seen cases so ridiculous they shouldn't even be coming before us," said Don Edgar Burris, chief administrative law judge for Montana. "There's no way these people could be denied if the disability examiners were doing things in a conscientious manner."

On the other hand, Louis B. Hays, assistant Social Security commissioner for hearings and appeals, argued that such a high percentage of reversals is more indicative of problems in the entire adjudicative system.

MORE UNIFORMITY URGED

Hays pointed out that, unlike state disability examiners, who simply examine records and medical findings, the judges see the claimant face to face—most likely with legal counsel—and have the benefit of additional medical evidence. Sometimes the claimant's physical or mental condition has actually worsened, too, by the time his appeal is heard, Hays said.

Administrative law judges also are not bound by the claims-manual interpretations that bind state agencies—something Hays said he would like to see changed so that the entire adjudicative process would be more uniform.

Administration officials say the eligibility standards for Social Security disability payments are strict—perhaps the strictest of all government disability programs—and their aim is to enforce them to the letter.

This posed a dilemma for a 46-year-old Korean War veteran in Los Angeles who was cut from the Social Security disability rolls about seven months ago despite being certified as incapable of working by the Veterans Administration because of manic depression.

"One side of the federal government says he's disabled and the other side says he isn't," said Tom Rossebo, who runs a facility where the veteran has lived since 1975.

Rossebo said that he has allowed the veteran to remain at the facility, despite his inability to pay since his Social Security disability benefits were terminated.

"We can't really put him out in the street," Rossebo said. "We're a large facility, 70 beds. But . . . there are a lot of places that when you can't pay the money, they just put you out."

Pressure is mounting on Capitol Hill for legislation to answer the concerns raised by the re-examination process, particularly the concerns of those beneficiaries who have been denied disability payments despite severe long-term injury or illness.

Several bills have been introduced that would require benefits to continue while claimants are appealing terminations. Other measures call for more safeguards for beneficiaries during the review process. Rep. J. J. Pickle (D-Tex.), chairman of the House Ways and Means subcommittee on Social Security, also has offered a plan designed to make the entire adjudication process more uniform.

At a recent hearing on the measure, Pickle stressed the need for the disability rolls' review, mandated two years ago by Congress.

"At the same time, until this process is settled down and becomes a regular part of the proceedings so that it does not come as such a surprise to the recipients, some adjustments and special allowances are in order," he said.●

BOB DISBRO—"IT'S NOT WHAT YOU'VE LOST THAT MATTERS"

● Mr. METZENBAUM. Mr. President, about 30 years ago, I met a young man who had just finished Western Reserve University Law School. He had become an attorney despite problems that would have defeated a lesser person.

Bob Disbro was a young man from poor background who answered the call to service in World War II. At the age of 20, a land mine brought his life to a standstill and resulted in the loss of his right arm. For a while, his right leg was in danger of also being lost.

But he overcame both the poverty and the handicap to go on to be one of the pre-eminent attorneys in Cleveland. He is a "Founding Fellow" of the Cleveland Academy of Trial Lawyers, and past president of the Cuyahoga County Bar Association and the Ohio Academy of Trial Lawyers.

But that only tells you a little about the man that is Bob Disbro.

In the March 22 issue of the Cleveland Press, religion editor George R. Plagenz has come close to capturing the essence of one of the finest men I know. In a profile entitled "It's not what you've lost that matters," Plagenz describes Disbro in this manner:

> Disbro spends much of his leisure (and working) hours alternately scolding and encouraging people who feel sorry for themselves.
>
> "I know the feeling," he says. "I grew up in poverty and wound up getting my arm blown off. My mother had 35 cents in her purse the day my father left us. My aunt came over and managed to take $2 out of her savings account without my uncle knowing about it. She gave it to my mother so we could eat.
>
> "I went to 9 or 10 schools before I graduated from Garfield Heights High School. Yeah, I know the feeling that life is against you."
>
> But his philosophy today is, "It's not what you lost that matters, it's what you got left that counts. As for your physical handicaps, if you are determined to overcome them, nature will not only show you how to do it, it will lend a hand. Besides that, your fellow man will beat a path to your door to help you."
>
> If, on the other hand, you choose to sit back and let the world walk by you, the world will walk by you and leave you and forget you.

Mr. President, earlier when I said that the writer had "come close to capturing the essence of Bob Disbro," I meant to cast no aspersions on the writer.

What I meant is that, unless you have been privileged, as I have been privileged, to know and work with a man such as Bob Disbro, it is difficult to put, in a few words, just what kind of person he is—and what an inspiration he has been for me and for others over the years.

I have been privileged to know him and his lovely wife for many years—in all types of situations. No matter the problems he may have, you will always hear the joke, always see the smile, always feel better for having been with him.

I am proud to be able to call Bob Disbro my friend. My life has been enriched by knowing him.

I ask that the article be printed in the Record.

The article follows:

[From the Cleveland Press, Mar. 20, 1982]

Robert Disbro—"It's Not What You've Lost That Matters"

(By George R. Plagenz)

It is a cold, gray day in Cleveland as Robert Disbro looks out the window of his seventh floor law office in the Leader Bldg.

"I'd give my right arm to be in Hawaii now," he says, chuckling. He is chuckling because he has no right arm.

But if Disbro—successful trial lawyer, matchless storyteller and amateur poet—has learned to make light of his own handicap, he does not chuckle when others make tactless remarks about people with disabilities.

Recently an opposing counsel, who didn't know Disbro, saw him in the courtroom wearing an open-necked shirt without a tie. He said to Disbro, "This isn't some jerkwater court. We wear ties here."

"I wanted to give him a left (what else?) to the jaw," says Disbro. "But I held my temper. Instead I said, "It's pretty hard to tie a tie when you have only one arm."

The other lawyer, unaware till then of Disbro's handicap, walked away sheepishly.

Disbro, 58, lost his arm in 1944 when the army jeep in which he was riding backed over a land mine. The explosion shattered his right arm. For a while it looked as if his right leg would have to be amputated too.

"I had three doctors treating me," says Disbro. "One was a Catholic, one was a Protestant and one was Jewish. It was due to their superhuman efforts that I made it. I've been ecumenical ever since."

Determined to succeed despite his handicap, Disbro came back home to Cleveland after his recuperation at McGuire General Hospital in Richmond, Va. He enrolled in Western Reserve University where he majored in speech—and learned to write with his left hand.

He earned his B.A. in 1948 and his law degree in 1950 from Western Reserve Law School.

He then became a partner in the law firm of Sindell, Sindell, Bourne, Disbro and Marcus. In 1961 he formed the law firm of Disbro and Ellerin with attorney Jerome Ellerin. That association was dissolved last August when Disbro formed the law firm of Robert R. Disbro and Associates.

He is a Founding Fellow of the Cleveland Academy of Trial Lawyers and is past president of the Cuyahoga County Bar Association and the Ohio Academy of Trial Lawyers.

Disbro's poems have been published in various law publications. His latest, "An Ode to Plaintiff's Counsel," appeared in the February issue of Law & Fact, the monthly publication of the Cuyahoga County Bar Association.

Disbro spends much of his leisure (and working) hours alternately scolding and encouraging people who feel sorry for themselves.

"I know the feeling," he says. "I grew up in poverty and wound up getting my arm blown off. My mother had 35 cents in her purse the day my father left us. My aunt came over and managed to take $2 out of her savings account without my uncle knowing about it. She gave it to my mother so we could eat.

"I went to nine or 10 schools before I graduated from Garfield Heights High School. Yeah, I know the feeling that life is against you."

But his philosophy today is, "It's not what you've lost that matters. It's what you've got that counts. As for your physical handicaps, if you are determined to overcome them, nature will not only show you how to do it, it will lend a hand. Besides that, your fellow man will beat a path to your door to help you.

"If, on the other hand, you choose to sit back and let the world walk by you, the world WILL walk by you and leave you and forget you."

What first inspired Disbro after tragedy hit him in the war was seeing a double arm amputee at McGuire General Hospital put on a demonstration of shoveling coal with two prosthetic arms.

"It convinced me that an amputee placed in the proper job is just as capable as an able-bodied worker," says Disbro.

The first thing a newly handicapped person has to deal with is bitterness and resentment, says Disbro.

"I have pretty well conquered that," he says. "It still may come back periodically but I try not to let it show."

The two toughest things for an amputee to accomplish in the matter of everyday living is "cutting meat and spreading hard butter," says Disbro.

He has mastered the meat-cutting with a special moon-shaped knife.

"You hold the meat with the knife and roll the blade through it," he says. "Once you get the hang of it, you can disjoint a chicken."

Everything else is easy. He can take off cuff links with his teeth, button his shirts, zip his pants and tie his shoe laces.

How come then he can't tie a tie?

"Oh, I can tie a tie—Windsor or foreign-hand knot," says Disbro, "but I wasn't going to tell that to the guy who insulted me. Actually, I'll admit it's easier for me to wear an open-collar shirt and go without a tie. And I often do."●

CHEMICAL STRATEGY AND EUROPEAN REACTION TO BINARY PRODUCTION

● **Mr. PRYOR.** Mr. President, we vote in the near future on whether or not this Nation resumes the production of lethal nerve gas agents. As a part of that decision, we must reckon with the larger policy implications of new nerve gas production, particularly the question of whether this weapon has a clearly defined mission and serves a coherent strategy within the defense posture of the Western alliance.

Unfortunately, the administration has failed to provide us with the information necessary to fully answer these questions. In an attempt to block European protest, the administration has come to view the production and deployment of nerve gas as two separate issues, which, in effect, has separated the weapon from its purpose. For unless forward based in Europe, these weapons will add little to the Western defense and, in fact, may undermine it by placing additional burdens on our airlift capabilities in wartime. Moreover, by failing to fully consult with our allies in this decision, the administration has yet to fulfill the obligations set for certification of new chemical weapons production.

Unless these questions are addressed, the Senate will vote on a downpayment for a weapons system lacking a coherent strategy which takes into account deployment and diplomatic considerations. Our ability to appreciate these factors is crucial to our upcoming decision. For an indication of European reaction to U.S. production of binary nerve gas weapons, I commend to the attention of my colleagues a special report by the International Communications Agency and request that it be reprinted in the RECORD.

The information follows:

U.S. DECISION TO PRODUCE CHEMICAL WEAPONS

SUMMARY

Announcement of the President's decision to request Congress to authorize funding to produce chemical binary weapons elicited a flow of anguished comment and sentiment in major media voices in Western Europe and elsewhere which has continued more or less unabated.

While a number of representative commentators sought to rationalize the U.S. move as an inevitable response to Soviet stockpiling of such horror weapons—and thus a sort of parallel to the NATO "two-track" decision on nuclear weapons—most concluded that this was debatable.

West Europeans said that, as with theater nuclear weapons, Europe would be the battlefield where they would be used.

Observers the world over warned that the decision would revive the special horrors of chemical warfare, compromise deterrence and remove moral advantages over the Soviets. It was also judged that the timing was bad, as the announcement occurred just when the United States was in the middle of a diplomatic offensive against the Soviets over their involvement in the so-called "yellow rain."

And, added many observers, vociferous protests and demonstrations could be expected of Western Europe's growing peace movement.

The following were principal themes in comment:

The logic of the decision is that the West can only force the Soviets to renounce use of chemical weapons by matching them. This is debatable.

"A logic of death"

Radio France-Inter on February 9 carried a commentator's assertion that "experts say that the only way for the United States to force the USSR to renounce its chemical weapons is to have them also. This is barely understandable. All this belongs to a logic of lunatics, a logic of death . . ."

"Bonn sees parallels with NATO two-track decision"

Conservative Die Welt of Bonn on February 17 carried a byliner's report that West German "experts perceive parallels between the U.S. decision on production of chemical weapons and the NATO two-track decision: both are a response to a preceding Soviet arms buildup, and in both areas the West is pursuing a disarmament policy the objective of which is a zero solution . . ."

Foreign Minister's remarks on U.S. decision

In Tokyo, business-oriented Nihon Keizai on February 17 quoted an exchange in the House of Councillors budget committee in which a member asked, "Should not the Government ask the United States to suspend the reopening of production of chemical weapons?"

Foreign Minister Sakurauchi was quoted as saying, "I think the U.S. Government step is a response to the fact that the Soviet Union has been expanding the production of (chemical weapons) continuously to gain superiority over the United States."

The paper added: "The Foreign Minister thus emphasized that he had no idea of working upon the United States for the suspension of production of chemical weapons, because he recognized the necessity of maintaining or restoring the balance of military power between East and West."

2. Europeans feel that Europe is the site where chemical weapons will be used.

"Likely to renew European concern"

Washington correspondent Nicholas Hirst of the Independent Times of London on February 10 wrote, "As with the neutron bomb, chemical weapons are most likely to be used in a European rather than an intercontinental war."

"Once again it is Europe where weapons would be used"

In London February 11, an editorial in the liberal Guardian said, "The indiscriminate nature of the weapons puts them in the same class as nuclear weapons, and Europeans are likely to feel more repelled than most because it is once again in Europe . . . that the weapons would be used . . ."

"Europe the likely theater for their use"

Amsterdam's left-of-center Trouw on February 15 said, "The British, French and Germans still almost literally feel the trauma of World War I with its mustard gas. And Europe knows that if a conflict is not fought out directly with nuclear weapons, it will be a likely theater for the use of these inhumane chemicals."

"Beware, Europeans, you will be the first victims"

Catholic La Croix of Paris on February 17 carried a byliner's article stating that "the main argument is similar to the one which followed another decision of President Reagan concerning the neutron bomb: 'Beware, Europeans, you will be the first victims of a chemical conflict.'"

"German civilians would be fully exposed to defastating effects"

Independent Stuttgarter Zeitung February 19 ran a byliner's story saying that "in the event of conflict, German civilians, more than anyone else, would be fully exposed to the devastating effects of nerve gas."

"Europe dismayed at prospect of weapon being deployed there"

The Statesman of New Delhi on February 19 said, "If (the decision to resume production of chemical weapons) has . . . caused dismay in Western Europe, it is mainly because of the prospect of the weapon being deployed there."

3. It revives the specter of chemical warfare with all its special horrors, compromises deterrence and removes a moral advantage.

"Could turn deterrence upside down"

Pro-Social Democratic Stuttgarter Zeitung on February 10 said, "The Warsaw Pact is no doubt preparing for chemical warfare. . . . However, increasing Western stockpiles of nerve gas . . . would mean turning the doctrine of deterrence upside down. . . . Trying to be prepared to retaliate in kind to any conceivable form of aggression makes the strategy concerned predictable . . .

"We must not, by introducing such weapons into our arsenals, give the other side the impression that we would retaliate 'merely in kind.' Deterrence rests upon the incalculable risk of a nuclear counter-blow."

"Threat of destruction nobody can justify"

In Mexico City, left-leaning Excelsior on February 11 said, "U.S.-Soviet mutual accusations will only result in the increased availability of lethal weapons and an unprecedented threat of world destruction . . . which nobody can justify under any circumstances . . ."

"Setback for efforts to curb arms race"

Center Party Suomenmaa of Helsinki on February 12 observed, "In fact, the decision is a serious setback for efforts to curb the arms race."

"Mistaken decision cannot be explained away by Soviet arsenals"

Helsinki's conservative Uusi Suomi on February 12 wrote, "With its decision on chemical weapons, the United States will no longer be able to show that these weapons are particularly hypocritical or immoral, because it is going to produce these weapons instead of being content with establishing systems to counter them. This mistaken decision is not explained away by the large Soviet arsenals of chemical weapons."

"We are opposed"

Liberal Asahi on February 13 wrote, "We are opposed to any increase in the military competition between the superpowers. In particular, we are very strongly opposed to the growing rivalry in the chemical field . . ."

"Bonn should urge the United States to practice restraint'

Independent Stuttgarter Zeitung on February 19 carried a byliner's assertion that "in our days, deterrence rests upon mass annihilation weapons of a different type, namely, upon nuclear weapons. . . . Therefore, deterrence can be sustained even if the 'chemical imbalance' continues. . . . Rather than encouraging the United States, Bonn should urge it to practice restraint in the area of chemical weapons."

"Soviet use of chemical weapons cannot extenuate frightening U.S. plans"

The influential New Statesman of New Delhi on February 19 said, "The American decision would widely be regarded as a particularly retrograde step. . . . Soviet use of chemical weapons, even if proved, cannot extenuate the frightening American plans, especially for the production of a deadly nerve gas."

Soviet Union: "U.S. feared agreement would hamper 'chemical rearmament'"

Moscow TASS in English on February 18 stated that "the decision to speedily launch the production of toxic agents forcefully shows why the United States has been avoiding for many years the conclusion of an international convention prohibiting chemical weapons.

"Today it is clear to everyone that Washington refused to continue the talks conducted earlier with the Soviet Union on this matter because of its fears that the prospect for reaching agreement that emerged during the talks could hamper the implementation of the plan for 'chemical rearmament' of the United States that seems to have been conceived long ago."

Hungary: "Pentagon preparing more poisonous weapons than ever"

Socialist Workers' Party Nepszabadsag of Budapest, under the headline, "The U.S. Government Continues to Develop Mass Destruction Weapons," on February 19 carried TASS' position on the U.S. program of "chemical rearmament," calling it "a dangerous attack against international security."

In another article, a commentator wrote that "Agent Orange. . . . did not save American soldiers in Vietnam." The commentator concluded that "the Pentagon . . . is preparing for fights in which it wants to be successful by using war materials more poisonous than ever."

4. The timing of the announcement was bad; the United States should push to get the U.N. commission to investigate charge that the USSR is using chemicals in Asia.

"Timing could hardly have been worse"

The leading English-language Bangkok Post on February 12 said, "The timing (of the President's request to Congress) could hardly have been worse. U.S. officials are in the middle of a diplomatic offensive against the Soviet Union over their involvement in the use of toxic weapons, or the so-called 'yellow rain,' in Afghanistan, Laos and Kampuchea.

"A United Nations investigating team is supposedly examining its findings in an attempt to determine just why so many Hmong have died so horribly. And world reaction to the use of such morally repugnant and vile methods of waging war against a civilian population has been almost universal in its condemnation. Now, in the middle of all this controversy, along comes the American President with a proposal to build new stockpiles of horrifying nerve agents called GB and VX."

"U.S. should push U.N. investigation, not produce chemical arms"

The English language Latin American Daily Post of Rio de Janeiro on February 18 said, "We cannot agree with the U.S. President's attitude of building a chemical arsenal because . . . the fact that the United States has taken the drastic step indicates that there is a lot of evidence that the Russian-supplied poisons are being used. . . .

"We believe the United States should push to get the U.N. moving on this investigation rather than rush to produce its own chemical arms. There was a U.N. panel formed in November to investigate the Indochina reports but this investigation was hasty and undermanned. Over Soviet bloc objections, the U.N. General Assembly voted on 9 December 1981 (86 to 28 with 30 abstentions) to extend the investigations for another year. But the panel so far as accomplished little. Proper financing has to be provided. . . .

"Nothing would be more pleasing than to find out that the charges of the use of chemical warfare by the Soviets are unfounded. Unfortunately, at the moment all independent evidence hints strongly that the charges are true, well founded. The United Nations, this year, must get to the truth of this issue."

5. As demonstrations in the past have shown, the United States can expect protests from European pacifists.

"Expect vociferous protests"

Pro-Christian Democratic Muenchner Merkur on February 11 ran a byliner's assertion that "after President Reagan's formal request for Congressional approval (for chemical weapons production), we will not have to wait long for the occurrence in Western countries of vociferous protests which will emanate most certainly from a number of politicians of the Bonn Government parties.

"Foreseeing that, the Americans say: 'We are in for another campaign by perverted thinkers.'"

"Demonstrations in Europe against NATO have been a warning"

In Essen, independent Westdeutsche Allgemeine on February 11 carried Washington correspondent Emil Boelte's observation that "demonstrations in Europe against NATO arms modernization have been a warning to the Reagan Administration. . . . That is why it was announced that the new (chemical) superammunition would be rushed to the scene only in an emergency."

"Pacifists will have pretext for future demonstrations"

Liberal La Croix of Paris on February 17 wrote that U.S. production will "provide arguments to the pacifists who, closing their eyes to Soviet stockpiling, will have found a pretext for their future demonstrations." ●

CELEBRATION OF IMMIGRANTS

● **Mr. KENNEDY.** Mr. President, last week, the citizens' committee for immigration reform, under the leadership of Father Theodore Hesburgh, sponsored a unique luncheon in New York to honor America's immigrants.

The citizens' committee selected a representative sample of recent immigrants to the United States in order to demonstrate the important contributions immigration has made to our society. They sought to honor those who have brought so much to America simply by coming to America.

This salute to them—to Theodore Bikel, to Michael Blumenthal, to Pamela Harriman, to Wassily Leontief, to Felix Rohatyn, among many others—was really a salute to all who have made this country great. For we are, as President Kennedy wrote, a "Nation of Immigrants" and we can still be very proud of this heritage and what it has brought to America.

Mr. President, I commend the citizens' committee's efforts and the leadership of Father Hesburgh, and I ask that the text of his address delivered at the luncheon, the list of honorees, and a news account of the event be printed at this point in the Record.

The material referred to is as follows:

[From the New York Times, Apr. 7, 1982]

Prominent Immigrants Honored at a Luncheon

(By Leslie Bennetts)

The 37 distinguished immigrants had all made it to the United States from such countries as the Soviet Union, Cambodia and Argentina, but more than one-third did not manage to get to the Waldorf-Astoria Hotel for lunch yesterday.

Nevertheless, snow and canceled flights notwithstanding, two dozen prominent Americans did show up to be honored by the Citizens Committee for Immigration Reform. Their fields of achievement were diverse, ranging from science to music to politics to finance, but the honorees all shared the experience of having immigrated to America.

Among those honored were Felix G. Rohatyn, the Vienna-born investment banker; Arthur F. Burns, who was born in Austria and is now Ambassador to West Germany; Pamela Harriman, a native of Britain and the wife of former Gov. W. Averell Harriman; I. M. Pei, the architect, who was born in China; Viveca Lindfors, the actress, who was born in Sweden, and Wassily Leontief, the Nobel Prize-winning economist, who was born in the Soviet Union.

Those stranded in various airports included the keynote speaker, the Rev. Theodore M. Hesburgh, president of the University of Notre Dame, who never made it out of Chicago; W. Michael Blumenthal, a former Secretary of the Treasury, who was in Detroit, and Diego Asencio, Assistant Secretary of State for Counselor Affairs, who was still in Washington.

Those in attendance got to hear Father Hesburgh's speech anyway, as delivered by Dr. Charles Keely of the Population Council.

"Just look at this room today, and it is obvious what the benefits of immigration are," said Dr. Keely. "Without immigration, their contributions might have been lost to us. The lesson is clear: Far from worrying about the short-term cost of permitting legal immigrants and refugees to come here, we should rather be worrying about the long-term costs to United States society of a restrictionist immigration policy."

Several of the honorees spoke, and all expressed their gratitude to the country that had adopted them.

"For millions of people, and for me, coming to America to live has brought a kind of second birth into a land of hope, opportunity and promise," said Mrs. Harriman. "It is terribly important for our own inner health as a country that we continue to offer newcomers that opportunity."

The Citizens Committee was formed a year ago to promote "a rational, just, race-free immigration policy," explained Nina Solarz, its executive director and the wife of Representative Stephen J. Solarz.

There was much talk of freedom, and the almost 200 guests rose to sing "America the Beautiful" to music provided on a Roneat Ek, a Cambodian percussion instrument, by Chinary Ung, a Cambodian musician who is now a professor of music at Connecticut College. But one speaker sounded a darker note.

"What haunts any refugee who came to this country in the last 50 years is the notion that if this country loses it confidence and soul, there is probably no other country in the world worth immigrating to," Mr. Rohatyn said.

List of Honorees

NAME, PROFESSION, AND COUNTRY OF BIRTH

Mr. Jean-Pierre Anselme, Chemist, Haiti.

Ambassador Diego Asencio, Diplomat, Spain.

Mr. Theodore Bikel, Actor, Singer, Austria.

Mr. Michael Bleyzer, Engineer, Soviet Union.

Mr. W. Michael Blumenthal, Businessman, Germany.

Ambassador Arthur Burns, Diplomat, Austria.

Mr. Anthony Celebrezze, Circuit Judge, Italy.

Mr. David Chudnovsky, Mathematician, Soviet Union.

Mr. Gregory Chudnovsky, Mathematician, Soviet Union.

Dr. Paul B. Cornely, Physician, French, West Indies.

Mr. E. B. Dynkin, Mathematician, Soviet Union.

Ms. Lida Gleizer, Hair salon owner, Soviet Union.

Ms. Pamela C. Harriman, Civic worker, England.

Dr. Le Xuan Khoa, Educator, Vietnam.

Mr. Walter Laqueur, Educator, Germany.

Mr. Franz Leichter, State Senator, Austria.

Mr. Wassily Leontief, Economist, Soviet Union.

Ms. Viveca Lindfors, Actress, Sweden.

Mr. Pavel Litvinov, Educator, Soviet Union.

Mr. Charles A. MacGillivary, Congressional Medal of Honor Winner, Canada.

Mr. Aleksandr M. Nekrich, Historian, Soviet Union.

Mr. Ieoh Ming Pei, Architect, China.

Mr. Gabor Peterdi, Printmaker, Painter, Hungary.

Mr. Bounlieng Phommasouvanh, Educator, Laos.

Mr. Richard Pipes, Educator, Historian, Poland.

Mr. Cyril Ponnamperuma, Chemist, Sri Lanka.

Mr. Yuri Radzievsky, Businessman, Soviet Union.

Mr. Felix Rohatyn, Investment Banker, Austria.

Mr. Max Salvadori, Historian, Italy.

Mr. Boris Schein, Mathematician, Soviet Union.

Mr. Isaac Shapiro, Attorney, Japan.

Mr. Elliott Skinner, Anthropologist, Trinidad.

Mr. Chinary Ung, Musician, Cambodia.

Mr. Leonid Vasersten, Mathematician, Soviet Union.

Mr. Harry C. Wechsler, Businessman, Rumania.

Mr. Boris Weisfeiler, Mathematician, Soviet Union.

Representative Ted Weiss, Congressman, Hungary.

Address of Rev. Theodore M. Hesburgh, President, University of Notre Dame

On behalf of the Citizens' Committee, I would like to welcome you to our celebration of immigrants!

For those of you who are not very familiar with the Citizens' Committee, a bit of history might be in order at this point. A little over a year ago, a group of us gathered at the Wingspread Conference Center in Wisconsin. There, we discussed amongst ourselves the findings and recommendations of the Select Commission on Immigration and Refugee Policy—of which I had the honor to be Chairman—knowing that these had been submitted to the President and Congress just days before.

Those of us who had served on the commission knew that what could almost be termed a miracle, (I don't just use that term because of my calling) had occurred at the Commission. For the first time in U.S. history, a major panel looking at immigration reform had submitted a report that was balanced and fair, to both the U.S. national interest and to the needs and desires of millions of immigrants who sought entrance to this great country.

We also knew, though, that the new administration and the newly reconstituted subcommittees on immigration faced some rough decisions. They had just been passed responsibility for making final determinations on a set of issues that are as complex and emotional as any one could wish to see. Out of our discussions came a determination that the process of immigration reform must continue on the same high road as that followed by the Commission. And, out of that determination came the decision to form a Citizens' Committee, to help ensure that this occurred.

In the year since formation of our committee, much has happened. A Presidential Task Force reviewed the proposals of the Select Commission, conducted its own studies, and made recommendations. Following this, the administration submitted its legislative proposals to Congress. In the meantime, the Senate and House Subcommittees conducted hearings and made several fact-finding tours. And, a few weeks ago, Senator Alan Simpson, Chairman of the Senate Subcommittee, and Congressman Romano Mazzoli, Chairman of the House Subcommittee—and a graduate of Notre Dame, I am proud to say—introduced a truly balanced, sensitive piece of legislation, capable, I believe, of accomplishing the long-sought viable reform of our immigration system.

This celebration of the contribution of immigrants could not have come at a more propitious time—following so closely the introduction of the Simpson-Mazzoli bill. We can say now what was said at Wingspread one year ago. It is imperative that debate on this measure proceed in a sane, thoughtful manner—one suited to this terribly complex, important question. But, as we all know too well, xenophobic emotionalism all-too-often takes over as the primary response to immigration pressures—particularly in times of economic trouble. Those of us who are seriously concerned about immigration reform must make sure that this does not happen, now.

One thing that we can do is to make sure that the people in this country are informed about the true effects of legal immigration to our shores. And I stress here the word legal, for we must also make sure that legitimate concerns about illegal migration are met.

Study after study has revealed that immigrants contribute greatly to American society. According to one study, within four to six years of entering the country, immigrants tend to match and then surpass the earnings of the native born—thus contributing through their tax payments and the productivity that ensues from their presence here. But, we need not now look at sterile statistics to find support for this contention.

Looking about this room today, it is obvious what the benefits of immigration are. For those of you who came to this lunch not quite sure of its purpose, a quick look at the list before you of those we are about to honor should make clear our intention. For, if you ask—to paraphrase a question that will be asked in households throughout the world tomorrow—what makes these people different from all others, the answer is as follows: they are all immigrants to the United States.

We have sitting here a panoply of illustrious persons. They come from every walk of life: the arts, sciences, humanities, social sciences, business and government. And, they were all born outside of the United States. Some voluntarily left their countries of origin seeking a new and better life, while others fled persecution and found their refuge here. Without immigration, their contributions might have been lost to us.

The lesson is clear: far from worrying about the short-term costs of permitting legal immigrants and refugees to come here, we should rather be worrying about the long-term costs to U.S. society of a restrictionist immigration policy. For, without immigration, the United States would be a far poorer country in many of the cultural, intellectual, and, even material things that count most in life.

Enough of the sermon, though. We are here to enjoy ourselves this afternoon. I understand that we will be hearing the stories of some of our honorees later in the luncheon. Now, Bon Appetit!●

PROSPERITY WITH JUSTICE

● Mr. PRYOR. Mr. President, I am sure we can all agree that our former colleague and Vice President, Walter F. Mondale, is one of the Democratic Party's most respected leaders.

Since leaving office Walter Mondale has been traveling throughout America, and on March 9 he delivered an exceptional speech before the National Press Club here in Washington.

In his address, Mr. Mondale offers specific suggestions to achieve what he terms "prosperity with justice." In particular, he stresses the need for us to regain our world leadership in technological development through all the means available to us—tax incentives, education and job training, capital investment, basic research, and our energy and export policies.

We have the tools to get the economy moving again; what we need are will and direction, and the former Vice President offers a clear and forceful proposal for the eighties. I ask to include the full text of his remarks in the RECORD at this point and encourage my colleagues to study the speech with great care.

The test follows:

REMARKS OF WALTER F. MONDALE

WASHINGTON, D.C.—Following is the text of a speech prepared for delivery by Walter F. Mondale to the National Press Club here.

I'm delighted to be back at the National Press Club. Three and a half years ago, I spoke here to make the Democratic case before a midterm election, and today I'm proud to stand here again as a Democrat and speak about the future of our country.

We meet today against a very bleak landscape.

The nation is locked in a severe recession. More Americans are out of work than at any time since the Great Depression. Interest rates have reached their highest real level in history. Farmers have had their worst year since 1933. Autos and housing are crippled. And over 17,000 businesses have failed.

Those are the cold statistics. But for the millions unemployed, the recession is felt in personal pain. They have lost more than their jobs. They have lost their independence, their pride, and maybe their homes. Families are strained. Whole communities are cast into despair.

Sometimes you can blame such hardship on forces beyond our control—the faceless business cycle, the holders of foreign oil, a bad harvest. But today the cause of this disaster is the radical economic experiment of this administration. It has failed—and failed completely.

This is a recession that did not need to happen. It should not have happened. Underlying factors such as energy and food prices have been behaving very well. When this administration took office, the leading indicators were improving. But as soon as their program took hold, that program ended the shortest economic recovery since 1919. This administration has committed the most serious economic mistake in modern American economic history.

In 1978, when the Reagan-Kemp-Roth tax scheme was first seriously proposed, I said it was a bad idea. I said it in 1980, and others called it a riverboat gamble and voodoo economics. And I said it again in 1981. But it didn't take any special insight to see through the smoke and mirrors of this program. It was obvious even to a fifth grader that you could not massively cut taxes, sharply increase defense spending, and balance the budget, all at the same time.

You couldn't—and they haven't.

The result of this colossal mistake is the largest deficit in history. In 1983 the deficit they call $90 billion in fact will exceed $125 billion, and $200 billion or more in 1985. Unless changes are made, by 1984 this administration may have added more to the national debt in four years than was added in all our history since George Washington took office.

But what is even more frightening is that these deficits continue and grow larger for as far as the eye can see. In the latter half of this decade, under the Reagan program, the federal government will be borrowing nearly 50 percent of all available capital—crowding out private borrowers, pushing up real interest rates, bringing new investment and growth to a standstill.

We should act, now, to dig out of this radical program and start on the road to economic growth. What should we do?

First, the President should withdraw the 1983 budget and start over. Without more than a handful of voters for his budget in the Congress, it's not enough for the President to say "put up or shut up." He should exercise his responsibility to present a realistic budget to the Congress.

Second, Congress should repeal the personal tax cut for 1983, and repeal the tax leasing provision, and clean out other unsupportable tax preferences.

Third, Congress should condition the indexing of taxes on the performance of the economy and the size of the deficit. With the repeal of the 1983 tax cut, this will reduce the deficit by over $50 billion in 1985.

Fourth, Congress should accelerate the 1982 tax cut to January 1st to stimulate growth and help end the recession.

Fifth, we should control the growth in defense spending. With no sacrifice to our security, we can save at least $10 billion in fiscal year 1983.

With these five steps, we must strike an accord with the Federal Reserve Board. With the prospect of much lower deficits, we must insist that they ease up on the money supply, which will reduce interest rates and permit the economy to grow.

These are the preconditions for framing a strategy of long-term economic growth.

But that is just the beginning. It is not just this administration's numbers which dismay me. It's also their thinking.

In the last twenty years, tremendous changes for the good have strengthened our country in ways this administration doesn't comprehend.

As the result of remarkable economic growth and the legislation we passed in the 1960s—poverty declined, education improved, minorities began moving into business and professions, public health was improved, the workplace was made safer, and the environment was made cleaner. We became a more open, more plural, more just and, I believe, a stronger society.

At the same time, I believe there's nothing incompatible about a government that fights for social justice and a government that is effective and well-managed. There's nothing heartless about the public's demand to reduce red tape, paperwork, regulation and bureaucratic meddling or, for that matter, with their demand for a fresh effort at invigorating our federal system.

But there is something incompatible about striving for national strength without social justice. Our history tells us justice without prosperity is unattainable, but it also tells us that prosperity without justice is unacceptable. This administration doesn't understand that a ravaged environment imperils our economy, unfairness in out budget and tax code undermines public trust, that voting rights anchors our democracy, civil rights sustains our stability, women's rights affirms equality, and Social Security redeems our social contract.

By reopening these issues, this administration is taking a detour to the past that can never lead to the future.

But it's not just the good changes they have missed. At the same time, in the last twenty years, some very difficult changes have challenged our nation in ways they equally misunderstand.

Twenty years ago, America was the world's economic wonder, with the strongest basic industries, the highest productivity, and the best technology. All of that is now being severely challenged.

Moreover, our nation is now challenged by an alarming build-up of Soviet military forces; our security is undermined by a continuing dependence on foreign oil; and our economy is weakened by dropping productivity rates; and by persistent high inflation and unemployment.

In these critical ways, our world has changed.

There is much we must do to master these changes.

First, our most important long-term need is steady, more productive, less inflationary economic growth. Everything we care about—our jobs, social justice, and a stronger national defense—depends on that goal. Because that goal is more elusive than ever before, we must be more inventive than ever before to achieve it. We must target tax incentives to encourage high technology, research, and plant modernization. We must train our workers and encourage small business and do whatever else it takes to achieve a more vigorous economy.

Where vision is necessary, the only long-term growth plan this administration has is to take an axe to the tax code. A recent Wall Street Journal ad said—and I quote—"If your company still plans to pay taxes in 1981, you obviously don't know enough about the new tax law." I believe someone said not too long ago, that when the tax bill was passed, "The hogs were really feeding." For a number of privileged corporations, paying taxes today is like giving to the United Way—you just send what you feel you can afford.

Second, to remain internationally competitive, we must refurbish our human and intellectual capital. We must demand high educational standards, support our researchers, invest in our universities, and encourage new technology. Every dollar we invest in science returns $100. The fact is, most of our wealth derives from educated minds and trained hands. Right now this administration is liquidating that asset—by cutting education, worker training, student loans, basic research, and R&D support.

Third, we learned in the 1970s that both our security and our economy are undermined by over-dependence on foreign oil. Although energy supplies are up right now, we must assume that the oil glut is temporary. We should be doing all we can to avoid future energy blackmail. But this administration, by weakening conservation and the development of alternative sources, refuses to do that.

Fourth, my generation—the first to cross the threshold into the nuclear age—must bear the burden of bringing these weapons under control. We now have enough warheads on both sides to bring about what I call "the final madness"—nothing less than the extinction of the human race.

I wholeheartedly endorse the nuclear freeze initiative and urge all those who have an opportunity to support it to do so.

A nuclear arms freeze is an important expression of our national determination and a critical element of our leadership for peace in the world. Building on this expression, we must move quickly and forcefully toward significant reductions on both sides.

The threat of nuclear holocaust fundamentally changes the responsibilities of Presidential statecraft. If America does not lead the effort to control strategic nuclear arms and curb their proliferation—it won't be done. For the survival of humanity, it must be done.

The Reagan Administration has shown disdain for the nuclear peril. They show no interest in our nation's non-proliferation policies. Arms control is a moral and security imperative of our age and not an instrument of propaganda.

Fifth, the recent Soviet military build-up requires a forceful, disciplined response by the United States.

Yet the response by this administration has been to propose a defense budget without a strategy; an M-X without protection; carriers and old battleships without sailors; and a B-1 bomber without a certainty of penetrating Soviet defenses over most of its operational life.

Finally, this Administration looks at the globe only in terms of an East-West struggle. The new emerging nations do not want to copy our system, but they are drawn to us because they see in America the same liberty and justice they want for themselves. Yet this administration, looking through its narrow prism, does not grasp this crucial truth. It has converted human rights from a principle to a tactic. It has allowed our just criticism of repression in Poland to be undercut by our tolerance of repression in Chile, Argentina, El Salvador, South Africa, Turkey and elsewhere.

At home and abroad—our foreign policy is being mismanaged, our security weakened, our growth neglected, our fairness betrayed, and our future squandered.

The tragedy is the opportunity we're missing.

The country that leads tomorrow is the country that produces trained human minds and a skilled work force; the society that rewards creativity and multiplies high technology; the economy that surges ahead with competition, entrepreneurs, and small business; the nation which attracts the world with its devotion to freedom and human rights.

No country is better equipped than our own. We have the resources, the scientists, the workers, and the values. Every country in the world comes to us for knowledge and new discoveries, for skills, for technology—and, for stability and freedom. There is no way we can lose the contest for national strength—if we have the wisdom to wage it.

To wage that contest, we must take several specific steps. The number one priority, after rejecting the Reagan economic experiment, is to promote greater economic growth.

On the tax side, Congress should repeal the tax leasing provision and reexamine the depreciation program of the '81 tax bill. There is no doubt that vulnerable industries need help to modernize. Last year, Congress gave them the largest corporate tax reduction in history. But we've seen already that while this tax package helped some ailing businesses, it did not help others enough—and it gave enormous giveaways to some of the most profitable corporations in the country. In the search for tax breaks truly targeted on productive investments, I believe Congress should explore the expensing of capital investment, a refundable investment tax credit, a rebatable payroll tax, and more. And Congress should enact a fair corporate minimum tax.

On the spending side, we should consider the creation of a capital budget—as part of the regular budget—to make sure we invest adequately, as we are not doing today, in the public capital necessary for economic growth. Our economy simply cannot grow if trucks cannot travel across roads and bridges, if railroads and subways do not run, or if ships can't dock in our ports.

The second priority is to launch a national effort for a more competitive, more productive economy—with the most advanced technology and the best trained workers. That means we must stand by our commitment to elementary and secondary education, provide student assistance for those going on to college and vocational school, job training for young workers, retraining for workers who have lost their jobs in vulnerable industries. New resources for education and retraining must be combined with a rigorous and even stern adherence to high standards.

But beyond reaffirming our basic goals, I propose we take several new steps to build up our intellectual capital. We should maintain full funding for the National Science Foundation and the National Institutes of Health. We should help universities rehabilitate their laboratories and research facilities. We should establish basic research graduate fellowships, with incentives for business participation. And we should improve the research and development tax credit for business.

Third, we should relaunch a national energy program, with emphasis on producing more, conserving more, developing new sources, and filling the Strategic Petroleum Reserve at a continuing high rate. To discourage consumption and reduce the transfer of our wealth to OPEC, we should enact an energy tax. We should rebate the tax to help low-income people pay their heating costs and possibly relieve the general tax burden; we should allocate the remainder to reduce the deficit and pay for needed programs.

Fourth, we must have a concerted policy to expand exports—including a highly competitive export bank policy to permit us to compete with equivalent institutions from other nations; a much firmer policy to reduce trade barriers against American sales in Japan and elsewhere; and above all, lower interest rates so that the American dollar is not exaggerated in value and our exports are not punished.

Finally, our nation's security. The effort of strengthening our defense requires discipline and the courage to make tough choices. The Russian military buildup cannot be ignored. But, if as the President has told us, we have no way to protect the MX, we should scrap it and start on the alternatives. If, as experts say, the B-1 will cost more than $400 million apiece and yet be unable to penetrate Soviet defenses for long, we should accelerate Stealth instead. If, as strategists tell us, the greatest threat to our interests comes from Soviet conventional forces, then it is our conventional forces that must have the highest priority. If, as economists tell us, the huge growth in defense spending could well produce more inflation than additional arms, then we should pace defense increases at a more disciplined and sustainable rate. And if, as is clear, we must ask the American people to sacrifice more for the common security, then we should insist that our Allies contribute more to their own defense. And if, as I believe, sound arms control agreements, strengthen our defense and save money, we should proceed toward such agreements with determination.

But in the end, the purpose of our increased military might is not war—but peace. This administration has no peace plan.

In the Middle East, the proposed sale of F-16s and Hawk missiles to Jordan dangerously escalates the arms race, as well as threatens our ally Israel. In El Salvador, this administration has increased our military involvement for more than a year, yet still the crisis deepens. The time has come to renew the Camp David process at the highest levels; to join our Allies in the search for a negotiated settlement in El Salvador; and to restore our country as the active seeker of peace.

And let me add: Just as our nation must be freed from security threats—so must our political process be freed at last from the special interest lobbies funded by PACs. To help diminish the growing specter of special interest government, we should enact public financing of Congressional campaigns to let ballots, not dollar bills, control our political process.

These are the steps to a better future. We are not taking them. But I do not subscribe to the theory that this administration is taking us back to the past. It's not that simple. Their policies rest on a denial of the past.

Throughout our history, our belief has been that if you liberate individuals from the conditions that chain them, and give them tools with which to compete, they will not only pull themselves ahead—their very striving is the foundation of our country's strength. People pulling ahead, not stopping where they are; breaking into new careers, starting new businesses, rising higher than their parents did—that surging ahead is the power that strengthens our country.

The American idea is that this Nation is never finished. Its history runs through doors that open out. Its vitality is renewed with people moving up. No static, still or quiet—our vision is of a nation in motion. Whatever freezes that motion stalls our greatness. Whatever stands in the path of opportunity—whether its overregulation, or poor education, or discrimination, or the possibility of nuclear war—our mission is to remove that obstacle, to free individuals, and to strengthen our country.

Fundamental to that idea is that we have a profound obligation to one another in America, as old as the Republic.

Our Founders did more than improve an old confederation; they created a new community. They combined not just for the common defense; but also the general welfare. It was not for a selfish reason that they pledged their lives, their fortunes, and their sacred honor—it was for each other.

The point is this: In America we don't let people sink or swim—we swim together. We are not a Darwinist—survival of the fittest—society. We don't salute the flag of some large efficient organization of people on the make—we salute a great civilization with compassion.

What kind of a country are we? The Reagan Administration gives us a cold answer. Our beliefs give us another, best expressed in a story told by John Gardner:

A puzzled little girl brought a dollar bill to her grandfather and asked him, "What does 'E Pluribus Unum' mean?" "It means, out of many, one," he replied. "I don't understand," she said. So he tried again. "It means that we are collectively a whole." "I still don't understand," said the little girl. And then her grandmother said, "What it really means is that we need each other."

And so we do.

Thank you very much.●

THE DEATH OF RALPH WALDO EMERSON "PREZ" JONES

● Mr. JOHNSTON. Mr. President, it is with great sadness and regret that I inform the Senate of the passing of a dear friend, one of Louisiana's most beloved citizens and one of America's most gifted educators, Dr. Ralph Waldo Emerson Jones, better known as "Prez." Prez Jones had served for 41 years as president of what was once known as the Louisiana Negro Normal and Industrial Institute. As a result of his life-long dedication, the school we know now as Grambling State University gained national and even worldwide recognition. Prez Jones will be deeply missed by the university, by the generations of students whom he inspired, and by the countless other friends and admirers whose lives have been enriched by this extraordinary man. I commend to the attention of my colleagues some of the tributes that have been paid to Prez Jones, and ask that these be printed in the RECORD.

The materials referred to are as follows:

"PREZ" JONES: A LEGEND

When he first came to the school, it had fewer than 100 students and only five buildings and was called Louisiana Negro Normal and Industrial Institute. By the time he retired after 51 years at the school—41 as its president—it had more than 4,000 students and was called Grambling State University, the name by which it is internationally known. One of the major reasons—if not the major reason—for that stunning advancement was the man of whom we speak, Dr. Ralph Waldo Emerson Jones, who died last Friday at the age of 80.

Stories about "Prez" Jones, as he was known by just about everybody, are both legion and legend. To give you some idea of his variety, he was during his first 10 years at the school a teacher, dormitory manager, registrar, band director and coach. He was, in fact, the first football coach and organized the first Grambling band—thereby establishing two of the programs which catapulted Grambling into the national and world spotlight. At the same time, he was responsible for initiating the teacher education program back in the 1930s. He was, in every sense, committed to his school and to what it could do for black Americans.

He won goodness-knows-how-many awards for his achievements. Time magazine did a full-page piece on him at retirement time in 1977; he held honorary doctorates from both Southeastern University in Washington, D.C., and from neighboring Louisiana Tech University in Ruston, just down the road from Grambling.

And while it's not stated explicity in any of his tributes, implicit in all of them is the message that Prez was one heck of a politician. He had to be. When he came to his school, public support of black colleges was an afterthought. The programs he built argued in favor of greater support, granted, but a lot of it depended directly on Prez's own force of personality. He could, no doubt about it, talk a state administration or legislative committee into providing money where a lesser man would have failed or gotten at best a token brushoff. For some of that personality, he would be criticized by a later generation for being what they viewed as Uncle Tom-ish, though frankly that criticism is unfair. As one associate once said of him, "If he ever went through the back door, it was only so that someone else would be able to walk proudly through the front door one day."

The legacy he leaves is a towering one, not just for black Americans but all Americans. One person can make a great difference. All his life, Dr. Ralph Waldo Emerson Jones proved that.

[From the Ruston (La.) Daily Leader, Apr. 13, 1982]

"PREZ" JONES: STILL SEEING THAT GRAMBLING FLAG

It is a fact that people die. It is a fact, too, that people who dedicated themselves to being the quieting grease of society, rather than the boisterous, noisy "me first" wheels, die too.

But knowing those things does not make it any easier to suffer the loss. Such a loss has befallen Lincoln Parish—in fact the entire State of Louisiana—with the death of Dr. Ralph Waldo Emerson Jones.

Affectionately called "Prez" by those who knew, and even by many who didn't, Jones was a stabilizing force during many a turbulent year. Though president of predominantly black Grambling State University for 41 years, Prez was not guided by color lines.

He was guided by love. He was guided by knowledge of the young lives he knew he had a hand in shaping. And he was guided by an uncanny sense of what was good for all people—black and white.

Prez was a master at what he did best: talking to folks. For many a year at any major function in Grambling's T. H. Harris Auditorium, there he would be, seated in the last chair on the front row. Seeing a camera, his eyes would widen, and he would say "Oh-h-h, I'll break that. You're not gonna take my picture, are you?" Then he would grin.

And without fail, when the student body stood to sing their alma mater—a song which Prez wrote—Prez would be standing straighter and singing louder than anyone else.

Just to visit with Prez one would never realize that here was a man who had the ear of governors and of foreign heads of state. Prez probably should have been this nation's ambassador to the United Nations.

He knew what his school needed, and he got it. What Grambling State University is now, its academic strength, its sports prowess, is a living testament to the seeds Prez planted.

Grambling was his life. And though he had been retired since the late '70s, Grambling remained first in his life.

There will never be another Ralph Waldo Emerson Jones. The mannerisms, the wit that made him so homespun and yet among the wisest of men will only be remembered now.

Prez told us one time about seeing the winds of the Atlantic unfurl the American flag off the coast of Africa. "I saw the Stars and Stripes. And then another whistle blew and another young man hoisted another flag . . . The pelican was there: Louisiana. Our State . . . And another flag was hoisted . . . Grambling."

Somehow all of us who knew Prez know that he's still happy. What is more, we think he's still seeing that Grambling flag.

[From the Shreveport (La.) Journal, Apr. 13, 1982]

THOUSANDS PAY FINAL TRIBUTE TO JONES

(By Shanda Thomas)

"I just talk about Grambling all the time—and about you. I can't help it, it's just in me. It's a part of my spirit and a part of my soul. "Goodbye to everybody"—R. W. E. Jones just before retirement.

It was a clear spring day—one Ralph Waldo Emerson Jones might have spent strolling the grounds of his beloved Grambling State University.

Instead, thousands came to pay tribute to the late GSU president. Many came from Shreveport, some from South Louisiana. Others came from small nearby towns to honor the man everyone called "Prez".

The flag flew at half-staff, band and choir members scurried to get in position and the bells of Grambling's Catholic church rang loudly as mourners began pouring onto the Lincoln Parish campus early Monday morning to view Jones' body in the university's T.H. Harris Auditorium.

Jones died Friday at the age of 76 following complications resulting from gall bladder surgery. His sudden death shocked Grambling alumni, friends and dignitaries across the country.

"For those of us who knew him, we assumed he would go on forever." Collie J. Nicholson, former GSU public relations director, said Friday, seemingly speaking for all who knew the warm, congenial man.

GSU President Dr. Joseph Johnson probably summed up the strong emotions about the man who headed the college for 41 years when he called Jones, an enduring sign of "lasting service to humanity."

The pioneer educator served as science instructor and coach before becoming president of the school—then called Louisiana Negro Normal & Industrial Institute—in 1936. He made many strides in establishing Grambling as one of the leading black institutions of higher learning.

He was instrumental in changing the school's name to Grambling College which later emerged as Grambling State University—a school which Jones built from a few frame buildings, a faculty of 17 and a student body of 120 into a 200-acre campus with 500 faculty and staff members and some 4,000 students.

Johnson told of Jones' efforts to help any prospective student who wanted to learn get an education. Jones gave anyone who was willing to work the opportunity to do so, Johnson said, explaining Jones' efforts to establish teacher training at Grambling.

The 2,000-plus people who attended the services—including former U.S. Rep. Joe D. Waggonner, state Rep. Alphonse Jackson and state Sen. Charles Barham—heard New Rocky Valley Baptist Church pastor, the Rev. Roosevelt Bryant Jr., tell of Jones' love of GSU and the gospel. They heard the New Rocky Valley choir sing "How Great Thou Art"—one of Jones' favorites—and the Grambling band play "When the Saints Go Marching In," as Grambling's greatest fan left the campus for the last time.

Although Jones has passed, his memory lingers in the school he helped build and the students' lives he touched. Johnson said, explaining that Jones continues to live through "the pieces of him that have become a part of all of us."

"I can't think of Ralph Jones as being limited in his contributions by what he did for Grambling State University," agreed Southern University System President Dr. Jesse N. Stone. "President Jones' contributions to Louisiana and this nation reached far beyond the confines of the walls of Grambling State University. What he did reaches as far as the men and women will go whose lives were touched by him—and you find them everywhere."●

ORDER FOR RECOGNITION OF CERTAIN SENATORS TOMORROW

Mr. BAKER. Mr. President, I ask unanimous consent that, after the recognition of the two leaders under the standing order on tomorrow, April 15, the following Senators be recognized on special orders of not to exceed 15 minutes each: The distinguished Senator from Wyoming (Mr. WALLOP) and the distinguished Senator from Maryland (Mr. MATHIAS).

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Mr. BAKER. Mr. President, at the urging of Members, I wish to announce that on tomorrow it is the hope of the leadership that we will be able to turn to the consideration of an original resolution to be offered by the distinguished Senator from Illinois (Mr. PERCY) and others dealing with "corn gluten feed," and the leadership hopes to be able to obtain consent to do that at approximately 11 a.m. tomorrow. It is not expected that a rollcall vote will be required on that matter. This announcement is made so that Members may be on notice that the leadership would wish to do that at approximately that time.

Mr. President, I have no further requirement for time in morning business. I do not see any other Senators seeking recognition. If no Senator does wish to be recognized at this point, and there does not appear to be one, I am prepared to move, in accordance with the order previously entered, that the Senate stand in recess until tomorrow.

RECESS UNTIL 10:30 A.M. TOMORROW

Mr. BAKER. Mr. President, I believe that there is no further need for time under the provision for morning business.

I move now, in accordance with the order previously entered, that the Senate stand in recess until 10:30 a.m. on tomorrow.

The motion was agreed to; and at 5:40 p.m. the Senate recessed until Thursday, April 15, 1982, at 10:30 a.m.

NOMINATIONS

Executive nominations received by the Senate April 14, 1982:

DEPARTMENT OF STATE

Gregory J. Newell, of Virginia, to be an Assistant Secretary of State, vice Elliott Abrams, resigned.

Louis G. Fields, Jr., of Virginia, for the rank of Ambassador while serving as the U.S. Representative to the Committee on Disarmament.

IN THE PUBLIC HEALTH SERVICE

The following candidates for personnel action in the regular corps of the Public Health Service subject to qualifications therefore as provided by law and regulations:

For permanent promotion:

To be medical director

Charles D. Allen
Kirk K. Barnes
Daniel D. Bosis
George R. Brenneman
Paul W. Brown
Fe Reyes Dela Paz
John M. Dyer, Jr.
Jack T. Ellis
Ernest Feigenbaum
William H. Foege
Frederick C. Hoesly
Ernest J. Johnson
Florence Kavaler
Leonard R. Kilmer
Stephen H. King
Albert C. Kolbye, Jr.
Floyd M. Kregenow
John M. Lane
John M. Leiby, Jr.
Richard T. Light
Jalal-Addin Najafi
Joseph F. Piffat
Peter L. Putnam
Charles R. Stark
Emanuel Stein
Donald A. Swetter
Carl F. Szuter
Bruce D. Tempest
Leo H. Von Euler

To be senior surgeon

Albert L. Ball
Stephen P. Bartok
Joe H. Davis
Bienvenido E. De La Paz
Ronald J. Elin
William H. J. Haffner
Frederick T. Hambrecht
Charles T. Kaelber
Leonard B. Krich
Sanford S. Leffingwell
Godfrey P. Oakley, Jr.
Betty A. Paeth
Peter C. Scheidt
Ronald K. St. John
Ruth T. Takeshita
Francisca M. Ward
Sheridan L. Weinstein
Karl A. Western

To be surgeon

Steven D. Helgerson
Jeffrey M. Newman
Dennis L. Zilavy

To be dental director

William F. Bird
William B. Bock
James N. Bogden
Ashley M. Brown
Lester B. Hilborn
Winslow B. Lee
Gene P. Lewis
Martin L. MacIntyre
Emil L. Rigg
Thomas M. Tarpley, Jr.
Blair W. Thurgood
Robert R. Waller

To be senior dental surgeon

Kent L. Angerbauer
Robin M. Lawrence
Preston A. Littleton, Jr.
David C. Schrupp
Dennis L. Smedley
Larry J. Wisman
E. Walter Wolford

To be dental surgeon

Anthony M. Battistella
Patrick C. Blake
Jan R. Goldsmith
Ronald A. Lorts
Karl A. Meyer II
Timothy C. Moore
Eric D. Rehorst
John P. Rossetti
Donald A. Schneider
James A. Ude
Michael R. Walker
Tonie M. Waller

To be nurse director

Rose A. Britanak
Jane Ann Moretto
Barbara A. Rolling
Jerry L. Weston

To be senior nurse officer

Vincent G. De Fazio
Taye G. Emori
Ronald J. Haberberger
Richard A. Lindblad
Gilda M. Martoglio
Ina C. Palmer
Wanda L. Richardson
Anita P. Satterly
Dolores M. Staudenraus
Arthur C. Williams
William J. Young

To be senior assistant nurse officer

Theodore W. Currier III
Marie G. Hartman
Flossie J. Jackson

To be engineer director

Richard A. Coddington
Weldon C. Fill
Donald G. Fox
Floyd L. Galpin
Charles D. Larson
Rodger L. Leupold
Lee R. Lunsford
Donald W. Mantay
John T. Talty

To be senior engineer officer

Timothy J. Bergin
Wayne A. Blackard
Donald J. Dunsmore
Walter W. Liberick, Jr.
Robert E. Rosensteel
Thomas J. Sorg
Lynn P. Wallace

To be engineer officer

Paul A. Boys
Ernest W. Brodt, Jr.
Clarence H. Emmett, Jr.
Gary C. Hawthorn
Tobias A. Hegdahl
Alan J. Hoffman
Carl A. Roth
Paul E. Skkink
Fredrick W. Weller
David L. West

To be scientist director

James H. Hensley
William P. Kirk II
Melvin J. Meketon
Frank A. Pedersen

To be senior scientist

Richard J. Bull
Edward F. Dawson
Donald L. Lodmell
Larry K. Lowry
Janet B. McDonald
Richard J. J. O'Connor
Jerry M. Rice
John D. Sexton
John L. Young, Jr.

To be scientist

Douglas L. Archer
David L. Conover
Donald D. Dollberg
Thomas B. Shope, Jr.
William M. Wagner

To be sanitarian director

Harry A. Doutt
Thomas A. Ford, Jr.
Richard W. Gillespie
Frank W. Mackison
Eugene R. Meyer
David B. Moses
Stephen J. Pijar
David R. Snavely
Corwin D. Strong

To be senior sanitarian

Ronald K. Ament
Charles K. Byram
John Paul Conrad, Sr.
Michael D. Flanagan
Sidney J. Gault
Frank N. Kanatani
Kent Oldenburg
Walter R. Payne
Richard William Peterson
Ernesto Ruiztiben
Jerome J. Smith
Leo H. Snyder
William R. Wheatley
Richard D. Wise

To be sanitarian

Richard E. Gross
Ervin L. Moore

To be senior assistant sanitarian

Richard H. Glover
Paul D. Pryor

To be veterinary director

Arnold F. Kaufmann
Donald D. Smith
Robert A. Whitney, Jr.
William G. Winkler

To be pharmacist director

Norman L. Dunfee
William A. Millar, II

To be senior pharmacist

Richard P. Draper
Ronald A. Gomes
Donald R. Hamilton
Richard M. King
Donald D. Morgan
Thomas C. Seidl
Thomas B. Taiamini
Thomas J. Walker
Stephen T. Werelus
James C. Yatsco
Anthony R. Zelonis

To be pharmacist

Robert J. Aleksun
George D. Armstrong, Jr.
Gary J. Buehler
Gerald M. Burge
Gary L. Chadwick
Gary C. Collins
Everett B. Cox, Jr.
Wyman M. Ford
Barry R. Gordon
Richard N. Herrier
Paul K. Hiranaka
Dale L. Johnson
Stephen A. Maurer
Frank J. Nice
Dennis A. Philipp
James E. Riley, Jr.
Eugene B. Smith, Jr.
Richard M. Taffet
Lawrence A. Trissel
Paul J. Vilk
Alan M. Yamashita

To be senior assistant pharmacist

Stephan L. Foster
Paul F. Jarosinski
Richard A. Stowe

To be dietitian director

A. Eileen Murnin

To be senior dietitian

Jane A. Kennedy
Marjorie B. Myrianthopoulos

To be dietitian

Michael A. Bernstein
Alberta C. Bourn
Peter M. Stegmayer

To be therapist director

Kingsley M. Miner
James L. Witt

To be senior therapist

James D. Ebner
Hugh M. Moffatt, Jr.

To be therapist

Robert B. Beach
James A. Birke
Ronald E. Leppanen
B. Thomas Scheib

To be senior assistant therapist

Randall L. Fletcher
David S. Sims, Jr.
Wayne S. Smith

To be health services director

Richard H. Gaulke
James M. Hardin
Robert F. Hickman
Peter E. Kauffman
Robert J. Lyon
Ralph D. Myhre
A. Robert Polcari
Roger H. Schneider

To be senior health services officer

John W. Biedenkapp
Charles L. Bunch
Robert J. Chanslor
Loretta A. Coughlin
Coy A. Davis, Jr.
Norbert P. Heib, Jr.
Mark E. Huffman
Edmond Steele, Jr.
Joel G. Veater
Gerald G. Wheeler

To be health services officer

Michael B. Beckerman
Vernon A. H. Bowman
Roger W. Broseus
Thomas R. Burns
John J. Cohn
Charles W. DeBree
Larry D. Edmonds
Arthur J. Forest
John H. Haire
Lawrence E. Kucken
John M. Kutch, Jr.
Solomon Levy
David B. Maglott
Daniel L. Mintz
Paul J. O'Donnell, Jr.
Lary S. Schneiderman
Robert A. Zoon

To be senior assistant health services officer

Constance M. Burtoff
Terence M. Grady
John J. Jessop
Ernest H. Kimball IV
Klaus D. Kracht
Susan J. Lockhart
Keith C. Longie
Hector Lopez
Gary V. Meinert
Von Nakayama
Bonnie C. Oppermann
Carol Rest-Mincberg
Janet M. Ruck
Charles A. Schable
David G. Shombert
Kathleen G. Smith
Francis P. Wagner, Jr.

In the Air Force

The following Air National Guard of the United States officers for promotion in the Reserve of the Air Force under the provisions of section 593(a) title 10 of the United States Code, as amended:

LINE OF THE AIR FORCE

To be lieutenant colonel

Maj. John O. Ahnert, Jr., 461-56-4999
Maj. Samuel P. Carter, Jr., 235-64-5774
Maj. Nancy A. Graf, 417-54-3906
Maj. Jimmy W. Jones, 258-54-5897
Maj. Charles A. Niemela, 545-52-4602
Maj. David C. Stephenson, 113-30-8831

LEGAL

Maj. Jack L. Slayton, 461-68-9867

MEDICAL CORPS

Maj. George R. Webber, 408-66-0360

VETERINARIAN

Maj. Manuel A. Thomas, Jr., 547-54-2248

In the Army

The following-named officers for promotion in the U.S. Army, under provisions of title 10, United States Code, sections 624 and 628; and section 601 or 602, title VI, Transition Provisions, Defense Officer Personnel Management Act of 1980, with dates of rank to be determined by the Secretary of the Army:

ARMY

To be colonel

Alpern, Stephen I., 084-30-9590
Bledsoe, James A., 382-30-4781
Bolduc, Donald A., 559-42-2283
Bolling, George H., 411-64-0042
Brafford, Robert T., 243-46-9962
Collier, William P., Jr., 225-42-1866
McCoskey, James L., 304-38-2238
Peterson, Henry, 267-48-9695
Porter, Robert O., 541-34-2316
Shohan, Robert W., 539-34-8401
Singer, Lawrence A., 164-28-5144
Stenzel, George O., Jr., 451-50-0460
Wilson, Otis G., 223-46-0156
Zingle, Paul R., 160-30-1255

MEDICAL SERVICE CORPS

To be colonel

Elliott, Robert F., 236-42-5703
Greene, Frederick L., 462-56-1867
Olander, Leroy H., Jr., 529-26-9437

ARMY NURSE CORPS

To be colonel

Stemm, Patricia A., 301-28-7343

MEDICAL CORPS

To be colonel

Auerbach, Julian, 154-28-0972
Oliver, Richard T., 330-26-9587
Schlatter, Egon E., 100-24-3241
Theodore, Henri C., 346-40-5101
VanHook, David M., 488-44-2297

ARMY

To be lieutenant colonel

Arnett, Truman R., 275-38-2971
Barbee, William R., 242-58-4161
Biddix, Harold A., 239-56-8706
Childs, James R., 423-58-9180
Christy, Michael B., 366-36-8271
Cresswell, John R. III, 236-66-0241
Ham, Walter D., 246-60-7840
Hazen, James C., 496-44-9878
Hollis, James B., 261-72-6121
Horton, Donald R., 436-56-3918
Jackson, Randall R., 523-56-0803
Jerome, Ronald L., 213-36-6684
Kinman, Leroy E., 402-44-8488
Meyer, Thomas P., 428-82-3750
Morris, Melvin L., 447-42-1689
Myers, Raymond G., 251-66-935
Robertson, William I., 254-58-3465
Smith, David D., 498-42-7241
Springer, Francis J., 060-32-0570
Stephens, Quewanncoii C., 264-68-7018
Thompson, Richard E., 503-48-5504

Viner, Tommy J., 438-66-8473
Williams, Carold D., 249-62-2690
Williams, Reeve N., 191-30-4785
Zimmerman, James E., 521-54-7021

CHAPLAIN CORPS

To be lieutenant colonel

Benzing, Ronald W., 269-36-6937
Cowan, Emory G., Jr., 254-60-1514
Pond, Douglas E., 465-48-1234

JUDGE ADVOCATE GENERAL'S CORPS

To be lieutenant colonel

Cathey, Theodore F. M., 576-34-6005
Jablonski, Robert C., 302-36-6495

MEDICAL SERVICE CORPS

To be lieutenant colonel

Ashmore, Lee E., 478-48-0428
Clegg, Thomas A., 242-66-7995
Morrissey, Blaise M., 069-32-6218
Noe, Wilmer A., 508-52-5811

DENTAL CORPS

To be lieutenant colonel

Burnett, Paul R., 025-36-1552
Oxford, Robert L., 443-36-0928

MEDICAL CORPS

To be lieutenant colonel

Felix-Valdes, Victor, 580-42-6548
Moore, Dan C., 406-74-1246
Morris, Allister K., 452-70-3735
Zeligs, Joseph, 365-46-4558

ARMY

To be major

Anton, John J., 092-34-1457
Beck, James R., 507-58-3900
Biekkola, James W., 376-42-3850
Blake, John C., 284-46-5566
Bulter, Philip R., 010-36-6496
Burke, Charles M., 522-54-8509
Cassel, David F., 535-42-1451
Casto, Perry C., 233-76-1781
Compton, George J., 555-62-7886
Davis, Rudy P., 534-40-4313
Hafner, William J., 521-58-2840
Harris, Warren K., 447-42-9243
Heath, Herman S., 258-64-8773
Hudson, Olin, Jr., 260-62-5517
Jones, Dale G., 520-44-1398
Kendig, Loren D., 432-72-8727
Knight, David B., 260-60-3535
Laidig, Arnold W., Jr., 484-54-9160
Lanzoni, Lynn E., 420-62-9282
Long, Bruce B., 229-58-7510
Lucas, Gene S., 250-72-8827
Manchester, Donald A., Jr., 097-34-9395
McBride, Edward W., 248-74-6331
Meli, James L., 023-34-0364
Mercado, William., 098-36-5915
Mitchell, Larry E., 227-66-8820
Moore, James M., Jr., 552-62-6360
Morton, Harry C., 294-40-5780
Neuman, Richard R., 535-42-1302
O'Shaughnessy, Edward J., 223-64-2370
Overturf, Kenneth L., 521-58-8370
Pankey, Kenneth D., 432-82-0073
Persic, David L., 304-48-0985
Plunkett, Stephen A., 416-68-3270
Quay, Gary M., 287-40-5962
Rouse, Delmar L., 445-38-6606
Sauer, John G., 512-52-1059
Saul, Arthur D., 011-38-9920
Seibly, Robert L., 558-60-1437
Sellman, Gerry K., 524-56-0676
Sewell, Thomas K., 215-44-6414
Sharp, Samuel R., 016-38-5944
Sprabary, Larry D., 449-80-1687
Thompson, Eugene S., 432-84-4186
Thompson, Jerry A., 253-76-8153
Thrasher, Horace L., 439-70-8847
Throgmorton, Fred J., 438-66-7437
Vanderzwalm, Richard L., 334-36-1673
Walker, Paul R., 401-60-5003
Wessel, Jerry W., 390-46-5941
Westenburg, Marvin W., 522-44-5507
White, Robert L., 579-54-1334
Williams, Bennie E., 266-58-1462
York, Joseph O., 486-46-4430
Youngs, Charles D., 417-56-9536

CHAPLAIN CORPS

To be major

Cowan, Dale N., 050-30-2891
Harrison, Robert D., 579-62-0414

JUDGE ADVOCATE GENERAL'S CORPS

To be major

Cork, Timothy R., 326-44-3192
Faggioli, Vincent J., 529-62-2653
Jepperson, Jon W., 529-58-5521
Teeters, Kay F., 543-60-9541

MEDICAL SERVICE CORPS

To be major

Post, John B., 503-52-3606
Salzman, Diana L., 518-60-0050
Smith, Robert F., 266-72-8282
Witte, Carlton R. V., 217-48-1338
Zayac, Edward J., 521-62-7904

ARMY NURSE CORPS

To be major

Anderson, Billie R., 237-64-9863
Furaus, Jane H., 501-46-8866
Harless, Clotilde R., 569-64-5309
Siebert, Kathleen E., 572-64-2239
Siegel, Jerome P., 507-64-2942

DENTAL CORPS

To be major

Capraro, Thomas A., 228-58-8358
Cottone, Paul M., 124-42-3073

MEDICAL CORPS

To be major

Ackerman, William E., 406-60-2338
Antoine, Gregory A., 426-98-3760
Austin, Fernando H., 165-36-3734
Berrios, Alma I., 583-40-8622
Chan, Alfred H., 284-64-2684
Chapman, Geoffrey S., 559-70-4759
Cheung, Eddie C., 083-56-4306
Chupp, Ernest W., 559-76-8165
Copple, Hal E., 223-62-1582
Cosco, Frederick E., 053-36-9390
Costelo, Lourdes V., 025-46-7337
Diniega, Benedict M., 575-48-8912
Harvey, Walter H., 435-74-3874
Howard, William H., III, 410-82-0366
Johnson, Gail M., 468-60-9702
Lange, Stephen C., 546-82-6272
Leigh, Ralph G., 562-64-6358
McBrayer, Daniel E., 256-86-0090
McCoy, Glenn A., 250-84-4675
McKee, Edward M., 250-64-2696
Meilstrup, Jon W., 529-82-0432
Meli, James V., Jr., 398-36-9001
Oakley, Ward S., 410-84-4597
Rathbun, John D., 268-50-4623
Reyes, German M., 584-38-1594
Simon, Richard A., 584-20-3900
Svinarich, John T., 288-52-4441
White, Joseph D., 017-42-5630
Whiteley, Joseph R., 166-42-4595
Winecoff, William F., 252-76-4712
Zoltick, Jarel, 146-38-2078

CONFIRMATION

Executive nomination confirmed by the Senate April 14, 1982:

EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

Tony E. Gallegos, of California, to be a Member of the Equal Employment Opportunity Commission for the remainder of the term expiring July 1, 1984.

EXTENSIONS OF REMARKS

SENATE COMMITTEE MEETINGS

Title IV of Senate Resolution 4, agreed to by the Senate on February 4, 1977, calls for establishment of a system for a computerized schedule of all meetings and hearings of Senate committees, subcommittees, joint committees, and committees of conference. This title requires all such committees to notify the Office of the Senate Daily Digest—designated by the Rules Committee—of the time, place, and purpose of the meetings, when scheduled, and any cancellations or changes in the meetings as they occur.

As an additional procedure along with the computerization of this information, the Office of the Senate Daily Digest will prepare this information for printing in the Extensions of Remarks section of the CONGRESSIONAL RECORD on Monday and Wednesday of each week.

Any changes in committee scheduling will be indicated by placement of an asterisk to the left of the name of the unit conducting such meetings.

Meetings scheduled for Thursday, April 15, 1982, may be found in the Daily Digest of today's RECORD.

MEETINGS SCHEDULED

APRIL 16

9:00 a.m.

Armed Services

To hold hearings on proposed authorizations for fiscal year 1983 for the Department of Defense, focusing on airlift programs.

5110 Dirksen Building

Labor and Human Resources

Employment and Productivity Subcommittee

To resume hearings on productivity in the American economy.

4232 Dirksen Building

10:00 a.m.

Energy and Natural Resources

To hold hearings on the nominations of Samuel K. Lessey, Jr., of New Hampshire, to be Inspector General, and Robert W. Gambino, of Virginia, to be Deputy Inspector General, both of the U.S. Synthetic Fuels Corporation.

3110 Dirksen Building

Foreign Relations

To continue hearings on S. 2227, authorizing funds for fiscal years 1983 and 1984 for international security and development assistance programs, focusing on assistance to Africa.

4221 Dirksen Building

APRIL 19

9:30 a.m.

Appropriations

Agriculture, Rural Development and Related Agencies Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1983 for the Department of Agriculture, receiving testimony from public witnesses.

1318 Dirksen Building

Commerce, Science, and Transportation

Science, Technology, and Space Subcommittee

To resume hearings on proposed legislation authorizing funds for fiscal year 1983 for the National Science Foundation.

235 Russell Building

Labor and Human Resources

Aging, Family and Human Services Subcommittee

To hold oversight hearings on title X of the Public Health Service Act relating to health aspects of teenage sexual activity.

4232 Dirksen Building

10:00 a.m.

Energy and Natural Resources

Energy Regulation Subcommittee

To hold hearings on S. 1885, to place electric utilities, including members of registered holding company systems, on the same basis as nonutilities to encourage their investment in cogeneration and small power production facilities; and S. 1966, eliminating the unnecessary paperwork and reporting requirements contained in the Public Utility Regulatory Policies Act of 1978.

3110 Dirksen Building

Environment and Public Works

Environmental Pollution Subcommittee

To resume hearings on proposed legislation authorizing funds for the endangered species program.

4200 Dirksen Building

3:00 p.m.

Commerce, Science, and Transportation

To hold hearings on proposed legislation authorizing funds for the National Oceanic and Atmospheric Administration, Department of Commerce, focusing on environmental satellite and data service.

235 Russell Building

APRIL 20

9:00 a.m.

Appropriations

Interior and Related Agencies Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1983 for certain functions of the Indian Health Service, Department of Health and Human Services; and the Geological Survey, Department of the Interior.

1318 Dirksen Building

9:30 a.m.

Appropriations

Agriculture, Rural Development and Related Agencies Subcommittee

To continue hearings on proposed budget estimates for fiscal year 1983 for the Department of Agriculture, receiving testimony from public witnesses.

1318 Dirksen Building

Appropriations

State, Justice, Commerce, the Judiciary and Related Agencies Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1983 for the Department of State, focusing on the Office of the Secretary and administration of foreign affairs.

S-146, Capitol

Labor and Human Resources

Business meeting, to mark up S. 2311, authorizing funds through fiscal year 1985 for the National Cancer Institute, National Heart, Lung, and Blood Institute, and the National Library of Medicine; S. 1483, making the U.S. Government liable for damages to residents and participants arising from the fallout from certain atmospheric tests, establishing an advisory panel to study the adverse health effects, and transferring from the Department of Energy all functions relating to research on the health effects of radiation to the Department of Health and Human Services; and S. 2349, authorizing funds for fiscal year 1983 for the National Science Foundation.

4232 Dirksen Building

10:00 a.m.

Appropriations

HUD-Independent Agencies Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1983 for the Environmental Protection Agency.

1224 Dirksen Building

*Commerce, Science, and Transportation

Merchant Marine Subcommittee

To hold hearings on S. 2336, authorizing funds for fiscal year 1983 for maritime programs of the Department of Transportation, and proposed legislation authorizing funds for the Federal Maritime Commission.

235 Russell Building

Energy and Natural Resources

Business meeting, to consider pending calendar business.

3110 Dirksen Building

Environment and Public Works

Business meeting, to resume markup of proposed amendments to the Clean Air Act (Public Law 95-95).

4200 Dirksen Building

Governmental Affairs

Congressional Operations and Oversight Subcommittee

To hold oversight hearings on the status of the Consumer Product Index and cost-of-living allowances (COLA).

3302 Dirksen Building

11:00 a.m.

Foreign Relations

Business meeting, to consider pending nominations and other committee business.

4221 Dirksen Building

12:00 noon

*Judiciary

Immigration and Refugee Policy Subcommittee

To hold joint hearings with the House Subcommittee on Immigration, Refugees, and International Law of the Committee on the Judiciary on S. 2222, revising and reforming U.S. immigration laws.

2228 Dirksen Building

● This "bullet" symbol identifies statements or insertions which are not spoken by the Member on the floor.

2:00 p.m.

Appropriations
Foreign Operations Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1983 for activities of the Office of Secretary of the Treasury, focusing on the status of the Multilateral Development Banks, and the International Monetary Fund.
1318 Dirksen Building

Appropriations
Labor, HHS, Education, and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1983 for activities of the Secretary of Labor.
1114 Dirksen Building

Environment and Public Works
Regional and Community Development Subcommittee
To hold hearings on S. 2250, authorizing funds for fiscal years 1983, 1984, and 1985 for programs of the Disaster Relief Act of 1974, and for administrative expenses of the Federal Emergency Management Agency, and restricting the long-range response and recovery provisions of the act to natural catastrophies.
4200 Dirksen Building

Select on Intelligence
Closed business meeting, to resume consideration of proposed legislation authorizing funds for fiscal year 1983 for intelligence activities of the United States.
S-407, Capitol

APRIL 21

9:00 a.m.

Appropriations
Defense Subcommittee
To resume hearings on proposed budget estimates for fiscal year 1983 for the Defense Establishment, focusing on global commitments.
1224 Dirksen Building

9:30 a.m.

Appropriations
State, Justice, Commerce, the Judiciary and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1983 for the Small Business Administration, Federal Communications Commission, Equal Employment Opportunity Commission, and the Maritime Administration.
S-146, Capitol

Commerce, Science, and Transportation
To resume hearings on proposed legislation authorizing funds for the National Oceanic and Atmospheric Administration, Department of Commerce, focusing on atmospheric programs.
235 Russell Building

Environment and Public Works
Transportation Subcommittee
To hold hearings on proposed legislation authorizing funds for the Federal aid highway program
4200 Dirksen Building

Judiciary
To resume hearings on S. 1758, providing for an exemption from the copyright law for certain types of video-recording for noncommercial purposes.
2228 Dirksen Building

*Labor and Human Resources
To hold hearings on the nominations of William L. Earl, of Florida, Harold R. DeMoss, Jr., of Texas, Clarence V. McKee, of the District of Columbia, Marc Sandstrom, of California, Howard H. Dana, Jr., of Maine, William F. Harvey, of Indiana, William J. Olson, of Virginia, George E. Paras, of California, and Robert S. Stubbs II, of Georgia, each to be a Member of the Board of Directors of the Legal Services Corporation, and James B. Wyngaarden, of North Carolina, to be Director of the National Institutes of Health.
4232 Dirksen Building

10:00 a.m.

Agriculture, Nutrition, and Forestry
Agricultural Credit and Rural Electrification Subcommittee
To resume hearings on S. 2314, authorizing funds for fiscal years 1983, 1984, and 1985 for farm and rural development loan programs of the Farmers Home Administration.
324 Russell Building

Appropriations
Labor, HHS, Education, and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1983 for the Employment and Training Administration, Department of Labor.
1114 Dirksen Building

Appropriations
Transportation and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1983 for the Federal Railroad Administration of the Department of Transportation, and Amtrak.
1318 Dirksen Building

Energy and Natural Resources
Business meeting, to consider pending calendar business.
3110 Dirksen Building

Governmental Affairs
To hold oversight hearings on the proposed reorganization of the U.S. Fire Administration of the Federal Emergency Management Agency (FEMA).
3302 Dirksen Building

*Labor and Human Resources
Education, Arts, and Humanities Subcommittee
To hold hearings on S. 1889, authorizing funds for fiscal years 1983 and 1984 for the establishment of a national institution to promote international peace and resolution of international conflict.
6226 Dirksen Building

Veterans' Affairs
To hold hearings on proposed legislation authorizing funds for certain programs of the Veterans' Administration, focusing on contract health care to veterans in Puerto Rico and the Virgin Islands, construction grants to State homes, grants to medical schools affiliated with VA hospitals, medical information exchange pilot grant program between the VA and other medical institutions, and the VA's nurses' scholarship program; and to examine certain issues related to VA efforts to recruit and retain nursing personnel.
412 Russell Building

2:00 p.m.

Environment and Public Works
Transportation Subcommittee
To continue hearings on proposed legislation authorizing funds for the Federal aid highway program.
4200 Dirksen Building

Governmental Affairs
To hold hearings on the nominations of Herbert E. Ellingwood, of California, to be Chairman of the Merit Systems Protection Board, and Lawrence Y. Goldberg, of Rhode Island, to be General Counsel of the Federal Labor Relations Authority.
3302 Dirksen Building

Judiciary
To hold hearings on pending nominations.
2228 Dirksen Building

APRIL 22

9:00 a.m.

Appropriations
Interior and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1983 for certain functions of the Forest Service, Department of Agriculture.
1318 Dirksen Building

Commerce, Science, and Transportation
Business meeting, to consider pending calendar business.
235 Russell Building

9:30 a.m.

Appropriations
State, Justice, Commerce, the Judiciary and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1983 for certain programs which fall within the jurisdiction of the subcommittee, receiving testimony from public witnesses.
S-146, Capitol

*Environment and Public Works
Environmental Pollution Subcommittee
To hold hearings on proposed legislation authorizing funds for the endangered species program; to be followed by a business meeting, to mark up S. 1018, prohibiting the Federal Government from funding commercial and residential growth on undeveloped barrier beaches and islands.
4200 Dirksen Building

Labor and Human Resources
Employment and Productivity Subcommittee
Business meeting, to mark up S. 2036, providing for State and local employment and training assistance.
5302 Dirksen Building

Labor and Human Resources
Aging, Family and Human Services Subcommittee
To hold hearings on promoting volunteerism in America.
4232 Dirksen Building

10:00 a.m.

Appropriations
Labor, HHS, Education, and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1983 for the Labor-Management Services Administration, Pension Benefit Guaranty Corporation, and the Employment Standards Administration, Department of Labor.
1114 Dirksen Building

Commerce, Science, and Transportation
To continue hearings on proposed legislation authorizing funds for the National Oceanic and Atmospheric Administration, Department of Commerce, focusing on ocean programs.
235 Russell Building

Energy and Natural Resources
Water and Power Subcommittee
To hold hearings on S. 956, authorizing additional funds for programs of the

Reclamation Safety of Dams Act (Public Law 95-578); S. 1573, restoring Lake Oswego, Oreg., as a nonnavigable water of the United States; S. 1621, providing for the replacement of certain cast steel pump casings at the southern Nevada water project; and S. 2177, providing for the inclusion of ordinary fluctuations in costs for the construction of distribution and drainage facilities for non-Indian lands.

3110 Dirksen Building

Governmental Affairs

To hold oversight hearings on Federal agency acquisition management activities.

3302 Dirksen Building

2:00 p.m.

Appropriations

Foreign Operations Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1983 for activities of the Office of Inspector General, Agency for International Development, focusing on a review of its audits and evaluations.

1318 Dirksen Building

Appropriations

Labor, HHS, Education, and Related Agencies Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1983 for the Occupational Safety and Health Administration (OSHA), and the Mine Safety and Health Administration, Department of Labor.

1114 Dirksen Building

Governmental Affairs

Intergovernmental Relations Subcommittee

To hold hearings on proposed legislation revising certain provisions of the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 (Public Law 91-646), focusing on a provision to exempt block grant programs from Uniform Act coverage under the New Federalism and on a provision to prohibit the use of Federal eminent domain law from preempting State law.

3302 Dirksen Building

APRIL 23

9:30 a.m.

Banking, Housing, and Urban Affairs

Consumer Affairs Subcommittee

To hold hearings on the role of the Federal Reserve Board in the operation of automated clearinghouse services.

5302 Dirksen Building

Special on Aging

To hold hearings on the impact of the administration's housing proposals on older Americans.

5110 Dirksen Building

10:00 a.m

Appropriations

Labor, HHS, Education, and Related Agenices Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1983 for Bureau of Labor Statistics, departmental management services, and the President's Committee on Employment of the Handicapped, Department of Labor.

1114 Dirksen Building

Appropriations

Transportation and Related Agencies Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1983 for the Urban Mass Transportation Administration, Department of Transportation.

1318 Dirksen Building

Energy and Natural Resources

To hold hearings on the world petroleum outlook.

3110 Dirksen Building

Labor and Human Resources

Education, Arts, and Humanities Subcommittee

To hold hearings on S. 2002, proposed Bilingual Education Amendments of 1981, and other related proposals.

4232 Dirksen Building

APRIL 26

9:00 a.m.

Commerce, Science, and Transportation

Communications Subcommittee

To hold hearings on S. 2172, creating a jurisdictional framework to apportion the authority regulating cable systems between the Federal and State governments, and providing for a competitive marketplace for cable systems in the telecommunications industry.

235 Russell Building

9:30 a.m.

Governmental Affairs

Intergovernmental Relations Subcommittee

To hold hearings on the Office of Management and Budget circular A-95, focusing on intergovernmental cooperation.

3302 Dirksen Building

10:00 a.m.

Appropriations

Transportation and Related Agencies Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1983 for the Federal Aviation Administration, Department of Transportation.

1318 Dirksen Building

Appropriations

Treasury, Postal Service, and General Government Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1983 for the Office of the Secretary, international affairs, Bureau of Government Financial Operations, Bureau of the Public Debt, and the Bureau of the Mint, Department of the Treasury.

1114 Dirksen Building

Environment and Public Works

Environmental Pollution Subcommittee

To hold hearings on proposed authorizations for programs of the Resource Conservation and Recovery Act.

4200 Dirksen Building

Labor and Human Resources

Education, Arts, and Humanities Subcommittee

To resume hearings on S. 2002, proposed Bilingual Education Amendments of 1981, and other related proposals.

4232 Dirksen Building

2:00 p.m.

Appropriations

Treasury, Postal Service, and General Government Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1983 for the U.S. Customs Service, U.S. Secret Service, Bureau of Alcohol, Tobacco and Firearms, and the Federal Law Enforcement Training Center, Department of the Treasury.

1114 Dirksen Building

APRIL 27

9:00 a.m.

Appropriations

Interior and Related Agencies Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1983 for the Office of the Federal Inspector, Alaska Natural Gas Transportation System, Bureau of Mines of the Department of the Interior, and the National Endowment for the Arts.

1318 Dirksen Building

Commerce, Science, and Transportation

Communications Subcommittee

To continue hearings on S. 2172, creating a jurisdictional framework to apportion the authority regulating cable systems between the Federal and state governments, and providing for a competitive marketplace for cable systems in the telecommunications industry.

6226 Dirksen Building

9:30 a.m.

Banking, Housing, and Urban Affairs

Securities Subcommittee

To hold hearings on S. 1869, S. 1870, S. 1871, and S. 1977, bills revising or repealing certain provisions of the Public Utility Holding Company Act of 1935.

5302 Dirksen Building

Labor and Human Resources

Labor Subcommittee

Business meeting, to mark up S. 1785, increasing the penalties for violations of the Taft-Hartley Act, requiring immediate removal of certain inviduals convicted of crimes relating to his official position, broadening the definition of the types of positions an individual is barred from upon conviction, increasing the time of disbarment from 5 to 10 years, escrowing a convicted official's salary for the duration of his appeal, and clarifying the jurisdiction of the Department of Labor, relating to detection and investigating criminal violations relating to ERISA.

4232 Dirksen Building

10:00 a.m.

Appropriations

HUD-Independent Agencies Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1983 for the National Science Foundation.

1224 Dirksen Building

Appropriations

Labor, HHS, Education, and Related Agencies Subcommittee

To hold oversight hearings on programs of the Departments of Labor, Health and Human Services, Education, and related agencies.

1114 Dirksen Building

Energy and Natural Resources

Business meeting, to consider pending calendar business.

3110 Dirksen Building

Environment and Public Works

Business meeting, to resume markup of proposed amendments to the Clean Air Act (Public Law 95-95).

4200 Dirksen Building

2:00 p.m.

Appropriations

Foreign Operations Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1983 for the Peace Corps, and the Inter-American Foundation.

S-128, Capitol

Appropriations
Labor, HHS, Education, and Related Agencies Subcommittee
To continue oversight hearings on programs of the Departments of Labor, Health and Human Services, Education, and related agencies.
1114 Dirksen Building

APRIL 28

9:30 a.m.

Appropriations
State, Justice, Commerce, the Judiciary and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1983 for certain programs which fall within the jurisdiction of the subcommittee, receiving testimony from public witnesses.
S-146, Capitol

Governmental Affairs
Oversight of Government Management Subcommittee
To hold hearings on S. 2059, revising the Special Prosecutor provisions of the Ethics in Government Act of 1978, to insure independent investigations of high-ranking Federal officials and to remove inequities in the present law.
3302 Dirksen Building

Veterans Affairs
Business meeting, to mark up S. 349, providing for limited judicial review of the administrative action of the Veterans' Administration, and for reasonable fees to attorneys representing legal counsel for veterans; and proposed legislation authorizing funds for certain programs of the Veterans' Administration, including contract health care to veterans in Puerto Rico and the Virgin Islands, construction grants to State homes, grants to medical schools affiliated with VA hospitals, medical information exchange pilot grant program between the VA and other medical institutions, and the VA's nurses' scholarship program.
412 Russell Building

10.00 a.m.

Appropriations
Labor, HHS, Education, and Related Agencies Subcommittee
To continue oversight hearings on programs of the Departments of Labor, Health and Human Services, Education, and related agencies.
1114 Dirksen Building

Appropriations
Transportation and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1983 for programs which fall within the jurisdiction of the subcommittee, receiving testimony from congressional and public witnesses.
1318 Dirksen Building

Commerce, Science, and Transportation
Communications Subcommittee
To continue hearings on S. 2172, creating a jurisdictional framework to apportion the authority regulating cable systems between the Federal and State governments, and providing for a competitive marketplace for cable systems in the telecommunications industry.
235 Russell Building

Energy and Natural Resources
Business meeting, to consider pending calendar business.
3110 Dirksen Building

Environment and Public Works
Business meeting, to mark up S. 1018, prohibiting the Federal Government from funding commercial and residential growth on undeveloped barrier beaches and islands.
4200 Dirksen Building

Labor and Human Resources
Education, Arts, and Humanities Subcommittee
To hold oversight hearings on the implementation of guidance and counseling programs of the Department of Education.
4232 Dirksen Building

1:30 p.m.

Conferees
On S. 1193, authorizing funds for fiscal years 1982 and 1983 for the Department of State, authorizing funds for fiscal year 1982 for the Arms Control and Disarmament Agency, authorizing funds for fiscal years 1982 and 1983 for the International Communications Agency, and authorizing funds for fiscal years 1982 and 1983 for the Board for International Broadcasting.
S-116, Capitol

2:00 p.m.

Appropriations
Labor, HHS, Education, and Related Agencies Subcommittee
To continue oversight hearings on programs of the Departments of Labor, Health and Human Services, Education, and related agencies.
1114 Dirksen Building

APRIL 29

9:00 a.m.

Appropriations
Interior and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1983 for fossil research and development and fossil construction programs of the Department of Energy.
1318 Dirksen Building

Commerce, Science, and Transportation
Business meeting, to consider pending calendar business.
235 Russell Building

9:30 a.m.

Appropriations
State, Justice, Commerce, the Judiciary and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1983 for international organizations, Securities and Exchange Commission, and the Federal Trade Commission.
S-146, Capitol

Governmental Affairs
Energy, Nuclear Proliferation and Government Processes Subcommittee
To hold hearings on S. 2284, proposed Federal Radiation Protection Management Act.
3302 Dirksen Building

Judiciary
Criminal Law Subcommittee
To resume hearings on proposals providing for a ban on the manufacture or sale of nonsporting handguns, mandatory sentences for the use of a firearm in committing a felony, and a preclearance procedure for the sale or transfer of any handgun.
Room to be announced

Select Committee on Indian Affairs
To hold oversight hearings on current economic development programs as they affect Indians
5302 Dirksen Building

10:00 a.m.

Appropriations
Labor, HHS, Education, and Related Agencies Subcommittee
To continue oversight hearings on programs of the Departments of Labor, Health and Human Services, Education, and related agencies.
1114 Dirksen Building

Appropriations
Transportation and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1983 for programs which fall within the jurisdiction of the subcommittee, receiving testimony from congressional and public witnesses.
1224 Dirksen Building

Energy and Natural Resources
To hold hearings on S. 2332, extending until July 1, 1983, the expiration date of section 252 of the Energy Policy and Conservation Act, which provides a limited antitrust defense for U.S. oil companies participating in the international energy program.
3110 Dirksen Building

Environment and Public Works
Business meeting, to resume markup of proposed amendments to the Clean Air Act (Public Law 95-95).
4200 Dirksen Building

10:30 a.m.

*Veterans Affairs
To hold hearings to receive legislation recommendations for fiscal year 1983 from officials of AMVETS and the Military Order of the Purple Heart.
318 Russell Building

1:30 p.m.

Conferees
On S. 1193, authorizing funds for fiscal years 1982 and 1983 for the Department of State, authorizing funds for fiscal year 1982 for the Arms Control and Disarmament Agency, authorizing funds for fiscal years 1982 and 1983 for the International Communications Agency, and authorizing funds for fiscal years 1982 and 1983 for the Board for International Broadcasting.
S-116, Capitol

2:00 p.m.

Appropriations
Labor, HHS, Education, and Related Agencies Subcommittee
To continue oversight hearings on programs of the Departments of Labor, Health and Human Services, Education, and related agencies.
1114 Dirksen Building

Environment and Public Works
Water Resources Subcommittee
To resume hearings on certain inland waterway projects, including S. 810, prescribing a system of user fees to be levied on commercial transportation, amendment No. 32, thereto, expediting inland waterway construction, and assuring that the users of such projects repay a fair percentage of the cost of such works, amendment No. 637, thereto, clarifying the intent of the bill, and other related measures.
4200 Dirksen Building

3:00 p.m.

Appropriations
Foreign Operations Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1983 for inter-

national security assistance programs of the Department of State.
S-128, Capitol

APRIL 30

9:30 a.m.
Commerce, Science, and Transportation
To hold oversight hearings on the implementation of the Magnuson Fishery Conservation and Management Act Amendments (Public Law 94-263), and on proposed authorizations thereto.
235 Russell Building

Environment and Public Works
Transportation Subcommittee
Business meeting, to mark up proposed legislation authorizing funds for the Federal aid highway program.
4200 Dirksen Building

10:00 a.m.
Appropriations
Transportation and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1983 for programs which fall within the jurisdiction of the subcommittee, receiving testimony from congressional and public witnesses.
1318 Dirksen Building

Appropriations
Treasury, Postal Service, and General Government Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1983 for the Internal Revenue Service, Department of the Treasury, and the Executive Office of the President (excluding the Office of Management and Budget).
1114 Dirksen Building

*Energy and Natural Resources
Energy Regulation Subcommittee
To hold oversight hearings to review certain programs administered by the Office of Federal Inspector, Alaska Natural Gas Transportation System, and the Economic Regulatory Administration and Federal Energy Regulatory Commission, Department of Energy.
3110 Dirksen Building

2:00 p.m.
Appropriations
Treasury, Postal Service, and General Government Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1983 for activities of the Office of the Secretary of the Treasury.
1114 Dirksen Building

MAY 3

9:30 a.m.
Energy and Natural Resources
To hold hearings on S. 2305, insuring all energy and mineral resources on public lands and on the Outer Continental Shelf are provided for under the direction of the Secretary of the Interior.
3110 Dirksen Building

Governmental Affairs
Federal Expenditures, Research and Rules Subcommittee
To hold hearings on proposed legislation improving the efficiency of the Federal procurement system.
3302 Dirksen Building

10:00 a.m.
Commerce, Science, and Transportation
Business meeting, to consider pending calendar business.
235 Russell Building

Labor and Human Resources
Alcoholism and Drug Abuse Subcommittee
Business meeting, to mark up proposed legislation authorizing funds for the National Institute on Drug Abuse, and the National Institute on Alcohol Abuse and Alcoholism.
4232 Dirksen Building

2:00 p.m.
Appropriations
Labor, HHS, Education, and Related Agencies Subcommittee
To hold hearings to receive testimony from public witnesses on proposed budget estimates for fiscal year 1983 for certain programs under the subcommittee's jurisdiction.
1114 Dirksen Building

MAY 4

9:00 a.m.
Appropriations
Interior and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1983 for the Smithsonian Institution, Woodrow Wilson International Center for Scholars, and the Advisory Council on Historic Preservation.
1318 Dirksen Building

9:30 a.m.
Environment and Public Works
Business meeting, to resume markup of proposed amendments to the Clean Air Act (Public Law 95-95).
4200 Dirksen Building

Labor and Human Resources
To hold oversight hearings on the Office of Federal Contract Compliance Programs, Department of Labor.
4232 Dirksen Building

10:00 a.m.
Appropriations
Labor, HHS, Education, and Related Agencies Subcommittee
To hold hearings to receive testimony from public witnesses on proposed budget estimates for fiscal year 1983 for certain programs under the subcommittee's jurisdiction.
1114 Dirksen Building

Appropriations
Treasury, Postal Service, and General Government Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1983 for the General Services Administration.
1224 Dirksen Building

Energy and Natural Resources
Business meeting, to consider pending calendar business.
3110 Dirksen Building

2:00 p.m.
Appropriations
Labor, HHS, Education, and Related Agencies Subcommittee
To hold hearings to receive testimony from public witnesses on proposed budget estimates for fiscal year 1983 for certain programs under the subcommittee's jurisdiction.
1114 Dirksen Building

Appropriations
Treasury, Postal Service, and General Government Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1983 for the Administrative Conference of the United States, Advisory Commission on Intergovernmental Relations, Advisory Committee on Federal Pay, Committee for Purchase From the Blind, and the Federal Elections Commission.
1224 Dirksen Building

MAY 5

9:30 a.m.
Commerce, Science, and Transportation
To hold hearings on the nominations of Vice Adm. James S. Gracey, U.S. Coast Guard, to be commandant, and Rear Adm. Benedict L. Stabile, U.S. Coast Guard, to be vice commandant, each for the U.S. Coast Guard.
235 Russell Building

Labor and Human Resources
Business meeting, to consider pending calendar business.
4232 Dirksen Building

Select on Indian Affairs
To resume oversight hearings on current economic development programs as they affect Indians.
6226 Dirksen Building

10:00 a.m.
Appropriations
HUD-Independent Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1983 for the National Aeronautics and Space Administration.
1224 Dirksen Building

Appropriations
Labor, HHS, Education, and Related Agencies Subcommittee
To hold hearings to receive testimony from public witnesses on proposed budget estimates for fiscal year 1983 for certain programs under the subcommittee's jurisdiction.
1114 Dirksen Building

Energy and Natural Resources
Business meeting, to consider pending calendar business.
3110 Dirksen Building

Environment and Public Works
Environmental Pollution Subcommittee
Business meeting, to consider proposed legislation authorizing funds for programs of the Resource Conservation and Recovery Act; Marine Protection, Research and Sanctuaries Act; and the Federal Water Pollution Control Act.
4200 Dirksen Building

Veterans Affairs
To hold hearings on a Veterans' Administration proposal to decentralize certain medical automated data processing facilities.
412 Russell Building

2:00 p.m.
Appropriations
Labor, HHS, Education, and Related Agencies Subcommittee
To hold hearings to receive testimony from public witnesses on proposed budget estimates for fiscal year 1983 for certain programs under the subcommittee's jurisdiction.
1114 Dirksen Building

Environment and Public Works
Environmental Pollution Subcommittee
Business meeting, to mark up proposed legislation authorizing funds for the Endangered Species Act.
4200 Dirksen Building

Governmental Affairs

Federal Expenditures, Research and Rules Subcommittee

To resume hearings on proposed legislation improving the efficiency of the Federal procurement system.

3302 Dirksen Building

MAY 6

9:00 a.m.

Appropriations

Interior and Related Agencies Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1983 for the U.S. Fish and Wildlife Service, Department of the Interior, and the National Capital Planning Commission.

1318 Dirksen Building

Commerce, Science, and Transportation

Communications Subcommittee

To hold hearings on S. 604 and S. 2355, bills providing adequate telephone service to persons with impaired hearing.

235 Russell Building

9:30 a.m.

Appropriations

State, Justice, Commerce, the Judiciary and Related Agencies Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1983 for the care of the U.S. Supreme Court Building by the Architect of the Capitol, U.S. International Trade Commission, Federal Maritime Commission, and the Marine Mammal Commission.

S-146, Capitol

Labor and Human Resources

Business meeting, to consider pending calendar business.

4232 Dirksen Building

10:00 a.m.

Appropriations

Labor, HHS, Education, and Related Agencies Subcommittee

To hold hearings to receive testimony from public witnesses on proposed budget estimates for fiscal year 1983 for certain programs under the subcommittee's jurisdiction.

1114 Dirksen Building

Appropriations

Treasury, Postal Service, and General Government Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1983 for the Office of Personnel Management, Merit Systems Protection Board, Federal Labor Relations Authority, and the U.S. Tax Court of the Judicial Branch.

1223 Dirksen Building

Environment and Public Works

Business meeting, to resume markup of proposed amendments to the Clean Air Act (Public Law 95-95).

4200 Dirksen Building

2:00 p.m.

Appropriations

Labor, HHS, Education, and Related Agencies Subcommittee

To hold hearings to receive testimony from public witnesses on proposed budget estimates for fiscal year 1983 for certain programs under the subcommittee's jurisdiction.

1114 Dirksen Building

Appropriations

Treasury, Postal Service, and General Government Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1983 for the U.S. Postal Service.

1223 Dirksen Building

MAY 7

9:30 a.m.

Energy and Natural Resources

Energy and Mineral Resources Subcommittee

To hold hearings on S. 1877, S. 1908, S. 1909 and S. 1941, bills providing for the reinstatement and validation of certain U.S. oil and gas leases; S. 2095, directing the Secretary of the Interior to issue a certain oil and gas lease; and S. 2146, extending the lease terms of various Federal oil and gas leases

3110 Dirksen Building

Governmental Affairs

Federal Expenditures, Research and Rules Subcommittee

To continue hearings on proposed legislation improving the efficiency of the Federal procurement system.

3302 Dirksen Building

10:00 a.m.

Appropriations

Labor, HHS, Education, and Related Agencies Subcommittee

To hold hearings to receive testimony from congressional witnesses on proposed budget estimates for fiscal year 1983 for certain programs under the subcommittee's jurisdiction.

1114 Dirksen Building

Environment and Public Works

Toxic Substances and Environmental Oversight Subcommittee

Business meeting, to mark up proposed legislation authorizing funds for environmental research and development programs; and other pending business.

4200 Dirksen Building

MAY 10

10:00 a.m.

Commerce, Science, and Transportation

To hold hearings on S. 1929, establishing an Interagency Committee on Smoking and Health to coordinate Federal and private activities to educate the public about the health hazards of smoking.

235 Russell Building

Energy and Natural Resources

To hold hearings on S. 1844, permitting the development of coal pipelines as part of the national energy transportation and distribution system.

3110 Dirksen Building

MAY 11

9:00 a.m.

Appropriations

Interior and Related Agencies Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1983 for the National Endowment for the Humanities, Institute of Museum Services, and the Office of Surface Mining, Department of the Interior.

1114 Dirksen Building

9:30 a.m.

Appropriations

State, Justice, Commerce, the Judiciary and Related Agencies Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1983 for the Judiciary.

S-146, Capitol

Governmental Affairs

Intergovernmental Relations Subcommittee

To hold oversight hearings on the implementation of block grant programs.

357 Russell Building

Labor and Human Resources

Aging, Family and Human Services Subcommittee

To hold hearings on the extended family.

4232 Dirksen Building

10:00 a.m.

Appropriations

HUD-Independent Agencies Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1983 for the National Institute of Building Sciences, Federal Home Loan Bank Board, and National Credit Union Administration.

1224 Dirksen Building

Appropriations

Treasury, Postal Service, and General Government Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1983 for the Office of Management and Budget.

1318 Dirksen Building

Armed Services

To hear and consider the nomination of Gen. John W. Vessey, Jr., Army of the United States (major general, U.S. Army), to be Chairman of the Joint Chiefs of Staff.

1202 Dirksen Building

Energy and Natural Resources

Business meeting, to consider pending calendar business.

3110 Dirksen Building

Environment and Public Works

Business meeting, to resume consideration of proposed legislation authorizing funds for programs which fall under its legislative jurisdiction.

4200 Dirksen Building

2:00 p.m.

Appropriations

Treasury, Postal Service, and General Government Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1983 for programs which fall within the jurisdiction of the subcommittee, receiving testimony from public witnesses.

1318 Dirksen Building

MAY 12

10:00 a.m.

Energy and Natural Resources

Business meeting, to consider pending calendar business.

3110 Dirksen Building

Labor and Human Resources

Education, Arts, and Humanities Subcommittee

To hold oversight hearings on activities of the Student Loan Marketing Association (Sallie Mae).

4232 Dirksen Building

2:00 p.m.

Governmental Affairs

Federal Expenditures, Research and Rules Subcommittee

To hold hearings on Senate Joint Resolution 93, and related proposals, reaffirming the policy of relying on the private sector to meet public requirements for goods and services, S. 1782, eliminating retainage on Federal Government construction contracts, and proposed legislation improving the effectiveness and fairness of the Federal Government's contractor suspension and debarment programs.

3302 Dirksen Building

MAY 13

9:00 a.m.
Appropriations
Interior and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1983 for territorial affairs of the Department of the Interior.
1114 Dirksen Building

10:00 a.m.
Environment and Public Works
Business meeting, to resume consideration of proposed legislation authorizing funds for programs which fall under its legislative jurisdiction.
4200 Dirksen Building

1:30 p.m.
Appropriations
Interior and Related Agencies Subcommittee
To continue hearings on proposed budget estimates for fiscal year 1983 for territorial affairs of the Department of the Interior.
1114 Dirksen Building

2:00 p.m.
Governmental Affairs
Federal Expenditures, Research and Rules Subcommittee
To continue hearings on Senate Joint Resolution 93, and related proposals, reaffirming the policy of relying on the private sector to meet public requirements for goods and services, S. 1782, eliminating retainage on Federal Government construction contracts, and proposed legislation improving the effectiveness and fairness of the Federal Government's contractor suspension and debarment programs.
3302 Dirksen Building

MAY 18

10:00 a.m.
Appropriations
HUD-Independent Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1983 for the Department of Housing and Urban Development.
1224 Dirksen Building

Commerce, Science, and Transportation
To hold hearings on the nomination of Heather J. Gradison, of Ohio, to be a member of the Interstate Commerce Commission.
235 Russell Building

Energy and Natural Resources
To hold oversight hearings on Federal property management and disposal.
3110 Dirksen Building

Environment and Public Works
Business meeting, to consider pending calendar business.
4200 Dirksen Building

Select on Indian Affairs
To hold oversight hearings on the implementation of Indian education programs.
6226 Dirksen Building

MAY 19

10:00 a.m.
Appropriations
HUD-Independent Agencies Subcommittee
To continue hearings on proposed budget estimates for fiscal year 1983 for the Department of Housing and Urban Development, and the Neighborhood Reinvestment Corporation.
1224 Dirksen Building

Environment and Public Works
Toxic Substances and Environmental Oversight Subcommittee
To resume hearings on S. 1866, revising regulatory procedures relating to safe drinking water requirements, and S. 2131, authorizing funds through fiscal year 1986 for the safe drinking water program.
4200 Dirksen Building

Select on Indian Affairs
To continue oversight hearings on the implementation of Indian education programs.
6226 Dirksen Building

MAY 24

10:00 a.m.
Appropriations
HUD-Independent Agencies Subcommittee
To receive testimony from Public witnesses on proposed budget estimates for fiscal year 1983 for certain programs under the subcommittee's jurisdiction.
1224 Dirksen Building

MAY 25

10:00 a.m.
Appropriations
HUD-Independent Agencies Subcommittee
To receive testimony from public witnesses on proposed budget estimates for fiscal year 1983 for certain programs under the subcommittee's jurisdiction.
1224 Dirksen Building

Environment and Public Works
Business meeting, to consider pending calendar business.
4200 Dirksen Building

MAY 26

10:00 a.m.
Environment and Public Works
Toxic Substances and Environmental Oversight Subcommittee
To resume hearings on S. 1866, revising regulatory procedures relating to safe drinking water requirements, and S. 2131, authorizing funds through fiscal year 1986 for the safe drinking water program.
4200 Dirksen Building

JUNE 9

9:30 a.m.
Select on Indian Affairs
To hold hearings on law enforcement problems on Indian reservations including the authority and effectiveness of the Bureau of Indian Affairs police, tribal police, and the Federal Bureau of Investigation, and the quality of U.S. prosecution of criminal offenses.
6226 Dirksen Building

SEPTEMBER 21

10:30 a.m.
Veterans Affairs
To hold hearings to receive American Legion Legislative recommendations for fiscal year 1983.
318 Russell Building

CANCELLATIONS

APRIL 15

9:30 a.m.
Finance
Savings, Pensions and Investment Policy Subcommittee
To hold hearings on S. 2298, establishing an enterprise zone program for dealing with the problems of economically depressed areas in the United States.
2221 Dirksen Building

10:00 a.m.
Select on Indian Affairs
To hold oversight hearings on the tribally controlled community college program.
6226 Dirksen Building

APRIL 16

9:30 a.m.
Finance
Savings, Pensions and Investment Policy Subcommittee
To continue hearings on S. 2298, establishing an enterprise zone program for dealing with the problems of economically depressed areas in the United States.
2221 Dirksen Building